

PUBLICATION NO: 2575

REEL NO: 67

TITLE: FEDERAL REGISTER

VOLUME: 18

DATE: November 3, 1953-December 31, 1953

*University Microfilms, A Xerox Company, Ann Arbor, Michigan*

VOL 18

NOV

# INDEX


# FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

Volume 18 | INDEX, NOVEMBER 1953 | Nos. 215–232


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U. S. GOVERNMENT PRINTING OFFICE: 1953

# FEDERAL REGISTER

VOLUME 18 NUMBER 215

*Washington, Tuesday, November 3, 1953*


## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

NATIONAL MEDIATION BOARD

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) and (b) of § 6.127 are revoked, and § 6.327 (a) is added to Schedule C as set out below.

§ 6.327 *National Mediation Board.* (a) One private secretary to each member of the National Railroad Adjustment Board.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, Mar. 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 53-9245; Filed, Nov. 2, 1953; 8:47 a. m.]

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

NOTICE TO MANUFACTURERS OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of interpretation is issued:

§ 3.30 *Shipment of antibiotic drugs packaged in bulk containers.* (a) The Food and Drug Administration has received inquiries from certain interested manufacturers concerning their shipment of certified antibiotics, packaged in bulk containers, to hospitals and pharmacies for repacking or for use in the manufacture of another drug on the order or prescription of a physician. The regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U. S. C. 357) do not prohibit the shipment of certified bulk containers of antibiotics to such persons. However, under the provisions of § 146.4 (b) (2) (i) of this chapter, certification should be requested of each repacked batch and of each batch of another drug manufactured from such bulk drug, unless the repackaged drug or other drug has been made exempt from the certification requirements by regulation. The fact that the drug is to be repacked or manufactured on the order or prescription of a physician does not exempt it from the certification requirements of the act. Under the provisions of § 146.4 (b) (2) (ii) of this chapter, it is only when the drug used to compound a prescription is in a container packaged for dispensing that certification of the drug so compounded is not required.

(b) In the light of these provisions, unless the manufacturer and shipper of bulk containers of antibiotics has, with the consignee, an effective permit issued under § 146.21 of this chapter, if the drug is to be repacked, or under § 146.22 of this chapter if it is to be used in the manufacture of another drug, the shipper has the responsibility of seeing that certification is requested of each repacked batch and of each batch of another drug manufactured from such drug.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended, 67 Stat. 389; 21 U. S. C. 357, 371)

Dated: October 28, 1953.

[SEAL] NELSON A. ROCKEFELLER,
*Acting Secretary.*

[F. R. Doc. 53-9251; Filed, Nov. 2, 1953; 8:48 a. m.]

## TITLE 7—AGRICULTURE

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PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF AND UNITED STATES SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

RECODIFICATION

By virtue of the authority (18 F. R. 4839) vested in me by the Secretary of

(Continued on p. 6897)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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Agriculture and in accordance with the revised Federal Register regulations, the format of the regulations (7 CFR Part 54) governing the grading and inspection of domestic rabbits and edible products thereof and United States specifications for classes, standards, and grades with respect thereto, which are currently operative pursuant to the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953), is recodified as hereinafter set forth.

The recasting of the format due to such recodification is not intended, nor shall it be deemed, to make any substantive change in said regulations. Since the services and programs provided by the regulations are currently in effect, the regulations as presented in recodified form shall become effective upon publication in the FEDERAL REGISTER so as to avoid any interruption to the continuity of such services and programs.

The recodification is set forth below.

Issued at Washington, D. C., this 29th day of October 1953.

[SEAL] ROY W. LENNARTSON,
*Assistant Administrator, Production and Marketing Administration.*

SUBPART A—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF

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AUTHORITY: §§ 54.1 to 54.277 issued under sec. 205, 60 Stat. 1090, Pub. Law 156, 83d Cong.; 7 U. S. C. 1624.

SUBPART A—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF

GENERAL

§ 54.1 *Definitions.* Unless the context otherwise requires, the following terms shall have the following meaning:

"ACT" means the following provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and of the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953), or any other act of Congress conferring like authority:

AGRICULTURAL MARKETING ACT OF 1946

• • • to develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices • • •

To inspect, certify and identify the class, quality, quantity, and condition of agricultural products when shipped or received in interstate commerce under such rules and regulations as the Secretary of Agriculture may prescribe, including assessment and collection of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered, to the end that agricultural products may be marketed to the best advantage, that trading may be facilitated, and that consumers may be able to obtain the quality product which they desire. • • •

DEPARTMENT OF AGRICULTURE APPROPRIATION ACT, 1954

For expenses necessary for acquiring and diffusing market information on agricultural commodities, food products and byproducts, the standardization, classification, grading, handling, storage, and marketing thereof, including the demonstration and promotion of the use of uniform standards of classification of American farm and food products throughout the world • • •

• • • for investigating and certifying, in one or more jurisdictions, to shippers and other interested parties the class, quality, and condition of any agricultural commodity or food product, whether raw or processed, and any product containing an agricultural commodity or derivative thereof when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe including the collection of such fees as are reasonable and as nearly as may cover the cost of the service rendered, • • •

"Acceptable" means suitable for the purpose intended and acceptable to the Administration.

"Administration" means the Production and Marketing Administration of the Department.

"Administrator" means the Administrator of the Production and Marketing Administration of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

"Applicant" means any interested party who requests any inspection service or grading service.

"Carcass" means any domestic rabbit carcass.

"Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind.

"Condition" means any condition, including, but not being limited to, the state of preservation, cleanliness, or soundness of any product and the processing, handling or packaging which may affect such product.

"Condition and wholesomeness" means the condition of any product, its healthfulness and fitness for human food.

"Department" means the United States Department of Agriculture.

"Domestic rabbit grading and inspection service" means the personnel who are engaged in the administration, application, and direction of domestic rabbit grading and inspection programs and services pursuant to the regulations in this part.

"Edible product" means any product other than live domestic rabbits.

"Grader" means any employee of the Department authorized by the Secretary, or any other individual to whom a license has been issued by the Secretary, to investigate and certify in accordance with the regulations in this part, the class quality, quantity, and condition of products.

"Grading" or "grading service" means (1) the act whereby a grader determines, according to the regulations in this part, the class, quality, quantity, or condition of any product by examining each unit thereof, or each unit of the representative sample thereof drawn by a grader, and issues a grading certificate with respect thereto; (2) in addition to the foregoing the act whereby the grader identifies, according to the regulations in this part, the graded product; and (3) any regrading or any appeal grading of a previously graded product.

"Grading certificate" means a statement, either written or printed, issued by a grader, pursuant to the regulations in this part, relative to the class, quality, quantity, or condition of a product.

"Identify" means to apply official identification to products or to containers thereof.

"Inspected and certified" or "certified" means, with respect to any product, that it has undergone an inspection and was found, at the time of such inspection, to be sound, wholesome, and fit for human food.

"Inspection," "inspection service" or "inspection of products for condition and wholesomeness" means any inspection by an inspector to determine, in accordance with the regulations in this part, (1) the condition and wholesomeness of domestic rabbits, or (2) the condition and wholesomeness of any edible product at any stage of the preparation or packaging thereof in the official plant where inspected and certified, or (3) the condition and wholesomeness of any previously inspected and certified product if such product has not lost its identity as an inspected and certified product.

"Inspection certificate" means a statement either written or printed, issued by an inspector, pursuant to the regulations in this part, relative to the condition and wholesomeness of products.

"Inspector" means any person who is licensed by the Secretary to investigate and certify, in accordance with the regulations in this part, the condition and wholesomeness of products. An inspector is an employee of the Department or of a State; he may be a graduate veterinarian or a layman.

"Interested party" means any person financially interested in a transaction involving any inspection or grading.

"National supervisor" means (1) the officer in charge of domestic rabbit inspection service of the Administration, (2) the officer in charge of domestic rabbit grading service of the administration, and (3) such other officers or employees of the Department who may be so designated by the officer in charge of the domestic rabbit grading and inspection service of the Administration.

"Office of grading" means the office of any grader.

"Official identification" means the symbol represented by a stamp, label, seal, or other device approved by the Administrator and affixed to any product, or to any container thereof, stating that the product was graded or inspected, or both; and the class, quality, or condition of such product as determined by a grader may be indicated.

"Official plant" means one or more buildings or parts thereof, comprising a single plant in which the facilities and methods of operation therein have been approved by the Administrator as suitable and adequate for operation under inspection or grading service and in which inspection or grading is carried on in accordance with the regulations in this part.

"Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

"Potable water" means water which complies with the U. S. Public Health Service drinking water standards.

"Product" means ready-to-cook domestic rabbits and, with respect to grading service only, live domestic rabbits.

"Quality" means the inherent properties of any product which determine its relative degree of excellence.

"Ready-to-cook domestic rabbit" means any domestic rabbit which has been slaughtered for human food, from which the head, blood, skin, feet, and inedible viscera have been removed, that is ready to cook without need of further processing or any cut-up or disjointed portion of such domestic rabbit.

"Regional supervisor" means any regional supervisor of the Administration in charge of domestic rabbit grading service or domestic rabbit inspection service in a designated geographical area.

"Regulations" means the provisions of this entire part and such United States specifications for classes, standards, and grades for products as may be in effect at the time grading or inspection is performed.

"Secretary" means the Secretary of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

"State supervisor" means any authorized and designated individual who is in charge of domestic rabbit grading service or domestic rabbit inspection service in a State. A State supervisor of domestic rabbit inspection service shall be a veterinarian and he is either a Federal-State employee or a Federal employee.

"Station supervisor" means any authorized individual who is designated to supervise domestic rabbit grading service or domestic rabbit inspection service in a large official plant or in a group of several small plants.

§ 54.2 *Administration.* The Administrator shall perform for and under the supervision of the Secretary, such duties as are prescribed in the regulations in this part and as the Secretary may require in the administration of the regulations in this part.

§ 54.3 *Grading and inspection services available.* The regulations in this part provide for the following kinds of services; and any one or more of the different services, applicable to official plants, may be rendered in an official plant.

(a) Grading of live domestic rabbits.

(b) Inspection of ready-to-cook domestic rabbits.

(c) Grading of ready-to-cook domestic rabbits.

(1) In an official plant.

(2) At terminal markets and other receiving points other than official plants.

BASIS OF SERVICE

§ 54.10 *Inspection service.* Any inspection service in accordance with the regulations in this part shall be for condition and wholesomeness.

§ 54.11 *Grading service.* Any grading service in accordance with the regulations in this part shall be for class, quality, quantity, or condition or any combination thereof. Grading service with respect to determination of quality of products shall be on the basis of United States specifications for classes, standards, and grades as contained in Subpart B of the regulations in this part. However, grading service may be rendered with respect to products which are bought and sold on the basis of institutional contract specifications and such service, when approved by the Administrator, shall be rendered on the basis of the specifications of such contract.

§ 54.12 *Eligibility.* (a) Only domestic rabbits which are processed in official plants in accordance with the regulations in this part may be graded or inspected; and only domestic rabbits which are inspected pursuant to the regulations in this part or inspected and passed by any other official inspection system acceptable to the Administration may be graded.

(b) All domestic rabbits that are eviscerated in an official plant where inspection service is maintained, shall be inspected for condition and wholesomeness and no uninspected edible products shall be brought into such official plant.

§ 54.13 *Supervision.* All grading service and all inspection service shall be subject to supervision at all times by the applicable station supervisor, State supervisor, regional supervisor, and national supervisor. Such service shall be rendered where the facilities and conditions are satisfactory for the conduct of the service and the requisite graders and inspectors are available.

PERFORMANCE OF SERVICES

§ 54.20 *Licensed graders and inspectors.* (a) Any person who is a Federal or State employee possessing proper qualifications as determined by an examination for competency, and who is to perform grading service or inspection service may be licensed by the Secretary as a grader or an inspector.

(b) Any prospective grader, other than a Federal or State employee, possessing proper qualifications as determined by an examination for competency and who is to perform grading service may be licensed by the Secretary as a grader. However, prior to granting of the license, he shall procure and deliver to the Administration a surety bond, issued by such surety as may be approved by the Administrator, in the amount of $1,000 for the proper performance of the duties of such licensee under the regulations in this part.

(c) All licenses issued by the Secretary shall be countersigned by the officer in charge of the domestic rabbit grading and inspection service of the Administration or any other designated official of such service.

§ 54.21 *Suspension of license or authority; revocation.* Pending final action by the Secretary, the aforesaid officer in charge of the domestic rabbit grading and inspection service may, whenever he deems such action necessary, suspend any license or authority effective pursuant to the regulations in this part, by giving notice of such suspension to the respective individual involved, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such individual, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license or authority should not be suspended or revoked. After the expiration of the aforesaid seven-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed seven days the license is revoked.

§ 54.22 *Surrender of license.* Each license which is suspended or revoked, or has expired, shall promptly be surrendered by the licensee to his immediate superior. Upon termination of the services of a licensed grader, the licensee shall promptly surrender his license to his immediate superior for cancellation.

§ 54.23 *Identification.* Each grader and inspector shall have in his possession at all times, and present upon request while on duty, the means of identification furnished by the Department to such person.

§ 54.24 *Financial interest of inspectors and graders.* No inspector shall inspect and no grader shall grade any product in which he is financially interested.

§ 54.25 *Political activity.* All graders and inspectors who are employees of the Department are forbidden during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Wilful violation of §§ 54.20 to 54.25 will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

APPLICATION FOR GRADING SERVICE OR INSPECTION SERVICE

§ 54.30 *Who may obtain grading service or inspection service.* An application for grading service or inspection service may be made by any interested person, including but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

§ 54.31 *How application may be made.* (a) An application for inspection service shall be made in writing and filed with the Administrator.

(b) An application for grading service to be rendered in an official plant shall be made in writing and filed with the Administrator.

(c) An application for any grading service to be rendered other than in an official plant may be made in any office of grading or with any grader at or nearest the place where the service is desired. Such application may be made orally, in writing, or by telegraph. If the application for grading service is made orally, the office of grading, grader with whom the application is made, or the Administrator may require that the application be confirmed in writing.

(d) Each application for grading service or inspection service shall include such information as may be required by the Administrator in regard to the products and premises where the service is to be rendered.

§ 54.32 *Filing of application.* An application for grading service or inspection service shall be regarded as filed only

when made pursuant to the regulations in this part.

§ 54.33 *Authority of applicant.* Proof of the authority of any person applying for grading service or inspection service may be required at the discretion of the Administrator.

§ 54.34 *Application for inspection service or grading service in official plants; approval.* Any person desiring to process and pack products in a plant under grading service or inspection service, or both, must receive approval of such plant as an official plant prior to the rendition of such service. An application for grading service or inspection service to be rendered in an official plant shall be approved according to the following procedure:

(a) *Initial survey.* When application has been filed for grading service or inspection service, as aforesaid, an examination of the plant and premises shall be made by the regional supervisor, or his assistant, and the necessary facilities specified for the service. Appeals with respect to any such specification may be made to the national supervisor.

(b) *Drawings and specifications to be furnished.* Four copies of drawings, consisting of floor plans of space to be included in the official plant, showing the locations of such features as the principal pieces of equipment, floor drains, hand washing facilities, hose connections for clean-up purposes, cardinal points of the compass, and the routes of edible and inedible products through the plant, properly drawn to scale, shall be submitted to the regional supervisor. The official plant shall include toilet and dressing rooms, office space for the inspector and grader, store rooms for supplies used in the operations under inspection or grading, feeding rooms, and all rooms, compartments or passageways where products or any ingredients to be used in the preparation of products under inspection service or grading service will be handled or kept, and may include other rooms or compartments located in the building or buildings comprising the official plant. If rooms or compartments shown on the drawings are not to be included as part of the official plant, this should be clearly indicated thereon. Specifications covering the height of ceilings, types of principal pieces of equipment, character of floors, walls, and ceilings, lighting, ventilation, water supply, and drainage, and such other notations as may be required, shall accompany the drawings. Construction or remodeling of buildings, facilities, or premises should not be initiated without prior approval of the drawings. Upon approval of drawings and specifications the application for grading service or inspection service may be approved.

(c) *Final survey and plant approval.* Prior to the inauguration of the grading service or inspection service, a final survey of the plant and premises shall be made by the regional supervisor or his assistant to determine if the plant is constructed and facilities are installed in accordance with the approved drawings and the regulations in this part. The plant may be approved only when these requirements have been met, except that conditional approval for a specified limited time may be granted only under emergency conditions of restricted availability of facilities and construction materials, provided practices suitable to the Administrator are employed to effect adequate sanitary conditions in the plant.

§ 54.35 *Rejection of application.* Any application for grading service or inspection service may be rejected by the Administrator (a) for noncompliance, by the applicant, with the act or the regulations in this part, or (b) whenever the product involved is owned by, or located on the premises of, a person currently denied the benefits of the act. Each such applicant shall be notified immediately of the reasons for the rejection.

§ 54.36 *Withdrawal of application.* Any application for grading or inspection service may be withdrawn by the applicant at any time before the service is performed upon payment, by the applicant, of all expenses incurred by the Administration in connection with such application.

§ 54.37 *Order of service.* Grading service or inspection service shall be performed, insofar as practicable, in the order in which application therefor is made except that precedence may be given to any application for an appeal inspection or appeal grading.

§ 54.38 *Suspension of plant approval.* (a) Any plant approval given pursuant to the regulations may be suspended for (1) failure to maintain plant and equipment in a satisfactory state of repairs; (2) the use of operating procedures which are not in accordance with the regulations; or (3) alterations of buildings, facilities, or equipment which cannot be approved in accordance with the regulations.

(b) During such period of suspension, inspection and grading service shall not be rendered. However, the other provisions of the contract for service will remain in effect unless terminated in accordance with the terms thereof. If the plant facilities or methods of operation are not brought into compliance within a reasonable period of time, to be specified by the Administrator, the contract shall be terminated. Upon termination of any contract providing for inspection or grading service in an official plant pursuant to the regulations, the plant approval shall also become terminated, and all labels, seals, tags or packaging material bearing official identification shall, under the supervision of a person designated by the Administration, either be destroyed, or the official identification completely obliterated, or sealed in a manner acceptable to the Administration.

VIOLATIONS

§ 54.45 *Fraud or misrepresentation.* Any wilful violation of the regulations in this part, the use of the terms "Government graded," Federal-State graded," or terms of similar import in the labeling or advertising of any product without stating in conjunction therewith the U. S. grade of the product, or any wilful misrepresentation or deceptive or fraudulent practice found to be made or committed by any person in connection with:

(a) The making or filing of an application for any grading service or inspection service;

(b) The use of any grading certificate or inspection certificate issued pursuant to the regulations in this part, or the use of any official identification;

(c) The use of the terms "United States" or "U. S." in conjunction with the grade of the product;

(d) The use of any of the aforesaid terms or an official identification in the labeling or advertising of any product; or

(e) The use, in connection with any product, of a facsimile form which simulates in whole or in part any official identification; may be deemed sufficient cause for debarring such person from any or all benefits of the act after opportunity for hearing has been accorded him; and, pending investigation and hearing, the Administrator may, without hearing, direct that such person shall be denied the benefits of the act.

§ 54.46 *Interfering with a grader or inspector.* Any further benefits of the act and the regulations in this part may be denied any applicant who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, ridicule, or assault, or in any other manner, a grader or inspector in the performance of his official duties.

OTHER APPLICABLE REGULATIONS

§ 54.50 *Other applicable regulations.* Compliance with the regulations in this part shall not excuse failure to comply with any other applicable Federal, State, or municipal laws or regulations.

PUBLICATIONS

§ 54.55 *Publications.* Publications under the act and the regulations in this part shall be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Department, and such other media as the Administrator may approve for the purpose.

IDENTIFYING AND MARKING PRODUCTS

§ 54.60 *Approval of official identification.* (a) Any label or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label or packaging material bearing official identification may be used unless finished copies or samples of such labels and packaging material have been approved by the Administrator. No label bearing official identification shall be printed for use until the printer's final proof has been approved by the Administrator; and no label, other than labels for shipping containers or containers for institutional packs, bearing any official identification shall be used until finished copies or samples of such labels have been approved by the Administrator. Final approval may be given to printer's final proof or photostatic copies of labels for shipping containers or containers for institutional packs, and no such labels shall be used until such proofs or copies have been approved by the Administrator. A label which bears official identification shall not bear any statement that is false or misleading, and if labels in the name of the same packer or distributor, or bearing the same brand name, are used on the same or similar products which are prepared from product which are not inspected, the diameter of the inspection mark, or combination inspection and grading mark, used on labels for inspected products shall be equal to at least one-tenth of the length of the label, plus at least one-tenth of the width of the label. If the labeling is printed or otherwise applied directly to the container, the principal display panel of such container shall, for this purpose, be considered as the label.

(b) Any present supply of labels approved, pursuant to the applicable provisions of Part 70 of this chapter, prior to the effective time of the regulations in this part may continue to be used until such present supply is exhausted.

§ 54.61 *Products that may be individually grade marked; information required on grade mark.* Only ready-to-cook domestic rabbits which are of A Quality or B Quality may be individually identified with a grade mark. Except as otherwise authorized each grade mark which is to be used shall conspicuously indicate the U. S. grade and class of the product it identifies and shall include one of the following phrases: "Federal-State Graded," or "Government Graded," or a phrase of similar import. Such grade mark shall be contained within the outline of a shield of such design as may be prescribed or approved by the Administrator.

§ 54.62 *Use of grade mark and inspection mark with respect to the same product.* The Administrator is authorized to prescribe and approve the form of the grade mark and inspection mark that may be used individually or in combination with respect to the same product.

§ 54.63 *Marking inspected products—(a) Wording and form of the inspection mark.* Except as otherwise authorized the inspection mark permitted to be used with respect to inspected and certified edible products shall include wording as follows: "Inspected for wholesomeness by U. S. Department of Agriculture." This wording, in such form as the Administrator may prescribe or approve, shall be contained within a circle. The Administrator may approve the use of abbreviations of such inspection mark; and such approved abbreviations shall have the same force and effect as the inspection mark. The inspection mark or approved abbreviation thereof, as the case may be, may be applied to the inspected and certified edible product or to the packaging material of such product. The inspection mark, or the approved abbreviation thereof, shall, when used on packaging material, be printed on such material or on a label to be affixed to the packaging material, and the name of the packer or distributor of such product must be legibly printed on the packaging material or label, as the case may be.

(b) *Wording on labels.* Each trade label to be approved for use pursuant to §§ 54.60 to 54.63 with respect to any inspected and certified edible product shall bear the true name of the edible product, the name and address of the packer or distributor thereof, and in prominent letters and figures of uniform size, the inspection mark, as aforesaid; and the label shall also bear, in such manner as may be prescribed or approved by the Administrator, the plant number, if any, of the official plant in which such product was inspected and certified.

(c) *Labels in foreign languages.* Any trade label to be affixed to a container of any edible products for foreign commerce may be printed in a foreign language. However, the inspection mark shall appear on the label in English, but, in addition, may be literally translated into such foreign language. Each such trade label which is to be printed in a foreign language must be approved pursuant to §§ 54.60 to 54.63.

(d) *Use of approved labels.* Trade labels approved for use pursuant to §§ 54.60 to 54.63 shall be used only for the purpose for which approved.

SUPERVISION OF MARKING AND PACKAGING

§ 54.70 *Evidence of label approval.* No grader or inspector shall authorize the use of official identification for any graded or inspected product unless he has on file evidence that such official identification or packaging material bearing such official identification has been approved in accordance with the provisions of §§ 54.60 to 54.63.

§ 54.71 *Affixing of official identification.* (a) No official identification or any abbreviation, copy or representation thereof may be affixed to or placed on or caused to be affixed to or placed on any product or container thereof except by a grader or an inspector or under the supervision of a grader or an inspector or other person authorized by the Administrator. All such products shall have been inspected and certified, or graded, or both. The grader or inspector shall have supervision over the use and handling of all material bearing any official identification.

(b) Each container of inspected and certified edible products to be shipped from one official plant to another official plant for further processing shall be marked for identification and shall show the following information:

(1) The name of the inspected and certified edible products in the container;

(2) The name and address of the packer or distributor of such product;

(3) The net weight of the container;

(4) The inspection mark permitted to be used pursuant to the regulations in this part, unless the containers are sealed or otherwise identified in such manner as may be approved by the Administrator; and

(5) The plant number of the official plant where the products were packed.

§ 54.72 *Packaging.* No container which bears or may bear any official identification or any abbreviation or copy or representation thereof may be filled in whole or in part except with edible products which were inspected and certified or graded or both and are at the time of such filling, sound, wholesome and fit for human food. All such filling of containers shall be under the supervision of an inspector or grader.

§ 54.73 *Retention labels.* An inspector or grader may use such labels, devices and methods as may be approved by the Administrator for the identification (a) of products which are held for further examination, and (b) all equipment and utensils which are to be held for proper cleaning.

§ 54.74 *Prerequisites to grading and inspection.* Grading and inspection of products shall be rendered pursuant to the regulations in this part and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 54.75 *Accessibility of products.* Each product for which grading service or inspection service is requested shall be so arranged so as to permit adequate determination of its class, quality, quantity, and condition as the circumstances may warrant.

§ 54.76 *Time of grading or inspection in an official plant.* The grader or inspector who is to perform the grading or inspection in an official plant shall be informed, in advance, by the applicant of the hours when such grading or inspection is desired. Graders and inspectors shall have access at all times to every part of any official plant to which they are assigned.

REPORTS

§ 54.90 *Report of inspection work and grading work.* Reports of the work of inspection and grading carried on within official plants shall be forwarded to the Administrator by the inspector and grader in such manner as may be specified by the Administrator.

§ 54.91 *Information to be furnished to inspectors and graders.* When inspection service or grading service is performed within an official plant, the applicant for such inspection or grading shall furnish to the inspector or grader rendering such service such information as may be required for the purposes of §§ 54.90 to 54.92.

§ 54.92 *Reports of violations.* Each inspector and each grader shall report, in the manner prescribed by the Administrator, all violations of and noncompliance with the act and the regulations in this part of which he has knowledge.

FEES AND CHARGES

§ 54.100 *Payment of fees and charges.* (a) Fees and charges for any grading or inspection shall be paid by the applicant for the service in accordance with the applicable provisions of §§ 54.100 to 54.109 and, if so required by the Administrator, such fees and charges shall be paid in advance.

(b) Fees and charges for any grading or inspection performed by any grader

or inspector who is a salaried employee of the Department shall, unless otherwise required pursuant to paragraph (c) of this section, be paid by check, draft, or money order payable to the Treasurer of the United States and remitted promptly to the Administration.

(c) Fees and charges for any grading or inspection pursuant to a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement.

§ 54.101 *Grading service on a fee basis.* (a) Unless otherwise provided in this part the fees to be charged and collected for any grading service (other than for an appeal grading) on a fee basis shall be based on the applicable rates specified in § 54.103.

(b) In the event the aforesaid applicable rates specified in § 54.103 are deemed by the Administrator to be inadequate fully to reimburse the Administration for all costs and other items paid or incurred by the Administration in connection with such service, the fees for such service shall not be based on the rates specified in § 54.103, but shall be based on the time required to perform such service and the travel of each grader at the rate of $3.60 per hour for the time actually required.

(c) If an applicant requests that any grading service be performed on a holiday or a non-work day, he may be charged for such service at a rate one and one-half times the rate which would otherwise be applicable for such service if performed on a day other than on a holiday or non-work day.

§ 54.102 *Fees for appeal grading.* The fees to be charged for any appeal grading shall be double the fee specified in the grading certificate from which the appeal is taken: *Provided*, That the fee for any appeal grading requested by the United States, or any agency or instrumentality thereof, shall be not more than that set forth in the grading certificate from which the appeal is taken. If the fee on the certificate from which the appeal is taken is based on a contract, then the fee for such appeal grading shall be double the amount specified in § 54.103 for the applicable volume of product appeal graded. If the result of any appeal grading discloses that a material error was made in the grading appealed from, no fee shall be required.

§ 54.103 *Domestic rabbits grading fees.* For each grading of any lot of domestic rabbits, whether live or ready-to-cook, the following fees shall be applicable:

| | |
|---|---|
| For 500 pounds or less | $1.50 |
| For 501 to 1,500 pounds, inclusive | 2.25 |
| For 1,501 to 3,000 pounds, inclusive | 3.00 |
| For 3,001 to 6,000 pounds, inclusive | 4.00 |
| For 6,001 to 10,000 pounds, inclusive | 6.00 |
| For 10,001 to 20,000 pounds, inclusive | 10.00 |
| For each additional 10,000 pounds, or fraction thereof, in excess of 20,000 pounds | 3.00 |

§ 54.104 *Inspection service on a fee basis.* Fees to be charged and collected for inspection services furnished on a fee basis shall be based on the time required to render such services including, but not being limited to, the time required for the travel of the inspector or inspectors in connection therewith, at the rate of $3.60 per hour for each inspector for the time actually required.

§ 54.105 *Fees for additional copies of grading certificates and inspection certificates.* Additional copies, other than those provided for in §§ 54.141 and 54.171, of any grading certificates or inspection certificates, may be supplied to any interested party upon payment of a fee of $1.00 for each set of five or fewer copies.

§ 54.106 *Traveling expenses and other charges.* Charges may be made to cover the cost of traveling and other expenses incurred by the Administration in connection with the performance of any grading service or inspection service.

§ 54.107 *On a contract basis.* Fees to be charged and collected for any grading service or inspection service, other than for an appeal grading, on a contract basis shall be those provided for in such contract. The fees to be charged for any appeal grading shall be as provided in § 54.102.

§ 54.108 *Fees for grading service or inspection service performed under cooperative agreement.* The fees to be charged and collected for any grading service or inspection service performed under cooperative agreement shall be those provided for by such agreement.

§ 54.109 *Disposition of fees for inspection made under cooperative agreement.* Fees for inspection under a cooperative agreement with any State or person shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement as may be due the United States shall be remitted to the Administration.

INSPECTION

§ 54.120 *Manner of handling products in an official plant.* Unless otherwise specified in the regulations in this part or by the Administrator, products which are to be further processed under inspection in an official plant shall be prepared and handled in such official plant under the supervision of an inspector.

§ 54.121 *Ante-mortem inspection.* Ante-mortem examination of domestic rabbits is required as a prerequisite to any inspection; and such ante-mortem examination shall be carried out under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 54.122 *Evisceration.* No viscera or any part thereof shall be removed from any domestic rabbits which are to be processed under inspection in any official plant, except at the time of evisceration and inspection. Each carcass to be eviscerated shall be opened so as to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as ready-to-cook domestic rabbit.

§ 54.123 *Carcasses held for further examination.* Each carcass, including all parts thereof, in which there is any lesion of disease, or other condition, which might render such carcass or any part thereof unfit for human food, and with respect to which a final decision cannot be made on first examination by the inspector, shall be held for further examination. The identity of each such carcass, including all parts thereof, shall be maintained until a final examination has been completed.

§ 54.124 *Condemnation and treatment of carcasses.* Each carcass, or any part thereof, which is found to be unsound, unwholesome, or otherwise unfit for human food shall be condemned by the inspector and shall receive such treatment, under the supervision of the inspector as will prevent its use for human food and preclude dissemination of disease through consumption by animals.

§ 54.125 *Certification of carcasses.* Each carcass and all parts and organs thereof which are found by the inspector to be sound, wholesome, and fit for human food shall be certified as provided in this part.

§ 54.126 *Reinspection of edible products.* (a) Any inspected and certified edible product may be brought into an official plant only if the container of such product is marked for identification in the manner prescribed in § 54.71 (b) and the product is reinspected by an inspector at the time it is brought into such plant. Upon reinspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product, or portion thereof, shall be condemned and shall receive such treatment as that provided in § 54.124.

(b) Any product which is prepared under inspection in an official plant shall be inspected in such plant as often as the inspector deems it necessary in order to ascertain whether such product is sound, wholesome, and fit for human food at the time such product leaves such plant. Upon any such inspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product or portion thereof shall be condemned and shall receive such treatment as that provided in § 54.124.

(c) All substances and ingredients used in the manufacture or preparation of any edible product shall be clean, sound, wholesome, and fit for human food.

§ 54.127 *Appeal inspection; how made.* Any interested party may, if dissatisfied with any decision of an inspector relating to any inspection, file an appeal from such decision. Any such appeal from a decision of an inspector shall be made to his immediate superior having jurisdiction over the subject matter of the appeal. Review of such appeal findings, when requested, shall be made by the immediate superior of the employee of the Department making the appeal inspection.

*Inspection Certificates*

§ 54.140 *Forms of inspection certificates.* Each inspection certificate issued pursuant to the regulations in this part shall be approved by the Administrator as to form, and:

(a) Each domestic rabbit inspection certificate shall show the class or classes of domestic rabbits, the quantity of product contained in the respective lot, and all pertinent information concerning the condition and wholesomeness thereof;

(b) Each food product inspection certificate shall show the names of the edible products covered by such certificate, the quantity of each such product, such shipping marks as are necessary to identify such products, and all pertinent information concerning the condition and wholesomeness thereof;

(c) Each export certificate shall show the respective names of the exporter and the consignee, the destination, the shipping marks, the numbers of the export stamps attached to the edible products to be exported and covered by the certificate, and the names of such products and the total net weight thereof.

§ 54.141 *Issuance and disposition of domestic rabbits inspection certificates.* (a) Upon the request of an interested party, any inspector is authorized to issue a domestic rabbit inspection certificate with respect to any lot of dressed domestic rabbits inspected by him. Each certificate shall be signed by the inspector who made the inspection covered by the certificate, and if more than one inspector participated in the inspection of the lot of domestic rabbits, each such inspector shall sign the certificate with respect to such lot.

(b) The original of each inspection certificate, issued pursuant to §§ 54.140 to 54.144, and not to exceed three copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of the regional supervisor serving the area in which the inspection was performed, and the remaining copies to be disposed of in such manner as the Administrator may approve. Additional copies of any such certificate may be furnished to any interested party as provided in § 54.105.

§ 54.142 *Food product inspection certificates; issuance and disposition.* (a) Upon the request of an interested party, any inspector is authorized to issue a food product inspection certificate with respect to any inspected and certified edible product after suitable examination of the product has been made by the inspector.

(b) The original of each food product inspection certificate, and not to exceed two copies thereof, if requested, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. Another copy shall be filed in the office of the regional supervisor serving the area in which such certificate was issued, and one copy shall be forwarded to the Administrator. The last named two copies shall be retained until otherwise ordered by the Administrator.

§ 54.143 *Export certificates; issuance and disposition.* (a) Upon the request of an exporter, any inspector is authorized to issue an export certificate with respect to the shipment to any foreign country of any inspected and certified edible product after suitable examination of the product has been made by the inspector.

(b) Each export certificate shall be issued in quintuplicate; the original shall be delivered to the exporter who requested such certificate; and the duplicate copy shall be delivered to the agent of the railroad or other carrier transporting such products from the United States. The triplicate copy of such export certificate shall be forwarded to the Administrator; the quadruplicate copy shall be filed in the office of the regional supervisor serving the area in which such export certificate was issued and the memorandum copy shall be retained by the inspector for filing. The last named three copies shall be retained until otherwise ordered by the Administrator.

§ 54.144 *Advance information.* Upon the request of an applicant, all or part of the contents of any inspection certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

GRADING

§ 54.150 *General.* Grading service performed with respect to any quantity of products shall, as the case may require, be on the basis of an examination, pursuant to the regulations in this part, of each unit thereof or of each unit in the representative sample thereof drawn by a grader. Whenever the grading service is performed on a representative sample basis, such sample shall be drawn and consist of not less than the minimum number of containers as indicated in the following table:

[Minimum number of containers comprising a representative sample]

| Containers in lot: | *Containers in samples* |
|---|---|
| 3 containers, or less | (1) |
| 4 to 10, inclusive | 3 |
| 11 to 20, inclusive | 4 |
| 21 to 50, inclusive | 7 |
| 51 to 100, inclusive | 10 |
| In excess of 100 containers | (2) |

[1] All containers.
[2] 10 percent of the number of containers in the lot.

§ 54.151 *Live domestic rabbits.* Grading service performed with respect to any quantity of live domestic rabbits shall, as the case may require, be on the basis of an examination, pursuant to regulations in this part, of each unit thereof or of each unit in the representative sample thereof drawn by a grader. Such domestic rabbits may be identified with official identification on a lot basis only.

§ 54.152 *Ready-to-cook domestic rabbits*—(a) *In an official plant.* Grading service performed in an official plant with respect to ready-to-cook domestic rabbits shall, as the case may require, be on the basis of each individual carcass or on a representative sample basis.

(1) Only such ready-to-cook domestic rabbits which have been inspected and certified, pursuant to the regulations in this part, or have been inspected and passed by any other official inspection system which is acceptable to the Administrator, may be graded.

(2) Only such ready-to-cook domestic rabbits which were graded on an individual carcass basis and are of A Quality or B Quality may be individually identified with the appropriate grade mark, and any container of such ready-to-cook domestic rabbits may also be so identified. The grading of ready-to-cook domestic rabbits shall be performed prior to the disjointing or cutting up of the respective carcass.

(3) If the ready-to-cook domestic rabbits are of C Quality only the bulk container of such ready-to-cook domestic rabbits may be identified with the appropriate grade mark even though the grading may have been performed on an individual carcass basis.

(b) *At terminal markets and other receiving points.* Grading service performed with respect to ready-to-cook domestic rabbits at terminal markets and other receiving points may be on a representative sample basis. Only such ready-to-cook domestic rabbits which were processed in an official plant and are graded on an individual carcass basis may be individually identified with a grade mark. Only ready-to-cook domestic rabbits which were inspected and certified and are marked with the inspection mark or in accordance with the provisions of § 54.71 (b) may be graded.

*Basis of Acceptability of Other Official Inspection Systems*

§ 54.160 *General.* Any domestic rabbit inspection system may be deemed to be acceptable to the Administrator which (a) is conducted under the authority of laws, ordinances, or similar enactments of the State, county, city, or other political subdivision in which is located the official plant at which the ready-to-cook domestic rabbits are prepared and submitted for grading service; and (b) imposes at least the requirements set forth in § 54.161: *Provided*, That no such inspection shall be deemed acceptable to the Administrator with respect to any official plant in which ready-to-cook domestic rabbits are prepared if he finds at any time that such requirements are not adequately enforced.

§ 54.161 *Requirements as to manner of inspection.* (a) The inspection shall be conducted by an inspector who is a qualified veterinarian or under the supervision of a qualified veterinarian. All such inspectors shall be employed by the State, county, city, or other political subdivision in which the official plant is located.

(b) The inspection shall include post-mortem examination of each domestic rabbit carcass during the evisceration operation.

(c) All carcasses which show evidence of disease or any other condition which may render them unwholesome or unfit for food shall be condemned and shall be destroyed for food purposes under the supervision of an inspector. Each carcass and part thereof which has been inspected and passed or containers of carcasses or parts thereof shall bear the identifying inspection symbol of the

other official inspection system and the marking devices or labels shall be in the custody of the inspector at all times.

§ 54.162 *Determining compliance with § 54.161.* A qualified veterinary supervisor of the domestic rabbit grading service of the Administration shall investigate the manner of operation of the inspection system to determine the adequacy of the postmortem examination and the compliance with the requirements contained in §§ 54.160 to 54.162 prior to approving the official plant for the grading of ready-to-cook domestic rabbits. This supervisor as well as any official graders who may be stationed in the official plant shall periodically observe the inspection operations in the official plant to determine that the requirements of §§ 54.160 to 54.162 are being met. If at any time the inspector fails to enforce the requirements as set forth in the inspection system, grading service may be withdrawn from the official plant.

*Grading Certificates*

§ 54.170 *Forms.* Grading certificates (including appeal grading certificates and regrading certificates) shall be issued on forms approved by the Administrator.

§ 54.171 *Issuance and disposition.* (a) Each grader shall issue a grading certificate covering each product graded.

(b) The original of each grading certificate, issued pursuant to §§ 54.170 to 54.172, and not to exceed three of the copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of grading serving the area in which the grading service was performed, and the remaining copies shall be disposed of in such manner as the Administrator may approve. Additional copies of any such certificate may be furnished to any interested party as provided in § 54.105.

§ 54.172 *Advance information.* Upon the request of an applicant, all or part of the contents of any grading certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

*Regrading*

§ 54.180 *Application for regrading of a graded product.* An application for a regrading of any previously graded product may be made at any time by any interested party, and such application shall clearly state the reasons for requesting the regrading. The provisions of the regulations relative to grading service shall apply to regrading service.

§ 54.181 *Regrading certificates.* Immediately after a regrading has been completed, a regrading certificate shall be issued showing the results of such regrading; and such certificate shall thereupon supersede, as of the time of issuance of the regrading certificate, the grading certificate previously issued for the product involved. Each regrading certificate shall clearly set forth the number and date of the grading certificate which it supersedes. The provisions of §§ 54.170 to 54.172 shall, whenever applicable, also apply to regrading certificates except that copies of such regrading certificates shall be furnished each interested party of record.

*Appeal Grading*

§ 54.190 *Application for appeal grading.* An application for an appeal grading may be made by any interested party who is dissatisfied with any determination stated in any grading certificate only if the identity of the product, or representative sample thereof, on the basis of which a determination was made has not been lost, and such application for the appeal grading is made within two days following the day on which the grading was performed. Upon approval by the Administrator, the time within which an application for an appeal grading may be made may be extended.

§ 54.191 *How to obtain appeal grading.* Appeal grading may be obtained by filing a request therefor (a) with the Administrator, (b) with the grader who issued the grading certificate with respect to which the appeal grading is requested, (c) with the immediate superior of such grader, or (d) with the officer in charge of any office of grading. The application for appeal grading shall clearly state the reasons therefor and may be accompanied by a copy of the aforesaid grading certificate or any other information the applicant may have secured regarding the product, at the time of grading, from which the appeal is requested. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation may be required.

§ 54.192 *Record of filing time.* A record showing the date and hour when each such application for appeal grading is received shall be maintained in such manner as the Administrator may prescribe.

§ 54.193 *When an application for an appeal grading may be refused.* Notwithstanding the provisions of § 54.190, if it appears to the Administrator that the reasons for an appeal grading are frivolous or not substantial, or that the quality or condition of the products has undergone a material change since the grading from which the appeal is made, or the identical products that were examined to ascertain the grade thereof cannot be made accessible for reexamination, or the act or regulations in this part have not been complied with, the Administrator may refuse the applicant's request for the appeal grading, and such applicant shall be promptly notified of the reason for such refusal.

§ 54.194 *When an application for appeal grading may be withdrawn.* An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading is made upon payment, by the applicant, of all expenses incurred by the Administration in connection with such application.

§ 54.195 *Who shall perform the appeal grading.* An appeal grading of any graded product shall be made by any grader (other than the one from whose grading the appeal is made) designated for this purpose by the Administrator and, whenever practical, such appeal grading shall be conducted jointly by two such graders.

§ 54.196 *Appeal grading by immediate superior.* Notwithstanding the provisions of §§ 54.190 to 54.198, whenever the immediate superior of a grader has evidence that such grader incorrectly graded a product, such superior shall immediately make a regrading of the product.

§ 54.197 *Order of performance of appeal gradings.* Appeal gradings shall be performed, insofar as practical, in the order in which applications therefor are received; but any such application may be given precedence pursuant to § 54.37.

§ 54.198 *Appeal grading certificates.* Immediately after an appeal grading has been completed, an appeal grading certificate shall be issued showing the results of such appeal grading. Such certificate shall thereupon supersede the grading certificate for the product involved and such supersedure shall be effective as of the time of issuance of the grading certificate with respect to which the appeal is made. Each appeal grading certificate shall clearly set forth the number and the date of the grading certificate which it supersedes. The provisions of §§ 54.170 to 54.172 shall, whenever applicable, also apply to appeal grading certificates except that copies of such appeal grading certificates shall be furnished each interested party of record.

*Superseded Certificates*

§ 54.205 *Superseded certificates.* Whenever any grading certificate is superseded in accordance with the regulations in this part such certificate shall become null and void as of the effective time of supersedure. If the original and all copies of such superseded certificate are not delivered to the person issuing the regrading certificate or appeal grading certificate, he shall notify such persons as he considers necessary to prevent fraudulent use of the superseded certificate.

SANITARY REQUIREMENTS

*General*

§ 54.210 *Minimum standards for sanitation, facilities, and operating procedures in official plants.* The provisions of §§ 54.210 to 54.247 shall apply with respect to grading service and inspection service in all official plants. The table set forth in § 54.247 indicates some of the types of material which may be used in the construction of equipment, utensils and facilities for use in the plant.

§ 54.211 *Authority of Administrator to amend minimum standards for sanitation, facilities, and operating procedures in official plants.* The Administrator is authorized to amend the provisions in §§ 54.210 to 54.247 and such amended provisions shall be applicable to official plants.



*Buildings and Plant Facilities*

§ 54.220 *Buildings.* The buildings shall be of sound construction and kept in good repair, and shall be of such construction as to prevent the entrance or harboring of vermin.

(a) *Outside openings.* (1) The doors, windows, skylights and other outside openings of the plant, except receiving rooms and live rabbit holding rooms, shall be protected by properly fitted screens or other suitable devices against the entrance of flies and other insects.

(2) Outside doors, except in receiving rooms and live rabbit holding rooms shall be self-closing and so hung that not over ¼ inch clearance remains when closed. Screen doors shall open toward the outside of the building.

§ 54.221 *Rooms and compartments.* Rooms and compartments used for edible products shall be separate and distinct from inedible products departments and from rooms where rabbits are slaughtered and skinned. Separate rooms shall be provided when required for conducting processing operations in a sanitary manner; and all rooms shall be of sufficient size to permit the installation of the necessary equipment for processing operations and the conduct of such operations in a sanitary manner.

(a) *Rooms for separate operation.* The official plant should have separate rooms for each of the following operations depending upon the various types of operations conducted; but in no case shall the receiving or holding of live rabbits or killing operations be permitted in rooms in which eviscerating operations are performed:

(1) The receiving and feeding of live rabbits.

(2) Killing and skinning operations.

(3) Eviscerating, chilling, and packing operations for ready-to-cook rabbits.

(4) Inedible products departments.

(5) Refuse room.

(b) *Rooms for holding carcasses for further inspection.* Rooms and compartments in which carcasses or parts thereof are held for further inspection shall be in such number and such location as the needs of the inspection in the plant may require. They shall be equipped with locks and keys and the keys shall not leave the custody of the inspector in charge of the plant. All such rooms and compartments shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.

(c) *Coolers and freezers.* Coolers and freezers of adequate size and capacity shall be provided to reduce the internal temperature of ready-to-cook domestic rabbits prepared and otherwise handled in the plant to 36° F. within 24 hours unless other cooling facilities are available.

(d) *Refuse rooms.* Refuse rooms shall be entirely separate from other rooms in the plant, and shall have tight fitting doors and be properly ventilated.

(e) *Storage and supply rooms.* The storage and supply rooms shall be in good repair, kept dry, and maintained in a sanitary condition.

(f) *Boiler room.* The boiler room shall be a separate room, if necessary, to prevent its being a source of dirt and objectionable odors entering any room where ready-to-cook rabbits are prepared, processed, handled and stored.

(g) *Inspector's office.* Furnished office space, including, but not being limited to, light, heat and janitor service shall be provided rent free in the official plant, for the exclusive use for official purposes of the inspector or grader and the Administration. The room or rooms set apart for this purpose must meet with the approval of the regional supervisor and be conveniently located, properly ventilated and provided with lockers or cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors and graders to change clothing.

(h) *Toilet rooms.* Toilet rooms opening directly into rooms where domestic rabbit products are exposed shall have self-closing doors and shall be ventilated to the outside of the building.

§ 54.222 *Floors, walls, ceilings, etc.* The floors, walls, ceilings, partitions, posts, doors and other parts of all compartments shall be of such material, construction, and finish as will make them susceptible of being readily and thoroughly cleaned.

(a) *Floors.* (1) All floors, except those which are kept dry, shall be constructed of hardened concrete, or of tile laid closely together with impervious joint material, or of other similar impervious material and kept in good repair.

(2) All floors except those which are kept dry shall be graded to permit run-off with no standing water and in new construction and renovated plants the pitch shall be not less than ¼ inch per foot to drains.

(b) *Ceilings and walls.* (1) Ceilings and walls in rooms and compartments where exposed edible products are processed, handled, or stored shall have tiled, enameled, or other smooth surface impervious to moisture.

(2) Cooler and freezer rooms shall have interior surfaces as are impervious to moisture and permit thorough cleaning.

(c) *Blood disposal.* (1) Adequate facilities shall be provided for the disposal of blood in a sanitary manner.

(2) When bleeding troughs are used they shall be long enough to catch the blood during the bleeding process and shall be cleaned daily. Such troughs shall be installed so as to pitch at least ½ inch per foot toward a smooth metal catch basin or basins, of sufficient capacity for a day's operation at peak production, or shall be flushed continuously.

§ 54.223 *Drainage and plumbing.* There shall be an efficient drainage and plumbing system for the plant and premises.

(a) *Drains and gutters.* All drains and gutters shall be properly installed with approved traps and vents. The drainage and plumbing system must permit the quick run-off of all water from plant buildings, and surface water around the plant and on the premises; and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard.

(b) *Sewage and plant wastes.* (1) The sewerage system shall have adequate slope and capacity to remove readily all waste from the various processing operations and to minimize, and if possible to prevent, stoppage and surcharging of the system.

(2) Grease traps which are connected with the sewerage system shall be suitably located but not near any edible products department or in any area where products are unloaded from, or loaded into, vehicles. To facilitate cleaning, such traps shall have inclined bottoms and be provided with suitable covers.

(3) In new construction toilet soil lines shall be separate from house drainage lines to a point outside the buildings; and drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

(4) All floor drains shall be equipped with traps, constructed so as to minimize clogging; and the plumbing shall be so installed as to prevent sewerage from backing up and from flooding the floor.

(5) Floor drainage lines should be of metal and at least 4 inches in diameter and open into main drains of at least 6 inches in diameter and shall be properly vented to outside air.

(6) Where refrigerators are equipped with drains, such drains should be properly trapped and should discharge through an air gap into the sewer system. All new installations, and all replacements, of refrigerators equipped with drains shall meet these requirements.

§ 54.224 *Water supply.* The water supply shall be ample, clean, and potable with adequate facilities for its distribution in the plant, and its protection against contamination and pollution.

(a) Hot water at a temperature not less than 180° F. shall be available for sanitation purposes.

(b) Hose connections with steam and water mixing valves or hot water hose connections shall be provided at convenient locations throughout the plant for cleaning purposes.

(c) The refuse rooms shall be provided with adequate facilities for washing refuse cans and other equipment in the rooms; and the rooms, cans, and equipment shall be cleaned after each day's use.

§ 54.225 *Lavatory accommodations.* Modern lavatory accommodations, and properly located facilities for cleaning utensils and hands shall be provided.

(a) Adequate lavatory and toilet accommodations, including, but not being limited to, running hot water and cold water, soap, and towels, shall be provided. Such accommodations shall be in or near toilet and locker rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products.

(b) Sufficient metal containers shall be provided for used towels and other wastes.

(c) The water supply in all hand washing facilities serving areas where edible products are prepared shall be operated by other than hand operated controls or shall be of a continuous-flow type.

(d) Durable signs shall be posted conspicuously in each toilet room and locker room directing employees to wash their hands before returning to work.

(e) Toilet facilities shall be provided according to the following formula:

| Persons of same sex: | *Toilet bowls required* |
|---|---|
| 1 to 15, inclusive | 1 |
| 16 to 35, inclusive | 2 |
| 36 to 55, inclusive | [1]3 |
| 56 to 80, inclusive | [1]4 |
| For each additional 30 persons in excess of 80 | [1]1 |

[1] Urinals may be substituted for toilet bowls but only to the extent of ⅓ of the total number of bowls stated.

§ 54.226 *Lighting and ventilation.* There shall be ample light, either natural or artificial or both, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary conditions.

(a) All rooms in which domestic rabbits are killed, eviscerated, or otherwise processed shall have at least 10 foot candles of light intensity on all working surfaces except that at the grading and inspection stations such light intensity shall be 50 foot candles. In all other rooms there shall be provided at least 4 foot candles of light intensity when measured at a distance of 30 inches from the floor.

(b) All rooms shall be adequately ventilated to eliminate objectionable odors and minimize moisture condensation.

*Equipment and Utensils*

§ 54.230 *Equipment and utensils.* Equipment and utensils used for the preparation, processing, or otherwise handling any product in the plant shall be suitable for the purpose intended and shall be of such material and construction as will facilitate their thorough cleaning and insure cleanliness in the preparation and handling of products.

(a) Live rabbit holding pens shall be so constructed as to allow satisfactory ante-mortem examination and to permit proper cleaning.

(b) Metal refuse containers shall be provided; and such containers shall be kept covered.

(c) Insofar as it is practical, equipment and utensils shall be made of metal or other impervious material. Trucks and receptacles used for handling inedible products shall be of similar construction and shall be conspicuously and distinctly marked and shall not be used for handling any edible products.

(d) Chilling vats. Chilling vats or tanks used for chilling ready-to-cook domestic rabbits shall be made of metal or other hard-surfaced impervious material.

(e) Grading and packing bins. Where grading bins are used for ready-to-cook domestic rabbits they shall be of sufficient number and capacity to handle the grading adequately without the use of makeshift bins and all ready-to-cook domestic rabbits shall be kept off the floor. Grading bins may be made of metal or enameled wood and shall be constructed and maintained in such a manner as to allow easy and thorough cleaning. All replacements of such bins shall, however, be of metal.

(f) Except as otherwise provided herein, all equipment and utensils used in the killing, skinning, and the eviscerating, chilling, and packing rooms shall be of metal or other impervious material and constructed so as to permit proper and complete cleaning.

(g) Conveyors. (1) Conveyors used in the preparation of ready-to-cook domestic rabbits shall be of metal or other acceptable material and of such construction as to permit thorough and ready cleaning and easy identification of viscera with its carcass.

(2) Overhead conveyors shall be so constructed and maintained that they do not allow grease, oil, or dirt to accumulate on the drop chain or shackle, which shall be of noncorrosive metal.

(3) Non-metallic belt-type conveyors used in moving edible products shall be of water-proof composition.

(h) Inspection, eviscerating, and cutting tables shall be made of metal and have coved corners and be so constructed and placed to permit thorough cleaning.

(i) In plants where no conveyors are used, each carcass shall be eviscerated in an individual metal tray of seamless construction.

(j) Water spray washing equipment shall be used for washing carcasses inside and out.

(k) Watertight metal receptacles shall be used for entrails and other waste resulting from preparation of ready-to-cook domestic rabbits.

(l) Watertight trucks and receptacles for holding or handling diseased carcasses and diseased parts of carcasses shall be so constructed as to be readily and thoroughly cleaned; such trucks and receptacles shall be marked in a conspicuous manner with the word "condemned" in letters not less than 2 inches high and, when required by the inspector in charge, shall be equipped with facilities for locking and sealing.

(m) Freezing rooms should be adequately equipped to freeze ready-to-cook domestic rabbits solid in less than 48 hours. Ready-to-cook domestic rabbits should be frozen at temperatures of —10° F. to —40 F. and should be stored at 0° F. or below, with the temperature maintained as constant as possible. Freezing rooms should be equipped with floor racks or pallets and fans to insure air circulation.

(n) Cooling racks should be made of metal and be readily accessible for thorough washing and cleaning. All replacements of cooling racks shall be made of metal.

(o) Trucks and receptacles in which carcasses or parts thereof are held for further inspection shall be in such number and such location as the needs of the inspection in the plant may require. They shall be equipped for locking by means of lock and key and the key shall not leave the custody of the inspector in charge of the plant. Such trucks and receptacles shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.

§ 54.231 *Accessibility.* All equipment shall be so placed as to be readily accessible for all processing and cleaning operations.

§ 54.232 *Restrictions on use.* Equipment and utensils used in the official plant shall not be used outside the official plant except under such conditions as may be prescribed or approved by the national supervisor, and equipment used in the preparation of any article (including, but not being limited to, animal food), from inedible material shall not be used outside of the inedible products department except under such conditions as may be prescribed or approved by the national supervisor.

*Maintenance of Sanitary Conditions and Precautions Against Contamination of Products*

§ 54.240 *General.* The premises shall be kept free from refuse, waste materials, and all other sources of objectionable odors and conditions.

§ 54.241 *Cleaning of rooms and compartments.* Rooms, compartments, or other parts of the official plant shall be kept clean and in sanitary condition.

(a) All blood, offal, rabbits or parts of rabbits too severely damaged to be salvaged and all discarded containers and other materials shall be completely disposed of daily.

(b) All windows, doors, and light fixtures in the official plant shall be kept clean.

(c) All docks and rooms shall be kept clean and free from debris and unused equipment and utensils.

(d) Live rabbit receiving docks and receiving rooms shall be of such construction as readily to permit their thorough cleaning; and such docks and rooms should be kept clean at all times.

(e) Floors in live rabbit holding rooms shall be cleaned with such regularity as may be necessary to maintain them in a sanitary condition.

(f) The killing and skinning room shall be kept clean and free from offensive odors at all times.

(g) The walls, floors, and all equipment and utensils used in the killing and skinning room shall be thoroughly washed and cleaned after each day's operation.

(h) The floors in the killing and skinning room shall be cleaned frequently during killing and skinning operations and be kept reasonably free from accumulated blood, offal, water and dirt.

(i) All equipment in the toilet room and locker room, as well as the room itself, shall be kept clean, sanitary, and in good repair.

(j) Cooler and freezer rooms shall be free from objectionable odors of any kind and shall be maintained in a sanitary condition (including, but not being limited to, the prevention of drippings from refrigerating coils onto products).

§ 54.242 *Cleaning of equipment and utensils.* Equipment and utensils used for preparing or otherwise handling any product shall be kept clean and in a sanitary condition and in good repair.

(a) Pens shall be cleaned regularly and the manure removed from the plant daily.



(b) All equipment and utensils used in the killing and skinning rooms shall be thoroughly washed and cleaned after each day's operation. The eviscerating, chilling, and packing room and equipment and utensils used therein shall be maintained in a clean and sanitary condition.

(c) Graders' and packers' gloves and grading bins shall be washed daily and used only for grading or packing, as the case may be.

(d) All crates or pens used for transporting live domestic rabbits to the plant shall be cleaned regularly.

(e) Chilling vats or tanks, if practicable, shall be emptied after each use. They shall be thoroughly cleaned once daily, and after each cleaning operation they shall be sanitized with such compounds or by such methods as may be approved or prescribed by the Administrator.

(f) When synchronized overhead conveyors and tray conveyors are used, the trays shall be completely washed and sanitized after being automatically emptied of inedible viscera.

(g) When a conveyor tray operation is used, each carcass shall be eviscerated in an individual metal tray of seamless construction; and such trays shall be completely washed and sanitized after each use.

(h) Tables, shelves, bins, trays, pans, knives, and all other tools and equipment used in the preparation of ready-to-cook domestic rabbits shall be kept clean and sanitary at all times. Cleaned equipment and utensils shall be drained on racks and shall not be nested.

(i) Drums, cans, tanks, vats, and other receptacles used to hold or transport ready-to-cook domestic rabbits shall be kept in a clean and sanitary condition.

§ 54.243 *Operations and procedures.* Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with clean and sanitary methods.

(a) There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or other places in the plant where any product is prepared, stored, or otherwise handled.

(b) Blood from the killing operation shall be confined to a relatively small area and kept from being splashed about the room.

(c) In the final washing, the carcass shall be passed through a system of sprays providing an abundant supply of fresh clean water.

(d) The floors in the eviscerating room shall be kept clean and reasonably dry during eviscerating operations and free of all refuse.

(e) Conveyors shall be operated at such speeds as will permit a sanitary eviscerating operation and will permit adequate inspection for condition and wholesomeness.

(f) Mechanized packaging equipment shall be maintained in good sanitary condition.

(g) All offal resulting from the eviscerating operation shall be removed as often as necessary to prevent the development of a nuisance.

(h) Paper and other material used for lining containers in which products are packaged shall be of such kinds as do not tear readily during use, but remain intact when moistened by the product.

(i) Protective coverings shall be used for the product in the plant and as it is distributed from the plant, as will afford adequate protection for the product against contamination by any foreign substance (including, but not being limited to, dust, dirt, and insects), considering the means intended to be employed in transporting the product from the plant.

(j) Refuse may be moved directly to loading docks only for prompt removal.

(k) Cleanliness and hygiene of personnel. (1) All employees coming in contact with exposed edible products or edible products handling equipment shall wear clean garments and should wear caps or hair nets, and shall keep their hands clean at all times while thus engaged.

(2) Hands of employees handling edible products or edible products handling equipment shall be free of infected cuts, boils, and open sores at all times while thus engaged.

(3) Every person after each use of toilet or change of garments shall wash his hands thoroughly before returning to duties that require the handling of edible products, or containers therefor, or edible products handling equipment.

(4) Neither smoking nor chewing of tobacco shall be permitted in any room where exposed edible products are prepared, processed, or otherwise handled.

§ 54.244 *Temperatures and cooling and freezing procedures.* Temperatures and procedures which are necessary for cooling and freezing of domestic rabbits in accordance with sound commercial practice shall be maintained in the coolers and freezers, and chilling temperatures and procedures shall also be in accordance with sound commerial practice.

(a) *Cooling.* Immediately after evisceration and washing of the carcass, it shall be placed in a cooling tank containing running cold tap water to remove the animal heat from the carcass. Carcasses shall not be allowed to remain in the cooling tank for longer than one hour.

(b *Air chilling.* Immediately after the initial water chilling, the carcasses shall be placed in cooling racks and thereupon placed in a refrigerated cooler with moderate air movements and a temperature which will reduce the internal temperature of the carcasses to from 36° F. to 40° F., both inclusive, within 24 hours.

(c) *Freezing.* (1) When ready-to-cook domestic rabbits are packaged in bulk or shipping containers, the carcasses should be individually wrapped or packaged in water-vapor resistant cartons or the containers should be lined with heavy water-vapor resistant paper so as to assure adequate overlapping of the lining to completely surround the carcasses and to permit unsealed closure or sealing in such a manner that water-vapor loss from the product is considerably retarded or prevented. The rabbit carcasses should receive an initial rapid freezing under such packaging, temperature, air circulation, and stacking conditions which will result in freezing the carcasses solid in less than 48 hours.

(2) Frozen ready-to-cook rabbits should be stored at 0° F., or below, with temperatures maintained as constant as possible.

(d) *Refrigeration.* Immediately after packaging, all ready-to-cook domestic rabbits, other than those which are shipped from the plant in a refrigerated carrier, should be moved into the freezer, except that a period not exceeding 72 hours will be permitted for transportation and temporary holding before placing in the freezer provided such rabbits are held at not above 36° F.

§ 54.245 *Vermin.* Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from the official plant. Dogs, cats, and other pets shall be excluded from rooms where edible products are processed, handled, or stored.

§ 54.246 *Exclusion of diseased persons.* No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted in any room or compartment where exposed or unpacked edible products are prepared, processed, or otherwise handled.

§ 54.247 *Table showing types of materials.*

| Equipment, utensils, and facilities | Iron | Stainless steel and monel metal | Aluminum | Galvanized iron |
|---|---|---|---|---|
| Hobble pens | A | A | A | A |
| Overhead conveyor | A | A | A | A |
| Conveyor track | A | A | ------ | A |
| Shackles | ------ | A | ------ | A |
| Shackle chain | A | A | ------ | A |
| Eviscerating pans | ------ | A | A | A |
| Inspection table | ------ | A | A | A |
| Inside and outside washer | ------ | A | A | A |
| Cooling tanks and racks | ------ | A | A | A |
| Utensils for handling edible products | ------ | A | A | A |
| Framework of equipment | A | ------ | ------ | ------ |

Key: A—Acceptable.

## SUBPART B—UNITED STATES STANDARDS FOR DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF

### U. S. SPECIFICATIONS FOR CLASSES OF READY-TO-COOK DOMESTIC RABBITS

§ 54.260 *General.* For the purpose of §§ 54.260 to 54.262, the classes of ready-to-cook domestic rabbits are fryer rabbits and roaster rabbits. The flesh of a fryer domestic rabbit is tender and fine-grained, and of a bright pearly white color. The flesh of a roaster domestic rabbit is more firm and coarse-grained; the muscle fiber is slightly darker in color and less tender than that of a fryer domestic rabbit; and the fat may be more creamy in color than that of a fryer domestic rabbit.

§ 54.261 *Fryer.* A fryer is a young domestic rabbit carcass weighing not less than 1½ pounds and rarely more than

3½ pounds; and processed from a rabbit usually less than 12 weeks of age.

§ 54.262 *Roaster.* A roaster is a mature or old domestic rabbit carcass of any weight but usually over 4 pounds; and processed from a rabbit over 12 weeks of age, usually 8 months old or older.

U. S. SPECIFICATIONS FOR STANDARDS OF QUALITY FOR INDIVIDUAL READY-TO-COOK DOMESTIC RABBITS

§ 54.270 *General.* Carcasses found to be unsound, unwholesome, or unfit for food shall not be included in any of the quality designations specified in §§ 54.275 to 54.277.

*Standards of Quality*

§ 54.275 *A Quality.* To be of A Quality the carcass:

(a) Is short, thick, well-rounded, and full-fleshed.

(b) Has a broad back, broad hips, and broad, deep fleshed shoulders, and firm muscle texture.

(c) Has well-developed strips of fat extending from the neck part-way down the back, and some exterior fat well distributed over loins, shoulders, and back, and a plentiful amount of interior fat in the crotch and over the inner walls of the carcass, the kidneys being practically surrounded by thick layers of firm white fat.

(d) Shows no evidence of coagulated blood in the veins and is free from any evidence of reddening of the flesh due to blood in the connective tissues.

(e) Is free from all foreign material (including, but not being limited to, hair, dirt, and bone particles) and from crushed bones caused by removing the head or the feet.

(f) Is free from broken bones, flesh bruises, defects, and deformities. Ends of leg bones may be broken due to removing the feet.

§ 54.276 *B Quality.* To be of B Quality the carcass:

(a) Is short, thick, fairly well-rounded and fairly well-fleshed.

(b) Has a fairly broad back, fairly broad hips, and fairly broad and deep-fleshed shoulders, and fairly firm muscle texture.

(c) Has fairly well developed strips of fat extending from the neck part-way down the back and some evidence of fat fairly well distributed over loins and shoulders; has interior fat that is fairly plentiful in the crotch and over the inner walls of the carcass; and has a considerable quantity of interior fat around the kidneys.

(d) Shows no evidence of coagulated blood in the veins and is free from any evidence of reddening of the flesh due to blood in the connective tissues.

(e) Is free from all foreign material (including, but not being limited to, hair, dirt, and bone particles) and from crushed bones caused by removing the head or the feet.

(f) Is free from broken bones and practically free from bruises, defects, and deformities. Ends of leg bones may be broken due to removing the feet.

§ 54.277 *C Quality.* A carcass that does not meet the requirements of B Quality may be of C Quality and such carcass:

(a) May be long, rangy, and fairly well fleshed.

(b) May have thin, narrow back and hips, and soft flabby muscle texture.

(c) May show very little evidence of exterior fat.

(d) May show very slight evidence of reddening of the flesh due to blood in the connective tissues.

(e) Is free from all foreign material (including, but not being limited to, hair, dirt, and bone particles) and from crushed bones caused by removing the head or feet.

(f) May have moderate bruises of the flesh, moderate defects, and moderate deformities; have not more than one broken bone; and may have a small portion of the carcass removed because of serious bruises.

[F. R. Doc. 53-9254; Filed, Nov. 2, 1953; 8:48 a. m.]

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## PART 55—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF EGGS AND EGG PRODUCTS

RECODIFICATION

By virtue of the authority (18 F. R. 4839) vested in me by the Secretary of Agriculture and in accordance with the revised Federal Register regulations, the format of the regulations (7 CFR Part 55) governing the sampling, grading, grade labeling, and supervision of packaging of eggs and egg products, which are currently operative pursuant to the applicable provisions of the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953), is recodified as hereinafter set forth.

The recasting of the format due to such recodification is not intended, nor shall it be deemed, to make any substantive change in the regulations. The designation "Subpart A—Regulations" is added to cover §§ 55.1 to 55.61 (16 F. R. 10193; 18 F. R. 1463), and the center heading preceding § 55.102 (17 F. R. 2605) is changed to "Subpart B—Forms and Instructions," and the provisions of § 55.102 are recodified as §§ 55.100 to 55.115.

Since the services and programs provided by the regulations are currently in effect, the regulations as presented in recodified form shall become effective upon publication in the FEDERAL REGISTER so as to avoid any interruption to the continuity of the services and programs.

The recodification is set forth below.

Issued at Washington, D. C., this 29th day of October 1953.

[SEAL] ROY W. LENNARTSON,
*Assistant Administrator, Production and Marketing Administration.*

SUBPART B—FORMS AND INSTRUCTIONS

INSTRUCTIONS GOVERNING PLANTS OPERATING AS OFFICIAL PLANTS PROCESSING AND PACKAGING EGG PRODUCTS

Sec.
55.100 Definitions.
55.101 Plant surveys.
55.102 Suspension of plant approval.
55.103 Raw materials.
55.104 Premises and plant.
55.105 Equipment and utensils.
55.106 Operations and operating procedures.
55.107 Sorting shell eggs.
55.108 Breaking shell eggs.
55.109 Drying.
55.110 Packages.
55.111 Final inspection of egg products.
55.112 Personnel; health.
55.113 Facilities to be furnished by official plant.
55.114 Authority and duties of inspectors.
55.115 Official identification.

AUTHORITY: §§ 55.100 to 55.115 issued under sec. 205, 60 Stat. 1090, Pub. Law 156, 83d Cong., 7 U. S. C. 1624.

SUBPART B—FORMS AND INSTRUCTIONS

INSTRUCTIONS GOVERNING PLANTS OPERATING AS OFFICIAL PLANTS PROCESSING AND PACKAGING EGG PRODUCTS

§ 55.100 *Definitions.* (a) "Egg products" means each of the following products prepared from shell eggs with or without the addition of any other edible substance or ingredient: Liquid eggs; frozen eggs; dried eggs; liquid, frozen, or dried egg whites; and liquid, frozen, or dried egg yolks.

(b) "Eggs of current production" means shell eggs which have moved through usual marketing channels since the time they were laid, and have not been held in refrigerated storage in excess of 60 days.

(c) "Regional supervisor" means any employee of the Department in charge of poultry grading service in a designated geographical area.

(d) "Regulations in this part" means the regulations governing the sampling, grading, grade labeling, and supervision of packaging of eggs and egg products (§§ 55.1 to 55.61).

(e) "Sanitize" means to subject to an acceptable germicidal agent.

(f) "Shell eggs" means shell eggs of domesticated chickens.

(g) All other terms which are used herein shall have the meaning applicable to such terms when used in the regulations in this part.

§ 55.101 *Plant surveys*—(a) *Initial survey.* When an application for continuous inspection in a plant has been filed, the regional supervisor or his assistant serving the area in which the plant is located will make a survey and inspection of the premises and plant to determine whether the facilities and methods of operation therein are suitable and adequate for service in accordance with (1) the regulations in this part, (2) the instructions and requirements contained in this section, and (3) such further instructions and requirements based upon the aforesaid instructions which may hereafter be issued with respect to minimum requirements for facilities, operating procedures, and sanitation in egg breaking and egg drying plants and which are in effect at the time of the aforesaid survey and inspection.

(b) *Drawings and specifications to be furnished.* Four copies of drawings properly drawn to scale shall be submitted to the regional supervisor. The drawings shall consist of floor plans of space to be included in the official plant, the locations of such features as the principal pieces of equipment, floor drains, hand washing facilities, hose connections for clean-up purposes, and the cardinal points of the compass.

(1) The official plant shall include the breaking room, equipment washing and sanitizing rooms, shell egg washing room, shell egg storage rooms, toilet and dressing rooms, store rooms for supplies used in the operation under this service, and all other rooms, compartments, or passageways where products or any ingredients to be used in the preparation of products under this service will be handled or kept and may include other rooms located in the buildings comprising the official plant.

(2) If rooms shown on the drawings are not to be included as part of the official plant, this should be clearly indicated thereon.

(3) Specifications covering the height of ceilings, types of principal pieces of equipment, character of walls, floors, and ceilings, lighting, ventilation including intake and exhaust facilities, water supply and drainage, and such other notations as may be required shall accompany the drawings. Upon approval of the drawings and specifications the application for service may be approved.

(c) *Final survey and plant approval.* Prior to the inauguration of continuous inspection service, a final survey of the plant and premises shall be made by the regional supervisor or his assistant to determine if the plant is constructed and facilities are installed in accordance with the approved drawings and the regulations in this part. The plant may be approved only when these requirements have been met.

§ 55.102 *Suspension of plant approval.* (a) Any plant approval pursuant to the regulations in this part may be supended for (1) failure to maintain plant and equipment in a satisfactory state of repair; (2) the use of operating procedures which are not in accordance with the regulations and instructions set forth in this part; or (3) alterations of buildings, facilities or equipment which cannot be approved in accordance with the aforesaid regulations and instructions.

(b) During such period of suspension, inspection service shall not be rendered. However, the other provisions of the contract for service shall remain in effect unless terminated in accordance with the terms thereof. If the plant facilities or methods of operation are not brought into compliance within a reasonable period of time to be specified by the Administrator, the contract shall be terminated. Upon termination of any contract providing for inspection service in an official plant pursuant to the regulations in this part, the plant approval shall also become terminated, and all labels, seals, tags or packaging material bearing official identification shall, under the supervision of a person designated by the Administration, either be destroyed, or the official identification completely obliterated, or sealed in a manner acceptable to the Administration.

§ 55.103 *Raw materials.* (a) Egg products which are to bear the inspection mark shall be processed in an official plant from edible shell eggs of current production and may contain other edible ingredients. The following categories of edible shell eggs and egg products may be used to prepare egg products which are to bear the inspection mark: (1) Clean shell eggs; (2) stained shell eggs; (3) shell eggs with adhering dirt on the shells: *Provided*, That prior to processing, such eggs are properly cleaned or washed and dried in such a manner as will avoid contamination of the egg meat; (4) shell eggs containing blood spots (localized clots of blood which can be readily removed), provided such spots are removed; and (5) other egg products which were processed in an official plant and which bear the inspection mark.

(b) Egg products may be produced in an official plant from edible shell eggs other than of current production and edible shell eggs which are (1) leakers; (2) checks with adhering dirt; and (3) shell eggs containing blood spots (localized clots of blood which can be readily removed), provided such spots are removed. None of such egg products shall, however, be identified with the inspection mark, but may bear an official identification of the design and wording set forth in § 55.115 (b): *Provided*, That after freezing but prior to shipping such egg products are drilled and inspected organoleptically and found to be in satisfactory condition by a grader of frozen eggs.

(c) Edible turkey, guinea, duck, and goose eggs may be processed in the official plant if such eggs are processed separately and properly labeled. The resultant egg products may be officially identified.

(d) Eggs containing diffused blood in the albumen or on the yolk shall not be used and such eggs shall be denatured.

(e) Shell eggs or egg products which are not fit for human food shall be placed in a conspicuously marked container which contains a denaturant of such character as will prevent such products from being used as human food or in the case of shell eggs they shall be treated in such manner as will preclude their use as human food.

§ 55.104 *Premises and plant*—(a) *Building.* The building, or portion thereof, in which any egg processing operation is conducted, shall be maintained in a sanitary condition, including, but not being limited to, the following requirements:

(1) There shall be abundant light (whether natural or artificial, or both) which is well distributed, and sufficient ventilation for each room and compartment to insure sanitary and suitable processing and operating conditions.

(2) There shall be an efficient drainage and plumbing system for the plant and premises. All drains and gutters shall be properly installed with approved traps and vents, and shall be maintained in good repair and in proper working order.

(3) The water supply (both hot and cold) shall be ample, clean, and potable, with adequate facilities for its distribution throughout the plant, or portion thereof utilized for egg processing and handling operations, and for protection against contamination and pollution.

(4) The floors, walls, ceilings, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish to permit their ready and thorough cleaning. The floors and curbing shall be watertight.

(5) Each room and each compartment in which any shell eggs or egg products are handled or processed shall be so designed and constructed as to insure processing and operating conditions of a clean and orderly character, free from objectionable odors and vapors, and maintained in a clean and sanitary condition.

(6) Every practicable precaution shall be taken to exclude dogs, cats, and vermin (including, but not being limited to, rodents and insects) from the plant, or portion thereof utilized, as aforesaid, in which shell eggs or egg products are handled or stored. The use of poisons for any purpose in any room or compartment where any shell eggs or egg products are stored or handled is forbidden, except under such restrictions and precautions as the Chief, or Acting Chief, of the Poultry Inspection and Grading Division of the Administration may prescribe.

(b) *Facilities.* Each plant shall be equipped with adequate sanitary facilities and accommodations, including, but not being limited to, the following:

(1) There shall be a sufficient number of adequately lighted dressing rooms and toilet rooms, ample in size, conveniently located, and separated from the rooms and compartments in which shell eggs or egg products are handled, processed, or stored. The dressing rooms and toilet rooms shall be separately ventilated, and shall meet all requirements as to sanitary construction and equipment.

(2) Lavatory accommodations (including, but not being limited to, hot and cold running water, soap, and towels) shall be placed at such locations in the plant as may be essential to assure cleanliness of each person handling any shell eggs or egg products.

(3) Clean outer garments shall be worn by all persons who are in any room or compartment where any breaking, drying, or packaging operation is conducted.

(4) No product or material which creates an objectionable condition shall be processed, stored, or handled in any room, compartment, or place where any shell eggs or egg products are processed, stored, or handled.

(5) Suitable facilities for cleaning and sanitizing utensils and equipment shall be provided at convenient locations throughout the plant.

§ 55.105 *Equipment and utensils.* Equipment used for candling, breaking, straining, clarifying, packaging, hold-

ing, drying, storing, or otherwise processing any shell eggs or egg products shall be of such design, material, and construction as will (a) enable the examination, segregation, or other processing of such eggs or egg products in an efficient, clean, and satisfactory manner, and (b) permit easy access to all parts to insure thorough cleaning and sanitizing. So far as is practicable, all such equipment shall be made of metal or other impervious material, if the metal or other material will not affect the product by chemical action or physical contact. Receptacles and packages used for shell eggs or egg products which are not fit for human food shall bear some conspicuous and distinctive identification.

§ 55.106 *Operations and operating procedures.* (a) All operations involving processing, storing, and handling of shell eggs and egg products shall be strictly in accord with clean and sanitary methods, and shall be conducted as rapidly as is practicable and, except as necessary in preparing egg products by the fermentation process, at temperatures that will tend to cause no material increase in bacterial growth, or no deterioration or break-down of the original quality of the egg meat.

(b) All shell eggs and egg products shall be subjected to constant and continuous inspection throughout each and every processing operation. Any shell egg or egg product which was not processed in accordance with the instructions contained in §§ 55.100 to 55.115 or is not fit for human food shall be removed and segregated prior to any further processing operation in connection with the production of egg products to be identified by official identification.

(c) All utensils and equipment which are contaminated during the course of processing any shell eggs or egg products shall be removed from use immediately and shall not be used again until cleaned and sanitized.

(d) Any substance or ingredient added in the processing of any egg products shall be clean and fit for human food.

§ 55.107 *Sorting shell eggs.* (a) Shell eggs shall be adequately sorted prior to delivery to the breaking room so as to comply with the requirements of § 55.103 applicable to raw material.

(b) Shell eggs shall be sorted in such manner as to avoid breakage or contamination. When shell eggs are candled, they shall be so handled as to avoid breakage and contamination.

§ 55.108 *Breaking shell eggs.* (a) Each shell egg must be broken in a satisfactory and sanitary manner and inspected for wholesomeness by smelling the shell or the egg meat, and by visual examination at the time of breaking. Egg meat fit for human food shall be placed in proper containers and subsequently examined by an inspector. Egg meat which is not fit for human food shall be placed in containers provided for the purpose bearing some conspicuous and distinctive identification; and such containers shall contain a denaturant suitable for decharacterizing the product to prevent its use for human food.

(b) Egg meat which is examined and passed by an inspector shall be processed in such manner as to insure the removal of meat spots, shell particles, and foreign materials.

(c) Each person who is to handle any exposed or unpacked egg products shall wash his hands immediately prior to handling any such products or any utensils which contain, or are to contain, such products and shall maintain clean hands while handling any exposed or unpacked egg products.

(d) Whenever any breaker breaks a shell egg which is not fit for human food he shall not use any utensil which is contaminated by such shell egg. Each such contaminated utensil shall be exchanged for a clean one, and the breaker shall wash his hands immediately prior to receiving the clean utensil.

(e) In addition to the other requirements contained in this section, all utensils and equipment shall be clean and sanitary at the start of each day's processing operations and at the resumption of processing operations following any cessation of such operations for 30 minutes or longer.

§ 55.109 *Drying.* All pumps, liquid egg lines, drying equipment, and dried egg conveyors shall be operated and maintained in a sanitary manner. All dried egg powder shall be sifted, but not forced, through a screen so as to remove all foreign materials and all lumpy particles of dried eggs. No egg product which is to be identified with official identification shall have incorporated therein any screenings collected from any screening operation, any badly scorched powder, or any dusthouse powder.

§ 55.110 *Packages.* Packages or containers for egg products shall be clean when being filled with any egg products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such egg products.

§ 55.111 *Final inspection of egg products.* All egg products shall, at the completion of the processing operation, be inspected by an inspector to ascertain the condition of the finished product.

§ 55.112 *Personnel; health.* (a) No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted in any room or compartment where exposed or unpacked egg products are prepared, processed, or otherwise handled.

(b) Spitting or smoking is prohibited in each room and in each compartment where any exposed or unpacked egg products are prepared, processed, or otherwise handled.

(c) All necessary precautions shall be taken to prevent the contamination of egg products with any foreign substance (including, but not being limited to, perspiration, hair, cosmetics, and medicaments).

§ 55.113 *Facilities to be furnished by official plant.* (a) Facilities for the proper sampling, weighing, and examination of shell eggs and egg products shall be furnished by the official plant for use by inspectors and frozen egg graders.

(b) A locker or desk (equipped with a satisfactory locking device), in which labels with official identification, marking devices, samples, certificates, seals, and reports of inspectors will be kept, shall be furnished by the official plant for use by inspectors.

§ 55.114 *Authority and duties of inspectors.* (a) Each inspector is authorized:

(1) To make such observations and inspections as he deems necessary to enable him to certify that egg products have been prepared, processed, stored and otherwise handled in conformity with the regulations in this part and the instructions contained in this section;

(2) To supervise the marking of packages containing egg products which are eligible to be identified with official identification;

(3) To retain in his custody, or under his supervision, labels with official identification, marking devices, samples, certificates, seals, and reports of inspectors;

(4) To deface or remove, or cause to be defaced or removed under his personal supervision, any official identification from any package containing egg products whenever he determines that such products were not processed in accordance with the instructions contained in this section or are not fit for human food; and

(5) To issue a certificate covering all products processed in the official plant.

(b) Each inspector shall prepare such reports and records as may be prescribed by the Chief or Acting Chief of the Poultry Inspection and Grading Division, of the Administration, which shall contain, in addition to all other required data, a daily record of:

(1) The sanitary condition of the official plant and all processing operations therein in connection with the production of egg products;

(2) All processing, holding, and storing temperatures;

(3) The selection of all raw material used in the production of egg products;

(4) The handling and condition of the finished egg products;

(5) The total quantity of egg products identified with the inspection mark;

(6) The total quantity of egg products officially identified in accordance with § 55.115 (b); and

(7) The total quantity of egg products not fit for human food.

§ 55.115 *Official identification*—(a) *Inspection mark.* The inspection mark which is permitted to be used on egg products, other than those prepared in accordance with § 55.103 (b), shall be contained within the outline of a shield of the wording and design set forth in Figure 1 of paragraph (b) of this section.

(b) *Other identification.* Egg products prepared in accordance with § 55.103 (b) may be identified with an official identification of the wording and design set forth in Figure 2 of this paragraph.






FIGURE 1.




FIGURE 2

(c) *Products not eligible for official identification.* Egg products which were prepared in nonofficial plants shall not be officially identified, but such products may be inspected organoleptically and covering certificates issued setting forth the results of the inspection.

(d) *Use of presently approved labels.* Containers or labels which bear an official identification which was approved prior to the effective date of the instructions under this section may be used until the supply now on hand is exhausted.

[F. R. Doc. 53-9253; Filed, Nov. 2, 1953; 8:48 a. m.]

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PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

RECODIFICATION

By virtue of the authority (18 F. R. 4839) vested in me by the Secretary of Agriculture and in accordance with the revised Federal Register regulations, the format of the regulations (7 CFR Part 70) governing the grading and inspection of poultry and edible products thereof, and United States classes, standards, and grades with respect thereto, which are currently operative pursuant to the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953), is recodified as hereinafter set forth.

The recasting of the format due to such recodification is not intended, nor shall it be deemed, to make any substantive change in the regulations. However, several editorial changes have been made in the provisions of some of the sections as they existed prior to this recodification (i. e., §§ 70.11, 70.33, and 70.201) and which, by their own terms, have been inapplicable since June 30, 1953. In addition, conforming changes have been made in the designations (as listed in Table II—Turkeys, of § 70.105 (c) prior to this recodification) of some of the classes of turkeys in view of the amendment (17 F. R. 3631) of April 24, 1952, prescribing new class designations. The recodified sections that are affected by the editorial changes are §§ 70.91, 70.182, and 70.381. The recodified section affected by the conforming change is § 70.370.

Since the services and programs provided by the regulations are currently in effect, the regulations as presented in recodified form shall become effective upon publication in the FEDERAL REGISTER so as to avoid any interruption to the continuity of such services and programs.

The recodification is set forth below.

Issued at Washington, D. C., this 29th day of October 1953.

[SEAL] ROY W. LENNARTSON,
*Assistant Administrator, Production and Marketing Administration.*

SUBPART A—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF

GENERAL

70.1 Definitions.
70.2 Administration.
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AUTHORITY: §§ 70.1 to 70.410 issued under sec. 205, 60 Stat. 1090, Pub. Law 156, 83d Cong.; 7 U. S. C. 1624.

SUBPART A—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF

GENERAL

§ 70.1 *Definitions.* Unless the context otherwise requires, the following terms shall have the following meanings:

"Act" means the following provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act of 1954 (Pub. Law 156, 83rd Cong., approved July 28, 1953), or any other act of Congress conferring like authority:

AGRICULTURAL MARKETING ACT OF 1946

• • • to develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices • • •

To inspect, certify, and identify the class, quality, quantity, and condition of agricultural products when shipped or received in interstate commerce under such rules and regulations as the Secretary of Agriculture may prescribe, including assessment and collection of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered, to the end that agricultural products may be marketed to the best advantage, that trading may be facilitated, and that consumers may be able to obtain the quality products which they desire. • • •

DEPARTMENT OF AGRICULTURE APPROPRIATION ACT, 1954

For expenses necessary for acquiring and diffusing market information on agricultural commodities, food products and byproducts, the standardization, classification, grading, handling, storage, and marketing thereof, including the demonstration and promotion of the use of uniform standards of classification of American farm and food products throughout the world. • • •

• • • for investigating and certifying in one or more jurisdictions, to shippers and other interested parties the class, quality and condition of any agricultural commodity or food product, whether raw or processed and any product containing an agricultural commodity or derivative thereof when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including the collection of such fees as are reasonable and as nearly as may cover the cost of the service rendered; • • •

"Acceptable" means suitable for the purpose intended and acceptable to the Administration.

"Administration" means the Production and Marketing Administration of the Department.

"Administrator" means the Administrator of the Production and Marketing Administration of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.



"Applicant" means any interested party who requests any inspection service or grading service.

"Carcass" means any poultry carcass.

"Circuit supervisor" means the officer in charge of the poultry inspection service in a circuit consisting of a group of stations within an area.

"Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind or between species.

"Condition" means any condition, including but not being limited to, the state of preservation, cleanliness, or soundness of any product; or any condition, including but not limited to, the processing, handling, or packaging which affects such product.

"Condition and wholesomeness" means the condition of any product and its healthfulness and fitness for human food.

"Department" means the United States Department of Agriculture.

"Dressed poultry" means poultry which has been slaughtered for human food with head, feet, and viscera intact and from which the blood and feathers have been removed.

"Edible poultry byproduct" means any giblets or any edible part of dressed poultry other than eviscerated poultry.

"Edible product" means any product other than live poultry and dressed poultry.

"Food product containing poultry product" means any article of food for human consumption which is prepared in part from any edible portion of dressed poultry or from any product derived wholly from such edible portion, if such edible portion or product does not comprise a substantial portion of such article of food.

"Free from protruding pinfeathers" means that the carcass is free from protruding pinfeathers which are visible to an inspector or grader during an examination of the carcass at normal operating speeds. However, a carcass may be considered as being free from protruding pinfeathers if it has a generally clean appearance and if not more than an occasional pinfeather is in evidence (other than on the breast) during a more careful examination of the carcass.

"Giblets" means the liver from which the bile sac has been removed, the heart from which the pericardial sac has been removed, and the gizzard from which the lining and contents have been removed; *Provided*, That each such organ has been properly trimmed and washed.

"Grader" means any employee of the Department authorized by the Secretary, or any other individual to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the regulations in this part, the class, quality, quantity, and condition of products.

"Grading" or "grading service" means: (1) The act whereby a grader determines, according to the regulations in this part, the class, quality, quantity, or condition of any product by examining each unit thereof, or each unit of the representative sample thereof drawn by a grader, and issues a grading certificate with respect thereto; (2) in addition to the foregoing, the act whereby the grader identifies, according to the regulations in this part, the graded product; (3) with respect to an official plant, the act whereby a grader determines that the products in such plant are processed, handled, and packaged in accordance with §§ 70.240 to 70.287; and (4) any regrading or any appeal grading of a previously graded product.

"Grading certificate" means a statement, either written or printed, issued by a grader, pursuant to the regulations in this part, relative to the class, quality, quantity, or condition of a product.

"Identify" means to apply official identification to products or the containers thereof.

"Inspected and certified" or "certified" means, with respect to any product, that it has undergone an inspection and was found, at the time of such inspection, to be sound, wholesome, and fit for human food.

"Inspection", "inspection service", or "inspection of products for condition and wholesomeness" means any inspection by an inspector to determine, in accordance with the regulations in this part, (1) the condition and wholesomeness of dressed poultry, or (2) the condition and wholesomeness of any edible product at any stage of the preparation or packaging thereof in the official plant where inspected and certified, or (3) the condition and wholesomeness of any previously inspected and certified product if such product has not lost its identity as an inspected and certified product. In addition to the foregoing, the terms "inspection" and "inspection service" shall each mean any inspection by an inspector to determine, in accordance with the regulations in this part, (4) the condition of dressed poultry as it applies to the processing, handling or packaging of such product, or (5) any antemortem examination of poultry.

"Inspection certificate" means a statement, either written or printed, issued by an inspector, pursuant to the regulations in this part, relative to the condition and wholesomeness of products.

"Inspector" means any person who is licensed by the Secretary to investigate and certify in accordance with the regulations in this part, the condition and wholesomeness of products or the condition of dressed poultry. An inspector is an employee of the Department or of a State; he may be a graduate veterinarian or a layman.

"Interested party" means any person financially interested in a transaction involving any inspection or grading.

"National supervisor" means (1) the officer in charge of the poultry inspection service of the Administration, (2) the officer in charge of the poultry grading service of the Administration, and (3) such other officers or employees of the Department who may be so designated by the officer in charge of the poultry inspection and grading service of the Administration.

"Office of grading" means the office of any grader.

"Official identification" means the symbol represented by a stamp, label, seal, or other device approved by the Administrator and affixed to any product, or to any container thereof, stating that the product was inspected or graded or both. The class, quality or condition of such product as determined by a grader may be indicated in the "official identification".

"Official plant" means one or more buildings, or parts thereof, comprising a single plant in which the facilities and methods of operation therein have been approved by the Administrator as suitable and adequate for operation under inspection or grading service and in which inspection or grading is carried on in accordance with the regulations in this part.

"Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

"Potable water" means water which complies with the U. S. Public Health Service drinking water standards.

"Poultry" means any kind of domesticated bird, including, but not being limited to chickens, turkeys, ducks, geese, pigeons, and guineas.

"Poultry food product" means any article of human food or any article intended for or capable of being so used which is prepared or derived in whole or in substantial part, from any edible portion of dressed poultry.

"Poultry grading and inspection service" means the personnel who are actively engaged in the administration, application, and direction of poultry grading and inspection programs and services pursuant to the regulations in this part.

"Product" means each of the following: (1) Dressed poultry; (2) ready-to-cook poultry; (3) edible poultry byproduct; (4) poultry food product; and (5) with respect to grading service only, live poultry.

"Quality" means the inherent properties of any product which determine its relative degree of excellence.

"Ready-to-cook poultry" means any dressed poultry from which the protruding pinfeathers, vestigial feathers (hair or down as the case may be), head, shanks, crop, oil gland, trachea, esophagus, entrails, reproductive organs and lungs have been removed, and with or without the giblets, is ready to cook without need of further processing. Ready-to-cook poultry also means any cut-up or disjointed portion of poultry prepared as described in this paragraph.

"Regional supervisor" means any employee of the Department in charge of poultry grading service or poultry inspection service in a designated geographical area.

"Regulations" means the provisions of this entire part and such United States classes, standards, and grades for products as may be in effect at the time grading or inspection is performed.

"Secretary" means the Secretary of the Department, or any other officer or employee of the Department to whom there has heretofore been delegated or to whom there may hereafter be delegated, the authority to act in his stead.

"Soundness" means freedom from external evidence of any disease or condition which may render a carcass unfit for food.

"State supervisor" means any authorized and designated individual who is in charge of the poultry grading service or the poultry inspection service in a State. A State supervisor of poultry inspection service shall be a veterinarian and he is either a Federal-State employee or a Federal employee.

"Station supervisor" means any authorized individual who is designated to supervise the poultry grading service or the poultry inspection service in a large official plant or in a group of several smaller plants.

§ 70.2 *Administration.* The Administrator shall perform for and under the supervision of the Secretary, such duties as are prescribed in the regulations in this part and as the Secretary may require in the administration of the regulations in this part.

§ 70.3 *Grading and inspection services available.* The regulations in this part provide for the following kinds of service; and any one or more of the different services, applicable to official plants, may be rendered in an official plant:

(a) Grading of live poultry.

(b) Certification of dressed poultry produced under sanitary requirements in official plants.

(c) Grading of dressed poultry. (1) In an official plant.

(2) At terminal markets and other receiving points.

(d) Inspection of dressed poultry in official plants for processing as ready-to-cook poultry.

(e) Grading of ready-to-cook poultry. (1) In an official plant.

(2) At terminal markets and other receiving points.

(f) Inspection service in official canning plants.

BASIS OF SERVICE

§ 70.10 *Inspection service.* Any inspection service in accordance with the regulations in this part shall be for condition and wholesomeness but, with respect to dressed poultry, as such, the inspection may be for condition only.

§ 70.11 *Grading service.* Any grading service in accordance with the regulations in this part shall be for class, quality, quantity, or condition or any combination thereof. Grading service with respect to determination of quality of products shall be on the basis of United States classes, standards, and grades as contained in Subpart B of the regulations in this part. However, grading service may be rendered with respect to products which are bought and sold on the basis of institutional contract specifications and such service, when approved by the Administrator, shall be rendered on the basis of the specifications of such contract.

§ 70.12 *Continuous grading service.* Continuous grading service in an official plant other than the service provided in § 70.3 (b) may be rendered only when a majority of the graders' time each month is utilized in performing grading for quality on the basis of the United States standards set forth in Subpart B of the regulations in this part.

§ 70.13 *Supervision.* All grading service and all inspection service shall be subject to supervision at all times by the applicable station supervisor, State supervisor, circuit supervisor, regional supervisor, and national supervisor. Such services shall be rendered where the facilities and conditions are satisfactory for the conduct of the service and the requisite graders and inspectors are available.

§ 70.14 *Dressed poultry; eligibility.* Dressed poultry to be eligible for grading or inspection service shall have been processed in official plants. Except as otherwise provided in this section, only dressed poultry which was processed in an official plant in accordance with the regulations in this part, and dressed poultry which was processed in Canadian registered poultry dressing stations operated in accordance with such methods and procedures as are acceptable to the Administrator, may be graded or inspected in an official plant. Squabs and domesticated game birds (including, but not being limited to, quail, grouse, pheasants, and wild ducks and geese) which were not dressed in an official plant may be brought into an official plant for grading or inspection. In order to facilitate distribution thereof, dressed poultry from other than official plants may be brought into an official plant only in instances where the Administration can determine that such dressed poultry will be adequately segregated and its form and identity maintained until it is shipped from the official plant.

§ 70.15 *Inspection in official plants; extent required.* All dressed poultry that is eviscerated in an official plant where inspection service is maintained shall be processed in a sanitary manner. Dressed poultry may be eviscerated in such plant without inspection for condition and wholesomeness but uninspected and inspected operations may not be carried on simultaneously except in plants where processing rooms (including packing rooms) are separate and effective segregation of inspected and uninspected products is maintained. Evisceration without inspection may be conducted only if an inspector or governmentally employed grader is on duty, at all times when such operations are carried on, for the purpose of (a) effecting adequate segregation of inspected and uninspected products, (b) control of official inspection marks and grade marks, and (c) supervision of sanitation in the official plant. No uninspected edible products or uninspected slaughtered rabbits shall be brought into such plant except as may be specifically approved by the Administrator upon written request and only for the purpose of rehandling, reconditioning, packaging, freezing, marking, and further distribution and only if an inspector or governmentally employed grader is on duty, at all times when such operations are carried on, for the purpose of effecting adequate segregation of uninspected and inspected products and control of official inspection marks and grade marks.

§ 70.16 *Certification of dressed poultry produced under sanitary requirements.* With respect to any official plant, dressed poultry, as such, may be certified by a grader as having been processed, handled and packed in accordance with the minimum standards for sanitation, facilities, and operating procedures in official plants. However, in official plants which have available the services of an inspector who is authorized to inspect for condition and wholesomeness, such inspector is also authorized to certify dressed poultry, as such, as having been processed, handled, and packed in accordance with the minimum standards for sanitation, facilities, and operating procedures in official plants. Appropriate grading or inspection processing reports shall be issued with respect thereto as required by the regulations in this part. The bulk containers of such dressed poultry which has been certified as aforesaid, if to be officially identified, shall be marked for identification purposes as provided in § 70.94. All of the poultry that is processed in such official plant as dressed poultry, shall be prepared in accordance with the regulations in this part and under the supervision of a grader or inspector.

§ 70.17 *Examination of ready-to-cook poultry which was not processed in official plants.* When approved by the Administrator, ready-to-cook poultry which was not processed in an official plant may be examined by a grader or inspector at terminal markets and other receiving points to determine (a) the type and condition of the containers of such poultry, (b) whether or not such poultry is in a frozen or fresh state, (c) the extent of visible damage in instances where the product has been subjected to rough and improper handling, and (d) the class and quantity of the product involved. Such poultry shall not be officially identified as a graded or inspected product.

§ 70.18 *Authority to waive provisions of §§ 70.14 and 70.15.* The Administrator is authorized to waive the provisions of §§ 70.14 and 70.15 which pertain to the entry of uninspected edible products into official plants, in specific instances where poultry is to be brought into compliance with a law under the provisions of a court order. Such poultry shall be handled in an official plant in accordance with such procedures as the Administrator may prescribe to insure proper segregation and identity of the poultry until it is shipped from the official plant.

PERFORMANCE OF SERVICES

§ 70.30 *Licensed graders and inspectors.* (a) Any person who is a Federal or State employee possessing proper qualifications as determined by an examination for competency, and who is to perform grading service or inspection service may be licensed by the Secretary as a grader or an inspector.

(b) Any prospective grader, other than a Federal or State employee possessing proper qualifications as determined by an examination for competency and who is to perform grading service may be licensed by the Secretary as a grader. However, prior to granting of the license, he shall procure and deliver to the Administration a surety bond, issued by such surety as may be approved by the Administrator, in the amount of $1,000 for the proper performance of the duties of such licensee under the regulations in this part.

(c) All licenses issued by the Secretary shall be countersigned by the officer in charge of the poultry grading and inspection service of the Administration or any other designated official of such service.

§ 70.31 *Suspension of license or authority; revocation.* Pending final action by the Secretary, the officer in charge of the poultry grading and inspection service may, whenever he deems such action necessary, suspend any license or authority effective pursuant to the regulations in this part, by giving notice of such suspension to the respective individual involved, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such individual, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license or authority should not be suspended or revoked. After the expiration of the aforesaid seven-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed seven days the license is revoked.

§ 70.32 *Surrender of license.* Each license which is suspended, or revoked, or has expired shall promptly be surrendered by the licensee to his immediate superior. Upon termination of the services of a licensed grader or inspector the licensee shall promptly surrender his license to his immediate superior.

§ 70.33 *Identification.* Each grader and inspector shall have in his possession at all times, and present upon request while on duty, the means of identification furnished by the Department to such person.

§ 70.34 *Financial interest of inspectors and graders.* No inspector shall inspect and no grader shall grade for quality any product in which he is financially interested.

§ 70.35 *Political activity.* All graders and inspectors who are employees of the Department are forbidden during the period of their respective appointments, or licenses, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Willful violation of §§ 70.30 to 70.35 will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

APPLICATION FOR GRADING SERVICE OR INSPECTION SERVICE

§ 70.40 *Who may obtain grading service or inspection service.* An application for grading service or inspection service may be made by any interested person, including, but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

§ 70.41 *How application may be made.* (a) An application for inspection service must be made in writing and filed with the Administrator.

(b) An application for grading service to be rendered in an official plant must be made in writing and filed with the Administrator.

(c) An application for any grading service to be rendered other than in an official plant may be made in any office of grading, or with any grader at or nearest the place where the service is desired. Such application may be made orally, in writing, or by telegraph. If the application for grading service is made orally, the office of grading or the grader with whom the application is made, or the Administrator may require that the application be confirmed in writing.

(d) Each application for grading service or inspection service shall include such information as may be required by the Administrator in regard to the products and premises where the service is to be rendered.

§ 70.42 *Filing of application.* An application for grading service or inspection service shall be regarded as filed only when made pursuant to the regulations in this part.

§ 70.43 *Authority of applicant.* Proof of the authority of any person applying for grading service or inspection service may be required at the discretion of the Administrator.

§ 70.44 *Application for inspection service or grading service in official plants; approval.* Any person desiring to process and pack products in a plant under grading service or inspection service, or both, must receive approval of such plant and facilities as an official plant prior to the rendition of such service. An application for grading service or inspection service to be rendered in an official plant shall be approved according to the following procedure:

(a) *Initial survey.* When application has been filed for grading service or inspection service, as aforesaid, the regional supervisor, or his assistant, shall examine the plant, premises, and facilities and shall specify any additional or necessary facilities required for the service. Appeals with respect to any such specification may be made to the national supervisor.

(b) *Drawings and specifications to be furnished in advance of construction or alterations.* Four copies of drawings, consisting of floor plans of space to be included in the official plant, showing the locations of such features as the principal pieces of equipment, floor drains, hand washing facilities, hose connections for clean-up purposes, cardinal points of the compass, and the routes of dressed poultry, and edible and inedible products through the plant, properly drawn to scale, shall be submitted to the regional supervisor. The official plant shall include toilet and dressing rooms, office space for the inspector and grader, store rooms for supplies used in the operations under inspection or grading, feeding rooms, and all rooms, compartments or passageways where products or any ingredients to be used in the preparation of products under inspection service or grading service will be handled or kept, and may include other rooms or compartments located in the buildings comprising the official plant. If rooms or compartments shown on the drawings are not to be included as part of the official plant this should be clearly indicated thereon. Specifications covering the height of ceilings, types of principal pieces of equipment, character of floors, walls, and ceilings, lighting, ventilation, water supply, and drainage, and such other notations as may be required, shall accompany the drawings. Construction or remodeling of buildings, facilities, or premises should not be initiated without prior approval of the drawings. Upon approval of drawings and specifications the application for grading service or inspection service may be approved.

(c) *Final survey and plant approval.* Prior to the inauguration of the grading service, or inspection service, a final survey of the plant and premises shall be made by the regional supervisor or his assistant to determine if the plant is constructed and facilities are installed in accordance with the approved drawings, and the regulations in this part. The plant may be approved by the Administrator only when these requirements have been met, except that conditional approval for a specified limited time may be granted only under emergency conditions of restricted availability of facilities and construction materials, provided practices suitable to the Administrator are employed to effect adequate sanitary conditions in the plant.

§ 70.45 *Rejection of application.* Any application for grading or inspection service may be rejected by the Administrator (a) whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which the service is made available; (b) whenever the product is owned by or located on the premises of a person currently denied the benefits of the act; (c) where any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant is currently denied the benefits of the act or was responsible in whole or in part for the current denial of the benefits of the act to any person; or (d) where he determines that the application is an attempt on the part of a person currently denied the benefits of the act to obtain grading or inspection service. Each such applicant shall be notified promptly of the reasons for the rejection. A written petition for recon-

sideration of such rejection may be filed by the applicant with the Administrator within 10 days after notice of the rejection. Such petition shall state specifically the errors alleged to have been made by the Administrator in rejecting the application. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall approve the application or notify the applicant of the reasons for the rejection thereof.

§ 70.46 *Withdrawal of application.* Any application for grading or inspection service may be withdrawn by the applicant at any time before the service is performed upon payment by the applicant, of all expenses incurred by the Administration in connection with such application.

§ 70.47 *Order of service.* Grading service or inspection service shall be performed, insofar as practicable, in the order in which application therefor is made except that precedence may be given to any application for an appeal inspection or appeal grading.

§ 70.48 *Suspension of plant approval.* (a) Any plant approval given pursuant to the regulations in this part may be suspended by the Administrator for (1) failure to maintain plant and equipment in a satisfactory state of repair; (2) the use of operating procedures which are not in accordance with the regulations in this part; or (3) alterations of buildings, facilities, or equipment which cannot be approved in accordance with the regulations in this part.

(b) During such period of suspension Inspection and grading service shall not be rendered. However, the other provisions of the contract for service will remain in effect unless terminated in accordance with the terms thereof. If the plant facilities or methods of operation are not brought into compliance within a reasonable period of time, to be specified by the Administrator, the contract shall be terminated. Upon termination of any contract providing for inspection or grading service in an official plant pursuant to the regulations in this part, the plant approval shall also become terminated, and all labels, seals, tags or packaging material bearing official identification shall, under the supervision of a person designated by the Administration, either be destroyed, or the official identification completely obliterated, or sealed in a manner acceptable to the Administration.

VIOLATIONS

§ 70.60 *Denial of service.* (a) The acts or practices set forth in §§ 70.61 to 70.66 may be deemed sufficient cause for the debarment of any person by the Administrator from any or all benefits of the act for a specified period after notice and opportunity for hearing has been accorded him.

(b) Whenever the Administrator has reason to believe that any person, or his employee, agent, or representative has flagrantly or repeatedly committed any of the acts or practices specified in §§ 70.61 to 70.66, he may without hearing, direct that the benefits of the act be denied such person pending investigation and hearing. A written petition for reconsideration of such interim denial may be filed with the Administrator by any person so denied the benefits of the act within 10 days after notice of the interim denial. Such petition shall state specifically the errors alleged to have been made by the Administrator in denying the benefits of the act pending investigation and hearing. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall reinstate the benfits of the act or notify the petitioner of the reasons for continued interim denial.

§ 70.61 *Misrepresentation, deceptive, or fraudulent acts or practices.* Any wilful misrepresentation or any deceptive or fraudulent act or practice found to be made or committed by any person in connection with:

(a) The making or filing of any application for any grading service or inspection service, appeal or regrading service;

(b) The making of the product accessible for grading or inspection;

(c) The use of any grading certificate or inspection certificate issued pursuant to the regulations in this part or the use of any official stamp, label, or identification;

(d) The use of the terms "United States," or "U. S." in conjunction with the grade of the product;

(e) The use of any of the aforesaid terms or an official stamp, label, or identification in the labeling or advertising of any product; or

(f) The use of the terms "Government graded," "Federal-State graded," "U. S. inspected," "Government inspected," or terms of similar import in the labeling or advertising of any product.

§ 70.62 *Use of facsimile forms.* The unauthorized use of a form which simulates in whole or in part any official certificate, stamp, label, or identification authorized to be issued or used under the regulations in this part to evidence the inspection or grade of any product.

§ 70.63 *Wilful violation of the regulations.* Any wilful violation of the regulations in this part.

§ 70.64 *Interfering with a grader or inspector.* Any interference with or obstruction of any grader or inspector in the performance of his duties by intimidation, threat, bribery, assault or any other improper means.

§ 70.65 *Misleading labeling.* The use of the terms "Government graded," "Federal-State graded," or terms of similar import in the labeling of any product without stating in the label the U. S. grade of the product as determined by an authorized grader.

§ 70.66 *Miscellaneous.* The existence of any of the conditions set forth in § 70.45 constituting a basis for the rejection of an application for grading or inspection service.

OTHER APPLICABLE REGULATIONS

§ 70.80 *Other applicable regulations.* Compliance with the regulations in this part shall not excuse failure to comply with any other Federal, or any State or municipal, applicable laws or regulations.

PUBLICATIONS

§ 70.85 *Publications.* Publications under the act and the regulations in this part shall be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Department, and such other media as the Administrator may approve for the purpose.

IDENTIFYING AND MARKING PRODUCTS

§ 70.90 *Approval of official identification.* Any label or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label or packaging material bearing official identification may be used unless finished copies or samples of such labels and packaging material have been approved by the Administrator. No label bearing the official identification shall be printed for use until the printer's final proof has been approved by the Administrator; and no label, other than labels for shipping containers or institutional packs, bearing any official identification shall be used until finished copies or samples of such labels have been approved by the Administrator. Final approval may be given to printer's final proof or photostatic copies of labels for shipping containers or containers for institutional packs, and no such labels shall be used until such proofs or copies have been approved by the Administrator. A label which bears official identification shall not bear any statement that is false or misleading, and if labels in the name of the same packer or distributor, or bearing the same brand name, are used on the same or similar products which are prepared from products which are not inspected, the diameter of the inspection mark, or combination inspection and grading mark, used on labels for inspected products shall be equal to at least one-tenth of the length of the label, plus at least one-tenth of the width of the label. If the labeling is printed or otherwise applied directly on the container, the principal display panel of such container shall, for this purpose, be considered as the label.

§ 70.91 *Products that may be individually grade marked; information required on grade mark.* (a) Only ready-to-cook poultry of A, B, or C quality may be individually identified with a grade mark.

(b) Except as otherwise authorized each grade mark which is to be used shall conspicuously indicate the U. S. grade of the product it identifies, and shall indicate the class or whether the bird is "young," or "mature" or "old," and shall include one of the following phrases: "Federal-State graded," "Government graded" or any other similar phrase approved by the Administrator. Such grade mark shall be contained within the outline of a shield of such design as may be approved by the Administrator.

§ 70.92 *Use of grade mark and inspection mark with respect to the same product.* The Administrator is authorized to prescribe and approve the form of the grade mark and inspection mark that may be used individually or in combination with respect to the same product.

§ 70.93 *Marking inspected products—(a) Wording and form of the inspection mark.* Except as otherwise authorized, the inspection mark permitted to be used with respect to inspected and certified edible products shall include wording as follows: "Inspected for wholesomeness by U. S. Department of Agriculture." This wording, in such form as the Administrator may prescribe or approve, shall be contained within a circle. The Administrator may approve the use of abbreviations of such inspection mark; and such approved abbreviations shall have the same force and effect as the inspection mark. The inspection mark or approved abbreviation thereof, as the case may be, may be applied to the inspected and certified edible product or to the packaging material of such product. The inspection mark, or the approved abbreviation thereof, shall, when used on packaging material, be printed on such material or on a label to be affixed to the packaging material, and the name of the packer or distributor of such product must be legibly printed on the packaging material or label, as the case may be, excepting that on shipping containers and containers for institutional packs the inspection marks may be stenciled on the container and when the inspection mark is so stenciled, the name and address of the packer or distributor may be applied by the use of a stencil or a rubber stamp.

(b) *Wording on labels.* Each trade label to be approved for use pursuant to §§ 70.90 to 70.94 with respect to any inspected and certified edible product shall bear the true name of the edible product, the name and address of the packer or distributor thereof, and, in prominent letters and figures of uniform size, the inspection mark, as aforesaid; and the label shall also bear, in such manner as may be prescribed or approved by the Administrator, the plant number, if any, of the official plant in which such product was inspected and certified.

(c) *Formulas required.* Copies of each trade label submitted for approval pursuant to §§ 70.90 to 70.94 shall, when the Administrator requires, be accompanied by a statement showing the kinds and percentages of the ingredients comprising the edible product with respect to which the label is to be used. Approximate percentages may be given in cases where the percentages of ingredients may vary from time to time, if the limits of variation are stated.

(d) *Wording permitted on food products containing poultry products.* Any trade label which is to be affixed to a container of any food product containing poultry product which is packed under the supervision of an inspector in any official plant may bear the phrase: "The poultry product contained herein has been inspected and certified at a plant where Federal inspection is maintained." Each such trade label shall also be subject to the applicable provisions of §§ 70.90 to 70.94.



(e) *Labels in foreign languages.* Any trade label to be affixed to a container of any edible products for foreign commerce may be printed in a foreign language. However, the inspection mark shall appear on the label in English, but, in addition, may be literally translated into such foreign language. Each such trade label which is to be printed in a foreign language must be approved pursuant to §§ 70.90 to 70.94.

(f) *Use of approved labels.* Trade labels approved for use pursuant to §§ 70.90 to 70.94 shall be used only for the purpose for which approved.

§ 70.94 *Marking dressed poultry which was certified as having been produced under sanitary requirements.* The Administrator is authorized to prescribe and approve the manner in which dressed poultry which was processed in accordance with minimum standards for sanitation, facilities, and operating procedures in official plants may be marked for identification purposes.

SUPERVISION OF MARKING AND PACKAGING

§ 70.100 *Evidence of label approval.* No grader or inspector shall authorize the use of official identification for any graded or inspected product unless he has on file evidence that such official identification or packaging material bearing such official identification has been approved in accordance with the provisions of §§ 70.90 to 70.94.

§ 70.101 *Affixing of official identification.* (a) No official identification or any abbreviation, copy or representation thereof may be affixed to or placed on or caused to be affixed to or placed on any product or container thereof except by a grader or an inspector or under the supervision of a grader or an inspector or other person authorized by the Administrator. All such products shall have been inspected and certified or graded or both. The grader or inspector shall have supervision over the use and handling of all material bearing any official identification.

(b) Each container of inspected and certified edible products to be shipped from one official plant to another official plant for further processing shall be marked for identification and shall show the following information:

(1) The name of the inspected and certified edible products in the container;

(2) The name and address of the packer or distributor of such product;

(3) The net weight of the container;

(4) The inspection mark permitted to be used pursuant to the regulations in this part, unless the containers are sealed or otherwise identified in such manner as may be approved by the Administrator; and

(5) The plant number of the official plant where the products were packed.

§ 70.102 *Removal of official identification.* Official plants which receive dressed poultry or ready-to-cook poultry in containers which bear any official identification shall remove or deface such official identification upon removal of such poultry from the containers.

§ 70.103 *Packaging.* No container which bears or may bear an inspection mark or any abbreviation or copy or representation thereof may be filled in whole or in part except with edible products which were inspected and certified and are at the time of such filling, sound, wholesome and fit for human food. All such filling of containers shall be under the supervision of an inspector or grader.

§ 70.104 *Retention labels.* An inspector or grader may use such labels, devices and methods as may be approved by the Administrator for the identification (a) of products which are held for further examination, and (b) all equipment and utensils which are to be held for proper cleaning.

§ 70.105 *Prerequisites to grading and inspection.* Grading and inspection of products shall be rendered pursuant to the regulations in this part and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 70.106 *Accessibility of products.* Each product for which grading service or inspection service is requested shall be so placed as to disclose fully its class, quality, quantity, and condition as the circumstances may warrant.

§ 70.107 *Time of grading or inspection in an official plant.* The grader or inspector who is to perform the grading or inspection in an official plant shall be informed, in advance, of the hours when such grading or inspection will be required. Graders and inspectors shall have access at all times to every part of any official plant to which they are assigned.

REPORTS

§ 70.120 *Report of inspection work and grading work.* Reports of the work of inspection and grading carried on within official plants shall be forwarded to the Administrator by the inspector and grader in such manner as may be specified by the Administrator.

§ 70.121 *Information to be furnished to inspectors and graders.* When inspection service or grading service is performed within an official plant, the applicant for such inspection or grading shall furnish to the inspector or grader rendering such service such information as may be required for the purposes of §§ 70.120 to 70.122.

§ 70.122 *Reports of violations.* Each inspector and each grader shall report, in the manner prescribed by the Administrator, all violations of and noncompliance with the act and the regulations in this part of which he has knowledge.

FEES AND CHARGES

§ 70.130 *Payment of fees and charges.* (a) Fees and charges for any grading or inspection shall be paid by the applicant for the service in accordance with the applicable provisions of §§ 70.130 to 70.140 and, if so required by the Administrator, such fees and charges shall be paid in advance.

(b) Fees and charges for any grading or inspection performed by any grader or inspector who is a salaried employee

of the Department shall, unless otherwise required pursuant to paragraph (c) of this section, be paid by check, draft, or money order payable to the Treasurer of the United States and remitted promptly to the Administration.

(c) Fees and charges for any grading or inspection pursuant to a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement.

§ 70.131 *Grading service on a fee basis.* (a) Unless otherwise provided the fees to be charged and collected for any grading service (other than for an appeal grading) on a fee basis shall be based on the applicable rates specified in § 70.133.

(b) In the event the aforesaid applicable rates specified in § 70.133 are deemed by the Administrator to be inadequate fully to reimburse the Administration for all costs and other items paid or incurred by the Administration in connection with such service, the fees for such service shall not be based on the rates specified in § 70.133, but shall be based on the time required to perform such service and the travel of each grader at the rate of $3.60 per hour for the time actually required.

(c) If an applicant requests that any grading service be performed on a holiday or a non-work day, he may be charged for such service at a rate one and one-half times the rate which would be applicable for such service if performed on a day other than a holiday or non-work day.

§ 70.132 *Fees for appeal grading.* The fees to be charged for any appeal grading shall be double the fee specified in the grading certificate from which the appeal is taken: *Provided*, That the fee for any appeal grading requested by the United States, or any agency or instrumentality thereof, shall be not more than that set forth in the grading certificate from which the appeal is taken. If the fee on the certificate from which the appeal is taken is based on a contract, then the fee for such appeal grading shall be double the amount specified in § 70.133 for the applicable volume of product appeal graded. If the result of any appeal grading discloses that a material error was made in the grading appealed from, no fee shall be required.

§ 70.133 *Poultry grading fees.* For each grading of any lot of poultry, whether live, dressed, or ready-to-cook, the following fees shall be applicable:

| | |
|---|---|
| For 500 pounds or less | $1.50 |
| For 501 to 1,500 pounds, inclusive | 2.25 |
| For 1,501 to 3,000 pounds, inclusive | 3.00 |
| For 3,001 to 6,000 pounds, inclusive | 4.00 |
| For 6,001 to 10,000 pounds, inclusive | 6.00 |
| For 10,001 to 20,000 pounds, inclusive | 10.00 |
| For each additional 10,000 pounds or fraction thereof, in excess of 20,000 pounds | 3.00 |

§ 70.134 *Inspection service on a fee basis.* Fees to be charged and collected for inspection services furnished on a fee basis shall be based on the time required to render such services including, but not being limited to, the time required for the travel of the inspector or inspectors in connection therewith, at the rate of $3.60 per hour for each inspector for the time actually required.

§ 70.135 *Fees for additional copies of grading certificates and inspection certificates.* Additional copies, other than those provided for in §§ 70.171 to 70.173, 70.201 and 70.211, of any grading certificates or inspection certificates may be supplied to any interested party upon payment of a fee of $1.00 for each set of five or fewer copies.

§ 70.136 *Traveling expenses and other charges.* Charges may be made to cover the cost of traveling and other expenses incurred by the Administration in connection with the performance of any grading service or inspection service.

§ 70.137 *Additional charges.* With respect to any grading service performed in a freight or express car or any other place where the entire lot of the product is not readily accessible to the grader, a charge of $5.00 shall be made in addition to the applicable rates specified in § 70.133.

§ 70.138 *On a contract basis.* Fees to be charged and collected for any grading service or inspection service, other than for an appeal grading, on a contract basis shall be those provided for in such contract. The fees to be charged for any appeal grading shall be as provided in § 70.132.

§ 70.139 *Fees for grading service or inspection service performed under cooperative agreement.* The fees to be charged and collected for any grading service or inspection service performed under cooperative agreement shall be those provided for by such agreement.

§ 70.140 *Disposition of fees for inspections made under cooperative agreement.* Fees for inspection under a cooperative agreement with any State or person shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement as may be due the United States shall be remitted to the Administration.

INSPECTION

§ 70.150 *Manner of handling products in an official plant.* Unless otherwise specified in the regulations in this part or by the Administrator, products which are to be further processed under inspection in an official plant shall be prepared and handled in such official plant under the supervision of an inspector.

§ 70.151 *Ante-mortem inspection.* Ante-mortem examination of poultry may be required by the Administrator as a prerequisite to any inspection; and such ante-mortem examination shall be carried out under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 70.152 *Evisceration.* No viscera or any part thereof shall be removed from any dressed poultry which is to be processed under inspection in any official plant, except at the time of evisceration and inspection. Each carcass to be eviscerated shall be opened so as to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as ready-to-cook poultry. If a carcass is frozen, it shall be thoroughly thawed before being opened for examination by the inspector. Each carcass, or all parts comprising such carcass, shall be examined by the inspector: *Provided*, That the Administrator may, whenever he deems it advisable and under such conditions as he may prescribe, authorize the removal from such carcass or parts as aforesaid, of any part thereof prior to such inspection if such part will not be used in the preparation of any edible product.

§ 70.153 *Carcasses held for further examination.* Each carcass, including all parts thereof, in which there is any lesion of disease, or other condition, which might render such carcass or any part thereof unfit for human food, and with respect to which a final decision cannot be made on first examination by the inspector, shall be held for further examination. The identity of each such carcass, including all parts thereof, shall be maintained until a final examination has been completed.

§ 70.154 *Condemnation and treatment of carcasses.* At the time of evisceration under inspection service each carcass, or any part thereof, which is found to be unsound, unwholesome, or otherwise unfit for human food shall be condemned by the inspector and shall receive such treatment, under the supervision of the inspector as will prevent its use for human food and preclude dissemination of disease through consumption by animals.

§ 70.155 *Certification of carcasses.* Each carcass and all parts and organs thereof which are found by the inspector to be sound, wholesome, and fit for human food shall be certified as provided in this part.[4]

§ 70.156 *Reinspection of edible products.* (a) Any inspected and certified edible product may be brought into an official plant only if the container of such product is marked for identification in the manner prescribed in § 70.101 (c) and the product is reinspected by an inspector at the time it is brought into such plant. Upon reinspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product or portion thereof, shall be condemned and shall receive such treatment as that provided in § 70.154.

(b) Any product which is prepared under inspection in an official plant shall be inspected in such plant as often as the inspector deems it necessary in order to ascertain whether such product is sound, wholesome, and fit for human food at the time such product leaves such plant. Upon any such inspection, if any such product or portion thereof is found to be unsound, unwholesome, or otherwise unfit for human food, such product or portion thereof shall be condemned and shall receive such treatment as that provided in § 70.154.

(c) All substances and ingredients used in the manufacture or preparation of any edible product shall be clean, sound, wholesome, and fit for human food.

§ 70.157 *Edible products for canning.* Only inspected and certified edible products may be canned in an official plant; and such edible products shall be processed and handled in compliance with the following requirements:

(a) Immediate containers (whether of metal, glass, or other material) shall be cleaned thoroughly by washing in an inverted position with running water of a temperature of at least 180° F. prior to filling with edible products; and precaution shall be taken to avoid any subsequent soiling of the inner surfaces of such containers.

(b) Only perfect closure is acceptable for hermetically sealed containers; and heat processing of the products in such containers shall follow immediately after closing.

(1) Except as provided in paragraph (c) of this section, such products shall be so processed at such temperature and for such period of time as will insure preservation of the products under usual conditions of storage and transportation.

(2) Immediately after closing, and again after the containers have cooled sufficiently for handling after heat processing, careful examination shall be made by competent plant employees of all containers to ascertain whether such containers are perfectly sealed. The edible products in such containers as are defectively closed or sealed shall, as promptly as practicable, be filled into other containers, hermetically sealed, and heat processed unless the containers are promptly placed in a cooler at a temperature not exceeding 36° F. under conditions that will promptly and effectively chill them. Such chilled containers of products shall be opened and the contents removed and reprocessed immediately after removal from the cooler: *Provided*, That if such containers remained in the cooler for a period of 24 hours or longer, the contents shall be inspected by an inspector prior to the reprocessing thereof. Failure to comply with the provisions of this paragraph shall subject the edible products to condemnation.

(c) After heat processing, and after the containers have cooled sufficiently for handling, the containers shall be examined by competent plant employees and shall not be passed unless showing the external characteristics of sound containers, that is, there is no bulging or slack or loose tin.

(d) After heat processing, any containers of edible products showing characteristics of short vacuum or overstuffed containers shall, when an inspector deems it necessary in order to determine whether spoilage of the product has taken place, be incubated under the supervision of an inspector, after which the containers shall be opened and sound products passed for food and spoiled products condemned.

(e) Edible products may, when authorized by the national supervisor, and under such conditions as he may prescribe or approve, be canned without steam-pressure cooking, and such products shall be labeled "Perishable, keep under refrigeration."

(f) Each lot of canned edible products shall be identified, during the handling preparatory to heat processing, by tagging the baskets, cases, or containers with a tag which will change color on going through the heat processing or by other effective means which will positively prevent failure to heat process.

(g) Facilities shall be provided to incubate at least representative samples of fully processed canned edible products. The incubation shall consist of holding the samples for at least 10 days at about 98° F. The extent to which incubation tests shall be required will depend on conditions such as the efficiency of the plant in conducting canning operations, the kind of equipment used, and the degree of efficiency at which such equipment is maintained.

(1) In the event the official plant fails to provide suitable facilities for incubation of test samples of any lot of fully processed canned edible products, the inspector in charge may require holding of the entire lot under such conditions and for such period of time as will, in his discretion, be necessary to ascertain the stability of the product.

(2) The inspector in charge may, prior to completion of any required incubation of a representative sample, permit lots of fully processed canned edible products to be shipped from the official plant when he has no reason to suspect unsoundness of such products; however, such shipments shall be made under circumstances which will assure the return of the products to the plant for reinspection should such action be indicated by the incubation results.

(h) All canned products, excepting those in glass, shall be plainly and permanently marked, by code or otherwise, on the containers, with the identity of the contents and date of canning. If the marking is by code, its meaning shall be on record in the office of the inspector in charge.

§ 70.158 *Products contaminated by polluted water; procedure for handling.* (a) In the event there is polluted water (including, but not being limited to, flood water and harbor water) in an official plant, all edible products that have been contaminated by the water shall be condemned.

(b) After the polluted water has receded, all walls, ceilings, posts, and floors of the rooms and compartments involved, including the equipment therein, shall, under the supervision of an inspector, be cleansed thoroughly. An adequate supply of hot water, under pressure, is essential for effective cleansing. After cleansing, a solution of sodium hypochlorite containing approximately $\frac{1}{2}$ of 1 percent of available chlorine (5,000 parts per million), or other disinfectant approved by the national supervisor, shall be applied; and all metal surfaces shall be rinsed thoroughly with water to prevent corrosion. Any such equipment that will afterwards be used in connection with any edible product shall be rinsed thoroughly with clean water before being used.

(c) Hermetically sealed containers of edible products which have been submerged in, or otherwise contaminated by, the polluted water shall be rehandled promptly under supervision of an inspector as follows:

(1) Such of the containers as are swollen or leaky or otherwise do not show the external characteristics of sound containers shall be segregated and the contents thereof condemned.

(2) Paper labels, if any, attached or affixed to the remaining containers shall be removed and the containers washed in warm soapy water; and, if necessary to remove rust and other foreign material, a brush shall be used.

(3) Thereafter, such containers shall be immersed in a solution of sodium hypochlorite containing not less than 100 parts per million of available chlorine, or other disinfectant approved specifically for this purpose by the national supervisor, and rinsed in clean fresh water and dried thoroughly. Any such containers which show extensive rusting or corrosion, such as might materially weaken the container, shall be opened under the supervision of an inspector. The edible products from such containers that are found by the inspector to be sound and wholesome shall be passed for human food.

(4) The remaining containers may be relacquered, if necessary, and then relabeled with approved labels applicable to the edible products therein.

(5) The identity of the canned edible products shall be maintained throughout all stages of the rehandling operation to insure correct labeling of the containers.

§ 70.159 *Preparation of animal food or similar uninspected articles in an official plant.* (a) When an article (including, but not being limited to, animal food) that will not be prepared for use as human food is prepared in any room or compartment in an official plant where edible products are prepared or handled (such room or compartments being herein referred to as "edible products department"), there shall be sufficient space allotted, and adequate equipment provided so that the preparation of the article in no way interferes with the preparation or handling of the edible products. Where necessary, separate equipment shall be provided for the preparation of the article. To assure the maintenance of the requisite sanitary conditions in the edible products department, the operations incident to the preparation of the article shall be subject to the same sanitary requirements as apply to the edible products department. Preparation of the article shall be limited to those hours during which the official plant operates under the supervision of an inspector. The ingredients used in the preparation of the article shall, unless otherwise approved by the national supervisor, be such as may be used in the preparation of an edible product. The article may be stored in, and distributed from, the edible products department if the article is properly identified.

(b) When any article (including, but not being limited to, animal food) that will not be prepared for use as human

food, is prepared in any part of an official plant other than an edible products department (such part of the plant being herein referred to as "inedible products department"), the area in which such article is prepared shall be distinctly separated from all edible products departments. Edible products and inedible products may be brought from any edible products department into any inedible products department, but no edible product or inedible product from an inedible products department may be brought into an edible products department except under such conditions as may be prescribed or approved by the national supervisor. Any such articles as are in sealed containers or are handled in the manner prescribed or approved by the national supervisor may be brought into an edible products department. Diseased carcasses or diseased parts of any carcass shall not be used in the preparation of any animal food. Trucks or containers used for the transportation of edible products or inedible products into an inedible products department shall be cleaned before being returned to or brought into an edible products department. Sufficient space shall be allotted and adequate equipment and facilities provided so that the preparation of the article does not interfere with the preparation of edible products in the plant or the maintenance of the requisite sanitary conditions in the official plant. The preparation of any article shall be subject to supervision by an inspector.

(c) The immediate container of any such article that is prepared in an official plant shall be conspicuously labeled so as to distinguish it from human food.

§ 70.160 *Appeal inspections; how made.* Any interested party may, if dissatisfied with any decision of an inspector relating to any inspection, file an appeal from such decision. Any such appeal from a decision of an inspector shall be made to his immediate superior having jurisdiction over the subject matter of the appeal. Review of such appeal findings, when requested, shall be made by the immediate superior of the employee of the Department making the appeal inspection.

*Inspection Certificates*

§ 70.170 *Forms of inspection certificates.* Each inspection certificate issued pursuant to the regulations in this part shall be approved by the Administrator as to form, and:

(a) Each dressed poultry inspection certificate shall show the class or classes of poultry, the quantity of product contained in the respective lot, and all pertinent information concerning the condition and wholesomeness thereof;

(b) Each food product inspection certificate shall show the names of the edible products covered by such certificate, the quantity of each such product, such shipping marks as are necessary to identify such products, and all pertinent information concerning the condition and wholesomeness thereof;

(c) Each export certificate shall show the respective names of the exporter and the consignee, the destination, the shipping marks, the numbers of the export stamps attached to the edible products to be exported and covered by the certificate, and the names of such products and the total net weight thereof.

§ 70.171 *Issuance and disposition of dressed poultry inspection certificates.* (a) Upon the request of an interested party, any inspector is authorized to issue a dressed poultry inspection certificate with respect to any lot of dressed poultry inspected by him. Each certificate shall be signed by the inspector who made the inspection covered by the certificate, and if more than one inspector participated in the inspection of the lot of poultry, each such inspector shall sign the certificate with respect to such lot.

(b) The original of each inspection certificate, issued pursuant to §§ 70.170 to 70.174, and not to exceed three copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of the regional supervisor serving the area in which the inspection was performed, and the remaining copies to be disposed of in such manner as the Administrator may approve. Additional copies of any such certificate may be furnished to any interested party as provided in § 70.135.

§ 70.172 *Food product inspection certificates; issuance and disposition.* (a) Upon the request of an interested party, any inspector is authorized to issue a food product inspection certificate with respect to any inspected and certified edible product after suitable examination of the product has been made by the inspector.

(b) The original of each food product inspection certificate, and not to exceed two copies thereof, if requested, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. Another copy shall be filed in the office of the regional supervisor serving the area in which such certificate was issued, and one copy shall be forwarded to the Administrator. The last named two copies shall be retained until otherwise ordered by the Administrator.

§ 70.173 *Export certificates; issuance and disposition.* (a) Upon the request of an exporter, any inspector is authorized to issue an export certificate with respect to the shipment to any foreign country of any inspected and certified edible product after suitable examination of the product has been made by the inspector.

(b) Each export certificate shall be issued in quintuplicate; the original shall be delivered to the exporter who requested such certificate; and the duplicate copy shall be delivered to the agent of the railroad or other carrier transporting such products from the United States. The triplicate copy of such export certificate shall be forwarded to the Administrator; the quadruplicate copy shall be filed in the office of the regional supervisor serving the area in which such export certificate was issued; and the memorandum copy shall be retained by the inspector for filing. The last named three copies shall be retained until otherwise ordered by the Administrator.

§ 70.174 *Advance information.* Upon the request of an applicant, all or part of the contents of any inspection certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

GRADING

§ 70.180 *General.* Grading service performed with respect to any quantity of products shall, as the case may require, be on the basis of an examination, pursuant to the regulations in this part, of each unit thereof or of each unit in the representative sample thereof drawn by a grader. Whenever the grading service is performed on a representative sample basis, such sample shall be drawn and consist of not less than the minimum number of containers as indicated in the following table:

[Minimum number of containers comprising a representative sample]

| Containers in lot: | Containers in sample |
|---|---|
| 3 containers, or less | (1) |
| 4 to 20, inclusive | 3 |
| 21 to 50, inclusive | 5 |
| 51 to 140, inclusive | 7 |
| In excess of 140 containers | (2) |

[1] All containers.
[2] Five percent of the number of containers in the lot.

§ 70.181 *Live poultry.* Grading service performed with respect to any quantity of live poultry shall, as the case may require, be on the basis of an examination, pursuant to regulations in this part, of each unit thereof or of each unit in the representative sample thereof drawn by a grader. Such poultry may be identified with official identification on a lot basis only.

§ 70.182 *Dressed poultry and ready-to-cook poultry*—(a) *In an official plant.* Grading service performed in an official plant with respect to dressed poultry or ready-to-cook poultry shall, as the case may require, be on the basis of each individual carcass or on a representative sample basis.

(1) Only such ready-to-cook poultry which has been inspected and certified pursuant to the regulations in this part or which has been inspected and passed by any other inspection system which is acceptable to the Administrator, may be graded.

(2) Only such ready-to-cook poultry which has been graded on an individual carcass basis may be individually identified with the appropriate grade mark, and any container of such ready-to-cook poultry may also be so identified. The grading of ready-to-cook poultry shall be performed prior to the disjointing or cutting up of the carcass.

(3) Only the bulk containers of dressed poultry may be identified with the appropriate grade mark even though the grading may have been performed on an individual carcass basis.

(b) *At terminal markets and other receiving points.* Grading service performed with respect to dressed poultry or ready-to-cook poultry at terminal markets or other receiving points may be on a representative sample basis. Only such dressed poultry which was processed in an official plant may be identified with a grade mark. Except as otherwise provided for in institutional contract specifications pursuant to § 70.11 only ready-to-cook poultry which was inspected and certified and is marked with the inspection mark or in accordance with the provisions of § 70.101 (b) may be graded. The grade mark shall not be applied to uninspected ready-to-cook poultry.

*Basis of Acceptability of Other Official Inspection Systems*

§ 70.190 *General.* Any poultry inspection system may be deemed to be acceptable to the Administrator which (a) is conducted under the authority of laws, ordinances, or similar enactments of the State, county, city, or other political subdivision in which is located the official plant at which the ready-to-cook poultry is prepared and submitted for grading service; and (b) imposes at least the requirements set forth in § 70.191: *Provided*, That no such inspection system shall be deemed acceptable to the Administrator with respect to any official plant in which ready-to-cook poultry is prepared if he finds at any time that such requirements are not adequately enforced.

§ 70.191 *Requirements as to manner of inspection.* (a) The inspection shall be made by a State, county or city inspector who is a qualified veterinarian or under the supervision of a qualified veterinarian. All such inspectors shall be employed by the State, county, city, or other political subdivision in which the official plant is located.

(b) The inspection shall include postmortem examination of each poultry carcass during the evisceration operation.

(c) All carcasses which show evidence of disease or any other condition which may render them unwholesome or unfit for food shall be condemned and shall be destroyed for food purposes under the supervision of an inspector. Each carcass and part thereof which has been inspected and passed or containers of carcasses or parts thereof shall bear the identifying inspection symbol of the other official inspection system and the marking devices or labels shall be in the custody of the inspector at all times.

§ 70.192 *Determining compliance with § 70.191.* A qualified veterinary supervisor of the poultry grading service of the Administration shall investigate the manner of operation of the inspection system to determine the adequacy of the post-mortem examination and the compliance with the requirements contained in §§ 70.190 to 70.192 prior to approving the official plant for the grading of ready-to-cook poultry. This supervisor as well as any official graders who may be stationed in the official plant shall periodically observe the inspection operations in the official plant to determine whether the requirements of §§ 70.190 to 70.192 are being met. If at any time the inspector fails to enforce the requirements as set forth in the inspection system, grading service may be withdrawn from the official plant.



*Grading Certificates*

§ 70.200 *Forms.* Grading certificates (including appeal grading certificates and regrading certificates) shall be issued on forms approved by the Administrator.

§ 70.201 *Issuance and disposition.* (a) Each grader shall issue a grading certificate covering each product graded.

(b) The original of each grading certificate, issued pursuant to §§ 70.200 to 70.202, and not to exceed three of the copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of grading which serves the area in which the grading service was performed, and the remaining copies shall be disposed of in such manner as the Administrator may approve. Additional copies of any such certificate may be furnished to any interested party as provided in § 70.135.

§ 70.202 *Advance information.* Upon the request of an applicant, all or part of the contents of any grading certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

*Regrading*

§ 70.210 *Application for regrading of a graded product.* An application for a regrading of any previously graded product may be made at any time by any interested party, and such application shall clearly state the reason for requesting the regrading. The provisions of the regulations relative to grading service shall apply to regrading service.

§ 70.211 *Regrading certificates.* Immediately after a regrading has been completed, a regrading certificate shall be issued showing the results of such regrading; and such certificate shall thereupon supersede, as of the time of issuance of the regrading certificate, the grading certificate previously issued for the product involved. Each regrading certificate shall clearly set forth the number and date of the grading certificate which it supersedes. The provisions of §§ 70.200 to 70.202 shall, whenever applicable, also apply to regrading certificates except that copies of such regrading certificates shall be furnished each interested party of record.

*Appeal Grading*

§ 70.220 *Application for appeal grading.* An application for an appeal grading may be made by any interested party who is dissatisfied with any determination stated in any grading or regrading certificate only if the identity of the product, or representative sample thereof, on the basis of which a determination was made has not been lost, and such application for the appeal grading is made within two days following the day on which the grading was performed. Upon approval by the Administrator, the time within which an application for an appeal grading may be made may be extended.

§ 70.221 *How to obtain appeal grading.* Appeal grading may be obtained by filing a request therefor (a) with the Administrator, (b) with the grader who issued the grading certificate with respect to which the appeal grading is requested, (c) with the immediate superior of such grader, or (d) with the officer in charge of any office of grading. The application for appeal grading shall clearly state the reasons therefor and may be accompanied by a copy of the aforesaid grading certificate or any other information the applicant may have secured regarding the product, at the time of grading, from which the appeal is requested. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation may be required.

§ 70.222 *Record of filing time.* A record showing the date and hour when each such application for appeal grading is received shall be maintained in such manner as the Administrator may prescribe.

§ 70.223 *When an application for an appeal grading may be refused.* Notwithstanding the provisions of § 70.220, if it appears to the Administrator that the reasons for an appeal grading are frivolous or not substantial, or that the quality or condition of the products has undergone a material change since the grading from which the appeal is made, or the identical products that were examined to ascertain the grade thereof cannot be made accessible for reexamination, or the act or regulations in this part have not been complied with, the Administrator may refuse the applicant's request for the appeal grading; and such applicant shall be promptly notified of the reason for such refusal.

§ 70.224 *When an application for appeal grading may be withdrawn.* An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading is made upon payment, by the applicant, of all expenses incurred by the Administration in connection with such application.

§ 70.225 *Who shall perform the appeal grading.* An appeal grading of any graded product shall be made by any grader (other than the one from whose grading the appeal is made) designated for this purpose by the Administrator; and, whenever practicable, such appeal grading shall be conducted jointly by two such graders.

§ 70.226 *Appeal grading by immediate superior.* Notwithstanding the provisions of §§ 70.220 to 70.228, whenever the immediate superior of a grader has evidence that such grader incorrectly graded a product, such superior shall immediately make a regrading of the product.

§ 70.227 *Order of performance of appeal gradings.* Appeal gradings shall be performed, insofar as practicable, in the order in which applications therefor are received; and any such application may be given precedence pursuant to § 70.47.

§ 70.228 *Appeal grading certificates.* Immediately after an appeal grading has been completed, an appeal grading cer-

tificate shall be issued showing the results of such appeal grading. Such certificate shall thereupon supersede the grading certificate for the product involved and such supersedure shall be effective as of the time of issuance of the grading certificate with respect to which the appeal is made. Each appeal grading certificate shall clearly set forth the number and the date of the grading certificate which it supersedes. The provisions of §§ 70.200 to 70.202 shall, whenever applicable, also apply to appeal grading certificates except that copies of such appeal grading certificates shall be furnished each interested party of record.

*Superseded Certificates*

§ 70.235 *Superseded certificates.* Whenever any grading certificate is superseded in accordance with the regulations in this part such certificate shall become null and void as of the effective time of supersedure. If the original and all copies of such superseded certificate are not delivered to the person issuing the regrading certificate or appeal grading certificate, he shall notify such persons as he considers necessary to prevent fraudulent use of the superseded certificate.

SANITARY REQUIREMENTS

*General*

§ 70.240 *Minimum standards for sanitation, facilities, and operating procedures in official plants.* Except as otherwise provided in this part the provisions of §§ 70.240 to 70.287 shall apply with respect to grading service and inspection service in all official plants other than with respect to the grading of live poultry. The table set forth in § 70.237 indicates some of the types of material which may be used in the construction of equipment, utensils and facilities for use in the plant.

§ 70.241 *Authority of Administrator to amend minimum standards for sanitation, facilities, and operating procedures in official plants.* The Administrator is authorized to amend the provisions in §§ 70.240 to 70.287; and such amended provisions shall be applicable to official plants.

*Buildings and Plant Facilities*

§ 70.250 *Buildings.* The building shall be of sound construction and kept in good repair, and shall be of such construction as to prevent the entrance or harboring of vermin.

(a) *Outside openings.* (1) The doors, windows, skylights and other outside openings of the plant, except receiving rooms and feeding rooms, shall be protected by properly fitted screens or other suitable devices, against the entrance of flies and other insects.

(2) Outside doors, except in receiving rooms and feeding rooms, shall be so hung that not over $\frac{1}{4}$ inch clearance remains when closed. Screen doors shall open toward the outside of the building. Doors shall be provided with self-closing devices where necessary to prevent the entry of vermin into processing and storage rooms.

§ 70.251 *Rooms and compartments.* Rooms and compartments used for edible products shall be separate and distinct from inedible products departments and from rooms where live poultry is held or slaughtered. Separate rooms shall be provided when required for conducting processing operations in a sanitary manner; and all rooms shall be of sufficient size to permit the installation of the necessary equipment for processing operations and the conduct of such operations in a sanitary manner.

(a) *Rooms for separate operations.* The official plant should have separate rooms for each of the following operations depending upon the various types of operations conducted; but in no case shall the receiving or feeding of live poultry or killing operations be permitted in rooms in which eviscerating operations are performed:

(1) The receiving and feeding of live poultry.

(2) Killing, scalding, and roughing operations.

(3) Pinning, finishing, and chilling and packing operations for dressed poultry.

(4) Evisceration operations. Final pinning of dressed poultry and chilling and packaging of edible products may be performed in this room. Openings in walls for conveyor lines are permissible.

(5) Inedible products departments.

(6) Refuse rooms. Separate refuse room, or other equally adequate facilities, shall be required in eviscerating plants and in other plants where accumulations of refuse occur.

(b) *Rooms for holding carcasses for further inspection.* Rooms and compartments in which carcasses or parts thereof are held for further inspection shall be in such numbers and such locations as the needs of the inspection in the plant may require. These rooms and compartments shall be equipped with locks and keys and the keys shall not leave the custody of the inspector in charge of the plant. All such rooms and compartments shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.

(c) *Coolers and freezers.* Coolers and freezers of adequate size and capacity shall be provided to reduce the internal temperature of dressed poultry and ready-to-cook poultry prepared and otherwise handled in the plant to 36° F. within 24 hours unless other cooling facilities are available.

(d) *Refuse rooms.* Refuse rooms shall be entirely separate from other rooms in the plant, shall have tight fitting doors and be properly ventilated.

(e) *Storage and supply rooms.* The storage and supply rooms shall be in good repair, kept dry, and maintained in a sanitary condition.

(f) *Boiler room.* The boiler room shall be a separate room, if necessary, to prevent its being a source of dirt and objectionable odors entering any room where dressed poultry or edible products are prepared, processed, handled, and stored.

(g) *Inspector's office.* Furnished office space, including, but not being limited to, light, heat and janitor service shall be provided rent free in the official plant, for the exclusive use for official purposes of the inspector or grader and the Administration. The room or rooms set apart for this purpose must meet the approval of the regional supervisor and be conveniently located, properly ventilated and provided with lockers or cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors and graders to change clothing.

(h) *Toilet rooms.* Toilet rooms, opening directly into rooms where poultry products are exposed shall have self-closing doors and shall be ventilated to the outside of the building.

§ 70.252 *Floors, walls, ceilings, etc.* The floors, walls, ceilings, partitions, posts, doors and other parts of all compartments shall be of such material, construction, and finish as will make them susceptible of being readily and thoroughly cleaned.

(a) *Floors.* (1) All floors, except those in receiving rooms and feeding rooms and floors which are kept dry, shall be constructed of hardened concrete, or of tile laid closely together with impervious joint material, or of other similar impervious material and kept in good repair.

(2) The floors in killing, ice-cooling, ice-packing, and eviscerating rooms shall be graded to permit run-off with no standing water and in new construction and renovated plants the pitch shall be not less than $\frac{1}{4}$ inch per foot to drains.

(3) In new construction the junction of the wall with the floor shall be coved on a radius of not less than 2 inches and the window ledges shall be set at an angle of approximately 45°, and all upper horizontal surfaces shall be kept to a minimum.

(b) *Ceilings and walls.* (1) Ceilings and walls in rooms and compartments where exposed edible products are processed, handled or stored shall have tiled, enameled or other smooth surface impervious to moisture.

(2) Cooler and freezer rooms shall have interior surfaces impervious to moisture so as to permit thorough cleaning.

(c) *Blood disposal.* (1) Adequate facilities shall be provided for the disposal of blood in a sanitary manner.

(2) When bleeding troughs are used they shall be long enough to catch the blood during the bleeding process and shall be installed so as to pitch at least $\frac{1}{2}$ inch per foot toward a smooth metal catch basin or basins, of sufficient capacity for a day's operation at peak production, or shall be flushed continuously.

§ 70.253 *Draining and plumbing.* There shall be an efficient draining and plumbing system for the plant and premises.

(a) *Drains and gutters.* All drains and gutters shall be properly installed with approved traps and vents. The drainage and plumbing system must permit the quick run-off of all water from plant buildings, and surface water around the plant and on the premises, and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard.

(b) *Sewerage and plant wastes.* (1) The sewerage system shall have adequate slope and capacity to remove readily all waste from the various processing operations and to minimize, and if possible to prevent stoppage and surcharging of the system.

(2) Grease traps which are connected with the sewerage system shall be suitably located but not near any edible products department or in any area where products are unloaded from, or loaded into, vehicles. To facilitate cleaning such traps shall have inclined bottoms and be provided with suitable covers.

(3) In new construction, toilet soil lines shall be separate from house drainage lines to a point outside the buildings; and drainage from toilet bowls and urinals shall not be discharged into a grease catch basin.

(4) All floor drains shall be equipped with traps, constructed so as to minimize clogging; and the plumbing shall be installed so as to prevent sewerage from backing up and from flooding the floor.

(5) Floor drainage lines should be of metal and at least 4 inches in diameter and open into main drains of at least 6 inches in diameter and shall be properly vented to the outside air.

(6) In new construction, valley or gutter drains shall have concave bottoms or the junctions of the sides and the bottoms shall be coved.

(7) Where refrigerators are equipped with drains, such drains should be properly trapped and should discharge through an air gap into the sewer system. All new installations and all replacement of refrigerators equipped with drains shall meet these requirements.

§ 70.254 *Water supply.* The water supply shall be ample, clean, and potable with adequate pressure and facilities for its distribution in the plant, and its protection against contamination and pollution.

(a) Hot water at a temperature not less than 180° F. shall be available for sanitation purposes.

(b) Hose connections with steam and water mixing valves or hot water hose connections shall be provided at convenient locations throughout the plant for cleaning purposes.

(c) The refuse rooms shall be provided with adequate facilities for washing refuse cans and other equipment in the rooms; and the rooms, cans, and equipment shall be cleaned after each day's use.

§ 70.255 *Lavatory accommodations.* Modern lavatory accommodations, and properly located facilities for cleaning utensils and hands shall be provided.

(a) Adequate lavatory and toilet accommodations, including, but not being limited to, running hot water and cold water, soap, and towels, shall be provided. Such accommodations shall be in or near toilet and locker rooms and also at such other places in the plant as may be essential to the cleanliness of all personnel handling products.

(b) Sufficient metal containers shall be provided for used towels and other wastes.

(c) The water supply in all hand washing facilities serving areas where dressed poultry and edible products are prepared shall be operated by other than hand operated controls or shall be of a continuous flow type.

(d) Durable signs shall be posted conspicuously in each toilet room and locker room directing employees to wash their hands before returning to work.

(e) Adequate toilet facilities shall be provided and the following formula shall serve as a basis for determining the adequacy of such facilities:

| Persons of same sex: | Toilet bowls required |
|---|---|
| 1 to 15, inclusive | 1 |
| 16 to 35, inclusive | 2 |
| 36 to 55, inclusive | [1] 3 |
| 56 to 80, inclusive | [1] 4 |
| For each additional 30 persons in excess of 80 | [1] 1 |

[1] Urinals may be substituted for toilet bowls but only to the extent of one-third of the total number of bowls stated.

§ 70.256 *Lighting and ventilation.* There shall be ample light, either natural or artificial or both, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary conditions.

(a) All rooms in which poultry is killed, eviscerated, or otherwise processed shall have at least 10 foot candles of light intensity on all working surfaces except that at the grading and inspection stations such light intensity shall be of 50 foot candles. In all other rooms there shall be provided at least 4 foot candles of light intensity when measured at a distance of 30 inches from the floor.

(b) All rooms shall be adequately ventilated to eliminate objectionable odors and minimize moisture condensation.

*Equipment and Utensils*

§ 70.270 *Equipment and utensils.* Equipment and utensils used for the preparation, processing, or otherwise handling any product in the plant shall be suitable for the purpose intended and shall be of such material and construction as will facilitate their thorough cleaning and insure cleanliness in the preparation and handling of products. Insofar as it is practical, equipment and utensils shall be made of metal or other impervious material. Trucks and receptacles used for handling inedible products shall be of similar construction and shall be conspicuously and distinctly marked and shall not be used for handling any edible products.

(a) *Batteries.* Batteries should be constructed entirely of metal and have metal dropping pans so as to permit proper and complete washing and cleaning. Batteries that are not made entirely of metal shall be replaced with metal batteries whenever replacement becomes necessary.

(b) *Refuse containers.* Metal refuse containers with covers shall be provided; and such containers shall be kept covered.

(c) *Scalding equipment.* (1) Scalding equipment, tank or spray type, shall be made of metal and have smooth surfaces, and be of such construction as to permit proper and complete washing and cleaning.

(2) The scalding tanks, when used, shall be so constructed as to prevent contamination of potable water lines and to permit water to enter continuously at the rate of $\frac{1}{4}$ gallon per bird per minute and to flow out through an overflow.

(3) The overflow outlets in scalding equipment shall be of sufficient size to permit feathers and water to be carried off.

(4) The overflow, draw-off valves, and sediment basin drain shall discharge into a floor or valley drain, or onto the floor in close proximity to a floor or valley drain.

(d) *Mechanical pickers.* When necessary, safety guards shall be installed around moving machine parts of mechanical pickers, and such guards shall be of such construction as not to be difficult or laborious to remove or to keep clean. Sheet metal or metal grills fastened down with sufficient bolts and wing nuts are preferable.

(e) *Wax finishing.* When wax dipping is used, metal troughs shall be provided to catch the wax removed from the dipped poultry. Acceptable facilities and methods shall be employed in reclaiming the wax.

(f) *Ice chilling vats.* (1) Chilling vats or tanks used for chilling dressed poultry should be, and all replacements thereof and all chilling vats or tanks used for chilling ready-to-cook poultry shall be, made of metal or other hard-surfaced impervious material.

(2) Ice shovels shall be smooth surfaced and made of metal.

(g) *Grading and packing bins.* Where grading bins are used for poultry, they shall be of sufficient number and capacity to handle the grading adequately without the use of makeshift bins; and all dressed poultry shall be kept off the floor. Grading bins may be made of metal or enameled wood and shall be constructed and maintained in such a manner as to allow easy and thorough cleaning. All replacements of such bins shall, however, be of metal.

(h) *Rooms.* Except as otherwise provided herein, all equipment and utensils used in the killing, roughing, pinning, chilling and packing rooms shall be of metal or other impervious material and constructed so as to permit proper and complete cleaning.

(i) *Conveyors.* (1) Conveyors used in the preparation of ready-to-cook poultry shall be of metal or other acceptable material and of such construction as to permit thorough and ready cleaning and easy identification of viscera with its carcass and so designed as will present each carcass or all parts thereof in a way that will permit adequate and efficient inspection.

(2) Overhead conveyors shall be so constructed and maintained that they will not allow grease, oil, or dirt to accumulate on the drop chain or shackle which shall be of non-corrosive metal.

(3) Non-metallic belt-type conveyors used in moving edible products shall be of water-proof composition.

(4) When individual trays or other acceptable equipment are not used during eviscerating operations, each carcass shall be suspended and a metal trough shall be provided beneath the conveyor to extend from the point where the carcass is opended to the point where the viscera has been completely removed, and such troughs shall be flushed continuously by a water spray.

(j) *Tables.* Inspection, eviscerating, and cutting tables shall be made of metal and have coved corners and be so constructed and placed to permit thorough cleaning.

(k) *Plants lacking conveyors.* In plants where no conveyors are used, each carcass shall be eviscerated in an individual metal tray of seamless construction.

(l) *Water spray washing equipment.* Water spray washing equipment with sufficient water pressure to thoroughly and efficiently wash carcasses shall be used for washing carcasses inside and out.

(m) *Waste receptacles.* Watertight metal receptacles shall be used for entrails and other waste resulting from preparation of eviscerated poultry.

(n) *Trucks and receptacles for diseased carcasses.* Watertight trucks and receptacles for holding or handling diseased carcasses and diseased parts of carcasses shall be so constructed as to be readily and thoroughly cleaned; such trucks and receptacles shall be marked in a conspicuous manner with the word "condemned" in letters not less than 2 inches high and, when required by the inspector in charge, shall be equipped with facilities for locking and sealing.

(o) *Freezing rooms.* Freezing rooms should be adequately equipped to freeze ready-to-cook poultry solid in less than 60 hours. Freezing rooms shall be equipped with floor racks or pallets and fans to insure air circulation.

(p) *Cooling racks.* Cooling racks should be made of metal and be readily accessible for thorough washing and cleaning. All replacements of cooling racks shall be made of metal.

(q) *Trucks and receptacles for carcasses held for further inspection.* Trucks and receptacles in which carcasses or parts thereof are held for further inspection shall be in such numbers and in such locations as the needs of the inspection in the plant may require. They shall be equipped for locking by means of lock and key and the key shall not leave the custody of the inspector in charge of the plant. Such trucks and receptacles shall be marked conspicuously with the word "retained" in letters not less than 2 inches high.

§ 70.271 *Accessibility.* All equipment shall be so placed as to be readily accessible for all processing and cleaning operations.

(a) *Mechanical pickers.* When used in the plant, mechanical pickers shall be so installed as to be accessible for thorough cleaning and removal of the accumulation of feathers.

§ 70.272 *Restrictions on use.* Equipment and utensils used in the official plant shall not be used outside the official plant except under such conditions as may be prescribed or approved by the national supervisor, and equipment used in the preparation of any article (including, but not being limited to, animal food), from inedible material shall not be used outside of the inedible products department except under such conditions as may be prescribed or approved by the national supervisor.

*Maintenance of Sanitary Conditions and Precautions Against Contamination of Products*

§ 70.280 *General.* The premises shall be kept free from refuse, waste materials, and all other sources of objectionable odors and conditions.

§ 70.281 *Cleaning of rooms and compartments.* Rooms, compartments, or other parts of the official plant in which products are handled and kept shall be kept clean and in sanitary condition.

(a) All feathers, blood, offal, birds or parts of birds too severely damaged to be salvaged, and all discarded containers and other materials shall be completely disposed of daily.

(b) All windows, doors, and light fixtures in the official plant shall be kept clean.

(c) All docks and rooms shall be kept clean and free from debris and unused equipment and utensils.

(d) Live poultry receiving docks and receiving rooms shall be of such construction as readily to permit their thorough cleaning.

(e) Floors in feeding rooms shall be cleaned with such regularity as may be necessary to maintain them in a sanitary condition.

(f) The killing, roughing, and pinning room shall be kept clean and free from offensive odors at all times.

(g) The walls, floors, and all equipment and utensils used in the killing, roughing and pinning room shall be thoroughly cleaned after each day's operation.

(h) The floors in the killing, roughing, and pinning room shall be cleaned frequently during roughing and finishing operations and be kept reasonably free from accumulated blood, feathers, manure, water, and dirt.

(i) All equipment in the toilet and locker room, as well as the room itself, shall be kept clean, sanitary, and in good repair.

(j) Cooler and freezer rooms shall be free from objectionable odors of any kind and shall be maintained in a sanitary condition (including, but not being limited to, the prevention of drippings from refrigeration coils onto products).

§ 70.282 *Cleaning of equipment and utensils.* Equipment and utensils used for preparing or otherwise handling any product shall be kept clean and in a sanitary condition and in good repair.

(a) Batteries and dropping pans shall be cleaned regularly and the manure removed from the plant daily.

(b) The feed mixer shall be cleaned daily.

(c) Scalding tanks shall be completely emptied and thoroughly cleaned as often as may be necessary but not less frequently than once a day.

(d) Ice shovels shall be kept clean, free of corrosion, and shall be stored off the floor.

(e) All equipment and utensils used in the killing, roughing, and pinning rooms shall be thoroughly washed and cleaned after each day's operation. The chilling and packing room and equipment and utensils used therein shall be maintained in a clean and sanitary condition.

(f) Graders' and packers' gloves and grading bins shall be washed daily and used only for grading or packing, as the case may be.

(g) Chilling vats or tanks shall be emptied and rinsed after each use. They shall be thoroughly cleaned once daily and after each cleaning operation they shall be sanitized with such compounds or by such methods as may be approved or prescribed by the Administrator.

(h) Thawing. When frozen poultry is to be defrosted in water, adequate facilities (tanks, vats, or racks) shall be provided, including continuously running tap water of sufficient volume for thawing such poultry. Such poultry shall not be thawed in still water and the thawing tanks shall be emptied and rinsed after each use. The tanks shall be thoroughly cleaned once daily and after each cleaning operation they shall be sanitized with such compounds or by such methods as may be prescribed or approved by the Administrator. If water is heated it shall not be heated above 70° F. Thawing tanks shall be equipped with properly installed overflow pipes to discharge over a floor drain or a valley drain. Where mechanical devices are not used for removing thawed carcasses from thawing tanks, the tanks shall be of a size as will enable employees to remove poultry without getting inside the tanks.

(i) When synchronized overhead conveyors and tray conveyors are used, the trays shall be completely washed and sanitized after being automatically emptied of inedible viscera.

(j) When a conveyor tray operation is used, such trays shall be of metal of seamless construction and shall be completely washed and sanitized after each use.

(k) Tables, shelves, bins, trays, pans, knives, and all other tools and equipment used in the preparation of ready-to-cook poultry shall be kept clean and sanitary at all times. Cleaned equipment and utensils shall be drained on racks and shall not be nested.

(l) Drums, cans, tanks, vats, and other receptacles used to hold or transport dressed poultry, or eviscerated poultry, shall be kept in a clean and sanitary condition.

§ 70.283 *Operations and procedures.* Operations and procedures involving the preparation, storing, or handling of any product shall be strictly in accord with clean and sanitary methods.

(a) There shall be no handling or storing of materials which create an objectionable condition in rooms, compartments, or other places in the plant where



any product is prepared, stored, or otherwise handled.

(b) The pinning and finishing operations shall be performed in a part of the room that is away from the killing and roughing operations.

(c) Blood from the killing operation shall be confined to a relatively small area and kept from being splashed about the room.

(d) In finishing and cleaning dressed poultry, the carcass shall be singed, feed shall be removed from the crop, and the fecal material in the cloaca shall be removed by venting, and such operations shall be completed prior to or during the final washing but prior to chilling and packaging of such dressed poultry. Notwithstanding the foregoing, dressed poultry which is to be eviscerated in an official plant within 72 hours from time of slaughter may, when approved by the Administration, be transferred by conveyor or operational type container or other approved means to such official plant prior to removal of the feed in the crop.

(e) The head of each dressed poultry carcass shall be washed thoroughly to remove feed from the mouth and blood from the head and mouth.

(f) In the final washing the carcass shall be passed through a system of sprays providing an abundant supply of fresh clean water either under pressure or scrubbing action.

(g) Grading and packaging. Dressed poultry may be graded and packaged in the killing, roughing, pinning, chilling, and packing room; however, such poultry shall be graded and packed in an area of the room which is well isolated from the killing and roughing operation.

(h) The floors in the eviscerating room shall be kept clean and reasonably dry during eviscerating operations and free of all refuse.

(i) Conveyors shall be operated at such speeds as will permit a sanitary eviscerating operation and will permit adequate inspection for condition and wholesomeness.

(j) Mechanized packaging equipment shall be maintained in good sanitary condition.

(k) All offal resulting from the eviscerating operation shall be removed as often as necessary to prevent the development of a nuisance.

(l) Paper and other material used for lining barrels or other containers in which products are packaged shall be of such kinds as do not tear readily during use but remain intact when moistened by the product.

(m) Protective coverings shall be used for the product in the plant and as it is distributed from the plant, as will afford adequate protection for the product against contamination by any foreign substance (including, but not being limited to, dust, dirt, and insects), considering the means intended to be employed in transporting the product from the plant.

(n) Containers to be used for packaging dressed poultry and ready-to-cook poultry shall be clean, free from objectionable substances or odors and of sufficient strength and durability to adequately protect the product during normal distribution.

(o) Refuse may be moved directly to loading docks only for prompt removal.

(p) Cleanliness and hygiene of personnel. (1) All employees coming in contact with dressed poultry, exposed edible products, or edible products handling equipment shall wear clean garments and shall keep their hands clean at all times while thus engaged.

(2) Hands of employees handling dressed poultry or edible products or edible products handling equipment shall be free of infected cuts, boils, and open sores at all times while thus engaged.

(3) Every person after each use of toilet or change of garments shall wash his hands thoroughly before returning to duties that require the handling of dressed poultry or edible products, or containers therefor, or edible products handling equipment.

(4) Neither smoking nor chewing of tobacco shall be permitted in any room where exposed edible products are prepared, processed, or otherwise handled.

§ 70.284 *Temperatures and cooling and freezing procedures.* Temperatures and procedures which are necessary for cooling and freezing poultry shall be in accordance with sound operating practices which insure the prompt removal of the animal heat and as will maximize the preservation of the quality and condition of the poultry.

(a) *Cooling.* All dressed poultry and ready-to-cook poultry that is prepared in the official plant shall be cooled immediately after processing. Such poultry shall be cooled to an internal temperature of 40° F. or less, within 24 hours from the time of slaughter. If such poultry is to be shipped from the plant in packaged form, the poultry shall be cooled to and maintained at a temperature of 40° F. or less prior to shipment from the plant. However, when approved by the Administration, poultry may be shipped from the plant prior to cooling to 40° F. or less, if such poultry is shipped to and placed in a freezer promptly.

(b) *Ice chilling.* (1) Only ice manufactured or produced from potable water may be used for ice chilling. The ice shall be handled and stored in a sanitary manner. If of block-type, the ice shall be washed by spraying with clean water before crushing. Metal ice crushers shall be washed at least once daily.

(2) Enough clean crushed ice shall be used to maintain a temperature in vats or tanks under 40° F. at all times during chilling. Dressed poultry carcasses weighing less than 8 pounds should be chilled to 40° F. or below in less than 4 hours whereas carcasses weighing more than 8 pounds should be chilled to 40° F. or below in less than 8 hours. In order to facilitate continuous processing operations dressed poultry may be held overnight in chilling tanks provided it is processed and packaged at the resumption of operations the following morning. If such poultry is to be held in chilling tanks for longer periods it shall be properly repacked with crushed ice in clean tanks which are continually drained and during this holding period the internal temperature of the dressed poultry shall be maintained at or below 40° F.

(c) *Air chilling.* In air chilling, dressed poultry shall be passed through a spray of clean water immediately following the removal of the feathers, and then hung on racks. Thereupon the racks of dressed poultry shall be placed in a refrigerated room with moderate air movements and a temperature which will reduce the internal temperature of the carcass to 40° F. or less, within 24 hours.

(d) *Freezing.* (1) When dressed poultry is packaged in bulk or shipping containers, the carcasses should be individually wrapped or packaged in water-vapor resistant cartons or the containers should be lined with heavy water-vapor resistant paper so as to assure adequate overlapping of the lining to completely surround the carcasses and to permit unsealed closure or sealing in such a manner that water-vapor loss from the product is considerably retarded or prevented. The dressed poultry should receive initial rapid freezing under such packaging, temperature, air circulation, and stacking conditions which will result in freezing the carcasses solid in less than 60 hours. Any carcass weighing less than 8 pounds should freeze solid in from 30 to 40 hours, whereas a carcass weighing more than 8 pounds should freeze solid in from 48 to 60 hours. (The approximate highest temperatures which will attain this result under average to most favorable conditions, are −10° F. with circulated air and −20° F. with still air; however, freezing temperatures of −20° F. to −40° F. are desirable.)

(2) Frozen dressed poultry should be stored at 0° F. or below, with temperature maintained as constant as possible.

(e) *Refrigeration of packaged poultry.* Immediately after packaging, all dressed poultry and ready-to-cook poultry other than that which is ice-packed or shipped from the plant in a refrigerated carrier should be moved into the freezer. If such poultry is to be held in the plant for longer than 24 hours it should be held at not above 30° F.

(f) *Ice-pack containers.* When poultry is packed in ice in barrels or other containers the barrels and containers should be covered and shall have an adequate number of drain holes to permit water to drain out.

(g) *General.* The provisions of paragraphs (b) and (d) of this section shall be applicable to ready-to-cook poultry.

§ 70.285 *Vermin.* Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from the official plant. Dogs, cats, and other pets shall be excluded from rooms where edible products and dressed poultry are processed, handled and stored.

§ 70.286 *Exclusion of diseased persons.* No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted in any room or compartment where exposed or unpacked dressed poultry or edible products are prepared, processed, or otherwise handled.

§ 70.287 *Table showing types of materials.*

| Equipment, utensils, and facilities | Iron | Rubber | Concrete | Stainless steel and nickel metal | Aluminum | Wood | Copper (tin plated) | Porcelain or glazed tile |
|---|---|---|---|---|---|---|---|---|
| Hatteras | | | | A | A | A | | --- |
| Overhead conveyer | A | | | A | | A | | --- |
| Conveyer track | A | | | A | | A | | --- |
| Shackle chain | | | | A | | A | | --- |
| Shackles | | | | A | | A | | --- |
| Blood trough | A | | A | A | A | A | | --- |
| Stabbing vat | A | | | A | | A | | --- |
| Mechanical pickers | A | A | | A | A | A | | --- |
| Mechanical scrubber | A | A | | A | A | A | | --- |
| Wax dipping tank | A | | | A | A | | | --- |
| Trough for catching wax | A | | | A | A | A | | --- |
| Water-spray cooling chamber | | | | A | A | A | | --- |
| Opening trough | | | | A | A | A | | --- |
| Eviscerating pans | | | | A | A | A | | --- |
| Inspection table (those parts which come in contact with product) | | | | A | A | A | | --- |
| Eviscerating trough | | | | A | A | A | | --- |
| Framework (of equipment) | A | | | A | | A | | --- |
| Inside and outside washer | | A | | A | A | A | | A |
| Gizzard, heart and liver trimming tables | | | | A | A | A | | --- |
| Defrosting trucks | | | | A | A | A | | --- |
| Defeathering tanks | | | A | | | | | A |
| Counter tops | | | | A | A | A | | --- |
| Trucks or vats and other equipment used for cooling products | | | A | A | A | A | | --- |
| Above-the-floor grease traps | | | | A | A | A | | --- |
| Utensils for handling of the products | | | | A | A | A | | --- |
| Fittings and valves, bibbs, cutting machines | | | | A | A | A | | --- |
| Cooling kettles | A | | | A | A | A | A | --- |

SUBPART B—UNITED STATES CLASSES, STANDARDS, AND GRADES FOR POULTRY

UNITED STATES CLASSES OF LIVE POULTRY, DRESSED POULTRY, AND READY-TO-COOK POULTRY

§ 70.300 *General.* The provisions of §§ 70.300 to 70.306 apply to live poultry, dressed poultry, and individual carcasses of ready-to-cook poultry, in determining the kind of poultry and its class. The kinds of poultry are as follows: Chickens, turkeys, ducks, geese, guineas, and pigeons.

§ 70.301 *Chickens.* The following are the various classes of chickens:

(a) *Broiler or fryer.* A broiler or fryer is a young chicken (usually under 16 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and flexible breastbone cartilage.

(b) *Roaster.* A roaster is a young chicken (usually under 8 months of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and breastbone cartilage that is somewhat less flexible than that of a broiler or fryer.

(c) *Capon.* A capon is an unsexed male chicken (usually under 10 months of age) that is tender-meated with soft, pliable, smooth-textured skin.

(d) *Stag.* A stag is a male chicken (usually under 10 months of age) with coarse skin, somewhat toughened and darkened flesh, and considerable hardening of the breastbone cartilage. Stags show a condition of fleshing and a degree of maturity intermediate between that of a roaster and a cock or old rooster.

(e) *Hen or stewing chicken or fowl.* A hen or stewing chicken or fowl is a mature female chicken (usually more than 10 months old) with meat less tender than that of a roaster, and non-flexible breastbone.

(f) *Cock or old rooster.* A cock or old rooster is a mature male chicken with coarse skin, toughened and darkened meat, and hardened breastbone.

§ 70.302 *Turkeys.* The following are the various classes of turkeys:

(a) *Fryer or roaster.* A fryer or roaster is a young immature turkey (usually under 16 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin, and flexible breastbone cartilage.

(b) *Young hen turkey.* A young hen turkey is a young female turkey (usually under 8 months of age) that is tender-meated with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a turkey fryer or roaster.

(c) *Young tom turkey.* A young tom turkey is a young male turkey (usually under 8 months of age), that is tender-meated with soft, pliable, smooth-textured skin and breastbone cartilage that is somewhat less flexible than in a turkey fryer or roaster.

(d) *Hen turkey.* A hen turkey is a fully matured female turkey (usually over 10 months of age) that is less tender-meated than a young hen turkey, has a hardened breastbone, and may have coarse-textured skin and patchy areas of surface fat.

(e) *Tom turkey.* A tom turkey is a mature male turkey (usually over 10 months of age) with coarse skin, toughened flesh, and hardened breastbone.

§ 70.303 *Ducks.* The following are the various classes of ducks:

(a) *Broiler duckling or fryer duckling.* A broiler duckling or fryer duckling is a young duck (usually under 8 weeks of age), of either sex, that is tender-meated and has a soft bill and soft windpipe.

(b) *Roaster duckling.* A roaster duckling is a young duck (usually under 16 weeks of age), of either sex, that is tender-meated and has a bill that is not completely hardened and a windpipe that is easily dented.

(c) *Mature duck or old duck.* A mature duck or an old duck is a duck (usually over 6 months of age), of either sex, with toughened flesh, hardened bill, and hardened windpipe.

§ 70.304 *Geese.* The following are the various classes of geese:

(a) *Young geese.* A young goose may be of either sex, is tender-meated, and has a windpipe that is easily dented.

(b) *Mature goose or old goose.* A mature goose or old goose may be of either sex and has toughened flesh and hardened windpipe.

§ 70.305 *Guineas.* The following are the various classes of guineas:

(a) *Young guinea.* A young guinea may be of either sex and is tender-meated.

(b) *Mature guinea or old guinea.* A mature guinea or an old guinea may be of either sex and has toughened flesh.

§ 70.306 *Pigeons.* The following are the various classes of pigeons:

(a) *Squab.* A squab is a young, immature pigeon of either sex, and is extra tender-meated.

(b) *Pigeon.* A pigeon is a mature pigeon of either sex, with coarse skin and toughened flesh.

UNITED STATES STANDARDS FOR QUALITY OF LIVE POULTRY

*General*

§ 70.320 *General.* (a) The United States standards for quality of individual live birds contained in §§ 70.320 to 70.328 are applicable only to poultry of the kinds and classes set forth in §§ 70.300 to 70.306.

(b) Birds showing evidence of any disease or other condition which may render them unwholesome or unfit for human food shall not be included in any of the quality designations specified in §§ 70.320 to 70.328.

(c) The following factors are considered in ascertaining the quality of an individual bird: (1) Health and vigor; (2) feathering; (3) conformation; (4) fleshing; (5) fat covering; and (6) the degree of freedom from defects.

*Standards of Quality*

§ 70.325 *A Quality or No. 1 Quality.* To be of A Quality or No. 1 Quality the live bird:

(a) Is alert, has bright eyes, and is of good health and vigor.

(b) Is well feathered, with feathers showing luster or sheen and quite thoroughly covering all parts of the body; however, there may be a slight scattering of pinfeathers.

(c) Is of normal physical conformation except that it may have a slightly curved breastbone or other slight abnormality in the shape of the breastbone which does not interfere with the normal distribution of the flesh. The bird may also have a slightly curved back. There may be a dent in the breastbone which does not exceed ⅛ inch in depth except that for turkeys the depth does not exceed ¼ inch.

(d) Has a well developed, moderately broad and long breast that is well-fleshed throughout its entire length; and the thighs and back are well covered with flesh according to the age and sex of the bird.

(e) Has the breast, back, hips, and pin bones well covered with fat, except that a fryer (whether chicken or turkey) and a young tom turkey may have only a moderate amount of fat covering these parts, and a hen, stewing chicken, or fowl does not have excessive abdominal fat.

(f) Is free from tears and broken bones; however, it may have slight scratches, slight skin bruises, and slight callouses (i. e., slightly thickened, hardened, and darkened areas of skin over the breastbone), if these conditions do not materially affect the appearance of the bird, especially the breast. It may also have slightly scaly shanks.



§ 70.326 *B Quality or No. 2 Quality.* To be of B quality or No. 2 Quality the live bird:

(a) Is of good health and vigor.

(b) Is fairly well feathered (i. e., some feathers may be lacking on some parts of the body); however, there may be a moderate number of pinfeathers.

(c) Is of normal physical conformation except that it may have a slightly crooked breastbone which does not seriously interfere with the normal distribution of the flesh. It may also have a moderately crooked back and slightly misshapen legs and wings.

(d) Is fairly well fleshed in relation to length and depth of body, with all parts fairly well covered with flesh according to the age and sex of the bird.

(e) Has sufficient coverage of fat on breast and legs to prevent a distinct appearance of the flesh through the skin; however, a hen, stewing chicken, or fowl may have excessive abdominal fat.

(f) Is free from tears, broken bones, severe breast blisters, heavy callouses (i. e., thickened, hardened, and darkened areas of skin over the breastbone) and seriously scaly shanks; however, it may have moderate skin bruises and slight flesh bruises.

§ 70.327 *C Quality or No. 3 Quality.* A live bird that does not meet the requirements of B Quality or No. 2 Quality may be of C Quality or No. 3 Quality and such bird may:

(a) Be lacking in vigor.

(b) Have a large number of pinfeathers over all parts of its body and complete lack of plumage feathers on the back.

(c) Have definite deformities (including, but not being limited to, a crooked breastbone, hunchback, and slight crippling).

(d) Have a poorly developed, narrow breast and thin covering of flesh over all parts of its body.

(e) Have only a small amount of fat in the feather tracts and is completely lacking in fat on back and thighs; and

(f) Have skin bruises, small or moderate flesh bruises, and severe breast blisters; however, it has no broken bones.

§ 70.328 *"Reject."* The term "Reject" is not a standard of quality within the purview of §§ 70.320 to 70.327; however, such term may be used with respect to an individual live bird to indicate that it is affected by, or shows evidence of, any disease or condition (including, but not being limited to, large flesh bruises, severe discolorations, severe injury, and emaciation) which may render the bird unfit for human food.

UNITED STATES GRADES FOR LIVE POULTRY

§ 70.330 *General.* (a) The United States grades for live poultry contained in §§ 70.330 to 70.337 are applicable to live poultry of the kinds and classes set forth in §§ 70.300 to 70.306 and are based upon United States standards for quality as set forth in §§ 70.320 to 70.328.

(b) Birds showing evidence of any disease or other condition which may render them unwholesome or unfit for human food shall not be included in any of the grade designations specified in §§ 70.330 to 70.337.

(c) All terms in the United States standards for quality, as set forth in §§ 70.320 to 70.328 shall, when used in §§ 70.330 to 70.338, have the same meaning as when used in the standards.

*Grades*

§ 70.335 *U. S. Grade A or U. S. No. 1.* Any lot of live poultry may be designated as U. S. Grade A or U. S. No. 1 if at least 90 percent, by count, of the birds are of A Quality or No. 1 Quality and the remainder are of B Quality or No. 2 Quality. When more than one container comprises the lot, no container shall have more birds of B Quality or No. 2 Quality than that specified in the following table:

[When lot consists of more than 1 container]

| Grade | Number of birds in container | Maximum number of B Quality or No. 2 Quality birds |
|---|---|---|
| U. S. Grade A or U. S. No. 1 | [illegible] | [illegible] |

§ 70.336 *U. S. Grade B or U. S. No. 2.* Any lot of live poultry may be designated as U. S. Grade B or U. S. No. 2 if at least 90 percent, by count, of the birds are of B Quality or No. 2 Quality, or better, and the remainder are of C Quality, or No. 3 Quality. When more than one container comprises the lot, no container shall have more birds of C Quality or No. 3 Quality than that specified in the following table:

[When lot consists of more than 1 container]

| Grade | Number of birds in container | Maximum number of C Quality or No. 3 Quality birds |
|---|---|---|
| U. S. Grade B or U. S. No. 2 | [illegible] | [illegible] |

§ 70.337 *U. S. Grade C or U. S. No. 3.* Any lot of live poultry may be designated as U. S. Grade C or U. S. No. 3 if it consists of birds of not less than C Quality or No. 3 Quality.

§ 70.338 *"No Grade".* The term "No Grade" is not a grade within the meaning of §§ 70.330 to 70.337. Such term may be applied to any lot of live poultry if such lot contains any birds of less than C Quality or No. 3 Quality or has not been graded in accordance with §§ 70.330 to 70.337.

UNITED STATES STANDARDS FOR QUALITY OF DRESSED POULTRY AND READY-TO-COOK POULTRY

*General*

§ 70.350 *General.* (a) The United States standards for quality contained in §§ 70.350 to 70.357 are applicable to individual carcasses of dressed poultry and ready-to-cook poultry of the kinds and classes set forth in §§ 70.300 to 70.306.

(b) Carcasses found to be unsound, unwholesome, or unfit for food shall not be included in any of the quality designations specified in §§ 70.350 to 70.357. If the carcass is dressed poultry, a determination of unsoundness or unwholesomeness will be based on external characteristics only.

(c) The quality designations specified in §§ 70.350 to 70.357 may not be made applicable to dressed poultry that is not free from the following conditions: Dirty head; bloody head; dirty carcass; bloody carcass; dirty vent; dirty feet; fan feathers on the wing tips; garter feathers around the hock joints; neck feathers; and, if the crop is not removed, feed in the crop.

(d) The A Quality designation may not be made applicable to any poultry carcass if the poultry was wet picked in such a manner that the skin has been damaged by extended immersion in, or high temperature of, the water which resulted in immediate discoloration or may result in later objectionable discoloration.

(e) The following factors are considered in ascertaining, pursuant to §§ 70.350 to 70.357, the quality of an individual carcass: (1) Conformation; (2) fleshing; (3) fat covering; (4) the degree of freedom from pinfeathers and vestigial feathers (i. e., hair or down, as the case may be); (5) the degree of freedom from tears, cuts (including, but not being limited to, any cut for the removal of the crop), disjointed bones, and broken bones; (6) the degree of freedom from discolorations of the skin and of the flesh and of blemishes and bruises of the skin and flesh; and (7) the degree of freedom from freezer burn.

(f) In interpreting the respective requirements specified in §§ 70.350 to 70.357 for A Quality, B Quality, and C Quality, the intensity, aggregate area involved and locations of (1) discolorations (whether or not caused by dressing operations), (2) bruises, (3) pinfeathers, and (4) freezer burn, as such defects individually, or in combination, detract from the general appearance of the carcass, will be considered in determining the particular quality of an individual carcass.

*Standards of Quality*

§ 70.355 *A Quality.* To be of A Quality the carcass:

(a) Is of normal physical conformation except that it may have a slightly curved breastbone or other slight abnormality in the shape of the breastbone which does not interfere with the normal distribution of the flesh. The carcass may also have a very slightly curved back. There may be a dent in the breastbone which does not exceed ⅛ inch in depth except that for turkeys the depth does not exceed ¼ inch.

(b) Has a well-developed, moderately broad and long breast, well-fleshed throughout its entire length, with the flesh carrying sufficiently well up to the crest of the breastbone so that the breastbone is not prominent; and, with respect to young tom turkeys, there may be a slight thickening and slight pouchiness of the skin on the forepart of the

breast. The legs are well covered with flesh.

(c) Has the breast, back, hips, and pin bones well covered with fat except that chicken broilers or fryers, and young tom turkeys may have only a moderate amount of fat covering these parts, a turkey fryer or roaster may be somewhat lacking in fat covering, and a hen, stewing chicken, or fowl does not have excessive abdominal fat.

(d) Is practically free from pinfeathers and vestigial feathers, especially on the breast. If the carcass is dressed poultry. If the carcass is ready-to-cook poultry, it is free from protruding pinfeathers, practically free from nonprotruding pinfeathers and vestigial feathers, especially on the breast.

(e) Is free from skin tears and cuts on the breast and legs; however, elsewhere on the carcass there may be tears and cuts (exclusive of the cuts usually made to remove the neck and viscera in the production of eviscerated poultry) the aggregate length of which does not exceed 1½ inches except that, with respect to any turkey carcass or goose carcass, such aggregate length does not exceed 3 inches. There are no sewn tears or cuts. The carcass has no disjointed bones or broken bones except that it may have one disjointed bone in either a leg or wing but only if there is no evidence of a related bruise or blood clot; and, if the carcass is of a chicken broiler or fryer, it may have one nonprotruding broken bone in a wing in addition to such disjointed bone but only if there is no evidence of a related bruise or blood clot. The wing tips may have been removed.

(f) Is free from bruises and discolorations of the flesh on the breast and legs; however, elsewhere on the carcass there may be bruises and discolorations of the flesh showing not more than a slightly reddened color the aggregate area of which does not exceed the area of a circle ½ inch in diameter, except that, with respect to any turkey or goose carcass, such aggregate area does not exceed the area of a circle 1 inch in diameter. The carcass is free from skin bruises, on the breast and legs, the aggregate area of which exceeds the area of a circle ½ inch in diameter, and from skin bruises, elsewhere on the carcass, the aggregate area of which exceeds the area of a circle ¾ inch in diameter. With respect to any turkey or goose carcass, such aggregate area on the breast and legs does not exceed the area of a circle ¾ inch in diameter; and elsewhere on the carcass such aggregate area does not exceed the area of a circle 1½ inches in diameter. Notwithstanding the foregoing, the total aggregate area, on the breast and legs, of all such flesh bruises, skin bruises, and all other discolorations and blemishes of the skin, is not in excess of the area of a circle 1 inch in diameter; and elsewhere on the carcass such total aggregate area is not in excess of the area of a circle 1½ inches in diameter. Furthermore, with respect to any turkey or goose carcass, such total aggregate area on the breast and legs is not in excess of the area of a circle 2 inches in diameter; and elsewhere on the carcass such total aggregate area is not in excess of the area of a circle 3 inches in diameter. The skin may show only slight reddening in the feather follicles on the neck, near the head, and on the wings because of improper bleeding.

(g) Shows only slight freezer burn, or evidence thereof (i. e., a few pockmarks, or evidence thereof, none of which exceeds the area of a circle ⅛ inch in diameter).

§ 70.356 *B Quality.* To be of B Quality the carcass:

(a) Is of at least practically normal physical conformation except that it may have a dented, curved, and slightly crooked breastbone which does not seriously interfere with the normal distribution of flesh. The carcass may also have a moderately crooked back or misshapen legs or misshapen wings.

(b) Is sufficiently well-fleshed on the breast and legs so as to prevent a thin appearance and a prominent breastbone; however, a young tom turkey may have a pouchy, thick, and somewhat flabby skin on the forepart of the breast.

(c) Has a sufficient coverage of fat on the breast and legs to prevent a distinct appearance of the flesh through the skin.

(d) Has not more than a slight scattering of pinfeathers and vestigial feathers over the entire carcass with only relatively few on the breast, if the carcass is dressed poultry. If the carcass is ready-to-cook poultry, it is free from protruding pinfeathers, but may have not more than a few scattered nonprotruding pinfeathers and vestigial feathers.

(e) Is free from tears and cuts, on the breast and legs, the aggregate length of which exceeds 1½ inches; however, elsewhere on the carcass there may be tears and cuts (exclusive of the cuts usually made to remove the neck and viscera in the production of eviscerated poultry), the aggregate length of which does not exceed 3 inches except that, with respect to any turkey or goose carcass, such aggregate lengths do not exceed 3 inches on the breast and legs and 6 inches elsewhere on the carcass. There are no sewn tears or cuts. The carcass may have not more than a total of 2 disjointed bones in either the legs or wings, or both, but only if there is no evidence of a related bruise or blood clot, and, in addition, 1 broken bone in a leg or wing, but only if it is nonprotruding and does not show an excessive related bruise or blood clot. The wing tips may have been removed.

(f) Is free from bruises and discolorations, of the flesh on the breast and legs, showing not more than a slightly darkened color and which in the aggregate is in excess of the area of a circle ½ inch in diameter; however, elsewhere on the carcass there may be bruises and discolorations of the flesh the aggregate area of which does not exceed the area of a circle 1½ inches in diameter, except that, with respect to any turkey or goose carcass, such aggregate area on the breast and legs does not exceed the area of a circle 1 inch in diameter, and, elsewhere on the carcass, it does not exceed the area of a circle 3 inches in diameter. The carcass is free from skin bruises, on the breast and legs, the aggregate area of which exceeds the area of a circle ¾ inch in diameter, and from skin bruises, elsewhere on the carcass, the aggregate area of which exceeds the area of a circle 1½ inches in diameter. With respect to any turkey or goose carcass, such aggregate area on the breast and legs does not exceed the area of a circle 1½ inches in diameter, and, elsewhere on the carcass, such aggregate area does not exceed the area of a circle 3 inches in diameter. Notwithstanding the foregoing, the total aggregate area on the breast and legs of all such flesh bruises, skin bruises, and all other discolorations and blemishes of the skin is not in excess of the area of a circle 1½ inches in diameter; and elsewhere on the carcass such total aggregate area is not in excess of the area of a circle 3 inches in diameter. Furthermore, with respect to any turkey or goose carcass, such total aggregate area on the breast and legs is not in excess of the area of a circle 2 inches in diameter; and elsewhere on the carcass such total aggregate area is not in excess of the area of a circle 6 inches in diameter. The skin may show not more than moderate reddening in the feather follicles on the neck, near the head, and on the wings and thighs because of improper bleeding.

(g) Shows no more than moderate freezer burn, or evidence thereof, on any part of the carcass and no dried area in excess of the area of a circle ½ inch in diameter.

§ 70.357 *C Quality.* A carcass that does not meet the requirements of B Quality may be of C Quality and such carcass may:

(a) Be of abnormal physical conformation (i. e., possess serious abnormal physical conditions, including, but not being limited to, a crooked breastbone) if it is fairly well fleshed.

(b) Be poorly fleshed and a young tom turkey may have a thick, coarse skin and extended breast that is pouchy or flabby.

(c) Be lacking in fat covering, over all parts of the carcass.

(d) Have numerous pinfeathers and vestigial feathers scattered over the entire carcass, if the carcass is dressed poultry; if ready-to-cook poultry, the carcass is free from protruding pinfeathers but may have a few vestigial feathers and may have nonprotruding pinfeathers that do not seriously detract from the appearance of the carcass.

(e) Have torn skin, disjointed bones, and broken bones but only if there is no evidence of a related severe bruise or blood clot. There are no sewn tears or cuts. Wing tips may have been removed.

(f) Have numerous and large discolored areas or blemishes of the skin which may be accompanied by some reddening and darkening of the flesh beneath, if such discolored areas and blemishes do not render any part of the carcass unfit for food.

(g) Show more than moderate freezer burn or evidence thereof (including, but not being limited to, numerous pockmarks or large dried areas) on any part of the carcass.



UNITED STATES GRADES FOR DRESSED POULTRY AND READY-TO-COOK POULTRY

*General*

§ 70.360 *General.* (a) The United States grades for dressed poultry and ready-to-cook poultry are applicable to dressed poultry and ready-to-cook poultry of the kinds and classes set forth in §§ 70.300 to 70.306 when individual carcasses are not separately identified and are based upon the United States standards for quality set forth in §§ 70.350 to 70.357 except the provisions in § 70.350 (c).

(b) When any lot of dressed poultry is graded on the basis of an examination of each carcass in a representative sample thereof, any carcass that would be of A Quality, if it did not possess any of the following conditions shall, for the purpose of §§ 70.360 to 70.370, be considered as being of B Quality: Dirty or bloody head or carcass, dirty feet or vent, fan feathers or neck feathers or garter feathers, or feed in the crop. Any carcass that would be of B Quality or C Quality if it did not possess any of the foregoing conditions shall, for the purpose of §§ 70.360 to 70.370, be considered as being of C Quality.

(c) All terms in the United States standards for quality set forth in §§ 70.350 to 70.357 shall, when used in §§ 70.360 to 70.370, have the same meaning as when used in the standards.

(d) The suggested weight specifications for dressed poultry and ready-to-cook poultry contained in § 70.370 are not incorporated in the grades for dressed poultry and ready-to-cook poultry since weight, as such, is not a factor of grade for the purpose of §§ 70.360 to 70.370. It is recommended, however, that each container of dressed poultry and ready-to-cook poultry contain carcasses of the weights specified in § 70.370.

*Grades*

§ 70.365 *U. S. Grade A.* Any lot of dressed poultry or ready-to-cook poultry composed of one or more containers of carcasses of the same kind and class may be designated as U. S. Grade A if not less than 90 percent, by count, of the carcasses in such lot are of A Quality, the remainder is of B Quality, and no individual container in such lot contains more carcasses of B Quality than in the proportion of 2 to each 12 carcasses in the container.

§ 70.366 *U. S. Grade B.* Any lot of dressed poultry or ready-to-cook poultry composed of one or more containers of carcasses of the same kind and class may be designated as U. S. Grade B if not less than 90 percent, by count, of the carcasses in such lot are of at least B Quality, the remainder is of C Quality, and no individual container in such lot contains more carcasses of C Quality than in the proportion of 2 to each 12 carcasses in the container.

§ 70.367 *U. S. Grade C.* Any lot of dressed poultry or ready-to-cook poultry may be designated as U. S. Grade C if it consists of carcasses of not less than C Quality.

*Weight Specifications*

§ 70.370 *Suggested weight specifications for dressed poultry and ready-to-cook poultry.* The suggested weight specifications for dressed poultry and ready-to-cook poultry are contained in Tables I, II, III, and IV in this section.

DRESSED POULTRY

TABLE I—CHICKENS

| Class of chickens | Weight range per carcass | | Weight range per dozen carcasses | |
|---|---|---|---|---|
| | Minimum | Maximum | Minimum | Maximum |
| Broilers or fryers | None | 1 pound 8 ounces | None | 18 pounds. |
| | Over 1 pound 8 ounces | 2 pounds | Over 18 pounds | 24 pounds. |
| | Over 2 pounds | 2 pounds 8 ounces | Over 24 pounds | 30 pounds. |
| | Over 2 pounds 8 ounces | 3 pounds | Over 30 pounds | 36 pounds. |
| | Over 3 pounds | 3 pounds 8 ounces | Over 36 pounds | 42 pounds. |
| | Over 3 pounds 8 ounces | 4 pounds | Over 42 pounds | 48 pounds. |
| | Over 3 pounds | 3 pounds 8 ounces | Over 36 pounds | 42 pounds. |
| Roasters | Over 3 pounds 8 ounces | 4 pounds | Over 42 pounds | 48 pounds. |
| | Over 4 pounds | 4 pounds 8 ounces | Over 48 pounds | 54 pounds. |
| | Over 1 pound 8 ounces | 5 pounds | Over 54 pounds | 60 pounds. |
| | Over 5 pounds | 5 pounds 8 ounces | Over 60 pounds | 66 pounds. |
| | Over 5 pounds 8 ounces | None | Over 66 pounds | None. |
| Capons | None | 6 pounds | None | 72 pounds. |
| | Over 6 pounds | 7 pounds | Over 72 pounds | 84 pounds. |
| | Over 7 pounds | 8 pounds | Over 84 pounds | 96 pounds. |
| | Over 8 pounds | 9 pounds | Over 96 pounds | 108 pounds. |
| | Over 9 pounds | 10 pounds | Over 108 pounds | 120 pounds. |
| | Over 10 pounds | None | Over 120 pounds | None. |
| Stags | None | 3 pounds | None | 36 pounds. |
| | Over 3 pounds | 4 pounds | Over 36 pounds | 48 pounds. |
| | Over 4 pounds | 5 pounds | Over 48 pounds | 60 pounds. |
| | Over 5 pounds | 6 pounds | Over 60 pounds | 72 pounds. |
| | Over 6 pounds | None | Over 72 pounds | None. |
| Cocks | None | 4 pounds | None | 48 pounds. |
| | Over 4 pounds | 5 pounds | Over 48 pounds | 60 pounds. |
| | Over 5 pounds | 6 pounds | Over 60 pounds | 72 pounds. |
| | Over 6 pounds | None | Over 72 pounds | None. |
| Hens or stewing chickens or fowl | None | 3 pounds | None | 36 pounds. |
| | Over 3 pounds | 3 pounds 8 ounces | Over 36 pounds | 42 pounds. |
| | Over 3 pounds 8 ounces | 4 pounds | Over 42 pounds | 48 pounds. |
| | Over 4 pounds | 4 pounds 8 ounces | Over 48 pounds | 54 pounds. |
| | Over 4 pounds 8 ounces | 5 pounds | Over 54 pounds | 60 pounds. |
| | Over 5 pounds | None | Over 60 pounds | None |

TABLE II—TURKEYS

| Class | Weight range per carcass | |
|---|---|---|
| | Minimum | Maximum |
| Turkey fryers or roasters | None | 6 pounds. |
| | Over 6 pounds | 8 pounds. |
| | Over 8 pounds | 10 pounds. |
| Young hen turkeys or young tom turkeys | None | 6 pounds. |
| | Over 6 pounds | 8 pounds. |
| | Over 8 pounds | 10 pounds. |
| | Over 10 pounds | 12 pounds. |
| | Over 12 pounds | 14 pounds. |
| | Over 14 pounds | 16 pounds. |
| | Over 16 pounds | 18 pounds. |
| | Over 18 pounds | 20 pounds. |
| | Over 20 pounds | 22 pounds. |
| | Over 22 pounds | 24 pounds. |
| | Over 24 pounds | None. |
| Hen turkeys or tom turkeys | None | 10 pounds. |
| | Over 10 pounds | 15 pounds. |
| | Over 15 pounds | 20 pounds. |
| | Over 20 pounds | None. |

TABLE III—DUCKS, GEESE, GUINEAS, SQUABS, AND PIGEONS

| Kind and class | Weight range per carcass | | Weight range per dozen carcasses | |
|---|---|---|---|---|
| | Minimum | Maximum | Minimum | Maximum |
| Ducks (all classes) | None | 4 pounds | None | 48 pounds. |
| | Over 4 pounds | 5 pounds | Over 48 pounds | 60 pounds. |
| | Over 5 pounds | None | Over 60 pounds | None. |
| Geese (all classes) | None | 8 pounds | None | 96 pounds. |
| | Over 8 pounds | 10 pounds | Over 96 pounds | 120 pounds. |
| | Over 10 pounds | None | Over 120 pounds | None. |
| Guineas (all classes) | None | 1 pound 8 ounces | None | 18 pounds. |
| | Over 1 pound 8 ounces | 2 pounds 4 ounces | Over 18 pounds | 27 pounds. |
| | Over 2 pounds 4 ounces | None | Over 27 pounds | None. |
| Squabs and pigeons | None | 8 ounces | None | 6 pounds. |
| | Over 8 ounces | 11 ounces | Over 6 pounds | 9 pounds 6 ounces. |
| | Over 11 ounces | 14 ounces | Over 8 pounds 6 ounces | 10 pounds 8 ounces. |
| | Over 14 ounces | None | Over 10 pounds 8 ounces | None. |

TABLE IV—READY-TO-COOK POULTRY

| Kinds and classes | Weight range per carcass | |
|---|---|---|
| | Minimum | Maximum |
| Broilers or fryers | None | 1 pound 8 ounces. |
| | Over 1 pound 8 ounces | 2 pounds. |
| | Over 2 pounds | 2 pounds 8 ounces. |
| | Over 2 pounds 8 ounces | 3 pounds. |
| | Over 3 pounds | 3 pounds 8 ounces. |
| | Over 3 pounds 8 ounces | 4 pounds. |
| Roasters | Over 1 pound 8 ounces | 4 pounds 8 ounces. |
| | Over 4 pounds | 5 pounds. |
| | Over 4 pounds 8 ounces | None. |
| | Over 5 pounds | None. |
| | None | 2 pounds. |
| | Over 2 pounds | 2 pounds 8 ounces. |
| | Over 2 pounds 8 ounces | 3 pounds. |
| | Over 3 pounds | 3 pounds 8 ounces. |
| Hens or stewing chickens or fowl | Over 3 pounds 8 ounces | 4 pounds. |
| | Over 4 pounds | 4 pounds 8 ounces. |
| | Over 4 pounds 8 ounces | 5 pounds. |
| | Over 5 pounds | 5 pounds 8 ounces. |
| | Over 5 pounds 8 ounces | None. |
| | None | 2 pounds 8 ounces. |
| | Over 2 pounds 8 ounces | 3 pounds 8 ounces. |
| | Over 3 pounds 8 ounces | 4 pounds 8 ounces. |
| Cocks or old roosters | Over 4 pounds 8 ounces | 5 pounds 8 ounces. |
| | Over 5 pounds 8 ounces | None. |
| | None | 4 pounds. |
| | Over 4 pounds | 6 pounds. |
| | Over 6 pounds | 8 pounds. |
| | Over 8 pounds | 10 pounds. |
| | Over 10 pounds | 12 pounds. |
| | Over 12 pounds | 14 pounds. |
| | Over 14 pounds | 16 pounds. |
| Turkeys and geese (all classes) | Over 16 pounds | 18 pounds. |
| | Over 18 pounds | 20 pounds. |
| | Over 20 pounds | None. |
| | None | 3 pounds. |
| | Over 3 pounds | 3 pounds 8 ounces. |
| | Over 3 pounds 8 ounces | 4 pounds. |
| Ducks (all classes) | Over 4 pounds | None. |
| | None | 12 ounces. |
| | Over 12 ounces | 1 pound. |
| | Over 1 pound | 1 pound 4 ounces. |
| | Over 1 pound 4 ounces | 1 pound 8 ounces. |
| | Over 1 pound 8 ounces | None. |
| Guineas (all classes) | None | 6 ounces. |
| | Over 6 ounces | 10 ounces. |
| | Over 10 ounces | 14 ounces. |
| | Over 14 ounces | None. |
| Pigeons (all classes) | | |

SUBPART C—FORMS, INSTRUCTIONS, AND APPLICATIONS

FORMS OF OFFICIAL IDENTIFICATION

§ 70.380 *Forms of official identification.* The forms prescribed in §§ 70.380 to 70.384 are subject to the requirements of §§ 70.90 to 70.94, Identifying and Marking Products.

§ 70.381 *Form of grade mark.* The grade mark approved for use, pursuant to § 70.91, on a graded product shall be contained within a shield of the form and design indicated in the example in Figure 1 of this section. The information (including the form and arrangement of its wording) which is required in such mark shall be: (a) The class of the product or whether the product is "young," or "mature" (or "old"); (b) the phrase "ready-to-cook"; (c) its U. S. grade, and (d) one of the following phrases: "Federal-State graded," "Government graded," or any other similar phrase which may be approved by the Administrator. In addition, the plant number of the official plant shall be set forth if it does not appear on the packaging material. Such other material as the Administrator may approve may also be included within such shield. However, the grade mark for ready-to-cook poultry may be used only when the product is identified as having been inspected by Federal inspectors or by inspectors of any other inspection system acceptable to the Administrator.

*Example of Grade Mark for Ready-to-Cook Poultry*

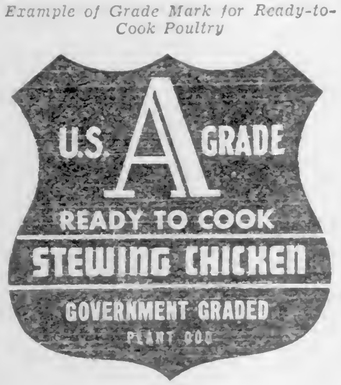



FIGURE 1.

§ 70.382 *Form of inspection mark.* The inspection mark approved for use on inspected and certified edible products shall be contained within a circle and contain the following wording: "Inspected for Wholesomeness by U. S. Department of Agriculture." The form and arrangement of such wording shall be as indicated in the example in Figure 2. In addition, the plant number of the official plant shall be set forth if it does not appear on the packaging material.

*Example*




FIGURE 2.

§ 70.383 *Combined form of grade mark and inspection mark.* With respect to any product which was inspected and graded, a combined form of

*Example*




FIGURE 3.

grade mark and inspection mark is approved for use pursuant to §§ 70.91 and 70.92. Such combination form shall contain applicable wording and be of the form and design as indicated in the example in Figure 3. In addition, the plant number of the official plant shall be set forth if it does not appear on the packaging material. Such other material as the Administrator may approve may be included as a part of the combined form of grade mark and inspection mark. Separate forms of the grade mark and the inspection mark may be used in lieu of the combined form of grade mark and inspection mark.

§ 70.384 *Identification of certain dressed poultry.* With respect to dressed poultry which has been graded or inspected for condition only, the form of identification approved for use shall contain the wording "Dressed Poultry Processed Under USDA Sanitary Standards—Not USDA Graded for Quality or USDA



Inspected for Wholesomeness". All labels with such identification shall set forth the applicable plant number and shall be marked with a lot number which shall be the number of the day of the year on which the poultry was slaughtered. This identification shall be printed on the label and shall not be applied by means of a stencil or a rubber stamp. A rubber stamp may be used to insert the plant number and the lot number within the official mark provided such numbers are applied legibly. The required wording shall be set forth in the manner indicated in Figure 4 of this section and within a rectangle of the form and design illustratcd.

*Example*

DRESSED POULTRY
PROCESSED UNDER U. S. D. A.
SANITARY STANDARDS
Not USDA Graded for Quality
or USDA Inspected for Wholesomeness
Plant No. 000. Lot 000

FIGURE 4.

INSTRUCTIONS GOVERNING THE ADMINISTRATION OF POULTRY INSPECTION WHERE A FEDERAL-STATE SERVICE IS DESIRED

*Basis; Supervision*

§ 70.390 *Basis of providing Federal-State inspection service.* Inspection service rendered pursuant to the regulations governing the grading and inspection of poultry and edible products thereof (Subpart A of this part) may be furnished on a Federal basis or on a Federal-State basis as provided in §§ 70.390 to 70.404. Inspection service in accordance with the regulations shall be furnished on a Federal basis in any State where arrangements have not been made with cooperating State agencies for service on a Federal-State basis. Inspection service shall be furnished on a Federal-State basis in any State in which the cooperating State agency makes a request, and becomes a party to a cooperative agreement which provides for such Federal-State service. Such cooperating parties within the State may be any responsible and qualified agency interested in promoting orderly marketing of poultry products.

§ 70.391 *Supervision.* All inspection service which is provided under the aforesaid regulations and cooperative agreements shall be technically and administratively supervised by the Production and Marketing Administration (hereafter referred to as PMA) through its national and regional supervisory organization. It shall be the responsibility of PMA to determine that the services rendered pursuant to any cooperative agreement under the regulations are conducted in a satisfactory manner, that the actual post-portem inspection of poultry is adequate, and that uniform procedures and policies are followed in all plants in accordance with the requirements of the regulations. In a State where a Federal-State supervisor of inspection is provided, this supervisor shall be immediately responsible for the activities within the State. However, any supervisory official of PMA at a higher administrative level shall have the authority to observe independently of or in conjunction with the Federal-State supervisor, any particular station or the official activities of any particular inspector at any time he deems it advisable; and shall have the authority to supervise such activities as may be desirable and necessary. Supervisory direction should be applied through the Federal-State supervisor.

*Conditions*

§ 70.395 *Regulations.* The regulations of the Secretary of Agriculture governing the grading and inspection of poultry and edible products thereof and instructions of the Administrator governing the inspection of products shall apply to both Federal-State inspection service and to Federal inspection service. PMA shall assume the responsibility for developing the regulations and any instructions issued pursuant thereto and for the supervision of inspection work carried on under the service.

§ 70.396 *Qualifications of Federal-State supervisor.* The Federal-State supervisor of inspection service shall meet the following qualifications:

(a) He shall have a veterinary degree from an accredited school.

(b) He shall have such technical knowledge, experience, and administrative and supervisory ability as will qualify him for satisfactorily performing the duties of a Federal-State supervisor. These qualifications shall be checked by and be acceptable to PMA.

(c) He shall have had experience in the Federal poultry inspection service or have successfully completed a course of training at an interne station which is under the supervision of the Federal poultry inspection service of PMA.

(d) He shall be given a joint Federal-State or a full Federal appointment.

(e) He shall perform supervisory functions in a manner satisfactory to PMA. The Federal-State supervisor may at the discretion of PMA be removed from his position and replaced by another qualified employee whenever such action is in the best interests of PMA.

§ 70.397 *Duties of the Federal-State supervisor.* The Federal-State supervisor of inspection service shall be responsible for the supervision and proper conduct of inspection service within the State or States to which he is assigned. He may be assigned to supervise inspection service in a single State or in two or more adjoining States providing this is agreed to by PMA and the cooperating agencies in such States, except that a Federal-State supervisor shall not have more than 35 plants under his supervision. He shall examine each prospective State inspector and recommend acceptable applicants for a license. Such recommendation shall be in writing and be accompanied by a statement of the qualifications of the applicant. He shall be responsible for making surveys of plants applying for service within his State and present his recommendation for action on such applications in writing accompanied by appropriate supporting evidence to the Federal office of the inspection service. The assignment of State employed inspectors to plants shall be mutually agreeable to the State agency and PMA. Insofar as practicable inspectors will not be assigned to plants where they have been previously employed.

§ 70.398 *Employment and licensing of State inspectors.* (a) The cooperating State agency shall assume responsibility for recruitment and employment of State inspectors for plants under the Federal-State service, and the salaries of such inspectors shall be paid by the State. Such inspectors may be employed only when licensed by PMA, and it shall be understood that PMA shall have the authority to withdraw such license at any time (and thus terminate the services of any such inspector) in accordance with the provisions of the regulations. The licensed State inspector shall not under any circumstance, while a licensed inspector, accept employment, money or remuneration of any kind from the company to which assigned.

(b) Each prospective State inspector shall complete a period of training under the immediate supervision of a Federally employed training supervisor. The license issued to the prospective State inspector shall be a limited license authorizing him to perform inspection work only under the supervision of the inspector-in-charge of the station to which he is assigned. A license authorizing the State inspector to serve as inspector-in-charge of a station may be issued when it has been determined by the officer-in-charge of the poultry grading and inspection service of PMA that the inspector is qualified for such a position.

§ 70.399 *Duties of State-employed inspectors.* The duties of the State-employed inspectors shall be the same as the duties of Federally-employed inspectors. Inspectors shall make proper, accurate and adequate post-mortem examinations of poultry carcasses and shall thoroughly familiarize themselves with and adhere to the inspection procedures and the applicable provisions of the Federal regulations governing inspection service.

§ 70.400 *Replacement of Federal inspectors.* When Federal-State inspection service is inaugurated in a State, and when such service will replace Federal inspection service furnished in the State at that time, the replacement of Federal inspectors by State inspectors shall not be carried out until satisfactory transfers of the Federal inspectors to plants out of the State can be accomplished by PMA.

§ 70.401 *Collection of fees.* Either the cooperating State agency or PMA, as agreed upon, may assume the responsibility for the collection of all fees for Federal-State inspection service in the State. The contract providing for Federal-State inspection service shall be between each firm under Federal-State inspection service and the agency responsible for the collection of fees, and

each such contract, in either case, shall be approved or concurred in by PMA.

§ 70.402 *Reimbursement of PMA by State cooperating agency.* When the cooperating State agency assumes the responsibility for the collection of fees, it shall reimburse PMA from fees collected or from State appropriations, or both, for the following:

(a) An amount equal to that part of the Federal-State supervisor's salary paid by PMA.

(b) An amount equal to salaries of any Federally employed inspectors who perform inspection service in any plant operating under Federal-State inspection service, such salary costs to cover the periods of such assignments.

(c) An amount to cover accrued leave both annual and sick and travel costs incurred by persons referred to in paragraphs (a) and (b) of this section, during periods such persons are performing Federal-State service.

(d) An amount equal to 7 percent of the amounts referred to in paragraphs (a), (b), and (c) of this section.

(e) An amount sufficient to cover overhead in excess of that specified in paragraph (d) of this section, general supervision and other costs and expenses incurred by the Administration in rendering the inspection service.

§ 70.403 *Reimbursement of cooperating State agency by PMA.* When PMA assumes the responsibility for the collection of fees, it shall reimburse the cooperating State agency for the salaries of the State inspectors, for periods during which such inspectors perform Federal-State inspection service, and for such annual and sick leave as may be authorized by the State, and agreed to by PMA.

§ 70.404 *Additional provisions.* The cooperating State agency shall, without cost to PMA, furnish office space, office furniture and equipment, heat, light, clerical assistance, and telephone service for use by the Federal-State supervisor.

APPLICATION FOR GRADING SERVICE

§ 70.410 *Application for grading service with respect to live poultry, dressed poultry, and ready-to-cook poultry.*

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 70) governing the grading and inspection of poultry and edible products thereof and United States specifications for classes, standards, and grades with respect thereto, for grading service to be performed at the plant hereinafter designated:

Name of plant ----------
Street address ----------
City and State ----------

(a) Upon approval of this application by the Production and Marketing Administration, United States Department of Agriculture (hereinafter referred to as "PMA"), PMA will furnish grading service in accordance with the terms and conditions hereof.

(b) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including such applicable instructions as may be issued from time to time by the Administrator), and such other conditions as hereinafter enumerated.

(c) The applicant agrees to pay for the full cost of the grading service covered hereby to PMA at the time the respective invoices are rendered by PMA. The full costs shall comprise such of the following items as may be due and may be included, from time to time, in the invoice or invoices covering the period or periods during which the grading service may be rendered:

(i) A charge of $75.00 for the initial survey (required to be made with respect to an official plant pursuant to the aforesaid regulations) of the designated plant and its premises (but no charge for the final survey) prior to the performance, by the Administration, of the grading service covered hereby: *Provided*, That, if at the time of submission of this application for poultry grading service such designated plant is an official plant in which inspection service is performed by the Administration and poultry grading service has not been performed by the Administration in such plant during the twelve-month period ending on the date of this application, the charge for the survey shall be computed in the manner specified in subparagraph (ii) of this paragraph;

(ii) A charge for each additional survey to be computed on the basis (a) of the actual cost to the Administration of the travel and per diem incurred in the making of the survey, and (b) a charge of $3.60 per hour for the time consumed in making the survey;

(iii) An inauguration charge of $50.00 to cover costs incurred by PMA in connection with the inauguration of the grading service and assignment of a grader to the designated plant;

(iv) A charge of $25.00 for each additional grader or replacement of a previously assigned grader to the designated plant: *Provided*, That, no charge under this subdivision (iv) is to be made for temporary relief graders for regular graders or for the replacement of a grader who is a Federal employee when the replacement is made by PMA other than at the request of the applicant;

(v) A charge equal to the salary costs paid to each grader assigned to applicant's plant by PMA, including earned annual leave and, if necessary, earned sick leave: *Provided*, That, no charge is to be made for salary costs for any assigned grader of the designated plant while temporarily reassigned by PMA to perform a grading service for other than the applicant;

(vi) A charge equal to the salary costs, travel expenses and per diem paid by PMA to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(vii) A charge for the actual cost to PMA of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(viii) A charge, at the sole discretion of PMA, of an amount not in excess of the actual cost to PMA of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant;

(ix) A charge included in salary costs equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System; and

(x) An administrative service charge based upon the aggregate weight of the total monthly volume of all products handled in the plant, and computed in accordance with the following table:

Computation of administrative service charges:

| | |
|---|---|
| 0 to 20,000 pounds | $25.00 |
| 20,000 to 100,000 pounds | 30.00 |
| 100,000 to 150,000 pounds | 35.00 |
| 150,000 to 200,000 pounds | 40.00 |
| 200,000 to 250,000 pounds | 45.00 |
| 250,000 to 300,000 pounds | 50.00 |
| 300,000 to 400,000 pounds | 55.00 |
| 400,000 to 500,000 pounds | 60.00 |
| 500,000 to 600,000 pounds | 65.00 |
| 600,000 to 700,000 pounds | 70.00 |
| 700,000 pounds or more | 75.00 |

(d) The applicant shall designate, in writing, the employees of the applicant who will be required and authorized, to furnish each grader with such information as may be necessary for the performance of the grading service.

It is agreed that:

(a) PMA will provide an adequate number of graders to perform the grading service covered hereby;

(b) At the sole discretion of PMA the graders may be either a Federal or State employee or a licensed employee of the applicant;

(c) PMA shall not be responsible for damages accruing through any acts of commission or omission on the part of any grader;

(d) The provisions hereof shall continue in full force and effect from its effective date until suspended, withdrawn, or terminated, by (i) mutual consent of the applicant and PMA; (ii) written notice given by either party to the other to take effect on a specific date not less than 30 days from the date of the giving of such notice; (iii) one (1) days written notice by PMA to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service as herein provided; or (iv) termination of the services requested herein pursuant to the provisions in the following paragraph (e);

(e) The services to be rendered hereunder shall be terminated by PMA at any time PMA, acting pursuant to any applicable laws, rules, or regulations, debars the applicant from receiving any further benefits of the service, or the services hereunder may be suspended or terminated at any time PMA concludes that the applicant has not conformed, or cannot conform, hereto;

(f) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions;

(g) A federally employed grader will be required to confine his activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by PMA: *Provided*, That, in no instance will the federally employed grader assume the duties of management;

(h) No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom unless derived through the agreement made with a corporation for its general benefit.

---
(Applicant)

By ---
---
(Street)

---
(City) (State)

---
(Date)

Approved:
By ---
---
(Title)

---
(Date)

*Production and Marketing Administration, U. S. Department of Agriculture.*

Unless otherwise indicated herein the bills will be rendered to the applicant at the address indicated above.

[F. R. Doc. 53-9252; Filed, Nov. 2, 1953; 8:48 a. m.]



## Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-177-A12]

PART 972—MILK IN TRI-STATE MARKETING AREA

SUBPART—ORDER REGULATING HANDLING

Sec.
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AUTHORITY: §§ 972.0 to 972.91 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 972.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers as defined in this order amending the order, as amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk and its products; and

(5) The necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro-rata share of such expense 4 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all receipts of producer milk (including such handler's own production) and of other source milk classified as Class I milk pursuant to § 972.31 (a) (1) or as Class II milk.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective on November 1, 1953. The regulatory provisions of this order amending the order, as amended, are such that no extensive preparation prior to its effective date will be required of handlers regulated thereunder. The regulatory provisions of this order amending the order, as amended, are well known to handlers—a hearing on proposals containing provisions similar to the regulatory provisions of this order amending the order, as amended, was held in May 1953; the recommended decision in this proceeding containing regulatory provisions substantially the same as those contained herein was issued on September 11, 1953; and the decision the regulatory provisions of which are made a part of this order amending the order, as amended, was issued on October 23, 1953. Under these circumstances handlers will be afforded reasonable time for such preparations as may be necessary. The undesirable marketing conditions which this order amending the order, as amended, is designed to correct are such that their continued existence tends to further jeopardize the orderly marketing of milk in the Tri-State marketing area. Therefore, it is impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order amending the order, as amended, until at least 30 days after its publication in the FEDERAL REGISTER, and good cause exists pursuant to section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1000) for making this order amending the order, as amended, effective November 1, 1953.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Tri-State marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who during the determined representative period (May 1953) were engaged in the production of milk for sale in the said marketing area and who participated in a referendum to ascertain producer approval or disapproval of the issuance of such order amending the order, as amended.

(4) The terms and conditions of this order amending the order, as amended, providing for the payment to all producers and associations of producers delivering milk to the same handler of uniform prices for all milk delivered by them are approved or favored by at least three-fourths of the producers who during a representative period (May 1953) were engaged in the production of milk for sale in the said marketing area and who participated in a referendum to ascertain producer approval or disapproval of the issuance of such order amending the order, as amended.

*Order relative to handling.* It is therefore ordered that on and after the effective date thereof the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 972.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 972.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 972.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in §§ 972.40 and 972.44.

§ 972.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 972.5 *Tri-State marketing area.* "Tri-State marketing area," hereinafter called the "marketing area," means the territory lying within the boundaries of (a) Boyd County, Kentucky; (b) Athens County; Gallipolis Township of Gallia County; Jackson County, except Bloomfield and Jackson Townships; Fayette, Hamilton, Perry, Rome, Union, and Upper Townships of Lawrence County; Beaver, Camp Creek, Jackson, Marion, Newton, Pee Pee, Scioto, Seal, and Union Townships of Pike County; Scioto County; and Belpre, Marietta, and Muskingum Townships of Washington County; all in Ohio; and (c) Cabell County, except McComas and Union Magisterial Districts; Graham, Lewis, and Waggoner Magisterial Districts of Mason County; Ceredo, Union, and Westmoreland Magisterial Districts of Wayne County; and Lubeck, Parkersburg, Tygart, and Williams Magisterial Districts of Wood County; all in West Virginia; including but not limited to, all municipal corporations in the above described area.

§ 972.6 *Route.* "Route" means delivery route (including a plant store) on which milk, skim milk, buttermilk, flavored milk, or flavored milk drink is distributed for consumption in fluid form to wholesale or retail shops other than to any milk plant(s).

§ 972.7 *Fluid milk plant.* Any milk handling plant (hereinafter referred to as a "plant") except a plant at which the handling of milk is regulated by another milk marketing agreement or order issued pursuant to the act shall be a "fluid milk plant":

(a) In any delivery period in which a route is operated wholly or partially within the marketing area from such plant;

(b) In any delivery period in which a total of 25,000 pounds or more of milk is delivered in the form of milk from such plant to one or more plants which are fluid milk plants pursuant to paragraph (a) of this section: *Provided*, That a plant shall not be a fluid milk plant pursuant to this paragraph during any delivery period prior to May 1954 or during any of the subsequent delivery periods of September through April in which milk is delivered from such plant to one or more fluid milk plants pursuant to paragraph (a) of this section on less than one day of each week ending within such delivery period: *And further provided*, That a "fluid milk plant" pursuant to this section shall not mean such portions of a building or facilities used for receiving or processing such milk, or milk product, as is required by the appropriate health authority to be kept physically separate from the receiving or processing of Class I milk for the community(s) served.

§ 972.8 *Huntington district plant.* "Huntington district plant" means a fluid milk plant located in Boyd or Greenup County, Kentucky, Cabell, Logan, or Wayne County, West Virginia, or Lawrence County, Ohio.

§ 972.9 *Gallipolis district plant.* "Gallipolis district plant" means a fluid milk plant located in Gallia County, Ohio, or in Mason County, West Virginia.

§ 972.10 *Scioto district plant.* "Scioto district plant" means a fluid milk plant located in Jackson, Pike, Scioto, or Vinton County, Ohio.

§ 972.11 *Athens district plant.* "Athens district plant" means a fluid milk plant which is not a Huntington district plant, a Gallipolis district plant, or a Scioto district plant.

§ 972.12 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk processing or manufacturing plant not a fluid milk plant pursuant to § 972.7.

§ 972.13 *Producer.* "Producer" means a person who produces milk received:

(a) At a fluid milk plant,

(b) At a nonfluid milk plant by diversion within April, May, June, or July from a fluid milk plant, or

(c) By an association in its capacity as a handler: *Provided*, That such person producing milk holds a dairy farm inspection permit or equivalent certification if required by the appropriate health authority of the community for which his milk is produced.

§ 972.14 *Producer milk.* "Producer milk" means milk produced by one or more producers under the conditions set forth in § 972.13.

§ 972.15 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this part is in effect.

§ 972.16 *Handler.* "Handler" means:

(a) A person who operates a fluid milk plant, or

(b) An association of producers with respect to milk customarily received at producer milk at a fluid milk plant which is diverted by such association within April, May, June or July on its account from a fluid milk plant to a nonfluid milk plant.

§ 972.17 *Producer-handler.* "Producer-handler" means any person who:

(a) Produces milk but receives no milk from dairy farmers, and

(b) Operates a route extending into the marketing area.

§ 972.18 *Other source milk.* "Other source milk" means all skim milk (including reconstituted skim milk) and butterfat not received from a producer, or from a fluid milk plant, but:

(a) Contained in milk, skim milk, or cream, or

(b) Used to produce any milk product.

MARKET ADMINISTRATOR

§ 972.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by and shall be subject to removal at the discretion of, the Secretary.

§ 972.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 972.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee, who handles funds entrusted, to the market administrator;

(d) Pay, out of the funds provided by § 972.71:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 972.75 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 15 days after the day upon which he is required to perform such acts, has not made:

(1) Reports pursuant to §§ 972.25 or 972.26, or

(2) Payments pursuant to §§ 972.65 through 972.81;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Upon request, supply on or before the 25th day after the end of each delivery period to each association of producers with respect to producers whose membership in such association has been verified by the market administrator, a record of the pounds of milk received by each handler from member producers and the class utilization of such milk. For the purpose of this report such member milk shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were classified in each class;

(i) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 5th day after the end of such delivery period, the class prices and butterfat differentials computed pursuant to §§ 972.41 through 972.44; and

(2) On or before the 10th day after the end of such delivery period, the uniform prices computed pursuant to § 972.61 and the butterfat differential computed pursuant to § 972.70.

REPORTS, RECORDS, AND FACILITIES

§ 972.25 *Delivery period reports of receipts and utilization.* On or before the 5th day after the end of each delivery period each handler, except a producer-handler, shall report the following to the market administrator with respect to all producer milk received, all other source milk received at a fluid milk plant, and all skim milk and butterfat received in any form at a fluid milk plant from any other fluid milk plant, within such delivery period in the detail and on forms prescribed by the market administrator:

(a) The quantities of butterfat and quantities of skim milk contained in (or used in the production of) such receipts, and their sources;

(b) The utilization of such receipts; and

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 972.26 *Other reports.* Handlers shall submit other reports as follows:

(a) The intention to receive other source milk shall be reported by the receiving handler on or before the first day other source milk is received and the intention to discontinue such receipts shall be reported on or before the last day such milk is received.

(b) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(c) On or before the 20th day after the end of each delivery period each handler shall submit to the market administrator such handler's producer payroll for the delivery period, which shall show:

(1) The total pounds of milk received from each producer and association of producers and the total pounds of butterfat contained in such milk.

(2) The amount of payment to each producer and association of producers, and

(3) The nature and the amount of any deductions and charges involved in the payments referred to in subparagraph (2) of this paragraph.

§ 972.27 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify or to establish the correct data with respect to:

(a) The utilization, in whatever form, of all skim milk and butterfat received;

(b) The weights, samples, and tests for butterfat and for other content of all skim milk and butterfat handled;

(c) Payments to producers and associations of producers, and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and at the end of each delivery period.

§ 972.28 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1949, shall be retained until October 1, 1949: *Provided*, That if within such three-year period or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 972.30 *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in milk, skim milk, and cream, or used to produce milk products, received from all sources within the delivery period by a handler at his fluid milk plant(s), and all producer milk received within the delivery period in the manner described in § 972.16 (b) shall be classified by the market administrator pursuant to §§ 972.31 through 972.34.

§ 972.31 *Classes of utilization.* Subject to the conditions set forth in §§ 972.32 through 972.34, the skim milk and butterfat described in § 972.30 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in fluid form as milk, skim milk (except as provided in paragraph (c) (2) and (3) of this section), or flavored milk or flavored milk drink; and

(2) Not specifically accounted for under subparagraph (1) of this paragraph or as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in fluid form as cream or any mixture of cream and milk (or skim milk) containing not less than 6 percent of butterfat, or buttermilk (except as provided in paragraph (c) (2) of this section).

(c) Class III milk shall be all skim milk and butterfat:

(1) Used to produce a milk product other than any of those specified in paragraphs (a) (1) or (b) of this section;

(2) Dumped or disposed of for livestock feeding as skim milk or buttermilk;

(3) Disposed of as bulk skim milk to any manufacturer of candy, soup, or bakery products who does not dispose of milk in fluid form;

(4) In actual plant shrinkage of producer milk computed pursuant to

§ 972.32 (d) but not in excess of 2 percent thereof; and

(5) In actual plant shrinkage of other source milk computed pursuant to § 972.32 (d).

§ 972.32 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, by:

(1) Combining the shrinkage thereof for all fluid milk plants operated by the handler, and

(2) Combining in a separate sum the shrinkage thereof for all nonfluid milk plants operated by him to which any skim milk or butterfat has been transferred from any of his fluid milk plants;

(b) Prorate the shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) (2) of this section in such nonfluid milk plants between:

(1) Skim milk or butterfat, respectively, transferred from any of his fluid milk plants, and

(2) Skim milk or butterfat, respectively, received from all other sources;

(c) Add to the shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) (1) of this section, the shrinkage of skim milk or butterfat, respectively, transferred from the handler's fluid milk plants to his nonfluid milk plants, computed pursuant to paragraph (b) of this section; and

(d) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (c) of this section between producer milk and other source milk at his fluid milk plants after deducting from the total receipts therein, the receipts from fluid milk plants other than his own.

§ 972.33 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise. Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 972.34 *Transfers.* Skim milk or butterfat transferred from a handler's fluid milk plant to any other plant shall be classified as Class I milk if so transferred as any item listed in § 972.31 (a) (1) and as Class II milk if so transferred as any item listed in § 972.31 (b);

(a) To another fluid milk plant of a handler (except a producer-handler) unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period within which such transfer was made: *Provided*, That skim milk or butterfat assigned to a particular class shall be limited to the amount thereof remaining in such class in the fluid milk plant of the transferee handler after the subtraction of other source milk pursuant to § 972.36 (a) (2), and any excess of such transferred skim milk or butterfat, respectively, shall be assigned in series beginning with the next lowest-priced available class;

(b) To a producer-handler; and

(c) To a nonfluid milk plant unless:

(1) Other utilization is mutually indicated in writing to the market administrator by both the buyer and seller on or before the 5th day after the end of the delivery period within which such transfer was made,

(2) The buyer maintains books and records showing utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for audit, and

(3) Such buyer's plant had actually used not less than an equivalent amount of skim milk or butterfat in the use indicated in such statement: *Provided*, That if such buyer's plant had not actually used an equivalent amount of skim milk or butterfat in such indicated use, the remaining pounds shall be classified in the next lowest-priced available class of utilization as if the classes of utilization set forth in § 972.31 were applicable to such buyer's plant.

§ 972.35 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk and Class III milk for such handler.

§ 972.36 *Allocation of skim milk and butterfat classified.* The classification of skim milk and butterfat in producer milk shall be determined as follows:

(a) The pounds of skim milk remaining in each class after making the following computations shall be the pounds in such class allocated to producer milk:

(1) Subtract from the total pounds of skim milk in Class III milk the pounds of skim milk in plant shrinkage pursuant to § 972.31 (c) (4);

(2) Subtract from the pounds of skim milk remaining in each class after making the deduction pursuant to subparagraph (1) of this paragraph, in series beginning with the lowest-priced available class, the pounds of skim milk in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other fluid milk plants in such classes pursuant to § 972.34 (a);

(4) Add to the remaining pounds of skim milk in Class III milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(5) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the remaining pounds of skim milk in each class in series beginning with the lowest-priced available class.

(b) Allocate classified butterfat to producer milk according to the method prescribed in paragraph (a) of this section for skim milk.

(c) Determine the weighted average butterfat test of the remaining milk in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 972.40 *Basic formula price to be used in determining class prices.* The basic formula price per hundredweight of milk to be used in determining the class prices provided by §§ 972.41 through 972.43 shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content determined by the market administrator pursuant to paragraphs (a), (b), or (c) of this section computed to the nearest tenth of a cent.

(a) The average of the basic (or field) prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture.

| *Present Operator and Location* |
|---|
| Borden Co., Black Creek, Wis. |
| Borden Co., Greenville, Wis. |
| Borden Co., Mt. Pleasant, Mich. |
| Borden Co., New London, Wis. |
| Borden Co., Orfordville, Wis. |
| Carnation Co., Berlin, Wis. |
| Carnation Co., Jefferson, Wis. |
| Carnation Co., Chilton, Wis. |
| Carnation Co., Oconomowoc, Wis. |
| Carnation Co., Richland Center, Wis. |
| Carnation Co., Sparta, Mich. |
| Pet Milk Co., Belleville, Wis. |
| Pet Milk Co., Coopersville, Mich. |
| Pet Milk Co., Hudson, Mich. |
| Pet Milk Co., New Glarus, Wis. |
| Pet Milk Co., Wayland, Mich. |
| White House Milk Co., Manitowoc, Wis. |
| White House Milk Co., West Bend, Wis. |

(b) The price per hundredweight computed as follows:

(1) Multiply by six the average wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture for the delivery period;

(2) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divide by seven, add 30 percent thereof, and then multiply by 3.5.

(c) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the average wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the delivery period, subtract three cents, add 20 percent thereof, and then multiply by 3.5; and

(2) From the average of the carlot prices per pound of nonfat dry milk solids for human consumption, spray and roller process, f. o. b. manufacturing plants, as published for the Chicago area for the delivery period by the Department of Agriculture, including in the average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such nonfat dry milk solids for the previous delivery period, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.965.



§ 972.41 *Class I milk prices.* Subject to the provisions of §§ 972.44 through 972.47, the minimum prices per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class I milk, shall be the basic formula price determined pursuant to § 972.40 adjusted as follows:

(a) Add the following amounts for the delivery periods indicated:

| | April, May, June, and July | February, March, August, and September | October, November, December, and January |
|---|---|---|---|
| Ha[illegible]ton district plants | $1.00 | $1.45 | $1.90 |
| [illegible] district plants | .90 | 1.35 | 1.80 |
| [illegible]rict plants | .80 | 1.25 | 1.70 |
| Ath[illegible] district plants | .70 | 1.15 | 1.60 |

(b) Add or subtract a "supply-demand adjustment" computed as follows:

(1) Divide the total gross volume of Class I milk (less interhandler transfers) at all fluid milk plants of handlers in the first and second preceding delivery periods by the total receipts of milk from producers at such plants during the same delivery periods, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "current utilization percentage."

(2) Compute a "net utilization percentage" by subtracting from the current utilization percentage as computed in subparagraph (1) of this paragraph the appropriate "standard utilization percentage" shown below:

| Delivery period for which price is being computed | Standard utilization percentage | |
|---|---|---|
| | For use in computing prices for May 1954 and subsequent delivery periods | For use in computing prices for delivery periods prior to May 1954 |
| [illegible]ary | 84 | 102 |
| [illegible] | 84 | 100 |
| [illegible] | 80 | 98 |
| [illegible] | 77 | 93 |
| [illegible] | 71 | 86 |
| [illegible] | 60 | 73 |
| [illegible] | 70 | 84 |
| [illegible] | 72 | 64 |
| [illegible]r | 76 | 67 |
| [illegible]r | 69 | 57 |
| [illegible]er | 72 | 88 |
| [illegible]er | 81 | 98 |

(3) Determine the amount of the supply-demand adjustment as follows: *Provided*, That the amount of the supply-demand adjustment for each delivery period prior to August 1954 shall not exceed plus 28 cents or shall not be less than minus 28 cents.

| If net utilization percentage is: | *Supply-demand adjustment is* (cents) |
|---|---|
| +12 or over | +38 |
| +9 or +10 | +28 |
| +6 or +7 | +20 |
| +3 or +4 | +10 |
| +1 or −1 | 0 |
| −3 or −4 | −10 |
| −6 or −7 | −20 |
| −9 or −10 | −28 |
| −12 or over | −38 |

When the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket which is the same or nearest to the bracket used in the previous month. If in the first delivery period this supply-demand adjustment is in effect the net utilization percentage does not fall within a tabulated bracket, the supply-demand adjustment shall be determined by the adjacent bracket which would have been used in determining the supply-demand adjustment had it been in effect in the previous month.

§ 972.42 *Class II milk prices.* Subject to the provisions of §§ 972.44 through 972.47, the minimum prices per hundredweight of a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class II milk shall be the Class I milk price determined pursuant to § 972.41 minus 30 cents.

§ 972.43 *Class III milk prices.* Subject to the provisions of §§ 972.44 through 972.47, the minimum price per hundredweight on a 3.5 percent butterfat content basis to be paid by each handler for producer milk classified as Class III milk, shall be the basic formula price.

§ 972.44 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated by the market administrator for such class as follows:

(a) *Class I milk.* Multiply by 1.2 the average wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture for the delivery period, divide the result by 10 and add 1.0 cent.

(b) *Class II milk.* Multiply by 1.2 the average wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture for the delivery period, divide the result by 10 and add 0.5 cent.

(c) *Class III milk.* Multiply by 1.2 the average wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture for the delivery period and divide the result by 10.

§ 972.45 *Emergency price provisions.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payment being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is no applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the prices specified.

§ 972.46 *Prices for Class I, Class II, and Class III milk disposed of outside the marketing area.* The price for Class I, Class II, and Class III milk disposed of outside the marketing area by a handler shall be those applicable, respectively, pursuant to §§ 972.41 through 972.43, to Class I, Class II, and Class III milk disposed of by such handler in the marketing area.

§ 972.47 *Price of Class I or Class II milk transferred by one handler to another handler.* The price of Class I or Class II milk transferred by a handler to another handler shall be that applicable to Class I or Class II milk at the selling handler's fluid milk plant, pursuant to §§ 972.41 and 972.42: *Provided*, That any hauling charge with respect thereto chargeable to producers or to associations of producers shall not exceed that customarily applied to deliveries of such producers from their farms to the selling handler's fluid milk plant.

APPLICATION OF PROVISIONS

§ 972.50 *Producer-handlers.* Sections 972.30 through 972.47 and §§ 972.60 through 972.76 shall not apply to a producer-handler. Any handler who desires to qualify as a producer-handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence of his qualifications satisfactory to the market administrator, and he shall furnish similar evidence of subsequent changes in his operations that affect his qualifications. Verification by the market administrator shall be made within 5 days after the date of receipt of such evidence, and shall be effective retroactively to the date on which the applicant became so eligible, but not earlier than the first day of the delivery period during which verification of such eligibility is made.

§ 972.51 *Exempt milk.* Milk received at a plant of a handler the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to

the pricing and payment provisions of this part.

§ 972.52 *Milk caused to be delivered by an association of producers.* Milk referred to in this part as received from producers by a handler shall include producer milk caused to be delivered to such handler by an association of producers which is not a handler and which is authorized to collect payment for such milk.

§ 972.53 *Diverted milk.* Producer milk diverted by an operator of a fluid milk plant from such plant to a nonfluid milk plant shall be deemed to have been received by the fluid milk plant from which such milk was diverted. Producer milk diverted by an association of producers from a fluid milk plant to a nonfluid milk plant shall be deemed to have been received by such an association.

DETERMINATION OF UNIFORM PRICES

§ 972.60 *Computation of value of milk.* The value of producer milk received during each delivery period by each handler shall be a sum of money computed by the market administrator by (a) multiplying the pounds of such milk in each class for the delivery period, by the applicable class prices, and (b) adding together the resulting amounts: *Provided*, That if a handler, after subtracting other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which, on the basis of his reports, has been credited to producers as having been received from them, there shall be added an amount computed by multiplying the pounds in each class determined pursuant to § 972.36 (a) (5) and (b) by the applicable class prices.

§ 972.61 *Computation of uniform prices.* For each delivery period the market administrator shall compute for each handler a "uniform price" per hundredweight to be paid to producers and associations of producers for milk of 3.5 percent butterfat content received at fluid milk plants as follows:

(a) From the value of milk computed for such handler pursuant to § 972.60, subtract, if the weighted average butterfat test of producer milk represented by the value included under paragraph (a) of this section is greater than 3.5 percent, or add, if such butterfat test is less than 3.5 percent, an amount computed by: Multiplying the amount by which its weighted average butterfat test varies from 3.5 percent by the butterfat differential computed pursuant to § 972.70, and multiplying the resulting figure by the total hundredweight of such milk;

(b) Add or subtract, as the case may be, any amounts necessary to correct errors in classification for previous delivery periods as disclosed by audit by the market administrator;

(c) Adjust the resulting amount by the sum of money used in adjusting the uniform price pursuant to paragraph (e) of this section, for the previous month, to the nearest cent;

(d) Divide the result by the total hundredweight of producer milk represented by the value computed pursuant to § 972.60; and

(e) Adjust the resulting figure to the nearest cent.

§ 972.62 *Notification to handlers.* On or before the 10th day after the end of each delivery period, the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class and the totals thereof;

(b) His uniform price; and

(c) The amount to be paid by such handler pursuant to §§ 972.65 and 972.70.

PAYMENTS

§ 972.65 *Time and method of final payment.* Each handler shall make payment, subject to the provisions of §§ 972.66, 972.70, 972.75, and 972.76, for all producer milk received during each delivery period, as follows:

(a) Except as set forth in paragraph (b) of this section, to each producer, on or before the 18th day after such delivery period, at not less than such handler's uniform price for milk of 3.5 percent butterfat; and

(b) To an association of producers for milk to producers from whom such association has received written authorization to collect payment, on or before the 16th day after such delivery period, of a total amount equal to not less than the sum of the individual amounts otherwise payable to such producers under paragraph (a) of this section.

§ 972.66 *Partial payments.* Handlers shall make partial payments to producers as follows:

(a) On or before the last day of each delivery period, each handler shall make payment except as set forth in paragraph (b) of this section, to each producer at not less than such handler's uniform price of the preceding delivery period for the milk of such producer which was received by such handler during the first 15 days of the current delivery period; and

(b) On or before the day immediately preceding the last day of each delivery period, each handler shall make payment to an association of producers for milk of producers from whom such association has received written authorization to collect payment at not less than such handler's uniform price of the preceding delivery period for all such milk which was received by such handler during the first 15 days of the current delivery period.

§ 972.70 *Butterfat differential.* If, during the delivery period, any handler has received from any producer or from an association of producers, milk having a weighted average butterfat test other than 3.5 percent, such handler, in making the payments prescribed in § 972.65, shall add to, or subtract from the applicable uniform price per hundredweight, for each one-tenth of 1 percent of such butterfat test in milk above or below, as the case may be, 3.5 percent, an amount computed by the market administrator as follows: Multiply by 1.2 the average wholesale price per pound of 92-score butter at Chicago, as reported by the Department of Agriculture for the delivery period, divide the result by 10, and round to the nearest tenth of a cent.

§ 972.71 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 972.22 (d) each handler shall pay the market administrator, on or before the 13th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, to be announced by the market administrator on or before the 10th day after the end of such delivery period with respect to all receipts within the delivery period, of producer milk (including such handler's own production) and other source milk at his fluid milk plant classified as Class I milk pursuant to § 972.31 (a) (1) and Class II milk: *Provided*, That an association of producers shall pay such pro rata share of expense of administration on producer milk with respect to which it is a handler.

MARKETING SERVICE DEDUCTIONS

§ 972.75 *Payments to market administrator.* Except as set forth in § 972.76 each handler shall deduct an amount not exceeding 6 cents per hundredweight (the exact amount to be determined by the market administrator subject to review by the Secretary) from the payments due pursuant to § 972.65, with respect to all producer milk received by such handler (except milk of such handler's own production) during each delivery period and shall pay such deductions to the market administrator on or before the 13th day after such delivery period. Such moneys shall be used by the market administrator to make, or check, weights, samples, and tests of producer milk received by handlers and to provide producers with market information such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

§ 972.76 *Payments to cooperative associations.* In the case of producers for whom a cooperative association which, as determined by the Secretary:

(a) Is engaged in the collective sale or marketing of their milk,

(b) Has its entire activities under the control of its members,

(c) Meets the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and

(d) Is actually performing the services set forth in § 972.75, each handler shall make, in lieu of the deductions specified in § 972.75, such deductions from the payments to be made to such producers as have been authorized by such producers and, on or before the 14th day after each delivery period, pay over such deductions to the cooperative association rendering such services.

ADJUSTMENT OF ACCOUNTS

§ 972.80 *Errors in payments.* Whenever audit by the market administrator of a handler's reports, books, records, or accounts discloses adjustments to be made, for any reason which result in moneys due:

(a) The market administrator from such handler,

(b) Such handler from the market administrator, or

(c) Any producer or association of producers from such handler, the market administrator shall promptly notify such handler of any such amount due; and explain the basis for such adjustment; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 972.81 *Overdue accounts.* Any unpaid obligation of a handler or of the market administrator pursuant to §§ 972.65 through 972.80 shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and on the first day of each month thereafter until such obligation is paid.

MISCELLANEOUS PROVISIONS

§ 972.85 *Effective time.* The provisions of this part, or any amendment of this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to § 972.86.

§ 972.86 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part, whenever he finds that this part or any provision of this part, obstructs, or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 972.87 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such other person as the Secretary may designate, shall:

(a) Continue in such capacity until discharged by the Secretary.

(b) From time to time account for all receipts and disbursements, and, when so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, to such person as the Secretary may direct, and

(c) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this part.

§ 972.88 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 972.89 *Agents.* The Secretary may, by designation in writing, name of any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 972.90 *Separability of provisions.* If any provision of this part, or the application thereof to any person or circumstances, is held invalid, the remainder of this part and the application of such provision to other persons or circumstances, shall not be affected thereby.

§ 972.91 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

Issued at Washington, D. C., this 29th day of October 1953 to be effective on and after November 1, 1953.

[SEAL] JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 53-9279, Filed, Oct. 30, 1953; 9:00 a. m.]



## TITLE 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D 6046, Regs. 129, 130]

PART 24—CONSOLIDATED INCOME AND EXCESS PROFITS TAX RETURNS

PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 129 (26 CFR Part 24) and Regulations 130 (26 CFR Part 40) to the provisions of Public Law 125, 83d Congress, approved July 16, 1953, relating to the extension until December 31, 1953, of the period with respect to which the excess profits tax shall be effective, such regulations are hereby amended as follows:

PARAGRAPH 1. Subdivision (iii) of § 24.31 (a) (90) is amended by striking "June 30, 1953" and "July 1, 1953", wherever such dates appear, and inserting in lieu thereof "December 31, 1953" and "January 1, 1954", respectively, so that such subdivision as amended shall read as follows:

(iii) In the case of a taxable year of the group beginning before January 1, 1954, and ending after December 31, 1953, such amount shall be reduced to an amount which is such part thereof as the number of days in such taxable year before January 1, 1954, is of the total number of days in such taxable year; and

(53 Stat 32; 26 U. S. C. 62. Interprets or applies 53 Stat. 58, as amended; 26 U. S. C. 141)

PAR. 2. There is inserted immediately preceding § 40.430–1 the following:

PUBLIC LAW 125, 83D CONGRESS, APPROVED JULY 16, 1953

• • • sections 430 (a), 430 (c), • • • of the Internal Revenue Code are amended, effective with respect to taxable years ending after June 30, 1953, by striking "June 30, 1953," and "July 1, 1953," wherever such dates appear, and inserting in lieu thereof "December 31, 1953," and "January 1, 1954," respectively.

PAR. 3. The second sentence of § 40.430–1 is amended by striking "July 1, 1953" and inserting in lieu thereof "January 1, 1954" so that such sentence as amended shall read as follows: "The excess profits tax is imposed upon the adjusted excess profits net income of every corporation, both domestic and foreign, for each taxable year ending after June 30, 1950, and beginning before January 1, 1954, except in the case of certain corporations which are exempt from the tax under the provisions of section 454."

PAR. 4. Paragraph (c) of § 40.430-2 is amended by striking "June 30, 1953" and "July 1, 1953", wherever such dates appear, and inserting in lieu thereof "December 31, 1953" and "January 1, 1954", respectively, so that such paragraph as amended shall read as follows:

(c) *Taxable years beginning before January 1, 1954, and ending after December 31, 1953.* In the case of a taxable year which begins before January 1, 1954, and ends after December 31, 1953, the excess profits tax will be an amount equal to that portion of a tentative tax determined under section 430 (a) and under (a) of this section as the number of days in such year prior to January 1, 1954, bears to the total number of days in such year.

PAR. 5. The last sentence of § 40.431–1, as added by Treasury Decision 6024, approved June 25, 1953, is amended by striking "June 30, 1953" and "July 1, 1953", and inserting in lieu thereof "December 31, 1953" and "January 1, 1954", respectively, so that such sentence as amended shall read as follows: "For treatment of taxable years beginning before January 1, 1954, and ending after December 31, 1953, see § 40.430–2 (c)."

PAR. 6. There is inserted immediately preceding § 40.432–1 the following:

PUBLIC LAW 125, 83D CONGRESS, APPROVED JULY 16, 1953

• • • sections • • • 432 (b) of the Internal Revenue Code are amended, effective with respect to taxable years ending after June 30, 1953, by striking "June 30, 1953," and "July 1, 1953," wherever such dates appear, and inserting in lieu thereof "December 31, 1953," and "January 1, 1954," respectively.

PAR. 7. The first and fourth sentences of paragraph (a) of § 40.432–1 are amended by striking "June 30, 1953" and "July 1, 1953", wherever such dates appear, and inserting in lieu thereof "December 31, 1953" and "January 1, 1954", respectively, so that such sentences as amended shall read as follows: "Section 432 provides that the unused excess profits credit for any taxable year ending after June 30, 1950, and beginning before January 1, 1954, is the excess of the corporation's excess profits credit for such taxable year over its excess profits net income for such year computed without regard to the net operating loss deduction and computed on the basis of the excess profits credit applicable to such year. • • • If the taxable year begins before January 1, 1954, and ends after December 31, 1953, the unused excess profits credit will be an amount which is such portion of the unused excess profits credit determined under the general rule as the number of days in the taxable year before January 1, 1954, is of the total number of days in such taxable year."

Inasmuch as this Treasury decision merely provides for the extension, until December 31, 1953, of the period with respect to which the excess profits tax shall be effective, in conformity with the provisions of Public Law 125, 83d Congress, approved July 16, 1953, it is hereby found that it is unnecessary to issue such Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

(53 Stat 32, 467, 26 U. S. C. 62, 3791. Interpret or apply 53 Stat. 58, as amended, 26 U. S. C. 141)

[SEAL] T. COLEMAN ANDREWS, *Commissioner of Internal Revenue.*

Approved: October 28, 1953.

M. B. FOLSOM, *Acting Secretary of the Treasury.*

[F. R. Doc. 53-9271; Filed, Nov. 2, 1953; 8:51 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VII—Department of the Air Force

#### Subchapter C—Claims and Accounts

PART 836—CLAIMS AGAINST THE UNITED STATES

PART 1021—AIR FORCE EMERGENCY FACILITIES DEPRECIATION BOARD

REIMBURSEMENT TO OWNERS AND TENANTS OF LAND ACQUIRED BY THE AIR FORCE; LIST OF CONTRACTOR INFORMATION ON TRUE DEPRECIATION

1. The following amendments of §§ 836.124 and 836.134 were approved by the Secretary of Defense on September 28, 1953.

§ 836.124 *Delegation.* Authority is delegated to the Chief of Engineers, Department of the Army, and such officers and employees of the Corps of Engineers as he may designate and are approved by the Secretary of the Air Force, to perform all functions and make all determinations which are authorized to be performed by the Secretary of the Air Force with respect to reimbursement under the provisions of section 401 (b) of the act.

(Sec. 401, 66 Stat. 624)

§ 836.134 *Delegation.* Authority is delegated to the Chief of Engineers, Department of the Army, and such officers and employees of the Corps of Engineers as he may designate and are approved by the Secretary of the Air Force, to perform all functions and make all determinations which are authorized to be performed by the Secretary of the Air Force with respect to reimbursement under the provisions of section 501 (b) of the act.

(Sec. 501, 65 Stat. 363)

2. The introductory paragraph of Appendix A to Part 1021 (18 F. R. 1445, 3689) is amended by adding at the end thereof the following sentence:

APPENDIX A—LIST OF CONTRACTOR INFORMATION ON TRUE DEPRECIATION

• • • The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942 (56 Stat. 1078, 5 U. S. C. 139–139f). (Bureau of the Budget No. 21–R060, Expiration—Indefinite.)

[SEAL] E. L. WALTERS, *Colonel, U. S. Air Force, Acting Air Adjutant General.*

[F. R. Doc. 53-9234; Filed, Nov. 2, 1953; 8:45 a. m.]

### Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

MEDICAL ATTENDANCE AND BURIALS

Sections 1101.37 through 1101.40 are rescinded and the following substituted therefor:

§ 1101.37 *To whom applicable—a) General.* Officers, warrant officers, and enlisted men of the National Guard who suffer personal injury or contract disease in the line of duty while en route to or from, or during their attendance at encampments, maneuvers, or other exercises, or at service schools, under the provisions of sections 94, 97, and 99 of the National Defense Act of June 3, 1916, as amended, and members of the National Guard of the United States who suffer injuries or contract disease in line of duty while on active duty under proper orders in time of peace shall, under such regulations as the President may prescribe, be entitled, at Government expense, to such hospitalization, rehospitalization, medical and surgical care in hospital and at their homes, as is necessary for the appropriate treatment of such injury or disease, until the disability resulting from such injury or disease cannot be materially improved by further hospitalization or treatment. See act of June 15, 1926.

(b) *Aerial flights during armory training.* Officers, warrant officers, and enlisted men of the National Guard who suffer injury (as distinguished from disease) in line of duty when participating in aerial flights, prescribed under the provisions of section 92 of the National Defense Act, shall be entitled to the same hospitalization, rehospitilization, medical and surgical care, pay and allowances, and transportation as if such injury had been suffered while in line of duty during their attendance at encampments, maneuvers, or other exercises, or at service schools, under the provisions of sections 94, 97, or 99 of the National Defense Act, as amended. See act of June 15, 1936 and act of October 14, 1940.

(c) *National Guard civilian personnel.* The provisions of this section and § 1101.38 do not apply to members of the National Guard not on active duty who are employed as administrative assistants; accounting clerks; maintenance personnel; rangekeepers; and administrative, supply, and maintenance technicians, and who become disabled during the normal discharge of their duties as civilian employees of the State by which employed.

§ 1101.38 *Pay and allowances—(a) Tours of active duty for training not to exceed 30 days' duration.* During hospitalization or rehospitalization, officers, warrant officers, and enlisted personnel of the National Guard shall be entitled to pay and allowances, either in money or in kind, but not for more than an aggregate period of 6 months after the termination of the prescribed tour of active duty for training.

(b) *Tours of active duty for training in excess of 30 days' duration.* Under Public Law 108, 81st Congress, officers, warrant officers, and enlisted personnel of the National Guard, are entitled to receive basic pay and allowances during their full period of hospitalization or rehospitalization if the tour of active duty for training is in excess of 30 days' duration.

(c) *Computation of pay and allowances.* The pay and allowances are to be computed at the same rate, and on the same basis as that to which officers, warrant officers, and enlisted personnel of the National Guard are entitled at the time injury is suffered or disease contracted. They shall also be entitled to the necessary transportation incident to hospitalization, rehospitalization, and return to their homes when discharged from the hospital. There is no provision under current law for the payment of members of the National Guard who are disabled, but not hospitalized. The term "hospitalized" shall be construed to include only that period of time that an individual is carried on the records of a hospital as a resident patient, including official sick leave. Pay is not authorized for periods between hospitalization and rehospitalization, or during periods of out-patient treatment, or other types of non-hospitalized medical care.

[NGR 62, Sept. 17, 1953] (Sec. 118, 39 Stat. 213; 32 U. S. C. 17. Interpret or apply 49 Stat. 1507; 32 U. S. C. 164a–164b)

[SEAL] WM. E. BERGIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 53-9270; Filed, Nov. 2, 1953; 8:50 a. m.]



## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter XII—Defense Minerals Exploration Administration, Department of the Interior

[DMEA Order 1, Amdt. 3]

DMEA 1—GOVERNMENT AID IN DEFENSE EXPLORATION PROJECTS

RATIO OF CONTRIBUTIONS

In the formulation of this amendment there has been no consultation with industry representatives or trade association representatives because special circumstances have rendered such consultation impracticable and contrary to the interests of the national defense.

1. Section 7, after the colon in the first sentence, is amended to read as follows:

(a) In the case of chromium, copper, and molybdenum—50 percent.

(b) In the case of asbestos (chrysotile only), beryl, cobalt, columbium, manganese, mica (muscovite block and film only), nickel, platinum, tantalum, tungsten, and uranium—75 percent.

(c) In the event that two or more of the minerals named in this section are the subject of the proposed exploration, the allowable percentage shall be apportioned between them.

2. This amendment shall not apply to applications for exploration project contracts received by or placed in the United States mail for Defense Minerals Exploration Administration before 12 o'clock midnight of the day of its publication in the FEDERAL REGISTER.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

[SEAL] C. O. MITTENDORF, *Administrator, Defense Minerals Exploration Administration.*

OCTOBER 30, 1953.

[F. R. Doc. 53-9338; Filed, Nov. 2, 1953; 9:59 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of the Treasury

[CGFR 53-35]

#### Subchapter K—Security of Vessels

PART 121—SECURITY CHECK AND CLEARANCE OF MERCHANT MARINE PERSONNEL

#### Subchapter L—Security of Waterfront Facilities

PART 125—IDENTIFICATION CREDENTIALS FOR PERSONS REQUIRING ACCESS TO WATERFRONT FACILITIES FOR VESSELS

APPEAL AND REVIEW PROCEDURES FOR PERSONS DENIED SECURITY CLEARANCE

The purpose of the revised regulations set forth in this document and any changes from present procedures are intended, in effect, to provide that any seaman who is denied security clearance or any person denied a Coast Guard Port Security Card shall receive (1) a written notification of denial stating that such person is a poor security risk or is not entitled to security clearance and this notification shall contain a statement of the basis of denial so worded with such specificity as to afford said person reasonable notice of the basis for denial and an opportunity to marshal evidence in refutation thereof, and otherwise in his behalf; and (2) that if such person appeals in accordance with the procedures in 33 CFR Part 121 as revised by this document, such person will be furnished a statement or bill of particulars setting forth the alleged acts, or associations, or beliefs, or other data which formed the basis for the determination that such person is a poor security risk or is not entitled to security clearance. However, in the administration of these revised regulations, the written notification of denial, the statement of the basis of denial, and the statement or bill of particulars shall not be worded with such specificity or particularity as to disclose the source of such information or data nor the identity of any person or persons who may have furnished such information or data to said person or other persons.

A person who has been denied security clearance before the date of publication of this document in the FEDERAL REGISTER may file a new appeal within 60 days of this date and such appeal will be handled and administered in accordance with the administrative appeal procedures in 33 CFR Part 121 as revised by this document. A person whose document evidencing security clearance has been revoked before the date this document is published in the FEDERAL REGISTER may file a new appeal within 60 days for reconsideration and such appeal will be considered in accordance with the administrative appeal procedures in 33 CFR Part 121 as revised by this document. The time limitation for filing an appeal may be waived by the Commandant, U. S. Coast Guard, upon written showing of good cause. The appeal for reconsideration of a denial of security clearance or the revocation of a document evidencing security clearance provided by this paragraph shall be submitted to the Chairman of the nearest Local Appeal Board.

It is hereby found that compliance with the notice of proposed rule making, public rule making procedures thereon, and effective date requirements of the Administrative Procedure Act is impractical since these changes clarify the right of appeal and appeal procedures to be followed and in the public interest should be placed in effect as soon as possible.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173, as amended, the following amendments are prescribed and shall become effective immediately upon publication of this document in the FEDERAL REGISTER.

1. Section 121.15 (e) is amended to read as follows:

§ 121.15 *Issuance of documents bearing security clearance indorsement.* • • •

(e) *Denial or revocation of clearance indorsement.* (1) When it is determined by the Commandant that a person to whom security clearance has been de-

nied or is not eligible therefor within the meaning of § 121.13 (d) (or § 125.29 of this chapter for a person denied access to waterfront facilities or vessels), such person shall be so notified in writing. This written notification shall contain a statement of the basis for the initial determination that he is not entitled to security clearance or that he is a poor security risk.

(2) When it is determined by the Commandant that a person to whom a document evidencing security clearance has been granted is not enitled thereto, or is not eligible therefor within the meaning of § 121.13 (d) (or § 125.29 of this chapter for a person denied access to waterfront facilities or vessels), such person shall be so notified in writing and he shall immediately surrender to the Coast Guard every Coast Guard document held by him which evidences security clearance. This written notification shall also contain a statement of the basis for the determination that he is a poor security risk or that he is not entitled to security clearance.

(3) The statement of the basis for the action taken under subparagraph (1) or (2) of this paragraph shall be worded with such specificity as to afford such person an opportunity to marshal evidence in refutation thereof, and otherwise in his behalf. This statement shall not be worded with such particularity as to disclose the source of such information or data, nor the identity of any person or persons who may have furnished such information or data, to said person or other persons.

2. Section 121.21 (a) (3) is amended to read as follows:

§ 121.21 *Chairman of the Board: duties and responsibilities.* (a) * * *

(3) Furnish the appellant with a written notification stating:

(i) The basis for the action in the form of a written statement or bill of particulars setting forth the alleged acts, or associations, or beliefs, or other data which formed the basis for the determination that the appellant is a poor security risk or is not entitled to security clearance. This statement or bill of particulars shall not be worded with such particularity or specificity as to disclose the source of such information or data, nor the identity of any person or persons who may have furnished such information or data, to the appellant or to other persons.

(ii) That, within a period of 10 days from the receipt of this notification, he may file, if he so desires, a written answer with the Chairman.

(iii) That, within 15 days after receipt of such notification, unless the appellant tenders a timely request for a postponement, the Local Appeal Board will meet to hear such evidence as the appellant desires to submit.

(iv) That, unless otherwise requested by the appellant, at least 48 hours' notice will be given of the date and place of hearing.

(v) That the appellant may appear personally before such Board; be present during the entire hearing; be represented by counsel, or other representative, of his own choosing; and present evidence in his own behalf, through witnesses, or by documents, or both.

(vi) The names of the prospective members of the Board, their occupations, and the names of business or labor organizations or associations with which such persons are affiliated.

(vii) The appellant's privilege, for good cause shown, of challenging any member of the Board.

(40 Stat. 220, as amended; 50 U. S. C. 191, E. O. 10173, Oct. 18, 1950, 15 F. R. 7005; 3 CFR, 1950 Supp., as amended by E. O. 10277, Aug. 1, 1951, 16 F. R. 7537; 3 CFR, 1951 Supp., E. O. 10352, May 19, 1952, 17 F. R. 4607; 3 CFR, 1952 Supp.)

Section 125.33 is amended to read as follows:

§ 125.33 *Right of appeal.* Any person who has been denied a Coast Guard Port Security Card pursuant to § 125.29 or who has been required to surrender his Coast Guard Port Security Card pursuant to § 125.31 shall have the right to appeal from such action in the manner described and under the same conditions as set forth in Part 121 of Subchapter K of this chapter.

(40 Stat. 220, as amended; 50 U. S. C. 191, E. O. 10173, Oct. 18, 1950, 15 F. R. 7005; 3 CFR, 1950 Supp., as amended by E. O. 10277, Aug. 1, 1951, 16 F. R. 7537; 3 CFR, 1951 Supp., E. O. 10352, May 19, 1952, 17 F. R. 4607; 3 CFR, 1952 Supp.)

Dated: October 27, 1953.

[SEAL] MERLIN O'NEILL,
*Vice Admiral, U. S. Coast Guard, Commandant.*

[F. R. Doc. 53-9272; Filed Nov. 2, 1953; 8:51 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 925]

ALASKA

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 8216 OF JULY 25, 1939

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 8216 of July 25, 1939, reserving certain areas in Alaska for use of the Department of the Navy, is hereby revoked so far as it relates to the following-described lands:

Aleutski Island in Sitka Bay, approximate latitude 57° 02'45" N., longitude 135° 20' W.

The island, which is approximately five acres in area, is sparsely covered with Sitka Spruce of no commercial value. A major portion of the island is rocky and contains no growth other than moss and fern plants.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the signing of the order, at which time the land shall, subject to valid existing rights and to the provisions of existing withdrawals, be opened to settlement under the homestead laws and the homesite act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461), and to those forms of appropriation only by qualified veterans of World War II for whose services recognition is granted by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, and by other qualified persons entitled to credit for service under the said act. Commencing at 10:00 on the 126th day after the date of this order, any of such land not settled upon by veterans or other persons entitled to credit for service shall become subject to settlement and other forms of appropriation by the public generally in accordance with appropriate laws and regulations.

Applications for this land, which shall be filed in the Land Office, Bureau of Land Management, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations, to the extent that such regulations are applicable. Applications under the homesite or homestead laws shall be governed by the regulations contained in Parts 64 and 66, inclusive, of Title 43 of the Code of Federal Regulations. Inquiries concerning this land shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

ORME LEWIS,
*Assistant Secretary of the Interior.*

OCTOBER 27, 1953.

[F. R. Doc. 53-9235; Filed, Nov. 2, 1953; 8:45 a. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

[Order No. 13528]

PART 132—POWER BRAKES AND DRAWBARS

INVESTIGATION OF POWER BRAKES AND APPLIANCES FOR OPERATING POWER BRAKE SYSTEMS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of October A. D. 1953.

Upon further consideration of the record in the above-entitled proceeding, and good cause appearing therefor:

*It is ordered*, That the order heretofore entered herein on September 21, 1945, as amended, requiring respondents to install power brakes and appliances on their cars used in freight service be, and it is hereby, further amended so as not to require the installation of such brakes and appliances on

a. Locomotives;

b. Scale test weight cars;

c. Locomotive cranes, steam shovels, pile drivers and similar construction and maintenance machines built prior to September 21, 1945;



d. Export, industrial, and other than railroad owned cars which are not to be used in service by respondents, except for movement as shipments on their own wheels to given destinations, provided that any such car so moved shall be properly identified by a card attached to each side of car, signed by shipper, stating that such movement is being made under authority of this order; and

e. Industrial and other than railroad owned cars which are not to be used in service by respondents except for movement within the limits of a single switching district.

*It is further ordered*, That the effective date of said order of September 21, 1945, as amended, be, and it is hereby, extended until further order of the Commission, insofar as it applies to:

f. Narrow-gauge cars, and

g. Cars being returned from Canada or Mexico to owners in the United States, provided each such car being returned is routed directly to owner and is properly identified by a card attached to each side of car, signed by shipper, stating that the movement is being made under authority of this order.

(Sec. 6, 36 Stat. 299, 45 U. S. C. 15)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-9263; Filed Nov. 2, 1953; 8:50 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

[7 CFR Part 903]

[Docket No. AO 10-A18]

HANDLING OF MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposal to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C. not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing, on the record of which the following findings and conclusions were formulated, was conducted at St. Louis, Missouri, on October 12 and 13, 1953, pursuant to notice thereof which was issued on October 7, 1953 (18 F. R. 6384) and October 8, 1953 (18 F. R. 6409).

By an emergency action of the Assistant Secretary of Agriculture taken on October 26, 1953, decision has been made with respect to the Class I pricing provisions for the period through June 1954. Said decision reserved for later determination the remaining issues contained in the hearing record.

The remaining material issues of record, decision on which is herein recommended, related to:

1. The elimination of administrative assessments on milk subject to the Class I pricing provisions of other orders;

2. Minor modifications in the allocation provisions of the order; and

3. Calculation of shrinkage according to utilization of milk at the plant.

*Findings and conclusions.* The findings and conclusions with respect to the material issues herein decided, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

1. The order should be amended to eliminate any duplication of administrative assessments on Class I milk received from other federally regulated markets. Milk coming to St. Louis from other regulated markets and allocated to Class I is now subject to administrative asssessment in both markets. This represents a duplication in cost to handlers which is undesirable and unnecessary, since the amount of work involved in auditing and administering is approximately the same whether the milk is sold in the market where it originates or in a second regulated market. Information on such audits may be exchanged between administrators. The assessment should accrue to the administration fund in the market where the milk originates. If milk is sold to another regulated market from St. Louis, the regular assessment will accrue to the St. Louis administrator.

2. The allocation provisions of the order should be amended as follows:

(a) The allocation provisions of the order should be amended to place all handlers on an equal basis with respect to the assignment of producer milk to Class II before the allocation of milk priced as Class I under another order issued pursuant to the act.

Under the present provisions of the order, each handler is permitted to reserve an amount of Class II milk equivalent to no more than 5 percent of the milk received from producers for assignment to producer milk as Class II. This results in some inequality among handlers associated with differences in supply arrangements. In the case of a handler operating his own supply plants, this 5 percent is calculated on the basis of the quantity of milk received from producers at both supply plants and distributing plants. This is true even with respect to milk not moved between plants. On the other hand, a distributing plant operator depending upon unaffiliated supply plants for part of his milk may reserve only 5 percent of the producer milk received at his own plant. No credit is allowed for the milk received at the supply plants. Thus a multiple plant operator may have a larger proportionate assignment of milk as Class II shrinkage than the distributing plant operator who is purchasing milk from unaffiliated country plants.

In order to place all handlers on a more equal footing in this respect, the order should be amended so that the 5 percent maximum allocation to Class II will be calculated on the basis of only the approved milk received at the handler's distributing plants. It should apply, however, to approved milk from all pool supply plants as well as that received directly from producers. It would not apply to milk received at a supply plant but not shipped to a distributing plant or to milk received from other distributing plants. This will result in an allowance more nearly in line with the needs of the different handlers.

(b) The allocation provisions of the order should be amended to avoid the assignment of more approved milk to Class I sales in a plant than was actually received at such plant.

The order presently provides that milk received from producers shall be allocated to Class I sales on a priority basis for each handler. This applies whether or not the plant may dispose of Class I milk which does not carry a Grade A label. The basis for this allocation procedure is set forth in the decision of the Secretary issued July 15, 1953 (18 F. R. 4123). Said decision did not consider the possibility that Class I milk sold without a Grade A label from one plant might be assigned to producer milk disposed of as Class II milk in the second plant of the same handler. Evidence in this hearing record indicates, however, that such is now the case. A representative of one handler testified that Class I sales from its distributing plant exceeded receipts of approved milk at such plant. Because allocation of other source milk to Class II sales takes place on the basis of a handler's entire operation, ungraded milk is now assigned to Class II disposition of producer milk which takes place at its supply plant. This supply plant has no Class I disposition except that of bulk milk sales which are primarily to the handler's own

bottling and distributing plant. Since producer milk so disposed of as Class II in the supply plant is not physically available for sale as Class I milk in the distributing plant, it should not be assigned to such Class I sales. The order should therefore be amended to provide an exception which will avoid such assignment. This should apply only to plants which are permitted under the applicable health department regulations to bottle and sell non-Grade A milk to Class I outlets.

3. Shrinkage should be assigned to plants according to type of operation at the plant.

The order now provides that shrinkage may be classified as Class II milk up to a maximum of 2 percent of the milk received by the handler from producers. Two percent has been considered under the order as the maximum necessary allowance for the conduct of a fluid milk and surplus disposal business. Any loss in excess of that amount raises the question whether the handler has disposed of Class I milk for which he has failed to account.

The shrinkage allowance is now calculated for each individual handler's operation. No allowance applies to milk transferred between handlers. A considerable share of the milk in the St. Louis market is received at country receiving stations and is transported to city bottling plants for distribution to consumers. Much of the loss sustained in the processing and distribution of fluid milk is incurred at the plant where the milk is packaged for sale to consumers.

At the present time, a plant having its own country receiving stations is allowed maximum shrinkage on the basis of producer receipts at all of its plant locations. However, a bottling plant buying milk from unaffiliated country stations is allowed shrinkage on only that portion of the milk received directly from producers at the bottling plant. While the country receiving stations supplying such a plant are allowed the full 2 percent shrinkage, these plants do not ordinarily incur such shrinkage. There is no opportunity at the present time for the shrinkage which may be incurred in the bottling of milk from unaffiliated supply plants to be classified as Class II milk, except as such shrinkage does not exceed the difference between the shrinkage allowed on direct producer receipts and the shrinkage experienced on such receipts.

The order should be amended therefore to allow a lesser rate of Class II shrinkage if the milk is simply received at a pool plant and shipped in bulk. The reduction thus brought about in allowable shrinkage should be transferred to the pool plant receiving and processing or distributing such milk.

Other source milk should be subject to the same provisions as producer milk in order to place it on a comparable basis. Thus, other source milk received as milk from farmers and not shipped in bulk would be subject to a maximum allowance of 2 percent. If other source milk were received as bulk milk and not reshipped in bulk, it would be subject to a 1 5 percent allowance.

No shrinkage allowance as Class II should be permitted on milk received as bulk milk and reshipped in the same form, nor on milk diverted to non-pool plants. If milk is processed or separated at the plant where received, the shrinkage will be allowed at such plant.

*Rulings on proposed findings and conclusions.* Written arguments and proposed findings and conclusions submitted on behalf of interested persons concerning issues on which decision is herein recommended were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

*General findings.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to Section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order, amending the order, as amended.* The following order amending the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Delete § 903.87 (b) and substitute therefor the following:

(b) Received at a pool plant as Grade A other source milk (except milk subject to the Class I pricing provisions of another order issued pursuant to the act) and allocated to Class I, or

2. Delete § 903.45 (a) (4) and substitute therefor the following:

(4) Subtract from the pounds of skim milk remaining in Class II milk an amount equal to such remainder, or the product obtained by multiplying by 0.05 the pounds of skim milk in approved milk received at plants qualified pursuant to § 903.10 (a), from (i) producers and (ii) plants qualified pursuant to § 903.10 (b), whichever is less;

3. Delete § 903.41 (a) (3) and substitute therefor the following:

(3) In shrinkage not to exceed an amount calculated (except with respect to milk diverted to a non-pool plant pursuant to § 903.7) as follows:

(i) 0.5 percent of milk received from dairy farmers and disposed of in the form of bulk milk;

(ii) 1.5 percent of milk received as other source milk or bulk approved milk and disposed of in a form other than bulk milk: *Provided*, That any disposition of milk in bulk form shall be assigned first to receipts of bulk milk;

(iii) 2.0 percent of milk received from dairy farmers and disposed of in a form other than bulk milk;

*Provided*, That shrinkage of skim milk and butterfat shall be assigned to skim milk and butterfat, respectively, in approved milk and in other source milk as determined pursuant to this paragraph.

4. In § 903.45 (a) (1) delete the word "producer" and substitute therefor the word "approved."

5. Delete § 903.45 (a) (3) and substitute therefor the following:

(3) Subtract from the pounds of skim milk remaining in Class II milk the remaining pounds of skim milk in other source milk which was not subject to the Class I pricing provisions of an order issued pursuant to the act: *Provided*, That skim milk so subtracted from Class II pursuant to this paragraph shall not result in the assignment of more skim milk in approved milk to Class I in a plant which is permitted to receive and bottle Grade A and non-Grade A milk than is contained in the approved milk received at such plant: *And provided further*, That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk in Class I;

6. Delete § 903.52 and substitute therefor the following:

§ 903.52 *Location differentials to handlers.* With respect to skim milk and butterfat contained in milk received from producers at a pool plant in Meramec or Bonhomme townships, St. Louis County, Missouri (except in the cities of Valley Park and Kirkwood), or outside the marketing area, which is classified as Class I milk, the price per hundredweight shall be reduced by the amounts set forth in the following schedule according to the airline distance from the plant where the milk is received from producers, or the plant from which the milk is diverted, to the City Hall in St. Louis:

| Mileage: | Allowance (cents) |
|---|---|
| Not more than 10 miles | 6 |
| More than 10 but not more than 20 miles | 12 |
| More than 20 but not more than 30 miles | 14 |
| More than 30 but not more than 40 miles | 16 |
| For each additional 10 miles or fraction thereof an additional | 1 |



*Provided*, That for the purposes of calculating such location differential with respect to milk transferred between pool plants, the Class II approved milk remaining in the transferee plant after deducting therefrom the amount of such milk or an amount equivalent to 0.05 times the producer milk at such plant, whichever is less, shall be assigned to approved milk from other plants in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential, and then to producer milk.

Filed at Washington, D. C., this 28th day of October 1953.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

[F. R. Doc. 53-9248; Filed, Nov. 2, 1953; 8:47 a. m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 14 ]

[Docket No. FDC 26 (a)]

CACAO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

COUMARIN

In the matter of amending the definitions and standards of identity for chocolate liquor, chocolate, baking chocolate, bitter chocolate, cooking chocolate, chocolate coating, bitter chocolate coating; breakfast cocoa, high-fat cocoa; sweet chocolate, sweet chocolate coating; and milk chocolate, sweet milk chocolate, milk chocolate coating, sweet milk chocolate coating:

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371; 67 Stat. 18), and upon the basis of substantial evidence received at the public hearing held pursuant to the notice published in the FEDERAL REGISTER on August 5, 1953 (18 F. R. 4606), it is proposed that the following order be made:

*Findings of fact.*[1] 1. Based on evidence taken at a hearing held beginning December 9, 1940, an proposals to adopt definitions and standards of identity for various cacao products, coumarin (among other designated substances) was found to be a suitable artificial flavoring ingredient and accordingly it was listed as a permitted optional ingredient in the definitions and standards of identity for chocolate liquor (21 CFR 14.2), breakfast cocoa (21 CFR 14.3), sweet chocolate (21 CFR 14.6), and milk chocolate (21 CFR 14.7). By reference it also became an optional ingredient in the definitions and standards of identity for cocoa (21 CFR 14.4), low-fat cocoa (21 CFR 14.5), skim milk chocolate (21 CFR 14.8), buttermilk chocolate (21 CFR 14.9), mixed dairy product chocolate (21 CFR 14.10), sweet chocolate and vegetable fat (other than cocoa fat) coating (21 CFR 14.11), sweet cocoa and vegetable fat (other than cocoa fat) coating (21 CFR 14.12). (Ex. 2.)

2. Recent investigations have shown that coumarin has toxic properties, should now be classed as a poisonous and deleterious substance, and is not suitable for use in foods, and so is not a suitable optional ingredient of the various chocolate products named in finding 1. (R. 6–17; Ex. 3, 4.)

*Conclusion.* It is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definitions and standards of identity for the various cacao products named in finding 1 to repeal all provisions making coumarin an optional ingredient in such definitions and standards of identity.

Therefore, it is proposed that Part 14—Cacao Products; Definitions and Standards of Identity be amended in the following respects:

1 a. In § 14.2 (a) (3), omit the word "coumarin".

b. In § 14.2 (b), last sentence, change the statement "With Added Cinnamon, Vanilla, and Coumarin, an Artificial Flavoring" to read "With Added Cinnamon, Vanilla, and Ethyl Vanillin, an Artificial Flavoring."

2 a. In § 14.3 (a) (3), omit the word "coumarin".

b. In § 14.3 (b), last sentence, change the statement "With Added Cinnamon, Vanilla, and Coumarin, an Artificial Flavoring" to read "With Added Cinnamon, Vanilla, and Ethyl Vanillin, an Artificial Flavoring."

3 a. In § 14.6 (a) (2), omit the word "coumarin".

b. In § 14.6 (c), last sentence, change the Statement "With Added Cinnamon, Vanilla, and Coumarin, an Artificial Flavoring" to read "With Added Cinnamon, Vanilla, and Ethyl Vanillin, an Artificial Flavoring."

4a. In § 14.7 (a) (2), omit the word "coumarin".

b. In § 14.7 (c) (3), last sentence, change the statement "With Added Emulsifier and Coumarin, an Artificial Flavoring" to read "With Added Emulsifier and Ethyl Vanillin, an Artificial Flavoring."

Any interested person whose appearance was filed at the hearing may, within 30 days from the date of the publication of this tentative order in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in this tentative order and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which such exceptions are based. Such exceptions may be accompanied by a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs shall be submitted in quintuplicate.

Dated: October 28, 1953.

[SEAL] NELSON A. ROCKEFELLER, *Acting Secretary.*

[F. R. Doc. 53-9250; Filed, Nov. 2, 1953; 8:47 a. m.]

# NOTICES

## DEPARTMENT OF THE TREASURY

### United States Coast Guard

[CGFR 53-43]

ACCEPTANCE OF CERTIFICATES ISSUED PURSUANT TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1948

1. The Proclamation of the President, dated September 10, 1952, quoted the International Convention for the Safety of Life at Sea, 1948, which was signed at London on June 10, 1948 (hereinafter referred to as "1948 Convention"), and declared that this 1948 Convention shall be observed and in effect on and after November 19, 1952, for the United States of America (see Treaties and Other International Acts, Series 2495, issued by the Department of State).

2. The 1948 Convention states that each Contracting Government, or a person or organization duly authorized to perform the function for such country, shall issue to a vessel of her registry, which is subject to the provisions of the Convention, the applicable certificates described in Regulation 11 of Chapter I, when such vessel is in compliance with the Convention. The United States Coast Guard will accept and recognize valid certificates issued by a country that has acceded to the 1948 Convention. Therefore, such a vessel carrying valid applicable certificates will be subject to an inspection by the United States Coast Guard to the extent necessary to satisfy the marine inspectors that the condition of the vessel, her boilers, lifesaving equipment, fire-fighting equipment, etc., are as stated in the certificates held by such vessel.

Dated: October 27, 1953.

[SEAL] MERLIN O'NEILL, *Vice Admiral, U. S. Coast Guard, Commandant.*

[F. R. Doc. 53-9271; Filed, Nov. 2, 1953, 8:50 a. m.]

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

[CGFR 53-44]

DENUNCIATION OF THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1929, AND DETERMINATIONS REGARDING CERTIFICATES

1. Executive Order 10402, dated October 30, 1952 (17 F. R. 9917; 3 CFR, 1952 Supp.), superseded Executive Order 7543, dated February 5, 1937, entitled "Enforcement of the Convention for the Safety of Life at Sea, 1929," to the extent that the International Convention for the Safety of Life at Sea, 1948, which was signed at London June 10, 1948 (hereinafter referred to as "1948 Convention"), replaces and abrogates the International Convention for the Safety of Life at Sea, 1929, which was signed at London on May 31, 1929 (hereinafter referred to as "1929 Convention").

2. The United States of America denounced the 1929 Convention on November 19, 1952. By the terms of Article 66 of the 1929 Convention this denunciation becomes effective on November 19, 1953.

Therefore, on and after November 19, 1953, the United States Coast Guard will not accept nor recognize any certificate held by a vessel issued pursuant to the 1929 Convention except as authorized by the 1948 Convention. The acceptance of 1929 Convention certificates held by a foreign vessel will be in accordance with her status as follows:

(a) Up to November 19, 1953, a vessel of a country which is a party to the 1929 Convention is entitled to claim recognition by the United States of a valid certificate issued pursuant to the 1929 Convention.

(b) On and after November 19, 1953, a vessel of a country which is a party to the 1929 Convention but which has not accepted nor acceded to the 1948 Convention will not be entitled to claim recognition by the United States or certificates issued pursuant to the 1929 Convention.

(c) On and after November 19, 1953, a vessel belonging to a country which is a party to the 1929 Convention and which has accepted or acceded to the 1948 Convention will be entitled to claim recognition of her 1929 Convention certificates under Regulation 77 of Chapter I of the 1948 Convention during a period of one year from the date on which her country's ratification or acceptance of the 1948 Convention becomes effective.

(d) Between the date of November 19, 1953, and the effective date of her country's ratification or acceptance of the 1948 Convention deposited subsequent to August 19, 1953, a vessel of a country which is also a party to the 1929 Convention will not be entitled to claim recognition of her certificates issued under the 1929 Convention by virtue of the authority of Regulation 11 of Chapter I of the 1948 Convention (see subparagraph (c) above for acceptance of certificates held by a vessel after the effective date of her country's ratification or acceptance of the 1948 Convention).

3. The findings and decisions of the Acting Secretary of Commerce regarding acceptance of valid safety certificates issued pursuant to the 1929 Convention, which were published as Department of Commerce Circular No. 297, dated October 8, 1935, and reaffirmed by the Commandant, United States Coast Guard, in an order dated March 5, 1942, are canceled effective November 19, 1953, because they are no longer applicable. The acceptance by the United States Coast Guard of certificates held by a foreign vessel pursuant to the 1948 Convention is set forth in a separate document entitled "Acceptance of Certificates Issued Pursuant to the International Convention for the Safety of Life at Sea, 1948" and is further identified as Coast Guard Document CGFR 53-43.

Dated: October 27, 1953.

[SEAL] MERLIN O'NEILL,
*Vice Admiral, U. S. Coast Guard, Commandant.*

[F. R. Doc. 53-9273; Filed, Nov. 2, 1953; 8:51 a. m.]

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

ASSISTANT COMMISSIONER, INSPECTIONS AND EXAMINATIONS DIVISION

DELEGATION OF FINAL AUTHORITY WITH RESPECT TO ADJUSTMENT OF IMMIGRATION STATUS

The following amendment to the Statement of Organization of the Immigration and Naturalization Service (17 F. R. 11613, Dec. 19, 1952), as amended, is hereby prescribed:

Section 1.31 is amended by adding paragraph (fff) which, when taken with the introductory material, will read as follows:

SEC. 1.31 *Final authority: delegation to Assistant Commissioner, Inspections and Examinations Division.* The Assistant Commission, Inspections and Examinations Division, has been delegated final authority to take any action required or authorized to be taken by Chapter I of Title 8 of the Code of Federal Regulations with respect to the following matters:

* * * * * *

(fff) Adjustment of Immigration status as provided in section 6 of the Refugee Relief Act of 1953 and 8 CFR Part 481.

Dated: October 16, 1953.

HERBERT BROWNELL, Jr.,
*Attorney General.*

Recommended: September 22, 1953.

ARGYLE R. MACKEY,
*Commissioner of Immigration and Naturalization.*

[F. R. Doc. 53-9249; Filed, Nov. 2, 1953; 8:47 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. E-6199, IT-5891, IT-5932]

BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR

NOTICE OF REQUEST FOR CONFIRMATION AND APPROVAL OF REVISED RATES AND CHARGES FOR SALE OF POWER FROM FORT PECK PROJECT

OCTOBER 28, 1953.

In the matter of Bureau of Reclamation, Department of Interior, Fort Peck Project, Montana; Docket Nos. E-6199, IT-5891, IT-5932.

Notice is hereby given that the Commissioner of the Bureau of Reclamation, Department of Interior, on September 28, 1953, with amendment thereto on October 20, 1953, filed with the Federal Power Commission (F. P. C.) for confirmation and approval, pursuant to the provisions of the Fort Peck Act (52 Stat. 403), the following revised schedules of rates for the sale of power by the Fort Peck Project:

Schedule R6-F4—Schedule of Rates for Wholesale Firm Power Service modifying and superseding Schedule R6-F3 approved by F. P. C. by order of April 6, 1945, in Docket No. IT-5891.

Schedule R6-S4—Schedule of Rates for Wholesale Firm Power Service for Limited Period modifying and superseding Schedule R6-S2 approved by order of F. P. C. issued June 30, 1949, in Docket No. E-6199.

Schedule R6-S5—Schedule for rates for Wholesale Power Service for Customers Having Their Own Generating Facilities modifying and superseding Schedule R6-S1 approved by order of F. P. C. issued April 28, 1949, in Docket No. IT-5891.

Special rate for sale of electric energy to Montana-Dakota Utilities Co. modifying and superseding the special rate approved by F. P. C. by order of April 6, 1945, in Docket No. IT-5932.

The new rates modify the rates now in effect principally by substituting for the present minimum monthly bill provisions for a minimum annual capacity charge as follows:

For first 12 full billing period: $7.20 per kilowatt of 80 percent of contract rate of delivery.

For second 12 full billing periods: $7.20 per kilowatt of 90 percent of contract rate of delivery.

For subsequent billing periods: $7.20 per kilowatt of 100 percent of contract rate of delivery.

Rate Schedules R6-F4, R6-S4 and R6-S5 provide further with respect to the minimum annual capacity charge that subsequent increases in rates of delivery after initial service under the schedule shall be considered separately in like manner.

Any person desiring to make comments or suggestions with respect to the above should submit the same on or before November 18, 1953, to the Federal Power Commission, Washington 25, D. C.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 53-9257; Filed, Nov. 2, 1953; 8:48 a. m.]

[Docket Nos. G-2122, G-2155]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF ORDER AFFIRMING INITIAL DECISION

OCTOBER 28, 1953.

Notice is hereby given that on October 26, 1953, the Federal Power Commission issued its order adopted October 21, 1953, in the above-entitled matters, affirming initial decision of the Presiding Examiner issued in said dockets.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 53-9238; Filed, Nov. 2, 1953; 8:45 a. m.]



[Docket Nos. G-2222, G-2235, G-2243, G-2244, G-2271]

ALABAMA-TENNESSEE NATURAL GAS CO. ET AL.

ORDER DENYING REQUEST FOR SHORTENED PROCEDURE, SEVERING PART OF AN APPLICATION, CONSOLIDATING PROCEEDINGS, PERMITTING INTERVENTION, FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

In the matters of Alabama-Tennessee Natural Gas Company, Docket No. G-2222; The Waterworks and Gas Board of the Town of Cherokee, Alabama, Docket No. G-2235; City of Russellville, Alabama, Docket No. G-2243; The Lawrence-Colbert Counties Gas District, Docket No. G-2244; Tennessee Gas Transmission Company, Docket No. G-2271.

Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), a Delaware corporation having its principal place of business in Florence, Alabama, on August 5, 1953, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of approximately 13.2 miles of 12- and 8-inch loop pipe line, together with a 350 BHP compressor station to be located in Colbert County, Alabama, for the purpose of increasing its system capacity to meet the estimated peak requirements of its customers during the 1953–1954 winter, all as more fully described in said application, as supplemented, on file with the Commission and open to public inspection.

The Waterworks and Gas Board of the Town of Cherokee, Alabama (Cherokee), a municipal corporation located in the State of Alabama, on August 31, 1953, filed an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Alabama-Tennessee to establish physical connection of its transmission facilities near the Town of Cherokee with the proposed facilities of, and to deliver and sell natural gas to, Cherokee for resale, all as more fully described in said application on file with the Commission and open to public inspection.

The City of Russellville, Alabama (Russellville), a municipal corporation located in the State of Alabama, on September 8, 1953, filed an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Alabama-Tennessee to establish physical connection of its transmission facilities near the City of Tuscumbia, Alabama, with the proposed facilities of, and to deliver and sell natural gas to, Russellville for resale, or to the Gas Board of the City of Russellville for resale if the creation of such a Gas Board is deemed necessary, all as more fully described in said application on file with the Commission and open to public inspection.

The Lawrence-Colbert Counties Gas District (Gas District), a public corporation organized under the laws of the State of Alabama, on September 8, 1953, filed an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Alabama-Tennessee to establish physical connection of its transmission facilities with the proposed facilities of, and to deliver and sell natural gas to, Gas District for resale, all as more fully described in said application on file with the Commission and open to public inspection.

Tennessee Gas Transmission Company (Tennessee), a Delaware corporation having its principal place of business in Houston, Texas, on October 12, 1953, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the transportation and sale of natural gas in increased volumes to Alabama-Tennessee, Tennessee Natural Gas Lines, Inc. and Western Kentucky Gas Company for the purpose of enabling these customer companies to meet their requirements during the 1953-1954 winter, all as more fully described in said application on file with the Commission and open to public inspection.

The applicants herein for relief under section 7 (a) of the Natural Gas Act, Cherokee in Docket No. G-2235, Russellville in Docket No. G-2243, and Gas District in Docket No. G-2244, each filed, on September 21, 1953, an amendment to the respective applications requesting that the order entered in each proceeding also direct Tennessee, Alabama-Tennessee's sole supplier, "to sell natural gas to Alabama-Tennessee in quantities and amounts sufficient to meet the requirements of * * * (each) Applicant as well as Alabama-Tennessee's other customers."

Alabama-Tennessee and Tennessee have each requested that their respective applications herein be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

Due notice of the filing of said application by Alabama-Tennessee has been given, including publication in the FEDERAL REGISTER on August 27, 1953 (18 F. R. 5127). Notices of the filing of the applications by Cherokee, Russellville, Gas District and Tennessee were published in the FEDERAL REGISTER on October 23, 1953 (18 F. R. 6740 and 6741). The time within which protests or petitions to intervene with respect to the latter four applications may be filed will expire November 9, 1953.

Alabama-Tennessee filed separate answers to the applications of Cherokee, Russellville and Gas District, respectively, on September 30, 1953, requesting dismissal of all of the said applications for the principal reason that Alabama-Tennessee's ability to render adequate service to its existing customers would be impaired due to capacity limitations if the applications were granted.

Tennessee has not filed answers to the amendments to the applications herein of Cherokee, Russellville and Gas District.

Petitions seeking leave to intervene in the proceeding in Docket No. G-2222 were filed by Cherokee on September 2, 1953, and by Russellville and Gas District on September 8, 1953.

A petition seeking leave to intervene in the proceeding in Docket No. G-2222 was filed by the Town of Selmer, Tennessee, on September 9, 1953. A joint petition seeking leave to intervene in the proceeding in Docket No. G-2222 was filed by the Cities of Athens, Decatur, Florence, Hartselle, Huntsville, Sheffield and Tuscumbia, Alabama, and the Cities of Corinth and Iuka, Mississippi, on September 10, 1953. All of the above-named communities purchase their entire supply of natural gas from Alabama-Tennessee. The joint petition was not filed within the time prescribed by the Commission's rules of practice and procedure.

An answer to the petitions of Cherokee, Russellville and Gas District to intervene in Docket No. G-2222 was filed by Alabama-Tennessee on September 17, 1953, raising numerous objections, principally that permitting intervention would delay the proceedings in Docket G-2222 to the detriment of existing customers. A joint motion in opposition to the petitions of Cherokee and Russellville to intervene in Docket No. G-2222 was filed by the Cities of Athens, Decatur, Florence, Hartselle, Huntsville, Sheffield and Tuscumbia, Alabama, Corinth and Iuka, Mississippi, and Selmer, Tennessee, on September 14, 1953, raising generally the same objections as those raised by Alabama-Tennessee. A memorandum in support of the petitions to intervene by Cherokee, Russellville and Gas District in Docket No. G-2222 was filed by the said communities and Gas District on October 1, 1953.

Separate joint petitions for intervention in the proceedings in Docket Nos. G-2235, G-2243 and G-2244 were filed by the Cities of Athens, Decatur, Florence, Hartselle, Huntsville, Sheffield and Tuscumbia, Alabama, Corinth and Iuka, Mississippi, and Selmer, Tennessee, on September 29, 1953.

Separate motions by the applicants in Docket Nos. G-2235, G-2243 and G-2244 to consolidate the proceedings in each of these dockets with the proceeding in Docket No. G-2222 were filed September 21, 1953. A joint answer in opposition was filed by the Cities of Athens, Decatur, Florence, Hartselle, Huntsville, Sheffield and Tuscumbia, Alabama, Corinth and Iuka, Mississippi, and Selmer, Tennessee, on September 29, 1953, raising generally the same objections urged against granting the petitions to intervene by Cherokee, Russellville and Gas District in Docket No. G-2222. Alabama-Tennessee filed objections to the above motion to consolidate on September 30, 1953.

A joint application by the Cities of Haleyville and Phil Campbell, Alabama, for an order and relief similar to that requested herein in Docket Nos. G-2235, G-2243 and G-2244 was withdrawn and canceled, as was a petition to intervene in the proceedings in Docket No. G-2222, after the City Council of the City of Haleyville by resolution authorized and directed such action with respect to the City of Haleyville. Accordingly, any pleadings in response to or with refer-

ence to said application and petition to intervene by the Cities of Haleyville and Phil Campbell will not be considered herein.

The Commission finds:

(1) Good cause has not been shown for granting Alabama-Tennessee's request that its application herein be heard under the shortened procedure as provided by the Commission's rules of practice and procedure, and good cause has likewise not been shown for granting Tennessee's request that its application herein be heard under the shortened procedure, so far as the latter application involves transportation and sale of additional volumes of gas to Alabama-Tennessee, and said requests should be denied as and to the extent hereinafter ordered.

(2) That portion of the application in Docket No. G-2271, involving transportation and sale of additional volumes of gas to Alabama-Tennessee, should be severed from the other matters contained in the said application in Docket No. G-2271 for the purpose of separate hearing and disposition and should further be consolidated with the other above-entitled proceedings because such portion of the said application in Docket No. G-2271, and the matters contained in the application in Docket No. G-2222, are interdependent.

(3) Although the joint petition to intervene in the proceeding in Docket No. G-2222 by the Cities of Athens, Decatur, Florence, Hartselle, Huntsville, Sheffield and Tuscumbia, Alabama, and Corinth and Iuka, Mississippi, was not filed within the time required by § 1.8 of the Commission's rules of practice and procedure, good cause exists to permit the late filing.

(4) The participation by intervention of Cherokee, Russellville and Gas District, the Town of Selmer, Tennessee, and of the above-named joint petitioners in the proceeding in Docket No. G-2222, and the participation of the above-named joint petitioners in the proceedings in Docket Nos. G-2235, G-2243 and G-2244, may be in the public interest.

(5) Good cause exists to consolidate all the above-entitled applications, including a portion of the application in Docket No. G-2271, for the purpose of hearing.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and it is in the public interest that the procedure hereinafter prescribed with respect to exhibits and prepared testimony be ordered.

The Commission orders:

(A) Alabama-Tennessee's request that its application herein be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure and Tennessee's request that its application herein be heard under the shortened procedure, so far as the latter application involves transportation and sale of additional volumes of gas to Alabama-Tennessee, be and the same are hereby denied.

(B) That portion of the application in Docket No. G-2271, involving transportation and sale of additional volumes of gas to Alabama-Tennessee, be and the same is hereby severed from the other matters contained in the said application in Docket No. G-2271 for the purpose of separate hearing and disposition.

(C) The Waterworks and Gas Board of the Town of Cherokee, Alabama, the City of Russellville, Alabama, and The Lawrence-Colbert Counties Gas District and the Town of Selmer, Tennessee, and the Cities of Athens, Decatur, Florence, Hartselle, Huntsville, Sheffield and Tuscumbia, Alabama, and Corinth and Iuka, Mississippi, be and the same are hereby permitted to become interveners in the proceeding in Docket No. G-2222, and the Cities of Athens, Decatur, Florence, Hartselle, Huntsville, Sheffield and Tuscumbia, Alabama, Corinth and Iuka, Mississippi, and Selmer, Tennessee, be and the same are hereby permitted to become interveners in the proceedings in Docket Nos. G-2235, G-2243 and G-2244, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of the above-named petitioners shall be limited to matters affecting asserted rights and interests specifically set forth in the petition for leave to intervene: *And provided, further,* That the admission of the above-named petitioners shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in the respective proceedings.

(D) The proceedings upon the applications in Docket Nos. G-2222, G-2235, G-2243 and G-2244, and that portion of the proceeding upon the application in Docket No. G-2271, involving transportation and sale of additional volumes of gas to Alabama-Tennessee, be and the same are hereby consolidated for purpose of hearing.

(E) Pursuant to the authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a formal hearing be held commencing on November 18, 1953, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by said applications, as supplemented and amended, and as limited herein with respect to the application in Docket No. G-2271.

(F) In the interest of expedition, all parties to the proceeding herein shall, not later than November 12, 1953, serve upon all parties herein, including Commission Staff counsel, copies of all exhibits and prepared testimony proposed to be offered at the hearing.

(G) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 23, 1953.

Issued: October 28, 1953.

By the Commission.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 53-9258; Filed, Nov. 2, 1953; 8:49 a. m.]

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[Docket No. G-2269]

COLORADO INTERSTATE GAS CO.

NOTICE OF APPLICATION

OCTOBER 28, 1953.

Take notice that Colorado Interstate Gas Company (Applicant), a Delaware corporation, with its principal place of business in Colorado Springs, Colorado, filed, on October 7, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following natural-gas facilities:

(1) 49.5 miles of 20-inch transmission line from its presently authorized Morton County Compressor Station, Morton County, Kansas, to Compressor Station No. 101 of Natural Gas Pipeline Company of America (Natural), near Hooker, Oklahoma.

(2) A dehydration plant in Morton County, Kansas.

(3) A delivery meter station.

The facilities are proposed to be used to deliver approximately 20,000 Mcf of firm gas per day from the Morton County acreage to Natural and such additional volumes on a firm basis, as may be available up to a total of 50,000 Mcf per day.

The estimated overall cost of the proposed facilities, including production and gathering facilities, is $3,604,950 which Applicant proposes to finance by borrowing $3,500,000 on a short term basis.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of November 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9255; Filed, Nov. 2, 1953; 8:48 a. m.]

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[Docket No. G-2272]

BLACKSTONE VALLEY GAS AND ELECTRIC CO.

NOTICE OF APPLICATION

OCTOBER 27, 1953.

Take notice that Blackstone Valley Gas and Electric Company (Applicant), a Rhode Island corporation having its principal place of business in Pawtucket, Rhode Island, filed on October 12, 1953, an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the use, maintenance and operation of certain existing facilities for the purpose of transporting, delivering and selling natural gas to Blackstone Gas Company subject to the jurisdiction of the Commission.

Applicant proposes to deliver natural gas to be received from Northeastern Gas Transmission Company in accordance with the terms of the Commission's Opinion No. 259 and accompanying order issued August 6, 1953, in Docket No. G-1568 et al., to Blackstone Gas Company at the Massachusetts-Rhode Island state border for distribution in the town of Blackstone, Massachusetts.

Applicant represents that the delivery and sale of natural gas will be accomplished without construction of additional facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, 441 G Street NW., Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of November 1953. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 53-9236; Filed, Nov. 2, 1953; 8:45 a. m.]

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[Docket No. G-2279]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

OCTOBER 27, 1953.

Take notice that on October 15, 1953, El Paso Natural Gas Company (Applicant), a Delaware corporation, having its principal place of business at El Paso, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural gas facilities as hereinafter described.

The facilities which Applicant proposes to construct and operate include a 30-inch O. D. pipeline approximately 3 miles in length extending from Applicant's existing Yuma meter station located in Yuma County, Arizona, easterly and southeasterly direction paralleling Applicant's existing 5-inch O. D. Yuma transmission pipeline to a point of termination in said county together with necessary valves and regulators for utilization of the aforementioned 3-mile section as a storage capacity for meeting peak day demands on its Yuma facilities, and a 150 H. P. portable type field compressor station with appurtenant standard equipment for the operation of the same to be located at the beginning of the 3-mile section of the 30-inch O. D. pipeline.

The 3 miles of storage line and related facilities will be arranged to operate so that when peak demands exceed the maximum delivery capacity of Applicant's 5-inch pipeline, the pressure at the Yuma meter station will begin to drop below contract or required delivery and by means of a regulator controlled by such delivery pressure, as the pressure begins to drop, the regulator will open and pass gas from the 30-inch pipeline.

The application recites that the facilities hereinbefore described will be utilized in conjunction with the operation of its existing facilities for the purpose of making additional deliveries of natural gas to the Arizona Public Service Company for distribution and resale by said company to residents and other users of natural gas within and near the Town of Yuma, Arizona. Applicant asserts that such increased deliveries will be made primarily to meet the high hourly peak requirements during the period of from 4 to 5 months from November through March of each year. And further that unless such facilities are constructed and placed in operation Applicant will not be able to meet its peak day requirement demands which it anticipates will be made upon its system for additional natural gas which it asserts will result in curtailment of service to the customers of the Arizona Public Service Company in and about the Town of Yuma, Arizona.

The total estimated cost of the proposed facilities is approximately $303,015 which Applicant proposes to finance out of its current working funds without additional financing.

The Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 16th day of November 1953. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 53-9237; Filed, Nov. 2, 1953; 8:45 a. m.]

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[Docket No. G-2282]

NATURAL GAS PIPELINE COMPANY OF AMERICA

NOTICE OF APPLICATION

OCTOBER 28, 1953.

Take notice that Natural Gas Pipeline Company of America (Applicant), a Delaware corporation, with its principal place of business in Chicago, Illinois, filed, on October 15, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following natural-gas facilities:

(1) One (1) additional 1250 B. H. P. compressor unit, to be installed at Applicant's existing Compressor Station No. 101, near Hooker, Oklahoma.

(2) 2750 feet of 24-inch pipeline connecting Applicant's Compressor Station No. 101 with its main transmission line.

The facilities are to be used for the compression of gas proposed to be purchased from Colorado Interstate Gas Company, at Docket No. G-2269, as well as that purchased under an existing contract with Panoma Corporation.

The estimated over-all cost of the proposed facilities is $665,000 which Applicant proposes to finance from funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 18th day of November 1953. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 53-9256; Filed, Nov. 2, 1953; 8:48 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28595]

FOREIGN WOODS FROM GULF PORTS TO VIRGINIA

APPLICATION FOR RELIEF

OCTOBER 29, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1356.

Commodities involved: Lumber, logs, flitches or piling of foreign woods, built-up woods, dimension stock and carpenters moulding, carloads.

From: Pensacola, Fla., Mobile, Ala., Gulfport, Miss., and New Orleans, La.

To: Points in Virginia.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1356, supp. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-9259; Filed, Nov. 2, 1953; 8:49 a. m.]

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[4th Sec. Application 28596]

LIQUEFIED CHLORINE GAS FROM WEST VIRGINIA, TO POINTS IN THE SOUTH

APPLICATION FOR RELIEF

OCTOBER 29, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariffs I. C. C. Nos. 4367 and 4510, pursuant to fourth-section order No. 17220.

Commodities involved: Liquified chlorine gas, tank-car loads.

From: Points in West Virginia.

To: Points in Florida, Georgia, North Carolina, South Carolina, and Tennessee.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9260; Filed, Nov. 2, 1953; 8:49 a. m.]

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[4th Sec. Application 28597]

LARD FROM MEMPHIS, TENN., TO GEORGIA

APPLICATION FOR RELIEF

OCTOBER 29, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1215.

Commodities involved: Lard, lard compounds, lard substitutes, cooking oils, salad oils or vegetable oil shortening, in packages, carloads.

From: Memphis, Tenn.

To: Atlanta, Columbus, La Grange, Rome and West Point, Ga.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1215, supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9261; Filed, Nov. 2, 1953; 8:49 a. m.]

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[4th Sec. Application 28598]

KYANITE FROM CLOVER, S. C., TO WHEELING, W. VA.

APPLICATION FOR RELIEF

OCTOBER 29, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1346.

Commodities involved: Kyanite, crude or ground, carloads.

From: Clover, S. C.

To: Wheeling, W. Va.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates; C. A. Spaninger's tariff I. C. C. No. 1346, supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9262; Filed, Nov. 2, 1953; 8:49 a. m.]

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[Rev. S. O. 562, Taylor's I. C. C. Order 30]

MINNESOTA WESTERN RAILWAY CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Minnesota Western Railway Company, account bridge out of service, is unable to transport traffic routed over its line: *It is ordered*, That:

(a) Rerouting traffic: The Minnesota Western Railway Company being unable to transport traffic routed over its line, because of bridge out of service, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:00 a. m., October 27, 1953.

(g) Expiration date: This order shall expire at 11:59 p. m., November 26, 1953, unless otherwise modified, changed, suspended or annulled.

*It is further ordered*, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., October 27, 1953.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 53-9264; Filed, Nov. 2, 1953; 8:50 a. m.]

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[Rev. S. O. 562, Taylor's I. C. C. Order 31]

NEW YORK, NEW HAVEN AND HARTFORD RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, The New York, New Haven and Hartford Railroad Company, account of derailment at East Walden, New York, approximately five miles east of Maybrook, New York, is unable to transport traffic routed over its line between Maybrook and Hopewell Junction, New York: *It is ordered*, That:

(a) Rerouting traffic: The New York, New Haven and Hartford Railroad Company, being unable to transport traffic routed over its line between Maybrook and Hopewell Junction, because of derailment at East Walden, New York, and its connections, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:00 a. m., October 28, 1953.

(g) Expiration date: This order shall expire at 9:00 a. m., October 30, 1953, unless otherwise modified, changed, suspended or annulled.

*It is further ordered*, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., October 28, 1953.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 53-9265; Filed, Nov. 2, 1953; 8:50 a. m.]





## OFFICE OF DEFENSE MOBILIZATION

EDENTON, NORTH CAROLINA, AREA

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951, AS AMENDED

Upon a review of specific data presented to me, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951, as amended, exist in the

*Edenton, North Carolina, Area*: The area consists of all of Chowan County, North Carolina.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

Dated: October 29, 1953.

ARTHUR S. FLEMMING, *Director, Office of Defense Mobilization.*

[F. R. Doc. 53-9305; Filed, Oct. 30, 1953; 2:42 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2873]

SIMPLICITY PATTERN CO., INC.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

OCTOBER 28, 1953.

Simplicity Pattern Co., Inc., pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its Common Stock, $1 Par Value, from listing and registration on the Detroit Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration are as follows:

(1) No transactions in this security have taken place on the Detroit Stock Exchange during the year 1953 up until the present date.

(2) Since the only transactions on a national securities exchange that are now being effected in this security are taking place on the American Stock Exchange where the security will continue to be listed and registered, applicant does not feel justified in continuing the expense of listing and registration on the Detroit Stock Exchange.

Upon receipt of a request, prior to November 20, 1953, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9243; Filed, Nov. 2, 1953; 8:46 a. m.]

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[File No. 1-3237]

ADOLF GOBEL, INC.

ORDER SUMMARILY SUSPENDING TRADING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of October A. D. 1953.

The Commission by order adopted March 13, 1953, pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, having summarily suspended trading in the $1 par value common stock of Adolf Gobel, Inc. on the American Stock Exchange for a period of ten days from that date, and subsequently having entered additional orders further suspending such trading in order to prevent fraudulent, deceptive or manipulative acts or practices; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on that Exchange and that such action is necessary and appropriate for the protection of investors; and,

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder, for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange,

*It is ordered*, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, effective at the opening of the trading session on said Exchange on October 29, 1953, for a period of ten days.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9239; Filed, Nov. 2, 1953; 8:46 a. m.]

[File Nos. 69-71, 70-2507]

PENN FUEL GAS, INC., AND JOHN H. WARE, 3D

SUPPLEMENTAL ORDER GRANTING APPLICATION WITH RESPECT TO FEES AND EXPENSES

OCTOBER 27, 1953.

In the matter of Penn Fuel Gas, Inc., and John H. Ware, 3d, File No. 70-2507; Penn Fuel Gas, Inc., File No. 69-71.

The Commission having by order, dated June 29, 1951, granted the application, as amended, of Penn Fuel Gas, Inc. ("Penn Fuel"), an exempt holding company, for approval pursuant to section 10 of the Public Utility Holding Company Act of 1935 ("act") of the acquisition from John H. Ware, 3d, the owner of all of Penn Fuel's outstanding common stock, of the outstanding securities of seven gas utility companies and of certain related transactions;

The record having been incomplete with respect to the fees and expenses proposed to be paid by Penn Fuel for services in connection with the proposed transactions;

Penn Fuel having filed a further amendment to its application setting forth the nature and extent of the services rendered and the fees and expenses proposed to be paid in connection therewith, as follows:

| | Fees and expenses |
|---|---|
| Morgan, Lewis & Bocklius, a company counsel: | |
| Fee | $12,500.00 |
| Expenses | 960.74 |
| Ropes, Gray, Best, Coolidge & Rugg, counsel to Massachusetts Mutual Life Insurance Co., purchaser of Penn Fuel's bonds: | |
| Fee | 3,500.00 |
| Expenses | 381.89 |
| George H. Dean Co., printing indenture and exchange agreement | 2,253.49 |
| Other | 1,035.70 |
| Total | 20,635.82 |

Penn Fuel having requested that the Commission approve the payment of the aforesaid fees and expenses;

The Commission having examined the record as further amended and it appearing to the Commission that the requested fees and expenses are not unreasonable:

*It is ordered*, That the application as further amended with respect to the fees and expenses proposed to be paid by Penn Fuel be, and the same hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9240; Filed, Nov. 2, 1953; 8:46 a. m.]

[File No. 70-3114]

CONSOLIDATED NATURAL GAS CO.

ORDER AUTHORIZING SALE OF CERTAIN GAS PROPERTIES OF SUBSIDIARY

OCTOBER 28, 1953.

Consolidated Natural Gas Company ("Consolidated"), a registered holding company, having filed with the Commission a declaration and an amendment thereto pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 ("the act") and Rule U-44 thereunder, in which Consolidated proposes that its wholly-owned subsidiary Hope Natural Gas Company ("Hope") shall sell to the Manufacturers Light and Heat Company ("Manufacturers") for a consideration of approximately $277,816 certain gas leases, wells and equipment owned by Hope within the area of Manufacturers' Victory Storage Field in Wetzel and Marshall counties, West Virginia; which sale and transfer of gas properties and facilities have heretofore been approved by the Public Service Commission of West Virginia; and

Due notice of the filing of said declaration having been given, and a hearing not having been requested of or ordered by the Commission; and

The Commission finding that the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9241; Filed, Nov. 2, 1953; 8:46 a. m.]

[File No. 70-3143]

MISSOURI POWER & LIGHT CO.

NOTICE OF FILING REGARDING ISSUANCE OF SHORT-TERM NOTE

OCTOBER 28, 1953.

Notice is hereby given that Missouri Power & Light Company ("Missouri"), a public utility subsidiary company of Union Electric Company of Missouri, a registered holding company, has filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") with this Commission with respect to a proposed transaction which is summarized below:

On September 21, 1953, Missouri entered into a conditional agreement with The Chase National Bank of the City of New York whereby said bank agreed to make an unsecured loan to Missouri in the principal amount of $2,800,000 on December 10, 1953. The proceeds of the proposed loan will be used by Missouri to pay notes to be outstanding and maturing on December 10, 1953, in that amount. The notes to be then paid by Missouri were authorized by the order of this Commission dated December 8, 1952. The proposed loan will be evidenced by an unsecured promissory note for $2,800,000 which will mature on September 10, 1954, and will bear interest until maturity or prior payment at the rate of 3¼ percent per annum or at the prime commercial rate of interest of The Chase National Bank of the City of New York for such paper at the time of the borrowing, whichever is higher. The interest will be payable on June 10, 1954, and at maturity. Missouri intends subsequently to fund the proposed loan through the issue and sale of stock, mortgage bonds or other form of permanent financing.

The declaration states that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transaction.

Fees and expenses are estimated at $1,250, including counsel fees of $500.

Notice is further given that any interested person may, not later than November 13, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 13, 1953, such declarations as filed or as amended, may be granted or permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9242; Filed, Nov. 2, 1953; 8:46 a. m.]

## SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 110-53]

HERBERT BROWNELL, JR., ATTORNEY GENERAL OF THE UNITED STATES, PETITIONER, V. COUNCIL ON AFRICAN AFFAIRS, INC., RESPONDENT

NOTICE OF HEARING

Notice is hereby given that, pursuant to the Subversive Activities Control Act of 1950, (Title I of the Internal Security Act of 1950, Pub. Law 831, 81st Cong., 50 U. S. C. 781 et seq.), particularly section 13 of said act (50 U. S. C. 792), a hearing in the above-entitled proceeding on the petition of the Attorney General for an order of the Board requiring the Respondent to register pursuant to section 7 of said act (50 U. S. C. 786), will be held commencing on Monday, November 23, 1953, at 10:00 a. m., e. s. t. in Hearing Room 113 in the Lafayette Building, 811 Vermont Avenue NW., Washington, D. C.

Dated at Washington, D. C., October 27, 1953.

[SEAL] THOMAS J. HERBERT, *Chairman.*

[F. R. Doc. 53-9244; Filed, Nov. 2, 1953; 8:46 a. m.]

Reference Room


# FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 18 NUMBER 216

*Washington, Wednesday, November 4, 1953*


## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 6104]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

FLORIDA PLANTERS, INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage or other compensation under 2 (c): § 3.800 *Buyer's agents;* § 3.820 *Direct buyers.* In connection with the sale of potatoes, or any other vegetables, in interstate commerce: (1) Making payments to brokers on purchases for their own accounts in amounts which are the same as the amounts of brokerage fees paid to brokers effecting sales, as agents, to other purchasers, or in any other amounts which are also paid as brokerage, whether such payments are made upon being billed therefor or otherwise; (2) selling to any purchaser at prices which are lower than the prices at which sales are made to other purchasers in amounts which are the same or substantially the same as the amounts of brokerage fees paid to brokers effecting sales, as agents, to such other purchasers or in any other amounts which also are in lieu of brokerages whether such lower prices are charged by invoicing at a lower price or by permitting the purchaser to make a deduction from the regular invoice price in remitting payment or by any other device; and (3) paying or granting anything of value as a commission, brokerage or other compensation or allowance or discount in lieu thereof to the other parties to such transactions, or to their agents, representatives or other intermediaries therein who in fact act for or in behalf, or are subject to the direct or indirect control, of such other parties; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended, 15 U. S. C. 13) [Cease and desist order, Florida Planters, Inc., Hastings, Fla., Docket 6104, October 6, 1953]

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission and respondent's answer, in which it admitted all of the material allegations of facts set forth in said complaint and elected not to contest the same.

Thereafter, the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon said complaint and admission answer thereto, proposed findings and conclusions not having been submitted by counsel, and oral argument not having been requested, and said examiner, having duly considered the record in the matter, made his initial decision comprising certain findings as to the facts,[1] conclusions drawn therefrom,[1] and order to cease and desist.

Thereafter, following the Commission's review of said initial decision, the matter was disposed of by "Decision of the Commission and Order to File Report of Compliance", dated October 6, 1953, as follows:

This matter coming on to be heard by the Commission upon its review of the hearing examiner's initial decision herein; and

The Commission having duly considered the entire record and being of the opinion that said initial decision is adequate and appropriate to dispose of the proceeding:

*It is ordered*, That the attached initial decision of the hearing examiner[1] shall on the 6th day of October, 1953, become the decision of the Commission.

*It is further ordered*, That the respondent, Florida Planters, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

The order to cease and desist in said initial decision, thus made the decision of the Commission is as follows:

*It is ordered*, That the respondent, Florida Planters, Inc., a corporation, and its officers, directors, agents or employees, directly or through any corporate or other device, in connection with the sale of potatoes, or any other vege-

[1] Filed as part of the original document.

(Continued on p. 6955)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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**(For use during 1953)**

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table, in interstate commerce, do forthwith cease and desist from:

1. Making payments to brokers on purchases for their own accounts in amounts which are the same as the amounts of brokerage fees paid to brokers effecting sales, as agents, to other purchasers, or in any other amounts which are also paid as brokerage, whether such payments are made upon being billed therefor or otherwise;

2. Selling to any purchaser at prices which are lower than the prices at which sales are made to other purchasers in amounts which are the same or substantially the same as the amounts of brokerage fees paid to brokers effecting sales, as agents, to such other purchasers or in any other amounts which also are in lieu of brokerages whether such lower prices are charged by invoicing at a lower price or by permitting the purchaser to make a deduction from the regular invoice price in remitting payment or by any other device.

3. Paying or granting anything of value as a commission, brokerage or other compensation or allowance or discount in lieu thereof to the other parties to such transactions, or to their agents, represenatives or other intermediaries therein who in fact act for or in behalf, or are subject to the direct or indirect control, of such other parties.

Issued: October 6, 1953.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr., *Secretary.*

[F. R. Doc. 53-9303; Filed, Nov. 3, 1953; 8:50 a. m.]

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[Docket 6110]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ANNSHIRE GARMENT CO., INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition; Wool Products Labeling Act;* § 3.1325 *Source or origin*—Maker or seller—Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition*—Wool Products Labeling Act; § 3.1900 *Source or origin*—Wool Products Labeling Act. In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce of ladies' coats or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said Act, misbranding such products by: (1) Falsely or deceptively stamping, tagging, labeling or otherwise falsely identifying such products as to the character or amount of the constituent fibers contained therein; (2) failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentages of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter; (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivering for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; and, (3) failing to separately set forth on the required stamp, tag, label or other means of identification the character and amount of the constituent fibers appearing in the interlinings of such wool products as provided by Rule 24 of the rules and regulations promulgated under said act; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and subject to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Annshire Garment Co., Inc., et al., Pittsburg, Kans., Docket 6110, October 1, 1953]

*In the Matter of Annshire Garment Co., Inc., a Corporation, and Isidore Liebling and Jack Liebling, Individually*

This proceeding was instituted by complaint which charged respondents with the use of unfair and deceptive acts and practices in violation of the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939.

It was disposed of, as announced by the Commission's "Notice", dated October 6, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on October 1, 1953,

and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts[1] and conclusion,[1] reads as follows:

*It is ordered*, That respondent Annshire Garment Co., Inc., a corporation, and its officers, and respondents Isidore Liebling and Jack Liebling, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of ladies' coats or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise falsely identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentages of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufactuer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivering for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

3. Failing to separately set forth on the required stamp, tag, label or other means of identification the character and amount of the constituent fibers appearing in the interlinings of such wool products as provided by Rule 24 of the rules and regulations promulgated under said act.

*Provided*, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

*It is further ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record on this 1st day of October 1953.

Issued: October 6, 1953.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
*Secretary.*

[F. R. Doc. 53-9301; Filed, Nov. 3, 1953; 8:50 a. m.]

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[Docket 6120]

## PART 3—DIGEST OF CEASE AND DESIST ORDERS

### ARTHUR DOCTOR & CO. ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition;* Wool Products Labeling Act; § 3.1325 *Source or origin*—Maker or seller—Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition*—Wool Products Labeling Act; § 3.1900 *Source or origin*—Wool Products Labeling Act. In connection with the introduction or manufacture for introduction in commerce, or the offering for sale, sale, transportation or distribution in commerce, of ladies' or misses' coats or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said Act, misbranding such products by: (1) Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein: (2) failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter; (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; (3) falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as containing hair or fleece of the Cashmere goat; and (4) stamping, tagging, labeling or otherwise identifying such products as containing hair or fleece of the Cashmere goat without setting out in a clear and conspicuous manner on each such stamp, tag, label, or other identification the percentage of such Cashmere therein; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Arthur Doctor et al. trading as Arthur Doctor & Co., New York, N. Y., Docket 6120, October 1, 1953]

*In the Matter of Arthur Doctor, Theodore Doctor, and Celestine Doctor, Individually and as Copartners Trading and Doing Business as Arthur Doctor & Co.*

This proceeding was instituted by complaint which charged respondents with the use of unfair and deceptive acts and practices in violation of the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939.

It was disposed of, as announced by the Commission's "Notice", dated October 5, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on October 1, 1953 and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts[1] and conclusions,[1] reads as follows:

*It is ordered*, That the respondents, Arthur Doctor, Theodore Doctor, and Celestine Doctor, individually and trading and doing business under the firm name of Arthur Doctor & Co., or under any other name or names, and their respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of ladies' or misses' coats or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1 Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2 Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner;

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

3. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as containing hair or fleece of the Cashmere goat;

4. Stamping, tagging, labeling or otherwise identifying such products as containing hair or fleece of the Cashmere goat without setting out in a clear and conspicuous manner on each such stamp, tag, label or other identification the percentage of such Cashmere therein;

*Provided*, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

*It is further ordered*, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record on this 1st day of October A. D. 1953.

Issued: October 5, 1953.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
*Secretary.*

[F. R. Doc. 53 9302; Filed, Nov. 3, 1953; 8.50 a. m.]

[1] Filed as part of the original document.



# TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

[Reg. No. SR 385B]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 45—COMMERCIAL OPERATOR CERTIFICATION AND OPERATION RULES

PART 61—SCHEDULED AIR CARRIER RULES

SPECIAL CIVIL AIR REGULATION; DELEGATION OF AUTHORITY TO THE ADMINISTRATOR TO PERMIT AIR CARRIERS UNDER CONTRACT TO THE MILITARY SERVICES TO DEVIATE FROM CIVIL AIR REGULATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 29th day of October 1953.

On July 31, 1953, Special Civil Air Regulation SR–385A was adopted extending until November 1, 1953, the authority of the Administrator to permit air carriers under contract to the military services to deviate from Parts 40, 41, 42, 45, and 61 of the Civil Air Regulations. This limited extension was adopted at that time to permit the Board to investigate more fully the question as to the necessity for continuing this authority.

A meeting was held in Washington, D. C., which interested industry and government representatives attended, to discuss the entire problem. The result of this meeting is a proposed revised Special Civil Air Regulation, for which a notice of proposed rule making is being issued concurrently with this regulation. In view of the fact that the authority delegated to the Administrator terminates on November 1, 1953, and insufficient time exists for the promulgation of the new proposed Special Civil Air Regulation prior to that date, this regulation extends until February 1, 1954, the authority previously granted to the Administrator. This extension will permit sufficient time for the study and receipt of comment concerning the new proposed Special Civil Air Regulation.

Since the time remaining prior to November 1, 1953, is insufficient to permit normal rule making procedure and delay beyond that date would operate contrary to the purpose of the regulation, the Board finds that notice and public procedure hereon are impracticable; and since this regulation imposes no additional burden on any person, the regulation may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation, effective November 1, 1953, to read as follows:

1. Contrary provisions of the Civil Air Regulations notwithstanding, the Administrator may, upon application by an air carrier, authorize an air carrier under contract to the military services, or an air carrier furnishing civil aircraft and/or flight crews to another air carrier for use in operations conducted pursuant to a contract with the military services, to deviate from the applicable provisions of Parts 40 (including revised Part 40), 41, 42, 45, and 61 to the extent that he finds upon investigation a deviation from those regulations is necessary for the expeditious conduct of such operations.

2. Any authority granted by the Administrator pursuant to this regulation shall be limited to those operations conducted pursuant to military contracts and shall not be applicable to any other type of operation.

3. The Administrator shall, in any authorization granted pursuant to this regulation, specify the terms and conditions under which the air carrier may deviate from the currently prescribed regulations, and each carrier shall, in the conduct of operations pursuant to military contracts, comply with such terms and conditions.

This regulation shall terminate February 1, 1954, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sections 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 53-9329; Filed, Nov. 3, 1953; 8:55 a. m.]

## Chapter II—Civil Aeronautics Administration

[Amdt 45]

### Part 609—Standard Instrument Approach Procedures

ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

INSTRUMENT LANDING SYSTEM PROCEDURES

When an ILS instrument approach is conducted at the below named airport(s), it shall be in accordance with the following instrument approach procedure(s), unless an approach is conducted in accordance with a different procedure authorized by the Administrator for such airport(s). Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name; elevation; localizer; frequency and identification; LMM frequency and identification; LOM frequency and identification; procedure No. | Transition to ILS | | | | Procedure turn ( ) side of final approach course; outbound and inbound; altitudes; limiting distances | Minimum altitude at glide slope interception inbound (ft.) | Altitude of glide slope and distance to approach end of runway | | Ceiling and visibility minimums | | | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | From— | To— | Course and distance | Minimum altitude (ft.) | | | At outer marker | At middle marker | Condition | Type of aircraft: 75 m. p. h. or less | Type of aircraft: More than 75 m. p. h. | |
| OAKLAND, CALIF.<br>Oakland Airport, 5'<br>109.9 mc., OAK<br>LMM: 341 kc., AK<br>LOM: None<br>Procedure No. 1<br>Effective date: June 19, 1953 | San Francisco LOM | Newark FM and Rbn. | 075—13.0 | 4,000 | S side E course* 095 outbound. 275 inbound. 3,500' within 5 miles of Hayward Rbn. | 2,590 | 1,320–4.75 | 230–0.66 | T–dn<br>C–dn<br>S–dn 27R<br>A–dn | 300–1.0<br>500–1.0<br>400–¾<br>800–2.0 | 300–1.0<br>600–1.5<br>400–¾<br>800–2.0 | Climb to 3,000' on NW course Oakland LFR within 15 miles, or on a course of 310° from Oakland VOR within 15 miles.<br>*Procedure turn on Oakland LFR or VOR transition only. Upon completion of procedure turn and transition to localizer course inbound, descent from glide slope interception is authorized to cross Hayward Rbn at 2,590'. |
| | Newark FM and Rbn | Hayward Rbn | 339—7.0 | 2,500 | | | | | | | | |
| | San Francisco LFR | Newark FM and Rbn | 078—16.0 | 4,000 | | | | | | | | |
| | Oakland LFR | Hayward Rbn | 069—11.0 | 3,500 | | | | | | | | |
| | San Francisco VOR | Newark FM and Rbn | 329—12.0 | 3,500 | | | | | | | | |
| | Oakland VOR | Hayward Rbn | 094—12.0 | 3,500 | | | | | | | | |
| | Altamont Int | Newark FM and Rbn | 212—25.0 | 5,000 | | | | | | | | |
| | Moffett NAS LFR | Newark FM and Rbn | 342—13.0 | 3,500 | | | | | | | | |
| OMAHA, NEBR.<br>Omaha Airport, 982'<br>110.3 mc., OMA<br>LMM: 201 kc., MA<br>LOM: 219 kc., OM<br>Procedure No. 1<br>Effective date: July 31, 1953 | Omaha VOR | SE crs. ILS | 299—4.2 | 2,700 | W side NW course: 315 outbound. 135 inbound. 2,400' within 5 miles of LOM. | 2,200 | 2,107–4.60 | 1181–0.69 | T–dn<br>C–dn<br>S–dn<br>1IL<br>A–dn | 300–1.0<br>500–1.0<br>500–1.5<br>400–¾<br>800–2.0 | 300–1.0<br>500–1.5<br>500–2.0<br>400–¾<br>800–2.0 | Climb to 2,700' on SE course ILS, or as directed by ATC.<br>CAUTION: 1,339' bluff, 1.5 miles E of airport. 1,730' radio tower, 4.5 miles SW of LFR station. |
| | Omaha LFR | NW crs. ILS | 260—1.0 | 2,300 | | | | | | | | |
| | California FM | NW crs. ILS | 170—8.0 | 2,300 | | | | | | | | |
| | Int. SE crs. Omaha LFR and NW crs. ILS. | Outer marker | 315—2.0 | 2,300 | | | | | | | | |
| | Int. W crs. Omaha LFR and NW crs. ILS. | Outer marker | 135—1.0 | 2,300 | | | | | | | | |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.



INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

When an ILS instrument approach is conducted at the below named airport(s), it shall be in accordance with the following instrument approach procedure(s), unless an approach is conducted in accordance with a different procedure authorized by the Administrator for such airport(s). Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name; elevation; localizer; frequency and identification; LMM frequency and identification; LOM: frequency and identification; procedure No. | Transition to ILS | | | | Procedure turn ( ) side of final approach course; outbound and inbound; altitudes, limiting distances | Minimum altitude at glide slope interception inbound (ft.) | Altitude of glide slope and distance to approach end of runway | | Ceiling and visibility minimums | | | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | From— | To— | Course and distance | Minimum altitude (ft.) | | | At outer marker | At middle marker | Condition | Type of aircraft: 75 m. p. h. or less | Type of aircraft: More than 75 m. p. h. | |
| PORTLAND, OREG.<br>Portland Int'l Airport, 23'<br>109.9 mc., PDX<br>LMM: 291 kc., DX<br>LOM: None<br>Procedure No. 1<br>Effective date: Dec. 19, 1952 | Portland LFR | Sauvies Islands Rbn. | 258—10.0 | 3,000 | S side NW course: 327 outbound. 057 inbound. 3,000' within 10 miles of Sauvies Islands Rbn. (NA beyond 10 miles). | 3,000 | 1,370–4.50 | 280–0.66 | T–dn<br>C–dn<br>S–dn 10<br>A–dn | 300–1.0<br>500–1.0<br>400–¾<br>800–2.0 | 300–1.0<br>600–1.5<br>400–¾<br>800–2.0 | Climb to 1,500' on SE course ILS within 10 miles of LMM, thence make climbing right turn to heading of 230°, proceeding to S course Portland LFR at 3,000', or to 174° outbound course from Portland VOR, or when directed by ATC, climb to 1,500' on SE course ILS within 10 miles of LMM, thence, making climbing left turn, proceed direct to Portland LFR, holding on E side N course Portland LFR in a 2-minute nonstandard pattern at 3,000'; or climb to 1,500' on SE course ILS within 10 miles of LMM, thence, making climbing left turn, proceed W to Portland VOR, holding N of W side, right turn, 1 minute pattern on 331 inbound course of 151° to VOR at 3,000'.<br>NOTE: Sauvies Islands Rbn: Ident. SVY, Freq. 219 kc. located on ILS course, 6.4 miles NW of OM. Glide slope altitude over SVY, 3,150'.<br>CAUTIONS: (1) 643' radio tower, 4 miles W NW of airport. (2) 1,630' radio tower, 7.5 miles W of airport. (3) 700' terrain and obstructions located 5 miles E of airport. |
| | Woodland FM | Sauvies Islands Rbn. | 178—22.0 | 3,000 | | | | | | | | |
| | Willamette FM | Sauvies Islands Rbn. | 328—22.0 | 3,000 | | | | | | | | |
| | Portland VOR | Sauvies Islands Rbn. | 230—12.0 | 3,000 | | | | | | | | |
| | Newberg VOR | Sauvies Islands Rbn. | 359—23.0 | 3,000 | | | | | | | | |
| | La Center FM | Sauvies Islands Rbn. | 197—13.0 | 3,000 | | | | | | | | |
| RICHMOND, VA.<br>Byrd Field, 167'<br>110.3 mc., RIC<br>LMM: 201 kc., IC<br>LOM: 219 kc., RI<br>Procedure No. 1<br>Effective date: June 11, 1953 | Richmond LFR | LOM | 263—3.0 | 1,500 | S side SW course: 243 outbound. 063 inbound. 1,500' within 5 miles of LOM. | 1,500 | 1,370–4.50 | 370–0.68 | T–dn<br>C–dn<br>S–dn 6<br>A–dn | 500–1.0<br>500–1.0<br>500–¾<br>800–2.0 | 500–1.0<br>500–1.5<br>500–¾<br>800–2.0 | Climb to 1,500' on course of 063° from LMM, or when directed by ATC, make a left climbing turn, climb to 1,500' on N course Richmond LFR. |
| | Int. N crs. Richmond LFR and SW crs. ILS. | LOM | 243—3.5 | 1,500 | | | | | | | | |
| | Marakin Rbn | LOM | 130—20.0 | 2,000 | | | | | | | | |
| | Chester FM | SW crs. ILS | 010—6.0 | 1,500 | | | | | | | | |
| | Flat Rock VOR | SW crs. ILS | 120—20.0 | 1,500 | | | | | | | | |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

When an ILS instrument approach is conducted at the below named airports, it shall be in accordance with the following instrument approach procedure(s), unless an approach is conducted in accordance with a different procedure authorized by the Administrator for such airports. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for air route operation in the particular area or as set forth below.

| City and State; airport name; elevation; localizer frequency and identification; LMM frequency and identification; LOM frequency and identification; procedure No. | Transition to ILS: From— | Transition to ILS: To— | Transition to ILS: Course and distance | Transition to ILS: Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope intercept. inbound (ft.) | Altitude of glide slope and distance to approach end of runway: At outer marker | Altitude of glide slope and distance to approach end of runway: At middle marker | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type of aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type of aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished; remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ST. LOUIS, MO.<br>Lambert Field, 572'<br>110.3 mc., STL<br>LMM: None<br>LOM: None<br>Procedure No. 2<br>Effective date: July 20, 1953 | St. Louis VOR | Creve Int #..... | 165—10.0 | 2,000 | S side SW course:<br>248 outbound.<br>068 inbound.<br>2,000' within 5 miles of Creve Int. | 1,500<br>Min. alt. at Creve Int.) | ** | ** | T-dn<br>C-dn<br>S-dn<br>6<br>A-dn | 300-1.0<br>500-1.0<br>400-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>400-1.0<br><br>800-2.0 | Climb to 2,000' on 312° course to St. Louis VOR, or when directed by ATC, climb to 4,800' on NE course ILS<br>#Creve Int. Int. 345° course to St. Louis VOR and SW course ILS.<br>•Maryland Int. Int. 068° course to St. Louis VOR and SW course ILS.<br>**Not applicable.<br>NOTE: Procedure authorized only for aircraft equipped to receive VOR and ILS simultaneously. |
| | Int. W crs. St. Louis LFR and NE crs. ILS. | Creve Int # ..... | 238—7.0 | 2,000 | | | | | | | | |
| | Maryland Int * ..... | Creve Int # (Final) ... | 078—4.2 | 1,500 | | | | | | | | |
| SALT LAKE CITY, UTAH<br>Salt Lake City Airport No. 1, 4,227'<br>110.3 mc., SLC<br>LMM: 201 kc., LC<br>LOM: 239 kc., SL<br>Procedure No. 1<br>Effective date: February 27, 1953. | Salt Lake City LFR | N crs. ILS ..... | 163—0.0 | 6,000 | E or W side S course:*<br>163 outbound.<br>343 inbound.<br>6,000' within 5 miles of LOM. | 6,000 | 7,500-4.63 | 1,440-0.71 | T-dn<br>C-dn<br>S-dn<br>34<br>A-dn | 300-1.0<br>500-1.0<br>400-¾<br><br>800-2.0 | 300-1.0<br>600-1.5<br>400-¾<br><br>800-2.0 | Climb to cross Salt Lake City LFR at not above 6,500', then climb to 8,000' on W course Salt Lake City LFR to Stansbury Int., then to 9,000' on course of 335° to Promontory Point Rbn, or when directed by ATC, climb to cross Salt Lake City VOR or LFR at not above 6,500', then climb to 11,000' on W course Salt Lake City LFR, or on course of 248° from Salt Lake City VOR.<br>*180° reversal procedure turn recommended. At pilot's discretion, procedure turn E or W depending on prevailing cross-wind conditions. |
| | Salt Lake City VOR | N crs. ILS..... | 113—3.0 | 6,000 | | | | | | | | |
| SEATTLE, WASH.<br>Seattle-Tacoma International Airport, 417'<br>110.3 mc., SEA<br>LMM: 301 kc., FA<br>LOM: 224 kc., SF.<br>Procedure No. 1<br>Effective date: June 12, 1953 | Seattle LFR | LOM..... | 176—9.0 | 2,000 | E side S course:<br>178 outbound.<br>358 inbound.<br>2,000' within 9 miles of LOM. | 1,700 | 1,200-4.60 | 765-0.65 | T-dn<br>C-dn<br>S-dn<br>34<br>A-dn | 300-1.0<br>500-1.0<br>400-¾<br><br>800-2.0 | 300-1.0<br>500-1.5<br>400-¾<br><br>800-2.0 | Climb to 2,000' on NW course Seattle LFR, or climb to 2,000' on course of 338° from Seattle VOR within 25 miles of respective stations.<br>CAUTION: (1) 500' terrain and trees located immediately N of airport, (2) 730' tower located 10 miles SW of LOM. |
| | Lakeview FM... | S crs. ILS (Final) | 105—12.0 | 1,700 | | | | | | | | |
| | Vashon Int | LOM | 068—9.0 | 2,000 | | | | | | | | |
| | Seattle VOR | LOM. | 158—5.0 | 2,000 | | | | | | | | |
| | Hobart FM.. | LOM..... | 240—17.0 | 4,000 | | | | | | | | |
| SIOUX FALLS, S. DAK.<br>Sioux Falls Airport, 1,423'<br>109.9 mc., SLI<br>LMM: 201 kc., LI<br>LOM: 219 kc., SU<br>Procedure No. 1<br>Effective date: July 9, 1953 | Sioux Falls LFR | LOM. | 175—4.5 | 2,700 | E side SW course:<br>246 outbound.<br>026 inbound.<br>2,700' within 5 miles of LOM. | 2,500 | 2,500 | 1,650-0.70 | T-dn<br>C-dn<br>S-dn<br>16<br>A-dn | 300-1.0<br>500-1.0<br>400-¾<br><br>800-2.0 | 300-1.0<br>500-1.5<br>400-¾<br><br>800-2.0 | Climb to 2,800' on NE course ILS. |
| | Sioux Falls VOR | LOM. | 177—9.0 | 2,700 | | | | | | | | |
| | Int. NE course Sioux Falls LFR and NE course ILS. | LOM | 206—8.0 | 2,700 | | | | | | | | |
| | Int. SE course Sioux Falls LFR and SW course ILS. | LOM ..... | 296—2.0 | 2,700 | | | | | | | | |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.



INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

When an ILS instrument approach is conducted at the below named airports, it shall be in accordance with the following instrument approach procedure(s), unless an approach is conducted in accordance with a different procedure authorized by the Administrator for such airports. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for air route operation in the particular area or as set forth below.

| City and State; airport name; elevation; localizer; frequency and identification; LMM frequency and identification; LOM; frequency and identification; procedure No. | Transition to ILS: From— | Transition to ILS: To— | Transition to ILS: Course and distance | Transition to ILS: Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope intercept. inbound (ft.) | Altitude of glide slope and distance to approach end of runway: At outer marker | Altitude of glide slope and distance to approach end of runway: At middle marker | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type of aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type of aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished; remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SIOUX FALLS, S. DAK.<br>Sioux Falls Airport, 1,424'<br>109.9 mc., SUJ<br>LMM:<br>LOM:<br>Procedure No. 2*<br>Effective date: July 20, 1953 | Sioux Falls LFR | Renner Int.#.. ..... | 046—6.0 | 2,700 | W side NE course:<br>026 outbound.<br>206 inbound.<br>2,300' within 5 miles of Renner Int. | 2,200<br>(Min. alt. at Renner Int.) | ** | ** | T-dn<br>C-dn<br>S-dn<br>21<br>A-dn | 300-1.0<br>500-1.0<br>400-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>400-1.0<br><br>800-2.0 | Climb to 2,700' on SW course ILS and proceed to LOM.<br>*Procedure authorized only for aircraft equipped to receive VOR and ILS simultaneously.<br>**Not applicable.<br>#Renner Int: Int. NE course ILS and 270° course to Sioux Falls VOR. |
| | Sioux Falls VOR | Renner Int# ..... | 090—4.5 | 2,700 | | | 4.0<br>(From Renner Int.) | | | | | |
| | Int. 240° crs. to Sioux Falls VOR and NE crs. ILS. | Renner Int.#..... | 203—4.0 | 2,200 | | | | | | | | |
| TOPEKA, KANS.<br>Philip Billard Airport, 880'<br>109.5 mc., TOP<br>LMM: None<br>LOM: 304 kc., TOP (Rbn at OM site).<br>Procedure No. 1<br>Effective date: April 15, 1953<br><br>Procedure No. 2<br>Effective Date: May 15, 1953 | Int. SE crs. ILS and SW crs. Kansas City LFR | Rbn at OM..... | 305—33.0 | 2,400 | N side NW course:*<br>305 outbound.<br>125 inbound.<br>2,200' within 5 miles of Rbn at OM. | 2,100 | 2035-4.50 | 1078-0.66 | T-dn<br>C-dn<br>S-dn<br>12<br>A-dn | 300-1.0<br>500-1.0<br>400-¾<br><br>800-2.0 | 300-1.0<br>600-1.5<br>400-¾<br><br>800-2.0 | Climb to 2,300' on SE course ILS, or as directed by ATC.<br>*Procedure turn N to avoid traffic at Forbes AFB. |
| | Forbes LFR | Rbn at OM..... | 357—15.0 | 2,400 | | | | | | | | |
| | Int. 252° crs. to Slaina VOR and NW crs. Forbes LFR. | Rbn at OM..... | 071—16.0 | 2,400 | | | | | | | | |
| | Topeka VOR | Rbn at OM ..... | 251—7.0 | 2,200 | | | | | | | | |
| | Int. NE crs. Forbes LFR and 249° crs. to Topeka VOR | Powerhouse Int.*..... | 212—13.0 | 2,200 | E side SE course:<br>125 outbound.<br>305 inbound.<br>2,200' within 10 miles of Powerhouse Int.# | 1,700<br>(Minimum altitude at Powerhouse Int.) | 3.1<br>(From Powerhouse Int.) | | T-dn<br>C-dn<br>S-dn<br>30<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | 300-1.0<br>500-1.0<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | Climb to 2,400' on NW course ILS, or as directed by ATC.<br>*Powerhouse Int: Int. SE course ILS and NE course Forbes LFR.<br>#Procedure turn not authorized beyond 10 miles account conflicting ATC traffic.<br>##Not applicable. |
| | Topeka Rbn... ..... | Powerhouse Int.*..... | 125—9.0 | 2,400 | | | | | | | | |
| | Topeka VOR..... | Powerhouse Int.* | 176—7.0 | 2,200 | | | | | | | | |
| | Int. SE crs. ILS and SW crs. Kansas City LFR. | Powerhouse Int.*..... | 305—25.0 | 2,300 | | | | | | | | |
| | Forbes LFR .. ..... | Powerhouse Int.*..... | 032—12.0 | 2,200 | | | | | | | | |
| WHITE PLAINS, N. Y.<br>Westchester County Airport, 433'<br>109.7 mc. HPN<br>LMM: 260 kc., PN<br>LOM: 281 kc., HP<br>Procedure No. 1<br>Effective date: May 1, 1953 | Int. S crs. Poughkeepsie LFR and NW crs. ILS. | Outer marker..... | 162—17.0 | 2,000 | W side NW course:<br>342 outbound.<br>162 inbound.<br>2,000' within 5 miles of LOM. | 2,000 | 1,975-5.63 | 630-0.53 | T-dn<br>C-dn<br>S-dn<br>16<br>A-dn | 300-1.0<br>500-1.0<br>400-¾<br><br>600-2.0 | 300-1.0<br>600-1.5<br>400-¾<br><br>800-2.0 | Make standard rate left climbing turn and climb to 2,000' on NW course ILS. |
| | New Rochelle Rbn. | Outer marker... ... .. | 016—18.0 | 2,000 | | | | | | | | |
| | Paterson Rbn | Outer marker... ..... | 068—21.0 | 2,000 | | | | | | | | |
| | Int. NE crs. Newark LFR and 342° brg. to LOM. | Outer marker..... | 342—8.0 | 2,000 | | | | | | | | |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

These procedures shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9207; Filed, Nov. 3, 1953; 8:45 a. m.]

[Amdt. 46]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| MADISON, WIS.<br>Truax, 859'<br>BMRLZ VDT-MSN<br>Procedure No. 1<br>Nov. 8, 1953 | ---------- | ---------- | ---------- | E side SE course:<br>134 outbound.<br>314 inbound.<br>2,100' within 25 miles. | 1,600 | 314—2.3 | T-dn<br>C-dn<br>S dn 31<br>A-dn | 300-1<br>600-1<br>500-1<br>800-2 | 300-1<br>600-1½<br>500-1<br>800-2 | Within 2.3 miles climb to 3,300' on NW course or make right climbing turn, climb to 2,500' and proceed out N ILS course or on a track of 358° from LOM within 10 miles. ADF procedure not authorized. |
| PROVIDENCE, R. I.<br>Green Airport, 50'<br>SBMRLZ DTV<br>347 kc.; PVD<br>Procedure No. 1<br>Nov. 8, 1953 | Wyoming FM (Final) | 047—12 | 1,000 | W side SW course:<br>227 outbound.<br>047 inbound.<br>1,000' within 10 miles.<br>1,700' within 25 miles. | 1,000 | 047-3.1 | T-dn<br>C-dn<br>S-dn<br>S-tn 5<br>A-dn | 300-1<br>500-1<br>500-1<br>500-1<br>800-2 | 300-1<br>500-1½<br>500-1<br>500-1½<br>800-2 | Within 3.1 miles, climb to 1,000' on course 047° M then make a climbing right turn and return to Providence Lfr at 1,700'. Alternate missed approach (when directed by ATC); climb to 2,700' on SW course Squantum Lfr. Deviation from standard authorized in procedure turn which is conducted W to provide separation from traffic at Quonset Point NAS. |
| WILMINGTON, DEL.<br>New Castle County Airport,<br>MRLWZ ILG<br>Procedure No. 1<br>Nov. 9, 1953 | 79° | ---------- | ---------- | E side S course:<br>198 outbound.<br>018 inbound.<br>Within 10 miles, 1,500 feet.<br>Beyond 10 miles N. A. | 1,000 | 018—2.6 | T-dn<br>C-dn<br>S dn 1<br>A-dn | 300-1<br>500-1<br>500-1<br>1000-2<br>BCOB | 300-1<br>500-1½<br>500-1<br>1000-2<br>BCOB | Within 2.6 miles, make a climbing left turn and climb to 1,500' on S course.<br>CAUTION: Turn left as soon as practicable to avoid holding pattern at Philadelphia LOM. Maintain 1,500' until S of range.<br>*Procedure turn within 10 miles to avoid conflict with traffic on Green 5. This procedure not authorized for ADF. |

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| NEWPORT NEWS, VA.<br>Patrick Henry Airport, 39'<br>SBMRAZ-DPT (Langley AFB LFR)<br>LFI<br>Procedure No. 1<br>Sept. 12, 1950 | PROCEDURE CANCELED, Effective November 9, 1953. | | | | | | | | | |

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; Facility; Class and Identification; procedure No.; effective date | Transition to ILS: From— | Transition to ILS: To— | Transition to ILS: Course and distance | Transition to ILS: Minimum altitudes (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope intercept. inbound (ft.) | Altitude of glide slope and distance to approach end of runway at—: Outer marker | Altitude of glide slope and distance to approach end of runway at—: Middle marker | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| MADISON, WIS., Truax, 859'<br>ILS-MSN<br>LOM-MS<br>Procedure No. 1<br>Combination ILS and ADF<br>Nov. 8, 1953 | Madison LFR | LOM | 218—4.0 | 2,400 | E side S course:<br>178 outbound.<br>358 inbound.<br>2,400' within 25 miles. | 2,400 | 1,917'-4.8 | 1,058'-0.7 | T-dn<br>C-dn<br>S-dn36<br>ILS | 300-1<br>600-1<br>400-¾ | 300-1<br>600-1½<br>400-¾ | 4.4 miles after passing LOM (ADF), climb to 2,500' on N course ILS or on track of 358° from LOM, within 10 miles. |
| | Janesville VOR | LOM | 328—37.0 | 2,400 | | | | | ADF | 600-1 | 600-1 | |
| | Lone Rock VOR | LOM | 117—43.0 | 2,400 | | | | | A-dn | | | |
| | Lone Rock LFR | LOM | 101—41.0 | 2,400 | | | | | ILS | 800-2 | 800-2 | |
| | | | | | | | | | ADF | 1,000-2 BCOB | 1,000-2 BCOB | |

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Bearings, headings, and courses are magnetic. Distances are in statute miles or feet unless otherwise indicated. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Visibilities are in statute miles unless otherwise indicated. If an ILS instrument approach procedure as published herein cannot be accomplished with the following limitations, clearance may be obtained by the Administrator for Civil Aeronautics for such purpose. Pilots shall be familiar with these limitations and shall be responsible for their execution. Minimum altitudes shall be complied with. Unless otherwise specified in the following procedures, all turns shall be made to the left. Procedure turns shall be executed within the distances specified in the following procedures or as set forth below.

| City and State | Transition to ILS | | | Minimum altitudes (ft.) | Ceiling and visibility minimums | | | | If visual contact not established upon initial approach or within the prescribed limits and the missed approach procedure is executed, pilot shall climb to the altitude specified for the missed approach procedure before proceeding to the next fix or to the airport for a landing. |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | Condition | Type aircraft | Altitude of glide slope crossing outer marker (ft.) | Middle marker | |
| 1 | 2 | From— | To— | 3 | 4 | 5 | 6 | 7 | 8 |
| MOLINE, Ill. | | | | | | | | | |
| ILS-MLI, 5th Amdt. | | Moline LFR | LOM | 2,100 | 200–½ | 200–1 | 2,200 | 2,100–6.7 | 13 |
| LOM-MLI, Orig. | | Moline LFR | LOM | 2,100 | 400–1 | 400–1 | | | |
| Procedure No. 1 | | Int. E crs. MLI-LFR and 225° bgs. to LOM | LOM | 2,100 | 400–¾ | 400–¾ | | | |
| Combination ILS-ADF | | | | | ADF | 600–1 | | | |
| Nov. 8, 1953 | | Int. S crs. MLI-LFR and W crs. ILS or bgs. 080 to LOM | LOM | 1,900 | A-dh | | | | |
| | | | | | ILS | 800–2 | | | |
| | | Int. N crs. HRL-LFR and W crs. ILS or bgs. 080 to LOM (Final) | LOM | 1,900 | ADF | 1,000–2 BCOB | 1,000–2 BCOB | | |
| | | Moscow Int. (Final after Inter W crs. ILS | West crs. ILS | 2,000 | | | | | |
| | | Moscow Int. (Final) | LOM | 2,000 | | | | | |
| | | Iowa City VOR | West crs. ILS | 2,000 | | | | | |
| | | Int. 085° crs. from IOW-VOR and Int. W crs. ILS or bgs. 080 to LOM (Final) | LOM | 1,900 | | | | | |
| SIOUX CITY, IOWA | | | | | | | | | |
| Sioux City, 1,097' | | Sioux City LFR | LOM | 2,400 | 200–½ | 200–1 | 2,400 | 2,400–6.7 | 13 |
| ILS-SUX | | Sioux City VOR | LOM | 2,400 | 400–¾ | 400–¾ | | | |
| LOM-SUX | | | | | ADF | 600–1 | | | |
| Procedure No. 1 | | Sioux FM | LOM | 2,400 | A-dh | | | | |
| ILS and ADF | | | | | ILS | 800–2 | | | |
| Oct. 23, 1953 | | | | | A-dh ADF | 1,000–2 BCOB | 1,000–2 BCOB | | |

| Minimum altitudes (ft.) | Course and distance | Procedure turn for final approach course from direction indicated; distance from OM; minimum altitude; maximum authorized IAS and minimum allowable altitude |
|---|---|---|
| 9 | 10 | 11 |
| 2,100 | 270°–26.0 | S side A course 270° from LOM; 2,200' within 20 miles; 2,100' within 10 miles. |
| 2,100 | 175–9.0 | |
| 2,100 | 225–15.0 | |
| 1,900 | 090–14 | |
| 1,900 | 085–25.0 | |
| 2,000 | 130–12.0 | |
| 2,000 | 104–26.0 | |
| 2,000 | 095–28.0 | |
| 1,900 | 090–25.0 | |
| 2,400 | 112–3.0 | |
| 2,400 | 087–0.7 | |
| 2,400 | 351–7.0 | |

These procedures shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9208; Filed, Nov. 3, 1953; 8:45 a. m.]



# TITLE 22—FOREIGN RELATIONS

## Chapter III—International Claims Commission, Department of State

[Dept. Reg. 108.197]

### PART 300—RULES OF PRACTICE AND PROCEDURE

Pursuant to the International Claims Settlement Act of 1949 (64 Stat. 12; 22 U. S. C. secs. 1621 ff.) and to section 4 of the Administrative Procedure Act of 1946 (60 Stat. 238; 5 U. S. C. 1003), the International Claims Commission of the United States, having given an opportunity to interested persons to submit their views and other relevant information with respect to the proposed rules of the International Claims Commission of the United States, as the same appeared in the FEDERAL REGISTER of September 29, 1953, Vol. 18, No. 190, and having given full consideration to such views and other relevant information, hereby publishes and declares as its rules of practice and procedure, effective on the date of publication in the FEDERAL REGISTER, the following:

Sec.
300.1 Business hours.
300.2 Definitions.
300.3 Appearance and practice before the Commission.
300.4 Filing of claims.
300.5 Procedure for determination of claims.
300.6 Hearings.
300.7 Service.

AUTHORITY: §§ 300.1 to 300.7 issued under sec. 3, 64 Stat. 13; 22 U. S. C. Sup., 1622. Interpret or apply secs. 4, 5, 7, 64 Stat. 13, 16; 22 U. S. C. Sup., 1623, 1624, 1626.

§ 300.1 *Business hours.* The principal office of the Commission, at Washington, D. C., is open each business day, except Saturdays, from 8:45 a. m. to 5:30 p. m.

§ 300.2 *Definitions.* Terms specifically defined in the International Claims Settlement Act of 1949, as amended, shall have the same meaning when used in this part.

§ 300.3 *Appearance and practice before the Commission.* (a) An individual may appear in his own behalf; a member of a partnership may represent it; a bona fide officer of a corporation, trust or association may represent the same.

(b) A person may be represented by an attorney at law admitted to practice before the Supreme Court of the United States, the highest court of any State or Territory of the United States, or the United States Court of Appeals for the District of Columbia Circuit.

(c) A person may not be represented before the Commission except as authorized in paragraphs (a) and (b) of this section.

(d) Any person appearing for another before or transacting business with the Commission shall file a power of attorney showing his authority so to act.

(e) The Commission may disqualify, and deny, temporarily or permanently, the privilege of appearing or practicing before it in any way to any person who is found after hearing in the matter—

(1) Not to possess the requisite qualifications to represent others before the Commission; or

(2) To be lacking in character or integrity or to have engaged in unethical or improper professional conduct; or

(3) To have violated section 4 (f) of the International Claims Settlement Act.

(f) Contemptuous or contumacious conduct at any hearing shall be ground for exclusion from said hearing and for summary suspension without a hearing for the duration of the hearing.

§ 300.4 *Filing of claims*—(a) *Form and content.* Claims filed with the Commission shall be in writing, the original signed and verified by the claimant, with two copies thereof, and an original and two copies of all accompanying exhibits; shall cite the claims agreement or convention under which, and the foreign government against which, the claim is urged; and shall contain a concise statement of the facts upon which the claim is based, including the following:

(1) Name and address of the claimant.

(2) (Individual) Date and place of birth.

(3) (Corporation) State or county under whose laws the corporation was organized.

(4) The manner (birth, marriage, naturalization, etc.) by which and the date when claimant, if an individual, became a national of the United States and whether such nationality was ever lost.

(5) Whether claimant was the owner of the property or of any rights and interests in and with respect to the property, on the date of nationalization or other taking.

(6) Statement as to the manner by which claimant acquired the property or rights and interests in and with respect to the property taken, including the consideration paid therefor or the valuation thereof, at the time of acquisition.

(7) Description, identification, nature and extent of ownership.

(8) Statement as to the manner by which the property or rights and interests in and with respect to property was nationalized or otherwise taken.

(9) The date of nationalization or other taking.

(10) Valuation at the time of nationalization or other taking.

(11) Whether claimant has previously filed a claim with respect to the same subject matter or a related claim with any foreign government, and if so, the disposition or status of such claim.

(12) Whether claimant has sought, received, or has any reason to expect to receive, any benefits, pecuniary or otherwise, other than any award that may be made upon the claim being filed, on account of the loss resulting from the nationalization or other taking referred to in the claim, setting forth the details.

(13) The amount of the claim.

(b) *Exhibits and documents in support of claim.* (1) If available, such exhibits and documents shall be filed with and at the same time as the claim, and shall, wherever possible, be in the form of original documents, or copies of originals certified as such by their public or other official custodian.

(2) Where claimant desires that the Commission obtain, through the foreign government concerned, evidence, including certified copies of books, records, or other documents, as may be necessary or appropriate to support its claim, it shall include in the statement of claim a request therefor and the following information with reference thereto:

(i) A justification of the relevancy or materiality of the information or documents requested;

(ii) An explanation of why same is not in claimant's possession or is not otherwise obtainable by him;

(iii) Where same is located;

(iv) Names or other identification and locations of witnesses to be questioned, with description of their probable testimony.

(3) Upon good cause shown, the Commission may, subsequent to the filing of the claim, grant a request to obtain evidence such as described in subparagraph (2) of this paragraph.

(c) *Documents in foreign language.* Every document, exhibit or paper filed in a claims proceeding, which is written or printed in a language other than English, shall be accompanied by an English translation thereof duly verified under oath by its translator, with his name and address, to be a true and accurate translation thereof, with an extra copy of such translation to accompany each copy of such document.

(d) *Time for filing.* Claims shall be filed with the Commission on or before June 30, 1951, where based on the Yugoslav Claims Agreement of 1948, or by August 4, 1952, where based on the Claims Convention with Panama, effective October 11, 1950. The Commission may, in its discretion, and for good cause shown, grant an extension of time for filing a claim in any particular case.

(e) *Acknowledgment and docketing.* The Commission will acknowledge the receipt of a claim in writing and will notify the claimant of the docket number assigned to it, which shall be used on all further correspondence and papers filed with regard to it.

(f) *Preparation of papers.* All claims, briefs, and memoranda filed shall be typewritten or printed and, if typewritten, shall be on legal size paper.

§ 300.5 *Procedure for determination of claims.* (a) The Commission may of its own motion order a hearing upon any claim, specifying the questions to which it shall be limited.

(b) Without previous hearing, the Commission may issue a proposed decision in determination of a claim.

(c) Where such proposed decision denies the claim in whole or in part, claimant may within thirty days of service thereof file objections to such denial, assigning the errors relied upon, with accompanying brief in support thereof, and may request a hearing on the claim, specifying whether for the taking of evidence, or only for the hearing of oral argument, upon the errors assigned.

(d) Within fifteen days after receipt of notice of any proposed decision issued

as provided in paragraph (b) of this section, the foreign government concerned may notify the Commission in Washington, or through the diplomatic representative of the United States in the country concerned, of its intention to file a brief as amicus curiae with respect to the claim, and may then file such brief within thirty days after such notice.

(e) Upon the expiration of thirty days after such service or receipt of notice, if no objection under paragraph (c) of this section nor notice of intention under paragraph (d) of this section has in the meantime been filed, such proposed decision shall by further order of the Commission become its final determination and decision upon the claim.

(f) If any such objections or brief have in the meantime been filed, but no hearing requested, the Commission may, after due consideration thereof, affirm or modify its proposed decision as its final decision and determination of the claim, or as its further proposed decision, or may of its own motion order hearing thereon, specifying whether for the taking of evidence and on what questions or only for the hearing of oral argument or the receipt of further briefs or both.

(g) Within five days, or such longer time as the Commission may grant, after the conclusion of a hearing, whether held at claimant's request or on the Commission's own motion, the claimant may, unless it has waived same in the meantime, submit requested findings and conclusions of law, with appropriate supporting references to the record, and supporting brief; and the foreign government concerned may, within the same time, file brief as amicus curiae with regard to the claim.

(h) After the conclusion of a hearing, upon the expiration of any time allowed for the filing of requested findings and briefs under paragraph (g) of this section or upon such filing or waiver thereof meantime, the Commission may proceed to final decision and determination of the claim.

§ 300.6 *Hearings.* (a) Hearings, whether upon the Commission's own motion or upon request of claimant, shall be held upon fifteen days' notice of the time and place thereof and of the questions to which limited, to the claimant and to the foreign government concerned, or sooner upon consent by the claimant and notice thereof to the foreign government concerned.

(b) Such hearings shall be open to the public unless otherwise requested by claimant and ordered by the Commission.

(c) Such hearings shall be conducted by the Commission or a member thereof, presiding. Oral testimony and documentary evidence, including depositions that may have been taken as provided by statute, may be offered in evidence on claimant's behalf, or by counsel for the Commission designated by it to represent the public interest opposed to the allowance of any unjust or unfounded claim or portion thereof; and either may cross-examine as to evidence offered through witnesses on behalf of the other. Objections to the admission of any such evidence shall be ruled upon by the presiding officer.

(d) The claimant shall be the moving party, and shall have the burden of proof on all issues involved in the determination of its claim.

(e) Hearings shall be stenographically reported by a reporter designated by the Commission and a transcript thereof shall be part of the record. Where the hearing is ordered at claimant's request, the cost of such reporting and transcription may be charged to and deducted from any award made in its favor. Where ordered at the Commission's own motion, such cost shall be borne by the Commission.

(f) Witness fees and mileage, in connection with attendance upon hearings or upon the taking of depositions, and fees of persons taking depositions, to the extent authorized by statute and not already covered by deposits made against the same under paragraph (g) of this section, shall be charged to and deducted from any award made in favor of the party at whose instance the witness appears or the deposition is taken.

(g) Before issuing a subpoena or ordering the taking of a deposition at the instance of a claimant, the Commission will require the deposit of an amount adequate to cover the estimated total of fees and mileage involved.

§ 300.7 *Service.* (a) Service of notices required under this part to be furnished to claimants may be accomplished by mailing to it or to its counsel of record, at their last address of record, by registered mail, return receipt requested, copy of the matter to be noticed; and the date of such service shall be that of acknowledgment of its receipt by such return receipt.

(b) The requirement of notice may also be satisfied by waiver or acknowledgment of same signed by claimant personally or by its representative or counsel of record.

Dated at Washington, D. C., October 29, 1953.

By the Commission.

[SEAL] H. B. TEEGARDEN,
*Acting Chairman.*
GEORGE W. SPANGLER,
*Acting Commissioner.*

[F. R. Doc. 53-9311; Filed, Nov. 3, 1953; 8:52 a. m.]

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PART 301—SPECIAL RULES FOR CLAIMS UNDER THE YUGOSLAV CLAIMS AGREEMENT OF 1948

PART 302—SPECIAL RULES FOR CLAIMS UNDER ARTICLE I (C) AND ARTICLE II (C) OF THE CLAIMS CONVENTION BETWEEN THE UNITED STATES AND THE REPUBLIC OF PANAMA, WHICH WENT INTO EFFECT ON OCTOBER 11, 1950

SUPERSEDURE OF PARTS

CROSS REFERENCE: Parts 301 and 302 of this chapter are superseded by the revised Part 300—Rules of Practice and Procedure, *supra.*

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter I—Office of Defense Mobilization

[General Administrative Order—I-2, Revised]

ADMINISTRATIVE PROCEEDINGS UNDER TITLE IV OF THE DEFENSE PRODUCTION ACT OF 1950, AS AMENDED

SECTION 1. The purpose of this General Administrative Order is to provide for the conduct and orderly completion of administrative proceedings arising under section 405, 407 and 408 of the Defense Production Act of 1950, as amended, which function has been made the responsibility of the Director of the Office of Defense Mobilization by Executive Order 10494 of October 14, 1953 (18 F. R. 6585).

SEC. 2. Subject to such supervision as the Director may deem appropriate, the General Counsel of the Office of Defense Mobilization is hereby authorized to carry out the functions delegated to the Director by Executive Order 10494. For these purposes the General Counsel is also designated as Assistant Director of the Office of Defense Mobilization. The term "functions" includes powers, duties, authority, responsibilities, and discretion.

SEC. 3. The orders of the Economic Stabilization Agency which are relevant to the conduct and completion of administrative proceedings under sections 405, 407 and 408 of the act, particularly ESA General Order 15 and 18, as amended (17 F. R. 2994, 6925, and 9977); ESA General Procedural Regulation 1, Revised, as amended (17 F. R. 7737, 18 F. R. 1663); and OPS Price Procedural Regulation 1, Revision 2, as amended (17 F. R. 3787 and 9935) are hereby adopted and incorporated herein by reference.

SEC. 4. This General Administrative Order shall become effective November 1, 1953.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 53-9362; Filed, Nov. 2, 1953; 4:13 p. m.]

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### Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Designation of Scarce Materials 1 (Formerly NPA Designation of Scarce Materials 1)—Revocation]

DSM-1—DESIGNATION OF SCARCE MATERIALS

REVOCATION

BDSA DSM-1 (formerly NPA DSM-1), as amended June 18, 1953 (18 F. R. 3566), is hereby revoked.

This revocation does not relieve any person of any obligation or liability incurred under BDSA DSM-1 (formerly NPA DSM-1) as originally issued or as thereafter amended, nor deprive any person of any rights received or accrued under said designation prior to the effective date of this revocation.

(64 Stat. 816, Pub. Law 95, 83d Cong.; 50 U. S. C. App. Sup. 2154)

This revocation is effective November 2, 1953.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
By WILLIAM E. HAINES,
*Assistant Deputy Administrator.*

[F. R. Doc. 53-9360; Filed, Nov. 2, 1953; 2:56 p. m.]

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### Chapter XXI—Defense Rental Areas Division, Office of Defense Mobilization

[Rent Regulation 1, Amdt. 165 to Schedule A]

[Rent Regulation 2, Amdt. 163 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

OHIO

Effective November 4, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that the item of Schedule A indicated below reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 30th day of October 1953.

GLENWOOD J. SHERRARD,
*Director,*
*Defense Rental Areas Division.*

| Name and name of defense-rental area | Class | County or counties in defense-rental area under regulation | Maximum rent date | Effective date of regulation |
|---|---|---|---|---|
| Ohio | | | | |
| [illegible] Portsmouth-Chillicothe. | B | SCIOTO COUNTY, except the townships of Brush Creek, Madison, Rarden, and Vernon. | Jan. 1, 1946 | Oct. 1, 1946 |
| | C | do | Aug. 1, 1952 | Nov. 6, 1952 |
| | A | In SCIOTO COUNTY, the townships of Brush Creek, Madison, Rarden, and Vernon. | do | Do. |

This amendment decontrols a part of the Portsmouth-Chillicothe Defense Rental Area on the initiative of the Director, Defense Rental Areas Division, Office of Defense Mobilization, under section 204 (c) of the act.

[F. R. Doc. 53-9359; Filed, Nov. 2, 1953; 2:21 p. m.]

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[Rent Regulation 3, Amdt. 155 to Schedule A]

[Rent Regulation 4, Amdt. 99 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

OHIO

Effective November 4, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that the item of Schedule A indicated below reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 30th day of October 1953.

GLENWOOD J. SHERRARD,
*Director,*
*Defense Rental Areas Division.*

| Name of defense-rental area | State | County or counties in defense-rental area under regulation | Maximum rent date | Effective date of regulation |
|---|---|---|---|---|
| [illegible] Portsmouth-Chillicothe. | Ohio | SCIOTO | Aug. 1, 1952 | Nov. 6, 1952 |

This amendment decontrols a part of the Portsmouth-Chillicothe Defense Rental Area on the initiative of the Director, Defense Rental Areas Division, Office of Defense Mobilization, under section 204 (c) of the act.

[F. R. Doc. 53-9358; Filed, Nov. 2, 1953; 2:21 p. m.]

## TITLE 36—PARKS, FORESTS, AND MEMORIALS

### Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

SEQUOIA-KINGS CANYON NATIONAL PARKS; FISHING

1. Subparagraph (3) of paragraph (e) *Fishing* of § 20.8 *Sequoia-Kings Canyon National Parks* is amended to read as follows:

(3) A California State fishing license is required of all persons 16 years of age or over fishing in the Parks.

2. Subdivision (ii) of subparagraph (4) of paragraph (e) *Fishing* of § 20.8 *Sequoia-Kings Canyon National Parks* is amended to read as follows:

(ii) On the watershed of the Marble Fork of the Kaweah River: Deer Creek from the foot bridge on the Sunset-Village Trail to source, except to children 10 years of age or younger; that section of Wolverton Creek from the dam up to the first posted water supply sign, except to persons 15 years of age or younger; that section of Wolverton Creek from point where water supply signs are posted to source; and Silliman Creek from Generals Highway to source at outlet of Silliman Lakes.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 29th day of October 1953.

ORME LEWIS,
*Assistant Secretary of the Interior.*

[F. R. Doc. 53-9280; Filed, Nov. 3, 1953; 8:45 a. m.]

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## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 8333]

PART 1—PRACTICE AND PROCEDURE

DAYTIME SKYWAVE TRANSMISSIONS OF STANDARD BROADCAST STATIONS

In the matter of promulgation of rules and regulations and Standards of Good Engineering Practice concerning daytime skywave transmissions for standard broadcast stations; Docket No. 8333; and in the matter of amendment of § 1.371 of the Commission's rules and regulations.

1. The Commission has under consideration an order in the above-entitled case adopted on August 10, 1953 and footnote 10b to § 1.371 of its rules and regulations relating to the acceptance of applications.

2. Footnote 10b of § 1.371, as adopted in the above order, provides that the processing of applications for unlimited time Class II stations which would operate differently in the daytime than at nighttime, on the clear channels specified in § 3.25 (a) [1] and (b) will be with-

[1] This section was included in error since unlimited time Class II stations are not assigned the frequencies specified therein.

held pending a conclusion of the proceeding in Docket 8333.

3. It now appears that certain types of applications which do not come within the scope of the daytime skywave proceeding in Docket 8333, are inadvertently encompassed within footnote 10b. For example, applications for changes in the nighttime operation of Class II stations presently operating on the frequencies set forth in § 3.25 (b), under the footnote as presently written, would be needlessly held without action. In order to provide for the processing of such applications we find it necessary to amend the provisions presently contained in subparagraph (d) of footnote 10b. Desirable editorial changes have also been made in the footnote.

4. The amendment adopted herein is procedural in nature, and, pursuant to the provisions of section 4 of the Administrative Procedure Act, may be adopted and made effective immediately.

5. In view of the above: *It is ordered*, That pursuant to sections 4 (i), 303 (c), (f), (h) and (r) of the Communications Act of 1934, is amended, effective immediately footnote 10b of § 1.371 is amended to read as follows:

[10b] Pending conclusion of the proceeding in Docket No. 8333 action will be withheld on the following:

(1) Applications proposing daytime or limited time assignments on any of the frequencies specified in § 3.25 (a) and (b) of this chapter;

(2) Applications from existing daytime or limited time stations presently assigned to any of the frequencies specified in § 3.25 (a) and (b), of this chapter, proposing (a) a change in operation resulting in an increase in radiation towards the normally protected contour of a United States Class I station on the channel; or (b) proposing a change in transmitter location resulting in a material reduction in the distance from that station to the normally protected contour of a United States Class I station on the channel;

(3) Applications for new stations, and those for changes in frequency assignment, proposing unlimited time Class II assignments on any of the frequencies specified in § 3.25 (b) of this chapter, which would operate differently during the day than at night;

(4) Applications for changes, other than frequency, of unlimited time Class II stations on any of the frequencies specified in § 3.25 (b), of this chapter, where the resulting daytime and nighttime operations are different; and either

(a) It is proposed to change daytime operation resulting in an increase in radiation towards the normally protected contour of a United States Class I station on the channel; or

(b) It is proposed to change transmitter location resulting in a material reduction in the distance from that station to the normally protected contour of a United States Class I station on the channel.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: October 29, 1953.

Released: October 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9321; Filed, Nov. 3, 1953; 8:54 a. m.]

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[Docket No. 10572]

PART 3—RADIO BROADCAST SERVICES

ANTENNA SYSTEMS; SHOWING REQUIRED

In the matter of amendment of Part 3 (Radio Broadcast Services) of the Commission's rules and regulations; Docket No. 10572.

1. The Commission has under consideration its notice of proposed rule making (FCC 53-830), issued July 6, 1953, and published in the FEDERAL REGISTER on July 11, 1953 (18 F. R. 4077), which proposes to amend § 3.33 of the Commission's rules to require all applications for standard broadcast stations to specify a definite site.

2. Two comments have been received. In its opposition, Fred W. Grimwood and Company, Inc., contends that the adoption of the proposed rule would discourage the construction of many "small town" standard broadcast stations since the majority of such stations "are started by local interests who have the minimum of financial backing" and who are therefore greatly benefited by the ability to "obtain a construction permit without tying up large amounts of their capital in land." It is asserted that after grant of their applications for construction permit, such stations can rally local support and "proceed much more readily with construction." The opposition concludes that "the difficulties presented to the small town broadcaster" far outweigh "the small technical advantages of filing with a specific site."

3. Mercer Broadcasting Company asserts that the requirement proposed in these proceedings should have been effected simply by the issuance of a notice rather than by the institution of proposed rule making. Our recent decision in In re Application of Mercer Broadcasting Company, 9 Pike & Fischer, RR 357, makes it unnecessary to consider the contentions made by Mercer Broadcasting Company. That decision established the propriety of employing the rule making procedure to effect the proposed change.

4. With respect to the comments of Fred W. Grimmood and Company, we recognize that the proposed new procedure may have some disadvantages from the viewpoint of the "small town" applicant of limited financial means who will now probably have the added expense of an option on the desired site. But for the reasons set out in our notice of July 6th—the reduction of the unnecessary additional workload imposed upon the Commission at a time when its processes are already heavily taxed and the elimination of the uncertainties inherent in the original grant when the site-to-be-determined application is employed, we conclude that adoption of the outstanding proposal is in the public interest.

5. Site-to-be-determined applications now on file with the Commission will be processed on that basis. All applications for authority to install a standard broadcast antenna filed after the effective date of this order must specify a definite site. As to the latter date, it is believed, because of the workload factor and the desirability of expediting the processing of applications, that the subject amendments should be made effective immediately.

6. Authority for the adoption of the amendment herein is contained in sections 4 (i), 303 (f) and 303 (r) of the Communications Act of 1934, as amended.

7. In view of the foregoing: *It is ordered*, That, effective immediately, § 3.33 of the Commission's rules is amended to read as follows:

§ 3.33 *Antenna systems; showing required.* (a) An application for authority to install a broadcast antenna shall specify a definite site [11] and include full details of the antena design and expected performance.

(b) All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application. If the station is using a directional antenna, a proof of performance must also be filed.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: October 28, 1953.

Released: October 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9322; Filed, Nov. 3, 1953; 8:54 a. m.]

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[Docket No. 10686]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, table of assignments, rules governing television broadcast stations; Docket No. 10686.

1. The Commission has under consideration its notice of proposed rule making issued on September 11, 1953 (FCC 53-1169), and published in the FEDERAL REGISTER on September 17, 1953 (18 F. R. 5571), proposing to assign Channel 43 to Corpus Christi, Texas.

2. The time for filing comments in this proceeding expired October 13, 1953. No comments were filed opposing the assignment of Channel 43 to Corpus Christi, Texas. The Commission finds that the assignment of Channel 43 to Corpus Christi would comply with the Commission's rules and that a finalization of the proposal would serve the public interest since it would provide a second commercial UHF assignment and better balance the relationship between the UHF and VHF service in the area.

3. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

4. In view of the foregoing: *It is ordered*, That effective 30 days from publication in the FEDERAL REGISTER, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

| City: | Channel No. |
|---|---|
| Corpus Christi, Tex. | 6+, 10—, *16+, 22, 43 |

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1084; 47 U. S. C. 301, 303, 307)

Adopted: October 28, 1953.

Released: October 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9323; Filed, Nov. 3, 1953; 8:54 a. m.]

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[Docket No. 10687]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, *Table of assignments*, rules governing television broadcast stations; Docket No. 10687.

1. The Commission has under consideration its notice of proposed rule making issued on September 9, 1953 (FCC 53-1171), and published in the FEDERAL REGISTER on September 17, 1953 (18 F. R. 5572), proposing to assign Channel 50 to Washington, D. C.

2. The time for filing comments in this proceeding expired October 13, 1953. No comments were filed opposing the assignment of Channel 50 to Washington, D. C. The Commission finds that the assignment of Channel 50 to Washington, D. C., would comply with the Commission's rules, and that a finalization of the proposal would serve the public interest since it would provide a second commercial UHF assignment and better balance the relationship between the UHF and VHF service in the area.

3. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

4. In view of the foregoing: *It is ordered*, That effective 30 days from publication in the FEDERAL REGISTER, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

1. Amend the table to read:

| City: | Channel No. |
|---|---|
| Washington, D. C. | 4—, 5—, 7+, 9—, 20+, *26—, 50— |

2. Change the Channel 50 assignment in Rocky Mount, N. C., from 50 to 50+.

3. Change the Channel 50 assignment in Marion, Va., from 50— to 50.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1084; 47 U. S. C. 301, 303, 307)

Adopted: October 28, 1953.

Released: October 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9324; Filed, Nov. 3, 1953; 8:54 a. m.]

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[11] Site-to-be-determined applications which were on file prior to October 28, 1953, may be granted conditioned upon the filing within 60 days of such grant of an application for modification of permit specifying a site conforming to Commission's rules and standards.



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[Docket No. 10647]

PART 4—EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 4 of the Commission's rules and regulations governing auxiliary broadcast services; Docket No. 10647.

1. The Commission has under consideration its notice of proposed rule making (FCC 53-1075) of August 21, 1953, and published in the FEDERAL REGISTER on August 28, 1953, proposing to amend Part 4 of the Commission's rules so as to make provision for FM inter-city relay stations in the band 940-952 Mc.

2. The Commission finds that the proposed amendments are necessary in order to provide for FM inter-city relay stations on the frequencies allocated for this purpose and would be in the public interest. The time for filing comments in this proceeding expired on September 24, 1953. No comments opposing the amendments were filed.

3. Authority for the adoption of the proposed amendments set out in the attached appendix is contained in sections 4 (i), 303, (a), (b), (c), (f) and (r) of the Communications Act of 1934 as amended.

4. In view of the foregoing: *It is ordered*, That effective 30 days from the publication in the FEDERAL REGISTER, Part 4 of the Commission's rules and regulations Governing Auxiliary Broadcast Services is amended as set out below.

Adopted: October 28, 1953.

Released: October 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

Part 4 of the Commission's rules and regulations is amended as follows:

1. In § 4.1 delete paragraph (b) (2) and substitute the following:

(2) Broadcast STL and FM inter-city relay (Subpart E).

2. In § 4.11 insert the term FM inter-city relay, between the terms "broadcast STL", and "experimental facsimile" in the first sentence of this section.

3. Change the title of Subpart E to "Broadcast STL and FM Inter-City Relay Stations."

4. Change the paragraph designators (c) and (d) in § 4.501 respectively to (d) and (e) and insert a new paragraph (c) as follows:

(c) FM inter-city relay station: A fixed station used for the transmission of FM broadcasting programs from one FM broadcasting station to other FM broadcasting stations to provide simultaneous network FM broadcasting and operated only by FM broadcast licensees.

5. Add a new paragraph (d) to § 4.502 to read as follows:

(d) FM inter-city relay stations may be licensed on any of the frequencies listed in paragraphs (a) and (b) of this section, subject to the condition that no harmful interference is caused to stations operating in accordance with the Table of Frequency Allocations contained in § 2.104 (a) of this chapter.

6. Delete present § 4.531 and substitute the following:

§ 4.531 *Licensing requirements.* (a) An FM broadcast STL station will be licensed only to the licensee of an FM broadcasting station as an auxiliary to a particular FM broadcasting station of that licensee.

(b) A standard broadcast STL station will be licensed only to the licensee of a standard broadcast station as an auxiliary to a particular standard broadcast station of that licensee.

(c) An FM intercity relay station will be licensed only to the licensee of an FM broadcast station and only upon a satisfactory showing that suitable common carrier facilities are not available. An application for construction permit for a new FM intercity relay station or for renewal of license of an existing station shall be accompanied by a verified statement containing the following:

(1) A full statement as to why the applicant requires the requested facilities including reasons why common carrier facilities cannot be utilized; and,

(2) A showing that the applicant has, at the earliest time reasonably practicable, requested the appropriate common carrier or common carriers serving the general area involved to furnish the intercity FM transmission service required by the applicant, including in such showing a copy of the request or requests and of the reply or replies received from such common carriers.

(d) More than one broadcast STL station or FM intercity relay stations will be licensed for use with single broadcast station only upon a showing that, (1) more than one transmitter is required for the effective operation of a single STL or intercity relay circuit due to distance of transmission, terrain anomalies, or similar circumstances; or, (2) more than one STL circuit is needed to connect additional studios or more than one FM intercity relay circuit is needed to connect additional FM broadcast stations in the network; and it is shown that the nature and extent of use of such additional circuits is such as to justify their authorization.

(e) Each station shall be licensed at a fixed location and the direction of radiation of the antenna shall be fixed.

7. Delete paragraphs (b) and (c) and footnote 2 of § 4.532 and substitute the following:

(b) The license of an FM intercity relay station authorizes the relaying of FM broadcast programs and communications relating thereto between FM broadcasting stations located in different cities in order to provide network FM broadcasting. The operation of FM intercity relay stations is subject to the condition that no harmful interference is caused to other radio stations, present or future, operating in accordance with the Table of Frequency Allocations set forth in § 2.104 (a) of this chapter.

(c) Each FM broadcast STL station, standard broadcast STL station, or FM intercity relay station will be licensed for unlimited time operation.

(d) During periods in which it is not a part of the broadcast circuit, the transmitting equipment may be used for the transmission of communications which pertain to the broadcast operations.[3] Superfluous transmissions are not permitted.

8. Delete § 4.533 and substitute the following:

§ 4.533 *Remote control and unattended operation.* (a) Broadcast STL or FM intercity relay stations may be operated by remote control: *Provided*, That such operation is conducted in accordance with the conditions listed in this section: *And provided further*, That the Commission is notified at least 10 days prior to such operation and that such notification is accompanied by a detailed description of the proposed remote control installation showing the manner of compliance with the following conditions:

(1) The operating position shall be under the control and supervision of the licensee and shall be the place at which a licensed operator meeting the requirements of § 4.565 and responsible for the operation of the transmitter is stationed;

(2) A carrier operated device shall be provided at the operating position which shall give a continuous visual indication when the transmitter is radiating; or, in lieu thereof, a device shall be provided which will give a continuous visual indication when any transmitter control circuits have been placed in a condition to produce radiation;

(3) Facilities shall be provided at the operating position which will permit the operator to turn the transmitter carrier on and off at will; and

(4) The transmitter and all of its operating controls shall be so installed and protected that they are not accessible to other than authorized personnel.

(b) FM intercity relay stations, and broadcast STL stations where the circuit requires the use of more than one STL transmitter, may be operated unattended: *Provided*, That such operation is conducted in accordance with the conditions listed below: *And provided further*, That the Commission is notified at least 10 days prior to the beginning of such operation and that such notification is accompanied by a detailed description of the proposed installation showing the manner of compliance with the following conditions:

(1) The transmitter is capable of retransmitting by self-actuating means a radio signal received from another radio station or stations;

(2) The transmitter shall be provided with adequate safeguards to prevent improper operation of the equipment;

(3) The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons;

(4) Appropriate observations shall be made, at intervals not exceeding one hour during the period of its operations, at the receiving end of the circuit by a person holding a valid first or second class radiotelephone operator license who shall immediately institute measures sufficient to assure prompt correction of any condition of improper operation that is observed; and

(5) The station licensee shall remain responsible for the proper operation of the station, and all adjustments or tests during or coincident with the installation, servicing, or maintenance of the station which may affect its proper operation, shall be performed by or under the immediate supervision and responsibility of a person holding a valid first or second class radiotelephone operator license.

(c) The Commission may notify the licensee not to commence remote control or unattended operation, or to cancel, suspend, or change the date of the beginning of such operation as and when such action may appear to be in the public interest, convenience and necessity.

9. a. Substitute the term Broadcast STL and FM intercity relay stations for the term "Broadcast STL Stations" in the following sections: § 4.534, first sentence; § 4.535 (a), first sentence;

b. Substitute the term broadcast STL or FM intercity relay station for the term "broadcast STL station" in the following sections: § 4.536, first sentence; § 4.551, first sentence; § 4.561, first sentence; § 4.562, first sentence; § 4.563, first sentence; § 4.581, first sentence; § 4.582, first sentence.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

[F. R. Doc. 53-9325; Filed, Nov. 3, 1953; 8:55 a. m.]

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[Docket No. 10710]

## PART 7—STATIONS ON LAND IN THE MARITIME SERVICE

## PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

AVAILABILITY OF FREQUENCIES FOR ASSIGNMENT TO RADIONAVIGATION (DEVELOPMENTAL) STATIONS

In the matter of amendment of Parts 7 and 8 of the Commission's rules regarding availability of frequencies for assignment to radionavigation (developmental) stations, Docket No. 10710.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of October 1953:

The Commission having under consideration its proposal in the above-entitled matter to amend §§ 7.503 and 8.433 of its rules by adding thereto certain frequencies for shore and ship radionavigation (developmental) stations; and

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in Docket No. 10719 which made provision for submission of certain comments by interested parties was duly published in the FEDERAL REGISTER on October 6, 1953 (18 F. R. 6358); and

It further appearing, that the period in which interested persons were afforded opportunity to comment has expired; and

It further appearing, that no objection as such, was filed to the proposed amendments; however, Aeronautical Radio, Inc., filed a comment stating that it does not oppose the proposed amendments, providing similar action is taken to include in Part 9 of the Commission's rules governing Aviation Services the frequency bands available for assignment to developmental stations of the aircraft and aeronautical radionavigation services, and requested that the said Part 9 be amended accordingly; and

It further appearing, that Aeronautical Radio, Inc.'s, request is receiving consideration but that such consideration is not relevant to the proceedings in Docket No. 10710; and

It further appearing, that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (c), (f), (g), and (r) of the Communications Act of 1934, as amended; and

It further appearing, that the rule amendments herein ordered are urgently necessary to permit processing of pending applications and therefore should be made available for licensing immediately;

*It is ordered*, That, effective immediately, Parts 7 and 8 of the Commission's rules are amended as set forth below.

Released: October 29, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

1. Amend § 7.503 by the addition of paragraph (c) reading as follows:

(c) In addition to the specific frequency bands designated by § 7.402 for shore radionavigation stations, each of the following frequencies or frequency bands may be licensed as an assigned frequency or an authorized frequency band for use by developmental shore radionavigation stations:

| *Authorized frequency band* | *Assigned frequency* |
|---|---|
| 2900 to 3000 Mc. | |
| 3246 to 3266 Mc | 3256 Mc (Racons only). |
| 3266 to 3300 Mc. | |
| 5250 to 5440 Mc. | |
| 5440 to 5460 Mc | 5450 Mc (Racons only). |
| 8500 to 9300 Mc. | |
| 9300 to 9320 Mc | 9310 Mc (Racons only). |
| 9500 to 9800 Mc. | |

2. Amend § 8.433 by addition of paragraph (c) reading as follows:

(c) In addition to specific frequency bands designated by § 8.404 for ship radionavigation stations, each of the following frequencies or frequency bands may be licensed as an assigned frequency or an authorized frequency band for use by developmental ship radionavigation stations:

| *Authorized frequency band* | *Assigned frequency* |
|---|---|
| 2900 to 3000 Mc. | |
| 3246 to 3266 Mc | 3256 Mc (Racons only). |
| 3266 to 3300 Mc. | |
| 5250 to 5440 Mc. | |
| 5440 to 5460 Mc | 5450 Mc (Racons only). |
| 8500 to 9300 Mc. | |
| 9300 to 9320 Mc | 9310 Mc (Racons only). |
| 9500 to 9800 Mc. | |

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

[F. R. Doc. 53-9326; Filed, Nov. 3, 1953; 8:55 a. m.]

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## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

#### Subchapter B—Hunting and Possession of Wildlife

## PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

COMPENSATORY EXTENSIONS OF CERTAIN MIGRATORY GAME BIRD SEASONS

*Basis and purpose.* Requests have been received from the States of Tennessee and West Virginia for the extension of the migratory game bird hunting seasons by the number of days sportsmen were not permitted to hunt such birds due to emergency State action closing extensive areas to shooting as a forest fire prevention measure. It has been determined that the slight compensatory extensions sought are not likely to result in a diminution of the birds to any greater extent than was contemplated for the original period.

Accordingly, pursuant to authority conferred upon me by § 6.4 of the Migratory Bird Treaty Act Regulations (16 F. R. 7513), the seasons fixed by the amendments to such regulations approved during July, August and September 1953 (18 F. R. 4421, 4891, 5175 and 5495) are, subject to shooting hours and other applicable provisions of the current Federal regulations, extended as follows:

In Tennessee, mourning doves from October 30 to November 11, 1953, both dates inclusive, an extension of 13 days.

In West Virginia, woodcock from October 29 to November 30; waterfowl and coot from October 29 to December 26, all dates inclusive. The seasons in this State were closed from October 1 to October 28 inclusive.

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704)

Since these amendments are relaxations of existing regulations, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.), and they shall become effective immediately.

ALBERT M. DAY,
*Acting Director,*
*Fish and Wildlife Service.*

OCTOBER 28, 1953.

[F. R. Doc. 53-9281; Filed, Nov. 3, 1953; 8:46 a. m.]

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[3] If the transmitter and receiver are equipped with a multiplex circuit, communications during broadcast periods may be authorized upon application therefor. Such a circuit, if used, shall be designed and operated in a manner which will not cause spurious emissions or derogation of the program transmission. Studio to transmitter and transmitter to studio communication may also be provided by equipment operated under the remote pickup broadcast station rules.



# PROPOSED RULE MAKING

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Parts 10, 11, 16 ]

[Docket No. 10500]

PUBLIC SAFETY, INDUSTRIAL, AND LAND TRANSPORTATION RADIO SERVICES

OPERATIONAL FIXED STATIONS; WITHDRAWAL OF NOTICE OF PROPOSED RULE MAKING AND TERMINATION OF PROCEEDINGS

In the matter of amendments to Parts 10, 11, and 16 of the Commission's rules to establish certain new provisions regarding operational fixed stations operating on frequencies above 890 Mc.; Docket No. 10500.

1. The Commission has had under consideration a notice of proposed rule making adopted May 13, 1953, in the above-entitled matter and comments filed relative thereto. In the light of the comments and in further consideration of the problems relating to the licensing of private microwave radio systems, it would appear desirable to defer action on the promulgation of rules until an overall policy can be adopted.

2. The Commission's staff is undertaking a study of the entire field of licensing policy for private microwave systems. Similar investigations are being conducted by representatives of manufacturers and user groups. Since a study of the magnitude contemplated will undoubtedly require a minimum of a year, there appears to be little reason why the outstanding docket should be continued. In the interim the Commission will continue to license microwave stations on a developmental basis in accordance with existing policies.

3. In view of the above: *It is ordered*, This 28th day of October 1953, that the notice of proposed rule making in the above-entitled matter be withdrawn and the proceedings in Docket 10500 are terminated.

Released: October 29, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9327; Filed, Nov. 3, 1953; 8:55 a. m.]

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# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

OCTOBER 28, 1953.

1. Pursuant to the authority delegated to me by the Regional Administrator, Region II, Bureau of Land Management, by Order No. 1, Amendment No. 2, dated January 29, 1953 (18 F. R. 23), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described lands in the Los Angeles land district, embracing approximately 180 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 388

For lease and sale for homesite purposes only.

T. 9 N., R. 2 W., S. B. M.,
Sec. 11, W½NE¼NE¼, NW¼NE¼, S½NE¼, SW¼NW¼.

The lands are located near the town of Barstow in San Bernardino County, California. State Highway U. S. 66-91 crosses the northwestern part of Section 11, and access to these lands can be obtained from the highway. The topography is level to rolling and somewhat dissected by dry washes.

2. As to applications regularly filed prior to 11:20 a. m., December 10, 1952, which describe tracts in accordance with the provisions contained herein, this order shall be effective immediately.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour

specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts of 1¼ acres, with approximate dimensions of 330 feet east and west and 165 feet north and south, each tract forming an aliquot part of the official survey of the section.

6. Preference right leases referred to in paragraph 2 will be issued only if the tract applied for conforms to or is amended to conform to the area, dimensions and orientation specified in paragraph 5.

7. Leases will be issued for a period of three years at an annual rental of $5 payable for the entire lease period in advance of issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $150 per tract. Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

8. Tracts will be subject to all existing rights-of-way and to rights-of-way 33 feet in width along the boundaries thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

9. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

E. I. ROWLAND,
*Regional Chief,*
*Division of Lands.*

[F. R. Doc. 53-9283; Filed, Nov. 3, 1953; 8:46 a. m.]

## Bureau of Reclamation

HASSAYAMPA PROJECT, ARIZONA

ORDER OF REVOCATION

JULY 27, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515, of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of April 7, 1944, insofar as said order affects the following described lands: *Provide, however,* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter decribed.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 7 N., R. 4 W.,
Sec. 20, E½SE¼.

The above area aggregates 80 acres.

G. W. LINEWEAVER,
*Assistant Commissioner.*

I concur. The records of the Bureau of Land Management will be noted accordingly.

This revocation is made in furtherance of an exchange under section 8 of the act of June 28, 1934, as amended by section 3 of the act of June 26, 1936 (48 Stat. 1272, 49 Stat. 1976; 43 U. S. C. 315g), by which the offered lands will benefit a Federal land program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 147; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II and others.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

OCTOBER 29, 1953.

[F. R. Doc. 53-9282; Filed, Nov. 3, 1953; 8:46 a. m.]

# DEPARTMENT OF AGRICULTURE

## Office of the Secretary

ARKANSAS

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN THE DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civilian Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of October 21, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on July 1, 1953, pursuant to Public Law 875, 81st Congress:

ARKANSAS

Clark.
Cleveland.
Dallas.

Done this 29th day of October 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9295; Filed, Nov. 3, 1953; 8:48 a. m.]

KENTUCKY

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN THE DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civilian Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of October 21, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on September 16, 1953, pursuant to Public Law 875, 81st Congress:

KENTUCKY

| | |
|---|---|
| Caldwell. | Marion. |
| Christian. | Metcalfe. |
| Edmonson. | Nelson. |
| Hart. | Todd. |
| Lyon. | Washington. |
| Marshall. | Webster. |

Done this 29th day of October 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9296; Filed, Nov. 3, 1953; 8:48 a. m.]

MISSOURI

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN THE DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civilian Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of October 21, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on July 15, 1953, pursuant to Public Law 875, 81st Congress:

MISSOURI

Macon.
Mercer.

Done this 29th day of October 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9297; Filed, Nov. 3, 1953; 8:49 a. m.]

NORTH CAROLINA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN THE DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civilian Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of October 21, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on September 16, 1953, pursuant to Public Law 875, 81st Congress:

NORTH CAROLINA

Chatham.
Harnett.
Randolph.



Done this 29th day of October 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9298; Filed, Nov. 3, 1953; 8:49 a. m.]

TENNESSEE

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civilian Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of October 21, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on September 18, 1953, pursuant to Public Law 875, 81st Congress:

TENNESSEE

| | |
|---|---|
| Crockett. | Lauderdale. |
| Decatur. | Madison. |
| Haywood. | Perry. |
| Henderson. | Tipton. |

Done this 29th day of October 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9299; Filed, Nov. 3, 1953; 8:49 a. m.]

VIRGINIA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN THE DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civilian Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional county is determined as of October 21, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on September 26, 1953, pursuant to Public Law 875, 81st Congress:

VIRGINIA

Montgomery.

Done this 29th day of October 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9300; Filed, Nov. 3, 1953; 8:49 a. m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended December 31, 1951, 16 F. R. 12043; and June 2, 1952, 17 F. R. 3818).

Athens Garment Co., Athens, Ala., effective 10–24–53 to 10–23–54; 10 learners (work shirts).

J. H. Bonck Co., Inc., 1100 South Jefferson Davis Parkway, New Orleans, La., effective 10–26–53 to 10–25–54; 10 percent of the factory production force for normal labor turnover purposes (sport shirts).

Cassie Sportswear Co., 306–8–10 West Catawissa Street, Nesquehoning, Pa., effective 10–21–53 to 10–20–54; 10 percent of the total number of factory production workers (not including office and sales personnel) (ladies' blouses).

Chester Manufacturing Co., Inc., 1 Brookside Avenue, Chatham, N. Y., effective 10–23–53 to 10–22–54; 5 learners for normal labor turnover purposes (ladies' and children's street and house dresses).

Duncannon Dress Co., 711 High Street, Duncannon, Pa., effective 10–26–53 to 10–25–54; 10 percent of the factory production force for normal labor turnover purposes (ladies' cotton house dresses).

Eureka Pants Co., Shelbyville, Tenn., effective 10–27–53 to 10–26–54; 10 percent of the total number of factory production workers (not including office and sales personnel) (cotton work pants).

Fly Manufacturing Co., Shelbyville, Tenn., effective 10–27–53 to 10–26–54; 10 percent of the total number of factory production workers (not including office and sales personnel) (cotton work pants, overalls, and jackets).

Forest City Manufacturing Co., 1641 Washington Avenue, St. Louis, Mo., effective 10–22–53 to 10–21–54; 10 percent of the factory production force for normal labor turnover purposes (junior and misses' dresses).

Gross Galesburg Co., Lewistown, Ill., effective 11–1–53 to 4–30–54; 40 learners for expansion purposes (men's and boys' waistband overalls).

Juvenile Manufacturing Co., Inc., 327 North Flores Street, San Antonio, Tex., effective 10–24–53 to 10–23–54; 10 percent of the total number of factory production workers (excluding those engaged in the production of coat suits and topcoats) (slacks, shorts, boxerettes, boxer shorts, jackets, and shirts, etc.).

McMinnville Garment Co., McMinnville, Tenn., effective 11–9–53 to 11–8–54; 10 percent of the factory production force for normal labor turnover purposes (cotton trousers).

Charles Meyers & Co., First and Harrison Streets, Belleville, Ill., effective 11–2–53 to 11–1–54; 10 percent of the factory production workers for normal labor turnover purposes (men's trousers).

Milan Shirt Manufacturing Co., 134 Williamson Street, Milan, Tenn., effective 11–4–53 to 11–3–54; 10 percent of the factory production force for normal labor turnover purposes (cotton work shirts).

Nardis Sportswear, Inc., 400 South Poydras Street, Dallas, Tex., effective 10–23–53 to 10–22–54; 10 percent of the number of factory production workers (excluding workers engaged in the production of skirts, jackets, and toppers, lined and unlined suits) (blouses and vests).

Palm Beach Co., Talladega, Ala., effective 10–27–53 to 10–26–54; 10 percent of the total number of factory production workers (not including office and sales personnel) (summer wash pants).

Pettibelle, Inc., Sumter, S. C., effective 10–23–53 to 4–22–54; 75 learners for expansion purposes (children's cotton dresses).

Princess Peggy, Inc., 1001 South Adams Street, Peoria, Ill., effective 10–27–53 to 10–26–54; 10 percent of the factory production force for normal labor turnover purposes (women's cotton house dresses).

Salant & Salant Inc., First Street, Lexington, Tenn., effective 11–9–53 to 11–8–54; 10 percent of the factory production force for normal labor turnover purposes (cotton work shirts).

Salant & Salant Inc., Pine Street, Lexington, Tenn., effective 11–6–53 to 11–5–54; 10 percent of the factory production workers for normal labor turnover purposes (cotton work shirts).

Salant & Salant Inc., Troy, Tenn., effective 11–7–53 to 11–6–54; 10 percent of the factory production force for normal labor turnover purposes (cotton work shirts).

Salant & Salant Inc., Obion, Tenn., effective 11–9–53 to 11–8–54; 10 percent of the factory production workers for normal labor turnover purposes (cotton work shirts).

Shamokin Dress Co., 1012 North Shamokin Street, Shamokin, Pa., effective 10–26–53 to 10–25–54; 10 percent of the factory production force for normal labor turnover purposes (women's and girls' dresses).

Shane Uniform Co., Inc., 2015 West Maryland Street, Evansville, Ind., effective 10–21–53 to 10–20–54; 10 percent of the factory production force for normal labor turnover purposes (washable service apparel).

United Garment Manufacturing Co., 316 West Lake Street, Chisholm, Minn., effective 10–27–53 to 4–26–54; 15 learners for expansion purposes (men's and boys' parkers, boys' and girls' surcoats, girls' jackets).

Washington Overall Manufacturing Co., Scottsville, Ky., effective 10–26–53 to 10–25–54; 10 percent of the factory production force for normal labor turnover purposes (work pants).

Wide Awake Shirt Co., Inc., Reading, Pa., effective 10–27–53 to 10–26–54; 10 percent of the total number of factory production workers (not including office and sales personnel) (men's shirts).

J. M. Wood Manufacturing Co., Inc., 226 South Sixth Street, Waco, Tex., effective 10–27–53 to 10–26–54; 10 percent of the factory production force for normal labor turnover purposes (dungarees, men's work pants, and men's one piece suits).

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950, 15 F. R. 398).

The Cass County Telephone Co., Harrisonville, Mo., effective 11–10–53 to 11–9–54.

West Iowa Telephone Co., Remsen, Iowa, effective 11–17–53 to 11–16–54.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employ-

ment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 26th day of October 1953.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 53-9284; Filed, Nov. 3, 1953; 8:47 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

SHIP STATION LICENSES AUTHORIZED TO USE CERTAIN TELEGRAPH FREQUENCIES

ORDER SPECIFYING DURATION OF LICENSE MODIFICATIONS

In the matter of modification of licenses of ship station licensees presently authorized to use telegraph frequencies below 535 kc to include authority to use the working frequency 448 kc (Region 2 only).

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of October 1953;

The Commission having under consideration its order adopted October 27, 1952, modifying the licenses of ship station licensees authorized to use telegraph frequencies below 535 kc so as to include in all such licenses authority to operate on the working frequency 448 kc (Region 2 only) for a period until November 1, 1953 or until the date of expiration of license, whichever occurred earlier;

It appearing, that the emergency described in the above-referred-to order which furnished the basis for the issuance of the order under the provisions of section 308 (a) (3) of the Communications Act of 1934, as amended, has been prolonged beyond its anticipated duration by reason of printing delays making unavailable in reasonable time appropriate application forms which could be used by licensees to apply for a regular authorization:

*It is ordered*, That, effective November 1, 1953, the Commission's order of October 27, 1952, referred to above, is modified by specifying the duration of the license modifications therein ordered to be until May 1, 1954, or until the date of expiration of the current license of each ship station involved, whichever occurs earlier.

*It is further ordered*, That a copy of this order be posted by all licensees affected along with their regular licenses.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F R. Doc. 53-9312; Filed, Nov. 3, 1953; 8:52 a. m.]

[Docket No. 8737]

CHERRY & WEBB BROADCASTING CO.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATIONS FOR HEARING ON STATED ISSUES

In re applications of Cherry & Webb Broadcasting Company, Providence, Rhode Island, Docket No. 8737, File No. BPCT-223; for construction permit for new television broadcast station, for special temporary authorization.

1. On September 3, 1953, the Commission granted the above-entitled application for a permit to construct a new television broadcast station on Channel 12 at Providence, Rhode Island. On September 23, the Commission granted the above-entitled application for special temporary authority to operate commercially on an interim basis. On October 2, 1953, Channel 16 of Rhode Island, Inc. filed its "Petition Protesting Grants, Requesting Hearing, And For Other Relief", pursuant to section 309 (c) of the Communications Act of 1934, as amended, directed against the Commission's actions of September 3 and 23, 1953, granting, respectively, the above-entitled applications. On October 16, 1953, the Commission, by Memorandum Opinion and Order (FCC 53-1367) found that the protestant was a party in interest and that it had specified with particularity the facts, matters and things relied upon, as required by section 309 (c) of the Communications Act. Accordingly, on the latter date, the Commission postponed the effective dates of the above grants and designated the above-entitled applications for hearing "at a time and place and upon appropriate issues to be designated by further order of the Commission".

2. We are including issues "(1)" to "(4)", inclusive, in the terms specified by protestant. Issues "(5)", "(6)" and "(7)" proposed by protestant read as follows:

(5) To obtain full information concerning the procedures pursuant to which the amended application of Cherry and Webb Broadcasting Company for construction permit (BPCT-223) was granted, with particular reference to facts showing the Commission's practice relating to issuance of notices of broadcast applications, the nature of any notices of the filing of such amended application or of the dismissal of the competing applications of Hope Broadcasting Company (BPCT-1661) and Greater Providence Broadcasting Company (BPCT-1689), the time and manner in which said amended application and dismissals were filed, the general nature of the steps constituting "processing and review" of said application in the light of the provisions of Footnote 10, §§ 1.371 and 1.372 of the Commission's rules.

(6) To obtain full information concerning the procedures pursuant to which the letter request of Cherry and Webb Broadcasting Company for so-called Special Temporary Authorization for Interim Operation was granted, including the circumstances surrounding the filing and granting thereof, the nature of any public notices pertaining to such filing and granting, and the steps and actions taken by the grantee of said STA pursuant to said grant.

(7) To determine in the light of the facts adduced under the foregoing issues whether a grant of the application would be consistent with the provisions of law, with particular reference to sections 3 (bb and dd), 4 (j), 308, 309, 310, and 319, of the Communications Act of 1934, as amended, the policies enunciated, and practices established by the Commission pursuant thereto, and the rules and regulations of the Commission, particularly Footnote (10) of §§ 1.371 and 1.372, 3.35 and 3.636; and whether the procedures followed meet the requirements of section 3 (a) of the Administrative Procedure Act and due process of law.

It is apparent that issues "(5)" and "(6)", as drafted by the protestant, include an inquiry into certain matters, such as the filing dates of certain pleadings, the public notices relating to the above-entitled applications, the rules governing the Commission's processing procedures and the rules governing its administrative functioning, which are clearly appropriate matters of inquiry. As a matter of fact, there is no dispute concerning these matters, and official notice could be taken of the facts with respect to such matters. However, in order that appropriate factual data on which the legality of the Commission's actions may be determined shall be made part of the hearing record, we are including an issue relating thereto. It would appear, however, that although no factual allegations of specific misconduct are made in the protest, issues "(5)" and "(6)" as drafted by protestant are also broad enough to cover inquiries into such matters as day-to-day and hour-to-hour functioning of the Commission and its staff, the mental processes of the Commission, and the time spent by the Commission and its staff in each step of its processing procedure. The Commission is of the opinion that examination into such matters is clearly not appropriate in any hearing on the protest, and we have, accordingly, redrafted the substance of issues "(5)" and "(6)" in the light of these views to limit the scope of the hearing thereon to what we believe is appropriate.[1] The burden of proof with respect to this redrafted issue, No. 5, will, as in the case of all other hearing issues, be on the protestant.

3. Inasmuch as proposed issue "(7)" is not designed to elicit facts but rather seeks a final determination based on the findings and conclusions resulting from the prior issues, it is not to be referred to an Examiner but will be the subject of oral argument before the Commission. The burden of proof as to said issue will be on the protestant.

4. Accordingly: *It is ordered*, That pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing at the offices of the Commission in Washington, D. C. on the following issues:

(1) To obtain full information concerning the agreement, dated September 1, 1953, submitted as part of the amended application of Cherry and Webb Broadcasting Company, including:

(a) The circumstances under which the agreement was entered into;

(b) The nature, substance, and terms of any written or oral understandings or arrangements between or among the parties, between or among any other individuals, and between or among any other individuals and said parties, pertaining to the effectuation of said agreement or to the receipt or payment of any of the considerations or benefits provided for in said agreement;

(c) The nature and substance of the plans and intentions of the parties with respect to the effectuation of said agreement, including the specific actions contemplated to be taken in such effectuation;

(d) The nature of the specific benefits, detriments, services, or other considerations provided for in said agreement with specific reference to option rights, monetary considerations, and other benefits to Messrs. Engles and Taylor and other persons who are connected with Greater Providence Broadcasting Company, either as officers, stockholders, directors, or employees, or through contractual arrangements having to do with such considerations.

(2) To obtain full information concerning the identity, affiliations, connections, and other matters upon which information is required by FCC Form 301 (Application for Authority to Construct a New Broadcast Station) with respect to any and all stockholders or proposed stockholders, officers, directors, and operating personnel in the proposed new corporation provided for in, or contemplated by, said agreement, as well as any and all proposed stockholders, officers, directors and employees of any existing corporate or proposed corporate stockholder of said proposed new corporation.

(3) To obtain full information concerning the connections with any existing or proposed broadcast station in Providence, Rhode Island, or elsewhere in the United States of any individuals connected or to be connected by stock ownership, official position, or employment with the licensee of the proposed television station on Channel 12 in Providence.

(4) To obtain full information concerning the nature and amount of costs of all construction of a proposed television station or part thereof, undertaken by Cherry and Webb Broadcasting Company prior to the issuance of any instrument by the Commission authorizing commencement of such construction.

(5) To determine, with respect to the above-entitled applications, the dates of filing thereof, the dates and nature of Commission actions thereon, and the dates and content of public notices issued by the Commission with respect thereto.

(6) To determine in the light of the facts adduced under the foregoing issues whether a grant of the application would be consistent with the provisions of law, with particular reference to sections 3 (bb and dd), 4 (j), 308, 309, 310, and 319, of the Communications Act of 1934, as amended, the policies enunciated, and practices established by the Commission pursuant thereto, and the rules and regulations of the Commission, particularly Footnote (10) of §§ 1.371, 1.372, 3.35, and 3.636; and whether the procedures followed meet the requirements of section 3 (a) of the Administrative Procedure Act and due process of law.

The burden of proof as to each of the above issues shall be on the protestant.

5. *It is further ordered*, That the protestant and the Chief of the Broadcast Bureau are hereby made parties to the proceedings herein and that:

(1) The hearings on issues "(1)" to "(5)", inclusive, shall commence at 10:00 a. m. on November 18, 1953, and shall be held before an Examiner to be specified by the Commission who shall issue an initial decision setting forth findings of fact based on the record before him with respect to said issues and upon the issuance of such findings shall certify the record of the proceedings to the Commission; and

(2) The parties to the proceedings shall have 15 days after issuance of the Examiner's findings to file exceptions thereto and 7 days thereafter to file replies to any such exceptions; and

(3) At a time to be designated by further order, the Comission en banc will hear oral argument on any exceptions filed to the Examiner's findings and, in addition, will hear argument on issue "(6)".

(4) Subsequent to such oral hearing, the Commission shall issue a decision in these proceedings, which decision shall constitute the final decision of the Commission in this matter.

(5) The appearances by the parties intending to participate in the above hearings shall be filed not later than November 10, 1953.

Adopted: October 28, 1953.

Released: October 28, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9313; Filed, Nov. 3, 1953; 8:53 a. m.]

[1] While section 309 (c) gives a protestant latitude in drafting hearing issues, it is obvious that a protest proceeding may not be converted into a fishing expedition into the mental processes of the Commission. See United States v. Morgan, 313 U. S. 409, 421-422. Were we to permit the inclusion of issues "(5)" and "(6)" as specified by protestant, we would in any event be forced to direct the Examiner to respect the privileged character of the matter as to which inquiry is made. We believe it more orderly to limit the issues themselves.



[Docket Nos. 10289, 10290]

HEAD OF THE LAKES BROADCASTING CO. AND RED RIVER BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re applications of Head of the Lakes Broadcasting Co., Superior, Wisconsin, Docket No. 10289, File No. BPCT-621; Red River Broadcasting Co., Inc., Duluth, Minnesota, Docket No. 10290, File No. BPCT-903; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D .C., on the 29th day of October 1953;

The Commission having under consideration a petition filed October 23, 1953, by the Head of the Lakes Broadcasting Company requesting review and reversal of an order of the Examiner herein denying the petitioner's request for a 30-day postponement of the hearing in the above-entitled proceeding; and an Opposition to the subject petition, filed October 27, 1953, by the Red River Broadcasting Company, Inc.; and

It appearing, That the petitioner contends that the hearing should be continued until (a) the conclusion of a pending rule-making proceeding looking toward the assignment of Channel 10 to Duluth, Minnesota, because "the finalization of this action will make it possible for the petitioner to apply . . . for Channel 10, thereby eliminating the need for any hearing on Channel 3 . . ." and (b) the disposition of a "Petition to Restrict Hearing to Limited Issues" filed by Head of the Lakes; and

It further appearing, That the Red River Broadcasting Company, Inc., asks that the relief requested be denied principally because further postponement might cause injury to certain private interests of this applicant; and

It further appearing, That a grant of the relief requested may render the instant hearing unnecessary and may therefore make it possible to afford additional television services to the Duluth-Superior area at an earlier date than might otherwise be anticipated;

*It is ordered*, That the above-described petition of Head of the Lakes Broadcasting Co. is granted; and

*It is further ordered*, That the hearing in the above-entitled proceeding, now scheduled to reconvene on October 30, 1953, is continued until November 30, 1953.

Released: October 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9314; Filed, Oct. 30, 1953; 5:02 p. m.]

[Docket Nos. 10559, 10560]

GULF COAST BROADCASTING CO. AND BAPTIST GENERAL CONVENTION OF TEXAS

ORDER RE AMENDMENT OF ISSUES

In re applications of Gulf Broadcasting Company, Corpus Christi, Texas, Docket No. 10559, file No. BPCT-723; Baptist General Convention of Texas, Corpus Christi, Texas, Docket No. 10560, File No. BPCT-906; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of October 1953;

The Commission having under consideration (1) a petition filed July 22, 1953, by Baptist General Convention of Texas to enlarge the issues in the hearing on the above-entitled applications to permit a showing of comparative signal coverage and to permit inquiry into the availability of finances to Gulf Coast Broadcasting Company and the

adequacy of available funds to effectuate the proposals set forth in the Gulf Coast aplications; (2) an answer by Gulf Coast Broadcasting Company filed August 7, 1953; (3)) Baptist's supplement to its petition to enlarge the issues, filed September 15, 1953; and (4) Gulf Coast's answer to the supplement of Baptist, filed September 24, 1953; and

It appearing, that Gulf Coast was on September 1, 1953, granted leave to amend its application to show additional loan commitments from local Corpus Christi banks and a substantial prepayment from a prospective television advertiser; and

It further appearing, that in its original Order of Designation in this proceeding the Commission was satisfied that Gulf Coast was financially qualified and made specific findings to that effect; and that by its amendment of September 1, 1953, Gulf Coast has met the questions raised by Baptist with respect to the availability of finances; and

It further appearing, that the question of whether or not the available funds of Gulf Coast will be sufficient to effectuate its proposals, and hence whether or not the issues should be broadened to permit the receipt of evidence on this question, is a matter best left to the discretion of the Examiner after his receipt of allegations sufficiently particularized and material so that, if proved, they would establish significant differences between the competing proposals, all as set out in our Memorandum Opinion and Order in re South Central Broadcasting Corporation, et al., released October 7, 1953, Docket Nos. 10461–10464; and

It further appearing, that, as established by our Memorandum Opinion and Order in re Louis Wasmer, released July 30, 1953, FCC 53–979, no petition will be granted which seeks to enlarge the issues to include the issue of comparative superiority of signal coverage unless the petitioner has made a prior showing that the data proposed to be introduced under such issue would be sufficiently accurate and reliable to support a finding of significant differences and that no such showing has been made in the instant case;

*It is ordered*, This 29th day of October 1953, that the petition of Baptist General Convention of Texas, filed July 22, 1953, to enlarge the issues in this proceeding, is denied insofar as it requests enlargement of the issues to permit inquiry into the availability of finances to Gulf Coast Broadcasting Company and to permit a showing of comparative signal coverage; and

*It is further ordered*, That the issues specified in this proceeding may be enlarged by the Examiner, upon sufficient allegations of fact made in support of said enlargement, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in its application will be effectuated.

Released: October 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9315; Filed, Nov. 3, 1953; 8:53 a. m.]

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[Docket No. 10736]

HATTIESBURG TELEVISION CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re applications of Charles J. Wright, Sr., Dave A. Mattison, Jr., Charles J. Wright, Jr., and Charles W. Holt, d/b as Hattiesburg Television Company, Hattiesburg, Mississippi, Docket No. 10736, File No. BPCT–1545; for a construction permit for a new television station.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of October 1953;

The Commission having under consideration the above-entitled application requesting a construction permit for a new television broadcast station to operate on Channel 9 in Hattiesburg, Mississippi; and

It appearing, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicant was advised by a letter dated June 26, 1953, that the Commission was unable to determine that a grant of the above-entitled application would serve the public interest, convenience or necessity in the light of § 3.35 of the Commission's rules and the Commission's general policy with respect to complete divorcement of management, ownership and other interests between stations of the same class in the same community or serving substantially the same area, and that a hearing appeared to be necessary; and

It further appearing, That upon due consideration of the above-entitled application (no reply resolving the questions raised in the above letter nor any amendments to the above-entitled application having been filed), the Commission finds that the above-named applicant is legally, technically and financially qualified to construct, own and operate a television broadcast station, but that the application, considered in the light of § 3.35 of our rules and our established policy, raises a serious question as to whether a grant thereof would result in a lessening of competition between Stations WFOR and WHSY;

*It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing to commence at a time and place to be specified in a subsequent order, upon the following issues.

1. To determine, in light of the provisions of § 3.35 of the Commission's rules and the Commission's policy with respect to complete divorcement of management, ownership and other interests between stations of the same class in the same community or serving substantially the same area, what special circumstances, if any, exist which would justify a grant of the above-entitled application.

2. To determine what steps, if any, would be taken, in the event of a grant of the above-entitled application, to minimize the possibility of diminution of competition between standard broadcast Stations WFOR and WHSY.

3. To determine, in light of the evidence adduced under the above issues, whether grant of the above-entitled application would serve the public interest, convenience, and necessity.

Released: October 29, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9316; Filed, Nov. 3, 1953; 8:53 a. m.]

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[Docket Nos. 10737, 10738]

PETERSBURG TELEVISION CORP. AND SOUTHSIDE VIRGINIA TELECASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Petersburg Television Corporation, Petersburg, Virginia, Docket No. 10737, File No. BPCT–1772; Southside Virginia Telecasting Corporation, Petersburg, Virginia, Docket No. 10738, File No. BPCT–1773; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of October 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 8 in Petersburg, Virginia; and

It appearing, That the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters dated October 12, 1953, that their applications were mutually exclusive; that Petersburg Television Corporation was advised by the said letter that certain questions were raised as the result of deficiencies of a technical nature in its application; and that Southside Virginia Telecasting Corporation was advised by the said letter that the question of whether its proposed antenna system and site would constitute a hazard to air navigation was unresolved; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially, and technically qualified to construct, own and operate a television broadcast station;

*It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on November 27, 1953, in Washington, D. C., to determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience or necessity in the light of the record made with respect to the significant differences between the applications as to:

(1) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(2) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(3) The programming service proposed in each of the above-entitled applications.

*It is further ordered*, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: October 29, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9317; Filed, Nov. 3, 1953; 8:53 a. m.]

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[Docket No. 10739]

CARBON EMERY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of George G. Platis and Robert E. Hawley d/b as Carbon Emery Broadcasting Company Price, Utah, Docket No. 10739, File No. BP–8797, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of October 1953;

The Commission having under consideration a protest filed on October 15, 1953, pursuant to section 309 (c) of the Communications Act of 1934, as amended, by Uintah Broadcasting and Television Company, licensee of Station KJAM, Vernal, Utah (1340 kc, 250 w, U) requesting the Commission to reconsider its action of September 16, 1953, granting the above-entitled application of Carbon Emery Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1340 kc, 250 w, unlimited time, at Price, Utah, and to designate the application for hearing;

It appearing, That the engineering affidavit, together with supporting field intensity measurements attached to the KJAM petition, indicates that the 0.025 mv/m contour of the station proposed in the above-entitled application will overlap with the 0.5 mv/m contour of Station KJAM, that the Commission's further study of the matter, including an analysis of the field intensity measurements submitted by the petitioner, indicates that the proposed station would cause some interference within the KJAM normally protected 0.5 mv/m contour as defined by the Standards of Good Engineering Practice Concerning Standard Broadcast stations; and

It further appearing, That the Commission is of the opinion that the aforesaid protest meets the requirements of section 309 (c) and that a hearing must be held on the above-entitled application upon the matters put in issue by said protest;

*It is ordered*, That the above-described petition of Uintah Broadcasting and Television Company is granted; and

*It is further ordered*, That pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application of Carbon Emery Broadcasting Company for construction permit for a new standard broadcast station at Price, Utah, is designated for hearing at a time and place to be designated in a subsequent order upon the following issues:

1. To determine the nature and extent of the interference that may be caused to Station KJAM by the proposed operation of the Price, Utah station on 1340 kilocycles with the power of 250 watts and unlimited hours of operation, the areas and populations affected thereby, the availability of other primary service to such areas and population, and the nature and character of the program service now being rendered by Station KJAM to such areas and populations.

2. To determine the type and character of program service proposed to be rendered by the Price, Utah, station and whether it would meet the requirements of the populations and areas proposed to be served.

3. To determine whether, based on the findings made pursuant to the issues above, the public interest convenience or necessity would be served by the grant of the above-entitled application.

*It is further ordered*, That the above issues are adopted by the Commission; therefore, the burden of proceeding with the introduction of evidence and the burden of proof with respect to those issues is placed upon Carbon Emery Broadcasting Company.

*It is further ordered*, That Uintah Broadcasting and Television Company, licensee of Station KJAM, Vernal, Utah, and the Chief, Broadcast Bureau, Federal Communications Commission are made parties to the proceeding.

*It is further ordered*, That effective immediately and pending the final determination of the above hearing, the effectiveness of the Commission's action of September 16, 1953, granting the above-entitled Carbon Emery Broadcasting application is postponed.

Released: October 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc 53-9318; Filed, Nov. 3, 1953; 8:53 a. m.]

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[Docket No. 10740]

ROBERT V. H. SUGDEN

ORDER DESIGNATING MATTER FOR HEARING

In the matter of revocation of license of Special Industrial Station KOG–285; Robert V. H. Sugden, Route 1, Box 629, Yuma, Arizona.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of October 1953;

The Commission having under consideration alleged violations of the Communications Act of 1934, as amended, and the rules of the Commission committed by the licensee of the above-described station during the course of the operation thereof;

It appearing, That on August 26, 1953, Robert V. H. Sugden was authorized to operate under the call sign KOG–285 a station in the Special Industrial Radio Service governed by Part 11 of the Commission's rules; and

It further appearing, That on August 23, 1953, Robert V. H. Sugden wilfully transmitted or caused to be transmitted communications and signals by radio in violation of section 301 of the Communications Act; and

It further appearing, That during the period from September 4 to September 18, 1953, Station KOG–285 was wilfully operated in a manner contrary to the public interest, the terms of the license, the law and the Commission's regulations in the following particulars:

(a) Unauthorized communications in violation of § 11.151 of the rules of the Commission were repeatedly transmitted by the licensee over the facilities of his station;

(b) The station was operated on several occasions by a person who was not a holder of an appropriate operator authorization issued by the Commission in violation of section 318 of the Communications Act of 1934, as amended, and § 11.154 (e) (1) of the Commission's rules;

(c) No frequency, power, and modulation measurements were made as required by § 11.108 of the Commission's rules;

(d) No station records were maintained as required by § 11.160 of the Commission's rules;

(e) The Commission's Engineer in Charge of the district in which Station KOG–285 is located was not notified prior to the commencement of the sta-

tion's operation as required by § 11.52 (c) of the Commission's rules.

It further appearing, that Station KOG-285 was repeatedly used by the licensee thereof in connection with and in furtherance of illegal activities violative of the laws of the United States and was used to thwart the efforts of the officers of the Immigration and Naturalization Service to enforce the Immigration and Nationality Act:

*It is ordered*, Pursuant to § 312 (c) of the Communications Act of 1934, as amended, that Robert V. H. Sugden show cause why the license of his Special Industrial Station KOG-285 should not be revoked; and

*It is further ordered*, That a hearing in this matter will be held in Washington, D. C., on the 1st day of December 1953, in order to determine whether an Order revoking said license should be issued and that Robert V. H. Sugden is herewith called upon to appear at this hearing and give evidence upon the matters specified herein;* and

*It is further ordered*, That the Secretary shall mail a copy of this Order to the licensee by Registered Mail—Return Receipt Requested.

Released: October 29, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9319; Filed, Nov. 3, 1953; 8:54 a. m.]

*Section 1.402 of the Commission's rules provides that in order to avail himself of the opportunity to appear before the Commission at the time and place specified in the Show Cause Order, the licensee shall within thirty (30) days from the date of receipt of this order inform the Commission in writing whether he will appear or whether he waives his rights to a hearing. Waiver of a hearing may be accompanied by a statement of reasons why said licensee believes that an Order of Revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in this order. Failure to respond within the above 30-day period, or failure to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the Order to Show Cause.

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[Docket No. 10741]

MID-ATLANTIC BROADCASTING CO.

ORDER DESIGNATING MATTER FOR HEARING

In the matter of Cease and Desist Order to be directed against Mid-Atlantic Broadcasting Company, Atlantic City, New Jersey.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of October 1953;

The Commission having under consideration, the issuance of an order directed to Mid-Atlantic Broadcasting Company, licensee of Radio Station WMID, Atlantic City, New Jersey, to cease and desist from violating § 3.46 (c) of the Commission's rules and regulations, by permitting Radio Station WMID to be operated in such a manner as to cause objectionable second harmonic interference (2680 kc) with frequency 2670 kc which is used by the U. S. Coast Guard at Atlantic City, New Jersey, to receive distress signals from small boats at sea;

It appearing, that Mid-Atlantic Broadcasting Company has been notified by the Commission, from time to time, on February 9, 1949, March 2, 1949, May 15, 1953, July 10, 1953, and September 10, 1953, that their second harmonic emission on 2680 kc was causing objectionable interference with emergency frequency 2670 kc, used by the U. S. Coast Guard;

It further appearing, that, even though Mid-Atlantic Broadcasting Company had a new trap installed in August 1953 to eliminate the objectionable second harmonic interference with frequency 2670 kc, the objectionable interference still exists, specifically at 1:30 p. m., e. d. s. t., on September 10, 1953;

It further appearing, that frequency 2670 kc, as allocated, is used for emergency operations by the local U. S. Coast Guard Radio Station;

It further appearing, that Commission's § 3.46 (c) requires that the station equipment shall be so operated, tuned, and adjusted that emissions are not radiated outside the authorized band which cause or are capable of causing interference to the communications of other stations;

It further appearing, that Mid-Atlantic Broadcasting Company allowed, and continues to allow, radio station WMID to operate, knowing that such operation causes objectionable second harmonic interference with the frequency 2670 kc.

*It is ordered*, Pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that Mid-Atlantic Broadcasting Company be and is hereby directed to show cause why an order commanding it to cease and desist from violating § 3.46 (c) of the Commission's rules and regulations, by permitting Station WMID to be operated in such a manner as to cause objectionable second harmonic interference to frequency 2670 kc.

*It is further ordered*, That a hearing in this matter will be held in Washington, D. C., on November 16, 1953, in order to determine whether said cease and desist order should be issued, and that Mid-Atlantic Broadcasting Company is hereby called upon to appear at this hearing and give evidence upon the matter specified herein; and

*It is further ordered*, That said Mid-Atlantic Broadcasting Company is directed on or before November 9, 1953, to inform the Commission in writing whether it will appear at the hearing specified above, or whether it waives its right to a hearing, in which event the above cease and desist order will be forthwith issued. Failure to respond by November 9, 1953, or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing.

Released: October 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9320; Filed, Nov. 3, 1953; 8:54 a. m.]

## UNITED STATES TARIFF COMMISSION

[Investigation No. 29]

SAFETY PINS

NOTICE OF INVESTIGATION INSTITUTED AND PUBLIC HEARING ORDERED

*Investigation instituted.* Upon application of the DeLong Hook and Eye Company, Philadelphia, Pa., and others received September 28, 1953, the United States Tariff Commission, on the 29th day of October 1953, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether safety pins provided for in paragraph 350 of the Tariff Act of 1930 are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

*Hearing ordered.* A public hearing in this investigation was ordered by the Tariff Commission to begin at 10 a. m. on January 12, 1954, in the Hearing Room of the Tariff Commission, Eighth and E Streets, NW., Washington, D. C., at which hearing all interested parties will be given opportunity to be present, to produce evidence, and to be heard.

*Requests to appear at hearing.* Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission, in writing, in advance of the hearing.

*Inspection of application.* The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted and the above hearing was ordered by the Tariff Commission on the 29th day of October 1953.

Issued: October 30, 1953.

[SEAL] DONN N. BENT,
*Secretary.*

[F. R. Doc. 53-9306; Filed, Nov. 3 1953; 8:51 a. m.]

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[Investigation No. 26]

WATCH MOVEMENTS AND PARTS

NOTICE OF POSTPONEMENT OF PUBLIC HEARING

The Tariff Commission ordered that the public hearing in the investigation instituted under section 7 of the Trade Agreements Extension Act of 1951, as amended, with respect to watch movements and parts, heretofore scheduled for January 12, 1954 (18 F. R. 5524), be postponed to 10 a. m., February 9, 1954.



The hearing will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C.

*Request to appear.* Parties desiring to appear, to produce evidence, and to be heard at the public hearing should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., in advance of the date of the hearing.

I certify that the above action was taken by the Tariff Commission on the 29th day of October 1953.

Issued: October 30, 1953.

[SEAL] DONN N. BENT,
*Secretary.*

[F. R. Doc. 53-9307; Filed, Nov. 3, 1953; 8:51 a. m.]

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SPECIFIED HOUSEHOLD CHINA TABLEWARE, KITCHENWARE, AND TABLE AND KITCHEN UTENSILS

NOTICE OF HEARING ORDERED

The United States Tariff Commission, on the 29th day of October 1953, ordered a public hearing to be held in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, D. C., to begin at 10 a. m. on December 15, 1953, in connection with Investigation No. 118 under section 336 of the Tariff Act of 1930, which was instituted on May 15, 1952. The investigation and hearing relate to specified Household China Tableware, Kitchenware, and Table and Kitchen Utensils, provided for in paragraph 212 of the Tariff Act of 1930, and described in the Commission's public notice of investigation (17 F. R. 4628; weekly Treasury Decisions, issue of May 22, 1952).

*Request for appearance at hearing.* All parties interested will be given opportunity to be present, to produce evidence, and to be heard at the said hearing. Requests for appearance at the hearing should be made, in writing, and addressed to the Secretary, United States Tariff Commission, Washington 25, D. C.

I certify that the above hearing was ordered by the Tariff Commission on the 29th day of October 1953.

Issued: October 30, 1953.

[SEAL] DONN N. BENT,
*Secretary.*

[F. R. Doc. 53-9308; Filed, Nov. 3, 1953; 8:51 a. m.]

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[Investigation No. 28]

STRAIGHT (DRESSMAKERS' OR COMMON) PINS

NOTICE OF PUBLIC HEARING

The United States Tariff Commission announces a public hearing to begin at 10 a. m. on January 13, 1954, in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, D. C., in connection with Investigation No. 28 under section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted on September 24, 1953, with respect to Straight (Dressmakers' or Common) Pins provided for in paragraph 350 of the Tariff Act of 1930. Public notice of the investigation has previously been given (18 F. R. 6253).

Parties interested will be given opportunity to be present, to produce evidence, and to be heard at the above hearing.

*Request to appear at hearing.* Interested parties desiring to appear and give testimony at the above hearing should notify the Secretary of the Commission, in writing, in advance of the hearing.

I certify that the above hearing was ordered by the Tariff Commission on the 29th day of October 1953.

Issued: October 30, 1953.

[SEAL] DONN N. BENT,
*Secretary.*

[F. R. Doc. 53-9309; Filed, Nov. 3, 1953; 8:52 a. m.]

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[Investigation No. 30]

FLUORSPAR, ACID GRADE

NOTICE OF INVESTIGATION INSTITUTED

Upon application of the Ozark-Mahoning Company of Tulsa, Oklahoma, and others, received October 20, 1953, the United States Tariff Commission, on the 29th day of October 1953, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether fluorspar, containing more than 97 percentum of calcium fluoride, provided for in paragraph 207 of the Tariff Act of 1930 is, as a result in whole or in part of the duty or other customs treatment reflecting the concession granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

*Inspection of application.* The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted by the Tariff Commission on the 29th day of October 1953.

Issued: October 30, 1953.

[SEAL] DONN N. BENT,
*Secretary.*

[F. R. Doc. 53-9310; Filed, Nov. 3, 1953; 8:52 a. m.]

## GENERAL SERVICES ADMINISTRATION

DOMESTIC PURCHASE REGULATIONS

QUARTERLY REPORT OF PURCHASES AS OF SEPTEMBER 30, 1953

Pursuant to section 4, Public Law 206, 83d Congress, the tabulation below details the quarterly and cumulative purchases under the purchase regulation noted.

| Regulation | Termination date | Quantity | | | |
|---|---|---|---|---|---|
| | | Units | Program limitation | Purchases during quarter | Cumulative purchases through end of quarter |
| Asbestos (32A CFR Reg. 9) | Oct. 1, 1957 | Short tons, crude No. 1 and/or crude No. 2, asbestos | 1,500 | 35 | 97 |
| | | Short tons, crude No. 3 | | 21 | 103 |
| Beryl (32A CFR Reg. 8) | June 30, 1957 | Short dry tons, beryl ore | 1,500 | 68 | 128 |
| Chrome (41 CFR Part 99) | do | Long dry tons, chrome ore and/or chrome concentrates | 200,000 | 9,280 | 37,400 |
| Columbium-Tantalum [1] (32A CFR Reg. 10) | Dec. 31, 1958 | Pounds, contained columbium pentoxide | 15,000,000 | 701,585 | 1,923,027 |
| Manganese (32A CFR Regs. 3, 4, 5, 6) | | | | | |
| Butte-Phillipsburg | June 30, 1958 | Long dry ton units, manganese | 6,000,000 | 71,208 | 332,190 |
| Deming | do | do | 6,000,000 | 117,880 | 638,478 |
| Wenden | do | do | 6,000,000 | 631,153 | 1,421,800 |
| Domestic small producers | do | do | 10,000,000 | 145,179 | 266,666 |
| Mica (32A CFR Reg. 7) | June 30, 1957 | Short tons, hand-cobbed mica or equivalent | 25,000 | 512 | 2,192 |
| Tungsten (32A CFR Reg. 2) | July 1, 1958 | Short ton units, tungsten trioxide | 3,000,000 | 122,153 | 391,465 |

[1] Columbium-Tantalum Regulation provides for both domestic and foreign purchases, report includes both.

EDMUND F. MANSURE,
*Administrator.*

OCTOBER 29, 1953.

[F. R. Doc. 53-9328; Filed, Nov. 3, 1953; 8:55 a. m.]

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[Wildlife Order 22]

VETERANS' ADMINISTRATION HOSPITAL, OUTWOOD, KENTUCKY

TRANSFER OF PORTION OF PROPERTY TO STATE FOR WILDLIFE CONSERVATION PURPOSES

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress, notice is hereby given that:

1. By deed from the United States of America, dated August 17, 1953, to the State of Kentucky, a portion of that property known as the Veterans' Administration Hospital, Outwood, Kentucky, and more particularly described in said

deed, has been transferred from the United States to the State of Kentucky.

2. The above described property is transferred to the State of Kentucky for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

EDMUND F. MANSURE,
*Administrator of General Services.*

OCTOBER 28, 1953.

[F. R. Doc. 53-9285; Filed, Nov. 3, 1953; 8:47 a. m.]

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SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY WITH REGARD TO DISPOSAL OF FENCE PROPERTY ON TUCUMCARI PROJECT, SAN MIGUEL COUNTY, NEW MEXICO

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, I hereby authorize the Secretary of the Interior to dispose, by negotiated sale or otherwise, of two narrow strips of land, totaling 262.42 acres, extending some thirty miles on either side of an irrigation canal on the Tucumcari Project, San Miguel County, New Mexico, together with the fences thereon and related fencing supplies on hand.

2. An explanatory statement shall be prepared and submitted to the appropriate committees of Congress, as required by said act, at least thirty days before consummation of any negotiated disposal of the property. A copy of such statement shall be furnished this Administration.

3. The Secretary of the Interior may redelegate this authority to any officer or employee of the Department of the Interior.

4. This delegation of authority is effective immediately.

Dated: October 28, 1953.

EDMUND F. MANSURE,
*Administrator.*

[F. R. Doc. 53-9286; Filed, Nov. 3, 1953; 8:47 a. m.]

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## OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 50—DPAV-50 (a)]

GAYCHROME CO.

DELETION FROM LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN ACTIVITIES OF ORDNANCE CORPS INTEGRATION COMMITTEE ON BURSTER CASINGS

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is herewith published the name of the following company which has been deleted from the list of companies accepting the request to participate in the activities of the Ordnance Corps Integration Committee on Burster Casings in accordance with the voluntary plan entitled "Plan and Regulations of Ordnance Corps Governing the Integration Committee on Burster Casings," dated March 31, 1953. The request was published in 18 F. R. 5576 on September 17, 1953.

The Gaychrome Company, 25 St. John's Road, Worcester, Massachusetts.

(Sec. 708, 67 Stat. 129, Pub. Law 95, 83d Cong., E. O. 10480, August 14, 1953, 18 F. R. 4939)

Dated: November 2, 1953.

ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 53-9363; Filed, Nov. 2, 1953; 4:13 p. m.]

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[ODM (DPA) Request No. 46—DPAV 44 (a)]

HIGHWAY STORAGE & WAREHOUSE CO., INC.

DELETION FROM LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN ACTIVITIES OF DEFENSE WAREHOUSEMEN'S ASSOCIATION OF PHILADELPHIA

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is herewith published the name of the following company which has been deleted from the list of companies accepting the request to participate in the activities of the Defense Warehousemen's Association of Philadelphia in accordance with the voluntary agreement entitled, "Defense Warehousemen's Association of Philadelphia." The request was published in 17 F. R. 8965, on October 7, 1952.

Highway Storage & Warehouse Co., Inc., 236 North 23rd Street, Philadelphia 3, Pennsylvania.

(Sec. 708, 67 Stat. 129, Pub. Law 95, 83d Cong., E. O. 10480, August 14, 1953, 18 F. R. 4939)

Dated: November 2, 1953.

ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 53-9364; Filed, Nov. 2, 1953; 4:13 p. m.]

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## FEDERAL POWER COMMISSION

[Project No. 719]

JESSE I. SMITH

NOTICE OF ORDER ISSUING NEW LICENSE

OCTOBER 29, 1953.

Notice is hereby given that on September 25, 1953, the Federal Power Commission issued its order adopted September 23, 1953, issuing new license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9304; Filed, Nov. 3, 1953; 8:51 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28599]

SAND FROM HANCOCK AND BERKELEY SPRINGS, W. VA., AND GORE, VA., TO LAURENS, S. C.

APPLICATION FOR RELIEF

OCTOBER 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-968.

Commodities involved: Sand, other than ground or pulverized, or moulding, bonded, carloads.

From: Hancock and Berkeley Springs, W. Va., and Gore, Va.

To: Laurens, S. C.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-968, supp. 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-9288; Filed, Nov. 3, 1953; 8:47 a. m.]

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[4th Sec. Application 28600]

SAND, GRAVEL, AND CRUSHED STONE FROM MARLBORO, S. C., TO GEORGIA AND FLORIDA

APPLICATION FOR RELIEF

OCTOBER 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Atlantic Coast Line Railroad Company for itself and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1315.

Commodities involved: Sand, gravel, crushed stone, and related articles, carloads.

From: Marlboro, S. C.

To: Points in Georgia and Florida

Grounds for relief: Rail competition, circuitous routes, grouping, and to apply rates on basis of a distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-9289; Filed, Nov. 3, 1953; 8:47 a. m.]

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[4th Sec. Application 28601]

COPPER FROM NEW ORLEANS, LA., TO REDSTONE ARSENAL, ALA.

APPLICATION FOR RELIEF

OCTOBER 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Chicago, Rock Island and Pacific Railroad Company and other carriers, pursuant to fourth-section order No. 16101.

Commodities involved: Copper, viz: anodes, bars (rough cast), cakes, cathodes, ingots, matte, pigs or slabs, carloads.

From: New Orleans, La.

To: Redstone Arsenal, Ala.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-9290; Filed, Nov. 3, 1953; 8:48 a. m.]

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[4th Sec. Application 28602]

CAUSTIC SODA FROM PERKINS, W. VA., TO KANSAS AND MISSOURI

APPLICATION FOR RELIEF

OCTOBER 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to fourth-section application No. 28463.

Commodities involved: Caustic soda in solution, tank-car loads.

From: Perkins, W. Va.

To: Points in Kansas and Missouri.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-9291; Filed, Nov. 3, 1953; 8:48 a. m.]

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[4th Sec. Application 28603]

PHOSPHATE ROCK FROM FLORIDA MINES TO CAIRO AND LIMA, OHIO

APPLICATION FOR RELIEF

OCTOBER 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Phosphate rock, ground or not ground, slush and floats, and soft phosphate, carloads.

From: Florida mines.

To: Cairo and Lima, Ohio.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates on the basis of the short line distance formula.

Schedules filed containing proposed rates: Atlantic Coast Line Railroad tariff I. C. C. No. B-3232, supp. 90. Seaboard Air Line Railroad tariff I. C. C. No. A-8153, supp. 84.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-9292; Filed, Nov. 3, 1953; 8:48 a. m.]

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[4th Sec. Application 28604]

FERTILIZER FROM LAVERGNE, TENN., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

OCTOBER 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1366.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Lavergne, Tenn.

To: Points in official territory.

Grounds for relief. Rail competition, circuitous routes, grouping, and to apply rates on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1366, supp. 13.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-9293; Filed, Nov. 3, 1953; 8:48 a. m.]

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[4th Sec. Application 28605]

CRUSHED STONE FROM MT. AIRY, N. C., TO EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

OCTOBER 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Louisville and Nashville Railroad Company and other carriers.

Commodities involved: Stone, crushed (except bituminous rock or bituminous asphalt rock), carloads.

From: Mt. Airy, N. C.

To: East St. Louis, Ill.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1315, supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9294; Filed, Nov. 3, 1953, 8:48 a. m.]


# FEDERAL REGISTER

VOLUME 18 NUMBER 217

*Washington, Thursday, November 5, 1953*


## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter III—Foreign and Territorial Compensation

#### Subchapter B—The Secretary of State

[Dept. Reg. 108.198]

#### PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

#### DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective as of the beginning of the first pay period following November 7, 1953:

1. Paragraph (a) is amended by the deletion of the following posts:

Basra, Iraq.
Jidda, Saudi Arabia.
Managua, Nicaragua.
Praha, Czechoslovakia.

2. Paragraph (b) is amended by the deletion of the following posts:

Baghdad, Iraq.
Mombasa, Kenya.

3. Paragraph (c) is amended by the deletion of the following post:

Kirkuk, Iraq.

4. Paragraph (d) is amended by the deletion of the following post:

El Aweila, Libya.

5. Paragraph (a) is amended by the addition of the following posts:

Kirkuk, Iraq.
Prague, Czechoslovakia.

6. Paragraph (b) is amended by the addition of the following posts:

Basra, Iraq.
El Aweila, Libya.
Jidda, Saudi Arabia.
Managua, Nicaragua.

7. Paragraph (c) is amended by the addition of the following post:

Baghdad, Iraq.

(Sec. 102, Part I, E. O. 100000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

DONOLD B. LOURIE, *Under Secretary for Administration.*

OCTOBER 28, 1953.

[F. R. Doc. 53-9349; Filed, Nov. 4, 1953; 8:49 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

#### Subchapter C—Loans, Purchases, and Other Operations

[1953 C. C. C. Grain Price Support Bulletin 1, Supp 2, Corn]

#### PART 601—GRAINS AND RELATED COMMODITIES

#### SUBPART—1953 CORN LOAN AND PURCHASE AGREEMENT PROGRAM

#### SUPPORT RATES

The 1953 C. C. C. Grain Price Support Bulletin 1, 18 F. R. 5359, issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1953, was supplemented by 1953 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Corn, 18 F. R. 5359, containing the specific requirements applicable to price support operations on corn of the 1953 crop. These regulations are further supplemented as follows:

§ 601.61 *Support rates.* Basic support rates for corn placed under loan and for corn delivered under purchase agreements are as set forth in this section. Both farm-storage and warehouse-storage loans will be made at the support rate established for the county in which the corn is stored. County support rates per bushel for corn grading No. 3, except for moisture, or No. 4 on the factor of test weight only but otherwise grading No. 3 or better, except for moisture, are set forth below:

ALABAMA

| *County* | *Rate per bushel* |
|---|---|
| All counties | $1.77 |

ARIZONA

| | |
|---|---|
| All counties | $1.82 |

ARKANSAS

| *County* | *Rate per bushel* | *County* | *Rate per bushel* |
|---|---|---|---|
| Arkansas | $1.75 | Calhoun | $1.75 |
| Ashley | 1.75 | Carroll | 1.67 |
| Baxter | 1.68 | Chicot | 1.75 |
| Benton | 1.67 | Clark | 1.71 |
| Boone | 1.68 | Clay | 1.67 |
| Bradley | 1.75 | Cleburne | 1.71 |

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

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ARKANSAS—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Cleveland | $1.75 | Grant | $1.73 |
| Columbia | 1.74 | Greene | 1.69 |
| Conway | 1.71 | Hempstead | 1.71 |
| Craighead | 1.70 | Hot Spring | 1.71 |
| Crawford | 1.69 | Howard | 1.69 |
| Crittenden | 1.73 | Independence | 1.71 |
| Cross | 1.73 | Izard | 1.69 |
| Dallas | 1.74 | Jackson | 1.71 |
| Desha | 1.75 | Jefferson | 1.75 |
| Drew | 1.75 | Johnson | 1.69 |
| Faulkner | 1.71 | Lafayette | 1.73 |
| Franklin | 1.69 | Lawrence | 1.69 |
| Fulton | 1.68 | Lee | 1.76 |
| Garland | 1.69 | Lincoln | 1.75 |



ARKANSAS—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Little River | $1.70 | Prairie | $1.73 |
| Logan | 1.69 | Pulaski | 1.71 |
| Lonoke | 1.73 | Randolph | 1.67 |
| Madison | 1.69 | St. Francis | 1.75 |
| Marion | 1.68 | Saline | 1.71 |
| Miller | 1.71 | Scott | 1.69 |
| Mississippi | 1.68 | Searcy | 1.69 |
| Monroe | 1.75 | Sebastian | 1.69 |
| Montgomery | 1.69 | Sevier | 1.69 |
| Nevada | 1.73 | Sharp | 1.69 |
| Newton | 1.69 | Stone | 1.69 |
| Ouachita | 1.74 | Union | 1.75 |
| Perry | 1.71 | Van Buren | 1.71 |
| Phillips | 1.76 | Washington | 1.69 |
| Pike | 1.69 | White | 1.71 |
| Poinsett | 1.71 | Woodruff | 1.73 |
| Polk | 1.69 | Yell | 1.69 |
| Pope | 1.69 | | |

CALIFORNIA

| | |
|---|---|
| All counties | $1.87 |

COLORADO

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.63 | Larimer | $1.63 |
| Alamosa | 1.66 | Las Animas | 1.63 |
| Arapahoe | 1.64 | Lincoln | 1.63 |
| Archuleta | 1.63 | Logan | 1.61 |
| Baca | 1.63 | Mesa | 1.71 |
| Bent | 1.63 | Moffat | 1.71 |
| Boulder | 1.64 | Montezuma | 1.73 |
| Cheyenne | 1.62 | Montrose | 1.71 |
| Conejos | 1.67 | Morgan | 1.62 |
| Costilla | 1.64 | Otero | 1.63 |
| Crowley | 1.63 | Ouray | 1.73 |
| Custer | 1.64 | Phillips | 1.59 |
| Delta | 1.71 | Pitkin | 1.69 |
| Dolores | 1.73 | Prowers | 1.62 |
| Douglas | 1.65 | Pueblo | 1.64 |
| Elbert | 1.64 | Rio Blanco | 1.71 |
| El Paso | 1.65 | Rio Grande | 1.63 |
| Fremont | 1.65 | Routt | 1.69 |
| Garfield | 1.71 | Saguache | 1.67 |
| Grand | 1.67 | San Miguel | 1.73 |
| Huerfano | 1.63 | Sedgwick | 1.59 |
| Jefferson | 1.65 | Washington | 1.61 |
| Kiowa | 1.62 | Weld | 1.62 |
| Kit Carson | 1.61 | Yuma | 1.59 |
| La Plata | 1.71 | | |

CONNECTICUT

| | |
|---|---|
| All counties | $1.88 |

DELAWARE

| | |
|---|---|
| All counties | $1.76 |

FLORIDA

| | |
|---|---|
| All counties | $1.78 |

GEORGIA

| | |
|---|---|
| All counties | $1.77 |

IDAHO

| | |
|---|---|
| All counties | $1.74 |

ILLINOIS

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.61 | Du Page | $1.62 |
| Alexander | 1.66 | Edgar | 1.61 |
| Bond | 1.62 | Edwards | 1.64 |
| Boone | 1.61 | Effingham | 1.63 |
| Brown | 1.62 | Fayette | 1.62 |
| Bureau | 1.62 | Ford | 1.61 |
| Calhoun | 1.61 | Franklin | 1.64 |
| Carroll | 1.60 | Fulton | 1.62 |
| Cass | 1.62 | Gallatin | 1.65 |
| Champaign | 1.61 | Greene | 1.62 |
| Christian | 1.62 | Grundy | 1.62 |
| Clark | 1.62 | Hamilton | 1.64 |
| Clay | 1.63 | Hancock | 1.61 |
| Clinton | 1.63 | Hardin | 1.65 |
| Coles | 1.61 | Henderson | 1.60 |
| Cook | 1.63 | Henry | 1.61 |
| Crawford | 1.63 | Iroquois | 1.62 |
| Cumberland | 1.62 | Jackson | 1.65 |
| De Kalb | 1.61 | Jasper | 1.63 |
| De Witt | 1.62 | Jefferson | 1.63 |
| Douglas | 1.61 | Jersey | 1.62 |

ILLINOIS—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Jo Daviess | $1.59 | Perry | $1.64 |
| Johnson | 1.65 | Piatt | 1.61 |
| Kane | 1.62 | Pike | 1.62 |
| Kankakee | 1.61 | Pope | 1.65 |
| Kendall | 1.62 | Pulaski | 1.66 |
| Knox | 1.62 | Putnam | 1.62 |
| Lake | 1.63 | Randolph | 1.64 |
| La Salle | 1.62 | Richland | 1.64 |
| Lawrence | 1.64 | Rock Island | 1.60 |
| Lee | 1.61 | St. Clair | 1.64 |
| Livingston | 1.62 | Saline | 1.65 |
| Logan | 1.62 | Sangamon | 1.62 |
| McDonough | 1.61 | Schuyler | 1.62 |
| McHenry | 1.61 | Scott | 1.62 |
| McLean | 1.62 | Shelby | 1.62 |
| Macon | 1.62 | Stark | 1.62 |
| Macoupin | 1.62 | Stephenson | 1.60 |
| Madison | 1.63 | Tazewell | 1.62 |
| Marion | 1.63 | Union | 1.65 |
| Marshall | 1.62 | Vermilion | 1.61 |
| Mason | 1.62 | Wabash | 1.64 |
| Massac | 1.65 | Warren | 1.61 |
| Menard | 1.62 | Washington | 1.64 |
| Mercer | 1.60 | Wayne | 1.63 |
| Monroe | 1.64 | White | 1.64 |
| Montgomery | 1.62 | Whiteside | 1.60 |
| Morgan | 1.62 | Will | 1.62 |
| Moultrie | 1.61 | Williamson | 1.65 |
| Ogle | 1.60 | Winnebago | 1.61 |
| Peoria | 1.62 | Woodford | 1.62 |

INDIANA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.63 | Lawrence | $1.63 |
| Allen | 1.63 | Madison | 1.62 |
| Bartholomew | 1.63 | Marion | 1.62 |
| Benton | 1.62 | Marshall | 1.61 |
| Blackford | 1.63 | Martin | 1.63 |
| Boone | 1.62 | Miami | 1.62 |
| Brown | 1.62 | Monroe | 1.62 |
| Carroll | 1.61 | Montgomery | 1.61 |
| Cass | 1.61 | Morgan | 1.62 |
| Clark | 1.64 | Newton | 1.62 |
| Clay | 1.61 | Noble | 1.62 |
| Clinton | 1.62 | Ohio | 1.64 |
| Crawford | 1.64 | Orange | 1.63 |
| Daviess | 1.63 | Owen | 1.61 |
| Dearborn | 1.64 | Parke | 1.61 |
| Decatur | 1.63 | Perry | 1.64 |
| De Kalb | 1.63 | Pike | 1.63 |
| Delaware | 1.63 | Porter | 1.62 |
| Dubois | 1.63 | Posey | 1.64 |
| Elkhart | 1.62 | Pulaski | 1.61 |
| Fayette | 1.63 | Putnam | 1.62 |
| Floyd | 1.64 | Randolph | 1.63 |
| Fountain | 1.61 | Ripley | 1.63 |
| Franklin | 1.63 | Rush | 1.63 |
| Fulton | 1.61 | St. Joseph | 1.62 |
| Gibson | 1.64 | Scott | 1.64 |
| Grant | 1.62 | Shelby | 1.62 |
| Greene | 1.62 | Spencer | 1.64 |
| Hamilton | 1.62 | Starke | 1.62 |
| Hancock | 1.62 | Steuben | 1.63 |
| Harrison | 1.64 | Sullivan | 1.63 |
| Hendricks | 1.62 | Switzerland | 1.64 |
| Henry | 1.63 | Tippecanoe | 1.61 |
| Howard | 1.62 | Tipton | 1.62 |
| Huntington | 1.62 | Union | 1.63 |
| Jackson | 1.63 | Vanderburgh | 1.64 |
| Jasper | 1.62 | Vermillion | 1.61 |
| Jay | 1.63 | Vigo | 1.61 |
| Jefferson | 1.64 | Wabash | 1.62 |
| Jennings | 1.63 | Warren | 1.61 |
| Johnson | 1.62 | Warrick | 1.64 |
| Knox | 1.63 | Washington | 1.64 |
| Kosciusko | 1.62 | Wayne | 1.63 |
| Lagrange | 1.62 | Wells | 1.63 |
| Lake | 1.62 | White | 1.61 |
| La Porte | 1.62 | Whitley | 1.62 |

IOWA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adair | $1.55 | Boone | $1.54 |
| Adams | 1.55 | Bremer | 1.55 |
| Allamakee | 1.56 | Buchanan | 1.56 |
| Appanoose | 1.57 | Buena Vista | 1.53 |
| Audubon | 1.54 | Butler | 1.55 |
| Benton | 1.57 | Calhoun | 1.54 |
| Black Hawk | 1.56 | Carroll | 1.54 |

IOWA—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Cass | $1.55 | Louisa | $1.59 |
| Cedar | 1.59 | Lucas | 1.56 |
| Cerro Gordo | 1.54 | Lyon | 1.52 |
| Cherokee | 1.54 | Madison | 1.56 |
| Chickasaw | 1.55 | Mahaska | 1.56 |
| Clarke | 1.56 | Marion | 1.56 |
| Clay | 1.54 | Marshall | 1.55 |
| Clayton | 1.56 | Mills | 1.55 |
| Clinton | 1.60 | Mitchell | 1.56 |
| Crawford | 1.54 | Monona | 1.54 |
| Dallas | 1.55 | Monroe | 1.57 |
| Davis | 1.58 | Montgomery | 1.55 |
| Decatur | 1.55 | Muscatine | 1.59 |
| Delaware | 1.57 | O Brien | 1.53 |
| Des Moines | 1.60 | Osceola | 1.53 |
| Dickinson | 1.54 | Page | 1.55 |
| Dubuque | 1.57 | Palo Alto | 1.54 |
| Emmet | 1.54 | Plymouth | 1.54 |
| Fayette | 1.55 | Pocahontas | 1.53 |
| Floyd | 1.54 | Polk | 1.55 |
| Franklin | 1.56 | Pottawattamie | 1.55 |
| Fremont | 1.55 | Poweshiek | 1.55 |
| Greene | 1.54 | Ringgold | 1.55 |
| Grundy | 1.55 | Sac | 1.53 |
| Guthrie | 1.54 | Scott | 1.60 |
| Hamilton | 1.54 | Shelby | 1.54 |
| Hancock | 1.54 | Sioux | 1.53 |
| Hardin | 1.55 | Story | 1.55 |
| Harrison | 1.55 | Tama | 1.55 |
| Henry | 1.59 | Taylor | 1.55 |
| Howard | 1.55 | Union | 1.56 |
| Humboldt | 1.54 | Van Buren | 1.53 |
| Ida | 1.53 | Wapello | 1.57 |
| Iowa | 1.57 | Warren | 1.56 |
| Jackson | 1.59 | Washington | 1.58 |
| Jasper | 1.55 | Wayne | 1.55 |
| Jefferson | 1.58 | Webster | 1.54 |
| Johnson | 1.58 | Winnebago | 1.55 |
| Jones | 1.58 | Winneshiek | 1.52 |
| Keokuk | 1.57 | Woodbury | 1.54 |
| Kossuth | 1.54 | Worth | 1.59 |
| Lee | 1.60 | Wright | 1.54 |
| Linn | 1.57 | | |

KANSAS

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Allen | $1.61 | Jackson | $1.58 |
| Anderson | 1.61 | Jefferson | 1.59 |
| Atchison | 1.59 | Jewell | 1.57 |
| Barber | 1.63 | Johnson | 1.60 |
| Barton | 1.62 | Kearny | 1.62 |
| Bourbon | 1.61 | Kingman | 1.62 |
| Brown | 1.58 | Kiowa | 1.62 |
| Butler | 1.62 | Labette | 1.63 |
| Chase | 1.59 | Lane | 1.62 |
| Chautauqua | 1.63 | Leavenworth | 1.60 |
| Cherokee | 1.63 | Lincoln | 1.59 |
| Cheyenne | 1.59 | Linn | 1.61 |
| Clark | 1.63 | Logan | 1.62 |
| Clay | 1.57 | Lyon | 1.59 |
| Cloud | 1.57 | McPherson | 1.59 |
| Coffey | 1.60 | Marion | 1.59 |
| Comanche | 1.63 | Marshall | 1.57 |
| Cowley | 1.63 | Meade | 1.63 |
| Crawford | 1.62 | Miami | 1.61 |
| Decatur | 1.58 | Mitchell | 1.58 |
| Dickinson | 1.58 | Montgomery | 1.63 |
| Doniphan | 1.58 | Morris | 1.59 |
| Douglas | 1.59 | Morton | 1.63 |
| Edwards | 1.62 | Nemaha | 1.58 |
| Elk | 1.62 | Neosho | 1.62 |
| Ellis | 1.59 | Ness | 1.62 |
| Ellsworth | 1.59 | Norton | 1.59 |
| Finney | 1.62 | Osage | 1.59 |
| Ford | 1.62 | Osborne | 1.58 |
| Franklin | 1.60 | Ottawa | 1.58 |
| Geary | 1.58 | Pawnee | 1.62 |
| Gove | 1.62 | Phillips | 1.57 |
| Graham | 1.59 | Pottawatomie | 1.58 |
| Grant | 1.62 | Pratt | 1.62 |
| Gray | 1.62 | Rawlins | 1.59 |
| Greeley | 1.62 | Reno | 1.62 |
| Greenwood | 1.62 | Republic | 1.57 |
| Hamilton | 1.62 | Rice | 1.62 |
| Harper | 1.63 | Riley | 1.57 |
| Harvey | 1.62 | Rooks | 1.58 |
| Haskell | 1.62 | Rush | 1.62 |
| Hodgeman | 1.62 | Russell | 1.59 |

KANSAS—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Saline | $1.59 | Sumner | $1.63 |
| Scott | 1.62 | Thomas | 1.61 |
| Sedgwick | 1.62 | Trego | 1.62 |
| Seward | 1.63 | Wabaunsee | 1.58 |
| Shawnee | 1.58 | Wallace | 1.62 |
| Sheridan | 1.59 | Washington | 1.57 |
| Sherman | 1.61 | Wichita | 1.62 |
| Smith | 1.57 | Wilson | 1.62 |
| Stafford | 1.62 | Woodson | 1.62 |
| Stanton | 1.63 | Wyandotte | 1.60 |
| Stevens | 1.63 | | |

KENTUCKY

| | | | |
|---|---|---|---|
| Adair | $1.75 | Knox | $1.78 |
| Allen | 1.75 | Larue | 1.74 |
| Anderson | 1.74 | Laurel | 1.78 |
| Ballard | 1.69 | Lawrence | 1.73 |
| Barren | 1.75 | Lee | 1.78 |
| Bath | 1.75 | Leslie | 1.78 |
| Bell | 1.78 | Letcher | 1.78 |
| Boone | 1.68 | Lewis | 1.70 |
| Bourbon | 1.76 | Lincoln | 1.77 |
| Boyd | 1.71 | Livingston | 1.69 |
| Boyle | 1.77 | Logan | 1.72 |
| Bracken | 1.70 | Lyon | 1.70 |
| Breathitt | 1.78 | McCracken | 1.69 |
| Breckenridge | 1.67 | McCreary | 1.77 |
| Bullitt | 1.71 | McLean | 1.70 |
| Butler | 1.73 | Madison | 1.77 |
| Caldwell | 1.70 | Magoffin | 1.73 |
| Calloway | 1.69 | Marion | 1.75 |
| Campbell | 1.68 | Marshall | 1.69 |
| Carlisle | 1.69 | Martin | 1.77 |
| Carroll | 1.68 | Mason | 1.70 |
| Carter | 1.73 | Meade | 1.64 |
| Casey | 1.77 | Menifee | 1.77 |
| Christian | 1.71 | Mercer | 1.77 |
| Clark | 1.76 | Metcalfe | 1.75 |
| Clay | 1.78 | Monroe | 1.75 |
| Clinton | 1.77 | Montgomery | 1.76 |
| Crittenden | 1.68 | Morgan | 1.77 |
| Cumberland | 1.75 | Muhlenberg | 1.71 |
| Daviess | 1.67 | Nelson | 1.74 |
| Edmonson | 1.74 | Nicholas | 1.74 |
| Elliott | 1.75 | Ohio | 1.71 |
| Estill | 1.78 | Oldham | 1.68 |
| Fayette | 1.76 | Owen | 1.71 |
| Fleming | 1.72 | Owsley | 1.78 |
| Floyd | 1.78 | Pendleton | 1.71 |
| Franklin | 1.72 | Perry | 1.74 |
| Fulton | 1.69 | Pike | 1.76 |
| Gallatin | 1.68 | Powell | 1.77 |
| Garrard | 1.77 | Pulaski | 1.71 |
| Grant | 1.72 | Robertson | 1.74 |
| Graves | 1.69 | Rockcastle | 1.77 |
| Grayson | 1.71 | Rowan | 1.74 |
| Green | 1.75 | Russell | 1.71 |
| Greenup | 1.70 | Scott | 1.77 |
| Hancock | 1.67 | Shelby | 1.71 |
| Hardin | 1.70 | Simpson | 1.74 |
| Harlan | 1.78 | Spencer | 1.73 |
| Harrison | 1.74 | Taylor | 1.75 |
| Hart | 1.75 | Todd | 1.71 |
| Henderson | 1.67 | Trigg | 1.71 |
| Henry | 1.71 | Trimble | 1.68 |
| Hickman | 1.69 | Union | 1.67 |
| Hopkins | 1.70 | Warren | 1.69 |
| Jackson | 1.78 | Washington | 1.73 |
| Jefferson | 1.68 | Wayne | 1.77 |
| Jessamine | 1.75 | Webster | 1.68 |
| Johnson | 1.77 | Whitley | 1.78 |
| Kenton | 1.68 | Wolfe | 1.78 |
| Knott | 1.78 | Woodford | 1.74 |

LOUISIANA

| | |
|---|---|
| All counties | $1.76 |

MAINE

| | |
|---|---|
| All counties | $1.90 |

MARYLAND

| | |
|---|---|
| All counties | $1.76 |

MASSACHUSETTS

| | |
|---|---|
| All counties | $1.88 |

MICHIGAN

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Alcona | $1.66 | Lake | $1.66 |
| Alger | 1.66 | Lapeer | 1.66 |
| Allegan | 1.64 | Leelanau | 1.66 |
| Alpena | 1.66 | Lenawee | 1.66 |
| Antrim | 1.66 | Livingston | 1.66 |
| Arenac | 1.66 | Luce | 1.66 |
| Baraga | 1.66 | Mackinac | 1.66 |
| Barry | 1.64 | Macomb | 1.66 |
| Bay | 1.66 | Manistee | 1.66 |
| Benzie | 1.66 | Marquette | 1.66 |
| Berrien | 1.63 | Mason | 1.66 |
| Branch | 1.64 | Mecosta | 1.66 |
| Calhoun | 1.64 | Menominee | 1.66 |
| Cass | 1.63 | Midland | 1.66 |
| Charlevoix | 1.66 | Missaukee | 1.66 |
| Cheboygan | 1.66 | Monroe | 1.66 |
| Chippewa | 1.66 | Montcalm | 1.66 |
| Clare | 1.66 | Montmorency | 1.66 |
| Clinton | 1.66 | Muskegon | 1.66 |
| Crawford | 1.66 | Newaygo | 1.66 |
| Delta | 1.66 | Oakland | 1.66 |
| Dickinson | 1.66 | Oceana | 1.66 |
| Eaton | 1.66 | Ogemaw | 1.66 |
| Emmet | 1.66 | Ontonagon | 1.66 |
| Genesee | 1.66 | Osceola | 1.66 |
| Gladwin | 1.66 | Oscoda | 1.66 |
| Gogebic | 1.66 | Otsego | 1.66 |
| Grand Traverse | 1.66 | Ottawa | 1.64 |
| Gratiot | 1.66 | Presque Isle | 1.66 |
| Hillsdale | 1.64 | Roscommon | 1.66 |
| Houghton | 1.66 | Saginaw | 1.66 |
| Huron | 1.66 | St. Clair | 1.66 |
| Ingham | 1.66 | St. Joseph | 1.63 |
| Ionia | 1.66 | Sanilac | 1.66 |
| Iosco | 1.66 | Schoolcraft | 1.66 |
| Iron | 1.66 | Shiawassee | 1.66 |
| Isabella | 1.66 | Tuscola | 1.66 |
| Jackson | 1.66 | Van Buren | 1.63 |
| Kalamazoo | 1.64 | Washtenaw | 1.66 |
| Kalkaska | 1.66 | Wayne | 1.66 |
| Kent | 1.66 | Wexford | 1.66 |
| Keweenaw | 1.66 | | |

MINNESOTA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Aitkin | $1.54 | Le Sueur | $1.53 |
| Anoka | 1.54 | Lincoln | 1.51 |
| Becker | 1.52 | Lyon | 1.51 |
| Beltrami | 1.52 | McLeod | 1.53 |
| Benton | 1.54 | Mahnomen | 1.51 |
| Big Stone | 1.51 | Marshall | 1.51 |
| Blue Earth | 1.52 | Martin | 1.53 |
| Brown | 1.52 | Meeker | 1.52 |
| Carlton | 1.54 | Mille Lacs | 1.54 |
| Carver | 1.54 | Morrison | 1.54 |
| Cass | 1.53 | Mower | 1.53 |
| Chippewa | 1.52 | Murray | 1.51 |
| Chisago | 1.54 | Nicollet | 1.52 |
| Clay | 1.51 | Nobles | 1.51 |
| Clearwater | 1.52 | Norman | 1.51 |
| Cook | 1.51 | Olmsted | 1.53 |
| Cottonwood | 1.52 | Otter Tail | 1.52 |
| Crow Wing | 1.54 | Pennington | 1.51 |
| Dakota | 1.54 | Pine | 1.54 |
| Dodge | 1.53 | Pipestone | 1.50 |
| Douglas | 1.52 | Polk | 1.51 |
| Faribault | 1.53 | Pope | 1.52 |
| Fillmore | 1.53 | Ramsey | 1.54 |
| Freeborn | 1.53 | Red Lake | 1.51 |
| Goodhue | 1.53 | Redwood | 1.52 |
| Grant | 1.52 | Renville | 1.52 |
| Hennepin | 1.54 | Rice | 1.53 |
| Houston | 1.53 | Rock | 1.51 |
| Hubbard | 1.53 | Roseau | 1.51 |
| Isanti | 1.54 | St. Louis | 1.54 |
| Itasca | 1.54 | Scott | 1.54 |
| Jackson | 1.52 | Sherburne | 1.54 |
| Kanabec | 1.54 | Sibley | 1.52 |
| Kandiyohi | 1.52 | Stearns | 1.53 |
| Kittson | 1.51 | Steele | 1.52 |
| Koochiching | 1.54 | Stevens | 1.52 |
| Lac qui Parle | 1.51 | Swift | 1.52 |
| Lake | 1.54 | Todd | 1.53 |
| Lake of the Woods | 1.52 | Traverse | 1.51 |
| | | Wabasha | 1.53 |

MINNESOTA—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Wadena | $1.53 | Winona | $1.53 |
| Waseca | 1.52 | Wright | 1.53 |
| Washington | 1.54 | Yellow Medicine | 1.51 |
| Watonwan | 1.52 | | |
| Wilkin | 1.51 | | |

MISSISSIPPI

| | |
|---|---|
| All counties | $1.76 |

MISSOURI

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adair | $1.61 | Linn | $1.61 |
| Andrew | 1.58 | Livingston | 1.61 |
| Atchison | 1.57 | McDonald | 1.65 |
| Audrain | 1.63 | Macon | 1.62 |
| Barry | 1.65 | Madison | 1.66 |
| Barton | 1.63 | Maries | 1.65 |
| Bates | 1.61 | Marion | 1.62 |
| Benton | 1.63 | Mercer | 1.58 |
| Bollinger | 1.66 | Miller | 1.65 |
| Boone | 1.61 | Mississippi | 1.66 |
| Buchanan | 1.60 | Moniteau | 1.64 |
| Butler | 1.66 | Monroe | 1.63 |
| Caldwell | 1.61 | Montgomery | 1.64 |
| Callaway | 1.64 | Morgan | 1.64 |
| Camden | 1.65 | New Madrid | 1.66 |
| Cape Girardeau | 1.66 | Newton | 1.65 |
| Carroll | 1.62 | Nodaway | 1.57 |
| Carter | 1.66 | Oregon | 1.67 |
| Cass | 1.61 | Osage | 1.65 |
| Cedar | 1.63 | Ozark | 1.67 |
| Chariton | 1.62 | Pemiscot | 1.66 |
| Christian | 1.65 | Perry | 1.66 |
| Clark | 1.61 | Pettis | 1.63 |
| Clay | 1.61 | Phelps | 1.66 |
| Clinton | 1.61 | Pike | 1.63 |
| Cole | 1.64 | Platte | 1.64 |
| Cooper | 1.64 | Polk | 1.64 |
| Crawford | 1.66 | Pulaski | 1.66 |
| Dade | 1.63 | Putnam | 1.59 |
| Dallas | 1.65 | Ralls | 1.63 |
| Daviess | 1.59 | Randolph | 1.62 |
| De Kalb | 1.59 | Ray | 1.61 |
| Dent | 1.66 | Reynolds | 1.66 |
| Douglas | 1.66 | Ripley | 1.66 |
| Dunklin | 1.66 | St. Charles | 1.64 |
| Franklin | 1.65 | St. Clair | 1.63 |
| Gasconade | 1.65 | St. Francois | 1.66 |
| Gentry | 1.58 | St. Louis | 1.65 |
| Greene | 1.65 | Ste. Genevieve | 1.66 |
| Grundy | 1.60 | Saline | 1.63 |
| Harrison | 1.58 | Schuyler | 1.59 |
| Henry | 1.62 | Scotland | 1.64 |
| Hickory | 1.63 | Scott | 1.66 |
| Holt | 1.58 | Shannon | 1.66 |
| Howard | 1.63 | Shelby | 1.62 |
| Howell | 1.67 | Stoddard | 1.66 |
| Iron | 1.65 | Stone | 1.65 |
| Jackson | 1.61 | Sullivan | 1.60 |
| Jasper | 1.64 | Taney | 1.66 |
| Jefferson | 1.66 | Texas | 1.56 |
| Johnson | 1.62 | Vernon | 1.62 |
| Knox | 1.61 | Warren | 1.65 |
| Laclede | 1.66 | Washington | 1.66 |
| Lafayette | 1.62 | Wayne | 1.66 |
| Lawrence | 1.65 | Webster | 1.65 |
| Lewis | 1.62 | Worth | 1.57 |
| Lincoln | 1.64 | Wright | 1.66 |

MONTANA

| | |
|---|---|
| All counties | $1.61 |

NEBRASKA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.55 | Buffalo | $1.55 |
| Antelope | 1.53 | Burt | 1.55 |
| Arthur | 1.58 | Butler | 1.56 |
| Banner | 1.60 | Cass | 1.56 |
| Blaine | 1.58 | Cedar | 1.54 |
| Boone | 1.53 | Chase | 1.57 |
| Box Butte | 1.60 | Cherry | 1.57 |
| Boyd | 1.54 | Cheyenne | 1.60 |
| Brown | 1.56 | Clay | 1.55 |



NEBRASKA—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Colfax | $1.55 | Logan | $1.57 |
| Cuming | 1.54 | Loup | 1.55 |
| Custer | 1.56 | McPherson | 1.57 |
| Dakota | 1.54 | Madison | 1.53 |
| Dawson | 1.60 | Merrick | 1.54 |
| Deuel | 1.59 | Merrill | 1.60 |
| Dixon | 1.59 | Nance | 1.54 |
| Dodge | 1.54 | Nemaha | 1.57 |
| Douglas | 1.55 | Nuckolls | 1.55 |
| Dundy | 1.56 | Otoe | 1.56 |
| Fillmore | 1.58 | Pawnee | 1.57 |
| Franklin | 1.55 | Perkins | 1.54 |
| Frontier | 1.55 | Phelps | 1.56 |
| Furnas | 1.57 | Pierce | 1.53 |
| Gage | 1.57 | Platte | 1.54 |
| Garden | 1.59 | Polk | 1.54 |
| Garfield | 1.54 | Red Willow | 1.57 |
| Gosper | 1.54 | Richardson | 1.57 |
| Grant | 1.57 | Rock | 1.55 |
| Greeley | 1.58 | Saline | 1.56 |
| Hall | 1.54 | Sarpy | 1.56 |
| Hamilton | 1.55 | Saunders | 1.55 |
| Harlan | 1.54 | Scotts Bluff | 1.60 |
| Hayes | 1.56 | Seward | 1.55 |
| Hitchcock | 1.58 | Sheridan | 1.59 |
| Holt | 1.54 | Sherman | 1.55 |
| Hooker | 1.57 | Sioux | 1.60 |
| Howard | 1.55 | Stanton | 1.54 |
| Jefferson | 1.56 | Thayer | 1.55 |
| Johnson | 1.57 | Thomas | 1.57 |
| Kearney | 1.55 | Thurston | 1.54 |
| Keith | 1.58 | Valley | 1.55 |
| Keya Paha | 1.55 | Washington | 1.56 |
| Kimball | 1.60 | Wayne | 1.54 |
| Knox | 1.53 | Webster | 1.55 |
| Lancaster | 1.55 | Wheeler | 1.54 |
| Lincoln | 1.57 | York | 1.54 |

NEVADA

| | |
|---|---|
| All counties | $1.82 |

NEW HAMPSHIRE

| | |
|---|---|
| All counties | $1.80 |

NEW JERSEY

| | |
|---|---|
| All counties | $1.80 |

NEW MEXICO

| | |
|---|---|
| All counties | $1.74 |

NEW YORK

| | |
|---|---|
| All counties | $1.79 |

NORTH CAROLINA

| | |
|---|---|
| All counties | $1.76 |

NORTH DAKOTA

| | |
|---|---|
| All counties | $1.50 |

OHIO

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.66 | Geauga | $1.70 |
| Allen | 1.64 | Greene | 1.64 |
| Ashland | 1.67 | Guernsey | 1.60 |
| Ashtabula | 1.70 | Hamilton | 1.64 |
| Athens | 1.68 | Hancock | 1.64 |
| Auglaize | 1.63 | Hardin | 1.64 |
| Belmont | 1.70 | Harrison | 1.70 |
| Brown | 1.66 | Henry | 1.64 |
| Butler | 1.63 | Highland | 1.65 |
| Carroll | 1.70 | Hocking | 1.67 |
| Champaign | 1.64 | Holmes | 1.63 |
| Clark | 1.64 | Huron | 1.67 |
| Clermont | 1.65 | Jackson | 1.67 |
| Clinton | 1.64 | Jefferson | 1.70 |
| Columbiana | 1.70 | Knox | 1.66 |
| Coshocton | 1.68 | Lake | 1.70 |
| Crawford | 1.65 | Lawrence | 1.67 |
| Cuyahoga | 1.69 | Licking | 1.66 |
| Darke | 1.63 | Logan | 1.64 |
| Defiance | 1.63 | Lorain | 1.66 |
| Delaware | 1.65 | Lucas | 1.65 |
| Erie | 1.67 | Madison | 1.65 |
| Fairfield | 1.65 | Mahoning | 1.70 |
| Fayette | 1.65 | Marion | 1.65 |
| Franklin | 1.65 | Medina | 1.68 |
| Fulton | 1.64 | Meigs | 1.68 |
| Gallia | 1.68 | Mercer | 1.63 |

OHIO—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Miami | $1.63 | Sandusky | $1.66 |
| Monroe | 1.70 | Scioto | 1.66 |
| Montgomery | 1.63 | Seneca | 1.65 |
| Morgan | 1.68 | Shelby | 1.63 |
| Morrow | 1.66 | Stark | 1.69 |
| Muskingum | 1.63 | Summit | 1.69 |
| Noble | 1.69 | Trumbull | 1.70 |
| Ottawa | 1.66 | Tuscarawas | 1.69 |
| Paulding | 1.63 | Union | 1.64 |
| Perry | 1.67 | Van Wert | 1.63 |
| Pickaway | 1.65 | Vinton | 1.67 |
| Pike | 1.66 | Warren | 1.64 |
| Portage | 1.70 | Washington | 1.69 |
| Preble | 1.63 | Wayne | 1.68 |
| Putnam | 1.64 | Williams | 1.63 |
| Richland | 1.66 | Wood | 1.65 |
| Ross | 1.66 | Wyandot | 1.65 |

OKLAHOMA

| | | | |
|---|---|---|---|
| Adair | $1.67 | LeFlore | $1.68 |
| Alfalfa | 1.64 | Lincoln | 1.66 |
| Atoka | 1.67 | Logan | 1.65 |
| Beaver | 1.64 | Love | 1.66 |
| Beckham | 1.61 | McClain | 1.65 |
| Blaine | 1.64 | McCurtain | 1.68 |
| Bryan | 1.67 | McIntosh | 1.67 |
| Caddo | 1.64 | Major | 1.64 |
| Canadian | 1.64 | Marshall | 1.67 |
| Carter | 1.66 | Mayes | 1.65 |
| Cherokee | 1.67 | Murray | 1.66 |
| Choctaw | 1.68 | Muskogee | 1.67 |
| Cimarron | 1.64 | Noble | 1.65 |
| Cleveland | 1.65 | Nowata | 1.64 |
| Coal | 1.67 | Okfuskee | 1.66 |
| Comanche | 1.64 | Oklahoma | 1.65 |
| Cotton | 1.64 | Okmulgee | 1.66 |
| Craig | 1.64 | Osage | 1.65 |
| Creek | 1.66 | Ottawa | 1.65 |
| Custer | 1.64 | Pawnee | 1.66 |
| Delaware | 1.66 | Payne | 1.66 |
| Dewey | 1.64 | Pittsburg | 1.67 |
| Ellis | 1.64 | Pontotoc | 1.66 |
| Garfield | 1.64 | Pottawatomie | 1.65 |
| Garvin | 1.66 | Pushmataha | 1.63 |
| Grady | 1.65 | Roger Mills | 1.64 |
| Grant | 1.64 | Rogers | 1.65 |
| Greer | 1.64 | Seminole | 1.66 |
| Harmon | 1.64 | Sequoyah | 1.67 |
| Harper | 1.64 | Stephens | 1.65 |
| Haskell | 1.67 | Texas | 1.64 |
| Hughes | 1.67 | Tillman | 1.64 |
| Jackson | 1.64 | Tulsa | 1.66 |
| Jefferson | 1.65 | Wagoner | 1.66 |
| Johnston | 1.67 | Washington | 1.65 |
| Kay | 1.65 | Washita | 1.64 |
| Kingfisher | 1.64 | Woods | 1.64 |
| Kiowa | 1.64 | Woodward | 1.64 |
| Latimer | 1.68 | | |

OREGON

| | |
|---|---|
| All counties | $1.82 |

PENNSYLVANIA

| | |
|---|---|
| All counties | $1.77 |

RHODE ISLAND

| | |
|---|---|
| All counties | $1.88 |

SOUTH CAROLINA

| | |
|---|---|
| All counties | $1.76 |

SOUTH DAKOTA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Armstrong | $1.52 | Corson | $1.52 |
| Aurora | 1.49 | Custer | 1.56 |
| Beadle | 1.50 | Davison | 1.49 |
| Bennett | 1.54 | Day | 1.51 |
| Bon Homme | 1.50 | Deuel | 1.51 |
| Brookings | 1.50 | Dewey | 1.52 |
| Brown | 1.51 | Douglas | 1.49 |
| Brule | 1.50 | Edmunds | 1.51 |
| Buffalo | 1.49 | Fall River | 1.57 |
| Butte | 1.51 | Faulk | 1.51 |
| Campbell | 1.51 | Grant | 1.51 |
| Charles Mix | 1.50 | Gregory | 1.50 |
| Clark | 1.51 | Haakon | 1.52 |
| Clay | 1.50 | Hamlin | 1.51 |
| Codington | 1.51 | Hand | 1.49 |

SOUTH DAKOTA—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Hanson | $1.49 | Moody | $1.50 |
| Harding | 1.53 | Pennington | 1.53 |
| Hughes | 1.51 | Perkins | 1.52 |
| Hutchinson | 1.49 | Potter | 1.52 |
| Hyde | 1.50 | Roberts | 1.51 |
| Jackson | 1.52 | Sanborn | 1.49 |
| Jerauld | 1.49 | Shannon | 1.55 |
| Jerome | 1.52 | Spink | 1.50 |
| Kingsbury | 1.50 | Stanley | 1.52 |
| Lake | 1.50 | Sully | 1.51 |
| Lawrence | 1.54 | Todd | 1.52 |
| Lincoln | 1.50 | Tripp | 1.51 |
| Lyman | 1.51 | Turner | 1.49 |
| McCook | 1.49 | Union | 1.51 |
| McPherson | 1.51 | Walworth | 1.50 |
| Marshall | 1.51 | Washabaugh | 1.53 |
| Meade | 1.53 | Washington | 1.54 |
| Mellette | 1.51 | Yankton | 1.50 |
| Miner | 1.49 | Ziebach | 1.53 |
| Minnehaha | 1.49 | | |

TENNESSEE

| | | | |
|---|---|---|---|
| Anderson | $1.78 | Lauderdale | $1.69 |
| Bedford | 1.76 | Lawrence | 1.74 |
| Benton | 1.72 | Lewis | 1.73 |
| Bledsoe | 1.77 | Lincoln | 1.77 |
| Blount | 1.80 | Loudon | 1.79 |
| Bradley | 1.79 | McMinn | 1.79 |
| Campbell | 1.78 | McNairy | 1.72 |
| Cannon | 1.76 | Macon | 1.76 |
| Carroll | 1.70 | Madison | 1.70 |
| Carter | 1.80 | Marion | 1.79 |
| Cheatham | 1.72 | Marshall | 1.75 |
| Chester | 1.70 | Maury | 1.74 |
| Claiborne | 1.78 | Meigs | 1.78 |
| Clay | 1.76 | Monroe | 1.80 |
| Cocke | 1.80 | Montgomery | 1.72 |
| Coffee | 1.77 | Moore | 1.77 |
| Crockett | 1.70 | Morgan | 1.78 |
| Cumberland | 1.77 | Obion | 1.68 |
| Davidson | 1.74 | Overton | 1.76 |
| Decatur | 1.72 | Perry | 1.72 |
| De Kalb | 1.76 | Pickett | 1.76 |
| Dickson | 1.72 | Polk | 1.80 |
| Dyer | 1.69 | Putnam | 1.76 |
| Fayette | 1.70 | Rhea | 1.78 |
| Fentress | 1.77 | Roane | 1.78 |
| Franklin | 1.78 | Robertson | 1.73 |
| Gibson | 1.69 | Rutherford | 1.75 |
| Giles | 1.76 | Scott | 1.78 |
| Grainger | 1.78 | Sequatchie | 1.78 |
| Greene | 1.80 | Sevier | 1.80 |
| Grundy | 1.77 | Shelby | 1.70 |
| Hamblen | 1.79 | Smith | 1.76 |
| Hamilton | 1.70 | Stewart | 1.72 |
| Hancock | 1.73 | Sullivan | 1.80 |
| Hardeman | 1.70 | Sumner | 1.75 |
| Hardin | 1.73 | Tipton | 1.69 |
| Hawkins | 1.78 | Trousdale | 1.75 |
| Haywood | 1.70 | Unicoi | 1.80 |
| Henderson | 1.70 | Union | 1.78 |
| Henry | 1.70 | Van Buren | 1.77 |
| Hickman | 1.72 | Warren | 1.76 |
| Houston | 1.72 | Washington | 1.80 |
| Humphreys | 1.72 | Wayne | 1.73 |
| Jackson | 1.76 | Weakley | 1.69 |
| Jefferson | 1.70 | White | 1.76 |
| Johnson | 1.83 | Williamson | 1.74 |
| Knox | 1.79 | Wilson | 1.75 |
| Lake | 1.69 | | |

TEXAS

| | | | |
|---|---|---|---|
| Anderson | $1.61 | Hunt | $1.69 |
| Andrews | 1.67 | Hutchinson | 1.67 |
| Angelina | 1.68 | Irion | 1.67 |
| Aransas | 1.66 | Jack | 1.69 |
| Archer | 1.67 | Jackson | 1.70 |
| Armstrong | 1.65 | Jasper | 1.67 |
| Atascosa | 1.70 | Jeff Davis | 1.65 |
| Austin | 1.69 | Jefferson | 1.70 |
| Bailey | 1.66 | Jim Hogg | 1.67 |
| Bandera | 1.69 | Jim Wells | 1.67 |
| Bastrop | 1.69 | Johnson | 1.69 |
| Baylor | 1.67 | Karnes | 1.67 |
| Bee | 1.70 | Kaufman | 1.69 |
| Bell | 1.67 | Kendall | 1.70 |
| Bexar | 1.70 | Kenedy | 1.67 |
| Blanco | 1.69 | Kent | 1.67 |
| Borden | 1.67 | Kerr | 1.69 |
| Bosque | 1.69 | Kimble | 1.67 |
| Bowie | 1.69 | King | 1.67 |
| Brazoria | 1.68 | Kinney | 1.67 |
| Brazos | 1.69 | Kleberg | 1.67 |
| Brewster | 1.67 | Knox | 1.67 |
| Briscoe | 1.66 | Lamar | 1.69 |
| Brooks | 1.67 | Lamb | 1.66 |
| Brown | 1.69 | Lampasas | 1.69 |
| Burleson | 1.69 | La Salle | 1.67 |
| Burnet | 1.69 | Lavaca | 1.68 |
| Caldwell | 1.68 | Lee | 1.69 |
| Calhoun | 1.67 | Leon | 1.69 |
| Callahan | 1.67 | Liberty | 1.68 |
| Cameron | 1.70 | Limestone | 1.69 |

TEXAS—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Camp | $1.69 | Jim Wells | $1.70 |
| Carson | 1.65 | Johnson | 1.67 |
| Cass | 1.69 | Jones | 1.67 |
| Castro | 1.66 | Karnes | 1.70 |
| Chambers | 1.70 | Kaufman | 1.67 |
| Cherokee | 1.67 | Kendall | 1.69 |
| Childress | 1.66 | Kent | 1.67 |
| Clay | 1.67 | Kerr | 1.69 |
| Cochran | 1.67 | Kimble | 1.69 |
| Coke | 1.67 | King | 1.67 |
| Coleman | 1.67 | Kinney | 1.70 |
| Collin | 1.67 | Kleberg | 1.70 |
| Collingsworth | 1.65 | Knox | 1.67 |
| Colorado | 1.70 | Lamar | 1.67 |
| Comal | 1.69 | Lamb | 1.66 |
| Comanche | 1.67 | Lampasas | 1.67 |
| Concho | 1.68 | La Salle | 1.70 |
| Coke | 1.67 | Lavaca | 1.70 |
| Coryell | 1.67 | Lee | 1.69 |
| Cottle | 1.66 | Leon | 1.68 |
| Crosby | 1.67 | Liberty | 1.70 |
| Dallam | 1.65 | Limestone | 1.67 |
| Dallas | 1.67 | Lipscomb | 1.65 |
| Dawson | 1.67 | Live Oak | 1.70 |
| Deaf Smith | 1.66 | Llano | 1.68 |
| Delta | 1.67 | Lubbock | 1.67 |
| Denton | 1.67 | Lynn | 1.67 |
| De Witt | 1.70 | McCulloch | 1.68 |
| Dickens | 1.67 | McLennan | 1.67 |
| Dimmit | 1.70 | McMullen | 1.70 |
| Donley | 1.65 | Madison | 1.68 |
| Duval | 1.70 | Marion | 1.69 |
| Eastland | 1.67 | Martin | 1.67 |
| Edwards | 1.70 | Mason | 1.69 |
| Ellis | 1.67 | Matagorda | 1.70 |
| El Paso | 1.71 | Maverick | 1.70 |
| Erath | 1.67 | Medina | 1.70 |
| Falls | 1.67 | Menard | 1.69 |
| Fannin | 1.67 | Midland | 1.70 |
| Fayette | 1.69 | Milam | 1.67 |
| Fisher | 1.67 | Mills | 1.67 |
| Floyd | 1.63 | Mitchell | 1.67 |
| Foard | 1.66 | Montague | 1.67 |
| Fort Bend | 1.70 | Montgomery | 1.69 |
| Franklin | 1.69 | Moore | 1.65 |
| Freestone | 1.67 | Morris | 1.69 |
| Frio | 1.70 | Motley | 1.66 |
| Gaines | 1.67 | Nacogdoches | 1.69 |
| Galveston | 1.70 | Navarro | 1.67 |
| Garza | 1.67 | Newton | 1.70 |
| Gillespie | 1.69 | Nolan | 1.67 |
| Goliad | 1.70 | Nueces | 1.70 |
| Gonzales | 1.70 | Ochiltree | 1.65 |
| Gray | 1.65 | Oldham | 1.65 |
| Grayson | 1.67 | Orange | 1.70 |
| Gregg | 1.69 | Palo Pinto | 1.67 |
| Grimes | 1.69 | Panola | 1.70 |
| Guadalupe | 1.70 | Parker | 1.67 |
| Hale | 1.66 | Parmer | 1.66 |
| Hall | 1.66 | Pecos | 1.70 |
| Hamilton | 1.67 | Polk | 1.69 |
| Hansford | 1.65 | Potter | 1.65 |
| Hardman | 1.66 | Presidio | 1.70 |
| Hardin | 1.70 | Rains | 1.67 |
| Harris | 1.70 | Randall | 1.65 |
| Harrison | 1.70 | Real | 1.70 |
| Hartley | 1.65 | Red River | 1.68 |
| Haskell | 1.67 | Reeves | 1.70 |
| Hays | 1.69 | Refugio | 1.70 |
| Hemphill | 1.65 | Roberts | 1.65 |
| Henderson | 1.67 | Robertson | 1.68 |
| Hidalgo | 1.70 | Rockwall | 1.67 |
| Hill | 1.67 | Runnels | 1.67 |
| Hockley | 1.67 | Rusk | 1.69 |
| Hood | 1.67 | Sabine | 1.70 |
| Hopkins | 1.67 | San Augustine | 1.70 |
| Houston | 1.68 | San Jacinto | 1.69 |
| Howard | 1.67 | San Patricio | 1.70 |
| Hudspeth | 1.71 | San Saba | 1.68 |
| Hunt | 1.67 | Schleicher | 1.70 |
| Hutchinson | 1.65 | Scurry | 1.67 |
| Irion | 1.69 | Shackelford | 1.67 |
| Jack | 1.67 | Shelby | 1.70 |
| Jackson | 1.70 | Sherman | 1.65 |
| Jasper | 1.70 | Smith | 1.67 |
| Jefferson | 1.70 | Somervell | 1.67 |
| Jim Hogg | 1.70 | Starr | 1.70 |
| Stephens | $1.67 | Walker | $1.68 |
| Stonewall | 1.67 | Waller | 1.70 |
| Sutton | 1.70 | Washington | 1.69 |
| Swisher | 1.66 | Webb | 1.70 |
| Tarrant | 1.67 | Wharton | 1.70 |
| Taylor | 1.67 | Wheeler | 1.65 |
| Terry | 1.67 | Wichita | 1.66 |
| Throckmorton | 1.67 | Wilbarger | 1.66 |
| Titus | 1.69 | Willacy | 1.70 |
| Tom Green | 1.69 | Williamson | 1.67 |
| Travis | 1.69 | Wilson | 1.70 |
| Trinity | 1.68 | Wise | 1.67 |
| Tyler | 1.70 | Wood | 1.67 |
| Upshur | 1.69 | Yoakum | 1.67 |
| Uvalde | 1.70 | Young | 1.67 |
| Val Verde | 1.70 | Zapata | 1.70 |
| Van Zandt | 1.67 | Zavala | 1.70 |
| Victoria | 1.70 | | |

UTAH

| | |
|---|---|
| All counties | $1.80 |

VERMONT

| | |
|---|---|
| All counties | $1.89 |

VIRGINIA

| | |
|---|---|
| All counties | $1.76 |

WASHINGTON

| | |
|---|---|
| All counties | $1.82 |

WEST VIRGINIA

| | |
|---|---|
| All counties | $1.76 |

WISCONSIN

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.60 | Marathon | $1.61 |
| Ashland | 1.60 | Marinette | 1.64 |
| Barron | 1.58 | Marquette | 1.61 |
| Bayfield | 1.59 | Milwaukee | 1.64 |
| Brown | 1.63 | Monroe | 1.59 |
| Buffalo | 1.58 | Oconto | 1.63 |
| Burnett | 1.58 | Oneida | 1.62 |
| Calumet | 1.63 | Outagamie | 1.62 |
| Chippewa | 1.59 | Ozaukee | 1.64 |
| Clark | 1.60 | Pepin | 1.58 |
| Columbia | 1.61 | Pierce | 1.58 |
| Crawford | 1.58 | Polk | 1.58 |
| Dane | 1.61 | Portage | 1.61 |
| Dodge | 1.62 | Price | 1.60 |
| Door | 1.61 | Racine | 1.64 |
| Douglas | 1.58 | Richland | 1.59 |
| Dunn | 1.58 | Rock | 1.62 |
| Eau Claire | 1.59 | Rusk | 1.59 |
| Florence | 1.64 | St Croix | 1.58 |
| Fond du Lac | 1.62 | Sauk | 1.60 |
| Forest | 1.63 | Sawyer | 1.59 |
| Grant | 1.58 | Shawano | 1.62 |
| Green | 1.61 | Sheboygan | 1.64 |
| Green Lake | 1.61 | Taylor | 1.60 |
| Iowa | 1.60 | Trempealeau | 1.58 |
| Iron | 1.61 | Vernon | 1.58 |
| Jackson | 1.59 | Vilas | 1.63 |
| Jefferson | 1.62 | Walworth | 1.63 |
| Juneau | 1.60 | Washburn | 1.58 |
| Kenosha | 1.64 | Washington | 1.63 |
| Kewaunee | 1.64 | Waukesha | 1.63 |
| La Crosse | 1.58 | Waupaca | 1.62 |
| Lafayette | 1.60 | Waushara | 1.61 |
| Langlade | 1.62 | Winnebago | 1.62 |
| Lincoln | 1.61 | Wood | 1.60 |
| Manitowoc | 1.64 | | |

WYOMING

| | |
|---|---|
| All counties | $1.62 |

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401 63 Stat 1051; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421)

Issued this 30th day of October 1953.

[SEAL] M. B. BRASWELL,
*Acting President,*
*Commodity Credit Corporation.*

[F. R. Doc. 53-9369; Filed, Nov. 4, 1953; 8.51 a. m.]

## TITLE 7—AGRICULTURE

### Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 1]

PART 415—FLAX CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

POLICY

The above identified regulations (17 F. R. 8416; 18 F. R. 3631) are hereby amended, effective beginning with the 1954 crop year, as follows:

1. Section 2 of the policy shown in § 415.10 is amended to read as follows:

2. *Insurable acreage.* For each crop year of the contract any acreage is insurable only if a coverage for such acreage is shown on the county actuarial table for that crop year.

2. Subsections (a) and (c) of section 9 of the policy shown in § 415.10 are amended to read as follows:

(a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation may be made by either party giving written notice to the other party on or before the cancellation date which shall be the December 31 preceding the crop year for which the cancellation is to become effective: *Provided, however,* That if by March 31 following such cancellation date any amount due the Corporation remains unpaid, the contract shall terminate as if canceled by the Corporation prior to such cancellation date. Any notice of cancellation by the insured shall be in writing and shall be filed with the county office. The Corporation shall mail any notice of cancellation to the insured's last known address and mailing shall constitute notice to the insured.

* * * * *

(c) If the Corporation determines that the county minimum participation requirement established by the Federal Crop Insurance Act, as amended, is not met for any crop year, insurance shall not be in effect for that crop year and the contract shall terminate.

3. Section 13 of the policy shown in § 415.10 is amended to read as follows:

13 *Amount of annual premium.* (a) The premium rate per acre will be established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown on the county actuarial table on file in the county office. The annual premium for each insurance unit under the contract will be based upon (1) the insured acreage of flax, (2) the applicable premium rate(s) and (3) the insured interest(s) in the crop at the time of seeding. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract, and with respect to any insured acreage shall be earned and payable when the flax on such acreage is seeded.

(b) The premium rate(s) shown on the county actuarial table are based on prompt payment and any amount of the premium which remains unpaid on the day following the discount date (the discount date shall be November 30 for each year of the contract) will be increased by 10 percent, which increased amount shall be the premium balance. Thereafter, at the end of each 12 months' period, 6 percent simple interest shall attach to any amount of the premium balance remaining unpaid. Interest shall not be charged on premiums earned in the 1954 and succeeding crop years except as specified in this section. When the discount date falls on a Sunday or other day when the county office is not officially open for business, such date shall be extended to the next business day.

(c) The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutively insured flax crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. Whether or not the insured is eligible for the above premium reduction, his annual premium may be reduced in lieu of the above in any year by not to exceed 25 percent if it is determined by the Corporation that the accumulated balance (expressed in bushels) of premiums over indemnities on consecutively insured flax crops exceeds his total coverage (computed on a harvested acreage basis). Nothing in this paragraph shall create in the insured any right to a reduced premium.

(d) Notwithstanding any other provision of the contract, if in any year a premium is earned and totals less than $10.00 the amount shall be increased to $10.00.

4. Subsection (b) of section 14 of the policy shown in § 415.10 is amended to read as follows:

(b) Any unpaid amount of any premium or any other amount owed the Corporation by the insured may be deducted from any indemnity payable by the Corporation, or from any loan or any payment made to the insured under any act of Congress or program administered by the United States Department of Agriculture. There shall be no refund of any annual premium overpayment of less than $1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

5. Subsection (a) of section 31 of the policy shown in § 415.10 is deleted.

6. Subsection (d) of section 31 of the policy shown in § 415.10 is amended to read as follows:

(d) "County office" means the Corporation's office for the county, shown on the application for insurance or such other office as may be specified by the Corporation from time to time.

7. Section 31 of the policy shown in § 415.10 is further amended by adding a subsection (j) to read as follows:

(j) "County" means the area shown on the county actuarial table which may include farms located in a local producing area(s) bordering on the county.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507-509, 52 Stat. 73-75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. and Sup. 1507-1509, 1516)

Adopted by the Board of Directors on October 26, 1953.

[SEAL] C. S. LAIDLAW,
*Secretary,*
*Federal Crop Insurance Corporation.*

Approved on October 30, 1953.

JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 53-9343; Filed, Nov. 4, 1953; 8.47 a. m.]



[Amdt. 1]

PART 416—CORN CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

MISCELLANEOUS AMENDMENTS

The above identified regulations (17 F. R. 10531; 18 F. R. 3632) are hereby amended, effective beginning with the 1954 crop year, as follows:

1. Section 2 of the policy shown in § 416.10 is amended to read as follows:

2. *Insurable acreage.* For each crop year of the contract any acreage is insurable only if a coverage for such acreage is shown on the county actuarial table for that crop year.

2. Subsection (a) of section 6 of the policy shown in § 416.10 is amended to read as follows:

(a) The coverage(s) per acre established for the area in which the insured acreage is located shall be shown on the county actuarial table on file in the county office. The coverage per acre is progressive depending upon whether the acreage is (1) released and planted to a substitute crop, (2) not harvested and not planted to a substitute crop, or released and fed to livestock in the field, or (3) harvested or to be harvested.

Where the value of production harvested or to be harvested (determined in accordance with section 7) on any acreage does not equal or exceed 10 percent of the harvested or to be harvested coverage such acreage shall not be considered harvested or to be harvested.

3. Subsections (a) and (c) of section 9 of the policy shown in §416.10 are amended to read as follows:

(a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation may be made by either party giving written notice to the other party on or before the cancellation date which shall be the March 31 preceding the crop year for which the cancellation is to become effective: *Provided, however,* That if by April 30 following such cancellation date any amount due the Corporation remains unpaid, the contract shall terminate as if canceled by the Corporation prior to such cancellation date. Any notice of cancellation by the insured shall be in writing and shall be filed with the county office. The Corporation shall mail any notice of cancellation to the insured's last known address and mailing shall constitute notice to the insured.

* * * * *

(c) If the Corporation determines that the county minimum participation requirement established by the Federal Crop Insurance Act, as amended, is not met for any crop year, insurance shall not be in effect for that crop year and the contract shall terminate.

4. Section 13 of the policy shown in § 416.10 is amended to read as follows:

13. *Amount of annual premium.* (a) The premium rate per acre will be established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown on the county actuarial table on file in the county office. The annual premium for each insurance unit under the contract will be based upon (1) the insured acreage of corn, (2) the applicable premium rate(s) and (3) the insured interest(s) in the crop at the time of planting. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract, and with respect to any insured acreage shall be earned and payable when the corn on such acreage is planted.

(b) The premium rate(s) shown on the county actuarial table is based on prompt payment and any amount of the premium which remains unpaid on the day following the discount date (the discount date shall be November 30 for each year of the contract) will be increased by 10 percent, which increased amount shall be the premium balance. Thereafter, at the end of each 12 months' period, 6 percent simple interest shall attach to any amount of the premium balance remaining unpaid. Interest shall not be charged on premiums earned in the 1954 and succeeding crop years except as specified in this section. When the discount date falls on a Sunday or other day when the county office is not officially open for business, such date shall be extended to the next business day.

(c) The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutively insured corn crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. Whether or not the insured is eligible for the above premium reduction, his annual premium may be reduced in lieu of the above in any year by not to exceed 25 percent if it is determined by the Corporation that the cash equivalent (based on the fixed price for that crop year) of his accumulaed balance of premiums over indemnities on consecutively insured corn crops exceeds his total coverage (computed on a harvested acreage basis). Nothing in this paragraph shall create in the insured any right to a reduced premium.

(d) Notwithstanding any other provision of the contract, if in any year a premium is earned and totals less than $10.00 the amount shall be increased to $10.00.

5. Subsection (b) of section 14 of the policy shown in § 416.10 is amended to read as follows:

(b) Any unpaid amount of any premium or any other amount owed the Corporation by the insured may be deducted from any indemnity payable by the Corporation, or from any loan or any payment made to the insured under any act of Congress or program administered by the United States Department of Agriculture. There shall be no refund of any annual premium overpayment of less than $1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

6. The schedule following subsection (a) of section 20 of the policy shown in § 416.10 is amended by adding a footnote, which shall apply only to the items in the schedule numbered 1, 2, and 3, and read as follows:

[1] If the value of production harvested or to be harvested (determined in accordance with section 7) does not equal or exceed 10 percent of the harvested or to be harvested coverage, such production shall not be counted.

7. Subsection (a) of section 31 of the policy shown in § 416.10 is deleted.

8. Subsection (d) of section 31 of the policy shown in § 416.10 is amended to read as follows:

(d) "County office" means the Corporation's office for the county, shown on the application for insurance or such other office as may be specified by the Corporation from time to time.

9 Section 31 of the policy shown in §416.10 is further amended by adding a subsection (j) to read as follows:

(j) "County" means the area shown on the county actuarial table which may include farms located in a local producing area(s) bordering on the county.

10. Section 416.11 is deleted.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507-509, 52 Stat. 73-75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. and Sup. 1507-1509, 1516)

Adopted by the Board of Directors on October 26, 1953.

[SEAL] C. S. LAIDLAW,
*Secretary,*
*Federal Crop Insurance Corporation.*

Approved on October 30, 1953.

JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 53-9341; Filed, Nov. 4, 1953; 8:47 a. m.]

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[Amdt. 4]

## PART 418—WHEAT CROP INSURANCE

### SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

#### POLICY

The above identified regulations, as amended (16 F. R. 9628, 11565; 17 F. R. 189, 10537; 18 F. R. 439, 3632), are hereby amended for all counties in Minnesota and North Dakota, all counties in Montana except Blaine, Cascade, Chouteau, Fergus, Hill, Judith Basin, Liberty, Petroleum, Pondera and Teton, and all counties in South Dakota except Bennett, Jones, Lyman, Meade, Mellette and Tripp, effective beginning with the 1954 crop year, as follows:

1. Section 2 of the policy shown in § 418.210 (formerly designated § 418.160) is amended to read as follows:

2. *Insurable acreage.* For each crop year of the contract any acreage is insurable only if a coverage for such acreage is shown on the county actuarial table for that crop year, provided the farming practice followed on such acreage is one for which a coverage was established.

2. Section 12 of the policy shown in § 418.210 (formerly designated § 418.160) is amended to read as follows:

12. *Amount of annual premium.* (a) The premium rate per acre will be established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown by practice(s) on the county actuarial table on file in the county office. The annual premium for each insurance unit under the contract will be based upon (1) the insured acreage of wheat, (2) the applicable premium rate(s) and (3) the insured interest(s) in the crop at the time of seeding. There will be a reduction in the annual premium for each insurance unit of 1 percent in cases where the insured acreage on the insurance unit is as much as 25 acres and does not exceed 74.9 acres, and an additional 1 percent reduction for each additional 50 acres or fraction thereof on the insurance unit. However, the total reduction shall not exceed 20 percent. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract, and with respect to any insured acreage shall be earned and payable when the wheat on such acreage is seeded.

(b) The premium rate(s) shown on the county actuarial table is based on prompt payment and any amount of the premium which remains unpaid on the day following the discount date (the discount date shall be November 30 for each year of the contract) will be increased by 10 percent, which increased amount shall be the premium balance. Thereafter, at the end of each 12 months' period, 6 percent simple interest shall attach to any amount of the premium balance remaining unpaid. Interest shall not be charged on premiums earned in the 1954 and succeeding crop years except as specified in this section. When the discount date falls on a Sunday or other day when the county office is not officially open for business, such date shall be extended to the next business day.

(c) The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutively insured wheat crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. Whether or not the insured is eligible for the above premium reduction, his annual premium may be reduced in lieu of the above in any year by not to exceed 50 percent if it is determined by the Corporation that the accumulated balance (expressed in bushels) of premiums over indemnities on consecutively insured wheat crops exceeds his total coverage (computed on a harvested acreage basis). Nothing in this paragraph shall create in the insured any right to a reduced premium.

3. Subsection (b) of section 13 of the policy shown in § 418.210 (formerly designated § 418.160) is amended to read as follows:

(b) Any unpaid amount of any premium or any other amount owed the Corporation by the insured may be deducted from any indemnity payable by the Corporation, or from any loan or any payment made to the insured under any act of Congress or program administered by the United States Department of Agriculture. There shall be no refund of any annual premium overpayment of less than $1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

4. Subsection (a) of section 30 of the policy shown in § 418.210 (formerly designated § 418.160) is deleted.

5. Subsection (a) of section 30 of the policy shown in § 418.210 (formerly designated § 418.160) is amended to read as follows:

(d) "County office" means the Corporation's office for the county, shown on the application for insurance or such other office as may be specified by the Corporation from time to time.

6. Section 30 of the policy shown in § 418.210 (formerly designated § 418.160) is further amended by adding a subsection (k) to read as follows:

(k) "County" means the area shown on the county actuarial table which may include farms located in a local producing area(s) bordering on the county.

7. Section 32, as amended, of the policy shown in § 418.210 (formerly designated § 418.160) is amended by deleting the maturity dates and changing the discount date to November 30 for all counties affected by this amendment.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507-509, 52 Stat. 73-75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. and Sup. 1507-1509, 1516)

Adopted by the Board of Directors on October 26, 1953.

[SEAL] C. S. LAIDLAW,
*Secretary,*
*Federal Crop Insurance Corporation.*

Approved on October 30, 1953.

JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 53-9345; Filed, Nov. 4, 1953; 8:48 a. m.]

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[Amdt. 5]

## PART 419—COTTON CROP INSURANCE

### SUBPART—REGULATIONS FOR THE 1952 AND SUCCEEDING CROP YEARS

#### MISCELLANEOUS AMENDMENTS

The above identified regulations, as amended (16 F. R. 7975, 11565; 17 F. R. 2110, 5633, 8206, 8471; 18 F. R. 440, 3633, 3994), are hereby amended, effective beginning with the 1954 crop year, as follows:

1. Paragraphs (a) and (b) of § 419.4 are amended to read as follows:

(a) Application for insurance on a Corporation form entitled "Application for Crop Insurance on Cotton" may be made by any person to cover his interest as landlord, owner-operator, tenant-operator, share tenant, or sharecropper, in a cotton crop.

(b) Application for insurance may also be made by any owner-operator or tenant-operator on the form mentioned above to cover the interest(s) which a share tenant(s) or sharecropper(s) has in a cotton crop in which such farm operator has an interest. The interest(s) covered shall be that interest(s) which the share tenant(s) or sharecropper(s) has at the time of planting and any interest(s) allocated to him after planting pursuant to an understanding existing at the time of planting. As to such share tenant(s) or sharecropper(s) interest(s), notwithstanding any other provision of the contract to the contrary, (1) the applicant shall be considered the insured and the interest(s) insured shall be considered as his interest(s), (2) premiums (except for reductions based on good experience) and losses shall be computed and transfers of interest shall be made in the same manner and under the same terms and conditions as if the share tenant(s) or sharecropper(s) had signed (and the Corporation had accepted) an individual application for insurance, (3) the applicant shall designate on his annual acreage report the name of the share tenant(s) or sharecropper(s) and the acreage allocated to him, (4) any indemnity shall be paid to the insured for the benefit of the share tenant or sharecropper (or transferee) allocated the insurance unit on which the loss occurred and payment shall be made by joint check payable to the insured and said share tenant or sharecropper (or transferee), (5) collateral assignments shall not be honored but the insured shall from the proceeds of the joint check be entitled to any amounts owed him for advances to finance the current cotton crop on the insurance unit, and (6) the Corporation shall not deduct from any indemnity any amount except the current premium on the share tenant's or sharecropper's interest and any amount owed the Corporation by the share tenant or sharecropper (or transferee). For each crop year of the contract, the contract shall not cover the interest of any share tenant or sharecropper who is insured with the Corporation under an individual contract.



2. Section 419.6 is deleted.

3. Section 1 of the policy shown in § 419.13 is amended to read as follows:

1. *Insurance acreage.* For each crop year of the contract any acreage is insurable only if a coverage for such acreage is shown on the county actuarial table for that crop year, provided the farming practice followed on such acreage is one for which a coverage was established.

4. Section 8, as amended, of the policy shown in § 419.13 is amended to read as follows:

8. *Life of contract, cancellation or termination thereof.* (a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation may be made by either party giving written notice to the other party on or before the cancellation date which shall be the December 31 preceding the crop year for which the cancellation is to become effective: *Provided, however,* That if by the applicable closing date for filing applications following such cancellation date any amount due the Corporation remains unpaid or the insured has not complied with a request by the Corporation that arrangements satisfactory to the Corporation be made for the payment of the following crop year's premium, the contract shall terminate as if canceled by the Corporation prior to such cancellation date. Any notice of cancellation by the insured shall be in writing and shall be filed with the county office. The Corporation shall mail any notice of cancellation or any request that arrangements be made for the payment of a premium to the insured's last known address and mailing shall constitute notice to the insured.

(b) If the insured cancels the contract, he shall not be eligible for cotton crop insurance in the county in the next succeeding crop year unless he subsequently applies for insurance on or before the cancellation date preceding such year.

(c) If the Corporation determines that the county minimum participation requirement established by the Federal Crop Insurance Act, as amended, is not met for any crop year, insurance shall not be in effect for that crop year and the contract shall terminate.

5. Section 11 of the policy shown in § 419.13 is amended to read as follows:

11. *Amount of annual premium.* (a) The premium rate per acre will be the applicable number of pounds of lint cotton established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown by practice(s) on the county actuarial table on file in the county office. The annual premium for each insurance unit under the contract will be based upon (1) the insured acreage of cotton, (2) the applicable premium rate(s), (3) the insured interest(s) in the crop at the time of planting and (4) the fixed price. However, the amount of the premium so determined for an insurance unit shall not exceed 50 percent of the result obtained by multiplying (1) the insured acreage by (2) the applicable coverage per acre by (3) the insured interest in the crop and by (4) the fixed price. There will be a reduction in the annual premium for each insurance unit of four percent for each full hundred acres of insured acreage on the unit, provided, however, that the total reduction shall not exceed 20 percent. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract, and with respect to any insured acreage shall be earned and payable when the cotton on such acreage is planted.

(b) The premium rate(s) shown on the county actuarial table is based on prompt payment and any amount of the premium which remains unpaid on the day following the applicable discount date shown below will be increased by 10 percent, which increased amount shall be the premium balance. Thereafter, at the end of each 12 months' period, 6 percent simple interest shall attach to any amount of the premium balance remaining unpaid. Interest shall not be charged on premiums earned in the 1954 and succeeding crop years except as specified in this section. For each year of the contract, December 31 shall be the discount date for counties in Arizona, California and New Mexico and for Andrews, Martin, Howard, Mitchell, Scurry, Kent, Dickens, Motley, Hall and Collingsworth Counties, Texas, and for all Texas counties lying north and west thereof, and November 30 shall be the discount date for all other counties.

(c) The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutively insured cotton crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. If the insured is not eligible for the above premium reduction, his annual premium for any year may be reduced not to exceed 25 percent if it is determined by the Corporation that the accumulated balance, expressed in pounds, of premiums over indemnities on consecutively insured cotton crops exceeds his total coverage (computed on a harvested acreage basis). Nothing in this paragraph shall create in the insured any right to a reduced premium.

(d) Notwithstanding any other provision of the contract, if in any year a premium is earned and totals less than $5.00 the amount shall be increased to $5.00.

6. Section 12, as amended, of the policy shown in § 419.13 is amended to read as follows:

12. *Manner of payment of premium.* (a) Payment on any annual premium shall be made by means of cash or by check, money order, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection, and no payments shall be regarded as paid unless collection is made.

(b) Any unpaid amount of any premium or any other amount owed the Corporation by the insured may be deducted from any indemnity payable by the Corporation, or from any loan or any payment made to the insured under any act of Congress or program administered by the United States Department of Agriculture. There shall be no refund of any annual premium overpayment of less than $1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

7. Section 17 of the policy shown in § 419.13 is amended to read as follows:

17. *Insurance unit.* Losses shall be determined separately for each insurance unit except as provided in section 18 (b). An insurance unit consists of all insurable acreage in the county (1) in which the insured has 100 percent interest, plus any acreage owned by him and worked for him by a share tenant(s) or sharecropper(s) or (2) which is owned by the insured and rented to one tenant-operator, or (3) which is owned by one person and operated by the insured as a tenant-operator, or (4) which is owned by one person and worked by the insured as a share tenant or sharecropper. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

8. Subsections (c), (e), (l) and (m) of section 29 of the policy shown in § 419.13 are amended to read as follows:

(c) "County" (which shall be interpreted as "parish" in Louisiana) means the area shown on the county actuarial table which may include farms located in a local producing area(s) bordering on the county.

* * * * *

(e) "County office" means the Corporation's office for the county, shown on the application for insurance or such other office as may be specified by the Corporation from time to time.

* * * * *

(l) "Share tenant" and "sharecropper" mean (1) a person other than an owner-operator or tenant-operator who works cotton under supervision of a farm operator and is entitled to receive a share of the crop or proceeds therefrom, and (2) a person employed on the farm who receives for his labor 100 percent interest in the cotton crop, or proceeds therefrom, produced on a specified acreage.

(m) "Tenant-operator" and "tenant" mean a person who rents land from another person for a share of the cotton crop or proceeds therefrom, produced on such land and is responsible for farm management with respect to the production of cotton on such acreage whether produced by his own or other persons'(s') labor.

9. Section 29 of the policy shown in § 419.13 is further amended by adding a subsection (n) to read as follows:

(n) "Owner-operator" means a person who owns land and is responsible for farm management with respect to the production of cotton on such acreage whether produced by his own or other person's(s') labor. Land rented for cash or a fixed commodity payment shall be considered owned by the lessee. (Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 509, 52 Stat. 73-75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. and Sup. 1507-1509, 1516)

Adopted by the Board of Directors on October 26, 1953.

[SEAL] C. S. LAIDLAW,
*Secretary,*
*Federal Crop Insurance Corporation.*

Approved on October 30, 1953.

JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 53-9342; Filed, Nov. 4, 1953, 8:47 a. m.]

[Amdt. 13]

## PART 420—MULTIPLE CROP INSURANCE

### SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

#### MISCELLANEOUS AMENDMENTS

The above identified regulations, as amended (14 F. R. 5303, 6787, 7827; 15 F. R. 2485, 2622, 3077, 4161, 9032, 9271; 16 F. R. 579, 4300, 4829, 12111, 12765; 17 F. R. 2110, 2385, 3265, 3671, 5082, 5933, 8206, 10537, 11257, 11379; 18 F. R. 151, 440, 3634, 4418, 6282), are hereby amended, effective beginning with the 1954 crop year for counties having a cancellation date between January 1 and July 1, as follows:

1. Paragraph (b) of § 420.23, as amended, is deleted.

2. Section 2 of the policy shown in § 420.33 is amended to read as follows:

2. *Insurable acreage.* For each crop year of the contract any acreage is insurable for a crop only if a coverage for such acreage is shown for that crop on the county actuarial table for that crop year, provided the farming practice followed on such acreage is one for which a coverage was established.

3. Subsection (a) of section 6, as amended, of the policy shown in § 420.33 is amended to read as follows:

(a) Subject to the provision of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation may be made for any crop year by either party giving written notice to the other party on or before the cancellation date for such crop year (the cancellation date for any crop year shall be the February 28 of the calendar year in which the insured crop(s) is normally harvested for such crop year): *Provided, however,* That if on the March 31 following any cancellation date any amount due the Corporation remains unpaid, the contract shall terminate as if canceled by the Corporation prior to such cancellation date. Any notice of cancellation by the insured shall be in writing and shall be filed with the county office. The Corporation shall mail any notice of cancellation to the insured's last known address and mailing shall constitute notice to the insured.

4. Section 6, as amended, of the policy shown in § 420.33 is further amended by deleting subsection (c).

5. Section 21 of the policy shown in § 420.33 is amended to read as follows:

21. *Voidance of contract.* The Corporation may void the contract and declare the permium(s) forfeited without waiving any right or remedy including the right to collect any unpaid premium(s) if (1) at any time, either before or after loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, or (2) the insured fails to give any notice or otherwise fails to comply with the terms of the contract at the time and in the manner prescribed.

6 Subsection (c) of section 24, as amended, of the policy shown in § 420.33 is amended to read as follows:

(c) "County office" means the Corporation's office for the county, shown on the application for insurance or such other office as may be specified by the Corporation from time to time.

7. Section 24, as amended, of the policy shown in § 420.33 is further amended by adding a subsection (j) to read as follows:

(j) "County" (which shall be interpreted as "parish" in Louisiana) means the area shown on the county actuarial table which may include farms located in a local producing area(s) bordering on the county.

8. Section 25, as amended, of the policy shown in § 420.33 is amended to read as follows:

25. *Amount of annual premium.* (a) The premium rate for each insured crop will be established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown by practice(s) on the county actuarial table on file in the county office. The annual premium for each insurance unit under the contract will be based upon (1) the insured acreage of each insurable crop, (2) the applicable premium rate(s) and (3) the insured interest(s) in each crop at the time of planting. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract, and with respect to any insured acreage shall be earned and payable when the insured crop on such acreage is planted.

(b) The premium rate(s) shown on the county actuarial table is based on prompt payment and any amount of the premium which remains unpaid on the day following the discount date (the discount date shall be November 30 for each year of the contract) will be increased by 10 percent, which increased amount shall be the premium balance. Thereafter, at the end of each 12 months' period, 6 percent simple interest shall attach to any amount of the premium balance remaining unpaid. Interest shall not be charged on premiums earned in the 1954 and succeeding crop years except as specified in this section.

(c) The insured's annual premium for any year may be reduced 25 percent if he has had 7 consecutive years of insured crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. Nothing in this paragraph shall create in the insured any right to a reduced premium.

(d) Notwithstanding any other provision of the contract, if in any year a premium is earned and totals less than $10.00 the amount shall be increased to $10.00.

9. Section 26 of the policy shown in § 420.33 is amended to read as follows:

26. *Manner of payment of premium.* (a) Payment on any annual premium shall be made by means of cash or by check, money order, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection, and no payments shall be regarded as paid unless collection is made.

(b) Any unpaid amount of any premium or any other amount owed the Corporation by the insured may be deducted from any indemnity payable by the Corporation or from any loan or any payment made to the insured under any act of Congress or program administered by the United States Department of Agriculture. There shall be no refund of any annual premium overpayment of less than $1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

10. The policy shown in § 420.33 is amended by adding thereto a section 27 to read as follows:

27. *Predetermined prices.* The predetermined prices for valuing production for each insurable crop for the first crop year of the contract shall be those established for that year by the Corporation and shall be shown on the county actuarial table on file in the county office at the time the application for insurance is submitted. For each subsequent crop year the predetermined prices shall be on file in the county office at least 15 days prior to the applicable cancellation date.

11. Paragraph (c) of § 420.34 is amended to read as follows:

(c) The discount date and the cancellation date referred to in the policy; and

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. and Sup. 1507–1509, 1516)

Adopted by the Board of Directors on October 26, 1953.

[SEAL] C. S. LAIDLAW,
*Secretary,*
*Federal Crop Insurance Corporation.*

Approved on October 30, 1953.

JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 53-9344; Filed, Nov. 4, 1953; 8:48 a. m.]

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[Amdt. 7]

## PART 421—DRY EDIBLE BEAN CROP INSURANCE

### SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

#### POLICY

The above identified regulations, as amended (14 F. R. 7684; 15 F. R. 2485, 9024; 16 F. R. 3973, 7695, 9302; 17 F. R. 5980, 10537; 18 F. R. 3634), are hereby amended, effective beginning with the 1954 crop year, as follows:

1. Section 2 of the policy shown in § 421.32 is amended to read as follows:

2. *Insurable acreage.* For each crop year of the contract any acreage is insurable only if a coverage for such acreage is shown on the county actuarial table for that crop year, provided the farming practice followed on such acreage is one for which a coverage was established.

2. Subsections (a) and (c) of section 9, as amended, of the policy shown in § 421.32 are amended to read as follows:

(a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation may be made by either party giving written notice to the other party on or before the applicable cancellation date (shown below) preceding the crop year for which the cancellation is to become effective: *Provided, however,* That if 30 days after such cancellation date any amount due the Corporation remains unpaid, the contract shall terminate as if canceled by the Corporation prior to such cancellation date.



| State and county: | Cancellation date |
|---|---|
| Arizona | March 31. |
| California | February 28. |
| Colorado | April 15. |
| Idaho | Do. |
| Michigan | April 30. |
| Nebraska | April 15. |
| New Mexico | March 31. |
| New York | April 30. |
| Wyoming: | |
| Goshen | April 15. |
| All other counties | March 31. |

Any notice of cancellation by the insured shall be in writing and shall be filed with the county office. The Corporation shall mail any notice of cancellation to the insured's last known address and mailing shall constitute notice to the insured.

* * * * *

(c) If the Corporation determines that the county minimum participation requirement established by the Federal Crop Insurance Act, as amended, is not met for any crop year, insurance shall not be in effect for that crop year and the contract shall terminate.

3. Subsection (d) of section 28 of the policy shown in § 421.32 is amended to read as follows:

(d) "County office" means the Corporation's office for the county, shown on the application for insurance or such other office as may be specified by the Corporation from time to time.

4. Section 28 of the policy shown in § 421.32 is further amended by adding a subsection (l) to read as follows:

(l) "County" means the area shown on the county actuarial table which may include farms located in a local producing area(s) bordering on the county.

5. Section 29, as amended, of the policy shown in §421.32 is amended to read as follows:

29. *Amount of annual premium.* (a) The premium rate per acre will be the applicable number of dollars established by the Corporation for the coverage and rate area in which the insured acreage is located and will be shown by practice(s) on the county actuarial table on file in the county office. The annual premium for each insurance unit under the contract will be based upon (1) the insured acreage of beans, (2) the applicable premium rate(s) and (3) the insured interest(s) in the crop at the time of planting. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract, and with respect to any insured acreage shall be earned and payable when the beans on such acreage is planted.

(b) The premium rate(s) shown on the county actuarial table is based on prompt payment and any amount of the premium which remains unpaid on the day following the discount date (the discount date shall be November 30 for each year of the contract) will be increased by 10 percent, which increased amount shall be the premium balance. Thereafter, at the end of each 12 months' period, 6 percent simple interest shall attach to any amount of the premium balance remaining unpaid. Interest shall not be charged on premiums earned in the 1954 and succeeding crop years except as specified in this section.

(c) The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutively insured bean crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. If the insured is not eligible for the above premium reduction, his annual premium may be reduced in any year not to exceed 25 percent if it is determined by the Corporation that his accumulated balance, expressed in dollars, of premiums over indemnities on consecutively insured bean crops exceeds his total coverage (computed on the basis of the coverage applicable to threshed acreage). Nothing in this paragraph shall create in the insured any right to a reduced premium.

(d) Notwithstanding any other provision of the contract, if in any year a premium is earned and totals less than $5.00 the amount shall be increased to $5.00.

6. Section 30 of the policy shown in § 421.32 is amended to read as follows:

30. *Manner of payment of premium.* (a) Payment on any annual premium shall be made by means of cash or by check, money order, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection, and no payment shall be regarded as paid unless collection is made.

(b) Any unpaid amount of any premium or any other amount owed the Corporation by the insured may be deducted from any indemnity payable by the Corporation, or from any loan or any payment made to the insured under any act of Congress or program administered by the United States Department of Agriculture. There shall be no refund of any annual premium overpayment of less than $1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

7. Section 421.33 is deleted.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 70 U. S. C. 1506, 1516. Interpret or apply secs. 507–509, 52 Stat. 73–75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. and Sups. 1507–1509, 1516)

Adopted by the Board of Directors on October 26, 1953.

[SEAL] C. S. LAIDLAW,
*Secretary,*
*Federal Crop Insurance Corporation.*

Approved on October 30, 1953.

JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 53-9340; Filed, Nov. 4, 1953; 8:46 a. m.]

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# TITLE 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Bureau of Animal Industry, Department of Agriculture

### Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt 11]

## PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

### SUBPART B—VESICULAR EXANTHEMA

#### DESIGNATION OF AREAS IN WHICH SWINE ARE AFFECTED WITH VESICULAR EXANTHEMA

Pursuant to the authority conferred upon the Administrator of the Agricultural Research Administration by § 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637), § 76.27a of said Subpart B (18 F. R. 3829, as amended) is hereby amended to read as follows:

§ 76.27a *Designation of areas in which swine are affected with vesicular exanthema.* The following areas are hereby designated as areas in which swine are affected with vesicular exanthema:

The State of California;

The Town of Manchester in Hartford County, in Connecticut; Androscoggin, Cumberland, Kennebec, and York Counties, in Maine;

That area consisting of Hampden, Worcester, Middlesex, Essex, Suffolk, Norfolk, Bristol and Plymouth Counties, in Massachusetts;

Bergen, Hudson, Hunterdon, and Morris Counties, that area consisting of Union, Middlesex, Monmouth, Ocean, Burlington, Camden, Gloucester, and Atlantic Counties, that area in Lower Township in Cape May County lying east of U. S. Highway No. 9, and that area in Dennis Township in Cape May County bounded by the Belleplain State Forest on the south and east and State Highway No. 550 on the north and west and State Highway Spur No. 550 on the west, in New Jersey;

Poughkeepsie Township, in Dutchess County, and that area in Clarkstown Township lying north of New York State Route No. 59, in Rockland County, in New York;

Bucks and Delaware Counties, in Pennsylvania;

Charleston County, in South Carolina;

That area in Atascosa County lying west of State Highway No. 346 and north of State Highway No. 173, and that area in Bell County lying north of U. S. Highway No. 190 and west of State Highways No. 36 and No. 317, in Texas.

*Effective date.* The foregoing amendment shall become effective upon issuance.

Section 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637), quarantines the areas so designated.

The amendment designates the following as an area in which swine are affected with vasicular exanthema in addition to the areas heretofore designated:

Charleston County, in South Carolina.

Hereafter, the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended), apply to this area.

The amendment excludes from the areas heretofore designated as areas in which swine are affected with vesicular exanthema:

Somerset County, in Maine.

The Administrator of the Agricultural Research Administration has determined that swine in this area are no longer affected with the disease, and that the quarantine of such area is no longer required to prevent the dissemination thereof. Accordingly, this area is no longer quarantined under said § 76.27, and the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR, Part 76, Subpart B, as amended, (18 F. R. 3636, as amended), no longer apply to such area. However, the restrictions pertaining to such movement from non-quarantined areas contained in said Subpart B, as amended, apply thereto.

The effect of the amendment is to impose certain further restrictions necessary to prevent the spread of vesicular exanthema, a contagious, infectious, and communicable disease of swine, and to relieve certain restrictions presently imposed. The amendment must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies secs. 4, 6, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 30th day of October 1953.

[SEAL] M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Administration.*

[F. R. Doc. 53-9339; Filed, Nov. 4, 1953; 8:46 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 6]

PART 406—CERTIFICATION PROCEDURES

SUBPART B—ISSUANCE OF CERTIFICATES

CREW MEMBER CERTIFICATE

Pursuant to the Convention on International Civil Aviation, Annex 9, as amended, concerning facilitation of international air transportation, the United States and other contracting states have agreed to accept certificates containing specified information for temporary admission of flight crew members or crew members into their respective states. The following new § 406.19 is hereby adopted to provide a procedure for the issuance of such certificates:

§ 406.19 *Crew member certificate*—(a) *Purpose.* This certificate will be issued to facilitate the entry and clearance into ICAO contracting states of United States citizens employed by scheduled air carriers as flight crew members or crew members on U. S.-registered aircraft engaged in scheduled international air transportation, as provided in Annex 9, as amended, to the Convention on International Civil Aviation.

(b) *Application.* An application for this certificate shall be made on an "Application for Crew Member Certificate," Form ACA-2116, and submitted to the Civil Aeronautics Administration Air Carrier Agent in charge of the air carrier by whom the applicant is employed.

(c) *Issuance.* This certificate will be issued on a "Crew Member Certificate," Form ACA-2116.1.

(d) *Surrender.* This certificate will be surrendered for cancellation by the air carrier or the certificate holder to the nearest CAA Aviation Safety Agent upon termination of the holder's assignment in scheduled international air transportation with the air carrier.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply Articles 22, 23, 37, 61 Stat. 1186, 1190)

This amendment shall become effective December 1, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9330; Filed, Nov. 4, 1953; 8:45 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53367]

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

MANIFESTS, EXAMINATION OF BAGGAGE IN FOREIGN TERRITORY, AND MERCHANDISE IN TRANSIT THROUGH THE UNITED STATES BETWEEN PORTS OF CANADA OR MEXICO

The following amendments to the customs regulations are made (1) to simplify the clearance through customs of baggage which has been examined and passed in foreign territory by the United States customs officer who will release it on arrival in the United States and (2) to simplify the documentation required for certain shipments of in-transit merchandise which are exported in the importing vehicle to the contiguous country from which they arrived.

1. Section 5.1 (b) is amended by inserting the following after the second sentence thereof: "When the procedure for the use of sticker labels in lieu of sealing and special manifesting, authorized by § 5.5 (d) is followed, the total number of pieces of baggage examined and passed in foreign territory by the United States customs officer who will release them upon arrival in the United States may be shown on customs Form 7533-A in lieu of filling in the first four columns of such form."

And by changing the period at the end of the present fourth sentence to a comma and adding "except as provided for by § 5.11 (c),"

(Sec. 459, 46 Stat. 717, as amended; 19 U. S. C. 1459)

2. a. Section 5.5 is amended by redesignating paragraphs (d), (e), and (f) as paragraphs (e), (f), and (g), and inserting a new paragraph (d) to read:

(d) In lieu of sealing and special manifesting as provided for by paragraphs (a) and (b) of this section, sticker labels other than official baggage stamps may be affixed to baggage examined and passed in foreign territory if the baggage is to be released in the United States by the same officer who examined and passed it in the foreign country. Such sticker labels shall bear suitable wording showing that the baggage has been passed by the United States customs.

b. Redesignated paragraph (e) is amended by adding the following sentence: "The provisions of this paragraph for cords and seals shall apply to sticker labels affixed in accordance with paragraph (d) of this section."

3. Section 5.11 is amended by adding a new paragraph (c) to read:

(c) When all the merchandise arriving on one vehicle is to move in transit through the United States in the importing vehicle in a continuing movement, the copy of customs Form 7512 to be retained at the port of first arrival may be prepared to permit its use as a combined inward foreign and in-bond manifest. When customs Form 7512 is to be used in this manner, the foreign port of lading shall be shown and a certificate in the following form shall be executed by the person in charge of the vehicle:

I, the undersigned, certify that this transportation entry and manifest contains, to the best of my knowledge and belief, a just and true account of all the goods, wares, and merchandise, including packages of every kind and nature whatsoever, which constituted the lading of the vehicle named herein when it first arrived within the limits of the United States, and that I have been, since the arrival of the said vehicle within the United States, the person in charge of said vehicle and that no packages whatsoever nor any goods, wares, or merchandise, have been in any way removed from said vehicle since its arrival within the United States.

And I further certify that, if I shall hereafter discover or know of any error, discrepancy, or omission in this entry and manifest, I will immediately and without delay make due report thereof to the collector of the district to whom this report is now delivered.

Dated ----------

Signature ----------

The above prescribed form of certificate, which can be put on a rubber stamp approximately 2" x 5" in size, may be legibly stamped on the form or on a separate paper securely fastened thereto.

(Sec. 553, 46 Stat. 742, as amended; 19 U. S. C. 553)

(R. S. 251, 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

[SEAL] C. A. EMERICK
*Acting Commissioner of Customs.*

Approved: October 29, 1953.

H. CHAPMAN ROSE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-9367; Filed, Nov. 4, 1953; 8:51 a. m.]

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

MISCELLANEOUS AMENDMENTS

1. Section 201.3 (c) is hereby amended to read as follows:

(c) *Payments.* The note shall be payable in equal monthly, semimonthly or weekly installments. The first installment or the final installment may be more or less than the other installments provided that it is not less than one-half or more than one and one-half times the amount of the regular installment. A note may not provide for a first payment less than 6 days nor more than two calendar months from the date of the note. However, if 51 percent or more of the income of the borrower is derived directly from the sale of agricultural crops, commodities, or livestock produced by him, a note may be made payable in installments corresponding to income periods shown on the Credit Application. In such cases, the first payment must be made within 12 months of the date of the note and at least one payment shall be made in each 12 months thereafter: *Provided*, That no two payments shall be more than 12 months apart, and the proportion of total principal to be paid in later years shall not exceed the proportion of total principal payable in earlier years. In lieu of an installment note payable in equal periodic installments a loan may be evidenced by a series of notes provided each is of an equal amount as provided in this section and that each note indicates on its face that it is one of a series signed by the same borrower.

2. Section 201.8 is hereby amended, effective December 1, 1953, to read as follows:

§ 201.8 *Disbursement of loan proceeds*—(a) *Disbursement.* Before disbursing the proceeds of a loan, the insured shall:

(1) *Dealer approval.* Have approved the dealer after such investigation as the insured considers necessary to establish to its satisfaction that the dealer is reliable, financially responsible and qualified to perform satisfactorily the work to be financed and to extend proper service to the customer. This approval shall be evidenced by an application signed and dated by the dealer and signed and dated by the insured on forms approved by the Commissioner. The dealer application, the approval by the insured, together with supporting information and a record of the insured's experience with the loans originated by such dealer shall be in the insured's file. New dealer applications and dealer approvals need not be executed in connection with dealers who have been approved and to whom the insured has disbursed loans during the 12 month period prior to December 1, 1953. For the purpose of this section the term "dealer" means the one who executed the dealer's completion certificate.

(2) *Completion certificates.* Obtain a completion certificate signed by the borrower and a completion certificate signed by the dealer on forms approved by the Commissioner. An insured shall not disburse the proceeds of a loan, if, as an inducement for the consummation of the transaction, the borrower has been given or promised a cash payment or rebate, or it has been represented to the borrower that he will receive a cash bonus or commissions on future sales. In the absence of information to the contrary, the insured may rely upon the dealer's statement in his completion certificate as to such bonus selling. If there are two or more eligible borrowers involved in a transaction, only one signature is required on the borrower's certificate.

(3) *Authorization to pay loan proceeds.* Obtain written authorization from the borrower, if the insured is the payee of the note and the proceeds are to be disbursed to one other than the borrowers.

(4) *Description of improvements.* Obtain a copy of the contract or sales agreement, signed by the borrower and the dealer, describing the type and extent of improvements to be made and the material to be used. Such contract or sales agreement shall be of a type regularly used by the dealer in his business. The signature appearing on the copy of the contract or sales agreement may be a carbon imprint of the signatures appearing on the original.

(5) *Advance notice to applicant.* Mail to the borrower or personally deliver to the borrower written notice of approval of the application for credit on a form approved by the Commissioner. Such notice shall be directed to the borrower prior to disbursement of the loan and in no event less than six calendar days prior to such disbursement. A record of such notice showing the date of mailing or delivery to the borrower shall be in the loan file.

(b) *Precautionary measures.* If the insured has not approved the dealer, as provided in paragraph (a) (1) of this section or has reason to withdraw such approval, the proceeds of a loan shall not be disbursed until:

(1) The insured has verified all statements contained on the borrower's credit application.

(2) The borrower has signed the borrower's completion certificate in the presence of the insured.

(3) The insured has inspected the work performed in every instance when the amount involved is $500 or more, and in at least one out of every three transactions when the amounts involved are less than $500.

(4) The insured has signed a statement to the effect that the above requirements were complied with prior to releasing the proceeds of any such loans. Such statement must accompany each loan report.

(c) *Exceptions.* The provisions of paragraphs (a) and (b) of this section shall not apply to loans made directly to the borrower or borrowers where the proceeds are delivered directly to such borrower or borrowers without the intervention or participation of the dealer or other intermediary in any manner in such disbursement.

3. Section 201.11 (b) is hereby amended to read as follows:

(b) *Claim after default.* Claim may be made after default provided demand has been made upon the debtor for the full unpaid balance of the note.

4. Section 201.11 (c) is hereby amended to read as follows:

(c) *Maximum claim period.* For the purpose of determining when a claim must be filed under the provisions of this section, any payments received on an account, including payments on a judgment predicated thereon, shall be applied to the earliest unpaid installment, and in the case of:

(1) Yearly installment notes, whenever an installment is 12 months in default, claim must be made within 31 days thereafter;

(2) All other installment notes, whenever an installment is 6 months in default, claim shall be made within 31 days thereafter;

(3) Military service cases, if at any time during default a person primarily or secondarily liable for the repayment of any loan is a "person in military service," as such term is defined in the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, the period during which he is in military service shall be excluded in computing the time within which claim must be made for reimbursement under the provisions of this part.

5. Section 201.11 (e) (4) is hereby amended, effective as to claims certified for payment on and after December 1, 1953, to read as follows:

(4) Attorney's fees actually paid not exceeding:

(i) Fifteen percent of the amount collected by the attorney on the defaulted note provided the insured does not waive its claim against the borrower for such fees;

(ii) Twenty-five dollars or 15 percent of the balance due on the note, whichever is the lesser, if a judgment is secured by suit; and

(iii) Fifty dollars plus 5 percent of the balance due on the note as an additional fee where the action is contested and judgment is obtained.

(Sec. 2, 48 Stat. 1246, as amended, 12 U. S. C. and Sup., 1703)

Issued at Washington, D. C., October 28, 1953.

GUY T. O. HOLLYDAY,
*Federal Housing Commissioner.*

[F. R. Doc. 53-9335; Filed, Nov. 4, 1953; 8:45 a. m.]

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter I—Office of Defense Mobilization

[Defense Manpower Policy 4, Revised]

DMP 4—PLACEMENT OF PROCUREMENT AND FACILITIES IN AREAS OF CURRENT OR IMMINENT LABOR SURPLUS

I. *Introduction.* The aim of the mobilization program is to develop and maintain the necessary military and economic strength to carry out the policy of the United States to discourage and, if need be, oppose acts of aggression and promote peace. Success of the mobilization program requires efficient use of all our resources, including manpower and facilities, which are preserved through practice of the skills of both management and workers.

A primary aim of Federal manpower policy is to encourage full utilization of existing production facilities and workers in preference to creating new plants or

moving workers, thus assisting to maintain economic balance and employment stability. When large numbers of workers move to already tight areas, heavy burdens are placed on community facilities—schools, hospitals, housing, transportation, utilities, etc. On the other hand, when unemployment develops in certain areas, unemployment compensation costs increase and plants, tools and workers' skills remain idle and unable to contribute to our mobilization program.

Full utilization of the skills or facilities available in less concentrated industrial areas also assists in making our productive resources less vulnerable to the possibility of attack.

II. *Purpose.* It is the purpose of this Defense Manpower Policy No. 4 to direct attention to the potentialities of areas of substantial labor surplus, hereafter referred to as labor surplus areas, for the placement of procurement contracts or the location of new plants or facilities, and to assign responsibilities to specified departments and agencies of the Government to carry out the policy stated below.

III. *Policy.* It is the policy of the Federal Government to encourage the placing of contracts and facilities in areas of current or imminent labor surplus, and to assist such areas in making the best use of their available resources in order to achieve the following objectives:

a. To preserve management and employee skills necessary to the fulfillment of government contracts and purchases;

b. To maintain productive facilities;

c. To improve utilization of the nation's total manpower potential by making use of the manpower resources of each area;

d. To help assure timely delivery of required goods and services and to promote readiness for expanded effort by locating procurement where the needed manpower and facilities are fully available; and

e. To reduce the vulnerability of defense related and essential civilian industries to air attack in the event of war.

IV. *Implementation.* By virtue of the authority vested in me by Executive Order 10480 and to supplement the National Manpower Mobilization Policy of January 17, 1951, and Defense Manpower Policy No. 1 of August 2, 1951, and to carry out the purpose and policy objectives set forth above, the following assignments of responsibilities are made to the specified departments and agencies of the Government:

A. The Department of Labor shall:

1. Classify areas having a current or imminent substantial surplus of labor, under standards to be established by the Secretary of Labor.

2. In cooperation with the States and labor surplus areas, provide labor market data and related economic information in efforts to assist in the initiation of industrial expansion programs in these areas.

3. Identify skills which are in surplus supply within such areas and make this information available to firms requiring such skills and interested in establishing new plants and facilities.

4. Identify occupations and skills for which labor will be needed by new or expanding industries, and in collaboration with other governmental agencies make assistance available to area institutions and manpower users in developing on-the-job apprentice or other training programs for developing skills of the workforce.

B. All procurement agencies shall:

1. Use their best efforts to award negotiated procurement contracts to contractors located within labor surplus areas to the extent that procurement objectives will permit; provided, that in no case will price differentials be paid for the purpose of carrying out this policy.

2. Where deemed appropriate, set aside portions of procurements for negotiation, at prices no higher than those paid on the balance of these procurements, exclusively with firms located in classified labor surplus areas; provided that a substantial proportion of the production on these contracts will be performed within labor surplus areas.

3. Assure that firms in labor surplus areas which are on appropriate bidders lists will be given the opportunity to submit bids or proposals on all procurements for which they are qualified and on which small business joint-determinations have not been made. Whenever the number of firms on a bidders list is excessive, there will be included a representative number of firms from labor surplus areas.

4. In the event of tie bids or offers on any procurement, award the contract to the firm located in a labor surplus area, other things being equal.

5. Encourage prime contractors to award subcontracts to firms in labor surplus areas.

6. Cooperate with the other agencies listed herein in achieving the objectives of this policy.

C. The Department of Commerce shall:

1. Through its field offices, assist manufacturers in labor surplus areas in obtaining information on probable government procurement needs and procedures to be followed in submitting proposals.

2. Render technical assistance to labor surplus areas and organizations in such areas desirous of diversifying their economies by developing and expanding industry.

D. The Small Business Administration shall:

1. Make available to small business concerns in labor surplus areas all of its services, endeavor to insure opportunity for maximum participation by such concerns in government procurement, and give consideration to the needs of these concerns in the making of joint-determinations with government procurement agencies.

E. The Regional Defense Mobilization Committees shall:

1. Coordinate the field activities of their member agencies in carrying out the purpose of this policy and make recommendations to their member agencies on additional activities to achieve such purposes.

F. There is hereby created within the Office of Defense Mobilization a Surplus Manpower Committee:

1. This committee shall be chaired by the Assistant Director for Manpower of the Office of Defense Mobilization and shall include representation from the Department of Defense, including the three Military Departments, Department of Commerce, Department of Labor, General Services Administration, and Small Business Administration.

2. The committee shall advise the Director of the Office of Defense Mobilization and its member agencies on policies, procedures and activities in existence or needed to carry out the purposes of this policy.

3. When an entire industry, which sells a significant proportion of its production to the Government, is generally depressed or has a significant proportion of its production units located in areas of substantial labor surplus, the Committee may make appropriate recommendations relative to that industry in lieu of recommendations relative to specific geographical areas. In such cases, after notice to and hearing of interested parties, the Director of the Office of Defense Mobilization will give consideration to appropriate measures applicable to the entire industry.

G. All agencies assigned responsibilities under this policy shall submit quarterly reports on their activities in connection therewith to the Office of Defense Mobilization, and shall submit such additional information as may be necessary.

H. All existing Notifications of labor surplus areas under Defense Manpower Policy No. 4 are hereby superseded by the list of areas classified by the Department of Labor pursuant to this revised policy. Pending their review by the Surplus Manpower Committee, Notifications No. 38, 39, 53, 57, and 58, dealing with the placement of procurement with the textile, shoe, apparel, shipbuilding and petroleum and petroleum products industries, are continued in effect to the extent that they are not inconsistent with this revised policy.

I. This revised policy shall take effect on November 5, 1953.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 53-9423; Filed, Nov. 4 1953, 10:50 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

#### Subchapter B—Hunting and Possession of Wildlife

#### PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

#### COMPENSATORY EXTENSIONS OF CERTAIN MIGRATORY GAME BIRD SEASONS

*Basis and purpose.* A request has been received from the State of New York for an extension of the woodcock seasons by the number of days sportsmen were not permitted to hunt such birds due to emergency State action closing extensive areas to shooting as a forest fire prevention measure. It has been determined that the slight compensatory extensions sought are not likely to result in a diminution of the birds to any greater extent than was contemplated for the original period.

Accordingly, pursuant to authority conferred upon me by § 6.4 of the Migratory Bird Treaty Act Regulations (16 F. R. 7513), the seasons fixed by the amendments to such regulations approved August 21, 1953 (18 F. R. 5175) are subject to shooting hours and other applicable provisions of the current Federal regulations, extended as follows:

Woodcock from November 5 to November 8 in that part of New York north of the line described in footnote 7, Schedule (5) *Atlantic Flyway States*, of § 6.4, Title 50, Code of Federal Regulations, as amended August 21, 1953 (18 F. R. 5175), and elsewhere in the State (except Long Island where no hunting days were lost) from November 19 to November 22, all dates inclusive, an extension of 4 days in each of these areas.

Since these amendments are relaxations of existing regulations, notice and public procedure thereon are not required and they shall become effective immediately.

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704. Interprets or applies E. O. 10250, June 5, 1951, 16 F. R. 5385; 3 CFR, 1951 Supp.)

ALBERT M. DAY,
*Acting Director,*
*Fish and Wildlife Service.*

NOVEMBER 2, 1953.

[F. R. Doc. 53-9361; Filed, Nov. 4, 1953; 8:51 a. m.]



# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

### [ 7 CFR Part 913 ]

#### HANDLING OF MILK IN GREATER KANSAS CITY MARKETING AREA

#### DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER, AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Kansas City, Missouri, on August 14–15, 1953, pursuant to notice thereof which was issued on August 6, 1953 (18 F. R. 4708). Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on August 27, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on September 2, 1953 (18 F. R. 5302).

The material issues of record related to:

1. The price for Class I milk through March 1954; and

2. The definition of a pool plant.

*Findings and conclusions.* The findings and conclusions of the recommended decision of the Assistant Administrator issued August 27, 1953 (18 F. R. 5302, F. R. Doc. 53-7684) are adopted as the findings and conclusions of this decision with the addition of the following to be inserted before the last paragraph of those findings and conclusions with respect to Issue No. 1:

Particular exception was taken by producers to this finding in the recommended decision of the Assistant Administrator that supplemental milk supplies were available from outside the normal milkshed of the Kansas City marketing area. The point was made, in the exceptions, that the order prices should be such as to result in an adequate supply of milk from locally inspected sources at all times.

Milk production is variable to a considerable extent due to reasons other than the price for milk, and in fact, it is impossible to achieve an exact balance at all times between a market's needs and capacity as against the local production. There will be occasions when the market is somewhat short, and others when it is more than sufficiently supplied. Under these circumstances, although it is the objective of a milk marketing order to provide a price mechanism which will balance supply and demand, it would be uneconomical and unsettling of market conditions if prices were to change over short periods in an attempt to maintain an exactly adequate supply at all times. Sometimes prices would be extremely high; at other times they would be extremely low. For, strictly following the argument given by exceptors, it would be as necessary to reduce prices to eliminate temporary excesses as it would be to increase them under the conditions of temporary shortage.

The finding with reference to the availability of supplemental supplies was made in this context. If a temporary shortage situation should develop, milk from supplemental sources would be available while prices resulting from the supply-demand adjustment were increasing in order to induce additional supplies from regular sources.

*General findings.* (a) The proposed marketing agreement and the order as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

*Ruling on exceptions.* Within the period reserved therefor, exceptions were filed to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, such exceptions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

*Determination of representative period.* The month of August 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Greater Kansas City Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Greater Kansas City Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the

attached order which will be published with this decision.

This decision filed at Washington, D. C., this 30th day of October 1953.

[SEAL] JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

*Order Amending the Order, as Amended Regulating the Handling of Milk in the Greater Kansas City Marketing Area*

§ 913.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof the handling of milk in the Greater Kansas City marketing area shall be in conformity to and compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 913.10 and substitute therefor the following:

§ 913.10 *Pool plant.* "Pool plant" means an approved plant other than the plant of a producer-handler:

(a) During any delivery period within which an amount of milk equal to 15 percent or more of such plant's receipts of milk from dairy farmers who meet the specifications (other than delivery to a pool plant) of § 913.7 is disposed of from such plant as Class I milk on routes operated in the marketing area;

(b) During any delivery period of September, October, November, December, January, or February within which an amount of milk equal to 30 percent or more of such plant's receipts of milk from dairy farmers who meet the specifications (other than delivery to a pool plant) of § 913.7 is transferred in bulk to a plant described in paragraph (a) of this section. Any such plant which is a pool plant in each of the delivery periods of September, October, November, December, January, and February shall be a pool plant for each of the following months of March, April, May, June, July, and August, regardless of the quantity of milk then disposed of to other pool plants, if a written request for pool plant status for such six months' period is received from the operator of such plant by the market administrator before March 1; or

(c) During any delivery period within which such plant is operated by a cooperative association, and 75 percent or more of the milk delivered during the delivery period by producers who are members of such association is received at the pool plants of other handlers.

If a handler operates more than one approved plant, the percentage requirements of this definition shall apply to the combined receipts and disposition of such multiple plant operation except that no plant which was not an approved plant during each of the preceding delivery periods of September through February shall be a pool plant as a part of such multiple plant operation during any of the delivery periods of March through August unless such multiple plant operation qualified under paragraph (a) of this section for pool plant status for such delivery period.

[F. R. Doc. 53-9346; Filed, Nov. 4, 1953; 8:48 a. m.]

## CIVIL AERONAUTICS BOARD

## [ 14 CFR Parts 40, 41, 42, 45, 61 ]

[Draft Release No. 53-23]

DELEGATION OF AUTHORITY TO ADMINISTRATOR TO PERMIT AIR CARRIERS UNDER CONTRACT TO THE MILITARY SERVICES TO DEVIATE FROM THE CIVIL AIR REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to the authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a revision and extension of the authority granted by Special Civil Air Regulation SR-385B as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by December 7, 1953. Copies of such communications will be available after December 9, 1953, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

On July 31, 1953, Special Civil Air Regulation SR-385A was adopted extending until November 1, 1953, the authority of the Administrator to permit air carriers under contract to the military services to deviate from Parts 40, 41, 42, 45, and 61 of the Civil Air Regulations. This extension was for only a short period because of the need to fully explore the basis for certain representations made to the Board as to the impropriety of such a delegation of authority, particularly without limitation and without means for review by the Board. This authority has been further extended by SR-385B until February 1, 1954.

To assist in determining whether the need for continuing such authority still exists, a meeting was held in Washington, D. C., which interested industry and government representatives attended, to discuss the entire problem. As a result of the comment received during this meeting, the Bureau believes that the same conditions that gave rise to the delegation of authority to the Administrator continue to exist, and that because of the special problems inherent in military contract operations it is necessary to continue the delegation of authority to the Administrator to permit deviations from the Civil Air Regulations in such operations. However, it appears desirable to incorporate means for Board review in those instances where the deviation is to continue for more than a 90-day period. In view of this, it is proposed herein that the Administrator be authorized to permit deviations from the Civil Air Regulations as in the past but that if the deviation authority is to remain effective for more than 90 days, it shall be subject to review by the Board. Thus, any deviation authority which is currently outstanding should be subject to review by the Board 90 days after the effective date of this regulation. It is intended that deviation authority shall continue to remain in effect until terminated by the Board after the expiration of the above 90-day period unless otherwise terminated by the Administrator.

In addition to the previous delegation of authority, it has been recommended and is considered desirable that the Administrator be given authority to grant deviations from the Civil Air Regulations in the event of any emergency or disaster requiring the transportation of persons or supplies. In such instances, immediate action may be required which necessitates a deviation from the Civil Air Regulations, and it is considered that permission to deviate in such cases can best be handled by the Administrator.

This revised delegation of authority is being proposed as a Special Civil Air Regulation to be effective for a period of one year. At the end of this time these problems and the effectiveness of the procedures provided in the proposed rule will be re-examined for the purpose of considering the incorporation of the substance of the rule in the operating parts.

Notice is hereby given that it is proposed to promulgate a Special Civil Air Regulation to provide as follows:

1. Contrary provisions of the Civil Air Regulations notwithstanding, the Administrator may, upon application by an air carrier, authorize an air carrier under contract to the military services, or an air carrier furnishing civil aircraft or flight crews to another air carrier for use in operations conducted pursuant to a contract with the military services, or an air carrier proposing to conduct operations under conditions of an emergency necessitating the transportation of persons or supplies for the protection of life or property, to deviate from the applicable provisions of Parts 40 (including revised Part 40), 41, 42, 45, and 61 to the extent that he finds upon investigation a deviation from those regulations is necessary for the expeditious conduct of such operations.

2. Any deviation authority granted by the Administrator pursuant to this regulation shall be limited to those operations conducted pursuant to military contracts or an emergency as determined by the Administrator and shall not be applicable to any other type of operation.

3. The Administrator shall, in any authorization granted pursuant to this regulation, specify the terms, conditions, and limitations of the authorization of deviation and each carrier shall, in the conduct of operations pursuant to military contracts or a declared emergency comply with such terms, conditions, and limitations.

4. No deviation authority initially granted by the Administrator pursuant to this regulation shall be effective for more than 90 days. When deviation authority in excess of 90 days is desired, appropriate notice will be transmitted to the Civil Aeronautics Board by the Civil Aeronautics Administration. Continuation of deviation authority in excess of 90 days shall be subject to review by the Civil Aeronautics Board. Unless the Board determines that such deviation authority should not be granted for a period in excess of 90 days, the Administrator may continue such deviation authority in effect. Authorizations for deviation in existence on the effective date of this regulation shall not continue for more than 90 days after such effective date unless notice is given in accordance with the provisions of this paragraph.

It is proposed that this Special Civil Air Regulation remain in effect for a period of one year unless sooner rescinded or superseded by the Board.

This Special Civil Air Regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012; 49 U. S. C. 551-560)

Dated: October 29, 1953, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
*Director.*

[F. R. Doc. 53-9266; Filed, Nov. 4, 1953; 8:51 a. m.]

## [14 CFR Part 221]

[Economic Reg. Draft Release 62-A]

TARIFFS OF AIR CARRIERS

LIABILITY RULES FOR PERSONAL INJURY AND DEATH; CLARIFICATION TO INDICATE FILING OF SUCH RULES NOT REQUIRED

OCTOBER 29, 1953.

By notice dated July 22, 1953 (Economic Regulations Draft Release No. 62), published on July 25, 1953, at 18 F. R. 4386, the Board gave notice that it has under consideration the proposed amendment of § 221.4 (g) of Part 221 of the Economic Regulations (14 CFR 221) clarifying that the regulations do not require the filing of tariff liability rules for personal injury and death. Reference is made to that notice for the terms of the proposed rule and further explanation thereof. Copies of Draft Release No. 62 may be obtained from the Secretary, Civil Aeronautics Board, Washington 25, D. C.

The Board having received requests which it believes warrant such action, notice is hereby given that the time for the receipt of comments on the proposed rule has been extended to November 24, 1953 and that consideration of the proposed rule has been set down for oral argument at 10:00 a. m., e. s. t., November 24, 1953, in Room 5042, Department of Commerce Building, Washington, D. C. Oral argument will be limited to one full day for all interested persons, who are urged to combine their presentations and speak through a single representative wherever possible. Those desiring to be heard are requested to inform F. W. Brown, Chief Hearing Examiner, Civil Aeronautics Board, prior to November 18, 1953, indicating any arrangements they have made with other persons for combined presentations through a single representative and stating the amount of time desired.

In addition to argument concerning the general substance of the proposed rule, the Board invites specific comment with respect to the effect of the proposed rule upon foreign air transportation.

Oral presentation may be in addition to or in lieu of written submission pursuant to the previous notice (Draft Release No. 62), which is hereby amended to provide that all relevant material and communications received on or before November 24, 1953, will be considered by the Board before taking final action on the proposed rule.

By the Civil Aeronautics Board

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 53-9365; Filed, Nov. 4, 1953; 8:51 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

OREGON

SMALL TRACT CLASSIFICATION ORDER NO. 2

OCTOBER 27, 1953.

1. Pursuant to the authority delegated to me in section 2.21 of Order No. 427 by the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, I hereby classify the following described lands under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682 (a)) as amended, for lease and sale for homesite purposes:

OREGON—WILLAMETTE MERIDIAN

T. 22 S., R. 10 E.,
Sec. 14,
Lots 60 to 62, inclusive,
Lots 64 to 91, inclusive, in the SE¼ NW¼,
Lots 92 to 123, inclusive, in the NE¼ SW¼.

The lots described are located approximately 29 miles south of Bend and immediately east of the town of Lapine in Deschutes County, Oregon.

2. This order shall not otherwise become effective to change the status of the lands described until 10:00 a. m. on the 35th day after the date of this order. At that time the lands shall subject to valid existing rights become subject to application as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the lands affected by this order shall be subject to application by qualified veterans of World War II. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the 35th day, shall be considered in the order of filing.





[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

(b) Commencing at 10:00 a. m., on the 126th day after the date of this order, any lands remaining shall become subject to application under the Small Tract Act by the public generally. All such applications filed either at or before 10:00 a. m., on the 126th day, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostat, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

3. Leases will be issued for a period of five years, at an annual rental of $10.00, payable for the entire lease period, in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised price, application for which may be filed at or after the expiration of one year from the date the lease is issued and within the five year period.

4. The tracts leased will be subject to right-of-way not exceeding 16½ feet in width along or near near the boundary for road purposes and public utilities. Such road rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated or by any agency thereof. The rights-of-way in the discretion of the authorized officer of the Bureau of Land Management may be definitely located prior to the issuance of the patent. If not so located, they may be located subject to location after patent is issued.

5. All inquiries relating to these lands should be addressed to the Manager, Oregon Land Office, Bureau of Land Management, Swan Island, Portland 18, Oregon.

W. G. GUERNSEY,
*Regional Administrator.*

[F. R. Doc. 53-9334; Filed, Nov. 4, 1953; 8:45 a. m.]

### Office of the Secretary

[Order 2726, Amdt. 1]

INDUSTRIAL SPECIALIST IN CHARGE OF INDUSTRY AND FINANCE

DELEGATION OF AUTHORITY TO ACT AS ACTING ADMINISTRATOR, DEFENSE SOLID FUELS ADMINISTRATION

OCTOBER 30, 1953.

Section 7 of Order No. 2726 is amended to read as follows:

SEC. 7. *Acting Administrator, Defense Solid Fuels Administration.* The Industrial Specialist in Charge of Industry and Finance shall perform the duties of the Administrator in case of the death, resignation, absence or sickness of the Administrator. When acting under the authority of this section he shall sign documents under the title "Acting Administrator".

DOUGLAS MCKAY,
*Secretary of the Interior.*

[F. R. Doc. 53-9333; Filed, Nov. 4, 1953; 8:45 a. m.]

## DEPARTMENT OF COMMERCE

### Civil Aeronautics Administration

[Amdt. 23]

ORGANIZATION AND FUNCTIONS

ESTABLISHMENT OF AIRPORT DISTRICT OFFICE AT MIAMI, FLA.

In accordance with the public information requirements of the Administrative Procedure Act, the description of Organization and Functions of the Civil Aeronautics Administration is hereby amended.

This amendment establishes an Airport District Office at Miami, Florida. Prior to this amendment the office was a branch of the Airport District Office at Atlanta, Georgia.

Section 43 (g) (3) (ii), published on July 23, 1953, in 18 F. R. 4345, is revised to read:

SEC. 43. *Regions 1–6.* • • •
(g) *Airports division.* • • •
(3) *Airport district offices.* • • •
(ii) *Locations and areas served.* • • •

*Region 2:* • • •
Miami, Fla., Building 514, Miami International Airport—Florida, Puerto Rico, and Virgin Islands.

• • • • •

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9331; Filed, Nov. 4, 1953; 8:45 a. m.]

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY THE FLORIDA STATE PRODUCTION AND MARKETING ADMINISTRATION COMMITTEE

Section 729.530 of the Marketing Quota Regulations for the 1954 Crop of Peanuts (18 F. R. 6372), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1376), provides that any authority delegated to the State Production and Marketing Administration Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Florida State Production and Marketing Administration Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the person to whom the authority has been redelegated:

FLORIDA

Sections 729.511 (1) 2, 729.517 (b) 5, 729.518, 729.520, 729.522 (a), 729.524 (b), 729.527 (a), and 729.528—State Administrative Officer or Acting State Administrative Officer.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358–359, 361–368, 373, 374; 52 Stat. 38, 62, 65 as amended, 55 Stat. 88, as amended; 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361–1368, 1373, 1374)

Issued at Washington, D. C., this 30th day of October 1953.

[SEAL] M. B. BRASWELL,
*Acting Administrator, Production and Marketing Administration.*

[F. R. Doc. 53-9308; Filed, Nov. 4, 1953; 8:51 a. m.]

## HOUSING AND HOME FINANCE AGENCY

### Public Housing Administration

CENTRAL OFFICE

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section II *Central Office organization and final delegations of authority to Central Office officials* is amended as follows:

1. Paragraph 1 a is amended to read as follows:

a. • • • The Commissioner has designated the First Assistant Commissioner to assist him in the general administration and coordination of all phases of Public Housing Administration activities, to formulate and develop basic policies and procedures, to resolve basic problems in connection therewith. The following • • •

2. Paragraph 1 g, delegating authority to certain officials to serve as Acting Commissioner, is hereby revoked.

Date approved: October 30, 1953.

[SEAL] CHARLES E. SLUSSER,
*Commissioner.*

[F. R. Doc. 53-9336; Filed, Nov. 4, 1953; 8:46 a. m.]

CENTRAL OFFICE

DESCRIPTION OF AGENCY AND PROGRAMS AND FINAL DELEGATIONS OF AUTHORITY

Section II *Central Office organization and final delegations of authority to Central Office officials* is amended as follows:

Paragraph f is amended as follows:

f. *Attesting officers.* Effective October 28, 1953, the Director or the Acting Director of the Office Services Branch, the Assistant Director of the Office Services Branch, and the Administrative Assistant to the Legal Division, are each designated Attesting Officer in respect to all documents other than those by means of which the Public Housing Administration divests itself of interest in real property. In respect to the last named type of document, the Director of the Production and Document Control Branch and the Assistant Director thereof are each designated Attesting Officer. The Attesting Officer shall affix the official seal to such documents as may require its application and is authorized to certify that copies of documents, leases, contracts and other papers, duly approved, are identical with the originals on file in the Central Office.

Date approved: October 30, 1953.

[SEAL] CHARLES E. SLUSSER,
*Commissioner.*

[F. R. Doc. 53-9337; Filed, Nov. 4, 1953; 8:46 a. m.]



## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28607]

PHOSPHORIC ACID FROM CHICAGO, CHICAGO HEIGHTS, AND JOLIET, ILL., TO KANSAS CITY, MO.-KANS.

APPLICATION FOR RELIEF

NOVEMBER 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to his tariff I. C. C. No. A-3733.

Commodities involved: Phosphoric acid, tank-car loads.

From: Chicago, Chicago Heights, and Joliet, Illinois.

To: Kansas City, Mo.-Kans.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter's tariff I. C. C. No. A-3733, supp. 95.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-9351; Filed, Nov. 4, 1953; 8:50 a. m.]

[4th Sec. Application 28608]

SULPHURIC ACID FROM CHICAGO AND JOLIET, ILL., TO KANSAS CITY, MO.-KANS.

APPLICATION FOR RELIEF

NOVEMBER 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to his tariff I. C. C. No. A-3733.

Commodities involved: Sulphuric acid, tank-car loads.

From: Chicago and Joliet, Ill.

To: Kansas City, Mo.-Kans.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter's tariff I. C. C. No. A-3733, supp. 95.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-9352; Filed, Nov. 4, 1953; 8:50 a. m.]

[4th Sec. Application 28609]

PULPBOARD AND FIBREBOARD FROM BOGALUSA, LA., TO HOUSTON, TEX.

APPLICATION FOR RELIEF

NOVEMBER 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Chicago, Rock Island and Pacific Railroad Company and other carriers.

Commodities involved: Pulpboard and fibreboard, carloads.

From: Bogalusa, La.

To: Houston, Tex.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 4063, supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-9353; Filed, Nov. 4, 1953; 8:50 a. m.]

[4th Sec. Application 28611]

CAUSTIC SODA FROM MEMPHIS, TENN., TO CINCINNATI, OHIO, LOUISVILLE, KY., AND POINTS IN CENTRAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

NOVEMBER 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spanninger's tariff I. C. C. No. 1351.

Commodities involved: Sodium (soda), caustic (sodium hydroxide), liquid, tank-car loads.

From: Memphis, Tenn.

To: Cincinnati, Ohio, Louisville, Ky., and points in central and Illinois territories.

Grounds for relief: Rail competition, circuity, market competition, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1351, supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-9355; Filed, Nov. 4, 1953; 8:50 a. m.]

ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK

DUTIES AND RESPONSIBILITIES OF CHAIRMAN

OCTOBER 30, 1953.

The Interstate Commerce Commission announces the following change in the Commission's Organization Minutes relating to the Organization of Divisions and Boards and Assignment of Work, under authority of section 17 of the Interstate Commerce Act:

The section appearing under the heading Duties and Responsibilities of the Chairman of the Commission has been amended to read as follows:

The following duties and responsibilities are delegated to the Chairman (or, in his absence, to the Acting Chairman who shall be the available senior Commissioner in point of service) to be exercised in additional to his statutory duties and any other duties that may be assigned or delegated to him:

1. He shall be the executive head of the Commission.

2. He shall preside at all sessions of the Commission, and shall see that every vote and official act of the Commission required by law to be recorded is accurately and promptly recorded by the Secretary or the person designated by the Commission for such purpose.

3. Except regular sessions, which shall be provided for by general regulation of the Commission, he shall call the Commission into special session whenever in his opinion any matter or business of the Commission so requires, but he shall, in any event, call a special session for the consideration of any matter or business upon request of a majority of the members.

4. He shall exercise general control over the Commission's argument calendar and conference agenda.

5. Except in instances where the duty is otherwise delegated or provided for, he shall act as correspondent and spokesman for the Commission in all matters where an official expression of the Commission is required.

6. He shall (a) bring to the attention of any Commissioner, division, or board any delay or failure in the work under his or its supervision, (b) report periodically, not less than once every six months, to the Commission on the state of the Commission's work, and (c) recommend to the Commission ways and means of correcting or preventing avoidable delays in the performance of any work or the disposition of any official matter which he is unable otherwise to have remedied.

7. He shall be ex officio Chairman of the Committee on Legislation and Rules and a member of Division One.

8. He shall be relieved, during his chairmanship, of any regular assignment as a member of a division other than an administrative division.

9. In any case in which it appears desirable, he may designate an additional Commissioner or Commissioners to sit with a division.

10. He may designate a Commissioner to fill a vacancy on any Committee until the Commission otherwise orders.

11. Pursuant to the general objectives and broad policies, or to specific instructions of the Commission, he shall represent the Commission in supervising, guiding and directing the Managing Director in the performance of the Managing Director's duties, and the Chief Counsel and Secretary in the performance of their quasi-judicial and quasi-legislative duties. He shall serve as the channel through which the Managing Director, the Chief Counsel and the Secretary account to the Commission for performance of their duties, authorities and responsibilities; and as the channel through which the Managing Director, Chief Counsel and Secretary submit recommendations to the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-9276; Filed, Nov. 4, 1953; 8:51 a. m.]

## INTERNATIONAL JOINT COMMISSION

[Docket No. 67]

UNITED STATES AND CANADA

HEARINGS ON LEVELS OF LAKE ONTARIO

The International Joint Commission having been directed by the Governments of the United States and Canada to investigate the various factors which affect the fluctuations of water levels on Lake Ontario, will hold public hearings in Rochester, New York, at 10:00 a. m. on Tuesday, November 17, 1953, in the Chamber of Commerce Building, and at Hamilton, Ontario, at 10:00 a. m. on Wednesday, November 18, 1953, in the City Hall, Council Chambers, at which all interested parties are invited to attend.

At these hearings the International Joint Commission wishes to obtain information concerning the possibilities of bringing about a more beneficial range of stage on Lake Ontario through operation of the works in the International Rapids Section of the St. Lawrence River which were approved by the Commission on October 29, 1952.

Fifty copies of statements should be filed with the Secretaries at the hearings.

JESSE B. ELLIS,
*Secretary, United States Section.*
*Washington, D. C.*
E. M. SUTHERLAND,
*Secretary, Canadian Section,*
*Ottawa, Canada.*

OCTOBER 27, 1953.

[F. R. Doc. 53-9347; Filed, Nov. 4, 1953; 8:49 a. m.]

UNITED STATES AND CANADA

HEARING ON KOOTENAY VALLEY DAMAGE CLAIMS

An International Joint Commission hearing will be held in the County Court House at Bonners Ferry, Idaho, beginning at 10:00 a. m., Monday, November 30, 1953, to obtain evidence on any damage that may have been suffered by citizens of the United States and Associations of such citizens as a result of storage of water in Kootenay Lake above elevation 1745.32 feet by the West Kootenay Power and Light Company, Limited, and the Consolidated Mining and Smelting Company of Canada, Limited, under the provisions of the Commission's order of August 5, 1949, Condition 10 of which obligates the above-named companies, pursuant to Article VIII of the Boundary Waters Treaty signed January 11, 1909, to indemnify any such citizens or other United States interests for injury or damage they may have suffered.

The Commission has designated and delegated authority to Commissioners George Spence of Canada and Roger B. McWhorter of the United States to conduct the hearing and obtain the evidence needed by the Commission to pass judgment on pending damage claims as provided in Condition 10 of said order of August 5, 1949.

JESSE B. ELLIS,
*Secretary, United States Section.*
*Washington, D. C.*
E. M. SUTHERLAND,
*Secretary, Canadian Section.*
*Ottawa, Canada.*

OCTOBER 27, 1953.

[F. R. Doc. 53-9348; Filed, Nov. 4, 1953; 8:49 a. m.]


# FEDERAL REGISTER

VOLUME 18 NUMBER 218

*Washington, Friday, November 6, 1953*


## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10498

DELEGATING TO THE SECRETARIES OF THE MILITARY DEPARTMENTS AND THE SECRETARY OF THE TREASURY CERTAIN AUTHORITY VESTED IN THE PRESIDENT BY THE UNIFORM CODE OF MILITARY JUSTICE

By virtue of the authority vested in me by Article 140 of the Uniform Code of Military Justice (64 Stat. 107, 145), and as President of the United States and Commander in Chief of the armed forces of the United States, it is ordered as follows:

The authority vested in the President by Articles 71 (a) and 74 (a) of the Uniform Code of Military Justice to remit or suspend any part or amount of the unexecuted portion of any sentence extending to death which, as approved by the President, has been commuted to a less punishment, is hereby delegated to the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force and, except when the Coast Guard is operating as a part of the Navy, the Secretary of the Treasury, respectively, as to persons convicted by military tribunals under their jurisdiction.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*November 4, 1953.*

[F. R. Doc. 53-9427; Filed, Nov. 4, 1953; 2:28 p. m.]

### EXECUTIVE ORDER 10499

DELEGATING FUNCTIONS CONFERRED UPON THE PRESIDENT BY SECTION 8 OF THE UNIFORMED SERVICES CONTINGENCY OPTION ACT OF 1953

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. Except as otherwise provided in this order, the Secretary of Defense is hereby authorized and empowered to perform, without the approval, ratification, or other action of the President, the functions vested in the President by section 8 of the Uniformed Services Contingency Option Act of 1953, approved August 8, 1953 (Public Law 239, 83d Congress), hereinafter referred to as the Act. The Secretary of Defense, after appropriate consultation with the Secretaries of the Treasury, Commerce, and Health, Education, and Welfare, shall prepare for each fiscal year a consolidated report on operations and financing of the benefits authorized by the Act and shall present such report to the President not later than four months following the close of the fiscal year, for transmittal by the President to the Congress.

SEC. 2. The Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Secretary of the Treasury, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare are hereby severally authorized and empowered to perform, without the approval, ratification, or other action of the President, the function vested in the President by section 8 of the Act of prescribing regulations for the administration of the Act; provided that the regulations prescribed by any such Secretary shall relate only to the Department of which the Secretary is the head.

SEC. 3. The regulations prescribed by the said Secretaries under section 2 of this order shall be subject to the approval of the Secretary of Defense; shall be designed to achieve the uniform, equitable, and economical administration of the Act; shall include uniform tables of actuarial equivalents and provision that term insurance values shall be computed by uniform methods prescribed by the Board of Actuaries provided for in section 8 of the Act; and, to the extent deemed necessary, shall include (a) procedures for informing personnel of their rights, for submitting elections and claims, and for reconsideration of determinations, and (b) definitions of terms.

SEC. 4. Functions under section 8 of the Act with respect to the selection of a member of the Board of Actuaries from among the membership of the Society of Actuaries and the fixing of his compensation are reserved to the President.

SEC. 5. The meaning of the terms "functions" and "perform" as used in this order shall be the same as the mean-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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ing of those terms as used in chapter 4 of title 3 of the United States Code.

This order shall become effective on November 1, 1953.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*November 4, 1953.*

[F. R. Doc. 53-9428; Filed, Nov. 4, 1953; 2:28 p. m.]

## EXECUTIVE ORDER 10500

DESIGNATION OF THE POWER AUTHORITY OF THE STATE OF NEW YORK AND ESTABLISHMENT OF THE UNITED STATES SECTION OF THE ST. LAWRENCE RIVER JOINT BOARD OF ENGINEERS

WHEREAS pursuant to the provisions of the Boundary Waters Treaty of January 11, 1909 (36 Stat. 2448), the Government of the United States of America and the Government of Canada on June 30, 1952, filed concurrent and complementary applications with the International Joint Commission for an Order of Approval of the construction, jointly by entities to be designated by the respective Governments, of certain works for the development of power in the International Rapids Section of the St. Lawrence River and of the maintenance and operation of such works; and

WHEREAS the Commission on October 29, 1952, issued an Order of Approval for the construction, maintenance, and operation of such works jointly by The Hydro-Electric Power Commission of Ontario and by an entity to be designated by the Government of the United States, subject to the terms and conditions contained in that Order of Approval; and

WHEREAS condition (g) of the Order of Approval reads in part as follows:

In accordance with the Applications, the establishment by the Governments of Canada and of the United States of a Joint Board of Engineers to be known as the St. Lawrence River Joint Board of Engineers (hereinafter referred to as the "Joint Board of Engineers") consisting of an equal number of representatives of Canada and the United States to be designated by the respective Governments, is approved. The duties of the Joint Board of Engineers shall be to review and coordinate, and, if both Governments so authorize, approve the plans and specifications of the works and the programs of construction thereof submitted for the approval of the respective Governments as specified above, and to assure the construction of the works in accordance therewith as approved.

• • •

and

WHEREAS the Federal Power Commission on July 15, 1953, issued a license (hereinafter referred to as the License) to the Power Authority of the State of New York for the construction, maintenance, and operation of Project No. 2000, which project represents that portion of the works for the development of power in the International Rapids Section of the St. Lawrence River located within the United States:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, it is hereby ordered as follows:

SECTION 1. *Designation of the Power Authority of the State of New York.* The Power Authority of the State of New York is hereby declared to be the designee of the Government of the United States of America for the construction of the works referred to in the Order of Approval of the International Joint Commission of October 29, 1952.

SEC. 2. *Establishment of United States Section of St. Lawrence River Joint Board of Engineers.* There is hereby established the United States Section of the St. Lawrence River Joint Board of Engineers, composed of two members and hereinafter referred to as the United States Section. The Secretary of the Army and the Chairman of the Federal Power Commission are hereby designated members. Each may designate an alternate to act for him as member of the United States Section.

SEC. 3. *Duties of the United States Section.* The United States Section shall represent the Government of the United States on the Joint Board of Engineers in the performance of the duties specified in condition (g) of the Order of Approval, and is authorized to act with the Canadian Section in the approval of the plans and specifications of the works and the programs of construction thereof, submitted for approval of the respective Governments as required by the Order of Approval, and to assure the construction of the works in accordance with such approval.

SEC. 4. *Assistance to the United States Section.* The Department of the Army and the Federal Power Commission are authorized to furnish such assistance, including facilities, supplies and personnel, to the United States Section as may be consonant with law and necessary for the purpose of effectuating this order.

SEC. 5. *Reports to the President.* The United States Section shall submit its final report to the President upon the completion of construction and shall submit such interim reports as may appear to be desirable.

SEC. 6. *Effective date.* This order shall be effective upon the date that the License becomes final.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*November 4, 1953.*

[F. R. Doc. 53-9494; Filed, Nov. 5, 1953; 10:57 a. m.]

# RULES AND REGULATIONS

## TITLE 7—AGRICULTURE

### Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.301 *Navel Orange Regulation 1*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation

for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on October 29, 1953, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., November 8, 1953, and ending at 12:01 a. m., P. s. t., February 1, 1954, no handler shall handle any Navel oranges, grown in District 4, which are of a size smaller than 2.31 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 5 percent, by count, of oranges smaller than such minimum size, but not less than 2.20 inches in diameter, shall be permitted: *Provided*, That in determining the percentage of oranges which are smaller than 2.31 inches in diameter, such percentage shall be based only on those oranges which are of a size 2.43 inches in diameter and smaller, but oranges in any container must average not less than a diameter of 2.375 inches. The aforesaid tolerance is on a container basis but individual packages in any lot may contain not more than double the tolerance specified: *Provided*, That the average for the entire lot is within the tolerance specified: *Provided further*, That at least one orange which does not meet the requirements shall be permitted in any one package.

(2) As used in this section, "handler," "handle," and "District 4," shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 3d day of November 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-9402; Filed, Nov. 5, 1953; 8:52 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 6105]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

AMERICAN LABOR DIGEST

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections:* Customer connection; location; § 3.135 *Nature:* Product or service; § 3.205 *Scientific or other relevant facts;* § 3.250 *Success, use or standing.* Subpart—*Enforcing dealings or payments wrongfully:* § 3.1045 *Enforcing dealings or payments wrongfully.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 3.1395 *Customer connection;* § 3.1475 *Location;* Goods: § 3.1685 *Nature;* § 3.1740 *Scientific or other relevant facts;* § 3.1755 *Success, use or standing.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1928 *Customer connection or action;* § 3.2063 *Scientific or other relevant facts.* In connection with the publication of the American Labor Digest, or any other similar publication, and in connection with the offering for sale and sale of advertising space in said American Labor Digest and the distribution thereof in commerce: (1) Representing, directly or by implication: (a) That the American Labor Digest is a regular monthly publication or that single copies thereof may be purchased; (b) that the American Labor Digest has subscribers, is supported by subscriptions, is distributed to subscribers, or to the general reading public; (c) that the American Labor Digest is a publication representing labor or is supported or recognized by labor or any labor organization or labor union; (d) that respondent maintains an office in Washington, D. C., or any other city when such is not the fact; (e) that any advertisement for which respondent is requesting payment through statements of account or otherwise has been inserted with the authorization of the advertiser contrary to the fact; (f) that any advertisement appearing in a prior edition of respondent's publication has been inserted with the authorization of the advertiser or paid for by him contrary to the fact; and (2) requiring or demanding payment for advertisements which have not been authorized or approved; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Charles Samuel Bernstein d. b. a. American Labor Digest, Baltimore, Md., Docket 6105, October 6, 1953]

*In the Matter of Charles Samuel Bernstein, an Individual, Doing Business as American Labor Digest*

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission, and respondent's answer, in which respondent admitted all of the material allegations of fact set forth in said complaint and specifically waived all intervening procedure and further hearing as to said facts.

Thereafter, the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon said complaint and answer, and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusions drawn therefrom,[1] and order to cease and desist.

Thereafter, following the Commission's review of said initial decision, the matter was disposed of by "Decision of the Commission and Order to File Report of Compliance", dated October 6, 1953, as follows:

This matter coming on to be heard by the Commission upon its review of the hearing examiner's initial decision herein; and

The Commission having duly considered the entire record and being of the opinion that said initial decision is adequate and appropriate to dispose of the proceeding:

*It is ordered*, That the attached initial decision of the hearing examiner[1] shall on the 6th day of October, 1953, become the decision of the Commission.

*It is further ordered*, That the respondent, Charles Samuel Bernstein, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

The order to cease and desist in said initial decision, thus made the decision of the Commission, is as follows:

*It is ordered*, That the respondent, Charles Samuel Bernstein, an individual, his agents, representatives and employees, in connection with the publication of the American Labor Digest, or any other similar publication, and in connection with the offering for sale and sale of advertising space in said American Labor Digest and the distribution thereof in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That the American Labor Digest is a regular monthly publication or that single copies thereof may be purchased;

(b) That the American Labor Digest has subscribers, is supported by subscriptions, is distributed to subscribers, or to the general reading public;

(c) That the American Labor Digest is a publication representing labor or is supported or recognized by labor or any labor organization or labor union;

(d) That respondent maintains an office in Washington, D. C., or any other city when such is not the fact;

(e) That any advertisement for which respondent is requesting payment through statements of account or otherwise has been inserted with the authorization of the advertiser contrary to the fact;

(f) That any advertisement appearing in a prior edition of respondent's publication has been inserted with the authorization of the advertiser or paid for by him contrary to the fact.

2. Requiring or demanding payment for advertisements which have not been authorized or approved.

Issued: October 6, 1953.

By the Commission.

[SEAL] ALEX AKERMAN, JR.,
*Secretary.*

[F. R. Doc. 53-9383; Filed, Nov. 5, 1953; 8:48 a. m.]

[1] Filed as part of the original document.



[Docket 6107]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BLOTTING PAPER MANUFACTURERS ASSN. ET AL.

Subpart—*Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.290 *Aiding, assisting and abetting unfair or unlawful act or practice.* Subpart — *Combining or conspiring:* § 3.400 *To discriminate or stabilize prices through basing-point or delivered-price systems;* § 3.430 *To enhance, maintain or unify prices.* Subpart—*Selling and quoting on systematic, price-matching basis:* § 3.2193 *Zone, freight equalization and other delivered-price systems.* In connection with the sale and distribution of blotting paper and on the part of respondent association, and its officers, and on the part of the six corporate respondents, and their corporate officers, etc., entering into, continuing, cooperating in, or carrying out, any planned, common course of action, understanding, agreement, combination, or conspiracy between and among any two or more of said respondents, or between any one or more of said respondents and persons engaged in any line of commerce as to ordinarily compete with any of said respondents to (1) fix, establish, or maintain by any manner whatever uniform prices, discounts, terms, or conditions of sale of blotting paper; (2) use in the quoting of prices on or in the sale of blotting paper, the differentials in price for variance in color, weight, size, trim, packaging, type or quantity of blotting paper heretofore fixed or established; (3) fix, establish or maintain any differentials in price for any variance in color, weight, size, finish, trim, packaging, type, or quantity of blotting paper; (4) use in quoting prices on, or in the sale of blotting paper, the geographical zones or the price differentials between such zones heretofore fixed, or fix, establish, or maintain any geographical areas or zones for pricing purposes or any differentials in price between any such areas or zones for use in quoting prices on or in the sale of blotting paper; and (5) use or maintain the trade practices heretofore formulated and agreed upon, or agree upon or formulate and use any trade practices which specify prices or differentials in prices to be used in quoting prices on, or in the sale of blotting paper, or any similar set of rules or formula which results in uniform identical prices or fixed variances in prices; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The Blotting Paper Manufacturers Association et al., New York, N. Y., Docket 6107, October 8, 1953]

*In the Matter of the Blotting Paper Manufacturers Association, Paul Travis, Individually and as President of Respondent Association; Graham A. Carlton, Individually and as Vice President of Respondent Association; Eric G. Lagerloff, Individually and as Secretary and Treasurer of Respondent Association; Joseph Parker & Son Co., a Corporation; The Wrenn Paper Company, a Corporation; The Rochester Paper Company, a Corporation; Albemarle Paper Manufacturing Company, a Corporation; Standard Paper Manufacturing Company, a Corporation; and Mead Corporation, a Corporation, Respondents*

This proceeding was instituted by complaint which charged respondents with the use of unfair methods of competition and unfair acts and practices in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice" dated October 9, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on October 8, 1953, and ordered entered of record as the Commission's findings as to the facts,[1] conclusion,[1] and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

*It is ordered*, That the respondents The Blotting Paper Manufacturers Association, and its officers; Paul Travis, individually and as President of respondent Association; Graham A. Carlton, individually and as Vice President of respondent Association; Eric G. Lagerloef, individually and as Secretary and Treasurer of respondent Association; Joseph Parker & Son Co., a corporation; The Wrenn Paper Company, a corporation; The Rochester Paper Company, a corporation; Albemarle Paper Manufacturing Company, a corporation; Standard Paper Manufacturing Company, a corporation; and Mead Corporation, a corporation, and the corporate respondents' officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the sale and distribution of blotting paper, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out, any planned, common course of action, understanding, agreement, combination, or conspiracy between and among any two or more of said respondents, or between any one or more of said respondents and persons engaged in any line of commerce as to ordinarily compete with any of said respondents to do or perform any of the following acts:

1. Fixing, establishing, or maintaining by any manner whatever uniform prices, discounts, terms or conditions of sale of blotting paper.

2. Using in the quoting of prices on or in the sale of blotting paper, the differentials in price for variance in color, weight, size, trim, packaging, type or quantity of blotting paper heretofore fixed or established; or,

3. Fixing, establishing or maintaining any differentials in price for any variance in color, weight, size, finish, trim, packaging, type, or quantity of blotting paper.

4. Using in quoting prices on, or in the sale of blotting paper, the geographical zones or the price differentials between such zones heretofore fixed, or fixing, establishing, or maintaining any geographical areas or zones for pricing purposes or any differentials in price between any such areas or zones for use in quoting prices on or in the sale of blotting paper.

5. Using or maintaining the trade practices heretofore formulated and agreed upon, or agreeing upon of formulating and using any trade practices which specify prices or differentials in prices to be used in quoting prices on, or in the sale of blotting paper, or any similar set of rules or formula which results in uniform identical prices or fixed variances in prices.

*It is further ordered*, That the respondents shall within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record on this 8th day of October 1953.

Issued: October 9, 1953.

By the direction of the Commission.

[SEAL] ALEX. AKERMAN, JR.,
*Secretary.*

[F. R. Doc. 53-9381; Filed, Nov. 5, 1953; 8:47 a. m.]

[1] Filed as part of the original document.

[Docket 6108]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BENNETT COAT CO., INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition: Wool Products Labeling Act;* § 3.1325 *Source or origin*—Maker or seller—Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition*—Wool Products Labeling Act; § 3.1900 *Source or origin*—Wool Products Labeling Act. In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, of ladies'

coats or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", as those terms are defined in said act, misbranding such products by: (1) Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein; (2) failing to affix securely to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter; (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; and (3) failing to set forth separately on the required stamp, tag, label or other means of identification the character and amount of the constituent fibers contained in the interlinings of such wool products as provided in Rule 24 of the rules and regulations promulgated under said Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Bennett Coat Co., Inc., et al., New York, N. Y., Docket 6108, October 6, 1953]

*In the Matter of Bennett Coat Co., Inc., a Corporation; and George Tlumak and Louis I. Krieger, Individually*

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, and respondents' answer, in which they admitted all of the material allegations of fact set forth in the complaint and waived all intervening procedure and further hearings as to such facts.

Thereafter, the proceeding regularly came on for final consideration by said examiner, theretofore duly designated by the Commission, upon the complaint and answer, and said examiner, having duly considered the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

Thereafter, following the Commission's review of said initial decision, the matter was disposed of by "Decision of the Commission and Order to File Report of Compliance", dated October 6, 1953, as follows:

This matter coming on to be heard by the Commission upon its review of the hearing examiner's initial decision herein; and

The Commission having duly considered the entire record and being of the opinion that said initial decision is adequate and appropriate to dispose of the proceeding:

*It is ordered*, That the attached initial decision of the hearing examiner[1] shall on the 6th day of October, 1953, become the decision of the Commission.

*It is further ordered*, That the respondents, Bennett Coat Co., Inc., a corporation, and George Tlumak and Louis I. Krieger, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

The order to cease and desist in said initial decision, thus made the decision of the Commission, is as follows:

*It is ordered*, That respondent Bennett Coat Co., Inc., a corporation, and its officers, and respondents George Tlumak and Louis I. Krieger, individually, and respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of ladies' coats or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to affix securely to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

3. Failing to set forth separately on the required stamp, tag, label or other means of identification the character and amount of the constituent fibers contained in the interlinings of such wool products as provided in Rule 24 of the rules and regulations promulgated under said Wool Products Labeling Act of 1939.

*Provided*, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939. *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

Issued: October 6, 1953.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr., *Secretary.*

[F. R. Doc. 53-9382; Filed, Nov. 5, 1953; 8:48 a. m.]

[1] Filed as part of the original document.

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART E—VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952

MISCELLANEOUS AMENDMENTS

1. In paragraph (a) of § 21.2005, a new subparagraph (15) is added as follows:

§ 21.2005 *Definitions.* (a) • • •

(15) The term "non-veteran-student" means a person who is neither receiving educational or training benefits under Public Laws 16 or 346, 78th Congress, as amended, Public Law 894, 81st Congress, as amended, or Public Law 550, 82d Congress, nor is having all or any part of his tuition, fees, or other charges paid to or for him by the educational institution.

2. In § 21.2011, paragraphs (b) and (c) are amended to read as follows.

§ 21.2011 *Determinations respecting active service requirements.* • • •

(b) *Questionable discharges.* In all cases where the discharge is neither honorable nor dishonorable, and it is not clear whether the circumstances under which the veteran was discharged or released from active duty might bar eligibility to education or training, the question will be referred by memorandum to the adjudication division (regional office), to the compensation and pension service (Veterans Benefits Office, District of Columbia cases), for appropriate determination, prior to initiating further action toward the issuance of a Certificate for Education and Training.

(c) *Discharges for disability.* When an application for education or training is received and the veteran had fewer than 90 days' service as defined in paragraph (d) of this section, but was discharged for disability, the Vocational rehabilitation and education activity will refer the facts in the case to the adjudication division (regional office cases), or to the compensation and pension service (Veterans Benefits Office, District of Columbia, cases), for development of disability service data and a formal memorandum rating as to whether such discharge was by reason of an actual service-incurred injury or disability.

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3. In § 21.2014, paragraph (b) (4) is amended to read as follows:

§ 21.2014 *Duration of veteran's education or training.* • • •

(b) *Limitations and extensions.* • • •

(4) In apprentice or other training on the job, and institutional on-farm training courses, entitlement will not be extended under any circumstances.

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4. In § 21.2015, paragraphs (b) and (c) are amended to read as follows:

§ 21.2015 *Considerations respecting training under other laws administered by the Veterans' Administration.* • • •

(b) *Training under Part VII, Veterans Regulation 1 (a), following training under Public Law 550, 82d Congress.* (1) For the purpose of preventing the pyramiding of benefits, a veteran who enters, continues to pursue for a period of more than 30 days, or resumes training under this law after need for vocational rehabilitation has been established will be limited to a total period of training under both this law and Part VII which will not exceed:

(i) The time that normally would have been required to train the veteran to employability in the objective selected had he chosen training under Part VII when he became eligible therefor; or

(ii) The total of the veteran's original entitlement under this law,

whichever is the greater.

(2) When a veteran while in training or during a period of interruption for a valid reason under this law becomes eligible under Part VII and is determined to be in need of vocational rehabilitation, subject to the limitations of subparagraph (1) of this paragraph if applicable, there shall be prescribed and provided whatever course of rehabilitation is needed to restore his employability notwithstanding any education or training he may have received under any laws administered by the Veterans' Administration. If the period of time required to rehabilitate the veteran under Part VII combined with the total period of training which the veteran has received under all other laws administered by the Veterans' Administration will exceed 48 months, the provisions of § 21.206 will be for application.

(c) *Educational and vocational guidance required for veterans eligible under both Part VII, Veterans Regulation 1 (a), and Public Law 550, 82d Congress.* (1) When a veteran who has basic eligibility under Part VII applies for education or training under this law, he will be notified to report for required educational and vocational guidance prior to action on his application, and, if he does report, a determination will be made as to whether he is in need of vocational rehabilitation: *Provided*, That the veteran will not be required to report for educational and vocational guidance if a determination as to need for vocational rehabilitation has previously been made on the basis of a disability resulting from service on or after June 27, 1950. If need is determined to exist, the right of the veteran to select a program under this law will not be abridged, but any further benefit under Part VII will be subject to the limitations of paragraph (b) (1) of this section.

(2) When a veteran while in training or during a period of interruption for a valid reason under this law becomes eligible under Part VII, he will be notified to report for required educational and vocational guidance, and, if he does report, a determination will be made as to whether he is in need of vocational rehabilitation. If need is determined to exist, the right of the veteran to continue training under this law will not thereby be abridged, but any further benefit under Part VII will be subject to the limitations of paragraph (b) (1) of this section.

(3) If the veteran, upon due notification, willfully or through neglect, fails to report for educational and vocational guidance as required in subparagraphs (1) and (2) of this paragraph, or refuses to cooperate in the counseling procedure to the extent necessary to determine whether need exists, and thereafter enters, continues to pursue, or resumes training under this law, his eligibility under Part VII will be forfeited. When it is established that a veteran's failure to report was due to reasons beyond his control, his eligibility will not be forfeited, but if such veteran enters, continues to pursue, or resumes training under this law without reporting for educational and vocational guidance and at a later date applies for vocational rehabilitation under Part VII, further benefits under Part VII will be subject to the limitations of paragraph (b) (1) of this section in the same manner as though need for vocational rehabilitation had been determined to exist.

(i) If it is found that the veteran was ill, hospitalized, or incompetent at the time he was requested to report, his failure to report will not be held to constitute willfulness or neglect.

(4) When the veteran's physical or mental condition is such that it is not practicable to provide educational and vocational guidance or that the vocational rehabilitation board established in the regional office under the provisions of § 21.715 determines that training is not medically feasible for him, he will be informed that upon the basis of medical opinion it is recommended that he defer training until his condition improves to such extent that medical feasibility of training may be established and educational and vocational guidance may be completed. If, after being provided such information, the veteran persists in his desire for action upon his application, it will be approved, if otherwise in order, and if the veteran enters, continues to pursue, or resumes training under this law without completing required educational and vocational guidance future benefits under Part VII will be subject to the limitations contained in paragraph (b) (1) of this section in the same manner as though need for vocational rehabilitation had been determined to exist.

(5) For the purposes of this paragraph, a veteran will be presumed to have basic eligibility under Part VII when a Veterans' Administration claims activity has determined that compensation is payable under the provisions of Part I, Veterans Regulation 1 (a), as amended, or would be except for the receipt of retirement pay, and the veteran has been notified to that effect.

(6) A veteran who has basic eligibility under Part VII at the time of application for or who becomes eligible under Part VII while in training under this law or in a valid interrupted status, and who is in a foreign country (other than the Republic of the Philippines) either at the time of application for benefits under the law or determination of basic eligibility under Part VII will not be requested to report for educational and vocational guidance. However, such veteran will be notified that any further benefit under Part VII will be subject to the limitations of paragraph (b) (1) of this section, if he continues training under this law.

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5. In paragraph (d) of § 21.2032, a new subparagraph (1) is added as follows:

§ 21.2032 *Change of program.* • • •

(d) *Adjustments not considered a change of program.* • • •

(1) When the predetermined and identified objective is a baccalaureate degree requiring the completion of a 4-year undergraduate curriculum in an institution of higher learning, the objective shall be considered to be the completion of a 4-year undergraduate curriculum leading to a baccalaureate degree, although a particular curriculum or degree objective such as a bachelor of science degree in agriculture may have been designated by the veteran on his application or by the institution on the enrollment certification. Therefore, where a veteran and an institution desire to revise the specific undergraduate degree objective which had been designated by the institution on the veteran's enrollment certification to another undergraduate degree objective (for example, from a B. S. degree in agriculture to an A. B. degree in liberal arts), the determination of whether such a revision constitutes a change of program will depend upon whether there is involved any extension of the time originally required to be expended for completion of the veteran's program arising either by reason of factors affecting acceptance of pre-

viously determined credit hours toward the newly designated degree objective, or otherwise. When such a revision involves no extension of the time originally required to be expended for completion of the veteran's program no change of program is involved, but the institution must certify to the Veterans' Administration for record purposes:

(i) That the change does not involve any such extension in point of time; and

(ii) The designation of the revised degree objective to which the veteran has changed.

The certification in each such case to be made on VA Form 7–1996a at the end of the month during which such change was made. When such a revision is proposed involving an extension of the time originally required to be expended for completion of the veteran's program, a request for approval of a change of program must be forwarded by the veteran to the Veterans' Administration prior to effecting the revision since such a proposed revision will constitute a change of program under the law.

* * * * *

6. In paragraph (a) of § 21.2035, the introduction and subparagraphs (2), (3), and (4) are amended to read as follows:

§ 21.2035 *Minimum number of nonveteran-students required.* (a) The Administrator is not authorized to approve the enrollment or reenrollment (except for the purpose of resuming training after an interruption during a period when no instruction was given by the institution) of any eligible veteran in any nonaccredited course below the college level offered by a proprietary profit or proprietary nonprofit educational institution, for any period during which the Administrator finds that more than 85 percent of the students enrolled in the course are having all or any part of their tuition, fees, or other charges paid to or for them by the educational institution or the Veterans' Administration under Part VII or Part VIII of Veterans Regulation 1 (a), as amended, (38 U. S. C. ch. 12), or under the provisions of Public Law 894, 81st Congress, as amended, Public Law 550, 82d Congress, or all of them.

* * * * *

(2) In determining that the proper ratio exists:

(i) Each part-time student will be counted on the basis of the ratio that the part-time training bears to full-time training. Such determinations may be made by converting all part-time students to the equivalent of full-time students or by adding the total number of hours per week for which nonveteran-students are enrolled and the total number of hours per week for which all students are enrolled and determining the percentage ratio of total hours for nonveteran-students to the total hours of all students.

(ii) Where the course is given in two or more sections which are offered at the same or different hours of the day or week, the total enrollment for all sections of the course will be considered.

(iii) The ratio of nonveteran-students to the total number of students shall be determined for each course approved separately as a course by the State approving agency except that:

(*a*) Where a course identical in total instructional hours is approved by the State approving agency to be offered on a full-time and on a part-time basis as separately approved courses the simultaneous combined enrollment in the full-time and part-time courses will be considered as the total enrollment for the course.

(*b*) Where the same course is offered on different class schedules and the State approves each class schedule separately as a course the simultaneous combined enrollment in all such separately approved courses shall be considered as the total enrollment for the course.

(*c*) Where a State approving agency approves as a separate course a comprehensive course which is made up of the subject matter either currently or previously offered by the institution as separate independent unit courses or curricula the completion of which constitutes a normal terminal point, the ratio of nonveteran-students to the total number of students will be computed on the basis of the combined total number of full-time equivalent students pursuing any subject, or group or groups of subjects included within the comprehensive course, regardless of the name or names of the courses for which such students are enrolled by the institution. A veteran whose currently pursued program of study consists of a separate independent unit course or curriculum included in such a comprehensive course and who requests and has approved a change of program which consists of normal progression within the comprehensive course shall not be denied continuation in the course because of the percentage limitation.

(iv) In a school offering flight training courses the actual hours of logged instructional time for enrolled students (eliminating plane rental time for which no bona fide instruction was furnished by the school) will provide the basis for the determination. Compliance with this requirement of the law with respect to the ratio of at least 15 percent nonveteran-students will be determined for each course, controlled and noncontrolled, on the basis of logged hours of instructional flight time furnished by the institution during the 30-day period immediately preceding the date the veteran is to be enrolled. The certification required under section (3), part IV of VA Form 7–1999, will not be completed by the flight institution, unless during such 30-day period the institution furnished in the same course in which the veteran is to be enrolled no less than 15 percent of the total course logged instructional flight hours to bona fide nonveteran-students. In making this determination, the institution will for each controlled and noncontrolled course:

(*a*) Recognize as a nonveteran-student only those students whose enrollment has been accepted for the specific purpose of qualifying for a CAA pilot rating not already held by the nonveteran; and

(*b*) Include in the total hours of flight training furnished during the preceding 30-day period only those hours which were furnished to nonveteran-students for the purpose of qualifying for the CAA rating examination appropriate to the course of training, and for which the nonveterans have made or will make payment.

(3) A school will be deemed to be a proprietary nonprofit school when it is privately owned and operated whether by an individual, or individuals, or by a corporation, and when it is exempt from taxation under paragraph (6), section 101, of the Internal Revenue Code.

(4) At the time an eligible veteran is enrolled in an approved nonaccredited course below the college level offered by a proprietary profit or proprietary nonprofit educational institution, an authorized employee or official of the institution furnishing such course shall certify to the Veterans' Administration on VA Form 7–1999 that, at the time of the enrollment of the individual veteran for which the certification is made, not more than 85 percent of the students then enrolled in the course are having all or any part of their tuition, fees, or other charges paid to or for them by the educational institution or the Veterans' Administration under Part VII or Part VIII of Veterans Regulation 1 (a), as amended, or Public Law 550, 82d Congress. The determination as to the percentage ratio shall be made pursuant to the provisions of this section. In any case where it appears that the certification by an authorized employee or official of an institution has been made improperly, the provisions of § 21.2208 (d) shall be applied. If it is determined by the committee on educational allowances that the false report was not the result of a knowing or willful act of the institution, payments to veterans already enrolled therein will not be discontinued. However, if it is determined that the false report was the result of a knowing or willful act of the institution payments to all veterans enrolled in the institution under the law will be discontinued pursuant to the provisions of § 21.2208 (d), and the matter will be further processed pursuant to the provisions of § 21.2307.

7. Section 21.2037 is revised to read as follows:

§ 21.2037 *Institutions listed by Attorney General.* (a) The Administrator will not approve enrollment of, nor payment of an education or training allowance to, any eligible veteran in any course in an educational institution or training establishment while such institution or establishment is listed by the Attorney General under Executive Order No. 10450.

(b) The director, training facilities service, will furnish promptly to each regional office and each State approving agency current information on the schools and establishments listed by the Attorney General under Executive Order No. 10450.

8. In paragraph (a) of § 21.2203, a new subparagraph (5) is added as follows:



§ 21.2203 *Approval of accredited courses*—(a) *Accredited courses.* * * *

(5) Under the provisions of subparagraph (1) (i) of this paragraph, any curriculum offered by a college or university which is a member of one of the nationally recognized accrediting agencies or associations and which curriculum leads to a degree, diploma, or certificate will be accepted by the Veterans' Administration as an accredited course when approved as such by the State approving agency. Approval of the individual subjects, required or elective, which are designated by the institution as a part of the curriculum leading to the degree, diploma, or certificate will not be necessary. Such approval may include noncredit subjects as are prescribed by the institution as a required part of the curriculum leading to the degree, diploma, or certificate, whether for individual students who may need the course to make up an entrance deficiency or for any other purpose.

9. In § 21.2208, paragraph (d) is amended to read as follows:

§ 21.2208 *Disapproval of courses and discontinuance of allowances under Public Law 550, 82d Congress.* * * *

(d) (1) Notwithstanding the approval of a course by a State approving agency, the Administrator, pursuant to section 256 (b) of the law, is authorized to discontinue the education and training allowance of any eligible veteran if he finds that the course of education or training in which such veteran is enrolled fails to meet any of the requirements of the law, or if he finds that the educational institution or training establishment offering such course has violated any provision of the law or has failed to meet any of its requirements.

(2) When it has been determined as provided in this paragraph that one or more of the following conditions exist, the education and training allowance of all eligible veterans enrolled in the course or courses offered by an educational institution or training establishment will be discontinued pursuant to such responsibility and authority and the manager will not thereafter approve the enrollment or reenrollment of any eligible veteran therein unless specifically authorized in advance to do so by the Assistant Deputy Administrator for Vocational Rehabilitation and Education.

(i) The educational institution or training establishment has willfully and knowingly made a false report or certification concerning a veteran or his course or training resulting in an improper payment of allowances to the veteran.

(ii) The educational institution or training establishment has willfully and knowingly failed to report to the Veterans' Administration excessive absences from a course or discontinuance or interruption of a course by a veteran, which failure resulted in improper payment of allowances to the veteran.

(iii) The educational institution or training establishment through gross negligence has submitted improper and incorrect reports which caused improper payment of allowances to veterans. This condition will not be found to exist where the improper report occurs only in an isolated instance or instances, or where it is the first occurrence and the educational institution or training establishment has not been notified previously in writing, or where the improper report or reports represent a very small proportion of the reports submitted by the educational institution or training establishment and may be attributed to clerical errors and are shown not to be the result of the failure of the educational institution or training establishment to provide a recording and reporting procedure which under normal circumstances would have resulted in proper reports to the Veterans' Administration.

(iv) The educational institution or training establishment after written notice of a violation of a provision of the law or of a fallure of the course to meet a specific requirement of the law other than one of the approval criteria, has failed to correct the situation within 30 days of date of such notice or has knowingly and willfully repeated the violation.

(v) A proprietary educational institution, profit or nonprofit, willfully and knowingly has falsely certified in connection with the enrollment of a veteran in a nonaccredited course below the college level, that not more than 85 percent of the students enrolled in the course at the time of the certification are having all or any part of their tuition and fees paid to or for them by the educational institution or the Veterans' Administration under Part VII or Part VIII of Veterans Regulation 1 (a) or this law.

(vi) The educational institution willfully and knowingly has charged or received from an eligible veteran any amount in excess of the established charges for tuition and fees which the educational institution requires similarly circumstances nonveterans enrolled in the same course to pay, except as provided in § 21.2067.

(vii) The educational institution or training establishment fails or refuses to make available for examination to duly authorized representatives of the Government records and accounts pertaining to the training of eligible veterans enrolled therein under the law.

(viii) When in accordance with section 256 (b) of the law the requirements of section 251, 252, or 254 of the law with regard to courses of education or training are not being met in respect to a substantial number of veterans and, written notice having been given to the State approving agency as to specific requirements not being met, the failures have not been eliminated within 30 days after such notice.

(3) There shall be established in each regional office a committee on educational allowances comprised of 3 staff employees of the regional office, one of whom shall be the chief of the vocational rehabilitation and education division and the others as designated by the manager. There is hereby delegated to the committee on educational allowances the authority to determine that the education and training allowance of all eligible veterans enrolled in a course or courses offered by an educational institution or training establishment shall be discontinued when the committee finds any one of the conditions set forth in subparagraph (2) (i) through (vii) of this paragraph to exist. The decision of the committee relating to any one of the conditions set forth in subparagraph (2) (i) through (vii) of this paragraph with respect to the discontinuance of allowances shall be the final administrative determination of the Veterans' Administration unless within a period of 30 days following such decision there is filed with the Assistant Deputy Administrator for Vocational Rehabilitation and Education by the manager of the regional office, the educational institution or the training establishment, a written request for a review of such decision setting forth the alleged errors of fact or conclusion with a brief of the points relied upon to establish such error. In any case where a request for a review is filed within 30 days, the final administrative decision will be made in accordance with the provisions of § 21.2209.

(4) Where the manager reasonably establishes that a condition exists as set forth in subparagraph (2) of this paragraph which would require the discontinuance of the education and training allowance of all eligible veterans enrolled in a course or courses offered by an educational institution or training establishment, he will refer the matter immediately to the committee on educational allowances for action as provided in subparagraph (8) of this paragraph. Where a case is referred to the committee because of the condition set forth in subparagraph (2) (viii) of this paragraph and the committee finds, after a hearing if requested, that the requirements of section 251, 252, or 254 of the law are not being met with respect to a substantial number of veterans, a report of the committee's findings and the basis therefor and its recommended decision will be forwarded to the Assistant Deputy Administrator for Vocational Rehabilitation and Education for final administrative decision as provided in § 21.2209.

(5) Where the manager finds that the course apparently fails to meet the requirements of the law or that an educational institution or training establishment has apparently violated any provision of the law or has failed to meet any of its requirements and where such failure or violation does not involve any of the specific criteria upon which the approval of the course was based or it is not one which would cause the discontinuance of the education and training allowance to all eligible veterans as set forth in subparagraph (2) of this paragraph, the manager, unless the matter has already been satisfactorily adjusted through a visit of an educational benefits representative or otherwise, will forward to the educational institution or training establishment a summary of the facts and his conclusions, advising the educational institution or training establishment of the asserted failure or violation. The educational institution or training establishment will be requested to report to the Veterans' Administration within 30 days from the date of the notice as

to the correction or noncorrection of the asserted failure or violation or to submit a rebuttal of the reported failure or violation. If the educational institution or training establishment takes proper corrective action, any appropriate adjustments in individual veterans' cases will be made by the vocational rehabilitation and education division and the case will not be referred to the committee on educational allowances. If the reply of the educational institution or training establishment discloses that the failure or violation is not corrected or if no reply is received within 30 days of the date of notification, the case will be referred to the committee on educational allowances for action as provided in subparagraph (8) of this paragraph on the day following the date of receipt of the reply or the day following the expiration of the 30-day period, whichever is earlier.

(6) Where the manager finds that an educational institution, training establishment, or course apparently fails to meet any one of the specific criteria provided in section 251, 252, or 254 of the law upon the basis of which the course was approved by the State approving agency for the enrollment of veterans, he shall forward immediately to the appropriate State approving agency a summary of the facts and his conclusions advising that further action by the Veterans' Administration will be held in abeyance for a period of 30 calendar days to enable the State approving agency to ascertain the facts and report to the Veterans' Administration as to its findings and conclusions and any action taken with respect thereto and as a result thereof. Where the action taken by the State approving agency results in disapproval, the case will not be referred to the committee on educational allowances but payments to veterans will be discontinued effective the date the notice of disapproval is received in the Veterans' Administration or the effective date of the disapproval, whichever is later. If, as a result of the action by the State approving agency, the failure or violation is eliminated or corrected, any appropriate adjustments in individual veterans' cases will be made by the vocational rehabilitation and education division and the case will not be referred to the committee on educational allowances. Where the State approving agency fails to act by the end of the 30-day period or if the approval is continued where, in the opinion of the manager, the failure or violation has not been eliminated or corrected, the case will be referred to the committee on educational allowances for action as provided in subparagraph (8) of this paragraph.

(7) Where the manager finds that an accredited course or an educational institution offering such course apparently fails to meet either of the specific criteria provided in section 253 (b) of the law upon the basis of which the course was approved by the State approving agency for the enrollment of veterans, he shall forward immediately to the appropriate State approving agency a summary of the facts to enable the State approving agency to make any inquiry or to take any action deemed by it to be necessary. Where the action taken by the State approving agency results in disapproval, payments to veterans will be discontinued effective the date the notice of disapproval is received in the Veterans' Administration or the effective date of the disapproval, whichever is later. If, as a result of the action by the State approving agency, approval of the educational institution or course is continued, the decision of the State approving agency will be considered to be final.

(8) In all cases referred by the manager for consideration of the committee on educational allowances, the committee will arrange for a hearing to be held within 15 calendar days from the date of receipt. The educational institution or training establishment (and the State approving agency where a specific approval criterion as provided in section 251, 252, or 254 of the law is involved) will be advised immediately in writing of the date and place of the hearing and reason therefor, and of the opportunity to appear before the committee on educational allowances and present arguments or briefs in the matter of the asserted failure or violation or to submit a written statement thereof prior to the date of the hearing. The educational institution or training establishment may be represented by counsel but no expenses of counsel or witnesses for the educational institution or training establishment will be borne by the Veterans' Administration. A record of the hearing will be made and a copy given to the educational institution or training establishment and the State approving agency. By unanimous or majority concurrence of its members, the committee on educational allowances shall render a decision or recommend a decision, as appropriate, within a period of not more than 7 calendar days after the date on which the hearing is held. Such decision or recommended decision will be in accordance with the facts established by a preponderance of evidence, provided that in any case of a course approved under section 251, 252, or 254 of the law, where the question is limited to the exercise of judgment as to quality and content of the course of instruction, the adequacy of instructional equipment, space, and material or the educational experience and qualifications of directors, administrators, instructors, and trainers, the evaluation of the State agency will be accepted unless it is clearly and unmistakably established that the requirements of the law are not being met. The decision or recommended decision of the committee shall be in writing and shall include a concise resume of the facts and will set forth clearly a conclusion as to whether payments of allowances shall be discontinued as to veterans already enrolled and withheld as to veterans not already enrolled. The educational institution or training establishment shall be furnished by the manager with a copy of the decision of the committee on educational allowances relating to any one of the conditions set forth in subparagraph (2) (i) through (vii) of this paragraph, and will be informed of the finality of such decision unless a review is requested as provided in § 21.2209. A copy of a recommended decision of the committee on educational allowances relating to the condition set forth in subparagraph (2) (viii) of this paragraph shall be furnished by the manager to the State approving agency and such agency will be informed of the further action to be taken by the Veterans' Administration. In any case, a copy of the final administrative decision of the Assistant Deputy Administrator for Vocational Rehabilitation and Education shall be furnished by the manager to the educational institution or training establishment and the State approving agency.

(9) In any case where payments of allowances are discontinued because of any one of the conditions set forth in subparagraph (2) of this paragraph, the effective date of such discontinuance will be the date on which a decision was made by the committee on educational allowances, except that, for the condition set forth in subparagraph (2) (viii) of this paragraph, the effective date of discontinuance will be the date notice of final decision by the Assistant Deputy Administrator for Vocational Rehabilitation and Education is received in the regional office.

(10) In any case where payments of allowances are discontinued or the application of a veteran for entrance or reentrance into training is denied because of any of the conditions set forth in subparagraph (2) of this paragraph, the veteran will be informed of the reasons for discontinuance or denial and that his rights to education and training benefits are not otherwise affected.

(11) Adjustments made in the payments of education and training allowances to individual veterans to bring such payments in accord with the established dates of attendance, appropriate full or part-time rates, and like matters are the responsibility of the authorizing officer. In any such case where appeal is timely filed by the veteran for appellate review, the case is for consideration by the board of veterans appeals, the committee on educational allowances having no jurisdiction.

10. A new § 21.2209 is added as follows:

§ 21.2209 *Review of decisions of the committee on educational allowances.* Where the Assistant Deputy Administrator for Vocational Rehabilitation and Education receives from the manager of the regional office, the educational institution, or training establishment, a written request for review of a decision of the committee on educational allowances within a period of 30 days following such decision, or where he receives a recommended decision relating to the condition set forth in § 21.2208 (d) (2) (viii), the interested parties will be afforded an opportunity to appear at a hearing to offer testimony or arguments before a panel instituted for such purpose. The panel will be comprised of one staff employee of the office of the Assistant Deputy Administrator for Vocational Rehabilitation and Education and two designated consultants who are not employees of the Veterans' Administration and will be responsible for reviewing all evidence and testimony and for making a recommendation to the Assistant Deputy Administrator for Vocational Rehabilitation and Education as to the proposed decision. The concurrence of the Assistant Deputy Administrator for Vocational Rehabilitation and Education with a unanimous or majority recommendation of the panel will constitute the final administrative decision of the Veterans' Administration. If the Assistant Deputy Administrator for Vocational Rehabilitation and Education does not concur with the unanimous or majority recommendation of a panel, the matter will be referred by appropriate memorandum to the Administrator for final decision.



11. In § 21.2302, paragraph (h) is amended to read as follows:

§ 21.2302 *Conflicting interests.* * * *

(h) There is hereby delegated to the Assistant Deputy Administrator for Vocational Rehabilitation and Education the authority to grant waivers in the case of any employee who meets the criteria set forth in paragraph (g) of this section and to deny all requests for waivers which do not meet such criteria, except those requests which, in the opinion of the Assistant Deputy Administrator for Vocational Rehabilitation and Education, should be submitted to the Administrator for final decision. The Administrator reserves the right to grant waivers in the case of any employee who does not meet all of the criteria set forth in paragraph (g) of this section, when he determines that no detriment will result to the United States or to eligible veterans by reason of the interest or connection of the officer or employee involved.

12. In § 21.2303, paragraphs (a) (1) and (c) (1) and (2) are amended to read as follows:

§ 21.2303 Reports by institutions—(a) *Certification forms required.* * * *

(1) The enrollment or reenrollment of a veteran shall be certified by the educational institution or training establishment on VA Form 7–1999.

(i) If the veteran is enrolled in an institution of higher learning in an undergraduate curriculum leading to a degree objective, it is expected that the institution's certification of enrollment will designate the specific curriculum or degree objective for which the veteran is enrolled, e. g., A. B. liberal arts, B. S. engineering, B. S. business administration, etc., except that where it is the practice of the institution to enroll students originally in the "lower division" with the selection of the specific field of specialization for the baccalaureate degree objective postponed until the completion of the lower division curriculum, the institution shall certify to the Veterans' Administration as the name of the veteran's course "Lower division—baccalaureate degree," and such a certification will be deemed adequate for Veterans' Administration purposes: *Provided, however,* That at the time of the veteran's next enrollment in his program immediately following the completion of the lower division curriculum, the institution shall certify to the Veterans' Administration the exact degree objective for which the veteran becomes enrolled. This adjustment in the name of the veteran's objective under these circumstances will not be considered to be a change of program.

(ii) If the veteran is enrolled in a junior college, the institution shall certify to the Veterans' Administration the established curriculum in which he is enrolled, e. g., prelaw, preengineering, associate of arts, etc., irrespective of the fact that the veteran may have indicated on his application for a program of education or training that his program objective was a 4-year undergraduate college course leading to a baccalaureate degree.

* * * * *

(c) *Administrative allowance for preparation of reports and certifications.* (1) The Administrator shall pay to each educational institution which is required to submit reports and certifications to the Veterans' Administration under Public Law 550, 82d Congress, an allowance at the rate of $1.50 per month for each eligible veteran enrolled in and attending such institution to assist the educational institution in defraying the expense of preparing and submitting such reports and certifications: *Provided,* That pursuant to the provisions of Public Law 149, 83d Congress, the allowance to be paid to the educational institution for reports and certifications covering attendance on and after September 1, 1953, to and including June 30, 1954, shall be $1.00 per month for each eligible veteran enrolled in and attending the institution.

(2) The amount of such allowance to be paid each eligible institution shall be computed on the basis of $1.50 or $1.00 as provided in subparagraph (1) of this paragraph for each required certification of training actually received by the Veterans' Administration for the reporting period.

* * * * *

13. In § 21.2305, that portion of paragraph (a) preceding subparagraph (1) is amended to read as follows:

§ 21.2305 *Overpayments of education and training allowances and other Veterans' Administration benefits.* (a) Where a veteran has failed to make arrangements with the finance activity to restore or refund an outstanding overpayment of benefits made under laws administered by the Veterans' Administration, and due the Government, the educational benefits activity may not thereafter reenter the veteran into training so long as the overpayment is outstanding. In any such instance, the educational benefits activity will be responsible for giving proper notification to the veteran and the institution.

* * * * *

14. In § 21.2306, paragraph (e) is amended and a new paragraph (f) is added as follows:

§ 21.2306 *Examination of records.* * * *

(e) Each training establishment which is enrolling or has enrolled eligible veterans under Public Law 550, 82d Congress, shall, upon request by duly authorized representatives of the Veterans' Administration or other Federal agencies, make available for examination all appropriate records pertaining to such training including, but not limited to, payroll records, records of progress, and records of attendance.

(f) Failure to make such records available as provided in this section shall be grounds for discontinuing the payment of education or training allowances to veterans enrolled under Public Law 550 in such educational institutions or training establishments. (See § 21.2208.)

15. Section 21.2307 is revised to read as follows:

§ 21.2307 *False or misleading statements.* The Veterans' Administration shall not make any payments under Public Law 550, 82d Congress, to any person found by the Veterans' Administration to have willfully submitted any false or misleading claim. In each case where the manager of a regional office finds that an educational institution or training establishment has willfully submitted a false or misleading claim, or where a veteran, with the complicity of an educational institution or training establishment has submitted such a claim, the manager shall make a complete report of the facts of the case to the appropriate State approving agency and, where deemed advisable, to the United States District Attorney, for appropriate action. The latter shall be done in accordance with existing Veterans' Administration Regulations by the chief attorney or the General Counsel, if he is of the opinion that there is a basis for either civil or criminal action.

16. In paragraph (a) of § 21.2308, the unnumbered portions following subparagraphs (4) and (6) are amended to read as follows:

§ 21.2308 *Criminal penalties and forfeitures; forfeiture of rights.* (a) * * *

(4) * * *

such employee shall refer the case of the chief attorney within a regional office or the General Counsel, if in central office, who, after such preliminary investigation as may be necessary, will determine

* * * * *

(6) * * *

In the event of affirmative finding as to subparagraph (5) of this paragraph, the chief attorney, or the General Counsel, will refer the case to the United States Attorney or to the Department of Justice, as the case may be, for consideration or any necessary action; and, if the finding as to subparagraph (6) of this paragraph be in the affirmative, that is, that the forfeiture provisions of Public 2, 72d Congress, are involved, will refer the case to the appropriate adjudication officer for reference to the committee on waivers and forfeitures of central office.

(Sec. 261, 66 Stat. 678)

This regulation is effective November 6, 1953.

[SEAL] CHARLES W. CURRAN,
*Acting Chief,*
*General Administrative Division.*

[F. R. Doc. 53-9397; Filed, Nov. 5, 1953; 8:51 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

### [ 7 CFR Part 61 ]

COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING, AND CERTIFICATION)

REVISION OF FEES FOR REVIEW GRADING OF COTTONSEED

By virtue of the authority vested in me by order of the Secretary of Agriculture dated August 7, 1953 (18 F. R. 4839), notice is hereby given that the United States Department of Agriculture is considering amending § 61.46 of the regulations governing cottonseed sold or offered for sale for crushing purposes (7 CFR, Part 61), pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83rd Cong., approved July 28, 1953).

Under the proposed amendment the fee for the review of the grading of any lot of cottonseed would be increased from $6.00 to $9.00. Of each such fee collected $1.00 would be covered into the Treasury of the United States and $4.00 disbursed to each of the two licensed chemists designated to make reanalyses of the seed. This change is proposed because the operating expenses of licensed chemists in connection with the performance of their duties incident to review gradings have increased substantially since June 1943—the effective date of the $6.00 fee. The prevailing fee charged by licensed chemists for an analysis of a cottonseed sample is approximately $4.00.

Section 61.46 would be changed to read as follows under the proposed amendment:

§ 61.46 *Fees for review of grading of cottonseed.* For the review of the grading of any lot of cottonseed the fee shall be $9.00. Remittance to cover such fee, in the form of a certified check, draft, or money order payable to the Treasurer of the United States, shall accompany each application for review. Of each such fee collected $1.00 shall be covered into the Treasury and $4.00 disbursed to each of the two licensed chemists designated to make reanalyses of such seed.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Cotton Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 2d day of November 1953.

[SEAL] HOWARD H. GORDON,
*Administrator.*

[F. R. Doc. 53-9401; Filed, Nov. 5, 1953; 8:52 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Parts 7, 8 ]

[Docket No. 10724]

STATIONS ON LAND AND SHIPBOARD IN MARITIME SERVICES

EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete authority for operation in the Mississippi River system areas by coast stations and ship stations, on currently assignable frequencies for telephony within the band 4000 kc to 18,000 kc; and to include authority for operation by such stations on other frequencies for telephony within the same band; Docket 10724.

The American Waterways Operators, Inc., has requested a forty-five day extension of time in which to comment on the subject docket involving the plan of frequency assignments to be utilized on the "Rivers" maritime mobile system.

The Commission is of the opinion that an extension of this length of time will seriously handicap the overall solution of several National frequency problems involving other services. However in an effort to permit sufficient time for the American Waterways Operators, Inc., to assemble their comments, an extension of two weeks is being made.

The original date for filing comments was November 4, 1953. This time is hereby extended to November 18, 1953.

Adopted: November 2, 1953.

Released: November 3, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9403; Filed, Nov. 5, 1953; 8:52 a. m.]

# NOTICES

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10734]

ARCTIC RADIO TELEPHONE CO.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of revocation of license of Aeronautical and Aeronautical Fixed Station KXD6/KWX75, Arctic Radio Telephone Company, P. O. Box 1601, Anchorage, Alaska; Docket No. 10734.

The Commission having under consideration alleged violations of the Communications Act of 1934, as amended, and the terms of the license wilfully committed by the licensee of the above-described station;

It appearing, that the above-designated licensee has wilfully transferred the control of Station KXD6/KWX75 in violation of section 310 (b) of the Communications Act of 1934, as amended, and the expressed terms of the license, by leasing the station to the Standard Oil Company, installing it on the premises of that Company's agent and permitting it to be operated by the said agent;

It further appearing, that the above station is being operated as a facility duplicating the service of Station KWS7/KWF74 in violation of the expressed terms of the license, by being operated at an unauthorized location;

*It is ordered*, Pursuant to section 312 (c) of the Communications Act of 1934, as amended, that Arctic Radio Telephone Company show cause why the license of its Aeronautical and Aeronautical Fixed Station KXD6/KWX75 should not be revoked; and

*It is further ordered*, That a hearing in this matter will be held in Washington, D. C., on the 14th day of December, 1953, in order to determine whether an order revoking said license should be issued and that Arctic Radio Telephone Company is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; [1] and

*It is further ordered*, That the Acting Secretary shall mail a copy of this order to the licensee by Registered Mail—Return Receipt Requested.

Adopted: October 29, 1953.

Released: November 2, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9405; Filed, Nov. 5, 1953; 8:53 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to avail himself of the opportunity to appear before the Commission at the time and place specified in the Show Cause Order, the licensee shall within thirty (30) days from the date of receipt of this order inform the Commission in writing whether he will appear or whether he waives his rights to a hearing. Waiver of a hearing may be accompanied by a statement of reasons why said licensee believes that an Order of Revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in this order. Failure to respond within the above 30-day period, or failure to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the Order to Show Cause.



[Docket No. 10735]

ARCTIC RADIO TELEPHONE CO.

ORDER ASSIGNING MATTER FOR HEARING

In the matter of revocation of license of Aeronautical and Aeronautical Fixed Station KWS7/KWF74, Arctic Radio Telephone Company, P. O. Box 1601, Anchorage, Alaska; Docket No. 10735.

The Commission having under consideration alleged violations of the Communications Act of 1934, as amended, and the terms of the license wilfully committed by the licensee of the above-described station;

It appearing, that the above-designated licensee has wilfully transferred the control of Station KWS7/KWF74 in violation of section 310 (b) of the Communications Act of 1934, as amended, and the expressed terms of the license, by leasing the station to Wein Alaska Airlines, installing it on its premises and permitting it to be operated by that company;

*It is ordered*, Pursuant to section 312 (c) of the Communications Act of 1934, as amended, that Arctic Radio Telephone Company show cause why the license of its Aeronautical and Aeronautical Fixed Station KWS7/KWF74 should not be revoked; and

*It is further ordered*, That a hearing in this matter will be held in Washington, D. C., on the 14th day of December 1953, in order to determine whether an order revoking said license should be issued and that Arctic Radio Telephone Co. is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; [1] and

*It is further ordered*, That the Acting Secretary shall mail a copy of this order to the licensee by Registered Mail—Return Receipt Requested.

Adopted: October 29, 1953.

Released: November 2, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9404; Filed, Nov. 5, 1953; 8:53 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to avail himself of the opportunity to appear before the Commission at the time and place specified in the Show Cause Order, the licensee shall within thirty (30) days from the date of receipt of this order inform the Commission in writing whether he will appear or whether he waives his rights to a hearing. Waiver of a hearing may be accompanied by a statement of reasons why said licensee believes that an Order of Revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in this order. Failure to respond within the above 30-day period, or failure to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the Order to Show Cause.

STATEMENTS OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND PUBLIC INFORMATION

AMATEUR AND COMMERCIAL RADIO OPERATOR EXAMINATION POINTS

In the matter of amendment of 0.213 (c) regarding amateur and commercial radio operator examination points.

The Commission having under consideration a modification of its amateur and commercial radio operator license examination points; and

It appearing, that the number of examinations given at certain points does not warrant further scheduling of examinations at such points and at certain other points examinations may be given annually rather than semiannually; and

*It is ordered*, Pursuant to authority delegated to the Secretary after having secured approval of the Field Engineering and Monitoring Bureau and pursuant to authority contained in section 4 (i) and 303 (r) of the Communications Act of 1934 as amended and section 3 (a) of the Administrative Procedure Act that section 0.213 (c) of the Commission's rules be amended as set forth below effective immediately.

Adopted: October 30, 1953.

Released: October 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

Amend Section 0.213 (c) to read as follows:

Sec. 0.213 (c) Radio Operator Examinations are given frequently under announced schedules at the Commission's Washington examination office at Room 104, Briggs Building, Twenty-second and E Streets NW., Washington 25, D. C. and at each of the Commission's field offices listed in section 0.40. Examinations are also given frequently, by appointment, at the Commission's offices at the following points: Savannah, Ga.; San Diego, Calif.; Tampa, Fla.; Mobile, Ala.; Juneau, Alaska; and Anchorage, Alaska.

Examinations are also given at less frequent intervals at the places named below, which are visited for that purpose by Commission examiners from the district offices. For current schedules, exact time, place, and other details, inquiry should be addressed to the office conducting examinations at the chosen point.

QUARTERLY POINTS

| | |
|---|---|
| Birmingham, Ala. | Milwaukee, Wis. |
| Charleston, W. Va. | Nashville, Tenn. |
| Cincinnati, Ohio. | Oklahoma City, Okla. |
| Cleveland, Ohio. | Omaha, Nebr. |
| Columbus, Ohio. | Phoenix, Ariz. |
| Corpus Christi, Tex. | Pittsburgh, Pa. |
| Davenport, Iowa. | St. Louis, Mo. |
| Des Moines, Iowa. | Salt Lake City, Utah. |
| Fort Wayne, Ind. | San Antonio, Tex. |
| Fresno, Calif. | Schenectady, N. Y. |
| Grand Rapids, Mich. | Sioux Falls, S. Dak. |
| Indianapolis, Ind. | Syracuse, N. Y. |
| Jackson, Miss. | Tulsa, Okla. |
| Knoxville, Tenn. | Williamsport, Pa. |
| Little Rock, Ark. | Winston-Salem, N. C. |
| Memphis, Tenn. | |

ANNUAL

| | |
|---|---|
| Bangor, Maine. | Marquette, Mich. |
| Billings, Mont. | Rapid City, S. Dak. |
| Jamestown, N. Dak. | Springfield, Mo. |
| Klamath Falls, Oreg. | Tallahassee, Fla. |
| Manchester, N. H. | |

SEMIANNUAL

| | |
|---|---|
| Albuquerque, N. Mex. | Lihue, Kauai, T. H. |
| Amarillo, Tex. | Louisville, Ky. |
| Bakersfield, Calif. | Portland, Maine. |
| Boise, Idaho. | Roanoke, Va. |
| Butte, Mont. | Spokane, Wash. |
| El Paso, Tex. | Tucson, Ariz. |
| Hartford, Conn. | Wichita, Kans. |
| Hilo, Hawaii, T. H. | Wilmington, N. C. |
| Jacksonville, Fla. | Wiluku, Maui, T. H. |

[F. R. Doc. 53-9406; Filed, Nov. 5, 1953; 8:53 a. m.]

[Canadian Change List 78]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

OCTOBER 7, 1953.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

| Call letters | Location | Power kw | Antenna | Schedule | Class | Probable date to commence operation |
|---|---|---|---|---|---|---|
| NEW | Montreal, Quebec | 850 kilocycles 10 | DA 1 | U | II | Oct. 7, 1954. |

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9407; Filed, Nov. 5, 1953; 8:54 a. m.]

[U. S. Change List 529]

## U. S. STANDARD BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

OCTOBER 21, 1953.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

This notification consists of a list of changes, proposed changes, and corrections in assignments of United States Standard Broadcast Stations modifying the Appendix containing assignments of United States Standard Broadcast Stations, Mimeograph #48126, attached to the "Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941," as amended.

UNITED STATES

| Call letters | Location | Power kw | Antenna | Schedule | Class | Date of FCC action | Proposed date of change of commencement of operation |
|---|---|---|---|---|---|---|---|
| WHLM | Bloomsburg, Pa. (FO. 600 kc 1 Kw DA D). | 500 kilocycles 0.5 | DA-2 | U | III-B | Oct. 21, 1953 | Oct. 21, 1954. |
| WOLN | Indianola, Miss. (delete assignment). | 990 kilocycles | | | | | |
| WAYZ | Waynesboro, Pa. | 1340 kilocycles 1 | ND | D | III | | N in O with new station. |
| (NEW) | Durham, N. C. | 1410 kilocycles 1 | ND | D | III | Oct. 21, 1953 | Oct. 21, 1954. |

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9408; Filed, Nov. 5, 1953; 8:54 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 6047]

FLYING TIGER-SLICK MERGER CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on November 17, 1953, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 3, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-9400; Filed, Nov. 5, 1953; 8:52 a. m.]

## DEPARTMENT OF COMMERCE

### Civil Aeronautics Administration

[Amdt. 27]

ORGANIZATION AND FUNCTIONS

CONVERSION OF AVIATION SAFETY DISTRICT OFFICE AT SAN JUAN, P. R., TO INTERNATIONAL FIELD OFFICE

In accordance with the public information requirements of the Administrative Procedure Act, the description of the Organization and Functions of the Civil Aeronautics Administration is hereby amended. The purpose of this amendment is to discontinue the CAA Aviation Safety District Office at San Juan, P. R., and to establish in its place a CAA International Field Office. The area served by the CAA International Field Office at San Juan, P. R., shall include Puerto Rico, the Virgin Islands, the Dominican Republic, Haiti, the Lesser Antilles (British and French), Trinidad, and British, French and Dutch Guiana.

1. Section 43 (h) (4) (ii), published on October 15, 1953, in 18 F. R. 6571, is amended by deleting from the table for Region II the line which reads: "Puerto Rico, San Juan, Room 226, Hangar 20, Isla Grande Airport, P. O. Box 4764, (C)".

2. Section 44 (c) (2) (ii), published on August 9, 1952, in 17 F. R. 7307, is amended by adding to the list of CAA International Field Offices the following:

San Juan, P. R., CAA International Field Office, Room 226, Hangar 20, Isla Grande Airport, San Juan, P. R. (P. O. Box 4764, Isla Grande Airport, San Juan, P. R.)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9370; Filed, Nov. 5, 1953; 8:45 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. E-6499]

DELAWARE POWER AND LIGHT CO. ET AL.

NOTICE OF POSTPONEMENT OF HEARING

OCTOBER 30, 1953.

In the matter of Delaware Power and Light Company, the Eastern Shore Public Service Company of Maryland, Eastern Shore Public Service Company of Virginia; Docket E-6499.

Upon consideration of the request by Counsel for Delaware Power & Light Company filed October 27, 1953, for a continuance of the hearing now scheduled to commence on November 23, 1953:

Notice is hereby given that the hearing in the above-designated matter is postponed to be held on December 10, 1953, at 10:00 a. m., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C., and the date upon which the respondent companies are required to submit the cost of service study, rates, etc., is postponed to November 23, 1953.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9371; Filed, Nov. 5, 1953; 8:45 a. m.]

[Docket No. E-6529]

WEST PENN POWER CO.

NOTICE OF APPLICATION

OCTOBER 30, 1953.

Take notice that on October 29, 1953, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by the West Penn Power Company (hereinafter called West Penn), a corporation organized under the laws of the Commonwealth of Pennsylvania and doing business in the States of West Virginia and Pennsylvania, with its principal business office at Pittsburgh, Pennsylvania, seeking an order authorizing West Penn to acquire from the Natrona Light and Power Company of Pennsylvania (hereinafter called Natrona), a Pennsylvania corporation with its principal business office at Philadelphia, Pennsylvania, all of the latter's electric transmission and distribution facilities situated in the Borough of Brackenridge and the Township of Harrison, Allegheny County, Pennsylvania, except that part of the transmission and the distribution plant which is located on the plant site of Pennsylvania Salt Manufacturing Company and used solely for the purpose of distributing electric current to its manufacturing operations. West Penn proposes to buy and Natrona proposes to sell said transmission and distribution facilities for a cash consideration of $508,000, subject to certain adjustments; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard to make any protest with respect to said application, should on or before the 20th day of November 1953, file with the Federal Power Commission, Washington 25, D. C., the objection or protest in accordance with the Commission's rules of practice and procedure.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9372; Filed, Nov. 5, 1953; 8:45 a. m.]

[Docket No. E-6530]

LAKE SUPERIOR DISTRICT POWER CO.

NOTICE OF APPLICATION

OCTOBER 30, 1953.

Take notice that on October 29, 1953 an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by the Lake Superior District Power Company (hereinafter called Lake Superior), a corporation organized under the laws of the State of Wisconsin and doing business in the States of Michigan and Wisconsin, with its principal business office at Ashland, Wisconsin, seeking an order authorizing the merger of its facilities with those of Northern Wisconsin Power Company (hereinafter called Northern Wisconsin), a Wisconsin corporation with its principal place of business at Ashland, Wisconsin.

Lake Superior, as owner of all of the outstanding capital stock of Northern Wisconsin, will consolidate the electric operating facilities of the latter with its electric operating facilities with no substantial change in the present use of the facilities of either Northern Wisconsin or Lake Superior. The transmission systems of both companies are presently physically connected and Lake Superior, as the surviving corporation, proposes to continue to render the service heretofore rendered by Northern Wisconsin; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with respect to said application, should on or before the 20th day of November 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9373; Filed, Nov. 5, 1953; 8:45 a. m.]

[Docket No. G-1879]

UNITED GAS PIPE LINE CO.

NOTICE OF ORDER FURTHER AMENDING OPINION AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 2, 1953.

Notice is hereby given that on October 30, 1953, the Federal Power Commission issued its order adopted October 29, 1953, further amending Opinion No. 232 and order of July 25, 1952 (17 F. R. 7064) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9387; Filed, Nov. 5, 1953; 8:49 a. m.]

[Docket No. G-1988]

CITIES SERVICE GAS CO.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 2, 1953.

Notice is hereby given that on October 30, 1953, the Federal Power Commission issued its order adopted October 29, 1953, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9388; Filed, Nov. 5, 1953; 8:50 a. m.]



[Docket Nos. G-2016, G-2297]

SOUTHERN COUNTIES GAS CO. OF CALIFORNIA

ORDER SUSPENDING PROPOSED RATE SCHEDULES AND CONSOLIDATING PROCEEDINGS

On September 30, 1953, Southern Counties Gas Company of California (Southern) filed Third Revised Sheet No. 4 and Fourth Revised Sheet No. 5 to its FPC Gas Tariff, Original Volume No. 1, containing increased rates and charges which are proposed to be made effective as of November 1, 1953.

The proposed revision would result in an estimated increase of $21,000 in the presently effective rates and charges to the San Diego Gas and Electric Company (San Diego) based on Southern's sales for the twelve-month period ending June 30, 1953. This proposed increase arises in connection with a proposed change in rate form which Southern alleges is necessary. The new filing retains the cost of service facility charge associated with the Moreno-Rainbow lateral used exclusively to serve San Diego and introduces a demand-commodity type rate for the present fixed main line facility charge and commodity charge.

The increased rates and charges and the change in the form of the rate provided in said proposed Third Revised Sheet No. 4, and Fourth Revised Sheet No. 5 as filed on September 30, 1953, have not been shown to be justified, and may be unjust or unreasonable.

By order issued August 1, 1952, the Commission suspended Southern's proposed rate increase of $495,000 in Docket No. G-2016 pending hearing and decision as to the lawfulness of such rates. Thereafter, by order of the Commission the proposed rates were allowed to go into effect under bond effective January 1, 1953. The present filing constitutes a further increase above the rates now in effect under bond.

Inasmuch as the issues involved in both dockets relate to the lawfulness of the rate charged for gas sold by Southern to San Diego, it is appropriate to consolidate the matters for hearing and disposition.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the above-docketed proceedings be consolidated and that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of (a) Southern's FPC Gas Tariff, Original Volume No. 1, as amended by Second Revised Sheet No. 4 and Third Revised Sheet No. 5 and as proposed to be amended by Third Revised Sheet No. 4 and Fourth Revised Sheet No. 5 and (b) service agreements under said tariff, and that said Third Revised Sheet No. 4 and Fourth Revised Sheet No. 5 and the rate schedules therein contained be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) The matters involved in the above-docketed proceedings be and they hereby are consolidated for purposes of hearing and disposition.

(B) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held at a time and place to be fixed by further order of the Commission concerning the lawfulness of the rates, charges, and classifications contained in Southern's FPC Gas Tariff, Original Volume No. 1, as amended by Second Revised Sheet No. 4 and Third Revised Sheet No. 5 and as proposed to be amended by Third Revised Sheet No. 4 and Fourth Revised Sheet No. 5.

(C) Pending such hearing and decision thereon, Third Revised Sheet No. 4 and Fourth Revised Sheet No. 5 to Southern's FPC Gas Tariff, Original Volume No. 1, be and the same are hereby suspended and the use thereof is deferred until April 1, 1954, unless otherwise ordered by the Commission, and until such further time thereafter as said proposed sheets may be made effective in the manner prescribed by the Natural Gas Act.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 29, 1953.

Issued: October 30, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9376; Filed, Nov. 5, 1953; 8:46 a. m.]

[Docket Nos. G-2065, G-2066]

SOUTHERN NATURAL GAS CO. AND CHATTAHOOCHEE NATURAL GAS CO.

NOTICE OF ORDER DENYING APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 2, 1953.

Notice is hereby given that on October 30, 1953, the Federal Power Commission issued its order adopted October 29, 1953, denying applications for certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9389; Filed, Nov. 5, 1953; 8:50 a. m.]

[Docket No. G-2098]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF EXTENSION OF TIME

OCTOBER 30, 1953.

Upon consideration of the motion of Texas Illinois Natural Gas Pipeline Com-

pany filed October 26, 1953, for a further extension of time within which to undertake the operations, sale and service authorized by the Commission's order issued March 27, 1953, in the above-designated matter;

Notice is hereby given that a further extension of time is granted to and including December 1, 1953, within which Texas Illinois Natural Gas Pipeline Company shall complete the construction of the facilities and sell and deliver storage gas to the Natural Gas Storage Company of Illinois, authorized by said order issued March 27, 1953. Paragraph (C) (1) of said order is further amended accordingly.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9374; Filed, Nov. 5, 1953; 8:45 a. m.]

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[Docket No. G-2099]

NATURAL GAS PIPELINE CO. OF AMERICA

NOTICE OF EXTENSION OF TIME

OCTOBER 30, 1953.

Upon consideration of the motion of Natural Gas Pipeline Company of America filed October 26, 1953, for a further extension of time within which to undertake the operations, sale and service authorized by the Commission's order issued March 27, 1953, in the above-designated matter;

Notice is hereby given that a further extension of time is granted to and including December 1, 1953, within which Natural Gas Pipeline Company of America shall actually undertake and regularly perform the operations, sale, and service authorized by said order issued March 27, 1953. Paragraph (C) (1) of said order is amended accordingly.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9375; Filed, Nov. 5, 1953; 8:46 a. m.]

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[Docket No. G-2120]

COLORADO INTERSTATE GAS CO.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 2, 1953.

Notice is hereby given that on October 30, 1953, the Federal Power Commission issued its order adopted October 29, 1953, amending order of July 3, 1953 (18 F. R. 4089–4090), issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9390; Filed, Nov. 5, 1953; 8:50 a. m.]

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[Docket No. G-2200]

GAS TRANSPORT, INC.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 2, 1953.

Notice is hereby given that on October 30, 1953, the Federal Power Commission issued its order adopted October 29, 1953, amending order of September 4, 1953 (18 F. R. 5498), issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9391; Filed, Nov. 5, 1953; 8:50 a. m.]

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[Docket No. G-2218]

FREDERICK GAS CO., INC.

ORDER FIXING DATE OF HEARING

Frederick Gas Company, Inc. (Applicant), a corporation with its principal place of business at 55 East Patrick Street, Frederick, Maryland, on July 23, 1953, filed an application as supplemented on October 12, 1953, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas to the Washington Gas Light Company of Maryland, Inc., or Washington Gas Light Company, for resale to customers along that portion of Applicant's transmission gas pipeline located in Montgomery County, Maryland, as described in the application on file with the Commission and open to public inspection.

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that the application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on August 8, 1953 (18 F. R. 4736).

(2) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 9, 1953, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application herein: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: October 29, 1953.

Issued: October 30, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9377; Filed, Nov. 5, 1953; 8:46 a. m.]

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[Docket No. G-2219]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

ORDER FIXING DATE OF HEARING

The Commission, by order issued July 29, 1953, in the above matter, provided for hearing at a time and place to be fixed by further order, and suspended and deferred the use until January 1, 1954, of Second Revised Sheets Nos. 5, 6, 9, and 10 and First Revised Sheets Nos. 11 and 12–A to Texas Illinois Natural Gas Pipeline Company's FPC Gas Tariff, Original Volume No. 1.

The Commission finds: It is necessary and proper in the public interest that the hearing be held, pursuant to the authority contained in section 4 of the act, concerning the lawfulness of Texas Illinois' FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Second Revised Sheets Nos. 5, 6, 9 and 10 and First Revised Sheets Nos. 11 and 12–A, at the time and place hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held, commencing February 1, 1954, at 10:00 a. m. e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications and services contained in Texas Illinois Natural Gas Pipeline Company's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Second Revised Sheets Nos. 5, 6, 9, and 10 and First Revised Sheets Nos. 11 and 12–A.

(B) At the hearing, the parties, including Commission Staff Counsel, may reserve cross-examination until after Texas Illinois has presented and completed its case-in-chief.

(C) Texas Illinois, on or before January 22, 1954, shall serve upon all parties copies of the testimony and exhibits it proposes to offer at the time of hearing, including five (5) copies upon Commission Staff Counsel.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: October 29, 1953.

Issued: October 30, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9378; Filed, Nov. 5, 1953; 8:46 a. m.]

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[Docket No. G-2265]

CITIES SERVICE GAS CO.

ORDER FIXING DATE OF HEARING

Cities Service Gas Company (Applicant), a Delaware corporation having its principal place of business in Oklahoma City, Oklahoma, on October 5, 1953 filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, for authority to construct and operate approximately 17,000 feet of 4-inch pipe line extending westerly from a point of connection with its 12-inch pipe line to Grandview Air Force Base in Cass County, Missouri, all as more fully described in the application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for noncontested proceedings.

Notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on October 21, 1953 (18 F. R. 6693).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on November 19, 1953, at 9:45 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(b) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of such rules of practice and procedure.

Adopted: October 29, 1953.

Issued: October 30, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9379; Filed, Nov. 5, 1953; 8:47 a. m.]





[Project No. 2082, Docket No. E-6390]

CALIFORNIA OREGON POWER CO.

ORDER FIXING DATE OF ORAL ARGUMENT

On October 22, 1953, the California Oregon Power Company filed a motion requesting opportunity to present oral argument before the Commission on the issues raised by its Exceptions to the Initial Decisions of the Presiding Examiner in the above-designated matters issued October 2, 1953.

The Commission orders: The decisions of the Presiding Examiner issued October 2, 1953, and Exceptions thereto filed by the California Oregon Power Company be and the same are hereby set for oral argument on the jurisdictional issues set forth in the Exceptions which are common to both matters, on December 1, 1953, at 10:00 a. m., e. s. t., in the Hearing Room of the Commission, 441 G Street NW., Washington, D. C.

Adopted: October 29, 1953.

Issued: October 30, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9380; Filed, Nov. 5, 1953; 8:47 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION

[File Nos. 31-613, 31-615, 31-616, 70-3141]

CLEVELAND-CLIFFS IRON CO. AND CLIFFS POWER AND LIGHT CO.

ORDER GRANTING APPLICATIONS WITH RESPECT TO ACQUISITION OF COMMON STOCK OF NONAFFILIATED ELECTRIC UTILITY COMPANY AND REQUESTING EXEMPTIONS; ORDER DISMISSING APPLICATION REQUESTING EXEMPTION

OCTOBER 30, 1953.

In the matter of The Cleveland-Cliffs Iron Company, File No. 70-3141, File No. 31-613; The Cliffs Power and Light Company, File No. 31-616.

The Cleveland-Cliffs Iron Company ("Cliffs Iron"), an exempt holding company, and The Cliffs Power and Light Company ("Power Company"), an electric utility company and a wholly-owned subsidiary of Cliffs Iron, having filed applications, and amendments thereto, requesting (a) approval pursuant to sections 9 (a) (2) and 10 of the Public Utility Holding Company Act of 1935 ("act") of the indirect acquisition by Cliffs Iron, through Power Company, of one-half of the capital stock of Upper Peninsula Generating Company ("Generating Company"), a nonaffiliated electric utility company (File No. 70-3141), and (b) exemption pursuant to sections 3 (a) (1) (File No. 31-616), 3 (a) (3) (A) (File No. 31-615), and 3 (a) (3) (B) (File No. 31-613) of themselves, as holding companies, and of their subsidiaries, as such, from the provisions of the act;

Due notice having been given of the filing of the said applications and a hearing thereon not having been requested of, or ordered by the Commission; and the Commission having examined said applications, as amended, and finding that with respect to said applications other than that filed for exemption under section 3 (a) (3) (B) the applicable provisions of the act are satisfied and not observing any basis for adverse findings with respect to the indirect acquisition by Cliffs Iron of the capital stock of Generating Company, and deeming that under existing circumstances the granting of the applications for exemption pursuant to sections 3 (a) (1) and 3 (a) (3) (A) would not be detrimental to the public interest or the interest of investors and consumers; and Cliffs Iron having stated that upon acquisition by Cliffs Power of the stock of Generating Company, as proposed, an exemption to Cliffs Iron under section 3 (a) (3) (B) will no longer be available;

Applicants having requested that the Commission's order to be entered herein become effective upon issuance, and it appearing that the estimated fees and expenses in connection with the acquisition of the stock of Generating Company, aggregating $4,267.50, including legal fees of $2,000, are not unreasonable;

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act that Cliffs Iron's application, as amended, to acquire indirectly one-half of the capital stock of Generating Company be, and the same hereby is, granted forthwith, subject to the terms and conditions provided in Rule U-24.

*It is further ordered*, That the applications, as amended, of Cliffs Iron and of Power Company for exemption pursuant to sections 3 (a) (1) and 3 (a) (3) (A) be, and the same hereby are, granted forthwith.

*It is further ordered*, That Cliffs Iron's application for exemption pursuant to section 3 (a) (3) (B) be, and the same hereby is, dismissed, without prejudice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9386; Filed, Nov. 5, 1953; 8:49 a. m.]

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[File No. 31-614]

AMERICAN & FOREIGN POWER CO., INC.

ORDER GRANTING EXEMPTIONS

NOVEMBER 2, 1953.

American & Foreign Power Company Inc. ("Foreign Power"), a registered holding company and a subsidiary of Electric Bond and Share Company, also a registered holding company, having filed an application requesting exemption of itself, as a holding company, and itself and its direct and indirect subsidiaries, as subsidiaries, from the provisions of the Public Utility Holding Company Act of 1935 ("act") pursuant to sections 3 (a) (5) and 3 (b) thereof; and

Foreign Power having waived the 30-day waiting period and having requested that the Commission's order herein become effective as soon as practicable; and

Due notice of the filing of said application having been given and no hearing thereon having been ordered by or re-

quested of the Commission, and Foreign Power having agreed that the granting of said application shall not constitute the release of any jurisdiction heretofore reserved by the Commission, in its order dated June 5, 1953 (Holding Company Act Release No. 11976), over fees and expenses concerning the proceedings in respect of the applicant under section 11 (e) of the act, and the Commission having examined the said application and the statements contained therein and having found that the applicable standards of sections 3 (a) (5) and 3 (b) are satisfied and deeming that under existing circumstances the granting of said application would not be detrimental to the public interest or the interest of investors and consumers:

*It is hereby ordered*, That the application of Foreign Power be, and the same hereby is, granted.

*It is further ordered*, That this order shall become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9385; Filed, Nov. 5, 1953; 8:49 a. m.]

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[File No. 70-3144]

WEST PENN ELECTRIC CO.

NOTICE REGARDING OPEN MARKET ACQUISITIONS OF SECURITIES OF SUBSIDIARY

NOVEMBER 2, 1953.

Notice is hereby given that an application has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (the "act"), by West Penn Electric Company ("West Penn Electric"), a registered holding company. West Penn Electric has designated sections 9 and 10 of the act as applicable to the proposed transactions which are summarized as follows:

West Penn Electric proposes to purchase in the open market up to, and not in excess of, 600 additional shares of common stock of West Penn Power Company, its subsidiary. West Penn Electric presently owns 3,345,767 shares, or approximately 94.983 percent, of the common stock of West Penn Power Company. The proposed acquisition of additional shares would be accomplished prior to October 1, 1954, and would result in West Penn Electric owning at least 95 percent of such stock. During the preceding twelve months, the reported "over-the-counter" bid prices have ranged from a high of $43 per share to a low of $34.50 per share. The closing bid and asked prices on October 16, 1953 were $39.25 and $40.25, respectively. West Penn Electric would incur no expenses in connection with the proposed acquisition other than usual and customary brokerage commission.

The application states that no State or Federal commission, other than this Commission and the Public Service Commission of Maryland, has jurisdiction over the proposed transactions. West Penn Electric requests that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than November 13, 1953, at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9384; Filed, Nov. 5, 1953; 8:49 a. m.]

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## GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH REGARD TO DISPOSAL OF PORTION OF WATER DISTRIBUTION SYSTEM, ROBINS AIR FORCE BASE, GEORGIA

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, as amended (hereinafter referred to as "the act"), I hereby authorize the Secretary of Defense to determine whether the property known as a portion of the water distribution system at Robins Air Force Base, Georgia, is required for the needs and responsibilities of Federal agencies and, should the property be determined to be surplus to the needs of the Federal Government, to dispose of such property by means deemed advantageous to the United States.

2. Prior to such determination and disposal of the property, the Secretary of Defense shall take such steps as may be appropriate to determine whether any Federal agency has need therefor and, if so, shall transfer the property to such agency upon such terms as to reimbursement as may be prescribed in accordance with the provisions of section 202 (a) of the act, as amended.

3. The authority conferred herein shall be exercised in accordance with the act and regulations of this Administration issued pursuant thereto.

4. The authority delegated herein may be redelegated to any officer or employee of the Department of Defense.

5. This delegation of authority shall be effective as of the date hereof.

Dated: November 3, 1953.

EDMUND F. MANSURE, *Administrator.*

[F. R. Doc. 53-9429; Filed, Nov. 4, 1953; 2:46 p. m.]

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## HOUSING AND HOME FINANCE AGENCY

### Home Loan Bank Board

[6516]

ADMINISTRATIVE ASSISTANT TO THE SECRETARY

DELEGATION OF AUTHORITY TO EXECUTE PURCHASE ORDERS, BILLS OF LADING AND VOUCHERS

NOVEMBER 2, 1953.

*Resolved*, That Robert E. Gulick, Administrative Assistant to the Secretary is hereby granted authority to execute purchase orders for furniture, fixtures, equipment, supplies, forms, stationery, duplicating, printing or binding and for any services performed by the Government Printing Office or the General Services Administration and to execute government bills of lading.

*Resolved further*, That the said Robert E. Gulick is authorized to administratively approve vouchers covering expenses incurred in connection with which any such purchase orders or bills of lading were executed by him.

*And resolved further*, That the foregoing delegations of authority shall take effect on November 6, 1953.

(Sec. 19, 47 Stat. 737, as amended; 12 U. S. C. 1439.)

By the Home Loan Bank Board.

J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 53-9398; Filed, Nov. 5, 1953; 8:51 a. m.]

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[6517]

ADMINISTRATIVE ASSISTANT TO THE SECRETARY

DELEGATION OF AUTHORITY TO EXECUTE PURCHASE ORDERS, BILLS OF LADING AND VOUCHERS ON BEHALF OF THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

NOVEMBER 2, 1953.

*Resolved*, That Robert E. Gulick, Administrative Assistant to the Secretary, Home Loan Bank Board, is hereby granted authority on behalf of the Federal Savings and Loan Insurance Corporation to execute purchase orders for furniture, fixtures, equipment, supplies, forms, stationery, duplicating, printing or binding and for any services performed by the Government Printing Office or the General Services Administration and to execute government bills of lading.

*Resolved further*, That the said Robert E. Gulick is authorized to administratively approve for the Federal Savings and Loan Insurance Corporation, vouchers covering expenses incurred in connection with which any such purchase orders or bills of lading were executed by him.

*And resolved further*, That the foregoing delegations of authority shall take effect on November 6, 1953.



(Sec. 402 (c), 48 Stat. 1257, as amended; 12 U. S. C. 1725 (c))

By the Home Loan Bank Board.

J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 53-9399; Filed, Nov. 5, 1953; 8:52 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28606]

LUMBER, SASH, AND DOORS BETWEEN IOWA POINTS

APPLICATION FOR RELIEF

NOVEMBER 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for the Chicago, Burlington & Quincy Railroad Company and Des Moines and Central Iowa Railway Company.

Commodities involved: Lumber, also sash and doors, carloads.

From: Clinton, Iowa.

To: Des Moines and Highland Park, Iowa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: Chicago, Burlington & Quincy Railroad tariff I. C. C. No. 20343, supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9350; Filed, Nov. 4, 1953; 8:50 a. m.]

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[4th Sec. Application 28610]

PLASTER FROM BLUE RAPIDS, KANS., TO THE SOUTHWEST

APPLICATION FOR RELIEF

NOVEMBER 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff I. C. C. No. 4031.

Commodities involved: Plaster and related articles, carloads.

From: Blue Rapids, Kans.

To: Points in southwestern territory.

Grounds for relief: Rail competition, circuity, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir's tariff I. C. C. No. 4031, supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9354; Filed, Nov. 4, 1953; 8:50 a. m.]

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[4th Sec. Application 28612]

GLASSWARE BETWEEN POINTS IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Glassware, N. O. I. B. N., carloads.

Between: Points in official territory.

Grounds for relief: Rail competition, circuity, competition with motor carriers, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch, Alternate Agent, I. C. C. No. 4577, supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9392; Filed, Nov. 5, 1953; 8:50 a. m.]

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[4th Sec. Application 28613]

IRON AND STEEL FROM CENTRAL, WESTERN, SOUTHWESTERN AND EASTERN TERRITORIES TO NADEAU, TEXAS

APPLICATION FOR RELIEF

NOVEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Iron and steel articles, carloads.

From: Points in central, western, southwestern, and eastern territories.

To: Nadeau, Texas.

Grounds for relief: Rail competition, circuity, grouping, and additional destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3899, supp. 169. F. C. Kratzmeir, Agent, I. C. C. No. 3443, supp. 179.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9393; Filed, Nov. 5, 1953; 8:50 a. m.]

[4th Sec. Application 28614]

CANS OR DRUMS FROM KANSAS CITY, MO.-KANS., TO PONCA CITY, OKLA.

APPLICATION FOR RELIEF

NOVEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Chicago, Rock Island and Pacific Railroad Company.

Commodities involved: Cans or drums, sheet iron or steel, carloads.

From: Kansas City, Mo.-Kans.

To: Ponca City, Okla.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3919, supp. 195.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9394; Filed, Nov. 5, 1953; 8:51 a. m.]

[4th Sec. Application 28615]

SOYBEANS FROM PENSACOLA, FLA., TO NEW ORLEANS, LA.

APPLICATION FOR RELIEF

NOVEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Alabama Great Southern Railroad Company, New Orleans and Northeastern Railroad Company, and St. Louis-San Francisco Railway Company.

Commodities involved: Soybeans, carloads.

From: Pensacola, Fla.

To: New Orleans, La., for export.

Grounds for relief: Circuitous routes and competition with water carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1353, supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9395; Filed, Nov. 5, 1953; 8:51 a. m.]

[4th Sec. Application 28616]

PAPER AND RELATED ARTICLES FROM ATLANTA, GA., AND POINTS TAKING SAME RATES TO LOUISVILLE, KY.

APPLICATION FOR RELIEF

NOVEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Atlanta and West Point Rail Road Company and other carriers.

Commodities involved: Paper and related articles, carloads.

From: Atlanta, Ga., and points taking same rates.

To: Louisville, Ky.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1218, supp. 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9396; Filed, Nov. 5, 1953; 8:51 a. m.]


# FEDERAL REGISTER

VOLUME 18 NUMBER 219

*Washington, Saturday, November 7, 1953*


## TITLE 7—AGRICULTURE

### Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 510]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.617 *Lemon Regulation 510*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 4, 1953, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 8, 1953, and ending at 12:01 a. m., P. s. t., November 15, 1953, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 223 carloads;

(iii) District 3: 12 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 509 (18 F. R. 6868) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 5th day of November 1953.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-9504; Filed, Nov. 6, 1953; 8:56 a. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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### Chapter XI—Agricultural Conservation Program (Agricultural Adjustment), Department of Agriculture

[ACP—1954, Supp. 2]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1954

STATE FUNDS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1954, the 1954 National Agricultural Conservation Program, issued August 3, 1953 (18 F. R. 4643), as amended August 3, 1953 (18 F. R. 4761) is further amended as follows:

Section 1101.502 is amended to read as follows:

§ 1101.502 *State funds.* (a) Funds available for conservation practices will be distributed among States on the basis of their conservation needs, but the proportion allocated for use in any State shall not be reduced more than 15 percent from its proportionate 1953 distribution. The allocation of funds among the States is as follows:

| | |
|---|---|
| Alabama | $4, 540, 000 |
| Alaska | 21, 000 |
| Arizona | 1, 127, 000 |
| Arkansas | 3, 548, 000 |
| California | 3, 979 000 |
| Colorado | 2, 507, 000 |
| Connecticut | 376, 000 |
| Delaware | 292 000 |
| Florida | 1, 811, 000 |
| Georgia | 5, 3?4 000 |
| Hawaii | 140, 000 |
| Idaho | 1, 289 000 |
| Illinois | 6, 217, 000 |
| Indiana | 4, 004, 000 |
| Iowa | 6, 762, 000 |
| Kansas | 4, 926, 000 |
| Kentucky | 4, 725, 000 |
| Louisiana | 3, 126, 000 |
| Maine | 739, 000 |
| Maryland | 987, 000 |
| Massachusetts | 407, 000 |
| Michigan | 3, 582, 000 |
| Minnesota | 4, 331, 000 |
| Mississippi | 4, 827, 000 |
| Missouri | 6, 745, 000 |
| Montana | 2, 714, 000 |
| Nebraska | 4, 631, 000 |
| Nevada | 237, 000 |
| New Hampshire | 375, 000 |
| New Jersey | 549, 000 |
| New Mexico | 1, 382, 000 |
| New York | 3, 578, 000 |
| North Carolina | 4, 701, 000 |
| North Dakota | 3, 443, 000 |
| Ohio | 4, 183, 000 |
| Oklahoma | 5, 564, 000 |
| Oregon | 1, 637, 000 |
| Pennsylvania | 3, 800, 000 |
| Puerto Rico | 633, 000 |
| Rhode Island | 63, 000 |
| South Carolina | 2, 516, 000 |
| South Dakota | 3, 586, 000 |
| Tennessee | 3, 988, 000 |
| Texas | 14, 384, 000 |
| Utah | 981, 000 |
| Vermont | 795, 000 |
| Virgin Islands | 9, 000 |
| Virginia | 3, 208, 000 |
| Washington | 1, 792, 000 |
| West Virginia | 1, 196, 000 |
| Wisconsin | 4, 012, 000 |
| Wyoming | 1, 521, 000 |
| Total | 151, 800, 000 |

(b) The apportionment shown in this section does not include the amount set aside for administrative expenses, the amount required for increases in small Federal cost-shares in § 1101.576, and the amount set aside for the Naval Stores Conservation Program.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended, Pub. Law 156, 83d Cong; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 4th day of November 1953.

[SEAL] J. EARL COKE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9476; Filed, Nov. 6, 1953; 8:57 a. m.]



## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 48]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

1. Section 610.12 *Green civil airway No. 2* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Lansing, Mich. (LFR). | White Lake (INT), Mich. | 2,900 |
| White Lake (INT), Mich. | Detroit, Mich. (LFR) | 2,200 |

2. Section 610.18 *Green civil airway No. 8* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Cold Bay, Alaska (LFR). | King Salmon, Alaska (LFR). | 4,000 |

3. Section 610.105 *Amber civil airway No. 5* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Memphis, Tenn. (LFR | Cuba (INT), Tenn. | 2,300 |
| Cuba (INT) Tenn. | Advance, Mo. (LFR) | 2,000 |

4. Section 610.210 *Red civil airway No. 10* is amended to eliminate:

| From— | To— | Minimum altitude |
|---|---|---|
| Pueblo, Colo. (LFR) | Purgatoire River (INT), Colo. | 7,500 |
| Purgatoire River (INT), Colo. | Dalhart, Tex. (LF/RBN). | 8,900 |
| Dalhart, Tex. (LF/RBN). | Amarillo, Tex. (LFR). | 5,300 |

5. Section 610.220 *Red civil airway No. 20* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Lansing, Mich. (LFR) | Flint, Mich. (LF/RBN). | 2,900 |

6. Section 610.228 *Red civil airway No. 28* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Lansing, Mich. (LFR) | Int. 309°–129° mag. brg. Lansing, Mich. (LFR) and W ers, Salem, Mich. (VAR). | 2,900 |
| Int. 309°–129° mag. brg. Lansing, Mich. (LFR) and W ers, Salem, Mich. (VAR). | Int. 309°–129° mag. brg. Lansing, Mich (LFR) and S ers Salem, Mich. (VAR). | 2,300 |

7. Section 610.277 *Red civil airway No. 77* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Tappahannock, Va. (LFR). | Millville, N. J. (LFR) | 1,500 |

8. Section 610.277 *Red civil airway No. 77* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Greensboro, N. C. (LFR). | Lynchburg, Va. (LFR). | 2,500 |

9. Section 610.281 *Red civil airway No. 81* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Lansing, Mich. (LFR) | Chelsea (INT), Mich | 2,900 |
| Chelsea (INT), Mich. | Manchester (INT), Mich. | 2,300 |

10. Section 610.626 *Blue civil airway No. 26* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Nenana, Alaska (LFR)[1] | Nenabank (INT), Alaska. | 2,600 |

[1] 7,000'—Minimum crossing altitude at Nenana (LFR), southbound.

11. Section 610.630 *Blue civil airway No. 30* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Amarillo, Tex. (LFR). | Dalhart, Tex. (LF/RBN). | 5,300 |
| Dalhart, Tex. (LF/RBN). | Purgatoire River (INT), Colo. | 8,900 |
| Purgatoire River (INT), Colo. | Pueblo, Colo. (LFR). | 7,500 |

12. Section 610.632 *Blue civil airway No. 32* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Skwentna, Alaska (LFR).[1] | Talkeetna, Alaska (LF/RBN). | 5,000 |

[1] 4,100'—Minimum crossing altitude at Skwentna (LFR), northeast-bound.

13. Section 610.646 *Blue civil airway No. 46* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Memphis, Tenn. (LFR). | Int. 005°–185° mag. brg. Memphis, Tenn. (LFR) and 211°–031° mag. brg. Dyersburg, Tenn. (LF/RBN). | 2,300 |
| Int. 005°–185° mag. brg. Memphis, Tenn. (LFR) and 211°–031° mag. brg. Dyersburg, Tenn. (LF/RBN). | Dyersburg, Tenn. (LF/RBN). | 2,000 |

14. Section 610.663 *Blue civil airway No. 63* is added to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Concord, N. H. (LFR). | Laconia, N. H. (LF/RBN). | 4,000 |

15. Section 610.665 *Blue civil airway No. 65* is added to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Shuyak, Alaska (LF/RBN). | Anchor Point (INT), Alaska. | 4,000 |

16. Section 610.1001 *Direct routes, United States,* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Farley, Kans. (LF/RBN). | Topeka, Kans. (LF/RBN). | 2,500 |
| Farley, Kans. (LF/RBN). | St. Joseph, Mo. (LFR). | 2,400 |
| Farley, Kans. (LF/RBN). | De Soto (INT), Kans | 2,400 |
| De Soto (INT), Kans. | Topeka, Kans. (LF/RBN). | 2,500 |
| Belton (INT), Mo. | Liberty, Mo. (LF/RBN). | 2,400 |
| Columbia, Mo. (LFR). | Olathe, Kans. (LFR) | 2,400 |
| Dyersburg, Tenn. (LF/RBN). | Memphis, Tenn. (LFR). | 2,300 |

17. Section 610.6001 *VOR civil airway No. 1* is added to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Norfolk, Va. (VAR). | Salisbury, Md. (VOR). | 1,500 |
| Salisbury, Md. (VOR). | Atlantic City, N. J. (VAR). | 1,500 |
| Atlantic City, N. J. (VAR). | Matawan, N. J. (VAR). | 1,500 |

18. Section 610.6002 *VOR civil airway No. 2* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Lansing, Mich. (VOR) via N. alter. | Howell (INT), Mich. via N. alter. | 2,900 |
| Howell (INT), Mich. via N. alter. | Detroit, Mich. (VOR) via N. alter. | 2,500 |
| Lansing, Mich. (VOR) direct. | Detroit, Mich. (VOR) direct. | 2,900 |

19. Section 610.6003 *VOR civil airway No. 3* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Raleigh, N. C. (VOR) | Lawrenceville, Va. (VOR) | 1,800 |
| Lawrenceville, Va. (VOR) | Flat Rock, Va. (VOR) | 1,500 |

20. Section 610.6006 *VOR civil airway No. 6* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Des Moines, Iowa (VOR) via dir. or N and S. alter. | Iowa City, Iowa (VOR) via dir. or N and S. alter. | 2,200 |
| Iowa City, Iowa (VOR): | Moline, Ill. (VOR): | |
| Direct | Direct | 2,000 |
| S. alter | S. alter | 2,100 |
| Moline, Ill. (VOR): | Naperville, Ill. (VOR): | |
| Direct | Direct | 2,100 |
| N. alter | N. alter | 2,400 |
| Omaha, Nebr. (VOR) | Lyman (INT), Iowa[1] | [2] 2,600 |
| Lyman (INT), Iowa | Middle River (INT), Iowa[3] | [2] 2,600 |
| Middle River (INT), Iowa[3] | Des Moines, Iowa (VOR) | [2] 2,600 |
| Omaha, Nebr. (VOR) via S. alter. | Des Moines, Iowa (VOR) via S. alter. | [4] 3,600 |

[1] 5,500'—Minimum reception altitude.
[2] 2,400'—Minimum terrain clearance altitude.
[3] 3,000'—Minimum reception altitude.
[4] 2,700'—Minimum terrain clearance altitude.

21. Section 610.6008 *VOR civil airway No. 8* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Des Moines, Iowa (VOR) via dir. or S. alter. | Iowa City, Iowa (VOR) via dir. or S. alter. | 2,200 |
| Iowa City, Iowa (VOR): | Moline, Ill. (VOR): | |
| Direct | Direct | 2,000 |
| S. alter | S. alter | 2,100 |
| Des Moines, Iowa (VOR) via N. alter. | Grinnell (INT), Iowa via N. alter. | 2,200 |
| Grinnell (INT), Iowa via N. alter. | Moline, Ill. (VOR) via N. alter. | [1] 7,500 |
| Omaha, Nebr. (VOR) | Lyman (INT), Iowa[2] | [3] 2,600 |
| Lyman (INT), Iowa | Middle River (INT), Iowa[4] | [3] 2,600 |
| Middle River (INT), Iowa[4] | Des Moines, Iowa (VOR) | [3] 2,600 |
| Omaha, Nebr. (VOR) via S. alter. | Des Moines, Iowa (VOR) via S. alter. | [3] 3,600 |

[1] 2,200'—Minimum terrain clearance altitude.
[2] 5,500'—Minimum reception altitude.
[3] 2,400'—Minimum terrain clearance altitude.
[4] 3,000'—Minimum reception altitude.
[5] 2,700'—Minimum terrain clearance altitude.

22. Section 610.6009 *VOR civil airway No. 9* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Memphis, Tenn. (VOR) Dir. or W. alter. | Malden, Mo. (VOR) Dir. or W. alter. | 2,300 |

23. Section 610.6011 *VOR civil airway No. 11* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Memphis, Tenn. (VOR). | Dyersburg, Tenn. (VOR). | 2,300 |

24. Section 610.6012 *VOR civil airway No. 12* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Columbus, Ohio (VOR). | Wheeling, W. Va. (VOR) | 2,500 |
| Wheeling, W. Va. (VOR). | Pittsburgh, Pa. (VOR). | 2,500 |

25. Section 610.6015 *VOR civil airway No. 15* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| St. Joseph, Mo. (VOR) | Randolph (INT), Iowa[1] | 2,500 |
| Randolph (INT), Iowa[1] | Omaha, Nebr. (VOR) | 2,500 |
| St. Joseph, Mo. (VOR) via E. alter. | Omaha, Nebr. (VOR) via E. alter. | 2,500 |

[1] 5,500'—Minimum reception altitude.

26. Section 610.6016 *VOR civil airway No. 16* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Pulaski, Va. (VOR)..... | Montebello, Va. (VOR). | 6,000 |

27. Section 610.6020 *VOR civil airway No. 20* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Greensboro, N. C. (VOR). | Danville, Va. (VOR). | 2,300 |
| Danville, Va. (VOR).. | Flat Rock, Va. (VOR). | 2,000 |

28. Section 610.6030 *VOR civil airway No. 30* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Bellevue (INT), Ohio | Int. 318° rad. Mansfield, Ohio (VOR) and W crs. Wellington, Ohio (VAR). | 2,[illegible] |
| Int. 318° rad. Mansfield, Ohio (VOR) and W crs. Wellington, Ohio (VAR). | Wellington, Ohio (VAR). | 2,[illegible] |

29. Section 610.6030 *VOR civil airway No. 30* is amended to eliminate:

| From— | To— | Minimum altitude |
|---|---|---|
| Allentown, Pa. (VOR) | Caldwell, N. J. (VOR | 2,[illegible] |

30. Section 610.6037 *VOR civil airway No. 37* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Raleigh, N. C. (VOR) | Danville, Va. (VOR) | 2,[illegible] |
| Danville, Va. (VOR) | Montebello, Va. (VOR). | [illegible] |
| Int. NE crs. Lynchburg, Va. (LFR) and 181 rad. Montebello, Va. (VOR). | Danville, Va. (VOR) (southbound only). | 2,[illegible] |
| Montebello, Va. (VOR). | Elkins, W. Va. (VOR) | [illegible] |

31. Section 610.6040 *VOR civil airway No. 40* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Medina (INT), Ohio.. | Bergholz, Ohio (LF RBN) | 2,[illegible] |
| South Bass (INT), Ohio. | Int. 318° rad. Mansfield, Ohio (VOR) and W crs. Wellington, Ohio (VAR). | [illegible] |
| Int. 318° rad. Mansfield, Ohio (VOR) and W crs. Wellington, Ohio (VAR). | Wellington, Ohio (VAR). | 2,[illegible] |

32. Section 610.6042 *VOR civil airway No. 42* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Pullman, Mich. (VOR) | Henrietta (INT), Mich.[1] | [2] 3,500 |
| Henrietta (INT), Mich.[1] | Detroit, Mich. (VOR) | [2] 3,000 |

[1] 3,000'—Minimum reception altitude.
[2] 2,500'—Minimum terrain clearance altitude.

33. Section 610.6063 *VOR civil airway No. 63* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Burlington, Iowa (VOR). | Moline, Ill. (VOR)..... | 2,10[illegible] |



34. Section 610.6075 *VOR civil airway No. 75* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| W[illegible]g, W. Va (VOR). | Madina (INT), Ohio.. | 2,500 |

35. Section 610.6090 *VOR civil airway No. 90* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| La[illegible]g, Mich. (VOR). | Howell (INT), Mich | 2,900 |
| H[illegible] (INT), Mich... | Milford (INT), Mich. | 4,000 |

36. Section 610.6084 *VOR civil airway No. 84* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| La[illegible]g, Mich. (VOR) | Flint (INT), Mich.... | 2,900 |

37. Section 610.6128 *VOR civil airway No. 128* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Pulaski, Va. (VOR) | Greensboro, N. C. (VOR). | 6,000 |

38. Section 610.6133 *VOR civil airway No. 133* is added to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Parkersburg, W. Va. (VOR). | Mansfield Ohio (VOR). | 2,500 |

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective November 3, 1953.

[SEAL] F. B. LEE.
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9332; Filed, Nov. 6, 1953; 8:45 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

Subchapter J—Procurement Procedures

PART 1006—CONTRACT FORMS AND CLAUSES

POINT-GAINING ACTIVITIES FOR AIR FORCE RESERVISTS; ABSTRACT OF BID FORMS

1. Paragraphs (e) and (f) of § 861.32 (13 F. R. 2404) are changed as follows:

§ 861.32 *Definitions.* For the purpose of §§ 861.31 to 861.36, the following definitions apply:

* * * * *

(e) *Training period.* A duly authorized period of instruction performed by persons who are training as individuals. Such training will be of at least two hours' duration and normally will be of four hours' duration. Two training periods if conducted within one calendar day must total at least eight hours. This term will include authorized attendance at a scheduled class of instruction under the contract school training program.

(f) *Unit training assembly.* A duly authorized and scheduled period of instruction conducted by Table of Organization, Table of Distribution, and Non-Table of Organization composite-type units. Such unit training assemblies will be of at least two and normally four hours' duration. Two training assemblies if conducted in one calendar day must total at least eight hours.

* * * * *

2. Paragraph (d) of § 861.35 (18 F. R. 2405) is changed as follows:

§ 861.35 *Basis for award and supporting evidence.* The basic Air Force form on which points will be recorded is AF Form 190, "USAF Reserve Personnel Record Card." Entries will not be made in individual AF Forms 190 which are not supported by one or more of the following properly authenticated documents:

* * * * *

(d) *DD Form 214, "Report of Separation from the Armed Forces of the United States," or DD Form 220, "Active Duty Report".* For credit for active duty.

* * * * *

[AFR 45-15A and B] (Sec. 251, 66 Stat. 495; 50 U. S. C. 1042. Interpret or apply secs. 101-259, 601-603, 66 Stat. 481-498, 501; 50 U. S. C. 901-1010; 1091-1093)

3. Section 1006.1421 (18 F. R. 4836) is changed to read as follows:

§ 1006.1421 *Abstract of bid forms.* (a) AF Form 1044, Abstract of Bids. This form consists of one sheet printed on one side on translucent paper. Translucent paper makes possible the typing of one Abstract of Bids and reproduction by ozalid process to get distribution copies.

(b) AF Form 1045, Abstract of Bids (Insert Sheet). This form consists of one sheet printed on one side on translucent paper, and is used when there are more than ten items, to eliminate the use of additional Abstract of Bid forms.

(c) AF Form 1046, Abstract of Bids (Continuation Sheet). This form consists of one sheet printed on one side of translucent paper and is used, when required, for certificates and pre-award deviations and comments.

(d) AF Forms 1044, 1045, and 1046 replace WD Forms 14, Abstract of Bids (short form); WD Form 29, Abstract of Bids (long form); and WD Form 29A, Abstract of Bids (long form—continuation sheet), which are obsolete.

4. Section 1006.1422, *Abstract of bids (long form); WD Form 29,* is deleted.

5. Section 1006.1423, *Abstract of bids (long form—continuation sheet); WD Form 29A,* is deleted.

[AFL 70-102G] (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply 62 Stat. 21; 41 U. S. C. 151-161)

[SEAL] K. E. THIEBAUD,
*Colonel, U. S. Air Force,*
*Air Adjutant General.*

[F. R. Doc. 53-9409; Filed, Nov. 6, 1953; 8:45 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

[9 CFR Part 201]

REVISION OF REGULATIONS UNDER PACKERS AND STOCKYARDS ACT

NOTICE OF PROPOSED RULE MAKING

Pursuant to a notice published in the FEDERAL REGISTER on August 20, 1952 (17 F. R. 7602), public hearings were held in nine different cities during September, 1952, to consider the advisability of revising the regulations issued under the Packers and Stockyards Act, 1921, as amended and supplemented (9 CFR 201 et seq.; 7 U. S. C. 181 et seq.). At the request of interested persons an additional hearing was held in Washington, D. C., on September 22, 1952. At such hearings all interested persons were afforded an opportunity to appear and be heard, in person or by attorney, upon the advisability of revising such regulations. At the conclusion of the hearings all interested persons were advised that they might submit written statements concerning the proposed revision on or before October 10, 1952, and legal briefs concerning the proposed revision on or before November 15, 1952. Numerous written statements and legal briefs have been filed by interested persons. The notice of hearings stated that after such hearings had been held and all testimony and material presented thereat had been considered, a notice of proposed rule making setting forth any proposed amendments to the regulations would be published in the FEDERAL REGISTER and that all interested persons would be afforded a reasonable opportunity to submit their views, arguments, and data, in writing, on such proposals prior to the issuance of the final revision of the regulations.

Accordingly, notice is hereby given pursuant to section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)), that the Secretary of Agriculture is considering revising the regulations under the Packers and Stockyards Act, 1921, as amended and supplemented (9 CFR 201 et seq.; 7 U. S. C. 181 et seq.), to read as follows:

DEFINITIONS

Sec.
201.1 Meaning of words.
201.2 Terms defined.

ADMINISTRATION

201.3 Authority.

APPLICABILITY OF INDUSTRY RULES

201.4 Bylaws, rules and regulations, and requirements of exchanges, associations, or other organizations; applicability, establishment.

POSTING STOCKYARDS

201.5 Investigation, notice, and posting of stockyards.
201.6 Investigation, notice, and deposting of stockyards.
201.7 Change in name, address, management, control, or ownership to be reported by stockyard owner.

DESIGNATION OF LIVE POULTRY MARKETS

201.8 Investigation.
201.9 Publication.

REGISTRATION

201.10 Requirements and procedures.
201.11 Officers, agents, and employees of registrants whose registrations have been suspended or revoked.
201.12 Registrants whose registrations have been suspended or revoked.
201.13 Registrants to report changes in name, address, control, or ownership.

LICENSING

201.14 Requirements and procedures.
201.15 Licensee must maintain satisfactory financial condition or furnish surety bond or equivalent.
201.16 Licensee to report changes in name, address, control, or ownership.

SCHEDULES OF RATES AND CHARGES

201.17 Requirements as to filing by stockyard owners and market agencies; use of term "yardage" in stockyard schedules.
201.18 Requirements as to filing by licensees.
201.19 Size, style, and number of copies.
201.20 Numbering, arrangement, and substance of schedules and amendments.
201.21 Rules or regulations affecting rates and charges.
201.22 Time and place stockyard owners, market agencies, and licensees are to file schedules and amendments.
201.23 Joint schedules.
201.24 Prescribed rates, charges, practices, and regulations.
201.25 Proposed increases in existing charges must be supported by specific data.
201.26 Form.

GENERAL BONDING PROVISIONS

201.27 Underwriter; substantial equivalents in lieu of bonds.
201.28 Duplicates of bonds or equivalents to be filed with the Chief, Washington, D. C.

MARKET AGENCY AND DEALER BONDS

201.29 Market agencies and dealers to file on or before commencing operations.
201.30 Amount of market agency and dealer bonds.
201.31 Conditions in market agency and dealer bonds.
201.32 Trustee in market agency and dealer bonds.
201.33 Persons damaged may maintain suit to recover on market agency and dealer bonds.
201.34 Termination of market agency and dealer bonds.

LICENSEE BONDS

201.35 Standards for bonds submitted by applicants for licenses and licensees.
201.36 Trustee in licensee bonds.
201.37 Persons damaged may maintain suit to recover on licensee bonds.
201.38 Termination of licensee bonds.

PROCEEDS OF SALE

201.39 Payment to be made to consignor or shipper by market agencies and licensees; exceptions.
201.40 Market agencies and licensees not to use shippers' proceeds or funds received for purchases on commission for own purposes through "bank float" or otherwise.
201.41 Market agencies and licensees to make faithful and prompt accounting to consignors or shippers or other interested persons of whom they have knowledge.
201.42 Custodial accounts for shippers' proceeds.

ACCOUNTS AND RECORDS

201.43 Market agencies and licensees to make prompt accounting and transmittal of net proceeds.
201.44 Market agencies and licensees to render prompt accounting for purchases on order.
201.45 Market agencies and licensees to make records available for inspection by owners, consignors, and purchasers.
201.46 Stockyard owners, registrants, and licensees to keep daily record.
201.47 Market agencies and licensees to disclose business relationships, if any, with purchasers.
201.48 Sellers of live poultry to issue sales tickets at designated markets.
201.49 Requirements regarding scale tickets evidencing weighing of livestock or live poultry.
201.50 Records; disposition.
201.51 Contracts; stockyard owners to furnish copies of.
201.52 Information as to sales on commission or agency basis not to be furnished to unauthorized parties.

TRADE PRACTICES

201.53 Livestock and live poultry market conditions and prices; persons subject to act not to circulate misleading reports.
201.54 Gratuities.
201.55 Purchases and sales to be made on actual weights.
201.56 Filling orders; price to be paid.
201.57 Livestock sold at auction; purchases from consignments.
201.58 Sales to be to highest bidder without intermingling and not conditioned on sales of other consignments.
201.59 Taking consignments into own account; accounting; resales.
201.60 Consignments on commission; sale of livestock.
201.61 Market agencies engaged in selling livestock on commission.
201.62 Using consigned livestock to fill orders.
201.63 Consignments; when not to be solicited.
201.64 Consignments; guarantees not to be given.
201.65 Restrictions on employment of salesmen on split commission basis.
201.66 Market agencies not to employ packers or dealers.
201.67 Packers or dealers not to own or finance selling agencies.
201.68 Packers not to own or finance order buyers.
201.69 Furnishing information to competitor buyers.
201.70 Restriction or limitation of competition between packers and dealers prohibited.

SERVICES

201.71 Accurate weights.
201.72 Scales; testing of.
201.73 Scale operators to be competent.
201.74 Scales; reports of tests and inspections.
201.75 Scales; repairs, adjustments, or replacements after inspection.
201.76 Reweighing.
201.77 Weighing for purposes other than purchase or sale.
201.78 Packer scales.
201.79 Facilities and assignment of pens.
201.80 Stockyard facilities or services to be furnished only to unsuspended, properly registered, and bonded parties.
201.81 Suspended or revoked registrants or licensees.
201.82 Livestock; care and promptness in yarding, feeding, watering, weighing, and handling.
201.83 Live poultry; care and promptness in feeding, watering, weighing, transporting, and handling.
201.84 Feed and water furnished livestock or live poultry.
201.85 Livestock auctions; requirements as to accommodations and persons entering auction ring.

INSPECTION OF BRANDS

201.86 Application for authorization by State agencies and duly organized State livestock associations; requisites.
201.87 Two or more applications from same State; procedure.
201.88 Registration and filing of schedules.
201.89 Records of authorized agencies or associations.
201.90 Fees; deduction and accounting.
201.91 Inspections; reciprocal arrangements by authorized agencies or associations.
201.92 Maintenance of identity of consignments; inspection to be expedited.
201.93 Existing contracts between authorized agencies; recognition and continuation.

GENERAL

201.94 Information as to business; furnishing of by packers, stockyard owners, registrants, and licensees.
201.95 Inspection of records and property of packers, stockyard owners, registrants, and licensees.
201.96 Packers, stockyard owners, registrants, or licensees; information concerning business not to be divulged.
201.97 Annual reports.

AUTHORITY: §§ 201.1 to 201.97 issued under Packers and Stockyards Act, 1921, as amended and supplemented, 7 U. S. C. 181 et seq.

DEFINITIONS

§ 201.1 *Meaning of words.* Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 201.2 *Terms defined.* The definitions of terms contained in the act shall apply to such terms when used in the regulations in this part. In addition, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) "Act" means the Packers and Stockyards Act, 1921, as amended and supplemented (7 U. S. C. 181 et seq.).

(b) "Department" means the United States Department of Agriculture.

(c) "Secretary" means the Secretary of Agriculture or any person authorized to act in his stead.

(d) "Administration" means the Production and Marketing Administration of the Department.

(e) "Administrator" means the Administrator of the Administration or any person authorized to act in his stead.

(f) "Assistant Administrator" means the Assistant Administrator for Marketing of the Administration or any person authorized to act in his stead.

(g) "Livestock Branch" means the Livestock Branch of the Administration.

(h) "Director" means the Director of the Livestock Branch or any person authorized to act in his stead.

(i) "Division" means the Packers and Stockyards Division of the Livestock Branch.

(j) "Chief" means the Chief of the Division or any person authorized to act in his stead.

(k) "District Supervisor" means the District Supervisor of the Division for a given district or any person authorized to act in his stead.

(l) "Person" means individuals, partnerships, corporations, and associations.

(m) "Registrant" means any person registered pursuant to the provisions of the act and the regulations in this part.

(n) "Licenses" means any person licensed pursuant to the provisions of the act and the regulations in this part.

(o) "Posted Stockyard" means a livestock market determined by the Secretary to come within the definition of the term "stockyard" contained in section 302 of the act, notice of which determination shall have been given pursuant to such section.

(p) "Designation" means the designation of a city, and the markets and places in or near such city, pursuant to the provisions of title V of the act.

(q) "Schedule" means a tariff of rates and charges filed by stockyard owners, market agencies, and licensees.

ADMINISTRATION

§ 201.3 *Authority.* The Administrator shall perform such duties as the Secretary may require in enforcing the provisions of the act and the regulations in this part.

APPLICABILITY OF INDUSTRY RULES

§ 201.4 *Bylaws, rules and regulations, and requirements of exchanges, associations, or other organizations; applicability, establishment.* (a) The regulations in this part shall not prevent the legitimate application or enforcement of any valid bylaw, rule or regulation, or requirement of any exchange, association, or other organization, or any other valid law, rule or regulation, or requirement to which any packer, stockyard owner, market agency, dealer, or licensee shall be subject which is not inconsistent or in conflict with the act and the regulations in this part.

(b) Market agencies selling livestock on commission shall not, in carrying out the statutory duty imposed upon them by section 307 of title III of the act, permit dealers, packers, or others representing interests which conflict with those of consignors, to participate, directly or indirectly, in the establishment or determination of regulations or practices governing the responsibilities, duties, or obligations of such market agencies to their consignors.

POSTING STOCKYARDS

§ 201.5 *Investigation, notice, and posting of stockyards.* After it has been determined, as provided in section 302 (b) of the act, that a stockyard comes within the definition of that term contained in section 302 (a), posting of a stockyard shall be accomplished by (a) giving notice of such determination to the stockyard owner by registered mail or in person, and (b) giving notice thereof to the public by posting copies of such notice in at least three conspicuous places at such stockyard and by publication of the determination in the FEDERAL REGISTER. A stockyard so posted shall remain subject to the provisions of the act and the regulations in this part until the stockyard has been deposted.

§ 201.6 *Investigation, notice, and deposting of stockyards.* After it has been determined, as provided in section 302 (b) of the act, that a stockyard no longer comes within the definition of that term contained in section 302 (a), deposting of a stockyard shall be accomplished by (a) giving notice of such determination to the stockyard owner by registered mail or in person, and (b) giving notice thereof to the public by posting copies of such notice in at least three conspicuous places at such stockyard and by publication of the determination in the FEDERAL REGISTER.

§ 201.7 *Change in name, address, management, control, or ownership to be reported by stockyard owner.* Whenever any change is made in the name or address or in the management or nature or in the substantial control or ownership of the business of a posted stockyard, the owner of such stockyard shall report such change in writing to the Chief at Washington, D. C., within ten days after making such change.

DESIGNATION OF LIVE POULTRY MARKETS

§ 201.8 *Investigation.* Such investigation as may be deemed necessary for the purpose of ascertaining whether a city, and markets and places in or near such city, shall be designated under title V of the act shall be made by the Administration.

§ 201.9 *Publication.* After it has been determined by the Secretary that a city, and markets and places in or near such city, should be designated under the provisions of title V of the act, public announcement thereof shall be made by publication in the FEDERAL REGISTER and one or more trade journals or newspapers.

REGISTRATION

§ 201.10 *Requirements and procedures.* (a) Any person desiring to register as a market agency or dealer in compliance with the act shall furnish the information required by the Chief on forms of application for registration, copies of which will be furnished by the Chief or any District Supervisor on request, and shall, concurrently with the filing of such properly executed application, file the bond required in § 201.29.

(b) Each application for registration shall be filed in duplicate with the District Supervisor for the district in which the applicant proposes to operate, who shall promptly mail the original to the Director at Washington, D. C., and post the duplicate in a conspicuous place at the stockyard at which the applicant proposes to operate. Within 15 days from the date of such posting any interested person may file, in duplicate, a protest with the District Supervisor, a copy of which the District Supervisor shall promptly mail to the Director. After the expiration of such 15-day period, the Director shall record the registration of an applicant unless he shall have reason to believe that the application for registration should be denied because the applicant, in the case of an application for registration as a market agency, is unfit to engage in such activity by reason of the fact that the applicant is financially unable to fulfill the obligations that he would incur as a market agency or is clearly incapable of performing the services required of a market agency, or because the applicant, in the case of an application for registration as a market agency or dealer, is unfit to engage in the activity for which he has made application by reason of the fact that the applicant has within two years prior to filing his application engaged in a dishonest or fraudulent practice of the character prohibited by the act. In the event the Director has reason to so believe he promptly shall cause an administrative proceeding to be instituted, in which the applicant will be afforded opportunity for full hearing, for the purpose of showing cause why the application for registration should not be denied. In the event it is determined that the application should be denied, the applicant shall not be precluded as soon as conditions warrant from again applying for registration.

(c) Financial ability may be established by an applicant for registration as a market agency upon a showing that he has sufficient free working capital to pay normal expenses incident to operation of the type of business in which the applicant proposes to engage for a period of at least one month and, if the applicant proposes to purchase livestock on a commission basis for the accounts of others, that he has additional free working capital sufficient to finance such order buying transactions.

(d) Each registered market agency shall at all times maintain a financial condition at least equivalent to that required for recording of a registration or in lieu thereof furnish additional bond coverage or its equivalent.

(e) Any person regularly employed on salary, or other comparable method of compensation, by a packer to buy livestock at posted stockyards for such packer shall be subject to the registration requirements of the act and the regulations in this part. Such persons shall be registered as dealers to purchase livestock for slaughter only.

(f) Notwithstanding the foregoing provisions of this section, the Director may, if he deems it appropriate, without further procedure, record the registration of an applicant temporarily pending the completion of the 15-day protest period provided for in paragraph (b) of this section. Such temporary registration may be cancelled at any time by the Director.

(g) On or after July 1, 1954, no market agency engaged in selling livestock on an agency basis shall act in the capacity of clearing agency.

§ 201.11 *Officers, agents, and employees of registrants whose registrations have been suspended or revoked.* Any person who has been or is an officer, agent, or employee of a registrant whose registration has been suspended or revoked and who was responsible for or participated in the violation on which the order of suspension or revocation was based may not register within the period during which the order of suspension or revocation is in effect.

§ 201.12 *Registrants whose registrations have been suspended or revoked.* Any person whose registration has been suspended or revoked may not again register in his own name or in any other manner within the period during which the order of suspension or revocation is in effect, and no partnership, firm, or corporation in which any such person has a substantial financial interest will be registered during such period.

§ 201.13 *Registrants to report changes in name, address, control, or ownership.* Whenever any change is made in the name or address or in the management or nature or in the substantial control or ownership of the business of a registrant, such registrant shall report such change in writing to the Chief at Washington, D. C., within ten days after making such change.

LICENSING

§ 201.14 *Requirements and procedures.* An application for a license pursuant to section 502 (b) of the act may be made by any person subject to the licensing provisions of the act by properly filling out and delivering to the Chief at Washington, D. C., by mail or otherwise, a properly executed form of application. Copies of such form will be furnished by the Chief on request. A license will be issued to any applicant furnishing the required information unless the Secretary finds after opportunity for hearing that such applicant is unfit to engage in the activity for which he has made application by reason of his having at any time within two years prior to his application engaged in any practice of the character prohibited by the act or because he is financially unable to fulfill the obligations he would incur as a licensee. Financial ability may be established upon a showing by the applicant that he has current assets equal to his current liabilities, and, in addition thereto, sufficient free working capital to equal twenty-five (25) percent of his average weekly purchases and sales of live poultry according to his books and records or according to such volume of business as may be reasonably anticipated in case of a new business. If the applicant fails to make such a showing, consideration will be given to a showing of other assets and other liabilities and other factors relating to his ability to fulfill his financial obligations which would be incurred as a licensee and to his reputation and integrity. If the applicant fails to make a satisfactory showing of financial ability, a license will be granted upon his executing and maintaining a satisfactory surety bond or equivalent thereof to a suitable trustee, in accordance with the provisions of §§ 201.35 to 201.38, inclusive.

§ 201.15 *Licensee must maintain satisfactory financial condition or furnish surety bond or equivalent.* The granting of a license hereunder is conditioned on the licensee maintaining at all times a financial condition at least equivalent to that required for the issuance of a license or in lieu thereof maintaining a satisfactory surety bond or its equivalent. The failure of a licensee to maintain such a financial condition or surety bond will render his license subject to suspension or revocation.

§ 201.16 *Licensee to report changes in name, address, control, or ownership.* Whenever any change is made in the name or address or in the management or nature or in the substantial control or ownership of the business of a licensee, such licensee shall report such change in writing to the Chief at Washington, D. C., within ten days after making such change.

SCHEDULES OF RATES AND CHARGES

§ 201.17 *Requirements as to filing by stockyard owners and market agencies; use of term "yardage" in stockyard schedules.* (a) Each stockyard owner and market agency shall plainly state in the schedule of rates and charges filed by the stockyard owner or market agency the effective date of the schedule, a description of the services rendered, the basis for classifying livestock by species or by weight, the stockyards at which the schedule applies, the name and business address of the stockyard owner or market agency, the kind of livestock covered by the schedule, and the conditions under which the services will be rendered and the rates or charges will be applied.

(b) The term "yardage" shall be used in schedules of rates and charges filed by stockyard owners to describe the basic stockyard facilities and services furnished, and shall, unless otherwise indicated therein, include: the use of suitable facilities for the safe and expeditious receiving, handling, feeding, watering, holding, sorting, selling, buying, weighing, delivery, and shipment of livestock; the services necessary and incident to the receiving of livestock at the place of unloading; the furnishing of receipts for livestock to the carrier or consignor upon request; the delivery of livestock to the consignee; the obtaining of receipts evidencing delivery of livestock to the sales pens assigned to the consignee; the furnishing of sufficient potable water for livestock; the initial weighing of livestock when sold and delivered to scales; the issuance of scale tickets showing actual weight and other pertinent information concerning the livestock weighed; the removal of livestock from scales after weighing and delivery to holding pens; the holding of livestock for a reasonable time pending delivery or shipment to buyers; the delivery of livestock to buyers; and the obtaining of receipts for livestock delivered to buyers. Consignors, market agencies, dealers, packers, buyers, or other users of stockyard facilities and services requiring special facilities or services in addition to the basic facilities and services furnished at the stockyard may be required to pay a reasonable charge for such special facilities and services in addition to basic yardage charges.

§ 201.18 *Requirements as to filing by licensees.* Each licensee furnishing services or providing facilities for which a charge is made shall plainly state in the schedule of rates and charges filed by such licensee the effective date of the schedule, the city, place, or market at which the schedule applies, the name and business address of the licensee, the nature of the services or facilities furnished, and the terms or conditions under which the services or facilities will be furnished and the rates and charges will be applied.

§ 201.19 *Size, style, and number of copies.* Schedules of rates and charges and amendments thereto of stockyard owners, market agencies, and licensees shall be printed or typed on paper which is approximately 8 by 11 inches in size, the lines of print or type being horizontal to the 8-inch dimension. Three copies of each such schedule or amendment, one copy of which shall be signed by the stockyard owner, market agency, or licensee filing the same, shall be filed as provided in § 201.22.

§ 201.20 *Numbering, arrangement, and substance of schedules and amendments.* The schedules of each stockyard owner, market agency, and licensee shall be designated by successive numbers as filed. Each such schedule shall be divided into sections to cover the various classes of services or facilities furnished by the stockyard owner, market agency, or licensee. Each amendment of such schedule shall be numbered and shall show the number of the schedule of which it is an amendment. Each such amendment shall in its body make adequate reference to the sections of the schedule which are amended, and shall set forth in full such sections as amended or supplemented. Each amendment shall indicate the numbers of the amendments to the original schedule that remain in effect. After a stockyard owner, market agency, or licensee has filed thirty (30) amendments to its schedule, any further change in the rates or charges shall be embodied in a new schedule which shall contain all rates and charges then in effect: *Provided, however,* That not more than ten (10) amendments relating to charges other than for feed may be filed without filing and publishing a new schedule.



§ 201.21 *Rules or regulations affecting rates and charges.* Each stockyard owner, market agency, and licensee shall set out in its schedule of rates and charges every rule or regulation which in any way changes or affects any rate or charge or the value of the services furnished thereunder and shall designate the rates or charges affected by each such rule or regulation.

§ 201.22 *Time and place stockyard owners, market agencies, and licensees are to file schedules and amendments.* Duplicate copies of all schedules and rules or regulations and amendments or supplements thereto required to be filed under the act by market agencies and stockyard owners shall be kept open for public inspection at their places of business. Licensees shall post duplicate copies of all schedules of rates, charges, and rentals in a conspicuous location in their places of business where they may be readily observed by any interested person. Unless the requirement as to filing and notice is specifically waived, as provided for in section 306 (c) of the act, all amendments to schedules or rules or regulations changing a rate or charge shall be filed with the Chief at Washington, D. C., not less than ten (10) days before the effective date thereof: *Provided, however,* That in the case of a tariff supplement which relates only to changes in feed charges, determined on a cost plus specified margin basis as provided for in the basic tariff schedule of the stockyard involved, such tariff supplement shall be filed with supporting data, disclosing the average cost of the feed on hand, with the District Supervisor for the district in which the stockyard filing the supplement is located, and such supplement shall become effective two (2) days thereafter.

§ 201.23 *Joint Schedules.* If the same schedule is to be observed by more than one market agency or licensee, one schedule will suffice for all market agencies or licensees at any one stockyard, city, place, or market observing it whose names and business addresses are shown on it, together with the name of the organization, if any, by which adopted: *Provided,* That at least one copy of such schedule or amendment thereto is signed in ink by each of the market agencies or licensees observing the same and is filed with the Chief at Washington, D. C., and each market agency and licensee complies with the posting requirements of § 201.22.

§ 201.24 *Prescribed rates, charges, practices, and regulations.* After the effective date of any general order issued by the Secretary prescribing rates, charges, practices, or regulations governing the rendition of stockyard services or the selling or buying of livestock on a commission basis at a stockyard, or governing the rendition of any service or the use of any facilities in a city, place, or market, designated by the Secretary under title V of the act, every market agency operating at such stockyard and every licensee operating in such city, place, or market shall conform to such order.

§ 201.25 *Proposed increases in existing charges must be supported by specific data.* Each stockyard owner, market agency, and licensee proposing an increase in existing charges, either by supplement or amendment to a filed tariff or by submission of a new tariff, shall forward with the supplement, amendment, or tariff proposing the increase information as to the reasons for the proposed increase and shall furnish specific and detailed data on which the proposed increase is based together with such additional information as the Director may require.

§ 201.26 *Form.* The schedules of each stockyard owner, market agency, and licensee shall be substantially in the form set out below:

Tariff or Schedule of Charges No. ---- or Amendment No. ---- to Tariff or Schedule of Charges No. ---- of ----------
(Operator's name)
----------
(Operator's business address)

----------
(Name posted stockyard or designated market where charges apply)

----------
(Location of posted stockyard or designated market where charges apply)

Issued ----------
Effective ----------
(Not less than ten days after receipt in Washington office)

(Insert here, dividing into sections, the various classes of service performed by the stockyard owner or operator, market agency, or licensee, the kind of livestock or live poultry concerning which services are performed, the nature of the services, and the terms or conditions under which the services are rendered.)

----------
(Operator's name)
(Signed by) ----------
(Owner, partner, or official designation)

GENERAL BONDING PROVISIONS

§ 201.27 *Underwriter; substantial equivalents in lieu of bonds.* The surety on bonds maintained under §§ 201.29 to 201.38 shall be a surety company approved by the United States Treasury Department for bonds executed to the United States. Except as otherwise provided in § 201.29, any other form of indemnity which is found by the Chief to afford protection substantially equivalent to that of a surety bond may be accepted in lieu of a bond. The requirements of §§ 201.28 to 201.38 shall be applicable to equivalents furnished in lieu of bonds.

§ 201.28 *Duplicates of bonds or equivalents to be filed with the Chief, Washington, D. C.* Fully executed duplicates of bonds or equivalents maintained under §§ 201.29 to 201.38 shall be filed with the Chief at Washington, D. C.

MARKET AGENCY AND DEALER BONDS

§ 201.29 *Market agencies and dealers to file on or before commencing operations.* Every market agency and dealer, except packer buyers registered as dealers to purchase livestock for slaughter only, shall, on or before the date of commencement of operations, execute and thereafter maintain, or cause to be executed and thereafter maintained, a reasonable bond, to a suitable trustee, to secure the performance of obligations incurred as such market agency or dealer at posted stockyards: *Provided,* That on or after July 1, 1954, the only bond equivalent that may be filed by an applicant to operate as a market agency, selling on commission, shall be one representing a pledge of fully negotiable bonds of the United States Government. The bond of every registrant, acting in the capacity of clearing agency, and thereby being responsible for the financial obligations of other registrants, shall show the name of the person for whom the clearing agency holds itself out to be responsible and whose obligations are covered by the bond. Any person registered as both a market agency and a dealer shall file a bond to cover his market agency operations and a separate bond to cover his dealer operations.

§ 201.30 *Amount of market agency and dealer bonds.* Except as hereinafter otherwise provided, the amount of each market agency and dealer bond shall be not less than the nearest multiple of one thousand dollars ($1,000) above the average amount of sales or purchases, or both, of livestock by such market agency or dealer at posted stockyards or, in the absence of segregated records, all sales and purchases, during a period equivalent to two business days, based on the total number of the business days, and the total amount of such sales or purchases, or both, in the preceding 12 months, or in such part thereof in which such market agency or dealer did business, if any. For the purpose of this computation, 260 shall be deemed the number of business days in any year. When the principal part of the livestock handled by a market agency or dealer is sold or purchased at public auction, the amount of the bond shall be not less than the nearest multiple of one thousand dollars ($1,000) above an amount determined by dividing the total value of the livestock sold or purchased, or both, at auction at posted stockyards or, in the absence of segregated records, all sales and purchases during the preceding 12 months, or such part thereof as the market agency or dealer was engaged in business, by the actual number of auction sales at which livestock was sold or purchased by the market agency or dealer, but in no instance shall the divisor be greater than 130. In no case shall the amount of bond be less than five thousand dollars ($5,000). When the sales or purchases, or both, calculated as hereinbefore specified, exceed fifty thousand dollars ($50,000) the amount of the bond need not exceed fifty thousand dollars ($50,000) plus ten (10) percent of the excess. Whenever the Chief finds any bond required by §§ 201.29 to 201.34 to be inadequate, such bond upon notice, shall be adjusted to meet the requirements of this section. An applicant for registration as a mar-

ket agency who fails to meet the financial requirements of § 201.10 shall furnish, in addition to such bond coverage, additional bond coverage equal to the amount by which he fails to meet such financial requirements. If a person applying for registration as a market agency or dealer has been engaged in the business of handling livestock in such capacity prior to the date of the application, the value of the livestock so handled, if representative of his future operations, shall be used in computing the amount of bond in accordance with the provisions of this section.

§ 201.31 *Conditions in market agency and dealer bonds.* Each market agency and dealer bond shall contain conditions applicable to the activity or activities in which the person or persons named as principal in the bond propose to engage, which conditions shall be as follows or in terms to provide equivalent protection.

(a) When the principal sells on commission: If the said principal shall safely keep and faithfully and promptly account for and pay to the owners or their duly authorized agents the proceeds of sales of all livestock received for sale on a commission basis by the said principal at a public stockyard as defined in the Packers and Stockyards Act.

(b) When the principal buys on commission: If the said principal shall faithfully and promptly execute all orders for purchases of livestock undertaken by said principal on a commission basis, on behalf of buyers, at a public stockyard as defined in the Packers and Stockyards Act, and shall safely keep and properly disburse all funds coming into the hands of said principal for the purpose of making such livestock purchases, paying for all livestock so purchased.

(c) When the principal operates as a dealer (trader): If the said principal shall pay, when due, to the person or persons entitled thereto the purchase price for all livestock purchased by said principal at a public stockyard as defined in the Packers and Stockyards Act.

(d) When the principal "clears" and thus is responsible for the obligations of other registrants: If the said principal, acting in the capacity of broker or clearing agency, and thereby being responsible for the financial obligations of other registrants at a public stockyard as defined in the Packers and Stockyards Act, viz: (insert here the names of such registrants) ---------- shall (1) pay, when due, to the person or persons entitled thereto the purchase price for all livestock purchased by such other registrants; (2) safely keep and properly disburse all funds coming into the hands of said principal for the purpose of making such purchases; and (3) safely keep and faithfully and promptly account for and pay to the owners or their duly authorized agents the proceeds of sales of all livestock received for sale on a commission basis by such other registrants for whom said principal acts as broker or clearing agency.

§ 201.32 *Trustee in market agency and dealer bonds.* Bonds shall be in favor of a financially responsible, disinterested trustee, satisfactory to the Chief. Secretaries or other officers of livestock exchanges or of similar trade associations, and banks and trust companies, or their officers, are deemed suitable trustees.

§ 201.33 *Persons damaged may maintain suit to recover on market agency and dealer bonds.* Each bond shall contain a provision that any person damaged by failure of the principal to comply with the condition clauses of the bond may maintain suit to recover on the bond even though such person is not a party named in the bond.

§ 201.34 *Termination of market agency and dealer bonds.* Each bond shall contain a provision requiring that at least ten days' notice in writing be given to the Chief at Washington, D. C., by the party terminating such bond in order to effect its termination.

LICENSEE BONDS

§ 201.35 *Standards for bonds submitted by applicants for licenses and licensees.* Surety bonds submitted by applicants for licenses and by licensees as provided for by §§ 201.14 and 201.15 shall meet the following standards:

(a) Each licensee bond shall contain conditions applicable to the activity or activities in which the person or persons named as principal in the bond propose to engage, which conditions shall be as follows or in terms to provide equivalent protection.

(1) When the applicant or licensee sells live poultry on a commission or agency basis, the bond shall contain the following clause:

> If the said principal shall safely keep and faithfully and promptly account for and pay to the owners or their duly authorized agents the proceeds of sales of all live poultry received for sale on a commission basis by the said principal in his capacity as a licensee.

(2) When the applicant or licensee operates as a dealer, the bond shall contain the following clause:

> If the said principal shall pay when due, to the person or persons entitled thereto the purchase price of all live poultry purchased by said principal in his capacity as a licensee.

(b) The amount of such bond shall be at least equal to the amount by which the applicant or licensee has failed to meet the financial requirements of the regulations in this part.

§ 201.36 *Trustee in licensee bonds.* Bonds shall be in favor of a financially responsible, disinterested trustee, satisfactory to the Chief. Secretaries of trade associations, and banks and trust companies, or their officers, are deemed suitable trustees.

§ 201.37 *Persons damaged may maintain suit to recover on licensee bonds.* Each bond shall contain a provision that any person damaged by failure of the principal to comply with the condition clauses of the bond may maintain suit to recover on the bond even though such person is not a party named in the bond.

§ 201.38 *Termination of licensee bonds.* Each bond shall contain a provision requiring that at least ten days' notice in writing be given to the Chief at Washington, D. C., by the party terminating such bond in order to effect its termination.

PROCEEDS OF SALE

§ 201.39 *Payment to be made to consignor or shipper by market agency or licensees; exceptions.* (a) No market agency or licensee shall, except as provided in paragraph (b) of this section, pay the net proceeds or any part thereof, arising from the sale of livestock or live poultry consigned to it for sale, to any person other than the consignor or shipper of such livestock or live poultry except upon an order from the Secretary or a court of competent jurisdiction, unless (1) such market agency or licensee has reason to believe that such person is the owner of the livestock or live poultry, (2) such person holds a valid, unsatisfied mortgage or lien upon the particular livestock or live poultry, or (3) such person holds a written order authorizing such payment executed by the owner at the time of or immediately following the consignment of such livestock or live poultry.

(b) The net proceeds arising from the sale of livestock, the ownership of which has been questioned by a market agency duly authorized to inspect brands, marks, and other identifying characteristics of livestock may be paid in accordance with the directions of such brand inspection agency if the laws of the State from which such livestock originated or was shipped to market make provision for payment of the proceeds in the manner directed by the brand inspection agency and if the market agency to which the livestock was consigned, and the consignor or consignors concerned, are unable to establish the ownership of the livestock within a reasonable period of time, not to exceed 60 days after sale.

§ 201.40 *Market agencies or licensees not to use shippers' proceeds or funds received for purchases on commission for own purposes through "bank float" or otherwise.* No market agency or licensee engaged in selling or buying livestock or live poultry on a commission or agency basis shall, except in accordance with separate, specific, prior, written authorization given by its consignors or shippers, use shippers' proceeds or funds received for the purchase of livestock or live poultry on order for purposes of its own either through recourse to the so-called "float" in the bank account in which the proceeds or funds are deposited or in any other manner.

§ 201.41 *Market agencies and licensees to make faithful and prompt accounting to consignors or shippers or other interested persons of whom they have knowledge.* No market agency or licensee shall make such use or disposition of funds in its possession or control as will endanger or impair the faithful and prompt accounting for and payment of such portion thereof as may be due the consignor or shipper of livestock or live poultry or other persons having an interest therein of which interest such market agency or licensee has knowledge.



§ 201.42 *Custodial accounts for shippers' proceeds.* Every market agency and licensee shall, except when gross proceeds are handled in accordance with separate, specific, prior, written authorization given by its consignors or shippers, deposit the gross proceeds received from the sale of livestock or live poultry handled on a commission or agency basis in a separate bank account designated as follows (using the name of "John Doe Commission Company" as an example): "John Doe Commission Company—Custodial Account for Shippers' Proceeds": Such account shall be drawn on only for payment of the net proceeds to the consignor or shipper, or such other person or persons whom such market agency or licensee has knowledge is entitled thereto, and to obtain therefrom the sums due the market agency or licensee as compensation for its services, as set out in its tariffs, and for such sums as are necessary to pay all legal charges against the consignment of livestock or live poultry which a market agency or licensee may, in its capacity as agent, be required to pay for and on behalf of the consignor or shipper. The market agency or licensee in each case shall keep such accounts and records as will at all times disclose the names of the consignors and the amount due and payable to each from funds in the Custodial Account for Shippers' Proceeds. For the proper maintenance of such accounts and in order to expedite examination thereof by duly authorized representatives of the Secretary, the market agency or licensee in each case shall keep the accounts in a manner which will clearly reflect the handling of the funds in compliance with the requirements of this section.

ACCOUNTS AND RECORDS

§ 201.43 *Market agencies and licensees to make prompt accounting and transmittal of net proceeds.* Each market agency shall, before the close of the next business day following the sale of any livestock consigned to it for sale, transmit or deliver to the consignor or shipper of the livestock, or his duly authorized agent, in the absence of any knowledge that any other person, or persons, has any interest in the livestock, the net proceeds received from the sale and a true written account of such sale, showing the number, weight, and price of each kind of animal sold, the name of the purchaser, the date of sale, the commission, yardage, and other lawful charges, and such other facts as may be necessary to complete the account and show fully the true nature of the transaction. Each licensee, acting as a broker, factor, or commission merchant, shall, before the close of the next business day following the sale of live poultry consigned to it for sale, transmit or deliver to the consignor or shipper of the live poultry, or his duly authorized agent, in the absence of any knowledge that any other person, or persons, has any interest in the live poultry, the net proceeds received from the sale and a true written account of such sale showing the number of pounds and the price of each kind of poultry sold, the date of sale, the name of the purchaser, the commission, and other lawful charges, and such other facts as may be necessary to complete the account and show fully the true nature of the transaction.

§ 201.44 *Market agencies and licensees to render prompt accounting for purchases on order.* Each market agency and licensee shall, promptly following the purchase of livestock or live poultry on a commission or agency basis, transmit or deliver to the person for whose account such purchase was made, or his duly authorized agent, a true written account of the purchase showing the number, weight, and price of each kind of animal purchased, or the weight and price of each kind of live poultry purchased, the names of the persons from whom purchased, the date of purchase, the commission and other lawful charges, and such other facts as may be necessary to complete the account and show fully the true nature of the transaction.

§ 201.45 *Market agencies and licensees to make records available for inspection by owners, consignors, and purchasers.* Each market agency and licensee engaged in the business of selling or buying livestock or live poultry on a commission or agency basis shall, on request from an owner, consignor, or purchaser, make available copies of bills covering charges paid by such market agency or licensee for and on behalf of the owner, consignor, or purchaser which were deducted from the gross proceeds of the sale of livestock or live poultry or added to the purchase price thereof when accounting for the sale or purchase.

§ 201.46 *Stockyard owners, registrants, and licensees to keep daily record.* (a) Each stockyard owner, in addition to other necessary records, shall make and keep an accurate record of the number of head of each class of livestock received, shipped, or disposed of locally each day. Each registrant buying or selling livestock on a commission basis or otherwise, in addition to other necessary records, shall make and keep an accurate record of the number and weight of livestock bought, sold, or otherwise disposed of each business day, the prices paid or received therefor, and the charges made for services.

(b) Each licensee buying or selling live poultry on a commission basis or otherwise, in addition to other necessary records, shall make and keep an accurate record of the number of pounds of live poultry bought or sold each business day, the prices paid or received therefor, and the charges made for services and facilities.

§ 201.47 *Market agencies and licensees to disclose business relationships, if any, with purchasers.* No market agency or licensee acting as a broker, factor, or commission merchant shall knowingly sell or dispose of consigned livestock or live poultry to any person in whose business such market agency or licensee, or any stockholder, owner, officer, or employee thereof, has a financial interest, or to any person who has a financial interest in such market agency or licensee, unless the market agency or licensee discloses on the acounts of sales issued to the consignors concerned the nature of the relationship existing between the market agency or licensee and the buyers of the livestock or live poultry and then only if the livestock or live poultry has been offered for sale on the open market and the purchaser's bid exceeds that of other bidders. The provisions of this section shall not be construed to permit any transaction prohibited by §§ 201.57 and 201.69 relating to sales of livestock or live poultry out of consignments to owners, officers, agents, or employees of market agencies or licensees to which the livestock or live poultry was consigned.

§ 201.48 *Sellers of live poultry to issue sales tickets at designated markets.* With respect to each purchase or sale of live poultry by licensees at designated markets a ticket shall be prepared by the seller at the time of sale. Each ticket shall show the name of the designated market, the date of the transaction, the names of the seller and buyer, the number of coops, kinds of poultry, price per pound, and such terms and conditions as the parties may agree upon. Each ticket shall be legibly signed by the seller and the buyer or authorized representatives thereof and when thus signed shall constitute the contract of purchase and sale. One copy of such ticket shall be retained by the seller. On request a copy shall be furnished to the buyer. A copy shall be transmitted with an accounting of the sale to the owner or consignor of the live poultry if the transaction is one on an agency basis. Settlement between seller and buyer shall be on the basis of the duly executed and signed tickets required by this section unless good cause is shown for settlement on some other basis.

§ 201.49 *Requirements regarding scale tickets evidencing weighing of livestock or live poultry.* When livestock or live poultry is weighed for purposes of purchase or sale, a scale ticket shall be issued which shall show the name of the agency performing the weighing service, the date of the weighing, the number of the scale or other information identifying the scale upon which the weighing is performed, the name of the seller, the name of the buyer, and the name of the consignor, or understandable abbreviations of such names. In the case of livestock, in addition to the information referred to in this section, the scale ticket shall show the number of head, kind, and actual weight of the livestock, the amount of dockage, if any, and the name or initials of the person who weighed the livestock. In the case of live poultry, in addition to the information referred to in this section, the scale ticket shall show the number of coops weighed, the gross, tare, and net weights, and the name or initials of the person operating the scale at the time the weighing is done. At posted stockyards only stockyard owners, or State agencies registered as market agencies (when weighing is required to be performed by State agencies) shall weigh livestock and execute and issue scale tickets. In live poultry marketing areas designated under the act only licensees

shall weigh live poultry and execute and issue scale tickets. Scale tickets issued under this section shall be in triplicate form, serially numbered, and if such tickets are used on a type-registering beam they shall conform to the specifications of the National Bureau of Standards. One copy shall be retained by the stockyard owner, market agency, or licensee issuing the same, and one copy shall be furnished to the seller and one copy to the buyer. Duly authenticated copies shall be furnished on request to any owner or consignor of livestock or live poultry. No change in weight shall be made except upon a reweighing of the livestock or live poultry. In the case of an error of the weighmaster in preparing the scale ticket, other than in the weight, he shall prepare a corrected scale ticket showing the corrections made and stating on the back thereof the reasons for such changes. In the event of an error in the preparation of a scale ticket, other than in the weight, due to misinformation having been furnished by the seller or buyer, the weighmaster upon request of the seller or buyer shall issue another ticket bearing appropriate corrections or a correction slip which shall show thereon the changes made and on the back thereof the reasons for such changes. Before such correction ticket or slip shall be issued the weighmaster shall require the person requesting the change to sign such ticket or slip. The correction ticket or slip shall be attached to the original ticket, bear the same serial number, and show on its face that it is a correction ticket or slip.

§ 201.50 *Records; disposition.* No stockyard owner, registrant, or licensee shall destroy or dispose of any books, records, documents, or papers which contain, explain, or modify transactions in his business under the act, without the consent in writing of the Chief.

§ 201.51 *Contracts; stockyard owners to furnish copies of.* Each stockyard owner shall furnish to the Chief at Washington, D. C., true copies of all contracts, and amendments thereof, between such stockyard owner and packing, rendering, serum, fertilizer, or other establishments relating to the business of the stockyard owner, except when it is shown that copies of such documents in the form in which they are effective are already in the possession of the United States Government at Washington, D. C., and available to the Secretary.

§ 201.52 *Information as to sales on commission or agency basis not to be furnished to unauthorized parties.* No market agency or licensee, in connection with the sale of livestock or live poultry on a commission or agency basis, shall give to any person, except a person authorized by the Assistant Administrator to obtain such information or a person who has a financial interest in the consignment or a statement in writing from the owner thereof authorizing the market agency or licensee to furnish such information, any copy of an account of sale or other paper or information which will reveal to such person information relating to the price at which livestock or live poultry was sold or the amount of the net proceeds thereof remitted to the owner or consignor: *Provided, however,* That this shall not prevent a market agency or licensee from furnishing to a trucker, hauling livestock or live poultry for hire, information as to the weight of such livestock or live poultry in order that the trucker may have the necessary facts on which to base his hauling charges: *And provided further,* That this shall not prevent a market agency or licensee from giving to recognized market news reporting services such information as may be necessary to enable such reporting services to furnish the public with market news data.

TRADE PRACTICES

§ 201.53 *Livestock and live poultry market conditions and prices; persons subject to act not to circulate misleading reports.* No packer, stockyard owner, registrant, or licensee shall knowingly make, issue, or circulate any false or misleading report, record, or representation concerning livestock or live poultry market conditions or the price or sale of any livestock or live poultry.

§ 201.54 *Gratuities.* (a) No stockyard owner, or market agency or licensee engaged in the business of selling or buying livestock or live poultry on a commission basis or otherwise, shall give any trucker delivering livestock or live poultry for owners or consignors any gratuities, money, meals, or things of value except advertising novelties having a total value not in excess of 50 percent. This regulation shall not preclude loans by a stockyard owner, market agency, or licensee to a trucker or shipper of livestock or live poultry which are evidenced by an interest-bearing note, properly secured, and having a definite due date.

(b) No stockyard owner shall receive, or knowingly permit any officer, agent, or employee of the stockyard to receive, from any market agency, dealer, packer, or other user of such stockyard, and no market agency, dealer, or packer shall offer, make, or give to any stockyard owner, or to any officer, agent, or employee of a stockyard, any gift, payment, loan, or other consideration, except the established charges for, or in connection with, the furnishing of stockyard services.

(c) No market agency, engaged in selling or buying livestock on a commission basis or otherwise, shall receive, or knowingly permit any owner, officer, agent, or employee of the market agency to receive, from any consignor, principal, dealer, packer, or other user of such market agency services, and no dealer, packer, or market agency shall offer, make, or give to any owner, officer, agent, or employee of a market agency, any gift, payment, loan, or other consideration except the established charges for, or in connection with, the furnishing of market agency services.

§ 201.55 *Purchases and sales to be made on actual weights.* When livestock or live poultry is bought or sold on a weight basis by persons subject to the provisions of the act, settlement therefor shall be on the basis of the weight shown on the scale ticket or correction ticket, as the case may be. Any weight figures shown on accounts of sale, accounts of purchase, invoices, bills, or statements issued by persons subject to the act shall be actual weights obtained on stockyard scales, in the case of livestock, or on scales operated by licensees, in the case of live poultry, at the place and at the time of the consummation of the transactions in question or, if not, shall be appropriately explained on the accountings, bills, or statements issued.

§ 201.56 *Filling orders; price to be paid.* No market agency engaged in the business of selling and buying livestock on a commission basis shall use any livestock consigned to it for sale to fill orders, except as provided in § 201.62, and then only at a price higher than the highest available bid on such livestock after it has been offered for sale on the open market in the customary manner.

§ 201.57 *Livestock sold at auctions; purchases from consignments.* (a) No market agency engaged in selling consigned livestock at auction shall permit its owners, officers, agents, or employees to purchase livestock from consignments for resale for their own speculative accounts, nor shall it permit its owners, officers, agents, or employees to enter into any agreements, relationships, or associations with other parties whereby such owners, officers, agents, or employees shall share, directly or indirectly, in profits realized from resale of livestock purchased out of consignments; nor shall such market agency permit auctioneers or weighmasters, or other employees performing duties of comparable responsibility in connection with the actual conduct of auction sales by the market agency, to purchase livestock out of consignments for any purpose for their own account. This shall not preclude employees of the market agency, whose duties in connection with the selling of livestock by auction do not involve the making of determinations or decisions directly affecting the interests of consignors, from purchasing livestock from consignments for their own accounts for purposes other than speculative resale, provided all such purchases are made by such employees bidding openly and competitively at auction against other buyers and, on the accounts of sale issued, disclosure is made to the consignors concerned of the relationship of the buyers to the market agency.

(b) No market agency engaged in selling livestock at auction shall weigh livestock from its consignments to a dealer account it maintains except when necessary to protect the legitimate interests of consignors and then only after having complied with the requirements of § 201.59. Whenever consigned livestock is offered for sale at auction and is bought by the market agency, or by any person in whose business the market agency has a financial interest, the name of the buyer shall be publicly announced by the market agency at the conclusion of the transaction with respect to such livestock and the accounts of sales furnished the consignors concerned shall disclose the information required by



§ 201.47. The provisions of this section shall not preclude bona fide owners or consignors of livestock from exercising such rights as are conferred on them by the laws of the State in which the auction market is located relating to sales of livestock at auction.

§ 201.58 *Sales to be to highest bidder without intermingling and not conditioned on sales of other consignments.* Every market agency and licensee engaged in the business of selling livestock or live poultry on a commission or agency basis shall offer the livestock or live poultry consigned to it for sale on the open market and shall sell such livestock or live poultry at the highest available bid. In all instances the market agency or licensee shall sell each consignment of livestock or live poultry on its merits and shall not intermingle, prior to sale and for purpose of sale, the livestock or live poultry belonging to one consignor with the livestock or live poultry belonging to another and different consignor unless the consent of the several consignors has been obtained in advance. A market agency or licensee shall not make the sale of one consignment of livestock or live poultry conditional on the sale of another and different consignment of livestock or live poultry without the consent of the owners. If livestock or live poultry belonging to different owners is graded and sold in lots, settlement shall be on the basis of the weight shown on the scale ticket or correction ticket, as the case may be, issued at the time the livestock or live poultry is weighed or graded.

§ 201.59 *Taking consignments into own account; accounting; resales.* If a person registered to operate both as a market agency and dealer, or licensed under the act, takes to his own account livestock or live poultry consigned to him for sale on a commission or agency basis, he shall do so only after he has offered such livestock or live poultry for sale on the open market in the customary manner, and then such livestock or live poultry shall be taken into his account only at a price higher than the highest available bid. In such event the market agency or licensee, in accounting to the owner or consignor of the livestock or live poultry, shall show on the account of sale as the purchaser of the livestock or live poultry the full, true, and correct name of the market agency or licensee. In the event a market agency or licensee takes to its account livestock or live poultry belonging to one owner and resells such livestock or live poultry in one lot on the same day at a price higher than that remitted to the owner, such additional price shall be remitted to the owner in a separate accounting.

§ 201.60 *Consignments on commissions; sale of livestock.*—(a) *Consignments on commission; officer, agent, or employee of consignee not to purchase from.* No market agency or licensee, except as provided in § 201.57, shall sell any consigned livestock or live poultry to any owner, officer, agent, or employee of the market agency or licensee for his own account, or enter, or permit any such owner, officer, agent, or employee, to enter, into any agreement, relationship, or association with anyone whereby such market agency or licensee, or any owner, officer, agent, or employee thereof, shares in the profits realized from the resale of livestock or live poultry purchased from a consignment to such market agency or licensee.

(b) *Sale of livestock belonging to a market agency or its officers or employees.* No market agency shall sell livestock belonging to it or to its owners, officers, agents, or employees, or sell livestock in which it or its owners, officers, agents, or employees have an ownership interest, in such manner as to prejudice the interests of consignors who have consigned livestock to the market agency for sale for their accounts.

§ 201.61 *Market agencies engaged in selling livestock on commission.*—(a) *Market agencies engaged in selling livestock on commission not to finance or clear dealers.* No market agency registered to sell livestock on commission shall finance, clear, or furnish bookkeeping or similar services to a dealer; nor shall such a market agency enter into any agreement, relationship, or association with dealers or other buyers which might have a tendency to lessen the loyalty of the market agency to its consignors or impair the quality of its selling services. This shall not preclude a market agency registered to sell and to buy livestock on a commission basis from purchasing livestock on order for buyers, provided such orders are handled in accordance with the requirements of §§ 201.56 and 201.62.

(b) *Market agencies engaged in purchasing livestock on commission not to purchase livestock from clearees to fill orders.* No market agency registered to buy livestock on commision shall, in filling orders, purchase livestock from dealers whose operations it clears, nor shall it enter into any agreement, relationship, or association with dealers or others which will impair the quality of the buying services furnished its principals.

§ 201.62 *Using consigned livestock to fill orders.* Whenever a market agency uses livestock consigned to it for sale to fill, in whole or in part, an order which it has received from a buyer, the market agency shall be presumed with respect to such livestock to be acting solely as the agent of the consignor and shall collect for its services only the selling commissions provided in its tariff: *Provided,* That to offset expenses incurred by market agencies in soliciting bids on consigned livestock from off-the-market buyers, all the market agencies at a stockyard may provide in their tariffs for assessing such buyers a uniform expense charge not to exceed one-half of the order-buying charges in effect at the market.

§ 201.63 *Consignments; when not to be solicited.* No market agency or licensee shall solicit consignments of livestock or live poultry at or on stockyard premises or in designated areas or after such livestock or live poultry has been billed or consigned to a market agency or licensee and is in course of transportation for delivery to the consignee at a posted stockyard or in a designated area.

§ 201.64 *Consignments; guarantees not to be given.* No market agency or licensee, in soliciting consignments of livestock or live poultry, shall guarantee to the owner or consignor thereof that such livestock or live poultry will be sold at a specific price or prices if consigned to the market agency or licensee for sale on a commission basis.

§ 201.65 *Restrictions on employment of salesmen on split commission basis.* No market agency engaged in selling livestock on a commission basis for the accounts of consignors shall employ a livestock salesman under an agreement or arrangement whereby such salesman is to assume the responsibility of selling a species or class of livestock received by the market agency from all consignors but whose compensation is to be based on a split of only those commission charges assessed consignors considered to be "followers" of the particular salesman. This shall not preclude a market agency handling a small volume of livestock of a certain species from employing a salesman to sell such species under an agreement or arrangement whereby the compensation for such salesman's services is to be based on a split of the commissions realized by the market agency from all consignors whose livestock the salesman is to sell; nor shall it preclude a market agency from making incentive payments, or bonus payments, to salesmen based on the over-all operating results of the market agency.

§ 201.66 *Market agencies not to employ packers or dealers.* No market agency engaged in selling livestock on a commission basis for the accounts of consignors or in purchasing livestock on a commission basis for the accounts of principals shall, after having accepted delivery of consignments, or after having accepted orders from buyers, and until the completion of the weighing of the livestock to buyers, utilize the services of packers or separately registered dealers, or their employees, in the furnishing by such market agency of its services.

§ 201.67 *Packers or dealers not to own or finance selling agencies.* No packer subject to the act, or separately registered dealer, shall have an ownership interest in, finance, or participate in the management or operation of a market agency registered to sell livestock at posted stockyards on a commission basis; nor shall such a market agency permit such a packer, or separately registered dealer, to have an ownership interest in, finance, or participate in the management or operation of such market agency.

§ 201.68 *Packers not to own or finance order buyers.* No packer subject to the act shall have an ownership interest in, finance, or participate in the management or operation of a market agency registered to purchase livestock at posted stockyards on a commission basis; nor shall such a market agency permit a packer to have an ownership interest in, finance, or participate in the

management or operation of such market agency.

§ 201.69 *Furnishing information to competitor buyers.* No packer, dealer, or order buyer, engaged in purchasing livestock at a posted stockyard in person, or through employed buyers, shall, prior to, or during the conduct of, his buying operations at such stockyard, furnish competitor packers, dealers, order buyers, or their buyers or representatives, similarly engaged in buying livestock at the stockyard, with information concerning his proposed buying operations at the stockyard, such as the species, classes, volume of livestock to be purchased, or prices to be paid; nor shall such packer, dealer, or order buyer furnish any other buying information to competitor buyers for the purpose or with the effect of restricting or limiting competition, manipulating livestock prices, or controlling the movement of livestock through posted stockyards.

§ 201.70 *Restriction or limitation of competition between packers and dealers prohibited.* Each packer subject to the act shall conduct his buying operations at posted stockyards, and at other locations, in competition with, and independently of, other packers. Each packer and dealer engaged in purchasing livestock at posted stockyards, in person or through employed buyers, shall conduct his buying operations at such stockyards in competition with, and independently of, other packers and dealers similarly engaged.

SERVICES

§ 201.71 *Accurate weights.* Each stockyard owner, market agency, or licensee who weighs livestock at a posted stockyard or live poultry in a designated area shall install, maintain, and operate the scales used for such weighing so as to insure accurate weights.

§ 201.72 *Scales; testing of.* Each stockyard owner, market agency, or licensee who weighs livestock at a posted stockyard or live poultry in a designated area for purposes of purchase or sale or who furnishes scales for such purposes shall cause such scales to be tested properly by competent agencies at suitable intervals in accordance with instructions of the Chief, copies of which will be furnished to each stockyard owner, market agency, or licensee.

§ 201.73 *Scale operators to be competent.* Stockyard owners, market agencies, and licensees shall employ only competent persons of good character and known integrity to operate scales at posted stockyards or in designated areas for weighing livestock or live poultry for the purpose of purchase or sale. They shall require such employees to operate the scales in accordance with instructions of the Chief, copies of which will be furnished to each stockyard owner, a market agency, or licensee who employs persons to operate scales used for the purposes herein indicated. They also shall require such employees to "rotate" in their weighing assignments at stockyards operating three or more scales. Any person found to be operating scales incorrectly, carelessly, in violation of instructions, or in such manner as to favor or injure any party or agency through incorrect weighing or incorrect weight recording shall be removed from his weighing duties.

§ 201.74 *Scales; reports of tests and inspections.* Each stockyard owner, market agency, or licensee who weighs livestock at a posted stockyard or live poultry in a designated area for purposes of purchase or sale, shall furnish reports of tests and inspections of scales used for such purposes on forms which will be furnished by the Chief on request. The stockyard owner, market agency, or licensee shall retain one copy of such form when executed, shall cause one copy to be retained by the agency conducting the test and inspection of the scales, and shall deliver the third copy to the District Supervisor having charge of the work under the act in the particular district in which the scales being tested are located. In case the test and inspection of scales as herein required are conducted by an agency of a State or municipality or other governmental subdivision, the forms ordinarily used by such agency for reporting tests and inspections of scales shall be accepted in lieu of the forms furnished for this purpose by the Chief: *Provided*, That the test and inspection forms used by the State or other governmental agency contain substantially the same information as that required by the official form.

§ 201.75 *Scales; repairs, adjustments, or replacements after inspection.* No scale shall be used by any stockyard owner, market agency, or licensee, at a posted stockyard or in a designated area, unless it has been found upon test and inspection to be in a condition to give accurate weights. If any repairs, adjustments, or replacements are made upon such a scale it shall not be placed in use until it has again been tested and inspected in accordance with the regulations in this part.

§ 201.76 *Reweighing.* Stockyard owners, market agencies, and licensees, or their employees, shall reweigh livestock or live poultry on request of duly authorized representatives of the Secretary.

§ 201.77 *Weighing for purposes other than purchase or sale.* Every stockyard owner, market agency, and licensee who weighs livestock or live poultry, at a posted stockyard or in a designated area, for purposes other than purchase or sale shall show on the scale tickets or other records used in connection with such weights the fact that they are not weights for the purpose of purchase or sale.

§ 201.78 *Packer scales.* Packers owning or operating scales on which livestock is weighed for purposes of purchase in commerce for slaughter shall install, maintain, and operate such scales so as to insure accurate weights. They shall cause such scales to be tested properly by competent agencies at suitable intervals in accordance with instructions of the Chief and shall submit to the District Supervisor copies of reports on at least two scale tests made during the year. They shall employ only competent persons of good character and known integrity to operate such scales and shall require such employees to operate the scales in accordance with instructions of the Chief. Any employee found to be operating scales incorrectly, carelessly, in violation of instructions, or in such manner as to favor or injure any party or agency through incorrect weighing or incorrect weight recording shall be removed from his weighing duties. For each draft of livestock weighed for purposes of purchase or sale a scale ticket shall be issued showing, in addition to the weight of the livestock and the amount of dockage, if any, the name of the seller, the name of the buyer, the species, number of head, initials of weigher, and date of weighing. Scale tickets shall be executed at least in duplicate, one copy being supplied the seller and one copy being retained by the packer for a period of not less than six months. Scale tickets printed on type-registering weighbeams shall conform to the specifications of the National Bureau of Standards. No scale shall be used by any packer in weighing livestock for purchase unless it has been found, upon test and inspection, to be in condition to yield accurate weights. If any repairs, adjustments, or replacements are made upon such a scale it shall not be used until it has been retested and found accurate.

§ 201.79 *Facilities and assignment of pens—(a) Facilities and services at posted stockyards or designated cities, markets, or places; discrimination prohibited.* No stockyard owner shall discriminate unfairly with respect to the utilization of pens, alleys, buildings, or facilities for the yarding, weighing, or handling of livestock, or of space for packing, rendering, and other establishments, or otherwise in furnishing services and facilities at his stockyard. No licensee shall discriminate unfairly with respect to the utilization of facilities for the handling of live poultry at designated cities, markets, or places, or discriminate unfairly in the weighing or handling of live poultry or otherwise in furnishing services and facilities thereat.

(b) *Assignment of pens and facilities.* Every stockyard owner shall assign to market agencies engaged in selling livestock on a commission basis at the stockyard and dealers engaged in buying and selling livestock at the stockyard, without unfair or unjust discrimination, reasonable pens and facilities to be used in connection with the holding, feeding, watering, sorting, or selling of livestock consigned to market agencies or the buying, selling, or receiving of livestock by dealers at such stockyard: *Provided*, That if conditions warrant the stockyard owner may assign reasonable pens or other facilities to be used jointly or in common by two or more of such dealers. Each market agency and dealer shall make application to the stockyard owner for, and obtain an assignment of, necessary pens and facilities prior to commencing operations at the stockyard. Assignments of pens and facilities shall be made, reviewed annually or oftener, if conditions warrant, and adjusted or changed, in number or location, on the basis of the volume and kind of livestock handled, the number, size, character, and kind of consignments received or lots purchased, the seniority of the market agency or dealer, the operating conditions of the stockyard, and other pertinent considerations: *Provided*, That no assignment, adjustment, or change shall unfairly or unjustly discriminate against any market agency or dealer or impair the efficiency of operations or the reasonableness of stockyard services furnished patrons of the market.

(c) *Dealers required to operate in assigned pens.* Dealers engaged in buying and selling livestock at a posted stockyard shall receive, handle, feed, water, hold, sort, trade on, or sell all livestock bought or received by them at such stockyard, and otherwise carry on their dealer operations, in pens and facilities assigned to them by the stockyard owner. This shall not prohibit dealers from consigning livestock to, or bona fide planting livestock with, registered market agencies at the stockyard for sale: *Provided*, That, if conditions at a particular market require such action, the market agencies and the stockyard owner shall prescribe reasonable hours within which dealer-owned livestock may be held in pens assigned to the market agencies.

§ 201.80 *Stockyard facilities or services to be furnished only to unsuspended, properly registered, and bonded parties.* No stockyard owner or operator shall, after notice, furnish services or facilities at his stockyard to any person who attempts to engage in the business of a market agency or dealer at his stockyard without being properly registered and bonded as required by the act and the regulations in this part or whose registration is under suspension.

§ 201.81 *Suspended or revoked registrants or licensees.* No packer, registrant, or licensee shall, after notice, employ any person whose registration or license has been suspended or revoked to perform activities at a posted stockyard or in a designated area during the period of such suspension or revocation. No registrant or licensee shall, at a posted stockyard or in a designated area, after notice, furnish services or facilities or sell livestock or live poultry to or buy livestock or live poultry from any person required by the act and the regulations in this part to be registered and bonded, or licensed, who is not so registered and bonded, or licensed, or whose registration or license is suspended or revoked.

§ 201.82 *Livestock; care and promptness in yarding, feeding, watering, weighing, and handling.* Each stockyard owner and registrant shall exercise reasonable care and promptness in respect to yarding, feeding, watering, weighing, or otherwise handling livestock to prevent waste of feed, shrinkage, injury, death, or other avoidable loss.

§ 201.83 *Live poultry; care and promptness in feeding, watering, weighing, transporting, and handling.* Each licensee shall exercise reasonable care and promptness in respect to unloading, placing in coops, feeding, watering, weighing, transporting, or otherwise handling live poultry to prevent waste of feed, shrinkage, injury, death, or other avoidable loss.

§ 201.84 *Feed and water furnished livestock or live poultry.* Each stockyard owner, market agency, or licensee, who furnishes feed or water to livestock at posted stockyards or live poultry in designated areas shall see that it is wholesome and fit for the purpose. They shall collect for feed so furnished according to actual or carefully estimated weight only and in accordance with their schedules of rates and charges filed under the act.

§ 201.85 *Livestock auctions; requirements as to accommodations and persons entering auction ring.* Stockyard owners and market agencies shall furnish adequate accommodations for the public to see and place bids on livestock offered for sale at auction; but only those persons whose presence is necessary to the proper handling, buying, or selling of the livestock shall be permitted in the auction ring while the auction is in progress.

INSPECTION OF BRANDS

§ 201.86 *Application for authorization by State agencies and duly organized State livestock associations; requisites.* A department or agency of a State, or a duly organized livestock association of a State, in which branding or marking of livestock, or both, as a means of establishing ownership prevails by custom or statute, which desires to obtain an authorization to charge and collect at any stockyard subject to the provisions of the act a reasonable and nondiscriminatory fee for the inspection of brands, marks, and other identifying characteristics of livestock originating in or shipped from such State for the purpose of determining the ownership of such livestock shall file with the Assistant Administrator an application in writing for such authorization. The application shall set forth clearly facts showing the necessity for inspection and shall show that branding or marking, or both branding and marking, livestock as a means of establishing ownership prevails by custom or statute in the State. The application shall set forth additional information, including facts showing the experience, extent and efficiency of the organization, possession of necessary records, and any other factor relating to the ability of the applicant to perform the proposed service and, in addition, in the case of a duly organized livestock association, the financial responsibility of the applicant and evidence of its organization. The application shall further state the names of the stockyards at which the applicant proposes to perform this service and the fee which the applicant proposes to charge for rendering the service.

§ 201.87 *Two or more applications from same State; procedure.* In case two or more applications for authorizations to collect a fee for the inspection of brands, marks, and other identifying characteristics of livestock, for the purpose of determining the ownership of such livestock, are received from the same State, and the facts set forth in the applications show such action to be necessary in order to reach a proper determination, a hearing will be held in conformity with the applicable rules of practice governing proceedings under the act.

§ 201.88 *Registration and filing of schedules.* Upon the issuance of an authorization to an agency or an association, said agency or association shall register in accordance with the provisions of § 201.10 and shall file a schedule of its rates and charges for performing the service in the manner and form prescribed by §§ 201.17 to 201.26, inclusive.

§ 201.89 *Records of authorized agencies or associations.* Authorized agencies or associations shall maintain adequate records showing in detail the income derived from the collection of authorized fees, the disbursement of such funds as expenses for conducting the services, the inspections performed, and the results thereof, including records showing a full description of brands, marks, and other identifying characteristics of livestock which have been inspected. They shall also maintain currently records of the brands, marks, and other identifying characteristics of livestock located in the State from which such agency or association will operate, and with reference to which the authorization has been granted.

§ 201.90 *Fees; deduction and accounting.* Persons registered as market agencies selling livestock on a commission basis, at stockyards where an agency or association has been authorized under the provisions of section 317 (a) of the act to collect a reasonable fee for the inspection of brands, marks, and other identifying characteristics of livestock, shall deduct from the proceeds of the sale of such livestock on which such inspection has been performed the fee as set forth in the tariffs filed by the agency or association and in effect at the time the services are rendered and shall pay over to the authorized agency or association the amount of such fees. Said market agencies in accounting to the owner or consignor of the livestock on which such fees are collected shall clearly show the amounts deducted from the proceeds for the payment of such fees and the purpose for which the payments are being made. All other persons receiving at posted stockyards livestock which is subject to inspection by an agency or association which has been authorized under the provisions of section 317 (a) of the act to collect a reasonable fee for the inspection of brands, marks, and other identifying characteristics of livestock, shall pay, upon demand, to such agency or association the fees authorized by the act to be assessed and collected.

§ 201.91 *Inspections; reciprocal arrangements by authorized agencies or associations.* An authorized agency or association may make arrangements with an association or associations in the same or in another State, where branding or marking livestock prevails by custom or statute to perform inspection service at posted stockyards on such terms and conditions as may be approved by the Assistant Administrator:

*Provided*, That such arrangements will tend to further the purposes of the act and will not result in duplication of charges or services.

§ 201.92 *Maintenance of identity of consignments; inspection to be expedited.* All persons having custody at a posted stockyard of livestock subject to inspection shall make it available to the inspection agency authorized under the act in such manner as to preserve the identity of the consignment until inspection has been completed. Agencies authorized to conduct such inspection shall perform the work as soon after receipt of the livestock as practicable and as rapidly as is reasonably possible in order to prevent delay in marketing, shrinkage in weight, or other avoidable losses.

§ 201.93 *Existing contracts between authorized agencies; recognition and continuation.* The provisions of existing contracts between agencies authorized to collect fees and market agencies engaged in selling livestock on a commission basis, with reference to disposition of proceeds arising from the sale of livestock as to which ownership has been questioned, shall not be affected by the regulations in this part to the extent that such contracts contain no provisions which are in conflict with the act or such regulations. Copies of all such contracts shall be filed promptly with the Chief at Washington, D. C.

GENERAL

§ 201.94 *Information as to business; furnishing of by packers, stockyard owners, registrants, and licensees.* Each packer, stockyard owner, registrant, and licensee shall give to the Secretary or his duly authorized representatives in writing or otherwise, and under oath or affirmation if requested by such representatives, any information concerning the business of the packer, stockyard owner, registrant, or licensee which may be required in order to carry out the provisions of the act and the regulations in this part within such reasonable time as may be specified in the request for such information.

§ 201.95 *Inspection of records and property of packers, stockyard owners, registrants, and licensees.* Each packer, stockyard owner, registrant, and licensee shall, upon proper request during ordinary business hours, permit authorized representatives of the Secretary to enter the place of business and examine all records requested pertaining to the business of the packer, stockyard owner, registrant, or licensee as such, and to make copies thereof, and inspect such property of persons subject to the act as is necessary to carry out the provisions of the act and the regulations in this part. Any necessary facilities for such examination of records and inspection of property shall be extended to authorized representatives of the Secretary by the packer, stockyard owner, registrant, or licensee, his agents and employees.

§ 201.96 *Packers, stockyard owners, registrants, or licensees; information concerning business not to be divulged.* No agent or employee of the United States shall, without the consent of the packer, stockyard owner, registrant, or licensee concerned, divulge or make known in any manner, except to such other agent or employee of the United States as may be required to have such knowledge in the regular course of his official duties or except insofar as he may be directed by the Secretary or by a court of competent jurisdiction, any facts or information regarding the business of any packer, stockyard owner, registrant, or licensee which may come to the knowledge of such agent or employee through any examination or inspection of the business or records of the packer, stockyard owner, registrant, or licensee or through any information given by the packer, stockyard owner, registrant, or licensee pursuant to the act and regulations in this part.

§ 201.97 *Annual reports.* Every packer, stockyard owner, market agency, dealer, and licensee shall file annually with the Division a report on prescribed forms not later than March 15 following the calendar year end or, if the records are kept on a fiscal year basis, not later than 60 days after the close of his fiscal year. The Chief on good cause shown or on his own motion may waive the filing of such reports in particular cases.

Any person who desires to submit written data, views, or arguments concerning the proposed revision may do so by filing them with the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., within 30 days after the publication of this notice in the FEDERAL REGISTER. (7 U. S. C. 181 et seq).

Done at Washington, D. C., this 3d day of November 1953.

[SEAL] JOHN H. DAVIS,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9424; Filed, Nov. 6, 1953; 8:49 a. m.]

## ATOMIC ENERGY COMMISSION

### [10 CFR Part 30]

RADIOISOTOPE DISTRIBUTION

NOTICE OF PROPOSED RULE MAKING

Pursuant to the Atomic Energy Act of 1946 as amended (Pub. Law 585, 79th Cong.; 60 Stat. 755 ff) and to section 4 (a) of the Administrative Procedure Act of 1946 as amended (Pub. Law 404, 79th Cong.), notice is hereby given that an amendment to Title 10, Chapter I, Part 30, Code of Federal Regulations, entitled "Radioisotope Distribution" will be issued by the Atomic Energy Commission, to be effective December 15, 1953.

It is proposed that this amendment will read substantially as follows:

Title 10, Chapter I, Part 30, Code of Federal Regulations, entitled "Radioisotope Distribution" is hereby amended in the following respect effective December 15, 1953:

1. Amend § 30.2 by adding the following:

(l) *Research and development.* "Research and development" means theoretical analysis, exploration, and experimentation, and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes. "Research and development" as used in this part does not include the internal or external administration of radioisotopes, or the radiation therefrom, to human beings.

(m) *Human use.* "Human use" means the internal or external administration of radioisotopes, or the radiation therefrom, to human beings.

(n) *General authorization.* "General authorization" means an authorization that is issued for the procurement of any quantity of any radioisotope of atomic number 3 to 83 for the use or uses designated therein.

2. Amend § 30.13 by deleting paragraph (a) and substituting therefor the following new paragraph:

§ 30.13 *Items and quantities.* (a) Sections 30.20 through 30.53, inclusive, do not apply to any item listed in § 30.70 *Schedule A*, nor to any quantity listed in § 30.71 *Schedule B: Provided*, That no person shall, except as otherwise permitted by the regulations contained in this part, effect an increase in the radioactivity of said scheduled items or quantities by adding other radioactive material thereto, by combining the radioisotopes from two or more such items or quantities, or by altering them in any other manner so as to increase thereby the rate of radiation exposure of himself or others above the original rate therefrom: *Provided further*, That no person shall administer externally or internally, or direct the administration of, said scheduled items or quantities to a human being for any purpose, including but not limited to diagnostic, therapeutic, and research purposes, except as permitted by a valid authorization.

3. Amend § 30.21 to read as follows:

§ 30.21 *Requirements for the approval of applications*—(a) *Requirements of general applicability.* A domestic application for radioisotopes procurement will not be approved unless:

(1) The radioisotope is requested for one or more of the following purposes: Research or development, human use (including medical therapy), industrial uses, processing or making of compounds, or such other useful applications as may be developed;

(2) The applicant has suitable equipment and facilities for the protection of health and safety (such as handling devices, work areas, shields, measuring and monitoring instruments); and

(3) The applicant has suitably trained and experienced personnel and is otherwise qualified to use radioisotopes for the requested purpose.

(b) *Special requirements applicable to human uses by institutions.* An application by an institution for authorization to procure radioisotopes, other than sealed sources, for human use will not be approved unless:

(1) The applicant satisfies the general requirements specified in paragraph (a) of this section;

(2) The institution has appointed a medical isotopes committee of at least three members to evaluate all proposals for research, diagnosis, and therapeutic use of radioisotopes within that institution. Membership of the committee should include physicians expert in internal medicine, hematology, therapeutic radiology, and a person experienced in assay of radioisotopes and protection against ionizing radiations;

(3) The institution possesses adequate facilities for the clinical care of patients;

(4) The physician designated on the application as the individual user is licensed by a state or territory of the United States or the District of Columbia to dispense drugs in the practice of medicine, and has substantial experience in the proposed use, the handling and administration of radioisotopes and, where applicable, the clinical management of radioactive patients; and

(5) The applicant, if the application is for a general authorization, has also (i) previously received a reasonable number of authorizations for radioisotope procurement for a variety of radioisotopes for a variety of human uses; (ii) appointed a radiological safety officer who will advise on or be available for advice and assistance on radiological safety problems; and (iii) appointed a medical isotope committee (see subparagraph (2) of this paragraph) which will review and approve, in advance of purchase of radioisotopes, proposals for human uses.

(c) *Special requirements applicable to human uses by individual physicians.* An application by a physician for authorization to procure radioisotopes, other than sealed sources, for human use will not be approved unless:

(1) The applicant satisfies the general requirements specified in paragraph (a) of this section;

(2) The applicant is a physician licensed by a state or territory of the United States or the District of Columbia to dispense drugs in the practice of medicine;

(3) The applicant has access to a hospital possessing adequate facilities to hospitalize and monitor the applicant's radioactive patients whenever it is advisable; and

(4) The applicant has extensive experience in the proposed use, the handling and administration of radioisotopes, and where applicable, the clinical management of radioactive patients. (The physician shall furnish suitable evidence of such experience with his application. A statement from the medical isotope committee in the institution where he acquired his experience, indicating its amount and nature, may be submtted as evidence of such experience.)

(d) *Special requirements applicable to human use of sealed sources.* An application for authorization to procure radioisotopes in sealed sources for human use will not be approved unless:

(1) The applicant satisfies the general requirements specified in paragraph (a) of this section; and

(2) The applicant or, if the application is made by an institution, the individual user (i) has specialized training in the therapeutic use of the radioactive device considered (teletherapy unit, beta applicator, etc.) or has experience equivalent to such training; and (ii) is a physician licensed by a state or territory of the United States or the District of Columbia to dispense drugs in the practice of medicine.

(e) *Special requirements applicable to general authorizations for use in research and development.* An application for a general authorization to procure radioisotopes for use in research and development will not be approved unless:

(1) The applicant satisfies the general requirements specified in paragraph (a) of this section;

(2) The applicant has received a reasonable number of authorizations for radioisotope procurement for a variety of radioisotopes for a variety of research and development uses;

(3) The applicant has established an isotope committee (composed of such persons as a radiological safety officer, a representative of the business office, and one or more persons trained or experienced in the safe use of radioactive materials) which will review and approve, in advance of purchase of radioisotopes, proposals for such uses; and

(4) The applicant has appointed a radiological safety officer who will advise on or be available for advice and assistance on radiological safety problems.

(f) *Special requirements applicable to general authorizations for processing.* An application for a general authorization to procure radioisotopes for use in processing for distribution to other authorized persons will not be approved unless:

(1) The applicant satisfies the general requirements specified in paragraph (a) of this section;

(2) The applicant has received a reasonable number of authorizations for radioisotope procurement for processing, resale, and distribution of a variety of radioisotopes; and

(3) The applicant has appointed a radiological safety officer who will advise on or be available for advice and assistance on radiological safety problems.

4. Amend § 30.30 to read as follows:

§ 30.30 *Issuance of authorizations.* Upon approval of an application, the Commission will issue an Authorization for Radioisotope Procurement, Form AEC-374. The authorization shall be the only valid approval for procurement, and its issuance shall be based upon the representations made in the application and shall be subject to and in accordance with the regulation in this part and the terms and conditions stated in the application. Authorizations are issued for the procurement only of the radioisotope or radioisotopes specified in the authorization, in the quantity or quantities specified and for the use or uses designated therein.

5. Amend § 30.32 to read as follows:

§ 30.32 *Expiration.* An authorization shall expire at the end of the period stated therein without the necessity of notice or warning from the Commission. The holder thereof shall neither order nor receive radioisotopes after the expiration of such authorization and no person shall transfer radioisotopes to another person after the expiration date of the transferee's authorization. Expiration of a holder's authorization does not affect his authority to retain possession of previously acquired radioisotopes for the use or uses specified in the authorization and subject to all the conditions and limitations incorporated therein, or otherwise imposed by this part.

6. Amend § 30.54 to read as follows:

§ 30.54 *Inspections and tests.* Each person who possesses or uses radioisotopes shall permit the Commission, at all reasonable times, to make such inspections and tests as the Commission deems appropriate or necessary for enforcement of the regulations in this part, including, but not limited to, inspections and tests of (a) radioisotopes being used, (b) facilities wherein radioisotopes are used or stored, (c) radiation detection and monitoring instruments, (d) equipment or devices utilizing radioisotopes or used in connection with the utilization of radioisotopes, and (e) radioisotopes waste disposal methods.

Interested parties are given an opportunity to submit their views and other relevant information with respect to the proposed amendment in writing to the United States Atomic Energy Commission, Division of Research, at 19th Street and Constitution Avenue, NW., Washington 25, D. C., within thirty (30) days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

Dated at Washington, D. C., this 26th day of October 1953.

MARION W. BOYER,
*General Manager.*

[F. R. Doc. 53-9410; Filed, Nov. 6, 1953; 8:45 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

GUNNISON-ARKANSAS PROJECT, COLORADO

ORDER OF REVOCATION

FEBRUARY 12, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of April 25, 1941, in so far as said order affects the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 21 S., R. 68 W.,
Sec. 13, SW¼NE¼.
T. 19 S., R. 70 W.,
Sec. 7, SW½SW¼.
T. 18 S., R. 72 W.,
Sec. 14, S½NE¼, SE¼NW¼, S½,
Sec. 15, SE¼SW¼, E½SE¼, SW¼SE¼,
Sec. 20, SE¼NE¼, E½SE¼, SW¼SE¼,
Sec. 21, NE¼, E½NW¼, SW¼NW¼, N½SW¼, SW¼SW¼,
Sec. 22, N½N½, S½NW¼,
Sec. 23, NW¼NE¼, NE¼SE¼,
Sec. 24, SW¼,
Sec. 25, W½NE¼, SE¼NE¼, E½NW¼, SE¼,
Sec. 29, NE¼, S½NW¼, NW¼SW¼, NW¼SE¼,
Sec. 30, S½N½, N½S½.
T. 18 S., R. 73 W.,
Sec. 25, SE¼NE¼, S½,
Sec. 26, S½NE¼, SE¼NW¼, S½,
Sec. 27, SE¼SE¼,
Sec. 33, E½SE¼,
Sec. 34, E½NE¼, SW¼NE¼, SE¼NW¼, SW¼, W½SE¼, NE¼SE¼,
Sec. 35, N½NW¼, SW¼NW¼.
T. 19 S., R. 73 W.,
Sec. 3, W½NW¼,
Sec. 4, NE¼NE¼, S½N½, N½S½,
Sec. 4, SW¼SW¼,
Sec. 5, S½,
Sec. 6, SE¼SE¼,
Sec. 7, E½E½,
Sec. 8, N½N½, SW¼NW¼, NW¼SW¼.

The above area aggregates 5280 acres.

G. W. LINEWEAVER,
*Assistant Commissioner.*

NOVEMBER 2, 1953.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are primarily suitable for grazing. It is unlikely that they will be classified for any other use but any application that is filed will be considered on its merits.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Manager of the Land and Survey Office, Denver, Colorado.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

[F. R. Doc. 53-9412; Filed, Nov. 6, 1953; 8:46 a. m.]

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GREEN RIVER PROJECT, UTAH

ORDER OF REVOCATION

JULY 29, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of April 30, 1921, insofar as said order affects the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

SALT LAKE BASE AND MERIDIAN, UTAH

T. 21 S., R. 14 E.,
Sec. 12: SW¼, W½SE¼ and SE¼SE¼.
T. 20 S., R. 15 E.,
Sec. 24: All (unsurveyed),
Sec. 25: Lots 1 to 4 incl., W½E½ and W½,
Sec. 26: all (unsurveyed).
T. 21 S., R. 15 E.,
Sec. 1: Lots 1 to 19 incl., SW¼ and W½SE¼,
Sec. 2: Lots 1 to 16 incl., and S½,
Sec. 3: Lots 1 to 16 incl., and S½,
Sec. 4: Lots 1 to 16 incl., and S½,
Sec. 5: Lots 1 to 19 incl., and S½,
Sec. 6: Lots 1 to 21 incl., E½SW¼ and SE¼,
Sec. 8: NE¼, E½NW¼ and NW¼NW¼,
Secs. 9, 10, and 11: All,
Sec. 12: Lots 1 to 4 incl., W½E½ and W½,
Sec. 13: NW¼NE¼, NE¼NW¼ and NW¼SW¼,
Sec. 14: N½N½,
Sec. 15: N½NE¼ and S½NW¼,
Sec. 16: All,
Sec. 17: SW¼NW¼, SW¼ and W½SE¼,
Sec. 18: Lots 1 to 4 incl., S½NE¼, E½W½ and SE¼,
Sec. 19: Lots 1 to 4 incl., E½ and E½W½,
Secs. 20 and 21: All,
Sec. 22: N½NE¼, SE¼NE¼, NE¼NW¼ and S½,
Sec. 23: S½,
Sec. 24: Lot 1 and NW¼NE¼,
Sec. 25: Lots 1 to 4 incl., W½E½ and W½,
Secs. 26 to 29 incl., and 32 to 35 incl.: All,
Sec. 36: Lots 1 and 2, W½NE¼, W½ and SE¼.
T. 22 S., R. 15 E.,
Sec. 1: Lots 1 to 4 incl., S½N½ and S½,
Sec. 2: Lots 1 to 4 incl., S½N½ and S½,
Sec. 3: Lots 1 to 4 incl., S½N½ and S½,
Sec. 4: Lots 1 to 4 incl., S½N½ and S½.
T. 20 S., R. 16 E.,
Sec. 3: Lots 6 to 14 incl.,
Sec. 9: Lots 1 to 7 incl., NE¼, E½NW¼, SW¼NW¼, N½SW¼ and NW¼SE¼,
Sec. 10: Lots 2, 3, 4, 5, and 7,
Sec. 14: All,
Sec. 15: S½SW¼ and SE¼SE¼,
Sec. 16: Lots 1 to 5 incl., NE¼NE¼, S½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼ and SE¼,
Sec. 17: Lots 1 to 8 incl., and SW¼,
Sec. 18: E½ and NE¼NW¼,
Sec. 19: Lot 4, SE¼NE¼, W½E½, E½SW¼ and NE¼SE¼,
Sec. 20: Lots 1 to 5 incl., SW¼NE¼, W½ and W½SE¼,
Sec. 21: Lots 1 and 2, E½, NW¼ and NE¼SW¼,
Sec. 22: E½NE¼, SW¼NE¼, NW¼ and S½,
Secs. 23, 26 and 27: All,
Sec. 28: Lot 1 and NE¼,
Sec. 29: Lots 1 to 8 incl., W½NE¼ and W½,
Sec. 30: E½,
Sec. 31: E½,
Sec. 32: Lots 1 to 15 incl., E½NE¼ and NW¼NW¼,
Sec. 33: Lot 4, W½NW¼ and NW¼SW¼,
Sec. 34: Lots 1 to 4 incl., NE¼, E½NW¼ and N½S½,
Sec. 35: Lots 1 to 4 incl., N½ and N½S½,
Sec. 36: Lots 1 to 4 incl., N½ and N½S½.
T. 21 S., R. 16 E.,
Sec. 1: Lots 2, 3, 6, 11, and 17 to 20 incl., and S½,
Sec. 2: Lots 1 to 20 incl., and S½,
Sec. 3: Lots 1 to 18 and 20 to 24 incl., NE¼SW¼, N½SE¼, and SE¼SE¼,
Sec. 4: Lots 1 to 20 incl., SW¼, NW¼SE¼ and S½SE¼,
Sec. 5: Lots 1, 2, 8, 15 and 17 to 20 incl., S½SW¼ and N½SE¼,
Sec. 6: Lots 1 to 22 incl., E½SW¼ and SE¼,
Sec. 7: Lots 1 to 4 incl., E½ and E½W½,
Sec. 8: NE¼, N½NW¼, SE¼NW¼ and SE¼SW¼,
Sec. 9: Lots 1 to 5 incl., NE¼NE¼, W½NE¼ and W½,
Sec. 10: Lots 1 to 9 incl., N½NW¼ and S½S½,
Sec. 11: All,
Sec. 12: NE¼, W½ and N½SE¼,
Sec. 13: NW¼NE¼, S½NE¼, NW¼, N½S½ and SE¼SE¼.
Sec. 14: N½, SW¼ and W½SE¼,
Sec. 15: Lots 1 to 6 incl., E½ and NE¼NW¼,
Sec. 16: Lots 1 and 2, W½NE¼, W½ and SE¼,
Sec. 17: All,
Sec. 18: Lots 1 to 4 incl., E½ and E½W½,
T. 21 S., R. 17 E.,
Sec. 4: Lots 1 to 10 incl., 15 and 16, SE¼SW¼, NE¼SE¼ and SW¼SE¼,
Sec. 5: Lots 1 to 16 incl., SW¼ and W½SE¼,
Sec. 6: Lots 1, 8, 9, 15, and 16, and SE¼,
Sec. 7: Lots 1, 2, and 3, NE¼, E½NW¼ and NE¼SW¼,
Sec. 8: N½, NE¼SW¼ and SW¼SW¼,
Sec. 9: SE¼NE¼ and SE¼NW¼,
Sec. 10: NW¼,
Sec. 16: All,
Sec. 17: S½SE¼,
Sec. 22: S½NE¼, N½NW¼, SE¼NW¼, NE¼SW¼ and N½SE¼.

The above areas contain approximately 51,572.14 acres.

G. W. LINEWEAVER,
*Assistant Commissioner.*

NOVEMBER 2, 1953.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The land is primarily suitable for grazing. It is unlikely that it will be classified for any other disposition, but any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Manager of the Land and Survey Office at Salt Lake City, Utah.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

[F. R. Doc. 53-9413; Filed, Nov. 6, 1953; 8:46 a. m.]

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COLORADO RIVER STORAGE AND YUMA PROJECTS, ARIZONA

ORDER OF REVOCATION

JANUARY 9, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of January 31, 1903, September 8, 1903, February 19, 1929, and March 14, 1929, insofar as said orders affect the following described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 3 N., R. 21 W.,
Secs. 19 to 21, incl., and 28 to 33, incl., all unsurveyed.
T. 4 N., R. 21 W.,
Secs. 19 to 21, incl., and 28 to 33, incl., all.
T. 1 N., R. 22 W., unsurveyed, all township.
T. 2 N., R. 22 W.,
Secs. 1, 2, 11 to 14, incl., 21 to 28, incl., and 33 to 36, incl., all.
T. 1 N., R. 23 W.,
Secs. 25, 26, 35 and 36, all.
T. 5 S., R. 21 W.,
Secs. 1 to 6, incl., 8 to 16, incl., 21 to 28, incl., and 33 to 36, incl., all.
T. 6 S., R. 21 W.,
Secs. 1, 2, 3, 10 to 15, incl., 22 to 27, incl., 34, 35 and 36, all.
T. 1 S., R. 23 W., unsurveyed,
Secs. 4, 9, 16, 21 and 33, all.
T. 2 S., R. 23 W., unsurveyed,
Secs. 4, 9, 16, 21, 28 and 33 all.

The above area aggregates approximately 84,410.00 acres.

G. W. LINEWEAVER,
*Assistant Commissioner.*

NOVEMBER 2, 1953.

I concur. The records of the Bureau of Land Management will be noted accordingly.



1. The following-described lands are included in the withdrawal made by Public Land Order No. 848 of July 1, 1952 for use of the Department of the Army in connection with the Yuma Test Station:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 22 W., unsurveyed.
T. 5 S., R. 21 W.,
Secs. 1 to 6, inclusive,
Secs. 8 to 16, inclusive,
Secs. 21 to 28, inclusive,
Secs. 33 to 36, inclusive.
T. 6 S., R. 21 W., unsurveyed.
Secs. 1, 2 and 3,
Secs. 10 to 15, inclusive,
Secs. 22 to 27, inclusive,
Secs. 34 to 36, inclusive.

2. The remaining lands released from withdrawal by this order are in an area which is primarily of rough and mountainous topography. They are primarily suitable for grazing. It is unlikely that they will be classified for any other use, but any application that is filed will be considered on its merits.

This order shall not otherwise become effective to change the status of the lands referred to in this paragraph until 10:00 a. m., on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Manager of the Land and Survey Office, Phoenix, Arizona.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

[F. R. Doc. 53-9414; Filed, Nov. 6, 1953; 8:47 a. m.]

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### Office of the Secretary

AREAS WITHIN THE OUTER CONTINENTAL SHELF

AMENDMENT OF NOTICE TO HOLDERS OF STATE LEASES

The Notice to Holders of State Leases issued by the Acting Secretary of the Interior on September 18, 1953, and published in the FEDERAL REGISTER on September 25, 1953 (18 F. R. 5714), is hereby amended by adding the following paragraph at the end thereof:

(12) If the holder of a mineral lease attempts in good faith to meet all the requirements of section 6 (a) of the Outer Continental Shelf Lands Act before the close of business on November 5, 1953, but fails to pay in full before then the sum which the Secretary or his authorized representative hereafter determines to be due and payable under sections 6 (a) (4) and 6 (a) (9) of the act, the time within which to pay such sum in full is hereby extended until 30 days after the receipt of notice sent by registered letter to the holder of the lease at his last known address of the sum so determined to be due and payable.

ORME LEWIS,
*Assistant Secretary of the Interior.*

NOVEMBER 3, 1953.

[F. R. Doc. 53-9411; Filed, Nov. 6, 1953; 8:46 a. m.]

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## DEPARTMENT OF AGRICULTURE

### Rural Electrification Administration

[Administrative Order 4356]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 1, 1953.

I hereby amend paragraph "(o)" of Administrative Order No. 3304, dated June 11, 1951, by changing the project designation appearing therein as "Kentucky 49K Clark" in the amount of $188,392.88 to read "Kentucky 49L Clark" in the amount of $188,392.88.

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 53-9436; Filed, Nov. 6, 1953; 8:51 a. m.]

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[Administrative Order 4357]

TEXAS

LOAN ANNOUNCEMENT

SEPTEMBER 2, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Texas 62 R Bailey | $1,150,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9437; Filed, Nov. 6, 1953; 8:51 a. m.]

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[Administrative Order 4358]

TEXAS

LOAN ANNOUNCEMENT

SEPTEMBER 2, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Texas 108 S Swisher | $280,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9438; Filed, Nov. 6, 1953; 8:51 a. m.]

[Administrative Order 4359]

WASHINGTON

LOAN ANNOUNCEMENT

SEPTEMBER 2, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Washington 18S Spokane | $410,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9439; Filed, Nov. 6, 1953; 8:51 a. m.]

[Administrative Order 4360]

WISCONSIN

LOAN ANNOUNCEMENT

SEPTEMBER 2, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Wisconsin 29 S Clark | $194,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9440; Filed, Nov. 6, 1953; 8:51 a. m.]

[Administrative Order 4361]

TEXAS

LOAN ANNOUNCEMENT

SEPTEMBER 4, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Texas 107 Y Martin | $250,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9441; Filed, Nov. 6, 1953; 8:51 a. m.]

[Administrative Order 4362]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 18, 1953.

Inasmuch as The Pioneer Cooperative Association, Inc., has transferred certain of its properties and assets to Rosebud Electric Association, Inc., and Rosebud Electric Association, Inc., has assumed in part the indebtedness to United States of America, of The Pioneer Cooperative Association, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1448, dated February 20, 1948, by changing the project designation appearing therein as "Kansas 44D, E, F Grant" in the amount of $680,000 to read "Kansas 44D, E, F Grant" in the amount of $662,500 and "South Dakota 26TP1 Gregory (Kansas 44D, E, F Grant)" in the amount of $17,500.

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 53-9442; Filed, Nov. 6, 1953; 8:52 a. m.]

[Administrative Order 4363]

KANSAS

LOAN ANNOUNCEMENT

SEPTEMBER 23, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Kansas 37F McPherson | $51,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9443; Filed, Nov. 6, 1953; 8:52 a. m.]

[Administrative Order 4364]

KANSAS

LOAN ANNOUNCEMENT

SEPTEMBER 23, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Kansas 38L Chautauqua | $140,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9444; Filed, Nov. 6, 1953; 8:52 a. m.]

[Administrative Order 4365]

IOWA

LOAN ANNOUNCEMENT

SEPTEMBER 23, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Iowa 71P Buchanan | $174,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9445; Filed, Nov. 6, 1953; 8:52 a. m.]

[Administrative Order 4366]

KANSAS

LOAN ANNOUNCEMENT

SEPTEMBER 23, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Kansas 19K Butler | $235,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9446; Filed, Nov. 6, 1953; 8:52 a. m.]

[Administrative Order 4367]

COLORADO

LOAN ANNOUNCEMENT

SEPTEMBER 23, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Colorado 39 E Kit Carson | $310,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9447; Filed, Nov. 6, 1953; 8:52 a. m.]

[Administrative Order 4368]

MICHIGAN

LOAN ANNOUNCEMENT

SEPTEMBER 23, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Michigan 37P Huron | $100,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9448; Filed, Nov. 6, 1953; 8:53 a. m.]

[Administrative Order 4369]

ALLOCATION OF FUNDS FOR LOANS

SEPTEMBER 25, 1953.

Pursuant to Section 3 (c) of the Rural Electrification Act of 1936 and upon information and data in the files of the Rural Electrification Administration I hereby determine that the number of farms not receiving central station electric service for each State and the number of such farms for the United States at the beginning of the current fiscal year are as set forth in the following schedule, and I hereby allot from the sum of $67,500,000, being fifty per centum of the total sum made available for the current fiscal year, the respective sums for loans in the several States as hereinafter set forth.



| | Farms without central station electric service July 1, 1953 | Allotment for loans during the fiscal year ending June 30, 1954 |
|---|---|---|
| United States | 493,674 | $67,500,000 |
| [illegible] | 30,656 | 4,191,592 |
| [illegible] | 975 | 130,577 |
| [illegible] | 31,282 | 4,277,185 |
| [illegible] | 7,095 | 1,000,156 |
| [illegible] | 4,519 | 617,882 |
| [illegible] | 878 | 120,040 |
| [illegible] | 574 | 78,483 |
| [illegible] | 10,289 | 1,420,487 |
| [illegible] | 19,968 | 2,722,019 |
| [illegible] | 1,280 | 176,382 |
| [illegible] | 10,339 | 1,413,650 |
| [illegible] | 1,111 | 151,907 |
| [illegible] | 3,201 | 437,672 |
| [illegible] | 9,470 | 1,280,363 |
| [illegible] | 28,200 | 3,855,783 |
| [illegible] | 12,932 | 1,768,191 |
| [illegible] | 3,643 | 498,107 |
| [illegible] | 2,123 | 290,278 |
| [illegible] | 1,739 | 237,773 |
| [illegible] | 86 | 11,622 |
| [illegible] | 9,259 | 1,270,675 |
| [illegible] | 71,120 | 9,724,240 |
| [illegible] | 23,168 | 3,171,860 |
| [illegible] | 5,290 | 720,490 |
| [illegible] | 5,776 | 789,752 |
| [illegible] | 1,632 | 111,195 |
| New Hampshire | 239 | 32,678 |
| New Jersey | 644 | 84,804 |
| New Mexico | 6,492 | 887,671 |
| New York | 6,249 | 854,425 |
| North Carolina | 17,853 | 2,371,675 |
| North Dakota | 9,671 | 1,322,315 |
| [illegible] | 5,144 | 703,339 |
| Oklahoma | 26,715 | 3,598,017 |
| [illegible] | 986 | 134,826 |
| Pennsylvania | 8,711 | 1,148,599 |
| Rhode Island | 149 | 20,378 |
| South Carolina | 17,255 | 2,358,540 |
| South Dakota | 8,280 | 1,132,124 |
| Tennessee | 19,196 | 2,624,667 |
| Texas | 41,849 | 5,722,010 |
| Utah | 1,162 | 158,889 |
| Vermont | 1,240 | 165,443 |
| Virginia | 6,728 | 919,919 |
| Washington | 652 | 89,148 |
| West Virginia | 10,427 | 1,425,683 |
| Wisconsin | 6,903 | 944,847 |
| Wyoming | 1,293 | 176,792 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9449; Filed, Nov. 6, 1953; 8:53 a. m.]

[Administrative Order 4370]

ILLINOIS

LOAN ANNOUNCEMENT

SEPTEMBER 25, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Illinois 31 K Monroe | $363,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9450; Filed, Nov. 6, 1953; 8:53 a. m.]

[Administrative Order 4371]

ILLINOIS

LOAN ANNOUNCEMENT

SEPTEMBER 25, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Illinois 23S Sangamon | $198,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9451; Filed, Nov. 6, 1953; 8:53 a. m.]

[Administrative Order 4372]

WISCONSIN

LOAN ANNOUNCEMENT

SEPTEMBER 25, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Wisconsin 66B Portage-Waupaca | $260,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9452; Filed, Nov. 6, 1953; 8:53 a. m.]

[Administrative Order 4373]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

SEPTEMBER 25, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| South Carolina 26U Darlington | $315,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9453; Filed, Nov. 6, 1953; 8:54 a. m.]

[Administrative Order 4374]

LOUISIANA

LOAN ANNOUNCEMENT

SEPTEMBER 25, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Louisiana 12 Y Franklin | $485,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9454; Filed, Nov. 6, 1953; 8:52 a. m.]

[Administrative Order 4375]

KENTUCKY

LOAN ANNOUNCEMENT

SEPTEMBER 30, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Kentucky 50S Graves | $830,000 |

[SEAL] J. E. O'BRIEN,
*Acting Administrator.*

[F. R. Doc. 53-9455; Filed, Nov. 6, 1953; 8:54 a. m.]

[Administrative Order 4376]

OHIO

LOAN ANNOUNCEMENT

SEPTEMBER 30, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Ohio 74R Butler | $270,000 |

[SEAL] J. E. O'BRIEN,
*Acting Administrator.*

[F. R. Doc. 53-9456; Filed, Nov. 6, 1953; 8:54 a. m.]

[Administrative Order 4377]

IDAHO

LOAN ANNOUNCEMENT

OCTOBER 6, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Idaho 10 R Nez Perce | $194,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9457; Filed, Nov. 6, 1953; 8:54 a. m.]

[Administrative Order 4378]

ALABAMA

LOAN ANNOUNCEMENT

OCTOBER 6, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Alabama 23N Pike | $565,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9458; Filed, Nov. 6, 1953; 8:54 a. m.]

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[Administrative Order 4379]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 7, 1953.

I hereby amend:

(a) Administrative Order No. 1264, dated May 2, 1947, by reducing the allocation of $645,000 therein made for "Alabama 47A Arab" by $16,080 so that the reduced allocation shall be $628,920.

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9459; Filed, Nov. 6, 1953; 8:55 a. m.]

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[Administrative Order 4380]

KENTUCKY

LOAN ANNOUNCEMENT

OCTOBER 7, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Kentucky 18P Meade | $230,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9460; Filed, Nov. 6, 1953; 8:55 a. m.]

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[Administrative Order 4381]

TENNESSEE

LOAN ANNOUNCEMENT

OCTOBER 8, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Tennessee 25N Jackson | $600,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9461; Filed, Nov. 6, 1953; 8:55 a. m.]

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[Administrative Order 4382]

FLORIDA

LOAN ANNOUNCEMENT

OCTOBER 8, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Florida 25N Lee | $920,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9462; Filed, Nov. 6, 1953; 8:55 a. m.]

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[Administrative Order 4383]

TEXAS

LOAN ANNOUNCEMENT

OCTOBER 9, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Texas 40V Bowie | $635,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9463; Filed, Nov. 6, 1953; 8:55 a. m.]

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[Administrative Order 4384]

WISCONSIN

LOAN ANNOUNCEMENT

OCTOBER 20, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Wisconsin 25W Monroe | $25,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9464; Filed, Nov. 6, 1953; 8:55 a. m.]

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[Administrative Order 4385]

WISCONSIN

LOAN ANNOUNCEMENT

OCTOBER 20, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Wisconsin 31K Columbia | $294,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9465; Filed, Nov. 6, 1953; 8:55 a. m.]

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[Administrative Order 4386]

MONTANA

LOAN ANNOUNCEMENT

OCTOBER 20, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Montana 28 KL McCone | $1,120,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9466; Filed, Nov. 6, 1953; 8:56 a. m.]

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[Administrative Order 4387]

FLORIDA

LOAN ANNOUNCEMENT

OCTOBER 20, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Florida 15V Lafayette | $660,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9467; Filed, Nov. 6, 1953; 8:56 a. m.]

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[Administrative Order 4388]

GEORGIA

LOAN ANNOUNCEMENT

OCTOBER 20, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Georgia 20R Troup | $325,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9468; Filed, Nov. 6, 1953; 8:56 a. m.]

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[Administrative Order 4389]

VERMONT

LOAN ANNOUNCEMENT

OCTOBER 20, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Vermont 7AA Orleans | $30,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9469; Filed, Nov. 6, 1953; 8:56 a. m.]

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[Administrative Order 4390]

IOWA

LOAN ANNOUNCEMENT

OCTOBER 20, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Iowa 51M Winnebago | $500,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9470; Filed, Nov. 6, 1953; 8:56 a. m.]

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[Administrative Order 4391]

TEXAS

LOAN ANNOUNCEMENT

OCTOBER 20, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Texas 87X Karnes | $630,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9471; Filed, Nov. 6, 1953; 8:56 a. m.]

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[Administrative Order 4392]

TEXAS

LOAN ANNOUNCEMENT

OCTOBER 21, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Texas 59S Lamb | $94,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9472; Filed, Nov. 6, 1953; 8:57 a. m.]

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[Administrative Order 4393]

ARKANSAS

LOAN ANNOUNCEMENT

OCTOBER 22, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Arkansas 30Y Arkansas | $50,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9473; Filed, Nov. 6, 1953; 8:57 a. m.]

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[Administrative Order 4394]

ALLOCATION OF FUNDS FOR LOANS

OCTOBER 29, 1953.

I hereby amend:

(a) Administrative Order No. 2399, dated December 12, 1949, by rescinding the loan of $7,885,000 therein made for "Utah 16A Cedar".

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9474; Filed, Nov. 6, 1953; 8:57 a. m.]

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[Administrative Order 4395]

IOWA

LOAN ANNOUNCEMENT

OCTOBER 29, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Iowa 27P Buena Vista | $260,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 53-9475; Filed, Nov. 6, 1953; 8:57 a. m.]

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## DEPARTMENT OF COMMERCE

### Federal Maritime Board

FJELL LINE, ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. section 814.

Agreement No. 8180 between carriers comprising the Fjell Line and Swedish Chicago Line, joint services, and Swedish American Line and Transatlantic Steamship Co., Ltd., joint service, provides for the creation of a conference to be known as the U. S. Great Lakes, Scandinavian and Baltic Eastbound Conference, for the establishment and maintenance of agreed rates, charges and practices for or in connection with the transportation of cargo in the eastbound trade from ports of the Great Lakes of the United States to ports in Norway, Sweden, Denmark, Finland, Danzig Free State, Estonia, Iceland, Latvia, Lithuania, Poland, and to Continental and Russian ports served via the Baltic.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 4, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 53-9434; Filed, Nov. 6, 1953; 8:50 a. m.]

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## FEDERAL POWER COMMISSION

[Docket No. G-1676]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 3, 1953.

Notice is hereby given that on November 2, 1953, the Federal Power Commission issued its order adopted October 29, 1953, amending order of September 4, 1952 (17 F. R. 8197) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9417; Filed, Nov. 6, 1953; 8:47 a. m.]

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[Docket No. G-1928]

PERMIAN BASIN PIPELINE CO.

NOTICE OF PETITION TO AMEND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 3, 1953.

Take notice that on October 12, 1953, Permian Basin Pipeline Company (Permian), filed a petition to amend the order of May 1, 1953, issuing it a certificate of public convenience and necessity in the above-entitled matter.

Such petition states that among the facilities authorized to be constructed by such order was a 16-inch transmission pipe line beginning in the Mitchell Gas Field, Pecos County, Texas, and extending to the Plymouth Compressor Station in Upton County, Texas. The petition seeks amendment of the certificate to authorize construction of a 20-inch line in lieu of the 16-inch line. Permian states that the 20-inch line will reduce its ultimate costs for construct-

ing facilities and will provide additional pipe line capacity.

Answers may be filed with the Federal Power Commission, in accordance with the Commission's rules of practice and procedure (18 CFR 1.9), on or before the 15th day of November 1953. The petition is on file with the Commission and open to public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9415; Filed, Nov. 6, 1953; 8:47 a. m.]

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[Docket No. G-2010]

NORTHERN NATURAL GAS CO.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 3, 1953.

Notice is hereby given that on November 2, 1953, the Federal Power Commission issued its order adopted October 29, 1953, amending order of July 30, 1953 (18 F. R. 4841), issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9418; Filed, Nov. 6, 1953; 8:47 a. m.]

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[Docket No. G-2191]

ARKANSAS-OKLAHOMA GAS CO.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 3, 1953.

Notice is hereby given that on November 2, 1953, the Federal Power Commission issued its order adopted October 29, 1953, issuing certificate of public convenience and necessity and permitting and approving abandonment of facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9419; Filed, Nov. 6, 1953; 8:48 a. m.]

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[Docket No. G-2293]

ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF APPLICATION

NOVEMBER 3, 1953.

Take notice that Algonquin Gas Transmission Company (Applicant), a Delaware Corporation, with its principal place of business in Boston, Massachusetts filed, on October 26, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following natural-gas facilities:

(1) A 2-inch tap valve on Applicant's Fall River 8" Lateral line at Station 177+00, Tiverton, Rhode Island.

(2) 40 feet of $2\frac{3}{8}$" O. D. pipeline connecting the Fall River Lateral with proposed meter station.

(3) 1 positive displacement type meter and regulator to be housed in a 6' x 8' corrugated iron building.

Total estimated cost of facilities is $4,980, including land, acquisitions, contingencies, supervision and engineering.

The facilities are proposed to be used to sell and deliver a maximum of 50 Mcf per day to the Tiverton Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 23d day of November.

Applicant requests that this matter be considered under the shortened hearing procedure provided for in § 1.32 of the rules of practice and procedure.

This application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9416; Filed, Nov. 6, 1953; 8:47 a. m.]

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[Project No. 2040]

RALPH E. MCCLANAHAN

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE (MINOR)

NOVEMBER 3, 1953.

Notice is hereby given that on November 2, 1953, the Federal Power Commission issued its order adopted October 29, 1953, accepting surrender of license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9420; Filed, Nov. 6, 1953; 8:48 a. m.]

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UNION ELECTRIC POWER CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS IN ELECTRIC PLANT DISPOSITION

NOVEMBER 3, 1953.

Notice is hereby given that on November 2, 1953, the Federal Power Commission issued its order adopted October 29, 1953, approving and directing disposition of amounts classified in Account 107, electric plant adjustment in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9421; Filed, Nov. 6, 1953; 8:48 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28617]

BRICK AND RELATED ARTICLES FROM SOUTHERN TERRITORY TO VIENNA, HERNDON, LEESBURG AND PURCELLVILLE, VA.

APPLICATION FOR RELIEF

NOVEMBER 4, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Brick and related articles, carloads.

From: Producing points in southern territory.

To: Vienna, Herndon, Leesburg, and Purcellville, Va.

Grounds for relief: Rail competition, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1278, supp. 38.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9422; Filed, Nov. 6, 1953; 8:48 a. m.]

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[Sec. 5a Application 49]

CENTRAL AND SOUTHERN MOTOR FREIGHT TRAFFIC ASSOCIATION, INC.

APPLICATION FOR APPROVAL OF AGREEMENT

NOVEMBER 4, 1953.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed November 2, 1953 by: R. L. Weck, Attorney-in-Fact, 420 West Jefferson Street, Louisville 2, Ky.

Agreement involved: Agreement between and among common carriers by motor vehicle, members of the Central and Southern Motor Freight Tariff Association, Inc., relating to rates, exceptions to classifications, ratings, rules, regulations or practices, governing the transportation of property between points within Central Territory, generally including the States of Illinois, Indiana, Iowa, Michigan, Missouri, Ohio, the western portion of Wisconsin, as generally described in Central Territory Motor Carrier Rates, 8 M. C. C. 233 and 24 M. C. C. 69, on the one hand, and, on the other, Southern Territory, generally including the States of Alabama, Arkansas (Helena and West Helena only), Florida, Georgia, Kentucky, Louisiana (east of the Mississippi River), Mississippi, North Carolina, South Carolina, Tennessee, and the southern portion of Virginia, generally described in State of Alabama, et al. v. New York Central Railroad Company, et al., 235 I. C. C. 255, 265; and procedures for the joint initiation, consideration, and establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9435; Filed, Nov. 6, 1953; 8:50 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

THERESIA MAYER AND ANNA FASCHING

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Property, and Location*

Theresia Mayer (nee Fasching), Heiligenkrewz, Austria, Claim No. 37377, $302.79 in the Treasury of the United States; Anna Fasching, Heiligenkrewz, Austria, Claim No. 37377, $302.80 in the Treasury of the United States.

Executed at Washington, D. C., on November 2, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 53-9430; Filed, Nov. 6, 1953; 8:49 a. m.]

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IDA SCHWEYER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Property, and Location*

Ida Schweyer, Weisbaden, Germany, Claim No. 14923; $212.88 in the Treasury of the United States.

Executed at Washington, D. C., on November 2, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 53-9431; Filed, Nov. 6, 1953; 8:50 a. m.]

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ANDRE OBEY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Property, and Location*

Andre Obey, 32 rue de Sevigney, Sucy-en-Brie, (Seine & Oise), France, Claim No. 41885; $576.00 in the Treasury of the United States; all right, title and interest in the play entitled "Noah", as listed in Exhibit A of Vesting Order No. 3430, to the extent owned by the claimant immediately prior to vesting.

Executed at Washington, D. C. on: November 2, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 53-9432; Filed, Nov. 6, 1953; 8:50 a. m.]

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EMIL BECKMANN AND PAULINE ROUBITSCHEK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Property, and Location*

Emil Beckmann, London, England; Pauline Roubitschek, Gloversville, New York; Claim No. 14370; $246.25 in the Treasury of the United States, one-half thereof to each claimant.

Executed at Washington, D. C., on November 2, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 53-9433; Filed, Nov. 6, 1953; 8:50 a. m.]

# FEDERAL REGISTER

VOLUME 18 NUMBER 220

*Washington, Tuesday, November 10, 1953*


## TITLE 3—THE PRESIDENT

### PROCLAMATION 3035

ARMISTICE DAY, 1953

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS November 11, 1953, marks the thirty-fifth anniversary of the signing of the Armistice which ended the bitter hostilities of World War I and served as a beacon of hope to all humanity that peace would prevail on the earth; and

WHEREAS the sons of the heroes of Chateau-Thierry, Saint Mihiel, and the Argonne had scarcely come of age when they were called upon to meet new aggressors at Omaha Beach, Anzio, Iwo Jima, Heartbreak Ridge, and elsewhere, and to give their lives, many of them, before new armistices could still the fighting and give renewed opportunity for establishing a true peace; and

WHEREAS the Congress, by a concurrent resolution of June 4, 1926 (44 Stat. 1982), requested the President to issue a proclamation calling for the observance each year of the anniversary of the signing of the Armistice on November 11, 1918, and, by an act approved May 13, 1938 (52 Stat. 351), made November 11 of each year a legal holiday, and provided that the day should be dedicated to the cause of world peace and should be known as Armistice Day; and

WHEREAS it is a wise custom to rededicate ourselves each year at this time to the prevention of armed conflict among nations:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby invite and urge the people of the Nation to devote themselves anew on Wednesday, November 11, 1953, to the task of promoting with fervor and zeal a permanent peace among all the peoples of the earth. I also direct the appropriate officials of the Government to arrange for the display of the flag of the United States on all public buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this Fifth day of November in the year of our Lord nineteen hundred and [SEAL] fifty-three, and of the Independence of the United States of America the one hundred and seventy-eighth.

DWIGHT D. EISENHOWER

By the President:

WALTER B. SMITH,
*Acting Secretary of State.*

[F. R. Doc. 53-9574; Filed, Nov. 9 1953; 10:44 a. m.]

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### EXECUTIVE ORDER 10501

SAFEGUARDING OFFICIAL INFORMATION IN THE INTERESTS OF THE DEFENSE OF THE UNITED STATES

WHEREAS it is essential that the citizens of the United States be informed concerning the activities of their government; and

WHEREAS the interests of national defense require the preservation of the ability of the United States to protect and defend itself against all hostile or destructive action by covert or overt means, including espionage as well as military action; and

WHEREAS it is essential that certain official information affecting the national defense be protected uniformly against unauthorized disclosure:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows

SECTION 1. *Classification Categories.* Official information which requires protection in the interests of national defense shall be limited to three categories of classification, which in descending order of importance shall carry one of the following designations: Top Secret, Secret, or Confidential. No other designation shall be used to classify defense information, including military information, as requiring protection in the interests of national defense, except as

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CFR SUPPLEMENTS

(For use during 1953)

The following Supplement is now available:

General Index ($1.00)

Previously announced: Title 3 ($1.75); Titles 4–5 ($0.55); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75), Parts 210–899 ($2.25), Part 900–end (Revised Book) ($6.00); Title 8 (Revised Book) ($1.75); Title 9 ($0.40); Titles 10–13 ($0.40); Title 14: Parts 1–399 (Revised Book) ($6.00), Part 400–end (Revised Book) ($3.75); Title 15 ($0.75); Title 16 ($0.65); Title 17 ($0.35); Title 18 ($0.35); Title 19 ($0.45); Title 20 ($0.60); Title 21 ($1.25); Titles 22–23 ($0.65); Title 24 ($0.65); Title 25 ($0.40); Title 26: Parts 80–169 ($0.40), Parts 170–182 ($0.65), Parts 183–299 ($1.75); Title 26: Part 300–end, Title 27 ($0.60); Titles 28–29 ($1.00); Titles 30–31 ($0.65); Title 32: Parts 1–699 ($0.75), Part 700–end ($0.75); Title 33 ($0.70); Titles 35–37 ($0.55); Title 38 ($1.50); Title 39 ($1.00); Titles 40–42 ($0.45); Title 43 ($1.50); Titles 44–45 ($0.60); Title 46: Parts 1–145 (Revised Book) ($5.00), Part 146–end ($2.00); Titles 47–48 ($2.00); Title 49: Parts 1–70 ($0.50), Parts 71–90 ($0.45), Parts 91–164 ($0.40), Part 165–end ($0.55); Title 50 ($0.45)

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Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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expressly provided by statute. These categories are defined as follows:

(a) *Top Secret.* Except as may be expressly provided by statute, the use of the classification Top Secret shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense.

(b) *Secret.* Except as may be expressly provided by statute, the use of the classification Secret shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could result in serious damage to the Nation, such as by jeopardizing the international relations of the United States, endangering the effectiveness of a program or policy of vital importance to the national defense, or compromising important military or defense plans, scientific or technological developments important to national defense, or information revealing important intelligence operations.

(c) *Confidential.* Except as may be expressly provided by statute, the use of the classification Confidential shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could be prejudicial to the defense interests of the nation.

SEC. 2. *Limitation of Authority to Classify.* The authority to classify defense information or material under this order shall be limited in the departments and agencies of the executive branch as hereinafter specified. Departments and agencies subject to the specified limitations shall be designated by the President:

(a) In those departments and agencies having no direct responsibility for national defense there shall be no authority for original classification of information or material under this order.

(b) In those departments and agencies having partial but not primary responsibility for matters pertaining to national defense the authority for original classification of information or material under this order shall be exercised only by the head of the department or agency, without delegation.

(c) In those departments and agencies not affected by the provisions of subsection (a) and (b), above, the authority for original classification of information or material under this order shall be exercised only by responsible officers or employees, who shall be specifically designated for this purpose. Heads of such departments and agencies shall limit the delegation of authority to classify as severely as is consistent with the orderly and expeditious transaction of Government business.

SEC. 3. *Classification.* Persons designated to have authority for original classification of information or material which requires protection in the interests of national defense under this order shall be held responsible for its proper classification in accordance with the definitions of the three categories in section 1, hereof. Unnecessary classification and over-classification shall be scrupulously avoided. The following special rules shall be observed in classification of defense information or material:

(a) *Documents in General.* Documents shall be classified according to their own content and not necessarily according to their relationship to other documents. References to classified material which do not reveal classified defense information shall not be classified.

(b) *Physically Connected Documents.* The classification of a file or group of physically connected documents shall be at least as high as that of the most highly classified document therein. Documents separated from the file or group shall be handled in accordance with their individual defense classification.

(c) *Multiple Classification.* A document, product, or substance shall bear a classification at least as high as that of its highest classified component. The document, product, or substance shall bear only one over-all classification, notwithstanding that pages, paragraphs, sections, or components thereof bear different classifications.

(d) *Transmittal Letters.* A letter transmitting defense information shall be classified at least as high as its highest classified enclosure.

(e) *Information Originated by a Foreign Government or Organization.* Defense information of a classified nature furnished to the United States by a foreign government or international organization shall be assigned a classification which will assure a degree of protection equivalent to or greater than that required by the government or international organization which furnished the information.

SEC. 4. *Declassification, Downgrading, or Upgrading.* Heads of departments or agencies originating classified material shall designate persons to be responsible for continuing review of such classified material for the purpose of declassifying or downgrading it whenever national defense considerations permit, and for receiving requests for such review from all sources. Formal procedures shall be established to provide specific means for prompt review of classified material and its declassification or downgrading in order to preserve the effectiveness and integrity of the classification system and to eliminate accumulation of classified material which no longer requires protection in the defense interest. The following special rules shall be observed with respect to changes of classification of defense material:

(a) *Automatic Changes.* To the fullest extent practicable, the classifying authority shall indicate on the material (except telegrams) at the time of original classification that after a specified event or date, or upon removal of classified enclosures, the material will be downgraded or declassified.

(b) *Non-Automatic Changes.* The persons designated to receive requests for review of classified material may downgrade or declassify such material when circumstances no longer warrant its retention in its original classification provided the consent of the appropriate classifying authority has been obtained. The downgrading or declassification of extracts from or paraphrases of classified documents shall also require the consent of the appropriate classifying authority unless the agency making such extracts knows positively that they warrant a classification lower than that of the document from which extracted, or that they are not classified.

(c) *Material Officially Transferred.* In the case of material transferred by or pursuant to statute or Executive order from one department or agency to another for the latter's use and as part of its official files or property, as distinguished from transfers merely for purposes of storage, the receiving department or agency shall be deemed to be the classifying authority for all purposes under this order, including declassification and downgrading.

(d) *Material Not Officially Transferred.* When any department or agency has in its possession any classified material which has become five years old, and it appears (1) that such material originated in an agency which has since become defunct and whose files and other property have not been officially transferred to another department or agency within the meaning of subsection (c), above, or (2) that it is impossible for the possessing department or agency to identify the originating agency, and (3) a review of the material indicates that it should be downgraded or declassified, the said possessing department or agency shall have power to declassify or downgrade such material. If it appears probable that another department or agency may have a substantial interest in whether the classification of any particular information should be maintained, the possessing department or agency shall not exercise the power conferred upon it by this subsection, except with the consent of the other department or agency, until thirty days after it has notified such other department or agency of the nature of the material and of its intention to de-

classify or downgrade the same. During such thirty-day period the other department or agency may, if it so desires, express its objections to declassifying or downgrading the particular material, but the power to make the ultimate decision shall reside in the possessing department or agency.

(e) *Classified Telegrams.* Such telegrams shall not be referred to, extracted from, paraphrased, downgraded, declassified, or disseminated, except in accordance with special regulations issued by the head of the originating department or agency. Classified telegrams transmitted over cryptographic systems shall be handled in accordance with the regulations of the transmitting department or agency.

(f) *Downgrading.* If the recipient of classified material believes that it has been classified too highly, he may make a request to the reviewing official who may downgrade or declassify the material after obtaining the consent of the appropriate classifying authority.

(g) *Upgrading.* If the recipient of unclassified material believes that it should be classified, or if the recipient of classified material believes that its classification is not sufficiently protective, it shall be safeguarded in accordance with the classification deemed appropriate and a request made to the reviewing official, who may classify the material or upgrade the classification after obtaining the consent of the appropriate classifying authority.

(h) *Notification of Change in Classification.* The reviewing official taking action to declassify, downgrade, or upgrade classified material shall notify all addressees to whom the material was originally transmitted.

SEC. 5. *Marking of Classified Material.* After a determination of the proper defense classification to be assigned has been made in accordance with the provisions of this order, the classified material shall be marked as follows:

(a) *Bound Documents.* The assigned defense classification on bound documents, such as books or pamphlets, the pages of which are permanently and securely fastened together, shall be conspicuously marked or stamped on the outside of the front cover, on the title page, on the first page, on the back page and on the outside of the back cover. In each case the markings shall be applied to the top and bottom of the page or cover.

(b) *Unbound Documents.* The assigned defense classification on unbound documents, such as letters, memoranda, reports, telegrams, and other similar documents, the pages of which are not permanently and securely fastened together, shall be conspicuously marked or stamped at the top and bottom of each page, in such manner that the marking will be clearly visible when the pages are clipped or stapled together.

(c) *Charts, Maps, and Drawings.* Classified charts, maps, and drawings shall carry the defense classification marking under the legend, title block, or scale in such manner that it will be reproduced on all copies made therefrom. Such classification shall also be marked at the top and bottom in each instance.

(d) *Photographs, Films and Recordings.* Classified photographs, films, and recordings, and their containers, shall be conspicuously and appropriately marked with the assigned defense classification.

(e) *Products or Substances.* The assigned defense classification shall be conspicuously marked on classified products or substances, if possible, and on their containers, if possible, or, if the article or container cannot be marked, written notification of such classification shall be furnished to recipients of such products or substances.

(f) *Reproductions.* All copies or reproductions of classified material shall be appropriately marked or stamped in the same manner as the original thereof.

(g) *Unclassified Material.* Normally, unclassified material shall not be marked or stamped *Unclassified* unless it is essential to convey to a recipient of such material that it has been examined specifically with a view to imposing a defense classification and has been determined not to require such classification.

(h) *Change or Removal of Classification.* Whenever classified material is declassified, downgraded, or upgraded, the material shall be marked or stamped in a prominent place to reflect the change in classification, the authority for the action, the date of action, and the identity of the person or unit taking the action. In addition, the old classification marking shall be cancelled and the new classification (if any) substituted therefor. *Automatic* change in classification shall be indicated by the appropriate classifying authority through marking or stamping in a prominent place to reflect information specified in subsection 4 (a) hereof.

(i) *Material Furnished Persons not in the Executive Branch of the Government.* When classified material affecting the national defense is furnished authorized persons, in or out of Federal service, other than those in the executive branch, the following notation, in addition to the assigned classification marking, shall whenever practicable be placed on the material, on its container, or on the written notification of its assigned classification:

> This material contains information affecting the national defense of the United States within the meaning of the espionage laws, Title 18, U. S. C., Secs. 793 and 794, the transmission or revelation of which in any manner to an unauthorized person is prohibited by law.

Use of alternative marking concerning "Restricted Data" as defined by the Atomic Energy Act is authorized when appropriate.

SEC. 6. *Custody and Safekeeping.* The possession or use of classified defense information or material shall be limited to locations where facilities for secure storage or protection thereof are available by means of which unauthorized persons are prevented from gaining access thereto. Whenever such information or material is not under the personal supervision of its custodian, whether during or outside of working hours, the following physical or mechanical means shall be taken to protect it:

(a) *Storage of Top Secret Material.* Top Secret defense material shall be protected in storage by the most secure facilities possible. Normally it will be stored in a safe or a safe-type steel file container having a three-position, dial-type, combination lock, and being of such weight, size, construction, or installation as to minimize the possibility of surreptitious entry, physical theft, damage by fire, or tampering. The head of a department or agency may approve other storage facilities for this material which offer comparable or better protection, such as an alarmed area, a vault, a secure vault-type room, or an area under close surveillance of an armed guard.

(b) *Secret and Confidential Material.* These categories of defense material may be stored in a manner authorized for Top Secret material, or in metal file cabinets equipped with steel lockbar and an approved three combination dial-type padlock from which the manufacturer's identification numbers have been obliterated, or in comparably secure facilities approved by the head of the department or agency.

(c) *Other Classified Material.* Heads of departments and agencies shall prescribe such protective facilities as may be necessary in their departments or agencies for material originating under statutory provisions requiring protection of certain information.

(d) *Changes of Lock Combinations.* Combinations on locks of safekeeping equipment shall be changed, only by persons having appropriate security clearance, whenever such equipment is placed in use after procurement from the manufacturer or other sources, whenever a person knowing the combination is transferred from the office to which the equipment is assigned, or whenever the combination has been subjected to compromise, and at least once every year. Knowledge of combinations shall be limited to the minimum number of persons necessary for operating purposes. Records of combinations shall be classified no lower than the highest category of classified defense material authorized for storage in the safekeeping equipment concerned.

(e) *Custodian's Responsibilities.* Custodians of classified defense material shall be responsible for providing the best possible protection and accountability for such material at all times and particularly for securely locking classified material in approved safekeeping equipment whenever it is not in use or under direct supervision of authorized employees. Custodians shall follow procedures which insure that unauthorized persons do not gain access to classified defense information or material by sight or sound, and classified information shall not be discussed with or in the presence of unauthorized persons.

(f) *Telephone Conversations.* Defense information classified in the three categories under the provisions of this order shall not be revealed in telephone conversations, except as may be authorized under section 8 hereof with respect to the transmission of Secret and Confidential material over certain military communications circuits.

(g) *Loss or Subjection to Compromise.* Any person in the executive branch who has knowledge of the loss or possible subjection to compromise of classified defense information shall promptly report the circumstances to a designated official of his agency, and the latter shall take appropriate action forthwith, including advice to the originating department or agency.

SEC. 7. *Accountability and Dissemination.* Knowledge or possession of classified defense information shall be permitted only to persons whose official duties require such access in the interest of promoting national defense and only if they have been determined to be trustworthy. Proper control of dissemination of classified defense information shall be maintained at all times, including good accountability records of classified defense information documents, and severe limitation on the number of such documents originated as well as the number of copies thereof reproduced. The number of copies of classified defense information documents shall be kept to a minimum to decrease the risk of compromise of the information contained in such documents and the financial burden on the Government in protecting such documents. The following special rules shall be observed in connection with accountability for and dissemination of defense information or material:

(a) *Accountability Procedures.* Heads of departments and agencies shall prescribe such accountability procedures as are necessary to control effectively the dissemination of classified defense information, with particularly severe control on material classified Top Secret under this order. Top Secret Control Officers shall be designated, as required, to receive, maintain accountability registers of, and dispatch Top Secret material.

(b) *Dissemination Outside the Executive Branch.* Classified defense information shall not be disseminated outside the executive branch except under conditions and through channels authorized by the head of the disseminating department or agency, even though the person or agency to which dissemination of such information is proposed to be made may have been solely or partly responsible for its production.

(c) *Information Originating in Another Department or Agency.* Except as otherwise provided by section 102 of the National Security Act of July 26, 1947, c. 343, 61 Stat. 498, as amended, 50 U. S. C. sec. 403, classified defense information originating in another department or agency shall not be disseminated outside the receiving department or agency without the consent of the originating department or agency. Documents and material containing defense information which are classified Top Secret or Secret shall not be reproduced without the consent of the originating department or agency.

SEC. 8. *Transmission.* For transmission outside of a department or agency, classified defense material of the three categories originated under the provisions of this order shall be prepared and transmitted as follows:

(a) *Preparation for Transmission.* Such material shall be enclosed in opaque inner and outer covers. The inner cover shall be a sealed wrapper or envelope plainly marked with the assigned classification and address. The outer cover shall be sealed and addressed with no indication of the classification of its contents. A receipt form shall be attached to or enclosed in the inner cover, except that Confidential material shall require a receipt only if the sender deems it necessary. The receipt form shall identify the addressor, addressee, and the document, but shall contain no classified information. It shall be signed by the proper recipient and returned to the sender.

(b) *Transmitting Top Secret Material.* The transmission of Top Secret material shall be effected preferably by direct contact of officials concerned, or, alternatively, by specifically designated personnel, by State Department diplomatic pouch, by a messenger-courier system especially created for that purpose, or by electric means in encrypted form; or in the case of information transmitted by the Federal Bureau of Investigation, such means of transmission may be used as are currently approved by the Director, Federal Bureau of Investigation, unless express reservation to the contrary is made in exceptional cases by the originating agency.

(c) *Transmitting Secret Material.* Secret material shall be transmitted within the continental United States by one of the means established for Top Secret material, by an authorized courier, by United States registered mail, or by protected commercial express, air or surface. Secret material may be transmitted outside the continental limits of the United States by one of the means established for Top Secret material, by commanders or masters of vessels of United States registry, or by United States Post Office registered mail through Army, Navy, or Air Force postal facilities, provided that the material does not at any time pass out of United States Government control and does not pass through a foreign postal system. Secret material may, however, be transmitted between United States Government and/or Canadian Government installations in continental United States, Canada, and Alaska by United States and Canadian registered mail with registered mail receipt. In an emergency, Secret material may also be transmitted over military communications circuits in accordance with regulations promulgated for such purpose by the Secretary of Defense.

(d) *Transmitting Confidential Material.* Confidential defense material shall be transmitted within the United States by one of the means established for higher classifications, by registered mail, or by express or freight under such specific conditions as may be prescribed by the head of the department or agency concerned. Outside the continental United States, Confidential defense material shall be transmitted in the same manner as authorized for higher classifications.

(e) *Within an Agency.* Preparation of classified defense material for transmission, and transmission of it, within a department or agency shall be governed by regulations, issued by the head of the department or agency, insuring a degree of security equivalent to that outlined above for transmission outside a department or agency.

SEC. 9. *Disposal and Destruction.* Documentary record material made or received by a department or agency in connection with transaction of public business and preserved as evidence of the organization, functions, policies, operations, decisions, procedures or other activities of any department or agency of the Government, or because of the informational value of the data contained therein, may be destroyed only in accordance with the act of July 7, 1943, c. 192, 57 Stat. 380, as amended, 44 U. S. C. 366–380. Non-record classified material, consisting of extra copies and duplicates including shorthand notes, preliminary drafts, used carbon paper, and other material of similar temporary nature, may be destroyed, under procedures established by the head of the department or agency which meet the following requirements, as soon as it has served its purpose:

(a) *Methods of Destruction.* Classified defense material shall be destroyed by burning in the presence of an appropriate official or by other methods authorized by the head of an agency provided the resulting destruction is equally complete.

(b) *Records of Destruction.* Appropriate accountability records maintained in the department or agency shall reflect the destruction of classified defense material.

SEC. 10. *Orientation and Inspection.* To promote the basic purposes of this order, heads of those departments and agencies originating or handling classified defense information shall designate experienced persons to coordinate and supervise the activities applicable to their departments or agencies under this order. Persons so designated shall maintain active training and orientation programs for employees concerned with classified defense information to impress each such employee with his individual responsibility for exercising vigilance and care in complying with the provisions of this order. Such persons shall be authorized on behalf of the heads of the departments and agencies to establish adequate and active inspection programs to the end that the provisions of this order are administered effectively.

SEC. 11. *Interpretation of Regulations by the Attorney General.* The Attorney General, upon request of the head of a department or agency or his duly designated representative, shall personally or through authorized representatives of the Department of Justice render an interpretation of these regulations in connection with any problems arising out of their administration.

SEC. 12. *Statutory Requirements.* Nothing in this order shall be construed to authorize the dissemination, handling or transmission of classified information contrary to the provisions of any statute.

SEC. 13. *"Restricted Data" as Defined in the Atomic Energy Act.* Nothing in this order shall supersede any requirements made by or under the Atomic Energy Act of August 1, 1946, as amended. "Restricted Data" as defined by the said act shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1946, as amended, and the regulations of the Atomic Energy Commission.

SEC. 14. *Combat Operations.* The provisions of this order with regard to dissemination, transmission, or safekeeping of classified defense information or material may be so modified in connection with combat or combat-related operations as the Secretary of Defense may by regulations prescribe.

SEC. 15. *Exceptional Cases.* When, in an exceptional case, a person or agency not authorized to classify defense information originates information which is believed to require classification, such person or agency shall protect that information in the manner prescribed by this order for that category of classified defense information into which it is believed to fall, and shall transmit the information forthwith, under appropriate safeguards, to the department, agency, or person having both the authority to classify information and a direct official interest in the information (preferably, that department, agency, or person to which the information would be transmitted in the ordinary course of business), with a request that such department, agency, or person classify the information.

SEC. 16. *Review to Insure That Information is Not Improperly Withheld Hereunder.* The President shall designate a member of his staff who shall receive, consider, and take action upon, suggestions or complaints from non-Governmental sources relating to the operation of this order.

SEC. 17. *Review to Insure Safeguarding of Classified Defense Information.* The National Security Council shall conduct a continuing review of the implementation of this order to insure that classified defense information is properly safeguarded, in conformity herewith.

SEC. 18. *Review Within Departments and Agencies.* The head of each department and agency shall designate a member or members of his staff who shall conduct a continuing review of the implementation of this order within the department or agency concerned to insure that no information is withheld hereunder which the people of the United States have a right to know, and to insure that classified defense information is properly safeguarded in conformity herewith.

SEC. 19. *Revocation of Executive Order No. 10290.* Executive Order No. 10290 of September 24, 1951 is revoked as of the effective date of this order.

SEC. 20. *Effective Date.* This order shall become effective on December 15, 1953.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*November 5, 1953.*

[F. R. Doc. 53-9553; Filed, Nov. 9, 1953; 9:55 a. m.]

# RULES AND REGULATIONS

## TITLE 7—AGRICULTURE

### Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 2]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.302 *Navel Orange Regulation 2*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeing on November 5, 1953, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., November 8, 1953, and ending at 12:01 a. m., P. s. t., November 15, 1953, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement;

(iv) District 4: 50 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handled," "handler," "carloads," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

[Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c]

Done at Washington, D. C., this 6th day of November 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Nov. 8, 1953, to 12:01 a. m., P. s. t., Nov. 15, 1953]

NAVEL ORANGES

*Prorate District No. 4*

| Handler | Prorate base (percent) |
|---|---|
| Total | 100.0000 |
| Placentia Cooperative Orange Association | 28.8477 |
| Richgrove-Jasmine Citrus Association | 17.4229 |
| B. & L. Citrus Distributors | 5.0424 |
| Edison Citrus Co., Inc | 43.6943 |
| Kim, Charles | 2.5503 |
| Toy, Chin | 2.4424 |

[F. R. Doc. 53-9522; Filed, Nov. 6, 1953; 3:16 p. m.]



[959.309, Amdt. 1]

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON AND MODOC AND SISKIYOU IN CALIFORNIA

LIMITATION OF SHIPMENTS

*Findings.* (a) Pursuant to Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon and Modoc and Siskiyou in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said marketing agreement and amended order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, and (3) this amendment relieves restriction on the handling of Irish potatoes grown in the aforesaid production area.

*Order as amended.* The provisions of § 959.309 (b) (1) (FEDERAL REGISTER, August 29, and October 22, 1953, 18 F. R. 5163, 6697) are hereby amended to read as follows:

(1) During the period November 6, 1953 to June 30, 1954, both dates inclusive, no handler shall ship potatoes which do not meet the requirements of the U. S. No. 2, or better grade, and which are less than 2 inches minimum diameter or 4 ounces minimum weight, as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (§ 51.566 of this title), including the tolerances set forth therein.

[Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c]

Done at Washington, D. C., this 5th day of November 1953 to become effective November 6, 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-9505; Filed, Nov. 9, 1953; 8:50 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

[Supp. 17]

PART 60—AIR TRAFFIC RULES

CRUISING ALTITUDES WITHIN CONTROL ZONES AND CONTROL AREAS (VFR)

In § 60.32 and the note thereto, the Civil Aeronautics Board authorized the Administrator of Civil Aeronautics to specify "odd and even" thousand foot altitudes for aircraft operated in level cruising flight at 3,000 feet or more above the surface within control zones and control areas. Since the effective date of that section, such altitudes have been published in the CAA Flight Information Manual and shown on appropriate Radio Facility Charts for the information and guidance of all pilots.

The following rules merely adopt the existing odd and even altitudes specified in the Flight Information Manual and the appropriate Radio Facility Charts as regulations of the Administrator. These rules are being made effective without alteration of the altitudes and without delay in order to provide a uniform and uninterrupted standard for the safety of aircraft engaged in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedures Act would be impracticable and unnecessary.

A new § 60.32–1 is adopted to read:

§ 60.32–1 *Odd or even altitudes on civil airways (CAA rules which apply to § 60.32 (a)).* When an aircraft is operated in level cruising flight at 3,000 feet or more above the surface, within the boundaries of a civil airway, it shall be flown at the following altitudes:

(a) Red or green airway—Eastbound, odd thousand-foot altitudes (3,000; 5,000; etc.)—Westbound, even thousand-foot altitudes (4,000; 6,000; etc.)

(b) Amber or blue airway—Northbound, odd thousand-foot altitudes (3,000; 5,000; etc.)—Southbound, even thousand-foot altitudes (4,000; 6,000; etc.)

(c) Even numbered VOR airway—Eastbound, odd thousand-foot altitudes (3,000; 5,000; etc.)—Westbound, even thousand-foot altitudes (4,000; 6,000; etc.)

(d) Odd numbered VOR airway—Northbound, odd thousand-foot altitudes (3,000; 5,000; etc.)—Southbound, even thousand-foot altitudes (4,000; 6,000; etc.)

(e) Exceptions to the rules stated in paragraphs (a) through (d) of this section are:

(1) Where a color airway coincides with a VOR airway, the color airway shall take preference, and the odd or even altitude rule for the appropriate color airway shall apply.

(2) (i) Where no color airway is involved and an even and odd VOR airway coincide, the even numbered VOR airway shall take preference, and the odd or even altitude rule for the even numbered VOR airway shall apply.

NOTE: The odd or even altitude rule applicable to an airway is determined by the direction of the airway between its two terminal points, without regard to the direction of any segment or portion of the airway. Example: A green airway has one terminal point in California and the other in New York, but in Ohio a portion between fixes runs due north and south. In this case, the odd or even altitude rule for a flight eastbound or westbound applies to the entire flight along the airway.

(ii) "Odd or even" altitude indicators for the airways are also shown on Radio Facility Charts.

(Sec. 205, 52 Stat. 984, as amended, 49 U. S. C. 425. Interprets or applies Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9480; Filed, Nov. 9, 1953; 8:46 a. m.]

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 20]

PART 600—DESIGNATION OF CIVIL AIRWAYS

BLUE CIVIL AIRWAY 28

The civil airway alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.628 is amended to read:

§ 600.628 *Blue civil airway No. 28 (Charleston, S. C., to Bulls Gap, Tenn.).* From the Charleston, S. C., radio range station via the intersection of the northwest course of the Charleston, S. C., radio range and the southeast course of the Columbia, S. C., radio range; Columbia, S. C., radio range station; the intersection of the west course of the Columbia, S. C., radio range and the southeast course of the Spartanburg, S. C., radio range; Spartanburg, S. C., radio range station to the intersection of the northwest course of the Spartanburg, S. C. radio range and the northeast course of the Knoxville, Tenn., radio range.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001, e. s. t., November 17, 1953.

[SEAL] S. A. KEMP,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9478; Filed, Nov. 9, 1953; 8:45 a. m.]

[Amdt. 20]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

BLUE CIVIL AIRWAY 28

The control area and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.628 is amended by changing the caption to read: "*Blue civil airway No. 28 control areas (Charleston, S. C., to Bulls Gap, Tenn.)*."

2. Section 601.4028 is amended by changing the caption to read: "*Blue Civil Airway No. 28 (Charleston, S. C., to Bulls Gap, Tenn.)*."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. November 17, 1953.

[SEAL] S. A. KEMP,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9479; Filed, Nov. 9, 1953; 8:46 a. m.]

[Amdt. 64]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.14, the Antioch, California, area (D-264), published on July 16, 1949, in 14 F. R. 4288, amended on October 14, 1950, in 15 F. R. 6908, and on December 13, 1952, in 17 F. R. 11256, is further amended by changing the "Using Agency" column to read: "COMNABS, 12th Naval District".

2. In § 608.14, the Boullion Mountains, California, area (D-344), published on August 23, 1951, in 16 F. R. 8448, is amended by changing the "Using Agency" column to read: "CG, Marine Barracks, Camp Pendleton, California".

3. In § 608.14, the Chocolate Mountains, California, area (D-304), published on March 17, 1950, in 15 F. R. 1510, amended on December 13, 1952, in 17 F. R. 11256, and on June 12, 1953, in 18 F. R. 3364, is further amended by changing the "Using Agency" column to read: "COM, 11th Naval District, San Diego, California".

4. In § 608.14, a Cuddeback Dry Lake, California, area is added to read:

| Name and location (chart) | Description by geographical coordinates | Designated altitudes | Time of designation | Using agency |
|---|---|---|---|---|
| CUDDEBACK DRY LAKE (D-417) (Los Angeles Chart). | N. boundary: lat. 35°25'00" N.; S. boundary: lat. 35°15'00" N.; E. boundary: long. 117°21'30" W.; W. boundary: long. 117°26'00" W. | Surface to unlimited. | Daylight hours. | George AFB, Victorville, Calif. |

5. In § 608.14, the Trona, California, area (D-277), published on November 3, 1949, in 14 F. R. 6676, and amended on May 10, 1951, in 16 F. R. 4311, is further amended by changing the "Using Agency" column to read: "NOTS, Inyokern, California".

6. In § 608.14, the Vernalis, California, area (D-280), published on January 24, 1952, in 17 F. R. 716, is amended by changing the "Using Agency" column to read: "COMNABS, 12th Naval District and Ames Aeronautical Laboratory, San Francisco, California".

7. In § 608.36, the Black Rock Desert, Nevada, area (D-266), published on July 16 1949, in 14 F. R. 4293, and amended on December 13, 1952, in 17 F. R. 11256, is further amended by changing the "Using Agency" column to read: "COMNABS, 12th Naval District".

8. In § 608.36, the Fallon, Nevada, areas (D-267, D-268, D-269, D-270), published on May 20, 1952, in 17 F. R. 4558, amended on July 16, 1952, in 17 F. R. 6428, and on February 28, 1953, in 18 F. R. 1155, are further amended by changing the "Using Agency" column for each of the four areas to read: "COMNABS, 12th Naval District".

9. In § 608.36, the Sahwave Mountains, Nevada, area (D-430), published on February 17, 1953, in 18 F. R. 931, is amended by changing the "Using Agency" column to read: "COMNABS, 12th Naval District".

10. In § 608.41, the Long Shoal Point, North Carolina, area (D-128), published on January 24, 1952, in 17 F. R. 716, is amended by changing the "Using Agency" column to read: "COMAIRLANT, Norfolk, Virginia".

11. In § 608.55, the Admiralty Inlet, Washington, area (D-231), published on July 16, 1949, in 14 F. R. 4297, is amended by changing the "Using Agency" column to read: "NAS, Whidbey Island, Washington".

12. In § 608.55, the Juan de Fuca, Washington, area (D-236), published on January 19, 1951, in 16 F. R. 496, is amended by changing the "Using Agency" column to read: "NAS, Whidbey Island, Washington".

13. In § 608.55, the Queets, Washington, area (D-239), published on July 14, 1949, in 14 F. R. 3886, is amended by changing the "Using Agency" column to read: "NAS, Whidbey Island, Washington".

14. In § 608.55, the Rosario Strait, Washington, area (D-232), published on July 16, 1949, in 14 F. R. 4297, is amended by changing the "Using Agency" column to read: "NAS, Whidbey Island, Washington".

15. In § 608.55, the Waldron Island, Washington, area (D-234), published on July 16, 1949, in 14 F. R. 4297, is amended by changing the "Using Agency" column to read: "NAS, Whidbey Island, Washington".

16. In § 608.55, the Whidbey Island, Washington, area (D-233), published on July 16, 1949, in 14 F. R. 4297, is amended by changing the "Using Agency" column to read: "NAS, Whidbey Island, Washington".

(Sec. 205, 52 Stat. 984, as amended 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on November 10, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9477; Filed, Nov. 9, 1953; 8:45 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File No. 21-178]

PART 37—WOOL STOCK INDUSTRY

RESCISSION OF PART

Whereas, on August 22, 1931, the Commission promulgated trade practice rules for the Wool Stock Industry, codified in the Code of Federal Regulations (Title 16, Part 37); and whereas said rules contain provisions which do not accurately reflect existing requirements of law, and proceedings for the revision thereof do not appear to be warranted in the public interest:

*It is ordered*, That the said rules (16 CFR Part 37) be and the same are hereby rescinded.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46)

Issued: November 4, 1953.

By the Commission.

[SEAL] ALEX AKERMAN, JR.,
*Secretary.*

[F. R. Doc. 53-9487; Filed, Nov. 9, 1953; 8:47 a. m.]

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter D—Federal Savings and Loan Insurance Corporation

[6536]

PART 163—OPERATIONS

REGULAR CREDITS

NOVEMBER 4, 1953

Resolved that, pursuant to § 108.11 of the General Regulations of the Home Loan Bank Board (24 CFR 108.11) and § 167.1 of the rules and regulations for insurance of accounts (24 CFR 167.1), § 163.13 of the rules and regulations for insurance of accounts (24 CFR 163.13) is hereby amended, effective November 10, 1953, by inserting the following provision after the first sentence thereof: "If, upon the expiration of twenty years from the date its accounts were insured, the Federal insurance reserve account of any insured institution is less than 5 percent but not less than 3 percent of all insured accounts, such institution may earmark undivided profits in an amount which, when combined with the amount in its Federal insurance reserve account will equal 5 percent of all insured accounts, and the funds so earmarked shall be considered a part of the Federal insurance reserve and be subject to all the limitations which apply thereto until such reserve account, exclusive of the funds so earmarked, equals 5 percent of all insured accounts: *Provided*, That the date of compliance with this section for each such insured institution shall be not later than the close of the semi-annual period following the twentieth anniversary date of its insurance of accounts."

So that the section, as amended, shall read as follows:

§ 163.13 *Regular credits.* Each insured institution shall thereafter credit to its Federal insurance reserve, during each of its fiscal years, an amount equal to at least three-tenths of 1 percent of all insured accounts outstanding at the beginning of such fiscal year; and shall build up the Federal insurance reserve to an amount equal to at least 2½ percent of all insured accounts within thirteen years from the effective date of insurance and to an amount equal to at least 5 percent of all insured accounts within twenty years from such date: *Provided*, That credits to the Federal insurance reserve need not be made whenever such insurance reserve account equals or exceeds the minimum amounts required by this section. If, upon the expiration of twenty years from the date its accounts were insured, the Federal insurance reserve account of any insured institution is less than 5 percent but not less than 3 percent of all insured accounts, such institution may earmark undivided profits in an amount which, when combined with the amount in its Federal insurance reserve account will equal 5 percent of all insured accounts, and the funds so earmarked shall be considered a part of the Federal insurance reserve and be subject to all the limitations which apply thereto until such reserve account, exclusive of the funds so earmarked, equals 5 percent of all insured accounts: *Provided*, That the date of compliance with this section for each such insured institution shall be not later that the close of the semi-annual period following the twentieth anniversary date of its insurance of accounts. If for any reason, the Federal insurance reserve account of any institution which has been insured for at least twenty years is thereafter reduced to less that 5 percent of all insured accounts, such institution shall transfer to its Federal insurance reserve account, for each dividend period, at least 25 percent of its net operating income before the declaration of dividends or the payment of interest on savings, until its Federal insurance reserve account is again equal to at least 5 percent of all insured accounts.

Resolved further that, as this amendment operates to relieve a restriction, it is found that it is not necessary to issue such regulation with notice and public procedure thereon under § 108.12 of the general regulations of the Home Loan Bank Board (24 CFR 108.12) or section 4 (a) of the Administrative Procedure Act, and that the effective date limitation of section 4 (c) of said act is not applicable.

(Sec. 402, 48 Stat. 1256, as amended; 12 U. S. C. 1725. Interprets or applies sec. 403, 48 Stat. 1257, as amended; 12 U. S. C. 1726)

By the Home Loan Bank Board.

J. FRANCIS MOORE,
*Secretary.*

[F. R. Doc. 53-9502; Filed, Nov. 9, 1953; 8:50 a. m.]

## TITLE 25—INDIANS

### Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter R—Leases and Sale of Minerals, Restricted Indian Lands

PART 180—LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

DIVISION ORDERS

Section 180.88 (a) is hereby amended to read as follows:

§ 180.88 *Division orders.* (a) The Superintendent may make arrangements with the purchasers of oil for the payment of the royalty, but such arrangements, if made, shall not relieve the lessee from responsibility for the payment of the royalty, should such purchaser fail, neglect, or refuse to pay the royalty when it becomes due. No oil shall be run to any purchaser or delivered to the pipe line or other carrier for shipment, or otherwise conveyed or removed from the leased premises, until a division order is executed, filed, and approved, by the Superintendent, showing that the lessee has a regularly approved leased in effect, and the conditions under which the oil may be run: *Provided*, That the Superintendent may grant temporary permission to run oil from a lease pending the execution, filing, and approval by him of a division order. Lessees shall be required to pay for all oil or gas used off the leased premises for operating purposes; affidavit shall be made as to the production used for such purposes and royalty paid in the usual manner. The lessee or his representative shall be present when oil is taken from the leased premises under any division order and will be responsible for the correct measurement thereof and shall report all oil so run.

(Sec. 3, 34 Stat. 543)

NOVEMBER 4, 1953.

FRED G. AANDAHL,
*Acting Secretary of the Interior.*

[F. R. Doc. 53-9482; Filed, Nov. 9, 1953; 8:46 a. m.]

## TITLE 29—LABOR

### Chapter V—Wage and Hour Division, Department of Labor

PART 709—PEARL BUTTON AND BUCKLE DIVISION OF THE BUTTON, BUCKLE, AND JEWELRY INDUSTRY IN PUERTO RICO

MISCELLANEOUS AMENDMENTS

The minimum wage order for the Pearl Button and Buckle Division of the Button, Buckle, and Jewelry Industry in Puerto Rico, as recommended by Special Industry Committee No. 12 for Puerto Rico was approved and made final pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U. S. C. 201) and published in the FEDERAL REGISTER on August 18, 1953 (18 F. R. 4889).

This wage order is hereby revised as set forth below.

1. Redesignate § 709.1 *Wage rates* as paragraph (e) of § 709.1.

2. Delete all of § 709.2.

3. Redesignate § 709.3 as subparagraph (5) of § 709.3 (b), as follows.

§ 709.3 * * *
(b) * * *

(5) *Definition of the pearl button and buckle division of the button, buckle, and jewelry industry in Puerto Rico.* The manufacture of buttons and buckles from ocean pearl or other natural shell.

Signed at Washington, D. C., this 9th day of November 1953.

WM. R. MCCOMB,
*Administrator, Wage and Hour Division, Department of Labor.*

[F. R. Doc. 53-9578; Filed, Nov. 9, 1953; 11:47 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 595—FOREIGN PURCHASES

PART 596—CONTRACT CLAUSES AND FORMS

PART 602—GOVERNMENT PROPERTY

ARMY PROCUREMENT PROCEDURE; MISCELLANEOUS AMENDMENTS

1. Section 590.602 is amended by adding a new paragraph (d) as follows:

§ 590.602 *Execution of contracts; requirements.* * * *

(d) *Contracts with partnerships.* Contracts entered into with partnerships will be executed in the partnership name and will enumerate the names of all the partners. The partnership contract need be signed by only one partner, provided the authority of the particular partner to effectively bind the partnership has been established. The Contracting Officer need not require that partnerships execute a certificate of attestation substantially in the form included in DD Form 351-2 provided he obtains other evidence which satisfactorily shows that the partner is empowered to bind the partnership.

2. In § 590.604-1 (a), subparagraph (2) (ii) is amended to read as follows:

§ 590.604–1 *Personal or professional services*—(a) *Contracts for employment of experts or consultants.* • • •

(2) *Approval required.* • • •

(ii) Contracts which provide for performance of personal services by experts or consultants, or organizations thereof, contemplating supervision by Government personnel of the contractor, and not requiring the contractor, as an integral part of the contract, to furnish an end item or product. Each contract for stenographic reporting services or for personal services of experts and consultants negotiated under the above or any other authority and each supplemental agreement or change order making a material change in such contract, will contain a provision stating that it is subject to the approval of the Secretary and will not be binding until so approved; and the contract or request for award thereof, supplemental agreement, or change order will be forwarded by the Head of the Procuring Activity involved to the Assistant Chief of Staff, G–4, Department of the Army, Attention: Chief, Purchases Branch, for approval by the Secretary. The request for approval will refer specifically to the above-quoted statutory authorities and will furnish a complete statement of facts supporting the determinations required by statute to be made by the Secretary. The request for approval will also include the information required by § 590.605, if applicable, and will contain a statement as to availability of funds and a reference to the Project Account Number, Appropriation Symbol, and the statutory authority under which appropriated. The request for approval shall also contain a statement or be accompanied by a certificate personally signed by the Head of the Procuring Activity, his Deputy, or his Chief of Staff reading substantially as follows:

The employment of ----------
(Name of contractor)
will not be in excess of the civilian personnel authorization established by the Department of the Army for the ----------
(Procuring activity)

• • • • •

3 Subpart C of Part 595 is revoked.

4. A new Subpart E is added to Part 595 as follows:

SUBPART E—DUTY AND CUSTOMS

Sec.

595.501 Customs duties on foreign purchases.
595.502 Emergency purchases of war material abroad.
595.502–1 General.
595.502–2 War materials.
595.502–3 Emergency purchases.
595.502–4 Conditions under which duty free entry certificates may be issued.
595.502–5 Duty free entry certificate.
595.503 Customs duties and drawbacks.

AUTHORITY: §§ 595.501 to 595.503 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161.

SUBPART E—DUTY AND CUSTOMS

§ 595.501 *Customs duties on foreign purchases.* Duty must ordinarily be paid in connection with the importation of supplies purchased outside of the United States, except that the importation of "emergency purchases of war material abroad" by a Department is exempt from duty (act of June 30, 1914, 38 Stat. 399; 34 U. S. C. 568); section 12, Armed Services Procurement Act of 1947 (62 Stat. 26; 5 U. S. C. 219b, 626e). Where the importation of supplies is subject to customs duties, a Department is exempt from any requirements of a customs bond.

§ 595.502 *Emergency purchases of war material abroad.*

§ 595.502–1 *General.* This subpart furnishes guidance as to what constitutes "emergency purchases of war material abroad," prescribes the conditions under which duty free entry certificates may be issued in connection with the importation of such purchases and sets forth the form of certificate to be utilized. The procedures to be followed in the issuance of such certificates shall be as prescribed by the respective Departments.

§ 595.502–2 *War materials.* As used in this subpart, the term "war material" includes the following:

(a) Weapons, munitions, aircraft, vessels or boats;

(b) Agricultural, industrial, or other supplies used in the prosecution of war or for the national defense;

(c) Supplies, including components or equipment, necessary for the manufacture, production, processing, repair, servicing, or operation of the supplies set forth in paragraphs (a) and (b) of this section.

§ 595.502–3 *Emergency purchases.* As used in this subpart, the term "emergency purchases" includes the following:

(a) War material purchased by any Department in time of war or a national emergency, including any war material received in exchange for anything of value obtained under reciprocal aid or other statutory authority;

(b) War material purchased because of a shortage of domestic supply, pursuant to a decision that the supplies are necessary for the adequate maintenance of the Armed Services;

(c) Captured enemy war material;

(d) Materials requisitioned by United States Forces abroad;

(e) Materials rebuilt from other materials owned by, captured by, or turned over to United States Forces;

(f) War materials procured for the use of United States Forces abroad or United States vessels in foreign waters.

§ 595.502–4 *Conditions under which duty free entry certificates may be issued.* The issuance of duty free entry certificates in appropriate situations will result in important savings for military appropriations. At the same time, any procedure established for the issuance of such certificates must recognize that anything other than a careful selection of the proper situations where such certificates are to be issued may fail to save funds and may result in unanticipated advantages to contractors, especially in situations involving fixed-price contracts. Considerations which are pertinent to the selection of those cases where such certificates should be issued include the savings to be accomplished by the issuance of the certificate; the administrative burden and cost of processing the certificate; and the degree of supervision which can be exercised by the Government over the supplies or materials to be imported to verify that the full benefit of the certificate inures to the Government. The latter consideration is particularly significant in the case of fixed-price contracts since title to the importation does not generally vest in the Government until delivery of the end product. Subject to the foregoing considerations, a duty-free entry certificate may be issued in accordance with Department procedures when an "emergency purchase of war material" is made under the following circumstances:

(a) Direct purchases abroad regardless of whether title passes at point of origin or at destination in the United States, providing the contract states that the final price is exclusive of duty.

(b) Purchases abroad by a Government prime contractor under a cost-reimbursement type contract or by a cost-reimbursement type subcontractor (where no fixed-price prime or fixed-price subcontract intervenes between the purchaser and the Government), regardless of whether title passes at point of origin or at destination in the United States. If a fixed-price prime or fixed-price subcontract intervenes, the criteria stated in paragraph (c) of this section should be followed.

(c) Purchases abroad by a fixed-price contractor, fixed-price subcontractor, or cost-type subcontractor where a fixed-price prime or fixed-price subcontract intervenes, provided (1) the fixed-price prime and, where applicable, fixed-price subcontract prices are, or are amended to be, exclusive of duty; (2) the prime contractor and, where applicable, the subcontractors concerned certify that the supplies so purchased are to be delivered to the Government or incorporated in Government owned property or in an end product to be furnished to the Government, and that duty will be paid if such supplies or any portion thereof are utilized for other than the performance of the Government contract or disposed of other than for the benefit of the Government in accordance with the contract terms; and (3) such procurement abroad is authorized by the terms of the prime contract, the applicable subcontract, or by the Contracting Officer.

§ 595.502–5 *Duty free entry certificate.* The duty free entry certificate referred to in this subpart will be printed, stamped, or typed on the face of Customs Form 7501 or attached thereto, and will be executed by a duly designated officer or civilian official of the appropriate Department in the following form:

I certify that the procurement of this material constituted an emergency purchase of war material abroad by the Department of the (Indicate Army, Navy, or Air Force) and it is accordingly requested that such material be admitted free of duty pursuant to the Act of June 30, 1914 (38 U. S. C. 568) (or Section 12 of the Act of February 19, 1948 (5 U. S. C. 219b, 626e)).

---
(Name)
---
(Title), who has been designated to execute free entry certificates for the above-named Department
---
(Grade) (Organization)

§ 595.503 *Customs duties and drawbacks.* Whenever any Department purchases supplies with respect to which there might arise a claim to a refund or drawback of customs duties paid thereon (to the extent such drawback is authorized pursuant to the Tariff Act of 1930, 19 U. S. C., Chapter 4), the price to be paid shall ordinarily include the customs duties, and accordingly the supplier will have no claim to a drawback. On the other hand, when the price to be paid for any such purpose does not include the customs duties, then the supplier will have the right to claim any drawback with respect to duties paid by the supplier provided (a) he has reserved such right in connection with such sale or consignment and (b) he produces evidence that such reservation was made with the knowledge and consent of the exporter.

5 Section 596.103–8 is amended as follows:

§ 596.103–8 *Assignment of claims.* • • •

(d) *Acknowledgment of notice of assignment.* Contracting Officers will acknowledge notices of assignment filed by assignees in accordance with § 596.103–8 (c). In cases where a notice of assignment of monies due under a definitive contract, which supersedes a letter contract, is received pursuant to the Assignment of Claims Act of 1940 (54 Stat. 1029), as amended, such notice should be acknowledged regardless of the fact that a notice of assignment of monies due under the letter contract had been previously acknowledged. The two notices of assignment should be considered as one and filed accordingly.

(e) *Assignor's statement.* Where direct payment is made to an assignee, the contractor will furnish on each voucher, invoice, or other supporting paper, a statement to the effect that he recognizes the assignment, its validity, and the right of the assignee to receive payment.

(f) *Information to be furnished to assignees.* Contracting Officers will, upon request of the contractor, furnish proposed assignees information regarding the status of the contract at the time of the assignment. In so doing, the Contracting Officer will advise the assignee that the information is so furnished only for confidential use in connection with the assignment.

6 In § 596.531–1, Item 6, *Disputes*, is rescinded and the following substituted therefor:

§ 596.531–1 *Sample of form.* • • •

6 *Disputes.* (See ASPR 7–103.12.)

• • • • •

7. In § 602.805 (h) a new subparagraph (3) is added as follows:

§ 602.805 *General.* • • •

(h) • • •

(3) When a purchase order or contract does not exceed $5,000, jigs, patterns, fixtures, gages and other manufacturing aids which are furnished to a contractor from stocks to aid in the performance of work may, at the option of the Contracting Officer, be accounted for as a suspense item in the Military Account from which shipped, provided that the total cost thereof does not exceed $1,000. Accounting for such property under Appendix B, Part 413 of this title, is not required.

[Proc. Cir. 27, October 27, 1953] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151–161)

[SEAL] WM. E. BERGIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 53–9496; Filed, Nov. 9, 1953; 8:49 a. m.]

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter XVIII — National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 64 (OPR–4, Amdt. 2)]

OPR–4—AUTHORITY AND RESPONSIBILITY OF GENERAL AGENTS TO UNDERTAKE TO DECOMMISSION SHIPS TO BE WITHDRAWN FROM OPERATION AND PLACED IN A RESERVE FLEET

GENERAL AGENTS' DUTIES; BOOKS AND LOG BOOKS

Effective upon publication of this Amendment 2 in the FEDERAL REGISTER, paragraph (n) of section 3 *General Agents' duties* contained in NSA Order 64 (OPR–4) published in the FEDERAL REGISTER issue of April 22, 1952 (17 F. R. 3553) is amended to read as follows:

(n) *Books and log books.* Merchant Marine library books shall be removed by the Merchant Marine Library Association. All log books and bell books shall be listed in a covering letter and forwarded to the District Property and Supply Officer, Maritime Administration, 45 Broadway, New York 4, New York. Copies of the covering letter shall in each case be sent to the Chief, Division of Office Services, Office of Property and Supply, Maritime Administration, Washington 25, D. C. and to the cognizant Coast Director who shall check each list to ensure completeness of submissions.

(Sec. 204, 49 Stat. 1987 as amended; 46 U. S. C. 1114)

Approved: November 2, 1953.

[SEAL] C. H. MCGUIRE,
*Director, Office of National Shipping Authority and Government Aid.*

[F. R. Doc. 53–9495; Filed, Nov. 9, 1953; 8:49 a. m.]

## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

PART 43—TREATMENT OF DOMESTIC MAIL MATTER AT RECEIVING POST OFFICES

HARMLESS LIVE CREATURES; VALUABLE MAIL RECEIVED FROM DEAD LETTER OR DEAD PARCEL POST BRANCHES

1. In § 35.25 *Harmless live creatures* amend paragraph (b) to read as follows:

(b) Live creatures described in paragraph (a) of this section, except soft crabs, shall be properly prepared for mailing so as to withstand handling inside of sacks or pouches, if size of parcel permits, during period from November 1 to March 31, of each year. Such parcels weighing over 8 ounces will be dispatched as outside matter from April 1 to October 31 but parcels weighing 8 ounces or less shall be sacked or pouched all year.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

2. In § 43.38 *Valuable mail received from dead letter or dead parcel post branches* amend paragraph (e) to read as follows:

(e) *When received registered from a dead letter or dead parcel post branch.* When dead matter is received under registered cover from a dead letter or dead parcel post branch for possible delivery, it shall be handled in the Inquiry Section or some other section or by a specific employee designated by the postmaster. In any event, the registry section shall not be allowed to open and dispose of such registered matter. If the proper address is supplied, the matter shall be re-registered to the rightful owner under the local registry number and the person to whom delivered charged with the 5 cent dead letter fee plus the minimum registry fee. The registry number shall be entered on the form which accompanies the dead mail and the form filed by the delivering office. Such matter received under registered cover must also be sent under registered cover when forwarded or returned.

(R. S. 161, 396, 3936, as amended, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 406)

[SEAL] ROSS RIZLEY,
*Solicitor.*

[F. R. Doc. 53–9488; Filed, Nov. 9, 1953; 8:47 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1862]

PART 259—DISPOSAL OF MATERIALS

SALES

Sections 259.11 and 259.12 (f) and (g) are amended to read as follows:

§ 259.11 *Bond.* In all sales in which payment in full is not made in advance, a bond of not less than 15 percent of the contract price of materials sold in the public-land States, or 25 percent of the contract price of materials sold in Alaska, must be furnished by the purchaser. In any sale the signing officer, in his discretion, may require a bond in excess of that amount. Bonds hereunder shall be executed on Form 4–057. The bond must be that of a corporate surety shown on an approved list issued by the Treasury Department, or a cash bond. United States bonds, or cash, may be furnished in lieu of a surety bond, if accompanied by a proper personal bond and power of attorney authorizing the Secretary, in case of default, to collect, sell, assign, or transfer the said bonds without notice, at public or private sale, free from any equity of redemption, and without appraisement or valuation.

§ 259.12 *Payment.* • • •

(f) In any sale of materials in the public-land States for which payment in installments is permitted, the purchaser shall make an initial payment equivalent to two installments as follows: One installment prior to the approval of the contract and the second installment within six months thereafter, or prior to the commencement of operations thereunder, whichever is earlier. The first installment shall be retained by the Government as additional security for the full and faithful performance of the contract, and shall be applied in whole or in part toward the final installment thereunder. On the basis of his initial payment, the purchaser may sever or extract materials under the contract of a value not to exceed one-half of such initial payment. The remaining installments shall become due and payable without prior notice whenever the value of the materials severed or extracted under the contract shall equal the sum of the payments made by the purchaser (exclusive of one-half of the initial payments, as provided in this paragraph).

(g) In any sale of materials in Alaska for which payment in installments is permitted, the purchaser shall make payment of one installment prior to the approval of the contract. The purchaser may sever or extract materials under the contract of a value not to exceed such payment. The remaining installments shall become due and payable without prior notice whenever the value of the materials severed or extracted under the contract shall equal the sum of the payments made by the purchaser.

(Sec. 1, 61 Stat. 681, 43 U. S. C. 1185)

FRED G. AANDAHL,
*Acting Secretary of the Interior.*

NOVEMBER 4, 1953.

[F. R. Doc. 53-9483; Filed, Nov. 9, 1953; 8:46 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF LABOR

### Wage and Hour Division

### [ 29 CFR Part 686 ]

SHOE MANUFACTURING AND ALLIED INDUSTRIES IN PUERTO RICO

MINIMUM WAGE RATE

On April 9, 1953, pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended (hereinafter called the act), the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 428, as amended by Administrative Orders Nos. 430, 431 and 432, dated April 27, 1953, May 5, 1953, and May 18, 1953, respectively, appointed Special Industry Committee No. 14 for Puerto Rico (hereinafter called the Committee) and directed the Committee to investigate conditions in a number of industries specified and defined in the order, including the Shoe Manufacturing and Allied Industries in Puerto Rico (hereinafter called the Industry), and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wages for the Shoe Manufacturing and Allied Industries in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the Shoe Manufacturing and Allied Industries in Puerto Rico, as defined in Administrative Order No. 428, the Committee filed with the Administrator a report containing the recommendation, that a minimum wage rate of 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Shoe Manufacturing and Allied Industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

Pursuant to notice published in the FEDERAL REGISTER on August 1, 1953 (18 F. R. 4524–4527) and circulated to all interested parties, a public hearing upon the Committee's recommendation was held before Hearing Examiner E. West Parkinson, as Presiding Officer on September 3, 1953, in Washington, D. C., at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all of the evidence adduced in this proceeding, and after giving due consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendation of the Committee for a minimum wage rate of 40 cents an hour in the Shoe Manufacturing and Allied Industries in Puerto Rico was made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 14 for Puerto Rico for Minimum Wage Rates in the Shoe Manufacturing and Allied Industries in Puerto Rico", a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding, that I propose to amend the Wage Order for the Shoe Manufacturing and Allied Industries in Puerto Rico, which is contained in 29 CFR, 1952 Supp., Part 686, as follows:

Delete § 686.2 and substitute the following:

§ 686.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Shoe Manufacturing and Allied Industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

Within fifteen days from the publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed actions above described. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Signed at Washington, D. C., this 4th day of November 1953.

WM. R. MCCOMB,
*Administrator, Wage and Hour Division, Department of Labor.*

[F. R. Doc. 53-9485; Filed, Nov. 9, 1953; 8:47 a. m.]

### [ 29 CFR Part 709 ]

COSTUME JEWELRY DIVISION OF THE BUTTON, BUCKLE, AND JEWELRY INDUSTRY IN PUERTO RICO

MINIMUM WAGE RATE

On April 9, 1953, pursuant to section 5 of the Fair Labor Standards Act, as amended (hereinafter called the act), the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 428, as amended by Administrative Orders Nos. 430, 431 and 432 dated April 27, 1953, May 5, 1953, and May 18, 1953, respectively, appointed Special Industry Committee No. 14 for Puerto Rico (hereinafter called the Committee) and directed the Committee to investigate conditions in a number of industries specified in the order, including the Costume Jewelry Division of the Button, Buckle, and Jewelry Industry in Puerto Rico, and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the Costume Jewelry Division of the Button, Buckle, and Jewelry Industry in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico.

After investigating economic and competitive conditions in the Costume Jewelry Division, as defined in Administrative Order No. 428, the Committee submitted to the Administrator a report containing the following recommendations: (1) That the Costume Jewelry Division, as defined, should be divided into separate and distinct Divisions of the Button, Buckle, and Jewelry Industry, to be entitled "The Costume Jewelry Hair Ornament Division", and "The Costume Jewelry General Division"; and (2) that a minimum wage rate of 50 cents an hour should be paid in the Costume Jewelry Hair Ornament Division, and a minimum wage rate of 36 cents an hour should be paid in the Costume Jewelry General Division, to employees who are engaged in commerce or in the production of goods for commerce.

Pursuant to notice published in the FEDERAL REGISTER on August 1, 1953 (18 F. R. 4524–4527) and circulated to all interested parties, a public hearing upon the Committee's recommendations was held before Hearing Examiner Clifford P. Grant, as presiding officer, on September 1, 1953, in Washington, D. C., at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all of the evidence adduced in this proceeding, and after giving due consideration to the provisions of the Act, particularly sections 5 and 8 thereof, I have concluded that the recommendation of the Committee for the division of the Costume Jewelry Division into separate and distinct divisions to be known as the Costume Jewelry Hair Ornament Division, and the Costume Jewelry General Division of the Button, Buckle, and Jewelry Industry, together with the recommendations of the Committee for a minimum wage rate of 50 cents an hour in the Costume Jewelry Hair Ornament Division and a minimum wage rate of 36 cents an hour in the Costume Jewelry General Division, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 14 for Puerto Rico for Minimum Wage Rates in the Costume Jewelry Division of the Button, Buckle, and Jewelry Industry in Puerto Rico", a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding, that I propose to amend the Wage Order for the Button, Buckle, and Jewelry Industry in Puerto Rico, which is contained in 29 CFR Part 709, as follows:

1. In § 709.1 delete in its entirety the note which immediately follows paragraph (e) (minimum wage rate for the pearl button and buckle division) and substitute the following paragraphs:

(f) Wages at a rate of not less than 50 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Costume Jewelry Hair Ornament Division of the Button, Buckle, and Jewelry Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(g) Wages at a rate of not less than 36 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Costume Jewelry General Division of the Button, Buckle, and Jewelry Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

2. In § 709.3, delete the note which immediately follows pararaph (b) (5) (definition of the pearl button and buckle division) and add the following subparagraphs:

(6) *Costume Jewelry Hair Ornament Division.* The manufacture from any material (except precious metals or materials of local origin such as seeds, shells, natural fibers and similar materials) of hair ornaments such as decorative or ornamental combs, clips, and barrettes, and of component parts of such ornaments when the manufacture of such parts is performed in an establishment producing such hair ornaments.

(7) *Costume Jewelry General Division.* The manufacture of jewelry (except rosaries, hair ornaments, metal expansion watch bands and braclets, and metal, glass, plastic and wooden beads) and jewelry findings from any material except precious metals or materials of local origin such as seeds, shells, natural fibers and similar materials.

Within fifteen days from the publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed actions above described. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should contain supporting reasons for any exceptions.

Signed at Washington, D. C., this 4th day of November 1953.

WM. R. MCCOMB,
*Administrator, Wage and Hour Division, Department of Labor.*

[F. R. Doc. 53-9484; Filed, Nov. 9, 1953; 8:47 a. m.]

# NOTICES

## FEDERAL POWER COMMISSION

[Docket No. E-6462]

PACIFIC GAS & ELECTRIC CO.

ORDER POSTPONING DATE FOR ORAL ARGUMENT

Pacific Gas and Electric Company by petition filed October 30, 1953, requested a postponement of the date for oral reargument in this proceeding from November 10, 1953, as heretofore fixed by our order issued October 6, 1953, to a date subsequent to Commission action on a petition to reopen the record in this proceeding for the receipt of certain documents relating to matters the parties were requested to address themselves to on reargument, which petition Pacific undertakes will be filed and served by it not later than November 16, 1953.

Counsel for Sierra Pacific Power Company by telegram filed November 3, 1953, and Commission's Staff Counsel by a response filed November 3, 1953, have indicated they have no objection to the requested postponement.

The Commission finds: It is appropriate to carry out the provisions of the Federal Power Act to postpone the date for oral reargument in the above-entitled matter as hereinafter ordered.

The Commission orders: The date for oral reargument in the above-entitled matter be and it is hereby postponed from November 10, 1953, at 10 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, at 441 G Street

NW., Washington, D. C., to a date to be fixed by a subsequent order of the Commission.

Adopted: November 4, 1953.

Issued: November 4, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9486; Filed, Nov. 9, 1953; 8:47 a. m.]

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[Docket No. G-2239]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 4, 1953.

Notice is hereby given that on November 2, 1953, the Federal Power Commission issued its order adopted October 29, 1953, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9425; Filed, Nov. 9, 1953; 8:45 a. m.]

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[Project No. 2142]

CENTRAL MAINE POWER CO.

NOTICE OF APPLICATION FOR LICENSE

NOVEMBER 4, 1953.

Public notice is hereby given that Central Maine Power Company, of Augusta, Maine, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for license for proposed water-power Project No. 2142 (to be known as Indian Pond Project) to be located on the Kennebec River in Somerset and Piscataquis Counties, Maine, and consisting of a reservoir with an area of about 3,666 acres at normal pool elevation of 955 feet, U. S. G. S. Datum, formed by raising Indian Pond; a concrete gravity type dam composed of an intake section, a spillway section with roller gates and stanchions, a flashboard section, a log sluice section, a bulkhead section, and flanked on the left bank by an earth dike; a detached earth dike; four penstocks; a powerhouse at the foot of the dam with total generating capacity of 76,600 kilowatts; a tailrace about 1,750 feet long; a log sluice; an access road; a substation adjacent to the powerhouse; a wood pole 115 kv transmission line about 29.6 miles long; a switching substation at the downstream Wyman project; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 17th day of December 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9426; Filed, Nov. 9, 1953; 8:45 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. SA-286]

ACCIDENT OCCURRING AT NEW YORK INTERNATIONAL AIRPORT, JAMAICA, N. Y.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 119A, which occurred at the New York International Airport, Jamaica, New York, October 19, 1953.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, November 18, 1953, at 9:00 a. m., e. s. t., in the Empire Room, Lexington Hotel, Forty-eighth Street and Lexington Avenue, New York, New York.

Dated at Washington, D. C., November 3, 1953.

[SEAL] EVERETT S. BOSWORTH, *Presiding Officer.*

[F. R. Doc. 53-9503; Filed, Nov. 9, 1953; 8:50 a. m.]

## RAILROAD RETIREMENT BOARD

RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

CREDIT BALANCE

In pursuance of the requirement contained in section 8 (a) of the Railroad Unemployment Insurance Act, as amended, 62 Stat. 577 (45 U. S. C. 1946 ed., Supp. V, sec. 358 (a)), the Railroad Retirement Board has determined, and hereby proclaims, that the balance to the credit of the Railroad Unemployment Insurance Account in the Treasury of the United States as of the close of business on September 30, 1953, was $684,880,546.80.

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Illinois, this 3d day of November 1953.

[SEAL] RAYMOND J. KELLY, *Chairman.*
F. C. SQUIRE, *Member.*
HORACE W. HARPER, *Member.*

By the Railroad Retirement Board.

LAWRENCE GARLAND, *Acting Secretary of the Board.*

[F. R. Doc. 53-9489; Filed, Nov. 9, 1953; 8:48 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28618]

TIRE FABRIC FROM CLEVELAND AND PAINESVILLE, OHIO, TO GADSDEN, ALA.

APPLICATION FOR RELIEF

NOVEMBER 5, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff I. C. C. No. 4510, pursuant to fourth section order No. 17220.

Commodities involved: Tire fabric, rayon cord, in bales, boxes or rolls, carloads.

From: Cleveland and Painesville, Ohio.

To: Gadsden, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9497; Filed, Nov. 9, 1953; 8:49 a. m.]

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[4th Sec. Application 28619]

VARIOUS COMMODITIES BETWEEN POINTS IN SOUTH

APPLICATION FOR RELIEF

NOVEMBER 5, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1295 and others listed in the application, pursuant to fourth-section order No. 17220.

Commodities involved: Aluminum, agricultural implements, bags and bagging, and other commodities listed in the application, carloads.

Territory: From, to, and between points in Southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9498; Filed, Nov. 9, 1953; 8:49 a. m.]

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[4th Sec. Application 28620]

IRON OR STEEL BILLETS FROM STEELTON, MINN., TO CLEVELAND, OHIO

APPLICATION FOR RELIEF

NOVEMBER 5, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to his tariff I. C. C. No. A-3715 and Duluth, South Shore and Atlantic Railroad Company's tariff I. C. C. No. 3915.

Commodities involved: Billets, iron or steel (other than copper clad), carloads.

From: Steelton, Minn.

To: Cleveland, Ohio.

Grounds for relief: Competition with water carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9499; Filed, Nov. 9, 1953; 8:49 a. m.]

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[No. 31307]

TENNESSEE INTRASTATE FREIGHT RATES AND CHARGES ON AGRICULTURAL LIMESTONE AND OTHER COMMODITIES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C. on the 23d day of October A. D. 1953.

Upon a petition filed by common carriers by railroad operating to, from and between points in the State of Tennessee, an order was entered by the Commission, Division 1, on July 8, 1953, in the above-entitled proceeding, instituting an investigation under section 13 of the Interstate Commerce Act of rates on certain commodities within the State of Tennessee, as more particularly described in said order. The petitioning railroads by petition filed September 25, 1953 request that the order of investigation be amended with respect to rates on agricultural limestone, and (in paragraph 4 of said petition) with respect to rates on all the commodities described in the order, by eliminating the restriction (contained in the first ordering paragraph of the order) upon evidence as to the alleged unlawfulness of the intrastate rates, imposed by the words, "by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in said Ex Parte 175, Increased Freight Rates, 1951, supra" and for good cause appearing:

*It is ordered*, That the said order of July 8, 1953 be, and it is hereby, amended by striking out from the first ordering paragraph the words quoted in the preceding paragraph hereof;

*It is further ordered*, That a copy of this order be served on the respondents and persons upon whom the original order was served, that notice to the public be given by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C. for public inspection and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9500; Filed, Nov. 9, 1953; 8:49 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 54-201]

UNITED GAS IMPROVEMENT CO.

ORDER RELEASING JURISDICTION WITH RESPECT TO FEES AND EXPENSES

NOVEMBER 4, 1953.

The Commission on September 18, 1952 having issued its findings and opinion and order approving a plan for the reorganization of the United Gas Improvement Company ("UGI"), a registered holding company, and its subsidiaries pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935; and said order having reserved jurisdiction over the fees and expenses in connection with the plan proceeding; and said plan having since been consummated and carried out in accordance with its terms; and

Applications having been filed requesting the approval and allowance of fees and reimbursement of expenses for services rendered in said proceeding; and

UGI having stated that it is prepared to pay the amounts for fees and expenses for which applications have been filed; and

The Commission having considered the applications on file and the amounts requested, and being of the opinion that the requested allowances hereinafter itemized are reasonable and are for necessary services, and that an order should be entered approving and directing the payment thereof by UGI:

*It is ordered*, That the applications as filed for allowances for services and reimbursement of expenses, in the following amounts, be, and are hereby approved, and UGI is directed to pay such amounts:

| | Fees | Expenses | Total |
|---|---|---|---|
| General counsel for UGI, Morgan, Lewis & Bockius | $75,000.00 | $1,817.42 | $76,817.42 |
| Local counsel for UGI, Arents, Fox, Kintner, Plotkin & Kahn | 100.00 | ---------- | 100.00 |
| Hall, Ludlum & Mintzer | 2,295.00 | | 2,295.00 |
| Rodd & Heywood | 100.00 | 295.00 | 395.00 |
| White, Rowlands & Hourigan | 1,442.50 | 54.40 | 1,496.90 |
| Drexel & Co., financial advisor for UGI | 15,000.00 | ---------- | 15,000.00 |
| Eyeland, Ross, Bissell & McCreight, accounting services to UGI | 24,770.00 | ---------- | 24,770.00 |
| Ross & Chandler, Inc., expert for committee of stockholders committee | 3,500.00 | 70.33 | 3,570.33 |
| Kane & Co., accounting services to common stockholders committee | 500.00 | ---------- | 500.00 |
| Miscellaneous expenses of common stockholders committee | ---------- | 1,173.61 | 1,173.61 |
| Miscellaneous expenses of UGI (printing, filing and recording fees, travel, etc.) | ---------- | 87,207.03 | 87,207.03 |

*It is further ordered*, That the jurisdiction heretofore reserved with respect to the allowances herein made be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9490; Filed, Nov. 9, 1953; 8:48 a. m.]

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[File No. 70-3147]

MONONGAHELA POWER CO.

NOTICE OF PROPOSED ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

NOVEMBER 4, 1953.

Notice is hereby given that Monongahela Power Company ("Monongahela"), a subsidiary company of the West Penn Electric Company, a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"). Declarant has designated sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said declaration, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Monongahela proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 principal amount of its first mortgage bonds, -- percent Series, due 1983. The net proceeds from the sale of said bonds are to be used for construction of property additions and improvements by Monongahela and its subsidiaries. The bonds are to be issued under an indenture dated as of August 1, 1945, as heretofore supplemented, between Monongahela and City Bank Farmers Trust Company as Trustee, and an indenture supplemental to said indenture to be dated as of December 1, 1953. The price of the bonds shall be not less than 100 percent or more than 102¾ percent of the principal amount thereof and the interest rate (which shall be a multiple of ⅛ of 1 percent) will be determined by the competitive bidding.

Notice is further given that any interested person may, not later than November 16, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, and the issues of law or fact raised by said declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9491; Filed, Nov. 9, 1953; 8:48 a. m.]

## SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 102-53]

HERBERT BROWNELL, JR., ATTORNEY GENERAL OF THE UNITED STATES, PETITIONER, v. LABOR YOUTH LEAGUE, RESPONDENT

NOTICE OF HEARING

Notice is hereby given that, pursuant to the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, Pub. Law 831, 81st Cong. 50 U. S. C. 781 et seq.), particularly section 13 of said act (50 U. S. C. 792), a hearing in the above-entitled proceeding on the petition of the Attorney General for an order of the Board requiring the Respondent to register pursuant to section 7 of said act (50 U. S. C. 786), will be held commencing on Monday, November 30, 1953, at 10:00 a. m., e. s. t., in Hearing Room 111 in the Lafayette Building, 811 Vermont Avenue NW., Washington, D. C.

Dated at Washington, D. C., November 4, 1953.

[SEAL] THOMAS J. HERBERT, *Chairman.*

[F. R. Doc. 53-9493; Filed, Nov. 9, 1953; 8:48 a. m.]

[Docket No. 103-53]

HERBERT BROWNELL, JR., ATTORNEY GENERAL OF THE UNITED STATES, PETITIONER, v. INTERNATIONAL WORKERS ORDER, INC., RESPONDENT

NOTICE OF HEARING

Notice is hereby given that, pursuant to the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, Pub. Law 831, 81st Cong. 50 U. S. C. 781 et seq.), particularly section 13 of said act (50 U. S. C. 792), a hearing in the above-entitled proceeding on the petition of the Attorney General for an order of the Board requiring the Respondent to register pursuant to section 7 of said act (50 U. S. C. 786), will be held commencing on Tuesday, December 1, 1953, at 10:00 a. m., e. s. t., in Hearing Room 113 in the Lafayette Building, 811 Vermont Avenue NW., Washington, D. C.

Dated at Washington D. C., November 4, 1953.

[SEAL] THOMAS J. HERBERT, *Chairman.*

[F. R. Doc. 53-9492; Filed, Nov. 9, 1953; 8:48 a. m.]

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 18 NUMBER 221

*Washington, Wednesday, November 11, 1953*

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53370]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

REFUNDS OF EXCESSIVE DUTIES, TAXES, ETC.

Under present procedure when it is found on liquidation or reliquidation of an entry that there has been an excess deposit of duties and internal-revenue taxes, the collector of customs (1) prepares a notice of refund of duties due which is forwarded to the person to whom the refund is due together with a check in payment thereof, and (2) prepares a notice of refund of internal-revenue tax due which he sends to such person. To obtain payment of the internal-revenue tax refund, such person is required by regulation to file a claim with the Internal Revenue Service.

In order to expedite the payment of refunds of excess deposits of internal-revenue taxes collected by collectors of customs and to conserve manpower both in the Internal Revenue Service and the Bureau of Customs, the Secretary of the Treasury by Treasury Department Order No. 165-2,[1] T. D. 53368, has authorized the Commissioner of Customs or such officer of employee of the Customs Service as may be designated by him to make refunds of excess deposits of internal-revenue tax found by collectors of customs on liquidation or reliquidation to be due. No claim for such refund need be filed.

So that collectors of customs may make such refunds and to eliminate certain provisions of the Customs Regulations inconsistent with that procedure, § 24.36 is hereby amended as follows:

1 The first sentence of paragraph (a) is amended by inserting "of excessive duties or taxes, or both," between "that a refund" and "is due" and by changing "(c) and (d)" to "(b) and (c)."

2 Paragraphs (b), (e), and (f) are deleted; paragraphs (c) and (d) are redesignated (b) and (c), respectively; and the first sentence of newly designated paragraph (c) is amended by adding the words "or internal-revenue taxes" after the word "duties".

[1] See Department of the Treasury, Office of the Secretary, F. R. Doc. 53-9545, in Notices section, *infra*.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

These amendments shall be effective with respect to all refunds found to be due on entries liquidated or reliquidated on or after January 1, 1954.

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: October 29, 1953.

H. CHAPMAN ROSE, *Acting Secretary of the Treasury.*

[F. R. Doc. 53-9540; Filed, Nov. 10, 1953; 11:21 a. m.]

## TITLE 7—AGRICULTURE

### Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS[1] (INSPECTION, CERTIFICATION AND STANDARDS)

RECODIFICATION

By virtue of the authority (18 F. R. 4839) vested in me by the Secretary of Agriculture and in accordance with the revised Federal Register regulations, the format of the regulations (7 CFR, Part 51) governing the grading and certification of fruits, vegetables and other products and the United States standards with respect thereto, which are currently operative pursuant to the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953), is recodified as hereinafter set forth.

The recasting of the format due to such recodification is not intended, nor shall it be deemed to make any substantive change in said regulations. However, in §§ 51.620 and 51.630 (formerly §§ 51.191 and 51.192) the statements on the coverage of the standards were changed to reflect the fact that separate standards have been issued for Florida

[1] Among such other products are the following: raw nuts; Christmas trees and greens; flowers and flower bulbs; and onion sets.

(Continued on p. 7067)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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grapefruit and oranges. Since the services and programs provided by the regulations are currently in effect, the regulations as presented in recodified form shall become effective upon publication in the FEDERAL REGISTER so as to avoid any interruption to the continuity of such services and programs.

The recodification is set forth below.

Issued at Washington, D. C., this 6th day of November 1953.

ROY W. LENNARTSON,
*Assistant Administrator, Production and Marketing Administration.*

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51.376 Unclassified.

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UNCLASSIFIED

51.5[illegible] Unclassified.

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UNCLASSIFIED

51.564 Unclassified.

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UNCLASSIFIED

51.632 Unclassified.

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UNCLASSIFIED

51.760 Unclassified.

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UNCLASSIFIED

51.837 Unclassified.

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UNCLASSIFIED

Sec.
51.930 Unclassified.

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UNCLASSIFIED

51.1003 Unclassified.

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51.1006 Fairly well formed.
51.1007 Fairly smooth texture.
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UNCLASSIFIED

51.1032 Unclassified.

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DEFINITIONS

51.1035 Similar varietal characteristics.
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51.1038 Fairly clean.
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SUBPART—UNITED STATES STANDARDS FOR COMMON GREEN ONIONS

GRADES

51.1055 U. S. No. 1.
51.1056 U. S. No. 2.

UNCLASSIFIED

51.1057 Unclassified.

SIZE

51.1058 Size.

APPLICATION OF TOLERANCES

51.1059 Application of tolerances.

DEFINITIONS

51.1060 Fairly well formed.
51.1061 Fairly clean.
51.1062 Damage.
51.1063 Well-trimmed.
51.1064 Fresh.
51.1065 Good green color.
51.1066 Diameter.
51.1067 Not badly misshapen.
51.1068 Fairly young and tender.
51.1069 Serious damage.
51.1070 Fairly well-trimmed.
51.1071 Fairly good green color.

SUBPART—UNITED STATES STANDARDS FOR ORANGES (CALIFORNIA AND ARIZONA)

GRADES

51.1085 U. S. Fancy.
51.1086 U. S. No. 1.
51.1087 U. S. No. 2.
51.1088 U. S. Combination grade.
51.1089 U. S. No. 3.

UNCLASSIFIED

51.1090 Unclassified.

TOLERANCES

51.1091 Tolerances.
51.1092 U. S. Fancy, U. S. No. 1, U. S. No. 2 and U. S. No. 3 grades.
51.1093 U. S. Combination grade.

APPLICATION OF TOLERANCES

51.1094 Application of tolerances to individual packages.

STANDARD PACK

51.1095 Standard pack.

STANDARDS FOR EXPORT

51.1096 Standards for export.

DEFINITIONS

51.1097 Similar varietal characteristics.
51.1098 Well colored.
51.1099 Firm.
51.1100 Well formed.
51.1101 Smooth.
51.1102 Injury.
51.1103 Fairly smooth.
51.1104 Damage.
51.1105 Fairly well colored.
51.1106 Fairly firm.
51.1107 Fairly well formed.
51.1108 Excessively rough.
51.1109 Serious damage.
51.1110 Slightly spongy.
51.1111 Misshapen.
51.1112 Very serious damage.

SUBPART—UNITED STATES STANDARDS FOR FLORIDA ORANGES

GENERAL

51.1140 General.

GRADES

51.1141 U. S. Fancy.
51.1142 U. S. No. 1.
51.1143 U. S. No. 1 Bright.
51.1144 U. S. No. 1 Golden.
51.1145 U. S. No. 1 Bronze.
51.1146 U. S. No. 1 Russet.
51.1147 U. S. No. 2.
51.1148 U. S. No. 2 Bright.
51.1149 U. S. No. 2 Russet.
51.1150 U. S. No. 3.

UNCLASSIFIED

51.1151 Unclassified.

TOLERANCES

51.1152 Tolerances.
51.1153 U. S. Fancy grade.
51.1154 U. S. No. 1 grade.
51.1155 U. S. No. 1 Bright and U. S. No. 2 Bright grades.
51.1156 U. S. No. 1 Golden and U. S. No. 1 Bronze grades.
51.1157 U. S. No. 1 Russet grade.
51.1158 U. S. No. 2 grade.
51.1159 U. S. No. 2 Russet grade.
51.1160 U. S. No. 3 grade.

APPLICATION OF TOLERANCES

51.1161 Application of tolerances to individual packages.

STANDARD PACK

51.1162 Standard pack for oranges except Temple variety.

DEFINITIONS

51.1163 Similar varietal characteristics.
51.1164 Well colored.
51.1165 Firm.
51.1166 Well formed.
51.1167 Mature.
51.1168 Smooth texture.
51.1169 Injury.
51.1170 Discoloration.
51.1171 Fairly smooth texture.
51.1172 Damage.
51.1173 Fairly well colored.
51.1174 Reasonably well colored.
51.1175 Fairly firm.
51.1176 Slightly misshapen.
51.1177 Slightly rough texture.
51.1178 Serious damage.
51.1179 Misshapen.
51.1180 Slightly spongy.
51.1181 Very serious damage.
51.1182 Diameter.

STANDARDS FOR INTERNAL QUALITY OF COMMON SWEET ORANGES (CITRUS SINENSIS (L) OSBECK)

51.1183 U. S. Grade AA Juice (Double A).
51.1184 U. S. Grade A Juice.
51.1185 Maximum anhydrous citric acid permissible for corresponding total soluble solids.
51.1186 Method of juice extraction.

SUBPART—UNITED STATES STANDARDS FOR PEACHES

GRADES

51.1210 U. S. Fancy.
51.1211 U. S. Extra No. 1.
51.1212 U. S. No. 1.
51.1213 U. S. No. 2.

UNCLASSIFIED

51.1214 Unclassified.





APPLICATION OF TOLERANCES

Sec.
51.1215 Application of tolerances to individual packages.

SIZE

51.1216 Size requirements.

STANDARD PACK

51.1217 Standard pack.

DEFINITIONS

51.1218 Mature.
51.1219 Well formed.
51.1220 Leaf or limb rub injury.
51.1221 Damage.
51.1222 Serious damage.
51.1223 Badly misshapen.

SUBPART—UNITED STATES STANDARDS FOR CLEANED VIRGINIA TYPE PEANUTS IN THE SHELL

GRADES

51.1235 U. S. Jumbo Hand Picked.
51.1236 U. S. Fancy Hand Picked.

UNCLASSIFIED

51.1237 Unclassified.

DEFINITIONS

51.1238 Mature.
51.1239 Pops.
51.1240 Paper ends.
51.1241 Damage.
51.1242 Count per pound.

SUBPART—UNITED STATES STANDARDS FOR PEARS (SUMMER AND FALL)

GENERAL

51.1260 General.

GRADES

51.1261 U. S. No. 1.
51.1262 U. S. No. 2.
51.1263 U. S. Combination grade.

UNCLASSIFIED

51.1264 Unclassified.

DEFINITIONS

51.1265 Mature.
51.1266 Overripe.
51.1267 Carefully handpicked.
51.1268 Clean.
51.1269 Black end.
51.1270 Fairly well-formed.
51.1271 Damage.
51.1272 Seriously misshapen.
51.1273 Serious damage.

TOLERANCES

51.1274 Tolerances.

CONDITION

51.1275 Condition after storage or transit.

STANDARD PACK

51.1276 Sizing.
51.1277 Packing.
51.1278 Tolerances for standard pack.

SUBPART—UNITED STATES STANDARDS FOR WINTER PEARS

GENERAL

51.1300 General.

GRADES

51.1301 U. S. Extra No. 1.
51.1302 U. S. No. 1.
51.1303 U. S. No. 2.
51.1304 U. S. Combination.

UNCLASSIFIED

51.1305 Unclassified.

DEFINITIONS

51.1306 Mature.
51.1307 Overripe.
51.1308 Carefully handpicked.
51.1309 Clean.
51.1310 Well formed.
51.1311 Black end.
51.1312 Injury.
51.1313 Fairly well informed.
51.1314 Damage.
51.1315 Seriously misshapen.
51.1316 Serious damage.

TOLERANCES

51.1317 Tolerances.

CONDITION

51.1318 Condition after storage or transit.

STANDARD PACK

51.1319 Sizing.
51.1320 Packing.
51.1321 Tolerances for standard pack.

SUBPART—UNITED STATES STANDARDS FOR PEARS FOR CANNING

GENERAL

51.1345 General.

GRADES

51.1346 U. S. No. 1.
51.1347 U. S. No. 2.

CULLS

51.1348 Culls.

SIZE

51.1349 Size classification.

DEFINITIONS

51.1350 Mature.
51.1351 Handpicked.
51.1352 Firm.
51.1353 Well formed.
51.1354 Damage.
51.1355 Pears grown from late blooms.
51.1356 Seriously deformed.
51.1357 Serious damage.
51.1358 Diameter.

SUBPART—UNITED STATES STANDARDS FOR FRESH PEAS

INTRODUCTION

51.1375 Introduction.

GRADES

51.1376 U. S. No. 1.
51.1377 U. S. Fancy.

TOLERANCES

51.1378 Tolerances.

UNCLASSIFIED

51.1379 Unclassified.

DEFINITIONS

51.1380 Similar varietal characteristics.
51.1381 Overmature.
51.1382 Excessively small.
51.1383 Badly misshapen.
51.1384 Fairly well filled.
51.1385 Well filled.
51.1386 Damage.
51.1387 Serious damage.

SUBPART—UNITED STATES STANDARDS FOR PECANS IN THE SHELL

GENERAL

51.1400 General.

GRADES

51.1401 U. S. No. 1.
51.1402 U. S. Commercial.

UNCLASSIFIED

51.1403 Unclassified.

SIZE

51.1404 Size.

APPLICATION OF TOLERANCES

51.1405 Application of tolerances.

DEFINITIONS

51.1406 Fairly uniform in color.
51.1407 Fairly well shaped.
51.1408 Damage.
51.1409 Well cured.
51.1410 Rancidity.
51.1411 Mold.
51.1412 Decay.
51.1413 Insect injury.
51.1414 Serious damage.
51.1415 Very serious damage.
51.1416 Diameter.

SUBPART—UNITED STATES STANDARDS FOR SHELLED PECANS

GENERAL

51.1430 General.

GRADES

51.1431 U. S. No. 1 Halves.
51.1432 U. S. Commercial Halves.
51.1433 U. S. No. 1 Pieces.
51.1434 U. S. Commercial Pieces.

UNCLASSIFIED

51.1435 Unclassified.

SIZE

51.1436 Size requirements for halves.
51.1437 Size requirements for pieces.

APPLICATION OF TOLERANCES

51.1438 Application of tolerances.

DEFINITIONS

51.1439 Well dried.
51.1440 Clean.
51.1441 Pieces of shell and center wall.
51.1442 Chipped half.
51.1443 Broken kernels.
51.1444 Particles and dust.
51.1445 Noticeable shriveling.
51.1446 Rancidity.
51.1447 Mold.
51.1448 Decay.
51.1449 Insect injury.
51.1450 Damage.
51.1451 Fairly uniform in size.
51.1452 Fairly uniform in color.
51.1453 Serious damage.

SUBPART—UNITED STATES STANDARDS FOR SWEET PEPPERS FOR PROCESSING

GRADES

51.1465 U. S. No. 1.
51.1466 U. S. No. 2.

CULLS

51.1467 Culls.

SIZE

51.1468 Size.

DEFINITIONS

51.1469 Fairly firm.
51.1470 Fairly well-shaped.
51.1471 Well colored.
51.1472 Damage.
51.1473 Diameter.
51.1474 Fairly well-colored.
51.1475 Serious damage.

SUBPART—UNITED STATES STANDARDS FOR PINEAPPLES

GRADES

51.1485 U. S. Fancy.
51.1486 U. S. No. 1.
51.1487 U. S. No. 2.

UNCLASSIFIED

51.1488 Unclassified.

APPLICATION OF TOLERANCES

51.1489 Application of tolerances.

SIZE AND MARKING REQUIREMENTS

51.1490 Size and marking requirements.

DEFINITIONS

51.1491 Similar varietal characteristics.
51.1492 Mature.
51.1493 Firm.
51.1494 Dry.

Sec.
51.1495 Well-formed.
51.1496 Well-developed eyes.
51.1497 Injury.
51.1498 Damage.
51.1499 Well-trimmed.
51.1500 Well cured.
51.1501 Characteristic color.
51.1502 Single top.
51.1503 Crown slips.
51.1504 Fairly well-cured.
51.1505 Fairly well-formed.
51.1506 Fairly well-developed eyes.
51.1507 Serious damage.
51.1508 Fairly uniform in size.

SUBPART—UNITED STATES STANDARDS FOR PLUMS AND PRUNES (FRESH)

GRADES

51.1520 U. S. Fancy.
51.1521 U. S. No. 1.
51.1522 U. S. No. 2.
51.1523 U. S. Combination.

UNCLASSIFIED

51.1524 Unclassified.

APPLICATION OF TOLERANCES

51.1525 Application of tolerances.

STANDARD PACK

51.1526 Standard pack.

DEFINITIONS

51.1527 Well-formed.
51.1528 Mature.
51.1529 Sunscald.
51.1530 Damage.

SUBPART—UNITED STATES STANDARDS FOR POTATOES

GENERAL

51.1540 General.

GRADES

51.1541 U. S. Fancy.
51.1542 U. S. Extra No. 1.
51.1543 U. S. No. 1.
51.1544 U. S. Commercial.
51.1545 U. S. No. 2.

SIZE AND SKINNING CLASSIFICATION

51.1546 Size classification for all grades except U. S. Fancy.
51.1547 Skinning classification.

UNCLASSIFIED

51.1548 Unclassified.

DEFINITIONS

51.1549 Mature.
51.1550 Bright.
51.1551 Well shaped.
51.1552 Soft rot or wet breakdown.
51.1553 Internal discoloration.
51.1554 Injury.
51.1555 Diameter.
51.1556 Fairly well shaped.
51.1557 Fairly clean.
51.1558 Damage.
51.1559 Serious damage.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR POTATOES

GRADES

51.1575 U. S. Grade A Small; U. S. Grade A Medium; U. S. Grade A Medium to Large; U. S. Grade A Large.
51.1576 U. S. Grade B Small; U. S. Grade B Medium; U. S. Grade B Medium to Large; U. S. Grade B Large.

SIZE

51.1577 Size range requirements.

OFF-GRADE

51.1578 Off-Grade potatoes.



APPLICATION OF TOLERANCES

Sec.
51.1579 Application of tolerances to individual containers.

DEFINITIONS

51.1580 Fairly well shaped.
51.1581 Fairly clean.
51.1582 Soft rot or wet breakdown.
51.1583 Damage.
51.1584 Internal discoloration.
51.1585 Mature.
51.1586 Serious damage.
51.1587 Diameter.

SUBPART—UNITED STATES STANDARDS FOR SWEETPOTATOES

GRADES

51.1600 U. S. Extra No. 1.
51.1601 U. S. No. 1.
51.1602 U. S. Commercial.
51.1603 U. S. No. 2.
51.1604 Tolerance for size.

UNCLASSIFILD

51.1605 Unclassified.

APPLICATION OF TOLERANCES

51.1606 Application of tolerances.

DEFINITIONS

51.1607 Similar varietal characteristics.
51.1608 Firm.
51.1609 Smooth.
51.1610 Fairly clean.
51.1611 Fairly well shaped.
51.1612 Damage.
51.1613 Diameter.
51.1614 One type.
51.1615 Fairly smooth.
51.1616 Slightly misshapen.
51.1617 Serious damage.

SUBPART—UNITED STATES STANDARDS FOR SHALLOTS (BUNCHED)

GRADES

51.1630 U. S. No. 1.
51.1631 U. S. No. 2.

UNCLASSIFIED

51.1632 Unclassified.

SIZE; BUNCHES

51.1633 Size.
51.1634 Standard bunches.

APPLICATION OF TOLERANCES

51.1635 Application of tolerances.

DEFINITIONS

51.1636 Similar varietal characteristics.
51.1637 Fairly well formed.
51.1638 Firm.
51.1639 Well trimmed.
51.1640 Fairly clean.
51.1641 Damage.
51.1642 Fresh.
51.1643 Good green color.
51.1644 Diameter.
51.1645 Not badly misshapen.
51.1646 Fairly firm.
51.1647 Fairly young and tender.
51.1648 Fairly well trimmed.
51.1649 Serious damage.
51.1650 Fairly good green color.

SUBPART—UNITED STATES STANDARDS FOR SWEETPOTATOES FOR CANNING

GRADES

51.1660 U. S. No. 1.
51.1661 U. S. No. 2.

CULLS

51.1662 Culls

TOLERANCES

51.1663 Tolerances.

DEFINITIONS

Sec.
51.1664 Similar type.
51.1665 Firm.
51.1666 Fairly well shaped.
51.1667 Cull material.
51.1668 Damage.
51.1669 Badly misshapen.
51.1670 Serious damage.
51.1671 Diameter.

SUBPART—UNITED STATES STANDARDS FOR SWEETPOTATOES FOR DICING OR PULPING

GRADES

51.1685 U. S. No. 1.
51.1686 U. S. No. 2.

CULLS

51.1687 Culls.

SIZE

51.1688 Size.

TOLERANCES

51.1689 Tolerances.

DEFINITIONS

51.1690 Similar type.
51.1691 Firm.
51.1692 Badly misshapen.
51.1693 Cull material.
51.1694 Damage.
51.1695 Serious damage.
51.1696 Diameter.

SUBPART—UNITED STATES STANDARDS FOR RASPBERRIES FOR PROCESSING

GRADES

51.1710 U. S. No. 1.
51.1711 U. S. No. 2.

UNCLASSIFIED

51.1712 Unclassified.

DEFINITIONS

51.1713 Similar varietal characteristics.
51.1714 Well colored.
51.1715 Mold.
51.1716 Dried.
51.1717 Distinctly immature.
51.1718 Damage.
51.1719 Seriously damaged by insects.

SUBPART—UNITED STATES STANDARDS FOR SPINACH LEAVES (FRESH)

GRADES

51.1730 U. S. Extra No. 1.
51.1731 U. S. No. 1.
51.1732 U. S. Commercial.

APPLICATION OF TOLERANCES

51.1733 Application of tolerances.

DEFINITIONS

51.1734 Similar varietal characteristics.
51.1735 Well trimmed.
51.1736 Damage.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR FRESH SPINACH LEAVES

GRADES

51.1750 U. S. Grade A.
51.1751 U. S. Grade B.

OFF-GRADE

51.1752 Off-Grade spinach leaves.

DEFINITIONS

51.1753 Similar varietal characteristics.
51.1754 Fresh.
51.1755 Clean.
51.1756 Well trimmed.
51.1757 Damage.
51.1758 Serious damage.
51.1759 Reasonably clean.



SUBPART—UNITED STATES STANDARDS FOR TANGERINES

GENERAL

Sec.
51.1770 General.

GRADES

51.1771 U. S. Fancy.
51.1772 U. S. No. 1.
51.1773 U. S. No. 1 Bronze.
51.1774 U. S. No. 2.
51.1775 U. S. No. 2 Russet.
51.1776 U. S. No. 3.

TOLERANCES

51.1777 Tolerances.
51.1778 U. S. Fancy; U. S. No. 1; U. S. No. 1 Bronze; U. S. No. 2 and U. S. No. 2 Russet.
51.1779 U. S. No. 3.

STANDARD PACK

51.1780 Standard pack.

DEFINITIONS

51.1781 Firm.
51.1782 Well-formed.
51.1783 Damage.
51.1784 Highly colored.
51.1785 Discoloration.
51.1786 Fairly well colored.
51.1787 Bronzed russeting.
51.1788 Fairly firm.
51.1789 Fairly well-formed.
51.1790 Serious damage.
51.1791 Reasonably well colored.
51.1792 Very serious damage.
51.1793 Cull.

SUBPART—UNITED STATES STANDARDS FOR FLORIDA TANGERINES

GRADES

51.1810 U. S. Fancy.
51.1811 U. S. No. 1.
51.1812 U. S. No. 1 Bronze.
51.1813 U. S. No. 1 Russet.
51.1814 U. S. No. 2.
51.1815 U. S. No. 2 Russet.
51.1816 U. S. No. 3.

UNCLASSIFIED

51.1817 Unclassified.

TOLERANCES

51.1818 Tolerances.
51.1819 U. S. Fancy; U. S. No. 1; U. S. No. 1 Bronze; U. S. No. 1 Russet; U. S. No. 2 and U. S. No. 2 Russet.
51.1820 U. S. No. 3.

APPLICATION OF TOLERANCES

51.1821 Application of tolerances to individual packages.

STANDARD PACK

51.1822 Standard pack.

DEFINITIONS

51.1823 Mature.
51.1824 Firm.
51.1825 Well formed.
51.1826 Damage.
51.1827 Highly colored.
51.1828 Discoloration.
51.1829 Fairly well colored.
51.1830 Bronzed russeting.
51.1831 Fairly firm.
51.1832 Fairly well formed.
51.1833 Serious damage.
51.1834 Reasonably well colored.
51.1835 Very serious damage.
51.1836 Diameter.

SUBPART—UNITED STATES STANDARDS FOR FRESH TOMATOES

GRADES

51.1855 U. S. No. 1.
51.1856 U. S. Combinaton.
51.1857 U. S. No. 2.

UNCLASSIFIED

Sec.
51.1858 Unclassified.

SIZE

51.1859 Size requirements.

APPLICATION OF TOLERANCES

51.1860 Application of tolerances.

UNITED STATES STANDARD PACKS

51.1861 U. S. Standard Packs.
51.1862 U. S. Straight Pack.
51.1863 U. S. Extra Row Pack.
51.1864 U. S. Bridge Pack.
51.1865 U. S. Double Wrap Pack.
51.1866 U. S. Double Wrap Bridge Pack.
51.1867 Tolerances for pack.
51.1868 Irregular pack.

DEFINITIONS

51.1869 Similar varietal characteristics.
51.1870 Mature.
51.1871 Well developed.
51.1872 Fairly well formed.
51.1873 Fairly smooth.
51.1874 Damage.
51.1875 Serious damage.
51.1876 Badly misshapen.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR FRESH TOMATOES

GENERAL

51.1900 General.

GRADES

51.1901 U. S. Grade A.
51.1902 U. S. Grade B.

SIZE AND MATURITY CLASSIFICATIONS

51.1903 Size classification.
51.1904 Maturity classification.

OFF-GRADE

51.1905 Off-Grade tomatoes.

DEFINITIONS

51.1906 Similar varietal characteristics.
51.1907 Mature.
51.1908 Well developed.
51.1909 Fairly well formed.
51.1910 Fairly smooth.
51.1911 Damage.
51.1912 Badly misshapen.
51.1913 Serious damage.

SUBPART—UNITED STATES STANDARDS FOR GREEN TOMATOES FOR PROCESSING

GRADES

51.1930 U. S. No. 1.
51.1931 U. S. No. 2.

CULLS

51.1932 Culls.

SIZE

51.1933 Minimum size.

DEFINITIONS

51.1934 Green in color.
51.1935 Damage.
51.1936 Serious damage.

SUBPART—UNITED STATES STANDARDS FOR CURRANTS FOR PROCESSING

GRADES

51.1950 U. S. No. 1.
51.1951 U. S. No. 2.

APPLICATION OF TOLERANCES

51.1952 Application of tolerances and determination of grade.

UNCLASSIFIED

51.1953 Unclassified.

DEFINITIONS

51.1954 Similar type.
51.1955 Well colored.
51.1956 Mold.

Sec.
51.1957 Damage.
51.1958 Seriously damaged by insects.

SUBPART—UNITED STATES STANDARDS FOR WATERMELONS

GRADES

51.1970 U. S. No. 1.
51.1971 U. S. Commercial.
51.1972 U. S. No. 2.
51.1973 U. S. No. 3.

UNCLASSIFIED

51.1974 Unclassified.

SIZE

51.1975 Size.

DEFINITIONS

51.1976 Mature.
51.1977 Fairly well formed.
51.1978 Not badly misshapen.
51.1979 Free from damage.
51.1980 Free from damage by anthracnose.
51.1981 Serious damage.

SUBPART—UNITED STATES STANDARDS FOR FILBERTS IN THE SHELL

GRADES

51.1995 U. S. No. 1.

TOLERANCES

51.1996 Tolerances.
51.1997 Application of the tolerances and determination of the grade.

UNCLASSIFIED

51.1998 Unclassified.

DEFINITIONS

51.1999 Similar type.
51.2000 Well formed.
51.2001 Dry.
51.2002 Clean and bright.
51.2003 Blank.
51.2004 Damage.
51.2005 Reasonably well developed.
51.2006 Badly misshapen.
51.2007 Rancidity.
51.2008 Decay.
51.2009 Moldy.
51.2010 Insect injury.

SUBPART—UNITED STATES STANDARDS FOR BLUEBERRIES FOR PROCESSING

GENERAL

51.2025 General.

GRADES

51.2026 U. S. No. 1.
51.2027 U. S. No. 2.
51.2028 U. S. No. 3.

UNCLASSIFIED

51.2029 Unclassified.

DEFINITIONS

51.2030 Other kinds of berries.
51.2031 Clusters.
51.2032 Large stems.
51.2033 Other foreign material.
51.2034 Distinctly immature berries.
51.2035 Damage.
51.2036 Serious damage.
51.2037 Very serious damage caused by shriveling.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR BRUSSELS SPROUTS

GRADES

51.2050 U. S. Grade A.
51.2051 U. S. Grade B.

OFF-GRADE

51.2052 Off-Grade Brussels sprouts.

DEFINITIONS

51.2053 Well colored.
51.2054 Firm.

Sec.
51.2055 Clean.
51.2056 Well trimmed.
51.2057 Seedstems.
51.2058 Damage.
51.2059 Diameter.
51.2060 Fairly well colored.
51.2061 Puffy.
51.2062 Serious damage.

SUBPART—UNITED STATES STANDARDS FOR ALMONDS IN THE SHELL

GRADES

51.2075 U. S. No. 1.
51.2076 U. S. No. 1 Mixed.
51.2077 U. S. No. 2.
51.2078 U. S. No. 2 Mixed.

UNCLASSIFIED

51.2079 Unclassified.

APPLICATION OF TOLERANCES

51.2080 Application of tolerances and determination of the grades.

DEFINITIONS

51.2081 Similar varietal characteristics.
51.2082 Clean.
51.2083 Fairly bright.
51.2084 Fairly uniform color.
51.2085 Damage.
51.2086 Well dried.
51.2087 Decay.
51.2088 Rancidity.
51.2089 Insect injury.
51.2090 Thickness.

SUBPART—UNITED STATES STANDARDS FOR SHELLED ALMONDS

GRADES

51.2105 U. S. Fancy.
51.2106 U. S. Extra No. 1.
51.2107 U. S. No. 1.
51.2108 U. S. Select Sheller Run.
51.2109 U. S. Standard Sheller Run.
51.2110 U. S. No. 1 Whole and Broken.
51.2111 U. S. No. 1 Pieces.
51.2112 Mixed varieties.

UNCLASSIFIED

51.2113 Unclassified.

SIZE

51.2114 Size requirements.

TOLERANCES

51.2115 Tolerances for size.
51.2116 Application of tolerances.

DEFINITIONS

51.2117 Similar varietal characteristics.
51.2118 Whole.
51.2119 Clean.
51.2120 Well dried.
51.2121 Decay.
51.2122 Rancidity.
51.2123 Insect injury.
51.2124 Foreign material.
51.2125 Doubles.
51.2126 Split or broken kernels.
51.2127 Particles and dust.
51.2128 Injury.
51.2129 Damage.
51.2130 Serious damage.
51.2131 Diameter.
51.2132 Fairly uniform in size.

SUBPART—UNITED STATES STANDARDS FOR SAWDUST PACK GRAPES (EUROPEAN OR VINIFERA TYPE)

GRADES

51.2150 U. S. Fancy Sawdust Pack Grapes.
51.2151 U. S. No. 1 Sawdust Pack Grapes.

UNCLASSIFIED

51.2152 Unclassified.

APPLICATION OF TOLERANCES

51.2153 Application of tolerances to individual packages.



DEFINITIONS

Sec.
51.2154 Well developed grapes.
51.2155 One variety.
51.2156 Well matured.
51.2157 Fairly uniform in appearance.
51.2158 Well colored.
51.2159 Firm.
51.2160 Weak.
51.2161 Shriveled at capstem.
51.2162 Shattered.
51.2163 Wet.
51.2164 Decay.
51.2165 Waterberry.
51.2166 Sunburn.
51.2167 Damage.
51.2168 Fairly well filled.
51.2169 Excessively tight.
51.2170 Injury to the bunch.
51.2171 Shot berries.
51.2172 Dried berries.
51.2173 Well developed and strong.
51.2174 Diameter.
51.2175 Serious damage.
51.2176 Mature.
51.2177 Fairly well colored.
51.2178 Straggly.

SUBPART—UNITED STATES STANDARDS FOR EGGPLANT

GRADES

51.2190 U. S. Fancy.
51.2191 U. S. No. 1.
51.2192 U. S. No. 2.

UNCLASSIFIED

51.2193 Unclassified.

TOLERANCES

51.2194 Tolerances.

APPLICATION OF TOLERANCES

51.2195 Application of tolerances to individual packages.

SIZE REQUIREMENTS

51.2196 Size requirements.

DEFINITIONS

51.2197 Similar varietal characteristics.
51.2198 Well colored.
51.2199 Firm.
51.2200 Clean.
51.2201 Well shaped.
51.2202 Injury.
51.2203 Fairly well colored.
51.2204 Fairly well shaped.
51.2205 Damage.
51.2206 Serious damage.
51.2207 Diameter.

SUBPART—UNITED STATES STANDARDS FOR CUCUMBERS

GRADES

51.2220 U. S. Fancy.
51.2221 U. S. No. 1.
51.2222 U. S. No. 1 Small.
51.2223 U. S. No. 1 Large.
51.2224 U. S. No. 2.

UNCLASSIFIED

51.2225 Unclassified.

TOLERANCES

51.2226 Tolerances.

APPLICATION OF TOLERANCES

51.2227 Application of tolerances.

DEFINITIONS

51.2228 Well colored.
51.2229 Well formed.
51.2230 Overgrown.
51.2231 Injury caused by scars.
51.2232 Damage.
51.2233 Diameter.
51.2234 Fairly well colored.
51.2235 Fairly well formed.
51.2236 Moderately colored.
51.2237 Badly deformed.
51.2238 Serious damage.

AUTHORITY: §§ 51.1 to 51.2238 issued under sec. 205, 60 Stat. 1090, Pub. Law 156, 83d Cong.; 7 U. S. C. 1624.

SUBPART—REGULATIONS

ADMINISTRATION

§ 51.1 *Administration of regulations.* The Administrator, Production and Marketing Administration, United States Department of Agriculture, is charged with the administration of the regulations in this part, and he may delegate any or all of such functions to any other officer or employee of the Production and Marketing Administration of the Department, in his discretion.

DEFINITIONS

§ 51.2 *Meaning of words.* Words in the regulations in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 51.3 *Terms defined.* For the purpose of the regulations in this part, unless the context otherwise requires, the following terms shall have the following meanings:

(a) "Act" means the following provisions of the Department of Agriculture Appropriation Act, 1949 (Pub. Law 712, 80th Cong., 2d Sess.), or any other present or future act of Congress conferring similar authority:

*Market inspection of farm products.* For the investigation and certification, in one or more jurisdictions, to shippers and other interested parties of the class, quality, and condition of any agricultural commodity or food product, whether raw, dried, canned, or otherwise processed, and any product containing an agricultural commodity or derivative thereof when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the services rendered.

(b) "Department" means the United States Department of Agriculture.

(c) "Administrator" means the Administrator of the Production and Marketing Administration of the Department.

(d) "Person" means any individual, partnership, association, business trust, corporation, organized group of persons (whether incorporated or not), the United States (including, but not limited to, corporate agencies thereof), and any State, county, or municipal government, any common carrier, and any authorized agent of any of the foregoing.

(e) "Interested party" means any person who has a financial interest in the product on which inspection is requested.

(f) "Inspector" means any employee of the Department who is authorized by the Secretary, or any other person licensed by the Secretary, to investigate, sample, inspect, and certify, in accordance with the regulations in this part, to any interested party the quality and/or condition of any product covered under this part, and to perform related duties in connection with such inspection services.



(g) "Inspection certificate" means a statement, in written and/or printed form, issued pursuant to the regulations in this part, setting forth, in addition to appropriate descriptive information relative to the particular product and the containers thereof, the quality and/or condition of such product.

(h) "Quality" means the combination of the inherent properties of a product which determines its relative degree of excellence.

(i) "Condition" means the relative degree of soundness or preservation of a product and includes, but is not necessarily limited to, its maturity, decay, freezing or mechanical injury, shriveling, flabbiness, or any other factor which affects its merchantability.

(j) "Lot" means the quantity of the same kind of product offered for inspection at the same general time by an interested party, except that different varieties of the same kind of product, other than peanuts, pecans, and other nuts, shall not be considered as separate lots.

INSPECTION SERVICE

§ 51.4 *Inspection service.* Products will be inspected at appropriate points indicated in paragraphs (a), (b), and (c) of this section whenever inspectors are available.

(a) *Shipping points.* Inspection is available in all States with which cooperative agreements providing for this work have been entered into on behalf of the Department pursuant to authority contained in any act of Congress.[1]

(b) *Designated markets.* The following are designated as important central markets at which products may be inspected under the act: Birmingham, Mobile, Montgomery, Ala.; Phoenix, Ariz.; Little Rock, Ark.; Los Angeles, Oakland, Sacramento, San Diego, San Francisco, Calif.; Denver, Col.; Hartford, Conn.; Washington, D. C.; Jacksonville, Miami, Tampa, Winter Haven, Fla.; Atlanta, Ga.; Chicago, Ill.; Indianapolis, Ind.; Baton Rouge, New Orleans, La.; Baltimore, Md.; Boston, Mass.; Detroit, Mich.; Duluth, Minneapolis, Minn.; Jackson, Miss.; Kansas City, St. Louis, Mo.; Newark, Trenton, N. J.; Albany, Buffalo, New York City, Rochester, Syracuse, N. Y.; Asheville, Charlotte, Raleigh, N. C.; Fargo, N. Dak.; Cincinnati, Cleveland, Columbus, Youngstown, O.; Oklahoma City, Tulsa, Okla.; Portland, Ore.; Harrisburg, Philadelphia, Pittsburgh, Wilkes-Barre, Pa.; Columbia, S. C.; Memphis, Nashville, Tenn.; Dallas, Ft. Worth, Houston, San Antonio, Tex.; Salt Lake City, Utah; Norfolk, Richmond, Roanoke, Va.; Seattle, Wash.; Milwaukee, Wis.[2]

[1] The addresses of the offices at these points or markets are changed from time to time. However, any prospective applicant may obtain the address of the office nearest the place where the commodity which he wishes to have inspected is located by addressing an inquiry to "Food Products Inspection Service" at any of the following offices: 1. Production and Marketing Administration, Washington 25, D. C. 2. Room 836A, 641 Washington Street, New York 14, N. Y. 3. 1421 South Aberdeen Street, Chicago 8, Ill. 4. 739 Appraiser's Building, San Francisco 11, Calif.

(c) *Other points.* Inspection may be made at any point which may be conveniently reached from any market referred to in paragraph (b) of this section under conditions provided in § 51.41 and to the extent permitted by the time of the nearest inspector.

§ 51.5 *Kind of service.* Inspection of products may be made according to quality and/or condition, and, in the discretion of the Administrator, for any part thereof.

§ 51.6 *Who may obtain service.* An application for inspection may be made by any interested party, or by his authorized agent.

§ 51.7 *How to make application.* Application for inspection may be filed in an office of inspection at any market referred to in § 51.4 (a) or (b) or with any inspector. It may be made in writing, orally, by telegraph, or by telephone. If made orally or by telephone, the inspector may require that it be confirmed by applicant in writing or by telegraph. An application may be made for one or more lots, or it may be in the nature of a blanket application for inspection of all designated lots of a given commodity within a particular period, or for all designated lots loaded or received at a specified point.

§ 51.8 *Form of application.* Each application for inspection shall state (a) the name and post-office address of the applicant and the name and capacity of the person, if any, making the application in his behalf; (b) the name and post-office address of the shipper; (c) the kind and quantity of the products involved; (d) the interest of the applicant therein; (e) the identification of the products by (1) grade, brand, or other marks, if practicable, (2) car initials, car number, and name of carrier or number of truck or name of boat, if practicable, and (3) the name and location of the store, warehouse, or other place where the products are located; (f) the particular quality or condition concerning which inspection is requested, to which may be added the time and place at which it is desired that the inspection be made; (g) when the lot is to be inspected in a receiving market, the name and address of the receiver; (h) the name of the shipping point and of the destination, when known; and (i) such other information as may be necessary for identification of the product, or as may be required by the inspector or the Administrator.

§ 51.9 *Filing of application.* An application shall be deemed filed when received at the office of inspection nearest the place where the commodity is located. A record showing the date and time of filing shall be made and kept in such office.

§ 51.10 *When application may be rejected.* An application may be rejected by the inspector in charge of the appropriate office of inspection for failure of the applicant (a) to observe the regulations in this part, (b) to furnish necessary information or to make the commodity reasonably available or accessible for inspection, or (c) when it appears that to perform the inspection and certification service would not be to the best interests of the Government. Such applicant shall be notified promptly of the reason for such rejection.

§ 51.11 *When application may be withdrawn.* An application may be withdrawn by the applicant at any time before the inspection is performed: *Provided,* That the applicant shall pay any travel expenses, telephone, telegraph, or other expenses which have been incurred by the inspection service in connection with such application.

§ 51.12 *Authority to request inspection.* Proof of the interest of an applicant in the product involved, or of the authority of any person applying for inspection in behalf of another may be required, in the discretion of the inspector.

§ 51.13 *Accessibility of products.* The applicant shall cause the products for which inspection is requested to be made reasonably accessible for sampling or inspection and to be so placed as to disclose their quality or condition. Samples of the products drawn for examination shall be inspected only under such conditions as, in the opinion of the inspector, will permit a true and correct determination to be made of their quality or condition.

§ 51.14 *Basis of service.* Inspection and certification service for quality and/or condition shall be based on the appropriate recommended standards promulgated by the United States Department of Agriculture, applicable standards prescribed by the laws of the State where the particular product was produced which are generally recognized and used therein, specifications of any governmental agency, written buyer and seller contract specifications, or any written specification by an applicant which is approved by the Administrator: *Provided,* That, if such product is regulated under the Agricultural Marketing Agreement Act of 1937, as amended (61 Stat. 208, 707; 7 U. S. C. 601 et seq.) such inspection and certification shall be on the basis of the standards, if any, prescribed in, or pursuant to, the marketing order and/or agreement effective thereunder.

§ 51.15 *Order of inspection.* Inspection shall, insofar as practicable, be made in the order in which applications are received, except that precedence shall be given (a) to the inspection of lots involved in complaints filed pursuant to the Perishable Agricultural Commodities Act, 1930 (7 U. S. C. 499a et seq.), and (b) to appeal inspections. Precedence may also be given to applications made on behalf of the Federal Government or of a State Government.

§ 51.16 *Financial interest of inspector.* No inspector shall inspect any products in which he is financially interested, either directly or indirectly.

§ 51.17 *Postponing inspection.* If the inspector has reason to believe that, because of latent defects due to climatic or other conditions, he is unable to determine the true quality or condition of the product, he shall postpone examination

for such period as may, in his judgment, be reasonably necessary to enable him to determine its true quality or condition.

§ 51.18 *Official sampling.* Samples may be officially drawn by any duly authorized inspector and delivered, or shipped, for analysis and certification to the nearest designated market or to such market as shall be directed by the Administrator. The container in which such samples are delivered, or shipped, shall contain a statement, signed by the inspector who drew the samples, showing the time and place of the sampling and the brands or other identifying marks of the containers from which the samples were drawn. The certificate based on such samples shall show the time and place of drawing the samples, and the name of the inspector by whom they were drawn.

§ 51.19 *Certificate form.* Certificates shall be issued on forms approved by the Administrator: *Provided*, That when an application for inspection is made by any person for the purpose of determining whether food products for use by such applicant comply with contract specifications therefor, a formal certificate need not be issued, but the fact of such compliance or noncompliance may be indicated by appropriate stamp or mark on such products or the containers thereof, or otherwise, in the discretion of the inspector.

§ 51.20 *Certificates, issuance.* The inspector shall sign and issue a separate certificate for each lot inspected by him, except that when an application covers a number of lots a single certificate may be issued to cover all such lots.

§ 51.21 *Certificates, disposition.* The original certificate, and not to exceed four copies (if requested by applicant prior to issuance), shall be delivered or mailed promptly to the applicant or to a person designated by him. One copy shall be filed in the office of the inspector when the inspection is made by a Federal Government employee, otherwise it shall be filed in the appropriate office of the cooperating State Agency. One copy shall be forwarded to the Administrator to be kept on file in Washington, except that copies of certificates showing the grades of individual grower's lots offered for manufacturing or other purposes need not be so forwarded. In the case of any product covered by a marketing agreement and/or order effective under the Agricultural Marketing Agreement Act of 1937, as amended (61 Stat. 208, 707; 7 U. S. C. 601 et seq.), at least one copy of each certificate covering the inspection of such product shall, on request, be delivered to the administrative agency established thereunder, subject to such terms and conditions as the Secretary may prescribe. Copies will be furnished to other interested parties as outlined in § 51.42.

§ 51.22 *Advance information.* Upon request of an applicant, all or any part of the contents of a certificate covering an inspection requested by him may be telegraphed or telephoned to him, or to any person designated by him, at his expense. If the application for such information is received after the certificate has been issued, it will be considered as an application for an extra copy of the certificate, and the fees prescribed in § 51.42 shall apply.

APPEAL INSPECTION

§ 51.23 *When appeal may be taken.* An application for appeal inspection may be made whenever any financially interested person is dissatisfied with the determination stated in the original certificate.

§ 51.24 *How to obtain.* An appeal inspection may be obtained by the applicant, or other person financially interested in the product, by filing a request (a) with the inspection office nearest the point where the product is located, or (b) with the inspector who made the original inspection, or (c) with any district supervisory inspection office, or (d) with the Administrator. The application for appeal shall state the reasons therefor, and shall be accompanied by a copy of any previous inspection certificate or inspection report, and any other information which the applicant received regarding the quality or condition of the product at the time of the original inspection. Such application may be made orally or in writing, or by telegraph or telephone. If made orally or by telephone, the application shall be confirmed in writing.

§ 51.25 *Record of filing time.* A record showing the date and time of filing an application shall be made promptly by the receiving office.

§ 51.26 *When appeal inspection may be refused.* An application for an appeal inspection may be refused if, (a) the reasons for the appeal inspection are frivolous or not substantial; (b) the quality or condition of the product has undergone a material change since the inspection covering the product on which the appeal inspection is requested; (c) the lot in question is not, or cannot be, made accessible for inspection; (d) the lot relative to which appeal inspection is requested cannot be identified positively by the inspector as the lot which was previously inspected; or (e) there is noncompliance with the regulations in this part. Such an applicant shall be notified promptly of the reason for the refusal.

§ 51.27 *When an application for an appeal inspection may be withdrawn.* An application for appeal inspection may be withdrawn by the applicant at any time before the appeal inspection is performed: *Provided*, That the applicant shall pay any travel expenses, telephone, telegraph, or other expenses which have been incurred by the inspection service in connection with such application.

§ 51.28 *Order in which made.* Appeal inspections shall be made, insofar as practicable, at the time requested by applicant and in the order in which applications are received. They shall take precedence over all other pending applications, except inspections covering lots involved in complaints filed pursuant to the Perishable Agricultural Commodities Act, 1930 (7 U. S. C. 499a et seq.).

§ 51.29 *Who shall make appeal inspections.* Appeal inspections shall be made by an inspector or inspectors designated therefor by the Administrator.

§ 51.30 *Appeal findings.* The inspector or inspectors making an appeal inspection shall sign and issue an appeal inspection certificate, which shall supersede and refer specifically to the original inspection certificate from which the appeal was taken, and contain a statement as to the quality or condition of the product, as determined by the appeal inspection. In all other respects the provisions of §§ 51.5 to 51.22, insofar as applicable, shall apply to appeal inspection certificates, except that if the applicant for appeal inspection is not the original applicant, a copy of the appeal inspection certificate shall be mailed to the original applicant.

§ 51.31 *Superseded certificates.* When an original inspection certificate shall have been superseded by an appeal inspection certificate, such original inspection certificate shall not thereafter represent the quality or condition of the product described therein. If the original and all copies of the superseded certificate are not submitted to the person receiving the application for appeal inspection, the officer issuing the superseding certificate shall forward notice of such issuance and of the superseding of the original certificate to such persons as he considers necessary to prevent fraudulent use of the superseded certificate.

LICENSED INSPECTORS

§ 51.32 *Who may be licensed.* Persons possessing adequate qualifications, as determined by such examinations as the Administrator may consider to be appropriate, may be licensed by the Secretary as inspectors of products which may be inspected under the regulations in this part. Such licenses shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. A licensed inspector shall perform his duties pursuant to these regulations as directed by the Administrator.

§ 51.33 *Application to become a licensed inspector.* Application to become a licensed inspector shall be made to the Administrator on forms furnished for that purpose. Each such application shall be filled in and signed by the applicant in his own handwriting, and the application shall contain or be accompanied by:

(a) A statement of present address, age, height and weight of the applicant;

(b) A statement showing education and present and previous occupations, together with names of all employers for whom he has worked, with periods of service, during the last 5 years previous to the date of his application;

(c) A statement by the applicant that he agrees to comply with all the terms and conditions of the regulations in this part relating to the duties of inspectors; and

(d) Such other information as may be required by the Administrator.

§ 51.34 *Suspension or revocation of license of licensed inspector.* Pending final action by the Secretary, the Administrator may, whenever he deems such action necessary, suspend the license of any licensed inspector issued pursuant to the regulations in this part by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid 7 day period and consideration of such argument and evidence, the Secretary shall take such action as he deems appropriate with respect to such suspension or revocation.



§ 51.35 *Surrender of license.* Upon termination of his services as a licensed inspector, or suspension or revocation of his license, a licensee shall surrender his license immediately to the office of inspection serving the area in which he is located. These same provisions shall apply in a case of an expired license.

FEES AND CHARGES

§ 51.36 *Amount of fees, rates, and charges.* For each lot of products inspected, a fee, and expenses, determined in accordance with §§ 51.37 to 51.41 shall be paid by the applicant.

§ 51.37 *Basis for charges.* (a) The fee for each lot of products inspected by a salaried inspector acting exclusively for the Department of Agriculture, except for peanuts, pecans, and other nuts, shall be on the following basis: For an inspection covering quality and condition, $9 when the quantity involved is more than one-half of a carload of the customary size for such products in the area from which shipped but not more than a full carload, and $6 when the quantity involved is not more than one-half of such carload, but the maximum fee for any carload not exceeding the customary size shall be $18. For an inspection covering condition only, $7.20 when the quantity involved is more than one-half of carload of the customary size for such products in the area from which shipped but not more than a full carload, and $4.80 when the quantity involved is not more than one-half of such carload, but the maximum fee for condition only inspection of any carload not exceeding the customary size shall be $14.40.

(b) For each lot of peanuts, pecans, or other nuts inspected, except pursuant to the provisions in § 51.19, the fee shall be $12 when the quantity involved is not more than a full carload: *Provided*, That the different grades and varieties of peanuts shall be considered separate lots, and the fee for farmer stock peanuts (unshelled peanuts) shall be $1.50 per ton.

(c) When any lot involved is in excess of a carload the quantity shall be calculated in terms of carloads and fractions thereof of the customary size for such carloads and the carload rates aforesaid applied: *Provided*, That said fractions shall be calculated in terms of fourths or next higher fourths. When inspections are made on which formal certificates are not issued, as provided in § 51.19, or when the products inspected cannot readily be calculated in terms of carlots, or when the services rendered are such that a charge on the carlot basis would be inadequate or inequitable, charges for inspection may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of $3.60 per hour, or the charges may be based upon the number of pounds or number of containers in the lot inspected, if such charges are in substantial conformity with the hourly or carload rate.

§ 51.38 *Fees for inspections by licensee who is working under contract with the Administrator.* The Administrator may enter into a contract with any licensed inspector authorizing him to make inspections under the act in a designated area; to collect fees for such inspections at rates prescribed in the contract; and direct him to transmit such fees, less a designated percentage which he may retain as compensation for his services in making such inspections, to the Production and Marketing Administration at such times and in such manner as the contract shall provide.

§ 51.39 *Fees under cooperative agreement.* Fees for inspections made under cooperative agreements pursuant to authority contained in any act of Congress shall be those provided for by such agreements.

§ 51.40 *Fees for appeal inspections.* Fees for appeal inspections on all products shall be double those for original inspections, except that when it is found that there was a material error in the determination based upon the original inspection no fee will be charged, and except that appeal inspection for Government agencies shall be on the hourly basis prescribed in § 51.47, plus traveling and other expenses authorized to be charged by the provisions in § 51.41. The maximum fee for the appeal inspection of a single car shall not exceed $24.

§ 51.41 *Traveling, and other expenses.* Such further charges may be made for traveling expenses and other items paid or incurred by the Production and Marketing Administration in connection with an inspection made at a place where no inspector is located, or appeal inspection where the services of a second inspector are required, as will reimburse the Production and Marketing Administration. These charges shall be included with the fee for inspection on the bill furnished the applicant.

§ 51.42 *Fees for additional copies of inspection certificates.* Additional copies of any inspection certificate other than those provided for in § 51.21, may be supplied to any interested party upon payment of a fee of $1.50 for each set of 3, or less, copies.

§ 51.43 *Charges for inspection services on a contract basis.* Irrespective of fees and charges prescribed in foregoing sections, the Administrator may enter into contracts with applicants to perform inspection services pursuant to the regulations in this part and other requirements as prescribed by the Administrator in such contract, and the charges for such inspection services provided for in such contracts shall be on such bases as will reimburse the Production and Marketing Administration of the Department for the full cost of rendering such inspection service, including an appropriate overhead charge to cover, as closely as practicable, administrative overhead expenses, as may be determined by the Administrator.

§ 51.44 *How fees shall be paid.* Fees shall be paid by the applicant in accordance with the directions on the fee bill furnished him by the inspector, and in advance, if required by the inspector.

§ 51.45 *Disposition of fees.* (a) The fees covered by §§ 51.37 to 51.39 shall be disposed of as follows:

(1) Fees for inspections made by salaried inspectors acting exclusively for the Production and Marketing Administration shall be remitted promptly to the Administrator.

(2) Fees for inspections made by a licensed inspector acting exclusively for the Production and Marketing Administration, less the percentage thereof which he is allowed by the terms of his contract of employment as compensation for his services, shall be remitted to the Production and Marketing Administration.

(3) Fees for inspections made by an inspector acting under a cooperative agreement with a State or other organizations shall be disposed of in accordance with the terms of such agreement. Such portion of the fees collected under a cooperative agreement with a State as may be due the United States shall be remitted to the Production and Marketing Administration.

(b) Fees covered by §§ 51.40 to 51.43 shall be remitted to the Production and Marketing Administration.

MISCELLANEOUS

§ 51.46 *Fraud or misrepresentation.* Any wilful misrepresentation or any deceptive or fraudulent practice found to be made or committed by any person in connection with: (a) The making or filing of an application for any inspection service; (b) the making the product accessible for sampling or inspection; (c) the use of any inspection report or any inspection certificate, or appeal inspection certificate issued under the regulations in this part; (d) the use of a facsimile form which simulates, in whole or in part, any official certificate authorized to be issued under these regulations in this part for the purpose of purporting to evidence the U. S. grade of any product; or (e) any wilful violation of the regulations in this part, or supplementary rules or instructions issued by the Administrator, may be deemed sufficient cause for debarring such person from any or all benefits of the act.

§ 51.47 *Political activity.* All inspectors are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or can-

didate, or any measure to be voted upon, are prohibited. This applies to all appointees or licensees, including, but not limited to, temporary and cooperative employees and employees on leave of absence, with or without pay. Willful violations of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 51.48 *Interfering with an inspector.* Any further benefits of the act may be denied any applicant or other interested party who, either personally or through an agent or representative, interferes with or obstructs, by intimidation, threats, assault, or in any other manner, an inspector in the performance of his duties.

§ 51.49 *Compliance with other laws.* None of the requirements in the regulations of this part shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations in this part.

§ 51.50 *Identification.* Each inspector shall have in his possession at all times, and present upon request, while on duty, the means of identification furnished by the Department to such person.

§ 51.51 *Publication.* Publication under the act and in this part shall be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Department, and such other media as the Administrator may approve for the purpose.

## SUBPART—UNITED STATES STANDARDS FOR APPLES

### GRADES

§ 51.300 *U. S. Extra Fancy.* U. S. Extra Fancy consists of apples of one variety which are mature, but not overripe, carefully hand-picked, clean, well formed; free from decay, internal browning, internal breakdown, scald, scab, bitter pit, Jonathan spot, freezing injury, broken skins and bruises (except those that are slight and incident to proper handling and packing), and visible water core. The apples shall also be free from injury caused by russeting, sunburn or spray burn, limb rubs, hail, drought spots, scars, stem or calyx cracks, other diseases, insects, or mechanical or other means. Each apple of this grade shall have the amount of color specified in § 51.308 for the variety. (See §§ 51.308, 51.310, and 51.313.)

§ 51.301 *U. S. Fancy.* U. S. Fancy consists of apples of one variety which are mature but not overripe, carefully handpicked, clean, fairly well formed; free from decay, internal browning, internal breakdown, bitter pit, Jonathan spot, scald, freezing injury, broken skins and bruises (except those incident to proper handling and packing), and visible water core. The apples shall also be free from damage caused by russeting, sunburn or spray burn, limb rubs, hail, drought spots, scars, stem or calyx cracks, other diseases, insects, or mechanical or other means. Each apple of this grade shall have the amount of color specified in § 51.308 for the variety. (See §§ 51.308, 51.310, and 51.313.)

§ 51.302 *U. S. No. 1.* The requirements for this grade are the same as U. S. Fancy except for color and russeting. In this grade less color is required for all varieties except yellow and green varieties, for which the requirements for both grades are the same. Apples of this grade shall be free from excessive damage caused by russeting which means that they shall meet the russeting requirements for U. S. Fancy as defined under the definitions of "damage by russeting": *Provided*, That, the aggregate area of an apple which may be covered by smooth net-like russeting shall not exceed 25 percent: *And further provided*, That, the aggregate area of an apple which may be covered by smooth solid russeting shall not exceed 10 percent. (See §§ 51.308, 51.310, and 51.313.)

§ 51.303 *U. S. No. 1 Cookers.* U. S. No. 1 Cookers consists of apples of one variety which meet the requirements of U. S. No. 1 grade except as to color. This grade is provided for apples which are mature but which may not have sufficient color to meet the specifications of U. S. No. 1. (See §§ 51.310 and 51.313.)

§ 51.304 *U. S. No. 1 Early.* U. S. No. 1 Early consists of apples of one variety which meet the requirements of U. S. No. 1 grade except as to color, maturity and size. Apples of this grade have no color requirements, need not be mature, and shall be not less than 2 inches in diameter. This grade is provided for varieties such as Duchess, Gravenstein, Red June, Twenty Ounce, Wealthy, Williams, Yellow Transparent, and Lodi, or other varieties which are normally marketed during the summer months. (See §§ 51.310 and 51.313.)

§ 51.305 *U. S. Utility.* U. S. Utility consists of apples of one variety which are mature but not overripe, carefully handpicked, not seriously deformed; free from decay, internal browning, internal breakdown, scald and freezing injury. The apples shall also be free from serious damage caused by dirt or other foreign matter, broken skins, bruises, russeting, sunburn, spray burn, limb rubs, hail, drought spots, scars, stem or calyx cracks, visible water core, other diseases, insects, or mechanical or other means. (See §§ 51.310 and 51.313.)

§ 51.306 *Combination grades.* (a) Combinations of the above grades can be used as follows:

Combination U. S. Extra Fancy and U. S. Fancy.

Combination U. S. Fancy and U. S. No. 1.

Combination U. S. No. 1 and U. S. Utility.

(b) Combinations other than these are not permitted in connection with the United States apple grades. When Combination U. S. Extra Fancy and U. S. Fancy is packed, at least 25 percent of the apples in any lot shall meet the requirements of the higher grade in the combination. When Combination U. S. Fancy and U. S. No. 1 or Combination U. S. No. 1 and U. S. Utility are packed, at least 50 percent of the apples in any lot shall meet the requirements of the higher grade in the combination. (See §§ 51.308, 51.310 and 51.313.)

§ 51.307 *U. S. Hail grade.* U. S. Hail grade consists of apples which meet the requirements of U. S. No. 1 grade except that hail marks where the skin has not been broken and well healed hail marks where the skin has been broken shall be permitted, provided the apples are fairly well formed. (See §§ 51.308, 51.310, and 51.313.)

### COLOR

§ 51.308 *Color requirements.* In addition to the requirements specified for the grades set forth in §§ 51.300 to 51.307, apples of these grades shall have the percentage of color specified for the variety in Table I appearing in this section. For the solid red varieties the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety: *Provided*, That, an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade, provided it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade. For the striped red varieties the percentage stated refers to the area of the surface in which the stripes of good shade of red characteristic of the variety shall predominate over stripes of lighter red, green, or yellow. However, an apple having color of a lighter shade than that considered as a good shade of red characteristic of the variety may be admitted to a grade: *Provided*, That, it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade. Faded brown stripes shall not be considered as color except in the case of the Gray Baldwin variety.

TABLE I—COLOR REQUIREMENTS FOR SPECIFIED U. S. GRADES OF APPLES, BY VARIETIES

| Variety | U. S. Extra Fancy | U. S. Fancy | U. S. No. 1 |
|---|---|---|---|
| Solid Red: | *Percent* | *Percent* | *Percent* |
| Black Ben | 75 | 50 | [2] |
| Gano | 75 | 50 | [2] |
| Winesap | 75 | 50 | [2] |
| Other similar varieties [1] | 75 | 50 | [2] |
| Red Sport varieties [3] | 75 | 50 | [2] |
| Striped or partially red: | | | |
| Cortland | 66 | 33 | [2] |
| Jonathan | 66 | 33 | [2] |
| McIntosh | 66 | 33 | [2] |
| Other similar varieties [4] | 66 | 33 | [2] |
| Baldwin | 50 | 25 | [2] |
| Ben Davis | 50 | 25 | [2] |
| Delicious | 50 | 25 | [2] |
| Mammoth Black Twig | 50 | 25 | [2] |
| Northern Spy | 50 | 25 | [2] |
| Rome Beauty | 50 | 25 | [2] |
| Stayman | 50 | 25 | [2] |
| Tinley | 50 | 25 | [2] |
| Waggener | 50 | 25 | [2] |
| Wealthy | 50 | 25 | [2] |
| Willow Twig | 50 | 25 | [2] |
| York Imperial | 50 | 25 | [2] |
| Other similar varieties [4] | 50 | 25 | [2] |
| Hubbardston | 50 | 15 | [2] |
| Stark | 50 | 15 | [2] |
| Other similar varieties | 50 | 15 | [2] |

[1] Arkansas Black, Beacon, Detroit Red, Esopus Spitzenburg, King David, Lowry, Minjon.

[2] When Red Sport varieties are specified as such they shall meet the color requirements specified for Red Sport varieties.

[3] Haralson, Kendall, Macoun, Melba, Snow (Fameuse).

[4] Bonum, Early McIntosh, Limbertwig, Milton, Nero, Paragon.



TABLE I—COLOR REQUIREMENTS FOR SPECIFIED U. S. GRADES OF APPLES, BY VARIETIES—Con.

| Variety | U. S. Extra Fancy | U. S. Fancy | U. S. No. 1 |
|---|---|---|---|
| Striped or partially red—Con. | *Percent* | *Percent* | *Percent* |
| Red June | 50 | 15 | [2] |
| Williams | 50 | 15 | [2] |
| Other similar varieties | 50 | 15 | [2] |
| Gravenstein | 25 | 10 | [2] |
| Other similar varieties [5] | 25 | 10 | [2] |
| Red checked or blushed: | | | |
| Maiden Blush | [7] | [8] | [8] |
| Twenty Ounce | [7] | [8] | [8] |
| Winter Banana | [7] | [8] | [8] |
| Other similar varieties | [7] | [8] | [8] |
| Green varieties | [8] | [8] | [8] |
| Yellow varieties | [8] | [8] | [8] |
| Golden Delicious | [10] | [10] | [10] |

[5] Tinge of color.

[6] Duchess, Red Astrachan, Smokehouse, Summer Rambo.

[7] Blush cheek.

[8] None.

[9] Characteristic ground color.

[10] 75 percent characteristic color. NOTE "Characteristic color", when the white around the lenticels predominates over the green color, creating a mottling effect on the surface of the apple, it shall be considered as the minimum characteristic color.

### UNCLASSIFIED

§ 51.309 *Unclassified.* Unclassified consists of apples which are not graded in conformity with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

### TOLERANCES

§ 51.310 *Tolerances.* (a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the apples in any lot may fail to meet the requirements of the grade: *Provided*, That, not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged by insects and including not more than 1 percent for apples affected by decay or internal breakdown or both.

(b) When applying the foregoing tolerances to Combination U. S. Extra Fancy and U. S. Fancy grade, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 25 percent of apples of the higher grade required in the combination, but individual containers shall have not less than 15 percent of the higher grade.

(c) When applying the foregoing tolerances to Combination U. S. Fancy and U. S. No. 1 grade and to Combination U. S. No. 1 and U. S. Utility grade, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the 50 percent of apples of the higher grade required in the combination, but individual containers shall have not less than 40 percent of the higher grade.

§ 51.311 *Application of tolerances to individual packages.* The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade:

(a) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided (as in the case of size, where a tolerance of 15 percent is provided) individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

(b) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That, not more than one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

§ 51.312 *Basis of calculating percentages.* (a) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(b) When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight.

(c) When the apples are in bulk, percentages shall be calculated on the basis of weight.

### CONDITION

§ 51.313 *Condition after storage or transit.* Decay, scald, or any other deterioration which may have developed on apples after they have been in storage or transit shall be considered as affecting condition and not the grade.

### SIZE

§ 51.314 *Size requirements.* The numerical count or the minimum diameter of the apples packed in a closed container shall be indicated on the container.

(b) When the numerical count is marked on the container the minimum size of the largest apple shall be not more than one-fourth inch larger than the minimum size of the smallest apple.

(c) When the numerical count is not shown the minimum diameter shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as 2½ inches minimum, 2¼ inches minimum, or 2⅝ inches minimum, in accordance with the facts. It is suggested that both minimum and maximum diameters be marked on the container, as 2¼ to 2¾ inches, or 2½ to 2¾ inches, as such marking is especially desirable for apples marketed in the export trade.

(d) The measurement for minimum size shall be the largest diameter of the apple taken at right angles to a line from the stem end to the blossom end. The measurement for maximum size shall be the smallest dimension of the apple determined by passing the apple through a round opening.

(e) In order to allow for variations incident to proper sizing, not more than 5 percent of the apples in any lot may not meet the size requirements: *Provided*, That, when the maximum and minimum sizes are both stated, an additional 10 percent tolerance shall be allowed for apples which are larger than the maximum size stated.

### PACKING AND MARKING

§ 51.315 *Packing requirements.*—(a) *Representative face packing.* Each package shall be packed so that the apples on the shown face shall be reasonably representative in size, color and quality of the contents of the package.

(b) *Boxes.* (1) Apples packed in the standard northwestern apple boxes shall be arranged in the containers according to the approved and recognized methods with the stems pointing toward the ends of the boxes, except when jumbled. All packages shall be well filled but not to the extent as to cause excessive or unnecessary bruising to the apples because of overfilled packages. Apples packed in the standard northwestern apple boxes shall be tightly packed with sufficient bulge to prevent any appreciable movement of the apples within the containers when lidded. Each wrapped apple shall be completely enclosed by its individual wrapper.

(2) Apples packed in other type boxes, such as nailed wooden boxes, wire-bound boxes, and fibreboard boxes, may be place packed, jumble packed faced, or jumble packed, and all packs shall be well filled.

(3) Apples packed in boxes equipped with cell compartments or molded trays shall be of the proper size for the cells or the molds in which they are packed.

(4) Apples packed in consumer unit cartons and packed into shipping containers shall completely fill the shipping container.

(c) *Baskets.* Apples packed in U. S. standard bushel baskets, one-half bushel baskets and five-eighths bushel baskets may be ring faced and shall be tightly packed with sufficient bulge to prevent any appreciable movement of the apples within the containers when lidded.

(d) *Barrels.* Apples packed in barrels shall be tightly packed.

(e) *Tolerances.* In order to allow for variations incident to proper packing, not more than 5 percent of the containers in any lot may not meet these requirements.

§ 51.316 *Suggestions for marking containers.* (a) In order to conserve space, abbreviations may be used for marking United States grade names on containers. The following abbreviations are suggested where it is not desired to use the full grade name:

(1) U. S. Ex. Fcy. for U. S. Extra Fancy.

(2) U. S. Fcy. for U. S. Fancy.

(3) U. S. No. 1 for U. S. No. 1.

(4) U. S. Util. for U. S. Utility.

(5) Combination grades may be designated by abbreviations of the grades preceded by the abbreviation "Comb.", as "Comb. U. S. Fcy.-U. S. No. 1".

### STANDARDS FOR EXPORT

§ 51.317 *Standards for export, as applied to condition factors.* (a) The apples in any lot shall be generally tightly packed when in barrels or

baskets, and generally fairly tightly or tightly packed, when in boxes.

(b) Not more than 5 percent of the apples in any lot shall be further advanced in maturity than firm ripe.

(c) Not more than 5 percent of the apples in any lot shall be damaged by storage scab.

(d) Not more than a total of 5 percent of the apples in any lot shall be damaged by bitter pit, Jonathan spot, scald, internal breakdown, water core, freezing, decay, or other such condition factors: *Provided*, That,

(1) Not more than 2 percent shall be allowed for apples affected by decay;

(2) Not more than 2 percent shall be allowed for damage by internal breakdown;

(3) Not more than 2 percent of slight scald shall be permitted for apples properly packed in oiled paper or which have been especially treated with oil to prevent scald; otherwise, the apples must be free from scald.

(e) Any lot of apples shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided*, That, no sample from the containers in any lot is found to exceed double the percentages specified.

DEFINITIONS

§ 51.318 *Mature.* "Mature" means that the apples have reached the stage of growth which will insure the proper completion of the ripening process. Before a mature apple becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing these different stages of firmness of apples:

(a) "Hard" means apples with a tenacious flesh and starchy flavor. Apples at this stage are suitable for storage and long-distance shipment.

(b) "Firm" means apples with a tenacious flesh but which are becoming crisp with a slight starchy flavor, except the Delicious variety. Apples at this stage are also suitable for storage and long-distance shipment.

(c) "Firm ripe" means apples with crisp flesh except that the flesh of the apples of the Gano, Ben Davis, and Rome Beauty varieties may be slightly mealy. Apples at this stage may be shipped long distances but should be moved into consumption within a short period of time.

(d) "Ripe" means apples with mealy flesh and soon to become soft for the variety. Apples at this stage should be moved immediately into consumption.

§ 51.319 *Overripe.* "Overripe" means apples which are dead ripe, with flesh very mealy or soft, and past commercial utility.

§ 51.320 *Carefully hand-picked.* "Carefully hand-picked" means that the apples do not show evidence of rough handling or of having been on the ground.

§ 51.321 *Clean.* "Clean" means that the apples are free from excessive dirt, dust, spray residue and other foreign material.

§ 51.322 *Well formed.* "Well formed" means that the apple has the normal shape characteristic of the variety, except that the shape may be slightly irregular, provided, it does not detract from the general appearance of the apple.

§ 51.323 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the apples.

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface, shall not be considered in determining whether or not an apple is injured by russeting, except that rough or bark-like russeting in the stem cavity or calyx basin shall be considered as injury when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin, shall be considered as injury:

(1) Smooth net-like russeting, when an aggregate area of more than 5 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(2) Smooth, solid russeting which covers an aggregate area of more than one-half inch in diameter, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.[1]

(3) Slightly rough russeting which covers an aggregate area of more than one-fourth inch in diameter.[1]

(4) Rough russeting, unless it is well within the stem cavity or calyx basin and is not readily apparent.

(b) Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(1) Sunburn or spray burn, when the discolored area does not blend into the normal color of the fruit.

(2) Dark brown or black limb rubs which affect a total area of more than one-eighth inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of injury by russeting.[1]

(3) Hail marks, drought spots or other similar depressions or scars where there is appreciable discoloration other than russeting, or when the indentations are not superficial, or when an individual indentation exceeds one-eighth inch in diameter, or the total affected area exceeds one-fourth inch in diameter.[1]

(4) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed a length of one-eighth inch.

(5) Diseases: (i) Cedar rust infection which affects a total area of more than one-eighth inch in diameter.[1]

(ii) Sooty blotch or fly speck which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.[1]

(iii) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.[1]

(6) Insects: (i) Any healed sting or healed stings which affect a total area of more than one-eighth inch in diameter including any encircling discolored rings.[1]

(ii) Worm holes.

§ 51.324 *Fairly well formed.* "Fairly well formed" means that the apple may be slightly abnormal in shape but not to an extent which detracts materially from its appearance.

§ 51.325 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the apples.

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether or not an apple is damaged by russeting, except that excessively rough or bark-like russeting in the stem cavity or calyx basin shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin, shall be considered as damage:

(1) Russeting which is excessively rough on Roxbury Russet and other similar varieties.

(2) Smooth net-like russeting, when an aggregate area of more than 15 percent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted.

(3) Smooth solid russeting, when an aggregate area of more than 5 percent of the surface is covered, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted.

(4) Slightly rough russeting which covers an aggregate area of more than one-half inch in diameter.[1]

(5) Rough russeting which exceeds one-fourth inch in diameter, unless it is well within the stem cavity or calyx basin and is not readily apparent.[1]

(b) Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

[1] The area refers to that of a circle of the specified diameter.



(1) Sunburn or spray burn which has caused blistering or cracking of the skin, or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russeting.

(2) Limb rubs which affect a total area of more than one-half inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of damage by russeting.[1]

(3) Hail marks, drought spots, or other similar depressions or scars which are not superficial, or when such injury affects a total area of more than one-half inch in diameter.[1]

(4) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-fourth inch.

(5) Diseases: (i) Scab spots which affect a total area of more than one-fourth inch in diameter.[1]

(ii) Cedar rust infection which affects a total area of more than one-fourth inch in diameter.[1]

(iii) Sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.[1]

(iv) Red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.[1]

(6) Insects: (i) Any healed sting or healed stings which affect a total area of more than three-sixteenths inch in diameter including any encircling discolored rings.[1]

(ii) Worm holes.

§ 51.326 *Seriously deformed.* "Seriously deformed" means that the apple is so badly misshapen that its appearance is seriously affected.

§ 51.327 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the apples.

(a) The following types and amounts of russeting shall be considered as serious damage:

(1) Smooth solid russeting, when more than one-half of the surface in the aggregate is covered, including any russeting in the stem cavity or calyx basin or slightly rough, or excessively rough or bark-like russeting which detracts from the appearance of the fruit to a greater extent that the amount of smooth solid russeting permitted: *Provided*, That, any amount of russeting shall be permitted on Roxbury Russet and other similar varieties.

(b) Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(1) Sunburn or spray burn which seriously detracts from the appearance of the fruit.

[1] The area refers to that of a circle of the specified diameter.



(2) Limb rubs which affect more than one-tenth of the surface in the aggregate.

(3) Hail marks, drought spots, or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-tenth of the surface in the aggregate: *Provided*, That, no hail marks which are unhealed shall be permitted and not more than an aggregate area of one-half inch shall be allowed for well-healed hail marks where the skin has been broken.[1]

(4) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-half inch.

(5) Visible water core which affects an area of more than one-half inch in diameter.[1]

(6) Diseases: (i) Scab spots which affect a total area of more than three-fourths inch in diameter.[1]

(ii) Cedar rust infection which affects a total area of more than three-fourths inch in diameter.[1]

(iii) Sooty blotch or fly speck which affects more than one-third of the surface.

(iv) Red skin spots which affect more than one-third of the surface.

(v) Bitter pit and Jonathan spot which is thinly scattered over more than one-tenth of the surface and does not materially deform or disfigure the fruit.

(7) Insects: (i) Healed stings which affect a total area of more than one-fourth inch in diameter including any encircling discolored rings.[1]

(ii) Worm holes.

SUBPART—UNITED STATES STANDARDS FOR APPLES FOR PROCESSING

GRADES

§ 51.340 *U. S. No. 1.* U. S. No. 1 shall consist of apples of one variety which are not overripe and which are free from decay, worm holes, freezing injury and internal breakdown. The apples shall also be free from any defect which cannot be removed during the usual commercial preparation for use without causing a loss of over 5 percent, by weight, of the apple in excess of that which would occur if the apple were perfect. (See § 51.343.)

§ 51.341 *U. S. No. 2.* U. S. No. 2 shall consist of apples of one variety which are not overripe and which are free from freezing injury and internal breakdown. The apples shall also be free from any defect which cannot be removed during the usual commercial preparation for use without causing a loss of over 25 percent, by weight, of the apple in excess of that which would occur if the apple were perfect. (See § 51.343.)

CULLS

§ 51.342 *Culls.* Culls shall consist of apples which do not meet the requirements of either of the foregoing grades.

SIZE

§ 51.343 *Size.* The minimum size and range of size may be fixed by agreement between buyer and seller. The measurement for minimum size shall be the largest diameter taken at right angles to a line from stem to blossom end and the measurement for maximum size shall be the smallest diameter taken at right angles to a line from stem to blossom end.

TOLERANCES

§ 51.344 *Tolerances.* In the application of these standards it is contemplated that in most instances sellers will not sort their apples into separate lots of the various grades and sizes before delivery to the buyer, and that the buyer will pay on the basis of the percentage of each grade and size in the lot as determined by inspection. In such cases, there is no need for tolerances. If the contract between buyer and seller provides for the delivery of lots containing only one grade and size, such as "U. S. No. 1—$2\frac{1}{4}$ inches up," "U. S. No. 1—$2\frac{1}{4}$ to $2\frac{1}{2}$ inches," or "U. S. No. 2—$2\frac{1}{4}$ inches up," then unless otherwise specified, a 10 percent tolerance shall be allowed for apples which fail to meet the requirements of the grade upon which the contract is based, and an additional tolerance of 5 percent shall be allowed for apples below any specified minimum size and an additional tolerance of 10 percent shall be permitted for apples above any specified maximum size.

SUBPART—UNITED STATES STANDARDS FOR FRESH SHELLED LIMA BEANS FOR PROCESSING

GRADES

§ 51.355 *U. S. No. 1.* U. S. No. 1 consists of shelled lima beans of similar varietal characteristics which are fairly tender, have a green color and which are free from decay and from injury caused by discoloration, shriveling, sunscald, heating, freezing, disease, insects, or other means.

§ 51.356 *U. S. No. 2.* U. S. No. 2 consists of shelled lima beans which are free from decay, and from damage caused by discoloration, shriveling, sunscald, heating, freezing, disease, insects, or other means.

CULLS; FOREIGN MATERIAL

§ 51.357 *Culls.* Culls are lima beans which fail to meet the requirements of either of the foregoing grades.

§ 51.358 *Foreign material.* Thistle buds, weed seeds, pods or other foreign material are not incorporated in the standards since their presence is not a factor of quality for the purpose of these grades. However, the amount of such foreign material permitted in a lot may be fixed by agreement between grower and processor.

DEFINITIONS

§ 51.359 *Fairly tender.* "Fairly tender" means that the lima beans are not hard, tough, or rubbery.

§ 51.360 *Green color.* "Green color" means that the cotyledons of each bean shall have a green color characteristic of a tender or fairly tender bean for the variety.

§ 51.361 *Injury.* "Injury" means any defect which more than slightly affects the canning or freezing quality. Split or

broken beans incident to proper harvesting and vining operations shall not be considered as injury.

§ 51.362 *Damage.* "Damage" means any defect which materially affects the canning or freezing quality. Split or broken beans incident to proper harvesting and vining operations shall not be considered as damage.

SUBPART—UNITED STATES STANDARDS FOR BUNCHED BEETS

GRADES

§ 51.375 *U. S. No. 1.* U. S. No. 1 consists of beets of similar varietal characteristics which are firm, fairly smooth, fairly well shaped, fairly clean, free from soft rot and from damage caused by growth cracks, disease, rodents, insects or mechanical or other means.

(a) Bunches shall have tops which are fresh, and free from damage by any cause. The tops shall be either full size or cut back to not less than 6 inches.

(b) Unless otherwise specified, the minimum diameter of the beets shall be 1½ inches and the maximum diameter shall be 3 inches.

(c) In order to allow for variations incident to proper grading and handling, not more than 5 percent, by count, of the beets in any lot may be smaller than the specified minimum diameter and not more than 10 percent may be larger than the specified maximum diameter. In addition, when the tops are cut back, not more than 15 percent of the bunches may have tops less than 6 inches. In addition, not more than a total of 10 percent of the beet roots may fail to meet the remaining requirements of this grade, but not to exceed 5 percent shall be allowed for defects causing serious damage, including not more than 1 percent for beet roots affected by soft rot. (See § 51.377.)

UNCLASSIFIED

§ 51.376 *Unclassified.* Unclassified consists of bunched beets which have not been classified in accordance with the foregoing grade. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.377 *Application of tolerances.* (a) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-size specimen may be permitted in a container.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in a container.

SIZE TERMS

§ 51.378 *Size terms.* The following terms are provided for describing the diameters of beets in any lot: Small means less than 2 inches; medium means 2 to 3 inches inclusive; large means over 3 inches.

BUNCHING

§ 51.379 *Bunching.* Bunches shall be fairly uniform in size.

DEFINITIONS

§ 51.380 *Firm.* "Firm" means that the beet is not soft, flabby, or shriveled.

§ 51.381 *Fairly smooth.* "Fairly smooth" means that the appearance of the beet is not more than slightly injured by roughness or by the presence of secondary rootlets. Very slight roughness over the crown or very slight pitting caused by the shedding of dead leaves shall not be considered as injury to the appearance.

§ 51.382 *Fairly well shaped.* "Fairly well shaped" means that the beet is not misshapen to such an extent as to materially injure its appearance.

§ 51.383 *Fairly clean.* "Fairly clean" means that individual beets are reasonably free from dirt, stain and other foreign matter and that the general appearance of the beets in the lot is not more than slightly affected by these causes.

§ 51.384 *Soft rot.* "Soft rot" means any soft, mushy or leaky condition of the tissue.

§ 51.385 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality of the individual beet, bunch or lot; or which cannot be removed without a loss of more than 5 percent of the total weight of the beet. Growth cracks which are not healed, and healed growth cracks which are not shallow and not smooth or which materially affect the appearance of the beet shall be considered as damage.

§ 51.386 *Tops which are fresh and free from damage by any cause.* "Tops which are fresh and free from damage by any cause" means that the tops are not badly wilted and that not more than 10 percent, by count, of the bunches in any lot may have any injury which materially affects the appearance of the tops. The appearance of individual bunches shall be considered materially affected when the tops are trimmed to the extent that only a few leaves or leafstems remain. The appearance of bunches with tops having a few slightly discolored leaves shall not be considered materially affected if the tops as a whole show a predominately normal color.

§ 51.387 *Full size.* "Full size" means that the tops have not been cut back, but dried or damaged leaves or leafstems may have been removed.

§ 51.388 *Diameter.* "Diameter" means the greatest dimension taken at right angles to a straight line from the center of the crown to the base of the root.

§ 51.389 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality of the individual beet, bunch, or lot; or which cannot be removed without a loss of more than 20 percent of the total weight of the beet.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR ITALIAN SPROUTING BROCCOLI

GRADES

§ 51.400 *U. S. Grade A.* U. S. Grade A consists of stalks, or parts of stalks of Italian sprouting broccoli which are well trimmed, and have good characteristic color, and fairly compact bud clusters; and which are fresh, tender, and clean, and are free from decay and from damage caused by discoloration, freezing, hollow stem or pithiness, scars, disease, insects, or mechanical or other means. Broccoli stalks on the shown face shall be reasonably representative in size and quality of the contents of the container.

(a) The length of the stalks or parts thereof shall be not more than 6 inches nor less than 3 inches, and the diameter of the stem shall be not less than ¼ inch.

(b) Incident to proper grading and handling, not more than 5 percent, by weight, of the broccoli stalks or parts thereof in any lot may fail to meet the size requirements and, in addition, not more than 5 percent, by weight, may fail to meet the remaining requirements of the grade, including not more than 1 percent for decay.

§ 51.401 *U. S. Grade B.* U. S. Grade B consists of stalks or parts of stalks of Italian sprouting broccoli which meet the requirements of U. S. Grade A except as to compactness of bud clusters and except for the increased tolerances specified below.

(a) Stalks or parts of stalks of broccoli of this grade shall have reasonably compact bud clusters.

(b) Incident to proper grading and handling, not more than 10 percent, by weight, of the broccoli stalks or parts thereof in any lot may fail to meet the size requirements and in addition, not more than 10 percent, by weight, may fail to meet the remaining requirements of the grade, including not more than 1 percent for decay.

OFF-GRADE

§ 51.402 *Off-Grade Italian sprouting broccoli.* Italian sprouting broccoli which fails to meet the requirements of either of the foregoing grades shall be Off-Grade Italian sprouting broccoli.

DEFINITIONS

§ 51.403 *Stalk.* "Stalk" means a portion of the broccoli plant including the stem, bud clusters and leaves.

§ 51.404 *Well trimmed.* "Well trimmed" means that all coarse, damaged, and discolored leaves and leaves extending more than 1½ inches above the top of the head have been removed, and that cross cuts on butts and lengthwise cuts on split stalks are smooth.

§ 51.405 *Good characteristic color.* "Good characteristic color" means that the stem and external portion of the head or part thereof has a light green or darker shade of green color except that purplish color shall be allowed on the external portion of the head or part thereof.



§ 51.406 *Fairly compact bud clusters.* "Fairly compact bud clusters" means that the individual florets of bud clusters are relatively small and fairly tightly crowded together and that the bud clusters on the stalk or part of a stalk are generally close together.

§ 51.407 *Fresh.* "Fresh" means that the broccoli is not flabby or more than slightly wilted.

§ 51.408 *Tender.* "Tender" means that the broccoli is succulent, and that the stems are not fibrous, tough or stringy.

§ 51.409 *Clean.* "Clean" means that the broccoli is practically free from sand, dirt, silt, muck, and other water-insoluble inorganic material.

§ 51.410 *Damage.* "Damage" means any defect which more than slightly affects the appearance, of the edible, shipping, or keeping quality of the individual stalks or parts thereof, or the lot as a whole. The following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(a) Discoloration, when more than very slight.

(b) Freezing, when causing more than slight discoloration of the individual unit.

(c) Hollow stem or pithiness, when discolored, or when more than slightly affecting the appearance of the individual unit.

(d) Scars, when discolored, or when more than slight or superficial.

(e) Disease, when showing discoloration, or when more than slightly affecting the appearance of the individual unit.

(f) Insects, when worms or worm frass are present or when there is more than slight infestation by other insects.

§ 51.411 *Diameter.* "Diameter" means the greatest thickness of the stem measured at the base.

§ 51.412 *Reasonably compact bud clusters.* "Reasonably compact bud clusters" means that the individual florets of bud clusters are not on the verge of opening, but that pedicels on florets may be moderately elongated and bud clusters may be moderately open and spreading.

SUBPART—UNITED STATES STANDARDS FOR BROCCOLI FOR PROCESSING

GENERAL

§ 51.425 *General.* (a) The accompanying grades for broccoli are intended to facilitate transactions between growers and processors who may wish to use a purchasing system based upon the quality of broccoli delivered. These grades are an outgrowth of the widely accepted principle that price should be directly proportional to quality. The grower who delivers high quality deserves a premium price, because such broccoli enables the processor to pack a better quality finished product.

(b) In the application of these standards, it is assumed that sellers will not sort their broccoli into separate lots of U. S. No. 1 and U. S. No. 2 grades before delivery to the buyer, and that the buyer will pay a certain price for the percentage of each grade in the lot as determined by inspection. Upon delivery, the inspector will simply sort representative samples taken from each lot and determine the percentage of each grade. Final settlement would then be made by applying the percentage of each grade to the total weight of the lot, and then applying the contract prices established for each grade. Under such a procedure, there is no need for tolerances.

GRADES

§ 51.426 *U. S. No. 1.* U. S. No. 1 consists of stalks of broccoli which are fresh, tender, and have good characteristic color, and compact heads; which are free from decay and cull material, and are free from damage caused by discoloration, freezing, hollow stem or pithiness, scars, dirt or other foreign material, disease, insects, and mechanical or other means. (See § 51.430.)

(a) Unless otherwise specified, the length shall be not more than 6 inches nor less than 4 inches, and the diameter of the stem shall be not less than three-eighths inch. (See § 51.436.)

§ 51.427 *U. S. No. 2.* U. S. No. 2 consists of stalks of broccoli which are fresh, tender, and have good characteristic color, and fairly compact heads; which are free from decay and cull material, and are free from damage caused by scars, dirt or other foreign material, disease, insects; and are free from serious damage caused by discoloration, freezing, hollow stem or pithiness, and mechanical or other means. (See § 51.430.)

(a) Unless otherwise specified, the length shall be not more than 6 inches nor less than 3 inches, and the diameter of the stem shall be not less than one-fourth inch. (See § 51.436.)

CULLS AND TRIMMING

§ 51.428 *Culls.* Culls are stalks of broccoli which fail to meet the requirements of either of the foregoing grades.

§ 51.429 *Cull material.* (See § 51.436.)

§ 51.430 *Trimming requirements.* Unless otherwise specified, all coarse, damaged, and discolored leaves and leaves extending more than one and one-half inches above the top of the head shall be removed. In making grade determinations, all coarse, damaged and discolored leaves, and leaves extending more than one and one-half inches above the top of the head shall be removed and scored as cull material.

DEFINITIONS

§ 51.431 *Stalk.* "Stalk" means a portion of the broccoli plant including the stem, bud cluster and leaves.

§ 51.432 *Fresh.* "Fresh" means that the broccoli is not badly wilted or excessively flabby.

§ 51.433 *Tender.* "Tender" means that the broccoli is succulent, and reasonably free from fibrous material and is not tough, or stringy.

§ 51.434 *Good characteristic color.* "Good characteristic color" means that the stem and external portion of the head has a light green or darker shade of green color, except that purplish color shall also be allowed on the external portion of the head.

§ 51.435 *Compact head.* "Compact head" means that the individual head is closely formed, not open or spread to the extent that it has a loose appearance, and that the individual florets are fairly tightly formed and not more than moderately elongated.

§ 51.436 *Cull material.* "Cull material" means all foreign material, any portion of the stem in excess of the maximum length specified, all stalks under the minimum length specified for the U. S. No. 2 grade, and all coarse, damaged and discolored leaves, and leaves extending more than one and one-half inches above the top of the head.

§ 51.437 *Damage.* "Damage" means any defect which more than slightly affects the appearance, or the processing or edible quality of the head, or any portion of the stem within 5 inches from the top of the head. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Discoloration, when more than very slight, or which will not change to light green or darker shade of green color in the ordinary process of blanching.

(b) Freezing, when causing more than slight discoloration of the individual unit.

(c) Hollow stem or pithiness, when discolored, or when more than slightly affecting the appearance of the individual unit.

(d) Scars, when discolored, or when more than slight or superficial.

(e) Dirt or other foreign material, when more than slight, or which cannot be removed in the ordinary washing process.

(f) Disease, when showing discoloration, or when more than slightly affecting the appearance, or the processing or edible quality.

(g) Insects, when worms or worm frass are present, or when there is more than slight infestation by other insects.

§ 51.438 *Diameter.* "Diameter" means the greatest thickness of the stem measured at a point 6 inches from the top of the head, except that stems which are less than 6 inches in length shall be measured at the base of the stem.

§ 51.439 *Fairly compact head.* "Fairly compact head" means that the individual head is fairly closely formed and not excessively spread and that the florets are not on the verge of opening and will not open in the ordinary process of blanching.

§ 51.440 *Serious damage.* "Serious damage" means any defect which materially affects the appearance, or the processing or edible quality of the head, or any portion of the stem within 5 inches from the top of the head. Any one of the following defects, or any com-

bination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Discoloration, when the appearance of the individual unit is materially affected.

(b) Freezing, when causing discoloration which materially affects the appearance of the individual unit.

(c) Hollow stem or pithiness, when discolored, or when materially affecting the appearance of the individual unit. Units which show a ragged appearance or deep holes shall be considered as serious damage.

SUBPART—UNITED STATES STANDARDS FOR CABBAGE

GRADES

§ 51.450 *U. S. No. 1.* U. S. No. 1 shall consist of heads of cabbage of one variety or similar varietal characteristics, which are of reasonable solidity, and are not withered, puffy, or burst and which are free from soft rot, seedstems, and from damage caused by discoloration, freezing, disease, insects or mechanical or other means. Stems shall be cut so that they do not extend more than one-half inch beyond the point of attachment of the outermost leaves.

(a) Unless otherwise specified, each head shall be well trimmed. However, cabbage which has fairly good green color and is specified as "U. S. No. 1 Green," and red cabbage which is specified as "U. S. No. 1 New Red" need be only fairly well trimmed.

(b) In order to allow for variations, other than excess number of wrapper leaves, incident to proper grading and handling, not more than a total of 10 percent, by weight, of the heads in any lot may fail to meet the requirements of this grade, but not more than one-fifth of this amount, or 2 percent, shall be allowed for soft decay. In addition, not more than 10 percent, by weight, may not meet the requirements as to number of wrapper leaves. (See § 51.454.)

§ 51.451 *U. S. Commercial.* U. S. Commercial shall consist of heads of cabbage which meet the requirements for U. S. No. 1 grade except for the increased tolerance for defects specified below, and except that the heads shall be reasonably firm.

(a) Unless otherwise specified, each head shall be well trimmed. However, cabbage which has fairly good green color and is specified as "U. S. Commercial Green," and red cabbage which is specified as "U. S. Commercial New Red" need be only fairly well trimmed.

(b) In order to allow for variations, other than excess number of wrapper leaves, incident to proper grading and handling, not more than a total of 25 percent, by weight, of the heads in any lot may fail to meet the requirements of this grade, but not more than two-fifths of this amount, or a total of 10 percent, shall be allowed for defects causing serious damage, but not more than 2 percent shall be allowed for soft decay. In addition, not more than 10 percent, by weight, may not meet the requirements as to number of wrapper leaves. (See § 51.454.)

UNCLASSIFIED

§ 51.452 *Unclassified.* Unclassified shall consist of cabbage which has not been classified in accordance with the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

SIZE

§ 51.453 *Size.* The minimum size or minimum and maximum sizes may be specified in connection with the grades as "U. S. No. 1, 1 pound min.," or "U. S. No. 1, 2 to 4 pounds," or any lot may be classified as Small, Medium, Large, Small to Medium, or Medium to Large in accordance with the facts.

| Small | Medium | Large |
|---|---|---|
| Pointed, under 1½ lbs ..... | 1½ to 3 lbs.. | Over 3 lbs. |
| Danish and domestic, under 2 lbs. | 2 to 5 lbs.... | Over 5 lbs. |

(a) In order to allow for variations incident to proper sizing, not more than a total of 15 percent, by weight, of the heads in any lot may vary from the size specifications, but not more than 10 percent may be either above or below the size specified. This tolerance is in addition to the tolerance for grade defects. (See § 51.454.)

APPLICATION OF TOLERANCES

§ 51.454 *Application of tolerances.* The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified:

(a) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-sized cabbage may be permitted in a container.

(b) When a tolerance is less than 10 percent individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-sized cabbage may be permitted in a container.

DEFINITIONS

§ 51.455 *Similar varietal characteristics.* "Similar varietal characteristics" means that the cabbage in each container shall have the same general characteristics.

§ 51.456 *Reasonable solidity.* "Reasonable solidity" means fairly firm for pointed type cabbage and southern Domestic type cabbage. Northern Domestic type cabbage and Danish or Hollander type cabbage shall be firm. "Reasonable solidity" as applied to Savoy cabbage means not soft or puffy; Savoy type cabbage is characteristically loosely formed and rather light in weight.

§ 51.457 *Puffy.* "Puffy" means that the heads are very light in weight in comparison to size, or have excessive air spaces in the central portion. They normally feel firm at time of harvesting but often soften quickly. They are known as "Balloon Heads" in certain sections.

§ 51.458 *Seedstems.* "Seedstems" means those heads which have seed stalks showing or in which the formation of seed stalks has plainly begun.

§ 51.459 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality. Worm injury on the outer head leaves or wrapper leaves which materially affects the appearance of the head or worm holes which extend deeply into the compact portion of the head shall be considered as damage.

§ 51.460 *Well trimmed.* "Well trimmed" means that the head shall not have more than four wrapper leaves.

§ 51.461 *Fairly well trimmed.* "Fairly well trimmed" means that the head shall not have more than seven wrapper leaves.

§ 51.462 *Wrapper leaves.* "Wrapper leaves" means leaves which do not enfold the head fairly tightly more than two-thirds the distance from the base to the top.

§ 51.463 *Reasonably firm.* "Reasonably firm" means that the head is not soft and is of reasonable weight for its size but may have considerable open spaces between the leaves in the lower portion of the head.

§ 51.464 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality. Cabbage which is affected by soft rot or which is seriously puffy, badly burst, or seriously injured by seedstems, discoloration, freezing, disease, insects, mechanical or other means shall be considered as seriously damaged. Worm injury on the outer head leaves or wrapper leaves which seriously affects the appearance of the heads, or worm holes which seriously affect the compact portion of the head shall be regarded as serious damage.

SUBPART—UNITED STATES STANDARDS FOR CANTALOUPS

GRADES

§ 51.475 *U. S. No. 1.* U. S. No. 1 shall consist of cantaloups of one type which are well formed, well netted, mature but not overripe, soft, or wilted; and which are free from sunscald and decay, and free from damage caused by aphis honey dew, bruises, cracks, loose seeds dirt, hail, insects, scars, sunburn, or mechanical or other means.

(a) In order to allow for variations incident to proper grading and handling not more than a total of 10 percent, by count, of the cantaloups in any lot may fail to meet the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including not more than 1 percent for cantaloups affected by soft rot.

§ 51.476 *U. S. Commercial.* U. S. Commercial shall consist of cantaloups which meet the requirements of U. S. No. 1 grade except that the cantaloups need



be only fairly well netted and except for the increased tolerance for defects specified below:

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 20 percent, by count, of the cantaloups, in any lot may fail to meet the requirements of this grade, but not more than one-fourth of this amount, or 5 percent, shall be allowed for defects causing serious damage, including not more than 1 percent for cantaloups affected by soft rot.

UNCLASSIFIED

§ 51.477 *Unclassified.* Unclassified shall consist of cantaloups which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.478 *Application of tolerances to individual packages.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade:

(b) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

(c) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

DEFINITIONS

§ 51.479 *One type.* "One type" means that the cantaloups in any container are similar in shape and color of flesh.

§ 51.480 *Well formed.* "Well formed" means that the cantaloup has the shape characteristic of the variety.

§ 51.481 *Well netted.* "Well netted" means that the cantaloup has good netting characteristic of the variety.

§ 51.482 *Mature.* "Mature" means that the cantaloup has reached the stage of maturity which will insure the proper completion of the normal ripening process.

§ 51.483 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or edible or shipping quality of the cantaloup. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(a) Aphis honey dew, when more than slightly sticky, or when showing discoloration which more than slightly affects the appearance of the cantaloup.

(b) Cracks or wounds, when unhealed or deep, or when materially affecting the appearance of the cantaloup. Slight healed cracks around the ends or in the sutures of the cantaloup shall not be considered as damage.

(c) Hail injury, when unhealed or deep, or when materially affecting the appearance of the cantaloup.

(d) Scars which are healed, shallow, smooth and light colored and aggregate more than 1½ inches in diameter. Healed scars which are deep, rough or dark colored are considered as damage if their appearance is more objectionable than the amount of healed, shallow, smooth and light colored scars permitted.

(e) Sunburn, when the appearance of the cantaloup is materially affected by dark yellow or brownish discoloration, or when it causes the rind to be flattened, thin or hard.

§ 51.484 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or edible or shipping quality of the cantaloup. Cantaloups which are overripe, wilted, immature or have unhealed cracks shall be considered as being seriously damaged.

§ 51.485 *Fairly well netted.* "Fairly well netted" means that the cantaloup has fairly good netting characteristic of the variety.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR FRESH CARROTS

STYLES

§ 51.495 *Bunched carrots.* "Bunched carrots" means untopped carrots which are tied in bunches.

§ 51.496 *Carrots with short-trimmed tops.* "Carrots with short-trimmed tops" means carrots which have attached leafstems ranging up to 4 inches in length.

§ 51.497 *Topped carrots.* "Topped carrots" means carrots which have practically all of the tops clipped off.

GRADES

§ 51.498 *U. S. Grade A.* U. S. Grade A shall consist of carrots of similar varietal characteristics, the roots of which are firm, clean, fairly well colored, fairly well formed and fairly smooth; which are free from soft rot, and from damage caused by freezing, growth cracks, sunburn, pithiness, woodiness, internal discoloration, oil spray, dry rot, other disease, insects or mechanical or other means. Carrots on the shown face shall be reasonably representative in size and quality of the contents of the container.

(a) Unless otherwise specified, the diameter of each carrot shall be not less than ¾ inch nor more than 1½ inches.

(b) Bunched carrots shall be free from damage caused by seedstems and shall have tops which are fresh and free from damage by any cause. Tops may be full or clipped back but shall be not less than 12 inches nor more than 20 inches in length. Each bunch shall weigh not less than one pound, including the tops, and contain at least 4 carrots.

(c) Carrots with short-trimmed tops shall be free from damage caused by seedstems and shall have leafstems which are free from damage by any cause and which are cut back to not more than 4 inches in length.

(d) Topped carrots shall be well trimmed.

(e) Incident to proper grading and handling, not more than 5 percent, by count, of the carrots in any lot may be smaller than the specified minimum diameter and not more than 10 percent may be larger than the specified maximum diameter. In addition, not more than 5 percent, by count, of the carrots in any lot may fail to meet the root requirements of the grade including not more than 1 percent for carrot roots affected by soft rot. In addition, for bunched carrots, not more than 10 percent, by count, of the bunches in any lot may have tops which vary from the specified length; and for carrots with short-trimmed tops not more than 5 percent by count, of the carrots in any lot may fail to meet the requirement for length of leafstem.

OFF-GRADE

§ 51.499 *Off-Grade carrots.* Carrots which fail to meet the requirements of the foregoing grade shall be Off-Grade carrots.

DEFINITIONS

§ 51.500 *Similar varietal characteristics.* "Similar varietal characteristics" means that the carrots in the lot are of the same general type. For example, carrots with a short, blunt growth like the Oxheart variety shall not be mixed with long or half-long carrots like the Imperator or Danvers varieties.

§ 51.501 *Firm.* "Firm" means that the carrot root is not soft, flabby or shriveled.

§ 51.502 *Clean.* "Clean" means that the individual carrots are practically free from stain, dirt, and other foreign matter.

§ 51.503 *Fairly well colored.* "Fairly well colored" means that the carrot root has an orange, orange red, or orange scarlet color, but not a pale orange or distinct yellow color.

§ 51.504 *Fairly well formed.* "Fairly well formed" means that the carrot root is not so forked or misshapen as to materially affect its appearance or cause a loss of more than 3 percent, by weight, in the ordinary preparation for use.

§ 51.505 *Fairly smooth.* "Fairly smooth" means that the carrot root is not rough, ridged, or covered with secondary rootlets to an extent which materially affects its appearance or causes a loss of more than 3 percent, by weight, in the ordinary preparation for use.

§ 51.506 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or edible or shipping quality of the individual carrot or carrots in the lot, or causes a loss of more than 3 percent, by weight, in the ordinary preparation for use. Any one of the following defects or combination of defects the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(a) Growth cracks which are unhealed; healed growth cracks which are

not shallow and not smooth or which materially affect the appearance of the carrot root.

(b) Sunburn which causes a loss of more than 3 percent, by weight, in the ordinary preparation for use, except that superficial light green color at the stem end which does not materially affect the appearance of the root shall be permitted.

§ 51.507 *Diameter.* "Diameter" means the greatest dimension of the root taken at right angles to the longitudinal axis.

§ 51.508 *Tops.* "Tops which are fresh and free from damage by any cause" means that the tops are not badly wilted and not more than 10 percent, by count, of the bunches in any lot may have any injury which materially affects the appearance of the tops. The appearance of individual bunches shall be considered materially affected when the tops are trimmed to the extent that only a relatively few leaves or leafstems remain. The appearance of bunches with tops having slight discoloration such as yellowing, browning or other abnormal color affecting a few leaflets shall not be considered materially affected if the tops as a whole show a predominantly normal green color.

§ 51.509 *Leafstems which are free from damage by any cause.* "Leafstems which are free from damage by any cause" means that not more than 10 percent, by count, of the carrots in any lot may have leafstems with any injury which materially affects their appearance.

§ 51.510 *Well trimmed.* "Well trimmed" means that the tops shall be cut back to not more than 1 inch in length.

SUBPART—UNITED STATES STANDARDS FOR COLLARD GREENS OR BROCCOLI GREENS

GENERAL

§ 51.520 *General.* These standards are applicable to collard greens or broccoli greens, or mixtures of the two which may consist of leaves, or parts of leaves, plants or mixtures of leaves and plants.

GRADES

§ 51.521 *U. S. No. 1.* U. S. No. 1 consists of collard greens or broccoli greens, of similar varietal characteristics which are fresh, fairly tender, fairly clean, well trimmed, and of characteristic color for the variety or type; which are free from decay and free from damage caused by course stalks and seedstems, discoloration, freezing, foreign material, disease, insects or mechanical or other means.

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by weight, of the units in any lot, may fail to meet the requirements of the grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for serious damage by any cause, and including therein not more than 2 percent for decay. (See § 51.524.)

UNCLASSIFIED

§ 51.522 *Unclassified.* Unclassified consists of collard greens or broccoli greens which have not been classified in accordance with the foregoing grade. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.523 *Application of tolerances.* The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified:

(a) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified.

(b) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified: *Provided*, That at least one specimen which does not meet the requirements may be permitted in any container.

§ 51.524 *Basis for calculating percentages.* Percentages shall be calculated on the basis of weight or an equivalent basis. In sorting or grading the sample, the unit shall be the plant, the leaf, or a portion of the leaf or plant exactly as it occurs in the sample. A plant or portion of plant shall not be broken to remove the defective portion, but shall be considered as a unit.

DEFINITIONS

§ 51.525 *Similar varietal characteristics.* "Similar varietal characteristics" means that the collard greens or broccoli greens shall be of the same general color and character of growth. No mixture of varieties or types shall be permitted which materially affects the appearance of the lot.

§ 51.526 *Fresh.* "Fresh" means that the greens are not more than slightly wilted.

§ 51.527 *Fairly tender.* "Fairly tender" means that the greens are not tough, or excessively fibrous.

§ 51.528 *Fairly clean.* "Fairly clean" means that the appearance of the greens is not materially affected by the presence of dirt, dust, or other foreign material.

§ 51.529 *Well trimmed.* "Well trimmed", as applied to plants, means that the main stem shall not extend more than one inch below the point of attachment of the first leaf.

§ 51.530 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual unit, or the lot as a whole. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Coarse stalks or seedstems when they are woody and tough and more than 3½ inches in length, or when they are fairly tender or tender and are more than one-third the length of the entire plant. The length of the plant shall be measured from the base of the main stem to the tip of the leaf extending the greatest distance from the base of the main stem;

(b) Discoloration when the appearance of the unit is materially affected by yellowing or any other type of discoloration; and,

(c) Mechanical damage when the unit is badly crushed, torn, or broken.

§ 51.531 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual unit, or the lot as a whole. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Insects when the unit is noticeably infested, or when it is seriously damaged by them;

(b) Discoloration when the unit is badly discolored; and,

(c) Decay.

SUBPART—UNITED STATES STANDARDS FOR CAULIFLOWER

GRADES

§ 51.540 *U. S. No. 1.* U. S. No. 1 consists of compact heads of cauliflower which are not discolored, or over-mature, and which are free from soft or wet decay and are free from damage caused by wilting, fuzziness, riciness, enlarged bracts, bruises, hollow stems, dirt or other foreign matter, disease, insects, or mechanical or other means. Unless otherwise specified, the heads shall be not less then 4 inches in diameter. Jacket leaves shall be fresh, green, and free from damage caused by disease and free from serious damage by any other cause. Unless otherwise specified, jacket leaves shall be well trimmed.

(a) In order to allow for variations, other then for size, incident to proper grading and handling, not more then a total of 10 percent, by count, of the cauliflower in any lot may fail to meet the requirements of this grade but not more than one-tenth of this amount, or 1 percent, may be affected by soft rot or wet decay affecting the curd. In addition, not more than 5 percent, by count, of the heads in any lot may be smaller than the specified minimum size.

UNCLASSIFIED

§ 51.541 *Unclassified.* Unclassified consists of cauliflower which has not been classified in accordance with the foregoing grade. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.542 *Application of tolerances.* The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(a) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

(b) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that at least one defective and two off-sized specimens may be permitted in any package.

DEFINITIONS

§ 51.543 *Compact.* "Compact" means that the flower clusters are closely united and the head feels solid.

§ 51.544 *Discolored.* "Discolored" means that the head is of some abnormal color.

§ 51.545 *Over-mature.* "Over-mature" means a stage of growth which is beyond that of a compact, properly developed head. An over-mature head usually is loose or open and ordinarily is tinged yellow.

§ 51.546 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the curd, or any disease which materially affects the appearance, or the shipping quality of the jacket leaves. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Fuzziness which gives the head a distinctly fuzzy appearance on more than one-half of the head;

(b) Riciness, when the appearance of the head is materially injured by a very abnormal rough or granular surface on the curd;

(c) Enlarged bracts, when the appearance of the head is materially injured by leaves (bracts) growing up through and extending above the curd; and

(d) Mold which causes the flesh of the curd to disintegrate or which exceeds $\frac{3}{8}$ inch in diameter in the aggregate, or any single spot of mold which exceeds $\frac{1}{8}$ inch in diameter.

§ 51.547 *Diameter.* "Diameter" means the average diameter of the head exclusive of the jacket leaves.

§ 51.548 *Serious damage.* "Serious damage" means any injury to the jacket leaves which seriously affects their appearance.

§ 51.549 *Well trimmed.* "Well trimmed" means that the jacket leaves shall be limited to the number and length necessary to protect the head. No jacket leaves are required on heads which are individually wrapped, or packed with cushions, partitions or other means which protect the head from bruising.

SUBPART—UNITED STATES STANDARDS FOR CELERY

GRADES

§ 51.560 *U. S. Extra No. 1.* U. S. Extra No. 1 shall consist of stalks of celery of similar varietal characteristics which are well developed and have good heart formation, which are clean, well trimmed, fairly compact, and are free from blackheart, brown stem, decay (except dry type crater rot), doubles, and from damage caused by crater rot, wilting, cutworms, freezing, suckers, growth cracks, hollow crown, pithy branches, seedstems, disease, insects or mechanical or other means. Unless otherwise specified, stalks shall be fairly well blanched. However, any lot of celery which meets all the requirements of this grade, except as to blanching, may be designated as "U. S. Extra No. 1 Well Blanched" or "U. S. Extra No. 1 Mixed Blanch": *Provided*, That any lot of celery which has a medium to dark green appearance shall be designated as "U. S. Extra No. 1 Green."

(a) The average midrib length of the outer whorl of branches on stalks in this grade shall be not less than 7 inches.

(b) Unless otherwise specified in connection with the grade, stalks shall be of such length as to extend from one side of the container to within 1½ inches of the opposite side when packed in accordance with the usual commercial practice. Such measurements shall not include the bulge. When stalks fail to meet such requirements, the length shall be specified in terms of even inches only, as "U. S. Extra No. 1—14 inches," or "U. S. Extra No. 1—18 inches," etc., in accordance with the facts.

(c) In order to allow for variations, other than lengths, incident to proper grading and handling, not more than 10 percent, by count, of the stalks in any lot may be below the requirements of this grade, but not more than two-fifths of this amount, or 4 percent, shall be allowed for decay: *Provided*, That not more than one-half of this decay, or 2 percent, may be in the branches or in an advanced stage in the roots. In addition, not more than 5 percent, by count, of the stalks in any lot may not meet the requirements relating to stalk length, and not more than 5 percent shall be allowed for stalks having an average midrib length shorter than that specified.

§ 51.561 *U. S. No. 1.* U. S. No. 1 shall consist of stalks of celery of similar varietal characteristics which are fairly well developed and have fairly good heart formation; which are well trimmed, which are not badly spread and are free from blackheart, decay (except dry type crater rot), and from damage caused by crater rot, brown stem, wilting, cutworms, freezing, suckers, growth cracks, hollow crown, pithy branches, seedstems, dirt, doubles, disease, insects or mechanical or other means. Unless otherwise specified, stalks shall be fairly well blanched. However, any lot of celery which meets all the requirements of this grade, except as to blanching, may be designated as "U. S. No. 1 Well Blanched," or "U. S. No. 1 Mixed Blanch:" *Provided*, That any lot of celery which has a medium to dark green appearance shall be designated as "U. S. No. 1 Green."

(a) Unless otherwise sepcified, the average midrib length of the outer whorl of branches on stalks in this grade shall be not less than 5 inches.

(b) Unless otherwise specified in connection with the grade, stalks shall be of such length as to extend from one side of the container to within 1½ inches of the opposite side when packed in accordance with the usual commercial practice. Such measurements shall not include the bulge. When stalks fail to meet such requirements, the length shall be specified in terms of even inches only, as "U. S. No. 1—14 inches" or "U. S. No. 1—18 inches," etc., in accordance with the facts.

(c) In order to allow for variations, other than lengths, incident to proper grading and handling, not more than a total of 15 percent, by count, of the stalks in any lot may be below the requirements of this grade: *Provided*, That not more than two-thirds of this amount, or 10 percent, shall be allowed for defects other than pith but not more than 4 percent shall be allowed for decay: *Provided*, That not more than one-half of this decay, or 2 percent, may be in the branches, or in an advanced stage in the roots. In addition, not more than 5 percent, by count, of the stalks in any lot may not meet the requirements relating to stalk length, and not more than 5 percent shall be allowed for stalks having an average midrib length shorter than that specified.

§ 51.562 *U. S. Combination grade.* Any lot of celery may be designated "U. S. Combination" when not less than 60 percent, by count, of the stalks in each lot meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade. Any lot of celery which meets all the requirements of this grade except as to blanching may be designated as "U. S. Combination Well Blanched" or "U. S. Combination Mixed Blanch:" *Provided*, That any lot of celery which has a medium to dark green appearance shall be designated as "U. S. Combination Green."

(a) In order to allow for variations other than lengths, incident to proper grading and handling, not more than 10 percent, by count, of the stalks in any lot may be below the requirements of U. S. No. 2 grade, but not more than two-fifths of this amount, or 4 percent, shall be allowed for decay: *Provided*, That not more than one-half of this decay, or 2 percent, may be in the branches, or in an advanced stage in the roots. In addition, not more than 5 percent, by count, of the stalks in any lot may not meet the requirements relating to stalk length and not more than 5 percent shall be allowed for stalks having an average midrib length shorter than that specified. No part of any tolerance shall be allowed to reduce, for the lot as a whole, the percentage of U. S. No. 1 required in the combination, but individual containers may have not more than 10 percent less than the percentage of U. S. No. 1 stalks required.

§ 51.563 *U. S. No. 2 grade.* U. S. No. 2 grade shall consist of stalks of celery of similar varietal characteristics which are fairly well developed, which are well trimmed and free from blackheart, decay (except dry type crater rot), and from serious damage caused by crater rot, brown stem, wilting, cutworms, freezing, suckers, growth cracks, hollow

crown, pithy branches, seedstems, dirt, doubles, disease, insects or mechanical or other means. Unless otherwise specified, stalks shall be fairly well blanched. However, any lot of celery which meets all the requirements of this grade except as to blanching may be designated as "U. S. No. 2 Well Blanched," or "U. S. No. 2 Mixed Blanch": *Provided*, That any lot of celery which has a medium to dark green appearance shall be designated as "U. S. No. 2 Green."

(a) Unless otherwise specified, the average midrib length of the outer whorl of branches on stalks in this grade shall be not less than 4 inches.

(b) Unless otherwise specified in connection with the grade, stalks shall be of such length as to extend from one side of the container to within 1½ inches of the opposite side when packed in accordance with the usual commercial practice. Such measurements shall not include the bulge. When stalks fail to meet such requirements, the length shall be specified in terms of even inches only, as "U. S. No. 2—14 inches" or "U. S. No. 2—18 inches," etc., in accordance with the facts.

(c) In order to allow for variations other than lengths, incident to proper grading and handling, not more than 10 percent, by count, of the stalks in any lot may be below the requirements of this grade, but not more than two-fifths of this amount, or 4 percent, shall be allowed for decay: *Provided*, That not more than one-half of this decay, or 2 percent, may be in the branches or in an advanced stage in the roots. In addition, not more than 5 percent, by count, of the stalks in any lot may not meet the requirements relating to stalk length and not more than 5 percent shall be allowed for stalks having an average midrib length shorter than that specified.

UNCLASSIFIED

§ 51.564 *Unclassified.* Unclassified shall consist of stalks of celery which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

COUNT

§ 51.565 *Requirements as to count.* The number of stalks in the container shall be specified by numerical count or in terms of dozens or half dozens. Variations from the number specified shall be allowed as follows: *Provided*, That the lot averages not more than 1 stalk less than the number specified.

| | |
|---|---|
| Less than 50 stalks | 3 stalk variation. |
| 50 to 70 stalks, incl | 4 stalk variation. |
| More than 70 stalks | 5 stalk variation. |

APPLICATION OF TOLERANCES

§ 51.566 *Application of tolerances.* (a) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-sized specimen may be permitted in any container.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-sized specimen may be permitted in any container.

DEFINITIONS

§ 51.567 *Stalk.* "Stalk" means an individual plant.

§ 51.568 *Similar varietal characteristics.* "Similar varietal characteristics" means that the stalks in any container have the same color and character of growth. For example, celery of Giant Pascal and Golden Self Blanching types must not be mixed.

§ 51.569 *Well developed.* "Well developed" means that the outer branches are of good width in relation to the length of midribs and type of celery.

§ 51.570 *Good heart formation.* "Good heart formation" means that the stalk has a reasonable number of stocky inner heart branches that are not longer than one-half the overall length of the stalk.

§ 51.571 *Clean.* "Clean" means that the stalk is practically free from dirt or other foreign materials. Stalks shall be permitted to have a small amount of dirt on the inside of the branches or in the heart branches which cannot be removed by good commercial methods of washing. All celery which is washed may not be sufficiently free from dirt or other foreign materials to be considered clean, while other lots which have not been washed may meet this requirement.

§ 51.572 *Well trimmed.* "Well trimmed" means that the outside coarse and damaged branches have been removed and the root or roots have been so trimmed that the remaining portion of the root or roots does not extend a distance of more than 3 inches below the point of attachment of the outer branches. The actual length of the root or roots shall not be measured but the distance through which they extend below the base of the branches shall be measured when the stalk is resting in an upright position on a solid surface.

§ 51.573 *Fairly compact.* "Fairly compact" means that the branches are fairly close together on the stalk.

§ 51.574 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Crater rot, when moist or occurring on more than 2 branches, or when aggregating more than two-thirds of a square inch on the branch or branches.

(b) Cutworms, when the worms are present, or when worm injury occurs on the heart branches, or when occurring on the midrib portion of more than two branches, or when aggregating more than two-thirds of a square inch on the midrib portion of the branch or branches.

(c) Growth cracks, when the stalk has more than two branches affected by growth cracks each of which is more than one-half inch long. Growth cracks of any length affecting not more than two branches shall be permitted.

(d) Pithy branches, when the midribs of more than two branches are pithy. Pithy branches means those which have a distinctly open texture with air spaces in the central portion.

(e) Seedstems, when the stalk has a seedstem the length of which is more than one and one-half times the greatest diameter of the stalk. The greatest diameter of the stalk shall be measured at a point 2 inches above the point of attachment of the outer branches to the root. The length of the seedstems shall be measured from the point of attachment of the outer branches at the base of the seedstem to the top of the actual seedstem, exclusive of any leaves or leaf stems attached to the top of the seedstem.

(f) Dirt, when the stalk is caked with dirt.

(g) Doubles, when not separated and the appearance is serious affected, or if separated and either of the stalks is badly curved, or when the heart branches are not fairly well protected.

§ 51.575 *Fairly well blanched.* "Fairly well blanched" means that the midrib portions of the branches on the stalks are generally of a light greenish to creamy white color.

§ 51.576 *Well blanched.* "Well blanched" means that the midrib portions of the branches on the stalks are generally of a creamy white color.

§ 51.577 *Midrib length.* "Midrib length" of a branch means the distance between the point of attachment to the root and the first node.

§ 51.578 *Length of stalk.* "Length of stalk" means the distance from where the main root is cut off to a point which represents the average length of the longest branches and leaves.

§ 51.579 *Fairly well developed.* "Fairly well developed" means that the outer branches are not spindly or abnormally short and thin.

§ 51.580 *Fairly good heart formation.* "Fairly good heart formation" means that the inner heart branches are of reasonable number, length, and stockiness.

§ 51.581 *Serious damage.* "Serious damage" means any injury or defect which severely affects the appearance, or the edible or shipping quality. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Crater rot, when moist or occurring on more than 3 branches, or when aggregating more than one square inch on the branch or branches.

(b) Cutworms, when the worms are present, or when worm injury occurs on the heart branches, or when occurring on the midrib portion of more than three branches, or when aggregating more than one square inch on the midrib portion of the branch or branches.

(c) Growth cracks, when the stalk has more than four branches affected by growth cracks each of which is more than ½ inch long.

(d) Pithy branches, when the midribs of more than four branches are pithy, or when the midribs of more than one-half of the outer branches (other than heart branches) are pithy. Pithy branches means those which have a distinctly open texture with air spaces in the central portion.

(e) Seedstems, when the stalk has a seedstem the length of which is more than 3 times the greatest diameter of the stalk. The greatest diameter of the stalk shall be measured at a point 2 inches above the point of attachment of the outer branches to the root. The length of the seedstem shall be measured from the point of attachment of the outer branches at the base of the seedstem to the top of the actual seedstem, exclusive of any leaves or leafstems attached to the top of the seedstem.

(f) Dirt, when the stalk is badly caked with dirt.

(g) Doubles, when the heart branches are not fairly well protected.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR CELERY STALKS

GENERAL

§ 51.595 *General.* These standards do not apply to celery hearts.

GRADES

§ 51.596 *U. S. Grade AA.* U. S. Grade AA shall consist of stalks of celery of similar varietal characteristics, which are well developed, and have good heart formation; which are clean, well trimmed, fairly compact, and are free from blackheart, brown stem, decay (except dry type crater rot), doubles, and from damage caused by crater rot, wilting, cutworms, freezing, suckers, growth cracks, hollow crown, pithy branches, seedstems, rust, cracked stem, other diseases, insects or mechanical or other means.

(a) The average midrib length of the outer whorl of branches on stalks in this grade shall be not less than 7 inches. (See §§ 51.599 and 51.600.)

(b) Incident to proper grading and handling other than for average midrib length of branches not more than 5 percent, by count, of the stalks in any lot may fail to meet the requirements of the grade including not more than 1 percent for stalks affected by moist type decay. In addition, not more than 3 percent, by count, of the stalks in any lot may fail to meet the requirements as to average midrib length of the stalks.

§ 51.597 *U. S. Grade A.* U. S. Grade A shall consist of stalks of celery of similar varietal characteristics which are fairly well developed and have fairly good heart formation; which are clean, well trimmed, and not badly spread, and which are free from blackheart, decay (except dry type crater rot), doubles, and from damage caused by crater rot, brown stem, wilting, cutworms, freezing, suckers, growth cracks, hollow crown, pithy branches, seedstems, rust, cracked stem, other diseases, insects, or mechanical or other means.

(a) The average midrib length of the outer whorl of branches on stalks in this grade shall be not less than 5 inches. (See §§ 51.599 and 51.600.)

(b) Incident to proper grading and handling other than for average midrib length of branches, not more than 5 percent, by count, of the stalks in any lot may fail to meet the requirements of the grade including not more than 1 percent for stalks affected by moist type decay. In addition not more than 3 percent, by count, of the stalks in any lot may fail to meet the requirements as to average midrib length of the stalks.

§ 51.598 *U. S. Grade B.* U. S. Grade B shall consist of stalks of celery of similar varietal characteristics which are fairly well developed, which are clean, well trimmed and free from blackheart, decay (except dry type crater rot), doubles, and from serious damage caused by crater rot, brown stem, wilting, cutworms, freezing, suckers, growth cracks, hollow crown, pithy branches, seedstems, rust, cracked stem, other diseases, insects, or mechanical or other means.

(a) The average midrib length of the outer whorl of branches on stalks in this grade shall be not less than 4 inches. (See §§ 51.599 and 51.600.)

(b) Incident to proper grading and handling other than for average midrib length of branches, not more than 5 percent, by count, of the stalks in any lot may fail to meet the requirements of this grade including not more than 1 percent for stalks affected by moist type decay. In addition not more than 3 percent, by count, of the stalks in any lot may fail to meet the requirements as to average midrib length of the stalks.

BLANCHING; LENGTH OF STALKS

§ 51.599 *Blanching.* There are no requirements in the grades as to blanching. However, celery stalks may be classed as "green" when they have a medium to dark green appearance, fairly "well blanched" when the midrib portions of the branches on the stalks are generally of a light greenish to creamy white color, or "well blanched" when the midrib portions of the branches on the stalks are generally of a creamy white color. Not more than 5 percent of the stalks in any lot may fail to meet the requirements of any of the above classes.

§ 51.600 *Length of stalks.* There are no requirements in the grades as to stalk length. However, when the stalk length is specified it shall be determined by measuring the distance from where the main root is cut off, to a point which represents the average length of the longest branches and leaves expressed in terms of the nearest whole inch. Incident to proper sizing, not more than 5 percent, by count, of the stalks in any lot may fail to meet any specified stalk length.

OFF-GRADE

§ 51.601 *Off-Grade celery.* Celery stalks which fail to meet the requirements of any of the foregoing grades shall be Off-Grade celery stalks.

DEFINITIONS

§ 51.602 *Stalk.* "Stalk" means an individual plant.

§ 51.603 *Similar varietal characteristics.* "Similar varietal characteristics" means that the stalks in any container have the same character of growth. For example, celery of Giant Pascal and Golden Self Blanching types must not be mixed.

§ 51.604 *Well developed.* "Well developed" means that the outer branches are of good width in relation to the length of midribs and type of celery.

§ 51.605 *Good heart formation.* "Good heart formation" means that the stalk has a reasonable number of stocky inner heart branches for its size.

§ 51.606 *Clean.* "Clean" means that the stalk is practically free from dirt or other foreign materials. Stalks shall be permitted to have a small amount of dirt on the inside of the branches or in the heart branches which cannot be removed by good commercial methods of washing.

§ 51.607 *Well trimmed.* "Well trimmed" means that the outside coarse and damaged branches have been removed and that the root or roots have been neatly trimmed to a reasonable length for the size of the stalk.

§ 51.608 *Fairly compact.* "Fairly compact" means that the branches are fairly close together on the stalk.

§ 51.609 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or edible or shipping quality. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(a) Crater rot, when moist, or when occurring on more than 2 branches, or when aggregating more than two-thirds of a square inch on the branch or branches.

(b) Cutworms, when the worms are present, or when worm injury occurs on the heart branches, or when occurring on the midrib portion of more than two branches, or when aggregating more than one-half of a square inch on the midrib portion of the branch or branches.

(c) Growth cracks, when the stalk has more than one branch affected by growth cracks any of which are more than one-half inch long.

(d) Pithy branches, when the midribs of more than one branch are pithy. Pithy branches means those which have a distinctly open texture with air spaces in the central portion.

(e) Seedstems, when the stalk has a seedstem the length of which is more than one and one-half times the greatest diameter of the stalk. The greatest diameter of the stalk shall be measured at a point two inches above the point of attachment of the outer branches to the root. The length of the seedstem shall be measured from the point of attachment of the outer branches at the base of the seedstem to the top of the actual seedstem, exclusive of any leaves or leaf stems attached to the top of the seedstem.

(f) Rust, when there are more than five hair-like lines of any length on one or more heart branches, or when there is more than one square inch in the aggregate on branches other than heart branches.

(g) Cracked stem, when there is more than one-half of a square inch in the aggregate on any or all branches.

§ 51.610 *Midrib length.* "Midrib length" of a branch means the distance between the point of attachment to the root and the first node.

§ 51.611 *Fairly well developed.* "Fairly well developed" means that the outer branches are not spindly or abnormally short and thin.

§ 51.612 *Fairly good heart formation.* "Fairly good heart formation" means that the stalk has a moderate number of fairly stocky inner heart branches for its size.

§ 51.613 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or edible or shipping quality. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Crater rot, when moist, or when occurring on more than three branches, or when aggregating more than one square inch on the branch or branches.

(b) Cutworms, when the worms are present, or when worm injury occurs on the heart branches, or when occurring on the midrib portion of more than three branches, or when aggregating more than one square inch on the midrib portion of the branch or branches.

(c) Growth cracks, when the stalk has more than two branches affected by growth cracks any of which are more than one-half inch long.

(d) Pithy branches, when the midribs of more than two branches are pithy. Pithy branches means those which have a distinctly open texture with air spaces in the central portion.

(e) Seedstems, when the stalk has a seedstem the length of which is more than three times the greatest diameter of the stalk. The greatest diameter of the stalk shall be measured at a point two inches above the point of attachment of the outer branches to the root. The length of the seedstem shall be measured from the point of attachment of the outer branches at the base of the seedstem to the top of the actual seedstem, exclusive of any leaves or leafstems attached to the top of the seedstem.

(f) Rust, when there are more than fifteen hair-like lines of any length on one or more heart branches, or when there are more than one and one-half square inches in the aggregate on branches other than heart branches.

(g) Cracked stem, when there is more than one square inch in the aggregate on any or all branches.

## SUBPART—UNITED STATES STANDARDS FOR GRAPEFRUIT

### GENERAL

§ 51.620 *General.* These standards do not apply to Florida, or to California and Arizona grapefruit for which separate United States Standards are issued.

### GRADES

§ 51.621 *U. S. Fancy.* U. S. Fancy shall consist of grapefruit of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture; free from ammoniation, bird pecks, bruises, buckskin, cuts which are not healed, decay, growth cracks, scab, sprayburn, and from injury by green spots or oil spots, pitting, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, disease, insects, or mechanical or other means.

In this grade not more than one-tenth of the surface in the aggregate may be affected with discoloration. (See § 51.634.)

§ 51.622 *U. S. No. 1.* U. S. No. 1 shall consist of grapefruit of similar varietal characteristics which are fairly well colored, firm, fairly well formed, mature, and of fairly smooth texture; free from bruises, cuts which are not healed, decay, growth cracks, sprayburn, and from damage caused by ammoniation, bird pecks, buckskin, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprouting, sunburn, thorn scratches, disease, insects or mechanical or other means.

In this grade not more than one-half of the surface in the aggregate, may be affected with discoloration. (See § 51.635.)

§ 51.623 *U. S. No. 1 Bright.* The requirements for this grade are the same as for U. S. No. 1 except that no fruit may have more than one-tenth of its surface in the aggregate affected with discoloration. (See § 51.635.)

§ 51.624 *U. S. No. 1 Golden.* The requirements for this grade are the same as for U. S. No. 1 except that not more than 30 percent, by count, of the fruits shall have in excess of one-third of the surface in the aggregate affected with discoloration. (See § 51.636.)

§ 51.625 *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except that more than 30 percent but not more than 75 percent, by count, of the fruits shall have in excess of one-third of the surface in the aggregate affected with discoloration: *Provided*, That when the predominating discoloration on each of 75 percent or more, by count, of the fruits is caused by rust mite, all fruits may have in excess of one-third of the surface affected with discoloration. (See § 51.636.)

§ 51.626 *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except that more than 75 percent, by count, of the fruits shall have in excess of one-third of the surface in the aggregate affected with discoloration. (See § 51.637.)

§ 51.627 *U. S. No. 2.* U. S. No. 2 shall consist of grapefruit of similar varietal characteristics, which are mature, fairly firm, not more than slightly misshapen or slightly rough, and which are free from bruises, cuts which are not healed, decay, growth cracks, and are free from serious damage caused by ammoniation, bird pecks, buckskin, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprayburn, sprouting, sunburn, thorn scratches, disease, insects, mechanical or other means.

(a) Each grapefruit may be only slightly colored.

(b) Not more than two-thirds of the surface in the aggregate, may be affected with discoloration. (See § 51.638.)

§ 51.628 *U. S. No. 2 Bright.* The requirements for this grade are the same as for U. S. No. 2 except that no fruit may have more than one-tenth of its surface in the aggregate affected with discoloration. (See § 51.635.)

§ 51.629 *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of two-thirds of the surface in the aggregate affected with discoloration. (See § 51.639.)

§ 51.630 *U. S. Combination grade.* Any lot of grapefruit may be designated "U. S. Combination" when not less than 40 percent, by count, of the fruits in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade. (See § 51.640.)

§ 51.631 *U. S. Combination Russet grade.* Any lot of grapefruit may be designated "U. S. Combination Russet" when not less than 40 percent, by count, of the fruits in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade except that in this combination grade each fruit shall have in excess of one-third of the surface in the aggregate affected with discoloration. (See § 51.641.)

### UNCLASSIFIED

§ 51.632 *Unclassified.* "Unclassified" shall consist of grapefruit which has not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

### TOLERANCES

§ 51.633 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.634 to 51.641 are provided as specified.

§ 51.634 *U. S. Fancy.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.635 *U. S. No. 1, U. S. No. 1 Bright, U. S. No. 2 Bright grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.



§ 51.636 *U. S. No. 1 Golden and U. S. No. 1 Bronze grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of the surface in the aggregate affected with discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.637 *U. S. No. 1 Russet.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of the surface in the aggregate affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.638 *U. S. No. 2.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.639 *U. S. No. 2 Russet.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of two-thirds of the surface in the aggregate affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.640 *U. S. Combination grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may have less than one-third discoloration. No part of any tolerance shall be allowed to reduce, for the lot as a whole, the percentage of U. S. No. 1 except for discoloration required in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 except for discoloration required or specified: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

### APPLICATION OF TOLERANCES

§ 51.642 *Application of tolerances to individual packages.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(b) For packages which contain more than 25 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 25 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(c) For packages which contain 25 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one grapefruit which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package and in addition, en route or at destination not more than 10 percent of the packages may have more than one decayed fruit.

### STANDARD PACK

§ 51.643 *Standard pack for grapefruit.* (a) Fruits shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) When packed in standard nailed boxes, each container shall show a minimum bulge of 2 inches, except that boxes packed with grapefruit of a size 80 or smaller need only show a bulge of 1½ inches.

(d) "Fairly uniform in size" means that not more than a total of 10 percent, by count, of the fruits in any container is outside the range given below for various packs:

[Diameter in inches]

| Pack | Minimum | Maximum |
|---|---|---|
| 36's | 5 | 5 9/16 |
| 46's | 4 11/16 | 5 4/16 |
| 54's | 4 9/16 | 4 13/16 |
| 64's | 4 4/16 | 4 12/16 |
| 70's | 3 15/16 | 4 5/16 |
| 80's | 3 15/16 | 4 5/16 |
| 96's | 3 8/16 | 4 3/16 |
| 112's | 3 7/16 | 4 |
| 126's | 3 5/16 | 3 15/16 |

(e) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

64 size and smaller—not more than 6/16 inch in diameter.

54 size and larger—not more than 9/16 inch in diameter.

(f) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may not meet the requirements of standard pack.

DEFINITIONS

§ 51.644 *Similar varietal characteristics.* "Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.645 *Well colored.* "Well colored" means that the fruit is yellow in color with practically no trace of green color.

§ 51.646 *Firm.* "Firm" means that the fruit is not soft, or noticeably wilted or flabby, and the skin is not spongy or puffy.

§ 51.647 *Well formed.* "Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.648 *Smooth texture.* "Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.649 *Injury.* "Injury" means any defect or blemish which more than slightly affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as injury.

(a) Green spots or oil spots, when appreciably affecting the appearance of the individual fruit.

(b) Scale, when more than a few adjacent to the "button" at stem end, or when more than 6 scattered on the other portions of the fruit.

(c) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade.

(d) Thorn scratches, when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

§ 51.650 *Discoloration.* "Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.651 *Fairly well colored.* "Fairly well colored" means that except for one inch in the aggregate of green color, the yellow color predominates over the green color on that part of the fruit which is not discolored.

§ 51.652 *Fairly well formed.* "Fairly well formed" means that the fruit may not have the shape characteristic of the variety but is not elongated or pointed, or otherwise deformed.

§ 51.653 *Fairly smooth texture.* "Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

§ 51.654 *Damage.* "Damage" means any defect or injury which materially affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(a) Ammoniation, when not occurring as light speck type similar to melanose.

(b) Dryness or mushy condition when affecting all segments more than one-fourth inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit.

(c) Green spots or oil spots, when materially affecting the appearance of the individual fruit.

(d) Scab, when it cannot be classed as discoloration, or appreciably affects shape or texture.

(e) Scale, when it materially affects the appearance of the fruit.

(f) Scars which are deep.

(g) Scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade.

(h) Scars which are not smooth.

(i) Sunburn, when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened, or hard.

(j) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused an area of more than an average of one-fourth inch in diameter of the skin to become hard, or slight scratches when light colored and concentrated and averaging more than 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

§ 51.655 *Fairly firm.* "Fairly firm" means that the fruit may be slightly soft, but not bruised, and the skin is not spongy or puffy.

§ 51.656 *Slightly misshapen.* "Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed, or otherwise deformed.

§ 51.657 *Slightly rough texture.* "Slightly rough texture" means that the skin is not of smooth texture but is not excessively thick or materially ridged, grooved, or wrinkled.

§ 51.658 *Serious damage.* "Serious damage" means any defect or injury which seriously affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(a) Ammoniation, when scars are cracked, or when dark and aggregating more than three-fourths inch in diameter, or when light colored and aggregating more than 1¼ inches in diameter.

(b) Buckskin, when aggregating more than 25 percent of the fruit surface or the fruit texture is seriously affected.

(c) Dryness or mushy condition, when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit.

(d) Green spots or oil spots, when seriously affecting the appearance of the individual fruit.

(e) Scab, when it cannot be classed as discoloration, or when materially affecting shape or texture.

(f) Scale, when it seriously affects the appearance of the individual fruit.

(g) Scars which are very deep.

(h) Scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade.

(i) Scars which are not fairly smooth.

(j) Sprayburn which seriously affects the appearance of the fruit or is hard, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration.

(k) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration.

(l) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused an area of more than an average of one-half inch in diameter of the skin to become hard, or slight scratches when light colored and concentrated, averaging more than 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

§ 51.659 *Slightly colored.* "Slightly colored" means that except for two inches in the aggregate of green color, the portion of the fruit surface which it not discolored shows some yellow color.

§ 51.660 *Very serious damage.* "Very serious damage" means any defect or injury which very seriously affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as very serious damage:

(a) Growth cracks that are seriously weakened, gummy or not healed.

(b) Ammoniation, when aggregating more than 2 inches in diameter, or which has caused serious cracks.

(c) Bird pecks, when not healed.

(d) Caked melanose, when more than 25 percent in the aggregate of the surface of the fruit is caked.

(e) Buckskin, when rough and aggregating more than 50 percent of the surface of the fruit.



(f) Dryness or mushy condition, when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit.

(g) Scab, when aggregating more than 25 percent of the surface of the fruit.

(h) Scale, when covering more than 20 percent of the surface of the fruit.

(i) Sprayburn, when seriously affecting more than one-third of the fruit surface.

(j) Sunburn, when seriously affecting more than one-third of the fruit surface.

(k) Thorn punctures, when not healed or the fruit is seriously weakened.

SUBPART—UNITED STATES STANDARDS FOR ORANGES

GENERAL

§ 51.680 *General.* These standards apply only to the common or sweet orange group and varieties belonging to the Mandarin Group, except tangerines. These standards do not apply to tangerines or to Florida, or to California and Arizona oranges for which separate U. S. Standards are issued.

GRADES

§ 51.681 *U. S. Fancy.* U. S. Fancy shall consist of oranges or similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture; free from ammoniation, bird pecks, bruises, buckskin, creasing, cuts which are not healed, decay, growth cracks, scabs, split navels, sprayburn, and undeveloped or sunken segments, from injury by green spots or oil spots, pitting, rough and excessively wide or protruding navels, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) In this grade not more than one-tenth of the surface, in the aggregate, may be affected with discoloration.

(b) See § 51.695.

(c) If any lot of U. S. Fancy fruit also meets the internal specifications of "U. S Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 51.682 *U. S. No. 1.* U. S. No. 1 shall consist of oranges of similar varietal characteristics which are firm, well formed, mature, and of fairly smooth texture; free from bruises, cuts which are not healed, decay, growth cracks, sprayburn, undeveloped or sunken segments, and from damage caused by ammoniation, bird pecks, buckskin, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprouting, sunburn, thorn scratches, riciness or woodiness of the flesh, disease, insects or mechanical or other means.

(a) Oranges of the early and midseason varieties shall be fairly well colored.

(b) With respect to Valencia and other late varieties, not less than 50 percent, by count, of the oranges shall be fairly well colored and the remainder reasonably well colored.

(c) In this grade not more than one-third of the surface, in the aggregate, may be affected with discoloration.

(d) See tolerances for defects (§ 51.696).

(e) If any lot of U. S. No. 1 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 51.683 *U. S. No. 1 Bright.* The requirements for this grade are the same as for U. S. No. 1 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected with discoloration.

(a) See tolerances for defects (§ 51.697).

(b) If any lot of U. S. No. 1 Bright fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 51.684 *U. S. No. 1 Golden.* The requirements for this grade are the same as for U. S. No. 1 except that not more than 30 percent, by count, of the fruit shall have in excess of one-third of the surface, in the aggregate, affected with discoloration.

(a) See tolerances for defects (§ 51.693).

(b) If any lot of U. S. No. 1 Golden fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 51.685 *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except that more than 30 percent but not more than 75 percent, by count, of the fruit shall have in excess of one-third of the surface, in the aggregate, affected with discoloration: *Provided,* That when the predominating discoloration on each of 75 percent or more, by count, of the fruit is caused by rust mite, all fruit may have in excess of one-third of the surface affected with discoloration.

(a) See tolerances for defects (§ 51.698).

(b) If any lot of U. S. No. 1 Bronze fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 51.686 *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except that more than 75 percent, by count, of the fruit shall have in excess of one-third of the surface, in the aggregate, affected with discoloration.

(a) See tolerances for defects (§ 51.699).

(b) If any lot of U. S. No. 1 Russet Fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 51.687 *U. S. No. 2.* U. S. No. 2 shall consist of oranges of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen, not more than slightly rough, and which are free from bruises, cuts which are not healed, decay, growth cracks, and are free from serious damage caused by ammoniation, bird pecks, buckskin, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprayburn, sprouting, sunburn, thorn scratches, undeveloped or sunken segments, riciness or woodiness of the flesh, disease, insects, mechanical or other means.

(a) Each orange of this grade shall be reasonably well colored.

(b) In this grade not more than one-half of the surface, in the aggregate, may be affected with discoloration.

(c) See tolerances for defects (§ 51.700).

(d) If any lot of U. S. No. 2 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 51.688 *U. S. No. 2 Bright.* The requirements for this grade are the same as for U. S. No. 2 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected with discoloration.

(a) See tolerances for defects (§ 51.697).

(b) If any lot of U. S. No. 2 Bright fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 51.689 *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 10 percent, by count, of the fruit shall have in excess of one-half of the surface, in the aggregate, affected with discoloration.

(a) See tolerances for defects (§ 51.701).

(b) If any lot of U. S. No. 2 Russet fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 51.690 *U. S. No. 3.* U. S. No. 3 shall consist of oranges of similar varietal characteristics which are mature; which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked; which are free from cuts which are not healed and from decay; and from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, creasing, dryness or mushy condition, pitting, scab, scale, split navels, sprayburn, sprouting, sunburn, thorn punctures, riciness or woodiness of the flesh, disease, insects, mechanical or other means.

(a) Each fruit may be poorly colored but not more than 25 percent of the sur-

face of each fruit may be of a solid dark green color.

(b) See tolerances for defects (§ 51.702).

(c) If any lot of U. S. No. 3 fruit also meets the internal specification of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 51.691 *U. S. Combination.* Any lot of oranges may be designated "U. S. Combination" when not less than 50 percent, by count, of the fruit in each container meets the requirements of U. S. No. 1 grade, and each of the remainder of the oranges meets the requirements of U. S. No. 2 grade, except that the fruit shall meet the following requirements for color: In this grade, the U. S. No. 1 oranges shall be fairly well colored and the U. S. No. 2 oranges shall be reasonably well colored.

(a) See tolerances for defects (§ 51.703).

(b) If any lot of U. S. Combination fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

§ 51.692 *U. S. Combination Russet.* Any lot of oranges may be designated "U. S. Combination Russet" when not less than 50 percent, by count, of the fruit in each container meets the requirements of U. S. No. 1 grade and each of the remainder of the oranges meets the requirements of the U. S. No. 2 grade: *Provided*, That all oranges in the lot shall have in excess of one-third of the surface, in the aggregate, affected with discoloration, and meet the following requirements for color: In this grade, the U. S. No. 1 oranges shall be fairly well colored and the U. S. No. 2 oranges shall be reasonably well colored.

(a) See tolerances for defects (§ 51.704).

(b) If any lot of U. S. Combination Russet fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.725–51.728.)

UNCLASSIFIED

§ 51.693 *Unclassified.* "Unclassified" shall consist of oranges which have not been classified in accordance with any of the foregoing grades. The term "Unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

TOLERANCES

§ 51.694 *Tolerances for defects.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.695 to 51.704 are provided as specified.

§ 51.695 *U. S. Fancy grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.696 *U. S. No. 1 grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 20 percent, by count, of the fruits in any lot may have discoloration in excess of one-third of the fruit surface, but not more than one-fourth of this tolerance, or 5 percent, shall be allowed for discoloration in excess of one-half of the fruit surface. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.697 *U. S. No. 1 Bright and U. S. No. 2 Bright grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.698 *U. S. No. 1 Golden and U. S. No. 1 Bronze grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay, enroute or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of the surface, in the aggregate, affected with discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.699 *U. S. No. 1 Russet grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of the surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.700 *U. S. No. 2 grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.701 *U. S. No. 2 Russet grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of the surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.702 *U. S. No. 3 grade.* Not more than 15 percent, by count, of the fruits in any lot may be below the requirements of this grade but not more than one-third of this tolerance, or 5 percent, shall be allowed for defects other than dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.703 *U. S. Combination grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of U. S. No. 1 required in the combination, but the individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 required or specified: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.704 *U. S. Combination Russet grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this tolerance, or 5 percent, shall be allowed for very serious damage other than by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may have less than one-third discoloration. No part of any tolerance shall be allowed to reduce for the lot as a whole, the percentage of U. S. No. 1 except for discoloration required in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 except for discoloration required or specified: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

APPLICATION OF TOLERANCES

§ 51.705 *Application of tolerances to individual packages.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(1) For packages which contain more than 25 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 25 pounds and a tolerance of less than 10 percent is provided individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(2) For packages which contain 25 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one orange which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package and in addition, en route or at destination not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.706 *Standard pack for oranges except Temple variety.* (a) Fruit shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) When packed in standard nailed boxes, each container shall show a minimum bulge of $1\frac{1}{4}$ inches.

(d) "Fairly uniform in size" means that not more than a total of 10 percent, by count, of the fruit in any container is outside the range given below for various packs:

[Diameter in inches]

| Pack | Minimum | Maximum |
|---|---|---|
| 96's | $3\frac{5}{16}$ | $3\frac{11}{16}$ |
| 127's or 126's | $3\frac{1}{16}$ | $3\frac{7}{16}$ |
| 150's | 3 | $3\frac{3}{16}$ |
| 175's or 176's | $2\frac{15}{16}$ | $3\frac{1}{16}$ |
| 200's | $2\frac{13}{16}$ | $3\frac{1}{16}$ |
| 216's | $2\frac{13}{16}$ | 3 |
| 252's | $2\frac{9}{16}$ | $2\frac{15}{16}$ |
| 288's or 294's | $2\frac{7}{16}$ | $2\frac{13}{16}$ |
| 324's | $2\frac{5}{16}$ | $2\frac{11}{16}$ |

(e) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

150 size and smaller—not more than $\frac{1}{16}$ inch in diameter.

126 size and larger—not more than $\frac{3}{16}$ inch in diameter.

(f) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may not meet the requirements of standard pack.

DEFINITIONS

§ 51.707 *Similar varietal characteristics.* "Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.708 *Well colored.* "Well colored" means that the fruit is yellow or orange in color with practically no trace of green color.

§ 51.709 *Firm.* "Firm" as applied to common oranges, means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin Group (Satsumas, King, Mandarin), means that the fruit is not extremely puffy, although the skin may be slightly loose.

§ 51.710 *Well formed.* "Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.711 *Smooth texture.* "Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.712 *Injury.* "Injury" means any defect or blemish which more than slightly affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as injury:

(a) Green spots or oil spots, when appreciably affecting the appearance of the individual fruit.

(b) Rough and excessively wide or protruding navels, when protruding beyond the general contour of the orange; or when flush with the general contour but with the opening so wide, considering the size of the fruit, and the navel growth so folded and ridged that it detracts noticeably from the appearance of the orange.

(c) Scale, when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on other portions of the fruit.

(d) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade.

(e) Thorn scratches, when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

§ 51.713 *Discoloration.* "Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.714 *Fairly smooth texture.* "Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

§ 51.715 *Damage.* "Damage" means any defect or injury which materially affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(a) Ammoniation, when not occurring as light speck type similar to melanose.

(b) Creasing, when causing the skin to be materially weakened.

(c) Dryness or mushy condition, when affecting all segments of common oranges more than one-fourth inch at the stem end, or all segments of varieties of the Mandarin Group more than one-eighth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit.

(d) Green spots or oil spots, when materially affecting the appearance of the individual fruit.

(e) Scab, when it cannot be classed as discoloration, or appreciably affects shape or texture.

(f) Scale, when it materially affects the appearance of the fruit.

(g) Scars which are deep.

(h) Scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade.

(i) Scars which are not smooth.

(j) Split or rough or protruding navels, when any split is unhealed, or more than three well-healed splits at the navel, or any split which is more than one-fourth inch in length, or three-cornered, star-shaped, or other irregular navels when the opening is so wide considering the size of the orange, and the navel growth so folded and ridged that it detracts materially from the appearance of the orange; or navels which flare, bulge, or protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury in the process of proper grading, or handling, or packing.

(k) Sunburn, when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened, or hard.

(l) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused an area of more than an average of one-fourth inch in diameter of the skin to become hard, or slight scratches when light colored and concentrated and averaging more than 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

(m) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.716 *Fairly well colored.* "Fairly well colored" means that except for one inch in the aggregate of green color, the yellow or orange color predominates over the green color on that part of the fruit which is not discolored.

§ 51.717 *Reasonably well colored.* "Reasonably well colored" means that the yellow or orange color predominates over the green color on at least two-thirds of the fruit surface, in the aggregate, which is not discolored.

§ 51.718 *Fairly firm.* "Fairly firm" as applied to common oranges, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin Group (Satsumas, King, Mandarin), means that the skin of the fruit is not extremely puffy or extremely loose.

§ 51.719 *Slightly misshapen.* "Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.720 *Slightly rough texture.* "Slightly rough texture" means that the skin is not of smooth texture but is not materially ridged, grooved, or wrinkled.

§ 51.721 *Serious damage.* "Serious damage" means any defect or injury which seriously affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(a) Ammoniation, when scars are cracked, or when dark and aggregating more than three-fourths inch in diameter, or when light colored and aggregating more than 1¼ inches in diameter.

(b) Buckskin, when aggregating more than 25 percent of the fruit surface, or the fruit texture is seriously affected.

(c) Creasing, when so deep or extensive that the skin is seriously weakened.

(d) Dryness or mushy condition, when affecting all segments of common oranges more than one-half inch at the stem end, or all segments of varieties of the Mandarin Group more than one-fourth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit.

(e) Green spots or oil spots, when seriously affecting the appearance of the individual fruit.

(f) Scab, when it cannot be classed as discoloration, or when materially affecting shape or texture.

(g) Scale, when it seriously affects the appearance of the individual fruit.

(h) Scars which are very deep.

(i) Scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade.

(j) Scars which are not fairly smooth.

(k) Split or rough or protruding navels, when any split is unhealed, or one well healed split at each corner of irregular navels when any one is more than one-half inch in length, or when aggregating more than 1 inch in length, or when more than four in number; or navels which protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury during the process of proper grading, or handling, or packing; or irregular navels when the opening is so wide, considering the size of the orange, and the navel growth is so badly folded and ridged that it detracts seriously from the appearance of the orange.

(l) Sprayburn which seriously affects the appearance of the fruit or is hard, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration.

(m) Sunburn, which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when more than 1¼ inches in diameter in the aggregate has a light brown discoloration.

(n) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused an area of more than an average of one-half inch in diameter of the skin to become hard, or slight scratches when light colored and concentrated, averaging more than 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

(o) Undeveloped or sunken segments, in navel oranges, when such segments are so sunken or undeveloped that they are readily noticeable.

(p) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive presuure by hand is required to extract the juice.

§ 51.722 *Misshapen.* "Misshapen" means that the fruit is decidedly elongated, pointed or flat-sided.

§ 51.723 *Slightly spongy.* "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.724 *Very serious damage.* "Very serious damage" means any defect or injury which very seriously affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as very serious damage:

(a) Growth cracks that are seriously weakened, gummy, or not healed.

(b) Ammoniation, when aggregating more than 2 inches in diameter, or which has caused serious cracks.

(c) Bird pecks, when not healed.

(d) Caked melanose, when more than 25 percent in the aggregate of the surface of the fruit is caked.

(e) Buckskin, when rough and aggregating more than 50 percent of the surface of the fruit.

(f) Creasing, when so deep or extensive that the skin is very seriously weakened.

(g) Dryness or mushy condition, when affecting all segments of common oranges more than one-half inch at the stem end, or all segments of varieties of the Mandarin Group more than one-fourth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit.

(h) Scab, when aggregating more than 25 percent of the surface of the fruit.

(i) Scale, when covering more than 20 percent of the surface of the fruit.

(j) Split navels, when not healed or the fruit is seriously weakened.

(k) Sprayburn, when seriously affecting more than one-third of the fruit surface.

(l) Sunburn, when seriously affecting more than one-third of the fruit surface.

(m) Thorn punctures, when not healed or the fruit is seriously weakened.

(n) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

STANDARDS FOR INTERNAL QUALITY OF COMMON SWEET ORANGES (CITRUS SINENSIS (L) OSBECK)

§ 51.725 *U. S. Grade AA Juice (Double A).* Any lot of oranges, the juice content of which meets the following requirements, may be designated "U. S. Grade AA Juice (Double A)":

(a) Each lot of fruit shall contain an average of not less than 5 gallons of juice per standard packed box of one and three-fifths bushels.

(b) The average juice content for any lot of fruit shall have not less than 10 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the maximum acid specified in Table I of § 51.727.



§ 51.726 *U. S. Grade A Juice.* Any lot of oranges, the juice content of which meets the following requirements, may be designated "U. S. Grade A Juice."

(a) Each lot of fruit shall contain an average of not less than four and one-half gallons of juice per standard packed box of one and three-fifths bushels.

(b) The average juice content for any lot of fruit shall have not less than 9 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the maximum acid specified in Table I of § 51.727.

§ 51.727 *Maximum anhydrous citric acid permissible for corresponding total soluble solids.* For determining the grade of juice, the maximum permissible anhydrous citric acid content in relation to corresponding total soluble solids in the fruit is set forth in the following table together with the minimum ratio of total soluble solids to anhydrous citric acid:

TABLE I

| Total soluble solids average percent | Maximum anhydrous citric acid average percent | Minimum ratio of total soluble solids to anhydrous citric acid |
|---|---|---|
| 9.0 | 0.047 | 9.50-1 |
| 9.1 | .963 | 9.45-1 |
| 9.2 | .979 | 9.40-1 |
| 9.3 | .995 | 9.35-1 |
| 9.4 | 1.011 | 9.30-1 |
| 9.5 | 1.027 | 9.25-1 |
| 9.6 | 1.043 | 9.20-1 |
| 9.7 | 1.060 | 9.15-1 |
| 9.8 | 1.077 | 9.10-1 |
| 9.9 | 1.094 | 9.05-1 |
| 10.0 | 1.111 | 9.00-1 |
| 10.1 | 1.128 | 8.95-1 |
| 10.2 | 1.146 | 8.90-1 |
| 10.3 | 1.164 | 8.85-1 |
| 10.4 | 1.182 | 8.80-1 |
| 10.5 | 1.200 | 8.75-1 |
| 10.6 | 1.218 | 8.70-1 |
| 10.7 | 1.237 | 8.65-1 |
| 10.8 | 1.256 | 8.60-1 |
| 10.9 | 1.275 | 8.55-1 |
| 11.0 | 1.294 | 8.50-1 |
| 11.1 | 1.306 | 8.50-1 |
| 11.2 | 1.318 | 8.50-1 |
| 11.3 | 1.329 | 8.50-1 |
| 11.4 | 1.341 | 8.50-1 |
| 11.5 | 1.353 | 8.50-1 |
| 11.6 | 1.365 | 8.50-1 |
| 11.7 | 1.376 | 8.50-1 |
| 11.8 | 1.388 | 8.50-1 |
| 11.9 | 1.400 | 8.50-1 |
| 12.0 | 1.412 | 8.50-1 |
| 12.1 | 1.423 | 8.50-1 |
| 12.2 | 1.435 | 8.50-1 |
| 12.3 | 1.447 | 8.50-1 |
| 12.4 | 1.459 | 8.50-1 |
| 12.5 | 1.471 | 8.50-1 |
| 12.6 | 1.482 | 8.50-1 |
| 12.7 | 1.494 | 8.50-1 |
| 12.8 | 1.506 | 8.50-1 |
| 12.9 | 1.517 | 8.50-1 |
| 13.0 | 1.529 | 8.50-1 |
| 13.1 | 1.541 | 8.50-1 |
| 13.2 | 1.553 | 8.50-1 |
| 13.3 | 1.565 | 8.50-1 |
| 13.4 | 1.576 | 8.50-1 |
| 13.5 | 1.588 | 8.50-1 |
| 13.6 | 1.600 | 8.50-1 |
| 13.7 | 1.612 | 8.50-1 |
| 13.8 | 1.624 | 8.50-1 |
| 13.9 | 1.635 | 8.50-1 |
| 14.0 | 1.647 | 8.50-1 |
| 14.1 | 1.659 | 8.50-1 |
| 14.2 | 1.671 | 8.50-1 |
| 14.3 | 1.682 | 8.50-1 |
| 14.4 | 1.694 | 8.50-1 |
| 14.5 | 1.706 | 8.50-1 |
| 14.6 | 1.718 | 8.50-1 |
| 14.7 | 1.729 | 8.50-1 |
| 14.8 | 1.741 | 8.50-1 |
| 14.9 | 1.753 | 8.50-1 |
| 15.0 | 1.765 | 8.50-1 |
| 15.1 | 1.776 | 8.50-1 |
| 15.2 | 1.788 | 8.50-1 |
| 15.3 | 1.800 | 8.50-1 |
| 15.4 | 1.812 | 8.50-1 |
| 15.5 or more | 1.824 | 8.50-1 |

§ 51.728 *Method of juice extraction.* The juice used in the determination of solids, acid, and juice content shall be extracted from representative samples as thoroughly as possible with a reamer or by hand, and shall be strained through a double thickness of gauze having 44 x 40 threads per square inch, and shall not be extracted or strained in any other manner.

SUBPART—UNITED STATES STANDARDS FOR FLORIDA GRAPEFRUIT

GRADES

§ 51.750 *U. S. Fancy.* U. S. Fancy consists of grapefruit of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture, and which are free from ammoniation, bird pecks, bruises, buckskin, cuts which are not healed, decay, growth cracks, scab, sprayburn, and free from injury caused by green spots or oil spots, pitting, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, disease, insects, or mechanical or other means.

(a) In this grade not more than one-tenth of the surface in the aggregate may be affected with discoloration. (See § 51.762.)

§ 51.751 *U. S. No. 1.* U. S. No. 1 consists of grapefruit of similar varietal characteristics which are fairly well colored, firm, well formed, mature, and of fairly smooth texture, and which are free from bruises, cuts which are not healed, buckskin or similar type of discoloration, decay, growth cracks, sprayburn, and free from damage caused by ammoniation, bird pecks, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprouting, sunburn, thorn scratches, disease, insects, or mechanical or other means.

(a) In this grade not more than one-third of the surface in the aggregate may be affected with discoloration. (See § 51.763.)

§ 51.752 *U. S. No. 1 Bright.* The requirements for this grade are the same as for U. S. No. 1 except that no fruit may have more than one-tenth of its surface in the aggregate affected with discoloration. (See § 51.763.)

§ 51.753 *U. S. No. 1 Golden.* The requirements for this grade are the same as for U. S. No. 1 except that not more than 30 percent, by count, of the fruits shall have in excess of one-third of their surface in the aggregate affected with discoloration. (See § 51.764.)

§ 51.754 *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except that more than 30 percent but not more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface in the aggregate affected with discoloration: *Provided,* That when the predominating discoloration on each of 75 percent or more, by count, of the fruits is caused by rust mite, all fruits may have in excess of one-third of their surface affected with discoloration. (See § 51.764.)

§ 51.755 *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except that more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface in the aggregate affected with discoloration. (See § 51.765.)

§ 51.756 *U. S. No. 2.* U. S. No. 2 consists of grapefruit of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen or of slightly rough texture, and which are free from bruises, cuts which are not healed, decay, growth cracks, and free from serious damage caused by ammoniation, bird pecks, buckskin, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, sprayburn, sprouting, sunburn, thorn scratches, disease, insects, mechanical or other means.

(a) Each grapefruit may be only slightly colored.

(b) Not more than one-half of the surface in the aggregate may be affected with discoloration. (See § 51.766.)

§ 51.757 *U. S. No. 2 Bright.* The requirements for this grade are the same as for U. S. No. 2 except that no fruit may have more than one-tenth of its surface in the aggregate affected with discoloration. (See § 51.763.)

§ 51.758 *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of one-half of their surface in the aggregate affected with discoloration. (See § 51.767.)

§ 51.759 *U. S. No. 3.* U. S. No. 3 consists of grapefruit of similar varietal characteristics which are mature, which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed, and from decay, and from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, dryness or mushy condition, pitting, scab, scale, sprayburn, sprouting, sunburn, thorn punctures, disease, insects, mechanical or other means. The fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See § 51.763.)

UNCLASSIFIED

§ 51.760 *Unclassified.* Unclassified consists of grapefruit which has not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

TOLERANCES

§ 51.761 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.762 to 51.763 are provided as specified.

§ 51.762 *U. S. Fancy.* Not more than 10 percent, by count, of the fruits in

any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of $2\frac{1}{2}$ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.763 *U. S. No. 1, U. S. No. 1 Bright, and U. S. No. 2 Bright grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of $2\frac{1}{2}$ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.764 *U. S. No. 1 Golden and U. S. No. 1 Bronze grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of $2\frac{1}{2}$ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration.

§ 51.765 *U. S. No. 1 Russet.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of $2\frac{1}{2}$ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of their surface in the aggregate affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.766 *U. S. No. 2.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade other than for discoloration but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of $2\frac{1}{2}$ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-half of their surface in the aggregate affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.767 *U. S. No. 2 Russet.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of $2\frac{1}{2}$ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-half of their surface in the aggregate affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.768 *U. S. No. 3 grade.* Not more than 15 percent, by count, of the fruit in any container may be below the requirements of this grade but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of $2\frac{1}{2}$ percent or a total of not more than 3 percent shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

APPLICATION OF TOLERANCES

§ 51.769 *Application of tolerances to individual packages.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one grapefruit which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package and in addition en route or at destination not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.770 *Standard pack for grapefruit.* (a) Fruits shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) When packed in standard nailed boxes, each container shall show a minimum bulge of 2 inches, except that boxes packed with grapefruit of a size 80 or smaller need only show a bulge of $1\frac{1}{2}$ inches.

(d) "Fairly uniform in size" means that not more than a total of 10 percent, by count, of the fruits in any container is outside the range of diameters given in the following table for various packs:

TABLE I

[Diameter in inches]

| Pack | Minimum | Maximum |
|---|---|---|
| 36's | 5 | [illegible] |
| 42's or 46's | 4 11/16 | [illegible] |
| 54's or 56's | 4 3/8 | [illegible] |
| 64's | 4 1/16 | [illegible] |
| 70's or 72's | 3 15/16 | 4 |
| 80's | 3 13/16 | 3 15/16 |
| 96's | 3 5/8 | 3 11/16 |
| 112's | 3 5/16 | 3 3/8 |
| 125's or 126's | 3 1/16 | 3 1/8 |

(e) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

64 size and smaller—not more than $\frac{1}{8}$ inch in diameter.

54 size and larger—not more than $\frac{3}{16}$ inch in diameter.

(f) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may not meet the requirements of standard pack.

DEFINITIONS

§ 51.771 *Similar varietal characteristics.* "Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.772 *Well colored.* "Well colored" means that the fruit is yellow in color with practically no trace of green color.



§ 51.773 *Firm.* "Firm" means that the fruit is not soft, or noticeably wilted or flabby, and the skin is not spongy or puffy.

§ 51.774 *Well formed.* "Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.775 *Mature.* "Mature" means the same as that term is set forth in section 601.16 Florida Statutes, Chapter 2492, known as the Florida Citrus Code of 1949, as amended.

§ 51.776 *Smooth texture.* "Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.777 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(a) Green spots or oil spots, when appreciably affecting appearance of the individual fruit;

(b) Scale, when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on the other portions of the fruit;

(c) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade; and,

(d) Thorn scratches, when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

§ 51.778 *Discoloration.* "Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.779 *Fairly well colored.* "Fairly well colored" means that except for one inch in the aggregate of green color, the yellow color predominates over the green color on that part of the fruit which is not discolored.

§ 51.780 *Fairly smooth texture.* "Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

§ 51.781 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Ammoniation, when not occurring as light speck type similar to melanose;

(b) Dryness or mushy condition when affecting all segments more than one-fourth inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(c) Green spots or oil spots, when materially affecting the appearance of the individual fruit;

(d) Scab, when it cannot be classed as discoloration or appreciably affects shape or texture;

(e) Scale, when occurring as a blotch and its size exceeds the area of a circle $\frac{3}{4}$ inch in diameter, or when occurring as a ring and its size exceeds the area of a circle $1\frac{1}{4}$ inches in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided*, That no scale shall be permitted which affects the appearance to a greater extent than a blotch $\frac{3}{4}$ inch in diameter or a ring $1\frac{1}{4}$ inches in diameter on a 70-size grapefruit;

(f) Scars which are not smooth, or scars which are deep, or scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(g) Sunburn, when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened, or hard; and,

(h) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

§ 51.782 *Fairly firm.* "Fairly firm" means that the fruit may be slightly soft, but not bruised, and the skin is not spongy or puffy.

§ 51.783 *Slightly misshapen.* "Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed, or otherwise deformed.

§ 51.784 *Slightly rough texture.* "Slightly rough texture" means that the skin is not of smooth texture but is not excessively thick or materially ridged, grooved, or wrinkled.

§ 51.785 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Ammoniation, when scars are cracked, or when dark and aggregating more than one-half inch in diameter, or when light colored and aggregating more than one inch in diameter;

(b) Buckskin, when affecting the appearance of the fruit to a greater extent than the amount of discoloration allowed;

(c) Dryness or mushy condition, when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(d) Green spots or oil spots, when the aggregate area exceeds the area of a circle one inch in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of green spots or oil spots and larger sizes may have greater areas: *Provided*, That the appearance of the grapefruit is not affected to a greater extent than the area permitted on a 70-size grapefruit;

(e) Scab, when it cannot be classed as discoloration, or when materially affecting shape or texture;

(f) Scale, when occurring as a blotch and its size exceeds the area of a circle one inch in diameter, or when occurring as a ring and its size exceeds the area of a circle $1\frac{1}{2}$ inches in diameter on a grapefruit of 70-size. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided*, That no scale shall be permitted which affects the appearance to a greater extent than a blotch one inch in diameter or a ring $1\frac{1}{2}$ inches in diameter on a 70-size grapefruit;

(g) Scars which are not fairly smooth, or scars which are very deep, or scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(h) Sprayburn which seriously affects the appearance of the fruit or is hard, or when more than $1\frac{1}{4}$ inches in diameter in the aggregate has a light brown discoloration;

(i) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when more than $1\frac{1}{4}$ inches in diameter in the aggregate has a light brown discoloration; and,

(j) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle $1\frac{1}{2}$ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above.

§ 51.786 *Slightly colored.* "Slightly colored" means that except for two inches in the aggregate of green color, the portion of the fruit surface which is not discolored shows some yellow color.

§ 51.787 *Misshapen.* "Misshapen" means that the fruit is decidedly elongated, pointed or flat sided.

§ 51.788 *Slightly spongy.* "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.789 *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(a) Growth cracks that are seriously weakened, gummy or not healed;

(b) Ammoniation, when aggregating more than 2 inches in diameter, or which has caused serious cracks;

(c) Bird pecks, when not healed;

(d) Caked melanose, when more than 25 percent in the aggregate of the surface of the fruit is caked;

(e) Buckskin, when rough and aggregating more than 50 percent of the surface of the fruit;

(f) Dryness or mushy condition, when affecting all segments more than one-half inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(g) Scab, when aggregating more than 25 percent of the surface of the fruit;

(h) Scale, when covering more than 20 percent of the surface of the fruit;

(i) Sprayburn, when seriously affecting more than one-third of the fruit surface;

(j) Sunburn, when seriously affecting more than one-third of the fruit surface; and,

(k) Thorn punctures, when not healed or the fruit is seriously weakened.

§ 51.790 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR HUSKED CORN ON THE COB

GRADES

§ 51.810 *U. S. Grade A.* U. S. Grade A shall consist of husked ears or portions of ears of corn on the cob of similar varietal characteristics which are well trimmed, well formed, clean, free from decay and insect injury, and free from damage caused by bruising, mechanical or other means. Cobs shall be well filled with tender, plump and milky kernels. Each ear may be clipped at one or both ends but the length of each unit, clipped or unclipped, shall be not less than 3 inches. Each clipped ear shall be properly clipped. Units on the shown face shall be reasonably representative of the size and quality of the contents of the package.

(a) Incident to proper grading and handling, not more than 10 percent, by count, of the units of corn in any lot may fail to meet the requirements of this grade, including not more than 5 percent for defects other than damage caused by bruising: *Provided*, That not more than one-fifth of this amount, or 1 percent, shall be allowed for units affected by decay.

§ 51.811 *U. S. Grade B.* U. S. Grade B shall consist of husked ears or portions of ears of corn on the cob which meet the requirements of U. S. Grade A except for the increased tolerance specified below.

(a) Incident to proper grading and handling, not more than 20 percent, by count, of the units of corn in any lot may fail to meet the requirements of this grade, including not more than 5 percent for units having insect injury and not more than 1 percent for units affected by decay.

OFF-GRADE

§ 51.812 *Off-Grade husked corn on the cob.* Husked ears or portions of ears of corn on the cob which fail to meet the requirements of the foregoing grades shall be Off-Grade husked corn on the cob.

DEFINITIONS

§ 51.813 *Similar varietal characteristics.* "Similar varietal characteristics" means that the units in any package are of similar color and character of growth. Units of white and yellow corn shall not be mixed in the same package.

§ 51.814 *Well trimmed.* "Well trimmed" means that the unit is practically free from husks and silk and that the shank does not extend more than ½ inch from the base of the cob.

§ 51.815 *Well formed.* "Well formed" means that the unit is not stunted. Nubbins shall not be considered well formed units.

§ 51.816 *Clean.* "Clean" means that the unit is practically free from dirt or other foreign material.

§ 51.817 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible, shipping or keeping quality of the unit.

§ 51.818 *Well filled.* "Well filled" means that the rows of kernels show fairly uniform development, and that the appearance of the unit is not materially affected by poorly developed rows.

§ 51.819 *Tender.* "Tender" means that the kernels break with only moderate pressure from the thumbnail.

§ 51.820 *Plump and milky.* "Plump and milky" means that the kernels are well developed but are not over-mature or shriveled.

§ 51.821 *Units.* "Units", as used in these standards, means whole ears or portions of ears of husked corn on the cob.

§ 51.822 *Properly clipped.* "Properly clipped" means that the end or ends of the ear have been neatly cut off at approximately a right angle to the longitudinal axis.

SUBPART—UNITED STATES STANDARDS FOR GREEN CORN

GRADES

§ 51.835 *U. S. No. 1.* U. S. No. 1 shall consist of ears of green corn of similar varietal characteristics which are well trimmed, well formed, and free from smut, decay and from damage caused by other disease, insects, birds, mechanical or other means. Cobs shall be well filled, with plump and milky kernels and well covered with fresh, green husks.

(a) Each ear may be clipped but unless otherwise specified, the length of each cob, clipped or unclipped, shall be not less than 5 inches. Each clipped ear shall be properly clipped.

(b) In order to allow for variations other than length of cob incident to proper grading and handling, not more than 10 percent, by count, of the ears of corn in any lot may fail to meet the requirements of this grade, including not more than 2 percent for ears affected by decay. In addition, not more than 5 percent, by count, of the ears in any lot may fail to meet the requirements as to length of cob.

§ 51.836 *U. S. Fancy.* U. S. Fancy shall consist of ears of green corn which meet the requirements of U. S. No. 1 grade, except that the ears shall be free from worms and insect injury, and the length of the cob shall be not less than 6 inches and the ears shall not be clipped.

(a) In order to allow for variations, other than length of cob, incident to proper grading and handling, not more than 10 percent, by count, of the ears of corn in any lot may fail to meet the requirements of this grade, including not more than 2 percent for ears affected by decay. In addition, not more than 5 percent, by count, of the ears in any lot may fail to meet the requirements as to length of cob.

UNCLASSIFIED

§ 51.837 *Unclassified.* Unclassified shall consist of corn which fails to meet the requirements of either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no definite grade has been applied to the lot.

COUNT

§ 51.838 *Count.* The number of ears in the container may be specified by numerical count or in terms of dozens or half dozens. Variation from the number specified shall be as follows: *Provided*, That the lot averages not more than one ear less than the number specified:

60 ears or less, 3 ear variation.
More than 60 ears, 4 ear variation.

APPLICATION OF TOLERANCES

§ 51.839 *Application of tolerances.* (a) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-sized specimen may be permitted in any container.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-sized specimen may be permitted in any container.

DEFINITIONS

§ 51.840 *Similar varietal characteristics.* "Similar varietal characteristics" means that the ears in any container are of similar color and character of growth. Ears of field and sweet corn or white and yellow corn shall not be mixed in the same container.



§ 51.841 *Well trimmed.* "Well trimmed" means that the ears are practically free from loose husks and that the shank shall be not more than 6 inches in length and not extend more than 1 inch beyond the point of attachment of the outside husk.

§ 51.842 *Well formed.* "Well formed" means that the ears are not stunted. Nubbins are not well formed ears.

§ 51.843 *Damage.* "Damage" means injury from any cause which materially affects the appearance, or the edible or shipping quality of the ear. Unclipped ears showing worm injury extending not more than one and one-half inches from the tip of the cob shall not be regarded as damaged, but worm injury affecting kernels on other parts of the cob shall be considered as damage. When ears are clipped, any worm injury remaining shall be regarded as damage.

§ 51.844 *Well filled.* "Well filled" means that the rows of kernels show fairly uniform development, and that the appearance and quality of the edible portion of the ear are not materially affected by poorly developed rows. When the ear has not been clipped, not more than one-fourth of the length of the cob may have poorly developed or missing kernels at the tip. When the ear has been clipped it shall have practically no poorly developed kernels at the tip of the cob. Missing or poorly developed kernels on other parts of the ear shall not aggregate more than one square inch on a cob 6 inches in length, and a proportionally greater area shall be permitted on a longer cob and a proportionally lesser area on a shorter cob.

§ 51.845 *Plump and milky.* "Plump and milky" means that the kernels are well developed but are not overmature or shriveled.

§ 51.846 *Fresh.* "Fresh" means that the husks are not badly wilted, dried, or turning yellow or brown.

§ 51.847 *Properly clipped.* "Properly clipped means that either the end of the cob, or the end of the cob and husk have been neatly removed at approximately a right angle to the longitudinal axis.

SUBPART—UNITED STATES STANDARDS FOR BERRIES FOR PROCESSING [1]

GRADES

§ 51.860 *U. S. No. 1.* U. S. No. 1 shall consist of berries of similar varietal characteristics which are free from caps (calyxes), mold or decay, and from dried, undeveloped and distinctly immature berries and from damage caused by overmaturity, crushing, shriveling, dirt, or other foreign matter, hail, sunscald, moisture, birds, disease, insects, mechanical or other means. At least 85 percent, by weight, of the berries in the lot shall be well colored. (See § 51.863.)

(a) In order to allow for variations incident to proper handling, not more than 10 percent, by weight, of the berries in any lot may fail to meet the requirements of this grade, including not more than 3 percent for distinctly immature berries. No part of any tolerance shall be allowed to reduce the percentage of well colored berries required in the grade, and no part of any tolerance shall be allowed for berries infested with worms.

§ 51.861 *U. S. No. 2.* U. S. No. 2 shall consist of berries which meet the requirements for U. S. No. 1 grade except for color and except for the increased tolerance for defects specified below. At least 75 percent, by weight, of the berries in the lot shall be well colored. (See § 51.863.)

(a) In order to allow for variations incident to proper handling, not more than 20 percent, by weight, of the berries in any lot may fail to meet the requirements of this grade, including not more than 5 percent for distinctly immature berries. No part of any tolerance shall be allowed to reduce the percentage of well colored berries required in the grade, and no part of any tolerance shall be allowed for berries infested with worms.

UNCLASSIFIED

§ 51.862 *Unclassified.* Unclassified shall consist of berries which fail to meet the requirements of either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

SIZE

§ 51.863 *Size.* In view of the size variations in different producing sections and size variations of different types and varieties of berries, no size requirements are specified in these standards. However, the size may be specified in terms of minimum diameter or length.

(a) In order to allow for variations incident to proper sizing, not more than 5 percent, by weight, of the berries in any lot may fail to meet the size specified.

DEFINITIONS

§ 51.864 *Dried.* "Dried" means appreciably lacking in juice. Dried berries are excessively seedy and often shriveled.

§ 51.865 *Undeveloped.* "Undeveloped" means lack of development, due to frost or insect injury, lack of pollination or other means, which causes the berry to be dwarfed or badly misshapen.

§ 51.866 *Distinctly immature.* "Distinctly immature" means that the berries are light red, whitish, or green in the case of types or varieties which are characteristically blue or black when well ripened; and that the berries are whitish or green in the case of types or varieties which are characteristically red when well ripened.

§ 51.867 *Damage.* "Damage" means any injury or defect which materially affects the berries for processing purposes. The following shall be considered as damage:

(a) Overmaturity, when the druplets of the berry have lost their luster and are excessively soft. Such berries usually disintegrate when washed under pressure.

(b) Crushing, when more than one-fourth of the druplets of the berry have been crushed.

(c) Shriveling, when the berry is materially shriveled as evidenced by drying or undevelopment of more than one-fourth of the druplets of the berry.

(d) Dirt, when it cannot be removed from the berry in the ordinary washing process.

§ 51.868 *Well colored.* "Well colored" means that the berry has the color characteristic for a well ripened berry of the type or variety.

§ 51.869 *Diameter.* "Diameter" means the greatest dimension of the berry measured at right angles to a line running from the stem end to the blossom end.

SUBPART—UNITED STATES STANDARDS FOR TABLE GRAPES (EUROPEAN OR VINIFERA TYPE)

GRADES

§ 51.880 *U. S. Fancy Table Grapes.* U. S. Fancy Table Grapes consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are well matured, fairly uniform in appearance and well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, sunburn and Almeria Spot, and shall be free from damage caused by scarring, discoloration, heat, mildew, other diseases, freezing, insects, or mechanical or other means.

(a) *Bunches.* The bunches shall be fairly well filled but not excessively tight. They shall also be free from injury caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and they shall weigh not less than one-half pound.

(b) *Stems.* The stems shall be well developed and strong, shall not be dry and brittle and shall be free from mold and free from damage caused by mildew or freezing. The Almeria variety shall have stems which are mature. The Emperor variety shall have stems which are mature and distinctly yellowish-green or yellow at time of packing.

(c) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of shot berries and dried berries, on each bunch shall have a minimum diameter as indicated for varieties as follows:

Ribier and Cardinal, $^{12}/_{16}$ of an inch.
Tokay, $^{11}/_{16}$ of an inch.
Almeria, $^{9}/_{16}$ of an inch.
Thompson Seedless and Black Monukka, $^{7}/_{16}$ of an inch.
Other varieties, $^{10}/_{16}$ of an inch.

(d) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 5 percent for bunches which fail to meet the requirements for minimum diameter of berries;

(2) 5 percent for bunches which weigh less than one-half pound;

[1] These standards apply to berries of the genus Rubus, such as blackberries, dewberries, Boysenberries, Loganberries, Youngberries and similar types of berries, but not raspberries.

(3) 10 percent for bunches which fail to meet the color requirements;

(4) 5 percent for bunches of the Almeria and Emperor varieties which fail to meet the requirements for maturity of stems and color of stems;

(5) 5 percent for bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity and uniformity of appearance, including not more than 3 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided*, That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(6) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

§ 51.881 *U. S. Extra No. 1 Table Grapes.* U. S. Extra No. 1 Table Grapes consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are mature, fairly uniform in appearance and fairly well colored, except that grapes of the red varieties shall be reasonably well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, sunburn and Almeria Spot, and free from damage caused by scarring, discoloration, heat, mildew, other diseases, freezing, insects or mechanical or other means.

(a) *Bunches.* The bunches shall be fairly well filled but not excessively tight. They shall also be free from damage caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and they shall weigh not less than one-fourth pound.

(b) *Stems.* The stems shall be well developed and strong, shall not be dry and brittle and shall be free from mold and free from damage caused by mildew or freezing. The Almeria variety shall have not less than 50 percent of the bunches with stems which are mature. The Emperor variety shall have not less than 50 percent of the bunches with stems which are mature and distinctly yellowish-green or yellow at time of packing.

(c) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of shot berries and dried berries, on each bunch shall have a minimum diameter as indicated for varieties as follows:

Ribier and Cardinal, 12/16 of an inch.
Tokay, 11/16 of an inch.
Almeria, 9/16 of an inch.
Thompson Seedless and Black Monukka, 7/16 of an inch.
Other varieties, 10/16 of an inch.

(d) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 5 percent for bunches which fail to meet the requirements for minimum diameter of berries;

(2) 10 percent for bunches which fail to meet the color requirements;

(3) For the Almeria and Emperor varieties, individual containers may have not more than a total of 10 percent less than the required percentage of bunches which meet the requirements for maturity of stems and color of stems: *Provided*, That the entire lot averages within the required percentage.

(4) 8 percent for bunches which weigh less than one-fourth pound and bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity and uniformity of appearance, including not more than 5 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided*, That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(5) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

§ 51.882 *U. S. No. 1 Table Grapes.* U. S. No. 1 Table Grapes consists of bunches of well developed grapes of one variety (except when designated as assorted varieties) which are mature and fairly well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, sunburn and Almeria Spot, and free from damage caused by scarring, discoloration, heat, mildew, other diseases, freezing, insects or mechanical or other means.

(a) *Bunches.* The bunches shall not be straggly. They shall be free from damage caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and they shall weight not less than one-fourth pound.

(b) *Stems.* The stems shall not be weak or dry and brittle and shall be free from mold and free from damage caused by mildew or freezing.

(c) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 10 percent for bunches which fail to meet the color requirements;

(2) 10 percent for bunches which weigh less than one-fourth pound and bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity, including not more than 5 percent for shattered berries and including not more than 2 percent for berries which are seriously damaged: *Provided*, That not more than one-fourth of the latter amount, or one-half of 1 percent, may be permitted for berries affected by decay.

(3) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

UNCLASSIFIED

§ 51.883 *Unclassified.* Unclassified consists of grapes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no definite grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.884 *Application of tolerances to individual packages.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified.

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that for shattered berries and wet berries not more than one-tenth of the packages may contain more than double the tolerance specified.

DEFINITIONS

§ 51.885 *Well developed grapes.* "Well developed grapes" means grapes which are not abnormally small for the variety.

§ 51.886 *One variety.* "One variety" means that the grapes show similar varietal characteristics. However, grapes in special packs of two or more varieties, when designated as "assorted varieties," need not meet this requirement.

§ 51.887 *Well matured.* "Well matured" means that the juice from 10 percent, by weight, of whole bunches of grapes in the container, which appear to be least mature, shall test not less than 17 percent soluble solids, as determined by the Balling or Brix scale hydrometer, except that the Tokay variety shall test not less than 18 percent, the Thompson Seedless variety shall test not less than 19 percent, the Malaga and Muscat varieties shall test not less than 20 percent.

§ 51.888 *Fairly uniform in appearance.* "Fairly uniform in appearance" means that not more than one-tenth of the containers in any lot may show sufficient variation in color or size of berries to materially detract from the appearance of the contents of the individual container.

§ 51.889 *Well colored.* "Well colored" means in the case of:

(a) Black varieties that each bunch shall have not less than 95 percent, by count, of berries showing characteristic color. Purple to black shall be considered characteristic color for the varieties Malvoise, Rose of Peru, Black Prince and Black Hamburg; reddish-purple to black shall be considered characteristic color for Cornichon and Black Monukka. Ribier grape berries shall be considered as showing characteristic color when at least 60 percent of the surface is purple to black color, not reddish-purple.

(b) Red varieties that each bunch of the Tokay variety shall have not less than 60 percent, by count, and other red varieties shall have not less than 75 percent, by count, of berries which show at least 60 percent of the surface with good characteristic color: *Provided*, That the appearance of the bunch shall not be appreciably injured by very dark berries. Light or cherry red and dark red, but not light pink or very dark or purplish-red, are considered good characteristic color for the red varieties, excepting that any color ranging from light red through purple shall be considered good characteristic color for the Cardinal variety.

(c) White varieties. There are no color requirements for the white varieties.

§ 51.890 *Firm.* "Firm" means that the berry is reasonably turgid and does not yield more than slightly to moderate pressure.

§ 51.891 *Weak.* "Weak" means that the berry is relatively low in sugar content, has inferior flavor and usually is watery, translucent and somewhat soft to the touch.

§ 51.892 *Shriveled at capstems.* "Shriveled at capstems" means that the berry shows more than slight wrinkling of the skin surrounding the capstem.

§ 51.893 *Shattered.* "Shattered" means that the berry is separated from the bunch, and may or may not have the capstem attached.

§ 51.894 *Wet.* "Wet" means that the grapes are wet from moisture from crushed, leaking or decayed berries or from rain. Grapes which are moist from dew or other moisture condensation such as that resulting from removing grapes from a refrigerator car or cold storage to a warmer location shall not be considered as wet.

§ 51.895 *Decay.* "Decay" means any soft breakdown of the flesh or skin of the berry resulting from bacterial or fungus infection. Slight surface development of green mold (Cladosporium) shall not be considered decay.

§ 51.896 *Waterberry.* "Waterberry" means a watery, soft or flabby condition of the berries. Affected berries are low in sugar content, have tender skins and are easily crushed. This is an advanced or more pronounced stage of the condition referred to as "weak."

§ 51.897 *Sunburn.* "Sunburn" means injury to the berry caused by direct exposure to the sun, including "sulphur burn," occurring as a sunken, and usually discolored and dried area on the exposed surface.

§ 51.898 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual berry, the appearance of the bunch as a whole, or the shipping quality of the stems.

(a) Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage to the individual berry:

(1) Scarring such as that caused by thrip, mildew, rubs and similar injuries when materially affecting the appearance of the berry.

(2) Discoloration, when any light brown, tan or darker discoloration of the skin materially affects the appearance of the berry: *Provided*, That "sunkissed" berries of the white Malaga variety which show discoloration of amber or light brown color shall not be considered as damaged. "Buckskin" berries of the Tokay variety, and similar injury to other varieties, shall be considered as damaged by discoloration.

(3) Heat, when the flesh of the berry is affected.

(4) Almeria Spot, when any spot is distinctly sunken or dark in color.

(5) Mildew, when active powdery mildew is present.

(6) Freezing, when the berry is frozen or when the flesh of the berry is affected by freezing.

(7) Insects, when any insect is present or there is visible evidence of insect injury; when mealybug residue or aphis honeydew are present; or when the appearance is materially affected by the presence of leafhopper residue.

(b) The following shall be considered as damage to stems:

(1) Mildew, when active powdery mildew is present on the stems, or when scars caused by this disease constrict or weaken any part of the main or lateral stems.

(2) Freezing, when the stems are frozen or the capstems are swollen or dried, or when the main or lateral stems are watersoaked and limp, or dried, as a result of freezing.

§ 51.899 *Fairly well filled.* "Fairly well filled" means that the berries are reasonably closely spaced on main and lateral stems and that the bunch is not very loose or stringy.

§ 51.900 *Excessively tight.* "Excessively tight" means that the berries are so closely wedged together that, when the stem is fresh, the bunch is solid and the appearance is materially affected by berries on the lower portions being distinctly distorted from normal shape.

§ 51.901 *Injury to the bunch.* "Injury to the bunch" means any defect which more than slightly affects the appearance of the bunch.

§ 51.902 *Shot berries.* "Shot berries" means very small berries resulting from insufficient pollination, usually seedless in those varieties which normally develop seeds. These berries may be entirely green and hard and are designated as "immature shot berries." They may mature and color uniformly with the normal berries on the bunch and are then designated as "mature shot berries."

§ 51.903 *Dried berries.* "Dried berries" means berries which are dry and shriveled to the extent that practically no moisture is present.

§ 51.904 *Well developed and strong.* "Well developed and strong" means that the main and lateral stems are firm, fibrous, and pliable; not distinctly immature or spindly or threadlike at time of packing.

§ 51.905 *Diameter.* "Diameter" means the greatest dimension of the berry taken at right angles to a line running from the stem to the blossom end.

§ 51.906 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the grapes and includes berries which are split, crushed, wet, affected by decay or waterberry, or damaged by heat or freezing, except that raisining grapes that are cracked or split, and grapes which show healed cracks at the blossom end, shall not be considered as seriously damaged.

§ 51.907 *Mature.* "Mature" means that the juice from 10 percent, by weight, of whole bunches of grapes in the container, which appear to be least mature, shall test not less than 17 percent soluble solids, as determined by the Balling or Brix scale hydrometer, except that the varieties Emperor, Gros Colman, Pierce Isabella, Olivette Blanche, Rish Baba, Red Malaga, Cardinal, Ribier, Khalili, Dizmar and varieties similar to or synonymous with the above, shall test not less than 16 percent, and except that Muscat varieties shall test not less than 18 percent.

§ 51.908 *Fairly well colored.* "Fairly well colored" means in the case of:

(a) Black varieties that each bunch shall have not less than 85 percent, by count, of berries showing characteristic color, except that in the varieties Ribier, Rose of Peru, Black Prince, Black Hamburg and Black Monukka each bunch shall have not less than 75 percent, by count, of berries showing characteristic color. Purple to black shall be considered characteristic color for the varieties Malvoise, Rose of Peru, Black Prince and Black Hamburg; reddish-purple to black shall be considered characteristic color for Cornichon and Black Monukka. Ribier grape berries shall be considered as showing characteristic color when at least 60 percent of the surface is purple to black color, not reddish-purple.

(b) Red varieties that each bunch of the Tokay variety shall have not less than 45 percent, by count, and other red varieties shall have not less than 60 percent, by count, of berries which show at least 60 percent of the surface with characteristic color. Light pink, red, dark red or purple are considered characteristic color for the red varieties. (There are no color requirements for the Pink Thompson Seedless variety, Saltanina Rose.)

(c) White varieties. There are no color requirements for the white varieties.

§ 51.909 *Reasonably well colored.* "Reasonably well colored" applies to the red varieties and means that each bunch of the Tokay variety shall have not less than 55 percent, by count, and other varieties shall have not less than 60

percent, by count, of berries which show at least 60 percent of the surface light pink, red or dark red, but not very dark or purplish-red: *Provided*, That the appearance of the bunch shall not be appreciably injured by very dark berries, except that any color ranging from light pink through purple shall be permitted for the Cardinal variety.

§ 51.910 *Slightly shriveled at capstems.* "Slightly shriveled at capstems" means that the skin of the berry is definitely wrinkled adjacent to the capstem and the surface is materially sunken.

§ 51.911 *Straggly.* "Straggly" means that the berries are so widely spaced on main and lateral stems that the bunch is distinctly open or very stemmy or stringy in structure.

SUBPART—UNITED STATES STANDARDS FOR GRAPEFRUIT (CALIFORNIA AND ARIZONA)

GRADES

§ 51.925 *U. S. Fancy.* U. S. Fancy shall consist of grapefruit of similar varietal characteristics which are mature, well colored, firm, well formed, of smooth texture for the variety, and fairly thin skinned; free from decay, broken skins which are not healed, hard or dry skins, bruises (except those incident to proper handling and packing), dryness or mushy condition, and from injury caused by sprayburn, fumigation, exanthema, scars, green spots, scale, sunburn, sprouting, dirt or other foreign materials, disease, insects or mechanical or other means. Stems shall be properly clipped. (See § 51.932.)

§ 51.926 *U. S. No. 1.* U. S. No. 1 shall consist of grapefruit of similar varietal characteristics which are mature, fairly well colored, firm, well formed, of fairly smooth texture for the variety, and not excessively thick skinned; free from decay, broken skins which are not healed, hard or dry skins, bruises (except those incident to proper handling and packing), and from damage caused by dryness or mushy condition, sprayburn, fumigation, exanthema, scars, green spots, scale, sunburn, sprouting, dirt or other foreign materials, disease, insects or mechanical or other means. Stems shall be properly clipped. (See § 51.932.)

§ 51.927 *U. S. No. 2.* U. S. No. 2 shall consist of grapefruit of similar varietal characteristics which are mature, slightly colored, fairly firm, fairly well formed, and not decidedly rough; free from decay, broken skins which are not healed, hard or dry skins, and from serious damage caused by bruises, dryness or mushy condition, sprayburn, fumigation, exanthema, scars, green spots, scale, sunburn, sprouting, dirt or other foreign materials, disease, insects, or mechanical or other means. Stems shall be properly clipped. (See § 51.932.)

§ 51.928 *U. S. Combination grade.* Any lot of grapefruit may be designated "U. S. Combination" when not less than 40 percent, by count, of the fruits in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade. (See § 51.933.)

§ 51.929 *U. S. No. 3.* U. S. No. 3 shall consist of grapefruit of similar varietal characteristics which are mature, slightly spongy, misshapen, and rough but not seriously lumpy; which are free from decay, broken skins which are not healed, hard or dry skins, and from serious damage caused by bruises, dryness or mushy condition, and from very serious damage caused by sprayburn, fumigation, exanthema, scars, green spots, scale, sunburn, sprouting, dirt or other foreign materials, disease, insects or mechanical or other means. Stems shall be properly clipped. (See § 51.932.)

UNCLASSIFIED

§ 51.930 *Unclassified.* Unclassified shall consist of grapefruit which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

TOLERANCES

§ 51.931 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.932 and 51.933 are provided as specified.

§ 51.932 *U. S. Fancy, U. S. No. 1, U. S. No. 2 and U. S. No. 3 grades.* Not more than 10 percent, by count, of the fruit in any lot may fail to meet the requirements of the specified grade, other than for color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of $2\frac{1}{2}$ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition not more than 10 percent, by count, of the fruit in any lot may not meet the requirements relating to color.

§ 51.933 *U. S. Combination grade.* Not more than 10 percent, by count, of the fruit in any lot may fail to meet the requirements of this grade, other than for color, but not more than one-twentieth of this amount or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of $2\frac{1}{2}$ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. This 3 percent tolerance may be used to reduce the percentage of U. S. No. 1 grade required in the combination, provided the affected fruits meet the requirements of U. S. No. 1 grade in other respects. In addition, not more than 10 percent, by count, of the fruit in any lot may not meet the requirements of the U. S. No. 2 grade for color. No part of any tolerance, other than that for decay, shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 specified: *Provided*, That the entire lot averages within the percentage specified.

APPLICATION OF TOLERANCES

§ 51.934 *Application of tolerances to individual packages.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(1) For packages which contain more than 25 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 25 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(2) For packages which contain 25 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one grapefruit which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package and, in addition, en route or at destination not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.935 *Standard pack.* (a) Grapefruit shall be fairly uniform in size, and, when packed in boxes, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) When packed in standard packed boxes, grapefruit shall show a minimum bulge of 2 inches except that grapefruit of a size 80 or smaller need only show a bulge of $1\frac{1}{2}$ inches.

(d) "Fairly uniform in size" means that not more than 5 percent, by count, of the fruit in any container may be more than one standard size larger or smaller than the standard size for the count packed.

(e) Example of standard size grapefruit: The standard size grapefruit for a 64 count is that size grapefruit which will pack tightly 64 grapefruit of uniform size when packed according to the approved and recognized method.

(f) In order to allow for variations incident to proper packing, not more than 5 percent of the packages in any lot may not meet the requirements of standard pack.

STANDARDS FOR EXPORT

§ 51.936 *Standards for export.* (a) Not more than a total of 10 percent by count, of the grapefruit in any container may be soft, affected by decay, damaged by skin breakdown, have broken skins which are not healed, or be seriously damaged by dryness or mushy condition, except that:

(1) Not more than one-half of 1 percent shall be allowed for grapefruit affected by decay.

(2) Not more than 3 percent shall have broken skins which are not healed.

(3) Not more than 5 percent shall be soft.

(4) Not more than 5 percent shall be seriously damaged by dryness or mushy condition.

(5) Not more than 5 percent shall be damaged by skin breakdown.

(b) Any lot of grapefruit shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided*, That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the grapefruit in any container has any of the defects enumerated in the standards for export.

DEFINITIONS

§ 51.937 *Similar varietal characteristics.* "Similar varietal characteristics" means that the fruits in any container are similar in color and type.

§ 51.938 *Well colored.* "Well colored" means that the fruit is yellow in color, with not more than a trace of green.

§ 51.939 *Firm.* "Firm" means that the fruit is not soft or noticeably wilted or flabby. The skin may feel slightly springy or spongy.

§ 51.940 *Well formed.* "Well formed" means that the fruit shows the normal shape characteristic of the variety.

§ 51.941 *Smooth.* "Smooth" means that the skin is of fairly fine grain, the "pebbling" is not pronounced, and any furrows radiating from the stem end are short and shallow.

§ 51.942 *Fairly thin skinned.* "Fairly thin skinned" means that the skin thickness does not average more than three-eighths of an inch, on a central cross section, in sizes 100 or smaller, or more than seven-sixteenths of an inch in sizes larger than 100.

§ 51.943 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(a) Sprayburn which changes the color to such an extent that the appearance of the fruit is noticeably injured, or which causes scarring that aggregates more than one-half inch in diameter.

(b) Fumigation injury which noticeably detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 10 percent of the fruit surface, or as solid or depressed scarring which aggregates more than one-half of an inch in diameter.

(c) Exanthema which noticeably detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 10 percent of the fruit surface, or as solid scarring which aggregates more than one-half of an inch in diameter.

(d) Scars which are very rough or very deep; or scars which are very dark when more than one-fourth of an inch in diameter.





(e) Scars which are dark, rough, or deep and aggregate more than one-half of an inch in diameter.

(f) Scars which are fairly light in color, slightly rough, or of slight depth and aggregate more than 5 percent of the fruit surface.

(g) Scars which are light colored, fairly smooth, with no depth and aggregate more than 10 percent of the fruit surface.

(h) Green spots which are depressed or soft, or more than four in number, or which aggregate more than one inch in diameter.

(i) Scale, when more than 5 medium to large California red or purple scale are adjacent to the "button" at the stem end, or scattered over the fruit, or any scale which affects the appearance of the fruit to a greater extent.

(j) Sunburn which appreciably changes the normal color or shape of the fruit, or affects more than 10 percent of the fruit surface.

§ 51.944 *Fairly well colored.* "Fairly well colored" means that yellow color predominates on the fruit and that the fruit is free from distinctly green streaks and distinctly green blotches.

§ 51.945 *Fairly smooth.* "Fairly smooth" means that the skin does not feel noticeably rough or coarse. The size of the fruit should be considered in judging the texture, as large fruit is not usually as smooth as the small. It is common for the fruit to show larger and coarser "pebbling" on the stem end portion than on the blossom end. Slight furrows or grooves which may be present on the stem end portion of the fruit shall not be considered as slightly rough unless they are of sufficient depth, length, and number to materially affect the appearance and smoothness of the grapefruit.

§ 51.946 *Excessively thick skinned.* "Excessively thick skinned" means that the skin thickness averages more than seven-sixteenths of an inch, on a central cross section, in sizes 100 or smaller, or more than one-half of an inch in sizes larger than 100.

§ 51.947 *Damage.* "Damage" means any injury which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Dryness or mushy condition, when affecting all segments more than one-fourth of an inch at the stem end, or the equivalent of this amount by volume, when occurring in other portions of the fruit.

(b) Sprayburn which changes the color to such an extent that the appearance of the fruit is materially injured, or which causes scarring that aggregates more than three-fourths of an inch in diameter.

(c) Fumigation injury which materially detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 25 percent of the fruit surface, or as solid scarring or depressions which aggregate more than three-fourths of an inch in diameter.

(d) Exanthema which materially detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 25 percent of the fruit surface, or as solid scarring, that is not cracked, which aggregates more than three-fourths of an inch in diameter.

(e) Scars which are very deep; or scars which are very rough or very dark and aggregate more than one-half of an inch in diameter.

(f) Scars which are dark, rough or deep and aggregate more than three-fourths of an inch in diameter.

(g) Scars which are fairly light in color, slightly rough, or of slight depth and aggregate more than 10 percent of the fruit surface.

(h) Scars which are light colored, fairly smooth, with no depth and aggregate more than 15 percent of the fruit surface.

(i) Green spots which are depressed or soft, or more than seven in number, or which aggregate more than 5 percent of the fruit surface.

(j) Scale, when more than 10 medium to large California red or purple scale are adjacent to the "button" at the stem end, or scattered over the fruit, or any scale which affects the appearance of the fruit to a greater extent.

(k) Sunburn which causes appreciable flattening of the fruit, drying or darkening of the skin, or affects more than 25 percent of the fruit surface.

§ 51.948 *Slightly colored.* "Slightly colored" means that sufficient yellow color is distributed over the fruit surface and, when blended with the green color present, is equivalent to 25 percent of full yellow color characteristic of the variety.

§ 51.949 *Fairly firm.* "Fairly firm" means that the fruit may be slightly soft but is not decidedly flabby. The skin may be thick and slightly puffy.

§ 51.950 *Fairly well formed.* "Fairly well formed" means that the fruit is not materially flattened, materially pointed, extremely elongated, or otherwise decidedly deformed.

§ 51.951 *Decidedly rough.* "Decidedly rough" means that the skin is materially rough, materially lumpy, decidely folded, or decidely ridged.

§ 51.952 *Serious damage.* "Serious damage" means any injury which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Dryness or mushy condition, when affecting all segments more than one-half of an inch at the stem end, or the equivalent of this amount by volume, when occurring in other portions of the fruit.

(b) Sprayburn which changes the color to such an extent that the appearance of the fruit is seriously injured, or which causes scarring that aggregates

more than 10 percent of the fruit surface.

(c) Fumigation injury which occurs as small, thinly scattered spots over more than one-half of the fruit surface, or solid scarring or depressions which aggregate more than 5 percent of the fruit surface.

(d) Exanthema which occurs as small, thinly scattered spots over more than one-half of the fruit surface, or solid scarring that is not cracked, which aggregates more than 5 percent of the fruit surface.

(e) Scars which are very deep; or scars which are very rough or very dark and aggregate more than one inch in diameter.

(f) Scars which are dark, rough or deep and aggregate more than 5 percent of the fruit surface.

(g) Scars which are fairly light in color, slightly rough or of slight depth and aggregate more than 15 percent of the fruit surface.

(h) Scars which are light colored, fairly smooth, with no depth and aggregate more than 25 percent of the fruit surface.

(i) Green spots which are soft or aggregate more than 2 inches in diameter.

(j) Scale, when California red or purple scale is concentrated as a ring or blotch, or which is more than thinly scattered over the fruit surface, or any scale which affects the appearance of the fruit to a greater extent.

(k) Sunburn which causes decided flattening of the fruit, drying or dark discoloration of the skin, or which affects more than one-third of the fruit surface.

§ 51.953 *Slightly spongy.* "Slightly spongy" mean that the fruit is puffy or slightly wilted but not decidedly flabby.

§ 51.954 *Misshapen.* "Misshapen" means that the fruit is materially flattened, materially pointed, extremely elongated or otherwise decidedly deformed.

§ 51.955 *Very serious damage.* "Very serious damage" means any injury which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(a) Sprayburn which seriously affects more than 25 percent of the fruit surface.

(b) Fumigation injury which causes deep, rough, or dark scarring which aggregates more than 25 percent of the fruit surface.

(c) Exanthema which aggregates more than 10 percent of the fruit surface, or causes serious cracks.

(d) Scars which are very dark, very rough, or very deep and aggregate more than 10 percent of the fruit surface.

(e) Scars which are dark, rough or deep and aggregate more than 25 percent of the fruit surface.

(f) Green spots which are badly sunken or soft.

(g) Scale so numerous or large that the appearance of the fruit is very seriously affected.

(h) Sunburn which seriously affects more than one-third of the fruit surface.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR FRESH KALE

GRADES

§ 51.975 *U. S. Grade A.* U. S. Grade A shall consist of leaves or parts of leaves of kale of one type which are fresh, fairly tender, clean, well trimmed and of characteristic color for the type; which are free from decay, small pieces of leaves, and leaf stems without blades, and are free from damage caused by discoloration, seedstems, bud burn, freezing, foreign material, disease, insects or mechanical or other means. Leaves or parts of leaves of kale on the shown face shall be reasonably representative in size and quality of the contents of the container.

(a) Incident to proper grading and handling, not more than 3 percent, by weight, of the kale in any lot may be small pieces of leaves, and not more than 5 percent may fail to meet the remaining requirements of the grade, including not more than 2 percent for leaves or parts of leaves which are seriously damaged.

§ 51.976 *U. S Grade B.* U. S. Grade B shall consist of leaves or parts of leaves of kale which meet the requirements of U. S. Grade A, except that they need be only reasonably clean; and except that those with only the edges affected with bronze or slight yellowish color, but not dried, shall be permitted in this grade; and except for the increased tolerances for defects specified below:

(a) Incident to proper grading and handling, not more than 5 percent, by weight, of the kale in any lot may be small pieces of leaves, and not more than 10 percent may fail to meet the remaining requirements of the grade, including not more than 4 percent for leaves or parts of leaves which are seriously damaged.

OFF-GRADE

§ 51.977 *Off-Grade kale.* Leaves or parts of leaves of kale which fail to meet the requirements of either of the foregoing grades shall be Off-Grade kale.

DEFINITIONS

§ 51.978 *One type.* "One type" means that the kale is generally of the same color and character of growth. No mixture of types shall be permitted which materially affects the appearance of the lot.

§ 51.979 *Fresh.* "Fresh" means that the leaves or parts of leaves are not more than slightly wilted.

§ 51.980 *Fairly tender.* "Fairly tender" means that leaves and parts of leaves are not tough or excessively fibrous.

§ 51.981 *Clean.* "Clean" means that the kale does not show more than a trace of grit, sand, dirt, silt, muck or other water insoluble inorganic material.

§ 51.982 *Well trimmed.* "Well trimmed" means that the leaf stems (petioles) have been cut or broken off within ½ inch of the blade.

§ 51.983 *Small pieces of leaves.* "Small pieces of leaves" means parts of leaves which are smaller in area than a circle one inch in diameter.

§ 51.984 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible, shipping or keeping quality of the individual leaves or parts of leaves or the lot as a whole. The following defects or any combination of defects the seriousness of which exceeds the amount allowed for any one defect shall be considered as damage:

(a) Discoloration, when the appearance of the leaf or part of a leaf is materially affected.

(b) Mechanical damage, when the leaf or part of a leaf is very badly crushed, torn or broken.

§ 51.985 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the edible, shipping or keeping quality of the individual leaves or parts of leaves or the lot as a whole. The following defects or any combination of defects the seriousness of which exceeds the amount allowed for any one defect shall be considered as serious damage:

(a) Leaves or parts of leaves which are badly discolored.

(b) Leaves or parts of leaves on which worms or worm frass are present, or leaves or parts of leaves on which there is more than slight infestation by other insects.

(c) Leaves which are affected by soft rot.

(d) Weeds, grass or pieces thereof, and other extraneous matter.

§ 51.986 *Reasonably clean.* "Reasonably clean" means that the kale is reasonably free from grit, sand, dirt, silt, muck and other water insoluble inorganic material.

SUBPART—UNITED STATES STANDARDS FOR PERSIAN (TAHITI) LIMES

GRADES

§ 51.1000 *U. S. No. 1.* U. S. No. 1 consists of Persian Limes which are firm, fairly well formed, of fairly smooth texture, which are free from decay, stylar end breakdown or other internal discoloration, broken skins which are not healed, bruises (except those incident to proper handling and packing), hard or dry skins, and free from damage caused by freezing, dryness or mushy condition, sprayburn, exanthema (ammoniation), scars, thorn scratches, scale, sunburn, scab, blanching, discoloration, buckskin, dirt or other foreign material, disease, insects or mechanical or other means.

(a) The limes shall have a good green color: *Provided*, That lots of limes which meet all the requirements of this grade except as to color shall be designated as "U. S. No. 1 Turning" if the limes in each container have started to show yellow color, or as "U. S. No. 1 Mixed Color" if the limes in each container fail to meet the color requirements of either U. S. No. 1 or U. S. No. 1 Turning.



(b) The fruit shall have a juice content of not less than 42 percent, by volume.

(c) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for decay, stylar end breakdown, broken skins which are not healed, or defects causing serious damage, including not more than one-half of 1 percent for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

§ 51.1001 *U. S. No. 2.* U. S. No. 2 consists of Persian Limes which are fairly firm, which are not badly deformed, and not of excessively rough texture, which are free from decay, stylar end breakdown or other internal discoloration, broken skins which are not healed, bruises (except those incident to proper handling and packing), and hard or dry skins, and free from serious damage caused by freezing, dryness or mushy condition, sprayburn, exanthema (ammoniation), scars, thorn scratches, scale, sunburn, scab, discoloration, buckskin, dirt or other foreign material, disease, insects or mechanical or other means.

(a) The limes shall have good green color: *Provided*, That lots of limes which meet all the requirements of this grade except as to color shall be designated as "U. S. No. 2 Turning" if the limes in each container have started to show yellow color, or as "U. S. No. 2 Mixed Color" if the limes in each container fail to meet the color requirements of either U. S. No. 2 or U. S. No. 2 Turning.

(b) The fruit shall have a juice content of not less than 42 percent, by volume.

(c) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for decay, stylar end breakdown, and broken skins which are not healed, including not more than one-half of 1 percent for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

§ 51.1002 *U. S. Combination grade.* A lot of limes may be designated "U. S. Combination" when not less than 75 percent, by count, of the limes in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade.

(a) The limes shall have good green color: *Provided*, That lots of limes which meet all the requirements of this grade except as to color shall be designated as "U. S. Combination Turning" if the limes in each container have started to show yellow color, or as "U. S. Combination Mixed Color" if the limes in each container fail to meet the color requirements of either U. S. Combination or U. S. Combination Turning.

(b) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of the lower grade in the combination, but not more than one-half of this amount, or 5 percent, shall be allowed for limes affected by decay, stylar end breakdown, and broken skins which are not healed, including not more than one-half of 1 percent for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay enroute or at destination.

(c) No part of the above tolerances shall be allowed to reduce for the lot as a whole, the 75 percent of U. S. No. 1 limes required in the U. S. Combination Grade, but individual containers may have not less than 65 percent of the higher grade.

UNCLASSIFIED

§ 51.1003 *Unclassified.* Unclassified consists of Persian Limes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.1004 *Application of tolerances to individual packages.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

DEFINITIONS

§ 51.1005 *Firm.* "Firm" means that the fruit is not soft or flabby.

§ 51.1006 *Fairly well formed.* "Fairly well formed" means that the fruit shows normal characteristic shape for the Persian variety and is not materially flattened on one side.

§ 51.1007 *Fairly smooth texture.* "Fairly smooth texture" means that the fruit is comparatively free from lumpiness and that pebbling is not abnormally coarse. Coarse pebbling is not objectionable as it is indicative of good keeping quality and is characteristic of the fruit, especially that from young trees.

§ 51.1008 *Stylar end breakdown.* "Stylar end breakdown" is a physiological breakdown starting as a sunken area at the base of the nipple. A brownish discoloration develops in the rind. As it progresses the color of the affected area becomes light drab to drab but the area remains firm unless infected with secondary organisms that cause soft decay.

§ 51.1009 *Damage.* "Damage" means any defect that materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Dryness or mushy condition which extends into all segments more than one-eighth of an inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(b) Sprayburn which changes the color to such an extent that the appearance of the fruit is materially affected, or which causes scarring that in the aggregate exceeds the area of a circle one-fourth inch in diameter;

(c) Exanthema (ammoniation) which materially detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 10 percent of the fruit surface, or as solid scarring (not cracked), or depressions which in the aggregate exceed the area of a circle one-half inch in diameter;

(d) Scars which are dark, rough, or deep and in the aggregate exceed the area of a circle one-fourth inch in diameter, or scars which are fairly light in color, slightly rough, or of slight depth and in the aggregate exceed the area of a circle one-half inch in diameter, or scars which are light colored, fairly smooth, with no depth and aggregate more than 10 percent of the fruit surface;

(e) Thorn scratches, when the injury is not well healed, or when dark colored, rough or deep and in the aggregate exceeds the area of a circle one-fourth inch in diameter, or when light colored, fairly smooth and concentrated and in the aggregate exceeds the area of a circle one-half inch in diameter, or light colored and scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the aggregate area of one-half inch permitted for light colored concentrated injury;

(f) Scale, when more than ten medium to large California red or purple scale adjacent to button at stem end or scattered over the fruit, or any scale which affects the appearance of the fruit to a greater extent;

(g) Sunburn which causes appreciable flattening of the fruit, drying of the skin, material change in the color of the skin, appreciable drying of the flesh underneath the affected area or affects more than 5 percent of the fruit surface;

(h) Scab which materially affects the shape or texture;

(i) Blanching, when more than 10 percent of the surface of the fruit shows a

whitish area owing to shading, resting on the surface of the ground, or contact with other fruits on the tree. These whitish areas are not to be confused with fruit that is turning, the color of which is more of a greenish yellow;

(j) Discoloration caused by rust mite, melanose or other means, when fairly smooth and more than 10 percent of the fruit surface is affected, or when slightly rough and in the aggregate exceeds the area of a circle one-half inch in diameter; and,

(k) Buckskin, when more unsightly than the maximum of discoloration allowed, or the fruit texture is materially affected.

§ 51.1010 *Good green color.* "Good green color" means that the skin of that part of the lime free from permissible injury shall be of a good green color characteristic of the Persian variety.

§ 51.1011 *Fairly firm.* "Fairly firm" means that the fruit is not soft or excessively flabby.

§ 51.1012 *Badly deformed.* "Badly deformed" means that the fruit is seriously misshapen from any cause.

§ 51.1013 *Excessively rough texture.* "Excessively rough texture" means that the skin is badly ridged or very decidedly lumpy.

§ 51.1014 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Dryness or mushy condition which extends into all segments more than one-fourth of an inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(b) Sprayburn which changes the color to such an extent that the appearance of the fruit is seriously injured or which causes scarring that in the aggregate exceeds the area of a circle one-half inch in diameter;

(c) Exanthema (ammoniation) which occurs as small spots over more than 25 percent of the fruit surface, or as solid scarring (not cracked), or depressions which aggregate more than 10 percent of the fruit surface;

(d) Scars which are dark, rough, or deep and aggregate more than 5 percent of the fruit surface, or scars which are fairly light in color, slightly rough, or of slight depth and aggregate more than 10 percent of the fruit surface, or scars which are light colored, fairly smooth, with no depth and aggregate more than 25 percent of the fruit surface;

(e) Thorn scratches, when the injury is not well healed, or when dark colored, rough or deep and aggregates more than 5 percent of the fruit surface, or when light colored, fairly smooth and concentrated and aggregates more than 10 percent of the fruit surface, or light colored and scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the 10 percent light colored concentrated injury;

(f) Scale, California red or purple scale concentrated as a ring or blotch when the average outside diameter exceeds one-half inch, or more than the equivalent of this amount when scattered over the fruit surface;

(g) Sunburn which causes decided flattening of the fruit, marked drying or dark discoloration of the skin, material drying of the flesh underneath the affected area, or which affects more than 10 percent of the fruit surface;

(h) Scab which seriously affects shape or texture;

(i) Discoloration caused by rust mite, melanose or other means, when fairly smooth and more than 50 percent of the fruit surface is affected, or when slightly rough and more than 25 percent of the fruit surface is affected and,

(j) Buckskin, when more unsightly than the maximum of discoloration allowed or the fruit texture is seriously affected.

## Subpart—United States Standards for Mustard Greens and Turnip Greens

### GENERAL

§ 51.1030 *General.* These standards are applicable to either mustard greens or turnip greens consisting of either plants (crown or root attached), or cut leaves but they shall not be applicable to mixtures of plants and cut leaves or mixtures of mustard greens and turnip greens in the same container.

### GRADES

§ 51.1031 *U. S. No. 1.* U. S. No. 1 consists of mustard greens or turnip greens of similar varietal characteristics which are fresh, fairly tender, fairly clean, and which are free from decay and free from damage caused by seedstems, discoloration, freezing, foreign material, disease, insects or mechanical or other means.

(a) *Specifications for roots.* In the case of turnip greens with roots attached, the roots shall be firm and free from damage by any cause and unless otherwise specified, the maximum diameter of the root shall be 1½ inches.

(b) *Tolerance for defects.* In order to allow for variations incident to proper grading and handling, other than for size of roots and mixtures of plants and leaves, not more than a total of 10 percent, by weight, of the units in any lot, may fail to meet the requirements of the grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for serious damage by any cause and including therein not more than 2 percent of decay. (See § 51.1034.)

(c) *Tolerance for mixtures of whole plants and leaves.* Not more than 5 percent, by weight, of the mustard or turnip greens may consist of cut leaves in a lot consisting of plants, or of plants in a lot consisting of cut leaves. (See § 51.1034.)

(d) *Tolerance for size.* Turnip greens with roots attached shall have not more than 10 percent, by weight, of roots which are larger than the specified maximum size. (See § 51.1034.)

### UNCLASSIFIED

§ 51.1032 *Unclassified.* Unclassified consists of mustard greens or turnip greens which have not been classified in accordance with the foregoing grade. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

### APPLICATION OF TOLERANCES

§ 51.1033 *Application of tolerances.* (a) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitation: *Provided*, That the averages for the entire lot are within the tolerances specified.

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified.

§ 51.1034 *Basis for calculating percentages.* Percentages shall be calculated on the basis of weight or an equivalent basis. When mustard greens or turnip greens are packed as plants, each plant shall be considered as a unit. When packed as cut leaves, the individual leaf shall be considered as a unit.

### DEFINITIONS

§ 51.1035 *Similar varietal characteristics.* "Similar varietal characteristics" means that the mustard or turnip greens shall be of one type (such as, crinkly leaf type or smooth leaf type in the case of mustard greens). No mixture of types shall be permitted which materially affects the appearance of the lot.

§ 51.1036 *Fresh.* "Fresh" means that the mustard or turnip leaves are not more than slightly wilted.

§ 51.1037 *Fairly tender.* "Fairly tender" means that the mustard or turnip greens are not old, tough, or excessively fibrous.

§ 51.1038 *Fairly clean.* "Fairly clean" means that the appearance of the mustard or turnip greens is not materially affected by the presence of mud, dirt, or other foreign material.

§ 51.1039 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual plant (with or without roots), the individual cut leaf, or the lot as a whole. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Seedstems when more than one-fourth the length of the longest leaf;

(b) Discoloration when the appearance of the individual unit is materially affected by yellowing or any other type of discoloration; and,

(c) Mechanical damage when the individual unit is badly crushed, torn, or broken.



§ 51.1040 *Firm.* "Firm" means that the root is not soft, flabby, or shriveled.

§ 51.1041 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line from the center of the crown to the base of the root.

§ 51.1042 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual plant (with or without roots), the individual cut leaf, or the lot as a whole. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Insects when the unit is noticeably infested or when seriously damaged by them;

(b) Discoloration when the unit is badly discolored; and,

(c) Decay.

## Subpart—United States Standards for Common Green Onions[1]

### GRADES

§ 51.1055 *U. S. No. 1.* U. S. No. 1 shall consist of green onions which are fairly well-formed, firm, young and tender, fairly clean, free from decay, and from damage caused by seedstems, roots, foreign material, disease, insects, mechanical or other means. The bulbs shall be well trimmed. The tops shall be fresh, of good green color, free from damage caused by broken or bruised leaves, or by clipping. When all the tops of the onions have been evenly clipped back in accordance with good commercial practice, they shall be specified as "Clipped Tops" in connection with the grade.

(a) *Over-all length.* Unless otherwise specified, the over-all length (roots excepted) of the onions shall be not more than 24 inches nor less than 8 inches and the onions shall be not less than one-fourth of an inch or more than one inch in diameter.

(b) *Tolerance for defects.* In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 10 percent, by count, of the onions in any lot may fail to meet the requirements of this grade, but not more than 5 percent shall be allowed for defects causing serious damage, including not more than 2 percent for onions affected by decay.

(c) *Tolerance for size.* Not more than a total of 10 percent, by count, of the onions in any lot may fail to meet the requirements as to the specified length, minimum diameter or maximum diameter, but not more than 5 percent shall be allowed for any one of the requirements for size.

§ 51.1056 *U. S. No. 2.* U. S. No. 2 shall consist of green onions which are not badly misshapen, and which are fairly firm, fairly young and tender, fairly clean, free from decay and from serious damage caused by seedstems, roots, foreign material, disease, insects, mechanical or other means. The bulbs shall be fairly well trimmed. The tops shall be fresh, of fairly good green color, and free from serious damage caused by broken or bruised leaves, or by clipping. When all the tops of the onions have been evenly clipped back in accordance with good commercial practice, they shall be specified as "Clipped Tops" in connection with the grade.

(a) *Over-all length.* Unless otherwise specified, the over-all length (roots excepted) of the onions shall be not less than 8 inches and the onions shall be not less than one-fourth of an inch or more than one and one-half inches in diameter.

(b) *Tolerance for defects.* In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 10 percent, by count, of the onions in any lot may fail to meet the requirements of this grade, including not more than 2 percent for onions affected by decay.

(c) *Tolerance for size.* Not more than a total of 10 percent, by count, of the onions in any lot may fail to meet the requirements of the specified length, minimum or maximum diameter, but not more than 5 percent shall be allowed for any one of the requirements for size.

### UNCLASSIFIED

§ 51.1057 *Unclassified.* Unclassified shall consist of onions which are not graded in conformity with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

### SIZE

§ 51.1058 *Size.* The following terms and definitions are provided for describing the diameters of any lot:

"Small" means less than ½ inch.
"Medium" means ½ to 1 inch, inclusive.
"Large" means over 1 inch.

### APPLICATION OF TOLERANCES

§ 51.1059 *Application of tolerances.* (a) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any container.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any container.

### DEFINITIONS

§ 51.1060 *Fairly well formed.* "Fairly well formed" means that the onion is not more than slightly curved, angular, crooked, lopsided or otherwise slightly misshapen.

§ 51.1061 *Fairly clean.* "Fairly clean" means that the appearance of the onion is not materially injured by dirt.

§ 51.1062 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality.

(a) *Seedstems.* An onion with a seedstem shall be considered as damaged if the seedstem has been broken at a point other than at the top, or is coarse, fibrous, hollow or soft, or has separated naturally from the sheath or skin. Onions often show flower buds while the seedstem is still tender. Such onions are not objectionable if the flower buds have been removed, or if present, are not noticeably protruding; however, an onion with a seedstem which, after the flower bud has been removed, exceeds the length of the longest leaves of the plant, shall be considered as damaged.

(b) *Clipping.* The tops of onions are sometimes clipped or pinched back to remove discolored or otherwise injured leaves. An individual plant shall not be considered as damaged when not more than the tips of all the leaves have been clipped or pinched back; or when not more than half the leaves have been clipped or pinched back to a greater extent but not to the extent that the appearance is materially injured; or when the tops of all the onions have been evenly clipped back in accordance with good commercial practice and the designation "Clipped Tops" is specified in connection with the grade.

§ 51.1063 *Well-trimmed.* "Well-trimmed" means that the bulb is not broken above the point of root attachment and is practically free from dead, discolored or slick outer skins. Fresh, clean, loose skins which do not materially affect the appearance of the individual onion or the bunch are permitted.

§ 51.1064 *Fresh.* "Fresh" means that the tops are not withered or badly wilted.

§ 51.1065 *Good green color.* "Good green color" means that the tops have a normal green color characteristic of healthy plants. A slight discoloration of the extreme tips and slight scarring caused by thrips are not objectionable.

§ 51.1066 *Diameter.* "Diameter" means the greatest dimension of the onion taken at right angles to the longitudinal axis.

§ 51.1067 *Not badly misshapen.* "Not badly misshapen" means that the onion is not badly curved or crooked.

§ 51.1068 *Fairly young and tender.* "Fairly young and tender" means that the onion is not tough, stringy, or advanced to the stage where the neck is flabby.

§ 51.1069 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality.

(a) Seedstems which are excessively coarse or fibrous shall be considered as serious damage.

(b) Badly broken or badly bruised tops shall be considered as serious damage.

[1] These standards apply only to commonly cultivated green onions (Allium cepa) and not to leeks (Allium porrum), Welch or Japanese multiplier onions (Allium fistulosum), and shallots (Allium ascalonicum).

(c) Clipping. The tops of onions are sometimes clipped or pinched back to remove discolored or otherwise injured leaves. An individual plant shall not be considered as seriously damaged when not more than the tips of all the leaves have been clipped or pinched back; or when not more than half the leaves have been clipped or pinched back to a greater extent but not to the extent that the appearance is seriously injured; or when the tops of all the onions have been evenly clipped back in accordance with good commercial practice and the designation "Clipped Tops" is specified in connection with the grade.

§ 51.1070 *Fairly well-trimmed.* "Fairly well-trimmed" means that the bulb is not broken above the point of root attachment and is reasonably free from dead, discolored or slick outer skins. Fresh, fairly clean, loose skins which do not seriously affect the appearance of the individual onion or the bunch are permitted.

§ 51.1071 *Fairly good green color.* "Fairly good green color" means that the tops are pale or yellowish green or otherwise slightly discolored.

SUBPART—UNITED STATES STANDARDS FOR ORANGES (CALIFORNIA AND ARIZONA)

GRADES

§ 51.1085 *U. S. Fancy.* U. S. Fancy consists of oranges of similar varietal characteristics which are mature, well colored, firm, well formed, of smooth texture for the variety, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, bruises (except those incident to proper handling and packing), dryness or mushy condition, and free from injury caused by split, rough, wide or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See § 51.1092.)

§ 51.1086 *U. S. No. 1.* U. S. No. 1 consists of oranges of similar varietal characteristics which are mature, firm, well formed, of fairly smooth texture for the variety, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, bruises (except those incident to proper handling and packing), and free from damage caused by dryness or mushy condition, split, rough, excessively wide or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. Each fruit shall be well colored except Valencia oranges which shall be at least fairly well colored: *Provided*, That navel oranges in any lot which is destined for export and which is certified as meeting the Standards for Export need be only fairly well colored. (See § 51.1092.)

§ 51.1087 *U. S. No. 2.* U. S. No. 2 consists of oranges of similar varietal characteristics which are mature, fairly well colored, fairly firm, fairly well formed but not excessively rough, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, growth cracks, and free from serious damage caused by bruises, dryness or mushy condition, split or protruding navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See § 51.1092.)

§ 51.1088 *U. S. Combination grade.* Any lot of oranges may be designated "U. S. Combination" when not less than 40 percent, by count, of the oranges in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade. (See § 51.1093.)

§ 51.1089 *U. S. No. 3.* U. S. No. 3 consists of oranges of similar varietal characteristics which are mature, which may be slightly spongy, misshapen, rough but not seriously lumpy, and which are free from decay, broken skins which are not healed, hard or dry skins, exanthema, and free from serious damage caused by growth cracks, bruises, dryness or mushy condition, and from very serious damage caused by split navels, creasing, scars, oil spots, scale, sunburn, dirt or other foreign material, disease, insects or mechanical or other means. (See § 51.1092.)

UNCLASSIFIED

§ 51.1090 *Unclassified.* Unclassified consists of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

TOLERANCES

§ 51.1091 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.1092 and 51.1093 are provided as specified.

§ 51.1092 *U. S. Fancy, U. S. No. 1, U. S. No. 2 and U. S. No. 3 grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the specified grade, other than for color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to color.

§ 51.1093 *U. S. Combination grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for color, but not more than one-twentieth of this amount, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. This 3 percent tolerance may be used to reduce the percentage of U. S. No. 1 grade required in the combination, provided the affected fruits meet the requirements of U. S. No. 1 grade in other respects. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements of the U. S. No. 2 grade for color.

(a) No part of any tolerance, other than that for decay, shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 specified: *Provided*, That the entire lot averages within the percentage specified.

APPLICATION OF TOLERANCES

§ 51.1094 *Application of tolerances to individual packages.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one orange which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package and, in addition, en route or at destination not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.1095 *Standard pack.* (a) Oranges shall be uniform in size and, when packed in boxes, shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well enclosed by its individual wrapper.

(b) All packages shall be well filled, but the contents shall not show excessive or unnecessary bruising because of overfilled packages. The fruit shall be tightly packed.

(c) When oranges are packed in standard nailed boxes, each box shall show a minimum bulge of 1¼ inches.

(d) "Uniform in size" means that not more than 10 percent, by count, of the oranges in any container may be one standard size larger or smaller than the standard size orange for the count packed.

(e) Example of standard size orange: The standard size orange for a 200 count is that size orange which will pack tightly 200 oranges of uniform size when packed according to the approved and recognized method.

(f) In order to allow for variations incident to proper packing, when fruit is wrapped not more than 10 percent of the oranges in any container may fail to meet the requirements pertaining to wrapping, and, in addition, not more than 5 percent of the containers in any lot may fail to meet the requirements for standard pack.



STANDARDS FOR EXPORT

§ 51.1096 *Standards for export.* (a) Not more than a total of 10 percent, by count, of the oranges in any container may be soft, affected by decay, have broken skins which are not healed, growth cracks, or be damaged by creasing or skin breakdown, or seriously damaged by split or protruding navels, or by dryness or mushy condition, except that:

(1) Not more than one-half of 1 percent shall be allowed for oranges affected by decay;

(2) Not more than 3 percent shall have broken skins which are not healed;

(3) Not more than 3 percent shall have growth cracks;

(4) Not more than 5 percent shall be soft;

(5) Not more than 5 percent shall be damaged by creasing;

(6) Not more than 5 percent shall be seriously damaged by split or protruding navels;

(7) Not more than 5 percent shall be seriously damaged by dryness or mushy condition; and,

(8) Not more than 5 percent shall be damaged by skin breakdown.

(b) Any lot of oranges shall be considered as meeting the standards for export if the entire lot averages within the requirements specified: *Provided*, That no sample from the containers in any lot shall have more than double the percentage specified for any one defect, and that not more than a total of 10 percent, by count, of the oranges in any container has any of the defects enumerated in the standards for export.

DEFINITIONS

§ 51.1097 *Similar varietal characteristics.* "Similar varietal characteristics" means that the fruits in any container are similar in color and type.

§ 51.1098 *Well colored.* "Well colored" means that the fruit is at least light orange in color, with not more than a trace of green at the stem end, and not more than 15 percent of the remainder of the surface of the fruit shows green color.

§ 51.1099 *Firm.* "Firm" means that the fruit is not soft or noticeably wilted or flabby.

§ 51.1100 *Well formed.* "Well formed" means that the fruit shows the normal shape characteristic of the variety.

§ 51.1101 *Smooth.* "Smooth" means that the skin is of fairly fine grain, the "pebbling" is not pronounced, and any furrows radiating from the stem end are shallow.

§ 51.1102 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(a) Split, rough, wide or protruding navels, when a split is unhealed or is more than one-eighth inch in length; or when the navel protrudes beyond the general contour of the fruit; or when flush with the contour but with the opening so wide, considering the size of the fruit, or the navel growth so folded and ridged, that it detracts noticeably from the appearance of the fruit;

(b) Slight creasing which is more than barely visible, or which extends over more than 20 percent of the fruit surface;

(c) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are very dark and which have an aggregate area exceeding that of a circle one-eighth inch in diameter;

(2) Scars which are dark or rough, or deep and which have an aggregate area exceeding that of a circle one-fourth inch in diameter;

(3) Scars which are fairly light in color, slightly rough, or with slight depth and which have an aggregate area exceeding that of a circle one-half inch in diameter; and,

(4) Scars which are light in color, fairly smooth, and with no depth and which have an aggregate area of more than 5 percent of the fruit surface;

(d) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 2½ percent of the fruit surface, or which are green and more than 4 in number;

(e) Scale, when medium or large and more than 5 are present; and,

(f) Sunburn which appreciably changes the normal color or shape of the fruit, or which affects more than 10 percent of the fruit surface.

§ 51.1103 *Fairly smooth.* "Fairly smooth" means that the skin does not feel noticeably rough or coarse. The size of the fruit should be considered in judging texture, as large fruit is not usually as smooth as smaller fruit. It is common for the fruit to show larger and coarser "pebbling" on the stem end portion than on the blossom end. The presence of furrows or grooves on the stem end portion of the fruit is a common condition in certain varieties, and the fruit shall not be considered as slightly rough unless the furrows or grooves are of sufficient depth, length, and number as to materially affect the appearance and smoothness of the orange.

§ 51.1104 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Dryness or mushy condition, when affecting all segments more than one-fourth inch at the stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(b) Split, rough, excessively wide or protruding navels, when more than 3 splits, or when any split is unhealed or is more than one-fourth inch in length; or navels which flare, bulge, or protrude materially beyond the general contour of the fruit; or when the navel opening is so wide, considering the size of the fruit, or the navel growth is so folded and ridged that it detracts materially from the appearance of the fruit;

(c) Creasing which materially weakens the skin, or which extends over more than one-third of the fruit surface;

(d) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are very dark and with slight depth and which have an aggregate area exceeding that of a circle one-fourth inch in diameter;

(2) Scars which are very dark, with no depth, and which have an aggregate area exceeding that of a circle one-half inch in diameter;

(3) Scars which are dark and rough or deep and which have an aggregate area exceeding that of a circle one-half inch in diameter;

(4) Scars which are dark and slightly rough, or with slight depth, and which have an aggregate area exceeding that of a circle three-fourths inch in diameter;

(5) Scars which are fairly light in color slightly rough, or with slight depth and which have an aggregate area of more than 5 percent of the fruit surface; and

(6) Scars which are light in color, fairly smooth, with no depth and which have an aggregate area of more than 10 percent of the fruit surface;

(e) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 5 percent of the fruit surface, or which are green and more than 7 in number;

(f) Scale, when medium or large and more than 3 scales are present in each of 3 circular areas 1 inch in diameter, selected as the worst infected areas, or when more than 7 scales are present in one of these areas: *Provided*, That scale within a circle five-eighths inch in diameter centered at the stem button or button socket shall not be considered in determining whether an orange is damaged; and,

(g) Sunburn which causes appreciable flattening of the fruit, drying or darkening of the skin, or affects more than 25 percent of the fruit surface.

§ 51.1105 *Fairly well colored.* "Fairly well colored" means that the yellow or orange color predominates on the fruit.

§ 51.1106 *Fairly firm.* "Fairly firm" means that the fruit may be slightly soft but is not decidedly flabby.

§ 51.1107 *Fairly well formed.* "Fairly well formed" means that the fruit is not of the shape characteristic of the variety but is not decidedly flattened,

pointed, extremely elongated, or otherwise badly deformed.

§ 51.1108 *Excessively rough.* "Excessively rough" means that the skin is decidedly rough, badly folded, badly ridged, or decidedly lumpy. Heavily "pebbled" skin shall not be considered as excessively rough.

§ 51.1109 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Dryness or mushy condition, when affecting all segments more than one-half inch at the stem end, or the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(b) Split or protruding navels, when any split is unhealed or is more than one-half inch in length, or when two or more splits aggregate more than 1 inch in length; or navels which protrude seriously beyond the general contour of the fruit; or when the navel opening is so wide, considering the size of the fruit, or the navel growth is so badly folded and ridged, that it detracts seriously from the appearance of the fruit;

(c) Creasing which seriously weakens the skin, or which is distributed over practically the entire fruit surface;

(d) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of two or more types of scars, the seriousness of which exceeds the maximum allowed for any one type:

(1) Scars which are very dark or very rough, or very deep, and which have an aggregate area of more than 5 percent of the fruit surface;

(2) Scars which are dark or rough, or deep and which have an aggregate area of more than 10 percent of the fruit surface;

(3) Scars which are fairly light in color, slightly rough or of slight depth and which have an aggregate area of more than 15 percent of the fruit surface; and,

(4) Scars which are light in color, fairly smooth, and with no depth and which have an aggregate area of more than 25 percent of the fruit surface;

(e) Oil spots (oleocellosis or similar injuries) which are depressed or soft, or which have an aggregate area of more than 10 percent of the fruit surface;

(f) Scale, when medium or large and more than 9 scales are present in each of 3 circular areas 1 inch in diameter, selected as the worst infested areas, or if more than 19 scales are present in one of these areas;

(g) Sunburn which causes decided flattening of the fruit, drying or dark discoloration of the skin, or which affects more than one-third of the fruit surface; and,

(h) Growth cracks which are leaking, gummy, or not well healed.

§ 51.1110 *Slightly spongy.* "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.1111 *Misshapen.* "Misshapen" means that the fruit is decidedly flattened, pointed, extremely elongated or otherwise deformed.

§ 51.1112 *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(a) Split navels which are leaking, gummy, or not well healed;

(b) Creasing which is so deep or extensive that the skin is very seriously weakened;

(c) Scarring (including sprayburn and fumigation injury) which exceeds the following aggregate areas of different types of scars, or a combination of both types of scars, the seriousness of which exceeds the maximum allowed for one type:

(1) Scars which are very dark, or very rough, or very deep and which have an aggregate area of more than 10 percent of the fruit surface; and,

(2) Scars which are dark, or rough, or deep and which have an aggregate area of more than 25 percent of the fruit surface;

(d) Oil spots which are badly sunken, or soft;

(e) Scale which are so numerous or large that the appearance of the fruit is very seriously affected; and,

(f) Sunburn which seriously affects more than one-third of the fruit surface, or causes dark discoloration aggregating more than 5 percent of the fruit surface.

## SUBPART—UNITED STATES STANDARDS FOR FLORIDA ORANGES

### GENERAL

§ 51.1140 *General.* The standards in this section apply only to the common or sweet orange group and varieties belonging to the Mandarin group, except tangerines. The standards in this section do not apply to tangerines for which separate U. S. Standards are issued.

### GRADES

§ 51.1141 *U. S. Fancy.* U. S. Fancy consists of oranges of similar varietal characteristics which are well colored, firm, well formed, mature, and of smooth texture, and which are free from ammoniation, bird pecks, bruises, buckskin, creasing, cuts which are not healed, decay, growth cracks, scab, split navels, sprayburn, and undeveloped or sunken segments, and free from injury caused by green spots or oil spots, pitting, rough and excessively wide or protruding navels, scale, scars, thorn scratches, and from damage caused by dirt or other foreign materials, dryness or mushy condition, sprouting, sunburn, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) In this grade not more than one-tenth of the surface, in the aggregate, may be affected with discoloration. (See § 51.1153.)

(b) If any lot of U. S. Fancy Fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1142 *U. S. No. 1.* U. S. No. 1 consists of oranges of similar varietal characteristics which are firm, well formed, mature, and of fairly smooth texture, and which are free from bruises, cuts which are not healed, buckskin or similar type of discoloration, decay, growth cracks, sprayburn, undeveloped or sunken segments, and free from damage caused by ammoniation, bird pecks, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprouting, sunburn, thorn scratches, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) Oranges of the early and mid-season varieties shall be fairly well colored.

(b) With respect to Valencia and other late varieties, not less than 50 percent, by count, of the oranges shall be fairly well colored and the remainder reasonably well colored.

(c) In this grade not more than one-third of the surface, in the aggregate, may be affected with discoloration. (See § 51.1154.)

(d) If any lot of U. S. No. 1 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1143 *U. S. No. 1. Bright.* The requirements for this grade are the same as for U. S. No. 1 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected with discoloration. (See § 51.1155.)

(a) If any lot of U. S. No. 1 Bright fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1144 *U. S. No. 1 Golden.* The requirements for this grade are the same as for U. S. No. 1 except that not more than 30 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected with discoloration. (See § 51.1156.)

(a) If any lot of U. S. No. 1 Golden fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1145 *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except that more than 30 percent but not more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected with discoloration: *Provided*, That when the predominating discoloration on each of 75 percent or more, by count, of the fruits is caused by rust mite, all fruits may have in excess of one-third of their surface affected with discoloration. (See § 51.1156.)

(a) If any lot of U. S. No. 1 Bronze fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)



§ 51.1146 *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except that more than 75 percent, by count, of the fruits shall have in excess of one-third of their surface, in the aggregate, affected with discoloration. (See § 51.1157.)

(a) If any lot of U. S. No. 1 Russet fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1147 *U. S. No. 2.* U. S. No. 2 consists of oranges of similar varietal characteristics which are mature, fairly firm, not more than slightly misshapen, of not more than slightly rough texture, and which are free from bruises, cuts which are not healed, decay, growth cracks, and are free from serious damage caused by ammoniation, bird pecks, buckskin, creasing, dirt or other foreign materials, dryness or mushy condition, green spots or oil spots, pitting, scab, scale, scars, split or rough or protruding navels, sprayburn, sprouting, sunburn, thorn scratches, undeveloped or sunken segments, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) Each orange of this grade shall be reasonably well colored.

(b) In this grade not more than one-half of the surface, in the aggregate, may be affected with discoloration. (See § 51.1158.)

(c) If any lot of U. S. No. 2 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1148 *U. S. No. 2 Bright.* The requirements for this grade are the same as for U. S. No. 2 except that no fruit may have more than one-tenth of its surface, in the aggregate, affected with discoloration. (See § 51.1155.)

(a) If any lot of U. S. No. 2 Bright fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1149 *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 10 percent, by count, of the fruits shall have in excess of one-half of their surface, in the aggregate, affected with discoloration. (See § 51.1159.)

(a) If any lot of U. S. No. 2 Russet fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

§ 51.1150 *U. S. No. 3.* U. S. No. 3 consists of oranges of similar varietal characteristics which are mature, which may be misshapen, slightly spongy, rough but not seriously lumpy for the variety or seriously cracked, which are free from cuts which are not healed, and from decay, and from very serious damage caused by bruises, growth cracks, ammoniation, bird pecks, caked melanose, buckskin, creasing, dryness or mushy condition, pitting, scab, scale, split navels, sprayburn, sprouting, sunburn, thorn punctures, riciness or woodiness of the flesh, disease, insects, or mechanical or other means.

(a) Each fruit may be poorly colored but not more than 25 percent of the surface of each fruit may be of a solid dark green color. (See § 51.1160.)

(b) If any lot of U. S. No. 3 fruit also meets the internal specifications of "U. S. Grade AA Juice (Double A)" or "U. S. Grade A Juice" it may be so specified in accordance with the facts. (See §§ 51.1183–51.1186.)

### UNCLASSIFIED

§ 51.1151 *Unclassified.* Unclassified consists of oranges which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

### TOLERANCES

§ 51.1152 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.1153 to 51.1160 are provided as specified.

§ 51.1153 *U. S. Fancy grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1154 *U. S. No. 1 grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may have discoloration in excess of one-third of the fruit surface. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1155 *U. S. No. 1 Bright and U. S. No. 2 Bright grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1156 *U. S. No. 1 Golden and U. S. No. 1 Bronze grades.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce or to increase the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected with discoloration which is required in the grade, but individual containers may vary not more than 10 percent from the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1157 *U. S. No. 1 Russet grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No party of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-third of their surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1158 *U. S. No. 2 grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than 10 percent, by count, of the fruits in any lot

may not meet the requirements relating to discoloration. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1159 *U. S. No. 2 Russet grade.* Not more than 10 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of one percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. No part of any tolerance shall be allowed to reduce the percentage of fruits having in excess of one-half of their surface, in the aggregate, affected with discoloration which is required in this grade, but individual containers may have not more than 10 percent less than the percentage required: *Provided*, That the entire lot averages within the percentage specified. None of the foregoing tolerances shall apply to wormy fruit.

§ 51.1160 *U. S. No. 3 grade.* Not more than 15 percent, by count, of the fruits in any lot may be below the requirements of this grade, but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than that caused by dryness or mushy condition, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. None of the foregoing tolerances shall apply to wormy fruit.

APPLICATION OF TOLERANCES

§ 51.1161 *Application of tolerances to individual packages.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one orange which is seriously damaged by dryness or mushy condition or very seriously damaged by other means may be permitted in any package, and in addition, enroute or at destination not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.1162 *Standard pack for oranges except Temple variety.* (a) Fruit shall be fairly uniform in size, unless specified as uniform in size, and when packed in boxes shall be arranged according to the approved and recognized methods. Each wrapped fruit shall be fairly well wrapped.

(b) All packages shall be tightly packed and well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) When packed in standard nailed boxes, each container shall show a minimum bulge of 1¼ inches.

(d) "Fairly uniform in size" means that not more than a total of 10 percent, by count, of the fruits in any container are outside the range of diameters given in the following table for various packs:

TABLE I

[Diameter in inches]

| Pack | Minimum | Maximum |
|---|---|---|
| 96's | 2 15/16 | 3 3/16 |
| 126's | 2 11/16 | 3 1/16 |
| 150's | 3 | 2 15/16 |
| 176's | 2 1/16 | 2 5/16 |
| 200's | 2 1/16 | 2 5/16 |
| 216's | 2 1/16 | 3 |
| 250's | 2 [illegible] | 2 3/16 |
| 288's | 2 [illegible] | 2 1/16 |
| 324's | 2 1/16 | 2 1/16 |

(e) "Uniform in size" means that not more than 10 percent, by count, of the fruits in any container vary more than the following amounts:

150 size and smaller—not more than 4/16 inch in diameter.

126 size and larger—not more than 5/16 inch in diameter.

(f) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may not meet the requirements of standard pack.

DEFINITIONS

§ 51.1163 *Similar varietal characteristics.* "Similar varietal characteristics" means that the fruits in any container are similar in color and shape.

§ 51.1164 *Well colored.* "Well colored" means that the fruit is yellow or orange in color with practically no trace of green color.

§ 51.1165 *Firm.* "Firm" as applied to common oranges, means that the fruit is not soft, or noticeably wilted or flabby; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), means that the fruit is not extremely puffy, although the skin may be slightly loose.

§ 51.1166 *Well formed.* "Well formed" means that the fruit has the shape characteristic of the variety.

§ 51.1167 *Mature.* "Mature" means the same as that term is set forth for oranges other than Temple oranges in sections 19 and 20, chapter 25149 and for Temple oranges, in sections 601.21 and 601.22, chapter 26492; Florida Statutes, known as the Florida Citrus Code of 1949.

§ 51.1168 *Smooth texture.* "Smooth texture" means that the skin is thin and smooth for the variety and size of the fruit.

§ 51.1169 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(a) Green spots or oil spots, when appreciably affecting the appearance of the individual fruit;

(b) Rough and excessively wide or protruding navels, when protruding beyond the general contour of the orange; or when flush with the general contour but with the opening so wide, considering the size of the fruit, and the navel growth so folded and ridged that it detracts noticeably from the appearance of the orange;

(c) Scale, when more than a few adjacent to the "button" at the stem end, or when more than 6 scattered on other portions of the fruit;

(d) Scars which are depressed, not smooth, or which detract from the appearance of the fruit to a greater extent than the maximum amount of discoloration allowed in the grade; and,

(e) Thorn scratches, when the injury is not slight, not well healed, or more unsightly than discoloration allowed in the grade.

§ 51.1170 *Discoloration.* "Discoloration" means russeting of a light shade of golden brown caused by rust mite or other means. Lighter shades of discoloration caused by superficial scars or other means may be allowed on a greater area, or darker shades may be allowed on a lesser area, provided no discoloration caused by melanose or other means may affect the appearance of the fruit to a greater extent than the shade and amount of discoloration allowed for the grade.

§ 51.1171 *Fairly smooth texture.* "Fairly smooth texture" means that the skin is fairly thin and not coarse for the variety and size of the fruit.

§ 51.1172 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Ammoniation, when not occurring as light speck type similar to melanose;

(b) Creasing, when causing the skin to be materially weakened;

(c) Dryness or mushy condition, when affecting all segments of common oranges more than one-fourth inch at the stem end, or all segments of varieties of the Mandarin group more than one-eighth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit;

(d) Green spots or oil spots, when more than 5 in number, or when the aggregate area of all spots exceeds the area of a circle three-fourths inch in diameter on an orange of 200-size. Smaller sizes shall have a lesser number or lesser areas of green spots or oil spots and larger sizes may have a larger number or greater areas: *Provided*, That the appearance of the orange is not affected to a greater extent than the number or area permitted on a 200-size orange;

(e) Stab, when it cannot be classed as discoloration, or appreciably affects shape or texture;

(f) Scale, when occurring as a blotch and its size exceeds the area of a circle five-eighths inch in diameter on an orange of 200-size. Smaller sizes shall have lesser areas of scale and larger sizes may have greater areas: *Provided*, That no scale shall be permitted which affects the appearance to a greater extent than a blotch five-eighths inch in diameter on a 200-size orange;

(g) Scars which are not smooth, or scars which are deep, or scars which are shallow or fairly shallow and detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(h) Split or rough or protruding navels, when any split is unhealed, or more than three well-healed splits at the navel, or any split which is more than one-fourth inch in length, or three-cornered, star-shaped, or other irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so folded and ridged that it detracts materially from the appearance of the orange; or navels which flare, bulge, or protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury in the process of proper grading, or handling, or packing;

(i) Sunburn, when the area affected exceeds 25 percent of the fruit surface, or when the skin is appreciably flattened, dry, darkened, or hard;

(j) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-fourth inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1 inch in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above; and,

(k) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.1173 *Fairly well colored.* "Fairly well colored" means that the yellow or orange color predominates over the green color on that part of the fruit which is not discolored, except for an aggregate area of green color which does not exceed the area of a circle 1 inch in diameter.

§ 51.1174 *Reasonably well colored.* "Reasonably well colored" means that the yellow or orange color predominates over the green color on at least two-thirds of the fruit surface, in the aggregate, which is not discolored.



§ 51.1175 *Fairly firm.* "Fairly firm" as applied to common oranges, means that the fruit may be slightly soft, but not bruised; as applied to oranges of the Mandarin group (Satsumas, King, Mandarin), means that the skin of the fruit is not extremely puffy or extremely loose.

§ 51.1176 *Slightly misshapen.* "Slightly misshapen" means that the fruit is not of the shape characteristic of the variety but is not appreciably elongated or pointed or otherwise deformed.

§ 51.1177 *Slightly rough texture.* "Slightly rough texture" means that the skin is not of smooth texture but is not materially ridged, grooved, or wrinkled.

§ 51.1178 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Ammoniation, when scars are cracked, or when dark and the aggregate area exceeds the area of a circle three-fourths inch in diameter, or when light colored and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(b) Buckskin, when aggregating more than 25 percent of the fruit surface, or the fruit texture is seriously affected;

(c) Creasing, when so deep or extensive that the skin is seriously weakened;

(d) Dryness or mushy condition, when affecting all segments of common oranges more than one-half inch at the stem end, or all segments of varieties of the Mandarin group more than one-fourth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit;

(e) Green spots or oil spots, when seriously affecting the appearance of the individual fruit;

(f) Scab, when it cannot be classed as discoloration, or when materially affecting shape or texture;

(g) Scale, when it seriously affects the appearance of the individual fruit;

(h) Scars which are not fairly smooth, or scars which are very deep, or scars which are not very deep but which detract from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade;

(i) Split or rough or protruding navels, when any split is unhealed, or one well healed split at each corner of irregular navels when any one is more than one-half inch in length, or when aggregating more than 1 inch in length, or when more than four in number; or navels which protrude beyond the general contour of the orange to the extent that they are subject to mechanical injury during the process of proper grading, or handling, or packing; or irregular navels when the opening is so wide, considering the size of the orange, and the navel growth so badly folded and ridged that it detracts seriously from the appearance of the orange;

(j) Sprayburn which seriously affects the appearance of the fruit, or is hard, or when light brown in color and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(k) Sunburn which affects more than one-third of the fruit surface, or is hard, or the fruit is decidedly one-sided, or when light brown in color and the aggregate area exceeds the area of a circle 1¼ inches in diameter;

(l) Thorn scratches, when the injury is not well healed, or concentrated light colored thorn injury which has caused the skin to become hard and the aggregate area exceeds the area of a circle one-half inch in diameter, or slight scratches when light colored and concentrated and the aggregate area exceeds the area of a circle 1½ inches in diameter, or dark or scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the amounts specified above;

(m) Undeveloped or sunken segments, in navel oranges, when such segments are so sunken or undeveloped that they are readily noticeable; and,

(n) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.1179 *Misshapen.* "Mis hapen" means that the fruit is decidely elongated, pointed or flatsided.

§ 51.1180 *Slightly spongy.* "Slightly spongy" means that the fruit is puffy or slightly wilted but not flabby.

§ 51.1181 *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(a) Growth cracks that are seriously weakened, gummy or not healed;

(b) Ammoniation, when aggregating more than 2 inches in diameter, or which has caused serious cracks;

(c) Bird pecks, when not healed;

(d) Caked melanose, when more than 25 percent, in the aggregate, of the surface of the fruit is caked;

(e) Buckskin, when rough and aggregating more than 50 percent of the surface of the fruit;

(f) Creasing, when so deep or extensive that the skin is very seriously weakened;

(g) Dryness or mushy condition, when affecting all segments of common oranges more than one-half inch at the stem end, or all segments of varieties of the Mandarin group more than one-fourth inch at the stem end, or more than the equivalent of these respective amounts, by volume, when occurring in other portions of the fruit;

(h) Scab, when aggregating more than 25 percent of the surface of the fruit;

(i) Scale, when covering more than 20 percent of the surface of the fruit;

(j) Split navels, when not healed or the fruit is seriously weakened;

(k) Sprayburn, when seriously affecting more than one-third of the fruit surface;

(l) Sunburn, when seriously affecting more than one-third of the fruit surface;

(m) Thorn punctures, when not healed or the fruit is seriously weakened; and

(n) Riciness or woodiness, when the flesh of the fruit is so ricey or woody that excessive pressure by hand is required to extract the juice.

§ 51.1182 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

STANDARDS FOR INTERNAL QUALITY OF COMMON SWEET ORANGES (CITRUS SINENSIS (L) OSBECK)

§ 51.1183 *U. S. Grade AA Juice (Double A).* Any lot of oranges, the juice content of which meets the following requirements, may be designated "U. S. Grade AA Juice (Double A)":

(a) Each lot of fruit shall contain an average of not less than 5 gallons of juice per standard packed box of one and three-fifths bushels.

(b) The average juice content for any lot of fruit shall have not less than 10 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the maximum acid specified in Table II of § 51.1185.

§ 51.1184 *U. S. Grade A Juice.* Any lot of oranges, the juice content of which meets the following requirements, may be designated "U. S. Grade A Juice":

(a) Each lot of fruit shall contain an average of not less than four and one-half gallons of juice per standard packed box of one and three-fifths bushels.

(b) The average juice content for any lot of fruit shall have not less than 9 percent total soluble solids, and not less than one-half of 1 percent anhydrous citric acid, or more than the maximum acid specified in Table II of § 51.1185.

§ 51.1185 *Maximum anhydrous citric acid permissible for corresponding total soluble solids.* For determining the grade of juice, the maximum permissible anhydrous citric acid content in relation to corresponding total soluble solids in the fruit is set forth in the following Table II together with the minimum ratio of total soluble solids to anhydrous citric acid:

TABLE II

| Total soluble solids average percent | Maximum anhydrous citric acid average percent | Minimum ratio of total soluble solids to anhydrous citric acid |
|---|---|---|
| 9.0 | 0.947 | 9.50-1 |
| 9.1 | .953 | 9.45-1 |
| 9.2 | .959 | 9.40-1 |
| 9.3 | .965 | 9.35-1 |
| 9.4 | 1.001 | 9.30-1 |
| 9.5 | 1.027 | 9.25-1 |
| 9.6 | 1.043 | 9.20-1 |
| 9.7 | 1.060 | 9.15-1 |
| 9.8 | 1.077 | 9.10-1 |
| 9.9 | 1.094 | 9.05-1 |
| 10.0 | 1.111 | 9.00-1 |
| 10.1 | 1.128 | 8.95-1 |
| 10.2 | 1.146 | 8.90-1 |
| 10.3 | 1.164 | 8.85-1 |
| 10.4 | 1.182 | 8.80-1 |
| 10.5 | 1.200 | 8.75-1 |
| 10.6 | 1.218 | 8.70-1 |
| 10.7 | 1.237 | 8.65-1 |
| 10.8 | 1.256 | 8.60-1 |
| 10.9 | 1.275 | 8.55-1 |
| 11.0 | 1.294 | 8.50-1 |
| 11.1 | 1.306 | 8.50-1 |
| 11.2 | 1.318 | 8.50-1 |
| 11.3 | 1.329 | 8.50-1 |
| 11.4 | 1.341 | 8.50-1 |
| 11.5 | 1.353 | 8.50-1 |
| 11.6 | 1.365 | 8.50-1 |
| 11.7 | 1.376 | 8.50-1 |
| 11.8 | 1.388 | 8.50-1 |
| 11.9 | 1.400 | 8.50-1 |
| 12.0 | 1.412 | 8.50-1 |
| 12.1 | 1.424 | 8.50-1 |
| 12.2 | 1.435 | 8.50-1 |
| 12.3 | 1.447 | 8.50-1 |
| 12.4 | 1.459 | 8.50-1 |
| 12.5 | 1.471 | 8.50-1 |
| 12.6 | 1.482 | 8.50-1 |
| 12.7 | 1.494 | 8.50-1 |
| 12.8 | 1.506 | 8.50-1 |
| 12.9 | 1.517 | 8.50-1 |
| 13.0 | 1.530 | 8.50-1 |
| 13.1 | 1.541 | 8.50-1 |
| 13.2 | 1.553 | 8.50-1 |
| 13.3 | 1.565 | 8.50-1 |
| 13.4 | 1.576 | 8.50-1 |
| 13.5 | 1.588 | 8.50-1 |
| 13.6 | 1.600 | 8.50-1 |
| 13.7 | 1.612 | 8.50-1 |
| 13.8 | 1.624 | 8.50-1 |
| 13.9 | 1.635 | 8.50-1 |
| 14.0 | 1.647 | 8.50-1 |
| 14.1 | 1.659 | 8.50-1 |
| 14.2 | 1.671 | 8.50-1 |
| 14.3 | 1.682 | 8.50-1 |
| 14.4 | 1.694 | 8.50-1 |
| 14.5 | 1.705 | 8.50-1 |
| 14.6 | 1.718 | 8.50-1 |
| 14.7 | 1.729 | 8.50-1 |
| 14.8 | 1.741 | 8.50-1 |
| 14.9 | 1.753 | 8.50-1 |
| 15.0 | 1.765 | 8.50-1 |
| 15.1 | 1.776 | 8.50-1 |
| 15.2 | 1.788 | 8.50-1 |
| 15.3 | 1.800 | 8.50-1 |
| 15.4 | 1.812 | 8.50-1 |
| 15.5 | 1.824 | 8.50-1 |
| 15.6 or more | | 8.50-1 |

§ 51.1186 *Method of juice extraction.* The juice used in the determination of solids, acid, and juice content shall be extracted from representative samples as thoroughly as possible with a reamer, or by hand, and shall be strained through a double thickness of gauze having 44x40 threads per square inch, and shall not be extracted or strained in any other manner.

SUBPART—UNITED STATES STANDARDS FOR PEACHES

GRADES

§ 51.1210 *U. S. Fancy.* U. S. Fancy consists of peaches of one variety which are mature but not soft or overripe, well formed and which are free from decay, bacterial spot, cuts which are not healed, growth cracks, hail injury, scab, scale, split pits, worms, worm holes, leaf or limb rub injury; and free from damage caused by bruises, dirt or other foreign material, other disease, insects or mechanical or other means.

(a) In addition to the above requirements, each peach shall have not less than one-third of its surface showing blushed, pink or red color.

(b) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any lot may fail to meet the requirements of this grade other than for color, but not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent shall be allowed for soft, overripe, or decayed peaches en route or at destination. In addition, not more than 10 percent, by count, of the peaches in any lot may be below the specified color requirement.

§ 51.1211 *U. S. Extra No. 1.* Any lot of peaches may be designated "U. S. Extra No. 1" when the peaches meet the requirements of U. S. No. 1 grade: *Provided*, That in addition to these requirements, 50 percent, by count, of the peaches in any lot shall have not less than one-fourth of the surface showing blushed, pink or red color.

(a) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any lot may fail to meet the requirements of U. S. No. 1 grade, but not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent shall be allowed for soft, overripe or decayed peaches en route or at destination. No part of any tolerance shall be used to reduce for the lot as a whole the 50 percent of peaches required to have not less than one-fourth of the surface showing blushed, pink or red color, but individual packages may contain not less than 40 percent of peaches having this amount of color: *Provided*, That the entire lot averages not less than 50 percent.

§ 51.1212 *U. S. No. 1.* U. S. No. 1 consists of peaches of one variety which are mature but not soft or overripe, well formed, and which are free from decay, growth cracks, cuts which are not healed, worms, worm holes, and free from damage caused by bruises, dirt, or other foreign material, bacterial spot, scab, scale, hail injury, leaf or limb rubs, split pits, other disease, insects or mechanical or other means.

(a) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any lot may fail to meet the requirements of U. S. No. 1 grade, but not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, and not more than one-fifth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent shall be allowed for soft, overripe, or decayed peaches en route, or at destination.

§ 51.1213 *U. S. No. 2.* U. S. No 2 consists of peaches of one variety which are mature but not soft or overripe, not badly misshapen, and which are free from decay, cuts which are not healed, worms, worm holes, and free from serious damage caused by bruises, dirt or other foreign material, bacterial spot, scab, scale, growth cracks, hail injury, leaf or limb rubs, split pits, other disease, insects, or mechanical or other means.



(a) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the peaches in any lot may fail to meet the requirements of this grade, but not more than one-tenth of this amount, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent shall be allowed for soft, overripe, or decayed peaches en route or at destination.

UNCLASSIFIED

§ 51.1214 *Unclassified.* Unclassified consists of peaches which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.1215 *Application of tolerances to individual packages.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 10 pounds, and a tolerance of 10 percent or more is provided (as in the case of oversize, where a tolerance of 15 percent is provided), individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one peach which is seriously damaged by insects or affected by decay may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one peach which is seriously damaged by insects or affected by decay may be permitted in any package.

SIZE

§ 51.1216 *Size requirements.* (a) The numerical count or the minimum diameter of the peaches packed in a closed container shall be indicated on the container.

(b) When the numerical count is not shown the minimum diameter shall be plainly stamped, stenciled, or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eight inches, as 2 inches minimum, $2\frac{1}{4}$ inches minimum, $1\frac{7}{8}$ inches minimum, in accordance with the facts. The minimum and maximum diameters may both be stated, as $1\frac{7}{8}$ to 2 inches, or 2 to $2\frac{1}{4}$ inches, in accordance with the facts.

(c) "Diameter" means the shortest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end.

(d) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of peaches in any lot may be below the specified minimum size and not more than 15 percent may be above any specified maximum size.

STANDARD PACK

§ 51.1217 *Standard pack.* (a) Each package shall be packed so that the peaches in the shown face shall be reasonably representative in size, color and quality of the contents of the package.

(b) Peaches packed in U. S. Standard bushel baskets, or half-bushel baskets shall be ring faced and tightly packed with sufficient bulge to prevent any appreciable movement of the peaches within the packages when lidded.

(c) Peaches packed in standard western boxes shall be reasonably uniform in size and arranged in the packages according to the approved and recognized methods. Each wrapped peach shall be fairly well enclosed by its individual wrapper. All packages shall be well filled and tightly packed but the contents shall not show excessive or unnecessary bruising because of over-filled packages. The number of peaches in the box shall not vary more than 4 from the number indicated on the box.

(d) Peaches packed in other type boxes such as wire-bound boxes and fibre-board boxes may be place packed, or jumble packed faced, and all packs shall be well filled.

(e) Peaches packed in boxes equipped with cell compartments or molded trays shall be of the proper size for the cells or the molds in which they are packed.

(f) Peaches placed in individual paper cups and packed in boxes shall be in cups of the proper size for the peaches.

(g) In order to allow for variations incident to proper packing, not more than 10 percent of the packages in any lot may not meet these requirements.

DEFINITIONS

§ 51.1218 *Mature.* "Mature" means that the peach has reached the stage of growth which will insure a proper completion of the ripening process.

§ 51.1219 *Well formed.* "Well formed" means that the shape of the peach may be slightly irregular but not to the extent that its appearance is materially affected.

§ 51.1220 *Leaf or limb rub injury.* "Leaf or limb rub injury" means that the scarring is not smooth, not light colored, or aggregates more than $\frac{1}{4}$ inch in diameter.

§ 51.1221 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible or shipping quality of the peach. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Bacterial spot, when cracked, or when aggregating more than $\frac{3}{8}$ inch in diameter;

(b) Scab spots, when cracked, or when aggregating more than $\frac{3}{8}$ inch in diameter;

(c) Scale, when concentrated, or when scattered and aggregating more than $\frac{1}{4}$ inch in diameter;

(d) Hail injury which is unhealed, or deep, or when aggregating more than $\frac{1}{4}$ inch in diameter;

(e) Leaf or limb rubs, when not smooth, or when not light colored, or when aggregating more than $\frac{1}{2}$ inch in diameter;

(f) Split pit, when causing any unhealed crack, or when causing any crack which is readily apparent, or when affecting shape to the extent that the fruit is not well formed.

§ 51.1222 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality of the peach. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Bacterial spot, when any cracks are not well healed, or when aggregating more than $\frac{3}{4}$ inch in diameter;

(b) Scab spots, when cracked, or when healed and aggregating more than one inch in diameter;

(c) Scale, when aggregating more than $\frac{1}{2}$ inch in diameter;

(d) Growth cracks, when unhealed, or more than $\frac{1}{2}$ inch in length;

(e) Hail injury, when unhealed, or shallow hail injury when aggregating more than $\frac{3}{4}$ inch in diameter, or deep hail injury which seriously deforms the fruit or which aggregates more than $\frac{1}{2}$ inch in diameter;

(f) Leaf or limb rubs, when smooth and light colored and aggregating more than $1\frac{1}{2}$ inches in diameter, or dark or slightly rough and barklike scars aggregating more than $\frac{3}{4}$ inch in diameter;

(g) Split pit, when causing any unhealed crack, or when healed and aggregating more than $\frac{1}{2}$ inch in length including any part of the crack which may be covered by the stem;

(h) Soft or overripe peaches;

(i) Wormy fruit or worm holes.

§ 51.1223 *Badly misshapen.* "Badly misshapen" means that the peach is so decidedly deformed that its appearance is seriously affected.

SUBPART—UNITED STATES STANDARDS FOR CLEANED VIRGINIA TYPE PEANUTS IN THE SHELL

GRADES

§ 51.1235 *U. S. Jumbo Hand Picked.* U. S. Jumbo Hand Picked shall consist of cleaned Virginia type peanuts in the shell which are mature, dry, and free from loose peanut kernels, dirt or other foreign material, pops, paper ends, and from damage caused by cracked or broken shells, discoloration or other means. The kernels shall be free from damage from any cause. In addition, the peanuts shall not pass through a screen having $\frac{27}{64}$ x 3 inch perforations. Unless otherwise specified, the unshelled peanuts in any lot shall not average more than 176 count per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 10.0 percent total for pops, peanuts having paper ends or damaged shells, loose undamaged peanut kernels,

and dirt or other foreign material, but not more than one-twentieth of this amount, or 0.5 percent, shall be allowed for dirt or other foreign material.

(2) 5.0 percent for peanuts which will pass through the prescribed screen, but which are free from pops and from peanuts having paper ends or damaged shells.

(3) 3.5 percent for peanuts with damaged kernels, and damaged loose kernels.

UNCLASSIFIED

§ 51.1237 *Unclassified.* Unclassified shall consist of cleaned Virginia type peanuts in the shell which fail to meet the requirements of either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

DEFINITIONS

§ 51.1238 *Mature.* "Mature" means that the shells are firm and well developed.

§ 51.1239 *Pops.* "Pops" means fully developed shells which contain practically no kernels.

§ 51.1240 *Paper ends.* "Paper ends" means peanuts which have very soft and or very thin ends.

§ 51.1241 *Damage.* "Damage" means any injury or defect which materially affects the appearance, edible or shipping quality of the individual peanut or the lot as a whole. The following shall be considered as damage:

(a) Cracked or broken shells which have been broken to the extent that the kernel within is plainly visible without minute examination and with no application of pressure, or the appearance of the individual peanut is materially affected.

(b) Discolored shells which have dark discoloration caused by mildew, staining or other means affecting one-half or more of the shell surface. Talc powder or other similar material which may have been applied to the shells during the cleaning process shall not be removed to determine the amount of discoloration beneath, but the peanut shall be judged as it appears with the talc.

(c) Kernels which are rancid or decayed.

(d) Moldy kernels.

(e) Kernels showing sprouts extending more than one-eighth inch from the end of the kernel.

(f) Distinctly dirty kernels.

(g) Kernels which are wormy, or have worm frass adhering, or have worm cuts which are more than superficial.

(h) Kernels which have dark yellow color penetrating the flesh, or yellow pitting extending deep into the kernel.

§ 51.1242 *Count per pound.* "Count per pound" means the number of peanuts in a pound. When determining the count per pound, one single kernel peanut shall be counted as one-half peanut.

SUBPART—UNITED STATES STANDARDS FOR PEARS (SUMMER AND FALL)

GENERAL

§ 51.1260 *General.* (a) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(b) When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight.

(c) When the pears are in bulk, percentages shall be calculated on the basis of weight.

(d) The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(e) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

(f) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

GRADES

§ 51.1261 *U. S. No. 1.* "U. S. No. 1" shall consist of pears of one variety which are mature, but not overripe, carefully handpicked, clean, fairly well formed, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, and from damage caused by hard end, bruises, broken skins, russeting, limbrubs, hail, scars, drought spot, sunburn, sprayburn, stings or other insect injury, disease, or mechanical or other means. (See §§ 51.1274 and 51.1275.)

§ 51.1262 *U. S. No. 2.* "U. S. No. 2" shall consist of pears of one variety which are mature, but not overripe, carefully handpicked, clean, not seriously misshapen, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, and from damage caused by hard end, or broken skins. The pears shall also be free from serious damage caused by bruises, russeting, limbrubs, hail, scars, drought spot, sunburn, sprayburn, stings or other insect injury, disease, or mechanical or other means. (See §§ 51.1274 and 51.1275.)

§ 51.1263 *U. S. Combination grade.* A combination of U. S. No. 1 and U. S. No. 2 may be packed. When such a combination is packed, at least 50 percent of the pears in any container shall meet the requirements of U. S. No. 1. (See §§ 51.1274 and 51.1275.)

UNCLASSIFIED

§ 51.1264 *Unclassified.* Unclassified shall consist of pears which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no definite grade has been applied to the lot.

DEFINITIONS

§ 51.1265 *Mature.* (a) "Mature" means that the pear has reached the stage of maturity which will insure the proper completion of the ripening process.

(b) Before a mature pear becomes overripe it will show varying degrees of firmness, depending upon the stage of the ripening process. Therefore, a statement of firmness should be given in order to indicate the stage of the ripening process. A description of the ground color should also be given.

(1) The following terms should be used for describing the ground color: "Green," "light green," "yellowish green," and "yellow."

(2) The following terms should be used for describing the firmness of pears.

(i) "Hard" means that the flesh of the pear is solid and does not yield appreciably even to considerable pressure. Such pears are in suitable condition for long storage period for the variety.

(ii) "Firm" means that the flesh of the pear is fairly solid but yields somewhat to moderate pressure. The ripening process in firm pears is further advanced than in hard pears and they cannot be held in storage as long.

(iii) "Firm ripe" means that the flesh of the pear yields readily to moderate pressure. Such a pear is approaching the stage at which it is in prime eating condition but may be held for a brief period.

(iv) "Ripe" means that the pear is at the stage where it is in its most desirable condition for eating.

§ 51.1266 *Overripe.* "Overripe" means dead ripe, very mealy or soft, past commercial utility.

§ 51.1267 *Carefully handpicked.* "Carefully handpicked" means that the pears do not show evidence of rough handling or of having been on the ground.

§ 51.1268 *Clean.* "Clean" means free from excessive dirt, dust, spray residue or other foreign material.

§ 51.1269 *Black end.* "Black end" is evidenced by an abnormally deep green color around the calyx, or black spots usually occurring on the one-third of the surface nearest to the calyx, or by an abnormally shallow calyx cavity.

§ 51.1270 *Fairly well-formed.* "Fairly well-formed" means that the pear may be slightly abnormal in shape but not to an extent which detracts materially from the appearance of the fruit.

§ 51.1271 *Damage.* "Damage" means any injury or defect which materially affects the appearance, edible or shipping quality.

(a) Hard end, if the pear shows a distinctly constricted protrusion at the blossom end, or an abnormally yellow color at the blossom end, or an abnormally smooth rounded base with little or no depression at the calyx, or if the flesh near the calyx is abnormally dry and tough or woody.

(b) Slight handling bruises and package bruises such as are incident to good commercial handling in the preparation of a slight pack shall not be considered damage.

(c) Any pear with one skin break larger than $^{3}/_{16}$ inch in diameter or depth, or with more than one skin break $^{1}/_{8}$ inch or larger in diameter or depth shall be considered damaged, and scored against the grade tolerance.

(1) Small inconspicuous skin breaks, less than $^{1}/_{8}$ inch in diameter or depth, shall not be considered damage. In addition, not more than 15 percent of the pears in any container may have not more than one skin break from $^{1}/_{8}$ inch to $^{3}/_{16}$ inch, inclusive, in diameter or depth.

(d) Russeting which exceeds the following shall be considered as damage:

(1) On all varieties excessively rough russeting (russeting which shows "frogging" or slight cracking) when the aggregate area exceeds $^{1}/_{2}$ inch in diameter.

(2) On Bartlett and other smooth-skinned varieties, slightly rough russeting, or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds $^{3}/_{4}$ inch in diameter.

(3) On Bartlett and other smooth-skinned varieties, smooth solid or smooth netlike russeting when the aggregate area exceeds 15 percent of the surface.

(4) On Hardy, Sand and other similar varieties, rough or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds $^{3}/_{4}$ inch in diameter. On any of these varieties any amount of characteristic russeting is permitted whether due to natural causes such as weather or stimulated by artificial means; leaf whips or light limbrubs which resemble and blend into russeted areas shall be considered as russet.

(e) Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(1) Any limbrubs which are cracked, softened, or more than slightly depressed.

(2) Black discoloration caused by limbrubs, which exceeds an aggregate area of $^{3}/_{8}$ inch in diameter.

(3) Dark brown discoloration or excessive roughness caused by limbrubs which exceeds an aggregate area of $^{1}/_{2}$ inch in diameter.

(4) Slightly rough, light colored discoloration caused by limbrubs which exceeds an aggregate area of $^{3}/_{4}$ inch in diameter.

(5) Smooth, light colored discoloration caused by limbrubs which exceeds an aggregate area of 1 inch in diameter.

(6) Hail marks or other similar depressions or scars which are not shallow or superficial, or where the injury affects an aggregate area of more than $^{3}/_{8}$ inch in diameter.

(7) Drought spot when more than one in number, or when the external injury exceeds and aggregate area of $^{3}/_{8}$ inch in diameter, or when the appearance of the flesh is materially affected by corky tissue or brownish discoloration.

(8) Sunburn or sprayburn where the skin is blistered, cracked, or shows any light tan or brownish color, or the shape of the pear is appreciably flattened, or the flesh is appreciably softened or changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting.

(9) Insects: (i) More than two healed codling moth stings, or any insect sting which is over $^{3}/_{32}$ of an inch in diameter, or other insect stings affecting the appearance to an equal extent.

(ii) Blister mite or canker worm injury which is not shallow or superficial, or where the injury affects an aggregate area of more than $^{3}/_{8}$ inch in diameter.

(10) Disease: (i) Scab spots which are black and which cover an aggregate area of more than $^{1}/_{8}$ inch in diameter except that scab spots of a russet character shall be considered under the definition of russeting.

(ii) Sooty blotch which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than $^{3}/_{8}$ inch in diameter.

§ 51.1272 *Seriously misshapen.* "Seriously misshapen" means that the pear is excessively flattened or elongated for the variety, or is constricted or deformed so it will not cut three fairly uniform good quarters, or is so badly misshapen that the appearance is seriously affected.

§ 51.1273 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, edible or shipping quality.

(a) Russeting which in the aggregate exceeds the following shall be considered as serious damage:

(1) On all varieties, excessively rough russeting (russeting which shows "frogging" or slight cracking) when the aggregate area exceeds $^{3}/_{4}$ inch in diameter.

(2) On all varieties, thick russeting such as is characteristic of frost injury, 15 percent of the surface.

(b) Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(1) Limbrubs which are more than slightly cracked, or excessively rough limbrubs or dark brown or black discoloration caused by limbrubs which exceeds an aggregate area of $^{3}/_{4}$ inch in diameter. Other limbrubs which affect an aggregate area of more than one-tenth of the surface.

(2) Hail marks or other similar depressions or scars which affect an aggregate area of more than $^{3}/_{4}$ inch in diameter, or which materially deform or disfigure the fruit.

(3) Drought spot when more than two in number, or where the external injury affects an aggregate area of more than $^{3}/_{4}$ inch in diameter, or when the appearance of the flesh is seriously affected by corky tissue or brownish discoloration.

(4) Sunburn or sprayburn where the skin is blistered, cracked or shows any brownish color, or where the shape of the pear is materially flattened, or the flesh is softened or materially changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting.

(5) Insects: (i) Worm holes. More than three healed codling moth stings, of which not more than two may be over $^{3}/_{32}$ inch in diameter, or other insect stings affecting the appearance to an equal extent.

(ii) Blister mite or canker worm injury which affects an aggregate area of more than $^{3}/_{4}$ inch in diameter or which materially deforms or disfigures the fruit.

(6) Scab spots which are black and which cover an aggregate area of more than one-fourth inch in diameter, except that scab spots of a russet character shall be considered under the definition of russeting.

(7) Sooty blotch which is thinly scattered over more than 15 percent of the surface, or dark heavily concentrated spots which affect an area of more than $^{3}/_{4}$ inch in diameter.

TOLERANCES

§ 51.1274 *Tolerances.* (a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the pears in any container may be below the requirements of grade: *Provided*, That not more than 5 percent shall be seriously damaged by insects, and not more than 1 percent shall be allowed for decay or internal breakdown.

(b) When applying the foregoing tolerances to the combination grade no part of any tolerance shall be used to reduce the percentage of U. S. No. 1 pears required in the combination, but individual containers may have not more than 10 percent less than the percentage of U. S. No. 1 required: *Provided*, That the entire lot averages within the percentage specified.

CONDITION

§ 51.1275 *Condition after storage or transit.* Decay, scald, or other deterioration which may have developed on pears

after they have been in storage or transit shall be considered as affecting condition and not the grade.

STANDARD PACK

§ 51.1276 *Sizing.* (a) The numerical count, or the minimum size of the pears packed in closed containers shall be indicated on the package. The number of pears in the box shall not vary more than 3 from the number indicated on the box.

(b) When the numerical count is marked on western standard or special pear boxes the pears shall not vary more than $^3/_8$ inch in their transverse diameter for counts 120 or less; $^1/_4$ inch for counts 135 to 180 inclusive; and $^3/_{16}$ inch for counts 193 or more.

(c) When the numerical count is marked on western standard half boxes or special half boxes packed three tiers deep, the pears shall not vary more than $^1/_4$ inch for counts 90 or less, and $^3/_{16}$ inch for counts 100 or more.

(d) When the numerical count is marked on western standard half boxes or special half boxes packed two tiers deep, the pears shall not vary more than $^3/_8$ inch for counts 50 or less; $^1/_4$ inch for counts 55 to 60 inclusive; and $^3/_{16}$ inch for counts 65 or more.

(e) When the numerical count is not shown, the minimum size shall be plainly stamped, stenciled or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as $2^1/_2$ inches minimum, $2^1/_4$ inches minimum, or $2^5/_8$ inches minimum, in accordance with the facts. It is suggested that both minimum and maximum sizes be marked on the container, as $2^1/_4$ to $2^3/_4$ inches, $2^1/_2$ to $2^3/_4$ inches, as such marking is especially desirable for pears marketed in the export trade.

(f) "Size" means the greatest transverse diameter of the pear taken at right angles to a line running from the stem to the blossom end.

§ 51.1277 *Packing.* (a) Each package shall be packed so that the pears in the shown face shall be reasonably representative in size and quality of the contents of the package.

(b) Pears packed in any container shall be tightly packed. All packages shall be well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) Pears packed in boxes shall be arranged in containers according to the approved and recognized methods with the pears packed lengthwise. A bridge shall not be allowed in any standard pack. When wrapped, each pear shall be fairly well enclosed by its individual wrapper.

(d) Pears packed in round stave bushel baskets, tubs or in barrels shall be ring faced.

§ 51.1278 *Tolerances for standard pack.* (a) In order to allow for variations incident to proper sizing, not more than 5 percent of the pears in any container may not meet the size requirements: *Provided*, That when the maximum and minimum sizes are both stated, an additional 10 percent tolerance shall be allowed for pears which are larger than the maximum size stated.

(b) In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may not meet these requirements, but no part of this tolerance shall be allowed for bridge packs, or for packs with different sizes and arrangements such as layers of 195 size and arrangement, and layers of 180 size and arrangement packed in the same box.

SUBPART—UNITED STATES STANDARDS FOR WINTER PEARS

GENERAL

§ 51.1300 *General.* (a) These standards apply to varieties such as Anjou, Bosc, Winter Nelis, Comice and other similar varieties.

(b) When the numerical count is marked on the container, percentages shall be calculated on the basis of count.

(c) When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight.

(d) When the pears are in bulk, percentages shall be calculated on the basis of weight.

(e) The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(f) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified.

(g) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, provided at least one specimen which does not meet the requirements shall be allowed in any one package.

GRADES

§ 51.1301 *U. S. Extra No. 1.* U. S. Extra No. 1 shall consist of pears of one variety which are mature, but not overripe, carefully handpicked, clean, well formed, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, hard end, drought spot, and free from injury caused by russeting, limbrubs, hail, scars, cork spot, sunburn, sprayburn, stings or other insect injury, or mechanical or other means except that they shall be free from damage caused by bruises, broken skins, or discase. (See §§ 51.1317 and 51.1318.)

§ 51.1302 *U. S. No. 1.* U. S. No. 1 shall consist of pears of one variety which are mature, but not overripe, carefully hand-picked, clean, fairly well formed, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, and from damage caused by hard end, bruises, broken skins, russeting, limbrubs, hail, scars, cork spot, drought spot, sunburn, sprayburn, stings or other insect injury, disease, or mechanical or other means. (See §§ 51.1317 and 51.1318.)

§ 51.1303 *U. S. No. 2.* U. S. No. 2 shall consist of pears of one variety which are mature, but not overripe, carefully hand-picked, clean, not seriously misshapen, free from decay, internal breakdown, scald, freezing injury, worm holes, black end, and from damage caused by hard end, or broken skins. The pears shall also be free from serious damage caused by bruises, russeting, limbrubs, hail, scars, cork spot, drought spot, sunburn, sprayburn, stings or other insect injury, disease, or mechanical or other means. (See §§ 51.1317 and 51.1318.)

§ 51.1304 *U. S. Combination.* A Combination of U. S. No. 1 and U. S. No 2 may be packed. When such a combination is packed, at least 50 percent of the pears in any container shall meet the requirements of U. S. No. 1. (See §§ 51.1317 and 51.1318.)

UNCLASSIFIED

§ 51.1305 *Unclassified.* Unclassified shall consist of pears which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no definite grade has been applied to the lot.

DEFINITIONS

§ 51.1306 *Mature.* (a) "Mature" means that the pear has reached the stage of maturity which will insure the proper completion of the ripening process.

(b) Before a mature pear becomes overripe it will show varying degrees of firmness depending upon the stage of the ripening process. Therefore, a statement of firmness should be given in order to indicate the stage of the ripening process. A description of the ground color should also be given.

(1) The following terms should be used for describing the ground color: "Green," "Light Green," "Yellowish Green," and "Yellow."

(2) The following terms should be used for describing the firmness of pears:

(i) "Hard" means that the flesh of the pear is solid and does not yield appreciably even to considerable pressure. Such pears are in suitable condition for long storage period for the variety.

(ii) "Firm" means that the flesh of the pear is fairly solid but yields somewhat to moderate pressure. The ripening process in firm pears is further advanced than in hard pears and they cannot be held in storage as long. Winter varieties at the firm stage may be held longer than the early varieties.

(iii) "Firm Ripe" means that the flesh of the pear yields readily to moderate pressure. Such a pear is approaching the stage at which it is in prime eating condition but may be held for a brief period although winter varieties can be held longer than the early varieties.

(iv) "Ripe" means that the pear is at the stage where it is in its most desirable condition for eating.

§ 51.1307 *Overripe.* "Overripe" means dead ripe, very mealy or soft, past commercial utility.



§ 51.1308 *Carefully handpicked.* "Carefully handpicked" means that the pears do not show evidence of rough handling or of having been on the ground.

§ 51.1309 *Clean.* "Clean" means free from excessive dirt, dust, spray residue or other foreign material.

§ 51.1310 *Well formed.* "Well formed" means having the shape characteristic of the variety. Slight irregularities of shape from type which do not appreciably detract from the general appearance of the fruit shall be considered well formed.

§ 51.1311 *Black end.* "Black end" is evidenced by an abnormally deep green color around the calyx, or black spots usually occurring on the one-third of the surface nearest to the calyx, or by an abnormally shallow calyx cavity.

§ 51.1312 *Injury.* "Injury" means any blemish or defect that more than slightly affects the appearance, or edible or shipping quality. The following shall be considered as injury:

(a) Russeting which exceeds the following shall be considered as injury:

(1) On all varieties any excessively rough russeting (russeting which shows "frogging" or slight cracking).

(2) On Comice, and on Anjou and other smooth-skinned varieties, slightly rough russeting, or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds $^1/_2$ inch in diameter.

(3) On Anjou and other smooth-skinned varieties, smooth solid russeting when the aggregate area exceeds $^1/_2$ inch in diameter and smooth netlike russeting when the aggregate area exceeds 15 percent of the surface, and on Comice, smooth solid or smooth netlike russeting when the aggregate area exceeds one-third of the surface, except that, in addition, on these and similar varieties, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx end not visible for more than $^1/_2$ inch along the contour of the pear, when it is placed calyx end down on a flat surface.

(4) On any of the following and other similar varieties, rough or thick russeting such as is characteristic of frost injury when the aggregate area exceeds $^1/_2$ inch in diameter. On any of these varieties any amount of characteristic russeting is permitted whether due to natural causes such as weather or stimulated by artificial means; leaf whips or light limbrubs which resemble and blend into russeted areas shall be considered as russet:

Bosc, Clairgeau, Easter Beurre, Flemish Beauty, Kieffer, P. Barry, Pound, Seckel, Sheldon, Winter Nelis, and other similar varieties.

(b) Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(1) Limbrubs which are cracked, softened, more than very slightly depressed, not light in color, or exceeding an aggregate area of $^3/_4$ inch in diameter.

(2) Hail marks or other similar depressions or scars which are not very shallow or superficial, or which affect an aggregate area of more than $^1/_4$ inch in diameter.

(3) Cork spot, when a pear shows depressions or other external evidence of the disease.

(4) Sunburn or sprayburn if the normal color of the fruit has been materially changed, or if the skin is blistered or cracked, or the flesh softened or discolored.

(5) More than two healed slight stings or depressions, or any stings which materially affect the general appearance of the fruit.

(6) Blister mite or canker worm injury which is not very shallow and superficial or where the injury affects an aggregate area of more than $^1/_4$ inch.

§ 51.1313 *Fairly well formed.* "Fairly well formed" means that the pear may be slightly abnormal in shape but not to an extent which detracts materially from the appearance of the fruit. Winter Nelis pears with characteristic slight sutures or with slight flattening on one side and/or other slight irregularities which do not materially detract from the general appearance of the pear shall be considered fairly well formed.

§ 51.1314 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or edible or shipping quality.

(a) Hard end, if the pear shows an abnormally yellow color at the blossom end, or an abnormally smooth rounded base with little or no depression at the calyx, or if the flesh near the calyx is abnormally dry and tough or woody.

(b) Slight handling bruises and package bruises such as are incident to good commercial handling in the preparation of a tight pack shall not be considered damage.

(c) Any pear with one skin break larger than $^3/_{16}$ inch in diameter or depth, or with more than one skin break $^1/_8$ inch or larger in diameter or depth, shall be considered damaged, and scored against the grade tolerance.

(1) Small inconspicuous skin breaks, less than $^1/_8$ inch in diameter or depth, shall not be considered damage. In addition, not more than 15 percent of the pears in any container may have not more than one skin break from $^1/_8$ inch to $^3/_{16}$ inch inclusive, in diameter or depth.

(d) Russeting which exceeds the following shall be considered as damage:

(1) On all varieties excessively rough russeting (russeting which shows "frogging" or slight cracking) when the aggregate area exceeds $^1/_2$ inch in diameter.

(2) On Anjou and other smooth-skinned varieties, slightly rough russeting, or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds $^3/_4$ inch in diameter.

(3) On Anjou, smooth solid or smooth netlike russeting when the aggregate exceeds one-third of the surface, and on other smooth-skinned varieties, 15 percent of the surface, except that, in addition, on Anjou and other smooth-skinned varieties, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx end not visible for more than $^1/_2$ inch along the contour of the pear, when it is placed calyx end down on a flat surface.

(4) On any of the following and other similar varieties, rough or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds $^3/_4$ inch in diameter. On any of these varieties any amount of characteristic russeting is permitted whether due to natural causes such as weather or stimulated by artificial means; leaf whips or light limbrubs which resemble and blend into russeted areas shall be considered as russet:

Bosc, Clairgeau, Comice, Eastern Beurre, Flemish Beauty, Kieffer, P. Barry, Pound, Seckel, Sheldon, Winter Nelis, and other similar varieties.

(e) Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(1) Any limbrubs which are cracked, softened, or more than slightly depressed.

(2) Black discoloration caused by limbrubs which exceeds an aggregate area of $^3/_8$ inch in diameter.

(3) Dark brown discoloration or excessive roughness caused by limbrubs which exceeds an aggregate area of $^1/_2$ inch in diameter.

(4) Slightly rough, light colored discoloration caused by limbrubs which exceeds an aggregate area of $^3/_4$ inch in diameter.

(5) Smooth, light colored discoloration caused by limbrubs which exceeds an aggregate area of 1 inch in diameter.

(6) Hail marks or other similar depressions or scars which are not shallow or superficial, or where the injury affects an aggregate area of more than $^3/_8$ inch in diameter.

(7) Cork spot, when more than one in number visible externally, or when the visible external injury affects an area of more than $^3/_8$ inch in diameter.

(8) Drought spot when more than one in number or when the external injury exceeds an aggregate area of $^3/_8$ inch in diameter, or when the appearance of the flesh is materially affected by corky tissue or brownish discoloration.

(9) Sunburn or sprayburn where the skin is blistered, cracked, or shows any light tan or brownish color, or the shape of the pear is appreciably flattened, or the flesh is appreciably softened or changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting.

(10) Insects: (i) More than two healed codling moth stings, or any insect sting which is over $^1/_{32}$ of an inch in diameter, or other insect stings affecting the appearance to an equal extent.

(ii) Blister mite or canker worm injury which is not shallow or superficial, or where the injury affects an aggregate area of more than $^3/_8$ inch in diameter.

(11) Disease: (i) Scab spots which are black and which cover an aggregate area of more than $^1/_8$ inch in diameter, except that scab spots of a russet character, shall be considered under the definition of russeting.

(ii) Hail marks or other similar depressions or scars which are not very shallow or superficial, or which affect an aggregate area of more than $^1/_4$ inch in diameter.

(iii) Cork spot, when a pear shows depressions or other external evidence of the disease.

(iv) Sunburn or sprayburn if the normal color of the fruit has been materially changed, or if the skin is blistered or cracked, or the flesh softened or discolored.

(v) More than two healed slight stings or depressions, or any stings which materially affect the general appearance of the fruit.

(vi) Blister mite or canker worm injury which is not very shallow and superficial or where the injury affects an aggregate area of more than $^1/_4$ inch.

§ 51.1315 *Fairly well formed.* "Fairly well formed" means that the pear may be slightly abnormal in shape but not to an extent which detracts materially from the appearance of the fruit. Winter Nelis pears with characteristic slight sutures or with slight flattening on one side and/or other slight irregularities which do not materially detract from the general appearance of the pear shall be considered fairly well formed.

§ 51.1316 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or edible or shipping quality.

(a) Hard end, if the pear shows an abnormally yellow color at the blossom end, or an abnormally smooth rounded base with little or no depression at the calyx, or if the flesh near the calyx is abnormally dry and tough or woody.

(b) Slight handling bruises and package bruises such as are incident to good commercial handling in the preparation of a tight pack shall not be considered damage.

(c) Any pear with one skin break larger than $^3/_{16}$ inch in diameter or depth, or with more than one skin break $^1/_8$ inch or larger in diameter or depth, shall be considered damaged, and scored against the grade tolerance.

(1) Small inconspicuous skin breaks, less than $^1/_8$ inch in diameter or depth, shall not be considered damage. In addition, not more than 15 percent of the pears in any container may have not more than one skin break from $^1/_8$ inch to $^3/_{16}$ inch inclusive, in diameter or depth.

(d) Russeting which exceeds the following shall be considered as damage:

(1) On all varieties excessively rough russeting (russeting which shows "frogging" or slight cracking) when the aggregate area exceeds $^1/_2$ inch in diameter.

(2) On Anjou and other smooth-skinned varieties, slightly rough russeting, or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds $^3/_4$ inch in diameter.

(3) On Anjou, smooth solid or smooth netlike russeting when the aggregate exceeds one-third of the surface, and on other smooth-skinned varieties, 15 percent of the surface, except that, in addition, on Anjou and other smooth-skinned varieties, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx end not visible for more than $^1/_2$ inch along the contour of the pear, when it is placed calyx end down on a flat surface.

(4) On any of the following and other similar varieties, rough or thick russeting such as is characteristic of frost injury, when the aggregate area exceeds $^3/_4$ inch in diameter. On any of these varieties any amount of characteristic russeting is permitted whether due to natural causes such as weather or stimulated by artificial means; leaf whips or light limbrubs which resemble and blend into russeted areas shall be considered as russet:

Bosc, Clairgeau, Comice, Eastern Beurre, Flemish Beauty, Kieffer, P. Barry, Pound, Seckel, Sheldon, Winter Nelis, and other similar varieties.

(e) Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(1) Any limbrubs which are cracked, softened, or more than slightly depressed.

(2) Black discoloration caused by limbrubs which exceeds an aggregate area of $^3/_8$ inch in diameter.

(3) Dark brown discoloration or excessive roughness caused by limbrubs which exceeds an aggregate area of $^1/_2$ inch in diameter.

(4) Slightly rough, light colored discoloration caused by limbrubs which exceeds an aggregate area of $^3/_4$ inch in diameter.

(5) Smooth, light colored discoloration caused by limbrubs which exceeds an aggregate area of 1 inch in diameter.

(6) Hail marks or other similar depressions or scars which are not shallow or superficial, or where the injury affects an aggregate area of more than $^3/_8$ inch in diameter.

(7) Cork spot, when more than one in number visible externally, or when the visible external injury affects an area of more than $^3/_8$ inch in diameter.

(8) Drought spot when more than one in number or when the external injury exceeds an aggregate area of $^3/_8$ inch in diameter, or when the appearance of the flesh is materially affected by corky tissue or brownish discoloration.

(9) Sunburn or sprayburn where the skin is blistered, cracked, or shows any light tan or brownish color, or the shape of the pear is appreciably flattened, or the flesh is appreciably softened or changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting.

(10) Insects: (i) More than two healed codling moth stings, or any insect sting which is over $^1/_{32}$ of an inch in diameter, or other insect stings affecting the appearance to an equal extent.

(ii) Blister mite or canker worm injury which is not shallow or superficial, or where the injury affects an aggregate area of more than $^3/_8$ inch in diameter.

(11) Disease: (i) Scab spots which are black and which cover an aggregate area of more than $^1/_8$ inch in diameter, except that scab spots of a russet character, shall be considered under the definition of russeting.

(ii) Sooty blotch which is thinly scattered over more than 5 percent of the surface, or dark, heavily concentrated spots which affect an area of more than $\frac{3}{8}$ inch in diameter.

§ 51.1315 *Seriously misshapen.* "Seriously misshapen" means that the pear is excessively flattened or elongated for the variety, or is constricted or deformed so it will not cut three fairly uniform good quarters, or is so badly misshapen that the appearance is seriously affected.

§ 51.1316 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or edible or shipping quality.

(a) Russeting which in the aggregate exceeds the following shall be considered as serious damage:

(1) On all varieties, excessively rough russeting (russeting which shows "frogging" or slight cracking) when the aggregate area exceeds $\frac{3}{4}$ inch in diameter.

(2) On all varieties, thick russeting such as is characteristic of frost injury, 15 percent of the surface.

(3) On Anjou, smooth solid or smooth netlike russeting when the aggregate area exceeds two-thirds of the surface, except that, in addition, any amount of characteristic smooth russeting shall be permitted on that portion of the calyx end not visible for more than $\frac{1}{2}$ inch along the contour of the pear, when it is placed calyx end down on a flat surface. On Flemish Beauty smooth russeting shall be permitted on the entire surface.

(b) Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(1) Limbrubs which are more than slightly cracked, or excessively rough limbrubs or dark brown or black discoloration caused by limbrubs which exceeds an aggregate area of $\frac{3}{4}$ inch in diameter.

(2) Other limbrubs which affect an aggregate area of more than one-tenth of the surface.

(3) Hail marks or other similar depressions or scars which affect an aggregate area of more than $\frac{3}{4}$ inch in diameter, or which materially deform or disfigure the fruit.

(4) Cork spot, when more than two in number visible externally, or when the visible external injury affects an aggregate area of more than $\frac{1}{2}$ inch in diameter.

(5) Drought spot when more than two in number, or where the external injury affects an aggregate area of more than $\frac{3}{4}$ inch in diameter, or when the appearance of the flesh is seriously affected by corky tissue or brownish discoloration.

(6) Sunburn or sprayburn where the skin is blistered, cracked or shows any brownish color, or where the shape of the pear is materially flattened, or the flesh is softened or materially changed in color, except that sprayburn of a russet character shall be considered under the definition of russeting.

(7) Insects: (i) Worm holes. More than three healed codling moth stings, of which not more than two may be over $\frac{3}{32}$ inch in diameter, or other insect stings affecting the appearance to an equal extent.

(ii) Blister mite or canker worm injury which affects an aggregate area of more than $\frac{3}{4}$ inch in diameter or which materially deforms or disfigures the fruit.

(8) Disease: (i) Scab spots which are black, and which cover an aggregate area of more than $\frac{1}{4}$ inch in diameter, except that scab spots of a russet character shall be considered under the definition of russeting.

(ii) Sooty blotch which is thinly scattered over more than 15 percent of the surface, or dark heavily concentrated spots which affect an area of more than $\frac{3}{4}$ of an inch in diameter.

TOLERANCES

§ 51.1317 *Tolerances.* (a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent of the pears in any container may be below the requirements of grade: *Provided*, That not more than 5 percent shall be seriously damaged by insects, and not more than 1 percent shall be allowed for decay or internal breakdown.

(b) When applying the foregoing tolerances to the combination grade no part of any tolerance shall be used to reduce the percentage of U. S. No. 1 pears required in the combination, but individual containers may have not more than 10 percent less than the percentage of U. S. No. 1 required: *Provided*, That the entire lot averages within the percentage specified.

CONDITION

§ 51.1318 *Condition after storage or transit.* Decay, scald or other deterioration which may have developed on pears after they have been in storage or transit shall be considered as affecting condition and not the grade.

STANDARD PACK

§ 51.1319 *Sizing.* (a) The numerical count, or the minimum size of the pears packed in closed containers shall be indicated on the package. The number of pears in the box shall not vary more than 3 from the number indicated on the box.

(b) When the numerical count is marked on western standard or special pear boxes the pears shall not vary more than $\frac{3}{8}$ inch in their transverse diameter for counts 120 or less; $\frac{1}{4}$ inch for counts 135 to 180 inclusive; and $\frac{3}{16}$ inch for counts 193 or more.

(c) When the numerical count is marked on western standard half boxes or special half boxes packed three tiers deep, the pears shall not vary more than $\frac{1}{4}$ inch for counts 90 or less, and $\frac{3}{16}$ inch for counts 100 or more.

(d) When the numerical count is marked on western standard half boxes or special half boxes packed two tiers deep, the pears shall not vary more than $\frac{3}{8}$ inch for counts 50 or less; $\frac{1}{4}$ inch for counts 55 to 60 inclusive; and $\frac{3}{16}$ inch for counts 65 or more.

(e) When the numerical count is not shown, the minimum size shall be plainly stamped, stenciled or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as $2\frac{1}{2}$ inches minimum, $2\frac{1}{4}$ inches minimum, or $2\frac{5}{8}$ inches minimum, in accordance with the facts. It is suggested that both minimum and maximum sizes be marked on the container, as $2\frac{1}{4}$ to $2\frac{3}{4}$ inches, $2\frac{1}{2}$ to $2\frac{1}{4}$ inches, as such marking is especially desirable for pears marketed in the export trade.

(f) "Size" means the greatest transverse diameter of the pear taken at right angles to a line running from the stem to the blossom end.

§ 51.1320 *Packing.* (a) Each package shall be packed so that the pears in the shown face shall be reasonably representative in size and quality of the contents of the package.

(b) Pears packed in any container shall be tightly packed. All packages shall be well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) Pears packed in boxes shall be arranged in containers according to the approved and recognized methods with the pears packed lengthwise. A bridge shall not be allowed in any standard pack. When wrapped, each pear shall be fairly well enclosed by its individual wrapper.

(d) Pears packed in round stave bushel baskets, tubs, or in barrels shall be ring faced.

§ 51.1321 *Tolerances for standard pack.* (a) In order to allow for variations incident to proper sizing, not more than 5 percent of the pears in any container may not meet the size requirements: *Provided*, That when the maximum and minimum sizes are both stated, an additional 10 percent tolerance shall be allowed for pears which are larger than the maximum size stated.

(b) In order to allow for variations incident to proper packing, not more than 10 percent of the containers in any lot may not meet these requirements, but no part of this tolerance shall be allowed for bridge packs, or for packs with different sizes and arrangements such as layers of 195 size and arrangement, and layers of 160 size and arrangement packed in the same box.

SUBPART—UNITED STATES STANDARDS FOR PEARS FOR CANNING

GENERAL

§ 51.1345 *General.* All percentages shall be calculated on the basis of weight.

GRADES

§ 51.1346 *U. S. No. 1.* U. S. No. 1 shall consist of pears of one variety which are mature, handpicked, firm, well formed, free from scald, hard end, black end, internal breakdown, decay, worms and worm holes and from damage caused by broken skins, limbrubs, sprayburn, sunburn, scab, russeting, bruises, hail, frost, drought spot, disease, insects, mechanical or other means.

(a) Unless otherwise specified, the pears shall not be further advanced than yellowish green.

(b) Tree-ripened pears and pears grown from late blooms shall not be considered as meeting the requirements of this grade. (See § 51.1349.)



§ 51.1347 *U. S. No. 2.* U. S. No. 2 shall consist of pears of one variety which are mature, handpicked, firm, not seriously deformed, free from scald, hard end, black end, internal breakdown, decay, worms and worm holes, and from serious damage by any other cause.

(a) Unless otherwise specified, the pears shall not be further advanced than yellowish green.

(b) Tree-ripened pears and pears grown from late blooms shall not be considered as meeting the requirements of this grade. (See § 51.1349.)

CULLS

§ 51.1348 *Culls.* Culls are pears which do not meet the requirements of either of the grades in §§ 51.1346 and 51.1347.

SIZE

§ 51.1349 *Size classification.* The diameter size may be fixed by agreement between buyer and seller. If desired, pears may be contracted on the basis of more than one size classification within one of the grades such as U. S. No. 1, $2\frac{1}{8}$ to $2\frac{3}{8}$ inches, U. S. No. 1, $2\frac{3}{8}$ inches and larger, or U. S. No. 1, $2\frac{1}{4}$ to $2\frac{3}{8}$ inches. Specifications also may be made with respect to the ratio of length to diameter such as U. S. No. 1, $2\frac{1}{8}$ to $2\frac{3}{8}$ inches, length $1\frac{1}{4}$ times the diameter, U. S. No. 1, $2\frac{3}{8}$ inches and larger, length $1\frac{1}{4}$ times the diameter. Similar specifications or simply a minimum size may be designated for U. S. No. 2 grade.

DEFINITIONS

§ 51.1350 *Mature.* "Mature" means that the pear has reached the stage of maturity which will insure the proper completion of the ripening process.

§ 51.1351 *Handpicked.* "Handpicked" means that the pears do not show evidence of having been on the ground.

§ 51.1352 *Firm.* "Firm" means that the pear is fairly solid and yields only very slightly to moderate pressure, and is not wilted, shriveled, rubbery or flabby.

§ 51.1353 *Well formed.* "Well formed" means that the pear has the shape characteristic of the variety, so that after paring, cutting in halves and coring, each half of the pear shall be well formed. Bartlett pears shall have at least a fairly well developed neck.

§ 51.1354 *Damage.* "Damage" means any injury or defect which materially affects the canning quality of the fruit. After paring, cutting in halves and coring, each half of the pear shall be well formed or the pear is considered damaged. Pears showing surface blemishes shall be considered damaged when the injury cannot be completely removed in the ordinary process of paring for commercial use.

§ 51.1355 *Pears grown from late blooms.* Such pears often have excessively long stems (commonly termed "rat tails"), or may be misshapen or slightly rough. Such pears do not ripen properly for ordinary canning use.

§ 51.1356 *Seriously deformed.* "Seriously deformed" means that the pear is so badly misshapen as to cause a loss during the usual commercial preparation for use of over 20 percent, by weight, of the pear in excess of that which would occur if the pear were well formed. Round or apple-shaped pears shall not be considered seriously deformed.

§ 51.1357 *Serious damage.* "Serious damage" means any injury or defect which cannot be removed during the usual commercial preparation for use without a loss of over 20 percent, by weight, of the pear in excess of that which would occur if the pear were not defective.

§ 51.1358 *Diameter.* "Diameter" means the greatest dimension of the pear taken at right angles to a line running from the stem to the blossom end.

SUBPART—UNITED STATES STANDARDS FOR FRESH PEAS

INTRODUCTION

§ 51.1375 *Introduction.* (a) The tolerances for the standards are on a container basis. However, individual containers in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(b) For a tolerance of 10 percent, individual containers in any lot may have not more than one and one-half times the tolerance.

(c) For a tolerance of less than 10 percent, individual containers in any lot may have not more than double the tolerance.

GRADES

§ 51.1376 *U. S. No. 1.* U. S. No. 1 shall consist of pods of peas of similar varietal characteristics which are not overmature or excessively small, not badly misshapen or watersoaked, and which are fairly well filled, fresh, firm, free from decay, and from damage caused by black calyxes, freezing, splitting, hail, dirt, leaves, or other foreign matter, mildew, or other diseases, insects, or mechanical or other means. The peas shall be at least fairly tender, free from decay, and from damage caused by split skins, disease, insects or mechanical or other means.

(a) Peas may be specified as "U. S. No. 1 Green Calyxes" when they meet the requirements of U. S. No. 1 grade and an average of three-fourths or more, by weight, of the pods in any lot, but not less than one-half of the pods in each container, have calyxes which are of a fairly good green color.

§ 51.1377 *U. S. Fancy.* U. S. Fancy shall consist of pods of peas which are well filled and have an average of three-fourths or more by weight, of the pods in any lot, but not less than one-half of the pods in each container with calyxes which are of a fairly good green color, and which meet the requirements of U. S. No. 1 grade in all other respects.

TOLERANCES

§ 51.1378 *Tolerances.* In order to allow for variations incident to proper grading and handling, not more than 10 percent, by weight, of the pods of peas in any container may be below the requirements of the grade, but not more than one-half of this tolerance, or 5 percent, shall be allowed for defects causing serious damage, and not more than one-tenth of this tolerance, or 1 percent, shall be allowed for soft decay. When peas are specified as "U. S. No. 1 Green Calyxes" or "U. S. Fancy" no part of any tolerance shall be allowed to reduce for the lot as a whole, or for the individual container the percentage of pods which are required to have calyxes of a fairly good green color.

UNCLASSIFIED

§ 51.1379 *Unclassified.* Unclassified shall consist of peas which have not been classified in accordance with the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

DEFINITIONS

§ 51.1380 *Similar varietal characteristics.* "Similar varietal characteristics" means that the pods of peas in any container are of the same general type.

§ 51.1381 *Overmature.* "Overmature" means that the pod has developed beyond the stage at which it is desirable as a fresh product. The pod is usually wrinkled and the green is faded, having a noticeably whitish or yellowish cast.

§ 51.1382 *Excessively small.* "Excessively small" means that the pod is so short that there is space for only two peas which are at least fairly well developed.

§ 51.1383 *Badly misshapen.* "Badly misshapen" means that the pod is badly constricted, crooked, or badly twisted.

§ 51.1384 *Fairly well filled.* "Fairly well filled" means that more than one-half of the pod contains peas which are at least fairly well developed.

§ 51.1385 *Well filled.* "Well filled" means that more than two-thirds of the pod contains peas which are at least fairly well developed.

§ 51.1386 *Damage.* "Damage" means any injury or defect which materially affects the appearance, edible or shipping quality.

§ 51.1387 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, edible or shipping quality. Badly misshapen pods or pods seriously affected with downy mildew injury shall be considered as being seriously damaged.

SUBPART—UNITED STATES STANDARDS FOR PECANS IN THE SHELL

GENERAL

§ 51.1400 *General.* The pecan grading chart [1] to which reference is made

[1] The pecan grading chart was filed with these United States Standards for Pecans in the Shell and it is available for inspection in the Federal Register Division. Copies may be obtained upon request from the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C.

in §§ 51.1408 and 51.1414 is the pecan grading chart which was issued in 1942 by the United States Department of Agriculture.

GRADES

§ 51.1401 *U. S. No. 1.* U. S. No. 1 consists of pecans in the shell which shells are fairly uniform in color, fairly well shaped and which are free from damage caused by stains or adhering hulls, split or broken shells, loose hulls or other foreign material or other means. The kernels shall be well cured, free from rancidity, mold, decay, insect injury, and from damage caused by shriveling, leanness, hollowness, discoloration, or other means. (See § 51.1404.)

(a) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) For external defects not more than 10 percent, by count, for pecans which fail to meet the requirements of the grade: *Provided*, That not more than three-tenths of this amount, or 3 percent, shall be allowed for pecans which are seriously damaged by stains or adhering hulls, or by split, broken or punctured shells.

(2) For internal defects (defects of the kernel) not more than 15 percent, by count, for pecans which fail to meet the requirements of the grade: *Provided*, That not more than two-fifths of this amount, or 6 percent, shall be allowed for kernels which are not well cured, rancid, moldy, decayed, injured by insects, or seriously damaged by shriveling, leanness, discoloration or other means.

§ 51.1402 *U. S. Commercial.* U. S. Commercial consists of pecans in the shell which shells are free from serious damage caused by stains or adhering hulls, split, broken or punctured shells, loose hulls or other foreign material or other means. At least 65 percent, by count, of the pecans in any lot shall have kernels which meet the requirements of U. S. No. 1 grade; and the remainder shall have kernels which are well cured, free from rancidity, mold, decay, insect injury, and from serious damage caused by shriveling, leanness, discoloration or other means. (See § 51.1404.)

(a) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) For external defects not more than 10 percent, by count, for pecans which fail to meet the requirements of the grade.

(2) For internal defects (defects of the kernel) not more than 15 percent, by count, for pecans which fail to meet the requirements of the grade: *Provided*, That not more than two-thirds of this amount, or 10 percent, shall be allowed for kernels which are very seriously damaged. No part of any tolerance shall be allowed to reduce for the lot the percentage of U. S. No. 1 kernels required in this grade.

UNCLASSIFIED

§ 51.1403 *Unclassified.* Unclassified consists of pecans in the shell which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

SIZE

§ 51.1404 *Size.* The size of pecans may be designated on the basis of the following table:

| Size designation | Number of nuts per pound | The 10 smallest nuts in a representative 100-nut sample must weigh at least:[1] | |
|---|---|---|---|
| | | Ounces | Equivalent in grams |
| Oversize | Not more than 52 | 2.50 | 71 |
| Extra large | Not more than 60 | 2.27 | 64 |
| Large | 61 to 73 | 1.75 | 50 |
| Medium | 74 to 90 | 1.50 | 43 |
| Small | 91 to 115 | 1.25 | 36 |

[1] When the sample for inspection consists of more than 100 nuts, the 10 percent, by count, which are smallest will be segregated and weighed. For example, if the sample consists of 200 nuts, as will generally be the case when a carload is being inspected, the 20 smallest nuts must weigh at least three times the amount shown for any size designation. In selecting the smallest nuts, those which are by observation the smallest in appearance are segregated. In doubtful cases which is the smallest among two or more nuts which appear to be about equal in size, the lightest in weight shall be used.

(a) In addition to having the requisite count per pound for any size designation shown in this table, the lot must comply with the restrictions as to the smallest nuts as indicated. No tolerance shall be allowed.

(b) In lieu of the size designations in the table in this section, the size of pecans in any lot may be described in accordance with the maximum number per pound or the range in number per pound without restrictions as to the smallest nuts in the lot. When this method of size specification is used, no tolerance shall be allowed. The size may also be described as an exact number per pound as 65, 80, etc. When this method is used, the actual number per pound may not vary by more than 12 percent from the specified number.

(c) The size may also be described in terms of the diameter of the smallest nuts, or range in diameters of the nuts in a lot stated in sixteenths of an inch. When so specified, not more than 12 percent, by count, of the pecans in any lot may be below the minimum diameter specified and not more than 12 percent may be above the maximum diameter specified.

APPLICATION OF TOLERANCES

§ 51.1405 *Application of tolerances.* The tolerances for these grades are on a lot basis and a composite sample customarily is taken for inspection purposes. However, any container or group of containers in which the pecans are found to be materially inferior to those in the majority of the containers shall be considered as a separate lot.

DEFINITIONS

§ 51.1406 *Fairly uniform in color.* "Fairly uniform in color" means that the shells do not show sufficient variation in color to materially detract from the general appearance of the lot. Natural markings (usually in dark streaks and heaviest near the ends) shall not be considered as detracting from the appearance of the lot.

§ 51.1407 *Fairly well shaped.* "Fairly well shaped" means that the pecan is not crescent-shaped nor otherwise materially misshapen.

§ 51.1408 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Stains or adhering hulls, when stains of dark color or adhering hulls, caused by shuck worms or other means, affect an aggregate area of more than 5 percent of the surface of the shell.

(b) Split or broken shells, when the parts of the shell spread upon application of slight pressure near the split or crack.

(c) Shriveling, when materially affecting more than 5 percent of the kernel including both halves. The shriveling may be on one or both halves. In judging the percentage affected by shriveling the flat or inner sides of the kernel are disregarded. The maximum percentage of shriveling (5 percent including both halves) on two half-kernels not considered damaged is illustrated in the upper left hand corner of the pecan grading chart.

(d) Leanness, when either half of the kernel has more than a moderately lean or undeveloped appearance. A half-kernel and cross-section showing moderately lean or undeveloped appearance not considered damaged is illustrated in the center of the upper row of the pecan grading chart.

(e) Hollowness, when a cross section of either half of the kernel shows more than a moderate hollowness, or the half-kernel is not fairly firm and "meaty." A half-kernel and cross-section showing moderate hollowness not considered damaged is illustrated in the upper right hand corner of the pecan grading chart.

(f) Discoloration. (1) When either half of the kernel is darker than indicated for undamaged half-kernels in the lower left-hand corner of the pecan grading chart. The inner or flat side of the half-kernel is disregarded in judging color. Natural markings, including dark lines, specks or mottling shall not be considered as damage if the ground color is not too dark according to the chart.

(2) When more than one dark kernel spot is present on either half of the kernel, or one such spot when more than one-eighth inch in greatest dimension.

(3) When there is brownish or grayish material from the inside of the shell adhering to more than one-fourth of the surface, including both halves, which was adjacent to the shell.

(4) When there is reddish or brownish dust, from the inside of the shell, present in sufficient quantity to materially affect the appearance, or the edible quality.



(5) Discoloration which is readily noticeable in the interior of the kernel when it is broken.

§ 51.1409 *Well cured.* "Well cured" means that the kernel separates freely from the shell and from the corky partitions inside the shell, breaks at a definite point without splintering, shattering, or tearing the meat or loosening the skin, and appears to be in good shipping and storage condition as to moisture content.

§ 51.1410 *Rancidity.* "Rancidity" means that the kernel is distinctly rancid to the taste.

§ 51.1411 *Mold.* "Mold" means any mold growth which noticeably affects the exterior or interior of the kernel.

§ 51.1412 *Decay.* "Decay" means that the kernel is putrid or decomposed.

§ 51.1413 *Insect injury.* "Insect injury" means that the insect, web, or frass is present, or that the kernel shows other noticeable evidence of insect injury.

§ 51.1414 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality. Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Stains or adhering hulls, when stains of dark color or adhering hulls, caused by shuck worms or other means, affect an aggregate area of more than 10 percent of the surface of the shell.

(b) Split, broken, or punctured shells, when a fragment of the shell is broken off, when the kernel is plainly visible through a punctured, split, or cracked shell without the application of any pressure, or when a worm hole penetrates the shell wall.

(c) Shriveling, when materially affecting more than one-third of the kernel including both halves. In judging the percentage affected by shriveling the flat or inner sides of the kernel are disregarded. The maximum percentage of shriveling (one-third of the kernel including both halves) not considered seriously damaged is illustrated in the left side of the middle row of the pecan grading chart.

(d) Leanness, when either half of the kernel has a more lean or undeveloped appearance than shown on the right side of the middle row of the pecan grading chart.

(e) Discoloration. (1) When the color of either half of the kernel is as dark in color, or darker, than indicated as seriously damaged on the kernel in the center of the lower row of the pecan grading chart. The inner or flat side of the half-kernel is disregarded in judging color.

(2) When there are more than three dark kernel spots on either half of the kernel, or when such spots affect an aggregate area of more than 10 percent of the surface of the half-kernel which was adjacent to the shell.

(3) When there is brownish or grayish material from the inside of the shell adhering to more than one-half of the surface, including both halves, which was adjacent to the shell.

(4) When the interior of the kernel is so discolored that it is unacceptable as food.

§ 51.1415 *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality. Any one of the following defects shall be considered as very serious damage:

(a) Kernels which are distinctly rancid to the taste.

(b) Kernels which are noticeably affected by mold on the exterior or interior.

(c) Kernels which are decayed (putrid or decomposed).

(d) Kernels with insects, web, or frass present, or which show other noticeable evidence of insect injury.

(e) Kernels which are so shriveled that they have virtually no food value.

§ 51.1416 *Diameter.* "Diameter" means the smallest dimension at right angles to the longitudinal axis taken at the point of greatest circumference. The diameter shall be determined by passing, or attempting to pass, the pecan through slotted openings of sufficient length to permit the pecan to pass through in a lengthwise position.

SUBPART—UNITED STATES STANDARDS FOR SHELLED PECANS

GENERAL

§ 51.1430 *General.* The pecan grading chart to which reference is made in §§ 51.1442, 51.1450, 51.1453 is the pecan grading chart issued in 1952 by the United States Department of Agriculture. Such pecan grading chart is annexed hereto and made a part hereof.[1]

GRADES

§ 51.1431 *U. S. No. 1 Halves.* U. S. No. 1 Halves consists of pecan half-kernels which are well dried and clean, and which are free from pieces of shell and center wall, foreign material, chipped halves, broken kernels, particles and dust, noticeable shriveling, rancidity, mold, decay, and insect injury, and are free from damage caused by leanness, hollowness, discoloration, or other means. The pecan halves in any lot shall be fairly uniform in size and fairly uniform in color. (See § 51.1436.)

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) One-fifth of 1 percent (0.20 percent), by weight, for pieces of shell, center wall and foreign material: *Provided*, That not more than one-fourth of this amount, or one-twentieth of 1 percent (0.05 percent), shall be allowed for pieces of shell and foreign material;

(2) 20 percent, by weight, for chipped halves;

(3) 12 percent, by weight, for broken kernels and particles and dust: *Provided*, That not more than one-fourth of this amount, or 3 percent, shall be allowed for broken kernels which are less than one-half of a complete half-kernel, including not more than one-half of 1 percent for particles and dust; and,

(4) 7 percent, by weight, for portions of kernels which fail to meet the remaining requirements of this grade, including therein not more than 4 percent for damage caused by internal discoloration and not more than 1 percent for rancidity, mold, decay, insect injury, or serious damage caused by shriveling, leanness, external discoloration, internal discoloration, or other means.

§ 51.1432 *U. S. Commercial Halves.* U. S. Commercial Halves consists of pecan half-kernels which are well dried and clean, and which are free from pieces of shell and center wall, foreign material, broken kernels, particles and dust, rancidity, mold, decay, and insect injury, and are free from serious damage caused by shriveling, leanness, external discoloration, internal discoloration, or other means. (See § 51.1436.)

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) One-fifth of 1 percent (0.20 percent), by weight, for pieces of shell, center wall and foreign material: *Provided*, That not more than one-fourth of this amount, or one-twentieth of 1 percent (0.05 percent), shall be allowed for pieces of shell and foreign material;

(2) 15 percent, by weight, for broken kernels and particles and dust: *Provided*, That not more than one-third of this amount, or 5 percent, shall be allowed for broken kernels which are less than one-half of a complete half-kernel, including not more than one-half of 1 percent for particles and dust; and,

(3) 10 percent, by weight, for portions of kernels which fail to meet the remaining requirements of this grade, including therein not more than 3 percent for rancidity, mold, decay, insect injury, serious damage caused by internal discoloration, or those that are so shriveled that they have virtually no food value.

§ 51.1433 *U. S. No. 1 Pieces.* U. S. No. 1 Pieces consists of portions of pecan kernels which are well dried and clean, and which are free from pieces of shell and center wall, foreign material, noticeable shriveling, rancidity, mold, decay, and insect injury, and are free from damage caused by leanness, hollowness, discoloration, or other means. There are no restrictions in this grade in regard to the proportion of pecan halves which may be included in a lot designated as "Pieces" except that the halves shall meet the size requirements specified for the pieces. Unless a larger minimum size is specified, the minimum diameter of pieces specified in connection with this grade shall be two-sixteenths inch. (See § 51.1437.)

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) One-tenth of 1 percent (0.10 percent), by weight, for pieces of shell and center wall, and foreign material; and,

[1] The pecan grading chart was filed with these United States Standards for Shelled Pecans and it is available for inspection in the Division of the Federal Register. Copies may be obtained upon request from the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, South Building, Washington 25, D. C.

(2) 7 percent, by weight, for portions of kernels which fail to meet the remaining requirements of this grade, including therein not more than 4 percent for damage caused by internal discoloration and not more than 1 percent for rancidity, mold, decay, insect injury, or serious damage caused by shriveling, external discoloration, internal discoloration, or other means.

§ 51.1434 *U. S. Commercial Pieces.* U. S. Commercial Pieces consists of portions of pecan kernels which are well dried and clean, and which are free from pieces of shell and center wall, foreign material, rancidity, mold, decay, insect injury, and are free from serious damage caused by shriveling, leanness, external discoloration, internal discoloration, or other means. There are no restrictions in this grade in regard to the proportion of pecan halves which may be included in a lot designated as "Pieces" except that the halves shall meet the size requirements specified for the pieces. Unless a larger minimum size is specified, the minimum diameter of pieces specified in connection with this grade shall be two-sixteenths inch. (See § 51.1437.)

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) One-tenth of 1 percent (0.10 percent), by weight, for pieces of shell and center wall, and foreign material; and,

(2) 10 percent, by weight, for portions of kernels which fail to meet the remaining requirements of this grade, including therein not more than 3 percent for rancidity, mold, decay, insect injury, serious damage caused by internal discoloration, or those that are so shriveled that they have virtually no food value.

UNCLASSIFIED

§ 51.1435 *Unclassified.* Unclassified consists of shelled pecans which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

SIZE

§ 51.1436 *Size requirements for halves.* The size of pecan halves may be specified in accordance with the size designations shown in Table I:

TABLE I

| Size designation | Number of halves per pound [1] |
|---|---|
| Mammoth | 200–250 |
| Junior Mammoth | 251–300 |
| Jumbo | 301–350 |
| Extra Large | 351–450 |
| Large | 451–550 |
| Medium | 551–650 |
| Topper | 651–750 |
| Large Amber [2] | 700 or less |
| Regular Amber [2] | More than 400 |

[1] The number of halves per pound shall be determined on the basis of the weight of the pecan halves after the broken kernels, particles and dust, and foreign material have been removed.

[2] This designation is provided for use only in connection with the U. S. Commercial Grade.

(a) In lieu of the size designations specified in Table I, the size of pecan halves may be specified in terms of the number of halves per pound, as, for example, "400", or a range may be stated, as, for example, "600–700".

(b) Tolerance for counts per pound. In order to allow for variations incident to proper sizing, the following tolerance shall be permitted:

(1) When an exact number of halves per pound is specified, as, for example, "400", the actual number may vary from the specified number by not more than 5 percent.

(2) When the size designation shown in Table I are used to specify size, or when a range is specified, as, for example, "600–700", no tolerance for counts above or below those specified shall be allowed.

§ 51.1437 *Size requirements for pieces.* The size of pecan pieces may be specified in accordance with the size designations shown in Table II:

TABLE II

| Size designations | Maximum diameter (will pass through a sieve with round openings of the following diameters) | Minimum diameter (will not pass through a sieve with round openings of the following diameters) |
|---|---|---|
| | *Inch* | *Inch* |
| Extra Large | | 5/16 |
| Large | 9/16 | 5/16 |
| Medium | 5/16 | 4/16 |
| Small | 4/16 | 3/16 |
| Midget | 3/16 | 2/16 |
| Regular Amber [1] | | 4/16 |
| Small Amber [1] | 4/16 | 3/16 |

[1] This designation is provided for use only in connection with the U. S. Commercial Grade.

(a) In lieu of the size designations in Table II, the size of pieces may be specified in terms of minimum diameter, or as a range in terms of minimum and maximum diameters, expressed in sixteenths of an inch.

(b) Tolerances for size of pieces. In order to allow for variations incident to proper sizing, the following tolerances shall be permitted:

(1) When the size designations "Extra Large", "Large", "Medium", "Small" and "Regular Amber" are used to specify size, not more than 15 percent, by weight, of the pieces may fail to meet the size requirements specified in Table II, including therein not more than 2 percent for pieces which are less than two-sixteenths inch in diameter;

(2) When the size designations "Midget" or "Small Amber" are used to specify size, not more than 15 percent, by weight, of the pieces may fail to meet the size requirements specified in Table II, including therein not more than 5 percent for pieces which are less than two-sixteenths inch in diameter; and,

(3) When minimum diameters or ranges of diameters, other than those shown in Table II, are used to specify size, not more than 15 percent, by weight, of the pieces may fail to meet the size specified, including therein not more than 2 percent for pieces which are less than two-sixteenths inch in diameter: *Provided*, That when a minimum diameter of two-sixteenths inch is specified, not more than 5 percent of the pieces may be less than two-sixteenths inch in diameter.

APPLICATION OF TOLERANCES

§ 51.1438 *Application of tolerances.* The tolerances in these standards are on a lot basis, and a composite sample should be taken for inspection purposes. However, any container or group of containers, in which the pecans are found to be materially inferior to those in the majority of the containers, shall be considered a separate lot.

DEFINITIONS

§ 51.1439 *Well dried.* "Well dried" means that the portion of kernel is firm and crisp, not pliable or leathery.

§ 51.1440 *Clean.* "Clean" means that the appearance of the individual portion of kernel, or of the lot as a whole is not materially affected by adhering dust or dirt.

§ 51.1441 *Pieces of shell and center wall.* "Pieces of shell and center wall" means pieces of pecan shell, center wall and any other part of the pecan except the kernel. "Shell" means the hard outer covering of the nut exclusive of the softer, corky or papery material which occurs between the halves and within the grooves of the kernel.

§ 51.1442 *Chipped half.* "Chipped half" means a pecan half-kernel which shows more than slight chipping or skinning of the outer, curved surface or the edge, but which does not have more than one-eighth of the original half-kernel missing. The presence or absence of the portion joining both halves of the complete kernel should be disregarded. Two chipped halves, each of which has one-eighth chipped or broken off, are illustrated in the lower right-hand corner of the pecan grading chart referred to in § 51.1430.

§ 51.1443 *Broken kernels.* "Broken kernels" means portions of half-kernels each of which is less than seven-eighths of a complete half-kernel, but which will not pass through a round opening two-sixteenths inch in diameter.

§ 51.1444 *Particles and dust.* "Particles and dust" means fragments of kernels which will pass through a round opening two-sixteenths inch in diameter.

§ 51.1445 *Noticeable shriveling.* "Noticeable shriveling" means any shriveling which more than slightly affects the appearance of the individual portion of kernel. (Shriveling affecting the flat or inner side of the half-kernel shall be disregarded.)

§ 51.1446 *Rancidity.* "Rancidity" means that the portion of kernel is distinctly rancid to the taste.

§ 51.1447 *Mold.* "Mold" means any mold growth which noticeably affects the exterior or interior of the portion of kernel.

§ 51.1448 *Decay.* "Decay" means that the portion of kernel is putrid or decomposed.

§ 51.1449 *Insect injury.* "Insect injury" means that the insect, web, or frass is present or that the portion of kernel shows other noticeable evidence of insect injury.



§ 51.1450 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the portion of kernel. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Leanness, when a portion of kernel has more than a moderately lean or undeveloped appearance. A half-kernel and cross-section showing moderately lean or undeveloped appearance not considered damaged are illustrated in the center of the upper row of the pecan grading chart referred to in § 51.1430;

(b) Hollowness, when a cross-section of the portion of kernel shows more than a moderate hollowness, or the portion of kernel is not fairly firm and meaty. A half-kernel and cross-section showing moderate hollowness not considered damaged are illustrated in the upper right-hand corner of the pecan grading chart referred to in § 51.1430; and,

(c) Discoloration, when in excess of the maximum permitted for any of the following types (external discoloration affecting the flat or inner side of the half-kernel shall be disregarded):

(1) When the portion of kernel is darker than indicated for undamaged half-kernels in the lower left-hand corner of the pecan grading chart referred to in § 51.1430. Natural markings, including dark lines, specks, or mottling, shall not be considered as damage if the ground color is not too dark according to the chart;

(2) When there is more than one dark kernel spot on a portion of the kernel, or when any spot is more than one-eighth inch in greatest dimension;

(3) When there is brownish or grayish material from the inside of the shell adhering to more than 5 percent of the surface; and,

(4) When internal discoloration is readily noticeable.

§ 51.1451 *Fairly uniform in size.* "Fairly uniform in size" means that in a representative sample of 100 halves, from which broken kernels and particles and dust have been removed, the weight of the 10 largest halves shall not be greater than twice the weight of the 10 smallest halves.

§ 51.1452 *Fairly uniform in color.* "Fairly uniform in color" means that the variation in color of the pecan halves in a lot shall not be sufficient to materially detract from the appearance of the lot.

§ 51.1453 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the portion of kernel. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Shriveling, when materially affecting more than one-third of the portion of kernel. The maximum percentage of shriveling (one-third of the half-kernel) not considered seriously damaged is illustrated in the left side of the middle row of the pecan grading chart, referred to in § 51.1430. (Shriveling affecting the flat or inner side of the half-kernel shall be disregarded);

(b) Leanness, when a portion of kernel has a more lean or undeveloped appearance than shown on the right side of the middle row of the pecan grading chart referred to in § 51.1430;

(c) External discoloration, when in excess of the maximum permitted for any of the following types (external discoloration affecting the flat or inner side of the half-kernel shall be disregarded):

(1) When the portion of kernel is as dark in color, or darker, than indicated as seriously damaged on the kernel in the center of the lower row of the pecan grading chart referred to in § 51.1430;

(2) When there are more than three dark kernel spots on a portion of kernel, or when such spots affect an aggregate area of more than 10 percent of the surface of the half-kernel or piece of kernel;

(3) When there is brownish or grayish material from the inside of the shell adhering to more than one-fourth of the surface; and,

(d) Internal discoloration, when dark discoloration extends more than one-third the length of the center ridge of the portion of kernel or more than one-third the length of a piece of kernel which is detached from the center ridge.

SUBPART—UNITED STATES STANDARDS FOR SWEET PEPPERS FOR PROCESSING

GRADES

§ 51.1465 *U. S. No. 1.* U. S. No. 1 shall consist of sweet peppers of one variety or similar varietal characteristics, which are fairly firm, fairly well shaped, well colored, free from mold, soft rot, worm holes, or other holes which penetrate through the wall of the pepper, except small, fresh holes or splits incident to proper handling. The peppers shall also be free from damage by any other cause.

§ 51.1466 *U. S. No. 2.* U. S. No. 2 shall consist of sweet peppers of one variety or similar varietal characteristics which are fairly well colored and free from serious damage by any cause.

CULLS

§ 51.1467 *Culls.* Sweet peppers which fail to meet the requirements of either of the foregoing grades shall be designated as culls.

SIZE

§ 51.1468 *Size.* There are no size requirements specified for the various grades. However, the minimum size may be fixed by agreement between buyer and seller and may be expressed in terms of diameter in whole inches, or in whole inches and fractions thereof.

DEFINITIONS

§ 51.1469 *Fairly firm.* "Fairly firm" means that the pepper is not soft, limp or excessively shriveled.

§ 51.1470 *Fairly well-shaped.* "Fairly well-shaped" means that the pepper is not of the type commonly known as "button" or is not decidedly crooked, constricted, or otherwise seriously deformed.

§ 51.1471 *Well colored.* "Well colored" means that at least 90 percent of the surface of the pepper has a characteristic medium or dark red color, and that green color does not predominate on the remainder of the surface of the pepper.

§ 51.1472 *Damage.* "Damage" means any injury or defect which materially affects the processing or edible quality of the pepper, or which cannot be removed in the ordinary process of trimming without a loss of more than 5 percent, by weight, of the pepper in excess of that which would occur if the pepper were perfect.

§ 51.1473 *Diameter.* "Diameter" means the greatest dimension of the pepper measured at right angles to a line running from the stem to the apex.

§ 51.1474 *Fairly well-colored.* "Fairly well-colored" means that at least three-fourths of the surface of the pepper has a characteristic medium or dark red color.

§ 51.1475 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the processing or edible quality of the pepper, or which cannot be removed in the ordinary process of trimming without a loss of more than 20 percent, by weight, of the pepper in excess of that which would occur if the pepper were perfect.

SUBPART—UNITED STATES STANDARDS FOR PINEAPPLES

GRADES

§ 51.1485 *U. S. Fancy.* U. S. Fancy consists of pineapples of similar varietal characteristics, which are mature, firm, dry and well formed, which have well developed eyes, and which are free from decay and sunscald, and free from injury caused by bruising, sunburn, and gummosis, and free from damage caused by disease, insects, rodents or mechanical or other means. The butts shall be well trimmed, well cured, and free from damage caused by cracks. The tops shall be of characteristic color, single, straight, well attached to the fruit and free from crown slips. The length of the tops shall be not less than 5 inches nor more than 1½ times the length of the fruit. (See § 51.1490.)

(a) In order to allow for variations incident to proper grading and handling, other than for size and marking, not more than a total of 10 percent, by count, of the pineapples in any lot may fail to meet the requirements of the grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for pineapples which are seriously damaged, including therein not more than 1 percent for pineapples affected by decay.

§ 51.1486 *U. S. No. 1.* U. S. No. 1 consists of pineapples of similar varietal characteristics, which are mature, firm, dry and well formed, which have well developed eyes, and which are free from

decay and sunscald, and free from damage caused by bruising, sunburn, gummosis, disease, insects, rodents or mechanical or other means. The butts shall be well trimmed, fairly well cured and shall not be badly cracked. The tops shall be of characteristic color, single, reasonably straight, well attached to the fruit, and shall have not more than 5 crown slips, not more than 2 of which may be more than 2¾ inches in length. The length of the tops shall be not less than 4 inches nor more than twice the length of the fruit. (See § 51.1490.)

(a) In order to allow for variations incident to proper grading and handling, other than for size and marking, not more than a total of 10 percent, by count, of the pineapples in any lot may fail to meet the requirements of the grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for pineapples which are seriously damaged, including therein not more than 1 percent for pineapples affected by decay.

§ 51.1487 *U. S No. 2.* U. S. No. 2 consists of pineapples of similar varietal characteristics, which are mature, firm and fairly well formed, which have fairly well developed eyes, and which are free from decay and sunscald, and free from serious damage caused by bruising, sunburn, gummosis, disease, insects, rodents or mechanical or other means. The butts shall be fairly well cured. The tops shall be of characteristic color, well attached to the fruit, not completely curved over and shall consist of not more than 2 fairly well developed stems but may have any number of crown slips. (See § 51.1490.)

(a) In order to allow for variations incident to proper grading and handling, other than for size and marking, not more than a total of 10 percent, by count, of the pineapples in any lot may fail to meet the requirements of the grade: *Provided*, That not more than one-tenth of this amount, or 1 percent, shall be allowed for pineapples affected by decay.

UNCLASSIFIED

§ 51.1488 *Unclassified.* Unclassified consists of pineapples which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.1489 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified.

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that at least one decayed or otherwise defective fruit may be permitted in any package.

SIZE AND MARKING REQUIREMENTS

§ 51.1490 *Size and marking requirements.* (a) The pineapples in each container shall be fairly uniform in size and the count shall be plainly stamped, stenciled or otherwise marked on the container.

(b) In order to allow for variations incident to proper packing not more than 5 percent of the packages in any lot may fail to meet the requirements pertaining to size and marking.

DEFINITIONS

§ 51.1491 *Similar varietal characteristics.* "Similar varietal characteristics" means that the pineapples in any lot are similar in type and character of growth.

§ 51.1492 *Mature.* "Mature" means that the pineapple has reached the stage of development which will insure a proper completion of the ripening process.

§ 51.1493 *Firm.* "Firm" means that the fruit does not yield to slight pressure.

§ 51.1494 *Dry.* "Dry" means that the surface of the fruit is free from moisture other than that resulting from condensation.

§ 51.1495 *Well-formed.* "Well-formed" means that the fruit shows good shoulder development and is not lop-sided or distinctly pointed, and that the sides are not noticeably flattened.

§ 51.1496 *Well-developed eyes.* "Well-developed eyes" means eyes which have developed normally.

§ 51.1497 *Injury.* "Injury" means any defect which more than slightly affects the appearance or the edible or shipping quality of the fruit. Sunburn which will not more than slightly affect the appearance of the fruit when ripe, or gummosis which is very slight shall not be considered as injury.

§ 51.1498 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Sunburn which will not materially affect the appearance of the fruit when ripe, or gummosis which is slight or does not materially discolor the eyes shall not be considered as damage.

§ 51.1499 *Well-trimmed.* "Well-trimmed" means that the bracts on the stem next to the base of the fruit have been removed and the stem has been cut off so that the fruit will stand straight when placed butt end down on a flat surface.

§ 51.1500 *Well cured.* "Well cured" means that the cut portion of the butt has completely calloused over.

§ 51.1501 *Characteristic color.* "Characteristic color" means that at shipping points the tops are of good green color characteristic of well-grown pineapples, and in the receiving markets, are fairly good green color and relatively free from dryness and discoloration.

§ 51.1502 *Single top.* "Single top" means that the fruit does not have more than one prominent main stem at the crown of the fruit.

§ 51.1503 *Crown slips.* "Crown slips" means the small, secondary top growths at the crown of the fruit.

§ 51.1504 *Fairly well-cured.* "Fairly well-cured" means that the cut portion of the butt is free from bleeding.

§ 51.1505 *Fairly well-formed.* "Fairly well-formed" means that the fruit is not excessively lopsided or excessively flattened at the shoulders or sides.

§ 51.1506 *Fairly well-developed eyes.* "Fairly well-developed eyes" means eyes which show fairly normal development and are not badly misshapen.

§ 51.1507 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit.

§ 51.1508 *Fairly uniform in size.* "Fairly uniform in size" means that for counts 18 or less in standard southwestern pineapple crates, the pineapples do not vary more than $\frac{5}{8}$ inch in diameter, and for counts over 18 in number the pineapples do not vary more than $\frac{1}{2}$ inch in diameter. Diameter shall be the greatest dimension measured at right angles to a line from top to butt.

SUBPART—UNITED STATES STANDARDS FOR PLUMS AND PRUNES (FRESH)

GRADES

§ 51.1520 *U. S. Fancy.* "U. S. Fancy" shall consist of plums or prunes of one variety which are well formed, mature but not overripe or soft or shriveled, and which are free from decay, sunscald, heat injury, sunburn, split pits and hail marks; and free from damage caused by broken skins, growth cracks, drought spots, gum spots, russeting, scars, dirt or other foreign material, disease, insects or mechanical or other means. Italian type prunes shall be well colored and, unless otherwise specified, the minimum size of such prunes shall be not less than $1\frac{1}{8}$ inches in diameter.

(a) In order to allow for variations incident to proper grading and packing, not more than a total of 10 percent, by count, of the fruit in any lot may fail to meet the requirements of this grade for defects other than color and size of Italian type prunes, but not more than 5 percent, by count, may be allowed for defects causing serious damage and not more than one-fifth of the latter amount, or 1 percent, may be allowed for decay. In addition, not more than 10 percent, by count, of the Italian type prunes in any lot may fail to meet the color requirements, and not more than 10 percent, by count, may fail to meet the size specification, but the combined tolerances for size, color and other defects shall not exceed 15 percent. (See § 51.1525.)

§ 51.1521 *U. S. No. 1.* "U. S. No. 1" shall consist of plums and prunes of one variety which are well formed, mature but not overripe or soft or shriveled and which are free from decay and sunscald, and from damage caused by broken skins, heat injury, growth cracks, sunburn, split pits, hail marks, drought spots, gum spots, russeting, scars, dirt or other foreign material, disease, insects or mechanical or other means. Italian type prunes shall be fairly well colored, and unless otherwise specified, the minimum size of such prunes shall be not less than $1\frac{1}{8}$ inches in diameter.

(a) In order to allow for variations incident to proper grading and packing, not more than a total of 10 percent, by count, of the fruit in any lot may fail to meet the requirements of this grade for defects other than color and size of Italian type prunes, but not more than 5 percent, by count, may be allowed for defects causing serious damage, and not more than one-fifth of the latter amount, or 1 percent, may be allowed for decay. In addition, not more than 10 percent, by count, of the Italian type prunes in any lot may fail to meet the color requirements, and not more than 10 percent, by count, may fail to meet the size specification, but the combined tolerance for size, color and other defects shall not exceed 15 percent. (See § 51.1525.)

§ 51.1522 *U. S. No. 2.* "U. S. No. 2" shall consist of plums or prunes of one variety which are not badly misshapen, and which are mature but not overripe or soft or shriveled; and which are free from decay, sunscald, and from serious damage caused by broken skins, heat injury, growth cracks, sunburn, split pits, hail marks, drought spots, gum spots, russeting, scars, dirt or other foreign material, disease, insects or mechanical or other means.

(a) There are no requirements in this grade for color or size.

(b) In order to allow for variations incident to proper grading and packing, not more than a total of 10 percent, by count, of the fruit in any lot may fail to meet the requirements of this grade. Of this tolerance, not more than one-half, or a total of 5 percent, by count, may be allowed for sunscald, decay or serious damage by insects or heat injury, but not more than one-fifth of the latter amount, or 1 percent, may be allowed for decay. If a minimum size is specified, not more than 10 percent, by count, of the fruit in any lot may fail to meet the size specified. (See § 51.1525.)

§ 51.1523 *U. S. Combination.* "U. S. Combination" shall consist of a combination of U. S. No. 1 and U. S. No. 2 plums or prunes: *Provided*, That at least 75 percent, by count, meet the requirements of U. S. No. 1 grade.

(a) In order to allow for variations incident to proper grading and packing, not more than a total of 10 percent, by count, of the fruit in any lot may fail to meet the requirements of this grade. Of this tolerance, not more than one-half, or a total of 5 percent, by count, may be allowed for sunscald, decay or serious damage by insects or heat injury, but not more than one-fifth of the latter amount, or 1 percent, may be allowed for decay. No part of any tolerance shall be allowed to reduce, for the lot as a whole, the percentage of U. S. No. 1 in the combination, but individual containers may have not more than a total of 10 percent less than the percentage of U. S. No. 1 specified: *Provided*, That the entire lot averages within the percentage specified. (See § 51.1525.)





UNCLASSIFIED

§ 51.1524 *Unclassified.* Unclassified shall consist of plums or prunes which have not been classified in accordance with any of the forgoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.1525 *Application of tolerances.* (a) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations: *Provided*, The averages for the entire lot are within the tolerances specified:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one undersized fruit may be permitted in a container.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one undersized fruit may be permitted in a container.

STANDARD PACK

§ 51.1526 *Standard pack.* The plums or prunes shall be of fairly uniform size and tightly packed according to the approved and recognized methods. The fruits in the top layer shall not be noticeably superior in quality or size to those in the remainder of the package.

(a) The size of plums or prunes packed in 4-basket crates shall be indicated as follows: 4 x 4, 4 x 5, 5 x 5, etc. in accordance with the arrangement in the top layer of the basket. These packs shall not be more than 3 layers deep. Arrangements such as 4–3 x 5 and 5–4 x 5 shall not be considered standard packs.

(b) The arrangement of the bottom layer shall be one row less one way, and may be one row less each way than the arrangement of the top layer. The arrangement of the middle layer may be the same as the top layer, or may be one row less one way than the arrangement of the top layer. Straight, offset, and diagonal packs in the layers are permitted. For example, a pack with 5 x 5 in the top layer may have 5 x 5 in the middle layer, and shall have 4 x 5 or 4–3 x 5 in the bottom layer; or it may have 4 x 5 or 4–3 x 5 in the middle layer, and shall have 4 x 5, 4–3 x 5, or 4 x 4 in the bottom layer.

(c) In layer-packed California peach or lug boxes, the count in the entire container shall be marked on the package.

(d) In double-faced and filled special lugs the number of rows, lengthwise of the lugs, shall be marked on the package to indicate size, as "nine row."

(e) In order to allow for variations incident to proper packing, not more than 10 percent, by count, of the containers in any lot may fail to meet the requirements for the Standard Pack.

DEFINITIONS

§ 51.1527 *Well-formed.* "Well-formed" means that the fruit has the shape characteristic of the variety. Doubles shall not be considered well-formed.

§ 51.1528 *Mature.* "Mature" means that the fruit has reached the stage of maturity which will insure a proper completion of the ripening process.

§ 51.1529 *Sunscald.* "Sunscald" means injury caused by the sun in which softening or collapse of the flesh is apparent.

§ 51.1530 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or edible or shipping quality of the fruit. Internal growth cracks, cavities or gum spots are not considered as damage. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage.

(a) Broken skins which are unhealed; except those caused by pulled stems where the skin is not torn beyond the stem basin. (Healed skin breaks shall be handled as scars.)

(b) Heat injury which is extensive or not light in color.

(c) External growth cracks, when there are more than one on a fruit, or when any growth crack is deep, not well healed, or more than one-fourth inch in length.

(d) Sunburn which has materially changed the normal color of the fruit, or has caused the skin to blister or crack.

(e) Split pit which causes a readily apparent crack at the stem end, or which affects the shape to the extent that the fruit is not well-formed.

(f) Hail marks, or other similar depressions or scars, which are not shallow or superficial, or which aggregate more than three-eighths inch in diameter, or when the skin has been broken.

(g) Drought spots or external gum spots which are more than one-fourth of an inch in diameter.

(h) Russeting which is not excessively rough, when aggregating more than 10 percent of the fruit surface; or excessively rough russeting when aggregating more than one-fourth inch in diameter.

SUBPART—UNITED STATES STANDARDS FOR POTATOES

GENERAL

§ 51.1540 *General.* (a) All percentages shall be calculated on the basis of weight.

(b) The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(c) When the tolerance specified is 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that at least one defective and one off-size specimen shall be permitted in a package.

(d) When the tolerance specified is less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except

that for frozen potatoes or those affected by soft rot or wet breakdown, not more than one-tenth of the packages may contain more than double the tolerance but not more than four times the tolerance specified, and except that at least one defective and one off-sized specimen shall be permitted in a package.

GRADES

§ 51.1541 *U. S. Fancy.* U. S. Fancy shall consist of potatoes of one variety or similar varietal characteristics which are firm, mature, bright, well shaped, not frozen; which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, shriveling, sprouting, soft rot or wet breakdown, hollow heart and internal discoloration, and free from injury caused by dirt or other foreign matter, sunburn, second growth, growth cracks, air cracks, cuts, external discoloration, scab, dry rot, rhizoctonia, other disease, wireworm, other insects or mechanical or other means.

(a) The diameter of each potato shall be not less than 2 inches.

(b) For long varieties such as Burbank, Russet Burbank, Early Ohio, White Rose, or other similar varieties, not less than 40 percent of the potatoes in any lot shall be 6 ounces or more in weight.

(c) For round or intermediate shaped varieties such as Irish Cobbler, Katahdin, Bliss Triumph, Green Mountain, or other similar varieties, not less than 60 percent of the potatoes in any lot shall be 2¼ inches or larger in diameter.

(d) The size of the potatoes may be stated in terms of minimum diameter or minimum weight, or of range in diameter or weight, or of a certain percentage over a certain size, following the grade name, but in no case shall potatoes be below the sizes specified for this grade. (See § 51.1546 (f).)

(e) Tolerance for defects: In order to allow for variations other than size, incident to proper grading and handling, not more than a total of 6 percent of the potatoes in any lot may fail to meet the requirements of the grade, but not more than 3 percent shall be allowed for potatoes affected by southern bacterial wilt, ring rot, or late blight, and including not more than 1 percent for potatoes which are frozen, or affected by soft rot or wet breakdown.

§ 51.1542 *U. S. Extra No. 1.* U. S. Extra No. 1 shall consist of potatoes of one variety or similar varietal characteristics which are fairly well shaped, fairly clean, not frozen; which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, and soft rot or wet breakdown, and from damage caused by sunburn, second growth, growth cracks, air cracks, hollow heart, internal discoloration, external discoloration, cuts, shriveling, sprouting, scab, dry rot, rhizoctonia, other disease, wireworm, other insects or mechanical or other means. (See § 51.1547.)

(a) Unless otherwise specified, size of potatoes (see § 51.1546) shall be as follows:

(1) The diameter of each potato shall be not less than $1\frac{7}{8}$ inches.

(2) For long varieties such as Burbank, Russet Burbank, Early Ohio, White Rose, or other similar varieties, not less than 60 percent of the potatoes in the lot shall be 6 ounces or larger, of which not less than one-half, or 30 percent, shall be 10 ounces or more in weight.

(3) For round or intermediate shaped varieties, such as Irish Cobbler, Katahdin, Bliss Triumph, Green Mountain or other similar varieties, not less than 60 percent of the potatoes in the lot shall be 2¼ inches or larger, of which not less than one-half, or 30 percent, shall be 2¾ inches, or larger in diameter.

(4) Tolerance for defects: In order to allow for variations other than size, hollow heart, and internal discoloration, incident to proper grading and handling, not more than a total of 6 percent of the potatoes in any lot may fail to meet the requirements of the grade, but not more than 3 percent shall be allowed for potatoes affected by southern bacterial wilt, ring rot, or late blight, and including not more than 1 percent for potatoes which are frozen, or affected by soft rot or wet breakdown. In addition, not more than 5 percent may be damaged by hollow heart, and internal discoloration.

§ 51.1543 *U. S. No. 1.* U. S. No. 1 shall consist of potatoes of one variety or similar varietal characteristics which are fairly well shaped, not frozen; which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, and soft rot or wet breakdown, and from damage caused by dirt or other foreign matter, sunburn, second growth, growth cracks, air cracks, hollow heart, internal discoloration, external discoloration, cuts, shriveling, sprouting, scab, dry rot, rhizoctonia, other disease, wireworm, other insects or mechanical or other means. (See § 51.1547.)

(a) Unless otherwise specified the diameter of each potato shall be not less than $1\frac{7}{8}$ inches. (See § 51.1546.)

(b) Tolerance for defects: In order to allow for variations other than size, hollow heart, and internal discoloration, incident to proper grading and handling, not more than a total of 6 percent of the potatoes in any lot may fail to meet the requirements of the grade, but not more than 3 percent shall be allowed for potatoes affected by southern bacterial wilt, ring rot, or late blight, and including not more than 1 percent for potatoes which are frozen, or affected by soft rot or wet breakdown. In addition, not more than 5 percent may be damaged by hollow heart, and internal discoloration.

§ 51.1544 *U. S. Commercial.* U. S. Commercial shall consist of potatoes which meet the requirements for U. S. No. 1 grade except that they shall be free from serious damage by dirt and except for the increased tolerance for defects specified below. (See § 51.1547.)

(a) Unless otherwise specified, the diameter of each potato shall be not less than $1\frac{7}{8}$ inches. (See § 51.1546.)

(b) Tolerance for defects: In order to allow for variations other than size and sprouting, incident to proper grading and handling, not more than a total of 20 percent of the potatoes in any lot may fail to meet the requirements of the grade, but not more than 5 percent may be seriously damaged by hollow heart and internal discoloration and not more than 6 percent may fail to meet the remaining requirements of U. S. No. 2 grade, but not more than one-half of this amount, or 3 percent, shall be allowed for potatoes affected by southern bacterial wilt, ring rot, or late blight and including not more than 1 percent for potatoes which are frozen, or affected by soft rot or wet breakdown. In addition, not more than 10 percent of the potatoes may have sprouts over ¾ inch long, but which are not seriously damaged by shriveling, provided, that if all of the 20 percent tolerance is not used for other defects, the unused part of the tolerance may also be used for potatoes having sprouts over ¾ inch long but which are not seriously damaged by shriveling.

§ 51.1545 *U. S. No. 2.* U. S. No. 2 shall consist of potatoes of one variety or similar varietal characteristics which are not seriously misshapen, or frozen; which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, and soft rot or wet breakdown, and from serious damage caused by dirt or other foreign matter, sunburn, second growth, growth cracks, air cracks, hollow heart, internal discoloration, external discoloration, cuts, shriveling, scab, dry rot, other disease, wireworm, other insects or mechanical or other means. (See § 51.1547.)

(a) Unless otherwise specified the diameter of each potato shall be not less than 1½ inches. (See § 51.1546.)

(b) Tolerance for defects: In order to allow for variations other than size, hollow heart, and internal discoloration, incident to proper grading and handling not more than a total of 6 percent of the potatoes in any lot may fail to meet the requirements of the grade, but not more than 3 percent shall be allowed for potatoes affected by southern bacterial wilt, ring rot, or late blight, and including not more than 1 percent for potatoes which are frozen, or affected by soft rot or wet breakdown. In addition, not more than 5 percent may be seriously damaged by hollow heart and internal discoloration.

SIZE AND SKINNING CLASSIFICATION

§ 51.1546 *Size classification for all grades except U. S. Fancy.* (a) When the potatoes are designated as "U. S. No. 1," "U. S. Commercial," or "U. S. No. 2" without specifying a size classification, it is understood that the potatoes meet the minimum size specified in the grade but that no definite percentage of the potatoes is required to be larger than this minimum size.

(b) When potatoes meet the requirements of Size A or Size B as described in paragraphs (c) and (d) of this section, the size classification may be specified in connection with any of the U. S. grades except U. S. Fancy, as: "U. S. No. 1, Size A"; "U. S. Extra No. 1, Size A"; "U. S. Commercial, Size B"; "U. S. No. 1, Size B"; "U. S. No. 2, Size A"; or "U. S. No. 2, Size B"; in accordance with the facts. When Size A or Size B is used in connection with the grade, it is not permissible to specify any smaller sizes than those specified under these designations.



(c) Size A: (1) For long varieties such as Burbank, Russet Burbank, Early Ohio, White Rose, or other similar varieties, the diameter of each potato shall be not less than $1\frac{7}{8}$ inches and not less than 40 percent of the potatoes in the lot shall be 6 ounces or more in weight.

(2) For round or intermediate shaped varieties such as Irish Cobbler, Katahdin, Bliss Triumph, Green Mountain, or other similar varieties, the diameter of each potato shall be not less than $1\frac{7}{8}$ inches and not less than 60 percent of the potatoes in the lot shall be 2¼ inches or larger in diameter.

(d) Size B: For all varieties the size shall be from 1½ inches to not more than 2 inches in diameter.

(e) Other sizes: When any of the above size designations are not used in connection with U. S. Extra No. 1, U. S. No. 1, U. S. Commercial, or U. S. No. 2 grades, it is permissible to specify any other minimum size such as "1½ inches minimum," "2 inches minimum"; or both a minimum and a maximum size as "$1\frac{7}{8}$ inches to 3 inches," "6 to 10 ounces"; or to specify a certain percentage over a certain size as "25 percent or more 2¼ inches and larger," "50 percent or more 6 ounces and larger."

(f) Tolerance for size: (1) In order to allow for variations incident to proper sizing, not more than 3 percent of the potatoes in any lot may fail to meet the specified minimum size except that a tolerance of 5 percent shall be allowed for potatoes packed to meet a minimum size of 2¼ inches or more in diameter, or 6 ounces or larger in weight. In addition, not more than 15 percent may fail to meet any specified maximum size.

(2) When a percentage of the potatoes is specified to be of a certain size and larger, no part of any tolerance shall be used to reduce such a percentage for the lot as a whole, but individual containers may have not more than 15 percent less than the percentage required or specified, provided that the entire lot averages within the percentage specified. For example, a lot specified as 25 percent 2½ inches and larger may have containers with not less than 10 percent 2½ inches and larger provided the lot as a whole averages 25 percent 2½ inches and larger.

§ 51.1547 *Skinning classification.* (a) "Practically no skinning" means that not more than 5 percent of the potatoes in any lot have more than one-tenth of the skin missing or "feathered."

(b) "Slightly skinned" means that not more than 10 percent of the potatoes in any lot have more than one-fourth of the skin missing or "feathered."

(c) "Moderately skinned" means that not more than 10 percent of the potatoes in any lot have more than one-half of the skin missing or "feathered."

(d) "Badly skinned" means that more than 10 percent of the potatoes in any lot have more than one-half of the skin missing or "feathered."

UNCLASSIFIED

§ 51.1548 *Unclassified.* Unclassified shall consist of potatoes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

DEFINITIONS

§ 51.1549 *Mature.* "Mature" means that the outer skin (epidermis) does not loosen or "feather" readily during ordinary handling and that practically no skin has been removed from the potatoes.

§ 51.1550 *Bright.* "Bright" means practically free from dirt or other foreign matter, and that the outer skin (epidermis) has the attractive color normal for the variety.

§ 51.1551 *Well shaped.* "Well shaped" means the normal shape for the variety and that the potato is not pointed, dumbbell-shaped, excessively elongated, or otherwise ill-formed.

§ 51.1552 *Soft rot or wet breakdown.* "Soft rot or wet breakdown" means any soft, mushy, or leaky condition of the tissue such as slimy soft rot, leak, or wet breakdown following freezing injury or sunscald.

§ 51.1553 *Internal discolcration.* "Internal discoloration" means discoloration such as is caused by net necrosis or any other type of necrosis, stem-end browning, internal brown spot, or other similar types of discoloration not visible externally, except blackheart.

§ 51.1554 *Injury.* "Injury" means any defect which more than slightly affects the edible or shipping quality, or the appearance of the individual potato or the general appearance of the potatoes in the container or which cannot be removed without a loss of more than 2 percent of the total weight of the potato including peel covering defective area.

§ 51.1555 *Diameter.* "Diameter" means the greatest dimension at right angles to the longitudinal axis. The long axis shall be used without regard to the position of the stem (rhizome).

§ 51.1556 *Fairly well shaped.* "Fairly well shaped" means that the appearance of the individual potato or the general appearance of the potatoes in the container is not materially injured by pointed, dumbbell-shaped or otherwise ill-formed potatoes.

§ 51.1557 *Fairly clean.* "Fairly clean" means that from the viewpoint of general apearance, the potatoes in the container are reasonably free from dirt or other foreign matter and that individual potatoes are not materially caked with dirt or materially stained.

§ 51.1558 *Damage.* "Damage" means any injury or defect which materially injures the edible or shipping quality, or the appearance of the individual potato or the general appearance of the potatoes in the container, or which cannot be removed without a loss of more than 5 percent of the total weight of the potato including peel covering defective area. Any one of the following defects or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Second growth or growth cracks which have developed to such an extent as to materially injure the appearance of the individual potato or the general appearance of the potatoes in the container.

(b) Air cracks which are deep, or shallow air cracks which materially injure the appearance of the individual potato or the general appearance of the potatoes in the container.

(c) External discoloration, when skinned areas on individual potatoes are materially affected by dark discoloration, or when the general appearance of the lot is materially affected by discoloration.

(d) Shriveling, when the potato is more than moderately shriveled, spongy, or flabby.

(e) Sprouting, when more than 10 percent of the potatoes have sprouts over three-fourths of an inch long.

(f) Surface scab which covers an area of more than 5 percent of the surface of the potato in the aggregate.

(g) Pitted scab which affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than 5 percent of the total weight of the potato including peel covering defective area.

(h) Rhizoctonia, when the general appearance of the potatoes in the container is materially injured or when individual potatoes are badly infected.

(i) Wireworm, grass root or similar injury, when any hole, on potatoes ranging in size from 6 to 8 ounces, is longer than ¾ inch or when the aggregate length of all holes is more than 1¼ inches. Smaller potatoes shall have lesser amounts and larger potatoes may have greater amounts, provided that the removal of the injury by proper trimming does not cause the appearance of such potatoes to be injured to a greater extent than that caused by the proper trimming of such injury permitted on a 6 to 8 ounce potato.

(j) Dirt, when the general appearance of the potatoes in the container is more than slightly dirty or stained, or when individual potatoes are badly caked with dirt or badly stained; or other foreign matter which materially affects the appearance of the potatoes.

§ 51.1559 *Serious damage.* "Serious damage" means any injury or defect which seriously injures the edible or shipping quality, or the appearance of the individual potato or the general appearance of the potatoes in the container, or which cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering defective area. Any one of the following defects or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Dirt, when the general appearance of the potatoes in the container is seriously affected by tubers badly caked with dirt; or other foreign matter which seriously affects the appearance of the potatoes.

(b) External discoloration, when skinned areas on individual potatoes are seriously affected by very dark discoloration, or when the general appearance of the lot is seriously affected by discoloration.

(c) Fairly smooth cuts such as are made by the digger or by a knife to remove injury, when both ends are clipped, or when more than an estimated one-fourth of the potato is cut away, or, in the case of long varieties, when the remaining portion of the clipped potato weighs less than 6 ounces. Irregular types of cuts which seriously affect the appearance of the individual potato, or which cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering defective area.

(d) Shriveling, when the potato is excessively shriveled, spongy or flabby.

(e) Surface scab which covers an area of more than 50 percent of the surface of the potato in the aggregate.

(f) Pitted scab which affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than 10 percent of the total weight of the potato including peel covering defective area.

(g) Wireworm, grass root or similar injury, when any hole, on potatoes ranging in size from 6 to 8 ounces, is longer than 1¼ inches or when the aggregate length of all holes is more than 2 inches. Smaller potatoes shall have lesser amounts and larger potatoes may have greater amounts, provided that the removal of the injury by proper trimming does not cause the appearance of such potatoes to be injured to a greater extent than that caused by the proper trimming of such injury permitted on a 6 to 8 ounce potato.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR POTATOES

GRADES

§ 51.1575 *U. S. Grade A Small; U. S. Grade A Medium; U. S. Grade A Medium to Large; U. S. Grade A Large.* Potatoes of each of these grades shall be of one variety or similar varietal characteristics which are fairly well shaped, fairly clean, free from freezing injury, blackheart, late blight, and soft rot or wet breakdown, and from damage caused by sunburn, second growth, growth cracks, air cracks, hollow heart, internal discoloration, cuts, shriveling, sprouting, scab, dry rot, Rhizoctonia, other diseases, wireworm, other insects, or mechanical or other means. Potatoes of these grades shall also be mature: *Provided*, That potatoes which are not mature and the outer skin loosens or "feathers" readily under the usual handling practices need not meet this requirement if they are firm and are further designated as "Early" in connection with the grade, as for example "U. S. Grade A Medium-Early." Potatoes on the shown face shall be reasonably representative in size and quality of the contents of the container. (See § 51.1577.)

(a) *Tolerances.* Incident to proper grading and handling, except for the tolerances for size, not more than a total of 5 percent, by weight, of the potatoes in any lot may fail to meet the requirements of the grade, including not more than 1 percent for potatoes affected by soft rot or wet breakdown. (See § 51.1579.)

§ 51.1576 *U. S. Grade B Small; U. S. Grade B Medium; U. S. Grade B Medium to Large; U. S. Grade B Large.* Potatoes of each of these grades shall meet the requirements for U. S. Grade A Small; U. S. Grade A Medium; U. S. Grade A Medium to Large; and U. S. Grade A Large, except for the increased tolerance for defects specified below. (See § 51.1577.)

(a) *Tolerances.* Incident to proper grading and handling, except for the tolerances for size, not more than a total of 20 percent, by weight, of the potatoes in any lot may fail to meet the requirements of the grade, but not more than 5 percent shall be allowed for potatoes which are seriously damaged by any cause, including not more than 1 percent for potatoes affected by soft rot or wet breakdown. (See § 51.1579.)

SIZE

§ 51.1577 *Size range requirements.* In addition to the quality requirements specified for the above grades, potatoes shall also meet the requirements for minimum and maximum diameter or weight, and the tolerances as specified for the various grades in the table appearing in this section. Potatoes specified as meeting one of the grades may be of any size within its size range requirement, except that it is not permissible to specify a lot as "U. S. Grade A Medium to Large," or "U. S. Grade B Medium to Large," unless more than 15 percent, by weight, of the potatoes are larger than the maximum size required for U. S. Grade A Medium, or U. S. Grade B Medium, respectively. For example, a lot of round or intermediate-shaped potatoes to be specified as "U. S. Grade A Medium to Large" must have more than 15 percent, by weight, of potatoes from 3 to 4 inches in diameter.

| Grades | Size range requirements, round or intermediate shaped varieties | | Size range requirements, long varieties | | Tolerances for size | |
|---|---|---|---|---|---|---|
| | Minimum diameter | Maximum diameter | Minimum diam. or wt. | Maximum weight | Under size | Over size |
| | *Inches* | *Inches* | | *Ounces* | *Percent* | *Percent* |
| U. S. Grades A & B small | 1⅛ | 2¼ | 1½ inches | 4 | 3 | 15 |
| U. S. Grades A & B medium | 2¼ | 3 | 4 ounces | 10 | 5 | 15 |
| U. S. Grades A & B medium to large | 2¼ | 4 | 4 ounces | 16 | 5 | 15 |
| U. S. Grades A & B large | 3 | 4 | 10 ounces | 16 | 5 | 15 |

OFF-GRADE

§ 51.1578 *Off-Grade potatoes.* Potatoes which fail to meet the requirements of any of the foregoing grades shall be Off-Grade potatoes.

APPLICATION OF TOLERANCES

§ 51.1579 *Application of tolerances to individual containers.* (a) Based on sample inspection, the contents of individual containers in the lot are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) When a tolerance is 10 percent or more, not more than one-tenth of the individual containers in any lot may contain more than one and one-half times the tolerance specified, except that at least one defective and one off-sized specimen may be permitted in a container.

(2) When a tolerance is less than 10 percent, not more than one-tenth of the individual containers in any lot may contain more than double the tolerance specified, but no package may contain more than four times the tolerance for soft rot or wet breakdown, except that at least one defective and one off-sized specimen may be permitted in a container.

DEFINITIONS

§ 51.1580 *Fairly well shaped.* "Fairly well shaped" means that the appearance of the individual potato or the general appearance of the potatoes in the container is not materially injured by pointed, dumbbell-shaped or otherwise ill-formed potatoes.

§ 51.1581 *Fairly clean.* "Fairly clean" means that from the viewpoint of general appearance, the potatoes in the container are reasonably free from dirt or other foreign matter, and that individual potatoes are not materially caked with dirt or materially stained.

§ 51.1582 *Soft rot or wet breakdown.* "Soft rot or wet breakdown" means any soft, mushy, or leaky condition of the tissue such as slimy soft rot, leak, or wet breakdown following freezing injury, scald, or other injury.

§ 51.1583 *Damage.* "Damage" means any injury or defect which materially injuries the edible or shipping quality, or the appearance of the individual potato or the general appearance of the potatoes in the container, or which cannot be removed without a loss of more than 5 percent of the total weight of the potato including peel covering defective area. Loss of outer skin (epidermis) shall not be considered as damage when the potatoes are designated as "Early" unless the skinned surface is materially affected by dark discoloration. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Second growth or growth cracks which have developed to such an extent as to materially injure the appearance of the individual potato or the general appearance of the potatoes in the container.

(b) Air cracks which are deep, or shallow air cracks which materially injure the appearance of the individual potato or the general appearance of the potatoes in the container.

(c) Shriveling, when the potato is more than moderately shriveled, spongy, or flabby.

(d) Sprouting, when the sprouts are not dried and are more than one-half inch long.

(e) Surface scab which covers an area of more than 5 percent of the surface of the potato in the aggregate.

(f) Pitted scab which affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than 5 percent of the total weight of the potato including peel covering defective area.

(g) Rhizoctonia, when the general appearance of the potatoes in the container is materially injured or when individual potatoes are badly infected.

(h) Wireworm, grass root or similar injury, when any hole on potatoes ranging in size from 6 to 8 ounces is longer than three-fourths inch, or when the aggregate length of all holes is more than one and one-fourth inches; smaller potatoes shall have lesser amounts and larger potatoes may have greater amounts, provided, that the removal of the injury by proper trimming does not cause the appearance of such potatoes to be injured to a greater extent than that caused by the proper trimming of such injury permitted on a 6 to 8 ounce potato.

§ 51.1584 *Internal discoloration.* "Internal discoloration" means discoloration such as is caused by net necrosis or any other type of necrosis, stem-end browning, internal brown spot, or other similar types of discoloration not visible externally.

§ 51.1585 *Mature.* "Mature" means that the outer skin (epidermis) does not loosen or "feather" readily during the ordinary methods of handling.

§ 51.1586 *Serious damage.* "Serious damage" means any injury or defect which seriously injures the edible or shipping quality, or the appearance of the individual potato or the general appearance of the potatoes in the container, or which cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering defective area. Any one of the following defects or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(a) Fairly smooth cuts such as are made by the digger, or by a knife to remove injury when both ends are clipped, or when more than an estimated one-fourth of the potato is cut away, or, in the case of long varieties, when the remaining portion of the clipped potato weighs less than 6 ounces; irregular types of cuts which seriously affect the appearance of the individual potato, or which cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering defective area.

(b) Shriveling, when the potato is excessively shriveled, spongy, or flabby.

(c) Surface scab which covers an area of more than 50 percent of the surface of the potato in the aggregate.

(d) Pitted scab which affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than 10 percent of the total weight of the potato including peel covering defective area.

(e) Wireworm, grass root or similar injury, when any hole on potatoes ranging in size from 6 to 8 ounces is longer than one and one-fourth inches, or when the aggregate length of all holes is more than two inches; smaller potatoes shall have lesser amounts and larger potatoes may have greater amounts: *Provided*, That the removal of the injury by proper trimming, does not cause the appearance of such potatoes to be injured to a greater extent than that caused by the proper trimming of such injury permitted on a 6 to 8 ounce potato.

§ 51.1587 *Diameter.* "Diameter" means the greatest dimension at right angles to the longitudinal axis. The long axis shall be used without regard to the position of the stem (rhizome).

SUBPART—UNITED STATES STANDARDS FOR SWEETPOTATOES

GRADES

§ 51.1600 *U. S. Extra No. 1.* U. S. Extra No. 1 shall consist of sweetpotatoes of similar varietal characteristics which are firm, smooth, fairly clean, fairly well shaped, free from freezing injury, internal breakdown, black rot, other decay or wet breakdown except soil rot, and from damage caused by secondary rootlets, sprouts, cuts, bruises, scars, growth cracks, scurf, soil rot, or other diseases, wireworms, weevils or other insects, mechanical or other means.

(a) Unless otherwise specified, each sweetpotato shall be not less than 1¾ inches in diameter. In no case shall the sweetpotato be less than 3 inches or more than 10 inches in length, more than 3¼ inches in diameter, or weigh more than 18 ounces. (See § 51.1604.)

(b) Tolerance for defects: In order to allow for variations other than size, incident to proper grading and handling, not more than a total of 10 percent, by weight, of the sweetpotatoes in any lot may fail to meet the requirements of this grade, but not to exceed a total of 5 percent shall be allowed for defects causing serious damage, including not more than 2 percent for sweetpotatoes affected by soft rot or wet breakdown except soil rot.

§ 51.1601 *U. S. No. 1.* U. S. No. 1 shall consist of sweetpotatoes of one type which are firm, fairly smooth, fairly clean, not more than slightly misshapen, which are free from freezing injury, internal breakdown, black rot, other decay or wet breakdown except soil rot, and from damage caused by secondary rootlets, sprouts, cuts, bruises, scars, growth cracks, scurf, soil rot, or other diseases, wireworms, weevils or other insects, mechanical or other means.

(a) Unless otherwise specified, each sweetpotato shall be not less than 3 inches in length and 1¾ inches in diameter, and shall not exceed 10 inches in length. In no case shall the sweetpotato be more than 3¾ inches in diameter or weigh more than 20 ounces. (See § 51.1604.)

(b) Tolerance for defects: In order to allow for variations other than size, incident to proper grading and handling, not more than a total of 10 percent, by weight, of the sweetpotatoes in any lot may fail to meet the requirements of this grade, but not to exceed a total of 5 percent shall be allowed for defects causing serious damage, including not more than 2 percent for sweetpotatoes affected by soft rot or wet breakdown except soil rot.

§ 51.1602 *U. S. Commercial.* U. S. Commercial shall consist of sweetpotatoes which meet the requirements for U. S. No. 1 grade except for the increased tolerance for defects.

(a) Tolerance for defects: Not more than 25 percent, by weight, of the sweetpotatoes in any lot may fail to meet the requirements for U. S. No. 1 sweetpotatoes, other than for size, but not more than 5 percent shall be allowed for defects causing serious damage, including not more than 2 percent for sweetpotatoes affected by soft rot or wet breakdown except soil rot. (See § 51.1604.)

§ 51.1603 *U. S. No. 2.* U. S. No. 2 shall consist of sweetpotatoes of one type which are firm, and which are free from freezing injury, internal breakdown, black rot, other decay or wet breakdown except soil rot, and from serious damage caused by dirt or other foreign matter, cuts, bruises, scars, growth cracks, soil rot, or other diseases, wireworm, weevils or other insects, mechanical or other means.

(a) Unless otherwise specified, each sweetpotato shall be not less than 1½ inches in diameter and shall weigh not more than 36 ounces. (See § 51.1604.)

(b) Tolerance for defects: In order to allow for variations other than size, incident to proper grading and handling, not more than a total of 10 percent, by weight, of the sweetpotatoes in any lot may fail to meet the requirements of this grade, including not more than 2 percent for sweetpotatoes affected by soft rot or wet breakdown except soil rot.

§ 51.1604 *Tolerance for size.* In order to allow for variations incident to proper sizing, not more than a total of 10 percent, by weight, of the sweetpotatoes in any lot may not meet the specified size requirements but not more than one-half of this amount, or 5 percent, shall be allowed for sweetpotatoes which are smaller than the minimum diameter and minimum length specified.

UNCLASSIFIED

§ 51.1605 *Unclassified.* Unclassified shall consist of sweetpotatoes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no

definite grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.1606 *Application of tolerances.* (a) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-sized specimen may be permitted in any container.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-sized specimen may be permitted in any container.

DEFINITIONS

§ 51.1607 *Similar varietal characteristics.* "Similar varietal characteristics" means that the sweetpotatoes in the container have the same type of flesh and practically the same color of skins. For example, dry type sweetpotatoes shall not be mixed with those of the semimoist or moist type in the same container.

§ 51.1608 *Firm.* "Firm" means not flabby or shriveled.

§ 51.1609 *Smooth.* "Smooth" means that the sweetpotato is free from coarse veining or other defects which cause roughness to such an extent as to appreciably injure the appearance of the individual sweetpotato or the general appearance of the sweetpotatoes in the container.

§ 51.1610 *Fairly clean.* "Fairly clean" means that in general appearance the sweetpotatoes in the container are reasonably free from dirt or other foreign matter and that the individual sweetpotatoes are not materially caked with dirt.

§ 51.1611 *Fairly well shaped.* "Fairly well shaped" means that the sweetpotatoes are not so curved, crooked, constricted or otherwise misshapen that the appearance of the individual sweetpotato or the general appearance of the sweetpotatoes in the container is materially affected.

§ 51.1612 *Damage.* "Damage" means any injury or defect, not including misshapen sweetpotatoes, which materially affects the appearance, or the edible or keeping quality of the individual sweetpotato or the general appearance of the sweetpotatoes in the container, or which cannot be removed without a loss of more than 5 percent of the total weight of the sweetpotato including peel covering the defective area. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Secondary rootlets, when the general appearance of the sweetpotatoes in the container is materially injured or when individual sweetpotatoes are badly affected.

(b) Sprouts, when more than 10 percent of the sweetpotatoes have sprouts more than three-fourths of an inch long.

(c) Cuts, bruises, or scars which materially affect the appearance or keeping quality of the individual sweetpotato or the general appearance of the sweetpotatoes in the container, or which cannot be removed without a loss of more than 5 percent of the total weight of the sweetpotato including the peel covering the defective area.

(d) Growth cracks which are unhealed, or those which have developed to such an extent as to materially affect the appearance or keeping quality of the individual sweetpotato or the general appearance of the sweetpotatoes in the container.

(e) Scurf (soil stain), when the general appearance of the sweetpotatoes in the container is materially injured or the individual sweetpotato is badly stained. An individual sweetpotato is badly stained when more than 25 percent in the aggregate of the surface is affected by solid light brown discoloration. Speckled types of scurf, or lighter or darker shades of discoloration caused by scurf may be allowed over a greater or lesser area provided that no discoloration caused by scurf may affect the appearance of the sweetpotato to a greater extent than the 25 percent mentioned above.

(f) Soil rot or pox, when it materially affects the appearance of the individual sweetpotato.

(g) Wireworm, grass root or similar injury when any hole, or sweetpotatoes ranging in size from 6 to 8 ounces, is longer than ¾ inch or when the aggregate length of all holes is more than 1¼ inches. Smaller sweetpotatoes shall have lesser amounts and larger sweetpotatoes may have greater amounts: *Provided*, That the removal of the injury by proper trimming does not cause the appearance of such sweetpotatoes to be injured to a greater extent than that caused by the proper trimming of such injury permitted on a 6 to 8 ounce sweetpotato.

§ 51.1613 *Diameter.* "Diameter" means the greatest dimension of the sweetpotato measured at right angles to the longitudinal axis.

§ 51.1614 *One type.* "One type" means that the sweetpotatoes in the container have the same type of flesh, and do not show an extreme range in color of the skin. For example, dry type sweetpotatoes shall not be mixed with those of the semimoist or moist type in the same container and deep red or purple skinned sweetpotatoes shall not be mixed with those of a yellow or reddish copper color in the same container.

§ 51.1615 *Fairly smooth.* "Fairly smooth" means that the sweetpotato is not prominently veined and is reasonably free from defects which cause roughness to such an extent as to materially injure the appearance of the individual sweetpotato or the general appearance of the sweetpotatoes in the container.

§ 51.1616 *Slightly misshapen.* "Slightly misshapen" means that the sweetpotatoes are so curved, crooked, constricted or otherwise misshapen that the appearance of the individual sweetpotato or the general appearance of the sweetpotatoes in the container is materially but not seriously affected.

§ 51.1617 *Serious damage.* "Serious damage" means any injury or defect, not including badly misshapen sweetpotatoes, which seriously affects the appearance, or the edible or keeping quality of the individual sweetpotato or the general appearance of the sweetpotatoes in the container, or which cannot be removed without a loss of more than 10 percent of the total weight of the sweetpotato including peel covering the defective area. Any black rot or other decay, except soil rot, shall be considered as serious damage (see paragraph (d) of this section). Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Dirt, when the general appearance of the sweetpotatoes in the container is seriously affected by dirt or other foreign matter.

(b) Cuts, bruises, or scars which seriously affect the appearance or keeping quality of the individual sweetpotato or the general appearance of the sweetpotatoes in the container, or which cannot be removed without a loss of more than 10 percent of the total weight of the sweetpotato including the peel covering the defective area.

(c) Growth cracks which are unhealed, or those which have developed to such an extent as to seriously affect the appearance or keeping quality of the individual sweetpotato or the general appearance of the sweetpotatoes in the container.

(d) Soil rot or pox, when it seriously affects the appearance of the sweetpotato or causes a loss of more than 10 percent, by weight, of the sweetpotato including the peel covering the defective area.

(e) Wireworm, grass root or similar injury when any hole, on sweetpotatoes ranging in size from 6 to 8 ounces, is longer than 1¼ inches or when the aggregate length of all holes is more than 2 inches. Smaller sweetpotatoes shall have lesser amounts and larger sweetpotatoes may have greater amounts: *Provided*, That the removal of the injury by proper trimming, does not cause the appearance of such sweetpotatoes to be injured to a greater extent than that caused by proper trimming of such injury permitted on a 6 to 8 ounce sweetpotato.

SUBPART—UNITED STATES STANDARDS FOR SHALLOTS (BUNCHED)

GRADES

§ 51.1630 *U. S. No. 1.* U. S. No. 1 shall consist of shallots of similar varietal characteristics, which are fairly well formed, firm, young and tender, well trimmed, fairly clean, free from decay, and from damage caused by seedstems, foreign material, disease, insects, mechanical or other means. The tops shall be fresh, of good green color, and free from damage caused by broken or bruised leaves.



(a) Unless otherwise specified, the overall length (roots excepted) of the shallots shall not exceed 22 inches and the shallots shall be not less than one-fourth of an inch or more than three-fourths of an inch in diameter.

(b) Tolerance for defects: In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 10 percent, by count, of the shallots in any lot may fail to meet the requirements of this grade, but not more than 5 percent shall be allowed for defects causing serious damage, including not more than 2 percent for shallots affected by decay.

(c) Tolerance for size: Not more than a total of 10 percent, by count, of the shallots in any lot may fail to meet the requirements as to the specified length, minimum diameter, or maximum diameter, but not more than 5 percent shall be allowed for any one of the requirements for size.

§ 51.1631 *U. S. No. 2.* U. S. No. 2 shall consist of shallots which are not badly misshapen, and which are fairly firm, fairly young and tender, fairly well trimmed, fairly clean, free from decay and from serious damage caused by seedstems, foreign material, disease, insects, mechanical or other means. The tops shall be fresh, of fairly good green color, and free from serious damage caused by broken or bruised leaves.

(a) Unless otherwise specified, the minimum size of the shallots shall be not less than one-fourth of an inch in diameter.

(b) Tolerance for defects: In order to allow for variations, other than size, incident to proper grading and handling, not more than a total of 10 percent, by count, of the shallots in any lot may fail to meet the requirements of this grade, including not more than 2 percent for shallots affected by decay.

(c) Tolerance for size: Not more than a total of 10 percent, by count, of the shallots in any lot may fail to meet the requirements of the specified minimum or maximum diameter, but not more than 5 percent shall be allowed for either of the requirements for size.

UNCLASSIFIED

§ 51.1632 *Unclassified.* Unclassified shall consist of shallots which are not graded in conformity with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

SIZE; BUNCHES

§ 51.1633 *Size.* The following terms and definitions are provided for describing the diameters of any lot:

"Small" means less than ⅜ inch.
"Medium" means ⅜ to ⅝ inch, inclusive.
"Large" means over ⅝ inch.

§ 51.1634 *Standard bunches.* (a) Bunches shall be fairly uniform in size and the shallots in the individual bunches shall also be of fairly uniform size. The weight of the bunches shall be not less than 4 pounds per dozen bunches. The weight of the bunched shallots shall be determined after they have been wet and shaken or drained to remove excess water.

(b) In order to allow for variations incident to proper bunching, not more than 10 percent, by count, of the bunches in any lot may fail to meet the requirements for standard bunches.

APPLICATION OF TOLERANCES

§ 51.1635 *Application of tolerances.* (a) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any container.

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any container.

DEFINITIONS

§ 51.1636 *Similar varietal characteristics.* "Similar varietal characteristics" means that the shallots shall be generally of one type, as stiff-leaved or broad-leaved type.

§ 51.1637 *Fairly well formed.* "Fairly well formed" means that the shallot is not more than slightly curved, crooked, or otherwise slightly misshapen and does not show more than slight bulb formation.

§ 51.1638 *Firm.* "Firm" means that the edible portion of the shallot is not soft.

§ 51.1639 *Well trimmed.* "Well trimmed" means that the shallots are separated so that not more than two are attached together; that the individual bulbs are not broken above the point of root attachment and are practically free from dead, discolored or slick outer skins. Fresh, clean, loose skins which do not materially affect the appearance of the individual shallot or the bunch are permitted. The tops of shallots are sometimes clipped (pinched) back to remove discolored or otherwise injured leaves. An individual plant shall be considered as well trimmed when only the tips of the leaves have been clipped back. However, a plant or a lot shall not be considered as well trimmed when more than half of the leaves have been clipped back to the extent that the appearance of the plant, or the lot as a whole is materially injured.

§ 51.1640 *Fairly clean.* "Fairly clean" means that the appearance of the shallot is not materially injured by dirt.

§ 51.1641 *Damage.* "Damage" means any injury or defect which materially affects the appearance or edible or shipping quality.

(a) Seedstems. A shallot with a seedstem shall be considered as damaged if the seedstem has been broken at a point other than at the top, or is coarse, fibrous, hollow or soft, or has separated naturally from the sheath or skin. Shallots often show flower buds while the seedstem is still tender. Such shallots are not objectionable if the flower buds have been removed, or if present, are not noticeably protruding; however, a shallot with a seedstem which, after the flower bud has been removed, exceeds the length of the longest leaves of the plant, shall be considered as damaged.

§ 51.1642 *Fresh.* "Fresh" means that the tops are not withered or badly wilted.

§ 51.1643 *Good green color.* "Good green color" means that the tops have a normal green color characteristic of healthy plants. A slight discoloration of the extreme tips is not objectionable.

§ 51.1644 *Diameter.* "Diameter" means the greatest dimension of the shallot taken at right angles to the longitudinal axis. If the shallots are attached together only at the base (not enclosed in a single parchment-like sheath or skin) they shall be considered as separate shallots when determining size.

§ 51.1645 *Not badly misshapen.* "Not badly misshapen" means that the shallot is not badly curved or crooked and does not show excessive bulb formation.

§ 51.1646 *Fairly firm.* "Fairly firm" means that the edible portion of the shallot is not more than slightly soft.

§ 51.1647 *Fairly young and tender.* "Fairly young and tender" means that the shallot is not tough, stringy, or advanced to the stage where the neck is flabby.

§ 51.1648 *Fairly well trimmed.* "Fairly well trimmed" means that the shallots are separated so that not more than three are attached together; that the individual bulbs are not broken above the point of root attachment and are reasonably free from dead, discolored, or slick outer skins. Fresh, fairly clean, loose skins which do not seriously affect the appearance of the individual shallot or the bunch are permitted. An individual plant with all the tops clipped (pinched) back shall be considered as "fairly well trimmed" provided that not more than half of the leaves have been clipped (pinched) back to less than 8 inches in length.

§ 51.1649 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the edible or shipping quality.

(a) Seedstems which are excessively coarse or fibrous shall be considered as serious damage.

(b) Badly broken or badly bruised tops shall be considered as serious damage.

§ 51.1650 *Fairly good green color.* "Fairly good green color" means that the tops are pale or yellowish green or otherwise slightly discolored.

SUBPART—UNITED STATES STANDARDS FOR SWEETPOTATOES FOR CANNING

GRADES

§ 51.1660 *U. S. No. 1.* U. S. No. 1 consists of sweetpotatoes of similar type which are firm, fairly well shaped, free from soft rot, black rot, cull material, freezing injury, scald, cork or other internal discoloration, and free from damage caused by dry rot other than black rot, other diseases, bruises, cuts, growth cracks, pithiness, wireworm, weevil, other insects, stringiness, sunburn, mechanical or other means.

(a) Unless otherwise specified, each sweetpotato shall be not more than 9 inches in length, or more than 2 inches in diameter or less than 1½ inches in diameter. (See § 51.1663.)

§ 51.1661 *U. S. No. 2.* U. S. No. 2 consists of sweetpotatoes of similar type which are firm, not badly misshapen, free from soft rot, black rot, cull material, freezing injury, scald, and free from serious damage caused by dry rot other than black rot, other diseases, bruises, cuts, cork or other internal discoloration, growth cracks, pithiness, wireworm, weevil, other insects, stringiness, sunburn, mechanical or other means.

(a) Unless otherwise specified, each sweetpotato shall be not more than 9 inches in length, or more than 2¼ inches in diameter or less than 1¼ inches in diameter. (See § 51.1663.)

CULLS

§ 51.1662 *Culls.* Culls consists of sweetpotatoes which fail to meet the requirements of either U. S. No. 1 or U. S. No. 2 grades.

TOLERANCES

§ 51.1663 *Tolerances.* In the application of these standards, it is assumed that in most instances sellers will not sort their sweetpotatoes into separate lots of U. S. No. 1 and U. S. No. 2 grades before delivery to the buyer. In such cases there is no need for tolerances. If the contract between the buyer and seller calls for the delivery of lots containing only one grade, such as U. S. No. 1 or U. S. No. 2, or a combination of U. S. No. 1 and U. S. No. 2 grades, then unless otherwise specified, a tolerance of 10 percent, by weight, shall be allowed for sweetpotatoes which fail to meet the requirements of the grade, other than for size and cull material: *Provided*, That, not more than one-fifth of this amount, or 2 percent, shall be allowed for sweetpotatoes affected by soft rot or black rot. In addition, not more than 2 percent, by weight, shall be allowed for cull material. An additional tolerance of 10 percent, by weight, shall be allowed for sweetpotatoes which fail to meet the specified size requirements: *Provided*, That, not more than one-half of this amount, or 5 percent, shall be allowed for sweetpotatoes below the specified minimum diameter.

DEFINITIONS

§ 51.1664 *Similar type.* "Similar type" means that the sweetpotatoes have the same type of flesh and that the flesh of the sweetpotatoes does not show material variation in color. For example, dry type shall not be mixed with moist type and white fleshed varieties shall not be mixed with yellow- or orange-fleshed varieties.

§ 51.1665 *Firm.* "Firm" means that the sweetpotato is not soft, flabby or excessively shriveled.

§ 51.1666 *Fairly well shaped.* "Fairly well shaped" means that the sweetpotato is not materially curved, crooked, constricted, grooved, flattened, or otherwise materially misshapen for canning purposes.

§ 51.1667 *Cull material.* "Cull material" means pieces of sweetpotatoes, vines, root crowns, sprouts, secondary rootlets, loose dirt, adhering caked dirt or other foreign matter. Sweetpotatoes with attached vines, root crowns, sprouts, secondary rootlets, and adhering caked dirt shall not be scored against U. S. No. 1 or U. S. No. 2 grades, but such vines, root crowns, sprouts, secondary rootlets, and adhering caked dirt shall be removed from the sweetpotato and scored as cull material.

§ 51.1668 *Damage.* "Damage" means any injury or defect which materially affects the edible or canning quality, or which cannot be removed in the ordinary process of trimming without a loss of more than 5 percent of the total weight of the sweetpotato, including peel covering the defective area.

§ 51.1669 *Badly misshapen.* "Badly misshapen" means that the sweetpotato is so curved, crooked, grooved, constricted, flattened, or otherwise misshapen that, in the ordinary process of trimming, a waste of over 10 percent, by weight, is incurred in excess of that which would occur if the sweetpotato were perfect.

§ 51.1670 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the edible or canning quality, or which cannot be removed in the ordinary process of trimming without a loss of more than 10 percent of the total weight of the sweetpotato, including peel covering the defective area.

§ 51.1671 *Diameter.* "Diameter" means the greatest dimension of the sweetpotato measured at right angles to the longitudinal axis.

SUBPART—UNITED STATES STANDARDS FOR SWEETPOTATOES FOR DICING OR PULPING

GRADES

§ 51.1685 *U. S. No. 1.* U. S. No. 1 consists of sweetpotatoes of similar type which are firm, not badly misshapen, free from soft rot, black rot, cull material, freezing injury, scald, cork or other internal discoloration, and free from damage, caused by dry rot other than black rot, other diseases, bruises, cuts, growth cracks, pithiness, wireworm, weevil, other insects, stringiness, sunburn, mechanical or other means. (See §§ 51.1688 and 51.1689.)

§ 51.1686 *U. S. No. 2.* U. S. No. 2 consists of sweetpotatoes of similar type which are firm, free from soft rot, black rot, cull material, freezing injury, and free from serious damage caused by dry rot other than black rot, other diseases, bruises, cuts, cork or other internal discoloration, growth cracks, pithiness, scald, wireworm, weevil, other insects, stringiness, sunburn, mechanical or other means. (See §§ 51.1688 and 51.1689.)

CULLS

§ 51.1687 *Culls.* Culls consists of sweetpotatoes which fail to meet the requirements of either U. S. No. 1 or U. S. No. 2 grades.

SIZE

§ 51.1688 *Size.* The minimum or the minimum and maximum sizes for the foregoing grades may be specified by agreement between buyer and seller. Size shall be stated in terms of diameter.

TOLERANCES

§ 51.1689 *Tolerances.* In the application of these standards, it is assumed that in most instances sellers will not sort their sweetpotatoes into separate lots of U. S. No. 1 and U. S. No. 2 grades before delivery to the buyer. In such cases there is no need for tolerances. If the contract between buyer and seller calls for the delivery of lots containing only one grade, such as U. S. No. 1 or U. S. No. 2, or a combination of U. S. No. 1 and U. S. No. 2 grades, then unless otherwise specified, a tolerance of 10 percent, by weight, shall be allowed for sweetpotatoes which fail to meet the requirements of the grade, other than for size and cull material: *Provided*, That, not more than one-fifth of this amount, or 2 percent, shall be allowed for sweetpotatoes affected by soft rot or black rot. In addition, not more than 2 percent, by weight, shall be allowed for cull material. An additional tolerance of 15 percent, by weight, shall be allowed for sweetpotatoes which fail to meet the specified size requirements: *Provided*, That, not more than one-third of this amount, or 5 percent, shall be allowed for sweetpotatoes below the specified minimum diameter.

DEFINITIONS

§ 51.1690 *Similar type.* "Similar type" means that the sweetpotatoes have the same type of flesh and that the flesh of the sweetpotatoes does not show material variation in color. For example, dry type shall not be mixed with moist type and white-fleshed varieties shall not be mixed with yellow- or orange-fleshed varieties.

§ 51.1691 *Firm.* "Firm" means that the sweetpotato is not soft, flabby or excessively shriveled.

§ 51.1692 *Badly misshapen.* "Badly misshapen" means that the sweetpotato is so curved, crooked, grooved, constricted, flattened, or otherwise misshapen that, in the ordinary process of trimming, a waste of over 10 percent, by weight, is incurred in excess of that which would occur if the sweetpotato were perfect.

§ 51.1693 *Cull material.* "Cull material" means pieces of sweetpotatoes, vines, root crowns, sprouts, secondary rootlets, loose dirt, adhering caked dirt or other foreign matter. Sweetpotatoes with attached vines, root crowns, sprouts, secondary rootlets, and adhering caked dirt shall not be scored against U. S. No. 1 or U. S. No. 2 grades, but such vines, root crowns, sprouts, secondary rootlets, and adhering caked dirt shall be removed from the sweetpotato and scored as cull material.

§ 51.1694 *Damage.* "Damage" means any injury or defect which materially affects the edible or processing quality, or which cannot be removed in the ordinary process of trimming without a loss of more than 10 percent of the total weight of the sweetpotato, including peel covering the defective area.

§ 51.1695 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the edible or processing quality, or which cannot be removed in the ordinary process of trimming without a loss of more than 25 percent of the total weight of the sweetpotato, including peel covering the defective area.

§ 51.1696 *Diameter.* "Diameter" means the greatest dimension of the sweetpotato measured at right angles to the longitudinal axis.

SUBPART—UNITED STATES STANDARDS FOR RASPBERRIES FOR PROCESSING

GRADES

§ 51.1710 *U. S. No. 1.* U. S. No. 1 consists of raspberries of similar varietal characteristics which are well colored and which are free from cores, mold or decay, and from dried and distinctly immature berries and from damage caused by overmaturity, crushing, shriveling, dirt, or other foreign matter, hail, sunscald, wind-whips and other scars, moisture, birds, disease, insects, discoloration, mechanical or other means.

(a) In order to allow for variations incident to proper handling, not more than a total of 5 percent, by weight, of the raspberries in any lot may fail to meet the requirements of this grade: *Provided*, That, not more than one-fifth of this amount, or 1 percent, shall be allowed for raspberries affected by mold or decay, or which are seriously damaged by insects.

§ 51.1711 *U. S. No. 2.* U. S. No. 2 consists of raspberries which meet the requirements for U. S. No. 1 grade except for the increased tolerances for defects specified as follows:

(a) In order to allow for variations incident to proper handling, not more than a total of 10 percent, by weight, of the raspberries in any lot may fail to meet the requirements of this grade: *Provided*, That, not more than one-fifth of this amount, or 2 percent, shall be allowed for raspberries affected by mold or decay, or which are seriously damaged by insects.

UNCLASSIFIED

§ 51.1712 *Unclassified.* Unclassified consists of raspberries which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

DEFINITIONS

§ 51.1713 *Similar varietal characteristics.* "Similar varietal characteristics" means that the raspberries are of the same general color. For example, black raspberries shall not be mixed with red or purple raspberries and red raspberries shall not be mixed with black or purple raspberries.

§ 51.1714 *Well colored.* "Well colored" means that the whole surface of the berry has a bright, practically uniform, typical color characteristic of a mature berry for the variety.

§ 51.1715 *Mold.* "Mold" means any surface mold that is plainly visible to the naked eye.

§ 51.1716 *Dried.* "Dried" means appreciably lacking in juice. Dried berries are excessively seedy and often shriveled.

§ 51.1717 *Distinctly immature.* "Distinctly immature" means that the berries are red, whitish, or green in the case of types or varieties which are characteristically purple or black, when well ripened; and that the berries are pinkish, whitish or green in the case of types or varieties which are characteristically red, when well ripened.

§ 51.1718 *Damage.* "Damage" means any injury or defect which materially affects the appearance or the processing quality of the raspberries. The following shall be considered as damage:

(a) Overmaturity, when the berry is leaking; when collapse or softness of the entire berry occurs; when a noticeable number of the drupelets of the berry have lost the bright luster characteristic of well colored berries; or when the epidermal hairs between the drupelets have become discolored.

(b) Crushing, when more than one-fourth of the drupelets of the berry have been crushed.

(c) Shriveling, when the berry is materially shriveled as evidenced by drying or undevelopment of more than one-fourth of the drupelets of the berry.

(d) Dirt, when it cannot be removed from the berry in the ordinary washing process.

§ 51.1719 *Seriously damaged by insects.* "Seriously damaged by insects" means the presence of one or more insects on the raspberry.

SUBPART—UNITED STATES STANDARDS FOR SPINACH LEAVES (FRESH)

GRADES

§ 51.1730 *U. S. Extra No. 1.* "U. S. Extra No. 1" shall consist of spinach leaves of similar varietal characteristics which are fairly clean, well trimmed, free from coarse stalks, seedstems, seedbuds, crowns and roots, sandburs or other kinds of burs, decay, and from damage caused by clusters of leaves, wilting, discoloration, freezing, foreign material, disease, insects, mechanical or other means.

(a) In order to allow for variations incident to proper grading and handling, not more than 5 percent, by count, of any lot may fail to meet the requirements of this grade, including not more than 1 percent for spinach leaves which are affected by decay.

§ 51.1731 *U. S. No. 1.* "U. S. No. 1" shall consist of spinach leaves of similar varietal characteristics which are well trimmed, free from coarse stalks, seedstems, seedbuds, crowns and roots, sandburs, or other kinds of burs, decay, and from damage caused by clusters of leaves, wilting, discoloration, freezing, dirt, or other foreign material, disease, insects, mechanical or other means.

(a) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of any lot may fail to meet the requirements of this grade, including not more than 1 percent for spinach leaves which are affected by decay.

§ 51.1732 *U. S. Commercial.* "U. S. Commercial" shall consist of spinach leaves of similar varietal characteristics which are well trimmed, free from coarse stalks, seedstems, seedbuds, crowns and roots, sandburs, or other kinds of burs, decay, and from damage caused by clusters of leaves, wilting, discoloration, freezing, dirt or other foreign material, disease, insects, mechanical or other means.

(a) In order to allow for variations incident to proper grading and handling, not more than 20 percent, by count, of any lot may fail to meet the requirements of this grade, including not more than 1 percent for spinach leaves which are affected by decay.

APPLICATION OF TOLERANCES

§ 51.1733 *Application of tolerances.* The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified:

(a) When a tolerance is 10 percent, or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified.

(b) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified.

DEFINITIONS

§ 51.1734 *Similar varietal characteristics.* "Similar varietal characteristics" means that the spinach shall be generally of one type, as crinkly leaf type, or flat leaf type. No mixture of varieties shall be permitted which materially affects the appearance of the lot.

§ 51.1735 *Well trimmed.* "Well-trimmed" means that the leafstems or petioles are not excessively long in relation to the size of the leafblades.

§ 51.1736 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual leaves or of the lot as a whole.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR FRESH SPINACH LEAVES

GRADES

§ 51.1750 *U. S. Grade A.* U. S. Grade A shall consist of spinach leaves of sim-

ilar varietal characteristics which are fresh, clean, well trimmed, and of reasonably good green color, and which are free from coarse stalks, seedstems, seedbuds, crowns and roots, sandburs or other kinds of burs, soft rot and from damage caused by clusters of leaves, leaf stems without blades, discoloration, freezing, foreign material, disease, insects, mechanical or other means. Spinach on the shown face shall be reasonably representative in size and quality of the contents of the container.

(a) Incident to proper grading and handling not more than 5 percent, by weight, of the spinach in any lot may be small pieces of leaves, not more than 5 percent of the spinach leaves may be damaged by clusters, and not more than 3 percent may fail to meet the remaining requirements of the grade, including not more than 1 percent for serious damage: *Provided*, That no tolerance shall be permitted for sandburs or other kinds of burs.

§ 51.1751 *U. S. Grade B.* U. S. Grade B shall consist of spinach leaves which meet the requirements for U. S. Grade A, except that they shall be reasonably clean, and except for the increased tolerances for defects specified in paragraph (a) of this section.

(a) Incident to proper grading and handling, not more than 10 percent, by weight, of the spinach in any lot may be small pieces, not more than 10 percent of the spinach leaves may be damaged by clusters, and not more than 5 percent may fail to meet the remaining requirements of the grade, including not more than 2 percent for serious damage: *Provided*, That no tolerance shall be permitted for sandburs or other kinds of burs.

OFF-GRADE

§ 51.1752 *Off-Grade spinach leaves.* Spinach leaves which fail to meet the requirements of either of the grades in §§ 51.1750 and 51.1751 shall be Off-Grade spinach leaves.

DEFINITIONS

§ 51.1753 *Similar varietal characteristics.* "Similar varietal characteristics" means that the spinach leaves shall be generally of one type, as crinkly leaf type or flat leaf type. No mixture of varieties shall be permitted which materially affects the appearance of the lot.

§ 51.1754 *Fresh.* "Fresh" means that the leaves are not more than slightly wilted.

§ 51.1755 *Clean.* "Clean" means that the spinach does not show more than a trace of grit, sand, dirt, silt, muck or other similar water insoluble, inorganic material.

§ 51.1756 *Well trimmed.* "Well trimmed" means that the leaf stems or petioles are not excessively long in relation to the size of the leaf blades.

§ 51.1757 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible, shipping or keeping quality of the individual leaves or of the lot as a whole. The following defects or any combination of defects the seriousness of which exceeds the amount allowed for any one defect shall be considered as damage:

(a) Clusters, when there are more than 3 leaves attached, except that clusters of heart leaves with any number of leaves shall not be considered as damage, provided the length of the longest leaf in the cluster is not over 3 inches.

(b) Leaf stems, without blades attached, when present to such an extent as to materially affect the appearance of the lot, or when the individual stem is damaged.

(c) Discoloration, when the appearance of the leaf is materially affected. Heart leaves which are yellow or partially blanched shall not be considered as damage by discoloration.

(d) Mechanical damage, when the leaf is very badly crushed, torn or broken. (Owing to the many necessary handlings in the harvesting, icing, shipping, sorting, washing, and packing operations in preparing spinach for consumer use some leaves are crushed, torn or broken but only those leaves which are very badly crushed, torn or broken shall be considered as damaged by mechanical means.)

§ 51.1758 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the edible, shipping or keeping quality of the individual leaves or of the lot as a whole. The following defects shall be considered as serious damage:

(a) Badly discolored leaves.

(b) Leaves severely affected by mildew or white rust.

(c) Leaves on which insects are present, or leaves which are seriously damaged by insects.

(d) Leaves which are affected by soft rot.

(e) Weeds, grass or pieces thereof, and other extraneous matter.

§ 51.1759 *Reasonably clean.* "Reasonably clean" means that the spinach is reasonably free from grit, sand, dirt, silt, muck and other similar water insoluble, inorganic material.

SUBPART—UNITED STATES STANDARDS FOR TANGERINES

GENERAL

§ 51.1770 *General.* (a) The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerances as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(b) For packages which contain more than 10 pounds and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(c) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects except that not more than one fruit which is decayed or very seriously damaged shall be allowed in any package.

GRADES

§ 51.1771 *U. S. Fancy.* U. S. Fancy shall consist of tangerines which are mature, firm, and well-formed; free from soft bruises, bird pecks, unhealed skin-breaks, and decay; free from damage by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, mechanical or other means.

(a) Each fruit in this grade shall be highly colored.

(b) In this grade not more than $\frac{1}{10}$ of the surface in the aggregate of each fruit may have a light shade of brown discoloration caused by rust mite, or an equivalent in appearance to this amount when the fruit is discolored by any cause. (See § 51.1778.)

§ 51.1772 *U. S. No. 1.* U. S. No. 1 shall consist of tangerines which are mature, firm and well-formed; free from soft bruises, bird pecks, unhealed skin-breaks, and decay; free from damage by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, mechanical or other means.

(a) Each fruit of this grade shall be fairly well colored.

(b) In this grade not more than one-third of the surface in the aggregate of each fruit may have a light shade of brown discoloration caused by rust mite, or an equivalent in appearance to this amount when the fruit is discolored by any cause. (See § 51.1778.)

§ 51.1773 *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except for discoloration. In this grade at least 75 percent, by count, of the fruit shall show some discoloration, and more than 20 percent, by count, of the fruit shall have more than one-third of the surface of each fruit affected with bronzed russeting: *Provided*, That no discoloration that exceeds the amount allowed in the U. S. No. 1 grade shall be permitted unless such discoloration is caused by thrip or wind scars, or rust mite. (See § 51.1778.)

§ 51.1774 *U. S. No. 2.* U. S. No. 2 shall consist of tangerines which are mature, fairly firm, and fairly well-formed; free from soft bruises, bird pecks, unhealed skin-breaks and decay; free from serious damage by ammoniation, creasing, dryness of mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, mechanical or other means.

(a) Each fruit of this grade shall be reasonably well colored.

(b) In this grade not more than two-thirds of the surface in the aggregate of each fruit may be affected with light brown discoloration, or may have the equivalent to this amount in appearance when the fruit has lighter or darker shades of discoloration. (See § 51.1778.)

§ 51.1775 *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 20 percent, by count, of the fruits shall have in excess of two-thirds of the surface in the aggregate affected with light brown discoloration. (See § 51.1778.)

§ 51.1776 *U. S. No. 3.* U. S. No. 3 shall consist of tangerines which are mature, not flabby and not seriously lumpy; which are free from unhealed bird pecks, unhealed skin-breaks and decay; free from very serious damage by bruises, ammoniation, creasing, dryness or mushy condition, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, melanose, scars, scab, dirt or other foreign materials, disease, insects, mechanical or other means. (See § 51.1779.)

TOLERANCES

§ 51.1777 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.1778 and 51.1779 are provided as specified.

§ 51.1778 *U. S. Fancy; U. S. No. 1; U. S. No. 1 Bronze; U. S. No. 2 and U. S. No. 2 Russet.* Not more than a total of 10 percent, by count, of the fruit in any container may be below the requirements of the grade other than for discoloration but not more than 5 percent shall be allowed for very serious damage other than by dryness or mushy condition and not more than one-half of 1 percent shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay enroute or at destination. In addition, not more than a total of 10 percent, by count, of the fruit in any container may not meet the requirements relating to discoloration but not more than 2 percent shall be allowed for serious damage by unsightly discoloration.

§ 51.1779 *U. S. No. 3.* Not more than a total of 15 percent, by count, of the fruit in any container may be below the requirements of this grade but not more than 5 percent shall be allowed for defects other than dryness or mushy condition, and not more than 1 percent shall be allowed for decay at shipping point: *Provided*, That a total tolerance of not more than 3 percent shall be allowed for decay enroute or at destination.

STANDARD PACK

§ 51.1780 *Standard pack.* (a) The tangerines in each container shall be packed in accordance with recognized methods. Each container shall be well filled and properly marked to indicate the size of the fruit. When the figures used to indicate size of the fruit vary from the actual number of tangerines in the container, as in the case of fractional parts of boxes, the figures indicating size shall be followed by the letter "s" or the word "size," as, for example, "210s," or "210 size." Containers which are not so marked shall not be regarded as meeting requirements of "standard pack."

(b) Fruit in each container shall be of a size not less than the minimum diameters specified below for the various packs. Packs other than those listed shall have a minimum size not less than that specified for the nearest count.

DIAMETER IN INCHES

| Pack: | *Minimum* |
|---|---|
| 100 | $2^{15}/_{16}$ |
| 120 | $2^{11}/_{16}$ |
| 150 | $2^{8}/_{16}$ |
| 176 | $2^{6}/_{16}$ |
| 210 | $2^{4}/_{16}$ |
| 246 | $2^{2}/_{16}$ |
| 294 | 2 |

(c) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of the fruit in any container may be below the minimum size for the count as specified above.

DEFINITIONS

§ 51.1781 *Firm.* "Firm" means that the flesh is not soft and the fruit is not badly puffy, and that the skin has not become materially separated from the flesh of the tangerine.

§ 51.1782 *Well-formed.* "Well-formed" means that the fruit has the characteristic tangerine shape and is not deformed.

§ 51.1783 *Damage.* "Damage" means any defect or blemish which more than slightly affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(a) Ammoniation, when not occurring as speck-type similar to melanose: *Provided*, That no ammoniation shall be permitted that detracts from the appearance of the individual fruit to a greater extent than the amount of discoloration allowed for the grade.

(b) Creasing, when it materially affects the appearance or shipping quality of the fruit.

(c) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-eighth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit.

(d) Green spots or oil spots, when the appearance is affected to a greater extent than 10 green spots caused by scale, each of which is approximately one-eighth inch in diameter.

(e) Pitting, when materially affecting the appearance or shipping quality of the individual fruit.

(f) Scale, when occurring as a blotch which averages more than three-eighths inch in diameter or any scale that detracts from the appearance of the individual fruit to a greater extent than a three-eighths inch blotch. "Blotch" refers to actual scale and not the discolored area caused by scale.

(g) Sprayburn, when causing the skin to become hard or when it materially affects the appearance of the fruit.

(h) Sunburn, when causing the skin to become hard or when it materially affects the appearance of the fruit.

(i) Unsightly discoloration, when the color or the pattern, or a combination of color and pattern, causes the fruit to have an unattractive appearance.

(j) Buckskin, when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade.

(k) Melanose, when not small smooth speck-type, or any speck-type that detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade. Melanose that exceeds the amount allowed in the U. S. No. 1 grade is not permitted in the U. S. No. 1 Bronze grade.

(l) Scars, when not smooth, or when causing any noticeable depression or when detracting from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade.

(m) Scab, when not smooth, or when it affects shape or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade. Scab injury that exceeds the amount allowed in the U. S. No. 1 grade is not permitted in the U. S. No. 1 Bronze grade.

§ 51.1784 *Highly colored.* "Highly colored" means that the ground color of each fruit is a deep tangerine color with practically no trace of yellow color.

§ 51.1785 *Discoloration.* "Discoloration" includes discoloration caused by rust mite, melanose, scars, scab, or any other means. Shades of discoloration which blend with the ground color of the fruit may be allowed on a larger area than that specified in the grade for light brown discoloration, and shades of discoloration which are more in contrast with the ground color shall be restricted to a lesser area, provided no discoloration may affect the appearance to a greater extent than the amount of light brown discoloration specified for the grade. Tangerines which show discoloration caused by melanose, scab, or any cause other than by thrip, or wind scars, or by rust mite shall not be permitted in the U. S. No. 1 Bronze grade when such discoloration exceeds the amount allowed in the U. S. No. 1 grade. (See § 51.1787.)

§ 51.1786 *Fairly well colored.* "Fairly well colored" means that each fruit may have not over one inch of green color in the aggregate and the remainder of the surface shall show a good tangerine color with some portion of the surface showing a reddish tangerine blush.

§ 51.1787 *Bronzed russeting.* "Bronzed russeting" means russeting caused by thrip, or wind scars, or by rust mite or similar russeting which is not readily distinguishable from that caused by rust mite. Discolorations caused by melanose, scab, etc., are not considered as "bronzed russeting" within the meaning of these standards but are regarded as defects when they exceed the amounts permitted in the U. S. No. 1 grade and are not permitted in the U. S. No. 1 Bronze grade.

§ 51.1788 *Fairly firm.* "Fairly firm" means that the flesh may be slightly soft but is not bruised or badly puffy, and that the skin has not become seriously separated from the flesh of the tangerine.

§ 51.1789 *Fairly well-formed.* "Fairly well-formed" means that the fruit may not have the shape characteristic of the variety but that it is not badly deformed.

§ 51.1790 *Serious damage.* "Serious damage" means any defect or blemish which seriously affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage:

(a) Ammoniation, when scars are cracked, or dark and aggregating more than one-half inch in diameter or when light-colored and aggregating more than 1 inch in diameter.

(b) Creasing, when it causes the skin to be seriously weakened.

(c) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-quarter inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit.

(d) Green spots or oil spots, when the appearance is affected to a greater extent than 25 green spots, caused by scale, each of which is approximately one-eighth inch in diameter.

(e) Pitting, when seriously affecting the appearance or shipping quality of the fruit.

(f) Scale, when occurring as a blotch which averages more than one-half inch in diameter, or any scale that detracts from the appearance of the fruit to a greater extent than a one-half inch blotch. "Blotch" refers to actual scale and not the discoloration caused by scale.

(g) Sprayburn, when it has caused the skin to become hard, or when it seriously affects the appearance of the fruit.

(h) Sunburn, when it has caused the skin to become hard, or when it seriously affects the appearance of the fruit.

(i) Unsightly discoloration, when the color or the pattern, or a combination of both, causes the fruit to have a distinctly unattractive appearance.

(j) Buckskin, when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade.

(k) Melanose, when badly caked and aggregating more than ½ inch in diameter or when lightly caked and aggregating more than 1 inch in diameter, or when unsightly or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade.

(l) Scars, when not fairly smooth, or when causing any materially depressed areas, or when detracting from the appearance to a greater extent than the amount of discoloration allowed for the grade. Scars which are not fairly smooth, or which are materially depressed, are not permitted in either U. S. No. 2 or U. S. No. 2 Russet grades.

(m) Scab, when not fairly smooth, or when it materially affects the shape of the fruit, or when it detracts from the appearance to a greater extent than the maximum amount of discoloration allowed for the grade.

§ 51.1791 *Reasonably well colored.* "Reasonably well colored" means that a good yellow or reddish tangerine color shall predominate over the green color on at least one-half of the fruit surface in the aggregate, and that each fruit shall show practically no lemon color.

§ 51.1792 *Very serious damage.* "Very serious damage" means any defect or blemish which very seriously affects the appearance, or edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as very serious damage:

(a) Ammoniation, when scars are badly cracked, or when dark and aggregating more than 1 inch in diameter, or when light-colored and detracting from the appearance of the fruit to a greater extent than 1 inch of dark ammoniation.

(b) Creasing, when causing the skin to be seriously weakened.

(c) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-quarter inch in all segments at the stem end or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit.

(d) Pitting, when it very seriously affects the appearance or the shipping quality of the fruit.

(e) Scale, when it very seriously affects the appearance of the fruit.

(f) Sprayburn, when it very seriously affects the appearance of the fruit.

(g) Sunburn, when it very seriously affects the appearance of the fruit.

(h) Unsightly discoloration, when the fruit has a very objectionable appearance caused by any means. The color or the pattern of the discoloration, or a combination of both, or a combination of defects may cause the fruit to have a very unsightly appearance.

(i) Melanose, when caked to the extent that the appearance of the fruit is very seriously affected.

(j) Scars, when so deep, rough, or so unsightly that the appearance of the fruit is very seriously injured.

(k) Scab, when it causes the fruit to be very seriously injured.

§ 51.1793 *Cull.* A cull is a fruit which does not meet the requirements of U. S. No. 3 grade.

SUBPART—UNITED STATES STANDARDS FOR FLORIDA TANGERINES

GRADES

§ 51.1810 *U. S. Fancy.* U. S. Fancy consists of tangerines which are mature, firm, and well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay, and free from damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(a) Each fruit in this grade shall be highly colored.

(b) In this grade not more than one-tenth of the fruit surface, in the aggregate, may have a light shade of brown discoloration caused by rust mite, or an equivalent of this amount in appearance when the fruit is discolored by any cause. (See § 51.1819.)

§ 51.1811 *U. S. No. 1.* U. S. No. 1 consists of tangerines which are mature, firm, and well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay, and free from damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(a) Each fruit in this grade shall be fairly well colored.

(b) In this grade not more than one-third of the fruit surface, in the aggregate, may have a light shade of brown discoloration caused by rust mite, or an equivalent of this amount in appearance when the fruit is discolored by any cause. (See § 51.1819.)

§ 51.1812 *U. S. No. 1 Bronze.* The requirements for this grade are the same as for U. S. No. 1 except for discoloration. In this grade at least 75 percent, by count, of the fruits shall show some discoloration, and more than 20 percent, by count, of the fruits shall have more than one-third of their surface affected with bronzed russeting: *Provided*, That no discoloration that exceeds the amount allowed in the U. S. No. 1 grade shall be permitted unless such discoloration is caused by thrip, wind scars, or rust mite. (See § 51.1819.)

§ 51.1813 *U. S. No. 1 Russet.* The requirements for this grade are the same as for U. S. No. 1 except for discoloration. In this grade at least 75 percent, by count, of the fruits shall show some discoloration, and more than 20 percent, by count, of the fruits shall have more than one-third of their surface affected with discoloration. (See § 51.1819.)

§ 51.1814 *U. S. No. 2.* U. S. No. 2 consists of tangerines which are mature, fairly firm, and fairly well formed, and which are free from soft bruises, bird pecks, unhealed skin-breaks, and decay, and free from serious damage caused by ammoniation, creasing, dryness or mushy condition, green spots or oil spots, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, buckskin, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means.

(a) Each fruit in this grade shall be reasonably well colored.

(b) In this grade not more than two-thirds of the fruit surface, in the aggregate, may be affected with light brown discoloration, or may have the equivalent of this amount in appearance when the fruit has lighter or darker shades of discoloration. (See § 51.1819.)

§ 51.1815 *U. S. No. 2 Russet.* The requirements for this grade are the same as for U. S. No. 2 except that more than 20 percent, by count, of the fruits shall have in excess of two-thirds of their surface, in the aggregate, affected with light brown discoloration. (See § 51.1819.)

§ 51.1816 *U. S. No. 3.* U. S. No. 3 consists of tangerines which are mature, not flabby and not seriously lumpy, and which are free from unhealed bird pecks, unhealed skin-breaks, and decay, and free from very serious damage caused by bruises, ammoniation, creasing, dryness or mushy condition, pitting, scale, sprouting, sprayburn, sunburn, unsightly discoloration, melanose, scars, scab, dirt or other foreign materials, disease, insects, or mechanical or other means. (See § 51.1820.)

UNCLASSIFIED

§ 51.1817 *Unclassified.* Unclassified consists of tangerines which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

TOLERANCES

§ 51.1818 *Tolerances.* In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.1819 and 51.1820 are provided as specified.

§ 51.1819 *U. S. Fancy; U. S. No. 1; U. S. No. 1 Bronze; U. S. No. 1 Russet; U. S. No. 2 and U. S. No. 2 Russet.* Not more than a total of 10 percent, by count, of the fruits in any lot may fail to meet the requirements of the grade other than for discoloration, but not more than one-half of this amount, or 5 percent, shall be allowed for very serious damage other than that caused by dryness or mushy condition, and not more than one-twentieth of the tolerance, or one-half of 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination. In addition, not more than a total of 10 percent, by count, of the fruits in any lot may not meet the requirements relating to discoloration but not more than 2 percent shall be allowed for serious damage by unsightly discoloration.

§ 51.1820 *U. S. No. 3.* Not more than a total of 15 percent, by count, of the fruits in any lot may fail to meet the requirements of this grade, but not more than one-third of this amount, or 5 percent, shall be allowed for defects other than that caused by dryness or mushy condition, and not more than one-fifteenth of the tolerance, or 1 percent, shall be allowed for decay at shipping point: *Provided*, That an additional tolerance of 2 percent, or a total of not more than 3 percent shall be allowed for decay en route or at destination.



APPLICATION OF TOLERANCES

§ 51.1821 *Application of tolerances to individual packages.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(1) For packages which contain more than 10 pounds and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 10 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed or very seriously damaged fruit may be permitted in any package.

(2) For packages which contain 10 pounds or less, individual packages in any lot are not restricted as to the percentage of defects, except that not more than one fruit which is decayed or very seriously damaged shall be allowed in any package.

STANDARD PACK

§ 51.1822 *Standard pack.* (a) The tangerines in each container shall be packed in accordance with recognized methods. Each container shall be well filled and properly marked to indicate the size of the fruit. When the figures used to indicate size of fruit vary from the actual number of tangerines in the container, as in the case of fractional parts of boxes, the figures indicating size shall be followed by the letter "s" or the word "size", as, for example, "210's", or "210 size." Containers which are not so marked shall not be regarded as meeting requirements of "standard pack."

(1) Fruit in each container shall be of a size not less than the minimum diameters specified in Table I for the various packs. Packs other than those listed shall have a minimum diameter not less than that specified for the nearest count.

TABLE I

[Diameter in inches]

| Pack: | Minimum |
|---|---|
| 100 | 2 15/16 |
| 120 | 2 11/16 |
| 150 | 2 5/16 |
| 176 | 2 1/16 |
| 210 | 2 1/16 |
| 246 | 2 1/16 |
| 294 | 2 |

(2) In order to allow for variations incident to proper sizing, not more than 10 percent, by count, of the fruits in any lot may be below the minimum size for the count as specified in Table I of this paragraph.

DEFINITIONS

§ 51.1823 *Mature.* "Mature" means the same as that term is set forth for tangerines in §§ 601.21 and 601.22, chapter 26492, Florida Statutes, known as the Florida Citrus Code of 1949.

§ 51.1824 *Firm.* "Firm" means that the flesh is not soft and the fruit is not badly puffy, and that the skin has not become materially separated from the flesh of the tangerine.

§ 51.1825 *Well formed.* "Well formed" means that the fruit has the characteristic tangerine shape and is not deformed.

§ 51.1826 *Damage.* "Damage" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Ammoniation, when it is not speck-type similar to melanose, provided that no ammoniation shall be permitted that detracts from the appearance of the individual fruit to a greater extent than the amount of discoloration allowed for the grade;

(b) Creasing, when it materially affects the appearance or shipping quality of the fruit;

(c) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-eighth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;

(d) Green spots or oil spots, when the appearance is affected to a greater extent than 10 green spots caused by scale, each of which is equivalent to the area of a circle one-eighth inch in diameter;

(e) Pitting, when materially affecting the appearance or shipping quality of the individual fruit;

(f) Scale, when occurring as a blotch and the aggregate area exceeds the area of a circle three-eighths inch in diameter, or any scale that detracts from the appearance of the individual fruit to a greater extent than the area permitted for a blotch. "Blotch" refers to actual scale and not the discolored area caused by scale;

(g) Sprayburn, when causing the skin to become hard or when it materially affects the appearance of the fruit;

(h) Sunburn, when causing the skin to become hard or when it materially affects the appearance of the fruit;

(i) Unsightly discoloration, when the color or the pattern, or a combination of color and pattern, causes the fruit to have an unattractive appearance;

(j) Buckskin, when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(k) Melanose, when not small smooth speck-type, or any speck-type that detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed in the grade. Melanose that exceeds the amount allowed in the U. S. No. 1 grade is not permitted in the U. S. No. 1 Bronze grade;

(l) Scars, when not smooth, or when causing any noticeable depression, or when detracting from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade; and,

(m) Scab, when not smooth, or when it affects shape, or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration

allowed for the grade. Scab injury that exceeds the amount allowed in the U. S. No. 1 grade is not permitted in the U. S. No. 1 Bronze grade.

§ 51.1827 *Highly colored.* "Highly colored" means that the ground color of each fruit is a deep tangerine color with practically no trace of yellow color.

§ 51.1828 *Discoloration.* "Discoloration" includes discoloration caused by rust mite, melanose, scars, scab, or any other means. Shades of discoloration which blend with the ground color of the fruit may be allowed on a larger area than that specified in the grade for light brown discoloration, and shades of discoloration which are more in contrast with the ground color shall be restricted to a lesser area, provided no discoloration may affect the appearance to a greater extent than the amount of light brown discoloration specified for the grade. Tangerines which show discoloration caused by melanose, scab, or any cause other than by thrip, wind scars, or by rust mite shall not be permitted in the U. S. No. 1 Bronze grade when such discoloration exceeds the amount allowed in the U. S. No. 1 grade. (See § 51.1830.)

§ 51.1829 *Fairly well colored.* "Fairly well colored" means that the fruit may have green color which does not exceed the aggregate area of a circle 1 inch in diameter and that the remainder of the surface shows a good tangerine color with some portion of the surface showing a reddish tangerine blush.

§ 51.1830 *Bronzed russeting.* "Bronzed russeting" means russeting caused by thrip, wind scars, or by rust mite, or similar russeting which is not readily distinguishable from that caused by rust mite. Discoloration caused by melanose, scab, etc. are not considered as "bronzed russeting" within the meaning of these standards but are regarded as defects when they exceed the amounts permitted in the U. S. No. 1 grade and are not permitted in the U. S. No. 1 Bronze grade.

§ 51.1831 *Fairly firm.* "Fairly firm" means that the flesh may be slightly soft but is not bruised or badly puffy, and that the skin has not become seriously separated from the flesh of the tangerine.

§ 51.1832 *Fairly well formed.* "Fairly well formed" means that the fruit may not have the shape characteristic of the variety but that it is not badly deformed.

§ 51.1833 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Ammoniation, when scars are cracked, or when dark and the aggregate area exceeds the area of a circle one-half inch in diameter, or when light colored and the aggregate area exceeds the area of a circle 1 inch in diameter;

(b) Creasing, when it causes the skin to be seriously weakened;

(c) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-fourth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;

(d) Green spots or oil spots, when the appearance is affected to a greater extent than 25 green spots, caused by scale, each of which is equivalent to the area of a circle one-eighth inch in diameter;

(e) Pitting, when seriously affecting the appearance or shipping quality of the fruit;

(f) Scale, when occurring as a blotch and the aggregate area exceeds the area of a circle one-half inch in diameter, or any scale that detracts from the appearance of the fruit to a greater extent than the area permitted for a blotch. "Blotch" refers to actual scale and not the discoloration caused by scale;

(g) Sprayburn, when it has caused the skin to become hard, or when it seriously affects the appearance of the fruit;

(h) Sunburn, when it has caused the skin to become hard, or when it seriously affects the appearance of the fruit;

(i) Unsightly discoloration, when the color or the pattern, or a combination of both, causes the fruit to have a distinctly unattractive appearance;

(j) Buckskin, when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(k) Melanose, when badly caked and the aggregate area exceeds the area of a circle one-half inch in diameter, or when lightly caked and the aggregate area exceeds the area of a circle 1 inch in diameter, or when unsightly, or when it detracts from the appearance of the fruit to a greater extent than the amount of discoloration allowed for the grade;

(l) Scars, when not fairly smooth, or when causing any materially depressed areas, or when detracting from the appearance to a greater extent than the amount of discoloration allowed for the grade. Scars which are not fairly smooth, or which are materially depressed, are not permitted in either U. S. No. 2 or U. S. No. 2 Russet grades; and,

(m) Scab, when not fairly smooth, or when it materially affects the shape of the fruit, or when it detracts from the appearance to a greater extent than the maximum amount of discoloration allowed for the grade.

§ 51.1834 *Reasonably well colored.* "Reasonably well colored" means that a good yellow or reddish tangerine color shall predominate over the green color on at least one-half of the fruit surface in the aggregate, and that each fruit shall show practically no lemon color.

§ 51.1835 *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(a) Ammoniation, when scars are badly cracked, or when dark and the aggregate area exceeds the area of a circle 1 inch in diameter, or when light colored and it detracts from the appearance of the fruit to a greater extent than the area permitted for dark ammoniation;

(b) Creasing, when causing the skin to be seriously weakened;

(c) Dryness or mushy condition, when mushy or distinctly dry to a depth of more than one-fourth inch in all segments at the stem end, or the equivalent of this amount, by volume, of mushy condition or dryness when occurring in any portion of the fruit;

(d) Pitting, when it very seriously affects the appearance or the shipping quality of the fruit;

(e) Scale, when it very seriously affects the appearance of the fruit;

(f) Sprayburn, when it very seriously affects the appearance of the fruit;

(g) Sunburn, when it very seriously affects the appearance of the fruit;

(h) Unsightly discoloration, when the fruit has a very objectionable appearance caused by any means. The color or the pattern of the discoloration, or a combination of both, or a combination of defects may cause the fruit to have a very unsightly appearance;

(i) Melanose, when caked to the extent that the appearance of the fruit is very seriously affected;

(j) Scars, when so deep, rough, or unsightly that the appearance of the fruit is very seriously injured; and,

(k) Scab, when it causes the fruit to be very seriously injured.

§ 51.1836 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

## SUBPART—UNITED STATES STANDARDS FOR FRESH TOMATOES

### GRADES

§ 51.1855 *U. S. No. 1.* U. S. No. 1 consists of tomatoes of similar varietal characteristics which are mature, but not overripe or soft, which are well developed, fairly well formed, fairly smooth, and which are free from decay and freezing injury, and free from damage caused by dirt, bruises, cuts, sunscald, sunburn, puffiness, catfaces, growth cracks, scars, disease, insects, hail or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(1) At shipping point (or in shipments from Mexico when inspected at points of entry into the United States) not more than a total of 10 percent, by count, for tomatoes in any lot, which fail to meet the requirements of this grade: *Provided*, That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, and including in this latter amount not more than 1 percent for tomatoes which are soft or affected by decay; and,

(2) En route or at destination, not more than a total of 15 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes; and,

10 percent for tomatoes otherwise defective, except that not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage.

§ 51.1856 *U. S. Combination.* U. S. Combination consists of a combination of U. S. No. 1 and U. S. No. 2 tomatoes: *Provided*, That at least 60 percent, by count, meet the requirements of U. S. No. 1 grade.

(a) Tolerances. In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(1) At shipping point (or in shipments from Mexico when inspected at points of entry into the United States) not more than a total of 10 percent, by count, for tomatoes in any lot, which fail to meet the requirements of the U. S. No. 2 grade: *Provided*, That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay; and,

(2) En route or at destination, not more than a total of 15 percent, by count, for tomatoes in any lot, which fail to meet the requirements of the U. S. No. 2 grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes; and,

10 percent for tomatoes otherwise defective.

(b) No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of U. S. No. 1 tomatoes required in the combination but individual containers shall have not less than 50 percent which meet the requirements of U. S. No. 1 grade: *Provided*, That the entire lot contains not less than 60 percent U. S. No. 1 grade.

§ 51.1857 *U. S. No. 2.* U. S. No. 2 consists of tomatoes of similar varietal characteristics which are mature, but not overripe or soft, which are not badly misshapen, and which are free from decay, unhealed cuts, freezing injury, and free from serious damage caused by dirt, bruises, sunscald, sunburn, puffiness, catfaces, growth cracks, scars, disease, insects, hail or mechanical or other means.

(a) *Tolerances.* In order to allow for variations incident to proper grading and handling the following tolerances shall be permitted:

(1) At shipping point (or in shipments from Mexico when inspected at points of entry into the United States) not more than a total of 10 percent, by count, for tomatoes in any lot, which fail to meet the requirements of this grade: *Provided*, That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay; and,

(2) En route or at destination, not more than a total of 15 percent, by count, for tomatoes in any lot, which fail to meet the requirements of this grade: *Provided*, That included in this amount not more than the following percentages shall be allowed for the defects listed:

5 percent for tomatoes which are soft or affected by decay;

10 percent for tomatoes which are seriously damaged by shoulder bruises or by discolored or sunken scars on any parts of the tomatoes; and,

10 percent for tomatoes otherwise defective.

### UNCLASSIFIED

§ 51.1858 *Unclassified.* Unclassified consists of tomatoes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

### SIZE

§ 51.1859 *Size requirements.* (a) Tomatoes when packed in Los Angeles lugs, or when packed in other types of containers and the size is specified according to the size arrangements customarily used in Los Angeles lugs, shall be within the ranges of diameters specified below, except when designated as "Irregular Sizing".

| Los Angeles lug size requirements [1] | Minimum diameter | Maximum diameter |
|---|---|---|
| | *Inches* | *Inches* |
| 4 x 4 | 3 5/8 | 3 15/16 |
| 4 x 5 | 3 | 3 1/16 |
| 5 x 5 | 2 11/16 | 3 0/16 |
| 5 x 6 | 2 5/16 | 2 13/16 |
| 6 x 6 | 2 6/8 | 2 14/16 |
| 6 x 7 | 2 4/16 | 2 10/16 |
| 7 x 7 | 2 | 2 2/16 |
| 7 x 8 | 1 13/16 | 2 1/16 |

[1] Size arrangements not listed in the above table but which meet the diameter requirements for one of the above Los Angeles lug size arrangements may be certified as meeting Los Angeles lug size requirements for the specified size: *Provided*, That there shall not be a variation of more than 2 tomatoes in a layer between the two size arrangements, except that a variation of not more than 4 tomatoes in a layer shall be permitted in sizes smaller than 6 x 7. For example, a 4–4 x 6 offset pack has 24 tomatoes per layer and should be sized in accordance with the diameter requirements for 5 x 5 which has 25 tomatoes per layer. A 4–5 x 9 diagonal pack has 40 or 41 tomatoes per layer and should be sized in accordance with the requirements for 6 x 7 which has 42 tomatoes per layer.

(b) In determining compliance with the above size arrangements the measurement for minimum diameter shall be the largest diameter of the tomato measured at right angles to a line from the stem end to the blossom end. The measurement for maximum diameter shall be the smallest dimension of the tomato determined by passing the tomato through a round opening in any position.

(c) In lieu of specifying size according to the Los Angeles lug size arrangements, the size of tomatoes in any type container may be specified in terms of minimum diameter or in terms of minimum and maximum diameters expressed in whole inches, or whole inches and not less than sixteenth inch fractions thereof, in accordance with the facts, without reference to Los Angeles lug size arrangements. Such minimum diameter, or minimum and maximum diameters, shall be the largest diameter of the tomato measured at right angles to a line from the stem end to the blossom end.

(d) In order to allow for variations incident to proper sizing, not more than a total of 10 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter, or larger than the specified maximum diameter.

### APPLICATION OF TOLERANCES

§ 51.1860 *Application of tolerances.* (a) The contents of individual containers in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified:

(1) When a tolerance is 10 percent or more, individual containers in any lot shall have not more than one and one-half times the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any container; and,

(2) When a tolerance is less than 10 percent, individual containers in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any container.

### U. S. STANDARD PACKS

§ 51.1861 *U. S. Standard Packs.* "U. S. Standard Packs" apply only to tomatoes packed in Los Angeles lugs and shall be designated according to the arrangement in the top layer of the lug, as 5 x 5, 5 x 6, etc., in accordance with the facts. The tomatoes in all layers shall have a uniform type of arrangement, for example, square, offset or diagonal except as provided in the description of U. S. Straight Pack. The tomatoes shall be fairly tightly packed and, unless otherwise specified, the net weight of the tomatoes in the lug shall be not less than 30 pounds. The terms set forth in §§ 51.1862 to 51.1866 shall be used to describe U. S. Standard Packs in lugs.

§ 51.1862 *U. S. Straight Pack.* When specified as "U. S. Straight Pack" the tomatoes shall meet the size requirements for the Los Angeles lug size specified, and all layers in any lug shall have the same number of tomatoes: *Provided*, That when an offset or a diagonal arrangement of tomatoes is used, a variation of not more than one tomato shall be permitted in different layers. For example, in a 5 x 5 pack the tomatoes in each layer shall be packed 5 rows wide with 5 tomatoes in each row. In a 4–5 x 9 diagonal pack the tomatoes shall be packed alternately 4 and 5 to the row the short way of the lug with 9 such rows in the layer and with either 40 or 41 tomatoes in each layer. When designated as "U. S. Straight Square-Offset Pack" or "U. S. Straight Square-Diagonal Pack" the top layer shall be packed with a square arrangement and all lower

layers with either an offset or a diagonal arrangement and there may be a variation of not more than one tomato between the top layer and any of the lower layers. Not more than one tomato shall be placed in a wrapper.

§ 51.1863 *U. S. Extra Row Pack.* When specified as "U. S. Extra Row Pack" the tomatoes shall meet the size requirements for the Los Angeles lug size specified, and the lower layers shall not contain more than one additional row one way of the lug. For example, in a 5 x 5 pack, the tomatoes in the lower layers may be packed 5 x 6 but not 6 x 6 or 5 x 7. Not more than one tomato shall be placed in a wrapper.

§ 51.1864 *U. S. Bridge Pack.* When specified as "U. S. Bridge Pack" the tomatoes shall meet the size requirements for the Los Angeles lug size specified, and a part of one additional layer of tomatoes shall be packed in the lug and the remaining tomatoes in the lower layers shall not contain more than one additional row one way of the lug than is contained in the top layer. Not more than one tomato shall be placed in a wrapper.

§ 51.1865 *U. S. Double Wrap Pack.* When specified as "U. S. Double Wrap Pack" the tomatoes shall meet the size requirements for the Los Angeles lug size specified, and the tomatoes in the top layer shall be packed with not more than one tomato in a wrapper and the lower layer or layers shall be packed with not more than two tomatoes in a wrapper.

§ 51.1866 *U. S. Double Wrap Bridge Pack.* When specified as "U. S. Double Wrap Bridge Pack" the tomatoes shall meet the size requirements for the Los Angeles lug size specified, and the tomatoes in the top layer shall be packed with not more than one tomato in a wrapper and the lower layer or layers shall be packed with not more than two tomatoes in a wrapper: *Provided*, That part of one additional layer which may have either one or two tomatoes in a wrapper shall be packed in the lug.

§ 51.1867 *Tolerances for pack.* In order to allow for variations incident to proper packing, not more than 10 percent, by count, of the containers in any lot may not meet the requirements for Standard Pack: *Provided*, That when there are two or more size arrangements in any lot, not more than 20 percent of the lugs in any one size arrangement may not meet the requirements for Standard Pack: *Provided further*, That the average for the lot does not exceed 10 percent.

§ 51.1868 *Irregular pack.* Lugs of tomatoes which are not packed in accordance with any of the foregoing methods of packing may be designated as "Irregular Pack."

DEFINITIONS

§ 51.1869 *Similar varietal characteristics.* "Similar varietal characteristics" means that the tomatoes are alike as to firmness of flesh and shade of color (for example, soft fleshed early maturing varieties are not mixed with firm fleshed midseason or late varieties, or bright red varieties mixed with varieties having a purplish tinge).

§ 51.1870 *Mature.* "Mature" means that in two or more seed cavities the contents have developed a jelly-like consistency and the seeds are well developed.

§ 51.1871 *Well developed.* "Well developed" means that the tomato shows normal growth. Tomatoes which are ridged and peaked at the stem end, contain dry tissue, and usually open spaces, are not considered well developed.

§ 51.1872 *Fairly well formed.* "Fairly well formed" means that the tomato is not decidedly kidney-shaped, lopsided, elongated, angular or otherwise deformed.

§ 51.1873 *Fairly smooth.* "Fairly smooth" means that the tomato is not conspicuously ridged or rough.

§ 51.1874 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Cuts which are not shallow, not well healed or more than $\frac{1}{2}$ inch in length;

(b) Puffy tomatoes: These tomatoes are usually angular and flat sided. They are damaged if the open space in one or more locules materially affects the appearance when the tomato is cut through the center at right angles to a line running from the stem to the blossom end;

(c) Catfaces: These are irregular, dark, leathery scars at the blossom end of the fruit. Such scars damage the tomato when they are rough or deep, or when channels extend into the locule, or when they are fairly smooth and the area exceeds that of a circle $\frac{1}{2}$ inch in diameter on a $2\frac{1}{2}$ inch tomato. Smaller tomatoes shall have lesser areas of fairly smooth catfaces and larger tomatoes may have greater areas: *Provided*, That such catfaces do not affect the appearance of the tomatoes to a greater extent than that caused by fairly smooth catfaces which are permitted on a $2\frac{1}{2}$ inch tomato;

(d) Growth cracks (ruptures or cracks radiating from or concentric to the stem scar) when not well healed, when materially affecting the appearance of the fruit or when any one radiating crack extends more than $\frac{1}{2}$ inch beyond the stem scar; and

(e) Scars (except catfaces) when the aggregate area exceeds that of a circle $\frac{3}{8}$ inch in diameter on a tomato $2\frac{1}{2}$ inches in diameter. Smaller tomatoes shall have lesser areas of scars and larger tomatoes may have greater areas: *Provided*, That such scars do not affect the appearance of the tomatoes to a greater extent than that caused by scars which are permitted on a $2\frac{1}{2}$-inch tomato.

§ 51.1875 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Tomatoes which are soft or affected by decay;

(b) Fresh holes or cuts, or any holes or cuts through the tomato wall;

(c) Tomatoes showing any effects of freezing;

(d) Puffiness if open space in two or more locules seriously affects the appearance when the tomato is cut through the center at right angles to a line running from stem to the blossom end; and,

(e) Fruit actually infested with worms.

§ 51.1876 *Badly misshapen.* "Badly misshapen" means that the tomato is decidedly kidney-shaped, lopsided, elongated, angular or otherwise badly deformed.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR FRESH TOMATOES

GENERAL

§ 51.1900 *General.* These standards apply only to field-grown tomatoes and not to tomatoes grown in greenhouses.

GRADES

§ 51.1901 *U. S. Grade A.* U. S. Grade A shall consist of tomatoes of similar varietal characteristics which are mature and are at least turning (see § 51.1904), but are not overripe or soft; which are well developed, at least fairly well formed, fairly smooth, free from soft rot, freezing injury, and from damage caused by dirt, bruises, cuts, shriveling, sunscald, sunburn, puffiness, catfaces, growth cracks, scars, dry rot, other diseases, insects, hail, or mechanical or other means. Tomatoes on the shown face shall be reasonably representative in size and quality of the contents of the container. (See § 51.1903.)

(a) Incident to proper grading and handling, except for maturity, not more than 5 percent, by count, of the tomatoes in any lot may fail to meet the requirements of the grade, including not more than 1 percent for tomatoes which are affected by soft rot.

§ 51.1902 *U. S. Grade B.* U. S. Grade B shall consist of tomatoes of similar varietal characteristics which are mature and are at least turning (see § 51.1904), but are not overripe or soft, and not badly misshapen; which are free from soft rot, freezing injury, and from serious damage caused by dirt, bruises, cuts, shriveling, sunscald, sunburn, puffiness, catfaces, growth cracks, scars, dry rot, other diseases, insects, hail, or mechanical or other means. Tomatoes on the shown face shall be reasonably representative in size and quality of the contents of the container. (See § 51.1903.)

(a) Incident to proper grading and handling, except for maturity, not more than 5 percent, by count, of the tomatoes in any lot may fail to meet the requirements of the grade, including not more than 1 percent for tomatoes which are affected by soft rot.



SIZE AND MATURITY CLASSIFICATION

§ 51.1903 *Size classification.* The following terms may be used for describing the size of the tomatoes in any lot:

| | |
|---|---|
| *Small* Under 3 oz. | *Medium* 3 to 6 oz., inc. |
| *Large* Over 6 to 10 oz., inc. | *Very large* Over 10 oz. |

(a) The tomatoes may also be classed in terms of combinations of the above sizes, as "Small to Medium," "Medium to Large," "Small to Very Large," etc., in accordance with the facts.

(b) Incident to proper sizing, not more than 10 percent, by count, of the tomatoes in any lot may vary from the size specified.

§ 51.1904 *Maturity classification.* Tomatoes which are characteristically red when ripe, but are not overripe or soft, may be classified for maturity as follows:

(a) Turning, when at least some part of the surface of the tomato, but less than one-half of the surface in the aggregate, is covered with pink color.

(b) Pink, when the tomato shows from one-half to three-fourths of the surface in the aggregate covered with pink or red color.

(c) Hard ripe, when the tomato shows three-fourths or more of the surface in the aggregate covered with pink or red color.

(d) Firm ripe, when the tomato shows three-fourths or more of the surface in the aggregate covered with red color characteristic of reasonably well ripened tomatoes.

(e) Incident to proper maturity determination, not more than a total of 10 percent, by count, of the tomatoes in any lot may fail to meet the maturity specified: *Provided*, That not more than 5 percent shall be allowed for tomatoes which are immature or are overripe or soft.

OFF-GRADE

§ 51.1905 *Off-Grade tomatoes.* Tomatoes which fail to meet the requirements of either of the foregoing grades shall be Off-Grade tomatoes.

DEFINITIONS

§ 51.1906 *Similar varietal characteristics.* "Similar varietal characteristics" means that the tomatoes are alike as to color, i. e., bright red varieties shall not be mixed with varieties which have a purplish tinge.

§ 51.1907 *Mature.* "Mature" means that the tomato has reached the stage of development which will insure a proper completion of the ripening process.

§ 51.1908 *Well developed.* "Well developed" means that the tomato shows normal growth. Tomatoes which are ridged and peaked at the stem end, contain dry tissue and usually open spaces, are not considered well developed.

§ 51.1909 *Fairly well formed.* "Fairly well formed" means that the tomato is not decidedly kidney-shaped, lopsided, elongated, angular, or otherwise deformed.

§ 51.1910 *Fairly smooth.* "Fairly smooth" means that the tomato is not conspicuously ridged or rough.

§ 51.1911 *Damaged.* "Damaged" means any defect which materially affects the appearance, or edible, shipping or keeping quality of the tomatoes. Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Cuts which are not shallow, not well healed, or when more than $\frac{1}{2}$ inch in length.

(b) Puffiness if the open space in one or more locules materially affects the appearance when the tomato is cut through the center at right angles to a line running from the stem to the blossom end.

(c) Catfaces: These are irregular, dark, leathery scars at the blossom end of the fruit. Such scars damage the tomato when they are rough or deep, or when channels extend into the locule, or when they are fairly smooth and greater in area than a circle $\frac{3}{8}$ inch in diameter on a $2\frac{1}{2}$ inch tomato. Smaller tomatoes shall have lesser areas of fairly smooth catfaces and larger tomatoes may have greater areas, provided that such catfaces do not affect the appearance of the tomatoes to a greater extent than that caused by fairly smooth catfaces which are permitted on a $2\frac{1}{2}$ inch tomato.

(d) Growth cracks: These are ruptures or cracks radiating from the stem scar, or concentric to the stem scar. They damage the tomato when not well healed, or when more than $\frac{1}{2}$ inch in length measured from the margin of the stem scar; except that very narrow, well healed cracks concentric to the stem scar shall not be considered as damage unless they are so numerous as to damage the appearance of the fruit.

(e) Scars (except catfaces), when dark colored and shallow and aggregating more than $\frac{1}{4}$ inch in diameter on a tomato $2\frac{1}{2}$ inches in diameter, or lighter colored shallow scars covering a greater area when they detract from the appearance to a greater extent than a dark-colored, shallow scar $\frac{1}{4}$ inch in diameter. Smaller tomatoes shall have lesser areas of scars and larger tomatoes may have greater areas: *Provided*, That such scars do not affect the appearance of the tomatoes to a greater extent than that caused by scars which are permitted on a $2\frac{1}{2}$-inch tomato. A scar which penetrates the wall of the tomato shall be considered as damage.

(f) Dry rot such as dry type Macrosporium or Phoma, when the spot is not adjacent to the stem scar, or when adjacent to the stem scar and more than $\frac{3}{16}$ inch in diameter.

§ 51.1912 *Badly misshapen.* "Badly misshapen" means that the tomato is so badly deformed that its appearance is seriously affected.

§ 51.1913 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or edible, shipping, or keeping quality of the tomatoes. Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Soft ripe tomatoes or tomatoes affected by soft rot.

(b) Fresh holes or cuts, or any holes or cuts through the tomato wall, or healed cuts which seriously affect the appearance of the tomato.

(c) Tomatoes showing any effects of freezing.

(d) Puffiness which causes the tomato to be distinctly light in weight.

(e) Growth cracks, when not well healed, or when so extensive, deep or discolored that the appearance of the tomato is seriously affected.

(f) Scars (except catfaces), when dark colored and shallow and aggregating more than $\frac{1}{2}$ inch in diameter on a tomato $2\frac{1}{2}$ inches in diameter, or lighter colored, shallow scars covering a greater area when they detract from the appearance to a greater extent than a dark-colored, shallow scar $\frac{1}{2}$ inch in diameter. Smaller tomatoes shall have lesser areas of scars and larger tomatoes may have greater areas: *Provided*, That such scars do not affect the appearance of the tomatoes to a greater extent than that caused by scars which are permitted on a $2\frac{1}{2}$ inch tomato.

(g) Dry rot such as dry type Macrosporium or Phoma, when the spot is not adjacent to the stem scar, or when adjacent to the stem scar and more than $\frac{1}{4}$ inch in diameter.

(h) Fruit actually infested with worms.

SUBPART—UNITED STATES STANDARDS FOR GREEN TOMATOES FOR PROCESSING

GRADES

§ 51.1930 *U. S. No. 1.* U. S. No. 1 shall consist of tomatoes which are green in color, fairly firm, free from decay, stems and worms, and are free from damage caused by growth cracks, worm holes, scars, catfaces, sunburn, sunscald, freezing, disease, or mechanical or other means. (See § 51.1933.)

§ 51.1931 *U. S. No. 2.* U. S. No. 2 shall consist of tomatoes which do not meet the requirements of the foregoing grade, but are green in color, and are free from worms, and from damage caused by worm holes, and which are free from serious damage by any cause. (See § 51.1933.)

CULLS

§ 51.1932 *Culls.* Culls are tomatoes which fail to meet the requirements of either of the foregoing grades.

SIZE

§ 51.1933 *Minimum size.* The minimum size may be fixed by agreement between buyer and seller. Tomatoes below the specified minimum size shall be classed as culls.

DEFINITIONS

§ 51.1934 *Green in color.* "Green in color" means that the surface of the tomato shows no pink or red color.

§ 51.1935 *Damage.* "Damage" means any injury which cannot be removed in the ordinary process of trimming without a loss of more than 10 percent, by weight, of the tomato in excess of that which would occur if the tomato were perfect. The following shall be considered damage:

(a) Worm holes, when the injury has penetrated beneath the outer wall of the

tomato to the extent that the injury has damaged the tomato for processing.

§ 51.1936 *Serious damage.* "Serious damage" means any injury which cannot be removed in the ordinary process of trimming without a loss of more than 20 percent, by weight, of the tomato in excess of that which would occur if the tomato were perfect.

SUBPART—UNITED STATES STANDARDS FOR CURRANTS FOR PROCESSING

GRADES

§ 51.1950 *U. S. No. 1.* U. S. No. 1 consists of currants of similar type which are not separated from the stems and which are well colored, free from mold and decay and free from damage resulting from being distinctly immature overmature, crushed, dried and shriveled, and free from damage caused by leaves or pieces of leaves, dirt or other foreign matter, disease, insects, mechanical or other means.

(a) In order to allow for variations incident to proper handling, not more than a total of 10 percent, by weight, of the currants in any lot may fail to meet the requirements of this grade: *Provided* That not more than one-tenth of this amount, or 1 percent, shall be allowed for currants affected by mold or decay or which are seriously damaged by insects.

§ 51.1951 *U. S. No. 2.* U. S. No. 2 consists of currants which meet the requirements for U. S. No. 1 grade except for the increased tolerances for defects specified as follows:

(a) In order to allow for variations incident to proper handling, not more than a total of 20 percent, by weight, of the currants in any lot may fail to meet the requirements of this grade: *Provided,* That not more than one-tenth of this amount, or 2 percent, shall be allowed for currants affected by mold or decay or which are seriously damaged by insects.

APPLICATION OF TOLERANCES

§ 51.1952 *Application of tolerances and determination of grade.* The tolerances for the preceding grades are to be applied to the entire lot. Scoring of defects shall be on a bunch basis except that the percentage of loose berries shall be calculated on the basis of weight and added to the percentage of other defects.

UNCLASSIFIED

§ 51.1953 *Unclassified.* Unclassified consists of currants which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

DEFINITIONS

§ 51.1954 *Similar type.* "Similar type" means that the currants are similar in color. For example, red varieties shall not be mixed with white varieties.

§ 51.1955 *Well colored.* "Well colored" means that the berries show the color characteristic of well ripened currants for the type or variety.

§ 51.1956 *Mold.* "Mold" means any surface mold that is plainly visible to the naked eye.

§ 51.1957 *Damage.* "Damage" means any injury or defect which materially affects the appearance or the processing quality of the currants. The following shall be considered as damage:

(a) Distinctly immature, when the currants are of a light pink, whitish, or green color in the case of varieties which are characteristically red when well ripened, or when the currants are greenish color in the case of types or varieties which are characteristically white in color when well ripened.

(b) Overmature, when the currants have advanced to the stage where the berries are soft, leaking and are dull in appearance.

(c) Dried and shriveled, when the berries are appreciably lacking in juice and are "wrinkled" and have a "raisined" appearance.

§ 51.1958 *Seriously damaged by insects.* "Seriously damaged by insects" means that there is present one or more insects on the bunch.

SUBPART—UNITED STATES STANDARDS FOR WATERMELONS

GRADES

§ 51.1970 *U. S. No. 1.* U. S. No. 1 shall consist of watermelons of similar varietal characteristics which are mature but not over-ripe, fairly well formed, and free from sunscald, decay, anthracnose and from damage caused by other disease, whiteheart, sunburn, hollow heart, hail, insects, or mechanical or other means. (See § 51.1975.)

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, may be below the requirements of this grade but not more than one-half of this tolerance, or 5 percent, may be badly misshapen or seriously damaged by any means, and not more than 1 percent shall be allowed for decay.

§ 51.1971 *U. S. Commercial.* U. S. Commercial shall consist of watermelons which meet all requirements of U. S. No. 1 except for anthracnose spots. In this grade each watermelon shall be free from damage by anthracnose. (See § 51.1975.)

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, may be below the requirements of this grade but not more than one-half of this tolerance, or 5 percent, may be badly misshapen or seriously damaged by any means, and not more than 1 percent shall be allowed for decay.

§ 51.1972 *U. S. No. 2.* U. S. No. 2 shall consist of watermelons of similar varietal characteristics which are mature but not over-ripe; which are not badly misshapen and which are free from sunscald, decay, and from serious damage caused by whiteheart, sunburn, hollow heart, hail, anthracnose or other disease, insects or mechanical or other means. (See § 51.1975.)

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, may be below the requirements of this grade but not more than 1 percent shall be allowed for decay.

§ 51.1973 *U. S. No. 3.* U. S. No. 3 shall consist of watermelons of similar varietal characteristics which are mature but not over-ripe, free from sunscald, soft decay, and from serious damage by whiteheart or any other defect which seriously affects the internal quality of the watermelon. (See § 51.1975.)

(a) In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, may be below the requirements of this grade but not more than 1 percent shall be allowed for soft decay.

UNCLASSIFIED

§ 51.1974 *Unclassified.* Unclassified shall consist of watermelons which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

SIZE

§ 51.1975 *Size.* (a) Where the size of watermelons is stated in terms of average weight, unless otherwise specified, the melons in any lot averaging less than 30 pounds shall not vary more than 4 pounds below the stated average, and the melons in any lot averaging 30 pounds or more shall not vary more than 6 pounds below the stated average. Size may also be stated in terms of minimum weight. (See Table of Weights.)

TABLE OF WEIGHTS

| Average weight | Minimum weight (unless otherwise specified) | Tolerance permitted for melons below the minimum weight |
|---|---|---|
| | | *Percent* |
| 20 | 16 | 5 |
| 22 | 18 | 5 |
| 24 | 20 | 5 |
| 26 | 22 | 5 |
| 28 | 24 | 5 |
| 30 | 24 | 5 |
| 32 | 26 | 5 |
| 34 | 28 | 5 |
| 36 | 30 | 5 |
| 38 | 32 | 5 |
| 40 | 34 | 5 |
| 42 | 36 | 5 |

(b) In order to allow for variations, incident to proper sizing, not more than 5 percent, by count, of the watermelons in any lot may be below the minimum size requirements.

DEFINITIONS

§ 51.1976 *Mature.* "Mature" means having reached the stage of development at which the melon is at least fairly sweet.

§ 51.1977 *Fairly well formed.* "Fairly well formed" means having the characteristic shape but not necessarily the perfect type of the variety.

§ 51.1978 *Not badly misshapen.* "Not badly misshapen" means that the melons are not bottlenecks or gourdnecks, but may be tapered at the ends or slightly constricted.



§ 51.1979 *Free from damage.* "Free from damage" means that the melons are not injured to an extent readily apparent upon examination. Melons showing a greenish yellow sunburned spot not larger than 9 square inches shall not be considered as damaged, but melons showing sunburn in excess of this amount, or which show any pronounced golden yellow color which detracts from the appearance to a greater extent than the 9 square inches of greenish yellow sunburn allowed shall be regarded as damaged.

§ 51.1980 *Free from damage by anthracnose.* "Free from damage by anthracnose" means that each melon may have not more than 5 anthracnose spots which are not cracked or sunken below the contour of the surface of the melon.

§ 51.1981 *Serious damage.* "Serious damage" means any injury which affects the edible quality of the melon or which detracts materially from its appearance. Melons showing sunscald are regarded as seriously damaged. Melons showing not more than 15 anthracnose spots which are not cracked or sunken below the regular surface contour of the melon shall not be considered as seriously damaged.

SUBPART—UNITED STATES STANDARDS FOR FILBERTS IN THE SHELL

GRADES

§ 51.1995 *U. S. No. 1.* U. S. No. 1 shall consist of filberts in the shell which are of similar type, well formed, dry, clean and bright, free from blanks, broken or split shells, and which are free from damage caused by stain, adhering husks, or other means. The kernels shall be reasonably well developed, not badly misshapen, free from rancidity, decay, mold, insect injury, and free from damage caused by shriveling, discoloration, or other means. In addition, the filberts shall meet the requirements of one of the following sizes as specified for round type and long type varieties:

(a) *Sizes for round type varieties.* (1) Jumbo means filberts which will not pass through a round opening $^{50}/_{64}$ inch in diameter.

(2) Large means filberts which will not pass through a round opening $^{50}/_{64}$ inch in diameter, but will pass through a round opening $^{50}/_{64}$ inch in diameter.

(3) Medium means filberts which will not pass through a round opening $^{46}/_{64}$ inch in diameter but will pass through a round opening $^{50}/_{64}$ inch in diameter.

(4) Small means filberts which will pass through a round opening $^{47}/_{64}$ inch in diameter.

(b) *Sizes for long type varieties.* (1) Jumbo means filberts which will not pass through a round opening $^{47}/_{64}$ inch in diameter.

(2) Large means filberts which will not pass through a round opening $^{41}/_{64}$ inch in diameter, but will pass through a round opening $^{48}/_{64}$ inch in diameter.

(3) Medium means filberts which will not pass through a round opening $^{31}/_{64}$ inch in diameter, but will pass through a round opening $^{45}/_{64}$ inch in diameter.

(4) Small means filberts which will pass through a round opening $^{35}/_{64}$ inch in diameter.

TOLERANCES

§ 51.1996 *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(a) Ten percent, by count, for filberts which fail to meet the grade requirements, other than for type and size: *Provided,* That not more than 5 percent shall be allowed for blanks, and not more than 5 percent shall be allowed for rancid, decayed, or moldy filberts, or those which have insect injury, including not more than 3 percent for insect injury;

(b) Ten percent, by count, for filberts which are of a different type;

(c) Twelve percent, by count, for filberts which fail to meet the size requirements for the size specified, but not more than five-sixths of this amount, or 10 percent shall be allowed for filberts which pass through the smallest opening required for the size specified.

§ 51.1997 *Application of the tolerances and determination of the grade.* The tolerances for the grade are applied to the entire lot, and a composite sample shall be taken for determining the grade. However, any container or group of containers in which the filberts are found to be materially inferior to those in the majority of the containers shall be considered a separate lot.

In determining the grade of a lot of filberts, all of the nuts in the sample shall first be examined for size and then for external defects. The same nuts are then cracked and examined for internal defects. The nuts must meet both size and quality requirements in order to meet the grade.

UNCLASSIFIED

§ 51.1998 *Unclassified.* Lots of filberts which have not been classified in accordance with § 51.1995 shall be designated as "unclassified." The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

DEFINITIONS

§ 51.1999 *Similar type.* "Similar type" means that the filberts in each container are of the same general type and appearance. For example, nuts of the round type shall not be mixed with those of the long type in the same container.

§ 51.2000 *Well formed.* "Well formed" means that the filberts are not materially misshapen.

§ 51.2001 *Dry.* "Dry" means that the shell is free from surface moisture and that the shells and kernels combined do not contain more than 10 percent moisture.

§ 51.2002 *Clean and bright.* "Clean and bright" means that the individual filbert or the lot as a whole is practically free from adhering dirt and other foreign matter and that the shells have characteristic color.

§ 51.2003 *Blank.* "Blank" means a filbert which contains no kernel or which has a kernel that fills less than one-fourth of the capacity of the shell.

§ 51.2004 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or edible or shipping quality of the individual filbert or of the lot as a whole. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one of these defects shall be considered as damage:

(a) Stains which are very dark and materially affect the appearance of the individual nut.

(b) Adhering husk, when covering more than 5 percent of the surface in the aggregate.

(c) Shriveling, when the kernel is materially shrunken, leathery or tough.

(d) Discoloration, when the appearance of the individual kernel is materially affected by black discoloration.

§ 51.2005 *Reasonably well developed.* "Reasonably well developed" means that the kernel fills at least one-half or more of the capacity of the shell.

§ 51.2006 *Badly misshapen.* "Badly misshapen," when the kernel is so malformed that the appearance is materially affected.

§ 51.2007 *Rancidity.* "Rancidity" means that the kernel is noticeably rancid to the taste. An oily appearance is not always an indication of rancidity. Unless the nut is noticeably rancid to the taste it shall not be considered as damaged.

§ 51.2008 "Decay" means that the kernel is putrid or decomposed.

§ 51.2009 *Moldy.* "Moldy" means any visible growth of mold either on the kernel or inside the shell.

§ 51.2010 *Insect injury.* "Insect injury" means that the insect or frass is present, or that there is visible evidence of insect damage to the kernel.

SUBPART—UNITED STATES STANDARDS FOR BLUEBERRIES FOR PROCESSING

GENERAL

§ 51.2025 *General.* These standards apply to species of the genus Vaccinium which contain numerous small seeds that are barely noticeable and not to the true huckleberries of the genus Gaylussacia which contain 10 large seeds with bony coverings.

GRADES

§ 51.2026 *U. S. No. 1.* U. S. No. 1 shall consist of blueberries which internally are free from worms, and are free from other kinds of berries, clusters, large stems, leaves and other foreign material, distinctly immature berries, and free from damage caused by visible mold and decay, shriveling, dirt, overmaturity, or other means.

(a) In order to allow for variations incident to proper handling, the following tolerances shall be permitted for grade defects in a half-pint cup sample:

(b) Not more than a total of 5 leaves and other foreign material, not more than a total of 20 distinctly immature berries, clusters and large stems, and not more than 3 berries other than blueberries. No tolerance shall be allowed for large pieces of foreign material.

§ 51.2027 *U. S. No. 2.* U. S. No. 2 shall consist of blueberries which meet all the requirements of U. S. No. 1 grade except that the blueberries shall be free from serious damage caused by shriveling, overmaturity, and except for the increased tolerances specified in this section.

(a) In order to allow for variations incident to proper handling, the following tolerances shall be permitted for grade defects in a half-pint cup sample:

(1) Not more than a total of 15 leaves and other foreign material, not more than a total of 40 distinctly immature berries, clusters and large stems, and not more than 5 berries other than blueberries. No tolerance shall be allowed for large pieces of foreign material.

§ 51.2028 *U. S. No. 3.* U. S. No. 3 shall consist of blueberries which meet all the requirements of U. S. No. 1 grade except that the blueberries shall be free from serious damage caused by overmaturity and from very serious damage caused by shriveling and except for the increased tolerances specified in this section.

(a) In order to allow for variations incident to proper handling, the following tolerances shall be permitted for grade defects in a half-pint cup sample:

(1) Not more than a total of 20 leaves and other foreign material, not more than a total of 70 distinctly immature berries, clusters and large stems, and not more than 12 berries other than blueberries. No tolerance shall be allowed for large pieces of foreign material.

UNCLASSIFIED

§ 51.2029 *Unclassified.* Unclassified shall consist of blueberries which have not been classified in accordance with the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

DEFINITIONS

§ 51.2030 *Other kinds of berries.* "Other kinds of berries" means bunchberries, cranberries, or any other berries not of the genus Vaccinium.

§ 51.2031 *Clusters.* "Clusters" means three or more cap-stems, with or without berries, attached to a main stem. Cap-stems are those small stems by means of which the individual berry is attached to the main stem.

§ 51.2032 *Large stems.* "Large stems" means stems other than cap-stems which are over ¼ inch in length.

§ 51.2033 *Other foreign material.* "Other foreign material" means sticks, stones, moss or other extraneous material except dirt and leaves.

§ 51.2034 *Distinctly immature berries.* "Distinctly immature berries" means that the berries are green, or whitish due to immaturity.

§ 51.2035 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the processing quality of the blueberries. The following shall be considered as damage:

(a) Shriveling, when more than one-fourth of the blueberries in any lot, by volume, are badly wilted, withered or shriveled.

(b) Dirt, when it cannot be removed from the blueberries in the ordinary washing process.

(c) Overmaturity, when the appearance and processing quality of the lot of blueberries is materially affected by berries which have a dull appearance and are sticky from leaking berries.

§ 51.2036 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance, or the processing quality of the blueberries. The following shall be considered as serious damage:

(a) Shriveling, when more than one-third of the blueberries in any lot, by volume, are badly wilted, withered or shriveled.

(b) Overmaturity, when the appearance and processing quality of the lot of blueberries is seriously affected by blueberries which have a dull appearance and are sticky from leaking berries.

§ 51.2037 *Very serious damage caused by shriveling.* "Very serious damage caused by shriveling" means that more than one-half of the blueberries in any lot, by volume, are badly wilted, withered or shriveled.

SUBPART—UNITED STATES CONSUMER STANDARDS FOR BRUSSELS SPROUTS

GRADES

§ 51.2050 *U. S. Grade A.* U. S. Grade A shall consist of Brussels sprouts which are well colored and not withered or burst and which are firm, clean, well trimmed, and free from soft rot and seedstems, and free from damage caused by discoloration, freezing, disease, insects, or mechanical or other means. Brussels sprouts on the shown face shall be reasonably representative in size and quality of the contents of the container.

(a) The diameter of each Brussels sprout shall be not less than 1 inch.

(b) Incident to proper grading and handling, not more than 5 percent, by weight, of the Brussels sprouts in any lot may be smaller than the specified minimum diameter. In addition, not more than 5 percent, by weight, of the Brussels sprouts may fail to meet the remaining requirements of the grade, including not more than 1 percent for Brussels sprouts affected by soft rot.

§ 51.2051 *U. S. Grade B.* U. S. Grade B shall consist of Brussels sprouts which are fairly well colored and not withered, puffy or burst and which are clean, well trimmed and free from soft rot and seedstems and free from serious damage caused by discoloration, freezing, disease, insects, or mechanical or other means. Brussels sprouts on the shown face shall be reasonably representative in size and quality of the contents of the container.

(a) The diameter of each Brussels sprout shall be not less than 1 inch.

(b) Incident to proper grading and handling, not more than 5 percent, by weight, of the Brussels sprouts in any lot may be smaller than the specified minimum diameter. In addition, not more than 5 percent, by weight, of the Brussels sprouts may fail to meet the remaining requirements of the grade, including not more than 1 percent for Brussels sprouts affected by soft rot.

OFF-GRADE

§ 51.2052 *Off-Grade Brussels sprouts.* Brussels sprouts which fail to meet the requirements of either of the foregoing grades shall be Off-Grade Brussels sprouts.

DEFINITIONS

§ 51.2053 *Well colored.* "Well colored" means that the Brussels sprouts have a yellowish green or darker green color characteristic of well-grown Brussels sprouts.

§ 51.2054 *Firm.* "Firm" means that the Brussels sprout is fairly compact but may yield slightly to moderate pressure.

§ 51.2055 *Clean.* "Clean" means that the Brussels sprout is practically free from dirt and other foreign matter.

§ 51.2056 *Well trimmed.* "Well trimmed" means that the butt of the sprout is fairly smoothly and closely trimmed at the point of attachment of the outer leaves and that the sprout does not have more than 2 wrapper leaves which do not enfold the sprout fairly tightly more than two-thirds the distance from the base to the top.

§ 51.2057 *Seedstems.* "Seedstems" means Brussels sprouts which have seedstalks showing or in which the formation of seedstalks has plainly begun.

§ 51.2058 *Damage.* "Damage" means any injury or defect which materially affects the appearance, or the edible, shipping or keeping quality of the Brussels sprout.

§ 51.2059 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line running from the stem to the apex of the sprout.

§ 51.2060 *Fairly well colored.* "Fairly well colored" means that the Brussels sprouts shall not be lighter than whitish green color.

§ 51.2061 *Puffy.* "Puffy" means that the Brussels sprout is very light in weight in proportion to its size or has excessive air spaces in the central portion.

§ 51.2062 *Serious damage.* "Serious damage" means any injury or defect which seriously affects the appearance or the edible, shipping or keeping quality of the Brussels sprout.

SUBPART—UNITED STATES STANDARDS FOR ALMONDS IN THE SHELL

GRADES

§ 51.2075 *U. S. No. 1.* U. S. No. 1 consists of almonds in the shell which are of similar varietal characteristics, clean, fairly bright, fairly uniform in color, which are free from loose hulls, pieces of shells, chaff and foreign material and free from damage caused by discoloration, adhering hulls, broken shells, or other means. The kernels shall be well dried, free from decay, rancidity, insect injury, and free from damage caused by mold, gum, shriveling, brown spot, or other means.

(a) Unless otherwise specified, the minimum thickness of the almond shall be not less than 25/64 of an inch.

(b) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) *For external defects.* Ten percent, by count (except that loose hulls, chaff, pieces of shells and foreign material shall be determined by weight), for almonds which fail to meet the requirements of the grade, other than for variety and size: *Provided*, That not more than 2 percent, by weight, shall be allowed for loose hulls, chaff, pieces of shells and foreign material, including not more than one-half of this amount, or 1 percent, that will pass through a screen with 21/64 inch round openings;

(2) *For dissimilar varieties.* Five percent, by count, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(3) *For size.* Five percent, by count, for almonds which fail to meet the size requirements; and,

(4) *For internal defects.* Ten percent, by count, for almonds which fail to meet the grade requirements: *Provided*, That, not more than one-half of this amount, or 5 percent, shall be allowed for kernels affected by decay, rancidity, insect injury and damage by mold.

§ 51.2076 *U. S. No. 1 Mixed.* U. S. No. 1 Mixed consists of almonds in the shell which meet the requirements of U. S. No. 1 grade, except that the varieties are mixed, but may include not more than 1 percent of bitter almonds mixed with sweet almonds.

§ 51.2077 *U. S. No. 2.* U. S. No. 2 consists of almonds in the shell which meet the requirements of U. S. No. 1 grade, except that an additional tolerance of 20 percent shall be allowed for discoloration.

§ 51.2078 *U. S. No. 2 Mixed.* U. S. No. 2 Mixed consists of almonds in the shell which meet the requirements of the U. S. No. 2 grade, except that the varieties are mixed, but may include not more than 1 percent of bitter almonds mixed with sweet almonds.

UNCLASSIFIED

§ 51.2079 *Unclassified.* Unclassified consists of almonds which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.2080 *Application of tolerances and determination of the grades.* The tolerances for the foregoing grades are to be applied to the entire lot, and a composite sample shall be taken for determining the grade. However, any container or group of containers in which the almonds are found to be materially inferior to those in the majority of the containers shall be considered a separate lot.

(a) In determining the grade of a lot of almonds, the percentage of loose hulls, pieces of shells, chaff and foreign material is first determined on the basis of weight. Then a stated number of nuts is counted out (depending upon the size of the lot) from the composite sample. These almonds are next examined for size, dissimilar varieties and external defects. The same nuts are then cracked and examined for internal defects.

DEFINITIONS

§ 51.2081 *Similar varietal characteristics.* "Similar varietal characteristics" means that the almonds are similar in shape and are reasonably uniform in degree of hardness of the shells. For example, hard-shelled varieties shall not be mixed with semi-soft-shelled, soft-shelled and paper-shelled varieties; and semi-soft-shelled varieties shall not be mixed with soft-shelled and paper-shelled varieties; and soft-shelled varieties shall not be mixed with paper-shelled varieties. Likewise, bitter almonds shall not be mixed with sweet almonds.

§ 51.2082 *Clean.* "Clean" means that the individual almond is practically free from dirt and other foreign matter.

§ 51.2083 *Fairly bright.* "Fairly bright" means that the almonds show good characteristic color.

§ 51.2084 *Fairly uniform color.* "Fairly uniform color" means that the shells do not show excessive variation in color.

§ 51.2085 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the almonds. Any one of the following defects or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Discoloration which is distinctly gray to black, when affecting more than one-eighth of the surface of the shell in the aggregate, but normal color variations, such as reddish or brown between varieties, and within some varieties, are not to be considered as discoloration;

(b) Adhering hulls, when covering more than 5 percent of the shell surface in the aggregate;

(c) Broken shells, when a portion of the shell is missing or fractured to the extent that moderate pressure will cause the kernel to become dislodged;

(d) Mold, when affecting the kernel, except when white or grayish in color and easily rubbed off with the fingers;

(e) Gum, when a film of shiny, resinous appearing substance covers more than one-eighth of the surface of the kernel;

(f) Shriveling, when the kernel is excessively thin for its size, or when materially withered, shrunken, leathery, tough or partially developed: *Provided*, That, partially developed kernels are not considered damaged if more than three-fourths of the pellicle is filled with meat; and,

(g) Brown spot on the kernel, either single or multiple, when the affected area is more than the equivalent of a circle one-eighth inch in diameter.

§ 51.2086 *Well dried.* "Well dried" means that the kernel is firm and brittle and not pliable or leathery.

§ 51.2087 *Decay.* "Decay" means that the kernel is putrid or decomposed.

§ 51.2088 *Rancidity.* "Rancidity" means that the kernel is noticeably rancid to the taste.

§ 51.2089 *Insect injury.* "Insect injury" means that the insect, web, or frass is present or there is visible evidence of insect injury.

§ 51.2090 *Thickness.* "Thickness" means the greatest distance between the two flat surfaces of the shell. The minimum thickness shall be determined by passing the almonds through slotted openings with sufficient length to permit the almonds to go through lengthwise.

SUBPART—UNITED STATES STANDARDS FOR SHELLED ALMONDS

GRADES

§ 51.2105 *U. S. Fancy.* U. S. Fancy consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from injury caused by chipped and scratched kernels, and free from damage caused by mold, gum, shriveling, brown spot, or other means. (See §§ 51.2114 and 51.2115.)

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(2) *For doubles.* 3 percent;

(3) *For kernels injured by chipping or scratching.* 5 percent;

(4) *For foreign material.* Two-tenths of 1 percent (0.20%);

(5) *For particles and dust.* One-tenth of 1 percent (0.10%); and,

(6) *For other defects.* 2 percent, including not more than one-half of this amount, or 1 percent, for serious damage.

§ 51.2106 *U. S. Extra No. 1.* U. S. Extra No. 1 consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See §§ 51.2114 and 51.2115.)

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(2) *For doubles.* 5 percent;

(3) *For kernels damaged by chipping or scratching.* 5 percent;

(4) *For foreign material.* Two-tenths of 1 percent (0.20%);

(5) *For particles and dust.* One-tenth of 1 percent (0.10%); and,

(6) *For other defects.* 4 percent, including not more than three-eighths of this amount, or 1½ percent, for serious damage.

§ 51.2107 *U. S. No. 1.* U. S. No. 1 consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split or broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See §§ 51.2114 and 51.2115.)

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(2) *For doubles.* 15 percent;

(3) *For kernels damaged by chipping or scratching.* 10 percent;

(4) *For foreign material.* Two-tenths of 1 percent (0.20%);

(5) *For particles and dust.* One-tenth of 1 percent (0.10%); and,

(6) *For other defects.* 5 percent, including not more than three-tenths of this amount, or 1½ percent, for serious damage.

§ 51.2108 *U. S. Select Sheller Run.* U. S. Select Sheller Run consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See §§ 51.2114 and 51.2115.)

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(2) *For doubles.* 15 percent;

(3) *For kernels damaged by chipping and scratching.* 15 percent;

(4) *For foreign material.* Two-tenths of 1 percent (0.20%);

(5) *For particles and dust.* One-tenth of 1 percent (0.10%);

(6) *For split and broken kernels.* 5 percent: *Provided,* That not more than two-fifths of this amount, or 2 percent, shall be allowed for pieces which will pass through a round opening $\frac{29}{64}$ inch in diameter; and,

(7) *For other defects.* 3 percent, including not more than two-thirds of this amount, or 2 percent, for serious damage.

§ 51.2109 *U. S. Standard Sheller Run.* U. S. Standard Sheller Run consists of shelled almonds which are of similar varietal characteristics, whole, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, split and broken kernels, particles and dust, and which are free from damage caused by chipped and scratched kernels, mold, gum, shriveling, brown spot, or other means. (See §§ 51.2114 and 51.2115.)

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(2) *For doubles.* 25 percent;

(3) *For kernels damaged by chipping and scratching.* 20 percent;

(4) *For foreign material.* Two-tenths of 1 percent (0.20%);

(5) *For particles and dust.* One-tenth of 1 percent (0.10%);

(6) *For split and broken kernels.* 15 percent: *Provided,* That not more than one-third of this amount, or 5 percent, shall be allowed for pieces which will pass through a round opening $\frac{29}{64}$ inch in diameter; and,

(7) *For other defects.* 3 percent, including not more than two-thirds of this amount, or 2 percent, for serious damage.

§ 51.2110 *U. S. No. 1 Whole and Broken.* U. S. No. 1 Whole and Broken consists of shelled almonds which are of similar varietal characteristics, clean, well dried, which are free from decay, rancidity, insect injury, foreign material, doubles, particles and dust, and which are free from damage caused by mold, gum, shriveling, brown spot, or other means.

(a) In this grade not less than 30 percent, by weight, of the kernels shall be whole. Doubles shall not be considered as whole kernels in determining the percentage of whole kernels.

(b) Unless otherwise specified, the minimum diameter shall be not less than $\frac{20}{64}$ of an inch. (See §§ 51.2114 and 51.2115.)

(c) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For dissimilar varieties.* 5 percent, including not more than one-fifth of this amount, or 1 percent, for bitter almonds mixed with sweet almonds;

(2) *For doubles.* 35 percent;

(3) *For foreign material.* Three-tenths of 1 percent (0.30%);

(4) *For particles and dust.* One-tenth of 1 percent (0.10%);

(5) *For undersize.* 5 percent; and,

(6) *For other defects.* 5 percent, including not more than three-fifths of this amount, or 3 percent, for serious damage.

§ 51.2111 *U. S. No. 1 Pieces.* U. S. No. 1 Pieces consists of shelled almonds which are not bitter, which are clean, well dried, which are free from decay, rancidity, insect injury, foreign material, particles and dust, and which are free from damage caused by mold, gum, shriveling, brown spot, or other means.

(a) Unless otherwise specified, the minimum diameter shall be not less than $\frac{5}{64}$ of an inch. (See §§ 51.2114 and 51.2115.)

(b) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) *For bitter almonds mixed with sweet almonds.* 1 percent;

(2) *For foreign material.* Three-tenths of 1 percent (0.30%);

(3) *For particles and dust.* 1 percent; and,

(4) *For other defects.* 5 percent, including not more than three-fifths of this amount, or 3 percent, for serious damage.

§ 51.2112 *Mixed varieties.* Any lot of shelled almonds consisting of a mixture of two or more dissimilar varieties which meet the other requirements of any of the grades of U. S. No. 1, U. S. Select Sheller Run, U. S. Standard Sheller Run, U. S. No. 1 Whole and Broken may be designated as: "U. S. No. 1 Mixed;" "U. S. Select Sheller Run Mixed;" "U. S. Standard Sheller Run Mixed;" or "U. S. No. 1 Whole and Broken Mixed," respectively; but no lot of any of these grades may include more than 1 percent of bitter almonds mixed with sweet almonds.

UNCLASSIFIED

§ 51.2113 *Unclassified.* Unclassified consists of shelled almonds which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

SIZE

§ 51.2114 *Size requirements.* The size may be specified in terms of range in count of whole almond kernels per ounce or in terms of minimum, or minimum and maximum diameter. When a range in count is specified, the whole kernels shall be fairly uniform in size, and the average count per ounce shall be within the range specified. Doubles and broken kernels shall not be used in determining counts. Permissible count ranges per ounce are shown below but a narrower or wider range may be specified: *Provided,* That the kernels are fairly uniform in size.

| *Count range per ounce* |
|---|
| 16 to 18, inclusive. |
| 18 to 20, inclusive. |
| 20 to 22, inclusive. |
| 22 to 24, inclusive. |
| 23 to 25, inclusive. |
| 24 to 26, inclusive. |
| 26 to 28, inclusive. |
| 27 to 30, inclusive. |
| 30 to 34, inclusive. |
| 36 to 40, inclusive. |
| 40 to 50, inclusive. |
| 50 and smaller. |

TOLERANCES

§ 51.2115 *Tolerances for size.* (a) When a range is specified as, for example, "18/20," no tolerance for counts above or below the range shall be allowed.

(1) When the minimum, or minimum and maximum, diameters are specified, a total tolerance of not more than 10 percent, by weight, may fail to meet the specified size requirements: *Provided,* That not more than one-half of this amount or 5 percent, may be below the minimum size specified.

§ 51.2116 *Application of tolerances.* The tolerances for the grades are to be applied to the entire lot, and a composite sample shall be taken for determining the grade. However, any container or group of containers in which the almonds are found to be materially inferior to those in the majority of the containers shall be considered a separate lot.

DEFINITIONS

§ 51.2117 *Similar varietal characteristics.* "Similar varietal characteristics" means that the kernels are similar in shape and appearance. For example, long types shall not be mixed with short types, or broad types mixed with narrow types, and bitter almonds shall not be mixed with sweet almonds. Color of the kernels shall not be considered, since there is often a marked difference in color of kernels of the same variety.

§ 51.2118 *Whole.* "Whole" means that there is less than one-eighth of the kernel chipped off or missing, and that the general contour of the kernel is not materially affected by the missing part.

§ 51.2119 *Clean.* "Clean" means that the kernel is practically free from dirt and other foreign substance.

§ 51.2120 *Well dried.* "Well dried" means that the kernel is firm and brittle, and not pliable or leathery.

§ 51.2121 *Decay.* "Decay" means that the kernel is putrid or decomposed.

§ 51.2122 *Rancidity.* "Rancidity" means that the kernel is noticeably rancid to the taste.

§ 51.2123 *Insect injury.* "Insect injury" means that the insect, web, or frass is present or there is visible evidence of insect injury.

§ 51.2124 *Foreign material.* "Foreign material" means pieces of shell, hulls or other foreign matter.

§ 51.2125 *Doubles.* "Doubles" means kernels that develop in shells containing two kernels. One side of a double kernel is flat or concave.

§ 51.2126 *Split or broken kernels.* "Split or broken kernels" means seven-eighths or less of complete whole kernels but which will not pass through a round opening $\frac{25}{64}$ of an inch in diameter.

§ 51.2127 *Particles and dust.* "Particles and dust" means fragments of almond kernels or other material which will pass through a round opening $\frac{13}{64}$ of an inch in diameter.

§ 51.2128 *Injury.* "Injury" means any defect which more than slightly affects the appearance of the individual almond, or the general appearance of the lot. The following shall be considered as injury:

(a) Chipped and scratched kernels, when the general appearance of the lot is more than slightly affected, or when the affected area or an individual kernel aggregates more than the equivalent of a circle one-eighth inch in diameter.

§ 51.2129 *Damage.* "Damage" means any defect which materially affects the appearance of the individual kernel, or the general appearance of the lot, or the edible or shipping quality of the almonds. Any one of the following defects or combination thereof, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(a) Chipped and scratched kernels, when the general appearance of the lot is materially affected, or when the affected area on an individual kernel aggregates more than the equivalent of a circle one-quarter inch in diameter;

(b) Mold, when affecting the kernel, except when white or grayish in color and easily rubbed off with the fingers;

(c) Gum, when a film of shiny, resinous appearing substance covers more than one-eighth of the surface of the kernel;

(d) Shriveling, when the kernel is excessively thin for its size, or when materially withered, shrunken, leathery, tough or partially developed, provided that partially developed kernels are not considered damaged if more than three-fourths of the pellicle is filled with meat; and,

(e) Brown spot on the kernel, either single or multiple, when the affected area aggregates more than the equivalent of a circle one-eighth inch in diameter.

§ 51.2130 *Serious damage.* "Serious damage" means any defect which makes a kernel or piece of kernel unsuitable for human consumption, and includes decay, rancidity, insect injury and damage by mold.

§ 51.2131 *Diameter.* "Diameter" means the greatest dimension of the kernel, or piece of kernel at right angles to the longitudinal axis. Diameter shall be determined by passing the kernel, or piece of kernel through a round opening.

§ 51.2132 *Fairly uniform in size.* "Fairly uniform in size" means that, in a representative sample, the weight of 10 percent, by count, of the largest whole kernels shall not exceed 1.70 times the weight of 10 percent, by count, of the smallest whole kernels.

SUBPART—UNITED STATES STANDARDS FOR SAWDUST PACK GRAPES (EUROPEAN OR VINIFERA TYPE)[1]

GRADES

§ 51.2150 *U. S. Fancy Sawdust Pack Grapes.* U. S. Fancy Sawdust Pack Grapes consists of bunches of well developed grapes of one variety which are well matured, fairly uniform in appearance and well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, sunburn and Almeria Spot, and free from damage caused by scarring, discoloration, heat, mildew, other diseases, freezing, insects or mechanical or other means.

(a) *Bunches.* The bunches shall be fairly well filled but not excessively tight. They shall also be free from injury caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and they shall weigh not less than one-half pound.

(b) *Stems.* The stems shall be mature, well developed and strong, shall not be dry and brittle, shall be free from mold and free from damage caused by mildew or freezing. The Emperor variety shall have stems which are distinctly yellowish-green or yellow at time of packing.

(c) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of shot berries and dried berries, on each bunch shall have a minimum diameter as indicated by varieties as follows:

Ribier and Cardinal: $\frac{12}{16}$ of an inch.
Tokay: $\frac{11}{16}$ of an inch.
Almeria: $\frac{9}{16}$ of an inch.
Thompson Seedless and Black Monukka: $\frac{7}{16}$ of an inch.
Other varieties: $\frac{10}{16}$ of an inch.

(d) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 5 percent for bunches which fail to meet the requirements for minimum diameter of berries;

(2) 5 percent for bunches which weigh less than one-half pound;

(3) 10 percent for bunches which fail to meet the color requirements;

(4) 5 percent for bunches which fail to meet the requirements for maturity of stems and color of stems; and,

(5) 5 percent for bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity and uniformity of appearance, including therein not more than 3 percent for shattered berries and also including therein not more than one-half of 1 percent for berries which are seriously damaged or affected by decay.

(e) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

§ 51.2151 *U. S. No. 1 Sawdust Pack Grapes.* U. S. No. 1 Sawdust Pack Grapes consists of bunches of well developed grapes of one variety which are mature and fairly well colored. The berries shall be firm, firmly attached to capstems and shall not be weak, shriveled at capstems, shattered, split, crushed or wet, and shall be free from decay, waterberry, sunburn and Almeria Spot, and free from damage caused by scarring, discoloration, heat, mildew, other diseases, freezing, insects or mechanical or other means.

(a) *Bunches.* The bunches shall not be straggly. They shall be free from damage caused by shot berries, dried berries or other defective berries or by the trimming away of defective berries and they shall weigh not less than one-half pound.

[1] These standards shall be applicable only to grapes properly packed in sawdust or granulated cork, and not to so-called "semi-sawdust packs" which are cushioned and/or covered with sawdust.

(b) *Stems.* The stems shall be well developed and strong, shall not be dry and brittle and shall be free from mold and free from damage caused by mildew or freezing.

(c) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of shot berries and dried berries, on each bunch shall have a minimum diameter as indicated by varieties as follows:

Ribier, Tokay, and Cardinal: 1 1/16 of an inch.
Almeria: 9/16 of an inch.
Thompson Seedless and Black Monukka: 7/16 of an inch.
Other varieties: 10/16 of an inch.

(d) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 5 percent for bunches which fail to meet the requirements for minimum diameter of berries;

(2) 10 percent for bunches which weigh less than one-half pound;

(3) 10 percent for bunches which fail to meet the color requirements; and,

(4) 5 percent for bunches and berries which fail to meet the remaining requirements of this grade, other than for maturity, including therein not more than one-half of 1 percent for berries which are seriously damaged or affected by decay.

(e) There is no tolerance specified in this grade for grapes which fail to meet the maturity requirements. However, no lot shall be considered as failing to meet these requirements because the sample of grapes from one container tests below the required percentage of soluble solids.

UNCLASSIFIED

§ 51.2152 *Unclassified.* Unclassified consists of grapes which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.2153 *Application of tolerances to individual packages.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that for shattered berries and wet berries not more than one-tenth of the packages may contain more than double the tolerance specified.

DEFINITIONS

§ 51.2154 *Well developed grapes.* "Well developed grapes" means grapes which are not abnormally small for the variety.

§ 51.2155 *One variety.* "One variety" means that the grapes show similar varietal characteristics.

§ 51.2156 *Well matured.* "Well matured" means that the juice from 10 percent, by weight, of whole bunches of grapes in the container, which appear to be least mature, shall test not less than 17 percent soluble solids, as determined by the Balling or Brix scale hydrometer, except that the Tokay variety shall test not less than 18 percent, the Thompson Seedless variety shall test not less than 19 percent and the Malaga and Muscat varieties shall test not less than 20 percent.

§ 51.2157 *Fairly uniform in appearance.* "Fairly uniform in appearance" means that not more than one-tenth of the containers in any lot may show sufficient variation in color or size of berries to materially detract from the appearance of the contents of the individual container.

§ 51.2158 *Well colored.* "Well colored" means in the case of:

(a) "Black varieties" that each bunch shall have not less than 95 percent, by count, of berries showing characteristic color. Purple to black shall be considered characteristic color for the varieties Malvoise, Rose of Peru, Black Prince and Black Hamburg; reddish-purple to black shall be considered characteristic color for Cornichon and Black Monukka. Ribier grape berries shall be considered as showing characteristic color when at least 60 percent of the surface is purple to black color, not reddish-purple;

(b) "Red varieties" that each bunch of the Tokay variety shall have not less than 60 percent, by count, and other red varieties shall have not less than 75 percent, by count, of berries which show at least 60 percent of the surface with good characteristic color: *Provided*, That the appearance of the bunch shall not be appreciably injured by very dark berries. Light or cherry red and dark red, but not light pink or very dark or purplish-red, are considered good characteristic color for the red varieties, excepting that any color ranging from light red through purple shall be considered good characteristic color for the Cardinal variety; and,

(c) White varieties: There are no color requirements for the white varieties.

§ 51.2159 *Firm.* "Firm" means that the berry is reasonably turgid and does not yield more than slightly to moderate pressure.

§ 51.2160 *Weak.* "Weak" means that the berry is relatively low in sugar content, has inferior flavor and usually is watery, translucent and somewhat soft to the touch.

§ 51.2161 *Shriveled at capstem.* "Shriveled at capstem" means that the berry shows more than slight wrinkling of the skin surrounding the capstem.

§ 51.2162 *Shattered.* "Shattered" means that the berry is separated from the bunch and may or may not have the capstem attached.

§ 51.2163 *Wet.* "Wet" means that the grapes are wet from moisture from crushed, leaking or decayed berries or from rain. Grapes which are moist from dew or other moisture condensation such as that resulting from removing grapes from a refrigerator car or cold storage to a warmer location shall not be considered as wet.

§ 51.2164 *Decay.* "Decay" means any soft breakdown of the flesh or skin of the berry resulting from bacterial or fungus infection. Slight surface development of green mold (Cladosporium) shall not be considered decay.

§ 51.2165 *Waterberry.* "Waterberry" means a watery, soft or flabby condition of the berries. Affected berries are low in sugar content, have tender skins and are easily crushed. This is an advanced or more pronounced stage of the condition referred to as "weak."

§ 51.2166 *Sunburn.* "Sunburn" means injury to the berry caused by direct exposure to the sun, including "sulphur burn", occurring as a sunken and usually discolored and dried area on the exposed surface.

§ 51.2167 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual berry, the appearance of the bunch as a whole, or the shipping quality of the stems.

(a) Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage to the individual berry:

(1) Scarring such as that caused by thrip, mildew, rubs and similar injuries when materially affecting the appearance of the berry;

(2) Discoloration when any light brown, tan or darker discoloration of the skin materially affects the appearance of the berry: *Provided*, That "sunkissed" berries of the white Malaga variety which show discoloration of amber or light brown color shall not be considered as damaged. "Buckskin" berries of the Tokay variety, and similar injury to other varieties, shall be considered as damaged by discoloration;

(3) Heat when the flesh of the berry is affected;

(4) Mildew when active powdery mildew is present;

(5) Freezing when the berry is frozen or when the flesh of the berry is affected by freezing; and,

(6) Insects when any insect is present or there is visible evidence of insect injury, when mealybug residue or aphis honeydew are present, or when the appearance is materially affected by the presence of leafhopper residue.

(b) The following shall be considered as damage to stems:

(1) Mildew when active powdery mildew is present on the stems, or when scars caused by this disease constrict or weaken any part of the main or lateral stems; and,

(2) Freezing when the stems are frozen or the capstems are swollen or dried, or when the main or lateral stems are water-soaked and limp, or dried, as a result of freezing.



§ 51.2168 *Fairly well filled.* "Fairly well filled" means that the berries are reasonably closely spaced on main and lateral stems and that the bunch is not very loose or stringy.

§ 51.2169 *Excessively tight.* "Excessively tight" means that the berries are so closely wedged together that when the stem is fresh, the bunch is solid and the appearance is materially affected by berries on the lower portions being distinctly distorted from normal shape.

§ 51.2170 *Injury to the bunch.* "Injury to the bunch" means any defect which more than slightly affects the appearance of the bunch.

§ 51.2171 *Shot berries.* "Shot berries" means very small berries resulting from insufficient pollination, usually seedless in those varieties which normally develop seeds. These berries may be entirely green and hard and are designated as "immature shot berries". They may mature and color uniformly with the normal berries on the bunch and are then designated as "mature shot berries".

§ 51.2172 *Dried berries.* "Dried berries" means berries which are dry and shriveled to the extent that practically no moisture is present.

§ 51.2173 *Well developed and strong.* "Well developed and strong" means that the main and lateral stems are firm, fibrous and pliable, and are not distinctly immature or spindly or threadlike at time of packing.

§ 51.2174 *Diameter.* "Diameter" means the greatest dimension of the berry measured at right angles to a line running from the stem to the blossom end.

§ 51.2175 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the grapes and includes berries which are split, crushed, wet, affected by decay or waterberry, or damaged by heat or freezing, except that raisining grapes that are cracked or split, and grapes which show healed cracks at the blossom end shall not be considered as seriously damaged.

§ 51.2176 *Mature.* "Mature" means that the juice from 10 percent, by weight, of whole bunches of grapes in the container, which appear to be least mature, shall test not less than 17 percent soluble solids, as determined by the Balling or Brix scale hydrometer, except that the varieties Emperor, Gros Colman, Pierce Isabella, Olivette Blanche, Rish Baba, Red Malaga, Cardinal, Ribier, Khalili, Dizmar and varieties similar to or synonymous with the above, shall test not less than 16 percent, and except that Muscat varieties shall test not less than 18 percent.

§ 51.2177 *Fairly well colored.* "Fairly well colored" means in the case of:

(a) "Black varieties" that each bunch shall have not less than 85 percent, by count, of berries showing characteristic color, except that in the varieties Ribier, Rose of Peru, Black Prince, Black Hamburg, and Black Monukka each bunch shall have not less than 75 percent, by count, of berries showing characteristic color. Purple to black shall be considered characteristic color for the varieties Malvoise, Rose of Peru, Black Prince and Black Hamburg; reddish-purple to black shall be considered characteristic color for Cornichon and Black Monukka. Ribier grape berries shall be considered as showing characteristic color when at least 60 percent of the surface is purple to black color, not reddish-purple;

(b) "Red varieties" that each bunch of the Tokay variety shall have not less than 45 percent, by count, and other red varieties shall have not less than 60 percent, by count, of berries which show at least 60 percent of the surface with characteristic color. Light pink, red, dark red or purple are considered characteristic color for the red varieties. (There are no color requirements for the Pink Thompson Seedless variety, Sultanina Rose); and,

(c) White varieties: There are no color requirements for the white varieties.

§ 51.2178 *Straggly.* "Straggly" means that the berries are so widely spaced on main and lateral stems that the bunch is distinctly open or very stemmy or stringy in structure.

SUBPART—UNITED STATES STANDARDS FOR EGGPLANT

GRADES

§ 51.2190 *U. S. Fancy.* U. S. Fancy consists of eggplants of similar varietal characteristics, which are well colored, firm, clean, well shaped, and which are free from decay and worm holes and free from injury caused by scars, freezing, disease, insects, or mechanical or other means.

§ 51.2191 *U. S. No. 1.* U. S. No. 1 consists of eggplants of similar varietal characteristics, which are fairly well colored, firm, clean, fairly well shaped, and which are free from decay and worm holes and free from damage caused by scars, freezing, disease, insects, or mechanical or other means.

§ 51.2192 *U. S. No. 2.* U. S. No. 2 consists of eggplants which are firm and which are free from decay and free from serious damage caused by freezing, disease, insects, or mechanical, or other means.

UNCLASSIFIED

§ 51.2193 *Unclassified.* Unclassified consists of eggplants which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.2194 *Tolerances.* In order to allow for variations incident to proper grading and handling, other than for size, not more than 10 percent, by count, in any lot shall be permitted for eggplants which fail to meet the requirements of the grade, including therein not more than 1 percent for decay.

APPLICATION OF TOLERANCES

§ 51.2195 *Application of tolerances to individual packages.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified: *Provided*, That at least one specimen which does not meet the requirements shall be allowed in any one package.

SIZE REQUIREMENTS

§ 51.2196 *Size requirements.* (a) The size of eggplants may be specified in terms of count, minimum diameter, or a range in diameter in the container. Eggplants packed as U. S. Fancy or U. S. No. 1 grade shall be reasonably uniform in size, except when a range in diameter is specified.

(b) In order to allow for variations incident to proper sizing, not more than 5 percent, by count, of the eggplants in any lot may be below any specified minimum diameter and not more than 5 percent may be above any specified maximum diameter.

DEFINITIONS

§ 51.2197 *Similar varietal characteristics.* "Similar varietal characteristics" means that the eggplants in any lot are similar in type, color, and character of growth.

§ 51.2198 *Well colored.* "Well colored" means that the eggplant has a uniform good color characteristic for the variety over practically the entire surface.

§ 51.2199 *Firm.* "Firm" means that the eggplant is not soft, flabby or shriveled.

§ 51.2200 *Clean.* "Clean" means that the eggplant is practically free from dirt or other foreign matter.

§ 51.2201 *Well shaped.* "Well shaped" means that the eggplant has the normal shape characteristic of the variety, except that the shape may be slightly irregular, provided the appearance of the eggplant is not more than slightly affected.

§ 51.2202 *Injury.* "Injury" means any defect which more than slightly affects the appearance, or the edible or shipping quality of the eggplant. The following defect, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(a) Scars when they are slightly rough or when they are fairly smooth and more than slightly affect the appearance, shape or color of the eggplant.

§ 51.2203 *Fairly well colored.* "Fairly well colored" means that the eggplant has a fairly good color characteristic for the variety, except that streaks of green

color which do not materially affect the appearance shall be permitted.

§ 51.2204 *Fairly well shaped.* "Fairly well shaped" means that the eggplant may be slightly abnormal in shape but not to an extent that the appearance is materially affected.

§ 51.2205 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the eggplant. The following defect, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Scars when they are rough or materially cracked, or when they materially affect the appearance, shape or color of the eggplant.

§ 51.2206 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the eggplant.

§ 51.2207 *Diameter.* "Diameter" means the greatest dimension of the eggplant measured at right angles to the longitudinal axis.

SUBPART—UNITED STATES STANDARDS FOR CUCUMBERS

GRADES

§ 51.2220 *U. S. Fancy.* U. S. Fancy consists of cucumbers which are well colored, well formed, not overgrown and which are fresh, firm, and free from decay, sunscald and from injury caused by scars and from damage caused by yellowing, sunburn, dirt or other foreign material, freezing, mosaic or other disease, insects, mechanical or other means. (See § 51.2226.)

(a) The maximum diameter of each cucumber shall be not more than 2⅜ inches and the length of each cucumber shall be not less than 6 inches. (See § 51.2226.)

§ 51.2221 *U. S. No. 1.* U. S. No. 1 consists of cucumbers which are fairly well colored, fairly well formed, not overgrown and which are fresh, firm, and free from decay, sunscald and from damage caused by scars, yellowing, sunburn, dirt or other foreign material, freezing, mosaic or other disease, insects, mechanical or other means. (See § 51.2226.)

(a) Unless otherwise specified, the maximum diameter of each cucumber shall be not more than 2⅜ inches and the length of each cucumber shall be not less than 6 inches. (See § 51.2226.)

§ 51.2222 *U. S. No. 1 Small.* U. S. No. 1 Small consists of cucumbers which meet all requirements for the U. S. No. 1 grade except for size. The diameter of each cucumber shall be not less than 1½ inches or larger than 2 inches. There are no requirements for length. (See § 51.2226.)

§ 51.2223 *U. S. No. 1 Large.* U. S. No. 1 Large consists of cucumbers which meet all requirements for the U. S. No. 1 grade except for size. The minimum diameter of each cucumber shall be not less than 2¼ inches and unless otherwise specified, the length of each cucumber shall be not less than 6 inches. There are no requirements for maximum diameter or maximum length. (See § 51.2226.)

§ 51.2224 *U. S. No. 2.* U. S. No. 2 consists of cucumbers which are moderately colored, not badly deformed, not overgrown and which are fresh, firm, free from decay and free from damage caused by freezing, sunscald and from serious damage caused by scarring, yellowing, sunburn, dirt or other foreign material, mosaic or other disease, insects, mechanical or other means. (See § 51.2226.)

(a) Unless otherwise specified, the maximum diameter of each cucumber shall be not more than 2⅜ inches and the length of each cucumber shall be not less than 5 inches. (See § 51.2226.)

UNCLASSIFIED

§ 51.2225 *Unclassified.* Unclassified consists of cucumbers which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES

§ 51.2226 *Tolerances.* (a) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) *For defects.* 10 percent, by count, in any lot, for cucumbers which fail to meet the requirements of the grade, including therein not more than 1 percent for decay; and

(2) *For off-size.* 10 percent, by count, in any lot, for cucumbers which fail to meet the length and diameter requirements, including therein not more than one-half thereof, or 5 percent, for cucumbers which fail to meet the requirements for minimum diameter, and not more than one-half thereof, or 5 percent, for cucumbers which fail to meet the requirements for maximum diameter.

APPLICATION OF TOLERANCES

§ 51.2227 *Application of tolerances.* (a) The contents of individual packages in the lot based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains 15 specimens or less, individual packages may contain not more than double the tolerance specified; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package.

DEFINITIONS

§ 51.2228 *Well colored.* "Well colored" means that not less than three-fourths of the surface of the cucumber is of a medium green or darker color, and that at least a light green color extends to the blossom end on one side of the cucumber.

§ 51.2229 *Well formed.* "Well formed" means that the cucumber is practically straight and not more than very slightly constricted or more than moderately tapered or pointed.

§ 51.2230 *Overgrown.* "Overgrown" means that the cucumber has developed beyond the best stage for slicing. It usually yields to slight pressure of the thumb. The seeds are tough and fibrous, and the pulp in the seed cavity is usually watery or jellylike. In more advanced cases, pithy streaks may be found in the flesh of the cucumber.

§ 51.2231 *Injury caused by scars.* "Injury caused by scars" means scars which aggregate more than the area of a circle ⅜ inch in diameter on a cucumber 6 inches in length. Larger cucumbers may have greater areas, provided that such scars do not affect the appearance of the cucumber to a greater extent than that caused by scars which are permitted on a 6 inch cucumber.

§ 51.2232 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the cucumbers. The following defect, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Scars when aggregating more than the area of a circle ⅝ inch in diameter on a cucumber 6 inches in length. Smaller cucumbers shall have lesser areas of scars and larger cucumbers may have greater areas, provided that such scars do not affect the appearance of the cucumbers to a greater extent than that caused by scars which are permitted on a 6 inch cucumber.

§ 51.2233 *Diameter.* "Diameter" means the greatest dimension of the cucumber measured at right angles to the longitudinal axis, exclusive of "warts."

§ 51.2234 *Fairly well colored.* "Fairly well colored" means that not less than two-thirds of the surface of the cucumber is of a medium green or darker color, and that at least a light green color extends to within one-half inch of the blossom end. White color shall be permitted over the blossom end of the cucumber.

§ 51.2235 *Fairly well formed.* "Fairly well formed" means that the cucumber may be moderately curved but not deeply constricted, not extremely tapered or pointed and not otherwise misshapen.

§ 51.2236 *Moderately colored.* "Moderately colored" means that at least one-half of the surface of the cucumber is of a light green or darker color.

§ 51.2237 *Badly deformed.* "Badly deformed" means that the cucumber is so badly curved, constricted, tapered or otherwise so badly misshapen that the appearance is seriously affected.

§ 51.2238 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the cucumbers.

[F. R. Doc. 53-9550; Filed, Nov. 10, 1953; 8:54 a. m.]



PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS[1]

GRADES OF CONCENTRATED ORANGE JUICE FOR MANUFACTURING[2]

On July 4, 1953, a notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 3912) regarding the issuance of proposed United States Standards for Grades of Concentrated Orange Juice for Manufacturing. After consideration of all data, views, and arguments presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Concentrated Orange Juice for Manufacturing are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953):

§ 52.490 *Concentrated orange juice for manufacturing*—(a) *Product description.* Concentrated orange juice for manufacturing is the concentrated product obtained from sound, mature fruit of the sweet orange group (Citrus sinensis) and Mandarin group (Citrus reticulata), except tangerines. The fruit is prepared by sorting and by washing prior to extraction of the juice and the extracted juice is concentrated. The concentrated orange juice is processed in accordance with good commercial practice; and may or may not require processing by heat or subsequent refrigeration to secure preservation of the product but is not the product which is considered "frozen concentrated orange juice." The finished product does not contain any additives except that cold-pressed oil to standardize flavor and chemical preservatives permissible under provisions of the Federal Food, Drug, and Cosmetic Act may have been added.

(1) The Brix value of the finished concentrate shall be not less nor more than the following for the respective dilution factor of canned concentrated orange juice for manufacturing:

| Dilution factor | Brix value of the finished concentrate | |
|---|---|---|
| | Minimum Brix value | Maximum Brix value |
| | *Degrees* | *Degrees* |
| 1 plus 2 | 41.5 | 44.0 |
| 1 plus 3 | 50.0 | 53.0 |
| 1 plus 5 | 57.8 | 61.2 |
| 1 plus 6 | 60.2 | No limit |

(2) Concentrated orange juice for manufacturing of other dilution factors between "1 plus 3" to "1 plus 6" or more than "1 plus 6" shall result in a Brix (upon reconstitution as prescribed by the processor or as prescribed by the label on the container, if labeled) of not less than 11.7 degrees.

(b) *Grades of concentrated orange juice for manufacturing.* (1) "U. S. Grade A for Manufacturing" or "U. S. Fancy for Manufacturing" is the quality of concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses a reasonably good color; is practically free from defects; possesses a reasonably good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade C for Manufacturing" or "U. S. Standard for Manufacturing" is the quality of concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses a fairly good color; is fairly free from defects; possesses a fairly good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard for Manufacturing" is the quality of concentrated orange juice that fails to meet the requirements of U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with concentrated orange juice as full as practicable without impairment of quality.

(d) *Ascertaining the grade.* The grade of concentrated orange juice for manufacturing is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | *Points* |
|---|---|
| (1) Color | 20 |
| (2) Absence of defects | 40 |
| (3) Flavor | 40 |
| Total score | 100 |

(e) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Concentrated orange juice of which the reconstituted juice possesses a reasonably good color may be given a score of 17 to 20 points. "Reasonably good color" means that the color is a reasonably good yellow to yellow-orange color typical of properly processed and properly concentrated orange juice and is reasonably free from browning due to scorching, oxidation, caramelization, or other causes.

(ii) If the reconstituted juice possesses a fairly good color, a score of 14 to 16 points may be given. Concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the orange juice may be slightly amber or very light in color and may show evidence of slight browning but is not off-color.

(iii) Concentrated orange juice that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from seeds and portions thereof, from excessive juice cells, from pulp, and from other defects.

(i) "Pulp" means particles of membrane, core, and peel.

(ii) Concentrated orange juice of which the reconstituted juice is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present:

(*a*) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or drinking quality of the juice;

(*b*) Juice cells and pulp that do not materially affect the appearance or drinking quality of the juice; and

(*c*) Other defects that are not more than slightly objectionable.

(iii) If the reconstituted juice is fairly free from defects, a score of 28 to 33 points may be given. Concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present:

(*a*) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not seriously affect the appearance or drinking quality of the juice;

(*b*) Juice cells and pulp that do not seriously affect the appearance or drinking quality of the juice; and

(*c*) Other defects that are not materially objectionable.

(iv) Concentrated orange juice that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

(3) *Flavor.* (i) Concentrated orange juice of which the reconstituted juice possesses a reasonably good flavor may be given a score of 34 to 40 points. "Reasonably good flavor" means that the flavor is typical of reconstituted concen-

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The requirements of these standards shall not excuse failure to comply with applicable State laws and regulations.

trated orange juice from properly processed and concentrated orange juice; that the flavor may range from high acidity to low acidity; is practically free from traces of scorching, caramelization, oxidation, or terpene; and is free from off-flavors of any kind. To score not less than 34 points the concentrated orange juice shall meet the following requirement: The ratio of the Brix value to acid is not less than 8 to 1 nor more than 18 to 1.

(ii) If the reconstituted juice possesses a fairly good flavor, a score of 28 to 33 points may be given. Concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means a normal flavor for reconstituted concentrated orange juice; and that the flavor may range from high acidity to low acidity, may have a slightly caramelized or slightly oxidized flavor or may possess traces of terpene but is free from off-flavors of any kind. To score not less than 28 points concentrated orange juice shall meet the following requirement: the ratio of the Brix value to acid is not less than 8 to 1 nor more than 21 to 1.

(iii) If the concentrated orange juice fails to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 27 points may be given. Concentrated orange juice that falls into this classification shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

(f) *Explanation of terms and analyses.* (1) "Reconstituted juice" means the product obtained by mixing thoroughly one part by volume of the canned concentrated orange juice with a stated volume of water. For example, a dilution factor of "1 plus 6" means that to one part by volume of concentrated orange juice 6 parts by volume of water are added to produce a reconstituted juice. Distilled water is used in reconstituting the product for testing flavor.

(2) "Reconstitution as declared" means any defined reconstitution, such as in labeling: For example, "this can (46 oz.) made up to 10 quarts" means a "1 plus 5.95" concentrate.

(3) "Reconstitutes properly" means that the reconstituted juice shows no material separation of colloidal or suspended matter after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass tube or cylinder (such as a 50 ml. graduated cylinder).

(4) "Acid" means the percent by weight of acid (calculated as anhydrous citric acid) in concentrated orange juice and is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(5) "Brix value" of the concentrate is the refractometric sucrose value determined in accordance with the International Scale of Refractive Indices of Sucrose Solutions and to which the applicable correction for acid is added. (See Table I for corrections.)

TABLE I—CORRECTIONS FOR OBTAINING BRIX VALUE[1]

| Citric acid, anhydrous (percent by weight) | Correction to be added to refractometer sucrose value to obtain degree Brix value | Citric acid, anhydrous (percent by weight) | Correction to be added to refractometer sucrose value to obtain degree Brix value |
|---|---|---|---|
| 2.0 | 0.39 | 3.6 | 0.70 |
| 2.2 | .43 | 3.8 | .74 |
| 2.4 | .47 | 4.0 | .78 |
| 2.6 | .51 | 4.2 | .81 |
| 2.8 | .54 | 4.4 | .85 |
| 3.0 | .58 | 4.6 | .89 |
| 3.2 | .62 | 4.8 | .93 |
| 3.4 | .66 | 5.0 | .97 |

[1] Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, vol. II, p. 447, Aug. 15, 1939.

(6) The "Brix" of reconstituted juice, as applicable, means the degree Brix of the properly reconstituted juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing juice at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in the Official Methods of Analysis of the Association of Official Agricultural Chemists. The degrees Brix of the reconstituted juice may be determined by any other method which gives equivalent results.

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of concentrated orange juice for manufacturing the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores:

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(2) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for concentrated orange juice for manufacturing.*

| | |
|---|---|
| Size and kind of container | ---- |
| Container mark or identification | ---- |
| Label (including reconstitution factor) | ---- |
| Liquid measure (fluid ounces) | ---- |
| Net weight | ---- |
| Brix value of concentrate (corrected for acid) | ---- |
| Anhydrous citric acid in concentrate (percent by weight) | ---- |
| Brix value to acid ratio | ---- |
| Recoverable oil (ml./100 grams) | ---- |
| Reconstitutes properly: (Yes) (No) | ---- |

| Factors | | Score points | |
|---|---|---|---|
| I. Color | 20 | (A-Mfg) | 17-20 |
| | | (C-Mfg) | 14-16 |
| | | (SStd-Mfg) | 10-13 |
| II. Absence of defects | 40 | (A-Mfg) | 34-40 |
| | | (C-Mfg) | 28-33 |
| | | (SStd-Mfg) | 10-27 |
| III. Flavor | 40 | (A-Mfg) | 34-40 |
| | | (C-Mfg) | 28-33 |
| | | (SStd-Mfg) | 10-27 |
| Total score | 100 | | |
| Grade for manufacturing | | | ... |

[1] Indicates limiting rule.

*Effective time.* The United States Standards for Grades of Concentrated Orange Juice for Manufacturing (which is the first issue) contained in this section will become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090, Pub. Law 156, 83d Cong., 7 U. S. C. 1624)

Issued at Washington, D. C., this 6th day of November 1953.

[SEAL] ROY W. LENNARTSON,
*Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 53-9548; Filed, Nov. 10, 1953, 8:53 a. m.]

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## PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

### SUBPART B—UNITED STATES STANDARDS[1]

### GRADES OF CANNED CONCENTRATED ORANGE JUICE[2]

On July 4, 1953, a notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 3914) regarding a proposed revision of the United States Standards for Grades of Canned Concentrated Orange Juice. After consideration of all data, views, and arguments including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Canned Concentrated Orange Juice are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953):

§ 52.491 *Canned concentrated orange juice.* Canned concentrated orange juice is the concentrated product obtained from sound, mature fruit of the sweet orange group (Citrus sinensis) and Mandarin group (Citrus reticulata), except tangerines. The fruit is prepared by sorting and by washing prior to extraction of the juice; the extracted juice is concentrated; and single strength orange juice extracted from sorted and washed fruit may or may not be admixed to the concentrate. The canned concentrated orange juice is processed in accordance with good commercial practice and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

(a) *Styles of canned concentrated orange juice*—(1) *Style I, without sweetening ingredient added.* (i) The Brix value of the finished concentrate shall be not less nor more than the following for the respective dilution factor of canned concentrated orange juice:

| Dilution factor | Brix value of the finished concentrate | |
|---|---|---|
| | Minimum Brix value | Maximum Brix value |
| | *Degrees* | *Degrees* |
| 1 plus 1 | 22.5 | 24.0 |
| 1 plus 2 | 32.4 | 34.4 |
| 1 plus 3 | 41.5 | 44.0 |
| 1 plus 4 | 50.0 | 53.0 |
| 1 plus 5 | 57.8 | 61.2 |
| 1 plus 6 | 65.2 | 68.8 |

(ii) Canned concentrated orange juice of any other dilution factors between "1 plus 1" to less than "1 plus 6," shall result in a Brix (upon reconstitution as prescribed by the processor or as prescribed by the label on the container, if labeled) of not less than 11.7 degrees.

(2) *Style II, with sweetening ingredient added.* (i) The Brix value of the finished concentrate exclusive of added sweetening ingredient and the Brix value of the finished concentrate including added sweetening ingredient shall be not less nor more than the following, as applicable, for the respective dilution factor of canned concentrated orange juice:

| Dilution factor | Brix value of the finished concentrate exclusive of added sweetening ingredients | Brix value of the finished concentrate including added sweetening ingredients | |
|---|---|---|---|
| | Minimum Brix value | Minimum Brix value | Maximum Brix value |
| | *Degrees* | *Degrees* | *Degrees* |
| 1 plus 1 | 21.6 | 22.7 | 26.9 |
| 1 plus 2 | 31.1 | 32.7 | 38.4 |
| 1 plus 3 | 40.0 | 42.0 | 49.0 |
| 1 plus 4 | 48.1 | 50.5 | 58.6 |
| 1 plus 5 | 55.8 | 58.3 | 67.5 |
| 1 plus 6 | 63.0 | 65.8 | 75.7 |

(ii) Canned concentrated orange juice of any other dilution factors between "1 plus 1" to less than "1 plus 6" shall have had a Brix exclusive of any added sweetening ingredient (upon reconstitution as prescribed by the processor or as prescribed by the label on the container, if labeled) of not less than 11.3 degrees; and the finished canned concentrated orange juice shall result in a Brix including any added sweetening ingredient (upon reconstitution as prescribed by the processor or as prescribed by the label on the container, if labeled) of not less than 11.9 degrees nor more than 14.2 degrees.

(b) *Grades of canned concentrated orange juice.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of canned concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses an appearance reasonably characteristic of fresh orange juice; possesses a good color; is practically free from defects; possesses a good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of canned concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses a fairly good color; is fairly free from defects; possesses a fairly good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of canned concentrated orange juice that fails to meet the requirements of U. S. Grade C or U. S. Standard.

(c) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with concentrated orange juice as full as practicable without impairment of quality.

(d) *Ascertaining the grade.* The grade of canned concentrated orange juice is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| (1) Color | 20 |
| (2) Absence of defects | 40 |
| (3) Flavor | 40 |
| Total score | 100 |

(e) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Canned concentrated orange juice of which the reconstituted juice possesses a good color may be given a score of 17 to 20 points. "Good color" means that the color is a good yellow to yellow-orange color typical of properly processed orange juice and is free from browning due to scorching, oxidation, caramelization, or other causes.

(ii) If the reconstituted juice possesses a fairly good color, a score of 14 to 16 points may be given. Canned concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the orange juice may be slightly amber or very light in color and may show evidence of slight browning, but is not off-color.

(iii) Canned concentrated orange juice that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from seeds and portions thereof, from excessive juice cells, from pulp, from recoverable oil, and from other defects.

(i) "Pulp" means particles of membrane, core and peel.

(ii) Canned concentrated orange juice of which the reconstituted juice is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present:

(*a*) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding $\frac{1}{8}$ inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or drinking quality of the juice;

(*b*) Juice cells and pulp that do not materially affect the appearance or drinking quality of the juice; and

(*c*) Other defects that are not more than slightly objectionable. To score in this classification the canned concentrated orange juice shall contain at least a trace of recoverable oil but not more than 0.0024 milliliter per degree Brix value per 100 grams of the concentrate.

(iii) If the reconstituted juice is fairly free from defects, a score of 28 to 33 points may be given. Canned concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present:

(*a*) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding $\frac{1}{8}$ inch in diameter, provided such seeds or portions thereof do not seriously affect the appearance or drinking quality of the juice;

(*b*) Juice cells and pulp that do not seriously affect the appearance or drinking quality of the juice; and

(*c*) Other defects that are not materially objectionable. To score in this classification the canned concentrated orange juice may contain recoverable oil of not more than 0.003 milliliter per degree Brix value per 100 grams of the concentrate.

(iv) Canned concentrated orange juice that fails to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Flavor.* (i) Canned concentrated orange juice of which the reconstituted juice possesses a good flavor may be given a score of 34 to 40 points. "Good

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The requirements of these standards shall not excuse failure to comply with applicable State laws and regulations.

flavor" means that the flavor is a distinct orange juice flavor typical of reconstituted orange juice from properly processed and concentrated orange juice; is free from traces of scorching, caramelization, oxidation, or terpene; and is free from off-flavors of any kind. To score not less than 34 points the canned concentrated orange juice shall meet the following requirements for the respective style:

*Style I, without sweetening ingredient added.* The ratio of the Brix value to acid is not less than 11.5 to 1 nor more than 18 to 1.

*Style II, with sweetening ingredient added.* The ratio of the Brix value to acid is not less than 12 to 1 nor more than 15 to 1.

(ii) If the reconstituted juice possesses a fairly good flavor, a score of 28 to 33 points may be given. Canned concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means that the flavor is a normal flavor for reconstituted canned concentrated orange juice and may have a slightly caramelized or slightly oxidized flavor but is free from off-flavors of any kind. To score not less than 28 points canned concentrated orange juice shall meet the following requirements for the respective style:

*Style I, without sweetening ingredient added.* The ratio of Brix value to acid is not less than 9.5 to 1 nor more than 20 to 1.

*Style II, with sweetening ingredient added.* The ratio of Brix value to acid is not less than 10 to 1 nor more than 15 to 1.

(iii) If the canned concentrated orange juice fails to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 27 points may be given. Canned concentrated orange juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

(f) *Explanation of terms and analyses.* (1) "Reconstituted juice" means the product obtained by mixing thoroughly one part by volume of the canned concentrated orange juice with a stated volume of water. For example, a dilution factor of "1 plus 3" means that to 1 part by volume of canned concentrated orange juice 3 parts by volume of water are added to produce a reconstituted juice. Distilled water is used in reconstituting the product for testing flavor.

(2) "Reconstitution as declared" means any defined reconstitution, such as in labeling: for example, "6 fluid ounces—makes 1 quart" means a "1 plus 4.33" concentrate.

(3) "Reconstitutes properly" means that the reconstituted juice shows no material separation of colloidal or suspended matter after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass tube or cylinder (such as a 50 ml. graduated cylinder).

(4) "Acid" means the percent by weight of acid (calculated as anhydrous citric acid) in canned concentrated orange juice and is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(5) "Brix value" of the concentrate is the refractometricsucrose value determined in accordance with the International Scale of Refractive Indices of Sucrose Solutions and to which the applicable correction for acid is added. (See Table I for corrections.)

TABLE 1—CORRECTIONS FOR OBTAINING BRIX VALUE [1]

| Citric acid, anhydrous (percent by weight) | Correction to be added to refractometer sucrose value to obtain degree Brix value | Citric acid, anhydrous (percent by weight) | Correction to be added to refractometer sucrose value to obtain degree Brix value |
|---|---|---|---|
| 2.0 | 0.39 | 3.6 | 0.70 |
| 2.2 | .43 | 3.8 | .74 |
| 2.4 | .47 | 4.0 | .78 |
| 2.6 | .51 | 4.2 | .81 |
| 2.8 | .54 | 4.4 | .85 |
| 3.0 | .58 | 4.6 | .89 |
| 3.2 | .62 | 4.8 | .93 |
| 3.4 | .66 | 5.0 | .97 |

[1] Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, vol. II, p. 447, Aug. 15, 1939.

(6) The "Brix" of reconstituted juice, as applicable, means the degrees Brix of the properly reconstituted juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing juice at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in the Official Methods of Analysis of the Association of Official Agricultural Chemists. The degrees Brix of the reconstituted juice may be determined by any other method which gives equivalent results.

(7) "Recoverable oil" is determined by the following method:

(i) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 [1] or Figure 2.[1]

Gas burner or hotplate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(ii) *Procedure.* Exactly 400 grams of the concentrate mixed with water to approximately two liters are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from the bottom to top, and bring the solution to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute.

By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

The number of milliliters of oil recovered divided by 4 equals the volume of recoverable oil per 100 grams of concentrate. To determine compliance with minimum or maximum allowances, as applicable, for recoverable oil, the volume of recoverable oil per 100 grams of concentrate divided by the Brix value of the concentrate equals the volume of recoverable oil per degree Brix value per 100 grams of concentrate.

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned concentrated orange juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(2) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for canned concentrated orange juice.*

| | |
|---|---|
| Size and kind of container | |
| Container mark or identification | |
| Label (including dilution factor) | |
| Liquid measure (fluid ounces) | |
| Net weight | |
| Brix value of concentrate (corrected for acid) | |
| Anhydrous citric acid in concentrate (percent by weight) | |
| Brix value to acid ratio | |
| Recoverable oil (ml. 100 grams) | |
| Reconstitutes properly (Yes) (No) | |
| Appearance—reasonably characteristic of fresh juice (Yes) (No) | |

| Factors | | Score points | |
|---|---|---|---|
| I. | Color | 20 | (A) 17-20<br>(C) [1]14-16<br>(SStd) [1]0-13 |
| II. | Absence of defects | 40 | (A) 34-40<br>(C) [1]28-33<br>(SStd) [1]0-27 |
| III. | Flavor | 40 | (A) 34-40<br>(C) [1]28-33<br>(SStd) [1]0-27 |
| | Total score | 100 | |
| Grade | | | |

[1] Indicates limiting rule.

*Effective time and supersedure.* The revised United States Standards for Grades of Canned Concentrated Orange Juice (which is the third issue) contained in this section will become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER and will thereupon supersede the United States Standards for Grades of Canned Concentrated Orange Juice which have been in effect since August 16, 1943.

(Sec. 205, 60 Stat. 1090, Pub. Law 156, 83d Cong., 7 U. S. C. 1624)

[1] Filed as part of original document.



Issued at Washington, D. C., this 6th day of November 1953.

[SEAL] ROY W. LENNARTSON,
*Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 53-9547; Filed, Nov. 10, 1953; 8:53 a. m.]

## Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

### Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 813, Amdt. 7]

### PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

#### 1953 DETERMINATION AND PRORATION OF AREA DEFICIT

*Basis and purpose.* This amendment is issued pursuant to the Sugar Act of 1948, as amended, for the purpose of prorating a deficit which is hereby determined in the quota for the Domestic Beet Area for sugar to be marketed in the continental United States in 1953. Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any domestic area, the Republic of the Philippines, or Cuba will be unable to market its quota. If he so finds with respect to the Domestic Beet Area, the quotas for other domestic areas and Cuba are required to be revised by prorating to such areas an amount of sugar equal to any deficit so determined on the basis of their existing quotas.

The Sugar Act provides that the quota for any domestic area, the Republic of the Philippines, Cuba, or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit and makes the proration of any such deficit in a domestic area and Cuba to other such areas able to supply the additional sugar a mere mathematical computation.

In order to afford sellers of sugar in affected areas an adequate opportunity to market the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318, 7 U. S. C. Sup., 1100) and the Administrative Procedure Act (60 Stat. 237) paragraphs (a) and (b) of Sugar Regulation 813, as amended (17 F. R. 11158; 18 F. R. 2127, 4399, 4759, 5589, 5707, 6607) are hereby amended to read as follows:

§ 813.43 *Determination and proration of area deficits*—(a) *Deficit in quota for the Domestic Beet Sugar Area.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1953 the Domestic Beet Sugar Area will be unable by an amount of 180,000 short tons of sugar, raw value, to market the quota established for that area in § 813.41.

(b) *Proration of deficit in quota for the Domestic Beet Sugar Area.* An amount of sugar equal to the deficit determined in paragraph (a) of this section is hereby prorated, pursuant to subsection (a) of section 204 of the act, as follows:

| Area; | Additional quota, in terms of short tons, raw value |
|---|---|
| Mainland cane sugar | 17,291 |
| Hawaii | 36,382 |
| Puerto Rico | 37,351 |
| Virgin Islands | 415 |
| Cuba | 88,561 |

*Statement of bases and considerations.* The highest distribution of sugar during November and December of the last five years was 266,000 short tons, raw value. This was in 1950, out of a record crop of over 2,000,000 tons. Average 1948–52 marketings during those two months amounted to approximately 227,000 tons. Therefore, it appears that distribution of beet sugar during the calendar year 1953 will range between 1,590,000 and 1,630,000 tons. Latest data on marketings indicate that the total will probably not exceed 1,620,000 tons. This amounts to an additional quota deficit for this area of 80,000 short tons, raw value. A deficit of 100,000 tons in the quota for this area has previously been determined. This deficit is prorated to the domestic areas and Cuba in proportion to their existing quotas.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 204, as amended, 61 Stat. 925; 7 U. S. C. Sup. 1114)

Done at Washington, D. C., this 6th day of November 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EZRA TAFT BENSON,
*Secretary of Agriculture.*

[F. R. Doc. 53-9551; Filed, Nov. 10, 1953; 8:54 a. m.]

### Subchapter G—Determination of Proportionate Shares

[Sugar Determination 857.6]

### PART 857—SUGARCANE; PUERTO RICO

#### 1953–54 CROP

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (herein referred to as "act"), the following determination is hereby issued:

§ 857.6 *Proportionate shares for sugarcane farms in Puerto Rico for the 1953–54 crop*—(a) *Farm proportionate share.* A proportionate share shall be established for the farm, as constituted November 1, 1953, in terms of sugar, 96° basis, in the manner provided in this paragraph and such share shall be used on that basis until converted to its raw value equivalent in accordance with paragraph (b) of this section for the purpose of computing the payment for the farm.

(1) *Farm bases.* A base shall be established for each farm from which sugarcane was marketed (or processed) for the extraction of sugar or liquid sugar from any of the 1947–48, 1948–49, 1949–50, 1950–51, and 1951–52 crops (herein referred to as the "base period") by adding (i) 40 percent of the highest production of sugar, raw value, from sugarcane marketed (or processed) from the farm from any crop in the base period and (ii) 60 percent of the result obtained by dividing by 4 the total production of sugar, raw value, for the farm for the other 4 years of the base period.

(2) *Old farms*—(i) *Farms with bases in excess of 400 hundredweight.* The proportionate share for any farm having a farm base in excess of 400 hundredweight, as established under subparagraph (1) of paragraph (a) of this section, shall be the larger of 400 hundredweight or the amount determined by multiplying such base by the applicable percentage in the following table:

| Number of crops produced in the base period: | Percentage |
|---|---|
| 5 | 89 |
| 4 | 94 |
| 3 | 100 |
| 2 | 109 |
| 1 | 125 |

(ii) *Farms with bases not in excess of 400 hundredweight.* The proportionate share for any farm having a farm base not in excess of 400 hundredweight, as established under subparagraph (1) of paragraph (a) of this section, shall be the base: *Provided*, That for any such farm having production in only one year of the base period, the proportionate share shall be 125 percent of the base, and for any such farm having production in only two years of the base period, the proportionate share shall be 109 percent of the base.

(iii) *Farms having production in 1952–53 crop year only.* The proportionate share for any farm having production in the 1952–53 crop year only shall be 50 percent of the 1953–54 crop production on the farm, as estimated by the Caribbean Area Office of the Production and Marketing Administration.

(iv) *Minimum proportionate shares.* Notwithstanding the foregoing, the minimum proportionate share for any old farm shall be the larger of 200 hundredweight or the 1952–53 proportionate share for the farm as adjusted pursuant to the appeals provision applicable to that crop: *Provided*, That the 1952–53 adjusted share may be modified for the 1953–54 crop to the extent determined equitable by the Caribbean Area PMA Committee (herein referred to as "Committee").

(3) *New farms.* The proportionate share for any farm from which sugarcane is marketed (or processed) for the extraction of sugar or liquid sugar in the 1953–54 crop year for the first time since the 1946–47 crop year shall be 200 hundredweight.

(4) *Transfer of farm bases.* The farm base established or which would

have been established for any land which is removed from sugarcane production because of acquisition by purchase or lease by any Federal, Insular, or other agency having a right of eminent domain shall be available for use in providing an equitable farm base for land owned, purchased, or leased by the owner of the land so acquired by any of such agencies. Upon application to the Area Office, within five years from the date of such acquisition, any such owner shall be entitled to a farm base for any other land owned, purchased, or leased by him equal to the farm base which would have been established for such other land, plus the farm base which would have been established for the land so acquired: *Provided*, That neither the farm base nor the combined farm bases shall exceed the production capacity for the farm so owned, purchased, or leased as determined by the Committee.

(5) *Tolerances.* The requirements of section 301 (b) of the act with respect to the amount of sugarcane grown and marketed (or processed) from the farm shall be deemed to have been met if the amount of sugar recovered therefrom does not exceed the proportionate share for such farm by more than the applicable tolerance in the table below: *Provided*, That any amount of sugar within the applicable tolerance shall be excluded in computing the amount of sugar on which payment is made with respect to such farm under section 302 (a) of the act.

[Short tons of sugar, 96° basis]

| Proportionate shares: | Tolerance |
|---|---|
| Not more than 15 | 1.0 |
| More than 15 but not more than 25 | 1.5 |
| More than 25 but not more than 40 | 2.0 |
| More than 40 but not more than 65 | 2.5 |
| More than 65 but not more than 100 | 3.0 |
| More than 100 but not more than 150 | 3.5 |
| More than 150 but not more than 300 | 4.0 |
| More than 300 but not more than 750 | 4.5 |
| More than 750 | (1) |

[1] 5.0 or ¼ of 1 percent of the proportionate share, whichever is larger.

(6) *Delegation.* Farm bases and farm proportionate shares shall be established by the Director of the Caribbean Area Office of the Production and Marketing Administration (herein referred to as "Director"), in accordance with this determination and instructions issued by the Assistant Administrator for Production, PMA.

(7) *Appeals.* A producer of sugarcane who believes that the proportionate share established for his farm pursuant to this determination is inequitable may, not later than 60 days after notice thereof is issued, file an appeal in writing with the Committee. The Committee may adjust such proportionate share by an amount deemed to be equitable, after consideration of the interest of such producer as related to the interests of all other producers, and shall notify such producer of its decision in writing as soon as practicable. If a producer is dissatisfied with the decision of the Committee, he may appeal in writing to the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., who may make such adjustment in the proportionate share as he deems necessary and his decision shall be final.

(b) *Sugar for payment.* For the purpose of determining payments pursuant to Title III of the act, the proportionate share established in accordance with this determination and the amount of sugar recoverable, 96° basis, from sugarcane of the 1953–54 crop marketed from the farm shall be converted to raw value on the basis of the average polarization of the sugar produced from 1953–54 crop sugarcane at the mill or mills where the sugarcane was processed. Such conversion shall be made in accordance with section 101 (h) of the act.

(c) *Share tenant and share cropper protection.* In addition to compliance with the proportionate share for the farm in accordance with this determination, eligibility for payment of any producer of sugarcane shall be subject to the following conditions:

(1) That the number of share tenants or share croppers engaged in the production of sugarcane of the 1953–54 crop on the farm shall not be reduced below the number so engaged with respect to the previous crop, unless such reduction is approved by the Director; and

(2) That such producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or share croppers would be entitled if their leasing or cropping agreements for the previous crop were in effect.

STATEMENT OF BASES AND CONSIDERATIONS

*Sugar act requirements.* Section 301 (b) of the act provides as a condition for payment to producers, that there shall not have been marketed (or processed) an amount (in terms of planted acreage, weight or recoverable sugar content) of sugarcane grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm, as determined by the Secretary, of the total quantity of sugarcane required to be processed to enable the area to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

Section 302 (a) of the act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed) not in excess of the proportionate share for the farm.

Section 302 (b) provides that in determining the proportionate share for a farm the Secretary may take into consideration the past production on the farm of sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugarcane, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or share croppers.

*General.* Pursuant to the foregoing provisions of the act, compliance with proportionate shares is required as one of the conditions for payment. Restrictive proportionate shares are authorized when the indicated sugar supply of an area exceeds the quantities needed to fill the quotas and provide a normal carryover inventory for such area.

In July 1952, when restrictions were imposed on the 1952–53 Puerto Rican crop, it appeared that carryover stocks into 1953 would approximate 335,000 tons. Due primarily to proration of deficits from other domestic areas during the latter part of 1952, the carryover was 250,000 tons. This carryover, together with the 1952–53 crop production of 1,182,000 tons, resulted in total 1953 supplies of 1,432,000 tons. Marketings under the increased mainland quota effective in 1953 and a deficit proration from the beet sugar area, and the sale of approximately 70,000 tons for use under foreign assistance programs of the U. S. Government leaves a prospective carryover into 1954 of 150,000 tons. Although a smaller carryover would be advantageous, it is not believed that a reduction should be accomplished by reducing the 1953–54 production below the sum of the mainland and anticipated local quotas.

*Situation indicated for 1954.* In light of the production prospects in other domestic areas, it now appears that deficit prorations to Puerto Rico in 1954, if any, will be small. Therefore, Puerto Rico's marketing opportunities for 1954 will closely approximate the sum of its mainland and local consumption quotas. Accordingly, this determination is designed to restrict the 1953–54 production to such sum. This production, together with the carryover into 1954, will enable the area to meet its 1954 quotas and provide a normal carryover into 1955.

*Public hearing.* In view of the importance of sugar production to the Puerto Rican economy and the effect of marketing restrictions, an informal public hearing was held in San Juan on August 12, 1953, to obtain the views of interested persons. In announcing the hearing on July 17, 1953, the Department suggested a method for establishing 1953–54 proportionate shares. This plan was presented and explained at the hearing by Department representatives. The hearing was attended by approximately 100 persons, eight of whom presented testimony. In addition, several briefs were submitted subsequently. While there was general concurrence with the method suggested by the Department, recommendations to modify certain provisions were presented. These related to small farms, minimum proportionate shares and to the proration of deficits in farm shares within mill areas. There appeared to be general agreement among those testifying at the hearing that the 1953–54 production should not be less than the sum of the Puerto Rican quotas and that the resulting carryover should be regarded as normal under the circumstances.



*Determination.* The basic adjustment factor of 0.89 was determined by subtracting the estimated 1953–54 production of sugar, raw value, resulting from the provisions relating to small farms, new farms, minimum shares and appeal adjustments from the total of the 1953–54 mainland and local quotas plus an allowance for probable deficits of marketings within individual farm shares, dividing the result by the total bases of the farms subject to the adjustment factor, and by converting the quotient to a 96° sugar basis.

The base period and the formula for establishing farm bases for the 1953–54 crop are the same as for the 1952–53 crop. The proportionate share for any new farm will be 200.0 hundredweight of sugar. The minimum proportionate share for any farm having a base will be 200.0 hundredweight. The minimum proportionate share for any farm without a base, but on which sugarcane was harvested in the 1952–53 crop season, will be the larger of 200.0 hundredweight or 50 percent of the estimated 1953–54 crop production on the farm. Moreover, if the 1952–53 proportionate share for any farm was adjusted under the appeals provision applicable to that crop, the 1953–54 proportionate share for such farm will be the same as the adjusted 1952–53 share unless other provisions result in a greater share or the Committee modifies the adjusted proportionate share.

While the proportionate shares for certain farms will be established pursuant to the minimum share provision, the shares for other old farms will be established as follows. The proportionate share for any farm having a base in excess of 400.0 hundredweight and production in all five years of the base period will be the larger of 400.0 hundredweight or the amount computed by applying the adjustment factor of 0.89 to such farm base. Since 1952–53 crop production has not been included in the base period, the adjustment factors to be applicable to farms with bases in excess of 400.0 hundredweight which did not have production in all of the years of the base period have been established so so as to give consideration to the 1952–53 production. For farms having production in only one, two, three or four years of the base period, the shares are to be computed by multiplying their farm bases (not production) by 125, 109, 100 and 94 percent, respectively. This will result in shares ranging from 50 percent of one year's production for farms having production in only one year of the base period to 94 percent of the farm bases for farms having 4 years of production in the base period. For example, for a farm having production in only one year of the base period, for which the farm base will be established at 40 percent of the one year's production and for which the proportionate share otherwise would be established at 35.6 percent of such production by use of the basic factor of 89 percent, the share will be established at 125 percent of the base, equaling 50 percent of such production. The proportionate share for any farm having a base not in excess of 400.0 hundredweight will be the farm base. For farms falling within this size group on which there was production in only one or two years of the base period, the proportionate shares will also reflect consideration for the 1952–53 crop production.

Certain persons who testified at the hearing proposed that only those farms with bases of 200.0 hundredweight or less should be exempted from adjustment and that the proposal of the Department to establish the proportionate share for any old farm at not less than 60 percent of the estimated 1953–54 production be modified substantially and made applicable only to farms on which production was started in 1952–53. The recommendations were made on the grounds that most growers should share in the restrictions and that farms with less than 5 years of production in the base period should not benefit unduly at the expense of other farms. However, almost two-thirds of the sugarcane farms in Puerto Rico produce less than 400.0 hundredweight each and they account for only about 6 percent of the total production. Accordingly, the exemption from adjustment of all farms producing less than 400.0 hundredweight will have a minor effect on the shares of the larger farms. In lieu of providing for a minimum share of 60 percent of the estimated 1953–54 production for all old farms, as originally proposed by the Department, provision has been made for the modification of the shares which would otherwise accrue to short-record farms and for minimum 50 percent shares for farms which were new farms under the 1952–53 program.

The proration of deficits in 1952–53 farm shares within mill areas resulted in inequities among producers. The 1952–53 procedure restricted the adjustments to producers within the mill area where the deficit occurred and in certain cases permitted such producers to harvest their entire crops, while producers in other mill areas were limited to their original proportionate shares. It appears that greater equity will result from an apportionment in the initial shares of an amount to offset the estimated total farm deficits for the 1953–54 crop. The increase in the basic adjustment factor from 87.65 percent for the 1952–53 crop to 89 percent for the 1953–54 crop results primarily from an allowance for such a deficit and increases proportionately the shares for farms throughout the Island.

Provision has been made for the consideration by the Committee of appeals for adjustments in proportionate shares as well as for further appeals to the Department. The provisions of the 1952–53 crop determination relating to marketing tolerances and share tenant and share cropper protection remain unchanged from the previous determination.

It is believed that this determination provides an equitable basis for establishing proportionate shares for the 1953–54 Puerto Rican sugarcane crop. Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153 Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. Sup. 1132)

Issued this 6th day of November 1953.

[SEAL] EZRA TAFT BENSON,
*Secretary of Agriculture.*

[F. R. Doc. 53-9552; Filed, Nov. 10, 1953; 8:54 a. m.]

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## Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1953–1954 FISCAL PERIOD

On October 14, 1953, notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 6547) regarding the expenses and rate of assessment for the 1953–1954 fiscal period under Marketing Agreement No. 96, as amended, and Order No. 55, as amended (7 CFR Part 955) regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass. This regulatory program is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to the amended marketing agreement and order), it is hereby found and determined that:

§ 955.207 *Expenses and rate of assessment for the 1953–1954 fiscal period.* (a) The expenses necessary to be incurred by the Administrative Committee, established pursuant to the provisions of the amended marketing agreement and order (§§ 955.1 to 955.80), for its maintenance and functioning during the fiscal period beginning August 1, 1953, will amount to $19,000.00; and the rate of assessment to be paid by each handler who first ships grapefruit shall be one and one-quarter cents ($0.0125) per standard box of fruit shipped by such handler as the first handler thereof during the said fiscal period. Such rate of assessment is hereby fixed as each such handler's pro rata share of the aforesaid expenses.

(b) As used in this section, "handler," "ship," "fruit," "fiscal period," and "standard box" shall each have the same meaning as is given to each such term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 6th day of November 1953, to be effective 30

days after the date of publication hereof in the FEDERAL REGISTER.

[SEAL] JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 53-9546; Filed, Nov. 10, 1953; 8:52 a. m.]

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PART 994—PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

GRADE AND SIZE REGULATION

Notice of proposed rule making with respect to an amendment of the existing regulation (16 F. R. 10801; 7 CFR, 1952 Rev., 994.102) on the basis of grades and sizes of unshelled pecans that may be handled pursuant to Marketing Agreement No. 111 and Order No. 94, regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina (7 CFR, 1952 Rev., Part 994), was published in the FEDERAL REGISTER of October 22, 1953 (18 F. R. 6721). Said marketing agreement and order are effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

In said notice, it was proposed to modify the presently effective grade and size regulation to permit handling for inshell distribution of lots of the Mahan variety of pecans which meet the requirements of U. S. Commercial grade, and an opportunity was afforded all interested persons to submit to the Department written data, views, or arguments for consideration prior to issuance of the final rule. The only document received in this connection, during the time specified in the notice, was a letter from a member of the pecan industry expressing the view that the proposed change should be made.

After consideration of all relevant matters, the existing grade and size regulation (16 F. R. 10801; 7 CFR, 1952 Rev., 994.102) is hereby amended to read as follows:

§ 994.102 *Grade and size regulation.* (a) In lieu of the initial grade and size regulation contained in § 994.4 (c) of the marketing agreement and order, no person shall handle, except as provided in § 994.4 (e) of the marketing agreement and order, any unshelled pecans:

(1) Unless such pecans have a count per pound of less than 91 nuts, and the 10 smallest nuts in a representative 100 nut sample weigh at least 1.5 ounces;

(2) In addition, meet requirements of the U. S. Commercial grade as established in the U. S. Standards for Pecans in the Shell (16 F. R. 5669), to read, as modified for the purposes of this grade and size regulation with respect to the minimum percentage of kernels required to meet the requirements of the U. S. No. 1 grade and the maximum tolerance for kernels which may be very seriously damaged, as set forth in subparagraph (3) of this paragraph: *Provided*, That pecans of the Mahan variety shall be required only to meet the requirements of the U. S. Commercial grade, as set forth in the aforesaid U. S. Standards for Pecans in the Shell, including the tolerances set forth therein;

(3) The pecans, other than those of the Mahan variety, shall consist of pecans in the shell which shells are free from serious damage caused by stains or adhering hulls, split, broken or punctured shells, loose hulls or other foreign material or other means. At least 75 percent, by count, of the pecans in any lot shall have kernels which meet the requirements of the U. S. No. 1 grade; and the remainder shall have kernels which are well cured, free from rancidity, mold, decay, insect injury, and from serious damage caused by shriveling, leanness, discoloration, or other means. In order to allow for variations incident to proper grading and handling, the following tolerances for pecans other than those of the Mahan variety shall be permitted:

(i) For external defects (defects of the shell) not more than 10 percent, by count, for pecans which fail to meet the requirements of the grade; and

(ii) For internal defects (defects of the kernel) not more than 15 percent, by count, for pecans which fail to meet the requirements of the grade: *Provided*, That no more than three-fifths of this amount, or 9 percent, shall be allowed for kernels which are very seriously damaged. No part of any tolerance shall be allowed to reduce, for the lot, the 75 percent of kernels required to meet the U. S. No. 1 grade.

It is hereby found that good cause exists for making this administrative rule effective upon its publication in the FEDERAL REGISTER, instead of waiting 30 days after such publication, for the reasons that: (1) It is desirable that the rule be made effective prior to, or as soon as practicable after, the handling of 1953 crop pecans begins; (2) the handling of such pecans has already begun in some districts in the five-State area covered by the regulation; and (3) compliance with this rule is a relaxation of the present regulation in respect to the Mahan variety of pecans, and will not make it necessary for handlers to make any advance preparation of a special nature.

(Sec. 5, 49 Stat. 31, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 6th day of November 1953, to become effective upon publication of this document in the FEDERAL REGISTER.

S. R. SMITH,
*Director,*
*Fruit and Vegetable Branch.*

[F. R. Doc. 53-9549; Filed, Nov. 10, 1953; 8:53 a. m.]

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## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, subparagraph (8) of § 6.323 (a) is amended, subparagraph (17) is added to § 6.312 (a), and § 6.336 (a) is added as set out below.

§ 6.312 *Department of Commerce*—(a) *Office of the Secretary.* * * *

(17) One Deputy Assistant Secretary of Commerce for Domestic Affairs.

§ 6.323 *Department of Health, Education, and Welfare*—(a) *Office of the Secretary.* * * *

(8) Two confidential secretaries to the Under Secretary.

§ 6.336 *Railroad Retirement Board*—(a) One administrative (confidential) assistant to the Chairman.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 53-9517; Filed, Nov. 10, 1953; 8:47 a. m.]

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## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

OPERATING LIMITATIONS

The purpose of this supplement is to set forth CAA policies regarding performance operating limitations for aircraft in the transport category. The following policies are hereby adopted.

§ 40.70–2 *Accuracy of data (CAA policies which apply to § 40.70 (b)).* The charts and data prepared by the air carrier for use of flight and operations personnel should be prepared with sufficient accuracy and clarity that the gross weight and runway length values for specific operating conditions can be reproduced within a tolerance of one-half of one percent by an independent recheck.

§ 40.70–3 *Temperature accountability (CAA policies which apply to § 40.70 (c)).* The maximum permissible weight for a given take-off should be equal to the lowest of three values determined separately by consideration of (a) accelerate-stop, (b) take-off and climb out to a 50-foot height and (c) the obstacle clearance condition. The established temperature accountability correction factors appearing in the Airplane Flight Manuals are applied to the take-off weights determined by the accelerate-stop and climb out to a 50-foot height. These values may be used individually or in combination, i. e., if a runway is considerably longer than is required to meet the accelerate-stop and climb out to 50 foot requirements at standard temperature, then at temperatures higher than standard, take-off weight need not be reduced as long as additional runway length is available. When the temperature reaches a value at which no additional runway length remains, then a reduction in weight would be necessary. These factors do not apply to weights determined by obstacle clearance considerations. If the take-off weight at standard temperature is limited by obstruction clearance rather than by the climb out to 50 feet or by the accelerate-stop distance, a weight reduction need not be made for temperatures higher than standard until the temperatures reach a high enough value to use up the existing runway between that used for standard temperature (limited to less than the full runway because of obstacles) and the actual length.



§ 40.71–1 *Weight limitations (CAA policies which apply to § 40.71).* The limitations imposed by § 40.71 take into account only one operating variable, i. e., the elevation of the airport to be used as it affects the weight of the aircraft during take-off or landing. Other operating variables, such as runway length, gradient, wind and temperature, are considered in other sections of this part. Compliance with this section does not present a particular problem since the Airplane Flight Manual provides performance data for airports over a wide range of elevations. However, most manuals do not provide data for operations at airports below sea level. Section 40.71 should not be construed as prohibiting operations from airports below sea level, since sea level data in the Airplane Flight Manual, being conservative, may be applied to such airports.

§ 40.72–1 *Take-off limitations to provide for engine failure (CAA policies which apply to § 40.72)*—(a) *Take-off flight path.* Figure 1 is a pictorial representation of the relationship required between the dimensions of an airport and its surroundings, and the performance of the airplane. It illustrates the take-off flight path defined by the airworthiness requirements.

(b) *Airport data.* Complete data concerning the airport dimensions and characteristics, such as runway lengths, runway gradients, obstruction heights and location, airport elevation, and the nature and condition of airport areas other than paved runways from which take-offs might be made, are necessary for the determination of permissible take-off weights. The most nearly complete and satisfactory source of such data is the series of Airport Obstruction Plans prepared by the U. S. Department of Commerce Coast and Geodetic Survey. However, their Airport Obstruction Plan series does not yet completely cover the airports used by air carrier operators of Transport Category airplanes, and in addition, the Obstruction Plans do not present any data showing the nature or condition of runway surfaces or other airport areas suitable for use in take-off and landing. Furthermore, the Obstruction Plans necessarily contain data which may be several months old and which may not completely conform to the existing obstructions. Therefore, it may be necessary, for the air carrier operator, to supplement its data with information obtained from other sources. However, gross weight data calculated on the basis of such data should be rechecked or recalculated as soon as appropriate data from the Coast and Geodetic Survey becomes available.

(c) *Runways.* (1) Normally, only paved runways will be approved for use in take-off. However, in some cases there may be a defined rectangular area hereinafter designated as a stopway at the end of a runway in the direction of take-off, selected and approved as a suitable area, in which the aircraft can be stopped after an interrupted take-off. The stopway should have the same width as the runway it augments. The stopway should be so prepared or constructed as to enable the aircraft to come to a stop on it without hazard at the operating speeds that might be expected in this area after an interrupted take-off. If it is desired to use a stopway to meet the "climb to a 50-foot height" requirement, the stopway should be suitable for the aircraft to traverse it at take-off speeds without hazard.

(2) In all cases the take-off should be assumed to begin on the paved runway and not on an unpaved area. No allowance need be made for the length of the airplane in determining what should be considered to be the proper point for beginning the take-off. Limitations established by the airport operator may make it necessary to stipulate that the beginning of the take-off area be at some point down the runway from the actual end of the paving.

(d) *Turns to avoid obstructions.* (1) Section 40.72 provides that after reaching a height of 50 feet, the aircraft may be turned with a bank not exceeding 15° to comply with the obstruction clearance criteria. Only one turn to a definite heading should be considered in detailing the take-off path.

(2) The radius of turn resulting from a banked turn of 15° may be determined from the following formula:

Radius of turn $= V^2 \times 0.25$ feet
where $V$ = climb speed in m. p. h., TAS

For example: At a climb speed of 120 m. p. h., the radius of turn for a 15° banked turn would be,

$$120 \times 120 \times 0.25 = 3600 \text{ feet}$$

The effects of wind in altering a flight path need not be considered unless they are large (¼ climb speed) and the angle of turn is more than 45° from the runway heading.

(e) *Effects of runway gradient.* (1) The gradient effect on the ground run may be calculated from the following formula:

$$S_G = S\left[\frac{1}{1-\left(\frac{2\,S\,g\,\sin a}{V_2^2}\right)}\right]$$

where
$S_G$ = length of ground run with gradient.
$S$ = length of ground run without gradient.
$g$ = acceleration of gravity = 32.2 (ft./sec.²).
$V_2$ = climb out speed, feet per second, True Air Speed.
$a$ = angle of grade with horizontal, uphill +, downhill −.

(2) The above formula is based on several simplifying assumptions, i. e., that a uniform grade exists, that the airplane is accelerated uniformly throughout the ground run, and that the speed $V_2$ may be used where the difference between $V_1$ and $V_2$ is not large. None of these assumptions may be exactly correct, but the errors introduced by making such assumptions are small provided the airplane acceleration and the actual point-to-point grade do not depart from the average values of those quantities by any great amount.

(3) The effect of gradient during the climb-out should be determined by comparing the airplane rate of climb with the change in runway elevation, to determine first the weight or wind condition at which the airplane clears the end of the runway and all obstacles by an actual 50 feet and second, that the airplane clears all points on the runway after take-off.

(4) For purposes of simplification in calculating the effect of runway gradient on the take-off flight path, an average gradient consisting of the difference in elevation of the two ends of the runway divided by the runway length may be used, provided that no intervening point on the runway lies more than 5 feet above or below a straight line joining the two ends of the runway. In this case, the gradient effects on the acceleration portion of the take-off flight path and for the accelerate-stop portion may be presented together in simple chart form without introducing excessive errors. However, the actual gradient should be used for the climb-out segments of the flight path and in no case should the gradient be greater than the first segment climb.

(5) In those cases in which intermediate points on the runway depart more than five feet from the mean line, the gradient effects on the acceleration portions, the deceleration portion, and the climb portion of the flight path should be computed separately. An average gradient may be assumed for the ground run portion of the problem because the error resulting therefrom is so small that a more rigorous treatment is not justified, provided a truly representative gradient is chosen. Where there are no reversals or significant changes in the runway slope during the ground run, the average may be taken to be the difference in elevation between the starting point and the point of attaining take-off climb speed, $V_2$, divided by the distance between the two points. However, if the gradient is not essentially constant, an average gradient should be assumed that more nearly parallels the high-speed portion of the acceleration run, since the gradient has a greater effect on the distance traversed at high speed. The average gradient selected in this way will usually serve for determining gradient effects on the acceleration distance in either the take-off flight path or the accelerate-stop distance. An average gradient should be determined in the same way in determining the gradient effects on the stopping distance, while the actual gradient should be determined in checking the climb segment to the 50-foot point.

(6) The operator may take advantage of the favorable effect of a downhill gradient on the take-off flight path, if he wishes, but the unfavorable effect of such a gradient on the stopping distance should be accounted for in all cases.

(f) *Effects of wind.* (1) Section 40.72 permits the use of 50 percent of the headwind component and requires consideration of 150 percent of any tailwind component. The effect of wind on runway requirements can be determined by use of the following equation:

(i) For all headwind components, and tailwind components of 10 m. p. h. or less.

$$S_w = S\left(\frac{V_2 - V_w}{V_2}\right)^{1.85}$$

where

$S_w$ = runway required with wind
$S$ = runway required, zero wind
$V_2$ = take-off safety speed (m. p. h.)
$V_w$ = + (0.5 × headwind component) or, − (1.5 × tailwind component)

(ii) If tailwind components in excess of 10 m. p. h. are approved, the equation will be:

$$S_w = S\left(\frac{V_2 - V_w}{V_2}\right)^2$$

Alternately, the exponent can be that which is determined to be appropriate to the separation of deceleration characteristics of the airplane type, as applicable.

(2) For steady wind conditions, the wind velocity and direction will be used in computing the effective headwind and tailwind components, and the maximum gust velocity and most unfavorable direction will be used in computing the crosswind component.

§ 40.76–1 *Special en route limitations (CAA policies which apply to § 40.76).* No attempt is made to classify specific types of navigational facilities as acceptable or unacceptable for the purposes of § 40.76, but each case will be examined on its own merits. In general, however, the facility should be of a type that gives the pilot a continuous fix of his position with an error of not more than two miles, or a continuous on-course indication with an error of not more than two miles, or a continuous indication of the bearing and distance of the obstacle from the airplane, with an accuracy adequate to allow the pilot to turn away from the obstacle with ample clearance. Any mechanical or electrical facilities that are to be acceptable should be thoroughly reliable regardless of weather or other operating conditions. Such considerations apply only for IFR operations.

§ 40.77–1 *Landing distance limitations; airport of destination (CAA policies which apply to § 40.77).* (a) Section 40.77 establishes two major considerations in determining the permissible landing weight at the airport of destination. The first is that the aircraft weight will be such on arrival that it can be landed within 60 percent of the effective landing length of the most favorable (normally the longest) runway in still air. This maximum weight for an airport aircraft configuration, once established, remains constant and cannot be exceeded, regardless of wind conditions.

(b) The second is that consideration be given to the maximum weight that will be permitted due to the necessity of using another runway because of the probable wind condition, ground handling characteristics of the aircraft, landing aids, etc. This consideration may result in a lower gross weight than permitted in paragraph (a) of this section, in which case, dispatch must be based on this lesser weight.

(c) The probable wind referred to in paragraph (b) of this section, is the wind forecasted to exist at the time of arrival.

(d) If the forecast conditions are such that consideration of the requirements in § 40.77 (b) would preclude a landing at the intended destination, the aircraft may be dispatched if an alternate airport is designated which permits compliance with § 40.78.

(e) (1) If a flight has been properly dispatched, but arrives at the destination with a weight higher than anticipated due to unexpected wind conditions or fuel consumption, § 40.77 (b) should not be construed as prohibiting a landing at the overweight condition, provided the crosswind and/or tailwind operating limitations are not exceeded.

(2) If conditions are such that the crosswind and/or tailwind limitations will be exceeded, the flight must proceed to its alternate, if one has been named to meet the requirements of § 40.77 (b). However, if an alternate was not provided, and upon arrival the wind conditions were such that the crosswind and/or tailwind limitations would be exceeded, the pilot should exercise the authority granted him in § 40.360 (a).

(f) For application of the wind components as allowed in § 40.77 (b), refer to § 40.72–1 (g).

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, 49 U. S. C. 551, 554)

This supplement shall become effective January 1, 1954. However, under Special Regulation 393A, published on October 1, 1953, in 18 F. R. 6258, the Administrator may, upon application, amend the operations specifications of an air carrier coming under the provisions of Part 40, effective January 1, 1954, to authorize such air carrier to operate, prior to January 1, 1954, in compliance with selected provisions of Part 40, effective January 1, 1954, in lieu of the equivalent provision of presently effective Parts 40 and 61.

[SEAL] S. A. KEMP,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9507; Filed, Nov. 10, 1953; 8:45 a. m.]

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 65]

### PART 608—DANGER AREAS

#### ALTERATION

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.29, an Otis Air Force Base, Falmouth, Massachusetts, temporary area is added to read:

| Name and location | Description by geographical coordinates | Designated altitudes | Time of designation | Using agency |
|---|---|---|---|---|
| OTIS AIR FORCE BASE (Falmouth). | Within a 250 nautical mile radius of Otis Air Force Base, Falmouth, Mass., excluding that portion lying outside the boundary of the United States, and excluding that portion lying beyond the 3 nautical mile limit of the shoreline. | 26,000 feet MSL to unlimited. (NOTE: Military aircraft will be operating without lights between such altitudes.) | Dusk to dawn, commencing on the following dates: Nov. 7, 8, 11, 13, 14, 16, 17, 19, 20, 24, 30, 1953. | Otis AFB, Falmouth, Mass. |

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on November 7, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9503; Filed, Nov. 6, 1953; 4:10 p. m.]

[Amdt. 49]

### PART 610—MINIMUM EN ROUTE IFR ALTITUDES

#### MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

1. Section 610.102 *Amber civil airway No. 2* is amended to eliminate:

| From— | To— | Minimum altitude |
|---|---|---|
| Umiat, Alaska (LFR). | Point Barrow, Alaska (LFR).[1] | 2,500 |

[1] 11,000'—Minimum crossing altitude at Point Barrow (LFR), Southeast-bound.



2. Section 610.237 *Red civil airway No. 37* is amended to eliminate:

| From— | To— | Minimum altitude |
|---|---|---|
| Int. [illegible] Huntington, W. Va. (LFR), and W. [illegible] Charleston, W. Va. (VAR). | Charleston, W. Va. (VAR). | 2,500 |

3. Section 610.267 *Red civil airway No. 67* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| [illegible]lus, Ga. (LFR) | Madras (INT), Ga. | 2,400 |

4. Section 610.284 *Red civil airway No. 84* is amended to eliminate:

| From— | To— | Minimum altitude |
|---|---|---|
| [illegible]lus (Lawson AFB), Ga. (LFR). | Int. SW crs. Atlanta, Ga. (LFR), and S crs. Campbellton, Ga. (LFR). | 2,400 |

5. Section 610.302 *Red civil airway No. 102* is added to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Int. [illegible] crs. Louisville, Ky. (LFR), and SW [illegible] Int. Lexington, Ky. (LFR) [illegible] Ky. (LF [illegible] R[illegible]). | Lexington, Ky. (LFR). | 2,200 |
| [illegible]ton, Ky. (LF[illegible] | Int. E crs. Louisville, Ky. (LFR), and SW crs. Huntington, W. Va. (LFR). | 2,500 |

6. Section 610.602 *Blue civil airway No. 2* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| [illegible], Pa. (LFR) | Butler, Pa. (LF[illegible] RBN). | 3,000 |
| [illegible] Pa. (LF RBN) | Parkes [illegible] (INT), Pa. | 2,000 |
| [illegible] (INT), Pa. | Erie, Pa. (LFR) | 3,000 |

7. Section 610.621 *Blue civil airway No. 21* is amended to eliminate:

| From— | To— | Minimum altitude |
|---|---|---|
| Stephen[illegible]ville (INT), [illegible] | Lexington, Ky. (LF, RBN). | 2,200 |
| [illegible]ton, Ky. (LF/[illegible]). | Int. W crs. Huntington, W. Va. (LFR), and E crs. Louisville, Ky. (LFR). | 2,500 |

8. Section 610.628 *Blue civil airway No. 28* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Spartanburg, S. C. (LF R). | Int. 50°–238° mag. brg. Asheville, N. C. (LF/ RBN) and NW crs. Spartanburg, S. C. (LFR). | 6,300 |
| Int. 58°–238° mag. brg. Asheville, N. C. (LF/ RBN), and NW crs. Spartanburg, S. C. (LFR). | Int. NW crs. Spartanburg, S. C. (LFR), and NE crs. Knoxville, Tenn. (LFR). | 8,000 |

9. Section 610.6038 *VOR civil airway No. 38* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Elkins, W. Va. (VOR | Montebello, Va. (VOR). | 6,000 |

10. Section 610.6040 *VOR civil airway No. 40* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Mellma (INT), Ohio. | Bergholz (INT), Ohio | 2,500 |

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective November 17, 1953.

[SEAL] S. A. KEMP,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9506; Filed, Nov. 10, 1953; 8:45 a. m.]

# TITLE 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

### Subchapter A—Income and Excess Profits Taxes

[T. D. 6047]

### PART 7—TAXATION PURSUANT TO TREATIES

#### SUBPART—CANADA

#### WITHHOLDING REGULATIONS WITH RESPECT TO U. S.-CANADA INCOME TAX CONVENTION

Release or refund of excess tax withheld, and exemption from, or reduction in rate of, withholding under sections 143 and 144 of the Internal Revenue Code in the case of residents of Canada and of corporations organized under the laws of Canada, as affected by the income tax convention and protocol between the United States and Canada proclaimed by the President of the United States of America on June 17, 1942, and amended by the supplementary convention between such Governments proclaimed by the President on November 29, 1951.

On August 6, 1953, there was published in the FEDERAL REGISTER (18 F. R. 4620) a notice of proposed rule making containing withholding regulations with respect to the income tax convention between the United States and Canada, signed March 4, 1942, as modified and supplemented by the supplementary convention between such Governments, signed June 12, 1950. No objection to the rules proposed having been received, the regulations set forth below are hereby adopted:

Sec.
7.45 Introductory.
7.46 Dividends.
7.47 Interest.
7.48 Copyright royalties.
7.49 Natural resource royalties, real property rentals, salaries, wages, emoluments, etc.
7.50 Pensions and life annuities.
7.51 Exempt organizations.
7.52 Release of excess tax withheld at source.
7.53 Addressee not actual owner.
7.54 Return of tax withheld and information to be furnished in ordinary course.
7.55 Beneficiaries of a domestic estate or trust.
7.56 Refund of excess tax withheld prior to 1954.
7.57 Prior regulations.

AUTHORITY: §§ 7.45 to 7.57 issued under 53 Stat. 32, 467; 26 U. S. C. 62, 3791.

§ 7.45 *Introductory.* (a) The income tax convention and protocol between the United States and Canada, signed March 4, 1942, and proclaimed by the President of the United States on June 17, 1942, as modified and supplemented by the supplementary convention between such Governments, signed June 12, 1950, and proclaimed by the President on November 29, 1951, referred to in this subpart as the convention, provides in part as follows, effective for taxable years beginning on or after January 1, 1951:

* * * * *

ARTICLE VI A

Pensions (including Government pensions) and life annuities derived from within one of the contracting States by a resident of the other contracting State shall be exempt from taxation in the former State.

* * * * *

ARTICLE X

Income derived from sources within one of the contracting States by a religious, scientific, literary, educational, or charitable organization of the other contracting State shall be exempt from taxation in the State from which the income is derived if, within the meaning of the laws of both contracting States, such organization would have been exempt from income tax.

ARTICLE XI

1. The rate of income tax imposed by one of the contracting States, in respect of income derived from sources therein, upon individuals residing in, or corporations organized under the laws of, the other contracting State, and not having a permanent establishment in the former State, shall not exceed 15 percent for each taxable year.

2. Notwithstanding the provisions of paragraph 1 of this Article, income tax in excess

of 5 percent shall not be imposed by one of the contracting States in respect of dividends paid by a subsidiary corporation organized under the laws of such State, or of a political subdivision thereof, to a parent corporation organized under the laws of the other contracting State, or of a political subdivision thereof: Provided, however, That this paragraph shall not apply if the competent authority in the former State is satisfied that the corporate relationship between the two corporations has been arranged or is maintained primarily with the intention of taking advantage of this paragraph.

3. Notwithstanding the provisions of Article XXII of this Convention, paragraph 1 or paragraph 2, or both, of this Article, may be terminated without notice on or after the termination of the three-year period beginning with the effective date of this Convention by either of the contracting States imposing a rate of income tax in excess of the rate of 15 percent prescribed in paragraph 1 or in excess of the rate of 5 percent prescribed in paragraph 2.

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ARTICLE XII

1. Dividends and interest paid by a corporation organized under the laws of Canada to a recipient, other than a citizen or resident of the United States of America or a corporation organized under the laws of the United States of America, shall be exempt from all income taxes imposed by the United States of America.

2. Dividends and interest paid by a corporation organized under the laws of the United States of America whose business is not managed and controlled in Canada to a recipient, other than a resident of Canada or a corporation whose business is managed and controlled in Canada, shall be exempt from all taxes imposed by Canada.

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ARTICLE XIII A

1. A resident or corporation organized under the laws of Canada deriving from sources within the United States of America rentals from real property may elect for any taxable year to be subject to the tax imposed by the United States of America on a net basis as if such resident or corporation were engaged in trade or business within the United States of America through a permanent establishment therein during such taxable year.

2. Rentals from real property derived from sources within Canada by an individual or corporation resident in the United States of America shall receive tax treatment by Canada not less favorable than that accorded under Section 99, The Income Tax Act, as in effect on the date on which this Article goes into effect.

• • • • •

ARTICLE XIII C

Royalties for the right to use copyrights or in respect of the right to produce or reproduce any literary, dramatic, musical, or artistic work (but not inclusive of rents or royalties in respect of motion picture films) derived from sources within one of the contracting States by a resident or corporation or other entity of the other contracting State not engaged in trade or business in the former State through a permanent establishment shall be exempt from tax imposed by such former State.

• • • • •

ARTICLE XVIII

The competent authorities of the two contracting States may prescribe regulations to carry into effect the present Convention within the respective States and rules with respect to the exchange of information.

The competent authorities of the two contracting States may communicate with each other directly for the purpose of giving effect to the provisions of the present Convention.

• • • • •

ARTICLE XIX

With a view to the prevention of fiscal evasion, each of the contracting States undertakes to furnish to the other contracting State, as provided in the succeeding Articles of this Convention, the information which its competent authorities have at their disposal or are in a position to obtain under its revenue laws in so far as such information may be of use to the authorities of the other contracting State in the assessment of the taxes to which this Convention relates.

The information to be furnished under the first paragraph of this Article, whether in the ordinary course or on request, may be exchanged directly between the competent authorities of the two contracting States.

ARTICLE XX

1. The competent authorities of the United States of America shall forward to the competent authorities of Canada as soon as practicable after the close of each calendar year the following information relating to such calendar year:

The names and addresses of all persons whose addresses are within Canada and who derive from sources within the United States of America dividends, interest, rents, royalties, salaries, wages, pensions, annuities, or other fixed or determinable annual or periodical profits and income, showing the amount of such profits and income in the case of each addressee.

• • • • •

ARTICLE XXI

1. If the Minister in the determination of the income tax liability of any person under any of the revenue laws of Canada deems it necessary to secure the cooperation of the Commissioner, the Commissioner may, upon request, furnish the Minister such information bearing upon the matter as the Commissioner is entitled to obtain under the revenue laws of the United States of America.

• • • • •

ARTICLE XXII

This Convention and the accompanying Protocol which shall be considered to be an integral part of the Convention shall be ratified and the instruments of ratification shall be exchanged at Washington as soon as possible.

This Convention and Protocol shall become effective on the first day of January 1941. They shall continue effective for a period of three years from that date and indefinitely after that period, but may be terminated by either of the contracting States at the end of the three-year period or at any time thereafter provided that, except as otherwise specified in the case of Article XI, at least six months prior notice of termination has been given, the termination to become effective on the first day of January following the expiration of the six-month period.

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PROTOCOL

At the moment of signing the Convention for the avoidance of double taxation, and the establishment of rules of reciprocal administrative assistance in the case of income taxes, this day concluded between the United States of America and Canada, the undersigned plenipotentiaries have agreed upon the following provisions and definitions:

1. The taxes referred to in this Convention are:

(a) For the United States of America: the Federal income taxes, including surtaxes, and excess-profits taxes.

(b) For Canada: the Dominion income taxes, including surtaxes, and excess-profits taxes.

2. In the event of appreciable changes in the fiscal laws of either of the contracting States, the Governments of the two contracting States will consult together.

3. As used in this Convention:

(a) The terms "person," "individual" and "corporation", shall have the same meanings, respectively, as they have under the revenue laws of the taxing State or the State furnishing the information, as the case may be;

(b) The term "enterprise" includes every form of undertaking, whether carried on by an individual, partnership, corporation or any other entity;

(c) The term "enterprise of one of the contracting States" means, as the case may be, "United States enterprise" or "Canadian enterprise";

(d) The term "United States enterprise" means an enterprise carried on in the United States of America by an individual resident in the United States of America, or by a corporation, partnership or other entity created or organized in or under the laws of the United States of America, or of any of the States or Territories of the United States of America;

(e) The term "Canadian enterprise" is defined in the same manner mutatis mutandis as the term "United States enterprise";

(f) The term "permanent establishment" includes branches, mines and oil wells, farms, timber lands, plantations, factories, workshops, warehouses, offices, agencies and other fixed places of business of an enterprise, but does not include a subsidiary corporation. The use of substantial equipment or machinery within one of the contracting States at any time in any taxable year by an enterprise of the other contracting State shall constitute a permanent establishment of such enterprise in the former State for such taxable year.

When an enterprise of one of the contracting States carries on business in the other contracting State through an employee or agent established there, who has general authority to contract for his employer or principal or has a stock of merchandise from which he regularly fills orders which he receives, such enterprise shall be deemed to have a permanent establishment in the latter State.

The fact that an enterprise of one of the contracting States has business dealings in the other contracting State through a commission agent, broker or other independent agent or maintains therein an office used solely for the purchase of merchandise shall not be held to mean that such enterprise has a permanent establishment in the latter State.

4. The term "Minister", as used in this Convention, means the Minister of National Revenue of Canada or his duly authorized representative. The term "Commissioner", as used in this Convention, means the Commissioner of Internal Revenue of the United States of America, or his duly authorized representative. The term "competent authority", as used in this Convention, means the Commissioner and the Minister and their duly authorized representatives.

5. The term "United States of America", when used in a geographical sense, includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia. The term "Canada" when used in a geographical sense means the Provinces, the Territories and Sable Island.

6. The term "subsidiary corporation" as used in Article XI of this Convention means a corporation 95 percent of whose shares (other than Directors' qualifying shares) having full voting rights are beneficially



owned by another corporation, provided that (except in the case of a corporation the chief business of which is the making of loans) ordinarily not more than one-quarter of the gross income of such subsidiary corporation is derived from interest and dividends other than interest and dividends received from its subsidiary corporations.

7. (a) The term "rentals and royalties" referred to in Article II of this Convention shall include rentals or royalties arising from leasing real or immovable, or personal or movable property or from any interest in such property, including rentals or royalties for the use of, or for the privilege of using, patents, copyrights, secret processes and formulae, goodwill, trade marks, trade brands, franchises and other like property;

(b) The term "interest", as used in this Convention, shall include income arising from interest-bearing securities, public obligations, mortgages, hypothecs, corporate bonds, loans, deposits and current accounts;

(c) the term "dividends", as used in this Convention, shall include all distributions of the earnings or profits of corporations.

8. The term "pensions" referred to in Article VI A of this Convention means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

9. The term "life annuities" referred to in Article VI A of this Convention means a stated sum payable periodically at stated times, during life, or during a specified number of years, under an obligation to make the payments in consideration of a gross sum or sums paid by the recipient or under a contributory retirement plan.

10. The term "permanent establishment" as used in Article XI of this Convention, shall not be deemed to include an office used solely for the purchase of merchandise.

11. The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

12. The citizens of one of the contracting States residing within the other contracting State shall not be subjected to the payment of more burdensome taxes than the citizens of such other State.

• • • • •

(b) As used in this subpart, any term defined in the convention shall have the meaning so assigned to it; any term not so defined shall have the meaning which such term has under the Internal Revenue Code.

§ 7.46 *Dividends*—(a) *General.* (1) The rate of United States income tax upon dividends derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of Canada, or by a corporation organized under the laws of Canada, shall not exceed 15 percent of the gross amount thereof for each taxable year under the provisions of Article XI of the convention if such alien or corporation at no time during the taxable year in which such dividends are derived has a permanent establishment in the United States. As to what constitutes a permanent establishment, see paragraphs (3) (f) and (10) of the protocol.

(2) Thus, if a nonresident alien individual who is a resident of Canada performs personal services within the United States during the taxable year, but has at no time during such year a permanent establishment within the United States, he is entitled to the reduced rate of tax with respect to dividends derived in that year from United States sources, as provided in Article XI of the convention, even though under the provisions of section 211 (b) of the Internal Revenue Code he has engaged in trade or business within the United States during such year by reason of his having rendered personal services therein.

(3) For provisions pertaining to dividends derived from sources within the United States by exempt organizations, see § 7.51.

(b) *Dividends paid by related corporation.* (1) Under the provisions of Article XI (2) of the convention, dividends derived from sources within the United States and paid by a corporation organized under the laws of the United States, or of a political subdivision thereof, to a parent corporation organized under the laws of Canada, or of a political subdivision thereof, which beneficially owns at the time the dividend is paid 95 percent or more of the shares (other than Directors' qualifying shares) of the paying corporation which have full voting rights are, when received in taxable years beginning on or after January 1, 1951, subject to United States income tax at a rate not in excess of 5 percent if (i) ordinarily not more than 25 percent of the gross income of the paying corporation for the three-year period immediately preceding the taxable year in which the dividend is paid consists of dividends and interest (other than dividends and interest received by such paying corporation from its own subsidiary corporations, if any), (ii) the Commissioner of Internal Revenue is satisfied that the relationship between the paying corporation and the parent corporation has not been arranged or maintained primarily with the intention of securing the reduced rate of 5 percent, and (iii) the parent corporation at no time during the taxable year in which such dividends are derived has a permanent establishment in the United States. The condition set forth under subdivision (i) of this subparagraph (relating to the character of the income) shall not apply, however, in the case of a paying corporation the chief business of which is the making of loans.

(2) Any domestic corporation which claims or contemplates claiming that dividends paid or to be paid by it are subject to such rate not in excess of 5 percent shall file the following information with the Commissioner of Internal Revenue as soon as practicable: (i) The date and place of its organization; (ii) the number of outstanding shares of stock of the domestic corporation having voting power and the voting power thereof; (iii) the person or persons beneficially owning such stock of the domestic corporation and their relationship to the Canadian corporation; (iv) the amount of the gross income by years of the domestic corporation for the three-year period immediately preceding the taxable year in which the dividend is paid; (v) the amount of interest and dividends by years included in the gross income of the domestic corporation, and the amount of interest and dividends by years received by such corporation from its own subsidiary corporations, if any; and (vi) the relationship between the domestic corporation and the Canadian corporation deriving the dividend from sources within the United States.

(3) As soon as practicable after such information is filed, the Commissioner will determine whether the dividends concerned fall within the scope of the provisions of Article XI (2) of the convention and may authorize the release or refund of excess tax withheld with respect to dividends which come within such provisions. For additional requirements respecting the refund of excess tax withheld prior to 1954, see § 7.56.

(4) In any case in which the Commissioner has notified the domestic corporation that the dividends fall within the scope of the provisions of Article XI (2) of the convention, the reduced withholding rate of 5 percent, to the extent withholding of United States income tax is required, shall apply to any dividends subsequently paid by such corporation to the Canadian corporation, unless the stock ownership of the domestic corporation, or the character of its income, materially changes; or unless the Commissioner determines that the relationship between the two corporations concerned is being maintained primarily with the intention of securing the reduced rate of tax. In such instance, if such change in stock ownership or character of income occurs, the domestic corporation shall promptly notify the Commissioner of the then existing facts with respect thereto. The continued application of the rate not in excess of 5 percent is also dependent upon the continued fulfillment of subparagraph (1) (iii) of this paragraph.

(c) *Effect of address in Canada on withholding in the case of dividends.* For the purpose of withholding of United States income tax in the case of dividends every nonresident alien (including a nonresident alien individual, fiduciary, and partnership) whose address is in Canada shall be deemed by United States withholding agents to be a nonresident alien who is a resident of Canada not having a permanent establishment in the United States; and every foreign corporation whose address is in Canada shall be deemed by such withholding agents to be a corporation organized under the laws of Canada and not having a permanent establishment in the United States.

(d) *Rate of withholding.* (1) Withholding at source in the case of dividends derived from sources within the United States and paid on or after January 1, 1954, to nonresident aliens (including a nonresident alien individual, fiduciary, and partnership) and to foreign corporations, whose addresses are in Canada, shall be at the rate of 15 percent in every case except that in which, prior to the date of payment of such dividends, (i) the Commissioner of Internal Revenue has notified (a) the domestic corporation (pursuant to paragraph (b) of this section) that such dividends fall within the scope of the provisions of Article XI (2) of the convention or (b) the

withholding agent that the reduced rate of withholding shall not apply, or (ii) the withholding agent has received the letter of notification prescribed in § 7.51 (b).

(2) The preceding provisions of this subpart respecting the application of the reduced withholding rate in the case of dividends paid to nonresident aliens and foreign corporations with addresses in Canada are based upon the assumption that the payee of the dividend is the actual owner of the capital stock from which the dividend is derived and consequently is the person liable to United States income tax upon such dividend. As to action by the recipient who is not the owner of the dividend, see § 7.53.

(3) The rate at which United States tax has been withheld from any dividend paid at any time after the expiration of the thirtieth day after the date on which this subpart is published in the FEDERAL REGISTER to any person whose address is in Canada at the time the dividend is paid shall be shown either in writing or by appropriate stamp on the check, draft, or other evidence of payment, or on an accompanying statement.

(4) In the case of dividends paid on or after January 1, 1951, by a corporation organized under the laws of Canada no withholding of United States income tax is required. See Article XII (1) of the convention.

(e) *Definition of dividend.* Under paragraph 7 (c) of the protocol, the term "dividends", as used in the convention, includes all distributions of the earnings or profits of corporations.

§ 7.47 *Interest*—(a) *General.* (1) The rate of United States income tax upon interest on bonds, securities, notes, debentures, or on any other form of indebtedness, including interest on obligations of the United States, obligations of instrumentalities of the United States, and mortgages and bonds secured by real property, which is derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of Canada, or by a corporation organized under the laws of Canada, shall not exceed 15 percent of the gross amount thereof for each taxable year under the provisions of Article XI of the convention if such alien or corporation at no time during the taxable year in which such interest is derived has a permanent establishment in the United States. As to what constitutes a permanent establishment, see paragraphs 3 (f) and 10 of the protocol.

(2) For provisions pertaining to interest derived from sources within the United States by exempt organizations, see § 7.51.

(b) *Application of reduced rate at source.* (1) To secure the reduced rate of United States income tax at source in the case of coupon bond interest, the nonresident alien who is a resident of Canada or the corporation organized under the laws of Canada shall for each issue of bonds file Form 1001–C in duplicate when presenting the interest coupons for payment. This form shall be signed by the owner of the interest, trustee, or agent and shall show the name and address of the obligor, the name and address of the owner of the interest, and the amount of the interest. It shall contain a statement that the owner (i) is a resident of Canada, or is a corporation organized under the laws of Canada, and (ii) has no permanent establishment in the United States.

(2) The reduction in the rate of United States income tax contemplated by Article XI of the convention, insofar as it concerns coupon bond interest, is applicable only to the owner of the interest. The person presenting the coupon or on whose behalf it is presented shall, for the purpose of the reduction in tax, be deemed to be the owner of the interest only if he is, at the time the coupon is presented for payment, the owner of the bond from which the coupon has been detached. If the person presenting the coupon or on whose behalf it is presented is not the owner of the bond, Form 1001, and not Form 1001–C, shall be executed.

(3) The original and duplicate of Form 1001–C shall be forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland, with the quarterly return on Form 1012. See § 39.143–7 of this chapter (Regulations 118). Form 1001–C shall be listed on Form 1012.

(4) For general provisions pertaining to the use, without reference to the provisions of the convention, of ownership certificate, Form 1001, by nonresident aliens and nonresident foreign corporations, see §§ 39.143–4 and 39.143–6 of this chapter.

(5) To secure the reduced rate of United States income tax at source in the case of interest, other than coupon bond interest, the nonresident alien who is a resident of Canada or the corporation organized under the laws of Canada shall file Form 1001–A–C in duplicate with the withholding agent in the United States. This form shall be signed by the owner of the interest, trustee, or agent and shall show the name and address of the obligor and the name and address of the owner of the interest. It shall contain a statement that the owner (i) is a resident of Canada, or is a corporation organized under the laws of Canada, and (ii) has no permanent establishment in the United States.

(6) Form 1001A–C shall be filed with the withholding agent for each successive three-calendar-year period during which such interest is paid. For this purpose, the first such period shall commence with the beginning of the calendar year in which such income is first paid on or after January 1, 1954. Each such form filed with any withholding agent shall be filed not later than 20 days preceding the date of the first payment within each successive period, or, if that is not possible because of special circumstances, as soon as possible after such first payment. Once such a form has been filed in respect of any three-calendar-year period, no additional Form 1001A–C need be filed in respect thereto unless the Commissioner of Internal Revenue notifies the withholding agent that another such form shall be filed by the taxpayer. If, after filing such form, the taxpayer ceases to be eligible for the benefit of Article XI of the convention, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the interest as recorded on the books of the payer, the reduction in rate of withholding of United States income tax shall no longer apply unless a Form 1001A–C is duly executed and filed with the withholding agent by the new owner of record of such interest.

(7) The duplicate of each Form 1001A–C (and letter) shall be immediately forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland.

(8) In the case of interest paid on or after January 1, 1951, by a corporation organized under the laws of Canada no withholding of United States income tax is required. See Article XII (1) of the convention.

(c) *Definition of interest.* Under paragraph 7 (b) of the protocol, the term "interest", as used in the convention, includes income arising from interest-bearing securities, public obligations, mortgages, hypothecs, corporate bonds, loans, deposits, and current accounts.

§ 7.48 *Copyright royalties*—(a) *General.* (1) Royalties for the right to use copyrights or in respect of the right to produce or reproduce any literary, dramatic, musical, or artistic work which are derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of Canada, or by a Canadian corporation or other entity, are exempt from United States tax under the provisions of Article XIII C of the convention if such alien, corporation, or other entity at no time during the taxable year in which such royalties are derived is engaged in trade or business within the United States through a permanent establishment situated therein. Such royalties are, therefore, not subject to the withholding of United States tax at source. As to what constitutes a permanent establishment, see paragraph 3 (f) of the protocol.

(2) The provisions of this section shall have no application to rents or royalties in respect of motion picture films. For provisions pertaining to royalties derived from sources within the United States by exempt organizations, see § 7.51.

(b) *Application of exemption from withholding.* (1) To avoid withholding of United States tax at the source in the case of the royalties to which paragraph (a) of this section is applicable, the nonresident alien who is a resident of Canada, or the Canadian corporation or other entity, shall file Form 1001A–C in duplicate with the withholding agent in the United States. The provisions of § 7.47 (b) relating to the execution, filing, and effective period of such form with respect to interest are equally applicable with respect to the income falling within the scope of this section.

(2) The duplicate of each Form 1001A–C (and letter) shall be immediately forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland.

§ 7.49 *Natural resource royalties, real property rentals, salaries, wages, emoluments, etc.*—(a) *General.* (1) Under Article XI of the convention the rate of United States income tax imposed upon natural resource royalties, real property rentals, salaries, wages, emoluments, premiums, compensations, remunerations, and other gains, profits, and income (other than gains, profits, and income otherwise exempt from United States income tax under the convention) which are derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of Canada, or by a corporation organized under the laws of Canada, shall not exceed 15 percent of the gross amount of such items for each taxable year if such alien or corporation at no time during the taxable year in which such items are derived has a permanent establishment in the United States. As to what constitutes a permanent establishment, see paragraphs 3 (f) and 10 of the protocol.

(2) For the application of the reduced rate of United States income tax at source with respect to dividends and interest, see §§ 7.46 and 7.47, respectively. For the application of the exemption from United States tax at source with respect to copyright royalties, pensions, and life annuities, see §§ 7.48 and 7.50, respectively. For provisions pertaining to income derived from sources within the United States by exempt organizations, see § 7.51.

(b) *Application of reduced rate at source.* (1) To secure the reduced rate of United States income tax at source in the case of the items of income to which paragraph (a) of this section is applicable, the nonresident alien who is a resident of Canada or the corporation organized under the laws of Canada shall file Form 1001A–C in duplicate with the withholding agent in the United States. The provisions of § 7.47 (b) relating to the execution, filing, and effective period of such form with respect to interest are equally applicable with respect to the income falling within the scope of this section.

(2) The provisions of this paragraph shall have no application in the case of wages paid to nonresident aliens who are residents of Canada and who enter and leave the United States at frequent intervals. See § 405.102 (g) of this chapter (Regulations 116). The provisions of § 39.143–3 of this chapter (Regulations 118) relating to the allowance of the exemptions under section 25 (b) on a prorated basis, when determining the tax to be withheld at source with respect to remuneration for labor or personal services performed within the United States by a nonresident alien, shall have no application when a Form 1001A–C has been filed with the withholding agent pursuant to this paragraph with respect to such remuneration.

(3) The duplicate of each Form 1001A–C (and letter) shall be immediately forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland.

§ 7.50 *Pensions and life annuities*—(a) *General.* Private and government pensions, and life annuities, derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a nonresident alien individual who is a resident of Canada are exempt from United States tax under the provisions of Article VI A of the convention. Such items of income are, therefore, not subject to the withholding of United States tax at source.

(b) *Application of exemption from withholding.* (1) To avoid withholding of United States tax at source in the case of the items of income to which paragraph (a) of this section is applicable, the nonresident alien individual who is a resident of Canada shall notify the withholding agent by letter in duplicate that such income is exempt from United States tax under the provisions of Article VI A of the convention. The letter of notification shall be signed by the owner of the income, shall show the name and address of both the payer and the owner of the income, and shall contain a statement that the owner, an individual, is neither a citizen nor a resident of the United States but is a resident of Canada.

(2) If such letter is also to be used as authorization for the release, pursuant to § 7.52 (a), of excess tax withheld from such items of income, it shall also contain a statement that the owner was, at the time when the income was received from which the excess tax was withheld, neither a citizen nor a resident of the United States but was a resident of Canada.

(3) This letter shall constitute authorization for the payment of such items of income without withholding of United States tax at source unless the Commissioner of Internal Revenue subsequently notifies the withholding agent that the tax shall be withheld with respect to payments of such items of income made after receipt of such notice. If, after filing a letter of notification, the owner of the income ceases to be eligible for the exemption from United States tax provided by the convention in respect to such income, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of such income as recorded on the books of the payer, the exemption from withholding of United States tax shall no longer apply unless a letter of notification is duly executed and filed with the withholding agent by the new owner of record of such income.

(4) Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland.

(c) *Definition of pensions and life annuities.* (1) Under paragraph 8 of the protocol, the term "pensions", as used in Article VI A of the convention, means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

(2) Under paragraph 9 of the protocol, the term "life annuities", as used in Article VI A of the convention, means a stated sum payable periodically at stated times, during life, or during a specified number of years, under an obligation to make the payments in consideration of a gross sum or sums paid by the recipient or under a contributory retirement plan.

§ 7.51 *Exempt organizations*—(a) *General.* (1) Income derived from sources within the United States and received in taxable years beginning on or after January 1, 1951, by a religious, scientific, literary, educational, or charitable organization of Canada is exempt from United States tax under the provisions of Article X of the convention if, within the meaning of the laws of both the United States and Canada, such organization would have been exempt from income tax.

(2) Paragraph 11 of the protocol provides that the provisions of the convention shall not be construed to restrict in any manner any exemption, deduction, credit, or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such State. In view of the provisions of such paragraph, the provisions of section 101 of the Internal Revenue Code, relating to exemptions from tax on corporations, apply to every Canadian organization coming within the scope of that section and otherwise qualifying for the exemption granted by Article X of the convention, regardless of whether Canada recognizes such organization as exempt from income taxes imposed by its own laws.

(3) In view of the provisions of subparagraphs (1) and (2) of this paragraph, fixed or determinable annual or periodical income derived from sources within the United States by a nonresident Canadian organization which qualifies for the exemption granted by Article X of the convention is not subject to the withholding of United States tax at source.

(b) *Application of exemption from withholding.* (1) To avoid withholding of United States tax at source in the case of fixed or determinable annual or periodical income derived from sources within the United States, other than coupon bond interest, the nonresident Canadian organization which qualifies for the exemption from United States tax shall notify the withholding agent by letter in duplicate that such income is exempt from United States tax under the provisions of Article X of the convention. The letter of notification shall be signed by the owner of the income, trustee, or agent and shall show the name and address of the obligor and the name and address of the owner of the income.

It shall contain a copy of the determination of the Commissioner of Internal Revenue that such organization is exempt from taxation under Chapter 1, relating to the income tax, of the Internal Revenue Code and a statement that the owner of the income (i) is a Canadian organization and (ii) has at no time during the current taxable year been engaged in trade or business within the United States. This letter shall constitute authorization for the payment of such income to such organization without withholding of United States tax at source.

(2) The provisions of § 7.47 (b) relating to the filing and effective period of Form 1001A–C prescribed in § 7.47 (b) with respect to interest are equally applicable with respect to the letter of notification prescribed in this section.

(3) Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland.

(4) To avoid withholding of United States tax at source in the case of coupon bond interest, the nonresident Canadian organization which qualifies for the exemption from United States tax granted by Article X of the convention shall inscribe on each copy of the Form 1001–C required by § 7.47 (b) a notation substantially as follows: "As this organization, which is not engaged in trade or business within the United States, has been held to be exempt from taxation under Chapter 1 of the Internal Revenue Code by the Commissioner of Internal Revenue under date of ----------, ---, 19---, the interest on this certificate is not subject to withholding of United States tax." The organization shall give therewith the date of the official letter in which the organization was held to be so exempt.

(5) Form 1001–C, when so used to substantiate an exemption from withholding of United States tax, need not be listed on Form 1012 when forwarded to the District Director pursuant to § 7.47 (b).

(6) To the extent not inconsistent with this section, the provisions of § 7.47 (b) relating to Form 1001 and Form 1001–C are equally applicable under this paragraph.

§ 7.52 *Release of excess tax withheld at source*—(a) *General.* (1) In order to give the convention effective application at the earliest practicable date, the exemptions from, and reductions in the rate of, withholding of United States tax at source granted by this Treasury decision are hereby made effective beginning January 1, 1954, contingent upon compliance with the applicable provisions of §§ 7.46 through 7.51.

(2) In the case of dividends derived from sources within the United States and paid to a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) or to a foreign corporation, whose address at the time of payment was in Canada, if United States income tax at the statutory rate (30 percent as of the date of approval of this subpart) has been withheld from such dividends on or after January 1, 1954, there shall be released (except as provided in paragraphs (b) and (c) of this section) by the withholding agent and paid over to the person from whom it was withheld an amount which is equal to the amount obtained by subtracting 15 percent of such dividends from the tax so withheld.

(3) In the case of every taxpayer whose address at the time of payment was in Canada and who furnishes to the withholding agent Form 1001A–C in accordance with §§ 7.47 (b), 7.48 (b) and 7.49 (b), if United States income tax at the statutory rate (30 percent as of the date of approval of this subpart) or at 15 percent has been withheld on or after January 1, 1954, from the items of income in respect of which such form is prescribed in such sections, there shall be released by the withholding agent and paid over to the person from whom it was withheld:

(i) In the case of copyright royalties and the like, an amount equal to the tax so withheld from such items; and

(ii) In the case of other items of income (other than dividends, pensions, life annuities, and coupon bond interest), an amount which is equal to the amount obtained by subtracting 15 percent of such items in the aggregate from the tax so withheld from such items.

(4) In the case of every taxpayer whose address at the time of payment was in Canada and who furnishes to the withholding agent Form 1001–C clearly marked "Substitute" and executed in accordance with § 7.47 (b), if United States income tax at the statutory rate (28 percent or 30 percent, as the case may be, as of the date of approval of this subpart) has been withheld from coupon bond interest on or after January 1, 1954, there shall be released (except as provided in paragraph (b) of this section) by the withholding agent and paid over to the person from whom it was withheld an amount which is equal to the difference between the amount of such interest multiplied by the higher of such statutory rates (30 percent as of the date of approval of this subpart) and 15 percent of such interest. One such substitute form shall be filed in duplicate with respect to each issue of bonds and will serve with respect to that issue to replace all Forms 1001 previously filed by the taxpayer in the calendar year in which the excess tax was withheld and with respect to which such excess is released.

(5) The original and duplicate of such substitute Form 1001–C shall be forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland, with the quarterly return on Form 1012. See § 39.143–7 of this chapter. Such substitute Form 1001–C shall be listed on Form 1012.

(6) In the case of every taxpayer whose address at the time of payment was in Canada and who furnishes to the withholding agent the letter of notification prescribed in § 7.50 (b) as authorization for the release of excess tax withheld, if United States tax at the statutory rate (30 percent as of the date of approval of this subpart) or at 15 percent has been withheld on or after January 1, 1954, from government pensions, private pensions, or life annuities, there shall be released by the withholding agent and paid over to the person from whom it was withheld an amount equal to the tax so withheld from such items.

(7) The provisions of this section (other than paragraph (d)) shall have no application to excess tax withheld at source which has been paid by the withholding agent to the district director of internal revenue pursuant to § 39.143–7 of this chapter.

(b) *Exempt organizations.* (1) In the case of every exempt organization whose address at the time of payment was in Canada and which furnishes to the withholding agent a letter of notification in accordance with § 7.51 (b), if United States tax at the statutory rate (30 percent as of the date of approval of this subpart) or at 15 percent has been withheld on or after January 1, 1954, from fixed or determinable annual or periodical income derived from sources within the United States, there shall be released (except in the case of coupon bond interest) by the withholding agent and paid over to the organization from which it was withheld an amount equal to the tax so withheld, if the date on which the Commissioner of Internal Revenue has held such organization to be exempt from taxation under Chapter 1 is not subsequent to the date on which payment of such income was made.

(2) In the case of every exempt organization whose address at the time of payment was in Canada and which furnishes to the withholding agent Form 1001–C clearly marked "Substitute" and executed in accordance with §§ 7.47 (b) and 7.51 (b), if United States tax has been withheld from coupon bond interest on or after January 1, 1954, there shall be released by the withholding agent and paid over to the organization from which it was withheld an amount equal to the tax so withheld, if the date on which the Commissioner of Internal Revenue has held such organization to be exempt from taxation under Chapter 1 is not subsequent to the date on which payment of such interest was made. One such substitute form shall be filed in duplicate with respect to each issue of bonds and will serve with respect to that issue to replace all Forms 1001 previously filed by the taxpayer in the calendar year in which the excess tax was withheld and with respect to which such excess is released.

(3) The original and duplicate of such substitute Form 1001–C shall be forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland, with the quarterly return on Form 1012. See § 39.143–7 of this chapter. Such substitute Form 1001–C need not be listed on Form 1012.

(c) *Dividends paid by related corporation.* In the case of every domestic corporation receiving notification from the Commissioner of Internal Revenue under the provisions of § 7.46 (b) that dividends paid or to be paid by it fall within the scope of the provisions of Article XI (2) of the convention, if United States income tax in excess of the applicable rate of 5 percent has been withheld on or after January 1, 1954, from dividends which come within the scope of such provisions, the withholding agent shall, if so authorized in such notification, release and pay over to the corporation from which it was withheld the excess tax withheld with respect to such dividends.

(d) *Amounts withheld before 1954.* For provisions respecting the refund of excess tax withheld during the calendar years prior to 1954, see § 7.56.

§ 7.53 *Addressee not actual owner*—(a) *General.* (1) If the recipient in Canada of any dividend from sources within the United States, with respect to which United States income tax at the reduced rate of 15 percent has been withheld at source pursuant to § 7.46 (d), is a nominee or representative through whom such dividend flows to a person other than one described in § 7.46 (a) as being entitled to such reduced rate, such recipient in Canada shall withhold an additional amount of United States income tax equivalent to the United States income tax which would have been withheld if the convention had not been in effect (30 percent of such dividend as of the date of approval of this subpart) minus the 15 percent which has been withheld at the source.

(2) In any case in which a fiduciary or partnership with an address in Canada receives, otherwise than as a nominee or representative, a dividend from sources within the United States with respect to which United States income tax at the reduced rate of 15 percent has been withheld at source pursuant to § 7.46 (d), if a beneficiary of such fiduciary or a partner in such partnership is not entitled to the reduced rate of tax granted by Article XI of the convention, the fiduciary or partnership shall withhold an additional amount of United States income tax with respect to the portion of such dividend included in such beneficiary's share of the distributed or distributable income, or in such partner's distributive share of the income, of such fiduciary or partnership, as the case may be. The amount of the additional tax is to be calculated in the same manner as under subparagraph (1) of this paragraph.

(3) If any amount of United States income tax is released pursuant to § 7.52 (a) by the withholding agent in the United States with respect to a dividend paid to such a person (nominee, representative, fiduciary, or partnership) with an address in Canada, the latter shall also withhold from such released amount any additional amount of United States income tax, otherwise required to be withheld by the provisions of subparagraphs (1) and (2) of this paragraph in respect of such dividend, in the same manner as if at the time of payment of such dividend United States income tax at the rate of only 15 percent had been withheld at source therefrom.

(4) Nothing in this subpart shall be deemed to prevent the application of § 7.511, relating to Canadian withholding agents (Treasury Decision 5532, approved August 23, 1946).

(b) *Returns filed by Canadian withholding agents.* The amounts so withheld by such withholding agents in Canada during the year 1954 and each subsequent calendar year during which the convention is in effect shall be forwarded, after being converted into United States dollars, to the District Director of Internal Revenue, Baltimore 2, Maryland, U. S. A., on or before March 15 of the following year, together with United States return Form 1042 on which shall be listed the names, addresses, and other information required on such form in respect to the persons from whom such additional amounts have been withheld by such agents in Canada.

§ 7.54 *Return of tax withheld and information to be furnished in ordinary course*—(a) *Return of tax withheld.* (1) In addition to making the annual return on Form 1042 prescribed by § 39.143–7 of this chapter, every United States withholding agent shall make and file in duplicate with the district director of internal revenue an information return on Form 1042 Supplement, with respect to Canadian addressees, for the calendar year 1954 and each subsequent calendar year during which the convention is in effect.

(2) There shall be reported on such Form 1042 Supplement all items of fixed or determinable annual or periodical income derived from sources within the United States and paid to nonresident aliens (including nonresident alien individuals, fiduciaries, and partnerships) and to nonresident foreign corporations (including exempt organizations), whose addresses at the time of payment were in Canada, including (i) such items of income as are required to be listed on Form 1042, (ii) such items of income as constitute interest required to be listed on Form 1012, and (iii) such items of income upon which, in accordance with this subpart, no withholding of United States tax is required; except that any of such items which constitute wages subject to withholding of United States tax pursuant to section 1622, Internal Revenue Code, and interest in respect of which Form 1001–C or substitute Form 1001–C has been filed in duplicate with the withholding agent are not required to be reported on such Form 1042 Supplement.

(b) *Information to be furnished in ordinary course.* In compliance with the provisions of Article XIX and XX of the convention the Commissioner of Internal Revenue will transmit to the Minister of National Revenue of Canada, as soon as practicable after the close of the calendar year 1954 and of each subsequent calendar year during which the convention is in effect, the following information relating to such preceding calendar year:

(1) The duplicate copy of each available Form 1042 Supplement filed pursuant to paragraph (a) of this section; and

(2) The duplicate copy of each available ownership certificate, Form 1001–C, filed pursuant to § 7.47 (b) or § 7.51 (b), and substitute Form 1001–C, filed pursuant to § 7.52 (a) or § 7.52 (b), in connection with coupon bond interest.

§ 7.55 *Beneficiaries of a domestic estate or trust.* A nonresident alien who is a resident of Canada and who is a beneficiary of a domestic estate or trust shall be entitled to the exemption from, or reduction in the rate of, United States tax granted by Articles XI, XII, and XIII C of the convention with respect to dividends, interest, copyright royalties, and other gains, profits, and income to the extent such item or items are included in his share of the distributed or distributable income of such estate or trust, provided that he otherwise satisfies the requirements of these respective articles. In order to be entitled in such instance to the exemption from, or reduction in the rate of, withholding of United States tax such beneficiary must otherwise satisfy such requirements and shall, where applicable, execute and submit to the fiduciary of such estate or trust in the United States the Form 1001A–C prescribed in §§ 7.47 (b), 7.48 (b), and 7.49 (b).

§ 7.56 *Refund of excess tax withheld prior to 1954.* (a) If United States income tax withheld at the source prior to 1954 from dividends, interest, copyright royalties and the like, natural resource royalties, real property rentals, salaries, wages, pensions, life annuities, or other gains, profits, and income is in excess of the tax imposed by Chapter 1 (relating to the income tax) of the Internal Revenue Code, as modified by the convention, a claim by the taxpayer for the refund of any overpayment resulting therefrom shall be made under section 322 of the Internal Revenue Code by filing Form 843 together with Form 1040NB, Form 1040B, Form 1120, Form 1120NB, or other appropriate return, whichever is applicable, or with an amended return.

(b) The taxpayer's total gross income from sources within the United States shall be disclosed on the return. In the event that securities are held in the name of a person other than the actual or beneficial owner, the name and address of such person shall be furnished with the claim. There shall also be included in such claim for refund:

(1) A statement that, at the time when the item or items of income were derived from which the excess tax was withheld, (i) the taxpayer was neither a citizen nor a resident of the United States but was a resident of Canada, or, in the case of a corporation, (ii) that the taxpayer was a corporation organized under the laws of Canada; and

(2) A statement that the taxpayer at no time during the taxable year in which such income was derived had a permanent establishment in the United States.

(c) If, however, the taxpayer is an individual who during the taxable year derived from sources within the United States income which consists exclusively of pensions or life annuities entitled to the benefit of Article VI A of the convention, the statement specified in paragraph (b) (2) of this section shall not be required.

(d) If the taxpayer is an exempt organization claiming the benefit of Article X of the convention, the statement

specified in paragraph (b) (2) of this section shall not be required, but such organization shall include with such claim a copy of the Commissioner's determination referred to in § 7.51 (b) and shall indicate whether it was engaged in trade or business within the United States at any time during the taxable year in which the income concerned was derived.

(e) As to additional information required in the case of a Canadian corporation claiming the benefit of the 5 percent rate on dividends paid by a domestic corporation, see § 7.46 (b).

§ 7.57 *Prior regulations.* Except to the extent necessary for the application of § 7.511 (Treasury Decision 5532), the provisions of §§ 7.10 through 7.17 (Treasury Decision 5157, approved June 27, 1942), are hereby superseded as the respective provisions of this subpart become effective.

JUSTIN F. WINKLE,
*Acting Commissioner of Internal Revenue.*

Approved: November 5, 1953.

M. B. FOLSOM,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-9544; Filed, Nov. 10, 1953; 8:52 a. m.]

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## Subchapter C—Miscellaneous Excise Taxes

[T. D. 6048; Regs. 3]

## PART 182—INDUSTRIAL ALCOHOL

### REQUIREMENTS FOR ALTERNATE OPERATION OF INDUSTRIAL ALCOHOL PLANT AS REGISTERED DISTILLERY OR FRUIT DISTILLERY

In order to conform Regulations 3 (26 CFR Part 182) with the provisions of Regulations 4 (26 CFR Part 183) and 5 (26 CFR Part 184) regarding the procedure for the alternate operation of a registered distillery or fruit distillery as an industrial alcohol plant, Regulations 3 are hereby amended as follows:

PARAGRAPH 1. Wherever the term "supervisor" or "district supervisor" appears in the sections of the regulations revised by this Treasury decision, such term is hereby amended to read "Assistant Regional Commissioner."

PAR. 2. Sections 182.276, 182.277, 182.278 and 182.279 are revoked.

PAR. 3. There is inserted immediately following the headnote "Requirements Governing Alternate Operation of Industrial Alcohol Plant as Registered Distillery or Fruit Distillery", the following new subtitles, sections and citations:

QUALIFICATION FOR INITIAL ALTERNATING OPERATIONS

Sec.
182.279a Where no bonded warehouse or denaturing plant on premises.
182.279b When bonded warehouse or denaturing plant on premises.

SUSPENSION FOR SUBSEQUENT ALTERNATE OPERATIONS

182.279c Requirements.

RESUMPTION FOR SUBSEQUENT ALTERNATE OPERATIONS

182.279d Requirements.

ACTION BY ASSISTANT REGIONAL COMMISSIONER

Sec.
182.279e Approval and disposition of Form 1696.

AUTHORITY: §§ 182.279a to 182.279e issued under 53 Stat. 375, 407; 26 U. S. C. 3176, 3791. Interpret or apply 53 Stat. 358, 365; 26 U. S. C. 3105, 3124. Other statutory provisions interpreted or applied are cited to text in parentheses.

QUALIFICATIONS FOR INITIAL ALTERNATING OPERATIONS

§ 182.279a *Where no bonded warehouse or denaturing plant on premises.* An industrial alcohol plant may be operated alternately for the production of alcohol under this part, the production of distilled spirits under Regulations 4 (Part 183 of this chapter), or the production of brandy under Regulations 5 (Part 184 of this chapter). Where it is desired to conduct alternating operations at an industrial alcohol plant and there is no industrial alcohol bonded warehouse or denaturing plant located on the industrial alcohol plant premises, the successor (incoming) proprietor must first qualify as proprietor of the premises. At the time of the first suspension for the purpose of conducting alternate operations, the outgoing proprietor must discontinue operations and comply with the following requirements:

(a) *Amended application, Form 1431.* File with the Assistant Regional Commissioner an amended application on Form 1431, in triplicate, stating thereon the purpose of the application to be "Temporary discontinuance in order that the industrial alcohol plant may be operated as a registered distillery" (or fruit distillery, as the case may be), and give the date of discontinuance.

(b) *Consent of surety.* File with the Assistant Regional Commissioner a blanket consent of surety, Form 1533, in triplicate, to continue in effect bond Form 1432-A (and Form 1604, if required). Such blanket consent of surety may be filed to cover all such alternate operations and may be executed in the following form:

To continue in effect the said bond (or bonds), whenever operation of the industrial alcohol plant is resumed from time to time, pursuant to application on Form 1696, filed by the principal following suspension of operations as a registered distillery or fruit distillery.

(c) *Materials and unfinished alcohol.* If distilling materials are transferred to the successor, or if unfinished alcohol is to be retained in the industrial alcohol plant pending the resumption of operations as an industrial alcohol plant, comply with the requirements of §§ 182.439 to 182.441. Whenever alternate operations are to be conducted after the first suspension, the procedure prescribed by §§ 182.279c and 182.279d will be followed.

§ 182.279b *When bonded warehouse or denaturing plant on premises.* Where an industrial alcohol bonded warehouse or denaturing plant is located on the industrial alcohol plant premises, the industrial alcohol plant may be operated alternately as an industrial alcohol plant, registered distillery or a fruit distillery upon compliance with the requirements of § 182.279a. The permittee shall designate the plat on file which depicts the entire industrial alcohol plant premises, including the bonded warehouse or denaturing plant, as "Plat A," and file a new plat which will be designated as "Plat B," depicting the bonded warehouse or denaturing plant and any other portion of the industrial alcohol premises not to be operated by the incoming alternate proprietor. The permittee shall also describe in the amended application, Form 1431, the bonded warehouse or denaturing plant and any portion of the industrial alcohol plant premises not to be operated by the incoming proprietor. The description thereof must correspond with the depiction of the premises on Plat B. Whenever alternate operations are to be conducted after the first suspension, the procedure prescribed by §§ 182.279c and 182.279d will be followed.

SUSPENSION FOR SUBSEQUENT ALTERNATE OPERATIONS

§ 182.279c *Requirements.* Where a permittee desires to suspend operations of the industrial alcohol plant preparatory to resumption of operations as a registered distillery or fruit distillery, he must comply with the following requirements:

(a) *Notice of alternate operations.* File Form 1696, through the storekeeper-gauger in charge, with the Assistant Regional Commissioner, giving notice of intention to suspend operations. The form shall be executed and filed in accordance with the various lines on the form and the instructions printed thereon, or issued in respect thereto. Form 1696 shall contain or be verified by a written declaration that it is executed under the penalties of perjury. Operations will be suspended upon approval of the notice by the Assistant Regional Commissioner in accordance with § 182.279e.

(b) *Materials and unfinished alcohol.* If distilling materials are transferred to the successor or if unfinished alcohol is to be retained on the premises pending the resumption of operations as an industrial alcohol plant, comply with the requirements of §§ 182.439 to 182.441.

(63 Stat. 667; 26 U. S. C. 3809)

RESUMPTION FOR SUBSEQUENT ALTERNATE OPERATIONS

§ 182.279d *Requirements.* When a permittee desires to resume operation of the industrial alcohol plant following suspension of operations as a registered distillery or fruit distillery, he must comply with the following requirements:

(a) *Notice of alternate operations.* File Form 1696, through the storekeeper-gauger in charge, with the Assistant Regional Commissioner for authority to resume operations. The notice shall be executed in accordance with the instructions printed on the form, or issued in respect thereto, and otherwise completed as provided in § 182.279c.

(b) *Materials.* If distilling materials are received by transfer from the predecessor, comply with the requirements of §§ 182.440 and 182.441.

(63 Stat. 667; 26 U. S. C. 3809)

ACTION BY ASSISTANT REGIONAL COMMISSIONER

§ 182.279 *Approval and disposition of Form 1696.* Upon receipt of Form 1696, the Assistant Regional Commissioner will, if he finds that the notice may be properly approved, execute the certificate of approval on all copies and distribute of the copies in accordance with the instructions printed on the form, or issued in respect thereto.

PAR. 4. Section 182.423 is amended by adding at the end of the second sentence of the introductory paragraph thereof the following new sentence: "Form 124 will not be required when operations are suspended pursuant to the requirements of §§ 182.279a to 182.279e."

Because the changes made are of a liberalizing character, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946.

This Treasury decision shall be effective upon the date of publication in the FEDERAL REGISTER.

[SEAL] JUSTIN F. WINKLE,
*Acting Commissioner of Internal Revenue.*

Approved: November 5, 1953.

M. B. FOLSOM,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-9541; Filed, Nov. 10, 1953; 8:52 a. m.]

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[T. D. 6049; Regs. 3, 4, 5, 10, 15]

## PART 182—INDUSTRIAL ALCOHOL

## PART 183—PRODUCTION OF DISTILLED SPIRITS

## PART 184—PRODUCTION OF BRANDY

## PART 185—WAREHOUSING OF DISTILLED SPIRITS

## PART 190—RECTIFICATION OF SPIRITS AND WINES

### QUANTITIES OF SPIRITS TO BE WEIGHED IN SCALE TANKS

In order to authorize the use of tank scales having a capacity of more than 2,000 pounds for gauging, for the purpose of taxpayment, spirits in quantities less than twenty per centum of the total capacity of the scales, the following amendments to regulations are hereby adopted:

PARAGRAPH 1. Section 182.64 of Regulations 3 (26 CFR Part 182), as amended by Treasury Decision 5801, approved August 11, 1950, is further amended by inserting immediately after the word "*Provided,*" in the last sentence, the following: "That the weighing of lesser quantities for determination of tax may be authorized by the Assistant Regional Commissioner where the beam of the scale is calibrated in ½ or 1 pound graduations and it is found by actual test that the scales break accurately at such graduations: *Provided further,*".

PAR. 2. Section 183.92 of Regulations 4 (26 CFR Part 183) is amended by inserting immediately after the word "*Provided,*" in the fourth sentence, the following: "That the weighing of lesser quantities for determination of tax may be authorized by the Assistant Regional Commissioner where the beam of the scale is calibrated in ½ or 1 pound graduations and it is found by actual test that the scales break accurately at such graduations: *Provided further,*".

PAR. 3. Section 184.121 of Regulations 5 (26 CFR Part 184) is amended by inserting immediately after the word "Provided," in the fourth sentence, the following: "That the weighing of lesser quantities for determination of tax may be authorized by the Assistant Regional Commissioner where the beam of the scale is calibrated in ½ or 1 pound graduations and it is found by actual test that the scales break accurately at such graduations: *Provided further,*".

PAR. 4. Section 185.110 of Regulations 10 (26 CFR Part 185) is amended as follows:

By inserting immediately after the word "*Provided,*" in the last sentence, the following: "That the weighing of lesser quantities for determination of tax may be authorized by the Assistant Regional Commissioner where the beam of the scale is calibrated in ½ or 1 pound graduations and it is found by actual test that the scales break accurately at such graduations: *Provided further,*".

(53 Stat. 307, 332; 26 U. S. C. 2808, 2873)

PAR. 5. Section 190.116 of Regulations 15 (26 CFR Part 190) is amended as follows:

(A) By striking the colon and the proviso following the phrase "capacity over 50,000 pounds" in the last sentence and inserting in lieu thereof a period.

(B) By adding at the end of the section a new sentence as follows: "Except in the case of scales having a capacity of 2,000 pounds or less, where spirits are to be gauged for taxpayment, not less than twenty percent of the total capacity of the gauging tank scale may be entered into the tank for gauging for determination of the tax: *Provided,* That the weighing of lesser quantities for determination of tax may be authorized by the Assistant Regional Commissioner where the beam of the scale is calibrated in ½ or 1 pound graduations and it is found by actual test that the scales break accurately at such graduations."

(53 Stat. 307, 318; 26 U. S. C. 2808, 2829)

Because the changes made are of a liberalizing character, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4 (c) of said act.

This Treasury decision shall be effective upon the date of publication in the FEDERAL REGISTER.

(R. S. 161, 53 Stat. 375; 5 U. S. C. 22, 26 U. S. C. 3176. Interpret or apply 53 Stat. 307, 358, 364, 26 U. S. C. 2308, 3105, 3124)

[SEAL] T. COLEMAN ANDREWS,
*Commissioner of Internal Revenue.*

OCTOBER 13, 1953.

Approved: November 5, 1953

M. B. FOLSOM,
*Acting Secretary of the Treasury*

[F. R. Doc. 53-9542; Filed, Nov. 10, 1953; 8:52 a. m.]

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# TITLE 27—INTOXICATING LIQUORS

## Chapter I—Internal Revenue Service, Department of the Treasury

[Regs. 2]

## PART 2—NONINDUSTRIAL USE OF DISTILLED SPIRITS AND WINE

*Preamble.* 1. These regulations, "Regulations No. 2, Nonindustrial Use of Distilled Spirits and Wine" (27 CFR Part 2) are a republication of Regulations No. 2, 1935 Edition (27 CFR Part 2).

2. These regulations consist only of previously approved material but the text has been rearranged and renumbered to conform to the Federal Register Regulations (13 F. R. 5929).

3. This republication of these regulations shall not affect or limit any act done or any liability previously incurred, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the date of republication, nor shall this republication release, acquit, affect, or limit any offense committed in violation of these regulations prior to republication, or any penalty, liability or forfeiture incurred prior to such date.

4. It is found that compliance with the notice and public rule-making procedure of section 4 (a) and the effective date limitations of section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1001, et seq.), and the notice and public hearing requirements of the Federal Alcohol Administration Act (27 U. S. C. 201, et seq.) is unnecessary in connection with the republication of the regulations in this part for the reason that the changes made relate merely to form and not substance.

SUBPART A—SCOPE OF REGULATIONS

Sec.
2.1 Nonindustrial use of distilled spirits and wine.

SUBPART B—DEFINITIONS

2.5 Distilled spirits.
2.6 Wine.

SUBPART C—USES REGARDED AS INDUSTRIAL

2.10 Use of tax-free alcohol.
2.11 Use of denatured alcohol, distilled spirits or wine for beverage use.
2.12 Use of distilled spirits or wine for experimental purposes and in manufacture of non-beverage products.

SUBPART D—USES CLASSED AS NONINDUSTRIAL

2.15 General.
2.16 Distilled spirits in containers of a capacity of one gallon or less.

AUTHORITY: §§ 2.1 to 2.16 issued under 53 Stat. 375; 26 U. S. C. 3176.

SUBPART A—SCOPE OF REGULATIONS

§ 2.1 *Nonindustrial use of distilled spirits and wine.* The regulations in this part specify what uses of distilled spirits and wine are "nonindustrial," as that term is used in section 17 of the Federal Alcohol Administration Act. No procedural requirements are prescribed.

SUBPART B—DEFINITIONS

§ 2.5 *Distilled spirits.* Section 17 (a) of the Federal Alcohol Administration Act defines "distilled spirits" as ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for nonindustrial use.

§ 2.6 *Wine.* Section 17 (a) of the Federal Alcohol Administration Act defines "wine" as (a) wine as defined in section 610 and section 617 of the Revenue Act of 1918 (26 U. S. C. 3036, 3044, 3045), as now in force or hereafter amended, and (b) other alcoholic beverages not so defined, but made in the manner of wine, including sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than the juice of sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry and sake; in each instance only if containing not less than 7 per centum and not more than 24 per centum of alcohol by volume, and if for nonindustrial use.

SUBPART C—USES REGARDED AS INDUSTRIAL

§ 2.10 *Use of tax-free alcohol.* The use of tax-free alcohol by any governmental agency, State or Federal, or any scientific university or college of learning or by any laboratory exclusively in scientific research or by any hospital or sanatorium, is regarded as "industrial," and will be excluded from any application of the term "nonindustrial use."

§ 2.11 *Use of denatured alcohol, distilled spirits or wine.* The use of alcohol or other distilled spirits or wine which has been lawfully denatured or otherwise rendered unfit for beverage use is regarded as "industrial," and will be excluded from any application of the term "nonindustrial use."

§ 2.12 *Use of distilled spirits or wine for experimental purposes and in manufacture of nonbeverage products.* The use of distilled spirits or wine for experimental purposes and in the manufacture of (a) medicinal, pharmaceutical, or antiseptic products, including prescriptions compounded by retail druggists; (b) toilet preparations; (c) flavoring extracts, syrups, or food products; or (d) scientific, chemical, mechanical, or industrial products, provided such products are unfit for beverage use, is regarded as "industrial," and will be excluded from any application of the term "nonindustrial use."

SUBPART D—USES CLASSED AS NONINDUSTRIAL

§ 2.15 *General.* All uses of distilled spirits and wines, except as provided in Subpart C of this part, are regarded as "nonindustrial." Such "nonindustrial" use shall include, but not be limited to, distilled spirits or wine used for beverage purposes, or in the manufacture, rectification, or blending of alcoholic beverages; or in the preparation of food or drink by a hotel, restaurant, tavern, or similar establishment; or for sacramental purposes; or as a medicine.

§ 2.16 *Distilled spirits in containers of a capacity of one gallon or less.* Distilled spirits in containers of a capacity of one wine gallon or less, except anhydrous alcohol and alcohol which may be withdrawn taxfree under the internal revenue laws, will be deemed to be for nonindustrial use.

5. These regulations shall be effective as of October 1, 1953.

[SEAL] JUSTIN F. WINKLE,
*Acting Commissioner of Internal Revenue.*

Approved: November 5, 1953.

M. B. FOLSOM,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-9543; Filed, Nov. 10, 1953; 8:52 a. m.]

# TITLE 29—LABOR

## Chapter I—National Labor Relations Board

STATEMENT OF POLICY ON SPECIAL PROCESSING OF REPRESENTATION CASES INVOLVING UNIONS OF WHICH AN OFFICER HAS BEEN INDICTED FOR FILING A FALSE NON-COMMUNIST AFFIDAVIT

CROSS REFERENCE: For a document affecting a statement of policy on special processing of representation cases involving unions of which an officer has been indicted for filing a false non-Communist affidavit, see F. R. Doc. 53-9501, National Labor Relations Board, in Notices section, *infra*.

# TITLE 32—NATIONAL DEFENSE

## Chapter IV—Joint Regulations of the Armed Forces

### Subchapter A—Armed Services Procurement Regulation

PART 406—CONTRACT CLAUSES AND FORMS

SUBPART A—CLAUSES FOR FIXED-PRICED SUPPLY CONTRACTS

MILITARY SECURITY REQUIREMENTS; UTILIZATION OF SMALL BUSINESS CONCERNS

1. Section 406.104-12 is revised, prescribing the use of a uniform Military Security Requirements Clause informing Contractors of security requirements.

§ 406.104-12 *Military security requirements.* Insert the following clause in all contracts which are classified "Top Secret," "Secret," "Confidential," or "Restricted" by a Department, and in any other contracts the performance of which will require access to such classified information or material:

MILITARY SECURITY REQUIREMENTS

(a) The provisions of this clause shall apply to the extent that this contract involves access to security information classified "Top Secret," "Secret," "Confidential," or "Restricted."

(b) The Government shall notify the Contractor of the security classification of this contract and the elements thereof, and of any subsequent revisions in such security classification, by the use of a Security Requirements Check List (DD Form 254) and Appendage thereto (DD Form 254-b).

(c) To the extent the Government has indicated as of the date of this contract or thereafter indicates, security classification under this contract as provided in paragraph (b) above, the Contractor shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within its own organization in accordance with the requirements of (i) the Department of Defense Industrial Security Manual for Safeguarding Classified Security Information as in effect on date of this contract, which Manual is hereby incorporated by reference and made a part of this contract, (ii) any amendments to said manual required by the demands of national security as determined by the Government and made after the date of this contract notice of which has been furnished to the Contractor by the Contracting Officer, and (iii) those provisions of written agreements entered into by the parties pertaining to the adaptation of the Manual to the Contractor's business.

(d) Designated representatives of the Government responsible for inspection pertaining to industrial security shall have the right to inspect at reasonable intervals the procedures, methods and facilities utilized by the contractor in complying with the requirements of the terms and conditions of this clause. Should the Government, through its authorized representative, determine that the Contractor has not complied with such requirements, the Government shall inform the Contractor in writing of the proper actions to be taken in order to effect compliance with such requirements.

(e) If, subsequent to the date of this contract, the security classifications or requirements under this contract are changed by the Government as provided in this clause and the security costs under this contract are thereby increased or decreased, the contract price shall be subject to an equitable adjustment by reason of such increased or decreased costs. Any equitable adjustment shall be accomplished in the same manner as if such changes were directed under the clause in this contract entitled "Changes."

(f) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified security information, provisions which shall conform substantially to the language of this clause, including this paragraph (f) but excluding the last sentence of paragraph (e) of this clause.

(g) The Contractor also agrees that it shall determine that any subcontract proposed by it for the furnishing of supplies and services which will involve access to classified security information in the Contractor's custody has been granted an appropriate facility security clearance, which is still in effect, prior to being accorded access to classified security information.

2. Section 406.104-14 changes the name of the "Subcontracting" clause to "Utilization of Small Business Concerns." The substance of the clause is not changed.

§ 406.104-14 *Utilization of small business concerns.* Insert the clause set forth below in all fixed-price supply contracts, in amounts exceeding $5,000, except those contracts entered into with foreign contractors which are to be performed outside of the continental limits of the United States, its territories and possessions:



UTILIZATION OF SMALL BUSINESS CONCERNS

(a) It is the policy of the Government as declared by the Congress to bring about the greatest utilization of small business concerns which is consistent with efficient production.

(b) The Contractor Agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151-161)

T. P. PIKE,
*Deputy Assistant Secretary of Defense (Supply and Logistics).*

[F. R. Doc. 53-9509; Filed, Nov. 10, 1953; 8:45 a. m.]

PART 407—TERMINATION OF CONTRACTS

SUBPART E—SETTLEMENT OF CONTRACTS TERMINATED FOR CONVENIENCE

AUTHORIZATION FOR SETTLEMENT OF SUBCONTRACTORS TERMINATION PROPOSALS WITHOUT APPROVAL OR RATIFICATION

Section 407.518-6 is amended to extend the authority of prime contractors to settle terminated subcontracts where settlements do not exceed $1,000.

§ 407.518-6 *Authorization for settlement of subcontractors termination proposals under $1,000 without approval or ratification.* (a) The Contracting Officer may, if satisfied with the adequacy of the procedures used by the Contractor in Settling the termination claims (including proposals for retention sale, or other disposal of termination inventory) of its immediate and lower tier sub-Contractors, upon the written request by the Contractor, authorize the Contractor to conclude settlements of his terminated subcontracts, which settlements shall thereupon be reimbursable in accordance with this part and the Termination Clause of the contract, without requiring approval or ratification by the Contracting Officer, subject however to the following conditions and requirements:

(1) The amount of any such subcontract termination settlement does not exceed $1,000, computed in accordance with § 407.202;

(2) Any termination inventory involved has been disposed of in accordance with the procedures set forth in § 407.614, except that screening is not required;

(3) Each such settlement is accompanied by a certificate in the form set forth in § 407.708.

(b) The Contracting Officer granting the above defined authorization to a Contractor shall be responsible for periodically making a selective review of settlements to determine whether the Contractor is making adequate reviews and fair settlements, and whether such authorization shall remain in effect. Whenever the Contracting Officer determines that the Contractor's procedures are not adequate or that improper settlements are being made, he may revoke the authorization by written notice to the Contractor. The revocation of the authority shall take effect only from the date of receipt of written notice by the Contractor.

(c) Any number of separate settlements of $1,000 or less may be made with a single subcontractor. Claims which would normally be included in a single settlement proposal, such as those based on a series of separate orders for the same item under one contract, should be consolidated wherever possible, and must not be divided in such a way as to bring them within the authorization provided for in this section.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151-161)

T. P. PIKE,
*Deputy Assistant Secretary of Defense (Supply and Logistics).*

[F. R. Doc. 53-9510; Filed, Nov. 10, 1953; 8:46 a. m.]

PART 409—BONDS AND INSURANCE

Revised Subpart C of Part 409, has been considerably extended and Subparts D through G have been added. The below amendments are effective 60 days from the date of issuance of this revision; however, they may be placed in effect upon receipt hereof.

SUBPART C—INSURANCE; GENERAL

Sec.
409.300 Scope of subpart.
409.301 General.
409.302 Notice of cancellation or change.
409.303 Responsibility for loss of or damage to Government property.
409.304 Insurance against loss of or damage to Government property.
409.305 Procedures to be followed in the event of loss of or damage to Government property.

SUBPART D—INSURANCE UNDER FIXED-PRICE CONTRACTS

409.400 Scope of subpart.
409.401 Policy.
409.402 Government-furnished property.

SUBPART E—INSURANCE UNDER COST-REIMBURSEMENT TYPE CONTRACTS

409.500 Scope of subpart.
409.501 Policy.
409.501-1 Workmen's compensation and employer's liability insurance.
409.501-2 General liability insurance.
409.501-3 Automobile liability insurance.
409.501-4 Aircraft public and passenger liability insurance.
409.501-5 Vessel collision liability and protection and indemnity liability insurance.
409.502 Self-insurance.
409.503 Government property.

SUBPART F—INSURANCE IN CONNECTION WITH FACILITIES CONTRACTS

409.600 Scope of subpart.
409.601 Policy.
409.602 Responsibility for loss or damage to facilities.

SUBPART G—SPECIAL CASUALTY INSURANCE RATING PLANS

409.700 Scope of subpart.
409.701 Purpose of plans.
409.702 Description of plans.
409.703 Use and eligibility for plans.

AUTHORITY: §§ 409.300 to 409.703 issued under sec. 1, 54 Stat. 712, as amended, sec. 201, 55 Stat. 839, 62 Stat. 20; 50 U. S. C. App. 1171, 61, 41 U. S. C. Sup., 151-161. E. O. 9001, Dec. 27, 1941, 6 F. R. 6787, as amended by E. O. 9296, Jan. 30, 1943, 8 F. R. 1429; 3 CFR, 1943 Cum. Supp.

SUBPART C—INSURANCE; GENERAL

§ 409.300 *Scope of subpart.* This subpart sets forth the general principles and policy applicable to insurance under contracts of the Departments for supplies or services.

§ 409.301 *General.* Insurance will be required where (a) it is mandatory by law, (b) it is considered desirable to utilize the facilities and services of the insurance industry, or (c) in special instances it is deemed necessary or desirable in connection with the performance of a contract. The respective Departments may also authorize or require the purchase of insurance where commingling of property or the conditions of the contract make the carrying of insurance reasonably necessary for the protection of the several interests concerned.

§ 409.302 *Notice of cancellation or change.* Where insurance is required by contract provision or in writing by the approving authority, the policies evidencing such insurance shall contain an endorsement to the effect that cancellation or material change in the policies, adversely affecting the interest of the Government in such insurance, shall not be effective unless the written notice as required by the approving authority is given.

§ 409.303 *Responsibility for loss of or damage to Government property.* The responsibility of the Contractor for loss of or damage to Government property in the possession or control of Contractors is set forth in the clause in §§ 412.411, 412.502, and 412.503 of this subchapter.

§ 409.304 *Insurance against loss of or damage to Government Property.* In instances where insurance is required or approved to cover loss of or damage to Government property, such insurance may be provided either by specific insurance policies or by inclusion of such risks in the Contractor's existing insurance policies. In either event, the insurance policies shall make formal disclosure of the Government's interest in the property.

§ 409.305 *Procedures to be followed in the event of loss of or damage to Government property.* Upon the happening of loss of or damage to any Government property, concerning which the Contractor is relieved of responsibility by contract provision, the procedure shall be as prescribed in subparagraph (f) (iii) of the clause in § 412.502 or § 412.503 of this subchapter.

SUBPART D—INSURANCE UNDER FIXED-PRICE CONTRACTS

§ 409.400 *Scope of subpart.* This subpart sets forth the policy of the Departments with respect to insurance under fixed-price contracts for supplies or services.

§ 409.401 *Policy.* Ordinarily the Departments are not concerned with the insurance programs of fixed-price Contractors. However, the Departments

may be concerned with a Contractor's insurance program when special circumstances exist. Examples of special circumstances are (a) where the Contractor is engaged principally in Government work, (b) where the Contractor has a segregated operation which is engaged principally in Government work, (c) where Government-furnished property is involved, (d) where the work is performed within a Government establishment, and (e) where the Government may desire to assume risks for which the Contractor ordinarily obtains commercial insurance.

§ 409.402 *Government-furnished property.* The Contractor's responsibilities for loss of or damage to Government-furnished property under fixed-price contracts are set forth in the clause in § 412.502 of this subchapter.

SUBPART E—INSURANCE UNDER COST-REIMBURSEMENT TYPE CONTRACTS

§ 409.500 *Scope of subpart.* This subpart sets forth the policy of the Departments with respect to insurance under cost-reimbursement type contracts for supplies or services.

§ 409.501 *Policy.* The kinds of insurance listed in this subpart, with limits of liability as prescribed by each respective Department, shall ordinarily be required under cost-reimbursement type contracts and under those subcontracts where the provisions of the prime contract are extended to the subcontract. A program of self-insurance approved by the Department concerned, as provided in § 409.502, may be substituted for any of the kinds of insurance ordinarily required.

§ 409.501–1 *Workmen's compensation and employers' liability insurance.* Compliance with applicable workmen's compensation and occupational disease statutes will be required, and the insurance policy will also include employers' liability coverage, where available. In jurisdictions where all occupational diseases are not compensable under applicable law, insurance for occupational diseases will be required under the employers' liability section of the insurance policy; however, such additional insurance will not be required where contract operations are commingled with the Contractor's commercial operations so that it would be impracticable to require such coverage.

§ 409.501–2 *General liability insurance.* Bodily injury liability insurance will be required on the comprehensive form of policy. Property damage liability insurance will be required only in special circumstances as determined by the Departments concerned. Property damage liability insurance may be approved when the nature of the contract operations warrant its purchase or where they are not separable from the Contractor's commercial operations.

§ 409.501–3 *Automobile liability insurance.* This insurance will be required on the comprehensive form of policy and will provide for bodily injury liability and property damage liability covering the operation of all automobiles used in connection with the performance of the contract.

§ 409.501–4 *Aircraft public and passenger liability insurance.* Where aircraft are used in connection with the performance of the contract, such insurance ordinarily will be considered required coverage.

§ 409.501–5 *Vessel collision liability and protection and indemnity liability insurance.* Where vessels are used in connection with the performance of the contract, such insurance will be required whenever deemed necessary by the Department concerned.

§ 409.502 *Self-insurance.* Qualified programs of self-insurance may be approved where an examination of the program indicates that its application to the cost-reimbursement type contract is in the best interests of the Department.

§ 409.503 *Government property.* The Contractor's responsibilities for loss of or damage to Government property under cost-reimbursement-type contracts are set forth in the clause in § 412.503 of this subchapter.

SUBPART F—INSURANCE IN CONNECTION WITH FACILITIES CONTRACTS

§ 409.600 *Scope of subpart.* This subpart sets forth the policy of the Departments with respect to insurance under contracts for the providing of industrial facilities by the Government for use in the performance of contracts for supplies or services.

§ 409.601 *Policy.* Where industrial facilities are provided by the Government, the Contractor shall be required by the contract during the period of construction, installation, alteration, repair, or use and at any other time as directed by the respective Departments, to insure or otherwise provide approved security for liabilities to employees and third persons in accordance with the requirements set forth in §§ 409.501–1 through 409.501–5.

§ 409.602 *Responsibility for loss or damage to facilities.* Section 412.411 of this subchapter defines the responsibilities of the Contractor for loss or damage to Government facilities. Therefore, facilities contracts shall provide that the Contractor shall not include the cost of insurance in any contract except to the extent of insurance required or approved. If the facilities contract does not restrict the use of the facilities to work performed for the Departments, provision shall be made that the Contractor shall procure and maintain insurance as the Department concerned shall require against loss or damage to the industrial facilities.

SUBPART G—SPECIAL CASUALTY INSURANCE RATING PLANS

§ 409.700 *Scope of subpart.* This subpart sets forth principles and requirements for use of the National Defense Projects Rating Plan, which is available for application on both domestic and foreign contracts which meet the eligibility requirements set forth herein. This subpart likewise applies to the World War II War Department Insurance Rating Plan, also known as the War Projects Insurance Rating Plan, which is currently available for application only outside the continental United States. These plans provide a special rating formula for the purchase of the casualty insurance coverages listed in §§ 409.501–1 through 409.501–3, and are mandatory as to contracts which meet the use and eligibility standards set forth in § 409.703. Inclusion under the prime Contractor's Rating Plan policies of similar coverages for subcontractors, whose contracts with the prime Contractor provide that the insurance shall be furnished by the prime Contractor, shall be automatic if the subcontract operations are at the project site, unless the Departments specifically direct otherwise. Subcontractors whose operations are away from the projects site will not be covered under the prime Contractor's Rating Plan policies unless the prime Contractor is specifically directed by the Departments to request inclusion of such subcontractors.

§ 409.701 *Purpose of plans.* These plans are designed to utilize the services and organizations of the insurance industry for safety engineering and the handling of claims arising under eligible contracts at a minimum cost to the Government.

§ 409.702 *Description of plans.* These plans are effected by endorsements attached to standard insurance policy forms for workmen's compensation, employer's liability, general liability, and automobile liability. The Rating Plans provide for a fixed deposit premium, for a reduced rate of current premium payments, for yearly adjustments of the premium depending upon loss experience during the period, and for final adjustment of the premium based upon the experience of the entire period covered by the policies. The final adjustment may be deferred for a maximum of 68 months after expiration of the policies. The total adjusted premium is the sum of the following:

(a) A fixed charge which is a percentage of the standard premium and is to compensate the insurance company for general expenses other than those referred to hereafter;

(b) Modified losses, which are the losses paid or incurred, multiplied by a conversion factor of 1.12 to compensate the insurance company for the claim department expense;

(c) Allocated claims expenses, which are expenses for claims services not of the type ordinarily rendered by the insurer's claim department, such as actual expenditures for attorney's fees and other trial or hearing expenses in connection with litigated cases;

(d) Special assessments imposed by the applicable jurisdiction for purposes such as second injury funds, rehabilitation funds, maintenance of workmen's compensation commissions, etc.; and

(e) Actual premium taxes.

Each of the above adjustments are subject to review by authorized representatives of the Department concerned, and the total adjusted premium derived therefrom cannot exceed a maximum premium which is a percentage of the standard premium developed by use of manual rates issued or approved by the appropriate rating organization. In general, the plans are variations of commercially available insurance rating plans, but have been specially developed to meet the requirements of the Departments.

§ 409.703 *Use and eligibility for plans.* The Rating Plans described in this subpart shall be applied to all eligible defense projects where such application is determined by the Department concerned to be in the best interests of the Government. The Rating Plans may be applied to cost-reimbursement type contracts and also, in appropriate cases, to fixed-price contracts with price redetermination provisions. A defense project is eligible for application of a plan when (a) eligible Government contracts represent, at inception of the plan, at least 90 percent of the payroll for total operations at the specific locations of the project, and (b) the annual premium for insurance is estimated to be at least $10,000. A defense project may include contracts awarded by more than one Department to the same Contractor.

T. P. PIKE,
*Deputy Assistant Secretary of Defense (Supply and Logistics).*

[F. R. Doc. 53-9511; Filed, Nov. 10, 1953; 8:46 a. m.]



## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 926]

ARIZONA

PARTIALLY REVOKING EXECUTIVE ORDER OF JANUARY 13, 1915, CREATING PUBLIC WATER RESERVE NO. 24, ARIZONA NO. 3

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of January 13, 1915, creating Public Water Reserve No. 24, Arizona No. 3, as construed by Department of the Interior Interpretation No. 49 of October 29, 1927, is hereby revoked so far as it affects the following-described public land:

GILA AND SALT RIVER MERIDIAN

T. 39 N., R. 6 E.,
Sec. 28, SE¼SE¼.

The area described contains 40 acres. The land is rolling to rough. The soil is sandy with rocky outcroppings. The land is not suitable for cultivation. It is chiefly suitable for disposal by private exchange. It is unlikely that it will be classified for any other disposition but any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

This order shall not become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (59 Stat. 747; 43 U. S. C. 279–284) as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Manager of the Land Office at Phoenix, Arizona.

ORME LEWIS,
*Assistant Secretary of the Interior.*

NOVEMBER 5, 1953.

[F. R. Doc. 53-9513; Filed, Nov. 10, 1953; 8:46 a. m.]

## TITLE 35—PANAMA CANAL

### Chapter I—Canal Zone Regulations

PART 24—SANITATION, HEALTH, AND QUARANTINE

DESIGNATION OF COUNTRIES WHERE FOOT-AND-MOUTH DISEASE OR RINDERPEST EXISTS; MEXICO

Pursuant to the authority vested in the Governor by Rule 119qq of Executive Order No. 4314 of September 25, 1925, as amended by Canal Zone Order No. 15 of July 15, 1948 (35 CFR 24.102), § 24.102a, as amended by Governor's Regulation of October 14, 1952, 17 F. R. 10559, is hereby further amended by adding Mexico to the list of designated countries in which it is determined that foot-and-mouth disease or rinderpest exists.

(Sec. 1, 39 Stat. 527, as amended; 2 C Z Code 371, 372, 48 U. S. C. 1310)

Issued at Balboa Heights, Canal Zone, October 15, 1953.

[SEAL] H. O. PAXSON,
*Acting Governor of the Canal Zone.*

[F. R. Doc. 53-9516; Filed, Nov. 10, 1953; 8:47 a. m.]

# NOTICES

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Treasury Department Order 165-2]

COMMISSIONER OF CUSTOMS

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS

OCTOBER 29, 1953.

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 (3 CFR, 1950 Supp. Ch. III), it is hereby ordered that effective January 1, 1954, there shall be transferred from the Commissioner of Internal Revenue to the Commissioner of Customs the function of refunding excess deposits of internal-revenue tax, previously collected by collectors of customs, which are found by collectors of customs upon liquidations or reliquidations made on or after January 1, 1954, to be due and the functions prescribed by 26 U. S. C. 3771(a), (b) (2) (53 Stat. 465) of determining, allowing, and paying interest in connection with such refunds.

The functions herein transferred may be delegated by the Commissioner of Customs to other officers or employees of the Customs Service in such manner as the Commissioner shall direct.

[SEAL] H. CHAPMAN ROSE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-9545; Filed, Nov. 10, 1953; 11:20 a. m.]

### Bureau of Customs

[Customs Delegation Order No. 6; T. D. 53369]

COLLECTORS OF CUSTOMS

REDELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS

OCTOBER 29, 1953.

Delegation to collectors of customs of authority transferred by the Secretary of the Treasury to the Commissioner of Customs by Treasury Department Order No. 165-2.[1]

Pursuant to Treasury Department Order No. 165-2, published as T. D. 53368, it is hereby ordered:

The functions of refunding excess deposits of internal-revenue tax, collected by collectors of customs, and of determining, allowing, and paying interest in connection with such refunds, transferred to the Commissioner of Customs by Treasury Department Order No. 165-2, are hereby delegated to collectors of customs.

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

[F. R. Doc. 53-9539; Filed, Nov. 10, 1953; 11:25 a. m.]

[1] See F. R. Doc. 53-9545, Office of the Secretary, *supra*.

## Foreign Assets Control

IMPORTATION OF SOY BEAN SAUCE DIRECTLY FROM TAIWAN (FORMOSA)

AVAILABLE CERTIFICATIONS BY THE REPUBLIC OF CHINA

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following additional commodity:

Soy bean sauce.

[SEAL] ELTING ARNOLD,
*Acting Director,*
*Foreign Assets Control.*

[F. R. Doc. 53-9515; Filed, Nov. 10, 1953; 8:47 a. m.]

# DEPARTMENT OF JUSTICE

## Office of Alien Property

[Vesting Order 19272, Amdt.]

ADOLPHUS BUSCH

In re: Trust under will of Adolphus Busch, deceased. File No. D 28-13164.

Vesting Order 19272 dated April 14, 1953, is hereby amended as follows and not otherwise:

1. By inserting, immediately preceding the name, Hans Philipp Geyl, appearing in paragraph "1" of said Vesting Order 19272, the name "Lilly Gronewaldt".

All other provisions of said Vesting Order 19272 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 6, 1953.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 53-9538; Filed, Nov. 10, 1953; 8:52 a. m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

ARIZONA

RESTORATION ORDER UNDER FEDERAL POWER ACT

NOVEMBER 3, 1953.

Pursuant to determinations of the Federal Power Commission dated December 12, 1950 (DA-96-Arizona and DA-97-Arizona) and January 31, 1952 (DA-108-Arizona), and in accordance with Order No. 427, section 2.22 (a) of the Director, Bureau of Land Management, approved August 16, 1950 (15 F. R. 5639), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they were withdrawn or reserved for power purposes in Power Site Reserve No. 83 dated December 9, 1909, in Water Power Designation No. 4 dated February 1, 1917, and in Power Project No. 837, having been reserved on September 2, 1927, are hereby restored to disposition under any applicable public land law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

GILA AND SALT RIVER MERIDIAN

T. 5 S., R. 20 E.,
Sec. 25, W½SW¼;
Sec. 26, all;
Sec. 27, S½NE¼.

The lands described aggregate 800.00 acres.

The lands are crossed by or are adjacent to the Gila River. Evidence has been furnished that Wenceslao Subia of Clifton, Arizona, claims some of these lands under the settlement laws.

The lands described shall be subject to application by the State of Arizona for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 91st day after the date of publication. At that time the said lands shall become subject to application, petition, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications on the land may be obtained on request from the U. S. Land and Survey Office, Phoenix, Arizona.

E. R. SMITH,
*Regional Administrator.*

[F. R. Doc. 53-9514; Filed, Nov. 10, 1953; 8:47 a. m.]

## Office of the Secretary

KLAMATH TRIBE OF OREGON

FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Klamath Reservation was duly adopted by the Klamath Tribe of Oregon which has jurisdiction over the area of Indian country included in the resolution:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Klamath Tribe, consisting of the Klamath, Modoc and Yahooskin Band of Snake Indians, provided, that such introduction, sale or possession is in conformity with the laws of Oregon.

Be it further resolved, That any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

ORME LEWIS,
*Assistant Secretary of the Interior.*

NOVEMBER 4, 1953.

[F. R. Doc. 53-9512; Filed, Nov. 10, 1953; 8:46 a. m.]

# DEPARTMENT OF AGRICULTURE

## Office of the Secretary

NEBRASKA; SOUTH DAKOTA

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATION

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's Order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

1. In Schedule A, under Nebraska, in alphabetical order, add the county "Pawnee"; under South Dakota, in alphabetical order, add the county "Jerauld."

2. In Schedule B, under Nebraska, delete the county "Pawnee"; under South Dakota, delete the county "Jerauld."

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 9th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9575; Filed, Nov. 9, 1953, 5:08 p. m.]

## Production and Marketing Administration

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY THE GEORGIA STATE PRODUCTION AND MARKETING ADMINISTRATION COMMITTEE

Section 729.530 of the Marketing Quota Regulations for the 1954 Crop of Peanuts (18 F. R. 6372), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1376), provides that any authority delegated to the State Production and Marketing Administration Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Georgia State Production and Marketing Administration Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the person to whom the authority has been redelegated:

GEORGIA

Sections 729.511 (1) (2), 729.524 (b), and 729.524 (c)—T. R. Breedlove, Chairman, State Committee; W. H. Booth, Member, State Committee; C. F. Fleming, Administrative Officer, State PMA Office; and A. C. Jarrell, Production Adjustment Specialist, State PMA Office.

Section 729.517(b)(5)—T. R. Breedlove, Chairman, State Committee and W. H. Booth, Member, State Committee.

Sections 729.518, 729.520(a), 729.522(a), 729.525(a), 729.525(b) and 729.527—T. R. Breedlove, Chairman, State Committee; W. H. Booth, Member, State Committee; C. F. Fleming, Administrative Officer, State PMA Office; and R. H. Patat, Administrative Assistant, State PMA Office.

Sections 729.519(b) and 729.528—T. R. Breedlove, Chairman, State Committee; W. H. Booth, Member, State Committee; C. F. Fleming, Administrative Officer, State PMA Office; R. H. Patat, Administrative Assistant, State PMA Office; and the following fieldmen of the State PMA Office: E. R. Leake, P. M. Hardman, J. B. Bilderback, P. M. Nix, W. B. Suddeth, R. E. Bolton, G. W. Rountree and W. M. Phillips.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375 Interpret or apply secs. 301, 358, 359, 361-368, 373, 374; 52 Stat. 38, 62, 65, as amended, 55 Stat 88, as amended; 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361-1368, 1373, 1374)

Issued at Washington, D. C., this 5th day of November 1953.

[SEAL] HOWARD H. GORDON,
*Administrator, Production and Marketing Administration.*

[F R Doc. 53-9524; Filed, Nov. 10, 1953; 8:49 a. m.]

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY THE ARKANSAS STATE PRODUCTION AND MARKETING ADMINISTRATION COMMITTEE

Section 729.530 of the Marketing Quota Regulations for the 1954 Crop of Peanuts (18 F. R. 6372), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1376), provides that any authority delegated to the State Production and Marketing Administration Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Arkansas State Production and Marketing Administration Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the person to whom the authority has been redelegated:

ARKANSAS

Sections 729.511 (1) (2), 729.517 (b) (5), 729.518, 729.520, 729.522, and 729.528—Administrative Officer, or Acting Administrative Officer of the State PMA Office.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361-368, 373, 374; 52 Stat. 38, 62, 65, as amended, 55 Stat. 88, as amended; 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361-1368, 1373, 1374)

Issued at Washington, D. C., this 5th day of November 1953.

[SEAL] HOWARD H. GORDON,
*Administrator, Production and Marketing Administration.*

[F. R. Doc. 53-9523; Filed, Nov. 10, 1953; 8:49 a. m.]

# DEPARTMENT OF COMMERCE

## Bureau of Foreign Commerce

[Case No. 166]

JOHANNES M. A. KLAASEN ET AL

ORDER REVOKING LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Johannes M. A. Klaasen and Antonius A. Klaasen, individually and as partners in Handelshuis J. M. A. Klaasen & Co., J. M. A. Klaasen & Co., Klaasen & Co., 41 Eendrachtsweg, Rotterdam, Netherlands; Johannes C. A. M. van Woerkom, individually and doing business as Industriele Handelsonderneming v h Rotterdamsche Producten Maatschaprij, Maarten Dijkshoornlaan 23, Hillegersburg, Netherlands; respondents; Case No. 166.

This proceeding was commenced by the transmission of a charging letter issued to the above-named respondents by the Director of the Investigation Staff, Bureau of Foreign Commerce (formerly the Office of International Trade), United States Department of Commerce, under date of July 23, 1953. Respondents are charged therein with having violated the Export Control Act of 1949, as amended, and the regulations issued thereunder, during the period April through December 1951, by having knowingly concealed material facts, made false representations and certifications, and having submitted false and fabricated ultimate consignee statements to various United States exporters-suppliers, and through such suppliers to United States authorities, to induce the issuance of validated export licenses and to facilitate the exportation to respondents in Holland of ten shipments of antibiotics and insecticides valued in excess of $125,000.

The charges allege further that respondents unlawfully diverted and transshipped, or caused to be diverted and transshipped, all ten of said exportations to countries of ultimate destination other than those authorized, in contravention of the destination control notice contained on the shipping documents of eight of said exportations and with knowledge that all said transshipments were contrary to United States export law and regulations.

By the terms of said charging letter the validated license privileges of said respondents were temporarily suspended pending the determination of this proceeding.

After receiving said charging letter, respondents transmitted to the Bureau of Foreign Commerce a request that they be granted a delay of this proceeding of at least three months, as the principals of the respondent companies were then abroad and would require more than the ten days (to answer the charges or ask for oral hearing) allowed under the terms of the charging letter. Officials of the Bureau of Foreign Commerce felt that a prolonged delay was not warranted by the circumstances, or necessary, but nevertheless allowed respondents an extension of one month. Within the period of extension so granted respondents failed to submit an answer or to ask for hearing, notwithstanding which the Bureau of Foreign Commerce voluntarily allowed them several additional days on the proviso that they either submit an answer or ask for a hearing by a specified date, or have the evidence of the violations charged summarily submitted to the Compliance Commissioner for hearing on the basis of their default. When apprised of the additional time granted respondents declined to answer the charges or to appear in the proceeding and intimated that the pending proceeding and the outcome thereof was a matter of indifference to them.

On September 25, 1953, a default hearing was duly held before the Compliance Commissioner at Washington, D. C., at which the Bureau of Foreign Commerce was represented by counsel and through said counsel presented to the Commissioner the evidence compiled by the Investigation Staff bearing on the violations charged to the respondents in said charging letter. The Commissioner was informed by counsel of the extensions granted to respondents and of their refusal to appear in the proceeding or to file an answer to the charges, as aforesaid. On the basis thereof the Commissioner duly declared the respondents to be in default in accordance with the regulations. Notwithstanding the ruling as to respondents' default, it was stipulated that the proceeding should be kept open subject to receiving an answer from the respondents within a reasonable time and while the matter was still under consideration by the Commissioner. Respondents not having thereafter indicated any change of position or of intention to contest the proceeding, the default has been made final.

It appears from the Compliance Commissioner's report that at the time of

the violations charged respondent Johannes M. S. Klaasen and his son, respondent Antonius A. Klaasen, were, and still are, partners in the firms Handelshuis J. M. A. Klaasen & Co., J. M. A. Klaasen & Co., and Klaasen & Co. ("Klaasen"), Rotterdam, Holland, all of which firms are engaged in the import-export of diverse commodities, including chemicals and pharmaceuticals, and have been so engaged for many years. Respondent Johannes C. A. M. van Woerkom was then, and still is, an important official of Klaasen and a member of its board of directors, and is also the sole owner of Industriele Handelsonderneming v/h Rotterdamsche Producten Maatschappij ("Rotterdamsche Producten"), an inoperative concern which van Woerkom formerly conducted from his residence in Hillegersburg, a suburb of Rotterdam.

It appears further from the Compliance Commissioner's report that the Klaasens and van Woerkom are associated in various other enterprises in Holland, in some instances van Woerkom and Antonius A. Klaasen being partners in specific firms, and in another instance Johannes M. Klaasen and Antonius A. Klaasen own the stock of a company and Johannes M. A. Klaasen and van Woerkom are on the board of directors. In addition to these firms, the Klaasens have a connection with two interlocking Rotterdam firms through an employee of theirs who is a board member of one of these firms. All of the concerns under consideration are named below as being subject to the prohibitions of this order because of the relationship to the Klaasans and van Woerkom, as indicated.

On the evidence and on the entire record the salient facts are as follows:

During the period April through June 1951, the Klaasen firm ordered five shipments of United States origin DDT powder, sulfadiazine powder, and sulfadiazine tablets to be made to it in Holland. These orders were placed with various New York export concerns. All said orders, except one, were accompanied by ultimate consignee statements in which Klaasen falsely represented and certified that the given commodity was intended for ultimate consumption or resale in Holland or Belgium. One of said statements was on the letterhead of a purported Belgium ultimate consignee. Actually, the letterhead had been deviously obtained and the name of the alleged Belgium consignee placed thereon without authority.

Unaware of the falsity of the representations on the orders and ultimate consignee statements, the several exporters applied to the Bureau of Foreign Commerce for validated export licenses to ship the required commodities to Klaasen in Rotterdam, and export license were thereafter obtained authorizing such shipments. In each instance except one, shipment of the ordered commodity was made under an order bill of lading containing the required destination control notice, "These commodities licensed by U. S. for ultimate destination Holland. Diversion contrary to U. S. law prohibited." In the one exception the destination control notice was inadvertently omitted from the bill of lading.

A copy of each of the bills of lading containing the aforesaid destination control notice was furnished to Klaasen and its duly authorized forwarding agent at Rotterdam. Upon reaching Rotterdam each of the said five shipments was diverted and transshiped to Hong Kong by the said forwarding agent acting for and upon the instructions of Klaasen.

Evidently in an attempt to divert suspicion from its large scale Hong Kong transshipments, Klaasen placed five additional orders with various New York exporters for large quantities of aureomycin chloromycetin, sulfadiazine powder, sulfathiazole powder, and DDT during the period July through October, 1951, but in each instance used the name of Rotterdamsche Producten, the inoperative company owned by van Woerkom, as the purported purchaser. Employing the same pattern used earlier, Rotterdamsche Producten issued to the exporters ultimate consignee statements falsely representing and certifying that the ordered commodities were to be used in Holland only. In two of these transactions, and probably more, the letter of credit covering the purchase price was established by Klaasen. In each instance the ultimate consignee statement, though on the letterhead of Rotterdamsche Producten, was an exact replica, in format and design, of the consignee statements issued by Klaasen, and obviously originated from the same source.

Having no reason to doubt the authenticity on the representations and certifications on the orders and ultimate consignee statements, the several exporters applied to the Bureau of Foreign Commerce for validated export licenses to ship the required commodities to Holland as the country of ultimate destination, and export licenses were thereafter issued authorizing such shipments. Again, in each instance except one, the exportations effected under order bills of lading "notify Rotterdamsche Producten and Klaasen," contained the required destination control notice, "These commodities licensed by U. S. for ultimate destination Holland. Diversion contrary to U. S. law prohibited." In the one exception the destination control notice was inadvertently omitted from the bill of lading.

Copies of each of the bills of lading containing the aforesaid destination control notice were furnished to Klaasen, Rotterdamsche Producten, and their duly authorized forwarding agents at Rotterdam. Upon reaching Rotterdam each of the said five shipments was diverted and transshipped by the forwarding agents acting for and upon the instructions of Klaasen and Rotterdamsche Producten, four of the said shipments being diverted to Hong Kong and the other being transshipped to Germany.

In his report the Compliance Commissioner has pointed out the relationship of van Woerkam to the Klaasen firm, his close association in other Klaasen enterprises, and his participation in the instant transactions and the use of his company's name as a front, and has stated as his conclusion that van Woerkom was an integral factor in the Klaasen operations and an indistinguishable part of the Klaasen entity.

The Compliance Commissioner also refers to the record herein which shows that, in the course of an investigation by United States Foreign Service officers, Klaasen first professed no knowledge of the instant transshipments and denied having engaged therein, and in fact attempted to prove by fabricated records that in one instance they had sold the United States commodity to a French concern for consignment to Belgium. This assertion was proved false investigation thereof showing that the firm named as the alleged purchaser in France was non-existent and that the purported Belgium consignee knew nothing of the alleged transaction.

Later, and after again denying to the authorities that the goods had been transshipped, Klaasen finally admitted that the said commodities had been diverted as shown. When it was pointed out that the goods were licensed by the United States only on condition that they be used in Holland or Belgium and that the licenses were issued on the basis of Klaasen's sworn statements that they would be so used, Klaasen stated that United States export controls were none of their concern and that they were not bound by the laws of a foreign country.

The record also discloses that the forwarding agent acting for Klaasen and Rotterdamsche Producten in all the Hong Kong transshipments was a notorious, known transshipper of strategic American goods to Soviet areas and that its United States license privileges were denied by order of the Bureau of Foreign Commerce in September 1951 and that such deprivation of license privileges was a matter of general knowledge in Holland; but that such knowledge failed to deter Klaasen and van Woerkom from continuing to employ the services of said forwarding agent to divert the American goods to Hong Kong.

In summing up the evidence and the record, the Compliance Commissioner states in his report that the series of falsehoods, evasions, and half-truths perpetrated by respondents upon United States officials abroad, coupled with the false representations, fabricated ultimate consignee statement and deliberate transshipments under the circumstances shown, constitute a flagrant case of violation of United States export controls; and that it shows respondents' utter disregard for United States export controls and for constituted American authority here and abroad. He points out also that the admitted unlawful transshipments took place contemporaneously with and soon after the outbreak of hostilities in Korea, and at a time when United States commodities to Hong Kong were undergoing a careful selective screening.

In making his recommendations the Commissioner has based them on his conclusion that by reason of the antagonism towards United States export control law and regulations openly expressed by respondents and of the translation of this attitude into the violative acts above shown, the instant respondents constitute a continuing threat to the integrity of the export control system and to the security of the United States.

The findings and recommendations of the Compliance Commissioner have been carefully considered, together with the charging letter, the evidentiary material, and the entire record. It appears therefrom that the Compliance Commissioner's findings are in accordance with the evidence and that such recommendations are reasonable and should be adopted.

Now, therefore, it is ordered as follows:

(1) All outstanding validated export licenses held by or issued in the names of respondents Johannes M. A. Klaasen, Antonius A. Klaasen, individually, and as Handelshuis J. M. A. Klaasen & Co., J. M. A. Klaasen & Co., and Klaasen & Co., and Johannes C. A. M. van Woerkom, individually, and as Industriele Handelsonderneming v/h Rotterdamsche Producten Maatschappij, or any of them, or in which they appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be forthwith returned to the Bureau of Foreign Commerce for cancellation.

(2) Respondents, their successors or assigns, directors, officers, associates, partners, representatives, agents, and employees, are hereby denied and declared ineligible to exercise the privileges of participating directly or indirectly in any manner or capacity in the exportation of any commodity from the United States to any foreign destination, including Canada, for the duration of export controls. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit respondents' participation (a) as a party as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving in any foreign country of any exportation from the United States, and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States.

(3) Such denial of export privileges shall extend not only to the named respondents, and each of them, but also to Lindemann & Co., Holland N. V., Gold Oil Company, International Meat Company, Handel Maatschappij Blessing-Etra, and Etra Technische Ondernemeing, all of Holland (companies with which the named respondents are associated) and also to any other person, firm, corporation, or business organization with which said respondents, or any of them, may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith.

(4) No person, firm, corporation, or other business organization shall knowingly apply for or obtain any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation from the United States under validated and general export licenses, or finance, service, transport, forward, or receive any commodities thereunder, to or for said respondents or any of them, or any person, firm, corporation, or other business organization covered by paragraph (3) above, without prior disclosure of such facts to, and specific authorization from, the Bureau of Foreign Commerce.

Dated: November 6, 1953.

JOHN C. BORTON,
*Director,*
*Office of Export Supply.*

[F. R. Doc. 53-9533; Filed, Nov. 10, 1953; 8:51 a. m.]



## DEPARTMENT OF LABOR

### Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Associated Garment Co., 18 South Popla Street, Pana, Ill., effective 11-20-53 to 11-19-54; 10 learners (dresses).

Bates Nitewear Co., Inc., 1120 East Bessemer Avenue, Greensboro, N. C., effective 11-9-53 to 11-8-54; 10 percent of the factory production force for normal labor turnover purposes (children's pajamas).

Blue Bell, Inc., Woodstock, Va., effective 10-29-53 to 4-28-54; 10 learners for expansion purposes (dungarees).

Carbondale Manufacturing Co., Inc., 33 South Main Street, Carbondale, Pa., effective 10-30-53 to 10-29-54; 10 learners for normal labor turnover purposes (dresses).

Cluett, Peabody & Co., Shamokin, Pa., effective 11-4-53 to 11-3-54; 10 percent of the factory production workers for normal labor turnover purposes (sport shirts).

Cluett, Peabody & Co., Shamokin, Pa., effective 11-4-53 to 5-3-54; 40 learners for expansion purposes (sport shirts).

Cluett, Peabody & Co., Inc., Virginia, Minn., effective 11-19-53 to 11-18-54; 10 percent of the factory production force for normal labor turnover purposes (shirts).

Duquesne Manufacturing Co., 832 Constitution Boulevard, New Kensington, Pa., effective 11-15-53 to 11-14-54; 10 learners for normal labor turnover purposes (dresses, hooverettes, etc.).

Fields Manufacturing Co., 246 Oconee Street, Athens, Ga., effective 10-29-53 to 10-28-54; 10 learners for normal labor turnover purposes (men's and boys' work and sports shirts and work pants).

Forest City Manufacturing Co., DuQuoin, Ill., effective 10-29-53 to 4-28-54; 20 learners for expansion purposes (juniors' and misses' dresses).

Forest City Manufacturing Co., Zeigler, Ill., effective 10-29-53 to 4-28-54; 10 learners for expansion purposes (juniors' and misses' dresses).

Jacqueline of Delaware, Townsend, Del., effective 10-30-53 to 10-29-54; 5 learners for normal labor turnover purposes (dresses).

Lesmar Manufacturing Co., Inc., Stark Industrial Park, Charleston, S. C., effective 11-3-53 to 11-2-54; 9 learners for labor turnover purposes (ladies' and children's pajamas).

McEwen Manufacturing Co., McEwen, Tenn., effective 11-6-53 to 11-5-54; 10 percent of the factory production force for normal labor turnover purposes (overalls, dungarees, playsuits).

Oberman Manufacturing Co., Harrison, Ark., effective 11-17-53 to 11-16-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' pants).

Pella Manufacturing Corp., 707 East 3rd Street, Pella, Iowa, effective 11-2-53 to 11-1-54; 5 learners for normal labor turnover purposes (overalls and dungarees).

Princess Peggy, Inc., Chillicothe, Ill., effective 10-28-53 to 10-27-54; 10 percent of the factory production workers for normal labor turnover purposes (dresses).

The Pyke Manufacturing Co., 154 West 2nd South Street, Salt Lake City, Utah, effective 11-2-53 to 11-1-54; 10 percent of the factory production force for normal labor turnover purposes (work pants, overalls, coveralls, pedal pushers, and shorts).

Rice Stix No. 15, Lebanon, Mo., effective 11-8-53 to 11-7-54; 10 percent of the factory production force for normal labor turnover purposes (overalls, dungarees and jumpers).

Royal Manufacturing Co., Inc., Washington, Ga., effective 10-30-53 to 10-29-54; 10 percent of the number of factory production workers engaged in the production of woven sport shirts (sport shirts).

Salant & Salant, Inc., Princeton Factory, Tennessee Avenue, Parsons, Tenn., effective 11-8-53 to 11-7-54; 10 percent of the factory production force for normal labor turnover purposes (cotton work pants).

Salant & Salant, Inc., Washington Street, Paris, Tenn., effective 11-9-53 to 11-8-54; 10 percent of the factory production force for normal labor turnover purposes (cotton work shirts and wool work shirts).

Saluda Shirt Co., Inc., Saluda, S. C., effective 10-29-53 to 10-28-54; 10 learners for normal labor turnover purposes. This certificate authorizes the employment of learners engaged in the manufacture of men's sport shirts only (sport shirts).

Sea Craft Sportswear, Inc., Grassflat, Pa., effective 10-30-53 to 10-29-54; 10 learners for normal labor turnover purposes (trousers).

Seattle Woolen Co., 2822 A Street, Tacoma, Wash., effective 11-2-53 to 11-1-54; 10 learners for normal labor turnover purposes (men's jackets and cruisers).

Shane Mfg. Co., Inc., 2015 West Maryland Street, Evansville, Ind., effective 11-16-53 to 11-15-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton work clothing).

Southern Maid Garment, Inc., Winnsboro, S. C., effective 11-14-53 to 5-13-54; 20 learners for expansion purposes (children's dresses).

Standard Garments, Inc., 123 Fayette Street, Martinsville, Va., effective 10-28-53 to 10-27-54; 10 percent of the factory production force for normal labor turnover purposes (men's and boys' pants and jackets).

Summit Station Mfg. Co., 194 South Main Street, Pine Grove, Pa., effective 10-29-53 to 10-28-54; 10 learners for normal labor turnover purposes (women's dresses and blouses).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

North Star Manufacturing Co., Tacoma, Wash., effective 11-21-53 to 11-20-54; 6 learners (canton flannel gloves).

Western Glove Co., Orting, Wash., effective 11-21-53 to 11-20-54; 6 learners (canton flannel gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951; 16 F. R. 10733).

Chancellor Hosiery Mills, Inc., Reading, Pa., effective 11-3-53 to 11-2-54; 5 percent of the total number of factory production workers for labor turnover purposes.

Dolly Hosiery Mills, Inc., Valdese, N. C., effective 11-3-53 to 11-2-54; 5 learners for labor turnover purposes.

Industrial Hosiery Mills, Inc., Summit and Chestnut Streets, Mohnton, Pa., effective 10-30-53 to 10-29-54; 4 learners.

Peerless Hosiery Co., West Jefferson, N. C., effective 11-1-53 to 6-30-54; 50 learners for expansion purposes.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950; 15 F. R. 398).

West Iowa Telephone Co., Marcus, Iowa, effective 11-17-53 to 11-16-54.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866).

Royal Manufacturing Co., Inc., Washington, Ga., effective 10-30-53 to 10-29-54; 5 percent of the number of factory production workers engaged in the production of cotton drawers and cotton shorts (drawers, shorts).

Royal Manufacturing Co., Inc., Crawfordville, Ga., effective 10-28-53 to 10-27-54; 5 learners (drawers, shorts).

Saluda Shirt Co., Inc., Saluda, S. C., effective 10-29-53 to 10-28-54; 5 learners. This certificate authorizes the employment of learners engaged in the manufacture of men's and boys' shorts only (shorts).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Newberry Bagging & Tie Co., Caldwell Street, Newberry, S. C., effective 10-30-53 to 4-29-54; 1 learner; sewing machine operator, 160 hours at 65 cents per hour (cotton bagging).

Redwood City Knitting Mills, 120 Wilson Street, Redwood City, Calif., effective 10-28-53 to 4-27-54; 2 learners; hand embroiderers, 200 hours at 65 cents per hour (embroidery on sweaters).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Fonda Gage (Puerto Rico), Inc., Ponce, P. R., effective 10-20-53 to 3-31-54; 11 learners; millers, drill press operators, universal grinder; each 320 hours at 40 cents an hour (steel and carbide gage blocks).

Pan-Am Textiles, Inc., Caguas, P. R., effective 10-17-53 to 4-16-54; 57 learners; knitters, 240 hours at 30 cents an hour, 240 hours at 35 cent an hour; examiners, 240 hours at 30 cents an hour; seamers, menders; each 480 hours at 30 cents an hour, 480 hours at 35 cents an hour (full-fashioned hosiery).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 2d day of November 1953.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 53-9518; Filed, Nov. 10, 1953; 8:48 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 5628]

AEROVIAS INTERAMERICANAS DE PANAMA, S. A.; SERVICE FROM TOCUMEN, PANAMA, TO MIAMI, FLA.

NOTICE OF REOPENED HEARING

In the matter of the application of Aerovias Interamericanas de Panama, S. A., for a foreign air carrier permit under section 402 of the Civil Aeronautics Act of 1938, as amended, authorizing it to engage in scheduled or nonscheduled foreign air transportation between the terminal point Tocumen, Panama, and the terminal point Miami, Florida, with or without intermediate traffic stops in Havana, Cuba, and/or Kingston, Jamaica, and/or Nassau, Bahamas.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding will be reopened and resumed on November 13, 1953, at 10:00 a. m., e. s. t., in Room 2070 Temporary Building No. 5, Sixteenth Street and Constitution Avenue, NW, Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by the applicant particular attention will be directed to the following questions:

1. Whether the proposed air transportation will be in the public interest.

2. Whether the applicant is fit, willing, and able to perform the proposed air transportation and to conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder.

3. Whether the authorization of the proposed air transportation will be consistent with the obligations assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and the Republic of Panama.

For further details as to the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before November 13, 1953, a statement setting forth the pertinent issues of fact or law which he desires to controvert.

Dated at Washington, D. C., November 6, 1953.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-9537; Filed, Nov. 10, 1953; 8:51 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10346]

JAMES GERITY, JR.

ORDER CONTINUING HEARING

In re application of James Gerity, Jr., Pontiac, Michigan, for construction permit; Docket No. 10346, File No. BP-8651.

The Commission having before it a petition filed by WKMH, Incorporated, on October 27, 1953, requesting that the hearing herein now scheduled for November 5, 1953, be continued "until at least 20 days after the Commission has acted upon a Petition to Amend Order and Issues filed by WKMH, Incorporated on October 26, 1953;" and

It appearing, that in its petition of October 26, 1953, WKMH, Incorporated requested that issues be added and that the burden of proceeding with the introduction of evidence and the burden of proof be placed upon James Gerity, Jr., instead of upon itself; and

It further appearing, that the Commission has not as yet acted upon the petition of October 26, 1953, and that no opposition to the instant petition for a continuance of the hearing herein has been filed;

*It is ordered*, This 3d day of November 1953, that the petition for continuance is granted and that the hearing herein is continued until a date to be scheduled in a later order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9534; Filed, Nov. 10, 1953; 8:51 a. m.]



[Docket No. 10414]

RICHLAND BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of Richland Broadcasting Corporation, Richland, Wisconsin, for construction permit, Docket No. 10414, File No. BP-8584.

The Commission having under consideration a petition, filed on behalf of the above-entitled applicant on October 22, 1953, requesting a continuance of the hearing in this proceeding for a period of ninety days; and

It appearing, that applicant requests a continuance of the hearing in order to have more time to study other methods of improving broadcasting service in the Richland area; and

It further appearing, that the applicant's study may develop plans which do not necessitate a hearing upon this application, that no opposition to the petition has been filed, and that a continuance without date will conduce to the orderly dispatch of the Commission's business;

*Now therefore, it is ordered*, This 3d day of November 1953, that the petition for continuance is granted, and the hearing which is now scheduled for November 5 is continued to a date to be fixed by subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9535; Filed, Nov. 10, 1953; 8:51 a. m.]

[Docket No. 10745]

HENRY K. LINDSEY AND EDWIN JAMES KLEIN

ORDER DESIGNATING MATTER FOR HEARING

In the matter of a cease and desist order to be directed to Henry K. Lindsey and Edwin James Klein; Docket No. 10745.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 5th day of November 1953;

The Commission having under consideration the issuance of an order pursuant to section 312 (b) of the Communications Act of 1934, as amended, to Henry K. Lindsey and Edwin James Klein to cease and desist from operating an unlicensed television booster station on the Nawiliwilinui Range in Hawaii or any other unlicensed station;

It appearing, that Henry K. Lindsey and Edwin James Klein operated an unlicensed television booster station on Nawiliwilinui Range in Hawaii from March 25, 1953 until April 5, 1953 and from August 25, 1953 until August 31, 1953; and

It further appearing, that on March 30, 1953 the unlawful nature of this operation was explained to Henry K. Lindsey and that a letter of April 6, 1953 from Edwin James Klein to the Commission states that there was no intention on the part of Lindsey and Klein to violate any Commission regulations in their experimental operations; and

It further appearing, that, in spite of the notice to Lindsey and Klein, unlawful operation was again conducted by them in August, 1953; and

It further appearing, that said operations were in violation of section 301 of the Communications Act of 1934, as amended, and that they were wilful;

*It is ordered*, Pursuant to section 312 (c) of the Communications Act of 1934, as amended, that Henry K. Lindsey and Edwin James Klein are directed to show cause why an order should not be issued commanding them to cease and desist from operating any unlicensed television station; and

*It is further ordered*, That a hearing in this matter be held in the Commission's offices, Twelfth and Pennsylvania Avenue NW., Washington, D. C., on the 11th day of January 1954, in order to determine whether said cease and desist order should be issued, and that Henry K. Lindsey and Edwin James Klein are herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

*It is further ordered*, Pursuant to § 1.402 of the rules, that said Henry K. Lindsey and Edwin James Klein are directed to file with the Commission within thirty days of the receipt of this order a written appearance in triplicate, stating that they will appear and present evidence on the matter specified in this order if they desire to avail themselves of their opportunity to appear before the Commission. If they do not desire to appear before the Commission and give evidence on the matter specified herein, they shall, within thirty days of the receipt of this order, file with the Commission, in triplicate, a written waiver of hearing. Such waiver may be accompanied by a statement of reasons why Henry K. Lindsey and Edwin James Klein believe that a cease and desist order should not be issued, and

*It is further ordered*, That failure of said Edwin James Klein and Henry K. Lindsey timely to respond to this order or failure to appear at the hearing designated herein will be deemed a waiver of hearing.

Released: November 5, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9536; Filed, Nov. 10, 1953; 8:51 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. E-6335]

HOUSTON LIGHTING & POWER CO.

NOTICE OF ORDER APPROVING MAINTENANCE OF PERMANENT CONNECTION FOR EMERGENCY USE ONLY

NOVEMBER 5, 1953.

Notice is hereby given that on November 4, 1953, the Federal Power Commission issued its order adopted November 4, 1953, approving maintenance of permanent connection for emergency use only in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9526; Filed, Nov. 10, 1953; 8:49 a. m.]

[Docket No. E-6496]

WASHINGTON WATER POWER CO.

ORDER POSTPONING DATE OF HEARING

The intervening Public Utility Districts, by motion filed October 30, 1953, have requested that the hearing heretofore set for November 9, 1953, on the application of Washington Water Power Company for approval of the merger of Puget Sound Power and Light Company into Washington Water Power Company, be postponed. That hearing was set after the Washington Public Service Commission had issued its order approving the proposed merger.

In support of their motion, Intervenors assert that the order of the Washington Commission is not as yet final inasmuch as they have submitted a petition for rehearing to that Commission. Intervenors further assert that their counsel have been directed to prosecute statutory review proceedings through the courts of the State of Washington should their petition for rehearing be denied. In its answer, filed November 3, 1953, Applicant states that the aforementioned petition for rehearing was denied by the Washington Public Service Commission on November 3, 1953.

As an additional reason in support of their motion, Intervenors point out that Applicant's and Puget's Joint Agreement to Merge will, by its terms, terminate on November 19, 1953, in the event that the merger shall not have been consummated. Applicant answers that the consummation date of the merger agreement has once been extended by agreement of the parties, and may again be extended.

However, no evidence has been presented to the Commission by either Applicant or Intervenors that the termination date has, in fact, been extended, nor have any unequivocal representations been made that it will be.

In view of the fact that the transaction now could not possibly be consummated prior to the present termination date and the uncertainty that it will again be extended, there is considerable probability that the hearing now set for November 9, 1953, would prove to be unnecessary and involve a waste of time and expense.

The Commission therefore finds that it is appropriate in carrying out the provisions of the Federal Power Act to postpone the hearing in this matter presently set for November 9, 1953, as hereinafter ordered.

The Commission orders: The hearing herein previously ordered to be held on November 9, 1953 is postponed to a date

hereafter to be fixed by further order of the Commission.

Adopted: November 4, 1953.

Issued: November 5, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9529; Filed, Nov. 10, 1953; 8:50 a. m.]

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[Docket No. E-6525]

GULF STATES UTILITIES CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

NOVEMBER 5, 1953.

Notice is hereby given that on November 4, 1953, the Federal Power Commission issued its order adopted November 4, 1953, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9527; Filed, Nov. 10, 1953; 8:49 a. m.]

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[Docket Nos. G-2035, G-2040, G-2048, G-2049, G-2050, G-2073, G-2091, G-2301]

PANHANDLE EASTERN PIPE LINE CO. ET AL

ORDER TO SHOW CAUSE, REOPENING AND CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-2035, G-2040, G-2048, G-2049, G-2050, G-2073, G-2301; and Panhandle Eastern Pipe Line Company, Southeastern Michigan Gas Company, Citizens Gas Fuel Company, Citizens Gas Company, Michigan Gas Utilities Company, Docket No. G-2091.

Docket Nos. G-2035, G-2040, G-2048, G-2049, and G-2050 are applications of Panhandle Eastern Pipe Line Company (Panhandle) for disclaimers of jurisdiction or authorizations relative to the delivery of natural gas to certain direct sale customers. These dockets were consolidated for hearing together with Docket Nos. G-1767 and G-2047, two other certificate applications and Docket No. G-2091, an investigation on a number of related matters. Hearings were held and decisions were issued by the Presiding Examiner in all but Docket No. G-2091. Exceptions were taken to the Presiding Examiner's Decisions by parties to the proceedings or the Staff in all instances in which decisions were issued. The Commission by its order issued October 23, 1953, affirmed the Examiner's decision in Docket Nos. G-1767 and G-2047.

From an examination of the record, the Examiner's decisions, and the exceptions thereto, two conclusions have become abundantly apparent to us as to Panhandle's proposed sales. First, Panhandle in proposing the direct sales has ignored the provisions of section 7 of its interruptible rate schedules which provide that if it has gas available in excess of that necessary to meet its firm and annual contract volume service requirements, it shall offer such gas first to its buyers which own or control storage facilities to the extent such buyers contract to take such gas for storage and then on an equitable basis to its other customers. Secondly, in at least the one instance in which there was presented the testimony of a customer utility serving the franchise area in which a direct sale was proposed to be made, Panhandle refused to make sales of natural gas to that utility under its interruptible schedule, stating that it was not selling "I" schedule gas. Instead, Panhandle entered into an arrangement with the utility whereby the utility would transport to Panhandle's direct sale customer the volume of natural gas Panhandle was proposing to sell.

Regarding the failure of Panhandle to invoke the provisions of section 7 of its interruptible schedules, we have provided in Docket No. G-2073 for a hearing encompassing the validity of a procedure by which Panhandle has sold excess gas to certain of its resale customers through an arrangement other than its interruptible schedules. Also the subject of that hearing is the question of whether the interruptible rate schedule should be revised. We believe that the hearings on Panhandle's proposed direct sales have shown that the problem of whether Panhandle should be permitted to make direct sales before offering gas under its interruptible schedules to its buyers which own or control storage, or without offering gas to its other customers on an equitable basis is integrally related to the question of possible changes in Panhandle's interruptible rate schedules and that the matters should be presented to us in a single record. With that aim in mind we are reopening the proceedings in Docket Nos. G-2035, G-2040, G-2048, G-2049, G-2050 and G-2091 and consolidating them with Docket No. G-2073.

With respect to Panhandle's proposals to make direct sales within the franchise areas of its utility customers, we believe that the necessity for such arrangements should not result from Panhandle's refusal to sell natural gas to its resale customers under its interruptible rate schedules so that it may render the service as a direct sale. To the end of permitting the resale customers a freedom of choice as to whether they or Panhandle shall serve industrial customers in their franchise areas, we are requiring Panhandle to show cause why it should not be ordered under section 7 (a) of the Natural Gas Act to sell gas to the local distributors of natural gas in the case of the service as proposed by it in Docket Nos. G-2040, G-2049, and G-2050, as well as in the instance of its deliveries to the Mueller Brass Company through the facilities of Southeastern Michigan Gas Company.

In promulgating this order we are not unmindful of the conditions which have prompted our issuance of temporary authorizations in Docket Nos. G-2040, and G-2048 and it is not the purpose of this order to indicate any disposition of these causes. The existence of these temporary authorizations during the period of the further determinations will, however, permit a continuation of that service for which the Commission has found temporary authorization was necessary.

The Commission finds:

(1) It is necessary and appropriate in the public interest, pursuant to the provisions of the Natural Gas Act, particularly sections 7 (a), 14, 15 and 16 thereof, and § 1.6 of the Commission's rules of practice and procedure, for the Commission, upon its own motion, to institute proceedings and to require Panhandle to show cause, if any there be, why it should not be required to sell gas to Citizens Gas Fuel Company, Citizens Gas Company, Michigan Gas Utilities Company, and Southeastern Michigan Gas Company so that these companies may render the service within their particular franchise areas proposed to be rendered by Panhandle at Docket Nos. G-2040, G-2049, and G-2050, and being rendered by Panhandle to the Mueller Brass Company.

(2) It is appropriate for carrying out the provisions of the Natural Gas Act and good cause exists for reopening the proceedings in Docket Nos. G-2035, G-2040, G-2048, G-2049, G-2050, and G-2091, and consolidating such proceedings with Docket Nos. G-2073 and G-2301.

The Commission orders:

(A) Panhandle show cause, if any there be, why it should not be required to sell natural gas to Citizens Gas Fuel Company, Citizens Gas Company, Michigan Gas Utilities Company, and Southeastern Michigan Gas Company so that such companies may render the service within their particular franchise areas proposed to be rendered by Panhandle at Docket Nos. G-2040, G-2049, and G-2050, and being rendered by Panhandle to the Mueller Brass Company.

(B) The proceeding instituted in Paragraph A above is to be designated as Docket No. G-2301.

(C) The proceedings in Docket Nos. G-2035, G-2040, G-2048, G-2049, G-2050, and G-2091 be and the same hereby are reopened and consolidated with Docket Nos. G-2073 and G-2301 for the purpose of hearing.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 5, 7, 14, 15, and 16, and the Commission's rules of practice and procedure, a public hearing be held commencing January 5, 1954 at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in the consolidated proceedings.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: November 4, 1953.

Issued: November 5, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9530; Filed, Nov. 10, 1953; 8:50 a. m.]



[Docket No. G-2263]

LONE STAR GAS CO.

ORDER FIXING DATE FOR HEARING

Lone Star Gas Company (Applicant) filed an application on September 28, 1953, for a certificate of public convenience and necessity for authority to construct and operate 4.13 miles of 10-inch transmission pipe line, and for an order permitting and approving abandonment of 2.7 miles of existing 10-inch transmission line, all as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition to intervene having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 15, 1953 (18 F. R. 6578).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 25, 1953, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: November 4, 1953.

Issued: November 5, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9531; Filed, Nov. 10, 1953; 8:50 a. m.]

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[Project No. 2086]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF ORDER ISSUING LICENSE (MAJOR)

NOVEMBER 5, 1953.

Notice is hereby given that on September 29, 1953, the Federal Power Commission issued its order adopted September 25, 1953, issuing license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9528; Filed, Nov. 10, 1953; 8:49 a. m.]



## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28621]

COAL FROM WESTERN KENTUCKY MINES TO PADUCAH, KY.

APPLICATION FOR RELIEF

NOVEMBER 6, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for the Louisville and Nashville Railroad Company and the Nashville, Chattanooga & St. Louis Railway.

Commodities involved: Coal, in carloads.

From: Western Kentucky mines.

To: Paducah, Ky.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1224, supp. 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9532; Filed, Nov. 10, 1953; 8:50 a. m.]

## NATIONAL LABOR RELATIONS BOARD

SPECIAL PROCESSING OF REPRESENTATION CASES INVOLVING UNIONS OF WHICH AN OFFICER HAS BEEN INDICTED FOR FILING A FALSE NON-COMMUNIST AFFIDAVIT

STATEMENT OF POLICY

Pursuant to the provisions of section 3 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.), the National Labor Relations Board hereby separately states and currently publishes in the FEDERAL REGISTER the following statement of policy on processing of representation cases involving unions of which an officer has been indicted for filing a false non-Communist affidavit (effective October 23, 1953).

Recent indictments of union officers in connection with the filing of affidavits under section 9 (h) have raised administrative problems of case handling and practical problems of labor relations which require attention. Involved in such criminal proceedings are questions concerning the truth or falsity of the affidavits. A judicial determination in that regard will, of course, have a direct impact upon the compliance status of the labor organization involved.

While the Board, of course, draws no inference of guilt from the issuance of the indictments concerning the falsity of the affidavits or the mala fides of the compliance status of the labor organizations affected, the Board at the same time recognizes that a conviction based on such an indictment would necessarily invalidate any certifications or other official action taken by the Board in reliance on the truth of such affidavits. Moreover, collective bargaining and other rights and relationships will undoubtedly be affected or established as a result of certifications issued by the Board to the labor organizations in question, so that the status quo ante cannot be restored in the event convictions under the indictments should establish that the certifications or other official action should not have issued or been taken.

Accordingly, the Board in order to avoid such irreparable consequences so far as it is possible to do so, and the futile dissipation of its necessarily limited resources, and to avoid a possible frustration of the policies which the act is designed to achieve, has determined to hold in abeyance, pending final disposition of the foregoing indictments any official action which would necessarily result in according final and official status to a labor organization and which would have to be invalidated in the event convictions resulted from the indictments.

The Board has weighed the competing considerations of injury to the affected labor organizations and their members by holding such matters in abeyance, against the broad considerations of practicality, administrative workability and statutory policy, and has concluded that, under all the circumstances, the following procedures, to be put into effect immediately in all representation cases involving such a union, are best calculated to effectuate the policies of the act, and to threaten least unsettling disturbance to labor-management relations and collective bargaining agreements.

1. RC and RM cases in which such union is the only labor organization involved: These cases will be docketed and then held in abeyance pending the outcome of the indictment proceeding.

2. RD cases in which such union is the only labor organization involved: These cases will be processed in the usual manner up to but not including issuance of the certification. At this point, in the event the union has won the election, issuance of the final document should be held in abeyance pending the outcome of the indictment case.

3. RC cases in which such union is the Petitioner but not the only labor organization involved:

(a) In the absence of a contention by the Intervenor or employer that such action would be prejudicial to its interests, these cases should be docketed and then held in abeyance as in 1 above.

(b) Where, upon inquiry, the intervenor or employer contends that withholding further action would be prejudicial to its interests, the case should be fully processed in the usual way (with exception noted in 6) up to but not including certification. At this point, in the event the Petitioner has won the election, issuance of the certification should be held in abeyance pending the outcome of the indictment case.

4. RC cases in which such union is an intervenor: These cases will be processed in the usual manner, with the exception noted in 6, up to but not including issuance of the certification. At this point, in the event such intervenor has won the election, issuance of a certification should be held in abeyance pending the outcome of the indictment case.

5. RM cases in which such union is not the only labor organization involved: These cases should be handled in the manner outlined in 3 above, as though such union were the petitioner and the other unions involved were intervenors.

6. Consent election agreements which provide for such union to appear on the ballot should contain a proviso to Paragraph 5 of the Agreement for Consent Election or the Stipulation for Certification Upon Consent Election as follows:

It is agreed that in the event the ---------- union prevails in the election, the Regional Director shall hold in abeyance issuance of the certification of representatives pending the outcome of the indictment proceedings.

Dated: Washington, D. C., October 23, 1953.

By direction of the Board.

FRANK M. KLEILER,
*Executive Secretary.*

[F. R. Doc. 53-9501; Filed, Nov. 10, 1953; 8:54 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File Nos. 70-3077, 70-3078]

CITIES SERVICE CO. ET AL.

ORDER RELEASING JURISDICTION OVER LEGAL FEES AND EXPENSES

NOVEMBER 5, 1953.

In the matter of Cities Service Company, Republic Light, Heat and Power Company, Inc., Gas Advisers, Inc., File No. 70-3078; National Fuel Gas Company, File No. 70-3077.

The Commission, by order dated July 16, 1953, having authorized, among other things, the acquisition by National Fuel Gas Company ("National"), a registered holding company, of all of the common stocks of Republic Light, Heat and Power Company, Inc. and of Penn-York Natural Gas Corporation, both subsidiaries of Cities Service Company, a registered holding company; and

The Commission in said Order having reserved jurisdiction with respect to the payment of legal fees and expenses incurred or to be incurred by National in connection with said acquisition; and

The record having been completed with respect to the legal fees and expenses of National, namely (1) a fee in the amount of $6,000 to Stryker, Tams & Horner, counsel for National and expenses of said firm amounting to $105.14, (2) a fee in the amount of $6,500 to Kenefick, Bass, Letchworth, Baldy & Phillips, counsel for National and expenses of said firm amounting to $313.93, and (3) miscellaneous expenses of National amounting to $1,051.25; and

The Commission having considered the record with respect to said fees and it appearing that the same are not unreasonable;

*It is ordered*, That the jurisdiction heretofore reserved over fees and expenses for legal services be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53-9519; Filed, Nov. 10, 1953; 8:48 a. m.]

[File No. 70-3135]

WORCESTER COUNTY ELECTRIC CO.

ORDER AUTHORIZING SALE OF PREFERRED STOCK AT COMPETITIVE BIDDING

NOVEMBER 5, 1953.

Worcester County Electric Company ("Worcester"), a subsidiary of New England Electric System ("NEES"), a registered holding company, having filed an application-declaration with this Commission pursuant to sections 6 (a) (2), 6 (b) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 (b) (2) and U-50 thereunder with respect to the following proposed transactions:

Worcester proposes to create a new class of capital stock, namely, 300,000 shares of $100 par value cumulative preferred stock, and proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, 75,000 shares of such stock. The dividend rate (which shall be expressed in a multiple of .04 of 1 percent and not in excess of 6 percent) and the price to be paid to Worcester (which shall not be less than $100 and shall not exceed $102.75 per share) will be determined by competitive bidding. Bids will be received up to 12 noon on a date, not less than ten days or more than thirty days after the date of the invitation for bids, which the company shall fix by giving notice at least forty-two hours in advance to each prospective bidder.

The proceeds from the proposed sale of preferred stock (exclusive of accrued dividends and the expenses of issuance) are to be applied to the payment of short-term notes payable to NEES and to banks, estimated in the aggregate of $6,500,000 and the balance, if any, of the proceeds will be used to pay for capitalizable expenditures or to reimburse the treasury therefor.

The proposed issue and sale of preferred stock has been approved by the Massachusetts Department of Public Utilities. Worcester requests that the Commission's orders entered herein become effective upon the issuance thereof.

Due notice having been given of the filing of the application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of said act, that said application-declaration, as amended, be and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of preferred stock shall not be consummated until the results of competitive bidding with respect thereto shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate

*It is further ordered*, That jurisdiction be, and hereby is, reserved over the payment of all fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53-9520; Filed, Nov. 10 1953; 8:48 a. m.]

[File No. 70-3146]

DELAWARE POWER & LIGHT CO.

NOTICE OF FILING REGARDING ISSUE AND SALE OF SHARES OF COMMON STOCK

NOVEMBER 5, 1953.

Notice is hereby given that an application or declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("the act"), by Delaware Power & Light Company ("Delaware"), a registered holding company and a public utility operating company, designating sections 6 (a) and 7 of the act and rules thereunder as applicable to the proposed transactions which are summarized as follows:

Delaware proposes to issue and sell 232,520 shares of its Common Stock, par value $13.50 per share, and in addition to sell such shares, but not in excess of 23,252 shares, as may be purchased for the purpose of stabilizing the price of the common stock. The 232,520 shares of common stock will be offered to stockholders in accordance with their preemptive rights and upon the basis of one share for each seven shares. Transferable warrants evidencing the right to subscribe will be issued to common stockholders of record as of the close of business on November 25, 1953. Subject to such rights of the stockholders, the stock will also be offered to employees of Delaware and its subsidiaries in an amount not exceeding 150 shares per employee. The balance, if any, of the stock not subscribed for by holders of warrants and employees will be sold to underwriters.

The Board of Directors of Delaware will, not later than 12:00 o'clock noon on November 23, 1953, determine the offering price of the stock to stockholders and to employees, which price will be specified in the bids submitted by underwriters as the price to be paid the company for any unsubscribed stock. Immediately following determination by the Board of Directors of such offering price, notice of the price will be given to prospective bidders and will be publicly announced by the company. Bids for the unsubscribed stock will specify the compensation to be paid the underwriters.

Delaware proposes that, for the purpose of stabilizing the price of its common stock, it may purchase up to 23,252 shares of its common stock on the New York Stock Exchange, the Philadelphia-Baltimore Stock Exchange, in the over-the-counter market, or otherwise. Such stabilization, if commenced, will be terminated not later than the time fixed for the acceptance of a bid for the purchase of the unsubscribed stock. Shares acquired by Delaware as a result of such stabilization will be included as part of the unsubscribed stock which will be sold to the underwriters.

Delaware requests that the period between the publication of the invitation for bids and the time of opening of bids be shortened to seven days in order that bids for the stock may be opened on November 25, 1953.

The net proceeds from the proposed sale of common stock will be used to finance a portion of the construction program of Delaware and its two subsidiaries which, it is contemplated, will require expenditures of approximately $30,000,000 in 1953 and 1954.

The issuance of the warrants and the issuance and sale of the 232,520 shares of common stock was approved by the Public Service Commission of Delaware by order dated October 15, 1953.

It is requested that the Commission issue its order herein to become effective on November 17, 1953.

Notice is further given that any interested person may, not later than November 16, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application or declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53-9521; Filed, Nov. 10, 1953; 8:48 a. m.]



Reference Room

Reference Room


# FEDERAL REGISTER

VOLUME 18 NUMBER 222

Washington, Friday, November 13, 1953


## TITLE 12—BANKS AND BANKING

### Chapter II—Federal Reserve System

#### Subchapter A—Board of Governors of the Federal Reserve System

[Reg F]

#### PART 206—TRUST POWERS OF NATIONAL BANKS

INTERPRETATION; AGGREGATE INVESTMENT IN COMMON TRUST FUND

§ 206.110 *Aggregate Investment in Common Trust Fund.* (a) The Board of Governors has been requested to interpret the following sentence of subparagraph (5) of § 206.17 (c):

No funds of any trust shall be invested in a participation in a Common Trust Fund if such investment would result in such trust having invested in the aggregate in the Common Trust Fund an amount in excess of 10 percent of the value of the assets of the Common Trust Fund at the time of investment, as determined by the trust investment committee, or the sum of $100,000 whichever is less.

The specific question was whether (1) the actual amount previously invested in participations in the Common Trust Fund or (2) the present market value of such participations, should determine the amount of additional investments, if any, which may be made in such participations.

(b) It is the Board's view that under this language of this part the additional amount which a trust may invest in a Common Trust Fund is determined by the dollar amount which the trust actually invested in the participations which it now holds, rather than by the present market value of such participations. For example, if a total of $75,000 was paid for units purchased for the trust on previous occasions, the amount which could now be invested would be $25,000 (assuming that $100,000 does not exceed 10 percent of the present value of the assets of the common trust fund), regardless of the present market value of the units already held by the trust.

(Sec. 11 (k), 38 Stat. 262; 12 U. S. C. 248 (k). Interprets or applies secs. 2–4, 24 Stat. 18, 19, sec. 1, 40 Stat. 1043, as amended, sec. 1, 44 Stat. 1225, as amended, sec. 11 (k), 38 Stat. 261 as amended, 53 Stat. 68, as amended; 12 U. S. C. 30–33, 34 (a), 248 (k), 26 U. S. C. 169)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
*Secretary.*

[F. R. Doc. 53-9566; Filed, Nov. 12, 1953; 8:47 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 6036]

#### PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL BLIND INDUSTRIES, INC., ET AL.

Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 3.1513 *Operations generally;* § 3.1555 *Size, extent or equipment.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2090 *Undertakings, in general.* Subpart—*Simulating competitor or another or product thereof:* § 3.2240 *Trade name of competitor or another.* Subpart—*Using misleading name*—Vendor: § 3.2385 *Identity.* In connection with the offering for sale, sale and distribution of house numbers, woven goods or any other products in commerce, (1) representing, directly or by implication, that respondents have facilities for training, or that they do train, blind persons; (2) representing, directly or by implication, that contributions received from the public will be used to train or rehabilitate the blind or otherwise used for the benefit of the blind; and (3) using as a part of respondents' corporate or trade name the words "National Blind Industries", or any other word or combination of words substantially similar to the name "National Industries for the Blind"; prohibited.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplement is now available:

General Index ($1.00)

Previously announced: Title 3 ($1.75); Titles 4–5 ($0.55); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75), Parts 210–899 ($2.25), Part 900–end (Revised Book) ($6.00); Title 8 (Revised Book) ($1.75); Title 9 ($0.40); Titles 10–13 ($0.40); Title 14: Parts 1–399 (Revised Book) ($6.00), Part 400–end (Revised Book) ($3.75); Title 15 ($0.75); Title 16 ($0.65); Title 17 ($0.35); Title 18 ($0.35); Title 19 ($0.45); Title 20 ($0.60); Title 21 ($1.25); Titles 22–23 ($0.65); Title 24 ($0.65); Title 25 ($0.40); Title 26: Parts 80–169 ($0.40), Parts 170–182 ($0.65), Parts 183–299 ($1.75); Title 26: Part 300–end, Title 27 ($0.60); Titles 28–29 ($1.00); Titles 30–31 ($0.65); Title 32: Parts 1–699 ($0.75), Part 700–end ($0.75); Title 33 ($0.70); Titles 35–37 ($0.55); Title 38 ($1.50); Title 39 ($1.00); Titles 40–42 ($0.45); Title 43 ($1.50); Titles 44–45 ($0.60); Title 46: Parts 1–145 (Revised Book) ($5.00), Part 146–end ($2.00); Titles 47–48 ($2.00); Title 49: Parts 1–70 ($0.50), Parts 71–90 ($0.45), Parts 91–164 ($0.40), Part 165–end ($0.55); Title 50 ($0.45)

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(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45)

[Cease and desist order, National Blind Industries, Inc., et al., Washington, D. C., Docket 6036, October 20, 1953]

*In the Matter of National Blind Industries, Inc., a Corporation, and Walter O. Ulrey, Frances D. Lehman, and David A. Ulrey, Individually and as Officers of National Blind Industries, Inc.*

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, respondents' answers, and hearings at which testimony and other evidence, duly recorded and filed in the office of the Commission, in support of and in opposition to the allegations of the complaint, were introduced before said examiner, theretofore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, answer, testimony and other evidence and proposed findings as to the facts and conclusions submitted by counsel supporting the complaint and by certain of the respondents (oral arguments not having been requested); and said examiner, having duly considered the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order, including order to cease and desist and order of dismissal as to certain respondents.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on October 20, 1953.

Said order to cease and desist is as follows:

*It is ordered*, That respondent National Blind Industries, Inc., a corporation, and its officers, and respondent David A. Ulrey, individually and as an officer of said corporation, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of house numbers, woven goods or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents have facilities for training, or that they do train, blind persons.

2. Representing, directly or by implication, that contributions received from the public will be used to train or rehabilitate the blind or otherwise used for the benefit of the blind.

3. Using as a part of respondents' corporate or trade name the words "National Industries for the Blind."

*It is further ordered*, That the complaint be, and it hereby is, dismissed as to respondents Walter O. Ulrey and Frances D. Lehman.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6036, October 20, 1953, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

*It is ordered*, That the respondents, National Blind Industries, Inc., a corporation, and David A. Ulrey, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: October 20, 1953.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr., *Secretary.*

[F. R. Doc. 53-9590; Filed, Nov. 12, 1953; 8:52 a. m.]

[1] Filed as part of the original document.

# TITLE 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

### Subchapter C—Miscellaneous Excise Taxes

[T. D. 6051; Regs. 3]

### PART 182—INDUSTRIAL ALCOHOL

COMPLETELY DENATURED ALCOHOL FORMULAE; MISCELLANEOUS AMENDMENTS

The purpose of these amendments is to provide more flexibility in the selection of denaturants which may be authorized for use in Specially Denatured Alcohol Formula No. 29, by eliminating the restrictive requirement that any alternate denaturant must be a chemical produced from ethyl alcohol. The amendments will permit the use as denaturants of chemicals other than those produced from ethyl alcohol. These amendments are considered necessary since present authorized denaturants have been found unsatisfactory for modern chemical manufacturing processes. Accordingly, the Appendix to Regulations 3, "Industrial Alcohol" (26 CFR Part 182; 7 F. R. 1858.), as amended, is hereby amended as follows:

PARAGRAPH 1. The composition of Specially Denatured Alcohol Formula No. 29 is amended to read as follows:

To every 100 gallons of ethyl alcohol add: One gallon of 100 percent acetaldehyde or 5 gallons of an alcoholic solution of acetaldehyde containing not less than 20 percent acetaldehyde, or not less than 1 part by weight if solid, or volume if liquid, of any chemical that meets with the approval of the Commissioner.

This formula is restricted to processes where the alcohol loses its identity as alcohol by being converted into other chemicals. Where it is desired to use any chemicals other than actaldehyde or an alcoholic solution of acetaldehyde for Formula No. 29, the use of such chemicals shall be subject to approval by the Commissioner as to kind and amount required.

PAR. 2. The specifications for denaturant Ethylamines, listed immediately following the specifications for Ethyl Acetate in the "Specifications for Denaturants in Specially Denatured Alcohol," are revoked.

PAR. 3. The specifications for denaturant Ethyl Propionate, listed immediately following the specifications for Ethyl Ether in the "Specifications for Denaturants in Specially Denatured Alcohol," are revoked.

PAR. 4. The list "Denaturants Authorized for Completely and Specially Denatured Alcohol," is amended by striking therefrom the following:

Ethyl propionate ..... S D 29
Ethylamines ..... S. D. 29

The provisions of these amendments are not to be construed as restricting the use of alternate denaturants such as "GC–78," and "GC–79," which have been previously authorized.

(53 Stat. 375; 26 U. S. C. 3176. Interprets or applies 53 Stat. 355, 358, 373, as amended; 26 U. S. C. 3070, 3105, 3170)

Because the amendments made by this Treasury decision are of a liberalizing character, it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4 (c) of said act.

This Treasury decision shall be effective upon its publication in the FEDERAL REGISTER.

[SEAL] T. COLEMAN ANDREWS, *Commissioner of Internal Revenue.*

OCTOBER 9, 1953.

Approved: November 6, 1953.

M. B. FOLSOM, *Acting Secretary of the Treasury.*

[F. R. Doc. 53-9588; Filed, Nov. 12, 1953; 8:51 a. m.]

[T. D. 6050; Regs. 10]

### PART 185—WAREHOUSING OF DISTILLED SPIRITS

APPROVAL OF ALTERNATE OPERATIONS OF A BOTTLING-IN-BOND DEPARTMENT AS A TAXPAID BOTTLING HOUSE

In order that the storekeeper-gauger in charge at an internal revenue bonded warehouse, in lieu of the Assistant Regional Commissioner, may approve the alternate operation of the bottling-in-bond department of such warehouse as a taxpaid bottling house, Regulations 10 (26 CFR Part 185) are amended as follows:

PARAGRAPH 1. Section 185.270 is amended as follows:

(A) By inserting immediately after the words "taxpaid bottling house" in the proviso of the first sentence, the following: "is for a period of twenty-four hours, or multiples thereof, concurrent with the calendar day, or days, as the case may be, and".

(B) By striking the word "district supervisor" in the two places they appear in the last sentence and inserting in lieu thereof in the first instance "Assistant Regional Commissioner" and in the second instance "storekeeper-gauger in charge of the warehouse".

PAR. 2. Section 185.271 is amended by striking the words "district supervisor" and inserting in lieu thereof "storekeeper-gauger in charge of the warehouse".

PAR. 3. Section 185.272 is amended as follows:

(A) By striking the words "district supervisor" in the first sentence of paragraph (a) and inserting in lieu thereof "storekeeper-gauger in charge of the warehouse".

(B) By amending the second sentence of paragraph (a) which begins "The form shall" to read as follows: "The form shall be executed in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part."

(C) By inserting after the second sentence of paragraph (a) the following new sentence: "Upon approval of Form 404, the storekeeper-gauger in charge will forward the original copy to the Assistant Regional Commissioner, deliver one copy to the proprietor and retain the remaining copy for his files."

PAR. 4. Section 185.273 is amended as follows:

(A) By striking the words "district supervisor" in the first sentence of paragraph (a) and inserting in lieu thereof "storekeeper-gauger in charge of the warehouse".

(B) By amending the second sentence of paragraph (a) which begins "The form shall" to read as follows: "The form shall be executed in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part."

(C) By inserting after the second sentence of paragraph (a) the following new sentence: "Upon approval of Form 404, the storekeeper-gauger in charge will forward the original copy to the Assistant Regional Commissioner, deliver one copy to the proprietor and retain the remaining copy for his files."

(53 Stat. 375; 26 U. S. C. 3176)

Because the changes made are of an administrative character, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4 (c) of said act.

This Treasury decision shall be effective upon the date of publication in the FEDERAL REGISTER.

[SEAL] JUSTIN F. WINKLE,
*Acting Commissioner of Internal Revenue.*

Approved: November 6, 1953.

M. B. FOLSOM,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-9589; Filed, Nov. 12, 1953; 8:51 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

ALBEMARLE SOUND, PAMLICO SOUND AND ADJACENT WATERS, NORTH CAROLINA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.54 establishing and governing the use and navigation of danger zones for naval aircraft operations in Albermarle Sound, Pamlico Sound, and adjacent waters, North Carolina, is hereby amended, as follows:

§ 204.54 *Albemarle Sound, Pamlico Sound and adjacent waters, N. C.; danger zones for naval operations.* • • •

(b) *Target and bombing areas*—(1) *Along north shore of Albemarle Sound*—(i) *Western area.* Beginning at a point on the north shore of Albemarle Sound where the eastern highway bridge intersects the shore at Sandy Point; thence southerly along the eastern side of the bridge to the northern end of the draw; thence northeasterly to latitude 36°02′18″, longitude 76°19′30″; thence northwesterly to latitude 36°04′18″, longitude 76°20′20″; thence 23°15′ true to the shore; and thence southwesterly along the shore and across the mouth of Yeopim River, to the point of beginning.

(ii) *Eastern area.* Beginning on the north shore of Albemarle Sound at the easternmost tip of Harvey Point; thence southeasterly to Perquimans Bluff Flats Buoy; thence southeasterly to latitude 36°03′06″, longitude 76°16′43″; thence southwesterly to latitude 36°02′18″, longitude 76°19′30″; thence northwesterly to latitude 36°04′18″, longitude 76°20′20″; thence 23°15′ true to the shore; and thence northeasterly along the shore to the point of beginning.

(2) *Along south shore of Albemarle Sound; Target and bombing area.* Beginning at the northernmost point of Laurel Point; thence to Laurel Point Light; thence to latitude 36°02′40″, longitude 76°04′26″; thence to Lewis Point; thence westerly along the shore to a point bearing 68°, 2,200 yards from Scuppernong River Entrance Light; thence 263°, to the shore south of Bull Creek entrance; thence northerly along the shore and across the entrance to Bull Creek to the point of beginning; excluding from this area a passage 600 yards in width the center line of which extends due north from Scuppernong River Entrance Light.

• • • • •

(d) *The regulations.* • • •

(2) *Target and bombing areas.* The areas described in paragraph (b) (1) (i) and (2) of this section will be used as target and bombing areas by naval aircraft during daylight only. The area described in paragraph (b) (1) (ii) of this section will be used as a target and bombing area for both day and night operations. No use will be made of these areas for target and bombing operations during the period 30 days prior to and during the annual duck hunting season as established by the State of North Carolina. Dummy ammunition, water-filled and smoke bombs will be used, except during wartime when live ammunition and bombs may be used. The areas will be open to navigation, except for brief periods when target and bombing exercises are being conducted by naval aircraft. The areas will be patrolled and vessels shall clear the area under patrol upon being warned by the surface patrol craft or when "buzzed" by patrolling aircraft. No vessel shall enter the areas described in paragraph (b) (1) (i) and (2) of this section until the surface patrol craft and patrol aircraft leave the area or areas. As a further means of warning vessels of naval aircraft operations in the area described in paragraph (b) (1) (ii) of this section a cluster of flashing red lights at night and a large red flag by day will be displayed from the range observation tower located in the approximate center of the shore side of this area. No vessel shall enter the area until the surface patrol craft and patrol aircraft leave the area and the tower signals are discontinued.

• • • • •

[Regs., October 21, 1953, 800.2121 (Albemarle Sound, N. C.)—ENGWO] (40 Stat. 266 292; 33 U. S. C. 1, 3)

[SEAL] WM. E. BERGIN,
*Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 53-9587; Filed, Nov. 12, 1953; 8:51 a. m.]

## TITLE 35—PANAMA CANAL

### Chapter I—Canal Zone Regulations

PART 24—SANITATION, HEALTH, AND QUARANTINE

DESIGNATION OF COUNTRIES WHERE FOOT-AND-MOUTH DISEASE OR RINDERPEST EXISTS; IMPORTATIONS PROHIBITED

Pursuant to the authority vested in the Governor by Rule 119qq of Executive Order No. 4314 of September 25, 1925, as amended by Canal Zone Order No. 15 of July 15, 1948 (35 CFR 24.102), § 24.102a, as amended by Governor's regulations of October 14, 1952, 17 F. R. 10559, and October 15, 1953, is hereby further amended by adding the Channel Islands and the Island of Martinique to, and deleting Canada, Island of Jersey, and Norway from, the list of designated countries in which it is determined that foot-and-mouth disease or rinderpest exists.

(Sec. 1, 39 Stat. 527, as amended; 2 C. Z Code 371, 372, 48 U. S. C. 1310)

Issued at Balboa Heights, Canal Zone, October 30, 1953.

[SEAL] J. S. SEYBOLD,
*Governor.*

[F. R. Doc. 53-9572; Filed, Nov. 12, 1953; 8:49 a. m.]



## TITLE 36—PARKS, FORESTS, AND MEMORIALS

### Chapter II—Forest Service, Department of Agriculture

PART 221—TIMBER

MISCELLANEOUS AMENDMENTS

Sections 221.5, 221.6, 221.7, 221.9, 221.11 to 221.19 inclusive, and 221.29, Part 221, Chapter II, Title 36, Code of Federal Regulations, are superseded by the following regulations, effective upon publication in the FEDERAL REGISTER.

*Explanatory notes.* In this document the following changes are made:

1. Section 221.5: Changes "agreement" to "contract."

2. Section 221.6: Changes "agreements" to "contracts."

3. Section 221.7: The title of this section is changed from *Reappraisals* to *Rate redetermination* because this term more clearly expresses what is done.

Redetermination of rates for required deposits is added because there may be need to adjust such rates at time of rate redetermination to reflect current requirements for sale area betterment and slash disposal.

The term "chiefly for pulpwood" is eliminated in the last clause of the first sentence. This change will authorize a maximum period of ten years before rate redetermination for all classes of large sales in Alaska which require installation of extensive manufacturing facilities. Such provision is needed to obtain advances in utilization of sawlogs as well as for the installation of pulp mills.

4. Section 221.9: Changes "agreement" to "contract."

5. Section 221.11: Changes "agreement" to "contract."

6. Section 221.12: Changes "appraised value" to "advertised value" to clarify the section.

7. Section 221.13: Changes "agreement" to "contract."

8. Section 221.14: Changes "agreement" to "contract."

9. Section 221.15: Changes "agreement" to "contract" and adds to the approved list of log rules a decimalized version of the International ¼″ log rule. Decimalized log rules conserve scaling time without sacrifice in accuracy when a substantial quantity of logs are scaled.

10. Section 221.16: Section restated to clarify conditions under which rights of third parties in a timber sale contract may be recognized by the Forest Service.

11. Section 221.17: Changes "agreements" to "contracts."

12. Section 221.18: Changes "agreement" to "contract."

13. Section 221.19: Changes agreement" to "contract."

14. Section 221.29: Changes "agreement" to "contract."

§ 221.5 *Where timber may be cut.* (a) The cutting of timber may be authorized as prescribed by regulation, under sale, permit, or otherwise on any vacant national forest land whether reserved from the public domain, purchased, acquired by exchange, donated, or transferred from other Federal Agencies, or on land administered by the Forest Service under an authorization for the application to it of the regulations for the occupancy and use of the national forests, except for:

(1) Timber reserved by a grantor of land, during the life of such reservation.

(2) Timber reserved from disposal under other regulations.

(3) Timber on valid claims which were located or entered prior to:

(i) The first publication of the notice of sale.

(ii) The execution of the sale contract or approval of permit for timber where disposal is without publication of notice.

(iii) The signing by the Secretary of Agriculture of a recommendation to the Secretary of the Interior for an exchange in which timber on the area is to be given to the proponent.

(iv) The first publication of a notice of hearing under the provisions of § 221.4 on a cooperative or Federal sustained yield unit including the area.

(b) No person shall prevent or interfere with the cutting and removal of timber under any sale, permit, grant, contract, or establishment of a sustained yield unit because of a location or entry made subsequent to authorized actions for timber disposal.

(c) Timber on any unperfected claim may be disposed of with the written consent of the claimant, or, in emergencies arising from insect infestations, disease infections, or rapid deterioration of timber killed or dying from fire or other causes, without the consent of the claimant.

(d) Timber on an unperfected mining or homestead claim may be cut by the claimant for the actual development of the claim or for uses consistent with the purposes for which the claim was entered. All other cutting by or under authority of the claimant is prohibited on such claims except as may be authorized by sale, permit, or grant in exchange for land.

(e) Timber on unapproved selections or other lands of unsettled status may be sold, in emergencies to prevent serious loss, upon submission of a bond by the operator to pay a stipulated price for the timber cut if title is not perfected adversely to the United States within a specified period, or if the claim of title thereto adverse to the United States is determined to be invalid.

(f) With prior approval by the Regional Forester timber on lands under option by the United States or on offered lands included in an approved land exchange agreement may be sold. Before the sale is made, a cooperative agreement must be made with the owner of the land authorizing the Forest Service to conduct the sale and providing for return of stumpage receipts to the owner if title to the land is not accepted by the United States.

§ 221.6 *Authorization to make sales.* (a) The Chief, Forest Service, is authorized to make timber sales for any amount on any national forest, subject to the maximum cut fixed in accordance with established policies for management of the national forests. He may delegate this authority for amounts not exceeding, in any one sale, 50 million feet board measure, or the equivalent thereof, to Regional Foresters, and the latter may authorize subordinates to make sales not exceeding, in any one sale, 10 million feet board measure or the equivalent. All supervisors and forest officers in charge of Research Centers may make sales of not exceeding $2,000 in value without special authorization and may delegate this authority to subordinate officers.

(b) The Chief, Forest Service, after approval of conditions of sale, may authorize Regional Foresters formally to approve timber sale contracts and related papers in sales exceeding the volume which the Regional Forester has been authorized to sell.

§ 221.7 *Rate redetermination.* All sale contracts exceeding five years in duration, and those of shorter duration to the extent found desirable by the officer authorizing the sale, will provide for the redetermination of rates for stumpage and for required deposits, at intervals ordinarily of not more than three years, and of not more than five years in any case, exclusive of any period allowed for the construction of improvements; but contracts for large sales in Alaska, involving installation of extensive manufacturing facilities may provide that the first redetermination of rates and deposits will be made after not more than ten years, exclusive of any period allowed for the construction of improvements. No redetermined stumpage price shall be less than the base price determined in the original appraisal.

§ 221.9 *Emergency sales.* (a) Timber may be sold in amounts exceeding $2,000 in value in advance of advertisement in cases of unusual emergency. Emergency sale contracts will require that the purchaser bid for the entire offering at not less than the appraised value, and pay for all timber cut under the emergency contract at the rate or rates of the highest bona fide bid submitted.

(b) An unusual emergency exists if the applicant is in immediate need of timber for his own use or to meet urgent public needs, or to maintain opportunities for gainful employment in the locality, or if immediate cutting is necessary because of rapid deterioration of the timber. Emergency sale contracts will be approved by the officer having authority to approve sales of the total quantity being advertised, but Regional Foresters may require advance submission to them of all proposals to make emergency sales.

§ 221.11 *Financial standing of applicant or bidder.* When necessary in the judgment of the approving officer, any applicant or bidder may be required to submit, before expense is incurred in acting on the application or before award is made in response to a bid, a satisfactory showing of financial ability and bidder may be required to show that he has or can obtain equipment and supplies suitable for logging and manufacturing the timber and for meeting the fire precautionary terms of the contract.

§ 221.12 *Private sales of advertised timber.* Forest Officers may sell, within their authorization, any timber previously advertised for competitive bids but not sold because of lack of satisfactory bids, without further advertisement, at not less than the advertised value.

§ 221.13 *Payment in advance of cutting; refunds and transfers.* (a) Timber and forest products must be paid for in advance of cutting under any sale contract or sale permit. Sums deposited in excess of amounts found to be due the United States may be refunded to original depositors, their local representatives, or to successors in interest.

(b) Transfer of deposits may be made from one transaction to another of the same purchaser, or from the credit of the original depositor to a successor in interest, with the written consent of the original depositor or his legal representative.

§ 221.14 *Bonds.* The officer approving any timber sale contract may require the purchaser to furnish a performance bond for satisfactory compliance with its terms.

§ 221.15 *Administration of sales.* (a) No live timber shall be cut under any timber sale contract or permit until marked or otherwise designated for cutting by a forest officer.

(b) The volume of national forest timber in a sale may be determined by scaling, measuring, or counting the logs or other products, or by measuring the trees before cutting. If the contract or permit provides for the determination of volume by tree measurement and the timber has been paid for, the marking or otherwise designating of the tree authorizes cutting and removal. Otherwise no timber cut under any contract shall be removed from the place designated until it has been scaled, measured, or counted by a forest officer, unless such removal is specifically authorized in the contract.

(c) No person except a forest officer shall stamp any timber belonging to the United States upon a national forest with the official marking ax or any instrument having a similar design, or otherwise mark or designate such timber for cutting or removal.

(d) National forest timber sold on scale shall be scaled by the Scribner Decimal C Log Rule, or if the advertisement and contract or permit so state, by the International ¼ inch log rule, by the International Decimal ¼ inch log rule, or by the cubic volume rule, each as used by the Forest Service.

§ 221.16 *Modifications of contract and performance by third party.* (a) Timber sale contracts may be modified only when the modification will apply to unexecuted portions of the contract and will not be injurious to the United States. Modifications permitted by this section may be made by the officer approving the sale, by his successor, or by his superior.

(b) No agreement permitting a third party to acquire the rights of a purchaser under a timber sale contract may be recognized and approved by the Forest Service except in writing signed by the officer approving the sale, his successor, or superior officer. Such approval shall not relieve the purchaser of his responsibilities or liabilities under the timber sale contract and may be given only if (1) the third party is acceptable to the Forest Service as a purchaser of timber under the conditions and requirements then in effect for similar timber sales and assumes in writing all of the obligations to the Forest Service under the terms of the timber sale contract as to the uncompleted portion thereof, or (2) the rights are acquired in trust as security and subject to such conditions as may be necessary for the protection of the public interests.

§ 221.17 *Cancellation of contracts.* (a) Timber sale contracts may be canceled:

(1) For serious or continued violation of their terms.

(2) Upon application, or with the consent of, the purchaser, when such action is of advantage to the United States or not prejudicial to its interests.

(3) Upon application of the purchaser if the condition of the timber has changed materially due to some cause, such as a forest fire or insect infestation, for which the purchaser is not responsible.

(b) Cancellation will be by the Chief, Forest Service, if the amount of the sale exceeded the Regional Forester's authorization and by the Regional Forester in all other cases.

§ 221.18 *Breach of contract.* Action for breach of contract may be brought for violations of the sale contract or where damages to the United States from violation of the contract cannot be recovered otherwise. Such action will be brought only with the approval of the Chief, Forest Service.

§ 221.19 *Sales of naval stores cuppage.* (a) So far as applicable, the regulations governing timber sales will be followed in sales of naval stores cuppage.

(b) The Chief, Forest Service, is authorized to make such sales for any amount on any national forest in accordance with established policies for management of the national forests and to delegate this authority for amounts not exceeding 200,000 cups in any one sale to Regional Foresters. Regional Foresters may delegate this authority to supervisors for amounts not exceeding 40,000 cups, in any one sale.

(c) The Chief may authorize Regional Foresters to formally approve naval stores contracts and related papers in sales exceeding 200,000 cups, in which the conditions of sale have been previously approved by him. Emergency sales will not be made.

§ 221.29 *Timber settlement.* (a) Permission may be granted to cut, damage, or destroy national forest timber without advertisement when necessary for the occupancy of a right-of-way or other authorized use of national forest land.

(b) Payment will be required at the appraised market value of the timber, subject to a minimum rate equivalent to the estimated cost of administration except:

(1) For timber the logging and sale of which are impracticable but which is necessarily killed or cut but not used by any permittee.

(2) For timber necessarily killed or cut in connection with land uses which are of benefit to the national forests.

(3) For timber necessarily killed or cut and used by the permittee which would have been granted free under other applicable regulations.

(4) For timber which will be cut by the permittee who cannot utilize the material, but which the forest officer can sell, under contract or permit, to another party.

(Sec. 1, 30 Stat. 35, as amended; 16 U S C. 476, 551. Interpret or apply sec. 1, 33 Stat. 628, 34 Stat. 1270, as amended; 16 U. S. C. 472, 499 )

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 9th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9576; Filed, Nov. 12, 1953; 8:49 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

FILING OF DEFECTIVE APPLICATIONS

1. The Commission desires to amend § 1.361 of its rules, which governs the filing of defective applications.

2. Paragraph (c) of that section now permits the filing of an application not "in accordance with the Commission's Rules" if it is accompanied by either a petition to amend or a request for waiver of the conflicting rule. It is the Commission's opinion that this provision should be revised so as to preclude the filing of applications in conflict with the rules even though accompanied by petitions for appropriate rule making. It is believed such a revision will promote more orderly procedure and particularly will eliminate the pendency before the Commission of applications which cannot be acted upon for extended periods because of their interrelation with complex, unresolved rule making proceedings.

3. It is believed desirable at this time to clear up an ambiguity which may exist with respect to this provision. It is applicable only to applications which, because of the nature of the particular rule involved, can be patently seen to be in conflict with the rule (e. g., minimum mileage separation requirements for television stations, limitation on the number of stations to be commonly owned—see In the Matter of the Application of WSTV, Inc., 8 Pike & Fischer, R. R. 854, 9 Pike & Fischer, R. R. 175.) Where the conflict can be determined only after a hearing evaluating various pertinent factors, this procedural provision is inapplicable. (See In the Matter of Application of WIS–TV Corporation, 9 Pike & Fischer, R. R. 361, 607). It is proposed to amend paragraph (c) so that this distinction is clearly made.

4. The revised paragraph will read as follows:



(c) Applications which, because of the nature of the particular rule, regulation, or requirement involved, are patently not in accordance with the Commission's rules, regulations, or other requirements will be considered defective and will be dismissed unless accompanied by a request of the applicant for waiver of, or exception to, any rule, regulation, or requirement with which the application is in conflict. Such requests shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.[*a*]

5. Authority for the adoption of this amendment is contained in sections 4 (i), 4 (j), and 303 (r) of the Communications Act of 1934, as amended.

6. In view of the fact that the amendment adopted herein is procedural in nature, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendment may become effective immediately.

7. *It is ordered*, This 5th day of November, 1953, that, effective upon publication in the FEDERAL REGISTER, § 1.361 of the Commission's rules is amended as set forth herein.

(Secs. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 6, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9599; Filed, Nov. 12, 1953; 8:52 a. m.]

[*a*] This paragraph shall not apply to applications filed prior to its effective date (November 13, 1953); such applications, which could be accepted for filing even though patently not in accordance with the Commission's rules, regulations, or other requirements if accompanied by an appropriate rule-making petition, will remain on file.

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

### [ 7 CFR Part 906 ]

[Docket No. AO 210–A5]

MILK IN TULSA-MUSKOGEE, OKLA., MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Auditorium, Agricultural Building, 15th and Quebec, Tulsa, Oklahoma, beginning at 10:00 a. m., c. s. t., November 17, 1953, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, regulating the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area, were proposed as enumerated below:

Proposed by Pure Milk Producers Association of Tulsa:

1. Delete paragraph (c) of § 906.80 and substitute therefor the following:

(c) On or before the 13th and 27th day of each month the cooperative association which so requests, with respect to producers for whose milk the cooperative association is authorized to collect payment (this authorization to collect payment to be determined by the market administrator), an amount to be equal to the gross sum of the individual payment to the cooperative association for its members' deliveries determined pursuant to paragraphs (a) and (c), respectively, of this section.

2. Delete § 906.31 and substitute therefor the following:

§ 906.31 *Report of payments to nonmember producers and to a cooperative association and its members' deliveries.* On or before the 20th day of each month each handler should submit to the market administrator (a) a report of payment to a cooperative association for its members' deliveries, showing the total pounds of milk and the total pounds of butterfat received from such producers, and the gross amount paid to the cooperative association for its members' deliveries for the preceding month, and (b) producer payroll of nonmember producers for deliveries of the preceding month which shall show (1) the total pounds of milk received from each nonmember producer, the total pounds of butterfat contained in such milk, and the number of days on which milk was received from such producers, including for the months of April through June such producer deliveries of base and excess milk; (2) the amount of payment to each nonmember producer; and (3) the nature and amount of any deduction for charges involved in such payments.

3. Amend § 906.32 by adding the following as paragraph (a) and redesignating the present paragraph (a) as paragraph (b) and the present paragraph (b) as paragraph (c):

(a) Each handler shall submit to a cooperative association for its member-producers the following:

(1) On or before the 25th day of each month a report showing the total pounds of milk received from each such member-producer during the first 15 days of the current month and on or before the 10th day of each month a report for the preceding month which shall show (i) the total pounds of milk received from each such member-producer; (ii) the total pounds of butterfat contained in such member-producers' milk; (iii) the number of days on which milk was received from each such member-producer, including for the months of April through June such member-producer deliveries of base and excess milk.

By the Dairy Branch, Production and Marketing Administration:

4. Make such changes as may be required to make the order in its entirety conform with any amendment thereto which may result from this hearing.

Copies of this notice of hearing, and the order now in effect, may be procured from the Market Administrator, 2635 East 11th Street, Royal Theatre Building, Tulsa 4, Oklahoma, or the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: November 10, 1953.

[SEAL] GEORGE A. DICE,
*Acting Assistant Administrator.*

[F. R. Doc. 53-9642; Filed, Nov. 12, 1953; 8:52 a. m.]

### [ 7 CFR Part 914 ]

HANDLING OF NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1953–54 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Navel Orange Administrative Committee, established under Marketing Agreement No. 117 and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $151,937.50 will be necessarily incurred during the period October 1, 1953, through October 31, 1954, for the maintenance and functioning of the committee established under the aforesaid marketing agreement and order, and (2) that the Secretary of Ag-

riculture fix, as the share of such expenses which each handler who first handles oranges shall pay during the fiscal year in accordance with the aforesaid marketing agreement and order, the rate of assessment of $0.0125 per box of oranges handled by such handler as the first handler thereof during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "handle," "handler," "oranges," "fiscal year" and "box" shall have the same meaning as is given to each such term in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued this 6th day of November 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-9577; Filed, Nov. 12, 1953; 8:49 a. m.]

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## [ 7 CFR Part 722 ]

### 1954 CROP OF EXTRA LONG STAPLE COTTON

### NOTICE OF PROPOSED FORMULATION OF MARKETING QUOTA REGULATIONS RELATING TO APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT TO STATES, COUNTIES, AND FARMS

The Secretary of Agriculture has proclaimed a national marketing quota and a national acreage allotment for the 1954 crop of extra long staple cotton (18 F. R. 6557). Pursuant to provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1393), the Secretary now has under consideration the formulation of regulations pertaining to apportionment of the national acreage allotment among the States (including Puerto Rico) producing extra long staple cotton, apportionment of the State acreage allotments among counties, and the establishment of farm acreage allotments, and other provisions relating to the operation of marketing quotas. There appear below the provisions of the regulations being considered for issuance. Prior to issuing the proposed regulations, consideration will be given to any data, views, and recommendations pertaining to such regulations which are submitted in writing to the Director, Cotton Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., within 10 days following the publication of this notice in the FEDERAL REGISTER. The date of the postmark will be considered as the date of any submission.

The provisions of the proposed regulations are as follows:

§ 722.1111 *Basis and purpose.* The provisions of §§ 722.1111 to 722.1128 are issued pursuant to the Agricultural Adjustment Act of 1938; as amended, and govern the establishment of acreage allotments and marketing quotas for the 1954 crop of extra long staple cotton. The latest available statistics of the Federal Government have been used in making the determinations required to be made in connection with §§ 722.1111 to 722.1128.

§ 722.1112 *Definitions.* As used in §§ 722.1112 to 722.1128 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(b) "Secretary" means the Secretary, or Acting Secretary, of Agriculture of the United States.

(c) "Assistant Administrator" means the Assistant Administrator for Production, or Acting Assistant Administrator for Production, of the Production and Marketing Administration of the United States Department of Agriculture.

(d) "Director" means the Director, or Acting Director, of the Cotton Branch, Production and Marketing Administration, United States Department of Agriculture.

(e) "Committees": (1) "Community committee" means the persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Production and Marketing Administration county and community committees (14 F. R. 5916).

(2) "County committee" means the persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Production and Marketing Administration county and community committees (14 F. R. 5916). In Puerto Rico the PMA Caribbean Area Committee shall, insofar as applicable, perform all functions of the county committee.

(3) "State committeee" means the persons designated by the Secretary as the State committeee of the Production and Marketing Administration. In Puerto Rico the PMA Caribbean Area Committee shall, insofar as applicable, perform all functions of the State committee.

(4) "Review committee" means the review committee appointed by the Secretary as provided in section 363 of the act.

(f) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or State or agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(g) "Owner" or "landlord" means a person who owns farm land and rents such land to another person or who operates such land.

(h) "Cash tenant", "standing-rent tenant", "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(i) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(j) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(k) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(l) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Assistant Administrator, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(m) "Farm acreage allotment" means an acreage allotment established for extra long staple cotton for a farm under the regulations in this subpart.

(n) "Extra long staple cotton" means American-Egyptian, Sea Island and Sealand cotton, including all varieties of the Barbedense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominates.

(o) "State and county code number" means the applicable number assigned by the Production and Marketing Administration to each State and county for the purpose of identification. In Puerto Rico a comparable identifying number will be used in place of the county code number.

(p) "Serial number of the farm" or "farm serial number" means the serial number assigned to a farm by the county committee.

(q) "Old cotton farm" means a farm having an acreage planted to extra long staple cotton in any one or more of the years 1951, 1952, and 1953.

(r) "New cotton farm" means a farm on which extra long staple cotton is to be planted in 1954 but on which there was no acreage planted to such cotton in any of the years 1951, 1952, or 1953.



(s) "Normal yield" means the average yield of extra long staple lint cotton per acre for the farm, adjusted for abnormal weather conditions, during the five calendar years 1947, 1948, 1950, 1951, and 1952. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised in accordance with instructions issued by the Assistant Administrator, taking into consideration abnormal weather conditions, the normal yield, if any, for the county, and the yield in years for which data are available.

(t) "Normal production" of any number of acres means the normal yield per acre of extra long staple lint cotton for the farm multiplied by such number of acres.

(u) "Actual yield" means the pounds of extra long staple lint cotton per acre determined by dividing the number of pounds of such lint cotton produced on the farm in 1954 by the acreage planted to such cotton on the farm in 1954.

(v) "Actual production" of any number of acres means the actual yield of extra long staple lint cotton per acre for the farm multiplied by such number of acres.

(w) "Producer" means a person who as landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper is entitled to all or a share of the 1954 crop of extra long staple cotton or of the proceeds thereof.

(x) "Acreage planted to extra long staple cotton: (1) *State and county.* The acreages of extra long staple cotton to be used in establishing State acreage allotments are the official acreages for the years 1947, 1948, 1950, 1951, and 1952, as determined by the Bureau of Agricultural Economics of the United States Department of Agriculture. Official estimates of planted acreages shall be used where available from the Bureau of Agricultural Economics; in other cases, the official estimates of the acreages in cultivation on July 1 of each year shall be used.

(2) *Farm.* For purposes of establishing farm acreage allotments for the 1954 crop of extra long staple cotton, the acreage planted to such cotton on a farm means the acreage of land seeded to such cotton. The acreage seeded to extra long staple cotton for the years 1951 to 1953, inclusive, shall be determined as follows:

(i) *For 1951 and 1952.* The acreage measured by the county committee or reported to the county committee for the farm, with such adjustments in the reported acreages as are necessary under instructions issued by the Assistant Administrator. The sum of the reported acreages as adjusted by the county committee plus the measured acreages shall conform with the official planted acreages of the Bureau of Agricultural Economics, United States Department of Agriculture, for the respective years to the extent required under instructions issued by the Assistant Administrator.

(ii) *For 1953.* The acreage measured by the county committee in accordance with instructions issued by the Assistant Administrator.

(y) "Abnormal weather conditions" means weather conditions (including conditions directly resulting therefrom) adversely affecting the planting of cotton, which conditions must have been of sufficient duration to make it impractical to seed land to cotton and must have continued until the end of the planting season for the area. In apportioning the national acreage allotment to States, the Secretary shall make such adjustments in State extra long staple cotton acreages affected by abnormal weather conditions as he determines are necessary. In apportioning the State acreage allotment to counties, adjustments in county acreages of extra long staple cotton for abnormal weather conditions shall be made for applicable years where recommended by the State committee and approved by the Secretary. Any such adjustment in State or county acreages of extra long staple cotton shall be the amount which can be established by reference to available information and data as the net reduction of planted acreage in the State or county attributable solely to abnormal weather conditions. Adjustments for abnormal weather conditions shall take into consideration failure to seed extra long staple cotton because of abnormal weather conditions. Also, in cases where the acreage of extra long staple cotton in cultivation July 1 is used in apportioning allotments to States and counties, abandonment of extra long staple cotton prior to July 1 in excess of normal abandonment by that date because of abnormal weather conditions shall be taken in consideration in determining adjustments, if any, in county acreages of extra long staple cotton for these years.

(z) "Cropland" means the land which in 1953 was tilled or was in regular rotation as determined in accordance with instructions issued by the State committee, excluding any land which constitutes or will constitute, if such tillage is continued, a wind-erosion hazard to the community and also excluding bearing orchards and vineyards (except the acreage of cropland therein) and plowable non-crop open pasture.

§ 722.1113 *Issuance of forms and instructions.* The Director shall cause to be prepared such forms and instructions as are necessary for carrying out the regulations in §§ 722.1111 to 722.1128. The forms shall be issued by the Director, with the approval of the Assistant Administrator, and the instructions shall be issued by the Assistant Administrator. Copies of such forms and necessary instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or the Director.

§ 722.1114 *Extent of calculations and rule of fractions.* The acreage planted to extra long staple cotton on farms and farm acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of fifty-thousandths of an acre or less shall be dropped. For example, 10.051 would be 10.1 and 10.050 would be 10.0.

STATE AND COUNTY ACREAGE ALLOTMENTS

§ 722.1115 *Apportionment of national acreage allotment among States.* The national acreage allotment proclaimed by the Secretary for the 1954 crop of extra long staple cotton shall be apportioned among the States (including Puerto Rico) on the basis of the acreage planted to extra long staple cotton in such States for the years 1947, 1948, 1950, 1951, and 1952, with adjustments for abnormal weather conditions during such years. The acreage allotted to a State pursuant to the provisions of this section is herein referred to as the "State acreage allotment."

§ 722.1116 *Apportionment of State acreage allotment among counties*—(a) *Computed county acreage allotments.* The State acreage allotment for the 1954 crop of extra long staple cotton, less the State acreage reserve established pursuant to paragraph (b) of this section, shall be apportioned to Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz and Yuma Counties, Arizona, and Imperial and Riverside Counties, California, and Alachua, Columbia, Hamilton, Jefferson, Lake, Madison, Marion, Orange, Putnum, Seminole, Suwannee, Union and Volusia Counties, Florida, and Atkinson, Berrien, Cook and Lanier Counties, Georgia, and Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero and Sierra Counties, New Mexico, and the counties in Puerto Rico, and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell and Ward Counties, Texas, on the basis of the acreage planted to extra long staple cotton in 1947, 1948, 1950, 1951, and 1952 (herein referred to as the "base years"), with adjustments for abnormal weather conditions during such years. The acreage allotted to a county pursuant to the provisions of this paragraph is herein referred to as the "computed county acreage allotment". The cotton producing areas located in the northern part of Puerto Rico shall be considered as a county and the cotton producing areas in the southern part of Puerto Rico shall be considered as a county.

(b) *State acreage reserve.* The State committee shall set aside a total State acreage reserve of 10 percent of the State acreage allotment unless, on the basis of the needs of the State as determined under each of the subparagraphs of this paragraph, the State committee recommends a smaller reserve and the Administrator of the Production and Marketing Administration approves such recommendation. The State acreage reserve needs for the purposes set forth in subparagraphs (1) through (4) of this paragraph shall be determined and the acreage so reserved shall be used in accordance with instructions issued by the Assistant Administrator.

(1) *To adjust computed county acreage allotments for trends in the acreage of extra long staple cotton in the county.* The State committee shall, if necessary, use a part of the State acreage reserve to adjust the computed county acreage allotments for trends in the acreage of extra long staple cotton in the county during recent years, excluding 1949. Any such adjustment shall be determined by use of a formula, if needed, applied uniformly to each county in the State.

(2) *To adjust computed county acreage allotments for counties adversely affected by abnormal conditions affecting plantings of extra long staple cotton.* The State committee shall, if necessary, use a part of the State acreage reserve to adjust the computed county acreage allotments for abnormal conditions adversely affecting plantings in the county during the base years. The State committee shall examine the acreage planted to extra long staple cotton for each of the base years to determine whether the acreage planted may have been adversely affected by abnormal conditions. In determining the needs for adjustments for abnormal conditions adversely affecting plantings, the State committee shall take into account (i) abnormal weather conditions adversely affecting plantings during any of the base years; (ii) conditions in counties in which a number of farms are being returned to cotton production or are increasing the acreage in cotton after having been out of production or having been on a reduced level of cotton production because such farms were used to a larger extent than normal in connection with air bases, defense plants and other wartime activities; (iii) abnormal reduction in planted cotton acreage because of an unusual movement of labor from farms in the area or county to war industries or into the armed forces and its return, as compared with such movements in other counties; and (iv) any other abnormal conditions which adversely affected plantings in the county to a greater extent as compared with other counties.

(3) *To make adjustments in acreage allotments for small farms.* The State committee shall determine the acreage required from the State acreage reserve to supplement that part of the county acreage reserve established as provided for in subparagraphs (1) and (2) of § 722.1117 (d) to adjust indicated farm acreage allotments established under § 722.1117 (b) at 15 acres or less. The acreage made available to any county under this subparagraph shall be used by the county committee only for small farm allotments.

(4) *To establish 1954 acreage allotments for new cotton farms.* Where the State committee determines that the needs for acreage to establish acreage allotments for new cotton farms are generally uniform throughout the State, the State committee shall determine whether all the acreage required to establish acreage allotments for new cotton farms shall be provided from the State acreage reserve or the county acreage reserve, or from both such reserves. In determining the source of acreage for new cotton farms the State committee shall take into consideration the acreage requirements determined for such farms from the county surveys, if available, as provided for in § 722.1117 (d) (3). In States where new areas within the counties designated in this section will be brought into the production of extra long staple cotton in 1954, the State committee shall consider establishing an acreage from the State acreage reserve to supplement the acreage set aside by the county committee, if any, from the county acreage reserve for establishing acreage allotments for new cotton farms. The acreage made available to any county under this subparagraph shall be used by the county committee only for new cotton farms.

(c) *Availability of data for inspection.* The following shall be on file and shall be available in the office of the State committee for examination by any interested producer of extra long staple cotton:

(1) The amount of the State acreage reserve;

(2) The formula, if any, and data developed and used under subparagraphs (1) and (2) of paragraph (b) of this section; and

(3) The total acreage set aside from the State acreage reserve for the purposes set forth in subparagraphs (3) and (4) of paragraph (b) of this section.

(d) *County acreage allotment.* The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (a) of this section, and (2) the acreage from the State acreage reserve which are added to the computed county acreage allotment under subparagraphs (1) and (2) of paragraph (b) of this section.

(e) *Administrative areas.* If the county committee with the approval of the State committee, or if the State committee, determines with respect to a county that, because of the difference in types, kinds, and productivity of the soil or other conditions, different areas of the county should be treated separately in order to prevent discrimination, each such area shall, in accordance with instructions issued by the Assistant Administrator, be designated as an administrative area and, insofar as practicable, each such area shall be treated as a county in establishing farm acreage allotments under § 722.1117. The computed county acreage allotment determined under paragraph (a) of this section shall be apportioned to administrative areas on the same basis as to years as that used in apportioning the State acreage allotment to counties, with adjustments for trends in acreage and for abnormal conditions adversely affecting plantings in such areas in the same manner as provided in subparagraphs (1) and (2) of paragraph (b) of this section for counties.

ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS

§ 722.1117 *Apportionment of county acreage allotment*—(a) *Determination of adjusted cropland.* The county committee shall, in accordance with instructions issued by the Assistant Administrator, determine an adjusted cropland acreage for each old cotton farm by subtracting from the acreage of land on the farm which in 1953 was tilled annually or in regular rotation, the sum of the following acreages:

(1) The 1953 acreage of sugarcane for sugar or for syrup and sugar beets for sugar;

(2) The 1953 acreage of tobacco for market (or the 1953 farm acreage allotment, if any, for the applicable type of tobacco if the 1953 acreage has not been determined);

(3) The 1953 acreage of peanuts picked and threshed as determined by the county committee;

(4) The acreage of wheat for harvest in 1954 for market or for feeding to livestock for market (or the 1954 farm acreage allotment for wheat if the wheat acreage has not been determined);

(5) The acreage planted to rice in 1953 for market or for feeding to livestock for market, plus the acreage of other riceland on the farm for which water is available and which is not used for the production of extra long staple cotton under the rotation system for the farm;

(6) The acreage of land devoted in 1953 primarily to orchards or vineyards, less the acreage therein which qualifies as cropland for 1954; and

(7) In Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz and Yuma Counties, Arizona, and in Imperial and Riverside Counties, California, and in Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero and Sierra Counties, New Mexico, and in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell and Ward Counties, Texas, the acreage of cropland in excess of that acreage for which irrigation water is normally available and adequate from available facilities for the production of irrigated crops during the producing season for extra long staple cotton (seeding to maturity).

(b) *Determination of county acreage reserve.* The county committee shall establish a county acreage reserve of not in excess of 15 percent of the county acreage allotment which shall be used to adjust indicated farm acreage allotments determined under paragraph (c) of this section and to establish acreage allotments for new cotton farms under paragraph (d) (3) (ii) of this section. The county acreage reserve shall not be less than 13 percent of the county acreage allotment unless the county committee recommends a smaller acreage reserve and the State committee gives its approval in accordance with instructions issued by the Assistant Administrator. Any approval of a smaller acreage reserve shall be based upon a showing by the county committee that the recommended acreage is adequate to make necessary adjustments in indicated allotments for old cotton farms and to establish allotments for new cotton farms considering all the factors set forth in paragraph (d) of this section.

(c) *Indicated acreage allotments for old cotton farms.* The county acreage allotment, less the county acreage reserve, shall be used to determine indicated allotments for old cotton farms as follows:



(1) *Determination of county cropland factors.* The first county cropland factor shall be computed by dividing the county acreage allotment (less the county acreage reserve) by the total of the adjusted cropland acreages on old cotton farms. Second and additional county cropland factors shall be determined, if necessary, by dividing (i) the available county acreage allotment remaining after maximum indicated farm acreage allotments as defined in subparagraph (2) of this paragraph have been established by (ii) the total of the adjusted cropland acreages for old cotton farms in the county which under the preceding factor were not affected by the maximum allotment provisions. The last county cropland factor computed and applied shall be referred to herein as the "final county cropland factor".

(2) *Indicated farm acreage allotment.* An indicated acreage allotment shall be computed for each old cotton farm by multiplying the adjusted cropland for each such farm by the applicable county cropland factor except that the maximum indicated acreage allotment for any such farm shall not exceed the highest acreage planted to extra long staple cotton on the farm in any of the years 1951, 1952, or 1953.

(d) *Use of county acreage reserve.* The county acreage reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm acreage allotments of 5 to 15 acres.* Not less than 20 percent of the county acreage reserve shall, to the extent required, be used by the county committee to adjust indicated farm acreage allotments of 5 to 15 acres, inclusive, determined under paragraph (c) of this section. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the acreages planted to extra long staple cotton in 1951, 1952, and 1953, the land, labor, and equipment available for the production of extra long staple cotton, crop-rotation practices, the soil and other physical facilities affecting the production of extra long staple cotton, and abnormal conditions of production. The county committee shall not make adjustments so as to cause an acreage allotment to be established by any such farm (i) in excess of the acreage which could be planted on the farm in 1954 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause extra long staple cotton to be planted on land unsuited to the production of such cotton.

(2) *Adjustments in indicated acreage allotments for other farms.* The remainder of the acreage in the county acreage reserve, after meeting the requirements under subparagraphs (1) and (3) of this paragraph, shall be used by the county committee to adjust indicated acreage allotments for farms which are less than 5 acres or more than 15 acres. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the land, labor, and equipment available for the production of extra long staple cotton, crop-rotation practices, the soil and other physical facilities affecting the production of extra long staple cotton, and abnormal conditions of production. The acreages planted to extra long staple cotton on a farm in 1951, 1952, and 1953 shall be considered in determining the land, labor, and equipment available for the production of such cotton and in connection with crop-rotation practices followed on the farm. The county committee shall not make adjustments so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage which could be planted on the farm in 1954 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause extra long staple cotton to be planted on land unsuited for the production of such crop.

(3) *Acreage allotments for new cotton farms*—(i) *Determination of county acreage needed for establishing acreage allotments for new cotton farms.* The county committee with the assistance of the community committees shall estimate from county office records and other available sources of information the number of new cotton farms in the county and the adjusted cropland acreage for such farms. The data obtained from such surveys shall be used by the State and county committees as a basis for determining the acreage that will be required for establishing acreage allotments for new cotton farms. The acreage so determined shall not exceed 75 percent of the acreage determined by multiplying the county cropland factor, which shall be estimated where necessary, by the total estimated adjusted cropland acreage on new cotton farms in the county. In determining the acreage to be set aside from the county acreage reserve for establishing acreage allotments for new cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State acreage reserve pursuant to paragraph (b) (4) of § 722.1116 for establishing acreage allotments for new cotton farms.

(ii) *Establishment of acreage allotments for new cotton farms.* The operator of each new cotton farm shall file with the county committee a written application requesting a cotton acreage allotment for such farm by not later than the closing date established by the State committee which shall not be earlier than January 15, 1954. The county committee shall determine the eligibility of each applicant's farm for an extra long staple cotton acreage allotment. If the applicant's farm is eligible for an extra long staple cotton acreage allotment, such allotment shall be established by the committee on the basis of land, labor, and equipment available for the production of extra long staple cotton, crop-rotation practices, the soil and other physical facilities affecting the production of extra long staple cotton. The acreage allotment so determined for any such farm shall not exceed the acreage allotment established for old cotton farms in the county which are similar with respect to such factors. The acreage allotments for new cotton farms shall be subject to review and approval by the State committee.

(e) *Use of acreage allocated to county from State acreage reserve for making adjustments in acreage allotments for small farms.* The acreage allocated to a county from the State acreage reserve for making adjustments in acreage allotments for small farms shall be used to adjust indicated farm acreage allotments of 15 acres and less on the basis of the factors set forth in paragraph (d) of this section for adjusting small farm allotments.

(f) *Availability of reserves for inspection by interested cotton producers.* The allocations to the county from the State acreage reserve and the total amount and the distribution of the county acreage reserve and all other data used in establishing farm acreage allotments shall be available in the office of the county committee for examination by any interested cotton producer.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.1118 *Notice of farm acreage allotment and marketing quota.* Immediately upon establishing farm acreage allotments for farms in a county or other local administrative area, the county committee shall mail to the operator of each such farm a written notice of the farm acreage allotment and marketing quota for the farm. The county committee shall also mail to the operator of (1) each new cotton farm for which application for an allotment is made but for which it is determined that no farm acreage allotment and marketing quota will be established and (2) each farm for which no acreage data for extra long staple cotton was reported pursuant to § 722.1124 and the county committee has no basis which appears to be reliable for appraising data for the farm but the county committee believes extra long staple cotton was planted on the farm in one or more of the years 1951, 1952 or 1953, a similar written notice showing "none" as the acreage allotment and marketing quota established for the farm. The notice shall contain at or near the top thereof the following statement: "To all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which this acreage allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. A copy of each notice, containing a notation thereon of the date of mailing the notice to the operator of the farm, shall be kept among the permanent records of the county committee, and upon request a

copy thereof, duly certified as a true and correct copy, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the extra long staple cotton produced in 1954 on the farm for which the notice is given. Insofar as practicable, the notice for each old cotton farm shall be prepared and mailed to the operator so as to be received prior to December 15, 1953, the date on which the referendum to determine whether farmers producing extra long staple cotton favor or oppose marketing quotas for the 1954 crop will be held.

§ 722.1119 *Amount of the farm marketing quota.* The farm marketing quota for any farm for the 1954 crop of extra long staple cotton shall be the actual production of extra long staple lint cotton for the acreage planted to such cotton on the farm less the farm marketing excess.

§ 722.1120 *Amount of the farm marketing excess*—(a) *Where the acreage planted to extra long staple cotton is determined.* The farm marketing excess for the 1954 crop of extra long staple cotton shall be the normal production of the acreage of such cotton on the farm in excess of the farm acreage allotment. Where it is established by any producer on the farm in connection with an application filed by him or by any other producer on the farm in accordance with regulations to be issued under this part by the Secretary, that the normal production of the excess acreage is larger than the amount by which the actual production of extra long staple cotton in 1954 on the farm exceeds the normal production of the farm acreage allotment, the farm marketing excess shall be adjusted downward to the smaller amount.

(b) *Where the acreage planted to cotton is not determined.* Whenever the determination of the acreage planted to extra long staple cotton in excess of the farm acreage allotment is prevented by the farm operator, the farm marketing excess shall be the total number of pounds of such cotton produced in 1954 on the farm. In the event the farm operator or any other producer on the farm establishes in accordance with regulations to be issued under this part by the Secretary, the total number of pounds of extra long staple cotton produced in 1954 on the farm, the farm marketing excess shall be the number of pounds of such cotton produced in 1954 on the farm in excess of the normal production of the farm acreage allotment.

(c) *Acreage planted on farms without an allotment.* If extra long staple cotton is grown in 1954 on any farm outside the area designated in § 722.1116, or if extra long staple cotton is grown in 1954 on a farm which is located within the area so designated but which does not have an allotment for extra long staple cotton, the farm marketing excess for the 1954 crop of extra long staple cotton shall be the normal production of the acreage of such cotton on the farm where it is established by any producer on the farm in connection with an application filed by him or by any other producer on the farm in accordance with regulations to be issued under this part by the Secretary, that the normal production of the acreage planted to extra long staple cotton exceeds the actual production of such cotton on the farm in 1954, the farm marketing excess shall be adjusted downward to the smaller amount.

§ 722.1121 *Publication of farm acreage allotments and marketing quotas.* One copy of each notice of the farm acreage allotment and marketing quota for farms in a county shall be placed in binders or folders, or in lieu thereof a listing of such allotments shall be prepared, and such notices or listing shall be kept freely available in the office of the county committee for public inspection. If the county is divided into administrative areas, separate binders, folders, or listings shall be prepared and made available for inspection for each administrative area.

§ 722.1122 *Successors - in - interest.* Any person who succeeds to the interest of a producer in a farm, or in a crop of extra long staple cotton, or in extra long staple cotton for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of extra long staple cotton.

§ 722.1123 *Marketing quotas not transferable.* A farm marketing quota is established for a farm and may not be assigned or otherwise transferred in whole or in part to any other farm.

MISCELLANEOUS PROVISIONS

§ 722.1124 *Report of data and information for old cotton farms.* The owner, operator, or any other interested person shall furnish the county committee of the county in which the farm is located the data and information required to be entered on Form CN–364 (1953), "Farm Acreage Report", a copy of which may be obtained from the county committee of any county in which extra long staple cotton is grown or from the State committee. The county committee, with the assistance of the community committee, shall, insofar as possible, appraise and otherwise determine the required data and information for any farm for which such report on Form CN–364 (1953) is not filed by a person having an interest in the farm, using for such appraisals and determinations the records of the county office for the farm and other farms in the community and other available information.

§ 722.1125 *Acreage planted to extra long staple cotton*—(a) *Adjustment of acreage planted in excess of farm acreage allotment.* If the acreage determined to be planted to extra long staple cotton on a farm in 1954 is in excess of the farm acreage allotment, the farm operator may, not later than a date established under instructions issued by the Assistant Administrator, adjust such planted acreage to the farm acreage allotment. The date established under such instructions shall afford farm operators a reasonable time for making such adjustments.

(b) *Underplanting the farm acreage allotment.* For any farm on which extra long staple cotton is planted in 1954 and the acreage of such cotton in 1954 is less than the farm acreage allotment for the 1954 crop of such cotton by not more than the larger of 10 percent of the allotment or one acre, an acreage equal to the farm acreage allotment shall be deemed to be the acreage planted to extra long staple cotton on the farm in 1954, and the additional acreage added to the acreage history for extra long staple cotton for the farm shall be added to the acreage history for such cotton for the county and State.

(c) *No credit for overplanting the farm acreage allotment.* Any acreage planted to extra long staple cotton in 1954 in excess of the farm acreage allotment for the 1954 crop of such cotton shall not be taken into account in establishing State, county, and farm acreage allotments for the 1955 and subsequent crops of extra long staple cotton.

§ 722.1126 *Availability of records.* The State and county committee shall make available for inspection by owners or operators of farms receiving acreage allotments for extra long staple cotton, all records pertaining to such cotton acreage allotments and marketing quotas.

§ 722.1127 *Approval of county committee determinations and redelegation of authority by the State committee*—(a) *Approval of county committee determinations.* The State committee shall review all acreage allotments and may correct or require correction of any determinations made under §§ 722.1117 to 722.1125. All acreage allotments shall be approved by the State committee and no official notice of acreage allotment and marketing quota shall be mailed to a farm operator until such allotment has been approved by the State committee.

(b) *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 722.1111 to 722.1128 may be redelegated by the State committee.

REVIEW OF QUOTAS

§ 722.1128 *Review of quotas*—(a) *Review committees.* Any producer who is dissatisfied with the farm acreage allotment or marketing quota established for his farm, or in the case of a new cotton farm with the action of the county committee in refusing to establish a farm acreage allotment or marketing quota for such farm, may, by making application within 15 days after the mailing directly to him of the notice provided for in § 722.1118, have such allotment, quota, or determination reviewed by a review committee composed of three farmers appointed by the Secretary. The review committee shall, upon proper application, review the action of the county committee. The review committee in determining any farm acreage allotment or marketing quota shall, to the same extent as the county committee, be limited to the establishment of a farm acreage allotment or marketing quota in an amount which, under the Act and regulations, should have been established. Unless such application is made within 15 days, the original determination of the farm acreage allotment or marketing quota shall be final. All applications for review shall be made in accordance with the Marketing Quota Review Regulations issued by the Secretary.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

Issued at Washington, D. C., this 9th day of November 1953.

[SEAL] M. B. BRASWELL,
*Acting Administrator, Production and Marketing Administration.*

[F. R. Doc. 53-9573; Filed, Nov. 12, 1953; 8:49 a. m.]



## INTERSTATE COMMERCE COMMISSION

### [ 49 CFR Part 91 ]

[Ex Parte No. 179]

RULES AND INSTRUCTIONS FOR INSPECTION AND TESTING OF MULTIPLE UNIT EQUIPMENT

NOTICE OF PROPOSED RULE MAKING

OCTOBER 23, 1953.

Investigation will be conducted by the Commission in the above-entitled proceeding.

*Nature of investigation.* The investigation is for the purpose of determining what rules and instructions should be prescribed for the inspection and testing of electrically operated units designed to carry freight and/or passengers, operated by a single set of controls.

*Authority for the investigation.* The investigation is made under the provisions of the Locomotive Inspection Act of February 17, 1911, as amended by Acts of March 4, 1915, June 7, 1924, June 27, 1930, and April 22, 1940.

*Reasons for investigation.* There are at present no rules or instructions prescribed by the Commission for the inspection and testing of the multiple unit equipment described above and need for same is shown.

*Proposed rules and instructions.* The rules tentatively proposed by the Commission are contained in Appendix A set forth below. These proposed rules and instructions are subject to any change or changes that may be made as a result of this investigation.

*Written evidence; special rules.* Evidence shall be submitted in written form at the times and in the manner provided for in the special rules of practice contained in Appendix B set forth below.

*Notice to parties in interest.* Notice to the general public will be given by depositing a copy of this notice in the office of the Secretary of the Commission for public inspection, by filing a copy of the notice with the Director, Division of the Federal Register, and by serving copies on each common carrier by railroad subject to the Interstate Commerce Act and on each national organization of railroad employees.

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

APPENDIX A

Proposed rules and instructions for inspection and testing of multiple operated electric locomotive units.

SECTION 400. All rules and instructions contained herein apply to electrically operated units designed to carry freight and/or passenger traffic operated by a single set of controls which are defined thus:

(a) Unit or units with propelling motors, control apparatus and one or more control stands.

(b) Unit or units with propelling motors and control apparatus but without control stands.

(c) Unit or units without propelling motors or control apparatus but with control stands.

SEC. 401. (a) The railroad company is held responsible for the general design, construction, inspection, and repair of all units used or permitted to be used on its line. It must know that all inspections, tests, and repairs are made and reports made and filed as required, and that all parts and appurtenances of every unit used are maintained in condition to meet the requirements of the law and these rules and instructions. Nothing contained in these rules and instructions, however, shall be construed as prohibiting any carrier from enforcing additional rules and instructions not inconsistent with those herein contained, tending to a greater degree of precaution against accidents.

(b) The letter "F" shall be legibly stenciled on each side of every unit near the end, which, for identification purposes, will be known as the front end. The unit number shall be legibly stenciled on each side of every unit and shall be shown on the specification, Form No. 4–A.[1]

SEC. 402. The term "inspector" as used in these rules and instructions means, unless otherwise specified, the railroad company's inspector.

SEC. 403. Each unit in service shall be inspected at least once in every 24-hour period and a record made thereof on Form No. 2–B.[1] If any defects are found, a report shall be made on Form No. 2–C[1] to the proper representative of the company. Form No. 2–C shall show the name of the railroad; the initials and number of the unit; the place, date, and time of the inspection; the defects found; and the signature of the inspector. Form No. 2–C shall be approved by an authorized representative of the company. Form No. 2–B and Form No. 2–C shall then be filed in the office of the railroad company at the place where inspection is made and retained for a period of three years. If any defects exist which render the unit unsafe for further service, such defects shall be repaired before the unit is again placed in service.

SEC. 404. The railroad company must know before each trip that the brakes are in safe and suitable condition for service; that the air compressor or compressors are in condition to provide an ample supply of air for the service in which the unit is put; that the devices for regulating all pressures are properly performing their functions; that the brake valve works properly in all positions; and that all condensation has been drained from the air brake system at least once within the preceding 24-hour period.

SEC. 405. (a) The main reservoir system of each unit shall be equipped with at least one safety valve, so located as not to be subject to freezing, the capacity of which shall be sufficient to prevent an accumulation of pressure of more than 10 pounds per square inch above the maximum working air pressure fixed by the chief mechanical officer of the carrier operating the unit.

(b) A suitable governor shall be provided that will stop and start the air compressor within 5 pounds per square inch above or below the pressures fixed.

(c) Compressor governor when used in connection with the automatic air-brake system shall be so adjusted that the compressor will start when the main reservoir pressure is not less than 15 pounds per square inch above the maximum brake-pipe pressure fixed by the rules of the carrier and will not stop the compressor until the reservoir pressure has increased not less than 10 pounds per square inch.

(d) The compressor or compressors shall be tested for capacity by orifice test as often as conditions may require, but not less frequently than once every three months.

(e) The minimum capacity of any compressor permitted in service shall be approximately 80 percent of the capacity of the compressor when new. The diameter of orifice, speed of compressor, and air pressure to be maintained for compressors in common use are given in the following tables. For diagram of orifice see figure 1.

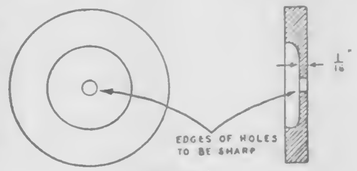



FIGURE 1.

[1] Filed as part of the original document.

CONDEMNING LIMITS FOR MOTOR-DRIVEN AIR COMPRESSORS

*Westinghouse—Type DH-10—Orifice Size No. 46 Drill=0.081" Diameter*

| Shaft r. p. m. | | Elevation in feet above sea level | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Compressor | Motor | Sea level | 1,000 | 2,000 | 3,000 | 4,000 | 5,000 | 6,000 | 7,000 | 8,000 |
| | | Minimum gauge pressure in pounds to be maintained | | | | | | | | |
| 260 | 1,380 | 56 | 54 | 52 | 50 | 48 | 46 | 44 | 43 | 41 |
| 240 | 1,270 | 54 | 51 | 49 | 47 | 45 | 44 | 42 | 40 | 39 |
| 220 | 1,165 | 48 | 46 | 45 | 43 | 41 | 40 | 38 | 37 | 35 |
| 215 | 1,110 | 47 | 45 | 44 | 42 | 40 | 39 | 37 | 36 | 35 |
| 210 | 1,110 | 46 | 44 | 43 | 41 | 39 | 38 | 36 | 35 | 31 |
| 205 | 1,087 | 45 | 43 | 42 | 40 | 39 | 37 | 36 | 31 | 33 |
| 200 | 1,060 | 44 | 42 | 41 | 39 | 38 | 36 | 35 | 31 | 32 |
| 195 | 1,032 | 43 | 41 | 40 | 38 | 37 | 35 | 34 | 33 | 31 |
| 190 | 1,010 | 42 | 40 | 39 | 37 | 36 | 34 | 33 | 32 | 30 |
| 185 | 981 | 40 | 39 | 37 | 36 | 35 | 33 | 32 | 31 | ------ |
| 180 | 955 | 39 | 37 | 36 | 35 | 33 | 32 | 31 | ------ | ------ |
| 175 | 928 | 38 | 36 | 35 | 34 | 32 | 31 | 30 | ------ | ------ |
| 170 | 901 | 37 | 35 | 34 | 33 | 31 | 30 | ------ | ------ | ------ |
| 165 | 875 | 35 | 34 | 33 | 31 | 30 | ------ | ------ | ------ | ------ |
| 160 | 850 | 34 | 33 | 32 | 30 | ------ | ------ | ------ | ------ | ------ |
| 155 | 823 | 33 | 32 | 30 | ------ | ------ | ------ | ------ | ------ | ------ |
| 150 | 795 | 32 | 30 | ------ | ------ | ------ | ------ | ------ | ------ | ------ |
| 145 | 770 | 31 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ |

*Westinghouse—Type DH-16—Orifice Size No. 37 Drill=0.104" Diameter*

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| 250 | 1,280 | 56 | 54 | 52 | 50 | 48 | 46 | 44 | 42 | 41 |
| 240 | 1,230 | 54 | 52 | 50 | 48 | 46 | 44 | 43 | 41 | 39 |
| 230 | 1,180 | 51 | 49 | 47 | 46 | 44 | 42 | 41 | 39 | 38 |
| 225 | 1,155 | 50 | 48 | 46 | 44 | 43 | 41 | 40 | 38 | 37 |
| 220 | 1,130 | 49 | 47 | 45 | 43 | 41 | 40 | 38 | 37 | 36 |
| 215 | 1,100 | 48 | 46 | 45 | 43 | 41 | 40 | 38 | 37 | 35 |
| 210 | 1,080 | 46 | 45 | 43 | 41 | 40 | 38 | 37 | 35 | 34 |
| 205 | 1,050 | 45 | 43 | 42 | 40 | 39 | 37 | 36 | 31 | 33 |
| 200 | 1,025 | 44 | 42 | 41 | 39 | 38 | 36 | 35 | 33 | 32 |
| 195 | 1,000 | 43 | 41 | 39 | 38 | 36 | 35 | 34 | 32 | 31 |
| 190 | 975 | 41 | 40 | 38 | 37 | 35 | 34 | 33 | 31 | 30 |
| 185 | 950 | 40 | 39 | 37 | 36 | 34 | 33 | 32 | 30 | 30 |
| 180 | 925 | 39 | 37 | 36 | 35 | 34 | 32 | 31 | 30 | ------ |
| 175 | 899 | 38 | 36 | 35 | 34 | 32 | 31 | 30 | ------ | ------ |
| 170 | 875 | 36 | 35 | 34 | 32 | 31 | 30 | ------ | ------ | ------ |
| 165 | 845 | 35 | 34 | 33 | 31 | 30 | ------ | ------ | ------ | ------ |
| 160 | 820 | 34 | 33 | 31 | 30 | ------ | ------ | ------ | ------ | ------ |
| 155 | 795 | 33 | 31 | 30 | ------ | ------ | ------ | ------ | ------ | ------ |
| 150 | 770 | 31 | 30 | ------ | ------ | ------ | ------ | ------ | ------ | ------ |
| 145 | 745 | 30 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ |

*Westinghouse—Type F-3-B—Orifice Size No. 26 Drill=0.1470" Diameter*

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| 250 | | 83 | 80 | 77 | 74 | 71 | 68 | 65 | 63 | 61 |
| 240 | | 81 | 78 | 75 | 72 | 69 | 67 | 64 | 62 | 59 |
| 230 | | 79 | 76 | 73 | 70 | 67 | 65 | 62 | 60 | 57 |
| 225 | | 77 | 74 | 71 | 68 | 66 | 63 | 61 | 59 | 56 |
| 220 | | 75 | 72 | 70 | 67 | 64 | 62 | 60 | 57 | 55 |
| 215 | | 74 | 71 | 69 | 66 | 63 | 61 | 59 | 56 | 54 |
| 210 | | 72 | 69 | 66 | 64 | 61 | 59 | 57 | 55 | 53 |
| 205 | | 70 | 67 | 65 | 62 | 60 | 58 | 55 | 53 | 51 |
| 200 | | 69 | 67 | 64 | 61 | 62 | 60 | 57 | 55 | 53 |
| 195 | Belt-driven | 67 | 65 | 62 | 60 | 57 | 55 | 53 | 51 | 49 |
| 190 | | 65 | 62 | 60 | 58 | 56 | 53 | 51 | 50 | 48 |
| 185 | | 63 | 61 | 59 | 57 | 55 | 53 | 51 | 49 | 47 |
| 180 | | 62 | 59 | 57 | 55 | 52 | 50 | 48 | 46 | 44 |
| 175 | | 60 | 58 | 55 | 53 | 51 | 49 | 47 | 46 | 44 |
| 170 | | 58 | 56 | 54 | 51 | 52 | 50 | 48 | 46 | 43 |
| 165 | | 57 | 55 | 52 | 50 | 48 | 47 | 45 | 43 | 42 |
| 160 | | 55 | 53 | 51 | 49 | 47 | 46 | 44 | 42 | 41 |
| 155 | | 54 | 52 | 50 | 48 | 46 | 44 | 43 | 41 | 40 |
| 150 | | 52 | 50 | 48 | 47 | 45 | 43 | 42 | 40 | 39 |
| 145 | | 51 | 49 | 47 | 45 | 44 | 42 | 41 | 39 | 38 |
| 140 | | 49 | 47 | 46 | 44 | 42 | 41 | 39 | 38 | 36 |

CONDEMNING LIMITS FOR MOTOR-DRIVEN AIR COMPRESSORS—continued

*Westinghouse—Type D-4-N—Orifice Size 5/32" Drill*

| Shaft r. p. m. | | Elevation in feet above sea level | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Compressor | Motor | Sea level | 1,000 | 2,000 | 3,000 | 4,000 | 5,000 | 6,000 | 7,000 | 8,000 |
| | | Minimum gauge pressure in pounds to be maintained | | | | | | | | |
| 240 | 1,305 | 80 | 77 | 74 | 71 | 68 | 65 | 63 | 61 | 58 |
| 230 | 1,250 | 78 | 75 | 72 | 69 | 66 | 63 | 61 | 59 | 57 |
| 220 | 1,200 | 77 | 74 | 71 | 68 | 65 | 63 | 61 | 58 | 56 |
| 215 | 1,170 | 75 | 72 | 69 | 66 | 64 | 61 | 59 | 57 | 54 |
| 210 | 1,140 | 73 | 70 | 67 | 65 | 62 | 60 | 57 | 55 | 53 |
| 205 | 1,115 | 71 | 68 | 66 | 63 | 61 | 58 | 56 | 54 | 52 |
| 200 | 1,090 | 70 | 67 | 65 | 62 | 60 | 57 | 55 | 53 | 51 |
| 195 | 1,060 | 68 | 65 | 63 | 60 | 58 | 56 | 54 | 51 | 49 |
| 190 | 1,030 | 67 | 64 | 62 | 59 | 57 | 55 | 53 | 51 | 49 |
| 185 | 1,000 | 65 | 62 | 60 | 58 | 56 | 54 | 52 | 50 | 48 |
| 180 | 980 | 63 | 60 | 58 | 56 | 54 | 52 | 50 | 48 | 46 |
| 175 | 950 | 61 | 59 | 57 | 55 | 53 | 51 | 49 | 47 | 45 |
| 170 | 925 | 60 | 58 | 56 | 54 | 52 | 50 | 48 | 46 | 44 |
| 165 | 895 | 58 | 56 | 54 | 52 | 50 | 48 | 46 | 44 | 42 |
| 160 | 870 | 57 | 55 | 52 | 50 | 48 | 46 | 45 | 43 | 41 |
| 155 | 840 | 55 | 53 | 51 | 49 | 47 | 45 | 43 | 42 | 40 |
| 150 | 815 | 53 | 51 | 49 | 47 | 45 | 43 | 42 | 40 | 38 |
| 145 | 790 | 51 | 49 | 47 | 44 | 43 | 41 | 39 | 38 | 37 |
| 140 | 760 | 50 | 48 | 46 | 44 | 43 | 41 | 39 | 38 | 37 |
| 135 | 735 | 48 | 46 | 44 | 42 | 41 | 40 | 38 | 37 | 35 |
| 130 | 705 | 47 | 45 | 43 | 41 | 40 | 38 | 37 | 36 | 34 |

*Westinghouse—Types D-4-P and D-4-K—Orifice Size 5/32" Drill*

| Shaft r. p. m. | | | Elevation in feet above sea level | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Compressor | Motor | | Sea level | 1,000 | 2,000 | 3,000 | 4,000 | 5,000 | 6,000 | 7,000 | 8,000 |
| | | | Minimum gauge pressure in pounds to be maintained | | | | | | | | |
| | D-4-P | D-4-K | | | | | | | | | |
| 230 | 1,240 | 1,380 | 82 | 79 | 76 | 73 | 70 | 67 | 65 | 62 | 60 |
| 220 | 1,200 | 1,320 | 80 | 77 | 74 | 71 | 68 | 65 | 63 | 61 | 58 |
| 210 | 1,150 | 1,280 | 78 | 75 | 72 | 69 | 66 | 64 | 62 | 59 | 57 |
| 205 | 1,115 | 1,230 | 76 | 73 | 70 | 67 | 65 | 62 | 60 | 58 | 56 |
| 200 | 1,090 | 1,200 | 74 | 71 | 68 | 65 | 63 | 61 | 58 | 56 | 54 |
| 195 | 1,060 | 1,170 | 72 | 69 | 66 | 64 | 62 | 59 | 57 | 55 | 53 |
| 190 | 1,030 | 1,140 | 70 | 67 | 65 | 62 | 60 | 58 | 55 | 53 | 51 |
| 185 | 1,000 | 1,110 | 68 | 65 | 63 | 61 | 58 | 56 | 54 | 52 | 50 |
| 180 | 980 | 1,080 | 66 | 63 | 61 | 59 | 57 | 55 | 53 | 51 | 49 |
| 175 | 950 | 1,050 | 64 | 61 | 59 | 57 | 55 | 53 | 51 | 49 | 47 |
| 170 | 925 | 1,020 | 62 | 60 | 57 | 55 | 53 | 51 | 49 | 47 | 45 |
| 165 | 895 | 990 | 60 | 58 | 56 | 54 | 52 | 50 | 49 | 47 | 45 |
| 160 | 870 | 960 | 58 | 56 | 54 | 52 | 50 | 48 | 46 | 44 | 43 |
| 155 | 840 | 930 | 56 | 54 | 52 | 50 | 48 | 46 | 44 | 43 | 41 |
| 150 | 815 | 900 | 54 | 52 | 50 | 48 | 46 | 44 | 43 | 41 | 40 |
| 145 | 790 | 870 | 52 | 50 | 48 | 46 | 44 | 43 | 41 | 40 | 38 |
| 140 | 760 | 840 | 50 | 48 | 46 | 44 | 43 | 41 | 39 | 38 | 36 |
| 135 | 735 | 810 | 48 | 46 | 44 | 43 | 41 | 39 | 38 | 37 | 35 |
| 130 | 705 | 780 | 46 | 44 | 42 | 41 | 39 | 38 | 36 | 35 | 33 |
| 125 | 680 | 750 | 44 | 42 | 41 | 39 | 38 | 36 | 35 | 34 | 32 |

*Westinghouse—Type C-75—Orifice Size No. 16 Drill=0.177" Diameter*

| | Gear ratio 3.57 | Gear ratio 4.72 | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| 270 | 910 | 1,275 | 90 | 86 | 83 | 80 | 77 | 75 | 72 | 69 | 66 |
| 260 | 875 | 1,230 | 85 | 83 | 79 | 76 | 73 | 70 | 68 | 65 | 62 |
| 250 | 844 | 1,180 | 82 | 79 | 76 | 73 | 70 | 67 | 65 | 62 | 60 |
| 245 | 825 | 1,155 | 80 | 77 | 74 | 71 | 68 | 66 | 63 | 61 | ------ |
| 240 | 810 | 1,130 | 78 | 75 | 72 | 69 | 67 | 64 | 61 | ------ | ------ |
| 235 | 792 | 1,110 | 76 | 73 | 70 | 67 | 65 | 62 | 60 | ------ | ------ |
| 230 | 775 | 1,085 | 74 | 71 | 68 | 66 | 63 | 61 | ------ | ------ | ------ |
| 225 | 758 | 1,060 | 72 | 69 | 66 | 64 | 61 | ------ | ------ | ------ | ------ |
| 220 | 742 | 1,040 | 70 | 67 | 65 | 62 | 60 | ------ | ------ | ------ | ------ |
| 215 | 725 | 1,015 | 68 | 65 | 63 | 60 | ------ | ------ | ------ | ------ | ------ |
| 210 | 708 | 990 | 66 | 64 | 61 | ------ | ------ | ------ | ------ | ------ | ------ |
| 205 | 691 | 968 | 64 | 62 | ------ | ------ | ------ | ------ | ------ | ------ | ------ |
| 200 | 674 | 945 | 62 | 60 | ------ | ------ | ------ | ------ | ------ | ------ | ------ |
| 195 | 658 | 920 | 60 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ |



CONDEMNING LIMITS FOR MOTOR-DRIVEN AIR COMPRESSORS—continued

*Westinghouse—Type CA-170—Orifice Size 13/64" Drill*

| Shaft r. p. m. | | Elevation in feet above sea level | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Compressor | Motor | Sea level | 1,000 | 2,000 | 3,000 | 4,000 | 5,000 | 6,000 | 7,000 | 8,000 |
| | | Minimum gauge pressure in pounds to be maintained | | | | | | | | |
| 135 | 1,620 | 118 | 113 | 109 | 105 | 101 | 97 | 93 | 90 | 86 |
| 130 | 1,560 | 113 | 108 | 104 | 100 | 96 | 92 | 88 | 85 | 82 |
| 125 | 1,500 | 108 | 104 | 100 | 96 | 93 | 89 | 86 | 82 | 79 |
| 120 | 1,440 | 103 | 99 | 95 | 92 | 88 | 85 | 81 | 78 | 75 |
| 115 | 1,380 | 98 | 95 | 91 | 88 | 84 | 81 | 78 | 75 | 72 |
| 110 | 1,320 | 94 | 90 | 87 | 83 | 80 | 77 | 74 | 71 | 68 |
| 105 | 1,260 | 89 | 86 | 82 | 79 | 76 | 73 | 71 | 68 | 65 |
| 100 | 1,200 | 84 | 81 | 78 | 75 | 72 | 69 | 66 | 64 | 62 |
| 95 | 1,140 | 79 | 76 | 73 | 70 | 68 | 65 | 63 | 60 | ------ |
| 90 | 1,080 | 74 | 72 | 69 | 66 | 64 | 61 | ------ | ------ | ------ |
| 85 | 1,020 | 70 | 67 | 65 | 62 | 60 | ------ | ------ | ------ | ------ |
| 80 | 960 | 65 | 62 | 60 | ------ | ------ | ------ | ------ | ------ | ------ |
| 75 | 900 | 60 | ------ | ------ | ------ | ------ | ------ | ------ | ------ | ------ |

*General Electric—Types CP-30-1500 and 1200—Orifice Size No. 29 Drill=0.136" Diameter*

| Shaft r. p. m. | | Elevation in feet above sea level | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Motor | Compressor | Sea level | 1,000 | 2,000 | 3,000 | 4,000 | 5,000 | 6,000 | 7,000 | 8,000 |
| | | Minimum gauge pressure in pounds to be maintained | | | | | | | | |
| 1,350 | 239 | 73 | 70 | 67 | 65 | 62 | 59 | 56 | 53 | 50 |
| 1,300 | 230 | 70 | 68 | 65 | 62 | 59 | 57 | 54 | 51 | 48 |
| 1,250 | 222 | 68 | 65 | 62 | 60 | 57 | 55 | 52 | 49 | 46 |
| 1,200 | 213 | 65 | 63 | 60 | 58 | 55 | 53 | 50 | 48 | 45 |
| 1,150 | 204 | 63 | 60 | 58 | 55 | 53 | 51 | 48 | 45 | 43 |
| 1,100 | 195 | 60 | 58 | 55 | 53 | 51 | 48 | 45 | 43 | 41 |
| 1,050 | 186 | 58 | 55 | 53 | 51 | 48 | 46 | 44 | 41 | 39 |
| 1,000 | 177 | 55 | 53 | 51 | 48 | 46 | 44 | 41 | 39 | 37 |
| 950 | 168 | 52 | 50 | 48 | 46 | 44 | 41 | 39 | 37 | 35 |
| 900 | 159 | 50 | 48 | 46 | 43 | 41 | 39 | 37 | 35 | 33 |
| 850 | 151 | 47 | 45 | 43 | 41 | 39 | 37 | 35 | 33 | 31 |
| 800 | 142 | 44 | 42 | 40 | 38 | 36 | 34 | 32 | 30 | 28 |
| 750 | 133 | 41 | 39 | 37 | 35 | 34 | 32 | 30 | 28 | 26 |

*General Electric—Type CP-30-600—Orifice Size No. 29 Drill=0.136" Diameter*

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| 1,300 | 230 | 70 | 68 | 65 | 62 | 59 | 57 | 54 | 51 | 48 |
| 1,250 | 222 | 68 | 65 | 62 | 60 | 57 | 55 | 52 | 49 | 46 |
| 1,200 | 213 | 65 | 63 | 60 | 58 | 55 | 53 | 50 | 47 | 44 |
| 1,150 | 204 | 63 | 60 | 58 | 55 | 53 | 51 | 48 | 45 | 42 |
| 1,100 | 195 | 60 | 58 | 55 | 53 | 51 | 48 | 45 | 42 | 40 |
| 1,050 | 186 | 58 | 55 | 53 | 51 | 48 | 45 | 42 | 40 | 37 |
| 1,000 | 177 | 55 | 53 | 51 | 48 | 45 | 42 | 40 | 37 | 34 |
| 950 | 168 | 52 | 50 | 47 | 45 | 42 | 40 | 37 | 34 | 32 |
| 900 | 159 | 49 | 47 | 45 | 42 | 40 | 37 | 34 | 32 | 30 |
| 850 | 151 | 46 | 44 | 41 | 39 | 36 | 33 | 31 | 29 | 27 |
| 800 | 142 | 42 | 40 | 38 | 35 | 33 | 31 | 29 | 27 | 25 |
| 750 | 133 | 39 | 37 | 35 | 33 | 31 | 29 | 26 | 24 | 22 |

*General Electric—Type CP-24-1200 and 1200—Orifice Size 7/64" Drill=0.1094" Diameter*

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| 1,500 | 271 | 82 | 78 | 74 | 70 | 66 | 62 | 59 | 55 | 51 |
| 1,400 | 256 | 77 | 73 | 69 | 65 | 62 | 58 | 55 | 51 | 48 |
| 1,300 | 238 | 72 | 69 | 65 | 62 | 58 | 55 | 51 | 48 | 44 |
| 1,200 | 217 | 66 | 63 | 60 | 57 | 54 | 51 | 47 | 44 | 41 |
| 1,100 | 200 | 61 | 58 | 56 | 53 | 49 | 46 | 43 | 40 | 37 |
| 1,000 | 184 | 56 | 53 | 51 | 48 | 45 | 42 | 39 | 36 | 34 |
| 900 | 169 | 51 | 48 | 46 | 43 | 40 | 38 | 35 | 32 | 30 |

CONDEMNING LIMITS FOR MOTOR-DRIVEN AIR COMPRESSORS—continued

*General Electric—Type CP-28-600—Orifice size 7/64" Drill=0.1094" Diameter*

| Shaft r. p. m. | | Elevation in feet above sea level | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Motor | Compressor | Sea level | 1,000 | 2,000 | 3,000 | 4,000 | 5,000 | 6,000 | 7,000 | 8,000 |
| | | Minimum gauge pressure in pounds to be maintained | | | | | | | | |
| 1,450 | 265 | 80 | 76 | 72 | 68 | 65 | 61 | 57 | 53 | 49 |
| 1,350 | 247 | 73 | 71 | 67 | 64 | 60 | 57 | 53 | 50 | 46 |
| 1,250 | 228 | 70 | 66 | 63 | 60 | 56 | 53 | 49 | 46 | 43 |
| 1,150 | 210 | 65 | 61 | 58 | 55 | 52 | 48 | 45 | 42 | 39 |
| 1,050 | 192 | 59 | 56 | 53 | 50 | 47 | 44 | 41 | 38 | 35 |
| 950 | 174 | 53 | 51 | 48 | 45 | 42 | 40 | 37 | 34 | 32 |
| 850 | 155 | 48 | 45 | 43 | 40 | 38 | 35 | 33 | 30 | 28 |
| 750 | 137 | 42 | 40 | 37 | 35 | 34 | 31 | 28 | 26 | 24 |

*General Electric—Type CP-20-Orifice Size 13/64" Drill=0.2031" Diameter*

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| 950 | 230 | 114 | 109 | 104 | 99 | 94 | 89 | 83 | 78 | 73 |
| 900 | 218 | 108 | 103 | 98 | 93 | 88 | 83 | 78 | 73 | 68 |
| 850 | 206 | 101 | 96 | 92 | 87 | 82 | 77 | 73 | 68 | 63 |
| 800 | 194 | 94 | 90 | 85 | 81 | 76 | 72 | 68 | 63 | 59 |
| 750 | 182 | 87 | 83 | 79 | 75 | 71 | 67 | 63 | 59 | 55 |
| 700 | 170 | 80 | 76 | 73 | 69 | 65 | 61 | 57 | 54 | 50 |
| 650 | 158 | 73 | 69 | 66 | 62 | 59 | 56 | 52 | 49 | 45 |
| 600 | 146 | 67 | 63 | 60 | 57 | 54 | 50 | 47 | 44 | 41 |
| 550 | 133 | 60 | 57 | 54 | 51 | 48 | 45 | 42 | 39 | 36 |
| 500 | 121 | 53 | 50 | 48 | 45 | 42 | 40 | 37 | 34 | 32 |

*General Electric—Type CP-19-Orifice Size No. 18 Drill=0.1695" Diameter*

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| 220 | | 106 | 101 | 96 | 91 | 87 | 82 | 77 | 72 | 68 |
| 210 | | 102 | 97 | 92 | 88 | 83 | 79 | 74 | 69 | 65 |
| 200 | | 97 | 92 | 87 | 83 | 79 | 74 | 70 | 65 | 61 |
| 190 | | 93 | 88 | 84 | 80 | 75 | 71 | 67 | 63 | 58 |
| 180 | | 88 | 84 | 80 | 76 | 71 | 67 | 63 | 59 | 55 |
| 170 | | 83 | 79 | 75 | 71 | 67 | 63 | 60 | 56 | 52 |
| 160 | | 78 | 74 | 71 | 67 | 63 | 59 | 56 | 52 | 48 |
| 150 | | 73 | 70 | 66 | 63 | 59 | 56 | 52 | 48 | 45 |
| 140 | | 68 | 65 | 61 | 58 | 55 | 51 | 48 | 45 | 42 |
| 130 | | 63 | 60 | 57 | 54 | 51 | 47 | 44 | 41 | 38 |

*General Electric—Type CP-34—Orifice Size 15/64" Drill=0.2344" Diameter*

| Shaft r. p. m. | | Elevation in feet above sea level | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Compressor | Motor | Sea level | 1,000 | 2,000 | 3,000 | 4,000 | 5,000 | 6,000 | 7,000 | 8,000 |
| | | Minimum gauge pressure in pounds to be maintained | | | | | | | | |
| 250 | 1,140 | 123 | 118 | 112 | 107 | 101 | 96 | 90 | 85 | 79 |
| 240 | 1,094 | 118 | 112 | 107 | 102 | 96 | 91 | 86 | 81 | 75 |
| 230 | 1,049 | 112 | 107 | 102 | 97 | 92 | 87 | 82 | 77 | 71 |
| 220 | 1,004 | 107 | 102 | 97 | 92 | 87 | 82 | 78 | 73 | 68 |
| 210 | 958 | 101 | 96 | 92 | 87 | 82 | 78 | 73 | 69 | 64 |
| 200 | 912 | 96 | 91 | 87 | 82 | 78 | 73 | 69 | 64 | 60 |
| 190 | 867 | 90 | 86 | 82 | 77 | 73 | 69 | 64 | 60 | 56 |
| 180 | 822 | 85 | 81 | 77 | 73 | 69 | 65 | 61 | 57 | 53 |
| 170 | 776 | 79 | 75 | 71 | 67 | 64 | 60 | 56 | 53 | 49 |
| 160 | 730 | 73 | 70 | 66 | 63 | 59 | 56 | 53 | 49 | 45 |
| 150 | 685 | 68 | 65 | 61 | 58 | 55 | 52 | 48 | 45 | 42 |

CONDEMNING LIMITS FOR MOTOR-DRIVEN AIR COMPRESSORS—continued

*Westinghouse—Type D-8-EG and D-8-EZ—Orifice Size 7/64" Drill*

| Shaft r. p. m. | Elevation in feet above sea level | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Motor | Sea level | 1,000 | 2,000 | 3,000 | 4,000 | 5,000 | 6,000 | 7,000 | 8,000 |
| Compressor | | Minimum gauge pressure in pounds to be maintained | | | | | | | | |
| 280 | 1,560 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 270 | 1,500 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 260 | 1,440 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 250 | 1,380 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 240 | 1,320 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 230 | 1,260 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 220 | 1,200 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 210 | 1,140 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 200 | 1,080 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 190 | 1,020 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 180 | 960 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 170 | 900 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 160 | 840 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 150 | 780 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 140 | 720 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 130 | 660 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 120 | 600 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 110 | 540 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 100 | 480 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |

*Westinghouse—Types D-8-N and D-8-L—Orifice Size No. 69 Drill=0.1960" Diameter*

| Shaft r. p. m. | Elevation in feet above sea level | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Motor | Sea level | 1,000 | 2,000 | 3,000 | 4,000 | 5,000 | 6,000 | 7,000 | 8,000 |
| Compressor | | Minimum gauge pressure in pounds to be maintained | | | | | | | | |
| 280 | D-8-N 1,560 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 270 | 1,500 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 260 | 1,440 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 250 | 1,380 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 240 | 1,320 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 230 | 1,260 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 220 | 1,200 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 210 | 1,140 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 200 | 1,080 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 190 | 1,020 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 180 | 960 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 170 | 900 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 160 | 840 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 150 | 780 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 140 | 720 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 130 | 660 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 120 | 600 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 110 | 540 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |
| 100 | 480 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 | 77 |

*Westinghouse—Types C-60 and XC-60—Orifice Size No. 42 Drill=0.157" Diameter*

| Shaft r. p. m. | Elevation in feet above sea level | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Motor | Sea level | 1,000 | 2,000 | 3,000 | 4,000 | 5,000 | 6,000 | 7,000 | 8,000 |
| Compressor | | Minimum gauge pressure in pounds to be maintained | | | | | | | | |
| 280 | XC-60 1,560 | 117 | 111 | 106 | 101 | 96 | 91 | 86 | 81 | 72 |
| 270 | 1,500 | 111 | 106 | 101 | 96 | 91 | 86 | 81 | 76 | 67 |
| 260 | 1,440 | 105 | 100 | 95 | 90 | 85 | 80 | 75 | 70 | 62 |
| 250 | 1,380 | 99 | 94 | 89 | 84 | 79 | 74 | 69 | 64 | 57 |
| 240 | 1,320 | 93 | 88 | 83 | 78 | 73 | 68 | 63 | 58 | 52 |
| 230 | 1,260 | 87 | 82 | 77 | 72 | 67 | 62 | 57 | 52 | 47 |
| 220 | 1,200 | 81 | 76 | 71 | 66 | 61 | 56 | 51 | 46 | 42 |
| 210 | 1,140 | 75 | 70 | 65 | 60 | 55 | 50 | 45 | 40 | 37 |
| 200 | 1,080 | 69 | 64 | 59 | 54 | 49 | 44 | 39 | 34 | 32 |
| 190 | 1,020 | 63 | 58 | 53 | 48 | 43 | 38 | 33 | 28 | 27 |
| 180 | 960 | 57 | 52 | 47 | 42 | 37 | 32 | 27 | 22 | 22 |
| 170 | 900 | 51 | 46 | 41 | 36 | 31 | 26 | 21 | 16 | 16 |
| 160 | 840 | 45 | 40 | 35 | 30 | 25 | 20 | 15 | 10 | 10 |
| 150 | 780 | 39 | 34 | 29 | 24 | 19 | 14 | 9 | 4 | 4 |
| 140 | 720 | 33 | 28 | 23 | 18 | 13 | 8 | 3 | 0 | 0 |
| 130 | 660 | 27 | 22 | 17 | 12 | 7 | 2 | 0 | 0 | 0 |
| 120 | 600 | 21 | 16 | 11 | 6 | 1 | 0 | 0 | 0 | 0 |
| 110 | 540 | 15 | 10 | 5 | 0 | 0 | 0 | 0 | 0 | 0 |
| 100 | 480 | 9 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

*Westinghouse—Type D-8-F—Orifice Size No. 49 Drill=0.1567" Diameter*

| Shaft r. p. m. | Elevation in feet above sea level | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Motor | Sea level | 1,000 | 2,000 | 3,000 | 4,000 | 5,000 | 6,000 | 7,000 | 8,000 |
| Compressor | | Minimum gauge pressure in pounds to be maintained | | | | | | | | |
| 280 | 1,560 | 98 | 93 | 88 | 83 | 78 | 73 | 68 | 63 | 55 |
| 270 | 1,500 | 92 | 87 | 82 | 77 | 72 | 67 | 62 | 57 | 53 |
| 260 | 1,440 | 86 | 81 | 76 | 71 | 66 | 61 | 56 | 51 | 48 |
| 250 | 1,380 | 80 | 75 | 70 | 65 | 60 | 55 | 50 | 45 | 43 |
| 240 | 1,320 | 74 | 69 | 64 | 59 | 54 | 49 | 44 | 39 | 38 |
| 230 | 1,260 | 68 | 63 | 58 | 53 | 48 | 43 | 38 | 33 | 33 |
| 220 | 1,200 | 62 | 57 | 52 | 47 | 42 | 37 | 32 | 27 | 28 |
| 210 | 1,140 | 56 | 51 | 46 | 41 | 36 | 31 | 26 | 21 | 23 |
| 200 | 1,080 | 50 | 45 | 40 | 35 | 30 | 25 | 20 | 15 | 18 |
| 190 | 1,020 | 44 | 39 | 34 | 29 | 24 | 19 | 14 | 9 | 13 |
| 180 | 960 | 38 | 33 | 28 | 23 | 18 | 13 | 8 | 3 | 8 |
| 170 | 900 | 32 | 27 | 22 | 17 | 12 | 7 | 2 | 0 | 3 |
| 160 | 840 | 26 | 21 | 16 | 11 | 6 | 1 | 0 | 0 | 0 |
| 150 | 780 | 20 | 15 | 10 | 5 | 0 | 0 | 0 | 0 | 0 |
| 140 | 720 | 14 | 9 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |
| 130 | 660 | 8 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 120 | 600 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 110 | 540 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 100 | 480 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

SEC. 406. (a) Every main reservoir before being put into service, and at least once every 12 months thereafter, shall be subjected to hydrostatic pressure not less than 25 percent above the maximum working pressure fixed by the chief mechanical officer, and report made on Form No. 1-A.

(b) The entire surface of each main reservoir shall be hammer tested each

[1] Filed as part of the original document.



time the unit is shopped for general repairs, but not less frequently than once every 18 months, and report made on Form No. 1-A. This test shall be made while reservoir is empty.

SEC. 407. (a) Air gauges shall be so located that they may be conveniently read by the enginemen from their usual position in the operating compartment and shall show main reservoir and brake pipe or equalizing reservoir pressures.

(b) Air gauges shall be tested at least once every three months, and whenever any irregularity is reported. They shall be compared with an accurate deadweight tester, or test gauge constructed for the purpose of testing gauges, and gauges found incorrect shall be repaired before they are returned to service.

SEC. 408. (a) Brake cylinders, slack adjusters, control valves, reducing valves, triple valves, transfer valves, straight air double check valves, brake pipe vent valves, relay valves, magnet valves and electro-pneumatic master controllers shall be cleaned, oiled and tested as often as conditions require to maintain them in safe and suitable condition for service but not less frequently than once every 15 months with the exception of the D-22. UE and PS types which must be cleaned, oiled and tested not less frequently than once every 24 months.

(b) The date of testing or cleaning, and the initials of the shop or station at which the work is done, shall be legibly stenciled in a conspicuous place on the unit, or placed on a card displayed under glass in each unit.

SEC. 409. (a) Minimum brake cylinder piston travel shall be sufficient to provide proper brake shoe clearance when the brakes are released.

(b) On swivel trucks where the brakes on more than one truck are operated by the same cylinder the maximum piston travel shall not exceed 9 inches. Where the cylinder operates the brakes on one truck only and on units equipped with truck mounted brake cylinder the piston travel shall be properly adjusted for that type of brake cylinder.

SEC. 410. (a) Foundation brake gear shall be maintained to the standard for the unit. Levers, rods, brake beams, hangers, and pins shall not be fouled in any way which will affect the proper operation of the brake. All pins shall be properly secured in place with cotters, split keys, or nuts. Brake shoes must be properly fastened in place, and kept approximately in line with the tread of the wheel.

(b) Provision shall be made to prevent brake beams and bottom rods from dropping to the track structure in the event of failure of the brake beam, hangers, or connections.

SEC. 411. (a) Leakage from main air reservoir and related piping shall not exceed an average of 3 pounds per square inch per minute in a test of 3 minutes' duration, made after the pressure has been reduced 40 per cent below maximum pressure.

(b) Brake-pipe leakage shall not exceed 3 pounds per square inch per minute.

(c) With a full service application from maximum brake pipe pressure, and with communication to the brake cylinders closed, the brakes shall remain effectively applied not less than 10 minutes.

SEC. 412. Draw gear and attachments thereto shall be securely attached and properly maintained. Draw gear consisting of automatic couplers with friction or spring draft gear shall be so maintained that the lost motion in each assemblage, not absorbed by the springs or friction devices, will not exceed $\frac{1}{2}$ inch. Standard couplers measuring $5\frac{1}{8}$ inches or more between point of knuckle and guard arm shall not be continued in service.

SEC. 413. Driving and truck axles more than $\frac{1}{2}$ inch under original diameter, or with any of the following defects, shall not be continued in service: Seams, cracked or bent axles, or cut journals.

SEC. 414. (a) Exposed gears shall be provided with guards.

(b) Gears or pinions with any of the following defects shall not be continued in service: Loose on shaft; broken, cracked, or with excessively worn teeth; broken or defective rim fastenings; out of alignment or improperly meshed; split gears with loose or missing bolts.

SEC. 415. Springs or spring rigging with any of the following defects shall be renewed or repaired: Top leaf broken or two leaves in top half or any three leaves in spring broken (the long side of spring to be considered the top); springs with leaves working in band; broken coil springs; broken, cracked, or badly worn equalizer, hanger, bolt, gib, or pin.

SEC. 416. The total lateral motion between wheels and boxes on any pair of wheels shall not exceed one inch.

SEC. 417. (a) Truck center plates shall fit properly and be securely fastened. The male center plate shall extend into the female center plate not less than $\frac{3}{4}$ inch, except on motor trucks constructed to transmit tractive effort through center plate or center pin the male center plate shall extend into the female center plate not less than $1\frac{1}{2}$ inches.

(b) Trucks shall be locked to the unit body and so arranged that the entire truck will lift with the unit body without disengaging the center plates. The attachments shall be of adequate strength and properly maintained. Such provision shall be made on units presently in service and not so equipped when the unit receives general repairs but not later than (24 months after effective date of order.)

(c) Truck bolsters shall be maintained approximately level.

(d) Trucks with any of the following defects shall not be continued in service: Loose column, pedestal, or journal-box bolt; cracked or broken frame, unless properly repaired; loose tie bar; broken or defective motor suspension lug, spring, bar, or bolt; broken or cracked center casting; cracked or broken equalizer, hanger, gib, or pin.

(e) Suspension lugs or bars shall be of ample strength to keep motors secured and provision shall be made to prevent nose-supported motors from falling in case of failure of motor supports.

SEC. 418. (a) Side bearings shall be securely fastened in place. Friction side bearings with springs designed to carry weight shall not be continued in service with more than 25 percent of the springs broken in any one nest.

(b) Friction side bearings unless designed to carry weight shall not be run in contact. Maximum clearance of side bearings shall not exceed $\frac{1}{4}$ inch on each side, or a total of $\frac{1}{2}$ inch on both sides, except where more than two side bearings are used under the same rigid superstructure, the clearance on one pair of side bearings under the same rigid superstructure shall not exceed $\frac{1}{4}$ inch on each side or a total of $\frac{1}{2}$ inch on both sides. The other side bearings under the same rigid superstructure may have $\frac{1}{2}$ inch clearance on each side or a total of one inch on both sides. These clearances apply where the spread of the side bearings is 50 inches or less. Where the spread is greater, the side bearing clearance may be increased in proportion.

SEC. 419. No part or appliance of unit, except the wheels, contact shoes, and train stop or signal devices shall be less than $2\frac{1}{2}$ inches above the top of rail.

SEC. 420. (a) Wheels shall be securely pressed on axles, except wheels and axles of special design and construction where other proper and safe means are provided for holding the wheels on the axles. Prick punching, shimming wheel fit, or pins driven in ends of axles will not be permitted.

(b) When wheels are applied, or wheels are turned, the circumference of the wheels on the same axle shall not vary more than $\frac{1}{16}$ inch.

(c) Wheels used on standard-gauge track will be out of gauge if the inside gauge of flanges, measured on base line, is less than 53 inches or more than $53\frac{1}{2}$ inches.

(d) The distance back to back of flanges of wheels mounted on the same axle shall not vary more than $\frac{1}{4}$ inch.

(e) The minimum height of flange measured from tread shall be one inch.

(f) The maximum taper for tread of truck whels from throat of flange to outside of wheel shall be $\frac{5}{16}$ inch.

SEC. 421. Wrought-steel or steel-tired wheels with any of the following defects shall not be continued in service:

(a) Slid flat, when the flat spot is $1\frac{1}{2}$ inches or over in length.

(b) Flanges having flat vertical surface extending one inch or more from the tread, or flanges $\frac{15}{16}$ inch thick or less.

(c) Burnt rim, shattered rim, spread rim, sub-surface defect, or shelled tread.

(d) Transverse cracks in tread or flange regardless of length.

(e) Cracked or broken plate.

(f) Flanges $1\frac{1}{2}$ inches or more from tread to top of flange.

(g) Out of gauge.

(h) Loose on axle.

(i) Wrought-steel wheels one inch or less in thickness at the rim.

(j) Steel-tired wheels with cracked or broken retaining ring, bolt or tire, or with loose tire.

(k) Steel-tired wheels with tread worn to within ¼ inch of the measuring line which is the inside edge of the limit of wear groove as shown in figures 2, 3, and 4.

SEC. 422. Cast iron or cast steel wheels with any of the following defects shall not be continued in service:

(a) Slid flat, when the flat spot is 1½ inches or over in length.

(b) Flange, plate or bracket, cracked or broken, or with chip from flange exceeding 1½ inches in length and ½ inch in width.

(c) Broken rim, if the tread, measured from the flange at a point ⅝ inch above tread, is less than 3¾ inches in width.

(d) Shelled-out spots one inch long or over, or three shelled-out spots not more than 3 inches apart.

(e) Any seam running lengthwise and within the limit of 3¾ inches from flange.

(f) Flanges having a flat vertical surface extending ⅞ inch or more from the tread, or flange 1 1/16 inches thick, or less, gauged at a point ⅜ inch above the tread.

(g) Wheels with tread worn hollow 5/16 inch or with flanges more than 1½ inches from tread to top of flange.

(h) Cracked hub.

(i) Out of gauge.

(j) Loose on axle.

(k) Cast iron wheels with defective treads on account of brake burn cracks one inch or over in length, or with comby spots ½ inch or over in length.

(l) Cast steel wheels with transverse cracks in treads or flange regardless of length.

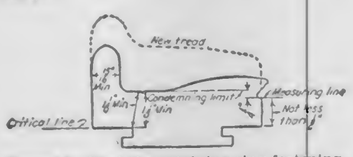



FIGURE 2—Steel tire retaining ring fastening.

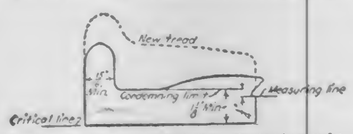



FIGURE 3—Steel tire shrinkage fastening only.




FIGURE 4—Steel tire retaining ring fastening.

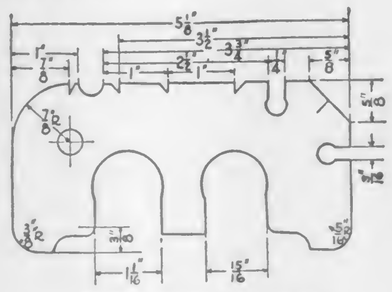


FIGURE 5—Wheel defect gauge.

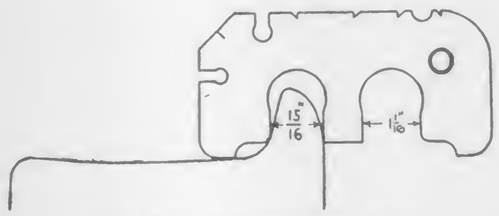


FIGURE 6—Method of gauging worn flanges.

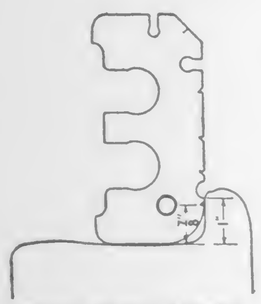


FIGURE 7—Method of gauging worn flanges.

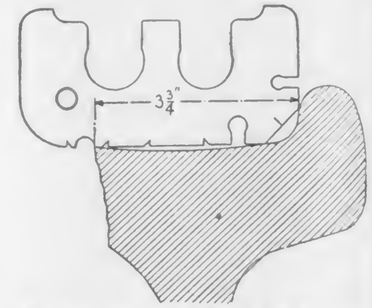


FIGURE 8—Method of gauging broken rims.

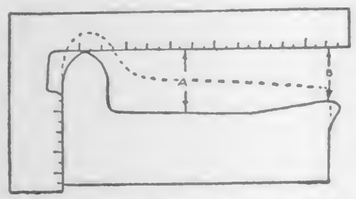


FIGURE 9—Method of measuring tread worn hollow. Tread worn hollow = *A* minus *B* limit, five-sixteenths inch.

SEC. 423. (a) Windows at each end from which a unit may be operated shall be so located and maintained that the enginemen will have a clear view of track and signals from their usual position while operating the unit.

(b) Windows located in line of enginemen's vision when looking ahead from their usual position when operating the unit shall be of shatter-proof glass and equipped with a power operated wiper that will cover sufficient space to provide a clear view of track and signals ahead and an adequate defrosting device. This equipment shall be installed on all units built after (effective date of order) and on units presently in service when same receive general repairs but not later than (24 months after effective date of order).

(c) Floors of operating compartments shall be kept free from accumulations of oil, waste, or unnecessary obstructions.

(d) Floors of operating compartments shall be heat insulated.

(e) Operating compartments shall be provided with heating arrangements that will maintain therein a temperature of not less than 50 degrees F.

SEC. 424. Pilots, when used, shall be securely attached and properly braced. On approximately straight level track the minimum clearance of pilot above the rail shall be 3 inches, and the maximum clearance 6 inches.

SEC. 425. (a) Each unit operated separately and the leading unit of a multiple unit train shall have a headlight which shall afford sufficient illumination to enable a person in the operating compartment who possesses the usual visual capacity required of enginemen to see in a clear atmosphere a dark object as large as a man of average size standing erect at least 800 feet ahead and in front of such headlight; and such headlight must be maintained in good condition.

(b) Such headlights shall be provided with a device, which may be conveniently operated by the enginemen, whereby the light from same may be diminished in yards and at stations or when meeting trains.

SEC. 426. Each unit shall be provided with such classification and marker lights as may be required by the rules of the railroad company operating the unit. When such lights are used they shall be kept clean and be electrically lighted. Such provision shall be made on all units built after (effective date of order). Units presently in service, which are not so equipped, shall be equipped when the unit receives general repairs but not later than (24 months after effective date of order).

SEC. 427. (a) Each unit shall have lights which will provide sufficient illumination for the control instruments, meters, and gauges to enable the enginemen to make accurate readings from their usual operating position. These lights shall be so located, constructed, and maintained, that light will shine only on those parts requiring illumination. There shall also be a light conveniently located to enable the enginemen to easily and accurately read train orders and time tables, and so constructed that it may be readily darkened or extinguished.

(b) Lights shall be so located, constructed or shielded that the light will not interfere with enginemen's vision of track and signals.

(c) All lights may be entirely supplied from storage batteries if desired. Where lights are not supplied from storage batteries, there shall be two or more lighting circuits for providing illumination required by paragraphs (a) and (b) of this section. Battery containers shall be properly vented.

SEC. 428. Each leading unit shall be provided with a suitable whistle or horn so arranged that it may be conveniently operated by the enginemen from their position in the operating compartment.

SEC. 429. Headlights and whistles shall be located in safe and accessible places. Where units are equipped with overhead current collectors, headlights shall be so located, constructed, and arranged that they can be given necessary repairs and attention without requiring a person to mount the roof or become exposed to contact with parts carrying high tension.

SEC. 430. Where sanding apparatus is used it shall be maintained in proper operating condition. Sand pipes shall be securely fastened and arranged to deliver the sand on the rails in front of the wheel contact.

SEC. 431. The train signal system shall be tested and known to be in condition for service before each trip.

SEC. 432. Current collectors shall be properly insulated from the unit structure for the maximum voltage carried by the conductor.

SEC. 433. (a) Pantographs shall be so arranged that they can be operated from the enginemen's usual and proper place in the operating compartment.

(b) Pantographs which automatically rise when released shall be provided with an automatic locking device that will hold them while in down position.

(c) Each pantograph operating on an overhead trolley wire shall be provided with a device for locking and grounding it when in lowest position, which can be applied and released only from a position where the operator will have a clear view of pantograph and roof without mounting the roof. Such grounding will not be required on units with insulated roofs.

(d) Pantograph shoes with cracked or badly worn contact surface or with defective horn shall not be continued in service.

(e) Leaky or defective pantograph operating cylinder or air line connection shall not be continued in service. Air line connections shall afford proper insulation.

SEC. 434. (a) When a unit is equipped with a trolley pole a hook shall be provided that will hold the pole while in down position. This hook shall be securely fastened and properly insulated from the unit structure.

(b) When a unit with a non-insulated roof is equipped with more than one trolley pole, each pole shall be equipped with a device for grounding the pole when it is secured by the hook referred to in paragraph (a) of this section, which can be applied and released only from a position where the operator will have a clear view of the trolley pole and roof without mounting the roof.

(c) Each trolley pole shall be equipped with a trolley pole rope. A retriever or trolley pole catcher shall also be provided.

(d) Where trolley wire has a potential of more than 750 volts, each trolley pole rope shall be insulated from the pole for the maximum voltage carried by the trolley wire.

(e) Trolleys shall not be continued in service if broken or excessively burned, warped, or worn.

SEC. 435. (a) When units are equipped with both third rail and overhead collectors, third-rail shoes shall be deenergized while in yards and at stations when current collection is from overhead conductor and not intermittent from third rail and overhead.

(b) Third-rail shoe beams loose on brackets, split or cracked, or with accumulations of extraneous matter conducive of short circuits shall not be continued in service.

SEC. 436. (a) Each train of one or more units operated by means of a pantograph shall have a suitable emergency pole for operating the pantograph. This pole shall be protected from moisture while not in use and the part which can be safely handled shall be so marked.

(b) Each unit equipped with third-rail shoes shall have a device that will insulate current collecting apparatus from third rail when desired.

SEC. 437. (a) Where current supply is continuously taken from an overhead conductor and lightning protection is not provided along the line of road that will afford adequate protection for the unit, each unit shall be provided with a suitable lightning arrester. In sections where freezing weather is generally encountered, lightning arresters will not be required on units between November 1 and March 1. The current-collector cable shall be tapped for a lightning arrester near the overhead current collector.

(b) The lightning arrester shall be properly grounded.

SEC. 438. All unguarded noncurrent-carrying metal parts subject to becoming charged which are not thoroughly insulated shall be grounded.

SEC. 439. All current-carrying parts connected to circuits with potential of more than 150 volts, except current collectors, shall be insulated, or located or guarded to prevent accidental contact.

SEC. 440. All doors and cover plates guarding current carrying equipment in circuits having a potential of more than 150 volts shall be securely fastened in place, and the inside kept marked with the word "Danger" and the normal voltage of the circuit.

SEC. 441. (a) All current-carrying, hand-operated switches in circuits having a potential of more than 150 volts, which may be operated while under load shall be enclosed in a cabinet or properly covered and be operative from the outside, and means provided to show whether switches are open or closed. Switches which may not be operated while under load shall be guarded against accidental contact and kept plainly marked with the words "must not be operated under load" and the voltage of the circuit.

(b) Circuit breakers, contactors, and fuses shall be maintained in safe and suitable condition for service and shall be so located or guarded that persons will not be injured by their operation.

(c) Oil type circuit breakers shall be equipped with suitable sight glasses or indicators.

SEC. 442. (a) Jumpers or cable connections between units shall not be allowed to hang with one end free.

(b) Cable connections between units and all jumpers shall be thoroughly cleaned, inspected, and tested as often as necessary to maintain them in safe and suitable condition for service, but not less frequently than once each three months. Each jumper carrying current having a potential of 600 volts or more shall be tested by immersing the cable portion in water and subjecting each conductor with another, and with the water, to a difference in potential of not less than one and three-fourths times the normal working voltage for not less than one minute. Date and place of inspection and test shall be legibly stenciled on the jumper or stamped on a tag securely attached to jumper.

(c) Defective cable connections and jumpers shall not be continued in service.

SEC. 443. All cables and wires carrying current shall be in proper condition for service.

SEC. 444. Motors and generators shall be securely fastened in place and properly maintained.

SEC. 445. Transformers shall be securely fastened in place. Liquid filled transformers and related piping shall be maintained free from leaks and the liquid maintained at proper level in transformer cases.

SEC. 446. Rheostats and grid resistors shall be maintained in proper condition for service.

SEC. 447. Not less than once every year an insulation dielectric test of not less than one minute duration shall be applied to all circuits and parts carrying current with potential of more than 150 volts. The voltage applied to circuits other than motor windings, shall be not less than 75 percent above the normal working voltage; the voltage applied to windings shall be not less than 50 percent above the normal working voltage. A careful examination shall be made of any weakness indicated and all defects remedied before the unit is put in use.

SEC. 448. Not less than once every 30 days a careful inspection of all visible insulation and electrical connections shall be made and all defects repaired.

SEC. 449. (a) A specification, Form No. 4–A, shall be filed with the Director of Locomotive Inspection for each unit, and a copy kept in the office of the chief mechanical officer of the company operating the unit. These specifications shall be filed as promptly as conditions permit, but not later than (effective date of order).

(b) When any change is made which affects the data shown on the specification, a corrected specification or an alteration report, Form No. 19–A,[1] showing such changes, shall be filed within 30 days after the changes are made.

SEC. 450. Where units are transferred from one Federal inspection district to another Federal inspection district, assignment list of units shall be supplied to the United States inspector for each of said districts at least once every three months, showing the unit numbers assigned to their respective districts and the reports required by sections 449 to 451, inclusive, shall be sent to the inspector on whose list the unit numbers are shown.

SEC. 451 (a) Not less than once every 30 days each unit in service shall be inspected in accordance with the law and these rules and instructions, and a report made on Form No. 1–A. This report shall be subscribed and sworn to before an officer authorized to administer oaths, by the inspectors who made the inspection, and by the officer in charge of the unit. Within 10 days after each inspection a duplicate of this report shall be filed with the United States district inspector and a copy filed in the office of the mechanical officer.

(b) A copy of the last inspection report shall be kept under glass in a conspicuous place in a compartment in each unit. This must be a duplicate of the report filed with the United States inspector, except it need not be sworn to.

(c) An out-of-service report on Form No. 1–A shall be filed with the United States district inspector for each unit which was out of service for an entire calendar month, or was out of service when due for inspection and remained out for the rest of the month. This report shall show the month covered thereby; the name of the railroad; the initials and number of the unit; the place where unit is out of service; the date removed from service; the reason for being out of service; and shall bear the statement, "Unit will not again be used until inspection is made and report rendered." The report shall give date and place where made.

(d) Out-of-service report shall not be filed until the end of the month covered thereby. It need not be sworn to, but must be signed by the officer in charge of the unit. When out-of-service report has been filed, an inspection must be made and report made on Form No. 1–A before the unit is again returned to service.

SEC. 452. (a) When a unit is permanently retired from service a final report shall be filed with the United States district inspector. The report shall show the name of the railroad; initials and number of the unit; the disposition made of it, whether scrapped or sold, and if sold, to whom. These reports shall bear the statement, "Unit will not again be used by this company." The report shall give date and place where made and be signed and sworn to by the chief mechanical officer.

(b) When the road number of a unit is changed, the first inspection and repair report rendered thereafter should show in the upper right-hand corner the old and new number:

Old No. 000.
New No. XXX.

SEC. 453. (a) The period of time within which inspections and tests are required to be made may be extended without application as hereinafter provided on units which are out of service for one or more months. Time out of service shall be properly accounted for by out-of-service reports and notations made on the back of each subsequent inspection report and cab card for time claimed out of service. Portions of calendar months out of service will not be counted in granting extensions.

(b) The period of time within which orifice test of compressors is required to be made in accordance with section 405 (d), may be extended for a period equal to the full calendar months the unit was out of service since last such test.

(c) The period of time within which hydrostatic and hammer tests are required to be made in accordance with section 406, may be extended for a period equal to the full calendar months the unit was out of service since the last such tests provided such service is performed within two consecutive years.

(d) Insulation dielectric tests of circuits, as required by section 447, may be extended for a period equal to the full calendar months the unit has been out of service.

SEC. 454. In the case of an accident resulting from failure of a unit, or any part or appurtenance thereof, or from coming in contact with an electrically energized part of appurtenance thereof, resulting in serious injury or death to one or more persons, the carrier on whose line the accident occurred shall immediately report such accident by telegram to the director, at his office in Washington, D. C. Such report should state the nature of the accident, number of persons killed or seriously injured, the place at which it occurred and the place where the unit may be inspected. The telegraphic report shall be confirmed by mail, giving a full detailed report of such accident, stating, as far as may be known, the causes, and giving a complete list of the killed and injured.

SEC. 455. Changes in construction which are necessary to meet the requirements of these rules shall be made as rapidly as conditions permit, and all such changes, except as otherwise specified, shall be completed before (6 months after effective date of order).

SEC. 456. (a) (1) Each unit shall be equipped with the same complement of safety appliances as is required for passenger-train cars included in the classification comparable to it set up in the Commission's order of March 13, 1911, as amended. In cases where both ends of a unit do not fall into any single classification set up in the above-mentioned order, as amended, each end and the side at each end shall be provided with the same complement of safety appliances as is required for passenger-train cars of the classification within which each belongs.

(2) Units of construction not covered specifically in the above-mentioned order relative to handholds, sill-steps, ladders, and hand-brakes may be considered as of special construction, but shall have, as nearly as possible, the same complement of handholds, sill-steps, ladders, and hand-brakes as are required for cars of the nearest approximate type.

(b) Any unit equipped with a pilot which extends beyond the end of the unit must also be equipped, as near as possible, with the same complement of pilot sill-steps and pilot beam handholds as is required by the aforesaid order of March 13, 1911, as amended, for steam locomotives used in road service.

(c) Units having headlights which cannot be safely and conveniently reached from end platforms shall be equipped with secure handholds and steps suitable for the use of men in getting to and from such headlights.

SEC. 457. (a) Units built new after (effective date of order) and operated in trains having a total empty weight of 600,000 pounds or more shall have body structure designed to meet or exceed the following minimum specifications:

(1) The unit structure shall resist a minimum static end load of 800,000 pounds at the read draft stops ahead of the bolster on the center line of draft, without developing any permanent deformation in any member of the unit structure.

(2) An anti-climbing arrangement shall be applied at each end, designed so that coupled units under full compression shall mate in a manner which will resist one unit from climbing the other. This arrangement shall resist a vertical load of 100,000 pounds without exceeding the yield point of its various parts or its attachments to the unit structure.

(3) The coupler carrier and its connections to the unit structure shall be designed to resist a vertical downward thrust from the coupler shank of 100,000 pounds for any horizontal position of the coupler, without exceeding the yield points of the materials used. When yielding type of coupler carrier is used an auxiliary arrangement shall be provided, designed in accordance with these requirements.

(4) The outside end of each unit shall be provided with two main vertical members, one at each side of the diaphragm opening. Each main member shall have an ultimate shear valve of not less than 300,000 pounds at a point even with the top of the underframe member to which it is attached. The attachment of these members at bottom shall be sufficient to develop their full shear value. If reinforcement is used to provide the shear value such reinforcement shall have full value for a distance of 18 inches up from the underframe connection, then taper to a point approximately 30 inches above the underframe connection.

(5) Strength of locking means of truck unit body shall be not less than the equivalent of an ultimate shear value of 250,000 pounds.

(b) Units built new after (effective date of order) and operated in trains having a total empty weight of less than 600,000 pounds shall have body structure designed to meet or exceed the following minimum specifications:

(1) The unit structure shall resist a minimum static end load of 400,000 pounds at the rear draft stops ahead of the bolster on the center line of draft, without developing any permanent deformation in any member of the unit structure.

(2) An anti-climbing arrangement shall be applied at each end designed so that coupled units under full compression shall mate in a manner which will resist one unit from climbing the other. This arrangement shall resist a vertical load of 75,000 pounds without exceeding the yield point of its various parts or its attachments to the unit structure.

(3) The coupler carrier and its connections to the unit structure shall be designed to resist a vertical downward thrust from the coupler shank of 75,000 pounds for any horizontal position of the coupler, without exceeding the yield points of the materials used. When a yielding type of coupler carrier is used an auxiliary arrangement shall be provided, designed in accordance with these requirements.

(4) The outside end of each unit shall be provided with two main vertical members, one at each side of the diaphragm opening. Each main member shall have an ultimate shear value of not less than 200,000 pounds at a point even with the top of the underframe member to which it is attached. The attachments of these members at bottom shall be sufficient to develop their full shear value. If reinforcement is used to provide the shear value such reinforcement shall have full value for a distance of 18 inches up from the underframe connecton, then taper to a point approximately 30 inches above the underframe connection.

(5) Strength of locking means of truck to unit body shall be not less than the equivalent of an ultimate shear value of 250,000 pounds.

SEC. 458. (a) Monthly inspection and repair report, Form No. 1–A, shall be as shown in Appendix A–1,[1] printed on a good grade of pale blue paper, size 6 by 9 inches.

(b) Daily inspection and repair reports, Forms Nos. 2–B and 2–C, shall be as shown in Appendix A–2.[1]

(c) Specification, Form No. 4–A, shall be as shown in Appendix A–3,[1] size 8 by 10½ inches.

(d) Alteration report, Form No. 19–A, shall be as shown in Appendix A–4,[1] size 8 by 10½ inches.

[1] Filed as part of the original document.



APPENDIX B—SPECIAL RULES OF PRACTICE APPLICABLE IN DOCKET EX PARTE NO. 179

In addition to the general rules of practice, the following special rules will govern these proceedings.

1. *Submission of evidence in written form with affidavit attached.* The Commission desires that all evidence be submitted in written form with affidavits attached. Exhibits may be attached to the written statements, and such exhibits should conform to the General Rules of Practice, particularly to Rules 81 to 84 inclusive. All evidence of each witness that is submitted in exhibit form should, so far as practicable, be incorporated in a single exhibit. The written evidence, with or without exhibits attached, will be referred to as verified statements, and each verified statement will be assigned a serial number by the Commission.

2. *Evidence-in-Chief.* Evidence-in-Chief of all parties should be submitted in the form of verified statements as provided in paragraph 1. Such verified statements, with accompanying exhibit or exhibits, should be made available to the Commission by filing 25 copies thereof with the Secretary of the Commission on or before January 1, 1954. Copies of such verified statements of the railroads should be made available to the parties by mailing a copy to any person who duly makes a request therefor to R. L. Davis, Jr., General Counsel, Delaware, Lackawanna & Western Railroad Co., 140 Cedar St., New York 6, N. Y., on or before January 1, 1954. Parties other than the railroads will be expected to furnish the railroads with twenty-five (25) copies of all verified statements, such copies to be sent to R. L. Davis, Jr., at the address above specified, and to also furnish a copy thereof to any other party who may make a request therefor to the Secretary of the Commission on or before December 1, 1953. A list of the parties upon whom copies of verified statements should be served will be furnished the parties by the Secretary.

3. *Objections to evidence.* Notice of objections to receipt in evidence of any verified statement or any part thereof should be filed with the Secretary of the Commission on or before January 15, 1954. If the evidence is submitted on behalf of the railroads, a copy of the notice should be immediately mailed to R. L. Davis, Jr.; if the evidence is submitted on behalf of any other party, a copy of the notice should be immediately mailed to the witness or his attorney.

4. *Rebuttal evidence.* Evidence on rebuttal by any party must be designated as such, and filed with the Secretary of the Commission on or before February 1, 1954, even if the original evidence is objected to as provided in paragraph 3 hereof. Its presentation and distribution will be governed by the rules set forth in paragraphs 1 and 2 hereof.

5. *Cross-examination of witnesses.* If cross-examination of a witness is desired by any party written request therefor must be given to the Secretary of the Commission and to the witness, or his authorized attorney on or before February 1, 1954. The Commission will fix the time and place for cross examination.

6. *Record* The evidence presented and admitted pursuant to the provisions of the foregoing paragraphs of these special rules shall constitute the entire record in these proceedings upon which decision will be made

[F. R. Doc. 53-9357; Filed, Nov. 12, 1953; 8:52 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

ARIZONA

SMALL TRACT CLASSIFICATION ORDER NO. 25; CORRECTION

NOVEMBER 3, 1953.

That part of the opening sentence of paragraph 7 of Arizona Small Tract Classification Order No. 25, dated October 27, 1953 (18 F. R. 6854) which reads "Commencing at 10:00 a. m. on October 27, 1953, and until 10:30 a. m. on December 1, 1953" is hereby corrected to read "Commencing at 10:00 a. m. on October 27, 1953, and until 10:00 a. m. on December 1, 1953".

E. R. SMITH,
*Regional Administrator.*

[F. R. Doc. 53-9554; Filed, Nov. 12, 1953; 8:45 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket Nos. 6264, 6307]

ELLIS AIR LINES AND ALASKA COASTAL AIRLINES; CERTIFICATE RENEWAL CASES

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled cases is hereby assigned to be held on December 1, 1953, at 9:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 9, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-9591; Filed, Nov. 12, 1953; 8:52 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-1890]

PUBLIC SERVICE CO. OF NORTH CAROLINA, INC.

NOTICE OF FINAL DECISION

NOVEMBER 6, 1953.

Notice is hereby given that the Presiding Examiner's decision in the above-designated matter was issued and served upon all parties on October 5, 1953. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure said decision became effective on November 5, 1953, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9557; Filed, Nov. 12, 1953; 8:46 a. m.]

# NOTICES

[Docket No. G-2138]

KANSAS-COLORADO UTILITIES, INC.

NOTICE OF FINAL DECISION

NOVEMBER 6, 1953.

Notice is hereby given that the Presiding Examiner's decision in the above-designated matter was issued and served upon all parties on October 5, 1953. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure said decision became effective on November 5, 1953, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc 53-9558; Filed, Nov. 12, 1953; 8:46 a. m.]

[Docket No. G-2273]

EAST TENNESSEE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

On October 12, 1953, East Tennessee Natural Gas Company (Applicant), a Tennessee corporation with its principal office near Knoxville, Tennessee, filed an application, and on October 26, 1953 a supplement to that application, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation in Morgan County, Tennessee, of certain natural gas interconnecting, metering and regulating facilities, for the purpose of delivering and selling natural gas to Russell Producing Company for distribution and resale to the public in Morgan and Scott Counties, Tennessee, all as more fully described in the application on file with the Commission and open to public inspection.

Due notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on October 29, 1953 (18 F. R. 6838-6839).

The Commission finds:

(1) It is appropriate, reasonable and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to hold a public hearing in the above-entitled proceeding at the time and place hereinafter ordered.

(2) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32(b)), Applicant having requested that its application be heard under the shortened procedure provided for by the aforesaid rule for noncontested proceedings: *Provided, however,* That no request to be heard, protest or petition is filed raising an issue of substance.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I), a public hearing be held commencing on November 13, 1953, at 9:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the application herein: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 6, 1953.

Issued: November 6, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9565; Filed, Nov. 12, 1953 8:47 a. m.]

[Docket No. G-2283]

PERMIAN BASIN PIPELINE CO.

NOTICE OF APPLICATION

NOVEMBER 6, 1953.

Take notice that on October 16, 1953, Permian Basin Pipeline Company (Applicant), a Delaware corporation with its principal office in Omaha, Nebraska, filed application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural gas pipeline facilities hereinafter described.

Applicant seeks authorization: (1) To construct and operate two additional 1320 horsepower compressor units and appurtenant facilities at its Spraberry Compressor Station; (2) to construct and operate additional measuring facilities at its Plains Measuring Station; and (3) to operate its 30-inch pipeline facilities, being constructed between its Spraberry Compressor Station and its Plains Measuring Station at the point of connection with El Paso Natural Gas Company facilities near Wasson, Texas, in the transportation of natural gas for the account of El Paso Natural Gas Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of November 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9559; Filed, Nov. 12, 1953; 8:46 a. m.]



[Docket No. G-2285]

UNITED FUEL GAS CO.

NOTICE OF APPLICATION

NOVEMBER 6, 1953.

Take notice that on October 21, 1953, United Fuel Gas Company (Applicant), a West Virginia Corporation, address, Charleston, West Virginia, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a natural-gas compressor station, to be known as Station X-59, to be located at Applicant's existing Storage Pool X-59 in Jackson County, West Virginia, and to consist of four 1100 horsepower gas engine driven compressor units, together with necessary foundations, piping, fitting, and auxiliary equipment.

Applicant proposes the construction and operation of said facility to enable it to operate its Storage Pool X-59 to maximum capacity through use of increased volumes of natural gas available for storage by Applicant from the "Pool Supply" of the operating companies of The Columbia Gas System, Inc., of which Applicant is one. Applicant estimates that the proposed facility will enable it to increase the ultimate total storage capacity of its Storage Pool X-59 by approximately 20,000,000 Mcf of natural gas. Applicant proposes to inject approximately 6,000,000 Mcf into its Pool X-59 during July and August, 1955, which will necessitate injection rates up to approximately 125,000 Mcf per day and require the construction and operation of the proposed facility.

The estimated total overall capital cost of the proposed facility is $2,240,000, which Applicant proposes to finance from funds to be provided by its parent, The Columbia Gas System, Inc., which proposes to purchase notes and common stock of Applicant or to make capital contributions to Applicant as funds are required for the construction of facilities by Applicant, including the facility herein proposed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of November 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9560; Filed, Nov. 12, 1953; 8:46 a. m.]

[Docket No. G-2286]

ATLANTIC SEABOARD CORP. AND VIRGINIA GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

NOVEMBER 6, 1953.

Take notice that on October 21, 1953, Atlantic Seaboard Corporation (Atlantic Seaboard), a Delaware corporation, and Virginia Gas Transmission Corporation (Virginia Gas), a Virginia Corporation, hereinafter sometimes referred to as Applicants, both of which have their principal place of business at Charleston, West Virginia, filed a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 116.6 miles of 26-inch natural-gas transmission pipeline looping approximately 111.1 miles of Applicants' existing transmission facilities which extend eastward from their affiliate, United Fuel Gas Company's Cobb Compressor Station in Kanawha County, West Virginia together with (1) the installation of one additional 1100 horsepower gas engine driven compressor unit in Atlantic Seaboard's Cleveland Compressor Station, (2) the installation of two additional 1100 horsepower gas engine driven compressor units in Atlantic Seaboard's Lost River Compressor Station, and (3) the construction and operation of a new compressor station to be known as Station "Q", to be located at a point on Atlantic Seaboard's 20-inch pipeline in Baltimore County, Maryland, approximately 32 miles southwest from the Maryland-Pennsylvania state line, and to consist of one 1100 horsepower gas engine driven compressor unit and auxiliary structures and equipment.

Applicants propose, by means of said facilities, to increase the capacity of their combined pipe-line systems from an estimated present capacity of approximately 470,300 Mcf to an estimated capacity of approximately 556,700 Mcf of natural gas per day, thereby enabling Applicants to receive into their transmission systems available volumes of natural gas and to transport and deliver such volumes to Applicants' present wholesale customers during the maximum day of the 1954-55 winter period.

The estimated total overall capital cost of the proposed facilities is $14,634,300, of which $1,535,000 represents the estimated cost of additional compressor facilities, and $13,099,300 represents the estimated cost of transmission faciliti s. Funds for financing such construction cost will be provided by Atlantic Seaboard's parent, The Columbia Gas System, Inc., which will provide the necessary funds for Atlantic Seaboard's construction direct to Atlantic Seaboard, and, through Atlantic Seaboard, will provide the funds necessary for the construction proposed by Atlantic Seaboard's wholly-owned subsidiary, Virginia Gas. The Columbia Gas System, Inc. proposes to purchase notes and common stock of Atlantic Seaboard, and Atlantic Seaboard proposes to purchase notes and common stock of Virginia Gas as funds are required by Applicants to meet construction costs.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of November 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9561; Filed, Nov. 12, 1953; 8:46 a. m.]

[Docket No. G-2292]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

NOVEMBER 6, 1953.

Take notice that on October 26, 1953, El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal office in El Paso, Texas, filed application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural gas pipeline facilities hereinafter described.

Applicant proposes the construction and operation of two taps and meter stations on its authorized 30-inch Permian-San Juan crossover line for sale and delivery of natural gas to Southern Union Gas Company for distribution and resale by the latter in and near the villages of Grants, Valencia County, New Mexico, and Tatum, Lea County, New Mexico.

Applicant estimates the cost of facilities at $11,147 and proposes to finance their construction out of its available treasury funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of November 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9562; Filed, Nov. 12, 1953; 8:46 a. m.]

[Docket No. G-2294]

ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF APPLICATION

NOVEMBER 6, 1953.

Take notice that Algonquin Gas Transmission Company (Applicant), a Delaware corporation, with its principal place of business in Boston, Massachusetts, filed, on October 26, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following natural-gas facilities:

(1) 2,500 feet of 4-inch lateral pipe connecting Applicant's existing transmission line with proposed metering station at Suffern, New York.

(2) One 4" main line tap at metering station, Stony Point, New York, proposed in application of Rockland Light and Power Company, Docket No. G-2295.

(3) One 4" mail line tap at proposed metering station, Suffern, New York.

(4) One 4" measuring and regulating station, Suffern, New York.

(5) One gas scrubber in connection with above station at Suffern, New York.

The facilities are proposed to be used to deliver a contract quantity of 5,000 Mcf of gas per day to Rockland Light and Power Company.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of November 1953.

Applicant requests that this matter be considered under the shortened hearing procedure provided for in § 1.32 of the rules of practice and procedure.

This application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9586; Filed, Nov. 12, 1953; 8:51 a. m.]

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[Docket No. G-2295]

ROCKLAND LIGHT AND POWER CO.

NOTICE OF APPLICATION

NOVEMBER 6, 1953.

Take notice that Rockland Light and Power Company (Applicant), a New York Corporation, with its principal place of business in Nyack, New York, filed on October 26, 1953, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following natural-gas facilities:

(1) One metering and regulating station at the proposed connection with the Algonquin Gas Transmission Co. line at Stony Point, New York.

(2) Approximately 5,900 feet of 6-inch steel main connecting above station with Applicant's existing feeder main system.

The facilities are proposed to be used to receive natural gas from Algonquin Gas Transmission Co. for the purpose of augmenting Applicant's gas supply available for sale and delivery to its residential, commercial and industrial customers as well as to give Applicant greater flexibility of operation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of November 1953.

Applicant requests that this matter be considered under the shortened hearing procedure provided for in § 1.32 of the rules of practice and procedure. This application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9564; Filed, Nov. 12, 1953; 8:47 a. m.]

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[Docket No. G-2296]

ARIZONA PUBLIC SERVICE CO.

NOTICE OF APPLICATION

NOVEMBER 6, 1953.

Take notice that Arizona Public Service Company (Applicant), an Arizona corporation, with its principal place of business in Phoenix, Arizona, filed on October 27, 1953, an application for an order disclaiming jurisdiction, or in the alternative, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the operation of the following facilities:

(1) Approximately 10 miles of 4 inch pipe line known as the Buckeye Line constructed in 1948 in Maricopa County, Arizona, running from a connection at a tap point on the transmission line of El Paso Natural Gas Company to the regulating station at Buckeye, Arizona.

(2) Taps on said Buckeye Line.

(3) One regulating station just outside the corporate limits of Buckeye, Arizona.

The facilities are being used and will continue to be used to render gas service to industrial, commercial and residential customers in the area of the town of Buckeye and the unincorporated community of Liberty, Arizona.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 25th day of November 1953.

This application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R Doc. 53-9563; Filed, Nov. 12, 1953; 8:47 a. m.]

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[Docket No. G-2302]

NATURAL GAS PIPELINE CO. OF AMERICA

ORDER SUSPENDING PROPOSED CHANGES IN RATE SCHEDULES AND FIXING DATE OF HEARING

On October 13, 1953, Natural Gas Pipeline Company of America (Natural) tendered for filing its Second Revised Sheets Nos. 5, 6, and 7, and First Revised Sheet No. 8, to its FPC Gas Tariff, First Revised Volume No. 1, proposing that such revised sheets become effective on November 13, 1953. Such revised sheets would effect an increase in rates of $7,209,459, or 21.7 percent annually, based on adjusted sales for the twelve months ended July 31, 1953. The proposed annual increase is in addition to the amounts presently being collected under bond in Docket Nos. G-1967 and G-2083.

The increases proposed in said revised sheets are based almost entirely upon claimed increases of $7,030,000 in the cost of purchased gas. Of the total, $2,250,000 is attributable to increases in rates proposed by Colorado Interstate Gas Company which are under suspension in Docket No. G-2260 and $1,020,000 from increases proposed by Texas Illinois Natural Gas Pipeline Company, also under suspension in Docket No. G-2219. The remaining $3,760,000 is the estimated increase attributable to anticipated increased field prices, reduction in Natural's own production and field purchases due to anticipated lowering of gas production allowances in Texas, and termination of certain field purchase contracts.

In the proceedings in Docket Nos. G-1697 and G-2083, Natural proposed a revision of its rate structure tendering a two-block form of rate. Its so-called "First Block" would cover charges for firm volumes of gas theretofore contracted for and purchased by the customers. The "Second Block" rate would cover additional volumes of firm gas for which Natural proposed to charge the exact demand-commodity rate paid by it to its supplier, Texas Illinois Natural Gas Pipeline Company. The proposed two-block form of rate is presently in effect under bond in Docket Nos. G-1697 and G-2083.

By the tendered filing of October 13, 1953, Natural would increase the rates in the "First Block" of Rate Schedule CD-1 by $5,903,685 and the "Second Block" of the Rate Schedule CD-1 and Rate Schedule I-1 by $1,305,774.

Natural has requested that if the "First Block" increase be suspended that the suspension be for a maximum period ending March 3, 1954, and that the "Second Block" increase and Rate Schedule I-1 not be suspended beyond January 1, 1954, the dates when the respective increases proposed by Colorado Interstate in Docket No. G-2260 and by Texas Illinois in Docket No. G-2219 may go into effect subject to refund.

It is thus apparent that Natural's proposed increase in rates and charges, in large measure, rests upon claimed or anticipated increases in Natural's cost of purchased gas, which appear to be speculative and will not be incurred, if at all as of November 13, 1953, the proposed effective date of the revised tariff sheets.

The increased rates and charges proposed, therefore, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, and may place an undue burden upon the ultimate consumers of natural gas.

In accordance with the provisions of § 154.16 of the Commission's regulations under the Natural Gas Act, copies of the revised tariff sheets have been served upon each customer of Natural which would be affected thereby and the State Commissions concerned. To date seven customer companies and the State Commissions of Illinois and Wisconsin have filed their comments on the proposed filing. These included objections to some aspects of the proposed increase and to a suspension period of less than the statutory five month period.

It does not appear that suspension for a period of less than five months requested by Natural is justified.

The Commission finds:

1. It is necessary and proper in the public interest and in aid of the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing as hereinafter ordered, pursuant to the authority contained in section 4 of the act, concerning the lawfulness of Natural's FPC Gas Tariff, first revised Vol. No. 1, as proposed to be amended by Second Revised Sheets Nos. 5, 6, and 7, and first revised sheet No. 8, and that said revised sheets be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

2. Natural's request that the Commission suspend the proposed increased rates for periods less than five months should be denied. The grant of the request is not in the public interest.

The Commission orders:

A. Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held commencing March 3, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications, and services contained in Natural's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be revised by Second Revised Sheets Nos. 5, 6, and 7, and First Revised Sheet No. 8.

B. Pending such hearing and decision thereon the revised sheets enumerated in paragraph (A) hereof be and the same are hereby suspended, and their use deferred until April 13, 1954, unless otherwise ordered by the Commission, and until such further time as said tariff sheets may be made effective in the manner prescribed by the Natural Gas Act.

C. Natural's request for suspension of the proposed increase for less than five months be and the same is hereby denied.

D. At the hearing, the parties, including Commission Staff Counsel, may reserve cross-examination until after Natural has presented and completed the case-in-chief.

E On or before January 18, 1954, Natural shall serve upon all parties copies of the testimony and exhibits which Natural proposes to offer at the hearing, including five (5) copies upon Commission Staff Counsel.

F. Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 4, 1953.

Issued: November 6, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9555; Filed, Nov. 12, 1953; 8:45 a. m.]

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[Docket No. G-2303]

HOPE NATURAL GAS CO.

ORDER SUSPENDING PROPOSED TARIFF CHANGES, FIXING DATE OF HEARING, AND SPECIFYING PROCEDURE

On October 9, 1953, Hope Natural Gas Company (Hope), pursuant to section 4 of the Natural Gas Act and the Commission's general rules and regulations, particularly Part 154 thereof (18 CFR Part 154), tendered for filing Seventh Revised Sheet No. 3-A, Eighth Revised Sheet No. 4, and Sixth Revised Sheet No. 20 to its FPC Gas Tariff, Original Volume No. 1, setting forth therein its proposed Rate Schedules H-1B and H-2A, proposed to be made effective November 9, 1953, increasing Hope's rates and charges, subject to the Commission's jurisdiction under that act, for sales by Hope in interstate commerce of natural gas for resale for ultimate public consumption, to its six interstate wholesale customers.[1]

The proposed tariff changes embody rate schedules containing increased rates and charges to Hope's interstate wholesale customers of approximately $3,676,000 per year, based upon the Company's sales for the 12-months ended July 31, 1953, above the level of rates submitted in the "Proposed Settlement," which was accepted and made effective by the Commission's Opinion No. 262 and order, adopted on November 4, 1953, In the Matters of Hope Natural Gas Company, Docket Nos. G-2051 and G-2165.

Hope bases its proposed increase in rates and charges, among other things, upon a claimed increase in the cost of gas purchased from Tennessee Gas Transmission Company (Tennessee Gas) resulting from the proposed increased rates filed by Tennessee Gas on August 31, 1953. The Commission has, however, suspended Tennessee Gas' proposed increased rates and has ordered a hearing thereon, to commence on February 8, 1954. Order issued September 24, 1953, In the Matter of Tennessee Gas Transmission Company, Docket No. G-2252. Hope also relies upon other claimed increases in its cost of service, including, among other things, a rate of return of 6¾ percent and income taxes associated with the return computed at such rate upon the rate base claimed by Hope.

Copies of the aforesaid revised sheets to Hope's FPC Gas Tariff, Original Volume No. 1, and the supporting data submitted by Hope to the Commission, have been served upon Hope's wholesale customers as well as the State regulatory commissions involved, as required by the Commission's general rules and regulations.

Upon consideration of the aforesaid proposed revised tariff sheets tendered for filing on October 9, 1953, the data tendered in support thereof, and the Commission's order issued September 24, 1953, in Docket No. G-2252 with respect to the increased rates and charges proposed by Tennessee Gas, of which official notice is hereby taken, it appears that the increased rates, charges and services proposed by Hope in its aforesaid Seventh Revised Sheet No. 3-A, Eighth Revised Sheet No. 4, and Sixth Revised Sheet No. 20 to its FPC Gas Tariff, Original Volume No. 1, have not been shown to be justified, and may be unjust, unreasonable, and otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing, as hereinafter ordered, pursuant to the authority contained in section 4 of that act, concerning the lawfulness of the rates, charges, classifications, and services, or any of them, contained in Hope's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Seventh Revised Sheet No. 3-A, Eighth Revised Sheet No. 4, and Sixth Revised Sheet No. 20 thereto, and that said Seventh Revised Sheet No. 3-A, Eighth Revised Sheet No. 4, and Sixth Revised Sheet No. 20 be suspended as hereinafter provided, and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I), a public hearing be held, commencing on March 9, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications, and services, or any of them, contained in the aforesaid Hope Natural Gas Company's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Seventh Revised Sheet No. 3-A, Eighth Revised Sheet No. 4, and Sixth Revised Sheet No. 20 thereto.

(B) Pending such hearing and decision thereon, Hope's Seventh Revised Sheet No. 3-A, Eighth Revised Sheet No. 4, and Sixth Revised Sheet No. 20 to its FPC Gas Tariff, Original Volume No. 1, be and the same are hereby suspended and the use thereof deferred until April 9, 1954, unless otherwise ordered by the Commission, and until such further time thereafter as said proposed Seventh Revised Sheet No. 3-A, Eighth Revised Sheet No. 4, and Sixth Revised Sheet No. 20 may be made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing, the parties, including Commission Staff Counsel, may reserve cross-examination until after Hope has presented and completed its case-in-chief.

(D) Hope, on or before February 9, 1954, shall serve upon all parties copies of the testimony and exhibits it proposes to offer at the hearing, including five (5) copies upon Commission Staff Counsel.

(E) Interested State commissions may participate, as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 4, 1953.

Issued: November 6, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9556; Filed, Nov. 12, 1953; 8:45 a. m.]

[1] Hope's interstate wholesale customers are: The Manufacturers Light and Heat Company (Manufacturers) and Mount Morris Gas Company (Mount Morris), nonaffiliates; and, the East Ohio Gas Company (East Ohio), New York State Natural Gas Corporation (New York Natural), the Peoples Natural Gas Company (Peoples), and the River Gas Company (River Gas), all of which, together with Hope, are subsidiaries of the Consolidated Natural Gas Company.

## OFFICE OF DEFENSE MOBILIZATION

### Defense Rental Areas Division

DESIGNATION OF AREA RENT DIRECTOR

Leonard A. Skubal, of the Defense Rental Areas Division, Office of Defense Mobilization, Washington, D. C., is hereby designated as Area Rent Director for all Defense Rental Areas under the Housing and Rent Act of 1947, as amended.

Issued and effective this 5th day of November 1953.

GLENWOOD J. SHERRARD,
*Director,*
*Defense Rental Areas Division.*

[F. R. Doc. 53-9627; Filed, Nov. 10, 1953; 2:50 p. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-449]

LOS ANGELES INVESTMENT CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

NOVEMBER 6, 1953.

In the matter of Los Angeles Investment Company Common Stock, $100 Par Value, File No. 1-449.

Los Angeles Investment Company, a California corporation, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to the Commission to withdraw its Common Stock $100 Par Value, from listing and registration on the Los Angeles Stock Exchange.

The application includes, among others, the following allegations:

(1) On June 30, 1953, there were 21,381 shares of the above security outstanding in the hands of 1,275 shareholders.

(2) Applicant for a number of years has purchased shares of the above security out of earned surplus and restored said shares to the status of authorized but unissued shares, and has informed its shareholders of this in its annual reports.

(3) The total number of shares of the above security traded in "board lots" on the Los Angeles Stock Exchange for the last three and one-half years is as follows:

(a) During the year 1950, 230 shares were traded, of which 160 shares were purchased by applicant.

(b) During the year 1951, 400 shares were traded, of which 220 shares were purchased by applicant.

(c) During the year 1952, 95 shares were traded, of which 55 shares were purchased by applicant.

(d) During the first six months of the year 1953, 40 shares were traded, all of which were purchased by applicant.

(4) The price quotation for the above security on said exchange at the time of the above application, dated September 30, 1953, was: Bid $420, Asked, no offering.

(5) Trading in the above security can be handled adequately on the over-the-counter market in Los Angeles, California.

(6) Applicant does not feel justified in continuing the expenses connected with having the above security listed and registered on a national securities exchange.

Upon receipt of a request, prior to December 18, 1953, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 53-9569; Filed, Nov. 12, 1953; 8:48 a. m.]

[File No. 1-3237]

ADOLF GOBEL, INC.

ORDER SUMMARILY SUSPENDING TRADING

In the matter of trading on the American Stock Exchange in the $1.00 par value Common Stock of Adolf Gobel, Inc., File No. 1-3237.

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 6th day of November A. D. 1953.

The Commission by order adopted March 13, 1953, pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, having summarily suspended trading in the $1.00 par value common stock of Adolf Gobel, Inc., on the American Stock Exchange for a period of ten days from that date, and subsequently having entered additional orders further suspending such trading in order to prevent fraudulent, deceptive or manipulative acts or practices; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on that Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder, for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

*It is ordered,* Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, effective at the opening of the trading session on said Exchange on November 9, 1953, for a period of ten days.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 53-9567; Filed, Nov. 12, 1953; 8:48 a. m.]

[File No. 54-211]

CENTRAL PUBLIC UTILITY CORP.

NOTICE OF FILING OF AND ORDER GIVING OPPORTUNITY FOR HEARING ON AMENDED APPLICATION FOR APPROVAL OF A SECTION 11 (e) PLAN

NOVEMBER 6, 1953.

Notice is hereby given that on October 19, 1953 Central Public Utility Corporation ("Cenpuc"), a registered holding company, amended its application for an order approving a plan filed under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") and for an order granting Cenpuc and each company which is a subsidiary upon consummation of the plan an exemption pursuant to section 3 (a) (5) of the act. Holding Company Act Release No. 11898 (May 8, 1953) summarizes the exemption application and the plan as proposed prior to October 1953 and describes the companies in the Cenpuc holding company system directly affected by the plan. Briefly, the plan, as then proposed, provided for the distribution by Cenpuc to its stockholders of the reclassified stock of its wholly-owned subsidiary, Central Indiana Gas Company, the liquidation and dissolution of Central Natural Gas Corporation, a maintenance company and also a wholly-owned subsidiary of Cenpuc, and the merger into Cenpuc of its wholly-owned subsidiary, The Islands Gas and Electric Company ("Islands") which is an exempt holding company with four public-utility subsidiary companies incorporated and doing business outside the United States. After appropriate notice to the public and to all of Cenpuc's stockholders, public hearings were held on June 9, 1953, in respect of Cenpuc's application; no findings, opinion or order have been issued by the Commission to date in respect of said application.

All interested persons are referred to the application, as amended, which is on file at the offices of this Commission. The application, as amended, changes the section 11 (e) plan so that it no longer provides for the merger of Islands into Cenpuc. In addition, it withdraws



the request for an exemption of the applicant pursuant to section 3 (a) (5) of the act and the request that the Commission apply to an appropriate United States District Court for an order approving the plan and directing that it be enforced. Otherwise, the plan, as amended, is substantially the same as summarized in Holding Company Release No. 11898.

On June 13, 1952, the Commission, pursuant to section 11 (b) (2) of the act ordered that Cenpuc "take appropriate steps to terminate the existence of" certain system companies including Islands. It is stated by Cenpuc that it has complied with this order except that Islands has not been eliminated. The record contains a statement by Cenpuc that, upon effectuation of the amended plan, it contemplates retaining its then existing operating companies and that on or about December 1, 1953, it intends to file an application seeking an order modifying the section 11 (b) (2) order of June 13, 1952, by eliminating therefrom the references to Island and granting Cenpuc and each company which is a subsidiary an exemption from the provisions of the act under section 3 (a) (5) of the act.

*It is ordered,* That any interested person may, not later than November 20, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on said amended application of Cenpuc, stating therein the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted or submitted for consideration at any such hearing. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after November 20, 1953, the Commission may approve the amended section 11 (e) plan of Cenpuc.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 53-9570; Filed, Nov. 12, 1953; 8:48 a. m.]

[File Nos. 70-3110, 70-3112]

INTERSTATE POWER CO. AND WISCONSIN POWER AND LIGHT CO.

ORDER AUTHORIZING NON-AFFILIATED HOLDING COMPANIES TO SELL AND ACQUIRE COMMON STOCK OF A PUBLIC UTILITY COMPANY

NOVEMBER 6, 1953.

In the matter of Interstate Power Company, File No. 70-3112; Wisconsin Power and Light Company, File No. 70-3110.

Interstate Power Company ("Delaware"), a registered holding company, having filed a declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-44 promulgated thereunder, and Wisconsin Power and Light Company ("Wisconsin"), a non-affiliated exempt holding company, having filed an application and amendments thereto pursuant to sections 3 (a) (2), 9 (a) and 10 of said act proposing transactions summarized as follows:

Wisconsin proposes to purchase from Delaware and Delaware proposes to sell to Wisconsin as of April 30, 1953, pursuant to contract dated June 22, 1953, all the outstanding capital stock (16,274 shares) being all the outstanding securities of Interstate Power Company of Wisconsin (herein called "Interstate") a Wisconsin corporation and a utility subsidiary of Delaware. The agreed purchase price is $2,359,730 ($145 per share), subject to certain adjustments provided for in the contract, and is payable in cash on the closing date, which is to be within 30 days after all required regulatory commission approvals or authorizations are received. Under the terms of the contract the seller will be entitled to all net profits of Interstate earned during the period from April 30, 1953, to the closing date. Interstate, a wholly owned subsidiary of Delaware, owns and operates electric utility properties in three counties in extreme southwestern Wisconsin. Its service area adjoins that of Wisconsin and its properties are interconnected with those of Wisconsin. It is a public utility as defined in the laws of Wisconsin and also a public utility as defined in the Federal Power Act. Wisconsin owns no stock or other interest of any kind in Delaware and no affiliation of any kind exists between them.

As soon as reasonably possible after the acquisition of the stock of Interstate, Wisconsin proposes to merge the properties and assets of Interstate, with those of Wisconsin, the sole purpose of the proposed purchase of the stock being the acquisition by Wisconsin of the properties of Interstate. The acquisition by Wisconsin of the physical and other assets of Interstate through merger or otherwise, will be subject to the jurisdiction of both the Public Service Commission of Wisconsin and the Federal Power Commission. Both of those commissions exercise jurisdiction over the accounting of Wisconsin, and the accounting entries to be made on the books of Wisconsin with respect to the acquisition of the property of Interstate will be in conformity with the orders of those commissions. Wisconsin requests that the order of this Commission contain no provision as to the accounting with respect to the proposed purchase since Wisconsin is required to comply with the orders of the Federal Power Commission and the Public Service Commission of Wisconsin.

Wisconsin is a holding company as defined in the act but has been exempted by order therefrom pursuant to section 3 (a) (2). Upon acquisition of the stock of Interstate, Wisconsin will also be a holding company with respect to Interstate, but for a temporary period. For the 12 months ended April 30, 1953, the gross operating revenues of the subsidiaries of Wisconsin, after giving effect to the proposed acquisition of Interstate, and elimination of intercompany transactions, would have been equivalent to approximately 6.3 percent of the operating revenues of Wisconsin. Thus, Wisconsin will continue to be predominantly a public utility company whose operations as such do not extend beyond the State of Wisconsin in which it is organized, and a state contiguous thereto.

The stock of Interstate is presently subject to the respective liens of the First Mortgage Indenture, as supplemented, of Delaware to The Chase National Bank of the City of New York and Carl E. Buckley, as Trustees, securing its outstanding First Mortgage Bonds, and of the Debenture Indenture of Delaware to Manufacturers Trust Company and Frederick E. Lober, as Trustees, securing its outstanding Debentures. It is anticipated that Delaware will simultaneously with consummation of the proposed sale secure the release of the shares being sold from the liens of said Indentures and pledge gross property additions under the indentures in lieu of depositing with the Corporate Trustee under the First Mortgage Indenture any of the cash proceeds of the sale.

Delaware has determined to carry out a program of sale and disposition of its two wholly owned subsidiaries, Interstate and East Dubuque Electric Company, an Illinois corporation, so as ultimately to terminate its status as a holding company. The proposed sale of the stock of Interstate is stated to be the first step in the accomplishment of this program.

The net proceeds from the sale of the Interstate stock will be applied by Delaware to the acquisition and construction of electric utility additions to its electric system.

Said application-declaration, as amended, having recited that no State commission or any other Federal commission has jurisdiction over the proposed transactions, other than the Public Service Commission of Wisconsin, which has jurisdiction over, and has by order approved, the acquisition by Wisconsin of the common stock of Interstate:

Delaware having stated that its expenses to be incurred by it in connection with the proposed transactions will amount to $8,550, which includes legal fees of $4,500, and Wisconsin having estimated that its expenses will be only nominal:

Delaware having requested that the Commission's order herein make the necessary findings and contain the recitals required by Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, with respect to certain of the proposed transactions, and that the order become effective upon its issuance:

Wisconsin having applied for exemption pursuant to section 3 (a) (2) of the act from all provisions of the act applicable to holding companies which otherwise would be applicable to it upon its acquisition of the stock of Interstate:

Due notice having been given of the filing of the application-declaration and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied, that no adverse findings are necessary with re-

spect thereto, and that compliance with paragraphs (b) and (c) of Rule U-50 promulgated under the act is not necessary or appropriate in the public interest or for the protection of investors or consumers to assure the maintenance of competitive conditions, the receipt of adequate consideration or the reasonableness of the fees or commissions to be paid with respect to the sale of said securities, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, and said application as amended, be permitted to become effective and be granted, effective forthwith, subject to the terms and conditions contained in Rule U-24.

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act:

(1) That the declaration filed by Delaware be, and it hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24;

(2) That the application, as amended, filed by Wisconsin regarding the acquisition of the stock of Interstate be, and it hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24;

(3) That the application filed by Wisconsin requesting exemption from all provisions of the act applicable to holding companies which otherwise would be applicable to it upon its acquisition of the stock of Interstate be, and it hereby is, granted.

*It is further ordered and recited*, And the Commission finds, that the sale by Interstate Power Company of the 16,274 shares of capital stock of Interstate Power Company of Wisconsin of the par value of $100 per share to Wisconsin Power and Light Company and the expenditure of the proceeds (or an amount equal thereto) to be received from said sale by Interstate Power Company for the acquisition by Interstate Power Company of the following utility assets, to-wit: 161 kv transmission lines from Heron Lake, Minnesota to Luverne, Minnesota; from Winnebago, Minnesota to the Fox Lake, Minnesota power plant of Interstate Power Company; and from Albert Lea, Minnesota to Winnebago, Minnesota together with all necessary substations and switching equipment, all as set forth in the declaration, as amended, are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 within the meaning of sections 371, 373 and 1808 (f) of the Internal Revenue Code, as amended, and jurisdiction is hereby reserved to amend, supplement, or modify, upon the petition or application of Interstate Power Company, the recitals, itemizations and specifications required by Supplement R of the Internal Revenue Code, as amended, with respect to the above-described transactions.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-9568; Filed, Nov. 12, 1953; 8:48 a. m.]

[File No. 70-3145]

ATTLEBORO STEAM AND ELECTRIC CO. ET AL.

NOTICE OF FILING REGARDING ISSUE AND SALE OF SHORT TERM UNSECURED PROMISSORY NOTES TO BANKS AND TO PARENT COMPANY

NOVEMBER 5, 1953.

In the matter of Attleboro Steam and Electric Company, Haverhill Electric Company, the Lowell Electric Light Corporation, Weymouth Light and Power Company, Worcester County Electric Company, New England Electric System, File No. 70-3145.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its above named subsidiary companies, hereinafter individually referred to as "Attleboro", "Haverhill", "Lowell", "Weymouth", and "Worcester" and collectively referred to as "the borrowing companies", have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("the act"). The borrowing companies have designated sections 6 (a), 7, 9 (a), 10 and 12 (f) of the act and Rules U-23, U-42 (b) (2), U-43 (a), U-45 (b) (1) and U-50 (a) (2) and (3) promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

Lowell and Worcester propose to issue to banks, from time to time but not later than December 31, 1953, unsecured promissory notes in the respective amounts of $200,000 and $3,500,000. Attleboro, Haverhill and Weymouth propose to issue to NEES, from time to time but not later than December 31, 1953, unsecured promissory notes in the respective amounts of $75,000, $100,000 and $150,000.

Each of such notes to be issued to NEES will mature on April 1, 1954, and each of the notes to be issued to banks will mature six months after the issue date thereof. Such notes will bear interest at the prime rate of interest at the time of the issuance thereof. It is stated that said prime interest rate at the present time is 3¼ percent.

According to the application-declaration, the proceeds derived from the proposed additional notes will be used for the payment of note indebtedness and construction and other purposes.

Each of the borrowing companies has stipulated that if any permanent financing is done prior to the maturity date of its then outstanding unsecured promissory notes, the proceeds derived therefrom will be applied in reduction of, or in total payment of, notes then outstanding, and the amount of then authorized but unissued promissory notes will be reduced by the amount, if any, by which such permanent financing exceeds the amount of the then outstanding unsecured promissory notes. At the present time Worcester has pending before the Commission an application-declaration (identified by File No. 70-3135) in which it seeks authority to issue 75,000 shares of $100 par value cumulative preferred stock (see Holding Company Act Release No. 12177). Worcester has stipulated that if said sale of preferred stock is approved by the Commission and the proceeds therefrom are available prior to November 30, 1953, Worcester will relinquish all right to issue the $3,500,000 of notes proposed in the instant application-declaration.

The application-declaration states that incidental services in connection with the proposed note issues will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $100 for NEES and each borrowing company, or an aggregate of $600.

The application-declaration further states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEES and the borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than November 16, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his request, the reasons for such request and the issues of fact or law, if any, raised by the said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after that date, said application-declaration, in whole or in part and as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said application-declaration which is on file in the offices of the Commission for a statement of the transaction therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9571; Filed, Nov. 12, 1953 8:48 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28622]

BRICK FROM LOCHER, VA., TO MISSISSIPPI VALLEY TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Brick and related articles, carloads.

From: Locher, Va.

To: Points in Kentucky, Louisiana, Mississippi and Tennessee named in exhibit A of the application and points grouped therewith.

Grounds for relief: Rail carriers, circuity, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1278, supp. 40.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F R. Doc. 53-9579; Filed, Nov. 12, 1953; 8:50 a. m.]

[4th Sec. Application 28623]

LIQUEFIED PETROLEUM GAS FROM SOUTHWEST TO CELINA, OHIO

APPLICATION FOR RELIEF

NOVEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Liquefied petroleum gas, in tank-car loads.

From: Points in Southwest including Kansas and New Mexico.

To: Celina, Ohio, and intermediate points.

Grounds for relief: Rail competition, circuity, to maintain grouping, and to maintain rates prescribed in docket 30602 288 I. C. C. 797.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3651, supp. 326.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9580; Filed, Nov. 12, 1953; 8:50 a. m.]

[4th Sec. Application 28624]

IRON AND STEEL ARTICLES FROM ILLINOIS TERRITORY TO THE SOUTH

APPLICATION FOR RELIEF

NOVEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Iron and steel articles, carloads.

From: Points in Illinois territory.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, market competition, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 793.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9581; Filed, Nov. 12, 1953; 8:50 a. m.]

[4th Sec. Application 28625]

MOTOR-RAIL RATES BETWEEN BOSTON, MASS., PROVIDENCE, R. I., AND HARLEM RIVER, N. Y., ELIZABETH AND EDGEWATER, N. J.; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

NOVEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company, and H. W. Taynton Co., Inc.

Involving: Semi-trailers, loaded or empty, on flat cars.

Between: Boston, Mass., and Providence, R. I., on the one hand and Harlem River, N. Y., Elizabeth and Edgewater, N. J., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9582; Filed, Nov. 12, 1953; 8:50 a. m.]

[4th Sec. Application 28626]

GROUND OR PULVERIZED MARBLE OR LIMESTONE FROM CARTERSVILLE, GA., TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

NOVEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The St. Louis-San Francisco Railway Company for itself and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1315, pursuant to fourth-section order No. 16101.

Commodities involved: Limestone or marble, ground or pulverized, carloads.

From: Cartersville, Ga.

To: St. Louis, Mo.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of

temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9583; Filed, Nov. 12, 1953; 8:50 a. m.]

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[4th Sec. Application 28627]

SULPHATE OF COPPER FROM COPPERHILL, TENN., TO LYNDONVILLE, N. Y.

APPLICATION FOR RELIEF

NOVEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Copper, sulphate of (blue vitriol), carloads.

From: Copperhill, Tenn.

To: Lyndonville, N. Y., and points taking same rates.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-800, supp. 211.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9584; Filed, Nov. 12, 1953; 8:50 a. m.]

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[4th Sec. Application 28628]

IRON AND STEEL ARTICLES FROM SOUTHERN ILLINOIS AND INDIANA TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Iron and steel articles, carloads.

From: Points in Southern Illinois and Indiana.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, market competition, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1258, supp. 48.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9585; Filed, Nov. 12, 1953; 8:50 a. m.]

Reference Room


# FEDERAL REGISTER

VOLUME 18 NUMBER 223

*Washington, Saturday, November 14, 1953*


## TITLE 3—THE PRESIDENT

### PROCLAMATION 3036

THANKSGIVING DAY, 1953

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

As a Nation much blessed, we feel impelled at harvest time to follow the tradition handed down by our Pilgrim fathers of pausing from our labors for one day to render thanks to Almighty God for His bounties. Now that the year is drawing to a close, once again it is fitting that we incline our thoughts to His mercies and offer to Him our special prayers of gratitude.

For the courage and vision of our forebears who settled a wilderness and founded a Nation; for the "blessings of liberty" which the framers of our Constitution sought to secure for themselves and for their posterity, and which are so abundantly realized in our land today; for the unity of spirit which has made our country strong; and for the continuing faith under His guidance that has kept us a religious people with freedom of worship for all, we should kneel in humble thanksgiving.

Especially are we grateful this year for the truce in battle-weary Korea, which gives to anxious men and women throughout the world the hope that there may be an enduring peace:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, in consonance with the joint resolution of Congress approved December 26, 1941, do hereby call upon our people to observe Thursday, the twenty-sixth day of November, 1953, as a day of national thanksgiving. On that day let all of us, in accordance with our hallowed custom, forgather in our respective places of worship and bow before God in contrition for our sins, in suppliance for wisdom in our striving for a better world, and in gratitude for the manifold blessings He has bestowed upon us and upon our fellow men.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this Seventh day of November in the year of our Lord nineteen hundred and [SEAL] fifty-three, and of the Independence of the United States of America the one hundred and seventy-eighth.

DWIGHT D. EISENHOWER

By the President:

WALTER B. SMITH,
*Acting Secretary of State.*

[F. R. Doc. 53-9693; Filed, Nov. 13, 1953; 10:41 a. m.]

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## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Effective upon publication in the FEDERAL REGISTER, § 6.107 (a) (3) is revoked and subparagraph (4) is added to § 6.305 (a) as set out below.

§ 6.305 *Department of the Army*—(a) *Office of the Secretary.* * * *

(4) One Special Assistant to the Secretary.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 53-9637; Filed, Nov. 13, 1953; 8:54 a. m.]

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## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

PART 664—TOBACCO

SUBPART—1953 TOBACCO LOAN PROGRAM

Set forth below are schedules of advance rates, by grades, for the 1953 crop

(Continued on p. 7221)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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of types 21, 22, 23, 31, 35, 36, and 37 tobacco under the tobacco loan program formulated by Commodity Credit Corporation and Production and Marketing Administration, published May 14, 1953 (18 F. R. 2779).

Sec.
664.524 1953 crop; Virginia fire-cured tobacco, Type 21
664.525 1953 crop; Tennessee and Kentucky fire-cured tobacco, Type 22
664.526 1953 crop; Kentucky and Tennessee fire-cured tobacco, Type 23
664.527 1953 crop; Burley tobacco, Type 31
664.528 1953 crop; bark air-cured tobacco, Types 35 and 36
664.529 1953 crop; Virginia sun-cured tobacco, Type 37

AUTHORITY: §§ 664.524 to 664.529 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054, sec. 2, 59 Stat. 506; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1441, 1421, 1312 note.

§ 664.524 *1953 crop; Virginia fire-cured tobacco, Type 21, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

| Grade | Length 46 | Length 45 | Length 44 | Grade | |
|---|---|---|---|---|---|
| A1F | 51.12 | 52.12 | ..... | T3F | 38.12 |
| A2F | 49.12 | 50.12 | 49.12 | T4F | 36.12 |
| A3F | 46.12 | 47.12 | 46.12 | T5F | 31.12 |
| A1D | 51.12 | 52.12 | ..... | T3D | 38.12 |
| A2D | 49.12 | 50.12 | 49.12 | T4D | 36.12 |
| A3D | 46.12 | 47.12 | 46.12 | T5D | 31.12 |
| B1F | 48.12 | 49.12 | 48.12 | T3M | 36.12 |
| B2F | 46.12 | 47.12 | 46.12 | T4M | 33.12 |
| B3F | 41.12 | 42.12 | 41.12 | T5M | 27.12 |
| B1F | 38.12 | 39.12 | 38.12 | T3G | 36.12 |
| B5F | 34.12 | 35.12 | 34.12 | T4G | 33.12 |
| B1D | 48.12 | 49.12 | 48.12 | T5G | 27.12 |
| B2D | 46.12 | 47.12 | 46.12 | X1L | 37.12 |
| B3D | 41.12 | 42.12 | 41.12 | X2L | 34.12 |
| B4D | 38.12 | 39.12 | 38.12 | X3L | 32.12 |
| B5D | 34.12 | 35.12 | 34.12 | X4L | 30.12 |
| B2M | 37.12 | 38.12 | 37.12 | X5L | 27.12 |
| B4M | 36.12 | 37.12 | 36.12 | X1F | 38.12 |
| B5M | 32.12 | 33.12 | 32.12 | X2F | 35.12 |
| B3G | 37.12 | 38.12 | 37.12 | X3F | 33.12 |
| B4G | 36.12 | 37.12 | 36.12 | X1D | 38.12 |
| B5G | 32.12 | 33.12 | 32.12 | X2D | 35.12 |
| C1L | 50.12 | 51.12 | 50.12 | X3D | 33.12 |
| C2L | 48.12 | 49.12 | 48.12 | X4D | 30.12 |
| C3L | 42.12 | 43.12 | 42.12 | X5D | 25.12 |
| C4L | 38.12 | 39.12 | 38.12 | | |
| C5L | 33.12 | 34.12 | 33.12 | | |

Footnote 1 on p. 7222.

[Dollars per hundred pounds, farm sales weight]

| Grade | Length 46 | Length 45 | Length 44 | Grade | |
|---|---|---|---|---|---|
| C1F | 50.12 | 51.12 | 50.12 | X3M | 29.12 |
| C2F | 48.12 | 49.12 | 48.12 | X4M | 27.12 |
| C3F | 42.12 | 43.12 | 42.12 | X5M | 23.12 |
| C4F | 38.12 | 39.12 | 38.12 | X3G | 29.12 |
| C5F | 33.12 | 34.12 | 33.12 | X4G | 27.12 |
| C1D | 37.12 | 38.12 | 37.12 | X5G | 21.12 |
| C3D | 32.12 | 33.12 | 32.12 | N1L | 16.12 |
| C4D | 31.12 | 32.12 | 31.12 | N1R | 16.12 |
| C5D | 28.12 | 29.12 | 28.12 | N1G | 16.12 |
| C3M | 32.12 | 33.12 | 32.12 | | |
| C4M | 31.12 | 32.12 | 31.12 | | |
| C5M | 29.12 | 30.12 | 29.12 | | |
| C3G | 32.12 | 33.12 | 32.12 | | |
| C4G | 31.12 | 32.12 | 31.12 | | |
| C5G | 26.12 | 27.12 | 26.12 | | |

§ 664.525 *1953 crop; Tennessee and Kentucky fire-cured tobacco, Type 22, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

| Grade | Lengths 46 and 45 | Length 44 | Grade | |
|---|---|---|---|---|
| A1F | 56 | ..... | T3F | 33 |
| A2F | 55 | 48 | T4F | 29 |
| A3F | 46 | 43 | T5F | 23 |
| A1D | 59 | ..... | T3D | 33 |
| A2D | 55 | 48 | T4D | 29 |
| A3D | 46 | 43 | T5D | 23 |
| B1F | 51 | 47 | T3M | 31 |
| B2F | 47 | 44 | T4M | 26 |
| B3F | 43 | 41 | T5M | 20 |
| B1F | 39 | 37 | T3G | 30 |
| B5F | 31 | 29 | T4G | 25 |
| B1FV | 41 | 38 | T5G | 19 |
| B4FV | 36 | 34 | X1L | 38 |
| B5FV | 29 | 27 | X2L | 35 |
| B1D | 52 | 48 | X3L | 31 |
| B2D | 48 | 45 | X4L | 26 |
| B3D | 46 | 43 | X5L | 21 |
| B4D | 40 | 38 | X1F | 38 |
| B5D | 30 | 28 | X2F | 35 |
| B2M | 42 | 39 | X3F | 31 |
| B4M | 36 | 34 | X4F | 21 |
| B5M | 26 | 24 | X5F | 21 |
| B3G | 42 | 39 | X3FV | 28 |
| B4G | 36 | 34 | X4FV | 23 |
| B5G | 26 | 24 | X5FV | 18 |
| C1L | 49 | 46 | X1D | 38 |
| C2L | 45 | 42 | X2D | 35 |
| C3L | 43 | 40 | X3D | 28 |
| C4L | 38 | 36 | X4D | 22 |
| C5L | 30 | 28 | X5D | 15 |
| C1F | 49 | 46 | X1M | 25 |
| C2F | 45 | 42 | X2M | 17 |
| C3F | 43 | 40 | X3M | 14 |
| C4F | 38 | 36 | X4M | 25 |
| C5F | 30 | 28 | X5M | 17 |
| C3FV | 30 | 28 | X3G | 13 |
| C4FV | 28 | 26 | X4G | 11 |
| C5FV | 28 | 26 | N1L | 11 |
| C1D | 45 | 40 | N1R | 11 |
| C2D | 40 | 37 | N1G | 11 |
| C3D | 34 | 32 | | |
| C4D | 27 | 25 | | |
| C5D | 23 | 19 | | |

§ 664.526 *1953 crop; Kentucky and Tennessee fire-cured tobacco, Type 23, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

| Grade | Length 46 | Length 45 | Length 44 | Grade | |
|---|---|---|---|---|---|
| A1F | 57 | 57 | ..... | T3F | 32 |
| A2F | 54 | 54 | 47 | T4F | 28 |
| A3F | 44 | 45 | 42 | T5F | 22 |
| A1D | 57 | 57 | ..... | T3D | 32 |
| A2D | 54 | 54 | 47 | T4D | 28 |
| A3D | 44 | 45 | 42 | T5D | 22 |
| B1F | 49 | 49 | 46 | T3M | 30 |
| B2F | 45 | 46 | 43 | T4M | 25 |
| B3F | 42 | 42 | 40 | T5M | 19 |
| B1F | 38 | 38 | 36 | T3G | 29 |
| B5F | 31 | 31 | 29 | T4G | 24 |
| B1FV | 40 | 40 | 37 | T5G | 18 |
| B4FV | 35 | 35 | 33 | X1L | 37 |
| B5FV | 29 | 29 | 27 | X2L | 34 |
| B1D | 50 | 50 | 47 | X3L | 30 |
| B2D | 46 | 47 | 44 | X4L | 25 |
| B3D | 45 | 45 | 42 | X5L | 21 |
| B4D | 39 | 39 | 37 | X1F | 37 |

[Dollars per hundred pounds, farm sales weight]

| Grade | Length 46 | Length 45 | Length 44 | Grade | |
|---|---|---|---|---|---|
| B5D | 30 | 30 | 28 | X2F | 34 |
| B4M | 40 | 40 | 37 | X3F | 30 |
| B6M | 35 | 35 | 33 | X1FV | 25 |
| B5M | 26 | 26 | 24 | X5F | 21 |
| B3G | 41 | 41 | 38 | X3FV | 27 |
| B5G | 35 | 35 | 33 | X1FV | 22 |
| B6G | 26 | 26 | 24 | X5FV | 18 |
| C1L | 48 | 48 | 45 | X1D | 37 |
| C2L | 43 | 43 | 41 | X2D | 34 |
| C3L | 42 | 42 | 39 | X3D | 27 |
| C4L | 37 | 37 | 35 | X4D | 21 |
| C5L | 30 | 30 | 28 | X5D | 15 |
| C1F | 48 | 48 | 45 | X3M | 24 |
| C2F | 44 | 44 | 41 | X4M | 16 |
| C3F | 42 | 42 | 39 | X5M | 14 |
| C4F | 37 | 37 | 35 | X3G | 24 |
| C5F | 30 | 30 | 28 | X4G | 16 |
| C3FV | 38 | 38 | 35 | X5G | 13 |
| C4FV | 33 | 33 | 31 | N1L | 11 |
| C5FV | 28 | 28 | 26 | N1R | 11 |
| C2D | 42 | 42 | 39 | N1G | 11 |
| C3D | 38 | 39 | 36 | | |
| C4D | 34 | 34 | 31 | | |
| C5D | 27 | 27 | 25 | | |
| C3M | 37 | 37 | 34 | | |
| C4M | 32 | 32 | 30 | | |
| C5M | 26 | 26 | 24 | | |
| C3G | 35 | 35 | 32 | | |
| C4G | 29 | 29 | 27 | | |
| C5G | 22 | 22 | 19 | | |

§ 664.527 *1953 crop; Burley tobacco, Type 31, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

| Grade: | Advance rate | Grade: | Advance rate |
|---|---|---|---|
| B1F | 62.12 | B4GF | 29.12 |
| B2F | 60.12 | B5GF | 24.12 |
| B3F | 56.12 | B3GR | 23.12 |
| B4F | 51.12 | B4GR | 20.12 |
| B5F | 43.12 | B5GR | 16.12 |
| B3FV | 50.12 | M3F | 47.12 |
| B4FV | 45.12 | M4F | 42.12 |
| B3FK | 45.12 | M5F | 37.12 |
| B4FK | 40.12 | M3R | 37.12 |
| B1FR | 51.12 | M4R | 32.12 |
| B2FR | 49.12 | M5R | 27.12 |
| B3FR | 43.12 | T3F | 43.12 |
| B1FR | 39.12 | T4F | 38.12 |
| B5FR | 33.12 | T5F | 31.12 |
| B1R | 39.12 | T3FV | 37.12 |
| B2R | 37.12 | T4FV | 31.12 |
| B3R | 32.12 | T3FR | 36.12 |
| B4R | 28.12 | T4FR | 31.12 |
| B5R | 25.12 | T5FR | 25.12 |
| B3RV | 26.12 | T3R | 25.12 |
| B4RV | 22.12 | T4R | 22.12 |
| B4D | 20.12 | T5R | 18.12 |
| B5D | 17.12 | T3RV | 23.12 |
| B3M | 42.12 | T4RV | 20.12 |
| B4M | 38.12 | T4D | 17.12 |
| B5M | 28.12 | T5D | 14.12 |
| B3GF | 32.12 | T4GF | 21.12 |

[1] The Cooperative Associations through which price support is made available for Virginia fire-cured, Type 21; Burley, Type 31; and Virginia sun-cured, Type 37, are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against overhead costs. Only the original producer is eligible to receive advances. Tobacco graded "W" (doubtful keeping order), "U" (unsound), DAM (damaged), N2L, N2R, N2G, N-K, botched, nested, off-type, or decayed will not be accepted, except in Types 22, 23, 35, and 36, were tobacco graded "W" (doubtful keeping order) will be accepted at an advance rate of 10 percent below the regular grade advance rate. Tennessee and Kentucky fire-cured, Types 22 and 23, grades marked with special factor "OS" and dark air-cured, Type 35, grades marked with special factor "BL" in addition to the regular grade symbols shall have an advance rate 20 percent below the advance rate for the regular grades without such special factor.

[Dollars per hundred pounds, farm sales weight]

| Grade: | Advance rate | Grade: | Advance rate |
|---|---|---|---|
| T5GF | 17.12 | C4G | 34.12 |
| T4GR | 16.12 | C5G | 27.12 |
| T5GR | 14.12 | X1L | 68.12 |
| C1L | 69.12 | X2L | 67.12 |
| C2L | 68.12 | X3L | 66.12 |
| C3L | 67.12 | X4L | 62.12 |
| C4L | 65.12 | X5L | 53.12 |
| C5L | 60.12 | X1F | 67.12 |
| C1F | 68.12 | X2F | 66.12 |
| C2F | 67.12 | X3F | 65.12 |
| C3F | 66.12 | X4F | 61.12 |
| C4F | 64.12 | X5F | 52.12 |
| C5F | 59.12 | X3R | 55.12 |
| C3FV | 61.12 | X4R | 50.12 |
| C4FV | 59.12 | X5R | 40.12 |
| C3FK | 55.12 | X4M | 47.12 |
| C4FK | 53.12 | X5M | 37.12 |
| C3R | 58.12 | X4G | 37.12 |
| C4R | 55.12 | X5G | 27.12 |
| C5R | 47.12 | N1L | 38.12 |
| C3RV | 50.12 | N1F | 26.12 |
| C4RV | 47.12 | N1R | 13.12 |
| C4M | 50.12 | N1G | 12.12 |
| C5M | 44.12 | | |

§ 664.528 *1953 crop; dark air-cured tobacco, Types 35 and 36, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

| Grade | Lengths 46 and 45 | Length 44 | Grade | |
|---|---|---|---|---|
| A1F | 50 | | T1F | 33 |
| A2F | 47 | 45 | T4F | 32 |
| A3F | 44 | 41 | T5F | 31 |
| A1R | 50 | | T1R | 34 |
| A2R | 47 | 45 | T4R | 33 |
| A3R | 43 | 41 | T5R | 32 |
| B1I | 50 | 48 | T1D | 31 |
| B2F | 46 | 44 | T4D | 30 |
| B3F | 45 | 43 | T5D | 29 |
| B4F | 41 | 39 | T3M | 32 |
| B5F | 34 | 32 | T4M | 31 |
| B3FV | 42 | 40 | T5M | 30 |
| B4FV | 39 | 37 | T3G | 29 |
| B5FV | 34 | 32 | T4G | 28 |
| B1R | 50 | 48 | T5G | 27 |
| B2R | 46 | 44 | X1L | 38 |
| B3R | 45 | 43 | X2L | 37 |
| B4R | 41 | 39 | X3L | 36 |
| B5R | 34 | 32 | X4L | 35 |
| B1D | 50 | 48 | X5L | 31 |
| B2D | 46 | 44 | X1F | 37 |
| B3D | 45 | 43 | X2F | 36 |
| B4D | 41 | 39 | X3F | 35 |
| B5D | 33 | 31 | X4F | 34 |
| B2M | 45 | 43 | X5F | 30 |
| B3M | 42 | 40 | X1FV | 30 |
| B4M | 38 | 36 | X2FV | 29 |
| B5M | 30 | 28 | X3FV | 28 |
| B3G | 41 | 39 | X1R | 34 |
| B4G | 37 | 35 | X2R | 33 |
| B5G | 30 | 28 | X3R | 32 |
| C1L | 48 | 46 | X4R | 31 |
| C2L | 44 | 42 | X5R | 27 |
| C3L | 43 | 41 | X1D | 33 |
| C4L | 39 | 37 | X2D | 32 |
| C5L | 32 | 30 | X3D | 31 |
| C1F | 48 | 46 | X4D | 30 |
| C2F | 45 | 43 | X5D | 26 |
| C3F | 43 | 41 | X3M | 29 |
| C4F | 39 | 37 | X4M | 28 |
| C5F | 32 | 30 | X5M | 24 |
| C3FV | 41 | 39 | X3G | 28 |
| C4FV | 37 | 35 | X4G | 27 |
| C5FV | 30 | 28 | X5G | 23 |
| C3R | 42 | 40 | N1L | 12 |
| C4R | 41 | 39 | N1R | 12 |
| C5R | 34 | 32 | N1G | 12 |
| C3RV | 38 | 36 | | |
| C4RV | 36 | 34 | | |
| C5RV | 29 | 27 | | |
| C3M | 37 | 35 | | |
| C4M | 35 | 33 | | |
| C5M | 28 | 26 | | |
| C3G | 35 | 33 | | |
| C4G | 30 | 28 | | |
| C5G | 25 | 23 | | |

§ 664.529 *1953 crop; Virginia sun-cured tobacco, Type 37, advance schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

| Grade | Length 45 | Length 44 | Grade | |
|---|---|---|---|---|
| A1F | 47.12 | | T3F | 33.12 |
| A2F | 45.12 | 43.12 | T1F | 30.12 |
| A3F | 42.12 | 40.12 | T5F | 29.12 |
| A1R | 47.12 | | T3R | 33.12 |

[Dollars per hundred pounds, farm sales weight]

| Grade | Length 45 | Length 44 | Grade | |
|---|---|---|---|---|
| A2R | 45.12 | 43.12 | T4R | 30.12 |
| A3R | 42.12 | 40.12 | T5R | 24.12 |
| B1F | 45.12 | 43.12 | T3D | 27.12 |
| B2F | 42.12 | 40.12 | T4D | 25.12 |
| B3F | 40.12 | 38.12 | T5D | 21.12 |
| B4F | 37.12 | 35.12 | T3M | 28.12 |
| B5F | 32.12 | 30.12 | T4M | 27.12 |
| B1R | 45.12 | 43.12 | T5M | 23.12 |
| B2R | 42.12 | 40.12 | T3G | 27.12 |
| B3R | 40.12 | 38.12 | T4G | 25.12 |
| B4R | 37.12 | 35.12 | T5G | 21.12 |
| B5R | 32.12 | 30.12 | X1L | 64.12 |
| B1D | 45.12 | 43.12 | X2L | 63.12 |
| B2D | 41.12 | 39.12 | X3L | 62.12 |
| B3D | 39.12 | 37.12 | X4L | 58.12 |
| B4D | 35.12 | 33.12 | X5L | 49.12 |
| B5D | 30.12 | 28.12 | X1F | 63.12 |
| B2M | 33.12 | 31.12 | X2F | 62.12 |
| B3M | 30.12 | 28.12 | X3F | 61.12 |
| B4M | 27.12 | 25.12 | X4F | 57.12 |
| B5M | 22.12 | 20.12 | X5F | 48.12 |
| B3G | 39.12 | 37.12 | X1R | 52.12 |
| B4G | 35.12 | 33.12 | X2R | 51.12 |
| B5G | 28.12 | 26.12 | X3R | 50.12 |
| C1L | 44.12 | 42.12 | X4R | 46.12 |
| C2L | 41.12 | 39.12 | X5R | 37.12 |
| C3L | 39.12 | 37.12 | X1D | 50.12 |
| C4L | 36.12 | 34.12 | X2D | 49.12 |
| C5L | 30.12 | 28.12 | X3D | 48.12 |
| C1F | 44.12 | 42.12 | X4D | 44.12 |
| C2F | 42.12 | 40.12 | X5D | 35.12 |
| C3F | 38.12 | 36.12 | X3M | 45.12 |
| C4F | 36.12 | 34.12 | X4M | 41.12 |
| C5F | 30.12 | 28.12 | X5M | 32.12 |
| C3FV | 38.12 | 36.12 | X3G | 41.12 |
| C4FV | 34.12 | 32.12 | X4G | 37.12 |
| C5FV | 27.12 | 25.12 | X5G | 28.12 |
| C3R | 40.12 | 38.12 | N1L | 43.12 |
| C4R | 38.12 | 36.12 | N1R | 24.12 |
| C5R | 33.12 | 31.12 | N1G | 24.12 |
| C3RV | 32.12 | 30.12 | | |
| C4RV | 28.12 | 26.12 | | |
| C3M | 33.12 | 31.12 | | |
| C4M | 30.12 | 28.12 | | |
| C5M | 26.12 | 24.12 | | |
| C3G | 30.12 | 28.12 | | |
| C4G | 26.12 | 24.12 | | |

Issued this 5th day of November 1953.

[SEAL] HOWARD H. GORDON,
*President,*
*Commodity Credit Corporation.*

[F. R. Doc. 53-9525; Filed, Nov. 13, 1953; 8:45 a. m.]

## TITLE 7—AGRICULTURE

### Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

[Amdt. 4]

PART 418—WHEAT CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1953 AND SUCCEEDING CROP YEARS

POLICY

*Correction*

In Federal Register Document 53-9345, published on page 6990 of the issue for Thursday, November 5, 1953, "Subsection (a) of section 30", appearing in amendatory paragraph 5, should read "Subsection (d) of section 30".

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

*Correction*

The following changes are made in Federal Register Document 53-8108, published at page 6282 of the issue for Friday, October 2, 1953:

1. The word "Average" should read "Acreage" in the second column headnotes of the Production Schedules appearing in §§ 420.55–3, 420.64–3, 420.70–5, 420.70–6, 420.75–2, 420.85–2, 420.90–7, and 420.91–3.

2. The first word of Footnote 1 of the Production Schedule in § 420.55–3 should read "Production".

3. In § 420.75–2 the following changes are made:

a. Paragraph (d) of section 1 of the rider should read:

(d) Winter wheat planted for harvest as grain. (Insurance on wheat to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

b. The discount date under section 7 of the rider should read "June 30".

4. First word of the second line of Footnote 1 of the Production Schedule in § 420.80–2 should read "for" instead of "or".

### Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 3]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.303 *Navel Orange Regulation 3*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on November 5, 1953, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., November 15, 1953, and ending at 12:01 a. m., P. s. t., May 2, 1954, no handler shall handle any Navel oranges, grown in District 1, or in District 3, which are of a size smaller than 2.31 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 5 percent, by count, or oranges smaller than such minimum size, but not less than 2.20 inches in diameter, shall be permitted: *Provided,* That in determining the percentage of oranges which are smaller than 2.31 inches in diameter, such percentage shall be based only on those oranges which are of a size 2.43 inches in diameter and smaller, but oranges in any container must average not less than a diameter of 2.375 inches. The aforesaid tolerance is on a container basis but individual packages in any lot may contain not more than double the tolerance specified: *Provided,* That the average for the entire lot is within the tolerance specified: *Provided further,* That at least one orange which does not meet the requirements shall be permitted in any one package.

(2) As used in this section, "handler," "handle," "District 1," and "District 3," shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 12th day of November 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-9660; Filed, Nov. 13, 1953; 8:57 a. m.]

[Navel Orange Reg. 4]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.304 *Navel Orange Regulation 4*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on November 12, 1953, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., November 15, 1953, and ending at 12:01 a. m., P. s. t., November 22, 1953, is hereby fixed as follows:

(i) District 1: 164.21 carloads;

(ii) District 2: Unlimited movement;

(iii) District 3: 50 carloads;

(iv) District 4: 50 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule

which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handled," "handler," "carloads," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

[Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c]

Done at Washington, D. C., this 13th day of November 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

PRORATE BASE SCHEDULE

[12 01 a. m., P. s. t., Nov. 15, to 12:01 a. m., P. s. t., Nov. 22, 1953]

PRORATE DISTRICT NO. 1

| Handler | Prorate base (percent) |
|---|---|
| Total | 100.0000 |
| A F G Lindsay | 1.7963 |
| A F G. Porterville | 2.8390 |
| Ivanhoe Cooperative Association | .7423 |
| Lindsay Mutual Groves | 1.8820 |
| Martin Ranch | 1.4946 |
| Orange Cove Orange Growers | 2.5396 |
| Woodlake Packing House | 2.1562 |
| Dofflemyer & Son, W. Todd | .4946 |
| Earlibest Orange Association | 2.0998 |
| Elderwood Citrus Association | .7383 |
| Exeter Citrus Association | 3.3304 |
| Exeter Orange Growers Association | 1.3454 |
| Exeter Orchards Association | 1.5241 |
| Hillside Packing Association | 1.3198 |
| Ivanhoe Mutual Orange Association | 1.1430 |
| Klink Citrus Association | 3.9871 |
| Lemon Cove Association | .9097 |
| Lindsay Citrus Growers Association | 2.5585 |
| Lindsay Cooperative Association | 1.6577 |
| Lindsay Fruit Association | 2.5304 |
| Lindsay Orange Growers Association | .8212 |
| Naranjo Packing House Co | 1.3208 |
| Orange Cove Citrus Association | 3.4065 |
| Orange Packing Co | 1.0263 |
| Orosi Foothill Citrus Association | 1.3693 |
| Paloma Citrus Fruit Association | .8183 |
| Rocky Hill Citrus Association | 1.5046 |
| Sanger Citrus Association | 2.9390 |
| Sequoia Citrus Association | .9121 |
| Stark Packing Co | 2.7602 |
| Visalia Citrus Association | 2.1429 |
| Waddell & Son | 2.5579 |
| Baird Neece Corp | 2.2183 |
| Beattie Association, D. A. | .4244 |
| Grand View Heights Citrus Association | 2.9596 |
| Magnolia Citrus Association | 2.6837 |
| Porterville Citrus Association, The | 1.6717 |
| Randolph Marketing Co | 2.5627 |
| Richgrove-Jasmine Citrus Association | 1.3554 |
| Strathmore Cooperative Citrus Association | .9305 |
| Strathmore District Orange Association | 1.8065 |
| Strathmore Fruit Association | .3950 |
| Strathmore Packing House Co | 2.3063 |
| Sunflower Packing House Co | 2.6355 |
| Sunland Packing House Co | 2.6937 |
| Terra Bella Citrus Association | 1.4152 |
| Tule River Citrus Association | .9101 |
| Anderson Packing Co | 1.2474 |
| Baker Ranch Packing House | .1974 |
| Batkins, Jr., Fred A | .0558 |
| California Citrus Groves, Inc., Ltd | 2.5479 |
| Darby, Fred J | .0287 |
| Dubendorf, John | .1251 |
| Evans Bros Packing Co | .3252 |
| Far West Produce Distributors | .0599 |

PRORATE BASE SCHEDULE—Continued

PRORATE DISTRICT NO. 1—continued

| Handler | Prorate base (percent) |
|---|---|
| Foothill Packing Co | 0.2030 |
| Foothill Packing Co | .2030 |
| Gluskin, Ludwig E | .0121 |
| Harding & Leggett | 1.7028 |
| Independent Growers, Inc | 1.5386 |
| LoBue Bros | .7881 |
| Maas, W. A | .0887 |
| Marks, W. & M | .4735 |
| Morin, Carl W | .0274 |
| Orange Belt Fruit Distributors, Inc | .2908 |
| Paramount Citrus Association, The | 2.1895 |
| Reimers, Don H | .5661 |
| Riverside Fruit Co | .1822 |
| Sequoia Cider Mills | .0164 |
| Trashjian, John | .2195 |
| Zaninovich Bros., Inc | 1.4774 |

PRORATE DISTRICT NO. 3

| | |
|---|---|
| Total | 100.0000 |
| Allen & Allen Citrus Packing Co | 2.1256 |
| Consolidated Citrus Growers | 1.0369 |
| McKellips Citrus Co., Inc | 11.6283 |
| Phoenix Citrus Packing Co | 15.8677 |
| Pioneer Fruit Co | 4.0709 |
| Arizona Citrus Growers | 14.3726 |
| Chandler Heights Citrus Growers | 2.1570 |
| Desert Citrus Growers | 6.9105 |
| Mesa Citrus Growers | 22.3757 |
| Tal-Wi-Wi Ranches | 2.7070 |
| Tempeco Groves | 6.9538 |
| Yuma Mesa Fruit Growers Association | .9883 |
| Commercial Citrus Co | .9123 |
| Ishikawa, Paul | .0491 |
| Leppla, Cecile | .2102 |
| Leppla, Henry | .3160 |
| Leppla, H. Lorain | 3.3733 |
| Macchiaroli Fruit Co., James | 2.6630 |
| Sunny Valley Citrus Packing Co | 1.0777 |

PRORATE DISTRICT NO. 4

| | |
|---|---|
| Total | 100.0000 |
| Placentia Cooperative Orange Association | 28.8477 |
| Richgrove-Jasmine Citrus Association | 17.4229 |
| B. & L. Citrus Distributors | 5.0424 |
| Edison Citrus Co., Inc | 43.6043 |
| Kim, Charles | 2.5503 |
| Toy, Chin | 2.5324 |

[F. R. Doc. 53-9702; Filed, Nov. 13, 1953; 11:08 a. m.]

[Docket No. AO 71 A-23]

## PART 927—MILK IN THE NEW YORK METROPOLITAN MILK MARKETING AREA

### ORDER AMENDING ORDER, AS AMENDED

§ 927.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), and in accordance with the notice of hearing issued on December 24, 1952 (18 F. R. 43), a public hearing was held at Syracuse, New York, on January 22-23, 1953, and on February 16-21, 1953, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area (7 CFR 927.1 et seq.).

The hearing was held with respect to whether the milk marketing order, as amended, for the New York metropolitan marketing area should continue to provide payments, from the producer-settlement fund, to cooperative associations of producers for market-wide services, and, if so, the changes, if any, which should be made in the present provisions of the order, as amended, under which the payments are authorized for market-wide services. The transcript of the testimony at the hearing consists of more than 1,700 pages and numerous exhibits.

The Assistant Administrator, Production and Marketing Administration, on August 17, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing of such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 21, 1953 (18 F. R. 4998). Subsequent to the expiration of the time for filing exceptions, the Secretary of Agriculture, on October 7, 1953, issued his final decision in this proceeding and directed that a referendum be conducted to determine whether the issuance of this order amending the order, as amended, was approved or favored by the producers who, during the determined representative period (July 1953), were engaged in the production of milk for sale in the said marketing area. The decision and order of the Secretary directing that a referendum be held were published in the FEDERAL REGISTER on October 10, 1953 (18 F. R. 6458, 6465).

Upon the basis of the evidence introduced at said hearing and the record thereof, it is found that:

(1) The marketing agreement and the order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The terms and conditions in § 927.76 of the order, as amended, and as hereby further amended, are incidental to, and not inconsistent with, the terms and conditions specified in subsections (5)-(7) of section 8c of the act (7 U. S. C. sections 608c (5)-(7)) and necessary to effectuate the other provisions of the order.

(3) The terms and conditions in § 927.76 of the order, as amended, and as hereby further amended, are necessary in order equitably to apportion the total value of the milk purchased by all handlers among producers and associations of producers, on the basis of their marketings of milk during each month which is the proper representative period.

(4) The terms and conditions in § 927.76 of the order, as amended, and as hereby further amended, are necessary to accord such recognition and encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative associations set forth in the relevant acts of Congress, and as will tend to promote efficient methods of marketing and distribution.

(5) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the marketing agreement and in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

(6) The marketing agreement and the order, as amended, and as hereby further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

In addition to the foregoing findings, numerous other findings have been made in the final decision of October 7, 1953 (18 F. R. 6458), on the basis of the evidence adduced at the hearing.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the New York metropolitan milk marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by 87.88 percent of the 30,684 producers who participated in a referendum on the question of approval of its issuance and who during the determined representative period (July 1953) were engaged in the production of milk for sale in the said marketing area. Of the 18,312 ballots mailed to individual producers only 523 were returned and of these 20 affirmative, 18 negative, and 5 blank ballots were disqualified. Of the 480 qualified individual ballots, 42.5 percent (204) approved and 57.5 percent (276) disapproved the issuance of this amendatory order. There were 49,453 producers who were eligible to vote in the referendum.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof, the handling of milk in the New York metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

Delete § 927.76 of the order as now in effect and subsitute therefor the following:

§ 927.76 *Cooperative payments for market-wide services.* Payments shall be made to qualified cooperatives or to federations under the conditions, in the manner, and at the rates set forth in this section.

(a) *Definitions.* As used in this section the following terms shall have the following meanings:

(1) "Cooperative" means a cooperative association of producers which is duly incorporated under the cooperative corporation laws of a state; is qualified under the Capper-Volstead Act (7 U. S. C. 291 et seq.); has all its activities under the control of its members and has full authority in the sale of its members' milk.

(2) "Federation" means a federation of cooperatives.

(3) "Federated cooperative" means a cooperative which is a member of a federation and on whose membership the federation is an applicant for or receives payments under subparagraph (2) of paragraph (f) of this section.

(4) "Member" means, when used with respect to a member of a cooperative or of a federated cooperative, only a member who is also a producer, as defined in § 927.6.

(b) *Qualified cooperatives and federations.* A cooperative or federation may submit an application to the Market Administrator for payments under the provisions of this section. In accordance with the requirements of the rules and regulations issued by the Market Administrator, any such application shall include a written description of the applicant's program for the performance of market-wide services, including evidence that adequate facilities and personnel will be maintained by it so as to enable it to perform the market-wide services; and the application shall contain a statement by the applicant that it will perform the required market-wide services for which it is applying for payments. The application shall set forth all necessary data so as to enable the Market Administrator to determine whether it meets the qualification requirements with respect to the payments for which the application is submitted. An application shall be approved by the Market Administrator only if he determines that:

(1) In the case of a cooperative:

(i) It has not less than 4,000 members and receives from its members not less than 1 cent per hundredweight of milk delivered by them: *Provided*, That no person shall be counted in this respect as a member if he is a member of another cooperative which is an applicant for or which receives cooperative payments, or if he is a member of a federated cooperative.

(ii) If the application is also for an additional payment under subparagraph (3) of paragraph (f) of this section, it has not less than 6,000 members and receives from its members not less than 1 cent per hundredweight of milk delivered by them, subject to the proviso in subdivision (i) of this subparagraph.

(iii) If the application is also for an additional payment under subparagraph (4) of paragraph (f) of this section, the cooperative is an operating cooperative which operates marketing facilities, i. e., pool plant(s), at which it receives at least 25 per centum, by weight, of the milk marketed by all of its members: *Provided*, That in determining whether the 25 per centum minimum requirement is complied with there shall be excluded the milk delivered by a member of the cooperative who is a member of another cooperative which is an applicant for or which receives cooperative payments on the same milk or which is a federated cooperative in a federation which is an applicant for or receiving cooperative payments on the same milk.

(2) In the case of a federation:

(i) It is duly incorporated under the laws of a State.

(ii) It has contracts with each of its federated cooperatives under which the cooperatives agree to remain in the federation for at least one year, and such contracts cover or will be renewed for a yearly period for every subsequent year for which the federated cooperatives are to be included within the membership of the federation for cooperative payment purposes.

(iii) Its federated cooperatives have an aggregate of not less than 4,000 members and the federated cooperatives receive from their members not less than 1 cent per hundredweight of milk delivered by them; and its federated cooperatives will pay to the federation, when required by rules and regulations issued by the market administrator, the minimum monthly payment specified in the rules and regulations to finance the activities of the federation that are not market-wide in character: *Provided*, That no person shall be counted in this respect as a member if he is a member of a cooperative which is an applicant for or which receives cooperative payments, or if he is a member of another federated cooperative.

(iv) If the application is also for an additional payment under subparagraph (3) of paragraph (f) of this section, the aggregate membership of the federated cooperatives is not less than 6,000 members and the federated cooperatives receive from their members not less than 1 cent per hundredweight of milk delivered by their members, subject to the proviso in subdivision (iii) of this subparagraph.

(v) If the application is also for an additional payment under subparagraph (5) of paragraph (f) of this section, the federation operates marketing facilities, i. e., pool plant(s), or the federated cooperatives operate marketing facilities, at which is received at least 25 per centum, by weight, of the milk marketed by the members of the federated cooperatives: *Provided*, That in determining whether the 25 percentum minimum requirement is complied with, there shall be excluded the milk delivered by members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

(3) The applicant cooperative or federation demonstrates that it has the ability to perform the market-wide services for which application is made, and that such services will be performed.

(4) The applicant cooperative or the federated cooperatives of an applicant federation are in no way precluded from arranging for the utilization of milk under their respective control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification.

(c) *Notice of qualification or denial; effective date.* Upon determination by the market administrator that a cooperative or a federation is qualified to receive payment for performance of the market-wide services, he shall transmit such determination to the applicant cooperative or federation and publicly announce the issuance of the determination. The determination shall be effective with respect to milk delivered on and after the first day of the month following issuance of the determination. If, after consideration of an application for payments for market-wide services, the market administrator determines that the cooperative or federation is not qualified to receive such payments, he shall promptly notify the applicant and specifically set forth in such notice his reasons for denial of the application.

(d) *Requirements for continued qualification.* From time to time and in accordance with rules and regulations which may be issued by the market administrator, each qualified cooperative or federation must demonstrate to the market administrator that it continues to meet the qualification requirements for the payments and is fully performing the market-wide services for which it is being paid.

(e) *Market-wide services.* Each cooperative or federation shall perform the market-wide services enumerated in this paragraph. Such services are: (1) Analyzing milk marketing problems and their solution, conducting market research and maintaining current information as to all market developments, preparing and assembling statistical data relative to prices and marketing conditions, and making an economic analysis of all such data; (2) determining the need for the formulation of amendments to the order and proposing such amendments or requesting other appropriate action by the Secretary or the market administrator in the light of changing conditions; (3) participating in proceedings with respect to amendments to the order, including the preparation and presentation of evidence at public hearings, the submission of appropriate briefs and exceptions, and also participating, by voting or otherwise, in the referenda relative to amendments; (4) participating in the meetings called by the market administrator, such as meetings with respect to rules and regulations issued under the order, including activities such as the preparation and presentation of data at such meetings and briefs for submission thereafter; (5) conducting a comprehensive educational program among producers—i. e., members and nonmembers of cooperatives—and keeping such producers well informed for participation in the activities under the regulatory order and, as a part of such program, issuing publications that contain relevant data and information about the order and its operation, and the distribution of such publication to members and, on the same subscription basis, to nonmembers who request it, and holding meetings at which members and nonmembers may attend; and (6) in the case of a cooperative or federation which receives an additional payment under subparagraph (4) or (5) of paragraph (f) of this section, operating marketing facilities, or having within its membership federated cooperatives operating marketing facilities, i. e., pool plant(s), at which is received at least 25 per centum, by weight, of the milk marketed by all the members of the cooperative or by all the members of the federated cooperatives.

(f) *Rate, computation, time, and method of payment.* (1) Subject to the provisions of paragraph (g) of this section, the market administrator, on or before the 25th day of each month, shall make payment out of the producer-settlement fund, or issue equivalent credit therefor, to each cooperative or federation which is qualified for such payments for market-wide services. The payment to a cooperative shall be based upon the milk reported by cooperative or proprietary handlers to have been received during the preceding month from its members, and the payment to a federation shall be based upon the milk reported by cooperative or proprietary handlers to have been received during the preceding month from the members of its federated cooperatives, subject in both instances to adjustment upon verification by the market administrator.

(2) Such payment or credit shall be at the rate of 2 cents per hundredweight of milk in accordance with subparagraph (1) of this paragraph: *Provided*, That in computing payment to a cooperative there shall be excluded all of the milk of its members who belong to another cooperative which is an applicant for or which receives cooperative payments on the same milk or which is a federated cooperative in a federation which is an applicant for or receiving cooperative payments on the same milk: *And provided further*, That in computing payment to a federation there shall be excluded all of the milk of members of a cooperative which is an applicant for or which receives cooperative payments on the same milk or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

(3) Any cooperative that has at least 6,000 members and any federation which has an aggregate membership of its federated cooperatives of at least 6,000 members shall receive a payment, in addition to the payment provided for in subparagraph (2) of this paragraph, of 1 cent per hundredweight of milk in accordance with subparagraph (1) of this paragraph and subject to the provisos contained in subparagraph (2) of this paragraph.

(4) Any cooperative that operates marketing facilities, i. e., pool plant(s), at which is received at least 25 per centum, by weight, of the milk marketed by all of its members shall receive a payment, in addition to the payment provided for in subparagraph (2) or subparagraph (3) of this paragraph, of 1 cent per hundredweight of all milk marketed by its members in accordance with subparagraph (1) of this paragraph: *Provided*, That in computing the payment under this subparagraph there shall be excluded the milk delivered by a member of the cooperative who is a member of another cooperative which is an applicant for or which receives cooperative payments on the same milk or which is a federated cooperative in a federation which is an applicant for or receiving cooperative payments on the same milk.

(5) Any federation that operates marketing facilities, i. e., pool plant(s), or whose members include one or more federated cooperatives that operate marketing facilities, at which is received at least 25 per centum, by weight, of the milk marketed by all the members of its federated cooperatives shall receive a payment, in addition to the payment provided for in subparagraph (2) or subparagraph (3) of this paragraph, of 1 cent per hundredweight of all milk marketed by such members in accordance with subparagraph (1) of this paragraph: *Provided*, That in computing the payment under this subparagraph there shall be excluded the milk delivered by members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

(6) If an individually qualified cooperative is affiliated with a federation, the cooperative payment shall be made to such cooperative unless its contract with the federation specifies in writing that the federation is to receive the payments. Any such contract must authorize the federation to receive the payments for at least one year, and such agreement must cover or be renewed for a yearly period for every subsequent year for which the federation is to receive the payments.

(g) *Disqualification.* (1) The market administrator shall issue an order wholly or partly disqualifying a previously qualified cooperative or federation for payments authorized pursuant to this section and such payments shall not thereafter be made to it if he determines that:

(i) The cooperative or federation no longer complies with the requirements of this section: *Provided*, That in the case of the federation, if one of its federated cooperatives has failed to comply with the requirements of this section applicable to it or has failed, promptly after demand by the market administrator, to arrange for the utilization of milk under its control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification, the federation shall be disqualified only to the extent that its qualification for payments or the amount of its payments are based upon the membership, milk or operations of such non-complying federated cooperatives;

(ii) The cooperative or federation has failed to make reports or furnish records pursuant to this section or pursuant to rules and regulations issued by the market administrator; or

(iii) In the case of the cooperative, it has failed, promptly after demand by the market administrator, to arrange for the utilization of milk under its control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification.

(2) An order of the market administrator wholly or partly disqualifying a cooperative or federation shall not be issued until after the cooperative or federation has had opportunity for hearing thereon following not less than 15 days' notice to it specifying the reasons for the proposed disqualification. If the cooperative or federation fails to file a written request for hearing with the market administrator within such period of 15 days, the market administrator may issue an order of disqualification without further notice; but if within such period a request for hearing is filed, the market administrator shall promptly proceed to hold such hearing pursuant to rules and regulations issued by him under paragraph (i) of this section.

(3) A disqualification order issued by the market administrator shall set forth the findings and conclusions on the basis of which it is issued.

(h) *Appeals*—(1) *From denials of application.* Any cooperative or federation whose application for qualification has been denied by the market administrator may, within 30 days after notice of such denial, file with the Secretary a written petition for review. But the failure to file such petition shall not bar the cooperative or federation from again applying to the market administrator for qualification.

(2) *From disqualification orders.* A disqualification order by the market administrator shall become final 30 days after its service on the cooperative or federation unless within such 30-day period the cooperative or federation files a written petition with the Secretary for review thereof. If such petition for review is filed, payments for which the cooperative or federation has been disqualified by the order shall be held in reserve by the market administrator pending ruling of the Secretary, after which the sums so held in reserve shall either be returned to the producer-settlement fund or paid over to the cooperative or federation depending on the Secretary's ruling on the petition. If such petition for review is not filed, any payments which otherwise would be made within the 30-day period following issuance of the disqualification order shall be held in reserve until such order becomes final and shall then be returned to the producer-settlement fund.

(3) *Record on appeal.* If an appeal is taken under subparagraphs (1) or (2) of this paragraph, the market administrator shall promptly certify to the Secretary the ruling or order appealed from and the evidence upon which it was issued: *Provided*, That if a hearing was held the complete record thereof, including the applications, petitions, and all exhibits or other documentary material submitted in evidence shall be the record so certified. Such certified material shall constitute the sole record upon which the appeal shall be decided by the Secretary.

(i) *Regulations.* The market administrator is authorized to issue regulations and amendments thereto to effectuate the provisions of this section and to facilitate and implement the administration of its provisions. Such regulations shall be issued in accordance with the following procedure:

(1) All proposed rules and regulations and amendments thereto shall be the subject of a meeting called by the market administrator, at which all interested persons shall have opportunity to be heard. Not less than five days prior to the meeting, notice thereof and of the proposed regulations or amendments shall be published in the FEDERAL REGISTER and mailed to qualified cooperatives and federations. A stenographic record shall be made at such meetings which shall be public information and be available for inspection at the office of the market administrator.

(2) A period of at least five days after the meeting shall be allowed for the filing of briefs.

(3) All regulations and amendments thereto issued by the market administrator pursuant to this section must be submitted in tentative form to the Secretary for approval, shall not be effective without such approval, and shall be published in the FEDERAL REGISTER following such approval. The regulations or amendments in tentative form shall be forwarded also to cooperatives and federations qualified under this section and to other persons upon request in writing. The Secretary shall either approve the regulations or amendments thereto submitted by the market administrator or direct the market administrator to reconsider the tentative rules or amendments. In the event the market administrator is directed to give reconsideration to the matter, the market administrator shall either issue revised tentative regulations or amendments or call another meeting pursuant to this section for additional consideration of the rules or amendments.

(j) *Reports and records.* A qualified cooperative or federation and any federated cooperative in a qualified federation shall make such reports to the market administrator as may be requested by him for the administration of the provisions of this section, and shall maintain and make available to the market administrator or his representative such records as will enable the market administrator to verify such reports.

(k) *Notices, demands, orders, etc.* All notices, demands, orders or other papers required by this section to be given to or served upon a cooperative or federation shall be deemed to have been given or served as of the time when mailed to the last known secretary of the cooperative or federation at his last known address.

(l) *Adjustment period.* Any cooperative which was qualified, on the effective date of this section, to receive payments pursuant to the provisions of this section as effective December 31, 1952 (referred to in this paragraph as the "former provisions"), shall continue to receive payments pursuant to and subject to the conditions specified in such former provisions on milk received from producers during the 90-day period immediately following the effective date of this section; and if such cooperative has applied, or is a federated cooperative of a federation which has applied, for qualification pursuant to this section prior to the expiration of such 90-day period, it shall continue to receive payments pursuant to the former provisions beyond such 90-day period until such time as the market administrator has ruled upon such application: *Provided*, That a cooperative or a federation may be qualified to receive payments pursuant to this section within such 90-day period: *And provided further*, That in no event shall a cooperative, or a federated cooperative in a federation, receive payment under the former provisions for any period following the effective date of qualification of the cooperative or federation under this section. For the purposes and to the extent specified in this paragraph, the provisions of this section as effective December 31, 1952, shall remain in force and effect after the effective date of this section.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Issued at Washington, D. C., this 9th day of November 1953, to be effective on and after December 16, 1953.

[SEAL] EZRA TAFT BENSON,
*Secretary of Agriculture.*

[F. R. Doc. 53-9640; Filed, Nov. 13, 1953; 8:55 a. m.]

[Grapefruit Reg. 188]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.644 *Grapefruit Regulation 188*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 16, 1953. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 16, 1953, the recommendation and supporting information for continued regulation subsequent to November 15 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 10; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 16, 1953, and ending at 12:01 a. m., e. s. t., November 30, 1953, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any pink seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iv) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vi) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," and "ship," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§ 51.193 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 12th day of November 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-9657; Filed, Nov. 13, 1953; 8:56 a. m.]

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[Orange Reg. 243]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.645 *Orange Regulation 243*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 16, 1953. Shipments of oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 16, 1953; the recommendation and supporting information for continued regulation subsequent to November 15 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 10; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 16, 1953, and ending at 12:01 a. m., e. s. t., November 30, 1953, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than 2$^{1}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida oranges (§ 51.302 of this title): *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2$^{1}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lots which are of a size 2$^{1}/_{16}$ inches in diameter and smaller.

(2) During the period beginning at 12:01 a. m., e. s. t., November 16, 1953, and ending at 12:01 a. m., e. s. t., November 23, 1953, no handler shall ship:

(i) Any Temple oranges, grown in the State of Florida, which do not grade at least U. S. Fancy.



(3) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. Fancy," and "U. S. No. 1 Russet" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§ 51.302 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 12th day of November 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-9658; Filed, Nov. 13, 1953; 8:56 a. m.]

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[Tangerine Reg. 139]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.646 *Tangerine Regulation 139*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 16, 1953. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 16, 1953; the recommendation and supporting information for continued regulation subsequent to November 15 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 10; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order* (1) During the period beginning at 12:01 a. m., e. s. t., November 16, 1953, and ending at 12:01 a. m., e. s. t., November 23, 1953, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9$^{1}/_{2}$ x 9$^{1}/_{2}$ x 19$^{1}/_{8}$ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1" and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (§ 51.416 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 12th day of November 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-9659; Filed, Nov. 13, 1953; 8:56 a. m.]

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[Lemon Reg. 511]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.618 *Lemon Regulation 511*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 10, 1953, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 15, 1953, and ending at 12:01 a. m., P. s. t., November 22, 1953, is hereby fixed as follows:

(i) District 1: 12 carloads;

(ii) District 2: 227 carloads;

(iii) District 3: 11 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 12th day of November 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

PRORATE BASE SCHEDULE

[Storage Date: Nov. 8, 1953]

DISTRICT NO. 1

[12:01 a. m. Nov. 15, 1953, to 12:01 a. m. Nov. 29, 1953]

| Handler | Prorate base (percent) |
|---|---|
| Total | 100.000 |
| Klink Citrus Association | 18.230 |
| Lemon Cove Association | 18.263 |
| Tulare County Lemon & Grapefruit Association | 17.924 |
| Harding & Leggett | 16.514 |
| Zaninovich Bros., Inc. | 19.069 |

DISTRICT NO. 2

| | |
|---|---|
| Total | 100.000 |
| American Fruit Growers, Inc., Corona | .050 |
| American Fruit Growers, Inc., Fullerton | .248 |
| American Fruit Growers, Inc., Upland | .268 |
| Buenaventura Lemon Co | 1.583 |
| Consolidated Lemon Co | .539 |
| Ventura Pacific Co | 3.602 |
| Chula Vista Mutual Lemon Association | .465 |
| Euclid Lemon Association | .012 |
| Index Mutual Association | .054 |
| La Verne Cooperative Association | 1.704 |
| Ventura Coastal Lemon Co | 2.557 |
| Ventura County Orange & Lemon Association | 3.187 |
| Ventura Processors | .000 |
| Glendora Lemon Growers Association | .918 |
| La Verne Lemon Association | .403 |
| La Habra Citrus Association | .282 |
| Yorba Linda Citrus Association | .376 |
| Escondido Lemon Association | 2.026 |
| Cucamonga Mesa Growers | .911 |
| Etiwanda Citrus Fruit Association | .319 |
| San Dimas Lemon Association | .299 |
| Upland Lemon Growers Association | 3.426 |
| Central Lemon Association | .405 |
| Irvine Citrus Association, The | .534 |
| Placentia Mutual Orange Association | .525 |
| Corona Citrus Association | .089 |
| Corona Foothill Lemon Co | 1.021 |
| Jameson Co | .485 |
| Arlington Heights Citrus Co | .390 |
| College Heights Orange & Lemon Association | 3.394 |
| Chula Vista Citrus Association, The | .884 |
| Escondido Cooperative Citrus Association | .170 |
| Fallbrook Citrus Association | .908 |
| Lemon Grove Citrus Association | .113 |
| Carpinteria Lemon Association | 4.350 |
| Carpinteria Mutual Citrus Association | 4.952 |
| Goleta Lemon Association | 6.045 |
| Johnston Fruit Co | 8.623 |
| Briggs Lemon Association | 2.681 |
| Fillmore Lemon Association | .456 |
| Oxnard Citrus Association | 5.905 |
| Rancho Sespe | .471 |
| San Fernando Heights Lemon Association | .493 |
| Santa Clara Lemon Association | 5.637 |
| Santa Paula Citrus Fruit Association | 2.126 |
| Saticoy Lemon Association | 6.676 |
| Seaboard Lemon Association | 6.414 |
| Somis Lemon Association | 4.508 |
| Ventura Citrus Association | 1.895 |
| Ventura County Citrus Association | .574 |
| Limoneira Co | 3.768 |

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

| Handler | Prorate base (percent) |
|---|---|
| Teague-McKevett Association | 0.744 |
| East Whittier Citrus Association | .096 |
| Murphy Ranch Co | .342 |
| North Whittier Heights Citrus Association | .056 |
| Sierra Madre-Lamanda Citrus Association | .235 |
| Dunning Ranch | .000 |
| Far West Produce Distributors | .028 |
| Paramount Citrus Association, Inc. | .489 |
| Santa Rosa Lemon Co | .109 |

DISTRICT NO. 3

| | |
|---|---|
| Total | 100.000 |
| Consolidated Citrus Growers | 2.706 |
| Phoenix Citrus Packing Co | 6.681 |
| Pioneer Fruit Co | 4.312 |
| Arizona Citrus Growers | 45.828 |
| Desert Citrus Growers Co | 15.678 |
| Tempeco Groves | 8.414 |
| Arlington Heights Citrus Co | 7.026 |
| James Macchiarchi Fruit Co | 2.535 |
| Morris Bros. Fruit Co | 4.004 |
| Mutual Citrus Products Co | .000 |
| Sunny Valley Citrus Packing Co | 2.616 |
| Valley Citrus Packing Co | .000 |

[F. R. Doc. 53-9680; Filed, Nov. 13, 1953; 8:57 a. m.]

# TITLE 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter I — Commodity Exchange Authority (Including Commodity Exchange Commission), Department of Agriculture

[Hearing Docket CE-P 10]

PART 150—ORDERS OF THE COMMODITY EXCHANGE COMMISSION

LIMITS ON POSITION AND DAILY TRADING IN SOYBEANS FOR FUTURE DELIVERY

*Findings of fact.* On September 22, 1953, public notice was given (18 F. R. 5654) that the Commodity Exchange Commission proposed to amend its order of August 13, 1951 (16 F. R. 8107), establishing limits on position and daily trading in soybeans for future delivery, by increasing such limits from 1,000,000 bushels to 2,000,000 bushels. The said notice set forth the considerations which were the basis for the proposed amendment, stated that a hearing with respect thereto would be held if any interested person desired a hearing and notified the Presiding Officer to that effect on or before October 10, 1953, and specified that written statements with reference to the proposed amendment could be submitted by any interested person in addition to or in lieu of testimony at such hearing. No requests for a hearing have been received.

Pursuant to the provisions of section 4a of the Commodity Exchange Act (7 U. S. C. 6a), the Commodity Exchange Commision, after investigation and full consideration of written statements submitted by interested persons, and of representations made and evidence furnished by the Commodity Exchange Authority of the United States Department of Agriculture, which statements, representations, and evidence are made a part of the record, does hereby find:

(a) The volume of trading in soybean futures on the Chicago Board of Trade has been maintained at a level approximately equal to those for wheat and corn on the same market during the two and one-half years from January 1951 to June 1953. The volume of trading in soybeans during this period has approximated 25 to 30 percent of total trading in all grains on the Chicago Board of Trade. The ratio of volume of trading to open contracts in soybean futures is consistently higher than comparable ratios for other commodities.

(b) The level of open contracts in the January 1951–June 1953 period of approximately 46,100,000 bushels is not significantly higher than the average of 40,500,000 bushels in the representative period, October 1943 through December 1950, to warrant an increase in the position limit. However, the same limit for positions as for daily trading would avoid confusion and difficulties in enforcement.

(c) Trading in soybeans for future delivery on or subject to the rules of a contract market by a person who holds or controls a speculative net position of more than 2,000,000 bushels, long or short, in any one future or in all futures combined in soybeans, on or subject to the rules of such contract market, tends to cause sudden or unreasonable fluctuations or changes in the price of soybeans not warranted by changes in the conditions of supply or demand.

(d) Speculative buying or selling by a person during one business day of more than 2,000,000 bushels in any one future or in all futures combined in soybeans, on or subject to the rules of a contract market, tends to cause sudden or unreasonable fluctuations or changes in the price of soybeans not warranted by changes in the conditions of supply or demand.

*Conclusions.* Upon the foregoing facts, it is concluded that in order to prevent excessive speculation in soybean futures which will cause sudden, unreasonable, or unwarranted fluctuations or changes in price resulting in an undue and unnecessary burden on interstate commerce in soybeans, it is necessary to maintain limits on the amount of speculative trading under contracts of sale of soybeans for future delivery on or subject to the rules of contract markets which may be done by any person; that an increase in the limit on daily trading in soybean futures is warranted; that there should be a similar increase in the limit on position; that 2,000,000 bushels is a reasonable limit on the net long or net short speculative position which any person may hold or control and upon the daily speculative purchases or sales which any person may make, in any one future or in all futures combined in soybeans, on or subject to the rules of any contract market.

*Order.* Section 150.4 (a) and (b) of the order of the Commodity Exchange Commission, promulgated August 13, 1951 (17 CFR, 1952 Supp. 150.4 (a), (b)), is hereby amended by deleting the figure "1,000,000" appearing in each paragraph of such section and substituting in lieu thereof the figure "2,000,000."

(Sec. 4a, as added by sec. 5, 49 Stat. 1492; 7 U. S. C. 6a)

This amendment increases the limit on the maximum net long or net short position which any person may hold or control in soybeans on or subject to the rules of any one contract market from 1,000,000 bushels in any one future or in all futures combined to 2,000,000 bushels in any one future or in all futures combined, and raises the limit on the maximum quantity of soybeans which any person may buy and on the maximum quantity which such person may sell, on or subject to the rules of any one contract market during any one business day, from 1,000,000 bushels in any one future or in all futures combined to 2,000,000 bushels in any one future or in all futures combined. Since the amendment will operate to relieve or liberalize an existing restriction and will not adversely affect the public, it is hereby found upon good cause, in accordance with section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)), that the amendment should be made effective within less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective November 16, 1953.

Issued this 10th day of November 1953.

COMMODITY EXCHANGE COMMISSION,
[SEAL] EZRA TAFT BENSON,
*Secretary of Agriculture, Chairman.*
SINCLAIR WEEKS,
*Secretary of Commerce.*
HERBERT BROWNELL, JR.,
*Attorney General.*

[F. R. Doc. 53-9638; Filed, Nov. 13, 1953; 8:55 a. m.]

## Chapter II—Securities and Exchange Commission

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND INVESTMENT COMPANY ACT OF 1940

TREATMENT OF COMPENSATION IN THE FORM OF STOCK OPTIONS GRANTED BY CORPORATIONS TO THEIR OFFICERS AND EMPLOYEES

On February 25, 1953, the Commission announced, in Securities Exchange Act of 1934 Release No. 4893-X, that it had under consideration the adoption of a proposed rule concerning treatment of compensation in the form of stock options granted by corporations to their officers and employees. All interested persons were invited to submit views and comments on the proposal.

The rule was proposed because of the apparent lack of unanimity of opinion among corporate and public accountants as to the appropriate manner in which the amounts, if any, to be charged against income representing compensation to recipients of stock options should be determined. The principal point of disagreement was the time at which the determination should be made. Persuasive arguments were advanced for each of three dates, i. e., when the options were (1) granted, (2) exercisable, or (3) exercised.

The Commission considered the comments and suggestions received and concluded that the propriety of using any one of these dates in all cases had not been established, and that determination of, and accounting for, cost to the grantor based upon the excess of fair value of the optioned shares over the option price at any one of the three dates advocated might, in some cases, result in the presentation of misleading profit and loss or income statements.

In these circumstances the Commission deemed it inappropriate to prescribe a procedure for determining the amount of cost, if any, of these stock options to be reflected in profit and loss or income statements filed with the Commission. However, in order that investors may be apprised of the monetary significance of the concessions made by registrants to officers and employees through the granting of stock options, the Commission announced, on August 25, 1953, in Securities Exchange Act Release No. 4926-X, a proposal to adopt a rule to be added to Regulation S-X (Part 210), and to be designated § 210.3-20 (d) (Rule 3-20 (d)), which will require full and complete disclosure of all stock option arrangements in financial statements filed with the Commission.

Only a small number of comments were received with respect to this latter proposal, and the Commission has determined that the rule should be adopted with certain minor modifications in wording. The principal change in the rule as adopted is the addition to § 210.3-20 (d) (2) of the sentence "The required information may be summarized as appropriate with respect to each of these categories."

The text of the Commission's action follows:

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19 (a) thereof, the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof, the Public Utility Holding Company Act of 1935, particularly section 20 thereof, and Investment Company Act of 1940, particularly sections 8, 30, 31 (c) and 38 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said acts, hereby adopts the following rule to be added to Article 3 of Regulation S-X:

(d) *Capital stock optioned to officers and employees.* (1) A brief description of the terms of each option arrangement shall be given, including (i) the title and amount of securities subject to option; (ii) the year or years during which the options were granted; and (iii) the year or years during which the optionees became, or will become, entitled to exercise the options.

(2) State (i) the number of shares under option at the balance sheet date, and the option price and the fair value thereof, per share and in total, at the dates the options were granted; (ii) the number of shares with respect to which options became exercisable during the period, and the option price and the fair value thereof, per share and in total, at the dates the options became exercisable; and (iii) the number of shares with respect to which options were exercised during the period, and the option price and the fair value thereof, per share and in total, at the dates the options were exercised. The required information may be summarized as appropriate with respect to each of these categories.

(3) State the basis of accounting for such option arrangements and the amount of charges, if any, reflected in income with respect thereto.

The foregoing action shall be effective with respect to financial statements for any fiscal year ending on or after December 31, 1953, filed as a part of any registration statement, application for registration, or report.

(Secs. 19, 23, 48 Stat. 85, 901 as amended, sec. 38, 54 Stat. 841; 15 U. S. C. 77s, 78w, 80a-37. Interpret or apply secs. 6, 7, 8, 10, 12, 13, 15, 48 Stat. 78, 79, 81, 892, 894, 895, as amended, sec. 20, 49 Stat. 833; secs. 8, 30, 31, 54 Stat. 803, 836, 838, 15 U. S. C. 77f, 77g, 77h, 77j, 78l, 78m, 78o, 79t, 80a-8, 80a-29, 80a-30)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

NOVEMBER 3, 1953.

[F. R. Doc. 53-9597; Filed, Nov. 13, 1953; 8:47 a. m.]



# TITLE 20—EMPLOYEES' BENEFITS

## Chapter V—Bureau of Employment Security, Department of Labor

PART 604—POLICIES OF THE UNITED STATES EMPLOYMENT SERVICE

SERVICE TO MINORITY GROUPS

Pursuant to the authority vested in me by section 12, 48 Stat. 117, as amended, 29 U. S. C. 49k, Reorganization Plan No. 2 of 1949 and by delegation from the Secretary of Labor, this part is amended in the manner set forth below:

1. Section 604.8 is amended to read as follows:

§ 604.8 *Service to minority groups.* It is the policy of the United States Employment Service:

(a) To promote employment opportunity for all applicants on the basis of their skills, abilities and job qualifications.

(b) To make definite continuous effort with employers with whom relationships are established, to the end that their hiring specifications be based exclusively on job performance factors.

(c) To assist the United States Civil Service Commission in effectuating Executive Order 9980 by disregarding nonperformance factors of race, color, religion, or national origin in the recruitment, selection, and referral of workers on job orders from Federal establishments.

(d) To cooperate with procurement agencies and other appropriate agencies

of the Government in their efforts to secure compliance with nondiscrimination clauses in Government contracts.

(Sec. 12, 48 Stat. 117; 29 U. S. C. 40k)

Signed at Washington, D. C., this 5th day of November 1953.

ROBERT C. GOODWIN,
*Director of the Bureau of Employment Security.*

[F. R. Doc. 53-9595; Filed, Nov. 13, 1953; 8:47 a. m.]

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

LABEL DECLARATION OF SALT IN FROZEN VEGETABLES

Pursuant to section 3 of the Administrative Procedure Act (60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of policy is issued:

§ 3.31 *Label declaration of salt in frozen vegetables.* (a) In a number of diseases or disease conditions it is important to restrict the intake of sodium. Sodium occurs in all natural foods, but added salt makes the most important contribution to the total sodium intake in the diet. Most fresh vegetables are of low sodium content and consumers generally regard frozen vegetables as being free of added salt and suitable for use in low-sodium diets. While salt may not be added directly as a seasoning ingredient during the processing of frozen vegetables, the use of salt brine in quality separation of such vegetables as peas and lima beans preparatory to freezing may contribute substantial amounts of salt to the finished article. The failure of the labels of frozen vegetables to declare the presence of salt has been the basis of complaints to the Food and Drug Administration.

(b) Section 403 (i) (2) of the Federal Food, Drug, and Cosmetic Act requires the label of a fabricated food to bear the common or usual name of each ingredient present. The Department of Health, Education, and Welfare regards any frozen vegetable containing salt, added directly or indirectly, as misbranded in violation of section 403 (i) (2) of the Federal Food, Drug, and Cosmetic Act unless its label names salt as an ingredient.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 403, 52 Stat. 1048; 21 U. S. C. 343)

Dated: November 9, 1953.

[SEAL] OVETA CULP HOBBY,
*Secretary.*

[F. R. Doc. 53-9603; Filed, Nov. 13, 1953; 8:48 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

Subchapter B—Economic Regulations

[Reg. No. ER-190]

PART 233—TRANSPORTATION OF MAIL; FREE TRAVEL FOR POSTAL EMPLOYEES

POSTAL EMPLOYEES TO BE CARRIED FREE; REQUESTS TO BE FILED

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 10th day of November 1953.

The Post Office Department has requested the Board to amend Part 233 of the Economic Regulations, which governs free travel for postal employees pursuant to section 405 (m) of the Civil Aeronautics Act. At the present time, § 233.1 specifies certain officials by title who are authorized to receive free transportation by air traveling on official business relating to transportation of mail by air. Section 233.3 requires copies of transportation requests issued to air carriers by postal travelers to be forwarded to the Secretary of the Board and to the Deputy Second Assistant Postmaster General.

The basis upon which the Postmaster General has urged the Board to amend the foregoing sections is that the titles as now set forth do not correspond with the titles presently in use in the Department. While certain of the duties of the officials heretofore authorized by the Board to receive free transportation by air have been eliminated as a result of the reorganization of the Post Office Department, and while certain of the officials named in the Post Office request will perform additional duties, the net effect of the reorganization is to decrease the list of persons specifically authorized to receive free transportation from 54 to 51.

On the basis of the information furnished the Board by the Postmaster General, the Board finds that this amendment is primarily a formal one not imposing further substantive burdens on the air carriers concerned, and accordingly, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 233 of the Economic Regulations (14 CFR Part 233), effective December 15, 1953.

1. By amending § 233.1 to read as follows:

§ 233.1 *Postal employees to be carried free.* Every air carrier carrying the mails shall carry, on any plane that it operates and without charge therefor, the persons in charge of the mails when on duty, and the following officers, agents, and inspectors of the Post Office Department, when such persons are traveling on official business relating to the transportation of mail by aircraft and are duly accredited as provided in this section:

(a) The Postmaster General.

(b) The Deputy Postmaster General, the Assistant Postmaster General—Transportation; the Assistant Postmaster General—Operations; the Assistant Postmaster General—Facilities; the Assistant Postmaster General—Finance; and the Assistant Postmaster General—Personnel.

(c) The Executive Assistant to the Postmaster General; the Special Assistant to the Postmaster General; the Confidential Assistant to the Postmaster General; the Technical Assistant to the Assistant Postmaster General—Transportation; and the Confidential Assistant to the Assistant Postmaster General—Transportation.

(d) The Chief Post Office Inspector, the Assistant Chief Post Office Inspector, the Solicitor, and the Associate Solicitors, of the Post Office Department.

(e) The following officers and agents of the Bureau of Transportation, viz: the Executive Director; the Director, Budget and Accounts; the Director, and the Assistant Director, Division of Air Service; the Administrative Officers, Division of Air Service; the Director, and Assistant Director, Division of International Service; the Director, Division of Employee Relations; the Regional Directors, Air Service; the General Superintendents, Postal Transportation Service; the District Superintendent, and the Assistant District Superintendent, 13th Division (Alaska), Postal Transportation Service.

(f) The Executive Director, and the Assistant Executive Director, Bureau of Post Office Operations; the Director, Division of Real Estate, Bureau of Facilities.

(g) Any Inspector of the Post Office Department.

(h) Any additional agent or officer of the Post Office Department designated by the Postmaster General.

2. By amending § 233.3 to read as follows:

§ 233.3 *Requests to be filed.* Each air carrier on or before the 20th day of each month shall forward one copy of every Request for Free Transportation by Air accepted by it during the preceding calendar month, to the Secretary, Civil Aeronautics Board, Washington 25, D. C., and one copy to the Director, Division of Air Service, Post Office Department, Washington, D. C.[1]

(Sec 205, 54 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 405, 52 Stat. 994; 49 U. S. C. 485)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 53-9636; Filed, Nov. 13, 1953; 8:54 a. m.]

[1] The third copy shall be preserved by the air carrier in its records in compliance with the requirements of this subchapter. See § 249.4 of this subchapter, item 48-B.



## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 47]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Procedure turn is mandatory on the specified course unless "no PT" is indicated. Where a minimum altitude over facility is specified for procedure turn, it applies only to the course and direction specified. Aircraft executing instrument approach procedure, unless an approach is conducted in accordance with the following instrument approach procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name; type of facility; name and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (additional and inbound; distances; limiting distances) | Minimum altitude over facility on final approach course (ft.) | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| DOUGLAS, ARIZ. Bisbee-Douglas International Airport DAILEZ NDB (LF) Procedure No. 1 Nov. 1, 1953 | PROCEDURE CANCELED Effective Nov. 12, 1953 | | | | | | | |
| HILO, HAWAII General Lyman Airport, 30° SBRAZ ITO Procedure No. 1 Nov. 1, 1953 | MEA, all directions | 082-16 | 1,000 | N side E course: 079 outbound. 259 inbound. 1,500' within 25 miles. S side of SW course: 235 outbound. 055 inbound. | 1,000 | 400-1 400-1½ 600-1½ 600-2 600-2½ 800-2 | 400-1# 400-2 600-1½ 600-2 800-2 | 400-1# 400-2 600-1½ 600-2 800-2 |
| HONOLULU, HAWAII Honolulu International Airport SBRAZ ITO Procedure No. 1 Nov. 1, 1953 | MEA, all directions | 082-16 | 1,000 | 2,000' within 25 miles. | 1,000 | 600-1 700-2 1,000-1 1,000-3 1,000-2 1,000-3 | 600-1 700-2 1,000-1 1,000-3 1,000-2 1,000-3 | 600-1 700-2 1,000-1 1,000-3 1,000-2 1,000-3 |
| LIHUE, KAUAI, HAWAII Lihue, ITF SBRAZ-ITF Procedure No. 1 Dec. 1, 1953 | Barbers Point FM (Final) | 052 | 500 | | | #1-1 700-2 1,000-1 1,000-3 1,000-2 1,000-3 | #1-1 700-2 1,000-1 1,000-3 1,000-2 1,000-3 | #1-1 700-2 1,000-1 1,000-3 1,000-2 1,000-3 |
| | MEA, all directions | 082-16 | 1,000 | S side* of SE course: 142 outbound. 322 inbound. 3,000' within 25 miles. | 1,000 | T-dn C-dn A-dn | T-dn C-dn A-dn | T-dn C-dn A-dn |
| NEW YORK, N. Y. LaGuardia Field, 20° SBRAZ-DTFXV LGA Procedure No. 1 Oct. 22, 1953 | Port Washington FM (Final) | 222-16 | 1,000 | N side NE course: 042 outbound. 222 inbound. 1,000' within 15 miles. 2000' within 25 miles. | 1,000 | 300-1 600-1 600-1½ 800-2 | 300-1 600-1 600-1½ 800-2 | 300-1 600-1 600-1½ 800-2 |

Within 1.0 mile, climb to 3,000' on N course (342°) with 23 mile DME fix.
#Westerly take-offs 800-2 day or night.

Within 2.6 miles, climb to 2,000' on S course (169°) and proceed to Southerly Intersection.
*Take-offs to NW (32°) will be restricted to 700-2, with left hand turn recommended; sliding scale will not apply.

Within 6.0 miles, climb to 6,000' on S course (169°) within 25 miles.
*Contact must be established at shoreline 6 miles from Range Station with 1,000-1 day or 1,000-3 night and flight to Lihue Airport made under visual flight conditions only. Climb in visual contact to 6,000' initially in westerly direction, 15 miles from Port Allen LFR.
*High terrain to N.
#Take-off on runway 21 will be restricted to 600-2; sliding scale will not apply.

Within 3.2 miles, climb to 1,500' on S W course for to a higher altitude when directed by ATC.
*Reserve altitude when directed by ATC. Note: RBA doesn't go part of the way. Now RBS; doesn't go part of the way.
Localizer authorized in landing minimums, procedure turn altitude and missed approach altitude. Standard clearance not provided over 322° tank 1.4 miles NW of final approach course, 383° bridge tower 1.4 and 1.7 miles NE of final approach course, 142° tank 1.7 miles SE of final approach course, 322° tank 1.7 miles NW of final approach course, 360° broadcast tower 10 miles NW of range NTN and Empire St. Bldg. 3.8 miles NW of missed approach course.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | Type aircraft | | |
| | | | | | | | | 75 m. p. h. or less | More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| NEW YORK, N. Y.<br>LaGuardia Field 20'<br>SBRAZ-DT XV;<br>LGA<br>Procedure No. 2<br>Oct. 22, 1953 | Flatbush RBN (Final) | 042—16 | 1,200 | S side SW course.<br>222 outbound.<br>042 inbound.<br>1,500' within 25 miles. | 1,200* (over LGA LOM) | 042—4.5 (from LGA LOM) | T-DN<br>C-DN<br>S-DN<br>4<br>A-DN | 300-1<br>600-1<br>600-1<br><br>800-2 | 300-1<br>600-1½<br>600-1<br><br>800-2 | Within 4.5 miles of LGA LOM, climb to 1,500' on NE course (or to a higher altitude when directed by ATC).<br>*Descent to landing minimums authorized after passing LGA LOM.<br>Deviation authorized; standard obstruction clearance not provided over tank 422' MSL 1.9 miles N of airport, 968' bldg. 4 miles W of LGA LOM and 578' bldg. 3 miles SW of LOM. |
| PUUNENE, HAWAII<br>Maui Airport, 137'<br>SBRAZ MAU<br>Procedure No. 1<br>Nov. 1, 1953 | MEA, all directions | | | E side of S course: 164 outbound.<br>344 inbound.<br>4,000' within 25 miles. | 2,500 | *344—12.3 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 500-1<br>600-2<br>1,000-2<br>1,000-3<br>1,500-2<br>1,500-3 | 500-1<br>600-2<br>1,000-2<br>1,000-3<br>1,500-2<br>1,500-3 | Within 6 miles, climb to 8,000' on N course (344°) within 25 miles.<br>*Contact must be established at shoreline 6 miles from range station at 1,000'. Flight to airport under visual contact conditions.<br>CAUTION: Rapidly rising terrain NE of range station. 1,000' at 2 miles, 3,000' at 3 miles, 10,025' at 10 miles. |

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | Type aircraft | | |
| | | | | | | | | 75 m. p. h. or less | More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| CANTON ISLAND, PHOENIX ISLANDS<br>Topham Field 9'<br>HW CIS<br>Procedure No. 1<br>Nov. 1, 1953 | All directions | | 2,000 | E side of course:<br>185 outbound.<br>005 inbound.<br>1,000' within 25 miles. | 600 | 005—2.6 | T-dn<br>C-dn<br>A-dn | 500-1½<br>500-1½<br>800-2 | 500-1½<br>500-1½<br>800-2 | Within 2.6 miles, climb to 2,000' on course of 005° within 25 miles. |



ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| No. 223—9 | City and state; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | Condition | Type aircraft | | |
| | | | | | | | | | 75 m. p. h. or less | More than 75 m. p. h. | |
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | SPOKANE, WASH.<br>Geiger Field 2,372'<br>LOM-GE<br>Procedure No. 1<br>Oct. 16, 1953 | Rockford FM to GEG LFR | 254-15 | 4,700 | S side of course:<br>203° outbound.<br>023° inbound.<br>4,000' within 15 miles of LOM, 20 and 25 miles NA. | 3,560 | 023—4.4 | T-DN<br>C-D<br>C-N<br>S-DN2<br>A-DN | 300-1<br>500-1<br>600-1<br>500-1<br>800-2 | 300-1<br>500-1½<br>600-1½<br>500-1<br>800-2 | Within 4.4 miles, execute climbing left turn, so as to intercept and climb to 4,500' on the 360° outbound course from LOM within 15 miles, all turns on W side.<br>Alternate missed approach—when directed by ATC, execute climbing left turn to intercept and climb on 360° outbound course from LOM, within 15 miles, all turns on W side; or execute climbing left turn, climb to 4,000' proceeding direct to the LOM and hold on the E side of the 203° outbound-023° inbound course at 4,000' within 15 miles of LOM. |
| | | Pine City FM-H to GEG LFR. | 360-24 | 4,700 | | | | | | | |
| | | Harrington FM to INT, 203° bearing from LOM and 276° bearing from Pine City "H". | 066-18 | 4,000 | | | | | | | |
| | | INT, 203° bearing from LOM and 276° bearing from Pine City "H" (final). | 023-21 | 4,000 | | | | | | | |
| | | Pine City "H" to INT, 203° bearing from LOM and 336° bearing from Pine City "H". | 330-19 | 4,100 | | | | | | | |
| | | Pine City FM/H | 343-22 | 4,100 | | | | | | | |
| | | GEG VOR | 045-0.6 | 4,000 | | | | | | | |
| | | GEG LFR | 244-8 | 4,000 | | | | | | | |
| | WAKE ISLAND<br>Wake Airport 10'<br>HHW AWK<br>Procedure No. 1<br>Nov. 1, 1953 | All directions | | 1,500 | N side of course:<br>95 outbound.<br>275 inbound.<br>1,000' within 25 miles. | 830 | *190—1.6 | T-d<br>T-n<br>C-d<br>C-n<br>A-dn | 500-1½<br>600-2<br>500-1½<br>600-2<br>800-2 | 500-1½<br>600-2<br>500-1½<br>600-2<br>800-2 | Within 2.5 miles, climb to 1,500' on course of 275° within 25 miles.<br>*Contact must be established at reef (shoreline) 2¼ miles from station on course of 275° magnetic and flight to airport under visual contact conditions. |
| | WAKE ISLAND<br>Wake Airport 10'<br>MHW AXX<br>Procedure No. 2<br>Nov. 1, 1953 | All directions | | 1,500 | S side of course:<br>275 outbound.<br>95 inbound.<br>1,000' within 25 miles. | 500 | 095—0.6 | T-d<br>T-n<br>C-d<br>C-n<br>A-dn | 500-1½<br>600-2<br>500-1<br>600-2<br>800-2 | 500-1½<br>600-2<br>500-1½<br>600-2<br>800-2 | Within 0.6 miles, climb to 1,500' on course of 095° within 25 miles. |

**3.** The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Transition to ILS: From— | Transition to ILS: To— | Transition to ILS: Course and distance | Transition to ILS: Minimum altitudes (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude at glide slope intercept. inbound (ft.) | Altitude of glide slope and distance to approach end of runway at—: Outer marker | Altitude of glide slope and distance to approach end of runway at—: Middle marker | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized Landing minimums or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| SALEM, OREG.<br>McNary Field (Municipal), 207'<br>ILS SLE<br>LOM SL<br>Procedure No. 1<br>Combination ILS and ADF<br>Oct. 25, 1953 | Int. 182° outbound course from UBG VOR and 272° outbound course from SLE LOM | LOM | 092—15 | 3,000 | S side of SE course:<br>129° outbound.<br>309° inbound.<br>2,200 feet within 5 miles.<br>2,500 feet within 10 miles.<br>15, 20, and 25 miles NA.<br>Procedure turn to east NA due to high terrain. | 2,200<br>ADF 1,700 over LOM | 1,520—4.6 | 470—0.8 | T-dn<br>C-dn | 300-1<br>800-1 | 300-1<br>800-1½ | Within 4.6 miles after passing LOM (ADF), execute climbing right turn, climb to 2,500' on SE course of ILS within 10 miles of LOM, all turns on S side.<br>CAUTION: approach lights not installed. 688' MSL terrain located 3½ miles south of airport. |
| | | | | | | | | | S-dn RWY 31 ILS ADF | 400- ¾<br>800-1 | 400- ¾<br>800-1½ | |
| | | | | | | | | | A-dn ILS | 800-2 | 800-2 | |
| | | | | | | | | | A-dn ADF | 1000-2 BOOB | 1000-2 BOOB | |

**4.** The very high frequency omnirange procedures prescribed in § 609.15 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| HILO, HAWAII<br>General Lyman Airport, 30'.<br>BVOR ITO<br>Procedure No. 1.<br>Nov. 1, 1953. | MEA, all directions | | | N side of course:<br>180 outbound.<br>360 inbound.<br>2,000' within 25 miles. | 600 | 260–2.1 | T-d<br>T-n<br>C-d<br>C-n<br>A-dn | 400-1<br>600-1½<br>500-1<br>600-1½<br>800-2 | *400-1<br>*600-2<br>500-1½<br>600-2<br>800-2 | Within 2.1 miles, climb to 3,000' on course 355° within 25 miles.<br>*Westerly take-offs 800-2 day or night. |
| HONOLULU, HAWAII<br>Honolulu International Airport, 30'<br>BVOR HNL<br>Procedure No. 1<br>Nov. 1, 1953 | Int. hrg. 127° to Lanai VOR and hrg. 230° to HNL VOR (Kaneohe Int.) | 230—29 | 6,000 | S side of course<br>235 outbound.<br>055 inbound<br>2,000' within 25 miles. | 1,000 | 078–5.6 | *T-d<br>*T-n<br>C-d<br>C-n<br>A-dn | 500-1<br>600-2<br>500-1<br>600-2<br>800-2 | 500-1<br>600-2<br>500-1½<br>600-2<br>800-2 | Within 5.6 miles, climb to 2,000' on course 158° and proceed to Southgate Int. (Int. SE course Port Allen LFR and bearing 348° to HNL VOR).<br>*All take-offs to NW (32) will be restricted to 700-2, with left hand turn recommended; sliding scale will not apply. |
| | Int. SE crs. Port Allen LFR and hrg. 348° to HNL VOR (Southgate Int.) | 348—18 | 5,000 | | | | | | | |
| | Int. SE crs. Port Allen LFR and hrg. 055° to HNL VOR (Makai Int.) | 055—17 | 2,000 | | | | | | | |
| | Barbers Point FM (FINAL) | 055—5 | 1,000 | | | | | | | |



VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| KAHULUI, MAUI, HAWAII<br>Kahului Airport, 59'<br>BVOR MAU<br>Procedure No. 1<br>Dec. 1, 1953 | Rainbow Int. (final)<br>MEA, all other directions. | 360–12 | 3,000 | *W side of course:<br>180 outbound.<br>360 inbound.<br>4,000' within 10 miles.<br>Beyond 10 miles NA account danger area to south. | 3,000 | 354–7.9 | T-d<br>T-n<br>C-d<br>C-n<br>A-dn | 500-1<br>600-2<br>700-1½<br>700-2<br>800-2 | 500-1<br>600-2<br>700-1½<br>700-2<br>800-2 | Within 7.9 miles, climb to 3,000' on course 354° within 20 miles of VOR facility, reverse course, continue climb to 5,000', proceed to Pineapple Int. via course 225° from Maui VOR. Hold 2 minutes west of Pineapple Int. on course 105° from Lanai VOR. Make turns to north account danger area to south.<br>*High terrain to east. |
| LANAI CITY, HAWAII<br>Lanai Airport, 1,315'<br>BVOR LNY<br>Procedure No. 1<br>Dec. 1, 1953 | MEA, all directions | | | *N side of course:<br>270 outbound.<br>090 inbound.<br>3,000' within 25 miles. | #2,500 | 305–1.5 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 800-2<br>NA<br>1,200-2<br>NA<br>1,200-2<br>NA | 800-2<br>NA<br>1,200-2<br>NA<br>1,200-2<br>NA | #Contact 1.5 miles before reaching VOR station, climb to 5,000' on course 100° within 15 miles, or when directed by ATC, make right turn and climb to 5,000' on course 287° within 25 miles.<br>*Warning area 5 miles S of course.<br>CAUTION: High terrain 5 miles NE of airport. |
| LIHUE, KAUAI, HAWAII<br>Lihue 148'<br>BVOR LIH<br>Procedure No. 1<br>Dec. 1, 1953. | MEA, all directions | | | E side of course:<br>025 outbound.<br>205 inbound.<br>2000' within 15 miles. Beyond 15 miles NA account warning area to NE. | #740 | 320–0.6 | #T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 500-1<br>700-2<br>600-1½<br>800-3<br>1,000-2<br>1,000-3 | 500-1<br>700-2<br>600-1½<br>800-3<br>1,000-2<br>1,000-3 | #Contact 3 miles before reaching VOR station, make left turn, climb to 3000' on course 025° within 15 miles reverse course climbing to 5000' over VOR station.<br>High terrain to W.<br>#Take-offs on runway 21 restricted to 600-2; sliding scale will not apply. |
| SPOKANE, WASH.<br>Geiger Field, 2,372'.<br>BVOR GEG.<br>Procedure No. 1.<br>Oct. 16, 1953. | Rockford FM | 252–24 | 4,700 | S side of course:<br>206° outbound.<br>026° inbound.<br>4,000' within 15 miles of GEG VOR 20 and 25 miles NA. | 3,700 | 026°–5.1 | T-dn<br>C-d<br>C-n<br>S-dn 2<br>A-dn | 300-1<br>500-1<br>600-1<br>500-1<br>800-2 | 300-1<br>500-1½<br>600-1½<br>500-1<br>800-2 | Within 5.1 miles, execute climbing left turn to intercept and climb to 4,500' on the 206° outbound course from GEG VOR, within 25 miles—All turns on W side<br>Alternate missed approach—when directed by ATC, execute climbing left turn to intercept and climb to 4,500' on the 206° outbound course from GEG VOR, within 25 miles, all turns on W side; or execute climbing left turn, climb to 4,000', proceed direct to the GEG VOR and hold on the E side of the 206° outbound—026° inbound course at 4,000' within 15 miles of GEG VOR. |
| | GEG LFR | 245–8 | 4,000 | | | | | | | |
| | GEG LOM | 225–0.6 | 4,000 | | | | | | | |
| | Pine City FMH | 339–22 | 4,100 | | | | | | | |
| | Harrington FM to Int. 206° course from GEG VOR and 279° course from Pine City "H". | 069–18 | 4,000 | | | | | | | |
| | Pine City "H" to Int. 206° course from GEG VOR and 325° course from Pine City "H". | 323–18 | 4,100 | | | | | | | |
| | Int. of 206° course from GEG VOR and 279° course from Pine City "H" to GEG VOR (Final). | 026–20 | 4,000 | | | | | | | |
| UPOLU POINT, HAWAII<br>Upolu Point Airport 66'<br>BVOR UPP<br>Procedure No. 1<br>Dec. 1, 1953 | MEA, all directions | | | N.* side of course:<br>250 outbound.<br>070 inbound.<br>3,000' within 25 miles. | 1,400 | 360–1.5 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 500-1½<br>600-3<br>1,200-1½<br>1,200-3<br>1,200-2<br>1,200-3 | 500-1½<br>600-3<br>1,200-1½<br>1,200-3<br>1,200-2<br>1,200-3 | Within 1.5 miles, climb to 4,000' on course 291° within 25 miles.<br>*High terrain to SE. |

6. The very high frequency omnirange procedures prescribed in § 609.15 (b) are amended to read in part:

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall correspond with those established for air route operation in the particular area or as set forth below.

| City and State; airport name, description, facility, class and identification; Procedure No. (TVOR); effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of course required; maximum distance from facility; course to be flown; minimum altitude over facility on final approach course (ft.) | Ceiling and visibility minimums | | If visual contact not established at TVOR, or if landing not accomplished |
|---|---|---|---|---|---|---|---|
| | | | | | Condition | Type aircraft: More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 11 |
| SALISBURY, MD.<br>Wicomico County Airport<br>52°<br>BVOR SBY<br>TVOR #1<br>Nov. 19, 1953 | E side course:<br>218 outbound.<br>038 inbound.<br>1,640' within 10 miles. | | | | 600<br>044—0.25 | T—1in<br>C—1in<br>S—1¼<br>A—1¼in | 300—1<br>540—2<br>740—1<br>800—2 | Within 0.0 mile, climb to 1,500' on course of 038° within 10 miles of Salisbury VOR.<br>NOTE: Lights available on Runways 13-31 only. |
| SALISBURY, MD.<br>Wicomico County Airport<br>52°<br>BVOR SBY<br>TVOR #13<br>Nov. 19, 1953 | W side course:<br>128 outbound.<br>308 inbound.<br>1,500' within 10 miles. | | | | 500<br>134—0.5 | T—1in<br>C—1in<br>S—1¼ 13<br>A—1in | 300—1<br>700—1<br>700—1<br>800—2 | Within 0.0 mile, climb to 1,540' on course of 146° within 10 miles of Salisbury VOR.<br>NOTE: Lights available on runways 13-31 only. |
| SALISBURY, MD.<br>Wicomico County Airport<br>52°<br>BVOR SBY<br>TVOR #22<br>Nov. 19, 1953 | W side course:<br>056 outbound.<br>236 inbound.<br>1,500 within 10 miles. | | | | 600<br>224—0.25 | T—1in<br>C—1in<br>S—1¼ 22<br>A—1in | 300—1<br>540—2<br>740—1<br>800—2 | Within 0.0 mile, climb to 1,540' on course of 230° within 10 miles of Salisbury VOR.<br>NOTE: Lights available on runways 13-31 only. |
| SALISBURY, MD.<br>Wicomico County Airport<br>52°<br>BVOR SBY<br>TVOR #31<br>Nov. 19, 1953 | N side course:<br>124 outbound.<br>304 inbound.<br>1,500 within 10 miles. | | | | 600<br>314—0.5 | T—1in<br>C—1in<br>S—1¼ 13<br>A—1in | 300—1<br>540—2<br>740—1<br>800—2 | Within 0.0 mile, climb to 1,500' on course of 304° within 10 miles of Salisbury VOR.<br>NOTE: Lights available on runways 13-31 only. |

These procedures shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9481; Filed, Nov. 13, 1953; 8:45 a. m.]



# TITLE 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

### Subchapter C—Miscellaneous Excise Taxes

[Regs. 46; T. D. 6029]

PART 316—EXCISE TAXES ON SALES BY THE MANUFACTURER

MISCELLANEOUS AMENDMENTS

*Correction*

In Federal Register Document 53-6232, appearing at page 4113 of the issue for Wednesday, July 15, 1953, paragraphs (m) through (p), as added to § 316.204 in paragraph 35, should have been designated paragraphs (n) through (q) respectively. In redesignated paragraph (o) reference to paragraph (o) should read "paragraph (p)"; in redesignated paragraph (p) reference to paragraph (n) should read "paragraph (o)".

# TITLE 32—NATIONAL DEFENSE

## Chapter XIV—The Renegotiation Board

### Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

CONTRACTS AND SUBCONTRACTS FOR CERTAIN AGRICULTURAL COMMODITIES AND RAW MATERIALS

Section 1453.2, paragraph (d) *Profits from increment in value of excess inventory*, subparagraph (3) *Definitions* is amended by deleting the second sentence of subdivision (ii).

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: November 10, 1953.

NATHAN BASS,
*Secretary.*

[F. R. Doc. 53-9634; Filed, Nov. 13, 1953; 8:54 a. m.]

PART 1457—FISCAL YEAR BASIS FOR RENEGOTIATION AND EXCEPTIONS

PART 1499—STATUTES, ORDERS AND DELEGATIONS

FISCAL YEAR OF PARTNERSHIPS; PARTNERSHIP RETURNS

1. Section 1457.7 is amended by deleting paragraphs (b) and (c) in their entirety and inserting in lieu thereof the following:

(b) *Application of statutory provision.* The fiscal year of a partnership is the taxable year thereof under chapter 1 of the Internal Revenue Code. If the composition of the partnership changes before the completion of a full fiscal year by reason of the death, withdrawal, substitution, or addition of a partner, or a shift of interests among the partners, but the partnership business, or a substantial portion thereof, is continued, the fiscal year of the partnership shall continue to be the taxable year previously established by the partnership, unless the Board determines otherwise. If on or before December 31, 1953, a partnership so continuing has filed a Standard Form of Contractor's Report for a fiscal year shorter than the fiscal year prescribed by this section, and final action with respect to such fiscal year has not been taken by the Board, such shorter fiscal year shall be considered to be the fiscal year of the partnership unless the contractor, within a reasonable time, or the Board, gives notice by registered mail that it desires that the contractor be renegotiated for such full fiscal year. Such notice by the contractor shall contain a statement that in determining the time limited under section 105 (c) of the act for commencement of renegotiation, such notice shall be considered the filing required by section 105 (c) of the act for such full fiscal year, unless renegotiation has already been commenced with respect to such shorter fiscal year. In the latter event, such notice shall contain a statement that the contractor agrees that, in lieu of the period of limitations prescribed in section 105 (c) of the act, renegotiation for such full fiscal year may be completed within two years following the date of the mailing of such notice by the contractor to the Board.

(c) *Comment.* Originally this section, following the rulings of the Internal Revenue Service, provided that, when a partnership before the completion of a full fiscal year had a readjustment of interests by reason of the death, withdrawal, substitution, or addition of a partner, or a shift of interests among the partners, the fiscal year of such partnership terminated on the date such readjustment occurred and a new fiscal year for the partnership commenced if the business continued. By Revenue Ruling 144 (Int. Rev. Bull. 1953–16, 29, dated August 3, 1953), set forth, in part, in § 1499.34 of this subchapter, the Internal Revenue Service declared that such readjustment did not, of itself, effect a termination of the partnership for Federal income tax purposes; and that, when the business of the partnership, or a substantial portion thereof, continued, the returns of such partnership should continue to be filed on the basis of the annual accounting period previously established by the partnership. This section has been amended as set forth in paragraph (b) of this section to conform the practice of the Board with that of the Internal Revenue Service. The ruling is not limited in its retroactive effect, and therefore, with the exceptions indicated, the Board will give it effect in all open cases under the 1951 Act. The former provisions of this section remain effective as to any cases concluded thereunder.

2. Part 1499 is amended by adding § 1499.34 to read as follows:

§ 1499.34 *Internal Revenue Service Rev. Rul. 144.* Section 187; Partnership returns.

Advice is requested respecting the effect on a partnership, for Federal income tax purposes, of the death, withdrawal, substitution, or addition of a partner.

As defined in section 3797 (a) (2) of the Internal Revenue Code, the term "partnership" for tax purposes is broader than the term under common law, the Uniform Partnership Act, or individual State laws. Accordingly, the Federal tax consequences of transactions involving partnerships and interests in partnerships will be determined upon the basis of their substance and in accordance with the Federal tax laws without regard to the technical refinements of State laws. (See Commissioner v. Francis E. Tower, 327 U. S. 280; Ct. D. 1670, C. B. 1946-1, 11, and Heiner v. Mellon, 304 U. S. 271; Ct. D. 1345, C. B. 1938-1, 349.)

Sections 187 and 188 of the Code, which refers to the "taxable year" of the partnership, recognizes a partnership as a unit for the purpose of filing returns. These sections do not contemplate that a partnership may terminate its taxable year and thus change its accounting period by the mere act of admitting or retiring a partner, nor that the Commissioner may force a change of accounting period under such circumstances.

* * * * * *

Accordingly, it is held that a change in the membership of a partnership resulting from the death, withdrawal, substitution, or addition of a partner, or a shift of interests among existing partners does not, in itself, effect a termination of a partnership for Federal income tax purposes. Ordinarily, a partnership will be treated as continuing where the business of the partnership, or a substantial portion thereof, is continued. The returns of a continuing partnership should continue to be filed on the basis of the annual accounting period previously established by the partnership. * * *

(Sec. 109, 65 Stat. 22, 50 U. S. C. App. Sup. 1219)

Dated: November 10, 1953.

NATHAN BASS,
*Secretary.*

[F. R. Doc. 53-9635; Filed, Nov. 13, 1953; 8:54 a. m.]

# TITLE 32A—NATIONAL DEFENSE, APPENDIX

## Chapter I—Office of Defense Mobilization

[Defense Mobilization Order V-1]

DMO V-1—CREATING AN INTERDEPARTMENTAL MATERIALS ADVISORY COMMITTEE

By virtue of the authority vested in me pursuant to Defense Production Act of 1950 as amended; Executive Order No 10480 of August 15, 1953; Public Law 520, 79th Congress; and Reorganization Plan No. 3, effective June 12, 1953; and in order to facilitate the coordination of Federal policies and programs with respect to the supply of materials to meet the requirements for both current defense activities and readiness for any future national emergency, it is hereby ordered:

1. There is established in the Office of Defense Mobilization an Interdepartmental Materials Advisory Committee which shall consist of the Assistant Director for Materials as Chairman and a representative from each of the following departments and agencies:

Department of Agriculture.
Department of Commerce.
Department of Defense.
Department of the Interior.
Department of State.
Foreign Operations Administration.
General Services Administration.

2. The Interdepartmental Materials Advisory Committee shall advise the Assistant Director for Materials on policies, plans, programs, and problems relating to defense materials which come within his jurisdiction, including:

a. The stockpiling of strategic and critical materials.

b. The content, status, rate of progress, and completion dates of defense materials programs.

c. Changes in program emphasis necessary to meet major problems and objectives.

d. New programs that may be required to improve the supply of defense materials.

3. This order supersedes DPA Administrative Order No. 26–2, and shall become effective immediately.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 53–9707; Filed, Nov. 13, 1953; 11:37 a. m.]

## Chapter XXI—Defense Rental Areas Division, Office of Defense Mobilization

[Rent Regulation 1, Amdt. 166 to Schedule A]

[Rent Regulation 2, Amdt. 164 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

MISSOURI

Effective November 13, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that the item of Schedule A indicated below reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 12th day of November 1953.

GLENWOOD J. SHERRARD,
*Director,*
*Defense Rental Areas Division.*

(172) [Revoked and decontrolled.]

These amendments decontrol the following defense-rental area on the initiative of the Director, Defense Rental Areas Division, Office of Defense Mobilization, under section 204 (c) of the act: Fort Leonard Wood (Missouri) Defense-Rental Area.

[F. R. Doc. 53–9665; Filed, Nov. 12, 1953; 3:15 p. m.]

[Rent Regulation 3, Amdt. 156 to Schedule A]

[Rent Regulation 4, Amdt. 100 to Schedule A]

I.R 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

MISSOURI

Effective November 13, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that the item of Schedule A indicated below reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 12th day of November 1953.

GLENWOOD J. SHERRARD,
*Director,*
*Defense Rental Areas Division.*

(172) [Revoked and decontrolled.]

These amendments decontrol the following defense-rental area on the initiative of the Director, Defense Rental Area Division, Office of Defense Mobilization, under section 204 (c) of the act: Fort Leonard Wood (Missouri) Defense-Rental Area.

[F. R. Doc. 53–9664; Filed, Nov. 12, 1953; 3:15 p. m.]

# TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART E—VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952

MISCELLANEOUS AMENDMENTS

*Correction*

In Federal Register Document 53–9397, appearing at page 7008 of the issue for Friday, November 6, 1953, the signature at the end should read "H. V. Stirling, *Deputy Administrator.*"

# TITLE 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 10685]

PART 3—RADIO BROADCAST SERVICES

EXTENSION OF USE OF CERTAIN FREQUENCIES IN TERRITORIES AND POSSESSIONS OF U. S.

In the matter of amendment of § 3.25 of Part 3 of the Commission's rules and regulations (Radio Broadcast Services) to permit more extensive use to be made of certain standard broadcasting frequencies in the territories and possessions of the United States; Docket No. 10685.

1. The Commission has under consideration its notice of proposed rule making issued September 11, 1953 (FCC 53–1162) proposing to amend § 3.25 of its rules to permit more extensive use to be made of certain standard broadcast frequencies in the territories and possessions of the United States.

2. Comments in support of the proposal were filed by William J. Wagner, trading as Alaska Broadcasting Company, licensee of KFQD, Anchorage, KFRB, Fairbanks, KTKN, Ketchikan, KINY, Juneau, KIFW, Sitka, and KIBH, Seward. It was urged that the Commission adopt the instant proposal and to make it effective as soon as possible. No oppositions to the proposal were filed.

3. Authority for the adoption of the amendment herein is contained in sections 4 (i), 303 (a), (b), (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

4. In view of the foregoing: *It is ordered,* That effective 30 days from publication in the FEDERAL REGISTER, § 3.25 (d) of the Commission's rules and regulations is amended to read as follows:

§ 3.25 *Clear channels: Class I and II stations.* * * *

(d) In continental United States, for Class II stations which operate daytime only with power not in excess of 1 kilowatt and which will not deliver over 5 microvolts per meter groundwave at any point on the Mexican border, and in Alaska, Hawaii, Puerto Rico, and the Virgin Islands, for Class II stations which will not deliver over 5 microvolts per meter groundwave or 25 microvolts per meter 10 percent time skywave at any point on the said border: 730, 800, 900, 1050,[6] 1220 [7] and 1570 kilocycles.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended, sec. 307, 48 Stat. 1084; 47 U. S. C. 303, 307)

Adopted: November 5, 1953.

Released: November 9, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53–9604; Filed, Nov. 13, 1953; 8:48 a. m.]

[Docket No. 10688]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606 *Table of assignments,* rules governing television broadcast stations; Docket No. 10688.

1. The Commission has under consideration its notice of proposed rule making issued on September 11, 1953 (FCC 53–1174), and published in the FEDERAL REGISTER on September 17, 1953 (18 F. R. 5572), proposing to assign additional channels in a number of communities.

2. The time for filing comments in the above-entitled proceeding expired October 13, 1953. No comments have been filed opposing any of the proposed assignments with the exception of Channel 70 proposed for Lexington, Kentucky.

3. The University of Kentucky filed a comment requesting that the proposed assignment of Channel 70 to Lexington, Kentucky, be reserved for use by a noncommercial educational television station. The University states that while it will be adequately served for the time being by commercial television operations, "It is conceivable * * * that future needs and conditions may dictate a re-evaluation of [its] position and indicate the desirability of [its] own educational television station." Therefore, the University desires that it have a frequency available for such future use. It is pointed out that Lexington presently has two channels available for commercial operations, and it is urged that the channel to be added should therefore be made available for educational use.

4. The purpose for the assignment of additional channels to Lexington and the other communities in this proceeding, as stated in our notice of proposed rule making of September 11, 1953, was to make possible the affording of television service to large portions of the country as soon as possible. Reserving the additional channel to be assigned to Lexington, however, would not accomplish this desired result. The Commission in any event is of the view that the University has not made a sufficient showing warranting the reservation of a channel at this time. We are, therefore, of the view that the request of the University of Kentucky should be denied. However it is pointed out that additional channels are available for assignment in Lexington and that the Commission will reconsider the reservation of a channel for educational use upon an appropriate showing.

5. Bluegrass Broadcasting Company, Inc., an applicant for a construction permit on one of the presently assigned television channels in Lexington, has filed a comment in this proceeding requesting that Channel 15 or 18 be assigned to Lexington in addition to Channel 70 as proposed in this proceeding. This assignment could be accomplished by shifting Channel 15 from Louisville, Kentucky, to Lexington, and substituting Channel 69 in Louisville, or by shifting Channel 18 from Gallipolis, Ohio, to Lexington and substituting Channel 72 in Gallipolis. It is urged that the additional assignment as proposed by Bluegrass would comply fully with the Commission's minimum assignment spacing requirements. It is noted that no applications have been filed for either Channel 15 in Louisville or Channel 18 in Gallipolis. On the other hand, it is pointed out that there are two applications pending for each of the two presently assigned channels in Lexington. The addition of only one more channel to Lexington as proposed by the Commission in the subject proceeding would mean that a comparative hearing would still be required since four applicants would be seeking three channels. Bluegrass submits that if its proposal is adopted, a comparative hearing in Lexington may be averted.

6. It is the Commission's view that the Bluegrass proposal to add a fourth assignment for Lexington has merit. Accordingly, the Commission, in addition to the assignment of Channel 70 as proposed in this proceeding, is also adding Channel 18 to Lexington, Kentucky. The proposal to accomplish this assignment by substituting Channel 72 for Channel 18 in Gallipolis is preferred since the proposal to assign Channel 15 to Lexington by substituting Channel 69 for Channel 15 in Louisville involves an adjacent channel spacing only 2 miles above the minimum.

7. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

8. In view of the foregoing: *It is ordered,* That effective 30 days from publication in the FEDERAL REGISTER, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

| City | Channel No. |
|---|---|
| Arkansas: | |
| Fort Smith | 5–, *16, 22, 39 |
| California: | |
| El Centro | 16, 56 |
| Merced | 34–, 66 |
| Modesto | 14–, 58 |
| Stockton | 13–, 36, *42, 64 |
| Florida: | |
| Clearwater | 32–, 50 |
| Daytona Beach | 2–, 53 |
| Orlando | 6–, 9, 18, *24–, 47 |
| Indiana: | |
| Terre Haute | 10, *57–, 63–, 73+ |
| Iowa: | |
| Ottumwa | 15+, 63 |
| Waterloo | 7+, 16–, *22–, 46+ |
| Kentucky: | |
| Lexington | 18+, 27–, 64, 70+ |
| Paducah | 6+, 43, 72 |
| Louisiana: | |
| Alexandria | 5, 62+, 74 |
| Bogalusa | 69, 78 |
| Lake Charles | 7–, *19, 25, 60 |
| Maryland: | |
| Cumberland | 17–, 30– |
| Hagerstown | 52, 68+ |
| Missouri: | |
| Cape Girardeau | 12, 18+, 69 |
| North Carolina: | |
| Asheville | 13–, *56–, 62–, 78 |
| Durham | 11+, *40–, 46+, 73– |
| Fayetteville | 18–, 54– |
| Goldsboro | 34, 72 |
| Oregon: | |
| Klamath Falls | 2–, 17 |
| Salem | 3+, *13–, 24+, 66 |
| Ohio: | |
| Gallipolis | 72 |
| South Carolina: | |
| Charleston | 2–, 5+, *13, 17+ |
| Florence | 8–, 60 |
| Spartanburg | 7–, 17–, 74– |
| Texas: | |
| Big Spring | 4–, 34+ |
| Tyler | 7, 19–, 72 |
| Washington: | |
| Wenatchee | *45, 55, 67 |
| West Virginia: | |
| Beckley | 6–, 21, 66 |
| Clarksburg | 12+, 22, 69– |
| Wisconsin: | |
| Green Bay | 2–, 6, 70+ |
| La Crosse | 8+, *32–, 38–, 72 |

Change the offset carrier requirements only as follows:

| City | Channel No. | |
|---|---|---|
| | From– | To– |
| Red Wing, Minn. | 63 | 63– |
| Duncan, Okla. | 39 | 39– |
| Aiken, S. C. | 54– | 54 |

9. *It is further ordered,* That § 3.606 (b) is revised to include the amendments adopted this date as well as all outstanding amendments.

(b) *Table of assignments.*

| | Channel No. |
|---|---|
| Alabama: | |
| Andalusia | 29 |
| Anniston | 70+ |
| Auburn | *56 |
| Bessemer | 54 |
| Birmingham | 6–, *10–, 13–, 42+, 48 |
| Brewton | 23+ |
| Clanton | 14 |
| Cullman | 60+ |
| Decatur | 23– |
| Demopolis | 18 |
| Dothan | 9+, 19– |
| Enterprise | 40+ |
| Eufaula | 44 |
| Florence | 41 |
| Fort Payne | 19 |
| Gadsden | 15+, 21+ |
| Greenville | 49– |
| Guntersville | 40– |
| Huntsville | 31+ |
| Jasper | 17 |
| Mobile | 5+, 10+, *42, 48+ |
| Montgomery | 12, 20, *26+, 32 |
| Opelika | 22– |
| Selma | 58+ |
| Sheffield | 47– |
| Sylacauga | 24– |
| Talladega | 64 |
| Thomasville | 27– |
| Troy | 38– |
| Tuscaloosa | 45, 51– |
| Tuskegee | 16– |
| University | *7 |
| Arizona: | |
| Ajo | 14– |
| Bisbee | 15 |
| Casa Grande | 18– |
| Clifton | 25– |
| Coolidge | 30+ |
| Douglas | 3– |
| Eloy | 24 |
| Flagstaff | 9, 13 |
| Globe | 34+ |
| Holbrook | 14 |
| Kingman | 6– |
| Mesa | 12– |
| Miami | 28+ |
| Morenci | 31 |
| Nogales | 17– |
| Phoenix | 3+, 5–, *8+, 10– |
| Prescott | 15 |
| Safford | 21 |
| Tucson | 4–, *6+, 9–, 13– |
| Williams | 25 |
| Winslow | 16– |
| Yuma | 11–, 18+ |
| Arkansas: | |
| Arkadelphia | 34+ |
| Batesville | 30– |
| Benton | 40 |
| Blytheville | 64+, 74 |
| Camden | 50 |
| Conway | 62 |
| El Dorado | 10–, 26– |
| Fayetteville | *13–, 41– |
| Forrest City | 22+ |
| Fort Smith | 5–, *16, 22, 39 |
| Harrison | 24 |
| Helena | 54– |
| Hope | 15– |
| Hot Springs | 9+, 52+ |
| Jonesboro | 8, 39+ |
| Little Rock | *2–, 4, 11+, 17–, 23+ |
| Magnolia | 28+ |
| Malvern | 46 |
| Morrilton | 43– |
| Newport | 28 |
| Paragould | 58– |
| Pine Bluff | 7, 36 |
| Russellville | 19 |
| Searcy | 33 |
| Springdale | 35– |
| Stuttgart | 14+ |
| California: | |
| Alturas | 9 |
| Bakersfield | 10–, 29 |
| Brawley | 25+ |
| Chico | 12– |
| Corona | 52 |
| Delano | 37– |
| El Centro | 16, 56 |
| Eureka | 3–, 13– |
| Fresno | 12+, *18–, 24, 47, 53 |
| Hanford | 21 |
| Los Angeles | 2, 4, 5, 7, 9, 11, 13, 22, *28, 34 |
| Madera | 30+ |
| Merced | 34– |

[6] See North American Regional Broadcasting Agreement, Havana, 1937 (Appendix I, Table IV).

[7] See agreement with Mexico for further use of this channel.

| | Channel No. |
|---|---|
| California—Continued | |
| Modesto | 14+ |
| Monterey. (See Salinas.) | |
| Napa | 62 |
| Oakland. (See San Francisco.) | |
| Oxnard | 32 |
| Palm Springs | 14 |
| Petaluma | 56 |
| Port Chicago | 15 |
| Porterville | 55 |
| Red Bluff | 16 |
| Redding | 7 |
| Riverside | 40, 46 |
| Sacramento | 3, *6, 10, 40−, 46+ |
| Salinas-Monterey | 8+, 28− |
| San Bernardino | 18, *24−, 30 |
| San Buenaventura | 38− |
| San Diego | 8, 10, *15+, 21−, 27, 33, 39 |
| San Francisco-Oakland | 2+, 4−, 5+ 7−, *9+, 20−, 26−, 32+, 38, 44− |
| San Jose | 11+, 48, *54, 60 |
| San Luis Obispo | 6+ |
| Santa Barbara | 3−, 20, 28 |
| Santa Cruz | 16 |
| Santa Maria | 44 |
| Santa Paula | 16+ |
| Santa Rosa | 50 |
| Stockton | 13+, 36, *42, 64 |
| Tulare | 27+ |
| Ukiah | 18 |
| Visalia | 43, 49 |
| Watsonville | 22− |
| Yreka City | 11 |
| Yuba City | 52− |
| Colorado: | |
| Alamosa | 19+ |
| Boulder | *12, 22+ |
| Canon City | 36 |
| Colorado Springs | 11, 13, *17+, 23+ |
| Craig | 19 |
| Delta | 24− |
| Denver | 2, 4−, *6−, 7, 9−, 20, 26+ |
| Durango | 6+, 15 |
| Fort Collins | 44+ |
| Fort Morgan | 15+ |
| Grand Junction | 5−, 21+ |
| Greeley | 50 |
| La Junta | 24 |
| Lamar | 18− |
| Leadville | 14+ |
| Longmont | 32 |
| Loveland | 38 |
| Montrose | 10+, 18 |
| Pueblo | 3−, 5, *8, 26−, 34− |
| Salida | 25 |
| Sterling | 25− |
| Trinidad | 21− |
| Walsenburg | 30− |
| Connecticut: | |
| Bridgeport | 43−, 49−, *71 |
| Hartford | 3+, 18−, *24 |
| Meriden | 65− |
| New Britain | 30+ |
| New Haven | 8+, 59+ |
| New London | 26+, 81 |
| Norwalk. (See Stamford.) | |
| Norwich | 57+, *63− |
| Stamford-Norwalk | 27 |
| Waterbury | 53 |
| Delaware: | |
| Dover | 40 |
| Wilmington | 12, *50−, 83+ |
| District of Columbia: | |
| Washington | 4−, 5−, 7+, 9−, 20+, *26−, 50− |
| Florida: | |
| Belle Glade | 25− |
| Bradenton | 28− |
| Clearwater | 32+, 50 |
| Daytona Beach | 2−, 53 |
| De Land | 44+ |
| Fort Lauderdale | 17−, 23− |
| Fort Myers | 11+ |
| Fort Pierce | 19 |
| Gainesville | *5−, 20+ |
| Jacksonville | 4+, *7, 12−, 30+, 36− |
| Key West | 14+, 20 |
| Lake City | 33+ |
| Lakeland | 16+, 22+, |
| Lake Wales | 14 |

| | Channel No. |
|---|---|
| Florida—Continued | |
| Leesburg | 26− |
| Marianna | 17+ |
| Melbourne | 37− |
| Miami | *2, 4, 7−, 10+, 27+, 33 |
| Ocala | 15+ |
| Orlando | 6−, 9, 18, *24−, 47 |
| Palatka | 17 |
| Panama City | 7+, *30, 36+ |
| Pensacola | 3−, 15−, *21, 46 |
| Quincy | 54+ |
| St. Augustine | 25+ |
| St. Petersburg. (See Tampa.) | |
| Sanford | 35+ |
| Sarasota | 34+ |
| Tallahassee | *11−, 24, 51 |
| Tampa-St. Petersburg | *3, 8−, 13−, 38 |
| West Palm Beach | 5, 12, *15, 21+ |
| Georgia: | |
| Albany | 10, 25 |
| Americus | 31 |
| Athens | *8, 60− |
| Atlanta | 2, 5−, 11+, *30, 36 |
| Augusta | 6+, 12+ |
| Bainbridge | 35− |
| Brunswick | 28+, 34− |
| Cairo | 45+ |
| Carrollton | 33 |
| Cartersville | 63− |
| Cedartown | 53− |
| Columbus | 4, 28, *34 |
| Cordele | 43 |
| Dalton | 25+ |
| Douglas | 32− |
| Dublin | 15 |
| Elberton | 24+ |
| Fitzgerald | 23 |
| Fort Valley | 18+ |
| Gainesville | 52 |
| Griffin | 39+ |
| La Grange | 50 |
| Macon | *11+, 47+ |
| Marietta | 57+ |
| Milledgeville | 51+ |
| Moultrie | 48− |
| Newnan | 61+, 9, 59 |
| Rome | |
| Savannah | 3+, *9−, 11 |
| Statesboro | 22 |
| Swainsboro | 20− |
| Thomasville | 6, 27 |
| Tifton | 14− |
| Toccoa | 35 |
| Valdosta | 37+ |
| Vidalia | 26 |
| Warner Robins | 13+ |
| Waycross | 16 |
| Idaho: | |
| Blackfoot | 33 |
| Boise | *4+, 7, 9− |
| Burley | 15− |
| Caldwell | 2 |
| Coeur d'Alene | 12− |
| Emmett | 26− |
| Gooding | 23 |
| Idaho Falls | 3, 8+ |
| Jerome | 17 |
| Kellogg | 33− |
| Lewiston | 3− |
| Moscow | *15 |
| Nampa | 6, 12+ |
| Payette | 14+ |
| Pocatello | 6−, 10 |
| Preston | 41 |
| Rexburg | 27+ |
| Rupert | 21 |
| Sandpoint | 9+ |
| Twin Falls | 11, 13− |
| Wallace | 27− |
| Weiser | 20− |
| Illinois: | |
| Alton | 48 |
| Aurora | 16 |
| Belleville | 54+ |
| Bloomington | 15− |
| Cairo | 24− |
| Carbondale | 34, *61− |
| Centralia | 32+, 59+ |
| Champaign-Urbana | 3+, *12−, 21, 27, 33 |

| | Channel No. |
|---|---|
| Illinois—Continued | |
| Chicago | 2−, 5, 7, 9+, *11, 20, 26, 32, 38, 44 |
| Danville | 24 |
| Decatur | 17, 23+ |
| De Kalb | *67 |
| Dixon | 47+ |
| Elgin | 23+ |
| Freeport | 23 |
| Galesburg | 40− |
| Harrisburg | 22 |
| Jacksonville | 29 |
| Joliet | 48+ |
| Kankakee | 14 |
| Kewanee | 60− |
| La Salle | 35 |
| Lincoln | 53+ |
| Macomb | 61+ |
| Marion | 40 |
| Mattoon | 46− |
| Moline. (See Davenport, Iowa.) | |
| Mt. Vernon | 38− |
| Olney | 16− |
| Pekin | 69+ |
| Peoria | 8, 19, *37−, 43+ |
| Quincy | 10−, 21+ |
| Rockford | 13+, 39+, *45+ |
| Rock Island. (See Davenport, Iowa.) | |
| Springfield | 2+, 20+, *66+ |
| Streator | 65− |
| Urbana. (See Champaign.) | |
| Vandalia | 28− |
| Waukegan | 22+ |
| Indiana: | |
| Anderson | 61 |
| Angola | 15+ |
| Bedford | 68 |
| Bloomington | 4, *30−, 36 |
| Columbus | 42− |
| Connersville | 38+ |
| Elkhart | 52 |
| Evansville | 7, 50−, *56, 62 |
| Fort Wayne | *27+, 33−, 69 |
| Gary | 50, *66 |
| Hammond | 56− |
| Hatfield* | 9+ |
| Indianapolis | 6, 8−, 13−, *20−, 26+, 67− |
| Jasper | 19+ |
| Kokomo | 31 |
| Lafayette | 47, 59 |
| Lebanon | 18 |
| Logansport | 51 |
| Madison | 25− |
| Marion | 29+ |
| Michigan City | 62+ |
| Muncie | 49, 55+, *71 |
| Princeton | 52+ |
| Richmond | 32− |
| Shelbyville | 58+ |
| South Bend | 34−, *40+, 46 |
| Tell City | 31− |
| Terre Haute | 10, *57+, 63−, 73+ |
| Vincennes | 44+ |
| Washington | 60+ |
| Iowa: | |
| Algona | 37+ |
| Ames | 5, 25− |
| Atlantic | 45− |
| Boone | 19− |
| Burlington | 32−, 38+ |
| Carroll | 39 |
| Cedar Rapids | 2, 9−, 20−, *26+ |
| Centerville | 31− |
| Charles City | 18− |
| Cherokee | 14 |
| Clinton | 64 |
| Creston | 43 |
| Davenport-Rock Island-Moline, Ill. | 4+, 6+, *30+, 36+, 42− |
| Decorah | 44+ |
| Des Moines | 8−, *11+, 13−, 17+, 23− |
| Dubuque | 56+, 62− |
| Estherville | 24+ |
| Fairfield | 54 |

* This assignment is made subject to such action as the Commission may take in the light of the final decision of the courts on the Petition for Review filed by the Logansport Broadcasting Company (C. A. D. C. Case No. 11601).



| | Channel No. |
|---|---|
| Iowa—Continued | |
| Fort Dodge | 21 |
| Fort Madison | 50+ |
| Grinnell | 71 |
| Iowa City | *12+, 24− |
| Keokuk | 44− |
| Knoxville | 33− |
| Marshalltown | 49 |
| Mason City | 3+, 35− |
| Muscatine | 58 |
| Newton | 65+ |
| Oelwein | 28 |
| Oskaloosa | 52+ |
| Ottumwa | 15+, 63 |
| Red Oak | 32+ |
| Shenandoah | 20+ |
| Sioux City | 4−, 9, *30, 36− |
| Spencer | 42+ |
| Storm Lake | 34+ |
| Waterloo | 7+, 16−, *22−, 46+ |
| Webster City | 27 |
| Kansas: | |
| Abilene | 31+ |
| Arkansas City | 49 |
| Atchison | 60+ |
| Chanute | 50− |
| Coffeyville | 33− |
| Colby | 22− |
| Concordia | 47− |
| Dodge City | 6+, 23 |
| El Dorado | 55+ |
| Emporia | 39− |
| Fort Scott | 27 |
| Garden City | 9, 11+ |
| Goodland | 31 |
| Great Bend | 2, 28 |
| Hays | 7−, 20− |
| Hutchinson | 12, 18 |
| Independence | 20 |
| Iola | 44+ |
| Junction City | 29+ |
| Larned | 15− |
| Lawrence | *11, 17− |
| Leavenworth | 54− |
| Liberal | 14 |
| McPherson | 26− |
| Manhattan | *8, 23+ |
| Newton | 14+ |
| Olathe | 52− |
| Ottawa | 21− |
| Parsons | 46− |
| Pittsburg | 7+, 38− |
| Pratt | 36+ |
| Salina | 34 |
| Topeka | 13+, 42, *48+ |
| Wellington | 24− |
| Wichita | 3−, 10−, 16−, *22+ |
| Winfield | 43+ |
| Kentucky: | |
| Ashland | 59− |
| Bowling Green | 13, 17+ |
| Campbellsville | 40+ |
| Corbin | 16 |
| Danville | 35+ |
| Elizabethtown | 23 |
| Frankfort | 43− |
| Glasgow | 28+ |
| Harlan | 73+ |
| Hazard | 19− |
| Hopkinsville | 20 |
| Lexington | 18+, 27−, 64, 70+ |
| Louisville | 3−, 11+, *15, 21−, 41−, 51− |
| Madisonville | 26 |
| Mayfield | 63 |
| Maysville | 24+ |
| Middlesborough | 57, 63+ |
| Murray | 33− |
| Owensboro | 14− |
| Paducah | 6+, 43, 72 |
| Pikeville | 14− |
| Princeton | 45− |
| Richmond | 60 |
| Somerset | 29− |
| Winchester | 37+ |
| Louisiana: | |
| Abbeville | 27+ |
| Alexandria | 5, 62+, 74 |
| Bastrop | 53+ |
| Baton Rouge | 2, 28, *34, 40− |
| Bogalusa | 69, 78 |
| Crowley | 21+ |



| | Channel No. |
|---|---|
| Louisiana—Continued | |
| De Ridder | 14 |
| Eunice | 64− |
| Franklin | 46+ |
| Hammond | 57 |
| Houma | 30+ |
| Jackson | 18− |
| Jennings | 48 |
| Lafayette | 10, 38−, 67− |
| Lake Charles | 7−, *19, 25, 60+ |
| Minden | 30 |
| Monroe | 8+, 43+ |
| Morgan City | 36+ |
| Natchitoches | 17+ |
| New Iberia | 15+ |
| New Orleans | 4+, 6+, *8, 20−, 26, 32+, 61 |
| Oakdale | 54+ |
| Opelousas | 58 |
| Ruston | 20 |
| Shreveport | 3−, 12 |
| Thibodaux | 24 |
| Winnfield | 22− |
| Maine: | |
| Auburn | 23+ |
| Augusta | 10−, 29+ |
| Bangor | 2−, 5+, *16− |
| Bar Harbor | 22− |
| Bath | 65 |
| Belfast | 41− |
| Biddeford | 59 |
| Calais | 7, 20− |
| Dover-Foxcroft | 18+ |
| Fort Kent | 17+ |
| Houlton | 24 |
| Lewiston | 8−, 17 |
| Millinocket | 14+ |
| Orono | *12− |
| Portland | 6+, 13+, *47−, 53+ |
| Presque Isle | 8, 19 |
| Rockland | 25− |
| Rumford | 55− |
| Van Buren | 15− |
| Waterville | 35+ |
| Maryland: | |
| Annapolis | 14− |
| Baltimore | 2+, 11−, 13+, 18, *24+, 60− |
| Cambridge | 22+ |
| Cumberland | 17+, 30− |
| Frederick | 62+ |
| Hagerstown | 52, 68+ |
| Salisbury | 16+ |
| Massachusetts: | |
| Amherst | *82 |
| Barnstable | 52 |
| Boston | *2+, 4−, 5−, 7+, 44+, 50−, 56 |
| Brockton | 62 |
| Fall River | 46−, 68 |
| Greenfield | 58− |
| Holyoke. (See Springfield.) | |
| Lawrence | 72 |
| Lowell | 32+ |
| New Bedford | 28−, 34+ |
| North Adams | 74+, *80 |
| Northampton | 36+ |
| Pittsfield | 64+ |
| Springfield-Holyoke | 55, 61 |
| Worcester | 14, 20 |
| Michigan: | |
| Alma | 41+ |
| Alpena | 9+, 30− |
| Ann Arbor | 20+, *26− |
| Bad Axe | 46− |
| Battle Creek | 58−, 64− |
| Bay City | 5−, 63−, *73+ |
| Benton Harbor | 42 |
| Big Rapids | 39 |
| Cadillac | 13−, 45 |
| Calumet | 13+ |
| Cheboygan | 4+, 36+ |
| Coldwater | 24− |
| Detroit | 2+, 4, 7−, 50−, *56, 62 |
| East Lansing | 60+ |
| East Tawas | 25− |
| Escanaba | 3+ |
| Flint | 12−, 16−, *22−, 28 |
| Gladstone | 40− |
| Grand Rapids | 8+, *17+, 23− |
| Hancock | 10− |
| Houghton | 19 |
| Iron Mountain | 9, 27 |

| | Channel No. |
|---|---|
| Michigan—Continued | |
| Iron River | 12− |
| Ironwood | 31− |
| Jackson | 48 |
| Kalamazoo | 3−, 26− |
| Lansing | 6−, 54 |
| Ludington | 18+ |
| Manistee | 15− |
| Manistique | 14+ |
| Marquette | 5+, 17 |
| Midland | 19+ |
| Mount Pleasant | 47− |
| Muskegon | 29−, 35+ |
| Petoskey | 31 |
| Pontiac | 44+ |
| Port Huron | 34+ |
| Rogers City | 24 |
| Saginaw | 51−, 57 |
| Sault Ste. Marie | 8, 10+, 28−, *34 |
| Traverse City | 7+, 20−, *26+ |
| West Branch | 21 |
| Minnesota: | |
| Albert Lea | 57− |
| Alexandria | 36 |
| Austin | 6−, 51+ |
| Bemidji | 24− |
| Brainerd | 12 |
| Cloquet | 44 |
| Crookston | 21− |
| Detroit Lakes | 18+ |
| Duluth-Superior, Wis. | 3, 6+, *8−, 32, 38 |
| Ely | 16 |
| Fairmont | 40+ |
| Faribault | 20 |
| Fergus Falls | 16− |
| Grand Rapids | 20− |
| Hastings | 29+ |
| Hibbing | 10+ |
| International Falls | 11 |
| Little Falls | 14+ |
| Mankato | 15− |
| Marshall | 22+ |
| Minneapolis-St. Paul | *2−, 4, 5−, 9+, 11−, 17, 23+ |
| Montevideo | 19 |
| New Ulm | 43− |
| Northfield | 26 |
| Owatonna | 45 |
| Red Wing | 63− |
| Rochester | 10, 55− |
| St. Cloud | 7, 33 |
| St. Paul. (See Minneapolis.) | |
| Stillwater | 39− |
| Thief River Falls | 15 |
| Virginia | 26+ |
| Wadena | 27+ |
| Willmar | 31+ |
| Winona | 61 |
| Worthington | 32 |
| Mississippi: | |
| Biloxi | 13, *44+, 50− |
| Brookhaven | 37+ |
| Canton | 16 |
| Clarksdale | 6, 32 |
| Columbia | 35+ |
| Columbus | 4−, 28− |
| Corinth | 29− |
| Greenville | 21−, 27 |
| Greenwood | 24+ |
| Grenada | 15 |
| Gulfport | 56− |
| Hattiesburg | 9−, 17− |
| Jackson | 3+, 12+, *19+, 25−, 47 |
| Kosciusko | 52− |
| Laurel | 33− |
| Louisville | 46− |
| McComb | 31− |
| Meridian | 11, 30−, *36− |
| Natchez | 29+ |
| Pascagoula | 22 |
| Picayune | 14− |
| Starkville | 34− |
| State College | *2+ |
| Tupelo | 38 |
| University | *20+ |
| Vicksburg | 41+ |
| West Point | 56+ |
| Yazoo City | 49 |
| Missouri: | |
| Cape Girardeau | 12, 18 69 |
| Carthage | 56− |

UNIVERSITY OF MICHIGAN



| | Channel No. |
|---|---|
| Missouri—Continued | |
| Carthage | 16 |
| Cassville | 39 |
| Chillicothe | 45 |
| Columbia | 8, 17 |
| Farmington | 36 |
| Hannibal | 7, 32 |
| Jefferson City | 13, 25 |
| Joplin | 12, 34 |
| Kansas City | 4, 9, 41, 50 |
| Kirksville | 6, 15 |
| Lebanon | 30 |
| Macon | 27 |
| Mexico | 35 |
| Moberly | 40 |
| Poplar Bluff | 22 |
| Rolla | 10 |
| St. Joseph | 2, 11, 16 |
| St. Louis | 4, 5, 36, 42, 54 |
| Sedalia | 6, 19 |
| Springfield | 10, 27, 39 |
| Montana: | |
| Billings | 2, 8, 13 |
| Bozeman | 9 |
| Butte | 4, 6, 12 |
| Glasgow | 40 |
| Great Falls | 5, 16 |
| Havre | 11 |
| Helena | 3, 10 |
| Kalispell | 26 |
| Lewistown | 34 |
| Miles City | 25 |
| Missoula | 13, 22 |
| Nebraska: | |
| Alliance | 10 |
| Beatrice | 29 |
| Chadron | 2 |
| Columbus | 17 |
| Fairbury | 21 |
| Fremont | 53 |
| Grand Island | 11 |
| Hastings | 5 |
| Kearney | 13 |
| Lexington | 26 |
| Lincoln | 8, 12 |
| McCook | 18 |
| Norfolk | 24 |
| North Platte | 4 |
| Omaha | 3, 6, 7, 42, 44 |
| Scottsbluff | 15 |
| Sidney | 28 |
| Nevada: | |
| Elko | 40 |
| Ely | 13 |
| Las Vegas | 8, 10, 34 |
| Reno | 2, 4, 26 |
| Tonopah | 21 |
| New Hampshire: | |
| Berlin | 42 |
| Claremont | 44 |
| Concord | 9, 11 |
| Dover | 36 |
| Keene | 52 |
| Laconia | 41 |
| Manchester | 50 |
| Nashua | 67 |
| Portsmouth | 46 |
| New Jersey: | |
| Asbury Park | 58 |
| Atlantic City | 46, 64 |
| Camden | 10, 13, 17 |
| Jersey City | 30 |
| Millville | 61 |
| Newark | 4, 5, 7, 9, 11, 13, 25, 29, 31, 41, 47, 49, 53, 55, 59, 63, 68 |
| Paterson | 66 |
| Phillipsburg | 69 |
| Trenton | 3, 6, 8, 12, 15, 18, 23, 27, 33, 35, 39, 43, 45, 51, 57, 61, 65 |
| New Mexico: | |
| Albuquerque | 5, 13, 26 |
| Carlsbad | 6 |
| Clovis | 12 |
| Gallup | 3 |
| Las Cruces | 9 |
| Roswell | 8 |
| Santa Fe | 10 |
| Silver City | 4 |
| Tucumcari | 17 |
| New York: | |
| Albany | 10, 13, 23, 35 |
| Amsterdam | 18 |
| Auburn | 7, 39 |
| Batavia | 55 |
| Binghamton | 12, 40 |
| Buffalo | 2, 4, 7, 59, 63 |
| Corning | 24 |
| Elmira | 9, 18 |
| Geneva | 64 |
| Glens Falls | 6, 45 |
| Gloversville | 17 |
| Hornell | 65 |
| Ithaca | 20 |
| Jamestown | 15 |
| Kingston | 62 |
| Lake Placid | 5 |
| Malone | 53 |
| Massena | 33 |
| Newburgh | 52 |
| New York | 2, 4, 5, 7, 9, 11, 13, 25, 29, 31, 41, 47, 49, 53, 55, 59, 63, 68 |
| Niagara Falls | 17, 23 |
| Ogdensburg | 28 |
| Oneonta | 43 |
| Plattsburg | 31 |
| Poughkeepsie | 21 |
| Rochester | 5, 10, 27, 37 |
| Rome | 66 |
| Saranac Lake | 16 |
| Schenectady | 45 |
| Syracuse | 3, 8, 56 |
| Troy | 19 |
| Utica | 20, 30 |
| Watertown | 50 |
| Watkins Glen | 48 |
| North Carolina: | |
| Asheville | 13, 33 |
| Burlington | 61 |
| Charlotte | 3, 9, 36 |
| Durham | 11, 17 |
| Elizabeth City | 57 |
| Fayetteville | 40 |
| Gastonia | 28 |
| Goldsboro | 69 |
| Greensboro | 2, 8 |
| Greenville | 9 |
| Hickory | 14 |
| High Point | 45 |
| Kinston | 7 |
| Lumberton | 24 |
| Monroe | 6 |
| New Bern | 12 |
| Raleigh | 4, 28 |
| Rocky Mount | 30 |
| Salisbury | 34 |
| Sanford | 22 |
| Shelby | 19 |
| Statesville | 48 |
| Tarboro | 10 |
| Wilmington | 26 |
| Wilson | 58 |
| Winston-Salem | 12, 26 |
| North Dakota: | |
| Bismarck | 12 |
| Devils Lake | 10 |
| Dickinson | 2 |
| Fargo | 11, 13 |
| Grand Forks | 7, 9 |
| Jamestown | 24 |
| Minot | 5, 8 |
| Valley City | 39 |
| Williston | 6 |
| Ohio: | |
| Akron | 23, 49 |
| Ashtabula | 67 |
| Athens | 19 |
| Bowling Green | 70 |
| Cambridge | 6 |
| Canton | 17, 29 |
| Chillicothe | 2 |
| Cincinnati | 5, 9, 12, 48, 54 |
| Cleveland | 3, 8, 19, 25, 61 |
| Columbus | 4, 6, 10, 34, 53 |
| Coshocton | 27 |
| Dayton | 2, 7, 22, 26, 45 |
| Defiance | 32 |
| Findlay | 66 |
| Fremont | 42 |
| Hamilton | 64 |
| Kenton | 31 |
| Lancaster | 36 |
| Lima | 35 |
| Lorain | 15 |
| Mansfield | 24 |
| Marietta | 5 |
| Marion | 37 |
| Middletown | 69 |
| Newark | 18 |
| Norwalk | 62 |
| Portsmouth | 10, 43 |
| Sandusky | 41 |
| Springfield | 16, 58 |
| Steubenville | 9 |
| Toledo | 11, 13, 30, 36, 40 |
| Warren | 39 |
| Wooster | 47 |
| Xenia | 60 |
| Youngstown | 21, 27, 33 |
| Zanesville | 57 |
| Oklahoma: | |
| Ada | 17 |
| Alva | 4 |
| Ardmore | 12 |
| Bartlesville | 9 |
| Chickasha | 34 |
| Clinton | 15 |
| Durant | 36 |
| Elk City | 8 |
| Enid | 47 |
| Guymon | 6 |
| Hobart | 23 |
| Lawton | 14 |
| McAlester | 24 |
| Muskogee | 19 |
| Norman | 40 |
| Oklahoma City | 4, 5, 25, 30, 43 |
| Okmulgee | 55 |
| Ponca City | 10 |
| Pryor | 38 |
| Shawnee | 29 |
| Stillwater | 2 |
| Tulsa | 2, 6, 8, 23, 41 |
| Woodward | 33 |
| Oregon: | |
| Albany | 45 |
| Astoria | 6 |
| Baker | 12 |
| Bend | 21 |
| Coos Bay | 5 |
| Eugene | 9 |
| Grants Pass | 29 |
| Klamath Falls | 3 |
| La Grande | 16 |
| Medford | 10 |
| Pendleton | 30 |
| Portland | 2, 8, 12, 27, 32, 49, 52 |
| Roseburg | 26 |
| Salem | 24, 41 |
| Pennsylvania: | |
| Allentown | 39, 51 |
| Altoona | 10 |
| Bethlehem | 57 |
| Butler | 53 |
| Chambersburg | 63 |
| Clearfield | 6 |
| Easton | 22 |
| Erie | 12, 35 |
| Greensburg | 4 |
| Harrisburg | 15, 27, 71 |
| Hazleton | 8 |
| Johnstown | 7, 56 |
| Lancaster | 21, 64 |
| Lebanon | 67 |
| Meadville | 25 |
| New Castle | 45 |
| Oil City | 54 |
| Philadelphia | 3, 6, 10, 17, 29, 48, 57, 61 |
| Pittsburgh | 2, 4, 11, 16, 22, 53, 58, 63 |
| Pottsville | 18 |
| Reading | 33, 42 |
| Scranton | 16, 28 |
| Sharon | 66 |
| Sunbury | 20 |
| Uniontown | 46 |
| Warren | 59 |
| Washington | 40 |
| Wilkes-Barre | 34, 44 |
| Williamsport | 36 |
| York | 43, 49 |
| Rhode Island: | |
| Newport | 69 |
| Providence | 10, 12, 16, 22, 28, 34, 40, 64 |
| South Carolina: | |
| Anderson | 27 |
| Charleston | 2, 5, 9, 24 |
| Columbia | 7, 10, 19, 25 |
| Florence | 15 |
| Greenville | 4, 16 |
| Greenwood | 21 |
| Rock Hill | 66 |
| Spartanburg | 7 |
| Sumter | 30 |
| South Dakota: | |
| Aberdeen | 9, 12 |
| Huron | 5 |
| Lead | 3 |
| Mitchell | 13 |
| Pierre | 7 |
| Rapid City | 10 |
| Sioux Falls | 11, 16 |
| Watertown | 4 |
| Yankton | 8 |
| Tennessee: | |
| Bristol | 5 |
| Chattanooga | 3, 9, 12, 28, 49 |
| Clarksville | 67 |
| Cleveland | 11 |
| Columbia | 22 |
| Dyersburg | 8 |
| Greeneville | 15 |
| Harriman | 39 |
| Jackson | 47 |
| Johnson City | 10 |
| Kingsport | 13 |
| Knoxville | 6, 26, 53, 61 |
| Lawrenceburg | 64 |
| Memphis | 3, 5, 10, 24, 30, 35, 42, 46, 50, 54, 58, 62, 67 |
| Nashville | 2, 4, 8, 17, 20, 29, 32, 36, 39, 41, 44, 48, 52, 55, 57, 60, 63, 66 |
| Texas: | |
| Abilene | 12, 20 |
| Alice | 6 |
| Amarillo | 4, 10, 14 |
| Austin | 7, 24, 36 |
| Baytown | 43 |
| Beaumont | 4, 6, 12, 31 |
| Big Spring | 4 |
| Brownsville | 23 |
| Brownwood | 9 |
| Bryan | 20 |
| Cleburne | 58 |
| Corpus Christi | 6, 10, 16, 22, 27 |
| Corsicana | 24 |
| Dallas | 4, 8, 13, 21, 29, 33, 39, 42, 68 |
| Del Rio | 18 |
| Denison | 35 |
| Eagle Pass | 10 |
| El Paso | 5, 7, 9, 13, 15, 17, 19, 23, 26, 28, 30, 34, 36, 38, 40, 44, 46, 48, 50, 54, 56, 60, 64, 66 |
| Fort Worth | 5, 11, 19, 26, 32, 41, 47, 52, 57, 61, 65 |
| Galveston | 11, 34, 39, 45, 49, 53, 59, 63 |
| Gladewater | 51 |
| Graham | 37 |
| Greenville | 8 |
| Harlingen | 4 |
| Henderson | 44 |
| Houston | 2, 8, 11, 13, 16, 18, 26, 30, 35, 37, 39, 41, 45, 47, 51, 53, 55, 57, 61, 65 |
| Huntsville | 15 |
| Kilgore | 17 |
| Laredo | 8 |
| Longview | 32 |
| Lubbock | 5, 11, 13 |
| Lufkin | 9 |
| Marshall | 12 |
| Mission | 10 |
| Odessa | 7 |
| Orange | 33 |
| Palestine | 31 |
| Paris | 14 |
| Pecos | 2 |
| Port Arthur | 4, 8 |
| San Angelo | 8, 10 |
| San Antonio | 4, 9, 12, 17, 23, 29, 35, 41, 55, 60, 63, 67 |
| Sherman | 28 |
| Sweetwater | 5 |
| Temple | 6, 25 |
| Texarkana | 6, 10 |
| Tyler | 7, 19 |
| Victoria | 19 |
| Waco | 10, 34, 54 |
| Wichita Falls | 2, 6, 15, 18, 22, 27, 31, 38, 43, 46, 48, 51, 62 |
| Utah: | |
| Logan | 12 |
| Ogden | 5 |
| Price | 6 |
| Salt Lake City | 2, 4, 7, 9, 11, 13 |
| Vernal | 10 |
| Vermont: | |
| Barre | 16 |
| Bennington | 22 |
| Brattleboro | 28 |
| Burlington | 5, 15, 17, 22, 27, 31, 33, 41, 44, 48, 51, 61, 64, 67 |
| Montpelier | 8 |
| Rutland | 10 |
| Virginia: | |
| Alexandria | 9, 20 |
| Bristol | 5 |
| Charlottesville | 29 |
| Danville | 24 |
| Fredericksburg | 7 |
| Harrisonburg | 3 |
| Lynchburg | 13, 18 |
| Newport News | 15, 33 |
| Norfolk | 3, 10, 12, 16, 27, 37, 43, 54, 58, 63 |
| Petersburg | 8 |
| Portsmouth | 38 |
| Richmond | 6, 12, 23, 28, 35, 41, 47, 53, 59, 64 |
| Roanoke | 7, 21, 24, 31, 45, 50, 55, 60 |
| Staunton | 16 |
| Suffolk | 17 |
| Virginia Beach | 44 |
| Washington: | |
| Aberdeen | 28 |
| Bellingham | 12, 42 |
| Bremerton | 39 |
| Centralia | 9 |
| Ellensburg | 13 |
| Everett | 11 |
| Kelso | 22 |
| Longview | 19 |
| Olympia | 7 |
| Pasco | 25 |
| Port Angeles | 31 |
| Seattle | 5, 7, 9, 13, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66 |
| Spokane | 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66 |
| Tacoma | 13, 23, 29, 41, 47, 53, 55, 59, 63 |
| Vancouver | 21 |
| Walla Walla | 8, 10 |
| Wenatchee | 28 |
| Yakima | 23, 47 |
| West Virginia: | |
| Bluefield | 6 |
| Charleston | 3, 8, 11, 13 |
| Clarksburg | 12, 15 |
| Fairmont | 35 |
| Huntington | 5, 9, 13 |
| Morgantown | 40 |
| Parkersburg | 4 |
| Wheeling | 7, 54 |
| Wisconsin: | |
| Appleton | 42 |
| Eau Claire | 13 |
| Fond du Lac | 36 |
| Green Bay | 2, 5, 11, 26 |
| Janesville | 27 |
| La Crosse | 8, 25 |
| Madison | 3, 15, 21, 27 |
| Milwaukee | 4, 6, 10, 12, 18, 24, 30, 34, 58, 62 |
| Oshkosh | 48 |
| Rhinelander | 9 |
| Superior | 7, 31 |
| Wausau | 12 |
| Wyoming: | |
| Casper | 6, 9 |
| Cheyenne | 4, 7 |
| Lander | 10 |
| Rock Springs | 8 |
| Sheridan | 5 |



| | Channel No. |
|---|---|
| Alaska: | |
| Anchorage | 2, 4, 7, 11 |
| Fairbanks | 2, 4, 7, 11 |
| Juneau | 2, 4, 7, 11 |
| Ketchikan | 2, 4, 7, 11 |
| Kodiak | 2, 4, 7, 11 |
| Palmer | 2, 4, 7, 11 |
| Hawaii: | |
| Hilo | 2, 4, 7, 9 |
| Honolulu | 2, 4, 5, 7, 9, 11 |
| Kahului | 2, 4, 7, 9 |
| Puerto Rico: | |
| Aguadilla | 3 |
| Arecibo | 2 |
| Caguas | 6 |
| Carolina | 11 |
| Fajardo | 4 |
| Guayama | 13 |
| Humacao | 5 |
| Mayaguez | 5 |
| Ponce | 7 |
| San Juan | 2, 4, 7, 9, 13 |
| Virgin Islands: | |
| St. Thomas | 8 |
| St. Croix | 8 |

| | Channel No. |
|---|---|
| Missouri—Continued | |
| Caruthersville | 27— |
| Chillicothe | 14— |
| Clinton | 49— |
| Columbia | 8+, 16+, 22— |
| Farmington | 52 |
| Festus | 14+ |
| Fulton | 24+ |
| Hannibal | 7—, 27+ |
| Jefferson City | 13, 33+ |
| Joplin | 12+, 30+ |
| Kansas City | 4, 5+, 9+, *19+, 25+, 65 |
| Kennett | 21 |
| Kirksville | 3—, 18 |
| Lebanon | 23 |
| Marshall | 40+ |
| Maryville | 26 |
| Mexico | 45 |
| Moberly | 35+ |
| Monett | 14 |
| Nevada | 18— |
| Poplar Bluff | 15+ |
| Rolla | 46 |
| St. Joseph | 2—, 30—, *36 |
| St. Louis | 4—, 5—, *9, 11—, 30, 36+, 42+ |
| Sedalia | 6—, 28+ |
| Sikeston | 37 |
| Springfield | 3+, 10, *26+, 32 |
| West Plains | 20— |
| Montana: | |
| Anaconda | 2+ |
| Billings | 2, 8, *11 |
| Bozeman | *9, 22— |
| Butte | 4, 6+, *7—, 15+ |
| Cut Bank | 20+ |
| Deer Lodge | 25+ |
| Dillon | 20 |
| Glasgow | 16 |
| Glendive | 18— |
| Great Falls | 3+, 5+, *23— |
| Hamilton | 17+ |
| Hardin | 4+ |
| Havre | 9+, 11+ |
| Helena | 10+, 12 |
| Kalispell | 8— |
| Laurel | 14+ |
| Lewistown | 13 |
| Livingston | 16— |
| Miles City | 3—, *6, 10 |
| Missoula | *11—, 13+, 21+ |
| Polson | 18 |
| Red Lodge | 18+ |
| Shelby | 14— |
| Sidney | 14 |
| Whitefish | 16+ |
| Wolf Point | 20— |
| Nebraska: | |
| Alliance | 13—, 21 |
| Beatrice | 40 |
| Broken Bow | 14— |
| Columbus | 49+ |
| Fairbury | 35 |
| Falls City | 38 |
| Fremont | 52 |
| Grand Island | 11—, 21+ |
| Hastings | 5—, 27— |
| Kearney | 13, 19 |
| Lexington | 23— |
| Lincoln | 10+, 12—, *18+, 24 |
| McCook | 8—, 17 |
| Nebraska City | 50 |
| Norfolk | 33+ |
| North Platte | 2—, 4+ |
| Omaha | 3, 6+, 7, *16, 22, 28— |
| Scottsbluff | 10—, 16+ |
| York | 15 |
| Nevada: | |
| Boulder City | 4+ |
| Carlin | 14 |
| Carson City | 37 |
| Elko | 10— |
| Ely | 3—, 6+ |
| Fallon | 29— |
| Goldfield | 5— |
| Hawthorne | 31 |
| Henderson | 2— |
| Las Vegas | 8—, *10+, 13— |
| Lovelock | 18+ |
| McGill | 8+ |
| Reno | 4, 8, *21+, 27— |
| Tonopah | 9— |
| Winnemucca | 7+ |
| Yerington | 33 |
| New Hampshire: | |
| Berlin | 26 |
| Claremont | 37 |
| Concord | 27+ |
| Durham | *11 |
| Hanover | *21+ |
| Keene | 45— |
| Laconia | 43 |
| Littleton | 24— |
| Manchester | 9—, 48+ |
| Nashua | 54 |
| Portsmouth | 19+ |
| Rochester | 51 |
| New Jersey: | |
| Andover | *69 |
| Asbury Park | 58 |
| Atlantic City | 46, 52+ |
| Bridgeton | 64— |
| Camden | *80 |
| Freehold | *74 |
| Hammonton | *70 |
| Montclair | *77 |
| Newark | 13— |
| New Brunswick | *19—, 47+ |
| Paterson | 37+ |
| Trenton | 41+ |
| Wildwood | 48— |
| New Mexico: | |
| Alamogordo | 17 |
| Albuquerque | 4+, *5+, 7+, 13+ |
| Artesia | 21+ |
| Atrisco-Five Points | 18+ |
| Belen | 24+ |
| Carlsbad | 6—, 23 |
| Clayton | 27— |
| Clovis | 12+, 35 |
| Deming | 14+ |
| Farmington | 17— |
| Gallup | 3, *8—, 10 |
| Hobbs | 46 |
| Hot Springs | 19 |
| Las Cruces | 22— |
| Las Vegas | 14— |
| Lordsburg | 23+ |
| Los Alamos | 20— |
| Lovington | 27 |
| Portales | 22+ |
| Raton | 46—, *52 |
| Roswell | *3+, 8, 10— |
| Santa Fe | 2+, *9+, 11— |
| Silver City | *10+, 12 |
| Socorro | 15+ |
| Tucumcari | 25+ |
| New York: | |
| Albany-Schenectady-Troy | 6, *17+, 23—, 41 |
| Amsterdam | 52— |
| Auburn | 37— |
| Batavia | 33— |
| Binghamton | 12—, 40—, *46+ |
| Buffalo (*also see* Buffalo-Niagara Falls) | 17, *23 |
| Buffalo-Niagara Falls | 2, 4—, 7+, 59 |
| Cortland | 56+ |
| Dunkirk | 46 |
| Elmira | 18+, 24— |
| Glens Falls | 39+ |
| Gloversville | 29— |
| Hornell | 50 |
| Ithaca | *14+, 20— |
| Jamestown | 58+ |
| Kingston | 66— |
| Lake Placid | 5 |
| Malone | 20+, *66 |
| Massena | 14— |
| Middletown | 60 |
| New York | 2—, 4, 5+, 7, 9+, 11+, *25, 31— |
| Niagara Falls. (*See* Buffalo-Niagara Falls.) | |
| Ogdensburg | 24+ |
| Olean | 54+ |
| Oneonta | 62— |
| Oswego | 31 |
| Patchogue | 75 |
| Plattsburg | 28+ |
| Poughkeepsie | 21—, *83 |
| Rochester | 5—, 10+, 15—, *21, 27+ |
| Rome. (*See* Utica.) | |
| Saranac Lake | 18 |
| Schenectady (*also see* Albany) | 35 |
| Syracuse | 3—, 8, *43+ |
| Troy. (*See* Albany.) | |
| Utica-Rome | 13, 19, *25+ |
| Watertown | 48 |
| North Carolina: | |
| Ahoskie | 53 |
| Albemarle | 20 |
| Asheville | 13—, *56—, 62+, 78 |
| Burlington | 63 |
| Burnsville | 18 |
| Chapel Hill | *4+ |
| Charlotte | 3, 9+, 36+, *42+ |
| Durham | 11+, *40—, 46+, 73— |
| Elizabeth City | 31+ |
| Fayetteville | 18—, 54— |
| Gastonia | 48 |
| Goldsboro | 34, 72 |
| Greensboro | 2—, *51—, 57— |
| Greenville | 9 |
| Henderson | 52— |
| Hendersonville | 27 |
| Hickory | 30— |
| High Point | 15+ |
| Jacksonville | 16 |
| Kannapolis | 59+ |
| Kinston | 45 |
| Laurinburg | 41— |
| Lumberton | 21+ |
| Mount Airy | 55 |
| New Bern | 13— |
| Raleigh | 5, *22—, 28— |
| Roanoke Rapids | 30+ |
| Rocky Mount | 50+ |
| Salisbury | 80 |
| Sanford | 38 |
| Shelby | 39 |
| Southern Pines | 49 |
| Statesville | 64— |
| Washington | 7 |
| Wilmington | 3—, 6, 29—, *35+ |
| Wilson | 56 |
| Winston-Salem | 12, 26+, *32— |
| North Dakota: | |
| Bismarck | 5, 12—, 18, *24 |
| Bottineau | 16+ |
| Carrington | 26— |
| Devils Lake | 8+, 14— |
| Dickinson | 2+, 4, *17 |
| Fargo | 6, 13—, *34— |
| Grafton | 17 |
| Grand Forks | *2, 10 |
| Harvey | 22+ |
| Jamestown | 7—, 42 |
| Lisbon | 23 |
| Minot | *6+, 10—, 13+ |
| New Rockford | 20+ |
| Rugby | 38— |
| Valley City | 4—, 32— |
| Wahpeton | 45+ |
| Williston | 8—, 11—, *34+ |
| Ohio: | |
| Akron | 49+, *55—, 61+ |
| Ashtabula | 15 |
| Athens | 62— |
| Bellefontaine | 63 |
| Bowling Green | *70 |
| Cambridge | 53 |
| Canton | 29 |
| Chillicothe | 56+ |
| Cincinnati | 5—, 9, 12, *48—, 54—, 74— |
| Cleveland | 3, 5+, 8, 19, *25+, 65+ |
| Columbus | 4—, 6+, 10+, *34, 40— |
| Coshocton | 20 |
| Dayton | 2, 7+, *16+, 22+ |
| Defiance | 43 |
| Findlay | 53 |
| Fremont | 59+ |
| Gallipolis | 72 |
| Hamilton-Middletown | 65 |
| Lancaster | 28— |
| Lima | 35—, 73 |
| Lorain | 31— |
| Mansfield | 36+ |
| Marion | 17— |



| | Channel No. |
|---|---|
| Ohio—Continued | |
| Massillon | 23+ |
| Middletown. (*See* Hamilton.) | |
| Mount Vernon | 58 |
| Newark | 60— |
| Oxford | *14+ |
| Piqua | 44— |
| Portsmouth | 30 |
| Sandusky | 42+ |
| Springfield | 52—, 76 |
| Steubenville. (*See* Wheeling, W. Va.) | |
| Tiffin | 47+ |
| Toledo | 11—, 13, *30+ |
| Warren | 67+ |
| Youngstown | 21—, 27, 73— |
| Zanesville | 50+ |
| Oklahoma: | |
| Ada | 10+, 50+ |
| Altus | 36 |
| Alva | 30 |
| Anadarko | 58— |
| Ardmore | 12—, 55— |
| Bartlesville | 62— |
| Blackwell | 51— |
| Chickasha | 64 |
| Claremore | 15 |
| Clinton | 32— |
| Duncan | 39— |
| Durant | 27— |
| Elk City | 15+, 26+ |
| El Reno | 56+ |
| Enid | 5, 21, *27+ |
| Frederick | 44 |
| Guthrie | 48 |
| Guymon | 20+ |
| Hobart | 23+ |
| Holdenville | 14— |
| Hugo | 21+ |
| Lawton | 7+, *28+, 34— |
| McAlester | 47 |
| Miami | 58+ |
| Muskogee | 8—, *45+, 66+ |
| Norman | 31—, *37— |
| Oklahoma City | 4—, 9—, *13, 19+, 25— |
| Okmulgee | 26 |
| Pauls Valley | 61 |
| Ponca City | 40— |
| Pryor Creek | 54 |
| Sapulpa | 42— |
| Seminole | 59 |
| Shawnee | 53— |
| Stillwater | 29—, *69 |
| Tulsa | 2+, 6, *11—, 17+, 23 |
| Vinita | 28— |
| Woodward | 8+ |
| Oregon: | |
| Albany | 55+ |
| Ashland | 14— |
| Astoria | 30— |
| Baker | 37+ |
| Bend | 15— |
| Burns | 16 |
| Corvallis | *7—, 49— |
| Eugene | *9+, 13, 20+, 26 |
| Grants Pass | 30 |
| Klamath Falls | 2—, 17 |
| La Grande | 13+ |
| Lebanon | 43+ |
| McMinnville | 46— |
| Medford | 5 |
| North Bend | 16+ |
| Pendleton | 28 |
| Portland | 6+, 8—, *10, 12, 21—, 27+ |
| Roseburg | 4+, 28+ |
| Salem | 3+, *18—, 24+, 66 |
| Springfield | 37— |
| The Dalles | 32 |
| Pennsylvania: | |
| Allentown | 39, 67 |
| Altoona | 10—, 19+, 25— |
| Bethlehem | 51— |
| Bradford | 70— |
| Butler | 43— |
| Chambersburg | 46— |
| Du Bois | 31+ |
| Easton | 57— |
| Emporium | 42— |
| Erie | 12, 35+, *41—, 66+ |
| Harrisburg | 27—, 55+, 71+ |
| Hazleton | 63 |
| Irwin | 4+ |
| Johnstown | 6, 56— |
| Lancaster | 8—, 21+ |
| Lebanon | 15+ |
| Lewistown | 36 |
| Lock Haven | 32— |
| Meadville | 37 |
| New Castle | 45— |
| Oil City | 64 |
| Philadelphia | 3, 6—, 10, 17—, 23+, 29, *35— |
| Pittsburgh | 2—, 11, *13—, 16, 47—, 53+ |
| Reading | 33+, 61— |
| Scranton | 16—, 22—, 73 |
| Sharon | 39+ |
| State College | *44 |
| Sunbury | 65 |
| Uniontown | 14 |
| Washington | 63+ |
| Wilkes-Barre | 28, 34 |
| Williamsport | 36— |
| York | 43, 49 |
| Rhode Island: | |
| Providence | 10+, 12+, 16, *22 |
| South Carolina: | |
| Aiken | 54 |
| Anderson | 40, 58— |
| Camden | 14 |
| Charleston | 2+, 5+, *13, 17+ |
| Clemson | *68 |
| Columbia | 10—, *19+, 25—, 67+ |
| Conway | 23— |
| Florence | 8—, 60 |
| Georgetown | 27— |
| Greenville | 4—, 23+, *29 |
| Greenwood | 21— |
| Lake City | 55+ |
| Lancaster | 31— |
| Laurens | 45— |
| Marion | 43— |
| Newberry | 70 |
| Orangeburg | 44— |
| Rock Hill | 61— |
| Spartanburg | 7+, 17—, 74— |
| Sumter | 47 |
| Union | 65— |
| South Dakota: | |
| Aberdeen | 9—, 17+ |
| Belle Fourche | 23+ |
| Brookings | *8, 25 |
| Hot Springs | 17+ |
| Huron | 12+, 15+ |
| Lead | 5—, 26 |
| Madison | 46 |
| Mitchell | 5+, 20— |
| Mobridge | 27— |
| Pierre | 6—, 10+, *22+ |
| Rapid City | 7+, 15— |
| Sioux Falls | 11, 13+, 38+, *44— |
| Sturgis | 20 |
| Vermillion | *2+, 41 |
| Watertown | 3—, 35+ |
| Winner | 18— |
| Yankton | 17— |
| Tennessee: | |
| Athens | 14+ |
| Bristol, Tenn.-Bristol, Va. | 5+, 46— |
| Chattanooga | 3+, 12—, 43+, 49+, *55— |
| Clarksville | 53 |
| Cleveland | 38+ |
| Columbia | 39— |
| Cookeville | 24 |
| Covington | 19— |
| Dyersburg | 46+ |
| Elizabethton | 22+ |
| Fayetteville | 27+ |
| Gallatin | 48+ |
| Harriman | 67 |
| Humboldt | 25 |
| Jackson | 9—, 16+ |
| Johnson City | 11—, 34+ |
| Kingsport | 28 |
| Knoxville | 6, 10+, *20+, 26— |
| Lawrenceburg | 50+ |
| Lebanon | 58 |
| McMinnville | 46 |
| Maryville | 51 |
| Memphis | 3, 5+, *10+, 13+, 42—, 48— |
| Morristown | 54+ |
| Murfreesboro | 18— |
| Nashville | *2—, 4+, 8+, 30+, 36+ |
| Oak Ridge | 32+ |
| Old Hickory | 5 |
| Paris | 51+ |
| Pulaski | 44— |
| Shelbyville | 62— |
| Springfield | 42 |
| Tullahoma | 68— |
| Union City | 55 |
| Texas: | |
| Abilene | 9+, 33— |
| Alice | 34+ |
| Alpine | 12— |
| Amarillo | *2—, 4, 7, 10 |
| Athens | 25+ |
| Austin | 7+, 18—, 24, *70— |
| Ballinger | 25 |
| Bay City | 33 |
| Beaumont-Port Arthur | 4—, 6—, 31+, *37 |
| Beeville | 38— |
| Big Spring | 4—, 34+ |
| Bonham | 43 |
| Borger | 33 |
| Brady | 15— |
| Breckenridge | 14+ |
| Brenham | 52— |
| Brownfield | 15 |
| Brownsville (*also see* Brownsville-Harlingen-Weslaco) | 36 |
| Brownsville-Harlingen-Weslaco [1] | 4+, 5— |
| Brownwood | 19 |
| Bryan | 54— |
| Childress | 40 |
| Cleburne | 57 |
| Coleman | 21— |
| College Station | *3+, 48— |
| Conroe | 20+ |
| Corpus Christi | 6+, 10—, *16+, 22, 43 |
| Corsicana | 47+ |
| Crockett | 56 |
| Crystal City | 28+ |
| Cuero | 25— |
| Dalhart | 16 |
| Dallas | 4+, 8, *13+, 23, 29, 73 |
| Del Rio | 16— |
| Denison | 52 |
| Denton | *2, 17 |
| Eagle Pass | 26 |
| Edinburg | 26— |
| El Campo | 27 |
| El Paso | 4, *7, 9, 13, 20+, 26+ |
| Falfurrias | 52 |
| Floydada | 45 |
| Fort Stockton | 22 |
| Fort Worth | 5+, 11—, 20—, *26— |
| Gainesville | 49— |
| Galveston | 11+, 35—, 41—, *47— |
| Gonzales | 64+ |
| Greenville | 69— |
| Harlingen (*also see* Brownsville-Harlingen-Weslaco) | 23 |
| Hebbronville | 58 |
| Henderson | 42+ |
| Hereford | 19— |
| Hillsboro | 63 |
| Houston | 2—, *8—, 13—, 23+, 29—, 39— |
| Huntsville | 15 |
| Jacksonville | 36— |
| Jasper | 49+ |
| Kermit | 14 |
| Kilgore | 59— |
| Kingsville | 40 |
| Lamesa | 28 |
| Lampasas | 40— |
| Laredo | 8, 13, *15+ |
| Levelland | 38— |
| Littlefield | 32 |
| Longview | 32, 38+ |
| Lubbock | 5, 11, 13—, *20, 26 |
| Lufkin | 9, 46— |
| McAllen | 20— |
| McKinney | 65— |
| Marfa | 19+ |
| Marshall | 16— |

[1] These assignments may be utilized in any community lying within the area of the triangle formed by Brownsville, Harlingen and Weslaco.

UNIVERSITY OF MICHIGAN

| | Channel No. |
|---|---|
| Texas—Continued | |
| Mercedes | 32 |
| Mexia | 50— |
| Midland | 2+, 18 |
| Mineral Wells | 38 |
| Mission | 14 |
| Monahans | 9— |
| Mount Pleasant | 35 |
| Nacogdoches | 40+ |
| New Braunfels | 62— |
| Odessa | 7—, 24— |
| Orange | 43— |
| Pampa | 17— |
| Paris | 33+ |
| Pearsall | 31 |
| Pecos | 16+ |
| Perryton | 22 |
| Plainview | 29+ |
| Port Arthur. (*See* Beaumont.) | |
| Quanah | 42 |
| Raymondville | 42 |
| Rosenberg | 17— |
| San Angelo | 3—, 8+, 17+, *23— |
| San Antonio | 4, 5, *9—, 12+, 35+, 41+ |
| San Benito | 48 |
| San Marcos | 53+ |
| Seguin | 14— |
| Seymour | 24+ |
| Sherman | 46+ |
| Snyder | 30+ |
| Stephenville | 32+ |
| Sulphur Springs | 41 |
| Sweetwater | 12 |
| Taylor | 58+ |
| Temple | 6, 16, 22+ |
| Terrell | 53 |
| Texarkana | 6+, *18, 24— |
| Tyler | 7, 19—, 72 |
| Uvalde | 20 |
| Vernon | 18+ |
| Victoria | 19+ |
| Waco | 10+, *28—, 34 |
| Waxahachie | 45— |
| Weatherford | 51 |
| Weslaco. (*See* Brownsville-Harlingen-Weslaco.) | |
| Wichita Falls | 3, 6—, *16+, 22— |
| Utah: | |
| Brigham | 36— |
| Cedar City | 5 |
| Logan | 12—, 30, *46 |
| Ogden | 9+, *13—, 24 |
| Price | 6 |
| Provo | 11+, 22, *28 |
| Richfield | 13+ |
| St. George | 18+ |
| Salt Lake City | 2—, 4— 5+, *7—, 20+, 26 |
| Tooele | 44 |
| Vernal | 3+ |
| Vermont: | |
| Bennington | 33 |
| Brattleboro | 77+ |
| Burlington | *16+, 22+ |
| Montpelier | 3, 40 |
| Newport | 46 |
| Rutland | 49+ |
| St. Albans | 34— |
| St. Johnsbury | 30 |
| Virginia: | |
| Blacksburg | *60+ |
| Bristol. (*See* Bristol, Tenn.) | |
| Charlottesville | *45+, 64+ |
| Covington | 44+ |
| Danville | 24— |
| Emporia | 25+ |
| Farmville | 19 |
| Fredericksburg | 47 |
| Front Royal | 39— |
| Harrisonburg | 3—, 34— |
| Lexington | 54 |
| Lynchburg | 13, 16— |
| Marion | 50 |
| Martinsville | 35— |
| Newport News. (*See* Norfolk-Portsmouth-Newport News.) | |
| Norfolk-Portsmouth (*also see* Norfolk-Portsmouth-Newport News) | 27 |
| Norfolk-Portsmouth-Newport News (*also see* Norfolk-Portsmouth) | 3+, 10+, 15, *21—, 33 |
| Norton | 52+ |
| Petersburg | 8, 41 |
| Portsmouth. (*See* Norfolk-Portsmouth and *also see* Norfolk, Portsmouth-Newport News.) | |
| Pulaski | 37— |
| Richmond | 6+, 12—, *23, 29+ |
| Roanoke | 7—, 10, 27+, *33— |
| South Boston | 14+ |
| Staunton | 36 |
| Waynesboro | 42 |
| Williamsburg | 17 |
| Winchester | 28+ |
| Washington: | |
| Aberdeen | 58 |
| Anacortes | 34 |
| Bellingham | 12+, 18+, 24— |
| Bremerton | 44, 50 |
| Centralia | 17 |
| Ellensburg | 49, *65 |
| Ephrata | 43 |
| Everett | 22—, 28— |
| Grand Coulee | 37 |
| Hoquiam | 52 |
| Kelso | 39 |
| Kennewick (*also see* Kennewick-Richland-Pasco) | 25 |
| Kennewick-Richland-Pasco | *41 |
| Longview | 33 |
| Olympia | 60 |
| Omak-Okanogan | *35— |
| Okanogan. (*See* Omak.) | |
| Pasco (*also see* Kennewick-Richland-Pasco) | 19— |
| Port Angeles | 16— |
| Pullman | *10—, 24 |
| Richland (*also see* Kennewick-Richland-Pasco) | 31 |
| Seattle | 4, 5+, 7, *9, 20, 26+ |
| Spokane | 2—, 4—, 6+, *7+ |
| Tacoma | 11+, 13—, *56, 62 |
| Walla Walla | 5—, 8, *22 |
| Wenatchee | *45, 55, 67 |
| Yakima | 23+, 29+, *47 |
| West Virginia: | |
| Beckley | 6—, 21, 66 |
| Bluefield | 41+ |
| Charleston | 8+, *43+, 49— |
| Clarksburg | 12+, 22, 69— |
| Elkins | 40+ |
| Fairmont | 35 |
| Fayetteville | 4 |
| Hinton | 31 |
| Huntington | 3+, 13+, *53— |
| Logan | 23— |
| Martinsburg | 58— |
| Morgantown | *24 |
| Parkersburg | 15— |
| Welch | 25 |
| Weston | 5, 32 |
| Wheeling (*also see* Wheeling-Steubenville, Ohio) | *57+ |
| Wheeling-Steubenville, Ohio | 7, 9+, 51+ |
| Williamson | 17 |
| Wisconsin: | |
| Adams | *58+ |
| Appleton | 42+ |
| Ashland | 15+ |
| Beaver Dam | 37 |
| Beloit | 57 |
| Chilton | *24+ |
| Eau Claire | 13, *19+, 25+ |
| Fond du Lac | 54+ |
| Green Bay | 2+, 6, 70+ |
| Janesville | 63+ |
| Kenosha | 61— |
| La Crosse | 8+, *32+, 38—, 72 |
| Madison | 3, *21—, 27—, 33+ |
| Manitowoc | 65 |
| Marinette | 11+, 32—, *38+ |
| Milwaukee | 4—, *10+, 12, 19—, 25, 31+ |
| Oshkosh | 48— |
| Park Falls | *18 |
| Portage | 17— |
| Prairie du Chien | 34 |
| Racine | 49—, 55 |
| Rhinelander | 22 |
| Rice Lake | 21+ |
| Richland Center | 15, *66— |
| Sheboygan | 59— |
| Shell Lake | *30— |
| Sparta | 50— |
| Stevens Point | 20+, 26— |
| Sturgeon Bay | 44— |
| Superior. (*See* Duluth, Minn.) | |
| Wausau | 7—, 16+, *46— |
| Wisconsin Rapids | 14— |
| Wyoming: | |
| Buffalo | 29 |
| Casper | 2+, 6+ |
| Cheyenne | 3, 5+ |
| Cody | 24— |
| Douglas | 14 |
| Evanston | 14— |
| Gillette | 31— |
| Green River | 16 |
| Greybull | 40 |
| Lander | 17— |
| Laramie | *8+, 18+ |
| Lovell | 36+ |
| Lusk | 19— |
| Newcastle | 28+ |
| Powell | 30+ |
| Rawlins | 11— |
| Riverton | 10+ |
| Rock Springs | 13 |
| Sheridan | 9—, 12+ |
| Thermopolis | 15 |
| Torrington | 27 |
| Wheatland | 24+ |
| Worland | 34 |
| U. S. TERRITORIES AND POSSESSIONS | |
| Alaska: | |
| Anchorage | 2—, *7—, 11—, 13— |
| Fairbanks | 2+, 4+, 7+, *9+, 11+, 13+ |
| Juneau | *3, 8, 10 |
| Ketchikan | 2, 4, *9 |
| Seward | 4—, 9— |
| Sitka | 13 |
| Hawaiian Islands: | |
| Hilo, Hawaii | 2, *4, 7, 9, 11, 13 |
| Honolulu, Oahu | 2+, 4—, *7+, 9—, 11+, 13— |
| Lihue, Kauai | 3+, *8—, 10+, 12— |
| Wailuku, Maui | 3, 8, *10, 12 |
| Puerto Rico: | |
| Arecibo | 13+ |
| Caguas | 11— |
| Mayaguez | 3+, 5— |
| Ponce | 7+, 9— |
| San Juan | 2+, 4—, *6+ |
| Virgin Islands: | |
| Charlotte Amalie | 10—, 12+ |
| Christiansted | 8+ |

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 301, 48 Stat. 1081, sec. 303, 48 Stat. 1082, as amended, sec. 307, 48 Stat. 1084; 47 U. S. C. 301, 303, 307)

Adopted: November 5, 1953.

Released: November 6, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9633; Filed, Nov. 13, 1953; 8:54 a. m.]

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[Docket No. 10651]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 10651.

1. On August 3, 1953, Charles A Casmus, Jr., Montgomery, Alabama, filed a petition with the Commission requesting an amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations so as to assign Channel 8 or Channel 3 to Montgomery, Alabama. On August 21, 1953, the Commission issued a notice of proposed rule making (FCC 53-1069) on the said proposal which was published in the FEDERAL REGISTER on August 28, 1953 (18 F. R. 5148.)

2. The time for filing comments in this proceeding expired October 5, 1953. The Alabama Telecasting Company and the Deep South Broadcasting Company of Montgomery, Alabama, supported the proposed assignments for Montgomery.

3. The assignment of Channel 8 to Montgomery was proposed as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Montgomery, Ala | 12, 20, *26+, 32 | 8—, 12, 20, *26+, 32 |
| West Point, Miss | 8, 56+ | 4—, 56+ |

On October 16, 1953, petitioner amended its proposal so as to delete the request for Channel 3 at Montgomery[1] and amended its proposal to assign Channel 8 to Montgomery as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Montgomery, Ala | 12, 20, *26+, 32 | 8—, 12, 20, *26+ |
| Columbus, Miss | 28— | 4—, 28— |
| West Point, Miss | 8, 56+ | 56+ |

4 Capitol Broadcasting Co., the permittee of television Station WCOV-TV on Channel 20 in Montgomery, Alabama opposed the assignment of an additional channel to Montgomery. Capitol stated that there were 2 applications on file for Channel 12 at Montgomery;[2] that WCOV-TV has commenced commercial operation on Channel 20; and that there are no applications on file for Channel 32 presently assigned to Montgomery. Capitol urged that the assignments to Montgomery are consonant with the number assigned to communities of comparable size; that the proposed assignments are not necessary to effect a fair and equitable distribution of facilities; that there is no special need for a second VHF assignment in Montgomery in view of the rather smooth terrain in the area; that the addition of a second VHF assignment would be unfair to the UHF operator who pioneered in developing the service in the area; and that it would hinder the development of the UHF service as an integral part of television service. Capitol further urged that the requested assignments be withheld pending a request therefor in a city for which there is need shown.

5. Dallas Broadcasters, Inc., Selma, Alabama, opposed the assignment of Channel 8 to Montgomery and proposed that this channel be assigned instead to Selma, Alabama. In support of its counterproposal Dallas Broadcasters urged that Selma is a city of 22,840 population; that it is not economically feasible to construct a UHF station at Selma in order to obtain the coverage necessary to serve the population around the city; that that proposed assignment of Channel 8 to Selma would meet the requirements of the Commission's Rules and would represent a fair and equitable distribution of television facilities.

6. Mr. Birney Imes, Jr., Columbus, Mississippi, opposed the proposal to assign Channel 8 to Montgomery insofar as it assigned Channel 4 to West Point, Mississippi. Mr. Imes requested that Channel 4 be assigned to Columbus, Mississippi, instead of West Point. In support of his counterproposal Mr. Imes urged that Columbus had a population of 17,172 as against 6,432 for West Point; that the separation between West Point and Columbus was only 17 miles so that the assignment of Channel 4 to Columbus would provide VHF service to West Point; that the assignment as proposed would meet the requirements of the Commission's Rules; and that in view of the greater size and importance of Columbus the assignment would make possible greater coverage and availability of programming. As indicated above, in its reply to oppositions and counterproposals, petitioner amended his request to conform to Mr. Imes counterproposal insofar as it assigned Channel 4 to Columbus in lieu of West Point.

7. The Commission is presented with a request to assign Channel 8 to Montgomery and the conflicting counterproposal to assign that channel to Selma. In addition the Commission is presented with the choice of retaining the assignment of Channel 4 in West Point or assigning that channel to Columbus. With respect to the Channel 8 assignment, we are of the view that the assignment of a first VHF channel to Selma, a community of 22,800 is to be preferred over the assignment of a second VHF channel to Montgomery.[3] Further, we are of the view that the assignment of a first VHF channel to Columbus, a city of 17,200 is to be preferred over the assignment of a first VHF channel to West Point, a community of only 6,400. Accordingly, the petition of Charles A. Casmus, Jr., is denied, and the counterproposals of Dallas Broadcasters, Inc., and Mr. Birney Imes, Jr., are granted.

8. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

9. In view of the foregoing: *It is ordered*, That effective 30 days after publication in the FEDERAL REGISTER, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

| City: | Channel No. |
|---|---|
| Selma, Ala | 8—, 58+ |
| Columbus, Miss | 4—, 28— |
| West Point, Miss | 56+ |

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 301, 48 Stat. 1081, sec. 303, 48 Stat. 1082, as amended, sec. 307, 48 Stat. 1084; 47 U. S. C. 301, 303, 307)

Adopted: November 5, 1953.

Released: November 10, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9628; Filed, Nov. 13, 1953; 8:53 a. m.]

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[Docket No. 10597]

PART 3—RADIO BROADCAST SERVICES

NORMAL LICENSE PERIOD FOR TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.630 of the Commission's rules relating to license periods of television broadcast stations; Docket No. 10597.

1. The Commission has under consideration its notice of proposed rule making (FCC 53-932) issued in this proceeding on July 24, 1953, proposing to amend § 3.630 of the Commission's rules and regulations by extending the license term for television broadcast stations to a period of three years.

2. Comments supporting the proposed amendment were filed by National Broadcasting Company, Inc., WGN, Inc., Allen B. DuMont Laboratories, Inc., American Broadcasting-Paramount Theaters, Inc., National Association of Radio and Television Broadcasters, Columbia Broadcasting System, Inc., Storer Broadcasting Company, WDEL, Inc., WGAL, Inc., Associated Broadcasters, Inc., WTOP, Inc., WAAM, Inc., and The Washington Post Company.

3. In support of the proposed amendment it is urged that the extension of the license period for television stations to three years will facilitate the development of a nation-wide television system, will reduce substantially the workload for both television licensees and the Commission, and will systematize and ease the burden on the Commission and licensees where such licensees also hold authorizations for standard and FM broadcast stations. It is contended that the formative stage in the development of the television service has passed and that this service has now become sufficiently stabilized and mature to warrant the same license period currently in effect in the standard and FM broadcast fields. It is urged that increasing the license term to three years will free the Commission from entanglement in many routine cases and permit it to concentrate on those licensees whose operation and practices merit particular attention.

[1] In view of this amendment the proposal to assign Channel 3 to Montgomery and the oppositions thereto will not be considered further.

[2] There is outstanding an Initial Decision to grant one of the applications.

[3] The assignment of Channel 8 to Selma conflicts with an alternative proposal contained in a petition for rule making filed by the Logansport Broadcasting Company, Logansport, Indiana. Logansport proposes to assign Channel 8 to Dothan, Alabama, at a distance of approximately 125 miles from Selma. In view of the fact that the minimum co-channel spacing for VHF channels in Zone II is 190 miles only one of these proposals may be granted. In a Memorandum Opinion and Order, issued this day with this Report and Order, the request of Logansport is denied.

[4] Commissioner Bartley concurring in view of the Commission's action on the petition of the Logansport Broadcasting Corporation.

Adoption of the three-year period as proposed, it is argued, will stabilize television operation and afford added incentive thereby facilitating the development of a nation-wide competitive television service.

4. The American Veterans Committee, a national organization of veterans, filed a comment in opposition to the proposed amendment. AVC urges that the present one-year license period should be maintained until the Commission "shall have had the opportunity to engage in a factual study of television programming and the public shall have had the opportunity to present its views in an open public hearing on the rule proposed in this proceeding." AVC submits that renewal applications are the primary source of information relating to the operation of television stations available to the Commission and that information reflected by such applications must be forthcoming annually if the Commission is to be in a position to examine effectively the operation of television stations. AVC contends that the television broadcast service is still in its formative stage, and that the operation of each of the many new stations should be examined annually "to insure that the owners and operators commence operation with an attitude and feeling of public interest implicit in its operation." AVC argues that the advantages resulting from a procedure that will enable the Commission to examine effectively into television operations far outweigh any disadvantages inherent in the Commission's present workload.

5. The San Francisco Branch of the American Association of University Women also filed a letter opposing the adoption of the proposed amendment. It is urged that monitoring surveys of television programs indicate that the obligations of television broadcast stations to serve the public interest, convenience and necessity have not been fulfilled, and that until such time as the broadcasters "completely meet these responsibilities" the performance of the television stations should "be compared with their promises at least as frequently as once a year."

6. AVC urged that the Commission have "an open public hearing in this proceeding." [1] The Commission is of the view that a formal hearing is not necessary or desirable in this proceeding. All interested parties have been afforded full opportunity to file written data, views and arguments directed to the proposed rule, and a number of such comments have been filed. We are aware of no evidence relating to the issues in this proceeding that could be presented only during the course of an oral hearing and which could not be presented to us for consideration in the form of written comments. A formal public hearing in this proceeding would serve no useful purpose at this time and would merely result in unnecessary delay.

7. The Commission is of the view that the proposed amendment extending the normal license term for television broadcast stations to a three-year period should be adopted. This service, we believe, has now reached the stage where the license period for future television licenses and for renewals of existing licenses may be extended to three years to conform with the term currently authorized for both standard and FM broadcast stations. Extension of the license term as proposed will reduce substantially the workload for both television licensees and the Commission, and will also ease the burden on those television licensees also holding authorizations for standard and FM broadcast stations since the licenses of all such stations in the same geographical area will now expire on the same date. We do not believe, as AVC contends, that a factual study of television programming is a prerequisite to the extension of the license term for television broadcast stations.

8. In extending the license period, we wish to make clear that we are in no way modifying the responsibility of broadcasters to operate their stations in the public interest. On the contrary, as pointed out by a number of the parties in their comments, extending the term to three years will afford us more time to assure a complete and adequate review of the operation of such stations.

9. It should be noted that since § 4.18 of the rules (47 CFR 4.18) provides that "Licenses for stations in the Auxiliary Broadcast Service will be issued for a period running concurrently with the licenses of the broadcast station with which such auxiliary stations are acting", the adoption of the proposed rule also will have the effect of increasing to a three-year period the license term for television STL stations, television inter-city relay stations, and television pick-up stations.

10. Authority for adoption of the subject amendment is contained in sections 4 (i), 303 (r), 370 (b), (d), and (e), and 308 (a) and (b) of the Communications Act of 1934, as amended.

11. In view of the foregoing: *It is ordered*, That effective 30 days after publication in the FEDERAL REGISTER, § 3.630 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended, secs. 307, 308, 48 Stat. 1084, 1085; 47 U. S. C. 307, 308)

Adopted: November 5, 1953.

Released: November 9, 1953.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] WM. P. MASSING,
*Acting Secretary.*

Section 3.630 is amended to read as follows:

§ 3.630 *Normal license period.* (a) All television broadcast station licenses will be issued for a normal license period of three years. Licenses will be issued to expire at the hour of 3:00 a. m., e. s. t., in accordance with the following schedule and at three-year intervals thereafter.[1]

(1) For stations located in Delaware and Pennsylvania, August 1, 1954.

(2) For stations located in Maryland, District of Columbia, Virginia, West Virginia, October 1, 1954.

(3) For stations located in North Carolina, South Carolina, December 1, 1954.

(4) For stations located in Florida, Puerto Rico, and Virgin Islands, February 1, 1955.

(5) For stations located in Alabama and Georgia, April 1, 1955.

(6) For stations located in Arkansas, Louisiana, and Mississippi, June 1, 1955.

(7) For stations located in Tennessee, Kentucky, and Indiana, August 1, 1955.

(8) For stations located in Ohio and Michigan, October 1, 1955.

(9) For stations located in Illinois and Wisconsin, December 1, 1955.

(10) For stations located in Iowa and Missouri, February 1, 1956.

(11) For stations located in Minnesota, North Dakota, South Dakota, Montana, and Colorado, April 1, 1956.

(12) For stations located in Kansas, Oklahoma, Nebraska, June 1, 1956

(13) For stations located in Texas, August 1, 1956.

(14) For stations located in Wyoming, Nevada, Arizona, Utah, New Mexico, and Idaho, October 1, 1956.

(15) For stations located in California, December 1, 1953.

(16) For stations located in Washington, Oregon, Alaska, and Hawaii, February 1, 1954.

(17) For stations located in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, April 1, 1954.

(18) For stations located in New Jersey and New York, June 1, 1954.

[F. R. Doc. 53-9605; Filed, Nov. 13, 1953; 8:49 a. m.]

[1] On August 21, 1953, the Commission considered requests filed by The Americans for Democratic Action (ADA) and the International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (UAW-CIO), for a "public hearing" in the above-entitled matter. On that date the Commission adopted an Order denying the requests but pointing out that ADA and UAW-CIO could resubmit their requests developing more fully the necessity and desirability for a public hearing and that the Commission would consider such requests in the proceeding. However, no additional comments have been filed by these parties.

[2] Commissioner Hennock dissenting and issuing an opinion which was filed as part of the original document.

[1] Renewals of licenses will be granted for the period specified in the rule: *Provided, however*, That if as a result of the transition from the previous schedule to the above schedule the period for which a license is renewed is 6 months or less, the licensee may within the period 60 days to 30 days before the expiration date of such renewed license file, in lieu of renewal application (FCC Form 303), a written application under oath for the next renewal of license which shall consist of (1) a request that its license be renewed; (2) a statement that no substantial changes have been made in its operations or in its plans for future operations since its last renewal application; or if changes have been made or proposed, a statement specifying such changes; and (3) a statement that the applicant waives any claim to the use of any particular frequency or of the ether as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise. Upon review of such statements, the Commission may grant a renewal of license for the full period provided for in the rule; or if the Commission requires additional information, it may require the filing of renewal application (FCC Form 303).



# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

### [ 7 CFR Part 921 ]

[Docket No. AO 222—A5 R01]

HANDLING OF MILK IN SPRINGFIELD, MO., MARKETING AREA

NOTICE OF REOPENING OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the reopening of the public hearing held at Springfield, Missouri, September 28–30, 1953, on proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Springfield, Missouri, marketing area.

The purpose of the reopened hearing is to afford interested parties opportunity to introduce additional evidence with respect to economic conditions which relate to the handling of milk in the Springfield, Missouri, marketing area, and to the material issues of the record of said hearing which were not decided in the Assistant Secretary's decision of October 26, 1953 (18 F. R. 6829), and to receive evidence concerning the additional proposals for amendment hereinafter set forth, or appropriate modifications thereof. None of the proposals to be considered at the hearing has received the approval of the Secretary of Agriculture.

The reopened hearing will be held in the Washington County Court House, Fayetteville, Arkansas, beginning at 10:00 a. m., December 1, 1953.

The following additional amendments have been proposed:

By the Northwest Arkansas Dairy Farmers Association:

1. Amend § 921.7 to include in the marketing area the county of McDonald in the State of Missouri and the counties of Benton and Washington in the State of Arkansas.

2. Amend the appropriate sections of the order to provide for the use of location differentials in calculating minimum handler and producer prices with respect to milk received in certain parts of the marketing area.

By the Producers Creamery Company of Springfield, Missouri:

3. Consider the inclusion of McDonald county, Missouri, and Benton and Washington counties, Arkansas, in the marketing area.

Copies of this notice of reopening of hearing and of the order now in effect may be procured from the Market Administrator, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: November 10, 1953.

[SEAL] GEORGE A. DICE,
*Acting Assistant Administrator.*

[F. R. Doc. 53-9641; Filed, Nov. 13, 1953; 8:55 a. m.]

### [ 7 CFR Part 927 ]

[Docket No. AO-71-A-26]

HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE AGREEMNT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel Utica, in Utica, New York on November 18, 1953 beginning at 10:00 a. m., for the purpose of receiving evidence with respect to the proposed amendment hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. This proposed amendment has not received the approval of the Secretary of Agriculture.

Following is the proposed amendment:

Amend § 927.40 (a) to prevent the interruption of utilization of fluid milk during the month of October 1953, resulting from the strike of dairy plant employees and drivers which occurred during such month, from being reflected in the computation of Class I-A prices for the month, of December 1953 and thereafter.

Copies of this notice of hearing, the said order, as amended, and the said tentative marketing agreement may be procured from the Market Administrator, 205 East Forty-second Street, New York 17, New York, or from the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington, D. C., or may be there inspected.

Dated: November 10, 1953.

[SEAL] ROY W. LENNARTSON,
*Assistant Administrator.*

[F. R. Doc. 53-9639; Filed, Nov. 13, 1953; 8:55 a. m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 125 ]

[Docket No. FDC-24 (a)]

LABEL STATEMENTS CONCERNING DIETARY PROPERTIES OF FOOD PURPORTING TO BE OR REPRESENTED FOR SPECIAL DIETARY USES

NOTICE OF HEARING

In the matter of amending the regulations pertaining to label statements concerning dietary properties of food purporting to be or represented for special dietary uses:

Upon the initiative of the Secretary of Health, Education, and Welfare, and in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403 (j), 701, 52 Stat. 1047, 1055; 21 U. S. C. 343 (j), 371; 67 Stat. 18), notice is hereby given that a public hearing will be held commencing at 10 o'clock in the morning of December 15, 1953, in Room 3724, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington, D. C., for the purpose of receiving evidence upon a proposal to amend the regulations pertaining to label statements concerning dietary properties of food purporting to be or represented for special dietary uses (21 CFR Part 125), in the following respects:

1. In § 125.4 *Label statements relating to minerals* it is proposed to amend paragraph (a) (2) by changing the second sentence to read as follows: "Except as provided in § 125.9, the quantity of food specified as required in this section shall be the quantity customarily or usually consumed during a period of one day, or a quantity reasonably suitable for and practicable of consumption within such period."

2. It is proposed to amend Part 125 by adding the following new section:

§ 125.9 *Label statements relating to certain foods used as a means of regulating the intake of sodium for the purposes of dietary management with respect to disease.* If a food purports to be or is represented for special dietary use by man by reason of its use as a means of regulating the intake of sodium for the purposes of dietary management with respect to disease, the label shall bear a statement of the number of milligrams of sodium in 100 grams of such food.

At the hearing, evidence will be restricted to testimony and exhibits relevant and material to such proposals. The hearing will be conducted in accordance with the rules of practice provided therefor. Mr. Leonard D. Hardy is hereby designated as presiding officer to conduct the hearing in place of the Secretary, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing.

The proposed amendments for consideration at the hearing are subject to adoption, rejection, or modification by the Secretary of Health, Education, and Welfare, in whole or in part, as the evidence adduced at the hearing may require.

Dated: November 9, 1953.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 53-9602; Filed, Nov. 13, 1953; 8:48 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 1 ]

[Docket Nos. 10107, 10746]

ANNUAL REPORT FORMS APPLICABLE TO STANDARD BROADCAST, FM, TELEVISION AND INTERNATIONAL STATIONS

NOTICE OF FURTHER PROPOSED RULE MAKING

In the matter of amendment of Annual Report Form 324 and deletion of Annual Report Form 324-A; applicable to Standard Broadcast, FM, Television and International Stations; Docket No. 10746; amendment of Schedules 10-A and 10-B (Employees and Their Compensation) of Annual Report Form 324, applicable to Standard Broadcast, FM, Television and International Stations; Docket No. 10107.

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. On January 11, 1952, the Commission issued a notice of proposed rule making ( 17 F. R. 527) looking toward the amendment in certain respects of Schedules 10-A and 10-B (Employees and Their Compensation) of Annual Report Form 324. The Commission is now proposing to delete these schedules, and is herewith consolidating that docket (Docket No. 10107) in the instant proceeding.

3. The Commission is also herewith proposing to amend Annual Report Form 324 in other particulars as set forth in Appendix A.[1] The proposed revisions provide for the deletion of certain schedules and for the simplification of other schedules. In addition, it is proposed to delete Annual Report Form 324-A, Summary Estimates of Station Broadcast Revenues and Expenses.

4. As a result of the above, changes are required in section 0.206 (c), and § 1.341 (a) and (b) of the Commission's rules and regulations. The proposed changes are set forth below.

5. Annual Report Form 324 is prescribed in § 1.341 (a) of the Commission's rules and regulations. Authority for the issuance of the proposed amendment is contained in sections 4 (i), 303 (r) and 308 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the manner proposed herein, may file with the Commission on or before December 7, 1953, a statement or brief setting forth his comments. At the same time persons favoring the amendment as proposed may file statements in support thereof. Statements or briefs in reply to the original comments may be filed on or before December 17, 1953. Before taking action in the matter the Commission will consider all such comments that are presented, and if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed, plus one extra copy for each party to the proceeding in the case of comments in reply to the original statements or briefs, shall be furnished to the Commission.

Adopted: November 5, 1953.

Released: November 9, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

1. Amend section 0.206 (c) to read as follows:

(c) All applications and amendments thereto filed under Title II and Title III of the act, including all documents and exhibits filed with and made a part thereof, and all communications protesting or endorsing any such applications, authorizations, and certifications issued upon such applications; all pleadings, depositions, exhibits, transcripts of testimony, reports of examiners or presiding officers, exceptions, briefs, proposed reports, or findings of fact and conclusions; all minutes and orders of the Commission. The information filed under § 1.341 and network and transcription contracts filed pursuant to § 1.342 shall not be open to public inspection. The Commission may, however, either on its own motion, or on motion of an applicant, permittee or licensee, for good cause shown, designate any of the material in this subsection as confidential.

2. Amend § 1.341 (a) to read, as follows:

§ 1.341 *Financial report, broadcast licensees and permittees.* Each licensee of a broadcast station (standard, FM, television and international) and each permittee of a broadcast station engaged in interim operation shall file with the Commission on or before April 1 of each year on Form 324 an operating statement for the preceding calendar year together with a statement as to investment in tangible broadcast property as of December 31 of the preceding calendar year.

3. Delete paragraph (b) of § 1.341.

[F. R. Doc. 53-9609; Filed, Nov. 13, 1953; 8:50 a. m.]

[1] Filed as part of original document; copies obtainable upon request to Federal Communications Commission.

### [ 47 CFR Parts 2, 11 ]

[Docket Nos. 9703, 10742]

SPECIAL INDUSTRIAL RADIO SERVICES AND TABLE OF FREQUENCY ALLOCATIONS

SECOND NOTICE OF FURTHER PROPOSED RULE MAKING

In the matter of revision of Subpart K of Part 11, rules governing the Special Industrial Radio Services; Docket No. 9703; and amendment of § 2.104, *Table of frequency allocations*, of Part 2 of the Commission's rules; Docket No. 10742.

1. The Special Industrial Radio Service was established by the Commission's Report and Order of April 27, 1949 effective July 1, 1949. The service was intended to provide radiocommunications for a wide variety of industrial enterprises outside of population centers where other communications facilities were not readily available. Since its inception it has grown steadily to the point where there are now more than 4500 licensed stations in operation. This growth has given rise to many problems, not the least of which has been the difficulty experienced in applying some of the standards set forth in § 11.501.

2. In an effort to resolve some of these problems, two notices of proposed rule making have been issued. The comments filed in response thereto have served to accentuate the many questions confronting the Commission in promulgating reasonable and workable standards for this service. A First Report and Order which substituted the criterion of operation outside "Standard Metropolitan Areas" of 500,000 or more population for the term "remote or sparsely settled region" was issued May 13, 1953. The remaining issues in the proceeding, however, were left unresolved pending further study and it was indicated that further proposed rule making might be necessary.

3. The experience with the service since its inception together with the many comments and requests filed relative thereto indicate that a new approach might be the most expedient method of solution. Accordingly, a completely new set of rules is hereby proposed. These are set forth below. While the proposed rules speak for themselves there are certain features to which we believe specific attention should be directed.

4. At the outset it should be noted that an attempt has been made to delineate as specifically as possible the various categories of industrial activities for which it is proposed to make available radio communications in the Special Industrial Radio Service. The classification of industries has been based to a large extent on the Standard Industrial Classification Manual prepared by the Bureau of the Budget: Volume I, Manufacturing Industries, 1945; and Volume II, Non-Manufacturing Industries, 1949. In cases of doubt as to the proper classification for a particular activity, reference to that manual is recommended

5. The major activities delineated are agriculture, manufacturing, mining, heavy construction, and certain of the trades and services. There is little change in the eligibility requirements governing agriculture, manufacturing, and mining. The heavy construction category, however, specifically excludes building construction. Furthermore, within Standard Metropolitan Areas with a population of 500,000 or more, Base Stations must be located within one quarter mile of the particular construction project to be served.

6 One of the most significant changes in the new rules is the inclusion of certain service and trade activities. These are divided into four groups. The first, § 11.507, concerns those persons who provide specialized functions under contract to single categories of persons who would be eligible in certain of the Industrial Radio Services to use radio in the performance of the same function. Examples of the type of activities that would be included under this rule are the petroleum industry specialists such as well acidizers, loggers, perforators, and the like; pipeline repairers; agricultural specialists who spray or harvest crops for others. Those found eligible under this section may locate their radio system any place the industry served would be able to operate. However, the general limitations on use contained in § 11.512 apply to these licensees as well as all others in the Special Industrial Radio Service.

7. The second service and trade activity rule, § 11.508, provides for the use of radio by persons who perform specialized functions for several different categories of industry as distinguished from the single industry concept contained in § 11.507. Persons found eligible under § 11.508 are limited to station location and operation outside Standard Metropolitan Areas of 500,000 or more population. It will be noted that whereas the delivery and pouring of ready-mixed concrete and hot asphalt mix are included in this group, sand and gravel deliveries are not. The distinction is based upon the fact that ready-mixed concrete and asphalt are perishable products and proper timing of deliveries is essential to avoid loss.

8. The third category, § 11.509, provides on-the-job communications for a variety of engineering activities. There are no population limitations on where radio may be used by this group.

9. The final service and trade group is tied in with the proposal issued concurrently herewith to create a Motor Carrier Radio Service under Part 16 of the Commission's rules, "Rules Governing the Land Transportation Radio Services." This new service will provide for the use of radio in connection with the operation of busses, streetcars, and trucks operated by common or contract carriers. The so-called "private truckers", such as persons engaged in the delivery of fuel oil and butane gas, who operate trucks as an incident to a regular business, are being carried over into the Special Industrial Service under § 11.510. In this connection, six of the seven frequencies presently available to the Highway Truck Service are being reallocated to permit assignment in the Special Industrial Service. The proposed reallocation is set forth below.

10. We wish to call attention to the fact that each of the service and trade groups list certain activities as coming within the meaning of the particular definition under which they are set forth. We have attempted to be as specific as possible in this regard and if a particular activity has not been specifically delineated, any application to use radio in connection therewith must be accompanied by a petition to amend the rule to include that activity. It is believed that adherence to this policy will alleviate one of the problems associated with the present rules, i, e. the question of interpretations.

11. As is indicated in the section on scope of service, the proposed rules are designed to make mobile radio available to a wide variety of individual industrial enterprises. We anticipate that the Special Industrial Service will continue to grow. Hence, the limited number of frequencies available and suitable for mobile operations precludes unrestricted use thereof. Accordingly, we have found it necessary to place certain limitations not only on where radio may be used but also on the manner of operation. These are found in §§ 11.511 and 11.512. There are two limitations to which we direct attention. Since mobile relay operation is inherently wasteful of spectrum space, such stations will not be authorized within the limits of continental United States. Furthermore, because the service which the rules are designed to provide is mobile, except for safety messages communication between base stations is prohibited. Until the demands for mobile service are satisfied, we believe these prohibitions are reasonable.

12. The bands 3500-3700 Mc, 6425-6575 Mc, and 11,700-12,200 Mc available to the mobile service and the band 890-940 Mc available to the fixed service under the Table of Frequency Allocations in Part 2 of the Commission's rules have not been carried over into the new rules. The reason for this is that the Commission is undertaking a comprehensive study of the use of microwaves for private radio systems. (See Withdrawal of Notice of Proposed Rule Making and Termination of Proceedings in Docket 10500, released October 29, 1953.) Pending completion of this study, it is believed that no assignments should be made in these bands in this Service.

13. All persons presently licensed in the Special Industrial Radio Service who at the time of renewal or modification of their existing license are found to be ineligible under the new rules, will be given five years from the date of final action in this proceeding within which to amortize their equipment. Those required to change frequency shall do so within one year. All grants made during the pendency of the proceeding will be expressly made subject to such modification without hearing as may be necessary to effect compliance with the rules as finalized.

14. Final action in this matter will dispose of petitions filed by the National Ready Mixed Concrete Association and the National Sand and Gravel Association filed December 30, 1952, the Federal Communications Consulting Engineers Association dated February 4, 1952, and the Hawaiian Commercial and Sugar Company, Limited, filed August 5, 1953.

15. The proposed rules are issued under the authority contained in section 4 (i) and 303 of the Communications Act of 1934, as amended.

16. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before February 5, 1954 a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 14 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

17. In connection with the filing of comments, it is desired to point out that much of the material filed in response to the previous notices is outdated. Accordingly, it is requested that interested persons not rely on statements already on file but submit them anew.

18. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 4, 1953.

Released: November 6, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

Part 11, Industrial Radio Services, is proposed to be amended in the following particulars:

1. Insert the following new paragraph in § 11.3 *Definition of terms:*

(x) *Standard Metropolitan area.* Any or all of the areas within the continental limits of the United States described and enumerated as Standard Metropolitan Areas in the U. S. Census of Population, 1950; Vol. I, Number of Inhabitants; Chapter 1, U. S. Summary; Bureau of the Census, United States Department of Commerce. (The Standard Metropolitan Areas in the United States are listed in that publication in Table 26, beginning on Page 1-66. The publication is sold by the U. S. Government Printing Office, Washington 25, D. C.)

2. Delete the present index reference and text of Subpart K, Special Industrial Radio Service, and substitute the following new index reference and text:

SUBPART K—SPECIAL INDUSTRIAL RADIO SERVICE

Sec.
11.501 Scope of service.
11.502 Availability of service.
11.503 Agricultural activities.
11.504 Heavy construction activities.
11.505 Manufacturing activities.
11.506 Mining activities.

Sec.

11.507 Specialized industrial service and trade activities.
11.508 General industrial service and trade activities.
11.509 Engineering service activities.
11.510 Miscellaneous public service activities.
11.511 Permissible communications.
11.512 Station limitations.
11.513 Mobile service frequencies for use at temporary locations.
11.514 Frequencies available for base and mobile stations.
11.515 Frequencies available for operational fixed stations.
11.516 Frequencies available for base, mobile and operational fixed stations.


SUBPART K—SPECIAL INDUSTRIAL RADIO SERVICE

§ 11.501 *Scope of service.* (a) The rules set forth in this subpart are designed to make available to a variety of individual industrial enterprises mobile radiocommunication systems which can contribute materially to the safety and efficiency of the operations involved. The limited number of frequencies available for assignment in this service precludes making it available to all classes of persons who might have a need for mobile radiocommunication, particularly in or near large population centers. Accordingly, the Commission has been obliged to adopt strict eligibility limitations on industrial radio usage in such areas and, in addition, other limitations have been placed on the use of licensed stations. Nevertheless, those persons who do qualify for their own radio systems in this service are cautioned that a substantial amount of interference can be expected and are urged to cooperate in the solution of mutual interference problems.

(b) Certain frequencies are available for assignment for fixed service operations in this service on a limited basis; however, extensive licensing of point-to-point systems must await further development of the Commission's microwave program. Accordingly, requests for point-to-point facilities will be considered on a case-by-case basis. In general, requests for such point-to-point facilities should clearly establish either (1) that a number of fixed stations at permanent locations are required to provide communications between isolated establishments or from such establishments to points at which established communication facilities are available, or (2) that the use of a remotely located base station, with which a requested fixed control and fixed relay link is proposed to be used, is necessary to maintain communications with mobile units for the conduct of authorized communications. Point-to-point facilities will not be authorized for the transmission of any type of signal or communication between two locations within the same Standard Metropolitan Area except for the purpose of providing a fixed control and fixed relay link where the remote placement of a base station has been justified.

(c) The initial application from a person claiming eligibility under the provisions of this subpart shall be accompanied by a full description of the type, location and extent of the particular activity in which engaged and the proposed use of radio in connection therewith, together with a full description of any other activities in connection with which the radio-equipped vehicles will be used and the extent of such use.

§ 11.502 *Availability of service.* (a) Authorizations to operate stations in the Special Industrial Radio Service are available only to the extent and for the purposes set forth in this subpart. To the extent that the provisions of this subpart may be at variance with those contained in Subparts A, B, C, D or E of this part, the provisions of this subpart shall be controlling.

(b) Authorizations to operate stations in the Special Industrial Radio Service are not available to persons who are eligible to operate substantially the same radiocommunication facilities in other Radio Services.

(c) A subsidiary corporation furnishing a non-profit communications service to its parent corporation or its subsidiaries may be considered eligible in the Special Industrial Radio Service, if the parent or its subsidiaries are engaged in one of the activities set forth in this subpart. The use of any radio system authorized pursuant to this paragraph will be subject to all the limitations and conditions applicable to the particular activity upon which eligibility is predicated.

(d) The classification of certain industries and activities into specified categories for the purposes of this subpart is based upon the general classification of all industrial activities ocntained in the Standard Industrial Classification Manual (Executive Office of the President, Bureau of the Budget: Volume I, Manufacturing Industries, 1945; and Volume II, Nonmanufacturing Industries, 1949) with certain specific additions to and exclusions from the general categories for the purposes of the rules in this subpart. To determine whether or not a particular industrial activity falls within one of the categories delineated in this subpart, reference to that manual is recommended. (The manual is available from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.)

§ 11.503 *Agricultural activities*—(a) *Definition.* For the purposes of this part, agricultural activities are defined as the activities directly involved in the operation of farms or ranches for the production of crops or plants, vines or trees (excluding forestry operations), or for the keeping, grazing or feeding of livestock for animal products, animal increase, or value enhancement. Included as farms are such agricultural enterprises as orchards, vineyards, nurseries, greenhouses, hothouses, fur farms, mushroom cellars, apiaries, cranberry bogs, fish farms, fish hatcheries, oyster farms and frog farms. The processing (curing, packing, canning, smoking, freezing, etc.) of food on a farm is classed as an agricultural rather than a manufacturing activity if the raw materials are grown on that farm.

(b) *Eligibility.* Persons engaged in agricultural activities, as that term is defined in this section, are eligibile in this service when it is shown that the use of radio will be exclusively in connection with the conduct of the agricultural activities involved and that all such activities take place exclusively in areas other than Standard Metropolitan Areas of 500,000 or more population.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population.

§ 11.504 *Heavy construction activities*—(a) *Definition.* For the purposes of this part, heavy construction activities are defined as the activities directly involved in the construction of engineering projects, such as highways and streets, bridges, sewers, railroads, irrigation projects, flood control projects and marine construction, and miscellaneous types of construction work other than buildings. Not included as heavy construction activities are the functions performed by general contractors engaged in the construction of residential, farm, industrial, commercial, public, or other building, or by establishments specializing in plumbing, painting, electrical work, masonry, plastering, carpentry, or other special construction trades. Although marine construction is included as a heavy construction activity, dredging solely for the recovery of sand, gravel, fuels, minerals or metals shall be classed as a mining activity.

(b) *Eligibility.* Persons engaged in heavy construction activities, as that term is defined in this section, are eligible in this service when it is shown that the use of radio will be exclusively in connection with the conduct of the heavy construction activities involved and either (1) that all such activities take place exclusively in areas other than Standard Metropolitan Areas of 500,000 or more population, or (2) that the use of radio will be exclusively for on-the-job communications at the site of a particular heavy construction project within such Standard Metropolitan Area.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population. Exceptions to the above may be made by the Commission in specific cases and for limited periods of time when it is shown that one or more base stations, to be associated with a specified heavy construction project and to be located within one quarter mile thereof, will be used exclusively in the conduct of that project; however, each authorization so issued, for the operation of base stations or mobile units within such Standard Metropolitan Areas of 500,000 or more population, will be limited in term to the expected duration of the construction project in connection with which it is proposed to be used, but in no event beyond a period of one year, and to a location, for any base station, within one quarter mile from the construction project it proposes to serve.

§ 11.505 *Manufacturing activities*—(a) *Definition.* For the purposes of this part, manufacturing activities are defined as the activities directly involved in the mechanical or chemical transformation of organic or inorganic substances into new products within establishments usually described as plants, factories, shipyards, or mills and which employ, in that process, power-driven machines and materials-handling equipment. Establishments engaged in assembling components of manufactured products in plants, factories, shipyards or mills are also engaged in manufacturing activities if the new product is neither a new structure nor other fixed improvement. Establishments primarily engaged in the wholesale or retail trade, or in service activities, even though they fabricate or assemble any or all of the products or commodities handled, shall not be considered to be engaged in manufacturing activities.

(b) *Eligibility.* Persons engaged in manufacturing activities, as that term is defined in this section, are eligible in this service when it is shown that the use of radio will be exclusively in connection with the conduct of the manufacturing activities involved and either (1) that those activities take place exclusively in areas other than Standard Metropolitan Areas of 500,000 or more population, or (2) that the use of radio will be exclusively within the yard area of a single plant for mobile service communications within such Standard Metropolitan Area and that the use of the Low Power Industrial Radio Service does not meet the operational requirements of the manufacturing activity otherwise found eligible under this paragraph.

(c) *Limitation on station location.* (1) Each station authorized in accordance with the provisions of paragraph (b) (1) of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population.

(2) Each base station authorized in accordance with the provisions of paragraph (b) (2) of this section shall be permanently located at a point within the yard area to be served by it, and the mobile units associated therewith shall not be operated beyond the boundaries of that yard area except that, upon specific authorization by the Commission after adequate showing that such operation is necessary in the interest of national defense, mobile units may be operated outside of such yard area for the purpose of maintaining plant security only.

§ 11.506 *Mining activities*—(a) *Definition.* For the purposes of this part, mining activities are defined as the activities directly involved in the process of recovery of solid fuels, minerals, or metals from the earth or from the sea by means of mining, quarrying, dredging, chemical extraction, deep-well operation, or similar processes. The operations involved in the exploration for and the development of mining properties are considered mining activities. The process of crushing, washing, sorting, grading, dressing, or other beneficiation or preparation for delivery as raw material to smelters, refining or other manufacturing processes or to the wholesale market is considered a part of the mining activity only when carried on by the same person who recovers the basic materials from the earth or from the sea.

(b) *Eligibility.* Persons engaged in mining activities, as that term is defined in this section, are eligible in this service when it is shown that the use of radio will be exclusively in connection with the conduct of the mining activities involved.

(c) *Limitation on station location.* No base station or operational fixed station shall be authorized in accordance with the provisions of this section for operation at temporary locations within any Standard Metropolitan Area of 500,000 or more population.

§ 11.507 *Specialized industrial service and trade activities*—(a) *Definition.* For the purposes of this part, specialized industrial service and trade activities are defined as those commercial or industrial activities directly involved in providing specialized functions, services or materials, under contract, to single categories of persons who are themselves eligible, in certain of the Industrial Radio Services, to use radio in connection with the performance of the same functions. Activities normally classed as building trade or special construction trade activities are not included. Only the following are recognized as specialized industrial service and trade activities in accordance with the foregoing:

(1) Plowing, spraying, dusting or harvesting for agricultural or forestry activities.

(2) Livestock breeding service.

(3) Cleaning and repair of oil, gas or water pipe lines.

(4) Acidizing, cementing, logging, perforating, or shooting activities incident to the drilling of new oil or gas wells or the maintenance or production from established wells.

(5) Supplying of chemicals, mud, tools, pipe and special equipment to the petroleum production industry, other than to refining, cracking or processing plants.

(6) Clearing and maintaining rights-of-way for public utilities.

(7) Crushing, washing, sorting, grading, dressing or other benefication or preparation of ores, minerals or solid fuels, when performed by a person who is not engaged in either a mining or a manufacturing activity and when all such operations, including all use of radio in connection therewith, are confined to a single yard area.

(b) *Eligibility.* Persons primarily engaged in specialized industrial service and trade activities, as that term is defined in this section, are eligible in this service when it is shown (1) that the use of radio will be exclusively in connection with the conduct of such specialized industrial service and trade activities, (2) that every basic industrial actvity served would be eligible for a station authorization in the Industrial Radio Services at the station locations proposed by the applicants in this service, (3) that the persons engaged in the specialized industrial service and trade activities are not otherwise eligible under this part for the use of radio in connection with those activities except in the Low Power Industrial Radio Services, and (4) that the use of the Low Power Industrial Radio Service would not meet the operational requirements of those activities.

(c) *Limitation on station locations.* Except for stations which exclusively serve the Petroleum, Power, Forest Products or Motion Picture Industries, as defined in Subparts F, G, H, or I of this part, or the mining industry, as defined in this Subpart, each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population.

§ 11.508 *General industrial service and trade activities*—(a) *Definition.* For the purposes of this part, general industrial service and trade activities are defined as those commercial or industrial activities directly involved in providing specialized functions, services or materials which are essential to the efficient conduct of the industrial processes involved in a wide variety of industrial activities, and which are performed by persons other than those conducting the basic industrial activities making use thereof. Only the following are recognized as general industrial service and trade activities in accordance with the foregoing:

(1) Servicing, repairing and maintaining heavy machinery (not including automobiles or trucks) when such operations are performed at the place where such machinery is used, and when such use is exclusively in connection with agricultural, heavy construction, manufacturing or mining activities, as those terms are defined in this subpart, or in connection with activities conducted by persons who are eligible for license in the Power, Petroleum, Forest Products or Motion Picture Radio Services in connection therewith.

(2) Delivering and pouring ready-mixed concrete or hot asphalt mix.

(b) *Eligibility.* Persons primarily engaged in general industrial service and trade activities, or in a combination of general and specialized industrial service and trade activities, as those terms are defined in this subpart, are eligible in this service when it is shown (1) that the use of radio will be exclusively in connection with the conduct of those activities and (2) that all such activities take place exclusively in areas other than Standard Metropolitan Areas of 500,000 or more population.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population.

§ 11.509 *Engineering service activities*—(a) *Definition.* For the purposes of this part, engineering service activities are defined as those activities directly involved in the conduct of certain engineering field activities by professional engineers or consulting engineering firms. Only the following are rec-

ognized as engineering service activities in accordance with the foregoing:

(1) The conduct of topographical or geological surveys.

(2) The siting, construction and adjustment of antennas for commercial or educational or State or Local Government radio transmitting and receiving stations.

(b) *Eligibility.* Persons primarily engaged in engineering service activities, as that term is defined in this section, are eligible in this service when it is shown (1) that the use of radio will be exclusively in connection with the conduct of such engineering service activities, and (2) that the use of radio will be exclusively for on-the-job communications between members of the same engineering field party working on a single project.

(c) *Limitation on station locations.* No base station or operational fixed station shall be authorized in accordance with the provisions of this section for operation at any permanent location.

§ 11.510 *Miscellaneous public service activities*—(a) *Definition.* For the purposes of this part, miscellaneous public service activities are defined as those activities directly involved in the conduct of commercial or industrial enterprises which are considered essential to the health or immediate welfare of a large segment of the general public and are not classed among those commercial or industrial activities for which other specific provision has been made in the Commission's rules. Only the following are recognized as miscellaneous public service activities in accordance with the foregoing:

(1) The servicing and repair of heating or refrigerating equipment.

(2) The delivery of ice or fuel to the consumer in solid, liquid or gaseous form for heating, lighting, refrigerating or power generation purposes, by means other than pipe lines or railroad.

(3) The spraying or dusting of insecticides, herbacides or fungicides but not including the fumigation or other treatment of buildings (or other structures) or their contents for the control of rodents, pests, parasites or plant diseases.

(4) The repair of public streets, highways, and bridges.

(b) *Eligibility.* Persons primarily engaged in miscellaneous public service activities, or in a combination of those activities with general and specialized industrial service and trade activities, as those terms are defined in this subpart, are eligible in this service when it is shown (1) that the use of radio will be exclusively in connection with the conduct of those activities and (2) that all such activities take place exclusively in areas other than Standard Metropolitan Areas of 50,000 or more population.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 50,000 or more population.

§ 11.511 *Permissible communications.* (a) Except for the transmission of communications relating directly to the safety of life or to the protection of property, stations licensed to persons in the Special Industrial Radio Service may be used only for the transmission of communications relating to the immediate control of the movement of mobile units, or the supervisory control of other functions, directly involved in the conduct of the specific activity or activities in connection with which eligibility has been established.

(b) In addition to the foregoing provisions of this section, stations licensed to persons found eligible under the provisions of § 11.505 (b) (2) shall be limited in the transmission of such communications to those between stations or units within the same yard area; however, the transmission of communications relating directly to the maintenance of plant security may be made by or to associated mobile stations outside the specified plant area when such operation has been authorized by the Commission in accordance with the provisions of § 11.505 (c) (2).

(c) Communications relating directly or indirectly to the following shall not be transmitted by any base or mobile stations licensed in the Special Industrial Radio Service:

(1) Sales reports, or the dispatch of salesmen;

(2) Payrolls, accounts, or inventory control; or

(3) Any message or information where the time element is not of immediate importance.

§ 11.512 *Station limitations.* (a) Mobile relay stations will not be licensed in the Special Industrial Radio Service within the continental limits of the United States.

(b) Where a radio station authorization in the Special Industrial Radio Service is held by a person or organization engaged in activities beyond those indicated in the eligibility provisions of this service, the operation of such station shall be confined to those activities on which eligibility has been established, except for messages relating to the safety of life or to the protection of property.

(c) Except for the transmission of communications relating directly to the safety of life or to the protection of property, no base station in the Special Industrial Radio Service shall be used for the transmission of communications addressed to or to be relayed by any other base station.

§ 11.513 *Mobile service frequencies for use at temporary locations.* (a) Subject to the applicable provisions of § 11.54, authorization to operate a base station in this service at temporary locations will be granted only on the frequencies 27.31, 27.35, 27.39, 43.02, 43.06, 43.10, 43.14, 49.70, or 152.87 Mc: *Provided, however,* That this paragraph shall not be applicable in the case of such stations when they are to be operated only within direct communication range of one or more permanently located base stations operated by the same licensee.

(b) A mobile station not associated with one or more base stations installed at permanent locations will be authorized to operate on the frequencies 27.31, 27.35, 27.39, 43.02, 43.06, 41.10, 45.14, 49.70 or 152.87 Mc only.

§ 11.514 *Frequencies available for base and mobile stations.* (a) The following frequencies are available for assignment to base stations and mobile stations in the Special Industrial Radio Service only:

| Mc. | Mc. | Mc. | Mc. |
|---|---|---|---|
| 27.31 | 30.62 | 35.94 | 49.86 |
| 27.35 | 35.74 | 43.02 | 49.94 |
| 27.39 | 35.78 | 43.06 | 49.94 |
| 27.43 | 35.82 | 43.10 | 49.98 |
| 27.47 | 35.86 | 43.14 | 154.49 |
| 30.58 | 35.90 | 43.18 | |

(b) The following frequencies are available for assignment to base stations and mobile stations in the Special Industrial Radio Service on a shared basis with other services:

| kc. | Mc. | Mc. |
|---|---|---|
| [1] 2292 | 49.54 | 49.78 |
| [1] 2398 | 49.58 | 49.82 |
| [1] [2] 4637.5 | 49.62 | 152.87 |
| | 49.66 | 152.93 |
| | 49.70 | 152.99 |
| | 49.74 | 173.375 |

[1] Use of this frequency by stations licensed in the Special Industrial Radio Service is on a shared basis with other stations in the Industrial Radio Services, but is subject to the condition that harmful interference shall not be caused to the service of any station not in these services which, in the discretion of the Commission, may have priority on the frequency or frequencies used for the service to which interference is caused.

[2] This frequency is limited to daytime use only, with a maximum plate power input to the final radio frequency stage not to exceed 100 watts.

[3] This frequency may be subject to change when the Atlantic City table of frequency allocations between 4 Mc and 27.5 Mc comes into force.

(c) In addition to the frequencies listed in this section, mobile service frequencies above 152 Mc listed elsewhere in this part as available to the Petroleum, Forest Products, Motion Picture or Relay Press Radio Services also are available for assignment in this Service for use outside the continental limits of the United States and waters adjacent thereto: *Provided, however,* That operation on such frequencies is subject to the condition that harmful interference shall not be caused to licensees operating in the other Services.

§ 11.515 *Frequencies available for operational fixed stations.* (a) Subject to the condition that no harmful interference will be caused to reception of television channel No. 4 or 5, the following frequencies are available for assignment to operational fixed stations in the Special Industrial Radio Service on a shared basis with other services: [1]

| Mc. | Mc. | Mc. | Mc. |
|---|---|---|---|
| 72.02 | 72.34 | 72.66 | 72.98 |
| 72.06 | 72.38 | 72.70 | 73.02 |
| 72.10 | 72.42 | 72.74 | 73.06 |
| 72.14 | 72.46 | 72.78 | 73.10 |
| 72.18 | 72.50 | 72.82 | 73.14 |
| 72.22 | 72.54 | 72.86 | 73.18 |
| 72.26 | 72.58 | 72.90 | 73.22 |
| 72.30 | 72.62 | 72.94 | 73.26 |

[1] Subject to the proceedings in Docket No. 10315.



| Mc. | Mc. | Mc. | Mc. |
|---|---|---|---|
| 73.30 | 73.78 | 74.26 | 75.54 |
| 73.34 | 73.82 | 74.30 | 75.58 |
| 73.38 | 73.86 | 74.34 | 75.62 |
| 73.42 | 73.90 | 74.38 | 75.66 |
| 73.46 | 73.94 | 74.42 | 75.70 |
| 73.50 | 73.98 | 74.46 | 75.74 |
| 73.54 | 74.02 | 74.50 | 75.78 |
| 73.58 | 74.06 | 74.54 | 75.82 |
| 73.62 | 74.10 | 74.58 | 75.86 |
| 73.66 | 74.14 | 75.42 | 75.90 |
| 73.70 | 74.18 | 75.46 | 75.94 |
| 73.74 | 74.22 | 75.50 | 75.98 |

(b) Frequencies in the bands listed below are available for assignment to operational fixed stations in the Special Industrial Radio Service on a shared basis with other services, under the terms of a developmental grant only; the exact frequency and the authorized bandwidth will be specified in the authorization:

| Mc. | Mc. |
|---|---|
| 952– 960 | 6575– 6875 |
| 1850–1990 | 9800– 9930 |
| 2110–2200 | 12,200–12,700 |
| [1] 2450–2500 | [1] 16,000–18,000 |
| 2500–2700 | 26,000–30,000 |

[1] Use of frequencies in the bands 2450–2500, and 17,850–18,000 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 2450 and 18,000 Mc.

(c) Pursuant to the provisions of § 11.8, and for the specific purpose of transmitting hydrological or meteorological data, the frequencies listed in this paragraph are available for assignment to Operational Fixed Stations in this Service: *Provided, however,* That harmful interference shall not be caused to Federal Government stations: *And provided further,* That the hydrological or meteorological data is made available to interested government agencies. Notwithstanding the provisions of § 11.151, operational fixed stations authorized to operate on frequencies listed in this paragraph shall not communicate with or accept communications from any mobile station or base station unless written authorization to do so has been obtained from the Commission. Persons who desire to operate stations in accordance with the provisions of this paragraph should communicate with the Commission prior to filing formal application and request instructions concerning the procedure to be followed. The following frequencies are available for assignment:

| Mc. | Mc. | Mc. |
|---|---|---|
| 160.425 | 171.025 | [1] 406.050 |
| 160.475 | 171.075 | [1] 406.150 |
| 160.525 | 171.725 | [1] 406.250 |
| 160.575 | 171.125 | [1] 406.350 |
| 170.225 | 171.825 | [1] 412.450 |
| 170.275 | 171.875 | [1] 412.550 |
| 170.325 | 171.925 | [1] 412.650 |
| 170.375 | 171.975 | [1] 412.750 |

[1] Primarily for use by Fixed Relay Stations.

§ 11.516 *Frequencies available for base, mobile, and operational fixed stations.* (a) The frequencies listed in paragraph (c) of this section are available for assignment to stations in the Special Industrial Radio Service for Developmental Operation only (see Subpart E of this part), and are shared with other radio services.

(b) The frequencies listed in paragraph (c) of this section are primarily for assignment to Mobile and Base Stations operating in the mobile service. However, the frequencies also are available for assignment to operational fixed stations, subject to the following restrictions and limitations on assignment and use:

(1) All use by operational fixed stations is subject to the condition that harmful interference shall not be caused to stations operating in the mobile service on frequencies in the 450–460 Mc. band in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

(2) The frequencies are available for assignment only to those operational fixed stations which function as integral and essential parts of a mobile service radio system. Such operational fixed stations include only those which are operated as part of a radio circuit over which messages normally are sent to or from a mobile station without interruption for manual relaying at intermediate points.

(3) Fixed relay stations may be used to provide two automatic retransmissions of a mobile service message. Additional automatic retransmissions on these frequencies by means of such stations is prohibited.

(c) Frequencies available for assignment as provided in paragraphs (a) and (b) of this section are as follows: [1]

| Mc. | Mc. | Mc. | Mc. |
|---|---|---|---|
| 451.05 | 451.55 | 456.05 | 456.55 |
| 451.15 | 451.65 | 456.15 | 456.65 |
| 451.25 | 451.75 | 456.25 | 456.75 |
| 451.35 | 451.85 | 456.35 | 456.85 |
| 451.45 | 451.95 | 456.45 | 456.95 |

Part 2, Rules Governing Frequency Allocations and Radio Treaty Matters, is proposed to be amended in the following particulars:

In the table of frequency allocations contained in § 2.104 (a) (5), change the entries in column 11 opposite the frequencies 35.74 to 35.94 Mc, inclusive, to read "Industrial", and that opposite the frequency 35.98 Mc to read "Land Transportation".

[1] Subject to the proceedings in Docket No. 10554.

[F. R. Doc. 53-9606; Filed, Nov. 13, 1953; 8:49 a. m.]

## [ 47 CFR Part 16 ]

[Docket No. 10743]

### Land Transportation Radio Services

### Motor Carrier Radio Service

In the matter of amendment of Part 16, rules governing Land Transportation Radio Services, to establish a Motor Carrier Radio Service and to make other related changes.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission's rules governing the Land Transportation Radio Services were made effective July 1, 1949. A study of the use made of the frequencies allocated to the Highway Truck, Intercity Bus and Urban Transit Radio Services indicates that a general revision of this group of services appears to be desirable.

3. The Highway Truck Radio Service was intended primarily to provide communication along intercity highways for trucks operating on a route basis. It now appears that the trucking industry may have a more pressing requirement for intracity communication, not now authorized. Furthermore, the records of the Commission indicate that the majority of Highway Truck Service licensees are not engaged in the trucking business as such, but operate trucks only as an adjunct to their regular business.

4. An examination of all related factors indicates that by combining the Highway Truck, Intercity Bus and Urban Transit Radio Services, by transferring certain truck operations other than those of common and contract truckers to the Special Industrial Radio Service, and by making frequency assignments on the basis of the type of function performed, the use of radio may be expanded, greater frequency utilization may be achieved, limitations on area of operation may be removed, and administration simplified. Acordingly, the Commission contemplates the creation of a new service to be entitled the "Motor Carrier Radio Service." This service will take the place of the present Highway Truck, Intercity Bus, and Urban Transit Radio Services.

5. The proposed rules are set forth below. Interested persons also should refer to two other rule making proposals issued concurrently herewith, concerning amendment of the Automobile Emergency and Special Industrial Radio Services. Although the proposed rules in general speak for themselves, the following points should be noted:

(a) Although the seven frequencies presently allocated to the Highway Truck Radio Service are being transferred to other Services, together with many of the licensees now assigned thereon, four pairs of frequencies in the 450–460 Mc range heretofore available only to the Urban Transit Radio Service, on a shared basis with the Railroad Service, become available on the same shared basis to all persons eligible for the Motor Carrier Radio Service.

(b) One half of the frequencies available to common and contract carriers of property have been designated for assignment to Mobile Stations only. This has been done in an effort to assure maximum frequency utilization and a minimum of interference for all concerned.

6. Certain frequencies are listed in the proposed rules as available for assignment for fixed service operations. However, pending further development of the Commission's microwave program, all requests for point-to-point facilities in the Motor Carrier Radio Service will be considered on a case-by-case basis. This policy is set forth in some detail in the proposed rules.

7. The bands 3500–3700 Mc, 6425–6575 Mc, and 11,700–12,200 Mc available to the mobile service and the band 890–940 Mc available to the fixed service under the Table of Frequency Allocations in Part 2 of the Commission's rules have not been carried over into the new rules.

The reason for this is that the Commission is undertaking a comprehensive study of the use of microwaves for private radio systems. (See Withdrawal of Notice of Proposed Rule Making and Termination of Proceedings in Docket 10500, released October 29, 1953.) Pending completion of this study, it is believed that no assignments should be made in these bands in this service.

8. At the time the rules are finalized, it is proposed to adopt the following policy with respect to existing licensees in the Highway Truck, Urban Transit, and Intercity Bus Radio Services:

(a) Each licensee of a station operating under present Subparts F, G, and J of Part 16 of the Commission's rules, the Intercity Bus, Highway Truck and Urban Transit Services respectively, shall submit an application for modification of his station license to change classification and, if necessary, frequency to that which is appropriate for his particular case. All applications shall be sufficiently complete to indicate clearly the applicant's eligibility for the classification desired. Such application may be submitted at any time after those rules are made effective, but no later than 60 days before the expiration date of the current license.

(b) During the pendency of this proceeding all grants will be made subject to such modification without hearing as may be necessary to effect compliance with the rules as finalized.

9. Final action in this matter will dispose of a petition filed by American Trucking Associations, Inc., in June 1951, for "Modification of Eligibility Provisions of Section 16.301 of Highway Truck Radio Service Rules". Said petition is incorporated as a part of the record in this docket.

10. The proposed rules are issued under authority of sections 4 (i) and 303 of the Communications Act of 1934, as amended.

11. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before February 5, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 14 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

12. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 4, 1953.

Released: November 6, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

Proposed amendments to Part 16, rules governing Land Transportation Radio Services:

A. In § 16.6 *Definition of terms* delete the present terms and definitions in paragraphs (g), (h), and (u) and substitute the following:

(g) *Motor Carrier Radio Service.* A radiocommunication service for use in connection with the operation of a motor carrier.

(h) *Motor carrier.* Any motor vehicle or streetcar operated by a common or contract carrier and used for the transportation of passengers and or property: *Provided, however,* That motor vehicles used as taxicabs, school busses, or for sightseeing purposes are not included within the meaning of this term as used in the Motor Carrier Radio Service.

* * * * *

(u) *Common carrier.* As used in the Motor Carrier Radio Service any person who holds himself out to the general public to engage in the transportation of passengers and or property by motor carrier for compensation as a regular occupation or business.

* * * * *

(x) *Contract carrier.* As used in the Motor Carrier Radio Service, any person who under individual contracts or agreements engages in the transportation of passengers and or property by motor carrier for compensation as a regular occupation or business.

B. Delete Subpart G, Highway Truck Radio Service.

C. Delete Subpart J, Urban Transit Radio Service.

D. Delete the title and text of Subpart F, Intercity Bus Radio Service, and substitute the following:

SUBPART F—MOTOR CARRIER RADIO SERVICE

§ 16.251 *Eligibility for license.* Authorizations for stations in the Motor Carrier Radio Service will be issued only to:

(a) Persons regularly engaged in the operation of a common or contract carrier transportation service by motor carrier. For the purpose of establishing eligibility under this paragraph, a certified copy of a certificate of public convenience and necessity issued by the Interstate Commerce Commission, or similar document issued by a state or local regulatory body will be accepted. If such certificate is not available, complete details of applicant's operations, including a satisfactory explanation of why such a certificate is not available, must be submitted.

(b) A non-profit corporation or association organized for the purpose of furnishing a radiocommunication service on a cost-sharing basis solely to persons who are actually engaged in the activities set forth in paragraph (a) of this section.

§ 16.252 *Frequencies available for base and mobile stations.* (a) The following frequencies are available to the Motor Carrier Radio Service for assignment to base stations and mobile stations of common or contract carriers of property:

| *Base and Mobile* | *Mobile only* |
|---|---|
| *Mc.* | *Mc.* |
| 43.70 | 43.94 |
| 43.74 | 43.98 |
| 43.78 | 44.02 |
| 43.82 | 44.06 |
| 43.86 | 44.10 |
| 43.90 | 44.14 |

(b) The following frequencies are available to the Motor Carrier Radio Service for assignment to base stations and mobile stations of common or contract carriers of passengers:

| *Mc.* | *Mc.* |
|---|---|
| 44.18 | 44.42 |
| 44.22 | 44.46 |
| 44.26 | 44.50 |
| 44.30 | 44.54 |
| 44.34 | 44.58 |
| 44.38 | |

(c) The following frequencies are available to the Motor Carrier Radio Service on a shared basis with other services, for assignment to base stations and mobile stations of common or contract carriers of passengers:

| *Mc.* | *Mc.* |
|---|---|
| 30.66 | 30.94 |
| 30.70 | 30.98 |
| 30.74 | 31.02 |
| 30.78 | 31.06 |
| 30.82 | 31.10 |
| 30.86 | 31.14 |
| 30.90 | |

(d) The following frequencies[1] are available to all persons eligible in the Motor Carrier Radio Service on a shared basis with other services, for assignment to base stations and mobile stations under the terms of a developmental authorization only:

| *Base and mobile* | *Mobile only* |
|---|---|
| *Mc.* | *Mc* |
| 452.65 | 457.65 |
| 452.75 | 457.75 |
| 452.85 | 457.85 |
| 452.95 | 457.95 |

§ 16.253 *Frequencies available for operational fixed stations.* (a) Frequencies listed in this section are available for assignment for fixed service operations in this service on a limited basis; however, extensive licensing of point-to-point systems must await further development of the Commission's microwave program. Accordingly, requests for point-to-point facilities will be considered on a case-by-case basis. In general, requests for such point-to-point facilities should clearly establish either (1) that a number of fixed stations at permanent locations are required to provide communications between isolated establishments or from such establishments to points at which established communication facilities are available, or (2) that the use of a remotely located base station, with which a requested fixed control and fixed relay link is proposed to be used, is necessary to maintain communications with mobile units for the conduct of authorized communications. Point-to-point facilities will not be authorized for the transmission of any type of signal or communication between two locations within the same Standard Metropolitan Area except for the purpose of providing a fixed control and fixed relay link where the remote placement of a base station has been justified.

(b) Subject to the conditions that no harmful interference will be caused to reception of television channel No. 4 or 5, the following frequencies[2] are available for assignment to operational fixed stations in the Motor Carrier Radio Service on a shared basis with other services:

| *Mc* | *Mc.* | *Mc.* | *Mc.* |
|---|---|---|---|
| 72.02 | 72.82 | 73.62 | 74.42 |
| 72.06 | 72.86 | 73.66 | 74.46 |
| 72.10 | 72.90 | 73.70 | 74.50 |
| 72.14 | 72.94 | 73.74 | 74.54 |
| 72.18 | 72.98 | 73.78 | 74.58 |
| 72.22 | 73.02 | 73.82 | 75.42 |
| 72.26 | 73.06 | 73.86 | 75.46 |
| 72.30 | 73.10 | 73.90 | 75.50 |
| 72.34 | 73.14 | 73.94 | 75.54 |
| 72.38 | 73.18 | 73.98 | 75.58 |
| 72.42 | 73.22 | 74.02 | 75.62 |
| 72.46 | 73.26 | 74.06 | 75.66 |
| 72.50 | 73.30 | 74.10 | 75.70 |
| 72.54 | 73.34 | 74.14 | 75.74 |
| 72.58 | 73.38 | 74.18 | 75.78 |
| 72.62 | 73.42 | 74.22 | 75.82 |
| 72.66 | 73.46 | 74.26 | 75.86 |
| 72.70 | 73.50 | 74.30 | 75.90 |
| 72.74 | 73.54 | 74.34 | 75.94 |
| 72.78 | 73.58 | 74.38 | 75.98 |

(c) Frequencies in the bands listed below are available for assignment to operational fixed stations in the Motor Carrier Radio Service on a shared basis with other services, under the terms of a developmental grant only; the exact frequency and the authorized band width will be specified in the authorization:

| *Mc.* | *Mc.* |
|---|---|
| 952– 960 | 6575– 6875 |
| 1850–1990 | 9800– 9900 |
| 2110–2200 | 12,200–12,700 |
| [1] 2450–2500 | [1] 16,000–18,000 |
| 2500–2700 | 26,000–30,000 |

[1] Use of frequencies in the bands 2450–2500 and 17,850–18,000 Mc is subject to no protection from interference due to the operation of industrial, scientific, and medical devices on the frequencies 2450 and 18,000 Mc.

[1] Subject to outcome of the proceedings in Docket No. 10554.

[1] Subject to outcome of the proceedings in Docket No. 10315.

§ 16.254 *Limitation on installation of mobile units.* Mobile units authorized in this service may be installed only in vehicles used for the carriage of passengers and/or property, and in vehicles used to supervise, tow, repair and maintain such vehicles and, in the case of street-car systems, associated trackage, rights-of-way and electric power facilities, if any.

[F. R. Doc. 53-9607; Filed, Nov. 13, 1953; 8:50 a. m.]

## [ 47 CFR Part 16 ]

[Docket No. 10744]

LAND TRANSPORTATION RADIO SERVICES

AUTOMOBILE EMERGENCY RADIO SERVICE

In the matter of revision of sub-allocations in the Automobile Emergency Radio Service, § 16.503 of Subpart K of Part 16 of the Commission's rules.

1. At the present time the following frequencies are available for assignment to the Automobile Emergency Radio Service:

35.70 Mc—shared by auto clubs and public garages.
452.55 and 457.55 Mc—proposed to be shared by auto clubs and public garages under Docket 10554.

2. In addition a proposal issued concurrently herewith to create a Motor Carrier Radio Service would make the frequency 35.98 Mc available to the Automobile Emergency Service.

3. It is believed that, by dividing the four frequencies equally between automobile clubs and public garages, a more orderly pattern of assignments may be made and interference reduced. Accordingly, it is proposed to make the frequencies 35.70 and 35.98 Mc[1] available to public garages exclusively, and 452.55 and 457.55 Mc[1] to automobile clubs exclusively. Persons who may be required to shift frequency in the event the changes are finalized as proposed will be given an amortization period of five years from the date of final action herein.

4. The proposed changes are issued under the authority contained in 4 (i) and 303 of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before December 14, 1953, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 4, 1953.

Released: November 6, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9608; Filed, Nov. 13, 1953; 8:50 a. m.]

[1] Mobile only.



# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

TOWN SITE OF WALLULA, WASHINGTON

SALE OF TOWN LOTS

NOVEMBER 6, 1953.

1. *Authority.* Pursuant to the authority delegated by section 2.78 of Bureau of Land Management Order No. 427 (15 F. R. 5639, 5642) the unsold lots in the town site of Wallula, Washington, will be disposed of under the provisions of sections 2382 to 2386, Revised Statutes. The plat of survey of this town site was approved on November 4, 1952.

2. *Area and price.* The area and minimum price of the lots which will be offered for sale are shown in the schedule set forth below.

3. *Preemption claims.* Preemption rights to purchase at the minimum price fixed by law and not exceeding 2 lots by any one individual were provided for in public notice issued February 18, 1953, in which preemption claimants were required to file in the Washington Land and Survey Office, not later than March 18, 1953, proof of preemption claims in order that publication might be made and proofs submitted prior to date of the public sale held May 14, 1953. The preemption claimants did not file and submit acceptable proofs of the preemption claims as to the lots herein listed, and this notice, announcing the public sale of the lots, contains no provisions pursuant to which preemption claims may be filed.

4. *Public sale.* The lots listed will be offered for sale at public auction by the Regional Administrator, or his designated representative, and will be sold to the highest bidder at the United States Post Office, Wallula, Washington, starting at 1:00 p. m. December 10, 1953, and continuing until all lots are offered. Any qualified person, including preemption claimants and purchasers of lots at the public sale held pursuant to the notice published February 18, 1953, may purchase any number of the lots for which he or she is the highest bidder.

5. *Payment.* No lot will be sold for less than the appraised price. Payment for lots must be made at the time of sale, unless the total sum due from any purchaser exceeds the amount of $500.00. If the total sum due from any purchaser exceeds the amount of $500.00 such purchaser may elect to pay one-half of the total amount in cash on the sale date, and pay the balance within one year from the date of sale, plus interest at four percent per annum to the date of payment. Any deferred payments must be made to the Manager, Washington Land and Survey Office, Spokane, Washington. Failure to make full payment of any deferred installments, with interest, within the time allowed will cause an automatic forfeiture of all payments made, and of all interest under the sale, and the cancellation of the memoran-

dum certificate of sale issued to the purchaser.

6. *Citizenship requirements.* Every individual purchasing a lot will be required to furnish evidence that he is a citizen of the United States, or that he has declared his intention to become a citizen and every corporation purchasing a lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it was organized under the laws of the United States or of some State, Territory, or possession thereof, and it is authorized to acquire and hold real estate in the State of Washington.

7. *Manner of sale.* Bids and payments may be made in person or by agent, but it may not be made by mail nor at any time or place other than that fixed by this notice.

8. *Authority of officer conducting the sale:* The officer conducting the sale is hereby authorized to reject any and all bids for any lot and to suspend, adjourn, or postpone the sale of any lot or lots. After all the lots to be sold have been offered in the manner herein provided, the sale will be adjourned or closed as the officer conducting the sale deems proper. If the sale is adjourned, the unsold lots will be held for future disposition at public sale. If the sale is closed, the unsold lots will become subject to private entry at the appraised price, and said lots may be purchased from the Manager, Washington Land and Survey Office, Spokane, Washington.

9. *Reservations.* Patents for lots, when issued, will contain a reservation of fissionable source materials and the conditions and limitations as provided by the act of August 1, 1946 (60 Stat. 755), and a reservation of rights-of-way for ditches and canals in accordance with the act of August 30, 1890 (26 Stat. 391).

10. *Warning.* All persons are warned against bargaining in a manner, forming any combination, or entering any agreements, which will prevent any lot from selling advantageously or which will, in any way, hinder or prevent this sale. Any person so offending will be subject to prosecution under 18 U. S. C. 1860.

WILLIAM G. GUERUSEY,
*Regional Administrator.*

SCHEDULE OF LOTS, BLOCKS, AREAS AND APPRAISED PRICES

TOWN SITE OF WALLULA, WASHINGTON

| Block | Lot | Area in square feet | Appraised prices per lot |
|---|---|---|---|
| | | *Each* | |
| 4 | 1 to 4, inclusive | 4,200 | $75 |
| 6 | 8 | 4,200 | 25 |

[F. R. Doc. 53-9592; Filed, Nov. 13, 1953; 8:46 a. m.]

## Bureau of Reclamation

CENTRAL VALLEY PROJECT, CALIFORNIA

ORDER OF REVOCATION

JUNE 3, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of November 15, 1940, insofar as said order affects the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 32 N., R. 5 W.,
Sec. 11, SE¼NW¼, E½SW¼.

The above areas aggregate 120 acres.

G. W. LINEWEAVER,
*Assistant Commissioner.*

NOVEMBER 9, 1953.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The following-described lands released from withdrawal by this order have, with consent of the Bureau of Reclamation, been classified for lease under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, and are presently under lease:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 5 W.,
Sec. 11, SW¼SE¼SE¼SW¼, SE¼SW¼SE¼SW¼, SE¼SE¼SE¼SW¼, S½NE¼SE¼SE¼SW¼, S½N½SE¼NE¼SW¼ and N½S½SE¼NE¼SW¼.

The remaining lands released from withdrawal by this order shall not become subject to the initiation of any rights or to any disposition under the public-land laws until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended, with a 91-day preference right period for filing such applications by veterans of World War II and others entitled to preference.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Manager, Land Office, Sacramento, California.

WILLIAM PINCUS,
*Assistant Director,*
*Bureau of Land Management.*

[F. R. Doc. 53-9593; Filed, Nov. 13, 1953; 8:46 a. m.]

LABARGE PROJECT, WYOMING

ORDER OF REVOCATION

JANUARY 30, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Commissioner's Order of May 8, 1951, insofar as said order affects the following described land; *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 27 N., R. 112 W.,
Sec. 30, Lot 7.

The above area aggregates 22.15 acres.

G. W. LINEWEAVER,
*Assistant Commissioner.*

NOVEMBER 9, 1953.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The land is cultivable level bench land above the Green River, having a sandy loam soil.

No applications for this land may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon the consideration of an application.

This order shall not otherwise become effective to change the status of the described land until 10:00 a. m. on the 35th day after the date of this order. At that time the said land shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. 279-284) as amended.

Inquiries concerning the lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Cheyenne, Wyoming.

WILLIAM PINCUS,
*Assistant Director*
*Bureau of Land Management.*

[F. R. Doc. 53-9594; Filed, Nov. 13, 1953; 8:46 a. m.]

## FEDERAL POWER COMMISSION

PENNSYLVANIA GAS CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS

NOVEMBER 9, 1953.

Notice is hereby given that on November 6, 1953, the Federal Power Commission issued its order adopted November 4, 1953, approving and directing disposition of amounts classified in Account 107, gas plant adjustments in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9615; Filed, Nov. 13 1953; 8:51 a. m.]

[Docket No. E-6515]

DETROIT EDISON CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY TO CANADA AND RELEASING PERMIT

NOVEMBER 9, 1953.

Notice is hereby given that on November 6, 1953, the Federal Power Commission issued its order adopted November 4, 1953, in the above-entitled matter, authorizing transmission of electric energy to Canada and releasing Permit in Docket No. E-6516.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9610; Filed Nov. 13, 1953; 8:50 a. m.]



[Docket No. G-1506]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATION

NOVEMBER 9, 1953.

Take notice that on October 15, 1953, New York State Natural Gas Corporation (Applicant), a New York corporation, address, New York City, filed an application for modification of the Commission's order issued on January 17, 1951 in Docket No. G-1506, issuing a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas facilities and the delivery and sale of natural gas by means thereof to Crystal City Gas Company (Crystal City) in the Town of Horseheads, Chemung County, New York.

The order issued on January 17, 1951, authorized the delivery and sale of natural gas as described in the application filed in Docket No. G-1506, which application contains a form of service agreement providing for maximum daily deliveries during December, January, February, and March, of 3,150 Mcf in 1953, increasing to 3,600 Mcf in 1956, with provision for election by Crystal City to receive up to 130 percent of the said volumes during the winter months. Applicant now requests authority to sell and deliver to Corning Natural Gas Corporation (Corning), the successor to Crystal City, additional volumes of natural gas, thereby increasing Applicant's daily deliveries to Corning from 3,150 Mcf in December 1953 to 5,150 Mcf, and for the first three months of 1954 from 3,450 Mcf to 5,450 Mcf per day. No new facilities are proposed to be constructed by Applicant to render the proposed increased service.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of November 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9616; Filed, Nov. 13, 1953; 8:51 a. m.]

[Docket Nos. G-2051, G-2165]

HOPE NATURAL GAS CO.

NOTICE OF MEMORANDUM OPINION NO. 262 AND ORDER

NOVEMBER 9, 1953.

Notice is hereby given that on November 6, 1953, the Federal Power Commission issued its opinion and order adopted November 4, 1953, in the above-entitled matters, accepting proposed settlement, making effective revised tariff changes, and terminating proceedings in said dockets, upon conditions specified in the order.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9611; Filed, Nov. 13, 1953; 8:50 a. m.]

[Docket No. G-2160]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

NOTICE OF FINAL DECISION

NOVEMBER 9, 1953.

Notice is hereby given that the Presiding Examiner's Decision issuing a certificate of public convenience and necessity in the above-designated matter was issued and served upon all parties on October 8, 1953. No exceptions thereto having been filed or review initiated by the Commission, in conformity with the Commission's rules of practice and procedure, said Decision became effective on November 9, 1953, as the final decision and order of the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9617; Filed, Nov. 13, 1953; 8:51 a. m.]

[Docket Nos. G-2215, G-2221, G-2223, G-2224, G-2249]

EL PASO NATURAL GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

NOVEMBER 9, 1953.

In the matters of El Paso Natural Gas Company, Docket No. G-2215; East Tennessee Natural Gas Company, Docket No. G-2221; Natural Gas Pipeline Company of America, Docket Nos. G-2223 and G-2224; The Narragansett Electric Company, Docket No. G-2249.

Notice is hereby given that on November 6, 1953, the Federal Power Commission issued its orders adopted November 4, 1953, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9612; Filed, Nov. 13, 1953; 8:51 a. m.]

[Docket No. G-2233]

SOUTHERN NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 9, 1953.

Notice is hereby given that on November 6, 1953, the Federal Power Commission issued its order adopted November 4, 1953, issuing certificate of public convenience and necessity and permitting and approving abandonment of natural-gas facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9613; Filed, Nov. 13, 1953; 8:51 a. m.]

[Project No. 2000]

POWER AUTHORITY OF THE STATE OF NEW YORK

NOTICE OF OPINION NO. 255 AND ORDER

NOVEMBER 9, 1953.

Notice is hereby given that on July 15, 1953, the Federal Power Commission issued its opinion and order adopted July 10, 1953, issuing license for major project in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9614; Filed, Nov. 13, 1953; 8:51 a. m.]

## GENERAL SERVICES ADMINISTRATION

POSTMASTER GENERAL, POST OFFICE DEPARTMENT

DELEGATION OF AUTHORITY WITH RESPECT TO MAINTENANCE, OPERATION, PROTECTION, MANAGEMENT, AND DISPOSAL OF POST OFFICE SITES AND ADDITIONS THERETO

1. Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, hereinafter called the act, I hereby delegate to the Postmaster General the authority vested in me for the maintenance, operation, protection, and management of sites or additions to sites acquired pursuant to the provisions of the act of May 25, 1926, 44 Stat. 630, as amended, and the act of June 16, 1949, 63 Stat. 176, heretofore or hereafter transferred and assigned to the Post Office Department including authority vested in me by the provisions of the third paragraph of section 5 (exclusive of the last proviso) of the act of May 25, 1926, 44 Stat. 630, as amended by the act of June 16, 1949, 63 Stat. 199 (40 U. S. C. 345).

2. Pursuant to the authority vested in me by the act, I hereby further authorize the Postmaster General to determine whether such sites are required for the needs and responsibilities of Federal agencies and, should the property be determined to be surplus to the needs of the Government, to dispose of such sites by sale, exchange, lease, permit or transfer, for cash, credit or other property, as the interest of the Government may require.

3. Prior to such termination and disposal of the sites, the Postmaster General shall take such steps as may be appropriate to determine whether any Federal agency has need therefor, and, if so, shall transfer the sites to such agency upon such terms as to reimbursement as may be prescribed in accordance with the provisions of section 202 (a) of the act, as amended.

4. In the event that disposal of any or all of the particular sites will be accomplished by negotiation, the Postmaster General shall submit to the appropriate committees of Congress an explanatory statement of the type required by section 203 (e) of the act, as amended by section 1 (i) of Public Law 522, 82d Congress, at least thirty (30) days prior to the consummation of the negotiated sale. A

copy of such statement shall be provided this Administration.

5. The authority conferred by sections 2 and 3 hereof shall be exercised in accordance with the act and regulations of this Administration issued pursuant thereto.

6. The authority delegated herein may be redelegated to any officer or employee of the Post Office Department.

7. This delegation of authority shall be effective as of September 17, 1953.

Dated: November 6, 1953.

EDMUND F. MANSURE,
*Administrator.*

[F. R. Doc. 53-9596; Filed, Nov. 13, 1953; 8:47 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10413]

KENEDY BROADCASTING CO., LTD.

ORDER CONTINUING HEARING

In re application of Kenedy Broadcasting Company, Ltd., Kenedy, Texas, Docket No. 10413, File No. BP-8578; for AM construction permit.

It appearing, that there was filed in behalf of the above applicant on November 5, 1953, a petition to reconsider and grant its application without hearing, and that such hearing is presently scheduled for November 9, 1953;

*It is ordered*, This 6th day of November 1953, on the Commission's own motion, that the hearing herein is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9629; Filed, Nov. 13, 1953; 8:53 a. m.]

[Docket Nos 10657, 10658]

SOUTH JERSEY BROADCASTING CO. AND PATRICK JOSEPH STATION

NOTICE CONTINUING HEARING

In re applications of South Jersey Broadcasting Company, Camden, New Jersey, Docket No. 10657, File No. BPCT-1522; Patrick Joseph Station, Philadelphia, Pennsylvania, Docket No. 10658, File No. BPCT-1674; for construction permits for new commercial television stations.

Hearing in the above-entitled proceedings is continued on the Examiner's own motion from 10:00 a. m., November 9, 1953, to 10.00 a. m., November 30, 1953.

Dated: November 6, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F R Doc. 53-9630; Filed, Nov. 13, 1953; 8:53 a. m.]

[Docket Nos. 10660, 10661]

BOOTH RADIO & TELEVISION STATIONS, INC., AND WOODWARD BROADCASTING CO.

ORDER RE ISSUES

In re applications of Booth Radio & Television Stations, Inc., Detroit, Michigan, Docket No. 10660, File No. BPCT-724; Woodward Broadcasting Company, Detroit, Michigan, Docket No. 10661, File No. BPCT-1418; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 5th day of November 1953;

The Commission having under consideration a Petition for Declaratory Ruling or for Alternative Relief filed by Woodward Broadcasting Company on October 21, 1953, and a reply filed in opposition thereto by Booth Radio & Television Stations, Inc., on October 30, 1953;

It appearing, that, contrary to the view urged by petitioner, the Commission's ruling of October 1, 1953, in South Central Broadcasting Corporation et al., 9 Pike & Fischer RR 1035, does not constitute a general authorization to Hearing Examiners in similar cases to enlarge specified hearing issues to determine whether the funds available to applicants will give reasonable assurances that the proposals set forth in the applications will be effectuated; and

It further appearing, that, following our ruling in South Central Broadcasting supra, the order of designation in the instant proceeding should be modified authorizing the Examiner, upon sufficient allegations of supporting facts, to enlarge the hearing issues to determine whether the funds available to Booth Radio & Television will give reasonable assurance that the proposals set forth in its application will be effectuated; and

It further appearing, that there is now pending before the Examiner herein a request by petitioner that the parties be required to exchange additional financial data relating to the question of ability to effectuate applicant's proposals; that under the Commission's hearing procedures Examiners possess the authority to require parties to exchange additional information to assure that statements of points of difference may be recited with reasonable specificity; and that, therefore, petitioner's request that we instruct the Examiner to require the exchange of such additional data is premature:

*It is ordered*, That the issues specified in this proceeding may be enlarged by the Examiner, upon sufficient allegations of fact made in support of said enlargement, by the addition of the following issue: To determine whether the funds available to Booth Radio & Television Stations, Inc., will give reasonable assurance that the proposals set forth in its application will be effectuated.

*It is further ordered*, That in all other respects the petition of Woodward Broadcasting Company is denied.

Released: November 10, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9631; Filed, Nov. 13, 1953; 8:53 a. m.]

[Docket Nos. 10672, 10673]

PERKINS BROTHERS CO. AND KCOM BROADCASTING CO.

ORDER DELETING ISSUES

In re applications of Perkins Brothers Company, Sioux City, Iowa, Docket No. 10672, File No. BPCT-688; KCOM Broadcasting Company, Sioux City Iowa, Docket No. 10673, File No. BPCT-864; for a construction permit for new television station.

At a session of the Federal Communications Commision held at its offices in Washington, D. C., on the 5th day of November 1953;

There being under consideration a Petition to Change Issues filed by Perkins Brothers Company on September 23, 1953; and

It appearing, that the petition of Perkins Brothers Company seeks to delete issues No. 1 and 2 of the Commission's order of September 2, 1953, for the reason that a petition for leave to amend petitioner's application covering the matters which it seeks to delete was granted by Order dated September 25, 1953; and

It further appearing, that issues Nos 1 and 2 of the Commision's order of September 2, 1953, relating to the above-entitled matter, have now become moot;

*It is ordered*, That the Commission's order of September 2, 1953, is modified by the deletion of issues Nos. 1 and 2.

Released: November 10, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R Doc. 53-9632; Filed, Nov. 13 1953; 8:54 a. m.]

## DEPARTMENT OF COMMERCE

### Civil Aeronautics Administration

[Amdt. 29]

ORGANIZATION AND FUNCTIONS

AVIATION SAFETY DISTRICT OFFICE AT PITTSBURGH

In accordance with the public information requirements of the Administrative Procedure Act, the description of Organization and Functions of the Civil Aeronautics Administration is hereby amended. The purpose of this amendment is to publish a change in address of the Aviation Safety District Office at Pittsburgh, Pennsylvania. Section 43 (h) (4) (ii), published on October 15, 1953, in 18 F. R. 6572, is amended to read:

SEC. 43. *Regions 1-6.* • • •
(h) *Aviation Safety Division.* • • •
(4) *Aviation Safety District Offices.* • • •
(ii) *Locations and specialties.* • • •

OFFICE OF AVIATION SAFETY—REGION I—DISTRICT OFFICES

| State | City | Location | Mailing address | Specialty |
|---|---|---|---|---|
| • | • | • • | • • | • |
| Pennsylvania | Allentown | Allentown-Bethlehem-Easton Airport. | Allentown-Bethlehem-Easton Airport. | (G) |
| | Harrisburg | Harrisburg State Airport, New Cumberland. | Harrisburg State Airport, New Cumberland, Pa. | (G) |
| | Pittsburgh | Room 303, Administration Bldg., Greater Pittsburgh Airport. | Room 303, Administration Bldg., Greater Pittsburgh Airport. | (C) |
| | | Allegheny County Airport, Dravosburg. | Allegheny County Airport, Dravosburg, Pa. | (G) |
| | Williamsport | Lycoming Division, Aviation Corp. | P. O. Box 928 | (F) |
| • | • | • • | • • | • |

This amendment shall become effective on November 15, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9668; Filed, Nov. 13, 1953; 8:57 a. m.]



## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3139]

STANDARD POWER AND LIGHT CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

NOVEMBER 9, 1953.

Standard Power and Light Corporation ("Standard Power"), a registered holding company, having filed a declaration and amendments thereto, pursuant to section 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-44 and U-46 thereunder, regarding its proposals (a) to pay a dividend of 25 cents per share out of capital surplus, to the holders of its outstanding 1,320,000 shares of Common Stock and 110,000 shares of Common Stock, Series B, and (b) to sell from 10,000 to 15,000 shares of the 290,000 shares of common stock of Duquesne Light Company held by Standard Power; and

A public hearing having been held after appropriate notice and the Commission having this day issued its findings and opinion herein;

Standard Power having requested that the Commission's order herein become effective forthwith and the Commission deeming it appropriate to grant such request:

*It is ordered*, Pursuant to the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the following additional terms and conditions and reservations of jurisdiction:

1. That Standard Power shall accompany the dividend checks with a statement to the effect

a. That the Commission's action in permitting the declaration to become effective is not to be construed as a determination by the Commission that such dividend payment is or is not taxable to the recipients pursuant to the provisions of the Internal Revenue Code; and

b. That Standard Power filed a declaration with the Commission pursuant to section 12 of the act and Rule U-46 thereunder and the Commission permitted the declaration to become effective without determining whether the payment is being made out of capital or unearned surplus.

2. That the proposed sale of the common stock of Duquesne Light Company by Standard Power shall not be consummated until the results of negotiation by Standard Power for such sale shall have been made a matter of record herein and a further order shall have been entered by the Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

3. That jurisdiction be, and it hereby is, specifically reserved to determine and pass upon, in this or any other appropriate proceeding:

a. The reasonableness of all counsel fees and expenses incurred or to be incurred in connection with the proposed transactions.

b. The accounting entries with respect to the proposed transactions.

c. The extent, if any, to which Standard Power may be liable to H. M. Byllesby and Company by reason of the payment of the dividend proposed herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53-9598; Filed, Nov. 13, 1953; 8:47 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28629]

FERTILIZERS FROM LUMBERTON, N. C., TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

NOVEMBER 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Lumberton, N. C.

To: Official and Illinois territories.

Grounds for relief: Rail competition, circuity, market competition, grouping, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1366, supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-9618; Filed, Nov. 13, 1953; 8:52 a. m.]

[4th Sec. Application 28630]

PHOSPHATE ROCK FROM FLORIDA TO THE SOUTHWEST

APPLICATION FOR RELIEF

NOVEMBER 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules, listed below.

Commodities involved: Phosphate rock, carloads.

From: Bartow, Fla. and points in Florida taking same rates.

To: Points in Arkansas, Louisiana, Oklahoma, and Texas.

Grounds for relief: Rail competition, circuity, market competition, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Atlantic Coast Line Railroad Company tariff I. C. C. No. B-3232, supp. 91; Seaboard Air Line Railroad Company tariff I. C. C. No. A-8153, supp. 85.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other

applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9619; Filed, Nov. 13, 1953; 8:52 a. m.]

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[4th Sec. Application 28634]

SUPERPHOSPHATE FROM SOUTHERN TERRITORY TO ARMOUR, IOWA

APPLICATION FOR RELIEF

NOVEMBER 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr. Agent, for carriers parties to schedule listed below.

Commodities involved: Superphosphate (acid phosphate) other than ammoniated or defluorinated, carloads.

From: Points in southern territory.

To: Armour, Iowa.

Grounds for relief: Rail competition, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1286, supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9623; Filed, Nov. 13, 1953; 8:52 a. m.]

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[4th Sec. Application 28635]

CEMENT FROM OKLAHOMA, MISSOURI AND KANSAS TO FLORIDA

APPLICATION FOR RELIEF

NOVEMBER 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provisions of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Cement and related articles, carloads.

From: Dewey, Okla., Sugar Creek, Mo., Kansas City, Mo.-Kans., and points in Kansas.

To: Points in Florida.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4050, supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9624; Filed, Nov. 13, 1953; 8:52 a. m.]

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[4th Sec. Application 28636]

BEVERAGE PREPARATIONS FROM CHICAGO, ILL., TO TEXAS AND NEW MEXICO

APPLICATION FOR RELIEF

NOVEMBER 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Beverage preparations, dry, carloads.

From: Chicago, Ill.

To: Abilene and Lubbock, Tex., and Albuquerque, N. Mex.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3912, supp. 217.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9625; Filed, Nov. 13 1953; 8:53 a. m.]

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[4th Sec. Application 28637]

TALL OIL FROM LOUISIANA, ARKANSAS AND TEXAS TO GREENVILLE, MISS.

APPLICATION FOR RELIEF

NOVEMBER 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Tall oil, crude, in barrels, carloads and in tank-car loads.

From: Points in Louisiana, Arkansas, and Texas.

To: Greenville, Miss.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of short line distance formula, and additional destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 283; F. C. Kratzmeir, Agent, I. C. C. No. 3908, supp. 165; F. C Kratzmeir, Agent, I. C. C. No. 3906, supp 194

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73 persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9626; Filed, Nov. 13, 1953; 8:53 a. m.]


# FEDERAL REGISTER

VOLUME 18 NUMBER 224

*Washington, Tuesday, November 17, 1953*


## TITLE 3—THE PRESIDENT

### PROCLAMATION 3037

COPYRIGHT—JAPAN

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 9 of title 17 of the United States Code, entitled "Copyrights", as codified and enacted into positive law by the act of Congress approved July 30, 1947, 61 Stat. 652, 655, provides in part that the copyright secured by the said title shall extend to the work of an author or proprietor who is a citizen of a foreign state or nation only:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection, substantially equal to the protection secured to such foreign author under this title or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright by the terms of which agreement the United States may, at its pleasure, become a party thereto.

; and

WHEREAS section 1 of the said title 17 provides in part as follows:

Any person entitled thereto, upon complying with the provisions of this title, shall have the exclusive right:

* * * * *

(e) To perform the copyrighted work publicly for profit if it be a musical composition * * * *Provided*, That the provisions of this title, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after July 1, 1909, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights.

[cont'd

WHEREAS section 9 of the said title 17 further provides:

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this title may require * * *

; and

WHEREAS Article 22 (6) of the copyright law of Japan accords rights similar to those extended by section 1 (e) of title 17 of the United States Code; and

WHEREAS Article 12 of the Treaty of Peace with Japan, signed at San Francisco September 8, 1951, provides that Japan will, during a period of four years from the first coming into force of the Treaty, accord to an Allied Power national treatment as regards copyright protection to the extent that national treatment is accorded to it by the Allied Power concerned; and

WHEREAS the United States and Japan have each, in fact, since April 28, 1952, the date of the coming into force of the said Treaty of Peace, accorded to the nationals of the other, copyright protection on substantially the same basis as to its own citizens:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do declare and proclaim:

That since April 28, 1952, the conditions specified in section 9 (b) and 1 (e) of title 17 of the United States Code have existed and have been fulfilled with respect to the nationals of Japan, and that nationals of Japan have since that date been entitled, and will continue to be entitled for a period of four years from the first coming into force of the Treaty of Peace, to all the benefits of the said title 17 except those conferred by the provisions embodied in the second paragraph of section 9 (b) thereof regarding the extension of time for fulfilling copyright conditions and formalities.

*Provided*, that the enjoyment by any work of the rights and benefits conferred by the said title 17 shall be conditioned upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the United States.

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplement is now available:

General Index ($1.00)

Previously announced: Title 3 ($1.75); Titles 4–5 ($0.55); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75), Parts 210–899 ($2.25), Part 900–end (Revised Book) ($6.00); Title 8 (Revised Book) ($1.75); Title 9 ($0.40); Titles 10–13 ($0.40); Title 14: Parts 1–399 (Revised Book) ($6.00), Part 400–end (Revised Book) ($3.75); Title 15 ($0.75); Title 16 ($0.65); Title 17 ($0.35); Title 18 ($0.35); Title 19 ($0.45); Title 20 ($0.60); Title 21 ($1.25); Titles 22–23 ($0.65); Title 24 ($0.65); Title 25 ($0.40); Title 26: Parts 80–169 ($0.40), Parts 170–182 ($0.65), Parts 183–299 ($1.75); Title 26: Part 300–end, Title 27 ($0.60); Titles 28–29 ($1.00); Titles 30–31 ($0.65); Title 32: Parts 1–699 ($0.75), Part 700–end ($0.75); Title 33 ($0.70); Titles 35–37 ($0.55); Title 38 ($1.50); Title 39 ($1.00); Titles 40–42 ($0.45); Title 43 ($1.50); Titles 44–45 ($0.60); Title 46: Parts 1–145 (Revised Book) ($5.00), Part 146–end ($2.00); Titles 47–48 ($2.00); Title 49: Parts 1–70 ($0.50), Parts 71–90 ($0.45), Parts 91–164 ($0.40), Part 165–end ($0.55); Title 50 ($0.45)

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IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 10th day of November in the year of our Lord nineteen hundred and [SEAL] fifty-three, and of the Independence of the United States of America the one hundred and seventy-eighth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
*Secretary of State.*

[F. R. Doc. 53-9709; Filed, Nov. 13, 1953; 2:51 p. m.]

# RULES AND REGULATIONS

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

Effective upon publication in the FEDERAL REGISTER, subparagraph (8) is added to § 6.311 as set out below.

§ 6.311 *Department of Agriculture*—(a) *Office of the Secretary.* * * *

(8) One Private Secretary and Administrative Assistant to the Executive Assistant to the Secretary.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 53-9671; Filed, Nov. 16, 1953; 8:51 a. m.]

## TITLE 7—AGRICULTURE

### Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 604]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—PINK BOLLWORM

ADMINISTRATIVE INSTRUCTIONS MODIFYING REQUIREMENTS FOR MOVEMENT OF COTTONSEED AND COTTONSEED PRODUCTS FROM LIGHTLY INFESTED AREAS

Pursuant to the authority conferred by the second proviso of Pink Bollworm Quarantine No. 52 (7 CFR Supp. 301.52; 18 F. R. 6348), issued under sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161, 162) and section 3 of the Insect Pest Act of March 3, 1905 (7 U. S. C. 143), the Chief of the Bureau of Entomology and Plant Quarantine hereby issues administrative instructions to appear in § 301.52a in Title 7, Code of Federal Regulations (7 CFR Supp. 301.52a) as follows:

§ 301.52a *Administrative instructions modifying requirements for movement of cottonseed and cottonseed products from lightly infested areas.* (a) Under § 301.52–6 (c) (1) cottonseed produced in any county in any lightly infested area in which the gins are not required to treat cottonseed as a part of the continuous process of ginning may be moved under limited permit to approved oil mills or other approved treating plants either in contiguous lightly infested areas or in nonregulated areas contiguous to the lightly infested area for heat treatment at 150° F. for 30 seconds or for approved fumigation upon arrival at such plants. Such treated seed is then eligible for certification and movement under certificate to any regulated areas or to nonregulated areas.

(b) The Chief of the Bureau of Entomology and Plant Quarantine hereby finds that facts exist as to the pest risk involved in the movement of cottonseed and cottonseed products to which § 301.52–6 applies, making it safe to modify by making less stringent the requirements of § 301.52–6. Hereafter, in addition to movement authorized under § 301.52–6 (c) (1), cottonseed produced in a lightly infested area in which the gins are not required to treat cottonseed as a part of the continuous process of ginning may be moved under limited permit to an approved oil mill or other approved treating plant in any of the lightly infested counties hereinafter listed, for storage and subsequent approved heat treatment, approved fumigation, or processing into linters, oil, cottonseed hulls, cottonseed meal, cottonseed cake, or other products, at such approved mill or plant: Counties of Curry, De Baca, Lea, Quay, and Roosevelt, in New Mexico; all of the counties in the regulated areas of Oklahoma; and the Counties of Bailey, Borden, Briscoe, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dawson, Deaf Smith, Dickens, Donley, Fisher, Floyd, Foard, Gaines, Garza, Gray, Hale, Hall, Hardeman, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Parmer, Scurry, Stonewall, Swisher, Terry, Wheeler, and Yoakum, in Texas. As a condition of such limited permits all motes and unginned grabbots produced from such untreated cottonseed shall be either fumigated, given other approved treatment, or destroyed by burning. Such cottonseed and products thereof which are subject to § 301.52[1] may be moved from such lightly infested counties under certificates as follows:

(1) Such cottonseed that has been given approved heat treatment or approved fumigation, such linters and cottonseed hulls that have been given approved treatment, and such cottonseed meal and cake, which have been segregated from untreated cottonseed and cottonseed products and kept free from any other source of contamination, may be certified and moved to any destination.

(2) All linters produced from the untreated cottonseed may be certified and moved for processing to any destination within the regulated areas of New Mexico, Oklahoma, or Texas, or to any noncotton producing state, or to approved cellulose plants at any location.

(3) All cottonseed hulls produced from the untreated cottonseed may be certified and moved for consumption or utilization to any destination within the regulated areas of New Mexico, Oklahoma, or Texas, or to any noncotton producing state.

The approved treatment provided for in this paragraph shall be the heat treatment prescribed in paragraph (a) of this section or any alternate treatment that is administratively authorized under § 301.52–12.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec 9, 37 Stat. 318; 7 U. S. C. 143, 162)

[1] Section 301.52 does not apply to cottonseed oil.

The purpose of these instructions is to make less stringent the requirements for movement of certain cottonseed and cottonseed products from the lightly infested areas described in the Pink Bollworm Quarantine, since it has been determined that the pest risk involved in such movement does not require the continuation of the present requirements. In order to be of maximum benefit to producers and shippers of cottonseed in the areas involved, the instructions should be made effective as soon as possible. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure concerning these instructions are impracticable and unnecessary and since the instructions relieve restrictions they may be made effective less than 30 days after publication hereof in the FEDERAL REGISTER.

These instructions shall become effective November 17, 1953.

Done at Washington, D. C., this 2d day of November 1953.

[SEAL] W. L. POPHAM,
*Acting Chief, Bureau of Entomology and Plant Quarantine.*

[F. R. Doc. 53-9679; Filed, Nov. 16, 1953; 8:52 a. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Bureau of Animal Industry, Department of Agriculture

#### Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 12]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CLEANING AND DISINFECTING FACILITIES USED IN CONNECTION WITH INTERSTATE MOVEMENT OF SWINE

Pursuant to the authority conferred upon the Secretary of Agriculture by sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111, 120), and section 3 of the act of March 3, 1905, as amended (21 U. S. C. 125), paragraph (c) of § 76.35 of the regulations restricting the interstate movement of swine and certain swine products because of vesicular exanthema and governing the cleaning and disinfecting of vehicles and other facilities used in connection with such interstate movement (9 CFR Supp., Part 76, Subpart B; 18 F. R. 3636, 3829, as amended) is hereby amended to read as follows:

§ 76.35 *Cleaning and disinfecting vehicles and facilities.* * * *

(c) Except as provided by the Chief of Bureau, facilities which are used for feeding, watering, and resting swine moved interstate shall be thoroughly cleaned and disinfected as prescribed in paragraph (g) of this section immediately after each such use.

The amendment is in the nature of a relief of restrictions in that it authorizes the Chief of the Bureau of Animal Industry to modify by making less stringent the requirements of said paragraph (c) of § 76.35 when conditions so justify. Certain modifications are needed now because of emergency conditions in some areas caused by severe winter weather. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon issuance.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies sec. 1, 32 Stat. 791, sec. 3, 33 Stat. 1265, as amended; 21 U. S. C. 120, 125)

Done at Washington, D. C., this 12th day of November 1953.

[SEAL] TRUE D. MORSE,
*Under Secretary of Agriculture.*

[F. R. Doc. 53-9656; Filed, Nov. 16, 1953; 8:48 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

#### Subchapter B—Economic Regulations

[Reg. ER-191]

PART 223—TARIFFS OF AIR CARRIERS; FREE AND REDUCED RATE TRANSPORTATION

ISSUANCE OF PASSES; LISTS OF AUTHORIZED ISSUING OFFICIALS AND AFFILIATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of November 1953.

Part 223 of the Board's Economic Regulations governs the practices of air carriers in issuing passes for free or reduced rate transportation to their directors, officers and employees and their immediate families. Believing that certain of the requirements of these regulations might be simplified and made less burdensome, the Board in its Draft Release No. 65 circulated to the public for comment a proposed revision of these regulations. It is the purpose of this regulation to bring about simplification of these requirements, as more fully explained in the Explanatory Statement published with the above-mentioned Draft Release.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 223 of the Economic Regulations (14 CFR Part 223) effective December 17, 1953:

1. By amending § 223.4 to read as follows:

§ 223.4 *Form of pass.* No carrier shall issued any form of pass other than an "annual", "term", or "trip" pass. Every pass shall be issued upon the express condition that it is subject to suspension or cancellation for the abuse of the privileges accorded thereunder, and must show on its face, at least, the name of the person or persons who, or whose property, is entitled to receive free or reduced-rate transportation. Each pass must bear either the signature in ink of an official whose title is contained in the list referred to in § 223.6 (a), or the facsimile signature of such an official and the countersignature and title in ink of some other official or responsible subordinate whose title is contained in the list referred to in § 223.6 (b), who is authorized by said official to countersign passes on his behalf, and before it is presented for transportation such pass must bear the signature in ink of the person to whom issued: *Provided*, That regular tickets or bills of lading, stamped with a suitable notation, may be used as trip passes, and when so used need not conform to the provisions of this section as to form.

2. By amending § 223.6 to read as follows:

§ 223.6 *Carrier's rules.* Each carrier shall file with the Board three copies of all instructions to its employees, and of all company rules and regulations, governing its practices in connection with the issuance and interchange of passes. If no instructions, rules, or regulations are in effect, then three copies of a general statement by an appropriate official of the carrier, comprehensively describing its practices in connection with the issuance and interchange of passes must be filed. Each carrier's rules and regulations or statement referred to in this section shall include lists showing (a) the titles of its officials upon whose authorizations passes may be issued, (b) the titles of other officials or responsible subordinates who are authorized by said officials to countersign passes on their behalf and the extent of the authority granted them, and (c) the titles of persons who are authorized to request passes from other carriers. Three copies of any change in any such instructions, rules, regulations, or statement of practices must be filed with the Board within 30 days after the effective date of such change.

3. By amending § 223.7 to read as follows:

§ 223.7 *Filing of list of affiliates.* Before issuing any pass to directors, officers, employees, or members of their immediate families, of any of its affiliates, each carrier shall file with the Board a list containing all of such carrier's affiliates and showing the exact relationship of each such affiliate to such carrier as respects control and principal business. Any change in such list must be filed with the Board within 15 days after such change is effective: *Provided*, That an affiliate not previously included in any list filed with the Board must be included in a new list prior to the issuance of any pass to any person authorized to receive such pass by reason of such affiliation.



(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 403, 52 Stat. 992; 49 U. S. C. 483)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 53-9673; Filed, Nov. 16, 1953; 8:51 a. m.]

[Reg. ER-192]

PART 242—FILING OF REPORTS BY IRREGULAR AIR CARRIERS AND NONCERTIFICATED CARGO CARRIERS

ELIMINATION OF REPORTING REQUIREMENTS FOR AIR TAXI OPERATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of November 1953.

At the present time Part 242 of the Economic Regulations requires air taxi operators who own or have the right to operate for compensation or hire one or more aircraft having more than five passenger seats to file an annual statistical report. While the report is not onerous to prepare, the requirement is extremely difficult to enforce, since the Board does not have available to it the names of all air taxi operators who have the use of aircraft of more than five passenger seats. Ownership of such aircraft may change rapidly, and with such change the requirement to file statistical reports may become applicable or cease to apply. Moreover, the information supplied through these reports is not adequate to support general economic conclusions as to the air taxi operations industry as a whole. In light of the foregoing, and the fact that the elimination of the requirement would reduce the economic and administrative burden on the carriers of preparing the reports, as well as eliminate the administrative burden on the government for reviewing them, it would be in the public interest to abolish the requirement unless its retention serves a sound purpose.

At the time Part 293 was adopted the basic purpose of continuing the requirement for the filing of statistical reports was to obtain a means whereby a check could be made of the potential competitive aspects of air taxi operations with equipment of five passenger seats and over. To date there have been no complaints against the operations conducted by air taxi operators as such. In the future, if any certificated carrier suffers economic harm by reason of the operations of air taxis, the complaint can be readily referred to the Board, and any required action taken as expeditiously as would be the case if the information had been received through the annual report. As a result, the Board finds that it is no longer in the public interest to require the statistical reports from any air taxi operator. Accordingly, this amendment to Part 242 is being adopted to eliminate such reporting requirements. Apart from the foregoing, this amendment makes no substantive changes in the present Part 242.

Interested persons have been afforded an opportunity to participate in the making of this rule, and due consideration has been given to all relevant matters submitted and arguments presented. Since the effect of this amendment is to relieve air taxi operators from an existing restriction, it may be made effective immediately.

In consideration of the foregoing, the Board hereby amends Part 242 of the Economic Regulations, effective November 12, 1953, as follows:

1. By amending the title of the part to read as set forth above.

2. By amending § 242.2 to read as follows:

§ 242.2 *Statistical and flight reports required.* Each large irregular carrier, irregular transport carrier, and noncertificated cargo carrier shall file statistical reports in accordance with § 242.4. Flight reports shall be filed with the Board by each large irregular carrier or irregular transport carrier in accordance with § 242.4 and by each noncertificated carro carrier in accordance with § 242.6. Each such large irregular carrier, irregular transport carrier, and noncertificated cargo carrier shall keep all accounts, records, and memoranda (including accounts, records and memoranda of the movement of traffic as well as the receipts and expenditures of money), which are needed in order to accomplish full compliance with the reporting requirements of this part. Such accounts, records, and memoranda as relate to statistical reports shall be preserved for three years, and such as relate to flight reports shall be preserved for one year. The reports to be filed by such carriers shall be prepared in accordance with the following provisions and shall be certified to be correct by the responsible officers of the reporting carriers.

3. By striking § 242.3.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 407, 52 Stat. 1000; 49 U. S. C. 487)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 53-9674; Filed, Nov. 16, 1953; 8:51 a. m.]

## TITLE 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

#### Subchapter C—Bureau of Foreign Commerce

[6th Gen. Rev. of Export Regs., Amdt. 71[1]]

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 371.18 *Return of certain commodities imported into the United States GLR* is amended in the following particulars:

a. The introductory paragraph is amended to read as follows:

A general license designated GLR is hereby established authorizing exportations described in this section. When exportations are made under this general license, the entry number and the port of entry covering the importation of the goods into the United States must be shown on the shipper's export declaration.

b. Paragraph (c) *Containers returned empty* is amended to read as follows:

(c) *Containers.* Exportation may be made of metal drums, gas cylinders, bags and other containers (whether manufactured in the United States or a foreign country) which are imported into the United States for the purpose of transporting contained commodities to or from the United States to any destination other than Hong Kong, Macao, or Subgroup A countries, whether such container is exported (1) empty, or (2) filled with any commodity which may be exported under a general license or (3) filled with any commodity for which a validated license has been issued by the Department of Commerce.

This part of the amendment shall become effective as of December 5, 1953.

2. Section 371.23 *General License GHK* is amended to read as follows:

§ 371.23 *General License GHK.* A general license, GHK, is hereby established authorizing the exportation to Hong Kong of commodities listed below:

| Schedule B No. | Commodity |
|---|---|
| 00100-001990 | Animals, edible. |
| | Meat and meat products: |
| 002000, 002100 | Beef and veal, except canned. |
| 002200 | Pork, except canned, fresh or frozen. |
| 002400 | Lamb and mutton, except canned. |
| 002500 | Sausage, prepared sausage meats, bologna, and frankfurters, except canned. |
| 002601 | Chicken, canned. |
| 002800 | Canned baby food, meat, or chief value meat, strained or chopped. |
| 002910 | Chickens, capons, fresh or frozen. |
| 002950 | Other poultry and game, fresh or frozen. |
| 003200 | Other meats, except canned (including edible animal organs). |
| 001600-003950 | Sausage casings, natural: bladders, bungs, middles, rounds or weasands. |
| 003998 | Sausage casings, artificial. |
| | Dairy products: |
| 004000 | Milk and cream, fresh. |
| 004050 | Butter. |
| 004850 | Infants' and dietetic foods, chiefly milk base. |
| 004901 | Malted milk, compounds and mixtures (powder or paste only). |
| 004903 | Ice cream powder, mix and preparations (powder or paste only). |

[1] This amendment was published in Current Export Bulletin No. 718, dated November 5, 1953, and in the reprint pages, dated November 5, 1953.

| Schedule B No. | Commodity |
|---|---|
| | Fish and fish products: |
| 037000-037600 | Fish and fish fish, fresh or frozen, however packed |
| 037700-038000 | Fish and shellfish, salted, pickled, or dry-cured, except canned. |
| 038191 | Fish, smoked, or kippered, exactly canned |
| 038470-038484 | Fish, canned in oil, in [illegible] containers, mapped, shells: |
| | [illegible] (including pilchards). |
| | Herring. |
| | Mackerel (including large jack mackerel). |
| | Other [illegible], [illegible], paste, sauce, caviar and roes. |
| 038700-038805 | Shellfish, canned, in oil, in [illegible] containers, [illegible] cans. |
| 038960 | Fish, shellfish, and other marine animal products, prepared or preserved, n. e. c. |
| 039200-039600 | Other edible animal products. |
| Leather: | |
| 031210-031950 | Patent upper leather. |
| 035700 | Reconstituted and similar leather, for all purposes. |
| Leather manufactures: | |
| 064710-064795 | Boots, shoes, and other footwear with leather uppers, now: |
| | Women's and girls'. |
| | Infants' and children's. |
| 068800-068900 | Wallets and similar flat pocket books, pocket books, and purses (except change purses), all materials. |
| 069200-069600 | Card cases, change purses, wallets, and similar articles, all materials. |
| 071800-072300 | Furs and manufactures. |
| Other inedible animal and animal products: | |
| 094205-094298 | Glue of animal origin. |
| Grains and preparations: | |
| 101300 | Barley flour. |
| 102100 | Buckwheat. |
| 103700 | Corn cereal foods, ready to eat. |
| 104400 | Oatmeal, groats, and rolled oats in packages. |
| 107700 | Macaroni and macaroni products. |
| 107810 | Bakery products. |
| 107900 | Prepared flour mixes. |
| 108000 | Wheat cereal foods, ready to eat. |
| 109500 | Breakfast cereal foods, n. e. c. |
| 106800 | Grains and preparations, n. e. c. |
| Fodders and feeds, n. e. c.: | |
| 110100 | Hay. |
| 118500 | Other prepared and mixed feeds. |
| 119000 | Feeds, n. e. c. |
| Vegetables and preparations, edible: | |
| 120710-123000 | Vegetables, fresh, frozen and dehydrated. |
| | Vegetables, canned: |
| 124100 | Asparagus. |
| 124300 | Corn. |
| 124400 | Peas. |
| 124510 | Soups, n. e. c. |
| 124700 | Tomato paste and puree (pulp). |
| 124800 | Tomato juice. |
| 124910 | Beans, string or snap, less. |
| 124950 | Spinach. |
| 124970 | Baby food vegetables, strained or chopped. |
| 124980 | Vegetables and juices, canned, n. e. c. |
| 125400 | Pickles, cucumber. |
| 125100-125298 | Sauce and relishes. |
| 125920 | Vegetable seasonings. |
| 125998 | Vegetable preparations, n. e. c. |
| Fruits and preparations: | |
| 130100-132000 | Fruits, fresh and frozen. |
| | Fruits, dried and evaporated: |
| 132200 | Pears. |
| 132500 | Apples. |
| 132600 | Apricots. |
| 132700 | Peaches. |
| 133005 | Figs. |
| 133098 | Fruits, dried and evaporated, n. e. c. |
| 133100 | Dates, fresh, dried or otherwise prepared. |
| 133450 | Olives, green and ripe. |
| 133200-134700 | Fruits, canned. |
| 134900 | Preserves, jellies, pastes, and fruit butters. |
| 137015-137099 | Fruit juices, except pineapple, canned and frozen. |
| 137098 | Fruit preparations, n. e. c. |
| 137400-137945 | Nuts and preparations. |
| 150700-151740 | Cocoa, coffee, tea, and substitutes. |
| 151 | Spices: |
| 154901-154906 | Cassia (including cinnamon), cassia; cloves; and nutmeg (ground or unground). |
| 154915 | Natural herbs (including [illegible]), ground. |
| 154993 | Spices, [illegible] (including [illegible]). |

| Schedule B No. | Commodity |
|---|---|
| | Sugar and related products: |
| 163100 | Syrup for table use, and edible molasses. |
| | Honey. |
| 163400-163700 | Candy. |
| 163810 | Chewing gum. |
| 163900-164700 | Confections and desserts. |
| 174000-178000 | Beverages. |
| | Rubber (natural, allied gums, and synthetics) and manufactures: |
| 284010 | Rubber toys, balls, and novelty balloons, except dolls, golf and tennis balls. |
| 290410 | Rubber tiling and flooring. |
| | Drugs, herbs, leaves, and roots, crude: |
| 220510 | Cascara bark. |
| 220600 | Ginseng. |
| 220698 | Crude drugs, herbs, leaves and roots, n. e. c. |
| 220800-220900 | Vegetable oils, fats, and waxes, crude: |
| 227110-227190 | Peppermint oil, spearmint and other mint oils, n. e. c. |
| | Citrus oils. |
| 240110-240198 | Seeds, except cereals, grass and field seeds. |
| 240200-240298 | Nursery and floral stock. |
| | Cotton manufactures: |
| 301000 | Crochet, darning and embroidery cotton. |
| | Piece goods, cloth, bleached, dyed, printed, stiffened, or otherwise converted, and colored yarn fabrics: |
| | Carded goods, except fine carded: |
| 301000-301710 | Drills, twills, sateens and sheeting. |
| | Print cloth yarn fabrics: |
| 301800-301820 | Carded broadcloth. |
| 301710-301720 | Print cloth yarn fabrics, construction count above 36 x 32. |
| 301510-301580 | Napped fabrics. |
| | Colored yarn fabrics: |
| 302000 | Chambrays, cheviots, and shirtings. |
| 302010 | Colored yarn fabrics, n. e. c. |
| | Fine good and combed cotton fabrics, bleached, dyed, printed, flockdot, or clipped: |
| | Fine carded, combed and part combed goods: |
| 306700 | Voiles, organdies, lawns, and batistes. |
| 307000-307700 | Piques; marquisettes; broadcloth, pongee; and oxford. |
| 307 [illegible] | Cotton and wool mixtures, n. e. c. |
| 307900 | Cotton and rayon mixtures, n. e. c. |
| | Cotton fabrics, n. e. c.: |
| 308000 | Knit fabric, in the piece. |
| 308200 | Table damask, in the piece. |
| 308[illegible] | Tapestry and other upholstery and drapery materials, plain, jacquard, and dobby-woven. |
| 308700-308800 | Plushes and pile fabrics. |
| | Cotton wearing apparel: |
| 309000 | Handkerchiefs. |
| 309[illegible] | Gloves and mitts, except fabric work gloves and mitts. |
| 309400-309600 | Knit goods. |
| | Garments of woven fabrics: |
| 311500-311[illegible] | Underwear and underwear, men's and boys'. |
| 311720 | Shirts, men's and boys', except work shirts. |
| 312000 | Clothing of cotton woven fabrics, men's and boys', n. e. c. |
| 312300-312600 | Women's and children's apparel of woven fabrics, n. e. c. |
| 313200 | Laces, embroideries, and articles thereof, n. e. c. |
| 314000-314100 | Cotton narrow fabrics, nonelastic, not over 12 inches wide, except woven belts and belting, industrial. |
| 317100-318000 | Cotton house furnishings. |
| Vegetable fibers and manufactures: | |
| 320705 | Hemp. |
| 320[illegible] | Unmanufactured vegetable fibers, n. e. c. |
| 330[illegible] | Handkerchiefs, linen. |
| Silk and manufactures: | |
| 370300 | Raw silk. |
| 371700 | Sewing, embroidery, and crochet silk. |
| 379100-379700 | Wearing apparel, including hosiery. |
| 379900 | Silk manufactures, n. e. c. |
| Man-made synthetic fibers and manufactures: | |
| 381600-381601 | Braid woven goods: |
| 381603 | Pile fabrics. |
| 381[illegible] | Upholstery and drapery fabrics, wider than 12 inches, woven, except pile. |
| 381929-381931 | Woven filament yarn fabrics, wholly of rayon or acetate, n. e. c., gray (unfinished) and printed. |
| 381[illegible]-381472 | Woven spun yarn fabrics, wholly of rayon or acetate, n. e. c. |
| 381481 | Braid woven fabrics of mixed or blended fibers, chiefly rayon or acetate, n. e. c. |
| 381[illegible] | Knit fabric in the piece. |
| 381[illegible] | Ribbons, woven with fast selvages. |
| 382201-382729 | Wearing apparel. |
| 3826[illegible] | House furnishings. |



| Schedule B No. | Commodity |
|---|---|
| | Metal manufactures—Continued: |
| | Hardware, tools or parts, and forgings, fabricated parts, n. e. c.: |
| 611[illegible] | Metal, except precious: |
| 621[illegible] | Castings, forgings, and [illegible] parts, n. e. c. |
| 6[illegible] | Tubular [illegible] and [illegible], and specially fabricated parts, n. e. c. |
| 6[illegible] | Wire products, n. e. c., and specially fabricated parts, n. e. c. |
| 6[illegible] | Tinware and other sheet metal ware, n. e. c. (including galvanized), and specially fabricated parts, n. e. c. |
| | Furniture and fixtures of all metals: |
| 612[illegible] | Metal cases, cabinets, counters, and other fixtures, n. e. c., and specially fabricated parts, n. e. c. |
| 613110-613[illegible] | Vertical record filing cabinets with exposed drawers or trays. |
| 613[illegible] | Vertical record filing cabinets. |
| 613[illegible] | Safes, one-piece, with or without interior equipment. |
| 613[illegible] | Vault doors, vault liners or equipment, and specially fabricated parts, n. e. c. |
| 613510-613540 | Office desks, tables, and chairs. |
| 613601-613650 | Metal household furniture, and specially fabricated parts, n. e. c. |
| | Hardware: |
| 617010-617[illegible] | Locks (all metals). |
| 617[illegible] | Hinges and butts (all metals). |
| 617[illegible] | Hardware, n. e. c., metals other than iron, steel, or copperbase alloys. |
| 618871-618[illegible] | Plumbing fixtures and fittings, n. e. c. |
| 618[illegible]-618[illegible] | Sash, sashes, and frames, door and window. |
| 618[illegible]-618[illegible] | Venetian blinds (including slats and strip), and specially fabricated parts, n. e. c. |
| 619[illegible]-619[illegible] | Vertical files, except electric. |
| 619[illegible] | Silver-plated manufactures, n. e. c. |
| | Electrical machinery and apparatus: |
| 706[illegible] | Electric commercial cooking and food service equipment, n. e. c., and specially fabricated parts, n. e. c. |
| | Other industrial machines, and parts: |
| 7[illegible] | Laundry machines, n. e. c., and specially fabricated parts, n. e. c. |
| 7[illegible] | Sewing machines, n. e. c., and specially fabricated parts, n. e. c. |
| 7[illegible]-7[illegible] | Bottling, bottle-washing, and bottle-labeling machines, and specially fabricated parts, n. e. c. |
| 7[illegible] | Meat and other food cutting, chopping and slicing, power-driven machines, n. e. c., and specially fabricated parts, n. e. c. |
| 7[illegible] | Canning and preserving, and tobacco processing machines, n. e. c., and specially fabricated parts, n. e. c. |
| 7[illegible] | Laundry machines, and specially fabricated parts, n. e. c. |
| 7[illegible] | Commercial laundry and dry cleaning equipment (including power-driven machines) and parts. |
| 77[illegible] | Household sewing machines. |
| Other vehicles and parts: | |
| 795[illegible] | Bicycles, and specially fabricated parts and accessories, n. e. c. |
| 7[illegible] | Logging wagons, drays, and trailers. |
| 7[illegible] | Vehicles, n. e. c., and specially fabricated parts, n. e. c., except logging wagons, motor scooters, bicycles and [illegible] trailers. |
| Chemicals: | |
| 8[illegible] | Coating materials: |
| | Organic pigments, n. e. c. (the following only: In [illegible] mixtures of 2 ounces or less dye [illegible] water colors, except [illegible] vegetable origin; [illegible] used by [illegible] household purposes and dyes). |
| Medicinal and pharmaceutical preparations: | |
| 811893 | Mouth washes, gargles, and personal antiseptics. |
| Chemical specialties: | |
| 8[illegible] | Baking powder. |
| 825100 | Cleaning preparations for retarding, sealing, and [illegible] (the following only: automobile [illegible] dye cement [illegible] cement, [illegible] rubber, rug [illegible] cement, and [illegible] type). |
| 825[illegible] | Specialty cleaning and washing compounds, the following only, not exceeding one pound or less [illegible] cleaner, cleaning powders, [illegible] and [illegible], and removers, powder, except [illegible] vegetable [illegible] cleaner, wall cleaners, and wallpaper cleaners. |
| | Perfumes: |
| 8[illegible] | Cream, pastes. |
| 8[illegible] | [illegible] pastes and shoe cleaners. |
| 8[illegible] | Toilet preparations. |
| 8[illegible] | Antiseptics and germicides, containing natural and synthetic [illegible] oils and [illegible] chemicals (natural and [illegible] or used for perfumery). |
| 8[illegible]-8[illegible] | Flavors and flavoring extracts, natural and synthetic. |
| 8[illegible] | Pearl essence. |
| Paint and paint preparations: | |
| 8[illegible] | Chemical specialty compounds, n. e. c., the following only: Brewers' finings, brewers' sugar, [illegible] compounds, for [illegible] [illegible] cream, [illegible] preparation for [illegible] [illegible] powder, [illegible] [illegible] [illegible]

6. Section 373.71 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by the addition of the following schedules for the Fifth Quarter, 1954:

| Part and Schedule B No. | Commodity | Shipments to be First (quarter) | |
|---|---|---|---|
| [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | [illegible] | Nov. 30–Dec. 11, 1953. | |
| [illegible] | [illegible] | Dec. 16–Dec. 31, 1953. | |

This part of the amendment shall become effective as of November 5, 1953.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
*Director,*
*Bureau of Foreign Commerce.*

[F. R. Doc. 53-9600; Filed, Nov. 16, 1953; 8:45 a. m.]

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[6th Gen. Rev. of Export Regs., Amdt. P. L. 621]

## PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

### MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

| Part or Schedule B No. | Commodity | Unit | Processing code and related country group | GLV dollar-value limits | Validated license required |
|---|---|---|---|---|---|
| 771[illegible] | Parts, n. e. c., specifically fabricated for valve bodies included in the Positive List under Schedule B Nos. 771[illegible] and 771[illegible] (see Schedule B number of valve bodies for which parts are specifically fabricated), except forgings, castings, and machined forgings or castings for valve bodies, all of which [illegible] as defined in Appendix A | [illegible] | GIEq 5 | | RO |

[1] These commodities are still subject to IC DV requirements (see § 373.2), effective Dec. 21, 1953.

This part of the amendment shall become effective as of 12:01 a. m., November 12, 1953.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
*Director,*
*Bureau of Foreign Commerce.*

[F. R. Doc. 53-9603; Filed, Nov. 16, 1953; 8:45 a. m.]

[1] This amendment was published in Current Export Bulletin No. 718, dated November 5, 1953.

| Part or Schedule B No. | Commodity | Unit | Processing code and related country group | GLV dollar-value limits | Validated license required |
|---|---|---|---|---|---|
| [illegible] | Soap and soap products: | | | | |
| [illegible] | Laundry soap: | | | | |
| [illegible] | Chips, powder, and flakes | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Other laundry soap | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Toilet soap | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Medicinal preparations, n. e. c., except sodium perborate powder | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Metal-working machinery, parts and accessories: | | | | |
| [illegible] | Engines | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Lithographic presses | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Other machine tools, and specially fabricated parts and accessories, n. e. c., except electric | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Metal-working machinery, parts, n. e. c. | [illegible] | [illegible] | [illegible] | [illegible] |
| 69[illegible] | Paper, n. e. c., except printing paper | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Photographic paper | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Other printing paper, and specialty fabricated parts and accessories | [illegible] | [illegible] | [illegible] | [illegible] |
| 69[illegible] | Paperboard | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Boxboard, except container board | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Container board | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Kraft paper | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Other paperboard, n. e. c., and specialty fabricated parts, n. e. c. | [illegible] | [illegible] | [illegible] | [illegible] |
| 69[illegible] | Photographic plates, film, and sensitized paper | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Plastic materials, n. e. c., and specialty fabricated parts, n. e. c. | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Printing ink | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Other supplies, n. e. c., and specialty fabricated parts, n. e. c. | [illegible] | [illegible] | [illegible] | [illegible] |
| 69[illegible] | Toys, athletic and sporting goods | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Books, maps, pictures and other printed matter, n. e. c., except photographs, blueprints and technical | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | All diamonds not elsewhere listed, n. e. c.: | | | | |
| 9671[illegible] | Industrial stones | [illegible] | [illegible] | [illegible] | [illegible] |
| 9671[illegible] | Other | [illegible] | [illegible] | [illegible] | [illegible] |
| 9672[illegible] | Watches, without jewels, movements | [illegible] | [illegible] | [illegible] | [illegible] |
| 9672[illegible] | Jewels for watches | [illegible] | [illegible] | [illegible] | [illegible] |
| 9672[illegible] | Jewelry, etc., of precious metal or rolled precious metal for watch cases and parts | [illegible] | [illegible] | [illegible] | [illegible] |
| 9672[illegible] | Jewelry, etc., of other precious metals, all including specially fabricated parts, n. e. c. | [illegible] | [illegible] | [illegible] | [illegible] |
| 9711[illegible] | Platinum and platinum group metals, all including specially fabricated parts, n. e. c. | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Rubber and rubber products: | | | | |
| [illegible] | Crude rubber | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Reclaimed rubber | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Synthetic rubber | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Tires and tubes, all sizes | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Other rubber products, n. e. c., and specially fabricated parts, n. e. c. | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Scrap rubber | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Synthetic rubber, all forms | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Other rubber products, n. e. c., and specially fabricated parts, n. e. c. | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Scientific instruments and apparatus, n. e. c., and specially fabricated parts, n. e. c. | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Shoes, all types | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Sporting goods, n. e. c. | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | Textile machinery, parts and accessories | [illegible] | [illegible] | [illegible] | [illegible] |
| 9871[illegible] | Textiles, n. e. c. | [illegible] | [illegible] | [illegible] | [illegible] |

This part of the amendment shall become effective as of November 5, 1953.

3. Section 373.13 *Applicability of multiple commodity group provisions to Commodity Group O commodities* is deleted.

This part of the amendment shall become effective as of October 30, 1953.

4. Section 373.14 *Wet cattle hides* is deleted.

This part of the amendment shall become effective as of October 30, 1953.

5. Section 373.53 *Vessels to be scrapped abroad* paragraph (d) *Shipper's export declaration* is amended to read as follows:

(d) *Shipper's export declaration.* A license issued under this section will require submission of the fourth copy of the shipper's export declaration to the collector of customs in connection with each shipment.



2. The following commodities are deleted from the Positive List:

| Part or Schedule B No. | Commodity |
|---|---|
| [illegible] | Abrasive products: |
| [illegible] | Iron and steel shot, chilled |
| [illegible] | Pig iron, all grades (excess grade) |
| [illegible] | Steel ingots, blooms, billets, slabs, sheet bars, and tin-plate bars: |
| [illegible] | Carbon steel: |
| [illegible] | Ingots |
| [illegible] | Billets, except projectile and shell steel, blooms, slabs, sheet bars, and tin-plate bars. |
| [illegible] | Wire rods, carbon steel. |
| [illegible] | Steel bars, including bar size shapes: |
| [illegible] | Bars, cold finished (all cold drawn or cold rolled flats, rounds or special sections in coils or cut lengths) |
| [illegible] | Tool steel bars, except forged. |
| [illegible] | Other carbon steel bars |
| [illegible] | Bars, hot rolled, except tool and hollow drill steel bars (all rounds, bars as, hexagonal sections and bar shapes under 3 inches) (report tool steel bars in [illegible] and hollow drill steel bars in [illegible]) |
| [illegible] | Carbon steel: |
| [illegible] | Tool steel bars |
| [illegible] | Other carbon steel bars. |
| [illegible] | Structural shapes and piling: |
| [illegible] | Structural shapes, not fabricated: |
| [illegible] | Carbon steel. |
| [illegible] | Sheet piling (all steel grades, except fence). |
| [illegible] | Fabricated steel products: |
| [illegible] | Towers and poles, fabricated (specify by name). |
| [illegible] | Other structural shapes, fabricated (specify by name). |
| [illegible] | Plates, fabricated for condensing water purposes (fabricated boiler shell steel plate). |
| [illegible] | Curved steel sections, consisting of or plain, corrugated or ribbed, with or without accessories. |
| [illegible] | Plates, punched, formed or bent, with or without accessories. |
| [illegible] | Bars, structural, except rounds, grade bars, sash sections (specify by name). |
| [illegible] | Hollow blocks, steel filled with fill or other materials (specify type and use of bearing). |

This part of the amendment shall become effective as of 12:01 a. m., November 5, 1953.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in item 1 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., November 12, 1953, may be exported under the previous general license provisions up to and including December 5, 1953. Any such shipment not laden aboard the exporting carrier on or before December 5, 1953, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
*Director,*
*Bureau of Foreign Commerce.*

[F. R. Doc. 53-9601; Filed, Nov. 16, 1953; 8:45 a. m.]

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# TITLE 24—HOUSING AND HOUSING CREDIT

## Subtitle A—Office of the Administrator, Housing and Home Finance Agency

### PART 1—TIME FOR DISPOSITION OF LANHAM ACT HOUSING

#### EXCEPTIONS

Housing and Home Finance Administrator's regulation, Part 1—Time for Disposition of Lanham Act Housing (published at 18 F. R. 4043, July 10, 1953) issued pursuant to delegation of authority under Executive Order 10462, dated June 19, 1953 (18 F. R. 3613) to perform the functions vested in the President by section 611 of Public Law 849, 76th Congress, 54 Stat. 1125, as amended (42 U. S. C., 1946 ed., 1521), is hereby amended by adding a new § 1.5 to read as follows:

§ 1.5 *Exceptions.* Notwithstanding any other provision in this part, the Housing and Home Finance Administrator may extend with respect to a particular housing project or projects, the time within which any action is required or permitted to be taken by § 1.1 or § 1.2 where he determines (after considering the needs of national defense and the effect of such extension upon the general housing situation and the national economy) that special circumstances warrant such extension in the public interest.

(Sec. 11, 54 Stat. 1128; 42 U. S. C. and Sup. 1548. E. O. 10462, 18 F. R. 3613)

Effective as of the 17th day of November 1953.

B. T. FITZPATRICK,
*Acting Housing and Home Finance Administrator.*

[F. R. Doc. 53-9603; Filed, Nov. 16, 1953; 8:45 a. m.]

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# TITLE 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

### Subchapter C—Miscellaneous Excise Taxes

[T. D. 6052, Regs. 8]

### PART 140—TAXES ON TOBACCO, SNUFF, CIGARS, CIGARETTES, CIGARETTE PAPERS, AND TUBES, AND PURCHASE AND SALE OF LEAF TOBACCO

### Subchapter E—Administrative Provisions Common to Various Taxes

[T. D. 6052, Regs. 34]

### PART 150—WITHDRAWAL OF FILLED CHEESE AND PLAYING CARDS, FROM FACTORIES, FREE OF TAX, FOR USE OF THE UNITED STATES

### SHIPMENTS OF TAX-FREE TOBACCO PRODUCTS, ALSO CIGARETTE PAPERS AND TUBES, FOR USE OF THE UNITED STATES

On July 1, 1953, notice of proposed rule-making, relating to the removal tax-free of manufactured tobacco, snuff, cigars, cigarettes, and cigarette papers and tubes, from domestic factories for use of the United States, was published in the FEDERAL REGISTER (18 F. R. 3758). No comments having been received in regard to the rules proposed, the regulations set forth below are hereby adopted.

PARAGRAPH 1. Regulations 8 (26 CFR Part 140), but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4835, approved February 11, 1939, are amended by renumbering § 140.215 (article 215), as last renumbered by Treasury Decision 5368 (16 F. R. 11998), as § 140.225 (article 225).

PAR. 2. Regulations 8 (26 CFR Part 140) are further amended by adding, immediately following § 140.211, a new Subpart P, Tax-Free Shipment of Tobacco, Snuff, Cigars, Cigarettes, and Cigarette Papers and Tubes For Use of United States, as follows:

SUBPART P—TAX-FREE SHIPMENT OF TOBACCO, SNUFF, CIGARS, CIGARETTES, AND CIGARETTE PAPERS AND TUBES, FOR USE OF UNITED STATES

Sec.
140.212 Shipments restricted.
140.213 Federal requisition.

BOND

140.214 Manufacturer of tobacco products.
140.215 Manufacturer of cigarette papers and tubes.

NOTICE OF SHIPMENT FROM FACTORY

140.216 Notice of shipment.

PACKING AND LABELING

140.217 Tobacco products.
140.218 Cigarette papers and tubes.

ENTRIES IN MANUFACTURER'S RECORDS

140.219 Manufacturer of tobacco products.
140.220 Manufacturer of cigarette papers and tubes.

EVIDENCE OF DELIVERY REQUIRED

140.221 Certificate of receipt.

AUTHORITY: §§ 140.212 to 140.221 issued under 53 Stat. 467, 26 U. S. C. 3781.

SEC. 3331. INTERNAL REVENUE CODE EXEMPTION FROM TAX OF DOMESTIC GOODS PURCHASED FOR THE UNITED STATES.

The privilege existing by provision of law on December 1, 1873, or thereafter of purchasing supplies of goods imported from foreign countries for use of the United States, duty free, shall be extended, under such regulations as the Secretary may prescribe, to all articles of domestic production which are subject to tax by the provisions of this subtitle.

§ 140.212 *Shipments restricted.* Manufacturers of tobacco, snuff, cigars, cigarettes, and cigarette papers and tubes, may ship such articles tax-free from their factories, in accordance with this subpart, to Federal agencies and institutions for gratuitous distribution. Shipments of such articles for sale by Federal agencies or institutions are not within the meaning of the law authorizing the purchase of articles tax-free for use of the United States. Institutions owned or controlled by the Governments of the several States, Territories, or the District of Columbia, are not entitled to receive such articles tax-free.

§ 140.213 *Federal requisition.* Whenever manufactured tobacco, snuff, cigars, cigarettes, and cigarette papers or tubes, are purchased by a Federal agency or institution for the use of the United States, and it is proposed to ship such articles from the place of manufacture, tax-free, the agency or institution desiring the product shall prepare a requisition on Form 7996, in quadruplicate. All of the information called for by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this subpart shall be furnished. Each of the four copies of the form must agree in every respect, and shall be signed and approved by the head of the agency or institution or by a person duly authorized to sign and approve for such officer. The agency or institution shall retain one copy of the form and transmit the remaining three copies to the manufacturer concerned at the time of placing its order for the merchandise. Immediately after removal of the shipment from the factory, the manufacturer shall forward two copies of the requisition, Form 7996, with two copies of the notice of shipment, Form 7997, as required in this subpart, to the Assistant Regional Commissioner for the region in which the factory is located. The remaining copy of the Form 7996 shall be retained by the manufacturer at the factory from which the shipment is made, with a copy of the Form 7997, for his records and for inspection, upon demand, by any internal revenue officer.

BOND

§ 140.214 *Manufacturer of tobacco products.* A shipment of tax-free tobacco, snuff, cigars, or cigarettes made by a manufacturer of such articles under this subpart, shall be charged against the bond, Form 40 or Form 71, furnished by the manufacturer to cover the operation of his factory from which the shipment is removed.

§ 140.215 *Manufacturer of cigarette papers and tubes.* A manufacturer of cigarette papers and tubes desiring to remove cigarette papers in packages, books, or sets, of more than 25 papers each, and any cigarette tubes, from his factory, tax-free, under this subpart, shall furnish to the Assistant Regional Commissioner for the region in which his factory is located, a bond on Form 7999, with acceptable corporate surety, or at least two individual sureties, or collateral, as required by this part. Bond, Form 7999, shall be prepared and executed, in triplicate, in accordance with this subpart, as supplemented by the instructions printed on the form, or issued in respect thereto. If given with individual sureties, the manufacturer shall furnish from each such individual surety an affidavit on Form 33, in triplicate, to show his qualification to act as such surety, a copy of which affidavit shall be attached to each copy of the related bond when filed by the manufacturer. A separate bond shall be furnished for each such factory from which tax-free removals under this subpart are to be made.

(a) *Penal sum.* The bond must be in a penal sum sufficient to cover the estimated amount of tax which may at any time constitute a charge against the bond: *Provided*, That the penal sum of the bond furnished under this section shall not exceed $25,000 nor be less than $500. The bond shall be a continuing one, and the liability thereof subject to increase as successive withdrawals are made thereunder, and to decrease as evidence of delivery, as required by this subpart, is received by the Assistant Regional Commissioner. When the limit of liability under a bond given in less than the maximum penal sum has been reached, no further shipments may be made under such bond, until an additional or strengthening bond, with the same surety as that on the original bond, or a new or superseding bond, has been filed to cover further shipments of such articles from the factory.

(b) *Action on the bond.* The Assistant Regional Commissioner shall, if the bond meets with his approval, make endorsement to that effect on all three copies. He shall retain one copy, forward one copy promptly to the Commissioner of Internal Revenue, and transmit the remaining copy to the manufacturer as notice of approval of the bond and authority to make tax-free shipments of the articles covered by the bond. The copy of the bond, together with copies of any Forms 33 or any other documents returned to him in connection therewith, shall be retained by the manufacturer at the factory from which such tax-free shipments are to be made, for his records and for inspection, upon demand, by any internal revenue officer.

NOTICE OF SHIPMENT FROM FACTORY

§ 140.216 *Notice of shipment.* For each shipment of tax-free tobacco products or cigarette papers or tubes removed from his factory under this subpart, the manufacturer shall prepare a notice of shipment on Form 7997, in triplicate. All of the information called for by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this subpart, shall be furnished. The manufacturer shall assign to each notice of shipment a serial number, which shall begin with No. 1 with respect to the first shipment made under this subpart and begin again with No. 1 with respect to the first shipment made on January 1 of each year thereafter, which serial number shall be the same on all three copies of the notice. Immediately after removal of the shipment from the factory, the manufacturer shall forward two copies of the notice of shipment, Form 7997, with two copies of the requisition, Form 7996, as required in this subpart, to the Assistant Regional Commissioner for the region in which the factory is located. The remaining copy of the Form 7997 shall be retained by the manufacturer at the factory from which the shipment is made, with a copy of the Form 7996, for his records and for inspection, upon demand, by any internal revenue officer.

PACKING AND LABELING

§ 140.217 *Tobacco products.* Manufactured tobacco, snuff, cigars, and cigarettes shipped from a factory under this subpart, must be put up in packages of the same sizes prescribed by law for such articles removed taxpaid for domestic sale or consumption. Each package must show either the name of the manufacturer or the identity of his factory by number and State, which may appear in the form of the caution notice and or factory brand required to be affixed to each package removed from the factory for taxable purposes. There shall be affixed to each package a label or sticker, clearly distinguishable from an internal revenue stamp, on which shall be printed in legible letters the words "Free of Tax—Use of U. S. Not to be Sold". Printing of any additional words, inscription, or legend on such label may be permitted, when approved by the Assistant Regional Commissioner for the region in which the factory is located.

§ 140.218 *Cigarette papers and tubes.* When cigarette papers and tubes are shipped by a manufacturer under this subpart, such articles may be put up in packages, books or sets of any sizes desired. Packages, books or sets containing more than 25 cigarette papers each, and all packages of cigarette paper tubes, must bear the name and address of the manufacturer and a label or sticker, clearly distinguishable from an internal revenue stamp, on which shall be printed in legible letters the words "Free of Tax—Use of U. S. Not to be Sold". Printing of any additional words, inscription, or legend on such label may be permitted, when approved by the Assistant Regional Commissioner for the region in which the factory is located.

ENTRIES IN MANUFACTURER'S RECORDS

§ 140.219 *Manufacturer of tobacco products.* Entry of each shipment of tax-free tobacco, snuff, cigars, or cigarettes, actually removed from his factory under this subpart shall be made by the manufacturer in the proper column in the prescribed revenue book, Form 73, Part 1 or 2, or Form 74, as the case may be. Such shipment shall also be included in the revenue book in the recapitulation or account of manufactured tobacco and snuff, or cigars or cigarettes, for the month in which the shipment was removed.

§ 140.220 *Manufacturer of cigarette papers and tubes.* Appropriate entry of each shipment of cigarette papers and tubes actually removed from his factory under this subpart shall be made by the manufacturer in the revenue book required to be kept by him. Such entry shall carry a notation "For use of U. S.". With respect to the manufacturer's return, Form 734, cigarette papers so shipped shall be reported in the appropriate column, under cigarette papers removed, with the notation "For use of U. S.", while cigarette tubes so shipped shall be reported on the return in the column covering tubes delivered tax-free, with a similar notation to appear through or across the columns headed "Factory No." and "District".



EVIDENCE OF DELIVERY REQUIRED

§ 140.221 *Certificate of receipt.* The officer responsible for receiving a shipment of tax-free tobacco products, or cigarette papers and tubes, delivered to a Federal agency or institution, for use of the United States, shall, upon receipt of the shipment, inspect it in order that he may certify as to the quantity and class of product actually received and date of receipt. Such certificate shall be executed on Form 7998, to be prepared in triplicate. All of the information called for by the headings of the various columns and lines on the form and the instructions printed thereon or issued in respect thereto, and as required by this subpart, shall be furnished. The receiving officer shall retain one copy of such certificate and transmit the other two copies promptly to the manufacturer who made the shipment. The manufacturer shall keep one copy of the certificate, Form 7998, at the factory from which the shipment was removed, for his records and for inspection, upon demand, by any internal revenue officer. The other copy of the Form 7998 shall be forwarded by the manufacturer to the Assistant Regional Commissioner for the region in which the factory is located, in order that the manufacturer may be relieved of liability to tax on the product actually received by the agency or institution. Where there is a loss of goods in transit, or there is any difference between the quantity of product withdrawn from the factory as described on the notice of shipment and that certified by the receiving officer as having been delivered to the Federal agency or institution, the manufacturer making the shipment shall be liable for the tax on such shortage or difference.

PAR. 3. Regulations 34 (26 CFR Part 450), but only as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 4884, approved February 11, 1939, are amended to remove therefrom all references to tobacco, snuff, cigars, and cigarettes, as follows:

(A) The headnote of Part 450 (Regulations No. 34, Revised) is amended to read as follows: Part 450—Withdrawal of Filled Cheese and Playing Cards, From Factories, Free of Tax, For Use of the United States.

(B) The first sentence of the preamble (26 CFR 450.0), as last amended by Treasury Decision 5818 (15 F. R. 8819), is further amended by striking out ", tobacco, snuff, cigars, and cigarettes" and by inserting the word "and" between the words "filled cheese" and "playing cards".

(C) The first sentence of article 2 (26 CFR 450.2), as last amended by Treasury Decision 5818 (15 F. R. 8819), is further amended by striking out "tobacco, snuff, cigars, and cigarettes.".

(D) Article 5 (26 CFR 450.5), as last amended by Treasury Decision 5818 (15 F. R. 8819), is further amended by striking out paragraph (b) and by relettering paragraph (c) as (b).

(E) The second sentence of the second paragraph of article 8 (a) (26 CFR 450.8 (a) (2)), as last amended by Treasury Decision 5818 (15 F. R. 8819), is further amended by striking out "and tobacco manufactures".

This Treasury decision shall be effective on the 31st day after publication in the FEDERAL REGISTER.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] JUSTIN F. WINKLE,
*Acting Commissioner of Internal Revenue.*

Approved: November 10, 1953.

M. B. FOLSOM,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53 9067, Filed Nov. 16, 1953; 8:50 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### United States Coast Guard

### [ 33 CFR Part 92 ]

[CGFR 53-47]

SPEED LIMITS OF VESSELS IN ST. MARYS RIVER CHANNEL FROM FRYING PAN ISLAND TO PIPE ISLAND SHOAL, MICHIGAN

PUBLIC HEARING ON PROPOSED SPEED LIMITS

1. The Commander of the 9th Coast Guard District will hold a public hearing on Thursday, January 7, 1954, commencing at 10:00 a. m., in Room 1712, B. F. Keith Building, 1621 Euclid Avenue, Cleveland 15, Ohio, to consider the establishment of a maximum speed limit of 12 statute miles per hour over the ground in the St. Marys River, Michigan, from Frying Pan Island to Pipe Island Shoal, and for the purpose of receiving comments, views, and data, relating thereto for submission to the Merchant Marine Council at Coast Guard Headquarters, Washington, D. C.

2. The rules and regulations in 33 CFR Part 92 contain the requirements governing the movements and anchorage of vessels and crafts on the St. Marys River, Michigan, from Point Iroquois on Lake Superior to Point Detour on Lake Huron. These rules and regulations are also published by the Coast Guard in CG-172, "Pilot Rules for the Great Lakes and Their Connecting and Tributary Waters and the St. Marys River."

3. The citizens of the Village of Detour, Michigan, submitted the following resolution to the Commandant:

We, the undersigned property owners on the St. Mary's River, Detour Township, are deeply concerned about property damage in the matter of washing away our shore lines, destroying our boat landings and docks, endangering life to fishermen in small craft, due to the excessive speed of the new diesel powered carriers operating through the St. Mary's channel from Sweets Point to Point DeTour or one mile south of Coast Guard Station. The waves created by the speeding carriers lash our shores with stormlike proportion and constitute a day and night hazard.

We are confident that proper regulation of 10 miles per hour is adequate to safeguard our property rights and unite to call with emphasis this violation to your attention, appealing to your efficient patrol staff to use their good offices to enforce proper regulation of speed of the large diesel powered carriers, which by observation we consider the chief offenders in this instance. If immediate measures are not taken to check this violation of regulation and total disregard to our property rights, it will be necessary to approach our definite problem on a higher level.

4. In order to protect the shore property at Detour, Michigan, it is proposed to establish a maximum speed limit of 12 statute miles over the ground for vessels navigating the St. Mary's River channel, Michigan, between Frying Pan Island Dock Light and Pipe Island Shoal Lighted Buoy No. 7 for upbound vessels and between Pipe Island Light and Frying Pan Island Dock Light for downbound vessels. To accomplish this, it is proposed to amend 33 CFR 92.49 (a) by changing the heading and by adding new subdivisions (iii) to paragraph (a) (1) and (2), so that this paragraph reads as follows:

§ 92.49 *Speed limit on the St. Marys River.* (a) Except as modified by paragraph (c) of this section, and §§ 92.51, 92.53, and 92.55, a vessel of 50 gross tons or over shall at no time exceed a speed of 12 statute miles per hour over the ground between the following points in the St. Marys River:

(1) Upbound:

(i) Everens Point and Lake Nicolet Lighted Buoys Nos. 63 and 64.

(ii) Six-Mile Point Range Rear Light and Big Point.

(iii) Frying Pan Island Dock Light and Pipe Island Shoal Lighted Buoy No. 7.

(2) Downbound:

(i) Big Point and Six-Mile Point Range Rear Light.

(ii) Nine-Mile Point and lower end of West Neebish Channel.

(iii) Pipe Island Light and Frying Pan Island Dock Light.

(Secs. 1-3, 29 Stat. 54, 55 as amended; 33 U. S. C. 474)

5. Copies of the proposed regulation are being mailed to persons and organizations who have expressed an active interest in this subject. Copies of the proposed regulation may be obtained from the Commander, 9th Coast Guard District, United States Coast Guard, B. F. Keith Building, 1621 Euclid Avenue, Cleveland 15, Ohio, or from the Commandant (CMC), United States Coast Guard, Washington 25, D. C., so long as they are available.

6. Comments on the proposed regulation are invited. All persons who desire to submit written comments, data, and

views prior to the hearing for consideration in connection with the proposed speed limit should submit them in writing for receipt prior to January 5, 1954, by the Commander, 9th Coast Guard District, or comments, data, and views may be presented orally or in writing at the public hearing. In order to insure consideration of comments and to facilitate checking and recording, it is essential that each comment on the proposed regulation shall be submitted in duplicate on Form CG-3287, showing the section and paragraph number, proposed change, the reason or basis (if any), and the name, business firm or organization (if any), and the address of the submitter. Copies of Form CG-3287 may be obtained upon request from the Commander, 9th Coast Guard District, or from the Commandant (CMG), Coast Guard Headquarters.

Dated: November 10, 1953.

[SEAL] MERLIN O'NEILL,
*Vice Admiral, U. S. Coast Guard,*
*Commandant.*

[F. R. Doc. 53-9666; Filed, Nov. 16, 1953; 8:50 a. m.]

## CIVIL AERONAUTICS BOARD

### [14 CFR Parts 40, 41, 42, 43, 60]

[Draft Release No. 53-25]

ANTI-COLLISION LIGHTS FOR LARGE AIRCRAFT OPERATING AT NIGHT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of proposed amendments to the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by January 15, 1954. Copies of such communications will be available after January 19, 1954, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The problem of conspicuity of aircraft flying at night has been recognized for a long time. For many years the standard method of making airplanes distinguishable at night has been by means of aircraft position lights. Some fifteen years ago tests revealed that the conspicuity of position lights was increased when these lights were made to flash. As a result the regulations were amended to require the installation of flashing position lights as a type certification requirement for transport category airplanes. However, continued experimentation indicated that the flashing position light systems in use could be improved and, because the need for improvement of conspicuity became apparent, further effort was expended by Government agencies and the industry in experimentations with position light systems. Experiments in recent years revealed that high intensity rotating lights, commonly referred to as anti-collision lights, increase conspicuity to the point where safety of air navigation can be materially increased if aircraft are equipped with such lights. In order to enable operators, in particular the scheduled air carriers, to evaluate thoroughly this and other systems of aircraft exterior lighting, the Board promulgated Special Civil Air Regulations Nos. SR-361, effective March 9, 1951, SR-390, effective January 1, 1953, and SR-392, effective May 16, 1953.

The progress made by manufacturers of lighting systems and by the operators was such that early in 1952 certain of the scheduled air carriers indicated their desire to install anti-collision lights on their fleets. The Civil Aeronautics Board was advised at that time that the air carrier operators would prefer to make these installations as early as practicable and on a voluntary basis without regulatory compulsion.

Since it appeared that these air carrier operators considered satisfactory those types of anti-collision lights which were then available to them, the Board introduced a broad objective standard for anti-collision lights which would be applicable to future designs of transport category airplanes. The adoption of this standard was for the purpose of assuring a reasonable degree of standardization of anti-collision lights.

The Board, in consideration of the air carrier's viewpoint, did not make the installation of anti-collision lights mandatory on presently operated airplanes, although the Board was in receipt of recommendations from other sources to adopt a mandatory requirement.

Recent indications reveal that relatively little progress has been made by the air carriers in installing anti-collision lights. It is estimated that, since the beginning of the program about a year ago, only a small percentage of the airplanes utilized in air carrier operations are equipped with anti-collision lights even though the lights are available in ample quantity. This progress does not meet the Board's expectations. At the same time experience shows, and recent near accidents emphasize, that the use of anti-collision lights would increase conspicuity and contribute materially to the safety of night operations. The Board believes that the installation of anti-collision lights is of sufficient importance that they should be made mandatory.

In view of the fact that the problems associated with the safety of night operations are not applicable solely to air carrier aircraft, the Board believes that the requirement of anti-collision lights should not be limited to airplanes used in air carrier operations. Since a substantial percentage of aircraft operated at night in or near areas of high air traffic density are large aircraft, it is believed that the requirement of anti-collision lights on all large airplanes should be of benefit in improving safety during night operations. In addition, the present stage of development of anti-collision lights does not present serious installation problems for large airplanes, but does present such problems with regard to installations on small airplanes. Additional study is being made with respect to the practicability of similar types of lights for small airplanes. In view of the foregoing, this proposal would require the installation of anti-collision lights on all aircraft of over 12,500 pounds maximum certificated weight.

Accordingly, notice is hereby given that the Board proposes to amend the operating parts of the Civil Air Regulations to provide that anti-collision lights, meeting the specifications of § 4b.637 of Part 4b, must be installed on all aircraft of over 12,500 pounds maximum certificated weight not later than September 30, 1954, and used between sunset and sunrise.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 40 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560).

Dated November 10, 1953 at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 53-9672; Filed, Nov. 16, 1953; 8:51 a. m.]

## FEDERAL POWER COMMISSION

### [18 CFR Parts 1, 4, 5, 6, 9, 16, 24, 25]

[Docket No. R-128]

MISCELLANEOUS AMENDMENTS TO CHAPTER

NOTICE OF PROPOSED RULE MAKING

NOVEMBER 5, 1953.

Amendment of Part 1, Rules of Practice and Procedure, and of Parts 4, 6, 9, 24 and 25 of Subchapter B, Regulations Under the Federal Power Act Relating to Applications for Licenses, Permits, and Amendments, Surrender or Termination of License, Transfer of License or Lease of Project Property, Declarations of Intention and Applications for Vacation of Withdrawal and for Determination Permitting Restoration to Entry.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Part 1, entitled "Rules of Practice and Procedure" of Subchapter A, General Rules, Chapter I of Title 18, Code of Federal Regulations to prescribe therein (in lieu of existing sections or the indicated portions thereof) amended §§ 1.8 (f) (2), 1.14 (a) (2), 1.17 (a), 1.17 (b), 1.20 (h), 1.20 (k), 1.30 (c) (1), 1.30 (d) (5), 1.31 (a), 1.31 (b), and 1.35, to read as set forth below.

3. The changes proposed in paragraph 2 are primarily for the purpose of clarifying the existing provisions or to remove minor inconsistencies.

4. It is also proposed to amend Subchapter B, Regulations Under the Federal Power Act, Chapter I of Title 18, Code of Federal Regulations to prescribe therein (in lieu of existing sections or the indicated portions thereof) amended §§ 4.30, 4.31, 4.32, 4.33, 4.40, 4.40 (g), 4.40 (h), 4.41, Exhibits A, B, E, F, H, I, J, K, L, M and N, §§ 4.42, 4.81, 4.82 (opening paragraph only), § 4.82 (g), § 4.82 (k), Exhibits A, B, H, and I, §§ 4.83, 4.84, 4.85, 5.4 (new), 6.2, 6.5, 9.3, 16.1, 16.2, 24.1, 25.1, to read as set forth below and to eliminate § 4.75 which is no longer applicable.

5. The changes proposed in paragraph 4 are necessary to correct inconsistencies relating to the number of copies of applications for licenses and other authorizations under Part I of the Federal Power Act, and accompanying documents to be filed, to describe procedures designed to expedite final action on applications, to eliminate requirements for information not now pertinent, to expand the requirements to provide additional information found necessary through experience, to liberalize and improve the requirements for project area maps, to include the requirement of satisfactory restoration of lands of the United States upon surrender of license, and to require transferees to assume responsibility for payment of annual charges accruing prior to the date of transfer.

6. The accompanying amendments to the Commission's regulations are proposed to be issued under authority granted the Federal Power Commission by the Federal Power Act, as amended, particularly section 309 thereof (49 Stat. 858; 16 U. S. C. 825 (h)).

7. Any interested person may submit on or before the 10th day of December, 1953, to the Federal Power Commission, Washington 25, D. C., data, views and comments in writing concerning the proposed amendments. The Commission will consider these written submittals before acting upon the proposed amendments.

[SEAL] LEON M. FUQUAY,
*Secretary.*

1. In § 1.8 add the following at the end of paragraph (f) (2): "Interventions will be granted under this section only for the purpose of allowing the intervener to offer at the hearing on the pending matter competent evidence of its interest in the proceeding and in support of its position as set forth in its petition to intervene. Failure of an intervener to adduce into said hearing competent evidence of its interest in the proceeding shall constitute grounds for rescission, by the Commission, of the intervention. Interventions granted under this section will be limited to matters affecting asserted rights and interests specifically set forth in the petition."

2. In § 1.14 delete paragraph (a) (2) and substitute therefor:

(2) *Acceptance for filing.* There will be accepted for filing only such applications, pleadings, and other papers as conform to the requirements of these rules, and any other applicable rule, regulation, or order of the Commission or applicable statute; applications, pleadings or other papers tendered for filing which fail so to conform may be refused acceptance for filing and may be returned by the Secretary with an indication of the deficiencies of the tendered filing and the reasons for non-acceptance and return. Acceptance for filing shall not waive any failure to comply with the rules, and such failure may be cause for striking all or any part of such filing.

3. In § 1.17 delete first sentence of paragraph (a) and substitute therefor:

(a) *By the Commission.* Applications, formal complaints, petitions other than intervening petitions and applications and petitions for amendment or modification of orders, orders and all forms of Commission action shall be served by the Secretary by registered mail, except when service by other method shall be specifically required by the Commission, by registering and mailing a copy thereof to the person, partnership, corporation, trust, association, or other organized group to be served, addressed to the person or persons designated in the initial pleadings, at his or its principal office or place of business.

4. In § 1.17 delete paragraph (b) and substitute therefor:

(b) *By parties.* Applications and petitions for amendment or modification of orders, answers, protests, intervening petitions, supplements or amendments thereto or to applications, complaints or petitions, motions, briefs, notices, and all other papers, except depositions, filed in proceedings pending before the Commission upon its docket, when filed or tendered to the Commission for filing, shall show service thereof upon all participants to the proceeding. Such service shall be made by delivering in person or by mailing, properly addressed with postage prepaid, one copy to each participant.

5. § 1.20 delete the proviso in the first sentence of paragraph (h) and substitute therefor:

(h) *Prepared expert testimony.* * * * *Provided*, That copies of such prepared testimony shall have been served upon all parties to the proceeding or their attorneys of record, including staff counsel of record, at least five days in advance of the session of the hearing at which such testimony is offered, unless all the parties and staff counsel shall have expressly waived their right to be supplied with such copies in advance, or all counsel, including staff counsel, shall have agreed mutually that such copies may be served a lesser number of days in advance.

6. In § 1.20 change the period at the end of paragraph (k) to a comma and add the words: "or upon motion to the presiding officer or the Commission as provided for in § 1.12 (d)."

7. In § 1.30 delete the first sentence of paragraph (c) (1) and substitute therefor:

(1) In lieu of any intermediate decision (initial by presiding officer, recommended by presiding officer or designated responsible officer, or tentative by the Commission), any party or staff counsel in any proceeding may request that the Commission forthwith render the final decision; and if all other parties and staff counsel join or concur in such request, it shall be deemed to have been granted unless the Commission denies such request within 10 days next following its submission or filing.

8. In § 1.30 delete paragraph (d) (5) and substitute therefor:

(5) Decisions by the Commission in proceedings in which the intermediate decision procedure has been omitted in accordance with paragraph (c) (1) and (3) of this section.

9. In § 1.31 add the following at the end of paragraph (a): "Exceptions shall conform to the requirements of §§ 1.15, 1.16 and 1.17, but need not be verified under oath."

10. In § 1.31 delete the last sentence of paragraph (b) and substitute therefor: "Supporting reasons for the exceptions, may, if desired, be submitted in a separate document."

11. In § 1.35 change period at end of section to a comma and add the words: "except that five conformed copies of such notice shall be filed in lieu of the fourteen conformed copies required by § 1.15 (b)."

12. Except where otherwise noted, delete the existing section or paragraph and substitute the following:

PART 4—LICENSES, PERMITS, AND DETERMINATION OF PROJECT COST

§ 4.30 *Who may file.* An application for license may be filed by any citizen, association of citizens, corporation, State, or municipality desirous of obtaining a license pursuant to the act.

§ 4.31 *Acceptance for filing or rejection of applications.* When an application which conforms to the requirements of § 1.15 of this chapter is received, it will be given a filing number, notice of receipt thereof and filing number given thereto will be furnished applicant, and notices will be given in accordance with the requirements of section 4 of the act (49 Stat. 839; 16 U. S. C. 797), § 1.37 of this chapter, and the Wildlife Resources Act of 1946 (60 Stat. 1080). Notice will also be given to the appropriate office of the Department of the Interior as to the public lands affected, if any, so that withdrawals from entry may be recorded, unless such action has been taken in connection with a preliminary permit. An application may be acceptable for filing for processing prior to final Commission action thereon, provided it contains the information required under § 4.40 (a), (b), (c), (d), (e), (f), and (h), together with Exhibits A, B, E, G, J, K, L, M, and O, required under § 4.41. Such application may include as Exhibit K, a project area map with such information with respect to lands affected as is readily available without a detailed survey, and as Exhibit L, the tentative design of the project works proposed. An application which fails to meet these requirements will be rejected by the Secretary as pro-

vided by § 1.14 of this chapter. However, the applicant may be required to furnish the balance of the information required under §§ 4.40 and 4.41 at such time as the Secretary directs and failure to furnish same will constitute grounds for rejection of the application by the Secretary as provided by § 1.14 of this chapter. The Commission may require as a condition of license that the licensee furnish additional or revised exhibits by a specified time and failure to furnish such information within the time specified or an extension thereof granted by the Commission shall constitute a violation of the license and cause for action under section 20 of the Federal Power Act. In case any information, documents or exhibits required to be filed with an application are already on file with the Commission, in current form and substance, the same may be incorporated in the application by reference.

§ 4.32 *Hearing on application.* A hearing upon an application may be ordered by the Commission, in its discretion, either upon its own motion or upon the motion of any party in interest. The hearing shall be limited to the issues specified in the order fixing the hearing.

§ 4.33 *Issuance and acknowledgment of acceptance.* When the Commission shall have issued a license or an amendment thereof, the same shall be forwarded to the applicant for acknowledgment of acceptance. Unless an application for rehearing is filed, or unless the order is stayed by the Commission, the order issuing the license or an amendment thereof shall become final thirty (30) days from date of issuance and the acknowledgment of acceptance shall be filed in triplicate with the Commission within sixty (60) days from date of issuance of the license or the amendment.

§ 4.40 *Contents.* Each application for license for a complete project of more than 100 horsepower installed capacity, to be constructed, or for a minor part of such project shall be verified, shall conform to § 131.2 of this chapter, and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, the application and all accompanying documents shall be submitted, in sextuplet, with one additional copy for each interested State Commission.

* * * * *

(g) The lands and reservations of the United States which will be affected by the proposed project.

(h) A description of the proposed initial and ultimate scheme of development including installed capacities, and a concise statement with regard to the adaptability of the project to a comprehensive scheme of improvement and utilization for the purpose of navigation of waterpower development, of aiding flood control, and of other beneficial public uses.

§ 4.41 *Required exhibits.* There shall be filed with the application for license and as a part thereof the following exhibits, certified in conformity with § 131.4 of this chapter:

*Exhibit A.* If applicant is a corporation: One copy of charter or certificate and articles of incorporation, with all the amendments thereto, duly certified by the secretary of state of the State where organized, or other proper authority, and the required number of additional uncertified copies: one certified and the required number of additional uncertified copies of the by-laws; and a certificate of organization in quintuplet with one additional copy for each interested State commission in conformity with § 131.3 of this chapter. If the project is located in another State than that in which the corporation is organized, a certificate and the required additional copies shall be submitted from the secretary of state or other proper authority of the State in which the project is located, showing compliance with the laws relating to foreign corporations.

If the applicant is a State: Copies of the laws under authority of which the application is made, or reference thereto.

If the applicant is a municipality as defined in the Federal Power Act: One copy of its charter or other organization papers, duly certified by the secretary of state of the State in which it is located, or other proper authority, and the required number of additional uncertified copies. Copies of, or reference to, the State laws authorizing the operations contemplated by the application.

If the applicant is a natural person: An affidavit by applicant that he is a citizen of the United States, and the required number of additional copies thereof.

If the applicant is an association: One verified copy and the required number of additional copies of its articles of association. If there are no articles of association, that fact shall be stated over the signature of each member of the association and the required additional copies of the statement submitted. A complete list of members and a statement of the citizenship of each must be given in an affidavit by one of them, and an original and the required number of additional copies submitted.

*Exhibit B.* Copy of all minutes, resolutions of stockholders or directors, or other representatives of the applicant, properly attested, and the required additional copies, authorizing the filing of application.

*Exhibit E.* The nature, extent, and ownership of water rights which the applicant proposes to use in the development of the project covered by application, together with satisfactory evidence that the applicant has proceeded as far as practicable in perfecting its rights to use sufficient water for proper operation of the project works. A certificate from the proper State agency setting forth the extent and validity of the applicant's water rights shall be appended if practicable. In case the approval or permission of one or more State agencies is required by State law as a condition precedent to the applicant's right to take or use the water for the operation of the project works, duly certified evidence of such approval or permission, or a showing of cause why such evidence cannot be reasonably submitted shall also be filed. When a State certificate is involved, one certified copy and the required additional uncertified copies shall be submitted.

*Exhibit F.* Full details as to lands owned by applicant, and as to applicant's plans for acquiring title to or the right to occupy and use lands other than those owned by the applicant or by the United States, necessary or essential for carrying out the project covered by the application. If the applicant, at the time of filing application, has by easement, lease, franchise, or otherwise acquired the right to occupy and use lands owned by others, the statement should show with respect to each separate right of occupancy and use—

(1) From whom acquired.

(2) The date acquired.

(3) Nature and extent of the right acquired.

(4) Whether perpetual or limited term.

(5) If of limited term, when such term expires.

(6) For each parcel acquired, the area inside of the project boundary and the area outside of the project boundary, and a reference to Exhibit K.

*Exhibit H.* Statement of the proposed operation of the project works during times of low, normal and flood flows of the stream, including a statement of the minimum flow proposed to be released during periods of low water and full exposition of any proposed use of the project for the conservation and utilization in the public interest of the available water resources for the purposes of power, navigation, irrigation reclamation, flood control, and municipal water supply. Statement as to whether in relation to existing and probable future projects in the same or related watersheds, the highest practicable utilization of the water, storage possibilities, and head available will be made possible. Furnish operating rule for reservoirs with draw-down and usable storage, state criteria for determining spillway capacity.

*Exhibit I.* Estimate of the dependable capacity and average annual energy output to be generated by the project (dependable capacity is measured by the amount of other additional capacity from an alternate source which would be required to meet the load during the critical flow period if the proposed hydro-project were not constructed). Specify the period of critical stream flow used in determining the dependable capacity and describe the load into which the power generated by the project will be utilized. Furnish the following engineering data: A flow duration curve indicating the period of record and gaging stations used in deriving this curve, a tailwater rating curve, a curve showing estimated plant capability versus head, and an outline of plan for future proposed hydro-projects on the stream involved and their approximate location and ultimate installed capacity. When pertinent, state assumptions used for evaporation, leakage and head losses.

*Exhibit J.* General map covering the entire project area, showing on a single sheet and to an appropriate scale the location of the following:

(1) Principal structures and other important features of the project, including such roads, railways, tramways, and bridges as it is proposed shall become part of the project works and be placed under the license.

(2) All transmission lines, substations, switchyards, and telephone lines, which it is proposed shall become a part of the project works and be placed under license, as well as general layout of the transmission system, if any, with which the project may be connected, indicating prominently by appropriate symbol the portion or portions of the transmission lines or system covered by application for license.

(3) State and county lines, reservations of the United States, towns, streams, stream gaging stations, railroads, power plants, irrigation systems and other features in the vicinity of the proposed development information concerning which will aid in arriving at a general comprehension of the project.

(4) Reference to the detail map (Exhibit K) indicating by outline the portion shown on each sheet.

(5) If all features cannot be shown with sufficient distinctness on one sheet, two general maps may be furnished, one for the power plant and appurtenant works, and one for the transmission system. (See specifications for drawings § 4.42.)

*Exhibit K.* Detail map covering entire project area. Scale shall be such as to show clearly, but without unnecessary multiplicity of sheets, the essential details of surveys and of notes as to ownership or right of occupancy of lands within the project area. In general, a scale of approximately 400 feet to the inch is appropriate for features containing a relatively large amount of detail, and scales of 1,000 or 2,000 feet to the inch where there is little detail, as is frequently the case with respect to transmission and telephone lines, roads, and railways. Elevations shall be tied to Government bench marks whenever available, and shall be referred to mean sea level except that in the case of projects in navigable waters having a datum accepted for local use by the Office of the Chief of Engineers, Department of the Army, such local datum shall be used. If more than one sheet is used the sheets shall be numbered consecutively, and each shall bear a small diagram showing the entire map and indicating the portions shown on each sheet. Several sections of a conduit, transmission line, telephone line, road, railway, etc., may be shown upon a single sheet, each so placed or limited as to avoid crowding or confusion. Except to the extent and in such particulars as the requirements may be expressly waived or modified by the Commission the detail map to be filed as this exhibit shall conform to the specifications for drawings, § 4.42, and the following requirements:

(i) It shall show the project area and the project boundary.

(ii) The project boundary for reservoirs may be shown by metes and bounds, or by a contour, or if the project lands are covered by the public land survey by lines along or parallel to lines of the public land survey. Where a flowage easement or right of use involving other than a conveyance in fee for a reservoir applies to a whole tract of land and is not otherwise defined, the project boundary may enclose the entire tract.

(iii) The project boundary for continuous structures, such as transmission lines, telephone and control lines, conduits, roads, etc., may be described by center or offset lines of survey specifying distances of the project boundary therefrom.

(iii) Unless satisfactory reasons are given to the contrary, the project boundary shall not be more than 200 feet (horizontal measurement) from the exterior margin (in general, high-water level) of reservoirs, nor shall the width of the project area for canals, ditches, pipe lines, transmission lines, roads, and other so-called continuous structures exceed 200 feet. The project boundary shall be shown on the map in such manner that it can be readily identified on the ground. There shall be shown the location and description of monuments and other marks with reference lines therefrom to permanent objects in accordance with good practice in land surveying.

(iv) If the project boundary is located on lands covered by the public land survey there shall be shown a reference line from the initial point of the project boundary survey by distances and bearings to an established corner if one can be identified within a distance of 2 miles. At each intersection of the project boundary with an identified line of the public land survey, there shall be shown the station number on the boundary survey, and the bearing and distance to the nearest identified corner in each direction on the public land survey line crossed, if such distance does not exceed one mile. The station number of the boundary survey shall be shown at points of entering and leaving lands of the United States or lands in which the United States has an interest.

(v) The project boundary, if described other than by a contour, shall be accurately plotted on the map with courses and distances fully and legibly shown either along the plotted boundary or in tabular form on the map. The project boundary if described by a contour, shall be accurately plotted on the map with such data as completely and accurately fixes its location and permits its recovery in the field.

(vi) If a contour project boundary is located on lands covered by the public land survey, a permanent monument shall be established at each intersection of the boundary with an identified line of the public land survey. The map shall have the location of all such monuments with the bearing distance from each monument to nearest identified corner in each direction if such distance does not exceed one mile.

(vii) Wherever a Federal survey monument will be destroyed or rendered unusable by the proposed development, at least two permanent, marked witness monuments shall be established at accessible points. The map shall show a description of the monument destroyed or rendered unusable and location of the witness monuments with the connecting courses and distances to the original monument. Similarly where Federal bench marks are destroyed or rendered unusable, witness bench marks shall be established at accessible points. The map shall show the location and elevation of the original and witness bench marks with connecting courses and distances.

(viii) There shall be shown the status as to ownership, and the boundary lines and area of each parcel of land within, or partly within, the project area, designating separately lands owned by the applicant, lands to be acquired by the applicant, lands for which the applicant holds rights of use and occupancy for purposes of the project, reservations (indicating separately each reservation), and public lands (indicating separately lands, full title to which remains in the United States, and lands in which the United States retains only an interest). Where the project works occupy lands not owned by the applicant, but as to which the applicant holds only an easement, franchise, lease, or other right of occupancy and use, the map shall show the nature of such right and shall give appropriate reference to Exhibit F for further details.

(ix) Each map shall have thereon a statement by the person who makes or supervises the survey that the survey was accurately made and is correctly shown on the map. Each map shall have thereon a statement that the person who makes or supervises the survey has been employed by the applicant to make the survey.

(2) The location shall be accurately shown of all project works, such as—

(i) Dams.

(ii) Reservoirs. Show the flow lines for maximum and minimum water levels and for elevation of spillway crest, and give tables or diagrams of areas and capacities for maximum and minimum water levels and for each contour line.

(iii) Water conduits. Show center line, grade, and elevation of bottom at each change of grade, and designate lengths of each type of conduit, i. e., flume, ditch tunnel, pipe, etc.

(iv) Powerhouses, substations, and switchyards.

(v) Transmission lines and appurtenances, telephone lines, roads, railways, trails, tramways and bridges.

(vi) Navigation structures.

(vii) Channel approaches to navigation structures. Indicate elevation of bottom for distance of not less than 1,000 feet above and below the structures.

(3) Show contour lines with contour intervals of not more than 10 feet for the entire project area, except such portions as will be occupied only by such project works as are enumerated in (2) (v), or as will be included in reservoirs below the minimum elevation to which the water may be drawn down. Profiles of tunnel lines may be substituted for contours along such lines. (See specifications for drawings in § 4.42.)

*Exhibit L.* General design drawings showing plans, elevations, and sections of all principal structures and appurtenant works or other features of the project. These drawings shall be in sufficient detail and shall be accompanied by sufficient information relating to controlling factors (such as character of foundations and explorations thereof, materials and types of construction, important elevations, gradation of filter and riprap material, design and ultimate strengths for concrete and steel, stress and or stability analysis for important structures, water levels, spillway rating curves, etc.) to enable the Commission to have a full understanding of the project and to check safety, adequacy, and desirability in the development of the resources involved.

Scales are not specified, but it is desired that they be no larger than necessary to show clearly the information required. Drawings should be simple. Details are desired only as necessary to show features of importance in determining safety, adequacy, and suitability of design. Working drawings are not desired as part of application, but should be prepared for purposes of construction and retained as a record of the work when completed. In this exhibit shall be included—

(1) Dams and appurtenances, such as spillways, fishways, outlet works, etc.

(2) Navigation structures and approaches thereto, including locks, lock gates, operating machinery, etc.

(3) Conduits including forebays, intake works, surge tanks, and other pressure relief devices, etc.

(4) Powerhouses and substations (See specifications as in § 4.42).

*Exhibit M.* General descriptions of mechanical, electrical, and transmission equipment and their appurtenances in sufficient detail to enable the Commission to have a full understanding of the project, to determine the installed capacity in horsepower and kilowatts, and to determine the safety of the project works and their adequacy and suitability for the development and utilization of the resources involved, also name plate ratings for generators and turbines, and when required by the Commission or the Secretary performance data for generators and turbines and general specifications of mechanical, electrical, and transmission equipment.

*Exhibit N.* Estimate of the cost of developing the project including the following items:

Land and land rights;
Power plant structures and improvements;
Reservoirs, dams and waterways;
Water wheels, turbines and generators;
Accessory electric equipment;
Miscellaneous power plant equipment;
Roads, railroads, and bridges (Permanent facilities); and
Transmission facilities.

When required by the Commission or the Secretary, under each item show quantities, unit costs and total costs; indirect construction costs such as construction equipment, camp and commissary, etc., if the work is not to be done under contract; or if under contract include the indirect costs among the various cost items above; overhead construction costs such as engineering, supervision of construction, legal expense, taxes and interest during construction and administrative and general expense, and a contingent item, if necessary.

When required by the Commission or the Secretary, furnish an estimate of the annual cost including the following:

Rate of return or interest;
Local, State and Federal taxes;
Depreciation;
Insurance; and
Operation, maintenance and general or administrative expense.

When required by the Commission or the Secretary, furnish information as to the

method used in evaluating the power output from the project or the cost of obtaining an equivalent amount of power from an alternate source expressed in terms of dollars per kilowatt year of capacity and mills per kilowatt hour of average annual energy.

§ 4.42 *Specifications for drawings.* All maps and other drawings required in connection with licenses and preliminary permits shall conform to the following specifications:

(a) They shall be original black-ink drawings on tracing linen, cut to uniform size not smaller than 24 by 36 inches and not larger than 28 by 40 inches, the latter size being preferred, and shall be so drawn and lettered as to be legible when reduced by photography to 10½ inches in small dimension. Lithographed official maps issued by Federal or State agencies may be used to furnish supplemental data when desired and when so used, one copy for permanent record shall be mounted on linen. Process tracings will be accepted if legible and of durable quality. If not of durable quality, process tracings will be returned, and ink tracings required.

(b) Each drawing shall have a clear border of one-half inch on three sides and 2½ inches on one of the shorter sides, which shall be the left-hand border.

(c) Each drawing shall have a numerical scale and a graphical scale, the latter not less than 6 inches in length.

(d) Each map shall have true and magnetic meridians indicated thereon.

(e) There shall be provided a space 5 inches high by 7 inches wide in the lower right corner of each drawing, the upper half of which shall bear the title, scale, etc., and the lower half shall be left clear.

(f) The maps shall show State, county and town lines, and boundaries of reservations of the United States.

(g) If the project affects lands covered by the public-land survey the maps shall show the location of all lines of such survey crossing the project area, and all official subdivisions of sections including lots and irregular tracts, correctly designated as on the latest governing official plats of survey, copies of which can be obtained from the Bureau of Land Management, Washington, D. C., or examined in the local land office. If the project affects unsurveyed public lands or reservations, the protraction of townships and section lines shall be shown; such protractions whenever available to be those recognized by the agency of the United States having jurisdiction over the lands.

(h) The tracing of each drawing and a print therefrom for each copy of the application shall be filed with the Commission.

§ 4.75 *Application for license for electric lines (11 000 volts or less) in national forests.* [Delete this section.]

§ 4.81 *Acceptance for filing or rejection of applications.* When an application which conforms to the requirements of § 1.15 of this chapter is received, it will be given a filing number, receipt thereof and filing number given thereto will be furnished applicant, and notices will be given in accordance with the requirements of section 4 of the act (49 Stat. 830; 16 U. S. C. 797) and § 1.37 of this chapter. Notice will also be given to the appropriate office of the Department of the Interior as to the public lands affected, if any, so that withdrawals from entry may be recorded. An application may be acceptable for filing for processing prior to final Commission action thereon, provided it contains the information required under § 4.82 (a), (b), (c), (d), (e), (f), (g), and (k), together with Exhibits A, B, C, D, H, and I. An application which fails to meet these requirements will be rejected by the Secretary as provided by § 1.14 of this chapter. However, the applicant may be required to furnish the balance of the information required under this section and § 4.82 at such time as the Secretary directs and failure to furnish same will constitute grounds for rejection of the application by the Secretary as provided by § 1.14 of this chapter. In case any information, documents or exhibits required to be filed with an application are already on file with the Commission, in current form and substance, the same may be incorporated in the application by reference.

* * * * *

§ 4.82 *Contents of application.* Each application for preliminary permit shall be submitted as prescribed in § 131.10 of this chapter, and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, the application and all accompanying documents shall be submitted in sextuplet, with one additional copy for each interested State Commission. [Revision of opening paragraph.]

* * * * *

(g) A concise general description of the project and the proposed scheme of development including an estimate of the proposed installed capacity, and the average annual output.

* * * * *

(k) (Required exhibits.) There shall be filed with the application and as a part thereof the following exhibits, certified in conformity with § 131.4 of this chapter.

*Exhibit A.* If the applicant is a corporation: One copy of charter or certificate, and articles of incorporation, with all amendments thereto, duly certified by the secretary of state of the State where organized, or other proper authority, and the required additional uncertified copies, one copy of the by-laws, duly certified, and the required additional uncertified copies; and a certificate of organization as provided in § 131.3 of this chapter with the required additional copy for each interested State commission.

If the project is located in another State than that in which the corporation is organized, a certificate and the required additional copies thereof shall be submitted from the secretary of state or other proper authority of the state in which the project is located, showing compliance with the laws relating to foreign corporations.

If the applicant is a State: Copies of the laws under authority of which the application is made, or reference thereto.

If the applicant is a municipality as defined in the Federal Power Act: One copy of its charter or other organization papers, duly certified by the secretary of state of the State in which it is located, or other proper authority, and the required additional uncertified copies. Copies of, or reference to, the State laws authorizing the operations contemplated by the application.

If the applicant is a natural person: An affidavit by each applicant that he is a citizen of the United States and the required additional copies thereof. (See § 131.10 of this chapter.)

If the applicant is an association: The association shall submit a verified copy of its articles of association, and the required additional copies thereof. If there are no articles of association, that fact shall be stated over the signature of each member of the association and an original and the required additional copies shall be submitted. A complete list of members and a statement of the citizenship of each shall be given in an affidavit by one of them together with the required additional copies. (See § 131.10 of this chapter.)

*Exhibit B.* A copy of all minutes, resolutions of stockholders or directors, or other representatives of the applicant authorizing the filing of application, one copy properly attested, and the required additional copies.

*Exhibit H.* A general map showing the nature of the proposed project, its principal features and their location and the location of the project as a whole with reference to some well-known town or stream. On this map shall be placed a line indicating the approximate project boundary of the area to be occupied by the principal project works such as, dams, reservoirs, forebays, waterways and powerhouses, but excluding transmission lines, and if necessary in order to determine location of the project on the ground, there shall be shown on the map the approximate distances and bearings of points on the project boundary from natural objects or permanent monuments that can be readily found or recognized from descriptions thereof noted on the map, such points to be located at sufficiently frequent intervals to serve such purposes. If the project is on land covered by public land survey such distances and bearings shall be shown from the nearest existing corners of such survey. (See specifications for drawings, § 4.42.)

*Exhibit I.* This exhibit shall be submitted only if public lands or reservations are affected and shall be a map of the proposed project showing principal project works in a manner similar to the preceding exhibit H, except that such map shall show and shall be on a scale to present effectively the project boundary which shall be the line enclosing all quarter-quarter sections, lots and other smallest legal subdivisions of public-land survey which may be occupied or used in whole or in part by the project. It shall also show the status of lands, indicating separately lands patented, lands entered or otherwise embraced in any unperfected claim under the public-land laws, unreserved public lands and lands of each and every reservation affected. (See specifications for drawings, § 4.42.) If desired a single map may be submitted for exhibits H and I provided it shows all the information required for both.)

§ 4.83 *Hearing on application.* A hearing upon an application may be ordered by the Commission, in its discretion, either upon its own motion or upon the motion of any party in interest. The hearing shall be limited to the issues specified in the order fixing the hearing.

§ 4.84 *Amendments.* Applications for amendments of preliminary permits shall follow the form prescribed for original applications, as far as applicable. If an application for an amendment embraces sites or areas not covered by the original permit, notice of such application will be given in the manner required for the original application. Unless otherwise specified, an original and five conformed copies of the application and all accompanying documents shall be submitted, with one additional copy for each interested State commission.



§ 4.85 *Issuance and acknowledgment of acceptance.* When the Commission shall have issued a preliminary permit or an amendment thereof, the same shall be forwarded to the applicant for acknowledgment of acceptance. Unless application for rehearing is filed, or unless the order is stayed by the Commission, the order issuing the permit shall become final thirty (30) days from date of issuance and the acceptance shall be filed in triplicate with the Commission within sixty (60) days from date of issuance of the permit or the amendment. [New section]

PART 5—APPLICATION FOR AMENDMENT OF LICENSE

§ 5.4 *Issuance and acknowledgment of acceptance.* Section 4.33 is applicable.

PART 6—SURRENDER OR TERMINATION OF LICENSE

§ 6.2 *Surrender of license.* Licenses may be surrendered only upon the fulfillment by the licensee of such obligations under the license as the Commission may prescribe, and, if the project works authorized under the license have been constructed in whole or in part, upon such conditions with respect to the disposition of such works as may be determined by the Commission. Where project works have been constructed on lands of the United States the licensee will be required to restore the lands to a condition satisfactory to the Department having supervision over such lands and annual charges will continue until such restoration has been satisfactorily completed.

§ 6.5 *Annual charges.* Annual charges arising under a license surrendered or terminated shall continue until the effective date set forth in the Commission's order with respect to such surrender or termination.

PART 9—TRANSFER OF LICENSE OR LEASE OF PROJECT PROPERTY

§ 9.3 *Transfer.* (a) Approval by the Commission of transfer of a license is contingent upon the transfer of title to the properties under license, delivery of all license instruments, and a showing that such transfer is in the public interest. The transferee shall be subject to all the conditions of the license and to all the provisions and conditions of the act, as though such transferee were the original licensee and shall be responsible for the payment of annual charges which accrue prior to the date of transfer.

(b) When the Commission shall have approved the transfer of the license, its order of approval shall be forwarded to the transferee for acknowledgment of acceptance. Unless application for rehearing is filed, or unless the order is stayed by the Commission, the order shall become final thirty (30) days from date of issuance and the acknowledgment of acceptance shall be filed in triplicate with the Commission within sixty (60) days from date of issuance accompanied by a certified copy of the deed of conveyance or other instrument evidencing transfer of the property under license, together with evidence of the recording thereof.

PART 16—APPLICATION FOR LICENSE FOR PROJECT UNDER LICENSE WHICH EXPIRES ON SPECIFIED DATE

§ 16.1 *Contents.* Each application for a new or annual license for a project already under license which is about to expire shall be submitted at least 3 months prior to the expiration of license and shall set forth in appropriate detail the following information in the order indicated. Unless otherwise specified, an original and five conformed copies of the application, duly subscribed and verified under oath, and all accompanying documents, together with one additional conformed copy for each interested State commission, shall be submitted

(a) The exact name of the applicant.

(b) The license number of the project.

(c) The date on which the license expires.

(d) If licensee is a corporation, list of the officers and directors.

(e) The name, title, and post-office address of the person to whom correspondence in regard to the application shall be addressed.

§ 16.2 *Required exhibits.* There shall be filed with the application, and as a part thereof revised exhibits to reflect changes in project as described in the license.

PART 24—DECLARATION OF INTENTION

§ 24.1 *Filing.* An original and five conformed copies of each declaration of intention under the provisions of section 23 (b) of the act shall be filed. The declaration shall give the name and post-office address of the person to whom correspondence in regard to it shall be addressed, and shall be accompanied by:

(a) A brief description of the proposed project and its purposes, including such data as maximum height of the dams, a storage capacity curve of the reservoir or reservoirs showing the maximum, average, and minimum operating pool levels, the initial and ultimate installed capacity of the project, the rated horsepower and head on the turbines, and a curve of turbine discharge versus output at average and minimum operating heads.

(b) (1) A general map (one tracing and three prints) of any convenient size and scale, showing the stream or streams to be utilized and the approximate location and the general plan of the project.

(2) Also a detailed map of the proposed project area showing all Federal lands, and lands owned by States, if any, occupied by the project.

(3) A profile of the river within the vicinity of the project showing the location of the proposed project and any existing improvements in the river.

(4) A duration curve and hydrograph for the natural and proposed regulated flows at the dam site. Furnish references to the published stream flow records used and submit copies of any unpublished records used in preparation of these curves.

(c) (1) A definite statement of the proposed method of utilizing storage or pondage seasonally, weekly and daily, during periods of low and normal flows after the plant is in operation and the system load has grown to the extent that the capacity of the plant is required to meet the load. For example, furnish:

(i) Hydrographs covering a 10-day low water period showing the natural flow of the stream and the effect thereon caused by operations of the proposed power plant;

(ii) Similar hydrographs covering a 10-day period during which the discharge of the stream approximates average recorded yearly flow; and

(iii) Similar hydrographs covering a low water year using average monthly flows.

(2) A system load curve, both daily and monthly, and the position on the load curve that the proposed project would have occupied had it been in operation.

(3) A proposed annual rule of operation for the storage reservoir or reservoirs.

PART 25—APPLICATION FOR VACATION OF WITHDRAWAL AND FOR DETERMINATION PERMITTING RESTORATION TO ENTRY

§ 25.1 *Contents of application.* An application for vacation of a reservation effected by the filing of an application for preliminary permit or license, or for a determination permitting restoration to entry under the provisions of section 24 of the act, of such lands, or lands reserved or classified as power sites, may be filed directly with the Commission at its offices in Washington, D. C., at any of its regional or field representatives' offices, or at local land offices, for forwarding to the Commission. Such application shall contain the following data: (a) Full name of applicant; (b) post-office address; (c) description of land by legal subdivisions, including section, township, range, meridian, county, State, and river basin (both main and tributary) in which the land is located; (d) public land act under which entry is intended to be made if land is restored to entry; (e) the use to which it is proposed to put the land, and a statement as to its suitability for the intended use.

[F. R. Doc. 53-9662; Filed, Nov. 16, 1953; 8:49 a. m.]

# NOTICES

## ATOMIC ENERGY COMMISSION

CANCER SUPPORT PROGRAM FOR FISCAL YEAR 1954

Pursuant to section 3 of the Administrative Procedure Act, the following notice is published:

Subject to budgetary limitations and the availability of appropriations, the Atomic Energy Commission has authorized the delivery of radioisotopes by its distributors during fiscal year 1954 (ending June 30, 1954), for approved cancer programs at 20 percent of the price listed for each radioisotope in current catalogs issued by the Commission or its distributors.

Further information regarding the cancer support program may be obtained by writing to the U. S. Atomic Energy Commission, P. O. Box E, Oak Ridge, Tennessee, Attention: Isotopes Division.

CREDIT FOR SHIPMENTS BY SUPPLIERS

A supplier (any person or firm other than an AEC distributor, who furnishes radioisotopes on authorization of the Commission) may request a credit for authorized price reductions allowed by such supplier on radioisotopes obtained from the Commission or an AEC distributor and delivered by such supplier to persons holding valid authorizations issued by the Commission for cancer research, diagnosis, and/or therapy permitting deliveries at such reduced prices.

1. *Procedure for requesting credit.* A supplier desiring credit for deliveries at reduced prices, as permitted by AEC authorizations for cancer research, diagnosis, and/or therapy, shall file a "Radioisotope Credit Request," Form AEC-353, in duplicate, with the Isotopes Division, giving the information called for on the form. The "Radioisotope Credit Request" for such deliveries made by suppliers in fiscal year 1954 shall be filed with the Isotopes Division no later than July 31, 1954. Supporting documents, such as shipping memoranda or shipping tabulations, shall be attached to the "Radioisotope Credit Request." Such documents or papers shall include the following pertinent information as to each such delivery:

a. Name of customer who received radioisotopes at authorized price reductions;

b. Customer's authorization number;

c. Type and quantity of radioisotopes delivered;

d. Date of such delivery;

e. Evidence of price reduction to said customer for approved cancer research, diagnosis, and/or therapy.

2. *Limitations.* If such "Radioisotope Credit Request" is approved by the AEC, the credit thus approved shall be subject to the following limitations:

a. The credit issued shall not be valid for a cash rebate;

b. The credit issued shall be applied only as a credit in trade toward purchase of radioisotopes from the AEC or an AEC distributor;

c. The credit issued shall be valid until September 30, 1954, at which time any unused credit, or unused portion thereof, shall become invalid and ineffective for any purpose.

Dated at Washington, D. C., this 3d day of November 1953.

WALTER J. WILLIAMS,
*Deputy General Manager.*

[F. R. Doc. 53-9643; Filed, Nov. 16, 1953; 8:45 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

NOVEMBER 10, 1953.

1. Pursuant to the authority delegated to me by the Regional Administrator, Region II, Bureau of Land Management, by Order No. 1, Amendment No. 2, dated January 29, 1953 (18 F. R. 23), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. 682a), as hereinafter indicated, the following described land in the Los Angeles land district, embracing approximately 40 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION NO. 391

For lease and sale for homesite purposes only:

T. 13 S., R. 2 E., S. B. M., Sec. 8, NW¼NW¼.

The land is located in San Diego County, California, in the foothills of the Laguna Mountains about 3½ miles easterly from the Town of Ramona. The topography is rolling to hilly and the native vegetation is a chaparral type. An intermittent stream crosses the land. Warm, dry summer and mild winter temperatures are typical of this area.

2. As to applications regularly filed prior to 9:30 a. m., October 28, 1953, which describe tracts in accordance with the provisions contained herein, this order shall be effective immediately.

3. This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applications under the Small Tract Act as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to application under the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II, subject to the requirements of applicable law. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to disposal under the Small Tract Act only. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their application by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All of the lands will be leased in tracts of approximately 5 acres with approximate dimensions of 660 feet east and west and 330 feet north and south, each tract forming an aliquot part of the official survey of the section.

6. Preference right leases referred to in paragraph 2 will be issued only if the tract applied for conforms to or is amended to conform to the area, dimensions and orientation specified in paragraph 5.

7. Leases will be issued for a period of three years at an annual rental of $5.00 payable for the entire lease period in advance of issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $100.00 per tract. Application to purchase may be filed during the term of the lease but not more than 30 days prior to the expiration of one year from the date of the lease issuance.

8. Tracts will be subject to all existing rights-of-way and to rights-of-way 33 feet in width along the boundaries thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, county or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

9. All inquiries relating to these lands should be addressed to the Manager, Land Office, Los Angeles, California.

E. I. ROWLAND,
*Regional Chief,*
*Division of Lands.*

[F. R. Doc. 53-9670; Filed, Nov. 16, 1953; 8:50 a. m.]



### Bureau of Reclamation

BOISE PROJECT, IDAHO

ORDER OF REVOCATION

FEBRUARY 15, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of December 22, 1903, insofar as said order affects the following described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 2 N., R. 4 W.,
Sec. 25, NE¼SW¼.

The above area aggregates 40 acres.

G. W. LINEWEAVER,
*Acting Commissioner.*

I concur. The records of the Bureau of Land Management will be noted accordingly.

The soil is a sandy loam covered with large rock boulders. The lands are not suitable for cultivation. It is unlikely that they will be classified for any disposition other than by public sale, selection, or exchange, but any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not become effective to change the status of the described lands until 10:00 a. m. on the 35th day after date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which, and the conditions under which, veterans and others may file applications for these lands may be obtained on request from the Manager of the Land and Survey Office, Bureau of Land Management, Boise, Idaho.

WILLIAM PINCUS,
*Assistant Director,*
*Bureau of Land Management.*

NOVEMBER 10, 1953.

[F. R. Doc. 53-9661; Filed, Nov. 16, 1953; 8:48 a. m.]

COLORADO RIVER STORAGE PROJECT, NEVADA

FIRST FORM RECLAMATION WITHDRAWAL

JUNE 3, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following described lands from public entry under the first form of withdrawal as provided by section 3 of the act of June 17, 1902, (32 Stat. 388).

MOUNT DIABLO MERIDIAN, NEVADA

T. 32 S., R. 66 E., Sec. 1, Lots 1 and 4.

The above area aggregates 87.86 acres.

G. W. LINEWEAVER,
*Assistant Commissioner.*

I concur. The records of the Bureau of Land Management and the District Land Office will be noted accordingly.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

OCTOBER 28, 1953.

*Notice for Filing Objections to Order Withdrawing Public Lands for Davis Dam Project, Nevada*

JUNE 3, 1953.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Nevada, for use in connection with the Davis Dam Project, Nevada, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified, or let stand will be given to all interested parties of record and the general public.

G. W. LINEWEAVER,
*Assistant Commissioner.*

[F. R. Doc. 53-9644; Filed, Nov. 16, 1953; 8:46 a. m.]

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN PRODUCTION, CULTIVATION OR HARVESTING OF SUGAR BEETS IN CERTAIN AREAS

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), notice is hereby given that public hearings will be held as follows:

At Detroit, Michigan, November 30, 1953, 10:00 a. m., Court Room 859, Federal Building;

At St. Paul, Minnesota, December 2, 1953, 10:00 a. m., Ryan Hotel, Sixth and Robert Street;

At Billings, Montana, December 4, 1953, 10:00 a. m., Roosevelt School, Fourth Avenue and Twenty-third Street;

At Salt Lake City, Utah, December 7, 1953, 10:00 a. m., Room 230, Post Office Building;

At Greeley, Colorado, December 9, 1953, 10:00 a. m., V. F. W. Hall, Seventh Avenue and Twenty-fifth Street.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of the act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugar beets in regions other than the State of California, Southwestern Arizona, Southern Oregon, and Western Nevada, for the 1954 crop on farms with respect to which applications for payments under the act are made, and (2), pursuant to the provisions of section 301 (c) (2) of the act, fair and reasonable prices for the 1954 crop of sugar beets in regions other than those noted above to be paid under either purchase or toll agreements by producers who process sugar beets grown by other producers and who apply for payments under the act.

In order to obtain the best possible information, the Department requests that all interested parties appear at the hearing to express their views and to present appropriate data with respect to all points relative to the subject matters of the hearings.

The hearings, after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

A. A. Greenwood and Ward S. Stevenson are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 10th day of November 1953.

[SEAL] LAWRENCE MYERS,
*Director,*
*Sugar Branch.*

[F. R. Doc. 53-9681; Filed, Nov. 16, 1953; 8:52 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 6382]

ALLEGHENY AIRLINES, INC.

NOTICE OF HEARING

In the matter of the application of Allegheny Airlines, Inc., to serve Clearfield-DuBois-Philipsburg, Pa., through the Philipsburg Airport.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held

on December 4, 1953, at 10:00 a. m., e. s. t., in the Conference Room, Third Floor, Pennsylvania Electric Company Building, Twelfth Street and Eleventh Avenue, Altoona, Pennsylvania, before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., November 12, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-9675; Filed, Nov. 16, 1953; 8:51 a. m.]

[Docket No. 6050 et al.]

BRANIFF AIRWAYS, INC.; CERTIFICATE RENEWAL, ROUTE NO. 106

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that hearing in the above-entitled proceeding, heretofore assigned to be held on November 16, 1953, has been postponed and will be held on December 15, 1953 at 10:00 a. m., e. s. t., in Room 1201, Temporary Building No. 4, Seventeenth Street south of Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., November 12, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-9676; Filed, Nov. 16, 1953; 8:52 a. m.]

[Docket No. 6113]

ACTA AND IMATA AGREEMENTS CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on December 8, 1953, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., November 12, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-9677; Filed, Nov. 16, 1953; 8:52 a. m.]

[Docket No. 6265]

AIR TRAFFIC CONFERENCE AGENCY RESOLUTION CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on December 7, 1953, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., November 12, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-9678; Filed, Nov. 16, 1953; 8:52 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-2287]

HOME GAS CO.

NOTICE OF APPLICATION

NOVEMBER 10, 1953.

Take notice that on October 21, 1953, Home Gas Company (Applicant), a New York corporation, address, Pittsburgh, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of approximately 24.3 miles of 12-inch natural-gas transmission pipeline between the Town of Maine, Broome County, New York and a point in the Town of Tioga, Tioga County, New York; and approximately 25.4 miles of 12-inch pipeline between Deposit, Delaware County, New York and Port Dickinson, Broome County, New York, said sections of 12-inch pipeline to parallel Applicant's existing multiple 6-inch pipelines between Quackenbush Hill and Port Jervis in New York.

The proposed facilities constitute sections which will complete a continuous 12-inch pipeline between Quackenbush Hill and Port Jervis, and after the completion and activation of said facilities Applicant plans to retire its existing system of multiple 6-inch lines from Quackenbush Hill to its Hugenot Station near Port Jervis. Applicant proposes the construction and operation of the proposed facilities to enable it to handle additional volumes of natural gas which it anticipates will be available commencing with the winter of 1954–1955 from the pooled supply of the operating subsidiaries of The Columbia Gas System, Inc. Applicant states that said facilities are required to transport its available gas supply to existing markets. No new markets are proposed to be served by means of the proposed facilities.

The estimated total overall capital cost of the proposed facilities is $2,160,500. Applicant proposes to finance such cost with funds to be provided by its parent, The Columbia Gas System, Inc., which will purchase Applicant's notes and common stock and make capital contributions to Applicant as funds are required to meet construction costs.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of November, 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9645; Filed, Nov. 16, 1953; 8:46 a. m.]

[Docket No. G-2288]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION

NOVEMBER 10, 1953.

Take notice that on October 21, 1953, The Ohio Fuel Gas Company (Applicant), an Ohio corporation, address, Columbus, Ohio, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural-gas transmission pipeline facilities in Pickaway, Madison, Erie, Huron, Seneca, Hancock, Hardin and Wood Counties, in Ohio, and for an order pursuant to section 7 (b) of the Natural Gas Act authorizing and approving the abandonment of certain natural-gas transmission facilities in connection therewith.

Applicant proposes to construct and operate approximately 14.4 miles of 26-inch pipeline looping its existing facilities between its Crawford and its Mount Sterling Compressor Stations, to provide additional capacity for service to the Dayton, Cincinnati and Springfield, Ohio, area; approximately 6.6 miles of 16-inch pipeline looping its existing facilities near Kenton, Ohio, to provide additional capacity for service to the Lima and Kenton, Ohio areas; approximately 11.0 miles of 20-inch and 10.5 miles of 16-inch pipeline near New Baltimore, Ohio, to provide additional capacity for service to the Toledo, Findlay and Fostoria, Ohio, areas, and approximately 13.3 miles of 16-inch pipeline to replace Applicant's existing Line "T" from North Baltimore to Bowling Green Ohio, to provide added capacity for service in the same area, among others; and approximately 7.5 miles of 16-inch pipeline to replace portions of its Line "D" between Berlin Heights and Norwalk, Ohio, to provide additional capacity for service in the Milan, Monroeville, Belleville, Clyde, and Fremont, Ohio areas. In connection with the proposed construction, Applicant proposes to retire approximately 34.6 miles of existing 8⅝ inch, 10¾ inch, and 12¾ inch pipeline which is not suitable for continued service.

Applicant proposes to construct and operate the proposed facilities to enable it to transport additional volumes of natural gas to be made available to Applicant in the fall of 1954, and thereafter, from the general pooled gas supplies of the operating subsidiaries of The Columbia Gas System, Inc. The proposed facilities are designed to maintain continuity of service to existing retail and wholesale markets of Applicant, and to provide capacity for adequate service during the winter of 1954–1955. No service to new markets is proposed to be rendered by means of the said facilities.

The estimated total overall capital cost of the proposed facilities is $2,668,000. The proposed retirement of facilities is expected to cost $104,400, and will result in a credit to fixed capital of $246,600. The estimated salvage value of the facilities to be retired is $139,400. Applicant proposes to finance the cost of constructing the proposed facilities with funds to be provided by its parent, The Columbia Gas System, Inc., through sale of Applicant's notes and common stock to The Columbia Gas System, Inc., as funds are required to meet construction costs.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of November 1953. The application is on filed with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9646; Filed, Nov. 16, 1953; 8:46 a. m.]

[Docket No. G-2289]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION

NOVEMBER 10, 1953.

Take notice that on October 21, 1953, The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation, address, Pittsburgh, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 3.65 miles of 12-inch and 23.3 miles of 12-inch loop pipeline; approximately 14.4 miles of 10-inch, 18.5 miles of 20-inch, 5.6 miles of 24-inch, and 10.22 miles of 26-inch replacement pipelines; a new 3300 horsepower compressor station to be located near Downington, Chester County, Pennsylvania, and the installation of 880 additional horsepower in Applicant's existing Eagle Compressor Station in Chester County, Pennsylvania, a total of eight separate jobs, and for an order pursuant to section 7 (b) of the Natural Gas Act authorizing and approving the abandonment of certain facilities to be replaced by reason of some of the new construction.

Applicant proposes to construct and operate the proposed facilities to enable it to handle additional volumes of natural gas which it anticipates will be available to it beginning with the winter of 1954–1955 from the pooled gas supply of the operating subsidiaries of The Columbia Gas System, Inc. No new markets are proposed to be served by means of the proposed facilities. Applicant states that the market requirements of the areas to be served by the proposed facilities in every case exceed the maximum capabilities of the existing facilities to be replaced.

The estimated total overall capital cost of the proposed facilities is $5,792,550. The cost of retiring existing facilities is estimated to be $900, and the salvage value of the facilities to be replaced is estimated to be $101,650. Applicant proposes to finance the cost of construction with funds to be provided by its parent, The Columbia Gas System, Inc., which will purchase Applicant's notes and common stock and make capital contributions to Applicant as funds are required to meet construction costs.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of November, 1953. The application is on filed with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9646; Filed, Nov. 16, 1953; 8:46 a. m.]



[Docket No. G-2291]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF APPLICATION

NOVEMBER 10, 1953.

Take notice that on October 23, 1953, Pacific Gas and Electric Company (Applicant), a California corporation having its principal place of business at 245 Market Street, San Francisco, California, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural pipelines facilities in the State of California hereinafter described.

Applicant proposes the construction and operation of: (1) A tap on its 20-inch Kettlemen-Milpitas pipeline near Milpitas terminal together with regulator facilities to serve the Ford Motor Company Milpitas plant with natural gas on an interruptible basis; (2) a tap on its 22-inch pipeline near Livermore together with regulator facilities to serve the University of California Radiation Laboratory at Livermore with natural gas on an interruptible basis; and (3) a tap on its 22-inch pipeline near Warm Springs approximately 3 miles north of Milpitas together with regulator facilities to serve the Harbison-Walker Company brick manufacturing plant in Warm Springs with natural gas on an interruptible basis.

Applicant estimates the cost of facilities at $26,014, and proposes to finance their construction with available corporate funds as part of its continuing construction program.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 30th day of November 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9647; Filed, Nov. 16, 1953; 8:46 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-164, 59-14]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

MEMORANDUM OPINION AND ORDER DENYING PETITION FOR REHEARING AND RELATED RELIEF

NOVEMBER 6, 1953.

We heretofore approved Part III of the First Amendment to the Second Plan ("Trustee's Plan") filed by Bartholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES"), a registered holding company, and issued our Findings and Opinion with respect thereto.[1] In brief, Part III of the Trustee's Plan, which essentially incorporates the terms of a compromise proposal agreed upon by represenatives of holders of the preferred and Class A stocks of IHES, its only outstanding securities, provides for the compulsory exchange of the IHES preferred stock on the basis of 5½ common shares of Gatineau Power Company ("Gatineau"), a subsidiary of IHES, for each share of preferred stock, with certain cash adjustments.

Following the issuance of our Findings and Opinion, Cameron Biewend, a Class A stockholder who had not previously appeared in the proceedings, filed an application and petition requesting that our Order approving Part III of the Trustee's Plan be withdrawn; that we seek remand of the case from the United States District Court for the District of Massachusetts where the Trustee's Plan has been submitted for approval; that the hearings be reopened for the purpose of taking evidence in regard to the earning power of Gatineau and on the question of whether Part III of the Plan is fair and equitable; and that Biewend be granted leave to be heard and to participate in such hearings. We heard oral argument on the application and petition.

In support of his requests Biewend refers to an announcement made by Gatineau on October 22, 1953, that there had been an improvement in water conditions which would increase 1953 estimated earnings per common share from $1.62 to $1.66, that an upward revision had been effected in charges for power under long-term contracts with Canadian International Paper Company and a subsidiary of that company, that Gatineau had transferred certain property to that subsidiary, and that as a result Gatineau received cash payments of $3,678,000.[2] The announcement further stated that adjustment of Gatineau's estimate of 1953 earnings to reflect the contract and related changes as of January 1, 1953, would add approximately 16 cents to annual earnings per common share.

Granted the power to approve a plan providing for the distribution of the securities of one issuer in exchange for the securities of another, there will always remain the problem of changing circumstances. We do not agree with Biewend that the recent occurrences to which he refers are of such a nature as to require modification of our conclusion that the Trustee's Plan falls within the range of fairness to all stockholders affected.

[1] International Hydro-Electric System, Holding Company Act Release Nos. 12150 (September 30, 1953) and 12193 (October 29, 1953).

[2] Gatineau applied the cash to the retirement of its 3 percent debentures due June 1, 1954, in the amount of $2,500,000 and the purchase of $500,000 short-term Canadian Government securities, and has added the balance to working capital.

In our Findings and Opinion we expressly considered the effect on estimated earnings of possible changes in water conditions.[3] And although the other changes Biewend stresses did not crystallize until after the close of the record, we were cognizant of them and their impact on estimated earnings, and we specifically referred to them in our Findings and Opinion.[4] Gatineau had for a long time claimed that its contract with the Paper Company called for additional charges, and all the persons (other than Biewend) who appeared at the argument on Biewend's applications herein have stated that they were fully apprised of the existence and character of extended negotiations looking to a settlement of these claims.[5] It was stated in the record of these proceedings that the negotiations would have no adverse effect on Gatineau, but on the contrary it was indicated that they would be of benefit to that company. In this connection it may be noted that although Biewend has alleged that if certain stockholders had known the magnitude of the benefits to Gatineau from the revised contract they would not have joined in the compromise which the Trustee's Plan embodies, all the parties to the compromise apeared at oral argument and argued against Biewend's request and all continued in their support of the Trustee's Plan. No one joined Biewend in his request.

In our opinion Biewend overestimates the significance of the revised earnings estimate and capital changes. He assumes that, if the Trustee's Plan were not carried out, the benefits from increased earnings would redound to the exclusive advantage of the Class A stockholders, and disregards the fact that they would also enhance the position of the preferred stock of IHES, more than 60 percent of the income of which is derived from Gatineau. While the enhancement in the value of the IHES preferred stock would not be as large as that in the Gatineau stock itself, the difference in our opinion is not sufficient to require revision in the allocations proposed in the Trustee's Plan. As we pointed out in our Findings and Opinion, we have not attempted nor is it necessary to fix specific dollar values for the preferred stock or the Gatineau stock to be given in exchange. Our finding that the allocation proposed in the Trustee's Plan is fair and equitable was in effect a finding that it falls within a reasonable range of fairness, and we are of the opinion that the changes which have taken place are not of such material character as to take the allocation from within that range.[6]

*Accordingly, it is ordered*, That the Application of Cameron Biewend for Leave to Adduce Additional Evidence, and Petition for Rehearing, and Application for Leave to be Heard on Rehearing be, and they hereby are, denied.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9640; Filed, Nov. 16, 1953; 8:47 a. m.]

[3] We stated (Holding Company Act Release No. 12193, at p. 14): "The record indicates that Gatineau's earnings are affected by water conditions, and Brittain [vice president and treasurer of Gatineau] * * * stated that if water conditions in 1953, which were good only until May, had been as favorable as those experienced in 1952, the 1953 estimate of earnings of $1.62 per share of common stock would be increased to $1.87. On the other hand, had poor water conditions prevailed throughout the year, the forecasted earnings would be $1.32. In Brittain's opinion, per share earnings of $1.62 are 'not very far from normal.'"

[4] We stated (Holding Company Act Release No. 12153, note 27, at p. 15): "After the close of the record, a settlement was worked out in the power negotiations. Adjustment of Brittain's estimate of 1953 earnings to reflect the settlement as of January 1, 1953, and improved water conditions, would in Gatineau's opinion add approximately 20¢ to annual earnings per common share."

[5] At the argument it was pointed out that the market price of Gatineau common shares has not increased following Gatineau's announcement of the changes referred to, and it was asserted that this evidenced a general knowledge and discounting of such changes prior to their occurrence.

[6] While we referred in our Findings and Opinion to earnings of approximately $3 that would be applicable to the Gatineau common shares to be exchanged for the preferred stock, we were not unmindful of the increased earnings stemming from the changes, and recognized that even if the estimated earnings were adjusted to reflect these changes the allocation would not be rendered unfair.

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28631]

PHOSPHATE ROCK FROM FLORIDA TO MISSOURI

APPLICATION FOR RELIEF

NOVEMBER 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Phosphate rock, carloads.

From: Bartow, Fla., and points in Florida taking same rates.

To: Booth, Bowling Green, Laddonia, and Powersville, Mo.

Grounds for relief: Rail competition, circuity, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Atlantic Coast Line Railroad Company's tariff I. C. C. No. B-3232, supp. 91; Seaboard Air Line Railroad Company's tariff I. C. C. No. A-8153, supp. 85.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9621; Filed, Nov. 12, 1953; 8:52 a. m.]

[4th Sec. Application 28632]

PHOSPHATE ROCK FROM FLORIDA TO LOWVILLE, N. Y., GROUP

APPLICATION FOR RELIEF

NOVEMBER 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent for carriers parties to schedules listed below.

Commodities involved: Phosphate rock, carloads.

From: Bartow, Fla., and points in Florida taking same rates.

To: Lowville, N. Y., and points grouped therewith.

Grounds for relief: Rail competition, circuity, grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Atlantic Coast Line Railroad Company, I. C. C. No. B-3232, supp. 91; Seaboard Air Line Railroad Company, I. C. C. No. A-8153, supp. 85.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9620; Filed, Nov. 13, 1953; 8:52 a. m.]



[4th Sec. Application 28633]

PHOSPHATE ROCK FROM FLORIDA TO GREENWOOD, MISS.

APPLICATION FOR RELIEF

NOVEMBER 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Phosphate rock, carloads.

From: Bartow, Fla., and points in Florida taking same rates.

To: Greenwood, Miss.

Grounds for relief: Rail competition, circuity, and additional routes.

Schedules filed containing proposed rates: Atlantic Coast Line Railroad Company, I. C. C. No. B-3232, supp. 91; Seaboard Air Line Railroad Company, I. C. C. No. A-8153, supp. 85.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9622; Filed, Nov. 13, 1953; 8:52 a. m.]

[4th Sec. Application 28638]

WHOLE CORN AND SORGHUM GRAINS FROM KANSAS AND COLORADO TO COLORADO AND WYOMING

APPLICATION FOR RELIEF

NOVEMBER 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Missouri Pacific Railroad Company for itself and on behalf of carriers parties to schedule listed below.

Commodities involved: Whole corn and sorghum grains, carloads.

From: Points in Kansas and Colorado.

To: Points in Colorado and Wyoming.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: Missouri Pacific Railroad Company, I. C. C. No. A-10238, supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9650; Filed, Nov. 16, 1953; 8:47 a. m.]

[4th Sec. Application 28639]

SODA ASH FROM OHIO, NEW YORK AND MICHIGAN TO GEORGETOWN, S. C., SAVANNAH AND PORT WENTWORTH, GA.

APPLICATION FOR RELIEF

NOVEMBER 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedules listed below.

Commodities involved: Soda ash (other than modified soda ash), in carloads.

From: Points in Ohio, New York and Michigan.

To: Georgetown, S. C., Savannah and Port Wentworth, Ga.

Grounds for relief: Competition with rail carriers, competition with water carriers, and market competition.

Schedules filed containing proposed rates: H. R. Hinsch, Alternate Agent, I. C. C. No. 4510, supp. 31; C. W. Boin, Agent, I. C. C. No. A-908, supp. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9651; Filed, Nov. 16, 1953; 8:47 a. m.]

[4th Sec. Application 28640]

BRICK FROM SPRINGFIELD, MINN., TO FAIRMOUNT, FARGO AND WAHPETON, N. DAK.

APPLICATION FOR RELIEF

NOVEMBER 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Chicago and Northwestern Railway Company for itself and on behalf of the Chicago, Milwaukee, St. Paul and Pacific Railroad.

Commodities involved: Brick and related articles, also drain tile, carloads.

From: Springfield, Minn.

To: Fairmount, Fargo and Wahpeton, N. Dak.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: Chicago and North Western Railway Company, I. C. C. No. 11255, supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9652; Filed, Nov. 16, 1953; 8:47 a. m.]

[4th Sec. Application 28641]

BRICK FROM ST. PAUL, MINNEAPOLIS AND MINNESOTA TRANSFER, MINN. TO NORTH AND SOUTH DAKOTA

APPLICATION FOR RELIEF

NOVEMBER 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

Commodities involved: Brick and related articles, also drain tile, carloads.

From: St. Paul, Minneapolis, and Minnesota Transfer, Minn.

To: Points in North Dakota and South Dakota.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Chicago, Milwaukee, St. Paul and Pacific Railroad Company, I. C. C. No. B-7784, supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9653; Filed, Nov. 16, 1953; 8:48 a. m.]

[4th Sec. Application 28612]

CHEESE FROM MCMINNVILLE, TENN., TO THE SOUTH

APPLICATION FOR RELIEF

NOVEMBER 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cheese, in carloads.

From: McMinnville, Tenn.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1331, supp. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9654; Filed, Nov. 16, 1953; 8:48 a. m.]

[4th Sec. Application 28643]

BREWERS RICE FROM BATON ROUGE AND NEW ORLEANS, LA., AND MEMPHIS, TENN., TO WAVERLY AND NEWARK, N. J.

APPLICATION FOR RELIEF

NOVEMBER 12, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent W. P. Emerson, Jr.'s tariff I. C. C. No. 386 and Agent C. A. Spaninger's I. C. C. No. 1324, pursuant to fourth-section order No. 16101.

Commodities involved: Brewers rice and rice screenings, carloads.

From: Baton Rouge and New Orleans, La., and Memphis, Tenn.

To: Newark and Waverly, N. J.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9655; Filed, Nov. 16, 1953; 8:48 a. m.]


# FEDERAL REGISTER

VOLUME 18 NUMBER 225

*Washington, Wednesday, November 18, 1953*


## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Rice]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

AVAILABILITY OF PRICE SUPPORT; ELIGIBLE RICE; TENNESSEE

Regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 18 F. R. 3981 and 4874, and containing the requirements for the 1953-Crop Rice Price Support Program are hereby amended as follows:

1. Section 601.177 *Availability of price support* paragraph (b) *Area* is amended by adding Tennessee to the States in which loans and purchase agreements will be available so that the amended paragraph reads as follows:

§ 601.177 *Availability of price support.* • • •

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available on eligible rice produced in the States of Arizona, Arkansas, California, Florida, Louisiana, Mississippi, Missouri, South Carolina, Tennessee, and Texas.

2. Section 601.178 *Eligible rice* paragraph (a) is amended by adding Tennessee to the States in which rice must be produced in 1953 if it is to meet the eligibility requirements, so that the amended paragraph reads as follows:

§ 601.178 *Eligible rice.* • • •

(a) The rice must have been produced in 1953 in the States of Arizona, Arkansas, California, Florida, Louisiana, Mississippi, Missouri, South Carolina, Tennessee, or Texas.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1421)

Issued this 13th day of November 1953.

[SEAL] HOWARD H. GORDON, *President, Commodity Credit Corporation.*

[F. R. Doc. 53-9713; Filed, Nov. 17, 1953; 8:51 a. m.]

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 3, Soybeans]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP SOYBEAN LOAN AND PURCHASE AGREEMENT PROGRAM

BASIC COUNTY SUPPORT RATES FOR SOUTH DAKOTA

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 18 F. R. 4367, 5029 and 5702, and containing the specific regulations for the 1953-Crop Soybean Price Support Program are hereby amended as follows:

Section 601.283 (a) (1) is amended by adding to the list of basic county support rates for South Dakota, the following counties and rates:

| | | | |
|---|---|---|---|
| Armstrong | $2.49 | Hyde | $2.49 |
| Aurora | 2.50 | Jackson | 2.49 |
| Beadle | 2.50 | Jerauld | 2.50 |
| Bennett | 2.49 | Jones | 2.49 |
| Brown | 2.49 | Lawrence | 2.49 |
| Brule | 2.50 | Lyman | 2.49 |
| Buffalo | 2.49 | McPherson | 2.49 |
| Butte | 2.49 | Meade | 2.49 |
| Campbell | 2.49 | Mellette | 2.49 |
| Charles Mix | 2.51 | Pennington | 2.49 |
| Corson | 2.49 | Perkins | 2.49 |
| Custer | 2.49 | Potter | 2.49 |
| Davison | 2.51 | Sanborn | 2.50 |
| Dewey | 2.49 | Shannon | 2.49 |
| Douglas | 2.51 | Spink | 2.49 |
| Edmunds | 2.49 | Stanley | 2.49 |
| Fall River | 2.49 | Sully | 2.49 |
| Faulk | 2.49 | Todd | 2.49 |
| Gregory | 2.49 | Tripp | 2.49 |
| Haakon | 2.49 | Walworth | 2.49 |
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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplement is now available:

General Index ($1.00)

Previously announced: Title 3 ($1.75); Titles 4–5 ($0.55); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75), Parts 210–899 ($2.25), Part 900–end (Revised Book) ($6.00); Title 8 (Revised Book) ($1.75); Title 9 ($0.40); Titles 10–13 ($0.40); Title 14: Parts 1–399 (Revised Book) ($6.00), Part 400–end (Revised Book) ($3.75); Title 15 ($0.75); Title 16 ($0.65); Title 17 ($0.35); Title 18 ($0.35); Title 19 ($0.45); Title 20 ($0.60); Title 21 ($1.25); Titles 22–23 ($0.65); Title 24 ($0.65); Title 25 ($0.40); Title 26: Parts 80–169 ($0.40), Parts 170–182 ($0.65), Parts 183–299 ($1.75); Title 26: Part 300–end, Title 27 ($0.60); Titles 28–29 ($1.00); Titles 30–31 ($0.65); Title 32: Parts 1–699 ($0.75), Part 700–end ($0.75); Title 33 ($0.70); Titles 35–37 ($0.55); Title 38 ($1.50); Title 39 ($1.00); Titles 40–42 ($0.45); Title 43 ($1.50); Titles 44–45 ($0.60); Title 46: Parts 1–145 (Revised Book) ($5.00), Part 146–end ($2.00); Titles 47–48 ($2.00); Title 49: Parts 1–70 ($0.50), Parts 71–90 ($0.45), Parts 91–164 ($0.40), Part 165–end ($0.55); Title 50 ($0.45)

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(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447, 1421)

Issued this 13th day of November 1953.

[SEAL] HOWARD H. GORDON, *President, Commodity Credit Corporation.*

[F. R. Doc. 53-9714; Filed, Nov. 17, 1953; 8:51 a. m.]

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[1953 CCC Tung Nut Bulletin, 721 Tung Nuts-53-1]

PART 643—OILSEEDS

SUBPART—1953 CROP TUNG NUT PRICE SUPPORT PROGRAM

This bulletin states the requirements with respect to the 1953 Crop Tung Nut Price Support Program under which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Production and Marketing Administration thereinafter referred to as "CCC" and "PMA", respectively).

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643.938 Eligible tung nuts and tung oil.
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AUTHORITY: §§ 643.935 to 643.958 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup., 1446, 1421.

§ 643.935 *Administration.* (a) The program will be administered by PMA, under the general direction and supervision of the President, CCC. In the field, the program will be carried out through State and County PMA Committees (hereinafter called State and County Committees) and the New Orleans PMA Commodity Office.

(b) It will be the responsibility of the State Committee in each State to carry out the provisions of the 1953 tung nut price support program in such a manner that price support will be available to all eligible producers of tung nuts.

(c) Forms will be distributed through the offices of State and County Committees. All documents in connection with warehouse storage loans on tung oil and purchase agreements on tung nuts and tung oil will be approved by the County Committee which will retain copies of all such documents. The County Committee may authorize the county office manager to prepare and approve purchase agreement and loan documents on behalf of the Committee.

(d) State and County Committees and the New Orleans PMA Commodity Office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 643.936 *Availability—(a) Methods of price support.* Price support will be available to eligible producers of tung nuts by means of purchase agreements for eligible tung nuts and tung oil and nonrecourse loans on eligible tung oil stored in approved storage facilities.

(b) *Area.* The program will be available in the States of Alabama, Georgia, Florida, Louisiana, Mississippi, and Texas.

(c) *When to apply.* Purchase agreements covering tung nuts will be available from the beginning of the marketing year, November 1, 1953, through January 31, 1954. Loans and purchase agreements covering tung oil will be available from November 1, 1953, through June 30, 1954.

(d) *Where to apply.* Application for price support should be made through the office of the County Committee which keeps the farm program records for the farm.

§ 643.937 *Eligible producer—(a)* An eligible producer shall be an individual, partnership, corporation, or other legal entity producing tung nuts of the 1953 crop as landowner, landlord, tenant, or share-cropper. The beneficial interest in the tung nuts and the resultant tung oil must be in the producer tendering tung nuts or tung oil for purchase under a purchase agreement or tung oil as security for loan and must have always been in such producer or in such producer and a former producer whom such producer succeeded either as landowner, landlord, tenant, or share-cropper before the tung nuts were harvested. Any eligible producer or group of eligible producers may designate in writing on the form or forms prescribed by CCC, an agent to act on the producer's behalf or on the joint behalf of a group of producers in obtaining price support under this program.

(b) Any cooperative association (hereinafter called cooperative) which normally handles or crushes the tung nuts of its producer-members shall be considered an eligible producer with respect to tung oil processed by it from 1953 crop tung nuts delivered to it by eligible producer-members: *Provided,* That:

(1) The beneficial interest in such nuts processed and in the resultant tung oil is and always has been in such producer-members or in such producer-members and former producers whom such producer-members succeeded either as landowner, landlord, tenant, or share-cropper, before such tung nuts were harvested;

(2) The major part of the tung oil marketed by the cooperative is produced from tung nuts delivered by members who are eligible producers;

(3) The members share proportionately in the proceeds from marketings according to the quantity and quality of tung nuts each delivers to the cooperative;

(4) The cooperative has the legal right to pledge the tung oil as security for a loan as well as the authority to sell such tung oil under purchase agreement;

(5) The cooperative shall maintain a record of the total quantity of tung oil processed by it from tung nuts obtained from all sources and a separate record of the quantity of eligible tung oil processed from 1953 crop tung nuts delivered to the cooperative by eligible producer-members; and the cooperative shall make its books available to CCC for inspection at all reasonable times through June 1956.

§ 643.938 *Eligible tung nuts and tung oil—(a) Tung nuts.* Tung nuts must be from the 1953 crop, and must be matured, air dried with hard hulls, dark in color, and suitable for milling.

(b) *Tung oil.* Tung oil must have been extracted from the 1953 tung nut crop and must meet Federal Specifications No. TT-O-395 dated February 3, 1948, except those specifications pertaining to packaging. The eligibility of tung oil delivered under this program must be evidenced by a certification signed by the producer or an agent designated as provided in § 643.943 (f) or in the case of a cooperative by an authorized officer thereof in the form prescribed in § 643.943 (d) or (e) whichever form is appropriate.

§ 643.939 *Disbursement of loans.* Disbursement of loans on tung oil will be made to producers by approved lending agencies operating under an agreement with CCC, or by PMA County Offices by means of sight drafts drawn on CCC. Disbursements shall not be made later than 15 days after the final date of the availability of loans, unless a longer period is approved by the President, CCC. The producer shall not present the loan documents for disbursement unless the tung oil represented by the loan documents is in existence and in good condition. If the tung oil is not in existence and in good condition at the time of disbursement, the loan proceeds shall be refused or promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized, the producer shall be personally liable for repayment of the amount of such excess.

§ 643.940 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency Agreement on CCC Form 292, or other form prescribed by CCC.

§ 643.941 *Approved storage facilities.* Approved facilities shall consist of storage facilities made available by tung oil mills and others having adequate facilities for handling and storing tung oil for which a tung oil storage agreement on



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warehouse storage loans on tung oil and purchase agreements on tung nuts and tung oil will be approved by the County Committee which will retain copies of all such documents. The County Committee may authorize the county office manager to prepare and approve purchase agreement and loan documents on behalf of the Committee.

(d) State and County Committees and the New Orleans PMA Commodity Office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 643.936 *Availability—(a) Methods of price support.* Price support will be available to eligible producers of tung nuts by means of purchase agreements for eligible tung nuts and tung oil and nonrecourse loans on eligible tung oil stored in approved storage facilities.

(b) *Area.* The program will be available in the States of Alabama, Georgia, Florida, Louisiana, Mississippi, and Texas.

(c) *When to apply.* Purchase agreements covering tung nuts will be available from the beginning of the marketing year, November 1, 1953, through January 31, 1954. Loans and purchase agreements covering tung oil will be available from November 1, 1953, through June 30, 1954.

(d) *Where to apply.* Application for price support should be made through the office of the County Committee which keeps the farm program records for the farm.

§ 643.937 *Eligible producer—(a)* An eligible producer shall be an individual, partnership, corporation, or other legal entity producing tung nuts of the 1953 crop as landowner, landlord, tenant, or share-cropper. The beneficial interest in the tung nuts and the resultant tung oil must be in the producer tendering tung nuts or tung oil for purchase under a purchase agreement or tung oil as security for loan and must have always been in such producer or in such producer and a former producer whom such producer succeeded either as landowner, landlord, tenant, or share-cropper before the tung nuts were harvested. Any eligible producer or group of eligible producers may designate in writing on the form or forms prescribed by CCC, an agent to act on the producer's behalf or on the joint behalf of a group of producers in obtaining price support under this program.

(b) Any cooperative association (hereinafter called cooperative) which normally handles or crushes the tung nuts of its producer-members shall be considered an eligible producer with respect to tung oil processed by it from 1953 crop tung nuts delivered to it by eligible producer-members: *Provided,* That:

(1) The beneficial interest in such nuts processed and in the resultant tung oil is and always has been in such producer-members or in such producer-members and former producers whom such producer-members succeeded either as landowner, landlord, tenant, or share-cropper, before such tung nuts were harvested;

(2) The major part of the tung oil marketed by the cooperative is produced from tung nuts delivered by members who are eligible producers;

(3) The members share proportionately in the proceeds from marketings according to the quantity and quality of tung nuts each delivers to the cooperative;

(4) The cooperative has the legal right to pledge the tung oil as security for a loan as well as the authority to sell such tung oil under purchase agreement;

(5) The cooperative shall maintain a record of the total quantity of tung oil processed by it from tung nuts obtained from all sources and a separate record of the quantity of eligible tung oil processed from 1953 crop tung nuts delivered to the cooperative by eligible producer-members; and the cooperative shall make its books available to CCC for inspection at all reasonable times through June 1956.

§ 643.938 *Eligible tung nuts and tung oil—(a) Tung nuts.* Tung nuts must be from the 1953 crop, and must be matured, air dried with hard hulls, dark in color, and suitable for milling.

(b) *Tung oil.* Tung oil must have been extracted from the 1953 tung nut crop and must meet Federal Specifications No. TT-O-395 dated February 3, 1948, except those specifications pertaining to packaging. The eligibility of tung oil delivered under this program must be evidenced by a certification signed by the producer or an agent designated as provided in § 643.943 (f) or in the case of a cooperative by an authorized officer thereof in the form prescribed in § 643.943 (d) or (e) whichever form is appropriate.

§ 643.939 *Disbursement of loans.* Disbursement of loans on tung oil will be made to producers by approved lending agencies operating under an agreement with CCC, or by PMA County Offices by means of sight drafts drawn on CCC. Disbursements shall not be made later than 15 days after the final date of the availability of loans, unless a longer period is approved by the President, CCC. The producer shall not present the loan documents for disbursement unless the tung oil represented by the loan documents is in existence and in good condition. If the tung oil is not in existence and in good condition at the time of disbursement, the loan proceeds shall be refused or promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized, the producer shall be personally liable for repayment of the amount of such excess.

§ 643.940 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency Agreement on CCC Form 292, or other form prescribed by CCC.

§ 643.941 *Approved storage facilities.* Approved facilities shall consist of storage facilities made available by tung oil mills and others having adequate facilities for handling and storing tung oil for which a tung oil storage agreement on

CCC Form 77 (Revised October 1, 1953) for the 1953 crop has been entered into with CCC through the New Orleans PMA Commodity Office. The names of owners or operators of approved facilities may be obtained from the New Orleans PMA Commodity Office and State and County Offices.

§ 643.942 *Maturity date of loans and period of notification to sell under purchase agreement.* (a) Loans on tung oil mature on October 31, 1954, or on such earlier date as may be prescribed by CCC.

(b) Producers who elect to sell tung nuts under a purchase agreement must notify the County Committee of their intentions within the 30-day period ending March 31, 1954 or ending on such earlier date as may be prescribed by CCC. Producers who elect to sell tung oil under a purchase agreement must notify the County Committee of their intentions within the 30-day period ending October 31, 1954, or ending on such earlier date as may be prescribed by CCC.

§ 643.943 *Applicable forms.* The approved forms consist of the purchase agreement forms, loan forms, and such other forms and documents as may be required, which together with the provisions of this subpart, and any supplements and amendments to this subpart, govern the rights and responsibilities of the producer. Note and loan agreements must have State documentary and revenue stamps affixed thereto when required by law. Purchase agreement or loan documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(a) *Purchase agreement documents.* The purchase agreement forms shall consist of the Purchase Agreement (Commodity Purchase Form 1), Delivery Instructions (Commodity Purchase Form 3), Purchase Agreement Settlement (Commodity Purchase Form 4), Lien Waiver for Purchases (Commodity Purchase Form 5) and other applicable forms prescribed in paragraph (c) of this section.

(b) *Loan documents.* Loan forms shall consist of the Producer's Note and Loan Agreement (Commodity Form B) and other applicable forms prescribed in paragraph (c) of this section.

(c) *Other forms.* Warehouse receipts, chemical analysis certificates issued by approved chemists, certification of eligibility of tung oil, producer's designation of agent, and such other forms as may be prescribed by CCC.

(d) *Producer's certification of eligibilty of tung oil.* Before a loan is made on tung oil to a producer, other than a cooperative, or before delivery of tung oil from such producer under a purchase agreement can be accepted by the County Committee, the producer, or his agent designated as provided in paragraph (f) of this section, must sign a statement in substantially the following form:

I hereby certify as follows:

(1) That the ____ pounds of tung oil located in _____

(Name of storage facility)

at _____

(Address)

which I am pledging to CCC as collateral for loan (or am tendering for delivery to CCC under purchase agreement) was delivered to me as oil processed for my account by _____ out

(Name of plant)

of ____ pounds of 1953 crop tung nuts produced by me which I delivered to such plant for toll processing;

(2) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been in me or in me and a former producer whom I succeeded either as landowner, landlord, tenant or sharecropper, before such tung nuts were harvested.

(Signature) _____

(Producer)

By _____

(Agent)

_____

(Date)

(e) *Cooperative's certification of eligibility of tung oil.* Before a loan is made to a cooperative or delivery of tung oil from such cooperative under a purchase agreement can be accepted by the County Committee, the manager or the official empowered to sign contracts for or on behalf of the cooperative must sign a statement in substantially the following form:

I hereby certify as follows:

(1) That the ____ pounds of tung oil located in _____ at _____ which

(Warehouse) (Address)

is being pledged to CCC as collateral for a loan (or is being tendered for delivery to CCC under purchase agreement) was processed at the cooperative's mill from ____ pounds of 1953 crop tung nuts delivered to the cooperative by eligible producer members;

(2) That the beneficial interest in such tung nuts and in the resultant tung oil described above is and always has been in such producer-members or in such producer-members and former producers whom such producer-members succeeded, either as landowner, landlord, tenant, or share-cropper, before such tung nuts were harvested.

_____

(Name of cooperative)

By _____

Title _____

_____

(Date)

(f) *Designation of agent by a producer or group of producers.* A single eligible producer may designate an agent to act on behalf of the producer in obtaining price support or two or more eligible producers may designate an agent to act in their joint behalf in obtaining price support. In such event the producer or group of producers shall execute CCC Tung Nut Form 1 (1953) for purchase agreements or CCC Tung Nut Form 1–A (1953) for loans. A copy of each designation of agent signed by the producer or producers and indicating the maximum quantity of eligible tung nuts which the producer, or each producer in the case of a group, will produce on the producer's own farm, and on which price support is desired, must be delivered to the County Committee before any purchase agreement or loan documents on behalf of a single producer or group of producers are approved by the County Committee. A separate certification of eligibility must be executed for or on behalf of each producer.

(g) *Warehouse receipts.* Warehouse receipts representing tung oil in approved warehouse-storage to be placed under loan or to be delivered under a purchase agreement, must meet the following requirements:

(1) Must be issued in the name of the producer, describe the quantity and quality of tung oil delivered to the warehouseman, be signed by the warehouseman and be properly endorsed in blank by the producer so as to vest title in the holder.

(2) Must guarantee that when delivered out by the warehouse, the oil will meet Federal Specifications No. TT-O-395 dated February 3, 1948, except those specifications pertaining to packaging.

(3) Must contain a statement showing the insurance coverage carried by the warehouseman on the oil. If such insurance was not effective as of the date of deposit of the tung oil in the warehouse, the warehouseman must certify as to the effective date of the insurance and that the oil is in the warehouse and undamaged.

(4) Must show the date of issue.

(5) Must carry an endorsement in substantially the following form:

Warehouse charges through October 31, 1954, on the tung oil represented by this warehouse receipt have been paid or otherwise provided for and the warehouseman has no lien upon such tung oil for such charges.

(6) Must contain such other terms and conditions as CCC may require in its tung oil storage agreement with approved warehouseman.

§ 643.944 *Personal liability of the producer.* Any fraudulent representation made by any producer or agent of the producer in executing any of the purchase agreement or loan documents or in obtaining the purchase agreement or loan proceeds, or the conversion or unlawful disposition of any portion of the commodity by the producer, will render the producer or agent subject to criminal prosecution under Federal Law and liable for any damages suffered by CCC as a result of purchase of the commodity, for the amount of the loan (including interest), and for any resulting expense incurred by any holder of the note.

§ 643.945 *Determination of quantity*—(a) *Tung nuts.* The quantity of tung nuts delivered under purchase agreement shall be determined on the basis of net weight at point of delivery to CCC with foreign material and bagging excluded.

(b) *Tung oil.* Where the tung oil pledged to secure a loan or tendered under a purchase agreement is represented by warehouse receipts issued by approved warehouses, the determination of quantity shall be based on the net weight specified on such warehouse receipts. Where tung oil tendered under a purchase agreement is not stored in an approved warehouse, the quantity of such tung oil shall be determined on the basis of approved scale weight at destination.

§ 643.946 *Determination of quality*—(a) The determination of the oil content of the tung nuts and the quality of tung oil not stored in approved warehouses which is delivered under purchase agreement shall be made on the basis of samples taken by inspectors authorized or licensed by the Secretary of Agriculture. The samples shall be analyzed by chemists approved by the Department of Agriculture (hereinafter referred to as "approved chemists"). The oil content of the tung nuts shall be determined on the basis of a sample drawn as of the time of delivery of the tung nuts to CCC. The time of determining the quality of the tung oil and evidence of such quality shall be as provided in § 643.954 (b) (5). The cost of sampling and analysis shall be borne by the producer.

(b) In the case of tung oil stored in approved warehouses where appropriate warehouse receipts are delivered to CCC in connection with a purchase agreement or a loan on such tung oil, the quality of such tung oil shall be the quality shown on the warehouse receipts.

§ 643.947 *Liens.* If there are any liens or encumbrances on the tung nuts or tung oil, waivers acceptable to the County Committee must be obtained.

§ 643.948 *Service charges.* Producers shall pay to the County Committee service charges on the quantity placed under loan or specified in the purchase agreement, computed at the following rates:

| | Rate | Minimum charges |
|---|---|---|
| Tung oil | 6 cents per hundredweight | $1 50 |
| Tung nuts | 1 cents per ton | 1 50 |

No service charges will be refunded.

§ 643.949 *Insurance.* Tung oil tendered for loan or under purchase agreement which is stored in an approved warehouse on a commingled basis must be insured by the warehouseman for not less than the full market value against loss or damage by fire, lightning, inherent explosion, windstorm, hurricane, tornado, and such other hazards as are normally insured against by the warehouseman or required by statute.

§ 643.950 *Set-offs.* (a) If the producer is indebted to CCC on any accrued obligation, or if any installments on any loan made available by CCC on farm storage facilities or mobile drying equipment are past due or are payable or prepayable under the provisions of the note evidencing such loan out of the proceeds of the price support loan or purchase, such producer must designate CCC or the lending agency holding such note as the payee of the proceeds of the purchase or loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders. In the case of a cooperative, the cooperative must designate CCC, or the lending agency holding the note evidencing a loan on farm storage facilities or mobile drying equipment, as the payee of the proceeds of the purchase or loan to the extent of any such indebtedness or installments due by any individual producer who delivered to the cooperative the tung nuts from which was processed the oil constituting the basis for the loan or the purchase agreement. For purposes of this provision the cooperative must deliver to the county committee a list of the individual producers who delivered the tung nuts to the cooperative together with the quantity of oil processed for each producer. The county committee will furnish the cooperative with the names of such producers which appear on the county debt register and the amounts of their indebtedness.

(b) If the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in paragraph (a) of this section. Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after payment of service charges and claims of prior lienholders.

(c) Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or legal action.

§ 643.951 *Interest rate.* Loans shall bear interest at the rate of 4 percent per annum from the date of disbursement to the date of repayment.

§ 643.952 *Transfer of producer's right or equity*—(a) *Loans.* The right of a producer to transfer either his right to redeem the tung oil under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign his interest in the purchase agreement.

§ 643.953 *Release of tung oil under loan.* A producer may at any time obtain release of the tung oil under loan by paying to the holder of the note and loan agreement, the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Partial release prior to maturity may be arranged with the County Committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the commodity to be released. However, the quantity to be released must be equal to the quantity covered by one or more warehouse receipts.

§ 643.954 *Liquidation of the loans and delivery under purchase agreement*—(a) *Liquidation of the loan.* If the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the tung oil to satisfy the loan in accordance with the provisions of the note and loan agreement and this section. If tung oil is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat pooled tung oil as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the commodity, even though part or all of such pooled tung oil is disposed of under such policies at prices less than the current domestic price for such commodity. Any payment due the producer as a result of the sale of the commodity, or out of the proceeds of insurance on the commodity, or any ratable share resulting from the liquidation of a pool, will be made by the New Orleans PMA Commodity Office and shall be payable only to the producer without right of assignment by him.

(b) *Delivery and payment under purchase agreement.* (1) A producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to sell any quantity of tung nuts or tung oil to CCC but shall have the option of delivering to CCC at the support price any quantity of tung nuts or oil within the maximum of tung nuts or tung oil specified in the purchase agreement executed by him.

(2) A producer who has signed a purchase agreement in terms of tung nuts may, at his option, deliver in lieu of tung nuts an equivalent quantity of eligible tung oil: *Provided*, That such tung oil shall be delivered in accordance with subparagraph (4) or (5) of this paragraph, whichever is applicable.

(3) Eligible tung nuts will be purchased on the basis of the weight and oil content as shown by a chemical analysis. CCC will not accept delivery until a determination of eligibility has been made and a sample for chemical analysis has been drawn. The producer shall deliver tung nuts to CCC in accordance with instructions issued by the County Committee on or after March 31, 1954. If the producer is required by such instructions to make delivery to a point more distant from the farm than his usual milling point, CCC will pay the difference, if any, between the cost of transportation from the farm to the designated delivery point and the cost of transportation from the farm to the usual milling point but not in excess of an amount which the County Committee determines is a reasonable difference in cost for such services. The producer must complete delivery of tung nuts within a 15-day period immediately following the date the County Committee issues delivery instructions unless the County Committee determines that more time is needed for delivery.

(4) In the case of tung oil stored in approved storage facilities, the producer must, not later than the day following the final date of the 30-day notification period prescribed in § 643.942 (b), or during such period of time thereafter as may be specified by CCC, submit to the County Committee warehouse receipts issued in the form prescribed in § 643.943 (g). The total quantity of oil represented by such warehouse receipts shall not exceed the quantity shown on Commodity Purchase Form 1. CCC will not accept delivery of less than the total quantity of tung oil covered by a warehouse receipt. The producer's certification of the eligibility of tung oil as provided in § 643.943 (d) or (e), whichever is applicable, must accompany the warehouse receipt. Notwithstanding the above provisions, in case the producer

and the warehouseman are the same person, delivery may be made in accordance with subparagraph (5) of this paragraph.

(5) In the case of tung oil stored in storage facilities which have not been approved, delivery will be accepted only f. o. b. tank cars. The County Committee will on or after the final date of the 30-day notification period prescribed in § 643.942 (b), issue delivery instructions to the producer. Before issuance of such delivery instructions, the producer must submit a chemical analysis certificate (issued by an approved chemist) covering each tank car offered showing that the oil meets Federal Specifications; or if it is found by the County Committee that a submission of these analyses certificates on tank car lots would cause undue delay in shipment, the producer may (i) submit evidence that a sample of each car lot of oil has been properly drawn and submitted to an approved chemist for analysis: *Provided*, That the producer waives his right of appeal of the findings of the approved chemist and he agrees that demurrage incurred as a result of delay in receiving the chemical analysis prior to final acceptance, shall be for the producer's account: *And provided further*, That if the tung oil does not meet Federal Specifications the car shall be rejected with all freight, demurrage, and handling charges reverting to the account of the producer; or (ii) the producer may submit chemical analysis certificates (issued by an approved chemist) showing that the tung oil offered meets Federal Specifications and is stored in sealed identity preserved tanks, provided that the producer agrees to have such tung oil check loaded into tank cars for delivery to CCC and to bear all handling and other costs prior to acceptance by CCC f. o. b. tank cars. The producer must submit a certification of the eligibility of tung oil, as provided in § 643.943 (d) or (e), whichever is applicable, and complete delivery within a 15-day period immediately following the date the County Committee issues delivery instructions unless the County Committee determines that more time is needed for delivery. Notwithstanding the above provisions of this section, delivery of less than tank car lots may be accepted by CCC f. o. b. tank truck or other conveyance in those cases where the New Orleans PMA Commodity Office determines that such action is in the interests of CCC.

(6) The tung nuts or tung oil will be purchased by CCC at the applicable support rate and payment will be made by sight drafts drawn on CCC by the PMA County Office.

§ 643.955 *Purchase of notes.* The County Committees acting on behalf of CCC will purchase from approved lending agencies, notes evidencing approved loans which are secured by warehouse receipts issued by approved warehouses. The purchase price will be the sums of the principal remaining due on such notes, plus an amount to cover interest computed according to the lending agency agreement. Lending agencies are required to submit Commodity Credit Corporation Form 500, CCC Form 238, or such other form as CCC may prescribe, to the County Committee for all payments received on producer's notes held by them and are required to remit to CCC a part of the interest collected, computed according to the lending agency agreement. Lending agencies shall submit notes and reports to the PMA County Committee serving the area.

§ 643.956 *Storage and handling charges*—(a) *Tung nuts.* CCC will not pay or assume any of the costs of transportation (except as provided in § 643.954 (b) (3)), storage, cleaning, insurance premiums, bags and bagging, sampling, testing and analysis reports, and tagging, accruing prior to delivery of the tung nuts to CCC under a purchase agreement, nor will CCC assume the cost of handling or processing expenses which are necessary to prepare the tung nuts to meet eligibility requirements.

(b) *Tung oil.* CCC will not pay or assume the cost of transportation, sampling, insurance, testing and analysis accruing on the tung oil prior to delivery under a purchase agreement or prior to the maturity date of the loan on tung oil placed under loan, nor any handling or processing charges which are necessary to prepare the tung oil to meet eligibility requirements, except as specifically authorized by CCC. Storage charges on tung oil stored in approved warehouses shall be paid by the producer through October 31, 1954. Storage charges accruing on such tung oil after such date will be for the account of CCC. All storage charges on tung oil stored in unapproved warehouses shall be for the account of the producer.

(c) *Unexpired storage time and services.* CCC and any subsequent holders of warehouse receipts covering tung oil shall be entitled to any unexpired portion of the storage time and outloading services to which the producer became entitled under any contract between the producer and the warehouseman.

§ 643.957 *Support prices*—(a) *Tung nuts.* The support price for tung nuts containing 18.5 percent oil (original moisture basis) shall be $63.38 per ton in all areas. This price shall be adjusted upward or downward by 34 cents per ton for each variation of $\frac{1}{10}$ of 1 percent oil from the base of 18.5 percent oil content (original moisture basis) on the basis of chemical analysis certificate issued by an approved chemist.

(b) *Tung oil.* The support price for eligible tung oil will be 23.9 cents per pound in all areas.

§ 643.958 *PMA Commodity Offices.* The New Orleans PMA Commodity Office will serve the tung area and the States served by it are shown below:

| *Address and State* |
|---|
| Wirth Bldg., 120 Marais Street, New Orleans 16, La.: Alabama, Florida, Louisiana, Georgia, Mississippi, and Texas. |

Issued this 13th day of November 1953.

[SEAL] HOWARD H. GORDON,
*President,*
*Commodity Credit Corporation.*

[F. R. Doc. 53-9715; Filed, Nov. 17, 1953; 8:52 a. m.]

## TITLE 7—AGRICULTURE

### Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS[1]

GRADES OF FROZEN CONCENTRATE FOR LEMONADE

On August 21, 1953, a notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 4996) regarding proposed United States Standards for Grades of Frozen Concentrate for Lemonade. After considering all relevant matters presented, including the proposals set forth in the aforesaid notice, the following United States Standards for Grades of Frozen Concentrate for Lemonade are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621, et seq.), and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

§ 52.418 *Frozen concentrate for lemonade.* Frozen concentrate for lemonade is the product prepared from lemon juice and one or more nutritive sweetening ingredients; it may contain added lemon oil or concentrated lemon oil (or their extracts or emulsions) and may or may not contain water in sufficient quantities to standardize the product. The lemon juice is produced from fresh, sound, ripe, and thoroughly cleansed fruit of one or more of the high acid varieties of the species citrus limon (limonia). Such juice may be fresh or frozen or fresh concentrated or frozen concentrated: *Provided*, That not less than 20 percent, by weight, of the acidity of the product is derived from unconcentrated fresh or frozen lemon juice. The concentrate for lemonade is processed in accordance with good commercial practice and is frozen and maintained at temperatures sufficient for the preservation of the product.

(a) *Grades of frozen concentrate for lemonade.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen concentrate for lemonade which mixes readily into a lemonade that possesses an amount of pulp, cloud, and juice sacs so as to substantially reflect the appearance of lemonade prepared from freshly expressed lemon juice; that possesses a good color; that is practically free from defects; that possesses a good flavor; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of frozen concentrate for lemonade which mixes readily into a lemonade that possesses at least a slight, but not an excessive, amount of pulp, cloud, and juice sacs so as to reasonably reflect the appearance of lemonade prepared from freshly expressed lemon juice; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good flavor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "Substandard" is the quality of frozen concentrate for lemonade that fails to meet the requirements of "U. S. Grade B" or "U. S. Choice."

(b) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled as full as practicable with frozen concentrate for lemonade.

(c) *Ascertaining the grade.* (1) The grade of frozen concentrate for lemonade is ascertained by considering the requirements with respect to the ease with which the product mixes into a lemonade and to the amount of pulp, cloud and juice sacs present in the lemonade, which factors are not scored, and the factors of color, absence of defects, and flavor which are scored.

(2) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| (i) Color | 20 |
| (ii) Absence of defects | 20 |
| (iii) Flavor | 60 |
| Total score | 100 |

(3) The scores for the factors of color, absence of defects, and flavor are determined immediately after the product has been prepared as lemonade by thoroughly mixing the frozen concentrate for lemonade with a specific volume of water as directed by the manufacturer.

(d) *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means, 17, 18, 19, or 20 points).

(1) *Color.* (i) Frozen concentrate for lemonade which, when prepared as lemonade, possesses a good color may be given a score of 17 to 20 points. "Good color" means a good bright characteristic color that reflects the appearance of lemonade prepared from freshly expressed lemon juice.

(ii) If the frozen concentrate for lemonade, when prepared as lemonade, possesses a reasonably good color, a score of 14 to 16 points may be given. Frozen concentrate for lemonade that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice," regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means a characteristic color that reflects to a reasonable extent the color of lemonade prepared from freshly expressed lemon juice and is not dark or otherwise discolored for any reason.

(iii) If the lemonade fails to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 13 points may be given. Frozen concentrate for lemonade that falls into this classification shall not be graded above "Substandard" regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from seeds or portions of seeds, from harmless extraneous material, from objectionable material and from other defects not specifically mentioned that affect the appearance or drinking quality of the product.

(i) "Harmless extraneous material" includes, but is not limited to, embryonic seeds or particles of seeds that measure not more than $\frac{3}{16}$ inch in any dimension, or other similar material which is harmless.

(ii) "Seeds or portions of seeds" means any seed or portion thereof, whether or not fully developed, that measures more than $\frac{3}{16}$ inch in any dimension.

(iii) Frozen concentrate for lemonade which, when prepared as lemonade, is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that there may be present not more than an average of 1 seed or portion of seed for each quart of prepared lemonade; and that the appearance and drinking quality of the lemonade is not materially affected by the presence of seeds, portions of seeds, objectionable material, harmless extraneous material, any other defects not specifically mentioned, or any combination thereof.

(iv) If the lemonade is reasonably free from defects a score of 14 to 16 points may be given. Frozen concentrate for lemonade that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice" regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present not more than an average of 2 seeds or portions of seeds for each quart of lemonade; and that the appearance and drinking quality of the lemonade is not seriously affected by the presence of seeds, portions of seeds, objectionable material, harmless extraneous material, any other defects not specifically mentioned, or any combination thereof.

(v) If the lemonade fails to meet the requirements of subdivision (iv) of this subparagraph, a score of 0 to 13 points may be given. Frozen concentrate for lemonade that falls into this classification shall not be graded above "Substandard" regardless of the total score for the product (this is a limiting rule).

(3) *Flavor.* (i) Frozen concentrate for lemonade which, when prepared as lemonade, possesses a good flavor, may be given a score of 50 to 60 points. "Good flavor" means a fine, distinct, and substantially typical flavor of lemonade prepared from freshly expressed lemon juice and which flavor is free from terpenic, oxidized, rancid, or other off-flavors. To score in this classification, the lemonade shall test not less than 10.5 degrees Brix; shall contain not less than 0.7 grams of acid per 100 ml of the lemonade; may not contain more than 0.02 ml of recoverable oil per 100 ml of the lemonade; and the Brix-acid ratio shall not exceed 20:1.

(ii) If the prepared lemonade possesses a reasonably good flavor, a score of 42 to 50 points may be given. Frozen concentrate for lemonade that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice" regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means a fairly typical flavor of lemonade prepared from freshly expressed lemon juice and which flavor is practically free from terpenic, oxidized, rancid, or other off-flavors and is free from abnormal flavors of any kind. To score in this classification the lemonade shall test not less than 10.5 degrees Brix; shall contain not less than 0.7 gram of acid per 100 ml of the lemonade, may contain not more than 0.03 ml of recoverable oil per 100 ml of the lemonade; and the Brix-acid ratio shall not exceed 20:1.

(iii) If the prepared lemonade fails to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 41 points may be given. Frozen concentrate for lemonade that falls into this classification shall not be graded above "Substandard" regardless of the total score for the product (this is a limiting rule).

(e) *Definition of terms.* (1) "Brix" means the degrees Brix of the lemonade when tested with a Brix hydrometer calibrated at 20° C. (68° F.). If used in testing lemonade at a temperature other than 20° C. (68° F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of lemonade may be determined by any other method which gives equivalent results.

(2) "Acid" means the grams of acid (calculated as anhydrous citric acid) per 100 ml of the prepared lemonade determined by titration with standard sodium hydroxide solution using phenolphtalein as an indicator.

(3) "Brix-acid ratio" means the ratio between the degrees "Brix" as determined in this section and the acid in grams per 100 ml of lemonade.

(4) "Dilution factor" is the value obtained by dividing a volume of lemonade by the volume of concentrate for lemonade used in its preparation when such lemonade is prepared in accordance with the manufacturers directions.

(f) *Explanation of analyses.* Recoverable oil is determined by the following method:

(1) *Equipment.*

Oil separatory trap similar to either of those illustrated in Figure 1[2] and Figure 2:[2]
Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal, Food, Drug, and Cosmetic Act.

[2] Figures 1 and 2 filed as part of the original document.





(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from seeds or portions of seeds, from harmless extraneous material, from objectionable material and from other defects not specifically mentioned that affect the appearance or drinking quality of the product.

(i) "Harmless extraneous material" includes, but is not limited to, embryonic seeds or particles of seeds that measure not more than $\frac{3}{16}$ inch in any dimension, or other similar material which is harmless.

(ii) "Seeds or portions of seeds" means any seed or portion thereof, whether or not fully developed, that measures more than $\frac{3}{16}$ inch in any dimension.

(iii) Frozen concentrate for lemonade which, when prepared as lemonade, is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that there may be present not more than an average of 1 seed or portion of seed for each quart of prepared lemonade; and that the appearance and drinking quality of the lemonade is not materially affected by the presence of seeds, portions of seeds, objectionable material, harmless extraneous material, any other defects not specifically mentioned, or any combination thereof.

(iv) If the lemonade is reasonably free from defects a score of 14 to 16 points may be given. Frozen concentrate for lemonade that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice" regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present not more than an average of 2 seeds or portions of seeds for each quart of lemonade; and that the appearance and drinking quality of the lemonade is not seriously affected by the presence of seeds, portions of seeds, objectionable material, harmless extraneous material, any other defects not specifically mentioned, or any combination thereof.

(v) If the lemonade fails to meet the requirements of subdivision (iv) of this subparagraph, a score of 0 to 13 points may be given. Frozen concentrate for lemonade that falls into this classification shall not be graded above "Substandard" regardless of the total score for the product (this is a limiting rule).

(3) *Flavor.* (i) Frozen concentrate for lemonade which, when prepared as lemonade, possesses a good flavor, may be given a score of 50 to 60 points. "Good flavor" means a fine, distinct, and substantially typical flavor of lemonade prepared from freshly expressed lemon juice and which flavor is free from terpenic, oxidized, rancid, or other off-flavors. To score in this classification, the lemonade shall test not less than 10.5 degrees Brix; shall contain not less than 0.7 grams of acid per 100 ml of the lemonade; may not contain more than 0.02 ml of recoverable oil per 100 ml of the lemonade; and the Brix-acid ratio shall not exceed 20:1.

(ii) If the prepared lemonade possesses a reasonably good flavor, a score of 42 to 50 points may be given. Frozen concentrate for lemonade that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice" regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means a fairly typical flavor of lemonade prepared from freshly expressed lemon juice and which flavor is practically free from terpenic, oxidized, rancid, or other off-flavors and is free from abnormal flavors of any kind. To score in this classification the lemonade shall test not less than 10.5 degrees Brix; shall contain not less than 0.7 gram of acid per 100 ml of the lemonade, may contain not more than 0.03 ml of recoverable oil per 100 ml of the lemonade; and the Brix-acid ratio shall not exceed 20:1.

(iii) If the prepared lemonade fails to meet the requirements of subdivision (ii) of this subparagraph, a score of 0 to 41 points may be given. Frozen concentrate for lemonade that falls into this classification shall not be graded above "Substandard" regardless of the total score for the product (this is a limiting rule).

(e) *Definition of terms.* (1) "Brix" means the degrees Brix of the lemonade when tested with a Brix hydrometer calibrated at 20° C. (68° F.). If used in testing lemonade at a temperature other than 20° C. (68° F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of lemonade may be determined by any other method which gives equivalent results.

(2) "Acid" means the grams of acid (calculated as anhydrous citric acid) per 100 ml of the prepared lemonade determined by titration with standard sodium hydroxide solution using phenolphtalein as an indicator.

(3) "Brix-acid ratio" means the ratio between the degrees "Brix" as determined in this section and the acid in grams per 100 ml of lemonade.

(4) "Dilution factor" is the value obtained by dividing a volume of lemonade by the volume of concentrate for lemonade used in its preparation when such lemonade is prepared in accordance with the manufacturers directions.

(f) *Explanation of analyses.* Recoverable oil is determined by the following method:

(1) *Equipment.*

Oil separatory trap similar to either of those illustrated in Figure 1[2] and Figure 2:[2]
Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

[2] Figures 1 and 2 filed as part of the original document.

(2) *Procedure.* Place exactly 1 liter of the concentrate for lemonade with approximately 1 liter of water in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the mixture to a boil. Continue boiling for one hour at the rate of approximately 50 drops per minute. By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered. The number of milliliters of oil recovered divided by 10 times the dilution factor is equivalent to the number of milliliters of oil per 100 milliliters of the lemonade.

(g) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen concentrate for lemonade the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(2) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(h) *Score sheet for frozen concentrate for lemonade.*

| | |
|---|---|
| Size and kind of container | ---- |
| Container mark or identification | ---- |
| Label (including dilution factor) | ---- |
| Liquid measure (fluid ounces) | ---- |
| Brix of the lemonade | ---- |
| Anhydrous citric acid in the lemonade (grams per 100 milliliters) | ---- |
| Brix-acid ratio | ---- |
| Recoverable oil (milliliters per 100 milliliters of the lemonade) | ---- |
| Reconstitutes properly (yes) (no) | ---- |

| Factors | | Score points | |
|---|---|---|---|
| I. Color | 20 | (A) | 17-20 |
| | | (C) | 14-16 |
| | | (Sstd) | 0-13 |
| II. Absence of defects | 20 | (A) | 17-20 |
| | | (C) | 14-16 |
| | | (Sstd) | 0-13 |
| III. Flavor | 60 | (A) | 51-60 |
| | | (C) | 42-50 |
| | | (Sstd) | 0-41 |
| Total score | 100 | | |
| Grade | | | ---- |

[1] Indicates limiting rule.

*Effective time.* The United States Standards for Grades of Frozen Concentrate for Lemonade (which are the first issue) contained in this section will become effective thirty days after the date of publication of these standards in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090, Pub. Law 156, 83d Cong.; 7 U. S. C. 1624)

Issued at Washington, D. C., this 13th day of November 1953.

[SEAL] ROY W. LENNARTSON,
*Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 53-9717; Filed, Nov. 17, 1953; 8:52 a. m.]

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 141; 18 F. R. 2786) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146; 18 F. R. 2786, 3533, 5591) are amended as indicated below:

1. Section 141.62 is amended in the following respects:

a. The headnote is changed to read: "§ 141.62 *Dibenzylethylenediamine dipenicillin G and procaine penicillin for aqueous injection*".

b. Paragraph (c) is amended to read:

(c) *pH.* Proceed as directed in § 141.5 (b), using the undiluted aqueous suspension or the suspension prepared as directed in the labeling for the drug.

c. The following new paragraph is added:

(d) *Moisture (dry mixture of the drug).* Proceed as directed in § 141.26 (e).

2. In § 146.39 *Capsules procaine penicillin in oil*, paragraph (a) *Standards of identity* * * * is amended by changing the figure "1.4 percent" to "2.5 percent", in the third sentence.

3. Section 146.51 (c) (1) (vi) is amended to read:

§ 146.51 *Buffered penicillin powder, penicillin powder with buffered aqueous diluent.* * * *

(c) *Labeling.* * * *

(1) * * *.

(vi) The statement "Expiration date ---------," the blank being filled in with the date which is 24 months after the month during which the batch was certified, except that the blank may be filled in with the date which is 36 months after the month during which the batch was certified if it is crystalline penicillin with no other ingredients, or if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section; and

4. In § 146.57 *Procaine penicillin and streptomycin in oil* * * *, paragraph (a) (2) and (3) is amended to read:

(2) It may contain a suitable and harmless salt of cobalt and/or one or more suitable sulfonamides, each of which, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(3) In lieu of the directions prescribed for procaine penicillin in oil by § 146.45 (c) (1) (ii) and (iv), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin per milliliter; the number of milligrams of streptomycin or dihydrostreptomycin per milliliter; if it contains one or more of the active ingredients specified in subparagraph (2) of this paragraph, the name and quantity of each; the statement "For udder instillations of cattle only"; and if it is a multiple-dose container, the statement "Shake well." Each package shall also bear on its label and labeling, if it contains one or more of the other active ingredients specified in subparagraph (2) of this paragraph, after the name "Procaine penicillin and streptomycin in oil" or "Procaine penicillin and dihydrostreptomycin in oil," wherever it appears, the words "with ---------- (the blank being filled in with the common or usual name of each such other ingredient)," in juxtaposition with such name.

5. Section 146.86 is amended in the following respects:

a. The headnote and introduction are amended to read:

§ 146.86 *Dibenzylethylenediamine dipenicillin G and procaine penicillin for aqueous injection.* Dibenzylethylenediamine dipenicillin G and procaine penicillin for aqueous injection conforms to all requirements, and is subject to all procedures, prescribed by § 146.77 for dibenzylethylenediamine dipenicillin G for aqueous injection, except that:

* * * * * *

b. Paragraphs (b) (c), and (d) are renumbered as (c), (d), and (e), respectively, and the following new paragraph (b) is inserted between paragraph (a) and renumered paragraph (c):

(b) If it is the dry mixture of the drug, its moisture content is not more than 6.0 percent.

c. Renumbered paragraph (c) is amended to read:

(c) In lieu of the directions for labeling prescribed by § 146.77 (c) (1) (ii) and (iii), each package shall bear on the outside wrapper or container and the immediate container the number of units of dibenzylethylenediamine dipenicillin G and the number of units of procaine penicillin in each milliliter in the immediate container if it is the aqueous suspension of the drug, or the number of units of dibenzylethylenediamine dipenicillin G and the number of units of procaine penicillin in the immediate container if it is the dry mixture of the drug, and the statement "Expiration date ---------," the blank being filled in, if it is the aqueous suspension of the drug, with the date which is 12 months or if it is the dry mixture of the drug, with the date which is 24 months after the month during which the batch was certified.

d. Renumbered paragraph (d), first sentence, is amended by changing the words "in aqueous suspension" to read "for aqueous injection" and by changing the period at the end of the sentence to a comma and adding the following: "if it is the aqueous suspension of the drug, or the number of units of procaine penicillin in each package of the batch, if it is the dry mixture of the drug."

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. and Sup. 357)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: November 12, 1953.

[SEAL] OVETA CULP HOBBY,
*Secretary.*

[F. R. Doc. 53-9706; Filed, Nov. 17, 1953; 8:50 a. m.]

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 204—TITLE I MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

ANNUAL MORTGAGE INSURANCE PREMIUMS; PREPAYMENT PREMIUMS

1. Section 204.3 is hereby amended to read as follows:

§ 204.3 *Annual mortgage insurance premiums.* (a) The mortgagee shall pay to the Commissioner, either in cash or debentures issued under Title I of the National Housing Act at par plus accrued interest, mortgage insurance premiums in accordance with paragraphs (b) and (c) of this section which shall be calculated in accordance with the amortization provisions of the mortgage, without taking into account delinquent payments or prepayments.

(b) The initial mortgage insurance premium shall be paid on the date on which the insurance becomes effective by endorsement and shall cover the period beginning with the date of insurance endorsement and ending one year after the beginning of amortization. Regardless of whether such period is more or less than one year, a payment shall be made to the Commissioner on account of the initial mortgage insurance premium which payment shall be in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the mortgage. If such payment is less than the minimum premium or more than the maximum premium prescribed by the act, the initial mortgage insurance premium shall be in the minimum amount prescribed by the act, and the amount of the second premium payment shall be adjusted accordingly; but if such payment is within the limitations prescribed by the act, no adjustment shall be made and the amount of the payment shall be retained by the Commissioner as the initial mortgage insurance premium.

(c) After the payment of the initial mortgage insurance premium and until the mortgage is paid in full or the mortgaged property is acquired by the Commissioner, or until the contract of insurance is otherwise terminated, the mortgagee shall continue to pay annual mortgage insurance premiums to the Commissioner. Such annual premium shall be paid on the anniversary date of the beginning of amortization and shall be in an amount equal to ½ percent of the average outstanding principal obligation for the 12-month period following the date on which the premium becomes payable.

(d) For the purpose of this section the term "beginning of amortization" shall mean the date one month prior to the date of the first monthly payment.

2. Section 204.4 is hereby amended to read as follows:

§ 204.4 *Prepayment premiums.* (a) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment and shall pay to the Commissioner an adjusted premium charge of 1 percent of the original principal amount of the prepaid mortgage.

(b) In no event shall the adjusted premium exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

(c) No adjusted premium shall be due or payable in the following cases:

(1) Where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage;

(2) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage; or by reason of partial prepayments made by the mortgagor in excess of 15 percent made during the period from May 27, 1941 through June 30, 1952;

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for:

(i) Damage to the mortgaged property;

(ii) The conveyance of the mortgaged property pursuant to condemnation proceedings or in lieu of condemnation proceedings; or

(iii) A release of a part of such property if approved by the Commissioner;

(4) Where payment in full is made pursuant to a court order or of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure if the transaction is approved by the Commissioner; or

(5) Where payment in full is made within 60 days after the date the mortgage is endorsed for insurance, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that such payment was made in connection with the sale of the property to a veteran of World War II for his occupancy as a home.

(d) Upon such prepayment the contract of insurance shall terminate and the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the pro-rata portion of the current annual mortgage insurance premium theretofore paid which is applicable to the portion of the year subsequent to such payment, computed from the first day of the month following the month in which such prepayment occurs, provided that no such refund will be made in any case where the prepayment occurs in the twelfth month of the premium year.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. 1703. Interpret or apply sec. 102, 64 Stat. 48, 12 U. S. C. 1706c)

Issued at Washington, D. C., November 10, 1953.

GUY T. O. HOLLYDAY,
*Federal Housing Commissioner.*

[F. R. Doc. 53-9686; Filed, Nov. 17, 1953; 8:46 a. m.]

Subchapter C—Mutual Mortgage Insurance

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGE UNDER INSURANCE CONTRACT

MISCELLANEOUS AMENDMENTS

1. Section 222.3 is hereby amended to read as follows:

§ 222.3 *Annual mortgage insurance premiums.* (a) The mortgagee shall pay to the Commissioner, either in cash or debentures issued under Title II of the National Housing Act at par plus accrued interest, mortgage insurance premiums in accordance with paragraphs (b) and (c) of this section which shall be calculated in accordance with the amortization provisions of the mortgage, without taking into account delinquent payments or prepayments.

(b) The initial mortgage insurance premium shall be paid on the date on which the insurance becomes effective by endorsement and shall cover the period beginning with the date of insurance endorsement and ending one year after the beginning of amortization. Regardless of whether such period is more or less than one year, a payment shall be made to the Commissioner on account of the initial mortgage insurance premium which payment shall be in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the mortgage. If such payment is less than the minimum premium or more than the maximum premium prescribed by the act, the initial mortgage insurance premium shall be in the minimum amount prescribed by the act, and the amount of the second premium payment shall be adjusted accordingly; but if such payment is within the limitations prescribed by the act, no adjustment shall be made and the amount of the payment shall be retained by the Commissioner as the initial mortgage insurance premium.

(c) After the payment of the initial mortgage insurance premium and until the mortgage is paid in full or the mortgaged property is acquired by the Commissioner, or until the contract of insurance is otherwise terminated, the mortgagee shall continue to pay annual mortgage insurance premiums to the Commissioner. Such annual premium shall be paid on the anniversary date of the beginning of amortization and shall be in an amount equal to ½ percent of the average outstanding principal obligation for the 12-month period following the date on which the premium becomes payable.

(d) For the purpose of this section the term "beginning of amortization" shall mean the date one month prior to the date of the first monthly payment.

2. Section 222.4 is hereby amended to read as follows:

§ 222.4 *Prepayment premiums.* (a) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment and shall pay to the Commissioner an adjusted premium charge of 1 percent of the original principal amount of the prepaid mortgage.

(b) In no event shall the adjusted premium exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

(c) No adjusted premium shall be due or payable in the following cases:

(1) Where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage;

(2) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage; or by reason of partial prepayments made by the mortgagor in excess of 15 percent made during the period from May 27, 1941 through June 30, 1952;

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for:

(i) Damage to the mortgaged property;

(ii) The conveyance of the mortgaged property pursuant to condemnation proceedings or in lieu of condemnation proceedings; or

(iii) A release of a part of such property if approved by the Commissioner;

(4) Where payment in full is made pursuant to a court order or of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure if the transaction is approved by the Commissioner; or

(5) Where payment in full is made within 60 days after the date the mortgage is endorsed for insurance, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that such payment was made in connection with the sale of the property to a veteran of World War II for his occupancy as a home.

3. Section 222.5 is hereby amended to read as follows:

§ 222.5 *Pro rata refund in event of prepayment.* Upon such prepayment the contract of insurance shall terminate and the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the pro rata portion of the current annual mortgage insurance premium theretofore paid which is applicable to the portion of the year subsequent to such payment, computed from the first day of the month following the month in which such prepayment occurs, provided that no such refund will be made in any case where the prepayment occurs in the twelfth month of the premium year.

(Sec. 211, as added by sec. 3, 52 Stat. 23; 12 U. S. C. 1715b.

Issued at Washington, D. C., November 10, 1953.

GUY T. O. HOLLYDAY,
*Federal Housing Commissioner.*

[F. R. Doc. 53-9688; Filed, Nov. 17, 1953; 8:46 a. m.]

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Subchapter D—Multifamily and Group Housing Insurance

PART 243—COOPERATIVE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

INSURANCE AND ADJUSTED PREMIUMS ON INDIVIDUAL MORTGAGES

1. Section 243.5 is hereby amended to read as follows:

§ 243.5 *Insurance premium on individual mortgages.* (a) The mortgagee shall pay to the Commissioner, either in cash or debentures issued under Title II of the National Housing Act at par plus accrued interest, mortgage insurance premiums in accordance with paragraphs (b) and (c) of this section which shall be calculated in accordance with the amortization provisions of the mortgage, without taking into account delinquent payments or prepayments.

(b) The initial mortgage insurance premium shall be paid on the date on which the insurance becomes effective by endorsement and shall cover the period beginning with the date of insurance endorsement and ending one year after the beginning of amortization. Regardless of whether such period is more or less than one year, a payment shall be made to the Commissioner on account of the initial mortgage insurance premium which payment shall be in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the mortgage. If such payment is less than the minimum premium or more than the maximum premium prescribed by the act, the initial mortgage insurance premium shall be in the minimum amount prescribed by the act, and the amount of the second premium payment shall be adjusted accordingly; but if such payment is within the limitations prescribed by the act, no adjustment shall be made and the amount of the payment shall be retained by the Commissioner as the initial mortgage insurance premium.

(c) After the payment of the initial mortgage insurance premium and until the mortgage is paid in full or the mortgaged property is acquired by the Commissioner, or until the contract of insurance is otherwise terminated, the mortgagee shall continue to pay annual mortgage insurance premiums to the Commissioner. Such annual premium shall be paid on the anniversary date of the beginning of amortization and shall be in an amount equal to ½ percent of the average outstanding principal obligation for the 12-month period following the date on which the premium becomes payable.

(d) For the purpose of this section the term "beginning of amortization" shall mean the date one month prior to the date of the first monthly payment.

2. Section 243.6 is hereby amended to read as follows:

§ 243.6 *Adjusted premium on individual mortgages.* (a) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment and shall pay to the Commissioner an adjusted premium charge of 1 percent of the original principal amount of the prepaid mortgage.

(b) In no event shall the adjusted premium exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

(c) No adjusted premium shall be due or payable in the following cases:

(1) Where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage;

(2) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage; or by reason of partial prepayments made by the mortgagor in excess of 15 percent made during the period from May 27, 1941 through June 30, 1952;

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for:

(i) Damage to the mortgaged property;

(ii) The conveyance of the mortgaged property pursuant to condemnation proceedings or in lieu of condemnation proceedings; or

(iii) A release of a part of such property if approved by the Commissioner;

(4) Where payment in full is made pursuant to a court order or of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure if the transaction is approved by the Commissioner; or

(5) Where payment in full is made within 60 days after the date the mortgage is endorsed for insurance, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that such payment was made in connection with the sale of the property to a veteran of World War II for his occupancy as a home.

(d) Upon such prepayment the contract of insurance shall terminate and the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the pro-rata portion of the current annual mortgage insurance premium theretofore paid which is applicable to the portion of the year subsequent to such payment, computed from the first day of the month following the month in which such prepayment occurs, provided that no such refund will be made in any case where the prepayment occurs in the twelfth month of the premium year.

(Sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interpret or apply sec. 114, 64 Stat. 54; 12 U. S. C. 1715e)

Issued at Washington, D. C., November 10, 1953.

GUY T. O. HOLLYDAY,
*Federal Housing Commissioner.*

[F. R. Doc. 53-9690; Filed, Nov. 17, 1953; 8:47 a. m.]

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Subchapter H—War Housing Insurance

PART 277—WAR HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

PREMIUMS; TRANSFER OF PROPERTY TO THE COMMISSIONER; CONDITIONS OF DEFAULT IN MORTGAGE

1. Section 277.3 is hereby amended to read as follows:

§ 277.3 *Premiums.* (a) The mortgagee shall pay to the Commissioner, either in cash or debentures issued under Title VI of the National Housing Act at par plus accrued interest, mortgage insurance premiums in accordance with paragraphs (b) and (c) of this section which shall be calculated in accordance with the amortization provisions of the mortgage, without taking into account delinquent payments or prepayments.

(b) The initial mortgage insurance premium shall be paid on the date on which the insurance becomes effective by endorsement and shall cover the period beginning with the date of insurance endorsement and ending one year after the beginning of amortization. Regardless of whether such period is more or less than one year, a payment shall be made to the Commissioner on account of the initial mortgage insurance premium which payment shall be in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the mortgage. If such payment is less than the minimum premium or more than the maximum premium prescribed by the act, the initial mortgage insurance premium shall be in the minimum amount prescribed by the act, and the amount of the second premium payment shall be adjusted accordingly; but if such payment is within the limitations prescribed by the act, no adjustment shall be made and the amount of the payment shall be retained by the Commissioner as the initial mortgage insurance premium.

(c) After the payment of the initial mortgage insurance premium and until the mortgage is paid in full or the mortgaged property is acquired by the Commissioner, or until the contract of insurance is otherwise terminated, the mortgagee shall continue to pay annual mortgage insurance premiums to the Commissioner. Such annual premium shall be paid on the anniversary date of the beginning of amortization and shall be in an amount equal to ½ percent of the average outstanding principal obligation for the 12-month period following the date on which the premium becomes payable.

(d) For the purpose of this section the term "beginning of amortization" shall mean the date one month prior to the date of the first monthly payment.

(e) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment and shall pay to the Commissioner an adjusted premium charge of 1 percent of the original principal amount of the prepaid mortgage.

(f) In no event shall the adjusted premium exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

(g) No adjusted premium shall be due or payable in the following cases:

(1) Where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage;

(2) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage; or by reason of partial prepayments made by the mortgagor in excess of 15 percent made during the period from May 27, 1941 through June 30, 1952;

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for:

(i) Damage to the mortgaged property;

(ii) The conveyance of the mortgaged property pursuant to condemnation proceedings or in lieu of condemnation proceedings; or

(iii) A release of a part of such property if approved by the Commissioner;

(4) Where payment in full is made pursuant to a court order or of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure if the transaction is approved by the Commissioner; or

(5) Where payment in full is made within 60 days after the date the mortgage is endorsed for insurance, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that such payment was made in connection with the sale of the property to a veteran of World War II for his occupancy as a home.

(h) Upon such prepayment the contract of insurance shall terminate and the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the pro-rata portion of the current annual mortgage insurance premium theretofore paid which is applicable to the portion of the year subsequent to such payment, computed from the first day of the month following the month in which such prepayment occurs, provided that no such refund will be made in any case where the prepayment occurs in the twelfth month of the premium year.

2. Section 277.7 (c) is hereby amended to read as follows:

§ 277.7 *Transfer of property to the Commissioner; conditions of default in mortgage.* * * *

(c) For the purposes of this section, the date of default shall be considered as 30 days after (1) the first uncorrected failure to perform a covenant or obligation, or (2) the first failure to make a monthly payment which subsequent payments by the mortgagor are insufficient to cover when applied to the overdue monthly payments in the order in which they became due: *Provided, however,* That a mortgagee may, with and subject to the written consent of the Commissioner, apply partial payments to delinquent interest at a rate not in excess of the interest rate applicable to debentures to which the mortgagee may be entitled under the provisions of § 277.8 (a) (1), to the exclusion of prior delinquent principal payments, in which event the date of default shall be 30 days after the due date of the earliest monthly payment, any part of which remains unpaid.

(Sec. 607, as added by sec. 1, 55 Stat. 61; 12 U. S. C. and Sup. 1742)

Issued at Washington, D. C., November 10, 1953.

GUY T. O. HOLLYDAY,
*Federal Housing Commissioner.*

[F. R. Doc. 53-9689; Filed, Nov. 17, 1953; 8:47 a. m.]





(b) The initial mortgage insurance premium shall be paid on the date on which the insurance becomes effective by endorsement and shall cover the period beginning with the date of insurance endorsement and ending one year after the beginning of amortization. Regardless of whether such period is more or less than one year, a payment shall be made to the Commissioner on account of the initial mortgage insurance premium which payment shall be in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the mortgage. If such payment is less than the minimum premium or more than the maximum premium prescribed by the act, the initial mortgage insurance premium shall be in the minimum amount prescribed by the act, and the amount of the second premium payment shall be adjusted accordingly; but if such payment is within the limitations prescribed by the act, no adjustment shall be made and the amount of the payment shall be retained by the Commissioner as the initial mortgage insurance premium.

(c) After the payment of the initial mortgage insurance premium and until the mortgage is paid in full or the mortgaged property is acquired by the Commissioner, or until the contract of insurance is otherwise terminated, the mortgagee shall continue to pay annual mortgage insurance premiums to the Commissioner. Such annual premium shall be paid on the anniversary date of the beginning of amortization and shall be in an amount equal to ½ percent of the average outstanding principal obligation for the 12-month period following the date on which the premium becomes payable.

(d) For the purpose of this section the term "beginning of amortization" shall mean the date one month prior to the date of the first monthly payment.

2. Section 244.4 is hereby amended to read as follows:

§ 244.4 *Prepayment premiums.* (a) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment and shall pay to the Commissioner an adjusted premium charge of 1 percent of the original principal amount of the prepaid mortgage.

(b) In no event shall the adjusted premium exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

(c) No adjusted premium shall be due or payable in the following cases:

(1) Where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage;

(2) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage; or by reason of partial prepayments made by the mortgagor in excess of 15 percent made during the period from May 27, 1941 through June 30, 1952;

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for:

(i) Damage to the mortgaged property;

(ii) The conveyance of the mortgaged property pursuant to condemnation proceedings or in lieu of condemnation proceedings; or

(iii) A release of a part of such property if approved by the Commissioner;

(4) Where payment in full is made pursuant to a court order or of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure if the transaction is approved by the Commissioner; or

(5) Where payment in full is made within 60 days after the date the mortgage is endorsed for insurance, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that such payment was made in connection with the sale of the property to a veteran of World War II for his occupancy as a home.

(d) Upon such prepayment the contract of insurance shall terminate and the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the pro-rata portion of the current annual mortgage insurance premium theretofore paid which is applicable to the portion of the year subsequent to such payment, computed from the first day of the month following the month in which such prepayment occurs, provided that no such refund will be made in any case where the prepayment occurs in the twelfth month of the premium year.

(Sec. 3, 52 Stat. 23; 12 U. S. C. 1715b. Interpret or apply sec. 114, 64 Stat. 54; 12 U. S. C. 1715e)

Issued at Washington, D. C., November 10, 1953.

GUY T. O. HOLLYDAY,
*Federal Housing Commissioner.*

[F. R. Doc. 53-9691; Filed, Nov. 17, 1953; 8:47 a. m.]

Subchapter K—Single-Family Project Loans, War Housing Insurance

PART 289—PROJECT AND INDIVIDUAL MORTGAGES; RIGHTS AND OBLIGATIONS OF MORTGAGEE

INSURANCE PREMIUMS AND ADJUSTED PREMIUM CHARGE FOR INDIVIDUAL MORTGAGES

1. Section 289.4 is hereby amended to read as follows:

§ 289.4 *Insurance premiums for individual mortgages.* (a) The mortgagee shall pay to the Commissioner, either in cash or debentures issued under Title VI of the National Housing Act at par plus accrued interest, mortgage insurance premiums in accordance with paragraphs (b) and (c) of this section which shall be calculated in accordance with the amortization provisions of the mortgage, without taking into account delinquent payments or prepayments.

(b) The initial mortgage insurance premium shall be paid on the date on which the insurance becomes effective by endorsement and shall cover the period beginning with the date of insurance endorsement and ending one year after the beginning of amortization. Regardless of whether such period is more or less than one year, a payment shall be made to the Commissioner on account of the initial mortgage insurance premium which payment shall be in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the mortgage. If such payment is less than the minimum premium or more than the maximum premium prescribed by the act, the initial mortgage insurance premium shall be in the minimum amount prescribed by the act, and the amount of the second premium payment shall be adjusted accordingly; but if such payment is within the limitations prescribed by the act, no adjustment shall be made and the amount of the payment shall be retained by the Commissioner as the initial mortgage insurance premium.

(c) After the payment of the initial mortgage insurance premium and until the mortgage is paid in full or the mortgaged property is acquired by the Commissioner, or until the contract of insurance is otherwise terminated, the mortgagee shall continue to pay annual mortgage insurance premiums to the Commissioner. Such annual premium shall be paid on the anniversary date of the beginning of amortization and shall be in an amount equal to ½ percent of the average outstanding principal obligation for the 12-month period following the date on which the premium becomes payable.

(d) For the purpose of this section the term "beginning of amortization" shall mean the date one month prior to the date of the first monthly payment.

2. Section 289.5 is hereby amended to read as follows:

§ 289.5 *Adjusted premium charge for individual mortgages.* (a) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment and shall pay to the Commissioner an adjusted premium charge of 1 percent of the original principal amount of the prepaid mortgage.

(b) In no event shall the adjusted premium exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

(c) No adjusted premium shall be due or payable in the following cases:

(1) Where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage;

(2) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage; or by reason of partial prepayments made by the mortgagor in excess of 15 percent made during the period from May 27, 1941 through June 30, 1952;

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for:

(i) Damage to the mortgaged property;

(ii) The conveyance of the mortgaged property pursuant to condemnation proceedings or in lieu of condemnation proceedings; or

(iii) A release of a part of such property if approved by the Commissioner;

(4) Where payment in full is made pursuant to a court order or of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure if the transaction is approved by the Commissioner; or

(5) Where payment in full is made within 60 days after the date the mortgage is endorsed for insurance, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that such payment was made in connection with the sale of the property to a veteran of World War II for his occupancy as a home.

(d) Upon such prepayment the contract of insurance shall terminate and the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the pro-rata portion of the current annual mortgage insurance premium theretofore paid which is applicable to the portion of the year subsequent to such payment, computed from the first day of the month following the month in which such prepayment occurs, provided that no such refund will be made in any case where the prepayment occurs in the twelfth month of the premium year.

(Sec. 607, 55 Stat. 61; 12 U. S. C. 1742)

Issued at Washington, D. C., November 10, 1953.

GUY T. O. HOLLYDAY,
*Federal Housing Commissioner.*

[F. R. Doc. 53-9685; Filed, Nov. 17, 1953; 8:45 a. m.]

Subchapter N—National Defense Housing Insurance

PART 295—NATIONAL DEFENSE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

MISCELLANEOUS AMENDMENTS

1. Section 295.3 is hereby amended to read as follows:

§ 295.3 *Annual mortgage insurance premiums.* (a) The mortgagee shall pay to the Commissioner, either in cash or debentures issued under Title IX of the National Housing Act at par plus accrued interest, mortgage insurance premiums in accordance with paragraphs (b) and (c) of this section which shall be calculated in accordance with the amortization provisions of the mortgage, without taking into account delinquent payments or prepayments.

(b) The initial mortgage insurance premium shall be paid on the date on which the insurance becomes effective by endorsement and shall cover the period beginning with the date of insurance endorsement and ending one year after the begining of amortization. Regardless of whether such period is more or less than one year, a payment shall be made to the Commissioner on account of the initial mortgage insurance premium which payment shall be in an amount equal to ½ percent of the average outstanding principal obligation for the first year of amortization under the mortgage. If such payment is less than the minimum premium or more than the maximum premium prescribed by the act, the initial mortgage insurance premium shall be in the minimum amount prescribed by the act, and the amount of the second premium payment shall be adjusted accordingly; but if such payment is within the limitations prescribed by the act, no adjustment shall be made and the amount of the payment shall be retained by the Commissioner as the initial mortgage insurance premium.

(c) After the payment of the initial mortgage insurance premium and until the mortgage is paid in full or the mortgaged property is acquired by the Commissioner, or until the contract of insurance is otherwise terminated, the mortgagee shall continue to pay annual mortgage insurance premiums to the Commissioner. Such annual premium shall be paid on the anniversary date of the beginning of amortization and shall be in an amount equal to ½ percent of the average outstanding principal obligation for the 12-month period following the date on which the premium becomes payable.

(d) For the purpose of this section the term "beginning of amortization" shall mean the date one month prior to the date of the first monthly payment.

2. Section 295.4 is hereby amended to read as follows:

§ 295.4 *Prepayment premiums.* (a) In the event that the principal obligation of any mortgage accepted for insurance is paid in full prior to maturity, the mortgagee shall within 30 days thereafter notify the Commissioner of the date of prepayment and shall pay to the Commissioner an adjusted premium charge of 1 percent of the original principal amount of the prepaid mortgage.

(b) In no event shall the adjusted premium exceed the aggregate amount of premium charges which would have been payable if the mortgage had continued to be insured until maturity.

(c) No adjusted premium shall be due or payable in the following cases:

(1) Where at the time of such prepayment there is placed on the mortgaged property a new insured mortgage;

(2) Where the final maturity specified in the mortgage is accelerated solely by reason of partial prepayments made by the mortgagor which do not exceed in any one calendar year 15 percent of the original face amount of the mortgage; or by reason of partial prepayments made by the mortgagor in excess of 15 percent made during the period from May 27, 1941 through June 30, 1952;

(3) Where the final maturity specified in the mortgage is accelerated solely by reason of payments to principal to compensate for—

(i) Damage to the mortgaged property;

(ii) The conveyance of the mortgaged property pursuant to condemnation proceedings or in lieu of condemnation proceedings; or

(iii) A release of a part of such property if approved by the Commissioner;

(4) Where payment in full is made pursuant to a court order or of a delinquent mortgage on which foreclosure proceedings have been commenced, or for the purpose of avoiding foreclosure if the transaction is approved by the Commissioner; or

(5) Where payment in full is made within 60 days after the date the mortgage is endorsed for insurance, provided the mortgagee submits to the Commissioner a certificate signed by the mortgagor certifying that such payment was made in connection with the sale of the property to a veteran of World War II for his occupancy as a home.

3. Section 295.5 is hereby amended to read as follows:

§ 295.5 *Pro rata refund in event of prepayment.* Upon such prepayment the contract of insurance shall terminate and the Commissioner will refund to the mortgagee for the account of the mortgagor an amount equal to the pro rata portion of the current annual mortgage insurance premium theretofore paid which is applicable to the portion of the year subsequent to such payment, computed from the first day of the month following the month in which such prepayment occurs, provided that no such refund will be made in any case where the prepayment occurs in the twelfth month of the premium year.

4. Section 295.10 (c) is hereby amended to read as follows:

§ 295.10 *Transfer of property to the Commissioner; conditions of default in mortgage.* • • •

(c) For the purpose of this section, the date of default shall be considered



as 30 days after (a) the first uncorrected failure to perform a covenant or obligation, or (b) the first failure to make a monthly payment which subsequent payments by the mortgagor are insufficient to cover when applied to the overdue monthly payments in the order in which they became due: *Provided, however,* That a mortgagee may, with and subject to the written consent of the Commissioner, apply partial payments to delinquent interest at a rate not in excess of the interest rate applicable to debentures to which the mortgagee may be entitled under the provisions of § 295.11 (a) (1), to the exclusion of prior delinquent principal payments, in which event the date of default shall be 30 days after the due date of the earliest monthly payment, any part of which remains unpaid.

(Sec. 907, 65 Stat. 301; 12 U. S. C. 1750f)

Issued at Washington, D. C., November 10, 1953.

GUY T. O. HOLLYDAY,
*Federal Housing Commissioner.*

[F. R. Doc. 53-9687; Filed, Nov. 17, 1953; 8:46 a. m.]

# TITLE 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 211—SCOPE OF OPERATING AUTHORITY; ROUTES

SERVICE AT MILITARY INSTALLATIONS BY MOTOR CARRIERS

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 3d day of November A. D. 1953.

The above-entitled matter being under consideration:

It appearing that the Commission has received numerous representations from interested parties, particularly the Department of Defense, urging adoption of rules and regulations to provide, in effect, that if entrance to a military installation can be made through a gate within the scope of a motor carrier's authority and after issuance of the authority such gate is closed or for some other reason not within the carrier's control it is unable to use that entrance, it may use other entrances to continue serving the installation;

It further appearing that in many instances gates through which motor carriers at the time their authority was issued could serve military installations have since been closed or their use prohibited in the transportation of certain commodities, thereby leaving such carriers without authority to continue serving such installation; that in such instances the carriers must either discontinue the service in question or obtain temporary authority from this Commission to continue that service; that the entry of a general order is warranted for the purpose of prescribing and publishing rules and regulations to permit motor carriers in such circumstances to use other gates, without obtaining prior authority therefor, to continue service at such installations; that the publication of such rules and regulations would relieve the carriers and the Commission of the unnecessary burden of processing applications for temporary authority pertaining to such situations; and that few, if any, carriers would be adversely affected by such action;

And it further appearing that the rules and regulations set forth in the next succeeding paragraphs hereof are reasonable; that the use of entrances to military installations through gates not within the scope of authority held by motor carriers, under the conditions described herein below, is or will be required by public convenience and necessity, in the case of common carriers, and consistent with the public interest and the National Transportation Policy declared in the Interstate Commerce Act, in the case of contract carriers, and the Commission so finding; and that as the said rules and regulations merely relieve from a requirement in the public interest, notice and public procedure are unnecessary and undesirable and would only serve to delay the effectiveness of said rules and regulations; *Therefore, it is ordered,* That:

§ 211.9 *Service at military installation by motor carriers.* (a) *Conditions.* If entrance to a military installation can be made through a gate within the scope of authority held by a motor carrier pursuant to a certificate or permit issued by this Commission, or under decisions of the Commission relating to certificates and permits, and thereafter such entrance should be closed or for some other reason beyond the carrier's control it is unable to use that entrance, it may use other gates to continue serving the installation, subject in all instances to the following conditions:

(1) The carrier shall not travel more than 20 highway miles over public highways outside the scope of its certificate or permit or the territory it is permitted to serve under decisions of the Commission relating to certificates and permits.

(2) The carrier shall give notice to the Commission, by letter, (i) of the closing of the gate used by it or of the circumstances beyond its control which prevent the use of such gate by the carrier in serving the particular military installation involved, and (ii) of the duration of the closing of the gate or the condition which prevents its use.

(3) The letter must be accompanied by a map on which shall be clearly shown in one color the exact location of the gate within the scope of the carrier's authority and in another color the gate or gates it proposes to use, with the highway mileage indicated in each instance.

(4) The letter shall contain a statement to the effect that the carrier filing the notice will continue to furnish reasonable and adequate service at all points it is now authorized to serve, that it will not serve new points or points it is not now authorized to serve, and that the use of the gate or gates indicated will not enable the carrier to engage in transportation between any points where because of the circuity of its present route,

or otherwise, such operation is not now practicable.

(5) The right to operate in the manner indicated in this paragraph shall continue only so long as the carrier is performing service authorized under the Interstate Commerce Act, and only so long as the conditions set forth in this paragraph are observed.

(6) Operations conducted pursuant to this section shall be subject to such further terms, conditions, and limitations as the Commission, in the future, may find it necessary to impose or attach to the exercise of the privileges authorized in this paragraph.

The Commission may forbid operations in accordance with this section whenever in its opinion such operations are otherwise unreasonable or undesirable.

*It is further ordered*, That this order shall become effective December 14, 1953, unless prior thereto it is otherwise ordered by this Commission.

Notice of this order shall be given to motor carriers and the general public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 552, as amended; 553, as amended; 49 U. S. C. 308, 309.)

By the Commission, Division 5.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9701; Filed, Nov. 17, 1953, 8:48 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

### [ 7 CFR Part 814 ]

1953 SUGAR QUOTA FOR MAINLAND CANE SUGAR AREA

NOTICE OF HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat 922, as amended by 65 Stat. 318, 7 U. S. C. Sup. 1100), and in accordance with the applicable rules of practice and procedure (12 F. R. 8225, 13 F. R. 127, 2063; 7 CFR Part 801, et seq.), notice is hereby given that a public hearing will be held in the Department of Agriculture, Room 240-W, Administration Building, Washington, D. C., on November 24, 1953, beginning at 9:30 a. m., e. s. t.

The purpose of such hearing is to receive evidence relating to the revision of Sugar Regulation 814.20 (18 F. R. 5289) which allots the 1953 sugar quota for the mainland cane sugar area. The sugar quota for the mainland cane sugar area was recently increased by 7,531 short tons, raw value, as a result of an additional deficit in the quota for the domestic beet sugar area, and one allottee under Sugar Regulation 814.20 has notified the Department that it will not market 660 short tons, raw value, of the quantity heretofore allotted to it. It is proposed to revise Sugar Regulation 814.20 by allotting these additional quantities of sugar on the same basis (using the same data) as the original allotments were made.

It is necessary to revise those allotments as soon as possible in order that processors may market within this quota year the additional quantities of sugar to be allotted to them. Accordingly, it is hereby determined that an emergency exists which requires the shorter period of notice provided for herein which is deemed to be reasonable under the circumstances.

Issued this 16th day of November 1953. Witness my hand and seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE, *Acting Secretary of Agriculture.*

[F. R. Doc. 53-9748; Filed, Nov. 17, 1953; 8:57 a. m.]

### [ 7 CFR Part 994 ]

HANDLING OF PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

EXPENSES OF PECAN ADMINISTRATIVE COMMITTEE AND RATE OF ASSESSMENT FOR FISCAL PERIOD BEGINNING OCTOBER 1, 1953

Notice is hereby given that the Department is considering the issuance of the proposed administrative rule herein set forth pursuant to the provisions of Marketing Agreement No. 111 and Order No. 94, regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina (7 CFR, 1952 Rev., Part 994), effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to the final issuance of such rule, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business of the 10th day after publication of this notice in the FEDERAL REGISTER, except that if the 10th day after publication should fall on a holiday, Saturday, or Sunday, such submission may be received by the Director not later than the close of business of the next following work day.

Pursuant to the provisions of the aforesaid agreement and order the Pecan Administrative Committee, the administrative agency thereunder, at its meeting at Albany, Georgia, on September 30, 1953, recommended a budget of expenses of $32,000 and an assessment rate of 16 cents per hundred pounds of pecans handled for the fiscal period beginning October 1, 1953. In making the foregoing recommendations, the Committee took into consideration its estimate that 20,000,000 pounds of pecans will be handled for distribution as unshelled pecans during the aforesaid fiscal period. The proposed rate of assessment of 16 cents per hundred pounds of pecans handled, when applied to this estimated quantity, will provide sufficient funds to cover the proposed expenses of $32,000, and such expenses and rate of assessment appear to be reasonable. The proposed budget of expenses is $1,200 higher, but the proposed rate of assessment is 6 cents per hundred pounds lower, than the respective budget of expenses and rate of assessment approved for the past fiscal period which ended September 20, 1953. Actual expenditures for the past fiscal period approximated $27,600.

The proposed rule is as follows:

§ 994.304 *Expenses for the fiscal period beginning October 1, 1953, and rate of assessment*—(a) *Expenses.* Expenses in the amount of $32,000 are reasonable and likely to be incurred by the Pecan Administrative Committee for its maintenance and functioning during the fiscal period beginning October 1, 1953; and

(b) *Rate of assessment.* The rate of assessment to be paid, in accordance with the applicable provisions of said marketing agreement and order, by each handler who first handles unshelled pecans shall be 16 cents per hundred pounds of assessable unshelled pecans handled by him as the first handler thereof during the fiscal period beginning October 1, 1953.

Issued at Washington, D. C., this 13th day of November 1953.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Branch.*

[F. R. Doc. 53-9716; Filed, Nov. 17, 1953, 8:52 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

### [ 17 CFR Part 230 ]

GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

REGULATION C—REGISTRATION

Notice is hereby given that the Securities and Exchange Commission has under consideration proposals to adopt § 230.415 (Rule 415) under the Securities Act of 1933 relating to competitive bidding registration statements, to adopt amendments to §§ 230.424, 230.455, 230.471 and 230.472 (Rules 424, 455, 471 and 472) and to rescind § 230.460 (Rule 460).

The proposals are made pursuant to the provisions of sections 7, 8, 10, and 19 (a) of the Securities Act of 1933.



The present practice where securities are offered at competitive bidding requires that the registration statement become effective prior to the invitation for bids, and a post-effective amendment be filed at the time bids are opened, to reflect the results of the bidding. An order of the Commission is issued declaring the registration statement effective and an order is subsequently issued declaring the post-effective amendment effective. In most cases, the post-effective amendment makes no change in the effective registration statement except to reflect the results of the bidding.

The proposed new Rule 415 would modify the existing procedure by providing that if specified conditions are met the amendment reflecting the results of the bidding would become effective without further order on filing with the Commission or a regional office. In addition, the amended Rule 471 would permit the amendment to be signed by the agent for service and the amended Rule 472 would not require the simultaneous filing of five copies of the prospectus.

The proposed new Rule 415 would codify the existing practice of requiring that the registration statement in all competitive bidding cases contain an undertaking to file an amendment to reflect the results of the bidding. Under the proposed new filing procedure, it would not be possible for the Commission to consider the adequacy of the distribution of bidding prospectuses, as it has in the past (see Release No. 3453, part IV). The rule would, therefore, require an additional undertaking intended to insure a minimum distribution as a condition to the use of the new filing procedure.

Paragraph (c) of the proposed rule would have principally a clarifying effect. The Commission's position is that when a registration statement becomes initially effective, the prohibitions of section 5 (a) of the act cease to apply in the absence of action under section 8 of the act; that the bidding prospectus meets the requirements of section 10 of the act prior to the acceptance of a bid; and that after the acceptance of a bid, a prospectus does not meet the requirements of section 10 of the act unless it reflects the results of the bidding and otherwise complies with the applicable form and regulations. The Commission, moreover, construes section 5 (b) (2) of the act to require that the delivered prospectus meet the requirements of section 10 at the time the security is carried or caused to be carried through the mails or in interstate commerce and similarly construes section 2 (10) (a) of the act to require that the delivered prospectus meet the requirements of section 10 of the act at the time of making the other communication referred to in section 2 (10) (a) of the act.

The proposed rule should simplify the registration procedure in competitive bidding cases to a substantial degree, as well as clarify the status of the registration statement and the prospectuses under section 5 of the act. By eliminating the present practice of requiring an order declaring a post-effective amendment effective, the proposed rule should avoid the delay and attendant uncertainty which now occur between the filing and effectiveness of the amendment. Further, by permitting a filing in a regional office, the rule should permit a more rapid and less onerous filing and effectiveness. If the rule is adopted, the Commission may administratively request that it be advised informally, as at present, of the results of the bidding, as promptly as practicable.

If the proposed Rule 415 is adopted it is proposed to amend Rule 455 to make its filing requirements consistent with those to be set forth in Rule 415.

The Commission also has under consideration proposals (a) to amend Rule 424 to provide for the filing of 25, instead of 20, copies of a prospectus, to make it clear that bidding prospectuses need not usually be filed under the rule, and to permit a revised prospectus to be used if it is filed or mailed for filing prior to its use and (b) to rescind Rule 460. In almost all cases, the statement required by Rule 460 appears no longer to serve a useful purpose since the required information, to the extent that it is meaningful, should appear in a prospectus or in a supplement filed under Rule 424.

The text of the proposed Rule 415 and of the proposed amendments to Rules 424, 455, 471, and 472 are as follows:

§ 230.415 *Competitive bidding registration statements.* (a) A registration statement covering securities to be sold at competitive bidding, the terms of which require that each bid be for the purchase of the entire amount of one or more of the issues registered, shall contain undertakings by the registrant (1) to file an amendment to the registration statement reflecting the results of the bidding and related matters to the extent required by the applicable form, not later than the first use after the acceptance of a bid of a prospectus relating to the registered securities, and (2) to use its best efforts to distribute, as soon as practicable after the registration statement has become effective, to prospective bidders, underwriters, and dealers, a reasonable number of copies of the prospectus contained in the registration statement, together with any supplements thereto. Any order declaring the registration statement effective shall be deemed to declare an amendment to the registration statement filed pursuant to the first such undertaking effective in accordance with paragraph (b) of this section.

(b) An amendment to such a registration statement filed pursuant to the undertaking referred to in paragraph (a) (1) of this section (which may make such other changes in the registration statement as the registrant deems appropriate) shall become effective at the time such amendment is filed with the Commission or with a regional office of the Commission. The amendment shall be accompanied by the consent of the managing underwriter, acting on behalf of all principal underwriters, to the filing thereof.

(c) When such a registration statement becomes effective, the prohibitions of section 5 (a) of the act shall cease to apply to the securities registered in the absence of proceedings under section 8 of the act. A prospectus relating to the registered securities, when used prior to the acceptance of a bid, need not contain information dependent upon the determination of the offering price or the acceptance of the bid, in order to meet the requirements of section 10 of the act. A prospectus, when used after the acceptance of a bid, shall not be deemed to meet the requirements of section 10 of the act unless (1) an amendment to the registration statement has been filed pursuant to the undertaking referred to in paragraph (a) (1) of this section, and (2) the prospectus reflects the information contained in the amendment to the extent required by the applicable form.

§ 230.424 *Filing of prospectuses; number of copies.* • • •

(b) Within 5 days after the commencement of a public offering, 25 copies of each form of prospectus used in connection with such offering shall be filed with the Commission in the exact form in which it was used; *Provided, however*, That this paragraph shall not apply in respect of a form of prospectus contained in a registration statement covering securities to be offered at competitive bidding intended for use prior to the acceptance of a bid.

(c) No prospectus which purports to comply with section 10 of the act and which varies from any form of prospectus filed pursuant to paragraph (b) of this section shall be used until 25 copies thereof have been filed with, or mailed for filing to, the Commission, together with 5 copies of a cross reference sheet similar to that required by § 230.404 (c); *Provided, however*, That this paragraph shall not apply in respect of a form of prospectus contained in a registration statement covering securities to be offered at competitive bidding intended for use prior to the acceptance of a bid.

§ 230.455 *Place of filing.* All registration statements and other papers filed with the Commission shall be filed at its principal office, except as otherwise provided in § 230.415. Such material may be filed by delivery to the Commission through the mails or otherwise.

§ 230.471 *Signatures to amendments.* (a) Except as provided in paragraph (b) of this section and § 230.478, every amendment to a registration statement shall be signed by the persons specified in section 6 (a) of the act. At least one copy of every amendment filed with the Commission shall be signed. If the amendment is typewritten, the original "ribbon" copy shall be signed. Unsigned copies shall be conformed.

(b) A registration statement filed in connection with the registration of securities to be sold at competitive bidding may expressly confer authorization upon the registrant and upon the agent for service named in the registration statement to amend the registration statement in accordance with the undertaking

required by § 230.415 (a) (1). The authorization shall be substantially in the following form:

Each person whose signature appears below hereby authorizes the registrant and the agent for service named in the registration statement to amend the registration statement pursuant to the above undertaking.

§ 230.472 *Filing of amendments; number of copies.* • • •

(b) Where an amendment relates to the prospectus, five copies of the amended prospectus shall be filed in addition to the three copies required by paragraph (a) of this section. If the amendment results in a change in the cross reference sheet filed pursuant to § 230.404 (c) a copy of an amended cross reference sheet shall be filed with each copy of the amended prospectus. The first sentence of this paragraph shall not apply to amendments filed pursuant to the undertaking referred to in § 230.415 (a) (1).

All interested persons are invited to submit data, views and comments on these proposals, in writing, to the Secretary, Securities and Exchange Commission, at its principal office, 425 Second Street NW., Washington 25, D. C., on or before December 11, 1953.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOVEMBER 9, 1953.

[F. R. Doc. 53-9704; Filed, Nov. 17, 1953; 8:49 a. m.]

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## [ 17 CFR Part 250 ]

REGULATION AND EXEMPTION OF VARIOUS FINANCIAL TRANSACTIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend § 250.50 (Rule U-50) under the Public Utility Holding Company Act of 1935, which requires with certain exceptions competitive bidding for the purchase or underwriting of securities issued or sold by registered holding companies and subsidiary companies. The proposal to amend Rule U-50 is made pursuant to the provisions of sections 6 (b), 7, 12 (d) and 20 (a) of the Public Utility Holding Company Act of 1935.

The Commission is engaged in a comprehensive review of the rules, regulations, forms and procedures adopted under the various statutes administered by it. It is attempting to eliminate duplication and to simplify its requirements wherever practicable without prejudice to the public interest or the protection of investors. The proposal to amend Rule U-50 is a part of this program, as is the parallel proposal to simplify competitive bidding procedures under the Securities Act of 1933 by adopting Rule 415.

Rule U-50 in its present form was adopted in 1941. Except in the cases specified in paragraph (a) of the rule, it requires that the issue or sale of securities by registered holding companies and subsidiary companies be at competitive bidding. Paragraph (c) of the present rule requires that the results of competitive bidding be submitted to the Commission by an amendment of the application or declaration for final clearance.

The principal proposed change in the rule consists of an amendment to paragraph (c) which would make unnecessary an amendment to the application or declaration and a supplemental order of the Commission with respect to the results of the competitive bidding if at least two bids are submitted. The proposed new paragraph (d) of the rule will, however, keep the Commission informed as to bidding results.

One of the principal reasons for adopting Rule U-50 was to give informed and objective information as to what the price of the securities should be. Jurisdiction was, however, to be reserved over the results of the bidding so that the Commission could appraise the bids. This is the present practice.

The Commission has now had over twelve years of experience with Rule U-50. Over 600 individual financings have been subject to the rule. In over 95 percent of the cases, at least two bids were received and in only one of these was it necessary for the Commission to withhold its approval of the issuance or sale. In that one case, approval was withheld not because the terms of the sale were considered unreasonable, but because of the effect of the sale on related proceedings under section 11 of the act.

It would appear, on the basis of this experience, that competitive bidding, where two or more bids are received, results in financing terms which make it unnecessary for the Commission to make adverse findings under sections 7 (d) or 12 (d) of the Act. The Commission's examination of the results of competitive bidding in such cases has, in recent years, become largely perfunctory and the present requirement of a supplemental filing and order has ceased to serve a useful purpose. It is, therefore, anticipated that the proposed amendment of paragraph (c) would result in a considerable saving of time and expense to issuers or sellers and to the Commission itself without, in practice, adversely affecting the interest of investors or consumers.

The proposed amendment of paragraph (c) provides that if only one bid is received, a further order of the Commission authorizing the issuance or sale must be obtained, in accordance with the present practice. It has been the Commission's experience that in such cases, the competitive bidding procedure may not produce appropriate results, particularly since no comparison of proposed prices can be made. In addition, in some cases the Commission has found an absence of true competition.

It is also proposed to modify paragraph (b) of the rule to shorten from 10 to 6 days the required bidding period. Applications to shorten the period by order in individual cases have been granted in a large number of cases and the shorter period appears to be generally sufficient.

The proposed amendments to Rule U-50, if adopted, would be in the nature of an experiment by the Commission. If after a reasonable period, the rule as so amended were not to produce the expected results, the Commisson would reserve the right to modify or rescind the amendments.

The proposed amendments of Rule U-50 will, of course, not affect the Commission's policies as to the terms of securities issued. The necessary information as to such matters is available to the Commission before it authorizes the invitation for bids.

The text of paragraphs (b), (c) and (d) of Rule U-50 as proposed to be amended would read as follows:

§ 250.50 *Requirement of public invitation of proposals for the purchase or underwriting of securities.* • • •

(b) *Public invitation of proposals.* The Commission will not grant or permit to become effective any application or declaration subject to this section unless the application or declaration states that the applicant or declarant, at least six days prior to entering into any contract or agreement for the issuance or sale of the securities therein proposed, will publicly invite sealed written proposals for the purchase or underwriting of such securities. Such proposals as may be received in response to such invitation shall not be opened at any time or place other than as specified in the invitation. The duly authorized representative of any person making any such proposal shall be entitled to be present at the opening of such proposals and to examine each proposal submitted.

(c) *Sale of securities.* If, pursuant to the public invitation, at least two independent proposals for the purchase or underwriting of the securities are received, the applicant or declarant may without further order of or filing with the Commission, issue or sell the securities in accordance with the terms and conditions contained in the application if granted or in the declaration, if effective; and the applicant or declarant shall be exempt from the provisions of § 250.24 (c) (3) (i) with respect to the issue or sale. In any other event the applicant or declarant shall, as promptly as practicable after the opening of the proposals, file an amendment which shall include the applicable information or documents required by paragraph (d) of this section; and the proposed issuance or sale of the securities shall not be consummated until a further order of the Commission authorizing such issuance or sale has been entered.

(d) *Reports.* If the issuance or sale is consummated without further order of the Commission pursuant to paragraph (c) of this section, the applicant or declarant shall include as part of the certificate filed pursuant to § 250.24 (a) the names of the purchasers or underwriters, the terms of the several proposals received, the names of the persons (or in the case of a joint proposal, of the manager of the group) submitting the proposals, the prospectus being used in connection with the issuance or sale the underwriting agreement with respect thereto, and any indenture or certificate setting forth the definitive terms of the securities. Unless requested by the Commission or required to complete the record as to any matter as to which jurisdiction has been specifically reserved, no further filing with respect to the issuance or sale shall be required.

All interested persons are invited to submit data, views and comments on this proposal in writing to the Secretary, Securities and Exchange Commission, at its principal office 425 Second Street NW., Washington 25, D. C., on or before December 11, 1953.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOVEMBER 9, 1953.

[F. R. Doc. 53-9705; Filed, Nov. 17, 1953; 8:49 a. m.]

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## [ 17 CFR Part 250 ]

REGULATION AND EXEMPTION OF VARIOUS FINANCIAL TRANSACTIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend paragraph (b) (6) of § 250.45 (Rule U-45) under the Public Utility Holding Company Act of 1935 governing the allocation of consolidated income taxes among the constituent companies of registered holding company systems.

Section 12 (b) of the act prohibits any registered holding company or subsidiary company thereof from lending or extending credit to or indemnifying any company in the same holding company system in contravention of such rules or regulations or orders as the Commission may deem necessary. Rule U-45 (b) (6), promulgated by the Commission under said section of the act, exempts from the general declaration requirements of Rule U-45 a loan or extension of credit or an agreement of indemnity arising out of a consolidated income tax return filed by a holding company and its subsidiaries, provided, among other things, that the top company filing the consolidated return may allocate the consolidated tax liability among the several members of the group in amounts not exceeding, as to any company, that percentage of the consolidated tax liability which the income tax liability of such company on a separate return basis would be of the aggregate income tax liabilities of the individual companies based upon separate returns.

The Commission, having had occasion early in 1953 to consider a specific request filed by a registered holding company for relief from the requirements of Rule U-45 (b) (6) and having deemed the issues raised by the request sufficiently broad in import to warrant reconsideration of the rule, issued Holding Company Act Release No. 11761 on March 12, 1953, inviting comments on the rule. Pursuant to this invitation, comments and recommendations were received from various utility holding companies and from ten regulatory bodies. Certain modifications of the rule were urged by the companies; some regulatory bodies urged retention of the rule, some offered suggestions, and some were noncommittal.

The Commission's Division of Corporate Regulation, having carefully considered all comments and recommendations received on the matter, has submitted to the Commission a proposed amendment to Rule U-45 (b) (6) so as to provide that in the calculation of each company's income tax liability on a separate return basis there shall be excluded from such calculation dividends received from other companies in the group: *Provided, however,* That in no event shall the amount so allocated to any company exceed such company's tax liability on a separate return basis. The amendment to the rule would also delete therefrom certain matter that has become obsolete by the passage of time. As proposed to be amended, Rule U-45 (b) (6) would read as follows: (New matter is italicized; matter to be deleted is enclosed within brackets.)

§ 250.45 *Loans, extensions of credit, donations and capital contributions to associate companies.* • • •

(b) *Exceptions.* The following transactions shall be exempt from the declaration requirements of this section:

• • • • • •

(6) A loan or extension of credit or an agreement of indemnity arising out of a consolidated tax return filed by a holding company (or other parent company) and its subsidiaries: *Provided,* That the top company in the group assumes primary responsibility for the payment of any tax liability involved, subject to the right to contribution from the several members of the group in an amount not exceeding as to any company that percentage of the sum of the normal tax, surtax and excess profits tax on a consolidated basis which the sum of the normal tax, surtax, and excess profits tax of such company if paid on a separate return basis is of the aggregate amount of normal, surtax and excess profits taxes of the individual companies based upon separate returns. [In each instance the amount of excess profits tax shall be computed less the amount of the post-war refund.] In computing each company's tax on a separate return basis, the gross income of each company in the group shall be computed without including therein dividends received from other companies in the group and allowance shall be made for loss carry-over and other adjustments as if the company had always filed its tax returns on a separate return basis with such dividends excluded from gross income. In no event however, shall the liability allocated to an individual company exceed the amount of normal, surtax and excess profits tax of such company based upon a separate return. [The amount of postwar refund bonds which the consolidated group will acquire (under section 780 of the Internal Revenue Code) and the liability therefor shall be allocated to the several members of the group in the ratio that the postwar refund bonds each company would acquire on a separate return basis bears to the sum of the postwar refund bonds which all of the companies would acquire on the basis of separate tax returns.]

All interested persons are invited to submit data, views, and comments on this proposal, in writing, to the Secretary, Securities and Exchange Commission, at its principal office, 425 Second Street NW., Washington 25, D. C., on or before November 30, 1953.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

NOVEMBER 9, 1953.

[F. R. Doc. 53-9703; Filed, Nov. 17, 1953; 8:49 a. m.]

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# NOTICES

## RUBBER PRODUCING FACILITIES DISPOSAL COMMISSION

STATEMENT OF ORGANIZATION

SECTION 1. *Establishment.* The Rubber Producing Facilities Disposal Commission was created by the Rubber Producing Facilities Disposal Act of 1953, approved August 7, 1953 (67 Stat. 408, Pub. Law 205, 83d Cong.), and it has its principal office at 811 Vermont Avenue NW., Washington, D. C.

SEC. 2. *Management.* The management of the Rubber Producing Facilities Disposal Commission is vested, pursuant to the provisions of the Rubber Producing Facilities Disposal Act of 1953, in three Commissioners, appointed by the President from civilian life, one of whom serves as Chairman, and one as Vice Chairman.

SEC. 3. *Functions.* The Commission is charged with the responsibility of formulating a disposal plan for the Government-owned synthetic rubber-producing facilities which will effectuate the objectives enunciated in section 2 of the Rubber Act of 1948, as amended (68 Stat. 101, 5 U. S. C. App. 1921).

SEC. 4. *Officers and employees.* The Chairman, Executive Director, Secretary, General Counsel and Deputy General Counsel, respectively, are the Commission's principal officers, and it has other professional, clerical and stenographic assistance. Pursuant to the enabling statute, the Commission's employees are employed without regard to the Civil Service laws or the Classification Act of 1949; however, the rates of pay for personnel employed by the Commission shall be in accordance with the Classification Act of 1949. The Commissioners may request and upon appropriate consent, receive the assist-

ance of any employee in the Government concerned with the Government-owned rubber-producing facilities. Neither the Commissioners nor any person employed by the Commission as an attorney, agent or employee in activities involving discretion with respect to negotiation or contracts of sale of Government-owned rubber-producing facilities may be employed by any purchaser, or affiliate thereof, during the period of their employment with the Commission or for a period of two years after their employment ceases.

SEC. 5. *Termination of the Commission.* The Commission shall cease to exist thirty (30) days after the termination of the transfer period as provided in the Rubber Producing Facilities Disposal Act of 1953.

FERRIS B. THOMAS,
*Secretary, Rubber Producing Facilities Disposal Commission.*

[F. R. Doc. 53-9691; Filed, Nov. 17, 1953; 8:47 a. m.]

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## CERTAIN RUBBER PRODUCING FACILITIES

### INVITATION FOR PROPOSALS TO PURCHASE OR LEASE

Pursuant to the Rubber Producing Facilities Disposal Act of 1953 (Pub. Law 205, 83d Cong., 1st sess., approved August 7, 1953) the Rubber Producing Facilities Disposal Commission announces that it will receive written proposals for the purchase (or, in certain instances indicated below, the lease) of the properties and facilities described below, hereafter collectively referred to as "the rubber-producing facilities." Such proposals may be submitted at any time beginning November 25, 1953 through May 27, 1954 (unless extended by the Commission upon adequate notice), at the Office of the Commission, 811 Vermont Avenue, Washington 25, D. C. Detailed information concerning the form of proposals and the manner in which they are to be submitted may be obtained from the Secretary of the Commission upon request.

*Facilities.* The facilities offered for sale consist of 13 plants for the manufacture of butadiene-styrene type rubber (GR–S), 2 plants for the manufacture of butyl rubber (GR–I), 1 plant for the manufacture of styrene, 8 plants for the manufacture of butadiene, 1 plant for the manufacture of dodecyl mercaptan, a fleet of 448 pressure tank cars (ICC Classification—ICC–104AW) and miscellaneous items of equipment.

The plants which are in operating condition and which are offered for sale as complete operating units are set forth in the following table.

These plants are operated for the account of the Reconstruction Finance Corporation as units in an integrated synthetic rubber industry. The 13 GR–S plants and the 2 GR–I plants are practically the exclusive domestic sources of these types of rubber. All of the butadiene consumed in the domestic manufacture of synthetic rubber is produced in the butadiene plants offered for sale or lease. The styrene plant produces a significant portion of the total requirements of the synthetic rubber program, the remainder being purchased from commercial sources. Dodecyl mercaptan is an ingredient of one type of GR–S, and the plant offered for sale produces the program's requirements for this chemical.

Detailed descriptive brochures relating to each of the plants may be obtained upon application to the Secretary of the Commission. Similarly, descriptive inventory of the miscellaneous facilities hereby offered for sale will be available.

BUTADIENE-STYRENE RUBBER (GR–S) PLANTS

| Plancor No. | Present operator | Location | Maximum annual capacity |
|---|---|---|---|
| | | | *Long tons* |
| 876 | Copolymer Corp | Baton Rouge, La | 40,000 |
| 127 | Firestone Tire & Rubber Co | Akron, Ohio | 30,000 |
| 1050 | do | Lake Charles, La | 90,000 |
| 877 | General Tire & Rubber Co | Baytown, Tex | 44,000 |
| 983 | B. F. Goodrich Co | Port Neches, Tex | 90,000 |
| 980 | do | Institute, W. Va | [1] 22,500 |
| 126 | Goodyear Synthetic Rubber Corp | Akron, Ohio | 12,500 |
| 956 | do | Houston, Tex | 90,000 |
| 1278 | Kentucky Synthetic Rubber Corp | Louisville, Ky | 44,000 |
| 611 | Midland Rubber Co | Los Angeles, Calif | 20,000 |
| 982 | Phillips Chemical Co | Borger, Tex | 60,000 |
| 129 | U. S. Rubber Co | Naugatuck, Conn | 22,500 |
| 983A | do | Port Neches, Tex | 90,000 |

BUTYL RUBBER (GR–I) PLANTS

| | | | |
|---|---|---|---|
| | | | *Long tons* |
| 1082 | Humble Oil & Refining Co | Baytown, Tex | 40,000 |
| 572 | Esso Standard Oil Co | Baton Rouge, La | 45,000 |

BUTADIENE PLANTS—PETROLEUM

| | | | |
|---|---|---|---|
| | | | *Short tons* |
| 706 | Cities Service Refining Corp | Lake Charles, La | 45,000 |
| 172 | Copolymer Corp | Baton Rouge, La | 20,000 |
| 485 | Humble Oil & Refining Co | Baytown, Tex | 40,000 |
| 923 | Neches Butane Products Co | Port Neches, Tex | 105,000 |
| 484 | Phillips Chemical Co | Borger, Tex | 71,200 |
| 1063 | Sinclair Rubber, Inc | Houston, Tex | 78,000 |
| 603 | Shell Chemical Corp | Los Angeles, Calif | 161,000 |
| 1561 | Standard Oil Co. of California | El Segundo, Calif | [2] [3] |

STYRENE PLANT

| | | | |
|---|---|---|---|
| | | | *Short tons* |
| 929 | Dow Chemical Co | Los Angeles, Calif | 57,000 |

OTHER FACILITIES

| | | | |
|---|---|---|---|
| 843 | U. S. Rubber Co | Naugatuck, Conn | [3] |

[1] This facility is now in standby.
[2] Represents a tandem operation whereby Standard Oil Co. of California's production of crude butadiene is transferred to Shell Chemical Corp. for purification along with Shell's crude production.
[3] This facility is erected upon land held under an assignable lease which expires on Feb. 15, 1958, from Standard Oil Co. of California; all other plants are erected on property owned in fee by the government.

In addition to the foregoing, there are offered for sale, or alternatively for lease, 2 plants for the manufacture of butadiene from alcohol, located respectively at Louisville, Kentucky, and Kobuta, Pennsylvania. The plant at Louisville, Kentucky, Plancor 1207, has been operated, and is now being maintained in standby, by Union Carbide and Carbon Corp., and has an annual capacity of 87,000 short tons. The plant at Kobuta, Pennsylvania, Plancor 483, has been operated, and is now being maintained in standby, by the Koppers Company, Inc., and has an annual capacity of 128,000 short tons. These are the only facilities of any sort offered for lease. The Commission will entertain proposals for the leasing of these plants promptly and in advance of consideration of disposal of the other facilities. Such leases may run for not less than 1 nor more than 3 years. Proposals for the purchase of these facilities will be received in the same manner as prescribed for the purchase of the other facilities.

The Rubber Producing Facilities Disposal Act of 1953 prescribes in detail, as well as generally, procedural and substantive standards pursuant to which the sale of these facilities by the Disposal Commission is to be effectuated. To facilitate compliance with these standards the Disposal Commission has prepared Instructions for the Submission of Proposals, which set forth the requirements of the Commission with respect to such proposals, and copies thereof will be available upon application to the Secretary of the Commission. Subject to the foregoing, the following additional information concerning the program of sale is announced:

*Continued operation of plants.* As a condition to sale, the Commission is required to be satisfied that the prospective purchaser actually intends to operate the facility or facilities for the purpose of manufacturing synthetic rubber or its component materials. The purchaser must also agree to comply with the terms of a "National Security Clause", having terms, conditions, restrictions and reservations which will assure the prompt availability of the facilities, or facilities of equivalent capacity, for the production of synthetic rubber and the component materials thereof for a period of 10 years from the date of the contract. In consonance with these requirements, while the Commission will entertain proposals for the acquisition of portions of the productive capacity of particular facilities, as further discussed in the instructions for the Submission of Proposals, it will not entertain proposals for the piece-meal acquisition of individual items of equipment except such items as are listed in the inventory of miscellaneous equipment referred to above.

*Financing.* Proposals for purchase shall provide for the payment of not less than 25 percent of the purchase price in cash, and the remainder may be financed by a first lien purchase money mortgage maturing in not more than 10 years and providing for periodic amortization (amortization in equal annual installments is not required). The interest rate upon the balance of the purchase price represented by the mortgage shall be 4 percent per annum.

Proposals for purchase shall be accompanied by a deposit of cash or United States Government bonds of face amount equal to 2½ per centum of the gross amount proposed to be paid but not exceeding $250,000 for each facility; *Provided, however,* That the deposit required in the case of a proposal for one of a number of facilities on an alternative basis shall be the same as would be required if such proposal were for only the facility for which the highest amount is proposed to be paid. Except in the case of purchasers, deposits shall be refunded without interest. In the case of purchasers, deposits made hereunder shall be applied without interest to the purchase price.

*Procedure subsequent to the submission of proposals.* During a period of 7 months (unless extended by the Commission upon adequate notice to those submitting proposals) following the termination of the period for the receipt of proposals, the Commission will negotiate for the sale of the facilities with those who have submitted proposals. In accordance with the terms of the act, negotiations for the sale of each type of plant (i.e., GR–S, GR–I, Butadiene, et cetera) will be limited to those persons having submitted a proposal for the purchase of such a type plant. Such negotiations will be conducted with due regard to the several purposes of the act that the disposal of the synthetic rubber producing facilities establish a free, competitive, synthetic rubber industry, afford small-business enterprises and other users, the opportunity to obtain a fair share of the end products of the facilities sold and at fair prices, be consistent with national security, and realize full fair value for the facility or facilities, taking into consideration the policy set forth in section 2 of the act.

For further information and details apply to Ferris B. Thomas, Secretary.

The foregoing advertisement was approved by the Rubber Producing Facilities Disposal Commission at a meeting duly held on November 11, 1953, and the Secretary was authorized to effect its publication.

RUBBER PRODUCING FACILITIES DISPOSAL COMMISSION,
FERRIS B. THOMAS,
*Secretary.*

NOVEMBER 18, 1953.

[F. R. Doc. 53-9692; Filed, Nov. 17, 1953; 8:47 a. m.]

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# DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

[Order 551, Amdt. 6]

### AREA DIRECTORS AND ACTING AREA DIRECTORS

### REDELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS

NOVEMBER 10, 1953.

Order 551, as amended (16 F. R. 2939, 2940; 16 F. R. 5456, 5457; 16 F. R. 7467, 7468; 16 F. R. 8252; 17 F. R. 3516, 3517; and 17 F. R. 7552), is further amended as follows, to authorize Area Directors and Acting Area Directors to exercise the authority of the Commissioner in relation to the classes of matters indicated.

1. The following sections, under the heading Functions Relating to Land and Minerals, are amended to read as follows:

SEC. 11. *Tax exemption certificates.* The issuance of tax exemption certificates covering lands designated as tax exempt under the provisions of the acts of June 20, 1936 (49 Stat. 1542), as amended by the act of May 19, 1937 (25 U. S. C., 1946 ed., sec. 412a), and May 10, 1928 (45 Stat. 495), as amended May 24, 1928 (45 Stat. 733).

SEC. 15. *Allotment applications.* The approval and certification of applications for allotments on the public domain under authority of the act of February 8, 1887 (25 U. S. C., 1946 ed., sec. 334), or the acts of February 28, 1891, and June 25, 1910 (25 U. S. C., 1946 ed., sec. 336), and in the national forests pursuant to the act of June 25, 1910 (25 U. S. C., 1946 ed., sec. 337).

2. A new section, to read as follows, is added under the heading Functions Relating to Forest and Range Management:

SEC. 245. *Advertisement and sale of forest products.* Advertisement and sale of lumber and other forest products produced from forests on Indian Reservations, except the Menominee Indian Reservation in Wisconsin and the Red Lake Reservation in Minnesota, by Indian tribal enterprises operated under the supervision of the Bureau of Indian Affairs, pursuant to 25 CFR Part 64.

3. New sections, to read as follows, are added under the heading Functions Relating to Funds and Fiscal Matters:

SEC. 262. *Sioux benefits.* The approval of applications of individual Indians of the Sioux Nation for cash benefits under the acts of March 2, 1889, June 10, 1896, and June 18, 1934 (25 U. S. C., 1946 ed., sec. 474).

SEC. 263. *Payments to tribal attorneys.* The payment of fees and expenses to attorneys in accordance with the terms of contracts between such attorneys and Indian tribes which have been approved pursuant to 25 U. S. C. 81, 82, 83, and 84, and section 16 of the act of June 18, 1934 (25 U. S. C. 476).

4. A new heading and a new section thereunder, to read as follows, are added:

FUNCTIONS RELATING TO PROPERTY MATTERS

SEC. 310. *Disposition and transfer of personal property.* The disposition and transfer of such personal property excess to the needs of the area under his jurisdiction, including the authority to donate and to execute transfers and deliveries of donable property, in accordance with the Federal Property and Administrative Services Act of 1949, as amended, and regulations issued thereunder by the Administrator of General Services.

W. BARTON GREENWOOD,
*Acting Commissioner.*

[F. R. Doc. 53-9682; Filed, Nov. 17, 1953; 8:45 a. m.]

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## Bureau of Reclamation

### MISSOURI RIVER BASIN PROJECT, WYOMING

### FIRST FORM RECLAMATION WITHDRAWAL

SEPTEMBER 10, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following described lands from public entry, under first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 38 N., R. 94 W.,
Sec. 17, N½NE¼.
Sec. 18, Lots 1 and 2.
T. 39 N., R. 94 W.,
Sec. 30, Lots 1 to 4, incl.
T. 40 N., R. 94 W.,
Sec. 31, Lots 3 and 4.

The above areas aggregate 315.10 acres.

G. W. LINEWEAVER,
*Assistant Commissioner.*

OCTOBER 22, 1953.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

*Notice for Filing Objections to Order Withdrawing Public Lands for Missouri River Basin Project, Wyoming*

SEPTEMBER 10, 1953.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Wyoming, for use in connection with the Boyson Reservoir, Boysen Unit, Boysen Division, Missouri River Basin Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be

addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

G. W. Lineweaver,
*Assistant Commissioner.*

[F. R. Doc. 53-9683; Filed, Nov. 17, 1953; 8:45 a. m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

NORTHWEST MARINE TERMINAL ASSOCIATION

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. section 814.

Agreement No. 6785-7 between the parties of the Northwest Marine Terminal Association modifies the basic agreement of the Association to provide that a member in good standing may appoint and designate an alternate or proxy to act in his place at association meetings.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to this agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 13, 1953.

By order of the Federal Maritime Board.

A. J. Williams,
*Secretary.*

[SEAL]

[F. R. Doc. 53-9708; Filed, Nov. 17, 1953; 8:50 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. SA-287]

ACCIDENT OCCURRING NEAR HALF MOON BAY, CALIFORNIA

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of Australian registration VHBPE, which occurred near Half Moon Bay, California, on October 29, 1953.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, November 17, 1953, at 9:00 a. m. (local time), at the Alameda Hotel, Central Street and Broadway Avenue, Alameda, California.

Dated at Washington, D. C., November 9, 1953.

Van R. O'Brien,
*Presiding Officer.*

[SEAL]

[F. R. Doc. 53-9737; Filed, Nov. 17, 1953; 8:57 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-2256]

EL PASO NATURAL GAS CO.

NOTICE OF AMENDED APPLICATION

NOVEMBER 12, 1953.

Take notice that on October 30, 1953, El Paso Natural Gas Company (Applicant) filed an amendment, entitled Second Supplement to Original Application, to its application in Docket No. G-2256 filed on September 23, 1953, in which amendment it is requested that it be permitted to deliver natural gas to Colorado Interstate Gas Company on an exchange basis in volumes up to 60,000,000 cubic feet per day until at least December 31, 1953, and for such additional time thereafter as may be agreed upon between Applicant and Colorado Interstate Gas Company, in lieu of the delivery of up to 50,000,000 cubic feet per day as requested in the original application. Applicant states that it is informed by Colorado Interstate Gas Company that the latter urgently needs at least 60,000,000 cubic feet of gas per day and that it has available for delivery such volumes of gas during the period specified.

Protests or petitions to intervene relating to the application, as amended, may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 2d day of December 1953. The application, as amended and supplemented, is on file with the Commission and open to public inspection.

Leon M. Fuquay,
*Secretary.*

[SEAL]

[F. R. Doc. 53-9684; Filed, Nov. 17, 1953; 8:45 a. m.]

## HOUSING AND HOME FINANCE AGENCY

### Office of the Administrator

REGIONAL ADMINISTRATIVE OFFICER REGION III (CHICAGO)

REDELEGATION OF AUTHORITY TO EXECUTE CERTAIN CONTRACTS AND AGREEMENTS WITH RESPECT TO ADMINISTRATIVE MATTERS

The Regional Administrative Officer, Region III (Chicago), Office of the Administrator, Housing and Home Finance Agency, is hereby authorized to take the following action with respect to administrative matters within such Region:

Execute contracts and agreements for supplies, equipment, and services (except purely personal services) necessary for the operation and maintenance of field offices in the Region.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C., Sup. V 1701c; Deleg of Authority, effective August 14, 1953, 18 F. R. 6812 (Oct. 28, 1953))

Effective as of the 1st day of October 1953.

John P. McHollum,
*Regional Representative, Region III.*

[F. R. Doc. 53-9711; Filed, Nov. 17, 1953; 8:51 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28644]

PHOSPHATIC FEED SUPPLEMENTS FROM SOUTHERN TERRITORY TO KRAUSE AND MILLSTADT, ILL.

APPLICATION FOR RELIEF

NOVEMBER 13, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., agent, for carriers parties to Agent C. A Spaninger's tariff I. C. C. No. 1395.

Commodities involved: Phosphatic feed supplements, carloads.

From: Points in southern territory.

To: Krause and Millstadt, Illinois.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

George W. Laird,
*Secretary.*

[SEAL]

[F. R. Doc. 53-9694; Filed, Nov. 17, 1953; 8:47 a. m.]

[4th Sec. Application 28645]

SAND AND GRAVEL FROM DICKASON PIT, IND., TO TUSCOLA, ILL.

APPLICATION FOR RELIEF

NOVEMBER 13, 1953

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the Chicago and Eastern Illinois Railroad Company.

Commodities involved: Sand and gravel, unwashed, pit run, carloads.

From: Dickason Pit, Ind.

To: Tuscola, Ill.

Grounds for relief: Wayside pit competition.

Schedules filed containing proposed rate: Chicago & Eastern Illinois Railroad Company, I. C. C. No. 144, supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

George W. Laird,
*Secretary.*

[SEAL]

[F. R. Doc. 53-9695; Filed, Nov. 17, 1953; 8:48 a. m.]

[4th Sec. Application 28646]

PLASTER AND RELATED ARTICLES FROM BLUE RAPIDS AND MEDICINE LODGE, KANS., TO WESTERN TRUNK-LINE AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

NOVEMBER 13, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Plaster and related articles, carloads.

From: Blue Rapids and Medicine Lodge, Kans.

To: Points in western trunk-line and Illinois territories.

Grounds for relief: Rail competition, circuity, to maintain grouping and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3917, supp. 29.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

George W. Laird,
*Secretary.*

[SEAL]

[F. R. Doc. 53-9696; Filed, Nov. 17, 1953; 8:48 a. m.]

[4th Sec. Application 28647]

LIQUID FERTILIZER FROM INDIANAPOLIS, IND., TO FLORIDA

APPLICATION FOR RELIEF

NOVEMBER 13, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Liquid fertilizer, as described in the application, in tank-car loads.

From: Indianapolis, Ind.

To: Jacksonville, South Jacksonville, Hollywood, Homestead, Peters and Ocala, Fla.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates; C. W. Boin, Agent, I. C. C. No. A-984, supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

George W. Laird,
*Secretary.*

[SEAL]

[F. R. Doc. 53-9697; Filed, Nov. 17, 1953; 8:48 a. m.]

[4th Sec. Application 28648]

LIQUID CAUSTIC SODA FROM HUNTSVILLE AND REDSTONE ARSENAL, ALA., TO QUINCY, ILL.

APPLICATION FOR RELIEF

NOVEMBER 13, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Liquid caustic soda, in tank-car loads.

From: Huntsville and Redstone Arsenal, Ala.

To: Quincy, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1351, supp. 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

George W. Laird,
*Secretary.*

[SEAL]

[F. R. Doc. 53-9698; Filed, Nov. 17, 1953; 8:48 a. m.]

[4th Sec. Application 28649]

PIPE OR TUBING FROM MINNEQUA, COLO., TO TEXAS GULF POINTS

APPLICATION FOR RELIEF

NOVEMBER 13, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Pipe or tubing, iron or steel, and related articles, carloads.

From: Minnequa, Colo.

To: Texas Gulf Ports and adjacent points in Texas grouped therewith.

Grounds for relief: Competition with rail carriers, circuitous routes, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3443, supp. 180.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9699; Filed, Nov. 17, 1953; 8:48 a. m.]

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[4th Sec. Application 28650]

IRON OR STEEL CASTINGS FROM BIRMINGHAM, ALA., GROUP TO TOLEDO, OHIO

APPLICATION FOR RELIEF

NOVEMBER 13, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff I. C. C. No. 4527, pursuant to fourth-section order No. 17220.

Commodities involved: Iron or steel castings, in the rough, carloads.

From: Birmingham, Ala., and points grouped therewith.

To: Toledo, Ohio.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9700; Filed, Nov. 17, 1953; 8:48 a. m.]

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ORGANIZATION AND ASSIGNMENT OF WORK

REHEARINGS AND FURTHER PROCEEDINGS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 12th day of November A. D. 1953.

It appearing that by order of October 1, 1953, the order of June 8, 1942, as amended, Organization of Divisions and Assignment of Work, Business, and Functions, was further amended to provide, among other things, to refer effective November 16, 1953, to the Motor Carrier Board, (1) applications for temporary authority for service by common or contract carriers by motor vehicle under section 210a (a) and (2) applications for transfer of certificates or permits of carriers by motor vehicle under section 212 (b) and designating Division Five as an appellate division to which applications or petitions for reconsideration or review of any order, action, or requirement of the Motor Carrier Board shall be assigned;

And it further appearing, that Division Five should be continued for a time as an appellate division for the consideration and disposition of applications for rehearing, reargument, or reconsideration of any decision, order, or requirement of an individual Commissioner made prior to November 16, 1953, in section 210a (a) or section 212 (b) applications:

*It is ordered*, That the said order of October 1, 1953, be, and it is hereby amended, by postponing the effective date of that part of the order which deletes the third and fourth paragraphs in the section *Rehearings and further proceedings* from November 16, 1953, to March 1, 1954.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9712; Filed, Nov. 17, 1953; 8:51 a. m.]

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## DEPARTMENT OF JUSTICE

### Office of Alien Property

RIICHIRO HORI

ORDER EXTENDING TIME FIXED FOR FILING CLAIMS

In accordance with section 34 (b) of the Trading with the Enemy Act, as amended, and by virtue of the authority vested in the Attorney General by said act and Executive Orders Nos. 9788 and 10254, the time fixed by Bar Order No. 6 (14 F. R. 498, February 4, 1949) for the filing of debt claims in respect of Riichiro Hori is hereby extended from July 1, 1949, to January 25, 1954.

Executed at Washington, D. C., this 10th day of November 1953.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 53-9710; Filed, Nov. 17, 1953; 8:51 a. m.]


# FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

VOLUME 18 NUMBER 226

*Washington, Thursday, November 19, 1953*


## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 141; 18 F. R. 3533, 5366) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146; 18 F. R. 2337, 3533, 5366, 5440, 5591) are amended as indicated below:

1. In § 141.204, the section headnote and paragraph (a) are amended to read:

§ 141.204 *Chlortetracycline capsules; tetracycline capsules*—(a) *Potency.* Using 1 capsule of 250 milligrams or 5 capsules of 50 milligrams for each assay and 500 milliliters of water in the blender, proceed as directed in § 141.203 (a) if it is chlortetracycline, or § 141.218 (a) if it is tetracycline. The average potency of the drug is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

2a. In § 141.205, the section headnote and the first sentence of paragraph (a) are amended to read:

§ 141.205 *Chlortetracycline powder; tetracycline powder*—(a) *Potency.* Using a 3-gram sample for each determination, proceed as directed in § 141.203 (a) if it is chlortetracycline powder, or as directed in § 141.218 (a) if it is tetracycline powder. • • •

b. Paragraph (a) is further amended by changing the word "chlortetracycline" in the second sentence to read "chlortetracycline or tetracycline".

3. In § 141.207, the section headnote and paragraph (a) are amended to read:

§ 141.207 *Chlortetracycline tablets; tetracycline tablets*—(a) *Potency.* Proceed as directed in § 141.204 (a). The average potency of the drug is satisfactory if it contains not less than 85 percent of the number of milligrams it is represented to contain.

4. Part 141 is amended by adding the following new section:

§ 141.218 *Tetracycline hydrochloride*—(a) *Potency.* Using the tetracycline hydrochloride working standard as a standard of comparison, proceed as directed in § 141.201 (a), except in the preparation of the standard curve for the turbidimetric assay proceed as follows:

(1) Dilute the stock solution to contain 0.4 microgram per milliliter in lieu of 0.1 microgram per milliliter.

(2) Prepare 10 tubes each of the minimum (0.04 microgram per milliliter) and maximum (0.4 microgram per milliliter) concentrations diluted for the standard curve and use these solutions to adjust the photoelectric colorimeter.

(3) Use the 0.24 microgram per milliliter concentration of the standard curve as the reference point.

(4) Dilute the sample to be tested to contain an estimated concentration of 0.24 microgram per milliliter in lieu of 0.06 microgram per milliliter.

(b) *Sterility and toxicity.* Proceed as directed in § 141.201 (b) and (c).

(c) *Pyrogens.* Proceed as directed in § 141.3, using as a test dose 1.0 milliliter per kilogram of an aqueous solution containing 500 micrograms per milliliter.

(d) *Histamine, moisture, pH, and crystallinity.* Proceed as directed in § 141.201 (e), (f), and (g) and § 141.5 (c).

(e) *Extinction coefficient.* Dissolve approximately 40 milliliters of the

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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## CODIFICATION GUIDE

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sample, accurately weighed, in approximately 150 milliliters of distilled water by mixing thoroughly. Dilute to exactly 250 milliliters with distilled water and mix thoroughly. Transfer a 10.0-milliliter aliquot of this solution to a 100-milliliter volumetric flask, add about 75 milliliters of distilled water and 5.0 milliliters of 5 *N* NaOH, and then make to 100 milliliters with water and mix thoroughly. Exactly 6 minutes after the addition of the NaOH, determine the absorbency of the solution at 380 mμ compared with distilled water as a blank. Use a suitable spectrophotometer for the absorbency measurements.

$$E^{1\%}_{1\ cm} \text{ of the sample} = \frac{\text{Absorbency at 380 m}\mu \times 25{,}000}{\text{Weight of sample in milligrams}}$$

5 Section 146.204 is amended as follows:

a. The headnote is amended to read: "§ 146.204 *Chlortetracycline capsules (chlortetracycline hydrochloride capsules); tetracycline capsules (tetracycline hydrochloride capsules).*"

b. In paragraph (a) *Standards of identity* * * *, the first sentence is amended to read: "Chlortetracycline capsules and tetracycline capsules are capsules composed of crystalline chlortetracycline or tetracycline, with or without one or more suitable sufonamides and with or without one or more suitable and harmless buffer substances, preservatives, diluents, binders, lubricants, colorings and flavorings, enclosed in a gelatin capsule."

c. Paragraph (a) is further amended by inserting the following new sentence between the fourth and fifth sentences: "The tetracycline used conforms to the requirements of § 146.218 (a), except subparagraphs (2), (4), and (5) of that paragraph."

d. In paragraph (b) *Packaging*, first sentence, the word "chlortetracycline" is deleted.

e. In the introduction of paragraph (c) *Labeling*, the words "of chlortetracycline capsules" are deleted.

f. Paragraph (c) (1) (iv) is amended to read:

(iv) The statement "Expiration date ——," the blank being filled in with the date which is 48 months after the month during which the batch was certified if it is chlortetracycline hydrochloride, or with the date which is 24 months after the month during which the batch was certified if it is tetracycline hydrochloride.

g. In paragraph (c) (3) the words "'chlortetracycline capsules'" are changed to read "'chlortetracycline capsules or tetracycline capsules'".

h. In subparagraph (1) of paragraph (d) *Request for certification* * * *, the words "of chlortetracycline capsules" are deleted and the words "the chlortetracycline used" are changed to read "the chlortetracycline or tetracycline used".

i. In paragraph (d) (2) (ii) and (3) (ii) the words "The chlortetracycline used" are changed to read "The chlortetracycline or tetracycline used".

j. In the introduction of paragraph (e) *Fees*, the words "of chlortetracycline capsules" are deleted.

6 Section 146.205 is amended as follows:

a. The headnote is amended to read: "§ 146.205 *Chlortetracycline powder (chlortetracycline hydrochloride powder); tetracycline powder (tetracycline hydrochloride powder).*"

b. In paragraph (a) *Standards of identity* * * *, the first clause in the first sentence is changed to read: "Chlortetracycline powder and tetracycline powder is crystalline chlortetracycline or tetracycline,".

c. In paragraph (a), second sentence, the word "chlortetracycline" is changed to read "chlortetracycline or tetracycline".

d. Paragraph (a) is further amended by inserting the following new sentence between the fourth and fifth sentences: "The tetracycline used conforms to the requirements of § 146.218 (a), except subparagraphs (2), (4), and (5) of that paragraph."

e. In paragraph (b) *Packaging*, first sentence, the words "of chlortetracycline powder" are deleted.

f. In the introduction of paragraph (c) *Labeling*, delete the words "of chlortetracycline powder".

g. In paragraph (c) (1) (ii) the word "chlortetracycline" is changed to read "chlortetracycline or tetracycline", in both places that it appears.

h. In subparagraph (1) of paragraph (d) *Request for certification* * * *, delete the words "of chlortetracycline powder" and change the words "chlortetracycline used" to read "chlortetracycline or tetracycline used".

i. In paragraph (d) *Request for certification* * * *, subparagraphs (2) (ii) and (3) (ii) are amended by changing the words "The chlortetracycline used" to read "The chlortetracycline or tetracycline used".

j. In the introduction of paragraph (e) *Fees*, the words "of chlortetracycline powder" are deleted.

7. Section 146.207 is amended to read:

§ 146.207 *Chlortetracycline tablets (chlortetracycline hydrochloride tablets); tetracycline tablets (tetracycline hydrochloride tablets).* Chlortetracycline tablets and tetracycline tablets are tablets that conform to all requirements, and are subject to all procedures prescribed by § 146.204 for chlortetracycline capsules and tetracycline capsules.

8. Part 146 is amended by adding the following new section:

§ 146.218 *Tetracycline hydrochloride*—(a) *Standards of identity, strength, quality, and purity.* Tetracycline hydrochloride is the crystalline hydrochloride salt of the deschloro derivative of a kind of chlortetracycline or a mixture of two or more such salts. It is so purified and dried that:

(1) Its potency is not less than 900 micrograms per milligram.

(2) It is sterile.

(3) It is nontoxic.

(4) It is nonpyrogenic.

(5) It contains no histamine nor histamine-like substance.

(6) Its moisture content is not more than 2 percent.

(7) Its pH in a saturated aqueous solution is not less than 1.8 and not more than 2.8, except if it is intended for use by injection its pH is not less than 2.0 and not more than 3.0.

(8) Its extinction coefficient $E^{1\%}_{1\ cm}$ is 372 ±15 at 380 mμ.

(b) *Packaging; labeling; request for certification, check tests and assays, samples; fees.* Tetracycline hydrochloride conforms to all the requirements and procedures prescribed for chlortetracycline hydrochloride by § 146.201 (b), (c), (d), and (e), except that it shall be labeled with an expiration date which is 24 months after the month during which the batch was certified.

(Sec. 701, 52 Stat. 1055, 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: November 13, 1953.

[SEAL] NELSON A. ROCKEFELLER,
*Acting Secretary.*

[F R Doc 53-9749; Filed, Nov. 18 1953; 8:50 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter IV—Joint Regulations of the Armed Forces

Subchapter A—Armed Services Procurement Regulation

PART 406—CONTRACT CLAUSES AND FORMS

SUBPART B—CLAUSES FOR COST-REIMBURSEMENT TYPE SUPPLY CONTRACTS

A new Subpart B of this part has been added prescribing uniform clauses for cost-reimbursement type supply contracts entered into on a cost or cost-plus-a-fixed-fee basis for supplies other than (a) the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property, (b) experimental, developmental or research work, or (c) facilities to be provided by the Government under a facilities contract. These contract clauses, as set forth in § 467.201 shall be inserted in all cost-reimbursement type supply contracts executed on or after January 1, 1954, or with respect to which procurement is initiated on or after December 1953. Use of such contract clauses is authorized from the date of issuance of this revision.

Sec.
406.200 Scope of subpart.
406.201 Effective date of subpart.
406.202 Applicability.

Sec.
406.203 Required clauses.
406.203-1 Definitions.
406.203-2 Changes.
406.203-3 Limitation of cost.
406.203-4 Allowable cost, fixed fee and payment.
406.203-5 Inspection of supplies and correction of defects.
406.203-6 Assignment of claims.
406.203-7 Records.
406.203-8 Subcontracts.
406.203-9 Utilization of small business concerns.
406.203-10 Termination.
406.203-11 Excusable delays.
406.203-12 Disputes.
406.203-13 Notice and assistance regarding patent infringement.
406.203-14 Buy American Act.
406.203-15 Convict labor.
406.203-16 Eight-Hour Law of 1912.
406.203-17 Walsh-Healey Public Contracts Act.
406.203-18 Nondiscrimination in employment.
406.203-19 Officials not to benefit.
406.203-20 Covenant against contingent fees.
406.203-21 Government property.
406.203-22 Insurance—liability to third persons.
406.204 Clauses to be used when applicable.
406.204-1 Davis-Bacon Act.
406.204-2 Copeland Act.
406.204-3 Employment of aliens.
406.204-4 Neutrality Act of 1939.
406.204-5 Filing of patent applications.
406.204-6 Patent indemnity.
406.204-7 Reporting of royalties.
406.204-8 Copyright.
406.204-9 Renegotiation.
406.204-10 Vinson-Trammell Act.
406.204-11 Military security requirements.
406.204-12 Domestic food or clothing.
406.204-13 Gratuities.
406.205 Additional clauses.
406.205-1 Alteration in contract.
406.205-2 Approval of contract.
406.205-3 Notice to the Government of labor disputes.
406.205-4 Authorization and consent.
406.205-5 Bill of materials.
406.205-6 Federal, State, and local taxes.

AUTHORITY: §§ 406.200 to 406.205-6 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21, 41 U. S. C. 151-161.

§ 406.200 *Scope of subpart.* This subpart sets forth uniform contract clauses for use in cost-reimbursement type supply contracts as defined in § 406.202.

§ 406.201 *Effective date of subpart.* Notwithstanding any earlier effective date prescribed elsewhere in this subchapter, the contract clauses set forth or referred to in this subpart shall be inserted, as hereinafter prescribed, in all cost-reimbursement type supply contracts executed on or after 1 January 1954 or with respect to which procurement is initiated on or after 1 December 1953. Use of the contract clauses set forth or referred to herein is authorized from the date of issuance.

§ 406.202 *Applicability.* As used throughout this subpart, the term "cost reimbursement type supply contract" shall mean any contract (other than a letter contract, letter of intent, preliminary notice of award, or amendment or modification to a contract) entered into on a cost or cost-plus-a-fixed-fee basis as covered in §§ 402.404 to 402.406 of this subchapter for supplies other than (a) the construction, alteration or repair of buildings, bridges, roads, or other kinds of real property, (b) experimental, developmental, or research work, or (c) facilities to be provided by the Government under a "facilities contract" as defined in Part 412 of this subchapter.

§ 406.203 *Required clauses.* The following clauses shall be inserted in all cost-reimbursement type supply contracts.

§ 406.203-1 *Definitions.* Insert the contract clause set forth in § 406.103-1. Additional definitions may be included in such clause provided they are not inconsistent with such clause or the provisions of this subchapter.

§ 406.203-2 *Changes.*

CHANGES

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (i) drawings, designs, or specifications, where the supplies to be furnished are to be specially manufactured for the Government in accordance therewith; (ii) method of shipment or packing, (iii) place of delivery; and (iv) the amount of Government-furnished property. If any such change causes an increase or decrease in the estimated cost of, or the time required for, performance of this contract, or otherwise affects any other provision of this contract, an equitable adjustment shall be made (i) in the estimated cost or delivery schedule, or both, (ii) in the amount of any fixed fee to be paid to the Contractor, and (iii) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change; provided, however, that the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

In the foregoing clause, the period of "thirty (30) days" within which any claim for adjustment must be asserted may be varied in accordance with Department procedures.

In the interest of economy, the Government has a basic responsibility fully to utilize its property. Consistent therewith the Government has reserved the right in the above clause to make changes in the amount of Government-furnished property, including the right to increase the amount of Government-furnished property. Prior to exercising the right to increase the amount of Government-furnished property, Contracting Officers will consider fully any inequities which may result to the Contractor as against the net benefits which may accrue to the Government.

§ 406.203-3 *Limitation of cost.*

LIMITATION OF COST

(a) It is estimated that the total cost to the Government, exclusive of any fixed fee, for the performance of this contract will not exceed the estimated cost set forth in the Schedule, and the Contractor agrees to use its best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost. If at any time the Contractor has reason to believe that the costs which it expects to incur in the performance of this contract in the next succeeding thirty (30) days, when added to all costs previously incurred will exceed eighty-five percent (85%) of the estimated cost then set forth in the Schedule, or if at any time, the Contractor has reason to believe that the total cost to the Government, exclusive of any fixed fee, for the performance of this contract will be substantially greater or less than the then estimated cost thereof, the Contractor shall notify the Contracting Officer in writing to that effect, giving its revised estimate of such total cost for the performance of this contract.

(b) The Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost set forth in the Schedule, and the Contractor shall not be obligated to continue performance under the contract or to incur costs in excess of the estimated cost set forth in the Schedule, unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. When and to the extent that the estimated cost set forth in the Schedule has been increased, any costs incurred by the Contractor in excess of such estimated cost prior to the increase in estimated cost shall be allowable to the same extent as if such costs had been incurred after such increase in estimated cost.

§ 406.203-4 *Allowable cost, fixed fee, and payment.*

ALLOWABLE COST, FIXED FEE, AND PAYMENT

(a) For the performance of this contract the Government shall pay to the Contractor the cost thereof determined by ------* to be allowable in accordance with Subpart B of Part 414 of the Armed Services Procurement Regulation as in effect on the date of this contract and the Schedule (hereinafter referred to as "Allowable Cost"), plus such fixed fee, if any, as may be provided for in the Schedule.

(b) Once each month (or at more frequent intervals, if approved by ------*) the Contractor may submit to an authorized representative of ----------*, in such form and reasonable detail as such representative may require, an invoice or public voucher supported by a statement of cost incurred by the Contractor in the performance of this contract and claimed to constitute Allowable Cost. Each statement of cost shall be certified by an officer or other responsible official of the Contractor authorized by it to certify such statements.

(c) As promptly as may be practicable after receipt of each invoice or voucher and statement of cost, the Government shall, except as hereinafter provided and subject to the provisions of paragraph (d) below, make payment thereon as approved by ------*. After payment of eighty-five percent (85%) of the fixed fee set forth in the Schedule, as from time to time amended, further payment on account of the fixed fee shall be withheld until a reserve of either (i) fifteen percent (15%) of the total fixed fee or (ii) $100,000, whichever amount is less, shall have been set aside, such reserve or the balance thereof to be retained until the execution and delivery of a release by the Contractor as provided in paragraph (e) hereof.



(d) At any time or times prior to final payment under this contract ------* may cause to be made such audit of the invoices or vouchers and statements of cost as shall be deemed necessary. Each payment theretofore made shall be subject to reduction to the extent of amounts included in the related invoice or voucher and statement of cost which are found by ------* on the basis of such audit not to constitute Allowable Cost, and shall also be subject to reduction for overpayments or to increase for underpayments on preceding invoices or vouchers. On receipt of the voucher or invoice designated by the Contractor as the "completion voucher" or "completion invoice" and statement of cost, which shall be submitted by the Contractor as promptly as may be practicable following completion of the work under this contract but in no event later than one (1) year (or such longer period as the Contracting Officer may, in his discretion, approve in writing) from the date of such completion, and following compliance by the Contractor with all provisions of this contract (including, without limitation, provisions relating to patents and the provisions of paragraphs (e) and (f) of this clause), the Government shall as promptly as may be practicable pay any balance of Allowable Cost.

(e) The Contractor and each assignee under an assignment entered into under this contract and in effect at the time of final payment under this contract shall execute and deliver at the time of and as a condition precedent to final payment under this contract, a release discharging the Government, its officers, agents and employees of and from all liabilities, obligations, and claims a rising out of or under this contract, subject only to the following exceptions:

(1) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor.

(2) Claims together with reasonable expenses incidental thereto, based upon the liabilities of the Contractor to third parties arising out of the performance of the contract, which are not known to the Contractor on the date of the execution of the release, and of which the Contractor gives notice in writing to the Contracting Officer not more than six (6) years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier.

(3) Claims for reimbursement of costs (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of the contract relating to patents.

(f) The Contractor agrees that any refunds, rebates or credits (including any interest thereon) accruing to or received by the Contractor or any assignee which arise out of the performance of this contract and on account of which the Contractor has received reimbursement shall be paid by the Contractor to the Government. The Contractor and each assignee under an assignment entered into under this contract and in effect at the time of final payment under this contract shall execute and deliver at the time of and as a condition precedent to final payment under this contract, an assignment to the Government of refunds, rebates or credits (including any interest thereon) arising out of the performance of this contract, in form and substance satisfactory to the Contracting Officer. Reasonable expenses incurred by the Contractor for the purpose of securing any such refunds, rebates or credits shall constitute Allowable Cost when approved by the Contracting Officer.

(g) Any cost incurred by the Contractor under the terms of this contract which would constitute Allowable Cost under the provisions of this clause shall be included in determining the amount payable under this contract, notwithstanding any provisions contained in the specifications or other documents incorporated in this contract by reference, designating services to be performed or materials to be furnished by the Contractor at its expense or without cost to the Government.

(h) Payment of the fixed fee shall be made to the Contractor as provided in the Schedule subject, however, to the withholding provisions of paragraph (c) hereof.

In the foregoing clause, insert, in contracts of the Department of the Army and the Department of the Air Force, the words "the Contracting Officer," and insert, in contracts of the Department of the Navy, the words "the Bureau of Supplies and Accounts (Cost Inspection Service)," in the space designated by an asterisk (------*).

This clause may be varied in accordance with Department procedures by insertion in the Schedule of appropriate provisions relating to negotiated overhead rates.

In paragraph (c) of the foregoing clause, the percentages and amounts set forth therein may be varied in accordance with Department procedures.

In paragraph (e) (2) of the foregoing clause, the period of six (6) years may be increased to correspond with any statutory period of limitation applicable to claims of third parties against the Contractor provided that a corresponding increase is made in the period for retention of records required in paragraph (a) (4) of the clause set forth in § 406.203-7.

In the case of cost-reimbursement type supply contracts without fee (a) insert the following sentence in lieu of the second sentence of paragraph (c) of the foregoing clause: "After payment of eighty percent (80%) of the total estimated cost of performance of this contract, as from time to time amended, further payment on account of Allowable Cost shall be withheld until a reserve of either (i) one percent (1%) of such total estimated cost or (ii) $100,000, whichever amount is less, shall have been set aside, such reserve or the balance thereof to be retained until the execution and delivery of a release by the Contractor as provided in paragraph (e) hereof."

and (b) delete paragraph (h) of the foregoing clause.

§ 406.203-5 *Inspection of supplies and correction of defects.*

INSPECTION OF SUPPLIES AND CORRECTION OF DEFECTS

(a) All supplies (which term throughout this clause includes without limitation raw materials, components, intermediate assemblies, and end products) shall be subject to inspection and test by the Government, to the extent practicable at all times and places including the period of manufacture, and in any event prior to final acceptance. The Contractor shall provide and maintain an inspection system acceptable to the Government covering the supplies, fabricating methods, and special tooling hereunder. The Government, through any authorized representative, may inspect the plant or plants of the Contractor or of any of its subcontractors engaged in the performance of this contract.

If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor shall provide and shall require subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. All inspections and tests by the Government shall be performed in such a manner as will not unduly delay the work. Except as otherwise provided in this contract, final acceptance of any supplies or lots of supplies shall be made as promptly as practicable after delivery thereof and shall be deemed to have been made no later than sixty (60) days after the date of such delivery if final acceptance has not been made earlier within such period.

(b) At any time during performance of this contract, but not later than six (6) months (or such other period as may be provided in the Schedule) after final acceptance of the supplies or lots of supplies last delivered in accordance with the requirements of this contract, the Government may require the Contractor to remedy by correction or replacement, as directed by the Contracting Officer, any supplies or lots of supplies which at the time of delivery thereof are defective in material or workmanship or otherwise not in conformity with the requirements of this contract. Except as otherwise provided in paragraph (c) hereof, the cost of any such replacement or correction shall be included in Allowable Cost determined as provided in the clause of this contract entitled "Allowable Cost, Fixed Fee and Payment," but no additional fee shall be payable with respect thereto. Such supplies or lots of supplies shall not be tendered again for acceptance, unless the former tender and the requirement of correction is disclosed. If the Contractor fails to proceed with reasonable promptness to replace or correct such supplies or lots of supplies, the Government (i) may by contract or otherwise replace or correct such supplies and charge to the Contractor any increased cost occasioned the Government thereby, or may reduce any fixed fee payable under this contract (or require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances, or (ii) in the case of supplies not delivered, may require the delivery of such supplies, and shall have the right to reduce any fixed fee payable under this contract (or to require repayment of any fixed fee theretofore paid) in such amount as may be equitable under the circumstances, or (iii) may terminate this contract for default as provided in the clause of this contract entitled "Termination." Failure to agree to the amount of any such increased cost to be charged to the Contractor or to such reduction in, or repayment of, the fixed fee shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) Notwithstanding the provisions of paragraph (b) hereof, the Government may at any time require the correction or replacement by the Contractor, without cost to the Government, of supplies or lots of supplies which are defective in material or workmanship, or otherwise not in conformity with the requirements of this contract, if such defects or failures are due to fraud, lack of good faith or willful misconduct on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives, who has supervision or direction of (i) all or substantially all of the Contractor's business, or (ii) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is being performed, or (iii) a separate and complete major industrial operation in connection with the performance of this contract. Fraud, lack of good faith or willful misconduct on the part of any of

such supervisory personnel shall be deemed to include the selection of individual employees or the retention of employees after any of such supervisory personnel has reason to believe that such employees are habitually careless of otherwise unqualified.

(d) Corrected supplies or replaced supplies shall be subject to the provisions of this clause in the same manner and to the same extent as supplies originally delivered under this contract.

(e) The Contractor shall make its records of all inspection work available to the Government during the performance of this contract and for such longer period as may be specified in this contract.

(f) Except as provided in this clause and as may be provided in the Schedule, the Contractor shall have no obligation or liability to correct or replace supplies or lots of supplies which at the time of delivery are defective in material or workmanship or otherwise not in conformity with the requirements of this contract.

(g) Except as otherwise provided in the Schedule, the Contractor's obligation to correct or replace Government-furnished property (which is property in the possession of or acquired directly by the Government and delivered or otherwise made available to the Contractor) shall be governed by the provisions of the clause of this contract entitled "Government Property."

§ 406.203–6 *Assignment of claims.* In accordance with the instructions set forth in § 406.103–8, insert the contract clause set forth in § 406.103–8.

§ 406.203–7 *Records.*

RECORDS

(a) (1) The Contractor agrees to maintain books, records, documents and other evidence pertaining to the costs and expenses of this contract (hereinafter collectively called the "records") to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies and services, and other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this contract. The Contractor's accounting procedures and practices shall be subject to the approval of ------*: *Provided, however,* That no material change will be required to be made in the Contractor's accounting procedures and practices if they conform to generally accepted accounting practices and if the costs properly applicable to this contract are readily ascertainable therefrom.

(2) The Contractor agrees to make available at the office of the Contractor at all reasonable times during the period set forth in subparagraph (4) below any of the records for inspection, audit or reproduction by any authorized representative of the Department or of the Comptroller General.

(3) In the event the Comptroller General or any of his duly authorized representatives determines that his audit of the amounts reimbursed under this contract as transportation charges will be made at a place other than the office of the Contractor, the Contractor agrees to deliver, with the reimbursement voucher covering such charges or as may be otherwise specified within two years after reimbursement of charges covered by any such voucher, to such representative as may be designated for that purpose through ------* such documentary evidence in support of transportation costs as may be required by the Comptroller General or any of his duly authorized representatives.

(4) Except for documentary evidence delivered to the Government pursuant to subparagraph (3) above, the Contractor shall preserve and make available its records for a period of six years (unless a longer period of time is provided by applicable statute) from the date of the voucher or invoice submitted by the Contractor after the completion of the work under the contract and designated by the Contractor as the "completion voucher" or "completion invoice" or, in the event this contract has been completely terminated, from the date of the termination settlement agreement: *Provided, however,* That records which relate to (A) appeals under the clause of this contract entitled "Disputes," (B) litigation or the settlement of claims arising out of the performance of this contract, or (C) costs or expenses of the contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall be retained by the Contractor until such appeals, litigation, claims or exceptions have been disposed of, but in no event for less than the six-year period mentioned above.

(5) Except for documentary evidence delivered pursuant to subparagraph (3) above, and the records described in the proviso of subparagraph (4) above, the Contractor may in fulfillment of its obligation to retain its records as required by this clause substitute photographs, microphotographs or other authentic reproductions of such records, after the expiration of two years following the last day of the month of reimbursement to the Contractor of the invoice or voucher to which such records relate, unless a shorter period is authorized by the Contracting Officer with the concurrence of the Comptroller General or his duly authorized representative.

(6) The provisions of this paragraph (a), including this subparagraph (6), shall be applicable to and included in each subcontract hereunder which is on a cost, cost-plus-a-fixed-fee, time-and-material or labor-hour basis.

(b) The Contractor further agrees to include in each of his subcontracts hereunder, other than those set forth in subparagraph (a) (6) above, a provision to the effect that the subcontractor agrees that the Comptroller General or the Department, or any of their duly authorized representatives, shall, until the expiration of three years after final payment under the subcontract, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor involving transactions related to the subcontract. The term "subcontract," as used in this paragraph (b) only, excludes (i) purchase orders not exceeding $1,000 and (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

In the foregoing clause, insert, in contracts of the Department of the Army and the Department of the Air Force, the words "the Contracting Officer," and insert, in contracts of the Department of the Navy, the words "the Bureau of Supplies and Accounts (Cost Inspection Service)," in the space designated by an asterisk (------*).

§ 406.203–8 *Subcontracts.*

(a) The Contractor shall give advance notification to the Contracting Officer of any proposed subcontract hereunder which (i) is on a cost or cost-plus-a-fixed-fee basis, or (ii) is on a fixed-price basis exceeding in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract.

(b) The Contractor shall not, without the prior written consent of the Contracting Officer place any subcontract which (i) is on a cost or cost-plus-a-fixed-fee basis, or (ii) is on a fixed-price basis exceeding in dollar amount either $25,000 or five percent (5%) of the total estimated cost of this contract, or (iii) provides for the fabrication, purchase, rental, installation or other acquisition, of any item of industrial facilities, or of special tooling having a value in excess of $1,000, or (iv) is on a time-and-material or labor-hour basis. The Contracting Officer may, in his discretion, ratify in writing any such subcontract; such action shall constitute the consent of the Contracting Officer as required by this paragraph (b).

(c) The Contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(d) The Contracting Officer may, in his discretion, specifically approve in writing any of the provisions of a subcontract. However, such approval or the consent of the Contracting Officer obtained as required by this clause shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost.

(e) The Contractor shall give the Contracting Officer immediate notice in writing of any action or suit filed, and prompt notice of any claim made against the Contractor by any subcontractor or vendor which, in the opinion of the Contractor, may result in litigation, related in any way to this contract with respect to which the Contractor may be entitled to reimbursement from the Government.

In paragraph (a) of the foregoing clause, the percentage and amount set forth therein may be revised downward only in accordance with Department procedures. In paragraph (b) of the foregoing clause, the percentage and amount set forth in (ii) thereof may be varied, the dollar amount set forth in (iii) may be increased, and in (i) and (iv) thereof dollar amounts may be established below which the prior written consent of the Contracting Officer need not be obtained, in accordance with Department procedures.

§ 406.203–9 *Utilization of small business concerns.* Insert the contract clause set forth in § 406.104–14, except in those contracts entered into with foreign contractors which are to be performed outside of the continental limits of the United States, its territories and possessions.

§ 406.203–10 *Termination.* Insert the contract clause set forth in § 407.702 of this subchapter, deleting from such clause paragraph (k) thereof.

§ 406.203–11 *Excusable delays.*

The Contractor shall not be in default by reason of any failure in performance of this contract in accordance with its terms (including any failure by the Contractor to make progress in the prosecution of the work hereunder which endangers such performance) if such failure arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes include, but are not restricted to: acts of God or of the public enemy; acts of the Government; fires; floods; epidemics; quarantine restrictions; strikes; freight embargoes; unusually severe weather; and failure of subcontractors to perform or make progress due to such causes, unless the Contracting Officer shall have determined that the supplies or services to be furnished under the subcontract were obtainable from other sources and shall have ordered the Contractor in writing to procure such services or supplies from such other sources, and the Contractor shall have failed reasonably to comply with such order. Upon request of the Contractor, the Contracting Officer shall ascertain the facts and extent of such failure and, if he shall determine that such failure was occasioned



by any one or more of the said causes, the delivery schedule shall be revised accordingly.

§ 406.203–12 *Disputes.* Insert the contract clause set forth in § 406.103–12. In accordance with Department procedures, the foregoing clause may be modified to provide for (a) decision by the activity within a Department performing audit functions of any dispute concerning a question as to allowability of cost, and (b) intermediate appeal to the Head of the Procuring Activity concerned. The decision of the Contracting Officer or of the Activity performing the audit function shall, if mailed, be sent by registered mail return receipt requested.

§ 406.203–13 *Notice and assistance regarding patent infringement.* Insert the contract clause set forth in § 408.102 of this subchapter.

§ 406.203–14 *Buy American Act.* Insert the contract clause set forth in § 411.103–14.

§ 406.203–15 *Convict labor.* Insert the contract clause set forth in § 411.203 of this subchapter.

§ 406.203–16 *Eight-Hour Law of 1912.* Insert the contract clause set forth in § 411.303–1 of this subchapter. Note the mandatory provision required by § 411.303–2 of this subchapter in the case of contracts with a State or political subdivision thereof.

§ 406.203–17 *Walsh-Healey Public Contracts Act.* Insert the contract clause set forth in § 411.604 of this subchapter.

§ 406.203–18 *Nondiscrimination in employment.* Insert the contract clause set forth in § 411.603 of this subchapter.

§ 406.203–19 *Officials not to benefit.* Insert the contract clause set forth in § 406.103–19.

§ 406.203–20 *Covenant against contingent fees.* Insert the contract clause set forth in § 406.103–20.

§ 406.203–21 *Government property.* Insert the contract clause set forth in § 407.703 of this subchapter.

§ 406.203–22 *Insurance; liability to third persons.*

(a) The Contractor shall procure and thereafter maintain workmen's compensation, employer's liability, comprehensive general liability (bodily injury) and comprehensive automobile liability (bodily injury and property damage) insurance, with respect to performance under this contract, and such other insurance as ------* may from time to time require with respect to performance under this contract, provided, that the Contractor in fulfillment of its obligation to procure workmen's compensation insurance may, with the approval of ------*, and pursuant to statutory authority, maintain a self-insurance program. All insurance required pursuant to the provisions of this paragraph shall be in such form, in such amounts, and for such periods of time as ------* may from time to time require or approve, and with insurers approved by ------*.

(b) The Contractor agrees to the extent and in the manner required by ------* to submit for the approval of ------* any other insurance maintained by the Contractor in connection with the performance of this contract and for which the Contractor seeks reimbursement hereunder.

(c) The Contractor shall be reimbursed: (i) For the portion allocable to this contract of the reasonable cost of insurance as required or approved pursuant to the provisions of this clause, and (ii) for liabilities to third persons for loss or damage to property (other than property (A) owned, occupied or used by the Contractor or rented to the Contractor or (B) in the care, custody, or control of the Contractor), or for death or bodily injury, not compensated by insurance or otherwise, arising out of the performance of this contract, whether or not caused by the negligence of the Contractor, its agents, servants or employees, provided such liabilities are represented by final judgments or by settlements approved in writing by the Government, and expenses incidental to such liabilities (except liabilities (i) for which the Contractor is otherwise responsible under the express terms of the clause or clauses, if any, specified in the Schedule, or (ii) with respect to which the Contractor has failed to insure as required or maintain insurance as approved by ------*, or (iii) which result from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of the managers, superintendents, or other equivalent representative, who has supervision or direction of (1) all or substantially all of the Contractor's business or (2) all or substantially all of the Contractor's operations at any one plant or separate location in which this contract is performed, or (3) a separate and complete major industrial operation in connection with the performance of this contract. The foregoing shall not restrict the right of the Contractor to be reimbursed for the cost of workmen's compensation insurance required by the statutes of any State in which such statutes are applicable to operations performed hereunder, or for such self-insurance as may be approved by ------*, or for such other insurance as may be required by law in connection with the performance of this contract, to the extent that the cost and expense of such insurance are reasonable in the circumstances and not contrary to the provisions of this contract and the risk of which is not otherwise insured or which is assumed by the Government: *Provided, however,* That the Contractor shall not be reimbursed by the Government in an amount in excess of any amounts received by the Contractor as indemnity covered under the insurance, or otherwise, on account of any risk with respect to which the Contractor is required to maintain insurance hereunder.

In the foregoing clause, insert, in the contracts of the Department of the Army and the Department of the Air Force, the words "the Contracting Officer," and insert, in the contracts of the Department of the Navy, the words "the Department," in the space designated by an asterisk (------*).

§ 406.204 *Clauses to be used when applicable.*

§ 406.204–1 *Davis-Bacon Act.* In accordance with the requirements of Subpart D of Part 411 of this subchapter, insert the applicable contract clauses set forth in § 411.403–1 or § 411.403–4 of this subchapter, as the case may be.

§ 406.204–2 *Copeland Act.* In accordance with the requirements of Subpart D of Part 411 of this subchapter, insert the applicable contract clauses set forth in § 411.403–1 or § 411.403–4 of this subchapter, as the case may be.

§ 406.204–3 *Employment of aliens.* In accordance with the requirements of § 406.104–3, insert the contract clause set forth in § 406.104–3.

§ 406.204–4 *Neutrality Act of 1939.* In accordance with the requirements of § 406.104–4 insert the contract clause set forth in § 406.104–4.

§ 406.204–5 *Filing of patent applications.* In accordance with the requirements of § 408.104 of this subchapter, insert the contract clause set forth in § 408.104 of this subchapter.

§ 406.204–6 *Patent indemnity.* In accordance with the requirements of § 408.105 of this subchapter, insert the contract clause set forth in § 408.105 of this subchapter.

§ 406.204–7 *Renegotiation.* In accordance with the requirements of § 418.103 of this subchapter, insert the contract clause set forth in § 418.103 of this subchapter.

§ 406.204–8 *Competition in subcontracting.* In accordance with the requirements of Subpart B of Part 409 of this subchapter, insert the contract clause set forth in § 409.204 of this subchapter, as the case may be.

§ 406.204–9 *Renegotiation.* In accordance with the requirements set forth in § 406.104–10, insert the contract clause set forth in § 406.104–10.

§ 406.204–10 *Walsh-Healey Act.* In accordance with the instructions set forth in § 406.104–11 insert the appropriate contract clause set forth in § 406.104–11.

§ 406.204–11 *Military security requirements.* In accordance with the requirements of § 406.104–12, insert the contract clause set forth in § 406.104–12, deleting paragraphs (c) and (f) therefrom and substituting therefor the following paragraphs (c) and (f):

(c) Subsequent to the date of this contract, the security classifications or requirements under this contract are changed by the Government as provided in this clause, and if such changes cause an increase or decrease in the estimated cost of performance of this contract, the estimated cost and fixed fee, if any, shall, to the extent appropriate, be subject to an equitable adjustment. Any such equitable adjustment shall be accomplished in the manner set forth in the clause of this contract entitled "Changes."

(f) The Contractor agrees to insert in all subcontracts hereunder which involve access to classified security information, provisions which shall conform substantially to the language of this clause, including this paragraph (f) but excluding paragraph (c) of this clause. The Contractor may insert in any such subcontract and any such subcontract entered into thereunder may contain, in turn

of paragraph (e) of this clause, provisions which permit equitable adjustments to be made in the subcontract price or in the estimated cost and fixed fee of the subcontract (as appropriate to the type of subcontract involved) on account of changes in security classifications or requirements made under the provisions of this clause subsequent to the date of the subcontract involved.

§ 406.204-12 *Domestic food or clothing.* In accordance with the requirements of § 406.104-13, insert the contract clause set forth in § 406.104-13.

§ 406.204-13 *Gratuities.* In accordance with the requirements of § 406.104-16, insert the contract clause set forth in § 406.104-16.

§ 406.205 *Additional clauses.* The following clauses shall be inserted in cost-reimbursement type supply contracts in accordance with Department procedures when it is desired to cover the subject matter thereof in such contracts.

§ 406.205-1 *Alteration in contract.* The contract clause set forth in § 406.105-1 may be inserted.

§ 406.205-2 *Approval of contract.* The contract clause set forth in § 406.105-2 may be inserted.

§ 406.205-3 *Notice to the Government of labor disputes.* The contract clause set forth in § 406.105-3 may be inserted.

§ 406.205-4 *Authorization and consent.* The contract clause set forth in § 406.106 of this subchapter may be inserted pursuant to the provisions of § 406.106 of this subchapter.

§ 406.205-5 *Bill of materials.* The contract clause set forth in § 406.106-7 of this regulation may be inserted pursuant to the provisions of § 406.106-7.

§ 406.205-6 *Federal, State, and local taxes.* [Reserved]

T. P. FIKE,
*Deputy Assistant Secretary of Defense.*

[F. R. Doc. 53-9724; Filed, Nov. 13, 1953; 8:46 a. m.]

## Chapter VI—Department of the Navy

### Subchapter F—Islands Under Navy Jurisdiction

### PART 761—GUAM NAVAL DEFENSIVE SEA AREA AND NAVAL AIRSPACE RESERVATION

Part 761 is revised to read as follows:

Sec.
761.1 Entry of persons into the Guam Island Naval Defensive Sea Area.
761.2 Navigation of vessels or other craft other than public vessels of the United States, into the Guam Island Naval Defensive Sea Area.
761.3 Navigation of aircraft, other than public aircraft of the United States, into the Naval Airspace Reservation.
761.4 Naval defensive sea area closed between sunset and sunrise.
761.5 Inspection and search of vessels.
761.6 Laws and regulations must be obeyed.
761.7 Commander U. S. Naval Forces Marianas shall take steps to apprehend vessels, aircraft or persons violating Executive Order.
761.8 Commander U. S. Naval Forces Marianas shall formulate additional rules and regulations and instructions.
761.9 Commander U. S. Naval Forces Marianas designated representative of Secretary of the Navy in enforcement of Executive Order, rules and regulations.

AUTHORITY: §§ 761.1 to 761.9 issued under 44 Stat. 570; sec. 1, 62 Stat. 799, 49 U. S. C. 174; 18 U. S. C. 2152.

§ 761.1 *Entry of persons into the Guam Island Naval Defensive Sea Area.* At no time shall any persons, other than persons on public vessels of the United States, enter the Guam Island Naval Defensive Sea Area unless authorized by the Secretary of the Navy. The Chief of Naval Operations, the Commander in Chief, U. S. Pacific Fleet and the Commander U. S. Naval Forces Marianas have been empowered by the Secretary of the Navy to act in this matter.

§ 761.2 *Navigation of vessels or other craft, other than public vessels of the United States, into the Guam Island Naval Defensive Sea Area.* At no time shall any vessel or other craft, except public vessels of the United States, be navigated into the Guam Island Naval Defensive Sea Area unless authorized by the Secretary of the Navy. The Chief of Naval Operations has been empowered by the Secretary of the Navy to act in this matter.

§ 761.3 *Navigation of aircraft, other than public aircraft of the United States, into the Naval Airspace Reservation.* At no time shall any aircraft, other than public aircraft of the United States, be navigated to, via, or over the Island of Guam or in the Guam Island Naval Airspace Reservation unless authorized by the Secretary of the Navy. The Chief of Naval Operations and the Commander in Chief, U. S. Pacific Fleet, have been empowered by the Secretary of the Navy to act in this matter.

§ 761.4 *Naval defensive sea area closed between sunset and sunrise.* Passage of any vessel into or out of the Guam Island Naval Defensive Sea Area between the hours of sunset and sunrise is prohibited, except when specifically permitted by the Commander U. S. Naval Forces Marianas.

§ 761.5 *Inspection and search of vessels.* The entrance of all vessels or other craft, other than public vessels of the United States, will be granted only on the condition that their owners, charterers, operators or masters:

(a) Consent to inspection and search of all vessels or other craft whenever the local naval commander considers such action necessary for military security of the area.

(b) Execute a "hold harmless" agreement under which no liability shall be incurred by the Navy Department, its agents or representatives for damage to vessels or other craft, their cargo, or for any demurrage charges which may arise out of or in connection with any inspection or search while in the exercise of due care.

§ 761.6 *Laws and regulations must be obeyed.* All persons, vessels and aircraft entering the Guam Island Naval Defensive Sea Area or the Guam Island Naval Airspace Reservation, whether or not in violation of Executive Order 8683 (3 CFR, 1943 Cum. Supp.), as corrected by Executive Order 8729 (3 CFR, 1943 Cum. Supp.), shall be governed by such regulations and restrictions upon their conduct and movements as may be established by the Commander U. S. Naval Forces Marianas whether by general regulation or by special instructions in any case.

§ 761.7 *Commander U. S. Naval Forces Marianas shall take steps to apprehend vessels, aircraft or persons violating Executive Order.* The Commander U. S. Naval Forces Marianas shall take all practical measures to apprehend vessels, aircraft and persons violating the provisions of Executive Order 8683 (3 CFR, 1943 Cum. Supp.), as corrected by Executive Order 8729 (3 CFR, 1943 Cum. Supp.), and shall hold each such vessel in custody pending receipt of instructions from the Secretary of the Navy.

§ 761.8 *Commander U. S. Naval Forces Marianas shall formulate additional rules and regulations and instructions.* The Commander U. S. Naval Forces Marianas shall establish and maintain such further rules and regulations and shall issue such special instructions in each case, as he may deem necessary for carrying out the provisions of Executive Order 8683 (3 CFR, 1943 Cum. Supp.), as corrected by Executive Order 8729 (3 CFR, 1943 Cum. Supp.).

§ 761.9 *Commander U. S. Naval Forces Marianas designated representative of Secretary of the Navy in enforcement of Executive Order, rules and regulations.* In all matters pertaining to the local administration of the Guam Island Naval Defensive Sea Area and the Guam Island Naval Airspace Reservation, the Commander U. S. Naval Forces Marianas is hereby designated as the representative of the Secretary of the Navy, with full authority to enforce the provisions of Executive Order 8683 (3 CFR, 1943 Cum. Supp.), as corrected by Executive Order 8729 (3 CFR, 1943 Cum. Supp.), and all regulations issued pursuant thereto.

R. B. ANDERSON,
*Secretary of the Navy.*

NOVEMBER 12, 1953.

[F. R. Doc. 53-9725; Filed, Nov. 18, 1953; 8:46 a. m.]

## Chapter VII—Department of the Air Force

### Subchapter F—Reserve Forces

### PART 861—OFFICERS' RESERVE

### PART 862—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

### Subchapter G—Personnel

### PART 871—ENLISTMENT IN THE REGULAR AIR FORCE

MISCELLANEOUS AMENDMENTS

1. Paragraph (b) (1) and the introductory text of paragraph (b) (3) of § 861.1101 are changed as follows:



§ 861.1101 *Purpose and policy.* * * *

(b) *Policy*—(1) *Assignment.* Reservists assigned to program elements within Training Categories A, B, and C are eligible to receive inactive duty training pay.

* * * * *

(3) *Assignments for which pay may be received.* To the extent of available funds, Reservists in the following types of assignments are eligible to receive inactive duty training pay:

* * * * *

2. Paragraphs (a) and (b) of § 861.1102 are changed as follows:

§ 861.1102 *Definitions*—(a) *Training period.* A duly authorized period of instruction performed by persons who are training as individuals. Such training will be of at least two hours' duration and normally will be of four hours' duration. This term will include authorized attendance at a scheduled class of instructions under the contract school training program.

(b) *Unit training assembly.* A duly authorized and scheduled period of instruction conducted by Table of Organization, Table of Distribution, and non-Table of Organization, composite-type units. Such unit training assemblies will be of at least two hours' duration and normally will be of four hours' duration.

* * * * *

3. Paragraphs (b) (1) and (2) of § 861.1103 are changed as follows:

§ 861.1103 *Methods of qualifying.* * * *

(b) *Officers.* Officers of the Air Force Reserve will be eligible for inactive duty training pay when pursuant to competent orders authorizing inactive duty training pay:

(1) They are present and perform duties during a duly authorized unit training assembly of the unit to which assigned, and if assigned to a combat, combat support, or flying training unit, at least 60 percent of the adjusted strength of the unit was present, or

(2) They perform equivalent duties pursuant to competent orders, within 30 days immediately following the date of the authorized unit training assembly of the unit to which assigned, and for which equivalent duty has been authorized in place of attendance, provided that at least 60 percent of the adjusted strength of the unit (if a Training Category A unit) was present for the unit training assembly for which equivalent duty has been authorized in place of attendance there-at.

* * * * *

4. Paragraph (b) of § 861.1104 is changed as follows:

§ 861.1104 *Mobilization assignees.* * * *

(b) *Number of training periods authorized.* Not more than 12 paid training periods in each fiscal year will be authorized personnel with mobilization assignments.

* * * * *

5. Paragraph (a) of § 861.1105 is changed as follows:

§ 861.1105 *Specialist training units*—(a) *Eligibility.* All Reservists assigned to specialist training units, provided that they have executed the signed statement referred to in § 861.1101 (b) (3) (ii), are eligible to receive inactive duty training pay.

* * * * *

6. Paragraph (c) is added to § 861.1107 as follows:

§ 861.1107 *Maximum number of paid training periods or unit training assemblies.* * * *

(c) *Training Category C.* A maximum of four training periods or unit training assemblies will be authorized for pay purposes in any one calendar month or quarter of a fiscal year for personnel assigned to program elements in Training Category C in which 12 paid drills each year are authorized.

7. Section 861.1114 is added to Part 861 as follows:

§ 861.1114 *Rations in kind for airmen.* Air Force Reserve airmen participating in inactive duty training are entitled to rations in kind or a portion thereof at Government expense while serving in an inactive duty pay status and when instruction or duty period(s) total eight or more hours in any one calendar day. The payment of a monetary allowance in lieu of rations in kind is not authorized.

8. Section 861.1115 is added to Part 861 as follows:

§ 861.1115 *Uniform maintenance allowance.* Air Force Reserve officers participating in inactive duty training in a pay status are entitled to a monetary uniform maintenance allowance after completing prescribed periods of active and inactive duty training.

(Sec. 251, 66 Stat. 495; 50 U. S. C. 1002. Interpret or apply secs. 101, 259, 601, 603, 66 Stat. 481, 496, 501; 50 U. S. C. 901-1010, 1031-1033)

9. Sections 862.50 to 862.66, Training Camps, are revoked.

(R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a)

10. Paragraphs (e) and (f) of § 871.2 are changed as follows:

§ 871.2 *Qualifications.* * * *

(e) *Police clearance.* Prior to enlistment of males, except those persons who enlist within 90 days from date of discharge from any of the Armed Forces, recruiting installations will communicate with the police in each locality where the applicant has resided for a period of 6 months or more in the previous 3-year period. When reply from police is not received within 21 days, the applicant may be enlisted provided that he is the type desired by the Air Force and every effort has been made to check his character through local sources.

(f) *Enlistment of persons with dependents*—(1) *Male.* (i) Applicants with one dependent may be enlisted in any grade if otherwise qualified.

(ii) Applicants with two dependents may be enlisted only if qualified to enlist in grade E-4 (Airman 1st Class) or higher.

(iii) Applicants with three or more dependents may be enlisted only if qualified to enlist in grade E-5 (Staff Sergeant) or higher, or are authorized to enlist in a lower permanent grade and be immediately promoted to a temporary grade of E-5 or higher.

(iv) Male airmen currently serving, including members of Reserve components on extended active duty, who reenlist within 90 days from date of separation may be enlisted without regard to dependency restrictions.

(2) *Female.* (i) The provisions of subparagraph (1) of this paragraph apply to women.

(ii) Married women without prior service will not be enlisted.

(iii) Women with minor dependents as indicated in (a) through (c) of this subdivision are not eligible to enlist.

(a) Women who are parents by birth or adoption of a child under 18 years of age of whom they have personal or legal custody.

(b) Women who are stepparents of a child under 18 years of age and if the child is within their household for a period of more than 30 days a year.

(c) Women who have personal custody of any child under 18 years of age.

(3) *Waivers.* Waivers of any of the restrictive conditions in subparagraphs (1) and (2) of this paragraph are not authorized.

11. Paragraph (a) of § 871.3 is changed as follows:

§ 871.3 *Persons ineligible.* * * *

(a) *Persons overseas.* Persons with or without prior service, except those currently serving, will not be enlisted in overseas commands. Within United States Territories and Possessions, bona fide male territorial residents, who have had prior active service in any of the Armed Forces, may be enlisted.

(R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply R. S. 1118, as amended, sec. 2, 28 Stat. 216, as amended, sec. 4, 30 Stat. 978, sec. 1, 37 Stat. 396, sec. 27, 39 Stat. 185, as amended, 59 Stat. 230, as amended, sec. 5, 59 Stat. 539, sec. 106, 62 Stat. 360; 10 U. S. C. 621-625, 627, 628, 636, 50 U. S. C. App. 1531)

[SEAL] K. E. THIEBAUD,
*Colonel U. S. Air Force,*
*Air Adjutant General.*

[F. R. Doc. 53-9718; Filed, Nov. 18, 1953; 8:45 a. m.]

## TITLE 15—COMMERCE AND FOREIGN TRADE

## Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

### Subchapter C—Bureau of Foreign Commerce

[6th General Rev. of Export Regs., Amdt. 72]

### PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

COPPER SCRAP AND COPPER-BASE ALLOY SCRAP

1. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products,* paragraph (d) *Aluminum scrap, copper and copper-base alloy scrap* is amended by deleting subparagraph (2).

2. Section 373.71 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by deleting the following entries and related submission dates:

| Dept. of Com. Export Schedule B No. | Commodity | Submission dates | |
|---|---|---|---|
| | | Second quarter, 1953 | Third quarter, 1953 |
| 61110<br>61120 | Copper scrap (new and old)<br>Copper-base alloy scrap (new and old) | On or before Apr. 30, 1953 | Aug. 20-Sept. 20, 1953. |

This amendment shall become effective as of November 19, 1953.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
*Director,*
*Bureau of Foreign Commerce.*

[F. R. Doc. 53-9747; Filed, Nov. 18, 1953; 8:50 a. m.]

## TITLE 42—PUBLIC HEALTH

### Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 21—COMMISSIONED OFFICERS

PRESCRIPTION OF NUMBERS IN GRADE

Section 21.111 of Subpart G is amended to read as follows:

§ 21.111 *Prescription of numbers in grade.* The following maximum number of officers is authorized to be on active duty in the Regular Corps in each of the grades from the junior assistant grade to the director grade, inclusive, during the fiscal year beginning July 1, 1953, and ending June 30, 1954:

| | |
|---|---|
| Director Grade | 240 |
| Senior Grade | 450 |
| Full Grade | 415 |
| Senior Assistant Grade | 335 |
| Assistant Grade | 60 |
| Junior Assistant Grade | 0 |

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interprets or applies sec. 206, 58 Stat. 684, as amended; 42 U. S. C. and Sup. 207)

This amendment shall be effective as of July 1, 1953.

Dated: November 6, 1953.

[SEAL] LEONARD A. SCHEELE,
*Surgeon General.*

Approved: November 13, 1953.

OVETA CULP HOBBY,
*Secretary.*

[F. R. Doc. 53-9743; Filed, Nov. 18, 1953; 8:49 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 10688]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS FOR TELEVISION BROADCAST STATIONS

*Correction*

In F. R. Doc. 53-9633, appearing at page 7240 of the issue for Saturday, November 14, 1953, the following changes should be made in the Table of Assignments in § 3.606 (b):

1. The Channel No. for Selma, Alabama, should read: 8—, 58+.

2. The Channel No. for Merced, California, should read: 34—, 66.

3. The Channel No. for Modesto, California, should read: 14+, 58.

## PROPOSED RULE MAKING

### DEPARTMENT OF THE INTERIOR

#### Fish and Wildlife Service

[ 50 CFR Part 8 ]

PRESQUILE NATIONAL WILDLIFE REFUGE, VIRGINIA

NOTICE OF INTENTION TO DESIGNATE CERTAIN ADJACENT WATERS AS CLOSED AREA

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238, 5 U. S. C. 1003), and the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755, 16 U. S. C. 704), as amended, notice is hereby given that the Secretary of the Interior intends to issue an order designating as a closed area in which the pursuing, hunting, taking, capture, or killing of migratory birds or attempting to take, capture, or kill migratory birds will not be permitted, all the bed of the James River including all areas thereof under water or exposed in that part of the river in Charles City and Henrico Counties, Virginia, immediately contiguous to and abutting upon lands of the United States comprising the Presquile National Wildlife Refuge and extending from the southern point of Turkey Island Cutoff, upstream approximately six and one-quarter miles to the southwest point of Turkey Island, at the upper end of Turkey Island Cutoff, about one and one-half miles above the mouth of Curles Neck Creek.

All interested persons are hereby afforded an opportunity to participate in the formulation of the proposed designating order by submitting their views, data, or arguments in writing to John L. Farley, Director, Fish and Wildlife Service, Washington 25, D. C., on or before November 30, 1953.

DOUGLAS MCKAY,
*Secretary of the Interior.*

NOVEMBER 13, 1953.

[F. R. Doc. 53-9723; Filed, Nov. 18, 1953; 8:46 a. m.]

### DEPARTMENT OF AGRICULTURE

#### Production and Marketing Administration

[ 7 CFR Part 928 ]

HANDLING OF MILK IN THE NEOSHO VALLEY MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS AMENDING THE ORDER, AS AMENDED

Pursuant to the provision of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), public hearings were conducted at Pittsburg, Kansas, on August 4–6, 1952, and March 6, 1953, pursuant to notices thereof which were issued on July 16, 1952 (17 F. R. 6671) and February 19, 1953 (18 F. R. 1090).

By a decision of the Secretary issued August 20, 1952, action has been taken on the record of the hearing held August 4–6, 1952, with respect to the pricing of Class I milk for the months of September 1952 through January 1953. Testimony was received with respect to a number of other proposed amendments, including the pricing of milk for more extensive periods of time, changes in the marketing area, the pooling and allocation of milk, the obligations of handlers subject to other Federal orders, and administrative features of the order. The Assistant Administrator, Production and Marketing Administration, on January 23, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision with respect to these remaining issues and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on January 29, 1953 (18 F. R. 633).

The Assistant Administrator, Production and Marketing Administration, on August 17, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision with respect to the issues of the hearing held March 6, 1953, and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 21, 1953 (18 F. R. 5008).

*Findings and conclusions.* 1. No further action should be taken on the record of the public hearing held August 4–6, 1952.

Information received from interested parties and reports from the administrator of the order indicate that substantial changes in milk supply, marketing and other conditions in the Neosho Valley market have occurred since the date of the August 4–6, 1952 hearing. Such changes could not reasonably have been anticipated at the time of the hearing. Under these circumstances it does not appear advisable to base a further decision concerning any proposals on the record of this hearing. It is therefore concluded that the record of this hearing should be closed without further action.

2. The method of determining the price for Class II milk should not be changed on the basis of the record of the hearing of March 6, 1953.

The price for Class II milk under the Neosho Valley order is determined by the paying prices of four condenseries, three of which are located in the 12-county marketing area, and the fourth of which is located in an adjoining county.

While proposals for specific changes were not detailed in the notice of hearing, testimony was received in support of the following changes:

(a) The substitution of a formula price based on market values of butter and spray process nonfat dry milk solids;

(b) The use of the paying prices of other milk manufacturing plants; and

(c) Provision for a reduced price for milk transferred or diverted to manufacturing plants or to other handlers for processing.

In common with most areas of the country the Neosho Valley market experienced a substantial increase in milk supplies in the late months of 1952 and early months of 1953. Handlers without facilities for manufacturing surplus milk into storable dairy products found difficulty in disposing of their receipts in excess of the needs of their fluid trade. As a consequence some handlers discontinued receiving the milk of some of their producers. At the time of the hearing a cooperative association was diverting for its own account the milk of 35 to 40 producers to manufacturing plants. The cooperative association was not able to realize the full Class II price at which it was required to account to the pool on part of this milk.

A cooperative association with manufacturing facilities of its own proposed that a formula price based on market values of butter and spray process nonfat dry milk solids be substituted for the paying prices of the local condenseries. While this butter-powder price would have averaged 17 cents less per hundredweight than the Class II price for the year 1952 it would have been 18 cents more than the Class II price for February 1953, and this relationship has continued, but with greater difference.

While the record indicated that some manufacturing milk plants in the area and others in nearby areas had paid prices for manufacturing milk somewhat less than those of the four plants used as the basis for the Class II price, it also showed that under current marketing conditions this difference was narrowing. By far the majority of the manufacturing milk produced in the area is priced at approximately the Class II price of the order.

The record does not establish the need for a reduced price for milk transferred or diverted to manufacturing plants or to other handlers for processing. Handlers without manufacturing facilities to handle the seasonal surpluses of milk associated with the supply necessary for their fluid business must expect to incur some expense in handling such milk. The record shows that much of the uncertainty which had made it difficult for handlers and cooperatives to find outlets for surplus milk had been relieved by the announcement of the 1953 support price program just prior to the hearing.

It is concluded that this record does not provide a basis for establishing a different method of pricing Class II milk.

*Rulings on exceptions.* Within the period reserved therefor exceptions were filed on behalf of certain handlers subject to the order to the recommended decision filed January 23, 1953, which recommended closing the record of the August 4–6, 1953, hearing without further action. The principal exception was the failure to take action on the basis of this record with respect to the pricing of Class II milk. This matter was the subject of the public hearing held March 6, 1953, at Pittsburg, Kansas, and findings and conclusions based on the record of that hearing are contained in this decision. Other exceptions are hereby overruled for the reasons stated herein. No exceptions were filed to the recommended decision with respect to the issue of the March 6, 1953, hearing.

It is hereby ordered that this decision be published in the FEDERAL REGISTER.

This decision filed at Washington, D. C., this 13th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9741; Filed, Nov. 18, 1953; 8:45 a. m.]

[ 7 CFR Part 930 ]

[Docket No. AO-72-A18]

HANDLING OF MILK IN THE TOLEDO, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 15th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Toledo, Ohio, on July 30 and 31, 1953, pursuant to notice thereof which was issued on July 20, 1953 (18 F. R. 4311).

The material issues of record were concerned with the following:

(1) Modifying the level of the Class I price differential by increasing the amount of the fixed or standard Class I price differential and revising the supply-demand adjustment;

(2) Modifying the seasonal variation in the Class I differential;

(3) Revising the butter-cheese formula used as one of the basic formula prices;

(4) Classifying cream in Class I and modifying the butterfat differentials applicable to such classification;

(5) Changing the method of computing the rate at which advance payments are made to producers; and

(6) Modifying the provision relating to payments to cooperative associations for services performed on behalf of producer-members.

*Findings and conclusions.* The following findings and conclusions on the material issues decided herein are hereby made upon the basis of the record of the hearing:

1 *Level of the Class I price differential.* The stated Class I price differentials should be increased by 20 cents per hundredweight in the six months of short supply, but no change should be made in the computation of the supply-demand adjustment.

The Class I price differentials specified in the order have remained unchanged since September 1, 1951. The supply-demand adjustment was instituted at that time and only minor modifications (effective April 1, 1953) have been made. The supply-demand adjustment utilizes as normal the relationship between receipts of milk from producers and gross sales of Class I and Class II milk which prevailed during the period June 1949 through May 1950. During that period October was the month of shortest supplies, and sales were equal to 95.2 percent of producer receipts. June was the month of greatest supplies, and sales were only 75.2 percent of receipts from producers. However, supplies have been substantially less in relation to sales in each year since the base period. In 1950 November was the month of shortest supply, and sales were 108 percent of producer receipts; in October 1951 sales were 124 percent of receipts; and in October of 1952 sales were 119 percent of receipts. As a result of these shortages the supply-demand adjustment operated to increase the Class I differential to the allowable limit during the fall and winter seasons of 1951–52 and 1952–53. The undersupply of milk has been less pronounced since the fall of

1952 than in the previous season. Supplies have increased relative to sales as a result of (1) the increased production per farm which has characterized the Toledo milk shed and the country as a whole from November 1952 through June 1953, (2) the addition of new shippers at existing plants, and (3) the addition of a country supply plant to the regular, inspected supply of milk for the Toledo market.

The producers proposed that the stated Class I differentials be increased by 50 cents to a total of $1.70 per hundredweight during the 6-month period of lowest production and by 25 cents to a total of $1.25 during the 4 months of intermediate supply. It was proposed that the differential of 75 cents during May and June be retained. It was maintained that this schedule of differentials was substantially equal to the prices, exclusive of the supply-demand adjustment, which had prevailed since September 1, 1951, and that they were comparable with the stated Class I differentials provided by the Federal order for the Cleveland, Ohio, marketing area after allowing for the location adjustment provided by the Cleveland order at locations competitive with Toledo. Producers also proposed that the level of normal supply adopted as a standard for the computation of the supply-demand adjustment be lowered by 8 percentage points to reflect the larger supplies which have characterized the market in the past several months.

Supply-demand adjustments of the type included in the Toledo order are designed to operate in conjunction with stated Class I differentials which are established at such levels as will attract an adequate supply of milk under normal conditions. If the stated differentials fulfill their function of attracting a normal supply of milk, the supply-demand adjustment will neither add to nor subtract from the price except in response to some change in condition. The long-continued undersupply of producer milk in the Toledo market has resulted in substantial additions to the Class I price. To the extent that these higher prices and other factors in the market have encouraged increased supplies of producer milk, the Class I price differentials are reduced. The problem therefore, is one of establishing a new level of stated Class I differentials at such levels as will bring forth a normal supply. At the same time, it is also necessary to reassess the appropriate level of the normal supply. It was pointed out above that the supply of producer milk for the Toledo market has been substantially less than the sales of Class I and Class II milk during the fall and winter months of the past three seasons. However, it appears that supplies have increased in the past several months. Part of the increase results from an unusually high rate of deliveries per producer resulting from favorable weather and abundant feed supplies. This rate may not be sustained. However, the number of producers has also increased, the 2,006 shippers during June 1953 representing a 7 percent increase over the number of shippers in June 1952. It was testified that the elimination from the order of each handlers' option of prorating other source milk whenever his receipts of milk from producers were less than 120 percent of his Class I sales tended to encourage handlers to add producers. It was further testified that the health authorities have requested handlers to increase their efforts to obtain a full supply of milk from locally inspected sources.

Despite these recent increases in supply, it is apparent that the market has not yet achieved a normal supply and price relationship. Official notice is taken of data issued by the market administrator which discloses that Class I and Class II sales during July 1953 were 86.4 percent of producer receipts (2.0 percent above normal), during August were 92.7 percent (4.5 percent above normal), and during September were 100.7 percent (8.9 percent above normal). This evidence that sales are higher than normal in relation to supplies results in an addition of 10 cents per hundredweight to the Class I price differential for September 1953 and 26 cents for October under the terms of the supply-demand adjustment. It was testified at the hearing that if recent trends in sales and in daily average receipts from producers are maintained, the sales-receipts ratio for September and October will range from 8 to 16 percent above normal. This would result in a supply-demand adjustment for November ranging between 26 and 50 cents. It is clear that these evidences of continued prospective undersupply provide no basis for changing the standard utilization percentages to reflect larger supplies.

On the other hand, the stated Class I differentials, exclusive of the supply-demand adjustment, are too low to assure an adequate supply for Toledo in competition with adjacent markets. The annual average Class I differential in Toledo is $1.06 per hundredweight as compared with a Cleveland differential (less 22 cents location adjustment) of $1.34, Detroit, Michigan, $1.43, Lima, Ohio, $1.225 and Fort Wayne, Indiana, $1.21. The seasonally high Class I differentials which prevail in these same markets during the months of shortest supply are $1.20 in Toledo, $1.68 in Cleveland, $1.45 in Lima and $1.65 in Fort Wayne. In the Detroit market the seasonal problem is dealt with by a base-rating plan rather than by seasonal variation in the Class I differential so only the annual average comparisons are appropriate.

It is concluded that the stated Class I differentials in the Toledo market should be increased to a level which, inclusive of modifications resulting from the current and prospective operation of the supply-demand adjustment, will maintain prices at levels equal to those in prospect in the competitive marketing areas. This increase should be added only during the 6 months of lowest production, in order to encourage producers to supply additional milk at the season when it is most needed to meet fluid milk and cream requirements. An increase of 20 cents per hundredweight during these six months would raise the annual average Class I differential to $1.14. This is still below the differentials in adjacent markets cited above, but the supply-demand adjustment seems likely to continue to add to the differential for some months to come. Official notice is taken of the fact that in September the Class I differential for Toledo is $1.30, comprised of a stated differential of $1.20 and a supply-demand adjustment of plus 10 cents, whereas the Cleveland differential in the Toledo zone is $1.49, consisting of a stated differential of $1.68 and a supply-demand adjustment of minus 19 cents, and the differential in Lima is $1.45. These differentials are comparable to the extent that they are at their seasonal high in all three markets. The recommended increase in the Toledo differential would raise it to a total of $1.50.

2. *Seasonal variation in the Class I price differential.* Market requirements for fluid milk and cream are comparatively constant in all months of the year. However, production is normally highest in the summer months when favorable weather, the availability of pasture, and other natural conditions are favorable. In order to encourage as even a production of milk as possible in all months of the year the Toledo order relies upon the device of providing the highest Class I differentials during the months of normally lowest production and the lowest differentials during the flush production months.

Producers proposed that the peak differentials be applied during the months of August through January instead of September through February. They suggested that May and June be retained as the months when the lowest differential should apply and that an intermediate rate be paid during the four remaining months.

It is desirable that the seasonal variation in the Toledo differentials correspond with the seasonal pattern with those in adjacent markets which utilize the same method of encouraging level production. In Toledo, October and November are the months when supplies are lowest in relation to sales. Under the terms of the order the September Class I price is not announced until early October and producers are not paid for September deliveries until October 15. To the extent that producers respond to actual payments paid for milk rather than to advance knowledge of what the differentials will be, it would appear desirable to have the price change come to the producers' attention earlier than October 15. With regard to the flush season, a review of the data discloses that May and June are the months when supplies are largest in relation to sales. It would appear desirable for the lower pay prices to precede rather than follow this peak production period.

It is concluded that the lowest rate of Class I differential, 75 cents per hundredweight, should apply during the months of April, May, and June; the intermediate rate of $1.00 per hundred during the months of February, March, and July; and the peak rate of $1.40 during the months of August through January. The months during which these changes occur are the same as those provided



under the Cleveland and Lima orders. In Fort Wayne the highest rate of differential is confined to October, November, and December, the lowest rate applies in April, May, and June, and the intermediate rate applies in the other six months.

3. *Basic formula price.* The portion of the basic formula price known as the "butter-cheese" formula should be deleted, and a new formula substituted therefor. The new formula should represent the value of milk used for cheese-making.

The basic formula price is now determined by choosing the higher of the prices calculated on the basis of a formula which reflects the value of milk used for butter and nonfat dry milk solids and the average of prices paid by certain condenseries in addition to the "butter-cheese" formula. Two of the major outlets for manufacturing milk are represented by the first two of these alternative prices. Substitution of the formula herein recommended for the latter of these alternatives will provide more direct reflection of the value of milk for cheese, which is the third major outlet for manufacturing grade milk.

The Class I price differential is designed to provide the premium over manufacturing grade milk necessary to insure the market of an adequate supply of pure and wholesome milk. This premium must be added to the value of milk for the highest priced manufacturing outlet in order to avoid impairment of the differential. If one outlet for manufacturing milk were to yield a higher return to farmers than other outlets over a period of time and such higher return were not reflected in increased Class I prices, the incentive to producers for producing milk for the fluid market as compared to manufacturing milk would be reduced. The supplies of milk for the market might suffer as a result.

The present butter-cheese formula is inadequate for this purpose since it gives primary weight to the butter value. In addition, changes in the value of the solids-not-fat portion of the milk are largely overlooked by the butter-cheese formula. The value of solids-not-fat has increased considerably since the time when this formula was first incorporated into the order. For this reason, the price now reflected by the formula is unrealistic.

The cheese formula herein recommended estimates the value of milk for cheese manufacture on the basis of the monthly price for cheddar cheese in primary markets in Wisconsin, and the price of 92 score butter in Chicago. The 92 score butter price at Chicago is widely recognized and is now used for various purposes in the order. The price quotation for cheese in the primary markets of Wisconsin is based on a substantially larger volume of trading than other available quotations. The price data are gathered and reported by the official price reporting service of the Department of Agriculture. These quotations are considered to be the best available for the purpose.

A multiple correlation analysis was undertaken to determine the mathematical relationship which these cheese and butter quotations bear to the prices actually paid to farmers for milk of 3.5 percent butterfat content delivered to Wisconsin cheese plants, as reported by the Bureau of Agricultural Economics. It was found that the actual pay prices are most closely approximated when the cheese price is multiplied by 8.53, the butter price by 0.902, and 34.3 cents is deducted from the sum of the two products. These results are in line with the normal yields of cheese and butter per hundredweight of milk. At such yields, the 34.3 cents constitutes a reasonable make allowance.

Since the purchase of milk for cheese is highly competitive in the State of Wisconsin, the changes in value of milk for cheese making can be expected to be reflected promptly in the cheese factory pay prices in that state. A substantial proportion of the cheese made in this country is made in Wisconsin and quotations of prices paid in Wisconsin can be considered to be based on an adequate sample of the market for milk for cheese making.

Comparison with Wisconsin prices is considered appropriate also because most of the condenseries included in one of the other basic formula factors are located in Wisconsin.

4. *Classification of cream.* Fluid cream should be classified as Class I instead of Class II, and the butterfat differential to handlers on Class I utilization should be reduced to 1.25 times the price of butter.

Fluid cream is now classified as Class II. The Class II price is 30 cents per hundredweight less than the Class I price for milk of 3.5 percent butterfat content. The butterfat differential to handlers is 1.25 times the price per pound of 92-score butter at Chicago as compared with a multiplier of 1.30 for Class I butterfat.

Producers proposed that fluid cream be included in Class I and that the Class I butterfat differential be reduced to the level formerly applicable to Class II. It was shown that the health requirements applicable to the milk from which fluid cream must be derived are the same as those applicable to milk for fluid use. Cream is obtained from producer sources in the Toledo market. It is also clear that the proposed reclassification and change in the butterfat differentials will increase the cost of cream to handlers by such a small amount as to constitute no significant problem in the sale of cream.

At the average prices prevailing under the order for cream, skim milk, and butterfat in 1952 the proposed reclassification would raise the cost of butterfat and skim milk in a quart of light cream (20 percent butterfat) by only six-tenths of a cent per quart, or seven-tenths of one percent of the average retail price of light cream in the market. If, however, the cream were reclassified without lowering the Class I butterfat differential, the increase would have been 2.1 cents per quart, or 2.4 percent of the retail value. It is apparent that the proposed change in the butterfat differentials is of greater importance in determining the cost to handlers of light cream than the proposed elimination of the 30-cent per hundredweight discount.

It was testified that the Class I butterfat differential on products other than cream should also be reduced. In the Toledo market, and throughout the country, the demand for the solids-not-fat portion of milk has been increasing relative to the demand for the butterfat content of milk and a larger share of the per hundredweight value of Class I milk should therefore be allocated to the skim milk component.

It is concluded, therefore, that the butterfat differential to handlers of the Class I utilization should be reduced to 1.25 times the price of butter and that fluid cream should be classified as Class I and priced without any discount.

5. *Partial payments.* The order now provides that each handler shall pay producers for milk received during the first 15 days of the delivery month at a rate of 50 cents less than the uniform price during the preceding month. This payment is designed to serve as an advance to producers, the final payment for the deliveries during the entire month being made on or before the 15th of the following month.

The rate at which advance payments are computed under the order has occasionally caused difficulty. These problems are particularly likely to arise during the spring months when Class I prices decline seasonally. In such circumstances a partial payment based upon the previous month's prices accounts for considerably more than half of the total amount due for the month. In occasional instances, when a producer's deliveries during the second half of the month are substantially less than deliveries during the first 15 days, a producer may actually receive a greater partial payment than the total amount due him for the entire month.

The partial payments should be so computed as to make the partial payments more accurately reflect prices during the delivery month. No specific means of accomplishing this objective was discussed at the hearing, but in their brief, the producers suggested that the rate of partial payment be 75 cents less than the preceding month's uniform price. This rate would be further subject to adjustment by any changes in the Class I price differential. For example, the stated Class I differential for May is 25 cents less than that prevailing during April. Exclusive of any possible effects of the supply-demand adjustment, therefore, the rate of advance payment in May would be $1.00 per hundredweight below the uniform price for April. It was further proposed that the rate be rounded off to the nearest 10 cents in order to facilitate computations.

It is concluded that the above mentioned technique will provide an equitable rate of partial payments and should be adopted.

6. *Cooperative associations.* The order now provides that under certain circumstances handlers shall make such deductions from the payments due to producer-members of a cooperative association "as may be authorized by such producers" and pay the funds so deducted to the cooperative association.

An association must fulfill the several requirements contained in the definition of a cooperative association under the order and, for this particular purpose, must also provide for its members certain minimum marketing services as determined by the market administrator. However, the deductions here involved are the deductions incidental to membership status. Hence they are usually of a sufficient amount to support all the activities of the association and are not limited to those necessary to the performance of the more limited marketing service functions performed by the market administrator for non-member producers. In cases where the membership contract or agreement or other conditions of membership provides for deductions, the deductions authorized in accordance therewith have been considered by the Secretary as having been appropriately authorized by the individual producers.

It was proposed by the producers' association that the order language be made more definite by deleting the phrase "as may be authorized by such producers" and substituting therefor the phrase "as may be properly authorized by such cooperative association." It was testified that handlers had questioned whether the membership contract between the association and the producer members was sufficient authorization by the producers for such deductions to be made under the order. It was further testified that all handlers are making deductions at the rate specified by the association and remitting such deductions to the association.

The handlers' principal objection to accepting the membership agreement as constituting authorization by the producer is that this permits the directors and officers of the association to act in their own interest, without regard to the interests of the producer members of the association.

Within the limitations, if any, of the state statute under which a cooperative association is organized, producers are at liberty to determine for themselves, through the adoption of by-laws and their amendment from time to time or through the provisions of a membership contract, or both, what contributions are to be made by members to support their organization and how such amounts may be changed. By accepting membership, new members accept previously established requirements and these new members also become participants in the making of subsequent changes. Should directors or officers exceed their authority under such instruments of organization, an adequate remedy lies within the organization itself rather than with a third party. On the other hand, the authority to require handlers to make such deductions and pay them over to the association resides in the act and not in the contracts or arrangements between the cooperative and its member producer.

Handlers offered no specific evidence of any failure of the management of the association to properly represent its producer members or of any misrepresentation in matters pertaining to the authorized rate of deductions. On the other hand the determination by the Secretary, which is one element of the definition of a cooperative association, is concerned with factors relating to the exercise of control of the association by its members.

There is one potential problem which was not specifically dealt with in the producers' proposal. This relates to possible errors in the list of producer-member names submitted to the handler. If, as a result of change in status, lack of sufficient identification, or otherwise, a handler pays to the association a deduction subsequently found to be owing to a non-member producer, the association should reimburse the handler the amount erroneously paid to it.

It is concluded that the order should be revised to specify that action taken by cooperative association, in accordance with stated conditions, constitutes appropriate authorization for deductions on behalf of its producer-members.

*General findings.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Rulings on proposed findings and conclusions.* Briefs were filed on behalf of producers and handlers. The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendment. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

*Recommended marketing agreement and amendments to the order.* The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Delete paragraphs (a) and (b) of § 930.41 and substitute therefor the following:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form as milk, skim milk or buttermilk (except for livestock feed), flavored milk or flavored milk drinks, sweet or sour cream, any cream product in fluid form which contains less than the minimum butterfat required for fluid cream, or eggnog; (2) used to produce concentrated milk disposed of for fluid consumption; and (3) not accounted for as Class II milk.

2. Redesignate paragraph (c) of § 930.41 as paragraph (b), delete the phrase "Class III milk shall be", and substitute therefor the phrase "Class II milk shall be."

3. Amend § 930.42 to read as follows:

§ 930.42 *Interhandler and nonhandler transfers.* (a) Skim milk and butterfat disposed of by a handler to another handler as any item listed in paragraph (a) of § 930.41 shall be Class I milk unless Class II utilization is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the month within which such transfer was made: *Provided*, That in no event shall the amount so classified as Class II be greater than the amount used in such class by the receiving handler.

(b) Skim milk and butterfat disposed of in the form of milk, skim milk or cream by a handler to a nonhandler's plant located less than 100 miles from the City Hall at Toledo, Ohio, by the shortest highway distance as determined by the market administrator, shall be Class I milk, unless (1) utilization in Class II is mutually indicated in writing to the market administrator by both the handler and nonhandler on or before the 5th day after the end of the month within which such transfer was made, and (2) the nonhandler maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such mutually indicated utilization.

(c) Skim milk and butterfat disposed of in the form of milk, skim milk, or cream by a handler to a nonhandler's plant located 100 miles or more from the City Hall at Toledo, by the shortest highway distance as determined by the market administrator, shall be Class I milk.

4. In § 930.44 delete the phrase "Class I milk, Class II milk, and Class III milk" and substitute therefor the phrase "Class I milk and Class II milk."

5. In paragraphs (a) and (d) of § 930.45 delete the phrase "Class III milk" and substitute therefor the phrase "Class II milk".



6. Amend the tabulation in § 930.50 (a) (1) to read as follows:

| Delivery period: | *Amount* |
|---|---|
| April, May, and June | $0.75 |
| February, March, and July | 1.00 |
| All others | 1.40 |

7. In subdivision (i) of § 930.50 (a) (2) delete the phrase, "Class I and Class II milk," and substitute therefor the phrase, "Class I milk."

8. Delete paragraphs (b) and (c) of § 930.50 and substitute therefor the following:

(b) *Class II milk price.* The Class II milk price shall be the average (computed to the nearest tenth of a cent) of the basic (or field) prices per hundredweight for milk for 3.5 percent butterfat content received from farmers during the month at the following locations for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the month by the companies indicated below:

*Company and Location*

Pet Milk Co., Delta, Ohio.
Defiance Milk Products Co., Defiance, Ohio.
Pet Milk Co., Hudson, Michigan.

9. Amend § 930.51 (b) to read as follows:

(b) The price per hundredweight computed as follows:

(1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin primary markets ("Cheddars", f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the Department of Agriculture during the month;

(2) Add 0.902 times the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month; and

(3) Subtract 34.3 cents.

10. In § 930.52 (a) delete the figure "1.3" and substitute therefor "1.25."

11. Delete paragraphs (b) and (c) of § 930.52 and substitute therefor the following:

(b) *Class II milk.* Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month, and divide the result by 10.

12. Amend § 930.71 to read as follows:

§ 930.71 *Partial payments.* On or before the last day of each month each handler shall pay each producer for milk received from him during the first fifteen days of each month at a rate computed as follows:

(a) Deduct 75 cents from the uniform price for such handler for the preceding month.

(b) Add or subtract any amount by which the Class I price differential for the current month is greater than or less than, respectively, the differential for the preceding month.

(c) Round off the result to the nearest multiple of 10 cents.

*Provided*, That in the event a producer discontinues shipping to the market during the month, such partial payments shall not be made and full payment for all milk received from such producer during the month shall be made pursuant to the provisions of § 930.70.

13. In § 930.73 delete the phrase "or Class II milk."

14. Amend § 930.75 to read as follows:

§ 930.75 *Cooperative association.* (a) Each association of producers which is actually performing the services described in § 930.74, as determined by the market administrator, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer authorizing the claimed deduction.

(b) In making payments to producers for milk received during the month, each handler shall make deductions in accordance with the association's claim and shall pay the amount deducted to the association within 15 days after the end of the month.

Filed at Washington, D. C., this 16th day of November 1953.

[SEAL] ROY W. LENNARTSON,
*Assistant Administrator.*

[F. R. Doc. 53-9753; Filed, Nov. 18, 1953; 8:51 a. m.]

## [ 7 CFR Part 959 ]

### IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

### NOTICE OF PROPOSED BUDGET AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the budget and rate of assessment hereinafter set forth which were recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California issued under the Agricultural Marketing Agreement Act of 1937, as amended (43 Stat. 31, as amended, 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., not later than 15 days following publication in the FEDERAL REGISTER. The proposals are as follows:

§ 959.206 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 59, as amended (§§ 959.1 to 959.88), to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and amended order during the fiscal year ending June 30, 1954, will amount to $14,400;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-fourth of one cent ($0.0025) per hundredweight handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114 and Order No. 59, as amended (§§ 959.1 to 959.88).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of November 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-9740; Filed, Nov. 18, 1953; 8:49 a. m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

## [ 21 CFR Part 36 ]

[Docket No. FDC-43 (a)]

### SHELLFISH; DEFINITIONS AND STANDARDS OF IDENTITY

### NOTICE OF PROPOSED RULE MAKING

In the matter of amending the definitions and standards of identity for Pacific oysters, raw Pacific oysters, shucked Pacific oysters:

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371; 67 Stat. 18), and upon the basis of substantial evidence received at the public hearing held pursuant to the notice published in the FEDERAL REGISTER on September 18, 1953 (18 F. R. 6827), it is proposed that the following order be made.

*Findings of fact.*[1] 1. The existing definitions and standards of identity for raw Pacific oysters were promulgated on evidence received at a public hearing held in 1945. At that time a substantial volume of the production of raw Pacific oysters was packed for sale on contract to the armed services. The basis of bids for Government orders required that the size of raw Pacific oysters be indicated by count per pound or pint. Raw Pacific oysters packed for the civilian market

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

were packed in pint jars, and there was no general usage of containers smaller than pints. The standards promulgated upon the basis of evidence received at the hearing held in 1945 specified names for the various sizes of raw Pacific oysters as follows: "Pacific oysters size ------ per pint," "Raw Pacific oysters size ------ per pint," or "Shucked Pacific oysters size ------ per pint," the blank in each instance being filled in with "5 to 8," "8 to 10," "10 to 12," "12 to 15," "15 to 18," or "over 18," depending upon the size of the oysters in the container. Beginning in September 1952, packers of raw Pacific oysters began to pack their product in 12-fluidounce jars. Within a short time only a small portion of the production of raw Pacific oysters was packed in pint jars, while approximately 80 percent of the production was distributed in 12-fluidounce jars. The labeling of raw Pacific oysters packed in 12-fluidounce jars, with the names showing the count per pint as specified in the standard, proved to be confusing and misleading to consumers. (R. 20–30, 32–35, 41, 71–72, 75–77, 79–81, 83–84, 86, 91, 99–101; Ex. 2–3, 5–7, 9–12, 19, 22, 27, 30.)

2. Although existing definitions and standards of identity applicable to raw Pacific oysters provide for six size categories, based upon count per pint, producers of raw Pacific oysters do not customarily pack their product in more than three or four size categories. In displaying offerings of raw Pacific oysters in retail outlets, retailers have employed the terms "large," "medium," "small," and "extra small" to describe the sizes of Pacific oysters available. Retail dealers have also used these terms in their advertisements. Designation of the size of raw Pacific oysters by the terms "large," "medium," "small," and "extra small" is suitable not only for pints but is equally suitable for containers of other sizes. Recipes for oysters in most cookbooks recite cooking times based on the time required to cook raw oysters that come from the Atlantic and Gulf Coasts. Pacific oysters are significantly larger than oysters harvested on the Atlantic and Gulf Coasts and require slower and longer cooking to be rendered palatable. Housewives need recipes that give directions for cooking Pacific oysters. Amending the existing standards to provide for using the size designations "large," "medium," "small," and "extra small" will facilitate writing such recipes for distribution to housewives. (R. 21, 36, 39–40, 56, 62–63, 65, 70, 74, 76, 81, 83, 96–97; Ex. 6, 8, 14, 20–22, 25, 27, 30.)

3. Evidence was adduced that the division of raw Pacific oysters into six size categories, as provided for in the existing standards, results in considerable overlapping of sizes to the disadvantage of consumer purchasers. Reduction of the number of size categories to four would reduce such overlapping. (R. 56, 62, 70, 82, 85, 95; Ex. 13, 16–17, 23, 26, 28, 30.)

4. The term "large," as applied to raw Pacific oysters, applies to oysters of such size that a gallon contains not more than 64 such oysters. The term "medium," as applied to raw Pacific oysters, applies to oysters of such size that a gallon contains more than 64 and not more than 96 such oysters. The term "small," as applied to raw Pacific oysters, applies to oysters of such size that a gallon contains more than 96 and not more than 144 such oysters. The term "extra small," as applied to raw Pacific oysters, applies to oysters of such size that a gallon contains more than 144 such oysters. The oysters in each of the above size categories are of such uniform size that the largest oyster in the container is not more than twice the weight of the smallest oyster therein. (R. 88–89; Ex. 1.)

It is concluded that it will promote honesty and fair dealing in the interest of consumers to amend the definitions and standards of identity applicable to raw Pacific oysters by revoking §§ 36.17 to 36.22, inclusive (21 CFR 36.17–36.22, inclusive), and by promulgating new sections to read as follows:

§ 36.17 *Large Pacific oysters, large raw Pacific oysters, large shucked Pacific oysters; identity.* Large Pacific oysters, large raw Pacific oysters, large shucked Pacific oysters, are of the species Ostrea gigas and conform to the definitions and standards of identity prescribed for oysters by § 36.10 and are of such size that 1 gallon contains not more than 64 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.18 *Medium Pacific oysters, medium raw Pacific oysters, medium shucked Pacific oysters; identity.* Medium Pacific oysters, medium raw Pacific oysters, medium shucked Pacific oysters, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that 1 gallon contains more than 64 oysters, and not more than 96 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.19 *Small Pacific oysters, small raw Pacific oysters small shucked Pacific oysters; identity.* Small Pacific oysters, small raw Pacific oysters, small shucked Pacific oysters, are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that 1 gallon contains more than 96 oysters and not more than 144 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

§ 36.20 *Extra small Pacific oysters, extra small raw Pacific oysters, extra small shucked Pacific oysters.* Extra small Pacific oysters, extra small raw Pacific oysters, extra small shucked Pacific oysters are of the species Ostrea gigas and conform to the definition and standard of identity prescribed for oysters by § 36.10 and are of such size that 1 gallon contains more than 144 oysters, and the largest oyster in the container is not more than twice the weight of the smallest oyster therein.

Any interested person whose appearance was filed at the hearing may, within 30 days from the date of the publication of this tentative order in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in this tentative order and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which such exceptions are based. Such exceptions may be accompanied by a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs shall be submitted in quintuplicate.

Dated: November 13, 1953.

OVETA CULP HOBBY,
*Secretary.*

[F. R. Doc. 53-9742, Filed, Nov. 18, 1953, 8:49 a. m.]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Parts 21, 40 ]

SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to Part 21 and revised Part 40 of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed amendments by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed amendments, communications must be received by December 16, 1953. Copies of such communications will be available after December 18, 1953, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Revised Part 40 was adopted by the Civil Aeronautics Board April 13, 1953; this part is to become effective January 1, 1954. Since the adoption of this part, the Civil Aeronautics Administration has been engaged in the preparation of Civil Aeronautics Manual material and other administrative documents, the purpose of which is to establish policy and interpretation, and to promulgate those supplemental regulations, authority for which has been delegated to the Administrator. The air carriers, on the other hand, have been engaged in the preparation of company manuals and other personnel training media in order to insure that the necessary administrative changes will have been accomplished in sufficient time and that the personnel to be affected by the provisions of this part will have been fully familiarized with respect to their details. In the course of these activities, detailed re-examination of the provisions of revised Part 40



was inevitable. Certain errors of a typographical or clerical nature were discovered. Certain ambiguities heretofore unnoticed were recognized. Some unintended restrictions were discovered to result from inadvertent construction of certain regulations. In still other instances relief has been requested from certain provisions which, although intended by the Board to become applicable, had not previously been recognized as creating undue hardship upon the persons affected. The Bureau has consolidated into this notice of proposed rule making the many suggestions for further improvement or correction of revised Part 40 which have been received by the Board.

Section 40.301 requires a pilot before he may be used in scheduled air transportation to have made within the preceding 90 days at least 3 take-offs and 3 landings in the airplane of the particular type on which he is to serve. In adopting revised Part 40, the Board eliminated a previous requirement, applicable to pilots serving in air transportation, that one of the 3 landings and take-offs be accomplished at night if the pilot is to serve in scheduled air transportation between the hours of sunset and sunrise. However, Part 21 also contains a recent experience requirement which includes a requirement for a landing and take-off at night. Since the Board has decided the requirement for a night landing and take-off no longer appears to be justified, it is proposed that Part 21 be amended to remove this requirement.

The Board's attention has been called to the fact that § 40.34 has been construed by some persons so as to impose an absolute condition upon air carrier communications. The "reliable and rapid communications" required by this section was intended to be subject to a determination by the Administrator that the reliability and rapidity are reasonably assured in the light of the current state of the aeronautical and communications arts. Since some difficulty has been experienced in the interpretation of this requirement, it is proposed that the words "under normal operating conditions" be added to protect against an unreasonable restrictiveness in its enforcement.

The Board contemplated that approximately three months was required after the effective date of revised Part 40 for compliance with certain requirements resulting in modification of aircraft. Inasmuch as the effective date of revised Part 40 has been extended from October 1, 1953, to January 1, 1954, a comparable extension of the compliance date of certain sections appears desirable. Moreover, the Board has been advised that requirements for certain new equipment and instruments imposed by revised Part 40 may in certain instances require extensive fleet modifications. In some instances the instruments and equipment involved will require several months for procurement. Since it is considered desirable that air carriers be permitted to schedule necessary modifications consistent with normal maintenance schedules, additional time should be provided to permit compliance with such requirements. Also, the requirement for duplicate sources of power and power distribution systems in Part 40 is a new requirement. This requirement parallels current requirements of the airworthiness parts of the Civil Air Regulations relating to transport category airplanes. The Board's attention has been drawn to the fact, however, that certain existing aircraft types do not now meet these provisions and in order to insure compliance must be subjected to considerable engineering study and probable subsequent modification. Requirements for duplicate sources of energy for certain flight instruments on the other hand have been contained in the operating parts of the Civil Air Regulations for a considerable period of time. It would appear, therefore, that additional time should be allowed for compliance with the provisions applicable to required instruments and equipment other than flight instruments. In view of the foregoing, it is proposed to extend the date for compliance with §§ 40.172 (k) and 40.173 (d) until January 1, 1955, § 40.173 (b) (3) until November 1, 1954, § 40.175 (c) until July 1, 1955, § 40.175 (d) until December 1, 1954, and § 40.178 (b) until March 1, 1954.

The nontransport category performance operating limitations of revised Part 40 contain no landing distance requirement specifically applicable to alternate airports. The Board has been advised that the absence of a landing distance requirement directed specifically to alternate airports has given rise to a question as to whether the landing distance at alternate airports was intended to be the same as that for airports of intended destination. The Board did not intend that the requirement concerning runway margins in the nontransport category performance limitation be any more stringent than that contained in the transport category performance limitations. It is proposed to clarify this intent by inserting a new § 40.94 prescribing the same landing distance limitations at alternate airports for the nontransport category operating limitations as are presently prescribed for transport category airplanes.

Section 40.175 (f) provides that any airplane door between passenger compartments and other compartments which is a means of access to a required passenger emergency exit must be open during take-off and landing. The purpose of this provision was to insure accessibility of emergency exits under circumstances requiring rapid evacuation of the airplane. Such circumstances would be encountered only in the event of an accident or other eventuality. Arguments in favor of this requirement contend that since an accident is frequently accompanied by distortion of the fuselage, a door in a closed position may become jammed and for this reason should not be closed during take-off and landing.

The Board has been advised that in certain airplane models literal compliance with § 40.175 (f) would require that the door between passenger compartments and forward compartments of the airplane be secured in such a position as to block one section of seats. Furthermore, it has been maintained that the principal purpose to be served by such a requirement is that the door be capable of being opened and that this purpose is adequately served by the use of the word "unlocked". It is proposed that § 40.175 (f) be amended to require that such doors be "unlocked" rather than "open" and comment is specifically invited concerning the merit of this proposal.

The Board's attention has been drawn to the fact that § 40.176 implies major differences in cockpit procedures between certain aircraft of the same type operated by the same air carrier. It appears that a greater contribution to safety is made when cockpit check procedures are standardized to the extent practicable and that the language of this section appears to render such standardization more difficult. It is proposed, therefore, that the portion of the requirement tending to discourage standardization be deleted.

The Board's attention has been directed to the fact that the language of §§ 40.231 and 40.232 literally requires a duplication of equipment not intended by the Board. The various requirements of this section were intended to define functions to be served by the radio equipment carried aboard aircraft and duplication of equipment for each function was intended to be required only where a reference to duplication is explicitly made. For instance, should a range receiver be capable of satisfying the requirement of § 40.231 (a) (3), that receiver may also satisfy the requirement for radio navigation receivers contained in § 40.231 (b). It is proposed to amend §§ 40.231 and 40.232 to clarify the functional nature of the requirements and avoid unintended duplication.

The Board's attention has been called to the fact that certain existing labor contracts would be voided by the fact that the equivalent duty provision contained in current Part 61 does not exist in revised Part 40. Since it does not appear that safety will be compromised by continuing the flexibility currently provided in Part 61, and since such flexibility appears to be desirable under existing contractual arrangements between air carriers and certain mechanical employee groups, it appears advisable to amend §§ 40.243 and 40.340 (b) (3) to include an equivalent duty provision.

Since it is intended that an aircraft the maximum certificated weight of which is exactly 12,500 pounds be regarded as a "small aircraft" it is proposed to amend § 40.261 (c) to bring this section in accord with the definition of large aircraft elsewhere in the Civil Air Regulations.

The Board has been advised that § 40.303 (c) is susceptible of an interpretation which would require the pilot making an entry into an airport for the purpose of airport qualification to manipulate the controls of the aircraft during the take-off and landing. Such manipulation of controls is not essential to the purpose of this regulation and may in fact under certain circumstances result in the preoccupation of the pilot to the extent that visual survey of the airport and its environs may not be as com-

plete as may be desired. It is proposed that § 40.303 (c) be amended to clarify this intent.

Paragraph (d) of § 40.303 was not intended to be applied to routes on which facilities are adequate for instrument flight and on which instrument operation has been authorized in the operations specifications. It is proposed to amend this paragraph to clarify this intent.

In order for a pilot to maintain route and airport qualifications for particular trips as pilot in command, § 40.304 (a) requires that, during the preceding 12 months he (1) make at least one trip as pilot or other member of the crew between terminals into which he is scheduled to fly, (2) make one actual or one simulated entry utilizing a synthetic trainer into each regular, provisional, or refueling airport into which he is scheduled to fly, and (3) if applicable, comply with the provisions of § 40.303 (d). The Board has received comment from several air carriers contending that the requirement for an actual entry or a simulated entry into each airport constitutes an undue administrative burden. These carriers have argued that the questionable contribution to safety which this requirement makes can scarcely justify the administrative burden it creates. In re-examining this requirement it appears that the clerical problem created is indeed a considerable one in that the compilation of a great number of additional records will be necessary and a continuous review of these records required in order to insure continued compliance. It is proposed that the requirement in § 40.304 (a) for an actual entry or a simulated entry into each airport every 12 months be deleted. The Bureau is desirous of obtaining additional information to assist in determining whether this proposed amendment should be adopted.

The preamble of revised Part 40 makes clear that the Board intended in this part "to continue in effect the (weekly) limitation as contained in Part 61." Section 40.320 (a) (3), however, renders the thirty-hour limitation application on a "calendar week" basis rather than a "seven consecutive days" basis. Until such time as it is possible for the Board to complete certain separate rule-making procedures in the matter of flight time limitations, the provisions contained in current Part 61 should be retained. It is proposed to amend § 40.320 (a) (3) to bring the weekly flight time limitations into accord with the current requirements of Part 61.

Section 60.46 of Part 60 authorizes air traffic control to clear aircraft for instrument approach in accordance with procedures which differ from procedures contained in either air carrier operations specifications or in the Civil Aeronautics Administration Flight Information Manual. This authorization is essential to expedite traffic during certain weather conditions. This procedure is currently followed by air traffic control and has proved satisfactory. It is proposed to amend § 40.364 to clarify that the Part 60 authorization is applicable to Part 40 operations.

The Board's attention has been called to the fact that § 40.509 (c) is susceptible of an interpretation requiring Mechanical Interpretation Summary Reports to include reports of propeller featherings which are accomplished for training, experimentation, or demonstration purposes. The Board intended that this requirement be applicable only to propeller featherings required as a result of an actual or suspected engine malfunction. It is proposed that § 40.509 (c) be amended to make this intent apparent.

Accordingly, notice is hereby given that the Bureau has under consideration the amendment of Part 21 and revised Part 40 of the Civil Air Regulations, as follows:

1. By amending § 21.42 (a) by deleting the last sentence thereof.

2. By amending the definition of "dispatch release" in § 40.5 by adding the word "release" after the word "dispatch" in the text thereof.

3. By amending § 40.34 by adding the words "under normal operating conditions" between the words "communications" and "over".

4. By amending § 40.51 (a) (16) by deleting the word "and" before the word "standards" and substituting in lieu thereof the word "or".

5. By amending § 40.90 by deleting the reference "40.93" and substituting "40.94" in lieu thereof in each place where it appears.

6. By adding a new § 40.94 to read as follows:

§ 40.94 *Landing distance limitations: alternate airports.* No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the requirements of § 40.93: *Provided*, That the airplane can be brought to rest within 70 percent of the effective length of the runway.

7. By amending § 40.172 (k) by deleting "December 31, 1953" and substituting "December 31, 1954" in lieu thereof.

8. By amending § 40.173 (b) (3) by adding "On and after November 1, 1954," at the beginning thereof.

9. By amending § 40.173 (d) by adding "On and after January 1, 1955," at the beginning thereof.

10. By amending § 40.175 (c) by adding at the end thereof the following: "*And provided further*, That the provisions of this paragraph with respect to required instruments and equipment other than flight instruments shall not be mandatory prior to July 1, 1955."

11. By amending § 40.175 (d) by adding "On and after December 1, 1954," at the beginning thereof.

12. By amending § 40.175 (f) by deleting the word "open" in the third sentence and substituting in lieu thereof the word "unlocked".

13. By amending § 40.176 by deleting the words "adapted to each operation in which the airplane is to be utilized" in the first sentence thereof.

14. By amending § 40.178 (b) by adding the words "On and after March 1, 1954," at the beginning thereof.

15. By amending § 40.231 (b) to read as follows:

§ 40.231 *Radio equipment for operations under VFR over routes not navigated by pilotage.* • • •

(b) For all operations at night conducted under VFR over routes on which navigation can be accomplished by pilotage, each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the functions specified in paragraph (a) of this section and to receive radio navigation signals applicable to the route flown except that no marker beacon receiver or ILS receiver need be provided.

16. By amending § 40.232 (a) to read as follows:

§ 40.232 *Radio equipment for operations under VFR over routes not navigated by pilotage or for operations under IFR or over-the-top.* (a) For operations conducted under VFR over routes on which navigation cannot be accomplished by pilotage or for operations conducted under IFR or over-the-top each airplane shall be equipped with such radio equipment as is necessary under normal operating conditions to fulfill the functions specified in § 40.231 (a) and to receive satisfactorily by either of two independent systems, radio navigational signals from all primary en route and approach navigational facilities intended to be used, except that only one marker beacon receiver which provides visual and aural signals and one ILS receiver need be provided. Equipment provided to receive signals en route may be used to receive signals on approach if it is capable of receiving both signals.

17. By amending § 40.243 by adding the words "or equivalent thereof" at the end thereof.

18. By amending § 40.261 (c) by deleting the words "12,500 pounds or more" and substituting in lieu thereof the words "more than 12,500 pounds".

19. By amending § 40.282 (a) by deleting the words "all pilots" and substituting in lieu thereof the words "each pilot".

20. By amending § 40.303 (c) to read as follows:

§ 40.303 *Pilot route and airport qualification requirements.* • • •

(c) Each pilot shall make an entry as a member of the flight crew at each regular, provisional, and refueling airport into which he is scheduled to fly. Unless impracticable, such entry shall include a landing and take-off under day VFR to permit the qualifying pilot to observe the airport and surrounding terrain, including any obstructions to landing and take-off. The qualifying pilot shall occupy a seat in the pilot compartment and shall be accompanied by a pilot who is qualified at the airport.

21. By amending § 40.303 (d) by deleting the words "Where an en route operation" and substituting in lieu thereof "On routes on which navigation must be accomplished by pilotage and on which flight".

22. By amending § 40.304 (a) to read as follows:

§ 40.304 *Maintenance and reestablishment of pilot route and airport qualifications for particular trips.* (a) To maintain pilot route and airport qualifications, each pilot being utilized as pilot in command, within the preceding 12-month period, shall have made at least one trip as pilot or other member of the flight crew between terminals into which he is scheduled to fly and shall have complied with the provisions of § 40.303 (d), if applicable.

23. By amending § 40.304 (b) by deleting the proviso at the end thereof.

24. By amending § 40.320 (a) (3) by deleting the word "week" and substituting in lieu thereof the words "seven consecutive days".

25. By amending § 40.340 (b) (3) by adding the words "or the equivalent thereof" at the end thereof.

26. By amending § 40.363 (b) (2) by deleting the word "feathered" and substituting in lieu thereof the word "inoperative".

27. By amending § 40.364 by adding at the end thereof the following: "*Provided*, That at airports at which air traffic control services are provided, a different instrument approach procedure may be authorized by air traffic control subject to such conditions as the Administrator may prescribe."

28. By amending § 40.385 by deleting the word "aircraft" and substituting in lieu thereof the word "airplane".

29. By amending § 40.387 by deleting the word "aircraft" and substituting in lieu thereof the word "airplanes".

30. By amending § 40.388 (a) by deleting the proviso and substituting in lieu thereof the following: "*Provided*, That such alternate need not be selected if the ceiling and visibility respectively at the take-off airport are at least 300 feet and one mile, 400 feet and three-quarters mile, or 500 feet and one-half mile."

31. By amending § 40.389 (a) by deleting the proviso and substituting in lieu thereof the following: "*Provided*, That no alternate need be designated when, for the period two hours before to two hours after the estimated time of arrival, the ceiling at the airport to which the flight is dispatched is forecast to be at least 1,000 feet above the minimum initial approach altitude applicable to such airport and the visibility at such airport is forecast to be at least three miles."

32. By amending § 40.391 (a) by deleting the word "aircraft" and substituting in lieu thereof the word "airplane".

33. By amending § 40.393 (c) by deleting the word "flight" wherever it appears before the word "release" and substituting in lieu thereof the word "dispatch" and by deleting the word "aircraft" and substituting in lieu thereof the word "airplane".

34. By amending § 40.393 (d) by deleting the word "flight" and substituting in lieu thereof the word "dispatch" and by deleting the word "aircraft" and substituting in lieu thereof the word "airplane".

35. By amending § 40.406 (a) by deleting the word "aircraft" and substituting in lieu thereof the word "airplane".

36. By amending § 40.509 (c) by adding a sentence at the end thereof to read as follows: "Propeller featherings accomplished for training, demonstration, or flight check purposes need not be reported."

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated November 16, 1953, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 53-9752; Filed, Nov. 18, 1953; 8:50 a. m.]



# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

NEW MEXICO

STOCK DRIVEWAY WITHDRAWAL NO. 254 NEW MEXICO NO. 14, REDUCED

NOVEMBER 12, 1953.

By virtue of the authority contained in section 10 of the act of December 29, 1916, 39 Stat. 865, as amended by the act of January 29, 1929, 45 Stat. 1144 (43 U. S. C. 300) and pursuant to the authority delegated to me by the Director, Bureau of Land Management, in section 2.22 (a) (1) of Order No. 427, dated August 16, 1950, 15 F. R. 5639, it is ordered as follows:

Departmental orders of February 14, 1919, and January 6, 1939, establishing and modifying Stock Driveway No. 254, New Mexico No. 14, are hereby revoked so far as they affect the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 31 N., R. 8 E.,
Sec. 1, E½;
Sec. 3, S½, E½NE¼;
Sec. 12, E½;
Sec. 13, E½;
Sec. 24, E½;
Sec. 25, all.
T. 32 N., R. 8 E.
Sec. 24, SE¼SE¼;
Sec. 25, S½, NE¼, S½NW¼;
Sec. 26, SE¼NE¼, SE¼;
Sec. 34, SE¼SE¼;
Sec. 35, S½, NE¼.
T. 31 N., R. 9 E.,
Sec. 6, W½.
T. 32 N., R. 9 E.,
Sec. 19, lots 1, 5, SE¼SW¼, S½SE¼;
Sec. 20, lots 6 to 11, inclusive;
Sec. 30, W½;
Sec. 31, W½.

The areas described aggregate 4,975.17 acres.

The lands are located in a broken mesa area underlain with lava. They are chiefly valuable for grazing. The lands will not be subject to occupancy or disposition until they have been classified. It is unlikely that these lands will be classified as suitable for homestead or desert land use.

This order shall not otherwise become effective to change the status of such lands until 10:30 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Land and Survey Office, Santa Fe, New Mexico.

E. R. SMITH, *Regional Administrator.*

[F. R. Doc. 53-9720; Filed, Nov. 18, 1953; 8:45 a. m.]

[Misc. 5 5]

NEW MEXICO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

NOVEMBER 10, 1953.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 21 S., R. 24 E.,
Sec. 32.
T. 19 S., R. 27 E.,
Sec. 32;
Sec. 36, NW¼SW¼, S½SW¼, N½NE¼, SE¼NE¼.
T. 25 S., R. 31 E.,
Sec. 2, N½S½, S½SW¼, SW¼SE¼.
T. 26 S., R. 25 E.,
Sec. 2, N½, N½S½, SW¼SW¼, S½SE¼.

The land is desert, rolling to partly mountainous, with desert shrub vegetation. There is no surface water and the land is not irrigable from any known source of water supply. It is primarily suitable for grazing.

No application for this land may be allowed under the homestead, small tract, desert-land, or any other nonmineral public land law, unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. It is unlikely that this land will be classified for homestead, small tract, or desert-land use.





which the claim for preference is based

with the provisions of the marketing or-

## ARMED SERVICES PATENT

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Santa Fe, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Santa Fe, New Mexico.

E. R. SMITH,
*Regional Administrator.*

[F. R. Doc. 53-9721; Filed, Nov. 18, 1953; 8:45 a. m.]

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[Misc. 5 6]

ARIZONA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

NOVEMBER 10, 1953.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. Sec. 315g), the following described lands have been reconveyed to the United States:

GILA AND SALT RIVER MERIDIAN

T. 19 N., R. 12 W.,
Sec. 21, S½, W½NW¼, SE¼NW¼.
T. 19 N., R. 13 W.,
Sec. 7.
T. 23 N., R. 14 W.,
Sec. 2, E½, SW¼.
T. 20 N., R. 16 W.,
Sec. 32, N½SW¼, SE¼NW¼.
T. 19 N., R. 17 W.,
Sec. 16, W½NE¼, E½SE¼, SW¼SW¼.
T. 22 N., R. 18 W.,
Secs. 3 and 5;
Sec. 7, E½;
Sec. 13, W½SW¼, SE¼SW¼;
Secs. 15, 16 and 17;
Sec. 19, NE¼, NE¼;
Secs. 21 and 23;
Sec. 25, lots 1, 2, 3, 4, 5, 6, W½SE¼, W½;
Secs. 27, 29, 32, 33, 35 and 36.
T. 22 N., R. 19 W.,
Secs. 16 and 36.
T. 24 N., R. 19 W.,
Sec. 8, SW¼NW¼.
T. 22 N., R. 20 W.,
Sec. 16, E½, SW¼;
Sec. 32, E½, NW¼, NE¼SW¼;
Sec. 36, N½, SW¼, NW¼SE¼.
T. 23 N., R. 21 W.,
Sec. 35, N½.
T. 24 N., R. 21 W.,
Sec. 7;
Sec. 17, W½, W½E½;
Sec. 19;
Sec. 25, W½, W½, SE¼, SW¼;
Secs. 29 and 31;
Sec. 35, N½, SE¼, NE¼SW¼;
Sec. 5, lot 4.

The SW¼NW¼ sec. 8, T. 24 N., R. 19 W., is located in an open pasture area approximately 30 miles northwest of Kingman, Arizona, and about 1 mile west of the Kingman-Boulder City highway.

The lands in T. 22 N., R. 18 W. are for the most part flat to gently rolling with desert type vegetation.

The remaining lands described in this order are rough and mountainous and covered with desert type vegetation. All of the lands are primarily suitable for grazing.

No applications for these lands may be allowed under the homestead, small tract, desert land, or other non-mineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. It is unlikely that the lands will be classified for homestead, small tract, or desert land use.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon



which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Phoenix, Arizona, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Phoenix, Arizona.

E. R. SMITH,
*Regional Administrator.*

[F. R. Doc. 53-9722; Filed, Nov. 18, 1953; 8:46 a. m.]

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## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

ORDER DISCHARGING TRUSTEES FOR LIQUIDATION ACTION

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), the provisions of Marketing Agreement No. 107, as amended, and of Marketing Order No. 85, as amended (17 F. R. 1022), both of which are hereinafter referred to as the "marketing order," were terminated by an order (17 F. R. 11...) which was issued on December 29, 1952, and which became effective on June 1, 1953. It was provided, in § 98...7 (c) of the marketing order, that upon the termination of such program the members of the Hop Control Board then functioning should continue as trustees for the purpose of liquidating the affairs that their activities in that connection should be as prescribed by the Secretary of Agriculture. In implementation of the provisions last referred to, there was issued on May 6, 1953, prescribing detailed procedures for the liquidation action.

The members of the Hop Control Board constituted at the effective time of the termination action (i. e., July 1, 1953), as such trustees, liquidated and pro...ly distributed, in accordance with the provisions of the marketing order and the supplementary orders which are referred to above, all of the assets under the aforesaid program. In addition, they have had the prescribed audit made, and all books and records of the Hop Control Board and of the said trustees, together with the file cabinets or other containers, have been delivered to the designated representative of this Department. There is no further duty to be performed in connection with the liquidation action by the said trustees.

*It is, therefore, hereby ordered*, That the aforesaid trustees be, and they hereby are, discharged and released from any further obligations to serve as such pursuant to said orders.

(Sec. 5, 48 Stat. 31, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 13th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9779; Filed, Nov. 18, 1953; 8:49 a. m.]

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## DEPARTMENT OF COMMERCE

### Business and Defense Services Administration

[FDEA Notice 1]

SOURCE AND CRITICAL MATERIALS AUTHORIZED FOR GENERAL DISTRIBUTION IN THE CIVILIAN MARKET

Pursuant to section 101 (b) of the Defense Production Act of 1950 as amended by section 3 of the Defense Production Act Amendments of 1953, section 201 of Executive Order 10480 dated August 14, 1953, paragraph 1 of Defense Mobilization Order No. 30 dated August 14, 1953, and section 3 of Department of Commerce Order 152 dated October 1, 1953, I hereby authorize the control of the general distribution in the civilian market of the materials listed in Schedule A below and find (1) that they are scarce and critical materials essential to the national defense, and (2) that the requirements of the national defense for such materials cannot otherwise be met without creating a significant dislocation of the normal distribution of such materials in the civilian market to such a degree as to create appreciable hardship.

This notice shall take effect November 18, 1953.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
*Administrator.*

Approved:

ARTHUR S. FLEMMING,
*Director of the Office of Defense Mobilization.*

SCHEDULE A

Titanium sponge and titanium metal (ingot and mill products).

[F. R. Doc. 53-9799; Filed, Nov. 18, 1953; 11:32 a. m.]

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## ARMED SERVICES PATENT ADVISORY BOARD

ORGANIZATION AND FUNCTIONS

SECTION I. *Introduction.* Pursuant to the authorities vested in the Secretaries of the Army, Navy and Air Force by the National Security Act of 1947, as amended; by section 8 of Public Law 256, 82d Cong.; by section 188 of Title 35, United States Code, as enacted by Public Law 593, 82d Cong.; and by delegation of authority from the Secretary of Defense in Department of Defense directive 5535.2 dated July 15, 1953, and in order to assure uninterrupted administration of sections 1, 2 and 4 of Public Law 256, 82d Cong., and sections 181, 182 and 184 of Title 35, United States Code, as enacted by Public Law 593, 82d Cong., there is hereby continued within the Department of Defense an Armed Services Patent Advisory Board (hereinafter called "the Board"), with membership, authority, duties and relationships as set forth below. The Board shall be a joint agency of the three military departments, subject to the authority, direction and control of the Secretary of Defense and under the management control of the Department of the Army.

SEC. II. *Membership.* The Board shall be composed of an Army Section, a Navy Section, an Air Force Section and a Chairman and Secretary selected by the Board from the membership of the sections. Each section of the Board shall consist of not more than four members and one alternate for each member appointed by the Secretaries or other duly authorized officials of the respective military departments. The alternate, in the absence of a member, is authorized to act in his stead with full powers.

SEC. III. *Authority*—A. *Authority of the Board.* Within its jurisdiction, as defined in this charter or as may be further directed, the Board shall be the agency of the military departments responsible for performing the duties set forth in Section IV, below. Accordingly, the authorities vested in the Secretary of the Army, the Secretary of the Navy and the Secretary of the Air Force by sections 1, 2 and 4 of Public Law 256, 82d Cong., by sections 181, 182, and 184 of Title 35, United States Code, as enacted by Public Law 593, 82d Cong., and by delegation of authority from the Secretary of Defense in Department of Defense directive 5535.2 dated July 15, 1953, are hereby delegated or redelegated, as appropriate, to the Army Section, Navy Section and Air Force Section of the Board, respectively. These delegations of authority are effective as of February 1, 1952.

B. *Authority of the Chairman.* (1) The Chairman shall have authority to take executive action in carrying out the decisions of the Board and may, without being relieved of his responsibility therefor, perform any of his duties with or through the aid of such members or officials of the Board as the Chairman may designate or as may be indicated herein.

(2) The Chairman in accordance with the established Department of Defense policies, is authorized to establish such continuing or temporary committees and working groups as may be necessary to conduct studies, assemble information, make recommendations and otherwise to assist in carrying out the responsibilities of the Board.

SEC. IV. *Duties—A. Duties of the Board.* (1) In the case of patent applications made available to the Board by the Commissioner of Patents, the Board shall decide all matters relative to the issuance, rescission, modification or lapse of secrecy orders in the administration of sections 1, 2, and 4 of Public Law 256, 82d Cong., and sections 181, 182, and 184 of Title 35, United States Code, as enacted by Public Law 593, 82d Cong.; *Provided*, That no action shall be taken by the Board which would result in the rescission or lapse of a secrecy order without the concurrence of all interested members of the Board.

(2) In the case of patent applications which are not made available to the Board by the Commissioner of Patents, the Board acting through the Army, Navy or Air Force Section of the Board or individual members thereof, based on the advice of technical and security personnel of competent authority, shall where appropriate notify the Commissioner of Patents that the publication or disclosure of the subject matter of specified applications would be detrimental to the national security and such notification shall have the same force and effect as if issued by a Secretary of a military department.

B. *Duties of the Chairman.* (1) The Chairman shall be responsible for establishing written procedures to govern the operation of the Board and written procedures for facilitating the production of patent applications for the purpose of determining the military security classification thereof.

(2) The Chairman shall also be responsible for establishing, with the advice of technical and security personnel, categories of inventions the publication or disclosure of which might be detrimental to the national security and of advising the Commissioner of Patents thereof so that he may make patent applications covering such inventions available for inspection by the military departments.

(3) The Chairman shall represent or arrange for the representation of the Department of Defense before and with other Governmental departments and agencies on all matters for which the Board has responsibility under the provisions of this charter.

C. *Duties of the Secretary.* (1) The Secretary of the Board shall make available to interested Board members all written communications received from the Commissioner of Patents in the administration of sections 1, 2 and 4 of Public Law 256, 82d Cong., and sections 181, 182 and 184 of Title 35, United States Code, as enacted by Public Law 593, 82d Cong., and shall notify the Commissioner of Patents of decisions of the Board on the matters referred to the Board by these communications.

(2) The Secretary of the Board shall also prepare the minutes of the Board meetings, and shall maintain complete records of all actions taken by the Board, the Army, Navy and Air Force Sections of the Board and the individual members of the Board in the administration of sections 1, 2 and 4 of Public Law 256, 82d Cong., and sections 181, 182, and 184 of Title 35, United States Code, as enacted by Public Law 593, 82d Cong.

SEC. V. *Administration.* A. The Secretary of the Army, as management agent, shall be responsible for the determination and provision, within the limits of resources available to the Department of the Army for such purposes, of adequate administrative support for the operation of the Board. The term "administrative support" as used in this charter is defined to include budgeting, funding, fiscal control, manpower control and utilization, personnel administration, security administration, space, facilities, supplies, other administrative provision and services and mobilization planning relating thereto. The Secretary of the Army as management agent, may redelegate authorities in connection with these responsibilities within the command structure of the Department of the Army.

B. *Arrangements for the Furnishing of the Board's Activities* are subject to the approval of the Assistant Secretary of Defense (Comptroller).

C. *The Board* shall establish its own rules of procedure and shall meet at the call of the Chairman or such time as it may fix and the presence of a member or his duly designated alternate from each of the military departments shall constitute a quorum. Such matters which cannot be readily resolved by the Board will be referred promptly to the Secretary of the Army, as management agent, for resolution by the Secretaries of the three military departments or for presentation to the Secretary of Defense for decision.

SEC. VI. *Relationships.* A. The Chairman and the Board are authorized and expected to communicate directly and expeditiously with any activities of the military departments concerning any matter within its jurisdiction and in which there exists a mutual interest or responsibility.

B. The Board shall coordinate its efforts with all agencies within and outside the military departments which have a mutual interest or responsibility with respect to any matter within its jurisdiction and will determine what formal concurrences, if any, are required.

Approved: September 28, 1953.

R. T. STEVENS,
*Secretary of the Army.*
R. B. ANDERSON,
*Secretary of the Navy.*
H. E. TALBOTT,
*Secretary of the Air Force.*

[F. R. Doc. 53-9719; Filed, Nov. 18, 1953; 8:45 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 5592 et al.]

CENTRAL AIRLINES, INC., ET AL. SERVICE TO FAYETTEVILLE, ARK.

NOTICE OF HEARING

In the matter of the joint application of the City of Fayetteville, Arkansas, and the Fayetteville Chamber of Commerce for the authorization of air service to Fayetteville, Arkansas (Docket No. 5592), the applications of Central Airlines, Inc. and Trans-Texas Airways for amendment of certificates of public convenience and necessity (Docket Nos. 6017 and 6233), the application of Braniff Airways, Inc. for an order authorizing temporary suspension of service at Muskogee Oklahoma, on route Nos. 9 and 26, and an investigation (Docket No. 6214) of suspension of Braniff's services to Muskogee, Oklahoma, and of authorization of service by Braniff to Fayetteville, Arkansas.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended particularly sections 401 and 1001 of said act, that a hearing in the above-entitled proceeding will be held December 1, 1953, at 10:00 a. m., e. s. t., in the District Court Room, Washington County Courthouse, Muskogee, Oklahoma, before Examiner Ralph L. Wiser.

Without limiting the scope of issues presented by the applications, the matters and things involved therein will be considered to the following extent:

1. Whether the public convenience and necessity require the amendment of the certificates of public convenience and necessity held by Central Airlines, Inc. for route No. 9 and of the certificate held by Braniff Airways, Inc. for route No. 26 so as to authorize the temporary suspension of service to Muskogee, Oklahoma, on said routes and so as to authorize air transportation to Fayetteville, Arkansas, as an intermediate point on segment 1 of route No. 9.

2. Whether the public convenience and necessity require the amendment of the certificate of public convenience and necessity held by Central Airlines, Inc. for route No. 81 so as to authorize air transportation (a) between the intermediate point Muskogee, Oklahoma, on segment 2 of said route and the terminal point Little Rock, Arkansas, via the intermediate points Fayetteville, Fort Smith and Hot Springs, Arkansas, (b) between the terminal point Kansas City, Missouri, and the intermediate point Fayetteville on segment 2 of route No. 81 via the intermediate points Joplin, Missouri, Fayetteville, Arkansas, and Fort Smith, Arkansas, and (c) between the intermediate point Muskogee, Oklahoma, on segment 2 of route No. 81, and the intermediate point Fort Smith, Arkansas.

3. Whether the public convenience and necessity require the amendment of the certificate of public convenience and necessity held by Trans-Texas Airways for route No. 82 so as to authorize air transportation between Little Rock, Arkansas, an intermediate point on said route, and the terminal point Tulsa, Oklahoma, via the intermediate points Fort Smith and Fayetteville, Arkansas.

4. Whether each of the above-named air carriers is fit, willing and able properly to perform the air transportation to be authorized and to conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder.

For further details of the issues involved in this proceeding, interested persons are referred to the applications, the prehearing conference report, and the consolidation orders, Nos. E-7546 and E-7680, comprised in the record of this proceeding on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before November 25, 1953, a statement setting forth the propositions of fact or law which he desires to advance.

Dated at Washington, D. C., November 13, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-9738; Filed, Nov. 18, 1953; 8:49 a. m.]

[Docket No. 6204]

NORTHEAST AIRLINES, INC.

NOTICE OF HEARING

In the matter of an investigation to determine whether the certificate of public convenience and necessity for route No. 27 held by Northeast Airlines, Inc., should be altered, amended, or modified so as to eliminate therefrom authority to serve the intermediate point Provincetown, Massachusetts.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on January 6, 1954, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 16, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-9750; Filed, Nov. 18, 1953; 8:50 a. m.]

[Docket No. SA-285]

ACCIDENT OCCURRING AT STANDIFORD FIELD, LOUISVILLE, KY.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States registry #N 66534, which occurred at Standiford Field, Louisville, Kentucky, on September 28, 1953.



Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Monday, November 23, 1953, at 9:00 a. m. (local time) in the Kentucky Hotel, Fifth and Walnut Street, Louisville, Kentucky.

Dated at Washington, D. C., November 13, 1953.

[SEAL] ROBERT W. CHRISP,
*Presiding Officer.*

[F. R. Doc. 53-9751; Filed, Nov. 18, 1953; 8:50 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-2010]

NORTHERN NATURAL GAS CO.

NOTICE OF EXTENSION OF TIME

NOVEMBER 13, 1953.

Upon consideration of the motion of Northern Natural Gas Company, filed November 9, 1953, for an extension of time in the above-designated matter;

Notice is hereby given that an extension of time from October 27, 1953 to and including November 30, 1953, is granted within which Northern Natural Gas Company shall complete construction of all facilities authorized by the Commission's order issued July 30, 1953, and shall place said facilities in operation. Paragraph (C) (1) of said order is amended accordingly.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9726; Filed, Nov. 18, 1953; 8:46 a. m.]

[Docket No. G-2075]

TRANSCONTINENTAL GAS PIPE LINE CORP.

ORDER FIXING DATE FOR RESUMPTION OF HEARING

On July 15, 1953, the hearing in this proceeding was recessed to a date to be thereafter fixed by order of the Commission.

The Commission finds: Good cause exists and the public interest requires that the proceeding be set for further hearing as hereinafter ordered.

The Commission orders: The public hearing in this proceeding be resumed on November 30, 1953, at 10:00 a. m. in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Adopted: November 12, 1953.

Issued: November 13, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9727; Filed, Nov. 18, 1953; 8:46 a. m.]

[Docket No. G-2187]

CITIES SERVICE GAS CO.

ORDER DENYING REQUEST FOR SHORTENED PROCEDURE AND FIXING DATE OF HEARING

Cities Service Gas Company (Applicant), a Delaware corporation with its principal place of business in Oklahoma City, Oklahoma, filed an application on June 15, 1953, which was supplemented on July 13, 1953, for (1) a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain natural-gas transmission pipe-line facilities heretofore constructed by Applicant as substitute facilities to render service in the area of Mulvane and Derby, Sedgwick County, Kansas, all as more fully described in said application, and (2) an order, pursuant to section 7 (b) of the Natural Gas Act, authorizing and approving the abandonment of certain natural gas transmission facilities described in said application which heretofore were used by Applicant to render service in the Mulvane and Derby, Kansas area.

Applicant has requested that its application be disposed of pursuant to the provisions of § 1.32(b) (18 CFR 1.32(b)) of the Commission's rules of practice and procedure. Due notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on July 9, 1953 (18 F. R. 4037). Although no formal protest to the application has been filed, the Commission has been informed that discontinuance of service by Applicant to certain customers as a result of the abandonment of facilities by Applicant has been protested. The application indicates that as a result of the construction of new facilities and the abandonment of old facilities by Applicant, service to a number of domestic customers dependent upon Applicant's system for natural-gas service has been discontinued.

The Commission finds: This proceeding is not a proper one for disposition under the provisions of § 1.32(b) (18 CFR 1.32(b)) of the Commission's rules of practice and procedure.

The Commission orders:

(A) The request that the proceeding be disposed of under the provisions of § 1.32(b) (18 CFR 1.32(b)) of the Commission's rules of practice and procedure be and the same is hereby denied.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing be held on November 30, 1953, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application.

(C) Interested State commissions may participate as provided by §§ 1.8

and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: November 12, 1953.

Issued: November 13, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9728; Filed, Nov. 18, 1953; 8:47 a. m.]

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[Docket No. G-2236]

OHIO FUEL GAS CO.

ORDER FIXING DATE OF HEARING

On September 1, 1953, the Ohio Fuel Gas Company (Applicant), an Ohio corporation having its principal place of business at Columbus, Ohio, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and continued operation of certain natural-gas transmission pipeline facilities, subject to the jurisdiction of the Commission, all as more fully described in said application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 23, 1953 (18 F. R. 5669).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 30, 1953, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: November 12, 1953.

Issued: November 13, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9729; Filed, Nov. 18, 1953; 8:47 a. m.]

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[Docket No. G-2241]

TEXAS GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

Texas Gas Transmission Corporation (Applicant), a Delaware corporation having its principal place of business in Owensboro, Kentucky, filed on September 4, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a sales meter run near Merigold, Mississippi, for the purpose of delivery and sale of natural gas to Mississippi Valley Gas Company for resale to Mississippi Power & Light Company for use in the latter's Delta Steam-Electric Generating Plant near Cleveland, Mississippi, all as more fully described in said application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, and no request to be heard, protest, or petition has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 15, 1953 (18 F. R. 6578).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 30, 1953, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.3 (f)) of the said rules of practice and procedure.

Adopted: November 12, 1953.

Issued: November 13, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9730; Filed, Nov. 18, 1953; 8:47 a. m.]

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[Docket No. G-2266]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal office in El Paso, Texas, on October 5, 1953, filed application with the Federal Power Commission for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of approximately 7 miles of 8¾-inch pipeline in Pinal County, Arizona, extending from Applicant's existing Magma pipeline at a point in Section 4, Township 9 South, Range 16 East in a southwesterly direction, to a point in Section 29, Township 9 South, Range 17 East, together with necessary metering and regulating equipment, for the transportation and sale of natural gas subject to the jurisdiction of the Commission, as described in the application on file with the Commission, and open to public inspection,

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 24, 1953 (18 F. R. 6763).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on November 24, 1953 at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.3 (f)) of the said rules of practice and procedure.

Adopted: November 12, 1953.

Issued: November 13, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9731; Filed, Nov. 18, 1953; 8:47 a. m.]

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[Docket No. G-1915]

SOUTH GEORGIA NATURAL GAS CO.

ORDER REOPENING PROCEEDINGS AND FIXING DATE OF HEARING

The Commission, having considered the record and pleadings in this matter, and the representation of counsel for Applicant that the date hereinafter fixed for further hearing is the earliest date at which Applicant would be prepared to proceed, finds: It is appropriate and in the public interest to reopen this proceeding to permit each of the parties hereto to introduce such further evidence as it deems appropriate on all issues respecting South Georgia Natural Gas Company's application for a certificate of public convenience and necessity.

The Commission orders:

(A) The hearing in this matter be and the same hereby is reopened for the purpose stated above.

(B) Pursuant to the authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a further hearing be held commencing on January 18, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matter and issues hereinbefore stated.

(C) South Georgia Natural Gas Company, on or before January 5, 1954, shall serve upon all parties copies of the testimony and exhibits it proposes to offer at the reopened hearing, including five (5) copies upon Commission Staff Counsel

(D) All interveners in this proceeding may participate in such further hearing in accordance with leave granted by the Commission.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted November 4, 1953.

Issued November 13, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9732, Filed, Nov. 18, 1953; 8:48 a. m.]

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[Docket No. G-2312]

EAST TENNESSEE NATURAL GAS CO.

ORDER SUSPENDING REVISED TARIFF SHEETS AND FIXING DATE OF HEARING THEREON

On October 14, 1953, East Tennessee Natural Gas Company (East Tennessee) tendered for filing, pursuant to section 4 of the Natural Gas Act, First Revised Sheets Nos. 4, 5, 7, and 8 of East Tennessee FPC Gas Tariff, Second Revised Volume No. 1, proposed to take effect November 15, 1953.

East Tennessee, by said filing, proposes to increase the rate in its G-1 Rate Schedule from 45 cents per Mcf to 53.5 cents per Mcf, and to increase the rate in its G-2 Rate Schedule from $3.25 per Mcf per month of billing demand to $4.00 per Mcf per month of billing demand, and an increase in the commodity charge from 23 cents per Mcf to 25.5 cents per Mcf.

In addition, by said filing, East Tennessee proposes to change the availability of its Rate Schedules G-1 and G-2 so that Rate Schedule G-1 shall apply to those purchasers using less than 1,000 Mcf in any one day, rather than 3,000 Mcf.

The proposed rate increase, which would increase East Tennessee's revenues for the year ended August 31, 1953, by $501,728 is based in large part on a proposed increase in the cost of gas purchased from its supplier, Tennessee Gas Transmission Company. The supplier's proposed rate increase has been suspended by order of the Commission issued September 24, 1953, at Docket No. G-2252. Further, the method employed by East Tennessee to determine the allocation of costs between those sales subject to the jurisdiction of the Commission and other sales does not appear to be justified. In addition, the proposed reduction in the volume of gas pertaining to the availability of the G-1 rate schedule may not be justified.

Accordingly, East Tennessee's proposed change in the availability of its G-1 rate schedule and rate increase in its G-1 and G-2 Rate Schedules may be unjust, unreasonable, unduly discriminatory or preferential, and may place an undue burden upon ultimate consumers of natural gas.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing pursuant to section 4 of the Natural Gas Act, concerning the lawfulness of the rates, charges, classifications and services contained in East Tennessee's FPC Gas Tariff, Second Revised Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 4, 5, 7, and 8, and that said tariff sheets be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held commencing on February 1, 1954, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications and services contained in East Tennessee's FPC Gas Tariff, Second Revised Volume No. 1, as proposed to be amended by First Revised Sheets Nos. 4, 5, 7, and 8.

(B) Pending such hearing and decision thereon, First Revised Sheets Nos. 4, 5, 7, and 8 be and the same are hereby suspended, and their use deferred until April 15, 1954, unless otherwise ordered by the Commission, and until such further time as said tariff sheets may be made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing, the parties, including Commission Staff Counsel, may reserve cross-examination until after East Tennessee has presented and completed its case-in-chief.

(D) East Tennessee, on or before January 4, 1954, shall serve upon all parties, copies of all exhibits proposed to be offered by it at the hearing, including 5 copies upon Commission Staff Counsel.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: November 12, 1953.

Issued: November 13, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9733; Filed, Nov. 18, 1953; 8:48 a. m.]

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## HOUSING AND HOME FINANCE AGENCY

### Public Housing Administration

DESIGNATION OF ACTING COMMISSIONER

CENTRAL OFFICE ORGANIZATION AND FINAL DELEGATIONS OF AUTHORITY

Section II *Central Office organization and final delegations of authority to Central Office officials,* is amended as follows:

Paragraph 1g is amended as follows:

g. *Designation of Acting Commissioner.* The Commissioner hereby designates the Special Assistant Commissioner to serve as Acting Commissioner in his absence. The Special Assistant Commissioner is authorized to exercise all the powers, duties, and functions, while so acting, that are vested in the Commissioner. In the absence of the Special Assistant Commissioner such person as the Commissioner shall designate shall serve as Acting Commissioner and shall exercise all the powers, duties and functions, while so acting, that are vested in the Commissioner.

Date approved: November 10, 1953.

CHARLES E. SLUSSER, *Commissioner.*

[F. R. Doc. 53-9734; Filed, Nov. 18, 1953; 8:48 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28651]

LIQUID CAUSTIC SODA FROM HUNTSVILLE AND REDSTONE ARSENAL, ALA., TO TUSCOLA, ILL.

APPLICATION FOR RELIEF

NOVEMBER 16, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Liquid caustic soda, in tank-car loads.

From: Huntsville and Redstone Arsenal, Ala.

To: Tuscola, Ill.

Grounds for relief: Rail competition, circuitous routes, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates; C. A. Spaninger, Agent, I. C. C. No. 1351, supp. 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9744; Filed, Nov. 18, 1953; 8:49 a. m.]

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[4th Sec. Application 28652]

SODA ASH FROM LOUISIANA AND TEXAS TO SOUTH CAROLINA, GEORGIA AND FLORIDA

APPLICATION FOR RELIEF

NOVEMBER 16, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1167, and Agent F. C. Kratzmeir's tariffs Nos. 3906 and 3967.

Commodities involved: Soda ash, carloads.

From: Baton Rouge, Lake Charles and certain other points in Louisiana, Velasco, and other points in Texas.

To: Charleston and Georgetown, S. C., and points in Georgia and Florida.

Grounds for relief: Competition with water carriers and market competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9745; Filed, Nov. 18, 1953; 8:49 a. m.]

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[4th Sec. Application 28653]

SWEET POTATOES FROM LOUISIANA TO HUNTINGTON, W. VA.

APPLICATION FOR RELIEF

NOVEMBER 16, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Sweet potatoes or yams, carloads.

From: Points in Louisiana.

To: Huntington, W. Va.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3931, supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9746; Filed, Nov. 18, 1953; 8:50 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 54-212]

DERBY GAS & ELECTRIC CORP. ET AL.

SUPPLEMENTAL ORDER APPROVING AMENDMENT TO PLAN IN RESPECT OF ISSUANCE AND SALE OF NOTE AND USE OF PROCEEDS TO RETIRE BONDS

NOVEMBER 12, 1953.

The Commission, by order dated October 9, 1953, having approved a plan, as amended, filed under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by Derby Gas & Electric Corporation ("Derby"), a registered holding company, and its subsidiary companies, The Derby Gas and Electric Company ("Derby Company"), The Wallingford Gas Light Company ("Wallingford"), The Danbury and Bethel Gas and Electric Light Company ("Danbury"), and Derby Gas and Electric Corporation of Connecticut ("Derby of Connecticut"), providing for the merger of Derby, Derby Company, Wallingford, and Danbury, into and with Derby of Connecticut the name of which is to be changed to The Housatonic Public Service Company ("Housatonic"); the Commission having applied to the United States District Court for the District of Connecticut for enforcement of the plan; the plan providing, among other things, for the issuance and sale by Housatonic to The Equitable Life Assurance Society of the United States of $150,000 principal amount of additional First Mortgage Debentures and the use of proceeds, together with other necessary funds, to retire the outstanding $150,000 principal amount of Danbury bonds maturing December 1, 1953; and

Applicants having filed, pursuant to sections 11 (e) and 6 (b) of the act an amendment to said plan providing for the issuance and sale by Derby of a note for $150,000 and the use of proceeds thereof to retire the said $150,000 of Danbury bonds, which said note is to be assumed by Housatonic and paid, in whole or in substantial part, with funds received by it from the issuance and sale of the $150,000 of additional First Mortgage Debentures provided for by the plan; and

The Commission finding that the proposed amendment to the plan does not make any substantial change in the plan, or affect in any substantial respect the rights of stockholders or other persons affected by the plan, and that the applicable provisions of the act and the rules and regulations thereunder have been satisfied, and the Commission observing no basis for adverse findings, and deeming it appropriate in the public interest and in the interest of investors and consumers that the plan as modified by said amendment be approved forthwith:

*It is ordered*, Pursuant to sections 11 (e), 6 (b), and other applicable provisions of the act and the rules and regulations promulgated thereunder that said plan, as so modified, be, and it hereby is approved forthwith, subject to the terms, conditions, and reservations of jurisdiction specified in the Commission's order herein dated October 9, 1953.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-9735; Filed, Nov. 18, 1953; 8:48 a. m.]

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[File Nos. 70-3127, 70-3128]

DUQUESNE LIGHT CO. AND STANDARD POWER AND LIGHT CORPORATION

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO CERTAIN FEES AND EXPENSES

NOVEMBER 13, 1953

In the matter of Duquesne Light Company, File No. 70-3127; Standard Power and Light Corporation, File No. 70-3128.

The Commission by order dated September 8, 1953, having granted and permitted to become effective amended applications-declarations filed pursuant to the Public Utility Holding Company Act of 1935 by Duquesne Light Company ("Duquesne") (File No. 70-3127), a public utility subsidiary of Philadelphia



Company, a registered holding company and a subsidiary of Standard Gas and Electric Company, which, in turn, is a subsidiary of Standard Power and Light Corporation ("Standard Power"), both also registered holding companies, and by Standard Power (File No. 70-3128), regarding (a) the issue and sale by Duquesne, pursuant to Rule U-50, of 150,000 additional shares of Common Stock, par value $50 per share, 100,000 shares of --- Percent Preferred Stock, par value $10 per share, and $12,000,000 principal amount of 3⅝ Percent First Mortgage Bonds, Series due September 1, 1983; and (b) the sale by Standard Power, pursuant to Rule U-50, of 34,739 shares of the outstanding Common Stock of Duquesne, owned by Standard Power, simultaneously with the proposed sale by Duquesne of additional shares of its Common Stock, and

The Commission in its aforesaid order dated September 8, 1953, having reserved jurisdiction with respect to the results of competitive bidding under Rule U-50 and with respect to all fees and expenses, and applicants-declarants having submitted the aforesaid Duquesne Common Stock and bonds to competitive bidding, and Duquesne having postponed indefinitely the proposed issue and sale of preferred stock; and

The Commission by orders dated September 15, 1953, and September 23, 1953, having released jurisdiction over the results of the competitive bidding with respect to the issue and sale of the Duquesne Common Stock and bonds but having continued its jurisdiction over all fees and expenses; and

Duquesne and Standard Power having on November 2, 1953, requested the Commission to release jurisdiction with respect to the fees and expenses, other than fees and expenses for accounting and legal services, incurred in connection with the issue and sale by Duquesne of its Common Stock and bonds and the sale by Standard Power of the shares of Common Stock of Duquesne owned by Standard Power, and said fees and expenses having been estimated and allocated by applicants-declarants as follows:

| | Common stock | | Bonds—Duquesne | Total |
|---|---|---|---|---|
| | Duquesne | Standard Power | | |
| Securities and Exchange Commission filing fee | $450 | $104.22 | $1,248 | $1,802.22 |
| Federal and State stamp taxes | 1,650 | 277.91 | 13,200 | 15,127.91 |
| Pennsylvania stock excise taxes | 3,000 | | | 3,000.00 |
| Printing | 9,744 | 2,256.00 | 17,000 | 29,000.00 |
| Engraving | 4,000 | | 7,000 | 11,000.00 |
| Transfer agent and registrar fees | 1,500 | | | 1,500.00 |
| Trustee's charges including authentication | | | 9,500 | 9,500.00 |
| Qualifying under securities laws of various States | 2,030 | 470.00 | 2,250 | 4,750.00 |
| Listing on stock exchanges | 2,000 | | 1,500 | 3,500.00 |
| Miscellaneous expenses | 1,502 | 1,015.87 | 2,302 | 4,819.87 |
| Total | 25,876 | 4,124.00 | 54,000 | 84,000.00 |

The Commission finding that said estimated fees and expenses are not unreasonable, provided they do not exceed the foregoing amounts and it appearing to the Commission that the jurisdiction heretofore reserved with respect thereto should be released:

*It is ordered*, That the jurisdiction heretofore reserved with respect to the above fees and expenses be, and the same hereby is, released, effective forthwith.

*It is further ordered*, That the jurisdiction heretofore reserved herein, other than as expressly released, be, and the same hereby is, continued.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-9736; Filed, Nov. 18, 1953; 8:48 a. m.]

## OFFICE OF DEFENSE MOBILIZATION

[Defense Production Order 1; Revocation]

SCARCE AND CRITICAL MATERIALS AUTHORIZED FOR GENERAL DISTRIBUTION IN THE CIVILIAN MARKET

REVOCATION

Defense Production Order 1, as supplemented (18 F. R. 3805; 18 F. R. 4188), is hereby revoked.

This revocation shall take effect November 18, 1953.

ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 53-9816; Filed, Nov. 18, 1953; 11:01 a. m.]

# FEDERAL REGISTER

VOLUME 18 NUMBER 227

Washington, Friday, November 20, 1953


## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, § 6.113 (e) (1) is revoked, § 6.303 (o) (1) is amended, and the positions listed below are added to §§ 6.302, 6.303 and 6.313.

§ 6.302 *Department of State*—(a) *Office of the Secretary.* • • •

(13) One Private Secretary to the Special Asistant for Mutual Security Affairs.

(b) *Bureau of Security and Consular Affairs.* • • •

(10) One Private Secretary to the Deputy Administrator.

(c) *Office of the Assistant Secretary for Congressional Relations.* • • •

(5) One Private Secretary to the Deputy Assistant Secretary.

(d) *Office of the Assistant Secretary for Public Affairs.* • • •

(6) One Private Secretary to the Deputy Assistant Secretary.

(e) *Office of the Assistant Secretary for Economic Affairs.* • • •

(3) One Private Secretary to the Deputy Assistant Secretary.

• • • • • •

(h) *Bureau of Near Eastern, South Asian, and African Affairs.* • • •

(3) One Private Secretary to the Deputy Assistant Secretary.

(i) *Bureau of United Nations Affairs* • • •

(3) One Private Secretary to the Deputy Assistant Secretary.

(j) *Bureau of European Affairs.* • • •

(3) One Private Secretary to the Deputy Assistant Secretary.

(k) *Bureau of Far Eastern Affairs.* • • •

(3) One Private Secretary to the Deputy Assistant Secretary.

(l) *Bureau of Inter-American Affairs.* • • •

(3) One Private Secretary to the Deputy Assistant Secretary.

(m) *Office of the Legal Adviser.* • • •

(3) One Private Secretary to the Deputy Legal Adviser.

• • • • • •

(o) *Policy Planning Staff.* • • •

(7) One Private Secretary to the Director.

(8) One Private Secretary to the Deputy Director.

§ 6.303 *Treasury Department*—(a) *Office of the Secretary.* • • •

(9) One Confidential Assistant to the General Counsel.

§ 6.308 *Department of Justice.* • • •

(o) *Office of United States Attorney.*

(1) Secretary and Confidential Assistant to United States Attorney (ten positions).

§ 6.313 *Department of Labor*—(a) *Office of the Secretary.* • • •

(5) One Deputy Assistant Secretary for Manpower.

(6) One Special Assistant to the Assistant Secretary for International Labor Affairs.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 53-9769; Filed, Nov. 19, 1953; 8:49 a. m.]

---

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

NON-PAY STATUS

Section 30.204 is amended to read as follows:

§ 30.204 *Non-pay status.* Whenever a full-time employee's absence in a nonpay status within a leave year totals the equivalent of the base pay hours in one pay period, the credits for sick leave shall be reduced ½-day, and the credits for annual leave shall be reduced ½-day, ¾-day, or 1 day according to the employee's leave-earning category: *Provided,* That no leave shall accrue to the

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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credit of an employee who is in nonpay status for the entire leave year.

(Sec. 206, 65 Stat. 681)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 53-9793; Filed, Nov. 19, 1953; 8:56 a. m.]

## TITLE 7—AGRICULTURE

### Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—PINK BOLLWORM

EXTENSION OF REGULATED AREAS

Pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), § 301.52–2 of the regulations supplemental to notice of quarantine No. 52 relating to the pink bollworm (7 CFR, 1952 Supp., 301.52–2; 18 F. R. 6348), is hereby amended by adding to the lightly infested areas specified therein the parishes of Claiborne, Lincoln, and Union, in Louisiana, and the counties of Bryan, Carter, Coal, Murray, Okmulgee, and Pittsburg, in Oklahoma.

Inspection of trash from gins in the aforesaid parishes and counties has disclosed the presence therein of pink bollworm infestation. Cottonseed is now moving from the gins in these localities. Consequently, it is essential that immediate action be taken to prevent the interstate movement of infested cottonseed that may spread the pink bollworm to uninfested localities. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for the issuance of this amendment effective less than 30 days after its publication in the FEDERAL REGISTER.

*Effective date.* This amendment shall be effective November 20, 1953.

(Secs. 8 and 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162)

Done at Washington, D. C., this 16th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9772; Filed, Nov. 19, 1953; 8:50 a. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Bureau of Animal Industry, Department of Agriculture

**Subchapter D—Exportation and Importation of Animals and Animal Products**

[B. A. I. Order 379, Amdt. 3]

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

HORSES; IMPORTATION FROM CANADA

On October 24, 1953, there was published in the FEDERAL REGISTER (18 F. R. 6758) a notice of proposed rule making concerning an amendment of § 92.24 of the regulations governing the importation of certain animals and poultry and certain animal and poultry products (9 CFR, 1952 Supp., Part 92, as amended). After due consideration of all relevant material submitted in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by section 2 of the act of Congress approved February 2, 1903, as amended (21 U. S. C. 111), hereby amends said § 92.24, to read as follows:

§ 92.24 *Horses from Canada.* (a) All horses from Canada shall be inspected as provided in § 92.8: *Provided, however,* That the Chief of Bureau may waive inspection of such horses at the port of entry or provide for their inspection at some other point when he finds that such action may be taken without endangering the livestock industry of the United States.

(b) When so ordered by the Chief of Bureau, horses from Canada shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian government showing that said horses have been inspected on the premises of origin in Canada and found free from evidence of any contagious, infectious, or communicable disease and, as far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind, and that said horses have been mallein tested with negative results within 30 days preceding their offer for entry.

(c) Any horse from Canada may be detained at the port of entry and there subjected to such tests as may be required by the Chief of Bureau to determine freedom from disease.

The foregoing amendment gives to the Chief of the Bureau of Animal Industry of this Department authority to waive inspection of horses from Canada or provide for their inspection at some point other than the port of entry, when he finds that such action may be taken without endangering the livestock industry of the United States. The amendment is in the nature of a relief of restrictions, and should be made effective promptly to be of maximum benefit to persons subject to the restrictions contained in said § 92.24 of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it may be made effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon issuance.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111)

Done at Washington, D. C., this 16th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9771; Filed, Nov. 19, 1953; 8:49 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

[Supp. 18]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

ANTI-COLLISION LIGHTS

High intensity anti-collision lights are available for use on aircraft. Although such lights are not now required by the Civil Air Regulations, Part 4b prescribes standards for anti-collision lights and their installation on transport category airplanes to avoid confusion in air navigation. Part 3 does not contain these standards. Therefore, recommended standards consistent with those specified in § 4b.637 are hereby adopted for the installation of anti-collision lights on airplanes certificated under Part 3.

§ 3.700–3 *Anti-collision light (CAA policies which apply to § 3.700 (a)).* Anti-collision lights, when installed, should be of the rotating beacon type installed on top of the fuselage or tail in such a location that the light would not be detrimental to the crew's vision and would not detract from the conspicuity of the position lights. The color of the anti-collision light should be aviation red in accordance with the specifications of § 3.703. The arrangement of the anti-collision light, i. e., number of light sources, beam width, speed of rotation, etc., should be such as to give an effective flash frequency of not less than 40 and not more than 100 cycles per minute, with an on-off ratio not less than 1:75

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 603, 52 Stat. 1009, 49 U. S. C. 553)

These policies shall become effective December 15, 1953.

[SEAL] S. A. KEMP,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9756; Filed, Nov. 19, 1953; 8:45 a. m.]



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## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 48]

### PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LOW FREQUENCY RANGE PROCEDURES

When an LFR instrument approach is conducted at the below named airport(s), it shall be in accordance with the following instrument approach procedure(s), unless an approach is conducted in accordance with a different procedure authorized by the Administrator for such airport(s). Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; class of facility; frequency; identification, procedure No. | Initial approach to facility | | | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished; remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| | From— | Course and distance | Minimum altitude (ft.) | | | | Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | |
| ATLANTIC CITY, N. J.<br>Atlantic City NAS<br>Procedure No. 1<br>Effective date: Aug. 31, 1953 | (PROCEDURE CANCELED) | | | | | | | | | |
| FORT WORTH, TEX.<br>Meacham Field, 692'<br>SBRAZ-DTXV<br>365 kc, FTW<br>Procedure No. 1<br>Effective date: Aug. 1, 1953 | Haslet FM (Final) | ---------- | 1,400 | W side N course:<br>002 outbound.<br>182 inbound.<br>2,000' within 25 miles. | 1,400 | 178—2.1 | T-dn<br>C-dn<br>S-dn<br>17<br>A-dn | 300-1<br>500-1<br>500-1<br><br>800-2 | 300-1<br>600-1.5<br>500-1<br><br>800-2 | Within 2.4 miles climb to 2,000' on S course prior to crossing Joshua FM.<br>CAUTION: 956' building located on final approach path, 0.6 mile S of LFR. |
| Procedure No. 2<br>Effective date: Aug. 2, 1953 | Joshua FM (Final) | ---------- | 1,500 | E side S course:<br>178 outbound.<br>358 inbound.<br>2,000' within 25 miles. | 1,500 (Over Rockwood FM) | 358—2.6 (From Rockwood FM) | T-dn<br>C-dn<br>S-dn<br>35<br>A-dn | 300-1<br>500-1<br>500-1<br><br>800-2 | 300-1<br>600-1.5<br>500-1<br><br>800-2 | Within 2.6 miles after passing Rockwood FM, climb to 2,000' on N course before crossing Haslet FM. |
| HUTCHINSON, KANS.<br>Hutchinson Airport, 1,542'<br>SBMRLZ-DTV<br>227 kc, HUT<br>Procedure No. 1<br>Effective date: Aug. 7, 1953 | ---------- | ---------- | ---------- | E side S course:<br>170 outbound.<br>350 inbound.<br>2,800' within 25 miles. | 2,300 | 350-3.1 | T-dn<br>C-dn<br>S-d<br>S-n<br>35<br>A-dn | 300-1<br>500-1<br>500-1<br>500-1<br><br>800-2 | 300-1<br>500-1.5<br>500-1<br>500-1.5<br><br>800-2 | Within 3.1 miles, climb to 3,100' on N course within 25 miles. |
| LOS ANGELES, CALIF.<br>Los Angeles International Airport, 125'<br>SBRAZ-DTXV<br>332 kc, LAX<br>Procedure No. 1<br>Effective date: Aug. 4, 1953 | Hollywood Hills FM | ---------- | 3,000 | S side E course:<br>078 outbound.<br>258 inbound.<br>2,000' within 10 miles#<br>(NA beyond 10 miles). | 1,000 | 245-3.9 | T-dn<br>C-dn<br>S-dn<br>25L R<br>A-dn | 300-1<br>500-1<br>500-1<br><br>800-2 | 300-1<br>600-1.5<br>500-1<br><br>800-2 | Within 3.9 miles, climb to 2,000' on W course within 25 miles, or as directed by ATC.<br>*1,500' must be maintained until past Los Angeles LOM.<br>#Procedure turn within 10 miles, or no further E than Downey FM, Rbn. |
| | Downey FM and Rbn | ---------- | 1,500 | | | | | | | |
| | Los Angeles LOM (Final)* | ---------- | 1,000 | | | | | | | |
| | Int. S crs Los Angeles LFR and SW crs Long Beach LFR. | ---------- | 3,000 | | | | | | | |
| PRESQUE ISLE, MAINE<br>Presque Isle AFB<br>Procedure No. 1<br>Effective date: Aug. 31, 1953 | (PROCEDURE CANCELED) | | | | | | | | | |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.





LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification, procedure No. | Initial approach to facility | | | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished; remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| | From— | Course and distance | Minimum altitude (ft.) | | | | Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | |
| ROANOKE, VA.<br>Roanoke Airport, 1,174'<br>SBRAZ-DTV<br>371 kc, ROA<br>Procedure No. 1<br>Effective date: Sept. 14, 1953 | Red Hill FM (Final) | ---------- | (*) | E side S course:<br>160 outbound.<br>340 inbound.<br>4,600' within 25 miles. | 4,600* | 340—1.8 | T-dn#<br>C-d<br>C-n#<br>A-dn# | 1,000-2<br>1,500-2<br>2,000-2<br>2,500-2 | 1,000-2<br>1,500-2<br>2,000-2<br>2,500-2 | Within 0.0 mile, climb to 5,000' on N course within 15 miles of LFR, maintaining at least 500' per minute rate of climb. Return to Roanoke LFR at 5,000'; or if unable to maintain 500' per minute climb, shuttle between LFR and a point 6 miles S to MEA.<br>*After passing Red Hill FM, descend to authorized minimums to cross range station at authorized minimums.<br>#Take-offs on runway 33 and landings on runway 15 not authorized at night. |
| SPOKANE, WASH.<br>Geiger Field, 2,372'<br>SBRAZ-DTV<br>365 kc, GEG<br>Procedure No. 2<br>Effective date: Sept. 24, 1953 | Int. S crs Coeur d'Alene LFR and E crs Spokane LFR | 254—30.0 | 7,400 | (No procedure turn or outbound course.)<br>254 inbound. | 4,700 (After passing and receiving Rockford FM). | 295—1.5 | T-dn<br>C-dn<br>A-dn | 300-1<br>900-1<br>1,000-2 | 300-1<br>1,200-1.5<br>1,200-2 | Within 4.5 miles, execute climbing right turn, climb to 4,500' on N course, all turns on W side within 25 miles of Spokane LFR. Alternate missed approach, when directed by ATC, execute climbing left turn, climb to 4,000' on W course, all turns on S side within 25 miles of Spokane LFR.<br>CAUTION: (1) Fairchild AFB 3.5 miles W. (2) 3,188' radio tower, 6.5 miles E of airport. (3) 3,700' terrain E of LFR. (4) 5,300' terrain 4 miles NE of Rockford FM. |
| | Rockford FM (Final) | 254—15.0 | 4,700 | | | | | | | |
| ZUNI, N. MEX.<br>El Morro Airport, 7114'<br>BMRLZ-DTV<br>353 kc, ZUN<br>Procedure No. 1<br>Effective date: July 1, 1953 | ---------- | ---------- | ---------- | S side W course:<br>258 outbound.<br>078 inbound.<br>10,000' within 25 miles. | 8,620 | 078—0.1 | T-dn<br>C-dn<br>A-dn | 1,000-5<br>1,500-5<br>2,000-5 | 1,000-5<br>1,500-5<br>2,000-5 | Within 0.0 mile, make climbing left turn, climb to 10,000' on W course within 25 miles.<br>NOTE: ADF procedure not authorized. |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

2. The high frequency range procedures prescribed in § 609.7 are amended to read in part:

VHF VISUAL-AURAL (VAR) RANGE PROCEDURES

When a VAR instrument approach is conducted at the below named airport(s), it shall be in accordance with the following instrument approach procedure(s), unless an approach is conducted in accordance with a different procedure authorized by the Administrator for such airport(s). Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; class of facility; frequency; identification, procedure No. | Initial approach to facility | | | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished; remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| | From— | Course and distance | Minimum altitude (ft.) | | | | Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | |
| ELIZABETH CITY, N. C.<br>Elizabeth City<br>CGAS<br>Procedure No. 1<br>Effective date: Sept. 8, 1953 | (PROCEDURE CANCELED) | | | | | | | | | |
| WILMINGTON, N. C.<br>New Hanover County Airport 31'<br>BVAR-DTV<br>108.7 mc, IMN<br>Procedure No. 1<br>Effective date: May 27, 1953 | Wilmington Rbn | ---------- | 1,200 | N side NE course:<br>047 outbound.<br>227 inbound.<br>1,200' within 25 miles. | 700 | 191—1.3 | T-dn<br>C-dn<br>A-dn | 300-1<br>500-1<br>800-2 | 300-1<br>500-1.5<br>800-2 | Within 1.3 miles, climb to 1,400' on SW course. |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

**3.** The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

AUTOMATIC DIRECTION FINDING PROCEDURES

When an ADF instrument approach is conducted at the below named airport(s), it shall be in accordance with the following instrument approach procedure(s), unless an approach is conducted in accordance with a different procedure authorized by the Administrator for such airport(s). Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; class of facility, frequency, identification, procedure No. | Initial approach to facility | | | Procedure turn (X) side of final approach course; outbound and inbound altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance from airport | Ceilings and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| | From— | Course and distance | Min. usable altitude (ft.) | | | | Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | |
| ALBUQUERQUE, N. MEX.<br>Kirtland AFB, 5310'<br>MHW (Manzano Rbn)<br>209 kc, AMH<br>Procedure No. 1<br>Effective date: Aug. 22, 1953 | Albuquerque LFR | 040—15.0 | 8,000 | W side course*<br>264 outbound.<br>084 inbound.<br>Int 10,000' L.<br>8,000' within 25 miles. | 7,100* | 1.1—10.0 | T—dn<br>C—dn<br>S—dn<br>A—dn | 300–1<br>500–2<br>1,000–2<br>(BCOH) | 300–1<br>500–2<br>1,000–2<br>(BCOH) | When in contact, climb to 7,000'* on S course Albuquerque LFR within 25 miles of range; or when directed by ATC, turn right, climb to 10,000' on W course Albuquerque LFR within 25 miles.<br>*CAUTION: Terrain exceeding 8,000' in E quadrants of Albuquerque LFR. All turns to be made on W side of course. |
| | Albuquerque VOR | 029—11.0 | 8,000 | | | | | | | |
| BURLINGTON, VT.<br>Burlington Airport 334'<br>LOM<br>219 kc, BT<br>Procedure No. 1<br>Effective date: Aug. 1, 1953 | Burlington LFR | 320—4.5 | 1,500 | N side course*<br>320 outbound.<br>140 inbound.<br>1,800' within 25 miles. | 1,020 | 139—5.6 | T—dn<br>C—dn<br>S—dn<br>12<br>A—dn | 600–1<br>600–1<br>600–1<br>1,000–2<br>(BCOH) | 600–1<br>600–1.5<br>600–1<br>1,000–2<br>(BCOH) | Within 5.6 miles, climb to 4,500' on course of 205° within 25 miles of LOM.<br>*Procedure turn conducted N due to terrain S of approach course. |
| | Plattsburg VOR | 174—20.0 | 1,500 | | | | | | | |
| | Vergennes FM | 023—20.0 | 2,000 | | | | | | | |
| CEDAR RAPIDS, IOWA<br>Cedar Rapids Airport, 863'<br>BMH–DTV<br>248 kc, CID<br>Procedure No. 1<br>Effective date: Aug. 20, 1953 | Iowa City VOR | 312—5.0 | 2,000 | S side course*<br>260 outbound.<br>080 inbound.<br>2,000' within 25 miles. | 1,360 | At airport | T—dn<br>C—dn<br>S—dn<br>A—dn* | 300–1<br>500–1<br>500–2<br>1,000–2<br>(BCOH) | 300–1<br>500–1.5<br>500–2<br>1,000–2<br>(BCOH) | Within 0.0 mile, climb to 2,000' on course of 080° within 25 miles of Rbn.<br>*Only approved if 2 alternates are named in the flight plan and sufficient fuel is carried as required by CAR. |
| DETROIT, MICH.<br>Willow Run Airport, 716'<br>LOM<br>359 kc, YI<br>Procedure No. 1<br>Effective date: Feb. 22, 1953 | Detroit LFR | 255—12.0 | 2,000 | W side course<br>240 outbound.<br>060 inbound.<br>2,000' within 25 miles. | 1,700 | 060—5.8 | T—dn<br>C—dn<br>S—dn<br>4R–L<br>A—dn | 300–1<br>500–1<br>500–1<br>17<br>800–2 | 300–1<br>500–1.5<br>500–1<br>800–2 | Within 5.8 miles, climb to 2,000' on course of 050° to N course Detroit LFR, or when directed by ATC, make left climbing turn, proceed to Salem VAR via S course at 2,300', or make right climbing turn, proceed to Detroit LFR via W course at 2,300', or make left climbing turn returning to LOM of 2,000'.<br>CAUTION: Monitor LOM during approach. |
| | Ann Arbor FM | 092—8.0 | 2,000 | | | | | | | |
| | Int. N ers Detroit LFR and 230° brg to LOM. | 230—14.0 | 2,000 | | | | | | | |
| | Int. N ers Toledo LFR and 050° brg to LOM. | 050—9.0 | 2,000 | | | | | | | |
| | Int. S ers Salem VAR and SW ers ILS. | 230—5.0 | 2,000 | | | | | | | |
| | Detroit VOR | 229—12.0 | 2,000 | | | | | | | |
| | Int. 326° ers to Detroit VOR and 280° brg to LOM. | 280—17.0 | 2,000 | | | | | | | |
| | Int. 118° ers to Detroit VOR and W ers Salem VAR. | 165—16.0 | 2,000 | | | | | | | |
| | Int. 080° ers to Detroit VOR and 135° brg to LOM. | 135—8.0 | 2,000 | | | | | | | |
| | Int. 013° ers to Detroit VOR and 324° brg to LOM. | 324—10.0 | 2,000 | | | | | | | |
| | Int. 028° ers to Detroit VOR and 324° brg to LOM. | 324—5.0 | 2,000 | | | | | | | |
| EL DORADO, ARK.<br>Goodwin Field, 277'<br>BMH<br>368 kc, ELD<br>Procedure No. 1<br>Effective date: June 15, 1953 | El Dorado VOR | 208—4.5 | 1,600 | W side course<br>310 outbound.<br>130 inbound.<br>1,400' within 15 miles (NA beyond 15 miles). | 880 | At airport | F—dn<br>C—dn<br>A—dn | 300–1<br>600–1<br>1,000–2<br>(BCOB) | 300–1<br>600–1.5<br>1,000–2<br>(BCOB) | Within 0.0 mile, climb to 1,600' on course of 130° within 25 miles of Rbn.<br>CAUTION: No control area. Pilots using this facility should keep El Dorado radio advised of position, altitude and ETA over El Dorado Rbn. |
| GOODLAND, KANS.<br>Goodland Airport, 3,053'<br>BH–TV<br>353 kc, GLD<br>Procedure No. 1 | ---------- | ---------- | ---------- | N side course<br>087 outbound.<br>267 inbound.<br>4,200' within 25 miles. | 4,100 | At airport | T—dn<br>C—dn<br>C—n<br>C—d<br>A—dn<br>A—n | 300–1<br>NA<br>300–1<br>NA<br>NA<br>1,000–2 | NA<br>NA<br>NA<br>NA<br>NA<br>1,000–2 | Within 0.0 mile. Climb to 6,000' on course of 267° within 25 miles. |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.





AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State; airport name, elevation; class of facility, frequency, identification, procedure No. | Initial approach to facility | | | Procedure turn (X) side of final approach course; outbound and inbound altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance from airport | Ceilings and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| | From— | Course and distance | Min. usable altitude (ft.) | | | | Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | |
| HOUSTON, TEX.<br>Houston Airport, 50'<br>LOM<br>216 kc, HO<br>Procedure No. 1<br>Effective date: May 20, 1953 | Houston LFR | 241—6.0 | 1,200 | S side course:<br>215 outbound.<br>035 inbound.<br>1,200' within 25 miles. | 1,200 | 035—4.78 | T–dn<br>C–dn<br>S–dn<br>3<br>A–dn | 300–1<br>500–1<br>500–1<br>800–2 | 300–1<br>500–1.5<br>500–1<br>800–2 | Within 4.78 miles, climb to 1,600' on course of 035° within 25 miles, or when directed by ATC, climb to 1,700' on NW course of Houston LFR within 25 miles. |
| | Int. SE ers Richmond LFR and SW ers Houston LFR | 058—10.0 | 1,200 | | | | | | | |
| | Webster FM | 284—13.0 | 1,200 | | | | | | | |
| | Int. NE ers Richmond LFR and NW ers Houston LFR | 150—15.0 | 1,700 | | | | | | | |
| | Monument Rbn | 215—19.0 | 1,400 | | | | | | | |
| | Houston VOR | 219—6.0 | 1,200 | | | | | | | |
| HURON, S. DAK.<br>Howes Airport, 1,287'<br>LOM<br>302 kc, HO<br>Procedure No. 1<br>Effective date: Apr. 8, 1953 | Huron LFR | 333—5.0 | 2,500 | W side course:<br>297 outbound.<br>117 inbound.<br>2,500' within 25 miles. | 2,500 | 117—4.58 | T–dn<br>C–d<br>C–n<br>S–dn<br>12<br>A–dn | 300–1<br>500–1<br>500–1.5<br>500–1<br>800–2 | 300–1<br>500–1.5<br>500–1.5<br>500–1<br>800–2 | Within 4.58 miles, climb to 2,800' on course of 117° within 25 miles of LOM, or as directed by ATC.<br>CAUTION: 1,484' radio tower located 1¼ miles S of airport. |
| | Huron VOR | 145—0.9 | 2,500 | | | | | | | |
| LEBANON, N. H.<br>Lebanon Airport, 579'<br>BH–DTV<br>209 kc, LEB<br>Procedure No. 1<br>Effective date: Mar. 24, 1953 | ---------- | ---------- | ---------- | W side course:<br>004 outbound.<br>184 inbound.<br>4,000' within 25 miles. | 3,000* | 184—4.4 | T–d<br>T–n#<br>C–d<br>C–n#<br>A–dn# | 1,000–2<br>2,000–2<br>1,500–2<br>2,000–2<br>2,500–2<br>(BCOH) | 1,000–2<br>2,000–2<br>1,500–2<br>2,000–2<br>2,500–2<br>(BCOH) | Within 4.4 miles, climb to 5,000' on course of 134° within 10 miles of Rbn.<br>*Do not descend below 4,000' until within 10 miles of Rbn on final approach.<br>#Runway 7 NA at night; Runway 25 authorized at night for take-offs only. |
| LOS ANGELES, CALIF.<br>Los Angeles International Airport 125'<br>LOM<br>266 kc, LA<br>Procedure No. 1<br>Effective date: Aug. 4, 1953 | Los Angeles LFR | 074—2.0 | 2,000 | S side course*<br>055 outbound.<br>248 inbound.<br>2,000' within 10 miles (NA beyond 10 miles). | 1,500 | 248—6.04 | T–dn<br>C–dn<br>S–dn<br>25L R<br>A–dn | 300–1<br>500–1<br>500–1<br>800–2 | 300–1<br>500–1.5<br>500–1<br>800–2 | Within 6.04 miles, climb to 2,000' on course of 248° within 25 miles of LOM.<br>*No further E than Downey FM Rbn. |
| | La Habra FM | 253—18.0 | 3,000 | | | | | | | |
| | Downey FM Rbn | 253—9.0 | 1,500 | | | | | | | |
| | Long Beach LFR | 304—16.0 | 1,500 | | | | | | | |
| | Hollywood Hills FM | 133—14.0 | 3,000 | | | | | | | |
| LUBBOCK, TEX.<br>Lubbock Airport, 3,256'<br>LOM<br>219 kc, LB<br>Procedure No. 1<br>Effective date: May 1, 1953 | Lubbock VOR | 072—7.0 | 4,500 | E side course*<br>348 outbound.<br>168 inbound.<br>4,700' within 15 miles (NA beyond 15 miles). | 4,000 | 168—4.76 | T–dn<br>C–dn<br>S–dn<br>17<br>A–dn | 300–1<br>500–1<br>500–1<br>800–2 | 300–1<br>500–1.5<br>500–1<br>800–2 | Within 4.76 miles, climb to 5,100' on course of 168° within 25 miles of LOM, turn left, climb to 4,500' on E course Lubbock LFR within 25 miles.<br>*Non-standard procedure turn due to traffic. |
| | Lubbock LFR | 051—13.0 | 4,500 | | | | | | | |
| | Int. E ers Lubbock LFR and 348° bearing to LOM. | 348—8.0 | 4,500 | | | | | | | |
| | Roundup FM | 088—11.0 | 4,500 | | | | | | | |
| MANCHESTER, N. H.<br>Grenier AFB, 253'<br>MHW<br>388 kc, MHT<br>Procedure No. 1<br>Effective date: June 26, 1953 | Concord LFR | 189—19.0 | 2,000 | E side course:<br>172 outbound.<br>352 inbound.<br>1,600' within 15 miles (NA beyond 15 miles). | 1,100 | 352—2.0 | T–dn<br>C–dn<br>S–dn<br>35<br>A–dn | 300–1<br>600–1<br>600–1<br>1000–2<br>(BCOB) | 300–1<br>600–1.5<br>600–1<br>1000–2<br>(BCOB) | Within 2.0 miles climb to 2,000' on course of 352° within 10 miles of Rbn.<br>NOTE: Rbn owned and operated by the State of New Hampshire. |
| | Int. SE ers Concord LFR and 242° bearing to Rbn. | 242—11.0 | 2,000 | | | | | | | |
| MILWAUKEE, WIS.<br>General Mitchell Airport, 685'<br>LOM<br>230 kc, MK<br>Procedure No. 1<br>Effective date: Apr. 13, 1953 | Milwaukee LFR | 194—2.5 | 2,000 | E side course:<br>185 outbound;<br>065 inbound.<br>2,000' within 25 miles. | 1,400 | 065—4.6 | T–dn<br>C–d<br>C–n<br>S–dn<br>1<br>A–dn | 300–1<br>500–1<br>500–1.5<br>500–1<br>800–2 | 300–1<br>500–1.5<br>500–1.5<br>500–1<br>800–2 | Within 4.6 miles, climb to 2,700' on crs of 065° within 25 mi of LOM, or when directed by ATC, make left climbing turn to 2,500', intercepting outbound crs of 275° from either Milwaukee LFR or VOR.<br>NOTE: (1) LOM to be monitored continuously during approach. (2) LMM located 0.67 miles from runway 1; frequency 204 kc, identification KE. |
| | Franksville FM | 353—8.0 | 2,000 (Final-1,100) | | | | | | | |
| | Genesee FM | 105—25.0 | 2,000 | | | | | | | |
| | Int. E ers Milwaukee LFR and 241° bearing to LOM | 241—11.0 | 2,000 | | | | | | | |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State airport name, elevation, class of facility, Radio Call, Identification, procedure No. | Initial approach to facility | | | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|
| | From— | Course and distance | Minimum altitude over facility on final approach course (ft.) | Condition | Type aircraft | | |
| | | | | | 75 m. p. h. or less | More than 75 m. p. h. | |
| MINERAL WELLS, TEX.<br>Mineral Wells Airport, 984'<br>284 kc, MWL<br>Procedure No. 1<br>Effective date Aug. 18, 1953 | Mineral Wells VOR | 312—5.2 | 2,100 | T—dn<br>C—dn<br>A—dn | 300–1<br>NA<br>1,000–2<br>(BCOB) | 300–1<br>NA<br>1,000–2<br>(BCOB) | Within 0.0 mile, climb to 3,000' on course of 270° within 25 miles of Rbn.<br>•Non-standard account traffic control purposes. |
| MONTEREY, CALIF.<br>Monterey Peninsula Airport, 256'<br>NDB (LFR), 278 kc<br>Procedure No. 1<br>Effective date Aug. 15, 1953 | Init. SW crs Moffett LFR and NW crs Salinas LFR. | 138—45.0 | 5,000 | T—dn<br>C—dn<br>A—dn | 300–1<br>700–2<br>700–3<br>1,000–2<br>1,000–3 | 300–1<br>700–2<br>700–3<br>1,000–2<br>1,000–3 | Within 0.0 mile, turn left (N), climb to 2,000' on course of 310° within 15 miles of Rbn.<br>•Procedure turn N to avoid residential area of Monterey.<br>CAUTION: 1,354' mountains at point Sand SE of fld.<br>Note: Contact with Navy Monterey tower required prior to and during execution of procedure. |
| SALINAS, CALIF. (NAS).<br>NDB (LFR), 278 kc<br>Procedure No. 1<br>Effective date: Aug. 15, 1953 | Salinas LFR | 345—17.0 | 4,000 | T—dn<br>C—dn<br>A—dn | 300–1<br>500–1<br>1,000–2<br>(BCOB) | 300–1<br>500–1.5<br>1,000–2<br>(BCOB) | Within 3.6 miles, climb to 1,000' on course of 023° then make a right climbing turn, return to Rbn at 2,000'.<br>•Procedure turn W to avoid traffic on Amber 7. |
| | Salinas VOR | 222—15.0 | 4,000 | | | | |
| MORRISTOWN, N. J.<br>Morristown Airport 187'<br>284 kc, MMU (Chatham Rbn)<br>Procedure No. 1<br>Effective date: June 16, 1953 | At airport | 023—3.6 | 500 | T—dn<br>C—dn<br>A—dn | 300–1<br>500–1<br>1,000–2 | 300–1<br>500–1.5<br>1,000–2<br>(BCOB) | Within 0.0 mile, climb to 1,400' on course of 035° within 25 miles of Rbn.<br>•Caution area E side of course. |
| MYRTLE BEACH, S. C.<br>Myrtle Beach Airport, 24'<br>BMH<br>290 kc, MYR<br>Procedure No. 1<br>Effective date: July 16, 1953 | At airport | 058 | 500 | T—dn<br>C—dn<br>A—dn | 300–1<br>500–1<br>1,000–2 | 300–1<br>500–1.5<br>1,000–2<br>(BCOB) | Within 0.0 mile, turn right, climb to 1,200' on course of 270° within 25 miles. |
| NEW BERN, N. C.<br>Simmons-Nott Airport, 18'<br>BMH<br>891 kc, EWN<br>Procedure No. 1<br>Effective date: Aug. 8, 1953 | At airport | 058—4.7 | 500 | T—dn<br>C—dn<br>A—dn | 300–1<br>500–1<br>1,000–2<br>(BCOB) | 300–1<br>500–1.5<br>1,000–2<br>(BCOB) | Within 5.8 miles, climb to 1,500' (or to a higher altitude when requested by ATC) on course of 125° within 15 miles of Rbn.<br>•Minimum altitude over La Guardia LFR is 800'.<br>Descend to landing minimums after passing La Guardia LFR.<br>CAUTION: 250' tower, 1.7 mile SW of airport; 422' tank, 2 mile N of airport; 350' bridge tower, 2.2 miles NE of airport; 988' bridge towers, 2.2 miles E of airport. |
| NEW YORK, N. Y.<br>La Guardia Field, 20'<br>MHW (New Rochelle Rbn)<br>358kc, EWC<br>Procedure No. 1<br>Effective date: Feb. 1, 1953 | La Guardia LFR | 222<br>8.5<br>(LGA range to airport 3.2 | 1,000' | T—dn<br>C—dn<br>A—dn | 300–1<br>500–1.5<br>1,000–2<br>(BCOB) | 300–1<br>500–1.5<br>1,000–2<br>(BCOB) | |
| NEW YORK, N. Y.<br>La Guardia Field, 20'<br>MHW (New Rochelle Rbn)<br>358kc, EWC<br>Procedure No. 2<br>Effective date: Feb. 1, 1953 | La Guardia LFR | 015—4.19 | 1,200 | T—dn<br>C—dn<br>S—dn<br>4<br>A—dn | 300–1<br>600–1.5<br>600–1<br>1,000–2<br>(BCOB) | 300–1<br>600–1.5<br>600–1<br>1,000–2<br>(BCOB) | Within 4.49 miles, climb to 1,500' (or to a higher altitude when requested by ATC) on course of 043° within 25 mi of LOM.<br>Note: Standard clearance not provided over 422' tank, 2 miles N of airport, and over 988' building, 4 miles W of LOM. |
| NEW YORK, N. Y.<br>LaGuardia Field, 20'<br>BMH<br>278 kc, LG<br>Procedure No. 1<br>Effective date: Apr. 28, 1953 | Pine Bluff VOR | 175—4.5 | 1,500 | T—dn<br>C—dn<br>A—dn | 300–1<br>600–1.5<br>1,000–2<br>(BCOB) | 300–1<br>600–1.5<br>1,000–2<br>(BCOB) | Within 4.7 miles, climb to 2,000' on course of 275° within 25 miles. |
| NIAGARA FALLS, N. Y.<br>Niagara Falls Airport, 580'<br>LOM<br>329 kc, GF<br>Procedure No. 1<br>Effective date May 29, 1953 | Buffalo LFR | 339—12.0 | 2,000 | T—dn<br>C—dn<br>S—dn<br>2<br>A—dn | 300–1<br>500–1<br>500–1<br>1,000–2<br>(BCOB) | 300–1<br>500–1<br>500–1<br>1,000–2<br>(BCOB) | Within 4.31 miles, climb to 1,500' on course of 133° within 30 miles, of LOM, or when directed by ATC, climb to 1,500' and proceed SW on SW course Marshall LFR within 25 miles. |
| | Wolcottsville FM | 280—11.0 | 1,800 | | | | |
| | Int. SE crs Toronto LFR and 228° brg to LOM. | 223—4.0 | 1,900 | | | | |
| | Buffalo VOR | 330—15.0 | 2,000 | | | | |

Note: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.



AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State airport name, elevation, class of facility, Radio Call, Identification, procedure No. | Initial approach to facility | | | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|
| | From— | Course and distance | Minimum altitude over facility on final approach course (ft.) | Condition | Type aircraft | | |
| | | | | | 75 m. p. h. or less | More than 75 m. p. h. | |
| PHILLIPS, IOWA<br>Philip Airport, 1,210'<br>BMH<br>278 kc, PHP<br>Procedure No. 1<br>Effective date: Apr. 28, 1953 | Philip VOR | 085—3.5 | 3,000 | T—dn<br>C—dn<br>A—dn | 300–1<br>500–2<br>600–2<br>1,000–2<br>1,000–3 | 300–1<br>500–2<br>600–2<br>1,000–2<br>1,000–3 | Within 0.0 mile climb to 3,500' on course of 360° within 25 miles of Rbn, or 38 directly by ATC.<br>Note: Airport not satisfactory for DC-3 type or larger aircraft. |
| PINE BLUFF, ARK.<br>Grider Field, 199'<br>BMH<br>284 kc, PBF<br>Procedure No. 1<br>Effective date: June 17, 1953 | Pine Bluff VOR | 175—4.5 | 1,500 | T—dn<br>C—dn<br>A—dn | 300–1<br>600–1.5<br>1,000–2<br>(BCOB) | 300–1<br>600–1.5<br>1,000–2<br>(BCOB) | Within 0.0 mile, climb to 1,500' on course of 055° within 15 miles of Rbn. |
| SEATTLE, WASH.<br>Seattle-Tacoma International Airport, 416'<br>LOM<br>278 kc, SH<br>Procedure No. 1<br>Effective date: Apr. 26, 1953 | Seattle LFR | 174—9.0 | 2,000 | T—dn<br>C—dn<br>S—dn<br>A—dn | 300–1<br>500–1.5<br>500–1<br>800–2 | 300–1<br>500–1.5<br>500–1<br>800–2 | Within 4.6 miles, climb to 2,000' on course of 325° intercepting ILS localizer course on NW course and ILS within 25 miles.<br>CAUTION: 730' tower located 10 miles SW of LOM. |
| | Hobart FM | 257—17.0 | 4,000 | | | | |
| | Vashon Int | 168—9.0 | 2,000 | | | | |
| | McChord LFR | 356—25.0 | 3,000 | | | | |
| | Seattle VOR | 156—5.0 | 2,000 | | | | |
| | Harbor Island FM | 118—15.0 | 2,000 | | | | |
| | Lakeview FM to Int. 38° Hibbard brg to LOM (Final). | 097—12.0 | 2,000 | | | | |
| | Int. 338° brg to LOM and 058° brg from Lakeview FM (Final). | 338—5.0 | 1,600 | | | | |
| SHREVEPORT, LA.<br>Greater Shreveport Airport, 259'<br>LOM<br>210 kc, SH<br>Procedure No. 1<br>Effective date: Apr. 26, 1953 | Shreveport VOR | 183—19.0 | 1,700 | T—dn<br>C—dn<br>S—dn<br>13<br>A—dn | 300–1<br>500–1<br>600–1<br>900–2 | 300–1<br>500–1<br>600–1<br>900–2 | Within 4.31 miles, climb to 1,500' on course of 133° within 30 miles, of LOM, or when directed by ATC, climb to 1,500' and proceed SW on SW course Marshall LFR within 25 miles. |
| | Dixie Rbn | 182—14.0 | 1,400 | | | | |
| | Shreveport LFR | 227—8.0 | 1,400 | | | | |
| | Int. 304° brg to Shreveport LFR and 058° brg to Barksdale LFR. | 304—12.0 | 1,400 | | | | |
| | Int. W course Shreveport LFR and 135° brg to LOM (Final). | 135—8.0 | 1,400 | | | | |
| TOPEKA, KANS.<br>Philip Billard Airport, 880'<br>MHW, TOP<br>301 kc, TPK<br>Procedure No. 1<br>Effective date: Apr. 13, 1953 | Topeka VOR | 251—7.0 | 2,200 | T—dn<br>C—dn<br>S—dn<br>12<br>A—dn | 300–1<br>500–1.5<br>500–1<br>800–2 | 300–1<br>500–1.5<br>500–1<br>800–2 | Within 4.5 miles, climb to 2,300' on course of 125° outbound from Rbn within 25 miles, or as directed by ATC.<br>CAUTION: 1,015' stack, 2 miles SE of Rbn.<br>•Procedure turn N to avoid traffic at Forbes AFB. |
| | Int. course to Salina and NW course Topeka LFR. | 071—16.0 | 2,400 | | | | |
| | Forbes LFR | 357—15.0 | 2,400 | | | | |
| TULSA, OKLA.<br>Tulsa Airport<br>Effective date Sept. 30, 1953 | (PROCEDURE CANCELED) | | | | | | |
| Procedure No. 2<br>Effective date Sept. 1, 1953 | (PROCEDURE CANCELED) | | | | | | |
| Procedure No. 3<br>Effective date Sept. 7, 1953 | (PROCEDURE CANCELED) | | | | | | |

Note: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.



AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State airport name, elevation, class of facility, Radio Call, Identification, procedure No. | Initial approach to facility | | | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|
| | From— | Course and distance | Minimum altitude over facility on final approach course (ft.) | Condition | Type aircraft | | |
| | | | | | 75 m. p. h. or less | More than 75 m. p. h. | |
| TUPELO, MISS.<br>Tupelo Municipal Airport, 347'<br>LOM<br>278 kc, TUP<br>Procedure No. 1<br>Effective date: Apr. 13, 1953 | Tupelo VOR | 180—5.0 | 2,000 | T—dn<br>C—dn<br>S—dn<br>13<br>A—dn | 300–1<br>500–1<br>500–1<br>800–2 | 300–1<br>500–1<br>500–1<br>800–2 | Within 4.5 miles, climb to 2,000' on course of 133° outbound from Rbn within 25 miles, or as directed by ATC.<br>CAUTION: 1,015' stack, 2 miles SE of Rbn.<br>•Procedure turn N to avoid traffic at Forbes AFB. |
| | Int. course to Saltillo and NW course Tupelo LFR. | 071—16.0 | 2,400 | | | | |
| | Forbes LFR | 357—15.0 | 2,400 | | | | |
| WACO, TEX.<br>Waco Municipal Airport, 465'<br>MHW, ACO<br>284 kc, ACO<br>Procedure No. 1<br>Effective date: Apr. 13, 1953 | Waco VOR | 312—5.2 | 2,100 | T—dn<br>C—dn<br>A—dn | 300–1<br>NA<br>1,000–2<br>(BCOB) | 300–1<br>NA<br>1,000–2<br>(BCOB) | Within 0.0 mile, climb to 3,000' on course of 270° within 25 miles of Rbn.<br>•Non-standard account traffic control purposes. |
| WATERTOWN, N. Y.<br>Watertown Airport, 1,000'<br>BMH<br>278 kc, ART<br>Procedure No. 1<br>Effective date: Apr. 28, 1953 | Watertown LFR | 000—4.0 | 1,400 | T—dn<br>C—dn<br>S—dn<br>A—dn | 300–1<br>600–1.5<br>600–1<br>1,000–2<br>(BCOB) | 300–1<br>600–1.5<br>600–1<br>1,000–2<br>(BCOB) | Within 0.0 mile, climb to 1,500' on course of 000° within 25 miles of Rbn.<br>•Caution area E side of course. |
| WILMINGTON, DEL.<br>New Castle Airport, 80'<br>MHW (Elkton Rbn)<br>358 kc, ILG<br>Procedure No. 1<br>Effective date: Apr. 28, 1953 | Int. NW crs Philadelphia LFR and SW crs Philadelphia LFR. | 045—4.0 | 1,500 | T—dn<br>C—dn<br>A—dn | 300–1<br>500–1<br>1,000–2 | 300–1<br>500–1<br>1,000–2 | Within 0.0 mile, climb to 1,500' on course of 045° within 25 miles of Rbn. |
| WINSTON-SALEM, N. C.<br>Smith Reynolds Airport, 969'<br>LOM<br>278 kc, SR<br>Procedure No. 1<br>Effective date: Apr. 13, 1953 | Winston-Salem VOR | 135—5.0 | 2,000 | T—dn<br>C—dn<br>S—dn<br>13<br>A—dn | 300–1<br>500–1<br>500–1<br>800–2 | 300–1<br>500–1<br>500–1<br>800–2 | Within 4.5 miles, climb to 2,000' on course of 133° outbound from Rbn within 25 miles, or as directed by ATC.<br>CAUTION: 1,015' stack, 2 miles SE of Rbn.<br>•Procedure turn N to avoid traffic at Forbes AFB. |
| | Int. course to Saltillo and NW course Tupelo LFR. | 071—16.0 | 2,400 | | | | |
| | Forbes LFR | 357—15.0 | 2,400 | | | | |

Note: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State; airport name, elevation, class of service, frequency, identification, procedure No. | Initial approach to facility | | | Procedure turn (X) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| | From— | Course and Distance | Minimum altitude (ft.) | | | | Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | |
| TUSCALOOSA, ALA. Van de Graaff Airport, 189' BMH-DTV 200 kc, TCL Procedure No. 1 Effective date: May 15, 1953 | Tuscaloosa VOR | 230—8.0 | 1,800 | E side course: 145 outbound. 015 inbound. 1,100' within 15 miles. 1,500' within 25 miles. | 770 | At airport | T-dn<br>C-dn<br>A-dn | 300-1<br>600-1<br>1,000-2 (BCOB) | NA<br>NA<br>NA | Within 0.0 miles, climb to 2,000' on course of 015° within 25 miles of Rbn. CAUTION: (1) 620' tower, 4.5 miles SE of airport. (2) 339' tower, 1.5 miles N of airport. |
| VINEYARD HAVEN, MASS. Martha's Vineyard Airport, 68' MHW 391 kc, MVY Procedure No. 1 Effective date: June 2, 1953 | ---------- | ---------- | ---------- | E side course: 145 outbound. 015 inbound. 1,400' within 10 miles (NA beyond 10 miles). | 700 | At airport | T-dn<br>C-dn<br>A-dn | 300-1<br>600-1<br>1,000-2 (BCOB) | 300-1<br>600-1.5<br>1,000-2 (BCOB) | Within 0.0 miles, climb to 1,500' on course of 015° within 15 miles of Rbn. |
| WASHINGTON, D. C. Washington National Airport 16' MHW (Riverdale Rbn) 344 kc, RVD Procedure No. 1 Effective date: June 11, 1953 | Andrews LFR | 18—10.0 | 1,000 | W side course: 030 outbound. 210 inbound. 1,500' within 10 miles (NA beyond 10 miles). | 1,000 | 227—6.0 | T-dn<br>C-dn<br>A-dn | 300-1<br>800-2<br>1,000-4 (BCOB) | 300-1<br>800-2<br>1,000-4 (BCOB) | Within 2 miles after passing Riverdale Rbn, left climbing turn and climb to 1,500' returning to Rbn, or when directed by ATC, when unable to proceed from Riverdale Rbn with 3 miles visibility and free of all clouds, make a right turn to 030°, climbing to 1,500' within 10 miles. CAUTION: 823' tower, 8 miles NW of Rbn and 596' monument, 4.5 miles SW of Rbn. |
| | Washington LFR | 27—11.0 | 1,000 | | | | | | | |
| | Beltsville FM (Final) | 219—10.0 | 1,000 | | | | | | | |
| WHITE PLAINS, N. Y. Westchester County Airport 433' LOM 281 kc, HP Procedure No. 1 Effective date: Apr. 7, 1953 | Poughkeepsie LFR | 182—28.0 | 2,000 | W side course: 342 outbound. 162 inbound. 2,000' within 15 miles. 2,500' within 25 miles. | 1,500 (within 10 miles). | 102—5.63 | T-dn<br>C-dn<br>S-dn 16<br>A-dn | 300-1<br>500-1<br>500-1<br>1,000-2 (BCOB) | 300-1<br>600-1.5<br>500-1<br>1,000-2 (BCOB) | Within 5.63 miles, make a standard rate climbing left turn, climb to 2,000' returning to LOM. |
| | New Rochelle Rbn | 316—18.0 | 2,000 | | | | | | | |
| | Paterson Rbn | 98—24.0 | 2,000 | | | | | | | |
| | Int. NE ers Newark LFR and 342° brg to LOM. | 142—8.0 | 2,000 | | | | | | | |
| WICHITA, KANS. Wichita AFB, 1,371' LOM 219 kc, IC Procedure No. 1 Effective date: June 11, 1953 | Towanda FM Rbn | 214—24.0 | 2,800 | E side course: 184 outbound. 004 inbound. 2,500' within 25 miles. | 2,500 | 001—5.37 | T-dn*<br>C-dn<br>S-dn 36R<br>A-dn | 300-1<br>500-1<br>500-1<br>800-2 | 300-1<br>500-1.5<br>500-1<br>800-2 | Within 5.37 miles, climb to 3,000' on course of 004° within 25 miles of LOM. CAUTION: (1) 1,814' radio tower, 5.3 miles N of airport. *(2) 2,049' TV tower, 7.8 miles NNW of airport. Aircraft on northerly take-offs, climb to 2,500' prior to turning toward tower. |
| | Wichita LFR | 179—7.0 | 2,500 | | | | | | | |
| | Viola FM Rbn | 061—20.0 | 2,500 | | | | | | | |
| | Oxford FM Rbn | 243—20.0 | 2,500 | | | | | | | |
| | Wichita VOR | 178—17.0 | 3,000 | | | | | | | |
| YOUNGSTOWN, OHIO Youngstown Airport, 1,196' LOM 227 kc, YN Procedure No. 1 Effective date: June 26, 1953 | Youngstown LFR | 160—8.0 | 2,000 | N side course: 139 outbound. 319 inbound. 2,600' within 25 miles. | 2,100 | 319—5.48 | T-dn<br>C-dn<br>S-dn 32<br>A-dn | 300-1<br>300-1<br>500-1.5<br>1,000-2 (BCOB) | 300-1<br>500-1.5<br>500-1<br>1,000-2 (BCOB) | Within 5.48 miles, climb to 2,600' on course of 319°, then proceed to Youngstown LFR. |
| | Youngstown VOR | 160—9.0 | 2,000 | | | | | | | |
| | Int. E ers Youngstown LFR and S ers Erie LFR. | 236—28.0 | 2,000 | | | | | | | |
| | Int. S ers Youngstown LFR 060° brg to LOM. | 076—6.0 | 2,000 | | | | | | | |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.



4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

INSTRUMENT LANDING SYSTEM PROCEDURES

When an ILS instrument approach is conducted at the below named airports, it shall be in accordance with the following instrument approach procedure(s), unless an approach is conducted in accordance with a different procedure authorized by the Administrator for such airport(s). Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name; elevation; Localizer; frequency and identification; LMM; frequency and identification; LOM; frequency and identification; procedure No. | Transition to ILS | | | | Procedure turn: (X) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope interception inbound (ft.) | Altitude of glide slope and distance to approach end of runway | | Ceiling and visibility minimums | | | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | From— | To— | Course and distance | Minimum altitude (ft.) | | | At outer marker. | At middle marker. | Conditions | Type of aircraft: 75 m. p. h. or less | Type of aircraft: More than 75 m. p. h. | |
| ALBANY, N. Y. Albany Airport, 288' 109.5 mc, ALB LMM: 201 kc, LB LOM: 219 kc, AL Procedure No. 1 Effective date: Sept. 9, 1953 | Albany LFR | LOM | 10—1.5 | 1,800 | W side N course: 011 outbound. 191 inbound. 1,600' within 5 miles of LOM. | 1,600 | 1,536—4.10 | 442—0.65 | T-dn<br>C-dn<br>S-dn 19<br>A-dn | 300-1<br>500-1<br>400-¾<br>800-2 | 300-1<br>600-1.5<br>400-¾<br>800-2 | Climb to 1,000' on S course ILS, make a right climbing turn and proceed out W course Albany LFR at 3,000'; or when directed by ATC, climb to 5,000' on S course ILS. |
| | Schenectady FM | LOM | 103—9.0 | 1,800 | | | | | | | | |
| | Round Lake FM | LOM | 211—8.0 | 1,600 | | | | | | | | |
| | Albany VOR | LOM | 011—5.0 | 1,800 | | | | | | | | |
| BOSTON, MASS. Logan Airport, 19' 110.3 mc, BOS LMM: None LOM: None Procedure No. 2 Effective date: Oct. 2, 1953. | Int. SE course Concord LFR and N course Boston LFR. | NE course ILS | 215—0.0 | 1,300 (Final-800) | N side NE course: 035 outbound. 215 inbound. 1,500' within 25 miles. | (**) 800 (Alt. on final approach over Int. E course Bedford ILS and NE course Boston ILS.) | (**) 5.0 (From Int. E course Bedford ILS and NE course Boston ILS.) | (**) | T-dn<br>C-dn<br>S-dn# 22L<br>A-dn | 300-1<br>500-1*<br>400-1<br>800-2 | 300-1<br>600-1.5<br>400-1<br>800-2 | Climb to 1,700' on SW course LS within 10 miles. *600-1 required when circling W of airport. #Do not descend below 500' MSL until after passing Boston LFR **No glide slope. |
| | Surveillance Radar | NE course ILS | Within 25 miles. | 1,800 | | | | | | | | |
| CHARLOTTE, N. C. Douglas Field, 748' 109.5 mc, CLT LMM: 233 kc, LT LOM: 254 kc, CL Procedure No. 1 Effective date: Aug. 18, 1953 | Charlotte LFR | LOM | 251—5.5 | 2,200 | S side SW course: 230 outbound. 050 inbound. 2,100' within 5 miles of LOM. | 2,100 | 2,110—5.43 | 930—0.61 | T-dn<br>C-dn<br>S-dn 5<br>A-dn | 300-1<br>500-1<br>400-¾<br>800-2 | 300-1<br>500-1.5<br>400-¾<br>800-2 | Climb to 2,500' on NE course ILS within 25 miles; or when directed by ATC, turn left, climb to 2,500' on N course Charlotte LFR within 25 miles. CAUTION: Radio towers exceeding 1,100' in E quadrants of LFR. |
| | Int. N ers Charlotte LFR and SW ers ILS. | LOM | 230—7.0 | 2,200 | | | | | | | | |
| | Fort Mill FM | LOM | 321—8.0 | 2,200 | | | | | | | | |
| | Sharon Int. (Int. 285° ers to Spartanburg VOR and SW ers ILS). | LOM | 050—21.0 | 2,200 | | | | | | | | |
| COLUMBUS, OHIO Port Columbus Airport, 816' 109.5 mc, CMH LMM: None LOM: 233 kc, CM Procedure No. 1 Effective date: Sept. 13, 1953 | Columbus LFR | LOM | 093—9.0 | 2,500 | N side E course: 096 outbound. 276 inbound. 2,500' within 5 miles of LOM. | 2,500 | 2,505—6.19 | 1,093—0.72 | T-dn<br>C-dn<br>S-dn 27<br>A-dn | 300-1<br>500-1<br>500-1.5<br>400-¾<br>800-2 | 300-1<br>500-1.5<br>500-1.5<br>400-¾<br>800-2 | Climb to 2,400' on W course Columbus LFR within 25 miles; or when directed by ATC make right turn, climb to 2,300' on NE course Columbus LFR within 25 miles (Intersect NE course Columbus LFR on 250° heading.) |
| | Columbus VOR | LOM | 157—4.0 | 2,500 | | | | | | | | |
| | Int. 068° ers to Columbus VOR and 096° brg to LOM. | LOM | 096—10 | 2,500 | | | | | | | | |
| | Int. 265° ers to Columbus VOR and 248° brg to LOM. | LOM (Final) | 248—14.0 | 2,500 | | | | | | | | |
| | Int. 300° ers to Columbus VOR and E ers ILS. | LOM (Final) | 276—7.0 | 2,500 | | | | | | | | |
| | Newark FM | E course ILS (Final) | 255—12.0 | 2,500 | | | | | | | | |
| JACKSONVILLE, FLA. Imeson Airport, 52' 110.3 mc, JAX LMM: 240 kc, AX LOM: 251 kc, JA Procedure No. 1 Effective date: Aug. 10, 1953 | Int. N course Jacksonville LFR and NE course ILS. | Outer marker | 221—10.0 | 1,200 | N side SW course:* 224 outbound. 044 inbound. 1,200' within 5 miles of LOM. | 1,200 | 1,170—4.60 | 220—0.66 | T-dn<br>C-dn<br>S-dn 5<br>A-dn | 300-1<br>500-1<br>400-¾<br>800-2 | 300-1<br>500-1.5<br>400-¾<br>800-2 | Climb to 1,300' on NE course ILS within 25 miles; or when directed by ATC, turn right, climb to 1,200' on E course Jacksonville LFR or on 090° course from Jacksonville VOR within 25 miles. *Procedure turn N to avoid obstruction to S. |
| | Jacksonville LFR | Outer marker | 237—7.0 | 1,200 | | | | | | | | |
| | Bryceville FM | Outer marker | 101—14.0 | 1,200 | | | | | | | | |
| | Jacksonville VOR | Outer marker | 234—10.0 | 1,200 | | | | | | | | |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

| City and State; airport name, elevation; Localizer frequency and identification; LMM frequency and identification, LOM frequency and identification, procedure No. | Transition to ILS: From— | To— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course outbound and inbound; altitudes; limiting distances | Minimum altitude at glide slope intercept ion inbound (ft.) | Altitude of glide slope and distance to approach end of runway: At outer marker: | At middle marker: | Ceiling and visibility minimums: Conditions | Type of aircraft: 75 m. p. h. or less | Type of aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LOS ANGELES, CALIF. Los Angeles International Airport, 125' 109.0 mc, LAX LMM: 278 kc, AX LOM: 266 kc, LA Procedure No. 1 Effective date: Aug. 4, 1953 | Los Angeles LFR | LOM | 074—2.0 | 2,000 | S side E course: 068 outbound, 248 inbound. 2,000' * | 1,650 | 1,670—6.04 | 390—0.64 | T-dn | 300-1 | 300-1 | Climb to 2,000' on W course Los Angeles LFR. *In no case farther E than Downey FM/Rbn. |
| | Downey FM/Rbn | LOM | 253—9.0 | 1,650 | | | | | C-dn | 500-1 | 600-1.5 | |
| | Int. W cours ILS and SE course Camarillo LFR. | LOM | 068—29.0 | 2,000 | | | | | S-ln | 400-¾ | 400-¾ | |
| | | | | | | | | | 25 L R | | | |
| | Long Beach LFR | LOM | 301—16.0 | 1,650 | | | | | A-dn | 800-2 | 800-2 | |
| | Hollywood Hills FM | LOM | 133—14.0 | 3,000 | | | | | | | | |
| LOS ANGELES, CALIF. Procedure No. 2 Using back course ILS localizer Effective date: Aug. 4, 1953. | Int. W ers ILS and SE ers Camarillo LFR. | W ers ILS | 068—0.0 | 2,000 | S side W course: 248 outbound, 068 inbound. 2,000'.* | 2,000 (Minimum altitude at start of descent 8 miles from approach end of runway #) | 1,600 (Minimum altitude on final approach at 6 miles)# 1,400 (Minimum altitude on final approach at 4 miles)# | 150—1.7 (Minimum altitude on final approach at Del Rey FM and distance from Del Rey FM to approach end of runway) | T-dn | 300-1 | 300-1 | Climb to 2,000' on E course Los Angeles LFR, no farther E than Downey FM/Rbn. *Procedure turn 8 miles from end of runway to be specified by radar controller. #Distance from approach end of runway to be determined by information from Airport Surveillance Radar. Recommended MSL altitudes will be given by radar controller each mile on final approach. This procedure not authorized when ASR is inoperative. |
| | Los Angeles LFR | LMM | 243—3.5 | 2,000 | | | | | C-dn | 500-1 | 600-1.5 | |
| | | | | | | | | | S-ln | 400-1 | 400-1 | |
| | | | | | | | | | 7L R | | | |
| | | | | | | | | | A-dn | 800-2 | 800-2 | |
| NEW YORK, N. Y. La Guardia Field, 20' 109.9 mc, LGA LMM: 233 kc, GA LOM: 332 kc, LG Procedure No. 1 Effective date: Sept. 1, 1953 | La Guardia LFR | LOM | 223—9.0 | 2,500 | S side SW course: 223 outbound, 043 inbound. 1,500' within 5 miles of LOM. | 1,500 | 1,310—4.44 | 295—0.81 | T-dn | 300-1 | 300-1 | Climb to 1,500' on NE course ILS, or as directed by ATC. *600-1 required when glide slope inoperative. #500-1 required for all aircraft when approaching lights are inoperative. CAUTION: 422' tank, 2 miles N of airport; 968' building, 4 miles W of LOM. 252' stack, 1.3 miles E of airport. |
| | Int. E ers La Guardia LFR and NE ers Idlewild LFR. | LOM | 251—17.0 | 2,500 | | | | | C-dn | *500-1 | 600-1.5 | |
| | | | | | | | | | S-dn# 4 | 400-¾ | 400-¾ | |
| | | | | | | | | | A-dn | 800-2 | 800-2 | |
| | Int. NW ers La Guardia LFR and S ers Poughkeepsie LFR. | LOM | 159—17.0 | 2,500 | | | | | | | | |
| | Flatbush Rbn | LOM (Final) | 043—7.0 | 1,500 | | | | | | | | |
| NEW YORK, N. Y. New York International Airport, 12' 109.5 mc, IDL Procedure No. 2 Using back course ILS Localizer Effective date: Sept. 20, 1953 | Int. NE ers Mitchel LFR and E ers La Guardia LFR. | NE ers ILS | 273—24.0 | 1,500 | None.* Final approach course: 042 outbound. 222 inbound. | 1,000 (minimum altitude over Elmont FM on final approach. | (#) 4.6 (From Elmont FM) | (#) | T-ln | 300-1 | 300-1 | Climb to 1,200' (or to a higher altitude when requested by ATC) on SW course ILS. *Straight-in approach conducted from Glen Cove holding pattern. Descend to authorized landing minimums after passing Elmont FM. #Not applicable. CAUTION: 278' stack, 1.7 miles SSE of Runway 1R. |
| | Int. SW ers ILS and SE ers Newark LFR. | Glen Cove Rbn | 042—31.0 | 1,500 | | | | | C-ln | 500-1 | 600-1.5 | |
| | | | | | | | | | S-dn 22 | 500-1 | 500-1 | |
| | Idlewild LFR | SW ers ILS | 042—0.0 | 1,500 | | | | | A-dn | 800-2 | 800-2 | |
| | La Guardia LFR | NE ers ILS | 063—12.0 | 1,500 | | | | | | | | |
| ORLANDO, FLA. Orlando Airport, 115' 109.9 mc, ORL LMM: 201 kc, RL LOM: 210 kc, OR Procedure No. 1 Effective date: Aug. 31, 1953 | Orlando LFR | LOM | 166—7.0 | 1,500 | N side SE course: 130 outbound. 310 inbound. 1,400' within 5 miles of LOM. | 1,400 | 1,330—4.69 | 340—0.68 | T-dn | 300-1 | 300-1 | Climb to 1,500' on NW course ILS within 25 miles. |
| | Oviedo FM | LOM | 197—15.0 | 1,500 | | | | | C-dn | 500-1 | 500-1 | |
| | Orlando VOR | LOM | 128—5.0 | 1,500 | | | | | S-dn 31 | 400-¾ | 400-¾ | |
| | | | | | | | | | A-dn | 800-2 | 800-2 | |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.



INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

| City and State; airport name, elevation; Localizer frequency and identification; LMM frequency and identification; LOM frequency and identification; procedure No. | Transition to ILS: From— | To— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course outbound and inbound; altitudes; limiting distances | Minimum altitude at glide slope intercept ion inbound (ft.) | Altitude of glide slope and distance to approach end of runway: At outer marker: | At middle marker: | Ceiling and visibility minimums: Conditions | Type of aircraft: 75 m. p. h. or less | Type of aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ROCHESTER, N. Y. Monroe County Airport, 559' 108.3 mc, ROC LMM: 215 kc, OC LOM: 400 kc, RO Procedure No. 1 Effective date: Sept. 12, 1953 | Rochester LFR | LOM | 076—4.0 | 2,000 | N side E course: 087 outbound. 277 inbound. 2,000' within 5 miles of LOM. | 2,000* | 2,100—5.14 | 755#—0.62 | T-dn | 300-1 | 300-1 | Climb to 2,000' on W course Rochester LFR. *Glide slope will be intercepted after passing LOM inbound #Minimum altitude over middle marker when glide slope is inoperative 1,300'. NOTE: Take-offs on Runway 12 and landings on Runway 30 not authorized. |
| | Rochester VOR | LOM | 096—6.0 | 2,000 | | | | | C-dn | 500-1 | 600-1.5 | |
| | Int. S ers Rochester LFR and E ers Buffalo LFR. | LOM | 047—8.0 | 2,000 | | | | | S-ln 28 | 400-¾ | 400-¾ | |
| | | | | | | | | | A-dn | 800-2 | 800-2 | |
| | Int. E ers Rochester LFR and W ers Syracuse LFR. | LOM | 311—10.0 | 2,000 | | | | | | | | |
| TALLAHASSEE, FLA. Dale Mabry Field, 70' 110.3 mc, TLH LMM: None LOM: 356 kc, TL Procedure No. 1 Effective date: Aug. 7, 1953 | Int. N ers Tallahassee LFR and NW ers ILS. | Outer marker | 122—8.0 | 1,300 | N side SE course: 122 outbound. 302 inbound. 1,300' within 5 miles of LOM. | 1,300 | 1,300—4.69 | 315—0.67 | T-dn | 300-1 | 300-1 | Climb to 1,400' on NW course ILS, or when directed by ATC, climb to 1,400' on S course Tallahassee LFR within 25 miles. CAUTION: 327' obstruction located 1 mile NE of airport. |
| | Tallahassee LFR | Outer marker | 109—8.0 | 1,300 | | | | | C-dn | 500-1 | 500-1.5 | |
| | Int. E ers Tallahassee LFR and SE ers ILS. | Outer marker | 122—5.0 | 1,300 | | | | | S-dn | 400-¾ | 400-¾ | |
| | | | | | | | | | A-dn | 800-2 | 800-2 | |
| | Tallahassee VOR | Outer marker | 143—11.0 | 1,300 | | | | | | | | |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

5. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GROUND CONTROLLED APPROACH SYSTEM PROCEDURES

When a GCA instrument approach is conducted at the below named airport(s), it shall be in accordance with the following instrument approach procedure(s), unless an approach is conducted in accordance with a different procedure authorized by the Administrator for such airport(s). Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with the ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

| City and State; airport name, elevation; GCA transmitting and guarding frequencies | Radar terminal area maneuvering altitudes by sectors and limiting distances | Runway No. | Condition | Ceiling and visibility minimums: Precision approach (PAR): 75 m. p. h. or less | Precision approach (PAR): More than 75 m. p. h. | Surveillance approach (ASR): 75 m. p. h. or less | Surveillance approach (ASR): More than 75 m. p. h. | Except when the ground controller may direct otherwise prior to final approach, A missed approach procedure shall be executed as provided below when: (A) communication on final approach is lost for more than 5 seconds; (B) directed by ground controller, (C) visual reference is not established upon descent to the authorized landing minimums or (d) landing is not accomplished; remarks |
|---|---|---|---|---|---|---|---|---|
| CHICAGO, ILL. Chicago-Midway Airport (18' Transmits 249, 350 kc, 109.9, 118.1, 118.7, 119.5, 120.7, 121.3, 126.18 mc Guards: 3024.5, 5160 kc, 118.1, 118.7, 119.5, 120.7, 121.5, 122.5, 126.18 mc Effective date: Dec. 20, 1952 | Initial approach to GCA shall be conducted on any approved route to within 25 miles of the airport at not less than the established MEA, or not less than 2,500 within 25 miles of Midway Airport, or 2,500 within 20 miles.) | 13R | T-dn | 300-1.0 | 300-1.0 | | | Climb to 2,300' and proceed S on N and S courses of Harvey LFR to the Momence Int. #Following dual runways authorized with minimums listed: 4, 9, 13, 18, 27, 31, 36. |
| | | | C-d | 500-1.0 | 500-1.5 | | | |
| | | | C-n | 500-1.5 | 500-1.5 | | | |
| | | | S-dn | 400-¾ | 400-¾ | | | |
| | | | A-dn | 800-2.0 | 800-2.0 | | | |
| | | (#) | T-dn | | | 300-1.0 | 300-1.0 | |
| | | | C-d | | | 500-1.0 | 500-1.5 | |
| | | | C-n | | | 500-1.5 | 500-1.5 | |
| | | | A-dn | | | 800-2 | 800-2 | |
| | | 22R L | T-dn | | | 300-1 | 300-1 | |
| | | | C-d | | | 600-1 | 600-1.5 | |
| | | | C-n | | | 600-1.5 | 600-1.5 | |
| | | | A-dn | | | 800-2 | 800-2 | |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

GROUND CONTROLLED APPROACH SYSTEM PROCEDURES—Continued

| City and State; airport name, elevation; GCA transmitting and guarding frequencies | Radar terminal area maneuvering altitudes by sectors and limiting distances | Runway No. | Condition | Ceiling and visibility minimums: Precision approach (PAR) 75 m. p. h. or less | Precision approach (PAR) More than 75 m. p. h. | Surveillance approach (ASR) 75 m. p. h. or less | Surveillance approach (ASR) More than 75 m. p. h. | Except when the ground controller may direct otherwise prior to final approach, A missed approach procedure shall be executed as provided below when: (A) communication on final approach is lost for more than 5 seconds; (b) directed by ground controller; (c) visual reference is not established upon descent to the authorized landing minimums; or (d) landing is not accomplished; remarks |
|---|---|---|---|---|---|---|---|---|
| CLEVELAND, OHIO<br>Cleveland-Hopkins Airport, 789'<br>Transmits: 278, 340 kc; 109.9, 118.1, 118.7, 119.9, 121.5, 126.18 mc<br>Guards: 3023.5, 3105 kc; 118.1, 118.7, 119.9, 121.5, 122.5, 126.18 mc<br>Effective date: Dec. 26, 1952 | (Initial approach to GCA shall be conducted on any approved route to within 25 miles of the airport at not less than the established MEA, or not less than 2,000' within 25 miles of Cleveland-Hopkins Airport.) | 5L | T-dn | 300-1 | 300-1 | | | Climb to 2,600' and proceed E on E course of Cleveland LFR to Parkman Int. |
| | | | C-dn | 500-1 | 500-1.5 | | | |
| | | | S-dn | 400-¾ | 400-¾ | | | |
| | | | A-dn | 800-2 | 800-2 | | | |
| | | 5L, 5C, 5L, 13, 18R, 27R, 36L | T-dn | | | 300-1 | 300-1 | |
| | | | C-dn | | | 500-1 | 500-1.5 | |
| | | | A-dn | | | 800-2 | 800-2 | |
| | | 23R, 23C, 31 | T-dn | | | 300-1 | 300-1 | |
| | | | C-dn | | | 600-1 | 600-1.5 | |
| | | | A-dn | | | 800-2 | 800-2 | |
| HOUSTON, TEX<br>Houston Airport, 50'<br>Transmits: 278 kc; 109.9, 118.1, 118.7, 120.7, 121.5, 126.18 mc<br>Guards: 3,023.5, 3,105 kc; 118.1, 118.7, 120.7, 121.5, 122.5, 126.18, 141.3 mc<br>Effective date: July 14, 1953 | (Initial approach to GCA shall be conducted on any approved route to within 25 miles of the airport at not less than the established minimum en route altitude, or not less than 1,900' within 25 miles of Houston Airport.) | 8, 12, 30 | T-dn | | | 300-1 | 300-1 | Climb to 1,900' straight ahead, then proceed to Houston VOR or LFR. |
| | | | C-dn | | | 400-1 | 500-1.5 | |
| | | | A-dn | | | 800-2 | 800-2 | |
| | | 17, 35 | T-dn | | | 300-1 | 300-1 | |
| | | | C-dn | | | 500-1 | 500-1.5 | |
| | | | A-dn | | | 800-2 | 800-2 | |
| | | 21 | T-dn | | | 300-1 | 300-1 | |
| | | | C-dn | | | 600-1 | 600-1.5 | |
| | | | A-dn | | | 800-2 | 800-2 | |
| MINNEAPOLIS, MINN.<br>Minneapolis-St. Paul International Airport (Wold-Chamberlain Field) 840'<br>Transmits: 260, 278 kc; 110.3, 118.7, 119.5, 121.5, 126.18, 243.0, 257.8 mc<br>Guards: 3023.5, 3105 kc; 118.7, 119.5, 121.5, 122.5, 126.18, 243.0, 257.8 mc<br>Effective date: Dec. 26, 1952 | (Initial approach to GCA shall be conducted on any approved route to within 25 miles of the airport at not less than the established MEA, or not less than 2,600' within 25 miles of Minneapolis-St. Paul International Airport). | 29L | T-dn | 300-1 | 300-1 | | | Climb to 2,600' and proceed to Hamel FM via NW course Minneapolis LFR or via 300° course from Minneapolis VOR. |
| | | | C-dn | 500-1 | 500-1.5 | | | |
| | | | S-dn | 400-¾ | 400-¾ | | | |
| | | | A-dn | 800-2 | 800-2 | | | |
| | | 4, 29L | T-dn | | | 300-1 | 300-1 | |
| | | | C-dn | | | 500-1 | 500-1.5 | |
| | | | A-dn | | | 800-2 | 800-2 | |
| | | 11R, 22 | T-dn | | | 300-1 | 300-1 | |
| | | | C-dn | | | 600-1 | 600-1.5 | |
| | | | A-dn | | | 800-2 | 800-2 | |
| NORFOLK, VA.<br>Norfolk Airport, 26'<br>Transmits: 239, 269 kc; 108.7, 109.9, 119.9, 121.1, 121.5, 121.9, 122.2, 126.7, 132.3, 136.0, 135.9, 137.88, 257.8 mc<br>Guards: 3023.5, 3105 kc; 108.7, 119.9, 121.1, 121.5, 121.9, 122.1, 122.2, 122.5, 126.7, 132.3, 135.0, 137.9, 137.88, 257.8 mc<br>Effective date: Aug. 1, 1953 | (Initial approach to GCA shall be conducted on any approved route to within 25 miles of the airport at not less than the established minimum en route altitude, or not less than 1,500' within 25 miles of Norfolk Airport.) | 1, 4, 13, 31 | T-dn | | | 300-1 | 300-1 | Climb to 1,500' and proceed to Norfolk LOM. CAUTION: Standard obstruction clearance not provided over 380' radio tower, 4 miles S of range station. |
| | | | C-dn | | | 400-1 | 500-1.5 | |
| | | | A-dn | | | 800-2 | 800-2 | |
| | | 19, 22 | T-dn | | | 300-1 | 300-1 | |
| | | | C-dn | | | 500-1 | 500-1.5 | |
| | | | A-dn | | | 800-2 | 800-2 | |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.



6. The very high frequency omnirange procedures prescribed in § 609.15 (a) are amended to read in part.

VHF OMNIRANGE (VOR) PROCEDURES

When a VOR instrument approach is established at the location of airport, (s) and has been combined with the following instrument approach procedure(s), unless an approach is conducted in accordance with a different procedure authorized by the Administrator for such airport(s). Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance; facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| AKRON, COLO.<br>Akron Airport, 4,585'<br>BVOR-DTV<br>114.4 mc, AKO<br>Procedure No. 1<br>Effective date: April 27, 1953 | Akron LFR | 151—1.0 | 6,000 | W side course:<br>334 outbound.<br>151 inbound.<br>6,000' within 25 miles. | 5,200 | 151—2.7 | T-dn<br>C-dn<br>S-dn<br>S-dn<br>17<br>A-dn | 300-1<br>500-1.5<br>500-1<br>500-1.5<br>800-2 | 300-1<br>500-1.5<br>500-1<br>500-1.5<br>800-2 | Within 2.7 miles, climb to 6,000' on course of 151° within 25 miles.<br>NOTE: Turf field, rough; heavy aircraft use with caution. |
| ALBUQUERQUE, N. MEX.<br>Kirtland AFB, 5,330'<br>BVOR-DTV<br>117.5 mc, ABQ<br>Procedure No. 1<br>Effective date: May 27, 1953 | Albuquerque LFR | 279—11.0 | 8,000 | N side course: *<br>258 outbound.<br>078 inbound.<br>8,000' within 25 miles. | 6,700 | 078—10.2 | T-dn<br>C-dn<br>A-dn | 300-1<br>700-2<br>800-2 | 300-1<br>700-2<br>800-2 | Within 10.2 miles, turn right and climb to 10,000' on course of 256° within 25 miles of VOR.<br>*Non-standard procedure turn required account danger area S of course. |
| BOISE, IDAHO<br>Boise Air Terminal, 2,858'<br>BVOR-DTV<br>113.3 mc, BOI<br>Procedure No. 1<br>Effective date: May 25, 1953 | Boise LFR | 250—2.0 | 4,100 | S side course:<br>272 outbound.<br>092 inbound.<br>272 outbound.<br>4,100' within 25 miles. | 3,600 | 092—4.1 | T-dn<br>C-dn<br>C-dn<br>S-dn<br>10L<br>A-dn | 300-1<br>600-1<br>700-1.5<br>500-1<br>800-2 | 300-1<br>600-1.5<br>700-1.5<br>500-1<br>800-2 | Within 4.4 miles, climb to 9,000' on course of 280° within 25 miles of VOR.<br>SHUTTLE: To 4,100' on course of 272° outbound, 092° inbound, within 25 miles of VOR. All turns to S. |
| | Eagle FM | 121—11.0 | 4,100 | | | | | | | |
| | Boise LOM | 202—0.5 | 4,100 | | | | | | | |
| BUFFALO, N. Y.<br>Buffalo Airport, 711'<br>BVOR-DTXV<br>116.5 mc, BUF<br>Procedure No. 1<br>Effective date: July 30, 1953 | Buffalo LFR | 125—4.0 | 2,000 | N side course:<br>107 outbound.<br>287 inbound.<br>2,100' within 10 miles.<br>2,500' within 15 miles.<br>2,700' within 20 miles.<br>2,900' within 25 miles. | 1,600 (within 10 miles) | 287—4.1 | T-dn<br>C-dn<br>S-dn<br>31 or<br>27<br>A-dn | 300-1<br>500-1.5<br>500-1<br>800-2 | 300-1<br>500-1.5<br>500-1<br>800-2 | Within 4.1 miles, climb to 2,100' on course of 287° within 25 miles of VOR. |
| | Int. W course Rochester LFR and 222° course to Buffalo VOR. | 222—20.0 | 2,000 | | | | | | | |
| | East Pembroke FM | 264—14.0 | 1,800 | | | | | | | |
| CORPUS CHRISTI, TEX.<br>Cliff Maus Field, 42'<br>BVOR-DTV<br>115.5 mc, CRP<br>Procedure No. 1<br>Effective date: June 20, 1953 | Corpus Christie LFR | 003—7.0 | 1,400 | W side course:<br>340 outbound.<br>160 inbound.<br>1,400' within 25 miles. | 900 | 160—3.0 | T-dn<br>C-dn<br>A-dn | 300-1<br>800-2<br>800-2 | 300-1<br>800-2<br>800-2 | Within 9.0 miles, climb to 1,400' on course of 220° within 25 miles of VOR. |
| DOUGLAS, ARIZ.<br>Bisbee-Douglas International Airport, 4,158'<br>BVOR-DTV<br>112.9 mc, DUG<br>Procedure No. 1<br>Effective date: May 21, 1953 | | | | N side course:<br>298 outbound.<br>118 inbound.<br>7,000' within 15 miles.<br>9,000' within 25 miles. | 5,100 | 118—4.6 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 400-1<br>500-2<br>1,000-2<br>1,000-3<br>2,000-2<br>2,000-3 | 400-1<br>500-2<br>1,000-2<br>1,000-3<br>2,000-2<br>2,000-3 | Within 0.0 mile, turn left, climb up 10,000' on course of 287° within 25 miles of VOR, or as directed by ATC.<br>SHUTTLE: To 7,000' on course of 298° outbound, 118° inbound, within 15 miles. |
| EL DORADO, ARK<br>El Dorado-Goodwin Field<br>BVOR-DTV<br>113.3 mc, ELD<br>Procedure No. 1<br>Effective date: June 9, 1953 | El Dorado Rbn | 030—4.0 | 1,600 | N side course:<br>1030 outbound.<br>210 inbound.<br>1,600' within 25 miles. | 1,100 | 210—4.1 | T-d<br>T-n<br>C-dn<br>S-dn<br>22<br>A-dn | 300-1<br>NA<br>500-1<br>500-1<br>800-2 | 300-1<br>NA<br>500-1.5<br>500-1<br>800-2 | Within 4.1 miles, climb to 1,500' on course of 210° within 25 miles of VOR.<br>CAUTION: No control area. Pilots using this facility should keep El Dorado radio advised of position, altitude and ETA over station. |
| EL PASO, TEX.<br>El Paso International Airport, 3,917'<br>BVOR-DTV<br>114.5 mc, ELP<br>Procedure No. 1<br>Effective Date: May 20, 1953 | Hueco Mtn FM (final)* | 253—17.0 | 5,000 | S side course: #<br>078 outbound.<br>258 inbound.<br>6,700' within 15 miles (NA beyond 15 miles). | 5,000 | 258—5.1 | T-dn<br>C-dn<br>S-dn<br>26<br>A-dn | 300-1<br>500-1<br>500-1 | 300-1<br>500-1.5<br>500-1 | Within 5.1 miles, make left turn to 125°, climb to 5,000' on course of 150° within 25 miles of VOR.<br>*Maintain 7,000' until 5 miles W of Hueco Mountain FM.<br>#High terrain N side of course. |
| | El Paso LFR | 075—0.7 | 6,500 | | | | | | | |
| GALVESTON, TEX.<br>Galveston Airport, 7'<br>BVOR-DTV<br>112.8 mc, GLS<br>Procedure No. 1<br>Effective date: Mar. 25, 1953 | Galveston LFR | 310—2.0 | 1,500 | E side course:*<br>316 outbound.<br>136 inbound.<br>1,400' within 15 miles (NA beyond 15 miles). | 800 | 136—5.9 | T-dn<br>C-dn<br>S-dn<br>13<br>A-dn | 300-1<br>500-1<br>500-1<br>800-2 | 300-1<br>500-1.5<br>500-1<br>800-2 | Within 5.9 miles, climb to 1,400' on course of 136° within 25 miles of VOR, or as directed by ATC.<br>CAUTION: 231' obstruction lighted 1.6 miles NE of airport.<br>*Non-standard due to obstruction to W. |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

VHF OMNIRANGE (VOR) PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Initial approach to facility: Course and distance | Initial approach to facility: Minimum altitude (ft.) | Procedure turn: Side of final approach course; outbound and inbound altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| GREEN BAY, WIS.<br>Austin-Straubel Airport, 694<br>BVOR-DTV<br>117.0 mc, GRB<br>Procedure No. 1<br>Effective date: June 1, 1953 | | | | W side course:<br>320 outbound.<br>140 inbound.<br>1,900' within 25 miles. | 1,400 | 140—4.5 | T-dn<br>C-dn<br>S-dn<br>12<br>A-dn | 300-1<br>500-1<br>500-1<br>SNO-2 | 300-1<br>500-1.5<br>500-1<br>SNO-2 | Within 4.5 miles, climb to 2,900' on course of 140° within 25 miles of VOR.<br>CAUTION: Approach missed, make climb out without delay, high radio towers in vicinity of De Pere. |
| HOBBS, N. MEX.<br>Lea County Airport, 3659<br>BVOR-DTV<br>114.8 mc, HOB<br>Procedure No. 1<br>Effective date: May 19, 1953 | Hobbs LFR | 127—7.0 | 5,000 | N side course:<br>033 outbound.<br>213 inbound.<br>4,800' within 25 miles. | 4,800 | 213—5.0 | T-dn<br>C-dn<br>S-dn<br>12<br>A-dn | 300-1<br>500-1<br>500-1<br>SNO-2 | 300-1<br>500-1.5<br>500-1<br>SNO-2 | Within 5.0 miles, climb to 5,000' on course of 213° within 25 miles of VOR, or as directed by ATC. |
| HOUSTON, TEX.<br>Houston Airport, 50<br>BVOR—DTV<br>114.1 mc, HOU<br>Procedure No. 2<br>Effective date: May 20, 1953 | Houston LFR<br>Int. 254° course to Beaumont VOR and 125° course to Houston VOR (final) (Fairbanks Int.). | 316—2.0<br>125—14.0 | 1,500<br>1,200 | S side course:<br>305 outbound.<br>125 inbound.<br>1,700' within 25 miles. | 1,200 over Riverton FM). | 125—5.0 from Houston FM. | T-dn<br>C-dn<br>S-dn<br>12<br>A-dn | 500-1<br>500-1<br>500-1<br>SNO-2 | 500-1<br>500-1.5<br>500-1<br>SNO-2 | Within 0.0 mile, climb to 1,400' on course of 126° within 15 miles of VOR. |
| IOWA CITY, IOWA<br>Iowa City Airport<br>Procedure No. 1<br>Effective date: May 27, 1953 | (PROCEDURE CANCELED) | | | | | | | | | |
| LAREDO, TEX.<br>Laredo AFB<br>Procedure No. 1<br>Effective date: Aug. 31, 1953 | (PROCEDURE CANCELED) | | | | | | | | | |
| LAS VEGAS, NEV.<br>McCarran Field, 2,171'<br>BVOR-DTV<br>113.3 mc, LAS<br>Procedure No. 1<br>Effective date: Jan. 15, 1953 | Goodsprings Rbn<br>Int. 210° brg to Las Vegas VOR and SE crs Las Vegas LFR.<br>Las Vegas LFR<br>Las Vegas LFR (final) | 025—22.0<br>210—10.0<br>192—10.0<br>192—10.0 | 7,500<br>5,100<br>4,000<br>3,200* | E side course:<br>012 outbound.<br>192 inbound.<br>5,100' within 15 miles (NA beyond 15 miles). | 3,200* | At airport | T-dn<br>C-dn<br>A-dn | SNO-2<br>1,000-1<br>1,000-2 | SNO-2<br>1,000-1.5<br>1,000-2 | Within 0.0 mile, turn left, climb to 7,000' on course of 157° within 25 miles of VOR.<br>*Descent below 4,000' not authorized unless position over LFR or Z marker positively determined inbound on final approach.<br>#Or within 5 miles of Las Vegas LFR or Z marker.<br>CAUTION: 4,100' terrain at 11 miles on 036° course from VOR. |
| LOUISVILLE, KY.<br>Bowman Field, 549'<br>BVOR-DTXV<br>112.1 mc, LOU<br>Procedure No. 1<br>Effective date: Sept. 15, 1953 | | | | E side course:<br>151 outbound.<br>331 inbound.<br>2,000' within 25 miles. | 1,500 | 331—9.5 | T-dn<br>C-dn<br>A-dn | 700-1<br>700-2<br>1,000-2 | 300-1<br>700-2<br>1,000-2 | Within 3.8 miles, climb to 2,800' on course of 331° within 25 miles of VOR. |
| LOVELOCK, NEV.<br>Lovelock Airport, 3903'<br>BVOR-DTV<br>114.7 mc, LOL<br>Procedure No. 1<br>Effective date: Apr. 15, 1953 | Int. 231° brg to VOR and NW course Lovelock LFR.<br>Int. NW course Fallon LFR and NE course Reno LFR.<br>Int. NW course Lovelock LFR and 170° course to Lovelock VOR. | 231—17.0<br><br>170—33.0 | 9,000<br><br>10,000 | E side course:*<br>345 outbound.<br>165 inbound.<br>7,500' within 15 miles (NA beyond 15 miles). | 5,800 | 220—3.0 | T-dn<br>C-dn*<br>A-dn* | 300-1<br>500-1<br>800-2 | 300-1<br>500-1.5<br>800-2 | Within 3.0 miles, turn left immediately and return to VOR (climb on course of 165°, climbing to 7,500' on course of 345° within 15 miles and re-cross station outbound at a minimum of 9,000'.<br>*Procedure turn E for more suitable terrain.<br>SHUTTLE: To 8,500' on course of 345° outbound, 165° inbound within 15 miles. |
| LUBBOCK, TEX.<br>Lubbock Airport, 3,256'<br>BVOR-DTV<br>117.1 mc, LBB<br>Procedure No. 1<br>Effective date: May 15, 1953 | Lubbock LFR<br>Roundup FM (final) | 050—8.0<br>110—8.0 | 4,500<br>4,000 | S side course:<br>290 outbound.<br>110 inbound.<br>4,500' within 25 miles. | 4,000 | 110—5.3 | T-dn<br>C-dn<br>S-dn<br>12<br>A-dn | 500-1<br>500-1<br>500-1<br>SNO-2 | 500-1<br>500-1.5<br>500-1<br>SNO-2 | Within 5.3 miles, climb to 4,500' on course of 110° within 25 miles. |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.



VHF OMNIRANGE (VOR) PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Initial approach to facility: Course and distance | Initial approach to facility: Minimum altitude (ft.) | Procedure turn: Side of final approach course; outbound and inbound altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| McALESTER, OKLA.<br>McAlester Airport 770'<br>BVOR-DTVBI<br>112.3 mc, MLC<br>Procedure No. 1<br>Effective date: July 2, 1953 | | | | E side course:<br>168 outbound.<br>348 inbound.<br>2,700' within 25 miles. | 1,760 | 348—2.0 | T-dn<br>C-dn<br>A-dn | 300-2<br>600-2<br>800-2 | 300-2<br>600-2<br>800-2 | Within 2.0 miles, climb to 2,000' on course of 348° within 25 miles of VOR.<br>CAUTION: No control area. Pilots using this facility should keep McAlester radio advised of position, altitude and ETA over station. |
| MILWAUKEE, WIS.<br>General Mitchell Airport, 686'<br>BVOR-DTV<br>115.1 mc, MKE<br>Procedure No. 1<br>Effective date: Apr. 13, 1953 | Franksville FM (final)<br>Milwaukee LFR | 357—7.0<br>153—3.0 | 1,400<br>2,000 | E side course:<br>185 outbound.<br>005 inbound.<br>2,000' within 25 miles. | 1,400 | 005—4.9 | T-dn<br>C-dn<br>S-dn<br>1<br>A-dn | 300-1<br>600-1<br>500-1<br><br>800-2 | 300-1<br>600-1.5<br>500-1<br><br>800-2 | Within 4.9 miles, climb to 2,700' on course of 005° within 25 miles of VOR, or when directed by ATC, make left climbing turn to 2,500', intercepting outbound course of 279° from VOR. |
| MINERAL WELLS, TEX.<br>Mineral Wells Airport, 961'<br>BVOR-DTV<br>114.5 mc, MWL<br>Procedure No. 1<br>Effective date: Aug. 7, 1953 | Mineral Wells Rbn | 132—5.0 | 2,200 | S side course:*<br>120 outbound.<br>300 Inbound.<br>2,200' within 10 miles (NA beyond 10 miles). | 1,600 | 309—4.9 | T-dn<br>C-dn<br>A-dn | 300-1<br>500-1<br>800-2 | 300-1<br>NA<br>800-2 | Within 4.9 miles, climb to 3,000' on course of 252° within 25 miles of VOR.<br>*Procedure turn non-standard due to ATC. |
| MODESTO, CALIF.<br>Modesto Airport, 96'<br>VORW<br>117.1 mc, MOD<br>Procedure No. 1<br>Effective date: May 7, 1953 | Stockton LFR<br>Int. S crs Stockton LFR and 075° crs to VOR. | 113—20.0<br>075—11.0 | 2,000<br>2,000 | N side course:<br>028 outbound.<br>208 Inbound<br>1,500' within 25 miles. | 1,100 | 208—4.9 | T-dn<br>C-dn<br>A-dn | 300-1<br>600-1<br>1,000-2 (BCOB) | 300-1<br>600-1.5<br>1,000-2 (BCOB) | Within 4.9 miles, climb to 2,000' on course of 208° within 15 miles of VOR, or as directed by ATC.<br>NOTE: Modesto VOR monitored category III. |
| OMAHA, NEBR.<br>Omaha Airport, 982'<br>BVOR-DTV<br>116.3 mc, OMA<br>Procedure No. 1<br>Effective date: Feb. 26, 1953 | Omaha LFR<br>Glenwood FM (final) | 134—18.0<br>321—11.0 | 2,700<br>2,400 | E side course:<br>129 outbound.<br>309 Inbound.<br>2,400' within 25 miles. | 2,400 | 309—11.6 | T-dn<br>C-dn<br>A-dn | 1000-3<br>1000-3<br>1000-3 | 300-1<br>1000-3<br>1000-3 | Within 11.6 miles, climb to 2,700' on course of 309° within 25 miles of VOR, or as directed by ATC.<br>CAUTION: 1,312' radio tower and 1,384' tank located between VOR station and airport. |
| PHILLIP, S. DAK.<br>Philip Airport, 2,210<br>BVOR-DTV<br>115.7 mc, PHP<br>Procedure No. 1<br>Effective date: Apr. 28, 1953 | Philip Rbn | 265—3.5 | 3,500 | S side course:<br>265 outbound.<br>085 Inbound<br>3,000' with in 10 miles (NA beyond 10 miles)*. | 3,000 | 085—2.9 | T-dn<br>T-n<br>C-dn<br>C-n<br>A-dn | 500-1<br>500-2<br>700-1<br>700-2<br>800-2 | 500-1<br>7500-2<br>700-1<br>700-2<br>800-2 | Within 2.9 miles, climb to 3,500' on course of 089° within 25 miles.<br>*Procedure turn not authorized beyond 10 miles account rising terrain.<br>NOTE: Airport not satisfactory for DC-3 type aircraft or larger. |
| PORTLAND, OREG.<br>Portland International Airport, 23'<br>BVOR-DTV<br>117.4 mc, PDX<br>Procedure No. 1<br>Effective date: June 1, 1953 | Woodland FM (final)<br>La Center FM (final)<br>Sauvies Island Rbn<br>Portland LFR | 141—16.0<br>151—4.5<br>010—12.0<br>311—7.0 | 3,000<br>2,500<br>3,000<br>3,000 | W side course:<br>331 outbound.<br>151 Inbound.<br>3,000' within 10 miles (NA beyond 10 miles). | 2,500 | 150—10.5 | T-dn<br>C-dn*<br>A-dn* | 300-1<br>1,000-1<br>1,000-2 | 300-1<br>1,000-1.5<br>1,000-2 | Within 10.5 miles, execute climbing right turn, climb to 3,000' (climb to 2,000' within 17 miles of VOR) on course of 171° within 25 miles of VOR.<br>*If passage of Portland LFR positively identified on final approach, circling and straight-in ceilings are 600' day, 700' night, and alternate ceilings are 800' day and night.<br>CAUTION: (1) 1,630' radio tower located 17 miles SSW of VOR. (2) No VOR reception over airport below 450'. |
| REDMOND, OREG.<br>Roberts Field, 3,077'<br>BVOR-DTV<br>117.6 mc, RDM<br>Procedure No. 1<br>Effective date: June 12, 1953 | Redmond LFR (final)* | 107—4.6 | 4,400 | N side course:#<br>287 outbound<br>107 inbound.<br>6,000' within 15 miles (NA beyond 15 miles). | 4,000* | At airport | T-dn<br>C-dn<br>A-dn | 300-1<br>700-1<br>800-2 | 300-1<br>700-1.5<br>800-2 | Within 0.0 mile, execute climbing right turn, climb to 7,000' on course of 193° within 15 miles of VOR.<br>*Descent to applicable minimums authorized after passing Redmond LFR inbound on final. If Redmond LFR not received, maintain 4,000'.<br>#High terrain to S.<br>SHUTTLE: To 6,000' on course of 287° outbound 107° inbound within 15 miles. All turns to N side course.<br>CAUTION: Terrain 3,250', 3 miles NW; 4,115', 7 miles W, 5,108', 10 miles N; 5,220', 9 miles SE. |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

VHF OMNIRANGE (VOR) PROCEDURES—Continued

| City and State; airport name, elevation, class of facility, frequency, identification, procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: (*) side of final approach course, outbound and inbound altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| RENO, NEV.<br>United Air Lines Airport, 4,404'.<br>VORW-DTV<br>116.9 mc, RNO<br>Procedure No. 1<br>Effective date: May 19, 1953 | Wadsworth FM | 281—21.0 | 9,500 | S side course:<br>050 outbound.<br>230 inbound.<br>9,700' within 10 miles.<br>(NA beyond 10 miles). | 7,900 | 224—5.9 | T-dn<br>C-dn<br>A-dn | 1,000-3<br>2,500-3<br>2,500-3 | 1,000-3<br>2,500-3<br>2,500-3 | Within 5.9 miles, turn right, immediately climb to 9,500 on course of 050° within 10 miles of VOR.<br>CAUTION. If contact not established at minimums, missed approach must be started immediately due to high terrain W.<br>NOTE. Monitoring—Class 3. |
| ROCHESTER, N. Y.<br>Monroe County Airport<br>Procedure No. 1<br>Effective date: July 14, 1953 | PROCEDURE CANCELLED | | | | | | | | | |
| SALINA, KANS.<br>Salina Airport 1,311'<br>BVOR-DTVBJ<br>115.3 mc, SLN<br>Procedure No. 1<br>Effective date: Feb. 1, 1952 | | | | S side course:<br>311 outbound.<br>131 inbound<br>2,800' within 25 miles. | 2,300 | 151—5.7 | T-dn<br>C-dn<br>A-dn | 300-1<br>500-1.5<br>800-2 | NA<br>NA<br>NA | Within 5.7 miles, climb to 2,500' on course of 131° within 25 miles of VOR. |
| SAN JOSE, CALIF.<br>San Jose Municipal Airport, 62'<br>BVOR-DTV<br>117.6 mc, SFO<br>(San Francisco VOR)<br>Procedure No. 1<br>Effective date: May 20, 1953 | Oakland LFR | 134—27.0 | 3,000 | N side course:<br>293 outbound.<br>113 inbound<br>1,700' within 10 miles (NA beyond 10 miles). | 1,140 | 113—8.8 | T-dn<br>C-dn<br>A-dn | 300-1<br>600-1<br>800-2 | 300-1<br>600-1.5<br>800-2 | With 3.8 miles, turn right, climb to 2,000' and proceed to San Francisco VOR on inbound course of 300° then hold NW of San Francisco VOR in a 1-minute pattern (inbound course 113°) with all turns NE of course at 2,000' until further ATC clearance is obtained. |
| | San Francisco LFR | 107—23.0 | 2,000 | | | | | | | |
| | San Francisco LOM | 110—18.0 | 2,000 | | | | | | | |
| | Moffett LFR | 053—4.0 | 1,700 | | | | | | | |
| | Evergreen FM Rbn | 286—11.0 | 1,700 | | | | | | | |
| | Saratoga Int | 027—17.0 | 4,500 | | | | | | | |
| SEATTLE, WASH.<br>Seattle-Tacoma International Airport, 416'<br>BVOR-DTNPV<br>113.9 mc, SEA<br>Procedure No. 1<br>Effective date: June 13, 1953 | Int. NW course Seattle LFR and 158° bearing to VOR | 158—7.0 | 2,000 | E side course:<br>178 outbound.<br>338 inbound.<br>2,000' within 14 miles (NA beyond 14 miles). | 900* | Airport | T-dn<br>C-dn*<br>S-dn*<br>34<br>A-dn* | 300-1<br>500-1<br><br>800-2 | 300-1<br>500-1.5<br>500-1<br><br>800-2 | Within 0.0 mile, climb to 2,000' on course of 338° within 25 miles of VOR.<br>*Degrent to applicable minimums authorized after passing Seattle-Tacoma LOM on final; if LOM not received, maintain 1,600'.<br>CAUTION. (1) 500' terrain and trees located immediately N of airport. (2) 730' tower located 14 miles SW of airport. |
| | Seattle LOM (final) | 158—4.5 | 900* | | | | | | | |
| | Seattle LFR | 193—4.5 | 2,000 | | | | | | | |
| | Vashon Int | 065—9.0 | 2,000 | | | | | | | |
| | Int. Lakeview FM and 355° bearing to VOR, to Int. 338° bearing to VOR (final). | 005—14.0 | 2,000 | | | | | | | |
| | Int. 338° bearing to VOR and course of 005° from Lakeview FM (final). | 338—8.0 | 1,600* | | | | | | | |
| | Hobart FM | 295—16.0 | 4,000 | | | | | | | |
| | Harbor Island FM | 144—10.0 | 2,000 | | | | | | | |
| | Seattle NAS LFR | 101—23.0 | 2,000 | | | | | | | |
| | McChord LFR | 353—29.0 | 3,000 | | | | | | | |
| TULSA, OKLA.<br>Tulsa Airport, 674'<br>BVOR-DTV<br>114.1 mc, TUL<br>Procedure No. 1<br>Effective date: May 8, 1953 | Skiatook FM | 199—13.0 | 2,000 | W side course:<br>330 outbound.<br>150 inbound.<br>2,000' within 15 miles.<br>2,100' within 25 miles. | 1,300 | 150—5.0 | T-dn*<br>C-dn<br>S-dn<br>17L<br>A-dn | 500-1<br>500-1<br>500-1<br><br>800-2 | 500-1<br>500-1.5<br>500-1<br><br>800-2 | Within 5.0 miles, turn right and climb to 2,200' on course of 241° within 25 miles of VOR, or as directed by ATC.<br>*Runway 17R closed to all take-offs.<br>NOTE. Maintain procedure turn altitude until within 10 miles of VOR on final. |
| | Verdigris River FM | 262—12.0 | 1,800 | | | | | | | |
| | Tulsa LFR | 317—6.0 | 1,700 | | | | | | | |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.



VHF OMNIRANGE (VOR) PROCEDURES—Continued

| City and State; airport name, elevation, class of facility, frequency; identification, procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: (*) side of final approach course, outbound and inbound altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| WAUSAU, WIS.<br>Alexander Airport, 1,209'<br>BVOR-DTV<br>112.5 mc, AUW<br>Procedure No. 1<br>Effective date: June 1, 1953 | | | | W side course:<br>165 outbound.<br>345 inbound.<br>2,400' within 25 miles. | 1,900 | 343—5.5 | T-dn<br>C-dn<br>C-dn<br>A-dn | 300-1<br>700-1<br>700-2<br>800-2 | 300-1<br>700-1.5<br>700-2<br>800-2 | Within 5.5 miles, climb to 2,800' on course of 340° within 10 miles of VOR.<br>CAUTION. (1) After take-off to NW, left turn not authorized until altitude of 3,200' is reached. (2) Radio tower and Rib Mountain, 2,160' 3 miles WSW of airport. (3) 1,700' hills, 2.1 miles W of final approach course. |
| WICHITA, KANS.<br>Wichita AFB, 1,371'<br>BVOR-DTV<br>113.3 mc, ICT<br>Procedure No. 1<br>Effective date: June 11, 1953. | Wichita LFR | 358—10.0 | 3,000 | W side course:<br>354 outbound.<br>174 inbound.<br>3,000' within 15 miles.<br>(NA beyond 15 miles) | 3,000 | 174—10.8 | T-dn*<br>C-dn<br>A-dn | 300-1<br>1000-3<br>1000-3 | 300-1<br>1000-3<br>1000-3 | Within 10.8 miles climb to 3,000' on course of 174° within 25 miles of VOR.<br>CAUTION. (1) 1,844' radio tower located between VOR and airport.<br>*(2) 2,049' TV tower, 7.8 miles NNW of airport. Aircraft on northerly take-offs, climb to 2,500' prior to turning toward tower. |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

These procedures shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9669; Filed, Nov. 18, 1953; 8:45 a. m.]



## TITLE 10—ATOMIC ENERGY

### Chapter I—Atomic Energy Commission

PART 40—CONTROL OF SOURCE MATERIAL

PART 50—CONTROL OF FACILITIES FOR THE PRODUCTION OF FISSIONABLE MATERIAL

MISCELLANEOUS AMENDMENTS

Title 10, Chapter 1, Parts 40 and 50, Code of Federal Regulations, entitled "Control of Source Material" and "Control of Facilities for the Production of Fissionable Material", respectively, are hereby amended in the following respects, effective January 1, 1954:

1. Section 40.62 (a), reading:

(a) Transfers, deliveries and receipts of possession of (but not title to) source material by contractors and agents of the Commission in the authorized course of their business for the Commission;

is changed to read:

(a) Transfers, deliveries and receipts of possession of (but not title to) source material by contractors and agents of the Commission, or its subcontractors in any tier, in the authorized course of their business for the Commission;

2. Section 40.62 (c), reading:

(c) "Transfers, deliveries and receipts of possession of and title to a quantity of refined source material which contains less than one pound of uranium, thorium, or any combination thereof, from or to any one person during any single calendar month, to the extent that the transaction consists of either:

(1) Transfer to or receipt of possession or title by a licensed dispensing pharmacist solely for the compounding of medicinals for delivery to consumers, or

(2) Transfer to or receipt of possession or title by a physician or consumer for medicinal purposes only, and not for resale, or

(3) Transfer to or receipt of possession or title by an educational institution or hospital for educational or medical purposes only, and not for resale.

is changed to read:

(c) Transfers, deliveries and receipts of possession of and title to a quantity of refined source material which contains not more than three pounds of uranium, thorium or any combination thereof, from or to any one person during any single calendar year, to the extent that the transaction consists of either:

(1) Transfer to or receipt of possession or title by a licensed dispensing pharmacist solely for the compounding of medicinals for delivery to consumers, or

(2) Transfer to or receipt of possession or title by a physician or consumer for medicinal purposes only, and not for resale, or

(3) Transfer to or receipt of possession or title by an educational institution or hospital for educational or medical purposes only, and not for resale, or

(4) Transfer to or receipt of possession or title by a commercial, industrial, or hospital analytical laboratory, or a Federal, state or other governmental analytical laboratory, for analytical purposes only, and not for resale.

3. Sections 40.20 *Applications for licenses*, 40.51 *Petitions*, and 40.52 *Communications* are amended by deleting "P. O. (or Post Office) Box 30, Ansonia Station, New York 23, N. Y." as it appears in each of the said sections, and substituting therefor "Washington 25, D. C., Attention: Licensing Controls Branch," thereby causing these sections as amended to read:

§ 40.20 *Applications for licenses.* Applications for licenses to transfer or deliver, receive possession of or title to, or export source material shall be filed with the United States Atomic Energy Commission, Washington 25, D. C., Attention: Licensing Controls Branch. Applications should be filed on Form AEC-2, copies of which are available at the above address. When it is impracticable to use this form, applications may be made by letter or telegram, giving the information required by Form AEC-2.

§ 40.51 *Petitions.* Petitions for relief from any restriction imposed under the regulations in this part may be made by filing a letter, in duplicate, with the United States Atomic Energy Commission, Washington 25, D. C., Attention: Licensing Controls Branch, stating the reasons why the petition should be granted.

§ 40.52 *Communications.* All communications concerning the regulations of this part or any license issued under them should be addressed to the United

States Atomic Energy Commission, Washington 25, D. C., Attention: Licensing Controls Branch.

4. Section 50.62 *Communications* is amended by deleting "Director of Production" as it appears therein and substituting therefor "Licensing Controls Branch," thereby causing the section as amended to read:

§ 50.62 *Communications.* All communications concerning the regulations in this part or any license issued under them should be addressed to the United States Atomic Energy Commission, Washington 25, D. C., Attention: Licensing Controls Branch.

(60 Stat. 755–775; 42 U. S. C. 1801–1819)

Dated at Washington, D. C., this 12th day of November 1953.

By order of the Commission.

WALTER J. WILLIAMS,
*Deputy General Manager.*

[F. R. Doc. 53-9754; Filed, Nov. 19, 1953; 8:45 a. m.]

## TITLE 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

#### Subchapter C—Miscellaneous Excise Taxes

[T. D 6051; Regs. 3]

PART 182—INDUSTRIAL ALCOHOL

SPECIALLY DENATURED ALCOHOL FORMULA NO. 29

*Correction*

In F. R. Doc. 53-9588, appearing at page 7191 of the issue for Friday, November 13, 1953, the headings for the document should read as set forth above.

## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

PART 36—UNMAILABLE MATTER

PART 52—RURAL DELIVERY

MAILING OF PISTOLS, REVOLVERS, AND OTHER FIREARMS; MANUFACTURE AND SALE OF BOXES

In § 36.12 *Mailing of pistols, revolvers, and other firearms* make the following changes:

1. Amend the second sentence of paragraph (a) (1) by inserting, immediately after the word "Navy," the words "Air Force," and by striking out the words "Officers' Reserve Corps," and by inserting in lieu thereof the words "Organized Reserve Corps,".

2. Amend paragraph (d) by inserting, immediately after the word "Navy," the words "Air Force," and by striking out the words "Officers' Reserve Corps," and by inserting in lieu thereof the words "Organized Reserve Corps,".

3. Amend paragraph (j) by inserting, immediately after the word "Navy," the words "Air Force," and by striking out the words "Officers' Reserve Corps," and by inserting in lieu thereof the words "Organized Reserve Corps".

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 62 Stat. 782, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1715)

4. In § 52.80 *Manufacture and sale of boxes* amend paragraph (c) by adding the following concern to the list of companies shown therein: Conco Engineering Works, Mendota, Ill.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] ROSS RIZLEY,
*Solicitor.*

[F. R. Doc. 53-9764; Filed, Nov. 19, 1953; 8:47 a. m.]

PART 107—RAILWAY POST OFFICES

PART 114—TREATMENT OF MAILS: POSTAGE REFUNDS: INTERNATIONAL REPLY COUPONS: DISPOSITION OF FOREIGN DEAD MATTER

SALE OF STAMPS IN RAILWAY POST OFFICES; FOREIGN DEAD AND UNDELIVERABLE MATTER

1. Section 107.24 *Sale of stams in railway post offices* is rescinded.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

2. In § 114.26 *Foreign dead and undeliverable matter,* amend paragraph (e) to read as follows:

(e) *From Canada and Mexico.* Undeliverable and unclaimed articles from Canada and Mexico, bearing neither requests for their return nor the names or addresses of senders, shall be dispatched to the dead letter branch at Boston, Mass.; New York, N. Y.; Chicago, Ill.; San Francisco, Calif.; or Washington, D. C., as provided in § 45.5 of this chapter.

(R. S. 161, 396, 393, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] ROSS RIZLEY,
*Solicitor.*

[F. R. Doc. 53-9765; Filed Nov. 19, 1953; 8:48 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### Appendix—Public Land Orders

[Public Land Order 924]

ARIZONA

ABOLISHING THE CROOK NATIONAL FOREST AND TRANSFERRING ITS LANDS TO THE TONTO, CORONADO AND GILA NATIONAL FORESTS, CORRECTION

NOVEMBER 16, 1953.

The land description in Federal Register Document 53-9133 appearing on pages 6823-24 of the issue for October 29, 1953, so far as such description relates to land in T. 4 W., R. 30 E., Gila and Salt River Meridian (unsurveyed), should read as follows:

GILA AND SALT RIVER MERIDIAN

T. 4 S., R. 30 E., unsurveyed.

WILLIAM PINCUS,
*Assistant Director.*

[F. R. Doc. 53-9768; Filed, Nov. 19, 1953; 8:49 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 10585]

PART 3—RADIO BROADCAST SERVICES

STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING STANDARD BROADCAST STATIONS

In the matter of amendment of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations; Docket No. 10585.

1. The Commission has under consideration its notice of proposed rule making (FCC 53-856), issued July 10, 1953, and published in the FEDERAL REGISTER on July 17, 1953 (18 F. R. 4200), which proposes to add to the Standards of Good Engineering Practice Concerning Standard Broadcast Stations a curve—designated as Figure 8[1]—representing values of effective field, at 1 mile for 1 kilowatt for simple omnidirectional antennas as a function of antenna height. It was also proposed to make certain revisions in the Standards to provide for the use of the proposed Figure 8.

2. The Clear Channel Broadcasting Service filed comments supporting the proposed amendments. However, it was urged that "for 1" be substituted for the word "per" appearing in line 4 of the proposed rule and so that the rule would reflect the wording of Figure 8. The Association of Federal Communications Consulting Engineers filed a statement,[2] in which it suggested the same change in phraseology as that urged by the Clear Channel Broadcasting Service and further, that the title of Figure 8 be changed to agree with the text of the rule. No oppositions were filed.

3. The suggested changes in phraseology have been incorporated in the rule adopted herein and Figure 8 has been redesigned, with no change in the curves to make its use easier.

4. Authority for the adoption of the amendments herein is contained in section 4 (i), 303 (f) and 303 (r) of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered,* That effective 30 days from publication in the FEDERAL REGISTER, the Standards of Good Engineering Practice Concerning Standard Broadcast Stations are amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: November 12, 1953.

Released: November 13, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[1] Filed as part of the original document.

[2] In its statement, the Association requested that the date for filing comments be extended to receive their views. The comments of the Association are hereby accepted and are made a part of this docket.



1. Delete the paragraph immediately preceding Table III in section 1 and substitute therefor the following:

For the purpose of estimating the coverage and the interfering effects of stations in the absence of field intensity measurements, use shall be made of Figure 8 which describes the estimated effective field for one kilowatt power input of simple vertical omnidirectional antennas of various heights with ground systems of at least 120 one quarter wavelength radials. Certain approximations, based on the curve or other appropriate theory, may be made when other than such antennas and ground systems are employed, but in any event the effective field to be employed shall not be less than given in the following:

2. Insert in the Standards new Figure 8 "Effective field at one mile for one kilowatt."

[F. R. Doc. 53-9790; Filed, Nov. 19, 1953; 8:57 a. m.]

[Docket No. 10723]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

DEFERMENT OF AUTOMATIC KEYER REQUIREMENT FOR CERTAIN LIFEBOAT NON-PORTABLE RADIO EQUIPMENT

In the matter of amendment of Part 8 of the Commission's rules to defer the automatic keyer requirement for certain lifeboat non-portable radio equipment contained in § 8.559; Docket No. 10723.

1. In response to a request by the American Merchant Marine Institute (AMMI), a notice of proposed rule making in the above-entitled matter was issued on October 15, 1953 (FCC 53-1346) and published in the FEDERAL REGISTER on October 21, 1953 (18 F. R. 6684). The period for filing comments has now expired.

2. The only comment filed was that of AMMI. The Institute suggested that the proposed deferment until November 19, 1954 of the requirement for an automatic keying device for lifeboat non-portable radio equipment not be limited (as proposed) to equipment to which the provisions of the 1948 Safety Convention were not applicable. It points out that the practical considerations leading to deferment of the requirement are equally applicable to ships subject to the provisions of the Safety Convention as well as those not subject to the Convention. It further points out that although the provisions of Chapter IV, Regulation 13, of the Convention setting forth detailed requirements for lifeboat non-portable radio equipment contain no authority for deferment beyond November 19, 1953, of the automatic keyer requirement, such authority may be found in Regulation 1, Chapter III, of the Convention.

3. It is true that the basic requirement of the Safety Convention for lifeboat non-portable radio equipment originates in Regulation 25 of Chapter III, and further true that Regulation 1 of Chapter III provides (with certain exceptions not here relevant) for "substantial compliance" by existing ships with the requirements of Chapter III. If, however, the interpretation advanced by the AMMI were unqualifiedly accepted, it would render meaningless various provisions of Regulation 13, Chapter IV, which themselves contain specific limitations on the extent to which lifeboat non-portable radio requirements may be deferred, modified or applied. (See Regulations 13 (a), (b), (c), and (e) of Chapter IV.) Accordingly, it is the opinion of the Commission that the provisions of Regulation 1 of Chapter III of the Convention do not enable it to enlarge upon the provisions of Regulation 13 of Chapter IV by providing deferment of the requirement for an automatic keying device beyond November 19, 1953. Therefore, the rules amendment herein ordered finalized provides deferment beyond that date solely for equipment to which the Safety Convention provisions are not applicable.

4. Since it is urgent that ship owners be furnished a guide for action in this matter, compliance with the provisions of section 4 (c) of the Administrative Procedure Act is found to be impracticable: *It is ordered, therefore,* That, effective immediately, and pursuant to the provisions of sections 303 (c), (r), 355 and 356 of the Communications Act of 1934, as amended, Part 8 of the Commission's rules is amended as set forth below.

(Secs. 303, 355, 356, 48 Stat. 1082, as amended, 50 Stat. 193, 194; 47 U. S. C. 303, 355, 356)

Adopted: November 12, 1953.

Released: November 13, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

Section 8.559 is amended by revising the item relating to § 8.558 (a) (4) under the respective column headings "*Requirement*" and "*Date*" to read as follows:

Section 8.558 (a) (4): Transmitter requirements regarding an automatic keying device for operating on 500 kc and, if radio equipment installed on or after November 19, 1952, also for operation on 8364 kc.

For equipment required to be provided by reason of the provisions of the Safety Convention. November 19, 1953.

For equipment required by law to be provided but not so required under any provisions of the Safety Convention. November 19, 1954.

[F. R. Doc. 53-9791; Filed, Nov. 19, 1953; 8:55 a. m.]

[Docket No. 10593]

PART 10—PUBLIC SAFETY RADIO SERVICES

FREQUENCIES AVAILABLE TO THE SPECIAL EMERGENCY RADIO SERVICE

In the matter of amendment of § 10.462 (c) of Part 10, Public Safety Radio Services; Docket No. 10593.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of November 1953:

The Commission having under consideration the notice of proposed rule making in the above-entitled matter which contemplates amendment of § 10.462 (c) of Part 10, Public Safety Radio Services, to the extent that the frequency 3190 kc would be deleted from the frequencies available for use of radio stations in the Special Emergency Radio Service and a new frequency of 3201 kc would be substituted therefor, and note 9 relating to 3190 kc and to 2726 kc would be deleted;

It appearing that, in accordance with the requirements of section 4a of the Administrative Procedure Act, general notice of proposed rule making in the above-entitled matter, which made provision for the submission of written comments by interested parties, was published in the FEDERAL REGISTER on July 29, 1953 (18 F. R. 4438), and that the period allowed for the filing of comment has expired;

It further appearing that, although the proposed amendment was given the publicity required by the Administrative Procedure Act and generally accorded to all proposed rule changes, no comment with respect thereto was received in the Commission;

It further appearing that authority for the aforesaid amendment is contained in sections 4 (i), 30 (c) and (r) of the Communications Act of 1934, as amended;

*It is ordered,* That § 10.462 (e) is amended as follows:

1. Delete limitation note 9 following the frequency 2726 kc;

2. Delete the frequency 3190 kc and limitation note 9 thereto appended;

3. Add the frequency 3201 kc.

*It is further ordered,* That this amendment shall become effective on the 13th day of December 1953.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 13, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9792; Filed, Nov. 19, 1953; 8:55 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

### [ 7 CFR Part 922 ]

[Docket No. AO-250]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900.1 et seq.), notice is hereby given of a public hearing to be held in Room 330, Federal Building, 312 North Spring Street, Los Angeles, California, beginning at 10:00 a. m., P. s. t., December 7, 1953, with respect to a proposed marketing agreement and order regulating the handling of Valencia oranges grown in the State of Arizona or the State of California. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the proposed marketing agreement and order hereinafter set forth, to proposed revisions, in such provisions, and to any appropriate modifications thereof.

Sunkist Growers, Incorporated, a cooperative association of orange growers in California and Arizona, submitted, and requested a hearing on, the proposed marketing agreement and order, the provisions of which are as follows:

DEFINITIONS

§ 922.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

§ 922.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 922.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 922.4 *Production area.* "Production area" means the States of California and Arizona.

§ 922.5 *Oranges.* "Oranges" means those oranges belonging to the genus Citrus, species sinensis (Linnaeus) Osbeck, commonly known as Valencias, and which are grown in the production area.

§ 922.6 *Fiscal year.* "Fiscal year" means the twelve-month period ending December 31 of each year.

§ 922.7 *Committee.* "Committee" means the Valencia Orange Administrative Committee established pursuant to § 922.20.

§ 922.8 *Grower.* "Grower" and "producer" are synonymous and means any person who produces oranges for market.

§ 922.9 *Handler.* "Handler" means any person who handles oranges.

§ 922.10 *Handle.* "Handle" means to buy, sell, consign, transport, or ship oranges (except as a common or contract carrier of oranges owned by another person), or in any other way to place oranges in the current of commerce, between the State of California and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of California, or between the State of Arizona and any point outside thereof in the continental United States, Alaska, or Canada, or within the State of Arizona. The term "handle" does not include (a) the sale of oranges on the tree; (b) the transportation of oranges to a packinghouse for the purpose of having such oranges prepared for market and such preparation for market; (c) the storage of oranges within the production area under such rules and regulations as the committee, with the approval of the Secretary, may prescribe; or (d) the sale of oranges at retail by a person in his capacity as such retailer.

§ 922.11 *Oranges available for current shipment.* "Oranges available for current shipment" means all oranges as measured by the total tree crop.

§ 922.12 *Tree crop.* "Tree crop" means the total quantity of oranges on the trees as determined by the committee.

§ 922.13 *Early maturity oranges.* "Early maturity oranges" means any oranges that have reached maturity, as measured by applicable State laws, in advance of general maturity in the same prorate district.

§ 922.14 *General maturity.* "General maturity" shall have been reached in any prorate district at such time as the committee determines that allotment shall be distributed to all handlers in such prorate district.

§ 922.15 *Box.* "Box" means a standard two-compartment orange box, as defined in section 828.83 of the Agricultural Code of California, of a capacity of approximately 77 pounds of oranges, or the equivalent thereof.

§ 922.16 *Central marketing organization.* "Central marketing organization" means any organization which markets oranges for more than one handler pursuant to a written contract between such organization and each such handler.

§ 922.17 *Carload.* "Carload" means a quantity of oranges equivalent to 462 packed boxes of oranges.

§ 922.18 *Export.* "Export" means shipments of oranges to points outside the continental United States, Canada, and Alaska.

ADMINISTRATIVE BODY

§ 922.20 *Establishment and membership.* There is hereby established a Valencia Orange Administrative Committee consisting of eleven members; for each of whom there shall be an alternate member who shall be nominated and selected in the same manner and who shall have the same qualifications as the member for whom each is an alternate. Six of the members and their respective alternates shall be growers who shall not be handlers, or employees of handlers, or employees of central marketing organizations. Four of the members and their respective alternates shall be handlers, or employees of handlers, or employees of central marketing organizations. One member of the committee and an alternate of such member shall be nominated as provided in paragraph (f) of § 922.22. The six members of the committee who shall be growers and who shall not be handlers, or employees of handlers, or employees of central marketing organizations are hereinafter referred to as "grower" members of the committee and the four members who shall be handlers, or employees of handlers, or employees of central marketing organizations are hereinafter referred to as "handler" members of the committee.

§ 922.21 *Term of office.* The term of office of each initial member and alternate member of the committee shall begin on May 1, 1954, and shall terminate on December 31, 1955. The term of office of each subsequent member and alternate member of the committee shall be for a period of two years, and such terms shall begin on January 1 of each even-numbered year: *Provided*, That such members and alternates shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified.

§ 922.22 *Nominations.* (a) The time and manner of nominating members and alternate members of the committee shall be prescribed by the Secretary.

(b) Any cooperative marketing organization, or the growers affiliated therewith, which handled more than 50 percent of the total volume of oranges during the fiscal year in which nominations for members and alternate members of the committee are submitted shall nominate not less than six growers for three grower members; not less than six growers for three alternate grower members; not less than four handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for two handler members; and not less than four handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof for two alternate handler members of the committee.

(c) All cooperative marketing organizations which market oranges and which are not qualified under paragraph (b) of this section, or the growers affiliated therewith, shall nominate not less than two growers for one grower member; not less than two growers for one alternate grower member; not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one handler member; and not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one alternate handler member of the committee.

(d) All growers who are not affiliated with a cooperative marketing organization which markets oranges shall nominate not less than four growers for two grower members; not less than four growers for two alternate grower members; not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one handler member; and not less than two handlers, or employees of handlers, or employees of central marketing organizations, or any combination thereof, for one alternate handler member of the committee.

(e) When voting for nominees, each grower shall be entitled to cast one vote which shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives. The votes of cooperative marketing organizations voting pursuant to paragraph (c) of this section shall be weighted in accordance with the volume of oranges handled during the fiscal year in which such nominations are made.

(f) The members of the committee selected by the Secretary pursuant to § 922.23 shall meet on a date designated by the Secretary and, by a concurring vote of at least six members, shall nominate two persons for a member and two persons for an alternate member of the committee, which persons shall not be growers or handlers, or employees, agents, or representatives of a grower or handler (other than a charitable or educational institution which is a grower or handler), or of a central marketing organization.

§ 922.23 *Selection.* From the nominations made pursuant to § 922.22 (b) the Secretary shall select three grower members of the committee and an alternate to each of such grower members; also two handler members of the committee and an alternate to each of such handler members. From the nominations made pursuant to § 922.22 (c) the Secretary shall select one grower member of the committee and an alternate to such grower member; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 922.22 (d) the Secretary shall select two grower members of the committee and an alternate to each of such grower members; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 922.22 (f) the Secretary shall select one member of the committee and an alternate to such member.

§ 922.24 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 922.22 (a), the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 922.23.

§ 922.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 922.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify or in the event of death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor to the unexpired term of such member or alternate member of the committee shall be selected by the Secretary from nominations made in the manner specified in § 922.22. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 922.23.

§ 922.27 *Alternate members.* An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member: *Provided*, That a member may designate an alternate member other than his own alternate member to serve in the place and stead of such member, if the alternate member so designated was selected from the same group which was authorized to nominate the member. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 922.28 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make and adopt rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 922.29 *Duties.* The committee shall have the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary at the beginning of each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare a monthly statement of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a certified public accountant at least once each fiscal year, and at such other times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To provide an adequate system for determining the total quantity of oranges available for current shipment, and to make such determinations, including determinations by grade, size, and maturity conditions, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this part;

(i) To investigate the growing, handling, and marketing conditions with respect to oranges, and to assemble data in connection therewith;

(j) To submit to the Secretary such available information, including verified reports, as he may request;

(k) To notify producers and handlers of meetings of the committee to consider recommendations for regulation;

(l) To consult with such representatives of growers or groups of growers as may be deemed necessary and to pay the travel expenses incurred by such representatives in attending committee meetings at the request of the committee: *Provided*, That the committee shall not pay the travel expenses of more than three such representatives in connection with any one meeting of the committee; and

(m) To investigate compliance with the provisions of this part.

§ 922.30 *Procedure.* (a) A majority of the committee shall constitute a quorum and any action of the committee shall require at least six concurring votes.

(b) The committee may vote by telegraph, telephone, or other means of communication; and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 922.31 *Expenses and compensation.* The members of the committee, and their respective alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and shall receive compensation at a rate to be determined by the com-

mittee, which rate shall not exceed $10 per day or portion thereof spent in performing such duties.

§ 922.32 *Annual review and meeting.* The committee shall, prior to December 15 of each fiscal year, prepare and mail an annual report to the Secretary and to each handler and grower of record. This annual report shall contain at least: (a) A complete review, by prorate districts, of the regulatory operations during the fiscal year, as conducted under the marketing policy established pursuant to § 922.50 (a); (b) an appraisal of the effect of such regulatory operations upon the competitive status of the Valencia orange industry; (c) recommendations for changes in the program; and (d) notice of the time and place of an open meeting, to be held prior to January 31, to review the whole record of the operations of this part.

EXPENSES AND ASSESSMENTS

§ 922.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to enable the committee to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year.

§ 922.41 *Assessments.* (a) Each person who first handles oranges shall, with respect to the oranges so handled by him, pay to the committee, upon demand, such person's pro rata share of the expenses which the Secretary finds are necessary during each fiscal year. Each such person's share of such expenses shall be equal to the ratio between the total quantity of such oranges handled by him as the first handler thereof during the applicable fiscal year, and the total quantity of such oranges so handled by all persons during the same fiscal year. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense which may be incurred. Such increase shall be applied to all oranges handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance, and may borrow money in any amount not to exceed 10 percent of the estimated expenses set forth in its budget for the then current fiscal year.

(c) The committee may, with the approval of the Secretary, maintain a suit in its own name, or in the names of its members, to enforce the payment of assessments levied under this section.

§ 922.42 *Accounting.* (a) If, at the end of a fiscal year, the assessments collected are in excess of the expenses incurred, each person entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year. Any handler may demand payment of such a refund, and the refund shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part, and shall be accounted for in the manner provided in this part. The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements.

REGULATION

§ 922.50 *Marketing policy.* (a) Prior to the recommendation for regulation for each prorate district, the committee shall submit to the Secretary its marketing policy for the ensuing season. Such marketing policy shall contain the following information: (1) The available crop of oranges in the prorate district, including estimated quality and composition of sizes; (2) the estimated utilization of the crop, showing the quantity and percentages of the crop that will be marketed in domestic, export, and by-product channels, together with quantities otherwise to be disposed of; (3) a schedule of estimated weekly shipments to be recommended to the Secretary during the ensuing season; (4) available supplies of competitive oranges in all producing areas of the United States; (5) level and trend of consumer income; (6) estimated supplies of competitive citrus commodities; and (7) any other pertinent factors bearing on the marketing of oranges. In the event that it becomes advisable to substantially modify such marketing policy the committee shall submit to the Secretary a revised marketing policy setting forth the information as required in this paragraph.

(b) All meetings of the committee held for the purpose of formulating such marketing policies shall be open to growers and handlers. The committee shall give notice to growers by publication of notice of such meetings in such newspapers as they deem appropriate and shall advise all handlers by mail of such meetings.

(c) The committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary and to each grower and handler who files a request therefor. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 922.51 *Recommendations for volume regulation.* (a) The committee may recommend to the Secretary the total quantity of oranges which it deems advisable to be handled during the next succeeding week in each prorate district. If, for any reason, the committee recommends the issuance of volume regulation but fails to recommend to the Secretary the total quantity of oranges which it deems advisable to be handled during the next succeeding week in each prorate district, reports representing the respective views of the committee members with respect to its failure to act shall be submitted promptly to the Secretary.

(b) In making its recommendations, the committee shall give due consideration to the following factors: (1) Market prices for oranges, including market prices by grades and sizes; (2) supply of oranges on track at, and enroute to, the principal markets; (3) supply, maturity, and condition of oranges in the area of production, including the grade and size composition thereof; (4) market prices and supplies of citrus fruits from California, Arizona, and competitive producing areas, and supplies of other competitive fruits; (5) trend and level in consumer income; and (6) other relevant factors.

(c) At any time during a week for which the Secretary, pursuant to § 922.52, has fixed the quantity of oranges which may be handled, the committee may, if such action is deemed advisable, recommend to the Secretary that such quantity be increased for such week. Any such recommendation, together with the committee's reasons for such recommendation, shall be submitted promptly to the Secretary.

§ 922.52 *Issuance of volume regulation.* Whenever the Secretary shall find, from the recommendations and information submitted by the committee, or from other available information, that to limit the quantity of oranges which may be handled in each prorate district during a specified week will tend to effectuate the declared policy of the act, he shall fix such quantity. The quantity so fixed may be increased by the Secretary at any time during such week.

§ 922.53 *Prorate bases.* (a) Each person who has oranges available for current shipment shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this part.

(b) Such application shall be substantiated in such manner and shall be supported by such evidence as the committee may require, and shall include at least (1) the name and address of the producer or duly authorized agent, if any, for each grove or portion thereof, the fruit of which is included in the quantity of oranges available for current shipment by the applicant; (2) an accurate description of the location of each such grove or portion thereof, including the number of acres contained therein; and (3) an estimate of the total quantity of oranges available for current shipment by the applicant in terms of a unit of measure designated by the committee.

(c) Such application shall include only such oranges available for current shipment which the applicant controls (1) by a bona fide written contract giving the applicant authority to handle



such oranges, or (2) by having legal title or possession thereof, or (3) by having executed a bona fide written agreement to purchase such oranges. If an applicant controls oranges pursuant to subparagraph (1) or (3) of this paragraph, he shall submit a copy of each type of such contract to the committee, together with a statement that no other types of contracts are used, and shall maintain a file of all original contracts evidencing such control which shall be subject to examination by the committee.

(d) If the quantity of oranges available for current shipment by any person is increased or decreased by the acquisition or loss of the control required by paragraph (c) of this section, such person shall submit promptly a report thereon to the committee upon forms made available by it, which report shall be verified in such manner as the committee may require.

(e) If any person gains or loses control of oranges as required by paragraph (c) of this section, there shall be a corresponding increase or decrease in the quantity of oranges available for current shipment by such person. If it is determined by the committee that any person who has lost control of oranges as required by paragraph (c) of this section has handled a quantity of such oranges less than the quantity that could have been handled under the allotments issued thereon, the quantity of oranges available for current shipment by such person shall be adjusted by deducting therefrom, over such period as may be determined by the committee, a quantity of oranges equivalent to the quantity upon which allotments were issued but which were not utilized thereon.

(f) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and shall give the person who submitted such a report a reasonable opportunity to discuss with the committee the factors considered in making the correction. If it is determined that an error, omission, or inaccuracy has resulted in the establishment of a smaller or a larger quantity of oranges available for current shipment than that to which a person was entitled under this part, such quantity shall be increased or decreased, over such period as may be determined by the committee, by an amount necessary to correct the error, omission, or inaccuracy.

(g) Each week during the marketing season the committee shall compute the total quantity of oranges available for current shipment by each person who has applied for a prorate base and for allotments in each prorate district, and shall transmit a report thereon to the Secretary. Such report shall constitute the basis for a recommendation by the committee for a prorate base for each person. Such computations and reports shall be prepared and submitted prior to the time when the recommended prorate bases are to become applicable.

(h) Upon the basis of the recommendations and reports of the committee, or from other available information, the Secretary shall fix a prorate base for each person who is entitled thereto in each prorate district. Such prorate base shall represent the ratio between the total quantity of oranges available for current shipment in each such district by each person and the total quantity of oranges available for current shipments in each such district by all such persons. The Secretary shall notify the committee of the prorate base fixed for each person and the committee shall notify each such person of the prorate base fixed for him.

§ 922.54 *Allotments.* Whenever the Secretary has fixed the quantity of oranges which may be handled during any week in a prorate district, and has fixed prorate bases for persons entitled thereto, the committee shall calculate the quantity of oranges which may be handled by each such person during such week. The said quantity shall be the allotment of each such person and shall be in an amount equivalent to the product of the prorate base for each such person in each such prorate district and the total quantity of oranges grown in each such prorate district and fixed by the Secretary as the total quantity of oranges which may be handled during such week. The committee shall give reasonable notice to each person of the allotment computed for him pursuant to this part.

§ 922.55 *Overshipments.* During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person when not required to reduce the quantity of oranges which he may handle during such week, as provided in this section, or whose total allotment is not required for the repayment of an allotment loan, may handle in addition to his allotment an amount of such oranges equivalent to 10 percent of his allotment, or 462 packed boxes of oranges or the equivalent thereof, whichever is greater. The quantity of oranges so handled in excess of each such person's allotment (but not exceeding an amount equivalent to the excess shipments permitted under this section) shall be deducted from each such person's allotment for the next week. If such person's allotment for such week is in an amount less than the excess shipments permitted under this section, the remaining quantity shall be deducted from succeeding weekly allotments issued to each such person until such excess has been entirely offset: *Provided*, That no overshipment incurred during one season shall be deducted from allotments issued during the following season. The provisions of this section shall not apply to any person who, during any week, has not received an allotment under this subpart for such week.

§ 922.56 *Undershipments.* If any person handles during any week a quantity of oranges, covered by a regulation issued pursuant to § 922.52, in an amount less than his allotment of oranges for such week, he may handle, in addition to his allotment for the next week only, a quantity of such oranges equivalent to such undershipment.

§ 922.57 *Allotment loans.* (a) A person to whom allotments have been issued, whether under the provisions of early maturity, short life, or general maturity, may lend such allotments to other persons within the same prorate district to whom allotments have also been issued: *Provided*, That allotments issued under the short life provisions of this subpart may be loaned only to other persons to whom such allotments have also been issued. Such loans shall be confirmed to the committee by both parties thereto within 48 hours after any such agreement has been entered into, and such agreements shall include a date for the repayment of such allotments to the lender during the then current marketing season. If, on the date of repayment specified in the loan agreement, the borrower has insufficient allotment to repay such loan, he shall repay such loan as soon after the repayment date as he has allotments available to him for that purpose: *Provided*, That no loans made during one season shall be required to be repaid from allotments issued during the following season.

(b) The committee may act on behalf of persons desiring to arrange allotment loans. In each case, the committee shall confirm all such transactions immediately after the completion thereof by memorandum addressed to the parties concerned, which memorandum shall be deemed to satisfy the requirements of paragraph (a) of this section as to a confirmation of the loan agreement to the committee.

(c) An allotment shall be loaned, pursuant to paragraph (a) of this section for use only during the week for which such allotment was issued. Persons securing repayment of an allotment loan may use such allotment only during the week in which the repayment is made.

(d) No allotment which has been loaned may again be loaned by the borrower, or by the lender after the repayment thereof.

§ 922.58 *Assignment of allotment certificates.* In connection with all handling of oranges other than shipments by rail car, each handler who first handles oranges shall at the time of handling issue to the consignee thereof, or his agent, an assignment of allotment certificate covering each quantity of oranges so handled. Such assignment of the allotment certificate shall be on such forms and shall be issued in such manner as prescribed by the committee and shall contain such information as the committee may require.

§ 922.59 *Priority of allotments.* During any week in which a person receives an allotment, and has the right to handle a quantity of oranges in addition to the quantity represented by his allotment, by reason of (a) an undershipment of an allotment, pursuant to § 922.56; or (b) the repayment of a loaned allotment, pursuant to § 922.57; or (c) a borrowed allotment, pursuant to § 922.57; and such person handles a quantity of oranges which is less than the total quantity of such oranges which such person may handle during such week, the amount of such oranges han-

dled shall first apply to such person's current weekly allotment (or to that portion which is not used pursuant to § 922.55 or § 922.57). The remainder, if any, shall be applied in the following order: second, to any undershipment of allotments pursuant to § 922.56; third, to any allotment repaid to him, pursuant to § 922.57; fourth, to any allotment borrowed, pursuant to § 922.57.

§ 922.60 *Early maturity allotments.* Notwithstanding the provisions of § 922.54 the committee may, prior to the reaching of general maturity, issue special allotments for the handling of oranges of early maturity. Handlers controlling oranges of early maturity may apply to the committee for such allotments on forms prescribed by the committee and shall furnish to the committee such information as it may require. On the basis of all available information and after consideration of all of the factors enumerated in § 922.51 (b) the committee shall determine the extent to which early maturity allotment shall be granted. Total early maturity allotments approved by the committee for each prorate district shall be distributed to all handlers who qualify therefor in proportion to the quantity requested by each handler in his application: *Provided, however,* That early maturity allotments issued to any handler prior to the reaching of general maturity shall not permit the handling of a larger share of the oranges available for current shipment controlled by such handler than the share of oranges available for current shipment in the prorate district estimated to be allotted to all handlers in the utilization schedule established by the committee at the beginning of the season. Early maturity allotments may be loaned only to handlers to whom early maturity allotments have been granted. Upon the reaching of general maturity, allotments issued for early maturity oranges shall be offset or repaid by reducing the oranges available for current shipment of each handler who has received early maturity allotments by the quantity of oranges for which early maturity allotments were issued him, plus his proportionate share of the quantity of oranges that will be used for by-products or elimination in his prorate district. Such proportionate share shall be based upon the utilization schedule established by the committee at the beginning of the season. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this part. Allotments withheld, issued, and allocated, and averages computed hereunder shall be on a prorate district basis.

§ 922.61 *Short life allotments.* Notwithstanding the provisions of § 922.54 the committee shall withhold from the allotment of handlers on a uniform proportionate basis for all handlers, an amount sufficient to permit handlers controlling oranges of short life to handle during the normal marketing period of such short life oranges as large a proportion of oranges as the average which will be handled by all handlers. Handlers controlling oranges of short life may apply for such withheld allotment, and such application shall be made on forms supplied by the committee and shall be accompanied by information necessary to permit the committee to determine the validity of such applicant's claim to allotment. The committee shall determine, on the basis of all available information, the extent to which a handler needs allotment under the provisions of this section and pursuant to such determination shall allocate such allotment to such handler at a uniform weekly rate, insofar as practicable, during the normal marketing period of his short life oranges. Such determination and allotment issued pursuant thereto shall not permit a handler to receive more allotment proportionately than the average allotment to be issued to all handlers of oranges. After a handler of short life oranges has received allotment sufficient to make the total allotment issued to him equal proportionately to the average allotment to be issued to all handlers of oranges, allotment thereafter due such handler of short life oranges shall be allocated to handlers from whom allotment has been withheld. Short life allotments may be used only in the handling of short life oranges. The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effecuate the provisions of this part. Allotments withheld, issued, and allocated, and averages computed under this part shall be on a prorate district basis.

§ 922.62 *Information to central marketing organizations.* The committee shall give any central marketing organization, upon its request, the same notice with respect to prorate bases and allotments applicable to each handler for whom it markets oranges as is given to such handler.

§ 922.63 *Recommendations for size regulation.* (a) Whenever the committee finds that the supply and demand conditions for sizes of oranges make it advisable to regulate the handling of sizes of oranges during any period, it shall recommend to the Secretary the sizes of oranges grown in each prorate district which it deems advisable to be handled during said period. The committee shall promptly submit such findings and recommendations, together with supporting information to the Secretary.

(b) In making its recommendations the committee shall give due consideration to the factors referred to in § 922.51 (b).

§ 922.64 *Issuance of size regulation.* Whenever the Secretary shall find, from the findings, recommendations, and information submitted by the committee, or from other available information, that to limit the handling of oranges by sizes would tend to effectuate the declared policy of the act, he shall fix the sizes of oranges grown in each such prorate district which may be handled during the specified period. The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give adequate notice thereof to all handlers.

§ 922.65 *Exemptions from size regulation.* In the event oranges are regulated pursuant to § 922.64, the committee shall issue one or more exemption certificates to any producer who furnishes evidence satisfactory to the committee that he will be prevented by reason of such regulation from having as large a proportion of oranges handled as the average proportion of oranges which may be handled by all other producers in the same prorate district. Such exemption certificate shall permit the respective producer to whom the certificate is issued to handle or have handled a percentage of his oranges equal to the percentage determined as aforesaid. Shipments of oranges under exemption certificates issued pursuant to this section shall be subject to and limited by such regulations as may be effective under § 922.52 at the time of the respective shipment. The committee shall adopt, with the approval of the Secretary, procedural rules by which such exemption certificates will be issued to producers. Such exemption certificates may be transferred to handlers when accompanied by oranges covered by such certificates.

§ 922.66 *Prorate districts.* For purposes of administration of this part and in recognition of the fact that there are general differences in maturity and keeping quality of oranges between certain geographical sections of the production area, the production area shall be divided in three prorate districts as follows:

(a) District 1 shall include that portion of the State of California north of the 35th Parallel.

(b) District 2 shall include that portion of the State of California which is south of the 35th Parallel, but shall exclude Imperial County and that portion of Riverside County, California, situated south and east of White Water, California.

(c) District 3 shall include the State of Arizona, Imperial County, California, and that portion of Riverside County, California, situated south and east of White Water, California.

§ 922.67 *Oranges not subject to regulation.* Except as otherwise provided in this section nothing contained in this subpart shall be construed to authorize any limitation of the right of any person to handle oranges (a) for consumption by charitable institutions or for distribution by relief agencies; (b) for commercial processing into products, including juice; (c) for export; (d) for shipment by parcel post or by express; or (e) in such minimum quantities or type of shipments as the committee may, with the approval of the Secretary, prescribe. No assessment shall be levied pursuant to § 922.41 on oranges disposed of for the purposes specified in this section. The committee shall prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as it may deem necessary to prevent oranges shipped under the provisions of this section from entering into commercial channels of trade contrary to or in violation of this subpart.



REPORTS

§ 922.70 *Weekly report.* On or before such day of each week as may be designated by the committee, each handler shall report to the committee, in such manner as may be designated and on forms made available by it, the following information with respect to the total of all oranges disposed of by each such handler during the immediately preceding week: (a) The total quantity handled; (b) the total quantity disposed of for manufacture into by-products, showing the identity of each by-product processor involved and the quantity of each; (c) the total quantity disposed of for export, showing the destination and quantity of each such disposition; (d) the total quantity shipped for disposition to persons on relief, including quantity donated for charitable purposes, and shipments by parcel post or express, showing the destination and quantity of each such shipment; and (e) the total quantity disposed of otherwise, showing manner and quantity of each such disposition.

§ 922.71 *Manifest report.* Each handler shall furnish to the committee information regarding the size of oranges in each standard packed box or its equivalent handled by such handler whether such shipments were destined to points in the United States and Alaska or to Canada and shall mail or deliver such information to said committee or its duly authorized representative within 24 hours after shipment is made in such manner as the committee shall prescribe and upon forms prepared by it.

§ 922.72 *Other reports.* Upon request of the committee, made with the approval of the Secretary, every person subject to regulation under this part shall furnish to the committee, in such manner and at such times as it may prescribe, such other information as will enable the committee to perform its duties under this part.

MISCELLANEOUS PROVISIONS

§ 922.80 *Compliance.* Except as provided in this part, no person shall handle oranges during any week in which a regulation issued by the Secretary pursuant to § 922.52 is in effect, unless such oranges are, or have been, handled pursuant to an allotment therefor, or unless such person is otherwise permitted to handle such oranges under the provisions of this part; and no person shall handle oranges except in conformity with the provisions of this part and the regulations issued under this part.

§ 922.81 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary. If the committee, for any reason, fails to perform its duties or exercise its powers under this part, the Secretary may designate another agency to perform such duties and exercise such powers.

§ 922.82 *Effective time.* The provisions of this part shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 922.83.

§ 922.83 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) (1) The Secretary shall terminate the provisions of this part at the end of any fiscal year, whenever he finds that continuance is not favored by producers; but such termination shall be effected only if announced on or before December 15 of the then current fiscal year.

(2) To determine whether continuance is favored by producers, the required percentages set forth in the act with respect to producer approval of the issuance of a marketing agreement and order regulating the handling of citrus fruits produced in any area producing what is known as California citrus fruits (approval by three-fourths of the producers who, during a representative period, determined by the Secretary, have been engaged, within the production area, in the production of Valencia oranges for market; or by producers who, during such representative period, have produced for market at least two-thirds of the volume of Valencia oranges produced within the production area for market) shall be used. In the event that a referendum is utilized to aid in making this determination, such required percentages for continuance shall be held to be complied with if, of the total number of producers, or the total volume of Valencia oranges produced for market, as the case may be, represented in such referendum, the percentage favoring continuance is equal to or in excess of the percentage required.

(3) The Secretary shall, during the 1955–56 fiscal year and prior to November 15, 1956, conduct a referendum to ascertain whether continuance of this part is favored by the producers. The Secretary shall conduct such a referendum prior to November 15 of each even-numbered year thereafter.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 922.84 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possesion or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and (3) upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 922.85 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 922.86 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 922.87 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 922.88 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 922.89 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 922.90 *Separability.* If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Mutual Orange Distributors, a cooperative association of orange growers in California and Arizona, has proposed that a provision be added authorizing regulation by internal quality.

The Fruit and Vegetable Branch, Production and Marketing Administration, has proposed the following addition to the proposal submitted by Sunkist Growers, Incorporated:

1. Add to § 922.29 the following new paragraph:

(n) With the approval of the Secretary, to readjust the representation of producer members or handler members of the Valencia Orange Administrative Committee nominated pursuant to § 922.22 (c) and (d), respectively. Any such changes shall be based, insofar as practicable, upon the proportionate amounts of Valencia oranges handled by the respective types of marketing organizations.

2. Add the following to the marketing agreement:

§ 922.91 *Counterparts.* This agreement may be executed in multiple counterparts, and, when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 922.92 *Additional parties.* After the effective date hereof, any handler may become a party to this agreement if a counterpart thereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 922.93 *Order with marketing agreement.* Each contracting handler hereby requests the Secretary to issue, pursuant to the act, an order regulating the handling of oranges by all handlers in the same manner as is provided herein.

Copies of this notice of hearing may be obtained from the offices of the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington, D. C., or the Field Representative, Fruit and Vegetable Branch, Production and Marketing Administration, Room 1605, 1031 South Broadway, Los Angeles, California.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 17th day of November 1953.

[SEAL] ROY W. LENNARTSON,
*Assistant Administrator.*

[F. R. Doc. 53-9796; Filed, Nov. 19, 1953; 8:57 a. m.]

## DEPARTMENT OF COMMERCE

### Civil Aeronautics Administration

### [ 14 CFR Parts 20, 21, 22, 25, 26, 27, 33, 34, 35, 51 ]

IDENTIFICATION CARDS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that, pursuant to authority delegated in §§ 20.58, 21.45, 22.32, 25.86, 26.37, 27.23, 33.46, 34.20, 35.21, and 51.6 of this title, the Administrator of Civil Aeronautics contemplates adopting the following rules to supplement those sections. The rules specify airman identification cards and other identification cards which are acceptable to the Administrator. They also prescribe the form of, and the manner of applying for, airman identification cards. All interested persons who desire to submit written data, views, or arguments for consideration by the Administrator in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER. The rules which the Administrator proposes to adopt would read:

§ 20.58–1 *Airman identification card (CAA rules which apply to § 20.58).* An Airman Identification Card, Form ACA–2135, is acceptable to the Administrator and may be used to meet the requirements of § 20.58.

§ 20.58–2 *Other identification cards acceptable to the Administrator (CAA rules which apply to § 20.58).* Identification cards which are acceptable in lieu of Form ACA–2135 to meet the requirements of § 20.58 are as follows:

(a) Aircrewman Identification Card, Form ACA–2116.1, issued by CAA.

(b) Crew Member Certificate, Form ACA–2116.1, issued by CAA.

NOTE: This certificate is a current revision of the Aircrewman Identification Card.

(c) Current identification cards issued to members on active duty or on reserve status by:

(1) U. S. Army.
(2) U. S. Navy.
(3) U. S. Air Force.
(4) U. S. Marine Corps.
(5) U. S. Coast Guard.
(6) U. S. Merchant Marine.
(7) National Guard.
(8) Civil Air Patrol.

NOTE: While these cards are acceptable on the same terms and conditions as the airman identification card for meeting the airman identification requirements, they are not acceptable documentary evidence of place and date of birth, or citizenship, for the issuance of the airman identification card.

§ 20.58–3 *Application (CAA rules which apply to § 20.58).* An applicant for an airman identification card shall comply with the following procedure:

(a) *Application.* The applicant shall apply in person to an Aviation Safety Agent, or an Aviation Safety District Office.

(b) *Form.* Application for Airman Identification Card, Form ACA–2134, shall be completed in single copy, typed or printed in ink, and contain precise information on each item.

(c) *Proof of identity.* The applicant shall furnish proof of his identity. The agent may exercise his discretion in the method by which he identifies the applicant. Identification of the applicant may be established by one or more of the following means:

(1) Airman Identification Card, Form ACA–935, issued by the CAA to the applicant during World War II.

(2) The agent's knowledge of the applicant's identity.

(3) The applicant's identification by a person known to the agent.

(4) Combinations of identification cards and licenses held by the applicant.

(5) Comparison of the applicant's signature with that on other cards and licenses held by him.

(d) *Proof of place and date of birth.* (1) The applicant shall furnish satisfactory documentary evidence of his place and date of birth which shall consist of one or more of the following:

(i) Airman Identification Card, Form ACA–935, issued by CAA during World War II. (If he held this card and lost it, he may write to CAA, Airman Records Branch, Washington 25, D. C., and obtain confirmation that it was issued to him and the information it contained.)

(ii) Birth certificate. (When the applicant's birth certificate does not contain the exact name now used by him, he shall explain the difference on the application form.)

(iii) Baptismal record, if it contains the full name and place and date of birth.

(iv) Naturalization papers, if place and date of birth are shown.

(v) Passport, expired or current.

(vi) Aircrewman Identification Card, or Crew Member Certificate, Form ACA–2116.1.

(vii) Affidavit from attending physician, either parent, brother, sister, or other relative.

(viii) Statement from any state or Federal Government agency which has the applicant's birth certification on file.

(ix) Statement from any military, state, municipal, local, or Federal Government agency which has established, by investigation or otherwise, the applicant's place and date of birth.

(2) Applicants who cannot furnish any of the documents listed in subparagraph (1) (i) through (ix) of this paragraph may present affidavits from acquaintances who have personal knowledge of the applicant's place and date of birth.

NOTE: Military identification cards, service records, discharge papers, drivers' licenses, and the like are not acceptable documentary evidence of place and date of birth. While these items, including the identification cards which are acceptable in lieu of the airman identification card, may be used to aid in the identification of the applicant, they are not acceptable documentary evidence because they do not contain information on the nature of proof which may have been required for their issuance. CAA desires to have documentary evidence on file for all airman identification cards issued.

(e) *Evidence of citizenship.* The applicant shall present documentary evidence of his citizenship. There are no citizenship requirements for the issuance of an airman identification card other than furnishing evidence of the citizenship claimed. This evidence may consist of one or more of the following:

(1) Any item listed in paragraph (d) of this section if citizenship is claimed in the country of birth.

(2) Naturalization papers.

(3) Currently valid passport.

(4) Statement from an appropriate official of a foreign government that the applicant is a citizen of that country.

(5) Civil Aeronautics Board waiver of citizenship requirements for the issuance of an airman certificate to stateless or other persons.

(6) Certified statements from persons, courts, or agencies in authority on cases of derivative citizenship, uncompleted naturalization, or other complex citizenship status. Such statements must contain information on the current status of the applicant's citizenship.

(f) *Photographs.* The applicant shall furnish photographs which conform to the following specifications:

(1) Two photographs taken from the same negative.

(2) One-inch square, full face, head only.

(3) Taken within the past twelve months.

(4) No specified background.

(5) Readily recognizable as photographs of applicant.

(g) *Fingerprints.* The applicant shall be fingerprinted only by an Aviation Safety Agent or other CAA employee authorized by the agent.

(h) *Reissuance of lost card.* An applicant who has lost his Airman Identification Card, Form ACA–2135, may obtain another by:

(1) Writing to the CAA Airman Records Branch, W–253, Washington 25, D. C., and explaining the circumstances of the loss, and requesting a letter verifying that such card had been issued, and

(2) Presenting the letter to an Aviation Safety Agent who will accept it as meeting all of the documentary evidence requirements, and

(3) Furnishing two photographs as required for original issuance.

§ 21.45–1 *Airman identification card (CAA rules which apply to § 21.45).* See § 20.58–1 of this subchapter.

§ 21.45–2 *Other identification cards acceptable to the Administrator (CAA rules which apply to § 21.45).* See § 20.58–2 of this subchapter.

§ 21.45–3 *Application (CAA rules which apply to § 21.45).* See § 20.58–3 of this subchapter.

§ 22.32–1 *Airman identification card (CAA rules which apply to § 22.32 (g)).* See § 20.58–1 of this subchapter.

§ 22.32–2 *Other identification cards acceptable to the Administrator (CAA rules which apply to § 22.32 (g)).* See § 20.58–2 of this subchapter.

§ 22.32–3 *Application (CAA rules which apply to § 22.32 (g)).* See § 20.58–3 of this subchapter.

§ 25.86–1 *Airman identification card (CAA rules which apply to § 25.86).* See § 20.58–1 of this subchapter.

§ 25.86–2 *Other identification cards acceptable to the Administrator (CAA rules which apply to § 25.86).* See § 20.58–2 of this subchapter.

§ 25.86–3 *Application (CAA rules which apply to § 25.86).* See § 20.58–3 of this subchapter.

§ 26.37–1 *Airman identification card (CAA rules which apply to § 26.37).* See § 20.58–1 of this subchapter.

§ 26.37–2 *Other identification cards acceptable to the Administrator (CAA rules which apply to § 26.37).* See § 20.58–2 of this subchapter.

§ 26.37–3 *Application (CAA rules which apply to § 26.37).* See § 20.58–3 of this subchapter.

§ 27.23–1 *Airman identification card (CAA rules which apply to § 21.45).* See § 20.58–1 of this subchapter.

§ 27.23–2 *Other identification cards acceptable to the Administrator (CAA rules which apply to § 21.45).* See § 20.58–2 of this subchapter.

§ 27.23–3 *Application (CAA rules which apply to § 21.45).* See § 20.58–3 of this subchapter.

§ 33.46–1 *Airman identification card (CAA rules which apply to § 33.46).* See § 20.58–1 of this subchapter.

§ 33.46–2 *Other identification cards acceptable to the Administrator (CAA rules which apply to § 33.46).* See § 20.58–2 of this subchapter.

§ 33.46–3 *Application (CAA rules which apply to § 33.46).* See § 20.58–3 of this subchapter.

§ 34.20–1 *Airman identification card (CAA rules which apply to § 34.20).* See § 20.58–1 of this subchapter.

§ 34.20–2 *Other identification cards acceptable to the Administrator (CAA rules which apply to § 34.20).* See § 20.58–2 of this subchapter.

§ 34.20–3 *Application (CAA rules which apply to § 34.20).* See § 20.58–3 of this subchapter.

§ 35.21–1 *Airman identification card (CAA rules which apply to § 35.21).* See § 20.58–1 of this subchapter.

§ 35.21–2 *Other identification cards acceptable to the Administrator (CAA rules which apply to § 35.21).* See § 20.58–2 of this subchapter.

§ 35.21–3 *Application (CAA rules which apply to § 35.21).* See § 20.58–3 of this subchapter.

§ 51.6–1 *Airman identification card (CAA rules which apply to § 51.6).* See § 20.58–1 of this subchapter.

§ 51.6–2 *Other identification cards acceptable to the Administrator (CAA rules which apply to § 51.6).* See § 20.58–2 of this subchapter.

§ 51.6–3 *Application (CAA rules which apply to § 51.6).* See § 20.58–3 of this subchapter.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 607, 52 Stat. 1007, 1008, 1011, as amended; 49 U. S. C. 551, 552, 557)

[SEAL] S. A. KEMP,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9755; Filed, Nov. 19, 1953; 8:45 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Parts 1, 13 ]

[Docket No. 10751]

DISCONTINUANCE OF ISSUANCE OF AIRCRAFT RADIOTELEPHONE OPERATOR AUTHORIZATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of discontinuance of the issuance of Aircraft Radiotelephone Operator Authorizations and the amendments of Parts 0, 1, and 13 of the Commission's rules; Docket No. 10751.

Notice is hereby given of proposed rule making in the above-entitled matter.

The Aircraft Radiotelephone Operator Authorization was established in 1946 and has been available, without examination, through certain flight examiners who are authorized by the Commission to issue it. The aircraft authorization was adopted in response to a need at that time for a quicker method of obtaining an operator authorization than that applicable to the restricted radiotelephone operator permit, which included the same operating authority, but required a written examination. Subsequently, the examination for the restricted permit was abolished and the permit can now be obtained by mail from the Commission's field offices. Also, the Commission, effective November 15, 1953, has ordered that Restricted Radiotelephone Operator Permits be issued for the lifetime of the permittee, subject to suspension, and has provided a simple application form and more expeditious issuing procedure.

As a result of the foregoing changes, the Restricted Radiotelephone Operator Permit has become substantially equivalent to the Aircraft Radiotelephone Operator Authorization not only from the standpoint of the operating authority, but also the convenience to applicants in obtaining it. To continue both constitutes, therefore, an unnecessary duplication. Accordingly, the purpose of this notice is to propose the discontinuance of the Aircraft Radiotelephone Operator Authorization.

The proposed amendments, which are set forth below, are issued pursuant to the authority contained in sections 4 (i), 303 (l) and (r) of the Communications Act of 1934, as amended.

Any interested person may file with the Commission, on or before December 18, 1953, a written statement or brief in support of, or in opposition to, the proposed amendments. Comments or briefs

in reply to the original comments or briefs may be filed within ten (10) days from the last day for filing the original comments or briefs. The Commission will consider all comments, briefs, and statements before taking final action.

In accordance with § 1.764 of the Commission's rules relating to practice and procedure, an original and 14 copies of all statements, briefs, or comments should be furnished to the Commission.

Adopted: November 12, 1953.

Released: November 13, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

1. Section 1.329 (a) is amended, effective February 1, 1954, to read as follows:

§ 1.329 *Application for radio operator license.* (a) Application for a new, renewed, replacement or duplicate commercial radio operator license or for an endorsement thereon, or for a verification card, shall be filed on FCC Form No. 756, entitled "Application for Commercial Radio Operator License or Permit": *Provided*, That application for a new restricted radiotelephone operator permit may be filed on FCC Form No. 753–1, entitled "Application for Restricted Radiotelephone Operator Permit by Declaration".

2. Section 13.2 (c) (1) (ii) is amended by adding the following footnote:

[1] By Commission order dated ---------- and effective February 1, 1954 issuance of the Aircraft Radiotelephone Operator Authorization was discontinued. Outstanding licenses of this class remain valid until expiration according to the respective terms thereof.

3. Section 0.213 (d) is deleted effective February 1, 1954.

[F. R. Doc. 53-9788; Filed, Nov. 19, 1953; 8:54 a. m.]

## [ 47 CFR Part 16 ]

[Docket No. 10750]

TAXICAB RADIO SERVICE; SPECIAL LIMITATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 16, Land Transportation Radio Services, to make changes in the Taxicab Radio Service; Docket No. 10750.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In response to requests from representatives of the taxicab industry the Commission proposes to amend its rules governing the Taxicab Radio Service to permit the use of frequencies normally assigned only for Base Station use in vehicles operated by taxicab supervisory personnel having a requirement for direct communication with taxicabs; and to revise the marking requirements for radio-equipped vehicles operated by taxicab supervisory personnel.

3. The proposed amendments are set forth below. They are issued under authority of sections 4 (i) and 303 of the Communications Act of 1934, as amended.

4. Any interested party who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before December 21, 1953, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

5. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 12, 1953.

Released: November 13, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

Delete the present title and text of § 16.403 *Limitation on installation of mobile units*, and substitute the following:

§ 16.403 *Special limitations.* (a) All mobile units authorized in the Taxicab Radio Service shall be permanently installed in motor vehicles, and such installation shall be made only in vehicles used (1) for the carriage of passengers for hire, (2) by supervisory personnel in the discharge of their official duties, or (3) for the towing or repair of disabled motor vehicles of the licensee.

(b) Use of Mobile Station facilities by supervisory personnel shall be limited as follows:

(1) Communications addressed to other mobile units shall relate directly to safety of life or property, routing or rerouting of taxicabs to avoid hazards or abnormal traffic conditions, or enforcement of public laws and company instructions; and

(2) Communications addressed to the licensee's Base Station shall relate directly to safety of life or property or supervisory control of motor vehicles of the licensee.

(c) Each radio-equipped vehicle which is used by supervisory personnel in the discharge of their official duties shall be conspicuously and permanently marked with the name under which the licensee conducts his taxicab business.

(d) Mobile units installed in vehicles used by supervisory personnel in the discharge of their official duties may be authorized, upon application, to operate on Base Station frequencies.

[F. R. Doc. 53-9789; Filed, Nov. 19, 1953; 8:55 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

## [ 17 CFR Part 249 ]

FORMS FOR ANNUAL AND OTHER REPORTS OF ISSUERS HAVING SECURITIES REGISTERED ON NATIONAL SECURITIES EXCHANGES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed revision of Form 8–K[1] (17 CFR 249.308). This form is used for current reports pursuant to sections 13 and 15 (d) of the Securities Exchange Act of 1934.

The revision of this form is a part of the Commission's program for an overall review of its rules, regulations and forms under the various statutes administered by it. This program has for its purpose the elemination of duplication and the simplification of the Commission's requirements wherever practicable without prejudice to the public interest or the protection of investors.

The proposed revision of Form 8–K would limit the requirements of the form to matters of such material importance to security holders as require a report on a current basis.

All interested persons are invited to submit data, views and comments on the above-mentioned proposal in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before December 14, 1953.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

NOVEMBER 12, 1953.

[F. R. Doc. 53-9766; Filed, Nov. 19, 1953; 8:48 a. m.]

## [ 17 CFR Part 249 ]

FORMS FOR ANNUAL AND OTHER REPORTS OF ISSUERS HAVING SECURITIES REGISTERED ON NATIONAL SECURITIES EXCHANGES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed revision of Form 10–K[1] (17 CFR 249.310[1]. This form is the one most generally used for annual reports pursuant to sections 13 and 15 (d) of the Securities Exchange Act of 1934.

The Commission is engaged in a comprehensive review of the rules, regulations, forms and procedures adopted under the various statutes administered by it. It is attempting to eliminate duplication and to simplify its requirements wherever practicable without prejudice to the public interest or the protection of investors.

A principal purpose of the proposed revision of Form 10–K is to conform its requirements, so far as is practicable,

[1] Filed as part of the original document.



with the corresponding requirements of Schedule 14A of the Commission's proxy rules and to provide for the substitution of proxy statements filed under those rules for most of the information required by the items of Form 10–K. In addition, the proposed revision would permit financial statements contained in such proxy statements, or in accompanying annual reports to security holders, to be incorporated by reference in satisfaction or partial satisfaction of the requirements of Form 10–K as to financial statements where such statements substantially meet the requirements of that form.

The proposed new form also provides that registrants which file reports with the Federal Power Commission may substitute their reports to that Commission for the informational requirements of, and, subject to certain conditions, for the financial statements required by, Form 10–K.

All interested persons are invited to submit data, views and comments on the above-mentioned proposal in writing to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before December 14, 1953.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

NOVEMBER 12, 1953.

[F. R. Doc. 53-9767; Filed, Nov. 19, 1953; 8:48 a. m.]

# NOTICES

## DEPARTMENT OF THE TREASURY

### Fiscal Service, Bureau of the Public Debt

[1953 Dept. Circ. 935]

2½ PERCENT TREASURY BONDS OF 1958

OFFERING OF BONDS; ADDITIONAL ISSUE

NOVEMBER 18, 1953.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for bonds of the United States, designated 2½ percent Treasury Bonds of 1958, in exchange for 2⅛ percent Treasury Notes of Series A–1953, maturing December 1, 1953. The amount of the offering under this circular will be limited to the amount of maturing notes tendered in exchange and accepted.

2. In addition to the offering under this circular, holders of the maturing notes are offered the privilege of exchanging all or any part of such notes for 1⅞ percent Treasury Notes of Series B–1954, which offering is set forth in Department Circular No. 936, issued simultaneously with this circular.

II. *Description of bonds.* 1. The bonds now offered will be an addition to and will form a part of the series of 2½ percent Treasury Bonds of 1958 issued pursuant to Department Circular No. 920, dated February 2, 1953, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the bonds to be issued under this circular will accrue from June 15, 1953. Subject to the provision for the accrual of interest from June 15, 1953, on the bonds now offered, the bonds are described in the following quotation from Department Circular No. 920:

1. The bonds will be dated February 15, 1953, and will bear interest from that date at the rate of 2½ percent per annum, payable on a semiannual basis on June 15 and December 15 in each year until the principal amount becomes payable. They will mature December 15, 1958, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $500, $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to close the books as to any or all subscriptions at any time without notice, and to allot less than the amount of bonds applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest from June 15, 1953, to December 1, 1953 ($11.54372 per $1,000) for bonds allotted hereunder must be made on or before December 1, 1953, or on later allotment. Payment of the principal amount may be made only in Treasury Notes of Series A–1953, maturing December 1, 1953, which will be accepted at par and should accompany the subscription. Payment of accrued interest on the bonds should be made when the subscription is tendered. Final interest due on December 1 on notes surrendered will be paid by payment of December 1, 1953, coupons, which should be detached by holders before presentation of the notes.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
*Secretary of the Treasury.*

[F. R. Doc. 53-9778; Filed, Nov. 19, 1953; 8:51 a. m.]

[1953 Dept. Circ. 936]

1⅞ PERCENT TREASURY NOTES OF SERIES B–1954

OFFERING OF NOTES

NOVEMBER 18, 1953.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for notes of the United States, designated 1⅞ percent Treasury Notes of Series B–1954, in exchange for Treasury Notes of Series A–1953, maturing December 1, 1953.

2. In addition to the offering under this circular, holders of the maturing notes are offered the privilege of exchanging all or any part of such notes for 2½ percent Treasury Bonds of 1958, which offering is set forth in Department Circular No. 935, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated December 1, 1953, and will bear interest from that date at the rate of 1⅞ percent per annum, payable on a semiannual basis on June 15 and December 15, 1954. They will mature December 15, 1954, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The notes shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to close the books as to any or all subscriptions at any time without notice, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before December 1, 1953, or on later allotment, and may be made only in Treasury Notes of Series A–1953, maturing December 1, 1953, which will be accepted at par, and should accompany the subscription.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
*Secretary of the Treasury.*

[F. R. Doc. 53-9779; Filed, Nov. 19, 1953; 8:51 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

NEVADA GRAZING DISTRICT NO. 5

PROCEDURE FOR ADVISORY BOARD ELECTIONS

NOVEMBER 4, 1953.

Pursuant to authority delegated to me by order of the Secretary of the Interior on September 14, 1953, 18 F. R. 5631, new procedures as hereinafter specified are hereby prescribed for the conduct of periodic advisory board elections, for Nevada Grazing District No. 5, including number of advisers to be elected and designation of term of office, and to alter, amend or revise such procedures, notwithstanding the provisions of 43 CFR 161.12:

1. *Elections; time; and place.* For the purpose of stimulating district-wide interest and participation in advisory board elections, an election will be held each three-year period, at which time the entire membership of the board will be elected. The District Range Manager will give notice of the time and place or places of holding an election in one or more newspapers of general circulation in the district, by posting in the office of the Regional Administrator and in the office of the Range Manager, and by posting in such public places as is necessary to give the matter proper publicity. No election shall be held to be invalid by reason of failure to give any of the foregoing notices unless it shall be made to appear that there was failure to give substantial notice.

2. *Nominations.* The electors, assembled at the place or places of election, will select from the qualified electors of the precinct one or more candidates for each position to be filled. The candidates selected must be qualified to represent the precinct and class of livestock for which they are selected. Nominations will be made by qualified electors in the precinct.

3. *Advisers to be elected; term of office.* Candidates will be selected to fill each position on the District Advisory Board not to exceed twelve including one free-use. Each member will serve for a period of three years.

4. *Elections; results; ties; judges' certificate.* At the time and places designated by the District Range Manager for holding the election, the election judges will check the eligibility of each voter as the vote is cast, by comparing the name with the registration list. Ballot boxes will be opened by the judges in the presence of the Range Manager or his representative and the votes counted. In the case of a tie vote, a choice by lot shall be made by the judges. As soon as the ballots have been counted the judges shall prepare a certificate of returns under their hands, stating the number of votes cast, the number of excess, unused or spoiled ballots, and in both words and figures, the number of votes received by each candidate.

The certificate, together with the ballots and the registration list of voters, shall be enclosed and sealed and forthwith delivered to the representative of the Bureau of Land Management in charge of the election.

L. T. HOFFMAN,
*Regional Administrator.*

[F. R. Doc. 53-9777; Filed, Nov. 19, 1953; 8:51 a. m.]

### Bureau of Reclamation

COLORADO RIVER STORAGE AND YUMA PROJECTS, ARIZONA

ORDER OF REVOCATION

DECEMBER 5, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of July 2, 1902, January 31, 1903, September 8, 1903, June 4, 1930, and October 16, 1931, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 11 N., R. 18 W.,
Secs. 1, 2 and 3, all.
T. 12 N., R. 18 W.,
Secs. 4 to 9, incl., 16 to 18, incl., 20, 21, and 28, all.
T. 13 N., R. 18 W.,
That portion lying within 6 miles of the Colorado River.
T. 13 N., R. 19 W.,
Secs. 4 to 29, incl., all.
T. 13 N., R. 20 W.,
Secs. 1, 2, 3, 11, 12, and 13, all.
T. 14 N., R. 20 W.,
Secs. 3, 10, 15, 22, 34, and 35, all.
T. 15 N., R. 20 W.,
Secs. 4 to 9, incl., 16 to 21, incl., 28, 29, and 30, all.
T. 15 N., R. 20½ W.,
Secs. 1, 12, 13, and 24, all.
T. 16 N., R. 20½ W.,
Secs. 1, 2, 3, 22 to 27, incl., 35, and 36, all.
T. 16½ N., R. 20½ W.,
All fractional township.
T. 17 N., R. 21 W.,
Secs. 4, 14, 15, 23, 26, and 35, all.
T. 18 N., R. 21 W.,
Secs. 5, 6, 8, 17, and 20, all.
T. 19 N., R. 21 W.,
Secs. 4 to 9, incl., 16 to 21, incl., and 28 to 33, incl., all.
T. 20 N., R. 21 W.,
Secs. 31, 32, and 33, all.
T. 19 N., R. 22 W.,
Secs. 1, 12, 13, 24, and 25, all.
T. 20 N., R. 22 W.,
Sec. 36, all.

The above area aggregates approximately 85,490 acres.

G. W. LINEWEAVER,
*Assistant Commissioner.*

NOVEMBER 16, 1953.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The topography of the lands is rolling with gravelly hills crossed by numerous gullies. Cover consists of desert plants, principally greasewood. The highest use of the lands is for grazing. It is not likely that they will be classified for any other use, but any application that is filed will be considered on its merits.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended.

Information showing the periods during which, and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Manager, Land and Survey Office, Bureau of Land Management, Phoenix, Arizona.

WILLIAM PINCUS,
*Assistant Director,*
*Bureau of Land Management.*

[F. R. Doc. 53-9757; Filed, Nov. 19, 1953; 8:46 a. m.]



## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

ALABAMA

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATION

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's Order dated June 26, 1951 (16 F. R. 6318), are amended as follows:

In Schedule A, under Alabama, in alphabetical order, add the county "Lawrence."

In Schedule B, under Alabama, delete the county "Lawrence."

(Sec. 3, Pub. Law 760, 81st Cong.)

Done at Washington, D. C., this 18th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9864; Filed, Nov. 19, 1953; 11:07 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 5476]

TACA INTERNATIONAL AIRLINES, S. A.

NOTICE OF HEARING

In the matter of the application of TACA International Airlines, S. A. for renewal of its foreign air carrier permit authorizing it to engage in foreign air transportation with respect to persons, property and mail between the terminal point San Salvador, El Salvador, the intermediate points Guatemala City, Guatemala and Belize, British Honduras, and the terminal point New Orleans, Louisiana.

Notice is hereby given pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on December 1, 1953, at 10:00 a. m., e. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue, Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Without limiting the scope of the issues presented by the application, particular attention will be directed to the following matters:

1. Whether the foreign air transportation proposed by the applicant is in the public interest;

2. Whether the applicant is fit, willing and able properly to perform such air transportation and to conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder;

3. Whether the control relationships, found by the Board to have existed in its decision of February 11, 1949, 10 C. A. B. 130, 133–135 (1949) changed, and, if so, in what respects;

4. Whether in the event of continuing control of the applicant by Waterman Steamship Corporation and/or subsidiaries or affiliates thereof, such continuing control is in the public interest;

5. With respect to the matters referred to in (3) and (4) above, in the event of renewal of the applicant's permit, what terms, conditions, and limitations, if any, are required, additional to or supplemental to the terms, conditions, and relationships, presently contained in TACA's foreign air carrier permit;

6. Whether section 408 of the act is applicable to the relationships existing between the applicant and any other persons; and

7. If section 408 is applicable, whether the renewal requested is in the public interest.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before December 1, 1953, a statement setting forth the matters of fact or law, raised by the application which he desires to present.

For further details of the service proposed interested persons are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., this 17th day of November 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-9794; Filed, Nov. 19, 1953; 8:56 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8796, 10753, 10754, 10755]

KTRH BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KTRH Broadcasting Company, Houston, Texas, Docket No. 8796, File No. BPCT–308; Houston Area Television Company, Houston, Texas, Docket No. 10753, File No. BPCT–1585; Houston Television Company, Inc., Houston, Texas, Docket No. 10754, File No. BPCT–1723; TV Broadcasting Company of Houston, Houston, Texas, Docket No. 10755, File No. BPCT–1753; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of November 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 13 in Houston, Texas; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended a hearing is mandatory; that Houston Area Television Company and TV Broadcasting Company of Houston are legally, financially and technically qualified to construct, own and operate a television broadcast station; and that KTRH Broadcasting Company and Houston Television Company, Inc., are legally and financially qualified to construct, own and operate a television broadcast station and are technically so qualified except as to the matters referred to in issue "1" below.

*It is ordered,* That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 11th day of December 1953 in Washington, D. C., upon the following issues:

1. To determine whether the installations of the stations proposed by KTRH Broadcasting Company and Houston Television Company, Inc., in their above-entitled applications would constitute hazards to air navigation.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a hearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

*It is further ordered*, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: November 16, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9780; Filed, Nov. 19, 1953; 8:52 a. m.]

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[Docket Nos. 8810, 8811, 10752]

KWK, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of KWK, Incorporated, St. Louis, Missouri, Docket No. 8810, File No. BPCT-324; KXOK, Inc., St. Louis, Missouri, Docket No. 8811, File No. BPCT-327; Missouri Valley Television Company, St. Louis, Missouri, Docket No. 10752, File No. BPCT-1632; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of November 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 4 in St. Louis, Missouri; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that KWK, Incorporated and KXOK, Inc., are legally, financially, and technically qualified to construct, own and operate a television broadcast station; and that Missouri Valley Television Company is legally and financially qualified to construct, own and operate a television broadcast station and is technically so qualified except as to the matter referred to in issue "1" below;

*It is ordered*, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 11th day of December 1953 in Washington, D. C., upon the following issues:

1. To determine whether the installation of the station proposed by Missouri Valley Television Company in its above-entitled application would constitute a hazard to air navigation.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

*It is further ordered*, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: November 16, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9781; Filed, Nov. 19, 1953; 8:52 a. m.]

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[Docket Nos. 10461, 10462, 10463, 10464]

SOUTH CENTRAL BROADCASTING CORP. ET AL.

MEMORANDUM OPINION AND ORDER ENLARGING ISSUES

In re applications of South Central Broadcasting Corporation, Evansville, Indiana, Docket No. 10461, File No. BPCT-707; Evansville Television, Inc., Evansville, Indiana, Docket No. 10462, File No. BPCT-934; On The Air, Inc., Evansville, Indiana, Docket No. 10463, File No. BPCT-991; WFBM, Inc., Evansville, Indiana, Docket No. 10464, File No. BPCT-1131; for television construction permits (Channel 7).

1. I have before me a joint petition for enlargement of issues relating to South Central Broadcasting Corporation, filed by Evansville Television, Inc., On the Air, Inc., and WFBM, Inc., on October 29, 1953. Filing of the petition was suggested by me, during a hearing conference, as a possible means of enlarging the issues to permit inquiry into South Central's ability to effectuate its proposals, as to which the other applicants expressed doubt, and as the more feasible method of complying with the procedure outlined by the Commission in its Memorandum Opinion and Order released on October 7, 1953.[1]

2. Asserting that as a result of the denial (by the Examiner and the Commission) of South Central's petition to amend its application through increasing by $28,814 the amount to be spent for "studio technical equipment," it cannot be determined from which South Central funds the equipment described in the proposed amendment would be obtained, petitioners say that "serious doubt" is cast "upon the financial ability of South Central Broadcasting Corporation to effectuate the proposals set forth in its application." They request me (1) to enlarge the issues by including the following issue: "to determine whether the funds available to South Central Broadcasting Corporation will give reasonable assurance that the proposals set forth in its application will be effectuated"; and (2) "having added the issue, to order the South Central Broadcasting Corporation to submit to Petitioners its estimated budget for the first year's operation, including therein salaries of personnel in engineering, programing, sales, news and special events, advertising and promotion, and general administration; general administration expenses and programing expenses, such as cost of talent, news service, music license fees, film costs; and all other matters included within its 'Cost of Operation' estimate." In support of (2) petitioners point to the new procedure published by the Commission on October 14 (FCC 53-1419) requiring applicants in hearing matters to furnish information of the type desired by them.[2] They maintain that its production "would greatly facilitate the conduct of the hearing, and eliminate the necessity of last minute preparation of exhibits under cross-examination," and that "having examined the material in advance, counsel would be able to cross-examine only upon those factors which appear unrealistic"; on the other hand, they contend, if South Central were not directed to submit the data, "counsel would be required at the time of the hearing to ask general questions concerning its 'Cost of Operation,' requesting information on all facets of that problem, which would of necessity prolong the hearing."

[1] Like the other applicants, South Central has been found financially qualified. This said the Commission in its October 7 opinion, was a prima facie determination that an applicant had sufficient funds to effectuate its proposals, and in the absence of evidence to the contrary, would support a finding that the applicant is qualified in this regard. But, continued the Commission: "the hearing issues will be so written that the Examiner will have discretionary authority to admit evidence designed to controvert this determination. Upon a reasonable showing that probative evidence can be adduced to controvert the presumption raised by the Commission's initial determination in this regard, such evidence may be admitted on the Examiner's own motion or on petition by one of the parties. The hearing issues in this proceeding are being modified to conform to the procedure outlined above * * *".

[2] By its terms, the October 14 ruling applies to future matters.



3. Pursuant to extension duly granted, on November 10, South Central filed an opposition to the joint petition, called "Motion to Dismiss Joint Petition for Enlargement of Issues Relating to South Central Broadcasting Corporation." It declares that petitioners are guilty of an "unintelligible" non-sequitur in concluding that because the amendment was denied the source of funds for the equipment and the ability of South Central to effectuate its proposals are uncertain. South Central "alleges that its application indicates on its face that there are sufficient funds to purchase this $28,000 worth of equipment," and "that since it can obtain the portable sync generator and the film camera and processing equipment from funds contained in the application, the petition to enlarge issues should be dismissed." And because, South Central continues, "the applicant can obtain this equipment from the funds contained in the application, the request for South Central's estimated budget for the first year should be dismissed." Dismissal is also sought because the allegations of the petition are not "sufficiently particularized," but are part of a fishing expedition designed to delay the case.

4. The allegations of the petition are sufficient to warrant the admission of evidence to controvert the prima facie determination implicit in the Commission's finding that South Central is financially qualified. With the inability of South Central to amend its application so as to embrace a substantial amount of equipment, around which some of the applicant's programs are centered, I am of the opinion, in view of its uncertain nature, that inquiry should be permitted into South Central's ability to procure this equipment and effectuate its proposals. I am therefore enlarging the issues in conformity with the Commission's delegation of authority.

5. I have taken into account South Central's charge that the allegations in the joint petition are too general to warrant the relief requested. I am somewhat in agreement with South Central's complaint on this head. In suggesting that a petition be filed rather than that the Examiner act on his own motion, I expected the facts to be set out in greater detail than petitioners apparently found convenient. South Central, however, is similarly at fault in its motion to dismiss when it says merely that its application on its face indicates sufficient funds to buy the equipment.[3] In any event, meager though the petition is, I think it points up the uncertainty in South Central's case well enough to withstand demurrer.

6. I believe that the request for information should also be granted. Whether South Central will be able to underwrite the purchase or otherwise secure the equipment in question can be probed through analysis of the data sought, and hearing time saved by reducing the necessity for aimless exploration on cross-examination. Although, as noted above, the October 14 public notice expressly deals with future proceedings, its obvious value should not be confined, and under the authority of § 1.873 [4] (47 CFR 1.873) I am applying its teaching here.

7. Note is also taken of South Central's statement that petitioners are deliberately delaying the proceeding. That ancient bogie—"fishing expedition"—is no longer as effective as it once was in stifling investigation. If the data sought are relevant and material, and their production will not unduly prolong the case, when measured against their value, they should be furnished. By this standard, South Central should supply the information. I am not so naive as to believe that petitioners are primarily interested in smoothing the way for South Central, but I feel that their request is sufficiently based on practicality to warrant honoring it even though they may not burn with the zeal of disinterested inquiry.

8. *Accordingly it is ordered*, This 13th day of November 1953, (1) that the joint petition filed on October 29, 1953, is granted, and that the issues are enlarged by the addition of the following issue:

(e) To determine whether the funds available to South Central Broadcasting Corporation will give reasonable assurance that the proposals set forth in the application will be effectuated;

and (2) that South Central Broadcasting Corporation is directed, within 10 days of the receipt of this order, to submit to petitioners (as well as counsel for the Broadcast Bureau and to the Examiner) its estimated budget for the first year's operation, including salaries and personnel in engineering, programing, sales, news and special events, advertising and promotion, and general administration; general administration and programing expenses, such as cost of talent, news service, music license fees, film costs; and all other matters included within its "Cost of Operation" estimate.

*It is further ordered*, That South Central's Motion to Dismiss, filed on November 10, 1953, is denied.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9782; Filed, Nov. 19, 1953; 8:52 a. m.]

[3] By letter dated November 10, 1953, South Central transmitted its "Proposal No. 1," a revised listing of its proposed technical equipment, and states that while the dollar total in the application is $199,641.20, the "cost of equipment, etc. under the revised listing is less than $205,000." South Central supplies no cost itemization for equipment to be purchased from sources other than its principal supplier, giving instead bulk figures.

[4] "*Further evidence during hearing.* At any stage of a hearing, the presiding officer may call for further evidence upon any issue and may require such evidence to be submitted by any party to the proceeding."

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[Docket No. 10480]

FRONTIER BROADCASTING CO. (KFBC)

ORDER CONTINUING HEARING

In re application of Frontier Broadcasting Co. (KFBC), Cheyenne, Wyoming, Docket No. 10480, File No. BMP-5864; for modification of construction permit.

The Commission having the above-entitled proceeding under consideration;

It appearing, that the applicant, on November 13, 1953, filed a petition to dismiss the above-entitled application and that a hearing will not be necessary if the petition is granted;

*It is ordered*, This 13th day of November 1953, that the hearing now scheduled for November 17, 1953, is continued without date pending action by the Commission upon the applicant's petition to dismiss.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9783; Filed, Nov. 19, 1953; 8:53 a. m.]

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[Docket No. 10747]

AMERICAN BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of American Broadcasting Corporation, Lexington, Kentucky, Docket No. 10747, File No. BPCT-1140; for construction permit for a new television station.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of November 1953;

The Commission having under consideration the above-entitled application, requesting a construction permit for a new television broadcast station to operate on Channel 27 in Lexington, Kentucky; and

It appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicant was advised by letter of the fact that its application was mutually exclusive with the application of J. E. West and C. H. Bingham d/b as West-Bingham Television Company (BPCT-1137), of the necessity for a hearing and of all objections to its application; and was given an opportunity to reply; and

It further appearing, that the competing application of J. E. West and C. H. Bingham, d/b as West-Bingham Television Company (BPCT-1137) was dismissed on November 10, 1953, pursuant to the request of said applicant; and

It further appearing, that the applicant is legally, technically, financially and otherwise qualified to construct, own and operate the television broadcast station proposed in its above-entitled application, but that the said application may cause adverse effects upon the Federal Communications Commission's Monitoring Station at Lexington, Kentucky, and the applicant was so advised by the above-mentioned letter; and

It further appearing, that upon due consideration of the above-entitled application, the amendments filed thereto, and the reply to the above letter, the Commission is unable to conclude that the public interest, convenience, or necessity would be served by the granting of the above-entitled application and accordingly, finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory;

*It is ordered*, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing to commence at 10:00 a. m. on the 11th day of December 1953 in Washington, D. C., upon the following issues:

1. To determine the effects of the construction and operation proposed in the above-entitled application upon the functions of the Federal Communications Commission's Monitoring Station at Lexington, Kentucky.

2. To determine, in the light of the record made with respect to the above issue, whether the granting of the above-entitled application would serve the public interest, convenience or necessity.

Released: November 13, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9784; Filed, Nov. 19, 1953; 8:53 a. m.]

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[Docket Nos. 10748, 10749]

WILMINGTON BROADCASTING SERVICE AND PORT BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Jack Siegel, Robert E. Wasdon, Joseph B. Matthews and William Manrov, d b as Wilmington Broadcasting Service, Wilmington, North Carolina; Docket No. 10748, File No. BP-7930; Charles M. Morgan, tr as Port Broadcasting Company, Wilmington, North Carolina, Docket No. 10749, File No. BP-8798; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of November 1953;

The Commission having under consideration the applications for construction permits of Jack Siegel, Robert E. Wasdon, Joseph B. Matthews and William Manrov, d b as Wilmington Broadcasting Service and Charles M. Morgan, tr as Port Broadcasting Company, to operate on 1230 kilocycles, 250 watts, unlimited time, at Wilmington, North Carolina.

It appearing, that the applicant Jack Siegel, Robert E. Wasdon, Joseph B. Matthews and William Manrov, d b as Wilmington Broadcasting Service is legally, and technically qualified to operate the proposed station, and that the applicant Charles M. Morgan, tr as Port Broadcasting Company is legally, technically, financially and otherwise qualified to operate the proposed station, but that the operation of both stations as proposed would result in mutually prohibitive interference with each other, and operation of either station would cause interference to and receive interference from Station WFAI, Fayetteville, North Carolina; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated August 5, 1953, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that replies were received from Charles M. Morgan, tr as Port Broadcasting Company and Rollins Broadcasting, Inc., licensee of Station WFAI, to the Commission's letters of August 5, 1953, and that the applicant, Jack Siegel, Robert E. Wasdon, Joseph B. Matthews and William Manrov d b as Wilmington Broadcasting Service failed to reply to said letter; and

It further appearing, that, the Commission, after consideration of the replies, is still of the opinion that a hearing is necessary on both applications.

*It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the financial qualifications of the applicant partnership, Wilmington Broadcasting Service, and its partners, Jack Siegel, Robert E. Wasdon, Joseph B. Matthews and William Manrov to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the availability of other primary service to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with Station WFAI, Fayetteville, North Carolina, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations and the nature and character of the program service now being rendered by Station WFAI to such areas and populations.

5. To determine, on a comparative basis, which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

*It is further ordered*, That, the Rollins Broadcasting, Inc., licensee of Station WFAI, Fayetteville, North Carolina, is made a party to this proceeding.

Released: November 16, 1953

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9785; Filed, Nov. 19, 1953; 8:53 a. m.]

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[Docket Nos. 10756, 10757]

INTERSTATE BROADCASTING CORP. AND UNITED BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Interstate Broadcasting Corporation, Ogden, Utah, Docket No. 10756, File No. BPCT-1463; United Broadcasting Company, Ogden, Utah, Docket No. 10757, File No. BPCT-1637; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of November 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 9 in Ogden, Utah; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, as amended, a hearing is mandatory; that Interstate Broadcasting Corporation is legally and financial qualified to construct, own and operate a television broadcast station and is technically so qualified except as to the matter referred to in issue "5" below; and that United Broadcasting Company is legally qualified to construct, own and operate a television broadcast station and is technically so qualified except as to the matters referred to in issues "2" to "5", inclusive, set forth below;

*It is ordered*, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 11th day of December 1953 in Washington, D. C., upon the following issues:

1. To determine whether United Broadcasting Company is financially qualified to construct, own and operate its proposed television broadcast station.

2. To determine the precise geographic coordinates of the antenna proposed by United Broadcasting Company.

3. To determine the rated power (aural) of the transmitter proposed by United Broadcasting Company.

4. To determine the power gain of the antenna system proposed by United Broadcasting Company and the effect thereof on the calculated effective radiated power.

5. To determine whether the installation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

6. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

*It is further ordered*, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to Interstate Broadcasting Corporation will give reasonable assurance that the proposals set forth in its application will be effectuated.

Released: November 16, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9786; Filed, Nov. 19, 1953; 8:54 a. m.]

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[Mexican Change List 163]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

OCTOBER 13, 1953.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

| Call letters | Location | Power (kw) | Schedule | Class | Probable date to commence operation |
|---|---|---|---|---|---|
| | | [illegible] kilocycles | | | |
| (NEW) | Patzcuaro, Michoacan | 250 w D<br>100 w N | U | IV | May 13, 1954. |
| | | [illegible] kilocycles | | | |
| (NEW) | Tepic, Nayarit | 500 w D<br>250 w N | U | IV | Do. |
| | | [illegible] kilocycles | | | |
| XEFB | Monterrey, Nuevo Leon (increase power) | 5 kw D DA-N<br>1 kw N | U | III-A | December 30, 1953. |
| | | [illegible] kilocycles | | | |
| (NEW) | Fortin de las Flores, Veracruz | 1 kw | D | III-B | April 13, 1954 |
| | | [illegible] kilocycles | | | |
| (NEW) | Culiacan, Sinaloa | 5 kw | U | III-A | Do. |
| (NEW) | San Andres Tuxtla, Veracruz (delete assignment) | 1 kw | D | II | October 13, 1953. |
| | | [illegible] kilocycles | | | |
| (NEW) | Los Mochis, Sinaloa | 5 kw | U | III-A | May 13, 1954 |
| | | [illegible] kilocycles | | | |
| (NEW) | Orizaba, Veracruz | 5 kw DA-N | U | II | Do. |
| | | [illegible] kilocycles | | | |
| (NEW) | Montemorelos, Nuevo Leon | 250 w D<br>100 w N | U | IV | Do. |
| | | [illegible] kilocycles | | | |
| (NEW) | Tehuantepec, Oaxaca | 2.5 kw D<br>500 w N | U | III-B | Do. |
| | | [illegible] kilocycles | | | |
| (NEW) | Matamoros, Tamaulipas | 250 w | D | IV | Do. |
| | | [illegible] kilocycles | | | |
| (NEW) | San Andres Tuxtla, Veracruz | 1 kw | D | II | Do. |
| | | [illegible] kilocycles | | | |
| (NEW) | Tehuantepec, Puebla | 250 w D<br>100 w N | U | II | Do. |

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9787; Filed, Nov. 19, 1953; 8:54 a. m.]

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## FEDERAL POWER COMMISSION

[Docket No. E-6527]

IOWA POWER AND LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF PROMISSORY NOTES

NOVEMBER 16, 1953.

Notice is hereby given that on November 12, 1953, the Federal Power Commission issued its order adopted November 10, 1953, authorizing issuance of promissory notes in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9758; Filed, Nov. 19, 1953; 8:46 a. m.]

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[Docket No. E-6531]

OHIO EDISON CO.

NOTICE OF APPLICATION

NOVEMBER 13, 1953.

Take notice that on November 12, 1953, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Ohio Edison Company (hereinafter called Ohio Edison), a corporation organized under the laws of the State of Ohio and doing business in said State with its principal business office in Akron, Ohio, seeking an order authorizing the merger or consolidation of Ohio Edison's facilities with a certain 0.7 mile transmission line now owned by Cleveland Electric Illuminating Company (hereinafter called Cleveland Illuminating), an Ohio corporation with its principal business office in Cleveland, Ohio. Ohio Edison proposes to purchase from Cleveland Illuminating for $76,500 of 0.7 of a mile of a 138 kv transmission line and related rights; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application, should on or before the 3d day of December 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on

file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9759; Filed, Nov. 19, 1953; 8:46 a. m.]

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[Docket No. G-1888]

NEVADA NATURAL GAS PIPE LINE CO.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 16, 1953.

Notice is hereby given that on November 13, 1953, the Federal Power Commission issues its order adopted November 12, 1953, amending order of June 23, 1952 (17 F. R. 5972), issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9760; Filed, Nov. 19, 1953; 8:46 a. m.]

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[Docket Nos. G-2208, G-2211, G-2218]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

NOTICE OF FINDINGS AND ORDERS

NOVEMBER 16, 1953.

In the matters of Texas Eastern Transmission Corporation, Docket No. G-2208; Texas Gas Transmission Corporation, Docket No. G-2211; Frederick Gas Company, Inc., Docket No. G-2218.

Notice is hereby given that on November 13, 1953, the Federal Power Commission issued its orders adopted November 12, 1953, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9761; Filed, Nov. 19, 1953; 8:47 a. m.]

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[Docket No. G-2257]

NORTHEASTERN GAS TRANSMISSION CO.

NOTICE OF FINDINGS AND ORDERS

NOVEMBER 16, 1953.

Notice is hereby given that on November 13, 1953, the Federal Power Commission issued its order adopted November 12, 1953, in the above-entitled matter, permitting and approving abandonment of its natural gas service to the Framingham Division of Worcester Gas Light Company.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9762; Filed, Nov. 19, 1953; 8:47 a. m.]

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[Docket No. G-2273]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 16, 1953.

Notice is hereby given that on November 13, 1953, the Federal Power Commission issued its order adopted November 13, 1953, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9763; Filed, Nov. 19, 1953; 8:47 a. m.]

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## FEDERAL TRADE COMMISSION

[File No. 451]

SYNTHETIC SOIL CONDITIONER INDUSTRY

SCHEDULED TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Synthetic Soil Conditioner Industry will be held by the Federal Trade Commission at 10 a. m., December 10, 1953, in Room 332 of the offices of the Commission, Pennsylvania Avenue at Sixth St. NW., Washington, D. C.

The proceedings are being held to consider proposals for rules designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses which violate laws administered by the Commission.

Products of the industry have been defined as comprising any synthetic organic chemical substance which, when added to the soil, is designed to substantially improve, or is represented as substantially improving, the resistance of soil aggregates to the slaking action of water, increasing the water and air permeability of the soil, improving the resistance of the surface to crusting, improving the ease of cultivation, and/or otherwise favorably modifying the structural or other physical properties of the soil. All persons, firms, corporations, and organizations engaged in producing or marketing such industry products are cordially invited to attend and participate in the scheduled trade practice conference.

Issued: November 17, 1953.

By direction of the Commission.

[SEAL] WILLIAM P. GLENDENING, Jr., *Acting Secretary.*

[F. R. Doc. 53-9795; Filed, Nov. 19, 1953; 8:56 a. m.]

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## GENERAL SERVICES ADMINISTRATION

PRESIDENT OF VIRGIN ISLANDS CORPORATION

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF HOTEL IN VIRGIN ISLANDS

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, I hereby authorize the President of the Virgin Islands Corporation to determine whether the Bluebeard's Castle Hotel, together with pertinent hotel realty and personalty, located in St. Thomas, Virgin Islands, is required by any Federal agency and, if not, to dispose thereof by negotiated sale or otherwise.

2. An explanatory statement shall be prepared and submitted to the appropriate committees of Congress, as required by said act, at least thirty days before consummation of any negotiated disposal of the property. A copy of such statement shall be furnished this Administration.

3. This delegation of authority is effective immediately.

Dated: November 16, 1953.

EDMUND F. MANSURE, *Administrator.*

[F. R. Doc. 53-9806; Filed, Nov. 18, 1953; 1:05 p. m.]

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## UNITED STATES TARIFF COMMISSION

[Investigation Nos. 28, 29]

SAFETY PINS AND STRAIGHT (DRESSMAKERS' OR COMMON) PINS

POSTPONEMENT OF PUBLIC HEARINGS

The Tariff Commission ordered that the public hearings in the investigations instituted under section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, with respect to safety pins, heretofore scheduled for January 12, 1954 (18 F. R. 6978), and straight (dressmakers' or common) pins, heretofore scheduled for January 13, 1954 (18 F. R. 6979), be postponed to 10 a. m., March 23 and March 24, 1954, respectively.

The hearings will be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C.

*Request to appear.* Parties desiring to appear, to produce evidence, and to be heard at the public hearings should file request in writing with the Secretary, United States Tariff Commission, Washington 25, D. C., in advance of the date of the hearings.

I certify that the above action was taken by the Tariff Commission on the 13th day of November 1953.

Issued: November 16, 1953

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 53-9770; Filed, Nov. 19, 1953; 8:49 a. m.]

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## DEPARTMENT OF JUSTICE

### Office of Alien Property

ELLA FRANKEL ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Ella Frankel, Sydney, Australia; Fred F. Franklin, Cleveland, Ohio; Alex S. Franklin, Cleveland, Ohio; Claim No. 6146; $823.73 in the Treasury of the United States, one-third thereof to each claimant.

Executed at Washington, D. C., on November 5, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 53-9773; Filed, Nov. 19, 1953; 8:50 a. m.]

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MRS. ANTONIJA VODEB

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Mrs. Antonija Vodeb, Repus, Celjel, Yugoslavia; Claim No. 62267; $617.02 in the Treasury of the United States.

Executed at Washington, D. C., on November 5, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 53-9774; Filed, Nov. 19, 1953; 8:50 a. m.]

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CANTIERI REUNITI DELL' ADRIATICO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Cantieri Reuniti Dell' Adriatico, Trieste, Italy; Claim No. 36467; $3,358.42 in the Treasury of the United States.

Executed at Washington, D. C., on November 5, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 53-9775; Filed, Nov. 19, 1953; 8:50 a. m.]

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GIORGIO AND EDILIA VERGA LATTES

AMENDMENT TO NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Notice of Intention to Return Vested Property was published on November 7, 1952 (17 F. R. 10129), wherein property hereinafter described was ordered returned to Bice Ottolenghi ved. Lattes and Edilia Verga ved. Lattes. Subsequent to the publication of the Notice, this Office was advised that Bice Ottolenghi ved. Lattes died and left as her sole surviving heir, her son Giorgio Lattes. Consequently, the Notice of Intention to Return Vested Property, which was published on November 7, 1952 (17 F. R. 10129), is amended to read as follows:

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Giorgio Lattes, Edilia Verga ved. Lattes, Rome, Italy; Claim No. 39655; $196.77 in the Treasury of the United States and stock of the De Nobili Cigar Company, a New York corporation, consisting of 35 shares, third preferred capital stock, par value $25 per share, Certificate No. 157, and 14 shares common capital stock, par value $50 per share, Certificate No. 104, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City; one-fourth thereof to Giorgio Lattes and three-fourths thereof to Edilia Verga ved. Lattes.

Executed at Washington, D. C., on November 10, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 53-9776; Filed, Nov. 19, 1953; 8:50 a. m.]

# FEDERAL REGISTER

VOLUME 18 NUMBER 228

Washington, Saturday, November 21, 1953


## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 4, Grain Sorghums]

PART 601—GRAIN AND RELATED COMMODITIES

SUBPART—1953-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 18 F. R. 1969, 4787, 4990 and 5725, and containing the specific requirements for the 1953-Crop Grain Sorghums Price Support Program are hereby amended as follows:

Section 601.133 (c) (1) is amended by increasing the basic county support rate for Lea County, New Mexico from $2.32 to $2.33 per 100 pounds.

(Sec. 4, 62 Stat. 1070 as amended, 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup. 714; 7 U. S. C. Sup. 1447, 1521.)

Issued this 17th day of November 1953.

[SEAL] HOWARD H. GORDON,
*President,*
*Commodity Credit Corporation.*

[F. R. Doc. 53-9821; Filed, Nov. 20, 1953; 8:50 a. m.]

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[1952 C. C. C. Grain Price Support Bulletin 1, Amdt. 1 to Supp. 3, Corn]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP CORN RESEAL LOAN PROGRAM

STORAGE AND TRACK-LOADING PAYMENTS

Supplement 3, Corn, 18 F. R. 3058, to the 1952 CCC Grain Price Support Bulletin 1 (17 F. R. 3521 and 18 F. R. 3303), is hereby amended as follows:

Section 601.1630 is amended by changing paragraph (b) *Track-loading payments* to paragraph (c) *Track-loading payments* and adding a new paragraph (b) to provide for storage payments on resealed corn which is redeemed by the producer. The new paragraph (b) reads as follows:

§ 601.1630 *Storage and track-loading payments*— * * *

(b) *Storage payment on redeemed corn.* (1) A producer who redeems corn on or after July 31, 1954, will receive a storage payment for the quantity of corn redeemed computed at the rate of 13 cents per bushel.

(2) A producer who redeems corn prior to July 31, 1954, will receive a prorated storage payment computed at the rate of $\frac{1}{25}$ of a cent per bushel per day beginning on October 1, 1953, and ending on the date of redemption, but not to exceed 13 cents per bushel on the quantity redeemed: *Provided*, That no such prorated payment will be made in any case where redemption follows demand by the President, CCC for repayment of the loan, if such demand is due to the fact that the corn was damaged, abandoned or otherwise impaired due to negligence on the part of the producer.

(3) Notwithstanding anything to the contrary in the foregoing provisions of this paragraph no storage payment will be made where the producer has made any false representations in the loan documents or in obtaining the loan, or where there has been conversion on the part of the producer.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1421, 1441)

Issued this 17th day of November 1953.

[SEAL] HOWARD H. GORDON,
*President,*
*Commodity Credit Corporation.*

[F. R. Doc. 53-9819; Filed, Nov. 20, 1953; 8:49 a. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

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CFR SUPPLEMENTS

(For use during 1953)

The following Supplement is now available:

General Index ($1.00)

Previously announced: Title 3 ($1.75); Titles 4–5 ($0.55); Title 6 ($1.50); Title 7: Parts 1–209 ($1.75), Parts 210–899 ($2.25), Part 900–end (Revised Book) ($6.00); Title 8 (Revised Book) ($1.75); Title 9 ($0.40); Titles 10–13 ($0.40); Title 14: Parts 1–399 (Revised Book) ($6.00), Part 400–end (Revised Book) ($3.75); Title 15 ($0.75); Title 16 ($0.65); Title 17 ($0.35); Title 18 ($0.35); Title 19 ($0.45); Title 20 ($0.60); Title 21 ($1.25); Titles 22–23 ($0.65); Title 24 ($0.65); Title 25 ($0.40); Title 26: Parts 80–169 ($0.40), Parts 170–182 ($0.65), Parts 183–299 ($1.75); Title 26: Part 300–end, Title 27 ($0.60); Titles 28–29 ($1.00); Titles 30–31 ($0.65); Title 32: Parts 1–699 ($0.75), Part 700–end ($0.75); Title 33 ($0.70); Titles 35–37 ($0.55); Title 38 ($1.50); Title 39 ($1.00); Titles 40–42 ($0.45); Title 43 ($1.50); Titles 44–45 ($0.60); Title 46: Parts 1–145 (Revised Book) ($5.00), Part 146–end ($2.00); Titles 47–48 ($2.00); Title 49: Parts 1–70 ($0.50), Parts 71–90 ($0.45), Parts 91–164 ($0.40), Part 165–end ($0.55); Title 50 ($0.45)

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Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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[1952 C. C. C. Grain Price Support Bulletin 1, Amdt. 1 to Supp. 3, Wheat]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP WHEAT RESEAL LOAN PROGRAM

STORAGE AND TRACK-LOADING PAYMENTS; SUPPORT RATES

Supplement 3, Wheat, 18 F. R. 3817, to the 1952 CCC Grain Price Support Bulletin 1 (17 F. R. 3521 and 18 F. R. 3303), is hereby amended as follows:



1 Section 601.1730 is amended by adding a new subparagraph (3) to paragraph (a) to provide for storage payments on resealed wheat which is redeemed by the producer, such added subparagraph reading as follows:

§ 601.1730 *Storage and track-loading payments*—(a) *Storage payment.* • • •

(3) (i) A producer who redeems wheat on or after April 30, 1954, will receive a storage payment for the quantity of wheat redeemed computed at the following rate per bushel: Area II, 14 cents per bushel; Area III, 15 cents per bushel.

(ii) A producer who redeems wheat prior to April 30, 1954, will receive a prorated storage payment computed at the rate of 1/30 of a cent per bushel per day in both areas II and III beginning on July 1, 1953, and ending on the date of redemption, but not to exceed 13 cents per bushel on the quantity redeemed; provided that no such prorated payment will be made in any case where redemption follows demand by the President, CCC for repayment of the loan, if such demand is due to the fact that the wheat was damaged, abandoned or otherwise impaired due to negligence on the part of the producer.

(iii) Notwithstanding anything to the contrary in the foregoing provisions of this subparagraph, no storage payment will be made where the producer has made any false representations in the loan documents or in obtaining the loan, or where there has been conversion on the part of the producer.

2. Paragraph (a) (2) of § 601.1730 is corrected by inserting "per day" in the second sentence so that such subparagraph reads as follows:

(2) If the wheat is delivered to CCC prior to April 30, 1954, upon request by the producer and with the approval of CCC, or in the case of loss assumed by CCC under the loan program, the amount of the storage payment will be prorated depending upon the length of time the wheat was in store, provided delivery was not made as a result of a demand for repayment due to any fraudulent representation on the part of the producer, or the fact that the wheat was damaged, abandoned, or otherwise impaired due to negligence on the part of the producer. The prorated storage payment will be computed at the rate of 1/30 of a cent per bushel per day in both Area II and Area III beginning on July 1, 1953, and ending on the date delivery is accomplished or ending on the final date of delivery as specified in the delivery instructions issued to the producer by the county committee, whichever is earlier, but not to exceed 13 cents per bushel on the quantity delivered under the reseal program. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss.

3. Section 601.1732 is amended to correct the reference, "Supplement 1, and any amendments thereto" to "Supplement 2 and any amendments thereto", so that the amended section reads as follows:

§ 601.1732 *Support rates.* The support rate for an extended farm-storage loan shall remain the same as for the original loan. The support rate for wheat covered by a purchase agreement placed under a farm-storage loan shall be the same as the support rate established for the wheat in § 601.1711 of 1952 CCC Grain Price Support Bulletin 1, Supplement 2, Wheat and any amendments thereto.

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. Sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1421)

Issued this 17th day of November 1953.

[SEAL] HOWARD H. GORDON,
*President,*
*Commodity Credit Corporation.*

[F. R. Doc. 53-9322; Filed, Nov. 20, 1953; 8:50 a. m.]

[1952 C. C. C. Grain Price Support Bulletin 1, Amdt. 2 to Supp. 2, Oats]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1952-CROP OATS RESEAL LOAN PROGRAM

STORAGE AND TRACK-LOADING PAYMENTS

Supplement 2, Oats, 18 F. R. 2911, and 3705, to the 1952 CCC Grain Price Support Bulletin 1, (17 F. R. 3521 and 18 F. R. 3303), is hereby amended as follows:

Section 601.1830 is amended by adding a new subparagraph (3) to paragraph (a) to provide for storage payments on resealed oats which are redeemed by the producer, such added subparagraph reading as follows:

§ 601.1830 *Storage and track-loading payments*—(a) *Storage payments.* • • •

(3) (i) A producer who redeems oats on or after April 30, 1954, will receive a storage payment for the quantity of oats redeemed computed at the rate of 10 cents per bushel.

(ii) A producer who redeems oats prior to April 30, 1954, will receive a prorated storage payment computed at the rate of 1/30 of a cent per bushel per day beginning on July 1, 1953, and ending on the date of redemption, but not to exceed 10 cents per bushel on the quantity redeemed; provided that no such prorated payment will be made in any case where redemption follows demand by the President, CCC for repayment of the loan, if such demand is due to the fact that the oats were damaged, abandoned or otherwise impaired due to negligence on the part of the producer.

(iii) Notwithstanding anything to the contrary in the foregoing provisions of this subparagraph, no storage payment will be made where the producer has made any false representations in the loan documents or in obtaining the loan, or where there has been conversion on the part of the producer.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447, 1421)

Issued this 17th day of November 1953.

[SEAL] HOWARD H. GORDON,
*President,*
*Commodity Credit Corporation.*

[F. R. Doc. 53-9320; Filed, Nov. 20, 1953; 8:49 a. m.]

## TITLE 7—AGRICULTURE

### Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 5]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.305 *Navel Orange Regulation 5*—(a) *findings.* (1) Pursuant to the marketing agreement and Order No. 14 (13 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on November 19, 1953, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is neces-

sary. In order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., November 22, 1953, and ending at 12:01 a. m., P. s. t., November 29, 1953, is hereby fixed as follows:

(i) District 1: 815.01 carloads;

(ii) District 2: Unlimited movement;

(iii) District 3: 125 carloads;

(iv) District 4: 65 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handler," "handler," "carloads," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 20th day of November 1953.

[SEAL] S. R. SMITH,
*Director,*
*Fruit and Vegetable Branch.*

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Nov. 22, to 12:01 a. m. (P. s. t.) Nov. 29, 1953]

NAVEL ORANGES

PRORATE DISTRICT NO. 1

| Handler | Prorate base (percent) |
|---|---|
| Total | 100.0000 |
| A. F. G. Lindsay | 1.9660 |
| A. F. G. Porterville | 2.7505 |
| Ivanhoe Cooperative Association | .7323 |
| Anderson Packing Co. | 1.3004 |
| Euclid Avenue Orange Association | 1.2451 |
| Lindsay Mutual Groves | 1.7777 |
| Martin Ranch | 1.4745 |
| Orange Cove Orange Growers | 2.5055 |
| Woodlake Packing House | 2.1556 |
| Doffe Myer & Son, W. Todd | .4380 |
| Earlibest Orange Association | 2.0715 |
| Elderwood Citrus Association | .7284 |
| Exeter Citrus Association | 3.3481 |
| Exeter Orange Growers Association | 1.3274 |
| Exeter Orchards Association | 1.5036 |
| Hillside Packing Association | 1.3020 |
| Ivanhoe Mutual Orange Association | 1.1277 |
| Klink Citrus Association | 3.9335 |
| Lemon Cove Citrus Association | .8974 |
| Lindsay Citrus Growers Association | 2.5242 |
| Lindsay Cooperative Association | 1.6545 |
| Lindsay Fruit Association | 2.4965 |
| Lindsay Orange Growers Association | .8134 |
| Naranjo Packing House Co. | 1.3031 |
| Orange Cove Citrus Association | 3.3607 |
| Orange Packing Co. | .9987 |
| Orosi Foothill Citrus Association | 1.3508 |
| Palome Citrus Fruit Association | .8073 |
| Rocky Hill Citrus Association | 1.4844 |
| Sanger Citrus Association | 2.8995 |

PRORATE DISTRICT NO. 1—Continued

| Handler | Prorate base (percent) |
|---|---|
| Sequoia Citrus Association | 0.8998 |
| Stark Packing House | 2.7232 |
| Visalia Citrus Association | 2.1141 |
| Waddell & Son | 2.6306 |
| Baird-Neece Corp. | 2.2756 |
| Beattie Association, D. A. | .4187 |
| Grand View Heights Citrus Association | 3.2306 |
| Magnolia Citrus | 2.6476 |
| Porterville Citrus Association, The | 1.7857 |
| Randolph Marketing Co. | 2.5281 |
| Richgrove-Jasmine Citrus Association | 1.1739 |
| Strathmore Cooperative Citrus Association | 1.2349 |
| Strathmore District Orange Association | 1.7822 |
| Strathmore Fruit Association | .0000 |
| Strathmore Packing House Co. | 2.2754 |
| Sunflower Citrus Growers | 2.6000 |
| Sunland Packing House Co. | 2.6575 |
| Terra Bella Citrus Association | 1.3961 |
| Tule River Citrus Association | .9059 |
| Baker Ranch Packing House | .1948 |
| Batkins Jr., Fred A. | .0550 |
| California Citrus Groves, Inc., Ltd. | 2.5786 |
| Darby, Fred J. | .0282 |
| Dubendorf, John | .1234 |
| Evans Bros. Packing Co. | .2466 |
| Far West Produce Distributors | .0590 |
| Foothill Packing Co. | .2003 |
| Gluskin, Ludwig E. | .0119 |
| Harding & Laggett | 1.6793 |
| Independent Growers, Inc. | 1.1231 |
| Lo Bue Bros. | .7775 |
| Maas, W. A. | .1001 |
| Marks, W. & M. | .4670 |
| Morin, Carl W. | .0271 |
| Orange Belt Fruit Distributers, Inc. | .2869 |
| Paramount Citrus Association | 2.0138 |
| Reimers, Don H. | .5536 |
| Riverside Fruit Co. | .1797 |
| Sequoia Cider Mill | .0162 |
| Tashjian, John | .2165 |
| Zaninovich Bros., Inc. | 1.4576 |

PRORATE DISTRICT NO. 3

| Handler | Prorate base (percent) |
|---|---|
| Total | 100.0000 |
| Consolidated Citrus Growers | 11.5641 |
| McKellips Citrus Co., Inc. | 15.7798 |
| Phoenix Citrus Packing Co. | 1.0373 |
| Pioneer Fruit Co. | 4.0484 |
| Arizona Citrus Growers | 14.2931 |
| Chandler Heights Citrus Growers | 2.1450 |
| Desert Citrus Growers | 6.8723 |
| Nesa Citrus Growers | 22.2521 |
| Tal-Wi-Wi Ranches | 2.9153 |
| Tempeco Groves | 6.9153 |
| Yuma Mesa Fruit Growers Association | .9828 |
| Allen & Allen Citrus Packing Co. | 2.1139 |
| Commercial Citrus Co. | .9072 |
| Ishikawa, Paul | .6490 |
| Lepple, Cecile | .2090 |
| Leppla, Henry | .3142 |
| Leppla, H. Lorain | 3.3547 |
| Macchiaroli Fruit Co., James | 2.8521 |
| Potato House | .2149 |
| Sunny Valley Citrus Packing Co. | 1.0718 |
| Valley Citrus Packing Co. | .3380 |

PRORATE DISTRICT NO. 4

| Handler | Prorate base (percent) |
|---|---|
| Total | 100.0000 |
| Placentia Cooperative Orange Association | 29.2238 |
| Richgrove-Jasmine Citrus Association | 17.6611 |
| B & L Citrus Distributors | 4.6489 |
| Edison Citrus Co. | 43.7801 |
| Kim, Charles | 2.3513 |
| Toy, Chin | 2.3348 |

[F. R. Doc. 53-9893; Filed, Nov. 20, 1953; 11:22 a. m.]

[Orange Reg. 244]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.647 *Orange Regulation 244*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions this section effective not later than November 23, 1953. Shipments of Temple oranges, grown in the State of Florida, are presently subject to regulation by grades, pursuant to the amended marketing agreement and order, and will so continue until November 23, 1953; the recommendation and supporting information for continued regulation subsequent to November 22 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 17, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Temple oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 23, 1953, and ending at 12:01 a. m., e. s. t., November 30, 1953, no handler shall ship:

(i) Any Temple oranges grown in the State of Florida, which do not grade at least U. S. Fancy.

(ii) During the period beginning at 12:01 a. m., e. s. t., November 30, 1953, and ending at 12:01 e. s. t., July 31, 1954, no handler shall ship:

(i) Any Temple oranges grown in the State of Florida, which do not grade at least U. S. No. 2.

(3) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. Fancy," and "U. S. No. 2" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§ 51.302 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 18th day of November 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-9846; Filed, Nov. 20, 1953; 8:55 a. m.]

[Tangerine Reg. 140]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.648 *Tangerine Regulation 140*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than November 23, 1953. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 23, 1953; the recommendation and supporting information for continued regulation subsequent to November 22 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 17; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 23, 1953, and ending at 12:01 a. m., e. s. t., November 30, 1953, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9\frac{1}{2} \times 9\frac{1}{2} \times 19\frac{1}{8}$ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1" and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (§ 51.416 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 18th day of November 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-9847; Filed, Nov. 20, 1953; 8:55 a. m.]

[Lemon Reg. 512]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.619 *Lemon Regulation 512*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 18, 1953; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 22, 1953, and ending at 12:01 a. m., P. s. t., November 29, 1953, is hereby fixed as follows:

(i) District 1: 18 carloads;

(ii) District 2: 220 carloads;

(iii) District 3: 12 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base

schedule which is attached to Lemon Regulation 511 (18 F. R. 7229) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 19th day of November 1953.

[SEAL] S. R. SMITH,
*Director,*
*Fruit and Vegetable Branch.*

[F. R. Doc. 53-9874; Filed, Nov. 20, 1953; 8:57 a. m.]

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PART 997—FILBERTS GROWN IN OREGON AND WASHINGTON

CHANGES IN SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES

Upon the basis of the recommendation of the Filbert Control Board, the administrative agency for operations under the marketing agreement and order (7 CFR, 1952 Rev., Part 997) regulating the handling of filberts grown in Oregon and Washington, effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and other available information, it is hereby found and determined that the existing regulation (18 F. R. 5727) fixing the salable, surplus, and withholding percentages for filberts at 95 percent, 5 percent, and 5 percent, respectively, should be amended to provide for salable, surplus, and withholding percentages for the fiscal year beginning August 1, 1953, at 100 percent, 0 percent, and 0 percent, respectively. Therefore, it is hereby ordered that § 997.203 be, and it is hereby amended, to read as follows:

§ 997.203 *Salable, surplus, and withholding percentages for merchantable inshell filberts.* For the fiscal year beginning August 1, 1953, the salable percentage of merchantable inshell filberts shall be 100 percent, the surplus percentage shall be 0 percent and the withholding percentage shall be 0 percent.

It is hereby found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and to postpone the effective date of this document later than the date of its publication in the FEDERAL REGISTER. The existing regulation for the 1953–54 fiscal year was fixed on the basis of an estimate of merchantable filbert production which is substantially greater than the presently indicated merchantable production based on the latest crop information. As a result of this situation, it now appears that the entire production of merchantable filberts for the 1953–54 fiscal year will be below the quantity required to meet the estimated trade demand. This trade demand is of such character as to require that all of said merchantable filberts be made available to meet demand as promptly as is practicable. Further, the effect of this action will be to benefit the persons affected thereby in that it will serve to relieve them of existing restrictions. No preparation for this regulation will be necessary which cannot be completed prior to its effective date. Therefore, good cause exists for not giving preliminary notice, engaging in rule making procedure, and postponing the effective date of this document later than the date of its publication in the FEDERAL REGISTER. (See section 4c of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.)

(Sec. 5, 48 Stat. 31, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 18th day of November 1953, to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
*Director,*
*Fruit and Vegetable Branch.*

[F. R. Doc. 53-9848; Filed, Nov. 20, 1953; 8:55 a. m.]

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# TITLE 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146) are amended as indicated below:

1. Part 141 is amended by adding the following new sections:

§ 141.418 *Zinc bacitracin (bacitracin zinc salt)*—(a) *Potency.* Proceed as directed in § 141.401 (a) (1), except prepare the sample as follows: Suspend an accurately weighed sample of approximately 100 milligrams in 5 milliliters of distilled water. Add 0.5 milliliter of 3 *N* HCl, stir until the sample is dissolved, and transfer to a 100-milliliter volumetric flash and make to volume with distilled water. Dilute an aliquot of this solution to 1.0 unit per milliliter (estimated) with 1-percent phosphate buffer.

(b) *Toxicity.* Administer orally, by means of a cannula or other suitable device, to each of 5 mice within the weight range of 18–25 grams, 0.5 milliliter of a water suspension of the drug containing 4,000 units per milliliter. If no animal dies within 48 hours, the sample is nontoxic. If one or more animals die within 48 hours, repeat the test with 5 unused mice weighing 20 grams (±0.5 gram each); if all animals survive the repeat test, the sample is nontoxic.

(c) *Moisture.* Proceed as directed in § 141.5 (a).

(d) *pH.* Prepare a saturated solution, using approximately 100 milligrams of the sample per milliliter, and proceed as directed in § 141.5 (b).

(e) *Zinc content*—(1) *Reagents*—(i) *8-hydroxyquinoline.* Dissolve 5.0 grams of 8-hydroxyquinoline in 12 milliliters of acetic acid. Dilute to 100 milliliters with distilled water and filter if not clear. Do not use this solution if it is 2 weeks old.

(ii) *Ammonium acetate solution (approximately 2 N).* Dissolve 150–160 grams of ammonium acetate in 1 liter of distilled water and filter if not clear.

(iii) *10-percent acetic acid.* Add 1 part of acetic acid to 9 parts of water.

(2) *Procedure.* Accurately weigh approximately 500 milligrams of the sample in a 400-milliliter beaker. Dissolve the sample in 5 milliliters of 10-percent acetic acid and dilute to about 100 milliliters with distilled water. Heat the solution to 70° C.–90° C. and then add 10 milliliters of the 8-hydroxyquinoline reagent. Slowly add the ammonium acetate solution until a pH of 4.9–5.1 is reached (usually about 20 milliliters is required). Heat just below the boiling point for 2–5 minutes and then allow to cool for 30–60 minutes. Filter through a tared Gooch crucible, wash the precipitate thoroughly with distilled water, and dry to constant weight at 130° C.–140° C. Calculate the percentage of zinc content as follows:

$$\text{Percent zinc} = \frac{\text{weight of precipitate} \times 18.49}{\text{weight of sample in milligrams}}$$

§ 141.419 *Bacitracin-neomycin-polymyxin troches, zinc bacitracin-neomycin-polymyxin troches*—(a) *Potency*—(1) *Content of bacitracin or zinc bacitracin.* Proceed as directed in § 141.403 (a), except if it is zinc bacitracin add 0.1 milliliter of 3 *N* HCl per 1,000 units when preparing the initial stock solution. The content of bacitracin or zinc bacitracin is satisfactory if the drug contains not less than 85 percent of the number of units per troche that it is represented to contain.

(2) *Neomycin content.* Proceed as directed in § 141.410 (a) (1) (ii). The content of neomycin is satisfactory if the drug contains not less than 85 percent of the number of milligrams of activity that it is represented to contain.

(3) *Polymyxin content.* Proceed as directed in § 141.112 (a) (1) (ii), except calculate from the quantity of neomycin found (using the method prescribed in subparagraph (2) of this paragraph) the quantity of neomycin that would be present when the sample is diluted to contain 100 units of polymyxin (labeled potency) per milliliter. Prepare the polymyxin standard curve by adding this calculated quantity of neomycin to each concentration of polymyxin used for the curve. Use this standard curve to calculate the polymyxin content of the sample. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units per troche that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.5 (a).

2. In § 146.403 *Bacitracin tablets* • • •, subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the semicolon at the end thereof to a comma and adding the following clause: "except that the blank may be filled in with the date which is 18 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section;"

3. Part 146 is amended by adding the following new sections:

§ 146.418 *Zinc bacitracin (bacitracin zinc salt)*—(a) *Standards of identity, strength, quality, and purity.* Zinc bacitracin is the zinc salt of a kind of bacitracin or a mixture of two or more such salts. It is so purified and dried that:

(1) Its potency is not less than 40 units per milligram.

(2) It is nontoxic.

(3) Its moisture content is not more than 5 percent.

(4) Its pH is not less than 6.0 and not more than 7.5.

(5) Its zinc content is not more than 10 percent by weight on a moisture-free basis.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P. The composition of the immediate containers shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package of zinc bacitracin shall bear on its outside wrapper or container and the immediate container:

(1) The batch mark.

(2) The number of units of bacitracin activity per milligram of zinc bacitracin and the number of grams of the drug in the immediate container.

(3) The statement "Expiration date ------," the blank being filled in with the date which is 24 months after the month during which the batch was certified.

(4) The statement "For use only in the manufacture of nonparenteral drugs."

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of units of bacitracin activity per milligram of zinc bacitracin, the zinc content, and the total number of grams of zinc bacitracin in each package. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, and zinc content.

(2) Such person shall also submit with his request an accurately representative sample of the batch, consisting of 5 packages each containing approximately 1.0 gram taken from a different part of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance wih paragraph (d) (2) of this section.

(2) If the Commissioner considers that investigations other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

§ 146.419 *Bacitracin-neomycin-polymyxin troches, zinc bacitracin-neomycin-polymyxin troches*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin-neomycin-polymyxin troches and zinc bacitracin-neomycin-polymyxin troches are troches composed of bacitracin or zinc bacitracin, neomycin, and polymyxin B with one or more suitable and harmless diluents, binders, lubricants, colorings, and flavorings. The potency of each troche is not less than 200 units of bacitracin or zinc bacitracin, 5.0 milligram of neomycin, and 2,000 units of polymyxin B. Its moisture content is not more than 5 percent. The bacitracin used conforms to the standards prescribed therefor by § 146.401 (a) except § 146.401 (a) (1), (2), and (4), but its potency is not less than 30 units per milligram. The zinc bacitracin used conforms to the standards prescribed therefor by § 146.418 (a). The neomycin used conforms to the standards prescribed therefor by § 146.410 (a) (2). The polymyxin B used conforms to the standards prescribed therefor by § 146.107 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* It shall be packaged in accordance with the requirements prescribed by § 146.403 (b).

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units of bacitracin or zinc bacitracin, the number of milligrams of neomycin, and the number of units of polymyxin B in each troche of the batch.

(iii) The statement "Expiration date ----------," the blank being filled in with the date which is 12 months after the month during which the batch was certified.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription."

(ii) If it is packaged for dispensing, a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(d) *Request for certification; samples.* (1) In addition to complying with the

requirements of § 146.2, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless they were previously submitted) the dates on which the latest assays of the bacitracin or zinc bacitracin, neomycin, and polymyxin B used in making such batch were completed, the potency of each troche, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: average potency of bacitracin or zinc bacitracin, neomycin, and polymyxin per troche, and average moisture.

(ii) The bacitracin used in making the batch; potency, toxicity, moisture, and pH.

(iii) The zinc bacitracin used in making the batch; potency, toxicity, moisture, pH, and zinc content.

(iv) The neomycin used in making the batch; potency, toxicity, moisture, and pH.

(v) The polymyxin used in making the batch; potency and toxicity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: 1 troche for each 5,000 troches in the batch, but in no case less than 40 troches or more than 100 troches, collected by taking single troches at such intervals throughout the entire time of tableting that the quantities tableted during the intervals are approximately equal.

(ii) The bacitracin used in making the batch; 6 packages, each containing approximately equal portions of not less than 0.5 gram, packaged in accordance with the requirements of § 146.401 (b).

(iii) The zinc bacitracin used in making the batch; 5 packages, each containing approximately equal portions of not less than 1.0 gram, packaged in accordance with the requirements of § 146.418 (b).

(iv) The neomycin used in making the batch; 5 packages, each containing approximately equal portions of not less than 0.5 gram.

(v) The polymyxin used in making the batch; 5 packages, each containing approximately equal portions of not less than 0.5 gram.

(vi) In case of an initial request for certification, each other ingredient used in making the batch; 1 package of each, containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii), (iii), (iv), and (v) of this paragraph, and no samples referred to in subparagraph (3) (ii), (iii), (iv), and (v) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $1.00 for each troche in the sample submitted in accordance with paragraph (d) (3) (i) of this section; $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (ii), (iii), (iv), (v), and (vi) of this section.

(2) If the Commissioner considers that investigations, other than examination of such troches and packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d).

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: November 17, 1953.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 53-9843; Filed, Nov. 20, 1953; 8:54 a. m.]

# TITLE 31—MONEY AND FINANCE: TREASURY

## Chapter V—Foreign Assets Control, Department of the Treasury

### PART 500—FOREIGN ASSETS CONTROL REGULATIONS

### AMENDMENT OF REGULATIONS RELATING TO IMPORTATIONS

The Foreign Assets Control Regulations, 31 CFR 500.101–500.808, are hereby amended by the amendment of § 500.204 (a) (2) and (a) (3) and by the amendment of § 500.536 (c) and the addition of subdivision (v) to § 500.536 (d) (1).

The principal effect of the amendment of § 500.204 is to make certain changes in the lists of commodities dealings in which are prohibited except under license. Attention is specifically directed to § 500.204 (a) (2) as it relates to aniseed, aniseed oil, eggs and egg products, fur skins, gallnuts, jade, menthol, and silk (tussah). Attention is specifically directed to § 500.204 (a) (3) as it relates to camphor, camphor oil, cane webbing, and hardwood manufactures.

The amendment of § 500.536 makes the provisions of the general license contained in that section applicable to goods of Chinese type thereafter imported, the German origin of which is properly certified by the Government of the Federal Republic of Germany. Goods so certified may be purchased, financed, and imported without any specific Foreign Assets Control license.

§ 500.204 *Importation of and dealings in certain merchandise.* (a) Except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, or rulings, instructions, licenses, or otherwise, no person subject to the jurisdiction of the United States may purchase, transport, import, or otherwise deal in or export in any transaction with respect to any merchandise outside the United States if such merchandise is:

* * * * *

(2) Merchandise specified in this subparagraph, however processed, unless such merchandise is imported directly from a country named as excepted for that type of merchandise:

| *Type of merchandise* | *Exceptions* |
|---|---|
| (i) All merchandise, not elsewhere specified in this paragraph, if prior to Dec. 17, 1950, imports thereof into the United States were chiefly of Chinese origin within the meaning of this chapter, and | None. |



| *Type of merchandise* | *Exceptions* |
|---|---|
| (ii) All of the following specified types of merchandise: | |
| Aniseed | Mexico, Spain, Turkey. |
| Aniseed oil | None. |
| Antiques, Chinese type (other than Chinese porcelain which qualifies within the provisions of par. 1811 of the Tariff Act of 1930 and which is decorated with the armorial bearings, crests, monograms, cyphers, or badges of European or American families or societies or bearing motifs based thereon, or with European or American political, memorial, or Masonic scenes or devices or with European or American figures, ships, or other scenes, or with motifs or inscriptions in English, Latin, or any other European language). | None. |
| Bamboo, split | None. |
| Beverages, Chinese type | None. |
| Braids, straw | Italy, Japan. |
| Bristles, hog, Asiatic (other than Indian), including such bristles in knots or other processed condition. | None. |
| Bristles, hog, dyed, including such bristles in knots or other processed condition. | None. |
| Carpet wool, Tibetan type (including Nepalese type) | None. |
| Cashmere | Iran. |
| Cassia | Associated States of Cambodia, Laos and Vietnam (formerly known as Indo-China) Indonesia. |
| Cassia oil | None. |
| Drugs, Chinese type | None. |
| Eggs, poultry: | |
| Whole in the shell, other than chicken | None. |
| Whole, dried | None. |
| Albumen, dried | None. |
| Yolks, dried | None. |
| Firecrackers | None. |
| Floor coverings, grass and straw, including seagrass mats and squares. | Japan. |
| Foodstuffs, Chinese type | None. |
| Fur skins: | |
| Goat and kid | Argentina, Ethiopia (including Eritrea), Iran, Iraq. |
| Kolinsky | Republic of Korea. |
| Weasel | Canada. |
| Gallnuts, including tannic acid, other than Aleppo | None. |
| Ginger root, candied or otherwise prepared or preserved | None. |
| Hair, human: | |
| Raw, Asiatic | None. |
| Nets and netting | None. |
| Hats, unfinished: | |
| Manila Hemp (Abaca) | None. |
| Palm leaf | Mexico, Philippines. |
| Straw | Brazil, Dominican Republic, Italy, Japan, Philippines. |
| (Unfinished hats of the following types are not included: Lindu, Lintao, Macorra, Panama, Pandan, Raffia, Toquilla, and Yeddo.) | |
| Jade stones, cut but not set and suitable for use in jewelry | None. |
| Medicines, prepared, Chinese type | None. |
| Menthol, natural and synthetic | Brazil. |
| Musk | None. |
| Silk, tussah | None. |
| Sophora Japonica, including Rutin | None. |
| Tea, Chinese type | Formosa. |
| Tung oil | Argentina, Brazil, Paraguay. |
| Walnuts | France, Iran, Italy, Turkey. |
| Wood: | |
| Agar Agar. | |
| Antimony. | |
| Bamboo: | |
| Bags, baskets and other manufactures excluding furniture. | |
| Poles and sticks. | |
| Bismuth. | |
| Camphor, natural and synthetic. | |
| Camphor oil, natural and synthetic. | |
| Cane webbing. | |
| Carpet wool. | |
| Carpets. | |
| Chinaware. | |
| Citronella oil. | |
| Cotton manufactures: | |
| Embroideries and laces. | |
| Embroidered and lace articles. | |
| Handkerchiefs. | |
| Wearing apparel. | |
| Cotton waste. | |
| Earthenware. | |
| Feathers and down, Asiatic. | |
| Hair, animal. | |
| Hardwood manufactures, including furniture other than bentwood furniture. | |
| Hats, paper. | |
| Hides, buffalo, including India water buffalo. | |
| Ivory manufactures. | |
| Linen manufactures: | |
| Handkerchiefs. | |
| Embroideries and laces. | |
| Embroidered and lace articles. | |
| Other articles excluding wearing apparel. | |
| Molybdenum. | |
| Quicksilver. | |
| Ramie. | |
| Rugs. | |
| Seagrass and straw manufactures, excluding floor covering. | |
| Sesame, oil and seed. | |
| Shoes, leather-soled with non-leather uppers. | |
| Silk: | |
| Raw and manufactures. | |
| Waste. | |
| Skins, deer and goat. | |
| Stones, semiprecious and manufactures thereof excluding jewelry. | |
| Tapestries (including needlework tapestries). | |
| Tapioca (including tapioca flour). | |
| Tin: | |
| Alloys. | |
| Bars, blocks and pigs. | |
| Ore. | |
| Tungsten ores and concentrates. | |

(3) Merchandise specified in this subparagraph, howsoever processed, if such merchandise is or has been located in or transported from or through Hong Kong, Macao, or any country not in the authorized trade territory.

§ 500.536 *Certain transactions with respect to merchandise affected by § 500.204.* * * *

(c) The purchase outside the United States for importation into the United States of merchandise specified in § 500.204 (other than merchandise to which § 500.204 (a) (1) is applicable) and the importation of such merchandise into the United States (including transactions listed in paragraph (a) of this section) are authorized if the merchandise is shipped to the United States directly or on a through bill of lading from the Federal Republic of Germany, Hong Kong, Japan, Taiwan (Formosa) or the Republic of Korea, provided that there is presented to the collector of customs in connection with such importation the original of an appropriate certificate of origin as defined in paragraph (d) of this section.

(d) A certificate of origin is appropriate for the purposes of this section only if

(1) It is a certificate of origin which

* * * * *

(v) In the case of merchandise shipped from the Federal Republic of Germany, is issued by the Federal Ministry of Economics of the Federal Republic of Germany (or its Federal Agency for Commodity Trade) and relates to merchandise exported from Germany after November 20, 1953.

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C. App. 5; E. O. 9193, July 6, 1942, 7 F. R. 5205; 3 CFR, 1943 Cum. Supp. E. O. 9389, Aug. 20, 1948, 13 F. R. 4891; 3 CFR, 1948 Supp.)

[SEAL] A. N. OVERBY, *Acting Secretary of the Treasury.*

[F. R. Doc. 53-9868; Filed, Nov. 20, 1953; 8:56 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

### Subchapter A—Civil Air Regulations

[Supp. 1]

## PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

### CAA RULES, INTERPRETATIONS, AND POLICIES

The rules, interpretations, and policies of the Administrator contained in this supplement, implement the provisions of Part 18 published on April 5, 1952, in 17 F. R. 2975, and made effective by the Civil Aeronautics Board on June 15, 1952. The rules are made effective without delay in the interest of aviation safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and therefore is not required.

All rules of the Civil Aeronautics Board published in Part 18 are repeated here for the guidance of the public. The following rules, interpretations, and policies, which supersede all rules, interpretations, and policies previously promulgated by the Administrator of Civil Aeronautics under Part 18, are hereby adopted:

APPLICABILITY AND DEFINITIONS


Sec.
18.0 Applicability of this part.
18.1 Definitions.
18.1-1 Major alterations (CAA interpretations which apply to § 18.1 (a) (15)).
18.1-2 Procedures for handling typical major alterations (CAA policies which apply to § 18.1 (a) (15)).
18.1-3 Major repairs (CAA interpretations which apply to § 18.1 (a) (16)).
18.1-4 Minor alterations (CAA interpretations which apply to § 18.1 (a) (18)).
18.1-5 Minor repair (CAA interpretations which apply to § 18.1 (a) (19)).
18.1-6 Preventive maintenance (CAA interpretations which apply to § 18.1 (a) (22)).


GENERAL


18.10 Persons authorized to perform maintenance, preventive maintenance, repairs, and alterations.
18.10-1 Persons authorized to perform maintenance, repairs, and alterations (CAA interpretations which apply to § 18.10 (a)).
18.11 Persons authorized to approve maintenance, repairs, and alterations.
18.11-1 Return to service (CAA interpretations which apply to § 18.11).
18.11-2 Contacting CAA representative prior to alteration (CAA policies which apply to § 18.11).
18.12 Flight tests.
18.12-1 Flight tests (CAA interpretations which apply to § 18.12).
18.12-2 Flight test after component replacement (CAA policies which apply to § 18.12).
18.13 Aircraft operating limitations.
18.13-1 Aircraft operating limitations (CAA policies which apply to § 18.13).


MAINTENANCE, REPAIR, AND ALTERATION RECORDS


18.20 Required records and entries.
18.20-1 Flight time in aircraft record (CAA interpretations which apply to § 18.20).
18.21 Content of repair and alteration records.
18.21-1 Scope of repair and alteration records (CAA interpretations which apply to § 18.21 (a)).
18.22 Form and disposition of major repair or major alteration records.
18.22-1 Procedure for certificated mechanics (CAA rules which apply to § 18.22).
18.22-2 Procedure for certificated repair stations and manufacturers (CAA rules which apply to § 18.22).
18.23 Provisions for air carrier records.


PERFORMANCE RULES


18.30 Standard of performance; general.
18.30-1 Standard of performance (CAA interpretations which apply to § 18.30).
18.30-2 Wood aircraft structures (CAA policies which apply to § 18.30).
18.30-3 Fabric covering (CAA policies which apply to § 18.30).
18.30-4 Metal aircraft structures (CAA policies which apply to § 18.30).
18.30-5 Control cables and terminals (CAA policies which apply to § 18.30).
18.30-6 Bolts, screws, and miscellaneous fasteners (CAA policies which apply to § 18.30).
18.30-7 Corrosion protection, cleaners, and paint removers (CAA policies which apply to § 18.30).
18.30-8 Identification and inspection of material (CAA policies which apply to § 18.30).
18.30-9 Aircraft equipment (CAA policies which apply to § 18.30).
18.30-10 Windshields and enclosures (CAA policies which apply to § 18.30).
18.30-11 Hydraulic systems (CAA policies which apply to § 18.30).
18.30-12 Electrical systems (CAA policies which apply to § 18.30).
18.30-13 Instruments (CAA policies which apply to § 18.30).
18.30-14 Engine and fuel systems (CAA policies which apply to § 18.30).
18.30-15 Propellers (CAA policies which apply to § 18.30).
18.30-16 Weight and balance control (CAA policies which apply to § 18.30).
18.30-17 Procedures and guiding comments covering typical major alterations and modifications (CAA policies which apply to § 18.30).


AUTHORITY: §§ 18.0 to 18.30-17 issued under sec. 205, 52 Stat. 984 as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 605, 52 Stat 1007, 1010, as amended; 49 U. S. C. 551, 555.

### APPLICABILITY AND DEFINITIONS

§ 18.0 *Applicability of this part.* This part establishes rules for the performance of maintenance, repair, and alteration of aircraft for which airworthiness certificates have been issued by the Administrator, or any component thereof.[1]

18.1 *Definitions.* (a) As used in this part terms are defined as follows:

(1) *Aircraft.* An aircraft shall mean any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, including airframe, powerplant, propeller, and appliances.

(2) *Aircraft engine.* An aircraft engine shall mean an engine used, or intended to be used, for propulsion of aircraft and includes all parts, appurtenances, and accessories thereof other than propellers.

(3) *Airframe.* Airframe shall mean any and all kinds of fuselages, booms, nacelles, cowlings, fairings, empennages, nacelle surfaces, and landing gear, and all parts, accessories, or controls, of whatever description, appertaining thereto, but not including powerplants and propellers.

(4) *Alteration.* An alteration shall mean any appreciable change in the design of an airframe, powerplant, propeller, or appliance.

(5) *Appliances.* Appliances shall mean instruments, equipment, apparatus, parts, appurtenances, or accessories of whatever description, which are used or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including communication equipment), electronic devices, and any other mechanism or mechanisms installed in or attached to aircraft during flight, but excluding parachutes), and which are not a part or parts of airframes, powerplants, or propellers.

(6) *Appropriately certificated air carrier.* An appropriately certificated air carrier shall mean an air carrier holding an air carrier operating certificate, and which is required either by its operating certificate or by operations specifications approved by the Administrator, to provide for a continuous airworthiness maintenance and inspection program to be performed by the carrier in accordance with its maintenance manual.

(7) *Approved.* Approved, when used either alone or as modifying such words as aircraft, airframe, powerplant, propeller, appliance, method, or technique, shall mean approved by the Administrator of Civil Aeronautics in accordance with the applicable requirements of this subchapter.

(8) *Authorized representative of the Administrator.* An authorized representative of the Administrator shall mean any employee of the Civil Aeronautics Administration or any private person, authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

(9) *Certificated mechanic.* A certificated mechanic shall mean an individual holding a valid mechanic certificate with appropriate ratings issued by the Administrator.

(10) *Certificated repair station.* A certificated repair station shall mean a facility for the maintenance, repair, and alteration of airframes, powerplants, propellers, or appliances, holding a valid repair station certificate with appropriate ratings issued by the Administrator.

(11) *Certificated repairman.* A certificated repairman shall mean an individual holding a valid repairman certificate issued in accordance with Subpart B of Part 24 of this subchapter.

(12) *Component.* A component shall mean a constituent part of an aircraft.

(13) *Instrument.* An instrument shall mean a device utilizing internal mechanism to indicate visually or aurally the attitude, altitude, performance, or operation of an aircraft or any component thereof, and shall include electronic instrumentation and devices for the automatic control of navigation of the aircraft in flight.

(14) *Maintenance.* Maintenance which includes preventive maintenance shall mean the inspection, overhaul, repair, upkeep, and preservation of airframes, powerplants, propellers, and appliances, including the replacement of parts.

(15) *Major alteration.* A major alteration of an aircraft or any component thereof shall mean:

(i) An alteration which might cause an appreciable change in its weight, balance, structural strength, performance, power-

[1] The Administrator publishes Civil Aeronautics Manual 18 which lists operations considered to be maintenance, preventive maintenance, minor and major repairs, and alterations, and sets forth acceptable procedures, methods, and practices under the provisions of this part. This manual may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.



plant operation, flight characteristics, or other qualities affecting airworthiness, or

(ii) An alteration which is not accomplished in accordance with accepted practices or cannot be performed by means of elementary operations.

(16) *Major repair.* A major repair to an aircraft or any component thereof shall mean:

(i) A repair which, if improperly accomplished, would adversely affect the structural strength, performance, flight characteristics, powerplant operation, or other qualities affecting airworthiness, or

(ii) A repair which is not accomplished in accordance with accepted practices or cannot be performed by means of elementary operations.

(17) *Manufacturer.* A manufacturer shall mean any person who:

(i) Holds a type or production certificate for and manufactures an aircraft, aircraft engine, propeller, or appliance, or

(ii) Manufactures an approved appliance in accordance with a specification issued by the Administrator.

(18) *Minor alteration.* A minor alteration to an aircraft or any component thereof shall mean an alteration other than a major alteration.

(19) *Minor repair.* A minor repair shall mean any repair other than a major repair.

(20) *Person.* Person shall mean any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.

(21) *Powerplant.* Powerplant shall mean aircraft engine and its component parts, and other parts necessary to properly install such engine in an aircraft, but not the propeller (if used).

(22) *Preventive maintenance.* Preventive maintenance shall mean simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations.[2]

(23) *Propeller.* Propeller shall mean a device for propelling an aircraft through the air having blades mounted on a power-driven shaft, which when rotated produces by its action on the air a thrust approximately parallel to the longitudinal axis of the aircraft, and shall also include control components normally supplied by the manufacturer of the propeller. It shall also include a system of rotating airfoils which serve either to counteract the effect of the main rotor torque of a rotorcraft or to maneuver a rotorcraft about 1 or more of its 3 principal axes.

(24) *Repair.* Repair shall mean the restoration of an airframe, powerplant, propeller, or appliance to a condition for safe operation after damage or deterioration.

(25) *Type.* Type shall mean all aircraft of the same basic design, including all modifications thereto.

§ 18.1-1 *Major alterations (CAA interpretations which apply to § 18.1 (a) (15)).* Changes of the following types to an airframe, powerplant, propeller, or appliance, when not listed in the specifications issued by the Civil Aeronautics Administration, are considered aircraft major alterations.

(a) *Airframe major alterations.* (1) Major changes to the basic design or external configuration of any structural component such as:

Wings.
Tail surfaces.
Fuselage.
Engine mounts.
Control system.
Landing gear.
Hull or floats.
Elements of components (spars, ribs, fittings, shock absorbers, bracing, cowlings, fairings, balance weights, etc.) of an airframe.
Hydraulic and electrical actuating system of components.
Rotor blades.

(2) Changes in equipment where the cumulative weight change of all such alterations since the aircraft was reweighed or the weight and balance data recomputed exceed two percent of the certificated empty weight of aircraft under 12,500 pounds gross weight or ½ of one percent of the certificated maximum landing weight on aircraft over 12,500 pounds gross weight and or the empty weight center of gravity location exceeds ½ of one percent of M. A. C.

(3) Changes to the basic design of the fuel, oil, cooling, heating, cabin pressurization, electrical, hydraulic, deicing, and exhaust systems.

(4) Modifications to the wing or to fixed or movable control surfaces which affect flutter and vibration characteristics.

(5) Installation or modification of any system affecting the structural airworthiness, flight behavior, or control of the aircraft.

(b) *Powerplant major alterations.* Changes such as the following are considered major powerplant alterations:

(1) Installation of a type of engine different from that approved for the aircraft.

(2) Conversion of an aircraft engine from one approved model to another, involving any changes in compression ratio, propeller reduction gear, impeller gear ratios or the substitution of major engine parts which requires extensive rework and testing of the engine. (See § 13.30-14 (a) (9) for details of identification of converted engines.)

(3) Modification of the engine by replacing aircraft engine structural parts with other than those supplied by the original manufacturer or otherwise specifically approved by the Civil Aeronautics Administration.[1]

(4) Installation of an accessory which has not been approved for the engine.

(5) Removal of accessories that are listed as required equipment on the aircraft or engine specification.

(6) Changes to the basic design of the engine mount.

(7) Installation of structural parts such as engine mount attachment bolts or engine attachment bolts, other than the type of parts approved for the installation.

(8) Conversions of any sort for the purpose of using fuel of rating or grade other than that called for in the engine specification.

(c) *Propeller major alterations.* Changes such as the following, when not authorized in the propeller specifications issued by the Civil Aeronautics Administration,[2] are considered major propeller alterations:

(1) Changes in blade design.

(2) Changes in hub design.

(3) Changes in governor or control design.

(4) Installation of a propeller governor or feathering system.

(5) Installation of propeller de-icing system.

(6) Installation of parts not approved for the propeller.

(7) Any changes in the design of a balance propeller or its controls.

(d) *Appliance major alterations.* Changes to the basic design not made in accordance with "Administrator of Civil Aeronautics" approved recommendations of the appliance manufacturer or in accordance with a CAA Airworthiness Directive are considered to be major appliance alterations.

§ 18.1-2 *Procedures for handling certain typical major alterations or modifications (CAA policies which apply to § 18.1 (a) (15)).* Procedures for handling certain typical alterations or modifications are discussed in detail in § 18.30-17.

§ 18.1-3 *Major repairs (CAA interpretations which apply to § 18.1 (a) 16).* Repairs of the following types to an airframe, powerplant, propeller, or appliance are considered to be major repairs:

(a) *Airframe major repairs.* (1) All repairs involving the strengthening, reinforcing, splicing and manufacturing of primary structural members or their replacement, when replacement is by fabrication such as riveting or welding, are considered airframe major repairs. The following are examples of such members:

Box beams.
Monocoque or semimonocoque wings or control surfaces.
Wing stringers or chord members.
Repairs involving the substitution of materials.
Spars.
Spar flanges.
Members of truss-type beams.
Thin sheet webs of beams.
Keel and chine members of boat hulls or floats.
Corrugated sheet compression members which act as flange material of wings or tail surfaces.
Wing main ribs and compression members.
Wing or tail surface brace struts.
Engine mounts.
Fuselage longerons.
Members of the side truss, horizontal truss, or bulkheads.
Main seat support braces and brackets.
Landing gear brace struts.
Axles.
Wheels.
Skis, and ski pedestals.
Parts of the control system such as control columns, pedals, shafts, brackets, or horns.

(2) The repair of damaged areas in metal or plywood stressed covering exceeding six inches in any direction; the repair of portions of skin sheets by making additional seams; splicing of skin sheets.

(3) Repair of three or more adjacent wing or control surface ribs or leading

[1] The Administrator will publish, as part of Civil Aeronautics Manual 18, the various operations constituting preventive maintenance of the several types of aircraft.

[2] Changes as above require extensive proof tests as specified in Part 13 of the Civil Air Regulations.

[2] Changes such as outlined above usually involve proof testing of the propeller or governor in accordance with Part 14 of the Civil Air Regulations.

edge of wings and control surfaces, between such adjacent ribs.

(4) Repair of fabric covering involving a greater area than required to repair two adjacent ribs; replacement of fabric on fabric covered components such as wings, fuselages, stabilizers, and control surfaces.

(5) Rebuilding, including rebottoming, of removable or integral fuel tanks, and oil tanks.

(b) *Powerplant major repairs.* Repairs such as the following are considered powerplant major repairs:

(1) Any maintenance operation requiring (i) the separation or disassembly of a crankcase or crankshaft of an engine equipped with an integral supercharger and or propeller reduction gearing; (ii) disassembly of a nonfloat type carburetor or fuel injection unit used with such engines; or, (iii) top overhaul of such engines.

(2) Special repairs to structural engine parts by welding, plating, metalizing or other methods. (See § 18.30–14 (a) (10) through (12) for details.)

(c) *Propeller major repairs.* Repairs of the following types are considered to be major propeller repairs:

(1) Any repairs to or straightening of steel blades.

(2) Repairing or machining of steel hubs.

(3) Shortening of blades.

(4) Retipping of wood propellers.

(5) Replacement of outer laminations on fixed pitch wood propellers.

(6) Repairing elongated bolt holes in the hub of fixed pitch wood propellers.

(7) Inlay work on wood blades.

(8) All repairs to composition blades.

(9) Replacement of tip fabric.

(10) Replacement of plastic covering.

(11) Repair of propeller governors.

(12) Repair of balance propellers of rotocraft.

(13) Overhaul of controllable pitch propellers (see § 18.30–15 (c) (1)).

(14) Repairs to deep dents, cuts, scars, nicks, etc., and straightening of aluminum blades, such as described in § 18.30–15 (b) (3) (iii).

(15) The repair or replacement of internal elements of blades.

(d) *Appliance major repairs.* Repairs to appliances which are complex repair operations requiring the use of skilled techniques and or special tools and test equipment not available to a mechanic working outside of an appliance shop are considered to be a major repair. Major repairs to appliances include, but are not limited to the following:

(1) *Instruments.* All repairs to instruments.

(2) *Electronics equipment.* Adjusting and calibration of VOR, ILS or DME equipment.

(3) *Electrical equipment.* Rewinding of any electrical accessory field coil.

(4) *Hydraulic accessories.* Complete disassembly of complex hydraulic power valves.

(5) *Mechanical accessories.* (i) Pressure type carburetor overhaul. (ii) Overhaul of pressure type fuel, oil or hydraulic pumps.

§ 18.1–4 *Minor alterations (CAA interpretations which apply to § 18.1 (a) (18)).* Changes such as the following to an airframe, powerplant, propeller, or appliance are considered minor aircraft alterations:

(a) *Airframe minor alterations.* Changes such as listed below are considered to be airframe minor alterations:

(1) *Optional equipment on aircraft specification.* The installation or removal of specific items of optional equipment listed in the aircraft specification[3] when such installation is made in accordance with the manufacturer's instructions.

(2) *Equipment of equal or less weight.* The installation or removal of equipment of equal or less weight and in the same location as that listed as optional equipment in the aircraft specification.

(3) *Changes to improve service life.* Changes of a minor nature may be made to structural and nonstructural elements for the purpose of improving the service life or reducing maintenance costs, provided the cumulative weight changes of all such alterations since the aircraft was reweighed or the weight and balance data recomputed do not exceed two percent of the certificated weight empty on aircraft under 12 500 pounds gross weight, or one-half of 1 percent of the certificated maximum landing weight on aircraft over 12,500 pounds gross weight and provided the empty weight center of gravity location does not exceed one-half of 1 percent of MAC.

(b) *Powerplant minor alterations.* Any powerplant alteration other than listed as a major alteration under § 18.1–(1) (b) is considered to be a minor powerplant alteration. The following are examples of powerplant minor alterations:

(1) Alterations to supporting brackets or braces of units of the powerplant which do not adversely affect the structural integrity of such parts.

(2) Changes to the cowling which do not affect engine cooling, such as revisions to mounting bracket attachments.

(3) The alteration or conversion of an aircraft engine by simple substitution of parts of different design or addition of CAA approved parts in accordance with approved practices and in conformity to the engine manufacturer's or CAA instructions.

(c) *Propeller minor alterations.* Any propeller alteration other than defined as a major alteration under § 18.1–1 (c) is considered to be a minor propeller alteration. The following are examples of minor propeller alterations:

(1) Initial installation of a propeller spinner.

(2) Changes to the basic design of, or the relocating of brackets or braces of the propeller controls.

(3) Changes to the basic design of propeller control rods or cables.

(d) *Appliance minor alterations.* Changes to the basic design made in accordance with the "Administrator of Civil Aeronautics" approved recommendations of the appliance manufacturer, or in accordance with a CAA Airworthiness Directive are considered to be minor appliance alterations.

§ 18.1–5 *Minor repairs (CAA interpretation which apply to § 18.1 (a) (19)).* Repairs of the following types to an airframe, powerplant, propeller, or appliance are considered to be minor repairs:

(a) *Airframe minor repairs*—(1) *Nonstructural members.* Repairs to nonstructural members which may affect the airworthiness of an aircraft, such as:

Cowlings.
Wing and control surface fairings.
Electrical installations.
Windshields.

(2) *Tanks.* Patching and repairing of leaks in nonintegral fuel, oil, hydraulic, and de-icer fluid tanks.

(3) *Ribs, leading and trailing edges, tip strips.* The repair of: Not more than two adjacent wing or control surface ribs of a conventional type (wood or metal); the leading edge of wing and control surfaces between two adjacent wing or control surface ribs; the trailing edge of wings, control surfaces, and flaps; the wing and control surface tip strips.

(4) *Fabric covering.* Patching of fabric involving replacement of fabric covering of surfaces when such replacement is of an area not greater than that required to repair two adjacent ribs.

(5) *Metal or plywood stressed covering.* The patching of holes in metal or plywood stressed covering not to exceed 6 inches in any direction when ribs, stringers, bulkheads, and reinforcements are not directly affected.

(6) *Replacement of components.* Replacement of components or complete units such as listed below with parts supplied by the original manufacturer or manufactured in accordance with approved drawings:

Wings.[4]
Replaceable wing tips.[4]
Control surfaces[4] (fixed and movable) and control cables.
Wing or control surface bracing (struts or wires).
Floats.
Landing gears.
Tail wheel assemblies.
Engine mounts (prefabricated and bolted on, not to be welded on).
Fuel and oil system accessories.
Hydraulic system accessories.
Fuel and oil tanks.
Powerplant controls.
Propeller controls.
Appliances such as: Instruments, hydraulic or electrical actuating units of components, cabin heaters, radio units, auto-pilots.

(b) *Powerplant minor repairs.* Any powerplant repair other than listed under § 18.1–3 as a major repair, or under § 18.1–6 as preventive maintenance, is considered to be a minor repair. The following are examples of powerplant minor repairs:

(1) *Engine top overhauls.* Engines which have neither an integral supercharger nor integral propeller reduction gearing, consisting of the following:

(i) Removal of cylinders.

(ii) Grinding valves and removing carbon.

(iii) Fitting new rings.

[3] Copies of aircraft specifications may be obtained from CAA, Office of Aviation Information, Washington 25, D. C.

[4] See § 18.12–2 regarding flight test after component replacement.



(iv) Adjustments of valve gear or replacement of parts in valve mechanism outside of the crank case.

(2) *Engine complete overhauls.* Complete overhauls of engines which have neither an integral supercharger nor integral propeller reduction gearing.

(3) *Replacement of components.* The replacement of components not a part of the basic structure of the engine, such as carburetors, magnetos, ignition harnesses, on engines of any horsepower.

(4) *Replacement of accessories.* The replacement of components such as generators, starters, fuel pumps, vacuum pumps, hydraulic pumps, and oil coolers on engines of any horsepower.

(c) *Propeller minor repairs.* Repairs such as the following to propellers are considered to be propeller minor repairs:

(1) Repairing dents, cuts, scars, scratches, nicks, leading edge pitting of aluminum blades, provided removal or treatment does not materially affect the strength, weight, balance, or performance of the propeller. (See § 18.30–15 (b) (3) (iii).)

(2) Repairing dents, cuts, scars, scratches, nicks, and small cracks parallel to the grain of wood blades. (See § 18.30–15 (b) (2) (i).)

(3) Removal and installation of propellers.

(4) Assembly and disassembly of ground adjustable propellers.

(5) Balancing of fixed pitch and ground adjustable propellers.

(6) Refinishing of wood propellers.

(d) *Appliance minor repairs.* Any repair to an appliance which would not be defined as a major appliance repair under § 18.1–1 (d) or preventive maintenance under § 18.1–6 is considered to be a minor appliance repair.

§ 18.1–6 *Preventive maintenance (CAA interpretations which apply to § 18.1 (a) (22)).* The following are considered to be typical preventive maintenance operations:

Removal, installation, and repair of landing gear tires.
Replacing of elastic shock absorber cords on landing gear.
Servicing landing gear shock struts by adding oil and or air.
Servicing landing gear wheel bearings, such as cleaning and greasing.
Replacing defective safety wiring or cotter keys.
Any lubrication not requiring disassembly other than removal of nonstructural cover plates, cowlings, fairings, etc.
Making simple fabric patches not requiring rib stitching or the removal of structural parts or control surfaces.
Replenishing hydraulic fluid in hydraulic reservoir.
Refinishing decorative coating of fuselage, wings, and tail group surfaces (excluding balanced control surfaces), fairings, cowling, landing gear, cabin or cockpit interior not requiring removal or disassembly of any primary structure or operation system such as hydraulic or fuel system.
Applying preservative or protective material to components where no disassembly of primary structure or operation systems is involved, such as seaplane preservation (parts, tube to control cables, etc.), anti-corrosive paint to structures or components where such coating is not prohibited or is not contrary to good practices.
Cabin or cockpit interior work (repairing upholstery and decorative furnishings) which does not require disassembly of any primary structure or operation system or interfere with an operating system or affect primary structure of the aircraft.
Small simple repairs to fairings, nonstructural cover plates, cowlings, such as drilling stop holes (section 18.30), small patches and reinforcements not making any change to contour where such change would interfere with proper air flow.
Replacing of side windows where such work does not interfere with structure or any operating system such as controls, electrical equipment, etc.
Replacing of safety belts.
Replacing of seats or seat parts wth replacement parts approved for the aircraft, not involving disassembly of any primary structure or operating system.
Trouble shooting and repairing broken circuits in landing light wiring circuits.
Replacing of bulbs, reflectors, and lenses of position and landing lights.
Replacing of wheels and skis where no weight and balance computation is involved.
Replacing of any cowling not requiring removal of the propeller or any disconnecting of flight controls.
Replacing or cleaning and setting of spark plug gap clearance.
Replacing of any hose connection except hydraulic connections.
Replacing prefabricated fuel lines.
Cleaning fuel and oil strainers.
Replacing of batteries and checking fluid level and specific gravity.

GENERAL

§ 18.10 *Persons authorized to perform maintenance, preventive maintenance, repairs, and alterations.*[3] No person shall perform maintenance, preventive maintenance, repairs, or alterations on civil aircraft of United States registry except as provided as follows:

(a) A certificated mechanic or a person who works under the direct supervision of such mechanic may perform maintenance, repairs, and alterations on aircraft or aircraft components including related appliances, appropriate to his rating, but excluding major repairs and alterations to propellers and all repairs and alterations to instruments.

(b) An appropriately rated repair station may perform maintenance, repairs, and alterations on aircraft or aircraft components, including propellers and appliances, as provided in Part 52 of this subchapter.

(c) A certificated pilot may perform, on aircraft owned or operated by him, except aircraft used in air carrier service, such preventive maintenance as may be authorized by the Administrator.

(d) A manufacturer shall be subject to the requirements of paragraphs (a) and (b) of this section, except that he may rebuild or alter:

(1) Any product manufactured by him under a type or production certificate, or

(2) Any product manufactured by him and approved under the terms of a Technical Standard Order or Product and Process Specification issued by the Administrator.

(e) An appropriately certificated air carrier may perform maintenance, repairs, and alterations on aircraft or aircraft components, including propellers and appliances, as provided for in its continuous airworthiness maintenance and inspection program and its maintenance manual.

§ 18.10–1 *Persons authorized to perform maintenance, repairs, and alterations (CAA interpretations which apply to § 18.10 (a)).* Direct supervision means that the supervising mechanic personally maintains such observation of the work being performed as is necessary to insure that the work is being performed properly, and the supervising mechanic is readily available in person for consultation with the person performing the work.

§ 18.11 *Persons authorized to approve maintenance, repairs, and alterations*—(a) *Maintenance, minor repairs, and minor alterations.* No airframe, powerplant, propeller, or appliance which has undergone maintenance, minor repair, or minor alteration may be approved and returned to service except by one of the following:

(1) An appropriately rated certificated mechanic, or

(2) An appropriately rated certificated repair station, or

(3) An appropriately certificated air carrier, or

(4) A manufacturer, if the product has been rebuilt or altered by the manufacturer under the provisions of § 18.10 (d).

(b) *Major repairs and major alterations.* No airframe, powerplant, propeller, or appliance, which has undergone any major repair or major alteration shall be returned to service until such repair or alteration has been examined, inspected, and approved as airworthy by one of the following:

(1) An authorized representative of the Administrator, or

(2) An appropriately rated certificated repair station, if the work has been performed by such repair station in accordance with a manual, specification, or other technical data aproved by the Administrator,[4] or

(3) A manufacturer, if the product has been rebuilt or altered by the manufacturer under the provisions of § 18.10 (d) and in accordance with a manual, specification, or other technical data approved by the Administrator,[4] or

(4) An appropriately certificated air carrier, if the work has been performed by such air carrier in accordance with a manual specification, or other technical data approved by the Administrator.[4]

§ 18.11–1 *Return to service (CAA interpretations which apply to § 18.11).* An airframe, powerplant, propeller, or appliance which has undergone maintenance, repair or alteration is considered returned to service when it has been determined airworthy by a person author-

[3] The Communications Act of 1934, as amended, and the rules and regulations of the Federal Communications Commission require that all transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station licensed by the Federal Communications Commission which may affect the proper operations of such station shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class radio operator license issued by the Federal Communications Commission, either radiotelephone or radiotelegraph as may be appropriate for the class of station concerned, who shall be responsible for the proper functioning of the station equipment.

[4] Major repairs and major alterations whose design has not previously been approved by the Administrator may require the submittal of technical data and or flight tests in order to establish compliance with the applicable airworthiness provisions. Examples of such major alterations for which it would be desirable to contact a representative of the Administrator prior to accomplishment of the alteration are given in Civil Aeronautics Manual 18.

ized to approve maintenance, repairs or alterations under § 18.11, and:

(a) Appropriate aircraft record entries have been made and approved by a person authorized under § 18.11 (a).

(b) The repair and alteration form authorized or furnished by the Administrator has been properly executed and approved by a person authorized under § 18.11 (b).

§ 18.11–2 *Contacting CAA representative prior to alteration (CAA policies which apply to § 18.11).* Before the following major alterations are undertaken, they should be discussed with a representative of the Administrator who is authorized to approve them.

(a) Major changes to the basic design of the wings or control surfaces.

(b) Changes which may affect the aerodynamic characteristics, flight behavior, or control of the aircraft.

(c) Major alterations of any primary structure that require structural substantiation.

(d) Installation of a fuel tank in a wing which was not designed to contain a fuel tank.

(e) Replacing of fabic covering of a wing with metal covering.

(f) Installation of an engine and propeller other than listed in the aircraft specification.

(g) Installation of a propeller model not listed on the pertinent CAA aircraft specification.

(h) Converting from landing gear with tail wheel to a tricycle-type landing gear, such installation not listed on the CAA aircraft specification.

(i) Previously unapproved changes to engine adjustments and settings having an effect on power output, such as changes in carburetor settings and ignition timing.

(j) Changes to air intake, air scoop, or carburetor heat valve which may alter intake air flow, affect fuel metering, or change mixture distribution pattern.

(k) Changes to exhaust system which may increase back pressure and thereby decrease power output or reduce reliability.

(l) Changes reducing strength of power-plant components, such as adding openings in cowl or engine mount structure, cutting down edge distances on mounting flanges, increasing exhaust system overhang on exhaust parts, etc.

(m) Change in location or direction of motion of powerplant controls.

(n) Changes which might adversely influence the aerodynamic effect of the powerplant, such as adding or changing cowl flaps, increasing size of air inlets or outlets, or change in shape of cowling protuberances, etc.

(o) Powerplant changes which result in a change in c. g. range.

(p) Changes affecting cooling of engine, such as baffle changes, addition of holes in cowling and baffle parts, placing of obstructions in air flow path, or restricting air inlet or outlet openings. Exhaust system changes which cause an increase in back pressure usually have an adverse effect on engine cooling.

(q) Changes adversely affecting fuel flow to the engine, such as adding restrictions in the form of fittings, larger lines, finer mesh screens, or valve substitutions; altering flow characteristics by changes in fuel tank vents or relocation of fuel system components.

§ 18.12 *Flight tests.* No aircraft which has undergone any major repair or major alteration shall be operated when carrying passengers or being operated for hire, unless such aircraft has thereafter been test flown by a person holding a pilot certificate of at least private grade with appropriate ratings for such aircraft. The pilot shall make a written notation in the aircraft repair and alteration records to the effect that he has flown such aircraft and has found the flight operation to be satisfactory.[5]

§ 18.12–1 *Flight tests (CAA interpretations which apply to § 18.12).* (a) Any aircraft which has undergone a major repair or a major alteration must be given a flight test before it can be used for the carriage of passengers or be operated for hire. The purpose of the flight test is to confirm that the major alteration or major repair involved has had no adverse effect on the performance or flight characteristics of the aircraft. In order to accomplish this objective, it is necessary that the pilot conducting the flight test possess sufficient aeronautical background and experience to analyze the operation of airframes, powerplants, propellers, and appliances. Specifically, the pilot should be competent to analyze and report on the following:

(1) Engine operation, power output, engine temperature, and engine smoothness.

(2) Control response, performance, and proper rigging.

(3) The proper operation of appliances.

(4) Proper operation of propellers and their controls.

The pilot should also have sufficient experience so as to be familiar with any operational feature peculiar to the particular type of aircraft he is planning to test.

(b) The notation in the aircraft records referred to in § 18.12 must not be made until the pilot has satisfied himself that any discrepancy found as a result of the test flight has been corrected.

§ 18.12–2 *Flight test after component replacement (CAA policies which apply to § 18.12).* In addition to requiring the flight test of an aircraft which has undergone a major repair or major alterations, the aircraft should be test flown prior to returning it to service after such minor repairs as replacement of wings, wing tips, and control surfaces. A notation should be made in the aircraft records by the pilot after completion of a satisfactory flight test.

§ 18.13 *Aircraft operating limitations.* When a major repair or major alteration results in any change in the aircraft operating limitations or data contained in the approved airplane flight manual, appropriate amendments to the aircraft operating limitations shall be made in the form and manner approved by the Administrator.

§ 18.13–1 *Aircraft operating limitations (CAA policies which apply to § 18.13).* (a) Aircraft operating limitations are prescribed or approved by the CAA for each aircraft as part of the airworthiness certificate. Major repairs or alterations to the aircraft may render all or some of the operating limitations inapplicable. It is the responsibility of the person or agency authorized by § 18.11 (b) to approve and return to service aircraft which have been repaired or altered, to determine whether any of the operating limitations have been affected.

(b) The CAA has incorporated in the appropriate aircraft specifications the prescribed operating limitations for many of the common major aircraft alterations. In event the repair or alteration is not covered by an applicable CAA specification, the required limitations will be prescribed at the time the repair or alteration is submitted for approval. (See § 18.11 (b), footnote 4.)

(c) Prior to returning the aircraft to service, it should carry or display current operating limitations as set forth in § 43.10–1 of CAA Manual 43.

MAINTENANCE, REPAIR, AND ALTERATION RECORDS

§ 18.20 *Required records and entries.* A permanent record of every maintenance (excepting preventive maintenance), repair, rebuilding, or alteration of any airframe, powerplant, propeller, or appliance shall be maintained by the owner (or in the case of an aircraft by the registered owner) in a logbook or other permanent record satisfactory to the Administrator, which shall contain at least the information specified in § 18.21. Entries in such records shall be made or caused to be made by the individual, repair station, air carrier, or manufacturer performing the work.

§ 18.20–1 *Flight time in aircraft record (CAA interpretations which apply to § 18.20.* A certificated mechanic performing a periodic inspection must make an entry of the inspection in the aircraft record. Such entry, to be complete, must reflect the flight time or tachometer reading at the time of the inspection.

§ 18.21 *Content of repair and alteration records.* The record of all maintenance, repair, rebuilding, and alteration of any airframe, powerplant, propeller, or appliance or the installation or removal of an appliance shall contain the information set forth in paragraphs (a) through (d) of this section.

(a) An adequate description of the work performed.

(b) The date of completion of the work performed.

(c) The name of the individual, repair station, manufacturer, or air carrier performing the work.

(d) The signature, and if a certificated mechanic or certificated repairman the certificate number, of the person approving as airworthy the work performed and authorizing the return of the aircraft or component to service.

§ 18.21–1 *Scope of repair and alteration records (CAA interpretations which apply to § 18.21 (a)).* (a) Section 18.21 (a) requires that the repair and alteration records contain an adequate description of the work performed. In lieu of describing in detail the work performed, reference may be made to data previously approved by the Administrator. In all cases, the entry should identify the type of work performed and the component repaired or altered. An example of such an entry could be: "Spliced rear spar, left wing outboard of strut fitting in accordance with figure 2–3 of CAM 18."

(b) The replacement of components, except those described in § 18.1–6 (preventive maintenance), with new, rebuilt or repaired components of similar design is a minor repair. An entry of this replacement should be made in the permanent record referred to in § 18.20. When the component was rebuilt or repaired by a certificated repair station or the manufacturer of the component and installed by another person, the installing agency should include in the description required by paragraph (a) of § 18.21 a statement identifying the repair station or manufacturer performing the work. An example of such an entry would be as follows:

Installed left landing gear assembly which was rebuilt by Aircraft Services, Repair Station No. 0001. A description of the repair is on file at that agency under job number 386 dated June 1, 1953.

(c) The information to make an entry such as the above example would be obtained from the maintenance release furnished by the repair station or manufacturer repairing the component. The maintenance release is prepared by the repair station or manufacturer in accordance with the procedure set forth in § 18.22–2. The CAA considers such an entry to relieve the person installing the component of responsibility in connection with airworthiness of the repair but not the installation of the component.

§ 18.22 *Form and disposition of major repair or major alteration records.* All major repairs and major alterations to an airframe, powerplant, propeller, or appliance shall be entered on a form acceptable to the Administrator. Such form shall be executed in duplicate and shall be disposed of in such manner as, from time to time, may be prescribed by the Administrator.

§ 18.22–1 *Procedure for certificated mechanics (CAA rules which apply to § 18.22).*—(a) *Procedure.* The form and disposition of major repair and major alteration records for repairs or alterations accomplished by certificated mechanics shall be as follows:

(1) Form ACA–337 (Revised April 1952), Major Repair and Alteration Form shall be used to record all major repairs and major alterations.

(2) The Form ACA–337 shall be executed in accordance with the instructions contained in Appendix A.

(3) The Form ACA–337 shall be executed in duplicate. After the repair or alteration has been examined, inspected, and approved or rejected, the original of the Form ACA–337 shall be given to the aircraft owner for retention as part of the permanent record referred to in § 18.20. The copy will be retained by the CAA.

§ 18.22–2 *Procedure for certificated repair stations and manufacturers (CAA rules which apply to § 18.22).*—(a) *Procedure.* The form and disposition of the major repair and major alteration records for repair and alteration accomplished by certificated repair stations and manufacturers shall be as follows:

(i) *Major alterations.* (i) All major alterations shall be entered on Form ACA–337, Major Repair and Alteration Form.

(ii) The Form ACA–337 shall be executed in accordance with the instructions contained in Appendix (a).

(iii) The form shall be executed in duplicate. The altering agency may prepare extra copies for their record; however, it is not mandatory. The original of the Form ACA–337 shall be given the aircraft owner for retention as part of the permanent record referred to in § 18.20. The copy shall be forwarded to the local CAA office within 48 hours of the time the aircraft, airframe, powerplant, propeller, or appliance is approved for return to service.

(2) *Major repairs.* (i) The Administrator will accept in lieu of Form ACA–337 for major repairs made only in accordance with a manual or specification approved by the Administrator, the customer's work order upon which repairs are recorded by the repair station or manufacturer. The original copy of the work order shall be furnished the owner or purchaser and the duplicate copy shall be retained at least two years by the repair station or manufacturer. The owner of the aircraft shall be furnished an official maintenance release for retention as part of the aircraft permanent record required by § 18.20. Where the repair is made on a component or accessory not yet identified with an aircraft, the release shall remain with the component or accessory until it is installed in an aircraft. At that time, the installing agency will make the maintenance release available to the owner for incorporation in the permanent aircraft record required by § 18.20.

(ii) The repair station or manufacturer may use a maintenance release of its own design provided the release incorporates the information set forth in subdivision (iii) of this subparagraph and is signed by an authorized representative of the repair station or manufacturer.

(iii) Maintenance release: The release[6] shall contain the identity of the aircraft or component. In the case of an aircraft, it will consist of at least the following: make of aircraft, model, serial number, nationality and registration mark, and location of repair. When the repair is to a spare component such as a wing, landing gear, propeller, powerplant, or appliance, the identification will include manufacturer's name, name of component, model and serial number, if any. The following statement shall also be included:

The aircraft and/or component identified above was repaired and inspected in accordance with current Civil Air Regulations and was found airworthy for return to service.

Pertinent details of the repair are on file at this agency under work order No. -----

Date -----

Signed[6] ----------- for
(Signature of authorized individual)

----------- -----------
(Agency Name) (Certificate No.)

-----------
(Address)

§ 18.23 *Provisions for air carrier records.* Required records and entries may be replaced, in the case of maintenance, repairs, or alterations to appropriately certificated air carrier aircraft, by a suitable system of recording maintenance, repairs, alterations, and signatures of responsible personnel: *Provided*, That the information specified in § 18.21 is furnished.

PERFORMANCE RULES

§ 18.30 *Standard of performance: general.* All maintenance, repairs, and alterations shall be accomplished in accordance with methods, techniques, and practices approved by or acceptable to the Administrator.

(a) *Maintenance and repair.* All maintenance and repair shall be accomplished in such a manner and the materials used shall be of such quality and strength that the condition of the part of the aircraft on which such work has been performed shall, with regard to aerodynamic and mechanical function, structural strength, resistance to vibration and deterioration, and other qualities affecting airworthiness, be at least equivalent to its original or properly altered condition.

(b) *Alterations.* All alterations shall be so designed and accomplished that the altered airframe, powerplant, propeller, or appliance will comply with the airworthiness requirements for the airframe, powerplant, propeller, or appliance.

NOTE: Specific record or reporting requirements subsequently prescribed will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 18.30–1 *Standard of performance (CAA interpretations which apply to § 18.30.*—(a) *General.* All maintenance, repairs and alterations must be accomplished with the use of such tools, equipment, and test apparatus as are necessary to insure their completion in accordance with good accepted industry practices. Where special equipment or test apparatus is recommended by the manufacturer of the article involved, such equipment or apparatus, or equivalent acceptable to the Administrator must be used.

(b) *Methods, techniques and practices set forth in air carrier manuals for the performance of approved continuous airworthiness maintenance and inspection programs.* The maintenance manual or applicable maintenance portions of the air carrier manual required by Civil Air Regulations Parts 40, 41, and 42 for the maintenance of air carrier aircraft will, unless the air carrier is otherwise notified by the Administrator, constitute acceptable methods, techniques and practices for the performance of approved continuous airworthiness maintenance and inspection programs.

[5] The objectives of the flight test and the technical qualifications which should be possessed by the test pilot will be found in Civil Aeronautics Manual 18. (Also see footnote 4, *supra*, concerning major alteration which may require additional flight testing to determine compliance with the applicable airworthiness requirements.)

[6] The maintenance release may be combined with the "customer's work order" to provide one document so long as it contains the required information.

[6] Only those persons specifically authorized by the repair station or manufacturer management shall be permitted to sign the release.

§ 18.30–2 *Wood aircraft structures*[1]—*(CAA policies which apply to § 18.30)*—(a) *Materials.* Three forms of wood are commonly used in aircraft: solid wood, plywood, and laminated wood. Although several kinds of modified wood are sometimes used for special purposes, these three forms constitute the bulk of all wood aircraft construction materials.

(1) *Quality of wood.* All wood and plywood used in the repair of aircraft structures should be of aircraft quality. Table 2–1 lists the permissible variations in characteristics and properties of aircraft wood.

(2) *Species substitution.* The species used to repair a part should be the same as that of the original whenever possible; however, permissible substitutes are given in table 2–1.

(3) *Effects of shrinkage.* (i) When the moisture content of a piece of wood is lowered, its dimensions decrease. The dimensional change is greatest in a tangential direction (across the fibers and parallel to the growth rings), somewhat less in a radial direction (across the fibers and perpendicular to the growth rings), and is negligible in a longitudinal direction (parallel to the fibers).

(ii) These dimensional changes can have several detrimental effects upon a wood structure such as loosening of fittings and wire bracing, and checking or splitting of wood members.

(iii) A few suggestions for minimizing these shrinkage effects are:

(*a*) Use of bushings that are slightly short so that when the wood member shrinks, the bushings do not protrude and the fittings may be tightened firmly against the member.

(*b*) Gradual dropping off of plywood face plates either by feathering or by shaping as shown in figure 2–1.

(4) *Replacement of drain holes and skin stiffeners.* Whenever repairs are made that require replacing a portion that included drain holes, skin stiffeners, or any other items, the repaired portion should be provided with similar drain holes, skin stiffeners, or items of the same dimensions in the same location. Reinforcing, under skin repairs, that interferes with the flow of water from some source, such as inspection holes, should be provided with drain holes at the lowest points.

(5) *Flutter precautions.* When repairing control surfaces, especially on high-performance airplanes, care should be exercised that the repairs do not involve the addition of weight aft of the hinge line. Such a procedure may adversely disturb the dynamic and static balance of the surface to a degree which would induce flutter. As a general rule it will be required to repair control surfaces in such a manner that the structure is identical to the original so that the weight distribution and resulting mass balance are not affected in any way.

(6) *Glues and gluing.* Satisfactory glue joints in aircraft will develop the full strength of wood under all conditions of stress. To produce this result the gluing operation must be carefully controlled so as to obtain a continuous, thin, uniform film of solid glue in the joint with adequate adhesion to both surfaces of the wood. Some of the more important conditions involve:

Properly prepared wood surfaces.
Glue of good quality, properly prepared.
Good gluing technique.

(i) *Preparation of wood surfaces for gluing.* (*a*) It is recommended that no more than 8 hours be permitted to elapse between final surfacing and gluing. The gluing surfaces should be machined smooth and true with planers, jointers or special miter saws. Planer marks, chipped or loosened grain, and other surface irregularities should not be permitted. Sandpaper should never be used to smooth soft wood surfaces that are to be glued. Satisfactorily sawed surfaces should approach well-planed surfaces in uniformity, smoothness, and freedom from crushed fibers.

(*b*) Tooth-planing, or other means of roughening smooth, well-planed surfaces of normal wood before gluing, is not recommended. Such treatment of well-planed wood surfaces may result in local irregularities and objectionable rounding of edges. While sanding of planed surfaces is not recommended for soft woods, sanding is a valuable aid in improving the gluing characteristics of some hard plywood surfaces; wood that has been compressed through exposure to high pressures and temperatures; resin-impregnated wood (impreg and compreg); and laminated paper plastic (papreg).

(*c*) Wood surfaces for gluing should be free from oil, wax, varnish, shellac, lacquer, enamel, dope, sealers, paint, dust, dirt, old glue, crayon marks, and other extraneous materials.

(*d*) Wetting tests are useful as a means of detecting the presence of wax. Drops of water placed on the surface of wax-coated wood do not spread or wet the wood. At present, preliminary gluing tests appear to be the only positive means of actually determining the gluing characteristics of plywood surfaces.

(ii) *Glues.* Glues used in aircraft repair fall into two general groups: Casein glues, and resin glues. Any glue that meets the performance requirements of applicable United States Military specifications or has been previously accepted by the CAA, is satisfactory for use in certificated civil aircraft. In all cases glues are to be used strictly in accordance with the glue manufacturers' recommendations.

(*a*) *Casein glues.* Casein glues are probably more widely used than any of the resin glues in wood aircraft repair work. The forms, characteristics, and properties of water-resistant casein glues have remained substantially the same for many years except for the addition of preservatives. Casein glues for use in aircraft should contain suitable preservatives such as the chlorinated phenols and their sodium salts, to increase their resistance to organic deterioration under high humidity exposures. Most casein glues are sold in powder form ready to be mixed with water at ordinary room temperatures.

(*b*) *Synthetic resin glues.* (*1*) Synthetic resin glues for wood are outstanding in that they retain their strength and durability under moist conditions and even after exposure to water. The best-known and most commonly used synthetic resin glues are the phenol-formaldehyde, resorcinol-formaldehyde, and urea-formaldehyde types. Materials, such as walnut-shell flour or wood flour, are often added by the glue manufacturer to the resin glues to give better working characteristics and joint-forming properties. Table 2–2 has been prepared as an aid in the selection of cold-setting synthetic resin glues. It has been derived largely from the glue manufacturers' directions and instructions, the experience of the users of glues, and such test results as are available. This list is incomplete and subject to change as some brands of glues are discontinued, others modified, and new glues developed and marketed. The inclusion of any glue in this list does not constitute an endorsement on the part of any Government agency nor does it assure that it will meet applicable specifications.

(*2*) The glues listed in this table are the room temperature setting type. The suitable curing temperatures for the urea-formaldehyde type vary from 70° to 75° F., and for the resorcinol glues from 70° F. up. The strength of the joint cannot be depended upon if assembled and cured at temperatures below 70° F.

(*c*) *Mixing of resin glues.* Liquid resin glues may come ready for use or in a form which requires only the addition of a hardener. In all cases the mixing, glue consistency, assembly time, etc., should comply with the glue manufacturers' recommendations and instructions. Cold-setting, synthetic-resin glues, when prepared for use, are usually sharply limited in working life, and care should be taken to discard the glue and clean the equipment before the end of the working-life period. In very warm weather it may be found advisable to keep the glue pot in a bath of cool water, approximately 70° F., to prolong the working life of the mixture.

(iii) *Gluing technique*—(*a*) *Spreading of glue.* To make a satisfactory glue joint, glue should be spread evenly on both of the surfaces to be joined. It is recommended that a clean brush be used and care taken to see that all surfaces are covered. The spreading of glue on but one of the two surfaces is not recommended.

(*b*) *Assembly time in gluing.* (*1*) Where pieces of wood are coated and exposed freely to the air, a much more rapid change in consistency of the glue occurs than where the pieces are laid together as soon as the spreading has been done. The condition of free exposure is conveniently referred to as "open assembly" and the other as "closed assembly."

(*2*) When cold-setting glues are coated on wood parts and left exposed to the atmosphere (open assembly), the time for complete assembly is appreciably reduced compared with closed assembly periods. Assembly times and gluing pressures should be as recommended by the glue manufacturer.

(*3*) The pressing time for casein and resin glue joints should, in general, be 7 hours or more. Other types of glue require various times and temperatures for curing. Glue joints increase in strength mainly as a result of drying; hence, where it is convenient to do so, it is better to maintain pressure from one day to the next. The longer pressing periods are desirable, as this enables the joints to reach a higher proportion of their final strength before being disturbed.

(*c*) *Gluing pressure.* (*1*) Pressure is used to squeeze the glue out into a thin continuous film between the wood layers, to force air from the joint, to bring the wood surfaces into intimate contact with the glue, and to hold them in this position during the setting of the glue.

(*2*) Pressure should be applied to the joint before the glue becomes too thick to flow and is accomplished by means of clamps, presses, or other mechanical devices.

(*3*) Nonuniform gluing pressure commonly results in weak and strong areas in the same joint. The amount of pressure required to produce strong joints in aircraft assembly operations may vary from 125 to 150 pounds per square inch for softwoods and 150 to 200 pounds per square inch for hardwoods. Insufficient pressure or poorly machined wood surfaces usually result in thick glue lines which indicate a weak joint and should be carefully guarded against.

(*d*) *Method of applying pressure.* (*1*) The methods employed in applying pressure to joints in aircraft gluing operations range from the use of brads, nails, screws, and clamps to the use of hydraulic and electric power presses. Hand nailing is used rather extensively in the gluing of ribs and in the application of plywood skins to the wing, control surfaces, and fuselage frames.

(*2*) On small joints such as found in wood ribs, the pressure is usually applied only by nailing the joint gussets in place after spreading the glue. Since small nails must be used to avoid splitting, the gussets must be comparatively large in area to compensate for the relative lack of pressure. At least 4 nails per square inch should be used and in no event should nails be more than three-fourths inch apart. Small brass screws may also be used advantageously where the particular parts to be glued are relatively small and do not allow application of pressure by means of clamps.

(*3*) Spar splices should always be clamped by means of cabinet-makers' parallel clamps or similar types. Handsprung clamps should be used in conjunction with softwood only. Due to their limited pressure area, they must be applied with a pressure distributing strip or block at least twice as thick as the member to be pressed.

(*b*) *Scarf joints*—(*1*) *General.* The scarf joint is the most satisfactory method of making a joint in the grain direction between two solid wood members. Both parts should be cut accurately because the strength of the joint depends upon maximum contact between the surfaces being glued.

(*2*) *Grain direction.* The scarf cut should be made in the general direction of the grain slope as shown in figure 2–2. (See figure for note concerning allowable deviation from grain direction.)

(*c*) *Spars*—(*1*) *Splicing of spars.* (i) A spar may be spliced at any point except under wing attachment fittings, landing gear fittings, engine-mount fittings, or lift and interplane strut fittings. These fittings should not overlap any part of the splice. Splicing under minor fittings such as drag wire, antidrag wire or compression strut fittings is acceptable under the following conditions:

(ii) The reinforcing plates of the splice should not interfere with the proper attachment or alinement of the fittings. The locations of pulley support brackets, bellcrank support brackets or control surface support brackets should not be altered.

(iii) The reinforcing plate may overlap drag or antidrag wire or compression strut fittings if the reinforcing plates are on the front face of the front spar or on the rear face of the rear spar. In such cases it will be necessary to install slightly longer bolts. The inside reinforcing plate should not overlap drag strut fittings unless such overlapping does not require sufficient shortening of compression struts or changes in drag truss geometry to prevent adjustment for proper rigging. Even though takeup is sufficient, it may be necessary to change the angles on the fittings. Splices should be spaced so that they do not overlap. Acceptable methods of splicing the various types of spars are shown in figures 2–3 through 2–6. Reinforcing plates must be used as indicated on all scarf repairs to spars and the slopes of scarfs shown are minimum slopes.

(*2*) *Splicing of box spar webs.* The method of splicing plywood webs is shown in figure 2–7. Plywood webs should always be spliced and reinforced with the same type of plywood. Solid wood should never be used to replace plywood webs as plywood is stronger in shear than solid wood of the same thickness due to the variation in grain direction of the individual plies. The face grain of plywood replacement webs and reinforcing plates should be in the same direction as the original member to insure that the new web will have the required strength.

(*3*) *Replacing solid-type spars with laminated type.* Solid spruce spars may be replaced with laminated ones or vice versa, provided the material is of the same high quality. External plywood reinforcement should always be replaced with plywood as in the original structure.

(*4*) *Longitudinal cracks and local damage.* Cracked spars (except box spars) may be repaired by gluing plates of spruce or plywood of sufficient thickness to develop the longitudinal shear strength of the spar to both sides of it. Such plates should extend well beyond the termination of the cracks as shown in figure 2–8. A method of repairing small local damage to either the top or bottom side of a spar is also shown in this figure.

(i) *Longitudinal cracking of wood wing spars in airplanes operating in arid regions.* (*a*) Airplanes having wood spars and being operated in arid regions may develop longitudinal spar cracks in the vicinity of the plywood reinforcing plates. These cracks result from the tendency of the spar to shrink when drying takes place. Plywood resists this tendency and causes a cross-grain tensile failure in the basic spar. Cracks start under the plywood plates, usually, but not necessarily, at a bolt hole or cutout and spread in each direction until, in most cases, they extend a short distance beyond the ends of the plates where the resistance to spar shrinkage disappears. Other factors which have been found conducive to the formation of cracks due to spar shrinkage in the region of plywood plates are poor protective finishes, large cutouts, and metal fittings which utilize two lines of large diameter bolts.

(*b*) The presence of cracks does not necessarily mean that the spar must be discarded. If the crack is not too long or too close to either edge and can be reinforced properly, it will probably be more economical and satisfactory to effect a repair than to install a new spar or section. However, a generally acceptable procedure suitable for all airplane models cannot be described here. In such instances, it is recommended that the manufacturer or the Civil Aeronautics Administration be contacted for specific instructions before making repairs not in accordance with the manufacturer's approved instructions or the recommendations of this manual, because of the possibility of strength deficiencies.

(*5*) *Elongated holes.* In cases of elongated bolt holes in a spar or cracks in the vicinity of bolt holes, a new section of spar should be spliced in or the spar replaced entirely, unless the method of repair is specifically approved by a representative of the Civil Aeronautics Administration. In many cases it has been found advantageous to laminate the new section of the spar (using aircraft plywood for the outer faces), particularly if the spar roots are being replaced.

(*d*) *Ribs*—(*1*) *General.* Complete ribs should be made from a manufacturer's approved drawing or from a drawing made by the repair agency and certified by the manufacturer as correct, except that the original rib may be used as a pattern in making the new rib if it is not too seriously damaged to permit comparison. Wood ribs should not be attached to wood spars by nails driven through the rib cap strips, as this weakens the rib materially. The attachment should be by means of glue, with cement-coated, barbed or spiraled nails driven through the vertical rib members on each side of the spar. The drawing or pattern should be retained by the repair agency for use by the aviation safety agent in making his inspection.

(*2*) *Repairs of wood structures at a joint, between joints, at trailing edges, or at spars.* Acceptable methods of re-

[1] Complete information on the general design and fabrication of wood aircraft structures may be found in ANC–18, "Design of Wood Aircraft Structures," and ANC–19, "Wood Aircraft Inspection and Fabrication," copies of which may be obtained for $1.00 and $1.25, respectively, from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

pairing damaged ribs are shown in figure 2–9.

(3) *Compression ribs.* Acceptable methods of repairing damaged compression ribs are shown in figure 2–10. (A) illustrates the repair of a compression rib of the "I" section type, i. e., wide, shallow cap strips, a center plywood web, with a rectangular compression member on each side of the web. The rib is assumed to be cracked through cap strips, web member, and compression member. Cut the compression member as shown in (D), remove, and replace the shortest section, adding the reinforcing blocks as also shown in (D). Cut and replace the aft portion of the cap strips, reinforcing as shown in figure 2–9, except that the reinforcing blocks are split in the vertical direction to straddle the center web. The plywood side plates, as indicated in (A), are glued on. These plates are added to reinforce the damaged web. (B) illustrates a compression rib of the type that is basically a standard rib with rectangular compression members added to one side and a plywood web to the other side. The method used in this repair is essentially the same as in (A) except that the plywood reinforcing plate shown solid black in section B–B is continued the full distance between spars. (C) illustrates a compression rib of the "I" type with a rectangular vertical member each side of the web. The method of repair is essentially the same as in (A) except that the plywood reinforcing plates on each side shown in solid black in section C–C are continued, as in (C), the full distance between spars.

(e) *Plywood skin*—(1) *General.* Extensive repairs to damaged stressed skin plywood structures should be made in accordance with specific recommendations from the manufacturer. It is recommended that repairs be made by replacing the entire panel from one structural member to the next if damage is very extensive. When damaged plywood skin is repaired, the adjacent internal structure should be carefully inspected for possible hidden damage. Any defective frame members should be repaired prior to making skin repairs.

(i) *Types of patches.* Four types of patches—the surface or overlay patch, the splayed patch, the plug patch, and the scarf patch—are acceptable for repairing plywood skins. Surface patches should not be used on skins over one-eighth-inch thick. Splayed patches should not be used on skins over one-tenth-inch thick. There are no skin thickness limitations for the use of scarf patches and plug patches.

(ii) *Determination of single or double curvature.* Much of the outside surface of plywood aircraft is curved. On such areas, plywood used for repairs to the skin must be similarly curved. Curved skins are either of single curvature or of double (compound) curvature. A simple test to determine which type of curvature exists may be made by laying a sheet of heavy paper on the surface in question. If the sheet can be made to fit the surface without wrinkling, the surface is either flat or has single curvature. If, however, the sheet cannot be made to fit the surface without wrinkling, the surface is of double curvature.

(iii) *Repairs to single curvature skin.* (*a*) Repairs to skins of single curvature may usually be formed from flat plywood, either by bending it dry or after soaking it in hot water. The degree of curvature to which a piece of plywood can be bent will depend upon the direction of the grain and the thickness. Table 2–3 is presented as a guide in determining which process of bending should be used for the curvature being considered.

(*b*) Plywood after softening may be bent on a cold ventilated form or it may be bent over the leading edge near the part being patched if space permits. In either method it should be allowed to dry completely on the form. When bending plywood over a leading edge, drying may be hastened by laying a piece of coarse burlap over the leading edge before using it as a bending form. A fan to circulate the air over the bent piece will speed the drying. In bending pieces of small radii or to speed up the bending of a large number of parts of the same curvature, it may be necessary to use a heated bending form. The surface temperature of this form may be as high as 149° C. (300° F.), if necessary, without danger of damage to the plywood. The plywood should be left on the form, however, only long enough to dry to room conditions.

(iv) *Repairs to double curvature skin.* The molded plywood necessary for a repair to a damaged plywood skin of double curvature cannot be made from flat plywood unless the area to be repaired is very small or is of exceedingly slight double curvature; therefore, molded plywood of the proper curvature must be on hand before the repair can be made. If molded plywood of the proper curvature is available, the repair may be made following the recommended procedures.

(2) *Splayed patch.* Small holes with largest dimensions not over 15 times the skin thickness, in skins not more than one-tenth-inch in thickness, may be repaired by using a circular splayed patch as illustrated in figure 2–11. The term splayed is used to denote that the edges of the patch are tapered but the slope is steeper than is allowed in scarfing operations. The following steps should be taken in making a splayed patch:

(i) Lay out the patch according to figure 2–11. Center the dividers as near to the damage as is possible or tack a small piece of plywood over the hole for a center point and draw two circles, the inner one to be the size of the hole and the outer one marking the limits of the taper. The difference between the radii is 5T (5 times the thickness of the skin). If one leg of the dividers has been sharpened to a chisel edge, the dividers may be used to cut the inner circle completely through.

(ii) Taper the hole evenly to the outer circle with a chisel, knife, or rasp.

(iii) Prepare a circular tapered patch to fit the prepared hole, and glue the patch into place with face grain direction matching that of the original surface.

(iv) Use waxed paper between the patch and a plywood pressure plate cut to the exact size of the patch. This prevents extruded glue from binding patch and plate together. Center the plate carefully over the patch.

(v) Apply pressure. As there is no reinforcing behind this patch, care must be used so that pressure is not great enough to crack the skin. On horizontal surfaces, weights or sandbags will be sufficient. On vertical surfaces apply hand clamps lightly but snugly. On patches too far in for the use of standard hand clamps, jaws of greater length may be improvised.

(vi) Fill, sand, and refinish the patch.

(3) *Surface patch.* Plywood skins that are damaged between or along framing members may be repaired by surface of overlay patches as shown in figure 2–13. The damaged skin should be trimmed to a rectangular or triangular shape and the corners rounded. The radius of rounded corners should be at least five times the skin thickness. Surface patches should be covered with fabric before finishing. Fabric should overlap the original skin at least 2 inches. Surface patches located entirely aft of the 10 percent chord line or which wrap around the leading edge and terminate aft of the 10 percent chord line are permissible. Patches located entirely aft of the 10 percent chord line should have their forward edges beveled to 4 times the skin thickness. Surface patches may have as much as a 50-inch perimeter and may cover as much as 1 frame (or rib) space. The face grain direction should be the same as the original skin.

(4) *Scarf patch*—(i) *General.* (*a*) A properly prepared and inserted scarf patch is the best repair for damaged plywood skins. It is the preferred type for most skin repairs. Figure 2–14 shows the details and dimensions to be used when installing typical scarf skin patches when the back of the skin is accessible. Figure 2–15 should be followed when the back of the skin is not accessible. The scarf slope of 1 in 12 shown in both figures is the steepest slope permitted for all species of plywood. If the radius of curvature of the skin at all points on the trimmed opening is greater than 100 times the skin thickness, a scarf patch may be installed.

(*b*) Scarf cuts in plywood may be made by hand plane, spoke shave, scraper or accurate sandpaper block. Rasped surfaces, except at the corners of scarf patches, and sawed surfaces are not recommended as they are likely to be rough or inaccurate.

(*c*) Nail strip gluing is often the only method available for gluing scarf joints in plywood when used in repair work; therefore it is essential that all scarf joints in plywood be backed with plywood or solid wood to provide adequate nail-holding capacity. The face grain direction of the plywood patch should be the same as that of the original skin.

(ii) *Scarf patches (back of skin accessible).* (*a*) When the back of a damaged plywood skin is accessible (such as a fuselage skin), it should be repaired with scarf patches following the details shown in figure 2–14. Whenever possible the edge of the patch should be supported as shown in section C–C. When the damage follows or extends to a framing member, however, the scarf may be supported as shown in section B–B.

(*b*) Damages that do not exceed 25 times the skin thickness in diameter after being trimmed to a circular shape, and if the trimmed opening is not nearer than 15 times the skin thickness to a framing member, may be repaired as shown in figure 2–14, section D—D. The backing block is especially shaped from solid wood and fitted to the inside surface of the skin, and is temporarily held in place with nails. A hole, the exact size of the inside circle of the scarf patch, is made in the block and is centered over the trimmed area of damage. The block is removed after the glue on the patch has set, and leaves a flush surface to the repaired skin.

(iii) *Steps in making scarf patch (back of skin not accessible).* (*a*) After removing damaged sections, install backing strips, as shown in figure 2–15, along all edges that are not fully backed by a rib or a spar. To prevent warping of the skin, backing strips should be made of a soft-textured plywood, such as yellow poplar or spruce, rather than solid wood. All junctions between backing strips and ribs or spars should have the end of the backing strip supported by a saddle gusset of plywood.

(*b*) If needed, nail and glue new gusset plate to rib. It may be necessary to remove and replace the old gusset plate by a new saddle gusset or it may be necessary to nail a saddle gusset over the original.

(*c*) Attach nailing strips to hold backing strips in place while the glue sets. Use bucking bar where necessary to provide support for nailing. Unlike the smaller patches made in a continuous process, work on the airplane must wait while the glue holding the backing strips sets. After setting, complete finishing in usual manner.

(5) *Plug patches*—(i) *General.* Two types of plug patches, oval and round, may be used on plywood skins provided the damage can be covered by the patches whose dimensions are given in figures 2–12 and 2–16. As the plug patch is strictly a skin repair it should be used only for damage that does not involve the supporting structure under the skin. Oval patches must be prepared with the face grain carefully oriented to the same direction as the original skin. Orientation of the face grain direction of the round plug patch to that of the skin surface is no problem, as the round patch may be rotated until grain directions match.

(ii) *Steps in making oval plug patch.* (*a*) Explore the area about the hole to be sure it lies at least the width of the oval doubler from a rib or a spar. Refer to figure 2–12 for repair details.

(*b*) Lay a previously prepared oval plug patch over the damage and trace the patch. Saw to the line and trim the hole edges with a knife and sandpaper.

(*c*) Mark the exact size of the patch on one surface of the oval doubler and apply glue to the area outside the line. The oval doubler should be made of some soft-textured plywood, such as yellow poplar or spruce. Insert doubler through the hole and bring it, glue side up, to the underside of the skin with its pencil outline of the patch matching the edges of the hole. If the curvature of the surface to be repaired is greated than a rise of one-eighth inch in 6 inches, the doubler should be preformed, by hot water or steam bending, to the approximate curvature.

(*d*) Apply nailing strips, outlining the hole, to apply glue pressure between doubler and skin. Use bucking bar to provide support for nailing. When two rows of nails are used, stagger nail spacing.

(*e*) Apply glue to remaining surface and to an equivalent surface on the patch.

(*f*) Lay the patch in position over the doubler and screw the pressure plate to the patch assembly using a small nail to line up the holes that have been previously made with patch and plate matching. No. 4 round-head screws are used. Lead holes in the plywood doubler are not necessary. Waxed paper or cellophane between the plate and patch prevents glue from sealing the plate to the patch. No clamps or further pressure need be applied as the nailing strips and screws exert ample pressure. Hot sandbags, however, may be laid over the patch to speed the setting of the glue. Finish in the usual manner.

(iii) *Round plug patch.* The steps in making a round plug patch shown in figure 2–16 are identical with those for making the oval patch except the insertion of the doubler. In using the round patch, where access is from only one side, the round doubler cannot be inserted unless it has been split.

(6) *Fabric patch.* Small holes not exceeding 1 inch in diameter, after being trimmed to a smooth outline, may be repaired by doping a fabric patch on the outside of the plywood skin. The edges of the trimmed hole should first be sealed, and the fabric patch should overlap the plywood skin by at least 1 inch. Holes nearer than 1 inch to any frame member or in the leading edge, or frontal area of the fuselage should not be repaired with fabric patches.

(f) *Finishing structural repairs*—(1) *General.* Any repair to spars, ribs, skin surfaces, or other structural parts of the airframe involves finishing as the final step in the job.

(2) *Precautions to be observed.* (i) When making repairs, avoid excessive contamination of surfaces with glue squeeze-out at joints and on all surfaces. Excess glue should always be removed before applying finish. Because paints and glues are incompatible, even a slight amount of glue underneath the finish may cause premature deterioration.

(ii) Soiling substances, such as oil and grease, should be removed as completely as possible. Naphtha may be used to sponge off oil and grease. Markings that are made by grease pencils or lumber crayons containing wax are harmful and should be removed, but marks made by ordinary soft graphite pencils and nonblotting stamp-pad inks may be safely finished over. All dust, sander dust, dirt, and other solid particles should be cleaned off.

(iii) Sawdust, shavings, and chips should be removed from enclosed spaces before they are sealed off by replacement of skin. A vacuum cleaner is useful for such cleaning.

(iv) Since no satisfactory gluable sealer has yet been developed, it is necessary to avoid applying sealer over the areas where glue will be applied. Areas to receive glue should be marked off with pencil, allowing an additional one-fourth inch on each side of the glue area to provide for misalinement when mating the parts. It is preferable to leave some unsealed areas rather than risk weakening the glue joint by accidental overlap of the sealer into the glued areas.

(v) Finish is likely to crack when applied over flush-driven nails and screws. To avoid this a strip of tape may be applied over the heads after application of sealer and before the final finish is applied.

(vi) Fill all holes left from nail-strip gluing or countersunk nails and screws with a wood filler before finishing the surface. It may be necessary to cover with a patching putty the slight depressions left after applying filler if a completely smooth surface is desired, but as a rule patching putty may be dispensed with safety.

(vii) Surfaces which are likely to come in contact with fabric during the doping process should be treated with a dope-proof paint, cellophane tape, etc., to protect them against the action of the solvents in the dope.

(3) *Finishing of interior surfaces.* Repaired ribs, spars, interior of plywood skin, and other internal members, including areas of contact between metal and wood, should be finished by applying at least two coats of spar varnish. Built-up box spars and similar closed structures should be protected on the interior by at least one heavy coat of spar varnish or linoil. Where better protection is required, as on the surfaces of wheel wells and the bottoms of hulls below the floor boards, an additional coat of aluminized sealer consisting of 12 to 16 ounces of aluminum paste per gallon of sealer may be applied.

(4) *Finishing of exterior surfaces.* Exterior surfaces should first be sealed with at least two coats of sealer or spar varnish. The surface finish should then be completed by the application of enamel, aluminized varnish or other special finish as required to duplicate the original finish. If dope or lacquer is used to complete the finish, the sealer coats should be dope-proof. Spar varnish or sealer conforming to Specification MIL–V–6894 is satisfactory.

(5) *Finishing of end-grain surfaces.* (i) End-grain surfaces, such as edges of plywood skins and holes in spars and other primary structural members, require careful protection. Sand these surfaces smooth. Apply two coats of a highly pigmented sealer, or 1 coat of wood filler, and 1 coat of clear sealer to end-grain interior surfaces and cut holes. Exterior end-grain surfaces (except those covered with doped fabric) require

an additional (third) coat of clear sealer. A final coat of aluminized varnish may be applied to end-grain surfaces. If the surfaces are to be finished with dope or lacquer, a dope-proof sealer similar to Specification MIL–V–6894 should be used.

(ii) Exposed end-grain includes such surfaces as those around vent holes, inspection holes and fittings, and exposed scarfed or tapered surfaces such as those of tapered blocking.

(6) *Finishing with fabric or tape.* (i) To refinish with fabric or tape, it is first necessary to insure that paint has been removed from an area greater than that to be covered by the fabric.

(ii) Apply 2 brush coats of a dope-proof sealer similar to Specification MIL–V–6894, allowing the first coat to dry 2 hours and the second coat at least 6 hours. Follow with 1 coat of clear dope, and allow it to dry 45 minutes. Apply a second coat of clear dope and lay into the wet film a piece of pinked-edge airplane cloth. All air bubbles should be worked out by brushing to insure maximum adherence. Allow this to dry 45 minutes. Apply 1 brush coat to insure proper penetration and at least 1 spray coat of clear dope, allowing each to dry 45 minutes. The dried spray coat may be scuffed with fine sandpaper to obtain a smoother finish. Complete the refinishing of the surface by application of lacquer, enamel, or aluminized varnish as required to match the adjacent area.

(iii) The size of the fabric patch should be such as to extend at least one-half-inch on each side of any crack or group of cracks, at least 1 inch on each side of a scarfed joint glue line, and at least 2 inches beyond any edge of a skin patch, to insure proper adhesion.

§ 18.30–3 *Fabric covering (CAA policies which apply to § 18.30)*—(a) *Textile materials.* All fabric, surface tape, reinforcing tape, machine thread, lacing cord, etc., used for re-covering or repairing an aircraft structure should be of high-grade aircraft textile material of at least as good quality and equivalent strength as those described in subparagraphs (1) through (7) of this paragraph.

(1) *Aircraft fabric.* Acceptable fabric such as cotton and linen for covering wings, control surfaces, and fuselages are listed in table 3–1. Fabrics conforming to the Automotive Material Specifications incorporate a continuous marking showing the specification number to permit identification of the fabric in the field. (See § 18.30–8 (e).)

(2) *Re-covering aircraft with original type fabric.* Aircraft should be re-covered or repaired with fabric of at least as good quality and equivalent strength as that originally used on the aircraft. In re-covering aircraft which were originally covered with low strength or "so called" glider cloth, however, it is considered more desirable to use Grade A or intermediate fabric conforming to AMS 3806 or 3804, as amended, respectively.

(3) *Reinforcing tape.* Acceptable reinforcing tape is listed in table 3–2. Reinforcing tape should be of similar quality to the fabric and at least one-half the strength of that conforming to specification MIL–T–5661.

(4) *Surface tape.* Surface tape (also finishing tape) should have approximately the same properties as the fabric used. See table 3–2.

(5) *Lacing cord.* Lacing cord should have the strength of at least 80 pounds double or 40 pounds single strand. Acceptable lacing cord is listed in table 3–2.

(6) *Machine thread.* Machine thread should have a strength of at least 5 pounds single strand (Table 3–2).

(7) *Hand-sewing thread.* Hand-sewing thread should have a strength of at least 14 pounds single strand (Table 3–2).

(b) *Covering practices*—(1) *General.* The method of fabric attachment should be identical, as far as strength and reliability are concerned, to the method used by the manufacturer of the airplane to be re-covered or repaired. Fabric may be applied so that either the warp or fill threads are parallel to the line of flight. Either the envelope method or blanket method of covering is acceptable. (See subparagraph (5) of this paragraph.)

(2) *Flutter precautions.* When repairing control surfaces, especially on high-performance airplanes, care should be exercised that the repairs do not involve the addition of weight aft of the hinge line. Such a procedure may adversely disturb the dynamic and static balance of the surface to a degree which would induce flutter. As a general rule, it will be required to repair control surfaces in such a manner that the structure is identical to the original so that the weight distribution and mass balance are not affected.

(3) *Preparation of the structure for covering.* One of the most important items in covering aircraft is proper preparation of the structure. Dope-proofing, covering edges which are likely to wear the fabric, preparation of plywood surfaces and similar operations, if properly done, will do much toward insuring an attractive and long-lasting job.

(i) *Dope-proofing.* Treat all parts of the structure which come in contact with doped fabric with a protective coating such as aluminum foil, dope-proof paint or cellulose tape. Clad aluminum and stainless steel parts need not be dope-proofed.

(ii) *Chafe points.* All points of the structure such as sharp edges, bolt heads, etc., which are likely to chafe or wear the covering should be covered with doped-on fabric strips or covered with an adhesive tape. After the cover has been installed, the chafe points of the fabric should be reinforced by doping of fabric patches. Where a stronger reinforcement is required, a cotton duck or leather patch should be sewed to the fabric patch and then doped in place. All portions of the fabric pierced by wires, bolts, or other projections should be reinforced.

(iii) *Inter-rib bracing.* Conventional wing ribs, which do not have permanent interrib bracing, should be tied in position by means of cotton tape running parallel to the beams. Apply the tape bracing to both the top and bottom capstrips, maintained parallel to the plane of the cover rather than diagonally between the top and bottom capstrips. Apply the tape continuously with one turn around successive capstrips, arranged so that the tape between the ribs is separated from the cover by a distance equal to the depth of the capstrip. Tie the turn of tape around each capstrip by means of a short length of lacing cord.

(iv) *Preparation of plywood surfaces for covering.* Prior to covering plywood surfaces with fabric, prepare the surface by cleaning and applying sealer and dope.

(*a*) *Cleaning.* Sand all surface areas which have been smeared with glue in order to expose a clean wood surface. Remove loose deposits such as wood chips and sawdust. Remove oil or grease spots by carefully washing with naphtha.

(*b*) *Application of sealer and dope.* Apply one brush coat or two dip coats (wiped) of a dope-proof sealer such as that conforming to Specification MIL–V–6894 thinned to 30 percent nonvolatile content and allow to dry 2 to 4 hours. Finally, before covering, apply two brush coats of clear dope allowing the first coat of dope to dry approximately 45 minutes before applying the second coat.

(4) *Seams*—(i) *Location of seams.* Seams parallel to the line of flight are preferable; however, spanwise seams are acceptable.

(ii) *Sewed seams*—(*a*) Machine-sewed seams (parts D, E, and F of figure 3–1) should be of the folded-fell or French-fell types. Where selvage edges or pinked edges are joined, a plain lap seam is satisfactory.

(*b*) Hand-sewing or tacking should begin at the point where machine-sewing stops and should continue to the point where machine-sewing or uncut fabric is again reached. Hand-sewing should be locked at intervals of 6 inches, and the seams should be properly finished with a lock stitch and a knot (fig. 3–5). At the point where the hand sewing or permanent tacking is necessary, the fabric should be so cut that it can be doubled under before sewing or permanent tacking is performed (figure 3–1C). After hand-sewing has been completed, the temporary tacks should be removed. In hand-sewing there should be a minimum of four stitches per inch.

(*c*) A sewed spanwise seam on a metal or wood-covered leading edge should be covered with pinked-edge surface tape at least 4 inches wide.

(*d*) A sewed spanwise seam at the trailing edge should be covered with pinked-edge surface tape at least 3 inches wide. Notches at least 1 inch in depth and 1 inch in width should be cut into both edges of surface tape if it is used to cover spanwise seams on trailing edges especially the trailing edges of control surfaces. The notches should be spaced at intervals not exceeding 6 inches. On tape less than 3 inches wide, the notches should be one-third the tape width. In the event that the surface tape begins to separate because of poor adhesion or other causes, the tape will tear at a notched section thus preventing progressive loosening of the entire length of tape.



(*e*) A double stitched lap joint should be covered with pinked edge surface tape at least 4 inches wide.

(*f*) Sewed spanwise seams on the upper or lower surface should be made in a manner that the amount of protuberance is a minimum. The seam should be covered with pinked edge tape at least 3 inches wide.

(*g*) Sewed seams parallel to the line of flight (chordwise) should not be placed over a rib or be so placed that the lacing will be through or across such a seam.

(iii) *Doped seams.* (*a*) A lapped and doped spanwise seam on a metal or wood-covered leading edge should be lapped at least 4 inches and covered with pinked edge surface tape at least 8 inches wide.

(*b*) A lapped and doped spanwise seam at the trailing edge should be lapped at least 4 inches and covered with pinked edge surface tape at least 3 inches wide. It should be notched at intervals not exceeding 6 inches. (See subdivision (ii) (*d*) of this subparagraph for notch configuration.)

(5) *Covering methods*—(i) *The envelope method.* The envelope method of covering is accomplished by sewing together widths of fabric cut to specified dimensions and machine-sewn to form an envelope which can be drawn over the frame. The trailing and outer edges of the covering should be machine sewn unless the component is not favorably shaped for sewing, in which case the fabric should be joined by hand sewing.

(ii) *The blanket method.* The blanket method of covering is accomplished by sewing together widths of fabrics of sufficient lengths to form a blanket over the surfaces of the frame. The trailing and outer edges of the covering should be joined by a plain overthrow or baseball stitch. For airplanes with placard never-exceed speed of 150 miles per hour or less, the blanket may be lapped at least 1 inch and doped to the frame or the blanket, lapped at least 4 inches at the nose of metal or wood-covered leading edges, doped, and finish with pinked-edge surface tape at least 8 inches wide. In fabricating both the envelope and blanket coverings, the fabric should be cut in lengths sufficient to pass completely around the frame, starting at the trailing edge and returning to the trailing edge.

(6) *Reinforcing tape.* Reinforcing tape of at least the width of the capstrips should be placed under all lacing. In the case of wings with plywood or metal leading-edge covering, the reinforcing tape need be brought only to the front spar on the upper and lower surfaces.

(7) *Use of antitear strips.* On aircraft with never-exceed speed in excess of 250 miles per hour, antitear strips are recommended under reinforcing tape on the upper surface of wings, and the bottom surface of that part of the wing in the slipstream. Where the antitear strip is used on both the top and bottom surfaces, pass it continuously up to and around the leading edges and back to the trailing edge. Where the strip is used only on the top surface, carry it up to and around the leading edge and back on the lower surface as far aft as the front beam. For this purpose the slipstream should be considered as being equal to the propeller diameter plus one extra rib space on each side. Cut antitear strips from the same material as used for covering and wide enough to extend beyond the reinforcing tape on each side so as to engage the lacing cord. Attach the strips by applying dope to that part of the fabric to be covered by the strip and applying dope freely over the strip.

(7) *Lacing*—(i) *Wing lacing.* Both surfaces of fabric covering on wings and control surfaces should be securely fastened to the ribs by lacing cord or any other method originally approved for the aircraft. Care should be taken to insure that all sharp edges against which the lacing cord may bear are protected by tape in order to prevent abrasion of the cord. Separate lengths of lacing cord should be joined by the splice knot shown in figure 3–4. The common square knot, which has a very low slippage resistance, should not be used for this purpose. The utmost care should be exercised to assure uniform tension and security of all stitches. The first or starting stitch should be made with a double loop by the method illustrated in figure 3–6. All subsequent stitches should be made with a single loop and tied off with the standard knot for rib lacing (modified seine type), shown in figure 3–5. The spacing between the starting stitch and the next stitch should be one-half the normal stitch spacing. All tie-off knots should be placed on the middle of the reinforcing tape on the bottom surface, or along the edge of the lower capstrip. The seine knot admits a possibility of improper tightening, resulting in a false (slip) form with greatly reduced efficiency and should not be used for stitch tie-offs. The tie-offs knot for the last stitch should be locked by an additional half-stitch. Where stitching ends, as at the rear beam and at the trailing edge, the last two stitches should be spaced at one-half normal spacing. Under no circumstances should tie-off knots be pulled back through the lacing holes.

(ii) *Double-loop lacing.* The double-loop lacing illustrated in figure 3–7 represents a method for obtaining higher strengths than possible with the standard single lacing. When using the double-loop lacing, the tie-off knot should be made by the method shown in figure 3–8.

(iii) *Fuselage lacing.* Fabric lacing is also necessary in the case of deep fuselages, and on fuselages where former strips and ribs shape the fabric to a curvature. In the latter case the fabric should be laced at intervals to the formers. The attachment of the fabric to fuselages should be so accomplished as to be at least the equivalent in strength and reliability to that used by the manufacturer of the airplane.

(8) *Stitch spacing.* The stitch spacing should not exceed the spacing approved on the original aircraft. In case the spacing cannot be ascertained due to destruction of the covering, acceptable rib-stitch spacing may be found in figure 3–2. The lacing holes should be placed as near to the capstrip as possible in order to minimize the tendency of the cord to tear the fabric. All lacing cord should be lightly waxed with beeswax for protection. In case waxed braided cord is used, this procedure is unnecessary. (See table 3–2 for acceptable lacing cords.)

(9) *Surface tape (finishing tape).* All lacing should be covered with tape of at least the quality and width as was used on the original airplane. This tape should not be applied until the first coat of dope has dried. All inspection openings should be reincorporated into the covering, and the fabric around them and along leading edges reinforced with tape. Where wear or friction is induced by moving parts or fittings, a leather patch should be sewed to a fabric patch and doped in place. Pinked surface tape is sometimes applied over the trailing edges of control surfaces and airfoils. For such application the tape should be at least 3 inches in width and should be notched along both edges at intervals not exceeding 6 inches. (See subparagraph (4) (ii) (*d*) of this paragraph for notch configuration.) If separation of the tape from the trailing edge begins it will tear at a notched section and thereby prevent loosening of the entire strip.

(10) *Special fasteners.* (i) When repairs are made to fabric surfaces attached by special mechanical methods, the original type of fastening should be duplicated.

(ii) When selftapping screws are used for the attachment of fabric to the rib structure, the following procedure should be observed:

(*a*) The holes should be redrilled where found necessary due to wear, distortion, etc., and in such cases a screw one size larger should be used as a replacement.

(*b*) The length of the screw should be sufficient so that at least two threads of the grip (threaded part) extend beyond the rib capstrip.

(*c*) A thin washer, preferably celluloid, should be used under the heads of screws and pinked-edge tape should be doped over each screw head.

(c) *Doping*—(1) *Thinning of dopes.* Dopes are generally supplied at a consistency ready for brush coats. For spraying operations practically all dopes require thinning. Thinning directions are usually listed on the container label. Where thinning operations are not supplied, thin the dope with a thinner made for the type of dope being used, until suitable brushing and or spraying properties are obtained. The amount of thinner to be used will depend on the dope, atmospheric conditions, the spraying equipment, the spraying technique of the operator, and the type of thinner employed. The thinning of dopes influences the drying time and tautening properties of the finish and it is necessary that it be done properly. Determine the amount of thinner necessary by using experimental panels in order to ascertain the conditions which prevail locally at the time of application of the dope.

(2) *Blushing and use of blush-retarding thinner.* (i) Blushing of dopes is very common when doping is accomplished under humid conditions. The condition is caused by the rapid evaporation of thinners and solvents, which lowers the temperature on the surface, causing condensation of moisture and producing the white appearance known as blush. Blushing tendencies are also increased if strong currents of air flow over the surface when applying dopes or immediately thereafter.

(ii) A blushed finish has very little protective or tautening value. Where the relative humidity is such that only a small amount of blushing is encountered in doping, this condition may be eliminated by thining the dope with a blush-retarding thiner and slightly increasing the room temperature. If it is not possible to correct humidity conditions in the dope room, suspend doping operations until more favorable atmospheric conditions prevail. The use of a large amount of blush-retarding thinner is not advisable because of the undesirable drying properties accompanying the use of this material.

(3) *Number of coats.* The total number of coats of dope should not be less than that necessary to result in a taut and well-filled finish job. A guide for finishing fabric-covered aircraft follows:

(i) Two coats of clear dope, brushed on and sanded after the second coat.

(ii) One coat of clear dope, either brushed or sprayed, and sanded.

(iii) Two coats of aluminum pigmented dope, sanded after each coat.

(iv) Three coats of pigmented dope (the color desired), sanded and rubbed to give a smooth glossy finish when completed.

(v) Care should be taken not to sand heavily over the center portion of pinked tape and over spars in order not to damage the rib-stitching cords and fabric.

(4) *Technique.* (i) Apply the first two coats of dope by brush and spread on the surface as uniformly as possible and thoroughly work into the fabric. Exercise care not to work the dope through the fabric so that an excessive film is formed on the reverse side. The first coat should produce a thorough and uniform wetting of the fabric. To do so, work the dope with the warp and the filler threads for three or four brush strokes and stroke away any excess material to avoid piling up or dripping. Apply succeeding brush or spray coats with only sufficient brushing to spread the dope smoothly and evenly.

(ii) When doping fabric over plywood or metal-covered leading edges, care should be taken to insure that an adequate bond is obtained between the fabric and the leading edge. Care should also be taken when using predoped fabric to use a thinned dope in order to obtain a good bond between the fabric and the leading edge.

(5) *Applying surface tape and reinforcing patches.* Apply surface tape and reinforcing patches with the second coat of dope. Apply surface tape over all rib lacing and over all sewed seams as well as at all other points of the structure where tape reinforcements are indicated.

(6) *Installation of drainage grommets.* With the second coat of dope, install drainage grommets on the underside of airfoils at the trailing edge and as close to the rib as practicable. On fuselages, install drainage grommets at the center of the underside in each fuselage bay, located so that the best possible drainage is effected. On seaplanes it is recommended to install special shielded grommets, sometimes called marine grommets, to prevent the entry of spray. Also use this type of grommet on landplanes in that part of the structure which is subject to splash from the landing gear when operating from wet and muddy fields. Plastic-type grommets are doped directly to the covering. Where brass grommets are used, mount them on fabric patches and then dope to the covering. After the doping scheme is completed, open the drain holes by cutting out the fabric with a small-bladed knife. Do not open drainage grommets by punching.

(7) *Use of fungicidal dopes.* (i) Fungicidal dope is normally used as the first coat for fabrics to prevent rotting. While it may be more advisable to purchase dope in which the fungicide has already been incorporated, it is feasible to mix the fungicide with the dope. Specification MIL–D–7850 specifies that the requirements for cellulose acetate butyrate dope incorporate a fungicide for first coat use on aircraft. The fungicide specified in this specification is zinc dimethyldithiocarbonate which forms a suspension with the dope. This material is a fine powder, and if it is mixed with the dope, it should be made into a paste using dope and then diluted to the proper consistency according to the manufacturer's instructions. It is not practicable to mix the powder with a large quantity of dope.

(ii) Copper napthonate is also used as a fungicide and forms a solution with dope. However, this material has a tendency to bleed out especially on light-colored fabric. It is considered satisfactory from a fungicidal standpoint.

(iii) The first coat of fungicidal dope should be applied extremely thin so that the dope can thoroughly saturate both sides of the fabric. Once the fabric is thoroughly saturated subsequent coats can be applied at any satisfactory working consistency.

(8) *Rejuvenation of fabric.* When using this technique of improving the appearance or condition of the doped surface, care should be exercised to establish initially that the fabric strength itself has not deteriorated beyond safe limits. Experience indicates that rejuvenation may at times cause fabric sag rather than tautening.

(9) *Common dope troubles.* (i) In cold weather, dopes become quite viscous. Cold dopes pull and rope under the brush, and if thinned sufficiently to spray, lack body when dry. Prior to use, allow dopes to come to a temperature approximately that of the dope room, 24° C. (75° F.).

(ii) Orange peel and pebble effect result from insufficiently thinned dope or when the spray gun is held too far from the surface being sprayed.

(iii) Runs, sags, laps, streaks, high and low spots are caused by improperly adjusted spraying equipment or improper spraying technique.

(iv) Blisters may be caused by water or oil entering the spray gun. Drain air compressors, air regulators, and air lines daily.

(v) Pin holes may be caused by not allowing sufficient time for drying between coats or after water sanding, or they may be due to insufficiently reduced dope.

(vi) Wet areas on a doped surface indicate that oil, grease, soap, etc., has not been properly removed before doping.

(d) *Repairs to fabric covering.* Repairs to fabric-covered surfaces should be made in a manner that will return the original strength and tautness to the fabric. Sewed repairs and unsewed (doped-on patches or panels) may be made. No fabric or tape should be doped onto a surface which contains aluminum or other color coats. Whenever it is necessary to add fabric reinforcement the old dope should be removed either by softening and scraping or by sanding down to the point where the base coat or clear coat is exposed. Clear dope should be used in doping the fabric to the surface. After reinforcement is made, normal finishing procedures may be followed.

(1) *Repair of tears in fabric.* Tears should be repaired as shown in figure 3–3 by sewing the torn edges together using a baseball stitch and doping a piece of pinked-edge fabric over the tear. If the tear is a straight rip, the sewing is started at one end so that as the seam is made the edges will be drawn tightly together throughout its entire length. If the opening is V-shaped, as is often the case when openings are cut in wings to inspect the internal structure, the sewing should start at the corner or point so that the edges of the cover will be held in place while the seams are being made. The sewing is done with a curved needle and well-waxed thread. Clean the surface to be covered by the patch by rubbing the surface with a rag dipped in dope and wiping dry with a clean rag, or by scraping the surface with a putty knife after it has been softened with fresh dope. Dope solvent or acetone may be used for the same purpose but care should be taken that it does not drop through on the inside of the opposite surface causing the dope to blister. A patch of sufficient size should be cut from airplane cloth to cover the tear and extend at least 1½ inches beyond the tear in all directions. The edges of the patch should either be pinked similar to surface tape or frayed out about one-fourth inch on all edges.

(2) *Sewed patch repair.* When the damage is such that it will not permit sewing the edges together, a sewed-on repair patch may be used if the damage is not longer than 16 inches in any one direction (see fig. 3–3). Cut out the damaged section making a round or oval-shaped opening trimmed to a smooth contour. Clean the area of the old fabric to be doped as indicated in subparagraph (1) of this paragraph. Turn the edges of the patch one-half inch and sew to the edges of the opening. Before sewing, fasten the patch at several points with a few temporary stitches to facilitate sewing the seams. After the sewing is completed, clean the area of the old fabric to be doped as indicated for small repairs and then dope the patch in the regular manner. Apply surface tape over the seams with the second coat of dope. If the opening extends over or closer than 1 inch to a rib or other laced member, the patch should be cut to extend 3 inches beyond the member. After sewing has been completed the patch should be laced to the rib over a new section of reinforcing tape using the methods of paragraph (b) (7) (i) of this section. The old rib lacing and reinforcing tape should not be removed.

(3) *Repair by sewing in repair panel.* When the damaged area exceeds 16 inches in any direction a new panel should be installed.

(i) Remove the surface tape from the ribs adjacent to the damaged area and from the trailing and leading edges of the section being repaired. Leave the old reinforcing tape in place.

(ii) Cut the old fabric along a line approximately 1 inch from the center of the ribs on the sides nearest to the injury, and continue the cuts to completely remove the damaged section. The old fabric should not be removed from the leading and trailing edge unless both upper and lower surfaces are being recovered. Do not remove the reinforcing tape and lacing at the ribs.

(iii) Cut a patch to extend from the trailing edge up to and around the leading edge and back approximately to the front beam. The patch should extend approximately 3 inches beyond the ribs adjacent to the damage.

(iv) Clean the area of the old fabric to be covered by the patch, put the patch in place, stretch taut and pin. After the patch is pinned in place, fold under the trailing and leading edges of the patch one-half inch and sew to the old fabric. Fold the side edges under one-half inch and sew to the old cover. After completion of the sewing, place reinforcing tape over the ribs under moderate tension and lace down using the methods of paragraph (b) (7) (i) of this section. Remove the temporary pinning.

(v) Give the panel a coat of clear dope and allow to dry. Install surface tape with the second coat of dope, over the reinforcing tape and over the edges of the panel. Finish the doping scheme using regular doping procedures.

(vi) This type of repair may be extended to cover both the upper and lower surfaces and to cover several rib bays if necessary. The panel must be laced to all the ribs covered.

(4) *Unsewed (doped on) repairs.* (i) Unsewed (doped on) repairs may be made on all aircraft fabric-covered surfaces provided the never-exceed speed is not greater than 150 miles per hour. A doped patch repair may be used if the damage does not exceed 16 inches in any direction. Cut out the damaged section making a round or oval-shaped opening trimmed to a smooth contour. Clean the edges of the opening which are to be covered by the patch with grease solvent. Sand or wash off the dope from the area around the patch with dope thinner. Support the fabric from underneath while sanding.

(ii) For holes up to 8 inches in size, make the fabric patch of sufficient size to provide a lap of at least 2 inches around the hole. On holes over 8 inches in size, make the overlap of the fabric around the hole at least one-fourth the hole diameter with a maximum limit of lap of 4 inches. If the hole extends over a rib or closer than the required overlap to a rib or other laced member, the patch should be extended at least 3 inches beyond the rib. In this case, after the edges of the patch have been doped in place and the dope has dried, the patch should be laced to the rib over a new section of reinforcing tape in the usual manner. The old rib lacing and reinforcing tape should not be removed. All patches should have pinked edges, or if smooth, finished with pinked-edge surface tape.

(5) *Repair by a doped-in panel.* When the damage exceeds 16 inches in any direction, make the repair by doping in a new panel. This type of repair may be extended to cover both the upper and lower surfaces and to cover several rib bays if necessary. The panel should be laced to all the ribs covered, and doped or sewed as in the blanket method.

(i) Remove the surface tape from the ribs adjacent to the damaged area and from the trailing and leading edges of the section being repaired. Leave the old reinforcing tape and lacing in place. Next cut the fabric along a line approximately 1 inch from the ribs on the sides nearest to the injury, and continue the cuts to completely remove the damaged section. The old fabric should not be removed from the leading and trailing edge unless both upper and lower surfaces are being re-covered.

(ii) (*a*) Cut a patch to run around the trailing edge 1 inch and to extend from the trailing edge up to and around the leading edge and back approximately to the front beam. The patch should extend approximately 3 inches beyond the ribs adjacent to the damage.

(*b*) As an alternative attachment on metal or wood-covered leading edges, the patch may be lapped over the old fabric at least 4 inches at the nose of the leading edge, doped, and finished with at least 8 inches of pinked-edge surface tape.

(iii) Clean the area of the old fabric that is to be covered by the patch and apply a generous coat of dope to this area. Put the new panel in place, pull as taut as possible, and apply a coat of dope to the portion of the panel which overlaps the old fabric. After this coat has dried, apply a second coat of dope to the over-lapped area and let dry.

(iv) Place reinforcing tape over the ribs under moderate tension and lace down in the approved manner.

(v) Give the panel a coat of clear dope and allow to dry. Install surface tape with the second coat of dope over the reinforcing tape and over the edges of the panel. Finish the doping scheme using the regular doping procedure.

(e) *Testing of fabric covering.* Tensile testing of fabric is a practical means for determining whether a fabric covering has deteriorated to a point where recovering is necessary. The testing may be carried out in accordance with the procedures set forth in existing industry or Government specifications such as Federal Specification CCC–T–191a, American Society for Testing Materials D39–39, and others. In all cases the specimens should be tested in the undoped condition. The use of acetone or dope thinner is suggested as a means of removing the dope.

(1) *Strength criteria for aircraft fabric.* (i) Present minimum strength values for new aircraft fabric covering are contained in table 3–1.

(ii) The maximum permissible deterioration for used aircraft fabric based on a large number of tests is 30 percent. Fabric which has less than 70 percent of the original required tensile strength would not be considered airworthy. Table 3–1 contains the minimum tensile strength values for deteriorated fabric as tested in the undoped condition.

(iii) In cases where light aircraft operators use the Grade "A" type fabric, but are only required to use "Intermediate" grade fabric, the Grade "A" material is still considered airworthy, provided it has not deteriorated, as tested in the undoped condition, below 46 pounds, i. e., 70 percent of the originally required tensile strength value for new "Intermediate" fabric.

(f) *Replacement of fabric covering with metal sheet.* (1) Some thought has been given to replacing fabric covering with metal sheet. The following remarks are intended to serve as a guide when such a modification is contemplated.

(2) Fabric may be replaced with metal sheet provided that the increase in weight does not cause the center of gravity travel to exceed its limits, that the gross weight of the aircraft remains within the operating limits and that the original structural integrity of the aircraft is not impaired by the alteration. With regard to the latter it should be noted that rivet holes in primary structural members are permissible for skin attachment only to the extent that the resultant cross-sectional area of the member is not less than the original minimum cross-sectional area. The selection of rivet patterns at skin joints is critical, especially in wings, as is also the effect of increased weight on wing moment of inertia. In view of the complexity of this modification it would be advisable to obtain CAA engineering approval of the alteration prior to its completion.

§ 18.30–4 *Metal aircraft structures (CAA policies which apply to § 18.30)*—(a) *Metal construction*—(1) *Identification and inspection of materials.* Identification and inspection of materials should be conducted in accordance with § 18.30–8.

(2) *Corrosion prevention treatment, cleaners, and paint removers.* Corrosion prevention treatment, cleaning and paint removing should be accomplished in accordance with § 18.30–7.

(3) *Bolts, screws, and fasteners.* Acceptable means of attachment are listed in § 18.30–6.

(4) *Flutter precautions.* When repairing control surfaces, especially on high-performance airplanes, care should be exercised that the repairs do not involve the addition of weight aft of the hinge line. Such procedure may adversely disturb the dynamic and static balance of the surface to a degree which would induce flutter. As a general rule it will be necessary to repair control surfaces in such a manner that the structure is identical to the original so that the weight distribution is not affected in any way.

(5) *Brazing.* (i) Brazing may be used for repairs to primary aircraft structures only if brazing was originally approved for the particular application. Brazing is not suitable for repair of welds in steel structures due to lower strength values of the brazed joint as compared to welded joints. Brazing may be used in the repair of secondary structures.

(ii) Due to the large number of brazing alloys used, it is difficult to be certain that the one used for repairing a brazed joint would not combine with the original brazing alloy to produce a low strength joint.

(iii) In cases where it is necessary to re-apply copper alloy brazing material on a steel surface more than once, and particularly if temperatures over 2,000° F. are reached, there is a possibility that brazing metal may penetrate between the grains in the steel to an extent that may cause cracking.

(iv) Copper brazing of steel is normally done in a special furnace having a reducing atmosphere, and at a temperature so high that field repairs are seldom feasible. If copper brazing is attempted without a controlled atmosphere, the copper will probably not completely wet and fill the joint.

(b) *Welded steel structures*—(1) *General.* Oxyacetylene or electric arc welding may be utilized for repair of aircraft structural elements. Most aircraft structures are fabricated from one of the weldable alloys; however, careful consideration should be given to the alloy being welded since all alloys are not readily weldable. In general, the more responsible an alloy steel is to heat treatment, the less suitable it is for welding, because the greater will be its tendency to become brittle and lose its ductility in the welded area. The following steels are readily weldable: plain carbon, nickel steels of the SAE 2300 series, chrome-nickel alloys of the SAE 3100 series, chrome-molybdenum steels of the SAE 4100 series and low nickel-chrome-molybdenum steel of the SAE 8600 series.

(i) *Preparation for welding.* The elements to be welded should be properly held in place by welding jigs or fixtures which are sufficiently rigid to prevent misalinement due to expanson and contraction of the heated material and which positively and accurately position the pieces to be welded together.

(ii) *Cleaning prior to welding.* The parts to be welded should always be cleaned by wire brushing or other similar methods. When a wire brush is used, care should be taken never to use a brush of dissimilar metal, for example, brass or bronze. The small deposit left by a brass or bronze brush will materially weaken the weld and may cause cracking and subsequent failure of the weld. In case members were metallized, the surface metal may be removed by careful sandblasting followed by a light buffing with emery cloth.

(iii) *Condition of completed weld.* The finished weld should incorporate the following characteristics:

(*a*) The seam should be smooth and of uniform thickness.

(*b*) The weld metal should taper off smoothly into the base metal.

(*c*) No oxide should be formed on the base metal at a distance of more than one-half inch from the weld.

(*d*) The weld should show no signs of blow holes, porosity or projecting globules.

(*e*) The base metal should show no signs of pitting, burning, cracking, or distortion.

(*f*) The depth of penetration should have been sufficient to insure fusion of base metal and filler rod.

(*g*) Welding scale should have been removed by wire brushing or sandblasting.

(iv) *Practices to guard against.* No welds should be filed in an effort to make a smooth appearing job, as such treatment causes a loss in strength. Welds should not be filled with solder, brazing metal, or any other filler. When it is necessary to reweld a joint which was previously welded, all old-weld material should be thoroughly removed before rewelding. Never weld over a weld if it can be avoided because continual reheating may cause the material to lose its strength and to become brittle. Never weld a joint which has been previously brazed.

(v) *Torch size (oxyacetylene welding).* Torch tip size is dependent upon the thickness of the material to be welded. Commonly used sizes proved satisfactory by experience are:

| Thickness of steel in inches | Diameter of hole in tip | Drill size |
|---|---|---|
| 0.015 to 0.031 | 0.020 | 71 |
| 0.031 to 0.065 | .030 | 68 |
| 0.065 to 0.125 | .047 | 63 |
| 0.125 to 0.188 | .052 | 55 |
| 0.188 to 0.250 | .055 | 54 |
| 0.250 to 0.375 | .067 | 51 |

(vi) *Welding rods and electrodes.* Welding rods and electrodes for various applications have special properties suitable for the application intended. Table 4–1 outlines oxy-acetylene welding rod properties, and table 4–2 outlines arc welding electrode properties.

(vii) *Rosette welds.* Rosette welds are generally employed to fuse an inner reinforcing tube (liner) with the outer member. Where a rosette weld is used, the hole should be made in the outside tube only and be of a sufficient size to insure fusion of the inner tube. A hole diameter of approximately one-fourth the tube diameter of the outer tube has been found to serve adequately for this purpose. In cases of tightly fitting sleeves or inner liners, the rosettes may be omitted.

(viii) *Heat-treated members.* Members which depend on heat-treatment for their original physical properties should be welded using a welding rod suitable for producing heat-treated values comparable to those of the original members (see subdivision (vi) of this subparagraph). Such members should be reheat-treated to the manufacturer's specifications after welding.

(ix) *Steel parts not to be welded*—(*a*) *Brace wires and cables.* Airplane parts that depend for their proper functioning on strength properties developed by cold working should not be welded. In this classification are streamlined wires and cables.

(*b*) *Brazed and soldered parts.* Brazed or soldered parts should not be welded, as the brazing mixture or solder will penetrate the hot steel and weaken it.

(*c*) *Alloy steel parts.* Alloy steel parts such as aircraft bolts, turnbuckle ends, axles and other heat-treated alloy steel parts, which have been heat-treated to improve their mechanical properties, should not be welded.

(2) *Repair of tubular members*—(i) *Inspection.* Prior to repairing tubular members, the structure surrounding any visible damage should be carefully examined to insure that no secondary damage remains undetected. Secondary damage may be produced in some structure remote from the location of the primary damage by the transmission of the damaging load along the tube. Damage of this nature usually occurs where the most abrupt change in direction of load travel is experienced. If this damage remains undetected, loads applied in the normal course of operation may cause failure of the part.

(ii) *Location and alinement of welds.* Unless otherwise noted welded steel tubing may be spliced or repaired at any joint along the length of the tube. Particular attention should be paid to proper fit and alinement to avoid eccentricities.

(iii) *Members dented at a cluster.* Dents at a steel tube cluster joint may be repaired by welding a specially formed steel patch plate over the dented area and surrounding tubes, as shown in figure 4–1. To prepare the patch plate, cut a section of steel sheet of the same material and thickness as the heaviest tube damaged. Trim the reinforcing plate so that the fingers extend over the tubes a minimum of 1.5 times the respective tube diameter as shown in the figure. Remove all the existing finish on the damaged cluster joint area to be covered by the reinforcing plate. The reinforcing plate may be formed before any welding is attempted, or it may be cut and tack-welded to one or more of the tubes in the cluster joint, then heated and formed around the joint to produce a smooth contour. Apply sufficient heat to the plate while forming so that there is generally a gap of no more than one-sixteenth inch from the contour of the joint to the plate. In this operation avoid unnecessary heating and exercise care to prevent damage at the apex of the angle formed by any two adjacent fingers of the plate. After the plate is formed and tack-welded to the cluster joint, weld all the plate edges to the cluster joint.



(iv) *Members dented in a bay.* Dented, bent, cracked or otherwise damaged tubular members may be repaired by using a split sleeve reinforcement, after first carefully straightening the damaged member, and in the case of cracks, drilling No. 40 (0.093) stop holes at the ends of the crack.

(*a*) *Repair by welded sleeve.* This repair is outlined in figure 4–2. Select a length of steel tube sleeve having an inside diameter approximately equal to the outside diameter of the damaged tube and of the same material and at least the same wall thickness. Diagonally cut the sleeve reinforcement at a 30° angle on both ends so that the minimum distance of the sleeve from the edge of the crack or dent is not less than $1\frac{1}{2}$ times the diameter of the damaged tube. Cut through the entire length of the reinforcing sleeve and separate the half sections of the sleeve. Clamp the two sleeve sections to the proper positions on the affected areas of the original tube. Weld the reinforcing sleeve along the length of the two sides, and weld both ends of the sleeve to the damaged tube as shown in the figure. The filling of dents or cracks with welding rod in place of reinforcing the member is not acceptable.

(*b*) *Repair by bolted sleeve.* Due to the large percentage of the tube area removed by the bolt holes, bolted sleeve repairs should not be used on welded steel structures without prior approval of the repair by the Civil Aeronautics Administration.

(v) *Welded-patch repair.* Dents or holes in tubing may be repaired by a welded patch of the same material and one gage thicker, as shown in figure 4–3 provided:

(*a*) *Dented tubing.* (1) Dents are not deeper than one-tenth of tube diameter, do not involve more than one-fourth of the tube circumference, and are not longer than tube diameter.

(2) Dents are free from cracks, abrasions and sharp corners.

(3) The dented tubing can be substantially re-formed without cracking before application of the patch.

(*b*) *Punctured tubing.* Holes are not longer than tube diameter and involve not more than one-fourth of tube circumference.

(*c*) *Location of patch.* No part of the patch is permitted in the middle third of the tube. The patch should not overlap a tube joint.

(vi) *Splicing by inner sleeve method.* (*a*) If the damage to a structural tube is such that a partial replacement of the tube is necessary, the inner sleeve splice shown in figure 4–4 is recommended, especially where a smooth tube surface is desired. Diagonally cut out the damaged portion of the tube, and remove the burr from the edges of the cut by filing or similar means. Diagonally cut a replacement steel tube of the same material and diameter and at least the same wall thickness to match the length of the removed portion of the damaged tube. At each end of the replacement tube allow a one-eighth-inch gap from the diagonal cuts to the stubs of the original tube. Select a length of steel tubing of the same material and at least the same wall thickness and of an outside diameter approximately equal to the inside diameter of the damaged tube. This inner sleeve tube material should fit snugly within the original tube, with a maximum diameter difference of one-sixteenth inch. From this inner sleeve tube material cut 2 sections of tubing, each of such a length that the ends of the inner sleeve will be a minimum distance of $1\frac{1}{2}$ tube diameters from the nearest end of the diagonal cut.

(*b*) If the inner sleeve fits very tightly in the replacement tube, chill the sleeve with dry ice or in cold water. If this is insufficient, polish down the diameter of the sleeve with emery cloth. Weld the inner sleeve to the tube stubs through the one-eighth-inch gap between the stubs, completely filling the one-eighth-inch gap forming a weld bead over the gap.

(vii) *Splicing by outer sleeve method.* (*a*) If partial replacement of a tube is necessary, an outer sleeve splice using a replacement tube of the same diameter may be made. However, the outer sleeve splice requires the greatest amount of welding and, therefore, it should be used only where the other splicing methods are not suitable. Information on the replacement by use of the welded outside sleeve method is given in figures 4–5 and 4–6.

(*b*) Squarely cut out the damaged section of the tube. Cut a replacement steel tube of the same material and diameter and at least the same wall thickness to match the length of the removed portion of the damaged tube. This replacement tube must bear against the stubs of the original tube with a total tolerance not to exceed one-thirty-second inch. Select a length of steel tubing of an inside diameter approximately equal to the outside diameter of the damaged tube, of the same material and at least the same wall thickness. This outer sleeve tube material should fit snugly about the original tube with a maximum diameter difference of one-sixteenth inch. From this outer sleeve tube material, cut 2 sections of tubing diagonally or fishmouth, each of such a length that the nearest ends of the outer sleeve are a minimum distance of $1\frac{1}{2}$ tube diameters from the ends of the cut on the original tube. Use a fishmouth-cut sleeve wherever possible. Remove the burr from all the edges of the sleeves, replacement tube, and original tube stubs. Slip the two sleeves over the replacement tube, line up the replacement tube with the original tube stubs, and slip the sleeves out over the center of each joint. Adjust the sleeves to suit the area and to provide maximum reinforcement. Tack-weld the 2 sleeves to the replacement tube in 2 places before welding. Apply a uniform weld around both ends of one of the reinforcing sleeves and allow the weld to cool. Then weld around both ends of the remaining reinforcing tube. Allow one sleeve weld to cool before welding the remaining tube, to prevent undue warping.

(viii) *Splicing using larger diameter replacement tubes.* (*a*) This method of splicing structural tubes shown in figure 4–7 requires the least amount of cutting and welding. However, this splicing method cannot be used where the damaged tube is cut too near the adjacent cluster joints or where bracket mounting provisions make it necessary to maintain the same replacement tube diameter as the original. As an aid in installing the replacement tube, squarely cut the original damaged tube, leaving a minimum short stub equal to $2\frac{1}{2}$ tube diameters on one end and a minimum long stub equal to $4\frac{1}{2}$ tube diameters on the other end.

(*b*) Select a length of steel tube of the same material and at least the same wall thickness, having an inside diameter approximately equal to the outside diameter of the damaged tube. This replacement tube material should fit snugly about the original tube with a maximum diameter difference of one-sixteenth inch. From this replacement tube material, cut a section of tubing diagonally or fishmouth of such a length that each end of the tube is a minimum distance of $1\frac{1}{2}$ tube diameters from the end of the cut on the original tube. Use a fishmouth-cut replacement tube wherever possible. Remove the burr from the edges of the replacement tube and the original tube studs. If a fishmouth cut is used, file out the sharp radius of the cut with a small, round file. Spring the long stub of the original tube from the normal position; slip the replacement tube over the long stub, then back over the short stub. Center the replacement tube between the stubs of the original tube. In several places tack-weld one end of the replacement tube; then weld completely around the end. In order to prevent distortion, allow the weld to cool completely; then weld the remaining end of the replacement tube to the original tube.

(3) *Repairs at built-in fuselage fittings.* Repairs of built-in fuselage fittings may be accomplished in a manner as shown in figure 4–8. Splices should be made in accordance with the methods described in the foregoing sections. The following sections outline the different methods as shown in the figure.

(i) *Tube of larger diameter than original.* A tube (sleeve) of larger diameter than original is used in the method shown in figure 4–9. This necessitates reaming the fitting holes (at longeron) to a larger diameter. The sleeve should extend approximately 6 inches forward (left of fitting) of the joint and 8 inches aft (right of fitting). The forward splice should be a 30° scarf splice. The rear longeron (right) should be cut off approximately 4 inches from the centerline of the joint and a spacer 1 inch long fitted over the longeron. This spacer and longeron should be edge welded. A tapered V-cut approximately 2 inches long should then be made in the aft end of the outer sleeve. The end of the outer sleeve should be swaged to fit the longeron and welded.

(ii) *Tube of same diameter as original.* In this method, shown in figure 4–9, the new section of tube is the same size as the longeron forward (left) of the fitting. The rear end (right) of the tube is cut at 30° and forms the outside sleeve

of a scarf splice. A sleeve is centered over the forward joint as indicated.

(iii) *Simple sleeve.* The longeron is assumed the same size on each side of the fitting in this case, in figure 4–9, and is repaired by a simple sleeve of larger diameter than the longeron.

(iv) *Large difference in longeron diameter each side of fitting.* Figure 4–9 (D) assumes that there is a quarter of an inch difference in the diameter of the longeron on the two sides of the fitting. The section of longeron forward (left) of the fitting is cut at 30° and a section of tubing of the same size as this tube and of such length as to extend well to the rear (right) of the fitting is slipped through it. One end is cut at 30° to fit the 30° scarf at left and the other end fishmouthed as shown. This makes it possible to insert a tube of such diameter as to form an inside sleeve for the tube on the left of the fitting and an outside sleeve for the tube on the right of the fitting.

(4) *Engine mounts*—(i) *General.* All welding on an engine mount should be of the highest quality, since vibration tends to accentuate any minor defect present. Engine mount members should preferably be repaired by using a larger diameter replacement tube telescoped over the stub of the original member and using fishmouth and rosette welds. However, 30° scarf welds in place of the fishmouth welds will be considered acceptable for engine mount repair work.

(ii) *Check of alinement.* Repairs to engine mounts should be governed by accurate means of checking alinement. When tubes are used to replace bent or damaged ones, the original alinement of the structure must be maintained. This can be done by measuring the distance between points of corresponding members that have not been distorted, and by reference to the manufacturer's drawings.

(iii) *Cause for rejection.* If all members are out of alinement, the engine mount should be replaced by one supplied by the manufacturer or one which has been built to conform to the manufacturer's drawings. The method of checking the alinement of the fuselage or nacelle points should be requested from the manufacturer.

(iv) *Engine mount ring damage.* Minor damage such as a crack adjacent to an engine attachment lug may be repaired by rewelding the ring and extending a gusset or a mounting lug past the damaged area. Engine mount rings which have been extensively damaged should not be repaired but should be replaced unless the method of repair is specifically approved by an authorized representative of the Civil Aeronautics Administration.

(5) *Landing gears*—(i) *Round tube construction.* Landing gears made of round tubing may be repaired using standard repairs and splices, as shown in figures 4–2 and 4–8.

(ii) *Streamline tube construction.* Landing gears made of streamlined tubing may be repaired by any one of the methods shown in figures 4–9 and 4–12.

(iii) *Axle assemblies.* (*a*) Representative types of repairable and nonrepairable landing gear axle assemblies are shown in figure 4–13. The types as shown in A, B, and C of this figure are formed from steel tubing and may be repaired by any applicable method shown in figures 4–2 to 4–12 in this manual. However, it will always be necessary to ascertain whether or not the members are heat-treated.

(*b*) The axle assembly as shown in figure 4–13 D is, in general, of a nonrepairable type for the following reasons:

(*1*) The axle stub is usually made from a highly heat-treated nickel alloy steel and carefully machined to close tolerances. These stubs are usually replaceable and should be replaced if damaged.

(*2*) The olco portion of the structure is generally heat-treated after welding and is perfectly machined to assure proper functioning of the shock absorber. These parts would be distorted by welding after machining.

(iv) *Ski pedestals.* Damaged pedestals made of steel tubing may be repaired by using any applicable method shown in figures 4–2 through 4–12.

(6) *Built-up tubular wing or tail surface spars.* Built-up tubular wing or tail surface spars may be repaired by using any of the applicable splices and methods of repair shown in figures 4–2 to 4–12 provided the spars are not heat-treated. In the case of heat-treated spars, the entire spar assembly would have to be reheat-treated to the manufacturer's specifications after completion of the repair. In general, this will be found less practicable than replacing the spar with one furnished by the manufacturer.

(7) *Wing and tail surface brace struts.* In general it will be found advantageous to replace damaged wing brace struts made either from round or streamlined tubing by new members purchased from the original manufacturer. However, there is no objection from an airworthiness point of view to repairing such members in a proper manner. An acceptable method in case streamlined tubing is used will be found in figure 4–10. Similar members made of round tubes may be repaired using a standard splice, as shown in figures 4–2, 4–4, or 4–5.

(i) *Location of splices.* Steel brace struts may be spliced at any point along the length of the strut provided the splice does not overlap any part of an end fitting. The jury strut attachment is not considered an end fitting; therefore, a splice may be made at this point. The repair procedure and workmanship should be such as to minimize distortion due to welding and the necessity for subsequent straightening operations. Every repaired strut should be carefully observed during initial flights to ascertain that the vibration characteristics of the strut and attaching components have not been adversely affected by the repair. The check should cover a wide range of speed and engine power combinations.

(ii) *Fit and alinement.* When making repairs to wing and tail surface brace members, particular attention should be paid to proper fit and alinement to avoid eccentricities.

(8) *Repairs to welded parts.* Repairs to welded assemblies may be made by either of the following methods:

(i) *Replacing welded joints.* Cutting out the welded joint and replacing it with one properly gusseted.

(ii) *Replacing weld deposit.* Chipping out the metal deposited by the weld process and rewelding after properly reinforcing the joint by means of inserts or external gussets.

(c) *Stainless steel structures*—(1) *General.* Structural components made from stainless steel, particularly the "18–8" variety (18 percent chromium, 8 percent nickel), joined by spot welding, should be repaired only at the factory of origin or by a repair station designated by the manufacturer and rated by the Civil Aeronautics Administration to perform this type of work, unless the repair is made using bolted or riveted connections which are specifically approved by an authorized representative of the Civil Aeronautics Administration.

(2) *Secondary structural and nonstructural elements.* Elements such as tip bows or leading and trailing edge tip strips of wing and control surfaces may be repaired by soldering with a 50–50 lead-tin solder or a 60–40 alloy of these metals. For best results a flux of phosphoric acid (syrup) should be used. Since the purpose of a flux is to attack the metal so that the soldering will be effective, any excess flux should be removed by washing the joint. Due to the high heat conductivity of stainless steel, a soldering iron large enough to do the work properly must be used. Leaky spot welded seams in boat hulls, fuel tanks, etc., should be repaired in a similar manner.

(d) *Riveted or bolted steel truss type structures.* Repairs to riveted or bolted steel truss type structures should be made employing the general principles outlined in the following sections on aluminum alloy structures. Methods of repair of vital members should specifically be approved by a representative of the Civil Aeronautics Administration.

(e) *Aluminum alloy structures*—(1) *General.* Extensive repairs to damaged stressed skin on monocoque types of aluminum alloy structures should be made at the factory of origin or by a repair station rated for this type of work. In any event such work should be undertaken only by a certificated mechanic thoroughly experienced in this type of work. The repairs should preferably be made in accordance with specific recommendations of the manufacturer of the aircraft. In many cases repair parts, joints, or reinforcements can be designed and proof of adequate strength shown, without the calculation of the design loads and stresses, by properly considering the material and dimensions of the original parts and the riveted attachments. Examples illustrating the principles of this method as applied to typical repairs are given in this manual or may be found in textbooks on metal structures. An important point to bear in mind making repairs on monocoque structures is that a repaired part must be as strong as the original with respect to all types of loads and general rigidity.



(i) *Use of annealed alloys for structural parts.* The use of annealed 17S or 24S alloys for any structural repair of an aircraft is not considered satisfactory on account of their poor corrosion resisting properties.

(ii) *Hygroscopic materials improperly moisture-proofed.* The use of hygroscopic materials improperly moisture-proofed such as impregnated fabrics, leather and the like, in attempting to effect watertightness of joints and seams is not considered acceptable practice.

(iii) *Drilling oversized holes.* Great care should be exercised to avoid drilling over-size holes or otherwise decreasing the effective tensile area of wing spar capstrips, wing, fuselage, or fin longitudinal stringers, or other highly stressed tensile members. All repairs or reinforcements to such members should be done in accordance with factory recommendations or with the specific approval of a representative of the Civil Aeronautics Administration.

(iv) *Disassembly prior to repairing.* If the parts to be removed are essential to the rigidity of the complete structure, the remaining structure should be adequately supported prior to disassembly, in such a manner as to prevent distortion and permanent damage to the remainder of the structure. Rivets may be removed by using special tools developed for the purpose or by center-punching the heads, drilling not quite through with a drill of the same size as the rivets, and shearing the heads off by a sharp blow with a small cold chisel. Rivet joints adjacent to the damaged parts should be inspected for partial failure (slippage) by removing one or more rivets to see if the holes are elongated or the rivets have started to shear.

(2) *Selection of material for replacement parts.* In selecting the alloy, it is usually satisfactory to use 24S in place of 17S since the former is stronger. Hence, it will not be permissible to replace 24S by 17S unless the deficiency in strength of the latter material has been compensated by an increase in material thickness or the structural strength has been substantiated by tests or analyses. Information on the comparative strength properties of these alloys as well as 14S, R-301, 61S, 75S, etc., is contained in ANC-5, "Strength of Metal Aircraft Elements." The choice of temper depends upon the severity of the subsequent forming operations. Parts having single curvature and straight bend lines with a large bend radius may be advantageously formed from heat-treated material, while a part such as a fuselage frame would have to be formed from soft annealed sheet and heat-treated after forming. Sheet metal parts which are to be left unpainted should be made of clad (aluminum coated) material. All sheet material and finished parts should be free from cracks, scratches, kinks, tool marks, corrosion pits, and other defects which may be factors in subsequent failure.

(3) *Forming sheet metal parts.* Bend lines should preferably be made to lie at an angle to the grain of the metal (preferably 90°). Before bending, all rough edges should be smoothed, burrs removed and relief holes drilled at the ends of bend lines and at corners to prevent cracks from starting. For material in the heat-treated condition, the bend radius should be large. See table 4–3 for recommended bend radii.

(3) *Heat treatment*—(i) *General.* All structural aluminum alloy parts should be heat treated in accordance with the heat treatment instructions issued by the manufacturers of the materials. If the heat treatment produces warping, the parts should be strengthened immediately after quenching. Riveted parts should be heat-treated before riveting, to preclude warping and corrosion. When riveted assemblies are heated in a salt bath, the salt cannot be entirely washed out of the crevices, thus causing corrosion.

(ii) *Quenching in hot water or air.* The quenching of 17S or 24S alloys in water above 100° F., or air at any temperature after heat treatment will not be satisfactory. For clad material, when the use of cold water will result in too great a distortion of the finished part, the use of oil, hot water, water spray or forced air draft is satisfactory, provided the parts will not be subject to severe corrosion in service. Quenching in still air is not satisfactory.

(iii) *Transferring too slowly from heat treatment medium to quench tank.* Transfer of 17S or 24S alloys from the heat treatment medium to the quench tank should be accomplished as quickly as possible. An elapsed time of 10 to 15 seconds will, in many cases, result in noticeably impaired corrosion resistance.

(iv) *Reheating at temperatures above boiling water.* Reheating at temperatures above that of boiling water of 17S or 24S alloys after heat treatment, and the baking of primers at temperatures above that of boiling water, will not be considered acceptable without subsequent complete and correct heat treatment, as such practice tends to impair the original heat treatment.

(4) *Riveting*—(i) *Identification of rivet material.* Identification of rivet material is contained in § 18.30–6.

(ii) *Replacement of aluminum alloy rivets.* All protruding head rivets, (roundhead, flathead, and brazier-head) may be replaced by rivets of the same type or by AN–470 Universal-head rivets. Flushhead rivets should be used to replace flushhead rivets.

(*a*) *Replacement rivet size and strength.* Replacements should be made with rivets of the same size and strength wherever possible. If the rivet hole has become enlarged, deformed, or otherwise damaged, the hole should be drilled or reamed for the next larger size rivet, care being taken, however, that the edge distances and spacings are not less than minimums listed in (*b*) of this subdivision. Rivets may not be replaced by a type of lower strength properties, unless the lower strength is adequately compensated for by an increase in size or a greater number of rivets.

(*b*) *Replacement rivet edge distances and spacings for sheet joints.* Rivet edge distance is defined as the distance from the center of the rivet hole to the nearest edge of the sheet. Rivet spacing is the distance from the center of the rivet hole to the center of the adjacent rivet hole. Edge distances and spacings should not be less than the following:

(*1*) *Single row.* Edge distances not less than 2 times the diameter of the rivet and spacing not less than 3 times the diameter of the rivet.

(*2*) *Double row.* Edge distance and spacing not less than the minimums shown in figure 4–14.

(*3*) *Triple or multiple rows.* Edge distance and spacing not less than the minimums shown in figure 4–14.

(iii) *Use of A17S–T3 aluminum alloy replacement rivets.* It will be considered acceptable to replace all 17S–T3 rivets of three-sixteenths-inch diameter or less, and also all 24S–T4 rivets of five-thirty-seconds-inch diameter or less with A17S–T3 rivets for general repairs, provided the replacement rivets are one-thirty-second-inch greater in diameter than the rivets they replace, and provided the edge distances and spacings are not less than the minimums listed in subdivision (ii) (*b*) of this subparagraph.

(iv) *Driving of rivets.* A17S rivets may be driven in the condition received, but 17S rivets above three-sixteenths inch in diameter, and all 24S rivets should either be kept refrigerated in the "as quenched" condition until driven or be reheat-treated just prior to driving as they would otherwise be too hard for satisfactory riveting. Dimensions for formed flat rivet heads are shown in figure 4–15, together with commonly found rivet imperfections, which should be guarded against.

(v) *Blind-type and hollow rivets.* (*a*) Hollow rivets should not be substituted for solid rivets in load-carrying members without specific approval of the application by a representative of the Civil Aeronautics Administration.

(*b*) Blind rivets may be used in blind locations in accordance with the conditions listed in § 18.30–6, provided the edge distances and spacings are not less than the minimums listed in subdivision (ii) (*b*) of this subparagraph.

(vi) *New and revised rivet patterns.* (*a*) A new or revised rivet pattern should be designed for the strength required in accordance with the specific instructions in subparagraphs (5) (vi) and (viii) (*d*) of this paragraph.

(*b*) A general rule for the diameter of rivets used to join dural sheets is to use a diameter approximately three times the thickness of the sheet, or somewhat larger for thin sheet. Rivets should not be used where they would be placed in tension tending to pull the heads off. A lap joint of thin sheets should be "backed up" by a stiffening section.

(5) *Repair methods*—(i) *Precautions.* (*a*) When adding or replacing rivets adjacent or near to 17S or 24S rivets which have been installed previously, great care should be exercised or the older rivets will be loosened or may fail due to sharp vibrations in the structures caused by the action of the rivet gun and bucking bar. In every case all adjacent rivets should be carefully examined after the repair or alteration is finished to

ascertain that they have not been harmed by operations in adjacent areas.

(b) Rivet holes should be drilled, round, straight, and free from cracks. The snap used in driving the rivets should be cupped slightly flatter than the rivet heads shown in figure 4–15. Rivets should be driven straight and tight, but not overdriven or driven while too hard, since the finished rivet must be free from cracks. Information on special methods of riveting, such as flush riveting, usually may be obtained from manufacturer's service manuals.

(ii) *Splicing of tubes.* (a) Round or streamline tubular members may be repaired by splicing as shown in figure 4–16. Splices in struts should not overlap the fittings.

(b) When solid rivets go completely through hollow tubes, their diameter should be at least one-eighth of the outside diameter of the outer tube. Rivets which are loaded in shear should be hammered only enough to form a small head, and no attempt should be made to form the standard round head. The amount of hammering required to form the standard round head often causes the rivet to buckle inside the tube. Satisfactory rivet heads may be produced in such installations by spinning, if the proper equipment is available. Correct and incorrect examples of this type of rivet application are incorporated in figure 4–16.

(iii) *Repairs to aluminum alloy members.* Repairs to aluminum alloy members should be made with the same material or with suitable material of higher strength. The 75S alloy has greater tensile strength than other commonly used aluminum alloys such as 14S and 24S but it is subject to somewhat greater notch sensitivity. In order to take advantage of its higher strength characteristics, particular attention should be paid in design of parts to avoid notches, small radii, large or rapid changes in cross-sectional area. In fabrication, care should be taken to avoid processing and handling defects, such as machine marks, nicks, dents, burrs, scratches and forming cracks. Cold straightening or forming of 75S–T6 can cause cracking; hence, it may be advisable to limit this processing to minor cold straightening.

(iv) *Wing and tail surface ribs.* Damaged aluminum alloy ribs either of the stamped sheet-metal type or the built-up type employing special sections, square or round tubing, may be repaired by the addition of suitable reinforcement. Acceptable methods of repair are shown in figures 4–17 and 4–18. These examples deal with types of ribs commonly found in small and medium aircraft. Any other method of reinforcement should be specifically approved by a representative of the Civil Aeronautics Administration.

(a) *Trailing and leading edges and tip strips.* Repairs to wing and control surface trailing and leading edges and tip strips should be made by properly executed and reinforced splices. Acceptable methods of trailing edge repairs are shown in figure 4–19.

(v) *Repair of damaged skin*—(a) *Replacement of skin panels.* In case metal skin is damaged extensively, repairs should be made by replacing an entire sheet panel from one structural member to the next. The repair seams should be made to lie along stiffening members, bulkheads, etc., and each seam should be made exactly the same in regard to rivet size, spacing, and rivet pattern as the parallel manufactured seams at the edges of the original sheet. If the two manufactured seams are different, the stronger one should be copied. See figure 4–20 for typical acceptable methods of repairs.

(b) *Patching of small holes.* (1) Small holes in skin panels which do not involve damage to the stiffening members may be patched by covering the hole with a patch plate in the manner shown in figure 4–20.

(2) Flush type patches also can be installed in stressed skin type of construction. An acceptable and easy flush patch can be made by trimming out the damaged area and then installing a conventional patch on the underneath side or back of the sheet being repaired. A plug patch plate of the same size as the opening can then be inserted and riveted to the patch plate installed as above. This will complete an acceptable flush type patch. Other types of flush patches similar to those used for patching plywood, reference figure 2–16, also can be used. The riveting pattern used, however, should follow standard practice so as to maintain satisfactory strength in the sheet. (See subdivision (i) of this subparagraph.)

(3) In general, patches in metal skin are not restricted as to size or shape; however, those of rectangular, circular, square, oval, and rectangular with round ends usually are more desirable as to appearance and ease of installation.

(vi) *Splicing of sheets.* In some cases the method of copying the seams at the edges of a sheet may not be satisfactory; for example, when the sheet has cutouts, or doubler plates at an edge seam, or when other members transmit loads into the sheet. In these cases, the splice should be designed as illustrated in the following example:

Material: Clad 17S sheet, 0.032 inch thickness. Width of sheet (i. e. length at splice) = "W" = 10 inches.

To determine rivet size and pattern for a single-lap joint, similar to figure 4–14:

(a) Use rivet diameter of approximately three times the sheet thickness $3 \times 0.032 = 0.096$ inch. Use one-eighth A17S–T3 rivets (⅛ A17S–T3 would also be satisfactory).

(b) Determine the number of rivets required per inch of width, "W", from table 4–5. Number per inch $= 4.9 \times .75 = 3.7$. Total number of rivets required $= 10 \times 3.7 = 37$ rivets.

(c) Lay out rivet pattern with spacing not less than those shown in figure 4–14. Referring to figure 4–14A, it is seen that a double-row pattern with the minimum spacing will give a total of 40 rivets. However, as only 37 rivets are required, 2 rows of 19 rivets each, equally spaced over the 10 inches will result in a satisfactory splice.

(vii) *Straightening of stringers or intermediate frames*—(a) *Members slightly bent.* Members which are slightly bent may be straightened cold and examined with a magnifying glass for injury to the material. The straightened parts should then be reinforced to an extent depending upon the condition of the material and the magnitude of any remaining kinks or buckles. If any strain cracks are apparent, complete reinforcements should be added by following the manufacturer's recommendations and the attachment of the reinforcements should be made in sound metal beyond the damaged portion.

(b) *Local heating.* Local heating should never be applied to facilitate bending, swaging, flattening, or expanding operations on heat-treated aluminum alloy members, as it is difficult to control the temperatures closely enough to prevent possible damage to the metal and it may impair its corrosion resistance.

(viii) *Splicing of stringers and flanges.* (a) Splices should be made in accordance with the manufacturer's recommendations, which are usually contained in a repair manual.

(b) Typical splices for various shapes of sections are shown in figures 4–21 and 4–23. Splices should be designed to carry both tension and compression and the splice shown in figure 4–22 will be used as an example illustrating the following general principles:

(1) *Statement of principles.* (i) To avoid eccentric loading and consequent buckling in compression, splicing or reinforcing parts should be placed as symmetrically as possible about the centerline of the member and attachment made to as many elements as necessary to prevent bending in any direction.

(ii) To avoid reducing the strength in tension of the original bulb angle, the rivet holes at the ends of the splice are made small (no larger than the original skin attaching rivets), and the second row of holes (those through the bulbed leg) are staggered back from the ends. In general the rivets should be arranged in the splice so that the design tensile load for the member and splice plate can be carried into the splice without failing the member at the outermost rivet holes.

(iii) To avoid concentration of load on the end rivet and consequent tendency toward progressive rivet failure, the splice is tapered off at the ends, in this case by tapering the backing angle and by making it shorter than the splice bar (see fig. 4–22).

The preceding principles are especially important in splicing stringers on the lower surface of stressed skin wings, where high tension stresses may exist. When several adjacent stringers are spliced, the splices should be staggered if possible.

(2) *Size of splicing members.* When the same material is used for the splicing member as for the original member, the net cross section area (i. e., the shaded areas in fig. 4–21) of the spliced member should be greater than the area of the section element which it splices. The area of a section element (or each leg of an angle or channel) is equal to the width multiplied by the thickness. For example, in figure 4–22, the bar, "B," is assumed to splice the upper leg



of the stringer, and the angle, "A," to splice the bulbed leg of the stringer. Since the splice bar, "B," is not as wide as the adjacent leg, and since the rivet diameter is also subtracted from the width, the bar is made twice as thick in order to obtain sufficient net area.

(3) *The diameter of rivets in stringers.* The diameter of rivets in stringers should preferably be between 2 and 3 times the thickness, "t," of the leg, but should not be more than one-fourth the width, "W," of the leg. Thus, one-eighth-inch rivets are chosen in the example, figure 4–22. If this splice were in the lower surface of a wing, the end rivets would be made the same size as the skin attaching rivets, say three thirty-seconds.

(4) *The number of rivets.* (i) The number of rivets required on each side of the cut in a stringer or flange may be determined from standard textbooks on aircraft structures, or may be found from tables 4–4, 4–5, or 4–6. In determining the number of rivets required in the example, figure 4–22, for attaching the splice bar, "B," to the upper leg, the thickness "t" of the element of area being spliced is one-sixteenth inch (use 0.064), the rivet size is one-eighth inch, and table 4–5 shows that 9.9 rivets are required per inch of width. Since the width, "W," is one-half inch, the actual number of rivets required to attach the splice bar to the upper leg, on each side of the cut, is 9.9 (rivets per inch) × 0.5 (inch width) = 4.95; use 5 rivets.

(ii) For the bulbed leg of the stringer, "t" = ⅛ inch (use 0.064), AN–3 bolts are chosen and the number of bolts required per inch of width = 3.3. The width, "W," for this leg, however, is 1 inch, and the actual number of bolts required on each side of the cut is $1 \times 3.3 = 3.3$; use 4 bolts. When both rivets and bolts are used in the same splice, the bolt holes should be accurately reamed to size. It is preferable to use only one type of attachment, but in the above example, the dimension of the legs of the bulb angle indicated rivets for the upper leg and bolts for the bulb leg.

(5) *Splicing of intermediate frames.* The same principles that are used for stringer splicing may be applied to intermediate frames, when the following point is also considered:

(i) Conventional frames of channel or Z section are relatively deep and thin compared to stringers, and usually fail by twisting or by buckling of the free flange. The splice joint should be reinforced against this type of failure by using a splice plate heavier than the frame and by splicing the free flange of the frame with a flange of the splice plate, as illustrated in figure 4–24. Since a frame is likely to be subjected to bending loads, the length of splice plate "L" should be more than twice the width, "W," and the rivets spread out to cover the plate.

(ix) *Repairing cracked members.* Acceptable methods of repairing various types of cracks occurring in service in structural elements from various causes are shown in figures 4–25 to 4–28. The following general procedure should be followed in repairing such defects:

(a) Small holes three thirty-seconds inch (or ⅛ inch) should be drilled at the extreme ends of the cracks to mitigate the possibility of their spreading further.

(b) Reinforcements as shown in these figures should be added to carry the stresses across the damaged portion and to stiffen the joints.

The condition causing such cracks to develop at a particular point is stress concentration at that point in conjunction with repetition of stress (such as produced by vibration of the structure). The stress concentration may be due to the design or to defects such as nicks, scratches, tool marks, and initial stresses or cracks from forming or heat-treating operations. It should be noted that an increase in sheet thickness alone is usually beneficial but does not necessarily remedy the conditions leading to cracking.

(f) *Fittings*—(1) *Steel fittings*—(i) *Inspections for defects.* (a) Fittings should be free from scratches, vise and nibbler marks, and sharp corners. A careful examination of the fitting with a medium power (at least 10 power) magnifying glass will be considered an acceptable inspection.

(b) When repairing aircraft after an accident or in the course of a major overhaul, all highly stressed main fittings should be inspected in accordance with the provisions of § 18.30–8, and, if necessary, corrosion prevention measures taken as recommended in § 18.30–7.

(ii) *Torn, kinked, or cracked fittings.* Torn, kinked, or cracked fittings should be replaced and not repaired.

(iii) *Elongated or worn bolt holes.* Elongated holes in fittings which were designed without bushings should not be reamed oversize but such fittings should be replaced unless the method of repair is approved by a representative of the Civil Aeronautics Administration. Holes should not be filled with welding rod. Acceptable methods of repairing elongated or worn bolt holes in landing gear, stabilizer, interplane or cabane strut ends only, not originally equipped with pin plates, are shown in figure 4–29. (See also figure 4–8 on longeron repair at a fitting.)

(2) *Aluminum and aluminum alloy fittings.* Damaged fittings should be replaced with new parts having the same material specifications or the method of repair should be specifically approved by a representative of the Civil Aeronautics Administration.

(g) *Castings.* Damaged castings should be replaced and not repaired unless the method of repair is specifically approved by a representative of the Civil Aeronautics Administration.

§ 18.30–5 *Control cables and terminals (CAA policies which apply to § 18.30)*—(a) *Control cables and wires.* Control cables and wires should be replaced if injured, distorted, worn, or corroded even though the strands are not broken. However, cable sections may be spliced using the procedures of subparagraph (1) of this paragraph. Cable tension should be checked after installation to insure proper rigging.

(1) *Splicing.* (i) Control cables may be spliced when they become worn, distorted, corroded, or otherwise injured. The cable, thimbles, shackles, turnbuckles, bolts, and other parts should be of the same size, material, and quality as the original parts or of such size that the repaired cable will be of strength equivalent to the original. However, AN–666 through AN–669 standard swaged cable terminals develop the full cable strength and may be substituted for the original terminals wherever practical. If facilities and supplies are limited, repair may sometimes be accomplished, using thimbles, bushings, and turnbuckles in place of original terminals. When this is done, flexible cables 7 x 7 and 7 x 19, having a diameter of three thirty-seconds inch or over, may be woven spliced by means of the 5-tuck method. Flexible cable less than three thirty-seconds inch in diameter and nonflexible carbon steel 19 wire cable (MIL–C–6940) may be wrap-soldered. Directions for fabricating these splices and limitations as to their use are contained in the following paragraphs.

(ii) All splices should be installed so that no portion of the splice comes closer than 2 inches to any fairlead or pulley and the connections should not be located at points where jamming may occur during any portion of the travel of either the loaded cable or the slack cable in the deflected position.

(2) *Substitution of cable.* Substitution of control cable (aircraft cord) for hard or streamlined wires will not be acceptable unless specifically approved by a representative of the Civil Aeronautics Administration.

(3) *Cutting and heating.* Cables should be cut to length only by mechanical means. The use of a torch in any manner is not permitted. Wires and cables should never be subjected to excessive temperature. Soldering bonding braid to control cable will not be considered satisfactory.

(4) *Rust prevention.* If the cables are made from tinned steel, the cable should be coated with rust preventive oil. It is to be noted that corrosion-resistant steel cable does not require this treatment for rust prevention.

(b) *Swaged terminals.* Swaged cable terminals as for instance AN–666 through AN–669 manufactured in accordance with Air Force-Navy Aeronautical Standard Specifications are suitable for use in civil aircraft for loads up to and including the maximum cable loads permitted by the specification. Limits and tolerances for critical dimensions, before and after swaging, are specified on the AN standard cable terminal drawings and also in the literature issued by manufacturers of swaging tools. When such tools are used, it is important that the instructions supplied by the manufacturer including "go" and "no go" after swaging dimensions, be followed in detail in order that defective and inferior swaging will be avoided. Observance of all instructions should result in a swaged terminal developing the full rated strength of the cable.

(1) *Cable slippage in terminal.* Care should be exercised to insure the cable is properly inserted in the band after the swaging operation is completed as instances have been noted of cases where in only one-fourth inch of the cable was

properly swaged in the terminal. Observance of the following precautions should minimize this possibility:

(i) Measure the length of the terminal end of the fitting to determine the proper length of cable to be inserted in the barrel of the fitting.

(ii) Lay off this length at the end of the cable and mark with masking tape. Since the tape will not slip, it will provide a positive marking during the swaging process.

(iii) After swaging, check the tape marker to make certain that the cable did not slip during the swaging operation.

(iv) Check swaged fitting with a "go"-"no go" gage to see that the fitting is properly compressed.

(v) Remove the tape and, using red paint, paint the junction of the swaged fitting and cable.

(vi) At all subsequent service inspections of the swaged fitting, check for a gap in the painted section to see if cable slippage has occurred.

(2) *Ball-and-socket-type terminals.* Ball-and-socket-type swaged terminals and other types that do not positively prevent cable untwisting should not be used for general replacement except where they were utilized on the original installation by the aircraft manufacturer.

(c) *Woven splice terminal.* (1) The 5-tuck woven splice terminals shown in figure 5–1 may be utilized on 7 x 7 flexible and 7 x 19 extra flexible cables of three thirty-seconds inch diameter or greater. This type of terminal will develop only 75 percent of the cable strength and should not be used to replace swaged or other high efficiency terminals unless it is definitely known that the design load for the cable is not greater than 75 percent of the cable minimum breaking strength (see table 5–1).

(2) In some cases it will be necessary to splice one end of the cable on assembly. For this reason, investigate the original installation for pulleys and fair leads that might restrict the passage of the splice. The procedure for the fabrication of a woven splice is as follows: See figure 5–1 for the designation of numbers and letters referred to in this sequence of operations.

(i) Secure the cable around a bushing or thimble by means of a splicing clamp in a vise with the free end to the left of the standing wire and away from the operator. If a thimble is used as the end fitting, turn to point outward approximately 45°.

(ii) Select the free strand (1) nearest the standing length at the end of the fitting and free this strand from the rest of the free ends. Next, insert a marlinspike under the first three strands (A, B, C) of the standing length nearest the separated strand of the free end and separate them momentarily by twisting the marlinspike. Insert the free strand (1) under the three separated strands through the opening created by the marlinspike. Pull the free end taut by means of pliers.

(iii) Unlay a second strand (2) located to the left of the first strand tucked, and insert this second strand under the first two standing strands (A, B). Loosen the third free length (3) located to the left of the first two, and insert it under the first standing strand (A) of the original three (section AA).

(iv) Remove the center or core strand (7) from the free end and insert it under the same standing strands (A, B). Temporarily secure the core strand to the body of the standing cable (see detail B). Loosen the last free strand (6) located just to the right of the first (1) and tuck it under the last two strands (E, F) of the standing cable. Tuck the fifth free end (5) around the fifth standing strand (E). Tuck the fourth free end (4) around the sixth standing strand (F) (see details B and E). Pull all strands snug toward the end fitting with the pliers. This completes the first tuck.

(v) Begin with the first free strand (1) and work in a counterclockwise direction, tucking free strands under every other strand. After the completion of every tuck, pull the strands tight with pliers. Pull toward the end fitting (see detail C). After the completion of the third complete tuck, cut in half the number of wires in each free strand. Make another complete tuck with the wires remaining. At the completion of the fourth tuck, again halve the number of wires in the free strands and make one final tuck with the wires remaining. Cut off all protruding strands and pound the splice with a wooden or rawhide mallet to relieve the strains in the wires. Serve the splice with waxed linen cord (6 ply, type B, Federal Specification V–T–291).

(vi) Start one-fourth inch from the end of the splice and carry the wrapping over the loose end of the cord and along the tapered splice to a point between the second and third tucks. Insert the end of the cord back through the last five wrappings and pull snug. Cut off the end, and if a thimble is used as an end fitting bend down the points. Apply 2 coats of shellac to the cord, allowing 2 hours between coats (see detail D). Carefully inspect the cable strands and splices for local failure. Weakness in a woven splice is made evident by a separation of the strand of serving cord.

(d) *Wrap-soldered splice.* The wrap-soldered splice terminal shown in figure 5–2 may be utilized on flexible cables less than three thirty-seconds inch in diameter and on nonflexible single-strand (19-wire) cable (MIL–C–6940). This type of terminal will develop only 90 percent of the cable strength and should not be used to replace swaged or other high efficiency terminals unless it is definitely known that the design load for the cable is not greater than 90 percent of the cable minimum breaking strength (see table 5–1). The method of making the wrapped and soldered splice is as follows:

(1) The serving or wrapping wire should be of commercial soft-annealed steel wire or commercial soft iron wire, thoroughly and smoothly tinned or galvanized.

(2) The solder should be half tin and half lead conforming to Federal Specification QQ–S–571. The melting point of this solder varies from 320° to 390° F., and the tensile strength is approximately 5,700 pounds per square inch.

(3) Solder flux should be a compound of stearic acid (there should be no mineral acid present) and rosin with a composition of 25 to 50 percent resin. A warming gluepot to keep the flux in fluid state is desirable.

(4) Before the cable is cut the wires are soldered to prevent slipping. The preferred process is to tin and solder the cable thoroughly for 2 or 3 inches by placing in a solder trough, finishing smooth with a soldering tool. The cable may be cut diagonally to conform to the required taper finish.

(5) After being soldered and cut the cable is securely bent around the proper size thimble and clamped, taking care that the cables lie close and flat and that the taper end for finish lies on the outside. If it is necessary to trim the taper at this point in the process, it is preferable that it be done by grinding, but grinding is permissible, provided a steel guard at least 3 inches long and one-thirty-second-inch thick is placed between the taper end and the main cable during the operation, and that the heat generated from the grinding does not melt the solder and loosen the wires.

(6) Serving may be done by hand or machine, but in either case each serving convolution must touch the adjoining one and be pulled tightly against the cable, with spaces for permitting a free flow of solder, and inspection.

(7) Care should be exercised to prevent drawing of the temper of any cable wires by excessive temperature or duration of applied heat. The flux used in this soldering should be stearic acid and resin. The use of sal ammoniac or other compounds having a corrosive effect is not permitted as a flux.

(8) Soldering is accomplished by immersing the terminal alternately in the flux and in the solder bath, repeating the operation until thorough tinning and filling with solder under the serving wire and thimble is obtained. The temperature of the solder bath and place where terminal is withdrawn should not be above 450° F. A soldering iron may be used in the final operation to give a secure and good-appearing terminal. Care should be taken that the solder completely fills the space under the serving wire and thimble. A slightly hollowed cast iron block to support the splice during soldering may help in securing the best results. The use of abrasive wheels or files for removing excess solder is not permissible.

(9) As an alternative process for making terminals for nonflexible cable, the oxyacetylene cutting method and the presoldering method (soldering before wrapping) are permitted, but only on the following conditions:

(i) That the process of cutting securely welds all wires together;

(ii) That the annealing of the cable does not extend more than one cable diameter from the end;

(iii) That no filing be permitted either before or after soldering;

(iv) For protection during the operation of grinding the tapered end of the cable, a steel guard at least 3 inches in length and one-thirty-second-inch thick should be placed between the taper and the main cable;



(v) The heat from grinding should not draw the temper of the cable.

(10) Wrap-soldered splice terminals should not be used ahead of the firewall, or in other fire zones, or in other locations where they might be subjected to high temperature.

(e) *Safetying of turnbuckles.* All turnbuckles should be safetied with safety wire using either the double or single wrap method, or with any appropriate approved special safetying device complying with the requirements of CAA Technical Standard Order No. TSO–C21. For safety wire sizes and materials refer to table 5–2. Safety wire should never be reused. The turnbuckle should be adjusted to the correct cable tension so that no more than three threads are exposed on either side of the turnbuckle barrel. Turnbuckles should never be lubricated.

(1) *Double wrap method.* (i) (a) Of the methods using safety wire for safetying turnbuckles, the method described here is preferred, although either of the other methods described is also satisfactory. This method of double wrap safetying is shown in figure 5–3 (A). Use two separate lengths of the proper wire (see table 5–2). Run one end of one wire through the hole in the barrel of the turnbuckle and bend the ends of the wire toward opposite ends of the turnbuckle. Then pass the second length of the wire into the hole in the barrel and bend the ends along the barrel on the side opposite the first length. Spiral the two wires in opposite directions around the barrel to cross each other twice between the center hole and the ends. Then pass the wires at the end of the turnbuckle in opposite directions through the holes in the turnbuckle eyes or between the jaws of the turnbuckle fork, as applicable, laying one wire along the barrel and wrapping the other at least four times around the shank of the turnbuckle and binding the layed wires in place before cutting the wrapped wire off. Wrap the remaining length of safety wire at least four turns around the shank and cut it off. Repeat the procedure at the opposite end of the turnbuckle.

(b) When a swaged terminal is being safetied, pass the ends of both wires, if possible, through the hole provided in the terminal for this purpose and wrap both ends around the shank as described above. When the hole in the terminal is not large enough to accommodate the ends of both wires, the hole may be enlarged in accordance with note 3 of table 5–2 and the safetying completed as described above. If the hole is not large enough to allow passage of both wires, pass the wire through the hole and loop it over the free end of the other wire, and then wrap both ends around the shank as described.

(ii) Another satisfactory double wrap method similar to subdivision (i) of this subparagraph, except that the spiraling of the wires is omitted, is shown in figure 5–3 (B).

(iii) The wrapping procedures described and shown on AND 10482 may be used in lieu of the other safetying methods shown herein.

(2) *Single wrap method.* The single wrap methods described below and illustrated in figures 5–3 (C) and (D) are acceptable but are not the equal of the double-wrap methods.

(i) Pass a single length of wire through the cable eye or fork or through the hole in the swaged terminal at either end of the turnbuckle assembly. Spiral each of the wire ends in opposite directions around the first half of the turnbuckle barrel so as to cross each other twice. Thread both wire ends through the hole in the middle of the barrel so that the third crossing of the wire ends is in the hole. Again spiral the two wire ends in opposite directions around the remaining half of the turnbuckle crossing them twice. Then pass one wire end through the cable eye or fork or through the hole in the swaged terminal, in the manner described in subparagraph (1) (i) of this paragraph, wrap both wire ends around the shank for at least four turns each, cutting off excess wire. This method is shown in figure 5–3 (C).

(ii) Pass one length of wire through the center hole of the turnbuckle and bend the wire ends toward opposite ends of the turnbuckle. Then pass each wire end through the cable eye or fork, or through the hole in the swaged terminal and wrap each wire end around the shank for at least four turns, cutting off excess wire. This method is shown in figure 5–3 (D). After safetying, no more than three threads of the turnbuckle threaded terminals should be exposed.

§ 18.30–6 *Bolts, screws, and miscellaneous fasteners (CAA policies which apply to § 18.30)*—(a) *Bolts.* Most bolts used in aircraft structures are either general purpose AN bolts, or NAS (National Aircraft Standard) internal wrenching or close-tolerance bolts. In certain cases aircraft manufacturers make up special bolts for a particular application and it is necessary to use them or their equivalent in replacement.

(1) *Identification.* (i) AN-type aircraft bolts can be identified by the code markings on the bolt heads. The markings generally denote the bolt manufacturer, the material of which the bolt is made, and whether the bolt is a standard AN-type or a special purpose bolt.

(ii) AN standard steel bolts are marked with either a raised dash or asterisk, corrosion-resistant steel is indicated by a single raised dash, and AN aluminum alloy bolts are marked with two raised dashes. The strength and dimensional details of AN bolts are specified on the Army-Navy Aeronautical Standard Drawings.

(iii) Special purpose bolts include the high-strength and low-strength types, close-tolerance types, and bolts inspected by magnetic, fluorescent, or equivalent inspection methods.

(iv) Typical markings include "SPEC" (usually highly heat treated), an aircraft manufacturer's part number stamped on the head, or plain heads (low strength). Close-tolerance National Aircraft Standards (NAS) bolts are marked with either a raised or recessed triangle. The material markings for NAS bolts are the same as for AN bolts, except that they may be either raised or recessed. Bolts inspected magnetically (Magnaflux) or by fluorescent means (Zyglo) are identified by means of colored lacquer or a head marking of a distinctive type. Figure 6–1 shows the typical coding used on aircraft bolt heads.

(2) *Grip length.* In general, bolt grip lengths should equal the material thickness. However, bolts of slightly greater grip length may be used provided washers are placed under the nut or the bolt head. In the case of plate nuts, shims may be added under the plate. For proper washers refer to paragraph (e) of this section.

(3) *Locking or safetying of bolts.* All bolts and or nuts, except self-locking nuts, should be suitably locked or safetied. Cotter pins and safety wire should not be reused.

(4) *Bolt fit.* Many bolt holes, in particular those in primary connecting elements, should have close tolerances. Generally, it is permissible to use the first lettered drill size larger than the nominal bolt diameter except where the AN hexagon bolts are used in light-drive fit (reamed) applications and where NAS close-tolerance bolts or AN clevis bolts are used. Bolt holes should be normal to the surface involved to provide full bearing surface for the bolt head and nut and should not be oversize or elongated. In case of oversize or elongated holes, in critical members, advice should be obtained from an Aviation Safety agent or engineer, or the aircraft manufacturer before drilling or reaming the hole to take the next larger bolt, as usually items such as edge distance, clearance, etc., must be considered.

(5) *Torques.* (i) Table 6–1 gives the recommended torque values for both the fine and coarse thread series of nuts. These values should be followed unless other instructions require a specific torque for a given nut. Bolts and nuts should be clean, dry, and thoroughly degreased before installation. Threads should not be oiled. Nuts should be torqued in all important places, such as wing-joint bolts, engine-support bolts, landing-gear bolts, and the like.

(ii) When tightening castellated nuts on bolts, the cotter-pin holes may not line up with the slots in the nuts for the range of recommended values listed in table 6–1. Except in cases of highly stressed engine parts, the nut may be over-tightened to permit lining up the next slot with the cotter pin hole.

(6) *Hex-head bolts (AN–3 through AN–20).* The hex-head aircraft bolt is an all-purpose structural bolt used for general applications involving tension or shear loads. Alloy steel bolts smaller than No. 10–32 and aluminum alloy bolts smaller than ¼-inch diameter should not be used in primary structure. Aluminum alloy bolts and nuts should not be used where they will be repeatedly removed for purpose of maintenance and inspection. Aluminum alloy nuts may be used with cadmium-plated steel bolts loaded in shear on land airplanes, but are not to be used on seaplanes due to the possibility of dissimilar metals corrosion.

(7) *Close-tolerance bolts (AN–173 through AN–186) (hex-head), and (NAS–80 through NAS–86) (100° countersunk).* Close-tolerance bolts are used in high-performance aircraft in applications where the bolted joint is subject to severe load reversals and vibration. The standard AN hex-head bolts may be used for the same applications provided a light-drive fit is accomplished.

(8) *Internal wrenching bolts (MS–20004 through MS–20024 or NAS–495).* These bolts are suitable for use both in tension and shear applications. In steel parts, either the bolt hole should be countersunk to seat the large radius of the shank at the head or, as in aluminum alloys, a special heat-treated washer (NAS–143C) should be used to fit the head and to provide adequate bearing area. A special heat-treated plain washer (NAS–143) is used under the nut. Special high-strength nuts should be used on these bolts. (Refer to paragraph (d) (3) (vii) of this section.) All internal wrenching bolts should be replaced by another internal wrenching bolt. Standard AN hex-head bolts and washers cannot be substituted for them, as they do not have the required strength.

(9) *Drilled-head bolts (AN–73 through AN–81).* The AN drilled-head bolt is similar to the standard hex-bolt, but has a deeper head which is drilled to receive wire for safetying. The AN–3 and the AN–73 series of bolts are interchangeable for all practical purposes from the standpoint of tension and shear strengths.

(b) *Screws.* In general, screws differ from bolts by the following characteristics: Usually lower material strength, a looser thread fit (No. 2), head shapes formed to engage a screwdriver, and the shank threaded along its entire length without a clearly defined grip. However, several types of structural screws are available that differ from the standard structural bolts only in the type of head. The material is equivalent and a definite grip is provided. The AN–525 washerhead screws, the AN–509–100° countersunk structural screws, and the NAS–204 through NAS–235 are such parts. The material markings are the same as those used on AN standard bolts.

(1) *Structural screws (NAS–204 through NAS–235) (AN–509 and AN–525).* This type of screw, when made of alloy steel such as SAE–4130, NE–8630, or equivalent, and heat-treated from 125,000 to 145,000 p. s. i., may be used for structural assembly in shear applications similar to structural bolts.

(2) *Self-tapping screws.* The AN–504 and AN–506 screws are used for attaching minor removable parts such as nameplates and the like. AN–530 and AN–531 are used in blind applications for the temporary attachment of sheet metal for riveting and the permanent assembly of nonstructural assemblies. AN–535 is a plain head self-tapping screw used in the attachment of nameplates or in sealing drain holes in corrosion-proofing tubular structures and is not intended to be removed after installation. Self-tapping screws should never be used to replace standard screws, nuts, bolts, or rivets in the original structure.

(c) *Pins.* The three types of pins used in aircraft structures are: The taper pin, the flathead pin, and the cotter pin. Pins are used in shear applications and for safetying.

(1) Taper pins (AN–385 and AN–386) plain and threaded, are used in joints which carry shear loads and where absence of play is essential. The plain taper pin is drilled and usually safetied with wire. The threaded taper pin is used with a taper-pin washer (AN–975) and shear nut (safetied with cotter pin) or self-locking nut.

(2) The flathead pin (AN–392 through AN–406) commonly called a clevis pin, is usually used in conjunction with tie rod terminals and in secondary controls which are not subject to continuous operation. The pin should be safetied with a cotter pin and is customarily installed with the head up so that if the cotter pin fails or works out, the pin will remain in place.

(3) The AN–380 cotter pin is used for safetying bolts, screws, nuts, other pins, and in various applications where such safetying is necessary. The AN–381 cotter pin is used in locations where nonmagnetic material is required, or in locations where resistance to corrosion is desired.

(d) *Nuts*—(1) *Self-locking nuts.* Self-locking nuts are acceptable for use on certificated aircraft subject to the restrictions on the pertinent "Manufacturers' Recommended Practice Sheets." Self-locking nuts are used on aircraft to provide tight connections which will not shake loose under severe vibration. Two types of self-locking nuts are currently in use, the all-metal type and the fibre or nylon lock type. Self-locking nuts should not be used at joints which subject either the nut or bolt to rotation. They may be used with antifriction bearings and control pulleys provided the inner race of the bearing is clamped to the supporting structure by the nut and bolt. Nuts which are attached to the structure should be attached in a positive manner to eliminate rotation or misalinement when tightening the bolts or screws.

(i) All-metal lock nuts are constructed with either the threads in the locking insert out-of-phase with the load-carrying section or with a saw-cut insert with a pinched-in thread in the locking section. The locking action of the all-metal nut depends upon the resiliency of the metal when the locking section and load-carrying section are engaged by screw threads.

(ii) Fiber or nylon lock nuts are constructed with an unthreaded fiber locking insert held securely in place. The fiber or nylon has a smaller diameter than the nut, and when a bolt or screw is entered, it taps into the insert, producing a locking action. After the nut has been tightened, one full thread of the bolt or screw should extend through the nut. When fiber-type self-locking nuts are reused, care should be exercised that the fiber has not lost its locking friction or become brittle. They should not be reused if they can be run up finger tight. Bolts five-sixteenth-inch diameter and over with cotter-pin holes may be used with self-locking nuts but only if free from burrs around the holes. Bolts with damaged threads and rough ends should never be used. Do not tap the fiber-locking insert.

(iii) (a) Self-locking nut bases are made in a number of forms and materials for riveting and welding to aircraft structure or parts.

(*b*) Certain applications require the installation of self-locking nuts in channels, an arrangement which permits the attachment of many nuts with only a few rivets. These channels are track-like bases with regularly spaced nuts which are either removable or nonremovable. The removable type carries a floating nut which can be snapped in or out of the channel thus making possible the ready removal of damaged nuts. Nuts such as the clinch-type and spline-type which depend on friction for their anchorage are not acceptable for use in aircraft structures.

(iv) Self-locking nuts may be used on aircraft engines and accessories when their use is specified by the engine manufacturer in his bulletins or manuals. Refer to § 18.30–14 for detailed installation instructions.

(2) *Aircraft castle nut (AN–310).* The castle nut is used with drilled-shank AN hex-head bolts, clevis bolts, eye bolts, drilled-head bolts or studs, and is designed to accommodate a cotter pin or lock wire as a means of safetying.

(3) *Miscellaneous aircraft nuts.* (i) The plain nut (AN–315 and AN–335) has limited use on aircraft structures and requires an auxiliary locking device such as a check nut or lock washer.

(ii) Light hex nuts (AN–340 and AN–345) are used in miscellaneous applications and must be locked by an auxiliary device.

(iii) The check nut AN–316 is used as a locking device for plain nuts, screws, threaded rod ends and other devices.

(iv) The castellated shear nut AN–320 is designed for use with clevis bolts and threaded taper pins, which are normally subjected to shearing stress only.

(v) Wing nuts AN–350 are intended for use on hose clamps and battery connections, etc., where the desired tightness is ordinarily obtained by the use of the fingers or hand tools.

(vi) Sheet spring nuts, such as speed nuts, are used with standard and sheet metal self-tapping screws in nonstructural locations. They find various uses in supporting line clamps, conduit clamps, electrical equipment, access doors, and the like, and are available in several types.

(vii) Two commercial types of high-strength internal or external wrenching nuts are available, the internal and external wrenching Elastic Stop Nut and the Unbrako internal and external wrenching nut. Both are of the self-locking type, are heat-treated, and are capable of carrying the high-strength bolt tension load.

(e) *Washers.* The types of washers used in aircraft structure are: Plain washers, lock washers, and special washers.

(1) Plain washers AN–960 and AN–970 are widely used under hex nuts to provide a smooth bearing surface, to act as a shim and to adjust the position of castellated nuts with respect to drilled cotter-pin holes in bolts. Plain washers should be used under lock washers to prevent damage to surfaces. Cadmium-plated steel washers should be used under bolt heads or nuts on aluminum alloy or magnesium structures where corrosion if it occurs will then be between the washer and the steel. The AN–970 steel washer provides a greater bearing area than the plain type and is used in wooden structures under both bolt heads and nuts to prevent local crushing of the surface.

(2) Lock washers AN–935 and AN–936 may be used with machine screws or bolts whenever the self-locking or castellated type of nut is not applicable. They should not be used as fastenings to primary or secondary structures or where subject to frequent removal or corrosive conditions.

(3) Ball-socket and seat-washers AN–930 and AN–955 are used in special applications where the bolt is installed at an angle to the surface, or where perfect alinement with the surface is required at all times. These washers are used together.

(4) Taper-pin washers AN–975 are used with the threaded taper pin.

(5) NAS–143 washers for internal wrenching nuts and bolts are used with NAS internal wrenching bolts. Type "C" is countersunk to seat the bolthead shank radius and a plain-type washer is used under the nut. Both of these washers are heat-treated from 125,000 to 145,000 p. s. i.

(f) *Rivets*—(1) *Standard solid-shank rivets.* (i) The universal-head rivets AN–470 are used in aircraft construction in both interior and exterior locations.

(ii) Roundhead rivets AN–430 and AN–435 are used in the interior of aircraft except where clearance is required for adjacent members.

(iii) Flathead rivets AN–441 and AN–442 are used in the interior of the aircraft where interference of adjacent members does not permit the use of roundhead rivets.

(iv) Brazier-head rivets AN–455 and AN–456 are used on the exterior surfaces of aircraft where flush riveting is not essential.

(v) All protruding-head rivets may be replaced by AN–470 universal-head rivets. This rivet has been adopted as the standard for protruding-head rivets in this country.

(vi) Countersunk-head rivets AN–426 (100°), AN–425 (78 °), and AN–420 (90°) are used on the exterior surfaces of aircraft to provide a smooth aero-dynamic surface, and in other applications where a smooth finish is desired. The 100° countersunk-head has been adopted as the standard in this country.

(vii) Material applications:

(*a*) A–17S–T3 is the most commonly used rivet material utilized in aluminum alloy structures. Its main advantage lies in the fact that it may be used in the condition received without any further treatment.

(*b*) The 17S–T3 and 17S–T31 and 24S–T4 rivets are used in aluminum alloy structures where strength higher than that of the A17S–T3 rivet is needed. (See ANC–5 for differences between the 2 types of 17ST rivets specified here.)

(*c*) The 2S rivet of pure aluminum is used for riveting nonstructural parts fabricated from the softer aluminum alloys, such as 2S, 3S, and 52S.

(*d*) When riveting magnesium alloy structures, 56S rivets are used exclusively due to their corrosion-resistant qualities in combination with the magnesium alloys.

(*e*) Mild steel rivets are used primarily in riveting steel parts. Galvanized rivets should not be used on steel parts subjected to high heat.

(*f*) Corrosion-resistant steel rivets are used primarily in riveting corrosion-resistant steel parts, such as firewalls, exhaust stack bracket attachments and similar structures.

(*g*) Monel rivets are used in special cases for riveting high nickel steel alloys and nickel alloys. They may be used interchangeably with stainless steel rivets as they are more easily driven. However, it is preferable to use stainless steel rivets in stainless steel parts.

(*h*) Copper rivets are used for riveting copper alloys, leather, and other nonmetallic materials. This rivet has only limited usage in aircraft.

(2) *Blind rivets.* Blind rivets MS–20600, MS–20601, MS–20602, MS–20603 may be substituted for the normally required solid rivets in accordance with the blind rivet manufacturer's recommendations. They should not be used where the failure of a few rivets will seriously impair the airworthiness of the aircraft. Design allowables for blind rivets are specified in ANC–5 "Strength of Metal Aircraft Elements."

(3) *Hi-shear rivets.* (i) Hi-shear rivets are sometimes used in connections where the shearing loads are the primary design consideration. Their use is restricted to such connections. It should be noted that hi-shear rivet patterns are not to be used for the installation of control surface hinges and hinge brackets. Also, they should not be painted prior to assembly even where dissimilar metals are being joined, but each end should be touched up with zinc chromate primer to allow the later application of the general airplane finish schedule.

(ii) Hi-shear rivets should be replaced only by the same type rivet. The installation and inspection should be in accordance with procedures recommended by the manufacturer.

(g) *Fasteners (cowl and fairing).* A number of patented fasteners are in use on aircraft. A variety of these fasteners are commercially available and the manufacturer's recommendations concerning the proper use of these types of fasteners should always be considered in other than replacement application.

(h) *Unconventional attachments.* Unconventional or new attachment devices should not be used in the primary structure unless approved by a representative of the Civil Aeronautics Administration.





§ 18.30–7 *Corrosion protection, cleaners, and paint removers (CAA policies which apply to § 18.30).*—(a) *Corrosion protection.* Almost all metals used in aircraft are subject to corrosion. Materials such as steel will rust, and aluminum and magnesium will form corrosion products, unless properly protected. Stainless steel, brasses, and copper alloys normally form a surface film which prevents further surface corrosion; however, under certain conditions, particularly when in contact with dissimilar metals, even these alloys must be protected. Corrosion is promoted by contact of metals with materials that absorb water. For example: wood, sponge rubber, felt, etc., may be sources of serious corrosion unless proper protection is used. Specific aspects of the more common types of corrosion are covered in subparagraphs (1) through (5) of this paragraph.

(1) *Dissimilar metals corrosion.* (i) When two dissimilar metals are in contact and are connected by an electrolyte (water), accelerated corrosion of one of the metals may occur. For this reason metals have been divided into certain groups, based on their susceptibility to this form of corrosion. Unprotected contact between metals of different groups may result in dissimilar metals corrosion; therefore, contact between metals of dissimilar groups should be prevented or the contact surface should be adequately protected.

(ii) Similar metal groups (refers to surface of metal).

Group 1—Magnesium alloys.
Group 2—Zinc, cadmium, lead, tin, steel.
Group 3—Copper and its alloys, nickel and its alloys, chromium and stainless steels.
Group 4—All aluminum alloys.

(iii) Aluminum alloys (group 4) may be further subdivided into the following subgroups:

Subgroup A—2S, 3S, 52S, 61S, 220, 355, 356, all clad alloys, such as Alclad and Pureclad.
Subgroup B—14S, 17S, 24S, 75S, 155.

(iv) Under severe corrosive conditions, the above subgroups should be considered as dissimilar metal groups insofar as corrosion protection is concerned. This is particularly true where a relatively large area of an alloy classified in subgroup B is in contact with a relatively small area of subgroup A, in which case severe corrosion of the subgroup A alloy may be expected.

(2) *Intergranular corrosion.* Intergranular corrosion occurs in certain aluminum alloys which are improperly heat-treated. For example, 24S alloys should be quenched quickly after heat-treatment in order to prevent intergranular corrosion. Since 24S alloy contains metals other than aluminum, particularly copper, severe corrosion may result if this alloy is quenched slowly, and a reduction in strength may result in improperly quenched 24S alloys when subjected to corrosive conditions. This type of corrosion is difficult to detect in its original stage except by microscopic examinations. When well advanced it is characterized by scaling and blistering. Surface protection of slowly quenched 24S alloy will retard intergranular corro-

sion, but diffusion of the base metal into the surface coating will eventually destroy its effectiveness. The only protection which is regarded as being sufficiently adequate for air-quenched 24S is cladding of the aluminum alloy with pure aluminum. It should be noted that in some cases even clad alloys may be susceptible to intergranular corrosion. Other surface protection, such as anodizing, and subsequent coatings, such as zinc chromate primer, heavy greases, etc., may also prevent intergranular corrosion in cases where susceptibility of the alloy to intergranular corrosion is not too great.

(3) *Stress corrosion.* This type of corrosion occurs when certain metals, mostly aluminum and magnesium alloys, are exposed to high stress and corrosive conditions. Stress corrosion has occurred in aluminum when steel bushings were pressed into the aluminum parts with too tight a fit, and were exposed to corrosive conditions. Stress corrosion can also occur in cold-worked metals which are not properly stress relieved.

(4) *Chemical.* (i) Corrosion protection against chemicals used in dusting and spraying operations is covered in detail in Civil Aeronautics Manual 8, Aircraft Airworthiness, Restricted Category. Reference should be made to that document for detailed information.

(ii) In general, corrosion protection measures against chemicals involves cleaning and or surface protection and specific rules can be laid down only for the particular chemicals used. Operators are warned against the use of mercury compounds as their corrosive effects are particularly rapid. Under certain conditions some of the mercury compounds may cause structural failure within an hour.

(5) *Fretting.* Fretting corrosion is a surface phenomenon which may occur when repeated relative motion of small amplitude is allowed to take place between closely fitting components. It is characterized by surface stains, corrosion, pitting and the generation of oxides. Certain aircraft parts have been known to fail by fretting corrosion, as for instance, antifriction bearings, connecting rods, knuckle pins, splined shafts, and clamped or bolted flanges; and close periodic inspections should be made of such parts. Where evidence of fretting corrosion is found, the affected parts should be replaced.

(b) *Corrosion protection measures.* Surfaces which are completely dry cannot corrode. If a metal can be protected from moisture due to rain, condensation, or other causes, corrosion need not be feared. Dirt, surface film, etc., on metal surfaces tend to retain moisture and hence promote corrosion. Water-absorbing materials, such as certain cleaners and calcium chloride, which may occasionally be used as a snow remover on runways are especially dangerous in this regard.

(1) *Anodizing and related processes.* In anodizing, aluminum alloys are placed in an electrolytic bath, causing a thin film of aluminum oxide to form on the surface of the aluminum. This film is resistant to corrosion and affords a good paint base. Other processes which do not provide as good a corrosive protection as anodizing are, However, good paint bases. These processes are:

(i) Alkaline cleaning followed by chromic acid dip.

(ii) Alcoholic phosphoric acid cleaner.

(iii) Alkaline dichromate treatment.

(2) *Plating.* Steels are commonly plated with other metals to prevent corrosion. Plating is accomplished by placing the article in an electrolytic bath and metal from the plating solution is deposited on it. Various metals used in plating vary in the corrosion protection they afford steel. For instance, cadmium and zinc corrode before the steel does, hence slight breaks or cracks through the plating of these metals will not result in rusting of the exposed steel, since the surface metal is corroded and protects the steel. Chromium does not protect steel by this method, as steel will corrode before the chromium does, and thus depends for its protection on the tightness of the plate.

(3) *Parkerizing and bonderizing.* These processes do not appear to be equal in corrosion protection to plating and are not generally acceptable as a substitute for plating; however, both are good paint bases.

(4) *Dichromate treatment for magnesium.* The dichromate treatment consists of boiling magnesium parts in a solution of sodium dichromate, resulting in a coating with little resistance to corrosion but which is a good paint base.

(5) *Chromium pickle treatment for magnesium.* In this process the magnesium parts are placed in a solution of nitric acid and sodium dichromate. This will protect the magnesium during storage and acts as a bond for subsequent organic finishes.

(6) *Galvanic anodizing treatment for magnesium.* This is an electrolytic process used to provide a paint base and corrosion preventive film on magnesium alloys containing manganese.

(7) *Cladding.* Aluminum alloys which are susceptible to corrosion are frequently clad with pure aluminum. Slight pits, scratches, or other defects through the cladding material will not result in corrosion of the core, since the pure aluminum on the edges of the defect will be preferentially corroded, protecting the core.

(8) *Metal spraying.* In this process metallic wire such as aluminum or zinc is fed into a special spray gun. The metal is melted and sprayed on the object to be protected, which must be thoroughly clean to prevent peeling of the sprayed coat. A "metallized" surface has very good resistance to corrosion if properly applied and of sufficient thickness.

(9) *Organic coatings.* Zinc chromate primer, enamels, chlorinated rubber compounds, etc., are organic coatings commonly used on metals to protect them. The finishes should be applied according to the instructions of the manufacturer.

(10) *Dope-proofing.* When doped fabrics are applied over an organic finished metal structure, the dope will have a tendency to loosen the finish on the metal. For this reason, organic coatings on the metal are usually covered with a dope-proof paint, with metal foil, or with cellulose tape to prevent the dope from striking through.

(11) *Tube interiors.* The interiors of structural steel and aluminum tubing should be protected against corrosion. A small amount of water entrapped in a tube can corrode entirely through the tube thickness in a short period of time. For this reason, most structural tubing is flushed with hot linseed oil, paralketone, or other corrosion inhibitor. Hot flushing results in a good coating. The flushing liquid is usually introduced through small holes drilled in the tubing. These holes should be plugged with a screw or by other means to prevent entry of moisture. Air and watertight sealing of the tubing will also give adequate protection against corrosion if the tubing is internally dry before being sealed.

(c) *Corrosion-proofing of landplanes and seaplanes.* In the repair or alteration of aircraft, corrosion-proofing the same or equivalent to that originally applied should be used unless the repair or alteration would result in increased susceptibility to corrosion, in which case additional corrosion protection measures should be employed.

(d) *Corrosion-proofing of landplanes converted to seaplanes.* A special problem is encountered in the conversion of landplanes to seaplanes. In general, landplanes do not receive corrosion proofing to the same extent as do seaplanes manufactured as such. Corrosion-proofing standards for landplanes converted to seaplanes are divided into two classes: necessary minimum precautions and recommended precautions.

(1) *Necessary minimum precautions.* The following procedures are considered the minimum which should be performed in order to safeguard the airworthiness of the converted aircraft and are not in themselves intended to maintain airworthiness for an indefinite period.

(i) Unless already protected, exposed fittings or fittings which can be reached through inspection openings should be covered with two coats of zinc chromate primer, paralketone, non-water-soluble heavy grease, or comparable materials. This applies to items such as wing-root fittings, wing-strut fittings, control-surface hinges, horns, mating edges of fittings and attach bolts, etc.

(ii) Nonstainless control cables should be coated with grease or paralketone or other comparable protective coating if not replaced with corrosion-resistant cables.

(iii) Inspection should be made of all accessible sections of the aircraft structure. Structural parts showing corrosion should be cleaned and refinished if corrosion attack is superficial. If a part is severely corroded, it should be replaced with adequately corrosion-proofed parts.

(2) *Recommended precautions.* The recommended precautions are those which are suggested as a means of maintaining such aircraft in condition for safe operation over extended periods of time.

(i) Provision of additional inspection openings should be made to assist in detecting corrosion. Experience has shown openings to allow inspection of lower and rearward portion of the fuselage to be particularly desirable.

(ii) Additional provision for free drainage and ventilation of all interiors should be made to prevent collection of moisture (scoop-type drain grommets).

(iii) Protection for the interiors of structural steel tubing should be provided. This may be done by air-and-watertight sealing or by flushing with hot linseed oil and plugging openings. Tubing should be inspected for missing sealing screws and the presence of entrapped water. Inspection should also be made for local corrosion around sealing screws, welded clusters and bolted fittings, which may be indicative of entrapped moisture.

(iv) The fabric of fabric-covered aircraft should be slit longitudinally on the bottom of the fuselage and tail structure for access to these sections. The lower structural members should be coated with zinc chromate primer (two coats), followed by dope-proof paint or wrapping with cellophane tape and rejoining the fabric. This precaution is advisable within a few months after start of operation as a seaplane.

(v) Interiors of metal-covered wings and fuselages should be sprayed with an adherent corrosion inhibitor.

(vi) Bags of potassium or sodium dichromate should be placed in the bottom of floats and boat hulls to inhibit corrosion.

(vii) Exterior surfaces of seaplanes should be washed with clear fresh water immediately following extended water operation, or at least once a day when operated in salty or brackish water. Interior surfaces of seaplanes exposed to spray should also be washed, taking care to prevent damage to electrical circuits or other items subject to injury.

(viii) Openings into the wings, fuselage, and control-surface members, such as tail-wheel wells, openings for control cables, etc., should be sealed as completely as possible to prevent entry of water.

(e) *Cleaners, polishes, brighteners, and paint removers.* It is important that aircraft be kept thoroughly clean of deposits of contaminating substances such as oil, grease, dirt, and other foreign materials. The presence of such substances in any appreciable amount constitutes a potential hazard.

(1) *Materials.* To avoid damage to aircraft through the use of harmful cleaning, polishing, brightening, or paint-removing materials, only those compounds which conform to existing government or established industry specifications or which are products that have been specifically recommended by the aircraft manufacturer as being satisfactory for the intended application, should be used. The product manufacturer's recommendations concerning use of his agent should be observed.

(2) *Removal of corrosion deposits from aluminum.* After removing the paint and primers from the surfaces of both bare and clad aluminum alloys, the corroded area should be washed with clean fresh water. Corrosion products such as metal flakes, scale, powder and salt deposits may be removed by using fine emery, wire brush or sandpaper. The loose particles may subsequently be washed off with thinner or mineral spirits. In all cases the minimum treatment to produce a smooth clean surface should be used.

(3) *Surface stains.* To remove surface stain and superficial etching of light metals, use a 5-percent-by-weight water solution of sodium bichromate or potassium dichromate. This solution should be allowed to dry on the surface after which excess chromate crystals must be brushed off and the surface subsequently primed and painted.

(4) *Light duty cleaners.* Removal of dirt and grease from the surfaces of external parts of the aircraft may be accomplished by ordinary washing with water. Let the surface dry before further attempting to clean obstinate spots.

One part aircraft cleaning compound, AAF Specification No. 20015 or Navy Specification No. C-147, with 20 parts water may be used on any aircraft, but it is most effective on fabric covered aircraft where the mixture is applied with a rag or mop, then wiped off with a dry rag. The water mixture may be sprayed on, allowed to remain for 5 to 10 minutes, and then hosed down with water.

(5) *Removal of spilled battery acid.* For the neutralization of spilled battery acid, use sodium bicarbonate (baking soda), or sodium borate (borax) dissolved in water. The alkali salt should be removed completely after neutralization with copious quantities of water to prevent corrosion.

§ 18.30–8 *Identification and inspection of material (CAA policies which apply to § 18.30).*—(a) *Identification of steel stock.* (1) The Society of Automotive Engineers (SAE) and the American Iron and Steel Institute (A. I. S. I.) use a numerical index system to identify the composition of various steels. The numbers assigned, in the combined listing of standard steels issued by these groups, represent the type of steel and make it possible to readily identify the principal elements in the material.

(2) The first digit of the four number designation indicates the type to which the steel belongs. Thus "1" indicates a carbon steel, "2" a nickel steel, "3" a nickel chromium steel, etc. In the case of simple alloy steels, the second digit indicates the approximate percentage of the predominant alloying element. The last two digits usually indicate the mean of the range of carbon content. Thus the symbol "1020" indicates a plain carbon steel lacking a principal alloying element and containing an average of 0.20 percent (0.18 to 0.23) carbon. The symbol "2330" indicates a nickel steel of approximately 3 percent (3.25 to 3.75) nickel and an average of 0.30 percent, (0.28 to 0.33) carbon content. The symbol "4130" indicates a chromium-molybdenum steel of approximately 1 percent (0.80 to 1.10) chromium, 0.20 percent (0.15 to 0.25) molybdenum, and 0.30 percent (0.28 to 0.33) carbon. The basic numbers for the four digit series of the carbon and alloy steels may be found in table 8–1.

(3) Interchangeability of steel tubing: (i) "1025" welded tubing as per Specification MIL–T–5066, and "1025" seamless tubing conforming to Specification MIL–T–5066A, are interchangeable.

(ii) "4130" welded tubing as per Specification MIL–T–6731, and "4130" seamless tubing conforming to Specification MIL–T–6736, are interchangeable.

(iii) NE–8630 welded tubing conforming to Specification MIL–T–6734, and NE–8630 seamless tubing conforming to Specification MIL–T–6732, are interchangeable.

(b) *Identification of aluminum.* To provide a visual means for identifying the various grades of aluminum and aluminum alloys such metals are usually marked with symbols such as Government Specification Number, the temper or condition furnished, or the commercial code marking. Plate and sheet are usually marked with specification numbers or code markings in rows approximately 5 inches apart. Tubes, bars, rods, and extruded shapes are marked with specification numbers or code markings at intervals of 3 to 5 feet along the length of each piece. The commercial code marking consists of a number which identifies the particular composition of the alloy. A letter preceding the number indicates a modification of the alloy. In addition letter suffixes designate the following:

S—Wrought.
O—Annealed, recrystallized (wrought products only).
H—Strain-hardened. Fractions preceding the letter indicate intermediate tempers as 1/2H, 3/4H, etc.
W—Solution heat-treated—unstable temper.
T—Heat-treated and aged to produce stable tempers other than O or H.
RT—Temper resulting from cold working after heat treatment and aging.

(1) *Clad aluminum alloys.*—Clad alloys have surface layers of pure aluminum or corrosion-resistant aluminum alloy bonded to the core material to inhibit corrosion. Presence of such a coating may be determined under a magnifying glass by examination of the edge surface which will show three distinct layers.

(2) *A test for distinguishing heat-treatable and nonheat-treatable aluminum alloys.* If for any reason the identification mark of the alloy is not on the material, it is possible to distinguish between some heat-treatable alloys and some nonheat-treatable alloys by immersing a sample of the material in a 10-percent solution of caustic soda (sodium hydroxide). Those heat-treatable alloys containing several percent of copper (14S, 17S, 24S) will turn black due to the copper content. High copper alloys when clad will not turn black on the surface, but the edges will turn black at the center of the sheet where the core is exposed. If the alloy does not turn black in the caustic soda solution it is not evidence that the alloy is not heat-treatable, as various high strength heat-treatable alloys are not based primarily on the use of copper as an alloying agent. These include among others, 52S, 61S, 75S, R353, and R361 alloys. The composition and heat-treatability of alloys which do not turn black in a caustic

soda solution can be established only by chemical or spectro-analysis.

(c) *Hardness testing.* Hardness testing provides a convenient means for determining within reasonable limits the tensile strength of steel. It has several limitations in that it is not suitable for very soft or very hard steels. In hardness testing the thickness of the specimen being tested and the edge distance should be such that distortion of the metal due to these factors is eliminated. Several readings should be taken and the results averaged. In general, the higher the tensile strength, the greater is its hardness. Common methods of hardness testing are outlined below. These tests are suitable for determining the tensile properties resulting from the heat treatment of steel. Care should be taken to have case hardened, corroded, pitted, decarburized or otherwise nonuniform surfaces removed to a sufficient depth. Also exercise caution not to cold-work and consequently harden the steel during removal of the surface. The relationship between tensile strength and hardness is indicated in table 8–2.

(1) *Brinnell hardness test.* In this test a standard load is applied to a smooth surface of metal through a hardened steel ball 1 centimeter in diameter. The numerical value of Brinnell hardness is equal to the load divided by the surface area of the resulting spherical impression.

(2) *Rockwell hardness test.* In this test a standard minor load is applied to seat a hardened steel ball or a diamond cone in the surface of the metal, followed by the application of a standard major load. The hardness is measured by depth of penetration. Rockwell superficial hardness tests are made using light minor and major loads and a more sensitive system for measuring depth of indentation. It is useful for thinner sections, very small parts, etc.

(3) *Vickers hardness test.* In this test a small pyramidal diamond is pressed into the metal. The hardness number is the ratio of the load to the surface area of indentation.

(4) *Testing of aluminum.* Hardness tests are useful for testing aluminum alloy chiefly as a means of distinguishing between annealed, cold-worked, heat-treated, and heat-treated and aged material. It is of little value in indicating the strength or quality of heat treatment. Typical hardness values for aluminum alloys are shown in table 8–3.

(d) *Inspection of metals*—(1) *Inspection by magnifying glass after welding.* Careful examination of all joints with a medium-power magnifying glass (at least 10 power) after first removing all scale is considered an acceptable method of inspection for repaired structures. The practice of filling steel tubular structures with hot linseed or petroleum base oils, under pressure, in order to coat the inside surface and inhibit corrosion, assists in the detection of weld cracks as the hot oil will seep through cracks invisible to the eye. This practice, though not justifiable in all cases, is suggested where a very large portion of the structure has been rewelded.

(2) *Magnetic particle inspection.* Magnetic particle inspection or Magnaflux (a patented trade name used by the Magnaflux Corp.) can be used only on magnetic materials; i. e., iron and steel. Most stainless or high chromium nickel and manganese alloy steels, being nonmagnetic, cannot be inspected by this method. The method consists essentially of detection of discontinuities (cracks, voids, defects, pits, subsurface holes, etc.) by means of accumulation of magnetic particles on the discontinuities when the part has been magnetized. The magnetic particles are applied either dry as a powder or suspended in light oil. For complete magnetic inspection, both circular and longitudinal magnetization should be employed.

(i) Circular magnetization is produced by transmitting an electric current directly through the article being tested, or through a central conductor placed through the part, in which case defects parallel to the flow of current may be detected. As an example, circular magnetization of a round steel bar would be produced by placing the ends of the steel bar between the heads of the magnetic inspection machine and passing a current through the bars. Magnetic particles, applied either during or after the passage of the current or after the current in magnetically retentive steels would disclose discontinuities parallel to the axis of the bar.

(ii) Longitudinal magnetization is induced in a part by placing the part in a strong magnetic field, such as the center of a coil. Thus longitudinal magnetization of a round steel bar would be produced by placing the ends of the bar between the heads of a magnetic-inspection machine and placing the DC solenoid around the bar. After application of the magnetic particles either during or subsequent to magnetization, discontinuities perpendicular to the axis of the bar would be disclosed.

(iii) Red, black, and sometimes gray particles are used in the wet or dry methods. In the case of wet inspection, a fluorescent magnetic particle may also be used. This process is commercially known as Magnaglo. Articles inspected using this latter medium are illuminated by so-called black light, and the magnetic particles glow by fluorescence causing any defects or indications to be easily visible. The wet inspection procedure provides better control and standardization of the concentration of magnetic particles, easier application to complex shapes, and indications that are easier to interpret. This is due to the difficulty of obtaining efficient distribution of the dry powder during magnetization. The dry procedure is particularly suitable for detecting subsurface defects, such as when heavy welds, forgings, castings, etc., should be tested. The wet continuous process is recommended for most aircraft work.

(iv) The appearance of accumulations of magnetic particles in magnetic inspection does not necessarily mean that a defect exists. Changes in section of the part, particularly where the change in section is very sharp, and also holes drilled through a part, will frequently cause indications. Surface defects are most easily detected, however, since a crack will cause a sharp line of magnetic particles to appear. Subsurface defects are less easily detected, since only a general collection of magnetic particles will be observed. However, since subsurface defects very rarely occur in wrought materials, that is not important in most aircraft applications.

(v) After magnetic inspections, parts should be carefully cleaned and demagnetized.

(3) *Portable magnetic particle inspection.* Portable type magnetic particle inspection equipment such as Sonoflux have been developed for use in the detection of surface or slightly subsurface discontinuities in ferromagnetic aircraft materials and parts. This type equipment gives better results when the wet suspension type of indicator, such as that conforming to Specification MIL–I–6868, is used with the powder supplied by the equipment manufacturer. As in other inspection methods, extreme care should be taken by the user in following the manufacturer's recommendations concerning use of the procedure.

(4) *X-ray or radiographic inspection.* (i) X-ray may be used on either magnetic or nonmagnetic materials for detecting subsurface voids such as open cracks, blow holes, etc. When a photographic film or plate is used to record the X-ray (in a similar manner to exposing a photographic film), the process is known as radiography. When the X-rays are projected through the part onto a fluorescent screen, the process is known as fluoroscopy. The technique used for radiography should be capable of indicating the presence of defects having a dimension parallel to the X-ray beam of 3 percent of the thickness of the part being radiographed for magnesium alloys and 2 percent for all other metals and alloys. Inspection using a fluoroscopic screen is much less sensitive. Consequently, the radiographic method is usually used for inspection and the fluoroscopic method is used for culling.

(ii) Radiographic inspection is extensively used in the aircraft industry for the inspection of all types of castings including sand castings, permanent-mold castings, die castings, etc. X-ray is particularly useful for this application, since it is capable of disclosing defects which exist below the surface and also since the open types of defects which occur in castings (shrinks, blow holes, dross inclusions, etc.) are readily disclosed by X-rays. In the inspection of forged or wrought metals, on the other hand, X-ray inspection is not used so extensively. This is due to the fact that the process of forging or working causes most defects which originally existed in the metal to become tightwalled cracks which are somewhat difficult to disclose by X-rays.

(iii) If doubt exists as to the suitability of the X-ray examination, a laboratory familiar with the X-ray examination of aircraft parts should be consulted.

(5) *Fluorescent penetrant.* (i) In this method of inspection (Zyglo), the article, which may be of metal, plastic material, etc., is first carefully cleaned to permit the fluorescent material to penetrate cracks and defects. It should be noted that cleaning of aluminum may necessitate stripping of any anodizing, since the anodized film, if formed after the defect, could prevent penetration of the fluorescent material and an anodized film tends to hold penetrants which may obscure defect indications. After the article is cleaned, it is either sprayed, painted, or immersed in a bath of fluorescent penetrant. The penetrant is a light oil which has the property of fluorescing or emitting visible light when excited by invisible radiation in the near ultra-violet range (so-called black light). It is important that the penetrant be given sufficient time to penetrate cracks and defects, and for fatigue cracks a minimum of 30 minutes is stipulated by MIL–I–6866. Heat may also be applied to facilitate entry of the penetrant. After the penetrant has had sufficient time to enter any defects, the excess on the surface of the article is washed off by water spray. This washing should be checked by inspection with black light, by which means any penetrant left on the surface may be detected. After washing, a developer is used to bring out the indication. This developer may be in a liquid form or may be a light powder that absorbs the penetrant as it oozes from cracks and defects in the part. The development may also be aided by application of heat to the part. After the indications have been developed, the part is inspected under black light. Any crevices into which the fluorescent material has penetrated will show as luminous areas.

(ii) Indications which appear are usually checked by close inspection with a magnifying glass, by etching with a suitable acid or caustic solution, or it may be necessary to cross-section that part, a procedure which, of course, destroys its usefulness. Usually a skilled operator can determine whether an indication actually shows a defect or whether it is a false indication. Also, the internal extent of the defect can sometimes be estimated with fair accuracy.

(iii) It should be noted that this process of inspection, like all others, has its limitations. If the fluorescent material for any reason is not able to penetrate into a defect, such a defect cannot be detected.

(6) *Dye penetrants.* Several dye penetrant type inspection kits are now available which will reveal the presence of surface cracks or defects and subsurface flaws which extend to the surface of the part being inspected. These penetrant type inspection methods are considered acceptable, providing the part being inspected is thoroughly cleaned, all areas are readily accessible for viewing and the manufacturer's recommendations as to method of application are closely followed.

(i) *Cleaning.* An inspection is initiated by first cleaning the surface to be inspected of dirt, loose scale, oil, and grease. Pre-cleaning may usually be accomplished by vapor degreasing, or with volatile cleaners. The cleaner should be volatile so that it will evaporate from the defects before applying the penetrant dye. Sand blasting is not desirable as a cleaning method since surface indications may be obscured. It is not necessary to remove anodic films from parts to be inspected since the dye readily penetrates such films. Special procedures for removing excess dye should be followed, however.

(ii) *Application of penetrant.* The penetrant is applied by brush, spray, or by dipping and allowed to stand for a minimum of 2 minutes. Dwell time may be extended up to 15 minutes depending upon the temperature of the part and fineness of the defect or when the surface being inspected is ground. Parts being inspected should be dry and heated to at least 70° F., but not over 130° F. Very small indications require increased penetration periods.

(iii) *Removal of dye penetrant.* Surplus penetrant is usually removed by application of a special cleaner or remover, or by washing with plain water and the part is then allowed to dry. Water rinse may also be used in conjunction with the remover, subject to the manufacturer's recommendations.

(iv) *Application of developer.* A light and even coat of developer is applied by spraying, brushing or dipping. When dipping, care should be exercised to avoid excess accumulation. Penetrant which has penetrated into cracks or other openings in the surface of the material will be drawn out by the developer resulting in a bright red indication. Some idea of the size of the defect may be obtained after experience by watching the size and rate of growth of the indication.

(e) *Identification of fabric.* Cotton fabric is used extensively as covering for wing, fuselage, and control surfaces of aircraft. Acceptable grades of fabrics for use on civil aircraft may be found in table 3–1 of § 18.30–3. In general, the fabric can be readily identified by a continuous marking to show the manufacturer's name or trademark and specification number. This marking may be found stamped along the selvage. The specification number for grade "A" fabric is AMS–3806, and for the intermediate grade AMS–3804. The corresponding CAA Technical Standard Order Numbers for these materials are TSO–C–15 and TSO–C–14, respectively. Increasing interest in the use of linen and certain synthetic fabrics in lieu of cotton has been noted. Identity of such materials should always be verified by the user. (See table 3–1.)

(f) *Identification of plastics.* Plastics cover a broad field of organic synthetic resins and may be divided into two main classifications—thermoplastic and thermosetting plastics.

(1) *Thermoplastics.* Thermoplastics may be softened by heat and can be dissolved in various organic solvents. Two kinds of transparent thermoplastic materials are commonly employed in windows, canopies, etc. These materials are known as acrylic plastics and cellulose acetate plastics. These two plastics may be distinguished by the absence of color, the greater transparency, and the greater stiffness of the acrylic, as compared to the slight yellow tint, lower transparency, and greater flexibility of cellulose acetate.

(2) *Thermosetting plastics.* Thermosetting plastics do not soften appreciably under heat but may char and blister at temperatures of 204° to 260° C. (400° to 500° F.). Most of the molded products of synthetic resin composition, such as phenolic, urea-formaldehyde and melamine-formaldehyde resins, belong to the thermosetting group.

§ 18.30–9 *Aircraft equipment* (CAA *policies which apply to § 18.30*)—(a) *General.* Aircraft equipment is usually considered as a part of the airplane and many of the maintenance and repair procedures pertinent to the airplane are equally applicable to the various major items of equipment. However, the following general information should be helpful in maintaining the essential equipment items in an airworthy condition.

(b) *Landing gear equipment*—(1) *Wheels.* Wheels should be inspected at periodic intervals for cracks, corrosion, dents, distortion, and faulty bearings. In split-type wheels, bolt holes which may have become elongated due to some play in the through-bolt should be reconditioned by the use of Rosan inserts or other suitable means. The bolts should also be inspected for wear; if excessive wear is evident, the bolts should be replaced. In bolting the wheel halves together, care should be taken to have the nuts properly tightened. These should be inspected periodically to be sure that they are tight so that there will be no movement between the two halves of the wheel. This movement causes elongation of the bolt holes. If the wear is too great to be corrected as stated above, it may necessitate scrapping of the wheel. Grease-retaining felts in the wheel assembly should be kept in a soft, absorbent condition. If they have become hardened they should be cleaned in gasoline; if this fails to soften them, they should be replaced.

(i) *Corrosion of wheels.* Wheels should be thoroughly cleaned if corroded and then examined for soundness. If bare, corroded spots appear, they should be smoothed up and repainted with a protective coating such as zinc chromate primer and aluminum lacquer or some other equally effective coating to prevent further corrosion. Wheels with severe corrosion which might affect their strength should be replaced.

(ii) *Dented or distorted wheels.* Wheels which wobble excessively due to deformation resulting from a severe side load impact should be replaced. In questionable cases, the local representative of the Civil Aeronautics Administration should be consulted concerning the airworthiness of the wheels. Dents of a minor nature do not affect the serviceability of a wheel.

(iii) *Wheel bearings.* Wheel bearings should be inspected periodically to detect damage caused by maladjustment or foreign material. Damaged or excessively worn parts should be replaced. Bearing cones should be packed with a high melting point grease prior to their installation. When assembling the wheel to the airplane, the axle nut should be tightened just enough to eliminate any drag or wheel side play on the axle.

(2) *Brakes.* The clearance between moving and stationary parts of a brake should be maintained in accordance with

the manufacturer's recommendations. The brake should be disassembled and inspected periodically and the parts examined for wear, cracks, warpage, corrosion, elongated holes, etc. If any of these or other faults are indicated the affected parts should be repaired, reconditioned, or replaced, depending on the seriousness of the difficulty, in accordance with the manufacturer's recommendations. Surface cracks on the friction surfaces of brake drums occur frequently due to high surface temperature. These may be disregarded as seriously affecting the airworthiness until they become cracks of approximately one inch in length. The brake drums or surfaces then should be replaced.

(i) *Hydraulic brakes.* For proper maintenance, the entire hydraulic system from the reservoir to the brakes should be inspected. The fluid in the reservoir should be maintained at the recommended level with the proper brake fluid. Flexible hydraulic hose which has deteriorated due to long periods of service should be replaced. When air is present in the hydraulic system, the system should be bled in accordance with the manufacturer's instructions. Hydraulic piston seal gaskets should be replaced when there is evidence of leakage.

(ii) *Mechanical brakes.* The working parts of mechanically operated brakes should be kept free of dirt and foreign matter and should work freely at all times. Excessive play in the linkage system should be kept to a minimum.

(3) *Tires*—(i) *Inspection.* For maximum safety, it is essential that tires be inspected frequently for cuts, worn spots, bulges on the sidewalls, and foreign bodies imbedded in the treads and any repairs which are necessary should be made.

(ii) *Repair.* It is recommended that repairs be made by either the original tire manufacturer or reliable local tire repair agencies in accordance with procedures outlined in military specification MIL–C–7726 pertaining to repair and recapping of used pneumatic aircraft tires. The specification states that tires should not be repaired if any of the following conditions are found during inspection:

(*a*) Flex breaks or evidence thereof.

(*b*) Bead injuries which extend into more than 3 plies of a tire having 16 or more plies or into 25 percent of the plies on all other tires.

(*c*) Evidence of separation between plies or around bead wire.

(*d*) Injuries requiring inside reinforcement. This includes all casings needing section repairs.

(*e*) Kinked or broken beads.

(iii) *Clearance.* For retractable landing gears there should be ample clearance between the tires and the landing gear wells or adjacent structure, otherwise jamming of the retracted landing gear may result. This clearance and the clearance between the tire and fork or other landing gear members should be checked carefully when tires are retreaded because the growth of the original tire and the use of a heavier tread stock may increase the tire diameter and cross section.

(iv) *Treading*—(*a*) In treading tires, three basic methods of applying new tread stock to a tire are in use which are known as top capping, full capping, and retreading. In top capping, the tread is buffed across the top of the tire and new tread material known as capping stock is applied. The capping stock has an abrupt bevel and when cured onto the remaining tread material of the tire, the line of contact between the old and new rubber may show, enabling a top cap job to be readily detected in such cases. In the full capping process, the buffing is usually carried down on the shoulders to the sidewall ring to receive the new tread material known as camelback. This material is similar to capping stock except that it is wider and the abrupt bevel is replaced by longer, tapering sides. Since the camelback replaces the old tread from one sidewall ring around to the other, the tire has more of a new tire appearance particularly if the sidewalls to the bead are unbroken or unmarred. In retreading (sometimes called remolding), old rubber is rasped from bead to bead and replaced unit new camelback and sidewall material which results in a new tire appearance. These three methods are in accord with Military Specification MIL–C–7726 which is used by many treading agencies having a reputation for reliable, high-grade work. A recent development is the flex-to-flex retread which can be classified as being in between the full cap and retread process. In this method, a very wide camelback is used and new sidewall material is then applied which reconditions or covers the flex area. This new sidewall material does not extend down to the bead as it does in the full retread method.

(*b*) Because of the fact that poorly treaded tires may throw the tread material off in service thereby causing an accident or damaging the aircraft, treading work should be given only to agencies having the equipment, knowledge, and ability to tread aircraft tires satisfactorily.

(*c*) The number of times a tire may be treaded can be determined only by a thorough inspection which would disclose any sidewall bruises, ply separation, broken bead wire, or other defects that indicate the carcass is not sound enough to justify an additional tread. When a carcass has been recapped or retreaded 3 times its airworthiness may be questioned although there have been tires which gave satisfactory performance with more than 3 such treads. The carcass construction, use of rayon or nylon cord, the carcass age and condition, the type of operation involved, etc. should be evaluated collectively before a decision is made as to whether or not a tire should be treated again.

(4) *Tubes.* Punctured tubes may be repaired by the use of cemented or vulcanized patches. The procedure of making such repairs is substantially identical to that used in connection with automobile tires. The size of the patch should be kept to a minimum and the use of an excessive number of patches, particularly in one area, should be avoided as the weight of the material may contribute to excessive wheel vibration due to tube unbalance. The use of vulcanized patches is recommended because they are considerably more reliable. For such work a reputable local tire repair agency should be engaged. Reinstalled tires should be inflated, deflated, and again inflated to insure that the inner tube is not pinched. A pinched tube will chafe against the walls of the carcass and a thin spot will result in the rubber. In time, the tube wall will leak at this point. The pinching generally is due to the sticking of the tube to the carcass wall during the first inflation and the failure of the carcass to push out to properly seat against the flange. The tube is then confined to a smaller space and wrinkling (pinching) of the tube results. Complete deflation followed by inflation allows the tube to properly accommodate itself to the carcass which should now seat itself tightly against the flanges.

(5) *Floats.* In order to maintain floats in an airworthy condition, frequent inspection should be made on account of the rapidity with which corrosion takes place on aluminum alloy metal parts, particularly when the aircraft is operated in salt water. Metal floats and all metal parts on wooden floats should be carefully examined for corrosion and corrective action taken in accordance with the procedures described in § 18.30–7. Damage to metal floats should be repaired in the general manner as outlined in § 18.30–4 (*e*) pertaining to aluminum and aluminum alloy structures. In the case of wooden floats, repairs should be made in accordance with the general procedure outlined in § 18.30–2.

(6) *Skis and ski installations.* It is advisable to examine ski installations frequently to keep them maintained in airworthy condition. If shock cord is used to keep the ski runner in proper trim, an examination should be made to see that the cord has enough elasticity to keep the runner in its required attitude and the condition of the cord should be checked to see that it is not becoming loose or badly frayed. If old weak shock cords are found, they should be replaced. When other means of restraint are provided, they should be examined for excessive wear and binding and replacements should be made when such conditions are found. The points of cable attachment, both on the ski and the airplane structure, should be examined for bent lugs due to excessive loads having been imposed while taxiing over rugged terrain or by trying to break frozen skis loose. If skis which permit attachment to the wheels and tires are used, proper tire pressure should be maintained; under-inflated tires may push off the wheels if appreciable side loads are developed in landing or taxiing.

(i) *Repair of ski runners.* Fractured wooden ski runners usually require replacement. If a split at the rear end of the runner does not exceed 10 percent of the ski length, it may be repaired by attaching one or more wooden cross pieces across the top of the runner using glue and bolts. Bent or torn metal runners may be straightened if minor bending has taken place and minor tears may be repaired in accordance with procedures recommended in § 18.30–4 relative to repairs of metal structures.

(ii) *Ski pedestals*—(*a*) *Tubular pedestals.* Damaged pedestals made of steel tubing may be repaired by using standard tube splices as shown in figures 4–2 and 4–12.

(*b*) *Cast pedestals.* Cast pedestals should not be repaired but should be replaced unless the method of repair is specifically approved by a representative of the Civil Aeronautics Administration.

(*c*) *Sheet metal pedestals.* Damaged pedestals made of aluminum alloy sheet should be repaired in the general manner as outlined in § 18.30–4 (*e*).

(*c*) *Flares.* Parachute flares are made of materials which are subject to decomposition upon aging. Humidity affects the small igniting charge and also the materials of the candle (illuminant). Hence, the percentage of misfires in old flares is likely to be quite high. To assure unfailing performance of flares, periodic inspection of the flare installation should be made. The inspection should include the entire system starting at the release mechanism in the cockpit and ending at the flare. Such inspection should be attempted only by qualified personnel since inadvertent discharge of such pyrotechnics may cause serious damage. Past experience has indicated that all electrically or pistol-operated flares should be returned to the manufacturer for reconditioning within a maximum period of 3 years and that for mechanically operated flares, this should be done within a maximum period of 4 years.

(d) *Life preservers and life rafts*—(1) *General.* Inflatable life preservers and life rafts are subject to general deterioration due to aging. Experience has indicated that such equipment may be in need of replacement at the end of 5 years due to porosity of the rubber-coated material. Wear of such equipment is accelerated when stowed on board aircraft because of vibration which causes chafing of the rubberized fabric. This ultimately results in localized leakage. Leakage is also likely to occur where the fabric is folded because sharp corners are formed. When these corners are in contact with the carrying cases, or with adjacent parts of the rubberized fabric, they tend to wear through due to vibration.

(2) *Inspection procedure for life preservers.* (i) At 3-month intervals, all life preservers should be inspected for airworthiness. The rubberized material should be examined for cuts, tears, and abrasions and the mouth valves and tubing should be checked for leakage, corrosion, and deterioration. The carbon dioxide cylinder should be removed and the discharge mechanism checked by operating the lever to ascertain that the pin operates freely. The gaskets and valve cores of the cylinder container and the pull cord should be checked for deterioration. If no defects are found, the preserver should be inflated by air to a 2-pound pressure and left for 12 hours. If the preserver still has adequate rigidity at the end of that time, it should be deflated and fitted with $CO_2$ cylinders having weights not less than that indicated on them by the manufacturer. All cylinders made in accordance with joint Army-Navy Specification No. JAN–C–601 are so stamped and have a minimum permissible weight stamped on them. The use of such $CO_2$ cylinders is recommended. These cylinders have the five-thirty-second-inch end disc sealed by an electric welding process which is intended to provide a superior seal compared to the older type which makes use of a similar disc surrounded by a thin rubber seal. Inasmuch as the rubber is subject to deterioration, its ability to maintain pressure will likely be affected. Leaky electrically welded seals are very likely to be discovered upon final inspection at the manufacturer's plant. If such a cylinder is up to weight at the end of 3 months, in all probability it will remain so until used whereas the old type with the rubber seal is apt to lose its pressure with age. Having fitted the preserver with an adequately charged cylinder, the preserver should be stamped with the date of inspection as a matter of record and packed into its container.

(ii) It is recommended that the above procedure be repeated every 12-month period, using the $CO_2$ cartridge for inflation. The carbon dioxide permeates the rubberized fabric at a faster rate than air and will indicate if the porosity of the material is excessive.

(3) *Repair of life preservers.* Leaks, as disclosed by immersion in soapy water, should be repaired by the use of patches in accordance with the recommendations of the manufacturer. Corroded metal parts should be cleaned and missing or weakened ties replaced by machine stitching in place as originally done by the manufacturer. Weakened lanyards should also be replaced. Life preservers which do not retain sufficient rigidity after the 12-hour period because of general deterioration and porosity of the fabric are beyond economical repair and should be replaced.

(4) *Inspection procedure for life rafts.* (i) Life rafts should be inspected at 3-month intervals for cuts, tears, or other damage to the rubberized material. If the raft is found to be in good condition, the $CO_2$ bottle(s) should be removed and the raft inflated with air to a pressure of 2 pounds. The air should be introduced at the fitting normally connected to the $CO_2$ bottle(s). After at least 1 hour to allow for the air within the raft to adjust itself to the ambient temperature, the pressure should be checked and adjusted, if necessary, to 2 pounds after which the raft should be left to stand for 24 hours. If, after 24 hours, the pressure is less than 1 pound, the raft should be examined for leakage by using soapy water. In order to eliminate pressure variations due to temperature differences at the time the initial and final readings are taken, the raft should be tested in a room where the temperature is fairly constant. If the pressure drop is satisfactory, the raft should be considered as being in an airworthy condition and returned to service after being fitted with correctly charged $CO_2$ bottles as determined by weighing them. It is suggested that the rafts be marked to indicate the date of inspection and that soapstone be used when folding them preparatory to insertion into the carrying case. Care should be taken to see that all of the raft's required equipment is on board and properly stowed. If the raft lanyard used to prevent the raft from floating away from the airplane is in need of replacement, a lanyard not less than 20 feet long and having a breaking strength of about 75 pounds should be used.

(ii) At 18-month intervals the above procedure should be repeated, using the $CO_2$ bottle(s) for inflation. If a single bottle is used for inflating both compartments, it should be noted whether the inflation is proceeding equally to both compartments. Occasionally the formation of "carbon dioxide snow" may occur in 1 passage of the distributing manifold and divert a larger volume of gas to 1 compartment which may burst if the mattress valve is not open to relieve the pressure. If the pressure is satisfactory, the raft should be returned to service in accordance with the procedure outlined above.

(5) *Repair of life rafts.* When leaks due to tears, abrasions, or punctures are found, repairs should be made in accordance with the recommendations of the manufacturer. Partially torn away supporting patches on the tube should be recemented so as to restore the raft to its airworthy condition. Mildewed or weak lanyards should be replaced, particularly those by which the $CO_2$ bottle is operated. This applies also to the line used to attach the raft to the airplane. All metal parts should be checked for corrosion; cleaned, or repaired if found to be defective. If leaky mattress valves have been found, they should be replaced.

(6) *Rating.* Ratings of military rafts when used in civil aircraft are shown in the following table. Ratings of the 10-, 15-, and 20-man circular rafts built for civil use are stamped on the rafts by the manufacturer.

| Type | Capacity | | | Specification |
|---|---|---|---|---|
| | Pounds | Men | | |
| | Load | Military | Civil | |
| A-3 | 1,500 | 4 | 6 | AF 64–[illegible] |
| A-5 | 2,500 | 6 | 10 | AF 64–[illegible] |
| Mark II | 1,000 | 2 | 3 | BuAer M 3[illegible] |
| Mark IV | 1,500 | 4 | 6 | BuAer M 3[illegible] |
| Mark VII | 2,500 | 7 | 10 | BuAer M 3[illegible] |

NOTE: Rafts more than 5 years old are likely to be unairworthy due to deterioration.

(e) *Parachutes.* With reasonable care, parachutes should last at least 5 years. They should not be carelessly tossed about, left in the airplanes so that they may become wet, or left in open places where they may be tampered with. They should not be placed where they may fall on oily floors or be subject to acid fumes from adjacent battery chargers. When repacking is done as required in Part 43 of the Civil Air Regulations, a careful inspection of the parachute should be made by a qualified parachute techni-

cian (rigger). If repairs or replacement of parts are necessary to maintain the airworthiness of the parachute assembly, such work should be done by the original parachute manufacturer or by qualified parachute technicians certificated in accordance with Part 25 of the Civil Air Regulations, Parachute Technician's Certificates or by agencies qualified in accordance with Part 54 of the Civil Air Regulations, Parachute Loft Certificates and Ratings.

(f) *Safety belts.* (1) The Civil Air Regulations require that when safety belts are to be installed in aircraft after July 1, 1951, such belts must conform to standards established by the Civil Aeronautics Administration. These standards are contained in Technical Standard Order TSO–C22. Safety belts eligible for installation in aircraft may be identified by the marking TSO–C22 on the belt or by a military designation number since military belts comply with the strength requirements of the TSO. Airworthy type certificated safety belts currently in aircraft may be removed for cleaning and reinstalled. However, when a type certificated safety belt is found unairworthy it must be replaced with a TSO–C22 or a new military belt.

(2) The webbing of safety belts, even when mildew proofed, is subject to deterioration due to constant use, cleaning and the effects of aging. The clamping action of the serrations of the commonly used buckle also causes a reduction in strength of the webbing and fraying occurs after long periods of usage. Fraying of belts is an indication of wear and such belts are likely to be unairworthy because they can no longer hold the minimum required tensile load. Differences of opinion as to the airworthiness of a belt can be settled by testing a questionable belt to demonstrate that it will support the required load but such testing usually costs more than a new belt and in addition affects the belt so that it is not as strong after the test as it was before. Airworthy 1-person type certificated belts should be able to withstand a tensile load of 525 pounds and TSO belts should withstand the rated tensile load indicated on the belt label. Most 1-person TSO belts are rated for 1,500 pounds. For 2-person belts the loads should be doubled.

(3) Since type certificated belts will not afford the crash protection provided by a TSO or military belt, such type certificated belts should not be repaired nor should their buckles or end fittings be reused on safety belts. If replacement of webbing or hardware of TSO or military belts is attempted, parts of identical design and material should be used. The stitch pattern should at least be identical to the original and the number of stitches per inch should be equal to the number used in the original belt. There is no objection to having a greater total length of stitching provided one line of stitches is not placed over another line. Lines of stitching should be at least three-sixteenths inch apart. A record should be kept, preferably in the log book, stating the extent to which the belt was repaired and the date. The original identification marking on the belt, conforming either to that required by TSO–C22, to a deviation from this marking, or to the military designation should be retained. Operators of a fleet of airplanes should follow the above suggestions, but keeping of records of renovations in a log book is impractical since the belts are never associated with any one particular airplane for any length of time. Therefore, in addition to retaining the original identification label and attaching it to the renovated belt, some additional simple marking should be used to indicate that the belt had been renovated. The date of renovation should also be shown. The use of the letter "R" followed by the date would be acceptable. This marking could be in the form of an indelibile ink stamping or cloth label stitched to the webbing.

(g) *Fire extinguishers.* Inspection and maintenance of fire extinguishers should be in accordance with the manufacturer's instructions attached to the extinguisher unit. In connection with carbon tetrachloride extinguishers, owners who desire to refill their own units are cautioned not to refill them with commercial carbon tetrachloride inasmuch as it invariably contains a small percentage of water which ultimately causes corrosion of the moving parts of the extinguisher mechanism. Carbon tetrachloride for refilling fire extinguishers is sold in containers identifying the contents as being intended for such usage.

§ 18.30–10 *Windshields and enclosures (CAA policies which apply to § 18.30).* These repairs are applicable to plastic windshields, enclosures, and windows in non-pressurized airplanes. For pressurized airplanes the plastic elements should be replaced or repaired only in accordance with the manufacturer's recommendations.

(a) *Types of plastics.* Two types of plastics are commonly used in transparent enclosures of aircraft. These materials are known as acrylic plastics and cellulose acetate plastics.

(1) *Replacement panels.* Replacement panels should always be of material equivalent to that originally used by the manufacturer of the aircraft. There are many types of transparent plastics on the market. Their properties vary greatly, particularly in regard to expansion characteristics, brittleness under low temperatures, resistance to discoloration when exposed to sunlight, surface checking, etc. These properties have been considered by aircraft manufacturers in selecting materials to be used in their designs and the use of substitutes having different characteristics may result in subsequent difficulties.

(b) *Installation procedures for acrylic plastics.* In installing a replacement panel, the same mounting method used by the manufacturer of the airplane should be followed. While the actual installation will vary from one type of aircraft to another, the following major principles should be considered in installing any replacement panels.

(1) Never force an acrylic plastic panel out of shape to make it fit a frame. If a replacement panel does not fit easily into the mounting, a new replacement should be obtained or the whole panel heated and reformed. When possible, a new panel should be cut and fitted at ordinary room temperature.

(2) In clamping or bolting acrylic plastic panels into their mountings do not place the plastic under excessive compressive stress. It is easy to develop more than 1,000 pounds per square inch on the plastic by drawing up a nut and bolt good and tight. Each nut should be tightened to a firm fit then backed off one full turn.

(3) (i) In bolt installations, spacers, collars, shoulders, or stop-nuts should be used to prevent tightening the bolt excessively. Whenever such devices are used by the airplane manufacturer they should be retained in the replacement installation. It is important that the original number of bolts, complete with washers, spacers, etc., be used.

(ii) When rivets are used, adequate spacers or other satisfactory means to prevent excessive tightening of the frame to the plastic should be provided.

(4) Acrylic plastic panels should be mounted between rubber, cork, or other gaskets to make the installation waterproof, to reduce vibration, and to help to distribute compressive stresses on the plastic.

(5) Acrylic plastics expand and contract approximately three times as much as the metal channels in which they are mounted. Therefore, suitable allowance for dimensional changes with temperature should be made. Clearances of one-eighth-inch minimum should be allowed around the edges of small panels and larger clearances around the edges of large panels.

(6) In installations involving bolts or rivets, the holes through the plastic should be oversize by one-eighth-inch diameter and centered so that the plastic will not bind or crack at the edge of the holes. The use of slotted holes is also recommended.

(7) Panels should be mounted to a sufficient depth in the channel to prevent falling out when it contracts at extremely low temperatures or when the panel is flexed. When the manufacturer's original design permits, panels up to 12 inches long should be mounted to a minimum depth of $1^1/_8$ inches.

(c) *Installation procedure for cellulose acetate plastics.* In general the methods used for installation of cellulose acetate plastics are similar to those used for acrylic plastics. The coefficient of expansion of cellulose acetate exceeds that of acrylic resins. Also, the cellulose acetate plastics are affected by moisture and will change dimensions as they absorb water. Therefore, allowance should be made in mounting this type plastic if wide variations in temperature and humidity are to be encountered. As a general rule an allowance of about one-eighth-inch per foot of panel length should be made for expansion and three-sixteenths-inch per foot for contraction.

(d) *Repair of plastics.* Extensively damaged transparent plastic should be replaced rather than repaired wherever possible since even a carefully patched part is not the equal of a new section,



either optically or structurally. At the first sign of crack development, a hole of one-eighth to three-sixteenths of an inch in diameter should be drilled at the extreme ends of the cracks as shown in figure 10–1. This serves to localize the cracks and to prevent further splitting by distributing the strain over a large area. If the cracks are small, stopping them with drilled holes will usually suffice until replacement or more permanent repair can be made. The following repairs are permissible; however, they should not be located in the line of the pilot's vision in normal flight and landing.

(1) *Surface patch.* If a surface patch is to be installed, trim away the damaged area and round all corners. A piece of plastic of sufficient size to cover the damaged area and extend at least three-fourths of an inch on each side of the crack or hole should be cut and the edges beveled as shown in figure 10–2. If the section to be repaired is curved, the patch should be fitted to the same contour by heating it in an oil bath at a temperature of 248° to 302° F. or it may be heated on a hot plate until soft. Boiling water should not be used for heating. The patch should be coated evenly with plastic solvent adhesive and placed immediately over the hole. A uniform pressure of from 5 to 10 pounds per square inch should be maintained on the patch for a minimum of 3 hours. The patch should be allowed to dry 24 to 36 hours before sanding or polishing is attempted.

(2) *Plug patch.* In using inserted patches to repair holes in plastic structures, the holes should be trimmed to a perfect circle or oval and the edges beveled slightly. The patch should be slightly thicker than the material being repaired and should have similarly beveled edges. Patches should be installed in accordance with figure 10–3. The plug is heated until soft and pressed into the hole without cement, and allowed to cool, making a perfect fit. The plug should be removed, the edges coated with adhesive and then reinserted in the hole. A firm light pressure should be maintained until the cement has set. Sand or file the edges level with the surface, buff and polish.

(e) *Cleaning and polishing transparent plastic.* (1) Plastics have many advantages over glass for aircraft use, but they lack the surface hardness of glass and care must be exercised while servicing the aircraft to avoid scratching or otherwise damaging the surface.

(2) Plastic should be cleaned by washing with plenty of water and mild soap, using a clean, soft, grit-free cloth, sponge, or bare hands. Do not use gasoline, alcohol, benzene, actone, carbon tetrachloride, fire extinguisher or deicing fluids, lacquer thinners, or window cleaning sprays because they will soften the plastic and cause crazing. The plastic should not be rubbed with a dry cloth since this is likely to cause scratches and also build up an electrostatic charge which attracts dust particles to the surface. If after removing dirt and grease, no great amount of scratching is visible, the plastic should be finished with a good grade of commercial wax. The wax should be applied in a thin even coat and brought to a high polish by rubbing lightly with a soft cloth.

(3) If, after removing dirt and grease, the surface is found marred by scratches, hand polish or buff out the scratches. Hand-polishing or buffing should not be attempted until the surface is clean. A soft, open-type cotton or flannel buffing wheel is suggested. Minor scratches may be removed by vigorously rubbing the affected area by hand or with a soft, clean cloth dampened with a mixture of turpentine and chalk or an automobile cleanser applied with a damp cloth. Remove the cleanser and polish with a soft, dry cloth. Acrylic and cellulose acetate plastics are thermoplastic and friction created by buffing or polishing too long in one spot can generate sufficient heat to soften the surface. This will produce visual distortion and should be guarded against.

§ 18.30–11 *Hydraulic systems (CAA policies which apply to § 18.30).* Airplane hydraulic systems should be maintained, serviced, and adjusted in accordance with manufacturer's maintenance manuals and pertinent component maintenance manuals. Certain general principles of maintenance and repair which apply are outlined below.

(a) *Hydraulic lines and fittings.* All lines and fittings should be carefully inspected at regular intervals to insure airworthiness. Metal lines should be checked for leaks, loose anchorages, scratches, kinks, or other damage. Flexible hose lines should be checked for leaks, cuts, abrasions, soft spots, or other deterioration or damage. Fittings and connections should be inspected for leakage, looseness, cracks, burrs, or other damage. Defective elements should be replaced but may sometimes be repaired.

(1) *Replacement of metal lines.* When inspection shows a line to be damaged or defective, the entire line should be replaced. However, if the damaged section is localized, a repair section may be inserted. In replacing lines, always use tubing of the same size and material as the original line. Use the old tubing as a template in bending the new line, unless it is too greatly damaged, in which case a template can be made from soft iron wire. Soft aluminum tubing (2SO, 3SO, or 52SO) under one-fourth inch outside diameter may be bent by hand. For all other tubing, an acceptable tube bending, hand or power, tool should be used. Bending should be done carefully to avoid excessive flattening, kinking, or wrinkling. Minimum bend radii should conform to the values shown in table 11–1. A small amount of flattening in bends is acceptable but should not exceed an amount such that the small diameter of the flattened portion is less than 75 percent of the original outside diameter. When installing the replacement tubing it should line up correctly with the mating part and should not be forced into line by means of the coupling nuts.

(2) *Tube connections.* Most tubing connections are made using flared tube ends, and standard connection fittings: AN–818 nut and AN–819 sleeve. In forming flares, the tube ends must be cut square, filed smooth, have all burrs and sharp edges removed and be thoroughly cleaned. The tubing is then flared using the correct forming tools for the sizes of tubing and type of fitting. A double flare is used on soft aluminum tubing three-eighths inch outside diameter and under, and a single flare on all other tubing. In making the connections hydraulic fluid only should be used as a lubricant. The connection should then be tightened as overtightening will damage the tube or fitting, and may cause failure, and undertightening may cause leakage.

(3) *Repair of metal tube lines.* (i) Minor dents and scratches in tubing may be repaired. Scratches or nicks no deeper than 10 percent of the wall thickness in aluminum alloy tubing only, not in the heel of a bend, may be repaired by burnishing with hand tools. Severe die marks, seams or splits in the tube should not be repaired; such lines should be replaced. Any crack or deformity in a flare is also unacceptable and should be rejected.

(ii) A dent less than 20 percent of the tube diameter is not objectionable unless it is in the heel of a bend. Dents may be removed by drawing a bullet of proper size through the tube by means of a length of cable.

(iii) A severely damaged line may be repaired, if it is not desired to replace the entire line, by cutting out the damaged section and inserting a repair section consisting of a short section of flared tubing, flaring both ends of the undamaged tube remaining, and connecting with standard unions, sleeves, and tube nuts. If the damaged portion is short enough, the insert tubing may be omitted and the repair made with one union and two sets of connection fittings.

(4) *Replacement of flexible lines.* When replacement of flexible hose lines is necessary, use the same type, size and length hose as the replaced line. If the hose is of the swaged-end type, the entire assembly should be obtained in the correct size for replacement. If it is of the collet, or sleeve, quick-attachable-end type, the assembly should be made up in accordance with the manufacturer's directions, using the prescribed tools, so that the replacement assembly is of the same size and length as the replaced line. The hose should be installed without twisting by keeping the white line on hose straight. Use only hydraulic fluid for lubricating threads.

(ii) A hose should never be stretched tight between two fittings as this will result in overstressing and failure at the ends under pressure. The length of hose should be sufficient to provide about 5 to 8 percent slack.

(b) *Hydraulic components.* Hydraulic components such as pumps, actuating cylinders, selector valves, relief valves, etc., should be disassembled only for maintenance and overhaul in properly equipped shops by qualified personnel. Manufacturer's recommended practices and replacement parts should be used in overhauling such components. If proper servicing facilities are not available, hydraulic equipment in need

of repair or overhaul should be replaced by new or overhauled parts and the removed component sent to a qualified agency for overhaul. In making adjustments to such parts as relief valves, pressure regulating valves, etc., the airplane and component manufacturer's instructions should be carefully followed. Hydraulic filter elements should be inspected at frequent intervals and replaced as necessary.

§ 18.30–12 *Electrical systems (CAA policies which apply to § 18.30)*—(a) *General.* All electric equipment, electric assemblies, and wiring installations should be frequently inspected for damage, general condition, and proper functioning to assure the continued satisfactory operation of the electric system. The adjustment, repair, overhaul, and testing of all electric equipment and systems should be accomplished in accordance with the recommendations and procedures set forth in Maintenance Instructions, or manuals published by the the Aircraft and Equipment Manufacturers.

(b) *Inspection and operating checking.* Frequent visual inspections, operating checks of all electric circuits and equipment, and replacement or repair when deficiencies are found are effective in minimizing electrical troubles and hazards in airplanes. A suggested list of items to look for during these inspections and the checks to be performed are itemized below:

Damaged or overheated equipment, connections and wiring or worn wiring insulation.
Excessive resistance at high current carrying connections, as determined by millivolt drop test.
Alinement of electrically driven equipment.
Poor electric bonding.
Cleanliness of equipment and connections.
Proper support of wiring and conduit, and satisfactory attachment to the structure.
Tightness of connections, terminals and ferrules.
Continuity of fuses, operation of circuit breakers.
Condition of electric lamps.
Clearance or insulation of exposed terminals.
Adequacy of safety wire, cotter pins, etc.
Operational check of electrically operated equipment such as motors, inverters, generators, batteries, lights, etc.
Voltage check of electric system operation with portable precision voltmeter.

(1) *Cleaning and preservation.* Frequent cleaning of electric equipment to remove dust, dirt, and grime is recommended. Fine emery cloth may be used to clean terminals and mating surfaces if they appear corroded or dirty. Crocus cloth or very fine sandpaper should be used to polish commutators or slip rings. Emery cloth should not be used on commutators since particles from the cloth may cause shorting and burning.

(i) *Batteries and battery containers.* The drain and venting provisions for the battery or battery containers should be checked frequently and if found corroded the compartment and surrounding structure should be washed with a solution of soda and water to neutralize the battery acid.

(2) *Miscellaneous check items.* Frequent checks should be made for miscellaneous irregularities such as loose terminal connections, poorly soldered or loose swaged terminals, missing safety wire, loose quick-disconnects, broken wire bundle lacing, broken or inadequate wire clamps, and insufficient clearance between exposed current-carrying parts and ground. Replacement or repair should be accomplished as a part of routine maintenance.

(c) *Major adjustments.* Major adjustments of items of equipment such as regulators, generators, contactors, control devices, inverters, and relays should be accomplished outside the airplane on the test stand or test bench where all necessary instruments and test equipment are at hand. The adjustment procedures outlined by the equipment manufacturer should be followed.

(d) *Equipment replacement.* Damaged, wornout, and defective electric equipment should be replaced with identical items or with equipment equivalent to the original in operating characteristics, mechanical strength, and the ability to withstand the environmental conditions encountered in the operation of the airplane.

(e) *Aircraft electric cable installation*—(1) *Types of electric cable.* Aircraft service imposes severe environmental conditions on electric cable. To assure satisfactory service, the cable should be of aircraft quality at least equivalent to that specified in Military Specification MIL–W–5086 (Copper) and MIL–W–7072 (Aluminum).

(2) *Size of electric cable*—(i) *Criteria for selection.* The criteria upon which the selection of electric cable size should be based, when considering an alteration, are current carrying capacity and voltage drop.

(*a*) The selected cable should not carry current continuously or intermittently in excess of the ampere values indicated by curves 1, 2, and 3 on figure 12–1.

(*b*) The voltage drop in the main power cables from the generation sources, or the battery to the bus should not exceed 2 percent (2.0%) of the regulated voltage, when the generator is carrying rated current or the battery is being discharged at the 5-minute rate.

(*c*) The voltage drop in the load circuits, between the bus and the utilization equipment, should not exceed the values shown in the following tabulation:

| Nominal system voltage | Allowable voltage drop | |
|---|---|---|
| | Continuous operation | Intermittent operation |
| 14 | 0.5 | 1 |
| 28 | 1 | 2 |
| 115 | 4 | 8 |
| 200 | 7 | 14 |

(ii) *Electric cable chart.* This chart, figure 12–1, applies to cable carrying direct current and is based on copper conductor cable manufactured in accordance with Specification MIL–W–5086, whose current ratings are given in Specification MIL–W–5088. Curves 1, 2 and 3 thereon intersect the vertical cable size lines at the maximum ampere rating for the specified conditions indicated on the chart.

(*a*) *Examples of how to use the electric cable chart—Figure 12–1—*(1) *Knowing the cable length and ampere load.* Determine the required cable size so as not to exceed one volt drop as follows: Select the cable length from the scale at the left and follow it horizontally across the chart to the right until it intersects the required diagonal ampere line. Then read the cable size on the nearest or preferably the nearest vertical cable size line to the right.

*Example.* Measured cable length 50 feet, continuous current 25 amperes—determine cable size. From the left scale follow horizontal line 50 chart to the right until it intersects the diagonal 25-ampere line. The 25-ampere line is slightly more than midway between the 20- and 30-ampere lines since the scale is logarithmic. The vertical cable size to the right of this intersection is numbered 8, and therefore a No. 8 cable size will be needed. Note also that the point of intersection is above curve 1, indicating that No. 8 cable wire will carry 25 amperes in conduit or bundles without overheating.

(2) *Knowing the cable size and ampere load.* Determine the maximum cable length so as not to exceed one volt drop as follows: Select the cable size from the scale at the bottom of the chart and follow the vertical cable size line until it intersects the required diagonal ampere line. Then read the maximum distance in feet that the cable can be run, by horizontally projecting the point of intersection to the scale at the left.

*Example.* Cable size No. 2, continuous current 150 amperes, determine maximum cable length in feet. From the bottom scale follow the No. 2 vertical cable size line until it intersects the diagonal 150-ampere line. Projecting this point horizontally to the scale at the left it is determined that 38 feet is the maximum distance that the No. 2 cable carrying 150 amperes can be run without exceeding one-volt drop. It should be noted, however, that the point of intersection falls below Curve 1 and if the cable is to be installed in a close fitting conduit or even a large bundle it would be preferable to use a No. 1 or No. 1/0 cable, depending on the known factors of the installation. Naturally the maximum distance that these larger cables can be run without exceeding one-volt drop will also be greater than that previously determined for the No. 2 cable.

(3) *For other than one-volt drop.*

*Examples.* Determine cable size for various voltage drops, measured cable length 100 feet, continuous current 20 amperes; also determine maximum cable lengths in feet, for various voltage drops, using cable size No. 10, continuous current 20 amperes.

(iii) *Resistance.* The resistance of the current return path through the aircraft structure is always considered negligible. However, this is based on the assumption that adequate bonding of the structure or a special electric current return path has been provided which is capable of carrying the required electric current with a negligible voltage drop. The measured resistance from the ground point of a generator or the battery to the ground terminal of any electric device should not exceed 0.005 ohm.



| Voltage drop | Enter chart (feet) | Amperes | Cable size from chart | Check |
|---|---|---|---|---|
| 1 | 100 | 20 | No. 6 | VD = (0.000136) × (100) (20) = 0.872 |
| 0.5 | $\frac{100}{0.5}=200$ | 20 | No. 4 | VD = (0.000271) × (100) (20) = 0.548 |
| 4 | $\frac{100}{4}=25$ | 20 | No. 12 | VD = (0.00188) × (100) (20) = 3.76 |
| 7 | $\frac{100}{7}=14$ | 20 | No. 14 [1] | VD = (0.00269) × (100) (20) = 5.98 |

[1] It should be noted that the No. 14 cable should not be used if a considerable portion of its 100-foot length is to be enclosed in conduit, large bundles, or locations of high ambient temperature, as the intersection of the cable size and current crossfalls below curve 1.
[2] Resistance values from table 12–1.

| Voltage drop | Wire size | Amperes | Maximum length (feet) from chart at voltage drop indicated | Check |
|---|---|---|---|---|
| 1 | No. 10 | 20 | 45 | VD = (0.0011) × (20) (45) = 0.990 |
| 0.5 | | | (45) (0.5) = 22.5 | VD = (0.0011) × (20) (45) = 0.495 |
| 4 | | | (45) (4) = 180 | VD = (0.0011) × (20) (45) = 3.96 |
| 7 | | | (45) (7) = 315 | VD = (0.0011) × (20) (315) = 7.93 |

[1] Resistance values from table 12–1.

(iv) *Aluminum cable.* From table 12–1 and 12–2 it will be noted that the conductor resistance of aluminum cable and that of copper cable two numbers higher are similar. Accordingly, the electric cable chart, figure 12–1, can be used when it is desired to substitute aluminum cable and the proper size can be selected by remembering to reduce the copper cable size by two numbers and by referring to table 12–2. The use of aluminum cable sizes smaller than No. 6 is not recommended.

(3) *Cable terminals.* Cable terminals are attached to the ends of electric cable to facilitate connection of the cable to junction boxes, terminal strips or items of equipment. The tensile strength of the cable to terminal joint should be at least equivalent to the tensile strength of the cable itself, and its resistance should be negligible relative to the normal resistance of the cable run. Terminals are available which were specifically designed for use with the standard sizes of aircraft cable. Haphazard choice of commercial terminals may lead to overheated joints, vibration failures, and corrosion difficulties.

(i) *Solder vs. solderless terminals.* The solderless (crimp-type) terminals have largely replaced the older solder lugs for most applications. Some of the disadvantages of the soldering process are listed as follows:

(*a*) A more skilled operator is required.
(*b*) A corrosive flux may be used, and the terminal joint will rapidly deteriorate.
(*c*) Maintenance is extremely difficult.
(*d*) The cable strands are stiffened by the solder, and become more susceptible to breakage by vibration.
(*e*) The cable insulation may be charred during the soldering process.

(ii) *Solderless terminal joints.* The terminal manufacturer will normally provide a special crimping or swaging tool for joining the solderless terminal to the electric cable. Aluminum cable presents special difficulty in that each individual cable strand is insulated by an oxide coating. The oxide coating must be broken down in the crimping process and some method employed to prevent its reforming. In all cases, the terminal manufacturer's instructions should be carefully followed.

(iii) *Attachment of terminals to studs.* Electrical equipment malfunction has frequently been traced to poor terminal connections at terminal boards. Loose, dirty, or corroded contact surfaces will produce localized heating which may ignite nearby combustible materials, or overheat adjacent cable insulation to the smoking point. Heavy current-carrying connections should be available for periodic inspection to determine their condition.

(4) *Terminal strips.* Cable runs are usually joined at terminal strips. The terminal strip should be fitted with barriers to prevent terminals on adjacent studs from coming in contact with each other. The studs should be anchored against rotation and be long enough to accommodate a maximum of four terminals. When more than 4 terminals are to be connected together, 2 or more adjacent studs should be used, and a small strip-metal bus mounted across the studs. In all cases, the current should be carried by the terminal contact surfaces, and not by the stud itself.

(i) *Terminal strip stud sizes.* If the stud size is too small, it is easily sheared during servicing by applying too much torque on the nut. After a few failures of this sort, the electrician will become overcautious and not tighten the nut sufficiently, and a hazardous loose connection will result. Consequently, it is good practice to limit stud sizes to No. 10 or larger.

(ii) *Terminal strip installation.* Terminal strips should be designed or mounted in such a manner that loose metallic objects cannot fall across the terminals or studs. It is good practice to provide at least one spare stud for future circuit expansion, or in case a stud is broken.

(5) *Connector assemblies.* Connectors (plugs and receptacles) are used to facilitate maintenance when frequent disconnection is required in service. Since the cable is soldered to the connector inserts, the joints should be individually insulated and the cable bundle firmly supported to avoid damage by vibration. Connectors have been particularly vulnerable to corrosion in the past, due to condensation of moisture within the shell. Special connectors with waterproofing features have been developed, and a chemically inert water-proof jelly is sometimes packed in the connector, to combat the corrosion difficulty.

(i) *Connector assembly application.* When two or more connectors are installed adjacent to each other, the design should be such that a plug cannot be inserted in the wrong receptacle. The socket-type insert should be used on that half of the connector which is "hot" after the connector is disconnected.

(6) *Through bolts.* Through bolts are sometimes required to make feeder connections through bulkheads, fuselage skin or firewalls. Such bolts should be mounted in such manner that they are mechanically secure independent of the terminal mounting nuts. Sufficient cross-section should be provided to insure adequate conductivity against overheating, and the contact surface area should be large enough to minimize voltage drop. Particular care should be exercised to avoid dissimilar metals among the terminal mounting hardware.

(7) *Splices in electric cable.* Splicing of electric cable should be kept to a minimum, and avoided entirely in locations subjected to extreme vibrations. Soldered splices are particularly brittle and should not be used. When a mechanical (crimped or swaged) splice is used, it should be covered by insulating tubing which is supported at both ends to prevent any motion which will tend to disconnect the splice. Multiple splices in a cable bundle should be staggered along the cable run.

(8) *Wiring installation practice*—(i) *General.* Electric wiring may be installed in aircraft without special enclosing means (open wiring) or may be confined in conduit or ducts to provide additional mechanical protection. Open wiring offers the advantages of ease of installation, simple maintenance, and reduced weight. However, conduit or ducting (preferably made of an insulating fire-resistant material) should be considered for the following situations.

(*a*) To minimize the possibility of a cable fault which would result in the loss of the electrical system, or render essential electrical equipment inoperative.

(*b*) To protect the cable from detrimental substances such as hydraulic fluid or gasoline.

(*c*) To protect the cable from abrasion or damage by moving aircraft elements, such as aircraft control cables or shifting cargo.

(ii) *Open wiring installation*—(*a*) *Cable bundles.* To simplify maintenance and to minimize the damage that may result from a single fault, cable bundles should be limited as to the number of wires in the run. Shielded cable, ignition cable, and cable which is not protected by a circuit breaker or fuse should be routed separately. The bending radius should not be less than 10 times the outer diameter of the bundle, to avoid excessive stresses on the cable insulation.

(b) *Insulating tubing.* Soft insulating tubing (spaghetti) cannot be considered as mechanical protection against external abrasion of cable, since at best it provides only a delaying action. Conduit or ducting should be employed in such cases.

(c) *Clamping of cable bundles.* Clamps, preferably of non-metallic material, should be used to support the cable bundle along the run. Lacing may be used between clamps, but should not be considered as a substitute for adequate clamping. Adhesive tapes are subject to age deterioration and therefore should not be used as a clamping means.

(d) *Clamp installation.* Clamps should be installed in such manner that the cables do not come in contact with other parts of the aircraft when subjected to vibration. Sufficient slack should be left between the last clamp and the electrical equipment to prevent strain at the cable terminals, or to minimize adverse effects on shock-mounted equipment. Where cables pass through bulkheads or other structural members, a grommet or suitable clamping should be provided to prevent abrasion.

(e) *Separation from flammable fluid lines.* An arcing fault between an electric cable and a metallic flammable fluid line may puncture the line and result in a serious fire. Consequently, every effort should be made to avoid this hazard by physical separation of the cables from lines or equipment containing oil, fuel, hydraulic fluid or alcohol. When separation is impractical the electric cable should be placed above the flammable fluid line and securely clamped to the structure. In no case should the cable be clamped to the flammable fluid line.

(iii) *Conduit installations.* Conduit is available in metallic and non-metallic materials and in both rigid and flexible forms. Primarily its purpose is for mechanical protection of the cable within, although some radio interference shielding may be provided.

(a) *Size of conduit.* When selecting conduit size for a specific cable bundle application, it is common practice to allow for ease in maintenance and possible future circuit expansion by specifying the conduit inner diameter about 25 percent larger than the maximum diameter of the cable bundle. Large conduit sizes should be avoided, since simultaneous damage to many cables is possible and maintenance becomes difficult.

(b) *Conduit fittings.* From the abrasion standpoints, conduit is vulnerable at its ends. Suitable fittings should be applied to conduit ends, in such manner that a smooth surface comes in contact with the cable within. Conduit should be supported by clamps along the conduit run.

(c) *Conduit installation.* Many of the past troubles with conduit can be avoided by proper attention to the following design details:

(1) Conduit should not be located where operating or maintenance personnel would use it as a hand-hold or foot step.

(2) Drain-holes should be provided at the lowest point in a conduit run. Drilling burrs should be carefully removed.

(3) Conduit should be adequately supported to prevent chafing against structure, and to avoid stressing its end fittings.

(iv) *Wiring identification.* To facilitate installation and maintenance, all wiring should be indelibly marked for identification. Any consistent numbering system is considered adequate. The identification marking should be placed at each end of the cable, and also, preferably, at intervals along the length.

(f) *Junction boxes and enclosures*—(1) *Junction box construction.* Junction boxes should be made from a fire-resistant, nonabsorbent material, such as aluminum alloy or an acceptable plastic material. Where fireproofing is necessary, a stainless steel junction box is recommended. A rigid construction will prevent "oil-canning" of the box sides, which may result in internal short circuits. In all cases drain-holes should be provided.

(2) *Internal arrangement.* The junction box should be designed to permit easy access to all installed items of equipment, terminals and cable. Where marginal clearances are unavoidable, an insulating material should be interposed between current carrying parts and any grounded surface. It is not good practice to mount equipment on the covers or doors of junction boxes, since inspection of internal clearance is impossible when the door or cover is in the closed position.

(3) *Junction box installation.* It is desirable to mount junction boxes with their open side facing downward, so that loose metallic objects, such as washers or bolts, will tend to fall out of the junction box, rather than wedge between terminals.

(4) *Junction box wiring.* The original layout of the junction box should take into consideration the necessity for adequate wiring space, and possible future additions. Electric cable inside the box should be laced or clamped in such manner that terminals are not hidden, relay armatures are not fouled, and motion relative to any equipment is prevented. Entrance openings for cable should be protected against chafing by grommets or other means.

(g) *Bonding*—(1) *General.* Bonding is defined as the process of electrically connecting the various metallic parts of the airplane, to achieve one or more of the following:

(i) A low resistance ground path for electrical equipment, thereby eliminating ground wires.

(ii) A reduction in radio interference.

(iii) Less probability of lightning damage to such airplane elements as control hinges.

(iv) Prevention of the buildup of static charges between parts of the airplane, which may be a fire hazard.

(2) *Bonding jumper installations.* Bonding jumpers should be as short as practicable, and installed in such manner that the resistance of each connection does not exceed .003 ohm. Reasonable access for maintenance should be provided. The jumper should not interfere with the operation of movable aircraft elements, such as surface controls, nor should normal movement of these elements result in damage to the bonding jumper.

(i) *Bonding connections.* To assure low-resistance connections, nonconducting finishes, such as paint and anodizing films, should be carefully removed from the attachment surface under the bonding terminal.

(ii) *Corrosion prevention.* Electrolytic action may rapidly corrode a bonding connection, if suitable precautions are not taken. Aluminum alloy jumpers are recommended for most cases, except that copper jumpers are used to bond together parts made of stainless steel, cadmium plated steel, copper, brass or bronze. Where contact between dissimilar metals cannot be avoided the choice of jumper and hardware should be such that corrosion is minimized, and the part likely to corrode would be the jumper or associated hardware. At locations where finishes were removed, a protective finish should be applied to the completed connection to prevent subsequent corrosion.

(iii) *Bonding jumper attachment.* The use of solder to attach bonding jumpers should be avoided for the same reasons outlined previously in reference to electric cable terminals. Tubular members should be bonded by means of clamps to which the jumper is attached. Proper choice of clamp material, to match the tube material, will minimize corrosion.

(3) *Ground return connections.* When bonding jumpers will carry substantial ground return current, it should be determined that the current rating of the jumper is adequate, and that a negligible voltage drop is produced.

(4) *Insulation of electrical equipment from ground.* In some cases, a unit of electrical equipment is connected into a heavy current circuit, perhaps as a control device, or relay. Such equipment should be insulated from the mounting structure, since grounding the frame of the equipment may result in a serious ground fault in the event of internal failure of the equipment. If a ground connection for a control coil must be provided, a separate small-gage wire may be used.

§ 18.29–13 *Instruments (CAA policies which apply to § 18.30)*—(a) *General*—(1) *Instrument installation and maintenance.* (i) Care should be taken with instruments to prevent their accidental damage.

(ii) When instruments do not give proper indications, they should be sent to an approved instrument overhaul and repair station or returned to the manufacturer for servicing.

(2) *Vibration insulation.* Instruments should not be subjected to excessive vibrations. When shock-insulated panels are used, the mountings should be periodically checked for condition and the panels for alinement. When necessary to replace shock mounts, units of the same characteristics should be used. Only flexible connector tubing should be used to join the ends of lines to the instruments. Care should be exercised



to insure that the instrument panel does not contact any parts of the airframe when vibrating normally.

(b) *Pitot-static system*—(1) *System components.* The conventional design of the pitot-system consists of pitot-static tubes or pitot tubes with static pressure parts and vents, lines, tubing, water drains and traps, selector valves, and various pressure actuated indicators or control units such as the altimeter, air-speed and rate of climb indicators, and automatic pilots connected to the system.

(i) *Pitot-static tube.* The tube should have its axis parallel to the longitudinal axis of the aircraft when in cruising flight configuration. All repairs and alterations on the pitot-static system should be made in conformance with the manufacturer's recommendations.

(ii) *Static pressure ports or vents.* All alterations or relocations of the static pressure ports or vents should be made in conformance with the aircraft manufacturer's engineering recommendations. (See paragraph (a) (1) of this section and subparagraph (2) of this paragraph.)

(iii) *Heater not operative.* In the types of tubes where the electric element is not replaceable, it becomes necessary to replace the tube. The voltage at the heater terminals should not be less than 85 percent of the rated system voltage.

(iv) *Clogging of pitot-static tube or static vent drains.* If water or obstructive material has entered the system, all drains should be cleaned. The drains in the pitot-static head should be probed with a fine wire to remove dirt or other obstructions. The bottom static openings act as drains for the head's static chamber and these holes should be checked at regular intervals to preclude malfunctioning of the system.

*Caution:* Make sure all instruments are disconnected during cleaning procedures.

(v) *Relocation of pitot-static tube.* If relocation of the pitot-static tube is necessary it should be done in accordance with the manufacturer's recommendations and with due consideration of the following:

(a) Freedom of aerodynamic disturbances caused by the aircraft.

(b) Location protected from accidental damage.

(c) Alinement with the longitudinal axis of the aircraft when in cruising flight configuration.

(2) *Pitot-static lines*—(i) *Poor drainage of lines.* If drainage is poor, check the line diameter. If this tubing diameter is less than three-eighths inch outside diameter, it should be replaced with this size tubing to overcome the difficulty, as water will not drain freely in smaller size lines.

(ii) *Replacing the lines.* If necessary to replace lines, the following installation practices should be observed:

(a) Attach lines to airframe at regular intervals by means of suitable clamps.

(b) Do not clamp lines at end fittings.

(c) Maintain slope of lines toward drains so that proper drainage will be effected.

(d) Use thread lubricant on fittings, preventing excess lubricant from entering lines.

(e) Check the lines for leaks.

(iii) *Leak testing static lines.* The static line openings should be connected into a common line to which a manometer or a reliable pressure gage and a suction source is connected. Apply suction equivalent to 1,000 feet altitude (1.05 inches of mercury or 14.24 inches of water) and hold. After 1 minute, the leakage should not exceed the equivalent of 150 feet of altitude (approximately 2.18 inches of water).

*Caution:* Do not apply positive pressure to the static lines. Remove all stops on static vents after tests have been completed.

(iv) *Leak testing pitot lines.* Seal drain holes, and connect pitot pressure openings to a tee to which a source of pressure and a manometer or reliable airspeed indicator is connected. Apply pressure to cause airspeed to indicate 150 miles per hour and hold it at this point (0.82 inches of mercury or 11.18 inches of water positive pressure). After 1 minute, the leakage should not exceed the equivalent of 10 miles per hour.

*Warning:* Do not apply suction to pitot lines.

(v) *Maintenance of lines.* Inspection of the lines should be made periodically. Water accumulation can be removed by opening the drain caps on valves. If the installation is not properly self-drained, disconnect the lines from the instruments and carefully "blow" the lines with clean dry air.

(c) *Magnetic direction indicator (compass)*—(1) *Correction for errors in magnetic direction indicator*—(i) *Swinging the indicator (ground).* When the magnetic direction indicator does not yield satisfactory directional indications, it can be calibrated by the "ground swinging" technique as follows:

(a) Remove aircraft to location free from influence of steel structures, underground pipes and cables, reinforced concrete, or other aircraft.

(b) Place the aircraft in level flying position.

(c) Remove compensating magnets from chambers or reset the fixed compensating magnets to neutral positions, whichever is applicable, before swinging.

(d) Check indicator for fluid level and cleanliness. If fluid is required, it should be added before compensation.

(e) Check the pivot friction of indicator by deflecting the card with a small magnet. The card should rotate freely in a horizontal plane.

(f) If radio is used in aircraft, there should be corrections noted for "Radio On" and "Radio Off" conditions.

(g) Aline the aircraft with the North magnetic heading and compensate with compensating magnets. Repeat for the East magnetic heading. Then place on South and West magnetic headings and remove half of indicated error by adjusting compensators. Engine(s) should be running.

(h) Turn the aircraft on successive 30° headings through 360°. Placard should be marked to indicate correction at each 30° heading showing "Radio On" and "Radio Off" corrections.

(ii) *Indicator cannot be properly compensated.* The pilot's indicator should have deviation of less than 10° at any heading. When this maximum is exceeded, a new location for the indicator should be considered, unless the condition causing the error can be removed permanently.

(iii) *Erratic indications of magnetic indicator.* If severe deviations are encountered, they may be due to iron or steel items being carried in the aircraft, and located too close to the magnetic direction indicator. Caution must be taken to properly locate articles of this nature away from the vicinity of the indicator.

§ 18.30–14 *Engines and fuel systems (CAA policies which apply to § 18.30)*—(a) *Engines.* In repairing or overhauling aircraft engines, all repair agencies should be guided by the recommendations and procedures set forth in the respective instruction books, manuals, or service bulletins for the installation, inspection, and maintenance of aircraft engines, published by the aircraft engine manufacturers for each type of engine. Since many details concerning the repair and overhaul of engines differ decidedly for different types and models of engines, no attempt has been made to include such details in this manual. The overhaul period for aircraft engines used in general service operations should be determined from the manufacturer's recommendations with due consideration given to the condition of each engine involved.

(1) *Magnetic, fluorescent penetrant, X-ray, supersonic, and hydrostatic inspections.* All rotating, reciprocating and other highly stressed parts of all aircraft engines should be subjected to critical inspection at the time of overhaul. This inspection should be supplemented by any of the following procedures whenever recommended in the pertinent engine manufacturer's overhaul or instruction manuals or by CAA directives:

(i) Wet or dry magnetic dust inspection of magnetic materials;

(ii) Wet or dry penetrant inspection of nonmagnetic materials;

(iii) X-ray or supersonic inspection of any material;

(iv) Hydrostatic inspection of bulky parts and assemblies, such as cylinder heads and cylinders.

A copy of the report of the findings of any of these inspections should be appended to the original repair and alteration form in the case of a major repair. Refer to § 18.30–8 (d) (1) through (6) for process details.

(2) *Rebuilt engines.* A rebuilt engine is defined as a used engine which has been completely disassembled, inspected, repaired as necessary, reassembled, tested, and approved in the same manner and to the same tolerance and limits as a new engine. Component parts of such engines may be either used parts or new parts. The used parts may be either the parts from the same engine or from other service engines, but they must con-

form to production drawing tolerances and limits to which new parts must conform. In addition, all parts, either new or used, meeting approved oversize and undersize dimensions acceptable for new engines, are also eligible.

(3) *Crankshafts.* Crankshafts should be carefully inspected for misalinement and if bent beyond the manufacturer's permissible limit for service use, should not be repaired, but should be replaced. Worn journals may be repaired by regrinding in accordance with the manufacturer's instructions. If the original fillets are altered at any time, their radii should not be reduced and their surfaces should be polished free of all tool marks. No attempt should be made to straighten crankshafts damaged in service without consulting the engine manufacturer for appropriate instructions. In no case should an attempt be made to straighten a nitrided crankshaft.

(4) *Replacement parts in certificated engines.* Only engine parts which are approved by the Civil Aeronautics Administration should be used in making replacements in certificated aircraft engines. This applies also to engine component parts such as magnetos, spark plugs, etc.

(i) Engine parts obtained from war surplus or military stocks are eligible for use providing they are found to meet the prescribed inspection limits; are otherwise in serviceable condition, and were originally acceptable under the military procurement agency's standards.

(ii) Parts for obsolete engines for which new parts are no longer obtainable from the original manufacturer or his successor manufacturer, are sometimes fabricated locally. When it becomes necessary to do this, physical tests and careful measurements of the old part may provide adequate technical information. However, this procedure is usually regarded as a major change which requires engine testing and is not recommended except as a last alternative. Oftentimes, CAA engineering data is available in Washington for obsolete engines and it may be useful in providing information for the foregong purpose.

(5) *Cylinder hold-down nuts and cap screws.* Great care is required in tightening cylinder hold-down nuts or cap screws. They must be tightened to close torque limits to prevent improper prestressing and to insure even loading on the cylinder flange. The installation of baffles, brackets, clips, and other extraneous parts under these nuts and cap screws is not considered good practice and should be discouraged. If these baffles, brackets, etc., are not properly fabricated or made of suitable material, they will cause loosening of the nuts or cap screws even though the nuts or cap screws were properly tightened and locked at installation. Either improper prestressing or loosening of any one of these nuts or cap screws will introduce the danger of progressive stud failure with the possible loss of the engine cylinder in flight. Never install parts made from aluminum alloy or other soft metals under cylinder hold-down nuts or cap screws.

(6) *Run-in time.* After an aircraft engine has been overhauled, it should be run-in in accordance with the pertinent aircraft engine manufacturer's instructions. If no special test stand, test club, and other equipment are available, the engine may be run-in on the aircraft and the aircraft should be headed into the wind during the run-in on the ground so that the maximum cooling effect will be obtained. Proper cooling during run-in cannot be overemphasized. The manufacturer's recommendations concerning engine temperatures and other criteria should be carefully observed.

(7) *Re-use of safetying devices.* Cotter pins and safety wire should never be used a second time. Flat steel-type wrist-pin retainers and thin lock washers likewise should be replaced, but special coil spring or plug-type retainers need not be replaced at overhaul if the manufacturer's recommendations permit re-use.

(8) *Self-locking nuts for aircraft engines and accessories.* Self-locking nuts may be used on aircraft engines provided the following criteria are met:

(i) Where their use is specified by the engine manufacturer in his assembly drawing, parts list, and bills of material which are approved by the Civil Aeronautics Administration.

(ii) When the nuts will not fall inside of engine should they loosen and come off.

(iii) When there is at least one full thread protruding beyond the nut.

(iv) If cotter pin or locking-wiring holes are in the bolt or stud, the edges of these holes should be well-rounded to preclude damage to the lock nut.

(v) The effectiveness of the self-locking feature should be checked and found to be satisfactory prior to its re-use.

(vi) Engine accessories should be attached to the engine by means of the types of nuts furnished with the engine. On many engines, however, self-locking nuts are furnished for such use by the engine manufacturer for all accessories except the heaviest, such as starters and generators.

(vii) On many engines, the cylinder baffles, rocker box covers, drive covers and pads, and accessory and supercharger housings, are fastened with fiber insert locknuts which are limited to a maximum temperature of 250° F. inasmuch as above this temperature the fiber will usually char and consequently lose its locking characteristic. On locations such as the exhaust-pipe attachment to the cylinder, a locknut which has good locking features at elevated temperatures will give invaluable service. In a few instances, fiber insert locknuts have been approved for use on cylinder hold-down studs. This practice is not generally recommended since especially tight stud fits to the crankcase must be provided, and extremely good cooling must prevail so that low temperatures exist at this location on the specific engines for which such use is approved.

(viii) It is necessary that all proposed applications of new types of locknuts or new applications of currently used self-locking nuts must be investigated adequately since most engines require some specially designed nuts. Such specially designed nuts are usually required for one or more of the following reasons:

(*a*) To provide heat resistance;

(*b*) To provide adequate clearance for installation and removal;

(*c*) To provide for the required degrees of tightening, or, locking ability which sometimes require a stronger, specially heat-treated material, a heavier cross-section, or a special locking means;

(*d*) To provide ample bearing area under the nut to reduce unit loading on softer metals;

(*e*) To prevent loosening of studs when nuts are removed. Information concerning approved self-locking nuts and their use on specific engines is usually found in engine manufacturer's manuals or bulletins. If the desired information is not available, it is suggested that the engine manufacturer be contacted.

(9) *Designating converted engines.* When engine type of model conversions are accomplished (see § 18.1-1 (b) (2)), the engine nameplate should be altered or replaced to include the new official model designation and any other necessary information shown on the pertinent CAA engine specification.

(i) For current engines, information concerning engine modernizing, engine model conversions, and new properly marked nameplates should be obtained from the engine manufacturer.

(ii) For military surplus engines or old engines for which new nameplates can no longer be secured, the new model designation symbols should be marked either in the same title block adjacent to the old symbols, or on a plain thin steel plate attached beside the existing plate by at least two of the mounting screws. For engines which were never provided with separate designation plates and have, instead, an integral stamping boss on the crankcase, the new designation symbols should be added thereto, or a stamped thin steel plate may be fabricated and attached thereto. The superseded model designations should be obliterated or enclosed with parentheses. When metal stamps are used, care should be exercised to avoid damage to the engine.

(iii) In some instances, suffix letters should be added to the engine model number on the nameplate to designate certain alterations or conversions. Such additions should be made when the alteration or conversion is not of sufficient importance to warrant model designation changes. Examples of these letter additions are:

(*a*) Suffix letter "C" on P & W Military R-2000-7 and -11 engines denoting the plain main bearing type main crankcases as indicated on Specification 5E-5;

(*b*) Suffix letters "A," "E," "L," "M," or "P" on Warner Super Scarab Series 50 engines as indicated on Specification E-104;

(*c*) Suffix letter "D" on Continental E185 series engines denoting incorporation of a dampered crankshaft as indicated on Specification E-246.

(iv) Examples of model designation changes are:

(*a*) Pratt and Whitney R-985-AN-1 engine converted to R-985-AN-14B may be redesignated R-985-AN-(1) 14B if it is desired to preserve its former designation. Usually, though, there is no specific reason to preserve prior identities of converted engines.

(*b*) A Continental A-65-8 engine converted to an A-75 engine with flange-type crankshaft should be redesignated an A-75-8F engine. Continental Service Bulletin No. M47-16 discusses the manufacturer's recommended procedures for handling conversions of Continental engines.

(*c*) A Wright R-1820-71 engine, when installed in certificated aircraft, should be redesignated with its civil model designation 702C9GC1 and Type Certificate No. 219. Similarly, a Lycoming O-235-2 engine nameplate should be redesignated O-235-B and Type Certificate No. 2-9.

(*d*) An R-1830-65 engine, when converted to an R-1830-90D engine, may be designated R-1830-90D and the "65" obliterated.

(*e*) Some model conversions merely require the addition of the symbols M1 or M2, etc., to the existing designation, e.g., R-2000-7M1 as indicated on Specification 5E-5.

(10) *Welding in the repair of engines*—(i) *General.* In general, welding of highly stressed engine parts is not recommended. However, under the conditions given below, welding may be accomplished if it can be reasonably expected that the welded repair will not adversely affect the airworthiness of the engine:

(*a*) When the weld is externally situated and can be inspected easily;

(*b*) When the part has been cracked or broken as the result of unusual loads not encountered in normal operation;

(*c*) When a new replacement part of obsolete-type engine is not available;

(*d*) When the welder's experience and equipment employed will insure a first quality weld in the type of material to be repaired and will insure restoration of the original heat treat in heat-treated parts. Also refer to § 18.30-4 (b) for information on process details.

(ii) *Welding of minor parts.* Many minor parts not subjected to high stresses may be safely repaired by welding. Mounting lugs, cowl lugs on cylinders, covers, etc., are in this category. The welded part should be suitably stress-relieved after welding.

(11) *Metallizing.* Metallizing should not be done on any internal part of an aircraft engine except when it is proved conclusively to the Civil Aeronautics Administration that the metallized part will not adversely affect the airworthiness of the engine. Metallizing the finned surfaces of steel cylinder barrels with aluminum may be accomplished since many engines are originally manufactured in this manner.

(12) *Plating*—(i) *General.* Plating may be restored on an engine part when accomplished in accordance with the manufacturer's instructions.

(ii) *Plating of highly stressed parts.* In general, chromium plating should not be applied to highly stressed engine parts. Certain applications of this nature have been found to be satisfactory. However, the processes to be used should be approved in all details by the Civil Aeronautics Administration. Porous chromium-plated cylinder walls have been found to be satisfactory for practically all types of engines. Dense or smooth chromium plating without roughened surfaces, on the other hand, has not been found to be generally satisfactory. For cylinder bore chromium plating, CAA engineering approval of the process used is required. Information with respect to what agencies are approved for this work may be obtained from the CAA. Dense chromium plating of the crankpin and main journals of some small engine crankshafts has been found to be satisfactory except where the particular crankshaft is already marginal in strength. Refer to § 18.30-7 (b) (2) for further information on plating.

(iii) *Plating of minor parts.* Plating, including chromium plating, may be utilized to restore worn low-stressed engine parts, such as accessory drive shafts and splines, propeller shaft ends, and the seating surfaces of roller- and ball-type bearing races.

(13) *Corrosion prevention.* The application of corrosion preventive measures for temporary and dead storage, preservation, pickling, etc., should be accomplished in accordance with instructions issued by the pertinent engine manufacturer. The use of strong solutions which contain strong caustic compounds and of all solutions, polishers, cleaners, abrasives, etc., which might possibly promote corrosive action, should be avoided. Refer to § 18.30-7 for further details.

(14) *Engine accessories.* Engine accessories should be overhauled and repaired in accordance with the recommendations of the engine manufacturer and the accessory manufacturer.

(b) *Fuel systems*—(1) *Fuel tanks.* Welded or riveted fuel tanks that are made of commercially pure aluminum, 3S, 52S, or similar alloys, may be repaired by welding. Tanks made from heat-treatable aluminum alloys are generally assembled by riveting. In case it is necessary to rivet a new piece in place, the patch should be of the same material as the tank, and a sealing compound that is insoluble in gasoline should be used in the seams. If aromatic fuels are used, special sealing compounds which are resistant to aromatic fuels should be employed.

(i) *Removal of flux after welding.* It is especially important, after repair by welding, to completely remove all flux in order to avoid possible corrosion. Therefore, promptly upon completion of welding, the tank should be washed both inside and outside with liberal quantities of hot water, and drained. Next, immerse it in either 5 percent nitric or 5 percent sulfuric acid, or fill the tank with this solution (in which case also wash the outside with the same solution). Permit this acid to remain in contact with the weld about 1 hour and then rinse thoroughly with clean fresh water. The efficiency of the cleaning operation may be tested by applying some acidified 5 percent silver nitrate solution to a small quantity of the rinse water that has been used to last wash the weld. If a heavy white precipitate is formed, the cleansing has been insufficient and the washing should be repeated.

(2) *Fuel tank caps, vents, and overflow lines.* Fuel tank caps should be inspected as to the integrity of the gasket, and vents should be inspected to ascertain that they are clear. Overflow lines should be inspected to ascertain that the integrity of the material and connections are satisfactory. Care should also be taken to ascertain that the vent exit is in proper position.

(3) *Fuel lines.* Aluminum or aluminum alloy tubing should not be annealed after forming or at overhaul period as is required practice with copper tubing. Fuel lines should be thoroughly inspected for integrity of end fittings, for bends or kinks beyond recommended bend radii, for foreign material within the lines, and for integrity of the material which could be affected by abrasion, acid, heat, or swelling in the case of rubber impregnated lines. Too sharp bends or kinks, evidence of excessive heat, abrasion, or a change in the material are causes for replacement.

(4) *Fuel strainers and sediment bowls.* The adjusting nut located at the bottom of the bowl of the fuel strainer should be positively safetied in position. This nut should be tightened only with the fingers. If leakage still occurs, do not tighten with pliers but replace the cork gasket between the glass bowl and the screen. The screens of all strainers should be periodically inspected for foreign material or rupture. Screens should only be replaced by those recommended by the manufacturer as the mesh size affects the fuel flow through them. Sediment bowls should be given frequent inspections for water or solid material.

§ 18.30-15 *Propellers (CAA policies which apply to § 18.30)*—(a) *Inspection of propellers*—(1) *General.* The propeller is easily accessible for visual inspection and should always be checked before a flight to determine that no damage has occurred. Propellers should be inspected periodically as recommended or required by maintenance manuals, service bulletins, and airworthiness directives.

(2) *Wood or composition propellers and blades.* Due to the nature of the wood itself, it is necessary that wood propellers and blades be inspected frequently to assure continued airworthiness. They should be inspected for such defects as cracks, bruises, scars, warp, evidence of glue failure and separated laminations, sections broken off, and defects in the finish. Composition blades must be handled with the same consideration as wood blades.

(i) The fixed-pitch propeller should be removed from the engine at engine overhaul periods. Whenever the propeller is removed, it should be visually inspected on the rear surface for any indication of cracks. When any indications are found, the metal hub should be disassembled from the propeller. The bolts should be inspected for wear and cracks at the head and threads and, if cracked or worn, should be replaced with new AN

bolts. The propeller should be inspected for elongated bolt holes, enlarged hub bore, and checks or cracks inside of bore or anywhere on the propeller. Propellers found with any of these defects should not be used until repaired. If no defects are found, the propeller may be reinstalled on the engine. It should first be touched up with varnish at all places where the finish is worn thin, scratched, or nicked. Track and balance the propeller, and coat the hub bore and bolt holes with some moisture preventive such as asphalt varnish. In case the hub flange is integral with the crankshaft of the engine, final track should be made after the propeller is installed on the engine. In all cases where a separate metal hub is used, final balance and track should be accomplished with the hub installed in the propeller.

(ii) On new fixed-pitch propeller installations the hub bolts should always be inspected for tightness after the first flight and after the first 25 hours of flying. Thereafter, the bolts should be inspected and checked for tightness at least every 50 hours. No definite time interval can be specified, since bolt tightness is affected by changes in the wood caused by the moisture content in the air where the airplane is flown and stored. During wet weather, some moisture is apt to enter the propeller wood through the drilled holes in the hub. The wood swells but, since expansion is limited by the bolts extending between the two flanges, some of the wood fibres are crushed. Later, when the propeller dries out during dry weather or due to heat from the engine, a certain amount of propeller hub shrinkage takes place and the wood no longer completely fills the space between the two hub flanges. Accordingly, the hub bolts become loose.

(iii) In-flight tip failures may be avoided by frequent inspections of the metal cap and leading edge strip, and the surrounding areas. Inspect for such defects as looseness or slipping, separation of soldered joints, loose screws, loose rivets, breaks, cracks, eroded sections, and corrosion. Inspect for separation between metal leading edge and cap, which would indicate the cap is moving outward in the direction of centrifugal force. This condition is often accompanied by discoloration and loose rivets. Inspect tip for cracks by grasping with hand and slightly twisting about the longitudinal blade center line and by slightly bending the tip backward and forward. If leading edge and cap have separated, carefully inspect for cracks at this point. Cracks usually start at the leading edge of the blade. A fine line appearing in the fabric or plastic will indicate a crack in the wood. In all doubtful cases, have the propeller inspected by an authorized propeller repair station or factory service department.

(iv) The wood close to the metal sleeve of wood blades should be examined frequently for cracks extending outward on the blade. These cracks sometimes occur at the threaded ends of the lag screws, and may be an indication of internal cracking of the wood. Blades having such cracks should be returned to the manufacturer. Tightness of the lag screws, which attach the metal sleeve to the wood blade, should be inspected according to the manufacturer's instructions. The shank areas of composition blades next to the metal sleeve should be inspected and protected as for wood blades.

(3) *Metal propellers and blades.* Metal propellers and blades are generally susceptible to fatigue failure resulting from concentration of stresses at the bottoms of sharp nicks, cuts, and scratches. It is especially necessary, therefore, to frequently and carefully inspect them for such injuries. Propeller manufacturers have published service bulletins and instructions which prescribe the manner in which these inspections should be accomplished.

(4) *Lubrication.* Controllable pitch propellers should be carefully inspected frequently to determine if all parts are being lubricated properly. It is especially recommended that all lubrication be accomplished at the periods, and in the manner specified by the propeller manufacturer.

(b) *Repair of propellers*—(1) *General.* Propellers should be repaired in accordance with the best accepted practices and latest techniques. Manufacturer's recommendation should in all cases be followed. The Air Agency Certificate number, or name of agency making any repairs, especially on metal tipping, should be stamped or otherwise marked on the repaired propeller. It is recommended that a decalcomania giving both the repair agency's name and Air Agency Certificate number be used for this purpose. It is necessary to mark the name of the manufacturer and model designation on the repaired propeller in the event the original markings were removed during the repair or refinishing operations.

(2) *Wood or composition propellers and blades.* Wood propellers and blades requiring repair should be carefully examined to be sure that they can be restored to their original airworthy condition. Doubtful cases should be referred to the manufacturer, and the proposed repair should be referred subsequently to a representative of the Civil Aeronautics Administration for approval. Propellers damaged to the following extent are considered unairworthy, and should be scrapped immediately because repair is either impossible or uneconomical:

A crack or deep cut across the grain of the wood.
Split blades.
Separated laminations, except the outside laminations of fixed-pitch propellers.
More screw or rivet holes, including holes filled with dowels, than used to attach the metal leading edge strip and tip.
An appreciable warp.
An appreciable portion of wood missing.
A crack, cut, or damage to the metal shank or sleeve of blades.
Broken lag screws which attach the metal sleeve to the blade.
Oversize shaft hole in fixed-pitch propellers.
Cracks between the shaft hole and bolt holes.
Cracked internal laminations.
Excessively elongated bolt holes.

(i) Repairs to dents, cuts, scars, scratches, nicks, and small cracks parallel to the grain of the wood are classified under § 18.1–1 as minor repairs. Small cracks parallel to the grain should be filled with glue thoroughly worked into all portions of the cracks, dried, and then sanded smooth and flush with the surface of the propeller. This also applies to small cuts. Dents or scars which have rough surfaces or shapes that will hold a filler and will not induce failure may be filled with a mixture of glue and clean, fine, sawdust thoroughly worked and packed into the defect, dried and then sanded smooth and flush with the surface of the propeller. It is very important that all loose or foreign matter be removed from the place to be filled so that a good bond of the glue to the wood is obtained.

(ii) Major repairs as defined in § 18.1–1, include inlay work, replacement of outside lamination of fixed-pitch propellers, repair of elongated bolt holes in fixed-pitch propellers, replacement of tip fabric, repair and replacement of metal tip and leading edge strip, and replacement of all or part of plastic covering. The propeller manufacturer's instructions should be followed in all cases.

(iii) Inlays shown in figure 15-6 of this manual may be used. Inlays should be of the same wood as the propeller blade; i. e., a yellow birch propeller should be inlaid with yellow birch not with white birch, and as near the same specific gravity as possible. Repair joints should conform with figure 15-6 for taper of 10:1 from deepest point to feather edge or end of inlay. Measurements are taken along a straight line parallel to the grain or general slope of the surface on thrust and camber face. This rule applies also to the edge repairs. The grain of inlays should extend in the same direction as the grain of the propeller laminations. Inlays should be made with a fishmouth, scarf, or butt joint. The permanency of the joint is in the order named, the fishmouth being preferable. Dovetail-type inlays should not be used. The number of inlays should not exceed 1 large, 2 medium, or 4 small widely separated inlays per blade. A trailing and a leading edge inlay should not overlap more than 25 percent, as shown in figure 15-6. On blades with normal sections from the midsection to the tip, a cross-grain cut, up to 20 percent of the chord in length and one-eighth of the section thickness at the deepest point of damage may be repaired. On blades with thin sections, this depth should not exceed one-twentieth of the section thickness.

(iv) Inlays in the sides of the hubs of fixed-pitch propellers should not exceed in depth a value greater than 5 percent of the difference between the hub and bore diameters. In the portion of the blade where it fairs into the hub, allowable depths for inlays are dependent upon the general proportions. Where the width and thickness are both very large in proportion to the hub and blade, maximum inlay depths of $7\frac{1}{2}$ percent of the section thickness at the center of the inlay are permissible. Where the width and thickness are excessively small, maximum inlay depths of $2\frac{1}{2}$ percent of the section thickness at the center of the inlay are permissible; for propellers over 50 horsepower, cuts $2\frac{1}{2}$ percent deep may be filled with glue and sawdust, while for propellers under 50 horsepower, cuts 5 percent deep may be filled with glue and sawdust.

(v) Narrow slivers up to one-eighth inch wide broken from the trailing edge at the wider portions of the blade may be repaired by sandpapering a new trailing edge, removing the least material possible, and fairing in a new trailing edge of smooth contour. Both blades should be narrowed by the same amount. Near the hub or tip an inlay should be used and should not exceed, at its greatest depth, 5 percent of the chord.

(vi) In order to replace the wood worn away at the end of the metal tipping, enough of the metal should be removed to make the minimum repair taper 10:1 each way from the deepest point. Due to the convex leading edge of the average propeller, this taper usually works out 8:1. Repairs under the metal tipping should not exceed $7\frac{1}{2}$ percent of the chord for butt or scarf joints, and 10 percent for fish-mouth joints, with three-fourths inch maximum depth for any repair.

(vii) The scarfing of wood tips onto a propeller blade to replace a damaged tip is not considered an acceptable repair. The success of this type of repair is fully dependent upon the strength and quality of the glue joint. Since it is difficult to apply pressure evenly over the glue area and since no satisfactory means are available for testing the strength of such joints, it is quite possible for defective glue joints to occur and remain undetected until failure occurs.

(viii) Whenever the glue joint of an outside lamination of fixed-pitch propellers is open, the propeller may be repaired by removing the loose lamination and gluing on a new lamination of kiln dried wood of the same kind as the original lamination. It is not usually economical to attempt to repair separations between other laminations. Outside laminations, which have been crushed at the hub due to excessive drawing up of hub bolts, may be repaired by planing and sanding one hub face smooth, removing a lamination on the other hub face and replacing it with a new lamination, thus building the hub thickness up to the original thickness. It is permissible to replace both outer laminations if necessary and feasible.

(ix) It is permissible to repair elongated bolt holes by the insertion of a steel bushing around each bolt, as illustrated in figure 15-7 method (C). The bushing should be machined with an inside diameter to fit the bolt snugly and an outside diameter approximately one-fourth inch larger than the bolt size. The bushing should be approximately one-half inch long. The face of the hub should be drilled with a hole concentric with the bolt hole and only to a sufficient depth to accommodate the bushing so that it does not protrude above the surface of the wood hub. The bushing should not be driven into the hub but should fit the hole in the hub with a clearance not exceeding .005 inch after moisture-proofing. The bushing hole should be protected from moisture by two coats of aluminum paint, varnish, glue, or other moisture-resistant coating.

(x) Small cracks, dents, scratches, and cuts in the plastic of plastic covered wood propellers and blades may be repaired by using special repair cement supplied by the manufacturer. Instructions accompany the cements. Polishes and cleaners are available for preserving the gloss finish of varnished or plastic covered propellers and blades.

(xi) Because of the nature of the material, all repairs to composition blades will be of a major nature, and damaged blades should be returned to the manufacturer for repair. However, where repairs to the metal cap and leading edge strip only are necessary, the methods and procedures discussed in the following sections may be followed.

(xii) Fabric used to strengthen the tips of wood blades should be replaced when it becomes loose or worn through. Launder the fabric (mercerized cotton airplane cloth) to remove all sizing. Cut a piece of fabric to approximate size required to cover both faces of outer portion of blade. The fabric should cover the same portion that the original fabric covered. Apply glue to the wood where the fabric is to be put on. Use a rather thick solution of the glue. Use resorcinol glue when the temperature of the workroom can be kept above 21° C. (70° F.). Put the fabric on glued surface, starting at the leading edge of the thrust face, and work toward the trailing edge. Fold the fabric around the trailing edge over the camber face, and toward the leading edge. Make a joint on the leading edge where it will be covered by the metal tipping. As the fabric is put on, smooth it out over the wood so as to prevent air bubbles or uneven glue underneath. Fabric must be perfectly flat on the blade. Trim excess fabric off with small scissors. Under no circumstances shall fabric be cut or scored with a knife. Allow the glue under the fabric to dry about 6 hours, then brush 2 coats of nitrate dope on the fabric, allowing one-half hour for drying time, and then sand the fabric lightly and brush a coat of pigmented dope over it. Lightly sand the uncovered portion of the wood and apply 2 coats of a good grade of moisture-resistant varnish, allowing 12 to 16 hours drying time between coats.

(xiii) Tipping should be replaced when it cannot be properly repaired. Cracks in the narrow necks of metal between pairs of lobes of the tipping are to be expected and are not defects. All other cracks are defects that should be repaired, or eliminated by new tipping. If the propeller does not require fabric, apply two coats of varnish to the wood to be covered by the metal tipping. If new fabric has been applied, puncture it with a pointed tool at each screw and rivet hole. Apply varnish, white lead, aluminum paint, etc., to all holes, allowing the wood to absorb as much as it can. With a soft lead pencil, draw guide centerlines on the propeller extending about 4 inches from the centers of old screw and rivet holes. This procedure is followed to insure use of the original screw and rivet holes in the propeller. New holes should not be drilled. A number of wood propeller tip failures have occurred which have been attributed to the practice of drilling new rivet and or screw holes in the wood tips when replacing the metal tipping. To avoid continued occurrence of these failures, it is strongly recommended that the manufacturer's procedure be closely adhered to, and any procedure which involves drilling of new holes in the wood tip and plugging of old holes with dowels should be discontinued immediately.

(xiv) Obtain new tips and leading-edge strips, cut to size and formed to the approximate shape of the leading edge of the propeller. These pieces are usually supplied without holes so that the holes can be drilled in them to line up with the old screw and rivet holes in the propeller as below. If such material cut to shape is not available, the old tipping can be hammered out flat and used as a pattern to lay off a new tip. For this purpose use a piece of sheet metal of the same material and thickness as the old tip. Remove the burr from the cut edges of this piece.

(xv) Lay the cutout flat metal strip over the leading edge. Proceed to bend this metal down over the leading edge of the propeller, being careful that the metal extends an equal width on thrust and camber faces. This can be done by following the impressions of the old tipping lines. Numerous waves will occur in the metal, but these will be eliminated as the work progresses. Obtain several pieces of strong rubber tape, 4 feet long, one-half inch wide, and one-sixteenth inch thick. While forming the metal, hold it in place on the propeller by wrapping the rubber tape around the blade. Start at the tip and work inboard, being careful not to cover the pencil lines placed on the propeller, which show the location of the rivet holes. While the metal is held in place, tap the leading edge with a rawhide or rubber mallet, using moderate force to make sure the metal is seated against the wood along the nose of the leading edge. Smooth the metal by hammering it with the mallet, backing up the opposite side of the blade with a laminated hardwood bucking block having an iron weight built in the center and a piece of leather fastened to the end on which the propeller bears. The block should measure about 2 by 4 inches. Start at the end of the blade and work toward the hub, moving the bucking block so that it is always immediately under the section being hammered. Continue to do this until the metal is well shaped to the profile of the propeller. Check to see that the metal has not moved from its original position. If this has happened, remove the rubber tape, reset the metal, and rewrap the rubber tape, thus forming the metal to the leading edge.

(xvi) With a centerpunch and a hammer, proceed to locate the old screw and rivet holes, using the pencil marks on the blade as a guide. Punch the metal approximately one-fourth inch from the edge. After all holes have been located, remove the metal from the propeller. Drill screw and rivet holes in the metal with a one-eighth-inch drill. File off burrs on the inside of the metal. Run

the drill through the original rivet holes in the propeller in order to clean them out. Cut or saw slots in the metal at the original positions. (Refer to old tipping metal for locations of the slots.) Place the metal leading edges on the blades they were formed to fit, and hold them in place with rubber tape. With a centerpunch as large as or slightly larger than the diameter of the screw and rivet heads, proceed to punch metal into the original countersunk holes in the wood so that the screw and rivet heads may be entered to the correct depth (not more than one-thirty-second inch below the surface of the metal). Use screws and rivets of the appropriate material. The screws should be one size larger than were originally in the propeller, and the rivets should be the solid flat, countersunk-head type. Insert screws and rivets in their respective holes. Install rivets with their heads on the thrust face of the propeller. After the rivets are tapped in place, cut off the excess length of the rivet, leaving one-eighth inch for heading. End cutters built up with solder to accurately measure this distance are very useful. When an assistant backs up the rivets with a steel bar 18 inches long and pointed to fit the rivet head, hammer the rivets either by hand or with a pneumatic hammer. Drive the screws, either by hand or with an electric screw driver.

(xvii) Cut the metal of the cap-tip on the camber face of the propeller to the shape of the propeller tip. Bevel the edges by hand with a file. Trim off flat side of metal cap so that it extends about three-sixteenths-inch all around the tip of the propeller. Form a hardwood block to the shape of thrust face of the propeller tip. Put metal tipping in place and clamp this block to the underside of the tip with a C-clamp. Turn this three-sixteenths-inch of metal up and over the camber face of the tip. Tighten and complete the lap joint. Mount the propeller blade solidly, with the thrust face up, on a stand supporting the blade at several points along its radius. With a hammer and a flatfaced tool, proceed to smooth the metal, starting at the nose of the leading edge and working toward the edge of the metal, until all wrinkles and high spots are removed. At the edge, use a caulking tool and, in the same manner, press the metal edge tightly against the wood. Turn the propeller over and repeat this operation on the camber face. Make sure that the thin tip is supported at all times when hammering. Apply solder over rivet and screwheads and over the metal seam of the tip of the propeller. Use 50–50 solder in wire form. Use muriatic acid as a flux when soldering brass. Use stainless steel soldering flux when soldering stainless steel tipping. File excess solder off and check the propeller balance while doing so. Polish the metal with a fine emery cloth or an abrasive drum driven by a flexible shaft. Vent the tipping by drilling three holes, No. 60 drill (.030), three-sixteenths inch deep in the tip end. Vent holes should be parallel to the longitudinal axis of the blade.

(xviii) After repairing a blade, it is usually necessary to refinish it. Refinishing may be classified as a minor repair. In some cases it may be necessary to completely remove the old finish. The finish, where necessary, should be renewed in accordance with the recommendations of the propeller manufacturer, or with a material which has satisfactory adhesion and high moisture resistant properties. Refinishing of plastic covered blades requires special techniques. Some manufacturers make this information available through service bulletins. Care must be exercised when revarnishing or repainting wood blades that the balance of the entire propeller is not disturbed. Coating one blade heavier than the other will produce unbalance, and cause a noticeable vibration during flight.

(xix) It is always necessary to check the balance of the propeller after any repairs or refinishing. Final balance should be accomplished on a rigid knife-edge balancing stand or on a suspension type balancer. Balancing must be done in a room free from air currents. There should be no persistent tendency to rotate from any position on the balance stand, or to tilt on the suspension balancer. Horizontal unbalance may be corrected by the application of finish or solder to the light blade. The light blade may be coated with a high grade of primer allowing for a finishing coat. After allowing each coat to dry 48 hours, the balance should be checked. Then, as may be necessary, either the required amount of finish should be removed by carefully sandpapering or an additional coat applied. The balance should be rechecked and sandpapered or additional finish applied as may be required to effect final balancing. Vertical unbalance in fixed-pitch propellers may be corrected by applying putty to the light side of the wood hub at a point on the circumference approximately 90° from the longitudinal centerline of the blades. The putty should be weighed and a brass plate weighing slightly more than the putty should be cut. The thickness of the plate should be from one-sixteenth to one-eighth inch depending on the final area, which must be sufficient for the required number of flathead attaching screws. The plate may be made to fit on the hub face or to fit the shape of the light side of the wood hub, and drilled and countersunk for the required number of screws. The plate should be attached and all of the screws tightened. After the plate is finally attached to the propeller, the screws should be secured to the plate by soldering the screw heads. The balance should be checked. All edges of the plate may be beveled to reduce its weight as necessary. The drilling of holes in the propeller and the insertion of lead or other material to assist in balancing will not be permitted.

(3 *Metal propellers and blades.* Metal propellers should never be operated with sharp edged dents, cuts, scars, scratches, nicks, or pits anywhere on the surface of a blade unless the manufacturer's instructions specifically permit it. Damaged blades with model numbers which are on the manufacturer's lists of blades that cannot be repaired should be rejected.

(i) Due to the critical effects of surface injuries and their repair on the fatigue life of steel blades, all repairs will be of a major nature. Because of the specialized tooling and equipment necessary to repair them, it is recommended that they be returned to the manufacturer for repair. Where equipment is available, the manufacturer's instructions should be followed.

(ii) For aluminum alloy propellers and blades, treatment of dents, cuts, scars, scratches, nicks, leading edge pitting, etc., may be classified as minor repairs provided their removal or treatment does not materially affect the strength, weight, or performance of the blade. These damages should be removed or otherwise treated as outlined below unless contrary to manufacturer's instructions or recommendations. More than one injury is not sufficient cause alone for rejection of a blade. A reasonable number of repairs per blade may be made and not necessarily result in a dangerous condition, unless their location with respect to each other is such as to form a continuous line of repair that would materially weaken the blade. Suitable sandpaper or fine cut files may be used for removing the necessary amount of metal. In each case, the area involved will be smoothly finished with No. 00 sandpaper or crocus cloth and each blade from which any appreciable amount of metal has been removed will be properly balanced before it is used. Suspected cracks and all repairs should be etched as discussed in paragraph (c) (4) (i) and (ii) of this section. To avoid removal of an excess amount of metal, local etching should be accomplished at intervals during the process of removing suspected cracks. Upon completion of the repair, the entire blade should be carefully inspected by etching or anodizing. All effects of the etching process should be removed with fine emery paper. Blades identified by the manufacturer as being coldworked (shotblasted or coldrolled) may require peening after repairing. All repairing and peening on this type of blade should be accomplished in accordance with the manufacturer's instructions. However, it is not permissible in any case to peen down the edges of any injury wherein the operation will lap metal over the injury.

(iii) Nicks, scars, cuts, etc., occurring on the lading edge of aluminum alloy blades should be smoothly rounded out as shown in figure 15–2 (view B). Blades that have the leading edges pitted from normal wear in service may be reworked by removing sufficient material to eliminate the pitting. In this case, the metal should be removed by starting well back from the edge, as shown in figure 15–3, and working forward over the edge in such a way that the contour will remain substantially the same, avoiding abrupt changes in contour or blunt edges. Trailing edges of blades may be treated in substantially the same manner. On the thrust and camber faces of blades the metal around any dents, cuts, scars, scratches, nicks, longitudinal surface cracks, and pits should be removed to form shallow saucer shaped depressions as shown in figure 15–2 (view C). Care should be exercised to remove the deepest point of the injury and also remove any raised metal around the edges of the injury as shown in figure 15–2 (view A). For repaired blades the permissible reductions in width and thickness from minimum original dimensions allowed by the blade drawing and blade manufacturing specification are shown in figure 15–4 for locations on the blade from the shank to 90 percent of the blade radius. Beyond the 90-percent blade radius point, the blade width and thickness may be modified as required.

(iv) Major repairs to aluminum alloy propellers and blades include shortening due to damaged tips, repairs to deep dents, cuts, scars, nicks, etc., and straightening of bent blades (see § 18.1–3 (c)). The propeller manufacturer's instructions should be followed in all cases. Any repair on leading and trailing edges of the blades which results in a finished depression more than one-fourth-inch deep (chordwise of the blade) and 1 inch long will be a major repair, and should be submitted to a certificated repair station. Any repair on the thrust and camber faces of the blades which results in a finished depression more than one-eighth inch in depth at its deepest point, three-eighths inch in width overall, and one inch in length overall, will be a major repair, and should be submitted to a certificated repair station. When the removal or treatment of defects on the tip necessitates shortening a blade, each blade used with it should be likewise shortened. Such sets of blades should be kept together (see figure 15–5 for acceptable methods). The shortened blades should be marked to correspond with the manufacturer's system of model designation to indicate propeller diameter. If, in making the repair, it is necessary to reduce the propeller diameter below the minimum diameter limit shown on the pertinent airplane specification, the repair should be submitted to a representative of the Civil Aeronautics Administration for approval. In such cases it may be necessary to investigate the performance characteristics of the airplane with the reduced diameter propeller installed. Bent blades may be repaired only by the manufacturer or certificated repair agencies holding the appropriate ratings. The extent of a bend in face alinement should be carefully checked by means of a protractor similar to the one illustrated in figure 15–1. Only bends not exceeding 20° at 0.15-inch blade thickness to 0 degrees at 1.1-inch blade thickness may be cold-straightened. Blades with bends in excess of this amount require heat treatment.

(v) The following tolerances are those listed in the blade manufacturing specification for aluminum alloy blades and govern the width and thickness of new blades. These tolerances are to be used with the pertinent blade drawing to determine the minimum original blade dimensions to which the reductions of figure 15–4 may be applied. When repairs reduce the width or thickness of the blade below these limits, the blade should be rejected. The face alinement, or track, of the propeller should fall within the limits recommended by the manufacturer for new propellers.



| | | Manufacturing tolerance (inch) |
|---|---|---|
| Basic diameter less than 10 feet 6 inches: | | |
| Blade width | from shank to 24-inch station | ±3/64 |
| | to tip | ±1/32 |
| Blade thickness | | ±0.025 |
| Basic diameter 10 feet 6 inches to less than 14 feet 0 inches: | | |
| Blade width | from shank to 24-inch station | ±3/64 |
| | from 36-inch station to tip | ±1/32 |
| Blade thickness | from shank to 24-inch station | ±0.030 |
| | from 30-inch station to tip | ±0.025 |
| Basic diameter 14 feet 0 inches and over: | | |
| Blade width | from shank to 30-inch station | ±3/32 |
| | from 36-inch station to tip | ±1/16 |
| Blade thickness | from shank to 30-inch station | ±0.040 |
| | from 36-inch station to tip | ±0.035 |

(vi) No repairs are permitted to the shanks (roots, or hub ends) of aluminum alloy adjustable pitch blades. The shanks must be within drawing tolerances.

(vii) (*a*) Upon completion of repairs, horizontal and vertical balance should be checked and any unbalance should be corrected as recommended by the manufacturer. A coaxial hole is drilled in the butt end of certain aluminum alloy detachable blades for the application of lead to obtain static horizontal balance. The size of this hole should not be increased by the repair agency.

(*b*) To effect vertical balance, only the manufacturer is permitted to drill and apply lead to an eccentric hole. The outside of this hole should be no closer than one-fourth inch to the nearest external blade surface. As an alternate to drilling the two holes mentioned above, the manufacturer may have drilled a single eccentric hole having a diameter and depth conforming to the eccentric hole dimensions, given in the table below, for the application of lead. The outer edge of this hole should not be closer than 1 inch to the nearest external blade surface. The ends of all balancing holes should be finished with a full sized drill having a spherical end to eliminate sharp corners. The sharp edges of all holes should be removed by a one-thirty-second-inch chamfer. The following table is included for inspectional information only as no drilling is to be done by anyone other than the manufacturer:

SIZE AND LOCATION OF BALANCING HOLES

| Blank size | Maximum diameter hole | Maximum permissible hole depth | Maximum permissible hole depth (measured from bottom of countersunk diameter) |
|---|---|---|---|
| | *Inch* | *Inches* | *Inches* |
| 00 | 7/16 | 3/4 | 5/8 |
| 0 | 7/16 | 3/4 | 5/8 |
| 1 | 7/16 | 3/4 | 5/8 |
| 1½ | 1/2 | 4/5 | 4/5 |
| 2 | 5/8 | 7/8 | 5/8 |
| 3 | 31/32 | 1 1/8 | 6/8 |

(4) *Steel hubs and hub parts.* Repairs to steel hubs and parts are of a major nature, and should be accomplished only on the manufacturer's recommendations. Welding of hubs, hub parts, or control parts is not permissible. Remachining is permissible only when covered by manufacturer's service bulletins.

(i) When the propeller bolt holes in a hub or crankshaft flange for fixed propellers become damaged or oversized, it is permissible to make repairs by method (A) or (B) in figure 15–7, or by use of aircraft standard bolts one-sixteenth inch larger than the original bolts. The repairs should be made in accordance with the recommendations of the propeller metal hub manufacturer who is usually the engine manufacturer. Obtain from the engine or propeller hub manufacturer, suitable flange bushings with threaded or smooth bores, as illustrated in method (A) or (B) of figure 15–7. Drill the flange and insert the bushings as recommended by the engine manufacturer. Drill the rear face of the propeller to accomodate the bushings, and protect the holes with two coats of aluminum paint or other high moisture-resistant coating. Use bolts of the same size as those originally used. Any of the following combinations may be used: Safety bolt and castellated nut, safety bolt (drilled head) and threaded bushing, or undrilled bolt and self-locking nut. Where it is desirable to use oversize bolts, obtain suitable aircraft standard bolts one-sixteenth inch larger than the original bolts. Enlarge the crankshaft propeller flange holes and the propeller hub holes sufficiently to accomodate the new bolts without more than 0.005 inch clearance. Such reboring will be permitted only once. Further repairs of bolt holes may be made in accordance with method (A) or (B) of figure 15–7.

NOTE. Method (A) or (B) is preferred over the over-size bolt method, because a propeller hub flange redrilled in accordance with this latter method will always require the redrilling of all new propellers subsequently used with the redrilled flange.

(5) *Control systems.* Components used to control the operation of certificated propellers should be inspected, repaired, assembled and tested in accordance with the manufacturer's recommended practice. It is recommended that all necessary replacement parts be those made under the control of the propeller manufacturer. It is recommended that only those repairs which are covered by manufacturer's recommendations be made.

(6) *De-icing systems.* Components used in propeller de-icing systems should be inspected, repaired, assembled, and tested in accordance with the manufacturer's recommended practice. It is recommended that all necessary replacement parts be those made under the control of the propeller manufacturer. It is recommended that only those repairs which are covered by manufacturer's recommendations be made.

(c) *Overhaul of propellers*—(1) *General.* Periodic overhaul of controllable pitch propellers is classified as a major repair in § 18.1–1, and includes the following operations:

Assembly and disassembly.

Replacement of worn parts.

Magnetic particle inspection, fluorescent penetrant inspection, anodizing, acid etching.

De-plating, and re-plating.

(2) *Hub and hub parts.* (i) Propellers submitted for overhaul should be disassembled, and all hub parts should be

cleaned in accordance with the manufacturer's recommendations. An inspection of the parts should be made to determine that the critical dimensions are within the manufacturer's specified tolerances. Particular care should be taken to check the 90° relation between shaft bore and blade socket centerline and track of the blade sockets, as these are the dimensions which are most likely to be affected by accidents. Any hub which is sprung should be rejected. Worn or damaged parts should be replaced. Stress raisers such as cuts, nicks, or tool marks should be carefully stoned out or the part rejected. Splines and cone seats should be carefully inspected for signs of wear. Splines should be checked with a single key "no-go" gage made to plus 0.002 inch of the base drawing dimensions for spline land width. If the gage enters more than 20 percent of the spline area, the hub should be rejected. Cones and cone seats may show discoloration, pitting, and corrosion. Generally, corrosion and discolored spots may be removed by light lapping. Pitting is not grounds for rejection if 75 percent of the bearing area is not affected and the pitted areas are well dispersed about the cone bearing area. After cleaning, steel hubs and parts should be minutely inspected for cracks by the wet or dry magnetic particle method at every major overhaul period. It is not necessary to remove the plating or special external finish for this inspection unless so specified in the manufacturer's recommended practice. A brief statement recording the inspection and its findings should be included in the aircraft record entry. A similar entry should be made in the repair records of the repair base. In the case of an air carrier, this is considered the equivalent of the record entry. Any crack is cause for rejection.

(ii) Steel hubs which adapt fixed-pitch propellers to 0 taper crankshafts are susceptible to cracks along the keyway which often extend into the flange lightening holes. These hubs should be carefully inspected by the magnetic particle method at engine overhaul periods. Any crack is cause for rejection.

(3) *Plating for hubs and parts.* Plated hubs and parts from which the plating has been removed should be replated after they have been satisfactorily inspected. All replating must be of the same material as the original plating, and should be done in accordance with the manufacturer's recommendations. Chrome or nickel plating is not an acceptable substitute for cadmium or zinc plating. The use of zinc chromate primer on the external surfaces followed by a coating of aluminum lacquer in lieu of cadmium plating is considered acceptable where recommended by the manufacturer. However, this type of finish will require replacement more frequently than cadmium plating.

(4) *Aluminum propellers and blades.* Aluminum propellers and blades should be carefully inspected for cracks and material defects by either etching or anodizing. Etching is accomplished by immersing as much of the blade as possible in a warm 20 percent caustic soda solution and cleaning with a warm 20 percent nitric acid solution, with a warm water rinse between the caustic bath and the acid bath, and also a warm water rinse following the acid bath. All effects of the etching should be removed by polishing. The caustic and acid solutions should be maintained at a temperature of from 160° F. to 180° F. Some blades incorporate parts made of steel and other materials, and the caustic soda and the nitric acid must not be allowed to come in contact with these parts. The blade surfaces are then examined with a magnifying glass of at least three-power. A crack will appear as a distinct black line. The fluorescent penetrant method is recommended as a supplement to the caustic etch for the inspection of the shanks (roots or hub ends) of adjustable pitch blades.

(i) Suspected cracks or defects should be repeatedly locally etched until their nature is determined. With a No. 00 sandpaper, or fine crocus cloth, clean and smooth off the area containing the apparent crack. Apply a small quantity of caustic solution to the suspected area with a swab or brush. After the area is well darkened, thoroughly wipe it off with a clean (dampened) cloth. Too much water may entirely remove the solution from a crack and spoil the test. If a crack extending into the metal exists, it will appear as a dark line or mark, and by using a magnifying glass, small bubbles may be seen forming in the line or mark. Immediately upon completion of the final checks, all traces of the caustic solution will be removed by the nitric acid solution. Wash the blade thoroughly with clean (fresh) water.

(ii) The chromic acid anodizing process is superior to caustic etching for the detection of cracks and flaws and should therefore be used, whenever it is available, for general inspection of blades for material defects and for final checking of repairs performed during overhaul. The blades should be immersed in the anodizing bath as far as possible, but all parts not made of aluminum alloy must either be kept out of the chromic acid bath or be separated from the blade by nonconductive wedges or hooks. The anodizing treatment should be followed by a rinse in clear, cold, running water for 3 to 5 minutes, and the blades should then be dried as quickly as possible, preferably with an air blast. The dried blades should stand for at least 15 minutes before examination. Flaws (cold shuts or inclusions) will appear as fine black lines. Cracks will appear as brown stains caused by chromic acid bleeding out onto the surface. The blades may be sealed for improved corrosion resistance by immersing them in hot water (180° F. to 212° F.) for one-half hour. In no case should the blades be treated with hot water before the examination for cracks, since heating expands any cracks and allows the chromic acid to be washed away. A transverse (chordwise) crack or flaw of any size is cause for rejection. An excessive number of longitudinal flaws is cause for rejection. Any unusual condition or appearance revealed by caustic etching or anodizing should be referred to the manufacturer.

(5) *Assembly.* Assembly of the propeller hub and blades should be accomplished in accordance with the manufacturer's recommendations. Clevis pins, bolts, and nuts which show wear or distortion should be replaced. Cotter pins and safety wire should never be used a second time. The use of self-locking nuts is permissible only where originally used or approved by the manufacturer.

(d) *Assembly of propeller to engine*—(1) *Fixed-pitch propellers.* Loose hub bolts and bolts installed through the lightening holes in the integral hub flange of certain engine crankshafts cause the majority of the serious difficulties experienced with fixed-pitch propellers. Either of the conditions, if uncorrected, will ultimately cause the loss of the propeller.

(i) Loose hub bolts cause elongated bolt holes and damage to the hub bolts. When not corrected, the bolts break off or friction causes enough heat to affect the glue and char the wood. After successive running, checks start at the bolt holes. These checks are caused, or at least accentuated, by shrinkage of the wood due to the excessive heat generated. If allowed to progress, the propeller usually flies apart or catches fire.

(ii) On some engines equipped with a crankshaft having an integral propeller hub flange, the outer edge of the lightening holes is at the same radius as the corresponding edge of the propeller hub bolt holes. When inserting the bolts through the propeller, care must be exercised so that the bolts are inserted through the proper holes in the flange. Cases have been reported where the bolts were inserted through the larger lightening holes and, accordingly the bolt nuts bore only on the outer edges of the lightening holes. In such cases, continued running of the propeller may cause the bolt heads or nuts to slip off the flange and though the large openings in the flange, resulting in the subsequent loss of the propeller.

(iii) Both of the conditions discussed above are very easy to detect, and should be corrected immediately by a certificated mechanic or certificated repair station. In case the hub flange is integral with the crankshaft, first ascertain that the bolts are properly installed. Then make the inspection for bolt tightness in the same manner as for any other propeller hub. Use an open end wrench to determine hub bolt tightness and if the nuts can be turned, remove the cotter keys and draw up the nuts to the desired setting. Hub bolts should be tightened, preferably with a torque wrench, to the recommended values which usually range from 15 to 23 foot-pounds. If no torque wrench is available, an ordinary socket wrench may be used. This socket wrench should have a 1-foot extension lever and the wrench pulled up with the recommended force 12 inches away from the center of the bolt which is being tightened. The tightening is best accomplished by tightening each bolt a little at a time, being sure to tighten alternate bolts which are diametrically opposite. Care should be taken not to overtighten the hub bolts, thereby damaging the wood underneath the hub flanges. The practice of overtightening bolts to draw a propeller into track should definitely be avoided. Safetying of the nuts should be accomplished by means of cotter keys of the proper size, or heavy safety wire twisted between each nut. A continuous length of single safety wire should never be used as wire failure will result in all nuts becoming unsafetied.

(e) *Alterations to propellers*—(1) *General.* All alterations to propellers should be made in accordance with the manufacturer's recommendations.

(2) *Alterations to wood detachable blade and fixed-pitch propellers.* It has been found that the service life of wood blades and propellers covered with plastic greatly exceeds the service life of those finished with varnish. It is permissible to strip the varnish from any propeller or blade and apply the plastic covering even though the propeller or blade, when new, had not been approved for this process. The nature of the process classifies it as a major alteration. Only those manufacturers and certificated repair stations who have received specific approval for the plastic covering process are eligible to reprocess in the same manner any propeller or blade. Any propeller or blade thus altered should carry some means of identification to indicate the change. It is permissible for a manufacturer to obtain approval for, and to assign new model numbers to propellers and blades of his own design and manufacture thus reprocessed. It is recommended that certificated repair stations and manufacturers reprocessing propellers and blades not of their own design and manufacture apply some symbol to the model or serial number. This symbol or means of identification must be approved by the Administrator. It has also been found in some cases advantageous to replace the topping fabric with a thin plastic covering. This is also classified as a major alteration, and must be performed by only those manufacturers and certificated repair stations who have received specific approval for the process.

(f) *Precautions*—(1) *General.* Many persons have been fatally injured by walking into whirling propellers. Painting a warning stripe on the propeller serves to reduce chances of such injuries. Approximately 4 inches of the propeller tips should be covered on both sides with an orange-yellow nonreflecting paint or lacquer. The drain holes in the metal tipping of wood blades should be opened up after the tips have been painted.

(2) *Wood propellers.* Wood propellers are especially susceptible to damage from improper handling. When moving an airplane, special care should be exercised to avoid bumping the propeller. The practice of pushing or pulling on a propeller blade to move an airplane should be avoided; it is extremely easy to impose forces on a blade in excess of those for which the blade is designed. It is continually necessary to ascertain that the glue joints are in good condition and that the finish on the entire propeller will protect the propeller from absorbing moisture. Two-bladed wood propellers should always be left or stored, whether on or off of an airplane, in a horizontal position to prevent unbalance from moisture absorption. A good precaution is to cover the propeller with a well fitting waterproof cover when not in use. It is very important to protect the shank section of wood blades from moisture changes to prevent swelling and subsequent loosening in the metal sleeve. In the case of varnished blades, it is advisable to occasionally apply varnish around the shank at the junction of wood and metal. In the case of the plastic covered blade, repair cement may be applied around the same joint.

(3) *Composition propellers.* In certain cases where the blade has been manufactured from laminated planks of composition material, longitudinal cracks or splitting between laminations have been observed after several hundred hours of operation. These cracks dare not progress beyond definite limits as covered by the manufacturer's service bulletin.

§ 18.30–16 *Weight and balance control (CAA policies which apply to § 18.30)*—(a) *General.* (1) The purpose of the following is to explain various items concerned with aircraft weight and balance. It covers computation of actual weight and balance, and its relation to aircraft operation within its approved limitations.

(2) The removal or addition of equipment results in changes to the center of gravity and empty weight of the aircraft, and the permissible useful load is affected accordingly. Obviously the effects of these changes should be investigated in all cases otherwise the flight characteristics of the airplane may be adversely affected.

(3) Information on which to base the record of weight and balance changes to the aircraft may be obtained from the pertinent aircraft specification, the prescribed aircraft operating limitations, and the latest approved Form ACA–337.

(4) Reference should be made to §§ 18.1–1 and 18.1–4 (a) (1), for information on specific cases wherein weight and balance checks need not be made. Since rotor wing aircraft are in general more critical with respect to control with changes in c. g. positions, the procedures and instructions in the particular model maintenance or flight manual should be followed.

(5) Terminology: The following terminology is used in the practical application of weight and balance control.

(i) *Maximum weight.* The maximum weight is the maximum authorized weight of the aircraft and its contents as listed in the specifications.

(ii) *Empty weight.* The empty weight of an aircraft includes all operating equipment that has a fixed location and is actually installed in the aircraft. It includes the weight of the airframe, powerplant, required equipment, optional and special equipment, fixed ballast, full engine coolant, hydraulic fluid, and the fuel and oil as explained in paragraph (b) (6) and (7) of this section. Additional information regarding fluids which may be contained in the aircraft systems and which must be included in the empty weight will be indicated in the pertinent aircraft specifications whenever deemed necessary.

(iii) *Useful load.* The useful load is the empty weight subtracted from the maximum weight of the aircraft. This load consists of the pilot, crew if applicable, maximum oil, fuel, passengers, and baggage unless otherwise noted.

(iv) *Weight check.* A weight check consists of checking the sum of the weights of all items of useful load against the authorized useful load (maximum weight less empty weight) of the aircraft.

(v) *Datum.* The datum is an imaginary vertical plane or line from which all horizontal measurements are taken for balance purposes with the aircraft in level flight attitude. The datum is indicated on most aircraft specifications. On some of the older aircraft where the datum is not indicated, any convenient datum may be selected. However, once the datum is located all moment arms and the location of the permissible c. g. range must be taken with reference to it. Examples of typical locations of the datum are shown in figure 16–1.

(vi) *Arm (or moment arm).* The arm is the horizontal distance in inches from the datum to the center of gravity of an item. The algebraic sign is plus (+) if measured aft of the datum and minus (−) if measured forward of the datum. Examples of plus and minus arms are shown in figure 16–2.

(vii) *Moment.* Moment is the product of a weight multiplied by its arm. The moment of an item about the datum is obtained by multiplying the weight of the item by its horizontal distance from the datum. A typical moment calculation is given in figure 16–3.

(viii) *Center of gravity.* The center of gravity is a point about which the nose-heavy and tail-heavy moments are exactly equal in magnitude. If the aircraft were suspended therefrom it would have no tendency to pitch in either direction (nose up or down). The weight of the aircraft (or any object) may be assumed to be concentrated at its center of gravity.

(ix) *Empty weight center of gravity.* The empty weight c. g. is the center of gravity of an aircraft in its empty weight condition, and is an essential part of the weight and balance record. Formulas for determining the center of gravity for tail and nose-wheel type aircraft are given in figure 16–4. Typical examples to determine the empty weight and c. g. for the tail-wheel and nose-wheel type aircraft are determined by computation in figures 16–5 and 16–6.

(x) *Empty weight center of gravity range.* The empty weight center of gravity range is determined so that when the empty weight c. g. falls within this range the specification operating c. g. limits will not be exceeded under standard specification loading arrangements. In cases where it is possible to load an airplane in a manner not covered in the aircraft specification (i. e., extra tanks, extra seats, etc.), complete calculations should be accomplished, as outlined in paragraph (c) (5) (vi) of this section.

The empty weight c. g. range, when applicable, is listed on the aircraft specifications.

(xi) *Operating center of gravity range.* The operating c. g. range is the distance between the forward and rearward center of gravity limits indicated on the pertinent aircraft specification. These limits were determined as the most forward and most rearward loaded c. g. positions at which the aircraft meets the requirements of the Civil Air Regulations. The limits are indicated on the specification in either percent of MAC or inches from the datum. The c. g. of the loaded airplane must be within these limits at all times as illustrated in figure 16–7.

(xii) *Mean aerodynamic chord (MAC).* The MAC is the mean chord of the wing. For weight and balance purposes it is used to locate the c. g. range of the aircraft. The location and dimensions of the MAC will be found in the Aircraft Specification, Flight Manual, or the Aircraft Weight and Balance Record.

(xiii) *Weighing point.* If the c. g. location is determined by weighing, it is necessary to obtain horizontal measurements between the points on the scales at which the airplane's weight is concentrated. If usual weighing practice is followed, a vertical line passing through the centerline of the axle will locate the point on the scale at which the weight is concentrated. This point is called the Weighing Point. Other structural locations, capable of supporting the aircraft, such as jack pads on the main spar, may also be used. These points should be clearly indicated on the weight and balance record when used in lieu of the usual points. Typical locations of the weighing points are shown in figure 16–8.

(xiv) *Minimum fuel.* Minimum fuel for balance purposes is one-twelfth gallon per maximum-except-takeoff horsepower (METO), and is the maximum amount of fuel which should be used in weight and balance computations when low fuel might adversely affect the most critical balance conditions. To determine the weight of fuel in pounds divide the METO horsepower by 2.

(xv) *Full oil.* Full oil is the quantity of oil shown in the aircraft specifications as oil capacity. Full oil should always be used as the quantity of oil when making the loaded weight and balance computations.

(xvi) *Tare.* Tare is the weight of chocks, blocks, stands, etc., used when weighing aircraft, and is included in the scale readings. Tare is deducted from the scale reading to obtain the actual aircraft weight.

(b) *Weighing procedure.* The following procedure should be followed when weighing an aircraft:

(1) The aircraft should be weighed inside a closed building to prevent error in scale reading due to wind.

(2) Excessive dirt, grease, moisture, etc., should be removed from the aircraft before weighing.

(3) If the center of gravity is to be determined, the aircraft should be placed in a level flight attitude.

(4) All items of equipment to be installed in the aircraft and included in the certificated empty weight should be in place for weighing. These items of equipment should be a part of the current weight and balance record. (See paragraph (c) (5) of this section.)

(5) Scales should be properly calibrated, zeroed, and used in accordance with the scale manufacturer's instructions. The scales, and suitable supports for the aircraft if necessary, are usually placed under the wheels of a land plane, the keel of a seaplane float, or the skis of a ski plane. Other structural locations capable of supporting the aircraft such as jack pads on the main spar also may be used. These points should be clearly indicated in the weight and balance data.

(6) Unless otherwise noted in the aircraft specification, the fuel system should be drained until the quantity indicator reads zero or empty with the aircraft in level flight attitude. The amount of fuel remaining in the tank, lines, and engine is termed residual fuel and it should be included in the empty weight. In special cases the aircraft may be weighed with full fuel in the fuel tanks provided a definite means of determining the exact weight of the fuel is available.

(7) Unless otherwise noted in the aircraft specification, the oil system should be completely drained with all drain cocks open. Under these conditions, the amount of oil remaining in the oil tank, lines, and engine is termed, "residual oil" and it should be included in the empty weight. When weighed with full oil, actual empty weight equals the actual recorded weight less the weight of the oil in the oil tank (oil capacity in gallons × 7.5 pounds). All reports should indicate whether weights include full oil or oil drained (see figure 16–9).

(8) Brakes should not be set while taking scale reading.

(9) Tare should be noted when the aircraft is removed from the scales.

(c) *Weight and balance computations.* It is often necessary, after completing an extensive repair or alteration, to establish by computation that the authorized weight or c. g. limits as shown on the aircraft specifications are not exceeded. The following information explains the significance of algebraic signs used in balance computations, outlines the loading conditions to check, and deals with equipment changes. The aircraft specifications contain the following information relating to the subject:

C. G. range.
Empty weight c. g. range when applicable.
MAC (Mean Aerodynamic Chord).
Leveling means.
Datum.
Maximum weights.
Number of seats and arm.
Maximum baggage and arm.
Fuel capacity and arm.
Oil capacity and arm.
Equipment items and arm.

(1) *Unit weights for weight and balance purposes.*

| | |
|---|---|
| Gasoline | 6 pounds per U. S. gal. |
| Lubricating oil | 7.5 pounds per U. S. gal. |
| Crew and passengers | 170 pounds per person. |

(2) *Algebraic signs.* (i) Care should be exercised to insure retention of the proper algebraic sign (+ or −) throughout all balance computations and to always visualize the aircraft (for the sake of uniformity in these computations) with the nose to the left. In this position any arm to the left (forward) of the datum is minus and any arm to the right (rearward) of the datum is plus. Any item of weight added to the aircraft either side of the datum is a plus weight. Any weight item removed is a minus weight. When multiplying weight by arms, the answer is plus if the signs are alike and minus if the signs are unlike.

(ii) The following combinations are possible:

Items added forward of the datum—
(+) weight × (−) arm = (−) moment.
Items added to the rear of the datum—
(+) weight × (+) arm = (+) moment.
Items removed forward of the datum—
(−) weight × (−) arm = (+) moment.
Items removed rear of the datum—
(−) weight × (+) arm = (−) moment.

(iii) The total weight of the airplane is equal to the weight of the empty airplane plus the weight of the items added, minus the weight of the items removed.

(iv) The total moment is equal to the moment of the empty airplane combined with the individual moments of the items added or removed. In combining moments, plus moments are added and minus moments are subtracted.

(3) *Weight and balance extreme conditions.* The weight and balance extreme conditions represent the maximum forward and rearward c. g. positions for the aircraft. Information showing that the c. g. of the aircraft (usually in the fully loaded condition) falls between the extreme conditions should be included in the weight and balance data. The extreme conditions may be determined either by weighing or computation.

(i) *Forward weight and balance check.* When a forward weight and balance check is made, it should be established that neither the maximum weight nor the forward c. g. limit listed in the aircraft specifications are exceeded. In making this check, the following information should be obtained:

(*a*) The weight, arm, and moment of the aircraft empty.

(*b*) The maximum weights, arms, and moments of the items of useful load which are located ahead of the forward c. g. limit.

(*c*) The minimum weights, arms, and moments of the items of useful load which are located aft of the forward c. g. limit.

A typical example of the computations necessary to make this check using the above data is shown in figure 16–10.

(ii) *Rearward weight and balance check.* When a rearward weight and balance check is made, it should be established that neither the maximum weight nor the rearward c. g. limit listed in the aircraft specification are exceeded. In making this check, the following information should be obtained:

(*a*) The weight, arm, and moment of the aircraft empty.

(*b*) The maximum weights, arms, and moments of the items of useful load which are located aft of the rearward c. g. limit.

(*c*) The minimum weights, arms, and moments of the items of useful load which are located ahead of the rearward c. g. limit.

A typical example of the computation necessary to make this check using the above data is shown in figure 16–11.

(4) *Loading conditions and/or placards.* (i) If the following items have not been covered in the weight and balance extreme condition checks, or are not covered by suitable placards in the aircraft, additional computations should be made. These computations should indicate the permissible distribution of fuel, passengers, and baggage which may be carried in the aircraft at any one time without exceeding either the maximum weight or the c. g. range. The conditions to check are:

(*a*) With free fuel, determine the number of passengers and baggage permissible.

(*b*) With maximum passengers, determine the fuel and baggage permissible.

(ii) Examples of the computations for the above items are given in figures 16–12, 16–13, and 16–14, respectively. The above cases are mainly applicable to the lighter-type personal aircraft. In the case of the larger-type transport aircraft, a variety of loading conditions is possible and it is usually necessary to have changes in the loading schedule approved separately by the CAA.

(5) *Equipment list.* (i) A list of the equipment included in the certificated empty weight may be found in either the approved airplane operating manual or the weight and balance data. All required, optional, and special equipment installed in the aircraft at time of weighing and/or subsequent equipment changes should be entered in the aircraft operating limitations.

(ii) Required equipment items are items so listed in the pertinent aircraft specification.

(iii) Optional equipment items are so listed in the pertinent aircraft specification and may be installed in the aircraft at the option of the owner.

(iv) Special equipment is any item not corresponding exactly to the descriptive information in the aircraft specification. This includes such items as flares, instruments, ash trays, radios, navigation lights, carpets, etc.

(v) Required and optional equipment may be shown on the equipment list by making reference to the pertinent item number listed in the applicable specification only when they are identical to that number item with reference to description, weight, and arm given in the specification. All special equipment items should be shown by making reference to the item by name, make, model, weight, and arm. When the arm for such an item is not available, it should be obtained by actual measurement.

(vi) Equipment changes: The owner should see that a continuous record for each aircraft is kept, listing all changes affecting the weight, c. g. location, and equipment changes in order that a computed weight and c. g. location may be established at any time. An entry should be made on the equipment list indicating the items added, removed, or relocated, and the date accomplished. The identification of the repair agency should be included. Examples of items so affected are the installation of extra fuel tanks, seats, or baggage compartments. Figure 16–15 illustrates the effect on balance when equipment items are added within the acceptable c. g. limits and fore and aft of the established c. g. limits. Moment computations for typical equipment changes are given in figure 16–16 and are also included in the sample weight and balance sheet in figure 16–18.

(6) *Sample weight and balance reports.* Suggested methods of tabulating the various data and computations for determining the c. g., both in the empty weight condition and the fully loaded condition, are given in figures 16–17 and 16–18, respectively. The data presented in figure 16–17 have previously been computed in figure 16–5 and represent a suggested means of recording this information. The data presented in figure 16–18 have previously been computed in figures 16–10 and 16–11 for the extreme loading conditions, and figure 16–16 for equipment change, and represent a suggested means of recording this information.

(d) *Installation of ballast.* (1) Ballast is sometimes permanently installed for c. g. balance purposes resulting from the installation or removal of equipment items and should not be used to correct a nose-up or nose-down tendency of an aircraft. It is usually located as far aft or as far forward as possible in order to bring the c. g. position within acceptable limits with a minimum of weight increase. Permanent ballast is often in the form of lead plate wrapped around and/or bolted to the fuselage primary structure (tail-post, longerons, or bulkhead members). Permanent ballast invariably constitutes a concentrated load; accordingly, the strength of the local structure and the attachment of the ballast thereto should be investigated for the design loading conditions pertinent to the particular aircraft. Permanent ballast should be placarded: "Permanent ballast, do not remove." It is not desirable to install permanent ballast by pouring melted lead into the tail-post or longerons, due to difficulties that may be encountered in subsequent welding repair operations. It should be noted that the installation of permanent ballast results in an increase of aircraft empty weight.

(2) When disposable ballast is carried, the local strength of the compartment in which the ballast is carried, and the effect of the ballast on the aircraft balance and weight should be investigated.

(e) *Loading schedule.* (1) The loading schedule should be kept with the aircraft and usually forms a part of the airplane flight manual. It includes instructions on the proper load distribution, such as filling of fuel and oil tanks, passenger seating, restrictions of passenger movement, distribution of cargo, etc.

(2) Other means of determining safe loading conditions, such as the use of a graphical index, load adjuster, etc., are acceptable and may be used in lieu of the information in paragraph (c) (4) of this section.

(3) A separate loading condition should be computed when the aircraft is to be loaded in other than the specified conditions shown in the loading schedule.

§ 18.30–17 *Procedures and guiding comments covering typical major alterations and modifications (CAA policies which apply to § 18.30).*—(a) *The installation of an engine of a type other than that covered by a type certificate or otherwise approved by the Administrator.* (1) It is generally understood that the purpose of most changes involving the installation of an engine of a type other than that covered by the original approval is to permit full advantage to be taken of improvements in engine performance which do not involve a material increase in engine weight. This is of direct benefit to the operator of the airplane, as it increases safety of operation and or performance by improving takeoff, climb, single-engine performance, true cruising speeds at altitude, engine reliability, and engine life between overhauls, with few (if any) changes in the aircraft structure. It should be carefully noted that these benefits will be difficult to obtain if the changes made require or involve an increase in the originally approved airplane gross weight or placard speeds. If the changes result in an increase in placard speeds, it will be necesary in any event to reinvestigate the structure for compliance with flutter prevention measures. Before making a change in engine it is always advisable for an owner to contact the manufacturer of the make of airplane involved to learn if the proposed change has ever been approved by the Administrator. If there is a record of approval, it is often a relatively simple matter to revise the airplane to conform with the manufacturer's approved data.

(2) The general procedure to be followed, when the rated power of the engine to be installed exceeds that originally used for design purposes or exceeds the rated power of the engine being replaced, is described in the following paragraphs. It consists, briefly, in substantiating the strength of the engine mount and adjacent structure for the takeoff (1 minute) power and for the local increase in weight, if any, and in limiting the engine output and indicated speeds for subsequent posting in the aircraft. The engine placard limits differentiate between the power permitted for continuous operation (maximum, except takeoff), and that which has been approved for takeoff only (takeoff, 1 minute). The following procedure applies to modifications of existing designs but the principles will also apply to new designs under consideration.

(3) To expedite handling and to reduce the usual exchange of correspondence to a minimum, the applicant for approval of the change should always supply a complete description of the proposed engine replacement. When an individual airplane is being modified it should be identified in the correspondence as to name of manufacturer, model

designation, manufacturer's serial number and identification mark. In addition, a new or revised airplane model designation should be selected to distinguish it from the original model. The current status of the engine to be used should be determined prior to the completion of any extensive changes. CAA field inspection personnel are supplied with this information and they will assist in the determination of the status of the engine in question. Copies of the approved engine specification can be obtained from CAA Office of Aviation Information, Department of Commerce, Washington 25, D. C.

(4) The data submitted should include a comparison of the weights of the original and proposed engine installations. Appendix I of the "Repair and Alteration Manual" will be found useful in rechecking the balance. The aircraft specification includes the approved center of gravity range.

(5) Changes in engine mount structure and the local effects of an increase in engine weight must, of course, be investigated. The extent of such investigation will depend largely upon the amount of increased power the applicant desires to use in takeoff (1 minute) and the remaining operations.

(6) (i) *Airspeed placard limits.* (*a*) There are some certificated airplanes in service which do not display the placard speeds specified in the current requirements. These airplane models were approved prior to the application of the 1934 edition of Aeronautics Bulletin No. 7–A in which the requirements for airspeed placards first appeared in the airplane regulations. In these cases when the rated power of the engine being installed exceeds that of the engine installation originally approved, the following airspeed limits should be displayed:

Level flight or climb: $V_L$
Glide or dive: 1.2 $V_L$ is the actual indicated high speed in level flight obtainable with the power of the engine originally used.

(*b*) If the applicant for approval wishes to raise these placard limits, there are no objections to his investigation of the case. The current requirements will serve as a guide for determining which components of the airplane and pertinent loading conditions or design criteria involve a consideration of design airspeeds. For cases in which airspeed placard limits were determined as part of the original approval, the use of an engine with rated power in excess of that originally used for design purposes will not require changes of the original airspeed placard limits. However, as previously mentioned, an attempt to increase these placard speeds will represent a revision of the basic structural design data and as such will usually require an appreciable amount of reinvestigation for purposes of determining whether the airplane structure can withstand the airloads incident to the increased performance. As a rule only the airplane manufacturer or an experienced engineer can efficiently make the necessary investigations. The Administrator does not initiate such studies.

(ii) *Engine placard limits.* (*a*) The airplanes discussed above in most instances do not display the engine placard limits specified in the current requirements. In these cases when the rated power of the engine being installed exceeds that of the engine installation being replaced the following engine operation limits should be displayed:

Maximum, except takeoff horsepower, not to exceed the output of the originally approved engine installation which is being replaced.
Takeoff (1 minute) horsepower, limited by:

Approved takeoff rating of engine.
Status of propeller used.
Strength of engine mount structure.
Fuel flow capacity.
Engine cooling requirements.

(*b*) For cases in which engine placard limits were determined as part of the original approval of the airplane, the use of an engine with rated power different from that of the engine being replaced will require the display of new placard limits corresponding with the maximum permissible output determined by the following:

Maximum, except takeoff horsepower, limited by:

Approved rating of engine.
Status of propeller used.
Strength of engine mount structure.
Fuel flow capacity tests. (There are a few supercharged installations for which the maximum, except takeoff, rating is greater than the takeoff rating. Therefore, the maximum, except takeoff power, is used in determining the fuel flow required.)
Full power longitudinal stability characteristics with rearmost center of gravity.
Engine cooling tests.
Design power used in original analysis.

Takeoff (1 minute) horsepower, limited by items listed above.

(iii) *Inspection and flight tests.* (*a*) Following receipt and approval by the Administrator of file data satisfactorily accounting for the change in engine as discussed in the foregoing paragraphs, the usual inspection and a recheck of certain flight tests will be authorized. The extent of the flight tests will depend upon the nature of the replacement with respect to the original approval.

(*b*) It will be of interest to designers to note that provision for future increases in engine power and airplane performance can easily be made in the original design by the following methods:

(*1*) Assume a power loading of 12 pounds per horsepower in determining the maneuvering load factors.

(2) Design the engine mount, adjacent structure, and powerplant installation for the maximum power which might possibly be used in the future.

(3) Assume a design level speed ($V_L$) considered high enough for all future operations. In this connection it should be noted that speed placards refer to "indicated" airspeeds and that the corresponding actual airspeed may therefore exceed the placard speed at altitudes above sea level.

(*b*) *The conversion of an approved type landplane or seaplane to approved skiplane status.* There are two distinct steps involved in obtaining the Administrator's aproval of an airplane equipped with skis. These are as follows:

Approval of the ski model.
Approval of the airplane equipped with approved skis.

It should be noted that the approval of a ski and the approval of a ski installation are two separate cases. The Administrator's approval of a ski for a specified static load for quantity production under a type certificate does not imply approval of the ski installed on any certificated airplane. It means only that the ski itself is satisfactory. This is true also in the case of a single set of skis where no type certificate is involved.

(1) *Approval of the ski model.* The strength of all skis must be substantiated before they may be used on certificated aircraft, whether or not the designer or manufacturer desires to obtain a type certificate for the skis.

(2) *Approval of an airplane equipped with approved skis.* Certain airplane models are already approved with certain specific approved skis installed. The owner of a certificated airplane of some such model wishing to install skis, need only install skis of the model with which airplanes of his model are approved and his airplane will be approved with the skis installed, upon the satisfactory completion of an inspection of the installation by a CAA representative. Should changes in the landing gear be necessary to accommodate the skis, the owner, of course, must make the changes in accordance with the change data approved by the Administrator. If the airplane is of a model which has not been approved with the installation of skis of the particular approved model it is desired to install, the procedure hereinafter outlined should be followed:

(i) Technical data showing any changes in the landing gear should be submitted to the Administrator for approval. This is not often necessary, as skis are usually designed to attach to the axles in place of the wheels.

(ii) Upon approval of the change data, if any, the installation must pass a satisfactory inspection by a representative of the Administrator.

(iii) During this inspection, the representative will obtain the weight of the ski installation and the weight of the wheel installation which has been replaced.

(iv) Upon completion of a satisfactory inspection, the representative will witness takeoffs and landings, and other demonstrations if deemed necessary, of the airplane equipped with skis. The characteristics of the airplane equipped with skis must be acceptable to the Administrator's representative.

(v) If the airplane inspected and tested is a standard airplane of a certain model and the skis installed are approved under a type certificate and manufactured under a production certificate or if the skis are manufactured under an approved type certificate, all airplanes of this model will be considered eligible for approval when equipped with skis of the model installed on the airplane inspected. The aircraft specification will identify the approval accordingly.

(vi) If the skis installed are not approved under an approved type certificate or were not manufactured under a production certificate, each airplane so



equipped must undergo the tests above in order to be eligible for approval. The notes on the pertinent aircraft specification will list this distinction.

(c) *Increase in gross weight.* An increase in gross weight will naturally require that the structure be able to withstand greater loads in flying and landing. There is usually involved, therefore, a study of the original design data and the preparation of a partial strength analysis, preferably by the manufacturer of the airplane. Likewise, the flying characteristics will be affected, so flight tests are usually required. Increases in weight are often accompanied by changes in weight distribution, the effects of which are covered in § 18.1–2 (d). Increases in gross weight for specific industrial purposes, such as crop dusting, may be permitted, provided that the requirements of Part 8 (restricted category) of this subchapter (i. e. the Civil Air Regulations) have been complied with.

(d) *Change in weight distribution.* (1) Any change in the location of items having considerable weight or the addition of new items (equipment, etc.) may have serious effects on the flight behavior of an airplane. When any changes in weight distribution are made, it is the repair agency's responsibility to determine by computation or reweighing, whether or not the approved limits, which appear on the airplane specification in the case of later models, will be exceeded. If they are, approval cannot be granted unless the structure is substantiated for the new limits and it is shown that the new limits are in compliance with all flight requirements as proved by means of a flight test.

(2) It is of the greatest importance to realize that flight characteristics not only become worse gradually with rearward displacement of the center of gravity, but that a condition sometimes exists or will finally be reached where a small change in weight will have very large effects. For this reason, care should be taken not to install items to the rear of the rearward c. g. limit for which the aircraft was originally approved. Removal of items forward of the forward c. g. limit for which the aircraft was originally approved will have a similar effect. Increasing the weight forward of the wing will tend to disturb the balancing in flight and might make the landing conditions dangerous. Naturally, the effects of weight changes will be greater near the nose and the tail. Reasonably small changes within the portion covered by the wing are not usually serious from a balance or stability standpoint. For details regarding weight and balance procedure, see § 18.00–16.

(e) *Installation of new items.* In addition to the effects on weight and weight distribution discussed in this section there is a danger that a piece of new equipment, if improperly installed will cause local loads which might seriously damage the airplane structure. It should be remembered that in flight maneuvers and in landing, it is possible to develop inertia forces such that an item will impose a load of several times its own weight on the supporting structure. For instance, a 35-pound storage battery supported by a fuselage cross tube will have the effect of weight of an applied load of over 100 pounds on the cross tube during a hard landing. If the cross tube was not originally designed for this load, it will probably fail or bend. The greatest danger arises when such a partial failure occurs in landing, without being noticed, as the structure might then fail completely during some subsequent flight.

(f) *Alterations or modifications of control surfaces and systems.* (1) Any change in the size of control surfaces affects the loading conditions for the airplane structure and therefore requires additional strength analyses, static tests, or both. Flight tests are usually required also. One should be particularly warned against making minor changes on control surfaces, since the original design often just meets certain requirements for flutter prevention. No balancing weights should be removed or added without consulting the manufacturer and finally obtaining an Aviation Safety agent's approval. The importance of retaining the proper balance and rigidity of airplane control surfaces during repair and maintenance work cannot be underestimated. In order to preclude the occurrence of flutter in a control surface, a degree of static and or dynamic balance is established for each model of aircraft. Failure to check and retain the original or maximum allowable degree of balance may allow serious hazards to safe flight to exist in an airplane.

(2) The development of new materials and construction techniques has made possible lighter control surfaces, for a given area, on many postwar airplanes than were used on some older airplanes. The effect of using these lighter surfaces, insofar as flutter is concerned, is to make the surface more sensitive to weight changes. Repair can cause a greater change in weight distribution, or center of gravity, than would be the case with the heavier surfaces. Since control surfaces are, in some models, only balanced to the degree necessary to obtain flutter-free operation up to the maximum speed for which the airplane is designed in the original, undamaged condition, repairs to these lighter surfaces should be carefully considered from the standpoint of how they affect the balance of the surface. This is true whether or not it has a balance weight. Therefore, any structural repairs to control surfaces should be performed with due consideration of the effect of such rework on the balance of the surface: the repair work should be done in a manner so that the original or maximum allowable static unbalance is not exceeded; or counter-balance forward of the hinge line should be added, when possible, to retain the original or maximum allowable static unbalance. When the static unbalance cannot be brought within the limits and in the manner prescribed by the manufacturer, the control surface must be discarded.

(3) Special attention is called to the indiscriminate application of extra coats of dope or paint to a control surface. In some instances, the application of extra coats of dope or paint has resulted in unsatisfactory control surface balance conditions. Proper maintenance of control surface balance conditions may require removal of dope or paint down to the base coat prior to application of new finish coatings.

(4) In line with proper maintenance for the prevention of flutter, the "water-tightness" of the original control surface should be retained. Instances of flutter have occurred due to the high unbalance of a control surface arising from trapped water or ice within the surface. Therefore, either the original "water-tightness" or water drainage provisions should be checked and retained during maintenance work.

(5) In addition to improperly balanced surfaces, improperly maintained trim tab systems can contribute greatly to the possibility of flutter occurrence. Trim tabs, in most cases, are not balanced and flutter is prevented by providing a rigid trim tab mechanism. In order to keep the weight of the main surface aft of the hinge line as light as possible, trim tabs and their actuating mechanisms are built as lightly as possible. This fact together with the vibratory nature of airflow at the tab can create a mechanism which is highly susceptible to wear and deformation. In service use, therefore, the tab rigidity may be decreased to an unsafe value.

(6) In maintaining trim tabs and their actuating mechanism, only a minor amount of wear can be tolerated, in comparison to the rest of the airplane. The maximum free-play that is acceptable is 2½° of the chord, measured at the trailing edge. For example, a tab which has a chord of four inches at one point along its span, would have a permissible free-play of 4" x 0.025 or 0.100" (total motion up and down) measured at that location on the trailing edge. Any slack in excess of this amount should be eliminated by overhauling the system.

(g) *Fairing and cowling modifications.* (1) Although changes in fairing can usually be made without impairing the airworthiness of the aircraft, it has been found that certain airplanes are very sensitive to slight changes in body lines, windshield designs, and fillets. Obviously, any change in engine cowling affects the cooling and thereby introduces possibilities of malfunctioning or failure of the engine.

(2) Low wing airplanes are usually supplied with wing-fuselage fillets which prevent tail buffeting. Any alteration of such fillets may be dangerous. The manufacturer should be consulted regarding such changes.

(h) *Appliance installations.* The aircraft and appliance manufacturer's instructions for installation of equipment should be closely followed. In particular, the recoil from flares should be provided for and, in the case of position lights, where certain angular limits are required, the light manufacturer's mounting instructions should be followed.

(i) *Batteries.* Batteries should be installed in accordance with the instructions contained in §§ 3.682 through 3.684, 4a.571, and 4b.621 of the Civil Air Regulations. It should be noted that dry batteries are not considered satisfactory for the operation of position lights.

(j) *Powerplant changes.* (1) The powerplant installation on a certificated aircraft has been thoroughly checked in accordance with rules based on a study of accident and service records covering several years of operation of all types of aircraft. These records show that many accidents are due to improper installation in small details concerning the fuel or oil system, cowling, manifolding, and items of a like nature. It is, therefore, unwise to make any changes without careful consideration.

(2) When changes appear to be necessary in the powerplant installation, the manufacturer of the aircraft should be consulted. If the manufacturer has no data concerning such a change, an Aviation Safety agent should be consulted to determine if the airworthiness of the airplane will be adversely affected by making the change.

(k) *Propeller changes.* With reference to propeller changes, the pertinent aircraft specification states the type of propeller which is approved. A large diameter propeller should not be used without investigation, because it may result in unsatisfactory ground clearance and resultant damage to the tips. Furthermore, a change to a propeller of appreciably different diameter, either larger or smaller, or different pitch, might in some cases result in unsafe performance.

## APPENDIX A—FORMS

NOTE: Forms to which reference has been made throughout this part (Civil Aeronautics Manual 18) have been filed with the Federal Register Division as part of the original document.

## APPENDIX B—TABLES

Tables to which reference has been made throughout this part (Civil Aeronautics Manual 18) are presented in Appendix B. These tables complement the various sections of CAM 18.30 and the numbers assigned to them have been developed and codified to each section of CAM 18.30. For instance, the first table relating to CAM 18.30-2 is numbered 2-1. This number (2-1) picks up the section number within CAM 18.30 and then by appending a dash followed by sequential numbering 1, 2, 3, etc., indicates which table within the section is being referenced. For example, table 2-1 is the first table within section 2 of CAM 18.30.

TABLE 2-1—SELECTION AND PROPERTIES OF AIRCRAFT WOOD

| 1 Species of wood | 2 Strength properties as compared to spruce | 3 Maximum permissible grain deviation (slope of grain) | 4 Remarks |
|---|---|---|---|
| Spruce (Picea) sitka (P. Sitchensis) red (P. Rubra) white (P. Glauca). | 100 percent | 1:15 | Excellent for all uses. Considered as standard for this table. |
| Douglas fir (Pseudotsuga Taxifolia). | Exceeds spruce | 1:15 | May be used as substitute for spruce in same sizes or in slightly reduced sizes providing reductions are substantiated. Difficult to work with hand tools. Some tendency to split and splinter during fabrication and considerable more care in manufacture is necessary. Large solid pieces should be avoided due to inspection difficulties. Gluing satisfactory. |
| Noble fir (Abies Nobilis). | Slightly exceeds spruce except 8 percent deficient in shear. | | Satisfactory characteristics with respect to workability, warping, and splitting. May be used as direct substitute for spruce in same sizes providing shear does not become critical. Hardness somewhat less than spruce. Gluing satisfactory. |
| Western hemlock (Tsuga Heterophylla). | Slightly exceeds spruce | 1:15 | Less uniform in texture than spruce. May be used as direct substitute for spruce. Upland growth superior to lowland growth. Gluing satisfactory. |
| Pine, northern white (Pinus Strobus). | Properties between 85 percent and 9 percent those of spruce. | 1:15 | Excellent working qualities and uniform in properties but somewhat low in hardness and shock-resisting capacity. Cannot be used as substitute for spruce without increase in sizes to compensate for lesser strength. Gluing satisfactory. |
| White cedar, Port Oxford (Chamaecyparis Lawsoniana). | Exceeds spruce | 1:15 | May be used as substitute for spruce in same sizes or in slightly reduced sizes providing reductions are substantiated. Easy to work with hand tools. Gluing difficult but satisfactory joints can be obtained if suitable precautions are taken. |
| Poplar, yellow (Liriodendron Tulipifera). | Slightly less than spruce except in compression (crushing) and shear. | 1:15 | Excellent working qualities. Should not be used as a direct substitute for spruce without carefully accounting for slightly reduced strength properties. Somewhat low in shock-resisting capacity. Gluing satisfactory. |

NOTES (Table 2-1.)

1. *Defects permitted.*—(a) *Cross grain.* Spiral grain, diagonal grain, or a combination of the two is acceptable providing the grain does not diverge from the longitudinal axis of the material more than specified in column 3. A check of all four faces of the board is necessary to determine the amount of divergence. The direction of free flowing ink will frequently assist in determining grain direction.

(b) *Wavy, curly, and interlocked grain.* Acceptable if local irregularities do not exceed limitations specified for spiral and diagonal grain.

(c) *Hard knots.* Sound hard knots up to $\frac{3}{8}$ inch in maximum diameter are acceptable providing: (1) they are not in highly stressed portions of I-beams, along the edges of rectangular or beveled unrouted beams or along the edges of flanges of box beams (except in lowly stressed portions where they do not cause grain divergence at the edges of the board or in the flat face of a beam more than specified in column 3, and (3) they are in the center third of the beam and are not closer than 20 inches to any other knot or other defect (pertains to $\frac{3}{8}$-inch knots—smaller knots may be proportionately closer). Knots greater than $\frac{1}{4}$ inch should be used with caution.

(d) *Pin knot clusters.* Small clusters acceptable providing they produce only a small effect on grain direction.

(e) *Pitch pockets.* Acceptable in center portion of a beam providing they are not less than 14 inches apart when they lie in the same growth ring and do not exceed 1 inch in length by $\frac{1}{8}$ inch width by $\frac{1}{8}$ inch depth and providing they are not along the edges projecting portions of I-beams, along the edges of rectangular or beveled unrouted beams or along the edges of the flanges of box beams.

(f) *Mineral streaks.* Acceptable providing careful inspection fails to reveal any decay.

2. *Defects not permitted.*—(a) *Cross grain.* Not acceptable unless within limitations noted in 1 (a).

(b) *Wavy, curly, and interlocked grain.* Not acceptable unless within limitations noted in 1 (b).

(c) *Hard knots.* Not acceptable unless within limitations noted in 1 (c).

(d) *Pin knot clusters.* Not acceptable if they produce large effect on grain direction.

(e) *Spike knots.* These are knots running completely through the depth of a beam perpendicular to the annual rings and appear most frequently in quarter-sawed lumber. Wood containing this defect should be rejected.

(f) *Pitch pockets.* Not acceptable unless within limitations noted in 1 (e).

(g) *Mineral streaks.* Not acceptable if accompanied by decay (see 1 (f)).

(h) *Checks, shakes, and splits.* Checks are longitudinal cracks extending, in general, across the annual rings. Shakes are longitudinal cracks usually between two annual rings. Splits are longitudinal cracks induced by artificially induced stress. Wood containing these defects should be rejected.

(i) *Compression wood.* This defect is very detrimental to strength and is difficult to recognize readily. It is characterized by high specific gravity, has the appearance of an excessive growth of summer wood, and in most species shows but little contrast in color between spring wood and summer wood. In doubtful cases the material should be rejected or samples should be subjected to a toughness machine test to establish the quality of the wood. All material containing compression wood should be rejected.

(j) *Compression failures.* This defect is caused from the wood being overstressed in compression due to natural forces during the growth of the tree, felling trees on rough or irregular ground or rough handling of logs or lumber. Compression failures are characterized by a buckling of the fibers that appear as streaks on the surface of the piece substantially at right angles to the grain, and vary from pronounced failures to very fine hair lines that require close inspection to detect. Wood containing obvious failures should be rejected. In doubtful cases the wood should be rejected or further inspection in the form of microscopic examination or toughness tests made, the latter means being the more reliable.

(k) *Decay.* All stains and discolorations should be examined carefully to determine whether or not they are harmless or preliminary or advanced decay. All pieces should be free from rot, dote, red heart, purple heart, and all other forms of decay.

TABLE 2-2—COLD-SETTING SYNTHETIC-RESIN GLUES[1]

| 1 [illegible] | Type | Approximate working life[2] at 70° F. (in hours) |
|---|---|---|
| [illegible] (AN-A-17) | Resorcinol | 4 |
| [illegible] | do | 4 |
| [illegible] | Resorcinol-formaldehyde | 4 |
| [illegible] | do | 4 |
| [illegible] (AN-A-17a) | do | 4 |
| [illegible] | do | 4 |
| [illegible] | do | 2½ |
| [illegible] | do | 4 |
| [illegible] | do | 4 |
| [illegible] | do | 3½ |
| [illegible] | Resorcinol | 2 |
| [illegible] | do | 5 |
| [illegible] | Resorcinol-formaldehyde | 1 |
| [illegible] | do | 3 |
| [illegible] | do | 3 |
| [illegible] | Resorcinol-formaldehyde (wet) | 1 |
| [illegible] (AN-A-17) | do | 2 |
| [illegible] | do | 3 |
| [illegible] | do | 4 |
| [illegible] | Resorcinol | 2-3 |
| [illegible] | do | 2½ |
| [illegible] | do | 2 |
| [illegible] | do | 4 |
| [illegible] | Resorcinol-formaldehyde (wet) | 1 |
| [illegible] | do | 7 |
| [illegible] | do | 5 |
| [illegible] | Resorcinol | 2 |
| [illegible] | do | 5 |
| [illegible] | Resorcinol-formaldehyde | 4 |
| [illegible] | do | 4 |
| [illegible] | Resorcinol | 4 |
| [illegible] | do | 4 |
| [illegible] | Resorcinol-formaldehyde | 21-4½ |
| [illegible] | do | 1½ |
| [illegible] | do | 2-3 |
| [illegible] | do | 2-3 |
| [illegible] | do | 2½ |
| [illegible] | do | 3½ |
| [illegible] | do | 4-7 |
| [illegible] | do | 4½ |
| [illegible] | Resorcinol | 30-4 |
| [illegible] | Resorcinol-formaldehyde | 2-4 |

[1] The [illegible] glue in this table does not constitute [illegible] that it will meet all applicable specifi-



TABLE 2-3—MINIMUM RECOMMENDED BEND RADII FOR AIRCRAFT PLYWOOD[1]

| Plywood thickness | 10 percent moisture content, bent on cold mandrels | | Thoroughly soaked in hot water and bent on cold mandrels | |
|---|---|---|---|---|
| | At 90° to face grain | At 0° or 45° to face grain | At 90° to face grain | At 0° or 45° to face grain |
| (1) | (2) | (3) | (4) | (5) | (6) |
| *Inch* | *No. plies* | *Inches* | *Inches* | *Inches* | *Inches* |
| 0.015 | 3 | 2.0 | 1.1 | 1.5 | 0.1 |
| .039 | 3 | 3.2 | 3.2 | 1.1 | .4 |
| .100 | 3 | 8.6 | 5.2 | 2.6 | .8 |
| .127 | 3 | 12 | 7.1 | 3.8 | 1.2 |
| .156 | 3 | 16 | 10 | 5 | 1.8 |
| .185 | 3 | 20 | 13 | 7.1 | 2.6 |
| .160 | 5 | 17 | 11 | 6 | 2 |
| .190 | 5 | 21 | 14 | 7 | 3 |
| .225 | 5 | 27 | 17 | 10 | 4 |
| .250 | 7 | 34 | 20 | 12 | 5 |
| .295 | 7 | 43 | 28 | 16 | 7 |
| .375 | 7 | 54 | 36 | 21 | 10 |

[1] Columns (1) and (2) may be used for determining the maximum thickness of plywood adaptable for curved applications.

TABLE 3-1—TEXTILE FABRIC USED IN AIRCRAFT COVERING

| Material | Specification | Minimum tensile strength (lbs. per inch) | Minimum tearing strength (lbs. per inch) | Maximum thread count (threads per inch) | Typical camber percent | General remarks |
|---|---|---|---|---|---|---|
| Airplane cloth, grade A (cotton) "AA". | Specification AMS 3806, Amendment 1, dated Oct. 1, 1951. | 80 pounds per inch warp and fill. | 5 pounds per inch warp and fill. | 84 pounds per inch. | 2 to 3 | Impregnation and coating required with nitrate dope conforming to AMS 3711. Fabric must pass AMS 3806 tests for mildew resistance, accelerated aging, and flammability. |
| Do | MIL-C-5646 | do | do | do | do | Approved by AMS. |
| Airplane cloth, intermediate grade (cotton). | MIL-C-7250 | do | do | do | do | Approved by AMS. |
| Airplane cloth, intermediate grade (cotton). | MIL-C-8802 | do | do | do | do | Approved by MIL-C-5646 and AMS 3806. |
| Airplane cloth, Egyptian cotton. | Specification AMS 3804, Amendment 1, dated Oct. 1, 1951. | 65 pounds per inch warp and fill. | 4 pounds warp and 5 pounds fill. | 80 pounds per inch. | 2 to 3 | Impregnation and coating required with nitrate dope conforming to AMS 3711. Fabric must pass AMS 3804 tests for mildew resistance, accelerated aging, and flammability. |
| Airplane cloth, mercerized cotton. | Specification AMS 3805, Amendment 1, dated Oct. 1, 1951. | 50 pounds per inch warp and fill. | 3 pound warp and 4½ lbs. | 80 pounds per inch. | 1½ to 2½ | Impregnation and coating required with nitrate dope conforming to AMS 3711. Fabric must pass AMS 3805 tests for mildew resistance, accelerated aging, and flammability. |
| Glider fabric, cotton. | A. A. F. No. 1028. | 85 pounds per inch warp and fill. | 4 pound warp and 5 lbs. | 80 pounds per inch. | 2½ to 3½ | Approved by AMS 3804 Amendment A. |
| Aircraft linen | British DTD 43 | | | | | Fabric material must be used with nitrate dope conforming to TS-C-87. |

TABLE 3-2—MISCELLANEOUS TEXTILE MATERIALS

| Materials | Specification | Yarn size | Minimum tensile strength | Yards per pound | Use and remarks |
|---|---|---|---|---|---|
| Reinforcing tape, cotton. | MIL-T-5661 | | 150 pounds per one-half-inch width. | | Used as reinforcing tape on fabric and under rib lacing cord. Strength of other widths apport in proportion. |
| Lacing cord, pre-waxed braided cotton. | MIL-C-7649 | | 80 pounds double. | 310 minimum. | Lacing fabric to structures. Unless already waxed, must be lightly waxed before using. |
| Lacing cord, special cotton. | U. S. Army No. 6-27 | 20/3/3/3 | 85 pounds double. | | Do. |
| Lacing cord, braided cotton. | MIL-C-5648 | | 80 pounds single. | 170 minimum. | Do. |
| Lacing cord, flax, linen and hemp. | MIL-T-7779 | 9 ply | 50 pounds single. | 620 minimum. | Do. |
| | | 11 ply | 70 pounds single. | 510 minimum. | Do. |
| Lacing cord thread, high-tenacity cotton. | MIL-T-5690 | Ticket No. 10. | 6.2 pounds single. | 480 minimum. | Do. |
| Machine thread cotton. | Federal V-T-276b. | 20/4 ply | 5 pounds single. | 5,000 normal. | Use for all machine sewing. |
| Hand sewing thread cotton. | V-T-276b Type III B. | 8/4 ply | 14 pounds single. | 1,650 normal. | Use for all hand sewing. Use fully waxed thread. |
| Surface tape cotton (made from AN-C-120). | MIL-T-5083 | | 80 lbs/in. | | Use over seams, leading edges, trailing edges, outer edges and ribs, pinked, scalloped or straight edges. |
| Surface tape cotton. | Same as fabric used. | | Same as fabric used. | | Alternate to MIL-T-5083. |

TABLE 4-1—OXYACETYLENE WELDING ROD PROPERTIES

| Base material | Welding rod specification | Welding rod composition—percent |
|---|---|---|
| Plain carbon steel and low alloy steel such as SAE 4130 (not heat-treated after welding). | AAF No. 10286-D, Type II, Grade 1-61 or Navy 46R4b, Class 1, Type C. | Carbon 0.06 maximum. Manganese 0.25 maximum. Phosphorus 0.04 maximum. Sulphur 0.05 maximum. Silicon[1] 0.08 maximum. |
| Plain carbon steel and alloy steel (heat-treated after welding). | AAF No. 10286-D, Type II, Grade 2-G or Navy 46R4b, Class 1, Type B. | Carbon 0.10-0.20. Manganese 1.00-1.20. Phosphorus 0.04 maximum. Sulphur 0.05 maximum. Silicon 0.20-0.30. |

[1] Silicon content not a requirement of Specification AAF No. 10286-D.

TABLE 4-2—ARC WELDING ELECTRODE PROPERTIES

| Base material | Electrode specification | Use |
|---|---|---|
| Low carbon steel and alloy steel (not heat-treated after welding). | MIL-E-6843 | DC or AC current, shallow penetration (light sections). |
| Low carbon steel and alloy steel (not heat-treated after welding). | MIL-E-6843 | DC reverse polarity, deep penetration (heavy sections). |
| Alloy steel (heat-treated after welding). | MIL-E-6843 | DC or AC current, shallow penetration (light sections). |
| Alloy steel (heat-treated after welding). | MIL-E-6843 | DC reverse polarity, deep penetration (heavy sections). |

TABLE 4-3—RECOMMENDED BEND RADII FOR 90° BENDS IN TERMS OF ALUMINUM AND ALUMINUM ALLOY SHEET THICKNESS, (t)

| Alloy and temper | Approximate thickness inch 0.016 1/64 | 0.032 1/32 | 0.064 1/16 | 0.128 1/8 | 0.182 3/16 | 0.258 1/4 |
|---|---|---|---|---|---|---|
| 24S-O | 0 | 0 | 0 | 0 | 0-1t | 0-1t |
| 24S-T3[1] | 1½-3t | 2½-4t | 3½-5t | 4½-6t | 4½-6t | 5½-7t |
| 24S-T36[1] | 2½-4t | 3½-5t | 3½-5t | 4½-6t | 5½-7t | 6½-10t |
| 24S-O | 0 | 0 | 0 | 0 | 0-1t | 0-1t |
| 52S-H32 | 0 | 0 | 0 | 0-1t | 0-1t | ½t-1½t |
| 52S-H34 | 0 | 0 | 0-1t | ½t-1½t | 1½-2t | 1½t-2½t |
| 52S-H36 | 0-1t | ½t-1½t | 1½-2t | 1½-3t | 2½-4t | 2½-4t |
| 52S-H38 | 1½-1½t | 1½-2t | 1½-3t | 2½-4t | 3½-5t | 4½-6t |
| 61S-O | 0 | 0 | 0 | 0 | 0-1t | 0-1t |
| 61S-T4 | 0-1t | 0-1t | 1½-1½t | 1½-2t | 1½-3t | 2½-4t |
| 61S-T6 | 0-1t | ½t-1½t | 1½-2t | 1½-3t | 2½-4t | 2½-4t |
| 75S-O | 0 | 0 | 0 | 0-1t | 0-1t | 0-1t |
| 75S-T6[1] | 2½-4t | 3½-5t | 3½-5t | 4½-6t | 5½-7t | 6½-10t |

[1] Alclad sheet can be bent over slightly smaller radii than the corresponding tempers of the uncoated alloy.
[2] Immediately after quenching, this alloy can be formed over appreciably smaller radii.

TABLE 4-4—NUMBER OF RIVETS REQUIRED FOR SPLICES (SINGLE-LAP JOINT) IN BARE 14S-T6, 24S-T3, 24S-T36 AND 75S-T6 SHEET, CLAD 14S-T6, 24S-T3, 24S-T36, AND 75S-T6 SHEET, 24S-T4 AND 75S-T6 PLATE, BAR, ROD, TUBE, AND EXTRUSIONS, 14S-T6 EXTRUSIONS

| Thickness "t" in inches | No. of A17S-T3 protruding head rivets required per inch of width "W" 3/32 | 1/8 | 5/32 | 3/16 | 1/4 | No. of bolts AN-3 |
|---|---|---|---|---|---|---|
| 0.016 | 6.5 | 4.9 | | | | |
| .020 | 6.9 | 4.9 | 3.9 | | | |
| .025 | 8.8 | 4.9 | 3.9 | | | |
| .032 | 11.1 | 6.2 | 3.9 | 3.3 | | |
| .036 | 12.5 | 7.0 | 4.5 | 3.3 | 2.4 | |
| .040 | 13.8 | 7.7 | 5.0 | 3.5 | 2.4 | 3.3 |
| .051 | | 9.8 | 6.4 | 4.5 | 2.5 | 3.3 |
| .064 | | 12.3 | 8.1 | 5.6 | 3.1 | 3.3 |
| .081 | | | 10.2 | 7.1 | 3.9 | 3.3 |
| .091 | | | 11.4 | 7.9 | 4.4 | 3.3 |
| .102 | | | 12.8 | 8.9 | 4.9 | 3.4 |
| .128 | | | | 11.2 | 6.2 | 4.2 |

NOTES:

a. For stringers in the upper surface of a wing, or in a fuselage, 80 percent of the number of rivets shown in the table may be used.

b. For intermediate frames, 60 percent of the number shown may be used.

c. For single lap sheet joints, 75 percent of the number shown may be used.

ENGINEERING NOTES: The above table was computed as follows:

1. The load per inch of width of material was calculated by assuming a strip one inch wide in tension.

2. Number of rivets required was calculated for A17ST rivets, based on a rivet allowable shear stress equal to 40 percent of the sheet allowable tensile stress, and a sheet allowable bearing stress equal to 160 percent of the sheet allowable tensile stress, using nominal hole diameters for rivets.

3. Combinations of sheet thickness and rivet size above the heavy line are critical in (i. e., will fail by) bearing on the sheet; those below are critical in shearing of the rivets.

4. The number of AN-3 bolts required below the heavy line was calculated based on a sheet allowable tensile stress of 70,000 psi and a bolt allowable single shear load of 2,126 pounds.



TABLE 4-5—NUMBER OF LEVER-PROTRUDING-HEAD RIVETS REQUIRED FOR SPLICES (SINGLE-LAP JOINT) IN 24S-T3 ALCLAD SHEET, CLAD 24S-T3 SHEET, BARE 24S-T3 SHEET, AND 24S-T4 PLATE

| Thickness "t" in inches | No. of A17S-T3 protruding head rivets required per inch of width "W" 3/32 | 1/8 | 5/32 | 3/16 | 1/4 | No. of bolts AN-3 |
|---|---|---|---|---|---|---|
| 0.016 | 6.5 | 4.9 | | | | |
| .020 | 6.5 | 4.9 | 3.9 | | | |
| .025 | 6.9 | 4.9 | 3.9 | | | |
| .032 | 8.9 | 4.9 | 3.9 | 3.3 | | |
| .036 | 10.0 | 5.6 | 3.9 | 3.3 | 2.4 | |
| .040 | 11.1 | 6.2 | 4.9 | 3.3 | 2.4 | 3.3 |
| .051 | | 7.9 | 5.1 | 5.6 | 2.4 | 3.3 |
| .064 | | 9.9 | 6.5 | 4.5 | 2.5 | 3.3 |
| .081 | | 12.5 | 8.1 | 5.7 | 3.1 | 3.3 |
| .091 | | | 9.1 | 6.4 | 3.5 | 3.3 |
| .102 | | | 10.3 | 7.1 | 3.9 | 3.3 |
| .128 | | | 12.9 | 8.9 | 4.9 | 3.3 |

NOTES:

a. For stringers in the upper surface of a wing, or in a fuselage, 80 percent of the number of rivets shown in the table may be used.

b. For intermediate frames, 60 percent of the number shown may be used.

c. For single lap sheet joints, 75 percent of the number shown may be used.

ENGINEERING NOTES: The above table was computed as follows:

1. The load per inch of width of material was calculated by assuming a strip one inch wide in tension.

2. Number of rivets required was calculated for A17ST rivets, based on a rivet allowable shear stress equal to 50 percent of the sheet allowable tensile stress, and a sheet allowable bearing stress equal to 160 percent of the sheet allowable tensile stress, using nominal hole diameters for rivets.

3. Combinations of sheet thickness and rivet size above the heavy line are critical in (i. e., will fail by) bearing on the sheet; those below are critical in shearing of the rivets.

4. The number of AN-3 bolts required below the heavy line was calculated based on a sheet allowable tensile stress of 55,000 psi and a bolt allowable single shear load of 2,126 pounds.

TABLE 4-6—NUMBER OF RIVETS REQUIRED FOR SPLICES (SINGLE-LAP JOINT) IN 52S-H34 SHEET

| Thickness "t" in inches | No. of A17S-T3 protruding head rivets required per inch of width "W" 3/32 | 1/8 | 5/32 | 3/16 | 1/4 | No. of bolts AN-3 |
|---|---|---|---|---|---|---|
| 0.016 | 6.3 | 4.7 | | | | |
| 0.020 | 6.4 | 4.7 | 3.8 | | | |
| 0.025 | 6.4 | 4.7 | 3.8 | | | |
| 0.032 | 6.3 | 4.7 | 3.8 | 3.2 | | |
| 0.036 | 7.1 | 4.7 | 3.8 | 3.2 | 2.4 | |
| 0.040 | 7.9 | 4.7 | 3.8 | 3.2 | 2.4 | |
| 0.051 | 10.1 | 5.6 | 3.8 | 3.2 | 2.4 | |
| 0.064 | 12.7 | 7.0 | 4.6 | 3 | 2.4 | |
| 0.081 | | 8.9 | 5.8 | 4.0 | 2.5 | 3.2 |
| 0.091 | | 10.0 | 6.5 | 4.5 | 2.8 | 3.2 |
| 0.102 | | 11.2 | 7.3 | 5.1 | 3.1 | 3.2 |
| 0.128 | | | 9.2 | 6.4 | 3.9 | 3.2 |

a. For stringers in the upper surface of a wing, or in a fuselage, 80 percent of the number of rivets shown in the table may be used.

b. For intermediate frames, 60 percent of the number shown may be used.

c. For single lap sheet joints, 75 percent of the number shown may be used.

ENGINEERING NOTES. The above table was computed as follows:

1. The load per inch of width of material was calculated by assuming a strip one inch wide in tension.

2. Number of rivets required was calculated for A17ST rivets, based on a rivet allowable shear stress equal to 70 percent of the sheet allowable tensile stress, and a sheet allowable bearing stress equal to 165 percent of the sheet allowable tensile stress, using nominal hole diameters for rivets.

3. Combinations of sheet thickness and rivet size above the heavy line are critical in (i. e., will fail by) bearing on the sheet; those below are critical in shearing of the rivets.

TABLE 4-7—AIRCRAFT CABLE

| Cable size | Flexible 7 x 7 MIL-C-1511 carbon steel | Flexible 7 x 19 MIL-C-5424 carbon steel | Nonflexible MIL-C-6940 carbon steel | Material (see footnote 2) |
|---|---|---|---|---|
| 1/16 | | | 165 | Copper, brass. |
| 3/32 | 480 | | 280 | Copper, brass. |
| 1/8 | | 480 | 500 | Stainless steel, Monel, and "K" Monel. |
| 5/32 | | 720 | 780 | Monel and "K" Monel. |
| 3/16 | 1,080 | 1,100 | 1,120 | Stainless steel, Monel, or "K" Monel. |
| 7/32 | 1,500 | 1,500 | 1,500 | Stainless steel, Monel, or "K" Monel. |
| 1/4 | 2,000 | 1,980 | 2,000 | Stainless steel, Monel, or "K" Monel. |
| 9/32 | 2,800 | 2,400 | 2,500 | Stainless steel, Monel, or "K" Monel. |
| 5/16 | 4,200 | 3,300 | 4,000 | Stainless steel, Monel, or "K" Monel. |
| 3/8 | 5,400 | 5,200 | 6,000 | Stainless steel, Monel, or "K" Monel. |
| 7/16 | 7,000 | 6,600 | 8,200 | Stainless steel, Monel, or "K" Monel. |
| 1/2 | 8,900 | 8,400 | | Stainless steel, Monel, or "K" Monel. |
| 9/16 | 9,800 | 8,800 | 12,000 | Stainless steel, Monel, or "K" Monel. |
| 5/8 | 12,000 | | | Stainless steel, Monel, or "K" Monel. |
| 3/4 | 14,400 | 12,000 | | Stainless steel, Monel, or "K" Monel. |

NOTES:

1. The swaged and unswaged turnbuckle assemblies are covered by AN Standard Drawings.

2. Galvanized or tinned steel, or soft iron wires are also acceptable.

3. The safety wire holes in 5/8-inch diameter and larger turnbuckle terminals for swaging may be drilled sufficiently to accommodate the double 0.051-inch diameter copper or brass wires when used.

TABLE 4-8—RECOMMENDED NUT TORQUE[1]

(Caution: These torque values are for plated steel nuts and calculated threads)

| Type nut | Torque, inch-pounds AN-315 and AN-316 nuts | Shear load per bolt AN-173 and AN-174 nuts | Torque, p. s. i. in bolts AN-173 thru AN-186 bolts | Torque, p. s. i. in bolts AN-187 thru AN-320 nuts |
|---|---|---|---|---|
| **FINE THREAD SERIES** | | | | |
| 8-32 | 12-15 | 790 | 20 | 12 |
| 10-32 | 20-25 | 1,215 | 30 | 25 |
| 1/4-28 | 50-70 | 2,000 | 100 | 60 |
| 5/16-24 | 100-150 | 3,025 | 200 | 140 |
| 3/8-24 | 160-240 | 4,450 | 350 | 240 |
| 7/16-20 | 450-500 | 6,150 | 800 | 500 |
| 1/2-20 | 600-700 | 8,300 | 1,100 | 650 |
| 9/16-18 | 1,000-1,200 | 10,950 | 1,900 | 950 |
| 5/8-18 | 1,500-1,800 | 13,950 | 2,800 | 1,400 |
| 3/4-16 | 2,500-3,000 | 20,550 | 5,000 | 2,600 |
| 7/8-14 | 4,000-4,500 | 28,450 | 8,000 | 4,000 |
| 1-14 | 5,500-6,500 | 38,000 | 12,000 | 6,000 |
| 1 1/8-12 | 7,500-9,000 | 48,000 | 17,000 | 9,000 |
| 1 1/4-12 | 9,000-11,000 | 60,000 | 23,000 | 13,000 |
| **COARSE THREAD SERIES** | | | | |
| 8-32 | 12-15 | 790 | 20 | 12 |
| 10-24 | 20-25 | 1,215 | 30 | 20 |
| 1/4-20 | 50-70 | 2,000 | 100 | 40 |
| 5/16-18 | 100-150 | 3,025 | 200 | 100 |
| 3/8-16 | 160-240 | 4,450 | 350 | 175 |
| 7/16-14 | 450-500 | 6,150 | 800 | 350 |
| 1/2-13 | 600-700 | 8,300 | 1,100 | 500 |
| 9/16-12 | 1,000-1,200 | 10,950 | 1,900 | 750 |
| 5/8-11 | 1,500-1,800 | 13,950 | 2,800 | 1,000 |
| 3/4-10 | 2,500-3,000 | 20,550 | 5,000 | 1,800 |
| 7/8-9 | 4,000-4,500 | 28,450 | 8,000 | 2,800 |
| 1-8 | 5,500-6,500 | 38,000 | 12,000 | 4,000 |
| 1 1/8-7 | 7,500-9,000 | 48,000 | 17,000 | 6,000 |
| 1 1/4-7 | 9,000-11,000 | 60,000 | 23,000 | 8,000 |

[1] Torque values are for steel nuts and calculated threads.

Note: The above torque loads may be used for all cadmium plated steel nuts of the fine or coarse thread series which have approximately equal number of threads and equal face bearing areas.

TABLE 8-1—NUMERICAL SYSTEM FOR STEEL IDENTIFICATION

| Type of steel | Numerals and digits |
|---|---|
| Carbon steel | 1xxx |
| Plain carbon steels | 10xx |
| Free cutting steels | 11xx |
| Manganese steels (manganese 1.60 to 1.90 percent) | 13xx |
| Nickel steels | 2xxx |
| 3.50 percent nickel | 23xx |
| 5.00 percent nickel | 25xx |
| Nickel chromium steels | 3xxx |
| 0.70 percent nickel, 0.70 percent chromium | 30xx |
| 1.25 percent nickel, 0.60 percent chromium | 31xx |
| 1.75 percent nickel, 1.00 percent chromium | 32xx |
| 3.50 percent nickel, 1.50 percent chromium | 33xx |
| Corrosion and heat resisting | 30xxx |
| Molybdenum steels | 40xx |
| Chromium molybdenum steels | 41xx |
| Nickel chromium molybdenum steels | 43xx |
| Nickel molybdenum steels | |
| 1.75 percent nickel, 0.25 percent molybdenum | 46xx |
| 3.50 percent nickel, 0.25 percent molybdenum | 48xx |
| Chromium steels | 5xxx |
| Low chromium | 51xx |
| Medium chromium | 52xxx |
| Corrosion and heat resisting | 51xxx |
| Chromium vanadium steels | 6xxx |
| 1.00 percent chromium | 61xx |
| National emergency steels | 8xxx |
| Silicon manganese steels | 9xxx |
| 2.00 percent silicon | 92xx |

TABLE 8-2—HARDNESS VALUES FOR STEEL

| Rockwell Hardness | | Vickers Hardness | Brinell Hardness | | Tensile Strength |
|---|---|---|---|---|---|
| C-scale Hardness Number 150 kg. Load Diamond Penetrator | B-scale Hardness Number 100 kg. Load 1/16" Diameter Ball | Diamond Pyramid Hardness Number | Tungsten Carbide Ball | Steel Ball | 1,000 lb. per sq. in. |
| 67 | 97.3 | 326 | 311 | 317 | 162 |
| 66 | 96.7 | 315 | 302 | 306 | 157 |
| 65 | 96.2 | 305 | 293 | 298 | 153 |
| 64 | 95.6 | 295 | 285 | 288 | 149 |
| 63 | 95.0 | 287 | 277 | 280 | 145 |
| 62 | 94.5 | 278 | 269 | 273 | 141 |
| 61 | 93.9 | 269 | 262 | 266 | 138 |
| 60 | 93.4 | 262 | 255 | 259 | 135 |
| 59 | 92.8 | 253 | 248 | 252 | 131 |
| 58 | 92.3 | 245 | 241 | 245 | 128 |
| 57 | 91.7 | 238 | 235 | 238 | 125 |
| 56 | 91.2 | 232 | 229 | 233 | 123 |
| 55 | 90.7 | 225 | 223 | 227 | 120 |
| 54 | 90.1 | 219 | 217 | 221 | 118 |
| 53 | 89.6 | 212 | 212 | 215 | 115 |
| 52 | 89.0 | 206 | 207 | 210 | 113 |
| 51 | 88.5 | 201 | 201 | 204 | 111 |
| 50 | 88.0 | 196 | 197 | 200 | 109 |
| 49 | 87.5 | 191 | 192 | 195 | 107 |
| 48 | 86.9 | 186 | 187 | 190 | 105 |
| 47 | 86.4 | 181 | 183 | 185 | 103 |
| 46 | 85.9 | 176 | 179 | 181 | 101 |
| 45 | 85.4 | 172 | 174 | 176 | 99 |
| 44 | 84.9 | 168 | 170 | 172 | 97 |
| 43 | 84.4 | 163 | 166 | 169 | 96 |
| 42 | 83.9 | 159 | 163 | 165 | 94 |
| 41 | 83.4 | 154 | 159 | 162 | 92 |
| 40 | 82.9 | 150 | 156 | 158 | 91 |
| 39 | 82.4 | 147 | 152 | 155 | 89 |
| 38 | 81.9 | 143 | 149 | 152 | 88 |
| 37 | 81.4 | 139 | 146 | 149 | 87 |
| 36 | 80.9 | 136 | 143 | 146 | 85 |
| 35 | 80.4 | 132 | 140 | 143 | 84 |
| 34 | 79.9 | 129 | 137 | 140 | 83 |
| 33 | 79.4 | 126 | 134 | 137 | 82 |
| 32 | 78.8 | 123 | 131 | 134 | 81 |
| 31 | 78.3 | 120 | 128 | 131 | 80 |
| 30 | 77.8 | 117 | 126 | 128 | 79 |
| 29 | 77.3 | 115 | 123 | 126 | 78 |
| 28 | 76.8 | 112 | 121 | 124 | 77 |
| 27 | 76.3 | 110 | 118 | 121 | 76 |
| 26 | 75.9 | 108 | 116 | 118 | 75 |
| 25 | 75.4 | 106 | 114 | 116 | 74 |
| 24 | 74.9 | 103 | 111 | 114 | 73 |
| 23 | 74.4 | 101 | 109 | 112 | 72 |
| 22 | 73.9 | 99 | 107 | 109 | 71 |
| 21 | 73.4 | 97 | 105 | 107 | 70 |
| 20 | 72.9 | 95 | 103 | 105 | 69 |
| 18 | 71.9 | 92 | 99 | 101 | 67.5 |
| 16 | 70.9 | 88 | 95 | 97 | 66 |
| 14 | 69.9 | 85 | 92 | 94 | 64.5 |
| 12 | 68.9 | 81 | 88 | 90 | 63 |
| 10 | 67.9 | 78 | 85 | 87 | 61.5 |
| 8 | 66.9 | 75 | 82 | 84 | 60 |
| 6 | 65.9 | 72 | 79 | 81 | 59 |
| 4 | 64.8 | 69 | 77 | 79 | 57.5 |
| 2 | 63.8 | 67 | 74 | 76 | 56.5 |
| 0 | 62.8 | 65 | 72 | 73 | 55 |

[1] Vickers hardness values obtained with following loads:

| Kilograms |
|---|
| 10 |
| 30 |
| 50 |
| 120 |

[2] Brinell hardness values obtained with 3,000 kg. load and 10 mm. ball, except values in italics which were obtained with 1,500 kg. load and 10 mm. ball. Readings in this table are not to be used for steel of less than approximately 0.3 mm. thickness.

Note 1: Hardness conversion numbers are approximate, and may not be exact for any given material. Separate conversions may be necessary for austenitic stainless steels, and for austenitic manganese steels. Rockwell C readings below 20 are not recommended for conversion, because values are unreliable. However, these values are sufficiently accurate to indicate that it is out of the hardness range.

Note 2: This table is reprinted from Metals Handbook, 1948 edition, with the permission of the American Society for Metals.

TABLE 12-1—COPPER ELECTRIC CABLE CURRENT CARRYING CAPACITY

Cable [illegible] MIL W [illegible]

| Size B. & S. gage | Single cable in free air—maximum amperes | Cables grouped in [illegible] formation—maximum amperes | Cables grouped or bundled—maximum amperes |
|---|---|---|---|
| 30 | 1.1 | 0.7 | 0.5 |
| 28 | 1.7 | 1.1 | 0.7 |
| 26 | 2.6 | 1.7 | 1.1 |
| 24 | 4.1 | 2.6 | 1.7 |
| 22 | 6.5 | 4.1 | 2.6 |
| 20 | 10 | 6.5 | 4.1 |
| 18 | 16 | 10 | 6.5 |
| 16 | 22 | 13 | 10 |
| 14 | 32 | 17 | 13 |
| 12 | 41 | 22 | 17 |
| 10 | 55 | 32 | 22 |
| 8 | 73 | 41 | 32 |
| 6 | 101 | 55 | 41 |
| 4 | 135 | 73 | 55 |
| 2 | 181 | 101 | 73 |
| 1 | 211 | 120 | 85 |
| 0 | 245 | 138 | 101 |
| 00 | 283 | 158 | 120 |
| 000 | 328 | 186 | 137 |
| 0000 | 380 | 211 | 158 |

TABLE 12-2—ALUMINUM ELECTRIC CABLE CURRENT CARRYING CAPACITY

Cable [illegible] MIL W [illegible]

| Size B. & S. gage | Single cable in free air—maximum amperes | Cables grouped or bundled—maximum amperes | Maximum resistance ohms per 1,000 feet (20° C.) | Nominal outside diameter inches | Weight pounds per 1,000 feet |
|---|---|---|---|---|---|
| 30 | 1.3 | 0.9 | 10.27 | 0.019 | 1.19 |
| 28 | 2.0 | 1.3 | 6.41 | .024 | 1.79 |
| 26 | 3.0 | 2.0 | 4.70 | .030 | 2.69 |
| 24 | 4.7 | 3.0 | 3.20 | .038 | 4.04 |
| 22 | 7.5 | 4.7 | 2.01 | .048 | 6.08 |
| 20 | 11 | 7.5 | 1.26 | .060 | 9.14 |
| 18 | 18 | 11 | 0.797 | .076 | 13.7 |
| 16 | 25 | 15 | .501 | .095 | 20.6 |
| 14 | 36 | 20 | .316 | .120 | 31.0 |
| 12 | 47 | 25 | .199 | .150 | 46.6 |
| 10 | 63 | 36 | .125 | .189 | 70.1 |
| 8 | 84 | 47 | .079 | .237 | 106 |
| 6 | 115 | 63 | .050 | .299 | 159 |
| 4 | 154 | 84 | .031 | .376 | 240 |
| 2 | 206 | 115 | .020 | .474 | 361 |
| 1 | 240 | 134 | .016 | .531 | 443 |
| 0 | 278 | 154 | .012 | .599 | 544 |
| 00 | 322 | 180 | .010 | .674 | 668 |
| 000 | 373 | 211 | .008 | .760 | 821 |
| 0000 | 432 | 240 | .006 | .856 | 1,010 |

TABLE 9-1—HARDNESS VALUES FOR ALUMINUM ALLOYS

| Material commercial designation | Hardness designation | Tensile strength, 1,000 lb. per sq. in. | Yield strength, 1,000 lb. per sq. in. | Elongation in 2 inches, percent |
|---|---|---|---|---|
| 25 parts aluminum | O | 10 | 4 | 35 |
| | H1 | 11 | 9 | 15 |
| | H2 | 13 | 11 | 6 |
| | H3 | 14 | 12 | 4 |
| 24 | O | 27 | 11 | 22 |
| | H1 | 29 | 24 | 10 |
| | H2 | 34 | 29 | 5 |
| | H3 | 38 | 32 | 4 |
| 28 | O | 13 | 5 | 35 |
| | H1 | 14 | 12 | 15 |
| | H2 | 16 | 14 | 6 |
| | H3 | 18 | 15 | 4 |
| Alclad 24 | O | 26 | 11 | 22 |
| | H1 | 28 | 23 | 10 |
| | H2 | 32 | 27 | 5 |
| | H3 | 36 | 30 | 4 |
| 61S | O | 18 | 8 | 25 |
| | H1 | 20 | 17 | 12 |
| | H2 | 23 | 20 | 7 |
| | H3 | 26 | 22 | 5 |

TEMPER CODE

O—Annealed condition.
H—24 aluminum commercial degree of work hardening.
T—Fully heat-treated and cold worked.
W—Quenched but not completely aged temper applies only to alloys requiring artificial aging to attain T condition.

TABLE 11-1 TUBE DATA

| Tube (O.D. Tube Gage) | Wrench torque for [illegible] nuts [illegible] | Min. yield strength (0.2% offset) | Min. ultimate strength |
|---|---|---|---|
| | Aluminum Alloy 2024-T4, 5052-O | Steel | Steel (180-220 ft. lbs.) |
| 1/8 | [illegible] | [illegible] | [illegible] |
| 1/8 | 90-95 | 70-75 | 90-100 |
| 1/8 | 60-65 | 60-65 | 70-75 |
| 1/8 | 70-75 | 70-75 | 90-100 |
| 1/8 | 90-95 | 90-95 | 110-120 |
| 1/8 | 110-120 | 110-120 | 130-140 |
| 1/8 | 130-140 | 130-140 | 150-160 |
| 1/8 | 150-160 | 150-160 | 170-180 |
| 1/8 | 170-180 | 170-180 |

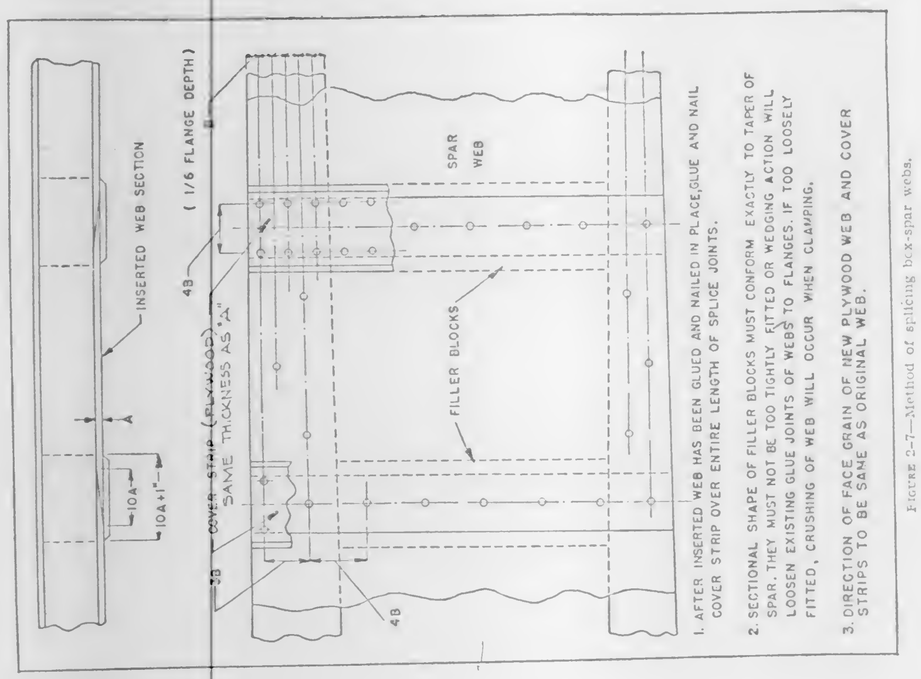



FIGURE 2-7—Method of splicing box-spar webs.

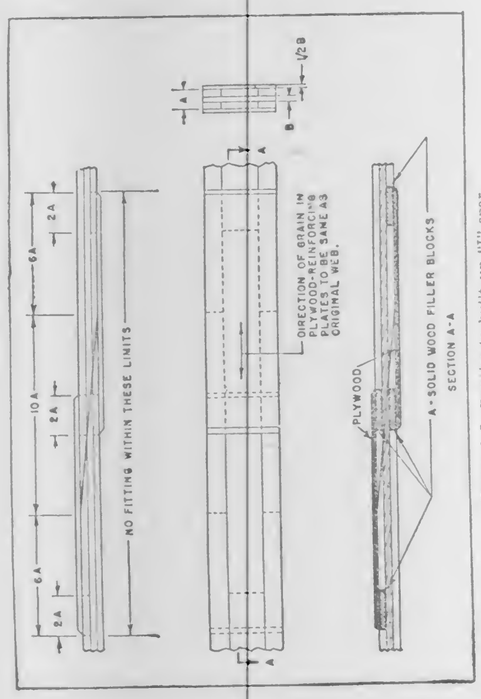



FIGURE 2-5—Repairs to built-up "I" spar.

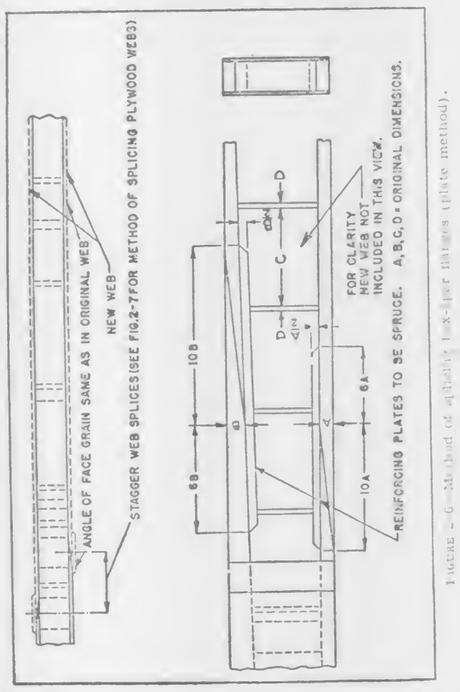



FIGURE 2-6—Method of splicing box-spar flanges (plate method).



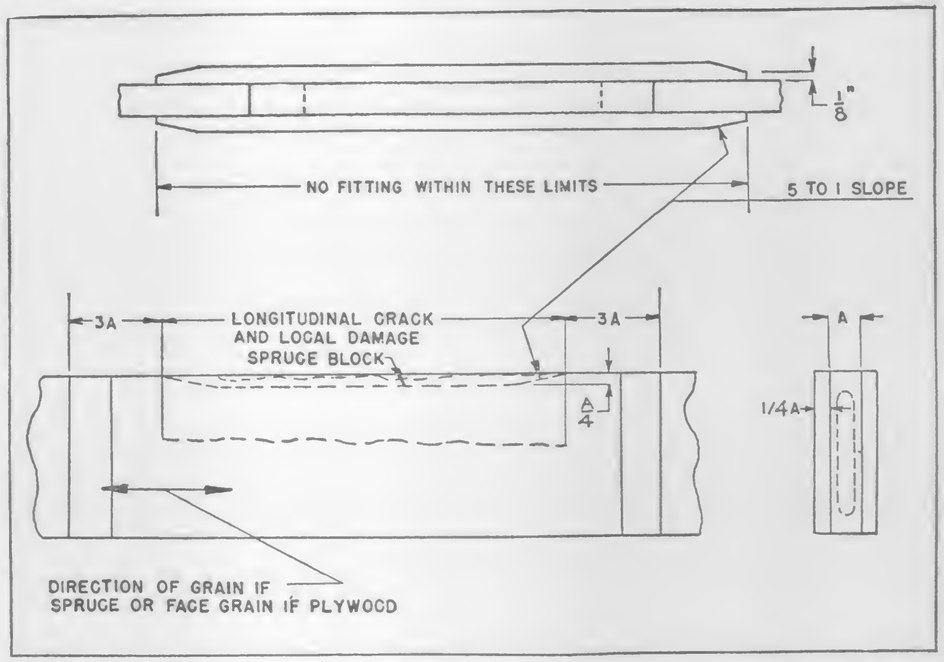



FIGURE 2-8—Method of reinforcing a longitudinal crack and/or local damage in a solid or internally routed spar.

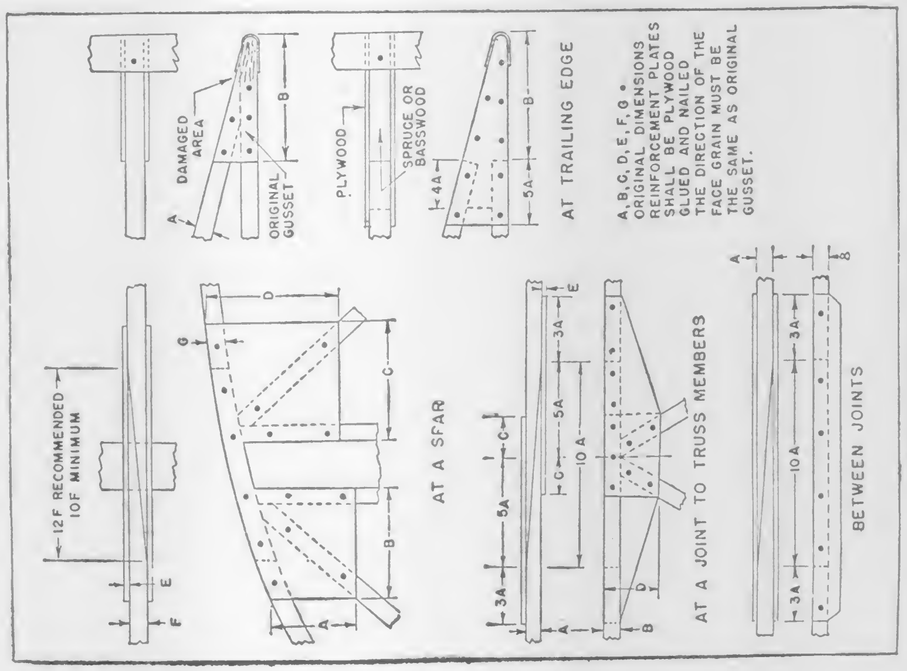



FIGURE 2-9—Repair of wood ribs.

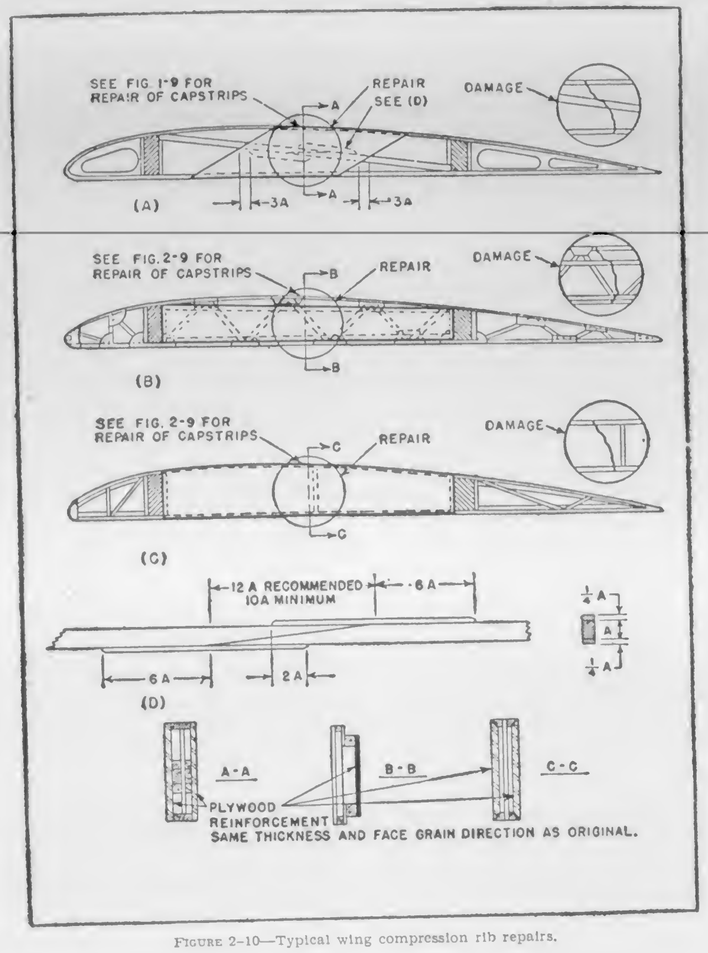



FIGURE 2-10—Typical wing compression rib repairs.

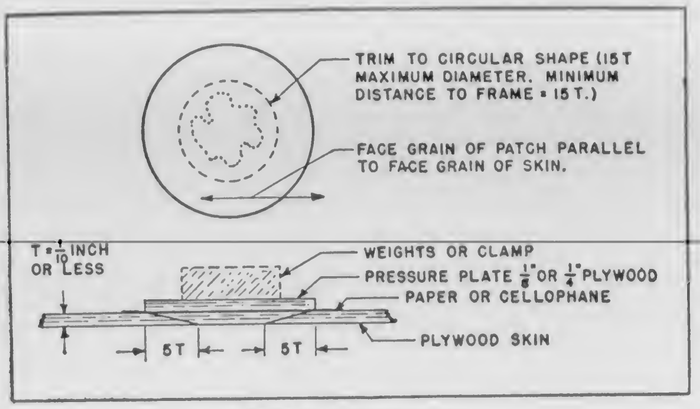



FIGURE 2-11—Splayed patch.

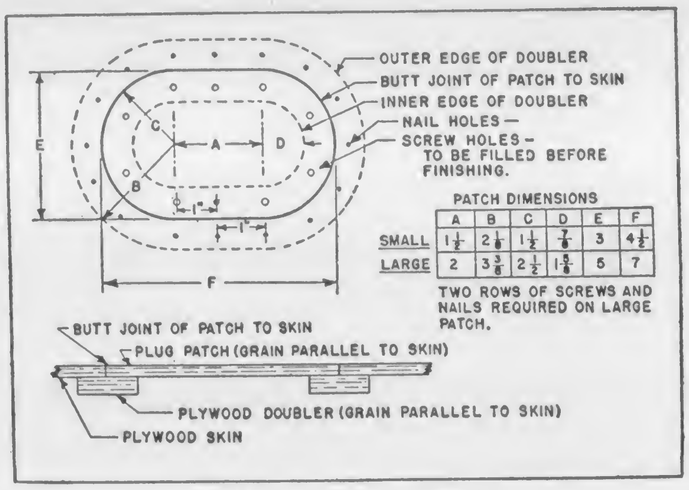



FIGURE 2-12—Oval plug patch assembly.





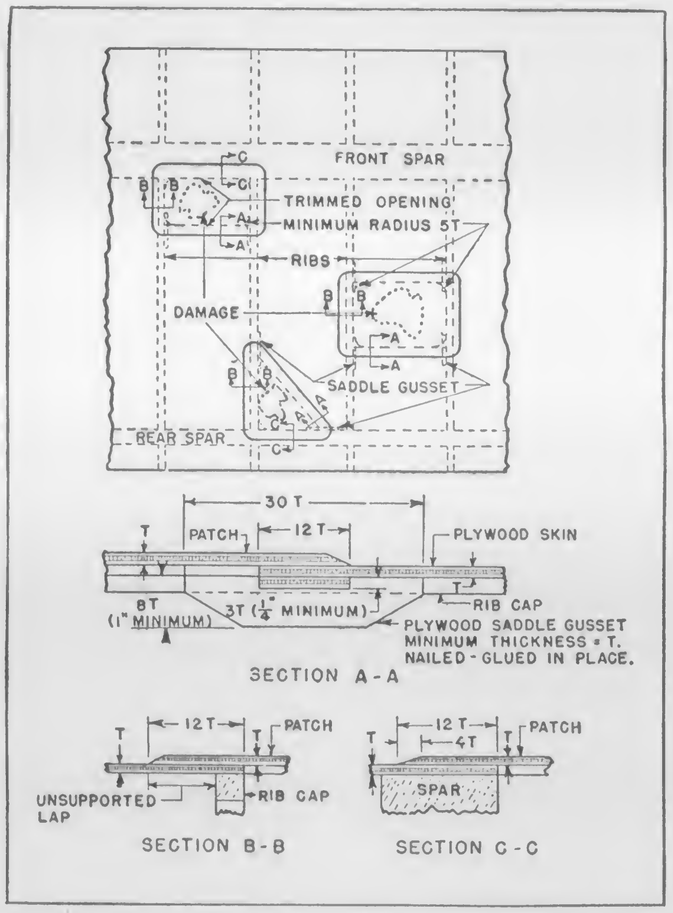



FIGURE 2-13—Surface patches.

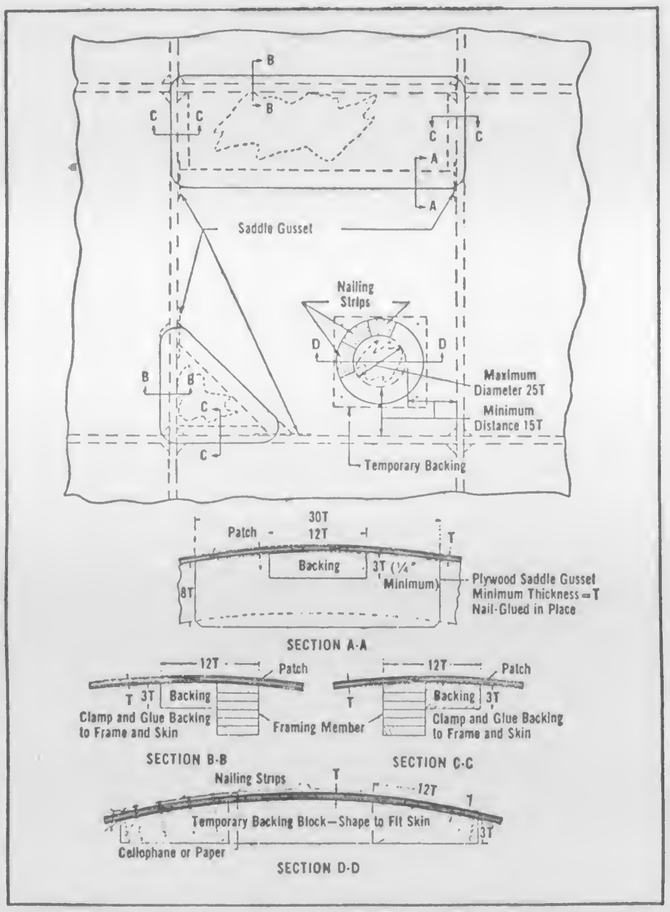



FIGURE 2-14—Scarf patches—back of skin accessible.

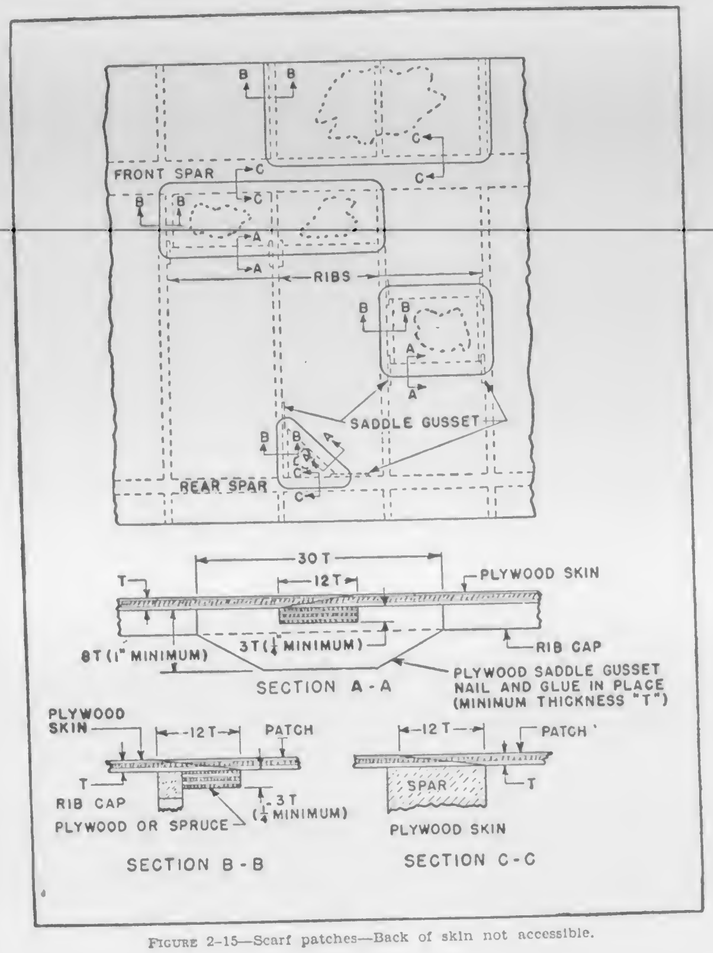



FIGURE 2-15—Scarf patches—Back of skin not accessible.

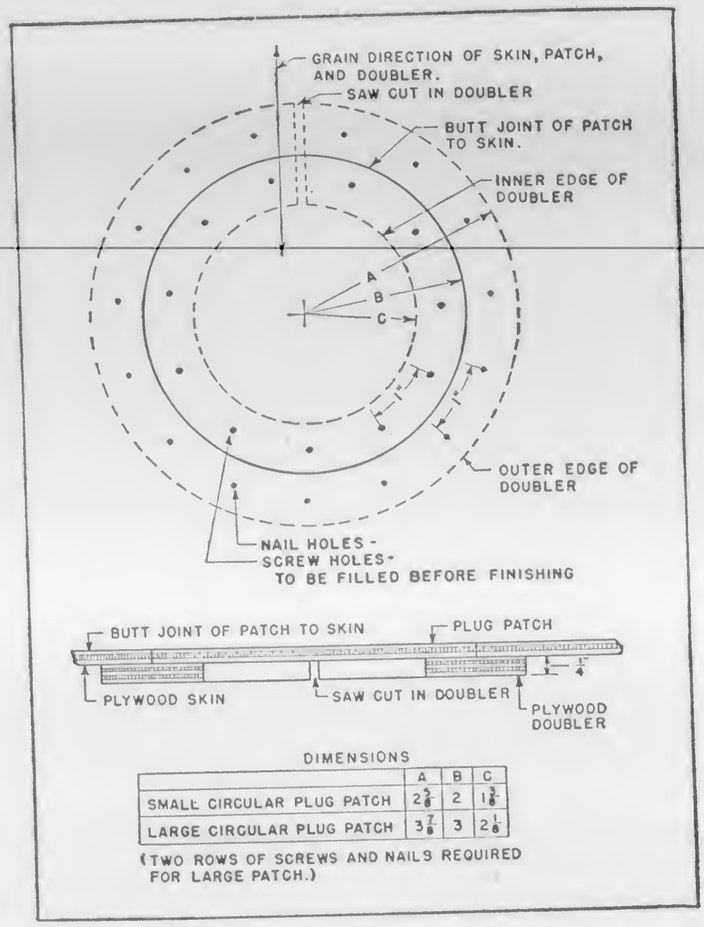



FIGURE 2-16—Round plug-patch assembly.





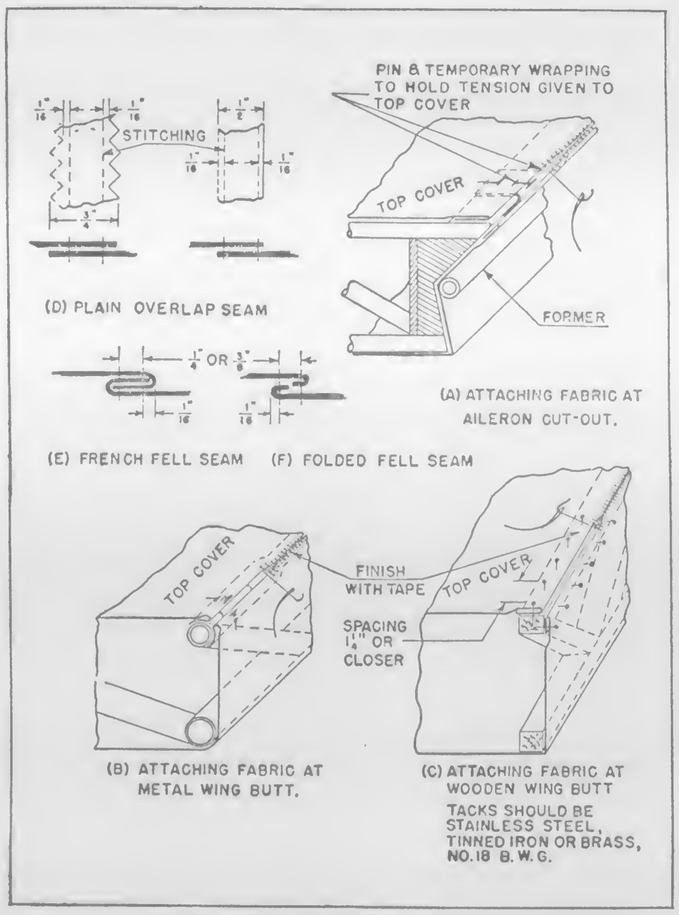



FIGURE 3-1—Typical methods of attaching fabric.

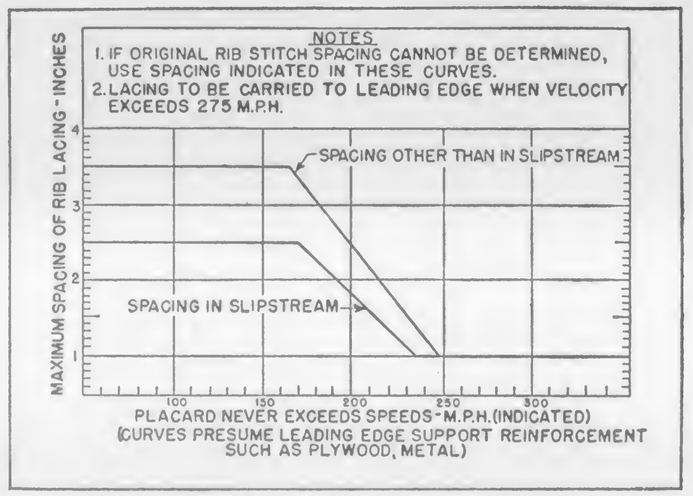



FIGURE 3-2—Fabric attachment spacing.

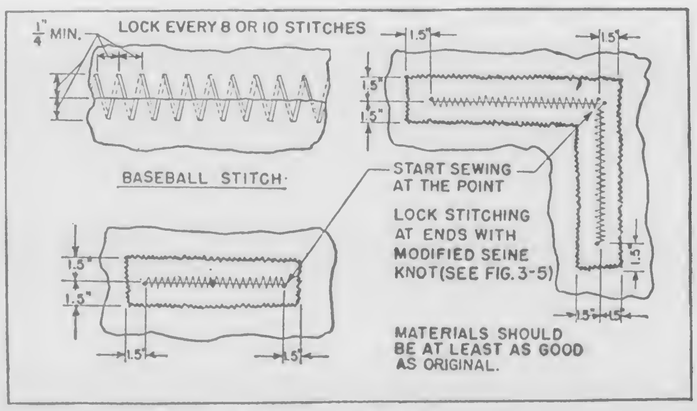



FIGURE 3-3—Repair of tears in fabric.

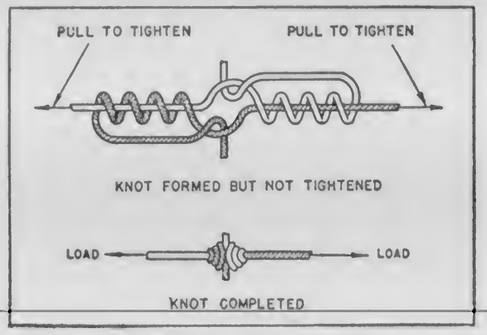



FIGURE 3-4—Splice knot.

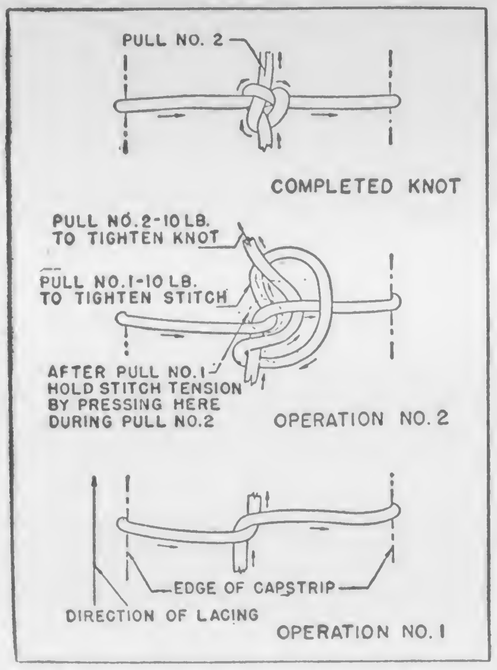



FIGURE 3-5—Standard knot for rib lacing (modified seine knot).

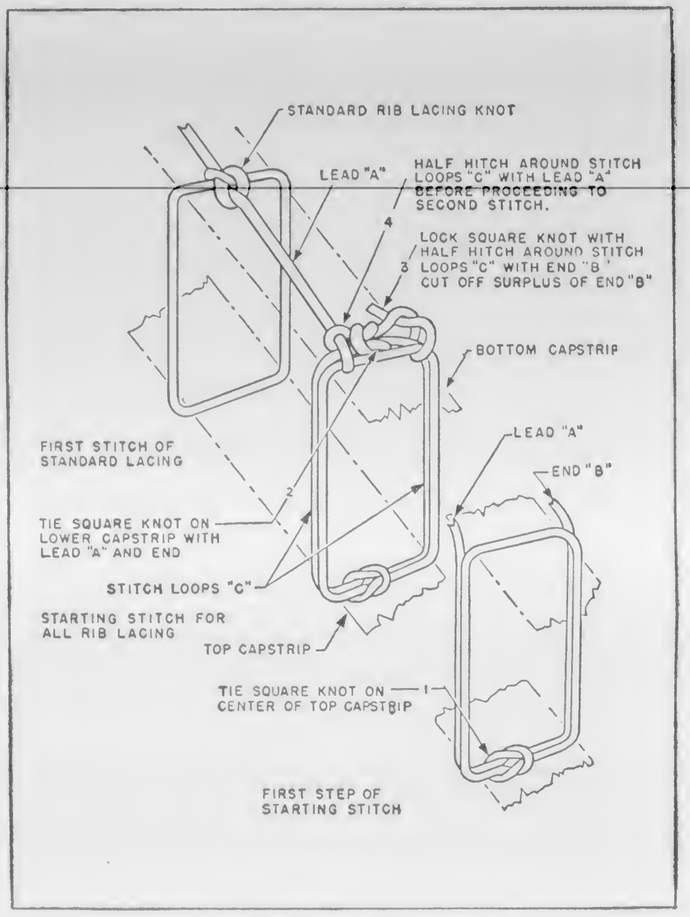



FIGURE 3-6—Starting stitch for rib stitching.



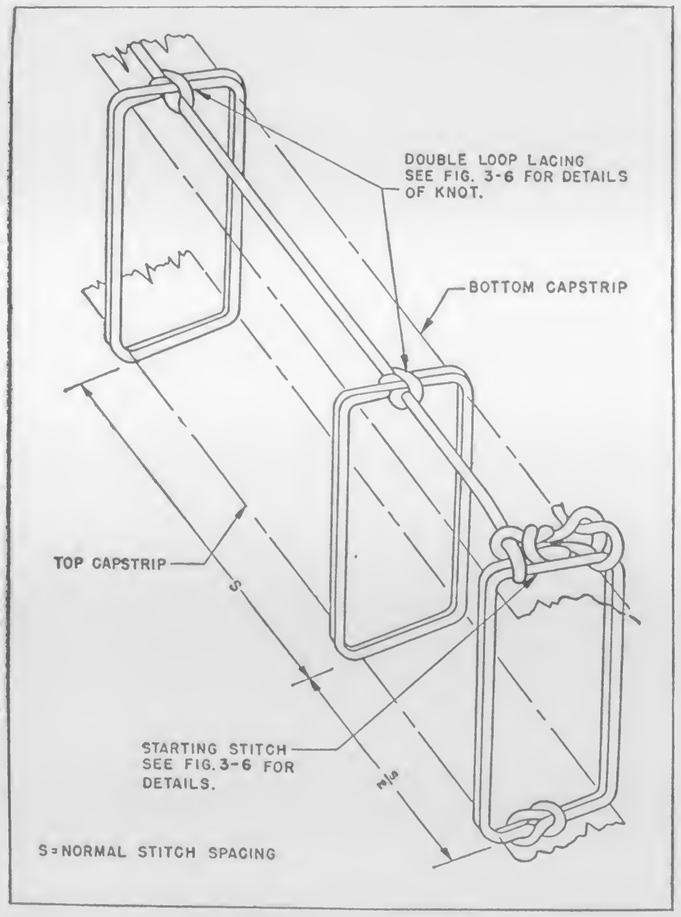



FIGURE 3-7—Standard double loop lacing.

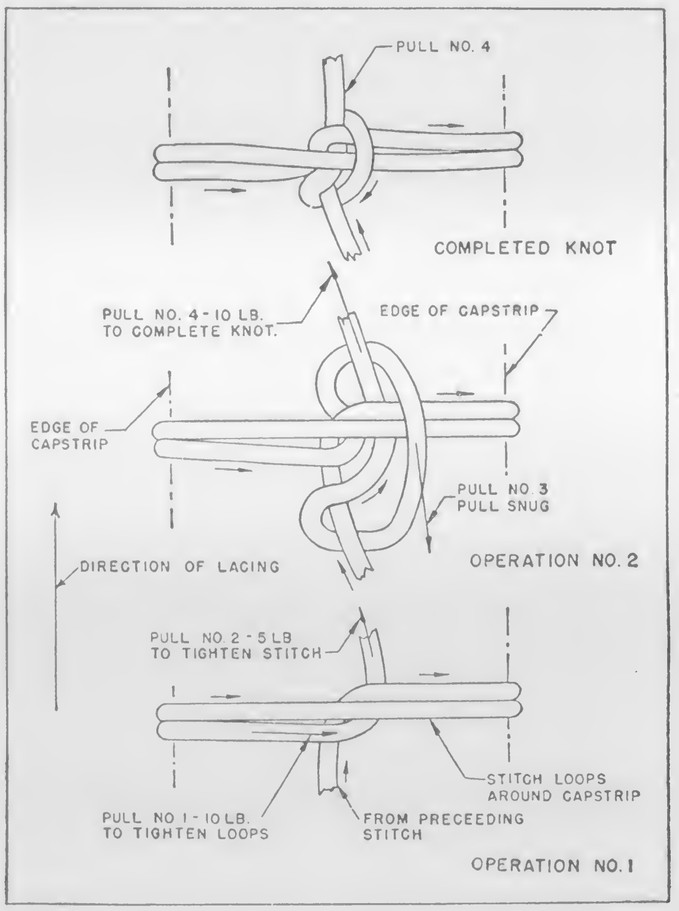



FIGURE 3-8—Standard knot for double loop lacing.

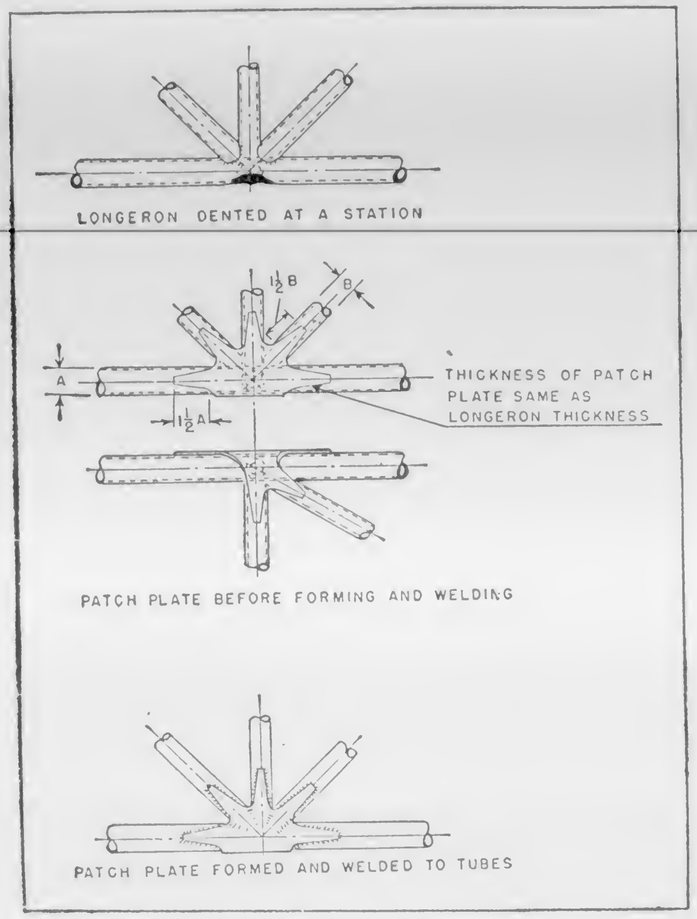



FIGURE 4-1—Members dented at a cluster.

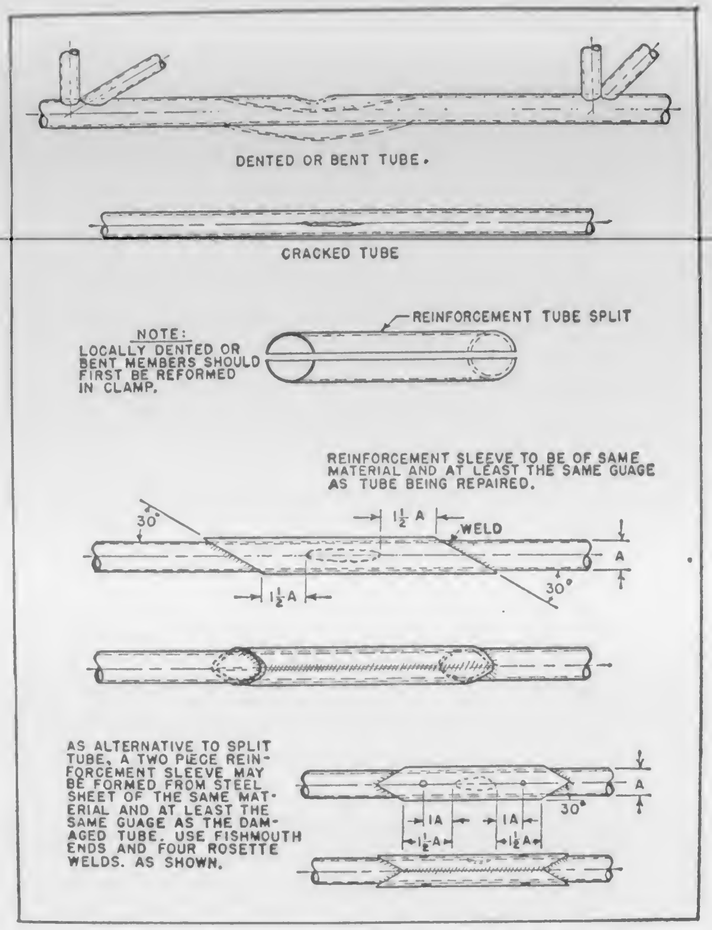



FIGURE 4-2—Members dented in a bay—repair by welded sleeve.



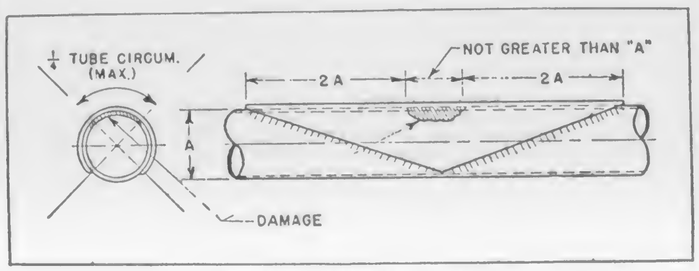



FIGURE 4-3—Welded patch repair.

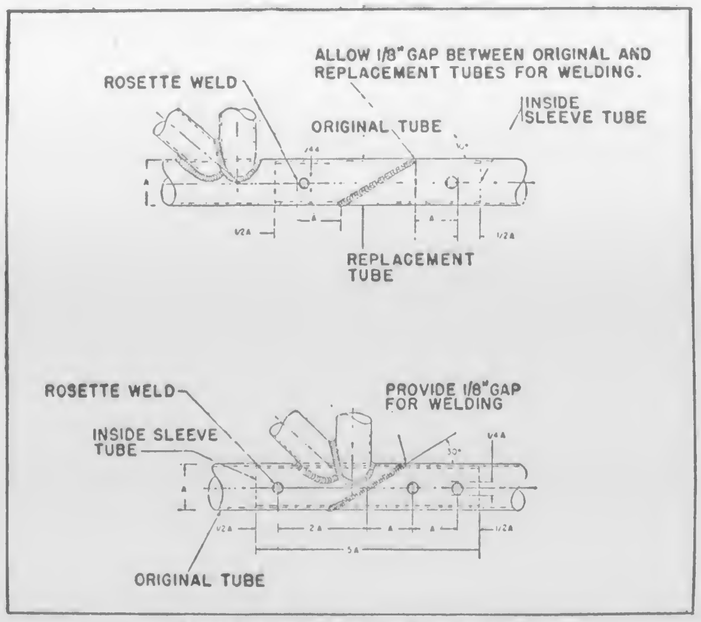



FIGURE 4-4—Splicing by inner sleeve method.

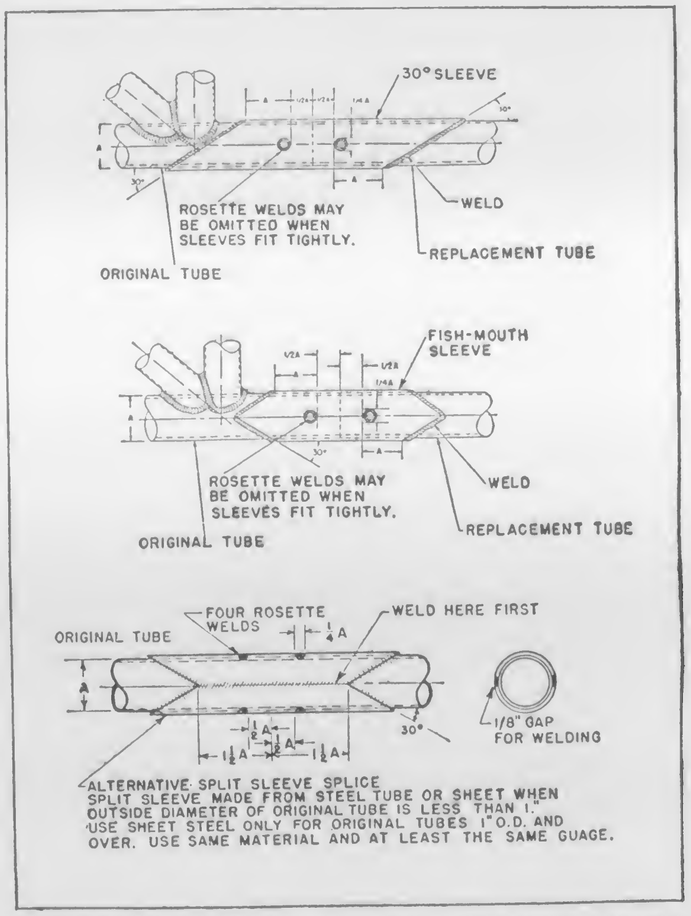



FIGURE 4-5—Splicing by outer sleeve method—replacement by welded outside sleeve.

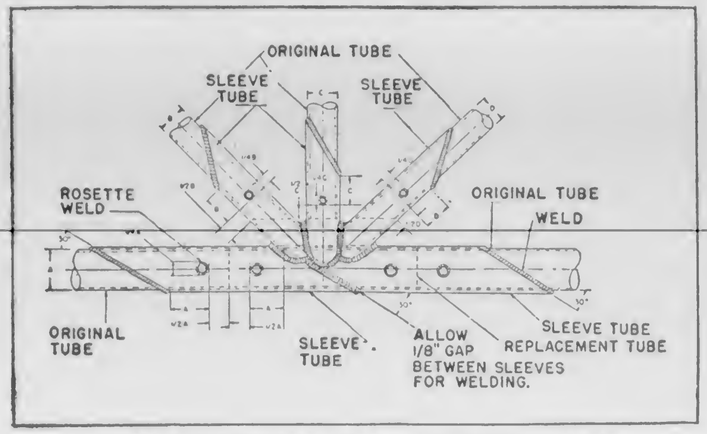



FIGURE 4-6—Tube replacement at a station by welded outer sleeves.

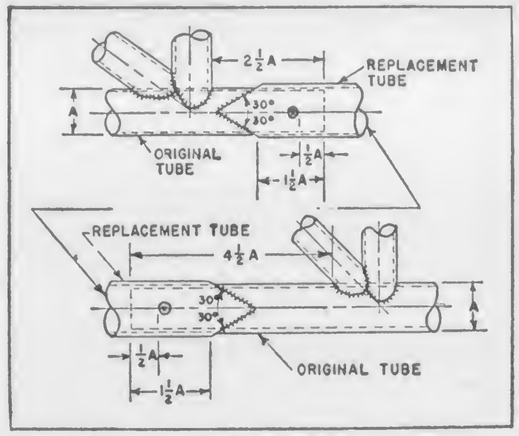



FIGURE 4-7—Splicing using larger diameter replacement tube.

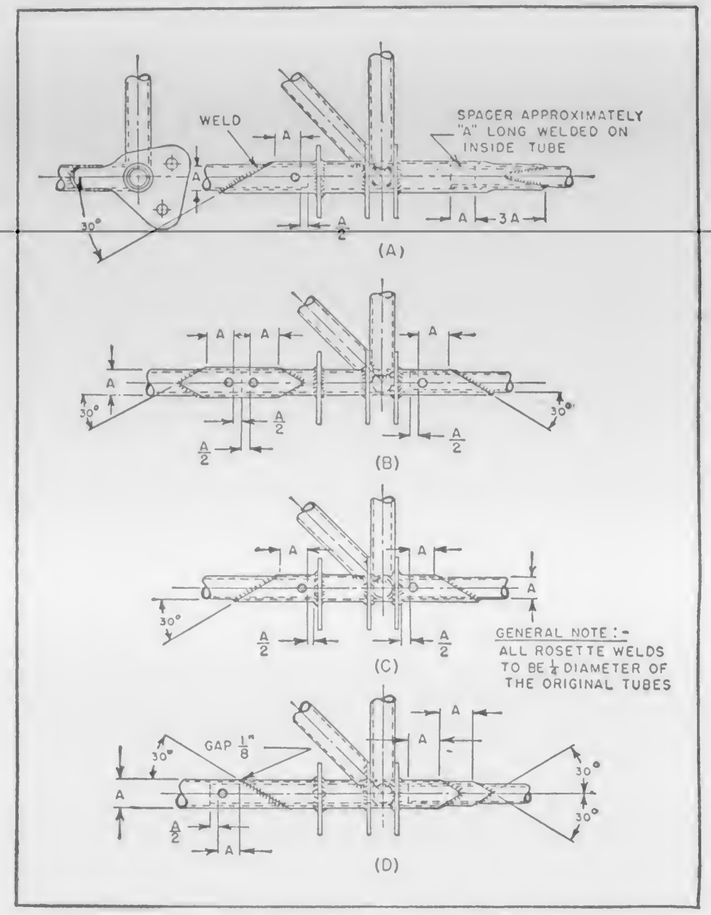
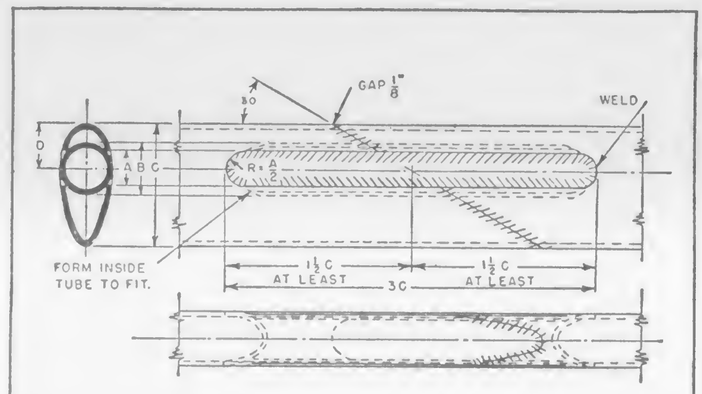



FIGURE 4-8—Repairs at built-in fuselage fittings.



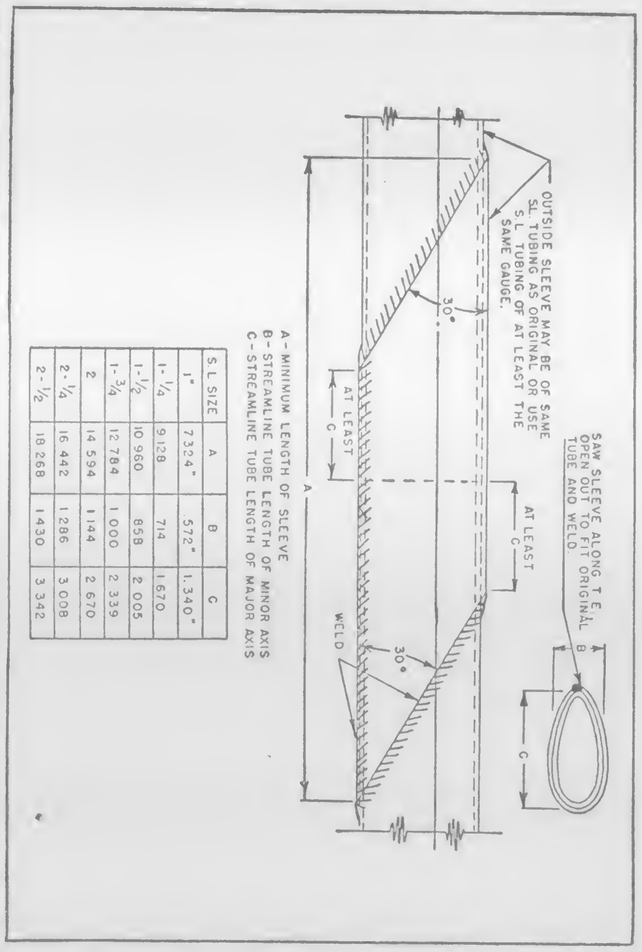



A- SLOT WIDTH (ORIGINAL TUBE)
B- OUTSIDE DIAMETER (INSERT TUBE)
C- STREAMLINE TUBE LENGTH OF MAJOR AXIS

| S L SIZE | A | B | C | D |
|---|---|---|---|---|
| 1" | 3/8" | 9/16" | 1.340" | .496" |
| 1- 1/4 | 3/8 | 11/16 | 1 670 | .619 |
| 1- 1/2 | 1/2 | 7/8 | 2 005 | .743 |
| 1- 3/4 | 1/2 | 1 | 2 339 | .867 |
| 2 | 1/2 | 1-1/8 | 2.670 | 991 |
| 2- 1/4 | 1/2 | 1- 1/4 | 3.008 | 1 115 |
| 2- 1/2 | 1/2 | 1- 3/8 | 3 342 | 1239 |

ROUND INSERT TUBE (B) SHOULD BE AT LEAST OF SAME MATERIAL AND ONE GAUGE THICKER THAN ORIGINAL STREAMLINE TUBE (C).

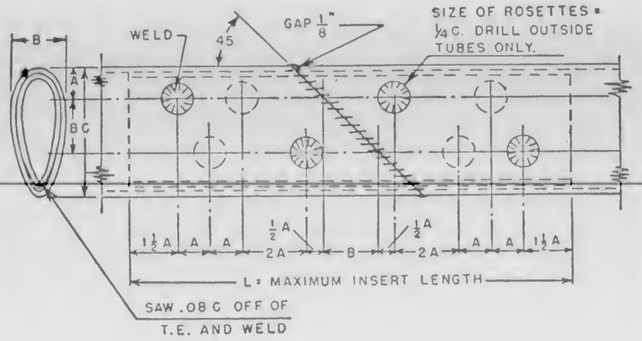
FIGURE 4-9—Streamline tube splice using round tube (applicable to landing gears).




A- MINIMUM LENGTH OF SLEEVE
B- STREAMLINE TUBE LENGTH OF MINOR AXIS
C- STREAMLINE TUBE LENGTH OF MAJOR AXIS

| S L SIZE | A | B | C |
|---|---|---|---|
| 1" | 7324" | .572" | 1.340" |
| 1-1/4 | 9128 | 714 | 1670 |
| 1-1/2 | 10 960 | 858 | 2 005 |
| 1-3/4 | 12 784 | 1 000 | 2 339 |
| 2 | 14 594 | 1 144 | 2 670 |
| 2-1/4 | 16 442 | 1 286 | 3 008 |
| 2-1/2 | 18 268 | 1430 | 3 342 |

FIGURE 4-10—Streamline tube splice using split sleeve (applicable to wing and tail surface brace struts and other members).




INSERT TUBE IS OF SAME STREAMLINE TUBING AS ORIGINAL.

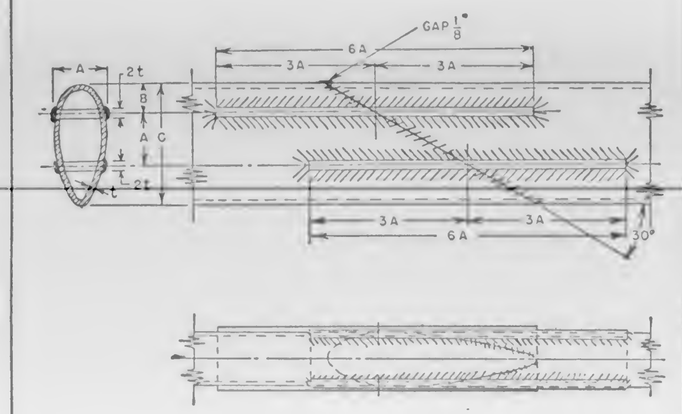
A IS $\frac{2}{3}$ B

B IS MINOR AXIS LENGTH OF ORIGINAL STREAMLINE TUBE

C IS MAJOR AXIS LENGTH OF ORIGINAL STREAMLINE TUBE

| S.L. SIZE | A | B | C | L |
|---|---|---|---|---|
| 1" | .382 | .572 | 1.340 | 5.16 |
| 1 1/4 | .476 | .714 | 1 670 | 6 43 |
| 1 1/2 | .572 | .858 | 2.005 | 7. 72 |
| 1 3/4 | .667 | 1.000 | 2 339 | 9 00 |
| 2 | .763 | 1.144 | 2.670 | 10 30 |
| 2 1/4 | .858 | 1.286 | 3 008 | 11 58 |
| 2 1/2 | .954 | 1.430 | 3.342 | 12. 88 |

FIGURE 4–11—Streamline tube splice using split insert (applicable to landing gears).



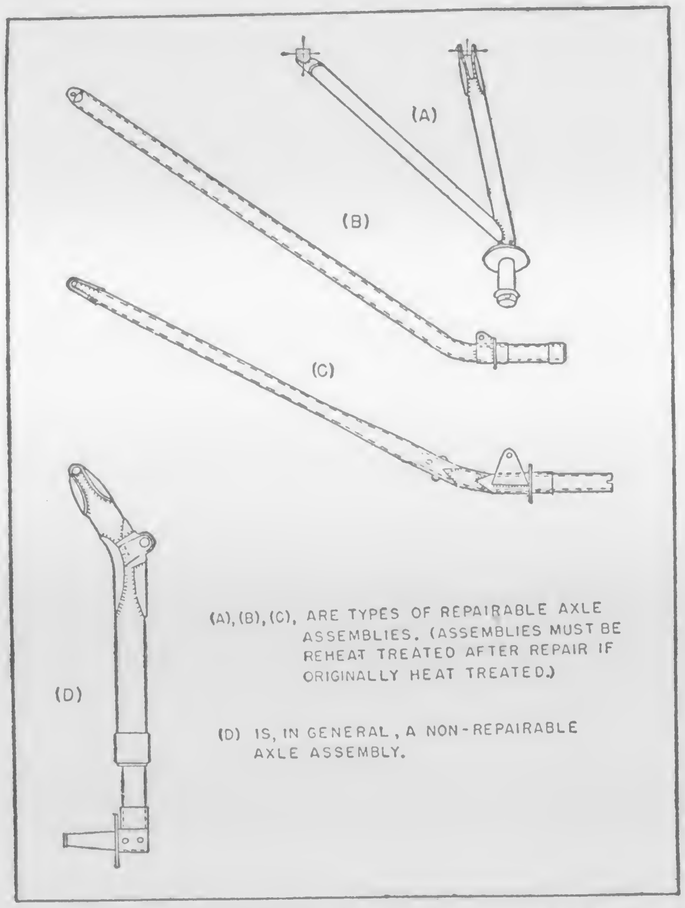

A- STREAMLINE TUBE LENGTH OF MINOR AXIS, PLATE WIDTHS.
B- DISTANCE OF FIRST PLATE FROM LEADING EDGE, 2/3 A.
C- STREAMLINE TUBE LENGTH OF MAJOR AXIS.

| S.L. SIZE | A | B | C | 6A |
|---|---|---|---|---|
| 1" | .572 | .382 | 1.340 | 3.43 |
| 1-1/4 | .714 | .476 | 1.670 | 4.28 |
| 1-1/2 | .858 | .572 | 2.005 | 5.15 |
| 1-3/4 | 1.000 | .667 | 2.339 | 6.00 |
| .2 | 1.144 | .762 | 2.670 | 6.86 |
| 2-1/4 | 1.286 | .858 | 3.008 | 7.72 |
| 2-1/2 | 1.430 | .954 | 3.342 | 8.58 |

FIGURE 4–12—Streamline tube splice using plates (applicable to landing gears).








(A), (B), (C), ARE TYPES OF REPAIRABLE AXLE ASSEMBLIES. (ASSEMBLIES MUST BE REHEAT TREATED AFTER REPAIR IF ORIGINALLY HEAT TREATED.)

(D) IS, IN GENERAL, A NON-REPAIRABLE AXLE ASSEMBLY.

FIGURE 4–13—Representative types of repairable and non-repairable axle assemblies.

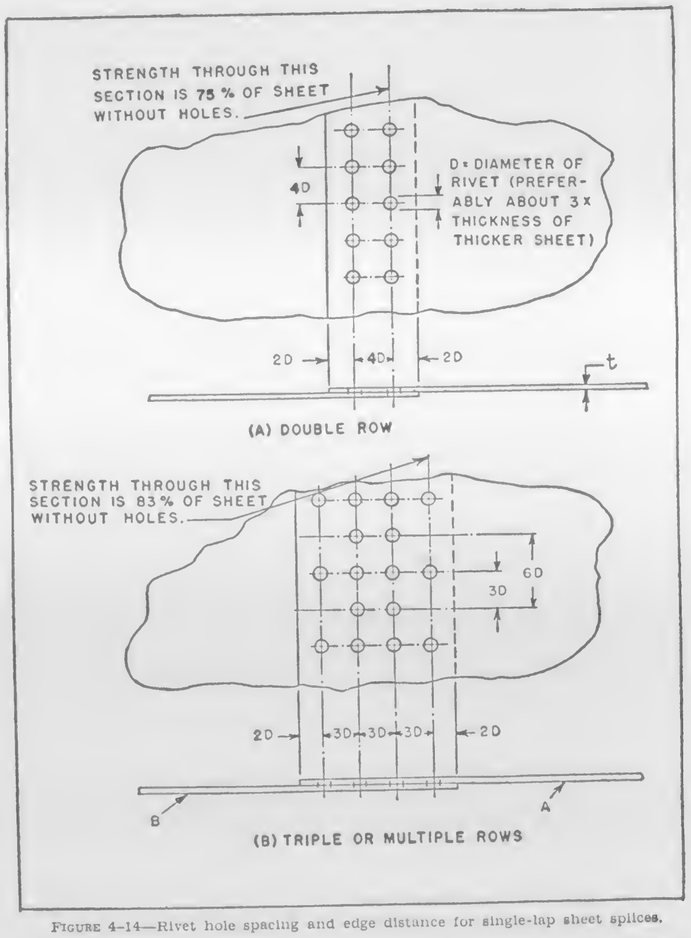



FIGURE 4–14—Rivet hole spacing and edge distance for single-lap sheet splices.

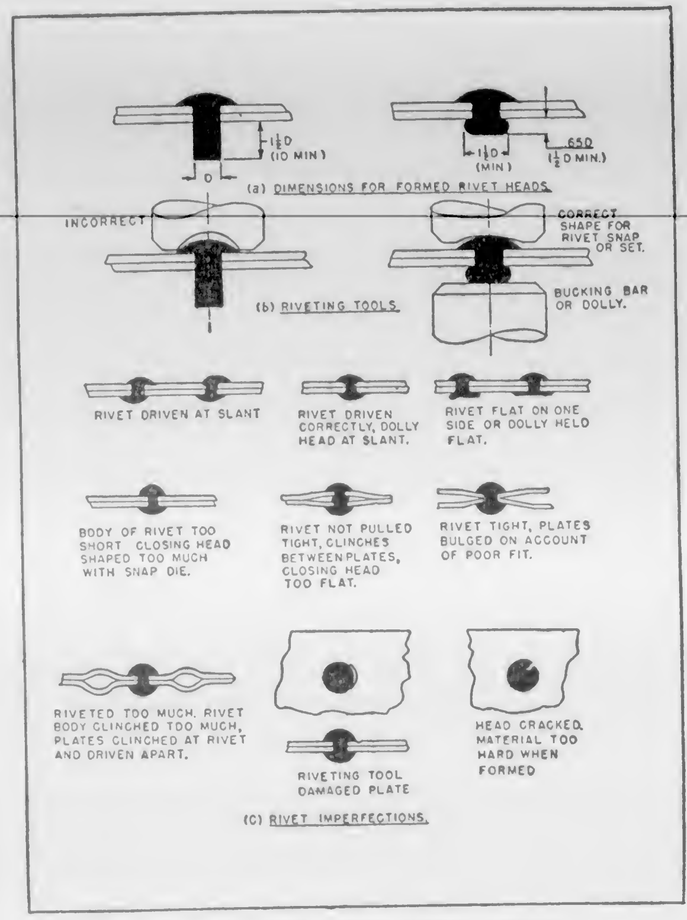
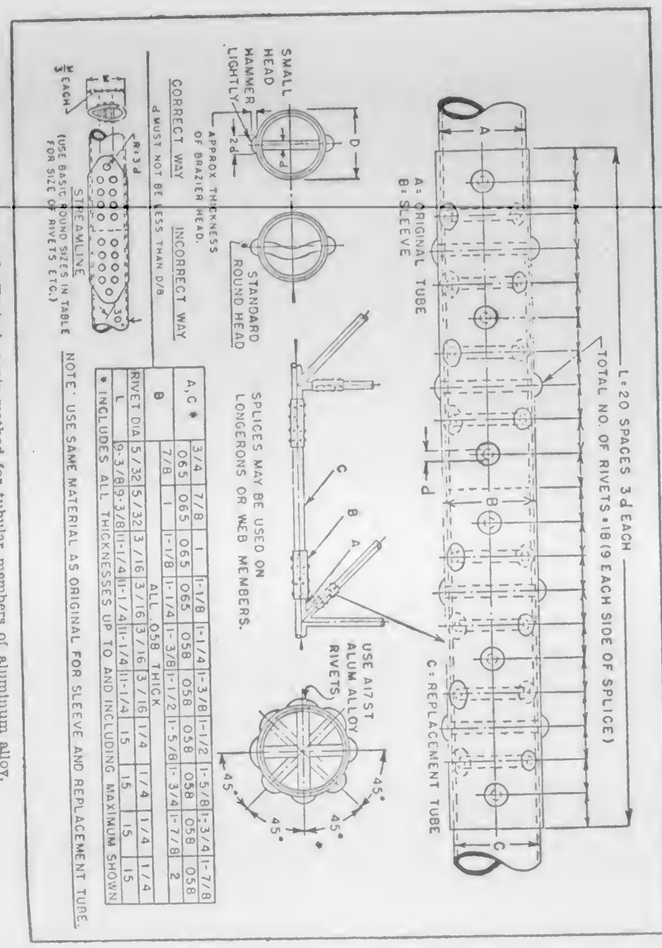



FIGURE 4-15—Riveting practice and rivet imperfections.




| A, C * | 3/4 | 7/8 | 1 | 1-1/8 | 1-1/4 | 1-3/8 | 1-1/2 | 1-5/8 | 1-3/4 | 1-7/8 |
|---|---|---|---|---|---|---|---|---|---|---|
| B | 065 | 065 | 065 | 058 | 058 | 058 | 058 | 058 | 058 | 058 |

| RIVET DIA | 5/32 | 5/32 | 3/16 | 3/16 | 3/16 | 3/16 | 1/4 | 1/4 | 1/4 | 1/4 |
|---|---|---|---|---|---|---|---|---|---|---|
| L | 9-3/8 | 9-3/8 | 11-1/4 | 11-1/4 | 11-1/4 | 11-1/4 | 15 | 15 | 15 | 15 |

* INCLUDES ALL THICKNESSES UP TO AND INCLUDING MAXIMUM SHOWN

FIGURE 4-16—Typical repair method for tubular members of aluminum alloy.



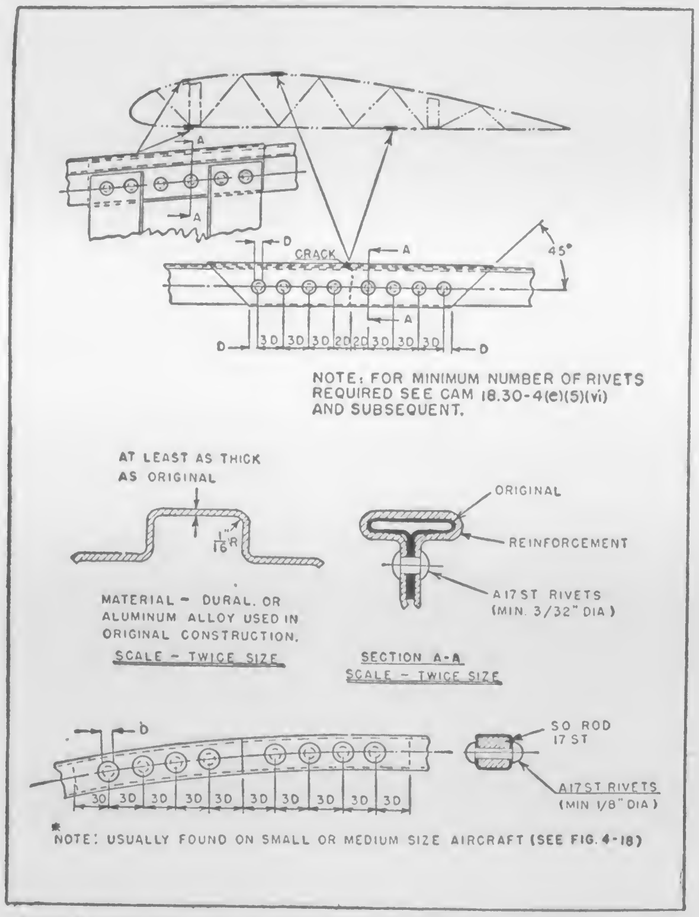



FIGURE 4-17—Typical repair for buckled or cracked formed metal wing rib capstrips.

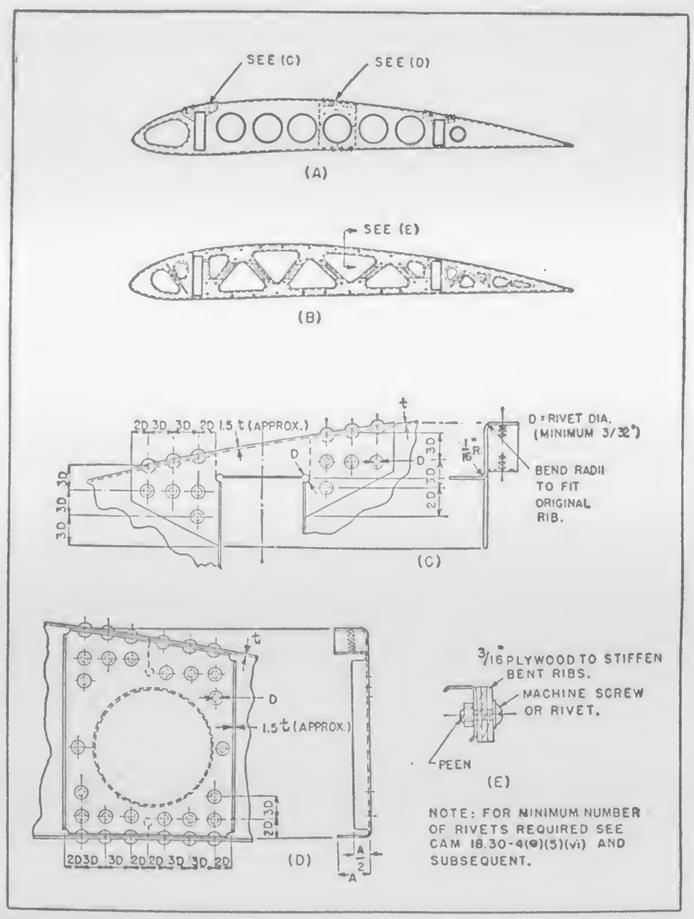



FIGURE 4-18—Typical metal rib repairs (usually found on small and medium-size aircraft).

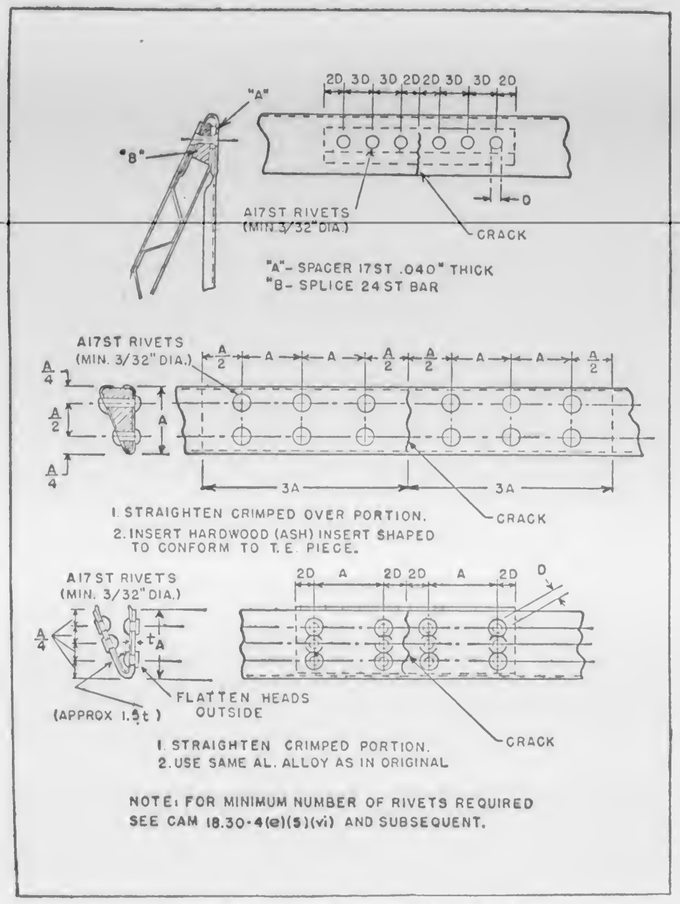



FIGURE 4–19—Typical repairs of trailing edges.

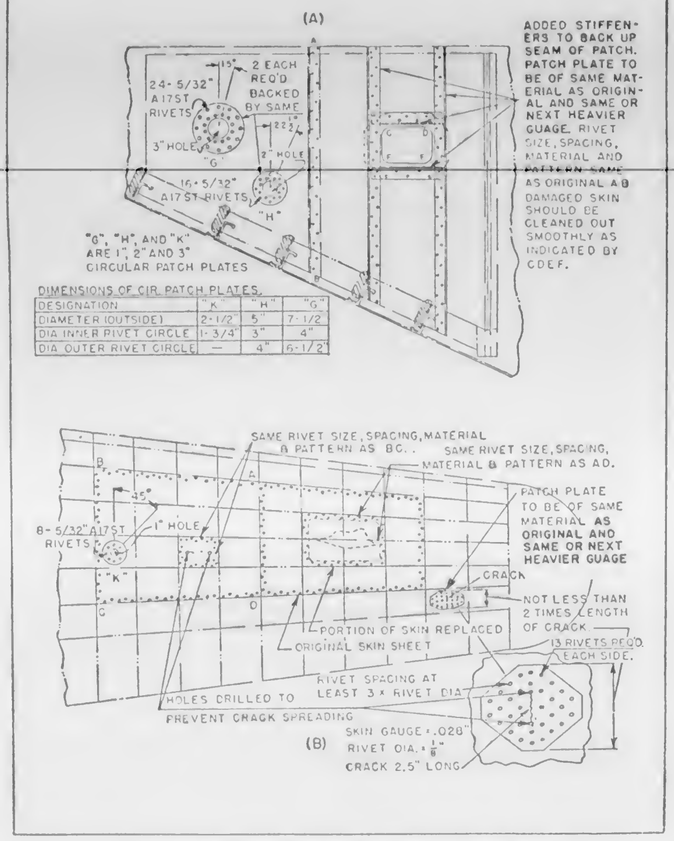



FIGURE 4–20—Typical repairs of stressed sheet covering.



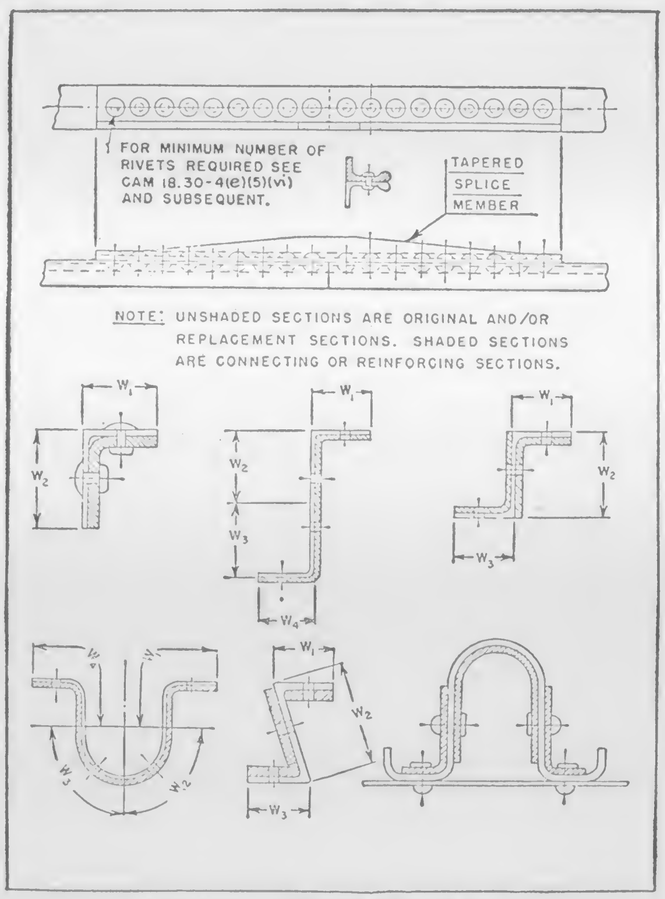



FIGURE 4–21—Typical stringer and flange splices.

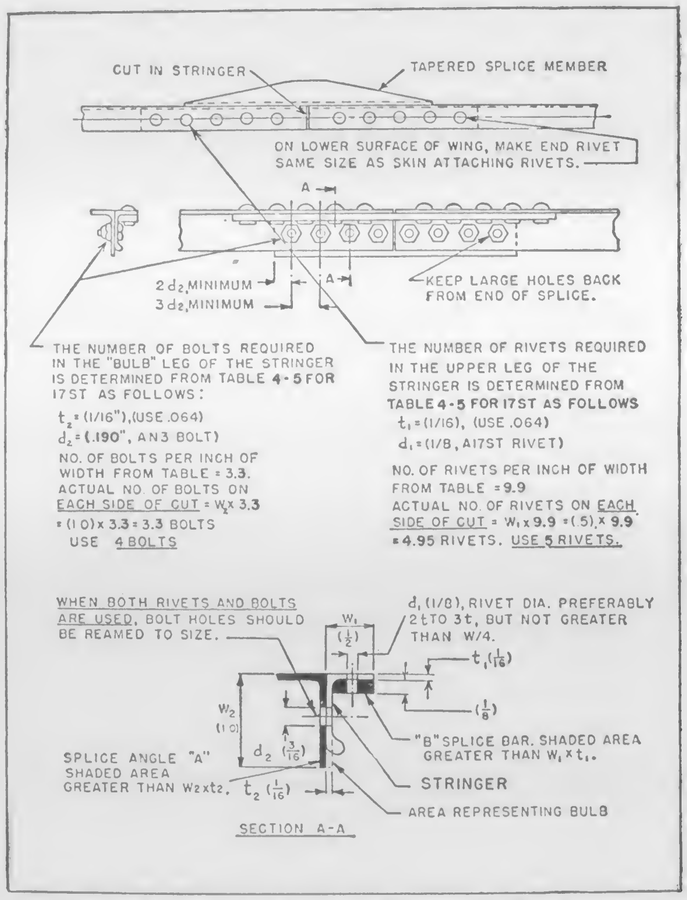



FIGURE 4–22—Example of stringer splice (material—17ST AL alloy).

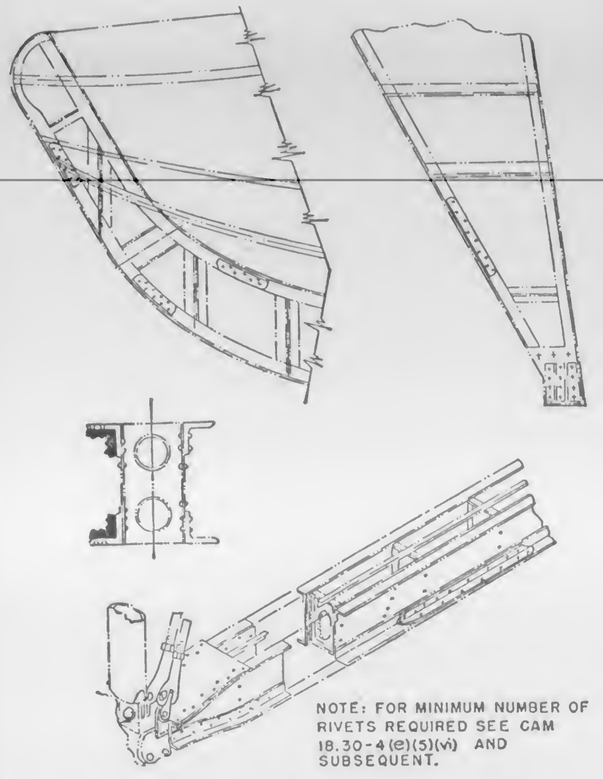



FIGURE 4-23—Application of typical flange splices and reinforcement.

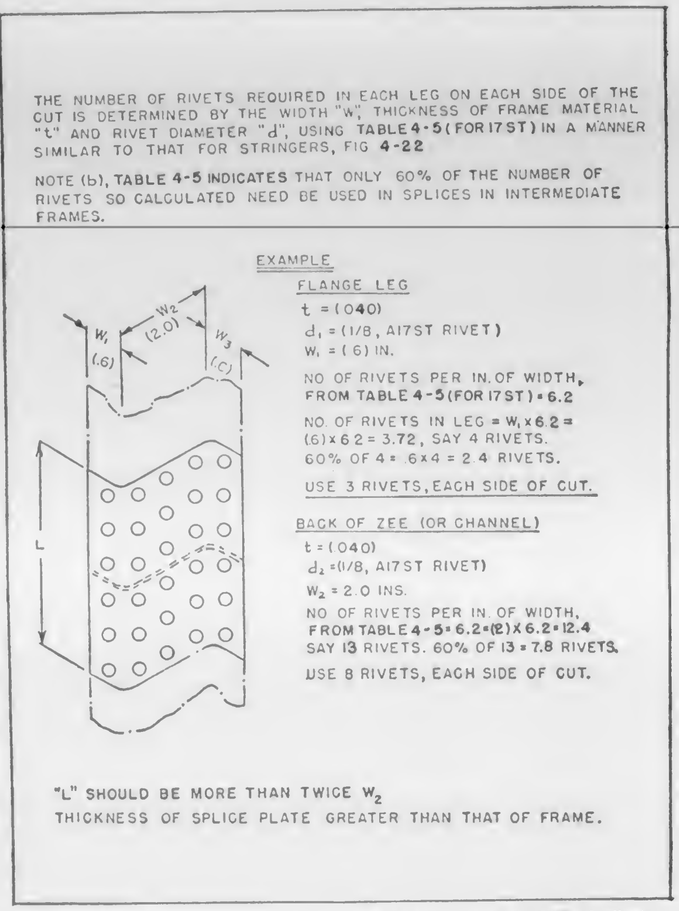



FIGURE 4-24—Example of splice of intermediate frame (material—17ST AL alloy).

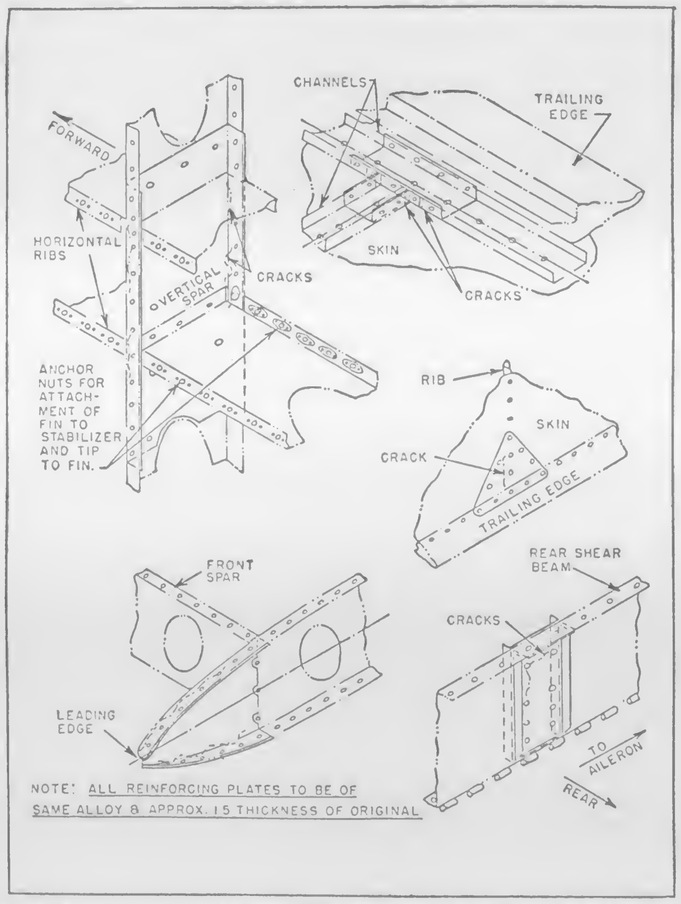



FIGURE 4-25—Typical methods of repairing cracked leading and trailing edges and rib intersections.

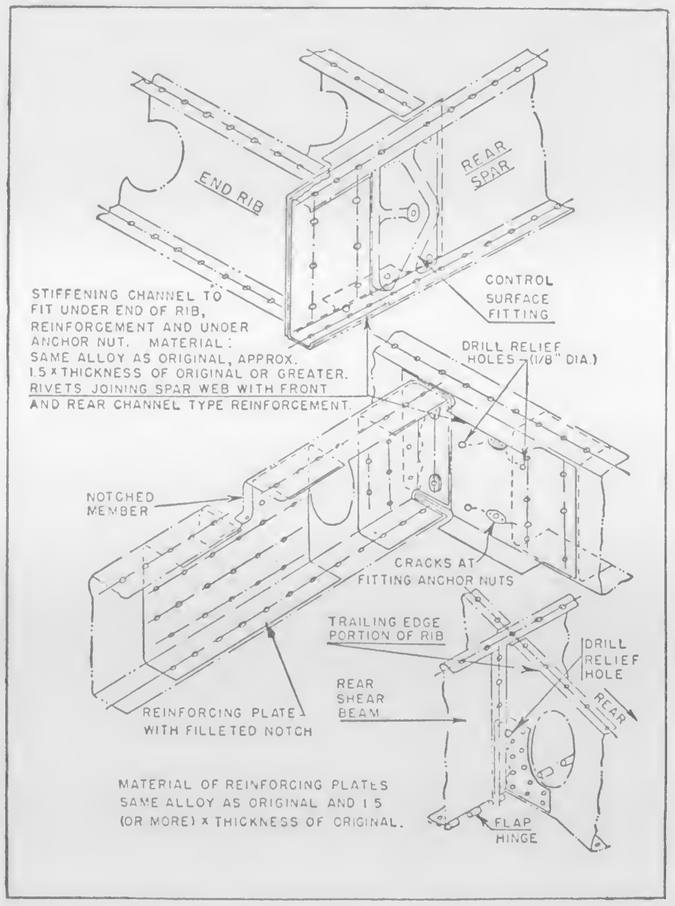



FIGURE 4-26—Typical methods of replacing cracked members at fittings.

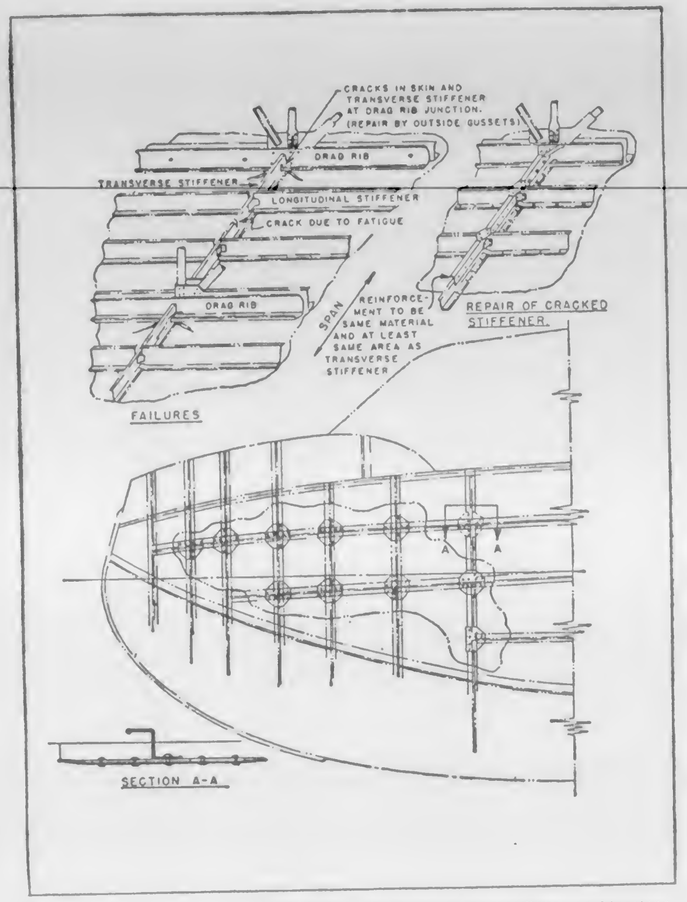



FIGURE 4-27—Typical methods of repairing cracked frame and stiffener combinations.



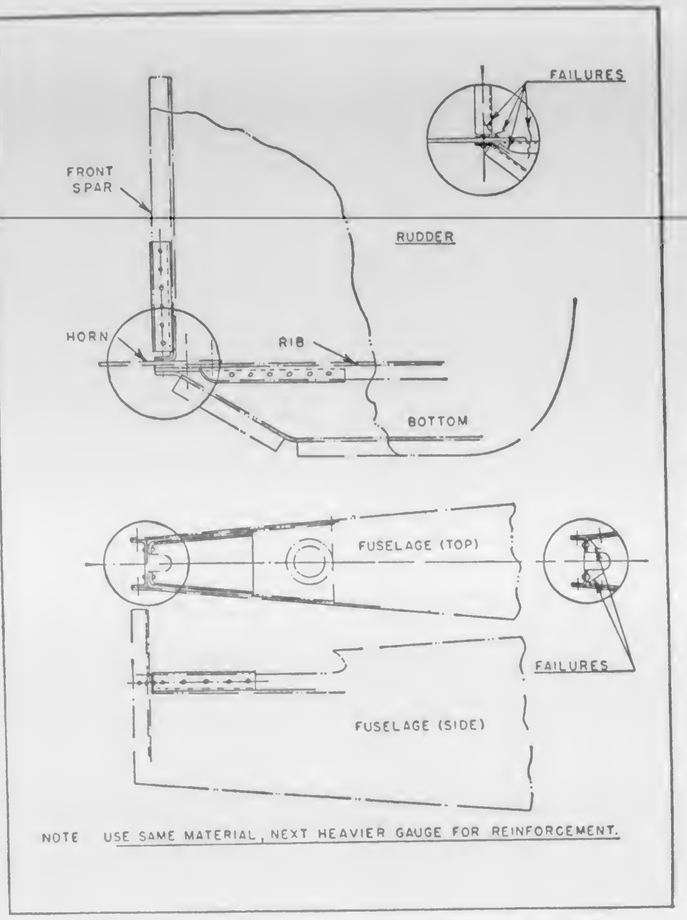



FIGURE 4-28—Typical repairs to rudder and to fuselage at tail post.



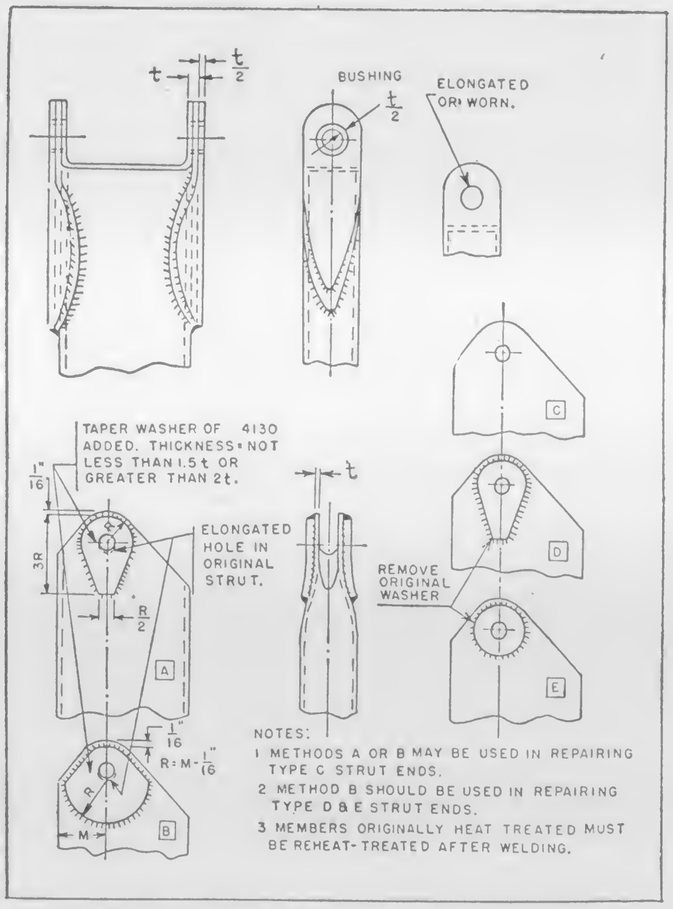



FIGURE 4-29—Typical methods of repairing elongated or worn bolt holes.



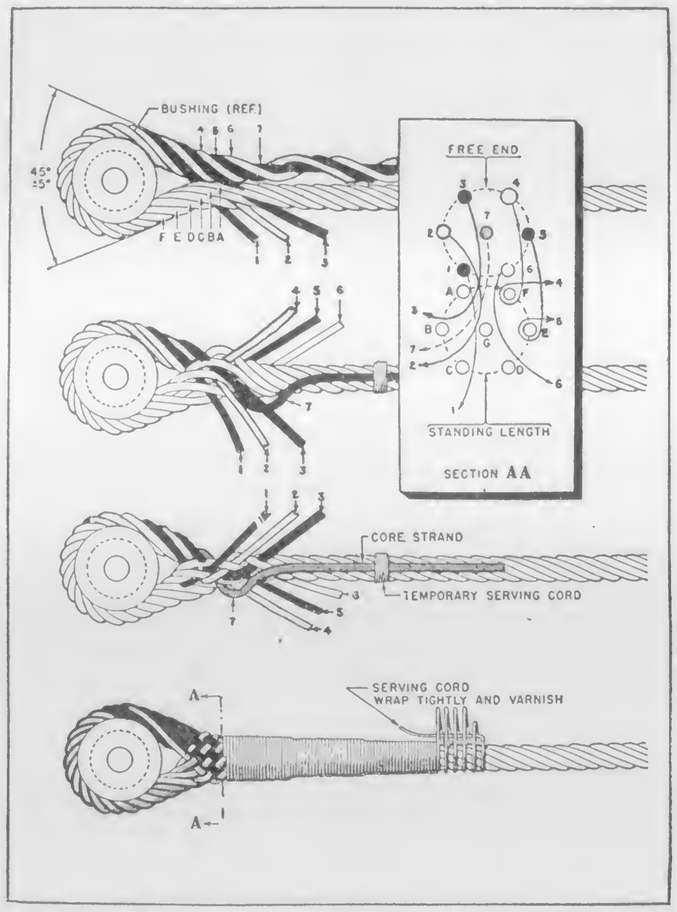
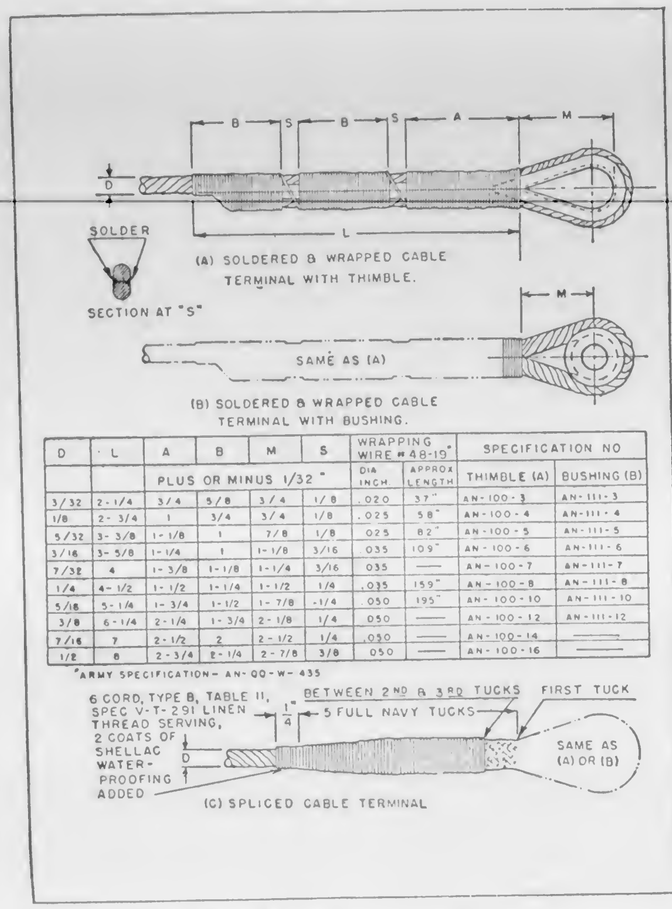



FIGURE 5-1—Preparation of a woven cable splice.




| D | L | A | B | M | S | WRAPPING WIRE #48-19* | | SPECIFICATION NO | |
|---|---|---|---|---|---|---|---|---|---|
| | | PLUS OR MINUS 1/32" | | | | DIA INCH. | APPROX LENGTH | THIMBLE (A) | BUSHING (B) |
| 3/32 | 2-1/4 | 3/4 | 5/8 | 3/4 | 1/8 | .020 | 37" | AN-100-3 | AN-111-3 |
| 1/8 | 2-3/4 | 1 | 3/4 | 3/4 | 1/8 | .025 | 58" | AN-100-4 | AN-111-4 |
| 5/32 | 3-3/8 | 1-1/8 | 1 | 7/8 | 1/8 | .025 | 82" | AN-100-5 | AN-111-5 |
| 3/16 | 3-5/8 | 1-1/4 | 1 | 1-1/8 | 3/16 | .035 | 109" | AN-100-6 | AN-111-6 |
| 7/32 | 4 | 1-3/8 | 1-1/8 | 1-1/4 | 3/16 | .035 | —— | AN-100-7 | AN-111-7 |
| 1/4 | 4-1/2 | 1-1/2 | 1-1/4 | 1-1/2 | 1/4 | .035 | 159" | AN-100-8 | AN-111-8 |
| 5/16 | 5-1/4 | 1-3/4 | 1-1/2 | 1-7/8 | -1/4 | .050 | 195" | AN-100-10 | AN-111-10 |
| 3/8 | 6-1/4 | 2-1/4 | 1-3/4 | 2-1/8 | 1/4 | .050 | —— | AN-100-12 | AN-111-12 |
| 7/16 | 7 | 2-1/2 | 2 | 2-1/2 | 1/4 | .050 | —— | AN-100-14 | —— |
| 1/2 | 8 | 2-3/4 | 2-1/4 | 2-7/8 | 3/8 | .050 | —— | AN-100-16 | —— |

*ARMY SPECIFICATION- AN-QQ-W-435

FIGURE 5-2—Wrapped or spliced cable terminals.

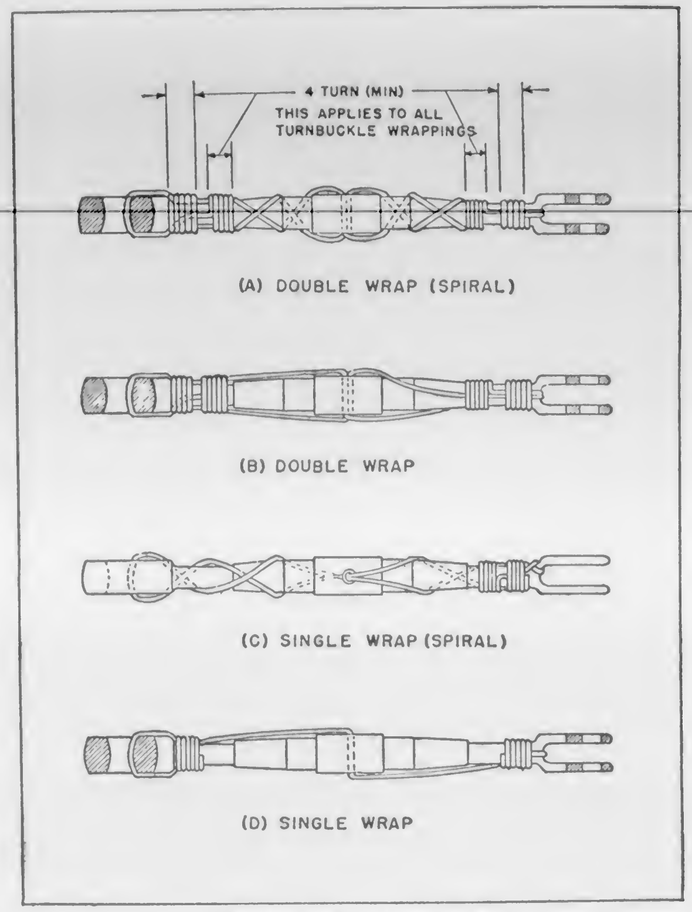



FIGURE 5-3—Safetying turnbuckles.

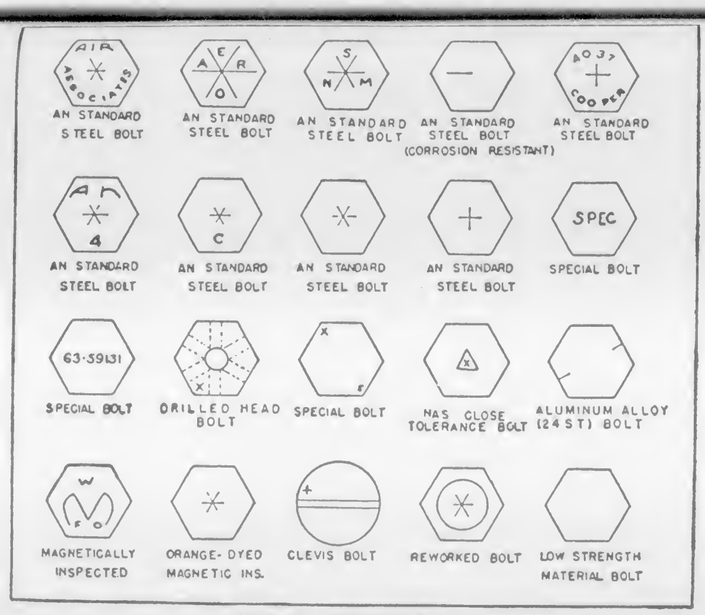



FIGURE 6-1—Bolt identification.

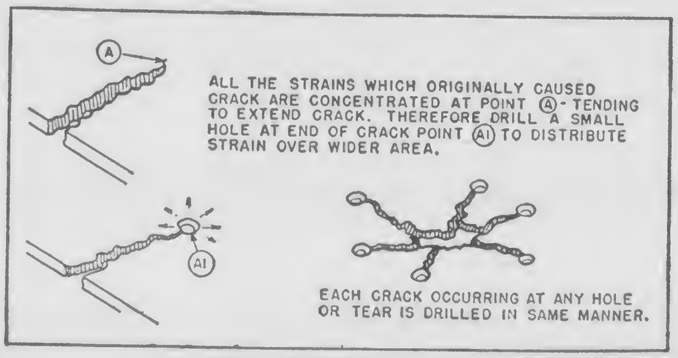



FIGURE 10-1—Stop-drilling cracks.

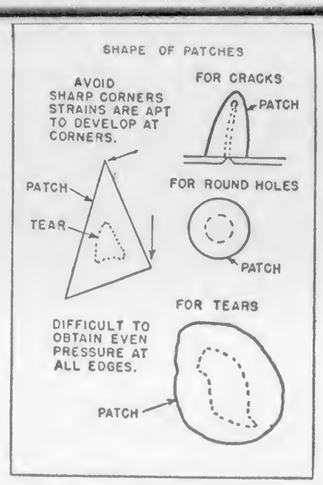



FIGURE 10-2—Surface patches.

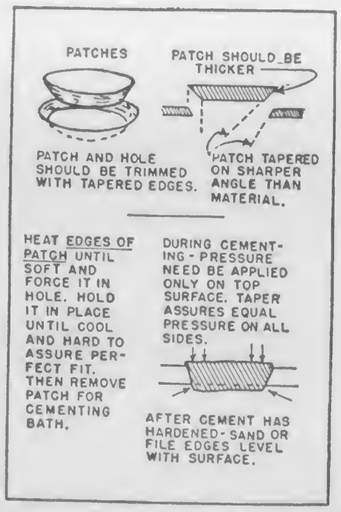



FIGURE 10-3—Plug-patch repair.

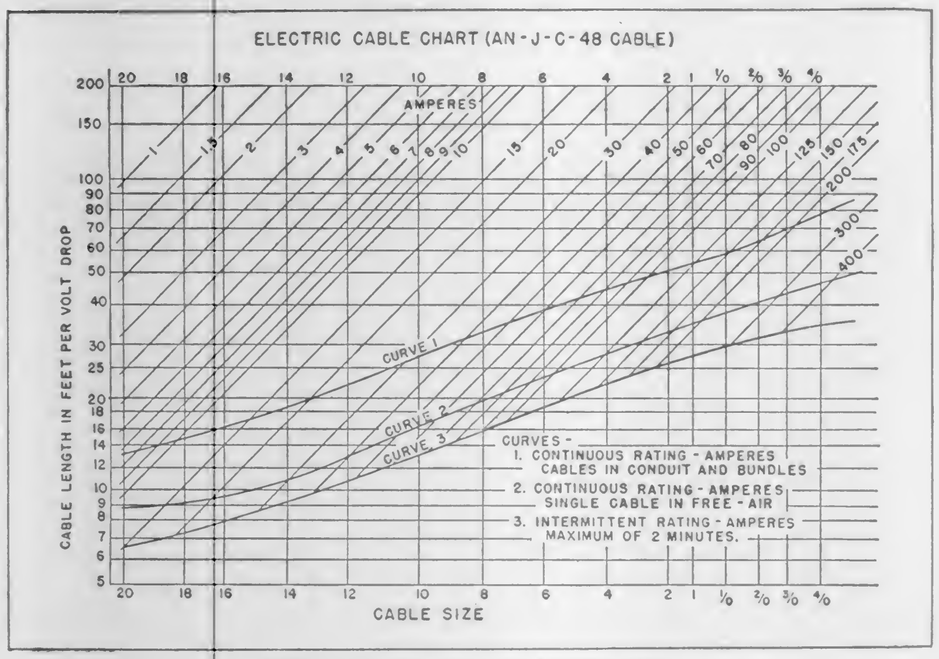



FIGURE 12-1—Electric cable chart (AN-S-C-48 cable).

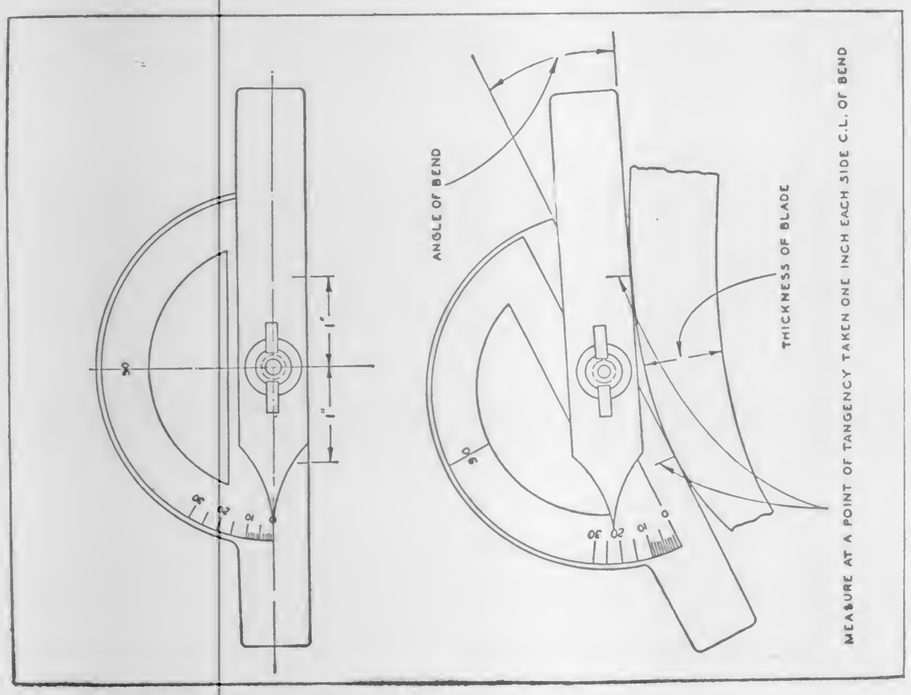



FIGURE 15-1—Protractor and method of measuring angle of bend in aluminum-alloy propellers.



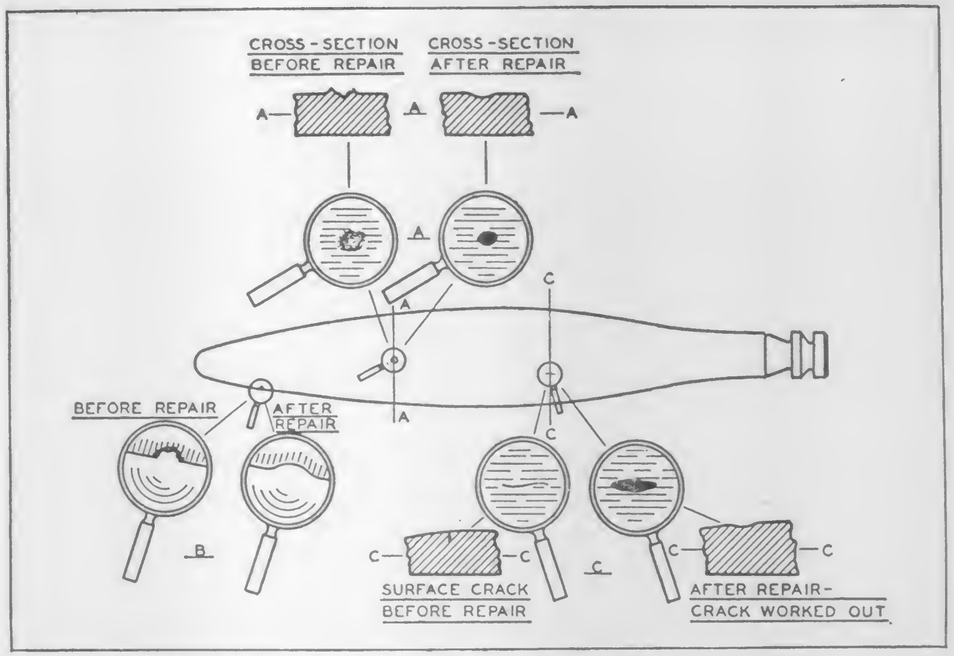



FIGURE 15-2—Method of repairing surface cracks, nicks, etc., on aluminum alloy propellers.

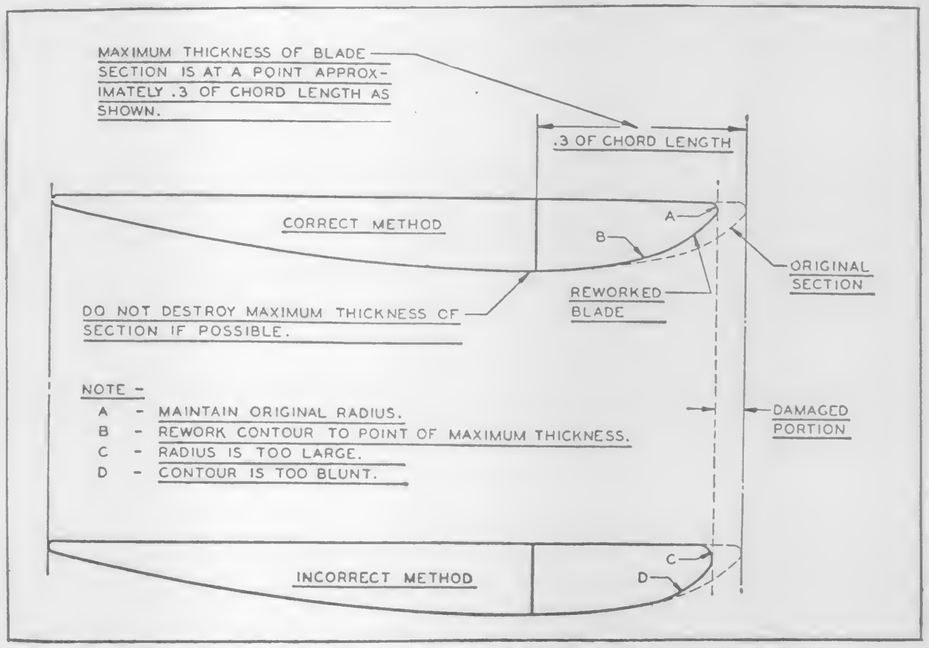



FIGURE 15-3—Correct and incorrect method of reworking leading edge of aluminum alloy propellers.

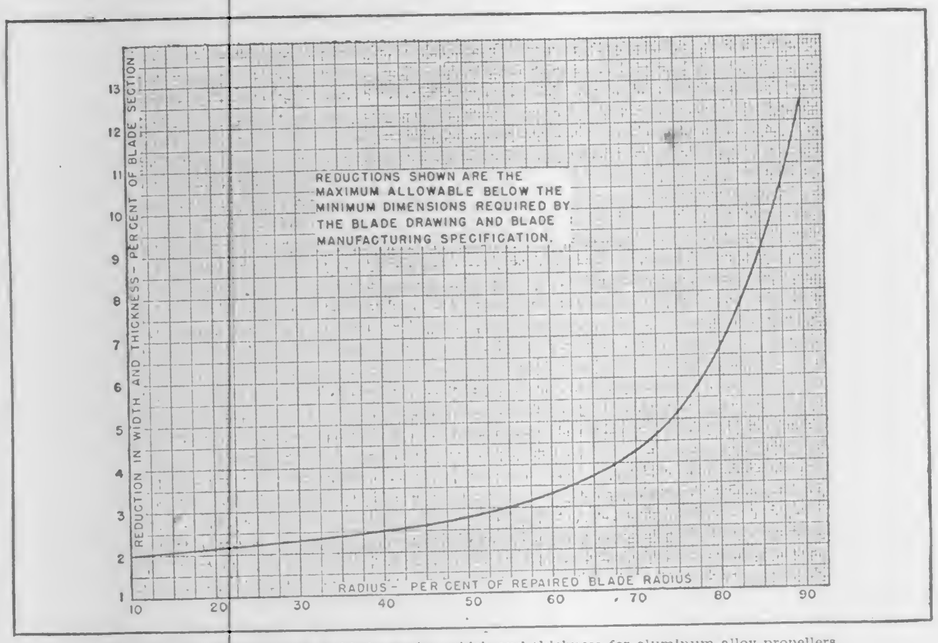



FIGURE 15-4—Repair limits to blade section width and thickness for aluminum alloy propellers.

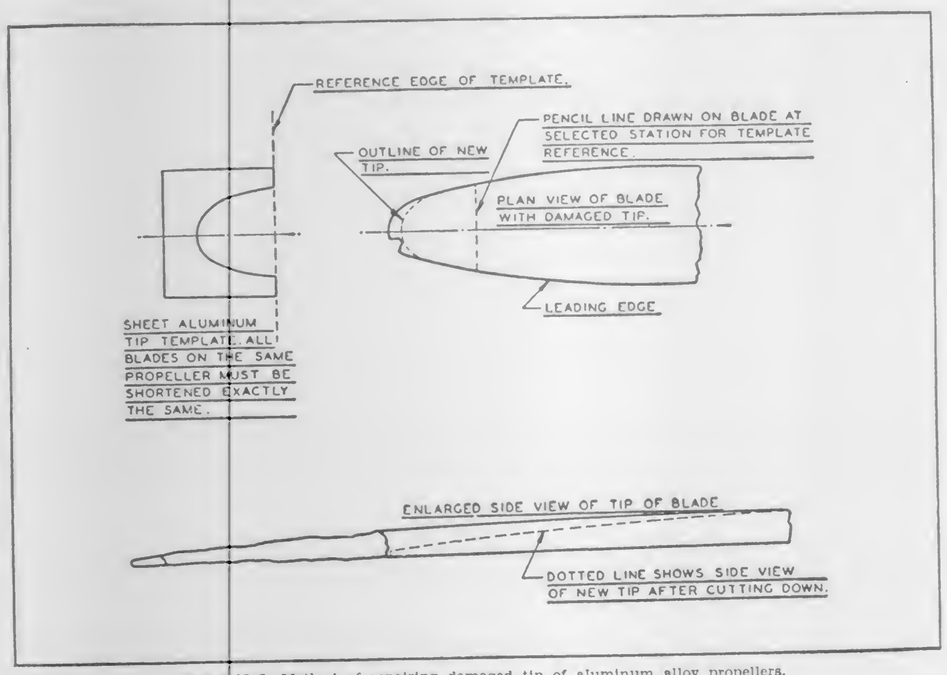



FIGURE 15-5—Method of repairing damaged tip of aluminum alloy propellers.



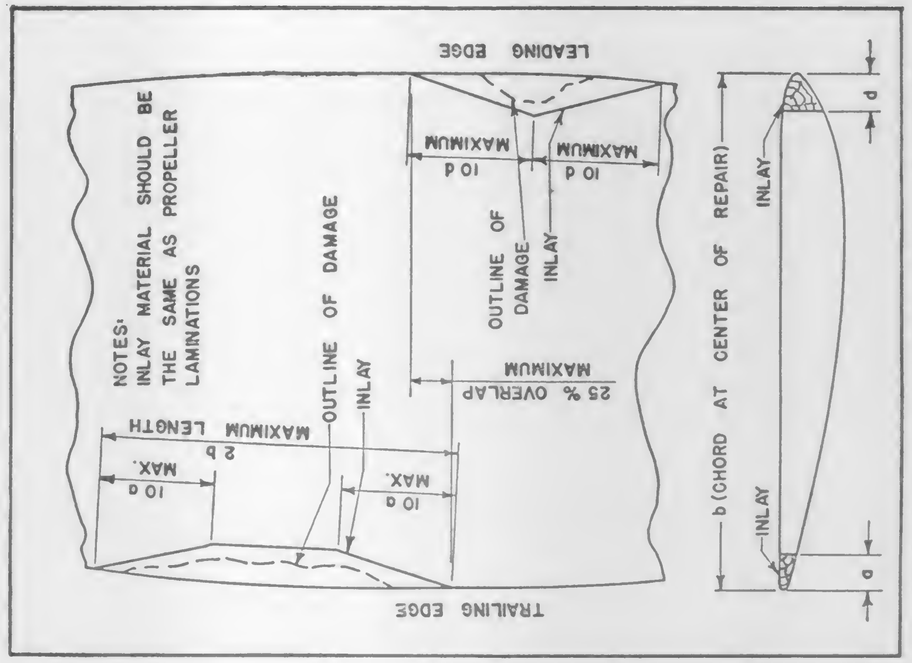



FIGURE 15-6 (continued)—Propeller repair by addition of small inlay.

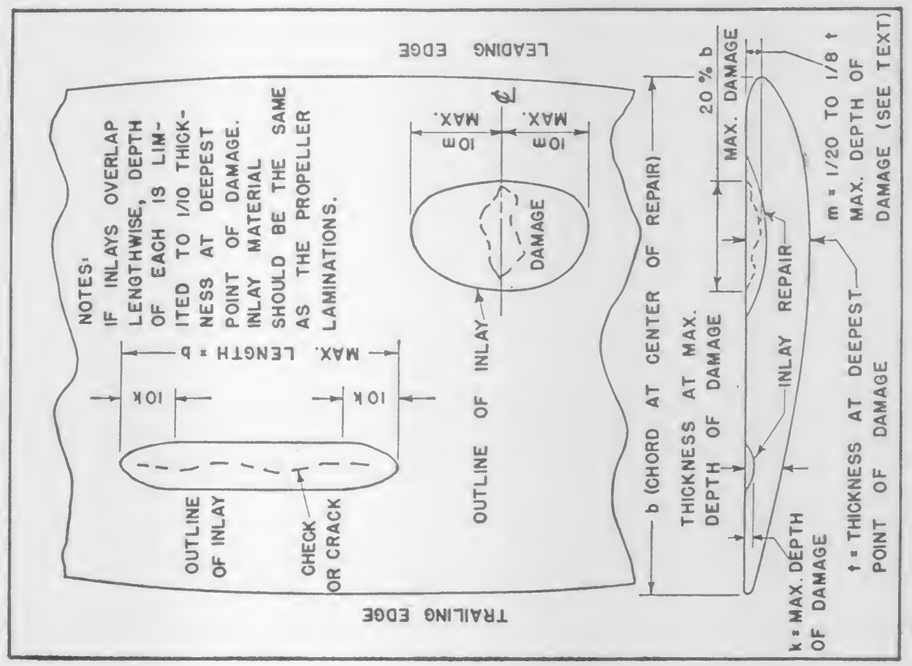



FIGURE 15-6—Propeller repair by addition of small inlay. (See continuations.)

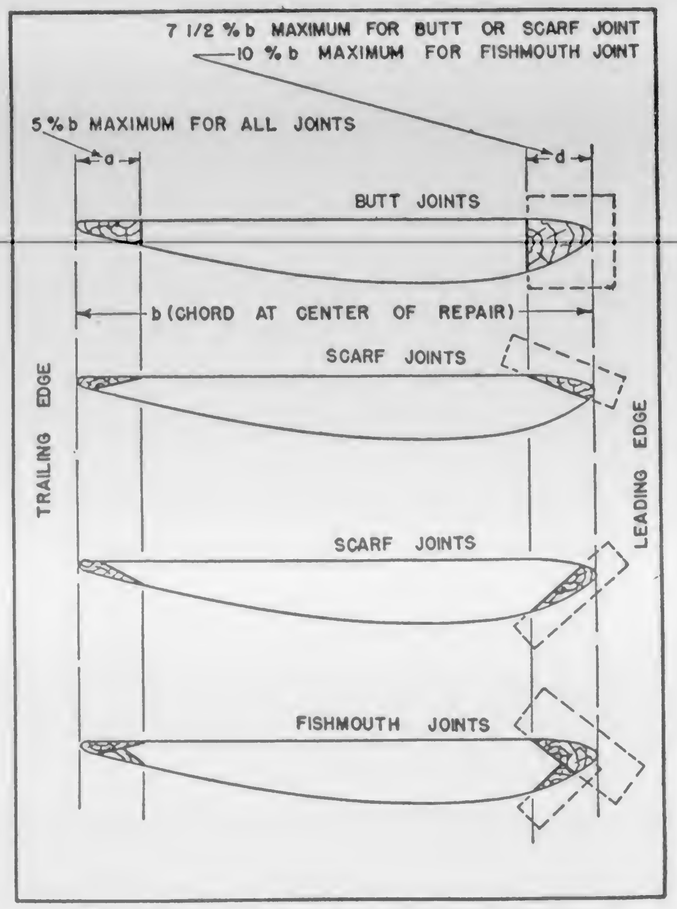
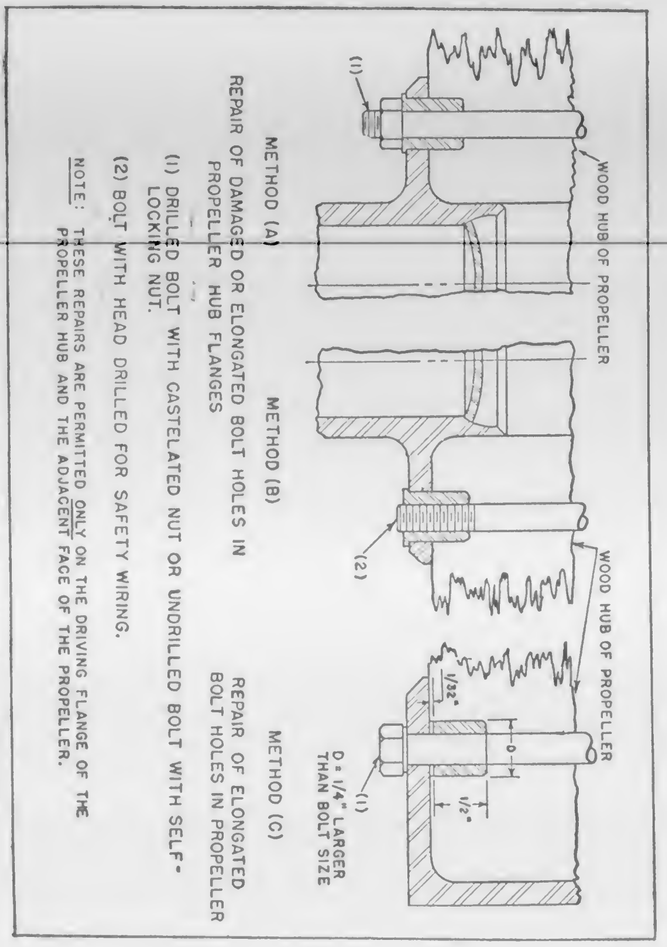



FIGURE 15-6 (continued)—Propeller repair by addition of small inlay.




METHOD (A)

REPAIR OF DAMAGED OR ELONGATED BOLT HOLES IN PROPELLER HUB FLANGES

(1) DRILLED BOLT WITH CASTELATED NUT OR UNDRILLED BOLT WITH SELF-LOCKING NUT.

(2) BOLT WITH HEAD DRILLED FOR SAFETY WIRING.

NOTE: THESE REPAIRS ARE PERMITTED ONLY ON THE DRIVING FLANGE OF THE PROPELLER HUB AND THE ADJACENT FACE OF THE PROPELLER.

METHOD (B)

METHOD (C)

REPAIR OF ELONGATED BOLT HOLES IN PROPELLER

FIGURE 15-7—Repair of fixed pitch hub and propeller with elongated or damaged bolt holes.



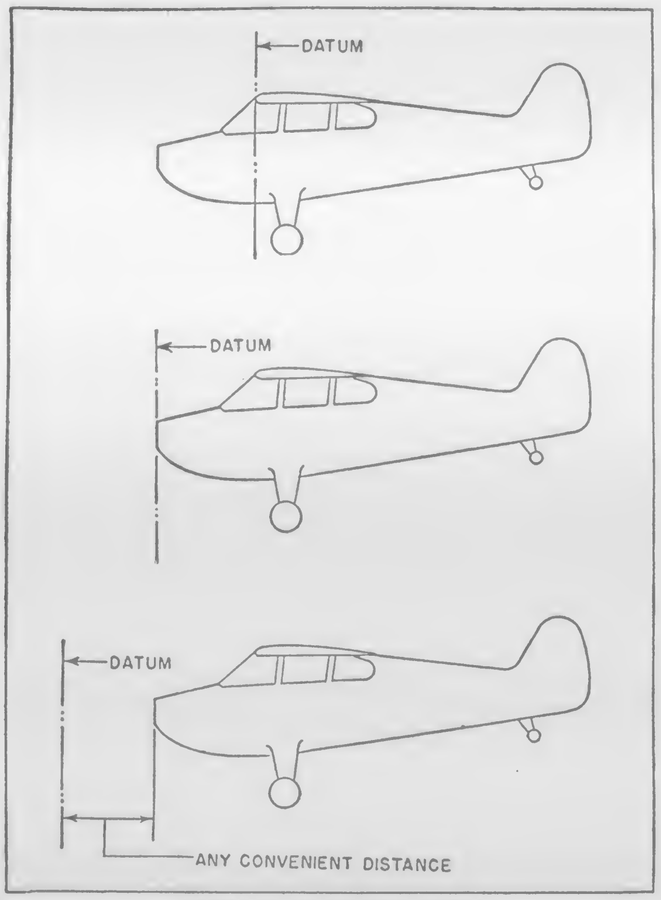



FIGURE 16-1—Typical datum locations.

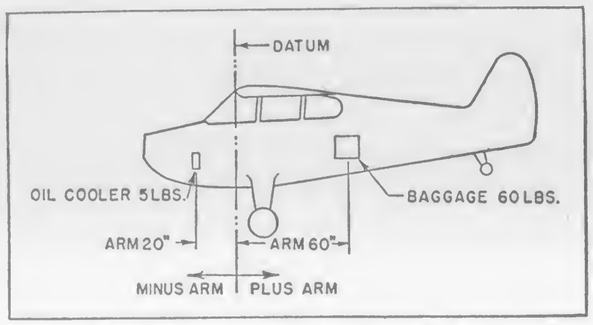
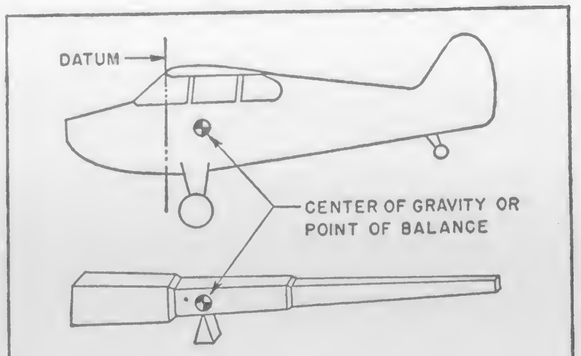


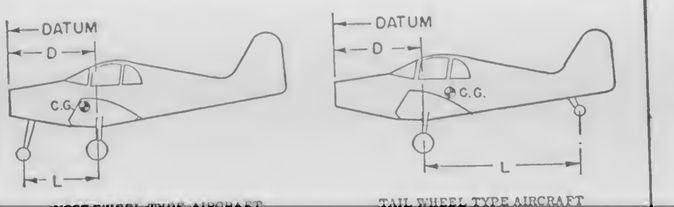

FIGURE 16-2—Illustration of arm (or moment arm).




The entire aircraft weight may be considered to be concentrated at the center of gravity. Therefore, the moment of the aircraft about the datum is the weight of the aircraft times the horizontal distance between the C.G. and the datum.

Example: If the weight of this airplane is 2000 lbs. and the arm from the datum to the center of gravity is 16 inches, the moment of the aircraft about the datum is 2000 x 16 or 32,000 in. lbs.

FIGURE 16-3—Example of moment computation.




NOSE WHEEL TYPE AIRCRAFT

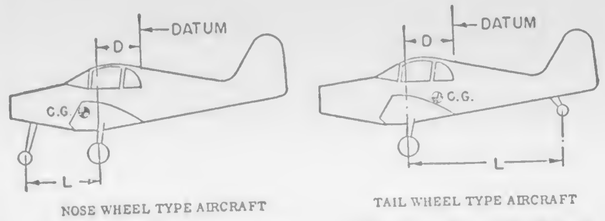
DATUM LOCATED FORWARD OF THE MAIN WHEELS

$C.G. = D - \left(\frac{F \times L}{W}\right)$

TAIL WHEEL TYPE AIRCRAFT

DATUM LOCATED FORWARD OF THE MAIN WHEELS

$C.G. = D + \left(\frac{R \times L}{W}\right)$




NOSE WHEEL TYPE AIRCRAFT

DATUM LOCATED AFT OF THE MAIN WHEELS

$C.G. = -\left(D + \frac{F \times L}{W}\right)$

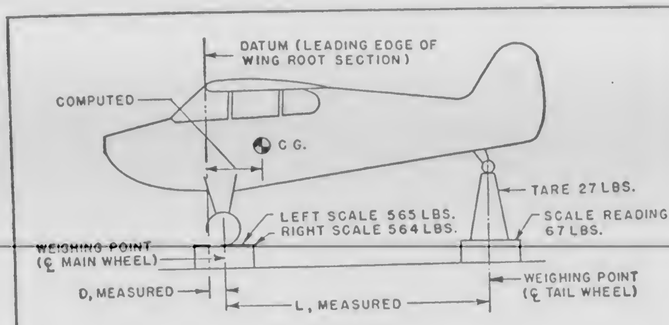
TAIL WHEEL TYPE AIRCRAFT

DATUM LOCATED AFT OF THE MAIN WHEELS

$C.G. = -D + \left(\frac{R \times L}{W}\right)$

CG = Distance from datum to center of gravity of the aircraft.
W = The weight of the aircraft at the time of weighing.
D = The horizontal distance measured from the datum to the main wheel weighing point.
L = The horizontal distance measured from the main wheel weighing point to the nose or tail weighing point.
F = The weight at the nose weighing point.
R = The weight at the tail weighing point.

FIGURE 16-4—Empty weight center-of-gravity formulas.




TO FIND: EMPTY WEIGHT AND EMPTY WEIGHT CENTER OF GRAVITY

Datum is the leading edge of the wing (from aircraft specification)
(D) Actual measured horizontal distance from the main wheel weighing point ℄ main wheel) to the Datum-------3"
(L) Actual measured horizontal distance from the rear wheel weighing point (℄ rear wheel) to the main wheel weighing point----------222"

SOLVING: EMPTY WEIGHT

| Weighing Point | Scale Reading # | Tare # | Net Weight # |
|---|---|---|---|
| Right | 564 | 0 | 564 |
| Left | 565 | 0 | 565 |
| Rear | 67 | 27 | 40 |
| Empty Weight (W) | | | 1169 |

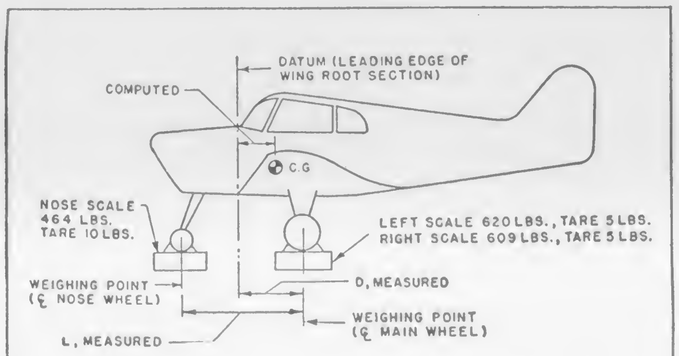
SOLVING: EMPTY WEIGHT CENTER OF GRAVITY

Formula: $C.G. = D + \frac{R \times L}{W} = 3'' + \frac{40 \times 222}{1169} = 3'' + 7.6'' = 10.6''$

Reference for formula Fig. 16-4

This case is shown properly entered on a sample weight and balance report form, Figure 16-17

FIGURE 16-5—Empty weight and empty weight center-of-gravity—tail-wheel type aircraft.




TO FIND: EMPTY WEIGHT AND EMPTY WEIGHT CENTER OF GRAVITY

Datum is the leading edge of the wing (from aircraft specification)
(D) Actual measured horizontal distance from the main wheel weight point (℄ main wheel) to the Datum-------34.0"
(L) Actual measured horizontal distance from the front wheel weighing point (℄ front wheel) to the main wheel weighing point---------67.8"

SOLVING: EMPTY WEIGHT

| Weighing Point | Scale Reading # | Tare # | Net Weight |
|---|---|---|---|
| Right | 609 | 5 | 604 |
| Left | 620 | 5 | 615 |
| Front | 464 | 10 | 454 |
| Empty Weight (W) | | | 1673 |

SOLVING: EMPTY WEIGHT CENTER OF GRAVITY

Formula: $C.G. = D - \frac{F \times L}{W} = 34'' - \frac{454 \times 67.8}{1673} = 34'' - 18.3'' = 15.7''$

Reference for formula Fig. 16-4

FIGURE 16-6—Empty weight and empty weight center-of-gravity—nose-wheel type aircraft.

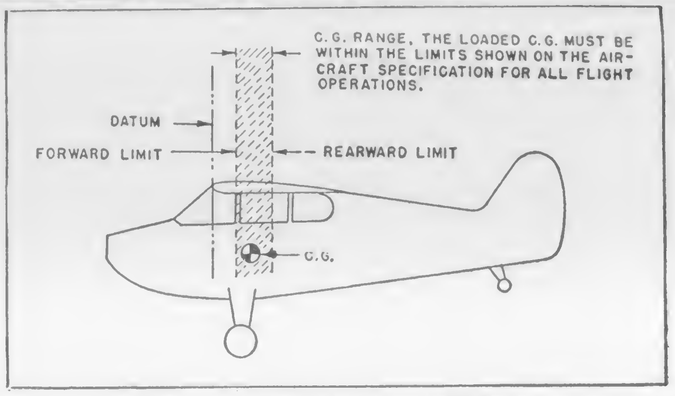



FIGURE 16-7—Operating center-of-gravity range.

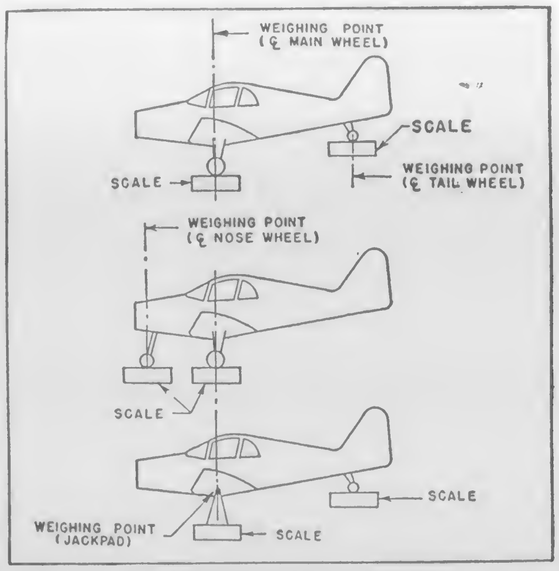
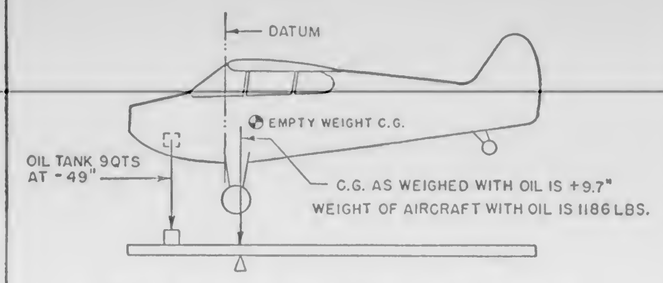



FIGURE 16-8—Weighing point centerline.




EMPTY WEIGHT AND EMPTY WEIGHT CENTER OF GRAVITY
(when aircraft is weighed with oil)

GIVEN:

| | |
|---|---|
| Aircraft as weighed with full oil | 1186 lbs. |
| Center of gravity | 9.7" |
| Full oil capacity 9 qts. | 17 lbs. |

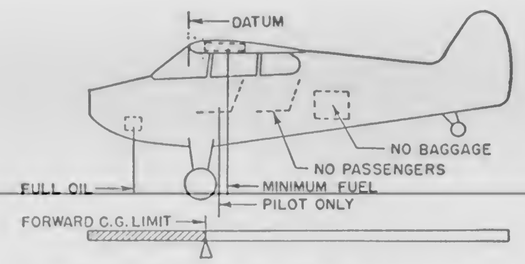
SOLVING:

| | Weight # x | Arm" | Moment "# |
|---|---|---|---|
| Aircraft as weighed | + 1186 | + 9.7 | + 11504 |
| Less oil | - 17 | -49.0 | + 833 |
| Total | + 1169(A) | | + 12337(B) |

Empty Weight (A) = 1169 pounds.

Empty Weight Center of Gravity $\frac{B}{A} = \frac{12337}{1169} = +10.6"$

FIGURE 16-9—Empty weight and empty weight center-of-gravity when aircraft is weighed with oil.




TO CHECK: MOST FORWARD WEIGHT AND BALANCE EXTREME.

GIVEN:

| | |
|---|---|
| Actual empty weight of the airplane | 1169# |
| Empty weight center of gravity | +10.6" |
| *Maximum weight | 2100# |
| *Forward C.G. limit | + 8.5" |
| *Oil, capacity 9 qts. | 17# at - 49 |
| *Pilot in farthest forward seat equipped with controls (unless otherwise placarded) | 170# at + 16" |
| *Since the fuel tank is located to the rear of the forward C.G. limit, minimum fuel should be included. $\frac{\text{METO HP}}{12} = \frac{165}{12} = 13.75$ gal. x 6# | 83# at + 22" |

*Information should be obtained from the aircraft specification.

Note: Any items or passengers must be used if they are located ahead of the forward C.G. limit.
Full fuel must be used if the tank is located ahead of the forward C.G. limit.

CHECK OF FORWARD WEIGHT AND BALANCE EXTREME

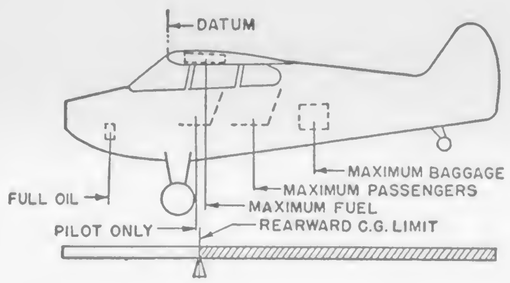
| | Weight (#) | x Arm (") | Moment ("#) |
|---|---|---|---|
| Aircraft Empty | + 1169 | + 10.6 | + 12391 |
| Oil | + 17 | - 49 | - 833 |
| Pilot | + 170 | + 16 | + 2720 |
| Fuel | + 83 | + 22 | + 1826 |
| Total | + 1439 (TW) | | + 16104 (TM) |

Divide the TM (Total Moment) by the TW (Total Weight) to obtain the forward weight and balance extreme.
$\frac{TM}{TW} = \frac{16104}{1439} = +11.2"$

Since the forward C.G. limit and the maximum weight are not exceeded, the forward weight and balance extreme condition is satisfactory.

FIGURE 16-10—Example of check of most forward weight and balance extreme.






TO CHECK: MOST REARWARD WEIGHT AND BALANCE EXTREME.

GIVEN:

| | |
|---|---|
| Actual empty weight of the airplane | 1169# |
| Empty weight center of gravity | 10.6" |
| *Maximum weight | 2100# |
| *Rearward C.G. limit | 21.9" |
| *Oil capacity 9 qts. | 17# at - 49" |
| *Baggage, placarded do not exceed 100 lbs. | 100# at + 75.5" |
| *Two passengers in rear seats, 170 x 2 | 340# at + 48" |
| *Pilot in most rearward seat equipped with controls (unless otherwise placarded) | 170# at + 16" |
| *Since the fuel tank is located aft of the rearward C.G. limit full fuel must be used | 240# at + 22" |

* Information should be obtained from the aircraft specification.

Note: If fuel tanks are located ahead of the rearward C.G. limit minimum fuel should be used.

CHECK OF REARWARD WEIGHT AND BALANCE EXTREME

| | Weight (#) | x Arm (") | = Moment ("#) |
|---|---|---|---|
| Aircraft empty | + 1169 | + 10.6 | + 12391 |
| Oil | + 17 | - 49 | - 833 |
| Pilot (1) | + 170 | + 16 | + 2720 |
| Passengers (2) | + 340 | + 48 | + 16320 |
| Fuel (40 gals.) | + 240 | + 22 | + 5280 |
| Baggage | + 100 | + 75.5 | + 7550 |
| Total | + 2036 (TW) | | + 43428 (TM) |

Divide the TM (Total Moment) by the TW (Total Weight) to obtain the rearward weight and balance extreme.
$\frac{TM}{TW} = \frac{43428}{2036} = +21.3"$
Since the rearward C.G. limit and the maximum weight are not exceeded, the rearward weight and balance extreme condition is satisfactory.

FIGURE 16-11—Example of check of most rearward weight and balance extreme.

EXAMPLE OF THE DETERMINATION OF THE NUMBER OF PASSENGERS AND BAGGAGE PERMISSIBLE WITH FULL FUEL

GIVEN:

| | |
|---|---|
| Actual empty weight of the aircraft | 1169# |
| Empty weight center of gravity | 10.6" |
| Maximum weight | 2100# |
| Datum is leading edge of the wing | |
| Forward center of gravity limit | 8.5" |
| Rearward center of gravity limit | 21.9" |
| Oil capacity, 9 qts.; show full capacity | 17# at -49" |
| Baggage, maximum | 100# at +75.5" |
| Two passengers in rear seat, 170# x 2 | 340# at +48" |
| Pilot in most rearward seat equipped with controls (unless otherwise placarded) | 170# at +16" |
| Full fuel, 40 gals. x 6# | 240# at +22" |

| | Weight(#) | x Arm(") | = Moment("#) |
|---|---|---|---|
| Aircraft empty | + 1169 | + 10.6 | + 12391 |
| Oil | + 17 | - 49 | - 833 |
| Full fuel | + 240 | + 22 | + 5280 |
| Passengers, 2 rear | + 340 * | + 48 | + 16320 |
| Pilot | + 170 | + 16 | + 2720 |
| Baggage | + 100 | + 75.5 | + 7550 |
| Total | + 2036 (TW) | | + 43428 (TM) |

Divide the TM (total moment) by the TW (total weight) to obtain the loaded center of gravity.

$\frac{TM}{TW} = \frac{43428}{2036} = +21.3"$

The above computations show that with full fuel, 100 pounds of baggage and two passengers in the rear seat may be carried in this aircraft without exceeding either the maximum weight or the approved C.G. range.

This condition may be entered in the loading schedule as follows:

| GALLONS OF FUEL | NUMBER OF PASSENGERS | POUNDS OF BAGGAGE |
|---|---|---|
| Full | 2 Rear | 100 |

* Only two passengers are listed to prevent the maximum weight of 2100 lbs. from being exceeded.

FIGURE 16-12—Loading conditions: Determination of the number of passengers and baggage permissible with full fuel.

EXAMPLE OF THE DETERMINATION OF THE POUNDS OF FUEL AND BAGGAGE PERMISSIBLE WITH MAXIMUM PASSENGERS

| | Weight (#) | x Arm (") | = Moment ("#) |
|---|---|---|---|
| Aircraft empty | + 1169 | + 10.6 | + 12391 |
| Oil | + 17 | - 49 | - 833 |
| Pilot | + 170 | + 16 | + 2720 |
| Passenger, 1 front | + 170 | + 16 | + 2720 |
| Passengers, 2 rear | + 340 | + 48 | + 16320 |
| Fuel (39 gals.) | + 234 | + 22 | + 5148 |
| Baggage | --- | --- | --- |
| Total | + 2100 | | + 38466 |

Divide the TM (total moment) by the TW (total weight) to obtain the loaded center of gravity.

$\frac{TM}{TW} = \frac{38466}{2100} = +18.3''$

The above computations show that with the maximum number of passengers, 39 gallons of fuel and zero pounds of baggage may be carried in this aircraft without exceeding either the maximum weight or the approved C.G. range.

This condition may be entered in the loading schedule as follows:

| GALLONS OF FUEL | NUMBER OF PASSENGERS | POUNDS OF BAGGAGE |
|---|---|---|
| * FULL | * 2 rear | * 100 |
| 39 | 1(F) 2(R) | None |

* Conditions as entered from Figure 16-12
(F) Front seat
(R) Rear seat

FIGURE 16-13—Loading conditions: Determination of the fuel and baggage permissible with maximum passengers.

EXAMPLE OF THE DETERMINATION OF THE FUEL AND THE NUMBER AND LOCATION OF PASSENGERS PERMISSIBLE WITH MAXIMUM BAGGAGE

| | Weight (#) | x Arm (") | = Moment ("#) |
|---|---|---|---|
| Aircraft empty | + 1169 | + 10.6 | + 12391 |
| Oil | + 17 | - 49 | - 833 |
| Pilot | + 170 | + 16 | + 2720 |
| Passenger (1) rear | + 170 | + 48 | + 8160 |
| Passenger (1) front | + 170 | + 16 | + 2720 |
| Fuel (40 gals.) | + 240 | + 22 | + 5280 |
| Baggage | + 100 | + 75.5 | + 7550 |
| Total | + 2036 | | + 37988 |

Divide the TM (total moment) by the TW (total weight) to obtain the loaded center of gravity.

$\frac{TM}{TW} = \frac{37988}{2036} = +18.7$

The above computations show that with maximum baggage, full fuel and 2 passengers (1 in the front seat and 1 in the rear seat) may be carried in this aircraft without exceeding either the maximum weight or the approved C.G. range.

This condition may be entered in the loading schedule as follows:

| GALLONS OF FUEL | NUMBER OF PASSENGERS | POUNDS OF BAGGAGE |
|---|---|---|
| * Full | * 2 Rear | *100 |
| ** 39 | *1(F) 2(R) | **None |
| Full | 1(F) 1(R) | Full |

*Conditions as entered from Figure 16-12
**Conditions as entered from Figure 16-13
(F) Front seat
(R) Rear seat

FIGURE 16-14—Loading conditions: Determination of the fuel and the number and location of passenger permissible with maximum baggage.

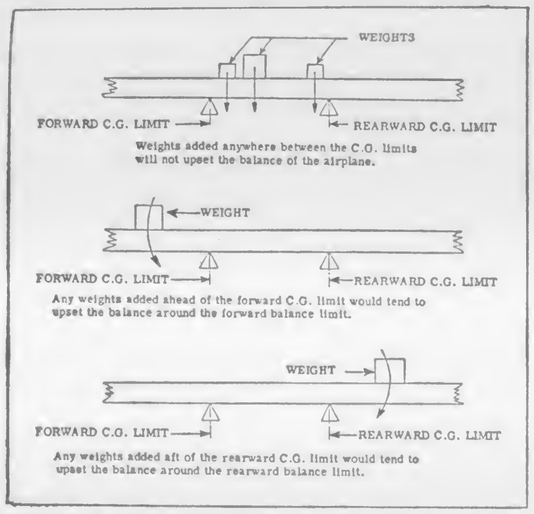
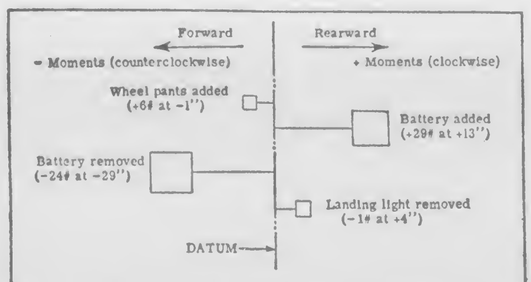



FIGURE 16-15—Effects of the addition of equipment items on balance.




| | Weight (#) | x Arm (") | = Moment ("#) |
|---|---|---|---|
| ADDED | | | |
| Item 204 wheel pants | + 6 | - 1 | - 6 |
| Item 302b Battery | + 29 | +13 | +377 |
| REMOVED | | | |
| Item 302a Battery | - 24 | -29 | +696 |
| Item 303 Landing light | - 1 | + 4 | - 4 |

This condition is shown properly entered on a sample weight and balance report on Figure 16-18 under Equipment Change.

FIGURE 16-16—Example of moment and weight changes resulting from equipment changes.

MAKE MA-700 MODEL A SERIAL # 0000 REGISTRATION # N1234
DATUM IS leading edge of wing.

COMPUTE AS FOLLOWS IF AIRCRAFT WEIGHED

1. Leveling means level top longeron between front and rear seats.
2. Main wheel weighing point is located (_____"FORWARD)(+ 3 " AFT) of datum.
3. Actual measured distance from the main weight point centerline to the tail (or nose) point centerline 222 ".
4. Oil over and above "ZERO" tank reading = (a. — Gals.)(b. — Lbs.)(c. — In.)

ACTUAL EMPTY WEIGHT

| | Weight Point | Scale Reading | - Tare | = Net Weight |
|---|---|---|---|---|
| 5. | Right | 564 | 0 | 564 |
| 6. | Left | 565 | 0 | 565 |
| 7. | Tail | 67 | 27 | 40 |
| 8. | Nose | — | — | --- |
| 9. | Total Net Weight | | | 1169 |

CENTER OF GRAVITY AS WEIGHED

10. C.G. relative to main wheel weighing point:
(a) Tail wheel airc. (Item 3, 222) X (Item 7, 40) / (Item 9, 1169) = + 7.6 = C.G.
(b) Nose wheel airc. (Item 3 —) X (Item 8 —) / (Item 9 —) = _____ = C.G.

11. C.G. relative to datum:
(a) Tail wheel airc. (Item 10a, + 7.6) added to (Item 2, + 3) = + 10.6" = C.G.
(b) Nose wheel airc. (Item 10b, _____) added to (Item 2, ____) = _____ = C.G.

COMPUTE IF AIRCRAFT WEIGHED WITH OIL (Item 4)

| | Weight | X | Arm | = | Moment |
|---|---|---|---|---|---|
| Aircraft | (9) | | (11) | | |
| Less Oil | (4b) | | (4c) | | |
| Empty Totals | (a) | | | | (b) |

12. (a) (b)---------- = (c)----------" = Empty weight C.G.

REPAIR AGENCY_____ (Name) _____ (Number) DATE_____

FIGURE 16-17 —Sample weight and balance report to determine empty weight center-of-gravity.

EQUIPMENT LIST

| *Required or Optional Item Numbers as Shown in Aircraft Specification | | | | | | |
|---|---|---|---|---|---|---|
| 1 | 2 | 101 | 102 | 103 | 104 | 105 |
| 1* | 201 | 202 | 203 | 301 | 302(a) | 303 |
| 401(a) | 402 | — | — | — | — | — |

Special Equipment

| Item | Make | Model | Weight | Arm |
|---|---|---|---|---|
| 3 Flares 1½ Min. | XYZ | 03 | 25# | 150" |
| | | | | |
| Enter above those items included in the empty weight. | | | | |

WEIGHT AND BALANCE EXTREME CONDITIONS

Approved fwd limit 8.5" Approved max weight 2100# Approved aft limit 21.9"

| Item | FORWARD CHECK | | | | REARWARD CHECK | | | |
|---|---|---|---|---|---|---|---|---|
| | Weight | X Arm | = | Moment | Weight | X Arm | = | Moment |
| Airc. Empty | + 1169 (9 or 12a) | + 10.6 (11 or 12c) | | + 12391 | + 1169 (9 or 12a) | + 10.6 (11 or 12c) | | + 12391 |
| Oil | + 17 | - 49 | | - 833 | + 17 | - 49 | | - 833 |
| Pilot | + 170 | + 16 | | + 2720 | + 170 | + 16 | | + 2720 |
| Fuel | + 83 | + 22 | | + 1826 | + 240 | + 22 | | + 5280 |
| Passenger(s) | | | | | + 340 | + 48 | | + 16320 |
| Baggage | | | | | + 100 | + 75.5 | | + 7550 |
| TOTAL | + 1439= TW | | | + 16104= TM | + 2036=TW | | | + 43428=TM |

TM/TW = 16104/1439 = +11.2" = Most Forward C.G. location

TM/TW = 43428/2036 = +21.3" = Most rearward C.G. location

LOADING SCHEDULE

| Gallons of Fuel | Number of Passengers | Pounds of Baggage |
|---|---|---|
| 40 | 2(R) | 100 |
| | | |
| The above includes pilot and capacity oil. | | |

EQUIPMENT CHANGE

Computing New C.G.

| Item, Make, and Model* | Weight | X Arm | = Moment |
|---|---|---|---|
| Airc. Empty | + 1169 (9 or 12a) | + 10.6 (11 or 12c) | + 12391 |
| 204 added | + 6 | - 1 | - 6 |
| 302(b) added | + 29 | + 13 | + 377 |
| 302(a) removed | - 24 | - 29 | + 696 |
| 303 removed | - 1 | + 4 | - 4 |
| NET TOTALS | + 1179 = NW | | + 13454 = NM |

NM/NW = 13454/1179 = + 11.4" = New C.G.

*ITEM NUMBERS WHEN LISTED IN PERTINENT AIRCRAFT SPECIFICATION MAY BE USED IN LIEU OF "ITEM, MAKE, AND MODEL".

APPROVED BY _____ DATE _____

FIGURE 16-18—Sample weight and balance report including an equipment change for aircraft fully loaded.

This supplement shall become effective November 30, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9127, Filed, Nov. 20, 1953, 8:55 a. m.]

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 21]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required. Part 600 is amended as follows:

1. Section 600.281 is amended to read:

§ 600.281 *Red civil airway No. 81 (Lansing, Mich., to Detroit, Mich.).* From the Lansing, Mich., radio range station to the intersection of the southeast course of the Lansing, Mich., radio range and the west course of the Detroit, Mich., radio range.

2. Section 600.630 *Blue civil airway No. 30 (Brownsville, Tex., to Pueblo, Colo.),* is amended by substituting the words: "excluding the portion which lies more than 3 miles southeast of the southwest course of the Corpus Christi, Tex., radio range;" for the words: "excluding the portion which lies more than 2 miles southeast of the southwest course of the Corpus Christi, Tex., radio range;"

3. Section 600.645 *Blue civil airway No. 45 (Greenfield, Mass., to Lebanon, N. H.),* is corrected by substituting the words "and the southwest course of the Concord, N. H., radio range" for the words: "and the southeast course of the Concord, N. H., radio range"

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. November 24, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9800; Filed, Nov. 20, 1953; 8:45 a. m.]

[Amdt. 21]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required. Part 601 is amended as follows:

1. Section 601.281 is amended by changing the caption to read: § 601.281 *Red civil airway No. 81 control areas (Lansing, Mich., to Detroit, Mich.).*

2. Section 601.1029 is amended to read:

§ 601.1029 *Control area extension (Corpus Christi, Tex.).* All that airspace lying in the north quadrant of the Corpus Christi, Tex., radio range within a 58-mile radius of the range station bounded on the southwest by Blue civil airway No. 30 and on the southeast by Green civil airway No. 6 including the airspace within 6 miles either side of the northeast course of the Refugio, Tex., radio range extending from the radio range station to a point 32 miles northeast and the airspace within 6 miles either side of the northwest course of the Beeville, Tex., radio range extending from the radio range station to a point 25 miles northwest.

3. Section 601.1229 *Control area extension (Tampa, Fla.),* is revoked.

4. Section 601.1229 is added to read:

§ 601.1229 *Control area extension (Atterbury, Ind.).* That airspace bounded on the south by Lat. 39°10'00", on the west by Long. 86°00'00" and on the east and northeast by VOR civil airway No. 51, excluding the portion which overlaps Atterbury danger area (D-65).

5. Section 601.4016 *Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.),* is amended after "Mobile, Ala., radio range station;" by adding the following reporting point: "the intersection of the northeast course of the Mobile, Ala., radio range and the northwest course of the Pensacola, Fla., radio range;"

6. Section 601.4281 is amended by changing the caption to read: § 601.4281 *Red civil airway No. 81 (Lansing, Mich., to Detroit, Mich.).*

7. Section 601.4628 is amended to read:

§ 601.4628 *Blue civil airway No. 28 (Charleston, S. C., to Bulls Gap, Tenn.).* The intersection of the northwest course of the Spartanburg, S. C., radio range and a line bearing 57° True from the Asheville, N. C. (Hendersonville), nondirectional radio beacon.

8. Section 601.4639 is amended to read:

§ 601.4639 *Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.).* The Paynesville, W. Va., nondirectional radio beacon; the intersection of the southeast course of the Pittsburgh, Pa., radio range and the northeast course of the Morgantown, W. Va., radio range.

9. Section 601.7001 *Domestic VOR reporting points* is amended by deleting the following reporting point:

Fairville intersection: the intersection of the Rochester, N. Y., omnirange 087° True and the Elmira, N. Y., omnirange 004° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. November 24, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9801; Filed, Nov. 20, 1953; 8:45 a. m.]



# NOTICES

## DEPARTMENT OF THE TREASURY

### Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG, JAPAN, TAIWAN, THE REPUBLIC OF KOREA, AND THE FEDERAL REPUBLIC OF GERMANY

AVAILABLE CERTIFICATIONS BY SPECIFIED FOREIGN GOVERNMENTS

Notice is hereby given that certificates of origin issued by the governments hereinafter listed under procedures agreed upon between the specified certifying agencies of those governments and the Foreign Assets Control are available with respect to the importation into the United States, directly or on a through bill of lading, from the respective countries of the following commodities:

From Hong Kong (certificates issued by the Hong Kong Department of Commerce and Industry):
- Bean curd (Aug. 15, 1953).
- Bean thread (Apr. 23, 1953).
- Confectionery (Aug. 15, 1953).
- Cotton dolls (June 18, 1953).
- Cotton pincushions (June 18, 1953).
- Cotton waste (Jan. 9, 1953).
- Cotton wearing apparel (Jan. 12, 1953).
- Footwear, embroidered (Sept. 29, 1953).
- Hardwood furniture (Jan. 9, 1953).
- Ivory manufactures (Jan. 9, 1953).
- Joss candles (Oct. 27, 1953).
- Linen manufactures, embroidered (Sept. 29, 1953).
- Needlework tapestries (June 18, 1953).
- Oysters and oyster sauce (Aug. 15, 1953).
- Plums, preserved (Jan. 9, 1953).
- Rice sticks (Aug. 15, 1953).
- Salt fish in oil (Jan. 9, 1953).
- Seagrass mats and squares (made from Formosan seagrass) (Oct. 27, 1953).
- Shrimp noodles (Oct. 27, 1953).
- Shrimp sauce and paste (Aug. 15, 1953).
- Shrimp slices, dried (Oct. 27, 1953).
- Silk manufactures (Jan. 9, 1953).
- Sugar, slab and white rock (Sept. 29, 1953).
- Tea, Formosan (June 18, 1953).
- Tungsten ore and concentrates (Jan. 9, 1953).
- Waste-paper baskets, folding, silk and rayon (Sept. 29, 1953).
- Water chestnuts (Jan. 9, 1953).

From Japan (certificates issued by the Japanese Ministry of International Trade and Industry):
- Abalone, canned or dried (Aug. 25, 1953).
- Bamboo, split (Aug. 25, 1953).
- Bamboo, sprouts, canned (May 5, 1953).
- Bamboo, sprouts, dried shredded (Aug. 25, 1953).
- Bamboo, sprouts, raw (Aug. 25, 1953).
- Braids, straw (Aug. 25, 1953).
- Cuttlefish, dried (Aug. 25, 1953).
- Fish (sea bream), canned prepared (Aug. 25, 1953).
- Floor coverings, grass and straw (Aug. 25, 1953).
- Floor coverings, seagrass mats and squares (Aug. 25, 1953).
- Ginko nuts, in the shells, canned or otherwise prepared (Aug. 25, 1953).
- Ginger (Jul. 30, 1953).
- Hog bristles (Jan. 29, 1953).
- Iriko (Oct. 6, 1953).
- Lotus root, canned (Aug. 25, 1953).
- Menthol (Aug. 25, 1953).
- Mushrooms, canned baked (Aug. 25, 1953).
- Mushrooms, dried (Aug. 25, 1953).
- Mushrooms, prepared (Aug. 25, 1953).
- Oysters, dried (Aug. 25, 1953).
- Quail, frozen (Aug. 25, 1953).
- Red beans (Oct. 6, 1953).
- Sardines, dried (Aug. 25, 1953).
- Scallions, pickled (Aug. 25, 1953).
- Scallops, dried (Aug. 25, 1953).
- Seaweed, dried (Aug. 25, 1953).
- Shark fins (July 30, 1953).
- Soy bean sauce (May 5, 1953).
- Walnuts (July 30, 1953).

From Taiwan (Formosa) certificates issued by the Ministry of Economic Affairs of the Republic of China):
- Bamboo shoots, canned (June 10, 1953).
- Bamboo, split (June 10, 1953).
- Duck eggs, salted or preserved (Apr. 15, 1953).
- Ginger root, candied or otherwise preserved (June 10, 1953).
- Hog bristles, black, not to exceed four inches in length (June 10, 1953).
- Millet wine (Kaoliang) (Oct. 20, 1953).
- Olives, preserved (June 10, 1953).
- Plums, preserved (June 10, 1953).
- Prunes, preserved (June 10, 1953).
- Rice wine (Shaohsing) (Oct. 20, 1953).
- Seagrass squares (Feb. 5, 1953).
- Soy bean sauce (Nov. 9, 1953).
- Water chestnuts (Feb. 5, 1953).

From Republic of Korea (certificates issued by the Ministry of Commerce and Industry of the Republic of Korea):
- Hog bristles (Mar. 12, 1953).

From Federal Republic of Germany (Certificates issued by the Federal Ministry of Economics or the Federal Agency for Commodity Trade):
- Hog bristles, dyed (Sept. 21, 1953).

The date in parentheses following each type of merchandise set forth above is the date on which certification first became available for the merchandise specified.

It is contemplated that from time to time additions will be made to the list of certifiable commodities. Notices with respect to such commodities will be published in the FEDERAL REGISTER.

[SEAL] ELTING ARNOLD,
*Acting Director,*
*Foreign Assets Control.*

[F. R. Doc. 53-9869; Filed, Nov. 20, 1953; 8:56 a. m.]

### Office of the Secretary

[Treasury Department Order 180]

COMMISSIONER OF NARCOTICS

DELEGATION OF AUTHORITY WITH RESPECT TO FINAL APPROVAL OF COMPROMISES

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, it is ordered as follows:

1. There are transferred to the Commissioner of Narcotics all the functions of the Secretary of the Treasury, the Under Secretary of the Treasury, or any Assistant Secretary of the Treasury under section 3761 (a) of the Internal Revenue Code with respect to the compromise of any criminal case arising under chapter 23 or part V or VI of subchapter A of chapter 27 of the Internal Revenue Code, except where the criminal liability relates only to delinquency in registration or delinquency in payment of tax.

2. In any case in which a general offer is made in compromise of civil or criminal liability compromisable by the Commissioner of Internal Revenue and of criminal liability compromisable by the Commissioner of Narcotics, they may jointly exercise the authority of the Secretary, the Under Secretary, or any Assistant Secretary under section 3761 (a) of the Internal Revenue Code.

3. Treasury Department Order No. 150-25, dated June 1, 1953, is modified accordingly.

Dated: November 17, 1953.

[SEAL] H. CHAPMAN ROSE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-9844; Filed, Nov. 20, 1953; 8:54 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

BEAR RIVER PROJECT, UTAH

ORDER OF REVOCATION

AUGUST 14, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of August 31, 1948, insofar as said order affects the following described lands; provided however that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

SALT LAKE BASE AND MERIDIAN, UTAH
T. 12N., R. 9W.,
Sec. 1, all.

The above area aggregates 636.92 acres.

G. W. LINEWEAVER,
*Assistant Commissioner.*

NOVEMBER 17, 1953.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The soil is a sandy clay loam and fairly free of surface rock. The topography is gently sloping. Adjoining land is now cultivated to small grains by dry-farm methods.

This order shall not otherwise become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public-land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the periods during which, and the conditions under which, veterans and others may file applications for these lands may be obtained on request from the Manager of the Land and Survey Office, Salt Lake City, Utah.

WILLIAM PINCUS,
*Assistant Director,*
*Bureau of Land Management.*

[F. R. Doc. 53-9803; Filed, Nov. 20, 1953; 8:46 a. m.]

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### Office of the Secretary

FORT BELKNAP INDIAN COMMUNITY, MONTANA

ADOPTION OF FEDERAL INDIAN LIQUOR LAWS ON RESERVATION

Pursuant to the act of August 15, 1953 (Public Law 277—83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Fort Belknap Reservation was duly adopted by the Fort Belknap Indian Community of Montana which has jurisdiction over the area of Indian country included in the resolution:

Whereas Public Law 277, 83d Congress, approved August 15, 1953 provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Fort Belknap Indian Community: *Provided*, That such introduction or possession is in conformity with the laws of Montana.

Be it further resolved that any tribal laws, resolutions or ordinances heretofore enacted which prohibits the introduction or possession of intoxicating beverages are hereby repealed.

ORME LEWIS,
*Assistant Secretary of the Interior.*

NOVEMBER 17, 1953.

[F. R. Doc. 53-9805; Filed, Nov. 20, 1953; 8:56 a. m.]

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CHEYENNE RIVER SIOUX TRIBE OF SOUTH DAKOTA

ADOPTION OF FEDERAL INDIAN LIQUOR LAWS ON RESERVATION

Pursuant to the act of August 15, 1953 (Public Law 277, 83d Cong., 1st Sess.), I certify that the resolution designated as Resolution No. 99–53 was duly adopted by the Cheyenne River Sioux Tribe of South Dakota which has jurisdiction over the area of Indian country included in the resolution.

ORME LEWIS,
*Assistant Secretary of the Interior.*

NOVEMBER 17, 1953.

[Resolution No. 99–53]

Whereas, Public Law 277, repealing what is commonly known as the Indian Liquor Law, provides in part that the provisions of sections 1154, 1156, 3113, 3488 and 3618 of Title 18, United States Code, shall not apply within any area that is not Indian country, nor to any act or transaction within any area of Indian country provided such act or transaction is in conformity both with the laws of the State in which the act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER;

Now, therefore, be it resolved, by the Cheyenne River Sioux Tribal Council, this 27th day of August, 1953, that from and after this date the sale, trade, transport or manufacture of intoxicating liquor and non-intoxicating beer or wine on the Cheyenne River Sioux Reservation shall be controlled by the provisions of the attached ordinances, subject to certification by the Secretary of the Interior, and publication in the FEDERAL REGISTER as provided by the said Public Law 277, and

Be it further resolved, that Section XXVIII—Liquor Violation—of Ordinance No. 9, Chapter V of the Code of Offenses of the Cheyenne River Sioux Tribal Court is hereby repealed, and

Be it further resolved, that in lieu of the said Section XXVIII, hereby repealed, there shall be inserted in the Code of Offenses, also numbered XXVIII, the following section:

SEC. XXVIII. *Drunken driving.* Any person who shall operate a motor vehicle while under the influence of intoxicating liquor shall be deemed guilty of an offense, and upon conviction thereof shall be sentenced to labor for a period not to exceed 60 days or to a fine not to exceed $100.00, or to both such imprisonment or fine, with costs, and upon any subsequent conviction of such offense shall, in addition to such imprisonment or fine, or both, be prohibited from operating a motor vehicle for a period of one year.

and,

Be it further resolved, that a supplemental section, numbered LIII, shall be added to the said Ordinance No. 9, Chapter V, of the Code of Offenses, to read as follows:

SEC. LIII. *Sale of intoxicating liquor to minors.* Any person, not covered by the provisions of the attached ordinances, who shall sell or give to any person under 21 years of age any intoxicating liquor, shall be deemed guilty of an offense, and upon conviction thereof shall be sentenced to labor for a period not to exceed 60 days, or to a fine not to exceed $100.00, or to both such imprisonment or fine, with costs.

*Certificate of Secretary.* I, Alice Bowker, the duly elected, qualified and acting secretary of the Cheyenne River Sioux Tribal Council, do hereby certify that the above resolution was duly adopted by the Cheyenne River Sioux Tribal Council, which is composed of 15 members of whom 14, constituting a quorum, were present at a meeting duly noticed, called, convened, and held at Cheyenne Agency, South Dakota, August 25, 26 and 27, 1953, by a vote of 11 for 0 against and 3 not voting.

ALICE BOWKER,
*Secretary,*
*Cheyenne River Sioux Tribal Council.*

[Ordinance No. ----]

CHAPTER XI—INTOXICATING LIQUORS

SECTION I. Any person, firm, company, association or corporation desiring to engage in the possession, sale, trade, transport or manufacture of intoxicating liquors on the Cheyenne River Sioux Reservation shall comply with the rules and regulations set forth in this ordinance.

SEC. II. *Granting of licenses.* Any person, firm, company, association or corporation authorized to sell, trade, transport or manufacture intoxicating liquors in the communities on the Reservation, or other designated place, shall make application in writing for a permit and present same to the Cheyenne River Sioux Tribal Council for approval.

SEC. III. *Payment of license fees.* Any person, firm, company, association or corporation authorized to sell, trade, transport or manufacture intoxicating liquor within the territorial limits of the Reservation on restricted or tribally owned or controlled land shall pay to the Tribal Treasurer in annual payments on January 1 of each calendar year, the following prescribed fees:

(a) For operating a plant distilling intoxicating liquors—two thousand dollars;

(b) For operating a wholesale liquor store—fifteen hundred dollars;

(c) For operating a package liquor store—one hundred dollars;

(d) For on sale dealers—one hundred and fifty dollars;

(e) For solicitors—twenty-five dollars.

(f) For transportation companies—twenty-five dollars;

(g) For clubs as on sale dealers—two hundred dollars;



(h) For dealers in high point beer, being on sale dealers under part (d) hereof.

SEC. IV. *Restrictions as to eligibility of licenses.* The granting of licenses under this ordinance shall be subject to the following restriction:

(a) No license under part (d) of section 3 hereof shall be granted where the applicant's place of business is within one hundred yards, measured by the regular and usual path of travel, of any door or exit of any school or church;

(b) No license shall be granted to operate on the campus of any educational institution, or within two hundred yards of the outside boundary thereof;

(c) No more than one license of any or different classes shall be issued to any one person except that:

1. Both an on sale and a package dealer's license may be granted to a club or a person operating a hotel, the respective business operated under such licenses to be conducted in disconnected rooms on the licensee's premises;

2. Three licenses under part (c) of section 3 hereof may be issued to the same person, the business under each to be operated in a separate town or community;

(d) Any licensee under parts (a), (b), (c), or (d) of section 3 hereof must be:

1. A resident of the Cheyenne River Reservation for more than one year next prior to application for such license;

2. A person of good moral character, never convicted of a felony;

3. The owner or actual lessee of the premises where the applicant intends to conduct business;

4. The sole owner of the business to be operated under the license.

SEC. V. *Period covered by license.* The period covered by licenses under section 3 hereof shall be from twelve o'clock noon on the thirty-first day of December to twelve o'clock noon on the thirty-first day of next December and the full fee shall be charged for any license for any part of such period.

SEC. VI. *License required.* It shall be unlawful for any person, firm, association or corporation to engage in, pursue, or transact any business in liquor traffic within the territorial limits of the Reservation on restricted or tribally owned or controlled land without first having a license therefor as herein provided. The Tribal Council shall not approve an application for such license unless the applicant agrees in writing to comply with the provisions of this ordinance.

SEC. VII. *Complying with laws and regulations.* Any person, firm, company, association or corporation licensed and operating a business within the territorial limits of the Reservation under the provisions of this ordinance shall comply with all laws and regulations as provided by the Code of Offenses of the Cheyenne River Sioux Tribal Court: *Provided*, That any person, firm, company, association or corporation proved to be charging excessive rates, or failing to comply with all the provisions of this ordinance, or otherwise indulging in practices detrimental to the economic and/or moral welfare of the tribe or its members shall have its license revoked.

SEC. VIII. *Transfer of license.* In the event a licensee under this ordinance transfers the ownership of his place of business to another person, firm, company, association or corporation, he may also transfer his license without additional cost to the parties concerned: *Provided*, That notice of intention of such transfer shall be filed with the Tribal Council not less than thirty days before the effective date of the transfer, and that record of such transfer shall be made with the Tribal Treasurer.

SEC. IX. *Restrictions on general conduct of business in intoxicating liquors.* Conduct of business authorized under this ordinance by licensees shall be subject to the following restrictions:

(a) No licensee under part (d) of section 3 of this ordinance shall make delivery of intoxicating liquor outside of his place of business.

(b) No licensee shall sell any intoxicating liquor:

1. To any person under the age of twenty-one year;

2. To any person who is intoxicated at the time, or who is known to the seller to be an habitual drunkard;

3. To any person to whom the seller has been requested in writing not to make such sale, where such request is by the Tribal Council, any police or peace officer, or the husband, wife, mother, father, brother, sister, or child of the person;

4. To any spendthrift, insane, or feeble-minded person.

5. To any person who is known to be the object of charity, or is known to be supported by any charitable association or institution.

(c) No licensee of any class shall sell, serve, or allow to be consumed on the premises covered by the license, intoxicating liquor other than in the hours permitted by his license;

(d) No licensee under parts (d), (g), and (h) of section 3 hereof shall sell, serve, or allow to be consumed on the premises covered by the license, intoxicating liquor between the hour of two o'clock a. m. and the hour of seven o'clock a. m. of any day, and no licensee under part (c) of section 3 hereof shall sell intoxicating liquor between the hour of ten o'clock p. m. and the hour of seven o'clock a. m. of the following day except on Saturday when no intoxicating liquor shall be sold under such license between the hour of twelve o'clock midnight and the hour of seven o'clock a. m. of the following day, and no licensee of any class shall sell intoxicating liquor on Sunday, Memorial Day, or on any general or special election day, until after the close of the polls on such election day;

(e) No licensee under part (d) of section 3 hereof shall be permitted to serve intoxicating liquor except on the premises authorized by his license. The view through the windows of such premises shall be completely unobstructed either by curtains, advertising, window glazing, or any other obstruction whatsoever, and no intoxicating liquor shall be served in any booth wherein all the occupants are not within full view of the bartender, or other person in charge of the establishment, and observable from all points in the said room, and that no license shall allow any game of skill or chance or dancing or athletic contest, or other form of amusement or recreation on said premises, or permit any slot machine or other like devices in or about the licensed premises;

(f) No on sale licensee shall permit any person less than twenty-one years old on the premises where the business under the license is authorized, except when such person is in the company of his parent or guardian;

(g) No licensee of any class shall permit any intoxicated person to enter the premises where the business under the license is authorized or to become intoxicated thereon or therein;

(h) No licensee under parts (d), (g), and (h) of section 3 hereof shall be permitted to serve patrons who are not seated, nor will patrons be permitted to move drinks from one part of the room to another, and it shall be the responsibility of the bartender, or person in charge of the establishment, to assure compliance with this provision.

SEC. X. *Sale of used containers prohibited.* No person shall buy or sell any package which has previously contained intoxicating liquor sold under the provisions of this ordinance, or refill any such package: *Provided, however*, That this section shall not apply to beer containers.

SEC. XI. *High point beer.* A license under part (h) of section 3 hereof is authorized to operate as both a package dealer and an on sale dealer in high point beer, and in no other intoxicating liquor.

SEC. XII. *Scope of ordinance.* The provisions of this ordinance, unless the context otherwise clearly requires, shall be construed to relate only to intoxicating liquor, and not to non-intoxicating beer or wine.

SEC. XIII. *Definitions.* Terms used in this ordinance, unless the context otherwise plainly requires, shall mean:

(a) "Intoxicating liquor", any liquid, either commonly used, or reasonably adapted to use, for beverage purposes, and containing in excess of three and two-tenths per centum of alcohol by weight;

(b) "Reservation", any restricted Indian land, whether tribally or individually owned, contained within the original boundaries of the Cheyenne River Reservation as defined and described by the Act of March 2, 1889.

(c) "High point beer", any beer having an alcoholic content in excess of three and two-tenths per centum by weight, and not in excess of six per centum by weight;

(d) "Distiller", any person who owns, or who himself or through others, directly or indirectly, operates or aids in operating any distillery or other establishment for the production, rectifying, blending or bottling of intoxicating liquor other than high point beer;

(e) "Sale", the transfer, for a consideration, of title to any alcoholic beverage;

(f) "Package", the bottle or immediate container of any alcoholic beverage;

(g) "Off sale", the sale of any alcoholic beverage for consumption off the premises where sold;

(h) "On sale", the sale of any alcoholic beverage for consumption only upon the premises where sold;

(i) "Wholesaler", any person who sells alcoholic beverages to retailers for resale;

(j) "Retailer", any person who sells alcoholic beverages for other than resale;

(k) "Hotel", any building wherein is regularly and continuously conducted a hotel business, with its lobby or office on the ground floor, with an adequate staff for the conduct of its business, and which maintains for the accommodation of patrons at least ten rooms, and which maintains as an integral part thereof, or attached thereto, a dining room or cafe, with appropriate facilities for seating at least twenty persons at one time;

(l) "Club", any organization duly licensed by the Tribal Council for civic, fraternal, or business purposes, or for intellectual improvement, or for promotion of sports, which club has more than twenty-five members and has for more than one year owned or leased a building or portion thereof adequate for the accommodation of its members and whose affairs and management are conducted by a board of directors or similar body chosen by its members and none of whose members, officers, agents, or employees, directly or indirectly, received any profit from sale of beverages other than a reasonable salary;

(m) "Transportation company", any common carrier or operator of a private vehicle transporting or accepting for transportation any intoxicating liquor, but not including transportation by carriers in interstate commerce where the shipment originates outside of the reservation and is destined to a point outside of the reservation;

(n) "Solicitor", any person employed by a licensed wholesaler within or without the reservation, or by any distiller or manufacturer within or without the reservation, who solicits orders of intoxicating liquor from wholesale or retail dealers within the reservation;

SEC. XIV. *Licensee whose license has been revoked; ineligible for one year.* Any licensee under this ordinance, whose license is

revoked under section 7 hereof, shall not for a year thereafter be granted any license under this ordinance. When within such year application for a license is made by any member of the family of any such former licensee, or any of his employees or former employees, the license may be granted only upon affirmative and satisfactory proof that such former licensee will have no interest whatsoever in the business.

SEC. XV. *Conformity to state laws and regulations.* In any matters relating to the sale, trade, transport or manufacture of intoxicating liquor on the reservation that are not covered by this ordinance, the laws and regulations of the State of South Dakota governing such sale, trade, transport and manufacture of intoxicating liquor shall be applicable on the reservation: *Provided, however,* That the Tribal Council shall maintain jurisdiction and administration.

[Ordinance No. ----]

XII—NON-INTOXICATING LIQUOR

SECTION I. Any person, firm, company, association or corporation desiring to engage in the possession, sale, trade, transport or manufacture of non-intoxicating beer or wine on the Cheyenne River Sioux Reservation shall comply with the rules and regulations set forth in this ordinance.

SEC. II. *Granting of licenses.* Any person, firm, company, association, or corporation authorized to sell, trade, transport, or manufacture non-intoxicating beer or wine in the communities on the Reservation, or other designated place, shall make application in writing for a permit and present same to the Cheyenne River Sioux Tribal Council for approval.

SEC. III. *Payment of license fees.* Any person, firm, company, association, of corporation authorized to sell, trade, transport or manufacture non-intoxicating beer or wine within the territorial limits of the Reservation on restricted or tribal owned and controlled land shall pay to the Tribal Treasurer in annual payment on January 1 of each calendar year, the following prescribed fees:

(a) For manufacturers—one hundred and twenty-five dollars;

(b) For wholesalers—one hundred dollars;

(c) For package dealers — twenty-five dollars;

(d) For retail dealers, being both package dealers and on sale dealers, forty dollars;

(e) For operating a concession, such as at a rodeo, fair, 4th of July celebration, etc., a fee of not less than $50.00 in addition to the regular fee of $40.00 for retail dealers under part (d) hereof: *Provided*, That concessions at such public gatherings may be operated upon a percentage basis at the option of the Tribal Council, or its authorized representative.

SEC. IV. *Restrictions on eligibility of licensees.* The granting of licenses under this ordinance shall be subject to the following restrictions.

(a) Any individual applicant for a license must be a resident of the Cheyenne River Reservation for more than a year next prior to application for such license;

(b) Any applicant for a license must be the owner or actual lessee of premises where the business is to be conducted, and the sole owner of the business to be operated under such license;

(c) Such premises must conform to all the laws, health and fire regulations applicable thereto, and be a safe and proper place.

SEC. V. *Period covered by license.* The period covered by license shall not exceed one year and shall expire at midnight on the next thirty-first of December following the date on which it becomes effective, and the full fee shall be charged for any license for a portion of such period.

SEC. VI. *Restrictions on general conduct of business in non-intoxicating beer or wine.* Conduct of business under this ordinance shall be subject to the following restrictions.

(a) No licensee shall manufacture, bottle, transport, or sell any non-intoxicating beer or wine except from the premises specifically designated or described in his license;

(b) No non-intoxicating beer or wine shall be sold by any dealer licensed under parts (a) and (b) of section 2 hereof in a package or bulk container of less than seventy-two fluid ounces;

(c) No licensee shall sell or give to any person who is less than eighteen years old, non-intoxicating beer or wine;

(d) No licensee under parts (c) and (d) of section 2 hereof shall sell, serve, or allow to be consumed on the premises covered by the license, any non-intoxicating beer or wine between the hours of two o'clock a. m. and seven o'clock a. m. of any day, or on any general or special election day until after the close of the polls on such election day.

SEC. VII. *Scope of ordinance.* The provisions of this ordinance, unless the context otherwise clearly requires, shall be construed to relate only to non-intoxicating beer or wine, and not to intoxicating liquor.

SEC. VIII. *Definitions.* Terms used in this ordinance, unless the context otherwise plainly requires, shall mean:

(a) "Non-intoxicating beer", any liquid either commonly used, or reasonably adapted to use, for beverage purposes, and which is produced wholly or in part from brewing of any grain or grains, malt or malt substitutes, and which contains any alcohol whatsoever, but not more than three and two-tenths per centum by weight;

(b) "Non-intoxicating wine," any liquid other than beer, either commonly used, or reasonably adapted to use, for beverage purposes, and containing alcohol by weight to the extent of more than one-half of one per centum and not more than three and two-tenths per centum;

(c) "Reservation," any restricted Indian land, whether tribally or individually owned, contained within the original boundaries of the Cheyenne River Sioux Reservation as defined and described by the Act of March 2, 1889;

(d) "Manufacturer," any person who owns, or who himself or through others, directly or indirectly, operates or aids in operating any establishment for the brewing, production, bottling, or blending of non-intoxicating beer or wine, or high point beer;

(e) "Sale," the transfer, for a consideration, of title to any alcoholic beverage;

(f) "Package," the bottle or immediate container of any alcoholic beverage;

(g) "Bulk container," any package, or any container, within which container are one or more packages;

(h) "Off sale," the sale of any alcoholic beverage, for consumption off the premises where sold;

(i) "On sale," the sale of any alcoholic beverage for consumption only on the premises where sold;

(j) "Wholesaler," any person who sells alcoholic beverage to retailers for resale;

(k) "Retailer," any person who sells alcoholic beverages for other than resale;

(l) "Package dealer," any person other than a distiller, manufacturer, or wholesaler, who sells, or keeps for sale, any alcoholic beverage for consumption off the premises where sold;

(m) "On sale dealer," any person who sells, or keeps for sale, any alcoholic beverage for consumption on the premises where sold;

SEC. IX. *License required.* It shall be unlawful for any person, firm, company, association or corporation to engage in, pursue, or transact any business in non-intoxicating beer or wine within the territorial limits of the Reservation on restricted or tribally owned or controlled land without first having obtained a license therefor as herein provided. The Tribal Council shall not approve an application for such license unless the applicant agrees in writing to comply with the provisions of this ordinance.

SEC. X. *Complying with laws and regulations.* Any person, firm, company, association or corporation licensed and operating a business within the territorial limits of the Reservation under the provisions of this ordinance shall comply with all laws and regulations as provided by the Code of Offenses of the Cheyenne River Sioux Tribal Court: *Provided*, That any person, firm, company, association or corporation proved to be charging excessive rates, or failing to comply with all the provisions of this ordinance, or otherwise indulging in practices detrimental to the economic and/or moral welfare of the tribe or its members shall have its license revoked.

SEC. XI. *Transfer of license.* In the event a licensee under this ordinance transfers the ownership of his place of business to another persons, firm, company, association or corporation, he may also transfer his license without additional cost to the parties concerned: *Provided*, That notice of intention of such transfer shall be filed with the Tribal Council not less than thirty days before the effective date of the transfer, and that record of such transfer shall be made with the Tribal Treasurer.

SEC. XII. *Licensee whose license has been revoked; ineligible for one year.* Any licensee under this ordinance, whose license is revoked under section 10 hereof, shall not for a year thereafter be granted any license under this ordinance. When within such year application for a license is made by any member of the family of any such former licensee, or any of his employees or former employees, the license may be granted only upon affirmative and satisfactory proof that such former licensee will have no interest whatsoever in the business.

SEC. XIII. *Conformity to state laws and regulations.* In any matters relating to the sale, trade, transport or manufacture of non-intoxicating beer or wine on the Reservation that are not covered by this ordinance, the laws and regulations of the State of South Dakota governing such sale, trade, transport, and manufacture of non-intoxicating beer or wine shall be applicable on the reservation: *Provided, however,* That the Tribal Council shall maintain jurisdiction and administration.

[F. R. Doc. 53-9891; Filed, Nov. 20, 1953; 8:55 a. m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.



Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Benjamin & Johnes, Inc., 413 South Clinton Avenue, Dunn, N. C., effective 11-6-53 to 11-5-54; 10 learners for normal labor turnover purposes (women's foundation garments).

Blue Ridge Manufacturers, Inc., Christiansburg, Va., effective 11-14-53 to 11-13-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' dungarees).

Brookfield Mills, Inc., Sanford, Fla., effective 11-9-53 to 5-8-54; 20 learners for expansion purposes (women's nightgowns and pajamas).

Carlton Shirt Co., Inc., Mena, Ark., effective 11-4-53 to 4-11-54; 50 additional learners for expansion purposes (men's and boys' shirts) (supplemental certificate).

Cater Frock Co., New Braunfels, Tex., effective 11-9-53 to 11-8-54; 10 learners for normal labor turnover purposes (children's dresses).

Clover Dress Co., Inc., 92 South Empire Street, Wilkes-Barre, Pa., effective 11-9-53 to 11-8-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (misses' and women's dresses).

Hartsville Manufacturing Co., Hartsville, S. C., effective 11-4-53 to 5-3-54; 25 learners for expansion purposes (ladies' dresses).

Hazlehurst Manufacturing Co., Hazlehurst, Ga., effective 11-5-53 to 5-4-54; 15 learners for expansion purposes (ladies' lingerie).

Hazlehurst Manufacturing Co., Hazlehurst, Ga., effective 11-5-53 to 11-4-54; 10 learners for normal labor turnover purposes (ladies' lingerie).

The Jay Garment Co., Brookville, Ind., effective 11-16-53 to 11-15-54; 25 learners for expansion purposes (children's cotton overalls).

Joyner-Fields, Inc., Sherman, Miss., effective 11-3-53 to 11-2-54; 10 percent of the factory production force for normal labor turnover purposes (sport shirts).

Kentucky Pants Co., 117 North Race Street, Glasgow, Ky., effective 11-16-53 to 11-15-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants).

Madison Apparel Co., Inc., 296 Madison Street, Wilkes-Barre, Pa., effective 11-5-53 to 11-4-54; 10 learners for normal labor turnover purposes (dresses).

Mode O'Day Corp., 840 Twelfth NW., Mason City, Iowa, effective 11-6-53 to 11-5-54; 10 learners for normal labor turnover purposes (ladies' lingerie).

Monticello Manufacturing Co., Monticello, Miss., effective 11-24-53 to 11-23-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's cotton work pants).

N & W Industries, Inc., Rocky Mount, Va., effective 11-17-53 to 11-16-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees).

Newport News Children's Dress Co., 824 South Thirty-Ninth Street, Newport News, Va., effective 11-17-53 to 11-16-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's and girls' dresses and play suits).

Rice Mills, Inc., Belton, S. C., effective 11-6-53 to 11-5-54; 10 learners for normal labor turnover purposes (bathrobes).

Rocket Manufacturing Co., Inc., 1000 Spring Street, Little Rock, Ark., effective 11-13-53 to 5-12-54; 50 learners for expansion purposes (blouses).

Salant & Salant, Inc., South First Street, Union City, Tenn., effective 11-14-53 to 11-13-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts and work pants).

Seamprufe, Inc., McAlester, Okla., effective 11-9-53 to 11-8-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (slips and lingerie).

The Van Wert Manufacturing Co., Main and Market Streets, Van Wert, Ohio, effective 11-16-53 to 11-15-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's pants, cotton utility jackets, work shirts, etc.).

Walterboro Manufacturing Corp., Walterboro, S. C., effective 11-9-53 to 11-8-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Wyoming Valley Garment Co., 212 South Washington Street, Wilkes-Barre, Pa., effective 11-17-53 to 11-16-54; 10 learners for normal labor turnover purposes (boys' trousers).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952, 17 F. R. 8633).

H. N. Heusner & Son, Inc., 228-30 High Street, Hanover, Pa., effective 11-16-53 to 11-15-54; 10 percent of the number of factory workers. Cigar machine operating, 320 hours at 65 cents an hour; cigar packing (cigars retailing for 6 cents or less), 160 hours at 65 cents an hour; machine stripping, 160 hours at 65 cents an hour.

I. Lewis Cigar Manufacturing Co., Second and Washington Streets, Steelton, Pa., effective 11-21-53 to 11-20-54; 10 percent of the number of factory workers. Cigar machine operating, 320 hours at 65 cents an hour; packing (cigars retailing for over 6 cents), 320 hours at 65 cents an hour; cigar retailing for 6 cents or less, 160 hours at 65 cents an hour; machine stripping, 160 hours at 65 cents an hour.

John H. Swisher & Son, Inc., 600 Haines Avenue, Waycross, Ga., effective 11-17-53 to 11-16-54; 10 percent of the total number of workers. Cigar machine operating, 320 hours; cigar packing (cigars retailing for more than 6 cents), 320 hours; (cigars retailing for 6 cents or less), 160 hours; machine stripping, 160 hours; each 65 cents an hour.

John H. Swisher & Son, Inc., 501 East Sixteenth Street, Jacksonville, Fla., effective 11-10-53 to 11-9-54; 10 percent of the total number of workers. Cigar machine operating, 320 hours; cigar packing (cigars retailing for over 6 cents), 320 hours, cigars retailing for 6 cents or less, 160 hours; machine stripping, 160 hours; each 65 cents an hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

Indianapolis Glove Co., Inc., Glenwood, Ark., effective 11-11-53 to 5-10-54; 35 learners for expansion purposes (canton flannel and leather palm work gloves).

Newton Glove Manufacturing Co., P. O. Box 271, Newton, N. C., effective 11-21-53 to 11-20-54; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Wells Lemont Corp., Barry, Ill., effective 11-3-53 to 11-2-54; 5 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951, 16 F. R. 10733).

Berkshire Knitting Mills, Andrews, N. C., effective 11-24-53 to 11-23-54; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Villa Rica Hosiery Mills, Villa Rica, Ga., effective 11-19-53 to 11-18-54; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950, 15 F. R. 398).

Thermal Belt Telephone Co., Tryon, N. C., effective 11-30-53 to 11-29-54.

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952, 17 F. R. 1500).

Rex Shoe Co., Inc., 1950 Wyoming Avenue, Exeter Borough, Pa., effective 11-14-53 to 11-13-54; 10 percent of the productive factory workers.

The following special learner certificates were issued to the school-operated industries listed below:

Oak Park Academy, Nevada, Iowa, effective 9-1-53 to 8-31-54; print shop—compositor, pressman and related skilled and semi-skilled occupations; 5 learners; 350 hours at 60 cents per hour, 325 hours at 65 cents per hour, 325 hours at 70 cents per hour; broom shop—broom maker (winder) stitcher, sorter, and related skilled and semiskilled occupations; 8 learners; 150 hours at 60 cents per hour, 125 hours at 65 cents per hour, 125 hours at 70 cents per hour.

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Garrou, Inc., Cidra P. R., effective 11-2-53 to 5-1-54; 12 learners. Knitting, 240 hours at 30 cents an hour, 240 hours at 35 cents an hour; examining and inspecting, 240 hours at 30 cents an hour; looping, 480 hours at 30 cents an hour, 480 hours at 35 cents an hour; seaming, 480 hours at 30 cents an hour, 480 hours at 35 cents an hour; mending, 480 hours at 30 cents an hour, 480 hours at 35 cents an hour (full-fashioned hosiery).

Maremont Manufacturing Corp., Bayamon, P. R., effective 11-2-53 to 5-1-54; 30 learners. All factory production operations involved in the manufacture of leaf springs, 160 hours at 32 cents an hour, 160 hours at 40 cents an hour, 160 hours at 47 cents an hour (leaf springs for motor vehicles).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within

fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 9th day of November 1953.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 53-9845; Filed, Nov. 20, 1953; 8:55 a. m.]

## ATOMIC ENERGY COMMISSION

### Patent Compensation Board

[Docket No. 13]

ARNOLD PACYNA

NOTICE OF APPLICATION

Notice is hereby given that Arnold Pacyna has filed an application before the Patent Compensation Board, United States Atomic Energy Commission, for an award. The application is based on a treatment of radio-active wastes and relates to alleged improvements in U. S. Patent 2,485,841.

The application of Arnold Pacyna is on file with the Patent Compensation Board. Any person other than the applicant desiring to be heard with reference to the application should file with the Patent Compensation Board, United States Atomic Energy Commission, Washington 25, D. C., within thirty days from the date of publication of this notice, a statement of facts concerning the nature of his interest.

SARAH K. GRANDSTAFF,
*Acting Clerk,*
*Patent Compensation Board.*

NOVEMBER 16, 1953.

[F. R. Doc. 53-9797; Filed, Nov. 20, 1953; 8:45 a. m.]

[Docket No. 14]

SHERMAN DOUGLAS RAPP

NOTICE OF APPLICATION

Notice is hereby given that Sherman Douglas Rapp has filed an application before the Patent Compensation Board, United States Atomic Energy Commission, for an award. The application is based on an alleged invention of the Uranium Fission Bomb and Uranium Fission Slow Reactors.

The application of Sherman Douglas Rapp is on file with the Patent Compensation Board. Any person other than the applicant desiring to be heard with reference to the application should file with the Patent Compensation Board, United States Atomic Energy Commission, Washington 25, D. C., within thirty days from the date of publication of this notice, a statement of facts concerning the nature of his interest.

SARAH K. GRANDSTAFF,
*Acting Clerk,*
*Patent Compensation Board.*

NOVEMBER 16, 1953.

[F. R. Doc. 53-9798; Filed, Nov. 20, 1953; 8:45 a. m.]

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

NOVEMBER 1953 DOMESTIC AND EXPORT PRICE LISTS

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950, as amended January 9, 1953 (15 F. R. 1593, 18 F. R. 176), and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

NOVEMBER 1953 EXPORT PRICE LIST

| Commodity and approximate quantity available (subject to prior sale) | Export price list |
|---|---|
| Cottonseed oil, refined, 801,000,000 pounds.[1] | Bid basis f. o. b. tank cars or tank wagons at points of storage locations. Available New Orleans PMA Commodity office. |
| Cottonseed oil, crude, 25,000,000 pounds.[1] | Bid basis f. o. b. tank cars or tank wagons at producer's mills. Available New Orleans PMA Commodity office. |
| Linseed oil, raw, 143,000,000 pounds.[1] | Bid basis f. o. b. tank cars at points of storage locations. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis PMA Commodity offices. |
| Olive oil, edible, 202,825 gallons [1] | Bid basis in 50/55 gallon drums f. o. b. points of storage locations. Available Portland PMA Commodity office. |
| Peanuts, shelled, bagged (for crushing), approximately 10,000 short tons. | Bid basis, f. a. s. vessel at specified ports, subject to terms and conditions of USDA Announcement FO-28/55. Peanuts may be 1953 crop peanuts acquired by calling loans, as well as CCC stocks from previous crops. (These peanuts are also available as farmer's stock for export on bid basis, f. o. b. points of storage locations subject to the terms and conditions of USDA Announcements CCC Peanut Forms 34 and 40.) Additional quantities of peanuts for export will be announced as available under separate announcements. Available Fats and Oils Branch, Production and Marketing Administration, USDA, Washington 25, D. C., and New Orleans PMA Commodity office. |
| Corn, bulk, 50,000,000 bushels [1] | Market price on date of sale at point of delivery, provided delivery takes place with 15 days unless otherwise agreed upon. |

[1] These same lots also are available at domestic sales prices announced today.

NOVEMBER 1953 DOMESTIC PRICE LIST

| Commodity and approximate quantity available (subject to prior sale) | Domestic sales price |
|---|---|
| Nonfat dry milk solids, in carload lots only, 340,000,000 pounds, spray; 75,000,000 pounds, roller. | Spray process, U. S. Extra Grade, 17 cents per pound; roller process, U. S. Extra Grade, 15 cents per pound. Prices apply "in store" at location of stocks in any State. ("In store" means at the processor's plant or in storage at warehouse, but with any prepaid storage and outhandling charges for the benefit of the buyer.) |
| Salted creamery butter (in carload lots only), 260,000,000 pounds. | U. S. Grade A and higher: All States except those listed below, 68.75 cents per pound. New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico, 69.50 cents per pound. California, Oregon, and Washington: 69.75 cents per pound. U. S. Grade B: 2 cents per pound less than Grade A prices. Prices apply "in store" at location of stocks in those States where butter is stored. ("In store" means at the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.) |
| Cheddar cheese, cheddar and twin styles (standard moisture basis, in carload lots only, 260,000,000 pounds. | U. S. Grade A and higher: All States except those listed below: 39 cents per lb. New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico: 40 cents per pound. U. S. Grade B: 1 cent per pound less than Grade A prices. Prices apply "in store" at location of stocks in those States where cheese is stored. All prices are subject to usual adjustment for moisture content. ("In store" means at the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.) |
| Cottonseed oil, refined, 801,000,000 pounds.[1] | Market price but not less than the minimum crude price, with appropriate adjustments for refining, location and quality f. o. b. tankcars or tank wagons at points of storage locations. Available New Orleans PMA Commodity office. Prices will not be reduced during period ending June 30, 1954. |
| Cottonseed Oil, Crude 25,000,000 pounds.[1] | Market price but not less than 14 cents per pound, prime, Valley basis, f. o. b. tank cars or tank wagons at producer's mills subject to premiums or discounts comparable to Bulletin 3 of the 1953 crop cottonseed price support program. Available New Orleans PMA Commodity office. Price will not be reduced during period ending June 30, 1954. |
| Linseed oil, raw, 143,000,000 pounds.[1] | Market price on date of sale, but not less than equivalent of the price support for the seed. Price will not be reduced during period ending May 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis PMA Commodity offices. |
| Olive oil, edible, 202,825 gallons [1] | Market price or $2.95 per gallon in 55-gallon drums, whichever is higher, f. o. b. points of storage locations. Available Portland PMA Commodity office. |
| Peanuts—Farmer's stock: Virginia type, bagged, 1951 crop, 8,000 tons, 1952 crop, 9,000 tons. Spanish: 1952 crop, 3,000 tons. Runners: 1952 crop, 19,000 tons. | Bid basis, f. o. b. points of storage locations, subject to the terms and conditions of Announcement CCC Peanut Form 40. In addition, farmer's stock peanuts from CCC Stocks including any 1953 crop peanuts acquired by calling loans, may be offered under separate announcement for domestic crushing subject to the terms and conditions of CCC Peanut Form 34. Available New Orleans PMA Commodity office. |
| Dry edible beans | On all beans, for areas other than those shown below, adjust price upward or downward by an amount equal to the price support program differential between areas. Where no price support differential occurs, the prices listed apply. For other grades of all beans, adjust by market differentials. Prices listed below, on all beans, are at point of production. Amount of paid-in freight to be added, as applicable. |
| Large lima, bagged, 1952 crop, 371,838 hundredweight. Baby lima, bagged 1950 and 1951 crops, 69,718 hundredweight. | $12.65 per 100 pounds for U. S. No. 1 basis, California points of production. Available Portland PMA Commodity office. |
| Seeds | The market price but not less than: $7.10 per hundredweight for U. S. Extra No. 1; $7 per hundredweight for U. S. No. 1; $6.75 per hundredweight for U. S. No. 2. All prices f. o. b. California points of production. Available Portland PMA Commodity office. |
| Common and Willamette Vetch seed, bagged, 149,360 hundredweight. | On all seeds except ladino: Offers will not be accepted for less than the minimum carlot weight as prescribed by railroad carrier's regulation at point of storage. However, if quantity available at any location is less than carlot, offers will be accepted for the entire lot. |
| | $6 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Available Dallas, Portland and New Orleans PMA Commodity offices. |

[2] These same lots also are available at export sales prices announced today.



| Commodity and approximate quantity available (subject to prior sale) | Domestic sales price |
|---|---|
| Tall Fescue seed (certified), bagged, 55,295 hundredweight. | $20.75 per 100 pounds, f. o. b. area of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Portland and Minneapolis PMA Commodity offices. |
| Oats, bulk (for feed only), 900,000 bushels. | Market price for feed, basis in store. Available Portland, Minneapolis, Kansas City, Minneapolis, and New Orleans PMA Commodity offices. |
| Corn, bulk, 50,000,000 bushels [1] | At point of production basis in store, the market price but not less than the applicable 1953 county loan rate for No. 3 yellow plus (1) 17 cents per bushel if received by truck, or (2) 13 cents per bushel if received by rail or barge. At other locations, the foregoing plus average paid-in freight. Examples of minimum prices per bushel: Chicago, No. 3 yellow, $1.91; St. Louis, No. 3 yellow, $1.96; Minneapolis, No. 3 yellow, $1.82; Omaha, No. 3 yellow, $1.81; Kansas City, No. 3 yellow, $1.80. For other classes, grades and quality. |
| Grain sorghums, bulk (for feed only), 1,800 hundredweight. | Market price for feed, basis in store. Available Minneapolis, Dallas and Kansas City PMA Commodity offices. |
| Rye, bulk (for feed only), 123,000 bushels. | Market price for feed, basis in store. Available Minneapolis PMA Commodity office. |
| Flaxseed, bulk (for crushing only), 1,192,000 bushels. | Loan basis in export lots in Minneapolis area, basis in store, at the market price. Available Minneapolis PMA Commodity office. |
| Soybeans, bulk (for crushing only), 1,192,000 bushels. | Market price. Available Chicago, Minneapolis, Kansas City, New Orleans, and Dallas PMA Commodity offices. |
| Cottonseed (meal and pellets, bulk (1953 production), 15,000 short tons. | Market price as determined by CCC, but not less than $47.50 per short ton Valley basis with differentials for quality and by area as provided for in § 81.917 of Part Cottonseed Bulletin 3, Revision 1, as amended. Price will not be reduced during period ending December 31, 1954. Information concerning quantity and locations can be secured from the New Orleans PMA Commodity office. |
| Wool, shorn and pulled grease (including some scoured), 97,500,000 pounds. | Sales of wool will be made at prices reflecting the higher of the market price or 103 percent of the price support appraised value per pound plus an allowance for sales commission on wool, Boston basis, adjusted for net freight on wool stored outside the Boston storage area. Sales will be made ex-warehouse where the wool is stored. Available Boston PMA Commodity office. |

The above prices will not be applicable to sales made in connection with drought relief programs carried out in disaster areas.

[1] These same lots also are available at export sales prices announced today.

(Sec. 407, 63 Stat. 1051.)

Issued: November 17, 1953.

[SEAL]

HOWARD H. GORDON,
*President,*
*Commodity Credit Corporation.*

[F. R. Doc. 53-9818; Filed, Nov. 20, 1953; 8:49 a. m.]

## Production and Marketing Administration

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY NEW MEXICO STATE PRODUCTION AND MARKETING ADMINISTRATION COMMITTEE

Section 729.530 of the Marketing Quota Regulations for the 1954 Crop of Peanuts (18 F. R. 6372), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1376), provides that any authority delegated to the State Production and Marketing Administration Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the New Mexico State Production and Marketing Administration Committee by authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the reg-

ulations in which such authority appears and the person to whom the authority has been redelegated:

NEW MEXICO

Sections 729.517 (b) (5), 729.518, 729.519, 729.522 (a), 729.524 (c), 729.527 (a), and 729.528—Donald W. Vance and W. C. Hutchins, Jr., Administrative Assistants of the State PMA Office.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361-368, 373, 374; 52 Stat. 38, 62, 65, as amended, 55 Stat. 88, as amended; 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361-1368, 1373, 1374)

Issued at Washington, D. C., this 17th day of November 1953.

[SEAL] HOWARD H. GORDON,
*Administrator, Production and Marketing Administration.*

[F. R. Doc. 53-9817; Filed, Nov. 20, 1953; 8:48 a. m.]

## Rural Electrification Administration

[Administrative Order 4396]

ALLOCATION OF FUNDS FOR LOANS

NOVEMBER 3, 1953.

I hereby amend:

(a) Administrative Order No. 935, dated July 23, 1945, by reducing the allocation of $25,000 therein made for "North Carolina 46066S1 Chowan" by $6,643 so that the reduced allocation shall be $18,357; and

(b) Administrative Order No. 3396, dated June 29, 1951, by rescinding the loan of $30,000 therein made for "North Carolina 66E Chowan".

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 53-9823; Filed, Nov. 20, 1953; 8:50 a. m.]

[Administrative Order 4397]

OREGON

LOAN ANNOUNCEMENT

NOVEMBER 3, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Oregon 26 N Wasco | $279,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 53-9824; Filed, Nov. 20, 1953; 8:50 a. m.]

[Administrative Order 4398]

GEORGIA

LOAN ANNOUNCEMENT

NOVEMBER 3, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Georgia 84R Cobb | $420,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 53-9825; Filed, Nov. 20, 1953; 8:50 a. m.]

[Administrative Order 4399]

ARKANSAS

LOAN ANNOUNCEMENT

NOVEMBER 3, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Arkansas 11 P Jackson | $245,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 53-9826; Filed, Nov. 20, 1953; 8:51 a. m.]

[Administrative Order 4400]

WISCONSIN

LOAN ANNOUNCEMENT

NOVEMBER 3, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Wisconsin 66C Portage-Waupaca | $23,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 53-9827; Filed, Nov. 20, 1953; 8:51 a. m.]

[Administrative Order 4401]

MONTANA

LOAN ANNOUNCEMENT

NOVEMBER 3, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Montana 15 S Fergus | $225,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 53-9828; Filed, Nov. 20, 1953; 8:51 a. m.]

[Administrative Order 4403]

OHIO

LOAN ANNOUNCEMENT

NOVEMBER 4, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Ohio 33 P Auglaize | $200,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 53-9829, Filed, Nov. 20, 1953; 8:51 a. m.]

[Administrative Order 4402]

ALABAMA

LOAN ANNOUNCEMENT

NOVEMBER 3, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Alabama 18U Cullman | $540,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 53-9830; Filed, Nov. 20, 1953; 8:51 a. m.]

[Administrative Order 4404]

NEW MEXICO

LOAN ANNOUNCEMENT

NOVEMBER 4, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| New Mexico 25K Luna | $1,725,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 53-9831; Filed, Nov. 20, 1953; 8:51 a. m.]

[Administrative Order 4405]

TEXAS

LOAN ANNOUNCEMENT

NOVEMBER 4, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Texas 125L Jasper | $514,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 53-9832; Filed, Nov. 20, 1953; 8:51 a. m.]



## FEDERAL POWER COMMISSION

[Docket No. E-6518]

KANSAS GAS AND ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF PREFERRED STOCK

NOVEMBER 17, 1953.

Notice is hereby given that on November 16, 1953, the Federal Power Commission issued its order adopted November 13, 1953, authorizing issuance of preferred stock in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9807; Filed, Nov. 20, 1953; 8:46 a. m.]

[Docket No. G-681]

UNITED GAS PIPE LINE CO.

NOTICE OF ORDER CANCELLING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 17, 1953.

Notice is hereby given that on November 16, 1953, the Federal Power Commission issued its order adopted November 12, 1953, in the above-entitled matter, cancelling certificate of public convenience and necessity issued on January 6, 1950 (15 F. R. 268).

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9808; Filed, Nov. 20, 1953; 8:46 a. m.]

[Project No. 2021]

COUNTY OF PLACER, CALIFORNIA

NOTICE OF ORDER FURTHER EXTENDING PERIOD OF PRELIMINARY PERMIT

NOVEMBER 17, 1953.

Notice is hereby given that on November 16, 1953, the Federal Power Commission issued its order adopted November 12, 1953, further extending period of preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9809; Filed, Nov. 20, 1953; 8:47 a. m.]

ARIZONA PUBLIC SERVICE CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF ACCOUNTING ADJUSTMENTS

NOVEMBER 17, 1953.

Notice is hereby given that on November 16, 1953, the Federal Power Commission issued its order adopted November 13, 1953, approving and directing disposition of accounting adjustments in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9810; Filed, Nov. 20, 1953; 8:47 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3145]

ATTLEBORO STEAM AND ELECTRIC CO. ET AL.

ORDER AUTHORIZING ISSUE AND SALE OF SHORT-TERM UNSECURED PROMISSORY NOTES TO BANKS AND TO PARENT COMPANY

NOVEMBER 17, 1953.

In the matter of Attleboro Steam and Electric Company, Haverhill Electric Company, The Lowell Electric Light Corporation, Weymouth Light and Power Company, Worcester County Electric Company, New England Electric System, File No. 70-3145.

New England Electric System ("NEES"), a registered holding company, and its above named subsidiary companies, hereinafter individually referred to as "Attleboro," "Haverhill", "Lowell", "Weymouth", and "Worcester" and collectively referred to as "the borrowing companies", having filed a joint application-declaration with this Commission pursuant to sections 6 (a), 7, 9 (a), 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("the act") and Rules U-23, U-42 (b) (2), U-43 (a), U-45 (b) (1) and U-50 (a) (2) and (3) promulgated thereunder with respect to the following proposed transactions:

Lowell and Worcester propose to issue to banks, from time to time but not later than December 31, 1953, unsecured promissory notes in the respective amounts of $200,000 and $3,500,000. Attleboro, Haverhill and Weymouth propose to issue to NEES, from time to time but not later than December 31, 1953, unsecured promissory notes in the respective amounts of $75,000, $100,000 and $150,000.

Each of such notes to be issued to NEES will mature on April 1, 1954, and each of the notes to be issued to banks will mature six months after the issue date thereof. Such notes will bear interest at the prime rate of interest at the time of the issuance thereof. It is stated that said prime interest rate at the present time is 3¼ percent.

According to the application-declaration, the proceeds derived from the proposed additional notes will be used for the payment of note indebtedness and construction and other purposes.

Each of the borrowing companies has stipulated that if any permanent financing is done prior to the maturity date of its then outstanding unsecured promissory notes, the proceeds derived therefrom will be applied in reduction of, or in total payment of, notes then outstanding, and the amount of then authorized but unissued promissory notes will be reduced by the amount, if any, by which such permanent financing exceeds the amount of the then outstanding unsecured promissory notes. At the present time Worcester has pending before the Commission an application-declaration (identified by File No. 70-3135) in which it seeks authority to issue 75,000 shares of $100 par value cumulative preferred stock (See Holding Company Act Release No. 12177). Worcester has stipulated that if said sale of preferred stock is approved by the Commission and the proceeds therefrom are available prior to November 30, 1953, Worcester will relinquish all right to issue the $3,500,000 of notes proposed in the instant application-declaration.

The application-declaration states that incidental services in connection with the proposed note issues will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $100 for NEES and each borrowing company, or an aggregate of $600.

The application-declaration further states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEES and the borrowing companies request that the Commission's order herein become effective forthwith upon issuance.

Due notice having been given of the filing of the application-declaration, and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary; and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective forthwith, without the imposition of terms and conditions other than those prescribed in Rule U-24:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration be granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53-9815; Filed, Nov. 20, 1953; 8:48 a. m.]

[File No. 70-3146]

DELAWARE POWER & LIGHT CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF SHARES OF COMMON STOCK

NOVEMBER 17, 1953.

Delaware Power & Light Company ("Delaware"), a registered holding company and a public utility operating company, having filed a declaration with this Commission pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") and rules thereunder with respect to the following proposed transactions:

Delaware proposes to issue and sell 232,520 shares of its Common Stock, par value $13.50 per share, and in addition to sell such shares, but not in excess of 23,252 shares, as may be purchased for the purpose of stabilizing the price of the common stock. The 232,520 shares of common stock will be offered to stockholders in accordance with their preemptive rights and upon the basis of one share for each seven shares. Transferable warrants evidencing the right to subscribe will be issued to common stockholders of record as of the close of business on November 25, 1953. Subject to such rights of the stockholders, the stock will also be offered to employees of Delaware and its subsidiaries in an amount not exceeding 150 shares per employee. The balance, if any, of the stock not subscribed for by holders of warrants and employees will be sold to underwriters.

The Board of Directors of Delaware will, not later than 12:00 o'clock noon on November 23, 1953, determine the offering price of the stock to stockholders and to employees, which price will be specified in the bids submitted by underwriters as the price to be paid the company for any unsubscribed stock. Immediately following determination by the Board of Directors of such offering price, notice of the price will be given to prospective bidders and will be publicly announced by the company. Bids for the unsubscribed stock will specify the compensation to be paid the underwriters.

Delaware proposes that, for the purpose of stabilizing the price of its common stock, it may purchase up to 23,252 shares of its common stock on the New York Stock Exchange, the Philadelphia-Baltimore Stock Exchange, in the over-the-counter market, or otherwise. Such stabilization, if commenced, will be terminated not later than the time fixed for the acceptance of a bid for the purchase of the unsubscribed stock. Shares acquired by Delaware as a result of such stabilization will be included as part of the unsubscribed stock which will be sold to the underwriters.

Delaware requests that the period between the publication of the invitation for bids which it expects will take place on November 18, 1953, and the time of opening of bids be shortened to seven days in order that bids for the stock may be opened on November 25, 1953.

The net proceeds from the proposed sale of common stock will be used to finance a portion of the construction program of Delaware and its two subsidiaries which, it is contemplated, will require expenditure of approximately $30,000,000 in 1953 and 1954.

The issuance of the warrants and the issuance and sale of the 232,520 shares of common stock was approved by the Public Service Commission of Delaware by order dated October 15, 1953. Delaware requests that the Commission's orders entered herein become effective upon the issuance thereof.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration be permitted to become effective forthwith, all subject to the terms and conditions specified below:

*It is ordered*, Pursuant to the applicable provisions of the act and the rules thereunder, that said declaration be, and the same hereby is, permitted to become effective forthwith, and that for the purposes of this proceeding the ten-day period for the invitation of bids, as prescribed by Rule U-50, be, and the same hereby is, shortened to a period of not less than seven days, all subject, however, to the provisions of Rule U-24 and to the following terms and conditions:

(1) That the proposed issue and sale of said stock shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order entered by this Commission on the basis of the record so supplemented, which order may contain such terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for this purpose; and

(2) That jurisdiction be reserved with respect to the payment of all fees and expenses in connection with the proposed transactions, including fees and expenses of counsel for the successful bidders.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9814; Filed, Nov. 20, 1953; 8:48 a. m.]

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[File No. 70-3148]

NARRAGANSETT ELECTRIC CO. AND NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF PROPOSED ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARY TO PARENT COMPANY

NOVEMBER 17, 1953.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and The Narragansett Electric Company ("Narragansett"), a wholly-owned subsidiary of NEES, have filed a joint application, pursuant to the Public Utility Holding Company Act of 1935 ("the act"), designating sections 6 (b), 9 and 10 of the act and Rule U-42 (b) (2) promulgated thereunder as applicable to their proposed transactions, which are summarized as follows:

Under a contract dated October 27, 1953, Narragansett proposes to issue and sell to NEES, prior to April 1, 1954, 100,000 additional shares of $50 par value common stock at the price of $50 per share. It is indicated that such sale is proposed in order to provide Narragansett with new money required to finance, in part, its 1954 construction program. The proceeds derived from the sale of the common stock will be applied by Narragansett to the payment of its then outstanding short-term note indebtedness and any balance will be used for construction or to reimburse its treasury therefor.

The issue and sale of the common stock is subject to the jurisdiction of the Public Utility Administrator, Department of Business Regulation of the State of Rhode Island in which state Narragansett is organized and doing business.

The expenses to be incurred in connection with said transactions are estimated at $12,500 for Narragansett and $300 for NEES.

Applicants request that the Commission's order be made effective upon issuance.

Notice is further given that any interested person may, not later than December 2, 1953 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by the said joint application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9813; Filed, Nov. 20, 1953; 8:47 a. m.]

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[File No. 70-3149]

NARRAGANSETT ELECTRIC CO.

NOTICE OF FILING REGARDING SALE OF PREFERRED STOCK AT COMPETITIVE BIDDING

NOVEMBER 17, 1953.

Notice is hereby given that an application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("the act"), by the Narragansett Electric Company ("Narragansett"), a subsidiary of New England Electric System ("NEES"), a registered holding company. The applicant-declarant has designated sections 6 (a) (2), 6 (b) and 7 (c) of the act and Rules U-42 (b) (2) and U-50 thereunder as applicable to the proposed transactions which are summarized as follows:

Narragansett proposes to issue and sell 150,000 shares of a new series of Preferred Stock of the par value of $50 per share. Such sale will be pursuant to the competitive bidding requirements of Rule U-50. The dividend rate (which shall be expressed in a multiple of 0.08 of 1 percent and not in excess of 6 percent) and the price, exclusive of accrued dividends, to be paid to Narragansett (which shall be not less than $100 and shall not exceed $102.75 per share) will be determined by competitive bidding. Bids will be received up to 12 noon on a date, not less than ten days nor more than thirty days after the date of the invitation for bids, which the company shall fix by giving notice at least forty-two hours in advance to each prospective bidder.

The proceeds from the proposed sale of preferred stock (exclusive of accrued dividends and the expenses of issuance) are to be applied to the payment of short-term note indebtedness presently outstanding in the aggregate of $6,250,000 and, according to the application-declaration may be outstanding in the aggregate amount of $7,450,000 at the time the preferred stock is sold, and the balance, if any, of the proceeds will be used to pay for capitalizable expenditures or to reimburse the treasury therefor.

According to Narragansett, the proposed issue and sale of preferred stock is subject to the jurisdiction of the Public Utility Administrator, Department of Business Regulation of the State of Rhode Island. Copies of the order of that State Commission are to be supplied by amendment.

The estimated fees submitted in respect of filing fees, taxes, services of New England Power Service Company, an affiliated service company, printing, independent public accountants, counsel for Narragansett and mailing and miscellaneous charges aggregate $60,000. Legal fees and expenses of underwriters' counsel are to be supplied by amendment.

It is requested that the Commission's orders entered herein become effective upon the issuance thereof.

Notice is further given that any interested person may, not later than December 2, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9812; Filed, Nov. 20, 1953; 8:47 a. m.]



[File No. 70-3152]

NORTH CONTINENT UTILITIES CORP.

NOTICE OF PROPOSED LIQUIDATION AND DISSOLUTION OF REGISTERED HOLDING COMPANY AND PAYMENT OF LIQUIDATING DIVIDEND AND ORDER MAKING EFFECTIVE DECLARATION REGARDING PROXY MATERIAL

NOVEMBER 17, 1953.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by North Continent Utilities Corporation ("North Continent"), a registered holding company. Applicant-declarant has designated sections 11, 12 (c) and 12 (e) of the act and Rules U-23, U-24, U-46 and U-62 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than December 10, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 10, 1953, said declaration, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

The Commission has heretofore directed North Continent in proceedings under section 11 (b) of the act to liquidate and dissolve (North Continent Utilities Corporation, File Nos. 54-74 and 59-69), and North Continent now has one remaining subsidiary, Great Northern Gas Company, Ltd., an Ontario corporation.

Pursuant to prior authorization of the Commission under Rule U-44 (c), North Continent, under date of October 20, 1953, entered into a contract with Alberta Consolidated Gas Utilities Limited, whereby the latter agreed to purchase North Continent's entire interest in Great Northern Gas Company, Limited, at a price of $533,639, plus an amount equal to interest on certain notes and advances from August 1, 1953, to the closing date. The closing date is expected to occur within approximately two weeks from the date hereof. After consummation of said sale, North Continent will have as its sole asset approximately $659,000 in cash. Pursuant to section 275 of the General Corporation Law of Delaware, the Board of Directors has adopted a resolution to the effect that it is advisable and to the best interests of the Corporation to dissolve the Corporation, and has called a special meeting of stockholders to be held on December 15, 1953, to vote on the question of dissolution. Proposed proxy solicitation material for said meeting has been filed, and it is proposed to mail the same immediately after the Commission enters its order so authorizing.

The Board of Directors has also tentatively approved a Plan of Liquidation and Dissolution, said Plan providing in substance for (1) an initial liquidating dividend of $8.50 per share, payable immediately to all holders of capital stock of the corporation upon surrender of their respective certificates for cancellation, and (2) a further liquidating dividend or dividends until all available assets shall have been distributed to stockholders. The application-declaration states that at the present time it is impossible to state definitely in what amounts, or at what times, such further liquidating dividend or dividends may be distributed and that after payment of the initial liquidating dividend of $8.50 per share the corporation will have on hand approximately $110,000, which (together with such further assets as may accrue to the corporation in connection with expiration of rights of holders of old securities of the corporation under the Supplemental Plan of 1950) is considered by the Board of Directors to be an ample reserve for all present or future liabilities, including taxes for the current year, any possible deficiency assessments of taxes for prior years, fees and expenses in connection with the aforementioned sale of Great Northern Gas Company, Limited, and fees and expenses of all types which may be incurred in completing the dissolution program. As and when it can be determined definitely that the aforesaid items will not exhaust the entire reserved amount, the balance will be available to be paid out in a further liquidating dividend or dividends.

Fees and expenses in connection with the foregoing transactions are estimated at $27,000, including legal fees of $15,000 to Dallstream, Schiff, Stern & Hardin, counsel for North Continent.

Applicant-declarant requests that the application-declaration be granted and permitted to become effective forthwith upon issuance.

Applicant-declarant further requests that an order be entered permitting use of the proxy solicitation material promptly after filing thereof, and in advance of the entry of any final order with respect to the other transactions herein described; and

It appearing to the Commission that such request may appropriately be granted:

*It is ordered*, That the declaration regarding the proxy solicitation material, filed pursuant to Rule U-62, be, and hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9811; Filed, Nov. 20, 1953; 8:47 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28654]

IRON AND STEEL BILLETS, BLOOMS OR SLABS FROM CHICAGO GROUP AND STERLING (ROCK FALLS), ILL., TO BATON ROUGE, LA.

APPLICATION FOR RELIEF

NOVEMBER 18, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent R. G. Raasch's tariff I. C. C. No. 776, pursuant to fourth-section order No. 16101.

Commodities involved: Iron and steel billets, blooms or slabs, carloads.

From: Chicago, Ill., and points grouped therewith, and Sterling (Rock Falls), Ill.

To: Baton Rouge, La.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9833; Filed, Nov. 20, 1953; 8:52 a. m.]

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[4th Sec. Application 28655]

COTTON FROM SOUTH ATLANTIC PORTS TO ALABAMA, GEORGIA, NORTH CAROLINA AND SOUTH CAROLINA

APPLICATION FOR RELIEF

NOVEMBER 18, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cotton, carloads.

From: Wilmington, N. C., Savannah and Port Wentworth, Ga. (applicable on traffic imported from Egypt, Peru or India).

To: Points in Alabama, Georgia, North Carolina and South Carolina.

Grounds for relief: Competition with rail carriers, circuitous routes, and competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1369, supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9834; Filed, Nov. 20, 1953; 8:52 a. m.]

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[4th Sec. Application 28656]

GRAIN FROM CERTAIN STATES TO LOUISIANA AND ARKANSAS

APPLICATION FOR RELIEF

NOVEMBER 18, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Grain, grain products and related articles, carloads.

From: Points in Kansas, Missouri, Oklahoma and Texas.

To: Points in Arkansas and Louisiana.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3940, supp. 30; F. C. Kratzmeir, Agent, I. C. C. No. 3829, supp. 29; F. C. Kratzmeir, Agent, I. C. C. No. 3831, supp. 60; F. C. Kratzmeir, Agent, I. C. C. No. 3939, supp. 39.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9835; Filed, Nov. 20, 1953; 8:52 a. m.]

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[4th Sec. Application 28657]

GRAIN FROM IOWA, MINNESOTA, MISSOURI AND NEBRASKA TO TEXAS PORTS FOR EXPORT

APPLICATION FOR RELIEF

NOVEMBER 18, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedules listed below.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Points in Iowa, Minnesota, Missouri, and Nebraska.

To: Houston, Galveston and Texas City, Texas, for export.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: Chicago and North Western Railway Co., I. C. C. No. 11153, supp. 21; Chicago, Burlington & Quincy Railroad Co., I. C. C. No. 20396, supp. 5; Chicago Great Western Railway Co., I. C. C. No. 5605, supp. 8; Chicago, Milwaukee, St. Paul & Pacific Railroad Co., I. C. C. No. B-7626, supp. 17; Chicago, Rock Island and Pacific Railroad Co., I. C. C. No. C-13415, supp. 14; Wabash Railroad Co., I. C. C. No. 7548, supp. 38; Union Pacific Railroad Co., I. C. C. No. 5130, supp. 29.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9836; Filed, Nov. 20, 1953; 8:52 a. m.]


# FEDERAL REGISTER

VOLUME 18 NUMBER 229

*Washington, Tuesday, November 24, 1953*


## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter B—Cooperative Control and Eradication of Animal Diseases

[BAI Order 375, Revised 11 53]

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS (BANG'S DISEASE), TUBERCULOSIS, OR PARATUBERCULOSIS

PAYMENT OF INDEMNITIES FOR CATTLE DESTROYED BECAUSE OF BRUCELLOSIS, TUBERCULOSIS OR PARATUBERCULOSIS

Pursuant to the authority vested in the Secretary of Agriculture by sections 3 and 11 of the act of May 29, 1884, as amended (21 U. S. C. 114, 114a), section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111), and provisions in the Department of Agriculture Appropriation Act, 1954, for the control and eradication of brucellosis, tuberculosis and paratuberculosis (Pub. Law 150, 83d Cong.; 67 Stat. 208), the headnote for Subchapter B and Part 51 of Title 9, Code of Federal Regulations are amended to read as set forth above and the text of Part 51 is hereby amended to read as follows:

Sec.
51.1 Definitions.
51.2 Payment to owners for cattle destroyed.
51.3 Record of tests.
51.4 Appraisals.
51.5 Report of appraisals.
51.6 Time limit for slaughter.
51.7 Report of salvage proceeds.
51.8 Claims for indemnity.
51.9 Claims not allowed.
51.10 Part 53 of this chapter not applicable.

AUTHORITY: §§ 51.1 to 51.10 issued under sec. 3, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, 33 Stat. 730, 45 Stat. 59, sec. 11, 58 Stat. 734; 21 U. S. C. 114, 111, 114a.

§ 51.1 *Definitions.* For the purposes of this part, the following terms shall be construed, respectively, to mean:

(a) "Department": The United States Department of Agriculture.

(b) "Bureau": The Bureau of Animal Industry of the Department.

(c) "Chief of Bureau": The Chief of the Bureau or any other officer or employee of the Bureau to whom authority has heretofore lawfully been delegated, or may hereafter lawfully be delegated, to act in his stead.

(d) "Veterinarian in Charge": The veterinary inspector who is assigned by the Chief of Bureau to supervise and perform official work at an official station and who reports directly to the Chief of Bureau, and in whose jurisdiction particular cattle are tested and appraised.

(e) "Bureau Representative": Any inspector or other person employed by the Bureau who is authorized by the Chief of Bureau to do any work or perform any duty in connection with the control and eradication of brucellosis, tuberculosis, and paratuberculosis of animals.

(f) "State": A State, the District of Columbia, or a Territory or possession of the United States; or a political subdivision thereof; which has executed a cooperative agreement with the Bureau for the control and eradication of brucellosis, tuberculosis, or paratuberculosis.

(g) "Accredited Veterinarian": A veterinarian recommended by a State, approved by a Veterinarian in Charge, and accredited by the Bureau.

(h) "Mortgage": Any mortgage, lien or other security or beneficial interest held by any person other than the one claiming indemnity.

(i) "Person": Any individual, corporation, company, association, firm, partnership, society, or joint stock company, or any organized group of any of the foregoing.

(j) "Owner": Any person who has a beneficial interest in cattle whether or not they are subject to a mortgage.

(k) "Brucellosis": The disease commonly known as "Bang's Disease."

(l) "Destroyed": Condemned under State authority and destroyed by slaughter or by death otherwise.

§ 51.2 *Payment to owners for cattle destroyed.* Owners of cattle which are destroyed because of brucellosis, tuberculosis, or paratuberculosis may be paid an indemnity by the Department for each animal so destroyed not to exceed one-third of the difference between the appraised value of the animal and the salvage value thereof, ascertained in accordance with the provisions of §§ 51.4 and 51.7: *Provided, however,* That no such payment for cattle destroyed be-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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cause they reacted to a test for brucellosis shall exceed $9.00 for any grade animal or $18.00 for any purebred animal, and no such payment for any other cattle shall exceed $25 for any grade animal or $50 for any purebred animal: *And provided further*, That no such payment shall exceed the amount paid or to be paid by the State where the animal was condemned.

§ 51.3 *Record of tests.* When any cattle in a herd are classified by a Bureau or State representative as reactors to a test for brucellosis, tuberculosis, or paratuberculosis, a complete test record shall be made by such representative for such herd, including the reactor tag number of each reacting animal and the registration name and number of each reacting purebred animal. In the case of any herd having any reactor to a brucellosis test, the record shall be shown on TE Form 33–A or acceptable form furnished by the State. TE Form 20–B or acceptable form furnished by the State shall be used for the record of any herd having any reactor to a tuberculosis or paratuberculosis test. A copy of the applicable test record shall be given to the owner of any such herd, and one copy of each such record shall be furnished to the appropriate Veterinarian in Charge.

§ 51.4 *Appraisals.* Cattle to be destroyed because of brucellosis, tuberculosis, or paratuberculosis shall be appraised by a Bureau or State representative. When thus appraised, due consideration shall be given to their breeding value as well as to their dairy or meat value. Cattle presented for appraisal as purebred shall be accompanied by their registration papers at the time of the appraisal or they shall be appraised as grade cattle: *Provided, however*, That if registration papers are temporarily not available, or if the cattle are less than three years old and unregistered, the appropriate Veterinarian in Charge may grant a reasonable time for the presentation of their registration papers to the appraiser or to the Veterinarian in Charge. The one receiving the papers shall be responsible for their verification. The Bureau may decline to accept any appraisal that appears to it to be unreasonable or out of proportion to the market value of cattle of a like quality. Appraisals shall not exceed any limit that may be set by the laws or regulations of the State in which the cattle are condemned.

§ 51.5 *Report of appraisals.* Appraisals made in accordance with § 51.4 shall be recorded by the appraiser on TE Form 23 which shall also show the reactor tag number of each reacting animal and whether the animal is purebred or grade. At the time of appraisal, the TE Form 23 shall be signed by the appraiser, and by the owner certifying his acceptance of the appraisal. The original of the TE Form 23 and as many copies thereof as may be required for the Bureau, the State and the owner of the cattle shall be sent to the appropriate Veterinarian in Charge.

§ 51.6 *Time limit for slaughter.* Payment of indemnity will be made under this part for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis only if the animals are slaughtered or die otherwise within 15 days after the date of appraisal, except that the appropriate Veterinarian in Charge, for reasons satisfactory to him, may extend the period to 30 days and the Chief of Bureau, for reasons satisfactory to him may extend it beyond 30 days.

§ 51.7 *Report of salvage proceeds.* A report of the salvage derived from the sale of each animal on which a claim for indemnity may be made under the provisions of this part shall be made on TE Form 24, or acceptable form furnished by the purchaser or selling agent, which shall be signed by the purchaser or his agent or by the selling agent handling the cattle. If the cattle are sold by the pound, the TE Form 24 shall show the weight, price per pound, gross receipts, expenses if any, and net proceeds. If the cattle are not sold on a per pound basis, the net purchase price of each animal must be stated on the TE Form 24 and an explanation showing how the amount was arrived at must be submitted. In the event the cattle are not disposed of through regular slaughterers or through selling agents, the owner shall furnish, in lieu of TE Form 24, an affidavit showing the amount of salvage obtained by him and shall certify that such amount is all that he has received or will receive as salvage for said cattle. In an emergency, a certificate executed by the appropriate Veterinarian in Charge will be acceptable in lieu of the owner's affidavit. The salvage shall be considered to be the net amount received for an animal after deducting freight, trucking, yardage, commissions, slaughtering charges, and similar costs. No charges for holding cattle on the farm pending slaughter or for trucking by the owner shall be so deducted or otherwise paid by the Department. The original of TE Form 24 or acceptable form furnished by the purchaser or selling agent, or the affidavit of the owner or certificate of the appropriate Veterinarian in Charge, furnished in lieu thereof, shall be furnished to the Veterinarian in Charge if it is not already in his possession. Additional copies may be furnished to the State officials, if required.

§ 51.8 *Claims for indemnity.* Claims for indemnity for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis, shall be presented on TE Form 23 on which the owner of the cattle shall certify that the animals covered thereby, are, or are not, subject to any mortgage as defined in this part. If the owner states there is a mortgage, TE Form 25 shall be signed by the owner and by each person holding a mortgage on the animals, consenting to the payment of any indemnity allowed to the person specified thereon. Payment will be made only if the TE Form 23 has been approved by a proper State official and if payment of the claim has been recommended by the appropriate Veterinarian in Charge. The Veterinarian in Charge shall record on the TE Form 23 the salvage value of the cattle destroyed and the amount of Federal and State indemnity payments that appear to be due to the owner of the cattle, and shall furnish a copy of the Form to the owner. The Veterinarian in Charge shall then forward TE Form 23 to the appropriate official for further action on the claim.

§ 51.9 *Claims not allowed.* Claims for compensation for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis shall not be allowed if any of the following circumstances exist:

(a) If the claimant has failed to comply with any of the requirements of this part.

(b) If the cattle are classified as affected with tuberculosis or paratuberculosis on the basis of a test, unless the existence of the disease in the cattle was determined as the result of a tuberculin or johnin test applied by a Bureau, State or accredited veterinarian; or if the cattle are classified as affected with brucellosis, unless the existence of the disease in the cattle was determined as the result of an agglutination test applied by such a veterinarian, or by a nonveterinary technician under the supervision of a Bureau or State veterinarian.

(c) If the existence of any such disease in the cattle was determined as the result of a tuberculin, johnin, or agglutination test applied by an accredited veterinarian and specific instructions for the administration of such test had not previously been issued to such veterinarian in writing by the proper Bureau and State authorities.

(d) If the cattle were classified as tuberculous or paratuberculous unless they reacted to the tuberculin or johnin test or revealed lesions of either disease upon autopsy.

(e) If, at the time of test or condemnation, the cattle belonged to or were upon the premises of any person to whom they had been sold, shipped, or delivered for slaughter.

(f) If, at the time of the condemnation of the cattle for brucellosis, tuberculosis or paratuberculosis, the cattle were not in a State in which cooperative eradication work was being conducted with with respect to such disease.

(g) If the claim is not to be paid in cooperation with, and supplementary to, payments to be made by the State in which said cattle were condemned.

(h) If any part of the claimant's herd has not been tested under Bureau and State supervision for the eradication of the particular disease for which the animals covered by the indemnity claim were condemned.

(i) If the premises occupied by the cattle which were destroyed and all infected or exposed materials on such premises have not been properly cleaned and disinfected, with a disinfectant permitted by the Bureau, in accordance with recommendations of the proper State or Bureau official.

(j) If the cattle were steers, unless they were work oxen, or if they were bulls and were not purebred.

(k) If the cattle were destroyed as reactors to tests for tuberculosis or paratuberculosis, unless they were marked for identification by branding the letter "T" on the left jaw, not less than 2 nor more than 3 inches high, and unless a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reactor," or a similar State reactor tag, was suitably attached to the left ear of each animal.

(l) If the cattle were destroyed because of brucellosis, unless they were marked for identification by branding the letter "B" on the left jaw, not less than 2 nor more than 3 inches high, and unless a metal tag bearing a serial number and inscription "U. S. B. A. I. Reactor, B. D.," or a similar State reactor tag, was suitably attached to the left ear of each animal.

(m) If the cattle reacted positively to the agglutination blood test for brucellosis and, at any time after they became 8 months old, they had been vaccinated with any vaccine made from or through the agency of Brucella microorganisms; or if they reacted positively to such test and they had been vaccinated with such a vaccine when they were 8 months old or less, unless 18 months had elapsed between the date of vaccination and the date of reaction.

(n) If the cattle were calves under 6 months of age which reacted only to the agglutination blood test for brucellosis.

(o) If there is substantial evidence that the owner or his agent has in any way been responsible for any attempt unlawfully or improperly to obtain indemnity funds for such cattle.

§ 51.10 *Part 53 of this chapter not applicable.* No claim for indemnity for cattle destroyed because of brucellosis, tuberculosis, or paratuberculosis shall hereafter be paid or allowed under the regulations contained in Part 53 of this chapter, but all such claims shall be presented and paid pursuant to and in compliance with the regulations contained in this part.

This order revises BAI Order 375, as amended on April 27, 1949 (14 F. R. 2164), and September 21, 1953 (18 F. R. 5661). Forms previously used for reporting tests and appraisals and preparing claims for the payment of Federal indemnities have been revised and reporting procedures have been simplified, and the foregoing regulations provide for the use of the new forms and procedures. This does not materially alter current practices in this regard.

The regulations also require that consent to payment of indemnities to the claimant be obtained from mortgagees and other persons having interests in the cattle for which the indemnities are to be paid. The regulations relieve restrictions with respect to presentation of registration papers in connection with the appraisal of purebred cattle. The regulations define terms previously used but not defined as well as other terms and make various other changes for clarity and consistency.

The foregoing regulations relate to the payment of public grants or benefits and are excepted from the requirements relating to public rule-making procedure and delay in effective date, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003).

*Effective date.* The foregoing regulations shall be effective on and after December 14, 1953: *Provided, however,* That claims for cattle tested prior to said date shall be governed by the regulations in effect immediately prior to this order.

NOTE: The reporting and record-keeping requirements of the foregoing regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 18th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9863; Filed, Nov. 23, 1953; 8:48 a. m.]

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PART 53—FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, RINDERPEST, AND OTHER CONTAGIOUS OR INFECTIOUS ANIMAL DISEASES

CROSS REFERENCE: For non-applicability of Part 53 with respect to certain claims for indemnity, see § 51.10 of this chapter, F. R. Doc. 53-9863, *supra.*

## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 66]

PART 608—DANGER AREAS

ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.49, the Scenic, South Dakota, area (D-190), published on July 16, 1949, in 14 F. R. 4295, amended on October 29, 1949, in 14 F. R. 6596, and on May 10, 1951, in 16 F. R. 4311, is further amended by changing the "Designated Altitudes" column to read: "Surface to unlimited".

2. In § 608.51, the Corpus Christi, Texas, area (D-227), published on July 16, 1949, in 14 F. R. 4295, and amended on February 21, 1952, in 17 F. R. 1612, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 27°49'20" N., long. 97°00'00" W.; southerly, 3 nautical miles from and parallel to the shoreline to lat. 26°15'00" N., long. 97°07'20" W.; due W. to long. 97°26'00" W.; NNW. to lat. 26°30'30" N., long. 97°31'30" W.; ENE. to lat. 26°31'30" N., long. 97°27'30" W.; counterclockwise along the arc of a circle 3 miles in radius, centered at Port Mansfield Airport (lat. 26°33'35" N., long. 97°25'40" W.), to lat. 26°33'45" N., long. 97°28'30" W.; WSW. to lat. 26°33'00" N., long. 97°32'20" W.; NNW. to lat. 27°17'30" N., long. 97°48'30" W.; WSW to the E. edge of Amber Civil Airway No. 4 at lat. 27°16'30" N., long. 97°51'15" W.; northerly along the E. edge of Amber Civil Airway No. 4 to lat. 27°29'00" N., long. 97°55'15" W.; ENE. to lat. 27°30'00" N., long. 97°52'00" W.; counterclockwise along the arc of a circle 2 miles in radius, centered at lat. 27°31'30" N., long. 97°52'45" W., to lat. 27°32'40" N., long. 97°51'00" W.; NNW. to lat. 27°33'12" N., long. 97°51'40" W.; NE. to lat. 27°42'18" N., long. 97°33'30" W.; counterclockwise along the arc of a circle 3 miles in radius, centered at Cuddihy Field (lat. 27°43'15" N., long. 97°30'30" W.), to lat. 27°40'30" N., long. 97°29'40" W.; NE. to lat. 27°47'00" N., long. 97°20'00" W.; ENE. to lat. 27°49'30" N., long. 97°07'30" W.; counterclockwise along the arc of a circle 3 miles in radius, centered at Port Aransas Airport (lat. 27°49'45" N., long. 97°04'30" W.), to lat. 27°49'30" N., long. 97°01'30" W.; easterly to lat. 27°49'20" N., long. 97°00'00" W., point of beginning."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on November 24, 1953.

[SEAL] S. A. KEMP,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9859; Filed, Nov. 23, 1953; 8:45 a. m.]

## TITLE 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Bureau of Foreign Commerce

[6th Gen. Rev. of Export Regs., Amdt. 73]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

NICKEL AND MANUFACTURES

Section 373.71 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by deleting therefrom the following entries and their related submission dates for the second, third and fourth quarters, 1953:

| Dept. of Commerce Schedule B No. | Commodity |
|---|---|
| 6[illegible] | Nickel and manufactures: Nickel and nickel alloy welding rods, electrode-coated wire |
| 6[illegible] | Nickel powders and flakes, including nickel electrolytic form |
| 6[illegible] | Nickel catalysts and nickel slings |
| 6[illegible] | Nickel and nickel alloys, and semifabricated forms, except scrap |
| 6[illegible] | Nickel thermo-couples, nickel thermocouple and nickel-bearing metal |
| 5[illegible] | Nickel-electric electric resistance wire (nichrome) |

This amendment shall become effective as of November 20, 1953.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945; 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 10161, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

KARL L. ANDERSON,
*Acting Director,*
*Bureau of Foreign Commerce.*

[F. R. Doc. 53-9852; Filed, Nov. 20, 1953; 1:14 p. m.]



## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53378]

PART 22—DRAWBACK

INTERNAL REVENUE CERTIFICATES AND EXTRACTS FROM SUCH CERTIFICATES; COLLECTIONS STATEMENT OF DRAWBACK DUE

In view of the transfer of certain functions of the Internal Revenue Service to field officers, certificates on internal-revenue Form 646 are now issued by Assistant Regional Commissioners of Internal Revenue, Alcohol and Tobacco Tax and certificates on customs Form 4539 are handled by such field officers. To conform to these changes, the Customs regulations are amended as follows:

1. Section 22.25 is amended by revising the headnote to read "*Internal-revenue certificates and extracts from such certificates.*", by substituting "Assistant Regional Commissioner of Internal Revenue, Alcohol and Tobacco Tax," for "Commissioner of Internal Revenue (Alcohol Tax Unit)" in the first sentence of paragraph (a), by revising the second sentence of paragraph (a) to read as follows: "The Assistant Regional Commissioner of Internal Revenue, Alcohol and Tobacco Tax, will assign to each certificate a serial number, preceded by an abbreviation of the name of the city in which the regional headquarters office is located."

And by substituting "Internal Revenue Service" for "Bureau of Internal Revenue" in the second sentence of paragraph (c).

2. Section 22.26 is amended by substituting "appropriate Assistant Regional Commissioner of Internal Revenue, Alcohol and Tobacco Tax," for "Commissioner of Internal Revenue (Alcohol Tax Unit), Washington, D. C.," in the second sentence of paragraph (b), by substituting "such Assistant Regional Commissioner" for "the Commissioner of Internal Revenue" in the last sentence of paragraph (b), by substituting "Internal Revenue Service" for "Bureau of Internal Revenue" in the first sentence of paragraph (c), and by revising the second sentence of paragraph (c) to read as follows: "The certificate on customs Form 4539, together with a written request for payment of the amount found due, signed by the claimant and addressed to the appropriate Assistant Regional Commissioner of Internal Revenue, Alcohol and Tobacco Tax, shall be transmitted to that officer by the collector."

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 313, 45 Stat. 693, as amended; 19 U. S. C. 1313)

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

Approved: November 17, 1953.

H. CHAPMAN ROSE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-9871; Filed, Nov. 23, 1953; 8:50 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS RESERVE MOBILIZATION AND TRAINING

1. Section 861.1001 is changed to read as follows:

§ 861.1001 *General.* (a) Sections 861.1001 to 861.1009 establish procedures for the assignment or designation of Air Force Reserve officers below the grade of brigadier general and airmen to specific mobilization positions.

(b) The total mobilization positions to be filled by Air Force Reserve personnel will be established by Headquarters USAF for each major air command, based on mobilization requirements, the training capacity of the commands, and the availability of qualified Reservists. Mobilization positions will be filled by mobilization assignees and mobilization designees. The number of persons holding mobilization assignments to mobilization positions will also be limited by the funds available for inactive duty training pay. All remaining mobilization positions may be filled by mobilization designees.

(c) Each major air command at its discretion, and within command mobilization plans, will individually determine which mobilization assignment positions are appropriate for the assignment of Ready or Standby Reservists. Those positions designated as Ready Reserve should constitute the anticipated individual augmentation requirements under limited emergency conditions short of full mobilization. All other positions will be designated as Standby.

(d) Persons assigned to designated Ready Reserve mobilization assignment positions will be members of the Ready Reserve and must comply with § 861.1003.

(e) Persons assigned to Standby Reserve mobilization assignment positions may be members of the Ready or Standby Reserve and must comply with § 861.1003 (a) (1) and (2). In no case will assignment to a position designated as Standby Reserve be denied to an otherwise qualified person who must be a Ready Reservist by operation of law (those persons who are not eligible for Standby status).

2. Paragraph (b) of § 861.1002 is changed as follows:

§ 861.1002 *Definitions.*

* * * * *

(b) *Mobilization assignee.* An Air Force Reserve officer or airman not on extended active duty who requires regular and frequent training to attain or retain proficiency in his mobilization position. Such persons may be members of the Ready or Standby Reserve, are eligible for inactive duty training pay, and are authorized active duty training.

* * * * *

3. Paragraph (a) of § 861.1003 is changed as follows:

§ 861.1003 *Mobilization assignment—*(a) *Eligibility.* (1) A mobilization assignment may be given to a member of the Air Force Reserve not on extended active duty who volunteers for such assignment: *Provided,* That:

(i) He is qualified in accordance with §§ 861.1 to 861.13 and holds the Availability Classification Code necessary for assignment to this program element or accurate award of the appropriate code.

(ii) The person submits in writing his willingness to accept such assignment.

(2) In addition persons who are applying for a Ready Reserve mobilization assignment and are Standby Reservists or Ready Reservists who are eligible to elect Standby status must accomplish a signed statement accepting or retaining Ready Reserve status for a period of two to five years. The period selected will be contingent upon the desires of the person.

* * * * *

4. Paragraph (a) of § 861.1004 is changed as follows:

§ 861.1004 *Mobilization designation—*(a) *Eligibility.* (1) A mobilization designation may be given to a member of the Air Force Reserve not on extended active duty who is qualified in accordance with §§ 861.1 to 861.13 and who volunteers for such assignment.

(2) A mobilization designation may be given to a qualified person who is either unwilling to accept a mobilization assignment, or for whom an assignee vacancy does not exist.

(3) Such persons must meet the criteria for assignment to the Mobilization Designation Reserve Section of Training Category D, as established in §§ 861.1 to 861.13, and must signify, in writing, willingness to accept such assignment.

* * * * *

5. Paragraphs (c), (d) and (h) of § 861.1009 are changed as follows:

§ 861.1009 *Training.*

* * * * *

(c) *Training requirements for mobilization assignees.* Twelve paid inactive duty training periods and a minimum of twelve nonpaid inactive duty training periods will be made available annually, and persons will be encouraged to participate in such training to the maximum in order to attain the individual proficiency which is desired.

(1) Mobilization assignees will be required to participate in a minimum of five inactive duty training periods each fiscal quarter.

(2) Mobilization assignees will be required to perform a normal fifteen-day active duty tour each fiscal year. Any special tour or tour for school training of fifteen or more days is acceptable in place of this requirement.

(3) Tours of active duty during a quarter may be credited toward the training period requirement for that quarter on the basis of one day of active duty equal to one training period.

(4) Mobilization assignees who fail to accomplish the minimum number of training periods a quarter or the fiscal year active duty training requirement, will be relieved of assignment.

(d) *Active duty training of mobilization assignees.* Active duty training of mobilization assignees normally will be accomplished with the unit or activity of assignment or active duty training may be accomplished with the unit or activity to which attached for training. In exceptional instances only, where it is considered that better training can be afforded the person, an assignee may accomplish such training with other Regular Air Force, Reserve Training Category A, or Air National Guard of the United States units or activities not further distant from the place where he is currently residing than his unit or activity of assignment.

* * * * *

(h) *Waivers of training requirements for mobilization designees.* Minimum participation requirements may be waived for mobilization designees whose civilian occupations are so directly allied with the duty Air Force Specialty Codes of the mobilization positions for which they have been designated that proficiency is considered to be retained by virtue of the civilian occupation. Individual applications for waivers will be submitted by military letter, through channels, for approval action to the major air command of assignment or to the Continental Air Command numbered air force for persons under the jurisdiction of Continental Air Command. Such letters will include a complete description of the person's civilian occupation. Waivers which are approved will be effective until there is a change in the person's Reserve assignment, duty Air Force Specialty Code, or civilian occupation.

(AFR 45-3A) (Sec. 251, 66 Stat. 495; 50 U. S. C. 1002. Interpret or apply secs. 101–259, 601–603, 66 Stat. 481–498, 501; 50 U. S. C. 901–1010, 1091–1093)

[SEAL] K. E. THIEBAUD,
*Colonel, U. S. Air Force,*
*Air Adjutant General.*

[F. R. Doc. 53-9844; Filed, Nov. 23, 1953; 8:45 a. m.]

# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[File No. 21-257]

### PART 107—VEGETABLE IVORY BUTTON INDUSTRY

RESCISSION OF PART

In the matter of Trade Practice Rules for the Vegetable Ivory Button Industry; File No. 21-257.

Whereas, on March 14, 1936, the Commission promulgated trade practice rules for the Vegetable Ivory Button Industry, codified in the Code of Federal Regulations (16 CFR Part 107); and,

Whereas, in 1952 a survey of said industry disclosed the fact that there remains only one domestic manufacturer of vegetable ivory buttons; and,

Whereas, there is no longer any use or practicality for the continuance of such trade practice rules in the industry; and,

Whereas, the Commission, after considering the present status of the industry, is of the opinion that the continued existence of the rules is not in the public interest:

*It is ordered*, That the said rules be and the same are hereby rescinded.

Issued: November 18, 1953.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
*Secretary.*

[F. R. Doc. 53-9872; Filed, Nov. 23, 1953; 8:50 a. m.]

# TITLE 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 927]

### ALASKA

REVOKING EXECUTIVE ORDER NO. 4570 OF JANUARY 24, 1927

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 4570 of January 24, 1927 withdrawing the following-described public lands in Alaska for use of the Bureau of Fisheries, Department of Commerce, is hereby revoked:

Beginning at corner No. 3 of U. S. Survey No. 1572 and extending thence in an easterly direction on the meander line of the Naknek River to corner No. 4 of U. S. Survey No. 543; thence south one-quarter mile; thence in a westerly direction to a point one-quarter of a mile south of the point of beginning; thence north to the point of beginning. The tract described contains approximately 160 acres.

At 10:00 a. m. on the 35th day after the date of this order, the public lands released by this order shall, subject to valid existing rights and the provisions of existing withdrawals, be opened to settlement under the homestead laws and the homesite act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461) only, and to those forms of appropriation only by qualified veterans of World War II for whose services recognition is granted by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, and by other qualified persons entitled to preference under the said act. Commencing at 10:00 a. m. on the 126th day after the date of this order, any of such lands not settled upon by veterans or other persons entitled to credit for service shall become subject to settlement and other forms of appropriation by the public generally in accordance with the appropriate laws and regulations.

Applications for these lands, which shall be filed in the Land Office, Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the homesite or homestead laws shall be governed by the regulations contained in Parts 64 to 66, inclusive, of Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Anchorage, Alaska.

ORME LEWIS,
*Assistant Secretary of the Interior.*

NOVEMBER 18, 1953.

[F. R. Doc. 53-9854; Filed, Nov. [illegible] 1953; 8:46 a. m.]

# TITLE 46—SHIPPING

## Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

[Gen. Order 61, Revised, Amdt. 2]

### PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

CITIZENSHIP OATHS BY OWNERS OR MORTGAGEES OF VESSELS OF THE UNITED STATES

General Order 61, Revised, as amended (§ 221.11 *Citizenship Oaths by owners or mortgagees of vessels of the United States as required by section 40 of the Shipping Act, 1916, as amended*), published in the FEDERAL REGISTER (17 F R. 295, 16 F. R. 12997), is amended by adding a new paragraph at the bottom thereof to read:

(d) Corporation not authorized to issue capital stock but in which the voting power is exercised by its members may strike out the following words in Form MA-4557:

that the title to a majority of the stock or seventy-five (75) per centum of the stock of said corporation is vested in citizens of the United States of America free from any trust or fiduciary obligation in favor of any person not a citizen of the United States of America, and that such proportion of the voting power of said corporation is vested in citizens of the United States

provided a clause in substantially the following form is substituted in lieu thereof, attached to and made a part of said oath:

Said corporation is not authorized to issue stock, the ownership and control of said corporation being vested in the members of said corporation who have the exclusive voting power. The persons exercising the duties of managing directors of the corporation are called [illegible], and are the persons referred to herein as managing directors. The majority of the voting power (or) seventy-five (75) per centum of the voting power of said corporation is vested in citizens of the United States of America free from any trust or fiduciary obligation in favor of any person not a citizen of the United States of America,

and in connection therewith, when appropriate, Form MA-4557A may be amended by striking out the word "stock" wherever the same appears, and by changing the phrase "outstanding stock of the company" to read "voting power of the company."

(Sec. 4, 40 Stat. 1027, as amended; 46 U. S. C. 1114)

*Effective date.* This order shall be effective on the date of publication in the FEDERAL REGISTER.

Dated: November 17, 1953.

[SEAL] LOUIS S. ROTHSCHILD,
*Maritime Administrator.*

[F. R. Doc. 53-9912; Filed, Nov. 23, 1953; 8:52 a. m.]

# TITLE 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC 43]

### PART 207—LEASE AND INTERCHANGE OF VEHICLES

INTERCHANGE OF EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 16th day of November A. D. 1953.

Upon consideration of the record in the above-entitled proceeding and of two petitions of Heavy Haulers, Machinery Movers and Erectors Section of Local Cartage National Conference, filed March 24, 1953, and September 18, 1953, and good cause appearing therefor:

*It is ordered*, That § 207.5 (c) of the rules and regulations prescribed by order of May 8, 1951, in the above-entitled proceeding, as amended by order of May 18, 1953, be further amended so that it will read as follows:

§ 207.5 *Interchange of equipment.*

* * *

(c) *Driver of interchanged equipment.* Except as provided in subparagraph (1) of this paragraph, each carrier must assign its own driver to operate the equipment that is proposed to be operated from and to the point or points of interchange and over the routes or within the territory authorized in the participating carriers' respective certificates of public convenience and necessity.

(1) Authorized common carriers, holding certificates of public convenience and necessity from this Commission authorizing the transportation, in interstate or foreign commerce, over irregular routes, of articles or commodities which, because of their size, weight, or shape, require the use of special equipment, may perform a through movement of such articles or commodities on such special equipment, without change of drivers at the point of interchange; and that, until July 1, 1954, such drivers may make the inspection required by paragraph (e) of this section and regulations on behalf of any carrier party to the through movement.

*It is further ordered*, That the said petitions, to the extent relief is not granted in this order, be, and they are hereby, denied.



*And it is further ordered*, That this order shall be effective as of the date hereof.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(49 Stat. 546, as amended, 49 U. S. C. 304)

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-9867; Filed, Nov. 23, 1953; 8:49 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

[7 CFR Part 26]

GRAIN STANDARDS

FEES AND CHARGES

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that consideration is being given to amending § 26.74 of the regulations of the Secretary of Agriculture (7 CFR 26.74) issued pursuant to the authority of section 8 of the United States Grain Standards Act, as amended (7 U. S. C. 84), to read:

§ 26.74 *Fees and charges.* The fee in an appeal or a dispute shall be fixed as follows:

(a) For bulk or sacked grain in carload lots, $5.00 per car;

(b) For bulk or sacked grain in trucks and trailers, $3.00 per truck or trailer lot;

(c) For bulk or sacked grain in boats, barges, or other vessels, $1.50 per thousand bushels or fraction thereof, with a minimum of $3.00 per lot;

(d) For a submitted sample or package of grain, $2.00 per sample or package;

(e) For all lots of grain other than those referred to in paragraphs (a), (b), (c), and (d) of this section, $1.50 per thousand bushels or fraction thereof, with a minimum fee of $3.00 per lot.

Charges may be made for telegrams, express, parcel post, registry fees, travel expenses, and other items paid or incurred by the Department on account of an appeal or a dispute and for oral hearings, as will reimburse the Department, all such additional items to be determined by the Administrator. Unless otherwise stated in the findings in any appeal, the fee as prescribed by this section, and no further charges, shall be deemed to be fixed and assessed.

The effect of the proposed amendment would be to change the fee per carload from $3.00 to $5.00; the fee per truck lot from $1.00 to $3.00; the fee for cargo grain from $1.00 to $1.50 per thousand bushels or fraction thereof; the fee for a submitted sample from $1.00 to $2.00; and the fee for all other lots of grain from $1.00 to $1.50 per thousand bushels or fraction thereof. The current fees have been in effect since August 1, 1949. The purpose of the amendment would be to bring the respective fees and charges more nearly into line with the increased cost of rendering the service.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director of the Grain Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 18th day of November 1953.

[SEAL] ROY W. LENNARTSON,
*Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 53-9875; Filed, Nov. 23, 1953; 8:51 a. m.]

## CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 61]

[Draft Release No. 53-24]

HELICOPTER OPERATIONS

PROPOSED ISSUANCE OF AIR CARRIER OPERATING CERTIFICATES

Pursuant to the authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the adoption of a Special Civil Air Regulation which will authorize the Administrator to issue air carrier operating certificates to air carriers applicable to helicopter operations in accordance with the certification and operating standards of Parts 40 and 61, as in effect on December 31, 1953, subject to such omissions and modifications as the Administrator may find necessary.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments, as they may desire. Communications should be submitted in du-

plicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by December 10, 1953. Copies of such communications will be available after December 14, 1953, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Parts 40 and 61 of the Civil Air Regulations currently prescribe the certification and operation rules for scheduled air carriers. These parts apply primarily to air carriers operating airplanes, but also apply to the certification and operation of helicopters by air carriers. However, Special Civil Air Regulation SR–369 authorizes the Administrator to issue an air carrier operating certificate or amendments thereto, under conditions which do not fully meet the requirements of Parts 40 and 61 to an air carrier holding a temporary certificate of public convenience and necessity issued by the Board. Because all scheduled helicopter air carrier operations are currently being conducted under temporary certificates of public convenience and necessity and, since Parts 40 and 61 were not designed particularly for such operations, the Administrator has used SR–369 as a basis for regulating helicopter air carrier operations.

Part 61 will be rescinded on January 1, 1954, and revised Part 40 will become effective on that date. Revised Part 40 provides certification and operation rules for scheduled domestic air carriers using airplanes, the scope of which was previously covered by Parts 40 and 61. Revised Part 40 is not applicable, however, to the operation of other aircraft such as helicopters.

At present, the Bureau is in the process of formulating rules governing air carrier helicopter operations. In view of this and the fact that revised Part 40 does not provide an adequate regulatory basis, it is proposed that the authority contained in SR–369 be enlarged in scope and continued in effect until the new part covering helicopter operations is promulgated. Since it appears that air carriers other than those holding temporary certificates of public convenience and necessity are considering initiation of helicopter operations, this proposed regulation would provide authority for the Administrator to issue air carrier operating certificates and to permit deviations from Parts 40 and 61 for helicopter operations for all air carriers. Since presently effective Parts 40 and 61 will be rescinded on January 1, 1954, this proposal incorporates by reference Parts 40 and 61 as in effect on December 31, 1953

Accordingly, notice is hereby given that it is proposed to promulgate a Special Civil Air Regulation to provide in substance as follows:

An air carrier operating certificate, or amendments thereto, may be issued by the Administrator to an air carrier for the purpose of engaging in helicopter operations in accordance with the certification requirements of Part 40 of the Civil Air Regulations. Such helicopter operations shall be conducted in accordance with the operation requirements of Part 61 of the Civil Air Regulations provided that if the Administrator finds that any of the requirements of Parts 40 and 61 can be omitted or modified without adversely affecting safety, the Administrator may approve such omissions or modification and they shall be listed in the air carrier operations specifications. The Administrator shall promptly notify the Board of the omissions or modifications approved by him and the reasons therefor.

All references herein to Parts 40 and 61 are to those parts as in effect on December 31, 1953.

It is proposed that this Special Civil Air Regulation supersede Special Civil Air Regulation SR–369 and be effective for a period of two years.

This Special Civil Air Regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat 984, 49 U S C 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated: November 18, 1953, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F R Doc 53-9879; Filed, Nov. 23, 1953; 8:52 a. m.]

## FEDERAL TRADE COMMISSION

### [ 16 CFR Part 203 ]

[File No. 286]

COSMETIC AND TOILET PREPARATIONS INDUSTRY

NOTICE OF HEARING

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, organizations, and other parties, including farm labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the cosmetic and toilet preparations industry (which constitute a proposed revision of §§ 203.6, 203.11, 203.14, 203.16 and 203.18 (Group I Rules 6, 11, 14, 16 and 18) for such industry as promulgated by the Commission on November 29, 1951), to present to the Commission their views concerning said proposed rules, including such pertinent information suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than December 11, 1953. Opportunity to be heard orally will be afforded at the hearing beginning at 10:00 a. m., e s t, December 11, 1953, in the room designated "Star Light Roof," Waldorf-Astoria Hotel, Park and Lexington Avenues, 49th to 50th Streets, New York City, to any such persons, partnerships, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry to which the proposed rules apply is engaged in the business of manufacturing, importing, selling or distributing cosmetics, toilet preparations, and devices or accessories sold in combination therewith.

Issued: November 20, 1953.

By direction of the Commission

[SEAL] ALEX. AKERMAN, Jr., *Secretary*

[F. R Doc. 53-9894; Filed, Nov. 24, 1953; 8:53 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Misc. 55821]

NEW MEXICO

OPENING CERTAIN LANDS IN NEW MEXICO DECLARED TO BE PUBLIC DOMAIN BY DEPARTMENTAL ORDER OF MARCH 25, 1950

NOVEMBER 18, 1953.

By virtue of the authority vested in the Secretary of the Interior by section 1 of the act of August 13, 1949 (63 Stat. 604; 25 U. S. C. 622) and otherwise, and pursuant to Departmental Order No. 2583 of August 16, 1950, section 2.22 (a), (15 F. R. 5643) as amended, it is ordered as follows:

The lands, which were declared to be public domain by the said act of August 13, 1949, and which were transferred, subject to valid existing rights to the Bureau of Land Management for administration by section II of an order of the Secretary of the Interior of March 25, 1950, are hereby opened to all forms of disposition under the public land laws.

The public lands restored to disposition by this order, aggregating 171,912.25 acres in Sandoval, Bernalillo, Valencia and McKinley Counties are described in section III and IV of the memorandum of information which is attached to and made a part of report of the Secretary of the Interior to the Senate Committee on Interior and Insular Affairs on S. 1323, 81st Congress (Sen. Rep. 549, 81st Cong., 1st Sess.), and comprise portions of the following:

NEW MEXICO PRINCIPAL MERIDIAN

T. 14 N., Rgs. 1 and 2 E.
T. 15 N., R. 1 E.
San Ysidro Grant.



Tps. 10 and 11 N., R. 1 W.
Tps. 9, 10, 11, 12 and 13 N., R. 2 W.
Tps. 9, 11 and 12 N., R. 3 W.
Tps. 11 and 12 N., R. 4 W.
Tps. 6 and 7 N., R. 6 W.
T. 6 N., R. 7 W.
Tps. 7 and 8 N., R. 9 W.
Tps. 6, 7 and 8 N., R. 10 W.
T. 6 N., R. 11 W.
T. 8 N., Rgs. 16, 17 and 18 W.
Tps. 8, 10 and 11 N., R. 19 W.

With respect to applications under the mineral-leasing laws, this order shall be effective on the date of its publication in the FEDERAL REGISTER.

The easterly portions of the lands are rolling to rough, with occasional mesa outcroppings. There is scattered juniper and pinion, under which there is relatively abundant grass and browse cover. Part of the most westerly land is in a wooded area of pinion and juniper with an understory of sage and grass; part is high choice grazing land on the south side of the Zuni uplift. The central portions of the lands are partly high country near the Continental Divide, with pinion and juniper and occasional pine—the headwaters of numerous small drainages. A part is mesa and mountain country cut by washes, the vegetation being juniper and pinion with less than average cover of forage.

The lands are primarily suitable for grazing.

No applications for the land shall be allowed under the homestead, small tract, desert land, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:30 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the surveyed public lands restored by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the class described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:30 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:30 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:30 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:30 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Bureau of Land Management, Santa Fe, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Bureau of Land Management, Santa Fe, New Mexico.

WILLIAM PINCUS, *Assistant Director.*

[F R. Doc. 53-9855; Filed, Nov. 23, 1953; 8:46 a. m.]

### Bureau of Reclamation

NORTH PLATTE PROJECT, NEBRASKA

ORDER OF REVOCATION

NOVEMBER 10, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of May 3, 1904 and May 7, 1906, and insofar as said orders affect the following described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, NEBRASKA

T. 23 N., R. 54 W.,
Sec. 13, NW¼.

The above area aggregates 160 acres.

H. F. MCPHAIL, *Acting Commissioner.*

NOVEMBER 18, 1953.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are included in reclamation homestead entry, Alliance 020199, and are not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II and others.

WILLIAM PINCUS, *Assistant Director, Bureau of Land Management.*

[F R Doc. 53-9853; Filed, Nov. 23, 1953; 8:46 a. m.]

## DEPARTMENT OF AGRICULTURE

### Farm Credit Administration

[Farm Credit Administration Order 583]

DEPUTY COOPERATIVE BANK COMMISSIONER ET AL.

DESIGNATION AS ACTING COOPERATIVE BANK COMMISSIONER AND ORDER OF PRECEDENCE OF OTHERS TO ACT AS SUCH

NOVEMBER 3, 1953.

B. F. Viehmann, Deputy Cooperative Bank Commissioner, is hereby also designated as Acting Cooperative Bank Commissioner, and, as such, is hereby authorized and empowered to execute and perform any and all functions, powers, authority, and duties which the Cooperative Bank Commissioner is authorized and empowered to execute and perform

S. Y. McConnell, Assistant Cooperative Bank Commissioner, is hereby authorized and empowered to execute and perform any and all functions, powers, authority, and duties which the Cooperative Bank Commissioner is authorized to execute and perform, in the event Acting Cooperative Bank Commissioner B. F. Viehmann is absent or unable to serve for any reason.

Dorwin Scott, Treasurer, Central Bank for Cooperatives, is hereby authorized and empowered to execute and perform any and all functions, powers, authority, and duties which the Cooperative Bank Commissioner is authorized and empowered to execute or perform, in the event Acting Cooperative Bank Commissioner B. F. Viehmann and Assistant Cooperative Bank Commissioner S. Y. McConnell are absent or unable to serve for any reason.

The foregoing order shall become effective on November 3, 1953, and revokes Farm Credit Administration Order No.

568 of May 13, 1953 (18 F. R. 2888), as of the same date.

C. R. ARNOLD,
*Governor.*

[F. R. Doc. 53-9873; Filed, Nov. 23, 1953; 8:51 a. m.]

## Office of the Secretary

UNDER SECRETARY OF AGRICULTURE AND EACH ASSISTANT SECRETARY OF AGRICULTURE

DELEGATION OF AUTHORITY TO PERFORM ALL DUTIES AND EXERCISE ALL POWERS AND FUNCTIONS OF SECRETARY OF AGRICULTURE

a. Pursuant to the authority vested in me by Reorganization Plan No. 2, 1953, and subject to the provisions of paragraph c hereof, there is hereby delegated to the Under Secretary of Agriculture and each Assistant Secretary of Agriculture, severally, the authority to perform all duties and to exercise all the powers and functions which are now, or which may hereafter be, vested in me. The authority herein conferred upon each of the Assistant Secretaries of Agriculture will be exercised by each of such officers in connection with the functions of the agencies assigned to his direction and supervision, except when it may be necessary that he act otherwise because any other Assistant Secretary is absent or otherwise unavailable. The authority granted hereunder may also be exercised in the discharge of any additional functions which the Secretary of Agriculture may assign.

b. There is hereby delegated to the Administrative Assistant Secretary the authority to perform all duties and to exercise all the power and functions which are now, or which may hereafter be, vested in me, in connection with the functions of the agencies assigned to his direction and supervision and any additional functions which the Secretary of Agriculture may assign to him.

c. This order shall not be construed to confer upon any officer named herein the authority of the Secretary of Agriculture to prescribe such regulations as may be necessary pursuant to section 8c (15) (A) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (15) (A)).

d. The determination of any matter by any of the officers named herein which requires the application of new principles or a departure from principles heretofore announced by the Secretary of Agriculture shall be brought to the attention of the Secretary for approval.

e. (1) This order supersedes the order of August 24, 1953, published in 18 F. R. 5155 and all other orders heretofore issued by the Secretary of Agriculture delegating authority to the Under Secretary of Agriculture and the Assistant Secretary of Agriculture.

(2) Except as provided in subparagraph (1) of this paragraph, the provisions of this order are not intended to supersede or modify any delegations of authority heretofore made by the Secretary of Agriculture.

f. The provisions of this order shall not preclude the Secretary of Agriculture from exercising any of the powers and functions or from performing any of the duties herein conferred.

g. Any action taken by the officers herein designated in the exercise, on or after June 4, 1953, of the authority herein delegated is hereby confirmed, in view of the informal authorization heretofore granted.

Done at Washington, D. C., this 18th day of November 1953.

[SEAL] EZRA TAFT BENSON,
*Secretary of Agriculture.*

[F. R. Doc. 53-9876; Filed, Nov. 23, 1953; 8:51 a. m.]

# DEPARTMENT OF COMMERCE

## Maritime Administration

[No. S-45]

GRACE LINE INC.

NOTICE OF HEARING ON APPLICATION FOR RENEWAL OF WAIVER

Notice is hereby given that the Maritime Administrator, upon request of Grace Line Inc., has directed that a public hearing be held on the application of Grace Line Inc., for renewal of the waiver of the provisions of section 804 of the Merchant Marine Act, 1936, as amended, and of Article II-14 of applicant's operating-differential subsidy agreement, relative to the agreement between applicant and Johnson Line, whereunder Grace Line's affiliated companies propose to solicit cargo and passengers for the vessels of Johnson Line in its North Pacific Service and its South Pacific Service. The previous waiver granted to applicant relative to such solicitation was cancelled on August 21, 1953, with the understanding that Grace Line Inc., could request a public hearing on said matter of solicitation.

Section 804 of the Merchant Marine Act, 1936, as amended, makes it unlawful for any contractor receiving an operating-differential subsidy to act as agent for a foreign-flag vessel which competes with an American-flag service determined by the Maritime Administrator to be essential under section 211 of that act unless, under special circumstances and for good cause shown, the Maritime Administrator, in his discretion, shall waive such restriction for a specific period of time.

In order to afford applicant Grace Line Inc., an opportunity to show such special circumstances and good cause, a public hearing will be held before a hearing examiner in Room 4519, New General Accounting Office Building, 441 G Street NW., Washington, D. C., on January 13, 1954, at 10 o'clock a. m. The hearing will be conducted pursuant to the rules of practice and procedure of the Federal Maritime Board Maritime Administration (18 F. R. 3716, 4598), and a recommended decision will be issued by the Examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to participate in this proceeding should file petitions for leave to intervene promptly and in accordance with § 201.74 (46 CFR 201.74) (Rule 5 (n)) of said rules of practice and procedure.

Dated: November 19, 1953.

By order of the Maritime Administrator.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 53-9877; Filed, Nov. 23, 1953; 8:52 a. m.]

# DEPARTMENT OF LABOR

## Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportwear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Blue Ridge Manufacturers, Inc., Huntington, W. Va., effective 12-4-53 to 12-3-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees).

Blue Ridge Manufacturers, Inc., Pulaski and Brown Streets, Petersburg, Va., effective 11-14-53 to 11-13-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees, misses' and women's denim and twill jeans).

Bellcraft Manufacturing Co., Hartwell, Ga., effective 11-12-53 to 5-11-54; 10 learners for expansion purposes (sport shirts).

Michael Berkowitz Co., Inc., Wayne and Pa., effective 11-12-53 to 11-11-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (pajamas).

Cluett, Peabody & Co., Inc., Fleetwood, Pa., effective 11-10-53 to 5-9-54; 20 learners for expansion purposes (boys' shirts).

Cluett, Peabody & Co., Inc., 2022 Chappell Avenue, SW., Atlanta, Ga., effective 11-15-53 to 11-14-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress shirts).

Cordele Uniform Co., 122 Wall Street, Cordele, Ga., effective 11-16-53 to 11-15-54; 10 learners for normal labor turnover purposes (service garments).

Florence Manufacturing Co., Inc., Florence, S. C., effective 11-28-53 to 11-27-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (house dresses).

Lancaster-Walker Manufacturing Co., Inc., Columbia, Ky., effective 11-10-53 to 11-9-54; 12 learners for normal labor turnover purposes (sport shirts).

Linden Apparel Corp., Linden, Tenn., effective 11-23-53 to 11-22-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees).

Malden Form Brassiere Co., Inc., Route 1, Princeton, W. Va., effective 11-21-53 to 11-20-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

Malden Form Brassiere Co., Inc., Main Street and Monticello Avenue, Clarksburg, W. Va., effective 11-16-53 to 11-15-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

Malden Form Brassiere Co., Inc., 2311 Adams Avenue, Huntington, W. Va., effective 12-1-53 to 11-30-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

Oberman Manufacturing Co., Wrightsville, Ga., effective 11-26-53 to 11-25-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (slacks).

Penn Beach Co., Danville, Ky., effective 12-6-53 to 12-5-54; 7 percent of the total number of factory production workers, for normal labor turnover purposes. Machine operators (except cutting), 480 hours, pressers, 480 hours, hand sewers, 480 hours; at least 65 cents an hour for the first 240 hours and not less than 70 cents an hour for the remaining 240 hours (men's and boys' clothing).

Seminole Manufacturing Co., Columbus, Miss., effective 12-1-53 to 11-30-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' trousers).

Seminole Manufacturing Co., Aberdeen, Miss., effective 12-1-53 to 11-30-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' trousers).

Terre Hill Manufacturing Co., Inc., Blue Ball, Pa., effective 11-10-53 to 11-9-54; 10 percent of the total number of factory production workers engaged in the manufacture of underwear made from woven fabric or other apparel industry products, for normal labor turnover purposes (slips and nightgowns).

Tidewater Garment Co., Inc., 2309 Washington Avenue, Newport News, Va., effective 11-16-53 to 5-15-54; 15 learners for expansion purposes (cotton dresses).

Twin City Manufacturing Co., Twin City, Ga., effective 12-6-53 to 12-5-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and sport shirts).

Wildwood Clothing Co., Inc., 112 East Schellenger Avenue, Wildwood, N. J., effective 12-8-53 to 12-7-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's pants).

Glair Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952, 17 F. R. 8633).

General Cigar Co., Inc., 715-25 North Fourth Street, Allentown, Pa., effective 11-16-53 to 11-15-54; 10 percent of the total number of factory production workers engaged in each occupation listed below: Cigar machine operating, 320 hours; cigar packing, cigars retailing for more than 6 cents, 320 hours; cigars retailing for 6 cents or less, 160 hours; machine stripping, 160 hours; hand stripping, 160 hours, each 65 cents an hour.

General Cigar Co., Inc., Fifth and Hickory Streets, Mount Carmel, Pa., effective 11-13-53 to 11-12-54; 10 percent of the total number of factory production workers engaged in each occupation listed below: Cigar machine operating, 320 hours; cigar packing, cigars retailing for over 6 cents, 320 hours; machine stripping, 160 hours; each 65 cents an hour.

General Cigar Co., Inc., Robert Burns Drive, Philipsburg, Pa., effective 11-13-53 to 11-12-54; 10 percent of the total number of factory production workers engaged in each occupation listed below: Cigar machine operating, 320 hours; cigar packing, cigars retailing for 6 cents or less, 160 hours; machine stripping, 160 hours; each 65 cents an hour.

General Cigar Co., Inc., 154 West Church Street, Nanticoke, Pa., effective 11-13-53 to 11-12-54; 10 percent of the total number of factory production workers engaged in each occupation listed below: Cigar machine operating, 320 hours, cigar packing, cigars retailing for over 6 cents, 320 hours; machine stripping, 160 hours; hand stripping, 160 hours; each 65 cents an hour.

Pennstate Cigar Corp., 426 East Allegheny Avenue, Philadelphia, Pa., effective 11-30-53 to 11-29-54. 10 percent of the total number of factory production workers engaged in each occupation listed below: Cigar machine operating, 320 hours; machine stripping, 160 hours; packing, cigars retailing at 6 cents or less, 160 hours, each 65 cents an hour.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93 as amended January 25, 1950, 15 F. R. 393).

Iowa-Illinois Telephone Co., New London, Iowa, effective 11-17-53 to 11-16-54.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Cluett, Peabody & Co., Inc., Eveleth, Minn., effective 11-28-53 to 11-27-54; 5 percent of the total number of factory production workers for normal labor turnover purposes (undershorts).

Coopers, Inc., of Georgia, Millen, Ga., effective 11-12-53 to 11-11-54; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's jockey shorts, midways and T-shirts).

Reidler Knitting Mills, Inc., 757 West Broad Street, Hazleton, Pa., effective 11-24-53 to 11-23-54; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear).

Terre Hill Manufacturing Co., Inc., Blue Ball, Pa., effective 11-10-53 to 11-9-54; 5 percent of the total number of factory production workers engaged in the production of underwear and nightwear from knitted fabric or other Knitted Wear Industry products, for normal labor turnover purposes (knit slips and nightwear).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952; 17 F. R. 1500).

Casey Manufacturing Co., East Main, Casey, Ill., effective 11-13-53 to 11-12-54; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

Ettelbrick Shoe Co., Sole Department, Casey, Ill., effective 11-13-53 to 11-12-54; 5 learners for normal labor turnover purposes.

Greenup Manufacturing Co., Greenup, Ill., effective 11-13-53 to 11-12-54; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

The Muskin Shoe Co., Pine Street, Millersburg, Pa., effective 11-17-53 to 11-16-54; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

Town & Country Shoes, Inc., 110 North Missouri, Sedalia, Mo., effective 11-12-53 to 11-11-54; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

Town & Country Shoes, Inc., Odessa, Mo., effective 11-12-53 to 11-11-54; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

Town & Country Shoes, Inc., Warrensburg, Mo., effective 11-12-53 to 11-11-54; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Denlcotea Panamerican, Inc., Carpenter Road, Hato Rey, P. R., effective 11-16-53 to 3-15-54; 5 learners. Tripoling and polishing of plastic bits, 200 hours at 35 cents an hour (manufacture of plastic cigarette holders).

El Mundo, Inc., San Juan, P. R., effective 11-5-53 to 5-4-54; 3 learners. Teletype operators, 200 hours at 48 cents an hour (daily newspaper).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 16th day of November 1953.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 53-9856; Filed, Nov. 23, 1953; 8:47 a. m.]

# CIVIL AERONAUTICS BOARD

ADMINISTRATOR OF CIVIL AERONAUTICS

DELEGATION OF CERTAIN ACCIDENT INVESTIGATION FUNCTIONS

NOVEMBER 10, 1953.

Acting pursuant to the authority vested in it by section 601 (c) of the Civil Aeronautics Act of 1938, as amended (52 Stat. 1007; 49 U. S. C. 551), the Civil Aeronautics Board hereby delegates to the Administrator of Civil Aeronautics the following powers and duties in connection with its accident investigation functions under section 702 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 1013; 49 U. S. C. 582):

1. Subject to the terms, conditions, and limitations set forth below, the Board hereby delegates to the Administrator the authority contained in section 702 (a) (2) and section 702 (a) (4) of

the Civil Aeronautics Act of 1938, as amended, with respect to all accidents involving fixed wing aircraft to which Part 62 of the Civil Air Regulations is applicable and which do not involve an aircraft in excess of a certificated maximum take-off weight of 12,500 pounds: *Provided, however*, That the delegation of authority herein shall not apply to any accident involving an aircraft operated by any air carrier authorized by certificate of public convenience and necessity to engage in air transportation in Alaska.

2. The Board hereby further delegates to the Administrator the authority contained in section 702 (c) of the act for all purposes directly connected with the investigation of aircraft accidents by the Administrator pursuant to paragraph 1 hereof: *Provided, however*, That nothing herein contained shall be construed as authorizing the Administrator to hold public hearings in connection with the performance of the function of investigation of aircraft accidents herein delegated to the Administrator.

3. If at any time the Board shall determine either upon request of the Administrator, request of any person having any substantial interest therein, or upon its own initiative that the circumstances of a particular accident being investigated by the Administrator pursuant to the delegation of authority herein are such as to indicate that a public hearing thereon may be desirable in the public interest, the Board will so notify the Administrator. Upon such notification the delegation of authority to the Administrator herein shall terminate as to that particular accident and such accident shall thereafter be investigated and the probable causes thereof be determined in the same manner as accidents not covered by this delegation of authority.

4. Reports on the accidents investigated by the Administrator pursuant to the delegation herein, including reports on the probable causes thereof, may be prepared in such form and manner and made public by such means as the Administrator may determine to be necessary to carry out the purposes and objectives of Title VII of the Civil Aeronautics Act of 1938, as amended. A copy of each such report, if any, whether or not made public by the Administrator, shall be transmitted to the Board.

5. For each accident investigated by the Administrator pursuant to the delegation herein, he shall transmit to the Board for its statistical use an analysis thereof, including a determination of the probable cause, prepared on an accident analysis sheet or sheets acceptable to the Board.

6. The delegation of authority set forth herein shall become effective with respect to accidents occurring after midnight December 31, 1953, local time, and shall remain effective until otherwise ordered by the Board.

By the Civil Aeronautics Board:[1]

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 53-9858; Filed, Nov. 23, 1953; 8:52 a. m.]

[1] Member Adams dissents from this action.

## OFFICE OF DEFENSE MOBILIZATION

### Defense Rental Areas Division

LEONARD A. SKUBAL

DESIGNATION AS CERTIFYING OFFICER

Leonard A. Skubal, duly appointed Director, Field Relations Branch, Defense Rental Areas Division, Office of Defense Mobilization, is hereby designated as Certifying Officer for the Defense Rental Areas Division, Office of Defense Mobilization.

As Certifying Officer, the said Leonard A. Skubal, is hereby authorized to authenticate, certify or attest documents, records, reports, rules, regulations, orders, memoranda, copies of or entries in files, and other written material in the control and custody of the Defense Rental Areas Division, Office of Defense Mobilization, and to certify and attest as to the absence or lack thereof.

Issued and effective this 13th day of November 1953.

GLENWOOD J. SHERRARD,
*Director,*
*Defense Rental Areas Division.*

[F. R. Doc. 53-9892; Filed, Nov. 20, 1953; 1:15 p. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3237]

ADOLPH GOBEL, INC.

ORDER SUMMARILY SUSPENDING TRADING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of November A. D. 1953.

The Commission by order adopted March 13, 1953, pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, having summarily suspended trading in the $1.00 par value common stock of Adolph Gobel, Inc., on the American Stock Exchange for a period of ten days from that date, and subsequently having entered additional orders further suspending such trading in order to prevent fraudulent, deceptive or manipulative acts or practices; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on that Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder, for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

*It is ordered*, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, effective at the opening of the trading session on said Exchange on November 19, 1953, for a period of ten days.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53-9861; Filed, Nov. 23, 1953; 8:48 a. m.]

[File No. 70-3147]

MONONGAHELA POWER CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

NOVEMBER 18, 1953.

Monongahela Power Company ("Monongahela"), a subsidiary company of The West Penn Electric Company, a registered holding company, having filed an application-declaration with this Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder with respect to the following proposed transactions:

Monongahela proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 principal amount of its first mortgage bonds, __ percent series, due 1983. The net proceeds from the sale of said bonds are to be used for construction of property additions and improvements by Monongahela and its subsidiaries. The bonds are to be issued under an indenture dated as of August 1, 1945, as heretofore supplemented, between Monongahela and City Bank Farmers Trust Company as Trustee, and an indenture supplemental to said indenture to be dated as of December 1, 1953. The price of the bonds shall be not less than 100 percent or more than 102¾ percent of the principal amount thereof and the interest rate (which shall be a multiple of ⅛ of 1 percent) will be determined by the competitive bidding.

Due notice having been given of the filing of the application-declaration and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of said act, that said application-declaration, as amended, be and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of bonds shall not be consummated until the results of competitive bidding with respect thereto shall have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

*It is further ordered*, That jurisdiction be, and hereby is, reserved over the payment of all fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53-9862; Filed, Nov. 23, 1953; 8:48 a. m.]



## HOUSING AND HOME FINANCE AGENCY

### Office of the Administrator

REGIONAL ECONOMIST, REGION IV, FORT WORTH, TEXAS

DELEGATION OF AUTHORITY TO PERFORM FUNCTIONS IN CONNECTION WITH DEFENSE HOUSING AUTHORIZED UNDER HHFA REGULATION CR 3

The Regional Economist, Region IV, is hereby authorized, within the area under his jurisdiction, to take any action which it is necessary or appropriate for the Housing and Home Finance Administrator to take in the administration of Housing and Home Finance Agency Regulation CR 3 (as amended and revised July 18, 1953, 17 F. R. 6585, with any subsequent amendments thereto) with respect to releasing applicants or their successors from their obligations under CR 3:

(a) To hold for rent structures containing one-family dwelling units,

(b) To hold any dwelling units for sale, and

(c) To exclusively offer any dwelling units to eligible defense workers.

Delegation of Authority, effective Oct. 2, 1953, 18 F. R. 6324 (Oct. 2, 1953))

Effective this 13th day of November 1953.

W. H. SINDT,
*Regional Representative,*
*Region IV.*

[F. R. Doc. 53-9870; Filed, Nov. 23, 1953; 8:49 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. E-6532]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

NOVEMBER 18, 1953.

Take notice that on November 17, 1953, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware, and doing business in the States of Minnesota, Montana, North Dakota, South Dakota, and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of $6,000,000 of Promissory Notes, payable to the National City Bank of New York, dated as of the dates of their respective issue, due not more than one year after the dates of their respective issue, bearing interest at the prime commercial bank rate in effect at the dates of their respective issue. The Northwestern National Bank of Minneapolis will have a 25 percent participation in each Note and the First National Bank of Minneapolis will have a 15 percent participation in each Note. Applicant proposes to replace $4,000,000 of Notes of $1,000,000 each which were issued on June 24, September 2, October 6, and November 4, 1953, all due June 1, 1954. The other $2,000,000 of Notes will be issued prior to December 31, 1953, as funds are required.

Any person desiring to be heard, or to make any protest with reference to said application, should on or before the 30th day of November 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9857; Filed, Nov. 23, 1953; 8:47 a. m.]

[Project No. 400]

WESTERN COLORADO POWER CO.

NOTICE OF ORDER FURTHER AMENDING LICENSE (MAJOR)

NOVEMBER 18, 1953.

Notice is hereby given that on August 28, 1953, the Federal Power Commission issued its order adopted August 26, 1953, further amending license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9858; Filed, Nov. 23, 1953; 8:47 a. m.]

[Project No. 2116]

JOHN W. PARKHILL

NOTICE OF ORDER ISSUING NEW LICENSE (MINOR)

NOVEMBER 18, 1953.

Notice is hereby given that on November 16, 1953, the Federal Power Commission issued its order adopted November 12, 1953, issuing a new license (Minor) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9859; Filed, Nov. 23, 1953; 8:47 a. m.]

[Project No. 2131]

WISCONSIN MICHIGAN POWER CO. AND KINGSFORD CHEMICAL CO.

NOTICE OF ORDER ISSUING LICENSE (MAJOR)

NOVEMBER 18, 1953.

Notice is hereby given that on October 23, 1953, the Federal Power Commission issued its order adopted October 22, 1953, issuing license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9860; Filed, Nov. 23, 1953; 8:47 a. m.]

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 1]

NEW YORK

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about November 6, 1953, because of the combined disastrous effect of a gale, snow and the tides, damage resulted to residences and business property located in certain coastal areas in the State of New York; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the SBA Regional Office below indicated from persons or firms where property situated in the coastal areas of the following counties (hereinafter referred to as "the disaster areas") suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of Richmond, Kings, Queens, Nassau, Suffolk, and Bronx. Mr. J. Frederic Benedict, Regional Director, New York Regional Office, Small Business Administration, 2 Park Avenue, New York 16, N. Y.

2. Special field offices will not be established to receive and process such applications.

3. No disaster loan application from any resident or firm situated in the disaster areas will be accepted under the authority of this order subsequent to May 31, 1954.

Dated: November 12, 1953.

WENDELL B. BARNEY,
*Acting Administrator.*

[F. R. Doc. 53-9848; Filed, Nov. 20, 1953; 5:04 p. m.]

[Declaration of Disaster Area 2]

NEW JERSEY

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about November 6, 1953, because of the combined disastrous effect of a gale, snow and the tides, damage resulted to residences and business property located in certain coastal areas in the State of New Jersey; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now Therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the SBA Regional Offices below indicated from persons or firms where property situated in the coastal areas of the following counties (hereinafter referred to as "the disaster areas") suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of Monmouth and Middlesex: Mr. J. Frederic Benedict, Regional Director, New York Regional Office, Small Business Administration, 2 Park Avenue, New York 16, N. Y.

Counties of Ocean, Atlantic, and Cape May: Mr. William Henry Herman, Regional Director, Philadelphia Regional Office, Small Business Administration, 1015 Chestnut Street, Philadelphia 7, Pa.

2. Special field offices will not be established to receive and process such applications.

3. No disaster loan application from any resident or firm situated in the disaster areas will be accepted under the authority of this order subsequent to May 31, 1954.

Dated: November 12, 1953.

WENDELL B. BARNES,
*Acting Administrator.*

[F. R. Doc. 53-9899; Filed, Nov. 20, 1953; 5:04 p. m.]

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[Declaration of Disaster Area 3]

CONNECTICUT

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about November 6, 1953, because of the combined disastrous effect of a gale, snow and the tides, damage resulted to residences and business property located in certain coastal areas in the State of Connecticut; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the SBA Regional Offices below indicated from persons or firms where property situated in the coastal areas of the following counties (hereinafter referred to as "the disaster areas") suffered damage or other destruction as a result of the catastrophe above referred to:

County of Fairfield: Mr. J. Frederic Benedict, Regional Director, New York Regional Office, Small Business Administration, 2 Park Avenue, New York 16, N. Y.

County of New Haven: Mr. Edward J. Stewart, Regional Director, Boston Regional Office, Small Business Administration, 40 Broad Street, Boston, Mass.

2. Special field offices will not be established to receive and process such applications.

3. No disaster loan application from any resident or firm situated in the disaster areas will be accepted under the authority of this order subsequent to May 31, 1954.

Dated: November 12, 1953.

WENDELL B. BARNES,
*Acting Administrator.*

[F. R. Doc. 53-9900; Filed, Nov. 20, 1953; 5:04 p. m.]

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[Declaration of Disaster Area 4]

MASSACHUSETTS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about November 6, 1953, because of the combined disastrous effect of a gale, snow and the tides, damage resulted to residences and business property located in certain coastal areas in the State of Massachusetts; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the SBA Regional Offices below indicated from persons or firms where property situated in the coastal areas of the following counties (hereinafter referred to as "the disaster areas") suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of Duke, Bristol, Barnstable and Suffolk: Mr. Edward J. Stewart, Regional Director, Boston Regional Office, Small Business Administration, 40 Broad Street, Boston 9, Mass.

2. Special field offices will not be established to receive and process such applications.

3. No disaster loan application from any resident or firm situated in the disaster areas will be accepted under the authority of this order subsequent to May 31, 1954.

Dated: November 12, 1953.

WENDELL B. BARNES,
*Acting Administrator.*

[F. R. Doc. 53-9901; Filed, Nov. 20, 1953; 5:04 p. m.]

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[Declaration of Disaster Area 5]

CALIFORNIA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about November 16, 1953, and thereafter, because of the continuing disastrous effect of extraordinarily high tides, damage resulted and further damage is expected to result to residence and business property located in certain coastal areas in the State of California; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be submitted to the SBA Office below indicated from persons or firms who own property situated in the coastal areas of the following counties (hereinafter referred to as "the disaster areas") suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of Orange and Los Angeles: Mr. Joseph V. Ragusa, in charge, Los Angeles Branch Office, Small Business Administration, 117 West Ninth Street, Suite 711, Los Angeles 15, Calif.

2. Special field offices will not be established to receive and process such applications.

3. No disaster loan application from any resident or firm situated in the disaster areas will be accepted under the authority of this order subsequent to May 31, 1954.

Dated: November 20, 1953.

WENDELL B. BARNES,
*Acting Administrator.*

[F. R. Doc. 53-9902; Filed, Nov. 20, 1953; 5:05 p. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28658]

GYPSUM LATH AND RELATED ARTICLES FROM TEXAS, OKLAHOMA, AND KANSAS TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 18, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Gypsum lath and sheathing, gypsum backing boards and related articles, carloads.

From: Specified points in Texas, Eldorado and Southard, Okla., and Medicine Lodge, Kans.

To: Points in southern territory.



Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4026, supp. 17.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-9837; Filed, Nov. 20, 1953; 8:52 a. m.]

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[4th Sec. Application 28659]

SAND FROM SAULSBURY, TENN., TO THE SOUTHWEST

APPLICATION FOR RELIEF

NOVEMBER 18, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Sand, in carloads.

From: Saulsbury, Tenn.

To: Points in Arkansas, Louisiana, Oklahoma and Texas.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3736, supp. 235.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-9838; Filed, Nov. 20, 1953; 8:53 a. m.]

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[4th Sec. Application 28660]

GRAIN FROM CERTAIN STATES TO TEXAS

APPLICATION FOR RELIEF

NOVEMBER 18, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Roscoe, Snyder & Pacific Railway Company, St. Louis-San Francisco Railway Company and other carriers.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Points in Arkansas, Kansas, Missouri and Oklahoma, East St. Louis, Ill., and Memphis, Tenn.

To: Points in Texas on Roscoe, Snyder & Pacific Railway.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3941, supp. 68.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-9839; Filed, Nov. 20, 1953; 8:53 a. m.]

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[4th Sec. Application 28661]

FERTILIZER FROM SOUTHERN TERRITORY TO KRAUSE AND MILLSTADT, ILL.

APPLICATION FOR RELIEF

NOVEMBER 18, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer and fertilizer materials, carloads.

From: Points in southern territory.

To: Krause and Millstadt, Illinois.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1366, supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-9840; Filed, Nov. 20, 1953; 8:53 a. m.]

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[4th Sec. Application 28662]

POTASH FROM CARLSBAD AND LOVING, N. MEX., TO HORN, MO.

APPLICATION FOR RELIEF

NOVEMBER 18, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Atchison, Topeka and Santa Fe Railway Company for carriers parties to schedule listed below.

Commodities involved: Potash, carloads.

From: Carlsbad and Loving, N. Mex.

To: Horn, Mo.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: Atchison, Topeka and Santa Fe Railway Company, I. C. C. No. 14478, supp. 73.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other

their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9841; Filed Nov. 20, 1953; 8:53 a. m.]

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[4th Sec. Application 28663]

CAST IRON PIPE AND FITTINGS FROM SOUTHERN TERRITORY TO ILLINOIS, KANSAS AND MISSOURI

APPLICATION FOR RELIEF

NOVEMBER 18, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1374

Commodities involved: Cast iron pipe and fittings, carloads.

From: Points in southern territory.

To: Points in Illinois, Kansas and Missouri.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9842; Filed Nov. 20, 1953; 8:53 a. m.]

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[4th Sec. Application 28664]

CRUDE RUBBER FROM BATON ROUGE, LA., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

NOVEMBER 19, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for Chicago, Rock Island and Pacific Railroad Company and other carriers, pursuant to fourth-section order No. 16101.

Commodities involved: Rubber, artificial, synthetic or neoprene, crude, carloads.

From: Baton Rouge and North Baton Rouge, La.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9865; Filed Nov. 23, 1953; 8:49 a. m.]

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[4th Sec. Application 28665]

VARIOUS COMMODITIES BETWEEN POINTS IN TEXAS

APPLICATION FOR RELIEF

NOVEMBER 19, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for carriers parties to schedule listed below.

Commodities involved: Various commodities specified in schedule listed below.

Between: Points in Texas.

Grounds for relief: To meet intrastate rates.

Schedules filed containing proposed rates: Lee Douglass, Agent, I. C. C. No. 807, supp. 32.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9866; Filed, Nov. 23, 1953; 8:49 a. m.]

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# FEDERAL REGISTER

VOLUME 18 NUMBER 230

*Washington, Wednesday, November 25, 1953*


## TITLE 3—THE PRESIDENT

### PROCLAMATION 3038

ENUMERATION OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 12 (1) of the joint resolution of Congress approved November 4, 1939, 54 Stat. 11 (22 U. S. C. 452 (1)), provides in part as follows:

"The President is hereby authorized to proclaim upon recommendation of the [National Munitions Control] Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section * * *"; and

WHEREAS section 13 of the said joint resolution provides, in part, that the President may exercise any power or authority conferred upon him by that resolution through any such officer or officers as he shall direct:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority conferred upon me by the said joint resolution of Congress, and upon the recommendation of the National Munitions Control Board, do hereby declare and proclaim that the articles listed below and such components, parts, accessories, attachments, and related items as may be designated upon recommendation of the National Munitions Control Board in regulations issued by the Secretary of State and published in the FEDERAL REGISTER shall be considered arms, ammunition, and implements of war for the purposes of section 12 of the said joint resolution of Congress:

CATEGORY I—SMALL ARMS AND MACHINE GUNS

Rifles, carbines, revolvers, pistols, machine pistols, and machine guns using ammunition of caliber .22 or over.

CATEGORY II—ARTILLERY AND PROJECTORS

Guns, howitzers, cannon, mortars, tank destroyers, rocket launchers, military flame throwers, military smoke projectors, and recoilless rifles.

CATEGORY III—AMMUNITION

Ammunition of caliber .22 or over for the arms enumerated in Categories I and II hereof.

CATEGORY IV—BOMBS, TORPEDOES, ROCKETS, AND GUIDED MISSILES

(a) Bombs, torpedoes, grenades (including smoke grenades), smoke canisters, rockets, mines, guided missiles, depth charges, fire bombs, incendiary bombs.

(b) Apparatus and devices for the handling, control, activation, discharge, detonation, or detection of items enumerated in paragraph (a) of this category.

CATEGORY V—FIRE CONTROL EQUIPMENT AND RANGE FINDERS

Fire control, gun tracking, and infrared and other night-sighting equipment; range position and height finders, and spotting instruments; aiming devices (electronic, gyroscopic, optic, and acoustic); bomb sights, gun sights, and periscopes for the arms, ammunition, and implements of war enumerated in this proclamation.

CATEGORY VI—TANKS AND ORDNANCE VEHICLES

Tanks, military type armed or armored vehicles, ammunition trailers, and amphibious vehicles (land vehicles capable of limited endurance in water), military half tracks, military type tank recovery vehicles, and gun carriers.

CATEGORY VII—TOXICOLOGICAL AGENTS

(a) Biological or chemical toxicological agents adapted for use in war to produce casualties or to damage crops.

(b) Equipment for the dissemination, detection, and identification of, and defense against, the items described in paragraph (a) of this category.

CATEGORY VIII—PROPELLANTS AND EXPLOSIVES

Propellants for the articles enumerated in Categories III, IV, and VII hereof; military high explosives.

CATEGORY IX—VESSELS OF WAR AND SPECIAL NAVAL EQUIPMENT

(a) Warships, amphibious warfare vessels, landing craft, mine warfare vessels, patrol vessels, auxiliary vessels, service craft, floating dry docks, and experimental types of naval ships.

(b) Equipment for the laying, detection, detonation, and sweeping of mines.

(c) Submarine nets.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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CATEGORY X—AIRCRAFT

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CATEGORY XI—MISCELLANEOUS EQUIPMENT

(a) Radar of all types, including guidance systems and airborne or ground radio equipment therefor; electronic counter-measure and jamming equipment; underwater sound equipment; all other electronic equipment specially designed for military use; radio-communications equipment bearing a military designation; electronic navigational aids specially designed for military use such as radio direction finding equipment, radio distance measuring systems such as Shoran, and hyperbolic grid systems such as Raydist, Loran, and Decca.

(b) Aerial and special purpose military cameras and specialized processing equipment therefor; military photointerpretation, stereoscopic plotting, and photogrammetry equipment.

(c) Armor plate, armored railway trains, military steel helmets, body armor, and flak suits.

(d) Specialized military mobile repair shops specially designed to service military equipment.

(e) Pressurized breathing equipment and partial pressure suits for use in aircraft, anti "G" suits, military crash helmets, parachutes utilized for personnel, cargo, and deceleration purposes, and aircraft liquid oxygen converters.

(f) Military pyrotechnics including projectors therefor.

(g) Specialized military training equipment.

(h) Tear gas and equipment for the dissemination thereof.

CATEGORY XII—CLASSIFIED MATERIAL

All material not enumerated herein which is classified from the standpoint of military security.

This proclamation shall become effective on January 1, 1954, and shall on that date supersede Proclamation No. 2776 of March 26, 1948, entitled "Enumeration of Arms, Ammunition, and Implements of War".

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 18th day of November in the year of our Lord nineteen hundred and [SEAL] fifty-three, and of the Independence of the United States of America the one hundred and seventy-eighth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
*Secretary of State.*

[F. R. Doc. 53-9967; Filed, Nov. 24, 1953; 10:02 a. m.]



# RULES AND REGULATIONS

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, subparagraphs (18) and (19) are added to § 6.312 (a) as set out below:

§ 6.312 *Department of Commerce*—(a) *Office of the Secretary.* * * *

(18) One private secretary to the Deputy Assistant Secretary for Domestic Affairs.

(19) One private secretary to the Deputy Assistant Secretary for International Affairs.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 53-9895; Filed, Nov. 24, 1953; 8:51 a. m.]

## TITLE 7—AGRICULTURE

### Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 711—MARKETING QUOTA REVIEW REGULATIONS

EXTENSION TO PUERTO RICO

The revision herein is for the purpose of extending the regulations in this part to Puerto Rico.

Section 711.36 is revised to read as follows:

§ 711.36 *Applicability of regulations to Puerto Rico.* (a) Notwithstanding any of the provisions of §§ 711.1 to 711.35 the Production and Marketing Administration Caribbean Area Committee (hereinafter referred to as the "PMA Committee") shall perform insofar as applicable the duties and assume such responsibilities and be subject to the limitations as are otherwise required of State and county committees, except as hereinafter provided. The Director, Caribbean Area Office, Production and Marketing Administration, shall recommend members and alternates for appointment to serve on review committees and the areas of venue for such committees. Any farmer who is eligible to vote in a referendum for which a quota has been proclaimed but who did not in any respect participate in the determination of any matter relating to any marketing quota or acreage allotment for the review of which the review committee is established, shall be eligible to serve on review committees subject to the provisions of §§ 711.14 through 711.21. The clerk to the review committee shall be the PMA district supervisor of the district in which the review committee will hold its hearings.

(b) In the event of court proceedings instituted in Puerto Rico by any farmer to obtain a review of the review committee's determination, the clerk to the review committee shall immediately notify the Director, Caribbean Area Office, Production and Marketing Administration, by telephone, telegraph, or messenger, of all the pertinent facts set forth in § 711.33 (b) and the Director shall immediately send a cablegram of all the pertinent facts to the Hearing Clerk, United States Department of Agriculture, Washington, D. C.

(c) Where it is impractical or impossible to use the United States mail to serve the farmer or applicant in Puerto Rico with notice of the farm acreage allotment and marketing quota, notice of hearing, or determination of review committee, use shall be made of such other method of service as is available; however, when such other method is used the PMA Committee shall make provision for keeping an accurate record of the date and method of delivery to the farmer or applicant of such notice of farm acreage allotment and marketing quota, notice of hearing, or determination of the review committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Issued at Washington, D. C., this 20th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9922; Filed, Nov. 24, 1953; 8:56 a. m.]

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

EXTENSION TO PUERTO RICO

The amendment herein is for the purpose of extending the regulations in this part to Puerto Rico.

The regulations in this part are amended by adding a new § 717.14 to read as follows:

§ 717.14 *Applicability of regulations to Puerto Rico.* The Production and Marketing Administration Caribbean Area Committee (hereinafter referred to as the "PMA Committee") shall be in charge of and responsible for conducting in the Commonwealth of Puerto Rico each referendum on marketing quotas for any commodity required by the act. Insofar as applicable the PMA Committee shall perform all the duties and assume all the responsibilities otherwise required of State and county committees as provided in the regulations in this part, except that (a) the Director, Caribbean Area Office, Production and Marketing Administration, shall nominate for appointment the members and alternates to serve on community referendum committees and shall establish the boundaries of referendum communities or neighborhoods in such a manner that polling places therein will be conveniently located for the farmers eligible to vote in the referendum, and (b) following the canvass of the ballots as provided in § 717.10 the community referendum committee shall report the results of the referendum to the PMA Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Issued at Washington, D. C., this 20th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9921; Filed, Nov. 24, 1953; 8:56 a. m.]

PART 721—CORN

FARM ACREAGE ALLOTMENTS FOR 1954 CROP

Sec.
721.510 Basis and purpose.
721.511 Definitions.
721.512 Extent of calculations and rule of fractions.
721.513 Instructions and forms.

Sec
721.514 Method of apportioning county allotments.
721.515 Report of data for old farms.
721.516 Determination of base acreages for old farms.
721.517 Determination of base acreages for new farms.
721.518 Determination of acreage allotments for all farms.
721.519 Supervision, review and approval by the State committee.
721.520 Farms divided or combined.
721.521 Right to appeal.
721.522 Applicability of §§ 721.510 to 721.522.

AUTHORITY: §§ 721.510 to 721.522 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 329, 52 Stat. 38, 52, 7 U. S. C. 1301, 1329.

§ 721.510 *Basis and purpose.* The regulations contained in §§ 721.510 to 721.522 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1954 farm acreage allotments for corn. The purpose of the regulations in §§ 721.510 to 721.522 is to provide the procedure for allocating the county corn acreage allotment among farms. Prior to preparing the regulations in this part, public notice (18 F. R. 6456) was given in accordance with the Administrative Procedure Act (60 Stat. 237). The data, views, and recommendations pertaining to the regulations in §§ 721.510 to 721.522, which were submitted, have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 721.511 *Definitions.* As used in the regulations in this part and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them.

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto.

(b) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department acting in his stead pursuant to delegated authority.

(c) "Director" means the Director of the Grain Branch, Production and Marketing Administration, U. S. Department of Agriculture.

(d) Committees:

(1) "Community committee" means the persons elected within a community as the community committee pursuant to the regulations governing the selection and functions of the Production and Marketing Administration county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to the regulations governing the selection and functions of the Production and Marketing Administration county and community committees.

(3) "State committee" means the persons designated by the Secretary as the State committee of the Production and Marketing Administration.

(e) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area in which the major portion of the farm is located.

(f) "Cropland" means farmland which in 1953 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable non-crop open pasture, and (3) any land which constitutes or will constitute if tillage is continued a wind erosion hazard to the community.

(g) "Cropland well suited for corn" means that acreage of cropland on the farm which is determined by the county committee in accordance with generally accepted local standards to be well suited to the production of corn, considering topography, type of soil and drainage.

(h) "Acreage indicated by cropland" means the number of acres computed by multiplying the cropland for a farm by the ratio of historical corn acreage determined for a community or county pursuant to § 721.516 (a) to cropland for the community or county. County ratio determinations will be made subject to approval of the State committee.

(i) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and, wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(j) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(k) "New farm" means a farm on which corn will be planted in 1954 for the first time since 1950.

(l) "Old farm" means a farm on which corn was planted in one or more of the three years 1951 through 1953.

(m) "Corn acreage" means the number of acres of land on which field corn is planted alone or interplanted with other crops, excluding sweet corn unless produced for feed or silage.

(n) Corn allotments:

(1) "County allotment" means the corn acreage allotment apportioned to the county as its share of the 1954 acreage allotment for the commercial corn-producing area as determined on the basis of the acreage planted to corn during the ten calendar years, 1944–53 (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period, and for the promotion of soil-conservation practices.

(2) "Farm allotment" means the corn acreage allotment determined for a farm as its share of the 1954 county allotment.

(o) "Commercial corn-producing area" means the area designated by the Secretary pursuant to section 301 (b) (4) of the act, and includes all counties in which the average production of corn (excluding corn used for silage) during the ten calendar years, 1944–53, after adjustment for abnormal weather conditions, is 450 bushels or more per farm and 4 bushels or more for each acre of farmland in the county, and also includes any county bordering on such commercial corn-producing area which the Secretary finds is likely to produce 450 bushels or more per farm and 4 bushels or more for each acre of farmland in 1954, or in which there is a minor civil division which the Secretary finds is likely to produce 450 bushels or more per farm and 4 bushels or more for each acre of farmland in 1954.

§ 721.512 *Extent of calculations and rule of fractions.* All acreage determinations shall be rounded to whole acres. Fractional acres of fifty-one hundredths of an acre or more shall be rounded upward, and fractional acres of less than fifty-one hundredths of an acre shall be dropped.

§ 721.513 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by the Assistant Administrator for Production, Production and Marketing Administration.

§ 721.514 *Method of apportioning county allotments.* The county acreage allotment shall be apportioned to farms in the county on the basis of tillable acres, crop-rotation practices, type of soil, and topography.

§ 721.515 *Report of data for old corn farms.* The owner, operator, or any other interested person shall furnish the following information regarding the farm in which he has an interest to the county PMA office of the county in which the farm is regarded as located if corn was planted on the farm in 1951, 1952 or 1953:

(a) The names and addresses of the owner and operator.

(b) The total acreage of all land.

(c) The acreage of cropland.

(d) The acreage of corn planted in the years 1951, 1952, and 1953.

(e) The acreage of other crops and land uses.

(f) Other pertinent information requested by the county PMA office relative to operations of the farm.

§ 721.516 *Determination of base acreages for old farms.* To reflect the factors of tillable acres, crop-rotation practices, type of soil, and topography, the county committee shall determine for each farm on which there was corn acreage for any one of the years 1951, 1952, and 1953, a base acreage of corn as follows:

(a) *Historical average acreage.* There shall first be established for each farm a historical average corn acreage which shall be the average of the acreages planted to corn for 1951, 1952, 1953.

(b) *Adjusted average acreage.* The county committee shall adjust the historical average corn acreage for any farm by eliminating from the period of years used in determining the historical average acreage the acreage planted to corn in any year or years for which it definitely finds that the corn acreage was not representative of the acreage which normally would have been planted under the established crop-rotation system on the farm because such acreage was:

(1) Abnormally low due to excessive wet weather or flood.

(2) Abnormally low due to drought.

(3) Abnormally high because of failure of crops other than corn.

(4) No longer representative because of a change in operations which results in substantial change in the established crop-rotation system for the farm.

(5) Not representative for 1954 because of a definitely established crop-rotation system being carried out on the farm.

When one or more of the years are eliminated in accordance with the provisions of subparagraphs (1) through (5) of this paragraph, the average of the years not so eliminated shall be considered as the adjusted average acreage. If all three years are eliminated the adjusted average acreage shall be zero.

(c) *Further adjustments.* The historical average acreage or the adjusted average acreage, as the case may be, may be further adjusted so as to make such acreage comparable with those acreages for other farms which are similar with respect to the type of farming operation and to the factors of tillable acreage, topography, and type of soil within the following limitations:

(1) If such acreage is unusually low, the historical average acreage or the adjusted average acreage, as the case may be, may be adjusted upward by not more than 10 percent, but not above the smaller of the acreage indicated by cropland or the cropland well suited for corn, except as provided in subparagraph (2) of this paragraph.

(2) If the adjusted average acreage under paragraph (b) of this section is zero, the adjusted average acreage may be adjusted upward, but not above the smaller of the acreage indicated by cropland or the acreage well suited for corn.

(3) If such acreage is excessively high, it may be adjusted downward by not more than 25 percent, but not below the smaller of the acreage indicated by cropland or the cropland acreage well suited for corn.

(d) *Base acreage.* (1) The base acreage for an old farm shall be the historical acreage determined under paragraph (a) of this section as adjusted under paragraphs (b) and (c) of this section.

(2) A zero base acreage shall be established for a farm pursuant to this section only if corn will not be planted in 1954 under the crop-rotation system for the farm.

§ 721.517 *Determination of base acreages for new farms.* (a) The county committee shall determine a base acreage for use in establishing a corn acreage allotment for each eligible farm on which corn was not planted in any of the years 1951, 1952, and 1953 but for which a corn acreage allotment is requested for 1954 prior to January 15, 1954, or such earlier date established by the State committee as affording reasonable opportunity for requesting such an allotment. Each request for such an allotment shall include the following information:

(1) The acreage of all land and total cropland on the farm for which an allotment is requested.

(2) The acreage of cropland on the farm which is considered by generally accepted local standards to be well suited to the production of corn, considering topography and type of soil and drainage.

(3) The name and address of the farm owner and, if known, the name and address of the 1954 operator.

(4) Location and description of the farm.

(5) Identification and location of any other farm in which the operator will have an interest in 1954.

(6) Acreage of corn in which the operator had an interest in 1951, 1952, or 1953, and identification and location of land on which such corn was planted.

(7) Corn acreage which would be planted in 1954 under the rotation system planned for the farm.

(8) Reason for requesting a 1954 corn acreage allotment.

(9) Reason for not planting corn on the farm in 1951, 1952, and 1953.

(b) Eligibility for a new farm allotment shall be conditioned upon the following:

(1) The land for which an allotment is requested is well suited for the production of corn, and

(2) The producer establishes to the satisfaction of the county committee that:

(i) The system of farming has changed or is changing to the extent that corn will be included in such system for 1954; or

(ii) The established crop-rotation system followed on the farm will include corn for 1954.

In determining the base acreage for a new farm, the county committee shall take into consideration tillable acres, type of soil, topography, and the farming system to be followed by the operator, including the equipment and other facilities available for the production of corn under such farming system, and the extent to which the operator is dependent for his livelihood on his farming operations: *Provided*, That the base acreage determined for a new farm shall not exceed (1) the indicated acreage which would be planted in 1954 under the rotation system planned for the farm, or (2) the acreage indicated by cropland.

§ 721.518 *Determination of acreage allotments for all farms.* The 1954 county acreage allotment after deduction of an appropriate reserve for appeals, correction of errors, and missed farms, shall be apportioned pro rata among the farms within the county on the basis of the base acreages determined under §§ 721.516 and 721.517.

§ 721.519 *Supervision, review, and approval by the State committee.* The State committee shall be responsible for the work of the county committees in the apportionment of the county corn acreage allotments to farms, the review of all allotments, and the correction of any improper determinations made under the regulations in this part. All acreage allotments shall be approved by or on behalf of the State committee and no official notice of an acreage allotment shall be mailed until such allotment has been approved by or on behalf of the State committee.

§ 721.520 *Farms divided or combined.* (a) The 1954 corn acreage allotment determined for a farm shall, if there is a division, be apportioned to each part on the basis of the acreage of cropland on each part, except that, if the county committee determines that this method would result in allotments not representative of the farming operations normally carried out on each part, an allotment may be determined for each part in the same manner as would have been done if such part had been a completely separate farm: *Provided*, That the sum of the allotments thus determined for each part shall not exceed the allotment originally determined for the entire farm which is being divided.

(b) If two or more farms for which the 1954 corn acreage allotments are determined will be combined and operated as a single farm in 1954, the 1954 allotment shall be the sum of the allotments determined for each of the farms comprising the combination.

§ 721.521 *Right to appeal.* Any owner, operator, landlord, tenant, or sharecropper who is dissatisfied with the acreage allotment for his farm may file an appeal for reconsideration of the allotment for his farm. The request for appeal and facts constituting a basis for such consideration must be submitted in writing and postmarked or delivered to the county committee within 15 days after the date of mailing the notice of allotment. If the applicant is dissatisfied with the decision of the county committee with respect to his appeal, he may appeal to the State committee within 15 days after the date of mailing of the notice of the decision of the county committee. If the applicant is dissatisfied with the decision of the State committee, he may, within 15 days after the date of mailing of the notice of the decision of the State committee, appeal to the Director, whose decision shall be final.

§ 721.522 *Applicability of §§ 721.510 and 721.522.* Sections 721.510 to 721.522 shall govern the establishment of the

farm acreage allotments for the 1954 crop of corn for use in connection with farm price support programs. The regulations are contingent upon the proclamation of an acreage allotment of corn for 1954 in the commercial corn-producing area by the Secretary pursuant to section 328 of the Agricultural Adjustment Act of 1938, as amended.

NOTE: The reporting requirements contained herein have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of Budget in accordance with Federal Reports Act of 1942.

Done at Washington, D. C., this 20th day of November 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9916; Filed, Nov. 24, 1953; 8:54 a. m.]

## Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

### Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.9, Amdt. 2]

### PART 814—ALLOTMENT OF SUGAR QUOTAS

### PUERTO RICO, 1953

*Basis and purpose.* This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of revising Sugar Regulation 814.9, as amended (18 F. R. 2493, 5053), which allots the 1953 quotas for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1953 sugar quota for local consumption in Puerto Rico among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota" and allotments thereof are referred to as "mainland allotments." The sugar quota for consumption in Puerto Rico and allotments thereof are referred to as "local quota" and "local allotments", respectively.

Revision of Sugar Regulation 814.9 is necessary (1) to give effect to Amendment 7 to Sugar Regulation 813 (18 F. R. 7159) which prorated a deficit in the 1953 quota for the domestic beet area and increased the 1953 mainland quota for Puerto Rico by 16,268 short tons, raw value, to a total of 1,117,351 short tons, raw value, and (2) to prorate to other allottees the quantities released by those who are unable to fill their allotments established in Sugar Regulation 814.9, Amendment 1.

Each allottee under § 814.9 has agreed to waive its right to a public hearing prior to the revision of the order to give effect to any change in the mainland quota and the allotment of the quantities which allottees notify the Department that they cannot fill. The revised allotments are made on the same basis as in the initial order.

Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment become effective at the earliest possible date in order to permit the continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently this amendment shall be effective when published in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, paragraph (a) of § 814.9, as amended, is hereby further amended to read as follows:

§ 814.9 *Allotments of 1953 sugar quotas for Puerto Rico*—(a) *Allotments.* The 1953 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota), amounting to 1,117,351 short tons of sugar, raw value, and the 1953 sugar quota for local consumption in Puerto Rico, amounting to 110,000 short tons of sugar, raw value, are hereby allotted to the following processors in amounts which appear in columns (1) and (2) opposite their respective names:

(Short tons, raw value)

| Processor | (1) Mainland quota allotment | (2) Local quota allotment |
|---|---|---|
| Arturo Lluberas, Estate of, y Sobrinos | 21,814 | 22,184 |
| Aguirre Sugar Company, Inc. | 5,471 | 1,796 |
| Aguirre Sugar Co., a trust | 75,813 | 597 |
| Central Aguirre Sugar Co., a trust | 111,672 | 1,880 |
| Central Coloso, Inc. | 61,187 | 712 |
| Central Eureka, Inc. | 37,396 | 1,776 |
| Central Fajardo, Inc. | 11,749 | 1,376 |
| Central Juncal, Inc. | 28,136 | 18,407 |
| Central Mercedita, Inc. | 24,178 | 2,401 |
| Central Monserrate, Inc. | 54,175 | 20,478 |
| Central Plata, Inc. | 57,852 | 1,178 |
| Central San Vicente, Inc. | 6,408 | |
| Central Santa Ana, Inc. | 66,242 | 1,408 |
| Compañía Azucarera del Caribe, Inc. | 13,068 | 66 |
| Compañía Azucarera Los Caños, Inc. | 37,267 | |
| Compañía Azucarera Roig, S. A. | 10,422 | 80 |
| Fajardo Sugar Company | 16,697 | 1,413 |
| Federico Sugar Manufacturing Co. | 118,441 | 15,884 |
| Juncos Sugar Co. | 106,436 | 126 |
| Luce Arbona y Compañía, Inc. | 72,073 | 8 |
| Manuel Montalvo Hijos, Inc. | 31,760 | 1,656 |
| Mayagüez Sugar Co., Inc. | 13,067 | 152 |
| Plata Sugar Company, Inc. | 51,508 | 575 |
| Soller Sugar Company, Inc. | 12,766 | 8 |
| South Porto Rico Sugar Co. of Puerto Rico (Limited) | 80,699 | 15,884 |
| Total quotas | 1,117,351 | 110,000 |

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 205, 61 Stat. 926, 7 U. S. C. Sup. 1115)

Done at Washington, D. C., this 20th day of November 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9926; Filed, Nov. 24, 1953; 8:58 a. m.]

[Sugar Reg. 814.10, Amdt. 1]

### PART 814—ALLOTMENT OF SUGAR QUOTAS

### DIRECT CONSUMPTION PORTION FOR PUERTO RICO, 1953

*Basis and purpose.* This amendment is issued under section 205 (a) of the Sugar Act of 1948 (7 U. S. C., Sup. 1115 (a)) for the purpose of revising Sugar Regulation 814.10 (18 F. R. 2497) to reallot deficits in the allotments of certain allottees.

Except for a quantity of 533 short tons of sugar, raw value, set aside as an unallotted reserve for marketing of raw sugar for direct consumption, the direct-consumption portion of the 1953 sugar quota for Puerto Rico, amounting to 126,033 short tons, raw value, was allotted to five Puerto Rican refiners in Sugar Regulation 814.10. One of the allottees, the Estate of Arturo Lluberas y Sobrinos, has notified the Department in writing that it will be unable to fill its 1953 allotment by an amount of 933 short tons of sugar, raw value. The Central Aguirre Sugar Company, a trust, has notified the Department in writing that it is not in a position to ship additional direct-consumption sugar. Due to final weights and polarization data, this allottee has 11 short tons, raw value, in Customs custody awaiting certification.

The Central Roig Refining Company has notified the Department that it will be able to ship additional direct-consumption sugar in case the over-all mainland allotments are increased. The allotments were increased in Sugar Regulation 814.9, Amendment 2,[1] as a result of an increase of 16,268 short tons, raw value, due to the determination of an additional 80,000 ton deficit in the quota for the domestic beet sugar area in Sugar Regulation 813, Amendment 7 (18 F. R. 7159). The other two allottees have notified the Department that they will be able to fill more than their original allotments during the calendar year 1953. In order to afford interested parties an opportunity to market the full amount of that portion of the Puerto Rican sugar quota which may be filled by direct-consumption sugar, it is necessary to reallot the quantity released.

Since section 205 (a) of the act requires that any amendment or revision of an allotment order be made on the same basis as the original allotment, the Department has asked for and obtained from each of the interested parties a waiver of its right to a public hearing in regard to the amendment made herein. A quantity equal to that released, less 11 tons, is added proportionately to the allotments of the Central Roig Refining Company, the Porto Rican American Refinery, Inc., and the Western Sugar Refining Company. The 11 tons are added to the allotment of Central Aguirre Sugar Company, a trust, to permit the entry of the quantity now in Customs custody.

In order to afford interested parties adequate opportunity to ship the additional sugar allotted herein, and to protect the interest of consumers of sugar, it is essential that the revised allotments be made effective as soon as possible. Accordingly, it is hereby found that compliance with the effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and this amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the Sugar Act of 1948, paragraph (a) of § 814.10 is hereby amended to read as follows:

§ 814.10 *Allotment of the direct-consumption portion of 1953 sugar quota for Puerto Rico*—(a) *Allotments.* The direct-consumption portion of the 1953 sugar quota for Puerto Rico (126,033 short tons, raw value) is hereby allotted as follows:

| Refiner | Direct-consumption allotment (short tons, raw value) |
|---|---|
| Arturo Lluberas, Estate of, y Sobrinos | 269 |
| Central Aguirre Sugar Co., a trust | 5,927 |
| Central Roig Refining Co. | 20,016 |
| Porto Rican American Refinery, Inc. | 79,501 |
| Western Sugar Refining Company | 19,787 |
| Total | 125,500 |
| Unallotted Reserve for marketing of raw sugar for direct consumption | 533 |
| | 126,033 |

(Sec. 205, 61 Stat. 926; 7 U. S. C. Sup. 1115)

Done at Washington, D. C., this 20th day of November 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9925; Filed, Nov. 24, 1953; 8:53 a. m.]

[1] See F. R. Doc. 53-9926, supra.



# TITLE 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Bureau of Animal Industry, Department of Agriculture

### Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 13]

### PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

### SUBPART B—VESICULAR EXANTHEMA

### DESIGNATION OF AREAS IN WHICH SWINE ARE AFFECTED WITH VESICULAR EXANTHEMA

Pursuant to the authority conferred upon the Administrator of the Agricultural Research Administration by § 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637), § 76.27a of said Subpart B (18 F. R. 3829, as amended) is hereby amended to read as follows:

§ 76.27a *Designation of areas in which swine are affected with vesicular exanthema.* The following areas are hereby designated as areas in which swine are affected with vesicular exanthema:

The State of California;

The Town of Manchester in Hartford County, in Connecticut;

Androscoggin, Cumberland, Kennebec, and York Counties, in Maine;

That area consisting of Hampden, Worcester, Middlesex, Essex, Suffolk, Norfolk, Bristol and Plymouth Counties, in Massachusetts;

Bergen, Hudson, Hunterdon, and Morris Counties, that area consisting of Union, Middlesex, Monmouth, Ocean, Burlington, Camden, Gloucester, and Atlantic Counties, that area in Lower Township in Cape May County lying east of U. S. Highway No. 9, and that area in Dennis Township in Cape May County bounded by the Belleplain State Forest on the south and east and State Highway No. 550 on the north and west and State Highway Spur No. 550 on the west, in New Jersey;

Poughkeepsie Township, in Dutchess County, and that area in Clarkstown Township lying north of New York State Route No. 59, in Rockland County, in New York;

Bucks and Delaware Counties, in Pennsylvania;

Anderson, Calhoun, Charleston, Greenwood and Orangeburg Counties, in South Carolina;

That area in Atascosa County lying west of State Highway No. 346 and north of State Highway No. 173 and that area in Bell County lying north of U. S. Highway No. 190 and west of State Highways No. 36 and No. 317, in Texas.

*Effective date.* The foregoing amendment shall become effective upon issuance.

Section 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637), quarantines the areas so designated.

The amendment designates the following as areas in which swine are affected with vesicular exanthema in addition to the areas heretofore designated:

Anderson, Calhoun, Greenwood and Orangeburg Counties, in South Carolina.

Hereafter, the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended), apply to these areas.

The effect of the amendment is to impose certain further restrictions necessary to prevent the spread of vesicular exanthema, a contagious, infectious, and communicable disease of swine, and the amendment must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interpret or apply secs. 4, 5, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 19th day of November 1953.

[SEAL] M. R. CLARKSON,
*Acting Administrator, Agricultural Research Administration.*

[F. R. Doc. 53-9919; Filed, Nov. 24, 1953; 8:55 a. m.]

# TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans' Administration

### PART 3—VETERANS CLAIMS

### PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

### PRESUMPTIVE SERVICE-CONNECTION FOR ACTIVE NONPULMONARY TUBERCULOSIS

1. In Part 3, a new § 3.1517 is added as follows:

§ 3.1517 *Presumption of service-connection for active nonpulmonary tuberculosis under paragraph I (c), Part I, Veterans Regulation 1 (a) (38 U. S. C. ch. 12)*—(a) *Presumption of service-connection for active nonpulmonary tuberculosis.* Under the provisions of paragraph I (c), Part I, Veterans Regulation 1 (a), as amended by Public Law 241, 83d Congress, active nonpulmonary tuberculosis developing to a 10 percent degree of disability or more within 3 years from date of separation from active wartime service, or where service began prior to January 1, 1947, and extended thereafter, within 3 years from July 25, 1947, or where there was service on or after June 27, 1950, within 3 years from separation from active service or from the termination date prescribed by Public Law 28, 82d Congress, whichever is the earlier, will be considered as having been incurred in service when the conditions of paragraph I (c), Part I, Veterans Regulation No. 1 (a), as amended, are met.

(b) *Effective dates of evaluations and awards.* The effective dates of evaluations and awards, in both original claims and the claims reviewed, will be in accordance with the provisions of controlling VA regulations provided that in no event will benefits under Public Law 241, 83d Congress, be awarded prior to the date of enactment thereof. In the case of a claim wherein service-connection was previously denied for nonpulmonary tuberculosis on the date of the passage of Public Law 241, 83d Congress, reviewed under this section either on motion of the Veterans' Administration, or upon receipt of request from the veteran or his representative, or where a claim is in a pending or appellate status on the date mentioned and entitlement to benefits is shown, the effective date of the evaluation and award will be the date of Public Law 241, 83d Congress, August 8, 1953. (Instruction 1, Public Law 241, 83d Congress.)

2. In Part 4, a new § 4.458 is added as follows:

§ 4.458 *Review of death compensation and pension claims to determine presumptive service-connection for active tuberculosis other than pulmonary type*—(a) *Effective date of awards.* Where entitlement arises solely by virtue of the provisions of Public Law 241, 83d Congress, the effective date of awards will be the day following the date of the veteran's death, if claim was filed within 1 year after the date of the veteran's death, otherwise the date of filing claim, but in no event prior to August 8, 1953: *Provided, however,* That as to claims reviewed under this section the effective date of the award will be August 8, 1953. In those cases in which death pension is being paid to a widow, child or children, the provisions of § 4.52 are not controlling; the change from the payment of death pension to the payment of death compensation will be effective August 8, 1953. (Instruction 2, Public Law 241, 83d Congress.)

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective November 25, 1953.

[SEAL] H. V. STIRLING,
*Deputy Administrator.*

[F. R. Doc. 53-9806; Filed, Nov. 24, 1953; 8:51 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 10684]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICE

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

EXTENSION OF TIME TO COMPLY WITH CERTAIN PROVISIONS

In the matter of amendment of Parts 7 and 8 of the Commission's rules to provide extension of time in which to comply with §§ 7.104 (b), 7.189 (c) and 8.106 (c); Docket No. 10684.

1. In response to a request by the American Telephone and Telegraph Company and in accordance with the requirements of section 4 (a) of the Administrative Procedures Act, notice of proposed rule making in the above-entitled matter was published in the FEDERAL REGISTER on September 17, 1953 (18 F. R. 5573). The period for the filing of comments has now expired.

2. The only comments submitted were those of the Lake Carriers' Association, an organization of ship owners operating vessels on the Great Lakes. In essence, the Lake Carriers proposed an extension of time to meet the applicable requirements of §§ 7.104, 7.189 and 8.106 (c) of the rules for two and one-half months (until March 15, 1954) instead of 6 months (July 1, 1954) as was proposed by the Commission.

3. However, the equipment and watch-keeping requirements of §§ 7.104 and 7.189 as they pertain to the frequency 2182 kc in the Great Lakes area have been in force for over a year, and the proposed rule-making did not propose to modify those requirements. With respect to these requirements as they pertain to the frequency 156.8 Mc in the same area, all Great Lakes coast stations subject to the requirements and not yet licensed for 156.8 Mc, obtained construction permits some time ago and it appears likely that they will be equipped, licensed and keep watch on the frequency 156.8 Mc well before such action becomes mandatory by rule as finalized herein.

4. Insofar as § 8.106 (c), relating to provision for specified multi-channel operation of VHF public ship stations, the proposed extension of time was pertinent only to those stations which were licensed subsequent to January 1, 1952. Stations licensed prior to that date are permitted under a special proviso (not the subject of this rule-making and to which no objection was made) to operate with existing equipment until January 1, 1955. Commission license records indicate that in the Great Lakes area all VHF public ship stations either have multi-channel equipment or are licensed to operate with existing equipment until January 1, 1955. In any event, in view of the statement of specific efforts to meet the involved equipment requirement and the difficulties stated to have been encountered; the relatively minor difference between the proposed extension period and that suggested by the Lake Carriers' Association; and the undesirability of possible interruption of public ship-shore VHF radiotelephone service, it is believed that a deferment period until July 1, 1954 rather than March 15, 1954 is reasonable.

5. In view of the foregoing, it is concluded that the public interest would be served by the finalization of the rules amendments as proposed. Therefore, it is ordered, that effective January 1, 1954, and pursuant to sections 303 (b), (c), (f) and (r) of the Communications Act of 1934, as amended, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: November 18, 1953.

Released: November 20, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

1. Section 7.104 (b) (1) and (2) is amended by substituting in each subparagraph (1) and (2) the date July 1, 1954, for the date January 1, 1954.

2. Section 7.189 (c) (1) and (2) is amended by substituting in each subparagraph (1) and (2) the date July 1, 1954, for the date January 1, 1954.

3. Section 8.106 (c) is amended to read as follows:

§ 8.106 *Required radio channels for telephony.* • • •

(c) Effective on and after January 1, 1954, each limited ship station, and each marine-utility station when used on board ship (except an experimental or developmental station) which is licensed to transmit by telephony on any radio-channel within the frequency band 156.25 Mc to 157.05 Mc, and effective July 1, 1954, each public ship station (except an experimental or developmental station) which is licensed to transmit on the radio-channel of which the assigned frequency is 157.3 Mc or 157.4 Mc, shall be capable of transmitting and receiving (and shall be licensed to transmit) class F3 emission on the radio-channel of which the authorized carrier frequencies are 156.3 Mc and 156.8 Mc and, in the case of limited ship or marine-utility stations, on at least one radio-channel in this frequency band which is authorized for communication with a coast station or stations; provided, that each ship station licensed prior to January 1, 1952, to use less than three radio-channels for telephony within this band under authority of an experimental or developmental station license, need not comply with this requirement, when authorized to use the same transmitting equipment under regular class of ship station license, until on and after January 1, 1955; provided further, that this requirement shall not apply to marine-utility stations or other stations of portable nature which are not capable of a plate input power in excess of three watts and are not capable of being readily adjusted for operation on more than one radio-channel. The requirement of this paragraph, in respect to basic type of equipment, may be satisfied by the provision of (1) multi-channel equipment, or (2) a plurality of single channel equipments, or (3) a combination thereof, at the option of the station licensee or the applicant for station license.

[F. R. Doc. 53-9949; Filed, Nov. 24, 1953; 8:53 a. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

PART 24—UNIFORM SYSTEM OF ACCOUNTS FOR PERSONS FURNISHING CARS OR PROTECTIVE SERVICES AGAINST HEAT AND COLD

MISCELLANEOUS ACCOUNTS PAYABLE; ACCRUED TAX LIABILITY

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 18th day of November 1953.

The matter of modifying the "Uniform System of Accounts for Persons Furnishing Cars or Protective Service Against Heat or Cold," being under consideration pursuant to the provisions of section 20 (6) of the Interstate Commerce Act, as amended, and the modifications which are set forth below and made a part hereof being deemed necessary for proper administration of Part I of the act (54 Stat. 917, 49 U. S. C. 20 (6)): *It is ordered,* That:

(1) Any interested party may on or before December 21, 1953, file with the Commission a written statement of reasons why the said modification should not become effective as hereinafter ordered and may request oral argument if desired.



(2) Unless otherwise ordered upon consideration of such objections the said modifications shall become effective January 1, 1954.

(3) A copy of this order including the modifications set forth below shall be served upon every person of record which furnishes cars or protective service against heat or cold to or on behalf of any carrier by railroad or express company, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

1. In § 24.862 *Miscellaneous accounts payable,* cancel the text without change in the title or note thereto, and substitute the following for it: "This account shall include the amount of drafts outstanding, of taxes withheld from employees and others for the account of taxing agencies, and of other items in the nature of demand liabilities not covered by § 24.860, § 24.861, § 24.863, or § 24.864."

2. In § 24.868, cancel the text and the note thereto, substituting the following for them:

§ 24.868 *Accrued tax liability.* (a) This account shall be credited with the accruals of all taxes which have been concurrently charged to the appropriate income or other accounts for taxes. Such accruals may be based upon estimates, provided such estimates shall be adjusted so as to reflect in this account at all times the carrier's estimate of its unpaid liability for each of the several classes of taxes which have not been finally settled.

(b) Vouchers for the current payment of taxes, including taxes for which accruals have not been made previously, shall be charged to this account. Taxes paid in advance shall also be charged to this account.

(c) The records supporting the entries in this account shall be kept to show separately by classes of taxes the amount of the tax accruals for the current year and adjustments of accruals for prior years.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

[F. R. Doc. 53-9891; Filed, Nov. 24, 1953; 8:52 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

[7 CFR Part 903]

[Docket No. AO 10-A18]

HANDLING OF MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at St. Louis, Missouri, on October 12-13, 1953, pursuant to notices thereof which were issued on October 7, 1953 (18 F. R. 6384) and October 8, 1953 (18 F. R. 6409), upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area.

By an emergency action of the Assistant Secretary of Agriculture taken on October 26, 1953 (18 F. R. 6825), decision has been made with respect to the Class I pricing provisions for the period through June 1954. Said decision reserved for later determination the remaining issues contained in the hearing record.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on October 28, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision pertaining to the remaining material issues. Said decision containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on November 3, 1953 (18 F. R. 6943).

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues, findings and conclusions, and general findings of the recommended decision (18 F. R. 6943, Doc. 53-9248) are hereby approved and adopted as the issues, findings and conclusions, and general findings of this decision as if set forth in full herein, subject to the following modifications described with reference to Federal Register Doc. 53-9248, 18 F. R. 6943:

1. Before the paragraph in column 3, page 6943, which begins with the letter (b), insert the following:

It is necessary to amend § 903.52 to avoid changing the method now used in determining whether approved milk moved between pool plants shall be Class I for purposes of calculating the location differential. This calculation now provided in § 903.52 makes reference to and is dependent upon the calculations of § 903.45 (a) and (b). Therefore, any change in the latter may automatically result in a change in the former. Amendment No. 6 in the attached order is designed to avoid unintended changes in § 903.52.

2. Insert after the first paragraph in column 2, page 6944 the following:

Bulk milk for purposes of these calculations shall be considered as whole milk which has not been processed or standardized in any way, and which is either shipped or received in large unit containers of more than 100-gallon capacity, such as are commonly transported by truck. Milk shipped in 10-gallon cans would not qualify as bulk milk.

*Determination of representative period.* The month of September 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be further amended, regulating the handling of milk in the St. Louis, Missouri, marketing area is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

*Marketing agreement and order, as amended.* Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 20th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

*Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the St. Louis, Missouri, Marketing Area*

§ 903.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

1. Delete § 903.87 (b) and substitute therefor the following:

(b) Received at a pool plant as Grade A other source milk (except milk subject to the Class I pricing provisions of another order issued pursuant to the act) and allocated to Class I, or

2. Delete § 903.45 (a) (4) and substitute therefor the following:

(4) Subtract from the pounds of skim milk remaining in Class II milk an amount equal to such remainder, or the product obtained by multiplying by 0.05 the pounds of skim milk in approved milk received at plants qualified pursuant to § 903.10 (a), from (i) producers and (ii) plants qualified pursuant to § 903.10 (b) or (c), whichever is less;

3. Delete § 903.41 (b) (3) and substitute therefor the following:

(3) In shrinkage not to exceed an amount calculated (except with respect to milk diverted to a non-pool plant pursuant to § 903.7) as follows:

(i) 0.5 percent of milk received from dairy farmers and disposed of as whole milk in bulk tank lots;

(ii) 1.5 percent of the skim milk or butterfat received as other source milk (except milk received from dairy farmers) or as bulk tank lots of approved whole milk and disposed of in a form other than bulk tank lots of whole milk: *Provided*, That any disposition of whole milk in bulk tank lots shall be assigned first to receipts of milk in such form; and

(iii) 2.0 percent of milk received from dairy farmers and disposed of in a form other than bulk tank lots of whole milk: *Provided*, That shrinkage of skim milk and butterfat not in excess of the percentages specified herein shall be assigned pro rata, pursuant to this subparagraph, to skim milk and butterfat, respectively, in approved milk and in other source milk.

4. In § 903.45 (a) (1) delete the word "producer" and substitute therefor the word "approved."

5. Delete § 903.45 (a) (3) and substitute therefor the following:

(3) Subtract from the pounds of skim milk remaining in Class II milk the remaining pounds of skim milk in other source milk which was not subject to the Class I pricing provisions of an order issued pursuant to the act: *Provided*, That skim milk so subtracted from Class II shall not result in the assignment of more skim milk in approved milk to Class I in a plant which is permitted to receive and bottle Grade A and non-Grade A milk than is contained in the Grade A other source and approved milk received at such plant: *And provided further*, That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk in Class I;

6. Delete § 903.52 and substitute therefor the following:

§ 903.52 *Location differentials to handlers.* With respect to skim milk and butterfat contained in milk received from producers at a pool plant in Meramac or Bonhomme townships, St. Louis County, Missouri (except in the cities of Valley Park and Kirkwood), or outside the marketing area, which is classified as Class I milk, the price per hundredweight shall be reduced by the amounts set forth in the following schedule according to the airline distance from the plant where the milk is received from producers, or the plant from which the milk is diverted, to the City Hall in St. Louis:

| Mileage: | Allowance (cents) |
|---|---|
| Not more than 10 miles | 6 |
| More than 10 but not more than 20 miles | 12 |
| More than 20 but not more than 30 miles | 14 |
| More than 30 but not more than 40 miles | 16 |
| For each additional 10 miles or fraction thereof an additional | 1 |

*Provided*, That for the purpose of calculating such location differential with respect to milk transferred between pool plants, the Class II approved milk remaining in the transferee plant (except skim milk or butterfat in such plant which was subtracted pursuant to § 903.45 (a) (1), (2) and (b)) after deducting therefrom the amount of such milk or an amount equivalent to 0.05 times the producer milk at such plant, whichever is less, shall be assigned to approved milk from other plants in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential, and then to producer milk.

[F. R. Doc. 53-9924; Filed, Nov. 24, 1953; 8:57 a. m.]

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## [7 CFR Part 965]

[Docket No. AO 166-A17]

### HANDLING OF MILK IN THE CINCINNATI OHIO, MARKETING AREA

### DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Cincinnati, Ohio, May 18–20, 1953, pursuant to notice thereof which was issued on May 6, 1953 (18 F. R. 2716).

Upon the basis of the evidence introduced at the hearing and the record thereof the Acting Assistant Administrator, Production and Marketing Administration, on September 18, 1953 filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on September 24, 1953 (18 F. R. 5679).

The material issues of record related to:

1. The classification and pricing of:

a. Producer milk used in the manufacture of sour (cultured) cream; and

b. Producer milk which is in excess of the market requirements for Class I and Class II milk (this excess milk is hereinafter referred to as reserve supplies);

2. Applicability of the order during work stoppages at plants due to labor disputes; and

3. Powers of the market administrator.

*Findings and conclusions.* The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof.

*Sour cream.* The classification and pricing of milk used in the manufacture of sour (cultured) cream should not be changed. Such milk should continue to be classified and priced as Class II milk.

Local health regulations require that sour cream be made from milk produced and handled in full compliance with these regulations; the same quality of milk as is required for cream for fluid consumption. The only available source of milk of this quality has been from producers as defined in the Cincinnati order, except in times of milk shortages when health authorities have permitted limited amounts of other milk to be used for short periods of time for this and other fluid uses. Thus the market requirements for milk for sour cream should be regularly supplied with producer milk. Milk for this use should carry its share of the burden of maintaining milk supplies at a level sufficient to meet market requirements.

*Reserve supplies.* To be adequately supplied, a market must carry certain reserve supplies in addition to the actual market requirements. These reserve supplies are necessary because of day to day fluctuations in both supplies and requirements and because of variations in normal seasonal patterns of supplies and of requirements. These reserve supplies must be disposed of in such outlets as are available. These reserve supplies of milk should be priced low enough that handlers will accept such milk and seek the available outlets for it, but high enough that supplies beyond those necessary for actual requirements and reserve supplies will not be attracted to the market. Reserve supplies should also be priced in such a manner as to provide a price incentive for such supplies to be channeled into outlets which are more desirable from the standpoint of location and seasonality and which may therefore be expected to yield somewhat higher returns. The highest prices for reserve supplies of milk consistent with the objective of assuring that handlers will accept such milk are in the public interest because such reserve supplies will be making their optimum contribution toward the maintenance of an adequate supply of milk for the market.

No change should be made in the classification and pricing of Class III and Class IV milk except that the basis for classifying milk transferred to a nonpool plant during the month of August should be made the same as during April, May, June, and July.

Proposals considered at the hearing would reduce the level of Class III and Class IV prices, change the classification of milk used in the manufacture of cheddar cheese from Class III to Class IV, change the classification of milk used in the manufacture of ice cream from Class III to Class II but establish a lower price for milk used in ice cream sold outside of the marketing area, eliminate the Class IV classification by including milk used in the manufacture of butter in Class III and change the basis of classification of milk transferred to nonpool plants.

In considering the proposal to change the classification of milk used for ice cream from Class III to Class II, the question arises of whether milk used for ice cream, particularly for ice cream sold in the marketing area, should be considered as regular market requirements for milk or as an outlet for reserve supplies. The basis for this question lies in what the local health regulations and their enforcement require with respect to the quality of milk for use in ice cream. Conflicting evidence was submitted on this point. Sufficient basis cannot be found in the record for changing the classification of milk used for ice cream, and ice cream should continue to be considered as an outlet for reserve supplies of milk and classified as Class III milk.

In considering whether reserve supplies of milk are being priced in accordance with the objective set forth above of providing a price incentive for such supplies to be channelled into the more desirable outlets, it is necessary to consider which outlets are desirable.

Ice cream is a desirable outlet for reserve supplies of milk. Ice cream consumption is greatest in the months when reserve supplies are large. May, June, July, and August are the months when outlets in ice cream have been largest and November, December, January, and February have been the months when such outlets are smallest. This coincides almost exactly with the months when the reserve supplies are seasonally highest and lowest. In the last several years utilization of reserve supplies of milk by handlers in ice cream and ice cream mix in these four heaviest months of the year has been more than double such utilization in the four months when utilization of milk in ice cream is lowest. The utilization of reserve supplies in other products such as butter, nonfat dry milk solids, evaporated milk, and cheddar cheese also vary seasonally, but this seasonal outlet is facilitated by storage of the product rather than by a marked seasonal variation in consumption. Ice cream is also a favorable outlet because reserve supplies should have some location advantage in supplying local needs for milk for ice cream. Milk ingredients are usually incorporated into ice cream mix in the form of cream and condensed products, both of which are relatively bulky and perishable products, so reserve supplies have a greater location advantage in supplying milk for local ice cream outlets than for more concentrated and less perishable products. Reserve supplies have a similar location advantage in supplying milk for use in cottage cheese locally.

In each of the last six months the volume of reserve supplies have been at record levels for that month, however, in the last 12 months reserve supplies have been less than they were in either 1949 or 1950 after adjustments are made in recognition that cottage cheese was in Class II prior to September 1950. It is doubtful if production for the Cincinnati market and accordingly the reserve supplies will continue at the level of recent months. Reserve supplies will probably not exceed their 1950 volume in the next year or two. The period when reserve supplies were at their peak (1949 and 1950) includes the periods (June through September 1949 and March through August 1950) when milk used in the manufacture of cheddar cheese was priced at a level comparable with the present Class IV price. There is some indication that the pricing of milk for cheese at this level may have made cheese such an attractive outlet to handlers that milk supplies in excess of market requirements and necessary reserve supplies were accumulated.

In recent years the most important outlets for reserve supplies have been cottage cheese, butter, condensed products, nonfat dry milk solids, ice cream, and nonpool plants. In each of the four most recent 12 month periods for which information is contained in the record the percentages of the butterfat contained in these reserve supplies which were used in the chief outlets were as follows:

| | 1949–50 | 1950–51 | 1951–52 | 1952–53 |
|---|---|---|---|---|
| Ice cream | 36 | 34 | 42 | 38 |
| Nonpool plants | 36 | 22 | 19 | 21 |
| Butter | 22 | 33 | 28 | 25 |

Similar figures for the chief outlets for skim milk are as follows:

| | 1949–50 | 1950–51 | 1951–52 | 1952–53 |
|---|---|---|---|---|
| Nonpool plants | 32 | 30 | 15 | 17 |
| Cottage cheese | 17 | 26 | 27 | 24 |
| Condensed products | 15 | 13 | 23 | 19 |
| Ice cream | 14 | 11 | 14 | 14 |
| Nonfat dry milk solids | 10 | 10 | 10 | 13 |

These figures indicate that ice cream has retained or slightly increased its position and cottage cheese has become more important as an outlet for reserve milk supplies. Condensed products, which are used to a considerable extent in ice cream, have also become a somewhat larger outlet. Outlets to butter were largest in 1950–51 and 1952–53 when reserve supplies were largest. Nonfat dry milk solids have been a larger outlet than usual in the last year when reserve supplies were heavy. Nonpool plants have declined substantially as an outlet for reserve milk supplies. This outlet includes milk, skim milk, or cream transferred to a nonpool plant. Such milk, skim milk and cream is used for various products including ice cream, cheddar cheese, evaporated milk, and butter. One apparent reason for the decline in the use of nonpool plants as outlets for reserve milk supplies results from the discontinuation effective September 1, 1950, of the pricing of milk for cheese at a level comparable with the present Class IV price.

The above analysis indicates that sufficient outlets have been available for reserve supplies and that the more desirable outlets have been retained or expanded. Reserve supplies do not appear to have been excessive in the last two or three years.

Proponents of a lower price for reserve supplies claimed that the present level of prices has caused them to lose substantial ice cream outlets outside of the marketing area and has priced such milk to them above its value. As was indicated above, ice cream has retained or slightly increased its position as an outlet for reserve supplies. It is difficult to measure the value of reserve supplies of milk to handlers except in terms of handlers' apparent attitudes about obtaining or retaining milk supplies as evidenced by their actions. At the time of the hearing a number of handlers were seeking additional milk supplies. During the period May 1952 through March 1953 one handler's Class I utilization ranged from a low of 35 percent (in June) to a high of 66 percent (in November) of his total receipts of producer milk. Comparable utilization percentages for these months for the entire market were 49 and 79, respectively. Apparently the prices for reserve milk supplies have not been so high as to deter handlers from retaining milk supplies or from seeking additional supplies. The number of producers supplying the market has increased somewhat in recent months.

Proposals were suggested at the hearing which would cause the Class III and Class IV prices to change automatically as the percentage of producer milk classified in those classes change. The record does not contain sufficient evidence to indicate the extent, if any, to which these prices should change in response to changes in utilization percentages.

Proposals were considered to change the classification provisions with respect to milk transferred from a pool plant to a nonpool plant. At the present time milk so transferred is classified during April, May, June, and July upon written certification by the operators of the two plants on the basis of any use at the nonpool plant and during the remaining months of the year on the basis of the highest priced utilization at the nonpool plant. The proposals would make the April–July method of classification applicable for all months of the year. Adoption of these proposals would make it possible for nonpool plants primarily engaged in distributing milk in areas suburban to Cincinnati but not a part of the marketing area to obtain milk as a part of their regular supply from pool plants which milk could be classified on the basis of the lowest priced utilization at the nonpool plant. An important consideration in adopting the present classification provisions for such milk was to prevent this from occurring.

A suggestion was made that milk transferred to a nonpool plant be classified in the highest priced utilization remaining after regular receipts of milk from dairy farmers at such plant is first allocated to the highest priced utilizations at the plant. Evidence in the record shows that milk is transferred to several different nonpool plants each month. There would be a considerable additional administrative burden in effecting this method of classification because of the need for verifying total receipts and utilization of milk at these nonpool plants receiving milk from pool plants. The need for this method of classification does not appear to be great enough to justify this additional burden on the market administrator.

In recent years the reserve supplies of milk have been largest in April, May, June, July, and August. April and August volumes have been similar, and volumes in the remaining months have been notably lower. In order to bring the provisions for classifying milk transferred to a nonpool plant into better alignment with the present seasonality in the monthly volumes of reserve supplies, August should be included as a month when classification is on the same basis as during April, May, June, and July.

*Work stoppages.* Proposals were considered which would cause the order to be inoperative with respect to any handler whose plant is not in operation due to a work stoppage resulting from a dispute between the plant operator and a labor union. Testimony of proponents indicated that the major problems they sought to correct by this proposal result from (1) the present order provisions which do not permit handlers to divert producer milk from the farm directly to a nonpool plant, and (2) the possibility that handlers may not be able to find outlets for all of their milk which will return them as much as they are required by the order to pay producers for such milk.

A review of the present order provisions as they relate to this problem indicates that considerable flexibility now exists pursuant to the order with respect to these problems. If a handler desires to completely remove himself from price regulation with respect to part or all of his regular milk supply he could either divert such milk to a nonpool plant or leave the problem of finding an outlet for such milk to the producers of such milk, or their cooperative association. In the former event, the milk would not be producer milk because it would not be received at a pool plant or diverted by a cooperative association. In the latter event, milk for which individual producers must find an outlet would also not be producer milk for the same reasons; and milk for which the cooperative finds an outlet would not be producer milk for the same reasons unless the association wishes to retain such milk as producer milk by diverting it and becoming a handler with respect to such milk and making the reports required of handlers. If a handler desires that all or part of his milk supply continue to be producer milk he can arrange with a cooperative association for the association to divert the milk. Nothing in the order prohibits a cooperative association from diverting milk of producers who are not members of such association.

In view of this flexibility presently available in the event of a labor strike or work stoppage it is not necessary that any further provisions be included in the order for this purpose.

*Powers of the market administrator.* The powers described in the order for the market administrator should be expanded to authorize him to make rules and regulations to effectuate the terms and provisions of the order and to recommend to the Secretary of Agriculture amendments to the order. The Agricultural Marketing Agreement Act of 1937 specifically authorizes these powers. The need for rules and regulations may arise at some time, and provision for their issuance will permit them to be made if the need arises. At times the market administrator in his official duties may detect certain administrative problems which should in his opinion be corrected by amendments to the order. He should be specifically authorized to recommend such amendments to the Secretary of Agriculture; however, such amendments could only be adopted after the procedures required by law and by regulations issued thereunder have been pursued.

*General findings.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act.

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activities specified in a marketing agreement upon which a hearing has been held.

*Rulings.* Exception was taken to some of the findings and conclusions and provisions of the recommended marketing agreement and amendment to the order contained in the recommended decision. These exceptions were all fully considered in making the findings and reaching the conclusions contained herein and in deciding upon the appropriate and detailed provisions to be included in the marketing agreement and order to effectuate such conclusions. To the extent that the findings and conclusions or the marketing agreement and order contained herein are at variance with the exceptions pertaining thereto, such exceptions are denied for the reasons set forth in the findings and conclusions on the issue to which the exceptions relate.

Rulings contained in the recommended decision on proposed findings and conclusions are hereby confirmed, and any proposed finding or proposed conclusion not previously ruled upon which is inconsistent with the findings and conclusions contained herein is denied on the basis of facts found and stated in connection with the conclusions herein set forth.

*Determination of representative period.* The month of August 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area in the manner set forth in the attached amended order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order, as amended.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

*It is hereby ordered*, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 20th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

*Order*[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area*

§ 965.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 965.21 to read as follows:

§ 965.21 *Powers.* The market administrator shall have the power to:

(a) Administer the terms and provisions of this subpart;

(b) Report to the Secretary complaints of violations of the provisions of this subpart;

(c) Make rules and regulations to effectuate the terms and provisions of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

2. Amend the last proviso of § 965.43 (b) to read as follows: "*And provided further*, That in making such verification for months other than April, May, June, July, and August, the market administrator will assign milk, skim milk, or cream so transferred to the highest use classification in the plant of the receiver."

[F. R. Doc. 53-9920; Filed, Nov. 24, 1953; 8:56 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.



## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 8]

[Docket No. 10764]

CARGO SHIP RADIOTELEGRAPH WORKING BANDS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 8 of the Commission's rules and regulations concerning the inauguration of use of the cargo ship radiotelegraph working bands between 4 and 23 Mc as provided by the Geneva (1951) Agreement; Docket No. 10764.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The proposed amendments to the rules are intended as a part of the Commission's plan for bringing into force the International Radio Regulations (Atlantic City, 1947) in accordance with the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

3. The Atlantic City Radio Regulations provide the following frequency bands for exclusive use as Cargo Ship Radiotelegraph Working Bands:

| | |
|---|---|
| 4187 –4368 kc | 12751–12714 kc |
| 6200 – 6337 kc | 16744 1 22 kc |
| 8674 –8476 kc | 2_27–224 kc |

With reference to the activation of these bands, the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) requires that all administrations endeavor to complete the clearance of these bands of out-of-band assignments within a six-month period after the date on which ship stations have commenced to move into the Atlantic City Ship Telegraph Calling Bands. The date of September 1, 1953, was established by the International Telecommunication Union as the date for beginning the activation of the Ship Telegraph Calling Bands on a worldwide basis. Therefore, the target date for the activation of the Cargo Ship Radiotelegraph Working Bands is March 1, 1954. The Agreement further provides that as the target date is approached, the International Telecommunication Union will take steps to establish the actual date based on the progress made by administrations in clearing the bands of out-of-band assignments and the ability of the cargo ships to operate in the new working bands.

4. It therefore appears appropriate to propose certain amendments to Part 8 of the Commission's rules at this time, well in advance of the date of activation, so as to reflect the forthcoming changes in those sections of the rules which relate to the availability of frequencies for use by ship stations. The forthcoming changes would therefore be brought to the attention of all interested parties and permit such preparatory measures as may be necessary with reference to equipment requirements to be undertaken sufficiently far in advance so that when the bands are cleared no delay

will be caused in bringing the new bands into force as a result of equipment limitations.

5. The proposed amendments to the rules are set forth below. They are issued pursuant to the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, the Final Acts of the International Telecommunication Radio Conference (Atlantic City, 1947) and the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951).

6. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before December 18, 1953, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last date for filing the original comments. The Commission will consider all comments and briefs presented before taking final action in the matter.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: November 18, 1953.

Released: November 20, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

1. Section 8.321 (a) (1) is amended by inserting footnote designator 1a in the text of subparagraph (1) between "ship stations" and "(public or limited)" and by adding footnote 1a to read as follows:

[1a] The specific frequencies above 515 kc herein listed shall not be assignable to ship stations (public or limited) on board ships after a date to be designated.

2. Section 8.324 (e) (2) is amended by revising the bands of frequencies to read:

| | |
|---|---|
| 2065-2107 kc [1] | 12561-12714 kc [1] |
| 4187-4236 kc [1] | 16748-16932 kc [1] |
| 6280.5-6357 kc [1] | 22270-22400 kc, |
| 8374-8476 kc [1] | |

And by inserting footnote 2d to read:

[2d] Available after a date to be designated.

3. Section 8.324 (f) (2) is amended by inserting footnote designator 2e in the text of subparagraph (2) between "17000 kc" and "when" and by adding footnote 2e to read as follows:

[2e] After a date to be designated, not applicable to frequencies between 4000 and 23000 kc insofar as ship stations aboard cargo vessels may be concerned.

[F. R. Doc. 53-9908; Filed, Nov. 24, 1953; 8:53 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

### [ 17 CFR Parts 239, 270, 274 ]

REVISION OF FORMS RELATING TO REGISTRATION STATEMENTS AND RELATED AMENDMENTS OF RULES UNDER THE INVESTMENT COMPANY ACT OF 1940

NOTICE OF PROPOSED RULE MAKING

The Securities and Exchange Commission today announced that it was circulating for comment among registered management investment companies copies of proposed revisions of Forms N-8B-1 and S-5 [1] (17 CFR 239.15 and 274.11) and related amendments to the General Rules and Regulations under the Investment Company Act of 1940.

Section 274.11 (Form N-8B-1) is the basic form for registration of management investment companies under the Investment Company Act of 1940. Section 239.15 (Form S-5) is a form for registration under the Securities Act of 1933 of the securities of open-end management investment companies, commonly known as "Mutual Funds." In connection with the preparation of these forms, the Commission has had the cooperation and many practical suggestions of representatives of management investment companies and the distributors of their securities. It is believed that as a result of such cooperation and suggestions the proposed new forms have been materially simplified without any loss to investors of essential information. Particularly, it is believed that the new Form S-5 will reduce substantially the size of the prospectus used in the sale of "Mutual Funds," as the result of the simplification of requirements for financial data to be included therein and the elimination of much statistical data.

Although these forms have been previously circulated for comment among the companies affected and other interested persons, the Commission believes the fundamental character and importance of these basic forms, not only to the companies concerned but to investors, warrants their re-circulation for further comment. All interested persons may obtain copies of such forms and the related rules by writing to the Commission's Secretary, Orval DuBois, at 425 Second Street NW. The Commission requests that all comments upon these forms be made to it not later than December 1, 1953.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

NOVEMBER 17, 1953.

[F. R. Doc. 53-9887; Filed, Nov. 24, 1953; 8:50 a. m.]

[1] Filed as part of the original document.

# NOTICES

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Treasury Department Order 150-32]

COMMISSIONER OF INTERNAL REVENUE

DELEGATION OF FINAL APPROVAL OF CLOSING AGREEMENTS

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, there are hereby transferred to the Commissioner of Internal Revenue all the functions of the Secretary of the Treasury, the Under Secretary of the Treasury, or any Assistant Secretary of the Treasury with respect to closing agreements under section 3760 of the Internal Revenue Code.

This order continues the delegation made by Treasury Department Order No. 146, dated December 20, 1951, which is hereby superseded.

The functions herein transferred may be delegated by the Commissioner to subordinates in the Internal Revenue Service in such manner as he shall from time to time direct.

Dated: November 18, 1953.

[SEAL] G. M. HUMPHREY,
*Secretary of the Treasury.*

[F. R. Doc. 53-9897; Filed, Nov. 24, 1953; 8:52 a. m.]

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

CONFEDERATED TRIBES OF COLVILLE RESERVATION

ADOPTION OF FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Colville Reservation was duly adopted by the Confederated Tribes of the Colville Indian Reservation of Washington which has jurisdiction over the area of Indian country included in the resolution:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Confederated Tribes of the Colville Indian Reservation. *Provided*, That such introduction, sale or possession is in conformity with the laws of the State of Washington.

Be it further resolved that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

ORME LEWIS,
*Assistant Secretary of the Interior.*

NOVEMBER 19, 1953.

[F. R. Doc. 53-9880; Filed, Nov. 24, 1953; 8:45 a. m.]



MINNESOTA CHIPPEWA TRIBE

ADOPTION OF FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on reservations in the State of Minnesota under the jurisdiction of the Consolidated Chippewa Agency was duly adopted by the Minnesota Chippewa Tribe which has jurisdiction over the area of Indian country included in the resolution:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Minnesota Chippewa Tribe, Provided, that such introduction or possession is in conformity with the laws of the State of Minnesota.

Be it further resolved, that the sale of intoxicating beverage shall be lawful within the Indian country under the jurisdiction of the Minnesota Chippewa Tribe, only by liquor stores owned and managed by the Minnesota Chippewa Tribe, Provided, that such sale is in conformity with the laws of the State of Minnesota.

Be it further resolved that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

ORME LEWIS,
*Assistant Secretary of the Interior.*

NOVEMBER 19, 1953.

[F. R. Doc. 53-9881; Filed, Nov. 24, 1953; 8:46 a. m.]

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

UPLAND COTTON MARKETING QUOTA

NOTICE OF REFERENDUM FOR 1954 CROP

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for the crop of upland cotton produced in 1954.

A referendum of the farmers who were engaged in the production of upland cotton in the calendar year of 1953 will be held on December 15, 1953, pursuant to the provisions of the act and applicable regulations, to determine whether such farmers are in favor of or opposed to the 1954 quota. If two-thirds or more of the cotton farmers voting in the upland cotton referendum favor the quota, such quota will be in effect for the 1954 upland cotton crop. If more than one-third of the cotton farmers voting in such referendum oppose the quota, the quota will not be in effect for the 1954 upland cotton crop.

*Registration.* Any person who, on the basis of the eligibility requirements set forth below, is eligible to vote in the referendum and who has reason to believe he is not on record as a 1953 upland cotton producer in the county should notify the PMA County Committee of his eligibility and request that his name be entered on the register of eligible voters.

*Eligibility to vote.* 1. Farmers eligible to vote in the referendum will be those farmers who were engaged in the production of upland cotton in 1953 as owner-operator, cash tenant, standing-rent or fixed-rent tenant, or landlord (other than a landlord of a standing-rent tenant, cash-rent or fixed-rent tenant) of a share tenant, or as share tenant or sharecropper.

2. Any farmer whose only cotton production in 1953 consisted of extra long staple cotton shall not be eligible to vote in this referendum, but, if otherwise eligible, may vote in the extra long staple cotton referendum.

3. No cotton farmer (whether an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof or any agency of a State or political subdivision thereof) shall be entitled to more than one vote in the referendum, even though such farmer may have been engaged in 1953 in the production of upland cotton on two or more farms or in two or more communities, counties, or States.

4. In case several persons, such as husband, wife, and children, participated in the production of upland cotton in 1953, under the same rental or cropping agreement or lease, only the persons who signed or entered into the rental or cropping agreement or lease shall be eligible to vote.

5. In the event two or more persons were engaged in producing upland cotton in 1953 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

6. No person shall be eligible to vote in any community other than the community in which he now resides except as follows:

(a) Any person who resides in a community other than the community in which he is engaged in the production of upland cotton may, if he will not vote in the community in which he resides, vote at the polling place for the community in which he is engaged in the production of such cotton.

(b) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he resides.

(c) Any person who on the day of the referendum will not be present in the county in which he is eligible to vote may, as early as 5 days prior to the date of the referendum, obtain a ballot at the most conveniently located PMA County Committee office and may cast his ballot by indicating his choice on the ballot, signing his name thereto and mailing it so that the ballot reaches the PMA County Committee for the county in which he is eligible to vote not later than the closing hour on the date of the referendum, which shall not be earlier than 5 o'clock p. m., local standard time.

7. There shall be no voting by mail (except as provided in paragraph 6 (c) above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

The foregoing provisions relating to registration and eligibility to vote in the referendum will appear on printed notices which will be posted in a conspicuous place in each community in which upland cotton was produced in 1953. The language appearing below will also appear on the notices prepared for posting and will be filled in by the Production and Marketing Administration county committee to show the place for balloting and the time for opening and closing of the polls.

PLACE FOR BALLOTING

The place for voting in the referendum in the ---------- community will be ----------

TIME

The polls in accordance with the official instructions for holding the referendum, shall be opened promptly at ---- o'clock a. m. and closed promptly at ---- o'clock p. m., local standard time, on Tuesday, December 15, 1953.

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(PMA County Committee)

Issued ----------, 1953.

NOTE. Upland cotton means all cotton other than extra long staple cotton. For purposes of the referendum and as used in this notice, the term "extra long staple cotton" means the designated types of cotton grown in the areas designated by the Secretary, as set forth in the marketing quota regulations relating to apportionment of the national acreage allotment for the 1954 crop of upland cotton to States, counties and farms, which will be published in the FEDERAL REGISTER as soon as possible after November 5, 1953, under Title 7, Chapter VII, Part 722.

Issued at Washington, D. C., this 20th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9917; Filed, Nov. 24, 1953; 8:55 a. m.]

EXTRA LONG STAPLE COTTON MARKETING QUOTA

NOTICE OF REFERENDUM FOR 1954 CROP

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of

1938, as amended, a national marketing quota for the crop of extra long staple cotton produced in 1954.

A referendum of the farmers who were engaged in the production of extra long staple cotton in the calendar year of 1953 will be held on December 15, 1953, pursuant to the provisions of the act and applicable regulations, to determine whether such farmers are in favor of or opposed to the 1954 quota. If two-thirds or more of the cotton farmers voting in the extra long staple cotton referendum favor the quota, such quota will be in effect for the 1954 extra long staple cotton crop. If more than one-third of the cotton farmers voting in such referendum oppose the quota, the quota will not be in effect for the 1954 extra long staple cotton crop.

*Registration.* Any person who, on the basis of the eligibility requirements set out below, is eligible to vote in the referendum and who has reason to believe he is not on record as a 1953 extra long staple cotton producer in the county should notify the PMA County Committee of his eligibility and request that his name be entered on the register of eligible voters.

*Eligibility to vote.* 1. Farmers eligible to vote in the referendum will be those farmers who were engaged in the production of extra long staple cotton in 1953 as owner-operator, cash tenant, standing-rent or fixed-rent tenant, or landlord (other than a landlord of a standing-rent tenant, cash-rent or fixed-rent tenant) of a share tenant, or as share tenant or sharecropper.

2. Any farmer whose only cotton production in 1953 consisted of upland cotton shall not be eligible to vote in this referendum, but, if otherwise eligible, may vote in the upland cotton referendum.

3. No cotton farmer (whether an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof or any agency of a State or political subdivision thereof) shall be entitled to more than one vote in the referendum, even though such farmer may have been engaged in 1953 in the production of extra long staple cotton on two or more farms or in two or more communities, counties or States.

4. In case several persons, such as husband, wife, and children, participated in the production of extra long staple cotton in 1953 under the same rental or cropping agreement or lease, only the persons who signed or entered into the rental or cropping agreement or lease shall be eligible to vote.

5. In the event two or more persons were engaged in producing extra long staple cotton in 1953 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

6. No person shall be eligible to vote in any community other than the community in which he now resides except as follows:

(a) Any person who resides in a community other than the community in which he is engaged in the production of extra long staple cotton may, if he will not vote in the community in which he resides, vote at the polling place for the community in which he is engaged in the production of such cotton.

(b) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he resides.

(c) Any person who on the day of the referendum will not be present in the county in which he is eligible to vote may, as early as 5 days prior to the date of the referendum, obtain a ballot at the most conveniently located PMA County Committee office and may cast his ballot by indicating his choice on the ballot, signing his name thereto and mailing it so that the ballot reaches the PMA County Committee for the county in which he is eligible to vote not later than the closing hour on the date of the referendum, which shall not be earlier than 5 o'clock, p. m., local standard time.

7. There shall be no voting by mail (except as provided in paragraph 6 (c) above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

The foregoing provisions relating to registration and eligibility to vote in the referendum will appear on printed notices which will be posted in a conspicuous place in each community in which extra long staple cotton was produced in 1953. The language appearing below will also appear on the notices prepared for posting and will be filled in by the Production and Marketing Administration county committee to show the place for balloting and the time for opening and closing of the polls.

PLACE FOR BALLOTING

The place for voting in the referendum in the ---------- Community will be ----------

TIME

The polls, in accordance with the official instructions for holding the referendum, shall be opened promptly at ---- o'clock a. m. and closed promptly at ---- o'clock p. m., local standard time on Tuesday, December 15, 1953.

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(PMA County Committee)

Issued ----------, 1953.

NOTE: Upland cotton means all cotton other than extra long staple cotton. For purposes of the referendum and as used in this notice, the term "extra long staple cotton" means the designated types of cotton grown in the areas designated by the Secretary, as set forth in the marketing quota regulations relating to apportionment of the national acreage allotment for the 1954 crop of extra long staple cotton to States, counties and farms, which will be published in the FEDERAL REGISTER as soon as possible after November 20, 1953, under Title 7, Chapter VII, Part 722.

Issued at Washington, D. C., this 20th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9918; Filed, Nov. 24, 1953; 8:55 a. m.]

### TOKAY GRAPES GROWN IN SAN JOAQUIN AND SACRAMENTO COUNTIES IN CALIFORNIA

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED; DESIGNATION OF REFERENDUM AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of Marketing Agreement No. 93, as amended, and Order No. 51, as amended (7 CFR Part 951), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who, during the period beginning April 1, 1953, and ending November 1, 1953, both dates inclusive (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in San Joaquin and Sacramento Counties in California in the production of Tokay grapes for market to determine whether such producers favor the termination of the said amended marketing agreement and order. Oscar H. Chapin and Harry J. Krade of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (15 F. R. 5176), except that for the purposes of this referendum:

A. Paragraph (c) (1) is amended to read as follows:

(1) Conduct the referendum in the manner herein prescribed, by giving opportunity to producers, who, during the period beginning April 1, 1953, and ending November 1, 1953, both dates inclusive (which period is determined to be a representative period), have been engaged, within San Joaquin and Sacramento Counties in California, in the production of Tokay grapes for market, to cast their ballots relative to the termination of said amended marketing agreement and order.

B. Paragraph (c) (5) is amended to read as follows:

(5) Make available to producers and the aforesaid cooperative associations instructions on voting, and appropriate ballot and other necessary form.

C. Paragraph (d) (3) is amended to read as follows:

(3) Distribute ballots and other necessary forms to producers and receive any ballots which are cast; and

Copies of the aforesaid amended marketing agreement and order, of the aforesaid procedure (15 F. R. 5176), and of this order may be examined in the Office of the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington, D. C., and at the office of the Field Representative, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Room 302, 701 "K" Street, Sacramento, California.

Done at Washington, D. C., this 20th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9923; Filed, Nov. 24, 1953; 8:57 a. m.]



## CIVIL AERONAUTICS BOARD

[Docket No. 6078]

AIR AMERICA, INC., ET AL.; ENFORCEMENT PROCEEDING

NOTICE OF RE-ASSIGNED HEARING

In the matter of a complaint against Air America, Inc. and certain allegedly associated companies, including Air America Agency Corporation, Air America Agency, Inc., Airline Reservations, Inc. (New York), Airline Reservations, Inc. (Illinois), and Airline Tickets, Inc., filed by American Airlines, Inc., and charging aforesaid respondents, together and severally, with violations of section 411 of the Civil Aeronautics Act of 1938, as amended, and with violations of § 291.1 (a) of the Board's Economic Regulations.

Notice is hereby given that a public hearing in the above-entitled proceeding originally assigned to be held on October 12, 1953, and later postponed is hereby re-assigned to be held on December 8, 1953, at 10:00 a. m., e. s. t., in Room 1205, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Without limiting the scope of the issues presented by the complaint filed by American Airlines, Inc., particular attention will be given to the question whether the respondents, or any of them, are in violation of section 411 of the act and § 291.1 (a) of the Board's Economic Regulations and whether the Board shall exercise its powers under sections 205 (a), 411, 1002 (b) and 1002 (c) of the act and order the respondents, or any of them, to cease and desist from activities and practices which have allegedly resulted in violations of said section 411 of the act and said § 291.1 (a) of the Board's Economic Regulations.

Notice is hereby further given that any person other than parties of record desiring to be heard in this proceeding must file with the Board on or before December 8, 1953 a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

For further details of the issues involved in this proceeding, all interested parties are referred to the complaint and other documents on file under Docket No. 6078 in the docket section of the Civil Aeronautics Board.

Dated at Washington, D. C., November 20, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-9914; Filed, Nov. 24, 1953; 8:54 a. m.]

[Docket No. 5770 et al.]

LAKE CENTRAL AIRLINES ET AL.; ACQUISITION INVESTIGATION

NOTICE OF HEARING

In the matter of the joint application for approval of certain interlocking relationships involving North Central Airlines, Inc. and Lake Central Airlines, Inc., and the matter of the proposed acquisition of the control of Lake Central Airlines, Inc. by North Central Airlines, Inc. and or Ozark Airlines, Inc., and the investigation of the acquisition of Lake Central's Route 88 in whole or in part by North Central Airlines, Inc., Ozark Airlines, Inc. and or Allegheny Airlines, Inc. pursuant to sections 408 and 409 (a) of the Civil Aeronautics Act of 1938, as amended, under Docket Nos. 5770, 6024, 6068, and 6213.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, hereinafter called the act, that a hearing in the above-entitled proceeding will be held on November 30, 1953, at 10:00 a. m., e. s. t., in Room 1205, Temporary Building No. 4, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Without limiting the scope of the issues presented by the applications and investigations consolidated herein, particular attention will be directed to the following matters:

(1) Whether the acquisition of control of Lake Central Airlines, Inc. by North Central Airlines, Inc. would result in creating a monopoly or monopolies and thereby restrain competition or jeopardize a third air carrier and would not be consistent with the public interest pursuant to section 408 of the act?

(2) Whether the interlocking relationships of Howard A. Morey, Frank N. Buttomer, Grove Webster, Arthur E. Schwandt, Arthur E. A. Mueller, Joe Decoursin, Francis M. Higgins, Don Olen, Harold Emch, Harold N. Carr, A. L. Wheeler and Robert B. Stewart, North Central Airlines, Inc. and Lake Central Airlines, Inc. will not adversely affect the public interest within the meaning of section 409 (a) of the act?

(3) Whether and upon what terms the acquisition of the majority stock holding interest in Lake Central Airlines, Inc. by North Central Airlines, Inc. and or Ozark Airlines, Inc., and whether and upon what terms the acquisition of Lake Central's Route 88 in whole or in part by North Central Airlines, Inc., Ozark Airlines, Inc., and or Allegheny Airlines, Inc. is consistent with the public interest?

For further details of the issues involved in this proceeding, interested persons are referred to the applications and amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board, on or before November 30, 1953, a statement setting forth the issues of fact or law to be presented.

Dated at Washington, D. C., November 20, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-9915; Filed, Nov. 24, 1953; 8:54 a. m.]

[Docket No. 2888 et al.]

SKYTRAIN AIRWAYS, INC.; REOPENED LATIN AMERICAN AIR FREIGHT CASE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the fitness, willingness, and ability of Skytrain Airways, Inc., properly to perform the air transportation encompassed within Docket No. 2888 and Docket No. 4473 and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that on November 9, 1953, hearing in the above-entitled proceeding heretofore assigned to be held on December 7, 1953, was postponed to a date later to be assigned.

Notice is further given, that hearing in the above-entitled proceeding is hereby reassigned to be held on January 5, 1954, at 10:00 a. m., e. s. t., in Room 1205, Temporary Building No. 4, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., November 20, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-9913; Filed, Nov. 24, 1953; 8:54 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8905, 10760]

UNIVERSAL BROADCASTING CO., INC., AND CROSLEY BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Universal Broadcasting Company, Inc., Indianapolis, Indiana, Docket No. 8905, File No. BPCT-110; Crosley Broadcasting Corporation, Indianapolis, Indiana, Docket No. 10760, File No. BPCT-1594; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of November 1953;

The Commission having under consideration the above-entitled applications,

each requesting a construction permit for a new television broadcast station to operate on Channel 8 in Indianapolis, Indiana; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

*It is ordered*, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 18th day of December, 1953 in Washington, D. C., upon the following issue:

1. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

*It is further ordered*, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issued: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: November 20, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F R Doc 53-9904; Filed, Nov. 24, 1953; 8:52 a. m.]

[Docket Nos. 9030, 10758, 10759]

QUEEN CITY BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Queen City Broadcasting Company, Seattle, Washington, Docket No. 9030, File No. BPCT-453: KXA, Inc., Seattle, Washington, Docket No. 10758, File No. BPCT-902; Puget Sound Broadcasting Company, Incorporated, Seattle, Washington, Docket No. 10759, File No. BPCT-1592; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of November 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 7 in Seattle, Washington; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station; and

It further appearing that Queen City Broadcasting Company filed a letter on November 10, 1953 stating, inter alia, that the Commission, on October 5, 1953, sent pre-hearing letters to each of the above-entitled applicants stating therein that any reply should be filed "within thirty days from the date of this notice" and that "in the absence of a reply from you concerning the above matters, your application will be subject to dismissal pursuant to the provisions of § 1.381 of the Commission's rules."; that on November 4, 1953 Queen City Broadcasting Company filed a reply to its pre-hearing letter and an amendment to its application; that on November 5, 1953 KXA, Inc. filed a "preliminary response" to its pre-hearing letter setting forth the reasons why "a complete amendment" could not have been filed on November 4, 1953 and requesting that an amendment to be filed "within a few days" be "considered by the Commission before the instant application is designated for hearing"; that on November 9, 1953 the Commission received a letter from Puget Sound Broadcasting Company, Incorporated setting forth the reasons why an amended application had not previously been filed and stating that an amendment would be filed on November 9, 1953; and that the applications of KXA, Inc. and Puget Sound Broadcasting Company, Incorporated should be dismissed pursuant to the requirements of the above pre-hearing letters and § 1.381 of the Commission's rules or that, in the alternative, "any late filed amendments" should be disregarded and all three applications should be considered as they stood on November 4, 1953 and designated for hearing on that basis; and that on November 16, 1953, KXA, Inc., filed a reply to said request urging that it be denied; and

It further appearing that amendments to the application of KXA, Inc. were filed on November 10, 1953 and November 16, 1953; that amendments to the application of Puget Sound Broadcasting Company, Incorporated were filed on November 9, 1953 and November 12, 1953; that under § 1.365 (a) of the Commission's rules applications may be amended as a matter of right prior to the designation of such application for hearing; that by their letters filed November 5, 1953 and November 9, 1953, respectively, KXA, Inc., and Puget Sound Broadcasting Company, Incorporated indicated intentions to prosecute their applications; that Queen City Broadcasting Company has not been prejudiced by the late replies to the Commission's letter; and that dismissals of the applications of KXA, Inc., and Puget Sound Broadcasting Company, Incorporated are not warranted on the basis of the above facts.

*It is ordered*, That the requests of Queen City Broadcasting Company, set forth in its letter filed November 10, 1953, are denied in all respects.

*It is further ordered*, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 18th day of December, 1953 in Washington, D. C. upon the following issues:

1. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

*It is further ordered*, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: November 20, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F R Doc 53-9905, Filed, Nov. 24, 1953; 8:52 a. m.]

[Docket No. 10741]

MID-ATLANTIC BROADCASTING CO (WMID)

ORDER CONTINUING HEARING

In the matter of Cease and Desist Order to be directed against Mid-Atlantic Broadcasting Company (WMID), Atlantic City, New Jersey, Docket No. 10741.

The Commission having under consideration a "Petition to Reconsider and Vacate Action Looking Toward Issuance of a Cease and Desist Order" filed on November 13, 1953, by Mid-Atlantic Broadcasting Company, Atlantic City, New Jersey, which said petition contained a request that the hearing in the above matter presently scheduled for November 16, 1953, be postponed in order to afford the Commission opportunity to act upon the aforesaid petition;

It appearing that all the parties to this proceeding have consented to a grant of the request for postponement and to a waiver of § 1.745 of the Commission's rules in order to permit immediate consideration thereof.

*It is ordered*, This 16th day of November, 1953, that the motion for continuance is granted and that the hearing scheduled to be held in this proceeding on November 16, 1953, be, and the same is hereby continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM P. MASSING,
*Acting Secretary.*

[F R Doc. 53-9906; Filed, Nov. 24, 1953; 8:52 a m]

[Change List No. 78]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

OCTOBER 28, 1953.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.



CANADIAN BROADCAST STATIONS

| Call letters | Location | Power (kw) | Antenna | Schedule | Class | Probable date of commencement of operation |
|---|---|---|---|---|---|---|
| CJEM | Edmundston, New Brunswick (assignment of call letters). | [illegible] kc 1 | | | | |
| VOWR | St. John's, Newfoundland (PO: 0.5 kw., 750 kc., DA-N). | [illegible] kc 1 | ND | U | II | Oct 28 1951 |
| CJAD | Montreal, Quebec (PO: 5 kw.) | 10 | DA-1 | U | II | Do. |
| NEW | Brampton, Ontario | [illegible] kc 0.2 | ND | D | II | Do. |
| NEW | Fairview, Ontario | [illegible] kc 0.2 | DA-1 | U | IV | Do. |
| NEW | Three Rivers, Quebec | [illegible] kc 1 | DA-1 | U | III | Do. |
| CKOM | Saskatoon, Saskatchewan (PO: 0.25 kw., 1 kw., NDU-IV). | [illegible] kc 0.5 | DA-N | U | III-A | Do. |
| NEW | Matane, Quebec | [illegible] kc 0.25 | ND | U | IV | Do. |

[1] CC NOTE: The number which [illegible] appears to be in error inasmuch as the last Pub. List, dated October 7, 1953 carried the same number.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
*Acting Secretary.*

[F R Doc 53-9907, Filed, Nov. 24, 1953; 8:53 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3135]

WORCESTER COUNTY ELECTRIC CO.

SUPPLEMENTAL ORDER REGARDING SALE OF PREFERRED STOCK

NOVEMBER 19, 1953.

The Commission, by order dated November 5, 1953, having granted and permitted to become effective the application-declaration of Worcester County Electric Company ("Worcester County"), a public-utility subsidiary company of New England Electric System, a registered holding company, proposing the issuance and sale by Worcester County of 75,000 shares, -- Percent Series, $100 par value cumulative preferred stock subject to reservations of jurisdiction with respect to the results of competitive bidding under Rule U-50 and the fees and expenses to be incurred in connection with the proposed transaction; and

Worcester County having on November 19, 1953, filed a further amendment to its application-declaration herein setting forth the action taken by it to comply with the requirements of Rule U-50, and stating that, pursuant to the invitation for competitive bids, the following bids have been received:

| Group headed by— | Annual dividend rate (dollars per share) | Price to Company (dollars per share) | Annual cost to Company (per-cent) |
|---|---|---|---|
| Lehman Bros | 4.44 | 100.509 | 4.4175 |
| Harriman Ripley & Co., Inc | 4.48 | 100.27 | 4.4679 |
| Kidder, Peabody & Co., Blyth & Co., Inc., White, Weld & Co., Union Securities Corp. and Merrill Lynch, Pierce, Fenner & Beane. | 4.56 | 100.60 | 4.5328 |
| | 4.60 | 100.483 | 4.5779 |

[1] Exclusive of accrued dividends from November 18, 1953.

The amendment having further stated that Worcester County has accepted the bid of the group headed by Lehman Brothers, as set forth above, and that the preferred stock will be reoffered to the public at a price of $102.068 per share, plus accrued dividends from November 18, 1953, resulting in an underwriting spread of $1.559 per share or an aggregate of $116,925; and

The record having been completed with respect to the fees and expenses to be incurred in connection with the proposed transactions, and it appearing that such fees and expenses are estimated in the aggregate amount of $48,700 as follows:

| | |
|---|---|
| Fee for registration of the preferred stock under the Securities Act of 1933 | $780 |
| Federal original issue stamp tax | 8,250 |
| Massachusetts state filing fee | 3,750 |
| Services of New England Power Co. (an affiliated service company) performed at cost | 17,000 |
| Printing costs of the registration statement, prospectus, exhibits and other related documents | 11,000 |
| Printing of the preferred stock certificates in definitive form | 1,000 |
| Services of Lybrand, Ross Bros. & Montgomery, independent public accounts | 1,200 |
| Services of the transfer agent and registrar with reference to the registration and issue of preferred stock certificates | 2,000 |
| Mailing costs, advertising public invitation for bids, filing fees and qualification under Blue Sky Laws, and miscellaneous (including provision for reimbursement of out-of-pocket expenses in connection with the services described above) | 3,720 |
| Total | 48,700 |

It also appearing that the fee and expenses of Choate, Hall & Stewart, independent counsel for the purchasers of the new preferred stock, which are to be paid by said purchasers, are estimated at $6,000 and $500, respectively; and

The Commission having examined the record in the light of said amendment, and observing no basis for imposing terms and conditions with respect to the price to be received for said preferred stock, the dividend rate and the underwriters' spread and it appearing to the Commission that the above fees and expenses are not unreasonable if they do not exceed the amounts estimated, and it appearing to the Commission that jurisdiction heretofore reserved over the results of competitive bidding and over all fees and expenses be released:

*It is ordered*, That jurisdiction heretofore reserved to consider the results of competitive bidding with respect to the issuance and sale of the new preferred stock and over all fees and expenses to be paid in connection with the proposed sale of said stock, including the fee and expenses of counsel for the successful bidders be, and hereby is, released and that such application-declaration, as amended be granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9885; Filed, Nov. 24, 1953; 8:49 a. m.]

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[File No. 70-3143]

MISSOURI POWER & LIGHT CO.

ORDER PERMITTING DECLARATION REGARDING ISSUANCE OF SHORT-TERM NOTE TO BECOME EFFECTIVE

NOVEMBER 19, 1953.

Missouri Power & Light Company ("Missouri") a public utility subsidiary company of Union Electric Company of Missouri, a registered holding company, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") with this Commission with respect to a proposed transaction which is summarized below:

On September 21, 1953, Missouri entered into a conditional agreement with The Chase National Bank of the City of New York whereby said bank agreed to make an unsecured loan to Missouri in the principal amount of $2,800,000 on December 10, 1953. The proceeds of the proposed loan will be used by Missouri to pay notes to be outstanding and maturing on December 10, 1953 in that amount. The notes to be then paid by Missouri were authorized by the order of this Commission dated December 8, 1952. The proposed loan will be evidenced by an unsecured promissory note for $2,800,000 which will mature on September 10, 1954, and will bear interest until maturity or prior payment at the rate of 3¼ percent per annum or at the prime commercial rate of interest of The Chase National Bank of the City of New York for such paper at the time of the borrowing, whichever is higher. The interest will be payable on June 10, 1954 and at maturity. Missouri intends subsequently to fund the proposed loan through the issue and sale of stock, mortgage bonds or other form of permanent financing.

The declaration states that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transaction.

Fees and expenses are estimated at $1,250, including counsel fees of $500.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration be permitted to become effective:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of said Act, that said declaration be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9886; Filed, Nov. 24, 1953; 8:49 a. m.]

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## FEDERAL POWER COMMISSION

[Docket Nos. G-1806, G-2054]

ATLANTIC SEABOARD CORP. AND VIRGINIA GAS TRANSMISSION CORP.

ORDER RECONVENING HEARING

On July 28, 1953, following the presentation of their case-in-chief by Atlantic Seaboard Corporation and Virginia Gas Transmission Corporation, the hearings in the above-named proceedings were recessed pending further order of the Commission, to allow time for preparation of cross-examination, as contemplated by the order issued June 8, 1953, setting these matters for hearing. Counsel for the companies also indicated that a recess was desirable to await the decision in the proceedings entitled In the Matter of United Fuel Gas Company, Docket Nos. G-1781 and G-2055, in order to study the effect of such decision on these proceedings. Opinion No. 258 in Docket Nos. G-1781 and G-2055 was issued August 7, 1953.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the public hearing in the above proceedings be reconvened at the time and place hereinafter ordered.

The Commission orders:

(A) The public hearing in the above consolidated proceedings, concerning the lawfulness of the rates, charges, classifications and services, and the rules, regulations, practices and contracts relating thereto, contained in Atlantic Seaboard Corporation's FPC Gas Tariffs, Fourth and Fifth Revised Volume No. 1, and Virginia Gas Transmission Corporation's FPC Gas Tariffs, Second and Third Revised Volume No. 1, hereby is reconvened commencing January 11, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

(B) The public hearing hereby reconvened shall be subject to the provisions of the order issued June 8, 1953 in these dockets, as applicable.

Adopted: November 18, 1953

Issued: November 19, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9883; Filed, Nov. 24, 1953; 8:47 a. m.]

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[Docket No. G-2315]

NEW YORK STATE NATURAL GAS CORP.

ORDER SUSPENDING PROPOSED TARIFF CHANGES, FIXING DATE OF HEARING AND SPECIFYING PROCEDURE

On October 21, 1953, New York State Natural Gas Corporation (Applicant), pursuant to section 4 of the Natural Gas Act and the Commission's general rules and regulations, particularly Part 154 thereof (18 CFR Part 154), tendered for filing its proposed FPC Gas Tariff, First Revised Volume No. 1, to supersede its Original Volume No. 1 thereof and its proposed Second Revised Sheet No. 14 and First Revised Sheet No. 20 to its FPC Gas Tariff, Original Volume No. 2, with a proposed effective date of November 21, 1953, and containing proposed changes in form of rates and increased rates and charges for sales by Applicant of natural gas in interstate commerce for resale for ultimate public consumption, subject to the Commission's jurisdiction. These proposed tariff changes involve an estimated annual increase in Applicant's rates and charges for natural gas sold to its utility customers of approximately $5,305,831, based on estimated sales for the calendar year 1953. The distribution of such increase among Applicant's customers is shown below.

This rate increase proposal is in addition to Applicant's proposal, which was filed on January 15, 1953, suspended by the Commission's order issued February 12, 1953, and made effective as of July 15, 1953, under bond and subject to refund, pursuant to the Commission's order issued August 13, 1953, In the Matter of New York State Natural Gas Corporation, Docket No. G-2119, involving an estimated annual increase of approximately $3,741,000, based on estimated sales for the year ending February 14, 1954. Pursuant to an order of the Commission issued October 16, 1953 a public hearing was convened on November 16, 1953 concerning the lawfulness of the increased rates and other tariff changes proposed in Docket No. G-2119.

Applicant bases its proposed increase in rates and charges upon among other things, a claimed increase in the cost of gas purchased from Tennessee Gas Transmission Company (TGT) and from Hope Natural Gas Company (Hope), resulting from proposed increased rates filed by TGT on August 31, 1953, and by Hope on October 9, 1953. The Commission has, however, suspended TGT's and Hope's proposed increased rates and has ordered hearings thereon to commence on February 8, 1954 and March 9, 1954, respectively. Order issued September 24, 1953, In the Matter of Tennessee Gas Transmission Company, Docket No. G-2252, and order issued November 6, 1953, In the Matter of Hope Natural Gas Company, Docket No. G-2303. Applicant also relies upon other claimed increases in its cost of service including, among other things, a rate of return of 6¼ percent and income taxes associated with the return computed at such rate upon its claimed rate base.

Applicant proposes, in addition to the higher rates and charges referred to, other major tariff changes involving, among other things, abandonment of its rate zones and changing from straight line and block commodity rates to demand and commodity rates. Applicant bases its proposed change from zone rates to system-wide rates upon, among other things, alleged changes in its system operations, viz., the purchase of its gas supplies at various points throughout its system instead of at the Pennsylvania-West Virginia boundary line, the point of input in its system of practically all its gas heretofore.

Copies of the aforesaid tariff changes tendered by Applicant on October 21, 1953, and the supporting data submitted by it to the Commission, have been served upon all of Applicant's resale customers as well as interested regulatory agencies, as required by the Commission's general rules and regulations. All such customers and agencies were invited to submit comments with respect to such proposed tariff changes. In response, there have been received several objections and requests for hearing upon the tariff changes in question. In general the comments filed object to the proposed tariff changes with the exception of Applicant's two affiliated customer companies and the Pennsylvania Public Utility Commission which advised they had no comments at this time.

Upon consideration of the aforesaid proposed tariff changes tendered for filing on October 21, 1953, the data tendered in support thereof, the comments and objections filed with respect to the proposed tariff changes, and the Commission's orders heretofore issued in Docket Nos. G-2252 and G-2303 with respect to the increased rates and charges proposed by TGT and Hope, of which orders official notice is hereby taken, it appears that the increased rates and other tariff changes proposed by Applicant in its tendered filing have not been shown to be justified and may be unjust, unreasonable, and otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing, as hereinafter ordered, pursuant to authority contained in section 4 of the act, concerning the lawfulness of the rates, charges, classifications, and services, or any of them, contained in New York State Natural Gas Corporation's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended and superseded by its First Revised Volume No. 1 thereto, and as contained in its Original Volume No. 2 thereof, as proposed to be amended by Second Revised Sheet No. 14 and First Revised Sheet No. 20 thereto; and further that said First Revised Volume No. 1 and Second Revised Sheet No. 14 and First Revised Sheet No. 20 be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15 and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Part 1), a public hearing be held commencing on March 23, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications, and services, or any of them, contained in New York State Natural Gas Corporation's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended and superseded by First Revised Volume No. 1 thereto, and as contained in its Original Volume No. 2 thereof, as proposed to be amended by Second Revised Sheet No. 14 and First Revised Sheet No. 20 thereto.

(B) Pending such hearing and decision thereon, New York State Natural Gas Corporation's First Revised Volume No. 1 and Second Revised Sheet No. 14 and First Revised Sheet No. 20 to Original Volume No. 2 of its FPC Gas Tariff, be and the same are hereby suspended and the use thereof deferred until April 21, 1954, unless otherwise ordered by the Commission, and until such further time thereafter as the said proposed First Revised Volume No. 1 and Second Revised Sheet No. 14 and First Revised Sheet No. 20 to Original Volume No. 2 may be made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing, the parties, including Commission Staff Counsel, may reserve cross examination until after New York State Natural Gas Corporation has presented and completed its case-in-chief.

(D) New York State Natural Gas Corporation, on or before February 23, 1954, shall serve upon all parties copies of the testimony and exhibits it proposes to offer at the hearing, including five (5) copies upon Commission Staff Counsel.

(E) Interested State commissions may participate, as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: November 18, 1953.

Issued: November 19, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

NEW YORK STATE NATURAL GAS CORPORATION

JURISDICTIONAL SALES AND DISTRIBUTION OF INCREASE FOR THE 12 MONTHS ENDING JULY 31, 1953 ADJUSTED

| Customer | Presently effective rate schedule | Annual volumes (Mcf) | Revenues | | Increase | |
|---|---|---|---|---|---|---|
| | | | Present (under lease) | Proposed | Amount | Percent |
| GENERAL SYSTEM SALES | | | | | | |
| Niagara Mohawk Power Corp. | CR | 28,806,000 | $33,861,110 | $37,253,941 | $1,392,831 | 11.4 |
| New York State Electric & Gas Corp. | CR | 7,017,000 | 7,744,342 | 8,532,820 | 788,478 | 2.9 |
| Rochester Gas & Electric Corp. | CR | 9,598,129 | 1,431,243 | 9,008,145 | 771,902 | 18.9 |
| National Fuel Gas Co.[1] | CR | 1,917,372 | 9,242,111 | 1,293,582 | 51,471 | 18.9 |
| Fillmore Gas Co. | CR | 165,000 | 22,257 | 28,841 | 1,849 | 15.9 |
| Tonawanda Gas Co. | CR | 1,098,000 | 547,884 | 595,110 | 47,224 | 9.4 |
| Southern Tier Gas Corp. | CR | 541,000 | 119,001 | 137,104 | 18,403 | 15.5 |
| Pavilion Natural Gas Co. | CR | 917,704 | 411,258 | 529,176 | 50,241 | 18.8 |
| Empire Gas & Fuel Co., Ltd. | CR | 1,189,294 | 581,785 | 818,103 | 47,453 | 11.5 |
| Woodhull Municipal Gas Co. | CR | 30,284 | 14,743 | 17,477 | 2,734 | 18.9 |
| Corning Natural Gas Corp. | CQ | 732,219 | 455,341 | 456,500 | 101,170 | 28.2 |
| National Fuel Gas Co.[2] | CQ | 12,278,000 | 4,088,642 | 5,766,646 | 718,004 | 14.3 |
| North Penn Gas Co. | CQ | 2,240,870 | 2,208,760 | 2,419,607 | 188,147 | 18.7 |
| Empire Gas & Fuel Co., Pennsylvania | CQ | 1,064,138 | 467,001 | 562,757 | 23,754 | 5.4 |
| Hughes & Bird | CQ | 322,710 | 122,148 | 177,917 | 18,454 | 49.7 |
| Peoples Natural Gas Co. | I | 158,161 | 68,649 | 81,447 | 1,428 | 18.1 |
| Subtotal | ------- | 70,137,756 | 32,967,282 | 37,911,188 | 4,946,959 | 15.4 |
| SALES FROM STORAGE POOL | | | | | | |
| Peoples Natural Gas Co. | OSS | 11,565,721 | 8,418,686 | 8,407,674 | 358,875 | 4.5 |
| East Ohio Gas Co. | | | | | | |
| Total | ------- | 81,728,357 | 41,115,721 | 46,129,842 | 5,307,851 | 13.2 |

[1] Penn York Natural Gas Corp., Angelica, N. Y.; Republic Light, Heat & Power Co., Inc., Caledonia, N. Y.; Ironton Gas Corp., Dansville, N. Y.

[2] Iroquois Gas Corp., Silver Spring, N. Y.; Penn York Natural Gas Corp., Alma, Pa., Pennsylvania Gas Co., Allegheny Forest, Pa., United Natural Gas Corp., Bethlehem, Pa.

[F. R. Doc. 53-9882, Filed, Nov. 24, 1953, 8:47 a. m.]

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[Docket No. G-2293]

ALGONQUIN GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

Algonquin Gas Transmission Company (Applicant), a Delaware corporation, with its principal place of business in Boston, Massachusetts, on October 26, 1953, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of 40 feet of 2⅜-inch pipeline connecting its Fall River Lateral line

with a proposed metering station at Tiverton, Rhode Island, together with regulating and measuring facilities, for the transportation of natural gas subject to the jurisdiction of the Commission, as described in the application on file with the Commission, and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on November 7, 1953 (18 F. R. 7046).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 3, 1953, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: November 18, 1953.

Issued: November 19, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-9884, Filed, Nov. 24, 1953; 8:48 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28666]

WOODPULP FROM NATCHEZ, MISS., TO COOSA PINE, ALA.

APPLICATION FOR RELIEF

NOVEMBER 20, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Woodpulp, carloads.

From: Natchez, Miss.

To: Coosa Pines, Ala.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1260, supp. 51.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9888; Filed, Nov. 24, 1953; 8:50 a. m.]

[4th Sec. Application 28667]

VARIOUS COMMODITIES BETWEEN PERKINS, W. VA., AND POINTS IN THE UNITED STATES

APPLICATION FOR RELIEF

NOVEMBER 20, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-800 and other tariffs.

Commodities involved: Various commodities.

Between: Perkins, W. Va., and points in the United States.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9889; Filed, Nov. 24, 1953; 8:51 a. m.]

[4th Sec. Application 28668]

SLAG FROM MT. PLEASANT, TENN., TO MISSOURI, OKLAHOMA AND TEXAS

APPLICATION FOR RELIEF

NOVEMBER 20, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Slag, in carloads.

From: Mt. Pleasant, Tenn.

To: Joplin, Mo., Tulsa and Sand Springs, Okla., and Temple, Texas.

Grounds for relief: Rail competition, circuity, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3736, supp. 236.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9890; Filed, Nov. 24, 1953; 8:51 a. m.]

...ral Room

THE NATIONAL ARCHIVES

# FEDERAL REGISTER

VOLUME 18 NUMBER 231

*Washington, Thursday, November 26, 1953*

## TITLE 7—AGRICULTURE

### Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1023 (Cotton-54)-2]

PART 722—COTTON

MARKETING QUOTA REGULATIONS RELATING TO APPORTIONMENT OF THE NATIONAL ACREAGE ALLOTMENT FOR THE 1954 CROP OF UPLAND COTTON TO STATES, COUNTIES, AND FARMS

GENERAL

Sec.
722.511 Basis and purpose.
722.512 Definitions.
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STATE AND COUNTY ACREAGE ALLOTMENTS

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ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS

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FARM MARKETING QUOTA AND FARM MARKETING EXCESS

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REVIEW OF QUOTAS

722.530 Review of quotas.

AUTHORITY: §§ 722.511 to 722.530 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 342-347, 361-368, 373-374, 388, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1342-1347, 1361-1368, 1373-1374, 1368.

GENERAL

§ 722.511 *Basis and purpose.* (a) The regulations contained in §§ 722.511 to 722.530 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of State, county, and farm acreage allotments for the 1954 crop of upland cotton. The latest available statistics of the Federal Government have been used in making the determinations required to be made in connection with establishing State and county acreage allotments, and such statistics will be used in making the other determinations required to be made in connection with §§ 722.511 to 722.530. Prior to preparing the regulations in §§ 722.511 to 722.530, public notice was given (18 F. R. 6661) in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) of proposed regulations being considered for issuance. The data, views, and recommendations which were submitted in response to such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) In order that the State and county Production and Marketing Administration committees may establish farm acreage allotments as early as possible prior to the cotton referendum to be held not later than December 15, 1953, it is essential that the regulations in §§ 722.511 to 722.530 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest, and such regulations shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 722.512 *Definitions.* As used in §§ 722.511 to 722.530 and in all forms and documents in connection therewith,

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(b) "Secretary" means the Secretary, or Acting Secretary, of Agriculture of the United States.

(c) "Assistant Administrator" means the Assistant Administrator for Production, or Acting Assistant Administrator for Production, of the Production and Marketing Administration of the United States Department of Agriculture.

(d) "Director" means the Director, or Acting Director, of the Cotton Branch, Production and Marketing Administration, United States Department of Agriculture.

(e) "Committees":

(1) "Community committee" means the persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Production and Marketing Administration county and community committees (14 F. R. 1916).

(2) "County committee" means the persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Production and Marketing Administration county and community committees (14 F. R. 5916).

(3) "State committee" means the persons designated by the Secretary as the State committee of the Production and Marketing Administration.

(4) "Review committee" means the review committee appointed by the Secretary pursuant to section 363 of the act.

(f) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or State or agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(g) "Owner" or "landlord" means a person who owns farm land and rents such land to another person or who operates such land.

(h) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(i) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(j) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(k) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(l) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Assistant Administrator, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(m) "Farm acreage allotment" means a cotton acreage allotment established for a farm under the regulations in this subpart.



(n) "Upland cotton" (herein referred to as "cotton") means any cotton other than extra long staple cotton.

(o) "Extra long staple cotton" means the kinds of cotton described in section 347 (a) of the act and in the marketing quota regulations relating to apportionment of the national acreage allotment for the 1954 crop of extra long staple cotton to States, counties, and farms.

(p) "State and county code number" means the applicable number assigned by the Production and Marketing Administration to each State and county for the purpose of identification.

(q) "Serial number of the farm" or "farm serial number" means the serial number assigned to a farm by the county committee.

(r) "Old cotton farm" means a farm having an acreage planted to cotton in any one or more of the years 1951, 1952, and 1953.

(s) "New cotton farm" means a farm on which cotton is to be planted in 1954 but on which there was no acreage planted to cotton in any of the years 1951, 1952, or 1953.

(t) "Normal yield" means the average yield of lint cotton per acre for the farm, adjusted for abnormal weather conditions, during the five calendar years 1947, 1948, 1950, 1951, and 1952. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised by the county committee in accordance with instructions issued by the Assistant Administrator, taking into consideration abnormal weather conditions, the normal yield, if any, for the county, and the yield in years for which data are available.

(u) "Normal production" of any number of acres means the normal yield per acre of lint cotton for the farm multiplied by such number of acres.

(v) "Actual yield" means the pounds of lint cotton per acre determined by dividing the number of pounds of lint cotton produced on the farm in 1954 by the acreage planted to cotton on the farm in 1954.

(w) "Actual production" of any number of acres means the actual yield of lint cotton per acre for the farm multiplied by such number of acres.

(x) "Producer" means a person who as landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant) cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper is entitled to all or a share of the 1954 crop of cotton or of the proceeds thereof.

(y) "Acreage planted to cotton":

(1) *State.* The acreages of cotton to be used in establishing State acreage allotments are as follows:

(i) *For 1947, 1948, 1951, and 1952.* The official planted acreages for the years 1947, 1948, 1951, and 1952 (acreage in cultivation on July 1 of each year plus the estimated acreage planted but abandoned prior to July 1), as determined by the Bureau of Agricultural Economics of the United States Department of Agriculture, plus, for 1947, the total acreage of war crop and veteran credits determined and used under those provisions of the Regulations Pertaining to Acreage Allotments and Marketing Quotas for the 1950 Crop of Cotton (14 F. R. 7441) which implemented Public Law 12, 79th Congress, and section 344 (1) of the act.

(ii) *For 1950.* The measured acreages for all farms in the State, as determined by the county committees for purposes of the 1950 cotton marketing quota program, and adjusted according to the provisions of subsections (f) (4) and (5), (g) (3), and (i) of section 344 of the act.

(2) *County.* The acreages of cotton to be used in establishing county acreage allotments are as follows:

(i) *For 1947 and 1948.* The official acreage in cultivation on July 1 each year as determined by the Bureau of Agricultural Economics of the United States Department of Agriculture, plus, for 1947, the total acreage of war crop and veteran credits determined and used under those provisions of the Regulations Pertaining to Acreage Allotments and Marketing Quotas for the 1950 Crop of Cotton (14 F. R. 7441) which implemented Public Law 12, 79th Congress, and section 344 (1) of the act.

(ii) *For 1950.* The measured acreages for all farms in the county, as determined by the county committee for purposes of the 1950 cotton marketing quota program, and adjusted according to the provisions of subsections (f) (4) and (5), (g) (3), and (i) of section 344 of the act.

(iii) *For 1951 and 1952.* The official planted acreage (acreage in cultivation on July 1 of each year plus the estimated acreage planted but abandoned prior to July 1) as determined by the Bureau of Agricultural Economics of the United States Department of Agriculture.

(3) *Farm.* For purposes of establishing farm acreage allotments for the 1954 crop of cotton, the acreage planted to cotton on a farm means the acreage of land planted to cotton for the years 1951 to 1953, inclusive, which shall be determined as follows:

(i) *For 1951 and 1952.* The acreage measured by the county committee or reported to the county committee for the farm, with such adjustments in the reported acreages as are necessary under instructions issued by the Assistant Administrator. The sum of the reported acreages as adjusted by the county committee, and the measured acreages shall conform with the official planted acreages of the Bureau of Agricultural Economics, United States Department of Agriculture, for the respective years to the extent required under instructions issued by the Assistant Administrator.

(ii) *For 1953.* The acreage measured by the county committee in accordance with instructions issued by the Assistant Administrator.

(4) *Exclusion of acreages planted to extra long staple cotton.* Acreage devoted to the production of American-Egyptian, Sea Island, and Sealand cotton during the period of years 1947 to 1953, inclusive, shall not be included in the acreage planted to cotton, as determined under subparagraphs (1), (2), and (3) of this paragraph, for the purposes of determining acreage allotments for the 1954 crop of cotton.

(z) "Abnormal weather conditions" means weather conditions (including conditions directly resulting therefrom) adversely affecting the planting of cotton, which conditions must have been of sufficient duration and intensity to prevent the seeding of land to cotton and must have continued until the end of the planting season for the area. In apportioning the State acreage allotment to counties, adjustments in county acreages of cotton for abnormal weather conditions for applicable years are made on the basis of recommendations by the State committees. Any such adjustment in county cotton acreages is the amount established by reference to available information and data as the net reduction of planted acreage in the county attributable solely to abnormal weather conditions. Such adjustments for abnormal weather conditions take into consideration failure to seed cotton because of abnormal weather conditions. Also, for the years 1947 and 1948 abandonment of cotton prior to July 1 in excess of normal abandonment by that date because of abnormal weather conditions is taken into consideration in determining adjustments, if any, in county acreages of cotton for these years.

(aa) "Cropland" means the land which in 1953 was tilled or was in regular rotation as determined by the county committee in accordance with instructions issued by the State committee, excluding any land which constitutes, or will constitute, if such tillage is continued, a wind-erosion hazard to the community and also excluding bearing orchards and vineyards (except the acreage of cropland therein) and plowable non-crop open pasture.

§ 722.513 *Issuance of forms and instructions.* The Director shall cause to be prepared such forms and instructions as are necessary for carrying out these regulations. The forms shall be issued by the Director, with the approval of the Assistant Administrator, and the instructions shall be issued by the Assistant Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or the Director.

§ 722.514 *Extent of calculations and rule of fractions.* The acreage planted to cotton on farms and farm acreage allotments shall be computed to three places beyond the decimal point and rounded to tenths of acres. Fractions of fifty-one one-thousandths of an acre or more shall be rounded upward, and fractions of less than fifty one-thousands of an acre shall be dropped. For example, 10.051 would be 10.1 and 10.050 would be 10.0.

STATE AND COUNTY ACREAGE ALLOTMENTS

§ 722.515 *Apportionment of national acreage allotment among States.* The national acreage allotment proclaimed for the 1954 crop of cotton (18 F. R. 6556), less the acreage required pursuant to section 344 (k) of the act to provide any State an allotment not less than the smaller of 4,000 acres or the highest acreage planted to cotton in any of the years 1951, 1952, or 1953, is apportioned among the other States on the basis of the average acreage planted to cotton in each such State for the years 1947, 1948, 1950, 1951 and 1952. It has been determined that, on the basis of the latest available data and information, no adjustments in State cotton acreages for abnormal weather conditions are required for any of the aforementioned years. The acreage allotted to a State pursuant to the provisions of this section is herein referred to as the "State acreage allotment". The State acreage allotment for each State for the 1954 crop of cotton is as follows:

| State: | *State acreage allotments* |
|---|---|
| Alabama | 1,139,121 |
| Arizona | 288,223 |
| Arkansas | 1,562,684 |
| California | 697,806 |
| Florida | 33,122 |
| Georgia | 1,005,862 |
| Illinois | [1] 4,000 |
| Kansas | [1] 80 |
| Kentucky | 9,136 |
| Louisiana | 634,906 |
| Mississippi | 1,750,641 |
| Missouri | 391,396 |
| Nevada | [1] 2,289 |
| New Mexico | 167,243 |
| North Carolina | 528,638 |
| Oklahoma | 929,202 |
| South Carolina | 786,006 |
| Tennessee | 575,891 |
| Texas | 7,376,858 |
| Virginia | 18,344 |
| United States total | 17,910,448 |

[1] Minimum State acreage allotments determined in accordance with section 344 (k) of the Agricultural Adjustment Act of 1938, as amended.

§ 722.516 *Apportionment of State acreage allotment among counties*—(a) *Establishment of State acreage reserves.* The State committee shall set aside a total State acreage reserve of 10 percent of the State acreage allotment (15 percent in the case of Oklahoma) unless, on the basis of the needs of the State as determined under paragraph (c) of this section, the State committee recommends a smaller acreage reserve and the Administrator of the Production and Marketing Administration approves such recommendation.

(b) *Computed county acreage allotments.* The State acreage allotment for the 1954 crop of cotton, less the State acreage reserve established pursuant to paragraph (a) of this section, is apportioned to counties (parishes in Louisiana) on the basis of the average acreage planted to cotton in each county in 1947, 1948, 1950, 1951, and 1952 (herein referred to as the "base years"), with adjustments for abnormal weather conditions during such years. The acreage allotted to a county (or parish) pursuant to the provisions of this paragraph is herein referred to as the "computed county acreage allotment."

(c) *State acreage reserve.* The State acreage reserve established for the purposes set forth in subparagraphs (1) through (4) of this paragraph shall be used as provided in such subparagraphs and in accordance with instructions issued by the Assistant Administrator.

(1) *To adjust computed county acreage allotments for trends in the acreage of cotton.* The State committee shall, if necessary, use a part of the State acreage reserve to adjust the computed county acreage allotments for trends in the acreage planted to cotton in the counties during recent years (the period of years may include the year 1953 but shall not include the year 1949). Any such adjustments shall be determined by use of a formula, if needed, applied uniformly to each county in the State.

(2) *To adjust computed county acreage allotments for counties adversely affected by abnormal conditions affecting plantings of cotton.* The State committee shall, if necessary, use a part of the State acreage reserve to adjust the computed county acreage allotments for abnormal conditions adversely affecting plantings in the counties during the base years. The State committee shall examine the acreage planted to cotton for each of the base years to determine whether the acreage planted may have been adversely affected by abnormal conditions. In determining the needs for adjustments for abnormal conditions adversely affecting plantings, the State committee shall take into account (i) abnormal weather conditions adversely affecting plantings during any of the base years; (ii) conditions in counties in which a number of farms are being returned to cotton production or are increasing the acreage in cotton after having been out of production or having been on a reduced level of cotton production because such farms were used to a larger extent than normal in connection with air bases, defense plants, and other wartime activities; (iii) abnormal reduction in planted cotton acreage because of an unusual movement of labor from farms in the area or county to war industries or into the armed forces and its return, as compared with such movements in other counties; and (iv) any other abnormal conditions which adversely affected plantings in the county to a greater extent as compared with other counties.

(3) *To make adjustments in acreage allotments for small farms.* The State committee shall determine the acreage required from the State acreage reserve to supplement that part of the county acreage reserve established as provided for in subparagraphs (1) and (2) of § 722.517 (d) to adjust indicated farm acreage allotments for old cotton farms established under § 722.517 (c) at 15 acres or less. The acreage made available to any county under this subparagraph shall be used by the county committee only for adjustments in small farm allotments. The acreage reserved for small farms may also be used (i) to establish allotments for any small farm which is an old cotton farm but for which an allotment was not established at the time allotments were established for old cotton farms in the county because of oversight on the part of the county committee or because the county committee had no information or data with respect to acreage planted to cotton on the farm in 1951, 1952, or 1953, and (ii) to adjust allotments for small farms where the farm is reconstituted for 1954 due to division of the farm as constituted in 1953 or a combination of a part or all of the 1953 farm with other land.



(4) *To establish 1954 acreage allotments for new cotton farms.* Where the State committee determines that the needs for acreage to establish acreage allotments for new cotton farms are generally uniform throughout the State, the State committee shall determine whether all the acreage required to establish acreage allotments for new cotton farms shall be provided from the State acreage reserve or the county acreage reserve, or from both such reserves. In determining the source of acreage for new cotton farms the State committee shall take into consideration the acreage requirements determined for such farms from the county surveys, if available, as provided for in § 722.517 (d) (3). In States where new areas will be brought into cotton production in 1954 or where it is determined by the State committee that the entire county acreage reserve for any county is needed for adjustments pursuant to subparagraphs (1) and (2) of § 722.517 (d), the State committee shall consider establishing an acreage from the State acreage reserve to supplement the acreage set aside by the county committee, if any, from the county acreage reserve for establishing acreage allotments for new cotton farms. In determining the estimated acreage to be set aside for establishing fair and reasonable acreage allotments for new cotton farms on the basis of the factors set forth in § 722.517 (d) (3), the State committee shall take into consideration the experience of State and county committees in establishing acreage allotments for new cotton farms under previous marketing quota programs and any other available information. The acreage made available to any county under this subparagraph shall be used by the county committee only for new cotton farms.

(d) *Availability of data for inspection.* The following shall be on file and shall be available in the office of the State committee for examination by any interested cotton producer: (1) The amount of the State acreage reserve; (2) the formula, if any, and data developed and used under subparagraphs (1) and (2) of paragraph (c) of this section; and (3) the total acreage set aside from the State acreage reserve for the purposes set forth in subparagraphs (3) and (4) of paragraph (c) of this section.

(e) *County acreage allotment.* The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (b) of this section, and (2) the acreages from the State acreage reserve which are added to the computed county acreage allotment under subparagraphs (1) and (2) of paragraph (c) of this section. This paragraph will be amended at a later date to include the county acreage allotment established for each county.

(f) *Administrative areas.* If the county committee with the approval of the State committee, or if the State committee, determines with respect to a county that, because of the difference in types, kinds, and productivity of the soil or other conditions, different areas of the county should be treated separately in order to prevent discrimination, each such area shall, in accordance with instructions issued by the Assistant Administrator, be designated as an administrative area and, insofar as practicable, each such area shall be treated as a county in determining the acreage allotment for the area and in establishing farm acreage allotments under § 722.517.

ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS

§ 722.517 *Apportionment of county acreage allotment*—(a) *Acreage set aside from county acreage allotment.* The county committee shall set aside an acreage from the county acreage allotment which it estimates will be adequate (1) for establishing allotments for old cotton farms for which allotments are not established at the time allotments are originally established for old cotton farms in the county because of oversight on the part of the county committee or because the county committee had no information or data with respect to acreage planted to cotton on the farm in 1951, 1952, or 1953, (2) for correction by the county committee of errors in farm acreage allotments, and (3) for providing the additional allotment required for farms which are reconstituted for 1954 as provided in paragraphs (f) and (g) of this section.

(b) *Determination of county acreage reserve.* The county committee shall establish a county acreage reserve of not in excess of 15 percent of the county acreage allotment which shall be used to adjust indicated farm acreage allotments for old cotton farms determined under paragraph (c) of this section and to establish acreage allotments for new cotton farms under paragraph (d) (3) of this section. The county acreage reserve shall not be less than 13 percent of the county acreage allotment (less the acreage set aside pursuant to paragraph (a) of this section) unless the county committe recommends a smaller acreage reserve and the State committee gives its approval in accordance with instructions issued by the Assistant Administrator. Any approval of a smaller acreage reserve shall be based upon a showing by the county committee that the recommended acreage is adequate, on the basis of the factors set forth in paragraph (d) of this section, to make necessary adjustments in indicated allotments for old cotton farms and to establish allotments for new cotton farms.

(c) *Indicated acreage allotments for old cotton farms.* The county acreage allotment, less the acreage set aside and reserved pursuant to paragraphs (a) and (b) of this section, shall be used to determine indicated allotments for old cotton farms as follows:

(1) *Indicated minimum acreage allotments for old cotton farms with highest cotton acreage less than 5 acres.* The indicated minimum acreage allotment for each old cotton farm on which the highest acreage planted to cotton in any of the years 1951, 1952, and 1953 was less than 5 acres, shall be equal to such highest acreage.

(2) *Pro rata reduction of indicated acreage allotments for old cotton farms.* If the sum of (i) the indicated acreage allotments determined under subparagraph (1) of this paragraph and (ii) the acreage determined by multiplying the number of old cotton farms with 5 acres or more planted to cotton in any of the years 1951, 1952, and 1953 by 5, exceeds the county acreage allotment, less the acreages set aside and reserved pursuant to paragraphs (a) and (b) of this section, an indicated acreage allotment of 5 acres shall be established for each old cotton farm having 5 acres or more planted to cotton in any of the years 1951, 1952, and 1953. Where indicated acreage allotments of 5 acres are established under this subparagraph, each indicated acreage allotment determined under this subparagraph and under subparagraph (1) of this paragraph for each old cotton farm shall be reduced pro rata so that the sum of the indicated acreage allotments for all old cotton farms shall not exceed the county acreage allotment, less the acreages set aside and reserved pursuant to paragraphs (a) and (b) of this section.

(3) *Indicated acreage allotments for old cotton farms with highest cotton acreage of 5 acres or more in counties where subparagraph (2) of this paragraph is not applicable*—(i) *Determination of adjusted cropland.* If subparagraph (2) of this paragraph is not applicable in a county, the county committee shall, in accordance with instructions issued by the Assistant Administrator, determine an adjusted cropland acreage for each old cotton farm on which the highest acreage planted to cotton in any of the years 1951, 1952, and 1953 was 5 acres or more, by subtracting from the acreage of land on the farm which in 1953 was tilled annually or in regular rotation, the sum of the following acreages:

(a) The 1953 acreage of sugarcane for sugar or for syrup and sugar beets for sugar;

(b) The 1953 acreage of tobacco for market (or the 1953 farm acreage allotment, if any, for the applicable type of tobacco if the 1953 acreage has not been determined);

(c) The 1953 acreage of peanuts picked and threshed as determined by the county committee;

(d) The acreage of wheat for harvest in 1954 for market or for feeding to livestock for market. If the measured wheat acreage for the farm is not available to the county committee, the deduction for wheat acreage shall be the 1954 wheat acreage allotment less the acreage which the county committee determines will be used for purposes other than for market or for feeding to livestock for market. In the counties designated in (g) of this subdivision, the deduction for wheat acreage shall be limited to the acreage by which the deduction which otherwise would be made under this (d) exceeds the acreage deducted under (g) of this subdivision;

(e) The acreage planted to rice in 1953 for market or for feeding to livestock for market, plus the acreage of other rice land on the farm for which water is available and which is not used for the production of cotton under the rotation system for the farm;

(f) The acreage of land devoted in 1953 primarily to orchards or vineyards,

less the acreage therein which qualifies as cropland for 1954; and

(g) In Cochise, Gila, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, Yavapai and Yuma Counties, Arizona, and in Butte, Fresno, Glenn, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Merced, Riverside, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Stanislaus, Tehama, Tulare and Yuba Counties, California, and in Clark and Nye Counties, Nevada, and in Chaves, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Hidalgo, Luna, Otero, Sierra, Socorro and Valencia Counties, New Mexico, and in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward Counties, Texas, the acreage of cropland in excess of that acreage for which irrigation water is normally available and adequate from available facilities for the production of irrigated crops during the cotton-producing season (seeding to maturity).

(ii) *Determination of county cropland factors.* The first county cropland factor shall be computed by dividing (*a*) the remainder of the county acreage allotment (less the acreages set aside and reserved pursuant to paragraphs (a) and (b) of this section) after indicated allotments have been made under subparagraph (1) of this paragraph, by (*b*) the total of the adjusted cropland acreages determined for old cotton farms in the county under subdivision (i) of this subparagraph. Second and additional county cropland factors shall be determined, if necessary, by dividing (*1*) the available county acreage allotment remaining after maximum and minimum indicated farm acreage allotments, as defined in subdivision (iii) of this subparagraph, have been established for such old cotton farms by (*2*) the total of the adjusted cropland acreages determined for old cotton farms in the county under subdivision (i) of this subparagraph, which under the preceding factor were not affected by either the maximum or the minimum allotment provisions. The last county cropland factor computed and applied shall be referred to herein as the "final county cropland factor".

(iii) *Indicated farm acreage allotment.* An indicated acreage allotment shall be computed for each old cotton farm under this subparagraph by multiplying the adjusted cropland for each such farm by the applicable county cropland factor except that (*a*) the maximum indicated acreage allotment for any such farm shall not exceed the highest acreage planted to cotton on the farm in any of the years 1951, 1952, and 1953 or (*b*) the minimum indicated acreage allotment for any such farm shall not be less than 5 acres.

(d) *Use of county acreage reserve.* The county acreage reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm acreage allotments of 5 to 15 acres.* Not less than 20 percent of the county acreage reserve shall, to the extent required, be used by the county committee to adjust indicated farm acreage allotments of 5 to 15 acres, inclusive, determined under paragraph (c) of this section. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the acreages planted to cotton in 1951, 1952, and 1953; the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production. The county committee shall not make adjustments so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage which could be planted on the farm in 1954 consistent with sound crop-rotation practices followed in the community; (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause cotton to be planted on land unsuited to the production of cotton.

(2) *Adjustments in indicated acreage allotments for other farms.* The remainder of the acreage in the county acreage reserve, after meeting the requirements under subparagraph (1) and (3) of this paragraph, shall be used by the county committee to adjust indicated acreage allotments for farms which are less than 5 acres or more than 15 acres. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production. The acreages planted to cotton on a farm in 1951, 1952, and 1953 shall be considered in determining the land, labor, and equipment available for the production of cotton and in connection with the crop-rotation practices followed on the farm. The county committee shall not make adjustments so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage which could be planted on the farm in 1954 consistent with sound crop-rotation practices followed in the community, (ii) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (iii) which would cause cotton to be planted on land unsuited to the production of such crop.

(3) *Acreage allotments for new cotton farms*—(i) *Determination of county acreage needed for establishing acreage allotments for new cotton farms.* The county committee, with the assistance of the community committees, shall estimate from county office records and other available sources of information the number of new cotton farms in the county and the adjusted cropland acreage for such farms, and such estimates shall be used by the State and county committees as a basis for determining the acreage that will be required for establishing acreage allotments for new cotton farms. The acreage so determined shall not exceed 75 percent of the acreage obtained by multiplying the county cropland factor, which shall be estimated where necessary, by the total estimated adjusted cropland acreage on new cotton farms in the county. In determining the acreage from the county acreage reserve which is to be used for establishing acreage allotments for new cotton farms, the county committe shall take into consideration the acreage, if any, to be made available from the State acreage reserve pursuant to subparagraph (4) of § 722.516 (c) for establishing acreage allotments for new cotton farms.

(ii) *Eligibility of a new cotton farm for a cotton acreage allotment.* A cotton acreage allotment for a new cotton farm may be established by the county committee in accordance with instructions issued by the Assistant Administrator if each of the following conditions is met:

(*a*) An application for a cotton acreage allotment is filed by the farm operator with the county committee by the closing date established by the State committee. In no event is the closing date to be earlier than January 15, 1954.

(*b*) The farm operator is largely dependent on income from the farm for his livelihood.

(*c*) The farm is the only farm in the county which is owned or operated by the farm operator or farm owner for which a cotton acreage allotment is established for 1954.

(iii) *Establishment of acreage allotments for new cotton farms.* If the applicant's farm is eligible for a cotton acreage allotment, such allotment shall be established by the committee on the basis of land, labor, and equipment available for the production of cotton; crop-rotation practices; the soil and other physical facilities affecting the production of cotton; and abnormal conditions of production. The acreage allotment so determined for any such farm shall not exceed the smallest of (*a*) the acreage allotment established for old cotton farms in the county which are similar with respect to the foregoing factors, (*b*) the acreage allotment requested by the applicant, and (*c*) the result obtained by multiplying the adjusted cropland for the farm by the final county cropland factor. The acreage allotments for new cotton farms shall be subject to review and approval by the State committee.

(e) *Use of acreage allocated to county from State acreage reserve for making adjustments in acreage allotments for small farms.* The acreage allocated to a county from the State acreage reserve for making adjustments in acreage allotments for small farms shall be used by the county committee to adjust indicated farm acreage allotments of 15 acres and less for old cotton farms on the basis of the factors set forth in paragraph (d) (1) and (2) of this section for adjusting small farm allotments.

(f) *Allotments for late and reconstituted farms and correction of errors.* The acreage set aside from the county acreage allotment pursuant to paragraph (a) of this section shall be used by the county committee (1) for establishing allotments for old cotton farms for which allotments were not established at the time allotments were originally established for old cotton farms in the county because of oversight on the part of the county committee or because the county committee had no information or data with respect to acreage planted to cotton on the farm in 1951, 1952, or 1953, (2) for correcting errors in farm acreage allotments, and (3) for use in establishing acreage allotments for farms which are divided or combined for 1954 as provided in paragraph (g) of this section.

(g) *Allotments for farms divided or combined.* If land which was operated as a single farm in 1953 is divided into two or more tracts for 1954 (1) the acreage of cotton on the farm in 1951, 1952, and 1953 shall be divided among the several tracts in proportion to the acreage of cropland on each tract, except that upon agreement by all interested producers and approval by the county committee, the acreages normally considered as rice land, wheat land, and sugarcane land may be excluded from the cropland on each tract in apportioning the cotton acreage history among the tracts, and (2) a cotton acreage allotment shall be determined, for the land which constitutes a farm as it is operated in 1954, in accordance with applicable provisions of paragraphs (c) and (d) of this section. If two or more tracts of land are combined and operated as a single farm in 1954, an allotment for such farm for 1954 shall be determined in accordance with the applicable provisions of paragraphs (c) and (d) of this section.

(h) *Availability of reserves for inspection by interested cotton producers.* The allocations to the county from the State acreage reserve and the total amount and the distribution of the county acreage reserve and all other data used in establishing farm acreage allotments shall be available in the office of the county committee for examination by any interested producer.

§ 722.518 *Allotments for special farms*—(a) *Allotments for farms returned to agricultural production.* The owner or operator of any cotton farm in an area acquired in 1940 or thereafter for non-farming purposes by the United States or any State or agency thereof which has been returned to agricultural production and which is not eligible under the regulations in this subpart for an acreage allotment as an old cotton farm, may make application to the county committee for a cotton acreage allotment for such farm by the earlier of (1) the prescribed closing date established by the State committee which shall not be later than March 1, 1954, and (2) within three years after acquisition of such farm by the applicant. No such owner or operator shall be eligible for an acreage allotment under this paragraph unless it is established to the satisfaction of the county committee that such person was the owner or operator of a cotton farm at the time it was acquired by the United States or any State or agency thereof. The acreage allotment established for any such farm shall compare with the acreage allotments established for other farms in the same area which are similar, taking into consideration the acreage allotment, if any, last established for such farm; the land, labor, and equipment available for the production of cotton; the crop-rotation practices; and the soil and other physical facilities affecting the production of cotton.

(b) *Allotments for other farms owned or operated by persons from whom cotton farms were acquired.* The county committee shall establish an acreage allotment or consider an adjustment in the acreage allotment determined under § 722.517, for any farm within the State owned or operated by a person from whom a cotton farm was acquired in the State in 1940 or thereafter for governmental or other public purposes provided application therefor is filed within three years after acquisition of such farm by the applicant. The acreage allotment established for any such farm shall compare with the acreage allotments established for other farms in the same area which are similar, taking into consideration the acreage allotment, if any, of the farm so acquired from the owner or operator; the land, labor, and equipment available for the production of cotton; the crop-rotation practices; and the soil and other physical facilities affecting the production of cotton: *Provided*, That no person shall be entitled to receive an acreage allotment under both this paragraph and paragraph (a) of this section, and no person who, since his farm was acquired for governmental or other public purposes, has acquired an old cotton farm that for 1954 will have a representative cotton acreage allotment shall be entitled to receive an allotment under this paragraph.

(c) *Cotton farm.* For the purpose of paragraphs (a) and (b) of this section, "cotton farm" means any farm on which there was an acreage planted to cotton (or regarded as planted to cotton under Public Law 12, 79th Congress and section 344 (i) of the act) during any of the three years immediately preceding the year in which the farm was acquired by the United States, or any State or any agency thereof, or for any public purpose.

(d) *Acreage allotted in addition to county and State acreage allotments.* Except to the extent that the production of any farm for which an acreage allotment is established under paragraphs (a) and (b) of this section has contributed to the county and State acreage allotments, the additional acreage allotted under paragraphs (a) and (b) of this section shall be in addition to the acreage allotments otherwise established for the county and State under the applicable provisions of the regulations in this subpart and the production of the additional acreage so allotted shall be in addition to the national marketing quota.

LONG STAPLE COTTON

§ 722.519 *Extra long staple cotton*—(a) *If marketing quotas under section 347 of the act are in effect for the 1954 crop.* If marketing quotas for extra long staple cotton are in effect for the 1954 crop, the provisions of this subpart relating to cotton shall not apply to those types of extra long staple cotton which are subject to marketing quotas under the provisions of section 347 of the act.

(b) *If marketing quotas under section 347 of the act are not in effect for the 1954 crop.* If marketing quotas for extra long staple cotton are not in effect for the 1954 crop—

(1) All of the 1954 crop of American-Egyptian cotton which is produced from pure strain seed in Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz and Yuma Counties, Arizona, and Imperial, and Riverside Counties, California, and Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero and Sierra Counties, New Mexico, and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward Counties, Texas, shall be exempted from all provisions of the regulations in this subpart with respect to marketing quotas for the 1954 cotton crop, provided such cotton is ginned on a roller type gin or the Assistant Administrator authorizes the cotton to be ginned on another type gin for experimental purposes or to prevent loss of the cotton due to frost or other adverse conditions, except that such exemption shall not apply to any farm unless the approval of the county committee for the planting of such cotton on any farm is obtained in advance of planting time. Such approval shall be based upon findings by the county committee (i) that pure strain American-Egyptian seed is to be planted and (ii) that roller type gin facilities are available in the area for the ginning of such cotton and that such facilities will be used in the ginning of all cotton produced from such seed. In connection with determining the purity of seed, the county committee may require the farm operator to furnish approved purity test certificates or approved State certification tags covering the American-Egyptian seed to be planted showing that such seed is of pure strain.

(2) All of the 1954 crop of Sea Island and Sealand cotton which is produced from pure strain seed in Alachua, Columbia, Hamilton, Jefferson, Lake, Madison, Marion, Orange, Putnam, Seminole, Suwannee, Union and Volusia Counties, Florida, and Atkinson, Berrien, Cook, and Lanier Counties, Georgia, and all of the 1954 crop of Sea Island cotton which is produced from pure strain seed in Puerto Rico, shall be exempted from all provisions of the regulations in this subpart with respect to marketing quotas for the 1954 crop, provided such cotton is ginned on a roller-type gin or the Assistant Administrator authorizes the cotton to be ginned on another type gin for experimental purposes or to prevent loss of the cotton due to frost or other adverse conditions, except that such exemption shall not apply to any farm unless the approval of the county committee for the planting of such cotton on any farm is obtained in advance of planting time. Such approval shall be based upon findings by the county committee (i) that pure strain Sea Island seed, or pure strain Sealand seed, is to be planted and (ii) that roller-type gin facilities are available in the area for the ginning of such cotton and that such facilities will be used in the ginning of all cotton produced from such seed. In

connection with determining the purity of seed, the county committee may require the farm operator to furnish approved purity test certificates or approved State certification tags covering the Sea Island seed and the Sealand seed to be planted showing that such seed is of pure strain; and

(3) Any cotton produced from the 1954 crop which staples one and one-half inches or more in length and which is ginned on a roller-type gin, or the Assistant Administrator authorizes the cotton to be ginned on another type gin for experimental purposes or to prevent loss of the cotton due to frost or other adverse conditions, shall be exempted from the provisions of the regulations in this subpart with respect to marketing quotas for the 1954 crop of cotton regardless of where the cotton is produced in the United States or the variety of cotton from which such cotton is produced.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.520 *Notice of farm acreage allotment and marketing quota.* Immediately after acreage allotments for farms in a county or other local administrative area are established and approved by the State committee pursuant to § 722.529 (a), the county committee shall mail to the operator of each such farm a written notice of the farm acreage allotment and marketing quota for the farm. The county committee shall also mail to the operator of (a) each new cotton farm for which application for an allotment is made but for which it is determined that no farm acreage allotment and marketing quota will be established and (b) each farm for which no cotton acreage data was reported pursuant to § 722.526 and the county committee has no reliable basis for appraising data for the farm but the county committee believes cotton was planted on the farm in one or more of the years 1951, 1952 and 1953, a similar written notice showing "none" as the acreage allotment and marketing quota established for the farm. The notice shall contain at or near the top thereof the following statement: "To all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which this acreage allotment and marketing quota are established." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. A copy of each notice, containing a notation thereon of the date of mailing the notice to the operator of the farm, shall be kept among the permanent records of the county committee, and upon request a copy thereof, duly certified as a true and correct copy, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the cotton produced in 1954 on the farm for which the notice is given. Insofar as practicable, the notice for each old cotton farm shall be prepared and mailed to the operator so as to be received prior to December 15, 1953, the date on which the referendum to determine whether cotton farmers favor or oppose marketing quotas for the 1954 crop will be held.

§ 722.521 *Amount of the farm marketing quota.* The farm marketing quota for any farm for the 1954 crop of cotton shall be the actual production of lint cotton for the acreage planted to cotton on the farm less the farm marketing excess.

§ 722.522 *Amount of the farm marketing excess*—(a) *Where the acreage planted to cotton is determined.* The farm marketing excess for the 1954 crop of cotton shall be the normal production of the acreage of cotton on the farm in excess of the farm acreage allotment. Where it is established by any producer on the farm in connection with an application filed by him or by any other producer on the farm in accordance with regulations to be issued under this part by the Secretary, that the normal production of the excess acreage is larger than the amount by which the actual production of cotton in 1954 on the farm exceeds the normal production of the farm acreage allotment, the farm marketing excess shall be adjusted downward to the smaller amount.

(b) *Where the acreage planted to cotton is not determined.* Whenever the determination of the acreage planted to cotton in excess of the farm acreage allotment is prevented by the farm operator, the farm marketing excess shall be the total number of pounds of cotton produced in 1954 on the farm. In the event the farm operator or any other producer on the farm establishes, in accordance with regulations to be issued under this part by the Secretary, the total number of pounds of cotton produced in 1954 on the farm, the farm marketing excess shall be the number of pounds of cotton produced in 1954 on the farm in excess of the normal production of the farm acreage allotment.

§ 722.523 *Publication of farm acreage allotments and marketing quotas.* One copy of each notice of the farm acreage allotment and marketing quota for farms in a county shall be placed in binders or folders, or in lieu thereof a listing of such allotments shall be prepared, and such notices or listing shall be kept freely available in the office of the county committee for public inspection for a period of not less than thirty calendar days. At the end of such period the copies of the notices or the listing shall be filed in the office of the county committee and remain readily available for further public inspection. If the county is divided into administrative areas, separate binders, folders, or listings shall be prepared and made available for inspection for each administrative area.

§ 722.524 *Successors-in-interest.* Any person who succeeds to the interest of a producer in a farm, or in a cotton crop, or in cotton for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of cotton.

§ 722.525 *Marketing quotas not transferable.* A farm marketing quota is established for a farm and may not be assigned or otherwise transferred in whole or in part to any other farm.

MISCELLANEOUS PROVISIONS

§ 722.526 *Report of data and information for old cotton farms.* The owner, operator, or any other interested person shall furnish the county committee of the county in which the farm is located the data and information required to be entered on Form CN-364 (1953), "Farm Acreage Report", a copy of which may be obtained from the county committee of any county in which cotton is grown or from the State committee. The county committee, with the assistance of the community committee, shall, insofar as possible, appraise and otherwise determine the required data and information for any farm for which such report on Form CN-364 (1953) is not filed by a person having an interest in the farm, using for such appraisals and determinations the records of the county office for the farm and other farms in the community and other available information.

§ 722.527 *Acreage planted to cotton*—(a) *Adjustment of acreage planted in excess of farm acreage allotment.* If the acreage determined to be planted to cotton on a farm in 1954 is in excess of the farm acreage allotment, the farm operator may, not later than a date established under instructions issued by the Assistant Administrator, adjust such planted acreage to the farm acreage allotment. The date established under such instructions shall afford farm operators a reasonable time for making such adjustments.

(b) *Underplanting the farm acreage allotment.* For any farm on which cotton is planted in 1954 and the acreage of cotton in 1954 is less than the 1954 farm acreage allotment by not more than the larger of 10 percent of the allotment or one acre, an acreage equal to the farm acreage allotment shall be deemed to be the acreage planted to cotton on the farm in 1954, and the additional acreage added to the cotton acreage history for the farm shall be added to the cotton acreage history for the county and State.

(c) *No credit for overplanting the farm acreage allotment.* Any acreage planted to cotton in 1954 in excess of the farm acreage allotment for the 1954 crop of cotton shall not be taken into account in establishing State, county and farm acreage allotments for the 1955 and subsequent crops of cotton.

§ 722.528 *Availability of records.* The State and county committees shall make available for inspection by owners or operators of farms receiving cotton acreage allotments, all records pertaining to cotton acreage allotments and marketing quotas.



§ 722.529 *Approval of county committee determinations and redelegation of authority by the State committee*—(a) *Approval of county committee determinations.* The State committee shall review all acreage allotments and may correct or require correction of any determinations made under §§ 722.517 to 722.527. All acreage allotments shall be approved by the State committee and no official notice of acreage allotment and marketing quota shall be mailed to a farm operator until such allotment has been approved by the State committee.

(b) *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 722.511 to 722.530 may be redelegated by the State committee.

REVIEW OF QUOTAS

§ 722.530 *Review of quotas*—(a) *Review committees.* Any producer who is dissatisfied with the farm acreage allotment or marketing quota established for his farm, or in the case of a new cotton farm with the action of the county committee in refusing to establish a farm acreage allotment or marketing quota for such farm, may, by making application within 15 days after the mailing to him of the notice provided for in § 722.520, have such allotment, quota, or determination reviewed by a review committee composed of three farmers appointed by the Secretary. The review committee shall, upon proper application review the action of the county committee. The review committee in determining any farm acreage allotment or marketing quota shall, to the same extent as the county committee, be limited to the establishment of a farm acreage allotment or marketing quota in an amount which, under the Act and regulations, should have been established. Unless such application is made within 15 days, the original determination of the farm acreage allotment or marketing quota shall be final. All applications for review shall be made in accordance with the Marketing Quota Review Regulations issued by the Secretary.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

NOTE: The reporting requirements contained herein have been approved by, and subsequent reporting requirements will be subject to the approval of the Bureau of Budget in accordance with Federal Reports Act of 1942.

Done at Washington, D. C., this 20th day of November 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EZRA TAFT BENSON,
*Secretary of Agriculture.*

[F. R. Doc. 53-9954; Filed, Nov. 25, 1953; 8:51 a. m.]

# TITLE 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Bureau of Animal Industry, Department of Agriculture

### Subchapter A—Meat Inspection Regulations

PART 14—TANKING AN DENATURING CONDEMNED CARCASSES AND PARTS

PART 16—MARKING, BRANDING, AND IDENTIFYING PRODUCTS

PART 17—LABELING

PART 18—REINSPECTION AND PREPARATION OF PRODUCTS

PART 24—EXPORT STAMPS AND CERTIFICATES

PART 28—DEFINITIONS AND STANDARDS OF IDENTITY

MISCELLANEOUS AMENDMENTS

On October 20, 1953, there was published in the FEDERAL REGISTER (18 F. R. 6645) a notice of proposed amendments of the Meat Inspection Regulations (9 CFR, Chapter I, Subchaper A, as amended). After due consideration of all relevant matters submitted in connection with the notice, the Secretary of Agriculture, pursuant to the authority conferred upon him by the Meat Inspection Act, as amended (21 U. S. C. 71-91), and section 306 of the Tariff Act of 1930 (19 U. S. C. 1306), hereby amends the aforesaid regulations as follows:

1. Paragraph (a) of § 14.1 is amended to read:

(a) Condemned carcasses and product at official establishments having facilities for tanking shall be disposed of by tanking as follows:

(1) The lower opening of the tank shall first be sealed securely by a Meat Inspection employee, except when permanently connected with a blow line, then the condemned carcasses and product shall be placed in the tank in his presence, after which the upper opening shall also be sealed securely by such employee, who shall then see that the contents of the tank are subjected to sufficient heating for sufficient time to effectively destroy the contents for food purposes.

(2) The use of equipment such as crushers or hashers for pre-tanking preparation of condemned carcasses and product in the inedible products department has been found to give inedible character and appearance to the material. Accordingly, if condemned carcasses and product are so crushed or hashed, conveying systems, rendering tanks, and other equipment used in the further handling of the crushed or hashed material need not be locked or sealed during the tanking operation. If the rendering tanks or other equipment contain condemned material not so crushed or hashed, the equipment shall be sealed as prescribed in subparagraph (1) of this paragraph. If the crushed or hashed material is not rendered in the establishment where produced it shall be denatured as provided for in § 14.4.

2. Paragraph (a) of § 14.4 is amended to read:

(a) Any carcass or product condemned at an official establishment which has no facilities for tanking shall be denatured with crude carbolic acid, cresylic disinfectant, or other prescribed agent, or be destroyed by incineration, under the supervision of a Meat Inspection employee. When such carcass or product is not incinerated it shall be slashed freely with a knife, before the denaturing agent is applied.

3. Paragraph (d) of § 16.13 is amended to read:

(d) (1) When product is placed in casing to which artificial coloring is applied, as permitted under this subchapter, the article shall be legibly and conspicuously marked by stamping or printing on the casing or securely affixing to the article the words "artificially colored."

(2) If the casing is removed from product at an official establishment and there is evidence of artificial coloring on the surface of the product, the article from which the casing has been removed shall be marked by stamping directly thereon or by securely affixing thereto the printed words "artificially colored."

(3) The casing containing product need not be marked to show that it is colored if it is colored prior to its use as a covering for the product, and the coloring is of a kind and so applied as not to be transferable to the product and not to be misleading or deceptive with respect to color, quality, or kind of product enclosed in the casing.

(4) In the case of sausage of the smaller varieties the marking prescribed in this paragraph may be limited to links bearing the inspection legend.

4. Paragraph (b) of § 16.15 is amended to read:

(b) When any product prepared in an official establishment for domestic commerce has been inspected and passed and is enclosed in a cloth wrapping, such wrapping may bear, in lieu of the domestic meat label, the inspection legend and establishment number applied by the approved 2½-inch rubber brand: *Provided*, The domestic meat label or rubber brand may be omitted in those cases in which the inspection legend and establishment number on the articles themselves are clearly legible through the wrapping or the wrapping is labeled in accordance with Part 17 of this subchapter: *Provided further*, That plain unprinted wrappings such as stockinettes, cheese cloth, paper and crinkled paper bags for properly marked fresh meat, including carcasses, and primal parts thereof, which are used solely to protect the product against soiling or excessive drying during transportation or storage need not bear the marks of inspection.

5. Section 16.16 is amended by deleting paragraph (a) and amending the section to read:

§ 16.16 *Tank cars and tank trucks of edible product.* Each tank car and each tank truck carrying inspected and passed product from an official establishment shall bear a label containing the true name of the product, the inspection

legend, the establishment number, and the words "date of loading," followed by a suitable space for the insertion of the date. The label shall be located conspicuously and shall be printed on material of such character and so affixed as to preclude detachment or effacement upon exposure to the weather. Before the car or truck is removed from the place where it is unloaded, the carrier shall remove or obliterate such label.

6. Section 17.8 (c) (37) is amended to read:

(37) Product labeled "ham spread," "tongue spread," and the like, shall contain not less than 50 percent of the meat ingredient named computed on the weight of the fresh meat. Other meat and fat may be used to give the desired spreading consistency provided it does not detract from the character of the named spread.

7. Paragraph (c) of § 17.8 is amended by adding the following new subparagraphs:

(54) The preparation of cooked cured product such as hams, pork shoulders, pork shoulder picnics, pork shoulder butts, and pork loins, either by moist or dry heat, shall not result in the finished cooked article weighing more than the fresh uncured product: that is, the weight of the finished cooked article plus the weight of the skin, bones, fat, and trimmings removed during the preparation shall not exceed the weight of the fresh uncured product.

(55) Product labeled "chopped ham," "pressed ham," "chopped ham with natural juices," and "pressed ham with natural juices," shall be prepared with ham containing no more shank meat than is normally present in the boneless ham. The weight of the cured chopped ham prior to canning shall not exceed the weight of the fresh uncured ham, exclusive of the bones and fat removed in the boning operations, plus the weight of the curing ingredients and 3 percent moisture.

8. Paragraph (b) of § 17.9 is amended to read:

(b) (1) When product is placed in casing to which artificial coloring is applied, as permitted under this subchapter, there shall appear on the label, in a prominent manner and contiguous to the name of the product, the words "artificially colored."

(2) If the casing is removed from product at an official establishment and there is evidence of the artificial coloring on the surface of the product, there shall appear on the label in a prominent manner and contiguous to the name of the product, the words, "artificially colored."

(3) When the casing is colored prior to its use as a covering for product, the color shall be of a kind and so applied as not to be transferable to the product and not to be misleading or deceptive with respect to color, quality, or kind of product enclosed in the casing, and no reference to color need appear on the label.

9. Paragraph (b) of § 18.7 is amended to read:

(b) There may be added to product, with appropriate declaration as required under Parts 16 and 17 of this subchapter, common salt, approved sugars, wood smoke, a vinegar, flavorings, spices, sodium nitrate, sodium nitrite, potassium nitrate (saltpeter), and potassium nitrite.

10. Section 18.7 (d) (9) is amended to read:

(9) Monoisopropyl citrate not to exceed $\frac{1}{100}$ of 1 percent. When used in combination with other antioxidants, the amount of monoisopropyl citrate shall not exceed $\frac{5}{1000}$ of 1 percent.

11. Paragraph (b) of § 18.10 is amended to read:

(b) Products containing pork muscle tissue (including hearts, pork stomachs and pork livers), or the pork muscle tissue which forms an ingredient of such products including those named in this paragraph and products of the character thereof, are classed as articles which shall be effectively heated, refrigerated, or cured at a federally inspected establishment to destroy any possible live trichinae: Bologna; frankfurts; viennas; smoked sausage; knoblauch sausage; mortadella; all forms of summer or dried sausage, including mettwurst; cooked loaves; roasted, baked, boiled, or cooked ham, pork shoulder, or pork shoulder picnic; Italian-style ham; Westphalia-style ham; smoked boneless pork shoulder butts; cured meat rolls; capocollo (capicola, capacola); coppa; fresh or cured boneless pork shoulder butts, hams, loins, shoulders, picnics, and similar pork cuts, in casings or other containers in which ready-to-eat delicatessen articles are customarily enclosed (excepting Scotch-style hams); cured boneless pork loin; boneless back bacon, smoked pork cuts such as hams, shoulders, loins, and picnics (excepting smoked hams and smoked pork shoulder picnics which are specially prepared for distribution in tropical climates, or smoked hams delivered to the Armed Services).

12. Section 24.7 is amended to read:

§ 24.7 *Uninspected tallow, stearin, oleo oil, etc.; not to be exported unless exporter certifies as inedible.* No tallow, stearin, oleo oil, or the rendered fat derived from cattle, sheep, swine, or goats, that has not been inspected, passed, and marked in compliance with the regulations in this subchapter shall be exported, unless the shipper files with the collector of customs at the port from which the export shipment is made a certificate by the exporter that such article is inedible.

13. Paragraph (b) of § 28.2 is amended by adding the following subparagraph:

(8) Beef fat.

The primary purposes of the foregoing amendments are to incorporate in the regulations changes which have been thoroughly worked out with the meat packing industry during the past year and to include new requirements controlling the composition and treatment of certain meat food products along lines which have been thoroughly investigated by Meat Inspection, Bureau of Animal Industry.

(Ch. 2907, 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 89)

The foregoing amendments shall become effective December 29, 1953.

Done at Washington, D. C., this 20th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9955; Filed, Nov. 25, 1953; 8:52 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

[Supp. 4]

### PART 25—AIR-TRAFFIC CONTROL-TOWER OPERATOR CERTIFICATES

EXAMINATION

The purposes of this supplement are to (1) make editorial corrections and (2) explain how certain applicants for air-traffic control-tower operator certificates may satisfy the examination requirements of § 26.3.

1. In § 26.3-1, published on December 23, 1950, in 15 F. R. 9231, the caption and second sentence are revised to read:

§ 26.3-1 *Content and scope of written examination required for control-tower operator certificate in proof of aeronautical knowledge (CAA policies which apply to § 26.3).* • • • Since a control-tower operator's aeronautical knowledge requirements are extensive in scope, complete coverage in the examination is not feasible. • • •

2. A new § 26.3-2 is adopted to read:

§ 26.3-2 *Demonstration of knowledge on equivalent examination (CAA interpretations which apply to § 26.3).* An applicant for an air-traffic control-tower operator certificate who has passed the written examination for an Airways Operations Specialist Certificate will be deemed to have passed the examination prescribed in § 26.3, since the examinations are equivalent in content and scope.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 602, 52 Stat. 1008, as amended; 49 U. S. C. 552)

This supplement shall become effective November 30, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9927; Filed, Nov. 25, 1953; 8:45 a. m.]

[Supp. 19]

### PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

MAINTENANCE OF LARGE AIRCRAFT

Under § 42.32 (a), air carriers are required to maintain facilities for the proper inspection, maintenance, overhaul, and repair of large aircraft used in conducting Part 42 operations, unless



they make arrangements acceptable to the Administrator with other persons possessing such facilities. The purpose of this supplement is to redefine "facilities for the proper inspection, maintenance, overhaul, and repair" and to explain how the Administrator will determine the acceptability of arrangements made for such facilities.

1. Section 42.32-1, published on October 12, 1950, in 15 F. R. 6853, and amended on March 27, 1953, in 18 F. R. 1719, is deleted.

2. Sections 42.32-2 through 42.32-6, published on November 22, 1949, in 14 F. R. 7036, and amended on November 9, 1951 in 16 F. R. 11415, are redesignated §§ 42.32-3 through 42.32-7, respectively.

3. Sections 42.32-1 and 42.32-2 are adopted to read:

§ 42.32-1 *Facilities for the proper inspection, maintenance, overhaul, and repair (CAA interpretations which apply to § 42.32).* (a) The facilities required in § 42.32 (a) include housing, work space, equipment, supplies, materials, tools, parts, and aircraft components in sufficient quantity and quality to assure that the needed inspection, maintenance, overhaul, and repair of the air carrier's aircraft (including airframes, powerplants, propellers, and appliances) can be satisfactorily performed at all times by either the air carrier or persons with whom the air carrier has made arrangements for the performance of such functions. The housing, facilities, equipment, and materials specified in § 52.21-1 through § 52.21-3 of this subchapter and § 52.30-1 through § 52.36-1 of this subchapter which are appropriate to the particular air carrier's aircraft and maintenance system, are considered to be the minimum facilities required by § 42.32 (a).

§ 42.32-2 *Arrangements acceptable to the Administrator (CAA policies which apply to § 42.32 (a)).* The Administrator will determine the acceptability of arrangements made by the air carrier with other persons for the inspection, maintenance, overhaul, and repair of the types of aircraft used by the air carrier on the basis of the following criteria:

(a) Such arrangements conform to the approved continuous airworthiness, maintenance, and inspection program which the air carrier must perform in accordance with its maintenance manual.

(b) The inspection, maintenance, overhaul, and repair of the air carrier's aircraft, including airframes, powerplants, propellers, and appliances, is performed, inspected, and/or approved, by a certificated repair station, appropriately certificated air carrier, or manufacturer, in accordance with §§ 18.10 (b), (d), or (e); 18.11 (a) (2), (3), or (4); and 18.11 (b) (2), (3), or (4) of this subchapter: *Provided*, That inspections and maintenance specified in subparagraphs (1) and (2) of this paragraph may be performed and/or approved by a certificated mechanic in accordance with §§ 18.10 (a) and 18.11 (a) (1) of this subchapter.

(1) The performance of preventative maintenance and the performance and approval of minor maintenance, minor repairs, and minor inspections at points in the air carrier's area of operation, where persons specified in § 18.10 (b), (d), or (e) of this subchapter do not provide the facilities required in § 42.32 (a).

(2) The performance of inspections and associated minor maintenance operations which are limited to pre-flight inspections, daily inspections, and the most frequent periodic inspection and or check listed in the air carrier's maintenance manual other than pre-flight or daily inspections.

(c) Such arrangements provide that all replacement parts, components, and materials furnished directly or indirectly by such persons for use on the air carrier's aircraft conform to the type, quality, strength, and standards of maintenance established in the air carrier's maintenance manual and as required by § 18.30 of this subchapter.

(d) The air carrier's maintenance manual provides full, clear, and accurate information and instructions regarding the inspection, maintenance, overhaul, and repairs to be performed by such persons, and contains the names, location of facilities, and obligations of such persons to the carrier.

(e) The overhaul, major repair, and major inspection of aircraft and aircraft components are performed by or under the direct and immediate supervision of persons who are prime contractors and are conducted at the principal maintenance base of such persons or within the environs of such maintenance base.

(f) Such arrangements are made with qualified persons who provide competent personnel and possess adequate facilities and all other requisites appropriate to the type of aircraft or aircraft component on which any inspection, maintenance, or repair is to be performed for the air carrier.

(g) Such arrangements are reviewed by the Administrator prior to the accomplishment of any inspection, maintenance, or repairs; except that temporary arrangements may be made on an emergency basis without prior review by the Administrator provided that the air carrier gives written notice to the Administrator of each such arrangement not later than ten days after any inspection, maintenance, or repairs have been performed on such emergency basis and further provided that such temporary arrangements are limited to persons who are fully qualified and competent to perform such inspection, maintenance or repairs.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 604, 605, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554, 555)

This supplement shall become effective December 15, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9929; Filed, Nov. 25, 1953; 8:46 a. m.]

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 50]

### PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

1. Section 610.104 *Amber civil airway No. 4* is amended to read in part:

| From— | To— | Minimum Altitude |
|---|---|---|
| Newark (INT), Ohio | Zanesville, Ohio (LF/R) | 2,400 |

2. Section 610.210 *Red civil airway No. 10* is amended to read in part:

| From— | To— | Minimum Altitude |
|---|---|---|
| Atlanta, Ga. (LF/R) | Thomaston (INT), Ga. | 2,500 |
| Thomaston (INT), Ga. | Columbus, Ga. (LF/R) | 2,500 |
| | Fort Benning, Ga. | 2,500 |

3. Section 610.298 *Red civil airway No. 98* is amended to read:

| From— | To— | Minimum Altitude |
|---|---|---|
| Vichy, Mo. (LF/R) | Int. 248° T. from Rosebud, Mo. (LF/R) and Int. 068° T. from St. Louis, Mo. (LF/R). | 2,500 |

4. Section 610.603 *Blue civil airway No. 3* is amended to read in part:

| From— | To— | Minimum Altitude |
|---|---|---|
| Grand Rapids, Mich. (LF/R) | White Cloud (INT), Mich. | 2,800 |
| White Cloud (INT), Mich. | Cadillac, Mich. (LF/RBN). | 2,700 |

5. Section 610.610 *Blue civil airway No. 10* is amended to read in part:

| From— | To— | Minimum Altitude |
|---|---|---|
| Fresno, Calif. (LF/R) | Evergreen, Calif. (LF/RBN). | 6,000 |
| Los Banos, Calif. (FM) | Fresno, Calif. (LF/R) Eastbound only. | 3,000 |
| Evergreen, Calif. (LF/RBN).[1] | Oakland, Calif. (LF/R) | 5,000 |

[1] 16,000'—Minimum crossing altitude at Evergreen (LF/RBN), southeastbound.

6. Section 610.654 *Blue civil airway No. 54* is amended to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Salinas, Calif. (LF/RBN) | Evergreen, Calif. (LF/RBN). | 6,000 |
| Evergreen, Calif. (LF/RBN) | San Francisco, Calif. (LF/RBN). | 3,000 |

[1] 6,000—Minimum crossing altitude at Evergreen (LF/RBN), Southbound.

7. Section 610.670 *Blue civil airway No. 70* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Int 290° 110° mag. brg. Oklahoma City, Okla. (LF/RBN), and 20° 200° mag. brg. Tulsa, Okla. (LF/RBN), Ardmore, Okla. (LF/RBN). | Tulsa, Okla. (LF/RBN) | 2,400 |
| Mineral Wells, Tex. (LF/RBN). | Ardmore, Okla. (LF/RBN). | 2,600 |

8. Section 610.1001 *Direct routes, United States* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Galena, Alaska (LF/RBN) | Kotzebue, Alaska (LF/RBN). | 5,500 |
| McGrath, Alaska (LF/RBN). | Galena, Alaska (LF/RBN). | 5,500 |
| Wichita, Kans. (VOR) | North Fork, Kans. (LF/RBN) | 3,000 |
| Wichita, Kans. (LF/RBN) | North Fork, Kans. (LF/RBN). | 3,000 |

9. Section 610.1001 *Direct routes, United States* is amended to eliminate:

| From— | To— | Minimum altitude |
|---|---|---|
| Spartanburg, S. C. (LF/RBN). | Hendersonville (INT), N. C. | 6,300 |
| Hendersonville (INT), N. C. | Bulls Gap (INT), Tenn. | 8,000 |

10. Section 610.6002 *VOR civil airway No. 2* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| MacKeron, Mich. (VOR) | Lansing, Mich. (VOR) | |
| Direct | Direct | 2,500 |
| S. alter | S. alter | 2,200 |

11. Section 610.6015 *VOR civil airway No. 15* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Ardmore, Okla. (VOR) | Okemah (INT), Okla. | [1] 3,000 |
| Okemah (INT), Okla. | Tulsa, Okla. (VOR) | [1] 3,000 |
| Ardmore, Okla. (VOR) via E alter. | Tulsa, Okla. (VOR) via E alter. | |

[1] 2,500—Minimum terrain clearance altitude.

12. Section 610.6069 *VOR civil airway No. 69* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Farmington, Mo. (VOR) | Fenton (INT), Mo. | 2,500 |
| Fenton (INT), Mo. | St. Louis, Mo. (VOR) | [1] 2,300 |

[1] 2,000—Minimum reception altitude.

13. Section 610.6112 *VOR civil airway No. 112* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Portland (Manor), Oreg. | The Dalles, Oreg. (VOR) | [1] 7,000 |

[1] 4,500—Minimum crossing altitude at Portland (VOR), eastbound.

14. Section 610.6114 *VOR civil airway No. 114* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Pueblo, Colo. (VOR) | Purgatoire (INT), Colo. | 7,500 |
| Purgatoire (INT), Colo. | Clayton (INT), Tex. | [1] 10,000 |
| Clayton (INT), Tex. | Dalhart, Tex. (VOR), southbound. | [2] 10,000 [3] 7,200 |

[1] 8,000—Minimum terrain clearance altitude.
[2] 6,200—Minimum terrain clearance altitude.

15. Section 610.6117 *VOR civil airway No. 117* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Mineral Wells, Tex. (VOR) | Bowie (INT), Tex. | 2,300 |
| Bowie (INT), Tex. | Ardmore, Okla. (VOR). | 2,600 |

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective December 1, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9928; Filed, Nov. 25, 1953; 8:45 a. m.]

## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

MISCELLANEOUS AMENDMENTS

In Part 34—Classification and Rates of Postage make the following changes:

a. In § 34.9 *Business reply cards and envelopes* amend paragraph (c) to read as follows:

(c) *Application for permit.* A person or concern desiring a permit to send out or distribute business reply cards and envelopes for return under this section shall make application therefor on Form 3614 to the postmaster at the office to which the cards or envelopes are to be returned, who shall issue a permit on Form 3616. The instructions for the permit holder on the form shall be strictly complied with. No fee is required for the issuance of such a permit.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 5 U. S. C. 22, 369)

b. Section 34.50 *Separations for delivery at letter-carrier post office* is rescinded.

c. In § 34.66 *Pound rate for bulk mailings of third-class matter* make the following changes:

1. Amend subparagraph (1) of paragraph (c) to read as follows:

(1) *Procedure.* Persons desiring the privilege of mailing third-class matter in bulk under the provisions of this section shall make application to the postmaster for a permit to pay postage under one of the methods described in paragraph (b) of this section.

2. Delete paragraph (d).

3. Redesignate paragraph (e) as paragraph (d) and amend same to read as follows:

(d) *Conditions for mailing.* Mailings under the provisions of this section are subject to the following conditions:

(1) Each mailing shall be accompanied with a statement on a form provided therefor, signed by the sender, showing such information as may be required.

(2) When there are 10 or more pieces in a mailing for any city or state they shall be tied out into separate packages. State packages shall be properly labeled. Such separations shall also be made for post office stations or branches when the station or branch name forms a part of the address.

(3) Mailings under this section may not be registered or sent as insured or c. o. d. mail.

4. Delete paragraphs (f), (g), (h), and (i).

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

In Part 35—*Provisions Applicable to the Several Classes of Mail Matter*, make the following changes:

a. In § 35.4 *Mailing of matter without stamps affixed* make the following changes:

1. Amend paragraphs (e), (f), and (g) to read as follows:

(e) *Fee to accompany application for nonmetered permit—(1) Amount.* Each application for a permit to mail matter without stamps affixed as provided by sections 221a, 273, 291, 291a, and 295 of this title, and the regulations made pursuant thereto by the Postmaster General, shall be accompanied with a fee of $10: *Provided*, That no fee shall be required to accompany applications for permits to mail matter without stamps affixed as metered mail. (47 Stat. 647; 39 U. S. C. 273a.)

(2) *Receipt for fees.* Receipts for fees collected under the provisions of this section shall be issued on Form 3603 (See § 34.66 (c) (2) of this chapter regarding annual fee for bulk mailings of third-class matter.)

(f) *Application.* Applications to mail matter of any class without stamps affixed under the provisions of this section shall be filed on Form 3612 at the post office where the mailings are to be made.

(g) *Permit.* Postmasters shall issue permits on Form 3601 for mailing nonmetered matter of all classes, and on Form 3601-A for mailing metered matter of all classes.

2. Paragraphs (i), (j), (k), (l), (m), and (n) are amended to read as follows:

(i) *Acceptance of second-class and international matter.* Only such second-class matter as is chargeable with postage at the rate to Canada of 1 cent for each 4 ounces; the local and headquarters rates of 1 or 2 cents per copy; and the transient second-class rate of 2 cents for the first 2 ounces and 1 cent for each additional 2 ounces (see §§ 34.40 (g), 34.41 (a); (b), (i), and (j), and 34.42 of this chapter); and only such international matter as is subject to the international printed matter rate may be accepted as nonmetered matter under the provisions of this section.

(j) *Statement to accompany nonmetered mailings.* Publishers shall file a statement on Form 3542 in accordance with the instructions in § 34.46 (b) of this chapter for mailings of second-class publications charged with postage at the per copy rates required by § 34.41 of this chapter. Each mailing of other nonmetered matter shall be accompanied with a statement on Form 3602.

(k) *Verification of statement of mailing.* Mailings shall be verified with Form 3602 and certified on the back of the form by two employees, except that when only one employee is on duty, he may perform the verification and certification. Mailings shall be verified with Form 3542 in the manner required by § 34.45 (g) of this chapter.

(l) *Separations.* The mailer shall separate the mailings in such manner as may be prescribed by the Department. When the mailing of matter of the second, third, or fourth class extends over two or more consecutive days, and the number of pieces presented on the last day to complete the mailing is less than prescribed by paragraph (d) of this section, such number shall be accepted and the receipt Form 3603 or 3539 shall be endorsed "Remainder of mailing of _____" with the date of the preceding mailing.

(m) *Payment of postage and issuance of receipts.* Postage on the entire quantity shall be paid at or before the time the matter is presented for mailing, either in money or, at the option of the postmaster and at his risk, by check drawn to his order. The postmaster shall issue to the mailer a receipt on Form 3539 in accordance with the instructions in § 34.45 (i) of this chapter for postage charged on second-class publications at the per copy rates required by § 34.41 of this chapter, and on Form 3603 for each mailing of other nonmetered matter. A receipt shall be issued on Form 3603-A at the time of setting a meter device for the amount collected.

(n) *Accounting for postage and fees.* At the close of each quarter of the calendar year, the postmaster shall enter in the appropriate items of the quarterly postal account the total amount of postage and nonmetered application fees collected under the provisions of this section during the quarter. Postage collected on second-class publications at the per copy rates required by § 34.41 of this chapter shall be included in A. C. 013 with other second-class postage. The duplicate copies of the receipts issued on Forms 3603, 3603-A, and 3539, for the postage and fees shall be sent with the quarterly postal account to the regional accounting office.

(R. S. 161, 396, sec. 5, 41 Stat. 593, as amended, secs. 304, 309, 42 Stat. 24, 25, 47 Stat. 647; 5 U. S. C. 22, 369, 39 U. S. C. 273, 273a)

b. In § 35.5 *Precanceled Government-stamped envelopes and postal cards* make the following changes:

1. Delete paragraphs (b) to (j) inclusive and the note following paragraph (j).

2. Insert new paragraphs (b), (c), and (d) to read as follows:

(b) *Application for permit.* Persons or firms desiring the privilege of using precanceled Government stamped envelopes, precanceled Government postal cards or precanceled postage stamps, shall make application therefor on Form 3623 to the postmaster at the post office where the matter is to be mailed. The postmaster shall issue a permit on Form 3620. The instructions for the permit holder on the form shall be strictly complied with. No fee is required for the issuance of such a permit.

(c) *Conditions governing use of precanceled stamped paper.* Permits for the use of precanceled stamped paper are issued subject to the following conditions.

(1) Precanceled stamps may be used for the payment of postage on matter of the second, third, and fourth classes, and on post cards. Such stamps may be used only at the office where precanceled. Precanceled stamps above the 6-cent denomination, or lower denominations when the postage exceeds 6 cents, must be overprinted (or hand-stamped) in black ink by the permit holders with their initials and the abbreviations of the month and year, as for example: "A. B. Co. 9-53." Precanceled stamps so overprinted or stamped are acceptable for postage during the month designated, and up to and including the tenth day of the following month.

(2) Any number of pieces may be mailed at one time, regardless of whether they are identical, except in the case of third-class matter mailed under § 34.66 of this chapter, P. L. & R., when each mailing must consist of not less than 20 pounds or 200 pieces and be accompanied with a statement of mailing on Form 3602-PC.

(3) Mailings shall be faced and presented in such manner as to permit easy examination.

(4) Precanceled postage stamps may not be used for the payment of postage on matter mailed in boxes, cases, bags, or other containers specially designed to be reused for mailing purposes.

(5) Precanceled postage stamps shall not be sold by permit holders.

(6) Where Government stamped envelopes or postal cards are precanceled by means of a mailer's postmark, such postmark shall embody the name of the post office and State, the permit number and, in the case of first-class mail, the date of mailing.

(d) *Cancellation of permits.* Permits are subject to cancellation for misuse of if mailings are not made thereunder within a 12-month period.

(R. S. 161, 396, 3921, as amended, secs. 304, 309, 42 Stat. 24, 25, 46 Stat. 264, 5 U. S. C. 22, 369, 39 U. S. C. 365, 370)

[SEAL] ROSS RIZLEY,
*Solicitor.*

[F. R. Doc. 53-9945; Filed, Nov. 25, 1953; 8:50 a. m.]



## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Production and Marketing Administration

[7 CFR Part 914]

[Docket No. AO 245-A1]

HANDLING OF NAVEL ORANGES GROWN IN ARIZONA AND A DESIGNATED PART OF CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900.1 et seq.), notice is hereby given of a public hearing to be held in Room 330, Federal Building, 312 North Spring Street, Los Angeles, California, beginning at 9:00 a. m., P. s. t., December 9, 1953, with respect to proposed amendments to the marketing agreement and Order No. 14 (7 CFR Part 914), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of Navel oranges grown in the State of Arizona and a designated part of the State of California. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the provisions of the

proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The amendments to the marketing agreement and order which have been proposed by the Navel Orange Administrative Committee, the administrative agency established pursuant to the marketing agreement and order, are as follows:

1. Delete "not less than 2 growers for one grower member; not less than 2 growers for 1 alternate grower member;" in § 914.22 (c) and insert in lieu thereof "not less than 4 growers for 2 grower members; not less than 4 growers for 2 alternate grower members;".

2. Delete "not less than 4 growers for 2 grower members; not less than 4 growers for 2 alternate grower members;" in § 914.22 (d) and insert in lieu thereof "not less than 2 growers for 1 grower member; not less than 2 growers for 1 alternate grower member;".

3. Add to § 914.29 *Duties* the following new paragraph:

(n) With the approval of the Secretary to readjust the number of producer members or handler members of the Navel Orange Administrative Committee who are nominated pursuant to § 914.22 (c) and (d), respectively. Any such changes shall be based insofar as practicable, upon the proportionate amount of Navel oranges handled by the respective types of marketing organizations.

The Fruit and Vegetable Branch, Production and Marketing Administration, has proposed the following amendments to the marketing agreement and order:

4. Delete the requirement in § 914.22 (b), (c), (d) and (f) that 2 or more members and alternates should be nominated for each position and provide that one or more members and alternates should be nominated for each position.

5. Delete § 914.23 *Selection* and insert in lieu thereof the following:

§ 914.23 *Selection.* From the nominations made pursuant to § 914.22 (b), or from other qualified growers or handlers, the Secretary shall select three grower members of the committee and an alternate to each of such grower members; also two handler members of the committee and an alternate to each of such handler members. From the nominations made pursuant to § 914.22 (c), or from other qualified growers or handlers, the Secretary shall select one grower member of the committee and an alternate to such grower member; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 914.22 (d) or from other qualified growers or handlers the Secretary shall select two grower members of the committee and an alternate to each of such grower members; also one handler member of the committee and an alternate to such handler member. From the nominations made pursuant to § 914.22 (f), or from other qualified persons, the Secretary shall select one member of the committee and an alternate to such member.

6. Delete paragraphs (g) and (h) in § 914.53 *Prorate bases* and insert in lieu thereof the following:

(g) Each week during the marketing season the committee shall compute the total quantity of oranges available for current shipment by each person who has applied for a prorate base and for allotments in each prorate district. On the basis of such computation, the committee shall fix a prorate base for each person who is entitled thereto in each prorate district. Such prorate base shall represent the ratio between the total quantity of oranges available for current shipment in each such district by each person and the total quantity of oranges available for current shipment in each such district by all such persons. The committee shall notify the Secretary of the prorate base fixed for each person and shall notify each such person of the prorate base fixed for him.

7. Delete the first sentence in § 914.54 *Allotments* and insert in lieu thereof the following: "Whenever the Secretary has fixed the quantity of oranges which may be handled during any week in a prorate district, and the committee has fixed prorate bases for persons entitled thereto, the committee shall calculate the quantity of oranges which may be handled by each such person during such week."

8. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendment thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the offices of the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington, D. C., or the Field Representative, Fruit and Vegetable Branch, Production and Marketing Administration, Room 1005, 1031 South Broadway, Los Angeles, California.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 20th day of November 1953.

[SEAL] GEORGE A. DICE,
*Deputy Assistant Administrator.*

[F. R. Doc. 53-9965; Filed, Nov. 25, 1953; 8:55 a. m.]

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## [7 CFR Part 924]

[Docket No. AO-225-A4]

### HANDLING OF MILK IN DETROIT, MICHIGAN, MARKETING AREA

### NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order, amending the order, as amended, regulating the handling of milk in the Detroit, Michigan, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C. not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing, on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Detroit, Michigan on July 27-28, 1953, pursuant to notice thereof which was issued on July 11, 1953 (18 F. R. 4071).

No appearance was made at the hearing by the originator of proposals numbered 5 and 23 relating to the position of producer-handlers under the order. Proposal number 10, relating to the method of determining the Class I price, was not supported by any proponent.

The material issues considered on the record of the hearing related to:

(1) Expansion of the marketing area to include three townships in Oakland County, Michigan;

(2) Revisions relating to the determination of milk to be priced under the order by (a) deleting the Wayne County Department of Health as one of the health authorities qualified to approve country supply plants, (b) raising the qualification requirements for country supply plants and modifying the conditions for maintaining handler plant status, and (c) including a cooperative association as a handler on milk diverted to a non-handler;

(3) A review of the order provisions applicable to other source milk;

(4) Reclassification of fluid skim milk from Class I to Class II;

(5) Changes in the pricing provisions which would (a) alter the location adjustment schedule applicable to milk moved for Class I use and to producer milk delivered to country plants, (b) apply location adjustments on milk disposed of as Class I from plants located within the marketing area but more than 34 miles distant from Detroit City Hall, (c) extend the butter-powder credit on Class II milk to all months of the year, and (d) allow a transportation credit on Class II milk necessarily moved from a receiving plant to a manufacturing plant;

(6) Revision of certain of the rules for establishing and applying bases under the base-rating plan for encouraging level production; and

(7) Making certain administrative revisions of order language.

*Findings and conclusions.* The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:



(1) *Marketing area.* The marketing area should not be extended to include Highland, Milford, and Lyon Townships in Oakland County.

Inclusion of the additional area was proposed by a distributor who buys his milk in bottled form from a Detroit handler and sells it in a general area which includes the three townships. Other Detroit dairies also serve the townships, and it was testified that 80 percent of the milk distributed in the area was regulated under the Detroit order. The remaining 20 percent of sales originate from handlers primarily associated with the Flint market, there being no milk receiving and bottling plants in the three townships.

Flint is a sizable population center and milk distributors there are not under Federal order regulation. Unless there was some change in the pattern of distribution, extending the Detroit marketing area to include the townships would bring the affected Flint handlers under the Detroit order. As regulated handlers, these distributors would be in competition with unregulated distributors in their primary sales territory. It is concluded that the marketing area should not be extended to include the three townships.

(2) *Milk to be priced.* The Wayne County Department of Health should be removed from the list of health authorities whose approval is one element in the qualification of a country supply plant, i. e., one from which milk is supplied to a distributing plant. No other change should be made in the requirements for the qualification of the operator of a supply plant as a handler under the order. However, a cooperative association should be a handler with respect to milk diverted to a non-handler.

Producers proposed that the portion of the definition of a handler which relates to the operator of a "supply" plant be modified in several important respects. A "supply" plant, also commonly referred to as a "country" plant, is one from which the requisite percentages of milk are shipped, during specified months, to plants from which milk is disposed of as Class I on a route in the marketing area. The latter are referred to as "distributing" or "city" plants. The present standard is that a supply plant be approved as a source of fluid milk by one of the 5 named health authorities and that 10 percent or more of the plant's dairy farm supply of milk be moved to a distributing plant in each of the months of November and December.

One proposed change would remove the Wayne County Department of Health from the list of health authorities whose approval is one element of handler qualification. The other proposals would alter the minimum shipping requirements for the attainment of handler status and participation in the marketwide pool. It was proposed that 50 percent or more of a supply plant's supply of milk be required to be shipped to a distributing plant in each of the 4 months October through January; that a new plant not be qualified until after the second month in which it had shipped not less than 50 percent of its supply; and that after qualification had been established, a proprietary handler could maintain such qualification on the basis of the combined receipts and sales at all plants operated by him, while a cooperative association could similarly combine receipts and sales at all plants (cooperative or proprietary) where the movement of milk was under the direction of such association.

The Wayne County Department of Health is a factor in qualifying certain of the Detroit handlers. These include handlers operating supply plants and distributing plants. In the case of distributing plants, the approval of health authorities is not specified. Instead, the order relies upon the provision requiring that milk distributed in any part of the marketing area must be approved by the health authority having jurisdiction in the particular area of distribution. Milk is distributed in the marketing area from several plants which serve territory in which the Wayne County Department is the applicable health authority.

Effective November 1, 1952 the Wayne County Department of Health was added to the list of those health departments whose approval would be acceptable for determination of qualification as "supply plant" handler. The supply plant handler definition does not specifically enumerate health requirements applicable either to farms or to milk plants. It does name the specific health authorities whose inspection standards are substantially uniform and whose operations provide a basis for positively identifying the producers, plants, and milk which meet the sanitary requirements for fluid use. The order, in turn, allows the established requirements and procedures of the Health Departments to determine who are acceptable as producers, and to assure that milk from inspected sources only is used by the distributing plants for fluid purposes in marketing areas.

It was testified that the Wayne County Health Department representatives did not make actual inspections of all producers approved by them. That Department accepted inspections conducted by the Michigan Department of Agriculture, though Wayne County made spot checks of these inspected producers. Testimony with respect to administrative procedures of the Wayne County Health Department also revealed that until very recently no recording system had been maintained listing producers who had been either directly or indirectly approved by that Department, and consequently there was no means for verification of the individual shippers, nor of the total number of shippers who were producers for a particular supply plant for the Detroit market. The Wayne County Department, further, did not require that milk to be used for fluid purposes be handled in a plant entirely separated from a building in which milk for manufacturing uses was received. Other held authorities named by the Order do require separate buildings as a means of insuring the identity of inspected milk.

The handler definition relating to the operator of a supply plant sets forth the criteria for determining an operator's status under the marketwide pool. In addition to its being approved by a qualifying Health Department, a supply plant must furnish, as Order No. 24 is presently written, 10 percent of its supply of milk to the market in November and December. The proposed revision would require 50 percent of a plant's supply during October through January rather than 10 percent in two months. A plant which meets the minimum shipping requirements becomes fully regulated under the order, and farmers shipping milk to such a plant achieve the status of producers and participate in the equalization fund. The supply plant definition should, as nearly as possible, include any plant which is part of the essential and regular source of supply for the market, at least in the fall months. The late fall months constitute the period of lowest milk production. Class I sales, however, are essentially the same in all months of the year. Under these conditions the fall months are the critical ones in determining adequacy of supply. Supply plants which are called upon infrequently, or for insignificant proportions of their milk supply, and who commonly market their milk in outlets other than the Detroit market need not be fully regulated under the order, and should not be permitted to participate in the equalization pool.

Solely from the viewpoint of measuring regularity, supply plant requirements should pertain primarily to the service which the plant is presently rendering to the market. Otherwise, conditions may so change that a plant which was once a regular source of supply, has shifted its outlets to such an extent that it serves the market less well than plants which may be available as new sources. Because the total supply of milk in the market varies from year to year, the level of required shipments must be sufficiently low to avoid disqualifying plants during a fall season when supplies per producer may be larger than normal in relation to sales. On the other hand, the supply plant standards should be sufficiently definitive to avoid including in the pool handlers whose principal outlets for milk are in other markets, either for fluid or for manufacturing uses.

In several important respects the producers' proposals fail to fulfill the fundamental purposes of supply plant criteria as well as those presently in effect.

Both the present and the proposed supply plant definitions stipulate percentages of supply which must be "moved to a plant" from which distribution is made in the marekting area. In order to maintain pool status, supply plants may make shipments at times when adequate supplies are already available at closer locations. As a result, extra transportation costs are incurred on the milk shipped in, and it may even be necessary to move milk from the distributing plants back out to the country for manufacture. In fact it was testified that such out-of-position shipments occurred during November and December, 1952, when milk supplies were unusually large for that season of

the year. However, the scale of such shipments and the likelihood of their recurrence are substantially less under the existing requirement of 10 percent for two months than under a requirement of 50 percent for four months.

A further shortcoming of the proposed supply plant standards is that the conditions for initially attaining pool status are markedly more difficult than the subsequent maintenance of status. This difference arises from two aspects of the proposal. One is that each plant must qualify initially as an individual plant, whereas any plant which is a member of a proprietary or cooperative group of supply plants will be able to maintain status (subsequently) when the group as a whole sends 50 percent of total receipts into one market.

The second source of difference is that during the initial qualifying period, the plant does not attain status until after it has shipped 50 percent of its supply for two full months. (This requirement was tempered, through testimony by the proponent, to the extent that it becomes inoperative in months when total market supplies of producer milk were less than 105 to 107 percent of Class I utilization.) The less stringent requirements for maintaining status than for qualifying initially were proposed because the proponent cooperative association guarantees its members a market for their milk and therefore desires to maintain the pool status of all plants at which it has members. It will be recognized that this objective involves other considerations than the limited goal of designating pool plants strictly in accordance with their current service to the market.

A third problem in the consideration of the supply plant proposals is the difference in the qualifications applicable to independent plants as compared with those applicable to plants which are one of a group which is either operated by a handler or whose movements of milk to distributing plants is under the direction of a cooperative association. Some aspects of this proposal were reviewed in the preceding paragraph. Under the present order each handler, proprietary or cooperative, may combine operations at all his plants into a single report. If, instead, the order required each plant to be qualified individually, a handler could restrict shipments from his nearby plants to the extent necessary to draw the requisite quantities from the more distant plants, so long as the total receipts by his own or other distributing plants were sufficient to keep his group of supply plants qualified. Since, in these circumstances, a handler could meet the shipping requirements, it is reasonable to permit him to combine his plant reports and to draw his entire supplies from the least distant country supply plants. The proposal would allow for the extending of the permission to combine supply plants for the purpose of maintaining pool status to all plants at which a cooperative association directs the movement of milk. This proposal rests on the same logic as the combining of plants by a single handler, since such an association can direct the movement of milk from any particular plant, at will.

The extending of the concept of supply plant groups or systems, however, further demonstrates the weakness of relying on shipping requirements as a basis for market need. These systems can keep in the pool plants from which milk may never be needed for fluid purposes in the marketing area. At the same time any supply plant not in such a system would have to demonstrate a continued high degree of need for its milk in the market. A more thorogoing means of determining pool status on the basis of need would be to allow credit only on supply plant milk actually needed by distributing plants for Class I use. Conceivably this might be accompanied by a requirement that shipments from the nearest supply plants be allocated to Class I before allowing credit to more distant supply plants. Any such standards would also be more equitable as between single plants and groups of plants.

The comparatively moderate shipping requirements in the present order reflect the fact that over a period of many years the market structure has been essentially related to the supplying of milk for fluid use, without any extensive participation in pooling arrangements by plants with other primary interests. The potentialities of pool riding were discussed at length at the hearing and a present instance of the type of participation which the proponent expressly desired to prohibit was revealed. However, the fact that in recent months supplies have been in balance with Class I sales to the extent that the Class I supply-demand price adjustment has been inoperative, indicates that the pool has not thus far been unduly diluted. For the reasons heretofore stated, the proposed changes would create serious inequities between individual and group supply plants and would tend to encourage uneconomic shipments of milk without providing the possibility of more than a partial solution to the pool plant problem.

It is concluded that no change should be made in the standards applicable to the participation of supply plants in the marketwide pool. If the present and potential threats to the integrity of the pool are considered sufficiently urgent to merit developing a definition based on Class I need rather than on the basis of shipments, it might be desirable to consider such proposals at a subsequent hearing.

It was proposed that the definition of a handler should be extended to include a cooperative association with respect to milk customarily received by a handler who operates a plant, but which milk is diverted to a non-handler plant for the account of the association. The primary proponent of this proposal, a cooperative association, has no plant facilities and therefore is not a handler under other provisions of the order. The cooperatives which have been in the market since inception of the order are handlers by current order definition. At present, a handler to whom members of this association ships milk may divert the milk for such handler's account and thereby retain the members' status as producers. In this event the handler remains accountable for the payment of Class Prices on the milk. The proposed amendment, however, gives such a cooperative association direct authority to divert the members' milk, and at the same time makes the association responsible for payments on such milk. A similar provision is included in many of the other Federal orders to cover similar contingencies.

One proposed amendment to the handler definition was designed to exclude from regulation a plant located within the marketing area, but from which milk is neither distributed in the marketing area, nor furnished to another plant from which milk is so distributed. This proposal was identified as number 3 in the Notice of Hearing. No such amendment is needed to provide this intended exemption since the definition of a handler is in terms relating to area of distribution rather than to location of plant.

(3) *Other source milk.* The proposed changes in pool plant requirements prompted a review of the order provisions applicable to milk obtained from sources other than pooled supplies. Even though no changes in the plant qualifications are recommended herein, it is appropriate to review the position of other source milk in the light of experience gained during nearly two years of operation of the order.

One category of other source milk consists of that which is priced under other Federal orders. Any handler who is subject to another order and who distributes more Class I milk under such other order than in the Detroit marketing area is exempt from all but the reporting provisions of the Detroit orders. The problem herein considered relates, therefore, to milk from sources other than those under Federal regulation.

The allocation of other source milk in determining the use classification of producer milk was not under review at the hearing. The order provides that producer milk be allocated first to the Class I utilization of any handler who has received both producer milk and other source supplies during any given reporting period.

The prices paid by a handler for other source milk are not, however, regulated by the order. Testimony revealed that, in practice, there has been comparatively little unpriced milk obtained by the regulated handlers. All plants from which appreciable quantities of milk are distributed as Class I in the marketing area are fully regulated. (Distributors of insignificant quantities are exempt, and distributors whose principal volume of sales are in another Federal order market remain regulated under such other order.) Any dairy farmers delivering to distributing plants are, therefore, "producers" and only such supplemental supplies of non-producer milk as might be obtained by such plants would be other source. The qualification standards for supply plants are moderate, and sufficient plants have qualified to keep the market as a whole well supplied, thereby minimizing any need for obtaining milk from other sources. It would be possible under the order for individual handlers to carry only a partial supply of producer milk, and depend upon other sources for supplementary supplies. To date, however, producer milk made available by cooperative associations or other handlers has been the principal source of supplemental milk for this type of handler. The producers' proposal to require a supply plant to complete two months of shipment before qualifying as a handler's plant would designate milk shipped during the qualifying period as an "other source" supply.

Milk obtained from other than regulated sources is not priced under the order. The conditions under which such unpriced milk has been or could be drawn upon to supply Class I sales in the marketing area were reviewed in the preceding paragraph. If any handler was able to obtain a price advantage on such milk, he would be in a favorable position relative to the handlers buying producer milk. This in turn would force other handlers to seek the same type of advantage. In much the same fashion as seasonably excess milk tends, in the absence of an order or other effective check on utilization by all handlers, to be used by non-participating handlers to obtain a buying advantage over handlers who are purchasing milk under a classified price plan.

Extending the classified price plan to all handlers in the marketing area prevents any one of them from achieving a buying advantage on regulated milk. Similarly, the classified price plan must be protected from the possible use of unpriced milk from unregulated sources. Since minimum prices are not established for non-handlers, the alternative is to levy a charge which removes any advantage there may be in the purchase of other source milk.

The order specifies that each handler who had other source milk allocated to Class I shall pay to the producer equalization fund each month an amount computed by multiplying the hundredweight of milk so allocated by the difference between Class I and Class II prices for the month. This is the amount which is considered necessary to eliminate any advantage in the purchase of the cheapest available supplies of other source milk. It is an objective, single rate of payment, applying to any purchase of other source milk. The fixed rate will still leave handlers an incentive to seek out the cheapest sources of any unregulated milk which they may require. However, they will not be able to achieve a buying advantage over handlers who rely upon producer milk.

It was testified that supplies of milk suitable to fluid use are available at all seasons of the year. Alternative outlets for such milk (including supplies at plants in process of qualifying) would generally be the manufacture of dairy products. The seller of such milk could be expected to make it available at little or no margin over its value for manufacture, plus a charge for such plant services as receiving, cooling, and loading out, and for transportation. Similar charges are customarily added to the Class I price by supply plants selling to distribution plants, so the difference between the Class I price and the manufacturing value remains an appropriate measure of the price advantage on such purchases of other source milk. The Class II price under the order is the average of prices paid to farmers for milk at a representative group of local milk manufacturing plants. It therefore constitutes an appropriate measure of the level of prices paid for manufacturing milk, and the difference between the Class I and Class II prices is an appropriate rate of compensatory payment.

Several alternative means of determining an appropriate rate of compensatory payment on other source milk were discussed at the hearing. One of these was to determine the actual price paid by the Detroit handler for such milk. However, it was shown that this technique has serious administrative limitations. The prices at which interplant transactions occur could be purely nominal, whether the purchase and sale took place between plants under a common ownership or between unrelated plants. Also, it would be difficult, if not impossible, to determine what proportion of the transfer price represented the value of milk delivered f. o. b. the originating plant and what portion was a handling and transportation cost, or whether such charges were reasonable. The scope of the order is strictly confined to the pricing of milk delivered by farmers at the f. o. b. plant level; resale prices applicable to inter-plant transfers are not regulated.

A second suggestion for determining the rate of compensatory payment was to use the difference between the Class I price under the order and the prices actually paid to dairy farmers at the unregulated plant. It is not possible, however, to make such a determination on a basis entirely comparable with order pricing. Any premiums paid to a portion of the farmers would constitute part of the farm price paid at the unregulated plant, whereas a regulated plant must pay at least the order prices to all shippers. The lack of verification of weights and tests, possible patronage dividends at cooperative plants, and possible nominal rates of charge for transportation and other services further obscure any comparison of prices paid. A further problem is that the unregulated plant commonly pays a blend price. Unless a complete audit of such a plant's class utilization is made, no valid comparison of payment rates to the dairy farmers with order prices paid to producers is possible. Complete audit of each plant from which an occasional shipment of other source milk may be obtained is manifestly impracticable in so large a market as Detroit.

A third possibility is to set the payment rate at the difference between the Class I and the uniform price payable to producers under the order. This procedure depends upon the premise that unregulated plants are in such a closely competitive situation that they pay the blend price. The testimony was, however, that manufacturing values rather than blend prices represent the opportunity cost or alternative value of milk at unregulated plants.

(4) *Classification.* The proposal to classify skim milk sold in fluid form as Class II rather than as Class I should not be adopted.

Testimony on this proposal was based upon the competition afforded to sales of fluid skim milk by nonfat dry milk solids which are now widely sold in home-use packages by grocery stores. No specific evidence was presented to show the degree of this competition. It was pointed out, however, that not all the nonfat solids sold at retail are used to reconstitute skim milk for fluid consumption; they are also used for cooking purposes in the home. Data on the disposition of fluid skim milk by handlers under the order are published regularly by the Market Administrator in the "Detroit Market Bulletin". Official notice is hereby taken of such data. Sales of skim milk show a marked upward trend, with a seasonal peak during the summer months. Sales of fluid skim during the first six months of 1953 were 23 percent above sales for the corresponding months of 1952. It is indicated from this that the possible substitution of dried nonfat solids for fluid skim has not yet reached the point of reducing the sales of fluid skim milk. Furthermore, so long as fluid skim milk is required by health authorities to be obtained from inspected sources, such quantities as are sold must continue to be priced at such level as will encourage producers to supply inspected milk.

(5) *Class prices.* The rate of the location adjustments which applies as a credit to handlers on milk moved for Class I use and to milk delivered by producers to country plants should progress indefinitely instead of reaching a maximum of 26 cents, no location adjustment should be allowed on milk disposed of as Class I from plants located within the marketing area, the Class II price provisions should not be changed, and no credit should be allowed on such quantities of Class II milk as it may be necessary for a handler to move from the point of delivery by producers to manufacturing plants.

The proposal to change the schedule of location adjustments was designed primarily to relieve procurement difficulties which have arisen subsequent to the amendments of November 1, 1952. The schedule of location adjustments in the original order reached a maximum differential of 21 cents which applies to any distance greater than 97 miles. The amendment extended the schedule at the rate of one cent per 8 miles to a maximum of 26 cents for all plants located more than 137 miles from Detroit City Hall. The proponents who testified operate plants in the 23- and 25-cent zones. Prior to the November, 1952 amendment, the 21-cent differential applied to both plants, and producers delivering to these plants received from 1 to 3 cents less than producers delivering to two competitive plants closer to Detroit. Currently, these producers receive 3 to 7 cents less, and the farm-to-plant haulers have experienced a corresponding additional disadvantage of 2 cents per hundredweight at one plant and 4 cents at the other in territories where produc-

ers are in a position to ship to the plants closer to Detroit. It was proposed by the handlers operating plants in the 23- and 25-cent zones that the present zone schedule be continued through the 20-cent zone, the 97 mile limit, beyond which the location adjustment would increase at the rate of 1 cent per 18 miles instead of 1 cent per 8 miles.

It must be recognized that a country plant at a given distance from the market will always be at a disadvantage in competing with a plant closer to market for the milk supply of farmers living in the territory between the two plants. The normal competitive relationship between such plants results from differences in the long-haul costs from plant to market. The primary function of a country receiving plant is to assemble small lots of milk from farmers into tank lot quantities for economical shipment to market. It follows that the farmer-patrons at each plant can be paid the f. o. b. market price less the tank-lot transportation cost. This cost increases with distance and is reflected in the form of producer location differentials under the order. The differentials cannot be arbitrarily altered to accommodate the farm-to-plant haulers at a particular plant without inviting uneconomic shifts of milk supplies.

An alternative proposal was offered by Michigan Milk Producers Association. It modified the zone schedule for distances over 51 miles by using a rate increase of 1 cent for each additional 10 miles. This later proposal would set 21-cent and 22-cent rates at the former proponents' plants, but would leave the plants involved at a disadvantage of 2 to 6 cents relative to competitive plants located closer to the marketing area. It was asserted that the recommended lower schedule of rates developed in the alternative proposal was based upon over-all operating experience, but no specific or general cost data were presented which might permit cross-examination or comparison with similar data of other handlers in the market.

Both proposals for changing the location adjustment schedule contained a provision to extend the rate schedule without limit, replacing the present provision establishing a maximum differential of 26 cents applicable to all locations beyond 137 miles from Detroit City Hall. Subsequent to the amendment setting 137 miles rather than 97 miles as the distance beyond which the differential ceased to increase, one plant situated 165 miles from the City Hall has been added to the market supply, and additional prospective plants are located at distances of 175 and 247 miles. Handlers shipping milk from these greater distances should receive location credits commensurate with the extra transportation costs involved on milk moved to the marketing area for Class I purposes. Also, producers delivering to such distant plants should not receive as large a rate of return from the marketwide pool as producers located closer to market since their milk is available to the market only at a higher transportation cost. To properly price milk at the more distant locations, the present rate of 1 cent per each additional 8 miles should progress in like manner to include any distance at which a handler's plant may be qualified.

Handlers whose plants are located within the marketing area but more than 34 miles from Detroit City Hall repeated the proposal originally made at the promulgation hearing to the effect that a location adjustment be allowed on milk received from producers at such plant and disposed of as Class I.

No testimony was offered by way of exception to the original basis for denying this proposal, namely that all portions of the marketing area are dependent upon the entire production area for a year around supply of milk and that the prices necessary to attract an adequate supply of milk for the entire area should apply to all parts of the area.

Further, testimony and questions at the hearing showed that the proposal would create substantial differences in the cost of milk between handlers distributing in the same territories. Two handlers whose principal sales are in the Ypsilanti and Ann Arbor area would not receive the proposed location credit because their plants are located slightly less than 34 miles distant from Detroit City Hall. Also, a handler whose plant is located in Detroit and who distributes significant volumes of milk in the same territory as one of the proponents would not receive the credit.

The proposed change in the method of establishing the Class II price which was considered at the hearing would extend the credit allowed on butterfat and skim milk manufactured into butter and nonfat dry milk solids to all months of the year instead of confining it to April, May, and June. A similar proposal was considered at the hearing of February 20, 1953. The record of that hearing and the decision filed by the Secretary July 24, 1953 were incorporated in the current record.

The significantly new aspect of the problem considered at the July hearing was a suggestion by one of the proponents that butterfat and skim milk used to manufacture butter and nonfat dry milk solids should always be priced at a butter-powder formula price, regardless of whether such price were above or below the local plant price. This modification of the proposal was advanced in response to questions; it was not included in the notice of hearing nor in the direct testimony of any proponent of the proposal for extending the period of applicability of the butter-powder credit.

It was stated that the modification should be adopted only if the "make allowance" in the currently effective butter-powder credit was increased to reflect operating costs. The make allowance was considered at the previous hearing and a review of that record and of the current record do not alter the previous conclusions regarding the make allowance.

One other aspect of the proposed modification merits attention. Many handlers dispose of all or a portion of their Class II milk by selling it to unregulated manufacturing plants. Some of these are equipped to manufacture butter and nonfat dry milk solids. However, whether they are specialized butter-powder plants or multi-purpose plants, it is not to be expected that they will pay significantly more than the competitive price for milk. Therefore it is unlikely that a regulated handler would be able to obtain a butter-powder price for Class II milk shipped to such a plant for conversion into butter and nonfat solids in periods like the past several months when butter-powder values have been substantially in excess of condensery pay prices. This would create a serious limitation on the ability of some handlers to dispose of Class II milk.

Handlers' proposals for a transportation credit on Class II milk necessarily moved to a manufacturing plant were also considered at the hearing of February 20, 1953, and the conclusions previously reached are applicable to the additional evidence received at the recent hearing.

(6) *Base rules.* The base rules should be revised to provide that: (1) A producer who delivers milk on less than 122 days during the base-forming period (but who does not lose his base by reason of failure to deliver for 45 consecutive days) shall have a daily base beginning on the following February 1 equal to his total deliveries of milk divided by 122; (2) bases may be combined jointly upon formation of a bona fide partnership, and jointly held bases may, upon termination of the joint holding, be divided among the joint holders as specified in writing to the market administrator without requiring that the transfer be to a person who maintains a herd on the same farm; (3) a producer who stands to lose his base as a result of fire or windstorm damage of sufficient destructiveness to result in loss of the health permit shall retain his old base for a period not to exceed 6 months; and (4) notification of intention to establish a new base may specify the month, the first day of which is to begin the base-forming period; however the day will be not earlier than the first day of the months in which the notification of intention is received by the market administrator.

The order now provides for a base, to begin on the following February 1, for any producer who delivers milk on as many as 122 days during the base-forming period of August through December. However, a producer who delivers on fewer days has no base and is paid a base price on specified percentages which vary seasonally until he has completed the 3 months' shipments which establish a new base. It is logical that such a producer be allowed a base, to become effective on the following February 1, equal to his deliveries during the base-forming months divided by 122. As an alternative, a producer continues to have the option of establishing a new base during a 3-month period.

The rules presently applicable to joint holdings of bases require that any transfer of base upon termination of the joint relationship be only to persons who maintain a herd on the same farm. In all other respects the base rules are in terms of the producer's identity rather than the location of the producer's herd or farm, and it is desirable to allow jointly held bases to be divided between the holders in any acceptable way agreed to by them. Also, a rule should be inserted to permit the combining of bases upon the formation of bona fide partnerships.

The provision for loss of base upon the producer's failure to deliver milk for 45 consecutive days should be modified in the case of producers who suffer a complete loss as a result of fire or windstorm. It was proposed that such a producer be allowed to keep his old base for one year, but it appears that a period of 6 months should be sufficient to accommodate any producer who takes prompt action to restore his barn, even allowing for delays resulting from winter weather. It was testified that completeness of loss could be objectively measured by revocation of the producer's health permit.

In practice, producers are able in some instances to notify the market administrator of intention to establish a new base farther in advance than is contemplated by the order language. Obviously, they should be allowed to do so; the essential limit on such notification is that it not be received after the close of the first month in which the new base is to be established.

(7) *Administrative provisions.* The several administrative changes proposed by the Dairy Branch, Production and Marketing Administration, should be adopted.

The skim milk equivalent of concentrated fluid products should be specifically defined as Class I utilization. One type of these "concentrated products" is made by partial evaporation of fluid skim milk. The original skim milk is obtained from sources approved for fluid use and the producers supplying such skim milk should receive a Class I price for the original weight of skim milk rather than for the weight of the concentrated product. A second type of concentrated products is made adding condensed skim milk or nonfat dry milk solids to such Class I items as fluid skim milk, buttermilk, and chocolate drink. The health regulations require that handlers in the Detroit market draw upon producer milk for these additional solids, and the skim milk equivalent should be classified as Class I. In accounting for the additional solids, the skim milk equivalent is listed as a receipt of other source milk. Under the allocation procedure such a receipt is subtracted first from any Class II utilization by the handler, thereby raising the classification of an equivalent quantity of producer skim milk from Class II to Class I.

The definition of Class II utilization should be modified to account for the skim milk and butterfat in sterilized flavored milk drinks on a "used to produce" basis rather than on a "disposed of as" basis. The milk furnished to a plant making such drinks can be accounted for readily whereas the ultimate disposition of the drinks is not part of the dairy enterprise sales records.

The Class II definition should also be revised to specify the fat content which constitutes the demarcation between milk and cream, that dumping of skim milk be subject to specific authorization by the market administrator, that dumping be eliminated as a Class II disposition of butterfat, and that eggnog be designated as a Class II utilization. The dividing line used to distinguish between milk and cream has been to consider as "milk" all items testing less than 10 percent butterfat and as "cream" those containing 10 percent or more of fat. Dumping can be verified only by witnessing the action, since no independently verifiable record is available for audit purposes. There is no longer any need to include butterfat as a dumping utilization since Class I and Class II butterfat prices are now identical. Eggnog was not originally named as a Class II utilization but, since the ingredients can be obtained from uninspected sources which are available at the Class II level of prices, eggnog should properly be classified as Class II.

The provision for transferring milk in bulk from a cooperative plant to a handler's bottling plant at the base price should not be limited to cooperative plants from which no milk is disposed of on a route(s) in the marketing area since the limitation is not an essential element of such accounting.

Any amount due to the pool on other source milk used as Class I should be part of each handler's regular settlement with the pool rather than treated as a separate payment to the producer equalization fund later in the month. The final payment by the handlers and amount received by producers would not be affected by the change. However, since the quantities of other source milk utilized as Class I are already known as part of the handler's utilization reports which are submitted on the fifth working day of each month, payments on such milk can be most expeditiously handled as part of the regular settlement procedure.

For purely administrative reasons the location adjustment credit should apply to the handler operating a distributing plant rather than to the handler operating a country supply plant from which milk is supplied to distributing plants. The credit is allowed only on milk actually utilized as Class I. The supply plant must obtain such information from the distributing plant receiving the milk. Frequently several distributing plants receive milk from a single supply plant and vice versa, and any change in utilization at the distributing plant which may be revealed by audit involves corresponding changes in location adjustment credits. The proposed change would obviate these several difficulties and thereby facilitate both the accounting procedures under the order and the arrangements between supply plants and distributing plants.

The amount to be deducted in computing the uniform price and the uniform base price for use as a revolving fund in the producer-equalization fund should be raised to between 6 and 7 cents instead of the current provision of between 4 and 5 cents. This provides a revolving fund since not less than half the unobligated balance in the producer-equalization fund is added to the computation of the value of producer milk each month. The larger revolving fund is necessary to cover the normal lag between payments and receipts in this market.

*General findings.* (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Rulings on proposed findings and conclusions.* Briefs were filed on behalf of producers and handlers. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

*Recommended marketing agreement and order as amended.* The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed to be further amended:

1. In § 924.6 (b) delete the phrase "or of Wayne County".

2. Add a paragraph "(c)" to § 924.6 as follows:

(c) A cooperative association with respect to milk customarily received by a handler, as described under paragraphs (a) or (b) of this section, which is diverted to a person not a handler for the account of the association.

3. In § 924.41 (a) insert following the phrase "all skim milk" the following: "(including the skim milk equivalent of concentrated products)".

4. Amend § 924.41 (b) to read as follows:

(b) Class II utilization shall be all skim milk and butterfat (1) disposed of

for fluid consumption as sweet or sour cream or any mixture of cream and milk or skim milk containing 10 percent or more of butterfat; (2) used to produce sterilized flavored milk drinks, ice cream or ice cream mix, cheese (including cottage cheese), dried whole milk, nonfat dry milk solids, evaporated or condensed whole or skim milk, sweetened or unsweetened, disposed of in bulk or in hermetically sealed cans, eggnog, butter; (3) disposed of as livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion within 18 hours) by the market administrator; (4) in shrinkage of producer milk up to 2 percent of receipts from producers; or (5) in shrinkage of other source milk.

5. In § 924.43 (c) delete the phrase "from which no milk is disposed of on a route(s) in the marketing area."

6. In § 924.46 (a) change the reference to "§ 924.41 (c) (3)" to read "§ 924.41 (b) (4)".

7. In § 924.60 (a) change the phrase "Subject to paragraps (c)" to read "Subject to paragraphs (b) and (c)" and change the reference to "§ 924.46 (c)" to read "§ 924.46 (e)."

8. Amend § 924.60 (c) to read as follows:

(c) A handler who operates a plant as described in § 924.6 (b) (or § 924.6 (a) and located more than 34 miles by shortest highway distance from the boundary of the market area) and who dispose of, from such plant for Class I utilization (other than to a handler), milk received from producers, and a handler who receives at a plant described in § 924.6 (a) producer milk moved in bulk from a plant described in § 924.6 (b) which milk is utilized as Class I (prorating to such milk the utilization of all producer milk received at the plant) shall receive a credit with respect to milk so disposed of or so received and utilized at a rate determined by the market administrator as follows:

| Shortest road distance from Detroit City Hall: | Rate per hundredweight |
|---|---|
| More than 34 miles but not more than 49 miles | $0.14 |
| More than 49 miles but not more than 57 miles | .15 |

Add 1 cent for each 8 miles or fraction thereof over 57 miles.

9. Amend § 924.62 (b) to read as follows:

(b) Subtracting not less than 6 cents nor more than 7 cents.

10. In § 924.64 (c) delete the first sentence and substitute therefor the following: "Subtract not less than 6 cents nor more than 7 cents."

11. Add a paragraph (e) to § 924.70 as follows:

(e) A producer who does not forfeit his base pursuant to § 924.71 (c) but who fails to deliver milk on at least 122 days of the August 1 through December 31 period shall have his base for the 12 months beginning the following February 1 computed by dividing the total pounds shipped during the period by 122.

12. Amend § 924.71 (b) (2) to read as follows:

(2) Bases may be held jointly and if such joint holding is terminated the base may be transferred as specified in writing to the market administrator.

13. Add a subparagraph (3) to § 924.71 (b) as follows:

(3) Two or more producers with bases may combine those bases upon the formation of a bona fide partnership.

14. Amend § 924.71 (c) to read as follows:

(c) A producer who does not deliver milk to any handler for 45 consecutive days shall forfeit his base except that a producer who suffers the complete loss of his barn as a result of fire or windstorm may retain his base without loss for six months.

15. In § 924.72 insert after the phrase "first day of the month" the phrase "specified but not earlier than the first day of the month".

16. Delete the period at the end of § 924.10, and add the following: "and shall include the skim milk equivalent of concentrated products classified as Class I pursuant to § 924.41 (a)."

Filed at Washington, D. C., this 20th day of November 1953.

[SEAL] GEORGE A. DICE,
*Deputy Assistant Administrator.*

[F. R. Doc. 53-9956; Filed, Nov. 25, 1953; 8:52 a. m.]

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## [ 7 CFR Part 927 ]

[Docket No. AO-71-A-26]

### HANDLING OF MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

### DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted, beginning at Utica, New York on November 18, 1952, pursuant to notice thereof issued on November 10, 1953 (18 F. R. 7249) upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area.

The material issues presented on the record of the hearing are concerned with:

1. Amendment of the order so that the computation of prices established for Class I–A milk for the month of December 1953 and subsequent months will not reflect the reduction in the volume of milk utilized for fluid use (in Classes I–A, I–B, and I–C) during October 1953 resulting from a strike of dairy plant employees and drivers, and

2. The need for prompt action necessitating omission of a recommended decision and opportunity for exceptions.

*Findings and conclusions.* The following findings and conclusions on the material issues are based upon the evidence in the record of the hearing:

(1) It is concluded that § 927.40 (a) of the order should be amended to prevent the distortion in Class I–A prices for December 1953 and ensuing months which otherwise would occur a a result of a strike of dairy plant employees and drivers which occurred during the last week of October 1953.

The strike resulted in the utilization of approximately 32 million fewer pounds of October pool milk in fluid form (Classes I–A, I–B, and I–C) than reasonably may be expected to have been so utilized if there had been no strike. The percentage of October pool milk reported by handlers to have been utilized in Classes I–A, I–B, and I–C was 54.7. Addition of the additional 32 million pounds, which it is estimated would have been so utilized if the strike had not occurred, results in a utilization percentage for October of 60.5.

This latter figure (60.5) is the utilization percentage for October 1953 which should be used in calculating monthly prices for Class I–A milk beginning with the price for December 1953 pursuant to the Class I–A pricing formula contained in the order. The reduction in the sale of Class I milk which occurred during the period of the strike is the result of an abnormal market situation which the Class I–A pricing formula is not designed to reflect. Use of the actual utilization percentage under these circumstances in computing Class I–A prices for December and ensuing months would tend not to reflect supply and demand conditions in the market accurately.

(2) The due and timely execution of the function of the Secretary under the act with respect to action on Issue No. 1 imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the opportunity for exceptions thereto.

Failure to make the attached amendment order effective by not later than December 1, 1953 would defeat, to a significant degree, the purpose of such amendment. The preparation, filing and publication of a recommended decision, with opportunity for exceptions thereto would preclude the making of such amendment effective by December 1, 1953 because of the time necessarily required for completion of such procedural steps. Accordingly, those procedural steps should be omitted in this instance.

*General findings.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

*Determination of representative period.* The month of July 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, amending the order, now in effect, regulating the handling of milk in the New York metropolitan milk marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area" and "Order Amending the Order, as Amended Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

*It is hereby ordered*, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 23d day of November 1953.

[SEAL] TRUE D. MORSE,
*Secretary of Agriculture.*

Order[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area*

§ 927.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to § 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the said order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof, the handling of milk in the New York metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 927.40 (a) by adding at the end of the first sentence thereof the following proviso: "*Provided*, That the utilization percentage for the month of October 1953 used in making such computations shall be 60.5."

[F. R. Doc. 53-9966; Filed, Nov. 25, 1953; 8:55 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

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## [ 7 CFR Part 968 ]

[Docket No. AO-173-A6]

### HANDLING OF MILK IN WICHITA, KANSAS, MARKETING AREA

### SUPPLEMENTAL NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Notice was issued on September 18, 1953 (18 F. R. 5630), of a public hearing to be held on October 7, 1953, at the Allis Hotel, Wichita, Kansas, on certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Wichita, Kansas, marketing area. At the hearing, testimony was received on some of the proposals, and the hearing was recessed to resume at 10:00 a. m., c. s. t., December 1, 1953, at the Allis Hotel, Wichita, Kansas.

Notice is hereby given, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), that, in addition to the proposed amendments contained in the notice of September 18, 1953, evidence will also be received at the resumed hearing with respect to the proposed amendments hereinafter set forth (which are in part modifications of proposals contained in the original hearing notice) or appropriate modifications thereof. Such additional proposed amendments have not received the approval of the Secretary.

Additional amendments to the order were proposed as enumerated below.

Proposed by Wichita Milk Producers Association:

13a. Delete §§ 968.3, 968.8, 968.40 through 968.45, 968.50, 968.51, 968.60 through 968.63, 968.70, 968.71, 968.88, and substitute or add as follows:

§ 968.3 *Wichita, Kansas Marketing Area.* "Wichita, Kansas Marketing Area" means all of the territory within the corporate limits of the City of Wichita, Kansas and the territory within Delano, Kechi, Minneha, Riverside, Waco, Gypsum and Wichita Townships, and the City of Eastborough, all in Sedgwick County, Kansas.

§ 968.8 *Pool plant.* "Pool plant" means any approved plant other than that of a producer-handler, (a) during any delivery period within which such plant disposes of as Class I in the marketing area, an amount of milk equal to 25 percent or more of such plant's receipts of milk from approved dairy farmers, and (b) disposes of in Class I an amount equal to 50 percent or more of such plant's receipts of milk from approved dairy farmers.

For the purposes of this definition the following shall apply:

(1) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted; and

(2) Milk diverted from an approved plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

b. Add a new paragraph (f) to § 968.22 as follows:

(f) On or before the 10th day after the end of each delivery period, report to each cooperative association which so requests (1) the amount and class utilization of milk received by each handler from approved dairy farmers who are members of such cooperative association. For the purpose of this report,

the milk so received shall be prorated to each class in the proportion that total receipts of milk from approved dairy farmers were used in each class; (2) in respect to each member of such cooperative association, the number of days shipped, the amount of delivered base milk, the amount of delivered excess milk, the total delivery of milk, the butterfat test and the amount deducted for marketing service.

§ 968.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 968.30 shall be classified by the market administrator pursuant to the provisions of §§ 968.41 to 968.46.

§ 968.41 *Classes of utilization.* Subject to conditions set forth in § 968.43 and 968.44, classes of utilization shall be:

(a) Class I milk shall be all skim milk (including reconstituted skim milk and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drink, yogurt, cream, cultured sour cream, aerated products containing milk or cream, egg nog, any mixture (except bulk ice cream mix) of cream and milk or skim milk, (2) used to produce concentrated (including frozen) milk, flavored milk or flavored milk drink disposed of or for fluid consumption neither sterilized nor in hermetically sealed cans, skim and fat used in creaming cottage cheese and (3) all other skim milk and butterfat not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat: (1) Used to produce butter, cheese (including skim milk used to produce cottage cheese curd, but not including skim milk or butterfat used in creaming cottage cheese) plain or sweetened condensed or evaporated milk, spray or roller process nonfat dry milk solids, powdered whole milk, ice cream, in ice cream mix, frozen desserts, casein, margarin; (2) in cream frozen and stored; (3) used for starter churning, wholesale baking and candy making; (4) disposed of as livestock feed; (5) in skim milk dumped after prior notification and an opportunity for verification by the market administrator; (6) in shrinkage up to 2 percent of receipts from producers; (7) in shrinkage of other source milk; and (8) in inventory at the end of the month as milk, skim milk, cream (except frozen) or any product specified in paragraph (a) of this section.

§ 968.42 *Shrinkage.* The market administrator shall prorate shrinkage of skim milk and butterfat classified in Class II milk between the receipts of skim milk and butterfat, respectively, in milk from producers and from other sources. For the purpose of prorating shrinkage of skim milk and butterfat, skim milk and butterfat in milk diverted directly from producers' farms to another handler shall be included as a receipt of the handler to whom such skim milk and butterfat was diverted, and excluded from receipts of the diverting handler.

§ 968.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II in the previous month pursuant to § 968.41 (b) (7) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 968.46 (a) (4).

§ 968.44 *Transfers.* Skim milk or butterfat transferred from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of milk, skim milk, or cream, to the pool plant of another handler unless utilization in Class II is mutually indicated in writing to the market administrator by the operators of both plants on or before the 7th day after the end of the delivery period within which such transfer occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 968.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both plants have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk.

(b) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler.

(c) As Class I milk if transferred in the form of milk, skim milk or cream to a nonpool plant located more than 250 miles from the pool plant by the shortest highway distance as determined by the market administrator, except that (1) cream so transferred may be classified as Class II milk if its utilization as Class II milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class II milk, subject to such verification of alternate utilization as the market administrator may make.

(d) As Class I milk, if transferred in the form of milk, skim milk or cream to a nonpool plant located less than 250 miles from the pool plant from which transferred, unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat received at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat at such nonpool plant direct from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such nonpool plant in markets supplied by such plant.

(e) Skim milk or butterfat moved from an approved plant to an unapproved plant located not more than 250 miles from the approved plant and which does not distribute fluid milk or cream shall be classified as Class II milk.

(f) Skim milk or butterfat transferred to a nonpool plant from which fluid milk, skim milk or cream is transferred to a pool plant shall be subject to reclassification to the extent of the amount so transferred from such nonpool plant.

§ 968.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report of receipts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I and Class II milk for such handler.

§ 968.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 968.45 the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 968.41 (b) (5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other pool plants in a form other than milk, skim milk or cream according to its classifications pursuant to § 968.41;

(3) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk in receipt of other source milk;

(4) Subtract from the remaining pounds of skim milk in series beginning with Class II, the pounds of skim milk in inventory at the beginning of the month in the form of milk, skim milk, cream (except frozen) or any product specified in § 968.41 (a);

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 968.44 (a);

(6) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount to be subtracted shall be called "overage".



(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

§ 968.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 3.8:

*Present Operator and Location*

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple averages as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the month, subtract 3 cents, add 20 percent thereof and multiply by 3.8.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot price per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.962.

§ 968.51 *Class prices.* Subject to the provisions of § 968.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The price per hundredweight shall be the price determined pursuant to § 968.50 plus $1.90.

(b) *Class II milk.* The price per hundredweight shall be a price computed pursuant to § 968.50 (b) using prices for butter and nonfat dry milk solids for the current delivery period minus 20 cents.

§ 968.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to either class pursuant to § 968.46 is more or less than 3.8 percent there shall be added to the respective class price computed pursuant to § 968.51 for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.8 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 3.8 percent, an amount equal to the butterfat differential computed as follows:

(a) For Class I milk, multiply the butter price specified in § 968.50 (b) (1) by 1.25 and divide the result by 10;

(b) For Class II milk, multiply the butter price specified in § 968.50 by 1.15 and divide the result by 10.

§ 968.60 *Producer-handlers.* (a) Sections 968.40 to 968.46, 968.50 to 968.52, 968.70 to 968.71, 968.80 to 968.88, shall not apply to a producer-handler.

(b) *Other source milk.* If a handler has purchased or received skim milk or butterfat from a producer-handler, or from sources other than producers or other handlers, and has sold or disposed of such skim milk or butterfat for other than Class II purposes, the market administrator in determining the net pool obligation of the handler pursuant to § 968.70 shall add an amount equal to the difference between (1) the value of such milk and butterfat according to its utilization by the handler and (2) the value at the Class II price. The provisions of this section shall not apply if the handler can prove to the market administrator that such skim milk and butterfat was used only to the extent that skim milk and butterfat from producers was not available either directly from producers or at the plant of another handler at the class prices pursuant to §§ 968.51 and 968.52.

§ 968.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this order shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this order is less than the price provided by this order, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this order and its value as determined pursuant to the other order to which he is subject. Such payments shall be made on or before the 12th day after the end of each delivery period.

§ 968.63 *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant during a delivery period, shall in lieu of the payments required pursuant to §§ 968.80 through 968.85, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such delivery period, the amount resulting from the computations of either paragraph (a) or paragraph (b) of this section, whichever is less.

(a) From the value determined by multiplying the amount of milk disposed of in the marketing area by such handler as Class I milk during the delivery period by the Class I price determined pursuant to § 968.51 (a) subtract the amount determined by multiplying such amount of milk by the Class II price determined pursuant to § 968.51 (b).

(b) Any plus amount resulting from the following computation:

(1) To an amount equal to the net pool obligation which would be computed pursuant to § 968.70 for such handler for such delivery period if such handler operated a pool plant, add for each one-tenth by which the average butterfat content of milk received from approved dairy farmers by such handler is greater than 3.8 percent, or subtract for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 968.82 by the total hundredweight of such milk; and

(2) Deduct the gross payments made by such handler to approved farmers for milk received during such delivery period.

§ 968.70 *Computation of the value of milk received from producers by each handler at pool plants.* The value of milk received during each delivery period by each handler from producers at pool plants shall be a sum of money computed as follows:

(a) Multiply the pounds of milk in each class computed pursuant to § 968.46 (c) by the applicable respective class prices (adjusted pursuant to § 968.52) and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 968.46 (a) (5) by the applicable respective class prices;

(c) Add any charges computed as follows:

(1) For any skim milk or butterfat in inventory reclassified pursuant to § 968.43 (b) which is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) in the handler's plant(s) for the preceding month, a charge shall be computed at the difference between its value at the Class I price for the current month

and its value at the Class II price of the preceding month;

(2) For any other skim milk or butterfat reclassified pursuant to § 968.43 (b) a charge shall be computed at the difference between its value at the Class I price for the current months and its value at the Class II price for the month in which previously classified as Class II milk;

(d) For any other source skim milk or butterfat subtract from Class I milk pursuant to § 968.46 (a) (2), (3) and (b), add an amount equal to the difference between the values of such skim milk and butterfat at the Class I price and at the Class II price, unless the handler can prove to the satisfaction of the market administrator that such other source skim milk and butterfat was used only to the extent that producer milk was not available either directly from producers or at the plant of another handler at the class prices pursuant to § 968.51 (a) and (b).

§ 968.71 *Computation of uniform prices for base milk and excess milk.* For each delivery period, the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk as follows:

(a) Combine into one total the values computed pursuant to § 968.70 for all handlers who made the reports prescribed in § 968.30 and who made the payments pursuant to §§ 968.80 and 968.83 for the preceding month:

(b) Add an amount equal to one-half of the unobligated balance in the producer-settlement fund;

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 3.8 percent; or add if such average computed by multiplying the amount by which the average butterfat content of such milk varies from 3.8 percent by the butterfat differential computed pursuant to § 968.82 and multiplying the resulting figure by the total hundredweight of such milk;

(d) Compute the total value on a 3.8 percent butterfat basis of the excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity Class II milk included in these computations by the price of Class II milk of 3.8 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price of Class I milk of 3.8 percent butterfat content and adding together the resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 3.8 percent butterfat content received from producers;

(f) Subtract the value of excess milk obtained in paragraph (d) of this section from the value of all milk obtained in paragraph (c) of this section and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk included in these computations;

(h) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (g) of this section. The resulting figure shall be the uniform price for base milk of 3.8 percent butterfat content received from producers.

§ 968.88 *Expense of administration.* As his prorata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 12th day after the end of each month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) all milk from approved dairy farmers which is classified Class I.

Proposed by Beatrice Foods Co., Steffen Dairy Foods Company, Inc., DeCoursey Cream Company and Hyde Park Dairies, Inc.:

14. That the entire order be amended to read as follows:

DEFINITIONS

§ 968.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 968.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 968.3 *Wichita, Kansas, Marketing Area.* "Wichita, Kansas, marketing area" means all the territory within the corporate limits of the City of Wichita, Kansas, and the territory within Delano, Kechi, Minneha, Riverside, Waco, Gypsum, Park, Payne and Wichita Townships, and the City of Eastborough, all in Sedgwick County, Kansas.

§ 968.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 968.5 *Approved dairy farmer.* "Approved dairy farmer" means any person who holds a currently valid permit or license issued by the Health Department of the City of Wichita or of Sedgwick County for the production of milk to be disposed of as Grade "A" milk.

§ 968.6 *Producer.* "Producer" means any approved dairy farmer, other than a producer-handler, whose milk is received at a pool plant or is diverted from a pool plant by the handler who operates such pool plant, or by a cooperative association, to a plant which is not a pool plant for the account of such handler or cooperative association. This definition shall not include any approved dairy farmer with respect to milk received by a handler who is partially exempted from the provisions of this order pursuant to § 968.62.

§ 968.7 *Approved plant.* "Approved plant" means any plant approved by the health authorities of the City of Wichita, Kansas or of Sedgwick County, Kansas, for the handling of milk to be disposed of for fluid consumption as milk in the marketing area and currently used for any or all of the functions of receiving, weighing (or measuring), sampling, cooling, pasteurizing or other preparation of milk for sale or disposition as milk or cream for fluid consumption in the marketing area.

§ 968.8 *Pool plant.* "Pool plant" means any approved plant other than that of a producer-handler.

(a) That during any delivery period within which such plant disposes of as Class I milk in the marketing area, an amount of milk equal to 20 percent or more of such plant's receipts of milk from approved dairy farmers, and

(b) Disposed of as Class I milk, a total amount of milk equal to 40 percent or more of such plant's total receipts of milk from approved dairy farmers, during such delivery period.

(c) For the purposes of this definition, the following shall apply:

(1) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted; and

(2) Milk diverted from an approved plant to an unapproved plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

§ 968.9 *Handler.* "Handler" means any person who, on his own behalf or on behalf of others, disposes of as Class I or Class II milk in the marketing area all or a portion of the milk purchased or received by him at an approved plant from (a) approved dairy farmers, (b) his own production, and (c) other handlers. This definition shall include a cooperative association with respect to milk which it causes to be delivered from a producer to a plant from which no milk is disposed of as Class I milk or as Class II milk in the marketing area.

§ 968.10 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To have its entire activities under the control of its members, and

(b) To have and to be exercising full authority in the sale of milk of its members.

§ 968.11 *Producer-handler.* "Producer-handler" means any approved dairy farmer who operates an approved plant, but who receives no milk from other approved dairy farmers.

§ 968.12 *Delivery period.* "Delivery period" means the then current marketing period from the first to, and including, the last day of each month.

§ 968.13 *Milk product.* "Milk product" means any product manufactured from milk or milk ingredients except products which fall within the definition of Class II milk pursuant to paragraph (b) of § 968.41 and which are disposed of in the form in which received without further processing or packaging by the handler.

§ 968.14 *Market administrator.* "Market administrator" means the person designated pursuant to § 968.20 as the agency for the administration of this part.

§ 968.15 *Exempt milk.* "Exempt milk" means any skim milk or butterfat which is received at a pool plant:

(a) In bulk from a non-pool plant for processing and bottling, and for which an equivalent quantity of packaged milk is returned to the operator of the non-pool plant during the same month; or

(b) In packaged form from a non-pool plant in return for an equivalent quantity of bulk skim milk or butterfat moved from a pool plant for processing and bottling during the same month.

§ 968.16 *Emergency milk.* "Emergency milk" means skim milk or butterfat other than that in producer milk which is received by a handler under the conditions and subject to the limitations prescribed in § 968.45.

§ 968.17 *Producer milk.* "Producer milk" means any skim milk or butterfat which is produced by a producer, other than a producer-handler, all of which except that used for home consumption, is being regularly shipped to a handler either directly from the producer or from other handlers.

§ 968.18 *Other source milk.* "Other source milk" means any skim milk or butterfat other than that contained in producer milk, emergency milk or exempt milk.

MARKET ADMINISTRATOR

§ 968.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 968.21 *Powers.* The market administrator shall:

(a) Administer the terms and provisions of this part, and

(b) Report to the Secretary complaints of violations of the provisions of this part.

§ 968.22 *Duties.* The market administrator shall:

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the Secretary;

(b) Pay out of the funds provided by § 968.88 the cost of his bond, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office;

(c) Keep such books and records as will clearly reflect the transactions provided for in this part and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person





who within 10 days after the date upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 968.30 through 968.32 or

(2) Made payments pursuant to §§ 968.80 through 968.86; and

(e) Promptly verify the information contained in the reports submitted by handlers.

REPORTS, RECORDS AND FACILITIES

§ 968.30 *Periodic reports.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall, with respect to milk or milk products which were purchased, received, or produced by such handler during such delivery period, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts at each plant of milk from each producer or approved dairy farmer, the butterfat content, and the number of days on which milk was received from each producer;

(b) The receipts of milk, cream, and milk products from handlers who purchase or receive milk from producers or approved dairy farmers and the butterfat content;

(c) The receipts of milk, cream, and milk products received as emergency milk, exempt milk, and other source milk and the butterfat content thereof.

(d) The respective quantities of milk and milk products and the butterfat content which were sold, distributed or used, including sales to other handlers for the purpose of classification pursuant to § 968.40; and

(e) Such other information with respect to the use of the milk as the market administrator may request, including a separate statement of Class I and Class II milk disposed of within the marketing area.

§ 968.31 *Reports of payments.* On or before the 20th day after the end of each delivery period, upon the request of the market administrator, each handler who purchased or received milk from producers or approved dairy farmers shall submit to the market administrator his producer payroll for such delivery period which shall show for each producer and each approved dairy farmer:

(a) His total deliveries of base milk and total deliveries of milk in excess of base milk;

(b) The average butterfat content of his milk; and

(c) The net amount of such handler's payments to such producer or approved dairy farmer with the price, deductions, and charges involved.

§ 968.32 *Reports of producer-handlers.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall require.

§ 968.33 *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler shall keep adequate records of milk the classification depends. Each handler or person upon whose disposition receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(a) Verify the receipts and disposition of all milk and milk products, and in case of errors or omissions, ascertain the correct figures;

(b) Weigh, sample, and test for butterfat content the milk purchased or received from producers and any product of milk upon which classification depends; and

(c) Verify the payments to producers prescribed in § 968.80.

§ 968.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year periods, the market administrator notifies the handler in writing that the retention of such books and records, or specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 968.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the delivery period by a handler which is required to be reported pursuant to § 968.30 shall be classified by the market administrator pursuant to the provisions contained in §§ 968.41 through 968.46.

§ 968.41 *Classes of utilization.* Subject to the conditions set forth in §§ 968.42 through 968.46, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of for consumption under a Grade A label in the form of milk, skim milk, buttermilk, flavored milk drinks, cream (sweet or sour, including any mixture of cream and milk or skim milk containing less butterfat than the regular standard for cream), and all skim milk and butterfat contained in shrinkage of producer milk in excess of amount provided for in paragraph (b) (5) of this section.

(b) Class II milk shall be all skim milk and butterfat accounted for:

(1) As having been used to produce any product other than those specified in Class I milk which shall include, but not limited to, butter, plain or sweetened condensed or evaporated milk, spray or roller process powdered milk solids, ice cream, ice cream mix, frozen desserts, eggnog, aerated cream products, any sterilized dairy product, cream, marga-

rine and cheese (including cottage cheese or baked cheese); or

(2) Disposed of for livestock feed; or

(3) In cream frozen and stored; or

(4) In skim milk dumped, after prior notification to and opportunity for verification by the market administrator; or

(5) In shrinkage up to 3 percent of receipts from producers; or

(6) In shrinkage of other source milk; or

(7) Disposed of in bulk to commercial bakeries or food products manufacturing plants (other than dairy plants) which do not dispose of milk for fluid consumption; or

(8) In inventory variations.

§ 968.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Plant shrinkage shall be determined by deducting the total of specific uses from the volume handled. The remainder, if it can reasonably be considered to represent the loss or shrinkage in fluid milk products normally incurred by the handler in the receiving, processing, packaging, and distribution of the milk products handled by him, shall be considered his plant shrinkage.

(b) Plant shrinkage shall be prorated between the receipts of skim milk and butterfat in receipts from producers, of emergency milk, of exempt milk and of other source milk.

§ 968.43 *Responsibility of handlers in establishing the classification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise according to the provisions contained in § 968.41 through 968.46.

(b) Any skim milk of butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect according to the provisions contained in §§ 968.41 through 968.46.

§ 968.44 *Transfers.* Milk, skim milk or cream transferred from an approved plant to other milk plants shall be classified as follows:

(a) Milk or skim milk moved in fluid form from an approved plant to an unapproved plant located more than 250 miles from the approved plant shall be Class I milk;

(b) Cream moved in fluid form from an approved plant to an unapproved plant located more than 250 miles from the approved plant shall be Class I milk if moved under Grade A certification and shall be Class II milk if so moved without Grade A certification;

(c) Milk, skim milk, or cream moved in fluid form from an approved plant to an unapproved plant located not more than 250 miles from the approved plant and from which fluid milk and cream are distributed, shall be Class I if moved in the form of milk or skim milk or cream: *Provided*, That if the purchaser certifies that the market administrator may verify the necessary records such milk, skim milk, or cream, shall be classified as follows:

(1) Determine the classification of all milk received in the unapproved plant; and

(2) Allocate the milk, skim milk or cream received from the approved plant to the highest use classification remaining after subtracting, in series beginning with the highest use classification, the receipts of milk at such unapproved plant received directly from dairy farmers whom the market administrator determines constitute its regular source of milk for Class I use;

(d) Milk, skim milk or cream moved from an approved plant to an unapproved plant located not more than 250 miles from the approved plant and which does not distribute fluid milk or cream shall be classified as Class II milk;

(e) Milk, skim milk or cream moved from an approved plant to the approved plant of another handler, except a producer-handler, shall be Class I, unless utilization in another class is indicated in writing by both the seller and the buyer on or before the 7th day after the end of the delivery period, but in no event shall the amount classified in any class exceed the total use in such class by the receiving handler: *Provided*, That if either or both handlers have purchased other source milk, skim milk or cream so moved shall be classified at both plants so as to return the highest class utilization to producer milk.

(f) Milk, skim milk or cream disposed of from an approved plant to a producer-handler shall be Class I.

§ 968.45 *Emergency milk.* In any delivery period in which the market administrator determines that the supply of skim milk or butterfat in producer milk available to any handler at the Class I price is insufficient for such handler's disposition of Class I milk, skim milk or butterfat, other than that in producer milk, which is received by such handler and which is permitted by the health authorities in the marketing area to be disposed of as Grade A milk, shall be considered "emergency milk" up to an amount equal to 5 percent of his total disposition of skim milk or butterfat in Class I milk.

§ 968.46 *Exempt milk.* All receipts of exempt skim milk and butterfat shall be assigned to Class I skim milk and butterfat.

§ 968.47 *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 968.48 *Allocation of skim milk and butterfat classified.* Skim milk and butterfat shall be allocated in the following manner:

(a) Subtract from the total pounds of skim milk and butterfat in Class II the pounds of skim milk and butterfat in shrinkage pursuant to § 968.41 (b) (5).

(b) Subtract from the total pounds of skim milk and butterfat in Class I the pounds of skim milk and butterfat contained in "emergency milk" as set forth in § 968.45.

(c) Subtract from the total pounds of skim milk and butterfat in Class I the pounds of skim milk and butterfat contained in "exempt milk" as set forth in § 968.15.

(d) Subtract from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat received from other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 968.41.

(e) Subtract from the remaining pounds of skim milk and butterfat in Class II the pounds of skim milk and butterfat received as Class II milk in the form of cream from ungraded sources from the approved plant of another handler at which ungraded milk is regularly received from dairy farmers.

(f) Subtract the pounds of skim milk and butterfat in milk, skim milk or cream received from pool plants of other handlers from the pounds of skim milk and butterfat remaining in the class to which assigned, pursuant to § 968.44.

(g) Subtract from the pounds of skim milk and butterfat remaining in Class II milk the pounds of skim milk and butterfat in other source milk which was not subject to the Class I pricing provisions of an order issued pursuant to the act: *Provided*, That if the pounds of skim milk or butterfat to be subtracted is greater than the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk or butterfat in Class I;

(h) Subtract pro rata from the pounds of skim milk and butterfat remaining in Class I and Class II the pounds of skim milk and butterfat in other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the act;

(i) Add to the pounds of skim milk and butterfat remaining in Class II milk the pounds of skim milk and butterfat subtracted pursuant to paragraph (a) of this section.

(j) If the pounds of skim milk and butterfat remaining in all classes exceed the pounds of skim milk and butterfat in milk received from producers, subtract such excess from the pounds of skim milk and butterfat remaining in the various classes in series beginning with the lowest price class.

§ 968.49 *Determination of producer milk in each class.* For each class add the pounds of skim milk and the pounds of butterfat allocated to producer milk pursuant to § 968.48 and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 968.50 *Basic formula price.* The basic formula price to be used in determining the price per hundredweight of Class I milk for the delivery period shall be the higher of the prices computed pursuant to paragraphs (a) or (b) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department divided by 3.5 and multiplied by 3.8:

*Present Operator and Location*

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed as follows:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period, subtract 3¢, add 20 percent thereof and multiply by 3.8.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound of nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, and multiply by 8.5 and then multiply by 0.962.

(3) Add together the results of subparagraphs (1) and (2) of this paragraph.

§ 968.51 *Class I milk prices.* Subject to the provisions of § 968.53, a minimum price per hundredweight to be paid by each handler for milk received from his plant by producers during the month and disposed of as Class I milk shall be as follows: To the basic formula price, as determined by § 968.50, as determined during the preceding delivery period for the months of August through March, add $1.55; all other months, add $1.15.

§ 968.52 *Class II prices.* Subject to the provisions of § 968.53, a minimum price per hundredweight to be paid by each handler for Class II milk received at his plant from producers during the month shall be as follows: Determine the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.8 percent butterfat content received from farmers during the current delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department.

*Plants and Locations*

DeCoursey Cream Co., Wichita, Kans.
Arkansas City Cooperative Milk Association, Arkansas City, Kans.
Pet Milk Co., Iola, Kans.
Page Milk Co., Coffeyville, Kans.



§ 968.53 *Handler butterfat differential.* If the average butterfat test of Class I milk or Class II milk is calculated pursuant to § 968.49 and is more or less than 3.8 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization for each one-tenth of one percent that such average butterfat test is above or below 3.8 percent is calculated as follows: Multiply by 0.120 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the previous delivery period and round to the nearest one-tenth cent.

§ 968.54 *Emergency price provision.* (a) Whenever the provisions of this part require the market administrator to use a specific price or prices for any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specific price the amount of any subsidy payment being made by any Federal agency in connection with the milk, or product, associated with the prices specified.

(b) If the specified price which the market administrator is required to use for the purpose of determining class prices or for any other purpose is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

APPLICATION OF PROVISIONS

§ 968.60 *Producer-handlers.* Sections 968.40 through 968.49, 968.50 through 968.54, 968.61 through 968.62, 968.70, 968.71, 968.80 through 968.88, shall not apply to a producer-handler.

§ 968.61 *Handlers subject to other orders.* In the case of any handler (as defined in this part) who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and shall allow verification of such reports;

(b) If the price which such handler is required to pay under the other Federal order to which he is subject for milk which would be classified as Class I milk under this subpart is less than the price provided by this subpart, such handler shall pay to the market administrator, for deposit in the producer-settlement fund, with respect to all milk disposed of (except to other handlers) as Class I milk within the marketing area, an amount equal to the difference between the value of such milk as computed pursuant to this subpart and its value as determined pursuant to the other order to which he is subject.

§ 968.62 *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant during a delivery period, shall in lieu of the payments required pursuant to § 968.80 through § 968.85, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such delivery period, the amount resulting from the computations of either paragraph (a) or paragraph (b) of this section, whichever is less.

(a) The sum of the product of the quantity of milk received by such handler which was disposed of in the marketing area as Class I milk during the delivery period multiplied by the difference between the price for Class I milk pursuant to § 968.51 and the price for Class II milk pursuant to § 968.52.

(b) Any plus amount resulting from the following computation:

(1) To an amount equal to the net pool obligation which would be computed pursuant to § 968.70 for such handler for such delivery period if such handler operated a pool plant, and for each one-tenth by which the average butterfat content of milk received from approved dairy farmers by such handler is greater than 3.8 percent, or subtract for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 968.82 by the total hundredweight of such milk; and

(2) Deduct the gross payments made by such handler to approved dairy farmers for milk received during such delivery period.

§ 968.63 *Overage.* If a handler after subtracting receipts from other handlers and receipts from sources determined as other than producers, or other handlers, has disposed of milk or butterfat in excess of the milk or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them, the market administrator, in determining the net pool obligation of the handler, pursuant to § 968.70, shall add an amount equal to the value of such milk or butterfat according to its utilization by the handler.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 968.70 *Net pool obligations of handlers.* The net pool obligation of each handler for milk received from producers during each delivery period shall be a sum of money computed for such delivery period by the market administrator as follows: Multiply the pounds of milk in each class computed pursuant to § 968.49 by the applicable class price pursuant to § 968.51 or § 968.52 and § 968.53, add together the resulting values and add the value of any payments required to be made pursuant to § 968.63.

§ 968.71 *Computation and announcement of uniform prices.* For each delivery period the market administrator shall compute and announce the uniform prices per hundredweight for base milk and excess milk as follows:

(a) Combine into one total the net pool obligations of all handlers computed pursuant to § 968.70 who made the reports prescribed by § 968.30 for such delivery period and who made the payments prescribed by §§ 968.80 and 968.84 for the preceding delivery period;

(b) Add an amount equal to one-half of the cash balance in the producer-settlement fund less the amount due handlers pursuant to § 968.86;

(c) Compute the total value of the milk included in these computations which is in excess of the delivered base of producers by assigning such milk first to Class II milk and then to each succeeding higher classification until all such milk has been classified, and then multiplying the total pounds of excess milk assigned to each class by the appropriate class price adjusted for butterfat differences pursuant to § 968.53 and adding together the resulting amounts;

(d) Divide the total value of excess milk obtained in paragraph (c) of this section by the total hundredweight of such milk and round to the nearest cent. This result shall be known as the uniform price for excess milk at test.

(e) Subtract the value of excess milk obtained in paragraph (c) of this section from the value of all milk obtained in paragraph (b) of this section and adjust by any amount involved in rounding the uniform price for excess milk to the nearest cent;

(f) Divide the result obtained in paragraph (e) of this section by the total hundredweight of milk represented by the delivered bases of producers;

(g) Subtract not less than 4 cents nor more than 5 cents; the result shall be known as the uniform price per hundredweight for such delivery period for base milk of producers at test.

(h) The value of base and excess milk of 3.8 percent butterfat content shall be determined by adjusting the values obtained in paragraphs (d) and (g) of this section pursuant to § 968.82.

PAYMENTS

§ 968.80 *Time and method of payment.* On or before the 12th day after the end of each delivery period each handler shall make payment, after deducting the amount of the payment made pursuant to § 968.81, subject to the butterfat differential set forth in § 968.82 for milk purchased or received from producers by such handler during such delivery period as follows:

(a) To each producer, except as set forth in paragraph (c) of this section, not less than the uniform price per hundredweight computed pursuant to § 968.71 (g) for that quantity of milk received from such producer not in excess of such producer's base;

(b) To each producer, except as set forth in paragraph (c) of this section, not less than the excess price, computed pursuant to § 968.71 (d), for that quantity of milk received from such producer in excess of such producer's base; and

(c) To a cooperative association for milk which it caused to be delivered to a handler from producers and for which such cooperative association collects payments, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under paragraphs (a) and (b) of this section.

§ 968.81 *Half delivery period payments.* On or before the 27th day of each delivery period, each handler shall make payment to each producer for the approximate value of the milk of such producer which, during the first 15 days of such delivery period, was received by such handler.

§ 968.82 *Producer butterfat differential.* If, during the delivery period, any handler has purchased or received from any producer milk having an average butterfat content other than 3.8 percent, such handler in making the payments prescribed in § 968.80 shall add to the prices per hundredweight for such producers for each one-tenth of one percent of average butterfat content in milk above 3.8 percent not less than, or shall subtract from such prices for such producer for each one-tenth of one percent of average butterfat content in milk below 3.8 percent not more than, an amount computed as follows: To the average price of 92-score butter at wholesale in the Chicago market as reported by the United States Department of Agriculture (or such other Federal agency as may hereinafter be authorized to perform this price reporting function) for the delivery period during which such milk was received, add 20 percent and divide the resulting sum by 10.

§ 968.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 968.84, 968.86, 968.61 and 968.62, and out of which he shall make all payments to handlers pursuant to §§ 968.85 and 968.86: *Provided*, That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each delivery period, the market administrator shall compute the amount by which each handler's net pool obligation, including the payments to producers which are required to be made pursuant to § 968.63, is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 968.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 968.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler, including the payments required to be made pursuant to § 968.63, is greater than the sum required to be paid producers by such handler pursuant to §§ 968.80 and 968.81.

§ 968.85 *Payments out of the producer-settlement fund.* (a) On or before the 12th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to §§ 968.80 and 968.81 is greater than the net pool obligation of such handler, including the payments required to be made pursuant to § 968.63.

(b) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 12th day after the end of the delivery period, has not received the balance of such reduced payment from the market administrator, shall be deemed to be in violation of § 968.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 968.86 *Adjustment of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to the producer-settlement fund made pursuant to § 968.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 968.85, the market administrator shall, within 5 days, make payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following the disclosure.

(b) Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is more than was required to be paid pursuant to § 968.80, no handler shall be deemed to be in violation of § 968.80 if he reduces his payment to such producer by not more than such overpayment.

§ 968.87 *Marketing services.* (a) Deductions from marketing services. Except as set forth in paragraph (b) of this section, each handler shall deduct 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to § 968.80 (a) and (b) with respect to all milk of such producer purchased or received by such handler during the delivery period and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services.

(b) Deductions with respect to members of a cooperative association. In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make the deductions from the payments to be made directly to producers pursuant to § 968.80 (a) and (b) which are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the association of which such producers are members.

§ 968.88 *Expense of administration.* As his pro rata share of the expense of the administration of this part, each handler who purchased or received milk from producers, with respect to all milk received from approved dairy farmers during the delivery period, shall pay to the market administrator, on or before the 10th day after the end of such delivery period, an amount not to exceed 4 cents per hundredweight, which amount shall be determined by the market administrator subject to review by the Secretary.

§ 968.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an under-payment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund or such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

BASE RATING

§ 968.90 *Determination of base setting period.* For each delivery period the base of each producer shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the applicable figure computed pursuant to § 968.91 by the number of days during such delivery period on which milk was received from such producer.

§ 968.91 *Determination of daily base.* (a) Effective January 1, 1948, and for each subsequent year thereafter the daily base of each producer, who regularly delivered milk to a handler during the next previous delivery periods of August, September, October, and November shall be computed by the market administrator in the following manner: Determine for each such producer his average daily delivery of milk to a handler for the time he delivered during the period from the next previous August 1 to November 30.

(b) The daily base of each producer who did not regularly deliver milk to a handler during the next previous delivery periods of August, September, October, and November but who began deliveries of milk to a handler subsequent to August 31 shall be computed by the market administrator in the following manner: For each delivery period from the date upon which the producer first delivers milk to a handler until January 1 after he shall have established a base pursuant to paragraph (a) of this section, the market administrator shall multiply such producer's daily average deliveries of milk during such period by the percentage that total base deliveries are to total deliveries of all producers.

(c) In case of a producer-handler who disposes of all of his delivery routes to another handler who is not a producer, the market administrator shall determine the daily average of the total sales of Class I milk and Class II milk by such producer during the preceding three months. The figures so determined shall be such producer's base until his base may be established pursuant to paragraph (a) of this section.

§ 968.92 *Base rules.* (a) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler he shall be allotted a daily base computed in the manner provided in § 968.91.

(b) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord, if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(c) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(d) Base may be transferred only under the following conditions:

(1) In case of the death of a producer, his base may be transferred to a surviving member or members of his family who carry on the dairy operations; and

(2) On the retirement of a producer, his base may be transferred to an immediate member of his family who carries on the dairy operations.

(e) The base of two producers may be combined in the case of forming a partnership, or may be divided in the case of the dissolution of a partnership.

(f) For the purposes of this section only, the term "producer" shall include any person who has been a producer as defined in § 968.6 but whom the Wichita Board of Health has suspended temporarily for failure to produce milk in conformity with the applicable health regulations of the City of Wichita, Kansas.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 968.100 *Effective time.* The provisions of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to § 968.101.

§ 968.101 *Suspension or termination.* Any or all of the provisions of this part, or any amendment to this part, may be suspended or terminated as to any or all handlers after such reasonable notice as

the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

§ 968.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions of this part there are any obligations arising under this part the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall:

(1) Continue in such capacity until removed,

(2) From time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and

(3) If so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 968.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Copies of the original notice of hearing, this supplementary notice of hearing and of the order now in effect may be procured from the market administrator, 310 Derby Building, 352 North Broadway, Wichita 2, Kansas, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: November 20, 1953, at Washington, D. C.

GEORGE A. DICE,
*Deputy Assistant Administrator.*

[F. R. Doc. 53-9957; Filed, Nov. 25, 1953; 8:52 a. m.]

## PROPOSED RULE MAKING

### [ 7 CFR Part 997 ]

[Docket No. AO 205-A1]

### HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

### NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, 1952 Rev., Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the marketing agreement and order (7 CFR, 1952 Rev., Part 997) regulating the handling of filberts grown in Oregon and Washington (hereinafter referred to as the "order"). That order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), (hereinafter referred to as the "act"), and any amendments which may be adopted as a result of this proceeding also will be effective pursuant to said act. Interested persons may file exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., not later than the 12th day after publication of this recommended decision in the FEDERAL REGISTER, except that, if such 12th day should fall on a Saturday, Sunday, or a holiday, they must be filed not later than the next succeeding workday. Exceptions should be filed in quadruplicate.

*Preliminary statement.* A public hearing, on the record of which the presently recommended amendments of the order are formulated, was held at Portland, Oregon, on August 4, 1953. Such hearing was held pursuant to a notice thereof which was published in the FEDERAL REGISTER (18 F. R. 4144) on July 15, 1953. That notice contained amendments to the order which had been proposed to the Secretary of Agriculture (hereinafter referred to as the "Secretary") by the Filbert Control Board, the administrative agency for operations under the order (hereinafter referred to as the "board"), with a request for a hearing thereon. The notice also contained two amendments which had been proposed by John W. Wilkens, a filbert grower located at Huber, Oregon, and also two comparatively routine amendments which had been proposed by the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture.

The material issues, presented on the record of the hearing, are as follows:

(1) The amendment of § 997.31 so as to: (a) Delete the portion relating to original members and alternate members of the board and the references in the remainder to subsequent members and alternates as their successors in office; (b) specify that the nominees and selectees for each group represented on the board must be members of the particular group; (c) add provisions precluding certain independent growers who also handle filberts from voting for, or serving as, independent grower representatives on the board; and (d) also add provisions precluding certain independent growers who are, or have been, employees of independent handlers during the fiscal year in which the election is held from serving as independent grower representatives on the board. Also, the amendment of § 997.33 so as to make corresponding changes therein, with certain exemptions therefrom in regard to current independent grower representatives on the board.

(2) The amendment of § 997.32 to provide a new title, the correction of a reference in the first sentence to § 997.31 (b), and also a new procedure for the nominations of independent grower representatives on the board, including authorization for the Secretary to change such new procedure in case it proves to be unsatisfactory.

(3) The amendment of appropriate sections of the order to authorize the exportation of unmerchantable filberts which meet specified quality and size requirements, including authorization for the subsequent modification of such requirements by the Secretary in certain circumstances, the handling of such exportations either by the board or by handlers acting as its agents under its direction and supervision, the imposition of administrative assessments on the quantities which are so exported, and appropriate inspection, certification, and labeling requirements in that regard. Also, the amendment of §§ 997.80 and 997.81 so as to make it clear that the reporting requirements contained therein will continue to apply only to merchantable filberts.

(4) The amendment of §§ 997.62 and 997.90 so as to change, from August 15 to August 20, the final date for the submission by the board to the Secretary of its estimates and recommendation with respect to the salable and surplus percentages for a fiscal year, and also its recommendation, with supporting data, as to its expenses for such fiscal year, as well as to delete certain obsolete provisions in § 997.90.

(5) The amendment of § 997.18 so as to delete that portion which identifies the first fiscal year.

(6) The amendment of § 997.60 so as to delete that portion of the first sentence after the proviso, which specifies the salable and surplus percentages for the first fiscal year, and so as to delete the word "subsequent" before the words "salable and surplus percentages" in the second sentence.

(7) The amendment of § 997.63 so as to delete the last sentence, which specifies the withholding percentage for the first fiscal year.

(8) The addition of a new section (§ 997.23) to define "part" and "subpart."

(9) The making of such other changes in the order as may be necessary to make the entire order conform with the specific amendments thereof which are herein proposed for adoption.



*Findings and conclusions.* The following findings and conclusions on the material issues are based upon the evidence adduced at the hearing and the record thereof:

(1) Section 997.31 of the order should be amended as follows: (a) The portion relating to the original members and alternate members of the board and the references in the remainder to subsequent members and alternates as their successors in office should be deleted; (b) that portion of the present second paragraph (now lettered (b)) which precedes the delineation of the six handler and grower groups which are granted representation on the board should be reworded so as to specify that the nominees and selectees for each of such groups must be members of the particular group; (c) a provision should be added which would preclude a grower who is not a member of a cooperative marketing association (i. e. an independent grower), from voting for, or serving as a representative of such independent growers if, during the fiscal year in which the election is held, he handled any filberts other than those which were produced by him; and (d) a provision should also be added which would preclude an independent grower who is, or who has been, an employee of a filbert handler during the particular fiscal year in which an election is held from serving as a representative (either as a member or as an alternate member) of independent growers on the board for the succeeding term. In line with the above conclusions, § 997.33 of the order, which relates to the qualifications for members and alternate members of the board, should be amended so as to require the automatic disqualification of any independent grower representative who, during his term of office, either serves as an employee of a filbert handler or handles filberts of other than his own production as aforesaid, except that such disqualification provisions should not apply to any existing independent grower representative during the remainder of his current term of office insofar as relates to actions which would have disqualified him if the presently proposed restrictions had been in effect at the time of his selection.

With respect to the proposed change set forth under (a) above, present § 997.31 is divided into two parts which are separate and distinct from each other. The first part (designated as paragraph (a)) relates exclusively to the original members and alternate members of the board, whose terms of office as such have long since expired. The second part (designated as paragraph (b)) relates to subsequent members and alternate members of the board, and it contains complete and adequate provisions in that connection. In these circumstances, it is obvious that the further continuance in the order of the special provisions relating to the original members and alternate members of the board would serve no useful purpose and they should, therefore, be deleted. Since the provisions relating to subsequent members and alternate members will hereafter apply to all existing and future representatives on the board, it is equally obvious that the reference to them as successors should be stricken. The latter changes would involve the deletion of the heading "Successor members" from the present paragraph (b), the elimination of the letter reference before said paragraph, and the deletion of the words "The Successors of" from the first sentence of said paragraph.

With reference to the proposed change set forth under (b) above, the present provisions leave each group free to nominate, and the Secretary free to select, any representatives which may be desired, and regardless of whether such persons are members of the particular group. However, it was stated in the Decision which preceded the issuance of the original order that: "Successors to the original members should be appointed annually by the Secretary from specified groups" (14 F. R. 5657), and this practice has been followed. The present proposal to restrict specifically the nominations and selections of representatives for each group to persons who are members of that group has been approved unanimously by the board, and it is the general practice of this Department to observe the wishes of the particular industry in connection with this aspect. Its adoption would, therefore, not only be in accordance with the practice which has been followed up to this time, but it would also insure that such practice would be followed in the future, as is desired by the filbert industry.

In regard to the proposed change set forth in (c) above, it was argued on behalf of the majority of the board that every grower who also qualifies as a handler should be precluded from voting for, or serving as, an independent grower representative. On the other hand, a member of the board supported by other members of the industry, argued that this prohibition should not apply unless such grower had, during the preceding fiscal year, handled a quantity of filberts produced by others in excess of the quantity of filberts of his own production which he had handled during that period.

The order definition of "handler" (§ 997.9) is such that any person who handles 250 pounds, or more, or filberts during any fiscal year is so classified and becomes subject to the regulation. Neither of the two proposals is intended to change the present provisions in that regard. In other words, the sole objective of each proposal is to restrict the right of an independent grower who also engages in handling operations to vote for, or serve as, an independent grower representative on the board, the difference between them being the extent of the handling operations which should be deemed sufficient to justify the imposition of the restrictions. As indicated above, the board's proposal would fix the line of demarcation at 250 pounds, whereas the other (or the Wilken's) proposal would base the determination on whether the particular grower had handled a quantity of filberts produced by others in excess of the quantity of filberts of his own production which he handled.

It was generally agreed that, of the approximately 3,000 independent growers of filberts in the production area, only 23 growers had also qualified as handlers (i. e., handled 250 pounds or more) of filberts during the preceding fiscal year, and that this is fairly representative of the situation in that regard which had existed in other years under the order operations. Of these 23 grower-handlers, 4 handled approximately 16.5 percent of the total filbert tonnage handled during the period, whereas the remaining 19 filbert handlers handled only 1.6 percent of the total filbert tonnage which was so handled, and some of the latter handled only filberts of their own production while some also handled filberts produced by others.

It was argued on behalf of the board that independent growers should be represented only by "pure" growers; that is, by growers who have no connection with filbert handling operations in excess of 250 pounds per fiscal year. This view was predicated on the basis that the fundamental philosophies of the two segments conflict with each other, in that the grower approach is to maximize the returns from their crops by obtaining the highest prices obtainable for it, whereas the handler approach is to prevent the price from reaching a point where the entire salable portion of the crop cannot be sold, thus leaving them with unduly large carry-overs. It was contended that the handling activity of a grower to such a small extent as 250 pounds of filberts during a fiscal year might influence his interest or viewpoint so that he would not reflect accurately the grower philosophy. In this connection, it was pointed out that the order provides for equal representation on the board as between independent handlers and independent growers, and it was stressed that the maintenance of this equality of balance between the two segments should not be disturbed by permitting independent growers to be represented by any person who is "handler-minded" to any degree.

It was argued on behalf of the other (or the Wilken's) proposal that the adoption of the board's proposal would amount, in effect, to the disenfranchisement of many, if not most, of the existing grower-handlers, in that they would be precluded from voting for, or serving as, independent grower representatives, and, in view of the small tonnages handled by them as compared with the tonnages handled by regular independent handlers and the fact that independent handler votes are weighted on the basis of tonnages handled, any votes which they might cast in the latter connection would necessarily have a negligible effect. It was testified, without contradiction, that during the past several years few growers have been able to derive a substantial profit from their growing operations; that this has been due primarily to the fact that production costs have approximated the sales prices; that some of the more resourceful and progressive growers have attempted to im-





original members and alternate mem-

only as many petitions as there are posi-

which is submitted, i. e., separate peti-

prove this situation by processing and marketing all, or a part, of their respective productions; and that such "disenfranchisement" of grower-handlers in this category is unfair and unjust, because such persons are still primarily growers having a grower viewpoint.

It is believed that a distinction in this connection should be made between a grower who processes and markets only filberts of his own production and a grower who also processes and markets filberts which were produced by others. It seems clear that, in the latter situation, the grower's handling actions have advanced beyond the point where he may properly be regarded as having confined such operations to those which are consistent with his operations as a grower. In other words, when he goes into the open market and buys filberts produced by others for the purpose of processing and selling them at a profit he is engaging in handling as a regular, recognized handler, and he should be treated as such. Therefore, such a person should be precluded from voting for, or serving as, an independent grower representative, but such voting and serving on his part should be from the standpoint of independent handlers.

On the other hand, a grower who processes and sells only filberts of his own production is not believed to be departing so drastically from grower operations that he should be considered as an independent handler, rather than as an independent grower. Such action in those circumstances is considered to be normal and natural in that the grower thereby enables himself to continue in business as a grower, which he might not be able to do otherwise. The nature of these situations is such that the grower-handlers who fall in this category will presumably not handle a large volume of filberts in comparison with the total volume of filberts handled, either individually or in the aggregate. Therefore, any "handler viewpoint" which may conceivably arise from such handling should be relatively minor. In any event, it is believed that this is outweighed by the fact that to refrain from granting grower-handlers who fall in this category the same voting and serving privileges as are afforded other independent growers would be unfair and inequitable under the circumstances. While a fiscal year begins on August 1, the term of office of the members and alternate members of the board begin on "the first Tuesday after the first Monday in April," and the nominations in that connection are required to be submitted to the Secretary not later than March 20th. It is, of course, desirable that the base period be that which is the most current one which is practicable for use. It is concluded that, insofar as the amendment in this regard which is hereinafter proposed to be adopted is concerned, a practicable and reasonably current base period for use would be the fiscal year in which the election is held up to the time of such election. If, at the time of such election, a grower-handler should qualify thereunder, he should be eligible to vote and to be nominated. However, if after nomination, he should handle any filberts which have been produced by another, he should thereupon become ineligible for selection.

Considerable testimony was presented at the hearing with respect to the desirability of amending the provisions in this connection so that the board may be able to ascertain with reasonable certainty which grower-handlers should vote and serve as independent growers and which should vote and serve as independent handlers. It is believed that this objective would be accomplished by the proposal which is proposed herein for adoption, in that grower-handlers who handle filberts produced by others would automatically be placed in the independent handler group. The remaining grower-handlers would presumably wish to remain in the independent grower group for voting purposes, in that their relative volume of handlings as compared with those of regular independent handlers would be so insignificant that their voting power in the latter group would be negligible.

As regards the proposed change which is set forth under (d) above, it is concluded that a grower who is employed by a handler at any time during a fiscal year in which an election is held should be precluded from serving as a representative of independent growers, because such a person may be susceptible to influence, or pressure, by the particular handler in connection with his voting in board deliberations. Such an influence could reasonably be expected to arise from the employer and employee relationship, in that the employee may consider the retention of his present, or the resumption of his former, position as being of greater importance than the privilege of exercising his free, and untrammeled, judgment in voting in the board deliberations. This possibility is enhanced by reason of the fact that balloting by the board is not secret, and how each member or alternate member acting in the place of a member votes is readily ascertainable. The possibility of the exercising of such influence or pressure should be avoided. In this connection, there are some growers who perform only part time work for handlers, and who are normally not so employed at the time the elections are held. Nevertheless, some such persons presumably would expect to obtain reemployment when their services are needed again. Thus, the prohibition should apply to them the same as to growers who are employed by handlers at the time the election is held.

It is possible, of course, that a grower may accept employment by a handler with no expectation or desire, after its termination, that he will accept such employment again. Obviously such a person should not be precluded indefinitely after the termination of such employment from serving as an independent grower representative in those circumstances. It is believed to be logical and reasonable to fix the period for determining the matter of eligibility or ineligibility in this connection as the fiscal year in which the election is held. Such period would serve to cover under the preclusion growers who serve as employees of handlers only during the peak, or busy season, and, at the same time, it would afford former employees who no longer intend to accept future employment to reacquire eligibility after a reasonable period to serve as independent grower representatives. It is possible that a grower who is nominated to serve as an independent grower representative may have met this eligibility requirement at the time of his nomination but subsequently accepts employment by a handler before his selection and qualification. In such an event, he should automatically become ineligible for selection.

The indicated proposed changes in § 997.33 of the order are desirable, except as indicated below, in order to insure that an independent grower representative will not engage in any of the prohibited actions (i. e., either handling filberts produced by others or being employed by a handler) during his term of office. This latter proposed restriction should not apply to an existing member of the board, during his present term of office, who would have been ineligible at the time of his selection if the proposed change had then been in effect. However, such exemption in that regard should be limited to the particular situation which existed at that time. For instance, if such a current member handled filberts produced by others, he should be permitted to do so for the remainder of his term of office without disqualification, but, if he was not also employed by a handler, he should not be permitted to accept such employment during his term of office, and vice versa. It is believed that such an exception would be reasonable and proper because the selection was made in those circumstances and it would not be fair or equitable to require that he now make an election between losing his official position or refraining from continuing the activity in question. But, as indicated, such prohibition should apply to any existing members in connection with whom either such situation did not exist at the time of their respective selections, as well as to all future selections, including the filling of all vacancies.

(2) Section 997.32 of the order should be amended in the following respects.

(a) The title should be changed to read "nominations for members and alternates" instead of "nominations for successor members and alternates," and the reference in the first sentence to § 997.31 (b) should be changed so as to refer to § 997.31; and (b) the present provisions, as set forth in the fourth, fifth and sixth sentences, regarding the nominations of members and alternate members of the board to represent independent growers should be replaced with provisions setting forth a new procedure designed to insure that such nominations will represent more accurately the choice of these growers, with authorization for the Secretary to substitute another procedure for the proposed new procedure in case the latter should prove to be unsatisfactory.

With respect to (a) above, it was concluded in the discussion under the issue numbered (1) that the provisions in paragraph (a) of § 997.31 respecting the



original members and alternate members of the board should be deleted because they are obsolete, and that conforming changes should be made in paragraph (b) of said section relating subsequent members and alternates so as to refer to them as members and alternates. These proposed changes also involve the elimination of the letter reference before such paragraph. The indicated changes here would be in conformity with the indicated changes in § 997.31.

With reference to (b) above, the present provisions have proven to be unsatisfactory. They are very general in nature and experience has demonstrated that they do not set forth in sufficient detail or clarity the exact procedure which is intended to be followed in making nominations of this nature. The only existing requirements are that such nominations shall be submitted after balloting pursuant to announcements by press releases through this Department to the principal newspapers in the filbert producing areas in Washington and Oregon; that these releases provide pertinent information, including the names of the then incumbents of the positions and where ballots may be obtained; and that the ballots contain "full instructions as to their marking and mailing."

Since independent growers are unorganized and are scattered over the production area, it has not been practicable to hold assembled meetings of them for the purpose of selecting candidates and electing nominees. The holding of these meetings would also have entailed the expenditure of considerable sums of money. In any event, the present provisions do not require the holding of such meetings, but, instead, obviously contemplate mail balloting, and the only express provisions for the listing of candidates are that the names of the then existing incumbents shall be publicized. In an effort to "widen the field" for voting purposes, the board, in connection with the last such election, obtained the names of other potential candidates from county agents and independent handlers and added those names to the ballots. While the latest procedure represented an improvement over the previous practice of publicizing only the names of the then incumbents of the positions as candidates, it was still unsatisfactory because the other prospective candidates were not named by the independent growers themselves. It was testified that only about 7.5 percent of the eligible independent growers voted in the last nomination election, indicating that even the modified procedure referred to above was not sufficient to arouse their interest to a considerable degree.

In an effort to correct the present undesirable situation, the board proposed and argued at the hearing that the following substitute provisions should be incorporated in the order: (i) Names of the candidates to accompany the ballots shall be submitted to the board prior to February 10 of each fiscal year on petitions signed by not less than 10 independent growers of whom it has a record; (ii) each such grower may sign only as many petitions as there are positions to be filled; (iii) ballots accompanied by the lists of candidates so submitted, together with instructions as to voting, shall be mailed to all independent growers of whom the board has a record; (iv) the qualified person receiving the highest number of votes for the position for which his name was placed on the ballots shall be nominated, except that, in case of a tie vote, the decision as to the nominee shall be made by lot; and (v) if the Secretary determines later that this new method is not satisfactory to independent growers, or it is too difficult or costly to administer, or it does not result in a sufficient number of qualified candidates, or it needs to be changed for other reasons, he is authorized to put another method in effect on the basis of the board's recommendation or other pertinent available information.

It is concluded that the proposed new procedure, as outlined in the preceding paragraph, should be adopted in lieu of the existing procedure, except that the proposed procedure for deciding by lot as to the nominee in case of a tie vote is not recommended. The justification given for each of the other aspects of the proposed new procedure enumerated in the second preceding paragraph and the conclusions which have been reached in those connections are set forth, in sequence, below:

(i) The petition method of obtaining the naming of candidates by independent growers is desirable because the other potential method of doing so through assembled meeting is neither practicable nor economical. The requiring of at least ten independent growers to sign each petition should be imposed because: It should promote greater interest and participation among them in the balloting for the several nominees; it represents a reasonable balance between making the naming of candidates unduly easy and unduly difficult; it should result generally in the naming of candidates of higher standing in the industry; the plan has been used in other comparable situations and has been found to operate satisfactorily; and last, but not least, it would insure the naming of such of the candidates by an appreciable number of the independent growers themselves, thus indicating a substantial interest in such candidate as a potential representative. The signers of the petition should be of record with the board as being independent growers in order that it may be in a position to determine whether they belong to that group. It was testified that the board will continue to keep current and accurate records of independent growers by checking with independent handlers each fiscal year in respect to the names of growers from whom they have received filberts. The fixing of February 10 as the time limit for the filing of the petitions is necessary to enable the board to hold the nomination election and submit the list of nominees to the Secretary by the required time of March 20.

(ii) It is contemplated that separate petitions will be submitted in connection with each independent grower position which is submitted, i. e., separate petitions for each independent grower member position and separate petitions for each independent grower alternate member position. This is obviously necessary to delineate the candidates for each such position for balloting purposes. Likewise, each independent grower should be permitted to sign only as many petitions as there are positions to be filled. Stated differently, such a grower should be permitted to sign only one petition in connection with each of the positions which are to be filled for his group. Otherwise, a relatively small number of aggressive independent growers could, by signing petitions for various candidates for each position, dominate that aspect, or, at least, affect the matter disproportionate to their relative numerical importance.

(iii) It has been the practice up to this time for the board to mail to each independent grower of whom it has a record a ballot, accompanied by a list of the candidates for the several positions which are to be filled, along with appropriate instructions as to voting. This practice has been found to be satisfactory, and should be continued in effect. The new method contemplates, of course, that such candidates will be named by the independent growers themselves, rather than by other persons.

(iv) It has also been the practice up to this time to consider the candidate receiving the largest number of votes for each position as being the nominee for that position. Such practice should also be continued in effect, as it recognizes and enforces the wishes of the majority. It was argued that, in case of a tie vote in connection with the position to be filled, the nominee for that position should be determined by lot. No provision of this kind is included in the order in respect to other board positions, and it is not believed necessary to provide in the order a method of selecting the nominee for an independent grower position in case of a tie vote. In case of a tie, the names of the tied candidates should be submitted. In such event, the Secretary would select one of the tied candidates or some other qualified person.

(v) The basic objective of the provisions in question here is that they result in the representation of independent growers on the board by persons who are the best qualified obtainable and whom the majority of the independent growers desire to represent them. While it is believed that the proposed new procedure should accomplish these desirable results to a reasonably satisfactory degree, there can be no assurance that this will be the case in the absence of operations under them for a reasonable period of time. If the proposed new procedure should be adopted and experience should demonstrate that it is unsuitable for the purposes such as by being unsatisfactory to the independent growers, or too difficult or costly to administer, or it does not result in a sufficient number of qualified candidates, or for other valid reasons, the Secretary should be permitted to put another procedure in effect without hav-

ing to undergo the considerable expense and effort which would be entailed in connection with a formal amendment of the order. It could happen that such a change of method would be desirable in a situation where amendments of other provisions of the order would not be needed.

In addition, any rules and regulations in that regard will need to be issued pursuant to the provisions of section 4 of the Administrative Procedure Act, which contemplates the giving of prior public notice of the proposed rule making action, the affording to the public, and particularly to the members of the filbert industry, of an opportunity to participate in the rule making action through the submission of written data, views, and comment, and requires the consideration of such written data, views, and comment in connection with the issuance of the final regulation. In addition, careful consideration would be given to the views and recommendations of the board on the matter. Thus, the filbert industry will have an important voice in determining any substitute procedure in that regard which may be prescribed later.

The only additional expense which the adoption of the presently proposed method would entail would apparently be the cost of the petition forms, which it was estimated would be minor. This extra cost would presumably be more than offset by the fact that newspaper advertisements in connection with the balloting would no longer be needed. These advertisements have cost appreciable sums of money in the past.

It is required, in § 997.36 of the order, that a successor to fill any vacancy in a member or alternate member position on the board for the unexpired portion of the particular term shall "be selected in the manner provided in § 997.32, so far as applicable, within 30 days after such vacancy occurs." It was testified on behalf of the board that it should be practicable under the proposed new method to determine and submit to the Secretary the name of a nominee to fill such a vacancy in time to permit the selection of the successor within the 30-day time limit.

(3) The permissible methods for the regulation of fruits and vegetables (in which filberts are included by express reference) are set forth in section 8c (6) of the act. The basic objective of these methods (as indicated by the provisions of that section in conjunction with the provisions of section 2) is to cause an increase in the prices which are received by the producers of the particular commodity to as near the parity level as is reasonably practicable, consistent with the protection of the interests of consumers, by limiting the quantity which is available for sale in the normal market channels to a quantity which is no more than reasonably sufficient to meet such estimated demand. The remainder, or surplus, is left for disposition in channels which are not considered to be competitive with the normal market outlets. These permissible methods are of two general kinds, namely: (a) A separation of the production by prescribing the meeting of specified minimum grade, size, or quality standards for the portion permitted to be sold in the normal market channels; and (b) a separation of the production by specifying so-called salable and surplus percentages for application against it. However, the act permits the use of a combination of the two methods in the same program, and, as is indicated below, the order provides for the regulation of filberts along that line.

The method of separation referred to under (a) above is effectuated by the provisions of §§ 997.50 and 997.53 of the order. By the terms of § 997.50, the handling of unshelled filberts, except as is provided in § 997.53, is prohibited unless and until they have been inspected and certified as meeting certain prescribed minimum standards of grade and quality. Those which are found to meet those minimum standards as a result of inspection by the official inspection agency are thereafter identified and referred to as "merchantable filberts" and are certified as such. The remainder are known and referred to as "unmerchantable filberts." The latter may be disposed of as shelled filberts, one of the two recognized surplus disposition outlets under the order, and the provisions of § 997.53 permit the disposition of unshelled unmerchantable filberts to any sheller for shelling. Assurance against the disposition of unmerchantable filberts in unshelled form (other than to a sheller for shelling) under the existing regulation is provided for through the requirement that all dispositions of unshelled filberts be preceded by inspections, certifications, and appropriate marking of the containers (see § 997.51), showing that they meet the indicated minimum standards. Thus, although, these unmerchantable filberts are not included in the surplus pool, they are, nevertheless, surplus filberts from the standpoint of the order operations. That this is the case was expressly recognized in the decision (14 F. R. 5659) which preceded the original issuance of the order.

The further method of separation, i. e., the one referred to under (b) above, is effectuated by the provisions of §§ 997.60 to 997.73, both inclusive, of the order. This method operates against the merchantable filberts after the first separation has taken place (and the merchantable filberts have been thus identified) by way of the fixing and application against them of so-called salable and surplus percentages. Those percentages are fixed on the basis of a consideration of the estimated total available supply of merchantable filberts for the particular fiscal year in relation to the estimated market demand for merchantable unshelled filberts for that year. That is to say, the salable percentage is designed to make available for the sale in such normal market outlets only that quantity which is considered to be reasonably necessary for that purpose. The balance, or the surplus portion, of the merchantable filbert supply, is required to be held by handlers for the account of the board and for disposition into outlets which are not considered to be competitive with the normal market outlets for unshelled merchantable filberts. These recognized surplus outlets are for shelling and for export.

Filberts which are disposed of in shelled form have traditionally brought appreciably lower prices than filberts which are disposed of in the unshelled form. It was set forth in the notice of hearing and argued at the hearing that the existing provisions should be expanded to the extent of permitting certain of the larger sizes of unmerchantable filberts of the better quality to be exported because such action should result in increasing the overall returns to the producers. In other words, that such portion should be authorized to be disposed of in the other recognized surplus disposition outlet. It is concluded that such a modification of the order should be adopted as set forth below.

By terms of § 997.50 of the order, unshelled filberts, to qualify as merchantable filberts, must (a) be at least "U. S. No. 1 Medium," as then, and now, defined in the United States Standards for filberts in the shell (see 13 F. A. 4623), except that the portion of the tolerance provision in the U. S. No. 1 grade for grade requirements, other than for type and size, reading "not more than five percent shall be allowed for blanks" are inapplicable, and (b) as to minimum standards of quality, be at least U. S. No. 1 grade as defined in the said standards, "with the aforesaid modified tolerance as to blanks." Those minimum standards for merchantability as unshelled filberts were prescribed from the standpoint that unshelled filberts were being sold primarily to the domestic trade, and experience had demonstrated that filberts of a lower grade and quality and of a smaller size were not acceptable to that trade, and, therefore, should not be sold to that trade at any time. On the other hand, it was recognized that filberts which fail to meet these minimum standards generally have some food value, which should be conserved and made available to the public, and that this could be done appropriately by permitting the sale of them in shelled form. (See the aforementioned decision, 14 F. R. 5659.)

The official records of the board show the following productions of unmerchantable or small size filberts: of the 1950–51 crop, 299,341 pounds, or 2.2 percent of the entire production; of the 1951–52 crop, 370,055 pounds, or 2.6 percent of the entire production; and, of the 1952–53 crop (based on the figures available on January 1, 1953), 1,775,527 pounds, or 8.1 percent of the entire production. The percentage of a crop consisting of unmerchantable or small size filberts varies from year to year, and results primarily from the kind of growing conditions which were in effect. In any event, there is a considerable quantity produced each year, and an appreciable poundage presumably would qualify for exportation under the proposal.

The bulk of export sales which have been made up to this time have been to Cuba and Canada, but those sales have consisted of the better, or merchantable, filberts. In this connection, the present order provides (in the definition of "trade demand" in § 997.21) for the consideration of prospective sales for the salable portion of the merchantable supply to Cuba and Canada "whenever the board is of the opinion that such distribution may be made to the particular country at prices to handlers approximating such prices on distribution in the Continental United States." In any event, consumer acceptance requirements for those two countries seems to approximate that of the United States.

However, such a situation does not appear to be the case with respect to other foreign countries. For instance, filberts produced in Turkey of smaller sizes than those now permitted to be sold in export under the order find a fairly ready sale in unshelled form in England and certain of the countries on the Continent of Europe. Past experience has demonstrated that it is not practicable to make sales of the larger sized, or merchantable, filberts in those countries last referred to, apparently because the economic situations in them are such that the potential buyers are financially unable to pay the prices which must be charged for them. Thus, such export sales should not interfere with the presently established export outlets for unshelled filberts of merchantable quality, but should be new business which could not be obtained otherwise.

During the last fiscal year (1952–53), the shelling of small size filberts by the cooperative marketing association resulted in a gross return of 13½ cents per pound, whereas medium size filberts were sold in so-called "off-shore export markets" at as low as 18 cents per pound, f. o. b. "Portland." This situation was not unique insofar as previous fiscal years are concerned. This margin of difference in the prices for the two outlets is considerable, and leaves room for an appreciable reduction in the export price and still affords a greater return to handlers, and through them to the producers, than could be derived from the disposition of small size filberts as shelled filberts. While no testimony was presented as to the prices for which small size filberts of Turkish production are being sold in unshelled form in England and European countries, the aforementioned margin indicates the probability that small size filberts of American production could be sold in those foreign outlets on a competitive basis.

The minimum size requirements (i. e., those in connection with U. S. No. 1, Medium) for merchantable filberts, as prescribed in the aforesaid United States Standards for filberts in the shell, are as follows: For round type varieties, those which will not pass through a round opening $^{13}/_{64}$ of an inch in diameter, but will pass through a round opening $^{15}/_{64}$ of an inch in diameter; and, for long type varieties, those which will not pass through a round opening $^{14}/_{64}$ of an inch in diameter, but will pass through a round opening $^{15}/_{64}$ of an inch in diameter. However, those standards also provide for the following size tolerances: "Twelve percent, by count, for filberts which fail to meet the size requirements for the size specified, but not more than five-sixths of this amount, or 10 percent, shall be allowed for filberts which pass through the smallest opening required for the size specified."

It was argued at the hearing that the same grade and quality requirements as are now required in connection with merchantable filberts should also be prescribed with respect to these small size filberts which are to be permitted to be exported, except that the size requirements should be smaller. The proposed size requirements for such small size filberts are as follows: For round type filberts, those which will not pass through a round opening $^{10}/_{64}$ of an inch in diameter but will pass through a round opening $^{11}/_{64}$ of an inch in diameter; and, for long type filberts, those which will not pass through a round opening $^{11}/_{64}$ of an inch in diameter but will pass through a round opening $^{12}/_{64}$ of an inch in diameter. The higher figure with respect to each type corresponds with the size requirement for that type which is set forth in the United States Standards for filberts in the shell for the small size of filberts. Thus, the proposal would authorize the exportation of that portion of the unmerchantable filberts which are also of merchantable quality, except for size, and the maximum differences in the minimum size requirements are only $^{2}/_{64}$ of an inch in diameter in connection with the round type and only $^{3}/_{64}$ of an inch in diameter in connection with the long type. In other words, such exportation of small size filberts will be limited to the best quality small size, or unmerchantable, filberts, in that they will have to meet the minimum requirements for merchantable filberts, other than for the indicated decrease in size. The adoption of this proposal will presumably leave an appreciable quantity of small size filberts which will not qualify for exportation, and which will have to be shelled the same as in the past.

It was testified without contradiction that any small size filberts of smaller than the respective minimum sizes proposed for exportation would not give consumer satisfaction in the countries to which it is expected that they will be exported because those filberts which are smaller than those sizes are generally irregular in shape, they often have blighted tips, the kernels may be malformed, and they do not ordinarily present a good appearance. Therefore, the exportation of sizes smaller than the minimum sizes indicated above should not be permitted, regardless of whether the estimated season average price for filberts for the particular fiscal year is above or below the parity level.

The indicated changes set forth above should properly be incorporated in the order by amending § 997.50, relating to pack specifications and minimum standards, so as to include them therein. The nature of the situation is such that the section should be broken down into paragraphs which will cover merchantable filberts and small size filberts for export separately where that action is reasonably necessary and appropriate. As indicated below, the putting of this proposal into effect will entail the addition, further along in the order, of a new section (to be numbered 997.76) to cover the details of the exportation of these small size filberts generally similar to the details in that connection which are now set forth in § 997.74 with respect to the exportation of merchantable surplus filberts. Reference to this new section should, therefore, be incorporated in the first sentence of amended § 997.50 along with the present reference to § 993.53.

The present provisions in § 997.50 authorize the modification of the pack specifications and minimum standards for merchantable filberts "at any time it appears that such action would tend to effectuate the declared policy of the act." This authorization for modification should be expanded to cover the small size filberts which are permitted to be exported for the same reasons it was provided for in the case of merchantable filberts. In fact, it may be even more probable that the presently proposed standards in connection with small size filberts for export will need to be modified, in that the outlet will be a new one, and the exact standards which are needed to serve the purpose will have to be determined later in the light of operational experience. If it develops that changes should be made, such action should be taken promptly and without having to do so through formal amendment proceedings. As is now the case in regard to merchantable filberts, any such changes should be made by the Secretary after due consideration of the board's recommendations and other available pertinent data.

To insure that the pack specifications and minimum standards with respect to merchantable filberts are observed by handlers, provisions for the inspection by the official inspection agency for each such lot handled or to be handled by each handler, the certification of each such lot, as to the meeting of such specifications and standards, the inclusion of certain other specified pertinent information in the certificate, and the fixing of appropriate seals, stamps, or tags to the containers are now contained in § 997.51 of the order. In case the pending proposal to permit the exportation of the indicated small size filberts is adopted, the provisions of § 997.51 should be modified to make these requirements apply also to such small size filberts. The need for this action is believed to be too obvious to require any discussion.

The detailed mechanism for the physical disposition of merchantable surplus filberts in export is now contained in § 997.74 of the order. Briefly, this mechanism is as follows: such exports may be made only by the board; any handler desiring to make such exportation shall deliver to the board the surplus to be exported, but the board shall be obligated to sell in export only those quantities for which it may be able to find satisfactory export outlets; any surplus which the board is unable to export shall be returned to the handler delivering it; such export sales shall be made only on execution of an agreement to prevent reimpor-

tation into the United States, and, in case of export to Canada or Mexico, the filberts may be sold only on the basis of a delivered price, duty paid; a handler may be permitted to act as an agent of the board, upon such terms and conditions as the board may specify, in negotiating export sales, and, when he so acts, he shall be entitled to receive a selling commission of five percent of the export sales price, f. o. b. area of production; and the proceeds of all export sales, after deducting all expenses actually and necessarily incurred, shall be paid to the handler whose merchantable surplus filberts are exported.

This mechanism was evolved after careful and thorough consideration at the promulgation hearing which preceded the issuance of the present order, and the several steps, together with the respective reasons therefor, were set forth (see 14 F. R. 5664) in the decision in that connection. These steps are obviously appropriate and necessary to enable the board to exercise the supervision and control adequate to insure against the prohibited disposition of the merchantable surplus into normal market outlets. It was contemplated that such dispositions in export would normally be made through certain of the handlers as agents, particularly those handlers who have business connections in foreign countries through whom they are able to negotiate sales of filberts in those countries. In cases where they sell their own merchantable surplus in export, they are entitled to receive the net proceeds therefrom, after the deduction of all actual and necessary expenses. In any case where a handler sells in export the merchantable surplus of another handler, the selling handler receives only the established commission of five percent of the export sales price, f. o. b. area of production, and the handler for whom the export was made receives the net proceeds remaining after the payment of actual and necessary expenses, including the specified sale commission.

The same mechanism should be provided for the physical disposition of the small size filberts in export, in that the circumstances surrounding the exportations of the two categories are generally similar, and obviously require the same safeguards to prevent their wrongful dispositions in normal market outlets. In fact, the only substantial difference is that, under the pending proposal, it will be permissible to export filberts of a smaller size than has been permitted up to this time. This difference has no significance in the present connection. It should be borne in mind that the possibility of this wrongful disposition in normal market channels will have been enhanced by reason of the fact that they will have been inspected and certified as meeting the specifications and standards prescribed in that connection. While these are lower than those which are prescribed for merchantable filberts, the certification aspect alone should make this wrongful disposition more feasible. While the provisions in this connection on the two categories should be similar, they should, in the interests of clarity, be set forth in separate sections. This may be done appropriately by retaining unchanged the present section (§ 997.74) relating to the disposition of merchantable surplus filberts in export and by adding a new section (997.76) to prescribe similar requirements with respect to the disposition of the small size surplus in export.

It is apparently contemplated by the board that, in the event, the pending proposal to permit the exportation of the small size filberts is adopted, it will include in the terms and conditions of its agency agreements with handlers specifications as to the minimum and maximum prices for which they may sell such filberts in export. This action is necessary and proper in connection with the export disposition of surplus, in that it enables the board on the one hand to prevent the making of the sales at such a low price as to make profitable the reimportation and wrongful disposition of it in normal market channels, and on the other hand to prevent the making of such sales at such a high price as to interfere unduly with the selling by handlers of their merchantable salable filberts. Except as may be exempted by law, contracts and combinations to fix prices are prohibited by the so-called antitrust laws. Such an exemption is provided for in section 8b of the act insofar as authorized and legally permissible operations under marketing agreements and orders are concerned. However, the fixing of prices under programs of this nature is restricted to the surplus portions. Certain questions which were asked at the hearing seemed to imply that these small size filberts from the unmerchantable portion were not actually a part of the surplus, but that they were being designated as such in order to bring the contemplated price fixing actions within the ambit of the exemption. This is not the case. Such action in those circumstances would constitute an obvious attempt to accomplish indirectly a result which could not legally be accomplished directly, and it would not be approved. As has been demonstrated above, unmerchantable filberts constitute a part of the surplus, and they have been consistently so recognized since the order was put into effect. So long as their disposition is confined to the shelled form, the circumstances are such that there is no need to refer specifically to them in the order as surplus filberts, inasmuch as their lack of certification insures that they will not be disposed of in normal market channels. This lack also relieves the board of the obligation to supervise such dispositions as closely as is necessary in the case of merchantable surplus, and, thus, provisions in that regard have not been necessary. However, for reasons which have been set forth above, the adoption of the present proposal will require the certification and close supervision of the small size filberts which are exported, the same as for merchantable surplus filberts which are exported, and they will need to be covered under the order similar to merchantable surplus filberts insofar as exportation is concerned.

There was also considerable discussion at the hearing to the general effect that the same size tolerances which apply to merchantable filberts should also be made applicable to the small size filberts which are permitted to be exported, and that, if the proposed amended order language in the latter connection does not make this clear, it should be revised so as to do so. The size tolerances in question are contained in the aforementioned United States Standards for filberts in the shell, and the provisions in that connection are quoted above. They are expressly made applicable to each of the four recognized size groups of filberts, namely, jumbo, large, medium, and small. The first three size groups (i. e., jumbo, large, and medium) come within the merchantable category if they are also of the U. S. No. 1 grade. The application of such tolerances to merchantable filberts arises from the fact that those size groups are included "as now defined in United States Standards for filberts in the shell." As stated heretofore, the small size filberts whose exportation is proposed to be permitted fall in the upper ranges of the small size category as defined in those standards and it is believed to be reasonable and proper to apply the same size tolerances to them in the present connection. In order to insure that this will be done, it is concluded that provisions for the application of such size tolerances in the latter connection should be included after the descriptions of the applicable minimum and maximum size ranges in proposed § 997.50 (c) in the form of a proviso.

It was also proposed and argued at the hearing that § 997.91 of the order, relating to assessments, should be amended so as to impose such assessments also against the small size filberts which are exported. At the present time, the provisions require the imposition of assessments against each handler "for each pound of merchantable filberts certified for him, including those certified for handling and also those certified for surplus." It was stated that the proposed new procedure in connection with the supervision and control by the board in connection with the exportation of the small size filberts should entail the incurring of the same operational expense as is incurred in connection with its supervision and control of merchantable filberts. Therefore, these small size filberts should bear their proportionate part of the administrative expenses. It seems clear that the adoption of the pending proposal to permit the exportation of small size filberts will increase the costs of operation beyond that which the operation of this program would cost without it. The act requires, in section 10 (b) (2) (ii), that each handler shall pay to the administrative agency his pro rata share of the costs of the operation of a program of this nature. Of course such a proration of the costs as between the several handlers should be fair and equitable. It is concluded that the imposition of the assessment against the small size filberts which are exported would be in line with those requirements in that they would be paid, in each instance, by the handler who benefitted therefrom. For instance, if a handler should export his own small size filberts, such assessment would be paid from the proceeds, and this would reduce his net returns to that extent. But, if a handler should export the small size filberts of another handler, the payment from the proceeds to cover assessments would be regarded as a part of the actual and necessary expenses of the sale, and would reduce, to that extent, the net proceeds from the sale which are payable to the handler for whom the export was made. Thus, fair and equitable proration of costs would be achieved, in that each handler would pay in proportion to the relative costs to the board for the supervision and control by it over his dealings. In this connection, the cost of supervision of the disposition of unmerchantable filberts as shelled filberts is comparatively negligible, and the present practice of not collecting assessments on such filberts should be continued in effect.

The adoption of the present proposal will involve certain other relatively minor and obviously appropriate conforming changes in the order. These changes are as follows: (a) The deletion of the center heading reading "Surplus Control" immediately preceding § 997.60 and the substitution of a center heading reading "Merchantable Surplus Control;" (b) the amendment of the first sentence of § 997.64 by inserting the word "merchantable" between the words "handle" and "unshelled;" (c) the amendment of §§ 997.60 to 997.75, both inclusive, and of §§ 997.80 and 997.81 so as to insert the word "merchantable" before the word "surplus" wherever the latter word is not now preceded by the word "merchantable;" and (d) the addition of a new center heading, reading "Control of Small Size Filberts For Export," between present § 997.75 and proposed new § 997.76.

So-called conforming changes similar to those set forth in (c) above (i. e., inserting "merchantable" before "surplus" where such is not now the case) were also set forth in the notice of hearing and argued at the hearing with respect to §§ 997.83 and 997.91. However, these latter proposals should not be adopted in their entirety.

Section 997.83 relates to the verification of reports, and it was argued that this would be confined to the specified reports on merchantable filberts which handlers are required to file with the board by the provisions of §§ 997.80 and 997.81 and also that it was not the present intention of the board to require the filing of any reports with respect to the small size filberts which are exported. Except to the extent indicated below, it is concluded that this proposal with respect to § 997.83 should not be adopted. This § 997.83 is the one which authorizes the board, through its representatives, to enter the premises of handlers and to inspect all of their filberts and business records and requires the handlers to cooperate in those connections. It is clearly necessary that the board have this authority in regard to small size filberts which are exported in order that it may assure itself that they are actually exported and also that they are not subsequently reimported and wrongfully placed in normal market channels. Further, certain of the documents which will need to be submitted to the board pursuant to the provisions of new § 997.76 may partake of the nature of reports, and, in any event, the board should be able to make appropriate verifications as to their accuracy when that seems to be desirable. Also, in addition to the specific reports on merchantable filberts which are required under §§ 997.80 and 997.81, the board is authorized (in § 997.82) to require the filing of any other reports it may deem necessary to enable it "to perform its duties and to exercise its powers hereunder." It is considered that this general reporting requirement authority contained in § 997.82 will apply to the small size surplus which is exported in case a need for reports in that connection should arise later. The one exception to the foregoing is the last sentence of § 997.83, which requires the separate storage of surplus filberts. It is obvious that this requirement should not be applicable with respect to the small size filberts which are exported, and the word "merchantable" shou'd be inserted before the word "surplus" in that sentence.

In regard to § 997.91, relating to assessments, it was apparently overlooked that another amendment which was proposed at the hearing and which is recommended above for adoption, would amend that section so as to provide for the imposition of assessments against small size filberts which are exported, as well as against all merchantable filberts. The present aspect is being taken care of in connection with such other amendment.

In conclusion, some apprehension was expressed at the hearing with respect to the possibility that the reference in the amended order to the small size filberts which are permitted to be exported as surplus may serve to imply that they will be eligible for use in satisfying handlers' surplus withholding obligations with respect to their merchantable filberts, and also possibly that the present definite distinction between merchantable filberts and unmerchantable filberts will be obscured. It was testified that these results would be undesirable and should not be allowed to occur. In order to remove any doubt in that regard, it is not contemplated or intended that the adoption of the proposal to permit the exportation of the small size filberts will make any change in the effect of the existing provisions with respect to merchantable filberts, and particularly with respect to surplus merchantable filberts. Special care has been taken in redrafting the order, as proposed to be amended, to make it clear that this will be the case.

(4) Section 997.62 of the order should be amended so as to extend, from August 15 to August 20, the final date by which the board is required to submit to the Secretary its estimates and recommendation in connection with the fixing of the salable and surplus percentages on merchantable filberts for a fiscal year. Further, § 997.90 of the order should likewise be amended so as to make the same extension of the final date by which the board is required to submit to the Secretary its recommendation, together with all supporting data, as to its expenses for the fiscal year, and also the proviso at the end of the second sentence, relating to the time of such submission for the first fiscal year, should be deleted.

With respect to the recommended amendment of § 997.62, the Department's August estimate of filbert production, which is essential to the board in formulating its estimates and in determining its recommendation as to the salable and surplus percentages for a fiscal year, is ordinarily released to the public on August 10. It could happen, however, that it would not be released until a day or more later. In any event, the release of the estimate on August 10 would provide a maximum period of only five days in which the board manager must analyze the information and prepare on the basis thereof the necessary statistical tables, furnish such information and tables to the individual members of the board, and for such members to study and relate the data to the filbert situation and determine the estimates and recommendation which should be submitted to the Secretary. Also, there is for consideration the fact that the board members are scattered over the area and some time should be allowed for the transmittal of the information and tables to them for consideration prior to their attendance at the particular meeting, which now may be held not later than August 15. In these circumstances, the granting of ten, instead of five, days for the purpose is believed to be fair and proper. It was testified that filberts normally begin moving to market during the early part of October, but, in some years, the movement begins during the last week in September. It should be practicable to fix the percentages in time to cover all such movements in case the proposed extension of time is granted.

With reference to the recommended amendment of § 997.90 to provide a similar extension of time for the submission of the proposed budget of expenses, and the supporting data, the board ordinarily considers that matter at the same meeting at which it considers the salable and surplus percentages for merchantable filberts. In fact, if it did not do so, an extra, and unnecessary, meeting would need to be held. Also, there is entailed in connection with the determination of the budget a consideration of the expense of the particular regulation which is contemplated and the necessity for insuring that the rate of assessment as applied to the estimated quantity of merchantable filberts will provide sufficient money to meet expenses of operation. Thus, the two matters should be considered at the same time. The proviso at the end of the second sentence of that section should be deleted because it is now obviously obsolete.

(5) Section 997.18 of the order contains a definition of the term "fiscal year" and delineates such period as being the 12 months from August 1 to the following July 31, both inclusive, "except that the fiscal year ending July 31, 1950, shall begin on the effective date of this subpart (October 1, 1949)." Since the quoted portion is now obsolete, in that







(e) The seventh member and his alter-

individual growers shall be given equal

the period in question expired several years ago, it should be deleted.

(6) The proviso at the end of the first sentence of § 997.60 should be deleted because it is now obsolete. Such proviso fixed the salable and surplus percentages on merchantable filberts for the first fiscal year of the order operations at 75 percent and 25 percent, respectively. Also, the word "subsequent" before the words "salable and surplus percentages" in the second sentence should be deleted because its inclusion in that connection is no longer necessary or desirable. The deletion of such word would be in conformity with the deletion of the proviso at the end of the first sentence.

(7) The last sentence of § 997.63 should be deleted because it is now obsolete. Such sentence specified the withholding percentage for the first fiscal year of the order operations.

(8) The order should be amended so as to add a new section (designated as § 997.23) to define "part" and "subpart." The term "part" should mean the order regulating the handling of filberts grown in Oregon and Washington, and all rules, regulations, and supplementary orders issued thereunder, and the order regulating the handling of filberts grown in Oregon and Washington should be a "subpart" of such part. The use of such terms having those meanings would be in accordance with the requirements of the Federal Register Division for orders of this nature.

(9) It was testified, in effect, at the hearing that changes should also be made in provisions of the order not directly involved in connection with specific amendments of it which may result from this proceeding, but which are necessary to make such other provisions conform with any such specific amendments which are so adopted. Any such changes should, of course, be limited strictly to those which are obviously necessary and appropriate, and, other than to that extent, such changes should not affect the present meaning of such provisions. It does not appear necessary to make any such conforming changes of significance.

*Proposed findings and conclusions.* At the conclusion of the hearing, the Presiding Officer fixed a period of time in which briefs from interested parties with respect to the testimony presented in evidence at the hearing and the conclusions to be drawn therefrom must be received by the Hearing Clerk of this Department. Such period expired some time ago, and no such briefs have been received.

*General findings.* (a) The findings hereinafter set forth are supplementary and in addition to the findings and determinations (14 F. R. 5667 and 5694) which were made in connection with the original issuance of this marketing agreement and order, and all of such previous findings and determinations, other than the finding as to the base period for the parity computation, are hereby ratified and confirmed, except insofar as such previous findings and determinations may be in conflict with the findings set forth herein.

(b) The marketing agreement and order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(c) The marketing agreement and order, as hereby proposed to be amended, will be applicable only to persons in the respective classes of commercial and industrial activities specified, or necessarily included, in the proposals upon which the amendment hearing was held.

(d) There are no differences in the production and marketing of filberts in the production area covered by this marketing agreement and order, as hereby proposed to be amended, which make necessary different terms or provisions applicable to different parts of such area.

*Recommended amendment of the marketing agreement and order.* The following proposed amendment of the marketing agreement and order [1] is recommended as the detailed means by which the aforesaid conclusions may be carried out:

DEFINITIONS

§ 997.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties of the Secretary of Agriculture of the United States.

§ 997.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 63 Stat. 282).

§ 997.3 *Person.* "Persons" means an individual, partnership, corporation, association, or any other business unit.

§ 997.4 *Filberts.* "Filberts" means filberts or hazelnuts produced in the States of Oregon and Washington from trees of the genus Corylus.

§ 997.5 *Unshelled filberts.* "Unshelled filberts" means filberts the kernels of which are contained in the shell.

§ 997.6 *Merchantable filberts.* "Merchantable filberts" means all unshelled filberts meeting the pack specifications and minimum standards of quality prescribed pursuant to § 997.50 (b), or as such specifications and standards may be modified pursuant to § 997.50 (d).

§ 997.7 *Area of production.* "Area of production" means the States of Oregon and Washington.

§ 997.8 *Grower.* "Grower" is synonymous with "producer" and means any person engaged in a proprietary capacity, in the commercial production of filberts.

§ 997.9 *Handler.* "Handler" means any packer or distributor of unshelled filberts handling not less than 250 pounds of filberts during any fiscal year.

§ 997.10 *Packer.* "Packer" means any person who packs and handles unshelled filberts.

§ 997.11 *Distributor.* "Distributor" means any person other than a packer who handles unshelled filberts which have not been subjected, in the hands of a previous holder, to compliance with the surplus-control provisions hereinafter contained.

§ 997.12 *Cooperative handler.* "Cooperative handler" means any handler which is a cooperative marketing association regardless of where or under what laws it may be organized.

§ 997.13 *Sheller.* "Sheller" means any person engaged in the business of shelling filberts for any commercial purpose.

§ 997.14 *Pack.* "Pack" means a specific commercial classification according to size, internal quality, and external appearance and condition of filberts packed in accordance with any of the pack specifications prescribed pursuant to § 997.50.

§ 997.15 *To pack.* "To pack" means to bleach, clean, grade, or otherwise prepare filberts for market as unshelled filberts in any manner whatsoever.

§ 997.16 *To handle.* "To handle" means to sell, consign, transport or ship (except as a common carrier of filberts owned by another person), or in any other way to put into the channels of trade, either within the area of production or from such area to points outside thereof: *Provided*, That such sales or deliveries by growers to a packer for packing or a sheller for shelling or to a distributor within the production area, shall not be considered as handling.

§ 997.17 *Federal-State Inspecion Service.* "Federal-State Inspection Service" means that inspection service on filberts which is performed within the States of Oregon and Washington by the United States Department of Agriculture or by said Department under a cooperative arrangement with either of such States pursuant to authority contained in any act of Congress.

§ 997.18 *Fiscal year.* "Fiscal year" means the 12 months from August 1 to the following July 31, both inclusive.

§ 997.19 *Handler carryover.* "Handler carryover" as of any given date means all merchantable filberts (except merchantable filberts held as surplus) wherever located, then held by handlers or for their accounts (whether or not sold) including the estimated quantity of merchantable filberts in unbreaded lots then held by handlers and intended for packing as merchantable filberts.

§ 997.20 *Trade carryover.* "Trade carryover" means all merchantable filberts theretofore delivered by handlers and then remaining in the possession or control of the wholesale or chain store or supermarket trade, exclusive of filberts in retail outlets, as of any given date.

§ 997.21 *Trade demand.* "Trade demand" means the quantity of merchantable filberts which the wholesale, chain store and supermarket trade will acquire from all handlers during a fiscal year for distribution in the Continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone; except that there may also be considered in the making of such computation such acquirements for distribution in Canada or Cuba, whenever the board is of the opinion that such distribution may be made to the particular country at prices to handlers approximating such prices on distribution in the Continental United States.

§ 997.22 *Control board.* "Control board" or "board" means the Filbert Control Board established pursuant to §§ 997.30 through 997.40.

§ 997.23 *Part and subpart.* "Part" means the order regulating the handling of filberts grown in Oregon and Washington, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of filberts grown in Oregon and Washington shall be a "subpart" of such part.

FILBERT CONTOL BOARD

§ 997.30 *Establishment and membership.* A control board consisting of seven members, with an alternate member for each such member, is hereby established.

§ 997.31 *Selection and term of office.* (a) Members and their respective alternates shall be selected annually by the Secretary for a term of one year beginning with the first Tuesday after the first Monday in April, and shall serve until their respective successors shall be selected and shall qualify. One member and one alternate member shall be selected from nominees submitted by each of the following groups, which nominees shall be eligible members of the respective groups which nominate them:

(1) The cooperative handlers;

(2) All handlers, other than the cooperative handlers;

(3) The group of cooperative handlers or the group of other than cooperative handlers, whichever during the preceding fiscal year handled more than 50 percent of the merchantable filberts handled by all handlers;

(4) Those growers of filberts who market their filberts through cooperative handlers;

(5) All other growers of filberts;

(6) Those growers whose filberts were marketed during the preceding fiscal year through the handler group specified in subparagraph (3) of this paragraph.

(b) The following additional restrictions shall apply to the growers who do not market their filberts through cooperative handlers: (1) Such a grower may not vote in a nomination election for a representative of his group if, during that portion of the fiscal year up to the time of such election, he handled any filberts which were produced by another grower, and such a grower shall not be selected to serve as a representative of that group, if, during the fiscal year in which the nomination election is held, he handled any filberts which were produced by another grower; and (2) such a grower who, at any time during the fiscal year in which the nomination election is held, was employed by a filbert handler shall not be selected to serve as such a representative, but he shall be entitled to vote in the nomination election.

(c) The seventh member and his alternate shall be selected after the selection of the first six members as provided for in this section, and after opportunity for such six members to nominate a seventh member and his alternate, who shall not be members of any of the six groups described in this section.

§ 997.32 *Nominations for members and alternates.* (a) Each of the six groups specified in § 997.31 may nominate one person as member and one person as alternate; and the six members first selected by the Secretary may nominate, by majority vote, one person as member and one person as alternate for that member. Nominations for each handler group shall be submitted on the basis of ballots to be mailed by the control board to all handlers in such group whose pack for the preceding fiscal year is on record with the control board. Nominations on behalf of growers who market their filberts through cooperative handlers shall be submitted on the basis of ballot cast by each cooperative handler for its grower patrons. Nominations on behalf of growers who market their filberts through other than cooperative handlers shall be submitted after ballot by such growers conducted as follows:

(b) Names of the grower candidates to accompany the ballot shall be submitted to the control board prior to February 10 of each fiscal year on petitions signed by not less than ten growers who market their filberts through other than cooperative handlers and who are of record with the control board; each grower may sign only as many petitions as there are persons to be nominated as members of the control board; ballots accompanied by the list of candidates submitted by petitions, together with instructions, shall be mailed to all growers who market their filberts through other than cooperative handlers and who are of record with the control board; the qualified person receiving the highest number of votes for the position for which his name was placed on the ballot shall be the nominee for that position, except that, in case of a tie, the names of the tied candidates shall be submitted. If the Secretary determines that this procedure is unsatisfactory to the growers who market their filberts through other than cooperative handlers, because it is too difficult or costly to administer, it does not result in the name of a sufficient number of qualified candidates being submitted with the ballot, or it should be changed for other reasons, he may change this procedure through the formulation and issuance of superseding regulations.

(c) All votes cast by cooperative handlers, handlers other than cooperative handlers, or for cooperative growers, shall be weighted according to the tonnage of merchantable filberts (computed to the nearest whole ton in case of fractions) recorded by the control board as certified for handling by the handler or for the cooperative grower group during the preceding fiscal year, and if less than one ton is recorded for any such handler or grower group, its vote shall be weighted as one vote. All votes cast by individual growers shall be given equal weight. Nominations received in the foregoing manner by the control board shall be reported to the Secretary on or before March 20 of each fiscal year, together with a certificate of all necessary data and other information deemed by the board to be pertinent or requested by the Secretary. If such nominations of any group are not submitted as hereinbefore provided to the Secretary on or before that date, the Secretary may select the representatives of that group without nomination. If nominations for the seventh member or his alternate are not submitted on or before April 15 of any year, the Secretary may select such member or alternate without nomination.

§ 997.33 *Qualification.* Any person selected as a member or alternate of the control board shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative. Any member or alternate, who at the time of his selection, was a member of, or employed by a member of the group which nominated him and who thereafter ceases to be such a member or employee shall thereupon become disqualified to serve further and his position on the control board shall be deemed vacant. In the event any member or alternate member of the control board qualified and selected, in accordance with the provisions of §§ 997.31 and 997.32, to represent growers who market their filberts through other than cooperative handlers should, during his term of office, handle filberts produced by other growers, or become an employee of a handler, his position on the control board shall thereupon be deemed to be vacant: *Provided*, That these disqualification provisions shall not apply to any initial representative of such growers for the term which began in April 1953 in connection with the continuance, for the balance of such term, of either such prohibited handling or employment situation which existed when he was selected and qualified.

§ 997.34 *Alternates.* An alternate for a member of the control board shall act in the place and stead of such member (a) in his absence, or (b) in the event of his death, removal, resignation, or disqualification, until a successor for his unexpired term has been selected and has qualified.

§ 997.35 *Temporary substitutes.* In the event any member of the control board and his alternate are both unable to attend a meeting of the control board, any alternate for any other member nominated by the same group that nominated the absent member may serve in the place and stead of the absent member and his alternate, or in the event such other alternate cannot attend, or there is no such other alternate, such member or, in the event of his disability or a vacancy, his alternate may designate, subject to the disapproval of the Secretary, a temporary substitute to attend such meeting. At such meeting such temporary substitute may act in the place and stead of such member. For the purposes of this section a cooperative handler group and a coopera-

[1] The provisions identified with an asterisk (*) apply only to the proposed amendment of the marketing agreement and not to the proposed amendment of the marketing order.

tive grower group shall be considered the same group.

§ 997.36 *Vacancy.* To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member or alternate of the control board, a successor for his unexpired term shall be selected in the manner provided in § 997.32, so far as applicable, within 30 days after such vacancy occurs.

§ 997.37 *Expenses.* The members of the control board shall serve without compensation, but shall be allowed their necessary expenses.

§ 997.38 *Powers.* The control board shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart;

(d) To recommend to the Secretary amendments to this subpart.

§ 997.39 *Duties.* The duties of the control board shall be among other things as follows:

(a) To act as intermediary between the Secretary and any handler or grower;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall at any time be subject to the examination of the Secretary;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries, define the duties and fix the bonds of such employees;

(e) To cause the books of the control board to be audited by one or more competent public accountants at least once for each fiscal year and at such other times as the control board deems necessary or as the Secretary may request, and to file with the Secretary three copies of all audit reports made; and

(f) To investigate the growing, shipping, and marketing conditions with respect to filberts and to assemble data in connection therewith.

§ 997.40 *Procedure—(a) Organization and rules.* The members of the control board shall select a chairman from their membership and all communications from the Secretary may be addressed to the chairman at such address as may from time to time be filed with the Secretary. The board shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The board shall give to the Secretary or his designated agent and representative the same notice of meeting of the control board as is given to members of the board.

(b) *Quorum.* All decisions of the control board, except where otherwise specifically provided, shall be by a majority vote of the members present. The presence of five members shall be required to constitute a quorum.

(c) *Permissive method of voting.* The control board may vote by mail or telegram upon due notice to all members: *Provided,* That voting by mail or telegram shall not be permitted at any assembled meeting of the board. When any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption by that method.

(d) *Right of the Secretary.* The members of the control board (including successors, alternates, or other persons selected by the Secretary), and any agent or employee appointed or employed by the control board, shall be subject to removal or suspension by the Secretary, in his discretion, at any time. Each and every order, regulation, decision, determination, or other act of the control board shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

CONTROL OF DISTRIBUTION

§ 997.50 *Pack specifications and minimum standards—(a) General restrictions as to handling.* In order to effectuate the declared policy of the act, and except as otherwise provided in §§ 997.53 and 997.76, no handler shall handle any unshelled filberts except those which have been certified by the control board as merchantable filberts.

(b) *Merchantable filberts.* Unless and until modified by the Secretary, after consideration of the control board's recommendations and other available pertinent data, unshelled filberts shall be deemed to be merchantable if they meet the following requirements:

(1) As to pack specifications, such filberts shall be "U. S. No. 1, Jumbo," "U. S. No. 1, Large," or "U. S. No. 1, Medium," as now defined in the United States Standards for filberts in the shell (13 F. R. 4623), except that the portion of the tolerance provision in the U. S. No. 1 grade, for grade requirements, other than for type and size, reading "not more than five percent shall be allowed for blanks" shall not be applicable; and

(2) As to minimum standards of quality, shall be U. S. No. 1 grade as defined in the aforementioned standards, with the aforesaid modified tolerance as to blanks, and the lower limit of medium size as defined in such United States Standards for filberts in the shell.

(c) *Small size filberts for export.* Unless and until modified by the Secretary, after consideration of the control board's recommendations and other available pertinent data, unshelled filberts which are below the minimum requirements for merchantable filberts, as set forth in paragraph (b) of this section, only with respect to size may be exported pursuant to the provisions of § 997.76 if they meet the following size requirements: Round type filberts which will not pass through a round opening $^{40}/_{64}$ of an inch in diameter but will pass through a round opening $^{45}/_{64}$ of an inch in diameter, and long type filberts which will not pass through a round opening $^{35}/_{64}$ of an inch in diameter but will pass through a round opening $^{35}/_{64}$ of an inch in diameter: *Provided,* That 12 percent, by count, shall be allowed for those filberts which fail to meet these size requirements but not more than $^{5}/_{64}$ of this amount, or 10 percent, shall be allowed for filberts which pass through the smallest opening specified for the respective type.

(d) *Modifications.* The aforementioned pack specifications and minimum standards for unshelled filberts as prescribed in paragraphs (b) and (c) of this section may be modified, at any time that it appears that such action would tend to effectuate the declared policy of the act, in which event unshelled filberts desired to be certified must meet the applicable modified pack specifications and minimum standards in order to be considered as merchantable filberts or as small size filberts for export, as the case may be.

(e) *Above parity situations.* The provisions of this section relating to minimum standards of quality for merchantable unshelled filberts or small size filberts for export, as the case may be, and the applicable grading and inspection requirements pertaining thereto, within the meaning of section 2 (3) of the act, and any other provisions relating to the administration and enforcement thereof, shall continue in effect irrespective of whether the estimated season average price for filberts is in excess of the parity level specified in section 2 (1) of the act.

§ 997.51 *Certification of merchantable filberts and surplus small size filberts for export.* Each handler, at his own expense, shall obtain a certificate for each lot of merchantable filberts handled or to be handled by him, and for each lot of surplus merchantable filberts, and also for each lot of surplus small size filberts for export disposed of by him as agent for the control board. Said certificates shall be obtained from the Federal-State Inspection Service. All such certificates shall show, in addition to such other information as the control board may specify, the identity of the handler, if for export, the country of destination, the quantity and pack of filberts in such lot, markings (if any) on the containers, including brands or labels, and that the filberts covered by such certificates conform to the pack specifications and minimum standards of quality prescribed pursuant to § 997.50 for merchantable filberts or for surplus small size filberts for export, as the case may be. All lots so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of the control board, or of the Federal-State Inspection Service.

§ 997.52 *Copies of certificates.* The inspector shall furnish to the control board as many copies of each such certificate as it may request.

§ 997.53 *Filberts for packing or shelling.* Nothing contained in this part shall be construed to prevent any person from selling or delivering, within the area of production, unshelled filberts, other than merchantable filberts, to any packer for packing or sheller for shelling.



MERCHANTABLE SURPLUS CONTROL

§ 997.60 *Salable and surplus percentages for merchantable filberts.* The salable and surplus percentages for merchantable filberts for each fiscal year shall be fixed by the Secretary at such amounts as in his judgment will most effectively tend to accomplish the purposes of the act. In fixing such salable and surplus percentages, the Secretary shall give consideration to the ratio of the estimated trade demand to the sum of the estimated production of merchantable filberts and the handler carryover (with appropriate adjustment for such handler carryover as may have theretofore contributed to merchantable surplus), the recommendation submitted to him by the control board, and such other pertinent data as he deems appropriate. The total of the salable and surplus percentages as fixed each fiscal year shall equal 100 percent.

§ 997.61 *Increase of salable percentage.* At any time prior to February 15 of any fiscal year, the Secretary may, on request of the control board (or if the control board shall fail so to request, on request of two or more packers who have handled during the immediately preceding fiscal year at least ten percent of the total tonnage handled by all packers during such fiscal year) and after a finding of fact, based on such revised and current information as may be pertinent, that the merchantable filberts available for handling will not be sufficient to supply the trade demand, increase the salable percentage to conform to such new relation as may be found to exist between trade demand and available supply.

§ 997.62 *Estimated carryover, trade demand, and production.* (a) To aid the Secretary in fixing the salable and surplus percentages for merchantable filberts, the board shall furnish to the Secretary, not later than August 20 of each fiscal year, the following estimates and recommendation, each of which shall be adopted by at least a majority vote of the entire control board:

(1) Its estimate of the quantity of merchantable filberts to be produced and packed during such year;

(2) Its estimate of handler carryover as of August 1;

(3) Its estimate of trade carryover as of August 1;

(4) Its estimate of the total trade demand (on the basis of prices not exceeding the maximum prices contemplated in section 2 of the act); in determining such trade demand consideration shall be given to the estimated trade carryover at the beginning and end of the fiscal year; and

(5) Its recommendation as to the salable and surplus percentages to be fixed for merchantable filberts.

(b) The board shall also furnish to the Secretary a complete report of the proceedings of the board meeting at which these recommended salable and surplus percentages to be fixed by the Secretary were adopted.



§ 997.63 *Withholding percentage.* The withholding percentage shall be the ratio (measured as a percentage) of the surplus percentage to the salable percentage for merchantable filberts. Such percentage shall be announced by the Secretary and, in its computation, may be adjusted by the Secretary to the nearest whole number.

§ 997.64 *Withholding of merchantable surplus filberts.* No handler shall handle merchantable unshelled filberts unless prior to or upon the shipment thereof (except as otherwise provided in § 997.65) he shall have withheld from handling a quantity of merchantable filberts equal to the withholding percentage, by weight of such quantity handled or certified for handling by him: *Provided,* That this requirement shall not apply to any lot of filberts for which the merchantable surplus obligation has been met by a previous holder. The quantity of filberts hereby required to be withheld shall constitute, and may be referred to as, the "merchantable surplus" or "surplus obligation" of a handler. The merchantable filberts handled by any handler in accordance with the provisions of this subpart shall be deemed to be that handler's quota fixed by the Secretary within the meaning of Section 8a (5) of the act.

§ 997.65 *Postponement of withholding merchantable surplus upon filing bond—(a) Privilege.* Compliance by any packer with the requirements of § 997.64 as to the time when merchantable surplus filberts shall be withheld shall be deferred to any date desired by the packer, but not later than December 31 of the fiscal year, upon the voluntary execution and delivery by such packer to the control board, before he handles any merchantable filberts of such fiscal year, of a written undertaking that on or prior to such date he will have fully satisfied his merchantable surplus obligation required by § 997.64.

(b) *Bonding requirement.* Such undertaking shall be secured by a bond or bonds to be filed with and acceptable to the control board, and with a surety or sureties acceptable to the control board, in the amount or amounts stated below conditioned upon full compliance with such undertaking. Such bond or bonds shall, at all times during their effective period, be in such amounts that the aggregate thereof shall be no less than the total bonding value of the packer's deferred merchantable surplus obligation. The bonding value shall be the deferred merchantable surplus obligation poundage bearing the lowest bonding rate or rates, which could have been selected from the packs handled or certified for handling, multiplied by the applicable bonding rate. The cost of such bond or bonds shall be borne by the packer filing same.

(c) *Bonding rate.* Said bonding rate for each pack shall be an amount per pound representing the season's domestic price for such pack net to packer f. o. b. shipping point which shall be computed at 95 percent of the opening price for such pack announced by the packer or packers who during the preceding fiscal year handled more than 50 percent of the merchantable filberts handled by all packers. Such packer or packers shall be selected in order of volume handled in the preceding fiscal year, using the minimum number of packers to represent a volume of more than 50 percent of the total volume handled. If such opening prices involve different prices announced by two or more packers for respective packs, the prices so announced shall be averaged on the basis of the quantity of such packs handled during the preceding fiscal year by each such packer.

§ 997.66 *Disposition of sums collected through default on bonds—(a) Filbert purchases.* Any sums collected through default of a packer on his bond shall be used by the control board to purchase, from packers, as provided in this paragraph, a quantity of merchantable filberts not to exceed the total quantity represented by the sums collected. Purchases shall be made from the salable percentages with respect to which the merchantable surplus obligation has been met and at the bonding rate for each pack. The control board shall at all times purchase the lowest priced packs offered and the purchases shall be made from the various packers as nearly as practicable in proportion to the quantity of their respective offerings of the pack or packs to be purchased.

(b) *Unexpended sums.* Any unexpended sums, which have been collected by the control board through default of a packer on his bond, remaining in the possession of the control board at the end of a fiscal year shall be used to reimburse the board for its expenses, including administrative and other costs incurred in the collection of such sums, and in the purchase of merchantable filberts as provided in paragraph (a) of this section. Any balance remaining after reimbursement of such expenses shall be distributed among all handlers in proportion to the quantity of merchantable filberts handled or certified for handling by them during the fiscal year in which the default occurred.

(c) *Transfer of filbert purchases.* Filberts purchased as provided in this paragraph shall be turned over to those packers, who have defaulted on their bonds, for disposal by them as merchantable surplus. The quantity delivered to each packer shall be that quantity represented by the sums collected through default, and the different grades, if any, shall be apportioned among the various packers on the basis of the quantity of filberts to be delivered to each packer to the total quantity purchased by the control board with bonding funds.

§ 997.67 *Collection upon bonds.* Collection upon any bond or bonds filed pursuant to the provisions of § 997.65 shall be deemed a satisfaction of the merchantable surplus obligation represented by such collection: *Provided,* That the filberts purchased by the control board with funds collected under bonds and subsequently turned over to such packers are used only for the purposes provided in §§ 997.74 and 997.75.

§ 997.68 *Interhandler transfers for merchantable surplus.* For the purpose of meeting his merchantable surplus obligation, any handler may, upon notice to and under the supervision and direction of the control board, acquire from another handler merchantable filberts with respect to which the merchantable surplus has not been withheld and any merchantable surplus obligation with respect to any filberts so transferred shall be waived. If any such sales are made from filberts on which the merchantable surplus obligation has been met, the seller's merchantable surplus obligation shall be reduced accordingly upon proof satisfactory to the control board that the purchaser is withholding such filberts as merchantable surplus.

§ 997.69 *Assistance of control board in accounting for merchantable surplus.* The control board, on written request, may assist handlers in accounting for their merchantable surplus obligation and may aid any handler in acquiring merchantable filberts to meet any deficiency in a handler's merchantable surplus, or in accounting for and disposing of merchantable surplus filberts.

§ 997.70 *Application of merchantable salable, surplus, and withholding percentages, and bonding rates, after end of fiscal year.* (a) The merchantable salable, surplus, and withholding percentages established for any fiscal year shall continue in effect with respect to all merchantable filberts, for which the merchantable surplus obligation has not been previously met, which are handled or certified for handling as merchantable filberts by any handler after the end of such fiscal year and before merchantable salable, surplus, and withholding percentages are established for the succeeding fiscal year. After such percentages are established for the new fiscal year, the withholding requirements for all such filberts theretofore handled or certified for handling as merchantable filberts during that fiscal year shall be adjusted to the newly established percentages.

(b) The bonding rates established for any fiscal year shall continue in effect with respect to any bond or bonds executed and delivered pursuant to § 997.65 before the bonding rates for the new fiscal year are established. After such bonding rates are established for the new fiscal year, the new rates shall be applicable and any bond or bonds theretofore given for that fiscal year shall be adjusted to the new rates.

§ 997.71 *Exchange of merchantable surplus filberts.* Any handler who has withheld merchantable surplus filberts pursuant to the requirements of § 997.64 and has had the same certified as merchantable surplus filberts may exchange therefor an equal quantity, by weight, of other merchantable filberts. Any such exchange shall be made under the supervision and direction of the control board with appropriate inspection and certification of the filberts involved.

§ 997.72 *Adjustment upon increase of merchantable salable percentage.* Upon any increase in the merchantable salable percentage and corresponding decrease in the merchantable surplus and withholding percentages, the merchantable surplus obligation of each handler with respect to the filberts handled by him for the entire fiscal year shall be recomputed in accordance with such revised merchantable salable, surplus, and withholding percentages. From the merchantable surplus filberts still held by a handler and from such merchantable surplus filberts that may have been delivered by him to the control board pursuant to § 997.74, and still held by the control board, the handler shall be permitted to select, under the supervision and direction of the control board, the particular merchantable surplus filberts to be restored to his salable percentage.

§ 997.73 *Prohibition against handling of merchantable surplus.* Except as provided in §§ 997.74 and 997.75, or for any use other than for distribution as unshelled filberts in established trade channels, merchantable surplus filberts withheld pursuant to the requirements of § 997.64 shall not be handled by any person as unshelled filberts.

§ 997.74 *Disposition of merchantable surplus by export.* Sales of merchantable surplus filberts for shipment or export to destinations outside the Continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone shall be made only by the control board. Any handler desiring to export any part or all of his merchantable surplus filberts shall deliver to the control board his merchantable surplus to be exported, but the control board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory export outlets. Any filberts so delivered for export which the control board is unable to export shall be returned to the handler delivering them. Sales for export shall be made by the control board only on execution of an agreement to prevent reimportation into the United States; and in case of export to Canada or Mexico, such filberts shall be sold only on the basis of a delivered price, duty paid. A handler may be permitted to act as agent of the control board, upon such terms and conditions as the control board may specify, in negotiating export sales; and when so acting shall be entitled to receive a selling commission of five percent of the export sales price, f. o. b. area of production. The proceeds of all export sales, after deducting all expenses actually and necessarily incurred, shall be paid to the handler whose merchantable surplus filberts are so sold by the board.

§ 997.75 *Disposal of merchantable surplus for shelling.* (a) Any handler may shell his merchantable surplus filberts or deliver them for shelling to an authorized sheller. Any person who desires to become an authorized sheller in any fiscal year may submit an application to the control board. Such application shall be granted only upon condition that the applicant agrees:

(1) To use such merchantable surplus filberts as he may receive for no purpose other than shelling;

(2) To dispose of or deliver such merchantable surplus filberts, as unshelled filberts, to no one other than another authorized sheller;

(3) To comply fully with all laws and regulations applicable to the shelling of filberts;

(4) To report to the control board, immediately upon receipt of any lot of merchantable surplus filberts, the quantity and pack of the filberts so received and the identity of the person from whom received, and within 15 days after the disposition of such filberts, to report their disposition to the control board. All such reports shall be certified to the control board and to the Secretary as to their correctness and accuracy.

(b) The board, if it finds that such an application is made in good faith and if the applicant may be reasonably relied upon to fulfill and observe the conditions to which it has agreed, shall issue a letter of authority to such applicant to serve as an authorized sheller. Such letter of authority shall expire with the end of the fiscal year during which it is issued by the Board.

CONTROL OF SMALL SIZE FILBERTS FOR EXPORT

§ 997.76 *Disposition of small size filberts by export.* Sales of small size filberts meeting the pack specifications and minimum standards prescribed in § 997.50 (c), for shipment or export to destinations outside the Continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone shall be made only by the control board. Any handler desiring to export any part, or all, of his small size filberts meeting these specifications shall deliver them to the control board to be exported, but the control board shall be obligated to sell in export only such quantities for which it may be able to find satisfactory export outlets. Any small size filberts so delivered for export which the control board is unable to export shall be returned to the handler delivering them. Sales for export shall be made by the control board only on execution of an agreement to prevent reimportation into the United States; and in case of export to Canada or Mexico, such small size filberts shall be sold only on the basis of a delivered price, duty paid. A handler may be permitted to act as agent of the control board, upon such terms and conditions as the control board may specify, in negotiating these export sales; and, when so acting, shall be entitled to receive a selling commission of five percent of the export sales price, f. o. b. area of production. The proceeds of all such export sales, after deducting all expenses actually and necessarily incurred, shall be paid to the handler whose small size filbers are so sold by the board.

REPORTS

§ 997.80 *Reports of handler carryover of merchantable filberts.* Each handler, on or before August 5 and January 15 of each fiscal year, shall file with the control board a written report, under oath, of all merchantable filberts (except filberts held as merchantable surplus) including the estimated quantity of merchantable filberts in ungraded lots intended for packing as merchantable filberts, by him held on the first day of August and the first day of January, respectively, showing the pack (if merchantable), and location thereof and the quantities:

(a) Which theretofore have been certified for handling, and on which the merchantable surplus obligation has previously been met;

(b) Which have been packed as merchantable filberts, but have not been certified; and

(c) Which are estimated as merchantable but have not been packed as merchantable filberts and are intended for packing as merchantable filberts.



§ 997.81 *Reports of disposition of merchantable surplus.* (a) Each handler, before he disposes of any quantity of merchantable surplus filberts held by him, shall file with the control board a report of his intention to dispose of such quantity of merchantable surplus filberts. This report shall be filed not less than five days prior to the date on which the merchantable surplus filberts are disposed of unless the five-day period is expressly waived by the control board.

(b) Each handler, within 15 days after the disposition of any quantity of merchantable surplus filberts, shall file with the control board a report of the actual disposition of such quantity of merchantable surplus filberts. Such reports shall be certified to the control board and to the Secretary as to their correctness and accuracy.

(c) Each handler, from time to time, on demand of the control board, shall file with the board a report of his holdings of merchantable surplus filberts as of any date specified by the board. Such report, at the request of the control board, may be in the form of a confirmation of the records of the control board of such handler's holdings. Such report shall be certified to the control board and to the Secretary as to its correctness and accuracy.

(d) All reports required by this section shall show the quantity, pack, and location of the filberts covered by such reports and in the case of reports required by paragraphs (a) and (b) of this section, the applicable handler's storage lot and inspection certificate numbers, and the disposition of the merchantable surplus which is intended or which has been accomplished.

§ 997.82 *Other reports.* Upon request of the control board, made with the approval of the Secretary, every handler shall furnish to the board, in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for in this subpart), such other information as will enable the control board to perform its duties and to exercise its powers under this subpart.

§ 997.83 *Verification of reports.* For the purpose of checking and verifying reports made by handlers to it, the control board through its duly authorized agents, shall have access to the handler's premises wherever filberts may be held by such handler and, at any time during reasonable business hours, shall be permitted to inspect any filberts so held by such handler and any and all records of the handler with respect to the holding or disposition of all filberts which may be held or which may have been disposed of by such handler. Every handler shall furnish all labor necessary to facilitate such inspections as the control board may make of such handler's holdings of any filberts. Every handler shall store merchantable surplus filberts in such manner as to facilitate inspection and shall maintain adequate storage records which will permit accurate identification with respect to control board certificates of respective lots of all such filberts held or theretofore disposed of.

§ 997.84 *Confidential information.* All reports and records furnished or submitted by handlers to the board which include data or information constituting a trade secret or disclosing of the trade position, financial condition, or business operations of the particular handler from whom received shall be received by and at all times kept in the custody and under the control of one or more employees of the board, who shall disclose such information to no person except the Secretary. Notwithstanding the above provisions of this section, information may be disclosed to the board when reasonably necessary to enable the board to carry out its functions under this part.

EXPENSES AND ASSESSMENTS

§ 997.90 *Expenses.* The control board is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each fiscal year, for the maintenance and functioning of the control board and for such purposes as the Secretary may, pursuant to the provisions of this subpart, determine to be appropriate. The recommendation of the control board as to the expenses for each such fiscal year, together with all data supporting such recommendations, shall be submitted to the Secretary on or before August 20 of the fiscal year in connection with which such recommendation is made. The funds to cover such expenses shall be acquired by levying assessments as provided in § 997.91.

§ 997.91 *Assessments.* (a) Each handler shall pay to the control board on demand by the control board, from time to time, the sum of two-tenths of a cent for each pound of filberts certified for him, including those certified as merchantable filberts (including both salable and surplus) and those certified as small size filberts for export. At any time during or after a fiscal year, the Secretary may increase the rate of assessment to apply to all filberts so certified during such fiscal year, including those certified in said fiscal year prior to the date of such increase, to secure sufficient funds to cover the expenses authorized by § 997.90, or by any later finding by the Secretary relative to the expenses of the control board, and such additional assessments shall be paid by the handler on demand. At the end of any fiscal year for which the assessment rate may be increased by the Secretary, the rate shall revert to two-tenths of a cent a pound.

(b) Any money collected as assessments during any fiscal year and not expended in connection with the respective fiscal year's operations hereunder may be used and shall be refunded by the control board in accordance with the provisions of this subpart. Such excess funds may be used by the control board during the period of four months subsequent to such fiscal year in paying the expenses of the control board incurred in connection with the new fiscal year. The control board shall, however, from funds on hand, including assessments collected during the new fiscal year, distribute or make available, within five months after the beginning of the new fiscal year, the aforesaid excess to each handler from whom an assessment was collected, as aforesaid, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of the assessments paid by all handlers during said fiscal year.

(c) Any money collected from assessments under this subpart and remaining unexpended in the possession of the control board upon the termination of this subpart shall be distributed in such manner as the Secretary may direct.

MISCELLANEOUS PROVISIONS

§ 997.95 *Personal liability.* No member or alternate member of the control board, or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any other person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, agent or employee, except for acts of dishonesty.

§ 997.96 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 997.97 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 997.98 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 997.99 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 997.100 *Effective time, termination or suspension*—(a) *Effective time.* The provisions of this subpart, as well as any amendments to this subpart, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways specified in this section.

(b) *Suspension or termination.* (1) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary shall terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions of this subpart at the end of any fiscal year whenever he finds that such termination is favored by a majority of the producers of filberts who during the preceding fiscal year have been engaged in the production for market of filberts in the States of Oregon and Washington: *Provided*, That such majority have during such period produced for market more than 50 percent of the volume of such filberts produced for market within said States; but such termination shall be effected only if announced on or before July 1 of the then current fiscal year.

(4) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them ceases to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions of this subpart, the members of the control board then functioning shall continue as joint trustees for the purpose of liquidating the affairs of the control board, of all funds and property then in the possession or under the control of the board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the control board and the joint trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the control board or the joint trustees pursuant to this subpart.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the control board or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said board and upon said joint trustees.

§ 997.101 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any right or remedies of the Secretary or of any other person, with respect to any such violation.

§ 997.102 *Amendments.* Amendments to this subpart may be proposed, from time to time, by any person or by the control board.

§ 997.103 *Special agreement provisions*—(a) *Counterparts.* This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all such signatures were contained in one original.*

(b) *Additional parties.* After the effective date hereof, any handler may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary and the benefits, privileges, and immunities conferred by this agreement shall then be effective, as to such new contracting party.*

(c) *Request for order.* Each signatory handler hereto requests the Secretary to issue an order pursuant to the act regulating the handling of filberts produced in Oregon and Washington in the same manner as provided in this agreement.*

Issued at Washington, D. C., this 20th day of November 1953.

[SEAL] GEORGE A. DICE,
*Deputy Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 53-9264; Filed, Nov. 25, 1953; 8:51 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

### [ 17 CFR Part 240 ]

GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

OVER-THE-COUNTER MARKETS; TRADING IN WEST GERMAN BONDS

Notice is hereby given that the Securities and Exhange Commission has under consideration a proposal to adopt § 240.15c2-3 (Rule X-15C2-3) under section 15 (c) (2) of the Securities Exchange Act of 1934. Under the proposed rule it would be a "fraudulent, deceptive, or manipulative act or practice," as used in section 15 (c) (2) of the act, for any broker or dealer to effect any transaction in, or to induce or attempt to induce the purchase or sale, in the over-the-counter market, of West German bonds which have not been validated pursuant to German law. The Commission has been informed by representatives of the exchanges upon which certain issues of German bonds have been traded that bonds which have not been validated will not be considered "good delivery" against sales made on those exchanges.

Following the outbreak of war in December 1941, the Commission requested brokers and dealers to refrain from effecting transactions in securities of German origin. On February 27, 1953 an Agreement on German External Debts was signed in London which provided that only West German bonds that have been validated pursuant to German law will be paid by the German issuers. This provision was necessary because of the large volume of German foreign currency bonds, purchased for redemption by the Germans and held in negotiable form in Berlin, which found their way into unauthorized hands after the occupation of Berlin in 1945. The Federal Republic of Germany has enacted legislation requiring the submission for validation of all German foreign currency bonds, and in accordance with an agreement entered into between the United States Government and the Federal Republic of Germay, a Validation Board for German Bonds has been established in this country. Registration of West German bonds for validation with the Validation Board began in September 1953.

Accordingly, validation procedures are now established and in operation. Looted bonds will not be validated and hence will not be eligible for payment under the debt settlement agreement signed in London. Transactions in bonds which have not been validated could result in looted bonds being unloaded upon innocent and unwary purchasers in this country. The proposed rule is intended to prevent this. Transactions in these bonds may, under certain circumstances, violate other anti-fraud provisions of the securities acts.

The text of the rule, which is proposed pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 15 (c) (2) and 23, is as follows:

§ 240.15c2-3 *Trading in West German bonds.* The term "fraudulent, deceptive, or manipulative act or practice," as used in section 15 (c) (2) of the act is hereby defined to include any act of any broker or dealer designed to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any bond which is required to be validated under the validation law of the Federal Republic of Germany (West Germany) and which has not been duly validated.

All interested persons are invited to submit views and comments on the proposed rule, in writing, to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before December 7, 1953.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

NOVEMBER 19, 1953.

[F. R. Doc. 53-9943; Filed, Nov. 25, 1953; 8:49 a. m.]



# NOTICES

## DEPARTMENT OF THE TREASURY

### Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG

AVAILABLE CERTIFICATIONS

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodities:

Cotton embroidered goods.
Cork pictures.
Ducks, preserved.
Firecracker punk.
Footwear, embroidered or other Chinese types.
Jade stones, green, cut, polished, or designed.

[SEAL] ELTING ARNOLD,
*Acting Director, Foreign Assets Control.*

[F. R. Doc. 53-9958; Filed, Nov. 24, 1953; 1:11 p. m.]

### Office of the Secretary

[Treasury Dep't Order 167-6; CGFR 53-46]

COMMANDANT, U. S. COAST GUARD

DELEGATION OF FUNCTIONS

Pursuant to the authority vested in me as Secretary of the Treasury, as provided in sections 92, 631, and 633 in 14 U. S. C., Reorganization Plan No. 26 of 1950 (15 F. R. 4935), and sections 143a, 356, and 360 in 33 U. S. C., there is hereby delegated to the Commandant, United States Coast Guard, those functions of the Secretary of the Treasury with respect to certain statutory rules for preventing marine collisions as applicable to Coast Guard vessels. The functions herein delegated are those vested in me by:

(1) 33 U. S. C. 143a (October 11, 1951, sec. 2, 65 Stat. 407), with respect to lights required by the "Regulations for Preventing Collisions at Sea, 1948", for a Coast Guard vessel or class of vessels.

(2) 33 U. S. C. 356 (May 21, 1948, sec. 4, 62 Stat. 250), with respect to any requirement of a nautical rule for preventing collisions for the Mississippi River and its tributaries above the Huey P. Long Bridge, that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and the Red River of the North, for a Coast Guard vessel or class of vessels.

(3) 33 U. S. C. 360 (December 3, 1945, sec. 1, 59 Stat. 590), with respect to lights required by any applicable nautical rule for preventing collisions on navigable waters of the United States, or its territories or possessions, for a Coast Guard vessel or class of vessels.

In performing functions delegated, the Commandant shall be governed by the applicable provisions and conditions set forth in these laws. The Commandant is authorized to redelegate any function herein delegated to the extent that he may deem necessary or appropriate.

Dated: November 17, 1953.

[SEAL] H. CHAPMAN ROSE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-9960; Filed, Nov. 25, 1953; 8:53 a. m.]

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY ALABAMA AND TENNESSEE STATE PRODUCTION AND MARKETING ADMINISTRATION COMMITTEES

Section 729.530 of the Marketing Quota Regulations for the 1954 Crop of Peanuts (18 F. R. 6372), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1376), provides that any authority delegated to the State Production and Marketing Administration Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Alabama and Tennessee State Production and Marketing Administration Committees of authority vested in such committees by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the person to whom the authority has been redelegated:

ALABAMA

Section 729.528—B. L. Collins, Administrative Officer, State PMA Office.

TENNESSEE

Sections 729.511 (1) (2), 729.517 (b) (5), 729.518, 729.520, 729.522, and 729.528—Administrative Officer, or Acting Administrative Officer, of the State PMA Office, or the Program Specialist in charge of peanut marketing quotas of the State PMA Office.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361-368, 373, 374; 52 Stat. 38, 62, 65, as amended, 55 Stat. 88, as amended; 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361-1368, 1373, 1374)

Issued at Washington, D. C. this 23d day of November 1953.

[SEAL] HOWARD H. GORDON,
*Administrator, Production and Marketing Administration.*

[F. R. Doc. 53-9963; Filed, Nov. 25, 1953; 8:54 a. m.]

FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN PRODUCTION, CULTIVATION, OR HARVESTING OF SUGAR BEETS IN CERTAIN AREAS

POSTPONEMENT OF HEARING AT GREELEY, COLO.

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of Section 301 of the Sugar Act of 1948, as amended, (61 Stat. 929; 7 U. S. C. Sup. 1131), notice is hereby given that the public hearing formerly announced at Greeley, Colorado, December 9, 1953, 10:00 a. m., V. F. W. Hall, 7th Avenue and 25th Street, published in the FEDERAL REGISTER on November 17, 1953 (F. R. Doc. 53-9631) is cancelled and will be held as follows:

At Greeley, Colorado, December 11, 1953, 10:00 a. m., State Armory.

The location and dates of other hearings as published in the FEDERAL REGISTER on November 17, 1953 are not changed.

Issued this 23d day of November 1953.

[SEAL] LAWRENCE MYERS,
*Director, Sugar Branch.*

[F. R. Doc. 53-9903; Filed, Nov. 25, 1953; 8:45 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

IDAHO

NOTICE OF FILING OF PLAT OF SURVEY

NOVEMBER 19, 1953.

Notice is hereby given that the plat of dependent resurvey and survey of the following described lands, accepted September 9, 1953, will be officially filed in the Land and Survey Office, Boise, Idaho, effective at 10:00 a. m., on the 35th day after the date of this notice:

T. 9 S., R. 44 E., B. M., Idaho,
All of secs. 2, 3,
All of secs. 10, 11,
All of secs. 14, 15,
All of secs. 17 to 20 inclusive,
All of secs. 23 to 26 inclusive,
All of secs. 28 to 33 inclusive,
All of secs. 35, 36.

The areas described aggregate 14,151.08 acres.

All of the lands described are within the exterior boundaries of the Caribou National Forest, by proclamation of May 6, 1910.

This plat of dependent resurvey and survey represents a retracement of the west boundary and a portion of the subdivisional lines designed to restore the corners in their original locations according to the best available evidence, and an extension survey embracing lands not included in the original survey shown upon the plat approved December 30, 1902.

Anyone having a valid settlement or other right to any of these lands initiated prior to the dates of the withdrawals of the lands should assert the same within three months from the date on which

the plat is officially filed by filing an application under appropriate public land law setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Manager, Land and Survey Office, Boise, Idaho.

PAUL A. SHEPARD,
*Manager.*

[F. R. Doc. 53-9930; Filed, Nov. 25, 1953; 8:46 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 6113]

ACTA AND IMATA AGREEMENTS CASE

NOTICE OF REASSIGNMENT OF PREHEARING CONFERENCE

Notice is hereby given that the prehearing conference in the above-entitled proceeding now assigned for December 8, 1953, is hereby reassigned to be held on December 4, 1953, at 10:00 a. m., e. s. t., in Room 2070, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., November 23, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-9961; Filed, Nov. 25, 1953; 8:54 a. m.]

[Docket No. 6409]

BRITISH WEST INDIAN AIRWAYS, LTD.

NOTICE OF HEARING

In the matter of the application of British West Indian Airways Limited for amendment of its foreign air carrier permit to include Cayman Islands, B. W. I.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on December 9, 1953, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., November 23, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-9962; Filed, Nov. 25, 1953; 8:54 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. E-6511]

WISCONSIN POWER AND LIGHT CO. AND INTERSTATE POWER CO. OF WISCONSIN

NOTICE OF ORDER AUTHORIZING MERGER OR CONSOLIDATION

NOVEMBER 20, 1953.

Notice is hereby given that on November 19, 1953, the Federal Power Commission issued its order adopted November 18, 1953, authorizing merger or consolidation by Wisconsin Power and Light Company of all the facilities of Interstate Power Company of Wisconson in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9935; Filed, Nov. 25, 1953; 8:48 a. m.]

[Docket No. E-6526]

UPPER PENINSULA POWER CO.

NOTICE OF ORDER APPROVING MAINTENANCE OF PERMANENT CONNECTION FOR EMERGENCY USE ONLY

NOVEMBER 20, 1953.

Notice is hereby given that on November 19, 1953, the Federal Power Commission issued its order adopted November 18, 1953, approving maintenance of permanent connection for emergency use only in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9936; Filed, Nov. 25, 1953; 8:48 a. m.]

[Docket No. E-6528]

IOWA POWER AND LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

NOVEMBER 20, 1953.

Notice is hereby given that on November 18, 1953, the Federal Power Commission issued its order adopted November 18, 1953, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9937; Filed, Nov. 25, 1953; 8:48 a. m.]

[Docket No. G-2055]

UNITED FUEL GAS CO.

NOTICE OF SUPPLEMENTAL OPINION NO. 258-A AND ORDER

NOVEMBER 20, 1953.

Notice is hereby given that on November 19, 1953, the Federal Power Commission issued its opinion and order adopted November 18, 1953, in the above-entitled matter, prescribing rates and refunds; affirming Opinion No. 258 as modified, and vacating stay of order issued August 7, 1953 (18 F. R. 4932).

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9939; Filed, Nov. 25, 1953; 8:48 a. m.]

[Docket No. G-2238]

SOUTHERN CALIFORNIA GAS CO. AND SOUTHERN COUNTIES GAS CO. OF CALIFORNIA

NOTICE OF FINDINGS AND ORDER

NOVEMBER 20, 1953.

Notice is hereby given that on November 19, 1953, the Federal Power Commission issued its order adopted November 18, 1953, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9938; Filed, Nov. 25, 1953; 8:48 a. m.]

[Docket No. G-2248]

UNITED FUEL GAS CO.

ORDER FIXING DATE OF HEARING

On September 14, 1953, United Fuel Gas Company (Applicant), a West Virginia corporation having its principal place of business at Charleston, West Virginia, filed an application, which was supplemented on October 20, 1953, for an order disclaiming jurisdiction by the Commission, or, in the alternative, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural-gas transmission facilities, all as more fully described in said application, as supplemented.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that the application be heard under the shortened procedure provided by the aforesaid rules for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 28, 1953 (18 F. R. 6811),

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 8, 1953, at 9:30 a. m. in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: November 19, 1953.

Issued: November 20, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9934; Filed Nov. 25 1953; 8:47 a. m.]



[Docket No. G-2298]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

NOVEMBER 20, 1953.

Take notice that on November 2, 1953, Montana-Dakota Utilities Co. (Applicant), a Delaware corporation with its principal office in Minneapolis, Minnesota, filed an application pursuant to section 7 of the Natural Gas Act, for (1) a certificate of public convenience and necessity authorizing the construction and operation of the following described facilities:

(1) 12,500' of 3½" OD lateral transmission main between Basin, Wyoming, and Applicant's Worland, Wyoming, to Cabin Creek, Montana, 12¾" OD transmission main leased from Montana-Wyoming Gas Pipe Line Co.) and construct new town border station to continue gas service to town of Basin;

(2) 20,000' of 4½" OD lateral transmission main between Greybull, Wyoming, and Applicant's Worland, Wyoming, to Cabin Creek, Montana, 12¾" OD transmission main (leased from Montana-Wyoming Gas Pipe Line Co.) and construct new town border station to continue gas service to town of Greybull, and to the Gordon Refining Company adjacent to Greybull;

(3) 17,500' of 2⅜" OD lateral transmission main between Basin, Wyoming, and the Lamb Dome and Torchlight Fields, Big Horn County, Wyoming, to continue firm industrial gas service to Pond Petroleum Company at Lamb Dome and Stanolind Oil and Gas Company at Torchlight;

And (2) permission and approval to abandon the following described facilities:

(4) 23.653 miles of gas transmission main between Rairden and Greybull in Big Horn County, Wyoming, consisting of 20.544 miles of 14" OD pipe and 3.109 miles of 8" OD pipe, together with measuring station structures and station equipment.

The application recites, that the facilities described in items (1), (2) and (3) will provide facilities for continuing the sale of natural gas to (a) Wyoming Gas Company for the towns of Basin and Greybull, Wyoming, (b) Pond Petroleum Company, and (c) Stanolind Oil and Gas Company; and the facilities described in item (4) will be abandoned, removed and salvaged, continuing gas service to certain customers affected by the proposed line abandoned by means of the new construction proposed as described in items (1), (2) and (3) hereof, but resulting in abandonment of service to (i) Lest Kraft, Rural Route, Manderson, Wyoming; (ii) customers receiving gas for drilling rigs in Manderson Field, Wyoming, namely, Socony-Vacuum Oil Company, Inc., (iii) Boyle Bros.-Cockburn Co., 1321 South Main Street, Salt Lake City, Utah. Agreements providing for continuance of service have been entered into with Tony Vigil, Mrs. J. H. Bishop and Otto Wastenberg, and for abandonment of service to Lest Kraft (tenant of Inez Denton).

The estimated capital cost of the facilities described in items (1), (2) and (3) hereof is $86,580. Cost of removal, charge to retirement reserve, and salvage of facilities described in item (4) hereof are stated to be as follows: total retirement $292,351; removal, $61,915; salvage, $105,130; net charge to retirement reserve, $249,136. Cost of construction of facilities proposed will be defrayed from funds supplied from Applicant's working capital.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 10th day of December 1953.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9931; Filed, Nov. 25, 1953; 8:46 a. m.]

[Docket No. G-2305]

IROQUOIS GAS CORP.

NOTICE OF APPLICATION

NOVEMBER 20, 1953.

Take notice that Iroquois Gas Corporation (Applicant), a New York corporation, having its principal place of business in Buffalo, New York, filed, on November 9, 1953, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of metering facilities, subject to the jurisdiction of the Commission, at 2 points of connection on its system with Republic Light, Heat and Power Company, Inc. (Republic), in Niagara and Erie Counties, New York, for the sale of mixed and/or natural gas to Republic for resale in Republic's Niagara District.

Applicant proposes to construct and operate facilities at new points of delivery for the sale of volumes of mixed or natural gas to meet the requirements of Republic's consumers in Republic's "Niagara District", Republic having been purchased by National Fuel Gas Company, parent of Applicant. The properties of Republic will be integrated with the properties of Applicant.

The estimated capital cost of the facilities is $5,000, and will be defrayed from current funds of the Applicant.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure 18 CFR 1.8 or 1.10) on or before the 10th day of December 1953.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9932; Filed, Nov. 25, 1953; 8:47 a. m.]

[Docket Nos. IT-5696—IT-5698]

ALUMINUM CO. OF AMERICA ET AL.

ORDER FIXING DATE OF ORAL ARGUMENT

In the matters of Aluminum Company of America, Knoxville Power Company, and Carolina Aluminum Company; Docket Nos. IT-5696, IT-5697 and IT-5698.

Pursuant to the provisions of § 1.31 of the Commission's rules of practice and procedure (18 CFR 1.31), the Aluminum Company of America, Knoxville Power Company, and Carolina Aluminum Company (Respondents), filed on October 30, 1953, their exceptions to the recommended decision issued by the Presiding Examiner in the above-entitled matter on July 20, 1953.

In the previous oral arguments heard on September 18, 1942 and on October 4, 1951, in these matters, Respondents proceeded first. However, during the further hearing convened on August 5, 1952, it was stipulated by Counsel for Respondents and by Commission Staff Counsel that the order of procedure be reversed.

The Commission finds: It is appropriate and in the public interest to afford an opportunity to Counsel for Respondents and Commission Staff Counsel to present oral argument upon the issues relating to the Commission's licensing jurisdiction, if any, over Respondents' power developments involved in these proceedings.

The Commission orders: Order argument in the above-entitled matters be had before the Commission on January 25, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Commission at 441 G Street, NW., Washington, D. C., upon the issues involved in these proceedings.

Adopted: November 18, 1953.

Issued: November 20, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9933; Filed, Nov. 25, 1953; 8:47 a. m.]

[Project No. 734]

WESTERN COLORADO POWER CO.

NOTICE OF ORDER FURTHER AMENDING LICENSE AND DISMISSING APPLICATION FOR AMENDMENT OF LICENSE (TRANSMISSION LINE)

NOVEMBER 20, 1953.

Notice is hereby given that on September 22, 1953, the Federal Power Commission issued its order adopted September 17, 1953, further amending license and dismissing application for amendment of license (Transmission Line) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9940; Filed, Nov. 25, 1953; 8:48 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28669]

SULPHURIC ACID FROM MCINTOSH, ALA., TO CORINTH, MISS.

APPLICATION FOR RELIEF

NOVEMBER 23, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Acid, sulphuric, in tank-car carloads.

From: McIntosh, Ala.

To: Corinth, Miss.

Grounds for relief: Rail competition, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1357, supp. 21.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53 9946, Filed, Nov. 25, 1953; 8:50 a. m.]

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[4th Sec. Application 28670]

PAPER FROM SOUTHERN TERRITORY TO KANSAS

APPLICATION FOR RELIEF

NOVEMBER 23, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Paper and paper articles, carloads.

From: Points in southern territory.

To: Points in Kansas.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4063, supp. 26.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53 9947; Filed, Nov. 25, 1953; 8:50 a. m.]

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[4th Sec. Application 28671]

PAPER FROM CERTAIN POINTS TO NEW MEXICO

APPLICATION FOR RELIEF

NOVEMBER 23, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Paper and paper articles, also wallboard, carloads.

From: Points in Illinois and Indiana, and points in southern, southwestern and western trunkline territories.

To: Points in New Mexico.

Grounds for relief: Competition with rail carriers, circuity, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4063, supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53 9948; Filed, Nov. 25, 1953; 8:50 a. m.]

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[4th Sec. Application 28672]

MOTOR-RAIL RATES BETWEEN BOSTON, MASS., AND PROVIDENCE, R. I., AND HARLEM RIVER, N. Y.

APPLICATION FOR RELIEF

NOVEMBER 23, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Rapid Motor Lines, Inc.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: Boston, Mass., and Providence, R. I., on the one hand, and Harlem River, N. Y., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53 9949; Filed, Nov. 25, 1953; 8:50 a. m.]

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[4th Sec. Application 28673]

MOTOR-RAIL RATES BETWEEN PROVIDENCE, R. I., AND HARLEM RIVER, N. Y., ELIZABETH AND EDGEWATER, N. J.

APPLICATION FOR RELIEF

NOVEMBER 23, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Elliott Trucking Company, Inc.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: Providence, R. I., on the one hand, and Harlem River, N. Y., Elizabeth and Edgewater, N. J., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53 9950; Filed, Nov. 25, 1953; 8:51 a. m.]

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[4th Sec. Application 28674]

WALL OR INSULATING BOARDS FROM NEW ORLEANS, MARRERO AND CHALMETTE, LA., AND JOHNSVILLE, MISS., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

NOVEMBER 23, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. P. Emerson, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Boards, wall or insulating, viz.: fibreboard, pulpboard or strawboard, etc., carloads.

From: New Orleans, Marrero and Chalmette, La., and Johnsville, Miss.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No 418, supp. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53 9951; Filed, Nov. 25, 1953; 8:51 a. m.]

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[Drouth Order 50]

TRANSPORTATION OF HAY AND FEED TO WEST VIRGINIA

REDUCED RATES

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing that by reason of a prolonged drouth existing in the State of West Virginia, the Secretary of Agriculture by letter dated November 19, 1953, has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay and feed to West Virginia at reduced rates:

*It is ordered*, That carriers by railroad participating in the transportation of hay and feed to West Virginia be, and they are hereby, authorized under section 22 of the Interstate Commerce Act, to establish and maintain until December 31, 1953, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be made effective one day after publication and filing instead of thirty.

*It is further ordered*, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the United States Department of Agriculture or by such State agents or agencies as may in turn be designated by the United States Department of Agriculture to assist in relieving the distress caused by the drouth.

*It is further ordered*, That during the period in which any reduced rates authorized by this order are effective the carriers may, not withstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

*And it is further ordered*, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

*And it is further ordered*, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Division of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N. Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D. C., and to the President of the American Short Line Railroad Association, Washington, D. C.

Dated at Washington, D. C., this 20th day of November 1953.

By the Commission, Commissioner Alldredge.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53 9952; Filed, Nov. 25, 1953; 8:51 a. m.]



[Flood Order 4]

TRANSPORTATION OF HAY AND FEED TO FLORIDA

REDUCED RATES

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing that because of recent floods in the State of Florida, the Secretary of Agriculture by letter dated November 19, 1953, has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay and feed to Florida at reduced rates:

*It is ordered*, That carriers by railroad participating in the transportation of hay and feed to Florida be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and maintain until December 31, 1953, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be made effective one day after publication and filing instead of thirty.

*It is further ordered*, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the United States Department of Agriculture or by such State agents or agencies as may in turn be designated by the United States Department of Agriculture to assist in relieving the distress caused by the floods.

*It is further ordered*, That during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

*It is further ordered*, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state making reference to this order by number and date.

*And it is further ordered*, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Division of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N. Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D. C., and to the President of the American Short Line Railroad Association, Washington, D. C.





Dated at Washington, D. C., this 20th

ficial file of the Commission pertaining or appropriate to effectuate the provi-

Room

Dated at Washington, D. C., this 20th day of November 1953.

By the Commission, Commissioner Alldredge.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9953; Filed, Nov. 25, 1953; 8:51 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-122]

FITZ SIMONS & CONNELL DREDGE & DOCK CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

NOVEMBER 20, 1953.

Fitz Simons & Connell Dredge & Dock Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its Common Stock, No Par Value, from listing and registration on the Midwest Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration are as follows:

(1) 56,559 shares of the 57,389 outstanding shares of the above stock, or about 98.6 percent, have been acquired by Merritt-Chapman & Scott Corporation.

(2) The number of shares of the above stock remaining outstanding in the hands of the public is not sufficient to warrant the continuance of an auction market on a national securities exchange.

Upon receipt of a request, prior to December 16, 1953, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9942; Filed, Nov. 25, 1953; 8:49 a. m.]

[File No. 54-127]

ELECTRIC BOND AND SHARE CO.

ORDER GRANTING RECITALS

NOVEMBER 20, 1953.

The Commission having heretofore approved a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by Electric Bond and Share Company ("Bond and Share"), a registered holding company, providing, among other things, for a capital distribution of a portion of its holdings of the common stock of United Gas Corporation ("United Gas"); and

Bond and Share having notified the Commission pursuant to Rule U-44 (c) of the rules and regulations under the act of the declaration of a dividend on the common stock of Bond and Share payable December 26, 1953, to stockholders of record on November 27, 1953, in shares of the common stock of United Gas at the rate of 2.6 shares of United Gas stock for each 100 shares of Bond and Share stock, which will require an aggregate of 136,509 shares of United Gas stock.

No fractional shares of United Gas stock will be delivered. In lieu thereof Bond and Share's dividend agent, Bankers Trust Company, will be instructed to sell on behalf of stockholders that number of shares of United Gas stock which would otherwise be delivered as fractional shares and to pay to the stockholders entitled thereto the gross proceeds to be derived from such sales. Bond and Share will assume expenses of sales.

The Commission having notified Bond and Share that no declaration need be filed with respect to this matter; and

Bond and Share having requested that the Commission enter an order containing the recitals required by section 1808 (f) and Supplement R of the Internal Revenue Code, and the Commission deeming it appropriate that such request be granted:

*It is ordered and recited*, That the payment by Electric Bond and Share Company as a capital distribution to its stockholders of 136,509 shares of common stock of United Gas Corporation is necessary or appropriate to the integration or simplification of the holding company system of which Electric Bond and Share Company is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of the Internal Revenue Code and section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9941; Filed, Nov. 25, 1953; 8:49 a. m.]

[File No. 70-3149]

NARRAGANSETT ELECTRIC CO.

ORDER CORRECTING ERROR IN NOTICE OF FILING REGARDING SALE OF SHARES OF PREFERRED STOCK AT COMPETITIVE BIDDING

NOVEMBER 23, 1953.

*It is ordered*, That the Commission's notice, dated November 17, 1953, regarding the proposed issuance and sale by the Narragansett Electric Company of 150,000 shares of $50 par value preferred stock at competitive bidding be, and it hereby is, corrected so that the second parenthetical clause of the second paragraph of said notice shall read: "(which shall be not less than $50 and shall not exceed $51.375 per share)".

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9959; Filed, Nov. 25, 1953; 8:53 a. m.]

## SMALL BUSINESS ADMINISTRATION

[S. B. A. Pool Request 1]

TUBING APPLIANCE CO., INC.

WITHDRAWAL FROM MEMBERSHIP IN UNITED WESTERN MANUFACTURERS, INC.

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the name of the following company, which has withdrawn from participation in the operations of United Western Manufacturers, Inc., is herewith published.

The acceptance of this company appeared in 18 F. R. 5632 on September 19, 1953.

Tubing Appliance Company, Inc., 10321 Anza Avenue, Los Angeles 45, California.

(Sec. 708, 64 Stat. 818; 50 U. S. C. App. 2158; E. O. 10493, October 16, 1953, 18 F. R. 6583)

Dated: November 20, 1953.

WENDELL B. BARNES, *Acting Administrator.*

[F. R. Doc. 53-9944; Filed, Nov. 25, 1953; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 18 NUMBER 232

Washington, Saturday, November 28, 1953

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, § 6.310 (1) (3) is amended and subparagraph (12) is added to § 6.310 (1).

§ 6.310 *Department of the Interior.*

• • •

(1) *Office of Territories.* • • •

(3) Assistant Director (Alaskan Affairs) and Assistant Director (Insular Affairs). • • •

(12) Deputy Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 53-10050; Filed, Nov. 27, 1953; 8:59 a. m.]

## TITLE 7—AGRICULTURE

### Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO 10-A 18]

PART 903—MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING HANDLING

§ 903.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held; and

(4) The necessary expenses of the market administrator for maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 2½

(Continued on p. 7579)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to each hundredweight of (i) milk received from producers, (ii) Grade A other source milk (except milk subject to the Class I pricing provisions of another order issued pursuant to the act) allocated to Class I, or (iii) skim milk or butterfat distributed as Class I milk in the marketing area from a non-pool plant.

(b) *Additional findings.* It is necessary, in the public interest, to make this order, amending the order, as amended, effective not later than December 1, 1953. Any delay beyond that date in the effective date of this order would unnecessarily postpone needed changes in the provisions of the order.

The provisions of the said order are well known to handlers. The recommended decision containing all important amendment provisions of this order was published in the FEDERAL REGISTER November 3, 1953 (18 F. R. 6943). The decision of the Secretary concerning the proposed amendments was issued November 20, 1953. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. It is hereby found, therefore, that good cause exists for making this order effective December 1, 1953. (Sec. 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the St. Louis, Missouri, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (September 1953), were engaged in the production of milk for sale in the said marketing area.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof, the handling of milk in the St. Louis, Missouri, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 903.87 (b) and substitute therefor the following:

(b) Received at a pool plant as Grade A other source milk (except milk subject to the Class I pricing provisions of another order issued pursuant to the act) and allocated to Class I, or.

2. Delete § 903.45 (a) (4) and substitute therefor the following:

(4) Subtract from the pounds of skim milk remaining in Class II milk an amount equal to such remainder, or the product obtained by multiplying by 0.05 the pounds of skim milk in approved milk received at plants qualified pursuant to § 903.10 (a), from (i) producers and (ii) plants qualified pursuant to § 903.10 (b) or (c), whichever is less;

3. Delete § 903.41 (b) (3) and substitute therefor the following:

(3) In shrinkage not to exceed an amount calculated (except with respect to milk diverted to a non-pool plant pursuant to § 903.7) as follows:

(i) 0.5 percent of milk received from dairy farmers and disposed of as whole milk in bulk tank lots;

(ii) 1.5 percent of the skim milk or butterfat received as other source milk (except milk received from dairy farmers) or as bulk tank lots of approved whole milk and disposed of in a form other than bulk tank lots of whole milk: *Provided*, That any disposition of whole milk in bulk tank lots shall be assigned first to receipts of milk in such form; and

(iii) 2.0 percent of milk received from dairy farmers and disposed of in a form other than bulk tank lots of whole milk:

*Provided*, That shrinkage of skim milk and butterfat not in excess of the percentages specified herein shall be assigned pro rata, pursuant to this subparagraph, to skim milk and butterfat, respectively, in approved milk and in other source milk.

4. In § 903.45 (a) (1) delete the word "producer" and substitute therefor the word "approved."

5. Delete § 903.45 (a) (3) and substitute therefor the following:

(3) Subtract from the pounds of skim milk remaining in Class II milk the remaining pounds of skim milk in other source milk which was not subject to the Class I pricing provisions of an order issued pursuant to the act: *Provided*, That skim milk so subtracted from Class II shall not result in the assignment of more skim milk in approved milk to Class I in a plant which is permitted to receive and bottle Grade A and non-Grade A milk than is contained in the Grade A other source and approved milk received at such plant: *And provided further*, That if the pounds of skim milk to be subtracted is greater than the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk in Class I;

6. Delete § 903.52 and substitute therefor the following:

§ 903.52 *Location differentials to handlers.* With respect to skim milk and butterfat contained in milk received from producers at a pool plant in Meramec or Bonhomme townships, St. Louis County, Missouri (except in the cities of Valley Park and Kirkwood), or outside the marketing area, which is classified as Class I milk, the price per hundredweight shall be reduced by the amounts set forth in the following schedule according to the airline distance from the plant where the milk is received from producers, or the plant from which the milk is diverted, to the City Hall in St. Louis:

| Mileage: | *Allowance (cents)* |
|---|---|
| Not more than 10 miles | 6 |
| More than 10 but not more than 20 miles | 12 |
| More than 20 but not more than 30 miles | 14 |
| More than 30 but not more than 40 miles | 16 |
| For each additional 10 miles or fraction thereof an additional | 1 |

*Provided*, That for the purpose of calculating such location differential with respect to milk transferred between pool plants, the Class II approved milk remaining in the transferee plant (except skim milk or butterfat in such plant which was subtracted pursuant to § 903.45 (a) (1), (2) and (b)) after deducting therefrom the amount of such milk or an amount equivalent to 0.05 times the producer milk at such plant, whichever is less, shall be assigned to approved milk from other plants in

sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential, and then to producer milk.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of November 1953, to be effective on and after December 1, 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10007; Filed, Nov. 27, 1953; 8:58 a. m.]

---

## PART 904—MILK IN THE GREATER BOSTON MARKETING AREA

### ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73rd Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601, et seq.), hereinafter referred to as the "act", and of the order, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, hereinafter referred to as the "order" it is hereby found and determined that:

1. For the month of December 1953, all the provisions of § 904.48 of the order, except the following, do not tend to effectuate the declared policy of the act: "§ 904.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section.", and the words "Class I price" and the figure "$5.65" as they appear in paragraph (e) thereof.

2. For the month of January, 1954, all the provisions of paragraph (c) of § 904.48 of the order, except the following, do not tend to effectuate the declared policy of the act: "(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.", and the figure "1.08".

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impractical, unnecessary and contrary to the public interest in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; (2) the suspension actions for the month of December and January must be taken simultaneously because the purpose thereof is to provide compensating adjustments in the prices which would otherwise obtain during these months; and (3) the issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area. The changes caused by this suspension order do not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately.

*It is therefore ordered*, (1) That the following provisions of the order be and they are hereby suspended for the month of December 1953:

All of § 904.48 except the following: "§ 904.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section.", and the words "Class I price" and the figure "$5.65" as they appear in paragraph (e) thereof.

(2) That the following provisions of the order be and they are hereby suspended for the month of January 1954: All of paragraph (c) of § 904.48 except the following: "(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.", and the figure "1.08."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of November 1953, to be effective immediately.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10002; Filed, Nov. 27, 1953; 8:56 a. m.]

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[Navel Orange Reg. 6]

## PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### LIMITATION OF HANDLING

§ 914.306 *Navel Orange Regulation 6*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on November 25, 1953, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., November 29, 1953, and ending at 12:01 a. m., P. s. t., December 6, 1953, is hereby fixed as follows:

(i) District 1: 1,400 carloads;
(ii) District 2: Unlimited movement;
(iii) District 3: 140 carloads;
(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handled," "handler," "carloads," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 27th day of November 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Nov. 29 to 12:01 a. m., P. s. t., Dec. 6, 1953]

NAVEL ORANGES

PRORATE DISTRICT NO. 1

| Handler | Prorate base (percent) |
|---|---|
| Total | 100.0000 |
| A. F. G. Lindsay | 2.0155 |
| A. F. G. Porterville | 2.5456 |
| Ivanhoe Coopervative Association | .7136 |
| Anderson Packing Co | 1.3921 |
| Euclid Avenue Orange Association | .8015 |
| Lindsay Mutual Groves | 1.7776 |
| Martin Ranch | 1.4848 |
| Orange Cove Orange Growers | 2.7607 |
| Woodlake Packing House | 1.9696 |
| Dofflemyer & Son, W. Todd | .5267 |
| Earlibest Orange Association | 1.6172 |
| Elderwood Citrus Association | .7466 |



PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 1—continued

| Handler | Prorate base (percent) |
|---|---|
| Exeter Citrus Association | 3.5026 |
| Exeter Orange Growers Association | 1.4626 |
| Exeter Orchards Association | 1.5154 |
| Hillside Packing Association | 1.4293 |
| Ivanhoe Mutual Orange Association | 1.1679 |
| Klink Citrus Association | 4.2126 |
| Lemon Cove Citrus Association | .8772 |
| Lindsay Citrus Growers Association | 2.4251 |
| Lindsay Cooperative Association | 1.4538 |
| Lindsay Fruit Association | 2.4188 |
| Lindsay Orange Growers Association | .8330 |
| Naranjo Packing House Co | 1.3214 |
| Orange Cove Citrus Association | 3.6472 |
| Orange Packing Co | .9569 |
| Orosi Foothill Citrus Association | 1.4630 |
| Paloma Citrus Fruit Association | .8250 |
| Rocky Hill Citrus Association | 1.4489 |
| Sanger Citrus Association | 3.0917 |
| Sequoia Citrus Association | .8414 |
| Stark Packing Co | 2.7819 |
| Visalia Citrus Association | 2.0778 |
| Waddell & Son | 2.5956 |
| Baird Neece Corp | 2.0516 |
| Beattie Association, D. A. | .5075 |
| Grand View Heights Citrus Association | 3.2851 |
| Magnolia Citrus Association | 2.6143 |
| Porterville Citrus Association, The | 1.6651 |
| Randolph Marketing Co | 2.0085 |
| Richgrove-Jasmine Citrus Association | 1.2467 |
| Strathmore Cooperative Citrus Association | 1.0442 |
| Strathmore District Orange Association | 1.7719 |
| Strathmore Fruit Association | .0000 |
| Strathmore Packing House Co | 2.2711 |
| Sunflower Citrus Growers | 2.3578 |
| Sunland Packing House Co | 2.9457 |
| Terra Bella Citrus Association | 1.3611 |
| Tule River Citrus Association | .8700 |
| Baker Ranch Packing House | .4657 |
| Batkins, Jr., Fred A. | .0506 |
| California Citrus Groves, Inc., Ltd. | 2.8413 |
| Darby, Fred J. | .0252 |
| Dutendorf, John | .1359 |
| Evans Bros. Packing Co | .2717 |
| Far West Produce Distributors | .0650 |
| Foothill Packing Co | .2804 |
| Gaskin, Ludwig F. | .0131 |
| Harding & Leggett | 1.7391 |
| Independent Growers, Inc. | .9605 |
| Lo Bue Bros. | .7975 |
| Maas, W. A. | .1238 |
| Marks, W. & M. | .4479 |
| McNees, Hubert K. | .0251 |
| Morin, Carl W. | .0217 |
| Orange Belt Fruit Distributers, Inc. | .3410 |
| Paramount Citrus Association, Inc. | 2.0433 |
| Reimers, Don H. | .5025 |
| Riverside Fruit Co | .1990 |
| Sequoia Cider Mill | .0179 |
| Tashjian, John | .2386 |
| Zaninovich Bros., Inc. | 1.6060 |

PRORATE DISTRICT NO. 3

| Handler | Prorate base (percent) |
|---|---|
| Total | 100.0000 |
| Consolidated Citrus Growers | 11.2148 |
| McKellips Citrus Co., Inc. | 15.3033 |
| Phoenix Citrus Packing Co | 2.2211 |
| Pioneer Fruit Co | 13.9261 |
| Arizona Citrus Growers | 13.8614 |
| Chandler Heights Citrus Growers | 2.0803 |
| Desert Citrus Growers | 6.6647 |
| Mesa Citrus Growers | 21.5799 |
| Tal Wi-Wi Ranches | 2.6107 |
| Tempeco Groves | 6.7065 |
| Yuma Mesa Fruit Growers Association | .9531 |

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 3—continued

| Handler | Prorate base (percent) |
|---|---|
| Allen & Allen Citrus Packing Co | 0.6340 |
| Clark & Sons Produce Co., J. H. | .3795 |
| Commercial Citrus Co | 1.4233 |
| Ishikawa, Paul | .0474 |
| Leppla, Cecile | .0000 |
| Leppla, Henry | .0000 |
| Lepple, H. Lorain | 3.7622 |
| Macchiaroli Fruit Co., James | 2.7660 |
| Potato House, The | .2084 |
| Sunny Valley Citrus Packing Co | 1.0394 |
| Valley Citrus Packing Co | 2.6179 |

[F. R. Doc. 53-10072; Filed, Nov. 27, 1953; 11:18 a. m.]

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[Docket No. AO 71 A-23]

## PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

### ORDER AMENDING ORDER, AS AMENDED

In F. R. Doc. 53-9640, appearing on page 5224 of the issue for Saturday, November 14, 1953, subparagraphs (1), (5) and (6) of § 927.0 (a) are corrected to read as follows:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

* * * * *

(5) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

(6) The order, as amended, and as hereby further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Done at Washington, D. C., this 24th day of November 1953.

[SEAL] EZRA TAFT BENSON,
*Secretary of Agriculture.*

[F. R. Doc. 53-9978; Filed, Nov. 27, 1953; 8:40 a. m.]

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## PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

### ORDER AMENDING THE ORDER, AS AMENDED

§ 927.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order effective on December 1, 1953. This action is necessary in the public interest in order for the Class I–A price established for December to properly reflect economic conditions affecting the market supply and demand for milk in the marketing area. The provisions of the said amendatory order impose no obligations on regulated parties which are significantly different from those heretofore applicable and reasonable to be contemplated by such parties and such order will not require extensive preparation or substantial alteration in methods of operation for handlers. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (See section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or

shipping milk covered by this order amending the order, as amended, which is marketed within the New York metropolitan milk marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1953), were engaged in the production of milk for sale in the said marketing area.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof, the handling of milk in the New York metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 927.40 (a) by adding at the end of the first sentence thereof the following proviso: "*Provided*, That the utilization percentage for the month of October 1953 used in making such computations shall be 60.5."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of November 1953, to be effective December 1, 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9997; Filed, Nov. 27, 1953; 8:55 a. m.]

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[Grapefruit Reg. 189]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.649 *Grapefruit Regulation 189*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 30, 1953. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 30, 1953, the recommendation and supporting information for continued regulation subsequent to November 29 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 24; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 30, 1953, and ending at 12:01 a. m., e. s. t., December 21, 1953, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any pink seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iv) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vi) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any white seedless grapefruit, grown in the State of Florida, that grade U. S. No. 2 or U. S. No. 2 Bright which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(viii) Any white seedless grapefruit, grown in the State of Florida, that grade U. S. No. 1 Russet, U. S. No. 1, U. S. No. 1 Bronze, U. S. No. 1 Golden, U. S. No. 1 Bright or U. S. Fancy which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russett," "U. S. No. 1," "U. S. No 1 Bronze," "U. S. No 1 Golden," "U. S. No 1 Bright," "U. S. Fancy," "U. S. No. 2," "U. S. No. 2 Bright," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§ 51.750 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of November 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-10034; Filed, Nov. 27, 1953; 8:58 a. m.]

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[Orange Reg. 245]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.650 *Orange Regulation 245*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than November 30, 1953. Shipments of all oranges except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 30, 1953; the recommendation and supporting information for continued regulation subsequent to November 29 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 24; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 30, 1953, and ending at 12:01 a. m., e. s. t., December 21, 1953, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than $2^{19}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida oranges (§ 51.302 of this title): *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2^{19}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lots which are of a size $2^{13}/_{16}$ inches in diameter and smaller.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. Fancy," and "U. S. No. 1 Russet" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§ 51.1140 of this title).

(3) Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 244 (§ 933.647; 18 F. R. 7380).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of November 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-10035; Filed, Nov. 27 1953; 8:58 a. m.]

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[Tangerine Reg. 141]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.651 *Tangerine Regulation 141*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than November 30, 1953. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until November 30, 1953; the recommendation and supporting information for continued regulation subsequent to November 29 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 24; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 30, 1953, and ending at 12:01 a. m., e. s. t., December 21, 1953, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 176 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions $9^1/_2$ x $9^1/_2$ x $19^1/_8$ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1" and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (§ 51.1770 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of November 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-10036; Filed, Nov. 27, 1953; 8:58 a. m.]

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PART 934—MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts marketing area, hereinafter referred to as the "order" it is hereby found and determined that:

1. For the month of December 1953, all the provisions of § 934.48 of the order, except the following, do not tend to effectuate the declared policy of the act: "§ 934.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section.", and the words "Class I price" and the figure "$5.65" as they appear in paragraph (e) thereof.

2. For the month of January, 1954, all the provisions of paragraph (c) of

§ 934.48 of the order, except the following, do not tend to effectuate the declared policy of the act: "(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.", and the figure "1.08".

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impractical, unnecessary and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; (2) the suspension actions for the month of December and January must be taken simultaneously because the purpose thereof is to provide compensating adjustments in the prices which would otherwise obtain during these months; and (3) the issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area. The changes caused by this suspension order do not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately.

*It is therefore ordered*, (1) That the following provisions of the order be and they are hereby suspended for the month of December 1953:

All of § 934.48 except the following: "§ 934.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section.", and the words "Class I price" and the figure "$5.65" as they appear in paragraph (e) thereof.

(2) That the following provisions of the order be and they are hereby suspended for the month of January 1954:

All of paragraph (c) of § 934.48 except the following: "(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.", and the figure "1.08".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of November 1953, to be effective immediately.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10004; Filed, Nov. 27, 1953; 8:57 a. m.]

## PART 947—MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

### ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended, regulating the handling of milk in the Fall River, Massachusetts marketing area, hereinafter referred to as the "order" it is hereby found and determined that:

1. For the month of December 1953, all the provisions of § 947.48 of the order, except the following, do not tend to effectuate the declared policy of the act: "§ 947.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section.", and the words "Class I price" and the figure "$5.65" as they appear in paragraph (e) thereof.

2. For the month of January 1954, all the provisions of paragraph (c) of § 947.48 of the order, except the following, do not tend to effectuate the declared policy of the act: "(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.", and the figure "1.08".

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impractical, unnecessary and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; (2) the suspension actions for the month of December and January must be taken simultaneously because the purpose thereof is to provide compensating adjustments in the prices which would otherwise obtain during these months; and (3) the issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area. The changes caused by this suspension order do not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately.

*It is therefore ordered*, (1) That the following provisions of the order be and they are hereby suspended for the month of December 1953:

All of paragraph (c) of § 947.48 except the following: "(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.", and the figure "1.08".

(2) That the following provisions of the order be and they are hereby suspended for the month of January 1954:

All of paragraph (c) of § 947.48 except the following: "(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.", and the figure "1.08".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of November 1953, to be effective immediately.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10003; Filed, Nov. 27, 1953; 8:56 a. m.]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 953.620 *Lemon Regulation 513*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953, 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 24, 1953, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 29, 1953, and ending at 12:01 a. m., P. s. t., December 6, 1953, is hereby fixed as follows:

(i) District 1: 35 carloads;
(ii) District 2: 195 carloads;
(iii) District 3: 20 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of November 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

PRORATE BASE SCHEDULE

[Storage date: Nov. 22, 1953]

DISTRICT NO. 1

[12:01 a. m. Nov. 29, 1953, to 12:01 a. m. Dec 13, 1953]

| Handler | Prorate base (percent) |
|---|---|
| Total | 100.000 |
| Klink Citrus Association | 28.257 |
| Lemon Cove Association | 13.895 |
| Tulare County Lemon & Grapefruit Association | 43.280 |
| Harding & Leggett | 3.343 |
| Zaninovich Bros., Inc | 11.225 |

DISTRICT NO. 2

| | |
|---|---|
| Total | 100.000 |
| American Fruit Growers, Inc., Corona | .103 |
| American Fruit Growers, Inc., Fullerton | .294 |
| American Fruit Growers, Inc., Upland | .369 |
| Buenaventura Lemon Co | 1.476 |
| Consolidated Lemon Co | .521 |
| Ventura Pacific Co | 3.465 |
| Chula Vista Mutual Lemon Association | .467 |
| Euclid Lemon Association | .269 |
| Index Mutual Association | .043 |
| La Verne Cooperative Citrus Association | 1.663 |
| Ventura Coastal Lemon Co | 2.955 |
| Ventura County Orange & Lemon Association | 2.860 |
| Ventura Processors | .000 |
| Glendora Lemon Growers Association | 1.137 |
| La Verne Lemon Association | .462 |
| La Habra Citrus Association | .305 |
| Yorba Linda Citrus Association | .336 |
| Escondido Lemon Association | 2.194 |
| Cucamonga Mesa Growers | 1.116 |
| Etiwanda Citrus Fruit Association | .628 |
| San Dimas Lemon Association | .373 |
| Upland Lemon Growers Association | 4.585 |
| Central Lemon Association | .493 |
| Irvine Citrus Association | .593 |
| Placentia Mutual Orange Association | .585 |
| Corona Citrus Association | .137 |
| Corona Foothill Lemon Co | .929 |
| Jameson Co | .539 |
| Arlington Heights Citrus Co | .502 |
| College Heights Orange & Lemon Association | 8.741 |
| Chula Vista Citrus Association | .743 |
| Escondido Cooperative Citrus Association | .145 |
| Fallbrook Citrus Association | 1.009 |

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

| Handler | Prorate base (percent) |
|---|---|
| Lemon Grove Citrus Association | 0.137 |
| Carpinteria Lemon Association | 4.283 |
| Carpinteria Mutual Citrus Association | 4.968 |
| Goleta Lemon Association | 5.730 |
| Johnston Fruit Co | 7.851 |
| Briggs Lemon Association | 2.409 |
| Fillmore Lemon Association | .453 |
| Oxnard Citrus Association | 5.311 |
| Rancho Sespe | .507 |
| San Fernando Heights Lemon Association | 1.123 |
| Santa Clara Lemon Association | 5.291 |
| Santa Paula Citrus Fruit Association | 2.008 |
| Saticoy Lemon Association | 6.259 |
| Seaboard Lemon Association | 6.333 |
| Somis Lemon Association | 4.340 |
| Ventura Citrus Association | 1.580 |
| Ventura County Citrus Association | .548 |
| Limoneira Co | 3.439 |
| Teague-McKevett Association | .695 |
| East Whittier Citrus Association | .059 |
| Murphy Ranch Co | .305 |
| North Whittier Heights Citrus Association | .057 |
| Sierra Madre-Lamanda Citrus Association | .436 |
| Dunning Ranch | .000 |
| Far West Produce Distributors | .062 |
| Paramount Citrus Association | .666 |
| Santa Rosa Lemon Co | .113 |

DISTRICT NO. 3

| | |
|---|---|
| Total | 100.000 |
| Consolidated Citrus Growers | 3.561 |
| Phoenix Citrus Packing Co | 2.679 |
| Pioneer Fruit Co | 3.924 |
| Arizona Citrus Growers | 46.478 |
| Desert Citrus Growers Co | 11.820 |
| Tempeco Groves | 6.601 |
| Arlington Heights Citrus Co | 4.075 |
| James Macchiaroli Fruit Co | 1.072 |
| Morris Brothers Fruit Co | 16.603 |
| Mutual Citrus Products Co | .000 |
| Sunny Valley Citrus Packing Co | 2.577 |
| Valley Citrus Packing Co | .000 |

[F. R. Doc. 53-10051; Filed, Nov. 27, 1953; 8:59 a. m.]

## PART 996—MILK IN THE SPRINGFIELD, MASSACHUSETTS, MARKETING AREA

### ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended, regulating the handling of milk in the Springfield, Massachusetts marketing area, hereinafter referred to as the "order" it is hereby found and determined that:

1. For the month of December 1953, all the provisions of § 996.48 of the order, except the following, do not tend to effectuate the declared policy of the act: "§ 996.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section.", and the words "Class I price" and the figure "$5.65" as they appear in paragraph (e) thereof.

2. For the month of January 1954, all the provisions of paragraph (c) of § 996.48 of the order, except the following, do not tend to effectuate the declared policy of the act: "(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.", and the figure "1.08."

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impractical, unnecessary and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; (2) the suspension actions for the months of December and January must be taken simultaneously because the purpose thereof is to provide compensating adjustments in the prices which would otherwise obtain during these months; and (3) the issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area. The changes caused by this suspension order do not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately.

*It is therefore ordered*, (1) That the following provisions of the order be and they are hereby suspended for the month of December 1953:

All of § 996.48 except the following: "§ 996.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section.", and the words "Class I price" and the figure "$5.65" as they appear in paragraph (e) thereof.

(2) That the following provisions of the order be and they are hereby suspended for the month of January 1954:

All of paragraph (c) of § 996.48 except the following: "(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.", and the figure "1.08."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of November 1953, to be effective immediately.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10005; Filed, Nov. 27, 1953; 8:57 a. m.]

## PART 999—MILK IN THE WORCESTER, MASSACHUSETTS, MARKETING AREA

### ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended, regulating the handling of milk in the Worcester, Massachusetts marketing area, hereinafter referred to as the

"order" it is hereby found and determined that:

1. For the month of December 1953, all the provisions of § 999.48 of the order, except the following, do not tend to effectuate the declared policy of the act: "§ 999.48 *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section.", and the words "Class I price" and the figure "$5.65" as they appear in paragraph (e) thereof.

2. For the month of January 1954, all the provisions of paragraph (c) of § 999.48 of the order, except the following, do not tend to effectuate the declared policy of the act: "(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.", and the figure "1.08".

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impractical, unnecessary and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; (2) the suspension actions for the months of December and January must be taken simultaneously because the purpose thereof is to provide compensating adjustments in the prices which would otherwise obtain during these months; and (3) the issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area. The changes caused by this suspension order do not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately.

*It is therefore ordered*, (1) That the following provisions of the order be and they are hereby suspended for the month of December 1953:

All of § 999.48 except the following: "§ 999.48 *Computation of New England basic Class I price.* The new England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section.", and the words "Class I price" and the figure "$5.65" as they appear in paragraph (e) thereof.

(2) That the following provisions of the order be and they are hereby suspended for the month of January 1954:

All of paragraph (c) of § 999.48 except the following: "(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.", and the figure "1.08."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of November 1953, to be effective immediately.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10006; Filed, Nov. 27, 1953; 8:57 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 928]

ALASKA

EXCLUDING CERTAIN TRACTS FROM THE CHUGACH AND TONGASS NATIONAL FORESTS AND RESTORING THEM FOR PURCHASE AS HOMESITES

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, are hereby excluded from the Chugach and Tongass National Forests, Alaska, as hereinafter indicated, and restored, subject to valid existing rights, for purchase as homesites under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461):

CHUGACH NATIONAL FOREST

U. S. Survey No. 2528, lot 1, 4.78 acres; latitude 60°28'23" N., longitude 149°21' W. (Homesite No. 150, Trail Lake Group).

U. S. Survey No. 2530, lot E, 2.94 acres; latitude 60°20'20" N., longitude 149°22' W. (Homesite No. 117, Primrose Group).

U. S. Survey No. 3143, unsurveyed, lot 4, 3.5 acres; latitude 60°24' N., longitude 149°22' W. (Homesite No. 120, Lawing Group).

TONGASS NATIONAL FOREST

Beginning at a point located on line 3-4 of U. S. Survey No. 280, approximate latitude 55°32'15" N., longitude 132°24' W., from which corner No. 4 bears S. 42° 30' E. 9.52 chains, thence N. 42° 30' W., 3.50 chains to corner No. 2, HS 1095; N. 47° 30' E., 3.00 chains to corner No. 3, HS 1095; S. 42° 30' E., 3.50 chains to corner No. 4, HS 1095; S. 47° 30' W., 3.00 chains to corner No. 1, HS 1095 to point of beginning. (Homesite No. 1095, 1.05 acres.)

NOVEMBER 23, 1953.

ORME LEWIS,
*Assistant Secretary of the Interior.*

[F. R. Doc. 53-9970; Filed, Nov. 27, 1953; 8:48 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

FM INTER-CITY RELAY STATIONS

The Commission having under consideration the desirability of making certain editorial changes in Part 2 of its rules and regulations; and

It appearing, that the Commission, on October 28, 1953, adopted a report and order in Docket 10647 which amended Part 4 of the Commission's rules, in part, by changing the term "interim FM relay station" to "FM inter-city relay station"; and

It further appearing, that Part 2 of the Commission's rules, which contains definitions of various types of stations authorized by the Commission, was not amended concurrently to reflect the change in terminology; and

It further appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 15, 1952, as amended:

*It is ordered*, This 20th day of November 1953, that, effective immediately, Part 2 of the Commission's rules and regulations is revised as set forth below:

1. Amend Subpart A—Definitions, § 2.1 by deleting the definition "Interim FM relay station (FXM)" and inserting the following immediately after the definition for FM broadcasting station:

*FM inter-city relay station (FXM).* A fixed station used for the transmission of FM broadcasting programs from one FM broadcasting station to other FM broadcasting stations to provide simultaneous network FM broadcasting and operated only by FM broadcast licensees.

2. Amend Subpart B, § 2.101 *Station symbols* by changing "FXM—Interim FM relay station" to read "FXM—FM inter-city relay station".

3. Amend § 2.104 (a) (5) by changing footnote NG14 as it applies to the band 940–952 Mc to read as follows:

NG14 FM inter-city relay stations may be authorized to use the band 940–952 Mc on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended, sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: November 23, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9993; Filed, Nov. 27, 1953; 8:54 a. m.]



PART 12—AMATEUR RADIO SERVICE

REVISION OF RULES

Pursuant to authority contained in section 4 (i), 5 (d) (1), and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of Secretary, dated February 14, 1952, as amended, the following editorial changes are made in Part 12, Rules Governing Amateur Radio Service:

1. The Table of Contents is amended to reflect changes in the text of Part 12 which were made since the last official printing of this Part on June 6, 1951.

2. Section 12.20 is amended by deletion of all reference to footnotes, and footnotes numbered 1, 2, 3, and 4 are deleted.

3. Section 12.21 (a), footnote 5 and the reference thereto are deleted.

4. Section 12.21 (b) is amended to read: "New Advanced Class amateur operator licenses will not be issued; however, Advanced Class (or Class A) licenses may continue to be renewed as set forth in § 12.27."

5. Section 12.27, renumber footnote 6 as footnote 1.

6. Section 12.42, delete paragraph concerning element 4 (A).

7. Section 12.43, delete present paragraph (b) and change paragraphs (c), (d), (e), and (f) to (b), (c), (d), and (e).

8. Section 12.46, delete present paragraph (b) and renumber paragraphs to read: (a), (b), (c), and (d).

9. Section 12.48, change paragraph (a) to read: "Code tests for sending and receiving are graded separately. Failure to pass the required code test for either sending or receiving will terminate the examination."

10. Section 12.48 (b), delete all reference to Element 4 (A), and in the last line add "a" before the words, "separate examination."

11. Section 12.67, amend by substituting for the first sentence of paragraph (a) the following: "Application for renewal of station license without modification shall be submitted on FCC Form 405–A. Applications on Form 405–A should not be accompanied by the applicant's license."

12. Section 12.67 (b), amend by adding the following introductory clause in the first sentence: "A renewal application which includes a modification (change of address) shall be submitted on FCC Form 610, and".

13. Section 12.69 is amended in accordance with amended § 1.402.

14. Section 12.70 (b), in second sentence of this paragraph delete the words, "he and", so that the phrase will read: "It shall require the licensee against whom it is directed to appear at a place and time therein named • • •".

15. Section 12.82 (e), in first sentence, 7th line, change the word "voyage" to "flight."

16. Section 12.111, redesignate paragraphs as (a) through (m) and indicate appropriate subparagraphs by 1, 2, 3, etc.; make punctuation changes; delete footnote 7, and renumber footnote 8 as footnote 2.

17. Section 12.136, change first sentence to read: "Each licensee of an amateur station shall keep an accurate log of station operation which shall include the following:"

18. Section 12.155, in line 13 change "nor" to "or".

19. Appendix I, "Examination Points", page 1, paragraph 7, delete reference to Classes A and B examinations and substitute General Class therefor.

20. Appendix I, "Radio Districts", delete *District of Columbia* from district 4.

21. Appendix I, "Radio Districts", in district 4 opposite Maryland, delete counties, so that notation will read: "All except district 24."

22. Appendix I, "Radio Districts", in district 4 opposite *Virginia*, delete *Arlington*, and insert after *Fairfax*, "except district 24."

23. Appendix I, "Radio Districts", in district 5 opposite *Virginia*, delete *district 4* and add *districts 4 and 24*.

24. Appendix I, "Radio Districts", in district 5, delete *New Post Office* and substitute *Federal* therefor.

25. Appendix I, "Radio Districts", in district 18, delete *1300* and substitute *826*.

26. Appendix I, "Radio Districts", in district 20, delete *Federal* and substitute *Post Office*.

27. Appendix I, "Radio Districts", in district 21, delete *609 Stanoewald Bldg.*, and substitute *502 Federal Bldg.* therefor.

28. Appendix I, "Radio Districts", add the following new entry:

| Radio district | Address of the engineer in charge | States, etc. | Counties |
|---|---|---|---|
| 24 | 101 Briggs Bldg., 2nd and F Sts. NW., Washington 25, D. C. | District of Columbia | Washington, the District of Columbia. |
| | | Maryland | Montgomery. |
| | | Virginia | Fairfax. |

29. Delete Extracts From Radio Regulations (Cairo revision) and footnotes 1 and 2.

30. Appendix 2, Extracts From Radio Regulations, delete footnote 3.

31. Appendix I, Examination Points, delete from the list of "Semiannual" examination points and add to the list of "Annual" examination points, the following: Bangor, Maine; Jamestown, N. Dak.; Manchester, N. H.; Marquette, Mich.; and Tallahassee, Fla.

32. Appendix I, Examination Points, delete from the list of "Annual" examination points, the following: Cumberland, Md.; Las Vegas, Nev.; and Reno, Nev.

33. Appendix I, Examination Points, following the last paragraph (concerning Hawaii), add the following: "Canal Zone: By the Engineer in Charge, District 22 (San Juan, P. R.)."

34. Delete title, text, and footnotes of Appendix 3 and substitute new text.

35. Section 12.23, reference to footnote 5 is deleted.

36. Sections 12.27 (d) and (e) amend to read as follows:

(d) A renewal application which includes a modification (change of address or operator class) shall be submitted on FCC Form 610 and shall be accompanied by the applicant's amateur operator license, and also by his amateur station license if he holds one.

(e) Application for renewal of an amateur operator license without modification shall be submitted on FCC Form 405–A. Applications on Form 405–A should not be accompanied by the applicant's license . . .

In view of the fact that the amendments adopted herein are editorial in nature, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments are effective immediately.

It is noted that since Part 12 was last published in the FEDERAL REGISTER (June 6, 1951) a large number of amendments have been made thereto. Accordingly, for administrative convenience: *It is ordered*, That 20th day of November 1953, that, effective immediately, Part 12 of the Commission's Rules and Regulations is revised to include the foregoing editorial changes, and to include all outstanding amendments which became effective between June 6, 1951, and the date of this order.

FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
*Acting Secretary.*

NOTE: The revised Part 12 as published in this issue of the FEDERAL REGISTER will be available in the near future from the Superintendent of Documents, Washington 25, D. C.

SUBPART A—AMATEUR RADIO STATIONS AND OPERATORS


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1—Examination points. Radio districts.
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4—Convention between the United States of America and Canada.

AUTHORITY: §§ 12.0 to 12.257 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303.

SUBPART A—AMATEUR RADIO STATIONS AND OPERATORS

§ 12.0 *Basis and purpose.* The rules and regulations in this part are designed to provide an amateur radio service having a fundamental purpose as expressed in the following principles:

(a) Recognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial communication service, particularly with respect to providing emergency communications.

(b) Continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art.

(c) Encouragement and improvement of the amateur radio service through rules which provide for advancing skills in both the communication and technical phases of the art.

(d) Expansion of the existing reservoir within the amateur radio service of trained operators, technicians, and electronics experts.

(e) Continuation and extension of the amateur's unique ability to enhance international good will.

DEFINITIONS

§ 12.1 *Amateur service.* The term "amateur service" means a radio service carried on by amateur stations.

§ 12.2 *Amateur operator.* The term "amateur operator" means a person interested in radio technique solely with a personal aim and without pecuniary interest, holding a valid license issued by the Federal Communications Commission authorizing him to operate licensed amateur stations.

§ 12.3 *Amateur station.* The term "amateur station" means a station used by an amateur operator, and it embraces all radio transmitting apparatus at a particular location used for amateur service and operated under a single instrument of authorization.

§ 12.4 *Amateur portable station.* The term "amateur portable station" means an amateur station that is so constructed that it may conveniently be moved about from place to place for communication, but which is not operated while in motion.

§ 12.5 *Amateur mobile station.* The term "amateur mobile station" means an amateur station that is so constructed that it may conveniently be transferred to or from a mobile unit or from one such unit to another, and is ordinarily used while such mobile unit is in motion.

§ 12.6 *Amateur radio communication.* The term "amateur radio communication" means radio communication between amateur stations solely with a personal aim and without pecuniary interest.

§ 12.7 *Remote control.* The term "remote control" as applied to the amateur radio service, means control of transmitting equipment of an amateur station from an operating position other than one at which the transmitter is in view and immediately accessible; except that, direct mechanical control or direct electrical control by wired connections of an amateur transmitter from a point located on board any aircraft, vessel or vehicle on which such transmitter is located shall not be considered remote control within the meaning of this definition.

§ 12.9 *Antenna structure defined.* The term "antenna structure" includes the radiating system and its supporting structures.

§ 12.10 *Aircraft landing area defined.* An aircraft landing area means any locality, either on land or water, including airports and intermediate landing fields, which is used, or approved for use, for landing and take-off of aircraft whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for the receiving or discharging of passengers or cargo.



AMATEUR OPERATORS

LICENSES, PRIVILEGES

§ 12.20 *Classes of amateur operator licenses.*

Amateur extra, class.
Advanced class (previously class A).
General class (previously class B).
Conditional class (previously class C).
Technician class.
Novice class.

§ 12.21 *Eligibility for license.* Persons are eligible to apply for the various classes of amateur operator licenses as follows:

(a) *Amateur extra class.* Any citizen of the United States who either (1) at any time prior to receipt of his application by the Commission has held for a period of two years or more a valid amateur operator license issued by the Federal Communications Commission, excluding licenses of the Novice and Technician Classes, or (2) submits evidence of having held a valid amateur radio station or operator license issued by any agency of the United States Government during or prior to April, 1917.

(b) *Advanced class.* New Advanced Class amateur operator licenses will not be issued; however, Advanced Class (or Class A) licenses may continue to be renewed as set forth in § 12.27.

(c) *General class.* Any citizen of the United States.

(d) *Conditional class.* Any citizen of the United States whose actual residence and amateur station location are more than 125 miles air line distant from the nearest location at which examinations are held at intervals of not more than 3 months for General Class amateur operator license; or who is shown by physician's certificate to be unable to appear for examination because of protracted disability; or who is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

(e) *Technician class.* Any citizen of the United States.

(f) *Novice class.* Any citizen of the United States except a former holder of an amateur license of any class issued by any agency of the United States government, military or civilian.

§ 12.22 *Application for amateur operator license.* The application for any new amateur operator license, including application for any change in operating privileges, shall be submitted in person or by mail to the district field office of the Commission at which the applicant desires his application to be considered and acted upon, which office will make the final arrangements for conducting any required examination. If the application is for a license which is obtained upon successful completion of an examination by volunteer examiners under the special provisions of § 12.44 (c), the application shall be submitted to the district field office which supplied the examination material. Applications for renewal or modification of license, or for duplicate license, when no change in operating privileges is involved, shall be filed directly with the Commission at its Washington 25, D. C. office.

§ 12.23 *Classes and privileges of amateur operator licenses*—(a) *Amateur extra class.* All authorized amateur privileges including such additional privileges in both communication and technical phases of the art which the Commission may consider as appropriately limited to holders of this class of license.

(b) *Advanced class.* All amateur privileges except those which may be reserved to holders of the Amateur Extra Class license.

(c) *General and Conditional classes.* All authorized amateur privileges.

(d) *Technician class.* All authorized amateur privileges in the amateur frequency bands above 220 megacycles.

(e) *Novice class.* Those amateur privileges as designated and limited as follows:

(1) The d. c. plate power input to the vacuum tube or tubes supplying power to the antenna shall not exceed 75 watts.

(2) Only the following frequency bands and types of emission may be used, and the emissions of the transmitter must be crystal-controlled:

(i) 3700 to 3750 kc, radiotelegraphy using only type A–1 emission in accordance with the geographical restrictions set forth in § 12.111.

(ii) 7175 to 7200 kc, radiotelegraphy using only type A–1 emission.

(iii) 21.10 to 21.25 Mc, radiotelegraphy using only type A–1 emission.

(iv) 145 to 147 Mc, radiotelegraphy or radiotelephony using any type of emission except pulsed emission and type B emission.

§ 12.25 *Availability of operator license.* The original operator license of each operator shall be kept in the personal possession of the operator while operating an amateur station. When operating an amateur station at a fixed location, however, the license may be posted in a conspicuous place in the room occupied by the operator. The license shall be available for inspection by any authorized Government official whenever the operator is operating an amateur station and at other times upon request made by an authorized representative of the Commission, except when such license has been filed with application for modification or renewal thereof, or has been mutilated, lost or destroyed, and application has been made for a duplicate license in accordance with § 12.26. No recognition shall be accorded to any photocopy of an operator license; however, nothing in this section shall be construed to prohibit the photocopying for other purposes of any amateur radio operator license.

§ 12.26 *Duplicate license.* Any licensee applying for a duplicate license to replace an original which has been lost, mutilated, or destroyed, shall submit with the application the mutilated license or a statement setting forth the facts regarding the manner in which the original license was lost or destroyed. If, subsequent to receipt by the licensee of the duplicate license, the original license is found, either the duplicate or the original license shall be returned immediately to the Commission.

§ 12.27 *Renewal of amateur operator license.*[1] (a) An amateur operator license except the Novice Class, may be renewed upon proper application in which it is stated that the applicant has lawfully accumulated, at an amateur station licensed by the Commission, a minimum total of either 2 hours operating time during the last 3 months or 5 hours operating time during the last 12 months of the license term. Such operating time, for the purpose of renewal, shall be counted as the total of all that time between the entries in the station log showing the beginning and end of transmissions as required in § 12.136 (a), both during single transmissions and during a sequence of transmissions. The application shall, in addition to the foregoing, include a statement that the applicant can send by hand key, i. e., straight key or any other type of hand operated key such as a semi-automatic or electronic key, and receive by ear, in plain language, messages in the International Morse Code at a speed of not less than that which is required in qualifying for an original license of the class being renewed.

(b) The Novice Class license will not be renewed.

(c) The applicant shall qualify for a new license by examination if the requirements of this section are not fulfilled.

(d) A renewal application which includes a modification (change of address or operator class) shall be submitted on FCC Form 610 and shall be accompanied by the applicant's amateur operator license, and also by his amateur station license if he holds one.

(e) Application for renewal of an amateur operator license without modification shall be submitted on FCC Form 405–A. Applications on Form 405–A should not be accompanied by the applicant's license. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 120 days of the license term or within a period of grace of one year after the expiration date of such license. During this one year period of grace an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be back-dated to the date of expiration of the license being renewed. In any case

[1] Until further order of the Commission, the showing that the applicant actually operated an amateur radio station or stations for the periods of time specified in § 12.27 will not be required in cases where it is shown that the applicant was unable to conduct such operation because he was on active duty in the armed forces of the United States or was duly enrolled as an employee of an agency of the Federal Government and in the course of such employment was on duty in a foreign country continuously during the last year of the license term: *Provided*, That any such employee of the Federal Government shall submit with his application for renewal of license a statement signed by his agency head, or the chief of the Bureau or Division in which he is employed attesting to such employment.



in which the licensee has, in accordance with the Commission's rules made timely

notice of his right to be heard and to contest the proceeding. The effective

are more than 125 miles airline distance from the nearest location at which examinations are conducted by an au-



§ 12.46 *Examination credit.* (a) An applicant for a higher class of amateur operator license who holds a valid ama-

examination for a Conditional Class license.

tory showing of control of the transmitting station for which license is desired and of control of the specific premises

in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(f) Renewal applications shall be governed by applicable rules in force on the date when application is filed.

§ 12.28 *Who may operate an amateur station.* An amateur radio station may be operated only by a person holding a valid amateur operator license. Such station may be operated by the licensee only in the manner and to the extent provided in his amateur operator license. Persons other than the station licensee, when operating such station, may operate it only to the extent and in the manner authorized to the licensee of the station and not exceeding the operating authority of such person's own amateur operator license. When an amateur station is used for telephony, the station licensee may permit any person to transmit by voice, provided during such transmission call signs are announced as prescribed by § 12.82 and a duly licensed amateur operator maintains actual control over the emissions, including turning the carrier on and off for each transmission and signing the station off after communication with each station has been completed.

§ 12.29 *License term.* Amateur operator licenses are normally valid for a period of 5 years from the date of issuance of a new or renewed license, except the Novice Class which is normally valid for a period of 1 year from the date of issuance. Modified and duplicate licenses shall bear the same date of expiration as the licenses for which they are modifications or duplicates.

§ 12.30 *Order of suspension.* No order of suspension of any operator's license shall take effect until 15 days' notice in writing thereof, stating the cause for the proposed suspension, has been given to the operator licensee who may make written application to the Commission at any time within said 15 days for a hearing upon such order. The notice to the operator licensee shall not be effective until actually received by him, and from that time he shall have 15 days in which to mail the said application. In the event that physical conditions prevent mailing of the application at the expiration of the 15-day period, the application shall then be mailed as soon as possible thereafter, accompanied by a satisfactory explanation of the delay. Upon receipt by the Commission of such application for hearing, said order of suspension shall be held in abeyance until the conclusion of the hearing which shall be conducted under such rules as the Commission shall deem appropriate. Upon the conclusion of said hearing the Commission may affirm, modify, or revoke said order of suspension.

§ 12.31 *Proceedings.* Proceedings for the suspension of an operator's license shall in all cases be initiated by the entry of an order of suspension. Respondent will be given notice thereof together with notice of his right to be heard and to contest the proceeding. The effective date of the suspension will not be specified in the original order but will be fixed by subsequent motion of the Commission in accordance with the conditions specified above. Notice of the effective date of suspension will be given respondent who shall send his operator license to the office of the Commission in Washington, D. C., on or before the said effective date, or, if the effective date has passed at the time notice is received, the license shall be sent to the Commission forthwith.

EXAMINATIONS

§ 12.41 *When examination is required.* Examination is required for the issuance of a new amateur operator license, and for a change in class of operating privileges. Credit may be given, however, for certain elements of examination as provided in § 12.46

§ 12.42 *Examination elements.* Examinations for amateur operator privileges will comprise one or more of the following examination elements:

Element 1 (A): *Beginner's code test.* Code test at five (5) words per minute.

Element 1 (B): *General code test.* Code test at thirteen (13) words per minute.

Element 1 (C): *Expert's code test.* Code test at twenty (20) words per minute.

Element 2: *Basic amateur practice.* Amateur radio operation and apparatus, including radiotelephone and radiotelegraph.

Element 3 (A): *Basic law.* Rules and regulations essential to beginners' operation, including sufficient elementary radio theory for the understanding of those rules.

Element 3 (B): *General regulations.* Provisions of treaties, statutes, and rules and regulations affecting all amateur stations and operators.

Element 4 (B): *Advanced amateur practice.* Advanced radio theory and operation as applicable to modern amateur techniques, including, but not limited to, radiotelephony, radiotelegraphy, and transmissions of energy for measurements and observations applied to propagation, for the radio control of remote objects and for similar experimental purposes.

§ 12.43 *Examination requirements.* Applicants for original licenses will be required to pass examinations as follows:

(a) *Amateur extra class.* Elements 1 (C), 2, 3 (B) and 4 (B).

(b) *General class.* Elements 1 (B), (2) and 3 (B).

(c) *Conditional class.* Elements 1 (B), 2 and 3 (B).

(d) *Technician class.* Elements 1 (A), 2 and 3 (B).

(e) *Novice class.* Elements 1 (A) and 3 (A).

§ 12.44 *Manner of conducting examinations.* (a) The examinations for all classes of amateur operator licenses, except Conditional Class, will be conducted by an authorized Commission employee or representative at locations and at times specified by the Commission. The examinations for Conditional Class, as well as Technician and Novice Class licenses, may be conducted in accordance with the provisions of paragraph (c) of this section under one or more of the following conditions:

(1) If the applicant's actual residence and proposed amateur station location are more than 125 miles airline distance from the nearest location at which examinations are conducted by an authorized Commission employee or representative at intervals of not more than 3 months for amateur operator licenses; or

(2) If the applicant is shown by physician's certificate to be unable to appear for examination because of protracted disability; or

(3) If the applicant is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force, or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

(b) A holder of a conditional, technician, or novice class license obtained on the basis of an examination under the provisions of paragraph (c) of this section is not required to be re-examined when changing residence and station location to within a regular examination area, nor when a new examination location is established within 125 miles of such licensee's residence and station location.

(c) Each examination for Conditional Class license, or for Technician, or Novice Class license under special conditions set forth in paragraph (a) of this section, shall be conducted and supervised by not more than two volunteer examiners, whom the Commission may designate or permit the applicant to select (not more than one examiner for the code test and not more than one examiner for the complete written examination). In the event the examiner for the code test is selected by the applicant, such examiner shall be the holder of an Extra Class, Advanced Class, or General Class of amateur operator license or shall have held, within the 5 years prior to the date of the examination, a commercial radiotelegraph operator license issued by the Commission or within that time shall have been employed in the service of the United States as the operator of a manually operated radiotelegraph station. The examiner for the written test shall be at least 21 years of age.

§ 12.45 *Additional examination for holders of Conditional Class operator licenses.* (a) The Commission may require a licensee holding a Conditional Class of operator license to appear for a General Class license examination at a location designated by the Commission. If the licensee fails to appear for the General Class examination when directed to do so, or fails to pass such examination, the Conditional Class operator license previously issued shall be subject to cancellation and, upon cancellation, a new license will not be issued for the Conditional Class privileges.

(b) Whenever the holder of a conditional class amateur operator license is required by the Commission to restrict the operation of his amateur station, in accordance with the provisions of §§ 12.152, 12.153 and 12.154, the necessity for those restrictions shall be considered sufficient grounds to require the holder of the Conditional Class license to appear for the General Class examination.



§ 12.46 *Examination credit.* (a) An applicant for a higher class of amateur operator license who holds a valid amateur operator license issued upon the basis of an examination by the Commission will be required to pass only those elements of the higher class examination that were not included in the examination for the amateur license held when such application was filed. However, credit will not be allowed for licenses issued on the basis of an examination given under the provisions of § 12.44 (c).

(b) An applicant for any class of amateur operator license, except the Extra Class, will be given credit for the telegraph code element if within 5 years prior to the receipt of his application by the Commission he held a commercial radiotelegraph first or second class operator license issued by the Federal Communications Commission.

(c) An applicant for Amateur Extra Class operator license will be given credit for examination elements 1 (c) and 4 (B) if he so requests and submits evidence of having held a valid amateur radio station or operator license issued by any agency of the United States Government during or prior to April 1917, and qualifies for or currently holds a valid amateur operator license of the General or Advanced Class.

(d) No examination credit, except as herein provided, shall be allowed on the basis of holding or having held any amateur or commercial operator license.

§ 12.47 *Examination procedure.* All written portions of the examinations for amateur operator privileges shall be completed by the applicant in legible handwriting or hand printing, and diagrams shall be drawn by hand, by means of either pen and ink or pencil. Whenever the applicant's signature is required, his normal signature shall be used. Applicants unable to comply with these requirements, because of physical disability, may dictate their answers to the examination questions and the receiving code test and if unable to draw required diagrams, may dictate a detailed description essentially equivalent. If the examination or any part thereof is dictated, the examiner shall certify the nature of the applicant's disability and the name and address of the person(s) taking and transcribing the applicant's dictation.

§ 12.48 *Grading.* (a) Code tests for sending and receiving are graded separately. Failure to pass the required code test for either sending or receiving will terminate the examination.

(b) Seventy-four percent is the passing grade for written examinations. For the purpose of grading, all elements, other than element 4 (B), required in qualifying for a particular license will be considered a single examination, and element 4 (B), will be considered as a separate examination.

§ 12.49 *Eligibility for re-examination.* An applicant who fails examination for amateur operator privileges may not take another examination for such privileges within 30 days, except that this limitation shall not apply to an examination for a General Class license following an examination for a Conditional Class license.

§ 12.50 *Code test procedure.* The code test required of an applicant for amateur radio operator license, in accordance with the provisions of §§ 12.42 and 12.43 shall determine the applicant's ability to transmit by hand key (straight key or if supplied by the applicant, any other type of hand operated key such as a semi-automatic or electronic key) and to receive by ear, in plain language, messages in the International Morse Code at not less than the prescribed speed, free from omission or other error for a continuous period of at least 1 minute during a test period of 5 minutes counting five characters to the word, each numeral or punctuation mark counting as two characters.

AMATEUR RADIO STATIONS

LICENSES

§ 12.60 *Limitation on antenna structures.* (a) No new antenna structure shall be erected for use by any station in the Amateur Radio Service, and no change shall be made in any existing antenna structure used or intended to be used by any station in the Amateur Radio Service so as to increase its over-all height above ground level, without prior approval by the Commission, in any case when either (1) the antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level, except in the case where the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet, or (2) the antenna structure proposed to be erected will exceed an over-all height of one foot above the established elevation of any landing area for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except in the case where the antenna structure does not exceed 20 feet above the ground or is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet as a result of such mounting. Application for Commission approval, when such approval is required, shall be submitted on FCC Form No. 401–A, in triplicate.

(b) In cases where FCC Form No. 401–A is required to be filed, further details as to whether an aeronautical study and/or obstruction marking may be required, and specifications for obstruction marking when required, may be obtained from Part 17 of this chapter, "Rules Concerning the Construction, Marking, and Lighting of Antenna Towers and Supporting Structures." Information regarding requirements as to inspection of obstruction marking, recording of information regarding such inspection, and maintenance of antenna structures is also contained in Part 17.

§ 12.61 *Eligibility for amateur station license.* A license for an amateur station will be issued in response to proper application therefor to a license amateur operator who has made a satisfactory showing of control of the transmitting station for which license is desired and of control of the specific premises upon which all of the station apparatus is to be located, at a designated fixed location. An amateur station license may be issued to an individual, not a licensed amateur operator (other than an alien or a representative of an alien or of a foreign government), who is in charge of a proposed amateur station located in approved public quarters and established for training purposes in connection with the armed forces of the United States, but not operated by the United States Government.

§ 12.62 *Eligibility of corporations or organizations to hold license.* An amateur station license will not be issued to a school, company, corporation, association, or other organization, nor for its use, except that in the case of a bona fide amateur radio organization or society, a station license may be issued to a licensed amateur operator, other than the holder of a Novice Class license, as trustee for such society.

§ 12.63 *Application for amateur station license.* (a) Each application for an amateur station license shall comply with the Commission's rules and regulations and shall be made in writing, subscribed and verified on FCC Form No. 610 (application for amateur operator and/or station license). FCC Form No. 602 should be used where the applicant is in charge of a proposed amateur station located in approved public quarters and established for training purposes in connection with the armed forces of the United States, but not operated by the United States Government.

(b) One application and all papers incorporated therein and made a part thereof shall be submitted for each amateur station license. If the application is for station license only, it shall be filed directly with the Commission at its Washington 25, D. C. office. If the application also contains application for any class of amateur operator license, it shall be filed in accordance with the provisions of § 12.22.

§ 12.64 *Location of station.* (a) Every amateur station shall have a fixed transmitter location. Only one fixed transmitter location will be authorized and will be designated on the license for each amateur station, except that when remote control is authorized, the location of the remote control position as well as the location of the remotely controlled transmitter shall be considered as fixed transmitter locations and will be so designated on the station license. Unless remote control of the transmitting apparatus is authorized, such apparatus shall be operated only by a duly licensed amateur radio operator present at the location of such apparatus.

(b) Authority for operation of an amateur station with the licensed operator on duty at a specific remote control point in lieu of the remote transmitter location may be granted upon filing an application for a modified station license on FCC Form No. 610 or FCC Form No. 602, as appropriate, and provided that the following conditions are met:

(1) The remote control point as well as the remotely controlled transmitter, shall be located on premises controlled by the licensee.

(2) The remotely controlled transmitter shall be so installed and protected that it is inaccessible to other than duly authorized persons.

(3) In addition to the requirements of § 12.68 a photocopy of the amateur station license shall be posted in a conspicuous place at the location of the remotely controlled transmitter.

(4) Means shall be provided at the control point to permit the continuous monitoring of the emissions of the remotely controlled transmitter, and it shall be continuously monitored when in operation.

(5) Means shall be provided at the remote control point immediately to suspend the radiation of the transmitter when there is any deviation from the terms of the station license or from the Rules Governing Amateur Radio Service.

(6) In the event that operation of an amateur transmitter from a remote control point by radio is desired, an application for a modified station license on FCC Form No. 610 or FCC Form No. 602, as appropriate, should be submitted with a letter requesting authority to operate in such a manner stating that the controlling transmitter at the remote location will operate within amateur frequency bands 420 megacycles or higher and that there will be full compliance with § 12.64 (b), subparagraphs (1) through (5). Supplemental statements and diagrams should accompany the application and show how radio remote control will be accomplished and what means will be employed to prevent unauthorized operation of the transmitter by signals other than those from the controlling unit. There should be included complete data on control channels, relays and functions of each, directional antenna design for the transmitter and receiver in the control circuit, and means employed for turning on and off the main transmitter from the remote control location.

(c) An amateur transmitter may be operated from a remote control point in lieu of the remote transmitter location without special authorization by the Commission when there is direct mechanical control or direct electrical control by wired connections of the transmitter from a point located in the same or closely adjoining building or structure provided there is full compliance with the conditions set forth in § 12.64 (b), subparagraphs (1) through (5).

§ 12.65 *License period.* The license for an amateur station is normally valid for a period of 5 years from the date of issuance of a new or renewed license except that an amateur station license issued to the holder of a Novice Class amateur operator license is normally valid for a period of 1 year from the date of issuance. Any modified or duplicate license shall bear the same expiration date as the license for which it is a modification or duplicate.

§ 12.66 *Authorized apparatus.* An amateur station license authorizes the use under control of the licensee of all transmitting apparatus at the fixed location specified in the station license which is operated on any frequency, or frequencies allocated to the amateur service, and in addition authorizes the use, under control of the licensee, of portable and mobile transmitting apparatus operated at other locations.

§ 12.67 *Renewal of amateur station license.* (a) Application for renewal of station license without modification shall be submitted on FCC Form 405–A. Applications on Form 405–A should not be accompanied by the applicant's license. Unless otherwise directed by the Commission, each application for renewal of license shall be filed during the last 120 days of the license term or within a period of grace of one year after the expiration date of such license. During this one year period of grace an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be back-dated to the date of expiration of the license being renewed. This one year period of grace shall apply only to licenses expiring on or after January 1, 1951. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

(b) A renewal application which includes a modification (change of address) shall be submitted on FCC Form 610 and shall be accompanied by the applicant's amateur station license, and also by his amateur operator license if he holds one.

(c) Renewal applications shall be governed by applicable rules in force on the date when application is filed.

§ 12.68 *Availability of station license.* The original license of each amateur station or a photocopy thereof shall be posted in a conspicuous place in the room occupied by the licensed operator while the station is being operated at a fixed location or shall be kept in his personal possession. When the station is operated at other than a fixed location, the original station license or a photocopy thereof shall be kept in the personal possession of the station licensee (or a licensed representative) who shall be present at the station while it is being operated as a portable or mobile station. The original station license shall be available for inspection by any authorized Government official at all times while the station is being operated and at other times upon request made by an authorized representative of the Commission, except when such license has been filed with application for modification or renewal thereof, or has been mutilated, lost, or destroyed, and application has been made for a duplicate license in accordance with § 12.26.

§ 12.69 *Revocation of station license and issuance of cease and desist orders.* (a) Whenever it appears that a station license should be revoked for any of the reasons set forth in section 312 (a) of the Communications Act of 1934, as amended, or a cease and desist order should be issued for any of the reasons specified in section 312 (b) of the act, the Commission will issue an order directing the licensee to show cause why an order of revocation or a cease and desist order, as the case may be, should not be issued.

(b) Any order to show cause issued in accordance with paragraph (a) of this section will contain a statement of matters with respect to which the Commission is inquiring and will call upon the licensee to appear before the Commission at a time and place stated in the order, but in no event less than thirty (30) days after the receipt of such order, and give evidence upon the matter specified therein; except that where safety of life or property is involved, the Commission may provide in the order for a shorter period.

(c) In order to avail himself of the opportunity to appear before the Commission at the time and place stated in the show cause order to give evidence upon the matter specified therein, the licensee, in person or by his attorney, shall, within 30 days of the receipt of the order, or such shorter period as may be specified therein if the safety of life and property is involved, file with the Commission, in triplicate, a written appearance stating that he will appear and present evidence on the matter specified in the order.

(d) The hearing on the matter specified in the order to show cause, and the practice and procedure in connection therewith, shall accord with the provisions of Subparts F and G of Part 1 of the Commission's Rules of Practice and Procedure, except that in all such hearings the burden of proof shall be upon the Commission.

(e) If the licensee does not desire to appear before the Commission and give evidence upon the matter specified in the show cause order, he shall, within 30 days of the receipt of the order, or such shorter period as may be specified therein if the safety of life or property is involved, file with the Commission, in triplicate, a written waiver of hearing. Such waiver, which shall include the name of the licensee to whom the show cause order was addressed, the call letters of his station, if any, and the docket number of the proceeding, may be accompanied by a statement of reasons why the licensee believes that the order of revocation or a cease and desist order, as the case may be, should not be issued.

(f) If the licensee fails timely to respond to an order to show cause or fails to appear at a hearing, such failure will be deemed a waiver of hearing.

(g) If the licensee waives a hearing in accordance with the provisions of paragraph (e) of this section and fails to submit a statement therewith showing why he believes an order of revocation or a cease and desist order should not be issued, or if he is deemed to waive a hearing in accordance with the provisions of paragraph (f) of this section, the allegations specified in the order to show cause will be deemed to be admitted and a decision will be issued by the Commission invoking the sanction specified in the order to show cause. If a hearing is waived pursuant to paragraph (e) of this section but a written statement as to why an order of revocation or cease and desist order should not be issued is submitted, the Commission will, on the basis of the facts before it as supplemented by such written statement, issue a decision stating its reasons for invoking the sanction specified in the order to show cause or for dismissing the proceeding, as the case may be: *Provided*, That where the written statement contains factual allegations contrary to those upon which the show cause order was based, the Commission may call upon the submitting party to furnish additional information under oath, or, if necessary, designate the proceeding for oral hearing. The decisions of the Commission referred to in this paragraph shall have the same effect as an initial decision, and the procedure to be followed thereafter shall be the same as in the case of an initial decision issued in the course of the regular hearing procedure (see §§ 1.853–1.857 of Part 1, Rules of Practice and Procedure).

(h) Any order of revocation or cease and desist order issued pursuant to this section shall include a statement of the findings and the grounds and reasons therefor and specify the effective date of the order, and shall be served on said licensee.

§ 12.70 *Modification of station license.* (a) Whenever the Commission shall determine that public interest, convenience, and necessity would be served, or any treaty ratified by the United States will be more fully complied with, by the modification of any radio station license either for a limited time, or for the duration of the term thereof, it shall issue an order for such licensee to show cause why such license should not be modified.

(b) Such order to show cause shall contain a statement of the grounds and reasons for such proposed modification, and shall specify wherein the said license is required to be modified. It shall require the licensee against whom it is directed to appear at a place and time therein named, in no event to be less than 30 days from the date of receipt of the order to show cause why the proposed modification should not be made and the order of modification issued.

(c) If the licensee against whom the order to show cause is directed does not appear at the time and place provided in said order, a final order of modification shall issue forthwith.

CALL SIGNS

§ 12.81 *Assignment of call sign.* (a) The call signs of amateur stations will be assigned systematically by the Commission with the following exceptions:

(1) A specific unassigned call sign may be reassigned to the most recent holder thereof;

(2) A specific unassigned call sign may be assigned to a previous holder if not under license during the past 5 years;

(3) A specific unassigned call sign may be assigned to an amateur organization in memoriam to a deceased member and former holder thereof;

(4) A specific call sign may be temporarily assigned to a station connected with an event, or events, of general public interest;

(5) An unassigned "two-letter call sign" (a call sign having two letters following the numeral) may be assigned to a previous holder of a two-letter call sign the prefix of which consisted of not more than a single letter.

(b) An amateur call sign will consist of a sequence of one or two letters, a numeral designating the call sign area, and two or three letters. The call sign areas are as follows:

No.
1. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.
2. New York, New Jersey.
3. Pennsylvania, Delaware, Maryland, District of Columbia.
4. Virginia, North and South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Puerto Rico and Virgin Islands.
5. Mississippi, Louisiana, Arkansas, Oklahoma, Texas, New Mexico.
6. California, Hawaii and Pacific possessions except those included in area 7.
7. Oregon, Washington, Idaho, Montana, Wyoming, Arizona, Nevada, Utah, Alaska and adjacent islands.
8. Michigan, Ohio, West Virginia.
9. Wisconsin, Illinois, Indiana.
0. Colorado, Nebraska, North and South Dakota, Kansas, Minnesota, Iowa, Missouri.

§ 12.82 *Transmission of call signs.* (a) (1) The operator of an amateur station shall transmit the call sign of the station or stations (or may transmit the generally accepted identification of the network) being called or communicated with, or shall identify appropriately any other purpose of a transmission, followed by the authorized call sign of the station transmitting:

(i) At the beginning and end of each single transmission or;

(ii) At the beginning and end of a series of transmissions between stations having established communication, each transmission of which is of less than three minutes duration (the identification at the end of such a series may be omitted when the duration of the entire series is less than three minutes), and;

(iii) At least once every ten minutes or as soon thereafter as possible during a series of transmissions between stations having established communication, and;

(iv) At least once every ten minutes during any single transmission of more than ten minutes duration.

(2) The required identification shall be transmitted on the frequency or frequencies being employed at the time and, in accordance with the type of emission authorized thereon, shall be by either telegraphy using the International Morse Code, or telephony. In addition to the foregoing, when a method of communication other than telephony or telegraphy using the International Morse Code is being used or attempted, the prescribed identification shall also be transmitted by that method.

(b) In addition to complying with the requirements of paragraph (a) of this section, an operator of an amateur station operated as a portable or mobile station using radiotelegraphy shall transmit immediately after the call sign of such station, the fraction-bar character ($\overline{DN}$) followed by the number of the amateur call sign area in which the portable or mobile amateur station is then being operated, as for example:

*Example 1.* Portable or mobile amateur station operating in the third amateur call sign area calls a fixed amateur station: W1ABC W1ABC W1ABC DE W2DEF $\overline{DN}$ 3 W2DEF $\overline{DN}$ 3 W2DEF $\overline{DN}$ 3 $\overline{AR}$.

*Example 2.* Fixed amateur station answers the portable or mobile amateur station: W2DEF W2DEF W2DEF DE W1ABC K.

*Example 3.* Portable or mobile amateur station calls a portable or mobile amateur station: W3GHI W3GHI W3GHI DE W4JKL $\overline{DN}$ 4 W4JKL $\overline{DN}$ 4 W4JKL $\overline{DN}$ 4 $\overline{AR}$.

When telephony is used, the call sign of the station shall be preceded by the words "this is" or the word "from" instead of the letters "de," followed by an announcement of the geographical location in which the portable or mobile station is being operated.

*Example 4.* Portable or mobile amateur radiotelephone station operating in the third call area calls a fixed amateur station: W1ABC W1ABC W1ABC "this is" or the word "from" W2DEF W2DEF W2DEF operating portable (or mobile) 3 miles north of Bethesda, Md., over.

(c) When telephony is used, the transmission of call signs prescribed by paragraphs (a) and (b) of this section may be made by the person transmitting by voice in lieu of a duly licensed operator provided the licensed operator maintains the control required by § 12.28.

(d) When using telephony, phonetic aids to identify the call sign of the station may be employed.

(e) In addition to complying with the requirements of paragraph (a) of this section, an operator of an amateur station operated as a mobile station aboard a vessel on the high seas, or aboard an aircraft en route on an international flight, shall, when the vessel or aircraft is outside the 10 call sign areas prescribed by the Commission in § 12.81 (b), comply with the following calling procedure:

(1) Mobile operations aboard a vessel.

(i) When using telegraphy the amateur operator shall transmit immediately after the call sign of the station the fraction bar $\overline{DN}$ followed by the designator MM to indicate that the station is being operated as a mobile station aboard a vessel. In addition, the name of the vessel and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off. If the vessel does not have a name, the number of the vessel shall be transmitted in lieu of the name of the vessel.

(ii) When using telephony the call sign of the station shall be preceded by the words "this is", or the word "from" followed by the words "maritime mobile" to indicate that the station is being operated as a mobile station aboard a vessel. In addition the name of the vessel, and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off. If the vessel does not have a name, the number of the vessel shall be transmitted in lieu of the name of the vessel.

(2) Mobile operations aboard aircraft.

(i) When using telegraphy the amateur operator shall transmit immediately after the call sign of the station the fraction bar $\overline{DN}$ followed by the designator AM to indicate that the station is being operated as a mobile station aboard an aircraft. In addition, the number of the aircraft and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off.

(ii) When using telephony the call sign of the station shall be preceded by the words "this is", or the word "from" followed by the words "aeronautical mobile", to indicate that the station is being operated as a mobile station aboard an aircraft. In addition, the number of the aircraft and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off.

PORTABLE AND MOBILE STATIONS

§ 12.91 *Requirements for portable and mobile operation.* (a) Within the continental limits of the United States, its territories, or possessions, an amateur station may be operated as either a portable or a mobile station on any frequency authorized and available for the amateur radio service. Whenever portable operation is, or is likely to be, for an over-all period in excess of 48 hours away from the fixed transmitter location designated in the station license, the licensee shall give prior written notice to the Engineer in Charge of the radio inspection district in which such portable operation is intended. This notice is required even though the station is, or is likely to be, operated during any part of this over-all period at the fixed transmitter location. Whenever mobile operation is, or is likely to be, for a period in excess of 48 hours without return to the fixed transmitter location designated in the station license, the licensee shall give prior written notice to the Engineer in Charge of the radio inspection district in which such mobile operation is intended. The notice required for either portable or mobile operation shall state the station call sign, the name of the licensee, the date or dates of proposed operation and the contemplated portable station locations, or mobile station itinerary, as specifically as possible. Additional advanced written notice shall also be given, in accordance with the foregoing, whenever such operation away from the fixed station location designated in the station license exceeds one month, and for each additional month of such operation.

(b) Outside the continental limits of the United States, its territories or possessions, an amateur station may be operated as portable or mobile only in the amateur band 28.0 to 29.7 Mc except that within areas under the jurisdiction of a foreign government, operation is controlled by the laws of that government and the terms of any applicable treaty. (See Appendix 4 for such treaties or agreements as are in force and the pertinent terms thereof.) Whenever such portable or mobile operation is, or is likely to be, for a period in excess of 48 hours away from the continental limits of the United States, its territories, or possessions, the licensee shall give prior written notice to the Engineer in Charge of the radio inspection district in which the fixed transmitter site designated in the station license is located. Only one such notice shall be required during any continued absence from the continental limits of the United States, its territories, or possessions.

§ 12.93 *Special provisions for nonportable stations.* The specific provisions of these rules relative to portable stations are not applicable to a nonportable station except that—

(a) An amateur station that has been moved from one permanent location to another permanent location may be operated at the latter location, in accordance with the provisions governing portable stations (including notice to the Engineer in Charge of the district in which the station is located) for a period not exceeding four consecutive months, but in no event beyond the expiration date of the license, provided a formal application for modification of license to change the permanent location has been filed with the Commission.

(b) The licensee of an amateur station who changes residence temporarily, but retains a permanent residence associated with the fixed station location designated in the station license, and moves his amateur station to a temporary location associated with his temporary residence, or the licensee-trustee for an amateur radio society which changes the normal location of its amateur station to a different and temporary location, may use the station at such temporary location under the following conditions:

(1) Advance notice in writing shall be given by the amateur station licensee or licensee-trustee to the Commission in Washington, D. C., and, for each month of such operation, to the Engineer in Charge of the radio inspection district in which the station is to be temporarily operated.

(2) Similar notice shall be given for each change in such temporary location, for the return of the station to the former permanent location, or for the establishment of a new permanent location; *Provided*, That additional monthly notices to the Engineer in Charge shall not be required when such operation takes place at the fixed station location designated in the station license held by the licensee.

(3) The notice of operation at a temporary location, as required under the preceding provisions of this paragraph, shall clearly identify the station call-sign and licensee or licensee-trustee, shall indicate both the permanent and the temporary station locations, shall indicate the address at which the licensee or licensee-trustee can be readily reached during such temporary operation, and shall show the reason why operation at that location is considered temporary rather than a change of permanent location.

(c) When the station is operated under the provisions of this section the calling procedure specified in § 12.82 shall be used, including transmissions of the fractional bar character when telegraphy is used followed by the number of the amateur call sign area in which the station is being operated. When telephony is used, an announcement shall be made of the geographical location in which the station is being operated.

§ 12.94 *Special provisions for mobile stations aboard ships or aircraft.* In addition to complying with all other applicable rules, an amateur mobile station operated on board a ship or aircraft must comply with all of the following special conditions: (a) The installation and operation of the amateur mobile station shall be approved by the master of the ship or captain of the aircraft; (b) The amateur mobile station shall be separate from and independent of all other radio equipment, if any, installed on board the same ship or aircraft; (c) The electrical installation of the amateur mobile station shall be in accord with the rules applicable to ships or aircraft as promulgated by the appropriate government agency; (d) The operation of the amateur mobile station shall not interfere with the efficient operation of any other radio equipment installed on board the same ship or aircraft; and (e) The amateur mobile station and its associated equipment, either in itself or in its method of operation, shall not constitute a hazard to the safety of life or property.

USE OF AMATEUR STATIONS

§ 12.101 *Points of communication.* An amateur station may be used to communicate only with other amateur stations, except that in emergencies or for test purposes it may also be used temporarily for communication with other classes of stations licensed by the Commission, and with United States Government stations. Amateur stations may also be used to communicate with any radio station other than amateur which is authorized by the Commission to communicate with amateur stations. Amateur stations may be used also for transmitting signals, or communications, or energy, to receiving apparatus for the measurement of emissions, temporary observation of transmission phenomena, radio control of remote objects, and for similar experimental purposes and for the purposes set forth in § 12.106.

§ 12.102 *No remuneration for use of station.* An amateur station shall not be used to transmit or receive messages for hire, nor for communication for material compensation, direct or indirect, paid or promised.

§ 12.103 *Broadcasting prohibited.* Subject to the provisions of § 12.106, an amateur station shall not be used to engage in any form of broadcasting, that is, the dissemination of radio communications intended to be received by the public directly or by the intermediary of relay stations, nor for the retransmission by automatic means of programs or signals emanating from any class of station other than amateur. The foregoing provision shall not be construed to prohibit amateur operators from giving their consent to the rebroadcast by broadcast stations of the transmissions of their amateur stations, provided, that the transmissions of the amateur stations shall not contain any direct or indirect reference to the rebroadcast.



§ 12.104 *Radio telephone tests.* The transmission of music by an amateur station is forbidden. However, single audio-frequency tones may be transmitted for test purposes of short duration for the development and perfection of amateur radio telephone equipment.

§ 12.105 *Codes and ciphers prohibited.* The transmission by radio of messages in codes or ciphers in domestic and international communications to or between amateur stations is prohibited. All communications regardless of type of emission employed shall be in plain language except that generally recognized abbreviations established by regulation or custom and usage are permissible as are any other abbreviations or signals where the intent is not to obscure the meaning but only to facilitate communications.

§ 12.106 *One-way communications.* In addition to the experimental one-way transmissions permitted by § 12.101, the following kinds of one-way communications, addressed to amateur stations, are authorized and will not be construed as broadcasting: (a) Emergency communications, including bona-fide emergency drill practice transmissions; (b) Information bulletins consisting solely of subject matter having direct interest to the amateur radio service as such; (c) Round-table discussions or net-type operations where more than two amateur stations are in communication, each station taking a turn at transmitting to other station(s) of the group; and (d) Code practice transmissions intended for persons learning or improving proficiency in the International Morse Code.

§ 12.107 *Special provisions regarding radio teleprinter transmissions.* The following special conditions shall be observed during the transmission of radio teleprinter signals on authorized frequencies by amateur stations:

(a) A single channel five-unit (start-stop) teleprinter code shall be used which shall correspond to the International Telegraphic Alphabet No. 2 with respect to all letters and numerals (including the slant sign or fraction bar) but special signals may be employed for the remote control of receiving printers, or for other purposes, in "figures" positions not utilized for numerals. In general, this code shall conform as nearly as possible to the teleprinter code or codes in common commercial usage in the United States.

(b) The nominal transmitting speed of the radio teleprinter signal keying equipment shall be adjusted as nearly as possible to the standard speed of 60 words per minute and, in any event, within the range 55 to 65 words per minute.

(c) When frequency-shift keying (type F-1 emission) is utilized, the deviation in frequency from the mark signal to the space signal, or from the space signal to the mark signal, shall be adjusted as nearly as possible to 850 cycles and, in any event, within the range 800 to 900 cycles per second.

(d) When audio-frequency-shift keying (type A-2 or type F-2 emission) is utilized, the highest fundamental modulating audio frequency shall not exceed 3000 cycles per second, and the difference between the modulating audio frequency for the mark signal and that for the space signal shall be adjusted as nearly as possible to 850 cycles and, in any event, within the range 800 to 900 cycles per second.

ALLOCATION OF FREQUENCIES

§ 12.111 *Frequencies and types of emission for use of amateur stations.* Subject to the limitations and restrictions set forth in this section and in § 12.114, the following frequency bands and types of emissions are allocated and available for amateur station operation:

(a) 1800 to 2000 kc. Use of this band is on a shared basis with the Loran system of radionavigation. The amateur service may use, in any area, whichever bands, 1800–1825, 1875–1900, 1900–1925 or 1975–2000 kc, are not required for Loran in that area, in accordance with the following conditions:

(1) The use of these frequencies by the amateur service shall not be a bar to the expansion of the radionavigation (Loran) service.

(2) The use of these frequencies by stations in the amateur service shall not cause harmful interference to the Loran system of radionavigation. If an amateur station causes such interference, the station licensee shall, as directed by the Commission, immediately cease operation on the frequencies involved.

(3) Only type A1 or A3 emission shall be employed.

(4) Amateur operation shall be limited to the following areas, to the indicated frequency bands within each such area, and to the indicated maximum plate power input to the tube or tubes supplying energy to the antenna during day and night hours, respectively, on such frequencies:

| Area | Authorized bands, kc | DC plate input power in watts | |
|---|---|---|---|
| | | Day | Night |
| Minnesota, Iowa, Missouri, Arkansas, Louisiana and States to the east of these States, including District of Columbia | 1800–1825, 1875–1900 | 500 | 200 |
| North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and States to the west of these States except the State of Washington | 1900–1925, 1975–2000 | 500 | 200 |
| State of Washington | 1900–1925, 1975–2000 | 200 | 50 |
| Texas, Oklahoma, and Kansas | 1800–1825, 1875–1900 | 200 | 75 |
| Hawaiian Islands | 1800–1925, 1975–2000 | 500 | 200 |
| Puerto Rico and Virgin Islands | 1800–1825, 1875–1900 | 500 | 200 |
| Alaska, Guam, and other Territories and Possessions of the United States not listed above. | None | No operation. | No operation. |

(5) The provisions of this subparagraph shall be considered as temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

(b) 3500 to 4000 kc, using type A-1 emission and, on frequencies 3500 to 3800 kc, using type F-1 emission and, on frequencies 3800 to 4000 kc, using type A3 emission and narrow band frequency or phase modulation for radiotelephony; to those stations located within the continental limits of the United States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands, and all United States possessions lying west of the Territory of Hawaii to 170° west longitude.

(c) 7000 to 7300 kc, using type A-1 emission and, on frequencies 7000 to 7200 kc, using type F-1 emission and, on frequencies 7200 to 7300 kc, using type A-3 emission or narrow band frequency or phase modulation for radiotelephony.

(d) 14,000 to 14,350 kc, using type A-1 emission, 14,000 to 14,200 kc and 14,300 to 14,350 kc using type F-1 emission and on frequencies 14,200 to 14,300 kc, type A-3 emission or narrow band frequency or phase modulation for radiotelephony.

(e) 21.00 to 21.45 Mc, using type A-1 emission; 21.00 to 21.25 Mc, using type F-1 emission; 21.25 to 21.45 Mc, using type A-3 emission and narrow band frequency or phase modulation for telephony.

(f) 26.960 to 27.230 Mc using A0, A1, A2, A3, and A4 emission and also special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), subject to such interference as may result from the emissions of industrial, scientific and medical devices within 160 kc of the frequency 27.120 Mc.

(g) 28.0 to 29.7 Mc, using type A1 emission and, on frequencies 28.5 to 29.7 Mc using type A3 emission and narrow band frequency or phase modulation for radiotelephony and, on frequencies 29.0 to 29.7, using special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(h) 50.0 to 54.0 Mc, using types A1, A2, A3, and A4 emission and narrow band frequency or phase modulation for radiotelephony and on frequencies 52.5 to 54.0 Mc, special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(i) 144 to 148 Mc, using types A0, A1, A2, A3, and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier

shift or other frequency modulation techniques).

(j) 220 to 225 Mc[1] using types A0, A1, A2, A3 and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulated techniques).

(k) 420 to 450 Mc, using types A0, A1, A2, A3, A4, and A5 emissions and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques). Peak antenna power shall not exceed 50 watts in order to minimize interference to aircraft altimeters temporarily allocated to this band.

(l) 1215 to 1300 Mc, using types A0, A1, A2, A3, A4, and A5 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(m) 2300 to 2450 Mc, 3300 to 3500 Mc, 5650 to 5925 Mc, 10,000 to 10,500 Mc, 21,000 to 22,000 Mc, and any frequency or frequencies above 30,000 Mc, using on these frequencies types A0, A1, A2, A3, A4, A5 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), and pulse emission. Operations in the frequency bands 2300 to 2450 Mc and 5650 to 5925 Mc are subject to such interference between 2400 and 2450 Mc and between 5775 and 5925 Mc, respectively, as may result from emissions of industrial, scientific and medical devices on the frequencies 2450 and 5850 Mc, respectively.

§ 12.113 *Individual frequency not specified.* Transmissions by an amateur station may be on any frequency within any authorized amateur band. Sideband frequencies resulting from keying or modulating a carrier wave shall be confined within the authorized amateur band.

[1] In those portions of the States of Texas and New Mexico in the area bounded on the south by parallel 31°53′ N., on the east by longitude 105°40′ W., on the north by parallel 33°24′ N., and on the west by longitude 106°40′ W., the frequency band 220–225 Mc. is not available for use by amateur stations engaged in normal amateur operation between the hours of 0500 and 1800 local time Monday through Friday inclusive of each week. However, the entire frequency band 220–225 Mc. shall be applicable in all areas to those amateur stations authorized to operate in an organized civil defense network during all periods when civil defense emergencies exist and, in addition, special arrangements for civil defense drills between the hours and within the area set forth above may be made upon mutual agreement between the Federal Communications Commission Engineer in Charge at Dallas, Texas, and the Area Frequency Coordinator at White Sands, New Mexico, if it appears necessary to conduct such drills. Such arrangements shall specify dates and times, and will depend upon the degree of use of the frequency band at White Sands at any particular time.

§ 12.114 *Types of emission.* (a) Type A0 emission, where not specifically designated in the bands listed in § 12.111, may be used for short periods of time when required for authorized remote control purposes or for experimental purposes. However, these limitations do not apply where type A0 emission is specifically designated.

(b) [Deleted]

(c) The use of narrow band frequency or phase modulation is subject to the conditions that the band-width of the modulated carrier shall not exceed the band-width occupied by an amplitude-modulated carrier of the same audio characteristics, and that the purity and stability of such emissions shall be maintained in accordance with the requirements of § 12.133.

EQUIPMENT AND OPERATION

§ 12.131 *Maximum authorized power.* Except on frequencies within the band 420 to 450 megacycles (where peak antenna power shall not exceed 50 watts), each amateur transmitter may be operated with a power input not exceeding 1 kilowatt to the plate circuit of the final amplifier stage of an amplifier-oscillator transmitter or to the plate circuit of an oscillator transmitter. An amateur transmitter operating with a power input exceeding 900 watts to the plate circuit shall provide means for accurately measuring the plate power input to the vacuum tube or tubes supplying power to the antenna.

§ 12.132 *Power supply to transmitter.* The license of an amateur station using frequencies below 144 megacycles shall use adequately filtered direct-current plate power supply for the transmitting equipment to minimize modulation from this source.

§ 12.133 *Purity and stability of emissions.* Spurious radiation from an amateur station being operated with a carrier frequency below 144 megacycles shall be reduced or eliminated in accordance with good engineering practice. This spurious radiation shall not be of sufficient intensity to cause interference in receiving equipment of good engineering design including adequate selectivity characteristics, which is tuned to a frequency or frequencies outside the frequency band of emission normally required for the type of emission being employed by the amateur station. In the case of A–3 emission, the amateur transmitter shall not be modulated to the extent that interfering spurious radiation occurs, and in no case shall the emitted carrier wave be amplitude-modulated in excess of 100 percent. Means shall be employed to insure that the transmitter is not modulated in excess of its modulation capability for proper technical operation. For the purposes of this section a spurious radiation is any radiation from a transmitter which is outside the frequency band of emission normal for the type of transmission employed, including any component whose frequency is an integral multiple or submultiple of the carrier frequency (harmonics and subharmonics), spurious modulation products, key clicks, and other transient effects, and parasitic oscillations. When using amplitude modulation on frequencies below 144 megacycles, simultaneous frequency modulation is not permitted and when using frequency modulation on frequencies below 144 megacycles simultaneous amplitude modulation is not permitted. The frequency of the emitted carrier wave shall be as constant as the state of the art permits.

§ 12.134 *Modulation of carrier wave.* Except for brief tests or adjustments and except for operation in the band 26.960 to 27.230 megacycles, an amateur radiotelephone station shall not emit a carrier wave on frequencies below 144 megacycles unless modulated for the purpose of communication.

§ 12.135 *Frequency measurement and regular check.* The licensee of an amateur station shall provide for measurement of the emitted carrier frequency or frequencies and shall establish procedure for making such measurement regularly. The measurement of the emitted carrier frequency or frequencies shall be made by means independent of the means used to control the radio frequency or frequencies generated by the transmitting apparatus and shall be of sufficient accuracy to assure operation within the amateur frequency band used.

§ 12.136 *Logs.* Each licensee of an amateur station shall keep an accurate log of station operation, which shall include the following:

(a) The date and time of each transmission. (The date need only be entered once for each day's operation. The expression "time of each transmission" means the time of making a call and need not be repeated during the sequence of communication which immediately follows; however, an entry shall be made in the log when signing off so as to show the period during which communication was carried on.)

(b) The signature of each licensed operator who manipulates the key of a radiotelegraph transmitter or the signature of each licensed operator who operates a transmitter of any other type and the name of any person not holding an amateur operator license who transmits by voice over a radiotelephone transmitter. The signature of the operator need only be entered once in the log, in those cases when all transmissions are made by or under the supervision of the signatory operator, provided a statement to that effect also is entered. The signature of any other operator who operated the station shall be entered in the proper space for that operator's transmission.

(c) Call sign of the station called. (This entry need not be repeated for calls made to the same station during any sequence of communication, provided the time of signing off is given.)

(d) The input power to the oscillator, or to the final amplifier stage where an oscillator-amplifier transmitter is employed. (This need be entered only once, provided the input power is not changed.)

(e) The frequency band used. (This information need be entered only once in the log for all transmissions until there is a change in frequency to another amateur band.)

(f) The type of emission used. (This need be entered only once until there is a change in the type of emission.)

(g) The location of the station (or the approximate geographical location of a mobile station) at the time of each transmission. (This need be entered only once provided the location of the station is not changed. However, suitable entry shall be made in the log upon changing the location. Where operating at other than a fixed location, the type and identity of the vehicle or other mobile unit in which the station is operated shall be shown.)

(h) The message traffic handled. (If record communications are handled in regular message form, a copy of each message sent and received shall be entered in the log or retained on file at the station for at least 1 year.)

§ 12.137 *Retention of logs.* The log shall be preserved for a period of at least 1 year following the last date of entry. The copies of record communications and station log required by § 12.136 shall be available for inspection by authorized representatives of the Commission.

SPECIAL CONDITIONS

§ 12.151 *Additional conditions to be observed by licensee.* In all respects not specifically covered by these regulations each amateur station shall be operated in accordance with good engineering and good amateur practice.

§ 12.152 *Restricted operation.* (a) If the operation of an amateur station causes general interference to the reception of transmissions from stations operating in the domestic broadcast service when receivers of good engineering design including adequate selectivity characteristics are used to receive such transmissions and this fact is made known to the amateur station licensee, the amateur station shall not be operated during the hours from 8 p. m. to 10:30 p. m., local time, and on Sunday for the additional period from 10:30 a. m. until 1 p. m., local time, upon the frequency or frequencies used when the interference is created.

(b) In general, such steps as may be necessary to minimize interference to stations operating in other services may be required after investigation by the Commission.

§ 12.153 *Second notice of same violation.* In every case where an amateur station licensee is cited within a period of 12 consecutive months for the second violation of the provisions of §§ 12.111, 12.113, 12.114, 12.132, or 12.133, the station licensee, if directed to do so by the Commission, shall not operate the station and shall not permit it to be operated from 6 p. m. to 10:30 p. m., local time, until written notice has been received authorizing the resumption of full-time operation. This notice will not be issued until the licensee has reported on the results of tests which he has conducted with at least two other amateur stations at hours other than 6 p. m. to 10:30 p. m., local time. Such tests are to be made for the specific purposes of aiding the licensee in determining whether the emissions of the station are in accordance with the Commission's rules. The licensee shall report to the Commission the observations made by the cooperating amateur licensees in relation to the reported violations. This report shall include a statement as to the corrective measures taken to insure compliance with the rules.

§ 12.154 *Third notice of same violation.* In every case where an amateur station licensee is cited within a period of 12 consecutive months for the third violation of §§ 12.111, 12.113, 12.114, 12.132 or 12.133, the station licensee if directed by the Commission, shall not operate the station and shall not permit it to be operated from 8 a. m. to 12 midnight, local time, except for the purposes of transmitting a prearranged test to be observed by a monitoring station of the Commission to be designated in each particular case. The station shall not be permitted to resume operation during these hours until the licensee is authorized by the Commission, following the test, to resume full-time operation. The results of the test and the licensee's record shall be considered in determining the advisability of suspending the operator license or revoking the station license, or both.

§ 12.155 *Answers to notices of violations.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive order, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer direct to the office of the Commission originating the official notice: *Provided, however,* That if an answer cannot be sent or an acknowledgment made within such 3-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, are taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the notice of violation relates to some lack of attention or improper operation of the transmitter, the name of the operator in charge shall be given.

§ 12.156 *Operation in emergencies.* In the event of an emergency disrupting normally available communication facilities in any widespread area or areas, the Commission, in its discretion, may declare that a general state of communications emergency exists, designate the area or areas concerned, and specify the amateur frequency bands, or segments of such bands, for use only by amateurs participating in emergency communication within or with such affected area or areas. Amateurs desiring to request the declaration of such a state of emergency should communicate with the Commission's Regional Manager of the area concerned. Whenever such declaration has been made, operation of and with amateur stations in the area concerned shall be only in accordance with the requirements hereinafter set forth, but such requirements shall in nowise affect other normal amateur communication in the affected area when conducted on frequencies not designated for emergency operation.

(a) All transmissions within all designated amateur emergency communication bands other than communications relating directly to relief work, emergency service, or the establishment and maintenance of efficient amateur radio networks for the handling of such communications, shall be suspended. Incidental calling, answering, testing or working (including casual conversation, remarks or messages) not pertinent to constructive handling of the emergency situation shall be prohibited within these bands.

(b) The Commission may designate certain amateur stations to assist in the promulgation of information relating to the declaration of a general state of communications emergency, to monitor the designated amateur emergency communications bands, and to warn noncomplying stations observed, to be operating in those bands. Such station, when so designated, may transmit for that purpose on any frequency or frequencies authorized to be used by that station, provided such transmissions do not interfere with essential emergency communications in progress; however, such transmissions shall preferably be made on authorized frequencies immediately adjacent to those segments of the amateur bands being cleared for the emergency. Individual transmissions for the purpose of advising other stations of the existence of the communications emergency shall refer to this section by number (§ 12.156) and shall specify, briefly and concisely, the date of the Commission's declaration, the area and nature of the emergency, and the amateur frequency bands or segments of such bands which constitute the amateur emergency communications bands at the time. The designated stations shall not enter into discussions with other stations beyond furnishing essential facts relative to the emergency, or acting as advisors to stations desiring to assist in the emergency, and the operators of such designated stations shall report fully to the Commission the identity of any stations failing to comply, after notice, with any of the pertinent provisions of this section.

(c) The special conditions imposed under the provisions of this section shall cease to apply only after the Commission, or its authorized representative, shall have declared such general state of communications emergency to be terminated; however, nothing in this paragraph shall be deemed to prevent the Commission from modifying the

terms of its declaration from time to time as may be necessary during the period of a communications emergency, or from removing those conditions with respect to any amateur frequency band or segment of such band which no longer appears essential to the conduct of the emergency communications.

§ 12.157 *Obscenity, indecency, profanity.* No licensed radio operator or other person shall transmit communications containing obscene, indecent, or profane words, language, or meaning.

§ 12.158 *False signals.* No licensed radio operator shall transmit false or deceptive signals or communications by radio, or any call letter or signal which has not been assigned by proper authority to the radio station he is operating.

§ 12.159 *Unidentified communications.* No licensed radio operator shall transmit unidentified radio communications or signals.

§ 12.160 *Interference.* No licensed radio operator shall willfully or maliciously interfere with or cause interference to any radio communication or signal.

§ 12.161 *Damage to apparatus.* No licensed radio operator shall willfully damage, or cause or permit to be damaged, any radio apparatus or installation in any licensed radio station.

§ 12.162 *Fraudulent licenses.* No licensed radio operator or other person shall obtain or attempt to obtain, or assist another to obtain or attempt to obtain, an operator license by fraudulent means.

## SUBPART B—RADIO AMATEUR CIVIL EMERGENCY SERVICE

### GENERAL

§ 12.200 *Temporary nature of this service.* (a) The Radio Amateur Civil Emergency Service provides a temporary phase of amateur operation for Civil Defense communications purposes only, and the rules are limited in their force and effect to the period of the present national emergency, including any emergency which may necessitate invoking of the President's War Emergency Powers under the provisions of section 606 of the Communications Act of 1934, as amended.

(b) Pursuant to the provisions of section 4 (j) of the Communications Act of 1934, as amended, records relating to the Radio Amateur Civil Emergency Service shall not be open to general public inspection.

§ 12.201 *Definitions.* For the purposes of this subpart, the following definitions are applicable:

(a) *Radio Amateur Civil Emergency Service.* A temporary radio-communication service carried on by licensed amateur radio stations while operating on specifically designated segments of the regularly allocated amateur frequency bands under the direction of authorized local, regional, or federal civil defense officials pursuant to an approved civil defense communications plan.

(b) *Radio Amateur Civil Emergency Station.* An amateur radio station which is authorized to operate in the Radio Amateur Civil Emergency Service for the purpose of transmitting and receiving civil defense communications.

(c) *Civil defense communications.* Communications or signals essential to the conduct of civil defense activities of duly authorized civil defense organizations, including communications directly concerning safety of life, preservation of property, maintenance of law and order, alleviation of human suffering and need and dissemination of warnings of enemy attack to the civilian population in case of actual or impending armed attack or in any disaster or other incident endangering the public welfare. Such communications may also include transmissions necessary to establishment and maintenance of the radio system and communications essential to the training of civil defense personnel.

(d) *Civil defense authority.* The legally appointed Director of Civil Defense, or his authorized alternate or representative, for the particular geographical area (city, county, etc.) which a proposed radio station is intended to serve, and who is responsible to local governmental authority for protection and aid to the civilian population in the event of armed attack or of any disaster or other incident endangering public safety.

(e) *Civil Defense Communications Officer.* The official of any duly constituted civil defense organization having direct responsibility under the Director of that organization for the provision, organization, maintenance, readiness, and utilization of all means of communication to be used by such civil defense organization in the performance of its lawful functions.

(f) *Civil Defense Radio Officer.* The duly designated official of a legally constituted civil defense organization who is directly responsible either to the Communications Officer or to the Director of such civil defense organization for the provision, organization, maintenance, readiness, and utilization of radio communications facilities for civil defense use.

(g) *Radio Amateur Civil Emergency Network.* All radio amateur civil emergency stations intended to be included in the civil defense communications plan of the area concerned and which operate, or are to operate, in conjunction with a single control station. Such network may be made up of several separately authorized radio amateur civil emergency stations or units of such stations, or may be made up of several units of the same station operated at different locations. In addition, the same radio amateur civil emergency station or any unit of such station may be a part of more than one network; e. g., the control station of one network may also be the control station or a member station of another network operated in conjunction therewith.

(h) *Control station.* The term "control station" or "net control station" means any authorized Radio Amateur Civil Emergency Station unit designated by the civil defense radio officer, with the approval of the Director of Civil Defense or the Civil Defense Communications Officer, to direct the use and operation of other station units of the same Radio Amateur Civil Emergency Network.

(i) *Civil defense communications plan.* A civil defense communications plan is the plan under which communications facilities are provided to all branches and phases of the civil defense organization in the area concerned and for all of its activities. Such plan may be drawn up in accordance with the needs of the particular area affected and the facilities, including licensed radio operators and stations, available in that particular area. Plans need not be uniform, but to be acceptable to the Commission they must comply with the following:

(1) The plan must be clearly described in writing, and it may include diagrams and sketches. It must include a general description of the facilities and personnel available to provide communications for civil defense purposes and the expected usage to be made thereof.

(2) The plan must have been approved by the state or territorial and federal civil defense authorities having jurisdiction of the area affected.

(3) The plan must include the name, address, official title, and a statement of the qualifications of the Civil Defense Radio Officer (and of any and all alternate Radio Officers) responsible for the organization, training, and utilization of the radio amateur civil emergency station networks under that plan, and the name, address, and official title of the civil defense official responsible for the coordination of all civil defense activities of the area concerned.

(4) The plan must include a general description of each radio amateur civil emergency station network under the jurisdiction of each respective Civil Defense Radio Officer, showing location of fixed installations, purpose, area of activity to be served, an estimate of the number of radio amateur stations and independent operating units of such stations intended to be used in the network, and a description, including the location and call sign, of its control station and any alternate control station or stations.

(5) The plan must include a general statement as to the frequency bands to be used by the radio amateur civil emergency station networks and the approximate number of stations, or units of such stations, to be operated in each such band, together with a description of the method which has been adopted for liaison and coordination of frequency usage with other similar networks in the same and adjacent areas.

(6) The plan must include a statement setting forth the facilities available to the area and the procedures to be followed in determining the loyalty and general reliability of all civil defense Radio Officers, amateur radio station licensees and radio operators intended to be utilized in the implementation of that plan. (See §§ 12.214 (b), 12.215 (c) and 12.241 (a) of this subpart.)



§ 12.202 *Applicability of rules governing amateur radio stations and operators.* In all cases not specifically covered by the regulations contained in this subpart, licensed amateur stations authorized to be operated in the Radio Amateur Civil Emergency Service shall be governed by the provisions of the rules governing amateur radio stations and operators (Subpart A of this part) which are not in conflict herewith. In any case of conflict, the rules governing the Radio Amateur Civil Emergency Service shall govern in respect to any station operated in that service.

### ORGANIZATION

§ 12.211 *Organization of networks.* To supplement or extend other means of communication available to the civil defense organization or to provide necessary communications for which no other means exist, local radio amateur civil emergency station networks shall be organized by the civil defense authority of the area concerned and under the immediate direction of the Civil Defense Radio Officer. Such networks shall include all licensed amateur radio stations which are intended to be included in the civil defense comunications plan of the area concerned. In any particular area there may be several such networks and each network may be independent of the others. Whenever there is more than one network in the same area, all such networks must share, under a single civil defense communications plan, the available frequencies in an efficient and orderly manner. The various networks in adjacent areas shall establish proper liaison and a description of the arrangements made shall become a part of their respective civil defense communications plans. Such arrangements shall provide for the efficient sharing of frequencies, plans for operating procedure designed to avoid mutual interference, and the exchange of communications facilities upon an inter-area basis where need for such exchange may arise.

§ 12.212 *Approval of civil defense communications plans.* (a) All civil defense communications plans which provide for the utilization of radio amateur civil emergency stations for civil defense purposes must be submitted to and approved by the responsible state (or territorial) and federal civil defense authorities before the licensed amateur stations intended to be used will be authorized to operate in the radio amateur civil emergency service.

(b) Material changes or modifications in such civil defense communications plans which alter the basic information required shall be submitted for approval in the same manner as the original plans.

(c) Written certification of approval by the competent state (or territorial) and federal civil defense authorities of each civil defense communications plan, or of any changes or modifications thereof, shall accompany the copies of such plans, changes, or modifications, which are submitted to the Commission in accordance with the provisions of this part.

§ 12.213 *Certification of Civil Defense Radio Officer.* (a) Certification of the Civil Defense Radio Officer shall be made on FCC Form 482. Such form shall be executed by the civil defense authority responsible for the coordination of all civil defense activities of the area concerned and show: (1) The name, address, and area of responsibility of such civil defense radio officer, (2) statement by him that he has accepted such appointment and agrees to perform faithfully the duties of that office, including those prescribed by this subpart, (3) a certification by the responsible civil defense authority that he has satisfied himself that the named civil defense radio officer is fully qualified in accordance with the provisions of § 12.214, and (4) the effective date of the appointment of the civil defense radio officer and the name of any previous civil defense radio officer whose appointment is terminated.

(b) FCC Form No. 482, when completed in accordance with this section, shall be forwarded to the Commission via the responsible state (or territorial) and federal civil defense officials whose approval (or disapproval) shall be clearly indicated on the form.

§ 12.214 *Qualifications of Civil Defense Radio Officer.* No person shall be considered qualified as a civil defense radio officer until he shall have been found to satisfy the following minimum requirements:

(a) He shall hold either (1) a valid commercial radio operator's license of either first or second class (radiotelegraph or radiotelephone) issued by the Commission, or (2) a valid amateur operator license issued by the Commission, other than the Technician or Novice Class.

(b) A determination shall have been made as to his loyalty to the United States and his general reliability, in accordance with the procedures provided in the approved civil defense communications plan of the area concerned.

(c) It shall have been determined that his technical and administrative qualifications are adequate for the proper performance of his duties.

§ 12.215 *Duties of Civil Defense Radio Officer.* The duties of the Civil Defense Radio Officer shall include among such other duties as may be assigned or as may be required in accordance with the provisions of this subpart.

(a) The direction and supervision of all radio stations forming the radio amateur civil emergency networks in accordance with the approved civil defense communications plan for the area involved.

(b) Provision for adequate monitoring of all transmissions of the stations under his supervision to assure compliance with the rules and regulations of the Commission, and to guard against improper use of the radio stations and intentional or inadvertent transmissions which might jeopardize the defense or security of the United States.

(c) The recommendation to the Commission for the granting of authorizations to individual amateurs for operation in this service, and certification to the Commission as to the loyalty to the United States and reliability of such individuals and the certification required in accordance with § 12.223.

(d) The recommendation to the Commission for cancellation of any authorization previously recommended or certified whenever subsequent investigation or circumstances indicate that the original recommendation or certification should not have been made.

### STATION AUTHORIZATIONS

§ 12.221 *Station authorization required.* No radio station may be operated in the Radio Amateur Civil Emergency Service except pursuant to an authorization for such operation issued by the Federal Communications Commission.

§ 12.222 *Eligibility for station authorization.* An authorization to operate a station in the Radio Amateur Civil Emergency Service will be issued only to a person who holds an amateur radio operator license, other than Technician or Novice Class, and an appropriate amateur radio station license.

§ 12.223 *Filing of application.* Each application for a station authorization shall be submitted on FCC Form 481–1, signed under oath or affirmation by the applicant and countersigned by the appropriate civil defense radio officer, who shall certify to the following:

(a) That the applicant has satisfied all requirements (both local and federal) for participation in the civil defense organization and is actually enrolled as a member of the local organization which serves the area where the station will operate.

(b) That the amateur station licensed in the name of the applicant has been approved for and, when authorized by the Commission, will actually constitute a unit of a civil defense communications network in accordance with an approved civil defense communications plan or amendment thereof.

§ 12.224 *Additional data required.* Each application for a station authorization in the Radio Amateur Civil Emergency Service shall be accompanied by the following data unless such material has already been submitted to the Commission, in which case the application shall clearly identify the material previously submitted:

(a) A copy of the approved communications plan (as defined in this part) for the civil defense communications network in which the station will operate, together with a copy of each approved amendment, change or modification of that plan.

(b) The official certification of the Civil Defense Radio Officer as provided in this subpart.

§ 12.225 *Single application for all equipment under one amateur station license.* Only one application need be filed for any one amateur station, including all transmitting equipment under the control of the licensee of that station, even though individual units of such station are capable of being operated and are intended to be operated independently at different locations, or as portable or mobile stations with no fixed locations. No distinction need be

made between those units which are personally owned by the amateur station licensee and those units which are otherwise under his technical control for operation in this service.

§ 12.226 *Issuance of station authorization.* An authorization to operate in this service, will be issued in the discretion of the Commission upon satisfactory completion of all requirements of this subpart and proper certification that the requirements of the civil defense organization for which the station will be used have been or are being complied with. The station authorization (Form 481-2) will be forwarded to the Civil Defense Radio Officer for delivery to the applicant. Such authorization will be accompanied by a stub (Form 481-3) which may be retained by the civil defense radio officer for his records.

§ 12.227 *Term of station authorization.* (a) Authorization to operate an amateur station in the Radio Amateur Civil Emergency Service will be issued for a term running concurrently with the term of the amateur radio station license. Application for renewal of such authorization shall be filed concurrently with application for renewal of the basic amateur radio station license.

(b) Whenever, under rules contained in Subpart A of this part, modification of the basic amateur station license becomes necessary, if such modification affects the information submitted with the original application for a license in this service, application for modification of the Radio Amateur Civil Emergency station license shall be submitted concurrently therewith.

(c) Nothing in this section shall be construed to alter or amend the temporary nature of a station authorization in the Radio Amateur Civil Emergency Service and the Commission's authority to cancel or amend it in accordance with the applicant's agreement as indicated on the initial application for station authorization.

§ 12.228 *Cancellation of station authorization.* (a) Each authorization for operation in the Radio Amateur Civil Emergency Service shall be issued with the express provision that such authorization is subject to revocation or cancellation without hearing whenever, in the opinion of the Commission, the security of the United States or the proper functioning of the Radio Amateur Civil Emergency Service would be served thereby, or termination of the national emergency makes it unnecessary to continue the operation of stations in this service.

(b) The station authorization shall be submitted to the Commission (via the Civil Defense Radio Officer) for cancellation under the following circumstances:

(1) The station for which the authorization was issued becomes inactive for a period of three months or it is not planned to use the station in the radio amateur civil emergency network for a period of at least three months.

(2) The basic amateur radio station license of the station has expired and has not been renewed.

(3) In cases where the amateur radio station license and the radio amateur civil emergency station authorization have both been modified, the original authorization of the latter shall be submitted to the Commission immediately upon receipt by the licensee of a new or modified authorization.

TECHNICAL REQUIREMENTS

§ 12.231 *Frequencies available.* (a) The following tabulation indicates the frequency bands, within the regularly allocated amateur frequency bands, which are available for use by stations in the Radio Amateur Civil Emergency Service. These frequency bands may be used, on a non-exclusive basis, by the classes of radio amateur civil emergency stations or units of such stations indicated, and only with the types of emission shown in the right-hand column.

(1) For use only by authorized stations or units of such stations which are operated under the direct supervision of duly designated and responsible officials of the civil defense organization:

| Frequency band: | *Authorized emission* |
|---|---|
| 1800–1825 kc [1] | 0 1A1, 6A3. |
| 1875–1900 kc [1] | 0 1A1, 6A3. |
| 1900–1925 kc [1] | 0 1A1, 6A3. |
| 1975–2000 kc [1] | 0 1A1, 6A3 |
| 3500–3510 kc | 0 1A1, 1 1F1. |
| 3900–4000 kc | 0 1A1, 1.1F1, 6A3, 6F3. |

[1] Use of frequencies in the band 1800–2000 kc is subject to the priority of the Loran system of radionavigation in this band and to the geographical, frequency, emission, and power limitations contained in § 12.111 of the rules governing amateur radio stations and operators (Subpart A of this part). The use of these frequencies by stations authorized to be operated in the Radio Amateur Civil Emergency Service shall not be a bar to expansion of the radionavigation (Loran) service, and such use shall be considered temporary in the sense that it shall remain subject to cancellation or to revision, in whole or in part, without hearing, whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

(2) For use by all authorized stations:

| Frequency band: | *Authorized emission* |
|---|---|
| 28.55–28.75 Mc | 0 1A1, 6A3, 6A4, 6F3. |
| 29.45–29.65 Mc | 0 1A1, 1.1F1, 6A3, 6A4, 40F3. |
| 50.35–50.75 Mc | 0 1A1, 6A2, 6A3, 6A4, 6F3. |
| 53.35–53.75 Mc | 0 1A1, 1.1F1, 6A2, 6F2, 6A3, 6A4, 40F3 |
| 145.17–145.71 Mc | 0 1A1, 1 1F1, 6A2, 6F2, 6A3, 6A4 40F3 |
| 146.79–147.33 Mc | 0 1A1, 1 1F1, 6A2 6F2, 6A3 6A4, 40F3 |
| 220–225 Mc | 0 1A1, 1 1F1, 6A2 6F2, 6A3, 6A4, 40F3. |

(b) The selection and use of specific frequencies within the authorized frequency bands by stations in the Radio Amateur Civil Emergency Service shall be in accordance with a coordinated local area and adjacent area civil defense communications plan and applicable rules of this part.

(c) At such time as any or all of these frequency bands are withdrawn from availability to stations operating in the Amateur Radio Service, such bands shall be jointly available to stations in the Radio Amateur Civil Emergency Service and to stations in the military services for training and tactical operations. At that time, in areas where interference might occur, local mutual arrangements shall be made regarding times of operation such as to preclude or satisfactorily alleviate interference. In time of actual civil defense emergency, stations in the Radio Amateur Civil Emergency Service shall have absolute priority.

§ 12.232 *Classification of emissions.* (a) For the purposes of this subpart, the authorized emissions, as contained in the table of § 12.231, are defined as follows:

0 1A1—Continuous wave telegraphy.
1.1F1—Frequency shift telegraphy.
6A2—Telegraphy amplitude modulated at audio frequency.
6F2—Telegraphy frequency modulated at audio frequency.
6A3—Commercial quality amplitude modulated telephony.
6F3—Narrow band frequency or phase modulated telephony.
40F3—Wide band frequency or phase modulated telephony.
6A4—Amplitude modulated facsimile.

(b) On frequencies where wide band frequency or phase modulated telephony (40F3) is authorized, narrow band frequency or phase modulated telephony (6F3) may also be employed; similarly, where commercial quality amplitude modulated telephony (6A3) is authorized, single or double sideband amplitude modulated telephony, with or without carrier or with reduced carrier, may also be employed.

§ 12.233 *Transmitter power.* The transmitting equipment of a radio station in this service shall be adjusted in such manner as to produce the minimum radiation necessary to carry out the communications desired. No station operating in this service shall use a direct current plate power input to the vacuum tube or tubes supplying energy to the antenna in excess of that permitted to be used by a licensed amateur radio station when operated on the same frequencies or in the same frequency bands in accordance with the provisions of the rules governing amateur radio stations and operators (Subpart A of this part).

§ 12.234 *Equipment requirements.* (a) Except under the conditions specified in paragraph (b) of this section, all stations authorized to be operated in the Radio Amateur Civil Emergency Service shall be capable of receiving on the same frequencies or frequency bands utilized for transmission.

(b) When a station in this service is operated only on a single frequency or frequency band for cross-band operation in communication with a station or stations operating on another frequency or in another frequency band, or in other services, such station shall be capable of receiving the station with which it is communicating.

(c) The direct modulation of an oscillator with a frequency stability less than that obtainable with crystal control, or the radiation of a signal having simultaneous amplitude and frequency or phase modulation, is prohibited on frequencies below 220 Mc after December 31, 1952.



§ 12.235 *Alleviation of harmful interference.* (a) When emissions of stations in the Radio Amateur Civil Emergency Service, other than those necessary to carry on the desired communications, cause harmful interference to stations in this or any other service, the Commission may, in its discretion, require appropriate technical changes in th equipment to alleviate the interference.

(b) When the emissions of stations in the Radio Amateur Civil Emergency Service that are necessary to carry on the desired communications cause harmful interference to stations in other radio services, appropriate action shall be taken to alleviate such interference including, if necessary, the suspension (except during times of an actual state of civil emergency) of such emissions as cause the interference.

OPERATING REQUIREMENTS

§ 12.241 *Operator requirements.* (a) No person shall operate a station in the Radio Amateur Civil Emergency Service unless (1) that person holds a valid radio operator license of the proper grade, as described in this section, and (2) that person holds a valid written certification by the chief of the local, regional, or state Civil Defense organization of the area in which he serves that he has satisfied all federal, state, and local requirements for enrollment in the Civil Defense organization as a radio operator and is actually enrolled therein. Such certification shall clearly indicate that a determination has been made as to his loyalty to the United States and general reliability in accordance with the procedures described in the approved civil defense communications plan for the area concerned. (See §§ 12.201 (i) and 12.212.)

(b) The person manipulating the key of a manually operated radio-telegraph transmitter of a station authorized to operate in this service shall hold either (1) any class of amateur operator license issued by the Commission, other than the Technician or Novice Class, or (2) any class of commercial radiotelegraph operator license issued by the Commission other than the Temporary Limited Radiotelegraph Second Class Operator License, together with the certification required in accordance with the provisions of paragraph (a) of this section.

(c) Except as specifically provided in paragraphs (a) and (b) of this section, any station in the Radio Amateur Civil Emergency Service may be operated by the holder of any class of amateur or commercial radio operator license issued by the Commission other than a Temporary Limited Radiotelegraph Second Class Operator License or an Aircraft Radiotelephone Operator Authorization: *Provided*, That, when such operation is performed by the holder of a Novice Class amateur operator license or by the holder of a commercial radiotelephone or radiotelegraph third class operator license or restricted operator permit; (1) such operator shall be prohibited from making any adjustments that may result in improper transmitter operation, (2) the equipment shall be so designed and installed that none of the operations necessary to be performed during the course of the normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station shall be regularly made by or under the immediate supervision and responsibility of the holder of either an amateur operator license other than the Novice Class or a commercial radiotelephone or radiotelegraph first or second class operator license.

(d) All adjustments or tests during or coincident with the installation, servicing or maintenance of the transmitting equipment of a station in this service shall be made only by or under the immediate supervision and responsibility of the holder of either (1) an amateur operator license other than the Novice Class or (2) a commercial radiotelephone or radiotelegraph first or second class operator license issued by the Commission, who in addition holds the certification required in accordance with the provisions of paragraph (a) of this section.

§ 12.242 *Operation at other than licensed location.* A station in this service, or any unit thereof, may be operated at any location in accordance with the approved civil defense communications plan for the area concerned, in the discretion of and as directed by the Civil Defense Radio Officer, without notice to the Commission and without limitation as to the length of time within which such operation takes place: *Provided*, That nothing in this section shall be construed to waive the necessity for modification of the authorization of a station in this service when the address of the licensee or the basic location of the station is changed, or for any other reason where, because of a change of the communications plan or other reason, the information heretofore furnished the Commission with the original application may be materially altered or changed.

§ 12.243 *Availability of station authorizations and operator licenses.* (a) The original station authorization permitting operation of the licensed amateur station in the Radio Amateur Civil Emergency Service, or a photocopy thereof, shall be permanently attached to each transmitter of such station, including each transmitter which is capable of being operated and intended to be operated independently at different locations, if the transmitter is readily accessible, or, if the control position is located at a place other than the transmitter location, it may be posted at the control position: *Provided*, That, whenever a photocopy of the station authorization is utilized in compliance with the foregoing requirement, the original station authorization shall be made available for inspection upon reasonable request from any authorized representative of the Federal Government.

(b) The original radio operator license, or a verification card (FCC Form 758-F) in the case of the holder of a commercial radio operator license of the diploma type, of the operator controlling the emissions of a station authorized to be operated in this service together with the certification required by § 12.241 (a), shall be carried on his person or kept immediately available at the place where he is operating the station or any independent unit of a station: *Provided*, That, whenever a verification card (FCC Form 758-F) is utilized in compliance with the foregoing requirement, the original operator license shall be made available for inspection upon reasonable request from any authorized representative of the Federal Government.

(c) When a licensed amateur station, or an independent unit of such station, is operated at a location other than that shown in its license in compliance with the provisions of this subpart, the basic amateur station license required by Subpart A of this part need not be readily available at the station or unit location, but shall be made available for inspection upon reasonable request from any authorized representative of the Federal Government.

§ 12.244 *Radio station log.* (a) Except as otherwise expressly provided in this subpart, there shall be maintained at each radio amateur civil emergency station, or unit of such station, an accurate log of all operations. The following information shall be recorded in such station log:

(1) The name and address of the station licensee, the regularly assigned call sign of the station and unit number if any, the name of the radio amateur civil emergency network or networks in which the station is normally operated, and the d. c. plate power input to the vacuum tube or tubes supplying energy to the transmitting antenna system. This information need be entered only once in the log unless there is a change in any of the above items, but the original entry and each change shall show the date on which the entry was made.

(2) The date and time of beginning and end of each period during which the station was operated, the purpose of such operation, and the frequencies or bands of frequencies on which the operation took place.

(3) The call signs or other identification of all stations or units of such stations with which communications are established or attempted during such period of operation.

(4) The signature of the licensed operator on duty and in charge of the operation of the station or unit of such station during each period of operation, and the signature of each licensed operator who manipulated the key of any manually operated radiotelegraph transmitter of such station or unit. The signature of the operator shall be entered with the date and time at the beginning and end of each period during which he performed the foregoing duties, and at least once on each page additional to the first page, covering the period for which he was the responsible operator. The signatures of any additional operators who operate the transmitter(s) during the regular watch of another operator and details to indicate the periods during

which they operated the transmitter(s) shall be entered in the proper form.

(5) Upon completion of each period of operation for any purpose, there shall be entered in the log a summary of such operation describing the nature thereof and, if message traffic or other record communications were exchanged with other stations, an estimate of the amount of such traffic handled together with a report on any unusual delays which were experienced in the delivery of such messages.

(6) There shall be no erasure, obliteration, or destruction of any part of the log of any station or station unit. Corrections shall be made by striking out the erroneous portion and initialing and dating the corrections.

(b) Mobile radio amateur civil emergency stations or station units, and portable radio amateur civil emergency stations or station units, where not being operated at pre-determined fixed locations, shall be exempt from the requirements of maintaining a log to the extent that the entries required under the preceding paragraph of this section are substantially contained in the log of another station or stations operating in the same radio amateur civil emergency networks. All stations or station units operating in accordance with the provisions of this subpart shall be exempt from the requirements concerning station logs contained in Subpart A of this part whenever it is shown that compliance with these requirements would interfere with the expeditious handling of civil defense communications or communication drills.

(c) The current portion of the log shall be kept at the location of the operating or control position of the station or unit. Other portions of the log shall be retained by the licensee for a period of one year, at a place determined by the civil defense Radio Officer to be appropriate and advisable: *Provided*, That the logs of a station in this service shall be made available for inspection upon reasonable request by any authorized representative of the Federal Government: *And provided further*, That those portions of any log covering operation of a station in this service in connection with any actual condition jeopardizing the public safety or affecting the national defense or security shall not be destroyed unless prior approval for such destruction shall have been received from the Commission.

§ 12.245 *Station identification.* (a) Stations operating in the Radio Amateur Civil Emergency Service shall identify themselves in the same manner and under the same conditions as prescribed in the rules governing Amateur Radio Stations and Operators (Subpart A of this part), except that:

(1) Additional designators to indicate portable or mobile operation, or to indicate operation at a location other than that specified in the station license, shall not be used.

(2) When engaged in network operation, after a station or unit has been fully identified at least once, further identification by that station or unit may be accomplished by the use of abbreviated call signs or other distinctive signals prescribed by the civil defense Radio Officer in lieu of the call signs otherwise required to be transmitted by that station or unit. A record of such abbreviated call signs or other distinctive signals shall be maintained by the Radio Officer and shall be made available for inspection upon reasonable request by any authorized representative of the Federal Government.

(b) When two or more separate units of a station, which is authorized to be operated in the Radio Amateur Civil Emergency Service, are operated independently at different locations, each unit shall separately identify itself by the addition of a unit number at the end of its call sign. When transmitting by telegraphy such additional identification shall immediately follow the basic call sign and to avoid confusion with portable or mobile indicators, shall not be separated therefrom by the use of the "slant" or fraction bar, or other punctuation mark or symbol.

§ 12.246 *Tactical call signs.* Stations operating in this service, and independent units of such stations, may be assigned tactical or secret call signs by the Commission or by competent civil defense authority, and may utilize such tactical call signs in lieu of the call signs appearing on the station licenses when such use is directed by competent civil defense authority: *Provided*, That a list of all such tactical call signs assigned stations under his direction shall be maintained by the civil defense Radio Officer and shall be made available for inspection upon reasonable request by any authorized representative of the Federal Government: *And provided further*, That when such tactical call signs are intended to be used at times other than during communications in connection with actual or impending conditions which appear to jeopardize the defense or security of the United States, a list of such tactical call signs and the stations or units to which assigned shall be furnished the Commission prior to such use.

USE OF STATIONS

§ 12.251 *Limitations on use of stations.* (a) No station authorized to be operated at this service, other than a control station as defined in this subpart, shall be operated for the purpose of transmitting any signal, message, or other communications except with the permission and under the operational control of the control station of the network in which it is operating: *Provided*, That nothing in the foregoing shall be construed to prohibit the transmission by any station or unit of a station of such signals as may be necessary for the purpose of alerting or making contact with the control station of the network, or for the purpose of transmitting actual emergency civil defense communications if the control station is disabled or is otherwise inoperative.

(b) Nothing in this section shall be construed to prevent the operation of a station which is authorized to be operated in this service for the purpose of brief tests or adjustments during or coincident with the installation, servicing or maintenance of such station: *Provided*, That the transmissions of that station during such tests or adjustments shall not cause harmful interference to the conduct of communications by any other station.

(c) No station in this service shall be used to transmit or to receive messages for hire, nor to transmit communications for material compensation, direct or indirect, paid or promised.

§ 12.252 *Hours of operation.* Stations in this service may be operated at such times and under such conditions as may be prescribed by the Communications Officer or other responsible official of the civil defense organization having jurisdiction over the area which the station will serve: *Provided*, That the communications of such stations shall at all times be in accordance with the permissible communications authorized in this subpart.

§ 12.253 *Points of communication.* Stations in this service may communicate with each other, with stations in the Disaster Communications Service, and with stations of the United States Government which are authorized to exchange communications with stations in this service by the particular agency having control. In addition, stations in this service may communicate, for the purpose of exchanging civil defense communications, with any other station in any service provided by the Commission's rules, whenever such station is authorized to communicate with stations in the Radio Amateur Civil Emergency Service by the provisions of the Commission's rules governing the class of station concerned or in accordance with the provisions of § 2.405 of this chapter.

§ 12.254 *Permissible communications.* Stations in this service are authorized to transmit only the following types of civil defense communications:

(a) Communications for training purposes: Necessary drills and tests to insure establishment and maintenance of orderly and efficient operation of the radio amateur civil emergency networks and such other radio stations and networks as may be associated therewith for the conduct of civil defense communications, including communications directly concerned with the conduct of practice alerts, practice blackouts, practice mobilization, and other comparable situations as may be ordered or initiated by competent civil defense authority or by the United States governmental or military authority charged with the defense of the area concerned. All messages which are transmitted in connection with such drills and tests shall be clearly identified as such by the use of the words "Drill" or "Test" in the body of such messages.

(b) Communications when there is an impending or actual condition jeopardizing the public safety or affecting the national defense or security:

(1) Communications directly concerning the activation of the radio amateur civil emergency station networks or such other radio stations and networks as may be associated with the networks for the conduct of civil defense communications.



(2) Communications directly concerning the conduct of service by the radio amateur civil emergency networks and such other radio stations and networks as may be associated therewith.

(3) Communications directly concerning safety of life, preservation of property, maintenance of law and order, alleviation of human suffering and need, and combating of armed attack or sabotage.

(4) Communications directly concerning the accumulation and dissemination of public information or instructions to the civilian population essential to the activities of the civil defense organization or that of other authorized governmental or relief agencies.

(5) Communications directly concerning the transaction of business essential to public welfare.

§ 12.255 *Use of codes and ciphers.* Any station in this service is authorized to transmit messages in codes and ciphers and to utilize any method of secret or coded authentication of its transmissions when such method of concealing the contents of messages or such authentication procedure is prescribed by the competent civil defense authority of the area concerned and shall, in general, proved by the cognizant federal civil defense authorities.

§ 12.256 *Priority of communications.* The order of priority of communications by stations in this service, when there is an impending or actual condition jeopardizing the public safety or affecting the defense or security of an area, shall be determined by the cognizant civil defense authority of the area concerned or his authorized representative.

§ 12.257 *Operating procedure.* The operating procedure, and the method of circuit control by the control station of each network, shall be determined by the responsible civil defense authority of the area served by the station and is apconform as nearly as possible to the operating procedure normally followed in other services in the expeditious handling of message traffic by the method of transmission in use.

APPENDIX 1

EXAMINATION POINTS

Examinations for amateur radio operator licenses are conducted at the Commission's office in Washington, D. C., Monday through Friday, except holidays (office hours are from 8:30 a. m. to 5 p. m.), and at each radio district office of the Commission on the days designated by the Engineer in Charge of the office. Specific dates should be obtained from the Engineer in Charge. For a list of such offices see the following pages.

Examinations are also given frequently, by appointment, at the Commission's offices at the following points:

| | |
|---|---|
| Tampa, Fla. | Mobile, Ala. |
| Juneau, Alaska. | Savannah, Ga. |
| Anchorage, Alaska. | San Diego, Calif. |

Examinations are also given at greater intervals at the places named below, which are visited for that purpose by Commission examiners from the district offices for such locations. For current schedules, exact time, place, and other details, inquiry should be addressed to the office conducting examinations at the chosen point.

QUARTERLY POINTS

| | |
|---|---|
| Birmingham, Ala. | Nashville, Tenn. |
| Charleston, W. Va. | Oklahoma City, Okla. |
| Cincinnati, Ohio. | Omaha, Nebr. |
| Cleveland, Ohio. | Phoenix, Ariz. |
| Columbus, Ohio. | Pittsburgh, Pa. |
| Corpus Christi, Tex. | St. Louis, Mo. |
| Davenport, Iowa. | Salt Lake City, Utah. |
| Des Moines, Iowa. | San Antonio, Tex. |
| Fort Wayne, Ind. | Schenectady, N. Y. |
| Fresno, Calif. | Sioux Falls, S. Dak. |
| Grand Rapids, Mich. | Syracuse, N. Y. |
| Indianapolis, Ind. | Tulsa, Okla. |
| Jackson, Miss. | Williamsport, Pa. |
| Knoxville, Tenn. | Winston-Salem, N. C. |
| Little Rock, Ark. | |
| Memphis, Tenn. | |
| Milwaukee, Wis. | |

SEMIANNUAL

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|---|---|
| Albuquerque, N. Mex. | El Paso, Tex. |
| Amarillo, Tex. | Hartford, Conn. |
| Bakersfield, Calif. | Hilo, Hawaii, T. H. |
| Boise, Idaho. | Jacksonville, Fla. |
| Butte, Mont. | Lihue, Kauai, T. H. |
| | Louisville, Ky. |

SEMIANNUAL—continued

| | |
|---|---|
| Portland, Maine. | Wichita, Kans. |
| Roanoke, Va. | Wilmington, N. C. |
| Spokane, Wash. | Wailuku, Maui, T. H. |
| Tucson, Ariz. | |

ANNUAL

| | |
|---|---|
| Bangor, Maine. | Marquette, Mich. |
| Billings, Mont. | Rapid City, S. Dak. |
| Jamestown, N. Dak. | Springfield, Mo. |
| Klamath Falls, Oreg. | Tallahassee, Fla. |
| Manchester, N. H. | |

Arrangements have also been made, including cooperation of other Federal agencies, for General Class examinations in outlying areas as follows:

Alaska: United States Signal Corps stations.

Guam: District Communications Officer, United States naval station.

Hawaii: At not exceeding one point on any island, by the Engineer in Charge (Honolulu).

Canal Zone: By the Engineer in Charge, District 22 (San Juan, P. R.).

RADIO DISTRICTS

| Radio district | Address of the engineer in charge | Territory within district | |
|---|---|---|---|
| | | States, etc. | Counties |
| 1 | 1600 Customhouse, Boston 9, Mass. | Connecticut | All counties. |
| | | Maine | Do. |
| | | Massachusetts | Do. |
| | | New Hampshire | Do. |
| | | Rhode Island | Do. |
| | | Vermont | Do. |
| 2 | 748 Federal Bldg., 641 Washington St., New York 14, N. Y. | New Jersey | Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren. |
| | | New York | Albany, Bronx, Columbia, Delaware, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Schenectady, Suffolk, Sullivan, Ulster, and Westchester. |
| 3 | Room 1613, New United States Customhouse, 2d and Chestnut Sts., Philadelphia 6, Pa. | Delaware | New Castle. |
| | | New Jersey | Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem. |
| | | Pennsylvania | Adams, Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Perry, Philadelphia, Schuylkill and York. |
| 4 | Rm. 611 Town Bank Bldg., Conn. St. and Fallsway, Baltimore 2, Md. | Delaware | Kent and Sussex. |
| | | Maryland | All except district 24. |
| | | Virginia | Counties listed in district 24, Fairfax, Hanover, Isle of Wight, James City, King William, King and Queen, Lancaster, Northumberland, Warwick, Westmoreland, and York. |
| | | West Virginia | Berkeley, Brooke, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Monongalia, Morgan, Pendleton, Preston, Randolph, Taylor, Tucker, Upshur. |
| 5 | Room 402 Federal Bldg., Norfolk 10, Va. | North Carolina | All except districts 1 and 24. |
| 6 | 411 Federal Annex, Atlanta 3, Ga. | Alabama | All except districts 8 and 9. |
| | Suboffice, P. O. Box 77, 240 Court House Bldg., Nashville, Tenn. | Georgia | All except districts 8 and 9. |
| | | South Carolina | All counties. |
| | | Tennessee | Do. |
| | | Florida | All except districts 8, 9. |
| | | North Carolina | Alexander, Avery, Buncombe, Burke, Caldwell, Catawba, Clay, Cleveland, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Watauga, and Yancey. |
| | | South Carolina | All counties. |
| | | Tennessee | Do. |
| | | Florida | All except districts 8, 9. |
| 7 | P. O. Box 170, 342 Federal Bldg., Main & Hogan Sts., Jacksonville, Fla. P. O. Bldg., Florida Ave., Tampa 2, Fla. | Alabama | Baldwin and Mobile. |
| | | Arkansas | All counties. |
| | | Florida | Escambia. |
| | | Louisiana | All counties. |
| | | Mississippi | Do. |
| | | Texas | City of Texarkana only. |
| 8 | 400 Audubon Bldg., New Orleans 16, La. Suboffice, 419 U. S. Court House and Customhouse, Mobile 10, Ala. | Alabama | Do. |
| | | Arkansas | All counties. |
| | | Florida | Do. |
| | | Louisiana | Do. |
| | | Mississippi | Do. |
| | | Texas | All except district 9. |
| 9 | 321 U. S. Appraisers Stores Bldg., 7400 Wingate St., Houston 11, Tex. Suboffice, P. O. Box 1527, 329 Post Office Bldg., 350 Willow St., Beaumont, Tex. | Texas | Aransas, Aransas, Atascosa, Austin, Bandera, Bastrop, Bee, Bexar, Blanco, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Chambers, Colorado, Comal, De Witt, Duval, Dimmit, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Hardin, Hays, Harris, Hidalgo, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kenedy, Kendall, Kerr, Kinney, Kleberg, La Salle, Lavaca, Lee, Liberty, Live Oak, Matagorda, Madison, Maverick, McMullen, Medina, Montgomery, Newgloches, Newton, Nueces, Orange, Polk, Real, Refugio, San Augustine, San Jacinto, San Patricio, Sabine, Starr, Travis, Trinity, Uvalde, Val Verde, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Zapata, Zavala, and Tyler. |

RADIO DISTRICTS—Continued

| Radio district | Address of the engineer in charge | Territory within district: States, etc. | Territory within district: Counties |
|---|---|---|---|
| 10 | P. O. Box 2238, 500 U. S. Terminal Annex Bldg., Houston, and Jackson Sts., Dallas 2, Tex. | New Mexico | All counties. |
| | | Oklahoma | Do. |
| | | Texas | All except district 9 and the city of Texarkana. |
| 11 | 539 U. S. Post Office and Courthouse Bldg., Temple and Spring Sts., Los Angeles 12, Calif. | Arizona | All counties. |
| | | California | Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Ventura. |
| | Suboffice, 15-17 U. S. Customhouse Bldg., Union and "F" Sts., San Diego 1, Calif. | Nevada | Clark. |
| 12 | 323-A Customhouse, San Francisco 26, Calif. | California | All except district 11. |
| | | Nevada | All except Clark. |
| 13 | 307 Fitzpatrick Bldg., 948 S. W. Oak St., Portland 5, Oreg. | Idaho | All except district 14. |
| | | Oregon | All counties. |
| | | Washington | Wahkiakum, Cowlitz, Clark, Skamania, and Klickitat. |
| 14 | 801 Federal Office Bldg., Seattle 4, Wash. | Idaho | Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone. |
| | | Montana | All counties. |
| | | Washington | All except district 13. |
| 15 | 521 New Customhouse, 19th St. between Cahlifornia and Stout Sts., Denver 2, Colo. | Colorado | All counties. |
| | | Utah | Do. |
| | | Wyoming | Do. |
| | | Nebraska | Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux. |
| | | South Dakota | Butte, Custer, Fall River, Lawrence, Meade, Pennington, Shannon, Washington. |
| 16 | 208 Uptown Post Office and Federal Courts Bldg., 24th and Washington Sts., St. Paul 2, Minn. | Minnesota | All counties. |
| | | Michigan | Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft. |
| | | South Dakota | All except district 15. |
| | | North Dakota | All counties. |
| | | Wisconsin | All except district 18. |
| 17 | 3200 Federal Office Building, 911 Walnut Street, Kansas City 6, Mo. | Iowa | Do. |
| | | Kansas | All counties. |
| | | Missouri | Do. |
| | | Nebraska | All except district 15. |
| 18 | 826 U. S. Courthouse, 219 South Clark St., Chicago 4, Ill. | Illinois | All counties. |
| | | Indiana | Do. |
| | | Iowa | Allamakee, Buchanan, Cedar, Clayton, Clinton, Delaware, Des Moines, Dubuque, Fayette, Henry, Jackson, Johnson, Jones, Lee, Linn, Louisa, Muscatine, Scott, Washington, and Winneshiek. |
| | | Wisconsin | Brown, Columbia, Calumet, Crawford, Dane, Dodge, Door, Fond du Lac, Grant, Green, Iowa, Jefferson, Kewaunee, Kenosha, Lafayette, Manitowoc, Marinette, Milwaukee, Ozaukee, Oconto, Outagamie, Racine, Richland, Rock, Sauk, Sheboygan, Walworth, Washington, Waukesha, and Winnebago. |
| 19 | 1029 New Federal Bldg., Detroit 26, Mich. | Kentucky | All except district 19. |
| | | Ohio | Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Franklin, Gallatin, Garrard, Grant, Greenup, Kenton, Harlan, Harrison, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owen, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Wayne, Whitley, Wolfe, Woodford. |
| | | Michigan | All counties. |
| | | West Virginia | All except district 16. |
| 20 | 328 Post Office Bldg., Ellicott and Swan Streets, Buffalo 3, N. Y. | New York | All except district 4. |
| | | Pennsylvania | All except district 2. |
| 21 | 502 Federal Bldg., Honolulu 1, T. H. | Territory of Hawaii and outlying Pacific possessions, except Alaska and adjacent islands. | All except district 3. |
| 22 | P. O. Box 2087, 322 323 Federal Bldg., San Juan 13, P. R. | Puerto Rico. | |
| | | Virgin Islands. | |
| 23 | P. O. Box 1421, 7 8 Skattuck Bldg., Third and Seward Sts., Juneau, Alaska. Suboffice, 35 U. S. P. O. and Court House, P. O. Box 644, Anchorage, Alaska. | Alaska. | |
| 24 | 104 Briggs Bldg., 224 and E NW., Washington 25, D. C. | District of Columbia | |
| | | Maryland | Within 10 miles of the District of Columbia boundary. |
| | | Virginia | Do. |

APPENDIX 2

EXTRACTS FROM RADIO REGULATIONS ANNEXED TO THE INTERNATIONAL TELECOMMUNICATION CONVENTION

(Atlantic City, 1947)

ARTICLE 42—AMATEUR STATIONS

SECTION 1. Radiocommunications between amateur stations of different countries shall be forbidden if the administration of one of the countries concerned has notified that it objects to such radiocommunications.

SEC. 2. (1) When transmission between amateur stations of different countries are permitted they must be made in plain language and must be limited to messages of a technical nature relating to tests and to remarks of a personal character for which, by reason of their unimportance, resource to the public telecommunications service is not justified. It is absolutely forbidden for amateur stations to be used for transmitting international communications on behalf of third parties.

(2) The preceding provisions may be modified by special arrangements between the countries concerned.

SEC. 3. (1) Any person operating the apparatus in an amateur station must have proved that he is able to transmit, and to receive by ear, texts in Morse code signals. Administrations concerned may, however, waive this requirement in the case of stations making use exclusively of frequencies above 1000 (one thousand) Mc/s.

(2) Administrations shall take such measures as they judge necessary to verify the qualifications, from a technical point of view, of any person operating the apparatus of an amateur station.

SEC. 4. The maximum power of amateur stations shall be fixed by the administrations concerned, having regard to the technical qualifications of the operators and to the conditions under which these stations must work.

SEC. 5. (1) All the general rules of the Convention and of the present Regulations shall apply to amateur stations. In particular, the transmitting frequency must be as constant and as free from harmonics as the state of technical development for stations of this nature permits.

(2) During the course of their transmissions amateur stations must transmit their call sign at short intervals.

APPENDIX 3

CLASSIFICATION OF EMISSIONS

For convenient reference the tabulation below is extracted from the "Classification of Emissions" tables in Part 2 of the Commission's Rules and Regulations and in the Atlantic City (1947) Radio Regulations and it includes only those general classifications which appear most applicable to the Amateur Radio Service.

| Type of modulation or emission | Type of transmission | Symbol |
|---|---|---|
| 1. Amplitude | Absence of any modulation | A0 |
| | Telegraphy without the use of modulating audio frequency (on-off keying). | A1 |
| | Telegraphy by the keying of a modulating audio frequency or radio frequencies or by the keying of the modulated emission (special case: an unkeyed modulated emission). | A2 |
| | Telephony | A3 |
| | Facsimile | A4 |
| | Television | A5 |
| 2. Frequency (or phase) modulated. | Absence of any modulation | F0 |
| | Telegraphy without the use of modulating audio frequency (frequency shift keying). | F1 |
| | Telegraphy by the keying of a modulating audio frequency or audio frequencies or by the keying of the modulated emission (special case: an unkeyed emission modulated by audio frequency). | F2 |
| | Telephony | F3 |
| | Facsimile | F4 |
| | Television | F5 |
| 3. Pulsed emissions. | | P |

APPENDIX 4

*Convention Between the United States of America and Canada, Relating to the Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country* (Effective May 15, 1952)

ARTICLE III

It is agreed that persons holding appropriate amateur licenses issued by either country may operate their amateur stations in the territory of the other country under the following conditions:

(a) Each visiting amateur may be required to register and receive a permit before operating any amateur station licensed by his government.

(b) The visiting amateur will identify his station by:

(1) *Radiotelegraph operation.* The amateur call sign issued to him by the licensing country followed by a slant (/) sign and the amateur call sign prefix and call area number of the country he is visiting.

(2) *Radiotelephone operation.* The amateur call sign in English issued to him by the licensing country followed by the words, "fixed," "portable" or "mobile", as appropriate, and the amateur call sign prefix and call area number of the country he is visiting.

(c) Each amateur station shall indicate at least once during each contact with another station its geographical location as nearly as possible by city and state or city and province.

(d) In other respects the amateur station shall be operated in accordance with the laws and regulations of the country in which the station is temporarily located.

[F. R. Doc. 53-9911; Filed, Nov. 27, 1953; 8:46 a. m.]

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PART 14—RADIO STATIONS IN ALASKA (OTHER THAN AMATEUR AND BROADCAST)

In the matter of amendment of Part 14 of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission having under consideration the desirability of making certain editorial changes in Part 14 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1), and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1952, as amended;

*It is ordered*, This 20th day of November 1953, that, effective immediately, Part 14 of the Commission's rules and regulations is revised as set forth below.

Released: November 23, 1953.

FEDERAL COMMUNICATAONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

GENERAL

Sec.
14.1 Scope of part.
14.2 Place of filing applications.
14.3 Emergency service which may be rendered.
14.4 License period.
14.5 Frequencies.

FIXED PUBLIC SERVICE

14.10 Frequencies for communication from non-Government to Government and between non-Government stations.
14.14 Frequencies for short distance communication from non-Government to Government stations.
14.15 Frequencies for short distance communication between non-Government stations.

PUBLIC COAST STATIONS

14.31 Frequencies for communication with ships in Alaskan waters.
14.32 Frequencies for short distance communication from non-Government to Government stations and secondarily with ships in Alaskan waters.
14.33 Frequencies for communication with any ship station.

STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

14.51 Service which may be rendered.
14.52 Frequencies for communication between ships and with public coast stations employing primarily telephony.
14.53 Frequencies for communication from non-Government to Government stations and secondarily with coast stations employing primarily telephony.
14.54 Frequencies for ship stations.

AUTHORITY: §§ 14.1 to 14.54 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended, sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155.

GENERAL

§ 14.1 *Scope of part.* The general rules and regulations for individual services shall apply to stations located in the Territory of Alaska so far as may be consistent with this part.[1]

§ 14.2 *Place of filing applications.* All applications for the operation of stations in Alaska covered by this part other than ship stations shall be filed with the Commission's Engineer in Charge at Seattle, Washington.

§ 14.3 *Emergency service which may be rendered.*[2] Any station in Alaska, regardless of the class in which licensed, may transmit messages concerning sickness, death, weather, ice conditions or other matters relating to safety of life and property, provided:

(a) There is no established means of communication between the points in question.

(b) No charge is made for the communication service.[3]

(c) A copy of each message so transmitted is kept on file at the transmitting station for a period of one year, to be made available upon request by authorized Government representatives.[4]

§ 14.4 *License period.* (a) The normal license period for each radio station in Alaska which operates in the Fixed Public Service or Public Coast Service shall be two years. Such licenses will be issued to expire concurrently on January 1 of the expiration year and, to achieve such scheduling, the Commission may, when necessary, modify the length of the license term.

(b) The license period for each radio station operating in Alaska, other than stations referred to in paragraph (a) of this section, shall coincide with the term established for similar stations operating in the continental United States, and may be determined by reference to the rules and regulations governing individual radio services.

§ 14.5 *Frequencies.* In addition to the frequencies specifically shown in this part, other frequencies may be authorized temporarily for the purpose of facilitating the implementation of the Agreement concluded at the Extraordinary Administrative Radio Conference, Geneva, 1951.

FIXED PUBLIC SERVICE[5]

§ 14.10 *Frequencies for communication from non-Government to Government and between non-Government stations.* The following frequency is allocated for communication from non-Government to Government stations, and between non-Government stations using A1 emission, maximum authorized transmitter power 650 watts: 149.60 kc.

§ 14.14 *Frequencies for short-distance communication from non-Government to Government stations.* The following frequencies are allocated primarily for short-distance communication from non-Government to Government stations, using types A1, A2 and A3 emission provided the maximum power shall not exceed 100 watts and upon the condition that no interference will result to other services:[6]

| | | | |
|---|---|---|---|
| 2466 | 2632 | [7] 5137.5 | [7] 8070 |
| 2474 | 2986 | [7] 5207.5 | |

(a) The frequencies 5207.5 and 8070 kc are also available for unlimited time operation for stations located in the Aleutian Islands west of 165 degrees west longitude.

§ 14.15 *Frequencies for short distance communication between non-Government stations.* The following frequencies are allocated primarily for short-distance communication between non-Government stations, using types A1, A2 and A3 emission, provided the maximum power shall not exceed 100 watts and upon the condition that no interference will result to other services:[7]

| | | | |
|---|---|---|---|
| 1632 | [8] 2292 | 2450 | 3201 |
| 1646 | 2382 | 2482 | [8] 3265 |
| 1660 | 2422 | 2512 | [7] 5167.5 |
| 1708 | 2430 | 2566 | |

[1] For definitions see Parts 6, 7 and 8 of this chapter.

[2] See § 2.405 of Part 2 of this chapter.

[3] The conditions under which common carriers are permitted to render free service are set forth in Part 41—Telegraph and Telephone Franks, of this chapter.

[4] Rules relating to station logs and records, see §§ 6.47 and 6.507 to 6.511 of Part 6; §§ 7.115, 7.192, 7.214 and 7.314 of Part 7 and §§ 8.115, 8.194, 8.330 and 8.368 of Part 8 of this chapter.

[5] See Part 6—Public Radiocommunications Services (Other Than Maritime Mobile), of this chapter.

[6] The main Intra-Alaska communications routes are operated by the Alaska Communications System under the jurisdiction of the U. S. Army Signal Corps. Those desiring to handle message traffic with this system should coordinate their applications with the nearest representative of the A. C. S. before submitting applications, in order to determine the proper frequency for transmission to the particular point or points desired.

[7] Not to be used between the hours of 6:00 p. m. and 6:00 a. m., P. s. t.

[8] May be used where originally authorized prior to March 1, 1937.

[9] For use in the vicinity of Circle, Alaska.

PUBLIC COAST STATIONS [10]

§ 14.31 *Frequencies for communication with ships in Alaskan waters.* The following frequencies are allocated to public coast stations employing primarily telephony for communication with ships in Alaskan waters, using types A1, A2 and A3 emission, provided the maximum power shall not exceed 100 watts and upon the condition that no interference will result to other services:

| | | | | |
|---|---|---|---|---|
| 1622 | *2292 | 2450 | 2566 | †5167.5 |
| 1646 | 2382 | 2482 | 3092.5 | |
| 1660 | 2422 | 2512 | 3201 | |
| 1708 | 2430 | 2538 | *3265 | |

§ 14.32 *Frequencies for short distance communication from non-Government to Government stations and secondarily with ships in Alaska waters.* The following frequencies, allocated primarily for short distance communication from non-Government to Government stations, are available on a secondary basis to public coast stations employing primarily telephony for communication with ships in Alaskan waters, using types A1, A2, and A3 emission, provided the maximum power shall not exceed 100 watts and upon the condition that no interference will result to other services: *

| | | | |
|---|---|---|---|
| 2466 | 2632 | †5137.5 | †8070 |
| 2474 | 2986 | †5207.5 | |

(a) The frequencies 5207.5 and 8070 kc are also available for unlimited time operation for stations located in the Aleutian Islands west of 165 degrees west longitude.

§ 14.33 *Frequencies for communication with any ship station.* The following frequencies are allocated to public coast stations employing telegraphy for communication with any ship station:

(a) Calling and working: 416 and 438 kc; A1, A2 emission; maximum authorized transmitter power, 265 watts.[11]

(b) Calling: 500 kc; A1, A2 emission; maximum authorized transmitter power, 265 watts.[11]

(c) Working: 2052.5 kc; A1 emission only; maximum authorized transmitter power, 150 watts.[11] [12]

STATIONS ON SHIPBOARD IN THE MARITIME SERVICES [13]

§ 14.51 *Service which may be rendered.* A ship in an Alaskan port where radio or wire communication is not provided, or when such radio or wire service is suspended, may accept messages for transmission to the nearest public coast station, and the radio equipment may be operated while the ship is alongside the dock or at anchor in such port, without regard to the restrictions contained in Part 8 of this chapter."

§ 14.52 *Frequencies for communications between ships and with public coast stations employing primarily telephony.* The following frequencies are allocated for communication between ships in Alaskan waters and to ship stations for communication with public coast stations employing primarily telephony in Alaska, using types A1, A2 and A3 emission, provided the maximum power shall not exceed 100 watts and upon the condition that no interference will result to other services:

| | | | |
|---|---|---|---|
| 1622 | *2292 | 2450 | 3092.5 |
| 1646 | 2382 | 2482 | 3201 |
| 1660 | 2422 | 2512 | *3265 |
| 1708 | 2430 | 2566 | †5167.5 |

§ 14.53 *Frequencies for communication from non-Government to Government stations and secondarily with coast stations employing primarily telephony.* The following frequencies, allocated primarily for short-distance communication from non-Government to Government stations, are available on a secondary basis for communication between ships in Alaskan waters and to ship stations for communication with public coast stations employing primarily telephony in Alaska, using types A1, A2 and A3 emission, provided the maximum power shall not exceed 100 watts and upon the condition that no interference will result to other services:

| | | | |
|---|---|---|---|
| 2466 | 2632 | †5137.5 | †8070 |
| 2474 | 2986 | †5207.5 | |

(a) The frequencies 5207.5 and 8070 kc are also available for unlimited time operation for ship stations operating in the Aleutian Islands waters, west of 165 degrees west longitude.

§ 14.54 *Frequencies for ship stations.* (a) The following frequency is allocated for use by ship stations in Alaskan waters in addition to those set forth in the general regulations: 2538 kc; A1, A2, A3 emission; maximum power, 100 watts.

(b) The frequency 2134 kc is allocated for use by ship stations in Alaskan waters for communication primarily with Government coast stations for types A1, A2 and A3 emission with a maximum power of 100 watts, upon the condition that no interference will result to other services.

(c) For communication by means of telegraphy with coast stations in Alaska when the coast station transmits on the frequency 2052.5 kc, each ship station shall transmit by means of class A1 emission only on one of its assigned frequencies with the band 2065–2107 kc exclusively, in accordance with the applicable provisions of Part 8 of this chapter.[12] When the ship station is within the territorial waters of Alaska, the maximum plate (anode) input power shall not exceed 150 watts when transmitting on a frequency within this band; this limitation shall apply without regard to the maximum power authorized to be used on such frequencies by the station license.

[F. R. Doc. 53-9910; Filed, Nov. 27, 1953; 8:45 a. m.]

Footnotes 6-9 on p. 7605.

[10] See Part 7—Stations on Land in the Maritime Services, of this chapter.

[11] The term "authorized transmitter power" is defined to mean, "the total plate input power to all electron tubes of the last radio stage of the transmitter which are used to supply radio-frequency power to the antenna."

[12] Pending clearance of the band 2065–2107 kc in accordance with the agreement concluded at the Extraordinary Administrative Radio Conference (Geneva, 1951) the frequency 2052.5 kc and each of the assignable frequencies within the band 2065–2107 kc may be authorized for use on a day only basis upon the express condition that harmful interference will not be caused to stations which, in the discretion of the Commission, may have priority on the frequency used by the station to which interference is caused.

[13] See Part 8—Stations on Shipboard in the Maritime Services of this chapter.

[14] See §§ 8.302, 8.303 and 8.304 of Part 8—Stations on Shipboard in the Maritime Services, of this chapter.

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 41-9]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

FUEL QUANTITY INDICATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of November 1953.

Section 41.25 (k) of the Civil Air Regulations requires that fuel quantity indicators, in serviceable condition, indicating the amount of fuel in each tank, be provided in aircraft used in scheduled air carrier operations outside the continental limits of the United States. This requirement had been based upon the premise that there exists no suitable alternative means by which the quantity of fuel available in each fuel tank may be determined. An aircraft without such fuel indicators or with an inoperative fuel indicator would not be permitted to initiate a flight under Part 41. In the event a fuel quantity indicator becomes inoperative in flight during night or instrument operation the pilot in command must either land at the nearest suitable landing area or at the next point of intended landing, whichever in his opinion is the safer procedure. Thereafter, the flight may not be redispatched until the fuel quantity indicator is returned to a serviceable condition.

A recent revision of Part 40 of the Civil Air Regulations has been adopted by the Board which provides greater flexibility than heretofore experienced by air carriers in the continuation of flight with required equipment inoperative. These provisions contemplate that a flight may continue to a scheduled terminus under conditions which are to be laid down in the air carrier manual. Revised Part 40 also authorizes the Administrator to permit continuation of flight beyond a scheduled terminus under certain conditions in which the safety of flight operations will not be jeopardized.

The Board intends that a proposal to amend the instrument and equipment requirements of Part 41 to conform to the provisions of revised Part 40 be included in the general revision of Part 41 which will be circulated in the near future. Meanwhile, however, the Board's attention has been drawn to the fact that § 41.25 (k) relating to fuel quantity indicators has been creating undue hardship for certain U. S. Flag Carriers. Certain fuel indicating systems installed in modern aircraft are highly complex and involve the use of electronic components, the repair of which may be accomplished only by skilled maintenance personnel. Situations have occurred in which flights have been canceled or delayed for considerable periods of time because of the difficulty in obtaining maintenance service for these components. This situation is reported to have resulted in serious economic penalty to the carriers involved as well as inconvenience to the passengers.

A proposal to amend § 41.25 (k) has previously been circulated and comment resulting from this circulation indicates that suitable alternative means may be provided by an air carrier in lieu of an operative fuel quantity indicator for the purpose of permitting an aircraft to be flown to the "nearest point where repairs or replacements can be made." Such alternative means will require the use of a fuel flow meter. These devices are of relatively simple design and assure greater reliability than some fuel quantity indicators. Fuel flow meters, however, are designed to indicate fuel consumption of an aircraft engine at any given moment. To determine accurately total fuel quantity used over an extended period of time, continuous reference to the instrument or a number of references of sufficient frequency must be made. So long as a member of the flight crew additional to the two pilots is carried, the Board believes that the use of fuel flow meters in lieu of a fuel quantity indicator on a temporary basis would be adequate for safe operations. The Board does not, at this time, intend to prejudice the question as to whether alternative means of indicating fuel quantity may be safely employed when an additional member of the flight crew is not available. However, we are of the opinion that adequate relief will be furnished by the imposition of such a condition until the more far reaching aspects of the question of a continuation of flight with required equipment inoperative is considered in conjunction with the revision of Part 41.

A recommendation has been made to the Board that a further condition be applied which would require the air carrier to include in the appropriate air carrier manual detailed procedure for the guidance of its personnel in the event required equipment becomes inoperative. However, such procedures were intended to be included in the provisions of § 41.120 which states that "The air carrier shall prepare and maintain a manual for the use and guidance of operations personnel which contains full information necessary to guide flight and ground personnel in the conduct of flight operations and to inform such personnel regarding their duties and responsibilities ...." The Board expects, therefore, that the air carrier will insure the inclusion of adequate information to enable its personnel to determine under what circumstances an alternative means may be used in the event fuel quantity indicators become unserviceable en route.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends § 41.25 of Part 41 of the Civil Air Regulations (14 CFR Part 41) as follows, effective immediately:

1. By deleting paragraph (k) thereof and substituting therefor the folowing:

§ 41.25 *Instruments and equipment required for continuance of flight.* * * *

(k) Fuel quantity indicators indicating the amount of fuel in each tank to be used for the remainder of the flight, or, in the case of aircraft having a third flight crew member assigned as a member of the operating crew, an alternate means approved by the Administrator for determining the amount of fuel in each tank.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, as amended, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-9990; Filed, Nov. 27, 1953; 8:53 a. m.]

## TITLE 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Bureau of Foreign Commerce

[6th Gen. Revision of Export Regs., Amdt. 74 [1]]

PART 371—GENERAL LICENSES

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

MISCELLANEOUS AMENDMENTS

1. Section 371.9 *General in-transit license GIT* paragraph (b) *Special provisions*, subparagraph (1) *Shipments originating in Canada* is amended to read as follows:

(1) *Shipments originating in Canada.* (i) The provisions of General License GIT are applicable, as modified herein, to all shipments originating in Canada and moving in transit through the United States to any foreign destination, including Hong Kong, Macao, and Subgroup A countries. The United States collector of customs at the United States port of exit shall require, and the shipper shall submit to him, a copy of Canadian Customs Entry, Form B-13, certified or stamped by the Canadian customs authorities, for each such shipment. Positive List commodities may be exported from the United States under this general license only as authorized in the certified or stamped Canadian Customs Entry, Form B-13. Where the ultimate destination or any other pertinent detail of such shipment is not the same on the U. S. shipper's export declaration as that shown on the Canadian Customs Entry, Form B-13, a validated U. S. export license or a new Form B-13 authorizing the shipment is required. However, non-Positive List commodities may be exported under any general license applicable to the exportation of the same commodities of domestic origin whether or not there is a change of ultimate destination while the shipment is in transit. Non-Positive List commodities authorized by the Canadian Customs Entry, Form B-13, for export to Hong Kong, Macao, or Subgroup A country may proceed in transit through the United States under General License GIT according to that authorization. Other shipments of non-Positive List commodities to Hong Kong, Macao, or a Subgroup A country, not authorized to such a destination by the accompanying Canadian Customs Entry, Form B-13, require a validated U. S. export license or a new Form B-13 authorizing such an exportation.

(ii) Any parties to the exportation shall submit any further proof which the collector of customs at the United States port of entry or at the port of exit may require to enable him to determine that the shipment is properly exportable under General License GIT, including the fact that the destination of the shipment is properly authorized by the Canadian authorities. Exportations shall not be cleared for shipment by the collector of customs at the United States port of exit under General License GIT unless all provisions of this general license have been complied with.

This part of the amendment shall become effective as of December 19, 1953.

2. Section 372.5 *Ship stores, plane stores, supplies and equipment* is amended in the following particulars:

a. The title of the section is amended to read as follows:

§ 372.5 *Exportation of commodities for use in the construction or operation of vessels and aircraft.*

(b) Paragraphs (a) *Exportations requiring validated license* and (b) *Preparation of license applications* are amended to read as follows, respectively:

(a) *Exportations requiring validated license.* The provisions of § 371.13 of this subchapter establish general licenses for the exportation of ship stores, plane stores, supplies and equipment under prescribed conditions. Where any commodities to be used on operating vessels and aircraft are not authorized to be exported under the provisions of § 371.13 of this subchapter or where commodities are being exported for vessels under construction and are not authorized to be exported under any general license, the exportation must be authorized by a validated license.

NOTE: See § 371.13 (d) of this subchapter on exports to vessels located at foreign ports.

(b) *Preparation of license applications*—(1) *Vessels under construction.* Applications for licenses to export commodities, including ship stores, supplies and equipment, to vessels under construction shall be prepared on Form IT-419 (Revised April 1952) in accordance with the instructions contained in § 372.3 and Note, with the following modifications:

[1] This amendment was published in Current Export Bulletin No. 719, dated November 19, 1953, and in the reprint pages, dated November 19, 1953.

(i) Country of ultimate destination: Show country in which vessel is being constructed.

(ii) Ultimate consignee in foreign country: Show name and address of shipyard where vessel is being constructed.

(iii) Commodity description: In addition to a complete description of the commodities, show the following information in this item or on an attachment:

1. Hull number and name of vessel (if known).
2. Type of vessel.
3. Name and business address of prospective owner, and his nationality.
4. Country of registry, or intended country of registry.
5. Statement as to whether or not the vessel will call at a Subgroup A port.

(iv) End use of commodities covered by this application: If the vessel is a tanker, a certification from the prospective owner must be submitted stating whether or not the vessel will be used to transport petroleum or petroleum products directly or indirectly to any Subgroup A country.

(v) In all cases, all parties to the transaction, including the U. S. or foreign purchaser, must be identified with a clear statement of the capacity or function of each, as provided in paragraph 1 of the interpretative statement following § 372.2 (a).

(2) *Operating vessels and aircraft.* Applications for licenses to export commodities, including ship or plane stores, supplies and equipment, to operating vessels and aircraft, whether in operation or being repaired, shall be prepared on Form IT–419 (revised April 1952) in accordance with the instructions contained in § 372.3 and Note, with the following modifications:

(i) Country of ultimate destination: Show country where the vessel or aircraft will take on the commodities.

(ii) Ultimate consignee in foreign country: Show name of owner and port or place where commodities will be taken aboard. Also, if a vessel, show name of vessel.

(iii) Commodity description: Show the following information in this item or on an attachment:

1. Type of vessel.
2. Business address of owner and his nationality.
3. Name of charterer and the terms and type of charter, if under charter.
4. Country of registry.
5. Statement as to whether or not the vessel will call at a Subgroup A port.

(iv) End use of commodities covered by this application: If the vessel is a tanker, a certification must be submitted from the owner, or from the charterer, if under charter, stating whether or not the vessel will be used to transport petroleum or petroleum products directly or indirectly to any Subgroup A country.

(v) In all cases, all parties to the transaction, including the U. S. or foreign purchaser, must be identified with a clear statement of the capacity or function of each, as provided in paragraph 1 of the interpretative statement following § 372.2 (a).

In addition the Bureau of Foreign Commerce may require, where necessary, that the exporter submit a letter of confirmation or amplification of the information specified in § 372.5 (b).

This part of the amendment shall become effective as of December 19, 1953.

3. Section 372.9 *Documents accompanying applications for validated licenses*, paragraph (a) *Copies may be submitted* is amended to read as follows:

(a) *Copies may be submitted.* (1) Documents submitted in support of an application for an individual or other validated license will not be returned to the applicant or his agent, except when the application is returned without action. Accordingly, applicants need not submit original documents which they may subsequently require, unless such original documents are specifically required by the provisions of another section, but in lieu thereof, photostatic or other copies of an original document may be submitted. Individual certification of copies of original documents is not required by the Bureau of Foreign Commerce. By signing Form IT–419 the applicant certifies and represents that any copies of documents submitted with the application, or submitted in support of the application at any time before or after filing the application, are true copies of the original documents, and that the information contained in such documents is true, correct, and complete to the best of his knowledge and belief.

(2) Any document submitted in connection with a license application which is submitted separately from an application must be identified clearly as part of that application. Such document must be identified by a statement, signed by the applicant, that "this document is to be considered as a part of application number (give BFC case No.)." Unless documents filed separately from the license application are identified with the application in this manner, they will not be accepted by the Bureau of Foreign Commerce.

This part of the amendment shall become effective as of November 19, 1953.

4. Section 372.11 *Issuance and use of export licenses* is amended in the following particulars:

Paragraph (b) of Note 2 *Validation of IT–628* following paragraph (b) *Unit-process licenses* is amended to read as follows:

(b) License continuation sheets and other attachments to licenses will be validated by imprinting a facsimile of the Department of Commerce seal followed by a five digit number representing the date of validation.

This part of the amendment shall become effective as of November 19, 1953.

5. Section 380.1 *Transfer of license*, paragraph (c) *Information from transferor and form of request* is amended to read as follows:

(c) *Information from transferor and form of request.* (1) In requesting transfer of less than 15 outstanding licenses (including project licenses), the licensee must submit:

(i) A completed Form IT–763, "Request for and Notice of Amendment Action," in triplicate for each license(s).

(ii) The original license(s) if held by the licensee.

(iii) A signed letter from the person or firm to whom the license(s) is to be transferred as required by paragraph (d) of this section.

(iv) The following certification:

The undersigned hereby certifies that, if license number(s) ---------- is (are) transferred in accordance with my (or our) request, any and all documents evidencing the order covered by this (these) license(s) will be retained by me for three years from the date of this certification and will be made available upon demand. The undersigned will promptly report to BFC any material or substantive changes in the terms of the order and any other facts of the export transaction known or reported to the undersigned at any future time by any party to the export transaction.

---------- Signature of transferor
---------- By
---------- Title
---------- Date

(*a*) When setting forth reasons for the requested transfer in Item 10 of Form IT–763, the licensee shall also state whether or not any consideration has been or will be paid for the transfer. The name and address of the proposed transferee shall be shown in Item 12 of Form IT–763.

(*b*) If the original license(s) is being held by a collector of customs at the time the licensee submits the request for transfer, he must show in Item 11 of Form IT–763, the address of the collector of customs with whom the original license(s) has been deposited. Also, in such cases, the licensee must submit an additional triplicate (yellow) copy of Form IT–763, "Notice to Applicant," showing in Item 4 of one copy the name and address of the original licensee and on the additional copy the name and address of the person to whom the license is to be transferred. This additional triplicate (yellow) copy of Form IT–763 will be used for notifying the transferee of the action taken.

(2) Where the licensee requests a transfer of 15 or more outstanding licenses, the request must be made in the form of a letter setting forth the following:

(i) Either a list of the BFC case numbers and outstanding license numbers or a statement that all outstanding licenses in the name of the licensee are to be transferred and indicating the number of such outstanding licenses.

(ii) A listing showing the BFC Case Numbers of applications for export licenses pending in BFC which are to be transferred.

(iii) The name and address of the proposed transferee.

(iv) Facts necessitating transfer.

(v) A statement of whether or not any consideration has been or will be paid for the transfer.

(vi) The certification set forth in subparagraph (1) (iv) of this paragraph.

(3) Additional proof: In addition to the information required under subparagraphs (1) and (2) of this paragraph, the original licensee must identify by name the legal document (certificate, agreement, etc.) or other authority by which the new firm name is legally established, the new corporation or firm created, or the assets transferred, showing the effective date of such document, and the state where filed or recorded.

This part of the amendment shall become effective as of November 19, 1953.

6. Section 380.2 *Amendments or alterations of licenses* paragraph (f) (3) *Amendment requests on which field offices may not take action* is amended in the following particulars:

a. Subdivision (i) is amended by deleting the word "Hong Kong" to read as follows:

(i) Licenses covering exportations to Macao or Subgroup A countries, unless the amendment involves no more than a correction of obvious errors in the license, such as mistakes in typing.

b. A new subdivision (vi) is added to read as follows:

(vi) Requests for amendments or extensions of licenses for iron and steel scrap (Schedule B Nos. 601010, 601040, 601050, 601070, 601090, 601150), aluminum scrap (Schedule B No. 630050), copper scrap (Schedule B No. 641300), and copper-base alloy scrap (Schedule B No. 644000).

This part of the amendment shall become effective as of November 19, 1953.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
*Director,*
*Bureau of Foreign Commerce.*

[F. R. Doc. 53-9968; Filed, Nov. 27, 1953; 8:47 a. m.]

## TITLE 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

#### Subchapter C—Miscellaneous Excise Taxes

[T. D. 6053; Regs. 13, Amdt.]

#### PART 175—TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS

#### REQUIREMENTS FOR MARKING LIQUOR BOTTLES AND EARTHENWARE CONTAINERS, LABELING DISTILLED SPIRITS, AND DISPOSING OF MARKED CONTAINERS

On August 6, 1953, notice of proposed rule-making, regarding amendments to Regulations 13 (26 CFR, Part 175), relating to the requirements for marking liquor bottles and earthenware containers, labeling spirits and disposing of marked containers was published in the FEDERAL REGISTER (18 F. R. 4626). After consideration of all such relevant matter as was presented by interested persons relating to the rules proposed, the amendments to Regulations 13 set forth below are hereby adopted:

PARAGRAPH 1. Section 175.33 is amended by striking the word "Commissioner" and inserting in lieu thereof "Assistant Regional Commissioner, or the Commissioner in the case of States,".

PAR. 2. Section 175.34 is amended as follows:

(A) By striking the word "Commissioner" in paragraph (c) and inserting in lieu thereof "Assistant Regional Commissioner, or by the Commissioner in the case of symbols and numbers assigned to States,".

(B) By striking the proviso and substituting in lieu thereof the following proviso: "*Provided*, That liquor bottles which are ascertained by the Commissioner to be of distinctive shape or design for the packaging of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialties as may be specified from time to time by the Commissioner, and liquor bottles for the packaging of other distilled spirits authorized by the Commissioner under § 175.56a, may be manufactured and shipped, consigned, or delivered not marked as required by this section."

PAR. 3. Section 175.43 is amended to read as follows:

§ 175.43 *Name and address of bottler.* On labels of domestic distilled spirits, there shall be stated the phrase "Bottled by", immediately followed by the name of the bottler or the trade name under which the spirits are bottled, and the place where such spirits are bottled. If the bottler is the actual bona fide operator of more than one bottling plant engaged in bottling the same brand of distilled spirits, there may be stated immediately following the name (or trade name) of such bottler the addresses of the plants at which such product is bottled: *Provided*, That on labels of whisky and straight whisky there shall be stated the State of distillation of such whisky, if such whisky is not distilled in the State given in the address of the brand label: *Provided further:*

(a) That, where distilled spirits are bottled by or for the distiller thereof, there may be stated, in lieu of the phrase "Bottled by", followed by the bottler's name (or trade name) and address, the phrase "Distilled by", followed by the name (or trade name) under which the particular spirits were distilled, and the address (or addresses) of the distiller;

(b) That, where distilled spirits are bottled by or for the rectifier thereof, there may be stated, in lieu of the phrase "Bottled by", followed by the bottler's name (or trade name) and address, the phrase "Blended by", "Made by", "Prepared by", "Manufactured by", or "Produced by" (whichever may be appropriate to the act of rectification involved), followed by the name (or trade name) under which the distilled spirits were rectified, and the address (or addresses) of the rectifier;

(c) That, on labels of distilled spirits bottled for a retailer or other person who is not the actual distiller or rectifier of such distilled spirits there may also be stated the name and address of such retailer or other person, immediately preceded by the words "Bottled for" or "Distributed by", or other similar statement.

PAR. 4. The head note to Subpart E is amended to read as follows: "Subpart E—Use of Containers for Packaging Distilled Spirits".

PAR. 5. Section 175.55 is amended to read as follows:

§ 175.55 *Containers for distilled spirits.* The use for packaging distilled spirits for sale at retail of containers of one-half pint capacity or greater, not marked as prescribed by this part, is prohibited except as provided in §§ 175.56 to 175.58.

PAR. 6. Section 175.56 and headnote are amended to read as follows:

§ 175.56 *Distinctive liquor bottles for liqueurs and cordials.* Upon application (Form 98) by any bottler, the Assistant Regional Commissioner of the region in which the plant of such bottler is situated may, by the issuance of an appropriate permit, authorize the procurement and use by such bottler of liquor bottles which are ascertained by the Commissioner to be of distinctive shape or design for the packaging of liqueurs, cordials, bitters, cocktails, gin fizzes, and such other specialties as may be specified from time to time by the Commissioner, not marked as required by § 175.34.

PAR. 7. There is inserted immediately following § 175.56 the following new section:

§ 175.56a *Unmarked liquor bottles for other distilled spirits.* Upon application (Form 98) by any bottler, the Assistant Regional Commissioner of the region in which the plant is situated may, by the issuance of an appropriate permit, authorize the procurement and use by such bottler, for the packaging of distilled spirits such as whisky, brandy, rum, gin, vodka, etc., of liquor bottles, not marked as required by § 175.34, which the Commissioner finds will not afford a jeopardy to the revenue because of their unique or distinctive shape or design and cost of manufacture.

PAR. 8. Section 175.57 is amended to read as follows:

§ 175.57 *Earthenware containers for distilled spirits.* Upon application (Form 98) by any bottler, the Assistant Regional Commissioner of the region in which the plant of such bottler is situated may, by the issuance of an appropriate permit, authorize the procurement and use, for packaging distilled spirits, of earthenware containers marked legibly, by underglaze coloring, (a) either on the bottom or on the body with a symbol and number assigned by the Assistant Regional Commissioner, or by the Commissioner in the case of symbols and numbers assigned to States, to represent the name of the bottler procuring the same; and (b) on the shoulder with the words, "Federal Law Forbids Sale or Reuse of This Bottle": *Provided*, That upon application (Form 98) by any bottler, the Assistant Regional Commissioner of the region in which the plant is situated may, by the issuance of an appropriate permit, authorize the procurement and use by such bottler for the packaging of distilled spirits such as whisky, brandy, rum, gin, vodka, etc., of earthenware containers, not marked as required by this section, which the Commissioner finds will not afford a jeopardy to the revenue because of their unique or

distinctive shape or design and cost of manufacture.

PAR. 9. There is inserted immediately following § 175.57 the following new section:

§ 175.57a *Approval of distinctive unmarked containers.* Application in letter form for the approval of any distinctive container, accompanied by a specimen, photograph or drawing of the container, and in the case of any such container for the packaging of distilled spirits such as whisky, brandy, rum, gin, vodka, etc., a statement of the cost of manufacture shall be submitted to the Commissioner and approval procured, prior to submission of an application (Form 98) to the Assistant Regional Commissioner. Such application (Form 98) shall specify the number of the container assigned by the Commissioner.

PAR. 10. There is inserted immediately following § 175.59 the following new section:

§ 175.59a *Use of earthenware containers bearing the same indicia, by parent company and wholly-owned subsidiaries.* Any bottler authorized to bottle distilled spirits at more than one location may select, for marking on earthenware containers, any one permit symbol and number assigned to him, or to any of his wholly-owned subsidiaries, for use by him and at any or all of the premises of his wholly-owned subsidiaries at which distilled spirits are bottled. The bottler shall notify the Commissioner of such selection. Application (Form 98) filed by the bottler pursuant to § 175.57 for the procurement and use of earthenware containers shall give the location or locations to which such containers are to be shipped. Stocks of earthenware containers bearing such selected indicia held by the parent company or any of its wholly-owned subsidiaries may be transferred between such premises without obtaining a permit authorizing such transfer; however, earthenware containers bearing any symbol and number other than the selected indicia, may not be so transferred without first obtaining a permit from the Assistant Regional Commissioner.

PAR. 11. There is inserted immediately preceding § 175.89 the following new undesignated center head: "Importation of Filled Containers."

PAR. 12. Section 175.89 and headnote are amended to read as follows:

§ 175.89 *Importation of distilled spirits in unmarked containers.* No distilled spirits for sale at retail may be imported into the United States in containers of one-half pint capacity or greater, not marked as prescribed by this part: *Provided*, That upon application (Form 98) by the importer, the Assistant Regional Commissioner of the region in which the port of entry is situated may, by the issuance of an appropriate permit, authorize the importation of liquor bottles or earthenware containers containing distilled spirits such as whiskey, brandy, rum, gin, vodka, etc., not marked as prescribed by this part, which the Commissioner finds will not afford a jeopardy to the revenue because of their unique or distinctive shape or design and cost of manufacture. The provisions of this section shall not apply to the importation of distilled spirits in bulk containers of a capacity of 5 wine gallons or greater.

PAR. 13. The undesignated center head immediately preceding § 175.90 which reads "Indicia for Imported Filled Containers" is revoked.

PAR. 14. Section 175.90 is amended by striking the words "§§ 175.91 to 175.94" and inserting in lieu thereof "§§ 175.89, 175.91 to 175.94, and 175.95."

PAR. 15. Section 175.94 is amended to read as follows:

§ 175.94 *Distilled spirits in earthenware containers.* Upon application (Form 98) the Assistant Regional Commissioner of the region in which the port of entry is situated may issue a permit authorizing the importation of distilled spirits in earthenware containers marked legibly in underglaze coloring (a) either on the bottom or on the body with the name, and the name of the city or country of address, of the manufacturer of the spirits, or of the exporter abroad, or the name, and the name of the city of address, of the importer in the United States, and (b) on the shoulder with the words "Federal Law Forbids Sale or Reuse of This Bottle," except as provided in §§ 175.89 and 175.95.

PAR. 16. There is inserted immediately following § 175.94 the following new section:

§ 175.94a *Approval of distinctive unmarked containers.* Approval of distinctive unmarked containers shall be procured in accordance with the procedure prescribed by § 175.57a.

PAR. 17. Section 175.95 is amended by changing the period at the end of the first sentence to a colon and adding the following: "*Provided*, That upon application (Form 98) the Assistant Regional Commissioner of the region in which the port of entry is situated may, in nonrecurring cases, authorize the release from customs custody of distilled spirits in containers which, through unintentional error, are not marked completely in accordance with the provisions of this part, if the Commissioner finds that such release will not afford a jeopardy to the revenue."

PAR. 18. Section 175.115 is amended to read as follows:

§ 175.115 *Disposition of stocks of containers.* When the permit of a bottle manufacturer or bottler is suspended, revoked, or surrendered, stocks of liquor bottles and other authorized marked containers on hand or in process may be disposed of under permit to a person authorized to receive liquor bottles, in accordance with the directions of the Commissioner. Application shall be made on Form 98 by such person for permission to acquire the entire stock, regardless of place of storage or persons or concerns holding title thereto, and submitted to the Assistant Regional Commissioner of the region in which the applicant is located: *Provided*, That, where it is found that the entire stock cannot be disposed of to one authorized bottler, the Commissioner may authorize the disposal of such containers, in lots, by size or type, to more than one bottler if he finds that such authorization will not afford a jeopardy to the revenue. The application on Form 98 shall be supported by a statement filed by the vendor setting forth whether the Form 98 covers his entire stock, or his entire stock of a particular size or type of bottle. A sample of each size or type of container represented in the stock which the applicant or applicants desire to purchase shall be submitted to the Assistant Regional Commissioner with the application Form 98 and the supporting statement of the vendor. If such stocks are not disposed of in accordance with the directions of the Commissioner, they shall be seized and forfeited, as provided in section 2871 of the Internal Revenue Code.

PAR. 19. The note to the source of §§ 175.1 to 175.131, which reads "§§ 175.60, 175.62, 175.63, 175.74, 175.75, 175.76, 175.77, 175.78, 175.96 and 175.122 appearing herein are amendments effective only during the period of the unlimited national emergency proclaimed by the President on May 27, 1941 (Proc. 2519; 3 CFR 1943 Cum. Supp.). Upon termination of the unlimited national emergency these amendments will be automatically revoked and the regulations, as they existed prior to the issuance of Treasury Decision 5292, shall be reissued.", is revoked.

These regulations shall be effective upon the date of publication in the FEDERAL REGISTER.

(53 Stat. 375; 26 U. S. C. 3176. Interpret or apply 53 Stat. 331; 26 U. S. C. 2871)

[SEAL] M. B. FOLSOM,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-9984; Filed, Nov. 27 1953, 8:51 a. m.]

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter XXI—Defense Rental Areas Division, Office of Defense Mobilization

[Rent Regulation 1, Amdt. 167 to Schedule A]

[Rent Regulation 2, Amdt. 165 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

OHIO

Effective November 27, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that the item of Schedule A indicated below reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 23d day of November 1953.

GLENWOOD J. SHERRARD,
*Director,*
*Defense Rental Areas Division.*

(236a) [Revoked and decontrolled.]

These amendments decontrol the following defense-rental area on the initiative of the Director, Defense Rental Areas Division, Office of Defense Mobilization, under section 204 (c) of the act: Portsmouth-Chillicothe (Ohio) Defense-Rental Area.

[F. R. Doc. 53-10008; Filed, Nov. 25, 1953; 1:19 p. m.]

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[Rent Regulation 3, Amdt. 157 to Schedule A]

[Rent Regulation 4, Amdt. 101 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

OHIO

Effective November 27, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that the item of Schedule A indicated below reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 23d day of November 1953.

GLENWOOD J. SHERRARD,
*Director,*
*Defense Rental Areas Division.*

(236a) [Revoked and decontrolled.]

These amendments decontrol the following defense-rental area on the initiative of the Director, Defense Rental Areas Division, Office of Defense Mobilization, under section 204 (c) of the act: Portsmouth-Chillicothe (Ohio) Defense-Rental Area.

[F. R. Doc. 53-10009; Filed, Nov. 25, 1953; 1:19 p. m.]

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# PROPOSED RULE MAKING

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Parts 40, 41, 42 ]

[Draft Release 53-28]

LANDING WEIGHTS FOR NONTRANSPORT CATEGORY AIRPLANES IN SCHEDULED PASSENGER OPERATION

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a Special Civil Air Regulation extending the present special rules applicable to nontransport category airplanes in scheduled overseas and foreign passenger operation until July 1, 1954.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their examination by the Board before taking further action on the proposed rule, communications must be received by December 14, 1953. Copies of such communications will be available after December 16, 1953, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Certain airplanes certificated as a basic type prior to June 30, 1942, and currently used in scheduled air carrier passenger operations have at various times since original certification been allowed increases in their maximum certificated take-off and landing weights. The increases have been allowed under the provisions of later adopted airworthiness requirements based upon different and more realistic safety criteria where the airplanes have been shown to comply with such requirements for particular operations.

However, these developments have not followed a consistent pattern, and prior to the adoption of SR–356 in 1950, airplanes of the same basic type were operated at differing maximum landing weights. For example, the usual maximum landing weight for a Douglas DC–3 (not certificated in the transport category) operated in scheduled passenger service is 24,400 pounds when operated in accordance with limitations established in the air carrier's operations specifications, whereas the maximum landing weight for a comparable airplane used by an irregular air carrier or commercial operator is 25,200 pounds subject, however, to operating limitations provided for in Part 42 of the Civil Air Regulations.[1]

The Board was asked by certain scheduled air carriers to permit operation of the DC–3 and the Lockheed Model 18 as nontransport category airplanes at the landing weights authorized for these same airplanes in irregular passenger service. The Board authorized the use of these higher weights for nontransport category airplanes by SR–356 on the condition that they be operated in accordance with the operating limitations established for such airplanes in Part 42.

Revised Part 40, effective January 1, 1954, prescribes operating rules for scheduled air carriers engaged in the carriage of passengers in interstate commerce which require these carriers to operate their nontransport category airplanes in accordance with requirements that are similar to those currently prescribed in Part 42 for such airplanes. A notice of proposed rule making, which will be issued concurrently with this notice, proposes that the nontransport category performance operating limitations for these airplanes be incorporated in Part 41 as of July 1, 1954, thus applying these rules to scheduled carriers carrying passengers in overseas and foreign air transportation. In view of the fact that these airplanes will be able to receive the same landing weights currently authorized by SR–356 when operating in accordance with the requirements in revised Part 40 and those proposed for Part 41, it is not necessary to extend this regulation with respect to operations under Part 40, or to extend it with respect to Part 41 after June 30, 1954. Accordingly, this proposed regulation only extends the provisions of SR–356 with respect to those operations under Part 41, scheduled service in overseas and foreign air transportation, until July 1, 1954. After that date SR–356 will not be necessary and it is not intended that elimination of this rule operate to affect the weights of aircraft previously established under SR–356.

In view of the foregoing, it is proposed to issue a Special Civil Air Regulation, effective January 1, 1954, to read as follows:

Contrary provisions of the Civil Air Regulations notwithstanding, an airplane type certificated prior to June 30, 1942, may be used for the carriage of persons in scheduled overseas and foreign air transportation at a maximum landing weight not exceeding its maximum certificated take-off weight for passenger service: *Provided*, That such landing weight does not exceed the weight for which the structure has been substantiated in accordance with the structural requirements upon which the original certification was based: *Provided further*, That the airplane is operated in accordance with the operating limitations prescribed in Part 42 of the Civil Air Regulations as heretofore or hereafter amended, for aircraft not certificated in the transport category: *And provided further*, That if an air carrier elects to operate aircraft under the provisions of this Special Civil Air Regulation it shall be required that all of its aircraft of the same or related types be operated thereunder.

It is proposed that this Special Civil Air Regulation shall terminate on June 30, 1954.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560)

Dated November 20, 1953, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
*Director.*

[F. R. Doc. 53-9991; Filed, Nov. 27, 1953; 8:53 a. m.]

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### [ 14 CFR Part 41 ]

[Draft Release 53-27]

ELIMINATION OF REQUIREMENT FOR CERTIFICATION IN TRANSPORT CATEGORY AFTER DECEMBER 31, 1953, AND ESTABLISHMENT OF NONTRANSPORT CATEGORY OPERATING LIMITATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of

[1] The DC–3 is also eligible and is being operated at a maximum certificated take-off weight of 26,200 pounds and a maximum certificated landing weight of 26,000 pounds in accordance with transport category performance rules. The DC–3 when used for the carriage of cargo only is eligible and is being operated at maximum certificated take-off and landing weights as high as 26,900 pounds. Furthermore, corresponding military versions of the DC–3 have been operated at maximum weights in excess of 30,000 pounds.

Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to Part 41 of the Civil Air Regulations which will remove the requirement that after December 31, 1953, all aircraft utilized in Part 41 operations be certificated in the transport category, and will establish nontransport category airplane performance operating limitations.

Interested persons may participate in the making of the proposed amendments by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received before December 14, 1953. Copies of such communications will be available after December 16, 1953, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Section 41.26 (c) of Part 41 currently states that after December 31, 1953, all aircraft operating under this part shall comply with the transport category certification requirements of either Part 4a or 4b and with the operating limitations prescribed in this part for transport category airplanes. This requirement was intended to remove from the scheduled air transportation such aircraft types as the Douglas DC–3 and the Lockheed L–18 after this date unless recertificated in the transport category. This provision was also contained in Part 40 of the Civil Air Regulations. In view of the safety record of the DC–3 and L–18 and their continued use in scheduled passenger operation, the Board, in revised Part 40, permitted the continued operation of these airplanes but required that they comply with certain performance operating limitations based on the nontransport category performance limitations that presently appear in Part 42.

In view of the action taken with respect to these airplanes in revised Part 40, it is proposed by this regulation to permit operation of nontransport category airplanes under Part 41 after December 31, 1953, but at the same time to prescribe the same performance operating limitations that are prescribed in revised Part 40. Since it is estimated that the affected air carriers will require about six months to implement these operating limitations for these aircraft, it is proposed that the operating limitations become effective on July 1, 1954. This will permit continued operation of these aircraft under present conditions until that date.

Accordingly, notice is hereby given that it is proposed that Part 41 of the Civil Air Regulations be amended as follows:

1. By deleting § 41.26 (c).

2. By adding new §§ 41.36, 41.36a, 41.36b, 41.36c, and 41.36d to read as follows:

§ 41.36 *Nontransport category airplane operating limitations.* In operating any large, nontransport category airplane in passenger service on or after July 1, 1954, the provisions of §§ 41.36a through 41.36d shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety. Prior to that date such airplanes shall be operated either in accordance with §§ 41.36a through 41.36d or in accordance with such operating limitations as the Administrator determines will provide a safe relation between the performance of the airplanes and the airports to be used and the areas to be traversed. Performance data published or approved by the Administrator for each such nontransport category airplane shall be used in determining compliance with the provisions of §§ 41.36a through 41.36d.

§ 41.36a *Take-off limitations.* No take-off shall be made at a weight in excess of that which will permit the airplane to be brought to a safe stop within the effective length of the runway from any point during the take-off up to the time of attaining 105 percent of minimum control speed or 115 percent of the power-off stalling speed in the take-off configuration, whichever is the greater. In applying the requirements of this section:

(a) It may be assumed that take-off power is used on all engines during the acceleration;

(b) Account may be taken of not more than 50 percent of the reported wind component along the take-off path if opposite to the direction of take-off, and account shall be taken of not less than 150 percent of the reported wind component if in the direction of the take-off;

(c) Account shall be taken of the average runway gradient when the average gradient is greater than ½ percent. The average runway gradient is the difference between the elevations of the end points of the runway divided by the total length;

(d) It shall be assumed that the airplane is operating in the standard atmosphere.

§ 41.36b *En route limitations; one engine inoperative.* (a) No take-off shall be made at a weight in excess of that which will permit the airplane to climb at a rate of at least 50 feet per minute with the critical engine inoperative at an altitude of at least 1,000 feet above the elevation of the highest obstacle within 5 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is the higher: *Provided*, That in the alternative an air carrier may utilize a procedure whereby the airplane is operated at an altitude such that, in event of an engine failure, the airplane can clear the obstacles within 5 miles on either side of the intended track by 1,000 feet, if the air carrier can demonstrate to the satisfaction of the Administrator that such a procedure can be used without impairing the safety of operation. If such a procedure is utilized, the rate of descent for the appropriate weight and altitude shall be assumed to be 50 feet per minute greater than indicated by the performance information published or approved by the Administrator. Before approving such a procedure, the Administrator shall take into account, for the particular route, route segment, or areas concerned, the reliability of wind and weather forecasting, the location and types of aids to navigation, the prevailing weather conditions, particularly the frequency and amount of turbulence normally encountered, terrain features, air traffic control problems, and all other operational factors which affect the safety of an operation utilizing such a procedure.

(b) In applying the requirements of paragraph (a) of this section, it shall be assumed that:

(1) The critical engine is inoperative;

(2) The propeller of the inoperative engine is in the minimum drag position;

(3) The wing flaps and landing gear are in the most favorable positions;

(4) The operative engine or engines are operating at the maximum continuous power available;

(5) The airplane is operating in the standard atmosphere;

(6) The weight of the airplane is progressively reduced by the weight of the anticipated consumption of fuel and oil.

§ 41.36c *Landing distance limitations; airport of intended destination.* No take-off shall be made at a weight in excess of that which, allowing for the anticipated weight reduction due to consumption of fuel and oil, will permit the airplane to be brought to a stop within 60 percent of the effective length of the most suitable runway at the airport of intended destination.

(a) This weight shall in no instance be greater than that permissible if the landing were to be made:

(1) On the runway with the greatest effective length in still air, and

(2) On the runway required by the probable wind, taking into account not more than 50 percent of the probable headwind component and not less than 150 percent of the probable tailwind component.

(b) In applying the requirements of this section it shall be assumed that:

(1) The airplane passes directly over the intersection of the obstruction clearance plane and the runway at a height of 50 feet in a steady gliding approach at a true indicated air speed of at least 1.3 $V_{s_0}$;

(2) The landing is made in such a manner that it does not require any exceptional degree of skill on the part of the pilot;



(3) The airplane is operating in the standard atmosphere.

§ 41.36d *Landing distance limitations; alternate airports.* No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the requirements of § 41.36c: *Provided*, That the airplane can be brought to rest within 70 percent of the effective length of the runway.

This notice of proposed rule making is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated: November 20, 1953, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 53–9992; Filed, Nov. 27, 1953; 8:53 a. m.]

## DEPARTMENT OF COMMERCE

### Civil Aeronautics Administration

### [ 14 CFR Part 42 ]

### EN ROUTE LIMITATIONS

### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority contained in § 42.80, the Administrator of Civil Aeronautics contemplates amending § 42.80–6, published on January 10, 1950, in 15 F. R. 93. The amendment would establish en route limitations for Aero Commander 520, Beech 50, Grumman G–21, and Lockheed 10A aircraft. All interested persons who desire to submit written data, views, or arguments for consideration by the Administrator in connection with the proposed rules, shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER. The Administrator proposes amending § 42.80–6, as follows:

§ 42.80–6 *En route limitations on multi-engine aircraft with maximum allowable take-off weights below 12,500 pounds (CAA rules which apply to § 42.16 and § 42.80).* The following en route limitations data, applicable to Aero Commander 520, Beech D18C, Beech D18S, Beech 50, Grumman G–21, Lockheed 10A, Lockheed 10E, and Lockheed 12A aircraft, shall be used in determining compliance with § 42.80. These data are presented in Table 1 and Figures 1 thru 5. En route performance data on other aircraft weighing less than 12,500 pounds and operated under § 42.16 will be made available upon application to the Administrator.

TABLE 1—EN ROUTE LIMITATIONS

AERO COMMANDER 520

| Weight in pounds | Terrain clearance in feet and climb speed in miles per hour (TIAS) | |
|---|---|---|
| | Feet | Miles per hour |
| 5,500 | 3,480 | 91.8 |
| 5,000 | 6,820 | 93.5 |
| 4,500 | 10,150 | 92.4 |

[1] Highest altitude of terrain over which airplane may be operated in compliance with CAR 42.82.

NOTE: Inoperative propeller windmilling.

BEECH D 18C

. . . . .

BEECH 50

| Weight in pounds | Terrain clearance in feet and climb speed in miles per hour (TIAS) | |
|---|---|---|
| | Feet | Miles per hour |
| 5,500 | 1,110 | 96.4 |
| 5,000 | 7,710 | 94.6 |
| 4,500 | 11,340 | 92.7 |

[1] Highest altitude of terrain over which airplane may be operated in compliance with CAR 42.82.

NOTE: Inoperative propeller windmilling.

GRUMMAN G-21

| Weight in pounds | Terrain clearance in feet and climb speed in miles per hour (TIAS) | |
|---|---|---|
| | Feet | Miles per hour |
| 7,500 | 3,620 | 111.5 |
| 7,000 | 4,940 | 111.1 |
| 6,500 | 5,300 | 110.6 |
| 6,000 | 6,750 | 110.1 |
| 5,500 | 7,530 | 109.6 |

[1] Highest altitude of terrain over which airplane may be operated in compliance with CAR 42.82.

NOTE: Propeller idling in high pitch. Airplane is equipped with co-rects.

LOCKHEED 10A

| Weight in pounds | Terrain clearance in feet and climb speed in miles per hour (TIAS | | | |
|---|---|---|---|---|
| | Propeller feathered | | Propeller idling | |
| | Feet | Miles per hour | Feet | Miles per hour |
| 10,500 | 3,600 | 93.8 | - | - |
| 10,000 | 4,780 | 93.6 | 3,120 | 92.9 |
| 9,500 | 6,020 | 93.5 | 3,350 | 92.8 |
| 9,000 | 7,280 | 93.1 | 4,660 | 92.5 |
| 8,500 | 8,550 | 92.8 | 5,980 | 92.1 |
| 8,000 | 9,850 | 92.4 | 7,180 | 91.7 |
| | | 92.0 | 8,420 | 91.4 |

[1] Highest altitude of terrain over which airplane may be operated in compliance with CAR 42.82.

LOCKHEED 10E

. . . . .

LOCKHEED 12A

. . . . .

FIGURE 1—Beech D18C, D18S; Lockheed 10E, 12A.

. . . . .

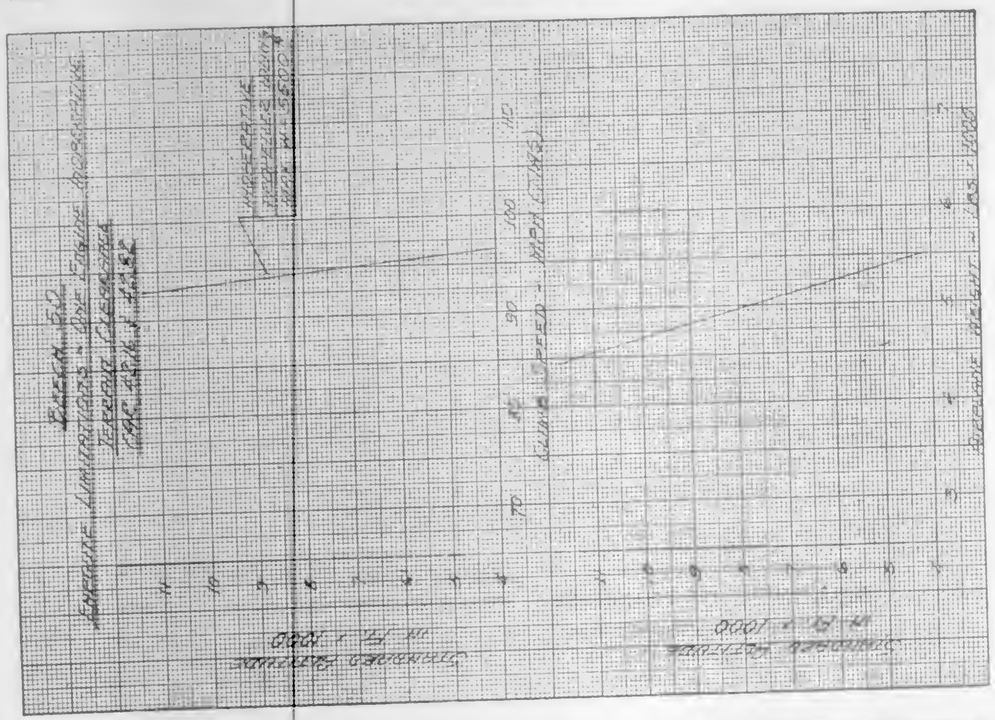


FIGURE 3—Beech 50.

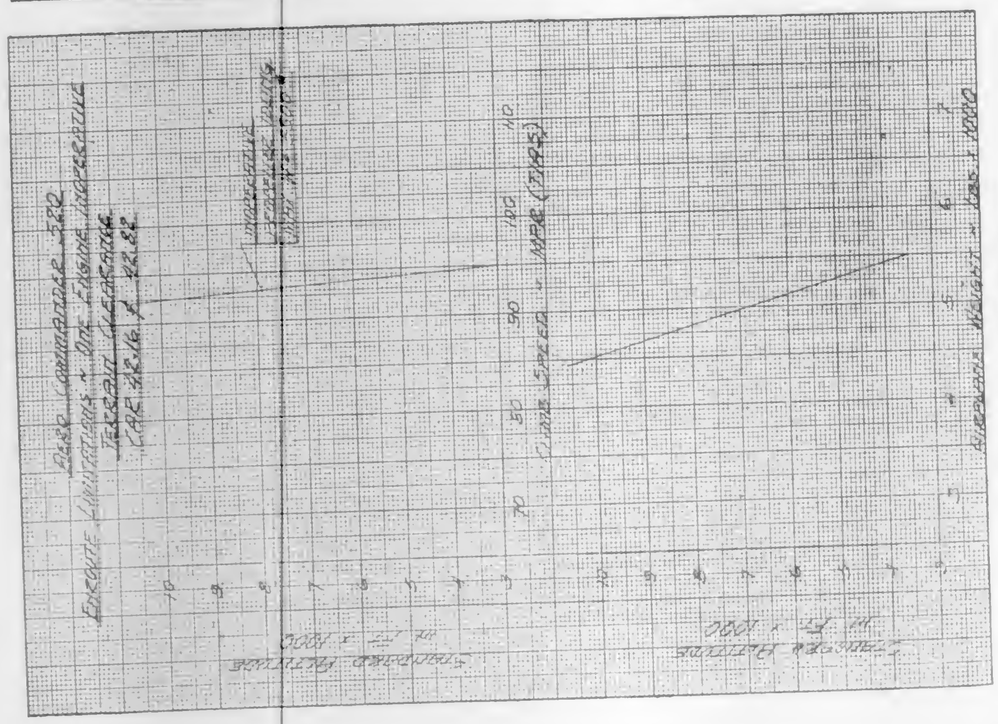


FIGURE 2—Aero Commander 520.



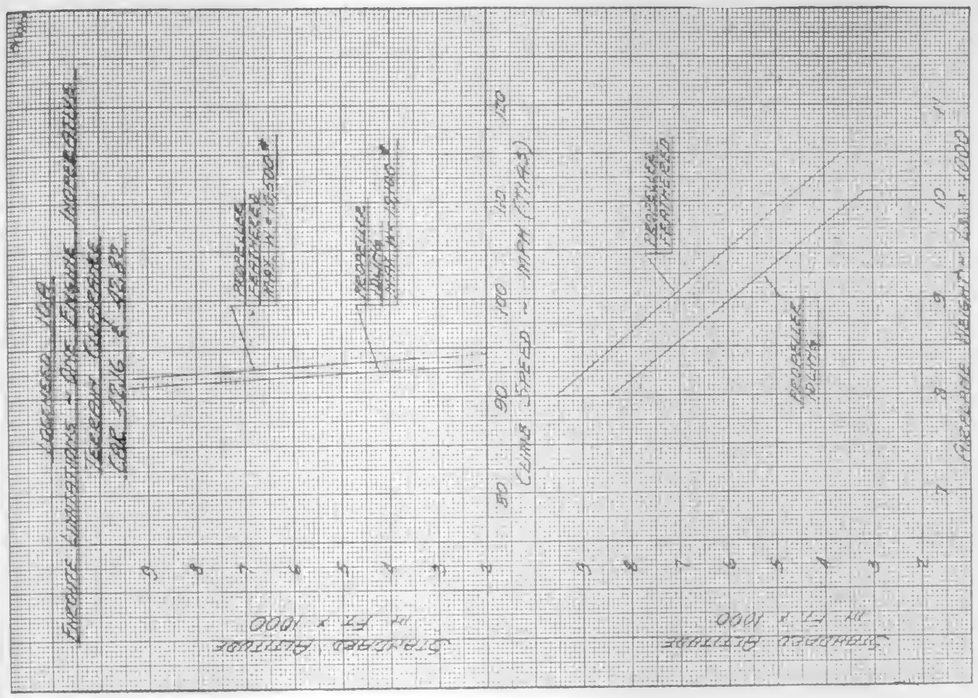


FIGURE 5—Lockheed 10A.

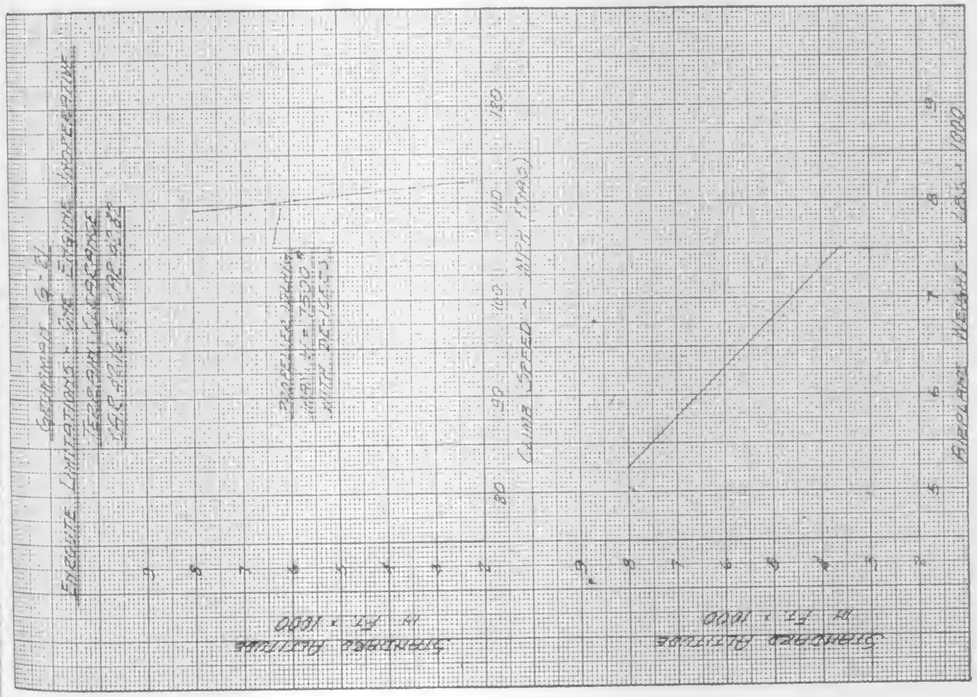


FIGURE 4—Grumman G-2L

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

[SEAL] S. A. KEMP,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9851; Filed, Nov. 27, 1953; 8:58 a. m.]

# NOTICES

## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order 4118, Amdt.]

JOHN H. RADEMACHER

In re: Estate of John H. Rademacher, deceased. File D-28-2367; E. T. 4172.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1-40); Pub. Law 181, 82d Cong., 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR, 1943 Cum. Supp.; 3 CFR, 1945 Supp.); Executive Order 9788 (3 CFR, 1946 Supp.) and Executive Order 9989 (3 CFR, 1948 Supp.) and pursuant to law, after investigation, Vesting Order 4118 is hereby amended nunc pro tunc to read as follows:

It is hereby found: That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Heinrich Rademacher and his issue; Maria Rademacher and her issue; Rudolph Behrends (Behrens) and other issue, name or names unknown, of Emma Behrens; Helen Koster, Martha Koster and other issue, name or names unknown, of Wilhemine Koster; Emilie Neimier and her issue, name or names unknown; and issue, name or names unknown, of Carl Pienemann; and each of them, in and to the Estate of John H. Rademacher, deceased.

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely

*Nationals and Last Known Address*

Heinrich Rademacher and his issue, Germany.

Maria Rademacher and her issue, Germany.

Rudolph Behrends (Behrens) and other issue, name or names unknown, of Emma Behrens, Germany.

Helen Koster, Martha Koster and other issue, name or names unknown, of Wilhemine Koster, Germany.

Emilie Neimier, and her issue, name or names unknown, Germany.

Issue, name or names unknown, of Carl Pienemann, Germany.

That such property is in the process of administration by The San Francisco Bank, as executor of the Estate of John H. Rademacher, acting under the judicial supervision of the Superior Court of the State of California in and for the City and County of San Francisco;

And it is hereby determined that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

There is hereby vested the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein and in said Vesting Order 4118 had and shall have the meanings prescribed in section 10 of Executive Order 9095, as amended by Executive Order 9193.

Executed at Washington, D. C. on November 24, 1953.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 53-9988; Filed, Nov. 27, 1953; 8:52 a. m.]

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AGATHA HOCH ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY; AMENDMENT

The Notice of Intention To Return Vested Property in the matter of Agatha Hoch, nee Dobler, et al., Claim No. 46335, published in the FEDERAL REGISTER on October 22, 1952 (17 F. R. 9596), is hereby amended as follows and not otherwise:

By eliminating the name Oskar Dobler from the list of claimants and substituting therefor the names Christina Marlies Dobler, Reinold Dobler and Reinold Dobler, as guardian of Herdith Anna Dobler, heirs of Oskar Dobler, deceased; and by eliminating the name Oskar Dobler under "Property and Location" and substituting the above-named heirs who will share equally in Oskar's interest.

Executed at Washington, D. C., on November 20, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director, Office of Alien Property.*

[F. R. Doc. 53-9989; Filed, Nov. 27, 1953; 8:53 a. m.]

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

[Order No. 2739]

DEPUTY DIRECTOR, OFFICE OF TERRITORIES, ET AL.

DELEGATION OF AUTHORITY TO PERFORM DUTIES OF DIRECTOR AND DEPUTY DIRECTOR

NOVEMBER 21, 1953.

SECTION 1. *Acting Director.* (a) The Deputy Director of the Office of Territories shall perform the duties of the Director in case of the absence, sickness, resignation, or death of the Director.

(b) The Assistant Director, Alaskan Affairs of the Office of Territories shall perform the duties of the Director in case of the absence, sickness, resignation or death of the Director and the Deputy Director.

(c) The Assistant Director, Insular Affairs of the Office of Territories shall perform the duties of the Director in case of the absence, sickness, resignation or death of the Director, Deputy Director and the Assistant Director, Alaskan Affairs.

(d) An officer acting under authority of this section shall sign documents under the title "Acting Director."

SEC. 2. *Acting Deputy Director.* (a) The Director may designate, in writing, an officer to perform the duties of the Deputy Director in case of the absence or sickness of the Deputy Director.

(b) An officer acting under authority of this section shall sign documents under the title "Acting Deputy Director."

SEC. 3. *Revocation.* Order No. 2686, dated May 9, 1952, is revoked.

(Sec. 2, Reorganization Plan No. 3 of 1950; 5 U. S. C. Supp., 133z-15)

DOUGLAS MCKAY,
*Secretary of the Interior.*

[F. R. Doc. 53-9971; Filed, Nov. 27, 1953; 8:48 a. m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

VIRGINIA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civilian Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of November 12, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on September 26, 1953, pursuant to Public Law 875, 81st Congress.

VIRGINIA

| | |
|---|---|
| Bland. | Prince William. |
| Clarke. | Pulaski. |
| Buchanan. | Russell. |
| Fairfax. | Scott. |
| Fauquier. | Shenandoah. |
| Giles. | Smyth. |
| Grayson. | Surry. |
| Loudoun. | Tazewell. |
| Prince George. | |

Done this 24th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9998; Filed, Nov. 27, 1953; 8:55 a. m.]

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FLORIDA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN FLOOD AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civilian Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following counties are determined as of November 16, 1953, to be in the area affected by the major disaster occasioned by floods determined by the President on October 22, 1953, pursuant to Public Law 875, 81st Congress:

FLORIDA

| | |
|---|---|
| Brevard. | Highlands. |
| Broward. | Indian River. |
| Charlotte. | Lee. |
| Collier. | Martin. |
| Dade. | Okeechobee. |
| DeSoto. | Palm Beach. |
| Glades. | St. Lucie. |
| Hardee. | Seminole. |
| Hendry. | |

Done this 24th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-9999; Filed, Nov. 27, 1953; 8:55 a. m.]

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WEST VIRGINIA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civilian Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following counties are determined as of November 17, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on November 16, 1953, pursuant to Public Law 875, 81st Congress:

WEST VIRGINIA

| | |
|---|---|
| Barbour. | Monongalia. |
| Berkeley. | Monroe. |
| Braxton. | Morgan. |
| Cabell. | Nicholas. |
| Calhoun. | Pendleton. |
| Clay | Pocahontas. |
| Doddridge. | Preston. |
| Fayette. | Putnam. |
| Gilmer. | Raleigh. |
| Grant. | Randolph. |
| Greenbrier. | Ritchie. |
| Hampshire. | Roane. |
| Hardy. | Summers. |
| Harrison. | Tucker. |
| Jackson. | Upshur. |
| Lewis. | Wayne. |
| Lincoln. | Webster. |
| Mercer. | Wood. |
| Mineral. | |

Done this 24th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10000; Filed, Nov. 27, 1953; 8:55 a. m.]

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ARKANSAS

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civilian Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the area affected by the major disaster occasioned by drought determined by the President on July 1, 1953, pursuant to Public Law 875, 81st Congress, is further delineated as of November 12, 1953, by the addition or redesignation of certain counties as set forth below:

ARKANSAS

ADDITIONS

| | |
|---|---|
| Ashley. | Hempstead. |
| Bradley. | Howard. |
| Calhoun. | Nevada. |
| Columbia. | Sevier. |

REDESIGNATIONS

| | |
|---|---|
| Arkansas. | Jefferson. |
| Chicot. | Lincoln. |
| Desha. | Monroe. |
| Drew. | Phillips. |

Done this 24th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10001; Filed, Nov. 27, 1953; 8:55 a. m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

MEMBER LINES OF ATLANTIC (PASSENGER) CONFERENCE ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for aproval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. section 814.

(1) Agreement No. 7840-23, between the member lines of the Atlantic (Passenger) Conference, modifies the basic agreement of that conference (No. 7840) to provide (1) that commissions not to exceed the sub-agency scale of commissions may be paid on a reciprocal basis to airlines having arrangements with a member line for the interchange of trans-Atlantic passenger traffic on tickets or exchange orders issued by or transferred from such airline, and (2) that subsidiary agreements between the member lines and one or more airlines for the interchange of trans-Atlantic passenger traffic shall be tabled for the information of all member lines, and (3) that the member lines may agree upon a uniform form of agreement to be entered into with airlines relative to arrangements for each other's transportation, reciprocal payments of commissions, methods of settlement, etc., and providing generally for the procedures to be followed and responsibilities to be assumed.

(2) Agreement No. 7723-3 between Aktieselskapet Hav, Aktieselskapet Havtank, Aktieselskapet Inger and Edda Shipping Co., Inc., modifies the Staubo-Horn Line Joint service agreement (No. 7723) by providing for the withdrawal of the first two named companies and the substitution of Edda Shipping Co., Inc., in place of such companies; that Edda Shipping Co., Inc., be appointed as manager in lieu of Helmer Staubo & Co., and to provide that revenues and expenses of vessels chartered by the joint service will be shared equally by the parties.

(3) Agreement 7931, between Aktiebolaget Svenska Amerika Linien (Swedish American Line) and Norddeutscher Lloyd, provides for the cooperation of the parties in the operation of the vessels "Stockholm" and "Kungsholm" by Swedish American Line and of the vessel "Gripsholm" by Norddeutscher Lloyd by providing for the coordination of sailing schedules at Bremerhaven. The agreement further provides that the parties may agree to utilize the same agent or the same personnel for the solicitation and booking of passengers and cargo, the collection of revenues and the like, and provides that it shall remain in force until February 1, 1959.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 24, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 53-9985; Filed, Nov. 27, 1953; 8:51 a. m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Office of the Secretary

[Interim Department Order 6]

FIELD ORGANIZATION

REGIONAL OFFICES

The field organization of the Department of Health, Education, and Welfare shall consist of nine regional offices. Each office shall be under the direction and supervision of a Director who shall be responsible to the Secretary of Health, Education, and Welfare for the proper discharge of all duties, powers, and functions assigned to him.

The location and boundaries of the regional offices are as follows:

Region I—Boston: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

Region II—New York: Delaware, New Jersey, New York, Pennsylvania.

Region III—Washington, D. C.: District of Columbia, Kentucky, Maryland, North Carolina, Virginia, West Virginia, Puerto Rico, Virgin Islands.

Region IV—Atlanta: Alabama, Georgia, Florida, Mississippi, South Carolina, Tennessee.

Region V—Chicago: Illinois, Indiana, Michigan, Ohio, Wisconsin.

Region VI—Kansas City, Mo.: Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.

Region VII—Dallas: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Region VIII—Denver: Colorado, Idaho, Montana, Utah, Wyoming.

Region IX: San Francisco: Arizona, California, Nevada, Oregon, Washington, Alaska, (Juneau), Hawaii (Honolulu).

Dated: November 23, 1953.

[SEAL] NELSON A. ROCKEFELLER,
*Acting Secretary.*

[F. R. Doc. 53-9983; Filed, Nov. 27, 1953; 8:51 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10547, 10548, 10549]

SOUTHERN BAPTIST COLLEGE (KRLW) ET AL.

ORDER ADJOURNING PRE-HEARING CONFERENCE

In re applications of Southern Baptist College (KRLW), Walnut Ridge, Arkansas, Docket No. 10547, File No. BP-8372; Sam C. Phillips, Clarence A. Camp and James E. Connolly, d/b as Tri-State Broadcasting Service, Memphis, Tennessee, Docket No. 10548, File No. BP-8775; Southern Broadcasting Service, Inc., Memphis, Tennessee, Docket No. 10549, File No. BP-8802; for construction permits for new standard broadcasting stations.

Whereas the parties to the above consolidated proceedings have been unable to complete the prehearing conference herein scheduled for this day as the result of the application filed by Newport Broadcasting Company and will be unable to do so until the Commission has taken action upon such application;

*It is ordered*, This 20th day of November 1953 that said prehearing conference is hereby continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9994; Filed, Nov. 27, 1953; 8:54 a. m.]

[Docket Nos. 10761, 10762]

WREC BROADCASTING SERVICE AND WMPS, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Hoyt B. Wooten, d/b as WREC Broadcasting Service, Memphis, Tennessee, Docket No. 10761, File No. BPCT-452; WMPS, Inc., Memphis, Tennessee, Docket No. 10762, File No. BPCT-514; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of November 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 3 in Memphis, Tennessee; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

*It is ordered*, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 18th day of December 1953 in Washington, D. C., upon the following issue:

1. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

*It is further ordered*, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: November 20, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9995; Filed, Nov. 27, 1953; 8:54 a. m.]

[Docket No. 10763]

OLE MISS BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Ole Miss Broadcasting Co., Inc., Oxford, Mississippi, Docket No. 10763, File No. BP-8784; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 18th day of November 1953;

The Commission having under consideration the above-entitled application for construction permit for a new standard broadcasting station at Oxford, Mississippi to operate on 1230 kilocycles with a power of 100 watts, unlimited time.

It appearing, that the applicant is legally, technically and financially qualified to operate the proposed station, but that the application may involve interference with Station WCMA, Corinth, Mississippi and does not comply with the Standards of Good Engineering Practice; particularly with reference to the percentage of daytime population lost to the population to be served; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated September 2, 1953 of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that replies have been received to the Commission's letter from the applicant and the Corinth Broadcasting Company, Inc.; and

It further appearing, that, the Commission, after consideration of the replies, is still unable to conclude that a grant would be in the public interest;

*It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the availability of other primary service to such areas and populations.

2. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

3. To determine whether the operation of the proposed station would involve objectionable interference with Station WCMA, Corinth, Mississippi and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations and the nature and character of the program service now being rendered by WCMA to such areas and populations.

4. To determine whether the installation and operation of the proposed station would be in compliance with the Commission rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the high ratio of persons residing within the normally protected daytime service area who would not receive service from the proposed station because of interference from other stations, to the number of persons residing within the normally protected daytime service area of the proposed station.



*It is further ordered*, That, the Corinth Broadcasting Company, Inc., licensee of Station WCMA, Corinth, Mississippi, is made a party to this proceeding.

Released: November 20, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-9996; Filed, Nov. 27, 1953; 8:54 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. E-6533]

WISCONSIN PUBLIC SERVICE CORP. AND MENOMINEE AND MARINETTE LIGHT AND TRACTION CO.

NOTICE OF APPLICATION

NOVEMBER 20, 1953.

Take notice that on November 19, 1953, a joint application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by Wisconsin Public Service Corporation (hereinafter called Public Service) and its wholly owned subsidiary, Menominee and Marinette Light and Traction Company (hereinafter called M & M), seeking an order authorizing the merger of all of the facilities of M & M with those of Public Service through a statutory corporate merger. Public Service is a corporation organized under the laws of the State of Wisconsin and doing business in said State with its principal business office at Milwaukee, Wisconsin. M & M is a corporation organized under the laws of the States of Wisconsin and Michigan and doing business in said States with its principal business office at Milwaukee, Wisconsin. Applicants propose to merge all of the facilities of M & M with those of Public Service and Public Service will remain as the surviving corporation; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application, should on or before the 11th day of December, 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9986; Filed, Nov. 27, 1953; 8:52 a. m.]

[Docket No. G-2246]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF FINDINGS AND ORDER

NOVEMBER 23, 1953.

Notice is hereby given that on November 20, 1953, the Federal Power Commission issued its order adopted November 20, 1953, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9972; Filed, Nov. 27, 1953; 8:48 a. m.]

[Project No. 2055]

IDAHO POWER CO.

NOTICE OF ORDER DETERMINING REQUIREMENTS AND REGULATIONS

NOVEMBER 23, 1953.

Notice is hereby given that on November 20, 1953, the Federal Power Commission issued its order adopted November 18, 1953, determining requirements and regulations in the interest of fish and wildlife in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9973; Filed, Nov. 27, 1953; 8:48 a. m.]

[Project Nos. 2111, 2112]

PACIFIC POWER & LIGHT CO.

NOTICE OF ORDERS ISSUING PRELIMINARY PERMITS AND MODIFYING ORDERS

NOVEMBER 23, 1953.

Notice is hereby given that on October 12, 1953, the Federal Power Commission issued its orders adopted October 8, 1953, issuing preliminary permits in the above-entitled matters; and on November 20, 1953, issued its order adopted November 18, 1953, modifying said orders.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-9974; Filed, Nov. 27, 1953; 8:49 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28675]

PHOSPHATE ROCK FROM TENNESSEE TO TULSA, OKLA.

APPLICATION FOR RELIEF

NOVEMBER 24, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Phosphate rock, carloads.

From: Points in Tennessee.

To: Tulsa, Okla.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1386, supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-9979; Filed, Nov. 27, 1953; 8:50 a. m.]

[4th Sec. Application 28676]

GRAIN FROM STATIONS ON KANSAS CITY SOUTHERN RAILWAY CO. TO MOBILE, ALA., FOR EXPORT

APPLICATION FOR RELIEF

NOVEMBER 24, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Kansas City Southern Railway Company for itself and on behalf of Louisiana & Arkansas Railroad Company and Louisville and Nashville Railroad Company.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Stations on the Kansas City Southern Railway Company.

To: Mobile, Ala., for export.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: Kansas City Southern Railway Company, I. C. C. No. 5303, supp. 11.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-9980; Filed, Nov. 27, 1953; 8:50 a. m.]

[4th Sec. Application 28677]

RUBBER FROM TEXAS AND LOUISIANA TO GRANDVIEW, MO.

APPLICATION FOR RELIEF

NOVEMBER 24, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Rubber, artificial, synthetic or neoprene, carloads.

From: Points in Texas and Louisiana.

To: Grandview, Mo.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 287; F. C. Kratzmeir, Agent, I. C. C. No. 3906, supp. 196; W. P. Emerson, Jr., Agent, I. C. C. No. 417, supp. 38.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9981; Filed, Nov. 27, 1953; 8:50 a. m.]

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[4th Sec. Application 28678]

ANHYDROUS AMMONIA FROM ARKANSAS, TEXAS AND LOUISIANA TO SUFFOLK, VA., GROUP

APPLICATION FOR RELIEF

NOVEMBER 24, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities invovled: Anhydrous ammonia, in tank-car loads.

From: Points in Arkansas, Texas and Louisiana.

To: Suffolk, Va., and points grouped therewith.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destinations.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, supp. 128.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-9982; Filed, Nov. 27, 1953; 8:50 a. m.]

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## OFFICE OF DEFENSE MOBILIZATION

[General Administrative Order III-1]

ESTABLISHING THE POSITION OF ASSISTANT DIRECTOR FOR FINANCIAL POLICY

By virtue of the authority vested in me by the National Security Act of 1947, as amended, pursuant to and by Reorganization Plan No. 3 of 1953; the Defense Production Act of 1950, as amended; and Executive Order 10438 of March 13, 1953, Executive Order 10461 of June 17, 1953, and Executive Order 10480 of August 14, 1953, it is hereby ordered:

1. There is established in the Office of Defense Mobilization the position of Assistant Director for Financial Policy who shall:

a. Review and develop policies, procedures and criteria for the issuance of necessity certificates under section 124A of the Internal Revenue Code;

b. Review and develop policies, procedures and criteria for the issuance of certificates of essentiality in connection with section 302 of the Defense Production Act of 1950, as amended;

c. Review and develop financial policies, procedures and criteria for the installation of Government-owned facilities in Government-owned or private plants as authorized under section 303 of the Defense Production Act of 1950, as amended;

d. Review and develop financial policies, procedures and criteria for the exploration of strategic and critical minerals and metals as authorized under section 303 of the Defense Production Act of 1950, as amended;

e. Review and develop financial policies, procedures and criteria concerning the use of stockpile funds in collaboration with the Assistant Directors for Materials and Production Requirements and Programs;

f. Direct and coordinate the financial policies of the programs for the expansion of defense production and capacity as authorized by the Defense Production Act of 1950, as amended;

g. Review, develop and coordinate financial policies, procedures and criteria in collaboration with the Assistant Directors for Materials and Production Requirements and Programs to promote the most effective use of necessity certificates, certificates of essentiality, and contractual arrangements under section 303 of the Defense Production Act of 1950, as amended, and Public Law 520 with a view to securing the needed expansion of productive capacity or supply at minimum cost to the Treasury in the light of the exigencies of the mobilization program;

h. Through the General Counsel, consult with officials of the Department of Justice regarding the application of the antitrust provisions of section 708 (e) of the Defense Production Act of 1950, as amended; and

i. Maintain adequate records to reflect the activities outlined above and furnish reports as required by the Director.

2. In order to carry out the foregoing, there is hereby delegated to the Assistant Director for Financial Policy authority necessary to:

a. Approve borrowings from the Treasury of the United States under section 304 (b) of the Defense Production Act of 1950, as amended;

b. Perform the functions of the Director as the Certifying Authority under section 124A of the Internal Revenue Code;

c. Perform the functions of the Director under sections 301, 302 and 304 of Title III of the Defense Production Act of 1950, as amended;

d. Certify expansion programs approved by the Assistant Director for Materials or the Assistant Director for Production Requirements and Programs under section 303 of the Defense Production Act of 1950, as amended;

e. Perform the functions of the Director of reviewing loan applications in regard to which certificates of essentiality have been issued but on which the Secretary of the Treasury or the Export-Import Bank are unable to obtain acceptable loan terms and conditions; and

f. Perform the functions of the Director as the Certifying Authority under section 450 of the Internal Revenue Code concerning exemptions from excess profits taxes on certain materials upon the advice and recommendation of the Assistant Director for Materials.

3. The Assistant Director for Financial Policy may, at his discretion, delegate any of his functions or authority to other officials of his division.

4. This order shall take effect on November 5, 1953.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 53-10043; Filed, Nov. 25, 1953; 4:45 p. m.]



[General Administrative Order IV-1]

ESTABLISHING THE POSITION OF ASSISTANT DIRECTOR FOR MANPOWER

By virtue of the authority vested in me by the National Security Act of 1947, as amended; Reorganization Plan No. 3 of 1953; the Defense Production Act of 1950, as amended; Executive Order 10438 of March 13, 1953; Executive Order 10461 of June 17, 1953; and Executive Order 10480 of August 14, 1953, it is hereby ordered:

1. There is established in the Office of Defense Mobilization the position of Assistant Director for Manpower who will be the principal advisor to the Director in regard to the formulation and execution of manpower policies and the development of supply and requirements for manpower relative to defense mobilization programs.

2. The Assistant Director for Manpower shall coordinate the development and execution of manpower policies and programs by appropriate departments and agencies of the Executive Branch. Specifically, he will provide the leadership and direction to these departments and agencies necessary to increase the nation's potential for partial and full mobilization through maximum use of its manpower resources by:

a. Determining and evaluating the availability of manpower for meeting the current and potential requirements of the armed forces and supporting civilian economy, including programs for safeguarding and strengthening the national security. This includes developing manpower information and policy for the setting of industrial expansion and production goals and for the distribution of procurement and of production facilities to permit the maximum utilization of manpower.

b. Collecting and evaluating the manpower requirements of principal claimant agencies such as the Department of Defense, Atomic Energy Commission, Federal Civil Defense Administration, and for developing measures to meet these requirements in the event of full mobilization.

c. Integrating research activities relative to improving the techniques for determining manpower resources and requirements.

d. Developing policies for assuring an adequate supply of manpower with critical skills, including craftsmen, scientists, engineers and other highly trained workers, to meet current and potential requirements of the armed forces, other national security units and the supporting civilian economy.

e. Developing, in collaboration with management and labor, the necessary measures for expanding, stabilizing, and effectively using our total manpower resources in the event of full mobilization.

f. Developing plans for an effective manpower organization consistent with the over-all administrative organization for full mobilization.

g. In performing these functions, the Assistant Director for Manpower will consult with and receive the advice of all government agencies having manpower responsibilities and to the extent practicable from leaders in the fields of management, labor, science, engineering, and education. On the formal level, this consultation will be through such arrangements as the ODM Committee on Specialized Personnel, the interagency Manpower Policy Committee, and the National Labor-Management Manpower Policy Committee, the Assistant Director for Manpower serving as Chairman or Co-chairman of such committees. In dealing with manpower problems of defense procurement and the location or expansion of production facilities, he will chair interagency committees such as the Surplus Manpower Committee. He will develop such other arrangements for formal consultation as he finds necessary and desirable.

3. The Assistant Director for Manpower will be responsible for:

a. Providing the Assistant Director for Materials with data, guidance and assistance relative to manpower supply and requirements as they affect materials expansion programs.

b. Providing the Assistant Director for Production Requirements and Programs with data, guidance and assistance relative to manpower supply and requirements as they affect expansion programs other than materials.

c. Providing the Assistant Director for Stabilization with data, guidance and assistance relative to manpower supply and requirements as they affect mobilization planning for wage control, price control, rent control and other mobilization controls planning.

d. Providing the Assistant Director for Non-Military Defense with data, guidance and assistance relative to manpower supply and requirements as they affect the development of plans and policies for dealing with post-attack industrial rehabilitation and production problems.

e. Providing the staff member designated by the Director with manpower data needed by the Director for the performance of his functions as a member of the National Security Council.

4. The Assistant Director for Manpower shall maintain adequate records to reflect the activities outlined above and furnish reports as required by the Director.

5. This order shall take effect on November 5, 1953.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 53-10044; Filed, Nov. 25, 1953; 4:45 p. m.]

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[General Administrative Order V-1]

ESTABLISHING THE POSITION OF ASSISTANT DIRECTOR FOR MATERIALS

By virtue of the authority vested in me by the National Security Act of 1947, as amended, pursuant to and by Reorganization Plan No. 3 of 1953; the Defense Production Act of 1950, as amended; and Executive Order 10438 of March 13, 1953, Executive Order 10461 of June 17, 1953 and Executive Order 10480 of August 14, 1953, it is hereby ordered:

1. There is established in the Office of Defense Mobilization the position of Assistant Director for Materials who shall be responsible for the functions of the Director in regard to the determination of the adequacy of materials [1] required to meet defense and stockpile needs and for the development of materials expansion and procurement programs. He will be responsible for obtaining data relative to supplies controls and procurement from agencies charged with these responsibilities and for the determination of the procedures and methods to be followed by agencies of the Government to effectuate such programs. He will receive requirements data from the Assistant Director for Production Requirements and Programs.

2. In order to carry out the foregoing, there is hereby delegated to the Assistant Director for Materials authority necessary to:

a. Approve and certify for implementation by the Assistant Director for Financial Policy programs and goals for the expansion of materials production which require government incentives in the form of the amortization deduction under section 124A of the Internal Revenue Code.

b. Approve and recommend for certification by the Assistant Director for Financial Policy to the General Services Administrator programs for the expansion of materials production involving Government loans under section 302 of the Defense Production Act of 1950, as amended.

c. Approve and recommend for certification by the Assistant Director for Financial Policy to the General Services Administrator defense materials expansion programs authorizing and directing purchase or commitments to purchase metals, minerals and other materials and to the Secretary of Agriculture authorizing and directing purchase or commitments to purchase food and plant fibers (except abaca), for Government use or resale under section 303 of the Defense Production Act of 1950, as amended.

d. Approve and recommend for certification by the Assistant Director for Financial Policy to the General Services Administrator programs for the development and mining of critical and strategic minerals and metals under section 303 of the Defense Production Act of 1950, as amended.

e. Approve and recommend for certification by the Assistant Director for Financial Policy to the Secretary of the Interior programs for the exploration of critical and strategic minerals and metals under section 303 of the Defense Production Act of 1950, as amended.

f. Approve and recommend for certification by the Assistant Director for Financial Policy to the General Services Administrator programs for the installation of additional equipment, facilities, processes or improvements to plants, factories, and other industrial facilities owned by the United States Government, and to install government-owned equipment in plants, factories, and other in-

[1] The term "materials" as used herein is defined in Appendix I to this order.

dustrial facilities owned by private persons to the extent required for continued or increased materials production.

g. Perform the functions of the Director in making the findings as authorized by and subject to the provisions of section 303 (c) of the Defense Production Act of 1950, as amended, relating to subsidy payments on domestically produced materials, and in approving and recommending for certification by the Assistant Director for Financial Policy to the General Services Administrator programs for such subsidy payments.

h. Perform the functions of the Director in authorizing the transfer of metals, minerals and materials acquired pursuant to the provisions of section 303 of the Defense Production Act of 1950, as amended, to the national stockpile.

i. Designate for certification by the Assistant Director for Financial Policy to the Secretary of the Treasury minerals essential to the defense effort of the United States which have not been normally produced in appreciable quantities in the United States within the meaning and purposes of section 450 of the Internal Revenue Code, relating to exemptions from the excess profits tax.

j. Perform the functions of the Director under the Strategic and Critical Materials Stock Piling Act, as amended (50 U. S. C. 98, et seq.), including the determination required by item (2) of section 6 (a) of said act, authorizing the Director to determine that certain materials surplus to the needs of the owning agency and transferable to the stockpile are not available in appreciable quantities or cannot economically be converted to warrant such transfer.

k. Advise the Assistant Director for Production Requirements and Programs as to the need for priority directives in the materials area relative to stockpile procurement.

l. Perform the functions of the Director under section 4 (h) of the Commodity Credit Corporation Act, as amended (15 U. S. C. 714b (h)), relating to transfers to the stockpile of strategic and critical materials acquired in exchange for agricultural commodities.

m. Perform the functions of the Director under section 201 (e) of the Federal Property and Administrative Services Act of 1949 (40 U. S. C. 485 (e)), in determining whether a material is strategic and critical and hence acceptable in lieu of cash as payment under certain contracts.

n. Establish policies and procedures and review for implementation by the agencies charged with maintaining plants, equipment and industries for the production of materials in such condition that they can quickly reach their maximum output potentials in time of war.

o. Provide technical guidance, assistance and advice to the Assistant Director for Production Requirements and Programs with regard to supply balances in the materials area.

3. In performing the functions of the Director under paragraph (j) above in regard to the Strategic and Critical Materials Stock Piling Act, as amended (50 U. S. C. 98, et seq.), the Assistant Director for Materials shall consult with and obtain the advice and recommendation of the Assistant Director for Production Requirements and Programs.

4. To the extent that the exercise of any of the above authorities entails the use of Government funds or financial incentives, the Assistant Director shall also obtain the advice and recommendation of the Assistant Director for Financial Policy.

5. The Assistant Director for Materials shall provide to the Assistant Director for Manpower information relative to defense materials programs necessary for the determination of manpower requirements and policy.

6. The Assistant Director for Materials shall maintain adequate records to reflect the activities outlined above and furnish reports as required by the Director.

7. Through the General Counsel, the Assistant Director for Materials shall consult with officials of the Department of Justice regarding the application of the antitrust provisions of section 708 (e) of the Defense Production Act of 1950, as amended.

8. This order shall take effect on November 5, 1953.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

APPENDIX 1

The Assistant Director for Materials will be responsible for all materials, minerals, and fibers, except the following, which will be the responsibility of the Assistant Director for Production Requirements and Programs:

a. All iron and steel products other than pig iron and steel ingot.

b. All copper products other than electrolytic and fire refined ingot.

c. All aluminum products other than ingot and basic shapes.

d. Petroleum, petroleum products, and natural gases.

e. Textiles, including synthetics (all fibers, including cordage, are the responsibility of the Assistant Director for Materials).

f. Cement.

[F. R. Doc. 53-10045; Filed, Nov. 25, 1953; 4:46 p. m.]

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[General Administrative Order VI-1]

ESTABLISHING THE POSITION OF ASSISTANT DIRECTOR FOR NON-MILITARY DEFENSE

By virtue of the authority vested in me by the National Security Act of 1947, as amended, pursuant to and by Reorganization Plan No. 3 of 1953; the Defense Production Act of 1950, as amended; and Executive Order 10421 of December 31, 1952, Executive Order 10438 of March 13, 1953, Executive Order 10461 of June 17, 1953, and Executive Order 10480 of August 14, 1953, it is hereby ordered:

1. There is established in the Office of Defense Mobilization the position of Assistant Director for Non-Military Defense. Non-military defense includes the over-all national security measures taken by civilian agencies to (1) minimize the effects of enemy attack on cities, industry and government; (2) assure continuity of essential production and governmental functions in event of attack; and (3) deal with conditions resulting from attack and restore the industrial, governmental and community facilities to support the national security. The Assistant Director shall:

a. Develop the broad features of the total non-military defense system and coordinate the policies and programs of the Federal agencies concerned;

b. Determine policies and standards for use of Federal agencies in assisting the systematic reduction of vulnerability of urban target areas;

c. Determine policies and standards for use of Federal agencies in carrying out essential functions of government in event of attack;

d. Determine policies and standards in collaboration with the Assistant Directors for Financial Policy, Manpower, Materials, Production Requirements and Programs, and Stabilization for use of Federal agencies in carrying out programs to assure the continuity of essential production in event of attack;

e. Perform the functions of the Director in establishing policies and standards for rating critical facilities and the review and approval of such ratings under Executive Order 10421;

f. Perform the functions of the Director in utilizing the services of the Facilities Protection Board, establishing policies and standards for physical security and assigning rated facilities to the cognizance of appropriate agencies under Executive Order 10421;

g. Review and evaluate the non-military defense activities of all Federal agencies and prepare reports on their status and recommendations for their continued improvement; and

h. Maintain close relationship with military defense and internal security agencies on matters affecting continental defense.

2. The Assistant Director for Non-Military Defense shall maintain adequate records to reflect the activities outlined above and furnish reports as required by the Director.

3. This order shall take effect on November 5, 1953.

OFFICE OF DEFENSE MOBILIZATION.
ARTHUR S. FLEMMING,
*Director*

[F. R. Doc. 53-10046; Filed, Nov. 25, 1953; 4:46 p. m.]

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[General Administrative Order VII-1]

ESTABLISHING THE POSITION OF ASSISTANT DIRECTOR FOR PRODUCTION REQUIREMENTS AND PROGRAMS

By virtue of the authority vested in me by the National Security Act of 1947, as amended, pursuant to and by Reorganization Plan No. 3 of 1953; the Defense Production Act of 1950, as amended; and Executive Order 10438 of March 13, 1953, Executive Order 10480 of June 17, 1953 and Executive Order 10480 of August 14, 1953, it is hereby ordered:



1. There is established in the Office of Defense Mobilization the position of Assistant Director for Production Requirements and Programs. For purposes of both current and full mobilization, he shall be responsible for; determining and evaluating over-all requirements for all defense materials and productive facilities and end items; the development of policies and procedures for the most effective allocation and utilization of available resources; the determination of the adequacy of facilities needed to meet defense production, other than materials[1] production; the development of programs for the expansion of defense production, other than materials; and offer advice and technical assistance in regard to the evaluation of the over-all feasibility of all expansion programs and evaluate the feasibility of all production programs.

2. The Assistant Director for Production Requirements and Programs shall:

a. Develop and evaluate current and full mobilization requirements for all defense materials, productive facilities and end items in such form and substance as needed for the conduct of current programs and the determination of expansion goals. In doing so, he will review military logistics programs, will determine appropriate and balanced end item production programs, feasible and necessary to carry out military mobilization planning and to supply war-supporting industries, friendly foreign countries, and the civilian population. In connection with this function he will develop the economic frame of reference within which all agencies will work out their proposed mobilization production programs, including the setting of assumptions, guidelines, etc., of an economic character to be observed by all agencies uniformly.

b. For purposes of evaluating supply-requirements balances for the most effective allocation of resources under current or full-mobilization, obtain data on availability of resources (except manpower) within the domestic economy and by import from friendly foreign nations.

c. For purposes of identifying areas in which expansion is required (except materials) obtain data on availabilities of resources within the domestic economy and by import from friendly foreign nations. He will assure that programs are developed to maintain the mobilization base; to identify, measure and erase critical gaps.

d. Develop policies and coordinate the work done by other Government agencies in preparing orders and regulations (in the Production Area) for use in time of war. These orders and regulations will cover the distribution of all scarce resources (except manpower) among all users in time of war and will include draft orders with respect to the kinds of production which may or which may not be undertaken in time of war.

e. Act as central point for requesting, developing, reviewing and disseminating requirements data (except manpower) on the military and atomic energy programs.

[1] The term "materials" as used herein is defined in Appendix I to this order.

f. On behalf of the Director, participate in periodic reviews of the military, AEC and other national security budget proposals.

g. Provide technical guidance, assistance, and advice to the Assistant Director for Materials in regard to supply-requirements balances in the materials area.

h. In discharging these responsibilities, he will obtain wide participation of Government agencies, industry, agriculture, labor and the public.

i. Establish policies and procedures and review their implementation by the agencies charged with maintaining plants, equipment and industries (except for materials production facilities), in such condition that they can quickly reach their maximum output potentials in time of war.

3. In order to carry out the foregoing, there is hereby delegated to the Assistant Director for Production Requirements and Programs authority necessary to:

a. Administer on behalf of the Director the priorities and allocations authority under Title I of the Defense Production Act of 1950, as amended.

b. Approve and certify for implementation by the Assistant Director for Financial Policy programs and goals for the expansion of defense production, other than materials, which require government incentives in the form of the amortization deduction under section 124A of the Internal Revenue Code.

c. Approve and recommend for certification by the Assistant Director for Financial Policy to the General Services Administrator the program for the expansion of defense production, other than materials, involving Government loans under section 302 of the Defense Production Act of 1950, as amended.

d. Approve and recommend for certification by the Assistant Director for Financial Policy to the General Services Administrator the defense expansion programs, other than materials, authorizing and directing purchase or commitments to purchase under section 303 of the Defense Production Act of 1950, as amended.

e. Approve and recommend for certification by the Assistant Director for Financial Policy to the General Services Administrator the programs for the installation of additional equipment, facilities, processes, or improvements to plants, factories and other industrial facilities, owned by private persons to the extent required for continued or increased defense production, other than materials.

f. Perform the functions of the Director in making the findings as authorized by and subject to the provisions of section 303 (c) of the Defense Production Act of 1950, as amended, relating to subsidy payments on domestic production, other than materials, and in approving and recommending for certification by the Assistant Director for Financial Policy to the General Services Administrator the programs for such subsidy payments.

g. Perform the functions of the Director in regard to obtaining reports and making determinations relative to idle Government-owned production equipment and machine tools and advise the Director relative to the need for policy changes or directives relative to the activities required.

4. In performing the functions of the Director under Title I of the Defense Production Act of 1950, as amended, in the exercise of the priorities and allocations authority, the Assistant Director for Production Requirements and Programs shall consult with and obtain the advice and recommendation of the Assistant Director for Materials.

5. To the extent that the exercise of any of the foregoing authorities entails the use of Government funds or financial incentives, the Assistant Director shall also obtain the advice and recommendation of the Assistant Director for Financial Policy.

6. The Assistant Director for Production Requirements and Programs shall provide to the Assistant Director for Manpower information relative to mobilization requirements and defense production programs necessary to the determination of manpower requirements and policies.

7. The Assistant Director for Production Requirements and Programs shall maintain adequate records to reflect the activities outlined above and furnish reports as required by the Director.

8. Through the General Counsel, the Assistant Director for Production Requirements and Programs shall consult with officials of the Department of Justice regarding the application of the antitrust provisions of section 708 (e) of the Defense Production Act of 1950, as amended.

9. This order shall take effect on November 5, 1953.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

APPENDIX I

The Assistant Director for Materials will be responsible for all materials, minerals, and fibers, except the following, which will be the responsibility of the Assistant Director for Production Requirements and Programs:

a. All iron and steel products other than pig iron and steel ingot.

b. All copper products other than electrolytic and fire refined ingot.

c. All aluminum products other than ingot and basic shapes.

d. Petroleum, petroleum products, and natural gases.

e. Textiles, including synthetics (all fibers, including cordage, are the responsibility of the Assistant Director for Materials).

f. Cement.

[F. R. Doc. 53-10047; Filed, Nov. 25, 1953; 4:47 p. m.]

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[General Administrative Order VIII-1]

ESTABLISHING THE POSITION OF ASSISTANT DIRECTOR FOR STABILIZATION

By virtue of the authority vested in me by the National Security Act of 1947, as amended, pursuant to and by Reorganization Plan No. 3 of 1953; the Defense Production Act of 1950, as amended; and

Executive Order 10438 of March 13, 1953, Excutive Order 10461 of June 17, 1953, and Executive Order 10480 of August 14, 1953, and in order to provide, as an integral part of general mobilization preparedness, for the development of a coordinated stabilization program in the event of an emergency, it is hereby ordered:

1. There is established in the Office of Defense Mobilization the position of Assistant Director for Stabilization who will be the principal advisor to the Director on all stabilization policy questions which may arise.

2. The responsibilities of the Assistant Director for Stabilization shall include:

a. Developing a balanced stabilization program, including both direct and indirect measures that would be required in a national emergency, including wage, price and rent controls, and rationing; in developing stabilization plans he shall work with other agencies of the government;

b. Reviewing and improving techniques for control programs to reduce the hardship and burdens of controls to the greatest extent consistent with an effective stabilization program;

c. Advising on the integration of stabilization plans with other mobilization plans, e. g., materials and production controls, manpower policies, military procurement, and non-military defense plans;

d. Maintaining adequate records to reflect the activities outlined above and furnish reports as required by the Director.

3. The Assistant Director for Stabilization may at his discretion delegate any of his functions or authority to other officials of his area.

4. This order shall take effect on November 5, 1953.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 53-10048; Filed, Nov. 25, 1953; 4:47 p. m.]

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[General Administrative Order IX-1]

ESTABLISHING THE POSITION OF ASSISTANT DIRECTOR FOR TELECOMMUNICATIONS

By virtue of the authority vested in me by Executive Order 10312 of December 10, 1952, Executive Order 10438 of March 13, 1953, Executive Order 10460 of June 17, 1953, and Executive Order 10461 of June 17, 1953, it is hereby ordered:

1. There is established in the Office of Defense Mobilization the position of Assistant Director for Telecommunications who shall assist, advise and act for the Director with respect to the following described telecommunication functions and such other telecommunication functions as the Director may designate in order to provide for the formulation, planning and coordination of federal policies, programs, and actions dealing with national telecommunication matters:

a. Coordinating the development of telecommunications policies and standards applying to the executive branch of the Government;

b. Developing high standards governing telecommunications management within the executive branch of the Government;

c. Coordinating the development by the several agencies of the executive branch of telecommunications plans and programs designed to assure maximum security to the United States in time of national emergency with a minimum interference to continuing nongovernmental requirements;

d. Assisting and advising the President with respect to the assignment of radio frequencies to Government agencies under the provisions of section 305 of the Communications Act of 1934, as amended (47 U. S. C. 305), and establishing policies and procedures governing such assignments and their continued use;

e. Developing United States Government frequency requirements; and

f. Approving plans relating to the control of electromagnetic radiation (Conelrad).

2. The Interdepartment Radio Advisory Committee (IRAC) shall in the future report to and assist the Director of the Office of Defense Mobilization through the Assistant Director for Telecommunications.

3. The Assistant Director for Telecommunications shall maintain adequate records to reflect the activities outlined above and furnish reports as required by the Director.

4. This order shall take effect on November 5, 1953.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 53-10049; Filed, Nov. 25, 1953; 4:47 p. m.]

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## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3075]

COLUMBIA GAS SYSTEM, INC., ET AL.

SUPPLEMENTAL ORDER EXTENDING DATE FOR CONSUMMATION OF MERGER

NOVEMBER 23, 1953.

In the matter of the Columbia Gas System, Inc., Cumberland and Allegheny Gas Company, and the Manufacturers Light and Heat Company; File No. 70-3075.

The Commission on October 5, 1953, having entered an order herein authorizing certain steps to be taken by the applicants, the Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned public-utility subsidiaries Cumberland and Allegheny Gas Company ("Cumberland") and the Manufacturers Light and Heat Company ("Manufacturers"), for the purpose of merging Cumberland into Manufacturers; and

The applicants on November 13, 1953, having filed an amended application-declaration requesting that the time for the consummation of said merger be extended to June 1, 1954, in order to allow time for the conclusion of pending rate proceedings of Cumberland and Manufacturers prior thereto; and

The Commission finding it appropriate in the public interest and in the interest of investors and consumers that the extension be granted as requested:

*It is ordered*, That the effective date for consummation of the proposed merger of Cumberland into Manufacturers as heretofore authorized be, and the same hereby is, extended to June 1, 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53-9977; Filed, Nov. 27, 1953; 8:49 a. m.]

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## UNITED STATES TARIFF COMMISSION

[Investigation No. 30]

FLUORSPAR, ACID GRADE

NOTICE OF INVESTIGATION DISCONTINUED AND DISMISSED

Upon request filed in behalf of the applicants, the United States Tariff Commission discontinued and dismissed the investigation instituted on October 29, 1953, under section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, with respect to fluorspar, containing more than 97 per centum of calcium fluoride, provided for in paragraph 207 of the Tariff Act of 1930. Notice of the institution of the investigation was published in 18 F. R. 6979.

I certify that the action by the Tariff Commission was taken on November 23, 1953.

Issued: November 24, 1953.

[SEAL] DONN N. BENT,
*Secretary.*

[F. R. Doc. 53-9987; Filed, Nov. 27, 1953; 8:52 a. m.]

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# FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

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U. S. GOVERNMENT PRINTING OFFICE: 1954

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# FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 18 NUMBER 233

Washington, Tuesday, December 1, 1953


## TITLE 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

PART 231—LISTS OF ALIENS AND CITIZEN PASSENGERS ARRIVING OR DEPARTING

DESIGNATION OF PORTS OF ENTRY

The following amendments to Part 231 of Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

a. Paragraph (b) of § 231.6 *Ports of entry for aliens arriving by vessel or by land transportation* is amended in the following respects:

1. The list of Class G ports of entry under District No. 6—Miami, Fla., is amended by adding "Pascagoula, Miss."

2. Effective as of September 1, 1953, the list of Class A ports of entry under District No. 14—San Antonio, Tex., is amended by inserting "Progreso, Tex." between "Port Arthur, Tex.," and "Rio Grande City, Tex." and deleting "Thayer, Tex."

3. The list of Class B ports of entry under District No. 14—San Antonio, Tex., is amended by deleting "Delores, Tex."

4. The list of Class B ports of entry under District No. 17—Honolulu, T. H., is deleted and the list of Class C ports of entry is amended by inserting "Hilo, T. H." before "Kahului, T. H."

b. Paragraph (a) of § 231.7 *Ports of entry for aliens arriving by aircraft* is amended by deleting "Swanton, Vt., Warren R. Austin Airport" from the list of ports of entry for aliens arriving by aircraft.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

NOTE: The record-keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: November 23, 1953.

HERBERT BROWNELL, Jr.,
*Attorney General.*

Recommended: November 5, 1953.

ARGYLE R. MACKEY,
*Commissioner of Immigration and Naturalization.*

[F. R. Doc. 53-10038; Filed, Nov. 30, 1953; 8:54 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

Subchapter C—Procedural Regulations

[Reg. PR-22]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

SUBPOENAS; TESTIMONY BY BOARD PERSONNEL AND PRODUCTION OF BOARD RECORDS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of November 1953.

The present § 302.19 of the procedural regulations, relating to subpoenas, does not now contain any specific provision restricting the issuance of subpoenas for testimony by Board personnel or the production of Board documents in economic proceedings. However, when the section is considered in the light of the grant of the subpoena power in section 1004 of the Civil Aeronautics Act and the restriction contained in Board Administrative Regulations, it is clear that it was not the purpose or intention of the board that subpoenas should be issued under the section to obtain testimony of Board personnel or the production of Board records. Under existing administrative regulations, Board officers or employees are forbidden to disclose official information, in response to a subpoena from any source, unless specifically authorized to do so.

Although this is the Board's interpretation of the existing regulations, it is deemed desirable as a matter of notice to issue a clarifying amendment to § 302.19 of the procedural rules containing this view of the application of the section.

By this action the Board does not intend to deprive parties of the opportunity to request, in appropriate situations, the testimony of Board personnel or the production of Board documents. The rule set forth below provides a procedure for such purpose by way of motion under Rule 18. A denial of such a motion will not be reviewed by the Board unless the Examiner grants an appeal from his ruling under Rule 18 (f). Since Board regulations prohibit officers and employees from disclosing official information without Board authorization, an Examiner's ruling granting a motion for testimony

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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by Board members, officers, or employees or the production of documents in their custody will be reviewed by the Board on its own motion. In making such a review the Board will follow the general policy of making such evidence available (a) if found relevant and of reasonable scope, (b) if there is an adequate showing by the moving party of a need for the evidence requested, and (c) if no other substantial considerations, such as security or the Board's investigative or decisional processes are involved.

Since this amendment is not a substantive rule but one of agency procedure, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon less than 30 days notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of the procedural regulations (14 CFR Part 302) as follows, effective November 25, 1953:

1 By adding to § 302.19 a new paragraph (e) to read as follows:

(e) The provisions of this section are not applicable to the attendance of Board members, officers or employees or the production of documentary evidence in the custody thereof at a hearing. Applications therefor shall be addressed to the Examiner in writing and shall set forth the need of the moving party for such evidence and its relevancy to the issues of the proceeding. Such applications shall be processed as motions in accordance with § 302.18 (Rule 18), except that the grant thereof by an Examiner, in whole or in part, shall be immediately reviewed by the Board upon its own initiative and shall be subject to final Board action.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interprets or applies sec. 1001, 52 Stat. 1017; 49 U. S. C. 641)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 53-10053, Filed, Nov. 30, 1953; 8:51 a. m.]

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 51]

### PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

1. Section 610.14 *Green civil airway No. 4* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Columbus, Ohio (LFR) | Adamsville (INT), Ohio. | 2,400 |
| Adamsville (INT), Ohio | Wheeling, W. Va. (LF RBN). | 2,400 |
| Wheeling, W. Va. (LF RBN). | Pittsburgh, Pa. (LFR) | 2,500 |
| Pittsburgh, Pa. (LFR) | New Alexandria, Pa. (LF RBN). | 3,000 |
| New Alexandria, Pa. (LF RBN). | Altoona, Pa. (LFR) | 4,500 |

(2) Minimum crossing altitude at New Alexandria (LF RBN), eastbound.

2. Section 610.211 *Red civil airway No. 11* is amended to eliminate:

| From— | To— | Minimum altitude |
|---|---|---|
| Georgetown (INT), Ky. | Huntington, W. Va. (LFR). | 2,400 |

3. Section 610.218 *Red civil airway No. 18* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Cincinnati, Ohio (LFR) | Huntington, W. Va. (LF RBN). | 2,500 |

4. Section 610.219 *Red civil airway No. 19* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Sandusky (INT), Ohio | Int. SE crs. Detroit, Mich. (LFR) and W crs. Akron, Ohio (LFR). | 2,300 |
| Int. SE crs. Detroit, Mich. (LFR) and W crs. Akron, Ohio (LFR). | Akron, Ohio (LFR) | 2,500 |
| Akron, Ohio (LFR) | Int. SW crs. Pittsburgh, Pa. (LFR) and NW crs. Morgantown, W. Va. (LFR). | 2,500 |
| Int. SW crs. Pittsburgh, Pa. (LFR) and NW crs. Morgantown, W. Va. (LFR). | Morgantown, W. Va. (LFR). | 3,000 |

5. Section 610.220 *Red civil airway No. 20* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Akron, Ohio (LFR)... | Columbiana (INT), Ohio. | 2,500 |
| Columbiana (INT), Ohio. | Pittsburgh, Pa. (LFR) | 2,600 |

6. Section 610.285 *Red civil airway No. 85* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Columbus (INT), Ohio | Butler, Pa. (LF RBN). | 2,500 |
| Butler, Pa. (LF RBN). | Int. NE crs. Pittsburgh, Pa. (LFR) and 139° (true) fm Greensburg, Pa. (LF RBN). | 2,500 |
| Int. NE crs. Pittsburgh, Pa. (LFR) and 139° (true) fm Greensburg, Pa. (LF RBN). | Altoona, Pa. (LF RBN). | 4,500 |

7. Section 610.302 *Red civil airway No. 102* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Lexington, Ky. (LF RBN). | Huntington, W. Va. (LF RBN). | 2,500 |

8. Section 610.615 *Blue civil airway No. 15* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Huntington, W. Va. (LF RBN). | Columbus, Ohio (LF R). | 2,500 |

9. Section 610.621 *Blue civil airway No. 21* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Int. Scrs. Youngstown, Ohio (LFR) and NW crs. Pittsburgh, Pa. (LFR). | Youngstown, Ohio (LFR). | 2,700 |
| Youngstown, Ohio (LFR). | Int. N crs. Youngstown, Ohio (LFR) and SW crs. Erie, Pa. (LFR). | 2,200 |

10. Section 610.673 *Blue civil airway No. 73* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Pittsburgh, Pa. (LFR) | Brookville, Pa. (LF RBN). | 3,500 |

11. Section 610.6017 *VOR civil airway No. 17* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Laredo, Tex. (VOR)... | Cotulla, Tex. (VOR) | 1,800 |

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective December 8, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-10011; Filed, Nov. 30, 1953; 8:46 a. m.]

# TITLE 22—FOREIGN RELATIONS

## Chapter I—Department of State

[Dept. Reg. 108.199]

## PART 75—INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION AND IMPLEMENTS OF WAR

NOVEMBER 25, 1953.

The regulations governing the international traffic in arms, ammunition and implements of war issued on June 2, 1942 (Part 75, Title 22 Code of Federal Regulations) are hereby revoked and superseded in their entirety by the issuance of the following regulations effective January 1, 1954.

DEFINITIONS AND INTERPRETATIONS


Sec.
75.1 General.
75.2 Components, parts, accessories, or attachments subject to section 12 of joint resolution.
75.3 Definition of "fuel thickeners".
75.4 Definition of "chemical toxicological agents".
75.5 Definition of propellants and explosives.
75.6 Definition of specialized military equipment.
75.7 Definition of vessels of war.
75.8 Definition of aircraft.
75.9 Cathode ray tubes being shipped with radar.
75.10 Forgings, castings and machined bodies.


REGISTRATION


75.11 Requirements for registration.
75.12 Production for experimental or scientific purposes.
75.13 Application for registration.
75.14 Certificate of registration.
75.15 Notification of changes in information furnished by registrants.
75.16 Records of manufacture, exportation and importation.


LICENSES


75.17 Application for license.
75.18 Export licenses.
75.19 Import licenses.
75.20 Intransit licenses.
75.21 Validity and terms of licenses.
75.22 Amendments and alterations.
75.23 Ports of exit or entry.
75.24 Country of ultimate destination.
75.25 Exportation of arms, ammunition and implements of war to Cuba.
75.26 Licenses filed with collectors of customs.
75.27 Shippers' export declaration.
75.28 Shipment by parcel post.
75.29 National Firearms Act; Federal Firearms Act; Federal Explosives Act.
75.30 Foreign trade zones.
75.31 Export of vessels of war.
75.32 Repairs or alterations of vessels.
75.33 Saving clause.


GENERAL PROVISIONS AND EXEMPTIONS


75.34 Shipment by or to the United States Government.
75.35 Authorization to collectors of customs to waive presentation of license document under prescribed conditions.
75.36 Canadian shipments.
75.37 United States aircraft on temporary sojourn abroad.
75.38 Aircraft of foreign registry entering the United States.
75.39 Articles returned to the United States for repair or overhaul and reexport.
75.40 Antique arms and implements of war.
75.41 Arms carried on person or in baggage.
75.42 Arms for the individual use of members of the armed forces.


VIOLATIONS AND PENALTIES


75.43 Violation in general.
75.44 Penalties for violations.
75.45 Authority of collectors of customs.
75.46 Seizure and forfeiture.


AUTHORITY: §§ 75.1 to 75.46 issued under sec. 12, 54 Stat. 10, 22 U. S. C. 452. Statutory provisions interpreted or applied are cited to text in parentheses.

DEFINITIONS AND INTERPRETATIONS

§ 75.1 *General.* (a) The term "proclamation" shall mean Presidential Proclamation 3758 (18 F. R. 7305) or any superseding proclamation issued pursuant to the provisions of subsection (1) of section 12 of the joint resolution.

(b) The term "article" shall mean any of the arms, ammunition, and implements of war enumerated in the proclamation referred to above, and components, parts, accessories or attachments covered by § 75.2.

§ 75.2 *Components, parts, accessories or attachments subject to section 12 of joint resolution.* The following components, parts, accessories, and attachments and related items for each of the articles enumerated in the proclamation arranged under categories and titles corresponding to those in the proclamation shall be considered arms, ammunitions and implements of war for the purpose of section 12 of the joint resolution.

CATEGORY 1: *Small arms and machine guns.* Components and parts and the following accessories and attachments: Bayonets, slings and straps, gun-mounts and belts, links and magazines for machine guns.

CATEGORY 2: *Artillery and projectors.* Components and parts and the following accessories and attachments: Mounts and carriers.

CATEGORY 3: *Ammunition.* The following components, parts, accessories and attachments: Cartridge cases, powder bags, bullets, jackets, cores, shells (excluding shotgun), projectiles; boosters, percussion caps, fuses or fuzes and components thereof, primers, and other detonating devices for such ammunition.

CATEGORY 4: *Bombs, torpedoes, rockets, and guided missiles.* Components and parts including but not limited to fuses or fuzes and components thereof; bomb racks and shackles; bomb shackle release units; bomb ejectors; torpedo tubes; torpedo and guided missile boosters; launching racks, projectors; control mechanisms and control systems; pistols (exploders); ignitors; detonators; mine detectors; fuze or fuse arming devices; and the following items related thereto: intervalometers and components thereof; bomb lift trucks; bomb and torpedo handling trucks; trailers, hoists, and skids for handling bombs; guided missile launchers; fuel thickeners (see § 75.3).

CATEGORY 5: *Fire control equipment and range-finders.* Components, parts, accessories and attachments specifically designed for the articles enumerated under category V of the proclamation.

CATEGORY 6: *Tanks and ordnance vehicles.* Components, parts, accessories and attachments, specifically designed for such vehicles.

CATEGORY 7: *Toxicological agents.* Components, parts, attachments, and accessories specifically designed for equipment for the dissemination, detection, identification of and defense from the chemical toxicological agents defined in § 75.4 and of biological toxicological agents.

CATEGORY 8: *Propellants and explosives.* See § 75.5.

CATEGORY 9: *Vessels of war and special naval equipment.* See also § 75.7. The following components, parts, accessories and attachments of vessels of war: turrets and gun mounts; submarine storage batteries, and catapults. Also armor plate which is included under category XI (c) of the proclamation.

(b) Components, parts attachments and accessories specifically designed for mine laying, mine detection, and detonation, and mine sweeping equipment.

(c) Components, parts, attachments and accessories specifically designed for submarine nets.

CATEGORY 10: *Aircraft.* All components, parts and accessories for aircraft. This does not include ground handling and maintenance equipment and bulk materials, such as dopes, paints, oils, cable, wire, tubing, hose, aluminum sheets. (See § 75.8.)

CATEGORY 11: *Miscellaneous equipment.* No components, parts, accessories or attachments are included for sub-categories (b), (d), (f) and (h) of category XI of the proclamation. (a) All components, parts, attachments, and accessories specifically designed for use in:

(1) Radar;
(2) Electronic countermeasures and jamming equipment;
(3) Underwater sound equipment;
(4) Other electronic equipment specially designed for military use, except cathode ray tubes for radar (see § 75.9);
(5) Radio communications equipment bearing a military designation and specially designed for military use;
(6) Electronic navigational aids such as radio direction finding equipment;
(7) Radio distance measuring systems such as Shoran and hyperbolic grid systems such as Raydist, Loran, and Decca.

(c) Components and parts specifically designed for use in military steel helmets, body armor, and flak suits.

(e) Components and parts specifically designed for pressurized breathing equipment, partial pressure suits, anti "G" suits, aircraft crash helmets, parachutes, and liquid oxygen converters.

(g) Components, parts, attachments and accessories for specialized military training equipment as defined in § 75.6.

§ 75.3 *Definition of "fuel thickeners".* As used in § 75.2, Category 4, these are liquids or solids in granular forms (commonly metallic salts of fatty acids such as the aluminum salt of octoic acid) which when mixed with petroleum products produce a gel-type mixture. The burning characteristics of such a gel can be controlled by the type of thickener used and the quantity added such as napalm and octal.

§ 75.4 *Definition of "chemical toxicological agents".* The term "chemical toxicological agents" as used in § 75.2, Category 7, shall include but not be limited to: Cyanogen chloride, hydrogen cyanide, diphosgene, fluorine (but not fluorene), Lewisite gas, mustard gas (dichlorodiethyl sulfide), phenylcarbylamine chloride, phosgene, adamsite (diphenylaminochloroarsine), dibromodimethyl ether, dichlorodimethyl ether, diphenylchloroarsine, diphenylcyanarsine, ethyldibromoarsine, ethyldichloroarsine, methyldichloroarsine, phenyldibromoarsine, phenyldichloroarsine, cyanodimethylaminoethyloxyphosphine oxide, fluoroisopropoxymethylphosphine oxide, fluoromethylpinacoloxyphosphine oxide, and related compounds.



§ 75.5 *Definition of propellants and explosives.* (a) As used in § 75.2, Category 8, the term "propellants" shall include but not be limited to propellant powders. The term "military high explosives" shall include ammonium picrate, black soda powder, potassium nitrate powder, hexanitrodiphenylamine, pentaerythritetetranitrate (penthrite, pentrite or PETN), nitrocellulose having a nitrogen content of more than 12.20 percent, tetryl (trinitrophenylmethylnitramine or "tetranitromethylaniline"), trimethylenetrinitramine (RDX, Cyclonite, Hexogen or T4), trinitroanisol, trinitronaphthalene, dinitronaphthalene, tetranitronaphthalene, trinitrotoluene, trinitrexylene.

(b) Explosive mixtures or devices which are not listed above but which contain minor quantities of the types of explosives listed here are not considered to be arms, ammunition, and implements of war, solely for the reason that they may contain such explosive components.

§ 75.6 *Definition of specialized military equipment.* As used in § 75.2, Category 11 (g), specialized military equipment shall include but not be limited to link-type trainers, attack trainers, operational flight trainers, radar target generators, gunnery training devices, anti-submarine warfare trainers, flight simulators, radar trainers, instrument flight trainers, navigation trainers, target equipment, armament trainers, pilotless aircraft trainers, and mobile training units.

§ 75.7 *Definition of vessels of war.* As used in § 75.2, category 9, the following types of vessels are considered to be vessels of war:

(a) *All combatant vessels and craft, including the following:* Battleships (BB); command ships (CBC, CLC); cruisers (CA, CAG, CB, CL, CLAA, CLG); aircraft carriers (CVA, CVL, CVE); destroyers (DD, DL, DDE, DDR); submarines (SS, SSN, SSG, SSK, SSR, SST, ASSA, ASSP). Amphibious force-flag ship (ACC); cargo ship attack (AKA); transports (APA, APD); fire support ships (IPS); landing ships (LSFF, LSTL, LSSL, LSD, LSM, LSMR, LST, LSV); landing craft (LOC, LCI, LCM, LCP, LCP-G, LCB-S, LCV, LCVP, LVT-A, LCT-A, LVT); weasels (M-24, M-29), landing vessels (LVW, DUKV, LCU); mine vessels (ACM, AM, AMC, AMCU, AMS, CM, CMC, DM, DMS, MSB, XMAP, YMP, YMS, YNG), patrol vessels (PY, YP); motor torpedo boat (PT); escort vessels (DE, DEC, DER, PCE, PCER, PCEC); subchasers (PCC, PCSC, SCC, SC, PC, PCS); frigate (PF); motor gun boats (PGM, PR).

(b) *Naval auxiliary and service vessels and craft.* Destroyer tender (AD); degaussing vessel (ADG), ammunition ship (AE); store ship (AF); ice breaker (AGB); motor torpedo boat tender (AGP); surveying ships (AGS, AGSC); auxiliary submarine (AG-(SS)); net laying ship (AN); oilers and tankers (AO, AOG, AOS); transports (AP, APC); barrack ships (APB, APL); repair ships (AR, ARB, ARG, ARH, ARL, ARV, ARVA, ARVE); cable repairing or laying ship (ARC); salvage vessels (ARS, ARSD, ARST); submarine tenders and rescue vessels (AS, ASR, X); tugs ARA, ATF, ATR, YTB, YTL, YTM); guided missile ship (AVM); tenders (AV, AVP, YDT); crane and service vessels (AB, YD, YSD); miscellaneous (AG, AW, PYC, YAG, YHB, YPD); aviation supply ship (AVS); floating dry dock and shop craft (AFDB, AFDL, AFDM, ARD, YFD, YRDH, YRDM); naval lighters (AVC, YC, YCK, YCV, YCF, YF, YFB, YFN, YFNG, YFNX, YFP, YFR, YFRN, YFT, YG, YGN, YFND, YFNB, YVC, YRL); naval barges (YO, YOG, YOGN, YON, YOS, YDK, YR, YRB, YRS, YTT, YW, YAN), naval dredge (YN).

(c) *Coast guard patrol and service vessels and craft.* Submarine repair and berthing barge (YRB); labor transportation barracks ship (APL); Coast Guard cutter (CGC); gun boat (WPG); patrol craft (WPC, WSC, WPG); sea plane tender (WAVP); ice breaker (WAGB); cargo ship (WAK); buoy tenders and boats (WAGL, WD); cable layer (WARC); lightship (WAL); CG tugs (WAT, WYT); radio ship (WAGR); special vessel (WIX); auxiliary vessels (WAC, WAGE). Other Coast Guard patrol or rescue craft over 300 horse power capacity.

(d) *Air Force crash rescue boat.*

(e) *Army vessels and craft.* Transportation Corps tug—100 ft. (LT), 65 ft. (ST); T-boat, Q-boat, J-boat, B-boat; barges (BG, BC, BR, BK, BSP, BSPI, BKI, BCF, BBL, BARC); cranes, floating (BD); dry dock, floating (FDL); repair ship, floating (FMS); trainer, amphibious 20 ton wheeled tow boat, inland waterway (LTI, STI).

§ 75.8 *Definition of aircraft.* As used in § 75.2, Category 10, the term aircraft shall include piloted, pilotless, robot and lighter-than-air aircraft of all types, military and civilian.

§ 75.9 *Cathode ray tubes being shipped with radar.* As used in § 75.2, Category 11 (a), applications for license to ship radar equipment may include cathode ray tubes installed in or intended for use in such equipment provided the tubes are being shipped with such equipment. (If shipped separately, information concerning licensing requirements for cathode ray tubes should be obtained from the Bureau of Foreign Commerce, Department of Commerce.)

§ 75.10 *Forgings, castings and machined bodies.* Forgings, castings, extrusions and machined bodies of any of the articles enumerated in the proclamation which have reached such a stage in manufacture that they are clearly identifiable as such articles are considered to constitute arms, ammunition, and implements of war for the purposes of section 12 of the joint resolution.

REGISTRATION

§ 75.11 *Requirement for registration.* Persons engaged in the business, within the United States, its territories or possessions, of manufacturing, exporting or importing articles enumerated in the proclamation or as defined in the regulations in this part (§§ 75.2 to 75.9) are required to register with the Secretary of State.

§ 75.12 *Production for experimental or scientific purposes.* The fabrication of arms, ammunition and implements of war for experimental or scientific purposes including research and development is not considered as manufacture for the purposes of section 12 of the joint resolution.

§ 75.13 *Application for registration.* Applications for registration shall be submitted to the Secretary of State on forms prescribed by him and shall be accompanied by a registration fee of $100 in the form of a postal money order or a certified check payable to the Secretary of State.

§ 75.14 *Certificate of registration.* Upon receipt of an application for registration properly executed, accompanied by the registration fee, the Secretary of State shall issue to the applicant a certificate of registration valid for five years. Such certificate does not constitute an authorization to export or import. (See § 75.17.) Certificates of registration are not transferable. No portion of the registration fee may be refunded. Certificates of registration are renewable for further periods of five years upon submission of an application for registration properly executed and the payment for each renewal of a fee of $100.

§ 75.15 *Notification of changes in information furnished by registrants.* Registered persons shall notify the Secretary of State of any change in the information set forth in their applications for registration. Upon receipt of such information an amended certificate of registration including this information will be issued if appropriate. An amended certificate of registration will be issued without charge in such cases and will remain valid until the date of expiration of the original certificate.

§ 75.16 *Records of manufacture, exportation and importation.* (a) Persons required to register shall maintain, subject to the inspection of the Secretary of State, or any person or persons designated by him, permanent records in which shall be kept the quantity and estimated values of the articles manufactured by them for export and similar records of articles imported or exported by them. The records of articles imported shall, in addition, contain information as to the consignor and the country of origin. The records of articles exported shall, in addition, contain information as to the source of supply, consignee, purchaser, and the initial and ultimate destination of each shipment. These records shall also contain orders, quotations and other papers relating to exports or imports or proposed exports or imports.

(b) Special agents of the Department of State and any United States Customs agents are hereby designated as the representatives of the Secretary of State for the purpose of this section.

LICENSES

§ 75.17 *Application for license.* Persons who intend to export from or import into the United States, its territories or possessions any of the articles enumerated in the proclamation or any component, part, accessory, attachment or related item as defined in these regulations, shall make application for license to the Secretary of State on the forms prescribed by him and obtain a license covering any such articles prior to exportation or importation.

§ 75.18 *Export licenses.* The Secretary of State will issue export licenses on the basis of applications therefor, unless a proposed exportation would be in violation of a law of the United States, or any regulations issued pursuant thereto, or a treaty to which the United States is a party, in which case a license shall not be issued. Furthermore, an export license shall not be issued in any case when it shall have been determined under the authority of the Export Control Act of 1949 (Public Law 11, 81st Congress), as amended, that the proposed exportation would not further the foreign policy of the United States nor be in the interest of the national security. Prior to the issuance of an export license, the Secretary of State may also require documentary evidence pertinent to the proposed transaction.

§ 75.19 *Import licenses.* The Secretary of State will issue import licenses, on the basis of applications therefor, unless a proposed importation would be in violation of a law of the United States, or any regulations issued pursuant thereto, or a treaty to which the United States is a party, in which case a license shall not be issued. Prior to the issuance of an import license, the Secretary of State may also require evidence pertinent to the proposed transaction.

§ 75.20 *Intransit licenses.* Articles to be moved intransit through the United States, its territories or possessions shall require both an import and an export license. However, arms, ammunition and implements of war entering or leaving a port of the United States, intransit through continental United States to a foreign country, will not be considered as imported or exported within the meaning of section 12 of the joint resolution if such articles are consigned from any place in a foreign country whose territory is contiguous to that of the United States to any other place in the same foreign country.

§ 75.21 *Validity and terms of licenses.* Export and import licenses are valid for six months from the date of issuance unless a different period of validity is stated thereon. Licenses are not transferable, and are subject to revocation, suspension or revision without notice. Licenses which have been revoked or which have expired must be returned immediately to the Secretary of State.

§ 75.22 *Amendments and alterations.* No amendment or alteration of a license may be made except by the Secretary of State, or by collectors of customs or postmasters when specifically authorized to do so by the Secretary of State.

§ 75.23 *Ports of exit or entry.* Applications for license shall show the proposed port or ports of exit or entry. If shipping arrangements subsequent to the issuance of the license necessitate a change of ports, no amendment of the license in such case shall be necessary but the Secretary of State must be notified of this change.

§ 75.24 *Country of ultimate destination.* The country designated on an application for license to export as the country of ultimate destination must be the country wherein the articles being exported are to be used or consumed, not a country receiving the shipment in transit. If it is the intention of the exporter that the articles being exported and consigned to one country are to be transshipped to another country or are to pass through the hands of an intermediate consignee in a foreign country, this fact must be clearly indicated on the license application and the Secretary of State must be informed prior to shipment of all the relevant facts pertaining to such transshipment.

§ 75.25 *Exportation of arms, ammunition and implements of war to Cuba.* Article II of the convention between the United States and Cuba to suppress smuggling, signed at Habana March 11, 1926, reads in part as follows (Treaty Series 739; 44 Stat. 2403):

> The High Contracting Parties agree that clearance of shipments of merchandise by water, air, or land, from any of the ports of either country to a port of entry of the other country, shall be denied when such shipment comprises articles the importation of which is prohibited or restricted in the country to which such shipment is destined, unless in this last case there has been a compliance with the requisites demanded by the law of both countries.

The Secretary of State will permit the exportation to Cuba of the articles listed in the proclamation only when applications for license to export these articles bear the stamp of approval of the Cuban Embassy in Washington. In such cases, the original, duplicate, and triplicate of the application shall be forwarded to the Cuban Embassy by the applicant for stamping and transmission to the Department by the Cuban Embassy.

§ 75.26 *Licenses filed with collectors of customs.* Export or import licenses shall be filed prior to exportation or importation with the collector of customs at the port through which the shipment authorized is being made. Shippers' export declarations (United States Department of Commerce Form 7525–V) must also be filed with and authenticated by the collector before the commodities are exported or imported. (See also § 75.28.)

§ 75.27 *Shippers' export declaration.* The shippers' export declaration (United States Department of Commerce Form 7525–V), covering arms, ammunition and implements of war for which an export license is required, must contain the same information in regard to the description, destination and value of the articles to be exported as that which appears on the application for license. If the person designated on the export declaration as the actual shipper of the goods is not the person to whom the export license has been issued by the Secretary of State, the name of this shipper should appear on the export license as that of the consignor in the United States.

§ 75.28 *Shipment by parcel post.* Export and import licenses for articles which are being transported by mail shall be filed with the postmaster at the post office where the article is mailed or received.

§ 75.29 *National Firearms Act; Federal Firearms Act; Federal Explosives Act.* (a) The provisions of the regulations in this part shall be considered as binding, in addition to, and not in lieu of, those established under the provisions of the National Firearms Act, approved by the President June 26, 1934 (48 Stat. 1236; Subchapter B, Chapter 25 and Part VIII, Chapter 27, Title 26, U. S. C.), as amended April 10, 1936 (49 Stat. 1192), June 16, 1938 (52 Stat. 756), August 11, 1945 (59 Stat. 531), and Public Law 353, 82d Congress, 2d Session; under the provisions of the Federal Firearms Act, approved by the President June 30 1938 (52 Stat. 1250; 15 U. S. C. 901–909), as amended March 10, 1947 (61 Stat. 11), August 6, 1939 (53 Stat. 1222), and February 7, 1950 (64 Stat. 3); and under the provisions of the Federal Explosives Act, approved by the President October 6, 1917 (40 Stat. 385; 50 U. S. C. ch. 8), as amended December 26, 1941 (55 Stat. 863; 50 U. S. C. ch. 8).

(b) The National Firearms Act imposes certain taxes upon manufacturers, importers, and dealers in certain firearms; taxes upon the making of certain firearms, and taxes on transfers of certain firearms. The term "firearm", as used in this act, includes "a shotgun or rifle having a barrel of less than eighteen inches in length, or any other weapon, except a pistol or revolver, from which a shot is discharged by an explosive if such weapon is capable of being concealed on the person, or a machine gun, and includes a muffler or silencer for any firearm whether or not such firearm is included within the foregoing definition, but does not include any rifle which is within the foregoing provisions solely by reason of the length of its barrel if the caliber of such rifle is .22 or smaller and if its barrel is sixteen inches or more in length."

(c) The Federal Firearms Act applies to manufacturers and dealers who are engaged in interstate or foreign commerce in firearms and ammunition. The term "firearm", as used in this act, means "any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon"; and the term "ammunition" includes "all pistol or revolver ammunition. It shall not include shotgun shells, metallic ammunition suitable for use only in rifles, or any .22 caliber rim fire ammunition."



(d) The Federal Explosives Act is applicable to the manufacture, distribution, storage, use, and possession of explosives in time of war. The term "explosives", as used in this act, means "gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, and any chemical compounds or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound or mixture or any part thereof may cause an explosion".

(e) Rules and regulations for the enforcement of the National Firearms Act and the Federal Firearms Act are prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Rules and regulations for the enforcement of the Federal Explosives Act are prescribed by the Director of the Bureau of Mines, Department of the Interior.

§ 75.30 *Foreign trade zones.* For the purpose of the regulations in this part the foreign trade zones of the United States have no special status but are considered as an integral part of the United States. Accordingly, persons who intend to ship articles into foreign trade zones of the United States (established pursuant to 19 U. S. C. 81c Supp. 5) shall submit application for import license as described in § 75.17, and obtain license therefor, prior to the entry of such articles. Persons who intend to ship such articles from foreign trade zones to foreign destinations shall submit application for export license, as described in § 75.18, and obtain a license therefor, prior to shipment therefrom.

§ 75.31 *Export of vessels of war.* The transfer of a vessel of war as defined in § 75.7, from United States registry to foreign registry, and the registration of an undocumented vessel of war under a foreign flag shall be considered an exportation for which a license is required. The provisions of the regulations in this part shall be considered as binding in addition to and not in lieu of the provisions of the United States Shipping Act of 1916, as amended (46 U. S. C. 835), United States Maritime Administration approval is required prior to the sale and/or transfer to alien ownership, registry and/or flag of vessels of war. The United States registry of a documented vessel is cancelled under the regulations of the Maritime Administration when such vessel is sold to a purchaser for use under foreign registry.

§ 75.32 *Repairs or alterations of vessels.* Operators of foreign vessels entering the territorial waters of the United States for repairs or alterations shall obtain an export license for articles enumerated in the proclamation and as defined in these regulations which are required in connection with such repairs or alterations.

§ 75.33 *Saving clause.* Outstanding licenses or certificates of registration issued pursuant to the regulations of June 2, 1942, as amended, shall remain valid for the same period as if the regulations in this part had not been promulgated.

GENERAL PROVISIONS AND EXEMPTIONS

§ 75.34 *Shipment by or to the United States Government.* The exportation of arms, ammunition, and implements of war by the United States Government or any agency thereof is not subject to the provisions of the joint resolution and therefore an export license is not required. The importation of arms, ammunition, and implements of war consigned to the United States Government or any agency thereof is not subject to the provisions of the joint resolution and therefore an import license is not required.

§ 75.35 *Authorization to collectors of customs to waive presentation of license document under prescribed conditions.* Customs officers are authorized in their discretion to permit arms, ammunition and implements of war to enter and depart from the United States without requiring the presentation of a license under certain conditions as set forth in §§ 75.36 to 75.42 inclusive, provided the prescribed conditions are met and there is satisfactory evidence that all other requirements are being or will be adhered to. In case of doubt as to compliance with any of the exemptions, collectors of customs should refer the matter to the Office of Munitions Control, Department of State, for determination as to whether such exemption applies.

§ 75.36 *Canadian shipments.* (a) Collectors of customs may release shipments of arms, ammunition and implements of war to or from Canada without requiring the presentation of an individual license provided a UAC release certificate (form DSP–21) covering each shipment has been properly executed and transmitted to the Secretary of State and a copy thereof is presented to the collector of customs at the port of entry or exit.

(b) This procedure furthermore must not be used in connection with intransit shipments through the United States to or from Canada. Applications for both import and export licenses must be submitted to the Department in connection with each such shipment.

(c) The exportations to Canada of parts, components and accessories for rifles, carbines, pistols and revolvers with the exception of barrels and breech mechanisms shall not be subject to the provisions of paragraph (a) of this section provided a copy of the invoice or other document adequately describing the shipment and giving the name of the purchaser and the terms of sale is mailed to the Department before shipment is made. If such copy is furnished, presentation of individual license covering such shipments will be waived.

(d) Arms, ammunition and implements of war entering Canada from a country other than the United States and shipped to the United States within one year after entry into Canada may not be imported into the United States under the UAC release certificate procedure described above, but individual license applications therefor must be submitted to the Secretary of State.

§ 75.37 *United States aircraft on temporary sojourn abroad.* (a) Collectors of customs may permit aircraft flown or shipped from the United States for a temporary sojourn abroad of not to exceed six months' duration to depart from the United States without requiring the presentation of an export license issued by the Secretary of State provided the collector of customs at the port of exit is satisfied that the conditions set forth in paragraph (b) of this section have been met.

(b) Owners or operators of aircraft departing from the United States for temporary sojourn abroad under the provisions of § 75.34 shall file an affidavit in the form indicated below and must satisfy the collector of customs that:

(1) The aircraft will not be sold or disposed of;

(2) The aircraft will be returned to the United States within six months;

(3) It will be operated only by a United States licensed pilot, except on demonstration flights;

(4) It will remain under United States registry while abroad.

(c) The requirement of an affidavit may be waived for personal type aircraft (one to five-seaters) and executive type aircraft (privately owned non-revenue), provided the owner-operator of such aircraft submits evidence satisfactory to the collector of customs that subparagraphs (1) through (4) of paragraph (b) of this section will be complied with. Such aircraft may then be permitted to leave the United States for a temporary sojourn abroad not to exceed six (6) months duration without the necessity of submitting an individual license or affidavit therefor.

(d) When an affidavit is required, it must be submitted in the following form:

AFFIDAVIT OF TEMPORARY SOJOURN

COUNTY OF
STATE OF ss.

The undersigned, being duly sworn, says that he is the (owner) (operator) of an aircraft identified as a ------ bearing markings ------; that it is departing from the United States on a temporary sojourn abroad not to exceed six (6) months; that he is the holder of CAB letter of registration for this aircraft dated ------; that the aircraft's ultimate destination outside the United States is ------; that it will reenter the United States through the port of ------ on or about ------; that he will not dispose of the aircraft, its parts, components or accessories in any foreign country nor permit its use in military activities; that it will be operated by a U. S. licensed pilot (except in demonstration flights) while abroad; that he will not change its U. S. registration while abroad; that if the aircraft or any of its parts is to be sold or disposed of in a foreign country, it will be immediately returned to the U. S. and an export license obtained; that he will not transport in such aircraft arms, ammunition or implements of war as defined by Presidential proclamation unless authorized by the Secretary of State; and that the purpose of the temporary sojourn abroad is as follows:

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This statement is given to U. S. Customs authority at ------ or the Secretary of State pursuant to regulations of the Secretary of State, Title 22, Code of Federal Regulations section 75.37 in support of claim for exemp-

tion from the Department of State requirements relating to licenses to export aircraft enumerated in the Presidential proclamation.

Signed _____
(Owner-operator)

Address _____

_____

Subscribed and sworn to before me at _____ this ____ day of _____, 19__.

_____
(Signature and title of officer)

(c) When a copy of the affidavit of temporary sojourn (above form) is accepted by the customs officer at the port of exit it shall be endorsed by him and returned to the owner or operator prior to the departure of the airplane. Upon the return of the aircraft to the United States, the endorsed copy of the affidavit must be surrendered to the collector of customs at the port of reentry. If the port of reentry is not the same as that from which the aircraft departed the customs officer shall forward the surrendered copy of the affidavit to the customs authority at the port from which the aircraft originally departed, noting thereon the date of reentry. The affidavits shall be retained by the collectors of customs for possible future examination.

§ 75.38 *Aircraft of foreign registry entering the United States.* (a) Collectors of customs are authorized to permit aircraft of foreign registry to enter and depart from the United States without requiring the presentation of an individual license provided it is established to their satisfaction that the country of ultimate destination is the same as the country of origin and that the airplane will not be sold or disposed of in the United States and will not remain in the United States in excess of a period of six months.

(b) This section does not apply to aircraft returning to the United States for major overhaul and reexport. The provisions of § 75.39 are applicable to such aircraft.

§ 75.39 *Articles returned to the United States for repair or overhaul and reexport.* Collectors of customs are authorized on presentation of satisfactory evidence to permit arms, ammunition, and implements of war to enter the United States which have been legally exported from the United States, and which are returned to the United States worn or damaged for repair and reexport without requiring the presentation of an individual import license. An individual export license, however, is required before such articles may be reexported. (The collector of customs at the port of entry requires a temporary importation bond for American as well as foreign articles entered under the provisions of this section.)

§ 75.40 *Antique arms and implements of war.* Collectors of customs are authorized on presentation of satisfactory evidence to permit antique arms and implements of war, components, parts, accessories and attachments therefor enumerated in the proclamation which are more than one hundred years old to enter the United States or to depart therefrom without requiring the presentation of an individual license.

§ 75.41 *Arms carried on person or in baggage.* Collectors of customs are authorized on presentation of satisfactory evidence to permit rifles, carbines, revolvers, or pistols and ammunition therefor to enter the United States or depart therefrom without requiring the presentation of an individual license when these articles enter or leave the United States on the person of an individual or in his baggage, and are intended exclusively for the personal use of that individual for sporting or scientific purposes or for personal protection. No more than three arms and no more than five hundred cartridges shall in any case be carried from or into the United States by an individual under the provisions of this section.

§ 75.42 *Arms for the individual use of members of the armed forces.* (a) Collectors of customs are authorized to permit members of the United States armed forces, presenting written authorization from their commanding officer, to ship or bring into the United States war trophies and souvenirs consisting of rifles, carbines, revolvers, pistols, and ammunition therefor, without requiring the presentation of an individual license.

(b) Collectors of customs are authorized to permit rifles, carbines, revolvers and pistols in single units to leave the United States without requiring the presentation of a license provided they are consigned to individual members of the armed forces of the United States through army, air force, or navy postal services (APO or FPO).

(c) Collectors of customs are authorized to permit components and parts of rifles, carbines, revolvers and pistols to leave the United States without requiring the presentation of a license provided they are consigned to individual members of the armed forces of the United States through army, air force, or navy postal services (APO's or FPO's) and provided that the value of any such consignment does not exceed $25.

VIOLATIONS AND PENALTIES

§ 75.43 *Violations in general.* Section 12 of the joint resolution of Congress approved November 4, 1939 provides in effect that it shall be unlawful for any person to export or attempt to export from the United States any of those articles defined as arms, ammunition and implements of war by proclamation, to import or attempt to import into the United States, any of the arms, ammunition, and implements of war enumerated in the proclamation without first having complied with the regulations in this part and having obtained a license therefor.

§ 75.44 *Penalties for violations.* Section 15 of the joint resolution approved November 4, 1939, provided that: "In every case of the violation of any of the provisions of this joint resolution or of any rule or regulation issued pursuant thereto where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than $10,000 or imprisoned not more than two years, or both."

(54 Stat. 11; 22 U. S. C. 455)

§ 75.45 *Authority of collectors of customs.* The sections of the United States Code cited below provide in effect as follows:

(a) Collectors of customs are authorized to take appropriate action to insure observance of the regulations in this part as to the importation, or attempt to import, or exportation, or attempt to export, arms, ammunition and implements of war, whether or not authorized by the licenses issued under the regulations in this part, including, but not limited to, inspection and loading or unloading from carriers.

(b) When a license is presented to a collector of customs authorizing the exportation or importation of arms, ammunition, and implements of war, together with such other documents as may be required by customs regulations, the collector may require the production of other documents and information relating to the proposed exportation or importation including invoices, orders, packing lists, shipping documents, correspondence, instructions, and other relevant information and documents.

(Sec. 1, 40 Stat. 223, as amended. R. S. 3062, as amended, secs. 510–512, 595, 46 Stat. 733, 734, 752, sec. 1, 62 Stat. 716; 22 U. S. C. 401, 19 U. S. C. 483, 1510–1512, 1595, 18 U. S. C. Sup. 545)

§ 75.46 *Seizure and forfeiture.* The sections of the United States Code cited below provide in effect as follows: Whenever an attempt is made to import, or bring into the United States, or to export, or ship from, or take out of the United States, any arms, ammunition, and implements of war, in violation of law, the several collectors of customs may seize and detain any such arms, ammunition, and implements of war, and the vessel or vehicle containing the same, and retain possession thereof until released or disposed of as directed by law.

(Sec. 1, 40 Stat. 223, as amended, R. S. 3062, as amended, sec. 1, 62 Stat. 716; 22 U. S. C. 401, 19 U. S. C. 483, 18 U. S. C. Sup. 545)

For the Secretary of State.

SCOTT MCLEOD,
*Administrator, Bureau of Security and Consular Affairs.*

[F. R. Doc. 53-10042; Filed, Nov. 30, 1953; 8:52 a. m.]

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter II — Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 204—TITLE I MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

PREMIUMS

1. Section 204.4 (18 F. R. 7295, November 18, 1953) is hereby corrected by deleting paragraph (d).

2. Section 204.5 is hereby amended to read as follows:

§ 204.5 *Pro rata refund in event of prepayment.* Upon such prepayment the contract of insurance shall terminate and the Commissioner will refund to the mortgagor an amount equal to the pro rata portion of the current annual mortgage insurance premium theretofore paid which is applicable to the portion of the year subsequent to such payment, computed from the first day of the month following the month in which such prepayment occurs: *Provided*, That no such refund will be made in any case where the prepayment occurs in the twelfth month of the premium year.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. 1703. Interprets or applies sec. 102, 64 Stat. 48; 12 U. S. C. 1706c)

Issued at Washington, D. C., as of November 10, 1953.

WALTER L. GREENE,
*Acting Federal Housing Commissioner.*

[F. R. Doc. 53-10015; Filed, Nov. 30, 1953; 8:46 a. m.]



## TITLE 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Bureau of Foreign Commerce

[8th Gen. Revision of Export Regs., Amdt. P. L. 63 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

1. Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The revised entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a single Schedule B number, the entry to be superseded is identified by a numerical reference enclosed in parentheses following the commodity description in the revised entry.

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required |
|---|---|---|---|---|---|
| 800600 | Cotton pulp [2] | Lb. | TFXT | 100 | RO |
| 489000 | Paper, paperboard, and products, n. e. s.: The following papers when valued at 15 cents per pound or less: Filter paper, except filter paper, chemical (including filter paper impregnated with chemicals for diagnostic use, coated or uncoated, n. e. s. (specify by name and indicate thickness) [2] | Lb. | TFXT | 15 | RO |
| 591100 | Petroleum, crude (barrel of 42 gallons) [2] | Bbl. | PETR 1 | 1,000 | RO |
| 591200 | Natural gasoline (barrel of 42 gallons) [2] | Bbl. | PETR 1 | 125 | RO |
| 591300 | Unfinished oils for further refining [2] | Bbl. | PETR 1 | 1,000 | RO |
| 591350 | Topped crude oil (barrel of 42 gallons) [2] | Bbl. | PETR 1 | 1,000 | RO |
| 591500 | Refined oils: Motor fuel and gasoline (report octane rating): Automotive and other motor fuels and gasoline (barrel of 42 gallons) [2] | Bbl. | PETR 1 | 125 | RO |
| 591700 | Kerosene, except distillate fuel oil (barrel of 42 gallons) [2] | Bbl. | PETR 1 | 250 | RO |
| 591900 | Naphtha in containers over 4 ounces, mineral spirits, solvents, and other finished light products, n. e. s. (barrel of 42 gallons) [2] | Bbl. | PETR 1 | 125 | RO |
| 592300 | Kerosene, except distillate fuel oil (barrel of 42 gallons) [2] | Bbl. | PETR 1 | 125 | RO |
| 592500 | Distillate fuel oil (barrel of 42 gallons) [2] | Bbl. | PETR 1 | 125 | RO |
| 592700 | Residual fuel oil, including bunker C fuel oil (barrel of 42 gallons) [2] | Bbl. | PETR 1 | 1,000 | RO |

See footnotes at end of table.

[1] This amendment was published in Current Export Bulletin No. 710, dated November 19, 1953.

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required |
|---|---|---|---|---|---|
| 640800* | Beryllium copper bars, rods and other crude shapes (except wire), n. e. c. (report copper content) (1) | Lb. | NONF 15 | 100 | RO |
| 640810* | Phosphor copper rods and bars (specify copper content) (1) | Lb. | NONF 15 | 100 | RO |
| 640900* | Brass, bronze, and nickel silver, or German silver, bars, rods, and shapes (except wire) (specify copper content) (1) | Lb. | NONF 15 | 100 | RO |
| 640910* | Other copper-base alloy bars, rods, and other crude shapes (except wire) (specify copper content) (1) | Lb. | NONF 15 | 100 | RO |
| 641000* | Brass, bronze, and nickel silver, or German silver, plates, sheets, and strips (specify copper content) (1) | Lb. | NONF 15 | 100 | RO |
| 641010* | Other copper-base alloy plates, sheets, and strips (specify copper content) (1) | Lb. | NONF 15 | 100 | RO |
| 641100* | Brass and bronze pipes and tubes (specify copper content) (1) | Lb. | NONF 15 | 100 | RO |
| 641110* | Other copper-base alloy pipes and tubes (specify copper content) (1) | Lb. | NONF 15 | 100 | RO |
| 641200* | Copper pipe fittings (specify copper content) (1) | Lb. | NONF 15 | 100 | RO |
| 641210* | Other copper-base alloy pipe fittings (specify copper content) (1) | Lb. | NONF 15 | 100 | RO |
| 641300* | Zinc pipe fittings (1) | Lb. | NONF 15 | 100 | RO |
| 641310* | Other iron and steel pipe fittings (1) | Lb. | NONF 15 | 100 | RO |
| 641400* | Iron and steel, electric, except carbon steel (1) | Lb. | NONF 15 | 100 | RO |
| 641410* | Other iron and steel, nonelectric, except carbon steel (1) | Lb. | NONF 15 | 100 | RO |
| 641500* | Pipe fittings and specially fabricated parts for particular machines or equipment, n. e. c. (report material) (1) | Lb. | NONF 15 | 100 | RO |
| 641510* | Steel pipe fittings, stainless or alloy (specify by name and grade of steel) (1) | Lb. | NONF 15 | 100 | RO |
| 641520* | Other steel pipe fittings (including bends and flanges) (specify by name and grade of steel) (1) | Lb. | NONF 15 | 100 | RO |
| 641530* | Aluminum pipe fittings (1) | Lb. | NONF 15 | 100 | RO |
| 641540* | Copper pipe fittings (1) | Lb. | NONF 15 | 100 | RO |
| 641550* | Lead pipe fittings (1) | Lb. | NONF 15 | 100 | RO |
| 641560* | Zinc pipe fittings (1) | Lb. | NONF 15 | 100 | RO |
| 641570* | Other iron and steel, electric, except carbon steel (1) | Lb. | NONF 15 | 100 | RO |
| 641580* | Other iron and steel, nonelectric, except carbon steel (1) | Lb. | NONF 15 | 100 | RO |
| 641600* | Plate, bar, copper plates, sheets, and tubes (specify copper content) (1) | Lb. | NONF 15 | 100 | RO |
| 641610* | Brass and bronze plates, sheets, and tubes (specify copper content) (1) | Lb. | NONF 15 | 100 | RO |
| 641620* | Aluminum-base alloy plates, sheets, and tubes (specify copper content) (1) | Lb. | NONF 15 | 100 | RO |
| 641630* | Copper (3) | Lb. | NONF 15 | 100 | RO |
| 641640* | Lead and lead base (specify by name and metal content) (report lead solder in 641200) (7) | Lb. | NONF 15 | 100 | RO |
| 641650* | Wire products, n. e. c. (report wire nails, staples, and spikes in 646500-646510): | | | | |
| 641652 | Wire cloth: | | | | |
| | Aluminum | Sq. ft. & lb. | NONF | 100 | RO |
| 641700* | Metal powders: | | | | |
| 641710* | Flake aluminum | Lb. | MINE | 100 | RO |
| 641712* | Aluminum (10) | Lb. | MINE | 100 | RO |
| 641720* | Zirconium (10) | Lb. | NONF | 100 | RO |
| 641730* | Foil and leaf (less than 0.006 inch in thickness) (report leather-backed foil in 9010): | | | | |
| 641740* | Aluminum (3) | Lb. | NONF 15 | 100 | RO |
| 641750* | Aluminum, copper-base alloy, foil and leaf | Lb. | NONF 15 | 100 | RO |
| 641760* | Aluminum scrap or waste (1) | Lb. | NONF 15 | 100 | RO |
| 641770* | Other aluminum plates and sheets, flat and coiled (0.006 inch and over in thickness) (2) | Lb. | NONF 15 | 100 | RO |
| 641780* | Aluminum bars and rods, rolled or drawn (¼ inch and over) (report extruded bars and rods in 641810, aluminum alloy) (2) | Lb. | NONF 12 | 100 | RO |
| 641790* | Aluminum extruded bars and drawn shapes and tubes, except drawn bars, rods, and wire | Lb. | NONF 12 | 100 | RO |
| 641800* | Aluminum wire (under ¼ inch) and cable, bare (including aluminum cable, steel reinforced, ACSR, except welding rods and wire (specify by name (report welding rods and wire in 641650) | Lb. | NONF | 100 | RO |
| 641810* | Copper bars, rods, plates, sheets, and tubes (except copper wire) (specify copper content) (1) | C. lb. | NONF | 1,000 | RO |
| 641900* | Copper ore and concentrates (copper content) (2) | C. lb. | NONF | 1,000 | RO |
| 641200* | Refined copper in cathodes, ingots, wire bars, and other crude forms (include anodes) (report copper bars except wire bars in 641800) | Lb. | NONF | 1,000 | RO |
| 642100* | Copper scrap (new and old) | Lb. | NONF 13 | 100 | RO |
| 642200* | Copper alloy scrap | Lb. | NONF 15 | 100 | RO |
| 642300* | Copper plates, sheets, and strips, including flatted | Lb. | NONF 15 | 100 | RO |
| 642400* | Copper rods and bars, n. e. c. (except copperweld rods in 642510; copper wire bars and redrawing rods in 642520 and copper bars in 642600) | Lb. | NONF 15 | 100 | RO |
| 642510* | Copperweld rods and cable, bare, for electrical conductors only (report insulated copper wire in 709850) (1) | Lb. | NONF 18 | 100 | RO |
| 642520* | Copper wire and cable, bare, other than for electrical conductors (report welding rods and electrodes in 709850) (2) | Lb. | NONF 17 | 100 | RO |
| 643100* | Other copper alloy scrap (new and old) (2) | Lb. | NONF 13 | 100 | RO |
| 643200* | Other copper base alloy ingots (2) | Lb. | NONF 13 | 100 | RO |

See footnotes at end of table.



| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required |
|---|---|---|---|---|---|
| 730122 | Power excavators and dredging machines, and parts—Con. Excavator-type power cranes and shovels, new (report used in 730160)—Continued | | | | |
| | Other rubber tired mounted, including truck or wagon mounted, full revolving, convertible, less than 2 cubic yard dipper capacity, new (3) | No. | CONS 1 | None | RO |
| 730127 | Full revolving, unmounted, less than 2 cubic yard dipper capacity, new (1) 2 | No. | CONS 1 | None | RO |
| 730127 | Full revolving, unmounted, 2 cubic yard dipper capacity, new (2) 3 | No. | CONS 1 | None | RO |
| 730132 | Not full revolving, mounted and unmounted, new 3 | No. | CONS 1 | None | R |
| 730137 | Trenchers and ditchers, new (report used in 730140) 3 | No. | CONS 1 | None | R |
| 730142 | Loaders (loading machines, excavating, new (report used in 730160; tractor-type loading machines, used and power cranes, new in 730122, 730127) | | | | |
| 730160 | Power cranes and shovels, rubber tired, mounted, including truck or wagon mounted, full revolving, designed for airborne transport, used and rebuilt (1) 10 | No. | CONS | None | RO |
| 730160 | Power cranes and shovels, full revolving, mounted, 2 cubic yards dipper capacity and over, used and rebuilt (2) 3 | No. | CONS 1 | None | RO |
| 730160 | Other power cranes and shovels, full revolving, mounted and unmounted, less than 2 cubic yards dipper capacity, used and rebuilt (3) 3 | No. | CONS 1 | None | R |
| 730160 | Construction power cranes and shovels, 2 cubic yards dipper capacity and over, mounted and unmounted, used and rebuilt (4) 3 | No. | CONS 1 | None | R |
| 730160 | Trenchers, ditchers, and excavating-type loaders, used and rebuilt (5) 3 | No. | CONS 1 | None | R |
| 730210 | Parts, accessories, and attachments, n. e. c. specially fabricated for power cranes and shovels (except for airborne equipment) (report parts for other power cranes and shovels fabricated for airborne equipment in 730812) (1) 3 | | CONS | | RO |
| 730210 | Parts, accessories, and attachments for power cranes and shovels, 2 cubic yards dipper capacity and over, fabricated for other than airborne equipment, n. e. c. specially fabricated for other full revolving power cranes and shovels of 2 cubic yard dipper capacity and over (report parts for other full revolving power cranes and shovels of less than 2 cubic yards dipper capacity in 730210 and parts for construction power cranes and shovels in 730210) (2) 3 | | CONS 1 | None | RO |
| 730210 | Parts, accessories, and attachments for power cranes and shovels, 2 cubic yards dipper capacity and over, fabricated for other than airborne equipment, n. e. c. specially fabricated for other full revolving power cranes and shovels of 2 cubic yard dipper capacity and over (report parts for other full revolving power cranes and shovels of less than 2 cubic yards dipper capacity in 730210 and parts for construction power cranes and shovels in 730210) (3) 3 | | CONS 1 | None | R |
| 730210 | Parts, accessories and attachments, n. e. c. specially fabricated for other than full revolving power cranes and shovels, including parts for trenchers, ditchers, and excavating loaders, mounted on tractors (report parts for tractor-type loading machines in 730210) (4) 3 | | CONS 1 | None | R |
| 730210 | Parts, accessories and attachments, n. e. c. specially fabricated for dragline buckets, clamshell buckets, and skimmer scoops (report parts for crane and dragline booms in 730210) (5) 3 | | CONS 1 | None | R |
| 730210 | Loaders, loading machines, power-operated, new and used, and specially fabricated parts, n. e. c. (report parts for tractor-type loading machines in 730210) 3 | | CONS 1 | None | R |
| 730210 | Bituminous mixing equipment, stationary, mobile, and mixing powers, and bituminous paver equipment (also) 3 | No. | CONS 1 | None | RO |

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required |
|---|---|---|---|---|---|
| | Radio and television apparatus—Continued | | | | |
| | Radio communication equipment, n. e. c. (report radar equipment in 706410; broadcast equipment in 707070; automobile and home-type radio receivers in 707655-707660) | | | | |
| 707613 | Single sideband transmitters, receivers, and transmitter-receivers, and specially fabricated parts and accessories, n. e. c. for single sideband transmitters and transceivers 2 | | RARA 50 | 100 | RO |
| 707617 | Land-type radio communication transmitters, receivers and transceivers (report transmitter-receivers, and specially fabricated parts and accessories, n. e. c. for single sideband transmitters and transceivers) 2 | | RARA 50 | 100 | RO |
| 707625 | Radio beacon (beam) transmitters, and specially fabricated parts and accessories, n. e. c. | | RARA 50 | 100 | RO |
| 707805 | Radio and television receiving set cabinets, mounted (report television picture receiving tubes in 707815) 12 | No. | RARA 51 | 25 | R |
| 707810 | Radio and television transmitting type tubes (specify by name) (report television camera tubes in 707812) 12 | No. | RARA 51 | 50 | RO |
| 707815 | Television picture receiving tubes (multiple gun, basing short-image life phosphor, types P-1 and P-4 (specify by type number) 12 | No. | RARA 51 | 100 | R |
| 707805 | Cathode ray (oscilloscope) tubes (specify by name) 12 | No. | RARA 52 | 100 | R |
| 707810 | Resistors (specify type) | No. | RARA 52 | 100 | R |
| 707815 | Intermediate frequency transformers, coils and chokes 12 | | RARA 52 | 100 | R |
| 707820 | Insulators, specially fabricated for receivers (communications), transmitters, and antennas | | RARA 52 | 100 | R |
| 708100 | Radio and television receiving set cases and cabinets, finished (exc. part 12) (1) | No. | RARA 52 | 200 | R |
| 708110 | Fabricated parts for cabinets, n. e. c. (specify type (exc. part 12) (2) | | SATE | None | RO |
| 708110 | Television picture tube parts for cathode-ray tubes, n. e. c. specially fabricated for television receiving tubes | No. | SATE | 50 | RO |
| 708110 | Insulated wire and cable: | | RARA 53 | None | RO |
| 708110 | Bare copper wire and cable | Lb. | SONF 17 | 100 | RO |
| 708110 | Building wire and cable | Lb. | SONF 17 | 100 | RO |
| 708130 | Weatherproof and slow-burning wire | Lb. | SONF 17 | 100 | RO |
| 708845 | Communication and signal wire and cable (specify by name) | Lb. | SONF 17 | 100 | RO |
| 708860 | Rubber and synthetic rubber-sheathed portable cord, wire and cable, single, with braided, leaded, or armored finishes (specify by name) | Lb. | NONF 17 | 100 | RO |
| 708875 | Other insulated power cable, with leaded or armored finishes (specify by name) | Lb. | NONF 17 | 100 | RO |
| 708885 | Other insulated wire and cable, n. e. c. (specify by name) 2 | Lb. | SONF 17 | 100 | RO |
| 715000 | Power boilers, and parts: | | GILQ 23 | 250 | RO |
| | Parts, n. e. c. specially fabricated for power boilers, and steam specialties, n. e. c. (report boiler trimmings shipped as spare or replacements under Schedule B No. 715000) (6) 3 | | | | |
| 715000 | Internal combustion engines, n. e. c. and parts, n. e. c.: | | | | |
| 715001 | Marine engine accessories and specially fabricated parts, except parts for sheet metal engine cowlings (1) 3 | | TRAN | 250 | RO |
| | Power excavators and dredging machines and parts: | | | | |
| 730112 | Excavator-type power cranes and shovels, new (report used in 730140) | | | | |
| | 2½ cubic yard dipper capacity, new (1) 3 | No. | CONS 1 | None | RO |
| | Crawler mounted, full revolving, convertible, less than 2 cubic yard dipper capacity, new (1) 3 | No. | CONS 1 | None | RO |
| 730117 | Crawler mounted, full revolving, convertible, 2 and less than 2½ cubic yard dipper capacity, new (1) 3 | No. | CONS | None | RO |
| 730122 | Rubber tired mounted, including truck or wagon mounted, full revolving, convertible, less than 2 cubic yard dipper capacity, new (3) 2 | No. | CONS 1 | None | RO |
| 730122 | Other rubber tired mounted, including truck or wagon mounted, full revolving, convertible, 2 and less than 2½ cubic yard dipper capacity, new (2) 3 | No. | CONS 1 | None | RO |

See footnotes at end of table.

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required |
|---|---|---|---|---|---|
| 721530 | Bituminous combination batching-mixing outfits (pre-fabricated or unitized, mobile, portable and self-propelled concrete batching and mixing units for hot or cold mixing of aggregates with bituminous materials and combinations of individual components) [1] | ..... | CONS 1 | None | RO |
| 721535 | Concrete pavers, paving spreaders and paving finishers, self-propelled (1) [2] | ..... | CONS 1 | 100 | RO |
| 721535 | Contractors concrete-placing machines, including pump, screws, and conveyor-type [2] | ..... | CONS 1 | None | R |
| 721535 | Concrete mixers, self-loading, including batching trucks and transit-mixers (1) [2] (Trailer mixer capacity and over. (2) [2] | No. | CONS 1 | None | RO |
| 721535 | Concrete mixers, self-mixing, including truck- and trailer-mounted, and concrete transport trucks-mounted agitators, under 16 cubic feet capacity. | No. | CONS 1 | None | R |
| 721540 | Parts and accessories, n. e. c., specially fabricated for the equipment included in the Positive List under schedule B Nos. 721530 through 721535 (for which validated license is required to Rand Country destinations) [1] [3] | ..... | CONS 1 | 100 | RO |
| 721540 | Parts and accessories, n. e. c., specially fabricated for the equipment included on the Positive List under schedule B Nos. 721530 through 721535 (for which validated licenses required to Rand Country destinations only) [1] [3] | ..... | CONS 1 | 250 | R |
| 722012 | Scrapers (report tractors in 722021, 785310-785900, according to type) [3] | No. | CONS 1 | None | RO |
| 722015 | Graders, self-propelled [3] | No. | CONS 1 | None | RO |
| 722030 | Soil compactors, pneumatic-tired, 10 tons and over net weight [3] | No. | CONS 1 | None | RO |
| 722030 | Soil compactors, pneumatic-tired, under 10 tons net weight [3] | No. | CONS 1 | None | R |
| 722030 | Road rollers, self-propelled, steel-tired types. (3) [3] | No. | CONS 1 | None | RO |
| 722024 | Contractors' wheel-type tractors [3] | No. | CONS 1 | None | RO |
| 722027 | Off-the-road haulage vehicles (trucks, wagons and trailers) (report tractors separately under appropriate tractor item) [3] | ..... | CONS 1 | 250 | R |
| 722027 | 10 cubic feet struck load capacity and over [3] | No. | CONS 1 | 500 | RO |
| 722027 | Under 10 cubic feet struck load capacity [3] | No. | CONS 1 | 500 | RO |
| 722030 | Attachments, n. e. c., for track-laying (crawler) type tractors, or continuous tracks (specify by name) (report scrapers in 722012, off-the-road trucks, wagons and trailers in 722027, loading arches and shovels in 722024, and self-propelled attachments in 785310-785900) [3] | ..... | CONS 1 | 500 | RO |
| 722030 | Attachments, n. e. c., for wheel-type tractors (report tractors as follows: angle dozers, brush cutters or rakes; bulldozers; cable controls; crawlers; dragline chainshoe, bucket and shovel excavating and loading attachments; hydraulic controls; pipelayers; ripper-rooters; snowplow blades; trailbuilders; scrapers; and winches) [3] | No. | CONS 1 | None | R |
| 722040 | Jacks, with lifting capacity of 10 tons and over, and specially fabricated parts, n. e. c. (specify by name) [3] | ..... | CONS 1 | 60 | RO |
| 722045 | Pile hammers (Diesel-powered, and parts [3] | ..... | CONS 1 | 250 | R |
| 722045 | Jacks, with lifting capacity of 10 tons and over, and specially fabricated parts [3] | ..... | CONS 1 | 50 | RO |
| 722045 | Subgraders and planers [3] | No. | CONS 1 | None | RO |
| 722045 | Loading arches and sulkys for tractors and contractors' wheel-type tractors, and rotary snowplows [3] | No. | CONS 1 | None | R |
| 722045 | Specially fabricated parts for contractors' off-the-road haulage vehicles (trucks, wagons, and trailers), 10 cubic feet struck load capacity and over [3] | ..... | CONS 1 | 100 | RO |
| 722045 | Specially fabricated parts for contractors' off-the-road haulage vehicles (trucks, wagons, and trailers, under 10 cubic yard struck load capacity. [3] | ..... | CONS 1 | 100 | RO |
| 722045 | Specially fabricated parts for subgraders and graders. [3] | ..... | CONS 1 | 100 | RO |
| 722045 | Specially fabricated parts for bogie arches and sulkys for wheel-type tractors and rotary snowplows [3] | ..... | CONS 1 | 250 | R |
| 722045 | Parts, accessories and attachments, n. e. c., specially fabricated for tractors, 10 tons and over net vehicle weight. [3] [4] | ..... | CONS 1 | 100 | RO |

See footnotes at end of table.



| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required |
|---|---|---|---|---|---|
| 720400 | Air compressors | No. | CONS 2 | None | RO |
| 720400 | Stationary, capacity over 25 cubic feet (centrifugal, rotary, axial, and mixed flow types of compressors (specify type, intake and delivery pressures, intake capacity, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A") [1] [4] | No. | CONS 2 | None | RO |
| 720400 | Reciprocating compressors for any delivery pressure, except (1) when delivery pressure is 150 p. s. i. g. or lower, and (2) when pressure parts are not fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (specify intake and delivery pressures, intake capacity, and whether pressure parts are corrosion-resistant) [2] [4] | No. | CONS 2 | None | RO |
| 720500 | Stationary, capacity over 25 cubic feet (centrifugal, rotary, axial, and mixed flow types of compressors (specify type, intake and delivery pressures, intake capacity, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A") [1] [4] | No. | CONS 2 | None | RO |
| 720500 | Reciprocating compressors for any delivery pressure or intake capacity, except (1) when delivery pressure is 150 p. s. i. g. or lower and intake capacity is 100 c. f. m. or lower, and (2) when pressure parts are not fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (specify intake and delivery pressures, intake capacity, and whether pressure parts are corrosion-resistant) [2] [4] | No. | CONS 2 | None | RO |
| 720600 | Portable, capacity over 25 cubic feet (centrifugal, rotary, axial, and mixed flow types of compressors (specify type, intake and delivery pressures, intake capacity, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (specify intake and delivery pressures, intake capacity, and whether pressure parts are corrosion-resistant) [1] [4] | No. | CONS 2 | None | RO |
| 720600 | Reciprocating compressors for any delivery pressure or intake capacity, except (1) when delivery pressure is 150 p. s. i. g. or lower and intake capacity is 100 c. f. m. or lower, and (2) when pressure parts are not fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (specify intake and delivery pressures, intake capacity, and whether pressure parts are corrosion-resistant) [2] [4] | No. | CONS 2 | None | RO |
| 720800 | Rotary, capacity over 25 cubic feet (centrifugal, rotary, axial, and mixed flow types of compressors (specify type, intake and delivery pressures, intake capacity, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A") [1] [4] | No. | CONS 2 | None | RO |
| 720800 | Reciprocating compressors for any delivery pressure or intake capacity, except (1) when delivery pressure is 150 p. s. i. g. or lower and intake capacity is 100 c. f. m. or lower, and (2) when pressure parts are not fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (specify intake and delivery pressures, intake capacity, and whether pressure parts are corrosion-resistant) [2] [4] | No. | CONS 2 | None | RO |
| 720810 | Gas engine driven, capacity over 25 cubic feet (centrifugal, rotary, axial, and mixed flow types of compressors (specify type, intake and delivery pressures, intake capacity, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A") [1] [4] | No. | CONS 2 | None | RO |
| 720810 | Gas engine driven, reciprocating, for any delivery pressure or intake capacity, except (1) when delivery pressure is 150 p. s. i. g. or lower and intake capacity is 100 c. f. m. or lower, and (2) when pressure parts are not fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (specify intake and delivery pressures, intake capacity, and whether pressure parts are corrosion-resistant) [2] [4] | No. | CONS 2 | None | RO |
| 720825 | Gas engine driven, rotary, axial, and mixed flow types of compressors (specify type, intake and delivery pressures, intake capacity, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A". (1) [4] | No. | CONS 2 | None | RO |



| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required |
|---|---|---|---|---|---|
| 721530 | Bituminous combination batching-mixing outfits (pre-fabricated or unitized, mobile, portable and self-propelled concrete batching and mixing units for hot or cold mixing of aggregates with bituminous materials and combinations of individual components) [1] | ..... | CONS 1 | None | RO |
| 721535 | Concrete pavers, paving spreaders and paving finishers, self-propelled (1) [2] | ..... | CONS 1 | 100 | RO |
| 721535 | Contractors concrete-placing machines, including pump, screws, and conveyor-type [2] | ..... | CONS 1 | None | R |
| 721535 | Concrete mixers, self-loading, including batching trucks and transit-mixers (1) [2] (Trailer mixer capacity and over. (2) [2] | No. | CONS 1 | None | RO |
| 721535 | Concrete mixers, self-mixing, including truck- and trailer-mounted, and concrete transport trucks-mounted agitators, under 16 cubic feet capacity. | No. | CONS 1 | None | R |
| 721540 | Parts and accessories, n. e. c., specially fabricated for the equipment included on the Positive List under schedule B Nos. 721530 through 721535 (for which validated license is required to Rand Country destinations (1) [3] | ..... | CONS 1 | 100 | RO |
| 721540 | Parts and accessories, n. e. c., specially fabricated for the equipment included on the Positive List under schedule B Nos. 721530 through 721535 (for which validated licenses required to Rand Country destinations only. (1) [3] | ..... | CONS 1 | 250 | R |
| 722012 | Scrapers (report tractors in 722021, 785310-785900, according to type) [3] | No. | CONS 1 | None | RO |
| 722015 | Graders, self-propelled [3] | No. | CONS 1 | None | RO |
| 722030 | Soil compactors, pneumatic-tired, 10 tons and over net weight [3] | No. | CONS 1 | None | RO |
| 722030 | Soil compactors, pneumatic-tired, under 10 tons net weight [3] | No. | CONS 1 | None | R |
| 722030 | Road rollers, self-propelled, steel-tired types. (3) [3] | No. | CONS 1 | None | RO |
| 722024 | Contractors' wheel-type tractors [3] | No. | CONS 1 | None | RO |
| 722027 | Off-the-road haulage vehicles (trucks, wagons and trailers) (report tractors separately under appropriate tractor item) [3] | ..... | CONS 1 | 250 | R |
| 722027 | 10 cubic feet struck load capacity and over [3] | No. | CONS 1 | 500 | RO |
| 722027 | Under 10 cubic feet struck load capacity [3] | No. | CONS 1 | 500 | RO |
| 722030 | Attachments, n. e. c., for track-laying (crawler) type tractors, or continuous tracks (specify by name) (report scrapers in 722012, off-the-road trucks, wagons and trailers in 722027, loading arches and shovels in 722024, and self-propelled attachments in 785310-785900) [3] | ..... | CONS 1 | 500 | RO |
| 722030 | Attachments, n. e. c., for wheel-type tractors (report tractors as follows: angle dozers, brush cutters or rakes; bulldozers; cable controls; crawlers; dragline chainshoe, bucket and shovel excavating and loading attachments; hydraulic controls; pipelayers; ripper-rooters; snowplow blades; trailbuilders; scrapers; and winches) [3] | No. | CONS 1 | None | R |
| 722040 | Jacks, with lifting capacity of 10 tons and over, and specially fabricated parts, n. e. c. (specify by name) [3] | ..... | CONS 1 | 60 | RO |
| 722045 | Pile hammers (Diesel-powered, and parts [3] | ..... | CONS 1 | 250 | R |
| 722045 | Jacks, with lifting capacity of 10 tons and over, and specially fabricated parts, n. e. c. [3] | ..... | CONS 1 | 50 | RO |
| 722045 | Subgraders and planers [3] | No. | CONS 1 | None | RO |
| 722045 | Loading arches and sulkys for tractors and contractors' wheel-type tractors, and rotary snowplows [3] | No. | CONS 1 | None | R |
| 722045 | Specially fabricated parts for contractors' off-the-road haulage vehicles (trucks, wagons, and trailers), 10 cubic feet struck load capacity and over [3] | ..... | CONS 1 | 100 | RO |
| 722045 | Specially fabricated parts for contractors' off-the-road haulage vehicles (trucks, wagons, and trailers, under 10 cubic yard struck load capacity. [3] | ..... | CONS 1 | 100 | RO |
| 722045 | Specially fabricated parts for subgraders and graders. [3] | ..... | CONS 1 | 100 | RO |
| 722045 | Specially fabricated parts for bogie arches and sulkys for wheel-type tractors and rotary snowplows [3] | ..... | CONS 1 | 250 | R |
| 722045 | Parts, accessories and attachments, n. e. c., specially fabricated for tractors, 10 tons and over net vehicle weight. [3] [4] | ..... | CONS 1 | 100 | RO |

See footnotes at end of table.



| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required |
|---|---|---|---|---|---|
| 720400 | Air compressors | No. | CONS 2 | None | RO |
| 720400 | Stationary, capacity over 25 cubic feet (centrifugal, rotary, axial, and mixed flow types of compressors (specify type, intake and delivery pressures, intake capacity, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A") [1] [4] | No. | CONS 2 | None | RO |
| 720400 | Reciprocating compressors for any delivery pressure, except (1) when delivery pressure is 150 p. s. i. g. or lower, and (2) when pressure parts are not fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (specify intake and delivery pressures, intake capacity, and whether pressure parts are corrosion-resistant) [2] [4] | No. | CONS 2 | None | RO |
| 720500 | Stationary, capacity over 25 cubic feet (centrifugal, rotary, axial, and mixed flow types of compressors (specify type, intake and delivery pressures, intake capacity, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A") [1] [4] | No. | CONS 2 | None | RO |
| 720500 | Reciprocating compressors for any delivery pressure or intake capacity, except (1) when delivery pressure is 150 p. s. i. g. or lower and intake capacity is 100 c. f. m. or lower, and (2) when pressure parts are not fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (specify intake and delivery pressures, intake capacity, and whether pressure parts are corrosion-resistant) [2] [4] | No. | CONS 2 | None | RO |
| 720600 | Portable, capacity over 25 cubic feet (centrifugal, rotary, axial, and mixed flow types of compressors (specify type, intake and delivery pressures, intake capacity, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A") [1] [4] | No. | CONS 2 | None | RO |
| 720600 | Reciprocating compressors for any delivery pressure or intake capacity, except (1) when delivery pressure is 150 p. s. i. g. or lower and intake capacity is 100 c. f. m. or lower, and (2) when pressure parts are not fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (specify intake and delivery pressures, intake capacity, and whether pressure parts are corrosion-resistant) [2] [4] | No. | CONS 2 | None | RO |
| 720800 | Rotary, capacity over 25 cubic feet (centrifugal, rotary, axial, and mixed flow types of compressors (specify type, intake and delivery pressures, intake capacity, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A". (1)

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required |
|---|---|---|---|---|---|
| | Gas compressors, n. e. c.—Continued | | | | |
| 770625 | Reciprocating compressors for any delivery pressure or intake capacity, except (1) when delivery pressure is 150 p. s. i. g. or lower and intake capacity is 100 c. f. m. or lower, and (2) when pressure parts are not fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A" (specify intake and delivery pressure, intake capacity, and whether pressure parts are corrosion-resistant). (2) [4] | No. | CONS 2 | None | RO |
| 770630 | Parts, n. e. c., specially fabricated for air and gas compressors included on the Positive List under Schedule B Nos. 770400 through 770625. (Complete knockdown compressors should be reported in the proper compressor classifications, whether the integral components are shipped simultaneously or in a series of partial shipments.) (1 and 2) [2 4 5] | ..... | CONS 2 | 100 | RO |
| | Blowers, n. e. c., turboblowers, and parts: | | | | |
| 770700 | Centrifugal blowers, except turboblowers (specify intake and delivery pressures, intake capacity, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A") [3] | No. | CONS 2 | None | RO |
| 770710 | Axial blowers, except turboblowers (specify intake and delivery pressures, intake capacity, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A") [4] | No. | CONS 2 | None | RO |
| 770720★ | Turboblowers (specify type, intake and delivery pressures, intake capacity, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A") [3] | No. | CONS 2 | None | RO |
| 770775 | Blowers, n. e. c. (specify type, intake and delivery pressures, and intake capacity of blowers, and whether pressure parts are fabricated of or lined with any corrosion-resistant materials as defined in the "General Notes to Appendix A"). (1) [3] | ..... | CONS 2 | 100 | RO |
| 770775 | Parts, n. e. c., specially fabricated for blowers included on the Positive List under Schedule B Nos. 770700 through 770775. (Complete knockdown blowers should be reported in the proper blower classifications, whether the integral components are shipped simultaneously or in a series of partial shipments.) (2) [3 29] | ..... | CONS 2 | 100 | RO |
| | Pumping equipment, n. e. c. (specify type of pump by generic name according to following classifications): | | | | |
| 770900★ | Centrifugal pumps (delivering liquids separately or in combination with solids and or gases, fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A" and indicate that pumps are corrosion-resistant). (1) [3 6] | No. | CONS | None | RO |
| 770900 | Centrifugal pumps (delivering liquids separately or in combination with solids and or gases), not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A", with either of the following characteristics: (a) designed delivery pressures at pump discharge of 300 p. s. i. and over, or (b) designed to operate continuously at temperatures of 220° F. and over (indicate that pumps are not corrosion-resistant and specify delivery pressure or operating temperature). (2) [3] | No. | CONS 3 | None | RO |
| 771900 | Centrifugal pumps (delivering liquids separately or in combination with solids and or gases), not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A", with both of the following characteristics: (a) designed delivery pressure at pump discharge of 75 to 300 p. s. i., and (b) designed to operate continuously at temperatures under 220° F. (indicate that pumps are not corrosion-resistant and specify delivery pressure and operating temperature). (3) [4] | No. | CONS 3 | None | R |
| 770910 | Turbine pumps (delivering liquids separately or in combination with solids and or gases with any of the following characteristics: (a) designed delivery pressures at pump discharge of 300 p. s. i. and over as calculated by the manufacturer under the assumed condition that the bowl assembly is directly connected to the drive head assembly without intervening column pipe, (b) designed to operate continuously at temperatures of 220° F. and over, (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (1) [4] | No. | CONS 3 | None | RO |
| 770910 | Turbine pumps (delivering liquids separately or in combination with solids and or gases with all of the following characteristics: (a) designed delivery pressures at pump discharge of 75 to 300 p. s. i. as calculated by the manufacturer under the assumed condition that the bowl assembly is directly connected to the drive head assembly without intervening column pipe, (b) designed to operate continuously at temperatures under 220° F., and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (2) [4] | No. | CONS 3 | None | R |
| 770920 | Rotary pumps (delivering liquids separately or in combination with solids and or gases with any of the following characteristics: (a) designed delivery pressures at pump discharge of 300 p. s. i. and over, (b) designed to operate continuously at temperatures of 220° F. and over, (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (1) [4] | No. | CONS 3 | None | RO |
| 770920 | Rotary pumps (delivering liquids separately or in combination with solids and or gases) with all of the following characteristics: (a) designed delivery pressures at pump discharge of 75 to 300 p. s. i., (b) designed to operate continuously at temperatures under 220° F., and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (2) [3] | No. | CONS 3 | None | R |
| 770930 | Diaphragm pumps (delivering liquids separately or in combination with solids and or gases) with any of the following characteristics: (a) designed delivery pressures at pump discharge of 300 p. s. i. and over, (b) designed to operate continuously at temperatures of 220° F. and over, (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (1) [4] | No. | CONS 3 | None | RO |
| 770930 | Diaphragm pumps (delivering liquids separately or in combination with solids and or gases) with all of the following characteristics: (a) designed delivery pressures at pump discharge of 75 to 300 p. s. i., (b) designed to operate continuously at temperatures under 220° F. and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (2) [4] | No. | CONS 3 | None | R |
| 770940 | Reciprocating steam pumps (delivering liquids separately or in combination with solids and or gases) with any of the following characteristics: (a) designed delivery pressures at pump discharge of 300 p. s. i. and over, (b) designed to operate continuously at temperatures of 220° F. and over, (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (1) [4] | No. | CONS 3 | None | RO |
| 770940 | Reciprocating steam pumps (delivering liquids separately or in combination with solids and or gases) with all of the following characteristics: (a) designed delivery pressures at pump discharge of 75 to 300 p. s. i., (b) designed to operate continuously at temperatures under 220° F., and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (2) [4] | No. | CONS 3 | None | R |

See footnotes at end of table.



| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required |
|---|---|---|---|---|---|
| | Pumping equipment, n. e. c. (specify type of pump by generic name according to following classifications)—Continued | | | | |
| 770950 | Other reciprocating power pumps (delivering liquids separately or in combination with solids and or gases) with any of the following characteristics: (a) designed delivery pressures at pump discharge of 300 p. s. i. and over, (b) designed to operate continuously at temperatures of 220° F. and over, (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." [4] | No. | CONS 3 | None | RO |
| 770950 | Other reciprocating power pumps (delivering liquids separately or in combination with solids and or gases) with all of the following characteristics: (a) designed delivery pressures at pump discharge of 75 to 300 p. s. i.; (b) designed to operate continuously at temperatures under 220° F.; and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (2) [4] | No. | CONS 3 | None | R |
| 770980 | Pumps, n. e. c. (delivering liquids separately or in combination with solids and or gases) with all of the following characteristics: (a) designed delivery pressures at pump discharge of 75 to 300 p. s. i., (b) designed to operate continuously at temperatures under 220° F., and (c) not fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (2) [4] | No. | CONS 3 | None | R |
| 770980 | Pumps, n. e. c. (delivering liquids separately or in combination with solids and or gases) with any of the following characteristics: (a) designed delivery pressures at pump discharge of 300 p. s. i. and over, (b) designed to operate continuously at temperatures of 220° F. and over, and (c) fabricated of, or lined with, any corrosion-resistant materials as defined in the "General Notes to Appendix A." (1) [4] | No. | CONS 3 | None | RO |
| 770995 | Parts, n. e. c., specially fabricated for pumps classified under Schedule B Nos. 770900 through 770950, and 770980, irrespective of delivery pressures, operating temperatures and materials used in their fabrication. (Complete knockdown pumps should be reported in the proper pump classifications, whether the integral components are shipped simultaneously or in a series of partial shipments.) (1) [3] | ..... | CONS 3 | 100 | RO |
| 774400★ | Automatic control or regulating valves, n. e. c. (any pipe valve having a mechanism partially integral, i. e., directly attached by adapters and bolts, or wholly integral, for automatically regulating or controlling its operation): Automatic control valves, except the following when their pressure parts are not made of or wholly lined with corrosion-resistant materials as defined in the "General Notes to Appendix A": (a) check, non-return and float valves; (b) pressure relief valves designed for a working pressure of less than 300 p. s. i.; and (c) valves specially fabricated for milking machines and for electric household refrigerators and home freezers (specify size, working pressure, method of automatic control, i. e., hydraulic, pneumatic, mechanical, electrical, or otherwise actuated; give full description), whether pressure parts are made of or wholly lined with corrosion-resistant materials, and whether fitted with bellows seal [3] | No. | GIEQ 5 | 50 | RO |
| 758901 | Parts and accessories, n. e. c., specially fabricated for tractlaying tractors (report engines in 714620–714800 and 714710–714910), attachments in 723040 [4] | ..... | CONS 1 | 200 | R |
| | Rubber compounding agents of coal-tar origin: | | | | |
| 802810 | Accelerators [4] | Lb. | COTA 61 | 100 | RO |
| 802850 | Antioxidants [4] | Lb. | COTA 61 | 100 | RO |
| 802890 | Other rubber compounding agents of coal-tar origin, n. e. c. (specify by name) [4] | Lb. | COTA 61 | 100 | RO |
| | Biologics (all forms): | | | | |
| 812100 | Gamma-globulin, human (immune serum globulin, poliomyelitis immune globulin, etc.). (1) [4] | ..... | DRUG 1 | None | RO |

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required |
|---|---|---|---|---|---|
| | Medicinal chemicals, including U. S. P. and N. F., bulk dosage forms excluded except as indicated [1]: | | | | |
| | Sulfonamide drugs, all forms: | | | | |
| 813551 | Sulfanilamide, bulk, parenteral, oral, and powder (dosage forms excludes other topical forms and suppositories) [3] | Lb. | DRUG | 100 | RO |
| | Sulfathiazole and derivatives: | | | | |
| 813552 | Bulk [3] | Lb. | DRUG 1 | 100 | RO |
| 813554 | Parenteral, oral, and powder dosage forms (excludes other topical forms and suppositories) [3] | Lb. | DRUG 1 | 100 | RO |
| | Sulfadiazine and derivatives: | | | | |
| 813556 | Bulk [3] | Lb. | DRUG 1 | 100 | RO |
| 813558 | Parenteral, oral, and powder dosage forms (excludes other topical forms and suppositories) [3] | Lb. | DRUG 1 | 100 | RO |
| 813560 | Sulfaguanidine, bulk, parenteral, oral, and powder dosage forms (excludes other topical forms and suppositories) [3] | Lb. | DRUG 1 | 100 | RO |
| 813562 | Sulfonamide drugs, n. e. c., bulk, parenteral, oral, and powder dosage forms (excludes other topical forms and suppositories) [3] | Lb. | DRUG 1 | 100 | RO |
| | Antibiotics, derivatives, and preparations, all forms except feed supplements (report antibiotic feed supplements containing not less than 100,000 Oxford units of penicillin, or 100,000 units of bacitracin, per pound, or not less than 1/10-gram of any other antibiotic per pound, in 814310, and prepared feeds containing less than 100,000 Oxford units of penicillin, or 100,000 units of bacitracin per pound, or less than 1 gram of any other antibiotic per pound, in 117500, 117700, 118500 or 119900, according to type of feed): | | | | |
| | Penicillin: | | | | |
| 813561 | Bulk [3] | Oxford unit | DRUG 2 | 100 | RO |
| 813566 | Parenteral and oral dosage forms (excludes topical forms and suppositories) [3] | Oxford unit | DRUG 2 | 100 | RO |
| | Streptomycin: | | | | |
| 813568 | Bulk [3] | Gram | DRUG 3 | 100 | RO |
| 813570 | Parenteral and oral dosage forms (excludes topical forms and suppositories) [3] | Gram | DRUG 3 | 100 | RO |
| | Dihydrostreptomycin: | | | | |
| 813571 | Bulk [3] | Gram | DRUG 3 | 100 | RO |
| 813572 | Parenteral and oral dosage forms (excludes topical forms and suppositories) [3] | Gram | DRUG 3 | 100 | RO |
| 813574 | Antibiotics, n. e. c., except tyrothricin, polymixin, and neomycin, bulk, parenteral, oral, and powder dosage forms (excludes other topical forms and suppositories) [3] | Gram | DRUG | 100 | RO |
| 813578 | Compounds or mixtures containing antibiotics and or sulfonamide drugs, bulk, parenteral, oral, and powder dosage forms (excludes other topical forms and suppositories) [3] | ..... | DRUG | 100 | RO |
| | Plastics and resin materials: | | | | |
| | Synthetic resins: | | | | |
| | Vinyl and vinylidene polymer and copolymer resins in all unfinished forms, except laminated: | | | | |
| 825421 | Vinyl chloride, vinylidene chloride, and copolymers thereof in powder, flake, lump, granular, and liquid forms (without plasticizers, fillers, or other added ingredients) (specify form) (report vinyl and vinylidene polymer and copolymer resins with plasticizers, fillers, or other added ingredients in 825430) [3] | Lb. | RESN 66 | 100 | R |
| 825423 | Compounds in granular, dlced, or other unfinished forms, based on vinyl or vinylidene chloride resins and copolymers thereof, plasticized or unplasticized (i. e., extrusion, molding, and calendering compounds, dispersions and solutions (specify form)) [3] | Lb. | RESN 66 | 100 | R |

See footnotes at end of table.

| Sept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | G.L.V. dollar-value limits | Validated license required |
|---|---|---|---|---|---|
| | Plastics and resin materials—Continued | | | | |
| | Synthetic resins—Continued | | | | |
| 825425 | Vinyl and vinylidene polymer and copolymer resins in all unfinished forms, except laminated—Con. Film and sheeting, plasticized or unplasticized, based on vinyl or vinylidene chloride resins and copolymers thereof, including printed, embossed, planished, or otherwise treated surface, in any form (report manufactured plastic products in 981510 and 981590 and woven fabrics in 384600-384682) [16] | Lb. | RESN 66 | 250 | R |
| 825427 | Other unfinished forms of vinyl chloride, vinylidene chloride and copolymers of vinyl chloride, including extrusions (tubing (except laminated), bristles, monofilaments, etc.) moldings, castings, etc. (specify form) (report manufactured plastic products in 981510 and 981590; monofilaments for weaving into fabrics in 384650 and 384652; woven fabrics in 384600-384685) [16] | Lb. | RESN 66 | 100 | R |
| | Cellulose plastic materials (report manufactured plastic products in 981510 and 981590) | | | | |
| | Cellulose acetate, cellulose acetate-butyrate, cellulose acetate-propionate, and other cellulose esters: | | | | |
| 826550 | For other uses (including film sold rolled and lacquered in sheets, rods, tubes, continuous sheeting, cut pieces, and other unfinished forms): Cellulose acetate, 0.0015 inch (0.038 mm) or less in thickness [6] | Lb. | RESN | 1 | RO |
| | Organic rubber-compounding agents not of coal-tar origin (report rubber compounding agents of coal-tar origin in 802810-802860). | | | | |
| 829810 | Accelerators [10] | Lb. | COTA | 100 | RO |
| 829870 | Antioxidants [10] | Lb. | COTA | 100 | RO |
| 829890 | Rubber compounding agents, n. e. c., (specify by name) [10] | Lb. | COTA | 100 | RO |
| 829910 | Radioactive isotopes, compounds and preparations thereof, radium emanation (radon), and radium salts and compounds, all forms (including radium needles and radium ore concentrate; estate radium content (report items containing radium in 841800) [3] | | DRUG | None | RO |
| | Reagent chemicals for laboratory use (C. P., U. S. P., N. F., A. C. S., or other recognized reagent grades only; reports by Parts) | | | | |
| 829970 | Sodium fasmihate [3] | Lb. | DRUG | None | RO |
| 832700 | Cellulose nitrate, wet down or plasticized [10] | Lb. | RESN 66 | 100 | R |
| | Other industrial chemicals | | | | |
| 835900 | Vanadium compounds, n. e. c. (report vanadium pentoxide, vanadic oxide, vanadium oxide, vanadic acid, vanadic anhydride and vanadates, except other n. e. c. pure grade under 604585, report chemically pure grade under 829670) [17] [18] | | SALT 65 | 100 | RO |

[1] The G.L.V. dollar-value limit is increased.
[2] The G.L.V. dollar-value limit is decreased.
[3] The processing code is changed or related commodity group number is changed (see § 372.2 (b) and (c)).
[4] The letter "A" is added in the column headed "Commodity Lists," indicating that the commodity is subject to the I.C.D.V. procedure (see § 373.2).
[5] The letter "A" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to the I.C.D.V. procedure (see § 373.2).
[6] The letter "B" is added in the column headed "Commodity Lists," indicating that the commodity is subject to D.L. restrictions (see § 374.2), and is excepted from the Time Limit licensing procedure (see Part 377, effective December 15, 1953).
[7] The letter "B" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to D.L. restrictions (see § 374.2), and is no longer excepted from the Time Limit licensing procedure (see Part 377).
[8] The letter "D" is added in the column headed "Commodity Lists," indicating that the commodity is subject to evidence of availability or purchase (see § 373.5).
[9] The letter "D" is deleted in the column headed "Commodity Lists," indicating that the commodity is no longer subject to evidence of availability requirements (see § 373.5).
[10] The letter "E" is added in the column headed "Commodity Lists," indicating that the commodity may be exported under the Periodic Requirements licensing procedure (see Part 376).
[11] The letter "E" is deleted in the column headed "Commodity Lists," indicating that the commodity may no longer be exported under the Periodic Requirements licensing procedure (see Part 376, effective December 19, 1953).
[12] The letter "F" is added in the column headed "Commodity Lists," indicating that the commodity may be exported under the Foreign Distribution licensing procedure (see Part 378).
[13] The letter "F" is deleted in the column headed "Commodity Lists," indicating that the commodity may no longer be exported under the Foreign Distribution licensing procedure (see Part 378, effective December 19, 1953).
[14] The letter "G" is added in the column headed "Commodity Lists," indicating that the commodity may be exported under general license GLV to Rated Destinations, only within the dollar-value limit specified on the Positive List (see § 371.10 (e)), effective December 19, 1953.
[15] The letter "G" is deleted in the column headed "Commodity Lists," indicating that the commodity may be exported to Group O destinations under general license GLV within the $500 dollar-value limit (see § 371.10 (e)).
[16] The destination control is changed from R to RO.
[17] The destination control is changed from RO to R.
[18] The commodity description is revised without substantive change.
[19] The unit of quantity is changed.
[20] The commodity is excepted from the provisions of General In-Transit GIT License (see § 371.9 (e)), effective December 19, 1953.
[21] The commodity is no longer excepted from the provisions of General In-Transit License GIT (see § 371.9 (e)).
[22] The effect of this revision is to change the basis for determining license requirements for dielectric paper to include only such paper when 0.005 inches or less in thickness.
[23] Carbon steel welding rods are deleted from the Positive List.
[24] Zinc welding rods and wire are presently included in the last entry on the Positive List under Schedule B No. 679670.
[25] Parts and accessories, n. e. c., specially fabricated for power and distribution transformers under 100 kilovolt amperes are removed from the Positive List.
[26] The effect of this revision is to delete parts for detachable outboard motors under 50 horsepower.
[27] The effect of this revision is to delete hardness testers not of the micro hardness type which do not use diamond penetrators.
[28] The requirement to specify type, intake and delivery pressures, and intake capacity of compressors for which parts are intended, and whether pressure parts are fabricated of or lined with corrosion-resistant materials is removed; and the Periodic Requirements (PR), Items (see Part 376) is made available for parts for gas compressors included on the Positive List under Schedule B No. 770625.
[29] The requirement to specify whether pressure parts are fabricated of or lined with any corrosion-resistant materials is removed.
[30] The effect of this revision is to extend the coverage of the entry to include all types of automatic control valves when their pressure parts are made of or wholly lined with corrosion-resistant materials, effective November 27, 1953.
★The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License, GIT. See § 371.9 (e).
†The G.L.V. dollar-value limit for shipments to Mexico is $1,000.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., November 27, 1953, may be exported under the previous general license provisions up to and including December 19, 1953. Any such shipment not laden aboard the exporting carrier on or before December 19, 1953, requires a validated license for export.

This part of the amendment shall become effective as of November 19, 1953, unless otherwise indicated in the footnotes.

2. Section 399.2 *Appendix B—Commodity Interpretations* is amended by adding thereto *Interpretation 13* to read as follows:

INTERPRETATION 13: VARIABLE SPEED TRANSMISSION

Variable speed transmissions, as listed on the Positive List under Schedule B No. 775400, are intended to include two types of power transmissions: mechanical and hydraulic, except vehicular.

Mechanical transmissions are those that transmit power by mechanical connection between the driving and driven elements. The changes of speed are variable at will, being limited only by the design range, while the unit is in operation. This is accomplished by changing the pitch ratio between the driving and driven pulleys or by shifting the drive belt position on two cones which are mounted in reversed positions on their respective shafts.

Hydraulic transmissions are those that transmit by circulating fluid, of variable pressure and or volume between the driving and driven elements. The driving fluid may be used to produce linear or rotary motion and the volume may be varied to produce any speed range within the design limitations of the unit.

Specially fabricated parts and components, n. e. c. (Schedule B No. 775400), are not included on the Positive List and may be shipped under General License GRO. Included in this category of parts and components are the pumps specially fabricated for hydraulic power transmission. They do not deliver liquids but operate on a closed recirculating system in which the liquid is used as the medium for transmitting power but is not itself transported beyond the limits of its own circulation system.

Pumps which may be adapted to hydraulic power transmission but can be used in other applications as well, are not intended to be included in Schedule B No. 775400. Pumps of this type must be reported elsewhere, depending on the specifications (see Schedule B. Nos. 770900-770980).

This part of the amendment shall become effective as of November 19, 1953.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
*Director,*
*Bureau of Foreign Commerce.*

[F. R. Doc. 53-9969; Filed, Nov. 30, 1953; 8:45 a. m.]



# TITLE 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter I—Coast Guard, Department of the Treasury

### Subchapter M—Coast Guard Vessels

[CGFR 53-50]

### PART 135—LIGHTS FOR COAST GUARD VESSELS OF SPECIAL CONSTRUCTION

### EXEMPTIONS OF STATUTORY REQUIREMENTS FOR COAST GUARD VESSELS

The provisions of section 2 and Rule 13 (b) in section 6 of the act of October 11, 1951 (65 Stat. 407, 415; 33 U. S. C. 143a, 145k), and section 1 of the act of December 3, 1945, as amended (59 Stat. 590; 33 U. S. C. 360), provide, in essence, that Coast Guard vessels of special construction may be exempted from certain requirements of the various applicable laws with respect to the number, position, range of visibility, or arc of visibility of the lights required to be displayed by vessels when navigating on the high seas or on navigable waters of the United States, its territories or possessions. Section 2 of the act of October 11, 1951, and section 1 of the act of December 3, 1945, also provide that if any exempted vessel or class of vessels, by reason of special construction, cannot comply with the applicable requirements, the lights prescribed shall conform as closely to the requirements of the applicable laws as it is found or certified to be feasible. These laws also require that notice of such findings or certifications, together with the requirements describing the character and position of the lights to be displayed on such exempted vessel, or class of vessels, shall be published in the FEDERAL REGISTER and in the Notice to Mariners.

The new Subchapter M, containing Part 135, for placement in Chapter I of Title 33 of the Code of Federal Regulations, as contained in this document, sets forth the findings, certifications, exempted requirements, and the requirements certified to be found feasible for certain Coast Guard vessels with respect to lights.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 167-6, dated November 17, 1953, Chapter I of Title 33 CFR is amended by adding the following new regulations which shall be effective on and after January 1, 1954:

Sec
135.01 Purpose of regulations.
135.05 Authority for regulations.
135.10 Definition of terms used in this part.
135.15 General findings and certifications.
135.20 Extent of compliance.
135.25 International Rules; horizontal separation of range lights.
135.30 International Rules; height of forward masthead light.
135.50 Great Lakes Rules; horizontal separation of range lights.

AUTHORITY: §§ 135.01 to 135.50 issued under sec. 1, 59 Stat. 590, sec. 2, 65 Stat. 407; 33 U. S. C. 360, 143a. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 135.01 *Purpose of regulations.* The regulations in this part set forth findings, certifications, exemptions from certain statutory requirements, and those requirements found or certified to be feasible for Coast Guard vessels, by reason of special construction, with respect to the number, position, range of visibility, or arc of visibility of the lights required to be displayed by vessels when navigating on the high seas or navigable waters of the United States, its territories or possessions.

§ 135.05 *Authority for regulations.* The authority to prescribe regulations in this part for Coast Guard vessels of special construction is set forth in section 2 of the act of October 11, 1951, as amended (65 Stat. 407; 33 U. S. C. 143a), and section 1 of the act of December 3, 1945, as amended (59 Stat. 590; 33 U. S. C. 360). Rule 13 (b), International Rules (Section 6, Part B, 65 Stat. 415; 33 U. S. C. 145k), authorizes the Government to make certain special rules which will apply on the high seas, so far as its naval or other military vessels of special construction are concerned. In accordance with these laws the Acting Secretary of the Treasury by Treasury Department Order No. 167-6, dated November 17, 1953, delegated to the Commandant these functions pertaining to lights for Coast Guard vessels of special construction.

§ 135.10 *Definition of terms used in this part*—(a) *International Rules.* The term "International Rules" means the "Regulations for Preventing Collisions at Sea, 1948," as set forth in section 6 of the act of October 11, 1951, as amended (65 Stat. 403-420, as amended; 33 U. S. C. 144-147d).

(b) *Inland Rules.* The term "Inland Rules" means the rules for the navigation of rivers, harbors, and inland waters of the United States, except (1) the Great Lakes and their connecting and tributary waters as far east as Montreal, (2) the waters of the Mississippi River between its source and the Huey P. Long Bridge and all of its tributaries emptying thereinto and their tributaries, (3) that part of the Atchafalaya River above its junction with the Plaquemine-Morgan City alternate waterway, and (4) the Red River of the North, as set forth in the act of June 7, 1897, as amended (30 Stat. 96-103, as amended; 33 U. S. C. 154-232).

(c) *Great Lakes Rules.* The term "Great Lakes Rules" means the act to regulate navigation on the Great Lakes and their connecting and tributary waters of February 8, 1895, as amended (28 Stat. 645-650, as amended; 33 U. S. C. 241-294).

§ 135.15 *General findings and certifications.* (a) It is hereby found that the Coast Guard vessels of special construction described in this part cannot comply with certain applicable statutory requirements, enumerated in various sections of this part, relating to the lights required to be displayed by vessels when navigating on the high seas or navigable waters of the United States, its territories or possessions, without seriously affecting the military characteristics and functions of the vessels concerned.

(b) It is hereby found and certified that the requirements regarding lights, as stated in the various sections of this part, which will be carried by the Coast Guard vessels described, conform as closely as feasible to the applicable statutory requirements.

§ 135.20 *Extent of compliance.* Except as provided otherwise in this part, the Coast Guard vessels described in this part are in full compliance with the other provisions of the applicable International Rules, Inland Rules, or Great Lakes Rules governing the areas where the vessels are being operated.

§ 135.25 *International Rules; horizontal separation of range lights.* (a) Rule 2 (a) (iii), International Rules, requires in part that the minimum horizontal separation between the forward masthead light and the after range light shall be at least 45 feet (33 U. S. C. 145 (a) (iii)). Because of special construction, the Coast Guard vessels named in this section cannot comply with this requirement and are therefore exempted.

(b) The following Auxiliary vessel shall carry the forward masthead light and the after range light with a horizontal separation of 34 feet:

U. S. C. G. C. Storis (WAG-38).

(c) The following Icebreakers shall carry the forward masthead light and after range light with a horizontal separation of 23 feet:

U. S. C. G. C. Eastwind (WAGB-279).
U. S. C. G. C. Northwind (WAGB-282).
U. S. C. G. C. Westwind (WAGB-281).

(d) The following Escort vessels shall carry the forward masthead light and after range light with a horizontal separation of 34 feet:

U. S. C. G. C. Chambers (WDE-491).
U. S. C. G. C. Durant (WDE-489).
U. S. C. G. C. Falgout (WDE-424).
U. S. C. G. C. Finch (WDE-428).
U. S. C. G. C. Forster (WDE-434).
U. S. C. G. C. Koiner (WDE-431).
U. S. C. G. C. Lansing (WDE-488).
U. S. C. G. C. Lowe (WDE-425).
U. S. C. G. C. Newell (WDE-422).
U. S. C. G. C. Ramsden (WDE-482).
U. S. C. G. C. Richey (WDE-485).
U. S. C. G. C. Vance (WDE-487).

(e) The following Buoy Tenders, Class 180-A, shall carry the forward masthead light and after range light with a horizontal separation of 24 feet:

U. S. C. G. C. Balsam (WAGL-62).
U. S. C. G. C. Cactus (WAGL-270).
U. S. C. G. C. Citrus (WAGL-300).
U. S. C. G. C. Clover (WAGL-292).
U. S. C. G. C. Conifer (WAGL-301).
U. S. C. G. C. Cowslip (WAGL-277).
U. S. C. G. C. Evergreen (WAGL-295).
U. S. C. G. C. Gentian (WAGL-290).
U. S. C. G. C. Laurel (WAGL-291).
U. S. C. G. C. Madrona (WAGL-302).
U. S. C. G. C. Sorrel (WAGL-296).

(f) The following Buoy Tenders, Class 180-B, shall carry the forward masthead light and after range light with a horizontal separation of 16 feet:

U. S. C. G. C. Buttonwood (WAGL-306).
U. S. C. G. C. Ironwood (WAGL-297).
U. S. C. G. C. Papaw (WAGL-308).
U. S. C. G. C. Planetree (WAGL-307).
U. S. C. G. C. Sweetgum (WAGL-309).

(g) The following Buoy Tenders, Class 180–C, shall carry the forward masthead light and after range light with a horizontal separation of 16 feet:

U. S. C. G. C. Basswood (WAGL-388).
U. S. C. G. C. Bittersweet (WAGL-389).
U. S. C. G. C. Blackhaw (WAGL-390).
U. S. C. G. C. Blackthorn (WAGL-391).
U. S. C. G. C. Bramble (WAGL-392).
U. S. C. G. C. Firebush (WAGL-393).
U. S. C. G. C. Hornbeam (WAGL-394).
U. S. C. G. C. Iris (WAGL-395).
U. S. C. G. C. Mallow (WAGL-396).
U. S. C. G. C. Mariposa (WAGL-397).
U. S. C. G. C. Sagebrush (WAGL-399).
U. S. C. G. C. Salvia (WAGL-400).
U. S. C. G. C. Sassafras (WAGL-401).
U. S. C. G. C. Sedge (WAGL-402).
U. S. C. G. C. Spar (WAGL-403).
U. S. C. G. C. Sweetbrier (WAGL-405).

(h) The following Gunboat shall carry the forward masthead light and after range light with a horizontal separation of 17 feet:

U. S. C. G. C. Tampa (WPG-164).

(Sec. 6, Rule 13 (b), 65 Stat. 415, sec. 4, 62 Stat. 250; 33 U. S. C. 145k, 356)

§ 135.30 *International Rules; height of forward masthead light.* (a) Rule 2 (a) (iii), International Rules, requires the forward masthead light to be carried at a height above the hull of not less than 20 feet, and, if the breadth of the vessel exceeds 20 feet, then at a height above the hull not less than such breadth, but the light need not be placed at a greater height above the hull than 40 feet (33 U. S. C. 145 (a) (iii)). Because of special construction, the Coast Guard vessels named in this section cannot comply with this requirement and are therefore exempted.

(b) The following Gunboat has a breadth of over 40 feet and shall carry the forward masthead light at a height of 27 feet above the hull:

U. S. C. G. C. Tampa (WPG-164).

(c) The following Escort vessels have a breadth of 37½ feet and shall carry the forward masthead light at a height of 27 feet above the hull:

U. S. C. G. C. Chambers (WDE-491).
U. S. C. G. C. Durant (WDE-489).
U. S. C. G. C. Falgout (WDE 424).
U. S. C. G. C. Finch (WDE-428).
U. S. C. G. C. Forster (WDE-434).
U. S. C. G. C. Kolner (WDE 431).
U. S. C. G. C. Lansing (WDE-488).
U. S. C. G. C. Lowe (WDE-425).
U. S. C. G. C. Newell (WDE 422).
U. S. C. G. C. Ramsden (WDE-482).
U. S. C. G. C. Richey (WDE-485).
U. S. C. G. C. Vance (WDE-487).

(Sec. 6, Rule 13 (b), 65 Stat. 415, sec. 4, 62 Stat. 250, 33 U. S. C. 145k, 356)

§ 135.50 *Great Lakes Rules; horizontal separation of range lights.* (a) Rule 3 (e), Great Lakes Rules, requires in part that the minimum horizontal separation between the forward masthead light and the after range light shall be more than 50 feet (33 U. S. C. 252 (e)). Because of special construction, the Coast Guard vessels named in this section cannot comply with this requirement and are therefore exempted.

(b) The following Buoy Tenders, Class 160–A, shall carry the forward masthead light and after range light with a horizontal separation of 24 feet:

U. S. C. G. C. Tupelo (WAGL-303).
U. S. C. G. C. Woodbine (WAGL-289).

(c) The following Buoy Tender, Class 180–B, shall carry the forward masthead light and after range light with a horizontal separation of 16 feet:

U. S. C. G. C. Mesquite (WAGL-305).

(d) The following Buoy Tenders, Class 180–C, shall carry the forward masthead light and after range light with a horizontal separation of 16 feet:

U. S. C. G. C. Acacia (WAGL-406).
U. S. C. G. C. Sundew (WAGL-404).
U. S. C. G. C. Woodrush (WAGL-407).

(e) The following Icebreaker shall carry the forward masthead light and after range light with a horizontal separation of 36 feet:

U. S. C. G. C. Mackinaw (WAGB-83).

Dated: November 25, 1953.

[SEAL] A. C. RICHMOND,
*Real Admiral, U. S. Coast Guard, Acting Commandant.*

[F. R. Doc. 53-10041; Filed, Nov. 30, 1953; 8:54 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### Appendix—Public Land Orders

[Public Land Order 929]

ALASKA

REVOKING EXECUTIVE ORDER NO. 7888 OF MAY 16, 1938

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 7888 of May 16, 1938, temporarily withdrawing the following-described lands for classification and pending determination as to the advisability of reserving them for national monument purposes, is hereby revoked:

SEWARD MERIDIAN

T. 4 N., R. 11 W.,
Sec. 20, E½;
Secs. 21 and 28;
Sec. 29, E½.

The areas described aggregate 1,920 acres.

The lands are within the exterior limits of the Kenai National Moose Range as established by Executive Order No. 8979 of October 16, 1941, and are included in the withdrawal for classification and examination and in aid of proposed legislation made by Public Land Order No. 487 of June 16, 1948.

ORME LEWIS,
*Assistant Secretary of the Interior.*

NOVEMBER 24, 1953.

[F. R. Doc. 53-10014; Filed, Nov. 30, 1953; 8:46 a. m.]

## TITLE 45—PUBLIC WELFARE

### Chapter IV—Office of Vocational Rehabilitation, Department of Health, Education, and Welfare

PART 402—BUSINESS ENTERPRISES PROGRAM FOR THE BLIND

TERMS

Pursuant to the authority conferred by Title II of Pub. Law 170, 83d Cong., governing Federal reimbursement for one-half of necessary expenditures for acquisition of vending stands and other equipment to be controlled by the State Agency for the use of blind persons, the regulations prescribed pursuant to Title II of Pub. Law 165, 80th Cong. (12 F. R. 4644), as revised by the regulations relating to the same subject prescribed pursuant to Title II of Ch. V of Pub. Law 759, 81st Cong. (15 F. R. 6449), are hereby adopted and prescribed as the regulations under Title II of Pub. Law 170, 83d Cong., with the following change:

Section 402.2 (a) is hereby changed to read as follows:

§ 402.2 *Terms.* • • •

(a) "Act" means Title II of Pub. Law 170, 83d Cong.

(39 Stat. 929, as amended, 49 Stat. 1559, sec. 7, 57 Stat. 374; 20 U. S. C. 11–30, 107–107f, 29 U. S. C. 37)

Dated: November 24, 1953.

[SEAL] NELSON A. ROCKEFELLER,
*Acting Secretary.*

[F. R. Doc. 53-10023; Filed, Nov. 30, 1953; 8:48 a. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

[5th Rev. S. O. 95, Amdt. 2]

PART 95—CAR SERVICE

APPOINTMENT OF REFRIGERATOR CAR AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of November A. D. 1953.

Upon further consideration of the provisions of Fifth Revised Service Order No. 95 (18 F. R. 473, 3732), and good cause appearing therefor: It is ordered, that:

Section 95.95 *Appointment of refrigerator car agent*, of Fifth Revised Service Order No. 95, be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) This section, as amended, shall expire at 11:59 p. m., June 30, 1954, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., November 30, 1953; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10024; Filed, Nov. 30, 1953; 8:49 a. m.]



[2d Rev. S. O. 872, Amdt. 3]

PART 95—CAR SERVICE

MOVEMENT OF GRAIN TO TERMINAL ELEVATORS BY PERMIT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of November, A. D. 1953.

Upon further consideration of the provisions of Second Revised Service Order No. 872 (17 F. R. 10738; 18 F. R. 1858, 4503), and good cause appearing therefor: It is ordered, that:

Section 95.872 Second Revised Service Order No. 872, *Movement of grain to terminal elevators by permit* be, and it is hereby, amended by substituting the following paragraph (e) hereof for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., April 30, 1954, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., November 30, 1953; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10025; Filed, Nov. 30, 1953; 8:49 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

[7 CFR Part 918]

[Docket No. AO 210-A3]

HANDLING OF MILK IN MEMPHIS, TENNESSEE, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Military Room, King Cotton Hotel, Memphis, Tennessee, beginning at 10:00 a. m., December 17, 1953, for the purpose of receiving evidence with respect to economic conditions which relate to the handling of milk in the Memphis, Tennessee, marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Memphis, Tennessee, marketing area (7 CFR 918 et seq.). These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposals No. 1 and No. 3 relative to the enlargement of the marketing area and to a change in the producer definition, respectively, raise the issue as to whether the provisions of the present order would tend to effectuate the declared policy of the act if applied to the marketing area as proposed to be extended and to the additional producers who would be included under the proposed definition, or if not, what modifications of the classification, pricing (including differentials) and payment provisions of the order, as amended, are appropriate to effectuate the declared policy of the act.

Amendments to the order, as amended, regulating the handling of milk in the Memphis, Tennessee, milk marketing area have been proposed as follows:

By Mid-South Milk Producers Association:

1. Delete § 918.6 and substitute therefor the following:

§ 918.6 *Memphis, Tennessee, marketing area.* "Memphis, Tennessee, marketing area," hereinafter called the "marketing area" means all the territory within the boundaries of the county of Shelby and the city of Jackson within the State of Tennessee; and all of the territory within the limits of the City of West Memphis in the State of Arkansas.

2. Delete § 918.7 and substitute therefor the following:

§ 918.7 *Fluid milk plant.* "Fluid milk plant" means (a) any milk plant approved to sell or dispose of milk in the marketing area and used during the month for the processing and packaging of Grade A milk and from which not less than 5 percent of the milk received from producers is distributed in the container in which packaged from delivery routes or plant stores as Class I milk in the marketing area; or (b) any approved receiving station at which producer milk is received and cooled for delivery to a plant(s) described under paragraph (a) in this section.

3. Delete § 918.10 and substitute therefor the following:

§ 918.10 *Producer.* "Producer" means any person, except a producer-handler, who produces milk under a dairy farm inspection permit issued by a health authority duly authorized to administer laws and regulations governing the quality of milk for consumption as milk in the marketing area and whose milk is: (a) Received at a fluid milk plant, or (b) diverted by a handler from a fluid milk plant to a nonfluid milk plant: *Provided*, That any such milk so diverted shall be deemed to have been received at the fluid milk plant by the handler who causes it to be diverted.

4. Add a new § 918.14 which shall read as follows:

§ 918.14 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department of Agriculture during the month.

5. Delete § 918.41 and substitute therefor the following:

§ 918.41 *Classes of utilization.* Subject to the conditions set forth in §§ 918.43 and 918.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including concentrated or reconstituted skim milk solids) and butterfat (1) disposed of in fluid form as milk, skim milk, cream (including sour cream), buttermilk, milk drinks (plain or flavored) except skim milk and butterfat disposed of in fluid form for livestock feed; (2) disposed of in fluid form as any milk product which is required by the appropriate health authority in the marketing area to be made from milk, skim milk or cream, from sources approved by such authority; and (3) not accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat the utilization of which is established: (1) As used to produce any product other than those specified in paragraph (a) of this section, (2) as disposed of by transfer or diversion to a nonfluid milk plant and classified as Class II milk under the provisions of § 918.44 (c), (3) as disposed of for livestock feed, (4) in plant shrinkage of skim milk and butterfat up to 2 percent of skim milk and butterfat received from producers, and (5) in plant shrinkage in other source milk.



(c) Class II milk shall be all skim milk and butterfat the utilization of which is established: (1) As used to produce any product other than those specified in paragraph (a) of this section, (2) as disposed of by transfer or diversion to a nonfluid milk plant and classified as Class II milk under the provisions of § 918.44 (c), (3) as disposed of for livestock feed, (4) in plant shrinkage of skim milk and butterfat up to 2 percent of skim milk and butterfat received from producers, and (5) in plant shrinkage in other source milk.

6. Add a new paragraph (c) in § 918.43 which shall read as follows:

(c) If any of the water contained in the milk from which a product is made is removed before such product is disposed of by a handler, the hundredweight of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat solids contained in such product, plus all of the water originally associated with such solids.

7. Delete § 918.50 and substitute therefor the following:

§ 918.50 *Basic formula price to be used in determining the Class I price.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a), (b), and (c) of this section and paragraph (b) of § 918.51, all for the preceding month.

(a) To the average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

*Companies and Location*

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Clarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

Add an amount computed by multiplying the Chicago butter price for the current month by 0.12 and then by 5.

(b) The price per hundredweight computed by adding together the values determined pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Add 20 percent to the Chicago butter price for the month and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month to the 25th day of the current month by the Department of Agriculture, deduct 5 cents, and multiply by 7.5.

(c) The price per hundredweight resulting from the following formula:

(1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin primary markets ("cheddars," f. o. b. Wisconsin assembly points, cars or truckloads) as reported by the U. S. D. A. during the month;

(2) Add 0.902 times the Chicago butter price for the month;

(3) Subtract 34.3 cents; and

(4) Add an amount computed by multiplying the Chicago butter price for the month by 0.12 and then by 5.

8. Delete § 918.51 and substitute therefor the following:

§ 918.51 *Class prices.* Subject to the provisions of §§ 918.52 and 918.53, the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant(s) from producers during the month shall be as follows:

(a) *Class I milk.* The price for Class I milk for the month shall be the amount set forth below for such month opposite the price range within which the basic formula price falls plus or minus any amounts calculated pursuant to subparagraph (1) of this paragraph:

| I[illegible] (Simple avg. of daily prices per pound received) | Amount per hundredweight | |
|---|---|---|
| | September through February | March through August |
| Not over (less $2.00) | $2.18 | $3.08 |
| $2.00 but not more than $2.10 | 3.08 | 3.28 |
| $2.10 but not more than $2.20 | 3.88 | 3.48 |
| $2.20 but not more than $2.30 | 4.08 | 3.68 |
| $2.30 but not more than $2.40 | 4.28 | 3.88 |
| $2.40 but not more than $2.50 | 4.48 | 4.08 |
| $2.50 but not more than $2.60 | 4.68 | 4.28 |
| $2.60 but not more than $2.70 | 4.88 | 4.48 |
| $2.70 but not more than $2.80 | 5.08 | 4.68 |
| $2.80 but not more than $2.90 | 5.28 | 4.88 |
| $2.90 but not more than $3.00 | 5.48 | 5.08 |
| $3.00 but not more than $3.10 | 5.68 | 5.28 |
| $3.10 but not more than $3.20 | 5.88 | 5.48 |
| $3.20 but not more than $3.30 | 6.08 | 5.68 |
| $3.30 but not more than $3.40 | 6.28 | 5.88 |
| $3.40 but not more than $3.50 | 6.48 | 6.08 |
| $3.50 but not more than $3.60 | 6.68 | 6.28 |
| $3.60 but not more than $3.70 | 6.88 | 6.48 |
| $3.70 but not more than $3.80 | 7.08 | 6.68 |
| $3.80 but not more than $3.90 | 7.28 | 6.88 |
| $3.90 but not more than $4.00 | 7.48 | 7.08 |
| Add for each additional 20 cents or fraction thereof | An additional 20 cents. | |

(1) Add if the net utilization percentage calculated pursuant to subparagraph (2) of this paragraph is less than, or subtract if it is more than the base utilization range, an amount determined by multiplying such net utilization percentage by the appropriate figure shown in the following tabulation:

| Pricing months: | *Cents* |
|---|---|
| January–February | 3 |
| March–June | 1 |
| July–September | 3 |
| October–December | 4 |

(2) The figure calculated for each month as follows shall be known as the net utilization percentage: Divide the net pounds of Class I milk disposed of by all handlers for the second and third preceding months into the total receipts of milk from producers by all handlers for the same months, multiply by 100, round to the nearest whole percentage number and determine the amount by which such member exceeds the higher figure or is less than the lower figure of the appropriate base utilization range in the following table:

| Pricing month | Second and third preceding month | Base utilization range |
|---|---|---|
| January | October–November | 100–105 |
| February | November–December | 101–106 |
| March | December–January | 106–111 |
| April | January–February | 110–115 |
| May | February–March | 112–117 |
| June | March–April | 119–124 |
| July | April–May | 128–133 |
| August | May–June | 128–133 |
| September | June–July | 124–129 |
| October | July–August | 122–127 |
| November | August–September | 115–120 |
| December | September–October | 106–111 |

(b) *Class II milk.* The price for Class II milk shall be the average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content, without deduction for hauling or other charges to be paid by the farm shipper, received from dairy farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

*Concern and Location*

Olive Branch Cheese Co., Olive Branch, Miss.
Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Mayfield, Ky.
Pet Milk Co., Kosciusko, Miss.
Armour Cheese Plant, New Albany, Miss.
Kraft Cheese Plant, Corinth, Miss.

9. Delete § 918.52 and substitute therefor the following:

§ 918.52 *Butterfat differential to handlers.* If the weighted average butterfat content of milk received from producers allocated to Class I milk or Class II milk, respectively, pursuant to § 918.46, for a handler is more or less than 4.0 percent, there shall be added to or subtracted from, as the case may be, the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 4.0 percent, a butterfat differential (computed to the nearest tenth of a cent), calculated for each class as follows:

(a) *Class I Price.* Multiply by 1.2 the Chicago butter price for the month and divide the result by 10.

(b) *Class II Price.* For the months of July through March, multiply by 1.2 the Chicago butter price for the month and divide the result by 10, and for the months of April, May and June, multiply by 1.15 the Chicago butter price for the month and divide by 10.

10. Delete § 918.53 and substitute therefor the following:

§ 918.53 *Transportation differential.* With respect to that portion of milk which is received from producers at a fluid milk plant specified in § 918.7 (b) which is (a) moved as milk from such plant directly to a fluid milk plant located in the marketing area and classified as Class I milk or (b) moved from such plant in fluid form to a nonfluid milk plant and classified as Class I milk, the prices specified in § 918.51 (a) shall be reduced by the amount per hundredweight set forth in the following schedule based on the shortest distance via hard surfaced highway, as determined by the market administrator, from the plant where the milk is first received from producers to the City Hall in Memphis, Tennessee:

| Distance from the City Hall in Memphis (miles): | *Amount per hundredweight (cents)* |
|---|---|
| 40 but less than 50 | 17 |
| 50 but less than 60 | 18 |
| 60 but less than 70 | 19 |
| Within each 10-mile zone thereafter. | An additional 1 cent. |

*Provided,* That for purposes of calculating such location differential with respect to milk transferred between fluid milk plants, the Class II milk remaining in the transferee-plant after the subtraction pursuant to § 918.46 (a) (2) and (b) shall be assigned to producer milk from other plants in sequence according to the transportation differential applicable at each plant beginning with the plant having the largest differential.

11. Amend paragraphs (c) and (d) of § 918.72 and make any further amendments as will accomplish an equitable allocation of adjustments resulting from the receipts and utilization of milk of the members of a cooperative association.

12. Change the reference in § 918.46 (a) (1) from § 918.41 (b) (3), as stated therein, to "§ 918.41 (b) (4)" and make any and all other appropriate changes and/or corrections to conform other provisions of the order to the foregoing amendments.

Make such adjustments as may be necessary to make the entire order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the market administrator, 198 S. Main Street, Memphis 3, Tennessee, or from the Hearing Clerk, Room 1353, South Bldg., U. S. Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: November 25, 1953.

[SEAL] ROY W. LENNARTSON,
*Assistant Administrator.*

[F. R. Doc. 53-10052; Filed, Nov. 30, 1953; 8:51 a. m.]



## SECURITIES AND EXCHANGE COMMISSION

### [ 17 CFR Part 250 ]

REQUIREMENT OF PUBLIC INVITATION OF PROPOSALS FOR PURCHASE OR UNDERWRITING OF SECURITIES

REGULATION AND EXEMPTION OF VARIOUS FINANCIAL TRANSACTIONS

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend § 250.50 (Rule U-50) under the Public Utility Holding Company Act of 1935, which requires with certain exceptions competitive bidding for the purchase or underwriting of securities issued or sold by registered holding companies and subsidiary companies.

The proposal to amend Rule U-50 is made pursuant to the provisions of sections 6 (b) and 20 (a) of the Public Utility Holding Company Act of 1935.

Rule U-50 in its present form was adopted in 1941. Except in the cases specified in paragraph (a) of the rule, it requires that the issue or sale of securities by registered holding companies and subsidiary companies be at competitive bidding.

It is proposed to add to the cases excepted from the operation of the rule the issue and sale of its own securities by a public utility subsidiary of a registered holding company which is not itself a registered holding company, if the issue and sale are subject to exemption under section 6 (b) of the act from the provisions of section 6 (a) of the act. This is proposed in connection with the consideration by the Commission of the issuance of rules which would implement the specified purpose of section 6 (b) to place primary regulatory responsibility upon the local regulatory body which is in the closest and broadest day to day contact with the regulated company.

Section 6 (b) of the act contains the following directive: "The Commission by rules and regulations or order, subject to such terms and conditions as it deems appropriate in the public interest or for the protection of investors or consumers, shall exempt from the provisions of subsection (a) the issue or sale of any security by any subsidiary company of a registered holding company, if the issue and sale of such security are solely for the purpose of financing the business of such subsidiary company and have been expressly authorized by the State Commission of the State in which such subsidiary company is organized and doing business * * *" The Conference Committee Report (H. Rep. No. 1903, 74th Cong., 1st Sess., p. 67) stated that this provision "* * * directs the Commission to exempt the issue of securities by subsidiary companies in cases where holding company abuses are unlikely to exist."

Under the Commission's present practice each exemption under the quoted provision has been granted by order only and the procedures and policies followed have been substantially equated to those applicable to a declaration filed under section 7.

The text of paragraph (a) of Rule U-50 as proposed to be amended would read as follows:

§ 250.50 *Requirement of public invitation of proposals for the purchase or underwriting of securities*—(a) *Scope of section.* This section is applicable to every declaration and application regarding the issuance or sale of any securities of, or owned by, any registered holding company or subsidiary company thereof except:

(1) The issuance or sale of securities pro rata to existing holders of securities of the applicant or declarant (i) pursuant to any preemptive right or privilege or (ii) in connection with any liquidation or reorganization; or

(2) The issuance of any bond, note, or other evidence of debt of a maturity of ten years or less to a commercial bank, insurance company, or similar institution not for resale to the public, provided no finder's fee or other fee, commission, or remuneration is to be paid in connection therewith to any third person (except an associate service company) for negotiating the transaction; or

(3) The issuance or sale of securities to any registered holding company or subsidiary company thereof whose acquisition of such securities has been approved by the Commission pursuant to section 10 of the act; or

(4) The issuance or sale of securities the total proceeds whereof to the issuer or vendor will not exceed $1,000,000; or

(5) The issue and sale by a public-utility company, which is a subsidiary company of a registered holding company and is not itself a registered holding company, of securities of such subsidiary company where such issue and sale are subject to exemption from the provisions of section 6 (a) of the act by reason of the provisions of section 6 (b) of the act; or

(6) The issuance or sale of securities as to which the Commission finds that compliance with paragraph (b) of this section with respect to such issuance or sale is not (i) appropriate to aid the Commission (in carrying out the provisions of section 7 of the act) to determine whether the fees, commissions, or other remuneration to be paid directly or indirectly in connection with the issue, sale, or distribution of such securities are reasonable, or whether any term or condition of such issue or sale is detrimental to the public interest or the interest of investors or consumers; or (ii) appropriate in the public interest or for the protection of investors or consumers as a condition to the exemption of such issuance or sale from the provisions of section 6 (a) of the act, or to aid the Commission (in carrying out the provisions of section 6 (b) of the act) to determine such terms and conditions as it may be appropriate to impose in the public interest or for the protection of investors or consumers in exempting such issuance or sale from the provisions of section 6 (a) of the act; or (iii) necessary or appropriate in the public interest or for the protection of investors or consumers to assure the maintenance of competitive conditions, the receipt of adequate consideration or the reasonableness of any fees or commissions to be paid with respect to sales of securities subject to section 12 (d) of the act. Such a finding may be made in connection with the declaration or application regarding such issuance or sale, or upon a separate application for such a finding.

Nothing in this section shall be deemed to preclude the Commission from entering any order which would otherwise be appropriate under the applicable provisions of the act.

All interested persons are invited to submit data, views and comments on this proposal in writing to the Secretary, Securities and Exchange Commission, at its principal office 425 Second Street NW., Washington 25, D. C., on or before December 31, 1953. After the comments have been received and considered, the Commission will determine whether it is appropriate in the public interest to hold a public hearing on the proposals before further consideration by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

NOVEMBER 20, 1953.

[F. R. Doc. 53-10016; Filed, Nov. 30, 1953; 8:47 a. m.]

# NOTICES

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[Commissioner's Reorganization Order 15, Amdt. 1]

REGIONAL COMMISSIONERS AND DISTRICT DIRECTORS OF INTERNAL REVENUE

GENERAL DELEGATION OF FUNCTIONS

Pursuant to the authority vested in me as Commissioner of Internal Revenue, paragraph 5 of Commissioner's Reorganization Order No. 15, dated July 1, 1953, is hereby amended to read:

5. *Designation to act as Regional Commissioner or District Director.* Designations to act as Regional Commissioner or District Director shall be made as follows:

(a) *Regional Commissioner.* The Regional Commissioner shall designate an Assistant Regional Commissioner as Acting Regional Commissioner to perform the functions of the Office of Regional Commissioner during any period of absence of the Regional Commissioner. Such designation shall not be applicable if the position of Regional Commissioner becomes vacant. In that event the Commissioner will designate the employee to serve as Acting Regional Commissioner.

(b) *District Director.* In a District Office having an Assistant District Director, such Assistant shall become Acting District Director and perform the functions of the Office of District Director in case of the death, separation, or absence of the District Director, unless and until the Regional Commissioner designates another officer or employee to serve as Acting District Director. In a District Office where there is no Assistant District Director, (1) the Regional Commissioner shall designate the employee who shall become Acting District Director and perform the functions of the Office of District Director in case of the death or separation of the District Director, and (2) the District Director shall designate the employee who shall become Acting District Director and perform the functions of the Office of District Director in the absence of the District Director, unless and until the Regional Commissioner designates another officer or employee to serve as Acting District Director.

(c) *Recording.* Designations as Acting Regional Commissioner and Acting District Director shall be made a matter of record.

(d) *Bonding.* Any requirement for bond for the faithful performance of duty by the District Director shall apply to any officer or employee performing the functions of the District Director as herein provided.

This amendment is effective December 1, 1953.

[SEAL] O. GORDON DELK,
*Acting Commissioner.*

NOVEMBER 23, 1953.

[F. R. Doc. 53-10040; Filed, Nov. 30, 1953; 8:51 a. m.]

## DEPARTMENT OF DEFENSE

### Office of the Secretary

SECRETARIES OF ARMY, NAVY, AND AIR FORCE

DELEGATION OF AUTHORITY WITH RESPECT TO REASSIGNMENTS OF REAL PROPERTY

Pursuant to the authority vested in me by Section 202 (f) of the National Security Act of 1947, as amended, 5 U. S. C. 171a, and in accordance with section 202 (c) of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, as amended, the following delegation of authority is effective this date.

The Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force are hereby respectively authorized:

(a) To make reassignments of real property among activities and organizations within their respective military departments,

(b) To make reassignments of real property to other military departments within the Department of Defense.

Dated: November 21, 1953.

ROGER M. KYES,
*Acting Secretary of Defense.*

[F. R. Doc. 53-10010; Filed, Nov. 30, 1953; 8:45 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

JEAN ALEXANDRE LOBSTEIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Jean Alexandre Lobstein, Cormeilles-en-Parisis (Seine et Oise), France, Claim No. 41764; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent Nos. 2,140,756 and 2,234,347 and property described in Vesting Order No. 293, as amended (8 F. R. 10517, July 28, 1943) relating to Serial No. 309951 (United States Letters Patent No. 2,313,492).

Executed at Washington, D. C., on November 20, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 53-10039; Filed, Nov. 30, 1953; 8:51 a. m.]

## DEPARTMENT OF THE INTERIOR

### Geological Survey

CALIFORNIA AND WYOMING

DEFINITIONS OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of structures defined effective as of the dates shown:

(1) CALIFORNIA

*Name of Field, Effective Date, and Acreage*

Antelope Hills Field (revision), July 31, 1953, 930.
Coles Levee Field (revision), June 21, 1952, 10,145.
Corral Canyon Field (revision), November 6, 1948, 560.
Kern Bluff Field, October 23, 1953, 1,245.
Kern Front Field (revision), March 25, 1952, 5,920.
Lost Hills Field (revision), July 31, 1953, 6,084.
McVan Field (revision), November 6, 1949, 560.
Paloma Field (revision), March 26, 1950, 11,182.
Premier Field (revision and consolidation), October 23, 1953, 3,795.
San Ardo Field, October 23, 1953, 7,378.
Sharktooth Hill Field (revision and consolidation), October 23, 1953, 1,080.
West Mountain Field (revision), July 31, 1953, 795.
Wheeler Ridge Field (revision), April 14, 1952, 1,360.

(2) WYOMING

Castle Creek Field, February 7, 1953, 320.
Deer Creek Field, September 1, 1952, 219.
East Salt Creek Field, October 19, 1952, 720.

THOMAS B. NOLAN,
*Acting Director.*

[F. R. Doc. 53-10013; Filed, Nov. 30, 1953; 8:40 a. m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

KENTUCKY

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civilian Defense Administration (18 F. R. 4699) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of November 12, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on September 16, 1953, pursuant to Public Law 875, 81st Congress:



KENTUCKY

| | |
|---|---|
| Allen. | Larue. |
| Barren. | Logan. |
| Bourbon. | Madison. |
| Breathitt. | Mason. |
| Breckenridge. | Meade. |
| Butler. | Mercer. |
| Campbell. | Montgomery. |
| Carroll. | Muhlenberg. |
| Clark. | Nicholas. |
| Fayette. | Oldham. |
| Franklin. | Owen. |
| Gallatin. | Pendleton. |
| Garrard. | Robertson. |
| Grant. | Scott. |
| Grayson. | Shelby. |
| Greene. | Simpson. |
| Hardin. | Spencer. |
| Harrison. | Taylor. |
| Henry. | Warren. |
| Hopkins. | Wolfe. |
| Jessamine. | Woodford. |
| Kenton. | |

Done this 24th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10017; Filed Nov. 30, 1953; 8:47 a. m.]

MISSISSIPPI

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civilian Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of November 12, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on September 16, 1953, pursuant to Public Law 875, 81st Congress:

MISSISSIPPI

| | |
|---|---|
| De Soto. | |
| Marshall. | |
| Tate. | |

Done this 24th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10018; Filed, Nov. 30, 1953; 8:47 a. m.]

OKLAHOMA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civilian Defense Administration (18 F. R. 4609), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of November 12, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on June 26, 1953, pursuant to Public Law 875, 81st Congress:

OKLAHOMA

| | |
|---|---|
| Cherokee. | |
| Mayes. | |
| Wagoner. | |

Done this 24th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10019; Filed, Nov. 30, 1953; 8:48 a. m.]

TENNESSEE

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civilian Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of November 12, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on September 18, 1953, pursuant to Public Law 875, 81st Congress:

TENNESSEE

| | |
|---|---|
| Cheatham. | Lincoln. |
| Chester. | Macon. |
| Davidson. | Marshall. |
| Dickson. | Maury. |
| Fayette. | McNairy. |
| Giles. | Montgomery. |
| Greene. | Moore. |
| Hamblen. | Robertson. |
| Hancock. | Rutherford. |
| Hardeman. | Shelby. |
| Hardin. | Stewart. |
| Hawkins. | Sullivan. |
| Hickman. | Sumner. |
| Houston. | Trousdale. |
| Humphreys. | Washington. |
| Jefferson. | Wayne. |
| Lawrence. | Williamson. |
| Lewis. | Wilson. |

Done this 24th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10020; Filed, Nov. 30, 1953; 8:48 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 5770 et al.]

LAKE CENTRAL AIRLINES, INC., ET AL.; ACQUISITION INVESTIGATION

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the joint application for approval of certain interlocking relationships involving North Central Airlines, Inc. and Lake Central Airlines, Inc., and the matter of the proposed acquisition of the control of Lake Central Airlines, Inc. by North Central Airlines, Inc. and/or Ozark Airlines, Inc., and the investigation of the acquisition of Lake Central's Route 88 in whole or in part by North Central Airlines, Inc., Ozark Airlines, Inc. and/or Allegheny Airlines, Inc. pursuant to sections 403 and 409 (a) of the Civil Aeronautics Act of 1938, as amended, under Docket Nos. 5770, 6024, 6068, and 6213.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled proceeding previously assigned to be held on November 30, 1953, at 10:00 a. m., e. s. t., in Room 1205, Temporary Building No. 4, Seventeenth and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer is hereby postponed until January 18, 1954, at 10:00 a. m., e. s. t., in Room 5132, Department of Commerce Building, Fourteenth Street, between E Street and Constitution Avenue NW., Washington, D. C.

Dated at Washington, D. C., November 25, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-10054; Filed, Nov. 30, 1953; 8:51 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-2075]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF POSTPONEMENT OF HEARING

NOVEMBER 24, 1953.

Upon consideration of request filed November 24, 1953, by Staff Counsel, for a postponement of the hearing now scheduled for November 30, 1953, in the above-designated matter;

Notice is hereby given that said hearing be and it is hereby postponed to December 7, 1953, at the same time and place.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10021; Filed, Nov. 30, 1953; 8:48 a. m.]

[Project No. 2039]

DELAWARE RIVER DEVELOPMENT CORP.

NOTICE OF ORDER FURTHER EXTENDING PERIOD OF PRELIMINARY PERMIT

NOVEMBER 24, 1953.

Notice is hereby given that on September 14, 1953, the Federal Power Commission issued its order adopted September 9, 1953, further extending period of preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10022; Filed, Nov. 30, 1953; 8:48 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File Nos. 59-10, 54-82, 59-39, 54-50, 54-117]

NORTH AMERICAN CO. ET AL.

SUPPLEMENTAL ORDER APPROVING PAYMENT OF ADDITIONAL FEE

NOVEMBER 23, 1953.

In the Matter of the North American Company and its subsidiary companies, File No. 59-10; the North American Company, File No. 54-82; North American Light & Power Company Holding Com-

pany System and the North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50; Illinois Power Company, File No. 54-147.

The Commission by memorandum opinions and orders herein dated December 21, 1959, and May 7, 1951, having approved the payment by North American Light & Power Company to James F. Masterson of a counsel fee in the amount of $21,975 and reimbursement for expenses in the amount of $615.47 and having denied the payment to James F. Master on the amount of $10,000 as additional counsel fee; and

The United States District Court for the District of Delaware, on the 15th day of August 1952, having ordered and decreed that the Commission amend its aforesaid memorandum opinions and orders to permit North American Light & Power Company to pay to said James F. Masterson the said additional fee of $10,000, which said order of the United States District Court for the District of Delaware has been affirmed on appeal: It is so ordered.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9075; Filed, Nov. 27, 1953; 8:49 a. m.]

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[File No. 70-2578]

OHIO POWER CO.

SUPPLEMENTAL ORDER RESCINDING TERMS AND CONDITIONS WITH RESPECT TO PREFERRED STOCK ISSUE.

NOVEMBER 23, 1953.

The Commission on January 12, 1953 having entered an order herein imposing certain protective terms and conditions with respect to the issue and sale of 100,000 shares of Cumulative Preferred Stock of the applicant, the Ohio Power Company; and

The applicant having subsequently amended its Articles of Incorporation making such protective provisions applicable to all issues of its Cumulative Preferred Stock, and having requested that the terms and conditions imposed in the aforesaid order be rescinded as no longer necessary; and

The Commission finding that the terms and conditions imposed in said order with respect to the issue and sale of applicant's Cumulative Preferred Stock are now duplicative and unnecessary:

*It is ordered*, That said protective terms and conditions contained in the order of January 12, 1953 aforesaid be, and they hereby are, rescinded.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-9076; Filed, Nov. 27, 1953; 8:49 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28679]

PETROLEUM RESIDUAL FUEL OIL FROM EL DORADO AND POTWIN, KANS., TO ST. JOSEPH, MO.

APPLICATION FOR RELIEF

NOVEMBER 25, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for the Missouri Pacific Railroad Company.

Commodities involved: Petroleum residual fuel oil, in tank-car loads.

From: El Dorado and Potwin, Kans.

To: St. Joseph, Mo.

Grounds for relief: Competition with rail carriers and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3825 supp. 195.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10027; Filed, Nov. 30, 1953; 8:49 a. m.]

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[4th Sec. Application 28681]

MALT LIQUORS FROM INDIANA, MICHIGAN, OHIO, AND PENNSYLVANIA TO SWEETWATER AND SAN ANGELO, TEX.

APPLICATION FOR RELIEF

NOVEMBER 25, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to his tariff, I. C. C. No. 3912.

Commodities involved: Malt liquors, viz: ale, beer, beer tonic, porter or stout, carloads.

From: Points in Indiana, Michigan, Ohio, and Pennsylvania.

To: Sweetwater and San Angelo, Tex.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3912, supp. 222.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10028; Filed, Nov. 30, 1953; 8:49 a. m.]

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[4th Sec. Application 28682]

FERTILIZER FROM ARKANSAS, LOUISIANA AND TEXAS TO SUFFOLK, VA., GROUP

APPLICATION FOR RELIEF

NOVEMBER 25, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer, fertilizer materials and solutions, carloads.

From: Points in Arkansas, Louisiana and Texas.

To: Suffolk, Va., and points grouped therewith.

Grounds for relief: Rail competition, circuity, market competition, to apply rates constructed on the basis of the short line distance formula, and additional destinations.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, supp. 128.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10029; Filed, Nov. 30, 1953; 8:50 a. m.]

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[4th Sec. Application 28683]

LUMBER FROM MEMPHIS, TENN., TO SOUTH DAKOTA AND WYOMING

APPLICATION FOR RELIEF

NOVEMBER 25, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Lumber and related articles, carloads.

From: Memphis, Tenn.

To: Points in South Dakota and Wyoming.

Grounds for relief: Rail competition, circuity, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3985, supp. 35.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10030; Filed, Nov. 30, 1953; 8:50 a. m.]

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[4th Sec. Application No. 28684]

BRICK FROM LOCHER, VA., TO THE SOUTH

APPLICATION FOR RELIEF

NOVEMBER 25, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers, parties to schedule listed below.

Commodities involved: Brick and related articles, carloads.

From: Locher, Va.

To: Points in Florida, Georgia, North Carolina, South Carolina, and Virginia.

Grounds for relief: Rail competition, circuity, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1278, supp. 41.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10031; Filed, Nov. 30, 1953; 8:50 a. m.]

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[4th Sec. Application 28685]

PETROLEUM OIL FROM OAK POINT, LA., TO MARYLAND, MICHIGAN, NEW JERSEY AND PENNSYLVANIA

APPLICATION FOR RELIEF

NOVEMBER 25, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to tariff listed below.

Commodities involved: Petroleum oil, in tank-car loads.

From: Oak Point, La.

To: Points in Maryland, Michigan, New Jersey, and Pennsylvania.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3651, supp. 327.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10032; Filed, Nov. 30, 1953; 8:50 a. m.]

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[4th Sec. Application 28686]

BRICK FROM CORONA, N. Y., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 25, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Brick and related articles, also refractory articles, carloads.

From: Corona, N. Y.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, and additional origin.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-917, supp. 16.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10033; Filed, Nov. 30, 1953; 8:50 a. m.]

# FEDERAL REGISTER

VOLUME 18 NUMBER 234

*Washington, Wednesday, December 2, 1953*


## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, §§ 6.114 (a) (1), 6.142 (b) (1), (2), (3), (4), (5), (7), (8), (9), (11), (14), (15) and (16) and 6.312 (c) are revoked; the headnote of § 6.312 (e) is amended to read *"Business and Defense Services Administration"*; paragraph (j) is added to § 6.112; subparagraph (2) is amended and subparagraph (3) added to § 6.310 (j); subparagraphs (4) through (13) are added to § 6.312 (e); subparagraphs (3) and (4) are added to § 6.314 (a); and paragraph (d) is added to § 6.342.

§ 6.112 *Department of Commerce.* • • •

(j) *Business and Defense Services Administration.* (1) The Director of each of the following industry divisions: Agricultural, Construction and Mining Equipment Division; Aluminum and Magnesium Division; Automotive Division; Building Materials and Construction Division; Business Machines and Office Equipment Division; Chemical and Rubber Division; Communications Equipment Division; Consumer Durable Goods Division; Containers and Packaging Division; Copper Division; Electrical Equipment Division; Electronics Division; Food Industries Division; Forest Products Division; General Components Division; General Industrial Equipment Division, Iron and Steel Division; Leather, Shoes and Allied Products Division; Metalworking Equipment Division; Miscellaneous Metals and Minerals Division; Power Equipment Division; Scientific, Motion Picture and Photographic Products Division; Shipbuilding, Railroad, Ordnance and Aircraft Division; Textiles and Clothing Division; and, Water and Sewage Industries and Utilities Division.

• • • • •

§ 6.310 *Department of the Interior.* • • •

(j) *Bureau of Indian Affairs.* • • •

(2) Director, Program Division.

(3) Three Assistants to the Commissioner.

• • • • •

§ 6.312 *Department of Commerce.* • • •

(e) *Business and Defense Services Administration.* • • •

(4) Administrator.

(5) Two Confidential Assistants to the Administrator.

(6) One Private Secretary to the Administrator.

(7) Deputy Administrator.

(8) One Private Secretary to the Deputy Administrator.

(9) One Confidential Assistant to the Deputy Administrator.

(10) Three Assistant Administrators.

(11) One Confidential Assistant or Private Secretary to each of the three Assistant Administrators.

(12) One Assistant Deputy Administrator.

(13) One Private Secretary to the Assistant Deputy Administrator.

• • • • •

§ 6.314 *Executive Office of the President—(a) Bureau of the Budget.* • • •

(3) One Private Secretary to the Director.

(4) One Private Secretary to the Deputy Director.

• • • • •

§ 6.342 *Housing and Home Finance Agency.* • • •

(d) *Home Loan Bank Board.* (1) One Assistant to the Board.

(2) One Director, Federal Home Loan Bank Operations.

(3) One General Counsel.

(4) One Chief Supervisor.

(5) One Secretary to the Chairman of the Board.

(6) Two Secretaries to Board Members.

(7) One General Manager, Federal Savings and Loan Insurance Corporation.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, Mar. 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 53-10077; Filed, Dec. 1, 1953; 8:49 a. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directed to the Government Printing Office, Washington 25, D. C.

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## TITLE 7—AGRICULTURE

### Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 725—BURLEY AND FLUE-CURED TOBACCO

PROCLAMATION OF NATIONAL MARKETING QUOTAS FOR THE 1954–55 MARKETING YEAR AND APPORTIONMENT OF THE QUOTAS AMONG THE SEVERAL STATES

Sec.
725.501 Basis and purpose.
725.502 Findings and determinations with respect to the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1954.
725.503 Findings and determinations with respect to the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1954.

AUTHORITY: §§ 725.501 to 725.503 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313.

§ 725.501 *Basis and purpose.* (a) Sections 725.501 to 725.503 are issued (1) to announce the reserve supply level and the total supply of Burley tobacco for the marketing year beginning October 1, 1953, and to establish the amount of the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1954; (2) to announce the reserve supply level and the total supply of flue-cured tobacco for the marketing year beginning July 1, 1953, and to establish the amount of the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1954; and (3) to apportion the national marketing quotas among the several States. The findings and determinations contained in §§ 725.501 to 725.503 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views and recommendations received from Burley and flue-cured tobacco producers and others as provided in a notice (18 F. R. 6592) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since Burley and flue-cured tobacco growers are now planning their farming operations for 1954, are purchasing fertilizer, and preparing the land to which tobacco will be transplanted, it is imperative that they be notified as soon as possible of their 1954 acreage allotments and farm marketing quotas. Therefore, it is hereby determined that compliance with the provisions of the Administrative Procedure Act with respect to the effective date is contrary to the public interest, and that the proclamation and apportionment of the national marketing quotas contained herein shall become effective upon the date of their publication in the FEDERAL REGISTER.

§ 725.502 *Findings and determinations with respect to the national marketing quota for Burley tobacco for the marketing year beginning October 1, 1954*[1]—(a) *Reserve supply level.* The reserve supply level for Burley tobacco is 1,620,000,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 540,000,000 pounds and a normal year's exports of 35,000,000 pounds.

(b) *Total supply.* The total supply of Burley tobacco for the marketing year beginning October 1, 1953, is 1,738,000,000 pounds consisting of carry-over of 1,163,000,000 pounds and estimated 1953 production of 575,000,000 pounds.

(c) *Carry-over.* The estimated carry-over of Burley tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1954, is 1,163,000,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1953, of 575,000,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of Burley tobacco which will make available during the marketing year beginning October 1, 1954, a supply of Burley tobacco equal to the reserve supply level of such tobacco is 457,000,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 457,000,000 pounds would result in undue restriction of marketings during the 1954–55 marketing year and such amount is hereby increased by 15 percent. Therefore, the amount of the national marketing quota for Burley tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1954, is 526,000,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

| State: | Acreage allotment |
|---|---|
| Alabama | 38 |
| Arkansas | 65 |
| Georgia | 95 |
| Illinois | 5 |
| Indiana | 9,845 |
| Kansas | 139 |
| Kentucky | 259,865 |
| Missouri | 4,258 |
| North Carolina | 11,723 |
| Ohio | 12,772 |
| Oklahoma | 5 |
| Pennsylvania | 4 |
| South Carolina | 4 |
| Tennessee | 78,132 |
| Virginia | 13,221 |
| West Virginia | 3,385 |
| Reserve[1] | 1,977 |

[1] Acreage reserved for establishing allotments for farms upon which no Burley tobacco has been grown during the past five years.

§ 725.503 *Findings and determinations with respect to the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1954*[1]—(a) *Reserve supply level.* The reserve supply level for flue-cured tobacco is 3,158,000,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 830,000,000 pounds and a normal year's exports of 440,000,000 pounds.

(b) *Total supply.* The total supply of flue-cured tobacco for the marketing year beginning July 1, 1953, is 3,103,000,000 pounds consisting of carry-over of 1,852,000,000 pounds and estimated 1953 production of 1,251,000,000 pounds.

(c) *Carry-over.* The estimated carry-over of flue-cured tobacco at the beginning of the marketing year for such tobacco beginning July 1, 1954, is 1,833,000,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning July 1, 1953, of 1,270,000,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of flue-cured tobacco which will make available during the marketing year beginning July 1, 1954, a supply of flue-cured tobacco equal to the reserve supply level of such tobacco is 1,325,000,000 pounds, and a national marketing quota of such amount is hereby proclaimed.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

| State: | Acreage allotment |
|---|---|
| Alabama | 604 |
| Florida | 22,141 |
| Georgia | 146,525 |
| North Carolina | 690,382 |
| South Carolina | 121,621 |
| Virginia | 103,465 |
| Reserve[1] | 5,283 |

[1] Acreage reserved for establishing allotments for farms upon which no flue-cured tobacco has been grown during the past five years.

Done at Washington, D. C., this 27th day of November 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10089, Filed, Dec. 1, 1953; 8:52 a. m.]

---

PART 726—FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

PROCLAMATION OF NATIONAL MARKETING QUOTAS FOR THE 1954–55 MARKETING YEAR

Sec.
726.501 Basis and purpose.
726.502 Findings and determinations with respect to the national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1954.
726.503 Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1954.

[1] Rounded to the nearest million pounds.

Sec.
726.504 Findings and determinations with respect to the national marketing quota for Virginia Sun-cured tobacco for the marketing year beginning October 1, 1954.

AUTHORITY: §§ 726.501 to 726.504 issued under sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312.

§ 726.501 *Basis and purpose.* Sections 726.501 to 726.504 are issued to announce the reserve supply level and the total supply of fire-cured tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco for the marketing year beginning October 1, 1953, and to establish the amounts of the national marketing quotas for fire-cured, dark air-cured, and Virginia sun-cured tobacco for the marketing year beginning October 1, 1954. The findings and determinations contained in §§ 726.502 to 726.504 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of the data, views, and recommendations received from fire-cured, dark air-cured, and Virginia sun-cured tobacco producers and others as provided in a notice (18 F. R. 6592) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

§ 726.502 *Findings and determinations with respect to the national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1954*[1]—(a) *Reserve supply level.* The reserve supply level for fire-cured tobacco is 175,600,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 38,000,000 pounds and a normal year's exports of 38,000,000 pounds.

(b) *Total supply.* The total supply of fire-cured tobacco for the marketing year beginning October 1, 1953, is 197,700,000 pounds consisting of carry-over of 146,400,000 pounds and estimated 1953 production of 51,300,000 pounds.

(c) *Carry-over.* The estimated carry-over of fire-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1954, is 126,100,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1953, of 71,600,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of fire-cured tobacco which will make available during the marketing year beginning October 1, 1954, a supply of fire-cured tobacco equal to the reserve supply level of such tobacco is 49,500,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 49,500,000 pounds would result in undue restriction of marketings during the 1954–55 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1954, is 59,400,000 pounds.

[1] Rounded to the nearest tenth of a million pounds.

§ 726.503 *Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1954*[1]—(a) *Reserve supply level.* The reserve supply level for dark air-cured tobacco is 86,100,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 25,000,000 pounds and a normal year's exports of 8,000,000 pounds.

(b) *Total supply.* The total supply of dark air-cured tobacco for the marketing year beginning October 1, 1953, is 100,300,000 pounds consisting of carry-over of 75,200,000 pounds and estimated 1953 production of 25,100,000 pounds.

(c) *Carry-over.* The estimated carry-over of dark air-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1954, is 65,900,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1953, of 34,400,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of dark air-cured tobacco which will make available during the marketing year beginning October 1, 1954, a supply of dark air-cured tobacco equal to the reserve supply level of such tobacco is 20,200,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 20,200,000 pounds would result in undue restriction of marketings during the 1954–55 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for dark air-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1954, is 24,200,000 pounds.

§ 726.504 *Findings and determinations with respect to the national marketing quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1954*[1]—(a) *Reserve supply level.* The reserve supply level for Virginia sun-cured tobacco is 8,662,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 2,700,000 pounds and a normal year's exports of 500,000 pounds.

(b) *Total supply.* The total supply of Virginia sun-cured tobacco for the marketing year beginning October 1, 1953, is 5,905,000 pounds consisting of a carry-over of 2,505,000 pounds and estimated 1953 production of 3,400,000 pounds.

(c) *Carry-over.* The estimated carry-over of Virginia sun-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1954, is 2,405,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1953, of 3,500,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of Virginia sun-cured tobacco which will make available during the marketing year beginning October 1, 1954, a supply of Virginia sun-cured tobacco equal to the reserve supply level of such tobacco is 6,257,000 pounds and a national marketing quota of such amount is hereby proclaimed.

Done at Washington, D. C., this 27th day of November 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10090; Filed, Dec. 1, 1953; 8:52 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 190-1]

PART 190—AUTHORIZATION OF NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN THE UNITED STATES

EXTENSION OF EFFECTIVE DATE OF PART

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 27th day of November 1953.

Part 190 of the Civil Air Regulations, adopted August 19, 1953, was issued by the Board under the authority of Public Law 225 of the 83d Congress. This law transferred the power to the Board to issue flight authorizations under the Air Commerce Act of 1926 for navigation of foreign aircraft in the United States. As stated in the preamble to Part 190, that part was adopted as a temporary measure, pending the drawing up of definitive regulations. Comments as to the respects in which the regulation should be changed were solicited with a deadline of October 1, 1953, and the termination date of the original part was established as December 1, 1953.

Few comments were received by the deadline date, but several have been received since that time. While, except in unusual cases, the Board does not care to consider comments received after a deadline date established in its notice of proposed rule-making, in this instance, because of the novelty of the subject matter and the small amount of experience which interested persons had in a regulation of this type, the Board believes it desirable to take full cognizance of the matter presented in all such comments. Moreover, since neither the comment nor the Board's own experience with the regulation has shown an urgent necessity for change, it appears desirable to gain additional experience before the adoption of final regulations. Accordingly, the Board by this amendment is prolonging the effective life of provisional Part 190 for an additional 90 days.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 190 of the Civil Air Regulations (14 CFR 190) effective immediately:

By striking the date December 1, 1953, and inserting in lieu thereof March 1, 1954.

(Sec. 6, 44 Stat. 572, as amended. Pub. Law 225, 83d Cong.; 49 U. S. C. 176)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 53-10087; Filed, Dec. 1, 1953; 8:52 a. m.]



## TITLE 22—FOREIGN RELATIONS

### Chapter V—United States Information Agency

PART 501—INFORMATIONAL MEDIA GUARANTIES UNDER THE ECONOMIC COOPERATION ACT OF 1948, AS AMENDED

*Preamble.* In furtherance of the Mutual Security Act of 1951, as amended, in order to facilitate and maximize the use of private channels of trade, and pursuant to the authority contained in III (b) (3) of the Economic Cooperation Act of 1948, as amended (22 U. S. C. 1509) supplemented and continued (hereinafter called the "act"), the following rules and regulations are prescribed for the making of guaranties of investments in enterprises producing or distributing informational media (hereinafter called "Informational Media Guaranties").

Sec.
501.1 Scope of this part.
501.2 Application for guaranties and place of filing.
501.3 Delegation of authority.
501.4 Fee for guaranties.
501.5 Designation of Export-Import Bank of Washington as fiscal agent.
501.6 Saving clause.

AUTHORITY: §§ 501.1 to 501.6 issued under sec. 104, 62 Stat. 138, as amended, E. O. 10300, 16 F. R. 11203, 3 CFR 1951 Supp., E. O. 10368, 17 F. R. 5929, 3 CFR, 1952 Supp., E. O. 10476, 18 F. R. 4537.

§ 501.1 *Scope of this part.* This part shall cover Informational Media Guaranties.

§ 501.2 *Applications for guaranties and place of filing.* Applications for Informational Media Guaranties should be made in writing to the Informational Media Guaranty Branch, Information Center Service, United States Information Agency, Washington 25, D. C. There is no prescribed form of application, but published information on current policies of the Informational Media Guaranty Program, including the contents of applications, may be obtained on request from the United States Information Agency at the address indicated. Each applicant will be notified in writing when his application has been found to be complete and is accepted for processing.

§ 501.3 *Delegation of authority.* Delegation of Authority No. 2A, signed by the Director, United States Information Agency, dated September 3, 1953, delegated to the Chief, Information Center Service, United States Information Agency, authority to (a) make informational media guaranties and (b) administer such guaranties made prior to August 1, 1953.

§ 501.4 *Fees for guaranties.* The recipient of a guaranty shall pay to the United States Information Agency or its duly authorized representative, annually in advance, a fee of not to exceed 1 percent per annum of the face amount of such guaranty.

§ 501.5 *Designation of Export-Import Bank of Washington as fiscal agent.* Export-Import Bank of Washington is hereby designated by the United States Information Agency as its fiscal agent, upon such terms as specified by the Agency, in administering Informational Media Guaranties.

§ 501.6 *Saving clause.* The U. S. Information Agency may waive, withdraw or amend at any time or from time to time any or all of the provisions of this part.

Issued: November 25, 1953.

THEODORE C. STREIBERT,
*Director.*

[F. R. Doc. 53-10067; Filed, Dec. 1, 1953; 8:47 a. m.]

## TITLE 30—MINERAL RESOURCES

### Chapter IV—Federal Coal Mine Safety Board of Review

PART 401—RULES OF PROCEDURE

PRIOR TO FINDING

1. Section 401.32 of the Rules of Procedure (18 F. R. 3020) is amended by adding "(a)" after the heading § 401.32 *Prior to finding.*, and by adding a new paragraph (b) to read as follows:

(b) When an application for annulment or revision of an order of a Federal inspector is filed by an operator of a mine located in a State with an approved State plan, the Board may, without further proceedings, issue an order annulling or revising the order of the Federal inspector upon the filing with the Board by the respondent of a statement that (1) an inspection by a duly authorized representative of the Bureau has shown that the violation on which the order was based has been abated, and (2) the respondent joins with the applicant in requesting annulment or revision of the order.

(Sec. 205, 66 Stat. 697)

Adopted by the Federal Coal Mine Safety Board of Review at its office in Washington, D. C., on the 6th day of November 1953.

TROY L. BACK,
*Executive Secretary.*

[F. R. Doc. 53-10060; Filed, Dec. 1, 1953; 8:45 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 535—PAYMENT OF BILLS AND ACCOUNTS

CERTIFICATION, GENERAL

In § 535.1 paragraph (b) (1) is amended as follows:

§ 535.1 *Certification, general.* * * *

(b) *Vendor's certificate*—(1) *General certificate.* The following certificate will be furnished by the vendor on his invoice or on Form 1034:

I certify that the above bill is correct and just and that payment therefor has not been received.

See MS Comp. Gen. A 51607, A 49009, May 1, 1950. The certificate will be signed by the vendor or his duly authorized agent in ink or indelible pencil, showing the title of the signer. However, rubber-stamp signatures on invoices will be accepted if the vendor has adopted the stamp as his signature. See MS Comp. Gen. B 114997, May 15, 1953, and B 115920, September 9, 1953.

* * * * * *

[C5, SR 35, 3210.5, November 10, 1953] (R. S. 161; 5 U. S. C. 22. Interpret or apply R. S. 3737, as amended, 3477, as amended; 31 U. S. C. 203, 41 U. S. C. 15)

[SEAL] WM. E. BERGIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 53-10075; Filed, Dec. 1, 1953; 8:49 a. m.]

Subchapter G—Procurement

PART 596—CONTRACT CLAUSES AND FORMS

CONSTRUCTION CONTRACT FORMS

1. Section 596.571 is rescinded and the following substituted therefor:

§ 596.571 *Standard forms for construction contracts (§ 415.004 of this title).* (a) Until such time as a short form of construction contract is adopted, the following U. S. Standard Forms are prescribed for use in formally advertised construction contracts. These forms may be used for such contracts regardless of amount, but are mandatory for formally advertised construction contracts exceeding $10,000. It is recommended, however, that the forms also be used in formally advertised construction contracts in amounts in excess of $2,000 up to and including $10,000 as these forms include labor provisions required to be inserted in construction contracts by Part 411 of this title:

U. S. Standard Form 20 (Revised March 1953)—Invitation for Bids.
U. S. Standard Form 21 (Revised March 1953)—Bid Form.
U. S. Standard Form 22 (Revised March 1953)—Instructions to Bidders.
U. S. Standard Form 23 (Revised March 1953)—Construction Contract.
U. S. Standard Form 23A (Revised March 1953)—General Provisions.

(b) The use of additional contract provisions consistent with those contained in the standard forms is authorized and, where required elsewhere in this subchapter, the use of such additional provision is mandatory. Changes or additional provisions inconsistent with those contained in the standard forms shall be incorporated when required by any other part of this subchapter, and may be incorporated when authorized on an optional basis by any other part of this subchapter. In the event that a change or additional provision inconsistent with those contained in the standard forms is neither required nor authorized by any other part of this subchapter, request for authority to make such change or incorporate such additional provision in any construction contract to be let pursuant to formal advertisement shall be submitted for approval to the Chief, Purchases Branch, Procurement Division, Office of the Assistant Chief of Staff G-4. If approval is granted, a copy of the change or additional provision so approved shall be forwarded by the approving authority to the General Services Administration.

(c) U. S. Standard Form 23 (Construction Contract) and U. S. Standard Form 23A (General Provisions) may also be utilized for negotiated lump-sum construction contracts.

(d) It is expected that these standard forms will be available in Adjutant General publications depots on or before October 22, 1953.

2. Sections 596.531 and 596.572 are revoked as follows:

§ 596.531 *Construction Contract (Lump Sum) DA AGO Form R-5701.* [Revoked.]

§ 596.572 *Bid (Construction Contract)* [Revoked.]

[Proc. Cir. 25, October 1, 1953] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. Sup. 151-161)

[SEAL] WM. E. BERGIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 53-10076; Filed, Dec. 1, 1953; 8:49 a. m.]

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter IX—Petroleum Administration for Defense, Department of the Interior

[PAD Order No. 3 Revocation]

PAD ORDER 3—AVIATION QUALITY BLENDING AGENTS AND FEED STOCKS

REVOCATION

PAD Order No. 3 (16 F. R. 10745) is hereby revoked effective December 1, 1953.

This revocation does not relieve any person of any obligation or liability incurred under PAD Order No. 3 as originally issued nor does this revocation deprive any person of any rights received or accrued under said order as originally issued prior to the effective date of this revocation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

This revocation is issued this 27th day of November 1953, and shall be effective on and after the 1st day of December 1953.

J. A. LAFORTUNE,
*Deputy Petroleum Administrator.*

[F. R. Doc. 53-10074; Filed Dec. 1, 1953; 8:49 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1863]

PART 192—OIL AND GAS LEASES

SINGLE EXTENSION AS TO LANDS NOT IN A PRODUCING FIELD

Effective 60 days from issuance hereof, § 192.120 is amended to read as follows:

§ 192.120 *Single extension as to lands not in a producing field.* (a) The record title holder of any noncompetitive lease, maintained in compliance with the law and the regulations of this part, may, by filing his application therefor within the period of 90 days prior to the expiration date of the lease, obtain a single extension of the primary term of the lease for an additional five years, unless then otherwise provided by law, as to all of the leased lands or any legal subdivision thereof which, on the expiration date of the lease, are not within the known geologic structure of any producing oil or gas field or have not been withdrawn from leasing. A withdrawal, however, will prevent an extension only (1) if notice thereof was mailed to the lessee by registered mail at least 90 days prior to the expiration date of the lease and (2) if actual drilling operations on the leased lands were not commenced prior to the effective date of such withdrawal, or, if so commenced, have not been diligently prosecuted until and including such expiration date.

(b) The application for extension must be filed on Form 4-1238, "Application for Extension of Oil and Gas Lease,"[1] or unofficial copies of that form in current use and should be accompanied by the payment of the sixth year's rental, unless previously paid: *Provided*, That the unofficial copies are exact reproductions on one sheet of both sides of the official approved one-page form, and are without additions, omissions, or other changes, except that the copies shall include the following statement above the signature of the lessee: "This form is submitted in lieu of official Form 4-1238 and contains all of the provisions thereof as of the date of filing of this application." In addition, the name and address of the printer or other party issuing unofficial reproductions of the official form shall be printed thereon. Form 4-1238 or a valid reproduction of the official form, will also constitute approval of the extension when signed by an authorized officer.

[1] Filed as part of the original document.

(c) If during the 90 day period prior to the expiration date of the lease, the record title holder files an application or request for an extension not on the prescribed form or unofficial copies thereof, or fails to file the prescribed number of copies, or pay the sixth year's rental, a notice will be issued allowing him 30 days to do so. The application will be rejected if such filing or payment is not made within the time allowed.

(Sec. 32, 41 Stat. 450; 30 U. S. C. 189)

DOUGLAS MCKAY,
*Secretary of the Interior.*

NOVEMBER 25, 1953.

[F. R. Doc. 53-10079; Filed, Dec. 1, 1953; 8:50 a. m.]

### Chapter II—Bureau of Reclamation, Department of the Interior

PART 406—EXCHANGE OR AMENDMENT OF FARM UNITS ON FEDERAL RECLAMATION PROJECTS

Sec.
406.1 Purpose of act.
406.2 Eligibility of applicants.
406.3 Request for determination of eligibility.
406.4 Application for selection of lieu farm unit.
406.5 Size of farm units.
406.6 Credit for charges.
406.7 Department of Agriculture mortgages.
406.8 Credit for homestead and reclamation proof.
406.9 Removal of improvements by owner.
406.10 Water rights.
406.11 Application for entry.
406.12 Amendment of farm units or private holdings.

AUTHORITY: §§ 406.1 to 406.12 issued under sec. 10, 32 Stat. 390, as amended, sec. 12, 67 Stat. 568; 43 U. S. C. 373. Interpret or apply sec. 3, 32 Stat. 388, as amended, sec. 5, 54 Stat. 520, sec. 3, 37 Stat. 266, 67 Stat. 566, 43 U. S. C. 434, 448, 544.

§ 406.1 *Purpose of act.* The act of August 13, 1953 (67 Stat. 566), hereinafter called "the act," provides for the exchange of certain unpatented farm units or private lands on a Federal irrigation project, for farm units available on the same or any other such project by certain classes of qualified applicants whose lands have been determined, pursuant to a land classification, to be insufficient to support a family, and the amendment of farm units by the addition of contiguous or non-contiguous land on the same project.

§ 406.2 *Eligibility of applicants.* The benefits of the act shall apply to an entryman on an unpatented farm unit and shall apply as to section 1 of the act and may apply as to the remainder of the act, except as otherwise provided to the lawful assignee of an unpatented farm unit who took the assignment in good faith not knowing and not having reason to believe the farm unit to be insufficient to support a family and to a resident owner of private lands who, apart from his having previously exhausted his homestead right, if such be the case, is eligible to enter unappropriated public lands under Revised Statutes, section 2289, as amended (43 U. S. C. 161), and



who lawfully acquired his lands as an entire farm unit under the Federal reclamation laws from the United States or in the case of a widow, widower, heir or devisee, from a spouse or ancester as the case may be who so acquired them. Eligibility of all applicants for exchange or amendment shall be further conditioned as to limitation of size of entry or ownership as provided in § 406.5.

§ 406.3 *Request for determination of eligibility.* Entrymen or resident landowners qualified as provided in § 406.2 may make written request addressed to the officer of the Bureau of Reclamation in charge of the project upon which the applicant's farm unit is located for a determination of his eligibility and that of his lands described in such request, for exchange or amendment of farm unit under the provisions of the act. Such requests shall include a showing of the basis on which such eligibility is claimed as set forth in § 406.2 and shall also list the amount of liens if any against the land, together with the names and addresses of the lien holders. When such determination shall have been made, pursuant to a land classification, the entryman or resident landowner shall be notified thereof in writing, in person, or by registered mail. At the same time, a list of farm units then currently available for exchange on the same project together with a list of other projects where units may be available shall be furnished to those determined to be eligible under the act.

§ 406.4 *Application for selection of a lieu farm unit.* (a) The eligible entryman or resident landowner shall file his written application for selection of a lieu farm unit with the official in charge of the project upon which the lieu farm unit is located within 30 days of receipt of his notification of eligibility. Each such application shall be dated and shall indicate the name and post office address of the applicant, a statement as to whether the applicant is an ex-serviceman as defined in section 8 of the act and the date on which the applicant received his notification of eligibility for exchange, attaching a copy of said notification. Such filing shall be considered as being timely within the meaning of the act, except with respect to farm units opened for entry or purchase pursuant to a public notice or public announcement under which the closing date has already passed. Filings may be made in person or by mail.

(b) In the event an application for exchange is filed on a project at a time after the opening date and before the closing date of any public notice or public announcement of filings for entry or purchase of a farm unit, such applicant shall have a preference over any other applicant for a farm unit on that project or division. All subsequent public notices and public announcements shall contain reference to the priority of applicants for farm units pursuant to the act.

(c) In the event there is an available unit on the project at the time the application is received and there are no other applications pending, the official in charge of the project on which the lieu unit is located shall immediately notify the applicant in writing that said unit may be awarded to him upon his selection or rejection of the unit within 30 days. Such unit shall then be withdrawn from availability until such time as that applicant notifies the official in charge of the project upon which that unit is located of his selection or rejection, and if after the expiration of 30 days the applicant fails to select or reject, his application for a unit on that project shall be considered withdrawn and returned. If an applicant rejects the unit offered, his application shall be considered refiled for any subsequent units in the manner herein provided.

(d) In the event there are no available units on the project receiving the application the official in charge shall place the application in priority group A if the applicant is an ex-serviceman as defined in section 8 and in priority group B if no such preference is evident from the application. All subsequent applications so received shall be so classified and held until a unit becomes available. At the time a unit becomes available and there are more than one application in either priority group a drawing shall be held to determine the individual priority within the priority group. Any applicant so establishing a priority within group A shall have a preference over applicants in group B. If the number of units available will not satisfy all pending applications subsequent drawings shall be held whenever units become available with the preferences established by the priority group.

(e) Applications for selection of a lieu farm unit shall be retained on file for a period of one year unless the applicant has sooner selected a farm unit on that project or some other project or withdrawn the application, or for good cause shown, the official in charge of the project where the application is pending may extend said period from time to time. No farm units will be included in a public announcement or notice for purchase or entry until all timely applicants on the project involved have had an opportunity to select a lieu unit thereon.

§ 406.5 *Size of farm units.* The act authorizes the establishment of new farm units or the amendment of existing farm units or private holdings by the addition of either contiguous or non-contiguous lands which may be available for entry or purchase, which in combination with all or a part of the unit will be sufficient in size to support a family. The maximum size of any unit shall not exceed 320 acres, of which not more than 160 acres may be irrigable. No exchange or amendment pursuant to the act will be permitted if the lieu unit or amended unit, together with other land owned by the applicant on any Federal reclamation project shall exceed 160 acres of irrigable land on which the construction charges have not been paid. This provision shall not include lands owned by applicant under a recordable contract for their disposal as provided by the Federal reclamation laws. Amendments involving non-contiguous tracts of land will not be approved if there is a sufficient acreage of land contiguous to the applicant's base farm or if the non-contiguous tracts are so located as to preclude their being farmed as a part of the base farm. Factors among others which may be considered, are the location of canals and other reclamation structures, either constructed or proposed, which would prohibit the normal movement of farming equipment from one tract to another, terrain or distance, all or any of which would render infeasible the economic farming operations of the applicant.

§ 406.6 *Credit for charges.* After consummation of the exchange, charges or liens by the United States against the entryman or resident landowner or against the relinquished farm unit or private lands which are within the administrative jurisdiction of the Secretary of the Interior may be canceled. Any charges paid to the United States by the entryman or resident landowner on the relinquished farm unit or private lands for land development or construction costs allocated against the lands or the purchase price paid to the United States for the original farm unit may be credited against such charges as have been allocated to the new unit or against the purchase price of the new unit.

§ 406.7 *Department of Agriculture mortgages.* Land that is subject to a mortgage contract with the Secretary of Agriculture under the act of October 19, 1949 (63 Stat. 883; 7 U. S. C. 1006a and 1006b), shall be disposed of under the provisions of the regulations in this part only in such form and manner and upon such terms and conditions as are consistent with the authority of the Secretary of Agriculture over such mortgage contract.

§ 406.8 *Credit for homestead and reclamation proof.* Entryman on unpatented farm units will be given credit under the homestead laws for residence, improvements and cultivation made or performed upon the original entry and if satisfactory final proof of residence, improvements and cultivation has been made on the original entry, it shall not be necessary to submit such proof upon the lieu entry. Such rights shall not be assignable. Resident owners of private lands making an exchange under the provisions of the act shall not be required to comply with the provisions of the homestead and reclamation laws as to residence, improvements and cultivation.

§ 406.9 *Removal of improvements by owner.* Within ninety days after consummation of the exchange, and subject to the rights and interests of other parties, the entryman may dispose of or remove any and all improvements placed on the relinquished lands. Improvements remaining on the relinquished lands upon the expiration of the ninety-day period shall become the property of the United States and shall be available for disposition under the laws of the United States. When a resident landowner elects to remove improvements which were located on the base farm unit at the time of purchase from the United States the current appraised value thereof shall be taken into consideration in applying the credit on the lieu farm unit.

§ 406.10 *Water rights.* Upon the consummation of the exchange any water right appurtenant to the original lands under the Federal reclamation laws shall cease and the water supply used or required to satisfy such right shall be available for disposition under the Federal reclamation laws.

§ 406.11 *Application for entry.* If the lieu farm unit selected by a successful exchange applicant is public domain, an application for entry shall be filed with the office having jurisdiction over the area in which the unit is located. In the case of farm units offered for sale under the provisions of the Federal reclamation laws the exchange applicant will execute a land purchase contract to be filed with the official in charge of the project upon which such farm unit is located. The application for a lieu farm unit or the land purchase contract must be accompanied by a copy of the approved application for selection of a lieu farm unit. In the case of an unpatented farm unit it will be necessary that the application be accompanied by a relinquishment. In the case of private lands the application must be accompanied by a warranty deed conveying title to the United States, and an abstract of title or other evidence of title showing that the land is free of all encumbrances.

§ 406.12 *Amendment of farm units on private holdings.* On those projects where it appears that there are a sufficient number of amendments to justify such action, a board shall be created to assist the Secretary in determining the boundaries of amended farm units. Otherwise, disputes between two or more entrymen or resident landowners as to which of them shall be awarded a tract of land, shall be referred to the Board of Directors or other governing body of the irrigation district or water users' association for a recommendation. In the event there is no irrigation district or water users' association under repayment contract for the lands involved in the amendment the matter shall be referred to the Commissioner of Reclamation for a final decision, subject to the right of appeal to the Secretary of the Interior.

DOUGLAS MCKAY,
*Secretary of the Interior.*

NOVEMBER 21, 1953.

[F. R. Doc. 53-10059; Filed, Dec. 1, 1953; 8:45 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### [ 50 CFR Part 155 ]

NORTHWEST ATLANTIC COMMERCIAL FISHERIES

HADDOCK PROVISIONS

At its Third Annual Meeting held in New Haven, Connecticut, May 25-30, 1953, the International Commission for the Northwest Atlantic Fisheries, a body created pursuant to Article II of the International Convention for the Northwest Atlantic Fisheries signed at Washington, D. C., under date of February 8, 1949, adopted a proposal amending a proposal previously adopted by the Commission concerning the regulation of the taking of haddock in Sub-area 5 of the Convention. The proposal adopted at the third meeting was accepted by the Governments of the United States and Canada on September 1, 1953, and, in accordance with the provisions of the International Convention for the Northwest Atlantic Fisheries, enters into force with respect to all Contracting Governments on January 1, 1954.

The proposal adopted by the Commission at its Third Annual Meeting recommends certain changes in the definition of average mesh size in trawl nets when wet after use and authorizes the Contracting Governments to exercise discretion in determining such average mesh size.

In accordance with section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), notice is hereby given that in order to give effect to the Commission's proposal, the Secretary of the Interior intends to adopt the regulations set out below affecting the taking of haddock in the Northwest Atlantic Ocean to become effective January 1, 1954. These regulations are to be adopted under the authority contained in section 7 (a) of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1067, 16 U. S. C., 1946 ed., Supp. V, 86). In accordance with section 4 (a) of the Northwest Atlantic Fisheries Act of 1950, the proposed regulations were submitted to the Advisory Committee to the United States Commissioners on the International Commission for the Northwest Atlantic Fisheries on November 10, 1953, at which time the proposed regulations received the approval of the Advisory Committee.

The proposed regulations, to replace Subchapter I—Northwest Atlantic Commercial Fisheries, Part 155—Haddock Provisions, are as follows:

Sec.
155.1 Meaning of terms.
155.2 Restrictions on fishing gear.
155.3 Tampering with seals prohibited.
155.4 Employment of devices to reduce mesh size prohibited.
155.5 Certain vessels exempted.

AUTHORITY: §§ 155.1 to 155.5 issued under sec. 7, 64 Stat. 1067, 16 U. S. C. 956.

§ 155.1 *Meaning of terms.* When used in the regulations in this part unless the content otherwise requires, terms shall have the meanings ascribed hereinafter in this section.

(a) *Vessel.* The word "vessel" denotes every kind, type, or description of watercraft, aircraft, or other contrivance, subject to the jurisdiction of the United States, used, or capable of being used, as a means of transportation on water.

(b) *Haddock.* The word "haddock" denotes any fish of the species Melanogrammus aeglefinus.

(c) *Haddock fishing.* The words "haddock fishing" mean the catching, taking, or fishing for, or the attempted catching, taking, or fishing for any fish of the species Melanogrammus aeglefinus.

(d) *Trawl net.* The words "trawl net" mean any large bag net dragged in the sea by a vessel or vessels for the purpose of taking fish.

(e) *Cod end.* The words "cod end" mean the bag-like extension attached to the after end of the belly of the trawl net and used to retain the catch.

§ 155.2 *Restrictions on fishing gear.* (a) No person shall engage in haddock fishing in the northwest Atlantic Ocean north of 39°00' north latitude and west of 42°00' west longitude with a trawl net or nets, parts of nets or netting having a mesh size of less than four and one-half inches, as defined in this part.

(b) As used in this part, the term "mesh size of less than four and one-half inches" shall mean: (1) With respect to any part of the net except the cod end, the average size of any twenty consecutive meshes in any row located at least ten meshes from the side lacings measured when wet after use, and (2) with respect to the cod end, the average size of any row of meshes running the length of the cod end located at least ten meshes from the side lacings, measured when wet after use, or, at the option of the user, a cod end which has been approved, in accordance with paragraph (d) of this section, by an authorized representative of the Director of the Fish and Wildlife Service, as having a mesh size when dry before use equivalent to not less than four and one-half inches when wet after use.

(c) All measurements of meshes when wet after use shall be made by the insertion into such meshes under pressure of not less than ten nor more than fifteen pounds of a flat-wedge-shaped gauge having a taper of two inches in nine inches and a thickness of three thirty-seconds of an inch.

(d) For the purpose of approving dry cod ends before use, as contemplated by paragraph (b) of this section, the average mesh size of such cod ends shall be determined by measuring the length of any single row of meshes running the length of the cod end, parallel to the long axis of the cod end and located at least ten meshes from the side lacings when stretched under a tension of two hundred pounds, and dividing the length by the number of meshes in such row: *Provided*, That not more than ten percent of the meshes in such row shall be more than one-half inch smaller when measured between knot centers than the average of the row. Cod ends so measured which are constructed of the twines and are of not less than the average mesh sizes specified in the table below may be approved for haddock fishing by any duly authorized employee of the Fish and Wildlife Service by the attachment to such cod end of an appropriate seal or seals.

| *Twine* | *Average mesh size* |
|---|---|
| 4-ply 45-yard manila, double strand. | 5.625 inches (5⅝"). |
| 4-ply 60-yard manila, double strand. | 5.625 inches (5⅝"). |
| 4-ply 75-yard manila, double strand. | 5.625 inches (5⅝"). |
| 4-ply 80-yard manila, double strand. | 5.500 inches (5½"). |
| 100-thread cotton | 4.250 inches (4¼"). |
| All nylon | 4.250 inches (4¼"). |

§ 155.3 *Tampering with seals prohibited.* Removing, altering, defacing or in any other way tampering with seals affixed to cod ends in accordance with § 155.2 is prohibited.

§ 155.4 *Employment of devices to reduce mesh size prohibited.* The use from any vessel engaged in haddock fishing in the area described in § 155.2 of any device or method which will obstruct the meshes of the trawl net or which will otherwise, in effect, diminish the size of said meshes is prohibited: *Provided*, That a protective covering may be attached to the underside only of the cod end alone of the net to reduce and prevent damage thereto.

§ 155.5 *Certain vessels exempted.* Nothing contained in the regulations in this part shall apply to:

(a) Any vessel having in possession haddock in amounts less than five thousand pounds or ten percent by weight of all the fish on board such vessel, whichever is larger.

(b) Any vessel duly authorized by the Director of the Fish and Wildlife Service to engage in haddock fishing for scientific purposes.

(c) Any vessel documented as a common carrier by the Government of the United States and engaged exclusively in the carriage of freight and passengers.

All persons who desire to submit written data, views or arguments in connection with the proposed regulations may do so by filing them with John L. Farley, Director, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., not later than 30 days from the publication of this notice in the FEDERAL REGISTER.

Dated: November 25, 1953.

DOUGLAS MCKAY,
*Secretary of the Interior.*

[F. R. Doc. 53-10078; Filed, Dec. 1, 1953; 8:50 a. m.]

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

HOLTON BROTHERS STOCK YARDS, HUGO, OKLA., AND IDABEL STOCKYARDS, IDABEL, OKLA.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the Holton Brothers Stock Yards, Hugo, Oklahoma, and the Idabel Stockyards, Idabel, Oklahoma, are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 25th day of November 1953.

[SEAL] DAVID M. PETTUS,
*Acting Director, Livestock Branch, Production and Marketing Administration.*

[F. R. Doc. 53-10091; Filed, Dec. 1, 1953; 8:53 a. m.]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Parts 40, 41, 42, 60 ]

[Draft Release No. 53-30]

AMENDMENT OF CIVIL AIR REGULATIONS TO PERMIT USE OF NAUTICAL UNITS IN CONTROL OF AIR TRAFFIC AND TO REQUIRE THEIR USE IN AIR CARRIER OPERATIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of proposed amendments to the Civil Air Regulations hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by January 4, 1954. Copies of such communications will be available after January 6, 1954, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

On April 15, 1952, the Bureau of Safety Regulation of the Civil Aeronautics Board published in the FEDERAL REGISTER (17 F. R. 3357) a notice of proposed rule making and circulated as Draft Release No. 52-10 dated April 1, 1952, a proposal to amend several parts of the Civil Air Regulations with respect to the conversion of speed and distance requirements from miles per hour and statute miles to knots and nautical miles.

In response to that proposal, the Board received considerable comment from virtually all segments of United States aeronautical activity. This comment posed so many questions as to the necessity, as well as the desirability of making the proposed amendments, that the Board heard oral argument with respect to them on May 29, 1952. The Board considered that insufficient justification was shown in the oral argument for adoption of the proposed amendments at that time, and accordingly the Civil Air Regulations were not amended, nor was the use of nautical units in the control of air traffic initiated.

Subsequent to that decision, the practical effect of which was to leave civil aviation practices with respect to dimensional units unchanged, the Board continued to receive suggestions for the resolution of this problem and in keeping with its policy of constant surveillance of safety matters, the Board has reviewed the arguments presented for and against the reopening of the question. Requests have been received from the armed services, the Air Transport Association of America, and the Air Line Pilots Association for the reconsideration of this problem. These groups represent interests which account for over 90 percent of all airway traffic under instrument flight rules. The Administrator of Civil Aeronautics has also advised the Board that he has reviewed the problem of the use of nautical units in civil aviation with particular emphasis on their relation to the operation of the Federal Airways and related services. The Administrator's objective was to develop a feasible plan of operation by which those operators and service agencies who so desired, could utilize nautical units for purposes of radio navigation and traffic control, and at the same time continue to provide information in statute units to those groups in aviation who desired no change in dimensonal units. The broad outline of such a plan has been made available to the Board, and it has been used as a basis for the amendments of the Civil Air Regulations hereinafter proposed.

In general, this plan will require air carriers to use nautical units (the armed services will of course use nautical units exclusively) and give all other operators the option of using either nautical or statute units. Although non-air-carrier operators are not required to file flight plans under VFR conditions, it will be permissible for them to file flight plans in either statute or nautical units. For IFR operations, flight plans will normally be filed in nautical units, but can be submitted by non-air-carrier operators in statute units. Information as to speeds and distance will normally be transmitted in ground-to-air communications in nautical units but upon specific request will also be transmitted in statute units. It is to be noted that no change in the units currently associated with visibilities, approach charts, radio facility charts, airway widths, control zone dimensions, non-air-carrier aircraft instruments, etc., is necessary and that in Part 60 (Air Traffic Rules), it appears necessary only to remove the limiting words "in miles per hour" from § 60.41 (g) relating to IFR operations. Although the normal operation of the

Federal Airways system will be based upon the nautical system, it may be stated that no burden will be placed on general aviation either for VFR or IFR operations.

With respect to air carrier operations, it is proposed to amend the appropriate regulations to provide for an orderly changeover to nautical units. Prior to the date on which the Administrator commences the use of nautical units in airway operations, probably about July 1 1954, air carriers shall revise air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards to the same units as used on the air-speed indicator. Where the operation rules of the Civil Air Regulations require more than one air-speed indicator, all such indicators shall be calibrated to designate air-speed in the same units. If the airplane is equipped with an air-speed indicator calibrated in statute miles per hour and not in knots, a readily usable means shall be provided for the flight crew to convert statute miles per hour to knots. After January 1, 1956, however, all air-speed indicators shall be calibrated in knots, and air-speed limitations and related information contained in the Airplane Flight Manual, and pertinent placards shall be expressed in knots.

Accordingly, notice is hereby given that the Board proposes to amend the Civil Air Regulations as follows:

1. By deleting the word "in miles per hour" from § 60.41 (g) of Part 60.

2. By amending the operation requirements pertaining to air carrier operations by requiring that air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards be in the same units as used on the air-speed indicator, that all such indicators be calibrated in the same units when more than one air-speed indicator is required, and that for air-speed indicators calibrated in statute miles per hour and not in knots, a readily usable means shall be provided for the flight crew to convert statute miles per hour to knots.

3. By amending the operation requirements pertaining to air carrier operations to require that after January 1, 1956, all air-speed indicators shall be calibrated in knots, and all air-speed limitations and related information contained in the Airplane Flight Manual and pertinent placards shall be expressed in knots.

It is proposed that these amendments become effective on the date on which the Administrator commences use of nautical units in airways operations, probably about July 1, 1954.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. These proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated: November 27, 1953, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-10118; Filed, Dec. 1, 1953; 11:26 a. m.]

## [ 14 CFR Part 42 ]

EXTENSION OF DATE REQUIRING NONTRANSPORT CATEGORY AIRPLANES USED IN PASSENGER OPERATIONS TO COMPLY WITH STANDARDS OTHER THAN THOSE CURRENTLY IN EFFECT

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of proposed amendments of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulations, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by December 16, 1953. Copies of such communications will be available after December 18, 1953, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Section 42.15 (c) of Part 42 for the past several years has stated that after December 31, 1953, all airplanes used in irregular passenger operation shall comply with the transport category requirements of Parts 4a or 4b and with transport category operating limitations. This provision, which was identical to provisions in Parts 40 and 41 of the Civil Air Regulations, was intended to require nontransport category airplanes, principally the Douglas DC-3, the Lockheed L-18, and the Curtiss C-46, to comply with stricter requirements than those now in effect for passenger operations pursuant to Part 42. These operations in the case of the C-46 are further limited by Special Civil Air Regulation SR-391 which temporarily establishes a maximum certificated weight for this airplane of 44,300 pounds with an additional 1,000 pounds for those airplanes having certain type propellers.

Tests are currently being conducted with the C-46, incorporating certain modifications which are designed to improve performance and the general safety of operation. These tests are being conducted by the Aircraft Engineering Foundation, representing the C-46 operators, who have requested that the Board extend the present applicable regulations until June 30, 1954. It is stated that these tests will be completed soon and that the results will be presented to the Civil Aeronautics Administration for appraisal in the early part of 1954. In consideration of the foregoing, the Board is proposing that the present regulations be extended to not later than March 31, 1954; which, in view of the ample notice which has been given for consideration by the industry of the factors involved in the continued use of nontransport category airplanes in passenger operations, should constitute sufficient time for presentation to and consideration by the Board of the necessary data derived from the tests.

Accordingly, notice is hereby given that the Board proposes to amend the Civil Air Regulations as follows:

1. By deleting the date "December 31, 1953" in § 42.15 (c) of Part 42 and inserting the date March 31, 1954 in lieu thereof.

2. By promulgating a new Special Civil Air Regulation extending the provisions of Special Civil Air Regulation SR-391 through March 31, 1954.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. These proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. [illegible])

Dated November 27, 1953, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-10086; Filed, Dec. 1, 1953; 8:52 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Parts 2, 3 ]

[Dockets Nos. 10716, 10717]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held in its offices in Washington, D. C., on the 25th day of November 1953;

The Commission having under consideration proposals to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing, that notices of proposed rule making (FCC 53-1337 & FCC 53-1338) setting forth the above amendments were issued by the Commission on October 15, 1953, and were duly published in the FEDERAL REGISTER (18 F. R. 6680), which notices provided that interested parties might file statements or briefs with respect to the said amendments on or before November 16 1953; and

It further appearing, that no comments were received either favoring or opposing the adoption of the proposed reallocations;

It further appearing, that the immediate adoption of the proposed reallocations would facilitate consideration of a pending application requesting a Class B assignment in Deland, Florida, and permit a change in frequency for an existing FM broadcast station in Huntsville, Alabama,



*It is ordered*, That effective immediately the Revised Tentative Allocation Plan for Class B FM broadcast stations is amended as follows:

| General area | Channels | |
|---|---|---|
| | Delete | Add |
| Deland, Fla. | ---- | 239 |
| Longwood, Fla. | 239 | ---- |
| Huntsville, Ala. | ---- | 250 |
| Huntsville, Ala. | 250 | ---- |
| Chattanooga, Tenn. | 254 | ---- |

Released: November 27, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 53-10080; Filed, Dec. 1, 1953; 8:50 a. m.]

## [ 47 CFR Part 3 ]

[Docket No. 10765]

RADIO BROADCAST SERVICES

FREQUENCY ALLOCATIONS; CLEAR CHANNELS; CLASS I AND II STATIONS

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend § 3.25 (a) to read as follows:

§ 3.25 *Clear channels: Class I and II stations.* The frequencies in the following tabulations are designated as clear channels and assigned for use by the classes of stations given:

(a) (1) To each of the channels below there will be assigned one Class I station and there may be assigned one or more Class II stations within the continental limits of the United States operating limited time or daytime only: 640, 650, 660, 670, 700, 720, 750, 760, 770, 780, 820, 830, 840, 870, 880, 890, 1020, 1040, 1100, 1120, 1160, 1180, 1200, 1210 kilocycles.

(2) There also may be assigned to these frequencies Class II stations operating unlimited time in Alaska, Hawaii, Virgin Islands, and Puerto Rico which will not deliver over 5 microvolts per meter groundwave day or night or 25 microvolts per meter 10 percent time skywave at night at any point within the continental limits of the United States. The power of the Class I stations on these channels shall not be less than 50 kilowatts.

3. The purpose of this amendment is to make the frequencies concerned available for assignment in Alaska, Hawaii, Virgin Islands, and Puerto Rico in the same manner in which they are presently being used, or may be used, in other countries of the North American region that are closer to the continental United States than are Alaska, Hawaii, Virgin Islands, or Puerto Rico.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 303 (a), (b), (c), (f), (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before January 15, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 24, 1953.

Released: November 25, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 53-10081; Filed, Dec. 1, 1953; 8:50 a. m.]

## [ 47 CFR Part 9 ]

[Docket No. 10776]

AVIATION SERVICES

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Part 9 of the Commission's rules governing Aviation Services to provide for services not presently recognized; to streamline licensing procedures and to provide for the recognition of radio station licenses aboard foreign-flag aircraft operating within the United States in accordance with the ICAO Agreement. Final action in this matter will dispose of a petition filed by Aeronautical Radio, Inc., Washington, D. C.

3. The proposed amendment provides for:

(a) The issuance of a single license to each scheduled air carrier for the specified number of aircraft radio stations operated in its fleet;

(b) A metropolitan area plan of communications;

(c) Recognition of radio station license aboard foreign-flag aircraft operating within the United States in accordance with the ICAO Agreement.

4. Under existing rules, aircraft are separately licensed by the Commission. The petition indicates that the licensing of an entire fleet of aircraft to an air carrier on a single instrument of authorization would tend to make the administrative operation of an air carrier more functional than the present practice of separately licensing each aircraft, inasmuch as it would overcome difficulties associated with the Civil Aeronautics Board approved scheduled airline "interchange program". Section 9.105 (a) (ii) and (iii) of the proposed rules provide for the issuance of one license to each scheduled air carrier authorizing the use and operation of the total number of aircraft radio stations aboard aircraft of U. S. registry owned or controlled by such air carrier.

5. Within the past few years, there has developed a new class of aircraft operation in the major metropolitan areas where the helicopter and, in some instances, small conventional aircraft, are used to transport passengers, mail, or cargo between the main air terminal of a city and its numerous outlying or downtown minor landing areas. Sections 9.1101 through 9.1104 of the proposal provide for the operation of metropolitan area stations not specifically included in the rules at this time.

6. The petition requested promulgation of regulations governing the operation of radio stations aboard foreign-flag aircraft within the United States in accordance with Article 30 of the ICAO Agreement. This is provided for in § 9.313 of the proposed rules.

7. The petition requested regulations be adopted to provide recognition for network type of route chain systems and to authorize preliminary system licensing of aeronautical route chain systems. This raises certain basic questions of policy and authority which the Commission presently has under study. Pending completion thereof action on this aspect of the petition will be held in abeyance.

8. Enclosure A of the petition lists certain Aeronautical Mobile (R) Bands of frequencies to be made available in the Rules. The Aeronautical Mobile (R) Bands are not cleared of conflicting operations at this time, therefore cannot be made available in accordance with ARINC's request. When the Aeronautical Mobile (R) Bands are cleared of conflicting operations appropriate proposed rule making procedures will be initiated.

9. The authority for the proposed amendment, the text of which appears below, is contained in sections 4 (i), 303 (b), (c), (f), and (r) of the Communications Act of 1934, as amended.

10. Any interested person may file with the Commission on or before January 15, 1954, a written statement or brief in support, opposition, or for modification of the proposed amendment. Within 15 days from the last day for filing the original comments or briefs, comments or briefs in reply thereto may be filed. The Commission will consider such comments before taking action in this matter. If any comments will appear to warrant the holding of an oral argument or hearing a notice of time and place therefor will be given.

11. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements,

briefs or comments shall be furnished to the Commission.

Adopted: November 25, 1953.

Released: November 27, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

Proposed amendments to Part 9, rules governing Aviation Services:

1. Subparagraph (6) is added to § 9.10 (k) to read as follows:

(6) *Aeronautical metropolitan station.* An aeronautical station used for communications with aircraft, including helicopters, operating between a main air terminal of a metropolitan area and subordinate landing areas.

2. The present text of paragraph (a) of § 9.105 is designated subparagraph (1) and subparagraphs (2) and (3) are added to read as follows:

(2) A scheduled air carrier, in submitting applications for aircraft radio station licenses, may specify on a single FCC Form 404, the total number of air carrier aircraft radio stations in the fleet, together with the registration number and other pertinent information for each aircraft involved. Such an application may include a request for a single instrument of authorization for the operation of all aircraft radio stations aboard the scheduled aircraft of the fleet.

(3) Any scheduled U. S. air carrier, conducting operations pursuant to an interchange or lease agreement authorized by the Civil Aeronautics Board, may include in its application, filed in accordance with subparagraph (2) of this paragraph, a request for permission to temporarily transfer the control of any of its air carrier aircraft radio stations to another U. S. scheduled air carrier, currently licensed by the F. C. C., with whom it has such an interchange or lease agreement, in order to enable such carrier to operate the station while the interchange or lease agreement is in effect. Such request must specify (i) the number of aircraft subject to the interchange or lease agreement, and (ii) the names of the scheduled air carriers participating in the interchange or lease agreement who will operate such aircraft, including the radio station aboard.

3. Section 9.313 is added to read as follows:

§ 9.313 *Foreign aircraft stations operating within the U. S.* (a) Aircraft of member States of the ICAO may, in or over the United States, carry radio transmitting apparatus only if a license to install and operate such apparatus has been issued by the appropriate authorities of the State in which the aircraft is registered. The use of radio transmitting apparatus in or over the United States shall be in accordance with the rules and regulations of this part.

(b) Radio transmitting apparatus may be used only by members of the flight crew who are provided with a special license for the purpose, issued or recognized by the appropriate authorities of the State in which the aircraft is registered.

4. Section 9.321 (d) is amended to read as follows:

(d) The aeronautical frequencies listed under § 9.432 (a) are also available to air carrier aircraft upon showing that agreements have been made with the licensee of appropriate ground stations.

5. A new subpart entitled "Aeronautical Metropolitan Station," containing §§ 9.1101 through 9.1104 is added to read as follows:

AERONAUTICAL METROPOLITAN STATION

§ 9.1101 *Eligibility for station license.* Authorizations for aeronautical metropolitan stations will be issued only to the licensee of the aeronautical enroute station operating in the metropolitan area.

§ 9.1102 *Frequencies available.* The frequencies available for aeronautical en route stations are available for assignment to aeronautical metropolitan stations.

§ 9.1103 *Points of communication.* Aeronautical metropolitan stations are primarily authorized to communicate with aircraft and are secondarily authorized to intercommunicate with other aeronautical metropolitan stations within the same metropolitan area.

§ 9.1104 *Scope of service.* Aeronautical metropolitan stations shall transmit only communications for the safe, expeditious and economical operation of aircraft operating between a main air terminal of a metropolitan area and subordinate landing areas.

[F. R. Doc. 53-10062; Filed, Dec. 1, 1953; 8:51 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

ARIZONA

RESTORATION ORDER UNDER FEDERAL POWER ACT

NOVEMBER 23, 1953.

Pursuant to a determination of the Federal Power Commission (DA-112-Arizona) dated August 21, 1953, and in accordance with Order No. 427, section 2.22 (a) of the Director, Bureau of Land Management, approved August 16, 1950 (15 F. R. 5639), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they were withdrawn or reserved in Power Site Reserve No. 759 created November 22, 1924, are hereby restored to disposition under any applicable public land law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

GILA AND SALT RIVER MERIDIAN

T. 6 S., R. 31 E.,
Sec. 20, S½NE¼, SE¼NW¼, N½SE¼, SE¼SE¼, NE¼SW¼.

The lands described aggregate 280.00 acres.

The lands are located east of the Gila River with the closest point more than a half mile away. They are rough and mountainous and not subject to cultivation.

The lands described shall be subject to application by the State of Arizona for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction of such highways, as provided by section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 91st day after the date of publication. At that time the said lands shall become subject to application, petition, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the period during which, and the conditions under which veterans and others may file applications on the lands may be obtained on request from the U. S. Land and Survey Office, Phoenix, Arizona.

E. R. SMITH,
*Regional Administrator.*

[F. R. Doc. 53-10055; Filed, Dec. 1, 1953; 8:45 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 77

NOVEMBER 20, 1953.

Pursuant to the authority delegated to me under section 2.21 of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior August 20, 1951 (16 F. R. 8625), I hereby classify as hereinafter indicated under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. Sec. 682a), as amended, the following described public lands in the Anchorage, Alaska Land District:

TALKEETNA AREA

SEWARD MERIDIAN

T. 26 N., R. 4 W.
Section 29: Lot 2, NE¼NW¼.

The land described above is included in the Homestead Entry of Charles J. Tellor, Anchorage 019880.

T. 26 N., R. 4 W.,
Section 29: Lot 1,
Section 30: Lot 3, NE¼NE¼.

The land described above is included in the Homestead Entry of Kyle R. Hare, Anchorage 019545.

Containing approximately 182.49 acres.

Subject to valid existing rights and the provisions of existing withdrawals, this order shall not become effective to permit the initiation of any rights or any disposition under the public land laws until it is so provided by an order to be issued by the Chief, Division of Land Planning, Bureau of Land Management, Region VII, Anchorage, Alaska, opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. Sec. 682a), as amended, with a ninety-one day preference right period for filing such applications by veterans of World War II and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Sec. 279), as amended.

FRED J. WEILER,
*Chief,*
*Division of Land Planning.*

[F. R. Doc. 53-10056; Filed, Dec. 1, 1953; 8:45 a. m.]

[Docket No. DA-410]

STATE OF IDAHO

RESTORATION ORDER UNDER FEDERAL POWER ACT

NOVEMBER 20, 1953.

Pursuant to determination DA-410, Idaho, of the Federal Power Commission and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored under location, entry or selection under the public land laws subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818), as amended, and subject to the stipulation that if the lands, or any of them, are required for power purposes, any structures or improvements located thereon which may be found to interfere with such development will be removed or relocated without expense to the United States, its licensees or permitees.

IDAHO, BOISE MERIDIAN

T. 3 N., R. 41 E.,
Sec. 10, Lots 1 and 2,
Sec. 11, Lots 2, 3, 4, N½SE¼SE¼,
Sec. 15, Lots 6, 7, 8, NW¼NW¼.

The areas described aggregate 277.80 acres.

The lands described lie on the north bank of the Snake River at an elevation of 5,000 feet and the topography is rough and rocky. The lands are sub-marginal in character and are classified for retention in public ownership under Bureau of Land Management administration for range management and public recreational uses. While any application that is filed will be considered on its merits, it is unlikely that any part of the restored land will be classified for any use or purpose other than that shown above.

The land described shall be subject to application by the State of Idaho for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for the construction of such highways, subject to section 24 of the Federal Power Act as amended, and the special stipulations herein provided. This order shall not otherwise affect the status of the land until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time the land shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. sec. 279-284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request in the Land and Survey Office, Boise, Idaho.

W. G. GUERNSEY,
*Regional Administrator.*

[F. R. Doc. 53-10057; Filed, Dec. 1, 1953; 8:45 a. m.]

### Office of the Secretary

[Order No. 2740]

COMMISSIONER OF RECLAMATION

DELEGATION OF AUTHORITY TO APPROVE EXCHANGE OR AMENDMENT OF UNPATENTED FARM UNITS

NOVEMBER 21, 1953.

SECTION 1. *Delegation of authority.* The Commissioner of Reclamation, in accordance with the act of August 13, 1953 (67 Stat. 566), and regulations issued thereunder, may approve the exchange or amendment of unpatented farm units on Federal irrigation projects or farm units of resident owners of private land who may receive the benefits of the act of August 13, 1953, and perform all other acts necessary to effect their exchange or amendment.

SEC. 2 *Redelegation.* The Commissioner of Reclamation may, in writing, redelegate to an Assistant Commissioner of Reclamation, or an official in charge of an office, region, division, district or project of the Bureau of Reclamation, the authority granted in section 1 of this order.

(Sec. 12, Act of August 13, 1953, 67 Stat. 568)

DOUGLAS MCKAY,
*Secretary of the Interior.*

[F. R. Doc. 53-10058; Filed, Dec. 1, 1953; 8:45 a. m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

HAWAIIAN ISLANDS

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF DROUGHT AREAS

Pursuant to the authority delegated to me by the Administrator of the Federal Civilian Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the leeward areas of each of the Hawaiian Islands are determined as of November 16, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on November 10, 1953, pursuant to Public Law 875, 81st Congress.

Done this 27th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10093; Filed, Dec. 1, 1953; 8:48 a. m.]

COLORADO

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civilian Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional county and parts of two other counties are determined as of November 12, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on July 1, 1953, pursuant to Public Law 875, 81st Congress:

COLORADO

El Paso
Custer (only that part lying East and North of San Isabel National Forest)
Fremont (only that part lying East of Range 72 West).

Done this 27th day of November 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10093; Filed, Dec. 1, 1953; 8:53 a. m.]

### Production and Marketing Administration

JIM HOOVER SALES PAVILION, STERLING, COLO., AND COOK BROTHERS LIVESTOCK COMMISSION MARKET, ALEXANDRIA, LA.

DEPOSTING OF STOCKYARDS

It has been ascertained that the Jim Hoover Sales Pavilion, Sterling, Colorado, originally posted on October 27, 1951, under the name Platte Valley Livestock Commission Company, and the Cook Brothers Livestock Commission Market, Alexandria, Louisiana, originally posted on November 1, 1938, under the name Cook & Caldwell Commission Market, as being subject to the Packers and Stock-

yards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer come within the definition of a stockyard under said act for the reason that they are no longer being conducted or operated as public livestock markets. Therefore, notice is given to the owners of the stockyards and to the public that such livestock markets are no longer subject to the provisions of the act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not deposting promptly a stockyard which no longer is within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 25th day of November 1953.

[SEAL] DAVID M. PETTUS,
*Acting Director, Livestock Branch, Production and Marketing Administration.*

[F. R. Doc. 53-10092; Filed, Dec. 1, 1953; 8:53 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 6411 et al.]

AMERICAN AIRLINES, INC., ET AL.

NOTICE OF PREHEARING CONFERENCE

In the matter of an investigation instituted by the Board to determine whether the public convenience and necessity require, and whether the Board should order, the temporary suspension of American's authority to serve Ann Arbor, Battle Creek, Jackson, Kalamazoo and South Bend, in the event the temporary certificates of North Central and/or Lake Central are amended to include the said points, or any combination of said points, on a route segment between Chicago and Detroit.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on December 14, 1953, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Dated at Washington, D. C., November 27, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-10085; Filed, Dec. 1, 1953; 8:52 a. m.]

[Docket No. 4882]

REOPENED NEW YORK-BALBOA THROUGH SERVICE PROCEEDING

NOTICE OF ORAL ARGUMENT

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on December 17, 1953, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 27, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-10088; Filed, Dec. 1, 1953; 8:52 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10740]

ROBERT V. H. SUGDEN

ORDER CONTINUING HEARING

In the matter of Robert V. H. Sugden, Yuma, Arizona; order to show cause why the license of Special Industrial Station KOG-285 should not be revoked.

The Commission having under consideration a motion filed on November 23, 1953, by the Chief, Safety and Special Radio Services Bureau, Federal Communications Commission, requesting that the hearing presently scheduled for December 1, 1953, at Washington, D. C., be continued to a date later to be specified, and

It appearing, that good cause has been shown for a continuance in this matter, but that a designated date for such continued hearing should be set by this order;

*It is ordered*, This 24th day of November 1953, that the motion for continuance is granted, and that the hearing scheduled to be held in this matter on December 1, 1953, is continued to December 11, 1953, at 10:00 a. m. in the offices of the Commission at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10083; Filed, Dec. 1, 1953; 8:51 a. m.]

[Change List No. 8]

CUBA BROADCAST STATIONS

NOTIFICATION OF NEW STATIONS, CHANGES, MODIFICATIONS AND DELETIONS

OCTOBER 27, 1953.

Notification of new Cuban radio stations, and of changes, modifications and deletions of existing stations, in accordance with Part III, section F, of the North American Regional Broadcasting Agreement, Washington, D. C., 1950.

REPUBLIC OF CUBA

| Call letters | Location | Power (kw) | Antenna | Schedule | Class | Date of change |
|---|---|---|---|---|---|---|
| CMDL | Holguin, Oriente (increase in daytime power from 0.25 kw to) | 1 kw | ND | U | III | [illegible] |
| CMKT | Victoria de las Tunas, Oriente (change in location from Holguin, Oriente) | 1 kw | ND | U | II | [illegible] |

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10084; Filed, Dec. 1, 1953; 8:51 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. E-6525, E-6528]

GULF STATES UTILITIES CO. AND IOWA POWER AND LIGHT CO.

NOTICE OF SUPPLEMENTAL ORDERS

NOVEMBER 25, 1953.

Notice is hereby given that on November 24, 1953, the Federal Power Commission issued its orders adopted November 23, 1953, authorizing issuance of securities in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10061; Filed, Dec. 1, 1953; 8:46 a. m.]

[Docket Nos. E-6534, E-653]

MISSOURI PUBLIC SERVICE CO. AND EMPIRE DISTRICT ELECTRIC CO.

NOTICE OF APPLICATION

NOVEMBER 25, 1953.

Take notice that on November 20, 1953, applications were filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by the Empire District Electric Company (hereinafter called Empire), a Kansas corporation doing business in the States of Arkansas, Kansas, Missouri and Oklahoma, with its principal business office at Joplin, Missouri, and by Missouri Public Service Company (hereinafter called Public Service), a Missouri corporation with its principal place of business at Warrensburg, Missouri, seeking an order authorizing the sale by Empire of certain of its facilities to Public Service, and the acquisition and merger of such facilities by Public Service.

Empire proposes to sell, and Public Service seeks to acquire and to merge with its existing facilities, a certain 69 kv electric transmission line extending from the Benton Hickory County line in the State of Missouri for a distance of approximately 27.4 miles northward to a point west of Cole Camp, Missouri, together with a certain 2,000 kva 69-2.3 kv step-down substation located adjacent to the point of termination of the said transmission line. Subject to approval of the Commission, Public Service proposes to pay for the above-described facilities $80,259.50 in cash, an amount stated by Empire to represent the aggregate depreciated original cost thereof; all as more fully appears in the applications on file with the Commission.

Any person desiring to be heard or to make any protest with respect to said applications should on or before the 15th day of December 1953, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10063; Filed, Dec. 1, 1953; 8:47 a. m.]



[Docket No. G-2307]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION

NOVEMBER 24, 1953.

Take notice that on November 10, 1953 Arkansas Louisiana Gas Company (Applicant), a Delaware corporation with its principal place of business in Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the transportation and sale of natural gas, all as hereinafter described.

The facilities which Applicant proposes to construct and operate include the following:

(a) A 10,500 horsepower compressor station located in Columbia County, Arkansas, near the town of Taylor, Arkansas.

(b) Approximately 7.8 miles of 8⅝" O. D. pipeline from the end of existing Line LT-1 extending in a northerly direction to Arkansas Power & Light Company's Stamps Plant in Columbia County, Arkansas, together with the necessary meter and scrubber facilities.

(c) Approximately 6 miles of 12¾" O. D. loop line extending from existing Perla Regulating Station northwesterly, parallel to existing line LM-2 located in Hot Spring County, Arkansas.

(d) Approximately 0.56 mile of reclaimed 16" O. D. pipeline from Station 503+52 on existing Line AM-108 extending in an easterly direction for approximately 1,711 feet and in a northerly direction for approximately 1,229 feet to Arkansas Power & Light Company's new Lynch Plant located in Pulaska County, Arkansas, together with the necessary meter and scrubber facilities.

(e) Approximately 19 miles of 20" O. D. pipeline, starting at a point on Line "S" at Applicant's Waskom Gasoline Plant and extending in a southwesterly direction to Applicant's Carthage Gasoline Plant, and approximately 14.7 miles of 16" O. D. pipeline, extending in a southwesterly direction from said Carthage Gasoline Plant to the gasoline plant of the Carthage Corporation, thence to the Panola Gasoline Plant of Arkansas Fuel Oil Corporation, together with the necessary metering facilities.

(f) Approximately 13.8 miles of 20" O. D. pipeline replacing 13.8 miles of 12¾" O. D. pipe in existing Line LM-4 extending from Bauxite, Arkansas, in a northeasterly direction to the junction of Line LM-4 and Line AM-108, located in Pulaska County, Arkansas.

(g) Approximately 24.2 miles of 24" O. D. loop pipeline extending from proposed Taylor Compressor Station southwesterly parallel to existing Line "S" located in Columbia County, Arkansas, Webster Parish, Louisiana and Bossier Parish, Louisiana.

(h) Approximately 6.2 miles of 24" O. D. loop pipeline extending from proposed Taylor Compressor Station northeasterly parallel to existing Line "S" located in Columbia County, Arkansas.

(i) Approximately 15.8 miles of 24" O. D. loop pipeline extending from existing Bierne Compressor Station northeasterly parallel to existing Lines "S", "A" and "L" located in Clark County, Arkansas.

The application recites that:

The facilities here proposed to be constructed are urgently required to enable Applicant to keep abreast of the constantly increasing natural gas requirements of customers of Applicant's present system. During 1950, Applicant served an average of 181,036 customers in its distribution plants. During 1953, it is estimated that an average of 217,206 customers will be served, and during 1956 an average of 256,902. This is a gain, between 1950 and 1956, of 75,866 customers (41.9 percent), of whom 70,073 are residential, 5,650 are commercial, and 143 are industrial.

Further comparison between 1956 (estimated) and 1950 shows an increase in system requirements (sales plus company used and unaccounted for gas) of 79,502,287 Mcf, amounting to 56.6 percent.

The estimated cost of Applicant's proposed project approximates $1,190,184. Such facilities will be financed from funds on hand, from funds provided from internal sources and to the extent necessary to the issuance of securities.

Protests or petitions to intervene may be filed with the Federal Power Comission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 14th day of December 1953.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10062; Filed, Dec. 1, 1953; 8:46 a. m.]

## HOUSING AND HOME FINANCE AGENCY

### Office of the Administrator

ASSISTANT REGIONAL REPRESENTATIVE, REGION II, ATLANTA, GA.

REDELEGATION OF AUTHORITY TO PERFORM FUNCTIONS IN CONNECTION WITH DEFENSE HOUSING AUTHORIZED UNDER HHFA REGULATION CR 3

The Assistant Regional Representative, Region II, is hereby authorized, within the area under his jurisdiction, to take any action which it is necessary or appropriate for the Housing and Home Finance Administrator to take in the administration of Housing and Home Finance Agency Regulation CR 3 (as amended and revised July 18, 1953, 17 F. R. 6585, with any subsequent amendments thereto) with respect to releasing applicants or their successors from their obligations under CR 3:

(a) To hold for rent structures containing one-family dwelling units,

(b) To hold any dwelling units for sale, and

(c) To exclusively offer any dwelling units to eligible defense workers.

(Delegation of Authority, effective October 2, 1953, 18 F. R. 6324 (October 2, 1953).)

Effective this 20th day of November 1953.

[SEAL] J. H. DUPUY,
*Regional Representative, Region II.*

[F. R. Doc. 53-10068; Filed, Dec. 1, 1953; 8:48 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3146]

DELAWARE POWER & LIGHT CO.

SUPPLEMENTAL ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

NOVEMBER 25, 1953.

Delaware Power & Light Company ("Delaware"), a registered holding company and a public utility company, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 regarding the issuance and sale of 232,520 shares of its Common Stock, par value $13.50 per share, which will be offered to stockholders in accordance with their preemptive rights at a subscription price fixed by Delaware and upon the basis of one share for each seven shares; and such declaration stating that transferable warrants evidencing the right to subscribe will be issued to common stockholders of record as of the close of business on November 25, 1953, that subject to such rights of the stockholders, the

stock will also be offered at the subscription price to employees of Delaware and its subsidiaries in an amount not exceeding 150 shares per employee, and that Delaware will, pursuant to the competitive bidding requirements of Rule U-50, invite competitive bids for the purchase at the subscription price of such shares as are not subscribed for by the stockholders and employees, such bids specifying the compensation to be paid to the successful bidders for purchasing such shares at the subscription price; and

The Commission by order dated November 17, 1953, having permitted the declaration to become effective subject to the condition among others that the proposed issuance and sale of stock shall not be consummated until the subscription price and the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding and a further order shall have been entered with respect thereto; and jurisdiction having been reserved over the payment of fees and expenses to be incurred in connection with the proposed transaction; and

Delaware having on November 25, 1953, filed an amendment to said declaration specifying a subscription price of $24 per share and having received the following bids for shares not subscribed for by stockholders or employees:

| Name of bidder | Amount of compensation to bidder | Net aggregate proceeds to Delaware |
|---|---|---|
| W. C. Langley & Co. and Union Securities Corp. | $27,000.00 | $5,552,580.00 |
| Kidder Peabody & Co. | 30,881.00 | 5,549,586.00 |
| Carl M. Loeb, Rhoades & Co. | 31,251.42 | 5,549,228.58 |
| Blyth & Co., Inc. | 39,528.00 | 5,540,952.00 |
| White, Weld & Co. | 45,481.24 | 5,536,998.76 |
| Lehman Bros. | 44,178.80 | 5,536,301.20 |

The amendment further stating that Delaware has accepted the bid of W. C. Langley & Co. and Union Securities Corporation for the common stock as set forth above; and

The amendment further setting forth fees and expenses estimated to be incurred by Delaware in connection with the proposed transaction as follows: $27,000 for filing, listing, printing, taxes, etc.; $5,000 to Berl, Potter & Anderson, Counsel for Delaware; $3,000 for the services of Drexel & Co., financial adviser; $25,000 for fees and expenses of transfer and warrant agents; and not in excess of $5,000 to Townsend, Elliott & Munson, Counsel for underwriters, which fee is to be paid by the underwriters; and

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said stock and the compensation to be paid the underwriters for their purchase of said stock; and

It appearing that the fees and expenses, if not in excess of the estimate, are not unreasonable and that jurisdiction with respect thereto should be released.

*It is hereby ordered*, That the declaration, as amended, be permitted to become effective forthwith, and that the jurisdiction heretofore reserved with respect to the subscription price of the common stock and the results of competitive bidding pursuant to Rule U-50, and in respect of all fees and expenses, be, and the same hereby is, released, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10065; Filed, Dec. 1, 1953; 8:47 a. m.]

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[File No. 813-17]

TREFORD CORP.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION FROM THE ACT AS EMPLOYEES' SECURITIES COMPANY

Notice is hereby given that Treford Corporation ("Treford"), a New York corporation, has filed an application pursuant to section 6 (b) of the act for an order exempting it as an employees securities company, from all of the provisions of the act, or, in the alternative, exempting it from the following sections of the act and the rules promulgated thereunder: Section 7, section 8 except that Treford shall file the information called for by Part V of Form N-8B-1 entitled "Policy of Registrant"; section 10 (a), section 14, section 17 (a) to the extent that Treford shall be permitted to purchase from Edward J. Devlin, Jr., the balance of his stock of Walter B. Cooke, Inc. ("Cooke"), pursuant to a contract entered into by Treford and said Devlin on July 30, 1953, section 17 (f) and Rule N-17F-2, section 20 (a) and Rule N-20A-1, section 23 (b), section 23 (c) and Rule N-23C-1, section 30 (a) and Rule N-30A-1 other than the requirement to file the information called for by Part V of Form N-30A-1 entitled "Policy of Registrant", section 30 (d) and Rule N-30D-1 to the extent that Treford shall be permitted to transmit reports to stockholders annually instead of semi-annually, section 30 (f) and Rule N-30F-2 to the extent that a person required to file Form N-30F-2 shall not be required to file such reports more often than once each six months, and section 32 (a).

Treford was organized on June 19, 1953, and to date has issued and sold 5,810 shares at a price of $50 per share. Treford was formed for the purpose of enabling the employees of Cooke and Hygrade Casket Corporation ("Hygrade") to acquire and operate respective businesses, which are the operation of a chain of funeral homes and the manufacture and sale of caskets, respectively.

On July 30, 1953, Treford entered into an agreement with Devlin, who with his wife owned 58.77 percent of Cooke and Hygrade, under which Treford agreed to purchase 178 shares (19.83 percent) of the outstanding stock of Cooke, for $198,328 ($1,114.21 per share) and obtained an option to purchase in lots of not less than 10 shares the balance of Devlin's holdings of 349½ shares of Cooke for a price of $1,114.21 per share. The balance of the Cooke stock is owned by members of Devlin's immediate family, and the estate of a deceased brother. In an event Treford fails to exercise the option, Devlin has the right to buy back all of the shares theretofore purchased by Treford pursuant to said option at the same price per share. This does not include the original purchase of 178 shares. Until the option is fully exercised or until the death of Devlin, the shares of Cooke purchased by Treford are to be held in a Voting Trust of which Devlin will be the sole Voting Trustee.

Treford issued and sold the 5,810 shares of its common stock referred to above and used the proceeds to pay for its organization and for the initial purchase of Cooke's stock, and to provide for working capital and funds to be applied to the purchase of additional shares of stock of Cooke. Such sales of Treford's stock were made solely to the employees of Cooke and Hygrade, and the application represents that all of Treford's stock is owned beneficially by employees of Cooke and Hygrade. Accordingly, Treford is an employee securities company within the meaning of section 2 (a) (13) (A) of the act.

Section 6 (b) provides that upon application by an employees security company, the Commission shall by order exempt such company from the provisions of the act and of the rules and regulations hereunder, if and to the extent that such exemption is consistent with the protection of investors. In determining the provisions to which such an order shall apply, the Commission shall give due weight, among other things, to the form of organization and the capital structure of such company, the persons by whom its voting securities, evidences of indebtedness, and other securities are owned and controlled, the prices at which securities issued by such company are sold and the sales load thereon, the disposition of the proceeds of such sales, the character of the securities in which such proceeds are invested, and any relationship between such company and the issuer of any such security.

Notice is further given that any interested person may, not later than December 4, 1953, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10066; Filed, Dec. 1, 1953; 8:47 a. m.]


# FEDERAL REGISTER

VOLUME 18 NUMBER 235

*Washington, Thursday, December 3, 1953*


## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10502

SUSPENDING CERTAIN STATUTORY PROVISIONS RELATING TO EMPLOYMENT IN THE CANAL ZONE

By virtue of the authority vested in me by section 103 of the Civil Functions Appropriations Act, 1954 (Public Law 153, 83d Congress), and section 615 of the Department of Defense Appropriation Act, 1954 (Public Law 179, 83d Congress), relating to certain kinds of employment in the Canal Zone, and deeming such course to be in the public interest, I hereby suspend, from and including the effective date of the said acts, compliance with the provisions of the said sections: *Provided*, that this suspension shall not be construed to affect the provisions of the said sections relating to the amount of compensation that may be received by persons employed in skilled, technical, clerical, administrative, executive or supervisory positions on the Canal Zone directly or indirectly by any branch of the United States Government or by any corporation or company the stock of which is owned wholly or in part by the United States Government.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*December 1, 1953.*

[F. R. Doc. 53-10163; Filed, Dec. 1, 1953; 3:38 p. m.]

### EXECUTIVE ORDER 10503

AMENDMENT OF EXECUTIVE ORDER NO. 10011,[1] AS AMENDED, AUTHORIZING THE SECRETARY OF STATE TO EXERCISE CERTAIN POWERS OF THE PRESIDENT WITH RESPECT TO THE GRANTING OF ALLOWANCES AND ALLOTMENTS TO GOVERNMENT PERSONNEL ON FOREIGN DUTY

By virtue of the authority vested in me by section 301 of title 3 of the United States Code (65 Stat. 713), it is ordered that section 1(d) of Executive Order No. 10011 as last amended by Executive Order No. 10391 of September 3, 1952, authorizing the Secretary of State to exercise certain powers of the President with respect to the granting of allowances and allotments to Government personnel on foreign duty, be, and it is hereby, amended to read as follows:

"(d) The authority vested in the President by section 1303 of the Supplemental Appropriation Act, 1954 (Public Law 207, 83rd Congress), or by any reenactment of the provisions of such section, and by section 302 of the United States Information and Educational Exchange Act of 1948 (62 Stat. 8) to prescribe, with respect to civilian officers and employees of the Government, regulations governing living-quarters allowances, cost-of-living allowances, and representation allowances in accordance with, or similar to, such allowances authorized by the said act of June 26, 1930, or the said section 901 of the Foreign Service Act of 1946.

This order shall be effective as of July 1, 1953.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*December 1, 1953.*

[F. R. Doc. 53-10169; Filed, Dec. 1, 1953; 8:38 p. m.]

[1] 3 CFR 1948 Supp.; 13 F. R. 6263.

### EXECUTIVE ORDER 10504

TRANSFERRING CERTAIN FUNCTIONS, POWERS, AND DUTIES TO THE SMALL BUSINESS ADMINISTRATION

By virtue of the authority vested in me by section 218 of the Small Business Act of 1953 (Title II, Public Law 163, 83rd Congress; 67 Stat. 232, 239), and as President of the United States, it is ordered as follows:

SECTION 1. There are hereby transferred and assigned to the Small Business Administrator all functions, powers, and duties of the Small Defense Plants Administration, its Administrator, and other officers, relating to the liquidation of the Small Defense Plants Administration, including, without limiting the generality of the foregoing, all remaining functions, powers, and duties with respect to (a) contracts entered into pursuant to subdivisions (B), (C), and (D) of section 714 (b) (1) of the Defense Production Act of 1950, as amended; (b) certificates of competency issued pursu-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

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# RULES AND REGULATIONS

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, the position listed below is added to § 6.309.

§ 6.309 *Post Office Department.*

* * *

(d) *Bureau of Personnel.* (1) Confidential assistant to the Assistant Postmaster General.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 53-10109; Filed, Dec. 2, 1953; 8:51 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter I—Farm Credit Administration, Department of Agriculture

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

BONDS

Part 10 of Title 6 of the Code of Federal Regulations (18 F. R. 4779) is hereby amended to include three new sections: § 10.294a *Exchanges and assignments of consolidated bonds,* § 10.294b *Basis of relief on account of lost, stolen, destroyed, mutilated or defaced consolidated bonds or coupons,* and § 10.294c *Claims and proof for lost, stolen, destroyed, mutilated or defaced consolidated bonds or coupons;* and §§ 10.295 and 10.296 thereof are hereby amended, so that such §§ 10.294a, 10.294b, 10.294c, 10.295 and 10.296 shall read as follows:

§ 10.294a *Exchanges and assignments of consolidated bonds.* Consolidated bonds issued by the 12 Federal land banks may be exchanged for bonds of the same issue, and assignments of registered consolidated bonds of all issues may be effected, under and in accordance with the regulations of the United States Treasury Department governing exchanges and transfers of United States bonds.

§ 10.294b *Basis of relief on account of lost, stolen, destroyed, mutilated or defaced consolidated bonds or coupons.* The statutes of the United States, now or hereafter in force, and the regulations of the Treasury Department, now or hereafter in force, governing relief on account of the loss, theft, destruction, mutilation, or defacement of United States securities, and the regulations of the Treasury Department, now or hereafter in force, governing the payment of mutilated or defaced coupons of United States securities, so far as such statutes and regulations may be applicable, and as modified to relate to consolidated Federal farm loan bonds, and coupons of such bonds, shall govern the granting of relief on account of lost, stolen, destroyed, mutilated, or defaced consolidated Federal farm loan bonds, and mutilated or defaced coupons of such bonds.

§ 10.294c *Claims and proof for lost, stolen, destroyed, mutilated or defaced consolidated bonds or coupons.* Claims shall be presented, and proof shall be made by applicants for relief on account of the loss, theft, destruction, mutilation, or defacement of consolidated Federal farm loan bonds, and the mutilation or defacement of coupons of such bonds, in accordance with the statutes of the United States, now or hereafter in force, and the regulations of the Treasury Department, now or hereafter in force, with respect to securities of the United States, and coupons of such securities.

§ 10.295 *Payment of lost or stolen bonds and coupons issued by a bank individually.* Whenever it appears by clear and satisfactory evidence that any interest-bearing bond or any coupon thereof issued by any Federal land bank has, without bad faith on the part of the owner, been lost, stolen, or destroyed, and is not lawfully held by any person as his own property, or has been so mutilated or defaced as to impair its value to the owner, and is identified by number and description, the bank of issue may make payment (upon approval of the proofs of loss, etc., bonds of indemnity and related papers filed with the banks of issue in such cases, detailed information as to which has been furnished the banks) without requiring the issuance of any new bonds for record purposes.

§ 10.296 *Owner of lost bond to file bond of indemnity.* The owner of any

ant to section 714 (e) (6) and section 714 (f) (1) of the said act; and (c) payment of obligations incurred against any appropriation or fund made available to the Small Defense Plants Administration.

SEC. 2. The said functions, powers, and duties shall be administered by the Small Business Administrator or, subject to his direction and control, by such officers and employees of the Small Business Administration as he shall designate.

SEC. 3. There shall be transferred to the Small Business Administration the records, property, and unexpended balances of appropriations and other funds of the Small Defense Plants Administration which relate to the functions, powers, and duties transferred and assigned by section 1 of this order.

SEC. 4. This order shall become effective at the close of business on November 30, 1953.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*December 1, 1953.*

[F. R. Doc. 53-10170; Filed, Dec. 1, 1953; 3:38 p. m.]

such lost, stolen, or destroyed bond or coupon shall file with the bank of issue a bond of indemnity in a penal sum equal to the face amount of the bond or coupon, plus an amount sufficient to protect the bank from any loss on account of interest which may be payable on such lost, stolen, or destroyed bond. A corporate surety to be approved by the bank of issue shall be required for the bond of indemnity when the penal sum exceeds $50.

(Sec. 20, 39 Stat. 377; 12 U. S. C. 862)

[SEAL] CARL COLVIN,
*Acting Land Bank Commissioner.*

[F. R. Doc. 53-10131; Filed, Dec. 2, 1953; 8:57 a. m.]

## TITLE 7—AGRICULTURE

### Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS

GRADES OF FROZEN CONCENTRATE FOR LEMONADE

In F. R. Doc. 53-9717, the issue for Wednesday, November 18, 1953, the following correction has been made:

In § 52.418, paragraph (d), subparagraph (3) *Flavor*, subdivision (i), page 7293, change "a score of 50 to 60 points" in line four (4) to read "a score of 51 to 60 points", and in the table for paragraph (h) on page 7294, change each parenthetical reference of "(C)" to "(B)."

Done at Washington, D. C., this 30th day of November 1953.

[SEAL] GEORGE A. DICE,
*Deputy Administrator, Production and Marketing Administration.*

[F. R. Doc. 53-10132; Filed, Dec. 2, 1953; 8:57 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS

GRADES OF CANNED CONCENTRATED ORANGE JUICE

In F. R. Doc. 53-9547, appearing at page 7156 of the issue for Wednesday, November 11, 1953, § 52.491, paragraph (h) *Score sheet for canned concentrated orange juice*, insert as the seventh line the following addition:

Style ( ) I; ( ) II ------: -----

Done at Washington, D. C., this 30th day of November 1953.

[SEAL] GEORGE A. DICE,
*Deputy Administrator, Production and Marketing Administration.*

[F. R. Doc. 53-10133; Filed, Dec. 2, 1953; 8:58 a. m.]

## TITLE 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

SUBCHAPTER B—IMMIGRATION REGULATIONS

PART 212—DOCUMENTARY REQUIREMENTS FOR NONIMMIGRANT; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

WAIVER OF DOCUMENTARY REQUIREMENTS

Paragraph (f) of § 212.3 of Chapter I of Title 8 of the Code of Federal Regulations is amended and a new paragraph (h) is added to that section to read, when taken with the introductory material, as follows:

§ 212.3 *Nonimmigrants not required to present passports, visas, or border-crossing identification cards.* The provisions of section 212 (a) (26) of the Immigration and Nationality Act and of this chapter relating to the requirement of passports, visas, and border-crossing identification cards for nonimmigrants, have been waived by the Secretary of State and the Attorney General, acting jointly in pursuance of the authority contained in section 212 (d) (4) of the Immigration and Nationality Act, in the cases of aliens (including alien crewmen) who fall within any of the following-described categories and who are otherwise qualified for admission as nonimmigrants under the applicable provisions of the immigration laws:

* * * * *

(f) An alien not within the purview of paragraph (e) of this section who is being transported in immediate and continuous transit through the United States without stopover from one foreign place to another in accordance with the terms of a contract, including a bonding agreement, entered into by a transportation line and the Attorney General under the provisions of section 238 (d) of the Immigration and Nationality Act, to insure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country: *Provided*, That such alien is in possession of a travel document which is valid for his entry into a foreign country for a period of not less than 60 days after the date of immediate and continuous transit through the United States: *And provided further*, That at all times such alien is not aboard an aircraft which is in flight through the United States he shall be in the custody of an officer of the United States or, if the Attorney General finds that such custody is not practicable, in such other custody as the Attorney General may approve.

* * * * *

(h) A national of Cuba who is a crewman serving on board a Cuban military or naval aircraft and who makes application for admission into the United States in connection with his official duties.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

NOTE: The record-keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relieve restrictions and are clearly advantageous to persons affected thereby.

Dated: November 23, 1953

HERBERT BROWNELL, Jr.,
*Attorney General.*

Recommended: November 5, 1953.

ARGYLE R. MACKEY,
*Commissioner of Immigration and Naturalization.*

[F. R. Doc. 53-10037; Filed, Dec. 2, 1953; 8:45 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 5828]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HOLTITE MANUFACTURING CO. ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 3.715 *Charges and price differentials;* § 3.770 *Quantity rebates or discounts;* § 3.785 *Terms and conditions.* In connection with the sale of leather and rubber heels and soles, leather and rubber shoe repair materials and other products known commercially as findings, such as shoe polish, saddle soap, nails, laces, heel plates and shoe machinery, in commerce; and on the part of respondent corporations, their officers, etc.; certain respondents, individually, and as officers of said corporations, their representatives, etc.; respondent Klinger, doing business as A. Leveton Company, his agents, etc.; and six respondents, individually and as partners, doing business as Reick, Langendorf and Company, their representatives, etc.; severally, jointly, or with any other individual, firm or corporation, directly or indirectly, discriminating in price between different purchasers of said products by selling products of like grade and quality to any purchaser at prices lower than those granted other purchasers who in fact compete, or whose customers compete, with the favored purchaser or purchasers, in the resale or distribution of such products; prohibited, subject to the provision that for the purpose of comparison, the term "price" as used in the order takes into account discounts, volume or otherwise, rebates, allowances and other terms and conditions of sale.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Holtite Manufacturing Company et al., Baltimore, Md., Docket 5828, October 22, 1953]



*In the Matter of Holtite Manufacturing Company, a Corporation; Morris Eisen, President, Larry L. Esterson, Vice-President, Albert A. Esterson, Secretary-Treasurer, Individually and as Officers of Holtite Manufacturing Company; Cat's Paw Rubber Company, Inc., a Corporation; Albert A. Esterson, President, Larry L. Esterson, Vice-President, and Morris Eisen, Secretary-Treasurer, Individually and as Officers of Cat's Paw Rubber Company, Inc.; Jack Klinger, Doing Business as A. Leveton Company; K. Kaplan Sons and Company, a Corporation; Rudolph E. Kaplan, President, Eli E. Kaplan, Secretary-Treasurer, Individually and as Officers of K. Kaplan Sons and Company; and Rudolph E. Kaplan, Eli E. Kaplan, I. Gilbert Kaplan, Sidney Kaplan, Rubin Chupack, and Edwin Kardon, Doing Business as Reick, Langendorf and Company, a Partnership*

This proceeding was heard by Frank Hier, Hearing Examiner, upon the complaint of the Commission, answer of certain respondents, and substituted amended answers of the other respondents, in which answer and substituted amended answers, said various respondents admitted all the material allegations of the complaint and waived all intervening procedure and further hearing as to the facts.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, answer and amended answers thereto, and said examiner, having duly considered the record in the matter, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

Thereafter, following respondents' appeal from said initial decision, the matter was disposed of by the Commission's "Order Denying Respondents' Appeal from Initial Decision; Decision of the Commission and Order to File Report of Compliance", dated October 30, 1953, as follows:

This matter came on to be heard by the Federal Trade Commission upon an appeal by all of the respondents herein with the exception of Jack Klinger from the initial decision of the hearing examiner, briefs in support of and in opposition to said appeal and oral argument thereon, an order granting leave to respondents to show cause why the form of order contained in the initial decision should not be entered as the order to cease and desist of the Commission, respondents' objections stated in answer to said order to show cause, and answer of counsel supporting complaint in opposition to said objections.

The record herein consists of a complaint and respondents' answers admitting all of the material allegations of fact. These answers were filed by respondents after an agreement had been reached between them and counsel supporting the complaint as to the form of proposed order which would be urged by all counsel. It was clearly understood, however, that the Commission was not bound to issue its order to cease and desist in the form proposed. The hearing examiner in his initial decision varied from the form of the proposed order by omitting from its provisos which, in effect, state that the defenses of cost justification and of meeting the equally low price of a competitor are available to respondents under the order. Respondents appealed from this initial decision on the ground that the exclusion of these provisos took from them substantial rights to which they are entitled. Further objection was made to the entry of any order to cease and desist herein prior to disposition by the Commission of the cases in Docket Nos. 6042, 6043, 6044 and 6045, involving competitors' pricing practices.

Respondents' contention that the omission of the provisos from the order is erroneous is of no merit. The Supreme Court of the United States in Federal Trade Commission v. The Ruberoid Co., 343 U. S. 470 (1952) stated that such provisos are necessarily implicit in every such order of the Commission. However, as stated by that court, the implicit availability of these defenses does not allow respondents to relitigate issues already decided by the proceeding before the Commission which resulted in the order to cease and desist. Thus, the only difference between the proposed order and the order adopted by the hearing examiner is that the proposed order would allow respondents to relitigate on the questions of meeting competition and cost justification in a proceeding for violation of the order on the same facts as considered herein. The Commission is of the opinion that the order contained in the initial decision provides the more adequate relief from the complained of practices and is proper in all respects.

As to respondents' contention that no order should be issued herein until its disposition of the cases in Docket Nos. 6042, 6043, 6044 and 6045 involving competitors' pricing practices, the Commission, on August 5, 1953, issued its decision accepting a consent settlement containing an order to cease and desist in each of these cases. The basis for this objection, therefore, has been eliminated.

The Commission, therefore, being of the opinion that respondents' grounds for appeal are of no merit and that the initial decision of the hearing examiner is appropriate in all respects to dispose of this proceeding:

*It is ordered*, That respondents' appeal from the initial decision of the hearing examiner be, and it hereby is, denied.

*It is further ordered*, That the initial decision of the hearing examiner shall, on the 22d day of October 1953, become the decision of the Commission.

*It is further ordered*, That the respondents shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in said initial decision, a copy of which is attached hereto.[1]

The order in said initial decision, thus made the decision of the Commission, is as follows:

*It is ordered*, That respondents Holtite Manufacturing Company, a corporation, Cat's Paw Rubber Company, Inc., a corporation, K. Kaplan Sons and Company, a corporation, their officers, agents, representatives and employees, respondents Morris Eisen, Larry L. Esterson, Albert A. Esterson, Rudolph E. Kaplan and Eli E. Kaplan, individually and as officers of the named corporations, their representatives, employees and agents, respondent Jack Klinger, doing business as A. Leveton Company, or under any other name, his agents, employees and representatives, and respondents Rudolph E. Kaplan, Eli E. Kaplan, I. Gilbert Kaplan, Sidney Kaplan, Rubin Chupack and Edwin Kardon, individually and as partners doing business under the name of Reick, Langendorf and Company, a partnership, or under any other partnership or firm name, their representatives, agents and employees, directly or through any corporate or other device, in connection with the sale of leather and rubber heels and soles, leather and rubber shoe repair materials and other products known commercially as findings, such as shoe polish, saddle soap, nails, laces, heel plates and shoe machinery, in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist, severally, jointly or with any other individual, firm or corporation, directly or indirectly, from discriminating in price between different purchasers of said products by selling products of like grade and quality to any purchaser at prices lower than those granted other purchasers who in fact compete, or whose customers compete, with the favored purchaser or purchasers, in the resale or distribution of such products.

For the purpose of comparison, the term "price" as used in this order takes into account discounts, volume or otherwise, rebates, allowances and other terms and conditions of sale.

Issued: October 30, 1953.

[SEAL] ALEX AKERMAN, Jr.,
*Secretary.*

[F. R. Doc. 53-10097; Filed, Dec. 2, 1953; 8:48 a. m.]

[Docket 6114]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SAXONY WOOL CORPORATION OF NEW YORK ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition; Wool Products Labeling Act;* § 3.1325 *Source or origin—Maker or seller—Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act;* § 3.1900 *Source or origin—Wool Products Labeling Act.* In connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transporta-

[1] Filed as part of the original document.

tion or distribution, in commerce, of fibrous stocks, or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as those terms are defined in said act, misbranding said products by: (1) Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein; (2) failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product of any nonfibrous loading, filling or adulterating matter; (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof, in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; (3) falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as containing hair or fleece of the Cashmere goat when such is not the fact; and (4) stamping, tagging, labeling or otherwise identifying such products as containing the hair or fleece of the Cashmere goat without setting out in a clear and conspicuous manner on each such stamp, tag, label or other identification the percentage of such cashmere therein; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said act or the Rules and Regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722, sec. 6, 54 Stat. 1131; 15 U. S. C. 46, 68d. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Saxony Wool Corporation of New York et al., New York, N. Y., Docket 6114, October 29, 1953.]

*In the Matter of Saxony Wool Corporation of New York, a Corporation, and Ralph Rubinger and Ann Rivlin, Individually*

This proceeding was instituted by complaint which charged respondents with the use of unfair and deceptive acts and practices in violation of the provisions of the Federal Trade Commission Act and the Wool Products Labeling Act of 1939.

It was disposed of, as announced by the Commission's "Notice" dated November 2, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith,[1] was accepted by the Commission on October 29, 1953, and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

The time for filing report of compliance pursuant to the aforesaid order runs from the date of service hereof.

Said order, including order to cease and desist, and order of dismissal as to a certain respondent, thus entered of record, following the findings as to the facts[1] and conclusion,[1] reads as follows:

*It is ordered*, That the respondents, Saxony Wool Corporation of New York, a corporation, and its officers, and Ralph Rubinger individually, and respondents' respective representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution, in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of fibrous stocks, or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any non-fibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof, in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

3. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as containing hair or fleece of the Cashmere goat when such is not the fact;

4. Stamping, tagging, labeling or otherwise identifying such products as containing the hair or fleece of the Cashmere goat without setting out in a clear and conspicuous manner on each such stamp, tag, label or other identification the percentage of such cashmere therein.

*Provided*, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

*It is further ordered*, That the complaint herein in so far as it relates to Ann Rivlin, individually, be, and the same is hereby dismissed, it being understood, however, that this action shall not be construed to prevent the application of this order to the said Ann Rivlin as an officer of the Saxony Wool Corporation of New York.

*It is further ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and entered of record on this 29th day of October 1953.

Issued: November 2, 1953.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, Jr., *Secretary.*

[F. R. Doc. 53-10098; Filed, Dec. 2, 1953; 8:48 a. m.]

[1] Filed as part of the original document.

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

EXEMPTING CERTAIN ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS FROM CERTIFICATION

Under authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 507 (c), 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357 (c); 67 Stat. 18), I find that the requirements of sections 502 (l) and 507 of the act with respect to penicillin troches, buffered crystalline penicillin, and bacitracin ointment which meet certain requirements and are used for certain conditions, are no longer necessary to insure safety and efficacy of such drugs when used in such manner, and hereby promulgate the following amendments exempting such drugs from the requirements:

1. Section 146.30 is amended by adding the following new paragraph:

§ 146.30 *Penicillin troches.* • • •

(f) *Exemption of penicillin troches from certification.* Penicillin troches that conform to the requirements of paragraphs (a), (b), and (c) of this section, except paragraph (c) (1) (iii), of this section, shall be exempt (unless they contain crystalline penicillin 0 or 1-ephenamine penicillin) from the requirements of sections 502 (l) and 507 of the act, if they comply with the following conditions:

(1) The outside wrapper or container and the immediate container bear an expiration date not more than 48 months after the month during which the batch was last assayed and released by the manufacturer; and

(2) The brochure, printed matter, and circular referred to in paragraph (c) (2) (iii) of this section bear information that the drug is for use only as a local treatment for Vincent's infection (Vincent's angina) and as an adjunct in pericoronitis and other superficial dental infections due to penicillin-sensitive organisms; and further, that such brochure, printed matter, and circular bear directions and warnings adequate for such use by practitioners licensed by law to administer such drug.

2. Section 146.37 is amended by adding the following new paragraph:

§ 146.37 *Buffered crystalline penicillin.* • • •

(f) *Exemption of buffered crystalline penicillin G from certification.* Buffered crystalline penicillin G that conforms to the requirements of this section shall be exempt from the requirements of sections 502 (l) and 507 of the act, if it complies with the following conditions:

(1) The outside wrapper or container and the immediate container bear an expiration date not more than 36 months after the month during which the batch was last assayed and released by the manufacturer; and

(2) It is intended for use by man and the brochure, printed matter, and the circular referred to in § 146.24 (c) (3) (iii) bear information that the drug is for use in the treatment of the following conditions; and further, that such brochure, printed matter, and circular bear directions and warnings adequate for such uses by practitioners licensed by law to administer such drug:

(i) Staphylococcic infections with and without bacteremia.

(ii) Hemolytic streptococcic infections including bacteremia.

(iii) Anaerobic streptococcic infections.

(iv) Pneumococcic infections.

(v) Gonococcic infections.

(vi) Syphilis.

(vii) Anthrax.

(viii) As an adjunct to specific antitoxin therapy for clostridial infections.

(ix) Bacterial endocarditis due to penicillin-sensitive organisms.

(x) Diphtheria, with antitoxin therapy.

(xi) Pulmonary suppuration due to penicillin-sensitive organisms.

(xii) Vincent's infection.

(xiii) Erysipeloid (swine erysipelas).

(xiv) Meningococcic infections.

(xv) For the prevention of possible secondary infection following tonsillectomy and tooth extraction in patients with a history of rheumatic fever or rheumatic heart disease, in congenital heart disease, and in other conditions in which secondary infection may occur; or

(3) It is intended solely for veterinary use and is conspicuously so labeled, and its labeling bears information that the drug is for use only in the treatment of one or more of the following conditions, and further, bears directions and warnings adequate for such use:

(i) Bovine mastitis caused by Streptococcus agalactiae.

(ii) Leptospirosis in dogs.

(iii) Osteomyelitis.

(iv) Peritonitis.

(v) Strangles of horses.

(vi) Equine pneumonia.

(vii) Early tetanus, with antitoxin therapy.

(viii) Calf pneumonia.

(ix) Calf diphtheria.

(x) Pyelonephritis in cattle.

(xi) Blackleg.

(xii) Malignant edema.

(xiii) Early anthrax.

(xiv) Metritis.

(xv) Bovine actinomycosis.

(xvi) Swine erysipelas in turkeys.

If such drug is represented for use as a treatment for mastitis, its labeling shall bear the statement, "Important: Milk from treated segments of udders should be discarded or used for purposes other than human consumption for at least 72 hours after the last treatment."

3. In § 146.60, the introduction to paragraph (a) is amended to read:

§ 146.60 *Penicillin-bacitracin troches.* (a) Penicillin-bacitracin troches conform to all the requirements prescribed by § 146.30 for penicillin troches, and are subject to all procedures prescribed by § 146.30 for penicillin troches, except paragraph (f) of that section, and except that:

4. Section 146.402 is amended by adding the following new paragraph:

§ 146.402 *Bacitracin ointment.* • • •

(f) *Exemption of bacitracin ointment from certification.* Bacitracin ointment that conforms to the requirements of paragraphs (a), (b), and (c) of this section, except paragraph (c) (1) (iv) of this section, shall be exempt (unless it is the powder preparation described in paragraph (a) or it contains an antifungal agent, rotenone, or cortisone acetate) from the requirements of sections 502 (l) and 507 of the act, if it complies with the following conditions:

(1) The outside wrapper or container and the immediate container bear an expiration date not more than 24 months after the month during which the batch was last assayed and released by the manufacturer; and

(2) It is intended for use by man and is packaged for ophthalmic use, or it contains one or more sulfonamides and the brochure, printed matter, and circular referred to in paragraph (c) (2) of this section bear information for use of the drug only in the local treatment of those superficial infections caused by bacitracin-sensitive organisms; and further, that such brochure, printed matter, and circular bear directions and warnings adequate for such use by practitioners licensed by law to administer such drug; or

(3) It is intended for use by man and it is not packaged for ophthalmic use nor contains one or more sulfonamides, or it is intended solely for veterinary use and is conspicuously so labeled; and its labeling bears information that the drug is for use only in the prevention of infection in minor cuts and abrasions and, further, bears directions adequate for such use by the laity and a statement that use of the drug should be discontinued and a physician (if it is for human use) or a veterinarian (if it is for veterinary use) consulted if signs of infection or irritation appear.

5. In § 146.407, the introduction to paragraph (a) is amended to read:

§ 146.407 *Bacitracin-tyrothricin ointment.* (a) Bacitracin-tyrothricin ointment conforms to all requirements prescribed by § 146.402 for bacitracin ointment, and is subject to all procedures prescribed by § 146.402 for bacitracin ointment, except paragraph (f) of that section, and except that:

6. In § 146.409, the introduction to paragraph (a) is amended to read:

§ 146.409 *Bacitracin-polymyxin ointment.* (a) Bacitracin-polymyxin ointment conforms to all requirements prescribed by § 146.402 for bacitracin ointment, and is subject to all procedures prescribed by § 146.402 for bacitracin ointment, except paragraph (f) of that section, and except that:

7. In § 146.411, the introduction to paragraph (a) is amended to read:

§ 146.411 *Bacitracin-neomycin ointment.* (a) Bacitracin-neomycin ointment conforms to all requirements prescribed by § 146.402 for bacitracin ointment, and is subject to all procedures prescribed by § 146.402 for bacitracin ointment, except paragraph (f) of that section, and except that:

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it would be against public interest to delay providing for the aforesaid amendments, and since it conditionally relaxes existing requirements.

Dated: November 27, 1953.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 53-10110; Filed, Dec. 2, 1953; 8:51 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 930]

CALIFORNIA

PARTIALLY REVOKING EXECUTIVE ORDER NO. 4203 OF APRIL 14, 1925

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 4203 of April 14, 1925, temporarily withdrawing certain public lands in California and Nevada in aid of classification is hereby revoked so far as it affects the following-described land in California:

MOUNT DIABLO MERIDIAN

T. 2 N., R. 16 E.
Sec. 16, W½NE¼SW¼ and SE¼NE¼SW¼.

The areas described aggregate 30 acres.

The lands are not suitable for cultivation. It is proposed to offer them at public sale. It is unlikely that they will be classified for any other disposition but any application that is filed will be considered on its merits.

This order shall not become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Manager, Land Office, Sacramento, California.

ORME LEWIS,
*Assistant Secretary of the Interior.*

NOVEMBER 27, 1953.

[F. R. Doc. 53-10095; Filed, Dec. 2, 1953; 8:47 a. m.]



## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 49]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter, which have been published in the Flight Information Manual, are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

LOW FREQUENCY RANGE PROCEDURES

When an LFR instrument approach is conducted at the below named airport(s), it shall be in accordance with the following in turn unless an approach is conducted in accordance with a different procedure authorized by the Administrator for such airport(s). Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for air route operation in the particular area or as set forth below:

| City and State; airport name, elevation, class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Initial approach to facility: Course and distance | Initial approach to facility: Minimum altitude (ft.) | Procedure turn (*Inside of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance (facility to airport) | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| ABILENE, TEX.<br>Abilene Municipal Airport, 1,757'<br>SBRAZ-DTV<br>370 kc, ABI<br>Procedure No. 1 | Phantom Hill FM (Final) | ..... | 2,520 | W side N course:<br>360 outbound.<br>180 inbound.<br>3,000' within 25 miles. | 2,520 | 180—2.3 | T-dn<br>C-dn<br>A-dn | 600-1.0<br>700-1.0<br>800-2.0 | NA<br>NA<br>NA | Within 2.3 miles, climb to 2,800' on N course* or as directed by ATC.<br>*CAUTION: 2,757' mtl. radio tower, 11 miles S, lighted.<br>NOTE: Minima for twin-engine and smaller aircraft only. |
| ACOMITA, N. MEX. | (NO ASSOCIATED AIRPORT) | | | | | | | | | |
| ADVANCE, MO. | (NO ASSOCIATED AIRPORT) | | | | | | | | | |
| AKRON, OHIO<br>Akron Airport, 1,051'<br>SBMRLZ DTV<br>362 kc, AKR<br>Procedure No. 1 | Tallmadge FM | ..... | 2,100 | S side SW course:<br>225 outbound.<br>015 inbound.<br>2,500' w. 1 m. in 10 miles.<br>2,400' within 20 miles. | 1,800 | 015—0.3 | T-dn<br>C-dn<br>C-n<br>A-dn | 600-1.0<br>600-1.0<br>600-1.5<br>800-2.0 | 600-1.0<br>700-1.5<br>700-1.5<br>800-2.0 | Within 0.3 miles, climb to 2,500' on NE course, or as directed by ATC. |
| ALBANY, GA.<br>Albany Airport, 196'<br>SBMRAZ-DTV<br>273 kc, ABY<br>Procedure No. 1 | ..... | ..... | ..... | N side SW course:<br>240 outbound.<br>240 inbound.<br>1,400' within 25 miles. | 1,400 | 240—2.6 | C-dn<br>S-dn<br>A-dn | 600-1.0<br>600-1.0<br>800-2.0 | 600-1.0<br>600-1.0<br>800-2.0 | W course climbing to 3,000' on S course.<br>CAUTION: 1,398' mtl tower, 1.5 miles WNW of LOM.<br>NOTE: Deviation authorized in landing minimums for straight-in approach. |





LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation, class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Initial approach to facility: Course and distance | Initial approach to facility: Minimum altitude (ft.) | Procedure turn (*Inside of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance (facility to airport) | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| ALBANY, N. Y.<br>Albany Airport, 288'<br>SBRAZ-DTV<br>263 kc, ALB<br>Procedure No. 1 | Saratoga Springs FM | ..... | 1,600 | W side N course:<br>082 outbound.<br>268 inbound.<br>1,600' within 10 miles.<br>1,800' within 20 miles.<br>2,000' within 25 miles. | 1,100 | 195—2.8 | T-dn<br>C-dn<br>S-dn<br>19<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>600-1.5<br>500-1.0<br><br>800-2.0 | Within 2.8 miles, climb to 1,000' on S course, turn right, continue climb and proceed out W course climbing to 3,000', or when directed by ATC, climb to 3,000' on S course.<br>SHUTTLE: N course within 15 miles to 1,800'.<br>NOTE: Deviation from standard criteria authorized for straight-in minimums and in obstruction clearance NW of airport. |
| | Round Lake FM (final) | ..... | 1,100 | | | | | | | |
| | Grafton FM | ..... | 3,000 | | | | | | | |
| | Coxsackie FM | ..... | 2,200 | | | | | | | |
| | Delmar FM | ..... | 1,700 | | | | | | | |
| | Schenectady FM | ..... | 1,800 | | | | | | | |
| Procedure No. 2 | Saratoga Springs FM | ..... | 2,200 | E side S course:<br>195 outbound.<br>015 inbound.<br>2,200' within 25 miles. | 1,700 (Over Delmar LM) | 015 (From Delmar LM) | T-dn<br>C-dn<br>S-dn<br>1<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>600-1.5<br>500-1.0<br><br>800-2.0 | Within 5.4 miles after passing Delmar FM, climb to 3,000' on N course within 25 miles, or when directed by ATC, climb to 3,000' on W course within 25 miles.<br>SHUTTLE: N course to 1,800' within 15 miles.<br>NOTE: Deviation from standard criteria authorized in distance for final approach from Coxsackie FM. |
| | Grafton FM | ..... | 3,000 | | | | | | | |
| | Coxsackie FM (final) | ..... | 1,700 | | | | | | | |
| | Schenectady FM | ..... | 1,800 | | | | | | | |
| Schenectady County Airport | (Make let-down to Albany Airport. Fly VFR from Albany Airport to Schenectady County Airport.) | | | | | | | | | |
| Troy Airport | (Make let-down to Albany Airport. Fly VFR from Albany Airport to Troy Airport.) | | | | | | | | | |
| ALBUQUERQUE, N. MEX.<br>Kirtland AFB, 5,330'<br>SBRAZ-DTV<br>230 kc, ABQ<br>Procedure No. 1 | Alameda Rbn* | ..... | 6,500 | W side course:<br>175 outbound.<br>355 inbound.<br>7,000'*, within 25 miles. | 6,000* | 355—3.0 | T-dn<br>C-dn<br>S-dn<br>35<br>A-dn | 200-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>700-1.5<br>500-1.0<br><br>800-2.0 | Within 3.0 miles, climb to 8,000'* on N course, or as directed by ATC.<br>*CAUTION: Terrain exceeding 8,000' in E quadrants of range. All turns to be made on W side of course.<br>NOTE: Ceiling and visibility minimums apply to civil aircraft only. |
| | Peralta FM (final) | ..... | 6,000 | | | | | | | |
| ALEXANDRIA, LA.<br>Alexandria AFB, 88'<br>SBMRAZ-DTV<br>251 kc, AEX<br>Procedure No. 1 | ..... | ..... | ..... | E side WE course:<br>113 outbound.<br>293 inbound.<br>1,500' within 25 miles. | 900 | 311—5.7 | T-dn<br>C-dn<br>S-dn<br>32<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 5.7 miles, climb to 1,500' on NW course. |
| ALICE, TEX.<br>Alice Airport, 175'<br>SBRAZ-DTV<br>224 kc, ALI<br>Procedure No. 1 | ..... | ..... | ..... | S side W course:<br>252 outbound.<br>072 inbound.<br>1,100' within 25 miles. | 1,000 | 072—3.6 | T-dn<br>C-dn<br>S-dn<br>S-n<br>8<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>NA<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>NA<br><br>800-2.0 | Within 3.6 miles turn left, climb to 1,700' on N course, or alternate procedure (when directed by ATC), climb to 1,500' on E course. |
| ALLENTOWN, PA.<br>Allentown-Bethlehem-Easton Airport, 392'<br>SBMRAZ-DTV<br>320 kc, ABL<br>Procedure No. 1 | Slantington FM | ..... | 3,000 | E side NE course:<br>059 outbound.<br>239 inbound.<br>2,600' within 15 miles.<br>2,700' within 25 miles. | 1,500 | 191—2.7 | T-dn<br>C-dn<br>C-n<br>A-dn | 300-1.0<br>600-1.0<br>600-1.5<br>800-2.0 | 300-1.0<br>600-1.5<br>600-2.0<br>800-2.0 | Within 2.7 miles, climb to 2,500' on SW course within 15 miles.<br>CAUTION: 1,600' terrain on N side NE course.<br>NOTE: (1) Standard obstruction clearance not provided in altitude over range on final approach, do not descend below procedure turn altitude until inbound on NE course. (2) Nonstandard procedure turn to avoid obstructions to W. |
| ALMA, GA.<br>Alma Airport, 200'<br>SBRAZ-DTV<br>242 kc, AMG<br>Procedure No. 1 | ..... | ..... | ..... | W side NW course:<br>319 outbound.<br>139 inbound.<br>1,300' within 25 miles. | 800 | 141—2.2 | T-dn<br>C-dn<br>C-n<br>S-dn<br>S-n<br>None<br>A-dn | 300-1.0<br>500-1.0<br>500-2.0<br>500-1.0<br>500-2.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-2.0<br>500-1.0<br>500-2.0<br><br>800-2.0 | Within 2.2 miles, climb to 1,500' on right side SE course. |

LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course; outbound and inbound; altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| ALTOONA, PA.<br>Blair County Airport, 1,495'<br>SBMRAZ-DTV<br>338 kc, AOO<br>Procedure No. 1 | | | | W side N course:<br>022 outbound.<br>202 inbound.<br>3,900' within 25 miles. | 3,100 | 202—1.3 | T-dn<br>C-dn<br>C-n<br>A-dn | 1,000-1.0<br>1,000-1.0<br>1,000-2.0<br>1,500-2.0 | 1,000-1.0<br>1,000-2.0<br>1,000-3.0<br>1,500-3.0 | Within 1.3 miles, climb to 4,700' on S course, within 25 miles, or as directed by ATC |
| AMARILLO, TEX.<br>Amarillo Air Terminal, 3601'<br>SBRAZ-DTV<br>251 kc, AMA<br>Procedure No. 1 | Amarillo VOR | 222—7.0 | 1,700 | S side W course:<br>257 outbound.<br>077 inbound.<br>5,000' within 25 miles. | 1,740 | 077—2.1 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 2.1 miles, climb to 4,700' on E course, within 25 miles, or as directed by ATC. |
| | Soncy FM (final) | | 1,540 | | | | | | | |
| Procedure No. 2 | Int. E course Amarillo LFR and NE course Clarendon LFR (final) | | 4,200 | S side E course:<br>077 outbound.<br>257 inbound.<br>4,700' within 25 miles. | 4,200 (Over Amarillo LFR) | 257—1.8 (From Amarillo LFR) | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 1.9 miles from Amarillo LFR, climb to 5,200' on W course, or when directed by ATC, climb to 5,000' on N course within 25 miles. |
| ARCATA, CALIF.<br>Arcata Airport, 217'<br>SBMRLZ-DTV<br>309 kc, ACV<br>Procedure No. 1 | (Initial approaches must be made on top, with tops not above 10,000' msl.) | | | S side NW course:<br>274 outbound.<br>094 inbound.<br>1,500' within 10 miles (NA beyond 10 miles). | 720 | 094—5.0 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-2.0<br>1,000-2.0 | 300-1.0<br>500-2.0<br>1,000-2.0 | Within 0.0 mile, make left turn and shuttle on NW course to on top within 10 miles, not below 1,500'.<br>SHUTTLE: On NW course to 1,500' within 10 miles. |
| ARCOLA, VA. | (NO ASSOCIATED AIRPORT) | | | | | | | | | |
| ATLANTA, GA.<br>Atlanta Airport, 1,024'<br>SBRAZ-DTXV<br>296 kc, ATL<br>Procedure No. 1 | Stone Mountain FM | | 2,200 | E side SE course:<br>144 outbound.<br>324 inbound.<br>2,000' within 25 miles. | 1,400 | 324—1.5 | T-dn<br>C-dn<br>S-dn<br>36<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 1.5 mile, turn left, climb to 2,500' and proceed to Campbellton LFR station via the E course of Campbellton LFR, or as directed by ATC. |
| | Jonesboro FM (final) | | 1,600 | | | | | | | |
| | Madras FM | | 2,000 | | | | | | | |
| | Smyrna FM | | 2,400 | | | | | | | |
| AUGUSTA, GA.<br>Daniel Field, 427'<br>SBRAZ-DTV<br>385 kc, AGS<br>Procedure No. 1 | | | | E side S course:<br>171 outbound.<br>351 inbound.<br>1,000' within 25 miles. | 1,100 | 045—2.1 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 300-1.0<br>NA<br>500-1.0<br>NA<br>800-2.0<br>NA | NA<br>NA<br>NA<br>NA<br>NA<br>NA | Within 2.1 miles, climb to 1,900' on N course. |
| AUGUSTA, MAINE<br>Augusta State Airport, 357'<br>BMRLZ-DTV<br>221 kc, AUG<br>Procedure No. 1 | | | | S side SW course:<br>226 outbound.<br>046 inbound.<br>1,800' within 25 miles. | 1,300 | 083—2.1 | T-d<br>T-n<br>C-d<br>C-n<br>A-dn | 400-1.0<br>500-1.0<br>500-1.0<br>600-1.5<br>800-2.0 | NA<br>NA<br>NA<br>NA<br>NA | Within 2.1 miles, climb to 2,500' on NE course.<br>NOTE: Night operations on NE/SW runway not authorized. |
| AUSTIN, TEX.<br>Mueller Airport, 631'<br>SBMRLZ-DTV<br>281 kc, AUS<br>Procedure No. 1 | Austin FM (final) | | 2,000 | W side NW course:<br>298 outbound.<br>118 inbound.<br>2,500' within 25 miles. | 2,000 (Over Austin FM)<br>*1,440 (Over Austin LFR) | 118—1.8 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 1.8 miles, climb to 2,000' on SE course within 25 miles, or as directed by ATC.<br>CAUTION: 1,495' msl TV tower located 2.6 miles SW of Int. of NW course Austin LFR and Austin FM.<br>*If Austin FM not received, alternate over Austin LFR is 2,000'. "Z" marker signal will be received immediately after passing Austin FM. Use low position on marker receiver. |
| | Austin VOR | 194—5.0 | 2,000 | | | | | | | |
| BAKER, OREG.<br>Baker Airport, 3,368'<br>SBRAZ-DTV<br>221 kc, BKE<br>Procedure No. 1 | | | | E side NW course*:<br>300 outbound.<br>120 inbound.<br>7,000' within 10 miles.<br>9,000' within 15 miles (NA beyond 15 miles). | 5,000 | 111—1.8 | T-d<br>T-n<br>C-d<br>C-n<br>A-dn | 1,000-1.0<br>1,000-2.0<br>1,700-1.0<br>1,700-2.0<br>1,700-2.0 | NA<br>NA<br>NA<br>NA<br>NA | Within 0.0 mile, turn left, climb to 9,000' (S-bound), 10,000' (N-bound) on NW course within 10 miles of LFR.<br>*Procedure turn to W not authorized due to high terrain.<br>SHUTTLE: SE course to 8,000' within 20 miles of LFR. |



LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course; outbound and inbound; altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| BAKERSFIELD, CALIF.<br>Bakersfield-Kern County Airport No. 1, 515'<br>SBMRAZ-DTV<br>239 kc, BFL<br>Procedure No. 1 | Famosa FM (final) | | 1,600 | W side NW course:<br>321 outbound.<br>141 inbound.<br>2,000' within 25 miles. | 1,600 | 141—2.0 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>700-2.0<br>800-2.0 | 300-1.0<br>700-2.0<br>800-2.0 | Within 2.0 miles, turn right (west) and climb to 3,000' on NW course within 25 miles, or as directed by ATC.<br>NOTE: Take-offs or landings on runways 7 or 25 not authorized. |
| | Shafter-Kern County Airport 425' | (Make let-down to Bakersfield-Kern County Airport No. 1. Fly VFR from Bakersfield-Kern County Airport No. 1 to Shafter-Kern Co. Airport.) | | | | | T-d<br>T-n<br>C-d<br>C-n<br>S-dn<br>A-dn | 1,000-1.0<br>1,000-2.0<br>1,000-1.0<br>1,000-2.0<br>NA<br>1,600-3.0 | 1,000-1.0<br>1,000-2.0<br>1,000-1.0<br>1,000-2.0<br>NA<br>1,000-3.0 | |
| BALTIMORE, MD.<br>Friendship International Airport, 140'<br>SBMRLZ-DTV<br>257 kc, BAL<br>Procedure No. 1 | | | | W side S course:<br>194 outbound.<br>014 inbound.<br>1,500' within 25 miles. | 800 | 259—7.3 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>600-2.0<br>800-2.0 | 300-1.0<br>600-2.0<br>800-2.0 | Within 0.0 mile, climb to 1,800' on N course.<br>*Procedure turn conducted W to avoid Aberdeen danger area. |
| BALTIMORE, MD.<br>Harbor Field, 14'<br>SBMRLZ-DTV<br>257 kc; BAL<br>Procedure No. 1 | Severna Park FM (final) | | 800 | W side S course:<br>194 outbound.<br>014 inbound.<br>1,500' within 25 miles. | 800 | 014—2.4 | T-d<br>T-n<br>C-dn<br>S-n<br>S-n<br>36<br>A-dn* | 300-1.0<br>400-1.5<br>800-1.5<br>800-1.0<br>800-1.5<br>NA | 300-1.0<br>400-1.5<br>800-1.5<br>800-1.0<br>800-1.5<br>NA | Within 2.4 miles, climb to 1,800' on N course, or as directed by ATC.<br>*No weather reporting service at this airport. |
| | Relay Int | | 1,500 | | | | | | | |
| BANGOR, MAINE<br>Dow AFB, 192'<br>SBRAZ-DTV<br>239 kc, BGR<br>Procedure No. 1 | East Corinth FM (final) | | 1,200 | W side NW course:<br>352 outbound.<br>172 inbound.<br>1,700' within 10 miles.<br>1,800' within 15 miles.<br>1,900' within 20 miles.<br>2,000' within 25 miles. | 1,200 | 180—2.2 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>700-1.0<br>800-2.0 | 300-1.0<br>700-1.5<br>800-2.0 | Within 2.2 miles, climb to 2,500' on SE course.<br>NOTE: Runway 10/28 not authorized for night operations.<br>CAUTION: 632' msl radio tower located 2 miles NE of airport. |
| BATON ROUGE, LA.<br>Harding Field, 70'<br>BMRLZ-DTV<br>347 kc, BTR<br>Procedure No. 1 | | | | W side NW course:<br>299 outbound.<br>119 inbound.<br>1,100' within 10 miles.<br>1,300' within 25 miles. | 700 | 120—3.4 | T-dn<br>C-dn<br>S-dn<br>13<br>A-dn | 300-1.0<br>500-1.0<br>700-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>700-1.0<br>800-2.0 | Within 3.4 miles, climb to 1,500' on SE course. |
| BATTLE MOUNTAIN, NEV. | (NO INSTRUMENT LET-DOWNS AUTHORIZED) | | | | | | | | | |
| BEAUMONT, TEX.<br>Jefferson County Airport, 15'<br>SBMRLZ-DTV<br>368 kc, BUJ<br>Procedure No. 1 | | | | W side N course:<br>340 outbound.<br>160 inbound.<br>1,400' within 25 miles. | 900 | 160—3.6 | T-dn<br>C-dn<br>S-d<br>S-n<br>16<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | Within 3.6 miles, climb to 1,500' on S course. |
| | Beaumont Airport, 31' | (Make let-down to Jefferson County Airport. Fly VFR from Jefferson County Airport to Beaumont Airport.) | | | | | T-d<br>T-d<br>C-d<br>C-n<br>S-dn<br>A-dn | 1,000-1.0<br>1,000-2.0<br>1,000-1.0<br>1,000-2.0<br>NA<br>1,000-3.0 | 1,000-1.0<br>1,000-2.0<br>1,000-1.0<br>1,000-2.0<br>NA<br>1,000-3.0 | |
| BELLINGHAM, WASH.<br>Bellingham Airport, 178'<br>SBRAZ-DTV<br>302 kc, BLI<br>Procedure No. 1 | | | | W side NW course:<br>291 outbound.<br>111 inbound.<br>1,500' within 25 miles. | 1,000 | 111—3.0 | T-dn<br>C-d<br>C-n<br>S-d<br>S-n<br>12<br>A-dn | 300-1.0<br>600-1.0<br>700-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>700-2.0<br>600-1.5<br>700-2.0<br>800-2.0 | Within 3.0 miles, turn right and climb to 1,500' on NW course within 25 miles. |

LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation, class of facility, frequency; identification, procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn (  ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| BELMAR, N. J.<br>Monmouth County Airport, 180'.<br>SBMRLZ (Lakehurst NAS LFR).<br>320 kc, NEL.<br>Procedure No. 1. | Int. NE course Lakehurst NAS LFR and E course Mattawan VAR (final). | ---------- | 1,000 | E side NE course:*<br>062 outbound.<br>242 inbound.<br>1,500' within 10 miles (NA beyond 10 miles). | 1,000 (Over Asbury Park FM). | 258—5.1 (From Asbury Park FM). | T-dn<br>C-dn<br>A-dn | 300–1.0<br>600–2.0<br>1,000–2.0 (BCOB) | NA<br>NA<br>NA | Within 3 miles after passing Asbury Park FM, turn left, climb to 1,500' on NE (outbound) course.<br>CAUTION: All off-airway instrument operation below 2,500' within a 10-mile radius of Lakehurst NAS must be cleared with Lakehurst tower.<br>*Procedure turn E to avoid traffic. |
| BIG SPRING, TEX.<br>Webb AFB, 2,561'.<br>SRAWZ.<br>326 kc BGS.<br>Procedure No. 1. | Stanton FM (final)---------- | ---------- | 3,200 | S side W course:<br>240 outbound.<br>060 inbound.<br>4,000' within 25 miles. | 3,200 | 070—3.9 | T-dn<br>C-dn<br>C-n<br>S-dn<br>S-n<br>6<br>A-dn | 300–1.0<br>500–1.0<br>500–1.5<br>500–1.0<br>500–1.5<br><br>800–2.0 | 300–1.0<br>500–1.5<br>500–1.5<br>500–1.0<br>500–1.5<br><br>800–2.0 | Within 3.9 miles, climb to 4,000' on E course within 25 miles, or when directed by ATC, turn right, climb to 4,000' on SE course within 25 miles. |
| BILLINGS, MONT.<br>Billings Airport, 3,612'<br>SBRAZ-DTV<br>400 kc, BIL<br>Procedure No. 1 | Nibbe FM---------- | ---------- | 4,500 | N side E course:<br>054 outbound.<br>234 inbound.<br>5,000' within 25 miles. | 4,500 | 252—1.4 | T-dn<br>C-dn<br>C-n<br>A-dn | 300–1.0<br>500–1.0<br>500–2.0<br>800–2.0 | 300–1.0<br>500–1.5<br>500–2.0<br>800–2.0 | Within 1.4 miles, climb to 5,500' on W course within 15 miles of LFR. |
| | Park City FM---------- | ---------- | 5,500 | | | | | | | |
| | Lavina FM---------- | ---------- | 6,000 | | | | | | | |
| Procedure No. 2 | Park City FM---------- | ---------- | 5,500 | None---------- | 5,500 (Over Billings FM) | 067—3.6 (From Billings FM) | T-dn<br>C-dn<br>A-dn | 300–1.0<br>800–2.0<br>800–2.0 | 300–1.0<br>800–2.0<br>800–2.0 | Within 3.6 miles from Billings FM, climb to 5,000' on E course.<br>NOTE: Aircraft approaching from E, SE, and N will utilize Procedure No. 1. In the event visual contact is not established at authorized minimums on the No. 2 procedure, No. 1 procedure will be used. |
| BIRMINGHAM, ALA.<br>Birmingham Airport, 643'<br>SBRAZ-DTV<br>224 kc, BHM<br>Procedure No. 1 | Eden FM---------- | ---------- | 2,600 | W side N course:<br>356 outbound.<br>176 inbound.<br>2,500' within 25 miles. | 1,800 | 175—3.0 | T-dn<br>C-dn<br>A-dn | 300–1.0<br>800–1.0<br>1,000–2.0 | 300–1.0<br>600–1.5<br>1,000–2.0 | Within 3.0 miles, climb to 2,700' on S course within 25 miles, or as directed by ATC. |
| | Bradford FM (final)---------- | ---------- | 1,800 | | | | | | | |
| BLACKSTONE, VA.<br>Blackstone AAF | (NO PROCEDURE APPROVED) | | | | | | | | | |
| BLYTHE, CALIF.<br>Blythe Airport, 397'<br>SBMRAZ-DTV<br>251 kc, BLH<br>Procedure No. 1 | ---------- | ---------- | ---------- | W side S course:<br>165 outbound.<br>345 inbound.<br>2,000' within 10 miles.<br>3,000' within 15 miles.<br>4,000' within 25 miles. | 1,200 | 268—4.1 | T-d<br>T-n<br>C-dn<br>A-dn | 500–1.0<br>800–2.0<br>800–2.0<br>800–2.0 | 500–1.0<br>800–2.0<br>800–2.0<br>800–2.0 | Within 0.0 mile make 180° left turn and climb to 5,000' on S course within 25 miles, or as directed by ATC.<br>CAUTION: 1,800' msl terrain, 9 miles W of approach course, 5 miles from LFR station. |
| BOISE, IDAHO<br>Boise Air Terminal, 2,858'<br>SBRAZ-DTV<br>250 kc, BOI<br>Procedure No. 1. | Mountain Home FM---------- | ---------- | 7,700 | W side NW course:<br>301 outbound.<br>121 inbound.<br>4,000' within 10 miles.<br>5,000' within 25 miles. | 3,800 | 116—2.3 | T-dn<br>C-d<br>C-n<br>A-dn | 300–1.0<br>600–1.0<br>600–1.0<br>800–2.0 | 300–1.0<br>600–1.5<br>700–1.5<br>800–2.0 | Within 2.3 miles, turn right, climb to 4,000' on NW course within 10 miles or as directed by ATC.<br>CAUTION: High terrain 5 miles N of NW course, and on SE course, 10 miles S of range. |
| | Payette FM---------- | ---------- | 5,500 | | | | | | | |
| | Eagle FM (final)---------- | ---------- | 3,800 | | | | | | | |
| BOSTON, MASS.<br>Logan Airport, 19'<br>SBRAZ-DTXV<br>382 kc, BOS<br>Procedure No. 1 | Peabody FM (final)---------- | ---------- | 800 | W side N course:<br>031 outbound.<br>211 inbound.<br>1,700' within 25 miles. | 800 | 231—1.2 | T-dn<br>C-dn<br>A-dn | 300–1.0<br>*500–1.0<br>800–2.0 | 300–1.0<br>600–1.5<br>800–2.0 | Within 1.2 miles, make a standard rate climbing turn to left, climb to 1,500' on E course within 25 miles, or when directed by ATC, climb to 1,700' on SW course within 10 miles.<br>*600–1 required when circling W of airport.<br>NOTE: Standard clearance not provided over 370' msl stack SW of airport. |
| Procedure No. 2 | Dedham FM (final)---------- | ---------- | 1,200 | S side SW course:<br>238 outbound.<br>058 inbound.<br>1,700' within 25 miles. | 1,200 (Over South Boston LFM) | 070—2.1 (From South Boston LFM) | T-dn<br>C-dn<br>A-dn | 300–1.0<br>600–1.5<br>800–2.0 | 300–1.0<br>600–1.5<br>800–2.0 | Within 2.1 miles, climb to 1,300' on N course, or when directed by ATC, make right climbing turn to 1,500' on E course within 25 miles.<br>NOTE: Standard clearance not provided over 370' msl stack SW of airport. |



LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation, class of facility, frequency; identification, procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn (  ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| BOWLING GREEN, KY.<br>Bowling Green-Warren County Airport, 540'<br>SBMRAZ-DTV<br>368 kc, BWG<br>Procedure No. 1 | ---------- | ---------- | ---------- | N side SE course:<br>150 outbound.<br>296 inbound.<br>1,800' within 10 miles.<br>2,200' within 25 miles. | 1,400 | 296—3.8 | T-dn<br>C-d<br>C-n<br>S-d<br>S-n<br>29<br>A-dn | 300–1.0<br>600–1.0<br>600–1.5<br>500–1.0<br>500–1.5<br><br>800–2.0 | 300–1.0<br>600–1.5<br>600–1.5<br>500–1.0<br>500–1.5<br><br>800–2.0 | Within 3.8 miles climb to 2,000' on NW course or as directed by ATC.<br>CAUTION: 860' msl radio tower approximately 1.5 miles NNW of airport. |
| BOZEMAN, MONT.<br>Gallatin Field, 4,461'<br>SBMRAZ-DTV<br>329 kc, BZN<br>Procedure No. 1 | ---------- | ---------- | ---------- | W side S course:<br>140 outbound.<br>320 inbound.<br>8,500' within 10 miles (NA beyond 10 miles). | 6,000 | 316—1.2 | T-dn<br>C-d<br>C-n<br>A-d<br>A-n | 1,500–2.0<br>1,500–2.0<br>1,500–3.0<br>1,500–2.0<br>1,500–3.0 | 1,500–2.0<br>1,500–2.0<br>1,500–3.0<br>1,500–2.0<br>1,500–3.0 | Within 1.2 miles, turn left, climb to 9,000' on W course within 20 miles of LFR.<br>SHUTTLE: N course within 10 miles of LFR. Minimum altitude, 9,000'. |
| BRIDGEPORT, CONN.<br>Bridgeport Airport, 9'<br>MRLWZ<br>221 kc, BDR<br>Procedure No. 1 | ---------- | ---------- | ---------- | N side NE course:<br>051 outbound.<br>231 inbound.<br>1,500' within 10 miles.<br>2,000' within 25 miles. | 1,000 | 231—3.7 | T-dn<br>C-dn<br>S-d<br>S-n<br>24<br>A-dn | 300–1.0<br>600–1.0<br>500–1.0<br>500–1.0<br><br>800–2.0 | 300–1.0<br>600–1.5<br>500–1.0<br>500–1.5<br><br>800–2.0 | Within 3.7 miles, climb to 1,500' on SW course.<br>NOTE: ADF procedure not authorized.<br>CAUTION: 318' msl tower, 1.6 miles WSW of Runway 11. |
| BRISTOL, TENN.<br>Tri-City Airport | (SEE TRI-CITY, TENN.) | | | | | | | | | |
| BROWNSVILLE, TEX.<br>Rio Grande Valley International Airport 22'<br>SBRAZ-DTV<br>388 kc, BRO<br>Procedure No. 1 | Los Fresnos FM (final)---------- | ---------- | 800 | W side N course:<br>340 outbound.<br>154 inbound.<br>1,200' within 15 miles.<br>1,300' within 25 miles. | 800 | 150—2.5 | T-dn<br>C-dn<br>S-dn<br>Note<br>A-dn | 300–1.0<br>500–1.0<br>500–1.0<br><br>800–2.0 | 300–1.0<br>500–1.5<br>500–1.0<br><br>800–2.0 | Within 2.5 miles, climb to 1,200' on S course within 10 miles, or as directed by ATC.<br>CAUTION: 274' msl radio tower, 3 miles WSW of LFR station. |
| | Brownsville VOR---------- | 285—4.0 | 1,200 | | | | | | | |
| BROWNSVILLE, TEX.<br>Mauldin Airport, 22' | (Make let-down to Rio Grande Valley International Airport. Fly VER from Rio Grande Valley International Airport to Mauldin Airport.) | ---------- | ---------- | ---------- | ---------- | ---------- | T-dn<br>T-n<br>C-d<br>C-n<br>S-dn<br>A-dn | 1,000–1.0<br>1,000–2.0<br>1,000–1.0<br>1,000–2.0<br>NA<br>1,000–3.0 | 1,000–1.0<br>1,000–2.0<br>1,000–1.0<br>1,000–2.0<br>NA<br>1,000–3.0 | |
| BRYAN, TEX.<br>Easterwood Airport (College Station) 320'<br>BMRLZ-DTV<br>212 kc, BYT<br>Procedure No. 1 | ---------- | ---------- | ---------- | W side NW course:<br>315 outbound.<br>135 inbound.<br>1,500' within 25 miles. | 1,100 | 111—11.8 | T-dn<br>C-dn<br>A-dn | 300–1.0<br>800–2.0<br>800–2.0 | 300–1.0<br>800–2.0<br>800–2.0 | Within 11.8 miles, climb to 1,600' on SE course within 25 miles. |
| BUFFALO, N. Y.<br>Buffalo Airport, 711'<br>SBRAZ-DTV<br>260 kc, BUF<br>Procedure No. 1 | Wolcottsville FM (final)---------- | ---------- | 1,300 | N side NE course:<br>050 outbound.<br>230 inbound.<br>1,800' within 15 miles.<br>2,000' within 20 miles.<br>2,500' within 25 miles. | 1,300 | 214—0.9 | T-dn<br>C-dn<br>A-dn | 300–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>500–1.5<br>800–2.0 | Within 0.9 mile, climb to 2,000' on SW course, or when directed by ATC, climb to 2,100' on W course. |
| | East Pembroke FM---------- | ---------- | 1,900 | | | | | | | |
| Procedure No. 2 | Wolcottsville FM---------- | ---------- | 1,800 | S side SW course:<br>230 outbound.<br>050 inbound.<br>2,000' within 10 miles.<br>2,100' within 15 miles.<br>2,200' within 25 miles. | 1,500 (Over) Cheektowaga FM) | 055—2.7 (From Cheektowaga FM) | T-dn<br>C-dn<br>S-dn<br>5<br>A-dn | 300–1.0<br>500–1.0<br>500–1.0<br><br>800–2.0 | 300–1.0<br>500–1.0<br>500–1.0<br><br>800–2.0 | Within 2.7 miles after passing Cheektowaga FM, climb to 2,000' on NE course, or when directed by ATC, make right climbing turn to 2,100' on E course within 25 miles. |
| | East Pembroke FM---------- | ---------- | 1,900 | | | | | | | |
| | Angola FM (final)---------- | ---------- | 1,500 | | | | | | | |

LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State airport name, elevation, class of facility; frequency; identification procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn (*) side of final approach course; outbound and inbound, altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| BURBANK, CALIF. Lockheed Air Terminal, 764' SBML DTV 248kc, BUR Procedure No. 1 | (Burbank approaches normally start from Primary Holding fix at Sfnal Int. All approaches must be started from on top.) | | | (W of Chatsworth Rbn) S side NW course: 277 outbound. 097 inbound. 5,000' within 25 miles. | 1,700 | 093–3.6 | T–dn<br>C–dn<br>C–n<br>S–dn<br>S–n<br>A–dn | 300–1.0<br>500–1.5<br>500–2.0<br>600–1.0<br>700–1.7<br>600–2.0 | 300–1.0<br>500–1.5<br>500–2.0<br>600–1.0<br>700–1.5<br>600–2.0 | Within 1.5 miles, climb to 5,000' on SE course, or when directed by ATC, climb to 3,000' on SE course, then make a 180° right turn (S) continuing climb to a minimum of 5,000' homing (northwestbound) on the Burbank LFR, and hold on the LFR in a nonstandard 2 minute pattern on the SE course.<br>*Procedure turn must be on top at a minimum of 5,000'. After procedure turn, or after leaving 38° inbd., cross Chatsworth Rbn inbound at 1,750'.<br>#30:1 required for all takeoffs when departing via SE course Burbank LFR. |
| | Int. SE course Burbank LFR and NE cts Long Beach LFR. | | 7,000 | | | | | | | |
| | Int. SW course Burbank LFR and W course Los Angeles LFR. | | 5,000 | | | | | | | |
| | Int. NW course Burbank LFR and SW course Newhall LFR (Simi Int). | | 5,000 | | | | | | | |
| | Chatsworth Rbn (final)*. | | 1,500 | | | | | | | |
| San Fernando Valley Airport, 799' | (Make let-down to Lockheed Air Terminal. Fly VFR from Lockheed Air Terminal to San Fernando Valley Airport.) | | | | | | T–dn<br>T–n<br>C–dn<br>C–n<br>A–dn | 500–1.0<br>500–2.0<br>1,000–2.0<br>1,000–2.0<br>1,000–3.0 | 500–1.0<br>700–2.0<br>1,000–1.0<br>1,000–2.0<br>1,000–3.0 | Minimums are reported at Lockheed Air Terminal. If lower minimums are encountered en route from Lockheed Air Terminal to San Fernando Valley Airport, aircraft is to return to Lockheed Air Terminal. |
| BURLEY, IDAHO Burley Airport, 4,150' SBRAZ–DTV 272 kc, BYI Procedure No. 1 | | | | W side NE course: 066 outbound. 186 inbound. 6,000' within 25 miles. | 5,140 | 128–2.6 | T–dn<br>T–n<br>C–dn<br>C–n<br>A–dn | 500–1.0<br>500–2.0<br>600–1.0<br>600–2.0<br>800–2.0 | NA<br>NA<br>NA<br>NA<br>NA | Within 2.6 miles, make right turn, climb to 7,000' on W course within 25 miles of LFR. |
| BURLINGTON, IOWA Burlington Airport, 608' SBRAZ–DTV 326 kc; BRL Procedure No. 1 | Burlington VOR | 274–11.0 | 1,800 | E side S course: 177 outbound 357 inbound. 1,800' within 15 miles. 2,000' within 25 miles. | 1,300 | 302–1.9 | T–dn<br>C–dn<br>S–d<br>S–n<br>26<br>A–dn | 300–1.0<br>500–1.0<br>500–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>500–1.5<br>500–1.0<br>800–1.5<br>800–2.0 | Within 1.9 miles, climb to 1,500' on N course. |
| BURLINGTON, VT. Burlington Airport, 334' SBRAZ–DTV 323 kc; BTV Procedure No. 1 | Huntington FM | | 2,000 | W side NW course: 346 outbound. 169 inbound. 1,500' within 15 miles. 2,500' within 25 miles. | 1,000 | 158–2.1 | T–dn<br>C–d<br>C–n<br>S–dn<br>15<br>A–dn | 300–1.0<br>500–1.0<br>700–1.5<br>500–1.0<br>800–2.0 | 300–1.0<br>600–1.5<br>700–1.5<br>500–1.0<br>800–2.0 | Within 2.1 miles, turn right and climb to 4,500' on S course, or when directed by ATC, turn right, climb to 2,800' on NW course. |
| | Vergennes FM | | 2,000 | | | | | | | |
| | Grand Isle FM (final) | | 1,000 | | | | | | | |
| BUTTE, MONT. Butte Airport, 5,554' BMRLZ–DTV 233 kc, BTM Procedure No. 1 | N–Not authorized | | | E side N course: 346 outbound. 166 inbound. 9,000' within 15 miles (NA beyond 15 miles) | 9,000 | 068–16.1 | T–d<br>T–n<br>C–d<br>C–n<br>A–d<br>A–n | 1,500–1.0<br>1,500–2.0<br>2,500–1.5<br>2,500–2.0<br>2,500–1.5<br>2,500–2.0 | 1,500–1.0<br>1,500–2.0<br>2,500–1.5<br>2,500–2.0<br>2,500–1.5<br>2,500–2.0 | Within 5 miles after passing LFR, climb to 10,000' on SE course within 15 miles.<br>*Procedure turn to W not authorized due to high terrain.<br>CAUTION: High terrain (8,300' msl) located 2 miles E of airport. |
| | SBRAZ–DTV (Whitehall LFR) 284 kc; HIA Procedure No. 2 | | | (No procedure turn authorized). Final approach course: NW course Whitehall LFR. | 9,500 (Over Horseshoe FM) | 275–1.0 (From Hillsdale FM) | T–d<br>T–n<br>C–d<br>C–n<br>A–d<br>A–n | 1,500–1.0<br>1,500–2.0<br>2,500–1.5<br>2,500–2.0<br>2,500–1.5<br>2,500–2.0 | 1,500–1.0<br>1,500–2.0<br>2,500–1.5<br>2,500–2.0<br>2,500–1.5<br>2,500–2.0 | Proceed to Butte LFR climbing to 10,000' on SE course Butte before reaching range station, or when directed by ATC, execute climbing left turn, returning to Whitehall LFR via the NW course of Whitehall at 10,000'. |
| CAMPBELLTON, GA. | (NO ASSOCIATED AIRPORT) | | | | | | | | | |
| CARLSBAD, N. MEX. Carlsbad Airport, 3,270' BMRLZ–DTV 344 kc, CNM Procedure No. 1 | | | | E side SE course: 142 outbound. 322 inbound. 5,000' within 25 miles. | 4,200 | 322–3.5 | T–dn<br>C–d<br>C–n<br>S–d<br>S–n<br>32L<br>A–dn | 300–1.0<br>500–1.5<br>500–2.0<br>600–1.0<br>700–2.0<br>800–2.0 | 300–1.0<br>500–2.0<br>500–1.5<br>500–2.0<br>800–2.0 | Within 3.5 miles, climb to 5,000' on NE course within 25 miles.<br>Straight-in SE course to 5,000' within 25 miles. |





LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn (*) side of final approach course; outbound and inbound, altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| CASPER, WYO. Natrona County Airport, 5,348' SBRAZ–DTV 269 kc; CPR Procedure No. 1 | Parkerton FM (final) | | 6,500 | N side E course: 076 outbound 265 inbound 7,000' within 25 miles. | 6,500 | 259–7.7 | T–dn<br>C–dn<br>S–d*<br>S–n*<br>25<br>A–dn | 300–1.0<br>500–2.0<br>500–1.0<br>500–1.5<br>800–2.0 | 300–1.0<br>500–2.0<br>500–1.5<br>500–2.0<br>800–2.0 | Within 7.7 miles, climb to 7,500' on N course within 25 miles, or as directed by ATC.<br>*Straight-in minimums less than 500–2 authorized only when ILS LMM operating and utilized, otherwise circling minimums apply.<br>CAUTION: 5,900' terrain 5 miles SSW and of airport. |
| | Casper VOR | 172–13.0 | 7,000 | | | | | | | |
| CHARLESTON, S. C. Charleston Airport, 45' SBRAZ–DTV 629 kc; CHS Procedure No. 1 | Summerville FM (final) | | 600 | S side NW course: 300 outbound. 120 inbound. 1,200' within 15 miles. 1,500 within 25 miles. | 600 | 105–2.6 | T–dn<br>C–dn<br>A–dn | 300–1.0<br>500–1.5<br>800–2.0 | 300–1.0<br>500–1.5<br>800–2.0 | Within 2.6 miles, climb to 1,500' on E course, or when directed by ATC, turn right, climb to 1,400' on SW course.<br>NOTE: Runway 10–28 partially closed. |
| CHARLESTON, W. VA. Kanawha County Airport, 98' SBRAZ–DTV 400 kc; CBW Procedure No. 1 | | | | N side W course: 280 outbound. 100 inbound. 2,500' within 25 miles. | 1,980 | 112–10.7 | T–dn<br>C–d<br>C–n<br>A–dn | 300–1.0<br>1,000–2.0<br>1,500–2.0<br>1,500–2.0 | 300–1.0<br>1,000–2.0<br>1,500–2.0<br>1,500–2.0 | Within 0.6 miles. Make a left turn and climb to 2,500' on W course.<br>*Procedure turn N to avoid traffic S on Red Airway No. 18. |
| CHARLOTTE, N. C. Douglas Field, 748' SBMRLZ–DTV 212 kc, CLT Procedure No. 1 | Fort Mill FM (final)* | | 1,620 | W side S course. 179 outbound. 359 inbound. 2,100' within 25 miles. | *1,620 | 359–1.7 | T–dn<br>C–dn<br>A–dn | 300–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>500–1.5<br>800–2.0 | Within 1.7 miles, climb to 2,500' on N course within 25 miles, or when directed by ATC, turn right, climb to 2,200' on E course within 25 miles.<br>*1,110' msl tower located 4 miles SE of LFR station and 2.3 miles E of S course. |
| Cannon Airport, 788' | Make let-down to Douglas Field. Fly VFR from Douglas Field to Cannon Airport. | | | | | | T–d<br>T–n<br>C–d<br>C–n<br>A–dn | 1,000–1.0<br>1,000–2.0<br>1,000–1.0<br>1,000–2.0<br>1,000–3.0 | NA<br>NA<br>NA<br>NA<br>NA | |
| CHATTANOOGA, TENN. Lovell Field, 682' SBRAZ–DTV 341kc, CHA Procedure No. 1 | Daisy FM (final) | | 1,800 | E side NE course: 032 outbound 212 inbound. 2,500' within 25 miles. | 1,800 | 203–3.2 | T–dn<br>C–d<br>C–n<br>A–dn | 300–1.0<br>500–2.0<br>500–2.0<br>800–2.0 | 300–1.0<br>700–2.0<br>700–2.0<br>800–2.0 | Within 3.2 miles, climb to 4,000' on SE course, or when directed by ATC, climb to 4,000' on SW course within 25 miles. |
| CHEYENNE, WYO. Cheyenne Airport, 6156' SBRAZ–DTV 326 kc, CYS Procedure No. 1 | Silver Crown FM | | 8,000 | N side NW course: # 262 outbound. 102 inbound. 8,000' within 10 miles.* (NA beyond 10 miles) | 6,800 | 067–0.9 | T–dn<br>C–d<br>C–n<br>A–dn | 300–1.0<br>500–1.0<br>500–1.5<br>800–2.0 | 300–1.0<br>500–1.5<br>500–1.5<br>800–2.0 | Within 0.9 mile, climb to 7,500' on S course, or as directed by ATC.<br>SHUTTLE: On E course, to 8,000' within 25 miles.<br>*Procedure turn must be accomplished within 10 miles on account of higher terrain to the W.<br>#Procedure turn S side NW course not authorized on account of higher terrain. |
| Procedure No. 2 | Hillsdale FM (final) | | 7,000 | N side E course: 076 outbound. 256 inbound. 7,300' within 25 miles. | 7,000 (Over ILS LOM)* | 255–6.1 (From ILS LOM) | T–dn<br>C–dn<br>S–dn<br>26<br>A–dn | 300–1.0<br>500–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>500–1.5<br>500–1.0<br>800–2.0 | Within 6.1 miles after passing ILS LOM, climb to 7,500' on S course, or as directed by ATC.<br>*ILS LOM must be received on ADF. Frequency, 219 kc; Identification CY.<br>SHUTTLE: On E course to 7,300' within 25 miles. |
| | Silver Crown FM | | 8,000 | | | | | | | |
| CHICAGO, ILL. Chicago-Midway Airport, 618' SBRAZ–DTXV 350 kc; CHI Procedure No. 1 | Wilson Int (final) | | 1,500 | W side NW course: 332 outbound. 152 inbound. 2,000' within 10 miles. 2,500' within 25 miles. | 1,500 | 152–2.2 | T–dn<br>C–d<br>C–n<br>S–dn<br>13 R L<br>A–dn | 300–1.0<br>500–1.0<br>500–1.5<br>500–1.0<br>800–2.0 | 300–1.0<br>500–1.5<br>500–1.5<br>500–1.0<br>800–2.0 | Within 2.2 miles, climb to 2,000' on N and S courses of Harvey LFR, proceeding S to Momence Int., or as directed by ATC. |
| CINCINNATI, OHIO Cincinnati-Lunken Airport 488' SBRAZ–DTV 335 kc; CIN Procedure No. 1 | Loveland FM (final) | | 1,600 | N side NE course: 044 outbound. 224 inbound. 2,100' within 10 miles. 2,600' within 25 miles. | 1,600 | 2.7–5.0 | T–d<br>T–n<br>C–d<br>C–n<br>S–d<br>S–n<br>21<br>A–dn | 400–1.0<br>600–1.0<br>800–1.0<br>800–1.5<br>800–1.0<br>800–1.5<br>NA | 400–1.0<br>600–1.0<br>800–1.5<br>800–1.5<br>800–1.0<br>800–1.5<br>NA | Within 5.0 miles, climb to 2,300' on SE course.<br>NOTE: No weather reporting service available. |
| | Mt. Orab FM | | 2,100 | | | | | | | |
| CLARENDON, TEX. | (NO ASSOCIATED AIRPORT) | | | | | | | | | |

LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility, frequency; identification, procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn ( )—Side of course; distance from facility; if final procedure course not published below, or if landing not accomplished, remarks | Minimum altitude over facility on final approach course (ft.) | Course and distance (miles) to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m.p.h. or less | Type aircraft: More than 75 m.p.h. |
|---|---|---|---|---|---|---|---|---|---|
| CLEVELAND, OHIO<br>Cleveland-Hopkins Airport, 787'<br>SBRAZ-DTXW<br>344 kc; CLE<br>Procedure No. 1 | Elyria FM (final) | ---------- | 1,100 | S-sole course:<br>27 outbound.<br>090 inbound.<br>1,500 within 27 mls. | 1,100 | 13—1.0 | T-dn<br>C-dn<br>A-dn | 300-1 0<br>500-1.5<br>800-2.0 | 300-1 0<br>500-1.5<br>800-2.0 |
| COCHISE, ARIZ. | (NOT PROCEDURE APPROVED) | | | | | | | | |
| COEUR D'ALENE, IDAHO<br>Coeur D'Alene Air Terminal<br>2,310'<br>3MRIZ-DTV<br>264 kc; COE<br>Procedure No. 1<br>Weeks Field | ---------- | ---------- | ---------- | E-sole course:<br>140 outbound.<br>320 inbound.<br>6,000 within 25 mls.* | ---------- | ---------- | ---------- | ---------- | ---------- |
| | (Make let-down to Coeur D'Alene Air Terminal. Fly VFR from Coeur D'Alene Air Terminal to Weeks Field.) | | | | | | | | |
| COLLEGE STATION, TEX. | (SEE BRYAN, TEX.) | | | | | | | | |
| COLORADO SPRINGS, COLO.<br>Peterson Field, 6,172'<br>MRIZ DV<br>224 kc; COS<br>Procedure No. 1 | Black Forest FM* (final) | ---------- | 7,500 | E-to N course:<br>180 outbound.<br>360 inbound.<br>8,700 within 25 miles | 7,500 | 15—5.9 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 |
| | Pueblo LFR | ---------- | MEA** | | 8,500 | 8—3.9 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-2.0<br>800-3.0 | 300-1.0<br>500-2.0<br>800-3.0 |
| COLUMBIA, S. C.<br>Columbia Airport, 240'<br>SBRAZ-DTV<br>227 kc; CAE<br>Procedure No. 1<br>Owens Field, 192'<br>Procedure No. 1 | Intermediate Watrous Compass Locator, LFR and SE course Spartanburg LFR. | ---------- | 1,500 | Within 7.4 miles, climb to 1,800' on W course<br>Within 25 miles, as directed by ATC.<br>Caution: 510' tall tower located 1.5 miles NW of LFR.<br>*Speed limit 8 to Avoid circling approach. | 1,500 | 1.9—1.1 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 |
| | Owens Field, 192' | ---------- | ---------- | Within 1.9 miles, climb to 1,500' on NW course<br>within 25 miles. | 1,500 | 1.9—1.1 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 |
| COLUMBUS, N. MEX.<br>Columbus Airport, 4024'<br>SBMRAZ-DTV<br>289 kc; CUS<br>Procedure No. 1 | ---------- | ---------- | ---------- | Within 1.9 miles, climb to 4,000' on W course<br>within 25 miles. | 5,000 | 2.6—1.9 | T-dn<br>C-dn<br>A-dn | 1,000-2.0<br>1,000-3.0<br>1,000-4.0 | 1,000-2.0<br>1,000-3.0<br>1,000-4.0 |
| COLUMBUS, OHIO<br>Port Columbus Airport, 815'<br>3MRAZ-DTV<br>344 kc; CMH<br>Procedure No. 1 | Mt. Liberty FM (final) | ---------- | 2,300 | Within 12 miles, climb to 2,300' on E course<br>within 25 miles, as directed by ATC. | 2,300 | 12—1.9 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 |
| | Pataskala FM (final) | ---------- | 1,900 | S-sole course:<br>180 outbound.<br>360 inbound.<br>2,300 within 25 mls. | 1,900 | 12—1.9 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 |



LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; Airport name, elevation; class of facility; frequency; identification, procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn ( )—Side of course; distance from facility; if final procedure course not published below, or if landing not accomplished, remarks | Minimum altitude over facility on final approach course (ft.) | Course and distance (miles) to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m.p.h. or less | Type aircraft: More than 75 m.p.h. |
|---|---|---|---|---|---|---|---|---|---|
| CONCORD, N. H.<br>Concord Airport, 345'<br>BMRIZ-DTV<br>281 kc; CON<br>Procedure No. 1 | ---------- | ---------- | ---------- | W-sle SE course:<br>140 outbound.<br>320 inbound.<br>2,000 within 25 miles. | ---------- | ---------- | ---------- | ---------- | ---------- |
| CORPUS CHRISTI, TEX.<br>Cliff Maus Field, 42'<br>SBMRIZ-DTV<br>382 kc; CRP<br>Procedure No. 1 | Odem FM (final) | ---------- | 800 | W-sle W course:<br>180 outbound.<br>360 inbound.<br>1,100' within 25 mls. | 800 | 22—1.0 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.5<br>700-2.0<br>800-2.0 | 300-1.0<br>500-1.5<br>700-2.0<br>800-2.0 |
| CRESTVIEW, FLA.<br>Crestview Airport, 271'<br>SBRAZ-DTV<br>350 kc; CEW<br>Procedure No. 1 | Eglin LFR | ---------- | 1,500 | N-sle E course:<br>264 outbound.<br>084 inbound.<br>1,200' within 25 mls. | 1,500 | 29—2.4 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 |
| CROSS CITY, FLA.<br>Cross City Airport, 42'<br>SBMRAZ-DTV<br>269 kc; CTY<br>Procedure No. 1 | ---------- | ---------- | ---------- | E-sle SE course:<br>315 outbound.<br>135 inbound.<br>1,500' within 25 mls. | ---------- | 31—2.7 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 |
| CUT BANK, MONT.<br>Cut Bank Airport, 3,900'<br>SBMRAZ-DTV<br>263 kc; CTB<br>Procedure No. 1 | ---------- | ---------- | ---------- | E-sle E course:<br>180 outbound.<br>360 inbound.<br>5,500' within 25 mls. | ---------- | 12—1.1 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 |
| DAGGETT, CALIF.<br>Daggett Airport, 1,927'<br>SBRAZ-DTV<br>305 kc; DAG<br>Procedure No. 1 | ---------- | ---------- | ---------- | N-sle W course:<br>240 outbound.<br>060 inbound.<br>6,000' within 25 mls. | ---------- | (67)—6.0 | T-dn*<br>C-dn<br>A-dn | 2,000-3.0<br>2,000-4.0<br>2,000-5.0 | 2,000-3.0<br>2,000-4.0<br>2,000-5.0 |
| DALLAS, TEX.<br>Love Field, 483'<br>SBRAZ-DTV<br>211 kc; DAL<br>Procedure No. 1 | Lit. Newton Dallas LFR and E course Ft. Worth LFR. | ---------- | 1,700 | E-sle SE course:<br>120 outbound.<br>300 inbound.<br>2,000' within 25 mls. | 1,700 | 6—2.2 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.5<br>700-2.0<br>800-2.0 | 300-1.0<br>500-1.5<br>700-2.0<br>800-2.0 |
| | Dennisville FM (final) | ---------- | 1,800 | | | | | | |
| | Dallas FM (final) | ---------- | 1,200 | | | | | | |
| | Dallas VOR | 200—11.0 | 2,000 | | | | | | |
| DAVENPORT, IOWA | (SEE MOLINE, ILL.) | | | | | | | | |
| DAYTON, OHIO<br>Dayton Airport<br>1,000'<br>SBMRIZ-DTV<br>245 kc; DAY<br>Procedure No. 1 | Verona FM (final) | ---------- | 1,700 | S-sle W course:<br>090 outbound.<br>270 inbound.<br>2,000 within 25 miles. | 1,700 | 16—3.2 | T-dn<br>C-dn<br>A-dn | 200-1.0<br>500-1.5<br>800-2.0 | 200-1.0<br>500-1.5<br>800-2.0 |
| DAYTONA BEACH, FLA.<br>Dayton Beach Airport<br>34'<br>SBMRIZ-DTV<br>256 kc; DAB<br>Procedure No. 1 | Int-E course Daytona Beach LFR and SE course Orlando LFR. | ---------- | 1,200 | N-sle W course:<br>270 outbound.<br>090 inbound.<br>1,200' within 25 mls. | 1,200 | 21—2.1 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 |
| | | | | W-sle SW course:<br>180 outbound.<br>360 inbound.<br>1,200' within 25 mls. | | | | | |
| DELTA, UTAH<br>Delta Airport<br>4,555'<br>SBRAZ-DTV<br>278 kc; DTA<br>Procedure No. 1 | ---------- | ---------- | ---------- | W-sle SW course:<br>180 outbound.<br>360 inbound.<br>2,000' within 25 mls. | ---------- | 6.8—3.6 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-2.0<br>800-2.0 | 300-1.0<br>500-2.0<br>800-2.0 |

LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility, frequency; identification, procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| DENVER, COLO.<br>Stapleton Field, 5,325′<br>SBMRAZ-DTV<br>379 kc; DFN<br>Procedure No. 1 | Dacono FM | | 6,300 | E side N course:<br>348 outbound.<br>168 inbound.<br>6,300′ within 25 miles. | 5,900 | 162—2.4 | T-dn<br>C-dn<br>S-dn<br>17<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 2.4 miles, climb to 8,900′ on S course, or as directed by ATC.<br>*Descent below 8,900′ not authorized until 3 miles N of Franktown FM due to 6,715′ msl terrain 6 miles NW of Franktown.<br>#All procedure turns on N course will be made to E on account of high terrain to W.<br>SHUTTLE: On N course within 25 miles, or as directed by ATC on S course LFR between range and Aurora FM, or on E course LFR.<br>CAUTION: 5,918′ msl radio tower, 5 miles SE of airport. |
| | Henderson FM (final) | | 5,900 | | | | | | | |
| | Watkins FM | | 6,300 | | | | | | | |
| | Franktown FM (Northbound only). | | 7,000* | | | | | | | |
| Procedure No. 3 | Dacono or Henderson FM* | | 6,300 | E side S course:<br>120 outbound.<br>335 inbound.<br>7,000′ within 10 miles**<br>(NA beyond 10 miles). | 7,000<br>(Over Aurora FM) | 335—6.5<br>(From Aurora FM) | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 6.5 miles from Aurora FM, climb to 8,900′ on N course within 30 miles, or as directed by ATC.<br>*If contact not established at range station, climb to 8,900′ on S course.<br>**Procedure turn must be accomplished within 10 miles of Aurora FM on account of high terrain to S.<br>*Descent below 8,900′ not authorized until 3 miles N of Franktown FM due to 6,715′ msl terrain 6 miles NW of Franktown.<br>SHUTTLE: On N course within 25 miles, or as directed by ATC on S course LFR between range and Aurora FM, or on E course LFR.<br>CAUTION: 5,918′ msl radio tower, 5 miles SE of airport. |
| | Watkins FM* | | 6,300 | | | | | | | |
| | Franktown FM (Northbound only). | | 7,000# | | | | | | | |
| DES MOINES, IOWA<br>Des Moines Airport, 957′<br>SBRAZ-DTV<br>212 kc, DSM<br>Procedure No. 1 | Martensdale FM (final) | | 1,600 | E side S course:<br>185 outbound<br>605 inbound<br>2,100′ within 15 miles.*<br>2,200′ within 25 miles.* | 1,600* | 343—2.2 | T-dn<br>C-dn<br>S-dn<br>35<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 2.2 miles, immediately turn left and climb to 2,600′ on W course.<br>*If procedure turn is accomplished beyond 10 miles, altitude inbound to Martensdale FM is 1,700′.<br>CAUTION: 1549′ msl TV tower located 3.2 miles NNE of airport.<br>#When TV tower not visible on N, NE, E and W take-offs, climb to 2,300′ before turning toward tower. |
| DETROIT, MICH.<br>Detroit-Wayne Major Airport, 639′<br>SBRAZ-DTV<br>388 kc; RML<br>Procedure No. 1 | Willow Run LOM (final) | | 1,500 | S side W course.<br>261 outbound.<br>081 inbound.<br>1,900′ within 10 miles.<br>2,000′ within 25 miles. | 1,500 | 107—1.6 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 1.6 miles, climb to 2,300′ on E course, or when directed by ATC, make right turn climbing to 2,300′ and proceed via SE course to Flat Rock Int. |
| Willow Run Airport, 716′<br>Procedure No. 1 | Int. E course Detroit LFR and 300° brg to Detroit VOR or 295° brg to Ford Rbn (Final) | | 1,800 | N side E course:<br>086 outbound.<br>266 inbound.<br>2,300′ within 25 miles. | 1,800 | 274—6.3 | T-dn<br>C-dn<br>S-dn<br>271 R<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 6.3 miles, climb to 2,000′ on W course, or when directed by ATC, (1) proceed direct to Willow Run ILS LOM, climbing to 2,300′, or (2) make right turn and proceed via S course salem VAR, climbing to 2,300′. |
| Detroit City Airport | (SEE WINDSOR, ONT.) | | | | | | | | | |
| DICKINSON, N. DAK.<br>Dickinson Airport, 2,589′<br>SBMRAZ-DTV<br>308 kc; DIK<br>Procedure No. 1 | | | | W side N course:<br>348 outbound.<br>168 inbound.<br>3,800′ within 10 miles.<br>4,000′ within 25 miles. | 3,260 | 168—2.1 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0<br>800-2.0 | Within 2.1 miles, climb to 4,000′ on S course within 20 miles. |
| DILLON, MONT.<br>Dillon Airport, 5,238′<br>BMRLZ-DTV<br>379 kc; DLN<br>Procedure No. 1 | | | | W side NE course:<br>095 outbound.<br>185 inbound.<br>8,000′ within 10 miles.<br>9,000′ within 25 miles. | 7,240 | 169—2.1 | T-d<br>T-n<br>C-dn<br>A-dn | 1,000-1.0<br>1,000-2.0<br>2,000-3.0<br>2,000-3.0 | 1,000-1.0<br>1,000-2.0<br>2,000-3.0<br>2,000-3.0 | Within 2.1 miles, turn right and climb to 11,500′ on NE course within 25 miles. |



LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| DOTHAN, ALA.<br>Dothan Airport, 330′<br>SBRAZ-DTV<br>233 kc; DHN<br>Procedure No. 1 | | | | S side SW course:<br>213 outbound.<br>063 inbound.<br>1,400′ within 25 miles. | 900 | 047—3.7 | T-dn<br>C-dn<br>S-dn<br>5<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 3.7 miles, climb to 1,500′ on NE course within 25 miles. |
| Napier Field | (Make let-down to Dothan Airport. Fly VFR from Dothan Airport to Napier Field). | | | | | | | | | |
| DRUMMOND, MONT. | (NO PROCEDURE APPROVED) | | | | | | | | | |
| DUBOIS, IDAHO<br>Dubois Airport, 5,123′<br>SBRAZ-DTV<br>388 kc; DBS<br>Procedure No. 1 | | | | E side S course:<br>152 outbound.<br>332 inbound.<br>7,000′ within 25 miles. | 6,000 | 332—1.7 | T-d<br>T-n<br>C-d<br>C-n<br>A-dn | 500-1.0<br>500-2.0<br>800-1.0<br>800-2.0<br>800-2.0 | 500-1.0<br>500-2.0<br>800-1.0<br>800-2.0<br>800-2.0 | Within 1.7 miles. Make immediate left turn and climb to 7,500′ on S course within 25 miles.<br>SHUTTLE: to 7,000′ on S course. |
| EFFINGHAM, ILL. | (NO PROCEDURE APPROVED) | | | | | | | | | |
| ELKINS, W. VA<br>Elkins Airport, 1,897′<br>SBMRAZ-DTV<br>281 kc; EKN<br>Procedure No. 1 | | | | W side N course:<br>053 outbound.<br>173 inbound.<br>4,500′ within 25 miles. | 4,300 | 173—2.9 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 1,000-2.0<br>NA<br>2,000-2.0<br>NA<br>2,000-3.0<br>NA | 1,000-2.0<br>NA<br>2,000-2.0<br>NA<br>2,000-3.0<br>NA | Within 2.9 miles, climb to 6,000′ on S course within 25 miles. |
| ELKO, NEV.<br>Elko Airport, 5,136′<br>SBRAZ-DPTV<br>391 kc; EKO<br>Procedure No. 1 | Deeth FM | | 9,000 | N side W course:<br>230 outbound.<br>050 inbound.<br>8,500′ within 15 miles.<br>10,000′ within 25 miles. | 7,400 | 263—0.8 | T-d<br>T-n<br>C-d<br>A-dn | 1,000-2.0<br>1,000-3.0<br>2,500-2.0<br>2,500-3.0 | 1,000-2.0<br>1,000-3.0<br>2,500-2.0<br>2,500-3.0 | Within 0.8 mile, climb to 9,000′ on NE course between range and Deeth FM, making procedure turn on N side of NE course. |
| | Carlin FM (final) | | 7,600 | | | | | | | |
| ELLENSBURG, WASH.<br>Bowers Field, 1,760′<br>SBMRAZ-DTV<br>379 kc; ELN<br>Procedure No. 1 | Ellensburg VOR | 229—1.5 | 5,500 | S side E course:*<br>049 outbound.<br>229 inbound.<br>5,500′ within 10 miles.<br>(NA beyond 10 miles). | 4,000 | 27.3—2.0 | T-dn<br>C-dn<br>A-dn | 1,000-1.0<br>1,500-2.0<br>1,500-3.0 | 1,000-1.0<br>1,500-2.0<br>1,500-3.0 | Within 2.0 miles, turn left, climb to 7,000′ on E course. Climb to 7,500′ within 10 miles of LFR, or as directed by ATC.<br>*Procedure turn not authorized on N side E course due to high terrain.<br>CAUTION: 4,800′ terrain 10 miles NE of LFR station. |
| ELMIRA, N. Y.<br>Chemung County Airport, 951′<br>SBRAZ-DTV<br>385 kc; ELM<br>Procedure No. 1 | | | | S side SW course:<br>223 outbound.<br>043 inbound.<br>3,000′ within 15 miles.<br>3,400′ within 20 miles.<br>3,500′ within 25 miles. | 2,500 | 075—1.7 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 800-2.0<br>800-3.0<br>1,500-2.0<br>1,500-3.0<br>1,500-2.0<br>1,500-3.0 | 800-2.0<br>800-3.0<br>1,500-2.0<br>1,500-3.0<br>1,500-2.0<br>1,500-3.0 | Within 1.7 miles, climb to 3,500′ on NE course. |
| ENTERPRISE, UTAH<br>Enterprise Airport, 5,204′<br>SBMRAZ-DTV<br>341 kc, ENP<br>Procedure No. 1 | | | | W side NE course:<br>020 outbound.<br>200 inbound.<br>8,500′ within 25 miles. | 7,300 | 027—3.3 | T-dn<br>C-dn<br>A-dn | 1,000-2.0<br>2,000-4.0<br>2,000-4.0 | 1,000-2.0<br>2,000-4.0<br>2,000-4.0 | Within 0.0 mile, turn left and climb to 9,000′ on NE course.<br>CAUTION: High terrain 3 miles S and W, also 6 miles E of range station. |
| EPHRATA, WASH.<br>Ephrata Airport, 1,258′<br>BMRLZ-DTV<br>269 kc; EPH<br>Procedure No. 1 | S—Not authorized* | | | N side W course:<br>229 outbound.<br>049 inbound.<br>3,500′ within 10 miles (NA beyond 10 miles). | 2,600 | 230—3.9 | T-dn#<br>C-d<br>C-n#<br>A-d<br>A-n# | 300-1.0<br>800-2.0<br>1,000-2.0<br>1,000-3.0<br>1,200-3.0 | 300-1.0<br>800-2.0<br>1,000-2.0<br>1,000-3.0<br>1,200-3.0 | Within 2.0 mile, execute climbing right turn, climb to 3,000′ on E course within 25 miles of LFR.<br>*Initial approaches not authorized over danger area. Procedure turn on S side W course not authorized due to danger area.<br>#Night takeoffs and landings authorized on runway 21 only.<br>CAUTION: Do not maneuver beyond 1.5 miles W of airport, 2,050′ msl towers and 2,200′ msl terrain located 2 and 4 miles respectively W of airport.<br>SHUTTLE: If necessary, on E course to 4,000′ within 10 miles of LFR. All turns on N side L course. |

LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| ERIE, PA.<br>Port Erie Airport, 732′<br>SBMRAZ-DIV<br>371 kc; ERI<br>Procedure No. 1 | North Springfield FM (final) | | 1,500 | S side SW course:<br>249 outbound.<br>069 inbound.<br>2,000′ within 25 miles. | 1,700 | 063—2.0 | T-dn<br>C-dn<br>A-dn | 500–1.0<br>500–1.5<br>800–2.0 | 300–1.0<br>500–1.5<br>800–2.0 | Within 2.0 miles, climb to 2,500′ on NE course. |
| EUGENE, OREG.<br>Mahlon Sweet Airport, 365′<br>SBRAZ-DTV<br>248 kc; EUG<br>Procedure No. 1 | Cottage Grove FM | | 4,000 | W side N course:<br>356 outbound.<br>176 inbound.<br>3,000′ within 25 miles. | 1,500 | 150—4.5 | T-dn<br>C-dn<br>S-dn 16<br>A-dn | 300–1.0<br>500–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>600–1.5<br>500–1.0<br>800–2.0 | Within 4.5 miles, turn right, climb to 3,000′ on N course LFR within 25 miles or as directed by ATC. |
| EVERETT, WASH.<br>Paine AFB, 603′<br>MRLWZ<br>385 kc; EVE<br>Procedure No. 1 | Int. N course Everett LFR and E course Patricia Bay LFR. | | 2,400 | W side S course:<br>176 outbound.<br>336 inbound.<br>1,600′ within 15 miles.<br>2,000′ within 20 miles.<br>3,000′ within 25 miles | 1,400 | 028—6.1 | T-dn<br>C-d<br>C-n<br>A-dn | 300–1.0<br>500–1.0<br>500–1.5<br>800–2.0 | 300–1.0<br>600–1.5<br>600–2.0<br>800–2.0 | Within 6.1 miles, climb to 3,000′ on N course within 25 miles.<br>CAUTION: High terrain on E side of S course. |
| | Int. E course Everett LFR and NE course Seattle LFR. | | 2,000 | | | | | | | |
| | Int. S course Everett LFR and E course Seattle NAS LFR (final). | | 1,400 | | | | | | | |
| | Int. W course Everett LFR and NW course Seattle LFR. | | 2,000 | | | | | | | |
| FAIRFIELD, UTAH | (NO PROCEDURE AUTHORIZED) | | | | | | | | | |
| FARGO, N. DAK.<br>Hector Field, 900′<br>SBRAZ-DTB<br>365 kc; FAR<br>Procedure No. 1 | Duluth LFR | | 3,100 | N side E course:<br>080 outbound.<br>260 inbound.<br>2,100′ within 10 miles.<br>2,200′ within 15 miles.<br>2,300′ within 20 miles.<br>2,400′ within 25 miles. | 1,600 | 278—0.9 | T-dn<br>C-d<br>C-n<br>A-dn | 300–1.0<br>500–1.0<br>500–1.5<br>800–2.0 | 300–1.0<br>500–1.5<br>500–1.5<br>800–2.0 | Within 0.9 mile, climb to 2,600′ on W course. |
| | Glyndon FM (final) | | 1,600 | | | | | | | |
| | Barnesville FM | | 2,300 | | | | | | | |
| | Wheatland FM | | 2,200 | | | | | | | |
| Procedure No. 2 | Duluth LFR | | 3,100 | S side W course:<br>293 outbound.<br>083 inbound.<br>2,200′ within 20 miles.<br>2,300′ within 25 miles. | 1,700 (Over West Fargo FM) | 083—3.8 (From West Fargo FM) | T-dn<br>C-d<br>C-n<br>A-dn | 300–1.0<br>500–1.0<br>500–1.5<br>800–2.0 | 300–1.0<br>500–1.5<br>500–1.5<br>800–2.0 | Within 3.8 miles from West Fargo FM, climb to 2,600′ on E course. |
| | Glyndon FM | | 2,100 | | | | | | | |
| | Barnesville FM | | 2,300 | | | | | | | |
| | Wheatland FM (final) | | 1,700 | | | | | | | |
| FAYETTEVILLE, N. C.<br>Grannis Airport, 188′<br>SBMRAZ (Pope AFB LFR)<br>338 kc; FTB<br>Procedure No. 1 | Int. E course Pope AFB LFR and S course Raleigh LFR. | | 1,500 | E side S course:<br>175 outbound.<br>355 inbound.<br>1,500′ within 25 miles. | 980# | 147—11.0 | T-dn<br>C-dn<br>A-dn | 300–1.0<br>800–2.0<br>1,000–2.0 | 300–1.0<br>800–2.0<br>1,000–2.0 | Within 0.0 mile, climb to 2,000′ on N course.<br>*Danger area on W course.<br>#If unable to maintain contact at 980′ msl, approach will be discontinued and climb made to 2,000′ on N course Pope LFR.<br>CAUTION: 502′ msl tower located 0.5 mile SW of range station. |
| | W—Not authorized * | | | | | | | | | |
| FLORENCE, S. C.<br>Florence Airport, 146′<br>SBMRLZ-DTV<br>320 kc; FLO<br>Procedure No. 1 | Int. NE course Florence LFR and NW course Myrtle Beach VAR. | | 1,200 | N side SE course:<br>112 outbound.<br>292 inbound.<br>1,200′ within 25 miles. | 800 | 292—1.7 | T-dn<br>C-dn<br>A-dn | 300–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>500–1.5<br>800–2.0 | Within 1.7 miles, climb to 1,500′ on NW course within 25 miles. |
| FORT BRIDGER, WYO.<br>Fort Bridger Airport, 7016′<br>SBRAZ-DTV<br>383 kc; FBR<br>Procedure No. 1 | | | | N side E course:<br>057 outbound.<br>237 inbound.<br>8,500′ within 10 miles*.<br>9,000′ within 25 miles. | 7,520* | 212—1.8 | T-dn<br>C-d<br>C-n<br>A-dn | 300–1.0<br>500–1.0<br>500–2.0<br>800–2.0 | NA<br>NA<br>NA<br>NA | Within 1.8 miles, turn N and climb to 10,000′ on E course LFR.<br>*If procedure turn accomplished beyond 10 miles, altitude over range on final approach is 8,000′. |
| FORT JONES, CALIF. | (NO PROCEDURE APPROVED) | | | | | | | | | |



LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished; remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| FORT MYERS, FLA.<br>Page Field, 17′<br>SBRAZ-DTV<br>341 kc; FMY<br>Procedure No. 1 | | | | S side SW course:<br>218 outbound.<br>038 inbound.<br>1,200′ within 25 miles. | 700 | 038—3.7 | T-dn<br>C-dn<br>S-dn 4<br>A-dn | 300–1.0<br>500–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>500–1.5<br>500–1.0<br>800–2.0 | Within 3.7 miles, climb to 1,200′ on NE course within 25 miles, or as directed by ATC. |
| FORT WAYNE, IND.<br>Baer Field, 801′<br>SBMRLZ-DTV<br>251 kc; FWA<br>Procedure No. 1 | Markle FM (final) | | 1,500 | S side SW course:<br>230 outbound.<br>051 inbound.<br>2,000′ with 25 miles. | 1,300 | 051—3.5 | T-dn<br>C-dn<br>S-dn 4<br>A-dn | 300–1.0<br>500–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>500–1.5<br>500–1.0<br>800–2.0 | Within 3.5 miles, climb to 2,300′ on NE course. |
| FRESNO, CALIF.<br>Fresno-Chandler Airport 280′<br>SBRAZ-DTV<br>344 kc; FNO<br>Procedure No. 1 | Bowles FM (final) | | 800 | W side SE course:<br>136 outbound.<br>316 inbound.<br>1,500′ within 25 miles. | 800 | 035—1.0 | T-dn<br>C-dn<br>A-dn | 300–1.0<br>500–2.0<br>800–2.0 | NA<br>NA<br>NA | Within 0.0 mile, climb to 2,000′ on W course, within 20 miles or as directed by ATC. |
| Procedure No. 2 | Bowles FM | | 1,300 | S side W course:<br>271 outbound.<br>091 inbound.<br>1,500′ within 10 miles.<br>1,500′ within 25 miles. | 800 | 035—1.0 | T-dn<br>C-dn<br>A-dn | 300–1.0<br>500–2.0<br>800–2.0 | NA<br>NA<br>NA | Within 0.0 miles, climb to 1,500′ on SE course within 20 miles or as directed by ATC. |
| Fresno Air Terminal | (Make let-down to Fresno-Chandler Airport. Fly VFR from Fresno-Chandler Airport to Fresno Air Terminal.) | | | | | | | | | |
| Furlong Field | (Make let-down to Fresno-Chandler Airport. Fly VFR from Fresno-Chandler Airport to Furlong Field.) | | | | | | | | | |
| FRONT ROYAL, VA. | (NO ASSOCIATED AIRPORT) | | | | | | | | | |
| GAGE, OKLA.<br>Gage Airport, 2,223′<br>SBRAZ-DTV<br>266 kc; GAG<br>Procedure No. 1 | | | | N side NE course:<br>044 outbound.<br>244 inbound.<br>3,000′ within 25 miles. | 3,100 | 226—2.0 | T-dn<br>C-dn<br>A-dn | 300–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>500–1.5<br>800–2.0 | Within 2.0 miles, climb to 4,500′ on SW course. |
| GILA BEND, ARIZ.<br>Gila Bend AF Auxiliary 858′<br>SBRAZ-DTV<br>257 kc; GBN<br>Procedure No. 1 | | | | S side W course:*<br>247 outbound.<br>067 inbound.<br>3,000′ within 15 miles.<br>4,000′ within 25 miles. | 1,600 | 106—4.0 | T-d<br>T-n<br>C-d<br>C-n<br>S-d<br>S-n 17<br>A-d<br>A-n | 300–1.0<br>NA<br>700–1.5<br>NA<br>700–1.0<br>NA<br>800–2.0<br>NA | 300–1.0<br>NA<br>700–1.5<br>NA<br>700–1.0<br>NA<br>800–2.0<br>NA | Within 0.0 mile, climb to 5,000′ on E course within 25 miles.<br>*Maneuvering area on S side W course restricted to 7 miles in width by danger area. |
| GORDONSVILLE, VA.<br>Gordonsville Airport, 458′<br>SBMRAZ-DTV<br>388 kc; GVE<br>Procedure No. 1 | Int. SW course Gordonsville LFR and NW course Richmond LFR. | | 2,500 | S side SW course:<br>247 outbound.<br>067 inbound.<br>2,500′ within 20 miles (NA beyond 20 miles). | 2,000 | 136—2.5 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 800–1.0<br>NA<br>1,000–2.0<br>NA<br>1,500–3.0<br>NA | 800–1.0<br>NA<br>1,000–2.0<br>NA<br>1,500–3.0<br>NA | Within 2.5 miles, climb to 3,000′ on SE course.<br>SIMULT. NE course to 3,000′.<br>CAUTION: 1,820′ terrain 5 miles NW of LFR. |
| GOSHEN, IND.<br>Goshen Airport, 823′<br>SBRAZ-DTV<br>230 kc; GSH<br>Procedure No. 1 | | | | S side W course:<br>270 outbound.<br>090 inbound.<br>2,000′ within 10 miles.<br>2,100′ within 25 miles. | 1,500 | 090—2.7 | T-dn<br>C-dn<br>S-d<br>S-n 9<br>A-dn | 300–1.0<br>500–1.5<br>500–1.0<br>500–1.5<br>800–2.0 | NA<br>NA<br>NA<br>NA<br>NA | Within 2.7 miles, climb to 2,300′ on E course. |

LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Initial approach to facility: Course and distance | Initial approach to facility: Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished; remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| GRAND FORKS, N. DAK.<br>Grand Forks International Airport 836'<br>BMLZ-DTV<br>388 kc; GFK<br>Procedure No. 1 | | | | E side S course:<br>171 outbound.<br>351 inbound.<br>2,000' within 25 miles. | 1,500 | 351—3.4 | T-dn<br>C-d<br>C-n<br>S-d<br>S-n<br>35<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>500-1.0<br>500-1.5<br><br>800-2.0 | Within 3.4 miles, climb to 2,100' on N course, or as directed by ATC.<br>NOTE: ADF procedure not authorized. |
| GRAND ISLAND, NEBR.<br>Grand Island Airport, 1,846'<br>SBMRLZ-DTV<br>263 kc; GRI<br>Procedure No. 1 | Grand Island VOR | 345—0.9 | 3,100 | W side N course:<br>345 outbound.<br>165 inbound.<br>3,100' within 15 miles.<br>2,500' within 25 miles. | 2,440 | 155—1.7 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 1.7 miles, climb to 3,200' on S course within 25 miles, or as directed by ATC. |
| GRAND MARAIS, MICH.<br>Grand Marais Airport, 808'<br>BRL-DTV<br>341 kc; GMI<br>Procedure No. 1 | | | | S side W course:<br>291 outbound.<br>111 inbound.<br>2,400' within 25 miles. | 1,700 | 111—3.3 | T-dn<br>C-dn<br>S-dn<br>13<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 3.3 miles, climb to 2,500' on E course. |
| GRAND RAPIDS, MICH.<br>Kent County Airport, 692'<br>SBMRLZ-DTV<br>329 kc; GRR<br>Procedure No. 1 | Alaska FM (final) | | 1,400 | E side SE course:<br>123 outbound.<br>303 inbound.<br>2,000' within 25 miles. | 1,400 | 303—2.0 | T-dn<br>C-d<br>C-n<br>S-d<br>S-n<br>30<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>500-1.0<br>500-1.5<br><br>800-2.0 | Within 2.0 miles, climb to 1,900' on NW course, or as directed by ATC.<br>CAUTION: 912' msl stack located approximately 0.5 mile WSW of airport. |
| GREENSBORO, N. C.<br>Greensboro-High Point Airport, 913'<br>SBRAZ-DTV<br>365 kc; GSO<br>Procedure No. 1 | Summit Hill FM (final)<br>Int. SW course Greensboro LFR and SE course Winston-Salem LFR. | | 1,800<br>2,300 | N side NE course:<br>057 outbound.<br>237 inbound.<br>2,300' within 25 miles. | 1,800 | 250—1.4 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>800-2.0 | Within 1.4 miles, make left turn and climb to 2,300' on SE course within 25 miles, or when directed by ATC, make right turn, climb to 4,000' on NW course within 25 miles. |
| GREENVILLE, S. C.<br>Greenville Airport, 1,049'<br>SBMRLZ-DTV<br>281 kc; GRL<br>Procedure No. 1 | Int. S. course Greenville LFR and SW course Spartanburg LFR. | | 1,800 | W side S course:<br>182 outbound.<br>002 inbound.<br>2,500' within 25 miles. | 1,700 | 002—1.9 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>800-2.0 | Within 1.9 miles, climb to 3,000' on course of 005° within 15 miles, then turn left intercepting N course Greenville LFR then proceed S. |
| GREENWOOD, MISS.<br>Greenwood Municipal Airport, 129'<br>BMLZ-DTV<br>281 kc; GRW<br>Procedure No. 1 | | | | N side E course:<br>085 outbound.<br>265 inbound.<br>1,600' within 25 miles. | 1,100 | 265—1.9 | T-dn<br>C-dn<br>A-dn | 330-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 1.9 miles, climb to 1,500' on W course within 25 miles.<br>NOTE: Not approved for ADF approach. |
| Greenwood Airport, 162'<br>Procedure No. 1 | | | | S side W course:<br>265 outbound.<br>085 inbound.<br>1,500' within 25 miles. | 900 | 085—3.9 | T-dn<br>C-d<br>C-n<br>S-d<br>S-n<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | Within 3.9 miles, climb to 1,500' on E course within 25 miles. |
| GULFPORT, MISS.<br>Gulfport Airport, 28'<br>MRLWZ (Keesler AFB LFR)<br>391 kc, BIX<br>Procedure No. 1 | | | | N side NE course:<br>030 outbound.<br>210 inbound.<br>1,500' within 25 miles. | 1,040 | 240—10.0 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>1,000-1.0<br>1,000-2.0<br>1,000-2.0 | 300-1.0<br>1,000-1.0<br>1,000-2.0<br>1,000-2.0 | Within 10.0 miles, Climb to 1,500' on SW course within 25 miles, or as directed by ATC. |
| HARRISBURG, PA.<br>Harrisburg State Airport, 347'<br>SBRAZ-DTV<br>242 kc; HAR<br>Procedure No. 1 | New Kingston FM (final)<br>Huron VOR | 152—6.0 | 1,820<br>2,500 | S side W course:<br>284 outbound.<br>104 inbound.<br>2,400' within 10 miles.<br>3,000' within 15 miles.<br>3,500' within 25 miles. | 1,820 | 118—1.1 | T-d#<br>T-n#<br>C-dn*<br>A-dn* | 500-1.0<br>500-2.0<br>1,000-2.0<br>1,000-2.0 | 500-1.0<br>500-2.0<br>1,000-2.0<br>1,000-2.0 | Within 1.1 miles, climb to 2,000' on E course.<br>*Landing to N authorized daylight only with ceiling 1,500' or better.<br>#Takeoff S on N/S runway not authorized. |



LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Initial approach to facility: Course and distance | Initial approach to facility: Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished; remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| HARTFORD, CONN.<br>Brainard Airport, 15'<br>SBMRAZ-DTV<br>329 kc; HFD<br>Procedure No. 1 | | | | E side SE course:<br>143 outbound.<br>252 inbound.<br>2,000' within 25 miles. | 1,420 | 318—2.3 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>600-1.5<br>800-2.0 | 300-1.0<br>600-1.5<br>800-2.0 | Within 2.3 miles, turn right and climb to 2,000' on SE course. |
| Rentschler Field 45'<br>Procedure No. 1 | | | | E side SE course:<br>143 outbound.<br>323 inbound.<br>2,000' within 25 miles. | 1,430 | 091—2.4 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>600-1.5<br>800-2.0 | 300-1.0<br>600-1.5<br>800-2.0 | Within 2.4 miles, turn right and climb to 2,000' on SE course. |
| HARVEY, ILL.<br>Rubinkam Airport. | (No procedure established because of heavy traffic in Chicago area) | | | | | | | | | |
| HELENA, MONT.<br>Helena Airport, 3,882'<br>SBMRAZ-DTV<br>371 kc; HLN<br>Procedure No. 1 | Winston FM (final)*<br>McDonald Pass FM | | 6,500<br>8,500 | N side SE course:<br>100 outbound.<br>280 inbound.<br>7,500' within 10 miles.<br>8,500' within 25 miles. | 5,800 | 252—1.9 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 800-1.0<br>1,000-1.5<br>1,500-2.0<br>1,500-3.0<br>1,500-2.0<br>1,500-3.0 | 800-1.0<br>1,000-1.5<br>1,500-2.0<br>1,500-3.0<br>1,500-2.0<br>1,500-3.0 | Within 1.9 miles, make right climbing turn to SE course, climb to 8,500' within 10 miles of range.<br>*Maintain at least 8,500' until 3 miles past Winston FM.<br>SHUTTLE: To 8,500' on SE course within 25 miles. |
| HOBBS, N. MEX.<br>Lea County Airport, 3,659'<br>BMRLZ-DTV<br>293 kc; HOB<br>Procedure No. 1 | Hobbs VOR | 127—7.0 | 5,000 | E side N course *<br>308 outbound.<br>168 inbound.<br>5,000' within 25 miles. | 4,500 | 168—8.4 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>600-1.0<br>600-2.0<br>800-2.0 | 300-1.0<br>600-1.5<br>600-2.0<br>800-2.0 | Within 8.4 miles, climb to 5,000' on S course within 25 miles, or as directed by ATC.<br>*Procedure turn to E due to obstruction to W.<br>NOTE: ADF procedure not authorized. |
| HOMESTEAD, FLA.<br>Homestead AFB, 7'<br>SMRLZ-DTV<br>266 kc; HST<br>Procedure No. 1 | | | | S side W course:<br>267 outbound.<br>087 inbound.<br>1,200' within 25 miles. | 1,200 | 087—5.5 | T-dn<br>C-n<br>C-n<br>S-d<br>S-n<br>9<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>500-1.0<br>500-1.5<br><br>800-2.0 | Within 5.5 miles, climb to 1,400' on E course. |
| HOUGHTON, MICH.<br>Houghton County Memorial Airport 1091'<br>BRL-DTV<br>227 kc; CMX<br>Procedure No. 1 | | | | W side N course:<br>018 outbound.<br>198 inbound.<br>2,500' within 25 miles. | 2,000 | 207—3.3 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 3.3 miles, climb to 2,700' on S course. |
| HOULTON, MAINE<br>Houlton Airport, 493'<br>BMRLZ-DTV<br>272 kc; HUL<br>Procedure No. 1 | | | | E side N course *<br>015 outbound<br>195 inbound.<br>2,000' within 15 minutes.<br>2,700' within 25 miles | 1,500 | 300—3.1 | T-dn<br>C-d<br>C-n<br>A-dn | 500-1.0<br>600-1.0<br>600-1.5<br>1,000-2.0 | 500-1.0<br>800-1.5<br>800-2.0<br>1,000-2.0 | Within 3.1 miles, climb to 2,500' on S course within 25 miles.<br>*Procedure turn E to avoid terrain to W.<br>NOTE: (1) Standard clearance not provided over 866' msl obstruction SE of airport. (2) ADF procedure not authorized. |
| HUNTINGTON, W. VA.<br>Huntington Airport (Chesapeake, Ohio), 560'<br>BMRLZ-DTV<br>246 kc; HTW<br>Procedure No. 1 | | | | S side W course:<br>255 outbound.<br>075 inbound.<br>2,100' within 25 miles. | 1,000 | 075—2.3 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 1,000-1.0<br>NA<br>1,000-2.0<br>NA<br>1,500-3.0<br>NA | 1,000-1.0<br>NA<br>1,000-2.0<br>NA<br>1,500-3.0<br>NA | Within 2.3 miles, climb to 2,500' on E course |
| HURON, S. DAK.<br>Howes Airport, 1,287'<br>BMRLZ-DTV<br>300 kc; HON<br>Procedure No. 1 | Int. SW course Huron LFR and E course Pierre LFR (final).<br>Huron VOR | 152—6.0 | 2,000<br>2,500 | S side SW course:<br>225 outbound.<br>041 inbound.<br>2,500' within 10 miles.<br>2,600' within 15 miles.<br>3,000' within 25 miles. | 2,000* | 048—2.8 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>800-2.0 | Within 2.8 miles, climb to 3,000' on NE course within 25 miles, or as directed by ATC.<br>*If procedure turn accomplished beyond 20 mile, final approach altitude inbound to intxn SW Huron LFR and E Pierre LFR is 2,500'.<br>CAUTION: 1,484' msl radio tower, 1.3 miles S of airport.<br>NOTE: ADF procedure not authorized. |

LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation, class of facility, frequency; identification, procedure No. | Initial approach to facility: From— | Initial approach to facility: Course and distance | Initial approach to facility: Minimum altitude (ft.) | Procedure turn: side of final approach course (outbound and inbound), altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| HUTCHINSON, KANS.<br>Hutchinson Airport, 1,542'<br>SBMRLZ-DTV<br>227 kc; HUT<br>Procedure No. 1 | | | | E side S course:<br>170 outbound.<br>350 inbound.<br>2,800' within 25 miles. | 2,300 | 350—3.1 | T-dn<br>C-d<br>C-n<br>S-d<br>S-n<br>55<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>500-1.0<br>500-1.5<br><br>800-2.0 | Within 3.1 miles, climb to 3,100' on N course within 25 miles. |
| IDAHO FALLS, IDAHO<br>Idaho Falls Airport, 4731'<br>SBRAZ-DTV<br>359 kc; IDA<br>Procedure No. 1 | | | | W side NE course:<br>012 outbound.<br>192 inbound.<br>[illegible] miles.<br>7,500' within 25 miles. | 5,520 | 198—2.5 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>700-2.0<br>700-2.5<br>800-2.0 | 300-1.0<br>700-2.0<br>700-2.5<br>800-2.0 | Within 2.5 miles, climb to 7,500' on SW course. |
| INDIANAPOLIS, IND.<br>Indianapolis Airport, 796'<br>SBRAZ-DTV<br>266 kc; IND<br>Procedure No. 1 | Clayton FM (final) | | 1,500 | S side W course:<br>249 outbound.<br>069 inbound.<br>2,000' within 25 miles. | 1,500 | 074—3.2 | T-dn<br>C-dn<br>S-dn<br>9<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 3.2 miles, climb to 2,300' on E course. |
| Stout Field, 714' | Clayton FM (final) | | 1,500 | S side W course:<br>249 outbound.<br>069 inbound.<br>2,000' within 25 miles. | 1,500 | 078—6.1 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 300-1.0<br>NA<br>500-1.0<br>NA<br>800-2.0<br>NA | 300-1.0<br>NA<br>500-1.5<br>NA<br>800-2.0<br>NA | Within 6.1 miles, climb to 2,300' on E course. |
| JACKSON, MISS.<br>Hawkins Field, 343'<br>SBRAZ-DTV<br>240 kc; JAN<br>Procedure No. 1 | Pelahatchie FM | | 1,700 | W side N course:<br>356 outbound.<br>176 inbound.<br>1,700' within 25 miles. | 1,200 | 182—2.3 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 2.3 miles, turn left climb to 1,800' on E course within 25 miles of LFR. CAUTION: 1,049 msl tower located 4.1 miles SW of airport. |
| JACKSON, TENN.<br>Jacks Creek Airport, 550'<br>BMRLZ-DTV<br>332 kc; MKL<br>Procedure No. 1 | | | | W side N course:<br>005 outbound.<br>185 inbound.<br>1,800' within 25 miles. | 1,500 | 185—2.6 | T-dn<br>C-d<br>C-n<br>S-d<br>S-n<br>A-dn | 500-1.0<br>500-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br>1000-3.0 | 300-1.0<br>500-1.5<br>500-1.5<br>500-1.0<br>500-1.5<br>1000-3.0 | Within 2.6 miles, climb to 2,000' on S course. |
| JACKSONVILLE, FLA.<br>Imeson Airport, 52'<br>SBRAZ-DTV<br>344 kc; JAX<br>Procedure No. 1 | Ft. George Island FM (final) | | 600 | N side E course:<br>089 outbound.<br>269 inbound.<br>1,100 within 25 miles. | 600 | 269—1.7 | T-dn<br>C-dn<br>S-dn<br>27<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 1.7 miles, climb to 1,200' on W course within 25 miles, or as directed by ATC. |
| JAMESTOWN, N. DAK.<br>Jamestown Airport, 1,498'<br>SBMRAZ-DTV<br>344 kc, JMS<br>Procedure No. 1 | | | | N side E course:<br>078 outbound.<br>258 inbound.<br>2,600' within 25 miles. | 2,100 | 254—1.5 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>800-2.0 | Within 1.5 miles, climb to 3,400' on W course. |
| JOLIET, ILL.<br>Joliet Airport, 580'<br>SBRAZ-DTV<br>257 kc; JOT<br>Procedure No. 1 | | | | S side W course:<br>248 outbound.<br>068 inbound.<br>1,900' within 25 miles. | 1,500 | 126—3.7 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.5<br>500-2.0<br>800-2.0 | NA<br>NA<br>NA<br>NA | Within 3.7 miles, turn right and climb to 2,000' on SW course within 25 miles. |



LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Initial approach to facility: Course and distance | Initial approach to facility: Minimum altitude (ft.) | Procedure turn: side of final approach course (outbound and inbound), altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| KANSAS CITY, MO.<br>Kansas City Airport, 758'<br>SBRAZ-DTXV<br>359 kc; MKC<br>Procedure No. 1 | Linkville FM (final) | | 1,100 | E side NW course:*<br>328 outbound.<br>148 inbound.<br>2,400' within 10 miles.<br>(NA beyond 10 miles) | 1,600 | 112—2.9 | T-dn#<br>C-dn<br>S-d<br>S-n<br>17<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br><br>800-2.0 | Within 2.9 miles, immediately make right turn and climb to 2,200' on SW course, or as directed by ATC.<br>*Procedure turn non-standard to avoid traffic congestion on S course St. Joseph LFR.<br>#Takeoffs to S and SW when weather is below 1,000-3, will intercept a 210° bearing from the LMM and will maintain a course of 210° from the LMM as soon as practicable after takeoff and maintain this course until reaching 2,500' prior to making left turn.<br>CAUTION: (1) SE course extends over city—adhere strictly to pullup procedure. (2) 1,423' msl obstructions, 1 mile S and SE of airport. (3) 911' msl cracking plant and 853' msl stack, 0.5 mile WNW of airport. (4) 1,670' msl TV tower, 2.9 miles S of airport and directly in line with N-S runway. |
| Fairfax Field (Kansas City, Kans.), 746'<br>Procedure No. 1 | Linkville FM (final) | | 1,600 | E side NW course:*<br>328 outbound.<br>148 inbound.<br>2,400' within 10 miles.<br>(NA beyond 10 miles) | 1,600 | 111—1.1 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>700-1.5<br>800-2.0 | Within 1.1 miles, immediately# make right climbing turn and climb to 2,200' on SW course, or as directed by ATC.<br>*Procedure turn non-standard and limited to 10 miles to avoid traffic confliction on S course St. Joseph LFR and 11-S.<br>#SE course extends over city.<br>CAUTION: (1) 1,423' msl obstructions located 3 miles E of airport—adhere strictly to pull up procedure. (2) 911' msl cracking plant, 1 mile S of approach end of Runway 35. (3) 853' msl stack, 0.5 mile SE of approach end of Runway 35. (4) 1,670' msl TV tower, 4.5 miles S of airport. |
| KELLY (San Antonio), TEX.<br>Kelly AFB, 675'<br>SBRAZ-DTV<br>284 kc; SKF<br>Procedure No. 1 | | | | W side NW course:<br>307 outbound.<br>125 inbound.<br>2,500' within 10 miles.<br>2,400' within 15 miles.<br>3,000' within 25 miles. | 1,600 | 107—2.0 | T-d<br>T-n<br>C-dn<br>A-dn | 300-1.0<br>300-2.0<br>700-2.0<br>800-2.0 | 300-1.0<br>300-2.0<br>700-2.0<br>800-2.0 | Within 2.0 miles, climb to 2,000' on SW course within 25 miles. |
| KEY WEST, FLA.<br>Meacham Field, 4'<br>SBRAZ-DTV<br>332 kc; EYW<br>Procedure No. 1 | Stock Island FM | | 1,300 | S side W course:<br>265 outbound.<br>086 inbound.<br>1,700' within 25 miles. | 800 | 170—1.8 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 300-1.0<br>NA<br>700-1.5<br>NA<br>800-2.0<br>NA | 300-1.0<br>NA<br>800-2.0<br>NA<br>800-2.0<br>NA | Within 1.8 miles, climb to 1,400' on E course within 25 miles of LFR, or as directed by ATC. |
| KIRKSVILLE, MO.<br>Kirksville Airport, 970'<br>BMRLZ-DTV<br>301 kc; IRK<br>Procedure No. 1 | | | | E side SE course.<br>137 outbound.<br>317 inbound.<br>2,100' within 25 miles. | 1,600 | 128—1.1 | T-dn<br>C-d<br>C-n<br>A-dn | 500-1.0<br>500-1.0<br>1500-1.5<br>800-2.0 | NA<br>NA<br>NA<br>NA | Within 1.1 miles, climb to 2,500' on NW course within 25 miles, or as directed by ATC.<br>NOTE: ADF procedures not authorized.<br>CAUTION: Airport adequate only for aircraft of 10,000 pounds or less gross weight. |
| KLAMATH FALLS, OREG.<br>Klamath Airport, 4,088'<br>SBRAZ-DTV<br>242 kc; LMT<br>Procedure No. 1 | Int. N course Klamath Falls LFR and E course Medford LFR. | | 9,000 | E side S course.<br>162 outbound.<br>342 inbound.<br>8,000' within 12 miles (NA beyond 12 miles) | 4,500 | 208—2.5 | T-d<br>T-n<br>C-d<br>C-n<br>A-dn | 1,800-1.0<br>1,800-2.0<br>1,800-1.5<br>1,800-2.0<br>1,800-2.0 | 1,800-1.0<br>1,800-2.0<br>1,800-1.5<br>1,800-2.0<br>1,800-2.0 | Within 2.5 miles, turn left and climb to 9,000' on S course within 15 miles. |
| | Int. S course Klamath Falls LFR and E course Ft. Jones LFR | | 9,000 | | | | | | | |
| KNOXVILLE, TENN.<br>McGhee-Tyson Airport 989'<br>SBRAZ-DTV<br>257 kc; TYS<br>Procedure No. 1 | Piedmont FM | | 4,000 | E side N course:*<br>264 outbound.<br>171 inbound.<br>3,000' within 25 miles. | 2,000 | 197—2.3 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>800-2.0 | Within 2.3 miles, climb to 4,000' on W course within 25 miles, or as directed by ATC.<br>*Non-standard procedure turn authorized due to prohibited area on W side of course. |
| | Tallassee FM | | 3,500 | | | | | | | |
| | Inskip FM | | 3,000 | | | | | | | |
| | Inskip FM (final) | | 2,000 | | | | | | | |

LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| LA CROSSE, WIS.<br>La Crosse Airport, 653'<br>SBRAZ DTV<br>371 kc; LSE<br>Procedure No. 1 | | | | W side NW course:<br>301 outbound.<br>121 inbound.<br>2,500' within 10 miles.<br>2,600' within 25 miles. | 1,800 | 112—5.0 | T-1<br>T-n<br>C-1<br>C-n<br>S-1<br>S-n<br>13<br>A-dn | 400-1.0<br>400-1.5<br>600-1.0<br>600-2.0<br>500-1.5<br>500-2.0<br>1,000-2.0 | 400-1.0<br>400-1.5<br>600-1.5<br>600-2.0<br>500-1.5<br>500-2.0<br>1,000-2.0 | Within 5.0 miles, make immediate right climbing turn to 2,500' and return to range station.<br>CAUTION: 1,275' msl radio tower approximately 2.5 miles WSW of airport. |
| LA FAYETTE, IND.<br>Purdue University Airport<br>BMRLZ-DTV<br>227 kc; LAF<br>Procedure No. 1 | | | | S side SW course:<br>230 outbound.<br>[illegible] inbound.<br>1,800' within 25 miles. | 1,340 | 015—2.1 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>NA<br>NA | Within 2.4 miles, climb to 2,000' on NE course LFR within 25 miles.<br>CAUTION: 881' msl unlighted stacks, 1.5 miles NE of airport.<br>NOTE: ADF procedures not authorized. |
| LA JUNTA, COLO.<br>La Junta Airport, 4,238'<br>SBMRLZ-DTV<br>281 kc; LHX<br>Procedure No. 1 | | | | W side NE course:<br>014 outbound.<br>194 inbound.<br>5,400' within 10 miles.<br>5,600' within 25 miles. | 4,900 | 194—2.6 | T-dn<br>C-dn<br>S-1<br>S-n<br>19<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | Within 2.6 miles, climb to 6,000' on NE course within 25 miles, or as directed by ATC. |
| LAKE CHARLES, LA.<br>Lake Charles AFB, 18'<br>SBRAZ-DTV<br>242 kc; LCH<br>Procedure No. 1 | Lake Charles VOR | 067—5.0 | 1,300 | E side S course:<br>172 outbound.<br>352 in bound.<br>1,200' within 25 miles. | 800 | 347—2.4 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 2.4 miles, climb to 1,300' on N course within 25 miles, or as directed by ATC. |
| LANSING, MICH.<br>Capital City Airport, 858'<br>SBMRAZ-DTV<br>206 kc; LAN<br>Procedure No. 1 | | | | N side E course:<br>101 outbound.<br>281 inbound.<br>2,300' within 25 miles. | 1,760 | 280—2.6 | T-dn<br>C-dn<br>S-dn<br>27<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 2.6 miles, climb to 2,200' on W course, or as directed by ATC. |
| LARAMIE, WYO.<br>Brees Field, 7,273'<br>SBMRAZ-DTV<br>245 kc; LAR<br>Procedure No. 1 | Laramie VOR | 048-1.5 | 8,500 | E side NW course:<br>317 outbound.<br>137 inbound.<br>8,500' within 25 miles | 8,000 | 138—2.1 | T-dn<br>C-1<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-2.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-2.0<br>800-2.0 | Within 2.1 miles, climb to 11,500' on SE course. |
| LAREDO, TEX.<br>Laredo AFB, 512'<br>SBRAZ-DTV<br>205 kc; LRD<br>Procedure No. 1 | Laredo VOR | 317-8.4 | 1,700 | W side NW course:<br>317' outbound.<br>137 inbound.<br>1,700' within 25 miles. | 1,200 | 137—3.1 | T-dn<br>C-dn<br>S-dn<br>14<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 3.1 miles, climb to 1,900' on SE course within 25 miles. |
| LAS VEGAS, NEV.<br>McCarran Field, 2,171'<br>SBMRAZ-DTV<br>206 kc; LAS<br>Procedure No. 1 | Goodsprings Rbn. | | 7,500 | S side SW course:<br>203 outbound.<br>023 inbound.<br>5,000' within 15 miles.<br>7,000' within 20 miles.<br>10,000' within 25 miles. | 3,670 | 195—13.2 | T-dn<br>C-dn<br>A-dn | 800-2.0<br>1,500-2.0<br>1,500-2.0 | 800-2.0<br>1,500-2.0<br>1,500-2.0 | Within 0.0 mile, climb to 7,000' on NE course within 20 miles.<br>SHUTTLE: To 7,000' on NE and/or SW course within 20 miles of LFR. Turn to S. |
| LAS VEGAS, N. MEX.<br>Las Vegas Airport, 6,866'<br>SBMRAZ-DTV<br>359 Kc; LVS<br>Procedure No. 1 | | | | E side SW course:<br>201 outbound.<br>021 inbound.<br>9,000' within 25 miles. | 7,800 | 008—3.2 | T-1<br>T-n<br>C-1<br>C-n<br>S-1<br>S-n<br>2<br>A-dn | 300-1.0<br>300-2.0<br>500-1.0<br>500-2.0<br>500-1.0<br>500-2.0<br>800-2.0 | 300-1.0<br>300-2.0<br>600-1.5<br>600-2.0<br>500-1.0<br>500-2.0<br>800-2.0 | Within 3.2 miles, climb to 11,000' on right side NE course within 25 miles. |
| LEWISTOWN, MONT.<br>Lewistown Airport, 4209'<br>SBRAZ-DTV<br>353 kc; LWT<br>Procedure No. 1 | Stanford FM (final) | | 5,000 | S side W course:<br>268 outbound.<br>088 inbound.<br>6,000' within 25 miles. | 5,000 | 091—2.9 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>700-2.0<br>800-2.0 | 300-1.0<br>800-2.0<br>800-2.0 | Within 2.9 miles. Turn right and climb to 6,000' on W course within 25 miles. |



LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| LINCOLN, NEBR.<br>Lincoln AFB, 1191'<br>SBMRLZ-DTV<br>385 kc; LNK<br>Procedure No. 1 | | | | W side N course:<br>350 outbound.<br>170 inbound.<br>2,400' within 10 miles (NA beyond 10 miles). | 1,200 | 170—2.1 | T-dn<br>C-dn<br>S-1<br>S-n<br>14<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | Within 2.1 miles, climb to 2,600' on S course within 25 miles, or as directed by ATC.<br>CAUTION: 1,650' msl tower in missed approach area. |
| LITTLE ROCK, ARK.<br>Adams Field, 257'<br>SBRAZ-DTV<br>353 kc; LIT<br>Procedure No. 1 | Keo FM (final)<br>Little Rock VOR | <br>314—0.6 | 800<br>1,300 | E side SE course:<br>133 outbound.<br>313 inbound.<br>1,300' within 10 miles.<br>1,500' within 25 miles. | 800* | 313—3.8 | T-dn<br>C-dn<br>S-1<br>S-n<br>32<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | Within 3.8 miles, climb to 3,000' on NW course within 25 miles, or as directed by ATC.<br>*Maintain procedure turn altitude until within 10 miles of LFR on final. |
| LIVINGSTON, MONT. | (NO PROCEDURE APPROVED) | | | | | | | | | |
| LONE ROCK, WIS.<br>Lone Rock Airport, 717'<br>BMLZ-DTV<br>278 kc; LNR<br>Procedure No. 1 | | | | S side W course:<br>278 outbound.<br>098 inbound.<br>2,300' within 10 miles.<br>2,500' within 25 miles. | 2,020 | 098—0.0 | T-1<br>T-n<br>C-dn<br>A-dn | 600-1.0<br>800-3.0<br>1,300-2.0<br>1,300-2.0 | NA<br>NA<br>NA<br>NA | Within 0.0 miles, climb to 2,500' on E course of LFR, or as directed by ATC.<br>NOTE: ADF procedure not authorized. |
| LONG BEACH, CALIF.<br>Long Beach Airport, 56'<br>SBMRLZ-DTV<br>233 kc; LGB<br>Procedure No. 1 | La Habra FM<br>Huntington Beach FM (final | <br>---------- | 1,500<br>1,000 | W side SE course:<br>118 outbound.<br>298 inbound.<br>1,500' within 15 miles (NA beyond 15 miles). | 1,000 | 248—3.9 | T-dn<br>C-dn<br>S-dn<br>30<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>600-2.0<br>500-1.0<br>800-2.0 | Within 4.0 miles, climb to 800' on NW course, then turn left to heading of 256°, continuing climb to intercept S course Los Angeles LFR and proceed to San Pedro Int. at minimum altitude of 2,000', or as directed by ATC.<br>CAUTION: 740' msl hill with oil derricks, 1 mile S of airport. |
| LOS ANGELES, CALIF.<br>Gardena Valley Airport, 50'<br>SBMRAZ-DTXV<br>332 kc, LAX | (Make let-down to Los Angeles International Airport. Fly VFR from Los Angeles International Airport to Gardena-Valley Airport). | | | | | | T-1<br>T-n<br>C-1<br>C-n<br>A-dn | 500-1.0<br>500-2.0<br>1,000-1.0<br>1,000-2.0<br>1,000-3.0 | 500-1.0<br>500-2.0<br>1,000-1.0<br>1,000-2.0<br>1,000-3.0 | Minimums are reported at Los Angeles International Airport. If lower minimums are encountered en route from Los Angeles International Airport to satellite field, the aircraft is to return to Los Angeles International Airport. |
| Hawthorne Airport, 64' | (Make let-down to Los Angeles International Airport. Fly VFR from Los Angeles International Airport to Hawthorne Airport.) | | | | | | T-1<br>T-n<br>C-1<br>C-n<br>A-dn | 500-1.0<br>500-2.0<br>1,000-1.0<br>1,000-2.0<br>1,000-3.0 | 500-1.0<br>500-2.0<br>1,000-1.0<br>1,000-2.0<br>1,000-3.0 | (See remarks under Gardena-Valley Airport.) |
| Santa Monica Airport, 173' | (Make let-down to Los Angeles International Airport. Fly VFR from Los Angeles International Airport to Santa Monica Airport.) | | | | | | T-1<br>T-n<br>C-1<br>C-n<br>A-dn | 500-1.0<br>500-2.0<br>1,000-1.0<br>1,000-2.0<br>1,000-3.0 | 500-1.0<br>500-2.0<br>1,000-1.0<br>1,000-2.0<br>1,000-3.0 | (See remarks under Gardena-Valley Airport.) |
| LOUISVILLE, KY.<br>Standiford Field 497'<br>SBMRLZ-DTXV<br>350 kc; LOU<br>Procedure No. 1 | Eastwood FM (final)<br>Shepherdsville FM | <br>---------- | 1,500<br>2,000 | S side E course:<br>086 outbound.<br>266 inbound.<br>2,000' within 10 miles.<br>2,400' within 25 miles. | 1,500 | 242—6.1 | T-dn<br>C-1<br>C-n<br>S-1<br>S-n<br>23<br>A-dn | 300-1.0<br>500-1.0<br>500-2.0<br>500-1.0<br>500-2.0<br>800-2.0 | 300-1.0<br>600-1.5<br>600-2.0<br>500-1.5<br>500-2.0<br>800-2.0 | Within 6.1 miles, climb to 2,100' on W course within 20 miles.<br>CAUTION: 1,117' msl radio tower on N side E course 12 miles from LFR. 1,032' msl radio tower on S side E course, 6.5 miles from LFR. |
| Bowman Field, 549'<br>Procedure No. 1 | Eastwood FM (final)<br>Shepherdsville FM | <br>---------- | 1,500<br>2,000 | S side E course:<br>086 outbound.<br>266 inbound.<br>2,000' within 10 miles.<br>2,400' within 25 miles. | 1,500 | 282—1.5 | T-dn<br>C-1<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>600-1.5<br>600-1.5<br>800-2.0 | Within 1.5 miles, climb to 2,100' on W course within 20 miles.<br>CAUTION: 1,117' msl radio tower on N side E course, 12 miles from LFR. 1,032' msl radio tower on S side E course, 6.5 miles from LFR. |
| LOVELOCK, NEV.<br>Lovelock Airport, 3,903'<br>BMRLZ-DTV<br>209 kc; LOL<br>Procedure No. 1 | | | | N side NE course:<br>048 outbound.<br>228 inbound.<br>9,500' within 10 miles (NA beyond 10 miles). | 7,500 | 247—21.0 | T-1<br>T-n<br>C-1<br>C-n<br>A-1<br>A-n | 3,500-1.0<br>4,500-2.0<br>3,500-1.0<br>4,500-2.0<br>3,500-1.0<br>4,500-2.0 | 3,500-1.0<br>4,500-2.0<br>3,500-1.0<br>4,500-2.0<br>3,500-1.0<br>4,500-2.0 | Within 0.0 mile, climb to 10,000' on SW course within 20 miles, or as directed by ATC.<br>*Final approach from LFR station at night shall be via SW course of LFR until airport is visible from overhead.<br>NOTE: ADF procedure not authorized.<br>SHUTTLE: To 10,000' on SW course within 45 miles. |

LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility, frequency; identification; procedure No. | Initial approach to facility: From— | Initial approach to facility: Course and distance | Initial approach to facility: Minimum altitude (ft.) | Procedure turn ( ) side of final approach course (entbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| LUBBOCK, TEX.<br>Lubbock Airport, 3,256'<br>BMRLZ-DTV<br>391 kc; LBB<br>Procedure No. 1 | Roundup FM | | 4,500 | S side W course:<br>258 outbound.<br>078 inbound<br>4,500' within 15 miles (NA beyond 15 miles). | 4,500 | 078—11.5 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>600-1.0<br>600-2.0<br>800-2.0 | 300-1.0<br>600-2.0<br>600-2.0<br>800-2.0 | Within 4.0 miles, climb to 4,500' on E course within 25 miles, or as directed by ATC.<br>NOTE. ADF procedure not authorized. |
| | Lubbock VOR | 231—7.8 | 4,500 | | | | | | | |
| LUCIN, UTAH | (NO PROCEDURE APPROVED) | | | | | | | | | |
| LYNCHBURG, VA.<br>Preston Glenn Airport, 942'<br>SBRAZ-DTV<br>206 kc; LYN<br>Procedure No. 1 | | | | S side S course:<br>165 outbound.<br>345 inbound.<br>2,500' within 25 miles. | 1,940 | 157—1.9 | T-dn<br>C-d<br>C-n<br>A-dn | 500-1.0<br>1,000-2.0<br>1,000-2.0<br>1,500-2.0 | 500-1.0<br>1,000-2.0<br>1,000-2.0<br>1,500-2.0 | Within 0.0 mile turn left and climb to 2,500' on S course.<br>(CAUTION: Do not proceed N of the Lynchburg LFR.)<br>NOTE: Airport lies between procedure turn and the LFR. |
| Procedure No. 2 | | | | E side S course:<br>165 outbound.<br>345 inbound.<br>2,500' within 25 miles. | 1,710<br>(Over Oak Grove FM.) | 348—3.9<br>(From Oak Grove FM.) | T-dn<br>C-dn<br>S-dn<br>35<br>A-dn | 500-1.0<br>700-1.0<br>600-1.0<br><br>900-2.0 | 500-1.0<br>800-1.5<br>600-1.0<br><br>900-2.0 | Within 3.9 miles from Oakr Grove FM, climb straight ahead to 2,000' inbound on S course, then make a climbing left turn, proceed outbound on S course of LFR at 2,500'.<br>(CAUTION: Do not proceed N of the Lynchburg LFR.) |
| MACON, GA.<br>Macon-Cochran Airport, 354'<br>SBMRAZ-DTV<br>209 kc; MCN<br>Procedure No. 1 | | | | W side NW course:<br>325 outbound.<br>145 inbound.<br>1,600' within 20 miles (NA beyond 20 miles). | 1,200 | 113—3.5 | T-dn<br>C-dn<br>S-dn<br>13<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 3.5 miles, climb to 1,500' on SE course within 25 miles, or as directed by ATC. |
| Smart Airport | (Make let-down to Macon-Cochran Airport. Fly VFR from Macon-Cochran Airport to Smart Airport. | | | | | | | | | |
| MADISON, WIS.<br>Truax Field, 859'<br>BMRLZ-DTV<br>400 kc; MSN<br>Procedure No. 1 | | | | E side SE course:<br>134 outbound.<br>314 inbound.<br>2,100' within 25 miles. | 1,600 | 314—2.6 | T-dn<br>C-d<br>C-n<br>S-d<br>S-n<br>31<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br><br>800-2.0 | 300-1.0<br>500-1.5<br>600-1.5<br>500-1.0<br>500-1.5<br><br>800-2.0 | Within 2.6 miles, climb to 3,300' on NW course. |
| MALAD CITY, IDAHO<br>Malad City Airport, 4,503'<br>SBRAZ-DTV<br>314 kc; MLD<br>Procedure No. 1 | | | | S side W course:<br>272 outbound.<br>092 inbound.<br>9,000' within 12 miles (NA beyond 12 miles). | 8,500 | 121—3.5 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 4,000-3.0<br>NA<br>4,000-3.0<br>NA<br>4,000-3.0<br>NA | 4,000-3.0<br>NA<br>4,000-3.0<br>NA<br>4,000-3.0<br>NA | Within 0.5 mile, make right climbing turn, climb to 11,000' on W course within 25 miles, or as directed by ATC.<br>CAUTION: High terrain N extending through the E to the S.<br>NOTE: (1) Only runway 16/34 authorized for landings or take-offs all aircraft. |
| MARTINSBURG, W. VA.<br>Martinsburg Airport, 556'<br>SBMRLZ-DTV<br>209 kc; MRB<br>Procedure No. 1 | | | | E side SW course:<br>215 outbound.<br>045 inbound.<br>2,500' within 25 miles. | 1,500 | 010—2.6 | T-dn*<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 2.6 miles, climb to 3,500' on NE course within 25 miles.<br>*Make right turn after take-off on runway 35 to avoid hills to the NW. |
| MEDFORD, OREG.<br>Medford Airport, 1,330'<br>SBRAZ-DTV<br>263 kc; MFR<br>Procedure No. 1 | Trail FM (final) | | 3,000 | E side N course*:<br>332 outbound.<br>152 inbound.<br>6,000' within 14 miles.<br>6,500' within 25 miles. | 3,000 | 158—2.4 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>1,000-2.0<br>1,000-2.0 | 300-1.0<br>1,000-2.0<br>1,000-2.0 | Within 2.4 miles, make 160° right turn to course climbing to 6,500' within 14 miles.<br>*Procedure turns on W side of N course not authorized due to high terrain. |
| | Int. S course Medford LFR and W course Klamath Falls LFR. | | 8,000 | | | | | | | |
| MELBOURNE, FLA.<br>Melbourne-Eau Gallie Airport, 26'<br>SBRAZ-DTV<br>257 kc; MLB<br>Procedure No. 1 | | | | N side N course:<br>338 outbound.<br>158 inbound.<br>1,200' within 25 miles. | 8,000 | 158—2.3 | T-d<br>C-n<br>C-d<br>C-n<br>S-d<br>[illegible]<br>[illegible]<br>19<br>A-d<br>A-n | 300-1.0<br>NA<br>500-1.0<br>NA<br>500-1.0<br>NA<br><br>800-2.0<br>NA | 300-1.0<br>NA<br>500-1.5<br>NA<br>500-1.0<br>NA<br><br>800-2.0<br>NA | Within 2.3 miles, climb to 1,200' on S course within 25 miles, or as directed by ATC. |



LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility, frequency; identification; procedure No. | Initial approach to facility: From— | Initial approach to facility: Course and distance | Initial approach to facility: Minimum altitude (ft.) | Procedure turn ( ) side of final approach course (entbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| MEMPHIS, TENN.<br>Memphis Airport, 269'<br>SBRAZ-DTV<br>371 kc; MEM<br>Procedure No. 1 | Nesbitt FM (final) | | 800 | E side S course:<br>179 outbound.<br>359 inbound.<br>1,300' within 25 miles. | 800 | 356—2.1 | T-dn<br>C-dn<br>S-dn<br>2<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 2.1 miles, climb to 2,000' on NE course within 25 miles or as directed by ATC. |
| MERCED, CALIF.<br>Merced Airport, 155'<br>MRAZ (Castle AFB LFR)<br>296 kc; MER<br>Procedure No. 1 | | | | N side NE course:<br>023 outbound<br>213 inbound.<br>1,700' within 15 miles (NA beyond 15 miles). | 1,200 | 193—3.0 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>800-2.0 | Within 3.0 miles, climb to 3,000' on SW course within 25 miles, or as directed by ATC. |
| MERIDIAN, MISS.<br>Key Field, 297'<br>SBMRAZ-DTV<br>239 kc; MEI<br>Procedure No. 1 | | | | W side N course:<br>344 outbound.<br>164 inbound.<br>1,500' within 25 miles. | 1,000 | 164—2.8 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>800-2.0 | Within 2.8 miles, climb to 2,000' on S course. |
| MIAMI, FLA.<br>Miami International Airport, 9'<br>SBRAZ-DTV<br>365 kc; MIA<br>Procedure No. 1 | Krome FM (final) | | | S side W course:<br>272 outbound.<br>092 inbound.<br>1,000' within 25 miles. | 600 | 085—5.7 | T-dn<br>C-dn<br>S-dn<br>9R<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 5.7 miles, climb to 1,400' on E course, or as directed by ATC. |
| MIDLAND, TEX.<br>Midland Airpark, 2805'<br>BMRLZ-DTV<br>209 kc; MAF | (Make let-down to Midland Air Terminal. Fly VFR from Midland Air Terminal to Midland Airpark.) | | | | | | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>1,000-1.0<br>1,000-2.0<br>1,000-3.0 | 300-1.0<br>1,000-1.0<br>1,000-2.0<br>1,000-3.0 | |
| MILES CITY, MONT.<br>Miles City Airport, 2,631'<br>SBMRAZ-DTV<br>320 ck; MLS<br>Procedure No. 1 | | | | S side W course:<br>295 outbound.<br>055 inbound.<br>4,500' within 25 miles. | 3,500 | 055—2.2 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>800-2.0 | Within 2.2 miles, climb to 4,300' on E course within 20 miles. |
| MILLINOCKET, MAINE<br>Millinocket Airport, 408'<br>SBRAZ-DTV<br>344 kc; MLT<br>Procedure No. 1 | | | | N side E course:<br>100 outbound.<br>280 inbound.<br>1,800' within 10 miles.<br>2,000' within 25 miles. | 1,300 | 292—1.6 | T-dn<br>C-dn<br>A-dn | 400-1.0<br>500-1.0<br>800-2.0 | 400-1.0<br>600-1.0<br>800-2.0 | Within 1.6 miles, climb to 2,500' on SW course.<br>NOTE: Minimums not authorized for 4-engine aircraft. |
| MILLVILLE, N. J.<br>Millville Airport, 57'<br>SBRAZ-DTV<br>365 kc; MIV<br>Prodedure No. 1 | | | | W side NW course:<br>337 outbound.<br>157 inbound.<br>1,000' within 10 miles (NA beyond 10 miles).* | 1,100 | 114—4.3 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 4.3 miles, climb to 1,500' on SE course within 25 miles, or as directed by ATC.<br>*Procedure turn beyond 10 miles not authorized due to military operations at New Castle County Airport.<br>NOTE: Night take-offs and landings authorized on E-W and NW-SE runways only. |
| MILWAUKEE, WIS.<br>General Mitchell Airport, 693'<br>SBRAZ-DTV<br>242 kc; MKE<br>Procedure No. 1 | Kenosha FM | | 2,000 | E side S course:<br>178 outbound.<br>358 inbound.<br>1,900' within 20 miles.<br>2,000' within 25 miles. | 1,400 | 352—2.2 | T-dn<br>C-dn<br>S-dn<br>1<br>A-dn | 300-1.0<br>600-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>600-1.5<br>500-1.0<br><br>800-2.0 | Within 2.2 miles, climb to 2,700' on N course within 25 miles, when directed by ATC, make left climbing turn, climb to 2,500' on W course. |
| | Franksville FM (final) | | 1,400 | | | | | | | |
| | Genesee FM | | 2,300 | | | | | | | |
| MINNEAPOLIS, MINN.<br>Minneapolis-St. Paul International Airport (Wold Chamberlain Field), 840'<br>SBRAZ-DTV<br>296 kc; MSP<br>Procedure No. 1 | Hastings FM (final) | | 1,500 | N side SE course:<br>118 outbound.<br>298 inbound.<br>2,100' within 15 miles.<br>2,100' within 25 miles. | 1,500 | 289—3.5 | T-dn<br>C-dn<br>S-dn<br>29L<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 3.5 miles, climb to 2,500' on NE course to Hamel FM. Alternate procedure (when directed by ATC): (1) Make left climbing turn to 2,200' proceeding out SW course to Jordan FM; (2) make left climbing turn to 2,100' returning to range. |
| | Hamel FM | | 2,500 | | | | | | | |
| Holman Field (St. Paul) | (Make let-down to Minneapolis-St. Paul International Airport. Fly VFR from Minneapolis-St. Paul International Airport to Holman Field). | | | | | | | | | |

LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation, class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Initial approach to facility: Course and distance | Initial approach to facility: Minimum altitude (ft.) | Procedure turn (side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| MINOT, N. DAK.<br>Port O'Minot Airport, 1,723'<br>BMRLZ-DTV<br>299 kc; MOT<br>Procedure No. 1 | | | | E side SE course:<br>122 outbound<br>302 inbound<br>2,000' within 15 miles.<br>3,400' within 25 miles. | 2,400 | 305—3.3 | T-dn<br>C-dn<br>S-dn<br>30<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 3.3 miles, climb to 3,500' on NW course. |
| MISSOULA, MONT.<br>Missoula County Airport, 3263'<br>SBMRAZ-DTV<br>308 kc; MSO<br>Procedure No. 1 | Alberton FM (final) | | 6,200 | N side NW course:<br>276 outbound.<br>096 inbound.<br>8,000' within 10 miles.<br>8,200' within 15 miles.<br>9,000' within 25 miles. | 6,200 | 120—1.5 | T-dn<br>C-dn<br>A-dn | 2,500-2.0<br>3,000-2.0<br>3,000-3.0 | 2,500-2.0<br>3,000-3.0<br>3,000-3.0 | Within 1.5 miles, turn right and climb to 9,000' on NW course shuttling within 10 miles of range. |
| Hale Field | (Make let-down to Missoula County Airport. Fly VFR from Missoula County Airport to Hale Field.) | | | | | | | | | |
| MOBILE, ALA.<br>Bates Field, 217'<br>SBRAZ-DTV<br>248 kc; MOB<br>Procedure No. 1 | | | | N side NE course:<br>037 outbound.<br>217 inbound.<br>1,500' within 25 miles. | 1,200 | 271—7.5 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-2.0<br>800-2.0 | 300-1.0<br>500-2.0<br>800-2.0 | Within 7.5 miles, climb to 1,500' on SW course, or as directed by ATC. |
| MOLINE, ILL.<br>Davenport Airport (Davenport, Iowa) 753'<br>SBRAZ-DTV<br>224 kc; MLI<br>Procedure No. 1 | | | | S side W course:<br>265 outbound.<br>085 inbound.<br>2,000' within 25 miles. | 1,300 | 035—2.5 | T-dn<br>C-dn<br>A-d<br>A-n | 300-1.0<br>500-1.0<br>800-2.0<br>NA | 300-1.0<br>500-1.5<br>800-2.0<br>NA | Within 2.5 miles, climb to 2,000' on E course, or as directed by ATC.<br>NOTE: Weather observations daily 0730 to 1930. Operations authorized only during period weather observations are available. |
| MONROE, LA.<br>Selman Field, 79'<br>SBMRLZ-DTV<br>259 kc; MLU<br>Procedure No. 1 | | | | S side SW course:<br>205 outbound<br>025 inbound<br>1,200' within 25 miles. | 700 | 025—2.8 | T-dn<br>C-dn<br>S-d<br>S-n<br>4<br>A-dn | 300-1.0<br>500-1.5<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br><br>800-2.0 | Within 2.8 miles, climb to 1,400' on NE course within 25 miles. |
| MONTGOMERY, ALA.<br>Dannelly Field, 219'<br>SBRAZ (Maxwell AFB LFR)<br>362 kc; MXF<br>Procedure No. 1 | Int. N crs Maxwell LFR and NE crs Craig LFR | | 1,700 | W side N course:<br>360 outbound.<br>180 inbound.<br>1,700' within 25 miles. | 1,200 | 171—5.6 | T-dn<br>C-d<br>C-n<br>S-d<br>S-n<br>15<br>A-dn | 300-1.0<br>500-1.0<br>500-2.0<br>500-1.0<br>500-2.0<br><br>800-2.0 | 300-1.0<br>600-1.5<br>600-2.0<br>500-1.0<br>600-2.0<br><br>800-2.0 | Within 5.6 miles, climb to 1,500' on SW course within 25 miles, or as directed by ATC. |
| MONTPELIER, VT.<br>Barre-Montpelier Airport, 1,149'<br>BMRLZ-DTV<br>257 kc; MPV<br>Procedure No. 1 | | | | N side NE course:<br>050 outbound.<br>230 inbound.<br>4,000' within 25 miles. | 3,000 | 230—2.7 | T-d<br>T-n<br>C-d<br>C-n<br>A-dn | 800-2.0<br>1,400-2.0<br>1,400-2.0<br>1,400-3.0<br>2,000-3.0 | 800-2.0<br>1,400-2.0<br>1,400-2.0<br>1,400-3.0<br>2,000-3.0 | Within 2.7 miles, climb to 4,500' on SW course within 10 miles. |
| MORGANTOWN, W. VA.<br>Morgantown Airport, 1,256'<br>SBMRLZ-DTV<br>266 kc; MGW<br>Procedure No. 1 | Int. SW crs Morgantown LFR and NW crs Elkins LFR. | | 2,000 | W side NW course:<br>310 outbound.<br>130 inbound.<br>2,000' within 25 miles. | 2,100* | 172—5.6 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>600-1.0<br>600-2.0<br>800-2.0 | 300-1.0<br>600-1.0<br>600-2.0<br>800-2.0 | Within 5.6 miles, climb to 4,000' on SW course within 25 miles.<br>*2,295' terrain 4 miles SE of airport. |
| MULLAN PASS, MONT. | (NO ASSOCIATED AIRPORT) | | | | | | | | | |



LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation, class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Initial approach to facility: Course and distance | Initial approach to facility: Minimum altitude (ft.) | Procedure turn (side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| MUSCLE SHOALS, ALA.<br>Muscle Shoals Airport, 546'<br>SBRAZ-DTV<br>251 kc; MSL<br>Procedure No. 1 | | | | N side SE course:<br>131 outbound.<br>311 inbound.<br>1,800' within 25 miles. | 1,300 | 282—4.6 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-2.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-2.0<br>800-2.0 | Within 4.6 miles, climb to 2,000' on W course. |
| Courtland Airport | (Make let-down to Muscle Shoals Airport. Fly VFR from Muscle Shoals Airport to Courtland Airport.) | | | | | | | | | |
| MUSKEGON, MICH.<br>Muskegon County Airport, 628'<br>SBMRLZ-DTV<br>263 kc; MKG<br>Procedure No. 1 | | | | E side SE course:<br>137 outbound.<br>317 inbound.<br>1,800' within 25 miles. | 1,300 | 317—2.4 | T-dn<br>C-d<br>C-n<br>S-d<br>S-n<br>32<br>A-dn | 300-1.0<br>500-1.0<br>500-2.0<br>500-1.0<br>500-1.5<br><br>800-2.0 | NA<br>NA<br>NA<br>NA<br>NA<br><br>NA | Within 2.4 miles, climb to 2,000' on NW course. |
| NASHVILLE, TENN.<br>Berry Field, 606'<br>SBRAZ-DTV<br>304 kc; BNA<br>Procedure No. 1 | Int. NE course Nashville LFR and NW course Smithville LFR. | | 2,500 | N side NE course:<br>066 outbound.<br>246 inbound.<br>2,000' within 10 miles.<br>2,500' within 15 miles.<br>3,000' within 25 miles. | 1,200 | 249—2.7 | T-dn<br>C-dn<br>S-d<br>S-n<br>24<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br><br>800-2.0 | Within 2.5 miles, climb to 2,500' on SW course within 25 miles, or as directed by ATC. |
| | Mt. Juliet FM (final) | | 1,200 | | | | | | | |
| | Walterhill FM | | 2,500 | | | | | | | |
| NEAH BAY, WASH. | (NO ASSOCIATED AIRPORT) | | | | | | | | | |
| NEEDLES, CALIF.<br>Needles Airport, 990'<br>BMRLZ-DTV<br>375 kc; EED<br>Procedure No. 1 | | | | W side N course:<br>348 outbound.<br>168 inbound.<br>4,000' within 10 miles.<br>5,000' within 25 miles. | 2,000 | 196—1.9 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 1,000-2.0<br>1,000-3.0<br>1,000-2.0<br>1,000-3.0<br>1,000-2.0<br>1,000-3.0 | 1,000-2.0<br>1,000-3.0<br>1,000-2.0<br>1,000-3.0<br>1,000-2.0<br>1,000-3.0 | Within 1.9 miles, turn left and climb to 7,000' on N course within 25 miles, or as directed by ATC.<br>SHUTTLE: To 5,000' on S course within 25 miles. |
| NEWARK, N. J. | (NO PROCEDURE APPROVED) | | | | | | | | | |
| NEW CASTLE, DEL.<br>New Castle Co. Airport, 79'<br>MRLWZ<br>350 kc; ILG<br>Procedure No. 1 | | | | E side S course:<br>195 outbound.<br>018 inbound.<br>1,500' within 25 miles. | 1,000 | 018—2.6 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.5<br>1,000-2.0<br>(HCOH) | 300-1.0<br>500-1.5<br>1,000-2.0<br>(HCOH) | Within 2.6 miles, make a climbing left turn and climb to 1,500' on S course.<br>CAUTION: Turn left as soon as practicable to avoid holding pattern at Philadelphia LOM. Maintain 1,500' until S of range. |
| NEWHALL, CALIF. | (NO PROCEDURE APPROVED) | | | | | | | | | |
| NEW ORLEANS, LA.<br>Moisant International Airport, 3'<br>SBRAZ-DTV<br>388 kc; MSY<br>Procedure No. 1 | Madisonville FM | | 1,400 | N side E course:<br>074 outbound.<br>254 inbound.<br>1,400' within 25 miles. | 800 | 247—3.1 | T-dn<br>T-n<br>S-dn<br>28<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>00-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 3.1 miles, climb to 1,400' on W course within 25 miles (Alternate procedure (when directed by ATC) climb to 1,300' on S course within 25 miles. |
| Procedure No. 2 | La Place FM (final) | | 940 | S side W course:<br>271 outbound.<br>091 inbound.<br>1,400' within 25 miles. | 940 (Over ILS LOM) | 091 3.9 (From ILS LOM) | T-dn<br>C-dn<br>S-dn<br>30<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 3.9 miles from ILS LOM, climb to 1,400' on E course within 25 miles. |
| | Madisonville FM | | 1,400 | | | | | | | |

LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification, procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| NEW YORK, N. Y.<br>La Guardia Field, 20'<br>SBRAZ-DTXV<br>209 kc; LGA<br>Procedure No. 1 | Port Chester FM (final) | | 1,000 | N side NE course:<br>042 outbound.<br>222 inbound.<br>1,500' within 15 miles.<br>2,000' within 25 miles. | *1,000 | 222—3.2 | T-dn<br>C-dn<br>S-dn<br>22<br>A-dn | 300-1.0<br>600-1.0<br>600-1.0<br><br>800-2.0 | 300-1.0<br>600-1.5<br>600-1.5<br><br>800-2.0 | Within 3.2 miles, climb to 1,500' on SW course (or to a higher altitude when directed by ATC).<br>*Descent to 800' authorized after passing New Rochelle Rbn; descent to landing minimums authorized only after passing La Guardia LFR.<br>CAUTION: 266' msl tower, 1.7 miles SW of airport; 422' msl tank, 2 miles N of airport; 350' msl bridge towers, 2 miles W of airport; and 383' msl bridge towers, 2.2 miles NE of airport. |
| Procedure No. 2 | Flatbush Rbn (final) | | 1,200 | S side SW course:<br>222 outbound.<br>042 inbound.<br>1,500' within 25 miles. | *1,200 (Over La Guardia LOM) | 042—4.5 (From La Guardia LOM) | T-dn<br>C-dn<br>S-dn<br>4<br>A-dn | 300-1.0<br>600-1.0<br>600-1.0<br><br>800-2.0 | 300-1.0<br>600-1.5<br>600-1.0<br><br>800-2.0 | Within 4.5 miles of La Guardia LOM, climb to 1,500' on NE course (or to a higher altitude when directed by ATC).<br>*Descent to landing minimums authorized after passing La Guardia LOM.<br>CAUTION: Obstruction data same as for Procedure No. 1 above. |
| Flushing Airport | (Make let-down to La Guardia Field. Fly VFR from La Guardia Fld to Flushing Airport.) | | | | | | | | | |
| NEW YORK, N. Y.<br>New York International Airport, 12'<br>SMRA (Idlewild LFR)<br>379 kc; IDL<br>Procedure No. 1 | Int. SW course Idlewild LFR and SE course Newark LFR (final). | | 700 | E side SW course:<br>222 outbound.<br>042 inbound.<br>1,200' within 15 miles.<br>1,500' within 25 miles. | 700 | 040—2.9 | T-dn<br>C-dn<br>S-dn<br>4<br>A-dn | 300-1.0<br>600-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>600-1.0<br>500-1.0<br><br>800-2.0 | Within 2.9 miles, climb to at least 500' on NE course of Idlewild LFR, then turn right, climbing on course of 130° intersecting the SW course of Mitchel LFR, continue climbing to 1,500' (or to a higher altitude when directed by ATC) outbound on SW course of Mitchel LFR.<br>CAUTION: 278', msl stack, 1.7 miles SSE of Runway 1R. |
| NORFOLK, VA.<br>Norfolk Airport, 26'<br>SBMRLZ-DTV<br>239 kc; ORF<br>Procedure No. 1 | Deep Creek FM (final) | | 900 | S side SW course:<br>224 outbound.<br>044 inbound.<br>1,400' within 25 miles. | 900 | 044—3.3 | T-dn<br>C-dn<br>S-dn<br>4<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | Within 3.3 miles, make climbing right turn to 1,100' on SW course, or as directed by ATC.<br>NOTE: Standard clearance not provided over 380' msl tower, 3.5 miles S of airport. |
| OAKLAND, CALIF.<br>Oakland Airport, 5'<br>SBRAZ-DTXV<br>362 kc; OAK<br>Procedure No. 1 | Bay Point FM | | 3,000 | W side SE course:<br>124 outbound.<br>304 inbound.<br>1,500' within 10 miles**<br>(NA beyond 10 miles). | 1,000 (Over Mt. Eden Int.)* | 304—7.0 (From Mt. Eden Int.)* | T-dn<br>C-dn<br>S-dn<br>27<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>600-1.5<br>500-1.0<br><br>800-2.0 | Within 0.9 mile, climb to 3,000' on NW course within 15 miles (Richmond Int.).<br>*Mt. Eden Int: Int. SE course Oakland LFR and 047° bearing to Hayward Rbn (242 kc; HWD). If Mt. Eden Int. not received, descent below 1,000' on final not authorized and 1,000' landing minimums apply.<br>**All maneuvering or descent beyond 10 miles will be done in compliance with the Newark holding pattern procedure.<br>CAUTION: High terrain (Mt. Diablo, 3,925') 7 miles SE of NE course, 17 miles from Oakland LFR, also high terrain paralleling SE course on NE side. |
| | Evergreen FM | | 3,500 | | | | | | | |
| | Newark FM | | 1,800 | | | | | | | |
| | Mt. Eden Int.* | | 500 | | | | | | | |
| Hayward Airport | (Make let-down to Oakland LFR. Fly VFR from Oakland LFR to Hayward Airport.) | | | | | | | | | |
| OGDEN, UTAH<br>Ogden Airport, 4,455'<br>SBRAZ-DTV<br>283 kc; OGD<br>Procedure No. 1 | Corinne FM and Rbn | | 10,000 | W side S course:<br>152 outbound.<br>332 inbound.<br>7,500' within 20 miles.<br>10,000' within 25 miles. | 5,250 | 107—3.4 | T-dn<br>C-d*<br>C-n*<br>A-d*<br>A-n* | 400-1.0<br>800-2.0<br>800-3.0<br>800-2.0<br>1,000-3.0 | 400-1.0<br>800-2.0<br>800-3.0<br>800-2.0<br>1,000-3.0 | Within 0.0 mile, climb to 9,000' on W course.<br>*Sliding scale not applicable except that landings are approved when the visibility is 1 mile or more provided that (1) ceiling is unlimited, (2) the restriction to visibility is due to haze or smoke, and (3) the top of the smoke level is below 7,500' msl.<br>SHUTTLE: N ers to 10,000' minimum. Procedure Lrg W |
| | Riverton FM | | 11,000 | | | | | | | |
| | Salt Lake City LFR | | 6,500 | | | | | | | |
| | Layton FM (final) | | 5,250 | | | | | | | |
| Procedure No. 2 | Corinne FM (final)<br>Riverton FM | | 5,150<br>11,000 | S side N course:*<br>332 outbound.<br>152 inbound.<br>11,000' within 25 miles. | 5,150 | 107—3.4 | T-dn<br>C-d<br>C-n<br>A-dn | 400-1.0<br>1,000-2.0<br>1,000-3.0<br>1,000-3.0 | 400-1.0<br>1,000-2.0<br>1,000-3.0<br>1,000-3.0 | Within 0.0 mile, climb to 9,000' on W course.<br>*All approaches must start from Corinne FM at 11,000'. |





LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished; remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| OKLAHOMA CITY, OKLA.<br>Will Rogers Field, 1,283'<br>SBRAZ-DTV<br>350 kc; OKC<br>Procedure No. 1 | Int. N course Oklahoma City LFR and W course Tinker AFB LFR. | | 2,500 | S side W course:<br>255 outbound.<br>075 inbound.<br>2,500' within 25 miles. | 2,000 | 078—1.6 | T-dn<br>C-dn<br>S-d<br>S-n<br>8<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br><br>800-2.0 | Within 1.6 miles, climb to 2,700' on E course within 25 miles, or when directed by ATC, climb to 3,000' on N course. |
| | Mustang FM (final) | | 2,000 | | | | | | | |
| Procedure No. 2 | Int. N course Oklahoma City LFR and W course Tinker AFB LFR. | | 2,500 | N side E course:<br>078 outbound.<br>258 inbound.<br>2,700' within 25 miles. | 2,200 (Over Oklahoma City FM) | 258—3.2 (From Oklahoma City FM). | T-dn<br>C-dn<br>S-d<br>S-n<br>26<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br><br>800-2.0 | Within 3.2 miles from Oklahoma City FM, climb to 2,500' on W course or when directed by ATC, climb to 3,000' on N course. |
| | Newalla FM (final) | | 2,200 | | | | | | | |
| Kahle Airport | (Make let-down to Will Rogers Field. Fly VFR from Will Rogers Field to Kahle Airport.) | | | | | | | | | |
| Tulakes Airport | (Make let-down to Will Rogers Field. Fly VFR from Will Rogers Field to Tulakes Airport.) | | | | | | | | | |
| OMAHA, NEBR. | California FM (final) | | 1,800 | W side N course:<br>334 outbound.<br>154 inbound<br>2,300' within 25 miles. | *1,800 | 130—5.1 | T-dn<br>C-d<br>C-n<br>S-d<br>S-n<br>14L<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-2.0<br>500-1.0<br>500-1.5<br><br>800-2.0 | Within 5.1 miles, climb to 2,700' on SE course, or as directed by ATC.<br>*1,192' msl stack, 1.6 miles SSE of LFR and 1 mile W of SE course.<br>CAUTION: (1) 1,730' msl radio tower, 4.5 miles SW of LFR. (2) 1,339' msl bluff, 1.5 miles E of airport. |
| ORLANDO, FLA.<br>Orlando Airport, 113'<br>SBMRLZ-DTV<br>371 kc; ORL<br>Procedure No. 1 | Oviedo FM (final) | | 700 | S side NE course:<br>040 outbound.<br>220 inbound.<br>1,200' within 25 miles. | 700 | 220—3.4 | T-dn<br>C-dn<br>S-dn<br>22<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 3.4 miles, climb to 1,500' on SW course, or as directed by ATC. |
| Hoequist Airport | (Make let-down to Orlando Airport. Fly VFR from Orlando Airport to Hoequist Airport.) | | | | | | | | | |
| OTTO, N. MEX.<br>Otto Airport, 6,226'<br>BMRLZ-DTV<br>290 kc; OTO<br>Procedure No. 1 | Int. E course Otto LFR and SW course Las Vegas LFR. | | 8,500 | E side S course:<br>184 outbound.<br>344 inbound.<br>8,000' within 25 miles. | 7,220 | 074—6.2 | T-d<br>T-n<br>C-d<br>C-n<br>A-dn | 500-1.0<br>500-2.0<br>1,000-1.0<br>1,000-2.0<br>1,000-2.0 | NA<br>NA<br>NA<br>NA<br>NA | Within 0.0 mile, climb to 9,500' on E course. |
| PALACIOS, TEX.<br>Palacios Airport 13'<br>BMRLZ-DTV<br>350 kc; PSX<br>Procedure No. 1 | | | | W side NW course:<br>298 outbound.<br>118 inbound.<br>1,200' within 10 miles (NA beyond 10 miles) | 700 | 109—2.0 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 300-1.0<br>NA<br>500-1.0<br>NA<br>800-2.0<br>NA | 300-1.0<br>NA<br>500-1.5<br>NA<br>800-2.0<br>NA | Within 2.0 miles, climb to 1,200' on SE course within 25 miles, or as directed by ATC.<br>NOTE: ADF procedure not authorized. |
| PALMDALE, CALIF.<br>Los Angeles County Airport, 2,549'<br>SBMRAZ-DTV<br>317 kc; PMD<br>Procedure No. 1 | | | | N side NE course:<br>036 outbound.<br>216 inbound.<br>4,000' within 10 miles.<br>5,000' within 25 miles.* | 3,540 | 214—2.5 | T-dn<br>C-dn<br>A-dn | 500-1.0<br>1,000-2.0<br>1,000-2.0 | 500-1.0<br>1,000-2.0<br>1,000-2.0 | Within 0.0 miles, make 180° right turn (N) and climb to 6,000' on NE course within 15 miles.<br>*Dancer Area 16 miles NE of LFR—make procedure turn within 15 miles.<br>SHUTTLE: To 6,000' on NE course within 16 miles.<br>CAUTION: High terrain 5 miles S of airport. |
| PEMBINA, N. DAK.<br>Pembina Airport, 792'<br>SMRAWZ<br>290 kc; PME<br>Procedure No. 1 | | | | E side S course:<br>164 outbound.<br>344 inbound.<br>1,500' within 25 miles. | 1,400 | 350—1.6 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>600-1.5<br>800-2.0 | NA<br>NA<br>NA | Within 1.6 miles, climb to 2,000' on N course. |

LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| PENSACOLA, FLA.<br>Ingler Airport, 121'<br>SBRAZ-DTV<br>326 kc; PNS<br>Procedure No. 1 | | | | E side S course:<br>160 outbound.<br>340 inbound.<br>1,100' within 25 miles. | 700 | 340—2.1 | T-dn<br>C-dn<br>S-dn<br>35<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 2.1 miles, turn right, climb to 1,300' and return to S course of Pensacola LFR, # or as directed by ATC.<br>CAUTION: Danger Area S of control area. |
| PEORIA, ILL.<br>Greater Peoria Airport, 659'<br>SBMRAZ-DTV<br>350 kc; PIA<br>Procedure No. 1 | | | | W side N course:<br>002 outbound.<br>182 inbound.<br>2,000' within 25 miles. | 1,500 | 173—2.4 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>500-2.0<br>800-2.0 | Within 2.4 miles, climb to 2,000' on S course. |
| PHILADELPHIA, PA.<br>Philadelphia Int'l Airport, 10'<br>SBMRAZ-DTV<br>283 kc; PHL<br>Procedure No. 1 | Frothwyn FM (final) | | 900 | S side W course:<br>260 outbound.<br>080 inbound.<br>1,500' within 10 miles.<br>1,700' within 15 miles.<br>1,800' within 25 miles. | 900 | 099—2.7 | T-dn<br>C-dn<br>S-dn<br>9<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 2.7 miles, climb to 1,800' on NE course, or when directed by ATC, make a right climbing turn, climb to 1,500' on S course.<br>NOTE: Standard clearance not provided over obstruction 1 mile SE of LFR. |
| North Philadelphia Airport, 12'<br>MLWZ-DVT (North Philadelphia LFR)<br>371 kc; PNE<br>Procedure No. 1 | Holmesburg FM | | 1,600 | N side NE course:<br>058 outbound.<br>238 inbound.<br>1,500' within 15 miles (NA beyond 15 miles). | 800 | 238—2.8 | T-dn<br>C-dn<br>C-n<br>S-d<br>S-n<br>24<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | Within 2.8 miles, make a climbing right turn to 1,500' within 10 miles on NE course.<br>NOTE: (1) Standard clearance not provided over 306' and 340' obstructions W of LFR. (2) ADF procedure not authorized. |
| PHILIPSBURG, PA.<br>Philipsburg Airport, 1,933'<br>SBRAZ-DTV<br>224 kc; PSB<br>Procedure No. 1 | | | | W side NW course:<br>343 outbound.<br>163 inbound.<br>3,500' within 25 miles. | 3,000 | 169—5.0 | T-d<br>T-n<br>C-d<br>C-n<br>A-dn | 500-1.0<br>500-2.0<br>600-2.0<br>1,000-2.0<br>1,000-3.0 | 500-1.0<br>500-2.0<br>600-2.0<br>1,000-2.0<br>1,000-3.0 | Within 5.0 miles, climb to 4,000' on S course within 25 miles.<br>CAUTION: 2,440' msl tower, 3.5 miles ENE of airport. |
| Albert Airport, 1,750'<br>Procedure No. 1 | | | | N side E course:<br>107 outbound.<br>287 inbound.<br>3,500' within 25 miles. | 3,000 | 285—6.1 | T-dn<br>C-d<br>C-n<br>A-dn | 500-1.0<br>600-2.0<br>800-2.0<br>1,000-2.0 | 500-1.0<br>600-2.0<br>800-2.0<br>1,000-2.0 | Within 6.1 miles, climb to 4,000' on W course. |
| PHOENIX, ARIZ.<br>Phoenix-Sky Harbor Airport, 1,124'<br>SBMRAZ-DTV<br>326 kc; PHX<br>Procedure No. 1 | Perryville FM | | 2,600 | S side E course:<br>081 outbound.<br>261 inbound.<br>2,500' within 15 miles.<br>4,100' within 25 miles. | 2,100 | 261—1.8 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>600-1.5<br>600-1.5<br>800-2.0 | Within 1.8 miles, climb to 5,000' on W course within 25 miles, or as directed by ATC.<br>CAUTION: 2,000 hills 5 miles S of airport.<br>SHUTTLE: To 5,000' on W or S course. |
| PIERRE, S. DAK.<br>Pierre Airport, 1,742'<br>SBRAZ-DTV<br>347 kc; PIR<br>Procedure No. 1 | Pierre VOR | 232—2.0 | 3,000 | N side E course:<br>083 outbound.<br>263 inbound.<br>3,000' within 25 miles. | 2,500 | 268—3.3 | T-dn*<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>500-2.0<br>800-2.0 | Within 3.3 miles, climb to 3,500' on W course within 25 miles, or as directed by ATC.<br>*All take-offs to the NW will be restricted to 400-1. |
| PITTSBURGH, PA.<br>Allegheny County Airport, 1,252'<br>SBRAZ-DTV<br>254 kc; PIT<br>Procedure No. 1 | Cecil FM or Rbn (final) | | 2,000 | S side W course:<br>265 outbound.<br>085 inbound.<br>2,500' within 20 miles.<br>2,700' within 25 miles. | 2,000 | 085—2.3 | T-dn<br>C-dn<br>S-dn<br>9<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 2.3 miles, climb to 3,000' on E course within 10 miles, or as directed by ATC. |
| POCATELLO, IDAHO<br>Phillips Field, 4,448'<br>BMRLZ-DTV<br>257 kc; PIH<br>Procedure No. 1 | | | | N side W course:<br>236 outbound.<br>056 inbound.<br>6,500' within 25 miles. | 4,940 | 326—0.5 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>300-1.0<br>500-2.0<br>800-2.0 | 300-1.0<br>600-1.5<br>600-2.0<br>800-2.0 | *Within 0.0 miles, turn left and climb to 7,000' on W course within 25 miles.<br>*NOTE: Procedure turn NA on S side of W course due to high terrain. |
| PORTLAND, MAINE<br>Portland Airport, 69'<br>BMRLZ-DTV<br>215 kc; PWM<br>Procedure No. 1 | | | | W side NW course:<br>329 outbound.<br>149 inbound.<br>1,500' within 10 miles.<br>2,000' within 20 miles.<br>2,500' within 25 miles. | 1,000 | 140—2.2 | T-dn<br>C-dn<br>S-dn<br>15<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>500-1.0<br>800-2.0 | Within 2.2 miles, climb to 1,500' on SE course.<br>NOTE: ADF procedure not authorized. |



LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| PORTLAND, OREG.<br>Portland International Airport, 23'<br>SBRAZ-DVT<br>332 kc; PDX<br>Procedure No. 1 | Woodland FM (final) | | 1,500 | W side N course:<br>334 outbound.<br>154 inbound.<br>2,000' within 15 miles.<br>3,000' within 20 miles.<br>4,000' within 25 miles. | 1,500 | 169—3.2 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>600-1.0<br>600-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>700-1.5<br>800-2.0 | Within 3.2 miles, climb to 3,000' on S course, climbing to 2,000' within 10 miles of LFR, or as directed by ATC. |
| | Stevenson FM | | 6,000 | | | | | | | |
| | Washougal FM | | 4,000 | | | | | | | |
| PRESCOTT, ARIZ.<br>Prescott Airport, 5,042'<br>SBRAZ-DTV<br>347 kc; PRC<br>Procedure No. 1 | | | | E side NW course:<br>322 outbound.<br>142 inbound.<br>7,000' within 10 miles.<br>8,000' within 25 miles. | 6,500 | 142—5.3 | T-dn<br>C-dn<br>A-dn | 800-2.0<br>1,000-2.0<br>1,000-2.0 | 1,000-2.0<br>1,500-2.0<br>1,500-2.0 | Within 2.0 miles, turn left and climb to 8,000' on NW course within 25 miles, or as directed by ATC. |
| PRESQUE ISLE AFB<br>Sprague ville LFR | (SEE SPRAGUEVILLE, MAINE) | | | | | | | | | |
| PROVIDENCE, R. I.<br>Green Airport, 56'<br>SBMRLZ-DTV<br>347 kc; PVD<br>Procedure No. 1 | Wyoming FM (final) | | 1,000 | W side SW course:<br>227 outbound.<br>047 inbound.<br>1,500' within 10 miles.<br>1,700' within 25 miles. | 1,000 | 047—3.1 | T-dn<br>C-dn<br>S-d<br>S-n<br>5<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | Within 3.1 miles, climb to 1,700' on N course, or when directed by ATC, climb to 2,700' on SW course of Squantum LFR. |
| PUEBLO, COLO.<br>Pueblo Airport No. 1, 4,553'<br>SBRAZ-DTV<br>302 kc; PUB<br>Procedure No. 1 | Fountain FM | | 7,000 | E side S course:<br>149 outbound.<br>329 inbound.<br>6,000' within 10 miles (NA beyond 10 miles). | 5,800 | 328—1.8 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-2.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-2.0<br>800-2.0 | Within 1.8 miles, turn right, climb to 6,000' on E course within 25 miles, or as directed by ATC.<br>*If contact not established at 6,000' prior to reaching LFR, climb to 6,000' on S course within 10 miles for procedure turn. |
| | E (LaJunta LFR)* | | 6,000 | | | | | | | |
| | St. Charles FM (final) | | 5,800 | | | | | | | |
| PULASKI, VA.<br>Loving Field, 2,200'<br>SBMRAZ-DTV<br>272 kc; PSK<br>Procedure No. 1 | | | | N side E course:<br>073 outbound.<br>253 inbound.<br>5,000' within 20 miles.<br>5,500' within 25 miles. | 3,700 | 248—2.1 | T-dn<br>C-dn<br>A-dn | 1,000-2.0<br>1,500-2.0<br>2,000-2.0 | 1,000-2.0<br>1,500-2.0<br>2,000-2.0 | Within 2.1 miles, climb to 7,000' on SW course. |
| RALEIGH, N. C.<br>Raleigh-Durham Airport, 435'<br>SBRAZ-DTV<br>350 kc; RDU<br>Procedure No. 1 | Knightdale FM (final) | | 1,300 | N side SE course:<br>119 outbound.<br>299 inbound.<br>1,600' within 25 miles. | 1,300 | 296—4.0 | T-dn<br>C-dn<br>S-dn<br>32<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 4.0 miles, climb to 2,000' on NW course within 25 miles, or as directed by ATC. |
| Raleigh Airport | (Make let-down to Raleigh Durham Airport. Fly VFR from Raleigh-Durham Airport to Raleigh Airport.) | | | | | | | | | |
| RAPID CITY, S. DAK.<br>Rapid City Airport, 3,172'<br>SBRAZ-DTV<br>221 kc; RAP<br>Procedure No. 1 | Rapid City VOR | 146—8.0 | 5,000 | N side E course:<br>075 outbound.<br>255 inbound.<br>4,400' within 25 miles. | 3,900 | 104*—1.9 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>700-1.0<br>800-2.0 | 300-1.0<br>700-1.5<br>800-2.0 | Within 0.0 mile, climb to 5,000' on N course within 25 miles or as directed by ATC.<br>*Field is located between the procedure turn and the LFR station.<br>NOTE: DC-3 and larger type aircraft restricted to NW-SE runway only. |
| RAWLINS, WYO.<br>Rawlins Airport | (SEE SINCLAIR, WYO.) | | | | | | | | | |
| RED BLUFF, CALIF.<br>Bidwell Field, 354'<br>SBRAZ-DTV<br>338 kc; RBL<br>Procedure No. 1 | | | | E side S course:<br>158 outbound.<br>338 inbound.<br>2,000' within 25 miles. | 1,000 | 354—2.5 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>700-1.5<br>800-2.0 | Within 2.5 miles, turn right, climb to 2,000' on course, or as directed by ATC. |
| REDMOND, OREG.<br>Roberts Field, 3,077'<br>SBRAZ-DTV<br>368 kc; RDM<br>Procedure No. 1 | | | | N side NW course:<br>282 outbound.<br>102 inbound.<br>6,000' within 12 miles (NA beyond 12 miles). | 4,600 | 102—4.3 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>700-1.0<br>700-1.5<br>800-2.0 | 300-1.0<br>700-1.5<br>700-1.5<br>800-2.0 | Within 4.3 miles, make right turn and climb to 7,000' on S course within 15 miles.<br>CAUTION: 6,400' terrain 5 miles S of NW course, 20 miles from LFR.<br>SHUTTLE: On N course to 7,000'. |

LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished; remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| RENO, NEV.<br>United Air Lines Airport, 4404'<br>SBRAZ-DTV<br>254 kc; RNO<br>Procedure No. 1 | Wadsworth FM | | 9,500 | E side N course:<br>341 outbound.<br>161 inbound.<br>8,500' within 20 miles.<br>9,000 within 25 miles. | 7,000 | 161—3.0 | T-dn<br>C-dn<br>A-dn | 1,000-3.0<br>2,500-3.0<br>2,500-3.0 | 1,000-3.0<br>2,500-3.0<br>2,500-3.0 | Within 3.0 miles, make immediate left turn and climb to 9,000' on N course within 20 miles, or as directed by ATC.<br>SHUTTLE: N course to 10,000' within 25 miles. |
| | Reno VOR | 206—7.0 | 9,500 | | | | | | | |
| RICHMOND, TEX. | (NO ASSOCIATED AIRPORT) | | | | | | | | | |
| RICHMOND, VA.<br>Byrd Field, 167'<br>SBRAZ-DTV<br>260 kc; RIC<br>Procedure No. 1 | Chester FM (final) | | *700 | S side SW course:<br>218 outbound.<br>038 inbound.<br>1,500' within 25 miles. | *700 | 020—2.0 | T-dn<br>C-dn<br>S-dn<br>2<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 2.0 miles, climb to 1,500' on N course.<br>*Do not descend below 1,000' msl unless on the SW course of Richmond LFR. |
| | Manakin Rbn | | 1,700 | | | | | | | |
| RIVERSIDE, CALIF.<br>March AFB, 1,535'<br>SBMRAZ-DTV<br>388 kc; RIV<br>Procedure No. 1 | | | | N side W course:<br>256 outbound.<br>076 inbound.<br>4,000' within 10 miles.<br>5,000' within 25 miles. | 4,000 | 125—2.9 | T-d<br>T-n<br>C-d<br>C-n<br>A-dn | 1,000-1.0<br>1,000-2.0<br>2,000-1.5<br>2,000-2.0<br>2,000-3.0 | 1,000-1.0<br>1,000-2.0<br>2,000-1.5<br>2,000-2.0<br>2,000-3.0 | Within 2.9 miles, make right turn and climb to 5,000' on W course. |
| Arlington Airport | (Make let-down to March AFB. Fly VFR from March AFB to Arlington Airport.) | | | | | | | | | |
| ROCHESTER, N. Y.<br>Rochester Airport, 556'<br>SBMRLZ-DVT<br>206 kc; ROC<br>Procedure No. 1 | Int. S course Rochester LFR and E course Buffalo LFR. | | 2,000 | N side E course:<br>118 outbound.<br>298 inbound.<br>2,000' within 25 miles. | 1,500 | 312—2.1 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>800-2.0 | Within 2.1 miles, climb to 2,000' on W course.<br>NOTE: Take-offs on Runway 12 and landings on Runway 30 not authorized. |
| ROCKFORD, ILL.<br>Greater Rockford Airport, 734'<br>SBRAZ-DTV<br>338 kc; RFD<br>Procedure No. 1 | | | | W side NW course.<br>314 outbound.<br>134 inbound.<br>2,000' within 10 miles.<br>2,100' within 25 miles. | 1,500 | 179—8.8 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>700-2.0<br>800-2.0 | 300-1.0<br>700-2.0<br>800-2.0 | Within 8.8 miles, make left turn and climb to 2,100' on SE course and proceed to Rockford LFR station. |
| Machesney Airport, 732'<br>Procedure No. 1 | | | | S side W course:<br>273 outbound.<br>093 inbound.<br>2,100' within 10 miles.<br>2,200' within 25 miles. | 1,500 | 045-1.7 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>600-1.5<br>600-2.0<br>800-2.0 | NA<br>NA<br>NA<br>NA | Within 1.7 miles, climb to 2,500' on E course. |
| ROCK SPRINGS, WYO.<br>Rock Springs Airport, 6,732'<br>SBRAZ-DTV<br>290 kc; RKS<br>Procedure No. 1 | Point of Rock FM (final) | | 8,700 | N side of E course:<br>066 outbound.<br>246 inbound.<br>9,200' within 25 miles. | *8,700 | 246—2.9 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-2.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-2.0<br>800-2.0 | Within 2.9 miles climb to 10,000' on W course within 25 miles.<br>*Descent to 8,200' to pass over the LFR at 8,200' may be started after passing the ILS LOM, provided position over outer marker is verified by visual and aural signals. If outer marker not received, final approach altitude is 8,700'. |
| | ILS LOM (final) | | *8,200 | | | | | | | |
| ROME, GA. | (NO PROCEDURE APPROVED) | | | | | | | | | |
| ROSWELL, N. MEX.<br>Roswell Airport, 3,621'<br>SBMRAZ-DTV<br>305 kc; ROW<br>Procedure No. 1 | | | | N side SE course:<br>122 outbound.<br>302 inbound.<br>5,000' within 25 miles. | 4,500 | 311—9.1 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-2.0<br>800-2.0 | 300-1.0<br>500-2.0<br>800-2.0 | Within 9.1 miles, climb to 12,000' on NW course.<br>SHUTTLE: SE course to 5,500' within 50 miles of LFR. |



LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished; remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| SACRAMENTO, CALIF.<br>Sacramento Airport, 21'<br>SBMRAZ-DTV<br>256 kc; SAC<br>Procedure No. 1 | Int. NE course Sacramento LFR and 292° bearing to McClellan Rbn. | | 1,500 | E side SW course:<br>198 outbound.<br>018 inbound.<br>1,200' within 10 miles (NA beyond 10 miles)*. | 720 | 027—1.7 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>800-2.0 | Within 1.7 miles, climb to 2,500' on NE course within 20 miles, or as directed by ATC.<br>*Procedure turn beyond Clarksburg FM not authorized. |
| | Int. SE course Sacramento LFR and N course Stockton LFR (Galt Int.). | | 1,200 | | | | | | | |
| | Int. SW course Sacramento LFR and S course Travis LFR (Rio Int.). | | 1,200 | | | | | | | |
| | Clarksburg FM (final) | | 720 | | | | | | | |
| ST. JOSEPH, MO.<br>Rosecrans Memorial Airport, 821'<br>SBMRLZ-DTV<br>341 kc; STJ<br>Procedure No. 1 | St. Joseph VOR | 170—17.0 | 2,400 | E side S course:<br>172 outbound.<br>352 inbound.<br>2,200' within 10 miles (NA beyond 10 miles). | 1,700 | 360—3.7 | T-dn<br>C-d<br>C-n<br>S-dn<br>35<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | 300-1.0<br>700-1.5<br>700-1.5<br>500-1.0<br><br>800, 2-0 | Within 3.7 miles climb to 2,400' on N course, within 25 miles, or as directed by ATC.<br>*Procedure turn not authorized beyond 10 miles on account of conflicting Kansas City traffic.<br>CAUTION: 400' bluffs W, NW and E of field. |
| ST. LOUIS, MO.<br>Lambert-St. Louis Airport, 658'<br>SBRAZ-DTXV<br>209 kc; STL<br>Procedure No. 1 | Spanish Lake FM (final) | | 1,300 | N side E course:<br>069 outbound.<br>249 inbound.<br>1,800' within 25 miles. | 1,300 | 355—2.0 | T-dn<br>C-dn<br>S-dn<br>24<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 2.0 miles, climb to 2,000' on W course within 25 miles, or as directed by ATC. |
| | St. Peters FM | | 1,800 | | | | | | | |
| ST. PAUL, MINN. | (SEE MINNEAPOLIS, MINN.) | | | | | | | | | |
| SALINAS, CALIF.<br>Salinas Airport, 84'<br>BMRL-DTV<br>Procedure No. 1 | (Initial approaches must be on top, with tops not above 3,500' msl) | | | W side NW course:<br>300 outbound.<br>120 inbound.<br>2,000 within 25 miles. | 780# | 311—2.4 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>700-2.0<br>1,000-2.0<br>(BCOB) | 300-1.0<br>700-2.0<br>1,200-2.0<br>(BCOB) | Within 0.0 miles., climb to 5,000' on SE course within 25 miles, or as directed by ATC.<br>*Procedure turn limited to 4 miles on maneuvering side of final approach course due to Fort Ord danger area.<br>#314' msl tower, 3.5 miles NW of airport.<br>NOTE: ADF procedure not authorized, no standby equipment. |
| SALT FLAT, TEX.<br>Salt Flat Airport, 3,727'<br>BMRLZ-DPTV<br>335 kc; SFL<br>Procedure No. 1 | | | | W side N course:<br>342 outbound.<br>162 inbound.<br>5,000' within 15 miles (NA beyond 15 miles). | 4,500 | 162—2.7 | T-d<br>T-n<br>C-d<br>C-n<br>A-dn | 300-1.0<br>300-2.0<br>500-1.5<br>500-2.0<br>800-2.0 | NA<br>NA<br>NA<br>NA<br>NA | Within 2.7 miles, turn right and climb to 8,000' on W course.<br>CAUTION: 4,030' msl terrain approximately 2.5 miles WSW of airport. |
| SALT LAKE CITY, UTAH<br>Salt Lake City Airport No. 1, 4,222<br>SBRAZ-DTXV<br>227 kc; SLC<br>Procedure No. 1 | Layton FM (final) | | 4,900 | W side N course:<br>329 outbound.<br>149 inbound.<br>7,500' within 20 miles.<br>10,000' within 25 miles. | 4,900 | 163—2.7 | T-dn<br>C-dn<br>S-dn<br>18<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>600-1.5<br>500-1.5<br><br>800-2.0 | Within 2.7 miles, turn W and climb to 8,000' on W course LFR to Stansbury Int., then to 9,000' on magnetic course of 335° to Promontory Point Rbn, or as directed by ATC.<br>CAUTION: 5,000' terrain 3 miles E of LFR. High terrain 8 miles E of N and S courses and W of S course, also S of W course 12 miles from range. 4,541' msl radio tower 1.5 miles SE of LFR.<br>SHUTTLE: to 10,000' on N course within 20 miles. All turns W. |
| | Riverton FM | | 11,000 | | | | | | | |
| Utah Central Airport | (Make let-down to Salt Lake City Airport No. 1. Fly VFR from Salt Lake City Airport No. 1 to Utah Central Airport. | | | | | | | | | |
| SAN ANGELO, TEX.<br>Mathis Airport, 1,915'<br>BMRLZ-DTV<br>227 kc; SJT<br>Procedure No. 1 | | | | N side E course:<br>060 outbound.<br>240 inbound.<br>3,500' within 25 miles. | 3,500 | 240—6.5 | T-dn<br>C-dn<br>S-d<br>S-n<br>21<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br><br>800-2.0 | Within 6.5 miles, climb to 3,500' on W course. |

LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| SAN ANTONIO, TEX.<br>San Antonio Airport, 800'<br>SMRLZ-DTV<br>344 kc; SAT<br>Procedure No. 1 | Cibolo Creek FM (final) | ---------- | 1,880 | W side N course:<br>354 outbound.<br>174 inbound.<br>2,400' within 10 miles.<br>2,500' within 15 miles (NA beyond 15 miles). | *1,880 | 174—2.6 | T-dn<br>C-dn<br>S-dn<br>17<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 2.6 miles, climb to 2,500' on S course within 25 miles.<br>*If position over San Antonio VOR or Yates Rbn positively determined on final approach, altitude over LFR on final approach is 1,640'. |
| | Yates Rbn (final)* | ---------- | 1,640 | | | | | | | |
| | Int. E course San Antonio LFR and NE course Raldolph LFR. | ---------- | 2,200 | | | | | | | |
| | Int. W course San Antonio LFR and NE course Kelly LFR. | ---------- | 2,200 | | | | | | | |
| | San Antonio VOR (final)* | 173—4.5 | 1,640 | | | | | | | |
| Kelly AFB | (See KELLY (San Antonio), Tex.) | | | | | | | | | |
| SAN DIEGO, Calif.<br>Lindbergh Field, 15'<br>SBRAZ-DTV<br>224 kc; SAN<br>Procedure No. 1 | Jamul Rbn | ---------- | 3,600 | W side N course:<br>325 outbound.<br>145 inbound.<br>2,500' within 25 miles. | *1,200 | 143—2.5 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>600-2.0<br>800-2.0 | 300-1.0<br>700-2.0<br>800-2.0 | Within 2.5 miles, climb to 3,000' on SE course within 15 miles (Mexican Border), or as directed by ATC.<br>*Descent below 2,500' not authorized until past La Jolla FM inbound. 1,022' msl obstruction at La Jolla FM. If La Jolla FM not received, approach control clearance required to descend below 2,500' and cross San Diego LFR at a minimum of 1,500'. |
| | Int. E course San Diego LFR and SE course Miramar NAS LFR. | ---------- | 1,500 | | | | | | | |
| | Coronado FM | ---------- | 2,600 | | | | | | | |
| | Oceanside Rbn | ---------- | 2,500 | | | | | | | |
| | La Jolla FM (final) | ---------- | 1,200 | | | | | | | |
| SAN FRANCISCO, CALIF.<br>San Francisco Airport, 11'<br>SBMRLZ-DTV<br>227 kc; SFO<br>Procedure No. 1 | Bay point FM* | ---------- | 3,000 | E side SE course:<br>108 outbound.<br>288 inbound.<br>1,500' within 15 miles.<br>4,000' within 25 miles. | #1,050 | 292—3.0 | T-dn<br>C-dn<br>S-dn<br>28<br>A-dn | 300-1.0<br>600-1.5<br>500-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>500-1.0<br>800-2.0 | Within 2.0 miles, climb to 3,000' on NW course within 25 miles, or as directed by ATC.<br>*When an altitude below 5,000' is used from the NE, flight as far as Oakland must be conducted via the NE course of Oakland LFR to provide adequate lateral clearance from Mt. Diablo (3,925' msl).<br>#If Belmont FM is received, descent to 700' over LFR on final approach is authorized. |
| | Evergreen FM or Rbn | ---------- | 1,700 | | | | | | | |
| | Belmont FM (final) | ---------- | 700 | | | | | | | |
| | Half Moon Bay FM | ---------- | 3,000 | | | | | | | |
| Belmont Airport | (Make let-down to San Francisco Airport. Fly VFR from San Francisco Airport to Belmont Airport.) | | | | | | | | | |
| San Mateo Airport | (Make let-down to San Francisco Airport. Fly VFR from San Francisco Airport to San Mateo Airport.) | | | | | | | | | |
| SANTA BARBARA, CALIF.<br>Santa Barbara Airport, 14'<br>SBMRLZ-DTV<br>350 kc; SBA<br>Procedure No. 1 | El Capitan FM* | ---------- | 5,000 | S side W course:<br>254 outbound.<br>074 inbound.<br>2,000' within 15 miles.<br>2,000' and on top within 25 miles. | 720 | 071—2.2 | T-dn<br>C-dn<br>S-dn<br>7<br>A-dn | 300-1.0<br>700-2.0<br>500-1.0<br>800-2.0 | 300-1.0<br>700-2.0<br>700-2.0<br>800-2.0 | Within 2.1 miles, climb straight ahead to 800', turn right and climb to 4,000' on SE course within 20 miles, or as directed by ATC.<br>*Authorized only when on top and when aligned on W course Santa Barbara LFR.<br>CAUTION: (1) Terrain above flight altitude paralleling final approach course on N. (2) 334' msl radio masts, 1 mile SE of airport.<br>NOTE: (1) This procedure not authorized with tops above 3,500' msl. (2) ADF procedure not authorized. |
| SAULT STE. MARIE, MICH.<br>Sault Ste. Marie Airport, 722'<br>SBMRAZ-DTV<br>356 kc; SSM<br>Procedure No. 1 | ---------- | ---------- | ---------- | E side SE course:<br>118 outbound.<br>298 inbound.<br>1,800' within 25 miles. | 1,300 | 316—2.2 | T-d<br>T-n<br>C-d<br>C-n<br>S-d<br>S-n<br>13<br>A-dn | 300-1.0<br>NA<br>500-1.0<br>NA<br>700-1.0<br>NA<br>800-2.0<br>NA | 300-1.0<br>NA<br>500-1.5<br>NA<br>500-1.0<br>NA<br>800-2.0<br>NA | Within 2.2 miles, climb to 2,500' on W course. |



LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| SAVANNAH, GA.<br>Travis Field, 50'<br>SBMRLZ-DTV<br>263 kc; SAV<br>Procedure No. 1 | ---------- | ---------- | ---------- | W side SE course:<br>141 outbound.<br>321 inbound.<br>1,100' within 15 miles* (NA beyond 15 miles). | 1,000 | 349—8.5 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-2.0<br>800-2.0 | 300-1.0<br>500-2.0<br>800-2.0 | Within 8.5 miles, climb to 1,400' on NW course<br>*Procedure turn must be accomplished within 15 miles. |
| SCOTTSBLUFF, NEBR.<br>Scottsbluff Airport, 3,965'<br>SBMRLZ-DTV<br>341 kc; SCT<br>Procedure No. 1 | ---------- | ---------- | ---------- | E side SE course:<br>121 outbound.<br>301 inbound.<br>5,500' within 10 miles (NA beyond 10 miles) | 5,100 | 301—3.2 | T-dn<br>C-dn<br>A-dn | 200-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 3.2 miles, climb to 6,000' on NW course within 25 miles.<br>NOTE: Lights on request only. |
| SEATTLE, WASH.<br>Boeing Field, 17'<br>SBRAZ-DTXPV<br>260 kc; SEA<br>Procedure No. 1 | E course Seattle NAS LFR (Monroe Int.). | ---------- | 3,000 | E side S course:<br>176 outbound.<br>356 inbound.<br>2,000' within 15 miles (NA beyond 15 miles). | *1,500 | 290—2.4 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>800-2.0<br>800-2.0 | 300-1.0<br>800-2.0<br>800-2.0 | Within 2.4 miles, climb to 1,500' on NW course within 15 miles of LFR.<br>*1200' authorized after passing Seattle LOM inbound.<br>CAUTION: (1) Radio towers located as follows: 19 miles NW of LFR (963' msl); 18 miles S of LFR (730' msl); 8 miles NW of LFR (578' msl). (2) Water towers located as follows: 7 miles NW of LFR (606' msl); 5 miles E of LFR (787' msl). |
| | Hobart FM | ---------- | 4,000 | | | | | | | |
| | Lakeview FM (final) | ---------- | 1,500 | | | | | | | |
| | Int. W course Seattle NAS LFR (Kitsap Int.). | ---------- | 2,000 | | | | | | | |
| | McChord LFR | ---------- | 3,000 | | | | | | | |
| Procedure No. 2 | Hobart FM | ---------- | 4,000 | W side NW course:<br>297 outbound.<br>117 inbound.<br>2,000' within 10 miles (NA beyond 10 miles). | 1,500 (Over Harbor Island FM) | 117—3.7 (From Harbor Island FM) | T-dn<br>C-dn<br>A-dn | 300-1.0<br>800-2.0<br>800-2.0 | 300-1.0<br>800-2.0<br>800-2.0 | Within 3.7 miles of Harbor Island FM, climb to 2,000' on S course within 15 miles of LFR.<br>*Approaches from S and NE will use procedure No. 1.<br>CAUTION: (1) Radio towers located as follows: 19 miles NW of LFR (963' msl); 18 miles S of LFR (730' msl); 8 miles NW of LFR (578' msl). (2) Water towers located as follows: 7 miles NW of LFR (606' msl); 5 miles E of LFR (787' msl). |
| | Int. W course Seattle NAS LFR (Kitsap Int.). | ---------- | 2,000 | | | | | | | |
| | NE—* | ---------- | ---------- | | | | | | | |
| | S—* | ---------- | ---------- | | | | | | | |
| SHELTON, WASH.<br>Mason County Airport | (NO PROCEDURE APPROVED) | | | | | | | | | |
| SHERIDAN, WYO.<br>Sheridan County Airport, 4,021'<br>SBRAZ-DTV<br>239 kc; SHR<br>Procedure No. 1 | Ucross FM | ---------- | 5,000 | E side SE course:<br>118 outbound.<br>298 inbound.<br>6,000' within 25 miles. | #5,500 | 295—1.6 | T-d<br>T-n<br>C-d<br>C-n<br>A-dn | 500-1.0<br>500-2.0<br>800-1.0<br>800-2.0<br>800-2.0 | 500-1.0<br>500-2.0<br>800-1.5<br>800-2.0<br>800-2.0 | Within 1.6 miles, climb to 8,000' on NW course within 25 miles or as directed by ATC.<br>#If both visual and aural signals are received over Sheridan FM, minimum altitude over LFR will be 5,000'.<br>CAUTION: High terrain to the SE and SW. |
| | Sheridan FM (final)# | ---------- | 5,000 | | | | | | | |
| | Sheridan VOR | 121—9.0 | 6,000 | | | | | | | |
| SHREVEPORT, LA.<br>Greater Shreveport Airport, 252'<br>SBRAZ-DTV<br>230 kc; SHV<br>Procedure No. 1 | Dixie FM and Rbn (final) | ---------- | 900 | E side NW course:<br>326 outbound.<br>146 inbound.<br>1,700' within 25 miles. | 900 | 196—9.0 | T-dn<br>C-dn<br>A dn | 300-1.0<br>600-2.0<br>800-2.0 | 300-1.0<br>600-2.0<br>800-2.0 | Within 9.0 miles, turn left, climb to 1,500' on course of 135°, intercept and proceed S on S course of LFR within 25 miles, or when directed by ATC, climb to 1,500', intercept and proceed SW on SW course Barksdale LFR within 25 miles. |
| | Shreveport VOR | #159—14.0 | 1,700 | | | | | | | |
| SHREVEPORT, LA.<br>Downtown Airport, 179'<br>SBRAZ-DTV<br>230 kc; SHV<br>Procedure No. 1 | Dixie FM and Rbn (final) | ---------- | 800 | E side NW course:<br>326 outbound.<br>146 inbound.<br>1,700' within 25 miles. | 800 | 152—1.8 | T-dn<br>C-d<br>C-n<br>S-d<br>S-n<br>13<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br>NA | 300-0.0<br>500-1.5<br>500-1.5<br>500-1.0<br>500-1.5<br>NA | Within 1.8 miles, climb to 1,500' on S course, or as directed by ATC.<br>NOTE: No weather reporting service or communications available at this airport. |
| SILVER LAKE, CALIF.<br>Silver Lake Airport, 919'<br>MRAWZ<br>269 kc; SIL<br>Procedure No. 1 | ---------- | ---------- | ---------- | E side NW course:<br>312 outbound.<br>132 inbound.<br>5,000' within 10 miles.<br>7,500' within 25 miles. | 4,000 | 132—1.9 | T-dn<br>C-dn<br>A-nd | 3,000-3.0<br>3,000-3.0<br>3,000-3.0 | 3,000-3.0<br>3,000-3.0<br>3,000-3.0 | Within 0.0 miles, climb to 9,000' on SE course.<br>CAUTION: High terrain immediately W of NW course. |

LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remark |
|---|---|---|---|---|---|---|---|---|---|---|
| SINCLAIR, WYO.<br>Rawlins Airport, 6,781'<br>SBRAZ-DTV<br>368 kc; SIR<br>Procedure No. 1 | | | | N side E course:<br>071 outbound.<br>251 inbound.<br>8,000' with 10 miles* (NA beyond 10 miles). | 8,200 | 257—5.6 | T-d<br>T-n#<br>C-d<br>C-n<br>A-d<br>A-n | 500-1.0<br>1,500-1.0<br>1,500-1.0<br>2,000-3.0<br>1,500-4.0<br>2,000-5.0 (BCOH) | NA<br>NA<br>NA<br>NA<br>NA<br>NA | Within 0.6 miles, climb to 10,000' on W course within 25 miles or as directed by ATC.<br>*Procedure turn must be accomplished within 10 miles on account of high terrain to E.<br>#Takeoff to SW only.<br>CAUTION: High unlighted terrain surrounding airport. |
| SIOUX CITY, IOWA<br>Sioux City Airport, 1,097'<br>SBMRLZ-DTV<br>345 kc; SUX<br>Procedure No. 1 | Sloan FM final | | 1,900 | E side S course:<br>154 outbound.<br>334 inbound.<br>2,400' within 25 miles. | 1,900 | 356—1.9 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 1.9 miles, climb to 2,500' on N course, or as directed by ATC.<br>CAUTION: Unlighted terrain, 1.5 miles ENE of airport. |
| SIOUX FALLS, S. DAK.<br>Sioux Falls Airport, 1,423'<br>SBRAZ-DTV<br>245 kc; SUX<br>Procedure No. 1 | Sioux Falls VOR | 175—4.0 | 2,700 | W side NW course:<br>297 outbound.<br>117 inbound.<br>2,700' within 10 miles.<br>2,800' within 25 miles. | 2,200 | 092—2.2 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 2.2 miles, climb to 3,000' on NE course within 25 miles of LFR, or as directed by ATC. |
| SMITHVILLE, TENN.<br>Smithville Airport | (NO PROCEDURE APPROVED) | | | | | | | | | |
| SPARTANBURG, S. C.<br>Spartanburg Airport, 816'<br>SBRAZ-DTV<br>218 kc; SPA<br>Procedure No. 1 | Int. NE course Spartanburg LFR and NW course Columbia LFR. | | 2,200 | S side SW course:<br>238 outbound.<br>058 inbound.<br>2,000' within 10 miles (NA beyond 10 miles). | 1,500 | 065—1.5 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>800-2.0 | Within 1.5 miles, climb to 2,800' on NE course within 25 miles, or as directed by ATC. |
| SPOKANE, WASH.<br>Calkins Airport<br>SBRAZ-DTV<br>365 kc, GEG | (Make let-down to Spokane LFR Fly VFR from Spokane LFR to Calkins Airport.) | | | | | 288—5.3 | | | | |
| Felts Field | (Make let-down to Spokane LFR Fly VFR from Spokane LFR to Felts Field.) | | | | | 331—1.2 | | | | |
| SPRAGUEVILLE, MAINE<br>Presque Isle AFB, 534'<br>SMLZ-DTV<br>365 kc; SPR<br>Procedure No. 1 | | | | E side S course:<br>188 outbound.<br>008 inbound.<br>2,700' within 25 miles. | 2,000 | 008—3.6 | T-dn<br>C-dn<br>S-dn<br>1<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 3.6 miles, climb to 2,500' on N course. |
| SPRINGFIELD, ILL.<br>Southwest Airport<br>SBMRAZ-DTV<br>239 kc; SPI | (Make let-down to Capital Airport. Fly VFR from Capital Airport to Southwest Airport.) | | | | | | | | | |
| SPRINGFIELD, MO.<br>Springfield Airport, 1,267'<br>SBRAZ-DTV<br>254 kc; SGF<br>Procedure No. 1 | Springfield VOR | 229—7.0 | 2,400 | W side NW course:<br>314 outbound.<br>134 inbound.<br>2,400' within 25 miles. | 1,900 | 134—4.2 | T-dn<br>C-dn<br>S-d<br>S-n<br>13<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | Within 4.2 miles, climb to 3,000' on SE course within 25 miles, or as directed by ATC.<br>CAUTION: 1,630' msl tower, 4.5 miles SE of airport on missed approach. |
| STOCKTON, CALIF.<br>Stockton Airport, 27'<br>BMRLZ-DTV<br>212 kc; SCK<br>Procedure No. 1 | Altamont Int. | | 3,000 | E side S course:<br>147 outbound.<br>327 inbound.<br>1,500' within 25 miles. | 800 | 287—3.2 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>1,000-2.0 (BCOH) | 300-1.0<br>600-1.5<br>1,000-2.0 (BCOH) | Within 3.2 miles, climb to 2,000' on N course within 25 miles.<br>CAUTION: 340' msl radio mast 1.5 miles NW of airport.<br>NOTE: ADF procedure not authorized. |
| SUPERIOR, MONT. | (NO INSTRUMENT LETDOWNS AUTHORIZED) | | | | | | | | | |
| SYRACUSE, N. Y.<br>Hancock Airport, 412'<br>SBRAZ-DTV<br>260 kc; SYR<br>Procedure No. 1 | | | | S side W course:<br>272 outbound.<br>092 inbound.<br>2,000' within 25 miles. | 1,400 | 098—7.1 | T-dn*<br>C-dn<br>C-dn<br>10<br>A-dn | 300-1.0<br>500-1.0<br>600-2.0<br>800-2.0 | 300-1.0<br>500-1.5<br>600-2.0<br>800-2.0 | Within 7.1 miles, turn left, climb to 2,000' and return to Syracuse LFR or as directed by ATC, at 4,000' on E course.<br>*300-1.0 authorized for takeoff to SE.<br>CAUTION: 860' msl radio mast located 1.3 miles SE of airport. 1,035' msl radio mast located approximately 3 miles SW of airport. |





LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| TALLAHASSEE, FLA.<br>Dale Mabry Field, 70'<br>SBRAZ-DTV<br>379 kc; TLH<br>Procedure No. 1 | Quincy FM (final) | | 700 | S side NW course:<br>296 outbound.<br>116 inbound.<br>1,300' within 20 miles.<br>1,400' within 25 miles. | 700 | 085—2.7 | T-dn<br>C-dn<br>S-dn<br>9<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 2.7 miles, climb to 1,400' on E course within 25 miles, or as directed by ATC.<br>CAUTION: 315' msl obstruction, 1 mile NE of airport. |
| TAMPA, FLA.<br>International Airport, 26'<br>SBRAZ-DTV<br>388 kc; TPA<br>Procedure No. 1 | Ruskin FM (final) | | 700 | E side SE course:<br>135 outbound.<br>315 inbound.<br>1,200' within 25 miles. | 700 | 339—5.7 | T-dn<br>C-dn<br>S-dn<br>32<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 5.7 miles, climb to 1,300' on N course, or as directed by ATC. |
| TAMPA, FLA.<br>Knight Airport, 8'<br>Procedure No. 1 | | | | S side SW course:<br>210 outbound.<br>030 inbound.<br>1,300' within 25 miles. | 700 | 055—2.7 | T-dn<br>C-d<br>C-n<br>S-d<br>S-n<br>3<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | Within 2.7 miles, climb to 1,500' on NE course.<br>NOTE: Approach control operates from International Airport on a 24-hour basis. |
| TAPPAHANNOCK, VA. | (NO PROCEDURE APPROVED) | | | | | | | | | |
| TERRE HAUTE, IND.<br>Hulman Field, 583'<br>BMRLZ-DTV<br>248 kc; HUF<br>Procedure No. 1 | | | | S side W course:<br>249 outbound.<br>069 inbound.<br>1,800' within 25 miles. | 1,300 | 072—5.8 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-2.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-2.0<br>800-2.0 | Within 5.8 miles, climb to 2,000' on E course, or as directed by ATC.<br>NOTE: ADF procedure not authorized. |
| Cox Airport, 485'<br>Procedure No. 1 | | | | S side W course:<br>249 outbound.<br>069 inbound.<br>1,800' within 25 miles. | 1,300 | 182—0.0 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 300-1.0<br>NA<br>800-1.5<br>NA<br>800-2.0<br>NA | 300-1.0<br>NA<br>800-1.5<br>NA<br>800-2.0<br>NA | Within 0.0 mile, climb to 2,000' on E course. |
| TEXARKANA, ARK.<br>Texarkana Airport, 359'<br>SBRAZ-DTV<br>329 kc; TXK<br>Procedure No. 1 | | | | W side N course:<br>344 outbound.<br>164 inbound.<br>1,100' within 15 miles.<br>1,700' within 20 miles.<br>1,800' within 25 miles. | 900* | 115—2.1 | T-dn<br>C-dn<br>S-d<br>S-n<br>13<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | Within 2.1 miles, climb to 1,700' on S course within 25 miles.<br>*CAUTION: 750' msl tower located approximately 3 miles SW of LFR. |
| THE DALLES, OREG.<br>The Dalles Airport, 243'<br>SBRAZ-DTV<br>230 kc; DLS<br>Procedure No. 1 | | | | S side E course:*<br>075 outbound.<br>255 inbound.<br>4,000' within 25 miles. | 2,710 | 246—3.1 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 1,500-1.0<br>1,500-2.0<br>2,500-3.0<br>2,500-4.0<br>2,500-3.0<br>2,500-3.0 | 1,500-1.0<br>NA<br>2,500-3.0<br>NA<br>2,500-3.0<br>NA | Within 3.1 miles, make immediate 180° left turn and climb to 4,000' on E course within 15 miles of LFR.<br>*Procedure turn on N side E course not authorized due to high terrain. |
| THERMAL, CALIF. | (NO PROCEDURE APPROVED) | | | | | | | | | |
| TOLEDO, OHIO<br>Toledo Airport, 622'<br>SBMRAZ-DTV<br>239 kc; TOL<br>Procedure No. 1 | | | | W side S course:<br>204 outbound.<br>024 inbound.<br>1,900' within 25 miles. | 1,400 | 344—8.1 | T-dn<br>C-d<br>C-n<br>S-dn<br>32<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>500-1.5<br>800-2.0 | Within 8.1 miles, climb to 2,100' on N course within 25 miles, or as directed by ATC. |
| TOLEDO, WASH.<br>Toledo-Winlock Airport, 371'<br>BMRLZ-DTV<br>239 kc; TDO<br>Procedure No. 1 | | | | W side N course:<br>357 outbound.<br>177 inbound.<br>3,500' within 10 miles (NA beyond 10 miles). | 2,000 | 235—2.9 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>1,000-2.0<br>1,500-2.0 | 300-1.0<br>1,000-2.0<br>1,500-2.0 | Within 2.9 miles, turn right, climb to 5,000'* on N course, or as directed by ATC.<br>*Climb to 4,500' within 10 miles of range station; all turns on W course.<br>NOTE: ADF procedure not authorized. |
| TONOPAH, NEV.<br>Tonopah Airport, 5426'<br>SBRAZ-DTV<br>221 kc; TPH<br>Procedure No. 1 | | | | W side N course:<br>348 outbound.<br>168 inbound.<br>9,500' within 25 miles. | 8,000 | 168—2.6 | T-d<br>T-n<br>C-d<br>C-n<br>A-dn | 1,000-1.0<br>1,000-2.0<br>2,500-2.0<br>2,500-3.0<br>2,500-3.0 | 1,000-1.0<br>1,000-2.0<br>2,500-4.0<br>2,500-3.0<br>2,500-3.0 | Within 2.6 miles, climb to 10,000' on S course within 25 miles of LFR.<br>CAUTION: No control area. Pilots using this facility should keep Tonopah radio advised of position, altitude, and ETA over station. |

LOW FREQUENCY RANGE PROCEDURES—Continued

| City and state; airport name, elevation; class of facility, frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound), altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| TRAVERSE CITY, MICH.<br>Traverse City Airport, 625'<br>SBMRAZ-DTV<br>365 kc; TVC<br>Procedure No. 1 | | | | E side SE course:<br>139 outbound.<br>319 inbound.<br>2,100' within 10 miles.<br>2,400' within 20 miles.<br>2,500' within 25 miles. | 1,600 | 139—2.2 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 2.2 miles, climb to 2,300' on NW course within 25 miles. |
| TRI-CITY (BRISTOL), TENN.<br>Tri-City Airport, 1,524'<br>SBMRAZ-DTV<br>Procedure No. 1 | Transitions to LFR for VOR-equipped aircraft | | | N side NE course:<br>065 outbound.<br>245 inbound.<br>[illegible] within 10 miles.<br>7,000' within 15 miles (NA beyond 15 miles). | 2,800 | 252—3.2 | T-dn<br>C-dn<br>C-n<br>S-dn<br>27<br>A-dn | 300-1.0<br>700-1.0<br>700-1.5<br>700-1.0<br>1,000-2.0 | 300-1.0<br>800-1.5<br>800-2.0<br>800-1.0<br>1,000-2.0 | Within 3.2 miles, climb to 5,000' on SW course within 25 miles.<br>SHUTTLE ON SW course 12,000' within 12 miles. |
| | Int. NE course LFR and 160° brg to VOR (final). | 245—10.0 | 3,000 | | | | | | | |
| | Int. SW course LFR and 060° brg to VOR. | 065—9.0 | 4,000 | | | | | | | |
| | Int. 227° brg to Knoxville VOR and 342° brg to Tri-City LFR. | 132—24.0 | 4,500 | | | | | | | |
| | Tri-City VOR | 289—2.0 | 5,500 | | | | | | | |
| TRINIDAD, COLO.<br>Trinidad Airport, 5,761'<br>SBMRAZ-DTV<br>329 kc; TAD<br>Procedure No. 1 | | | | E side N course #<br>332 outbound.<br>152 inbound.<br>7,100' within 25 miles. | 6,700 | 174—3.2 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>600-1.5<br>600-1.5<br>800-2.0 | Within 3.2 miles, immediately make a 180° climbing turn to the left and climb to 7,500' on N° course, or as directed by ATC.<br>*Abrupt terrain rise 8 miles SSW, 9,586' terrain, 12 miles SSW of airport.<br>#Procedure turn to E account high terrain to W. |
| TRUTH OR CONSEQUENCES, N. MEX.<br>Truth or Consequences Airport, 4,342'<br>SBRAZ-DTV<br>344 kc; TCS<br>Procedure No. 1 | Truth or Consequences VOR | 090—18.0 | 8,000 | E side N course*:<br>350 outbound.<br>170 inbound.<br>8,000' within 10 miles.<br>(NA beyond 10 miles). | 6,340 | 258—16.6 | T-dn<br>C-dn<br>A-dn | 500-1.0<br>1,500-1.0<br>2,000-3.0 | 500-1.0<br>1,500-1.5<br>2,000-3.0 | Within 0.0 miles, turn right, return to LFR via W course, then climb to 10,000' on S course.<br>*Procedure turn to E due to high terrain to W. |
| TUCSON, ARIZ.<br>Davis-Monthan AFB, 2,688'<br>SBRAZ-DTV<br>338 kc; TUS<br>Procedure No. 1 | | | | S side SW course:<br>207 outbound.<br>027 inbound.<br>7,200' within 20 miles.<br>10,000' within 25 miles. | 3,588 | 300—1.8 | T-dn<br>C-dn<br>S-dn<br>30<br>A-dn | 300-1.0<br>900-1.0<br>900-1.0<br>900-2.0 | 300-1.0<br>900-1.5<br>900-1.0<br>900-2.0 | Within 0.0 miles, climb to 7,000' on NW course within 25 miles, or as directed by ATC. |
| Tucson Airport | (Make let-down to Davis-Monthan AFB. Fly VFR from Davis-Monthan AFB to Tucson Airport.) | | | | | | | | | |
| TUCUMCARI, N. MEX.<br>Tucumcari Airport, 1,063'<br>SBMRAZ-DTV<br>212 kc; TCC<br>Procedure No. 1 | | | | S side W course:<br>256 outbound.<br>076 inbound.<br>6,000' within 10 miles.<br>6,500' within 25 miles. | 5,520 | 076—2.2 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 2.2 miles, climb to 5,200' on E course. CAUTION. 5,020' terrain 4.5 miles SW of LFR. |
| TULSA, OKLA.<br>Tulsa Airport, 674'<br>PSBRAZ-DTV<br>245 kc; TUL<br>Procedure No. 1 | Verdigris River FM (final) | | 1,300 | N side NE course:<br>052 outbound.<br>232 inbound.<br>1,800' within 10 miles.<br>2,000' within 25 miles. | 1,300* | 220—1.0 | #T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 1.0 miles, climb to 2,200' on SW course within 25 miles, or as directed by ATC.<br>*Maintain procedure turn altitude until within 10 miles of LFR on final.<br>#Runway 17R closed for all take-offs. |
| | Skiatook FM | | 2,000 | | | | | | | |
| TYLER, TEX.<br>Pounds Field, 541'<br>BMRLZ-DTV<br>320 kc; TYR<br>Procedure No. 1 | | | | S side W course:<br>274 outbound.<br>094 inbound.<br>1,700' within 25 miles. | 1,200 | 120—1.6 | T-dn<br>C-dn<br>S-dn<br>12<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>800-2.0 | Within 1.6 miles, climb to 2,000' on E course within 25 miles, or as directed by ATC.<br>NOTE. ADF procedure not authorized. |
| UTICA, N. Y.<br>Oneida County Airport, 842'<br>BMRLZ-DTV<br>356 kc; UCA<br>Procedure No. 1 | | | | N side NE course:<br>[illegible]<br>[illegible]<br>3,000' within 15 miles.<br>(NA beyond 15 miles). | 2,200<br>(W 1,600 within 4 miles). | 240—11 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 11 miles, make a climbing right turn, return to LFR, climbing to 3,000'.<br>NOTE. This procedure not approved for ADF approach. |



LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility, frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound), altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| VICHY, MO.<br>Vichy Airport, 1,148'<br>BMRLZ-DTV<br>344 kc; VIH<br>Procedure No. 1 | Vichy VOR | 192—4.5 | 2,200 | N side SE course:<br>130 outbound.<br>310 inbound.<br>2,300' within 25 miles. | 1,800 | 310—2.7 | T-dn<br>C-dn<br>S-d<br>S-n<br>32<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | Within 2.7 miles, climb to 2,500' on NW course within 25 miles, or as directed by ATC.<br>NOTE. ADF procedures not authorized. |
| WACO, TEX.<br>Waco Airport, 513'<br>SBRAZ-DTV<br>385 kc; ACT<br>Procedure No. 1 | Waco VOR | 158—7.0 | 1,700 | E side S course:<br>189 outbound.<br>009 inbound.<br>1,900' within 15 miles.<br>2,000' within 25 miles. | 1,400* | 009—2.6 | T-dn<br>C-dn<br>#S-dn<br>36<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 2.6 miles, climb to 2,000' on N course within 25 miles, or as directed by ATC.<br>*Maintain procedure turn altitude until within 10 miles of Waco LFR on final. 300' clearance over 1,010' msl obstruction 4 miles E of course.<br>#680' per minute descent required at 120 mph. |
| WALLA WALLA, WASH.<br>City-County Airport, 1,205'<br>SBMRLZ-DTV<br>[illegible] kc; ALW<br>Procedure No. 1 | | | | W side NE course:<br>062 outbound.<br>182 inbound.<br>3,500' within 15 miles<br>(NA beyond 15 miles). | 2,500 | 175—3.6 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>600-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>700-1.5<br>800-2.0 | Within 3.6 miles, climb to 5,000' on SW course within 20 miles.<br>CAUTION: High terrain 5 miles E of NE course; 1,800' terrain 2.3 miles E of airport. |
| Martin Airport | (Make let-down to City-County Airport. Fly VFR from City-County Airport to Martin Airport.) | | | | | | | | | |
| WATERTOWN, S. DAK.<br>Watertown Airport, 1,747'<br>BMRLZ-DTV<br>382 kc; ATY<br>Procedure No. 1 | Watertown VOR | 136—5.0 | 2,900 | N side E course:<br>077 outbound.<br>257 inbound.<br>3,000' within 25 miles. | 2,500 | 252—2.9 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 2.9 miles, climb to 3,000' on W course, or as directed by ATC.<br>NOTE. ADF procedures not authorized. |
| WENDOVER, UTAH | (NO PROCEDURE APPROVED) | | | | | | | | | |
| WEST PALM BEACH, FLA.<br>Palm Beach International Airport, 19'<br>SBMRA-DTV<br>260 kc; PBI<br>Procedure No. 1 | Int. W course W. Palm Beach LFR and N course Miami LFR. | | 1,200 | S side W course:<br>269 outbound.<br>089 inbound.<br>1,200' within 25 miles. | 600 | 089—2.4 | T-dn<br>C-dn<br>S-dn<br>9<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 2.4 miles, climb to 1,200' on E course within 25 miles of LFR, or as directed by ATC. |
| WHITEHALL, MONT. | (NO PROCEDURE APPROVED) | | | | | | | | | |
| WHITMORE, CALIF. | (NO ASSOCIATED AIRPORT) | | | | | | | | | |
| WICHITA FALLS, TEX.<br>Wichita Falls Airport (Sheppard AFB), 1,029'<br>SBMRAZ-DTV<br>239 kc; ICH<br>Procedure No. 1 | Jolly FM (final) | | 1,700 | E side SE course:<br>121 outbound.<br>301 inbound.<br>2,200' within 25 miles. | 1,700* | 305—1.7 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 1.7 miles, climb to 3,000' on NW course within 25 miles, or as directed by ATC. |
| WILKES-BARRE, PA.<br>Wilkes-Barre-Scranton Airport, 950'<br>SBMRAZ-DTV<br>272 kc; AVP<br>Procedure No. 1 | Int. SW course Wilkes-Barre LFR and E course Williamsport LFR. | | 3,500 | S side SW course:<br>247 outbound.<br>067 inbound.<br>1,500' within 25 miles. | 2,300* | 086—4.2 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 600-2.0<br>800-2.0<br>800-1.5<br>1,300-2.0<br>1,200-2.0<br>1,600-3.0 | 600-2.0<br>800-2.0<br>1,000-2.0<br>1,300-2.0<br>1,200-2.0<br>1,600-3.0 | Within 4.2 miles, make a climbing left turn and climb to 4,000' on SW course.<br>CAUTION. High terrain to E, SE, and S of airport within 3 miles.<br>*CAUTION: Do not descend to final approach altitude until on SW course of LFR. |
| | Wilkes-Barre VOR | 247—20.0 | 3,500 | | | | | | | |
| WILLIAMS, CALIF. | (NO ASSOCIATED AIRPORT) | | | | | | | | | |

LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification, procedure No. | Initial approach to facility: From— | Initial approach to facility: Course and distance | Initial approach to facility: Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound) altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| WILLIAMSPORT, PA.<br>Williamsport Airport, 528'<br>BRLZ-DTV<br>275 kc; IPT<br>Procedure No. 1 | | | | S side E course.*<br>100 outbound.<br>280 inbound.<br>3,000' within 15 miles (NA beyond 15 miles). | 2,500# | 285—6.9 | T-dn<br>C-d<br>C-n<br>A-d<br>A-n | 800-1.0<br>1,500-1.0<br>1,500-2.0<br>1,500-2.0<br>1,500-3.0 | 800-1.0<br>1,500-1.0<br>1,500-2.0<br>1,500-2.0<br>1,500-3.0 | Within 2.0 miles, make right climbing turn, climb to 4,000' on E course.<br>*To avoid obstructions to N.<br>#Do not descend below 3,600' until within 10 miles of LFR.<br>CAUTION: 2,000' msl ridge, 2 miles S of airport.<br>NOTE: (1) Standard clearance not provided over obstructions S of airport. (2) ADF procedure not authorized. |
| WILLMAR, MINN.<br>Willmar Airport, 1,150'<br>SMRAWZ<br>294 kc; ILL<br>Procedure No. 1 | | | | E side S course:<br>177 outbound.<br>357 inbound.<br>2,500' within 25 miles. | 1,800 | 357—3.3 | T-dn<br>C-dn<br>A-du | 300-1.0<br>500-1.0<br>800-2.0 | NA<br>NA<br>NA | Within 3.3 miles, climb to 2,400' on N course. |
| WILMINGTON, DEL. | (See New Castle, Del.) | | | | | | | | | |
| WINDSOR, ONTARIO.<br>Detroit City Airport, 620'<br>SBRAZ-T<br>353 kc; QG<br>Procedure No. 1 | | | | E side SE course:<br>142 outbound.<br>322 inbound.<br>1,700' within 25 miles. | 1,640 | 329—9.0 | T-dn*<br>C-dn<br>A-dn | 500-1.0<br>1,000-2.0<br>1,000-3.0 | 500-1.0<br>1,000-2.0<br>1,000-3.0 | Within 0.0 mile, climb to 2,300' on NW course.<br>*500-1 Runway 33 only.<br>NOTE: Detroit Rbn located 2.6 miles SE of Detroit City Airport. |
| WINK, TEX.<br>Wink Airport, 2,824'<br>BRAZ-DTV<br>200 kc; INK<br>Procedure No. 1 | Int. S course Wink LFR and SW course midland LFR (final) | | 3,000 | E side S course:<br>152 outbound.<br>332 inbound.<br>4,000' within 25 miles. | 3,600 | 353—1.2 | T-dn<br>C-dn<br>A-du | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 1.2 miles, climb to 5,000' on N course. |
| WINSLOW, ARIZ.<br>Winslow Airport, 4937'<br>SBRAZ-DTV<br>266 kc; INW<br>Procedure No. 1 | | | | S side E course:<br>075 outbound.<br>255 inbound.<br>7,000 within 25 miles. | 5,440 | 160—1.5 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-2.0<br>800-2.0 | 300-2.0<br>600-2.0<br>800-2.0 | Within 0.0 miles, climb to 7,000' on E course within 25 miles, or as directed by ATC. |
| WINSTON-SALEM, N. C.<br>Smith Reynolds Airport, 969'<br>SMRLZ-D<br>382 kc; INT<br>Procedure No. 1 | Int. SE ers Winston-Salem LFR and SW ers Greensboro LFR (final). | | 2,000 | W side SE course:<br>148 outbound.<br>328 inbound<br>2,300' within 25 miles. | 2,000 | 328—5.1 | T-dn<br>C-dn<br>S-dn<br>33<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>500-1.0<br>800-2.0 | Within 5.1 miles, climb to 3,500' on NW course within 25 miles, or when directed by ATC, turn left, climb to 2,400' on SW course within 25 miles.<br>CAUTION: 1,307' msl building located 2.3 miles SSW of airport. |
| | High Point FM (final) | | 2,000 | | | | | | | |
| YAKIMA, WASH.<br>Yakima Airport, 1,077'<br>BMRLZ-DTV<br>320 kc; YKM<br>Procedure No. 1 | Int. NW ers Yakima LFR and S ers Ellensburg LFR. | | 4,000 | S side SE course.*<br>106 outbound.<br>286 inbound.<br>4,000' within 10 miles.<br>5,000' within 25 miles. | 3,000 | 266—4.7 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 600-1.0<br>800-2.0<br>800-2.0<br>800-2.0<br>800-2.0<br>800-2.0 | 600-1.0<br>800-2.0<br>800-2.0<br>1,000-2.0<br>800-2.0<br>1,000-2.0 | Within 4.7 miles, turn right and climb to 4,000' on NW course within 10 miles of LFR station (procedure turn on N side of NW course), or as directed by ATC.<br>*Procedure turn Not Authorized on N side of SE course due to high terrain.<br>WARNING: Do not proceed more than 10 miles from LFR on NW course. |
| | NE—NOT AUTHORIZED (danger area). | | | | | | | | | |
| YOUNGSTOWN, OHIO<br>Youngstown Airport, 1,196'<br>SBMRLZ-DTV<br>212 kc; YNG<br>Procedure No. 1 | Gustavus FM (final) | | 1,710 | W side N course:<br>095 outbound.<br>185 inbound.<br>2,200' within 25 miles. | 1,710 | 185—3.4 | T-dn<br>C-dn<br>S-d<br>S-n<br>18<br>A-dn | 300-1.0<br>500-1.0<br>700-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>700-1.0<br>500-1.5<br>800-2.0 | Within 3.4 miles, climb to 2,600' on S course within 25 miles or as directed by ATC. |
| YUMA, ARIZ.<br>Yuma County Airport, 213'<br>SBMRAZ-DTV<br>230 kc; YUM<br>Procedure No. 1 | | | | E side N course:*<br>345 outbound.<br>165 inbound.<br>3,000' within 25 miles. | 2,500 | 165—5.8 | T-dn<br>C-dn<br>A-du | 300-1.0<br>600-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>800-2.0 | Within 5.8 miles, climb to 3,500' on S course within 20 miles of LFR, or as directed by ATC.<br>*Procedure turn maneuvering area limited to 5 miles on E side of final approach course due to danger area. |



2. The high frequency range procedures prescribed in § 609.7 are amended to read in part:

VHF VISUAL-AURAL (VAR) RANGE PROCEDURES

When a VAR instrument approach is conducted at the below named airport(s), it shall be in accordance with the following instrument approach procedure(s), unless an approach is conducted in accordance with a different procedure authorized by the Administrator for such airport(s). Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below:

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Initial approach to facility: Course and distance | Initial approach to facility: Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound) altitudes limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished; remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| HICKORY, N. C.<br>Hickory Airport, 1167'<br>BVAR-DTVJ<br>108.7 mc; HKY<br>Procedure No. 1 | | | | S side E course:<br>073 outbound.<br>253 inbound.<br>2,500' within 15 miles (NA beyond 15 miles). | 2,000 | 259—6.2 | T-dn<br>C-d<br>C-n<br>S-d<br>S-n<br>24<br>A-dn | 300-1.0<br>600-1.5<br>700-2.0<br>600-1.5<br>700-2.0<br>800-2.0 | 300-1.0<br>700-1.5<br>700-2.0<br>600-1.5<br>700-2.0<br>800-2.0 | Within 6.2 miles, climb to 4,100' on W course within 25 miles.<br>CAUTION: (1) W course Hickory VAR passes approx ¾ miles S of Hickory Airport. (2) 2,050' miles obstructions, 5.5 miles S of airport.<br>SHUTTLE: E course to 2,500' within 15 miles. |
| MYRTLE BEACH, N. C.<br>Myrtle Beach Airport, 24'<br>BVAR DTVJ<br>108.3 mc; MYR<br>Procedure No. 1 | | | | N side NE course:<br>055 outbound.<br>235 inbound.<br>1,200' within 25 miles. | 700 | 221—3.5 | T-dn<br>C-dn<br>S-dn<br>26<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>600-1.0<br>500-1.0<br>800-2.0 | Within 3.5 miles, climb to 1,200' on SW course.<br>NOTE: Airport not suitable for aircraft with weight in excess of 50,000 pounds. |
| NANTUCKET, MASS.<br>Nantucket Memorial Airport, 48'<br>BVAR-DTVJ<br>109.1 mc; ACK<br>Procedure No. 1 | | | | W side N course:<br>091 outbound.<br>181 inbound.<br>1,300' within 25 miles. | 800 | 106—3.2 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 3.2 miles, turn left and climb to 1,500' on N course. |
| Procedure No. 2 | | | | S side W course:<br>271 outbound.<br>091 inbound.<br>1,300' within 25 miles. | 800 | 106—3.2 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 3.2 miles, climb to 1,500' on E course. |
| NEW BERN, N. C.<br>Simmons-Nott Airport 18'<br>BVAR-DTVJ<br>109.9 mc; EWN<br>Procedure No. 1 | | | | N side SW course:<br>227 outbound.<br>047 inbound.<br>1,100' within 25 miles. | 700 | 109—3.5 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>800-2.0 | Within 3.5 miles, turn left, return go VAR, climbing to 1,200'. |
| PARKERSBURG, W. VA.<br>Wood County Airport, 856'<br>BVAR-DTVJ<br>109.1 mc; PKB<br>Procedure No. 1 | | | | S side SW course:<br>214 outbound.<br>034 inbound.<br>2,500' within 25 miles. | 2,000 | 017—3.6 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>700-1.5<br>800-1.5<br>800-2.0 | 300-1.0<br>700-1.5<br>800-1.5<br>800-2.0 | Within 3.6 miles, climb to 2,600' on NE course within 25 miles. |
| ROCKY MOUNT, N. C.<br>Rocky Mount Airport, 97'<br>BVAR-DTVJ<br>109.1 mc; RMT<br>Procedure No. 1 | | | | N side NE course:<br>070 outbound.<br>250 inbound.<br>1,200' within 25 miles. | 800 | 261—4.3 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>600-1.5<br>600-2.0<br>1,000-2.0 | 300-1.0<br>700-1.5<br>700-2.0<br>1,000-2.0 | Within 4.3 miles, climb to 1,800' on SW course. |
| SALISBURY, MD.<br>Wicomico County Airport, 52'<br>BVAR-DTVJ<br>109.5 mc; SBY<br>Procedure No. 1 | | | | N side NE course:<br>042 outbound.<br>222 inbound.<br>1,300' within 25 miles. | 800 | 201—4.8 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-2.0<br>500-2.0<br>800-2.0 | *300-1.0<br>500-1.5<br>NA<br>*800-2.0 | Within 4.8 miles, climb to 1,500' on SW course.<br>*Nicht minimums approved for DC-3 or smaller aircraft only.<br>NOTE: Prior notice required for night lighting facilities. |

3. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

AUTOMATIC DIRECTION FINDING PROCEDURES

When an ADF instrument approach is conducted at the below named airport(s), it shall be in accordance with the following instrument approach procedure(s), unless an approach is conducted in accordance with a different procedure authorized by the Administrator for such airport(s). Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

| City and State; airport name, elevation; class of facility; frequency; identification procedure No. | Initial approach to facility | | | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| | From— | Course and distance | Minimum altitude (ft.) | | | | Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | |
| AKRON, OHIO<br>Akron-Canton Airport, 1,228'<br>LOM<br>236 kc, CA<br>Procedure No. 1 | Akron LFR | 176—13.0 | 2,500 | E side course:<br>186 outbound.<br>006 inbound.<br>2,500' within 25 miles. | 2,000 | 006—4.31 | T-dn<br>C-dn<br>S-dn<br>36<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 4.31 miles, climb to 2,500' on course of 015° to SE course of Akron LFR, or when directed by ATC, (1) make right turn, climbing to 2,500' and proceed to LOM; (2) climb to 2,500' and proceed direct to Akron LFR; (3) climb to 2,500' on course of 006° and proceed to the Int. of the SE or NE course of Akron LFR; (4) make right turn, climbing to 2,500' on course of 090° to SE course Akron LFR; (5) make left turn, climbing to 2,500' on course of 270° to SW course of Akron LFR.<br>CAUTION: Monitor LOM at all times during approach. |
| | Int. SW course Akron LFR and 090° brg to LOM. | 090—14.0 | 2,500 | | | | | | | |
| | Int. SE course Akron LFR and 270° brg to LOM. | 270—18.0 | 2,500 | | | | | | | |
| | Int. SE course Akron LFR and 186° brg to LOM. | 186—11.0 | 2,500 | | | | | | | |
| | Burghoh Rbn | 314—33.0 | 2,500 | | | | | | | |
| AMARILLO, TEX.<br>Procedure No. 2<br>(Using St. Francis Rbn)<br>MHW<br>338 kc, SFW | Amarillo VOR | 029—1.3 | 4,700 | N side course:<br>029 outbound.<br>209 inbound.<br>4,900' within 10 miles (NA beyond 10 miles). | 4,400 | 209—5.9 | T-dn<br>C-dn<br>S-dn<br>S-n<br>21<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br><br>800-2.0 | Within 5.9 miles, climb to 5,000' on course of 209°, intersect and proceed S on S course of Amarillo LFR, or as directed by ATC. |
| | Amarillo LFR | 040—8.3 | 4,700 | | | | | | | |
| | Int. NW course Clarendon LFR and E course Amarillo LFR. | 280—12.6 | 4,700 | | | | | | | |
| | Int. SW course Amarillo ILS and S course Amarillo LFR. | 020—10.9 | 5,000 | | | | | | | |
| | Soney FM | 062—19.5 | 5,000 | | | | | | | |
| ANDERSON, S. C.<br>Anderson Airport, 783'<br>HMH-TV<br>236 kc, AND<br>Procedure No. 1 | Int. S crs Greenville LFR and SW crs Spartanburg LFR. | 235—24.0 | 2,200 | S side course:<br>238 outbound.<br>058 inbound.<br>2,000' within 10 miles (NA beyond 10 miles). | 1,280 | At airport | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-2.0<br>1,000-2.0<br>(BCOB) | 300-1.0<br>500-2.0<br>1,000-2.0<br>(BCOB) | Within 0.0 mile, make 180° left turn and climb to 2,000' on course of 238° within 25 miles of Rbn, or as directed by ATC. |
| ARCATA, CALIF.<br>Arcata Airport, 217'<br>SBMRRLZ-DTV<br>209 kc, ACV<br>Procedure No. 1. | (All initial approach courses must coincide with published LFR courses and must be made on top, tops not to exceed 10,000'.) | ---------- | ---------- | S side course:<br>274 outbound.<br>094 inbound.<br>1,500' within 25 miles. | 720 | 094—2.7 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-2.0<br>1,000-2.0 | 300-1.0<br>500-2.0<br>1,000-2.0 | Within 0.0 mile, turn left and climb to on top on course of 274° outbound, 094° inbound, within 10 miles.<br>SHUTTLE: To 1,500' on course of 274° outbound, 094° inbound, within 10 miles. |
| ATLANTA, GA.<br>Atlanta Airport, 1024'<br>LOM<br>219 kc, AT<br>Procedure No. 2<br>(Procedure No. 1 not published). | Cambellton LFR | 094—8.8 | 2,500 | S side course:<br>268 outbound.<br>088 inbound.<br>2,450' within 25 miles. | 2,450 | 088—4.7 | T-dn<br>C-dn<br>S-dn<br>9R<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | 300-1.0<br>500-1.5<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | Within 4.7 miles, turn right, climb to 2,000' on SE course Atlanta LFR within 25 miles and proceed to Walnut int., or when directed by ATC, climb to 3,000' on course of 090°, then proceed to Walnut Int. |
| | Atlanta NAS LFR | 208—18.0 | 3,000 | | | | | | | |
| | Atlanta LFR | 284—6.9 | 2,500 | | | | | | | |
| | Int. E crs ILS and crs Atlanta LFR. | 268—9.5 | 2,500 | | | | | | | |
| | Int. SE crs Atlanta LFR and S crs Atlanta VAR. | 311—20.3 | 2,500 | | | | | | | |
| | Madras FM | 033—19.0 | 2,500 | | | | | | | |
| | Smyrna FM | 171—18.0 | 2,500 | | | | | | | |



AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification procedure No. | Initial approach to facility | | | Procedure turn ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| | From— | Course and distance | Minimum altitude (ft.) | | | | Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | |
| AUGUSTA, GA.<br>Bush Field, 142'<br>SBRAZ-DTV<br>385 kc, AGS<br>Procedure No. 1 | Augusta VOR | 153—8.0 | 1,800 | N side course:<br>276 outbound.<br>096 inbound.<br>1,600' within 25 miles. | 1,140 | 127—7.3 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>600-2.0<br>800-2.0 | 300-1.0<br>600-2.0<br>800-2.0 | Within 7.3 miles, turn right, climb to 1,600' on course of 171° within 25 miles of LFR, or as directed by ATC.<br>CAUTION: Camp Gordon danger area 2.5 miles S of final approach course. |
| Procedure No. 2<br>LOM<br>233 kc, AG | Augusta LFR | 146—13.0 | 1,400 | W side course:<br>168 outbound.<br>348 inbound.<br>1,400' within 25 miles. | 1,200 | 348—5.0 | T-dn<br>C-dn<br>S-dn<br>35<br>A-dn | 300-1.0<br>600-2.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>600-2.0<br>500-1.0<br><br>800-2.0 | Within 5.0 miles, climb to 2,000' on course of 348° and proceed to Augusta LFR, or as directed by ATC.<br>NOTE: Deviation authorized in direction of procedure turn due to danger area to E. |
| | Augusta VOR | 148—21.0 | 1,800 | | | | | | | |
| | Int. 351° brg to Augusta LFR and 141° brg to Savannah LFR. | 001—34.0 | 1,400 | | | | | | | |
| | Int. 240° brg to Augusta LFR and 168° brg to LOM. | 168—13.0 | 1,600 | | | | | | | |
| AUSTIN, TEX.<br>Mueller Airport, 631'<br>LOM<br>404 kc, AU<br>Procedure No. 1 | Austin LFR | 124—9.0 | 1,900 | E side course:<br>125 outbound.<br>305 inbound.<br>2,000' within 25 miles. | 2,000 | 305—6.12 | T-dn<br>C-dn<br>S-dn<br>36L<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 6.12 miles, climb to 2,500' on course of 305° within 25 miles. |
| | Austin VOR | 149—11.0 | 2,000 | | | | | | | |
| BALTIMORE, MD.<br>Friendship International Airport, 147'<br>LOM<br>201 kc, BA<br>Procedure No. 1 | Beltsville FM | 030—11.0 | 1,500 | S side course:<br>281 outbound.<br>101 inbound.<br>1,500' within 10 miles (NA beyond 10 miles). | 1,200 | 101—4.4 | T-dn<br>C-dn<br>S-dn<br>10<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>1,000-2.0<br>(BCOH) | 300-1.0<br>500-1.5<br>500-1.0<br><br>1,000-2.0<br>(BCOH) | Within 4.4 miles, climb to 1,500' (or higher when directed by ATC) on course of 080° within 10 miles of LOM. |
| | Int. NE course Washington LFR and W course Baltimore LFR. | 221—5.0 | 1,500 | | | | | | | |
| | Int. NE course Arcola LFR and W course Baltimore LFR. | 122—20.0 | 1,800 | | | | | | | |
| BATON ROUGE, LA.<br>Harding Field, 70'<br>LOM<br>284 kc, BT<br>Procedure No. 1 | Baton Rouge LFR | 306—1.0 | 1,300 | S side course:<br>306 outbound.<br>126 inbound.<br>1,300' within 25 miles. | 1,300 | 126—4.38 | T-dn<br>C-dn<br>S-dn<br>13<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | 300-1.0<br>500-1.5<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | Within 4.38 miles, climb to 1,400' on course of 126° within 25 miles of LOM, or when directed by ATC, turn left, climb to 1,400' on course of 054° from LOM within 25 miles. |
| | Baton Rouge VOR | 029—8.0 | 1,300 | | | | | | | |
| BEDFORD, MASS.<br>Hanscom Field, 135'<br>LOM<br>260 kc, BE<br>Procedure No. 1 | Boston LFR | 302—22.0 | 1,700 | N side course.*<br>292 outbound.<br>112 inbound.<br>1,000' within 10 miles (NA beyond 10 miles). | 1,200 (within 10 miles). | 112—1.5 | T-dn<br>C-dn<br>S-dn<br>11<br>only<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | 300-1.0<br>500-1.5<br>500-1.0<br><br>1,000-2.0<br>(BCOH) | Within 0.0 mile, make 180° left turn and climb to 2,000' on course of 238° within 25 miles of Rbn, or as directed by ATC.<br>*Procedure turn conducted N to avoid traffic S of Red Airway 11. |
| | Int. NE crs Chicopee LFR and W crs Boston LFR. | 116—33.0 | 3,000 | | | | | | | |
| | Int. N crs Providence LFR and SW crs Boston LFR. | 012—27.0 | 1,800 | | | | | | | |
| BILLINGS, MONT.<br>Billings Airport, 3,612'<br>LOM<br>251 kc, BI<br>Procedure No. 1 | Billings LFR | 082—2.8 | 5,000 | N side course:<br>073 outbound.<br>253 inbound.<br>5,000' within 10 miles (NA beyond 10 miles). | 5,000 | 253—1.3 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-2.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-2.0<br>800-2.0 | Within 3.7 miles (over LMM), climb to 5,500' on course of 247° within 15 miles of Billings LFR.<br>NOTE: LMM located 0.6 mile from field—Freq. 291 kc, Ident. IL. |
| | Huntley FM | 216—8.0 | 5,000 | | | | | | | |
| BINGHAMTON, N. Y.<br>Broome County Airport, 1,629'<br>LOM<br>317 kc, BG<br>Procedure No. 1 | Binghamton VOR | 283—10.0 | 3,500 | E side course:<br>158 outbound.<br>358 inbound.<br>3,100' within 25 miles. | 2,040 | 308—4.57 | T-dn<br>C-dn<br>S-dn<br>34<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | 300-1.0<br>500-1.5<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | Within 4.57 miles, climb to 3,500' on course of 358° outbound from LOM within 25 miles. |
| | Elmira LFR | 100—51.0 | 3,500 | | | | | | | |
| | Int. S course Syracuse LFR. | 100—10.0 | 3,500 | | | | | | | |
| | Int. 265° brg to Elmira LFR. | 225—16.0 | 3,500 | | | | | | | |
| BIRMINGHAM, ALA.<br>Birmingham Airport, 643'<br>LOM<br>375 kc, BH<br>Procedure No. 1 | Birmingham LFR | 215—9.0 | 2,500 | N side course.*<br>232 outbound.<br>052 inbound.<br>2,000' within 25 miles. | 1,820 | 052—5.4 | T-dn<br>C-dn<br>S-dn<br>5<br>A-dn | 300-1.0<br>800-1.0<br>600-1.0<br><br>1,000-2.0<br>(BCOB) | 300-1.0<br>900-1.5<br>600-1.0<br><br>1,000-2.0<br>(BCOB) | Within 5.4 miles, climb to 2,500' on N course of Birmingham LFR within 25 miles of LOM, or as directed by ATC.<br>*Procedure turn N to avoid obstruction to S of course. |

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound, altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| BOISE, IDAHO<br>Boise Air Terminal, 2858'<br>LOM<br>236 kc, BO<br>Procedure No. 1 | Boise LFR | 250—2.0 | 4,000 | S side course:<br>270 outbound.<br>090 inbound.<br>4,000' within 25 miles. | 3,900 | 090—4.36 | T-dn<br>C-d<br>C-n<br>S-dn 10<br>A-dn | 300-1.0<br>600-1.0<br>600-1.0<br>800-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>700-1.5<br>500-1.0<br>800-2.0 | Within 4.36 miles, turn right, climb to 4,000' on NW course Boise LFR within 10 miles of LFR. |
| | Eagle FM | 130—10.6 | 4,000 | | | | | | | |
| BOSTON, MASS.<br>Logan Airport, 19'<br>LOM<br>221 kc, BO<br>Procedure No. 1 | Boston LFR | 217—9.0 | 1,700 | S side course:<br>215 outbound<br>035 inbound.<br>1,700' within 25 mi. | 1,200 | 035—5.67 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>*600-1.0<br>1,000-2.0 (BCOB) | 300-1.0<br>600-1.5<br>1,000-2.0 (BCOB) | Within 5.71 miles (0.1 mile after passing LMM), climb to 1,500' on course of 031° from LOM within 15 miles, or when directed by ATC, make climbing turn to right, climb to 1,500' on E course Boston LFR.<br>*600-1 required when circling W of airport.<br>NOTE: Standard clearance not provided over 370' stack located 1.2 miles SW of airport. |
| | Int. E crs Boston LFR and NE crs Squantum LFR. | 267—12.0 | 1,700 | | | | | | | |
| | Int. SW crs Boston LFR and N crs Providence LFR. | 067—20.0 | 1,700 | | | | | | | |
| | Int. W crs Boston LFR and N crs Providence LFR. | 150—16.0 | 1,700 | | | | | | | |
| BRADFORD, PA.<br>Bradford-McKean County Airport, 2140'<br>MHW<br>284 kc, BFD<br>Procedure No. 1 | | | | N side course:<br>141 outbound.<br>321 inbound.<br>3,400' within 25 miles. | 2,900 | 321—1.4 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>1,000-2.0 (BCOB) | 300-1.0<br>500-1.0<br>500-1.5<br>1,000-2.0 (BCOB) | Within 4.4 miles, climb to 3,400' on course of 321° within 10 miles of Rbn, make standard rate climbing turn to left, return to Rbn climbing to 3,400'. |
| BRUNSWICK, GA.<br>McKinnon Airport, 20'<br>BMH-TV<br>306 kc, SSI<br>Procedure No. 1 | | | | W side course:<br>012 outbound.<br>192 inbound.<br>1,200' within 25 miles. | 520 | At airport | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>1,000-2.0 (BCOB) | 300-1.0<br>600-1.5<br>1,000-2.0 (BCOB) | Within 0.0 miles, climb to 1,200' on course of 192° within 25 miles. |
| BUFFALO, N. Y.<br>Buffalo Airport, 711'<br>SBRAZ-DTXV<br>260 kc, BUF<br>Procedure No. 2<br>(Procedure No. 1 not published). | Wolcottsville FM | 240—12.0 | 1,800 | S side course.<br>230 outbound.<br>050 inbound.<br>2,000' within 10 miles.<br>2,100' within 15 miles.<br>2,200' within 25 miles. | 1,500 (Over Checktowaga FM). | 049—2.7 (From Checktowaga FM). | T-dn<br>C-dn<br>S-dn 5<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 2.7 miles, after passing Checktowaga FM climb to 2,000' on course of 050° within 25 miles of Buffalo LFR. |
| | East Pembroke FM | 272—18.0 | 1,900 | | | | | | | |
| | Angola FM to Checktowaga FM (final). | 050—20.0 | 1,500 | | | | | | | |
| BUTLER, PA.<br>Graham Airport, 1235'<br>HW<br>206 kc, BTP<br>Procedure No. 1 | | | | E side course:<br>190 outbound.<br>010 inbound.<br>3,000' within 25 miles. | 2,100 | 005—5.3 | T-dn<br>C-d<br>C-n<br>S-d<br>S-n 30<br>A-dn | 300-1.0<br>600-1.0<br>600-2.0<br>500-1.0<br>600-2.0<br>1,000-2.0 (BCOB) | NA<br>NA<br>NA<br>NA<br>NA<br>NA | Within 5.3 miles, climb to 2,000' on course of 347° within 10 miles. |
| CHADRON, NEBR.<br>Chadron Airport, 3312'<br>BMH-TV<br>206 kc, CDR<br>Procedure No. 1 | | | | N side course:<br>045 outbound.<br>225 inbound.<br>4,500' within 25 miles. | 4,120 | At airport | T-d<br>T-n<br>C-d<br>C-n<br>A-dn | 500-1.0<br>500-2.0<br>800-1.0<br>800-2.0<br>1,000-3.0 | 500-1.0<br>500-2.0<br>800-1.0<br>800-2.0<br>1,000-3.0 | Within 0.0 miles, climb to 5,500' on course of 340° within 25 miles.<br>NOTE: Airport not satisfactory for DC-3 or larger aircraft. |
| CHARLESTON, S. C.<br>Charleston Airport, 45'<br>LOM<br>219 kc, CH<br>Procedure No. 1 | Charleston LFR | 001—4.0 | 1,200 | W side course:<br>328 outbound.<br>148 inbound.<br>1,200' within 25 mi. | 1,200 | 148—4.0 | T-dn<br>C-dn<br>S-dn 15<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 4.0 miles, climb to 1,500' on course of 148° within 25 miles of LOM, or as directed by ATC. |
| | Int. E course Charleston LFR and 328° brg to LOM. | 328—6.0 | 1,200 | | | | | | | |
| | Int. N crs Charleston LFR 328° and brg to LOM. | 328—1.5 | 1,200 | | | | | | | |
| CHARLESTON, W. VA.<br>Kanawha County Airport, 981'<br>LOM<br>247 kc, CH<br>Procedure No. 1 | Charleston LFR | 091—14.0 | 2,800 | N side course:<br>049 outbound.<br>229 inbound.<br>2,800' within 25 miles. | 1,800 | 229—5.4 | T-dn<br>C-dn<br>S-dn<br>A-dn | 300-1.0<br>600-1.0<br>600-1.0<br>1,000-2.0 (BCOB) | 300-1.0<br>600-1.5<br>600-1.0<br>1,000-2.0 (BCOB) | Within 5.4 miles, climb to 2,500' proceeding to Charleston LFR. |
| | Charleston VOR | 058—17.0 | 2,500 | | | | | | | |





AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound; altitudes limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| CHARLOTTE, N. C.<br>Douglas Field, 748'<br>LOM<br>254 kc, CL<br>Procedure No. 1<br>(Procedure No. 2 not published) | Charlotte LFR | 251—5.3 | 2,200 | S side course:<br>250 outbound.<br>050 inbound.<br>2,150' within 25 miles. | 2,150 | 050—5.9 | T-dn<br>C-dn<br>S-dn 4<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 5.9 miles, turn left climb to 2,500' on N course Charlotte LFR within 25 miles, or when directed by ATC, turn right, climb to 2,200' on E course Charlotte LFR within 25 miles.<br>CAUTION: 1,116' mst radio tower located 4.4 miles SE of LFR station, 2.3 miles E of S courses Charlotte LFR. |
| | Int. W crs Charlotte LFR and 230° brg to LOM. | 230—2.5 | 2,200 | | | | | | | |
| | Int. N crs Charlotte LFR and 230° brg to LOM. | 230—6.75 | 2,200 | | | | | | | |
| CHICAGO, ILL.<br>Chicago-Midway Airport, 618'<br>MHW (Kedzie Rbn)<br>248 kc, EDZ<br>Procedure No. 1 | Int. E course Harvey LFR and 312° bearing to Rbn. | 312—15.0 | 2,000 (Final-1,500) | E side course:<br>132 outbound.<br>312 inbound.<br>2,000' within 25 miles. | 1,500 | 312—3.82 | T-dn<br>C-d<br>C-n<br>S-dn 31L or 31R<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>500-1.0<br>800-2.0 | Within 3.82 miles, make right turn and climb to 2500' on NE course Chicago LFR, or as directed by ATC.<br>CAUTION: Kedzie Rbn must be monitored continuously during approach. |
| | Thornton Int. | 311—11.0 | 2,000 (Final-1,500) | | | | | | | |
| | Chicago LFR | 137—7.0 | 2,000 | | | | | | | |
| | Lake Shore Int. | 206—10.0 | 2,300 | | | | | | | |
| | Howell Int. | 035—4.5 | 2,000 | | | | | | | |
| | Crib Int. | 249—10.0 | 2,000 | | | | | | | |
| LOM<br>219 kc, CH<br>Procedure No. 2 | Chicago LFR | 301—4.0 | 2,300 | W side course:<br>312 outbound.<br>132 inbound.<br>2,300' within 10 miles.<br>2,500' within 25 miles. | 1,800 | 132—5.8 | T-dn<br>C-d<br>C-n<br>S-dn 13L & R<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>500-1.0<br>800-2.0 | Within 5.8 miles, climb to 2,000' and proceed S on N and S courses of Harvey LFR to Momence Int., or as directed by ATC.<br>CAUTIONS: LOM must be monitored continuously during approach. |
| | Int. SE course Chicago LFR and 312° brg to LOM. | 312—6.0 | 2,300 | | | | | | | |
| | Int. SW course Glenview LFR and 131° brg to Chicago LFR. | 132—16.0 | 2,500 | | | | | | | |
| | Int. NE course Joliet LFR and 165° brg to LOM (Wilson Int.). | 165—9.0 | 2,300 | | | | | | | |
| | Int. NE course Joliet LFR and 068° brg to LOM. | 068—10.0 | 2,300 | | | | | | | |
| CINCINNATI, OHIO<br>Greater Cincinnati Airport 890'<br>LOM<br>215 kc, CV<br>Procedure No. 1 | Int. NW course Cincinnati LFR and S course Dayton LFR. | 190—19.0 | 2,300 | E side course:<br>180 outbound.<br>360 inbound.<br>2,000' within 25 miles. | 1,500 | 360—4.5 | T-dn<br>C-dn<br>S-dn 36<br>A-dn | 300—1.0<br>500—1.5<br>500—1.0<br>1,000-2.0 (BCOB) | 300—1.0<br>500—1.5<br>500—1.0<br>1,000-2.0 (BCOB) | Within 4.5 miles, climb to 2,300' on course of 360° within 15 miles of the LOM, or as directed by ATC.<br>NOTE: (1) LMM located 0.6 mile from end of runway, freq. 206 kc, Ident. VG. (2) LOM must be monitored continuously during approach. |
| | Union FM | 300— 5.0 | 2,000 (Final-1500) | | | | | | | |
| | Cincinnati LFR | 245—21.0 | 2,400 | | | | | | | |
| | Cincinnati VOR | 142— 3.0 | 2,000 | | | | | | | |
| | Int. SW course Cincinnati LFR and 320° brg to LOM. | 320— 3.1 | 2,000 | | | | | | | |
| CLARKSBURG, W. VA.<br>Benedum Airport, 1,207'<br>HW<br>353 kc, CKB<br>Procedure No. 1 | Int. SW course Morgantown LFR and 126° brg to Rbn. | 126— 2.0 | 2,900 | W side course<br>220 outbound.<br>040 inbound.<br>2,900' within 20 miles.<br>3,000' within 25 miles. | 2,200 | At airport | T-dn#<br>C-d<br>C-n<br>A-d<br>A-n | 500-1.0<br>1,000-1.0<br>NA<br>1,500-2.0 (BCOB)<br>NA | 500-1.0<br>NA<br>NA<br>NA<br>NA | Within 0.0 mile, turn left, climb to 2,900' on course of 220° within 15 miles.<br>#Night take-offs not authorized on NW/SE runway. |

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| CLEVELAND, OHIO<br>Cleveland-Hopkins Airport<br>789'<br>LOM<br>201 kc, CL<br>Procedure No. 1 | Cleveland LFR | 224—4.5 | 2,000 | S side course:<br>234 outbound.<br>054 inbound.<br>2,200' within 25 miles. | 1,660 | 054—4.5 | T-dn<br>C-dn<br>S-dn<br>5L & 5C<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 4.5 miles, climb to 2,600' on course of 160° within 25 miles of LFR, or as course of 107° from VOR, or as directed by ATC.<br>CAUTION: Monitor LOM during approach. |
| | Cleveland VOR | 090—12.0 | 2,200 | | | | | | | |
| | Elyria Rbn | 122—9.0 | 2,000 | | | | | | | |
| | Int. NW course Akron LFR and 054° brg to LOM. | 054—8.0 | 2,200 (final 1,660) | | | | | | | |
| | Avon Lake FM and 171° brg to LOM. | 171—10.0 | 2,000 | | | | | | | |
| | No. Royalton FM and 303° brg to LOM. | 303—11.0 | 2,600 | | | | | | | |
| COLORADO SPRINGS, COLO.<br>Peterson Field, 6172'<br>LOM<br>239 kc, CO<br>Procedure No. 1 | Colarado Springs LFR | 166—10.0 | 7,500 | E side course:<br>166 outbound<br>346 inbound<br>7,200' within 25 miles. | 7,200 | 346—4.33 | T-dn<br>C-dn<br>C-dn<br>S-dn<br>35<br>A-dn | 300-1.0<br>600-1.0<br>600-2.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>600-1.5<br>600-2.0<br>500-1.0<br><br>800-2.0 | Within 4.33 miles, climb to 8,000' on E course of Colorado Springs LFR within 25 miles, or as directed by ATC.<br>CAUTION: (1) 7,490' msl radio tower located 5.5 miles N of LFR. (2) 7,710' msl terrain, 13.5 miles N of LFR. (3) Camp Carson danger area, 2.5 miles W of final approach course. NOTE: LMM located 0.66 miles from approach end of runway 35. Freq. 215 kc, Ident. OS. |
| | Fountain FM (final) | 345—3.0 | 7,200 | | | | | | | |
| COLUMBIA, S. C.<br>Columbia Airport, 241<br>LOM<br>218 kc, CA<br>Procedure No. 1 | Columbia LFR | 251—12.0 | 1,600 | S side course:<br>226 outbound.<br>046 inbound.<br>1,500' within 10 miles.<br>1,600' within 25 miles. | 1,000 | 046—4.5 | T-dn<br>C-dn<br>S-dn<br>5<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 4.5 miles, turn right, climb to 1,600' and proceed to Columbia LFR via course of 085° within 25 miles, or as directed by ATC. |
| | Int. SE course Spartanburg LFR and W course Columbia LFR. | 134—4.5 | 1,600 | | | | | | | |
| | Columbia VOR | 149—6.0 | 1,600 | | | | | | | |
| COLUMBUS, GA.<br>Muscogee County Airport, 397'<br>LOM<br>391 kc, CS<br>Procedure No. 1 | Int. E course Maxwell LFR and 052° brg to LOM. | 052—7.0 | 2,000 | S side course:<br>232 outbound.<br>052 inbound.<br>2,000' within 25 miles. | 2,000 (Over LOM)<br>1,130 (Over LMM) | 052—6.81 | T-dn<br>C-dn<br>S-dn<br>5<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 6.81 miles, climb to 2,000' on course of 052° to intersection N course Columbus LFR.<br>*Danger area S of this intersection.<br>CAUTION: 830' msl obstruction located 1.2 miles SE of final approach course, 3 miles from airport. |
| | Columbus LFR | 353—11.0 | 2,000 | | | | | | | |
| | Int. NW course Columbus LFR and E course Maxwell LFR. | 055—7.0 | 2,000 | | | | | | | |
| | Int. S course Campbellton LFR and 232° brg to LOM*. | 232—17.0 | 2,400 | | | | | | | |
| COLUMBUS, OHIO<br>Port Columbus Airport, 816'<br>LOM<br>253 kc, CM<br>Procedure No. 1 | Columbus VOR | 155—4.0 | 2,300 | N side course:<br>095 outbound.<br>275 inbound.<br>2,300' within 20 miles (NA beyond 20 miles)*. | 1,800 | 275<br>6.19 | T-dn<br>C-dn<br>S-dn<br>27<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 6.19 miles, climb to 2,400' on course of 274° from Columbus LFR within 25 miles, or when directed by ATC, make right turn, climb to 2,300' on course of 026° from LFR within 25 miles.<br>*LOM not reliable beyond 20 miles distance. |
| MHW (Bexley Rbn)<br>257 kc, BXL<br>Procedure No. 2 | Columbus LFR | 287—2.5 | 2,400 | S side course:<br>276 outbound.<br>096 inbound.<br>2,400 within 25 miles. | 1,500 | 096<br>3.8 | T-dn<br>C-dn<br>C-dn<br>S-dn<br>9<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 3.8 miles, climb to 2,300' on course of 084° within 25 miles, or when directed by ATC, make left turn, climb to 2,300' on NE course Columbus LFR within 25 miles (intersect NE course Columbus LFR on 350° heading). |
| | Hilliard FM | 088—7.0 | 2,400 (Final 1,900) | | | | | | | |
| | Columbus VOR | 253—10.0 | 2,400 | | | | | | | |
| COTULLA, TEX.<br>Cotulla Airport, 471'<br>BMH<br>215 kc, COT<br>Procedure No. 1 | Cotulla VOR | 255—6.0 | 1,600 | S side course:<br>310 outbound.<br>130 inbound.<br>1,600 within 10 mile (NA beyond 10 miles). | 1,080 | At airport | T-dn<br>C-dn<br>A-dn | 300-1.0<br>600-1.0<br>1,000-2.0 (BCOB) | NA<br>NA<br>NA | Within 0.0 mile, climb to 1,600' on course of 139° within 25 miles of Rbn.<br>CAUTION: 635' msl unlighted water tower, 1 mile WSW of airport. |
| DALHART, TEX.<br>Dalhart Airport, 3989'<br>BH<br>[illegible] kc, DHT<br>Procedure No. 1 | [illegible] | [illegible] | [illegible] | E side course:<br>120 outbound.<br>300 inbound.<br>[illegible] within 25 miles. | 4,700 | At airport | T-dn<br>C-dn<br>A-dn | 300-1.0<br>700-1.5<br>1,000-2.0 (BCOB) | 300-1.0<br>700-1.5<br>1,000-2.0 (BCOB) | Within 0.0 mile, climb to 5,400' course of 311° within 25 miles of Rbn. |



AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| DALLAS, TEX.<br>Love Field, 483<br>LOM<br>371 kc, DA<br>Procedure No. 1 | Int. E crs Fort Worth LFR and N crs Dallas LFR. | 205—3.0 | 1,700 | N side course*:<br>306 outbound.<br>126 inbound.<br>1,700' within 15 miles.<br>2,000' within 25 miles. | 1,700 | 126—4.81 | T-dn<br>C-dn<br>S-dn<br>13<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | Within 4.81 miles, climb to 2,000' on course of 126° within 25 miles of LOM.<br>*1,226' msl obstruction, 4.5 miles S of course. |
| | Dallas VOR | 265—13.0 | 2,000 | | | | | | | |
| | Int. E crs Fort Worth LFR and 126° brg to LOM. | 126—2.5 | 1,700 | | | | | | | |
| | Int. 273° brg to Duncanville Rbn and 306° brg to LOM. | 306—30.0 | 2,000 | | | | | | | |
| | Duncanville Rbn | 341—17.0 | 2,000 | | | | | | | |
| | Dallas LFR | 325—7.0 | 2,000 | | | | | | | |
| DANVILLE, VA.<br>Danville Airport, 582'<br>BMH-TV<br>344 kc, DAN<br>Procedure No. 1 | Int. NE crs Greensboro LFR and 327° brg to Rbn. | 327—7.5 | 2,000 | N side course:<br>061 outbound.<br>241 inbound.<br>1,600' within 25 miles. | 1,080 | At airport | T-dn<br>C-dn<br>A-dn | 300-1.0<br>600-1.0<br>1,000-2.0 (BCOB) | 300-1.0<br>600-1.5<br>1,000-2.0 (BCOB) | Within 0.0 mile climb to 2,300' on course of 22° within 25 miles. |
| | Int. NE crs Greensboro LFR and S crs Lynchburg LFR. | 257—24.0 | 2,300 | | | | | | | |
| | Danville VOR | 253—19.0 | 1,600 | | | | | | | |
| | Int. NE crs Greensboro LFR and 12° brg to Rbn. | 012—10.0 | 1,600 | | | | | | | |
| DAYTON, OHIO<br>Dayton Airport 1005'<br>LOM<br>356 kc, DA<br>Procedure No. 1 | Dayton LFR | 189—3.0 | 2,200 | W side course:<br>235 outbound.<br>055 inbound.<br>2,200' within 25 miles. | 1,700 | 055—4.4 | T-dn<br>C-dn<br>S-dn<br>6L & 6R<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 4.4 miles climb to 2,200' on N course Dayton LFR to W course Columbus LFR (Troy Int.), or when directed by ATC, climb to 2,200' on course of 055° to W course Columbus LFR. |
| | Dayton VOR | 209—8.0 | 2,200 | | | | | | | |
| | Wright-Patterson LFR | 297—12.0 | 2,500 | | | | | | | |
| | Int. W crs Columbus LFR | 235—18.0 | 2,200 | | | | | | | |
| | Int. S crs Dayton LFR | 055—1.1 | 2,200 | | | | | | | |
| | Verona FM | 107—9.9 | 2,300 | | | | | | | |
| | Int. 085° crs to Dayton VOR. | 120—11.2 | 2,300 | | | | | | | |
| | Int. 265° crs to Dayton VOR. | 235—13.0 | 2,200 | | | | | | | |
| MHW (Tipp City Rbn)<br>212 kc, TPC<br>Procedure No. 2 | Dayton LFR | 071—8.2 | 2,100 | N side course:<br>056 outbound.<br>236 inbound.<br>2,200' within 15 miles.<br>2,300' within 25 miles. | 1,740 | 236—1.6 | T-dn<br>C-dn<br>S-dn<br>21R/L<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 1.6 miles, climb to 2,200' on course of 236° outbound from Rbn within 25 miles, or as directed by ATC. |
| | Dayton VOR | 105—4.6 | 2,100 | | | | | | | |
| | Wright-Patterson LFR | 347—11.5 | 2,100 | | | | | | | |
| | Springfield Rbn | 285—19.2 | 2,300 | | | | | | | |
| | Int. 022° crs to Dayton VOR and 056° brg to Rbn. | 056—8.0 | 2,200 | | | | | | | |
| | Int. 265° crs to Dayton VOR and 236° brg to Rbn. | 236—3.0 | 2,200 | | | | | | | |
| | Int. W crs Wright-Patterson LFR and 056° brg to Rbn. | 056—26.0 | 2,200 | | | | | | | |
| | Int. S crs Dayton LFR and 056° brg to Rbn. | 056—11.0 | 2,200 | | | | | | | |
| | Int. N crs Dayton LFR and 180° brg to Rbn. | 180—18.0 | 2,200 | | | | | | | |
| | Int. W crs Columbus LFR and 236° brg to Rbn. | 236—8.0 | 2,200 | | | | | | | |
| | Int. W crs Columbus LFR and 236° brg to Rbn (final). | 236—8.0 | 1,740 | | | | | | | |
| | Int. 265° crs to Dayton VOR and 236° brg to Rbn (final). | 236—3.0 | 1,740 | | | | | | | |

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| DENVER, COLO.<br>Stapleton Field, 5,325'.<br>LOM<br>359 kc, DE<br>Procedure No. 1 | Denver LFR | 068—4.0 | 6,500 | S side course:<br>026 outbound.<br>206 inbound.<br>6,500' within 25 miles. | 6,500 | 206—4.19 | T-dn<br>C-dn<br>S-dn<br>21<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 4.19 miles, climb to 8,900' on S course Denver LFR, or as directed by ATC.<br>SHUTTLE: On N course Denver LFR within 25 miles. When directed by ATC, shuttle approved on S course Denver LFR between rng stn and Aurora FM, and on E course Denver LFR within 25 miles.<br>CAUTION: 5,915' msl radio tower, 4.7 miles ESE of airport. |
| MHW (Aurora Rbn)<br>[illegible] kc, AUR<br>Procedure No. 2 | Denver LFR | 164—7.0 | 7,000 | E side course:<br>164 outbound.<br>344 inbound.<br>7,000' within 10 miles (NA beyond 10 miles)#. | **6,525' | 344—3.6 | T-dn<br>C-dn<br>S-dn<br>35<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 3.6 miles, climb to 6,500' on course of 345° from Denver LFR within 25 miles, or as directed by ATC.<br>*Descent below 8,900' not authorized until 3 miles N of Franktown FM due to 6,713' terrain 6 miles NW of Franktown.<br>**Do not descend below 5,525' msl until 1.5 miles N of Aurora Rbn on account of 5,525' msl tower at Lowry Field.<br>#Procedure turn must be accomplished within 10 miles on account of high terrain to S.<br>SHUTTLE: On N course Denver LFR within 25 miles when directed by ATC, shuttle approved on S course Denver LFR between range station and Aurora FM, and on E course Denver LFR within 25 miles.<br>CAUTION: 5,915' msl tower, 4.7 miles ESE of airport. |
| | Franktown FM* (northbound only). | 332—22.0 | 7,000 | | | | | | | |
| | Watkins FM | 217—18.0 | 7,000 | | | | | | | |
| | Aurora FM (final) | 309—3.0 | 6,200 | | | | | | | |
| DETROIT, MICH.<br>Detroit City Airport, 626'<br>MH<br>338kc, DET<br>Procedure No. 1 | Windsor LFR (final) | 329—6.4 | 1,620 | E side course:<br>149 outbound.<br>329 inbound.<br>1,900' within 25 miles. | 1,620 | 329—2.6 | T-dn<br>C-dn<br>A-dn | 500-1.0<br>700-1.0<br>1,000-3.0 | NA<br>NA<br>NA | Within 2.6 miles, climb to 2,300' on course of 329° within 25 miles of Detroit Rbn.<br>CAUTION: Detroit Rbn must be monitored continuously during approach. |
| | Pontiac Int | 149—19.2 | 2,300 | | | | | | | |
| | Detroit LFR | 067—24.0 | 2,300 | | | | | | | |
| Willow Run Airport<br>LOM (ILS Back Course Compass Locator)<br>375 kc, PI<br>Procedure No. 2 | Int. W ers Detroit LFR and 050° brg to LOM. | 050—9.2 | 2,000 | N side course:<br>050 outbound.<br>230 inbound.<br>2,000' within 10 miles.<br>2,200' within 25 miles. | 1,400 | 230—4.5 | T-dn<br>C-dn<br>S-in<br>22R L<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 4.5 miles, climb to 2,000' on W course of Detroit LFR within 15 miles.<br>CAUTION: Monitor ILS Back Course Compass Locator during approach. |
| | Detroit LFR | 325—5.3 | 2,000 | | | | | | | |
| | Int. N course Toledo LFR and 050° to LOM. | 050—16.9 | 2,000 | | | | | | | |
| | Salem VAR | 143—10.8 | 2,000 | | | | | | | |
| | Int. N course Detroit LFR and 230° brg to LOM. | 230—1.8 | 2,000 | | | | | | | |
| DODGE CITY, KANS.<br>Dodge City Airport, 2594'<br>BMH-TV<br>290 kc, DDC<br>Procedure No. 1 | Int. E ers Garden City LFR and 169° brg to Rbn. | 169—18.0 | 3,700 | W side course:<br>349 outbound.<br>169 inbound.<br>3,700' within 25 miles. | 3,300 | At airport | T-dn<br>C-dn<br>C-n<br>A-dn | 300-1.0<br>600-1.0<br>600-2.0<br>800-2.0 | 300-1.0<br>600-1.5<br>600-2.0<br>800-2.0 | Within 0.0 mile, climb to 3,900' on course of 169° within 25 miles of Rbn, or as directed by ATC.<br>CAUTION: 2,731' msl tower, 3 miles NW of airport; 2,900' msl tower, 3 miles W of airport. |
| | Dodge City VOR | 150—6.0 | 3,700 | | | | | | | |
| DUNKIRK, N. Y.<br>Dunkirk Airport, 692'<br>BH-TV<br>266 kc, DKK<br>Procedure No. 1 | | | | W side course:<br>005 outbound.<br>185 inbound.<br>1,800' within 10 miles (NA beyond 10 miles). | 1,300 | At airport | T-dn<br>C-dn<br>A-dn | 300-1.0<br>600-1.0<br>1,000-2.0<br>(BCOH) | NA<br>NA<br>NA | Within 0.0 mile, immediately make standard rate climbing turn to right and climb to 2,500' on course of 214° within 10 miles.<br>NOTE: (1) Procedure not approved for aircraft having stall speeds greater than 75 mph. (2) Buffalo LFR and Dunkirk Rbn shall be monitored continuously during approach. (3) Standard clearance not provided in transition from Buffalo LFR due to terrain SE of Dunkirk Rbn. |
| EL PASO, TEX.<br>El Paso International Airport, 3936'<br>LOM<br>266 kc, EL<br>Procedure No. 1 | El Paso LFR | 326—4.0 | 5,000 | N side course:<br>037 outbound.<br>217 inbound.<br>6,000' within 10 miles (NA beyond 10 miles). | 5,000 | 217—4.56 | T-dn<br>C-dn<br>S-dn<br>22<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 4.56 miles, turn left to 125°, climb to 6,000' on S course El Paso LFR within 25 miles.<br>*Maintain 8,000' until 5 miles W of Hueco Mountain FM (high terrain to N). |
| | Newman Rbn | 191—7.5 | 5,000 | | | | | | | |
| | Hueco Mtn FM | 268—20.0 | *7,000 | | | | | | | |



AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| FARGO, N. DAK.<br>Hector Field, 900'<br>LOM<br>219 kc, FA<br>Procedure No. 1 | Fargo LFR | 188—5.2 | 2,300 | W side course:<br>171 outbound.<br>351 inbound.<br>2,300' within 25 miles. | 1,820 | 351—4.55 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>800-2.0 | 500-1.0<br>500-1.5<br>500-1.5<br>800-2.0 | Within 4.55 miles, climb to 2,300' on course of 351° within 25 miles of LOM.<br>NOTE: (1) Monitor LOM during approach. (2) ILS MM located 0.71 mile from approach end of runway 35. |
| | Fargo VOR | 351—0.5 | 2,300 | | | | | | | |
| | Int. E ers Fargo LFR and 233° brg on LOM. | 233—10.9 | 2,300 | | | | | | | |
| | Int. SE ers Fargo LFR and 295° brg on LOM. | 295—22.0 | 2,300 | | | | | | | |
| | Int. W ers Fargo LFR and 132° brg on LOM. | 132—6.6 | 2,300 | | | | | | | |
| FAYETTEVILLE, N. C.<br>Grannis Field, 185'<br>MHW<br>287 kc, FAY<br>Procedure No. 1 | Int. 235° brg on Pope LFR. | 195—16.5 | 1,000 | S side course:<br>270 outbound.<br>090 inbound.<br>1,300' within 25 miles. | 700 | 090—1.1 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>1,000-2.0<br>(BCOB) | 300-1.0<br>500-1.0<br>1,000-2.0<br>(BCOB) | Within 1.1 miles, climb to 1,500' on course of 090° outbound from Rbn within 25 miles. |
| | Int. 232° brg on Lumberton Rbn. | 015—23.0 | 2,000 | | | | | | | |
| | Int. 355° brg on Pope LFR. | 015—13.5 | 1,800 | | | | | | | |
| FLINT, MICH.<br>Bishop Airport, 781'<br>BMH-TV<br>335 kc, FNT<br>Procedure No. 1 | | | | W side course:<br>344 outbound.<br>164 inbound.<br>2,000' within 25 miles. | 1,380 | At airport | T-dn<br>C-dn<br>A-dn | 300-1.0<br>600-1.5<br>800-2.0 | 300-1.0<br>600-1.5<br>800-2.0 | Within 0.0 mile, climb to 2,200' on course of 164° within 25 miles. |
| LOM<br>269 kc, FN<br>Procedure No. 2 | Int. N ers Detroit LFR and 180° brg to LOM. | 180-18.5 | 2,000 | S side course:<br>271 outbound.<br>091 inbound.<br>2,000' within 25 miles. | 1,500 | 091—4.78 | T-dn<br>C-dn<br>S-dn<br>9<br>*A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | 300-1.0<br>500-1.5<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | Within 4.68 miles, climb to 2,300' on course of 118° within 25 miles of LOM.<br>NOTE: (1) LMM located 0.71 mile from end of runway, Frequency 224 kc, Ident. NT. (2) LOM must be monitored continuously during approach.<br>*800-2 approved if 2 alternates are given on flight plan and sufficient fuel is carried as required by CAR. |
| | Flint Rbn | 267—5.4 | 2,000 | | | | | | | |
| FORT SMITH, ARK.<br>Fort Smith Airport, 460'<br>LOM<br>219 kc, FS<br>Procedure No. 1 | Van Buren Rbn | 142—13.0 | 1,900 | N side course*<br>073 outbound.<br>253 inbound.<br>1,800' within 15 miles (NA beyond 15 miles). | 1,620 | 253—3.96 | T-dn<br>C-dn<br>C-n<br>S-dn<br>25<br>A-dn | 300-1.0<br>600-1.0<br>600-2.0<br>#500-1.0<br><br>1,000-2.0<br>(BCOB) | 300-1.0<br>600-1.5<br>600-2.0<br>#500-1.0<br><br>1,000-2.0<br>(BCOB) | Within 3.96 miles, climb to 2,000' on course of 253° within 15 miles of LOM. *Danger area 3 miles S of LOM.<br>#CAUTION: 600' msl unlighted terrain 1.5 miles W of LOM on final approach course to Runway 25. |
| | Int. 288° brg to Van Buren Rbn and 253° brg to LOM. | 253—12.0 | 1,800 | | | | | | | |
| | Int. 270° brg to Fort Smith VOR and 253° brg to LOM. | 253—11.0 | 1,800 | | | | | | | |
| | Int. 340° brg to Van Buren Rbn and 073° brg to LOM. | 073—4.0 | 1,800 | | | | | | | |
| | Fort Smith VOR | 192—3.0 | 1,900 | | | | | | | |
| FORT WAYNE, IND.<br>Baer Field, 801'<br>LOM<br>219 kc, FW<br>Procedure No. 1 | Int. NE course Fort Wayne LFR and 135° brg to LOM. | 135—5.0 | 2,100 | E side course:<br>135 outbound.<br>315 inbound.<br>2,100' within 25 miles | 1,600 | 315-4.41 | T-dn<br>C-dn<br>S-dn<br>31<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 4.41 miles, climb to 2,100' on course of 315° within 20 miles of LOM, make left turn proceeding to LOM, or as directed by ATC |
| | Fort Wayne LFR | 097—7.0 | 2,100 | | | | | | | |
| | Fort Wayne VOR | 138—11.0 | 2,100 | | | | | | | |
| | Int. SE course Fort Wayne and 357° brg to LOM (Final). | 357—10.0 | 1,600 | | | | | | | |
| | Int. 323° course to Fort Wayne VOR and 350° brg to LOM (Final). | 350—5.0 | 1,600 | | | | | | | |
| | Int. NE course Fort Wayne LFR and 202° brg to LOM. | 202—10.0 | 2,200 | | | | | | | |

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State; airport name, elevation; class of facility, frequency; identification procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn* ( ) side of final approach course outbound and inbound; altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| FORT WORTH, TEX.<br>Amon Carter Field, 568'<br>LOM<br>219 kc, AC<br>Procedure No. 1 | Dallas LFR | 282—16.0 | 2,200 | E side course:<br>309 outbound.<br>129 inbound.<br>2,000' within 25 miles. | 2,000 | 129—5.2 | T-dn<br>C-dn<br>S-dn<br>13<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 5.2 miles, climb to 2,000' on course of 129° within 25 miles of LOM, or when directed by ATC, turn right, climb to 2,000' on course of 175° to and then from the Grand Prairie Rbn within 15 miles of the Rbn.<br>NOTE: Procedure turn nonstandard due to ATC. |
| | Duncanville Rbn | 309—22.0 | 2,200 | | | | | | | |
| | Int. S crs Fort Worth LFR and W crs Dallas LFR. | 039—20.0 | 2,200 | | | | | | | |
| | Haslet Rbn | 106—14.0 | 1,800 | | | | | | | |
| | Int. N crs Fort Worth LFR and 129° brg to LOM. | 129—16.0 | 1,800 | | | | | | | |
| MHW (Grand Prairie Rbn)<br>407 kc, GPR<br>Procedure No. 2 | Int. E crs Fort Worth LFR and N crs Dallas LFR. | 205—17.0 | 2,000 | W side course:<br>175 outbound.<br>355 inbound.<br>2,000' within 15 miles (NA beyond 15 miles). | 2,000 | 350—5.8 | T-dn<br>C-dn<br>S-dn<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 5.8 miles, turn left, climb to 2,000' on course of 350° within 15 miles of Amon Carter ILS LOM, or when directed by ATC, climb to 2,200' on course of 350° from Rbn with 25 miles.<br>NOTE: Procedure turn nonstandard due to ATC. |
| | Duncanville Rbn | 287—12.0 | 2,000 | | | | | | | |
| | Fort Worth LFR | 107—19.0 | 2,200 | | | | | | | |
| | Haslet Rbn | 127—23.0 | 2,000 | | | | | | | |
| | Amon Carter ILS LOM | 152—12.0 | 2,000 | | | | | | | |
| FRESNO, CALIF.<br>Fresno Air Terminal, 331'<br>LOM<br>290 kc, FN<br>Procedure No. 1 | Fresno LFR | 071—11.0 | 1,700 | S side course #<br>108 outbound.<br>288 inbound.<br>1,700' within 10 miles (NA beyond 10 miles). | 1,000 | 288—4.44 | T-dn<br>C-dn<br>S-dn<br>29<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 4.44 miles, climb to 1,500' on course of 288°, turn left and climb to 2,000' on W course of Fresno LFR within 20 miles, or as directed by ATC.<br>*When approaching from Bowles FM, execute left turn of 268° at LOM to intercept outbound course of 108°.<br>#Procedure turn S side of course due to terrain. |
| | Bowles FM* | 015—12.1 | 1,700 | | | | | | | |
| | Fresno VOR | 055—8.0 | 1,700 | | | | | | | |
| GOODING, IDAHO<br>Gooding Airport, 3,729'<br>BH-DTV<br>215 kc, GNG<br>Procedure No. 1 | Int. SE course Boise LFR and W course Burley LFR. | 086—28.0 | 7,000 | S side course:<br>291 outbound.<br>071 inbound.<br>5,700' within 12 miles (NA beyond 12 miles). | 4,820 | At airport | T-dn<br>C-dn<br>C-d<br>A-dn | 300-1.0<br>700-1.5<br>700-2.0<br>800-2.0 | 300-1.0<br>700-1.5<br>700-2.0<br>800-2.0 | Within 0.0 miles, climb to 7,000' on course of 120° within 15 miles, intercept W course Burley LFR and continue climbing to 7,000' to Burley LFR or 9,000' to Boise LFR. |
| | Int. W course Burley LFR and 071° brg to Rbn. | 071—9.4 | 6,000 | | | | | | | |
| | Int. W course Burley LFR and 300° brg to Rbn. | 300—7.3 | 6,000 | | | | | | | |
| GREAT FALLS, MONT.<br>Great Falls Airport, 3,671'<br>LOM<br>382 kc, GT<br>Procedure No. 1 | Great Falls LFR | 146—3.5 | 5,500 | W side course*<br>161 outbound.<br>341 inbound.<br>5,500' within 10 miles (NA beyond 10 miles). | 4,900 | 341—4.47 | T-dn<br>C-d<br>C-n<br>S-dn<br>44<br>A-dn | 500-1.0<br>500-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | 500-1.0<br>700-1.5<br>700-1.5<br>500-1.0<br>800-2.0 | Within 4.47 miles, climb to 5,500' on course of 341° within 25 miles of LOM. *Procedure turn on E side not authorized due to high terrain; 80° reversal procedure turn recommended.<br>CAUTION: (1) 3,849' msl LFR towers located 15 miles SW of airport. (2) 5,500' terrain located 15 miles SE of LOM. |
| | Great Falls VOR | 127—3.5 | 5,500 | | | | | | | |
| | Belt FM | 262—20.0 | 5,500 | | | | | | | |
| | Cascade FM | 032—18.0 | 5,500 | | | | | | | |
| GREENSBORO, N. C.<br>Greensboro-Hight Point Airport, 913'<br>LOM<br>254 kc, GS<br>Procedure No. 1 | Greensboro LFR | 209—6.2 | 2,300 | N side course:<br>318 outbound.<br>138 inbound.<br>2,000' within 10 miles.<br>3,300' within 15 miles (NA beyond 15 miles). | 1,700 | 138—5.0 | T-dn<br>C-d<br>C-n<br>S-dn<br>11<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>500-1.0<br>800-2.0 | Within 5.0 miles, make left turn and climb to 2,300' on SE course Greensboro LFR within 25 miles of LFR, or when directed by ATC, make left turn, climb to 2,400' on NE course Greensboro LFR within 25 miles of LFR. |
| | Winston-Salem LFR | 058—10.3 | 2,300 | | | | | | | |
| | Wallburg Int. | 033—11.3 | 2,300 | | | | | | | |
| HYANNIS, MASS.<br>Barnstable Airport, 56'<br>MHW<br>239 kc HYA<br>Procedure No. 1 | Int. SE crs Squantum LFR and 181° brg on Rbn. | 181—18.0 | 1,500 | S side course *<br>110 outbound.<br>290 inbound.<br>1,300' within 10 miles (NA beyond 10 miles). | 700 | At airport | T-dn<br>C-dn<br>A-dn | 300-1.0<br>600-1.0<br>1,000-2.0 (BCOB) | 300-1.0<br>700-1.5<br>1,000-2.0 (BCOB) | Within 0.0 mile, make a climbing left turn, return to Hyannis Rbn at 1,500'. *To avoid military aircraft activities NE of Otis AFB. |
| | Otis Rbn | 089—15.0 | 1300 | | | | | | | |
| INDIANAPOLIS, IND.<br>Indianapolis Airport, 796'<br>LOM<br>341 kc, IN<br>Procedure No. 1 | Clayton FM | 085—10.5 | 1,900 | S side course:<br>222 outbound.<br>043 inbound.<br>1,900' within 25 miles. | 1,400 | 043—4.3 | T-dn<br>C-dn<br>S-dn<br>4<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 4.3 miles, climb to 2,300' on E course Indianapolis LFR to NW course Cincinnati LFR.<br>NOTE: LOM must be monitored continuously during approach. |
| | Indianapolis LFR | 176—2.8 | 1,900 | | | | | | | |
| | Int. E crs Indianapolis LFR and 223° brg to LOM | 223—5.0 | 1,900 | | | | | | | |
| | Int. S crs Indianapolis LFR and 224° brg to LOM. | 224—0.3 | 1,900 | | | | | | | |



AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State; airport name, elevation; class of facility, frequency; identification procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn* ( ) side of final approach course outbound and inbound; altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| JACKSON, MICH.<br>Reynolds Field, 1,000'<br>BMH-TV<br>281 kc, JXN<br>Procedure No. 1 | Int. SE crs Lansing LFR and N crs Detroit LFR. | 298—21.0 | 2,300 | W side course:<br>315 outbound.<br>135 inbound.<br>2,300' within 25 miles. | 1,500 | At airport | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>1,000-2.0 (BCOB) | 300-1.0<br>500-1.5<br>1,000-2.0 (BCOB) | Within 0.0 mile, climb to 2,300' on course of 135° within 5 miles of Rbn.<br>CAUTION: (1) Rbn must be monitored at all times while making an ADF approach. (2) 1,336' msl radio tower located 2.6 miles SE of Rbn. |
| | Int. SE crs Lansing LFR and 210° brg to Rbn. | 210—15.0 | 2,300 | | | | | | | |
| | Int. W crs Detroit LFR and 030° brg to Rbn. | 030—18.0 | 2,300 | | | | | | | |
| JACKSONVILLE, FLA.<br>Imeson Airport, 52'<br>LOM<br>251 kc, JA<br>Procedure No. 1 | Int. N crs Jacksonville LFR and 224° brg to LOM. | 224—10.0 | 1,200 | N side course:*<br>224 outbound.<br>044 inbound.<br>1,200' within 10 miles (NA beyond 10 miles). | 1,200 | 044—4.6 | T-dn<br>C-dn<br>S-dn<br>5<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 4.6 miles, turn left, climb to 1,300' on N course Jacksonville LFR within 25 miles, or as directed by ATC. *Procedure turn N to avoid obstruction on S side of course. |
| | Jacksonville LFR | 237—7.0 | 1,200 | | | | | | | |
| | Bryceville FM | 104—14.0 | 1,200 | | | | | | | |
| JOHNSTOWN, PA.<br>Johnstown Airport, 2,284'<br>MHW<br>329 kc, JST<br>Procedure No. 1 | | | | S side course:<br>225 outbound.<br>045 inbound.<br>3,700' within 25 miles. | 3,000 | 045—4.6 | T-dn<br>C-dn<br>S-dn<br>5<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>1,000-2.0 (BCOB) | 300-1.0<br>600-1.5<br>500-1.0<br>1,000-2.0 (BCOB) | Within 4.6 miles, make climbing right turn, return to Rbn and hold at 4,000' on course of 225° within 10 miles SW of Rbn.<br>NOTE: Runway lights available by prior arrangement only. |
| KANSAS CITY, KANS.<br>Fairfax Field, 746'<br>LOM<br>210 kc, MK<br>Procedure No. 1 | Kansas City LFR | 028—5.0 | 2,500 | W side course:<br>001 outbound.<br>181 inbound.<br>2,500' within 25 miles. | 2,500 | 181—4.3# (LOM to Bluff FM) | T-dn<br>C-dn<br>A-dn | 700-1.0<br>700-1.0<br>800-2.0 | 300-1.0<br>700-1.5<br>800-2.0 | Within 4.3 miles after passing LOM, or at Bluff FM, immediately turn right, climb to 2,500' on course of 275° within 25 miles of Kansas City LFR, or as directed by ATC.<br>#Course and distance from Bluff FM to airport: 224, 4.09 miles.<br>CAUTION: (1) 1,423' msl obstructions located 2.5 miles SE of airport—adhere strictly to pull-up procedure. (2) 911' msl cracking plant and 853' msl stack, 0.5 miles ESE of approach end of runway 35. (3) 1,670' msl TV tower, 4.5 miles SSE of airport.<br>NOTE: this procedure not authorized when Bluff FM inoperative. |
| | Linkville FM | 123—10.0 | 2,500 | | | | | | | |
| | Liberty FM & Rbn | 211—12.0 | 2,500 | | | | | | | |
| | Kansas City VOR | 152—4.0 | 2,500 | | | | | | | |
| KANSAS CITY, MO.<br>Kansas City Airport, 778'<br>LOM-219 kc, MK<br>LMM-201 kc, KC<br>Procedure No. 1 | Kansas City LFR | 028—5.0 | 2,500 | W side course:<br>004 outbound.<br>184 inbound.<br>2,500' within 25 miles. | 2,500 (Over LOM) | 184—6.23 (From LOM) | *T-dn<br>C-dn<br>S-dn<br>**18<br>A-dn | 300-1.0<br>#500-1.0<br>#700-1.0<br>800-2.0 | 300-1.0<br>700-1.5<br>700-1.0<br>800-2.0 | Within 5.5 miles after passing LOM, or at LMM, immediately turn right and climb to 2,500' on course of 275° outbound from Kansas City LFR, or as directed by ATC.<br>*Take-offs S and SW when weather is below 1000-3 will intercept a 210° bearing from LMM and will maintain a course of 210° from LMM as soon as practicable after take-off and maintain this course until reaching 2,500' prior to making left turn.<br>#500-1 for aircraft with stall speeds of 75 mph or less, but descent below 1,160' msl not authorized until after passing Bluff FM, 1.8 miles N of airport. If Bluff FM not received, 700-1 minimums apply for all types of aircraft.<br>**Straight-in minimums authorized all aircraft for landing runway 17, provided approach lights are operating on that runway.<br>CAUTION: (1) Adhere strictly to pull-up procedure. (2) 911' msl cracking plant and 853' msl stack, 0.5 miles WNW of airport. (3) 900' msl grain elevators (not obstruction lighted) and 857' msl railroad flood lights, ¼ mile NNE of approach end of runway 18. (4) 1,423' msl congested buildings within 1 mile S and SE of airport. |
| | Linkville FM | 123—10.0 | 2,500 | | | | | | | |
| | Liberty FM & Rbn | 211—12.0 | 2,500 | | | | | | | |
| | Kansas City VOR | 152—4.0 | 2,500 | | | | | | | |
| KNOXVILLE, TENN.<br>McGhee-Tyson Airport, 989'<br>MHW (Binfield Rbn)<br>217 kc, BFH<br>Procedure No. 1 | Knoxville LFR | 216—10.0 | 2,500 | W side course*:<br>225 outbound.<br>045 inbound.<br>2,500 within 25 miles. | 2,500 | 045—4.6 | T-dn<br>C-dn<br>C-n<br>S-dn<br>4<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>500-1.0<br>800-2.0 | Within 4.6 miles, turn left, climb to 3,000' on course of 224° within 25 miles of Knoxville LFR, or as directed by ATC.<br>*Procedure turn W to avoid high terrain to E. |
| | Int. NE course Knoxville LFR and 225° brg to Rbn. | 225—14.0 | 2,500 | | | | | | | |
| | Tallassee FM | 353—14.0 | 3,500 | | | | | | | |

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| LAFAYETTE, LA.<br>Lafayette Airport, 40'<br>BMH-DTV<br>375 kc, LFT<br>Procedure No. 1 | | | | E side course:<br>180 outbound.<br>360 inbound.<br>1,200' within 25 miles. | 640 | At airport | T-dn<br>C-dn<br>C-n<br>A-dn | 300-1.0<br>600-1.0<br>600-2.0<br>1,000-2.0<br>(BCOB) | 300-1.0<br>500-1.0<br>600-2.0<br>1,000-2.0<br>(BCOB) | Within 0.0 mile, climb to 1,200' on course of 360° within 25 miles of Rbn. |
| LANCASTER, PA.<br>Lancaster Municipal Airport, 401'<br>MHW<br>326 kc, LRP<br>Procedure No. 1 | Harrisburg LFR | 118—29.0 | 2,000 | S side course:<br>238 outbound.<br>058 inbound.<br>1,800' within 10 miles.<br>2,000' within 15 miles.<br>2,100' within 25 miles. | 1,500 | 055—4.6 | T-dn<br>C-dn<br>S-dn<br>8<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | 300-1.0<br>600-1.5<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | Within 4.6 miles, climb to 2,000' on course of 058° within 10 miles, make climbing left turn and return to Rbn at 2,500'. |
| LANSING, MICH.<br>Capital City Airport, 858'<br>LOM<br>236 kc, LA<br>Procedure No. 1 | Lansing VOR | 072—12.0 | 2,300 | N side course:<br>093 outbound.<br>273 inbound.<br>2,300' within 25 miles. | 1,760 | 273—4.3 | T-dn<br>C-dn<br>S-dn<br>27<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 4.3 miles, climb to 2,200' on course of 280° within 25 miles of LOM, or as directed by ATC.<br>NOTE: Do not descend below 1320' until after passing Lansing LFR. |
| | Lansing LFR | 093—2.0 | 2,300 | | | | | | | |
| LEXINGTON, KY.<br>Blue Grass Airport, 978'<br>BH-DTV<br>242 kc, LEX<br>Procedure No. 1 | Int. 170° brg to Lexington VOR. | 195—18.2 | 2,300 | S side course:<br>222 outbound<br>042 inbound<br>2,100' within 25 miles. | 1,000 | 042—2.1 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>1,000-2.0<br>(BCOB) | 300-1.0<br>500-1.5<br>1,000-2.0<br>(BCOB) | Within 2.1 miles, climb to 2,300' on course of 042° within 15 miles of Rbn.<br>NOTE: Rbn must be monitored continuously during approach.<br>CAUTION: 1,300' msl tower located 3.5 miles ENE of airport. |
| | Int. 345° brg to Lexington VOR and/or Int. N'ers Corbin VAR | 326—24.0 | 2,200 | | | | | | | |
| | Lexington VOR | 289—9.5 | 2,300 | | | | | | | |
| | Int. E'ers Louisville LFR | 178—17.3 | 2,200 | | | | | | | |
| | Int. E'ers Louisville LFR | 191—18.0 | 2,300 | | | | | | | |
| LONGVIEW, TEX.<br>Gregg County Airport, 365'<br>BH-TV<br>257 kc, LLV<br>Procedure No. 1 | | | | E side course:<br>180 outbound.<br>360 inbound.<br>1,400' within 10 miles (NA beyond 10 miles) | 860 | At airport | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>1,000-2.0<br>(BCOB) | 300-1.0<br>500-1.5<br>1,000-2.0<br>(BCOB) | Within 0.0 mile, turn left, climb to 2,000' on course of 180° within 25 miles of Rbn. |
| LOUISVILLE, KY.<br>Standiford Field, 497'<br>LOM<br>212 kc; SD<br>Procedure No. 1 | Int. W'ers Louisville LFR and 172° brg to Godman Rbn. | 119—10.6 | 2,100 | W side course:<br>180 outbound.<br>000 inbound.<br>2,100' within 7 miles* (NA beyond 7 miles). | 1,020 | 000—6.18 | T-dn<br>C-dn<br>S-dn<br>1<br>A-dn | 300-1.0<br>600-1.0<br>500-1.5<br>600-1.0<br><br>800-2.0 | 300-1.0<br>600-1.5<br>600-1.5<br>600-1.0<br><br>800-2.0 | Within 6.18 miles, make left climbing turn to 2,100' on S side W course Louisville LFR, then out W course Louisville LFR, or outbound from Louisville VOR on course of 283°, or as directed by ATC.<br>*Complete procedure turn within 7 miles of LOM account danger area to S.<br>CAUTION: (1) Monitor LOM during approach. (2) 1070' msl obstructions 4 miles N of airport. |
| | Int. W course Louisville LFR and 189° brg to LOM. | 189—9.7 | 2,100 | | | | | | | |
| | Int. 152° course to Louisville VOR and 150° brg to LOM. | 189—15.7 | 2,100 | | | | | | | |
| | Int. 088° course to Louisville VOR and 189° brg to LOM. | 189—1.3 | 2,100 | | | | | | | |
| | Louisville LFR | 214—12.0 | 2,100 | | | | | | | |
| | Int. E course Louisville LFR and 236° brg to LOM. | 236—19.3 | 2,100 | | | | | | | |
| | Louisville VOR | 261—9.8 | 2,100 | | | | | | | |
| | Int. 008° course to Louisville VOR and 312° brg to LOM. | 312—11.2 | 2,100 | | | | | | | |
| | Int. S course Louisville LFR and 317° brg to LOM. | 317—10.2 | 2,100 | | | | | | | |



AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| LUFKIN, TEX.<br>Angelina County Airport, 294'<br>BMH<br>356 kc, LFK<br>Procedure No. 1 | | | | S side course:<br>296 outbound.<br>116 inbound.<br>1,100' within 10 miles (NA beyond 10 miles). | 880 | At airport | T-dn<br>C-dn<br>A-dn | 300-1.0<br>600-1.0<br>1,000-2.0<br>(BCOB) | NA<br>NA<br>NA | Within 0.0 mile, climb to 1,500' on course of 116 within 25 miles of Rbn. |
| LUMBERTON, N. C.<br>Lumberton Airport, 126'<br>BMH-TV<br>389 kc, LBT<br>Procedure No. 1 | | | | S side course:<br>233 outbound.<br>053 inbound.<br>1,200' within 25 miles. | 720 | At airport | T-dn<br>C-dn<br>A-dn | 300-1.0<br>600-2.0<br>1,000-2.0<br>(BCOB) | 300-1.0<br>700-2.0<br>1,000-2.0<br>(BCOB) | Within 0.0 mile, climb to 1,900' on course of 016° within 25 miles of Rbn, or as directed by ATC. |
| MACON, GA.<br>Macon-Coebran Airport, 354'<br>LOM<br>236 kc, MC<br>Procedure No. 1 | Int. SW'ers Macon LFR and 046° bearing to LOM. | 046—3.0 | 1,600 | S side course:<br>226 outbound.<br>046 inbound.<br>1,600' within 25 miles. | 1,500 | 046—4.4 | T-dn<br>C-dn<br>S-dn<br>5<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | 300-1.0<br>500-1.5<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | Within 4.4 miles, climb to 1,700' on course of 046° within 15 miles of LOM, or as directed by ATC. |
| | Macon LFR | 192—7.0 | 1,600 | | | | | | | |
| MADISON, WIS.<br>Truax Field, 859'<br>LOM<br>219 kc, MS<br>Procedure No. 1 | Madison LFR | 215—4.1 | 2,400 | E side course:<br>180 outbound.<br>360 inbound.<br>2,400' within 25 miles. | 1,900 | 360—4.41 | T-dn<br>C-dn<br>C-n<br>S-dn<br>S-n<br>36<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br><br>800-2.0 | 300-1.0<br>500-1.5<br>600-1.5<br>500-1.0<br>500-1.5<br><br>800-2.0 | Within 4.41 miles, climb to 2,500' on course of 360° within 10 miles of LOM.<br>NOTE: (1) LOM must be monitored continuously during approach. (2) LMM located 0.71 mile from end of runway 36, freq. 201 kc, Ident. SN. |
| MANSFIELD, OHIO<br>Mansfield Airport, 1,296'<br>BMH-TV<br>329 kc, MFD<br>Procedure No. 1 | Int. NE'ers Columbus LFR and 311° brg to Rbn. | 311—3.4 | 2,500 | W side course:<br>314 outbound.<br>131 inbound.<br>2,500' within 25 miles. | 2,000 | At airport | T-dn<br>C-dn<br>A-dn | 500-1.0<br>500-1.0<br>1,000-2.0<br>(BCOB) | 500-1.0<br>700-1.5<br>1,000-2.0<br>(BCOB) | Within 0.0 mile, climb to 2,500' on course of 131° within 25 miles.<br>CAUTION: Rbn must be monitored at all times while making an ADF approach. |
| | Int. SW'ers Akron LFR and 286° brg to Rbn. | 286—35.0 | 2,500 | | | | | | | |
| MASON CITY, IOWA<br>Mason City Airport, 1,216'<br>BH-TV<br>227 kc, MCW<br>Procedure No. 1 | Mason City VOR | 354—4.0 | 2,200 | E side course:<br>180 outbound<br>360 inbound.<br>2,200' within 25 miles. | 1,720 | At airport | T-dn<br>C-dn<br>S-dn<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 0.0 mile, climb to 2,500' on course of 360° within 25 miles of Rbn, or as directed by ATC. |
| MEMPHIS, TENN.<br>Memphis Airport, 269'<br>LOM<br>215 kc, ME<br>Procedure No. 2<br>(Procedure No. 1 not published) | Cuba FM | 192—18.0 | 2,000 | S side course:<br>266 outbound.<br>086 inbound.<br>1,700' within 25 miles. | 1,700 | 085—4.88 | T-dn<br>C-dn<br>S-dn<br>9<br>A-dn | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 4.88 miles, climb to 2,000' on course of 086° to NE course Memphis LFR, or as directed by ATC |
| | Int. SW course Memphis LFR and 048° brg to LOM. | 048—20.0 | 1,700 | | | | | | | |
| | Memphis LFR | 292—5.0 | 1,700 | | | | | | | |
| MIAMI, FLA.<br>Miami International Airport, 9'<br>LOM<br>227 kc, MI<br>Procedure No. 1 | Miami LFR* | 085—1.5 | 1,100 | N side course:**<br>267 outbound*<br>085 inbound*<br>1,100' within 25 miles. | 600 | 085—4.4 | T-dn<br>C-dn<br>S-dn<br>9R<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>700-1.0<br><br>800-2.0 | Within 4.4 miles, climb to 1,400' on course of 085° within 25 miles of LOM, or as directed by ATC.<br>*Right turn from the S or left turn from N from Miami LFR to LOM not authorized.<br>**Procedure turn N to avoid possible traffic confliction with Tamiami Airport. |
| | Miami VOR | 263—1.0 | 1,100 | | | | | | | |
| | Krome FM (final) | 091—10.0 | 600 | | | | | | | |
| MIDLAND, TEX.<br>Midland Air Terminal, 2867'<br>LMM<br>201 kc, AF<br>Procedure No. 1 | Midland LFR | 052—3.0 | 4,000 | S side course:**<br>223 outbound.<br>043 inbound.<br>4,500' within 25 miles. | 3,720*<br>(Over OM) | 043—4.69<br>(From OM) | T-dn#<br>C-dn<br>S-dn#<br>4<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>700-1.5<br>500-1.0<br><br>800-2.0 | Within 4.69 miles after passing OM, climb to 4,000' on course of 130° within 10 miles of LMM.<br>*If outer marker not received, minimum altitude over LMM is 3,720' and straight-in approach is not authorized. Maintain procedure turn altitude until within 10 miles of LMM.<br>**Danger Area located 9.5 miles S of approach course.<br>#All runways except to L and 34R. |
| | Midland VOR | 184—6.0 | 4,000 | | | | | | | |

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| MINNEAPOLIS, MINN.<br>Minneapolis-St. Paul International Airport (Wold-Chamberlain Field), 840'<br>215 kc, MS<br>Procedure No. 1 | Minneapolis LFR | 132—1.0 | 2,100 | N side course:<br>115 outbound.<br>295 inbound.<br>2,100' within 15 miles.<br>2,400' within 25 miles. | 1,500 | 295—4.7 | T–dn<br>C–dn<br>S–dn<br>21L<br>A–dn | 300–1.0<br>500–1.0<br>500–1.0<br><br>800–2.0 | 300–1.0<br>500–1.5<br>500–1.0<br><br>800–2.0 | Within 4.7 miles, climb to 2,500' on course of 295° outbound to Hamel FM within 25 miles, or when directed by ATC, climb to 2,500' on course 241° to Jordan FM, or make left climbing turn to 2,100' and return to LOM. |
| | Minneapolis VOR | 101—2.0 | 2,100 | | | | | | | |
| | Hastings FM | 296—9.0 | 2,100 | | | | | | | |
| | Hastings FM (final) | 296—9.0 | 1,500 | | | | | | | |
| | Stanton Rbn | 346—26.0 | 2,200 | | | | | | | |
| | Jordan FM | 061—26.0 | 2,200 | | | | | | | |
| MOBILE, ALA.<br>Bates Field, 217'<br>LOM<br>371 kc, MO<br>Procedure No. 1 | Mobile LFR | 200—12.0 | 1,400 | W side course:<br>320 outbound<br>140 inbound.<br>1,100' within 25 miles. | 1,400 | 140—4. | T–dn<br>C–dn<br>S–dn<br>11<br>A–dn | 300–1.0<br>500–1.0<br>500–1.0<br><br>1,000–2.0 (BCOB) | 300–1.0<br>500–1.5<br>500–1.0<br><br>1,000–2.0 (BCOB) | Within 4.5 miles, turn right climb to 1,500' on course of 217° within 25 miles of Mobile LFR, or as directed by ATC. |
| | Int. 320° brg to LOM and SW crs Mobile LFR | 320—12.0 | 1,400 | | | | | | | |
| | Mobile VOR | 068—4.5 | 1,400 | | | | | | | |
| MOLINE, ILL.<br>Quad-City Airport, 590'<br>LOM<br>215 kc, ML<br>Procedure No. 1 | Moline LFR | 164—9.0 | 2,100 | S side course:<br>266 outbound.<br>086 inbound.<br>1,800' within 20 miles.<br>2,000' within 25 miles. | 1,380 | 086—5.1 | T–dn<br>C–dn<br>A–dn | 300–1.0<br>600–1.0<br>800–2.0 | 300–1.0<br>600–1.5<br>800–2.0 | Within 5.1 miles, climb to 2,100' on course of 086° within 25 miles of LOM, or as directed by ATC.<br>CAUTION: LOM must be monitored continuously during approach.<br>NOTE: LMM located 0.63 miles from approach end of runway—freq. 201 kc, Ident. LL |
| | Moline VOR | 125—6.0 | 2,100 | | | | | | | |
| | Int. E course Moline LFR and 225° bearing to LOM. | 225—10.5 | 2,100 | | | | | | | |
| | Int. S course Moline LFR and 086° bearing to LOM. | 086—1.3 | 1,900 | | | | | | | |
| | Int. N course Burlington LFR and 086° bearing to LOM. | 086—25.5 | 2,000 | | | | | | | |
| | Int. W course Moline LFR and N course Burlington LFR. | 101—26.5 | 1,900 | | | | | | | |
| | Int. 257° bearing to Moline VOR and 225° bearing to LOM. | 225—8.6 | 2,100 | | | | | | | |
| | Int. 008° bearing to Moline VOR and 086° bearing to LOM. | 086—5.0 | 1,900 | | | | | | | |
| | Int. 280° bearing to Iowa City VOR and 086° bearing to LOM. | 086—35.2 | 2,000 | | | | | | | |
| MONTAGUE, CALIF.<br>Siskiyou County Airport, 2650'<br>BII-DTV<br>388 kc, SIY<br>Procedure No. 1 | Fort Jones LFR | 035—24.0 | 9,000 | E side course:*<br>156 outbound.<br>340 inbound.<br>6,800' within 10 miles (NA beyond 10 miles). | 5,11 | [illegible] | T–n<br>C–n<br>A–n | 1,500–2.0<br>1,500–3.0<br>2,500–2.0<br>2,500–3.0 | 1,500–2.0<br>1,500–3.0<br>2,500–2.0<br>2,500–3.0 | Within 10 mile, turn left, climb to 9,000' on course of 156° outbound, 340° inbound, within 10 miles* of Rbn.<br>*In no case will procedure turn be accomplished S of the E course of Fort Jones LFR.<br>PROCEDURE NOT AUTHORIZED DURING SEVERE STORM CONDITIONS. |
| NASHVILLE, TENN.<br>Berry Field, 606'<br>LOM<br>375 kc, BN<br>Procedure No. 1 | Walterhill FM | 284—20.0 | 2,500 | E side course:<br>194 outbound.<br>014 inbound.<br>2,500' within 25 miles. | 1,905 | 014—5.7 | T–dn<br>C–dn<br>S–dn<br>4<br>A–dn | 300–1.0<br>500–1.0<br>500–1.0<br><br>800–2.0 | 300–1.0<br>500–1.5<br>500–1.0<br><br>800–2.0 | Within 5.7 miles, climb to 2,000' on course of 331° within 25 miles of LOM, or as directed by ATC. |
| | Fairview FM | 078—23.0 | 2,500 | | | | | | | |
| | Nashville VOR | 250—7.0 | 2,500 | | | | | | | |
| | Nashville LFR | 212—8.0 | 2,500 | | | | | | | |



| City and State; airport name, elevation; class of facility; frequency; identification procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| NEWARK, N. J.<br>Newark Airport, 18<br>LOM<br>400 kc, EW<br>Procedure No. 1 | Flatbush Rbn | 274—11.0 | 1,500 | E side course:<br>217 outbound.<br>037 inbound.<br>1,500' within 25 miles. | 1,040 | 037—5.63 | T–dn<br>C–dn<br>S–dn<br>4<br>A–dn | 300–1.0<br>600–1.0<br>600–1.0<br><br>1,000–2.0 (BCOB) | 300–1.0<br>600–1.5<br>600–1.0<br><br>1,000–2.0 (BCOB) | Within 5.63 miles, climb to 1,000' on course of 037°, make a left climbing turn and proceed direct to Paterson Rbn at 2,000', or as directed by ATC. |
| | Paterson Rbn | 200—24.0 | 2,000 | | | | | | | |
| | Matawan VAR | 011—16.0 | 1,500 | | | | | | | |
| | Int. W ers Matawan VAR and 066° brg to LOM. | 066—20.0 | 1,500 | | | | | | | |
| | Newark LFR | 206—5.0 | 1,500 | | | | | | | |
| | Chatham Rbn | 142—15.0 | 2,000 | | | | | | | |
| NEW BEDFORD, MASS.<br>New Bedford Airport 79<br>LMM<br>201 kc, WB<br>Procedure No. 1 | Providence LFR | 107—25.8 | 1,500 | S side course:<br>233 outbound.<br>053 inbound.<br>1,400' within 15 miles (NA beyond 15 miles). | 700 | 053—0.66 | T–dn<br>C–dn<br>A–dn | 300–1.0<br>500–1.0<br>1,000–2.0 (BCOB) | 300–1.0<br>500–1.5<br>1,000–2.0 (BCOB) | Within 0.66 mile, make standard rate climbing turn to the right, return to LMM and hold at 1,400' on S side of 233° course within 10 miles of LMM. |
| | Int. E ers Providence LFR and 336° brg to LMM. | 336—2.7 | 1,400 | | | | | | | |
| NEW ORLEANS, LA.<br>Moisant International Airport, 3'<br>LOM<br>219 kc, MS<br>Procedure No. 1 | New Orleans LFR | 274—8.2 | 1,400 | S side course:<br>279 outbound.<br>099 inbound.<br>1,400' within 10 miles (NA beyond 10 miles). | 940 | 099—3.92 | T–dn<br>C–dn<br>S–dn<br>10<br>A–dn | 300–1.0<br>500–1.0<br>500–1.0<br><br>800–2.0 | 300–1.0<br>500–1.5<br>500–1.0<br><br>800–2.0 | Within 3.92 miles, climb to 1,500' on E course New Orleans LFR, or when directed by ATC, climb to 1,300' on S course New Orleans LFR. |
| | La Place FM | 087—8.4 | 1,400 | | | | | | | |
| New Orleans Airport, 8'<br>SBRAZ-DTV (New Orleans LFR)<br>338 kc, MSY<br>Procedure No. 1 | La Place FM (final) | 091—17.0 | 940 | S side course:<br>271 outbound.<br>091 inbound.<br>1,400' within 25 miles. | 940* | 099—10.5 | T–dn<br>C–dn*<br>A–dn* | 300–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>500–1.5<br>800–2.0 | Within 3.2 miles after passing Bayou St. John FM*, Climb to 1,400' on course of 073° within 25 miles of LFR, or as directed by ATC.<br>*If Bayou St. John FM not received, descent below 940' not authorized.<br>NOTE: Instrument approaches authorized only during those hours when communication, weather, and runway lighting services are available. |
| NEW ORLEANS, LA.<br>Callender Airport, 5'<br>MHW (Callender Rbn)<br>209 kc, BCS<br>Procedure No. 1 | New Orleans LFR | 125—15.0 | 1,700 | E side course:<br>170 outbound.<br>350 inbound.<br>1,200' within 25 miles. | 600 | At airport | T–dn<br>C–n<br>A–dn | 300–1.0<br>600–2.0<br>1,000–2.0 (BCOB) | 300–1.0<br>600–2.0<br>1,000–2.0 (BCOB) | Within 0.0 mile, turn right and climb to 1,200' on course of 170° within 25 miles of Callender Rbn. |
| NEWPORT NEWS, VA.<br>Patrick Henry Airport, 41'<br>SBMRAZ-DPT (Langley AFB LFR)<br>221 kc, LFI<br>Procedure No. 1 | Int. SE course Tappahannock 46.0 LFR and 177° brg to LFR. | 177— | 1,500 | N side course:<br>102 outbound.<br>282 inbound.<br>1,500' within 15 miles (NA beyond 15 miles). | 1,000 | 311<br>4.5 | T–dn<br>C–dn<br>A–dn | 300–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>600–1.5<br>800–2.0 | Within 4.5 miles, climb to 1,500' on course of 282° within 10 miles.<br>CAUTION: This procedure is authorized only when ceilings are lower than 3,000' and/or visibility is less than 2 miles. |
| | Int. N course Norfolk NAS LFR and 282° brg to LFR. | 282—11.0 | 1,500 | | | | | | | |
| | Int. SW course Norfolk LFR 24.0 and 352° brg to LFR. | 352— | 1,500 | | | | | | | |
| | Int. SW course Richmond LFR 13.0 and 102° brg to LFR. | 102— | 1,500 | | | | | | | |
| NORFOLK, VA.<br>Norfolk Airport, 26'<br>LOM<br>391 kc, OR<br>Procedure No. 1 | Int. SW course Norfolk LFR and S course Langley LFR (final). | 044—7.0 | 900 | S side course:<br>224 outbound.<br>044 inbound.<br>1100' within 25 miles. | 900 | 044—4.2 | T–dn<br>C–dn<br>S–dn<br>4<br>A–dn | 300–1.0<br>500–1.0<br>500–1.0<br><br>1,000–2.0 (BCOB) | 300–1.0<br>500–1.5<br>500–1.0<br><br>1,000–2.0 (BCOB) | Within 4.2 miles, make a climbing right turn and climb to 1,400' on course of 224° within 25 miles of LOM.<br>NOTE: Standard clearance not provided over 380' tower 3.5 miles S of airport. |

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| OKLAHOMA CITY, OKLA.<br>Will Rogers Field, 1, 283'<br>LOM<br>219 kc, OK<br>Procedure No. 1 | Int. N course Okla. City LFR and 170° brg to LOM. | 170—17.0 | 2,500 | E side course<br>170 outbound.<br>350 inbound.<br>2,600' within 25 miles. | 2,500 | 350—4.77 | T-dn<br>C-dn<br>S-dn<br>35<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 4.77 miles, climb to 3,000' on course of 350° within 25 miles of LOM, or as directed by ATC. |
| | Washington FM | 334—15.0 | 2,500 | | | | | | | |
| | Mustang FM | 106—11.0 | 2,500 | | | | | | | |
| | Oklahoma City LFR | 119—6.0 | 2,500 | | | | | | | |
| | Oklahoma City VOR | 150—10.0 | 2,500 | | | | | | | |
| MHW (Tulakes Rbn)<br>311 kc, TWO<br>Procedure No. 2 | Int. SW crs Tulsa LFR and E course Oklahoma City LFR. | 243—25.0 | 2,700 | | | | | | | |
| | Int. N crs Okla. City LFR and W crs Tinker LFR (Final). | 152—3.0 | 1,960 | W side course:<br>350 outbound.<br>170 inbound.<br>2,500' within 25 miles. | 1,960 | 170—4.5 | T-dn<br>C-dn<br>S-dn<br>17<br>A-dn | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 4.5 miles, climb to 2,500' on course of 170° within 25 miles of Rbn, or as directed by ATC. |
| | Int. E course Okla. City LFR and S course Tinker LFR. | 279—13.0 | 2,700 | | | | | | | |
| | Oklahoma City LFR | 015—5.0 | 2,400 | | | | | | | |
| | Mustang FM | 052—12.0 | 2,400 | | | | | | | |
| | ILS LOM | 350—10.0 | 2,500 | | | | | | | |
| OMAHA, NEBR.<br>Omaha Airport, 982'<br>LOM<br>219 kc, OM<br>Procedure No. 1 | Omaha LFR | 218—0.6 | 2,300 | W side course:<br>345 outbound.<br>135 inbound.<br>2,300' within 25 miles. | *2,300 | 135—4.6 | T-dn<br>C-dn<br>C-up<br>S-dn<br>S-up<br>14L<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-2.0<br>500-1.0<br>500-1.5<br><br>800-2.0 | Within 4.6 miles, climb to 2,700' on SE course Omaha LFR within 25 miles, or as directed by ATC.<br>*1122' msl stack, 0.8 mile SSE of LOM.<br>CAUTION: 1739' msl radio tower, 4.5 miles SW of LFR station 1339' msl bluff, 1.5 miles E of airport. |
| | Omaha VOR | 310—15.0 | 2,700 | | | | | | | |
| ONTARIO, CALIF.<br>Ontario International Airport, 952'<br>347 kc, ON Procedure No. 1. | Riverside LFR | 288—16.0 | 3,200* | S side course:<br>075 outbound.<br>255 inbound.<br>4,000' within 10 miles (NA beyond 10 miles). | 2,740 | 255—4.5 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>700-1.0<br>800-2.0 | 300-1.0<br>700-1.5<br>800-2.0 | Within 4.5 miles, climb to on top, not below 4,000', on course of 255° and hold in nonstandard 2 minute holding pattern E of Int. W course Ontario ILS and NE course Long Beach LFR on S side of course.<br>*Must be on top, with tops not above 5,000' msl.<br>#Straight-in approach authorized, but must be started from on top, with tops not above 5,000' msl. |
| | Downey FM and Rbn | 064—34.0 | 3,200* | | | | | | | |
| | Fontana FM | 211—10.0 | 5,000* | | | | | | | |
| | Ontario VOR | 011—10.0 | 3,200* | | | | | | | |
| | Int. N course Riverside LFR and 255° brg to LOM. | 255—10.0 | 2,740# | | | | | | | |
| ONTARIO, OREG.<br>Ontario Airport, 2190'<br>BMH-DTV<br>305 kc, ONO<br>Procedure No. 1 | Payette FM | 192—9.5 | 5,000 | E side course:<br>140 outbound.<br>320 inbound.<br>4,000' within 17 miles (NA beyond 17 miles). | 3,200 | At airport | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>1,000-1.0<br>1,000-2.0<br>1,000-2.0 | NA<br>NA<br>NA<br>NA | Within 0.0 mile, turn right, climb to 9,000' on course of 110° within 25 miles of Rbn, or as directed by ATC. |
| | Int. 121° brg to Boise LFR and 280° brg to Rbn. | 280—25.0 | 6,000 | | | | | | | |
| ORLANDO, FLA.<br>Orlando Airport, 115'<br>LOM<br>219 kc, OR<br>Procedure No. 2<br>(Procedure No. 1 not published). | Oviedo FM | 197—14.5 | 1,500 | N side course:<br>130 outbound.<br>310 inbound.<br>1,200' within 25 miles. | 620 | 310—4.69 | T-dn<br>C-dn<br>S-dn<br>31<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | Within 4.69 miles, climb to 1,500' on course of 310° and proceed to Orlando LFR, or as directed by ATC. |
| | Orlando LFR | 160—6.0 | 1,500 | | | | | | | |
| OTTUMWA, IOWA<br>Ottumwa Airport 845'<br>BH-DTV<br>260 kc, OTM<br>Procedure No. 1 | Ottumwa VOR | 305—8.0 | 1,900 | E side course:<br>180 outbound.<br>360 inbound.<br>1,900' within 25 miles. | 1,440 | At airport | T-dn<br>C-dn<br>A-dn | 300-1.0<br>600-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>800-2.0 | Within 0.0 mile, climb to 2,200' on course of 360° within 25 miles of Rbn, or as directed by ATC. |



AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| OXNARD, CALIF.<br>Oxnard-Ventura County Airport 43'<br>SRAWZ (Camarillo LFR)<br>359 kc, CAV<br>Procedure No. 1 | | | | S side course:<br>250 outbound.<br>070 inbound.<br>1,500' within 20 miles* (NA beyond 20 miles). | 840 | 266<br>6.9 | T-dn<br>C-dn<br>A-du | 300-1.0<br>900-3.0<br>1,000-2.0<br>(BCOB) | 300-1.0<br>900-3.0<br>1,000-2.0<br>(BCOB) | Within 0.0 mile, turn right (S) and climb to 3,000' on course of 250° within 20 miles of LFR.<br>*Procedure turn within 20 miles and limited to within 5 miles of S side of course because of Port Mugu danger area. |
| PUDUCAH, KY.<br>Barkley Field, 405'<br>BMH<br>215 kc, PUK<br>Procedure No. 1 | | | | E side course:<br>215 outbound.<br>035 inbound.<br>1,600' within 25 miles. | 1,005 | At airport | T-du<br>C-dn<br>A-du* | 300-1.0<br>600-1.0<br>1,000-2.0<br>(BCOB) | 300-1.0<br>600-1.0<br>1,000-2.0<br>(BCOB) | Within 0.0 mile, climb to 2,000' on course of 035° within 25 miles.<br>*800-2 approved if 2 alternates are named on flight plan and sufficient fuel is carried as required by CAR.<br>NOTE: Rbn must be monitored continuously during approach. |
| PELLSTON, MICH.<br>Emmet County Airport, 720'<br>BMH-TV<br>332 kc, PLN<br>Procedure No. 1 | | | | S side course:<br>135 outbound.<br>315 inbound.<br>2,200' within 25 miles. | 1,520 | At airport | T-dn*<br>C-dn<br>A-du | 500-1.0<br>800-1.0<br>1,500-2.0<br>(BCOB) | 500-1.0<br>800-1.5<br>1,500-2.0<br>(BCOB) | Within 0.0 mile, climb to 2,500' on course of 315° within 25 miles.<br>*4-engine aircraft not authorized for take-off on E/W runway.<br>CAUTION: Rbn must be monitored continuously during approach. |
| PHILADELPHIA, PA.<br>International Airport, 10'<br>LOM<br>219 kc, PH<br>Procedure No. 1 | Int. N course New Castle LFR and W course Philadelphia LFR. | 092—13.0 | 1,700 | S side course:<br>265 outbound.<br>085 inbound.<br>1,500' within 10 miles.<br>1,700' within 15 miles.<br>1,800' within 25 miles. | 900 | 085—5.28 | T-dn<br>C-dn<br>S-dn<br>9<br>A-du | 300-1.0<br>500-1.0<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | 300-1.0<br>500-1.5<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | Within 5.28 miles, climb to 1,800' on course of 073° within 25 miles of LOM, or when directed by ATC, turn right, climb to 1,500' on S course Philadelphia LFR. |
| | Boothwyn FM (final) | 082—7.0 | 900 | | | | | | | |
| | Philadelphia LFR | 253-2.5 | 1,500 | | | | | | | |
| PITTSBURGH, PA.<br>Allegheny County Airport, 1,252'<br>MHW (McKeesport Rbn)<br>287 kc, MKP<br>Procedure No. 1 | Pittsburgh LFR | 092—10.0 | 2,600 | N side course:<br>095 outbound.<br>275 inbound.<br>2,600' within 10 miles (NA beyond 10 miles). | 2,500 | 275—6.3 | T-dn<br>C-dn<br>S-dn<br>27<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | 300-1.0<br>500-1.5<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | Within 6.3 miles, climb to 3,000' on course of 267° within 20 miles of Rbn and proceed to Cecil holding pattern, or as directed by ATC.<br>CAUTION: 1,550' msl radio tower, 1.3 miles NW of Rbn. |
| | New Alexandria FM | 203—23.0 | 2,600 | | | | | | | |
| | Int. SE crs Pittsburgh LFR and NE crs Morgantown LFR. | 322—17.0 | 2,500 | | | | | | | |
| Greater Pittsburgh Airport, 1,168.<br>LOM<br>201 kc, PI<br>Procedure No. 1 | New Alexandria Rbn | 274—39.0 | 3,000 | E side course:<br>111 outbound.<br>321 inbound.<br>2,600' within 10 miles (NA beyond 10 miles). | 2,100 | 321—4.7 | T-dn<br>C-dn<br>S-dn<br>32<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | 300-1.0<br>500-1.5<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | Within 4.7 miles, make left climbing turn, climb to 2,500' proceeding to Clinton Rbn, or as directed by ATC. |
| | Cecil Rbn | 013—8.0 | 2,600 | | | | | | | |
| | Butler Rbn | 214—21.0 | 2,900 | | | | | | | |
| | McKeesport Rbn | 291—19.0 | 2,700 | | | | | | | |
| | Pittsburgh LFR | 308—11.0 | 2,600 | | | | | | | |
| | Clinton Rbn | 119—10.0 | 2,600 | | | | | | | |
| | Pittsburgh VOR | 336—12.0 | 2,600 | | | | | | | |
| MHW (Greater Pittsburgh Rbn)<br>323 kc, GRP<br>Procedure No 2 | Wheeling ILS LOM | 055—41.0 | 2,700 | N side course:<br>097 outbound.<br>277 inbound.<br>2,900' within 25 miles. | 2,100 | 277—6.5 | T-dn<br>C-dn<br>S-dn<br>28<br>A-du | 300-1.0<br>500-1.0<br>500-3.0<br><br>1,000-2.0<br>(BCOB) | 300-1.0<br>500-1.5<br>500-1.0<br><br>1,000-2.0<br>(BCOB) | Within 6.5 miles, climb to 2,700' on course of 277° and proceed to Clinton Rbn, or as directed by ATC. |
| | New Alexandria Rbn | 280—36.0 | 3,000 | | | | | | | |
| | Butler Rbn | 210—16.0 | 2,900 | | | | | | | |
| | McKeesport Rbn | 306—18.0 | 2,900 | | | | | | | |
| | Int. S course Youngstown LFR and NW crs Pittsburgh LFR. | 119—34.0 | 2,500 | | | | | | | |
| | Pittsburgh LFR | 336—11.0 | 2,900 | | | | | | | |
| | Pittsburgh VOR | 356—14.0 | 2,900 | | | | | | | |
| | Cecil Rbn | 028—12.0 | 2,900 | | | | | | | |
| | Clinton Rbn | 097—13.0 | 2,500 | | | | | | | |

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| PITTSBURGH, PA.—Con.<br>MHW (Clinton Rbn)<br>293 kc, GHW<br>Procedure No. 3 | Wheeling LOM | 040—33.0 | 2,700 | S side course:<br>277 outbound.<br>097 inbound.<br>2,500′ within 25 miles. | 2,000 | 097—4.6 | T-dn<br>C-dn<br>S-dn 10<br>A-dn | 300–1.0<br>500–1.0<br>500–1.0<br>1,000–2.0 (BCOB) | 300–1.0<br>500–1.5<br>500–1.0<br>1,000–2.0 (BCOB) | Within 4.6 miles, climb to 3,000′ on course of 097° and proceed to Greater Pittsburgh Rbn, or as directed by ATC. |
| | Bergholz Rbn | 100—33.0 | 2,500 | | | | | | | |
| | McKeesport Rbn | 294—30.0 | 2,700 | | | | | | | |
| | Butler Rbn | 239—24.0 | 2,500 | | | | | | | |
| | New Alexandria Rbn | 279—48.0 | 3,000 | | | | | | | |
| | Greater Pittsburgh Rbn | 277—13.0 | 2,500 | | | | | | | |
| | Cecil Rbn | 332—14.0 | 2,500 | | | | | | | |
| | Pittsburgh LFR | 305—21.0 | 2,500 | | | | | | | |
| | Pittsburgh VOR | 320—21.0 | 2,500 | | | | | | | |
| | Int. S course Youngstown LFR and NW course Pittsburgh LFR. | 131—23.0 | 2,500 | | | | | | | |
| PONCA CITY, OKLA.<br>Ponca City Airport, 1,014′<br>BMH-DTV<br>368 kc, PNC<br>Procedure No. 1 | | | | W side course:<br>350 outbound.<br>170 inbound.<br>2,300′ within 25 miles. | 1,600 | At airport | T-dn<br>C-dn<br>C-n<br>A-dn | 600–1.0<br>600–1.0<br>600–2.0<br>800–2.0 | 600–1.0<br>600–1.0<br>600–2.0<br>800–2.0 | Within 0.0 mile, turn right and climb to 2,300′ on course of 350° within 25 miles, or as directed by ATC. |
| PORTLAND, OREG.<br>Portland International Airport, 23′<br>MHW (Sauvies Is. Rbn)<br>219 kc, SVY<br>Procedure No. 1 | Portland LFR | 258—10.0 | 3,000 | S side course:<br>277 outbound.<br>097 inbound.<br>3,000′ within 10 miles (NA beyond 10 miles). | 3,000 (Over Rbn)<br>1,600* (over OM) | 097—1.79 (From OM) | T-dn<br>C-dn<br>C-n<br>S-dn 10<br>A-dn | 600–1.0<br>600–1.0<br>600–1.0<br>600–1.0<br>800–2.0 | 600–1.0<br>600–1.5<br>700–1.5<br>600–1.0<br>800–2.0 | Within 10.14 miles (over LMM), climb to 1,500′ on course of 097° within 10 miles of LMM, then make climbing right turn to heading of 230° proceeding to S course Portland LFR at 3,000′.<br>*If OM not received visually and aurally, maintain 1,600′ to LMM, then climb to 3,000′ on S course Portland LFR.<br>CAUTION: 633′ msl radio tower located 1¾ miles SE of OM. |
| | Willamette FM | 330—22.0 | 3,000 | | | | | | | |
| | Woodland FM | 176—22.0 | 3,000 | | | | | | | |
| QUINCY, ILL.<br>Baldwin-Quincy Airport, 769′.<br>BMH<br>293 kc, UIN<br>Procedure No. 1 | Quincy VOR | 020—3.0 | 1,800 | S side course:<br>214 outbound.<br>034 inbound.<br>1,800′ within 25 miles. | 1,300 | 034—1.4 | T-dn<br>C-dn<br>S-dn 4<br>A-dn | 300–1.0<br>500–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>500–1.5<br>500–1.0<br>800–2.0 | Within 4.4 miles, climb to 1,900′ on course of 034 within 25 miles of Rbn, or as directed by ATC.<br>CAUTION: 1,560′ msl tower approximately 6.5 miles WNW of airport.<br>NOTE: Rbn must be monitored continuously during approach. |
| RALEIGH, N. C.<br>Raleigh-Durham Airport, 435′.<br>LOM<br>281 kc, RD<br>Procedure No. 1 | Raleigh LFR | 263—8.0 | 2,000 | S side course:<br>229 outbound.<br>049 inbound.<br>1,800′ within 25 miles. | 1,400 | 049—1.43 | T-dn<br>C-dn<br>S-dn 5<br>A-dn | 300–1.0<br>500–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>500–1.5<br>500–1.0<br>800–2.0 | Within 4.43 miles, climb to 1,800′ on course of 049° within 25 miles of LOM, or when directed by ATC, climb to 2,000′ on course of 229° from Raleigh LFR within 25 miles. |
| READING, PA.<br>General Spaatz Airport, 343′.<br>LOM<br>230 kc, RD<br>Procedure No. 1 | Int. SW course Allentown LFR and 151° brg to LOM. | 181—4.0 | 2,500 | E side course:<br>181 outbound.<br>001 inbound.<br>2,100′ within 10 miles (NA beyond 10 miles). | 2,100 | 001—1.5 | T-dn*<br>C-dn<br>A-dn | 300–1.0<br>1,000–2.0<br>1,000–2.0 (BCOB) | 300–1.0<br>1,000–2.0<br>1,000–2.0 (BCOB) | Within 4.5 miles, climb to 2,500′ on course of 001° within 10 miles.<br>*Take-offs on runways 18 and 13, make right turn as soon as practicable to avoid 1,270′ mountain and tower located 3.6 miles SE of airport. |
| RICHMOND, VA.<br>Byrd Field, 167′.<br>LOM<br>219 kc, RI<br>Procedure No. 1 | Richmond LFR | 263—3.1 | 1,500 | S side course:<br>244 outbound.<br>063 inbound.<br>1,400′ within 25 miles. | 900 | 063—4.36 | T-dn<br>C-dn<br>S-dn 6<br>A-dn | 300–1.0<br>500–1.0<br>500–1.0<br>1,000–2.0 (BCOB) | 300–1.0<br>500–1.5<br>500–1.0<br>1,000–2.0 (BCOB) | Within 4.36 miles, climb to 1,500′ on course of 063° within 10 miles of LOM, or when directed by ATC, make a left climbing turn, climb to 1,500′ on N course of Richmond LFR. |
| | Chester FM | 021—7.5 | 1,500 | | | | | | | |
| | Manakin Rbn | 130—20.0 | 1,700 | | | | | | | |
| SACRAMENTO, CALIF.<br>Sacramento Airport, 21′<br>LOM<br>356 kc, SA<br>Procedure No. 1 | Sacramento LFR | 187—3.0 | 1,200 | S side course:<br>191 outbound.<br>011 inbound.<br>1,[illegible] within 7.5 miles* | 1,000 | 010—4.6 | T-dn<br>C-dn<br>S-dn<br>A-dn | 300–1.0<br>500–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>500–1.5<br>500–1.0<br>800–2.0 | Within 4.6 miles, climb to 2,500′ on course of 022° within 20 miles of LOM, or as directed by ATC.<br>*Procedure turn beyond Clarksburg FM not au[illegible] |
| | Gait Int. | 258—16.2 | 1,200 | | | | | | | |
| | Rio Int. | 183—20.2 | 1,200 | | | | | | | |
| | Clarksburg FM (final) | 022—7.5 | 1,000 | | | | | | | |
| | Travis LFR | 091—19.0 | 1,200 | | | | | | | |



AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| SAGINAW, MICH.<br>Tri-City Airport, 667′<br>BMH-TV<br>212 kc, SGW<br>Procedure No. 1 | | | | W side course:<br>350 outbound.<br>170 inbound.<br>2,000′ within 25 miles. | 1,160 | At airport | T-dn<br>C-dn<br>A-dn | 300–1.0<br>500–1.0<br>1,000–2.0 (BCOB) | 300–1.0<br>500–1.5<br>1,000–2.0 (BCOB) | Within 0.0 mile, climb to 2,000′ on course of 170° within 25 miles of Rbn.<br>CAUTION: (1) Rbn must be monitored continuously during an ASR approach. (2) 900′ msl radio tower, 3.5 miles, 170° from airport. (3) 780′ msl elevator, 2.5 miles W of airport. |
| ST. LOUIS, MO.<br>Lambert-St. Louis Airport, 558′<br>LOM<br>219 kc, ST<br>Procedure No. 1 | Int. NW course Scott LFR and E course St. Louis LFR. (Woodriver Int.). | 255—9.0 | 1,900 | N side course:<br>058 outbound.<br>238 inbound.<br>1,900′ within 25 miles. | *1,300 | 238—4.84 | T-dn<br>C-dn<br>S-dn 24<br>A-dn | 300–1.0<br>500–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>500–1.5<br>500–1.0<br>800–2.0 | Within 4.84 miles, climb to 2,000′ on course of 238° within 25 miles of LOM, or as directed by ATC.<br>*773′ msl tank located 0.4 mile E of LFR station. Do not descend below 1,100′ until after passing abeam LFR station. |
| | St. Louis LFR | 048—2.0 | 1,900 | | | | | | | |
| | St. Louis VOR | 110—12.0 | 1,900 | | | | | | | |
| | Int. NW course Scott LFR and N course St. Louis LFR. (Jerseyville Int.). | 169—22.0 | 1,900 | | | | | | | |
| ST. PETERSBURG, FLA.<br>Pinellas County International Airport, 10′<br>SBRAZ-DTV (Tampa LFR)<br>388 kc, TPA<br>Procedure No. 1 | Ruskin FM (final) | 315—9.0 | 700 | E side course:<br>135 outbound.<br>315 inbound.<br>1,200′ within 25 miles. | 700 | *275—11.6 | T-dn<br>C-dn<br>A-dn | 300–1.0<br>700–2.0<br>1,000–2.0 | 300–1.0<br>700–2.0<br>1,000–2.0 | Within 0.0 mile, climb to 1,300′ on course of 355° within 25 miles of LFR, or as directed by ATC.<br>*CAUTION: 505′ msl radio tower located 1.5 miles S of final approach course between Tampa LFR and airport. |
| Procedure No. 2 | | | | N side course:<br>055 outbound.<br>235 inbound.<br>1,500′ within 25 miles. | 700 | *275—11.6 | T-dn<br>C-dn<br>A-dn | 300–1.0<br>700–2.0<br>1,000–2.0 | 300–1.0<br>700–2.0<br>1,000–2.0 | Within 0.0 mile, climb to 1,500′ on course of 210° within 25 miles of LFR, or as directed by ATC.<br>*CAUTION: 505′ msl radio tower located 1.5 miles S of final approach course between Tampa LFR and airport. |
| SAN ANTONIO, TEX.<br>San Antonio Airport, 800′<br>LOM<br>219 kc, SA<br>Procedure No. 1 | Kelly LFR | 039—8.8 | 2,200 | W side course:*<br>211 outbound.<br>031 inbound.<br>2,200′ within 10 miles (NA beyond 10 miles). | 2,000 | 031—1.38 | T-dn<br>C-dn<br>S-dn 3<br>A-dn | 300–1.0<br>500–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>500–1.5<br>500–1.0<br>800–2.0 | Within 4.38 miles, climb to 2,500′ on course of 031° within 25 miles of LOM, or as directed by ATC<br>*Procedure turn W side course due to ATC. |
| | San Antonio LFR | 194—7.5 | 2,200 | | | | | | | |
| | Int. NW course Kelly LFR and W course San Antonio LFR. | 103—21.0 | 2,500 | | | | | | | |
| | Int. SE course Kelly LFR and S course San Antonio LFR. | 345—18.0 | 2,200 | | | | | | | |
| SAN FRANCISCO, CALIF.<br>San Francisco Airport 11′<br>LOM<br>350 kc, SF<br>Procedure No. 1 | Moffett LFR | 297—18.0 | 1,700 | S side course:<br>101 outbound.<br>281 inbound.<br>2,000′ within 10 miles (NA beyond 10 miles). | 1,660 | 281—6.4 | T-dn<br>C-dn<br>S-dn 28L R<br>A-dn | 300–1.0<br>500–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>600–1.5<br>500–1.0<br>800–2.0 | Within 6.4 miles, climb to 3,000′ on course of 285° within 25 miles of LOM, or as directed by ATC.<br>CAUTION: High terrain SW of airport. |
| | San Francisco LFR | 089—3.5 | 2,000 | | | | | | | |
| | Oakland LFR | 175—12.0 | 3,000 | | | | | | | |
| | San Francisco VOR | 288—20.0 | 1,700 | | | | | | | |
| | Oakland VOR | 167—11.0 | 3,000 | | | | | | | |
| | Saratoga Int | 133—24.0 | 5,000 | | | | | | | |
| | Half Moon Bay Int | 134—12.0 | 3,500 | | | | | | | |
| | Newark FM and Rbn | 253—12.0 | 3,000 | | | | | | | |
| SANTA FE, N. MEX.<br>Santa Fe Airport (New) 6,344′<br>BMH-DTV<br>206 kc, SAF<br>Procedure No. 1 | | | | S side course:<br>317 outbound.<br>057 inbound.<br>8,200′ within 15 miles (NA beyond 15 miles). | 7,700 | At airport | T-dn<br>T-n*<br>C-dn<br>C-n*<br>A-dn | 1,000–1.0<br>1,000–2.0<br>1,400–1.0<br>1,400–2.0<br>2,000–2.0 (BCOB) | 1,000–1.0<br>1,000–2.0<br>1,400–1.5<br>1,400–2.0<br>2,000–2.0 (BCOB) | Within 0.0 mile, immediately turn right and climb to 8,200′ on course of 237° within 15 miles of Rbn.<br>SHUTTLE: to 8,200′ on course of 237° outbound, 057° inbound, within 15 miles.<br>*Night take-offs on Runway 28 and night landings on Runway 10 not authorized. |

AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| SARASOTA, FLA.<br>Sarasota-Bradenton Airport, 24'<br>MH<br>263 kc, SRQ<br>Procedure No. 1 | | | | W side course:<br>320 outbound.<br>140 inbound.<br>1,500' within 25 miles. | 520 | At airport | T-dn<br>C-dn<br>A-dn | 300–1.0<br>500–2.0<br>1,000–2.0 (BCOB) | 300–1.0<br>500–1.5<br>1,000–2.0 (BCOB) | Within 0.0 miles, climb to 1,300' on course of 140° within 25 miles of Rbn, or as directed by ATC.<br>NOTE: Rbn operated by Sarasota-Manatee Airport Authority. |
| SAULT STE. MARIE, MICH.<br>Kinross AFB 799'<br>LOM<br>210 kc, IN<br>Procedure No. 1 | Int. W ers Sault Ste. Marie LFR and 155° brg to LOM. | 155—13.0 | 2,100 | W side course:<br>335 outbound.<br>155 inbound.<br>2,100' within 25 miles. | 1,699 | 155—6.05 | T-dn<br>C-dn<br>S-dn<br>15<br>A-dn | 300–1.0<br>*500–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>500–1.5<br>500–1.0<br>800–2.0 | Within 6.05 miles, climb to 2,100' on course of 155° within 25 miles of LOM.<br>*Pending completion of lighting.<br>NOTE: (1) LOM must be monitored continuously during approach. (2) LMM located 0.67 miles from runway-frequency 201 kc, identification NR. |
| | Int. S ers Sault Ste. Marie LFR and 335° brg to LOM. | 335—9.0 | 2,100 | | | | | | | |
| | Sault Ste. Marie LFR | 236—13.0 | 2,100 | | | | | | | |
| SIOUX CITY, IOWA<br>Sioux City Airport, 1,097'<br>LOM<br>284 kc, SU<br>Procedure No. 1 | Sloan FM | 351—7.0 | 2,400 | E side course:<br>126 outbound.<br>306 inbound.<br>2,400' within 25 miles. | 2,400 | 306—4.58 | T-dn<br>C-dn<br>S-dn<br>31<br>A-dn | 300–1.0<br>500–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>600–1.5<br>500–1.0<br>800–2.0 | Within 4.58 miles, climb to 2,700' on course of 306° within 25 miles of LOM, or as directed by ATC.<br>CAUTION: 1,315' terrain, 1.5 miles ENE of airport. |
| | Sioux City VOR | 057—1.0 | 2,400 | | | | | | | |
| | Sioux City LFR | 113—3.0 | 2,400 | | | | | | | |
| SPRINGFIELD, OHIO<br>Springfield Airport, 1,049'<br>MHW<br>341 kc, SGH<br>Procedure No. 1 | Int. NE course Cincinnati LFR and W course Columbus LFR. | 254—27.4 | 2,300 | N side course:<br>059 outbound.<br>239 inbound.<br>2,300' within 25 miles. | 1,800 | 239—3.1 | T-dn*<br>C-dn*<br>S-dn*<br>21<br>A-dn* | 300–1.0<br>500–1.0<br>500–1.0<br>1,000–2.0 (BCOB) | 300–1.0<br>500–1.5<br>500–1.0<br>1,000–2.0 (BCOB) | Within 3.1 miles, make left turn and return to Rbn climbing to 2,300'.<br>*Night operations not authorized unless prior arrangements are made for control of airport lights.<br>NOTE: Wright-Patterson tower controls all instrument approaches into Springfield. |
| | Wright-Patterson LFR | 068—17.4 | 2,300 | | | | | | | |
| | Dayton LFR | 994—27.0 | 2,300 | | | | | | | |
| | Dayton VOR | 104—23.5 | 2,300 | | | | | | | |
| | Int. NE course Cincinnati LFR and E course Wright-Patterson LFR. | 306—13.3 | 2,300 | | | | | | | |
| | Int. NE course Wright-Patterson LFR and W course Columbus LFR. | 146—11.3 | 2,300 | | | | | | | |
| SYRACUSE, N. Y.<br>Hancock Airport, 419'<br>LOM<br>221 kc, SY<br>Procedure No. 2<br>(Procedure No. 1 not published.) | Syracuse LFR | 099—13.0 | 1,900 | N side course:<br>098 outbound.<br>278 inbound.<br>1,600' within 25 miles. | 1,100 | 278—4.4 | T-dn<br>C-dn<br>S-dn<br>28<br>A-dn | 300–1.0<br>700–1.0<br>700–1.0<br>1,000–2.0 (BCOB) | 300–1.0<br>700–1.5<br>700–1.0<br>1,000–2.0 (BCOB) | Within 4.4 miles, climb to 2,000' on course of 278° within 25 miles of LOM.<br>#300–1 required for take-off to SE.<br>CAUTION: 843' msl radio tower located 1¼ miles SE of airport. |
| | Syracuse VOR | 121—10.0 | 1,900 | | | | | | | |
| | Int. E course Syracuse LFR | 335—3.0 | 1,900 | | | | | | | |
| TAMPA, FLA.<br>International Airport, 26'<br>LOM<br>251 kc, TP<br>Procedure No. 1 | Tampa LFR | 348—12.0 | 1,500 | W side course:<br>360 outbound.<br>180 inbound.<br>1,200' within 25 miles. | 600 | 180—4.7 | T-dn<br>C-dn<br>S-dn<br>18<br>A-dn | 300–1.0<br>500–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>500–1.5<br>500–1.0<br>800–2.0 | Within 4.7 miles, climb to 1,300' on course of 180° within 25 miles of LOM, or as directed by ATC. |
| | Tampa VOR | 053—17.0 | 1,300 | | | | | | | |
| | North Tampa FM | 186—7.0 | 1,500 | | | | | | | |
| TOLEDO, OHIO<br>Toledo Airport, 622'<br>MHW (Genoa Rbn)<br>219 kc, GNO<br>Procedure No. 1 | Toledo LFR | 066—5.0 | 1,800 | E side course:<br>136 outbound.<br>316 inbound.<br>1,800' within 15 miles.<br>1,900 within 25 miles. | 1,280 | 316—4.2 | T-dn<br>C-dn<br>S-dn<br>32<br>A-dn | 300–1.0<br>500–1.0<br>500–1.5<br>500–1.0<br>800–2.0 | 300–1.0<br>500–1.5<br>500–1.5<br>500–1.5<br>800–2.0 | Within 4.2 miles, climb to 2,100' on course of 316° within 25 miles of Rbn, or as directed by ATC. |
| | Int. E course Toledo LFR and 316° brg to Rbn (final). | 316—7.0 | 1,280 | | | | | | | |
| | Int. N course Toledo LFR and 136° brg to Rbn. | 136—5.0 | 1,800 | | | | | | | |
| VALDOSTA, GA.<br>Valdosta Airport, 203'<br>BMH-TV<br>224 kc, VLD<br>Procedure No. 1 | Int. 265° brg to Tallahassee LFR and 360° brg to Rbn. | 360—22.0 | 1,300 | W side course:<br>180 outbound.<br>360 inbound.<br>1,300' within 25 miles. | 720 | At airport | T-dn<br>C-dn<br>A-dn | 300–1.0<br>500–1.0<br>1,000–2.0 (BCOB) | 300–1.0<br>500–1.5<br>1,000–2.0 (BCOB) | Within 0.1 mile, make immediate left turn and climb to 1,500' on course of 315° within 25 miles of Rbn, or as directed by ATC. |
| VERO BEACH, FLA.<br>Vero Beach Airport, 29'<br>BMH-TV<br>359 kc, VRB<br>Procedure No. 1 | | | | E side course:<br>230 outbound.<br>110 inbound.<br>1,200' within 25 miles. | 620 | At airport | T-dn<br>C-dn<br>A-dn | 300–1.0<br>500–1.0<br>1,000–2.0 (BCOB) | 300–1.0<br>500–1.5<br>1,000–2.0 (BCOB) | Within 2.0 miles, climb to 1,200' on course of 110° within 25 miles of Rbn, or as directed by ATC. |



AUTOMATIC DIRECTION FINDING PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished; remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| WHEELING, W. VA.<br>Ohio County Airport, 1195'<br>LOM<br>275 kc, HL<br>Procedure No. 1 | Int. W ers Pittsburgh LFR and 214° brg to LOM. | 214—13.0 | 2,600 | E side course:<br>210 outbound.<br>030 inbound.<br>2,600' within 25 miles. | 2,100 | 030—4.6 | T-dn<br>C-dn<br>S-dn<br>3<br>A-dn | 300–1.0<br>600–1.0<br>500–1.0<br>1,000–2.0 (BCOB) | 300–1.0<br>700–1.5<br>500–1.0<br>1,000–2.0 (BCOB) | Within 4.6 miles, make a climbing left turn, return to LOM climbing to 2,600', or as directed by ATC.<br>NOTE: Night operations not authorized on Runway 9/27. Take-offs on Runway 9 not authorized. |
| | Int. NE ers Parkersburg VAR and 065° to LOM. | 065—11.0 | 2,600 | | | | | | | |
| | Int. W ers Pittsburgh LFR and 180° brg to LOM. | 180—10.0 | 2,600 | | | | | | | |
| WILMINGTON, DEL.<br>New Castle County Airport 79'<br>LOM<br>400 kc, IL<br>Procedure No. 1 | Wilmington LFR | 189—3.6 | 1,500 | E side course:<br>194 outbound.<br>014 inbound.<br>1,500' within 25 miles. | 1,000 | 014—6.0 | T-dn<br>C-dn<br>S-dn<br>1<br>A-dn | 300–1.0<br>500–1.0<br>500–1.0<br>1,000–2.0 (BCOB) | 300–1.0<br>500–1.5<br>500–1.0<br>1,000–2.0 (BCOB) | Within 6.0 miles, make a climbing left turn and climb to 1,500' on course of 194° within 25 miles of LOM.<br>CAUTION: Turn left as soon as practicable to avoid holding pattern at Philadelphia LOM. Maintain 1,500' until S of Wilmington LFR. |
| | Int. S ers Wilmington LFR and SW ers Millville LFR (via S ers Wilmington LFR). | 019—30.0 | 1,500 | | | | | | | |
| WILMINGTON, N. C.<br>New Hanover County Airport 31'<br>368 kc, IMN<br>BMH-TV<br>Procedure No. 1 | Wilmington VAR | 198—5.0 | 1,200 | W side course:<br>341 outbound.<br>161 inbound.<br>1,200' within 25 miles. | 530 | At airport | T-dn<br>C-dn<br>A-dn | 300–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>500–1.5<br>800–2.0 | Within 0.0 mile, climb to 1,200' on course of 161° within 15 miles. |
| | Bald Head Rbn | 014—28.0 | 1,200 | | | | | | | |
| WINDSOR LOCKS, CONN.<br>Bradley Field, 173'.<br>LOM<br>239 kc, BD<br>Procedure No. 1 | Int. NW course Hartford LFR and S course Westfield LFR. | 057—3.5 | 2,500 | S side course:<br>237 outbound.<br>057 inbound<br>2,200' within 25 miles. | 1,740 | 057—5.5 | T-dn<br>C-dn<br>S-dn<br>6<br>A-dn | 300–1.0<br>500–1.0<br>500–1.0<br>1,000–2.0 (BCOB) | 300–1.0<br>500–1.0<br>500–1.0<br>1,000–2.0 (BCOB) | Within 5.5 miles, climb to 2,500' on course of 057° within 15 miles of LOM, or when directed by ATC, make a climbing right turn as soon as practicable; return to LOM at 2,500'.<br>NOTE: Standard clearance not provided over ridge approximately 1 mile N of LOM. |
| | Int. E course Westfield LFR and 237° brg to LOM. | 237—19.0 | 2,500 | | | | | | | |
| WINSTON-SALEM, N. C.<br>Smith Reynolds Airport 969'<br>LOM<br>317 kc, IN<br>Procedure No. 2<br>(Procedure No. 1 not published.) | Greensboro LFR | 261—14.0 | 2,400 | W side course:<br>148 outbound.<br>328 inbound.<br>2,300' within 25 miles. | 2,000 | 328—4.5 | T-dn<br>C-dn<br>S-dn<br>33<br>A-dn | 300–1.0<br>500–1.0<br>500–1.0<br>800–2.0 | 300–1.0<br>600–1.5<br>500–1.0<br>800–2.0 | Within 4.5 miles, climb to 3,500' on course of 328° within 25 miles of LOM, or when directed by ATC, turn left, climb to 2,400' on course of 238° from LOM within 25 miles.<br>CAUTION: 1,307' msl building 2.3 miles SSW of airport. |
| | Winston-Salem LFR | 328—0.6 | 2,400 | | | | | | | |
| | Greensboro LOM | 240—10.3 | 2,400 | | | | | | | |
| | High Point FM (final) | 328—11.4 | 2,000 | | | | | | | |
| | Walburg Int. (final) | 328—5.4 | 2,000 | | | | | | | |
| WORCESTER, MASS.<br>Worcester Airport, 1,009'<br>LOM<br>254 kc, OR<br>Procedure No. 1 | Int. W course Boston LFR and NE course Hartford LFR. | 248—28.0 | 2,400 | N side course:<br>152 outbound.<br>332 inbound<br>2,400 within 10 miles (NA beyon 1 10 miles). | 1,500* | 332—4.6 | T-dn<br>C-dn<br>A-dn | 300–1.0<br>500–1.0<br>1,000–2.0 (BCOB) | 300–1.0<br>600–1.5<br>1,000–2.0 (BCOB) | Within 4.6 miles, make a standard rate climbing turn to left, climb to 2,400' on course of 152° within 10 miles of LOM.<br>*Descent must be discontinued at altitude of authorized landing minimums. |
| | Int. E course Westfield LFR and NE course Hartford LFR. | 064—24.0 | 2,400 | | | | | | | |
| ZANESVILLE, OHIO<br>Zanesville Airport, 899'<br>BMH-TV<br>203 kc, ZZV<br>Procedure No. 1 | Int. 280° brg to Columbus VOR and 180° brg to Rbn. | 180–3.0 | 2,200 | E side course:<br>212 outbound.<br>032 inbound.<br>2,200' within 25 miles | 1,660 | 032—2.7 | T-dn<br>C-dn<br>A-dn | 300–1.0<br>500–1.0<br>1,000–2.0 (BCOB) | 300–1.0<br>500 1.5<br>1,000–2.0 (BCOB) | Within 2.7 miles, make right climbing turn to 2,200' and return to Rbn, or as directed by ATC.<br>NOTE: Rbn must be monitored continuously during approach. |
| | Int. E course Columbus LFR and 180° brg to Rbn. | 180–12.0 | 2,200 | | | | | | | |
| | Int. 265° brg to Columbus VOR and 180° brg to Rbn. | 180–15.0 | 1,200 | | | | | | | |

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

INSTRUMENT LANDING SYSTEM PROCEDURE

When an ILS instrument approach is conducted at the below named airport(s), it shall be in accordance with the following instrument approach procedure(s), unless an approach is conducted in accordance with a different procedure authorized by the Administrator for such airport(s). Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

| City and State; airport name; elevation. Localizer frequency and identification; LMM: frequency and identification; LOM: frequency and identification; procedure No. | Transition to ILS | | | | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope intercept ion inbound (ft.) | Altitude of glide slope and distance to approach end of runway | | Ceiling and visibility minimums | | | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | From— | To— | Course and distance | Minimum altitude (ft.) | | | At outer marker: | At middle marker: | Conditions | Type of aircraft: 75 m. p. h. or less | Type of aircraft: More than 75 m. p. h. | |
| AKRON, OHIO<br>Akron-Canton Airport, 1228'<br>109.5 mc, CAK<br>LMM: None<br>LOM: 236 kc, CA<br>Procedure No. 1 | Berghoiz Rbn | Outer marker | 314–33.0 | 2,500 | E side S course 186 outbound. 006 inbound. 2,500' within 5 miles of LOM | 2,100 | 2,340—4.31 | 1,450—0.78 | T-dn<br>C-dn<br>S-dn 36<br>A-dn | 300–1.0<br>500–1.0<br>400–3/4<br>800–2.0 | 300–1.0<br>500–1.5<br>400–3/4<br>800–2.0 | Climb to 2,500' on course of 045° to SE course of Akron LFR or when directed by ATC, (1) make right turn, climbing to 2,500' and proceed to LOM, (2) climb to 2,500' and proceed direct to Akron LFR (3) climb to 2,500' on N course of ILS and proceed to the intersection of the SE or NE course of Akron LFR, (4) make right turn, climbing to 2,500' on course of 090° to the SE course of Akron LFR, (5) make left turn, climbing to 2,500' on course of 270° to the SW course of Akron LFR. |
| | Akron LFR | Outer marker | 176–13.0 | 2,500 | | | | | | | | |
| | Int. SE course Akron LFR and 270° bearing to LOM. | Outer marker | 270–18.0 | 2,500 | | | | | | | | |
| | Int. SW course Akron LFR and 090° bearing to LOM. | Outer marker | 090–14.0 | 2,500 | | | | | | | | |
| | Int. SE course Akron LFR and N course ILS. | Outer marker | 186–11.0 | 2,500 | | | | | | | | |
| Procedure No. 2 | LOM | Lakemore Int.* | 006–11.4 | 2,500 | E side N course: 006 outbound. 186 inbound. 2,500' within 25 miles of Lakemore Int. | 2,500 (over Lakemore Int.) | | 5.8 (from Lakemore Int.) | T-dn<br>C-dn<br>S-dn 18<br>A-dn | 300–1.0<br>500–1.0<br>400–1.0<br>800–2.0 | 300–1.0<br>500–1.5<br>400–1.0<br>800–2.0 | Climb to 2,500' on S course ILS to LOM, or as directed by ATC.<br>*Fix formed by the intersection of SE course of Akron LFR and N course Akron-Canton ILS localizer. |
| | Int. NE course Akron LFR and N course ILS (final). | Lakemore Int | 186–4.3 | 1,980 | | | | | | | | |
| | Int. E course Wellington VAR and N course ILS (final). | Lakemore Int | 186–5.8 | 1,980 | | | | | | | | |
| | Int. 075° bearing to Youngstown VOR and N course ILS (final). | Lakemore Int. | 186–7.3 | 1,980 | | | | | | | | |
| | Int. 056° bearing to Youngstown VOR and S course ILS. | Lakemore Int. | 006–10.6 | 2,500 | | | | | | | | |
| | Int. 323° bearing to Cleveland VOR and N course ILS. | Lakemore Int. | 006–2.4 | 2,500 | | | | | | | | |
| | Int. 300° bearing to Cleveland VOR and N course ILS. | Lakemore Int | 186–15.8 | 2,500 | | | | | | | | |
| | Int. 281° bearing to Cleveland VOR and N course ILS. | Lakemore Int. | 186–20.5 | 2,500 | | | | | | | | |
| | Int. E course Cleveland LFR and N course ILS. | Lakemore Int | 186–25.0 | 2,500 | | | | | | | | |
| ALBUQUERQUE, N. MEX.<br>Kirtland Fld, 5,330'<br>110.3 mc, ABQ<br>LMM: None<br>LOM: 219 kc, AB<br>Procedure No. 1 | Albuquerque LFR | LOM | 162–1.5 | 7,000 | W side S course 169 outbound. 349 inbound. 7,000' within 5 miles of LOM. | 6,400 | 6,400—4.32 | 5,530—0.66 | T-dn<br>C-dn<br>S-dn 35<br>A-dn | 300–1.0<br>500–1.0<br>400–3/4<br>800–2.0 | 300–1.0<br>500–1.5<br>400–3/4<br>800–2.0 | Turn left to 325°, climb to 8,000' on N course Albuquerque LFR, or on course of 010° from Albuquerque VOR, or as directed by ATC.<br>#CAUTION: Terrain exceeding 8,000' in E sectors of ILS and LFR. All turns to be made on W side of course. |
| | Peralta FM | LOM | 349–11.0 | 6,400 | | | | | | | | |
| | Albuquerque VOR | LOM | 101–12.0 | 7,000 | | | | | | | | |



INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

| City and State; airport name; elevation. Localizer frequency and identification; LMM: frequency and identification; LOM: frequency and identification; procedure No. | Transition to ILS | | | | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope intercept ion inbound (ft.) | Altitude of glide slope and distance to approach end of runway | | Ceiling and visibility minimums | | | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | From— | To— | Course and distance | Minimum altitude (ft.) | | | At outer marker: | At middle marker: | Conditions | Type of aircraft: 75 m. p. h. or less | Type of aircraft: More than 75 m. p. h. | |
| AMARILLO, TEX.<br>Amarillo Air Terminal, 3,604'<br>110.3 mc, AMA<br>LMM: None<br>LOM: 219 kc, AM<br>Procedure No. 1 | Amarillo LF Rng | SW course ILS. | 179–3.4 | 5,000 | S side SW course 209 outbound. 029 inbound. 5,000' within 5 miles of LOM. | 5,000 | 4,920—4.68 | 3,832—0.64 | T-dn<br>C-dn<br>S-dn 3<br>A-dn | 300–1.0<br>500–1.0<br>400–3/4<br>800–2.0 | 300–1.0<br>500–1.5<br>400–3/4<br>800–2.0 | Climb to 4,900' on course of 029° within 25 miles, or when directed by ATC, turn right and climb to 4,700' on E course of Amarillo LFR. |
| | Amarillo VOR | Outer marker | 209–10.5 | 5,000 | | | | | | | | |
| | Amarillo FM | SW course ILS. | 257–2.5 | 5,000 | | | | | | | | |
| | Int. SW course ILS and S course Amarillo LFR. | Outer marker | 209–0.8 | 5,000 | | | | | | | | |
| | Soney FM | Outer marker | 097–11.0 | 5,000 | | | | | | | | |
| ARCATA, CALIF.<br>Arcata Airport, 217'<br>109.5 mc, ACV<br>LMM: 233 kc, CV<br>LOM: 257 kc, AC<br>Procedure No. 1 | Arcata LFR | 020° bearing on LOM. | 150–5.5 | 2,000 | (No procedure turn authorized). Final approach course: 132 outbound. 312 inbound. | 1,700 | 1,550—4.67 | 450—0.66 | T-dn<br>C-dn<br>S-dn 31<br>A-dn | 300–1.0<br>500–2.0<br>400–3/4<br>1,000–2.0 | 300–1.0<br>500–2.0<br>400–3/4<br>1,000–2.0 | Make left turn, climb 2,000' on W course of Arcata LFR, or as directed by ATC.<br>#Transition to ILS direct from VOR not authorized. |
| | 020° bearing on LOM | 350° bearing on LOM. | 010–2.0 | 2,000 | | | | | | | | |
| | 350° bearing on LOM | ILS localizer course (312°). | 330–1.0 | 1,700 | | | | | | | | |
| | Fortuna VOR | Arcata LFR# | 359–19.0 | 2,000 | | | | | | | | |
| ATLANTA, GA.<br>Atlanta Airport, 1024'<br>109.9 mc, ATL<br>LMM: 201 kc, TL<br>LOM: 219 kc, AT<br>Procedure No. 1 | Atlanta LFR | Outer marker. | 284–6.9 | 2,500 | S side W course: 268 outbound. 088 inbound. 2,150' within 5 miles of LOM. | 2,450 | 2,450—4.70 | 1,320—0.62 | T-dn<br>C-dn<br>S-dn 9R<br>A-dn | 300–1.0<br>500–1.0<br>400–3/4<br>800–2.0 | 300–1.0<br>500–1.5<br>400–3/4<br>800–2.0 | Turn right, climb to 2,000' on SE course of Atlanta LFR and proceed to Walnut Int, or as directed by ATC. |
| | Campbellton LFR | Outer marker. | 094–8.8 | 2,500 | | | | | | | | |
| | Int. E ers ILS and NE ers Atlanta LFR. | Outer marker. | 268–9.5 | 2,500 | | | | | | | | |
| | Madras FM | Outer marker. | 033–19.0 | 2,500 | | | | | | | | |
| | Walnut Int | Outer marker. | 311–20.3 | 2,500 | | | | | | | | |
| | Atlanta NAS LFR | Outer marker. | 208–18.0 | 3,000 | | | | | | | | |
| | Smyrna FM | Outer marker. | 171–18.0 | 2,500 | | | | | | | | |
| Procedure No. 2—Using back course ILS localizer. | Atlanta LFR | Int. E. course ILS and NE course Atlanta LFR. | 055–3.5 | 2,300 | S side E course: 088 outbound. 268 inbound. 2,300' within 5 miles of Int. E course ILS and NE course Atlanta LFR. | 1,800 (over Int. E ers ILS and NE ers Atlanta LFR) | 3.7 (from Int E ers ILS and NE ers Atlanta LFR) | | T-dn<br>C-dn<br>S-dn 27L<br>A-dn | 300–1.0<br>500–1.0<br>400–1.0<br>800–2.0 | 300–1.0<br>500–1.5<br>400–1.0<br>800–2.0 | Turn left, proceed to Walnut Int. and climb to 2,000', or when directed by ATC, proceed to ILS outer marker and climb to 2,300'. |
| | Campbellton LFR | Int. E. course ILS and NE course Atlanta LFR. | 091–19.0 | 2,300 | | | | | | | | |
| | Walnut Int | Int. E course ILS and NE course Atlanta LFR. | 338–15.0 | 2,300 | | | | | | | | |
| | Atlanta NAS LFR | Int. E course ILS and NE course Atlanta LFR. | 176–15.0 | 3,000 | | | | | | | | |
| | Madras FM | Int. E course ILS and NE course Atlanta LFR. | 050–20.0 | 2,300 | | | | | | | | |
| | Smyrna FM | Int. E course ILS and NE course Atlanta LFR. | 141–21.7 | 3,000 | | | | | | | | |
| | ILS outer marker | Int. E course ILS and NE course Atlanta LFR. | 088–9.5 | 2,400 | | | | | | | | |
| | Int. E course ILS and N course Atlanta VAR. | Int. E course ILS and NE course Atlanta LFR. | 268–7.0 | 1,800 (final) | | | | | | | | |

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

| City and State; airport name; elevation; Localizer frequency and identification; LMM: frequency and identification; LOM: frequency and identification; procedure No. | Transition to ILS: From— | To— | Course and distance | Minimum alt. (ft.) | Procedure turn (N side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope intercept. inbound (ft.) | Altitude of glide slope and distance to approach end of runway: At outer marker | At middle marker | Ceiling and visibility minimums: Conditions | Type of aircraft: 75 m. p. h. or less | More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| AUGUSTA, GA. Bush Field, 1121' 109.9 mc, AGS LMM: 221 kc, GS LOM: 233 kc, AG Procedure No. 1 | Augusta LFR | Outer marker | 146—13.0 | 1,400 | W side S course*, 165° outbound, 345 inbound 1,300' within 5 miles of LOM | (**) —1,340 (Alt over OM on final approach) | (**) —6.61 | (**) —5.67 | T-dn<br>C-dn<br>S-dn 16<br>A-dn | 300-1.0<br>600-2.0<br>400-1.0<br>800-2.0 | 300-1.0<br>600-2.0<br>400-1.0<br>800-2.0 | Climb to 2800' on course of 345° and proceed to Augusta LFR, or as directed by ATC<br>*Procedure turn W to avoid prohibited area to E.<br>**No glide slope available. |
| | Augusta VOR<br>Int. NE course Augusta LFR and N course ILS | Outer marker<br>Outer marker | 148—21.0<br>168—13.0 | 1,800<br>1,600 | | | | | | | | |
| | Int. S course Augusta LFR and NW course Savannah LFR | Outer marker | 001—34.0 | 1,400 | | | | | | | | |
| AUSTIN, TEX. Mueller Airport, 631' 109.5 mc, AVS LMM: None LOM: 404 kc, AV Procedure No. 1 | Austin VOR | LOM | 119—11.0 | 2,000 | E side SE course, 125 outbound, 305 inbound 2,000' within 5 miles of LOM. | *2,000 | 2,420—6.12 | 820—6.69 | T-dn<br>C-dn<br>S-dn 501L<br>A-dn | 300-1.0<br>500-1.5<br>400-3.4<br>800-2.0 | 300-1.0<br>500-1.5<br>400-3.4<br>800-2.0 | Climb to 2,500' on NW course of ILS within 25 miles, or as directed by ATC<br>*Will intercept glide slope 0.5 mile after passing outer marker. |
| | Austin LFR | NW course ILS. | 118—1.5 | 1,900 | | | | | | | | |
| | Smithville Rbn | SE course ILS | 295—29.0 | 1,900 | | | | | | | | |
| BAKERSFIELD, CALIF. Bakersfield-Kern County Airport No. 1, 515' 109.9 mc, BFL LLM: 227 kc, FL LOM: None Procedure No. 1 | Bakersfield LFR | SE course ILS | 141—1.5 | 2,000 | S side SE course; 120 outbound, 300 inbound. 1,820' within 10 miles of OM (NA beyond 10 miles). | 1,820 | 1,820—4.71 | 680—0.62 | T-dn<br>C-dn<br>S-dn 30<br>A-dn | 300-1.0<br>700-2.0<br>400-1.0<br>800-2.0 | 300-1.0<br>700-2.0<br>400-1.0<br>800-2.0 | Climb to 3,000' on NW course of Bakersfield LFR, or on course of 320° from VOR within 25 miles, or as directed by ATC.<br>NOTE, Take-offs or landings on runway 7-25 not authorized. |
| | Bakersfield VOR | SE course ILS | 131—1.5 | 2,000 | | | | | | | | |
| BALTIMORE, MD. Friendship International Airport, 146' 110.3 mc, BAL LMM: None LOM: 201 kc, BA Procedure No. 1 | Int. NE ers Washington LFR and W ers Baltimore LFR. | LOM | 221—5.0 | 1,500 | S side W course, 281 outbound, 101 inbound, 1,900' within 10 mile of LOM (NA beyond 10 miles). | 1,500 | 1,260—4.10 | 685—0.71 | T-dn<br>C-dn<br>S-dn 16<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br>800-2.0 | Climb to 1,500' or at a higher altitude when requested by ATC) on E course ILS. |
| | Int. W ers ILS and NE ers Arcola LFR. | LOM | 102—23.0 | 1,700 | | | | | | | | |
| | Int. NE ers Arcola LFR and W ers Baltimore LFR. | W ers ILS | 130—15.0 | 1,800 | | | | | | | | |
| | Beltsville FM | LOM | 030—11.0 | 1,500 | | | | | | | | |
| BATON ROUGE, LA. Harding Field, 70' 110.3 mc, BTR LMM: 236 kc, TR LOM: 284 kc, BT Procedure No. 1 | Int. SE ers ILS and 120° brg to New Orleans VOR. | LOM | 306—20.0 | 1,400 | W side NW course 306 outbound, 126 inbound. 1,300' within 5 miles of LOM. | 1,300 | 1,300—4.38 | 751—0.62 | T-dn<br>C-dn<br>S-dn 13<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br>800-2.0 | Climb to 1,400' on SE course of ILS within 25 miles, or when directed by ATC, turn left, climb to 1,400' on NE course of Baton Rouge LFR within 25 miles, or turn left and climb to 1,400' on course of 075° from Baton Rouge VOR within 25 miles.<br>#500-1 required when glide slope not utilized. |
| | Baton Rouge VOR | LOM | 024—8.0 | 1,300 | | | | | | | | |
| | Baton Rouge LFR | LOM | 306—1.0 | 1,300 | | | | | | | | |
| | Int. NW ers ILS and 260° brg to Alexandria VOR. | LOM | 126—25.0 | 1,300 | | | | | | | | |
| BEDFORD, MASS. Hanscom Field, 135' 108.3 mc, BED LMM: None LOM: 280 kc, BE Procedure No. 1 | Boston LFR | LOM | 302—22.0 | 1,700 | N side W course# 292 outbound, 112 inbound. 1,600' within 10 miles of LOM (NA beyond 10 miles). | 1,600 | 1,520—4.50 | 390—0.69 | T-dn<br>C-dn<br>S-dn 11<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br>800-2.0 | Turn left and climb to 1,600' on W course of ILS within 10 miles<br>#Proceed on present course to N to avoid obstructions to S. |
| | Int. SW course Boston LFR and N course Providence LFR. | LOM | 012—27.0 | 1,800 | | | | | | | | |
| | Int. NE course Chicopee LFR and N course Boston LFR. | LOM | 116—33.0 | 3,000 | | | | | | | | |
| | Int. W course Boston LFR and N course Providence LFR. | LOM | 310—7.0 | 1,600 | | | | | | | | |



INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

| City and State; airport name; elevation; Localizer frequency and identification; LMM: frequency and identification; LOM: frequency and identification; procedure No. | Transition to ILS: From— | To— | Course and distance | Minimum alt. (ft.) | Procedure turn (N side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope intercept. inbound (ft.) | Altitude of glide slope and distance to approach end of runway: At outer marker | At middle marker | Ceiling and visibility minimums: Conditions | Type of aircraft: 75 m. p. h. or less | More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| BILLINGS, MONT. Billings Airport, 3,612' 110.3 mc, BIL LOM: 251 kc, BI LOM: 251 kc, BI LMM: 201 kc, IL Procedure No. 1 | Billings LFR | E course ILS | 073—(*) | 5,000 | N side E course #073 outbound, 253 inbound. 5,000' within 10 miles of LOM (NA beyond 10 miles due to high terrain). | 5,000 | 4,660—4.30 | 3,720—0.60 | T-dn<br>C-dn<br>S-dn 25<br>A-dn | 300-1.0<br>500-1.0<br>500-2.0<br>400-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-2.0<br>400-1.0<br>800-2.0 | Climb to 5,500' on W course Billings LFR within 15 miles or as directed by ATC<br>*Billings LFR (400 kc) is adjacent to N side of E course ILS.<br>#Shift E course ILS between LOM and 10 miles E. All turns N side E course. Minimum altitude 5,000'. |
| | Nibbe FM | E course ILS | 223—17.0 | 5,000 | | | | | | | | |
| | Park City FM | W course ILS | 062—10.0 | 5,700 | | | | | | | | |
| | Billings VOR | LOM | 074—9.0 | 5,500 | | | | | | | | |
| | Billings FM | LOM | 060—8.7 | 5,500 | | | | | | | | |
| BIRMINGHAM, ALA. Birmingham Airport, 643' 110.3 mc, BHM LMM: 356 kc, HM LOM: 375 kc, BH Procedure No. 1 | Birmingham LFR | Outer marker | 214—9.0 | 2,500 | N side SW Course;** 232 outbound, 052 inbound. 2,000' within 10 miles of LOM. | 2,000 | 2,000—5.40 | 830—0.72 | T-dn<br>C-dn*<br>S-dn# 5<br>A-dn | 300-1.0<br>800-1.0<br>500-3/4<br>1,000-2.0 | 300-1.0<br>900-1.5<br>500-3/4<br>1,000-2.0 | Climb to 2,700' on N course Birmingham LFR, or as directed by ATC.<br>*700-3 authorized for runway 36 all aircraft (except DC-6 and L-49) provided aircraft not maneuvered N or E of airport.<br>**Procedure turn N side to avoid obstructions to S.<br>#600-1 required when either glide slope or slope lights are inoperative. |
| | Birmingham VOR | Outer marker | 213—11.0 | 2,500 | | | | | | | | |
| | Int. SW course Birmingham LFR and SW course ILS. | Outer marker | 052—26.0 | 2,000 | | | | | | | | |
| | Int. S course Birmingham LFR and SW course ILS. | Outer marker | 232—6.5 | 2,500 | | | | | | | | |
| | Int. E course Birmingham LFR and NE course IL. | Outer marker | 232—12.0 | 2,500 | | | | | | | | |
| BOISE, IDAHO Boise Air Terminal, 2,858' 109.9 mc, BOI LMM: None LOM: 230 kc, BO Procedure No. 1 | Boise LFR | Outer marker | 256—2.0 | 4,000 | S side NW course 276 outbound, 096 inbound. 4,000' within 5 miles of LOM | 3,900 | 3,560—4.36 | 4,055—0.69 | T-dn<br>C-dn<br>C-n<br>S-dn Int.<br>A-dn | 300-1.0<br>600-1.0<br>700-1.5<br>400-3.4<br>800-2.0 | 300-1.0<br>600-1.5<br>700-1.5<br>400-3.4<br>800-2.0 | Turn right and climb to 4,000' on, NW course Boise LFR within 10, miles of LFR. |
| | Int. SE course Boise LFR and NW course ILS. | Outer marker | 276—4.5 | 4,000 | | | | | | | | |
| | Eagle FM | NW course ILS (inbound). | 140—8.0 | 4,000 | | | | | | | | |
| | Boise VOR | LOM | 022—0.5 | 4,000 | | | | | | | | |
| BROWNSVILLE, TEX. Rio Grande Valley International Airport, 22' 110.3mc, BRO LMM: None LOM: 219 kc, BR Procedure No. 1 | Brownsville LFR | LOM | 025—2.5 | 1,200 | W side N course 351 outbound 171 inbound 1,200' within 5 miles of LOM. | 1,170 | 1,150—4.34 | 240—0.66 | T-dn<br>C-dn<br>S-dn 17L<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br>800-2.0 | Climb to 1,200' on S course ILS within 10 miles, or as directed by ATC. |
| | Los Fresnos FM | N course ILS | 100—4.5 | 1,200 | | | | | | | | |
| | Brownsville VOR | LOM | 320—4.5 | 1,200 | | | | | | | | |
| | Int. 150° bearing to Brownsville VOR and N course ILS. | LOM | 171—2.0 | 1,500 | | | | | | | | |
| BUFFALO, N. Y.: Buffalo Airport, 711' 110.3 mc, BUF LMM: 201 kc, UF LOM: 249 kc, BU Procedure No. 1<br><br>Procedure No. 2—using Back course ILS localizer | SW course Buffalo LFR | SW course ILS | 052—0.0 | 2,000 | N side NE course; 052 outbound, 232 inbound. 1,800' within 5 miles of LOM. | 1,800 | 1,750—4.20 | 930—0.66 | T-dn<br>C-dn<br>S-dn 23<br>A-dn | 300-1.0<br>500 1.0<br>400-3/4<br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br>800-2.0 | Climb to 2,000' on SW course ILS, or as directed by ATC. |
| | Wolcottsville FM | LOM | 224—8.0 | 1,800 | | | | | | | | |
| | SW course Buffalo LFR | SW course ILS. | 052—0.0 | 2,000 | S side SW course, 232 outbound, 052 inbound. 2,000' within 10 miles of Cheektowaga (LM 2,260' within 25 miles | 1,500 (over Cheektowaga FM) | (*) 2.7 (from Cheektowaga LM) | (*) | T-dn<br>C-dn<br>S-dn 5<br>A-dn | 300-1.0<br>500 1.0<br>400-1.0<br>800 2.0 | 300-1.0<br>500-1.5<br>400-1.0<br>800-2.0 | Climb to 2,000' on NE course ILS, or as directed by ATC.<br>*Not applicable. |
| | Angola FM | SW course ILS. | 052—0.0 | 2,000 | | | | | | | | |
| | Buffalo VOR | SW course ILS. | 261—6.5 | 2,000 | | | | | | | | |

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

| City and State; airport name, elevation, Localizer frequency and identification, LMM frequency and identification, LOM frequency and identification, procedure No. | Transition to ILS: From— | To— | Course and distance | Minimum altitude (ft.) | Procedure turn (*) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude at glide slope intercept. inbound (ft.) | Altitude of glide slope and distance to approach end of runway: At outer marker | At middle marker | Ceiling and visibility minimums: Conditions | Type of aircraft: 75 m. p. h. or less | Type of aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| CASPER, WYO.<br>Natrona County Airport, 5,388'<br>110.3mc, CPR<br>LMM: 201 kc, PR<br>LOM: 219 kc, CP<br>Procedure No. 1 | Casper LFR | LOM | 253—14.0 | 7,800 | N side W course*. 254 outbound. 074 inbound. 7,800' within 15 miles of LOM. | 7,800** | 6,680—4.49 | 5,620—0.66 | T-dn<br>C-dn<br>S-dn<br>7<br>A-dn | 300-1.0<br>500-2.0<br>400-1.0<br>800-2.0 | 300-1.0<br>500-2.0<br>400-1.0<br>800-2.0 | Climb to 7,500' on E course ILS within 25 miles or as directed by ATC.<br>*Procedure turn nonstandard account high terrain S.<br>**Glide slope has moderate to severe roughness above 7,000' msl. |
| Procedure No. 2—using back course ILS localizer | Casper LFR | E course ILS | 074—0.0 | 7,000 | N side E course: 074 outbound. 254 inbound. 7,000' within 25 miles of Casper LFR. | (**) 6,500—7.7 (over and from Casper LFR) | (**) | (**) | T-dn<br>C-dn<br>S-d*<br>S-n*<br>25<br>A-dn | 300-1.0<br>500-2.0<br>400-1.0<br>400-1.5<br>800-2.0 | 300-1.0<br>500-2.0<br>400-1.5<br>400-2.0<br>800-2.0 | Turn right, climb to 7,500' on N course Casper LRF, or as directed by ATC.<br>*Landing minimums less than 500-2 authorized only when ILS LMM operating and utilized.<br>**Not applicable.<br>CAUTION: 5,500' msl terrain, 5 miles S, SW and W of airport. |
| | Casper VOR | E course ILS | 153—13.0 | 7,000 | | | | | | | | |
| | Parkerton FM | E course ILS | 266—3.0 | 6,500 | | | | | | | | |
| CHARLESTON, S. C.<br>Charleston Airport, 45'<br>110.3 mc, CHS<br>LMM: 201 kc, HS<br>LOM: 251 kc, CH<br>Procedure No. 1 | Int N course Charleston LFR and NW course ILS. | LOM | 328 | 1,200 | W side NW course 328 outbound. 148 inbound. 1,200' within 5 miles of LOM. | 1,200 | 1,100-0.64 | 245-0.64 | T-dn<br>C-dn<br>S-dn<br>15<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br>800-2.0 | Climb to 1,500' on E course of Charleston LFR, directed by ATC.<br>NOTE: Back course ILS localizer not usable. |
| | Charleston LFR | LOM | 001—4.0 | 1,200 | | | | | | | | |
| | Int. E course Charleston LFR and ILS localizer course. | LOM | 328—6.0 | 1,200 | | | | | | | | |
| | Charleston VOR | LOM | 223—1.5 | 1,200 | | | | | | | | |
| CHARLESTON, W. VA.<br>Kanawha County Airport, 981'<br>110.3 mc, CHW<br>LMM: 227 kc, HW<br>LOM: 245 kc, CH<br>Procedure No. 1 | Int. NE course ILS and 252° brg to Charleston LFR. | LOM | 239—12.0 | 2,500 | N side NE course: 049 outbound. 229 inbound. 2,300' within 5 miles of LOM. | (*) | (*) 1,800-5.04 (Final apch alt over OM and distance to rnwy from OM | (*) 0.63 (Distance to runway from MM | T-dn<br>C-dn<br>S-dn<br>23<br>A-dn | 300-1.0<br>600-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>500-1.0<br>800-2.0 | Climb to 2,500' proceeding to Charleston LFR, or as directed by ATC.<br>*This procedure not premised on use of the glide slope. |
| | Charleston LFR | LOM | 091—14.0 | 2,500 | | | | | | | | |
| | Charleston VOR | LOM | 058—17.0 | 2,500 | | | | | | | | |
| CHATTANOOGA, TENN.<br>Lovell Fiehl, 682'<br>109.5 mc, CHA<br>LMM: 201 kc, HA<br>LOM: 215 kc, CH<br>Procedure No. 1 | Chattanooga LFR | Outer marker | 358—1.7 | 2,500 | E side N course*. 015 outbound. 195 inbound. 2,500' within 5 miles of LOM. | (**) 2,200 (at OM) | (**) 4.72 | (**) 0.72 | T-dn<br>C-dn<br>S-dn<br>19<br>A-dn | 300-1.0<br>700-2.0<br>400-1.0<br>800-2.0 | 300-1.0<br>700-2.0<br>400-1.0<br>800-2.0 | Turn left, climb to 4,000' on SE course Chattanooga LFR.<br>*High terrain to the W.<br>**No glide slope available. |
| CHEYENNE, WYO.<br>Cheyenne Airport, 6,156'<br>110.3 mc, CYS<br>LMM: 201 kc, YS<br>LOM: 219 kc, CY<br>Procedure No. 1 | Cheyenne LFR | LOM | 081—8.0 | 7,500 | N side E course: 082 outbound. 262 inbound. 7,500' within 5 miles of LOM. | 7,500 | 7,500 6.11 | 6,300 0.66 | T-dn<br>C-dn<br>S-dn<br>26<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br>800-2.0 | Climb to 7,500' on S course Cheyenne LFR, or as directed by ATC. |
| | Hillsdale FM | E course ILS | 230—5.0 | 7,500 | | | | | | | | |
| | Silver Crown FM | LOM | 062—20.0 | 8,000 | | | | | | | | |
| | Cheyenne VOR | LOM | 116—7.0 | 7,500 | | | | | | | | |



INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

| City and State; airport name, elevation; Localizer frequency and identification; LMM: frequency and identification; LOM: frequency and identification; procedure No. | Transition to ILS: From— | To— | Course and distance | Minimum altitude (ft.) | Procedure turn (*) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope intercept. inbound (ft.) | Altitude of glide slope and distance to approach end of runway: At outer marker: | At middle marker. | Ceiling and visibility minimums: Conditions | Type of aircraft: 75 m. p. h. or less | Type of aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| CHICAGO, ILL.<br>Chicago-Midway Airport, 618'<br>109.9 mc, CHI<br>LMM: 201 kc, HI<br>LOM: 219 kc, CH<br>Procedure No. 1 | Int. NE course Chicago LFR and SE course Glenview LFR | LOM | 260—13.0 | 2,300 | W side NW course 312 outbound. 132 inbound. 2,500' within 5 miles of LOM. | 2,300 | 2,255—5.80 | 868—0.79 | T-dn<br>C-d<br>C-n<br>S-dn<br>13R<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>400-3/4<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>400-3/4<br>800-2.0 | Climb to 2,300' and proceed S on the N and S courses of Harvey LFR to Int. SE course Rockford LFR (Momence Int.) or as directed by ATC. |
| | Int. SW course Glenview LFR and 131° bearing to Chicago LFR | Glide slope interception (final) | 132—15.0 | 2,500 | | | | | | | | |
| | Int. SE course Chicago LFR and NW course ILS | LOM | 312—6.0 | 2,300 | | | | | | | | |
| | Int. NE course Joliet LFR and NW course Chicago LFR | NW course ILS | 180—7.0 | 2,300 | | | | | | | | |
| | Int. NE course Joliet LFR and NW course ILS Chicago LFR | LOM | 132—7.0 | 2,300 | | | | | | | | |
| | Chicago LFR | NW course ILS | 290—2.0 | 2,300 | | | | | | | | |
| | Naperville VOR | SE course ILS (Kedzie Rbn). | 093—22.0 | 2,300 | | | | | | | | |
| | Naperville VOR | LOM | 067—15.0 | 2,300 | | | | | | | | |
| | Naperville VOR | NW course ILS (Elmhurst Int.) | 040—11.0 | 2,300 | | | | | | | | |
| | Lake Forest VOR Int | NW course ILS | 197—20.0 | 2,500 | | | | | | | | |
| | Chicago Hgts. VOR | SE course ILS (Kedzie Rbn) | 335—17.0 | 2,000 | | | | | | | | |
| | Int. 340° course from Chicago Hgts VOR and 067° course from Naperville VOR | SE course ILS | 170—12.0 | 2,300 | | | | | | | | |
| | Int. NW course ILS and 017° course from Naperville VOR | LOM | 132—13.0 | 2,300 | | | | | | | | |

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

| City and State; airport name; procedure designation, localizer frequency and identification; LMM: facility and identification; LOM: frequency and identification; and procedure No. | Transition to ILS | | | | Procedure turn: Minimum altitude of glide slope intercept point (outbound and inbound); min. distances | Minimum altitude of glide slope intercept point (inbound); min. distances | Altitude of glide slope and distance to appropriate end of runway | | Ceiling and visibility minimums | |
|---|---|---|---|---|---|---|---|---|---|---|
| | From— | To— | Course and distance | Minimum altitude (ft.) | | | At outer marker: | At middle marker: | Type of aircraft | Condition |
| | | | | | | | | | 75 m. p. h. or less | More than 75 m. p. h. |
| DALLAS, TEX. Love Field, 4S2 LMM: 31 kc, AL LOM: 371 kc, DA Procedure No. 1 | Dallas LFR | LOM | 12.0—8.0 | 2,000 | N side NW course. 300' outbound. 126 inbound. 1,700' within 15 miles of LOM. 2,000' within 25 miles. | 1,700* | 1,640—4.5 | 730—0.72 | 300-1.0 / 400-1.5 | 300-1.0 / 400-2.0 |
| | Dallas VOR | LOM | 26.0—13.0 | 2,000 | | | | | 300-1.0 / 400-3/4 | 300-1.0 / 400-2.0 |
| | Int. 349° brg to Dallas VOR and SE course LLS. | LOM | 19.0—19.0 | 2,000 | | | | | 200-1.5 / 400-3/4 | 200-1.5 / 400-2.0 |
| | Int. 239° brg to Duncanville Rbn and SE course LLS. | LOM | 30.0—30.0 | 2,000 | | | At outer marker: 1,640—4.51 | | T-dn / C-dn / S-dn 13 / A-dn | T-dn / C-dn / S-dn / A-dn |
| | Int. E course Ft. Worth LFR and NW course LLS. | LOM | 12.0—2.5 | 1,700 | | | | | | |
| | Int. 091° brg to Dallas VOR and NW course LLS. | OM | 13.0—3.5 | 1,700 | | | | | | |
| | Int. N course Dallas LFR and E course Ft. Worth LFR. | LOM | 2.5—2 | 1,700 | | | | | | |
| | Duncanville Rbn | LOM | 31.0—13.0 | 2,000 | | | | | | |
| Procedure No. 2—Turning Back Course ILS localizer | Dallas LFR | Hoss Int* | A V.G. 3.5 | 2,000 | W side SE course. 300 outbound. 126 inbound. 2,000' within 25 miles. | (*) | 1,520—4.0 (over Hoss Ave. Int.) | (**) | 300-1.0 / 300-1.5 / 800-2.0 | 300-1.0 / 300-1.5 / 800-2.0 |
| | Int. 223° bearing to Duncanville Rbn to SE course ILS Int. 349° bearing to Dallas. | Hoss Ave. Int. | 19.0—3.5 | 2,000 | | | | | | |
| | VOR and SE course ILS | Hoss Ave. Int. (final) | 9.0—3.5 | 1,520 | | | | | | |
| | Int. 229° bearing to Duncanville Rbn and SE course ILS. | Hoss Ave. Int. (final) | 6.0—3.5 | 1,520 | | | | | | |
| | Int. E course Ft. Worth LFR and NW course ILS. | Hoss Ave. Int. | 13.0—13.0 | 2,000 | | | | | | |
| | Dallas VOR | Hoss Ave. Int. | 8.0—8.0 | 2,000 | | | | | | |
| | Int. 091° course to Dallas VOR and NW course ILS. | Hoss Ave. Int. | 13.0—13.0 | 2,000 | | | | | | |
| DAYTON, OHIO Dayton Airport, 1,009' 10.3 mc, DAY LMM: 347 kc, AY LOM: 356 kc, DA Procedure No. 1 | Dayton VOR | LOM | 9.0—9.0 | 2,300 | W side SE course: 255 outbound. 105 inbound. 2,300' within 5 miles of LOM. | 2,300 | 2,270—4.40 | 1,335—0.66 | 300-1.0 / 500-1.0 / 400-3/4 / S-dn / A-dn | 300-1.0 / 500-1.5 / 40 -3/4 / 800-2.0 |
| | Dayton LFR | SW course ILS. | 4.0—4.0 | 2,300 | | | | | | |
| | Vorgrun FM | SW course ILS. | 8.0—8.0 | 2,300 | | | | | | |
| | Int. S course Dayton LFR and SW course ILS. | LOM | 1.0—1.0 | 2,300 | | | | | | |
| | Int. W course Columbus LFR and NE course ILS. | LOM | 18.0—18.0 | 2,300 | | | | | | |
| | Int. 082° course to Dayton VOR and 105° brg to LOM. | LOM | 8.0—8.0 | 2,300 | | | | | | |
| | Int. 022° course to Dayton VOR and 019° brg to LOM. | LOM | 13.0—13.0 | 2,300 | | | | | | |

| City and State; airport name; procedure designation, localizer frequency and identification; LMM: frequency and identification; LOM: frequency and identification; and procedure No. | Transition to ILS | | | | Procedure turn; minimum altitude of glide slope intercept point (outbound and inbound); min. distances | Minimum altitude of glide slope intercept point (inbound); min. distances | Altitude of glide slope and distance to appropriate end of runway | | Ceiling and visibility minimums | |
|---|---|---|---|---|---|---|---|---|---|---|
| | From— | To— | Course and distance | Minimum altitude (ft.) | | | At outer marker: | At middle marker: | Type of aircraft | Condition |
| | | | | | | | | | 75 m. p. h. or less | More than 75 m. p. h. |
| CINCINNATI, OHIO Greater Cincinnati Airport, 890' 109.9 mc, CVG LMM: 300 kc, VG LOM: 215 kc, CV Procedure No. 1 | Int. NW course Cincinnati LFR and N course ILS. | LOM | 18.0—22.0 | 2,300 | E side S course: 180 outbound. 360 outbound. 2,000' within 5 miles of LOM. | 2,000 | 1,057—4.20 | 1,035—0.60 | 300-1.0 / 300-1 0 / C-dn / S-dn 30 / A-dn | 300-1.0 / 300-1.5 / 400-3/4 / 800-2.0 |
| | Union FM | LOM | 30.0—5.0 | 2,000 | | | | | | |
| | Cincinnati LFR | LOM | 21.0—21.0 | 2,400 | | | | | | |
| | Int. SW course Cincinnati LFR and 320° brg to LOM. | LOM | 32.0—3.0 | 2,000 | | | | | | |
| | Cincinnati VOR | LOM | 14.0—3.0 | 2,000 | | | | | | |
| | Int. 320° brg to Cincinnati VOR and S course ILS. | LOM | 30.0—10.0 | 2,000 (final) | | | | | | |
| | Int. 320° brg to Cincinnati VOR and N course ILS. | LOM | 18.0—8.0 | 2,300 | | | | | | |
| Procedure No. 2—T's use Hook Course ILS localizer | Int. SW course Cincinnati LFR and N course ILS. | Addyston marker. | 18.0—12.0 | 2,100 | W side N course: 300 outbound. 180 inbound. 2,000' within 5 miles of Addyston marker. | (*)—1,000 (over Addyston marker). | (*—3.8 (from Addyston marker). | (*) | 300-1.0 / C-dn / S-dn 15 / A-dn | 300-1.0 / C-dn / S-dn / A-dn |
| | Int. SW course Cincinnati LFR and S course ILS. | Addyston marker. | 18.0—12.0 | 1,600 | | | | | | |
| | Int. SW course Cincinnati LFR and S course ILS. | Addyston marker. | 30.0—15.0 | 2,300 | | | | | | |
| | Cincinnati VOR | Addyston marker. | 12.0—9.0 | 2,300 | | | | | | |
| CLEVELAND, OHIO Cleveland-Hopkins Airport, 790' LMM: None LOM: 201 kc, CL Procedure No. 1 | Cleveland LFR | LOM | 22.0—4.5 | 2,100 | S side SW course: 284 outbound. 054 inbound. 2,000' within 5 miles of LOM. 2,000' within 25 miles. | 2,100 | 2,057—4.20 | 1,010—0.71 | 300-1.0 / C-dn / S-dn 31 / A-dn | 300-1.0 / 500-1.5 / 400-3.4 / 800-2.0 |
| | Cleveland VOR | SW course ILS. | 10.5—5.0 | 2,200 | | | | | | |
| | Cleveland VOR | LOM | 08.2—12.0 | 2,100 | | | | | | |
| | Elyria FM | SW course ILS. | 13.0—8.0 | 2,100 | | | | | | |
| | Int. NW course Akron LFR and SW course ILS. | LOM | 05.0—8.0 | 2,200 | | | | | | |
| | Avon Lake FM | LOM | 17.1—10.0 | 2,100 | | | | | | |
| | N. Royalton FM | LOM | 30.3—11.0 | 2,000 | | | | | | |
| COLORADO SPRINGS, COLO. Peterson Field, 6,172' 109.9 mc, COS LMM: 239 kc, CO LOM: 239 kc, CO Procedure No. 1 | Colo. Springs LFR | LOM | 16.0—8.3 | 7,200 | E side S courses: 319 inbound. 7,200' within 5 miles of LOM. | 7,200 | 7,120—4.33 | 6,270—0.66 | 300-1.0 / C-d / S-dn 35 / A-dn | 300-1.0 / 600-1.5 / 400-1.0 / 400-2.0 / 800-2.0 |
| | Fountain FM | LOM | 31.0—3.3 | 7,200 | | | | | | |

| Transition to ILS | | | | Procedure turn: minimum altitude (ft.) | Minimum altitude of glide slope intercept point (inbound); min. distances | Altitude of glide slope and distance to appropriate end of runway | | Ceiling and visibility minimums | |
|---|---|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (ft.) | | | At outer marker: | At middle marker: | Type of aircraft | Condition |
| | | | | | | | | 75 m. p. h. or less | More than 75 m. p. h. |
| Int. SW course Cincinnati LFR and 320° brg to LOM. | LOM | 32.0—3.0 | 2,000 | | | | | | |
| Cincinnati VOR | LOM | 14.0—3.0 | 2,000 | | | | | | |
| Int. 320° brg to Cincinnati VOR and S course | LOM | 30.0—10.0 | 2,000 (final) | | | | | | |
| Int. 320° brg to Cincinnati VOR and N course | LOM | 18.0—8.0 | 2,300 | | | | | | |
| Int. SW course Cincinnati LFR and N course ILS. | Addyston marker. | 18.0—12.0 | 2,100 | W side N course: 300 outbound. 180 inbound. 2,000' within 5 miles of Addyston marker. | (*)—1,000 (over Addyston marker). | (*—3.8 (from Addyston marker). | (*) | 300-1.0 / C-dn / S-dn 15 / A-dn | Proceed to ILS middle compass locator, climb to 2,000' on course of 240° within 15 miles of LMM, or on course of 320° from Cincinnati VOR, as directed by ATC. *This procedure not prescribed or use of glide slope. |
| Int. SW course Cincinnati LFR and S course ILS. | Addyston marker. | 18.0—12.0 | 1,600 | | | | | | |
| Int. SW course Cincinnati LFR and S course ILS. | Addyston marker. | 30.0—15.0 | 2,300 | | | | | | |
| Cincinnati VOR | Addyston marker. | 12.0—9.0 | 2,300 | | | | | | |
| Cleveland LFR | LOM | 22.0—4.5 | 2,100 | S side SW course: 284 outbound. 054 inbound. 2,000' within 5 miles of LOM. 2,000' within 25 miles. | 2,100 | 2,057—4.20 | 1,010—0.71 | 300-1.0 / C-dn / S-dn 31 / A-dn | 300-1.0 / 500-1.5 / 400-3.4 / 800-2.0 | Make right climbing turn, climb to 2,000' on E course of Cleveland I.FR, on course of 107° from Cleveland VOR, or as directed by ATC |
| Cleveland VOR | SW course ILS. | 10.5—5.0 | 2,200 | | | | | | | |
| Cleveland VOR | LOM | 08.2—12.0 | 2,100 | | | | | | | |
| Elyria FM | SW course ILS. | 13.0—8.0 | 2,100 | | | | | | | |
| Int. NW course Akron LFR and SW course ILS. | LOM | 05.0—8.0 | 2,200 | | | | | | | |
| Avon Lake FM | LOM | 17.1—10.0 | 2,100 | | | | | | | |
| N. Royalton FM | LOM | 30.3—11.0 | 2,000 | | | | | | | |
| Colo. Springs LFR | LOM | 16.0—8.3 | 7,200 | E side S courses: 319 inbound. 7,200' within 5 miles of LOM. | 7,200 | 7,120—4.33 | 6,270—0.66 | 300-1.0 / C-d / S-dn 35 / A-dn | 300-1.0 / 600-1.5 / 400-1.0 / 400-2.0 / 800-2.0 | Climb to 9,000' on E course Colorado Springs LFR within 25 miles, or as directed by ATC. *CAUTION: (1) 7,190' msl radio tower, 13.5 miles N of LFR. (2) 7,710' msl terrain, 13.5 miles N of LFR. (3) danger area 2.5 miles W of localizer center-line. |
| Fountain FM | LOM | 31.0—3.3 | 7,200 | | | | | | | |

NOTE: (1) No approach lights available.

INSTRUMENT LANDING SYSTEM PROCEDURES (Continued)

| City and State; airport name, elevation, facility, identification, LAM: frequency and identification, LOM: frequency and identification, procedure No. | Transition to ILS | | | Ceiling and visibility minimums | | | Procedure turn (Side of final approach course on which procedure turn is made, distance from FAF, limiting radials, limiting distances (DME)) | Minimum altitude at glide slope interception inbound (ft.) |
|---|---|---|---|---|---|---|---|---|
| | From— | To— | Course and distance | Minimum alternate ceiling (ft.) | Minimum alternate visibility (miles) | | | |
| | | | | | | | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks | |
| DENVER, COLO. Stapleton Field, 5,335' 1103 mc, DEN LAM: 335 kc, EN LOM: 350 kc, DE Procedure No. 1 | Int 090° bearing to Denver VOR and N course Denver ILS. | LOM | 130—7.5 | 6,500 | | | Climb to 8,000' on S course Denver LFR or as directed by ATC. •Descent below 8,000' not authorized until 14 miles N of Fruitvale FM (DE) on the 177° and terrain 9 miles N of airport. | 6,500 |
| | Walkins FM | NE course ILS | 237—12.0 | 6,500 | | | | |
| | Platteville FM (simultaneously). | NE course ILS | 347—12.0 | 6,500 | | | | |
| | Henderson FM | NE course ILS | 093—8.0 | 6,500 | | | | |
| | Denver VOR | LOM | 216—5.0 | 6,500 | | | | |
| | Denver LFR | NE course ILS | 054—1.5 | 6,500 | | | | |
| DETROIT, MICH. Willow Run Airport, 716' 1093.5 mc, YIP LAM: 328 kc, AP LOM: 350 kc, YI Procedure No. 1 | Ann Arbor FM | Outer marker | 092—8.0 | 2,300 | | | W side SW course 234 inbound. 054 outbound. 2,000' within 5 mile of LOM. | 2,300 |
| | Int. N course Detroit LFR and NE course ILS. | Outer marker | 220—11.0 | 2,300 | | | | |
| | Int 080° course to Detroit VOR and 324° brg to LOM. | Outer marker | 135—7.5 | 2,300 | | | | |
| | Int 019° course to Detroit VOR and 324° brg to LOM. | Outer marker | 321—10.0 | 2,300 | | | | |
| | Int 286° course to Detroit VOR and 324° brg to LOM. | Outer marker | 324—5.5 | 2,300 | | | | |
| | Int. 326° course to Detroit VOR and 286° brg to LOM. | Outer marker | 280—17.0 | 2,300 | | | | |
| | Detroit LFR | Outer marker | 225—12.0 | 2,300 | | | | |
| | Int. N course Toledo LFR & SW course ILS (final). | Outer marker | 054—8.0 | 2,300 | | | | |
| | Int. S course Salem VAR & SW course ILS. | Outer marker | 230—5.5 | 2,300 | | | | |
| | Detroit VOR | Outer marker | 228—12.5 | 2,300 | | | | |
| | Int. 136° course to Detroit VOR & W course Salem VAR. | Outer marker | 105—15—5 | 2,300 | | | | |
| ERIE, PA. Erie Airport, 732' 1103 mc, ERI LAM: 350 kc, RI LOM: 350 kc Procedure No. 1 | Erie LFR | Outer marker | 265—2.5 | 2,100 | | | S side SW course 234 inbound. 054 outbound. 2,000' within 5 mile of OM. | 2,100 |
| | N. Springfield FM | Outer marker | 073—9.0 | 2,100 | | | | |
| EUGENE, OREG. Mahlon Sweet Airport, 365' 1093.5 mc, EUG LAM: 350 kc, EU LOM: 370 kc, EU Procedure No. 1 | Eugene LFR | N course ILS outbound. | 358—(**) | 2,100 | | | E side N course • 358 inbound. 178 inbound. 2,000' within 5 miles of LOM. | 1,700 |
| | Cottage Grove FM | S or ILS (inbound). | 320—12.0 | 3,100 | | | | |
| | Int —— VOR | Int ILS | —— | 2,100 | | | | |



INSTRUMENT LANDING SYSTEM PROCEDURES (Continued)

| City and State; airport name, elevation, facility, identification, LAM: frequency and identification, LOM: frequency and identification, procedure No. | Transition to ILS | | | Ceiling and visibility minimums | | | Procedure turn (Side of final approach course on which procedure turn is made, distance from FAF, limiting radials, limiting distances (DME)) | Minimum altitude at glide slope interception inbound (ft.) |
|---|---|---|---|---|---|---|---|---|
| | From— | To— | Course and distance | Minimum alternate ceiling (ft.) | Minimum alternate visibility (miles) | | | |
| | | | | | | | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks | |
| FARGO, N. DAK. Hector Field, 900' 1103 mc, FAR LAM: None LOM: 210 kc, FA Procedure No. 1 | Fargo VOR | LOM | 351—0.7 | 2,300 | | | Climb to 2900' on N course Fargo LFR or on course of 346° outbound from Fargo VOR. Alternate ATC clearance, (when directed by ATC), will call for turn to 2900' on course outbound from Fargo LFR or on 262° course outbound from Fargo VOR. | 2,100 |
| | Fargo LFR | LOM | 188—5.2 | 2,300 | | | | |
| | W. Fargo FM | LOM | 142—9.6 | 2,300 | | | | |
| | Barnesville FM | S course ILS | 285—20.0 | 2,300 | | | | |
| | Int. N course Fargo LFR and N course ILS. | LOM | 171—12.0 | 2,300 | | | | |
| FORT SMITH, ARK. Fort Smith Airport, 469' 1093.5 mc, FSM LAM: 290 kc, SM LOM: 215 kc, FS Procedure No. 1. | Int. E course ILS and 289° bearing to Van Buren Rbn. | LOM | 253—12.0 | 1,800 | | | Climb to 2,400' on 233° course from Fort Smith VOR within 25 miles or climb to 2,000' on course of 253° from LOM within 15 miles. (Back course of localizer not usable—do not use as missed approach aid). •,048-1 required when glide slope not used. Caution: 600' msl unlighted terrain, 1.5 miles W of LOM on final approach. | 11,620 |
| | Int. E course ILS and 270° bearing to Fort Smith VOR. | Outer marker | 233—11.0 | 1,800 | | | | |
| | Int E course ILS and 340° bearing to Van Buren Rbn. | LOM | 075—4.0 | 1,800 | | | | |
| | Van Buren Rbn. | Outer marker | 192—3.0 | 1,800 | | | | |
| | Fort Smith VOR | LOM | 142—12.0 | 1,800 | | | | |
| FORT WAYNE, IND. Baer Field, 801' 1103 mc, FWA LAM: 291 kc, FW LOM: 210 kc, FW Procedure No. 1 | Int. NE course Fort Wayne LFR and ILS course. | LOM | 135—5.0 | 2,100 | | | Climb to 2,100' on NW course ILS within 20 miles, make left turn and return to LOM, or as directed by ATC. | 2,100 |
| | Fort Wayne VOR | LOM | 130—11.0 | 2,100 | | | | |
| | Fort Wayne LFR | LOM | 097—7.0 | 2,100 | | | | |
| | Int. SE course Fort Wayne LFR and 357° brg to LOM | LOM | 357—10.0 | 2,100 | | | | |
| | Int 328° to Fort Wayne VOR and 349° brg to LOM | LOM (final) | 349—8.0 | 2,100 | | | | |
| | Int. NE course Fort Wayne LFR and 302° brg to LOM | LOM | 202—11.0 | 2,200 | | | Climb to 2,100' on S course ILS within 25 miles, or as directed by ATC. Caution: Do not descend below glide slope; building 283' below glide slope, 2.4 miles S of outer marker. | 2,100 |
| | Int. SW course Fort Wayne LFR and 060° brg to LOM | LOM | 059—15.0 | 2,100 | | | | |
| FORT WORTH, TEX. Meacham Field, 662' 1093 mc, FTW LAM: 347 kc, TW LOM: None Procedure No. 1 | Fort Worth LFR | Outer marker | 354—1.5 | 2,000 | | | W side N course 174 inbound. 354 outbound. 2,000' within 5 miles of OM. | 2,000 |
| | Haslet Rbn | N course ILS | 270—2.0 | 2,000 | | | | |
| | Fort Worth VOR | Outer marker | 057—10.0 | 2,000 | | | | |
| Procedure No. 2—18-hr. limited service. Runway lighting by request. | Fort Worth LFR | N course ILS (inbound). | 219—10.2 | 2,000 | | | E side S course 354 inbound. 174 outbound. 2,000' within 5 miles of Fort Worth FM. | (*) |
| | Int. W course Dallas LFR and S course ILS (final). | Fort Worth FM. | 354—5.0 | 1,500 | | | | |
| | Int. 202° brg. to Fort Worth VOR and S course ILS (final). | Fort Worth FM. | 354—6.0 | 1,500 | | | | |
| | Fort Worth VOR | Fort Worth FM. | 105—9.0 | 2,000 | | | | |

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

| City and State; airport name, elevation; Localizer frequency and identification; LMM: frequency and identification, LOM: frequency and identification, procedure No. | Transition to ILS: From— | To— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope interception inbound (ft.) | Altitude of glide slope and distance to approach end of runway: At outer marker: | At middle marker: | Ceiling and visibility minimums: Conditions | Type of aircraft: 75 m. p. h. or less | Type of aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| FORT WORTH, TEX.—Continued<br>Carter Field 568'<br>109.5 mc, ACF<br>Procedure No. 2—using back course ILS localizer | Int. 013° course to Dallas VOR and SE course ILS | Hensley Int.* | 309—15.0 | 2,000 | S side SE course# 129 outbound. 309 inbound. 2,000' within 5 miles of Hensley Int. | (**) | (**) 1,500—1.0 (over and from Hensley Int. | (**) | T-dn<br>C-dn<br>S-dn 31<br>A-dn | 300-1.0<br>500-1.0<br>400-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>400-1.0<br>800-2.0 | Climb to 2,000' on NW course ILS within 25 miles.<br>*Hensley Int: Int. SE course ILS and W course Dallas LFR or 238° course from Dallas VOR.<br>#Procedure turn nonstandard due to ATC.<br>**No glide slope. |
| | Duncanville Rbn and FM. | Hensley Int. (final). | 309—11.0 | 1,500 | | | | | | | | |
| | Carter ILS LOM | Hensley Int.... | 129—10.0 | 2,000 | | | | | | | | |
| FRESNO, CALIF.<br>Fresno Air Terminal, 331'.<br>110.3 mc, FNO<br>LMM: 251 kc, NO<br>LOM: 266 kc, FN<br>Procedure No. 1 | Fresno LFR | SE course ILS (LOM). | 071—11.0 | 1,700 | S side SE course: 108 outbound. 288 inbound. 1,700' within 10 miles of LOM. | 1,700 | 1,400—4.44 | 535—0.70 | T-dn<br>C-dn<br>S-dn 29<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br>800-2.0 | Climb on heading of 288° to 1,500', then turn left and climb to 2,000' on W course Fresno LFR, or as directed by ATC. |
| | Bowles FM | SE course ILS (LOM). | 015—12.0 | 1,700 | | | | | | | | |
| GRAND JUNCTION, COLO<br>Walker Field, 4,858'<br>110.3 mc, GJT<br>LMM: 291 kc, JT.<br>LOM: None<br>Procedure No. 1 | Grand Junction VOR | Loma Rbn** | 342—15.0 | 8,100 | W side NW course 280 outbound. 110 inbound. 8,000' within 5 miles beyond Loma Rbn. | 6,200 | 6,060—4.52 | 5,065—0.69 | T-dn#*<br>C-dn<br>S-dn*<br>11<br>A-dn | @500-2.0<br>1,000-2.0<br>500-2.0<br>1,500-2.0 | @500-2.0<br>1,000-2.0<br>500-2.0<br>1,500-2.0 | Make 180° right turn, climb to 8,000' on NW course ILS to Loma Rbn; if second approach not desired, proceed to Grand Jct VOR, climbing to 10,000'.<br>@300-1 day and night take-off authorized for 4-engine acft only—see note (#) below.<br>#*When glide slope or approach lights are inoperative.<br>#800-2 take-offs for 2-engine acft.<br>*800-2 straight-in for all aircraft and descent to 5,660' msl authorized over middle marker.<br>**In case Loma Rbn inoperative, Int 162° bearing to Grand Jct VOR and NW course ILS may be used in lieu of Loma Rbn. |
| | Int. 227° brg to Grand Junction VOR and NW crs ILS. | Loma Rbn** | 200—16.0 | 8,000 | | | | | | | | |
| | Grand Junction VOR | LMM | 15.0 | 10,000 | | | | | | | | |
| GREAT FALLS, MONT.<br>Great Falls Airport, 3,671'<br>110.3 mc, GTF<br>LMM: 302 kc, TF<br>LOM: 382 kc, GT<br>Procedure No. 1 | Great Falls LFR | LOM | 147—3.5 | 5,600 | W side S course* 161 outbound. 341 inbound. 5,500' within 5 miles of LOM (NA beyond 5 miles). | 5,500 | 4,960—4.47 | 3,900—0.66 | T-dn<br>C-d<br>C-n<br>S-dn 34<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>400-3/4<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>400-3/4<br>800-2.0 | Climb to 5,500' on outbound course of 341° from LOM within 25 miles of LOM (back course of ILS unusable).<br>*Procedure turn on E side not authorized due to high terrain; 80° reversal procedure turn recommended.<br>Caution: 3,840' msl LFR towers located 1.5 miles SW of airport. 5,500' terrain located 16 miles SE of LOM. |
| | Great Falls VOR | LOM | 127—3.5 | 5,500 | | | | | | | | |
| | Belt FM | LOM | 262—20.0 | 5,500 | | | | | | | | |
| | Cascade FM (Final) | S crs ILS | 045—15.0 | 5,500 | | | | | | | | |
| GREENSBORO, N. C.<br>Greensboro-High Point Airport, 913'<br>109.9 mc, GSO<br>LMM: 233 kc, SO<br>LOM: 254 kc, GS<br>Procedure No. 1 | Greensboro LFR | LOM | 299—6.0 | 2,300 | N side NW course 318 outbound. 138 inbound. 2,250' within 5 miles of LOM. | 2,250 | 2,250-5.00 | 1,180-0.67 | T-dn<br>C-d<br>C-n<br>S-dn 14<br>A-dn | 300-1.0<br>500-1-0<br>500-1.5<br>400-3/4<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>400-3/4<br>800-2.0 | Climb to 2,300' on SE course ILS, or when directed by ATC, turn left, climb to 2,300' on NE course Greensboro LFR within 25 miles. |
| | Winston-Salem LFR | LOM | 058—10.0 | 2,300 | | | | | | | | |
| | Wallburg Int | LOM | 033—11.0 | 2,300 | | | | | | | | |
| | Oak Ridge Int | LOM | 238—2.5 | 2,300 | | | | | | | | |
| | Greensboro VOR | LOM | 355—7.0 | 2,300 | | | | | | | | |
| GREENVILLE, S. C.<br>Greenville Airport, 1,049'<br>110.3 mc, GRL<br>LMM: 291 kc, RL<br>LOM: 219 kc, GR<br>Procedure No. 1 | Greenville LFR | LOM | 180—2.5 | 2,000 | W side S course.* 181 outbound. 001 Inbound. 2,000' within 5 miles of LOM. | (#) 2,000 (Minimum altitude over OM) | (#) 2,000—4.2 (over and from OM). | (#) 1,449—0.71 (over and from MM) | T-dn<br>C-dn<br>S-dn 36<br>A-dn | 300-1.0<br>500-1.0<br>400-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>400-1.0<br>800-2.0 | Climb to 3,000' on N course ILS within 10 miles. After attaining an altitude of 3,000', execute 180° turn on E side of N course ILS and proceed S to outer marker.<br>*Nonstandard procedure turn due to conflicting traffic on E side ILS course.<br>#Glide slope and approach lights not installed.<br>Caution: High terrain to the N and NE of airport. |
| | Int. S crs Greenville LFR and SW crs Spartanburg LFR | LOM | 103—5.0 | 2,000 | | | | | | | | |
| | Int. E crs Greenville LFR and W crs Spartanburg LFR. | LOM | 278—11.0 | 2,000 | | | | | | | | |



INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

| City and State; airport name, elevation; Localizer frequency and identification; LMM: frequency and identification; LOM: frequency and identification; procedure No. | Transition to ILS: From— | To— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope interception inbound (ft.) | Altitude of glide slope and distance to approach end of runway: At outer marker: | At middle marker: | Ceiling and visibility minimums: Conditions | Type of aircraft: 75 m. p. h. or less | Type of aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| INDIANAPOLIS, IND.<br>Indianapolis Airport, 796'<br>109.9 mc, IND<br>LMM: 329 kc, ND<br>LOM: 341 kc, IN<br>Procedure No. 1 | Clayton FM | SW course ILS | 105—8.0 | 1,900 | S side SW course: 224 outbound. 044 inbound. 1,900' within 5 miles of LOM. | 1,900 | 1,920—4.30 | 1,055—0.90 | T-dn<br>C-dn<br>S-dn 4<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br>800-2.0 | Climb to 2,300' on E course Indianapolis LFR to NW course Cincinnati LFR, or as directed by ATC. |
| | Indianapolis LFR | SW course ILS | 193—4.0 | 1,900 | | | | | | | | |
| | Int. E course Indianapolis LFR and SW course ILS. | LOM | 224—5.5 | 1,900 | | | | | | | | |
| | Int. S course Indianapolis LFR and SW course ILS. | LOM | 224—0.5 | 1,900 | | | | | | | | |
| ISLIP, N. Y.<br>MacArthur Field, 98'<br>110.1 mc, ISL<br>LMM: 257 kc, SL<br>LOM: None<br>Procedure No. 1 | Int. NW course Islip VAR and NE course ILS. | LMM | 237—8.0 | 1,500 | S side SW course: 237 outbound. 057 inbound. 1,500' within 5 miles of OM. | 1,500 | 1,540—6.10 | 300—0.71 | T-dn<br>C-dn<br>S-dn 6<br>A-dn | 300-1.0<br>500-1.0<br>400-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>400-1.0<br>800-2.0 | Climb to 1,000' on NE course ILS, make a standard rate climbing turn to the right, returning to ILS LMM at 1,500', or as directed by ATC. |
| | Int. E course Mitchel LFR and SW course ILS. | Outer Mrkr | 057—8.0 | 1,500 | | | | | | | | |
| | Islip VAR | LMM | 256—9.0 | 1,500 | S side NW course: 288 outbound. 108 inbound 1,500' within 5 miles of OM. | 1,500 | 1,490—4.43 | 575—0.70 | T-dn<br>C-dn<br>S-dn 11<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br>800-2.0 | Climb to 1,600' on S course Jackson LFR within 25 miles, or as directed by ATC. |
| JACKSON, MISS.<br>Hawkins Field, 343'<br>109.9 mc, JAN<br>LMM: 201 kc, AM<br>LOM: None<br>Procedure No. 1 | Jackson LFR | Outer Mrkr | 256—5.0 | 1,500 | | | | | | | | |
| | Int. S course Jackson LFR and ILS localizer. | Outer Mrkr | 288—5.0 | 1,500 | | | | | | | | |
| | Int. W course Jackson LFR and NW course ILS. | Outer Mrkr | 108—2.5 | 1,500 | | | | | | | | |
| | Jackson VOR | Outer Mrkr | 219—4.0 | 1,500 | | | | | | | | |
| KANSAS CITY, MO.<br>Kansas City Airport, 778'<br>109.9 mc, MKC<br>LMM: 201 kc, KC<br>LOM: 219 kc, MK<br>Procedure No. 1. | Int. 72° bearing on Kansas City VOR and S course St. Joseph LFR or St. Joseph ILS. | LOM | 085—19.0 | 2,500 | W side N course: 001 outbound. 181 inbound. 2,500' within 5 miles of LOM (NA beyond 5 miles). | 2,500 | 2,500—6.23 | 1,031—0.74 | T-dn##<br>C-dn<br>S-d#<br>S-n#<br>18*<br>A-dn | 300-1.0<br>500-1.0<br>400-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>700-1.5<br>400-1.0<br>500-1.0<br>800-2.0 | If contact not established at LMM, immediately execute right climbing turn to 2,500' on ADF course of 275° outbound from Kansas City, LFR, or as directed by ATC.<br>*500-1 authorized all aircraft landing straight-in on runway 17 if approach lights on runway 17 are operating.<br>#When approach lights or glide slope inoperative, cross Bluff FM at not less than 1,460', and circling minimums will apply for all aircraft, except 4-engine aircraft, which are authorized 700-1. When approach lights or glide slope inoperative, and Bluff FM inoperative, straight-in landing minimums for all aircraft are 700-1.<br>##Take-offs to S and SW, when weather is below 1,000-3, will intercept a 210° brg from LMM and will maintain a course of 210° from the LMM as soon as practicable after take-off and maintain this course until reaching 2,500' prior to making left turn.<br>Caution. (1) 911' msl cracking plant and 853' msl stack 0.5 mile NW of airport. (2) 1,059' msl TV tower, 2.9 miles S of airport. (3) 1,423' msl congested buildings within 1 mile S and SE. (4) 900' msl grain elevators (not obstruction lighted), and 857' msl railroad lights, ¾ mile NNE of approach end of runway 18. |
| | Kansas City VOR | LOM | 172—4.0 | 2,500 | | | | | | | | |
| | Kansas City LFR | LOM | 028—5.0 | 2,500 | | | | | | | | |
| | Linkville FM | N crs ILS | 110—9.0 | 2,500 | | | | | | | | |
| | Liberty FM and Rbn | N crs ILS | 251—11.0 | 2,500 | | | | | | | | |

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

| City and State; airport name; elevation; Localizer frequency and identification; LMM frequency and identification; LOM frequency and identification; procedure No. | Transition to ILS | | | | Procedure turn (  ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude at glide slope intercept ion inbound (ft.) | Altitude of glide slope and distance to approach end of runway | | Ceiling and visibility minimums | | | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | From— | To— | Course and distance | Minimum altitude (ft.) | | | At outer marker. | At middle marker. | Conditions | Type of aircraft: 75 m. p. h. or less | Type of aircraft: More than 75 m. p. h. | |
| KNOXVILLE, TENN. McGhee-Tyson Airport, 982' 110.3 mc, TYS LMM: 201 kc, YS LOM: None Procedure No. 1 | Knoxville LFR | Binfield Rbn#. | 216—10.0 | 2,500 | W side SW course ** 225 outbound, 045 inbound, 2,500' within 10 miles of OM. | (*) 2,500 (minimum altitude over Binfield Rbn). | (*) 2,040—4.34 (over and from OM). | (*) 1,180—0.61 (over and from MM) | T-dn<br>C-dn<br>C-n<br>S-dn<br>4<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>400-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>400-1.0<br><br>800-2.0 | Turn left and climb to 3,000' on N course of Knoxville LFR within 25 miles, or when directed by ATC, climb to 4,000' on NE course of Knoxville LFR within 25 miles.<br>*This procedure not premised on use of glide slope.<br>#Binfield Rbn located 6.6 miles from approach end of runway, frequency 217 kc, ident: BFH.<br>**Procedure turn W to avoid high terrain to E. |
| | Tellaree FM | Binfield Rbn | 333—14.0 | 3,500 | | | | | | | | |
| | Knoxville VOR | Binfield Rbn | 223—11.0 | 3,500 | | | | | | | | |
| LINCOLN, NEBR. Lincoln AFB, 1,191' 109.9 mc, LNK LMM: 206 kc, NK LOM: 251 kc, LN Procedure No. 1 | Lincoln LFR | LOM | 282—3.0 | 2,600 | W side NW course. 315 outbound. 135 inbound. 2,600' within 5 miles of LOM. | 2,320 | 2,320—4.34 | 1,400—0.66 | T-dn<br>C-dn<br>S-dn<br>11<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br><br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br><br>800-2.0 | Climb to 2,600' on SE course ILS within 15 miles, or as directed by ATC.<br>NOTE: No approach lights available. |
| | LOM | 135—16.0 | 2,600 | | | | | | | | | |
| LONG BEACH, CALIF. Long Beach Airport, 50' 110.3 mc, LGB LMM: 242 kc, GB LOM: 254 kc, LG Procedure No. 1 | Long Beach LFR | LOM | 135—1.6 | 1,500 | S side SE course: 122 outbound. 302 inbound. 1,500' within 15 miles of LOM (NA beyond 12 miles). | 1,320 | 1,320—5.42 | 245—0.77 | T-dn<br>C-dn<br>S-dn<br>30<br>A-dn | 300-1.0<br>600-2.0<br>400-3/4<br><br>800-2.0 | 300-1.0<br>600-2.0<br>400-3/4<br><br>800-2.0 | Climb to 800' on NW course Long Beach LFR; after reaching 300' make climbing left turn to 250° heading, intersect S course Los Angeles LFR and proceed to San Pedro Int. at minimum of 2,000', or as directed by ATC.<br>CAUTION: 510' msl hill with oil derricks, 1 mile S of airport. |
| | Huntington Beach FM | LOM | 295—9.2 | 1,320 | | | | | | | | |
| | Int. S course Los Angeles LFR and SW course Long Beach LFR | LOM | 039—7.7 | 1,500 | | | | | | | | |
| | Long Beach VOR | LOM | 295—9.2 | 1,320 | | | | | | | | |
| LOUISVILLE, KY. Standiford Field, 497' 110.3 mc, SDF LMM: None LOM: 212 kc, SD Procedure No. 1 | Louisville LFR | LOM | 214—12.0 | 2,100 | W side S course 190 outbound, 010 inbound, 2,100' within 5 miles of LOM. | 2,100 | 2,080—6.18 | 650—0.68 | T-dn<br>C-dn<br>C-n<br>S-dn<br>1<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>400-3/4<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br>400-3/4<br><br>800-2.0 | Climb to 2,100' on N course ILS, make left climbing turn to W course Louisville LFR. Stay on S side W course Louisville LFR, or on Louisville VOR course 283 outbound.<br>CAUTION: Complete procedure turn within 7 miles of LOM due to Fort Knox danger area. 1,070' msl obstructions, 4 miles N of airport. |
| | Int. E course Louisville and 237° bearing to LOM (Eastwood). | LOM | 237—19.0 | 2,100 | | | | | | | | |
| | Int. S crs Louisville and 318° bearing to LOM (Shepherdsville). | LOM | 318—10.0 | 2,100 | | | | | | | | |
| | Int. W course Louisville and 172° bearing to Godman Rbn (Lanesville). | LOM | 121—16.0 | 2,100 | | | | | | | | |
| | Int. W course Louisville and N course ILS. | LOM | 190—10.0 | 2,100 | | | | | | | | |
| | Louisville VOR | LOM | 262—10.0 | 2,100 | | | | | | | | |
| | Int. N course ILS and Louisville VOR radial 332. | LOM | 190—15.0 | 2,100 | | | | | | | | |
| | Int. Louisville VOR radial 188 and 311° bearing to LOM (Shepherdsville). | LOM | 311—11.0 | 2,100 | | | | | | | | |
| | Int. S course ILS and Louisville VOR radial 268. | LOM | 190—1.0 | 2,100 | | | | | | | | |



INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

| City and State; airport name; elevation; Localizer frequency and identification; LMM frequency and identification; LOM frequency and identification; procedure No. | Transition to ILS | | | | Procedure turn (  ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude at glide slope intercept ion inbound (ft.) | Altitude of glide slope and distance to approach end of runway | | Ceiling and visibility minimums | | | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | From— | To— | Course and distance | Minimum altitude (ft.) | | | At outer marker | At middle marker | Conditions | Type of aircraft: 75 m. p. h. or less | Type of aircraft: More than 75 m. p. h. | |
| LUBBOCK, TEX. Lubbock Airport, 3250' 109.5 mc, LBB LMM: 201 kc, BB LOM: 219 kc, LB Procedure No. 1 | Int. 191° course to Lubbock VOR and N course ILS. | Outer marker | 108—9.0 | 4,500 | E side N course* 348 outbound, 168 inbound, 4,500' within 15 miles of LOM (NA beyond 17 miles). | 4,500 | 4,500—4.76 | 3,485—0.73 | T-dn<br>C-dn<br>S-dn<br>17<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br><br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br><br>800-2.0 | Climb to 5,100' on S course ILS within 25 miles, or as directed by ATC.<br>*Procedure turn nonstandard due to ATC on N course Lubbock LFR. |
| | Int. 291° course to Lubbock VOR and N course ILS. | Outer marker | 318—6.0 | 4,500 | | | | | | | | |
| | Int. E course Lubbock LFR and N course ILS. | LOM | 318—6.0 | 4,500 | | | | | | | | |
| | Lubbock LFR | LOM | 051—13.0 | 4,500 | | | | | | | | |
| | Lubbock VOR | Outer marker | 052—5.0 | 4,500 | | | | | | | | |
| | Roundup FM | Outer marker | 088—11.0 | 4,500 | | | | | | | | |
| MACON, GA. Macon-Cochran Airport, 354' 109.5 mc, MCN LMM: 221 kc, CN LOM: 236 kc, MC Procedure No. 1 | Macon LFR | LOM | 192—7.0 | 1,600 | S side SW course: 209 outbound. 046 inbound. 1,600' within 5 miles (of LOM). | 1,600 | 1,400—4.40 | 530*—0.62 | T-dn<br>C-dn<br>S-dn<br>7<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br><br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br><br>800-2.0 | Climb to 1,700' on NE course ILS within 25 miles, or as directed by ATC.<br>*Below landing minimums. |
| | Int. SW course Macon LFR and W course ILS. | LOM | 046—3.0 | 1,600 | | | | | | | | |
| | Robins Rbn | LOM | 271—6.0 | 1,600 | | | | | | | | |
| MIAMI, FLA. Miami International Airport, 9' 109.5 mc, MIA LMM: None LOM: 227 kc, MI Procedure No. 1 | Miami LFR | LOM* | 085—1.5 | 1,100 | N side W course # 265 outbound. 085 inbound. 1,100' within 5 miles of LOM. | 1,100 | 1,100—4.10 | 200—0.66 | T-dn<br>C-dn<br>S-dn<br>9R<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br><br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br><br>800-2.0 | Climb to 1,100 on E course ILS, or as directed by ATC.<br>*Right turn from S or left turn from N from Miami LFR station to the outer marker not authorized.<br>#Procedure turn N to avoid conflict with traffic at Tamiami Airport. |
| | Miami VOR | LOM | 263—1.5 | 1,100 | | | | | | | | |
| | Krome FM | LOM | 091—10.0 | 1,100 | | | | | | | | |
| MIDLAND, TEX. Midland Air terminal, 2,867' 110.3 mc, MAF LMM: 201 kc, AF LOM: None Procedure No. 1 | Midland LFR | SW crs ILS | 189—0.9 | 4,200 | S side SW course 223 outbound. 044 inbound. 4,200' within 5 miles of OM. 4,300' within 25 miles. | 4,010 | 1,010—1.66 | 3,670—0.70 | T-dn<br>C-dn<br>S-dn<br>4<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br><br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br><br>800-2.0 | Climb to 4,300' on NE course ILS within 25 miles, or as directed by ATC. |
| | Midland VOR | LMM | 184—6.0 | 4,200 | | | | | | | | |
| MILWAUKEE, WIS. Gen. Mitchell Airport 698' 110.3 mc, MKE LMM: 201 kc, KE LOM: 219 kc, MK Procedure No. 1 | Milwaukee LFR | LOM | 194—2.5 | 2,000 | E side S course 185 outbound. 005 inbound. 2,000' within 5 miles of LOM. | 2,000 | 2,000—4.60 | 918—0.67 | T-dn<br>C-dn<br>S-dn<br>1<br>A-dn | 300-1.0<br>600-1.0<br>400-3/4<br><br>800-2.0 | 300-1.0<br>600-1.5<br>400-3/4<br><br>800-2.0 | Climb to 2,700' on N course Milwaukee LFR within 25 miles, or when directed by ATC, make left climbing turn to 2,500' on W course Milwaukee LFR, or make left climbing turn to 2,500', intercepting 278° course from Milwaukee VOR |
| | Int. N crs Milwaukee LFR and S crs ILS. | LOM | 185—4.5 | 2,000 | | | | | | | | |
| | Franksville FM | S crs ILS | 340—4.0 | 2,000 | | | | | | | | |
| | Int. W crs Milwaukee LFR and S crs ILS | LOM | 185—2.5 | 2,000 | | | | | | | | |
| | Genesee FM | LOM | 105—25.0 | 2,000 | | | | | | | | |
| MINNEAPOLIS, MINN. Minneapolis-St. Paul International Airport, 840' 110.3 mc, MSP LMM: 201 kc, SP LOM: 215 kc, MS Procedure No. 1 | Minneapolis LFR | LOM | 142—1.5 | 2,100 | N side SE course 115 outbound. 295 inbound. 2,100' within 5 miles of LOM | 2,100 | 2,060—4.70 | 1,057—0.68 | T-dn<br>C-dn<br>S-dn<br>29L<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br><br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br><br>800-2.0 | Climb to 2,500' on NW course of Minneapolis LFR or on course of 295° from Minneapolis VOR to Hamel FM, or as directed by ATC. |
| | Minneapolis VOR | LOM | 104—1.5 | 2,100 | | | | | | | | |
| | Hastings FM | Glide Slope Intercept ion (Final) | 295—8.0 | 2,100 | | | | | | | | |
| | Stanton Rbn | SE crs ILS | 360—23.0 | 2,200 | | | | | | | | |
| | Jordan FM | LOM | 061—26.0 | 2,200 | | | | | | | | |
| MOBILE, ALA. Bates Field, 217' 109.9 mc, MOB LMM: 359ed, OB LOM: 371 kc, MO Procedure No. 1 | Mobile LFR | Outer marker | 293—12.0 | 1,400 | W side NW 320 outbound. 140 inbound. 1,400' within 5 miles of LOM. | (*)—1,400 (Min alt. at OM) | (*)—0.67 (From OM) | (*)—0.67 (From OM) | T-dn<br>C-dn<br>S-dn<br>14<br>A-dn | 300-1.0<br>500-1.0<br>400-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>400-1.0<br><br>800-2.0 | Turn right, climb to 1,500' on SW course Mobile LFR, or as directed by ATC.<br>*No glide slope available. |
| | Int. SW course Mobile LFR and SE course ILS. | Outer marker | 320—12.0 | 1,400 | | | | | | | | |
| | Mobile VOR | Outer marker | 090—4.5 | 1,400 | | | | | | | | |

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

| City and State; airport name, elevation, Localizer frequency and identification, LMM frequency and identification, LOM frequency and identification, procedure No. | Transition to ILS: From— | To— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude at glide slope intercept inbound (ft.) | Altitude of glide slope and distance to approach end of runway: At outer marker: | At middle marker. | Ceiling and visibility minimums: Conditions | Type of aircraft: 75 m. p. h or less | More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| NASHVILLE, TENN. Berry Field, 606' 109.9 mc, BNA LMM: 356 kc, NA LOM: 375 kc, BN Procedure No. 1 | Nashville VOR | LOM | 250—7.0 | 2,500 | E side S course: 195 outbound. 015 inbound. 2,500' within 5 miles of LOM. | 2,500 | 2,000—5.70 | 840—0.81 | T-dn | 300-1.0 | 300-1.0 | Climb to 2,000' on NW course of Nashville LFR within 25 miles, or as directed by ATC; turn right, climb to 2,500' on NE course of Nashville LFR within 25 miles. |
| | Nashville LFR | LOM | 212—8.0 | 2,500 | | | | | C-dn | 500-1.0 | 500-1.5 | |
| | Walterhill FM | LOM | 284—20.0 | 2,500 | | | | | S-dn 22 | 100-3/4 | 400-3/4 | |
| | Fairview FM | LOM | 078—23.0 | 2,500 | | | | | 2L A-dn | 800-2.0 | 800-2.0 | |
| | Int. NW course Nashville LFR and N ers ILS | LOM | 194—11.0 | 2,500 | | | | | | | | |
| Procedure No. 2—Using Back Course ILS localizer | Int. NW course Nashville LFR and SW course Bowling Green LFR (Greenbrier Int.) | Int. N course ILS and NW course Nashville LFR | 151—21.0 | 2,000 | W side N course: 015 outbound. 195 inbound. 2,000' within 5 miles of Int. and N W course Nashville LFR). | (*) — 2,000 (Min. alt over Int. N course ILS and NW course LFR). | (*)—4.0 (From Int. N course ILS & NW course Nashville LFR). | (*) | T-dn | 300-1.0 | 300-1.0 | Proceed to outer marker, climb to 2,500', or when directed by ATC, turn left, climb to 2,500' on NE course Nashville LFR within 25 miles. *No glide slope installed on N course ILS. #Straight-in runway 20R |
| | Nashville LFR | do | 331—4.0 | 2,000 | | | | | C-dn# | 500-1.0 | 500-1.5 | |
| | Nashville VOR | do | 336—8.0 | 2,000 | | | | | A-dn | 800-2.0 | 800-2.0 | |
| NEWARK, N. J. Newark Airport, 18' 110.3 mc, EWR LMM: 350 kc, WR LOM: 400 kc, EW Procedure No. 1 | Int. E course Allentown LFR and SW course Newark LFR. | SW course ILS | 080—13.0 | 1,500 | E side SW course: 217 outbound. 037 inbound. 1,500' within 5 miles of LOM | 1,500 | 1,500—5.63 | 245—0.66 | T-dn | 300-1.0 | 300-1.0 | Climb to 1,000' on NE course ILS, make climbing left turn, climb to 2,000' on direct course to Paterson Rbn, or as directed by ATC. |
| | Int. W course Matawan VAR and SW course ILS. | SW course ILS | 037—0.0 | 1,500 | | | | | C-dn | 600-1.0 | 600-1.5 | |
| | | | | | | | | | S-dn 4 | 400-3/4 | 400-3/4 | |
| | Matawan VAR | SW course ILS | 356—11.0 | 1,500 | | | | | A-dn | 800-2.0 | 800-2.0 | |
| NEW BEDFORD, MASS. New Bedford Airport, 79' 109.5 mc, EWB LMM: 201 kc, WB LOM: None Procedure No. 1 | Int. E course Providence LFR and SW course ILS. | Outer marker. | 233—1.5 | 1,400 | S side SW course: 233 outbound. 053 inbound. 1,400' within 10 miles of OM (NA beyond 10 miles) | 1,400 | 1,240—4.40 | 265—0.66 | T-dn | 300-1.0 | 300-1.0 | Make standard rate climbing turn to the right, climb to 1,400' on SW course ILS. Hold on E side of ILS between LMM and 2 min SW. |
| | | | | | | | | | C-dn | 500-1.0 | 600-1.5 | |
| | | | | | | | | | S-dn 5 | 400-3/4 | 400-3/4 | |
| | | | | | | | | | A-dn | 800-2.0 | 800-2.0 | |
| NEW ORLEANS, LA. Moisant Intn'l Airport, 3' 109.9 mc, MSY LMM: None LOM: 219 kc, MS Procedure No. 1 | New Orleans LFR | W course ILS | 271—4.5 | 1,400 | S side W course: 279 outbound. 099 inbound. 1,400' within 5 miles of LOM | 1,040 | 1,040—3.92 | 230—0.67 | T-dn | 300-1.0 | 300-1.0 | Climb to 1,400' on E course ILS within 25 miles, or as directed by ATC. |
| | La Place FM and Rbn | W course ILS (final). | 120—3.0 | 1,040 | | | | | C-dn | 500-1.0 | 500-1.5 | |
| | | | | | | | | | S-dn 10 | 400-3/4 | 400-3/4 | |
| | New Orleans VOR | LOM | 313—4.5 | 1,100 | | | | | A-dn | 800-2.0 | 800-2.0 | |



INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

| City and State; airport name; elevation; Localizer frequency and identification; LMM: frequency and identification; LOM: frequency and identification; procedure No. | Transition to ILS: From— | To— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude at glide slope intercept inbound (ft.) | Altitude of glide slope and distance to approach end of runway: At outer marker: | At middle marker. | Ceiling and visibility minimums: Conditions | Type of aircraft: 75 m. p. h. or less | More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| NEW YORK, N. Y. La Guardia Field, 20' 109.9 mc; LGA Procedure No. 2—Using Back Course ILS localizer | Int. NE course La Guardia LFR and NE course Newark LFR. | New Rochelle Rbn | 222—14.0 | 1,500 | W side NE course: 013 outbound. 223 inbound. 1,500' within 5 miles of New Rochelle Rbn | 1,000* (Over New Rochelle Rbn on final approach) | (**)—8.8 (From New Rochelle Rbn) | (**)—3.2 (From La Guardia LFR) | T-dn | 300-1.0 | 300-1.0 | Climb to 1,500' (or at a higher altitude when requested by ATC) on SW course ILS. *Minimum altitude over La Guardia LFR is 800'. Descend to landing minimums after passing La Guardia LFR. **Not applicable. NOTE: Standard clearance not provided over 422' msl tank 2 miles N of airport and over Empire State Building 6 miles SW of airport. |
| | Int. NW course La Guardia LFR and S course Poughkeepsie LFR. | New Rochelle Rbn | 109—16.0 | 1,900 | | | | | C-dn | 500-1.0 | 600-1.5 | |
| | La Guardia LFR | New Rochelle Rbn | 042—6.0 | 1,500 | | | | | S-dn 22 | 400-1.0 | 400-1.0 | |
| | Port Chester FM (final) | New Rochelle Rbn | 222—10.0 | 1,000 | | | | | A-dn | 800-2.0 | 800-2.0 | |
| | Int. E course La Guardia LFR and NE course Idlewild LFR. | New Rochelle Rbn | 305—8.0 | 1,500 | | | | | | | | |
| New York International Airport, 12'. 109.5 mc; IDL LMM: None LOM: None Procedure No. 1 | Int. SE course Newark LFR and SW course ILS. | Outer marker. | 042—11.2 | 1,000 | S side SW course: 222 outbound. 042 inbound. 1,200' within 5 miles of OM. | 1,000 | 770—2.90 | 230—0.63 | T-dn | 300-1.0 | 300-1.0 | Climb to 500' on NE course ILS, make climbing turn to right to a heading of 130° intersecting SW course of Mitchel LFR, continue climb to 1,500' (or at a higher altitude when requested by ATC) outbound on SW course of Mitchel LFR. CAUTION: 278' msl stack, 127 miles SSE of runway 1R. |
| | Idlewild LFR | Outer marker. | 222—0.0 | 1,200 | | | | | C-dn | 500-1.0 | 600-1.5 | |
| | | | | | | | | | S-dn 4 | 400-3/4 | 400-3/4 | |
| | | | | | | | | | A-dn | 800-2.0 | 800-2.0 | |
| NIAGARA FALLS, N. Y. Niagara Falls Airport, 590' 109.7 mc, GFS LMM: 233 kc, FS LOM: 329 kc, GF Procedure No. 1 | Wolcottsville FM | LOM | 286—14.0 | 2,000 | N side E course: 098 outbound. 278 inbound. 2,000' within 5 miles of LOM. | 2,000 | 1,850—4.60 | 810—0.70 | T-dn | 300-1.0 | 300-1.0 | Climb to 2,000' on W course ILS, or as directed by ATC. |
| | Int. E course ILS and NE course Buffalo LFR. | LOM | 278—15.0 | 2,000 | | | | | C-dn | 500-1.0 | 500-1.5 | |
| | | | | | | | | | S-dn 27 | 400-1.0 | 400-1.0 | |
| | Buffalo LFR | LOM | 338—12.0 | 2,000 | | | | | A-dn | 800-2.0 | 800-2.0 | |
| NORFOLK, VA. Norfolk Airport, 26' 109.9 mc; ORK LMM: None LOM: 391 kc, OR Procedure No. 1 | Norfolk LFR | LOM | 324—0.9 | 1,400 | S side SW course: 224 outbound. 044 inbound. 1,400' within 5 miles of LOM. | 1,100 | 1,050—4.20 | 220—0.63 | T-dn | 300-1.0 | 300-1.0 | Turn right and climb to 1,400' on SW course of ILS. #400-1 day and night required when approach lights are inoperative. |
| | Int. SW course ILS and S course Langley LFR. | LOM | 044—7.0 | 1,100 | | | | | C-dn | 500-1.0 | 500-1.5 | |
| | | | | | | | | | S-dn# 4 | 400-3/4 | 400-3/4 | |
| | | | | | | | | | A-dn | 800-2.0 | 800-2.0 | |
| OKLAHOMA CITY, OKLA. Will Rogers Field, 1,283'. 109.9 mc, OKC LMM: 201 kc, KC LOM: 219 kc, OK Procedure No. 1 | Int. 229° brg to Okla. City VOR and N ers ILS. | LOM | 170—11.0 | 2,500 | E side S course: 170 outbound. 350 inbound. 2,500' within 5 miles of LOM. | 2,500 | 2,500—4.77 | 1,175—0.61 | T-dn | 300-1.0 | 300-1.0 | Climb to 3,000' on N course ILS within 25 miles, or as directed by ATC. |
| | Oklahoma City VOR | LOM | 151—10.0 | 2,500 | | | | | C-dn | 500-1.0 | 500-1.5 | |
| | Oklahoma City LFR | LOM | 150—6.0 | 2,500 | | | | | S-dn 35 | 400-3/4 | 400-3/4 | |
| | Int. N ers Okla. City LFR and N ers ILS. | LOM | 170—16.0 | 2,500 | | | | | A-dn | 800-2.0 | 800-2.0 | |
| | Oklahoma City FM | LOM | 197—7.0 | 2,500 | | | | | | | | |
| | Washington FM | LOM | 344—15.0 | 2,500 | | | | | | | | |
| | Mustang FM | LOM | 106—11.0 | 2,500 | | | | | | | | |

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

| City and State; airport name; elevation; Localizer frequency and identification; LMM frequency and identification; LOM frequency and identification; procedure No. | Transition to ILS: From— | Transition to ILS: To— | Transition to ILS: Course and distance | Transition to ILS: Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope intercept ion inbound (ft.) | Altitude of glide slope and distance to approach end of runway: At outer marker | Altitude of glide slope and distance to approach end of runway: At middle marker | Ceiling and visibility: Conditions | Ceiling and visibility: Type of aircraft: 75 m. p. h. or less | Ceiling and visibility: Type of aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ONTARIO, CALIF. Ontario International Airport, 952' 108.3 mc; ONT LMM: 219 kc, NT LOM: 347 kc, ON Procedure No. 1 | Ontario VOR | LMM | 348—8.2 | 2,500* | S side E course: 075 outbound. 255 inbound. 3,200' within 10 miles of LOM (NA beyond 10 miles N course Riverside LFR). | 2,740 | 2,120—4.50 | 1,110—0.66 | T-dn<br>C-dn<br>S-dn<br>25<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br><br>800-2.0 | 300-1.0<br>600-1.5<br>400-3/4<br><br>800-2.0 | Climb to 4,000' and hold E of the Int. W course ILS and NE course Long Beach LFR in a nonstandard 2 min. pattern, or as directed by ATC.<br>*Must be on top, with tops at Ontario not above 5,000' msl.<br>#When tops are 5,000' or below, transition from Riverside LFR to Int. E course ILS authorized at 5,000', with straight-in approach to Ontario International authorized from on top at glide slope intersection. When tops are above 5,000', use procedure outline in note @.<br>@When established on localizer course westbound, descent westbound and make S procedure turn between LMM and Int. W course ILS and NE course Long Beach LFR at not below 4,000'. Recross LOM eastbound at not below 3,200'.<br>CAUTION: High terrain N—all maneuvering on S side of localizer course. |
| | Fontana FM | LMM | 224—13.0 | 5,000* | | | | | | | | |
| | Downey FM and Rbn | W course ILS | 055—21.0 | 2,500* | | | | | | | | |
| | Int. N course Riverside LFR and E course ILS. | LOM | 255—9.5 | 10,000#@ | | | | | | | | |
| PHILADELPHIA, PA. Philadelphia International Airport, 10'. 108.3 mc, PHL LMM; 201 kc, IIL LOM; 219 kc, PH Procedure No. 1 | Boothwyn FM | W course ILS. | 085—0.0 | 1,500 | S side W course: 265 outbound. 085 inbound. 1,500' within 10 miles of LOM. 1,700' within 15 miles. | 1,500 | 1,410—5.28 | 220—0.66 | T-dn<br>C-dn<br>S-dn<br>9<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br><br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br><br>800-2.0 | Climb to 1,800' on NE course of Philadelphia LFR, or as directed by ATC. |
| | Philadelphia LFR | LOM | 253—2.5 | 1,500 | | | | | | | | |
| PITTSBURGH, PA. Allegheny County Airport 1,252' 109.5 mc, AGO LMM; None LOM; None Procedure No. 1 | Pittsburgh LFR | Outer marker | 091—8.0 | 2,600 | N side E course: 095 outbound. 275 inbound. 2,600' within 5 miles of OM. | 2,600 | 2,510—4.70 | 1,460—0.65 | T-dn<br>C-dn<br>S-dn<br>27<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br><br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br><br>800-2.0 | Climb to 3,000' on W course Pittsburgh LFR, proceed to Cecil holding pattern, or as directed by ATC.<br>NOTE: Approaches may also be conducted from McKeesport Rbn. Glide slope altitude on final approach over McKeesport Rbn is 3,000'. |
| | McKeesport Rbn | Outer marker | 275—1.7 | 2,600 | | | | | | | | |
| | Int. SE ers Pittsburgh LFR and NE ers Morgantown LFR | McKeesport Rbn | 322—16.8 | 2,500 | | | | | | | | |
| Greater Pittsburgh Airport 1,168' 110.3 mc, PIT LMM; None LOM; 201 kc, PI Procedure No. 1 | Cecil Rbn | LOM | 013—8.0 | 2,600 | E side SE course: 141 outbound. 321 inbound. 2,600' within 5 miles of LOM. | 2,500 | 2,495—4.70 | 1,415—0.67 | T-dn<br>C-dn<br>S-dn<br>32<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br><br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br><br>800-2.0 | Make a climbing left turn, climb to 2,500' (or at a higher altitude when requested by ATC) and proceed to Clinton Rbn. |
| | Butler Rbn | LOM | 214—21.0 | 2,500 | | | | | | | | |
| | McKeesport Rbn | LOM | 291—19.0 | 2,700 | | | | | | | | |
| | Clinton Rbn | LOM | 119—10.0 | 2,600 | | | | | | | | |
| | Greater Pittsburgh Rbn | LOM | 226—4.5 | 2,600 | | | | | | | | |
| QUINCY, ILL. Baldwin-Quincy Airport, 769' 110.3 mc, UIN LMM: 308 kc, IN LOM: 293 kc, UIN (Quincy Rbn at OM site) Procedure No. 1 | Quincy VOR | Quincy Rbn | 020—3.0 | 1,800 | S side SW course: 214 outbound. 034 inbound. 1,800' within 5 miles of OM. | 1,800 | 1,834—4.44 | 952—0.69 | T-dn<br>C-dn<br>S-dn<br>3<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br><br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br><br>800-2.0 | Climb to 1,900' on NE course ILS within 25 miles or as directed by ATC.<br>CAUTION: 1,560' msl tower located approximately 6.5 miles WNW of airport. |



INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

| City and State; airport name; elevation; Localizer frequency and identification; LMM frequency and identification; LOM frequency and identification; procedure No. | Transition to ILS: From— | Transition to ILS: To— | Transition to ILS: Course and distance | Transition to ILS: Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope interception inbound (ft.) | Altitude of glide slope and distance to approach end of runway: At outer marker | Altitude of glide slope and distance to approach end of runway: At middle marker | Ceiling and visibility minimums: Conditions | Ceiling and visibility minimums: Type of aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type of aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| RALEIGH, N. C. Raleigh-Durham Airport 435' 108.3 mc, RDU LMM: 251 kc, DU LOM: 281 kc, RD Procedure No. 1 | Raleigh LFR | LOM | 262—8.0 | 2,000 | N side SW course: 229 outbound. 049 inbound 1,600' within 5 miles of LOM. | 1,520 | 1,529—4.43 | 610—0.62 | T-dn<br>C-dn<br>S-dn<br>5<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br><br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br><br>800-2.0 | Climb to 1,800' on NE course Raleigh LFR within 25 miles, or when directed by ATC, turn left, climb to 2,000' on NW course of Raleigh LFR within 25 miles. |
| | Int. NW course Raleigh LFR and SW course ILS. | LOM | 229—5.0 | 1,600 | | | | | | | | |
| | Raleigh VOR | LOM | 303—12.0 | 2,000 | | | | | | | | |
| READING, PA. General Spaatz Airport, 340' 109.5 mc, RDG LMM: None LOM: 230 kc, RD Procedure No. 1 | Int. SW course Allentown LFR and S course ILS. | Outer marker | 181—3.8 | 2,500 | E side S course: 81 outbound. 001 inbound. 2,100' within 5 miles of LOM. | 2,100 | 1,540—4.50 | 535—0.59 | T-dn#<br>C-dn<br>S-dn<br>36<br>A-dn | 300-1.0<br>600-2.0<br>500-1.0<br><br>1,000-2.0 (BCOB) | 300-1.0<br>800-2.0<br>500-1.0<br><br>1,000-2.0 (BCOB) | Climb to 2,500' on course of 360° from LOM within 10 miles.<br>#Takeoff on runways 18 and 13, make right turn as soon as practicable to avoid 1,236' mountain and tower located 3.5 miles SE of airport. |
| ROCK SPRINGS, WYO. Rock Springs Airport, 6,752' 110.3 mc, RKS LMM: 201 kc, KS LOM: None Procedure No. 1 | Rock Springs LFR | LOM | 090—1.5 | 9,200 | N side E course: 074 outbound. 254 inbound. 9,200' within 5 miles of OM. | 8,700 | 7,850—4.50 | 6,950*—0.70 | T-dn#<br>C-d<br>C-n<br>S-dn*<br>25<br>A-dn | 300-1.0<br>500-1.0<br>500-2.0<br>400-3/4<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-2.0<br>400-3/4<br><br>800-2.0 | Climb to 10,000' on W course Rock Springs LFR.<br>*When glide slope or approach lights are inoperative, circling approach minimums apply and descent to 7,260' msl authorized at middle marker.<br>#Night takeoffs authorized on runways 7 and 25 only. |
| | Int. E ers ILS and W ers Rock Springs LFR. | LOM | 074—4.5 | 9,200 | | | | | | | | |
| | Point of Rocks FM | E course ILS | 235—7.0 | 9,200 | | | | | | | | |
| | Rock Springs VOR | E course ILS | 062—2.5 | 9,200 | | | | | | | | |
| SACRAMENTO, CALIF. Sacramento Airport, 21' 110.3 mc, SAC LMM: 263 kc, AC LOM: 356 kc, SA Procedure No. 1 | Sacramento VOR | SW course ILS (LOM) | 018—0.7 | 1,200 | S side SW course: 196 outbound. 016 inbound. 1,200'.* | 1,160 | 1,169—4.60 | 213—0.59 | T-dn<br>C-dn<br>S-dn<br>2<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br><br>800-2.0 | 300-1.0<br>600-1.5<br>400-3/4<br><br>800-2.0 | Climb to 2,400' on NE course Sacramento LFR within 20 miles, or on course of 022° from Sacramento VOR within 20 miles, or as directed by ATC.<br>*Procedure turn not authorized beyond Clarksburg FM. |
| | Sacramento LFR | SW course ILS (LOM) | 187—3.0 | 1,200 | | | | | | | | |
| | Clarksburg FM | SW course ILS (LOM) | 022—8.0 | 1,200 | | | | | | | | |
| | Travis LFR | SW course ILS (LOM) | 043—19.0 | 1,200 | | | | | | | | |
| | Int. SE ers Sacramento LFR and N ers Stockton LFR (Galt Int.). | SW course ILS (LOM) | 208—16.0 | 1,200 | | | | | | | | |
| ST. JOSEPH, MO. Rosecrans Memorial Airport, 821' 110.3 mc, STJ LMM: None LOM: 287 kc, ST Procedure No. 1 | St. Joseph LFR | LOM | 167—2.5 | 2,300 | E side S course: 172 outbound. 352 inbound 2300' within 10 miles of LOM*. | 2,300 | 2,261—6.05 | 1,066—0.86 | T-dn<br>C-d<br>C-n<br>S-dn<br>35<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>400-3/4<br><br>800-2.0 | 300-1.0<br>700-1.5<br>700-1.5<br>400-3/4<br><br>800-2.0 | Climb to 2,400' on N course ILS within 25 miles, or as directed by ATC.<br>*Procedure turn beyond 10 miles NA due to conflicting Kansas City traffic. |
| | St. Joseph VOR | N course ILS | 153—3.0 | 2,400 | | | | | | | | |
| ST LOUIS, MO. Lambert-St. Louis Airport, 558' 110.3 mc, STL LMM: 201 kc, TL LOM: 219 kc, ST Procedure No. 1 | St. Louis VOR | Outer marker | 110—12.0 | 1,800 | N side NE course: 058 outbound. 238 inbound. 1,800' within 5 miles of LOM. | 1,800 | 1,809—4.81 | 750—0.61 | T-dn<br>C-dn<br>S-dn<br>21<br>A-dn | 300-1.0<br>500-1.0<br>400-3/4<br><br>800-2.0 | 300-1.0<br>500-1.5<br>400-3/4<br><br>800-2.0 | Climb to 2,000' on SW course ILS within 25 miles, or as directed by ATC. |
| | Int. NW ers Scott LFR and NE ers ILS. | Outer marker | 238—8.0 | 1,800 | | | | | | | | |
| | Int. SW ers ILS and NE ers Vichy LFR. | Outer marker | 058—57.0 | 3,000 | | | | | | | | |
| | St. Louis LFR | NE course ILS (outbound). | 035—1.0 | 1,800 | | | | | | | | |
| | Jerseyville Int. | LOM | 169—22.0 | 1,800 | | | | | | | | |
| | Int. NW ers Scott LFR and E ers St. Louis LFR. | NE course ILS | 285—3.5 | 1,800 | | | | | | | | |

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

| City and State; airport name; elevation; Identification and frequency of LMM; identification, LOM; frequency and identification, procedure No. | Minimum altitude at Fix or point of intersection inbound (ft.) | Altitude of glide slope and distance to approach end of runway | | Ceiling and visibility minimums | | | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|
| | | At outer marker | At middle marker | Conditions | Type of aircraft | | |
| | | | | | 75 m. p. h. or less | More than 75 m. p. h. | |
| SALT LAKE CITY, UTAH<br>Salt Lake City Airport No. 1, 4,222'<br>LMM: 278 kc, SLC<br>LOM: 230 kc, LC<br>Procedure No. 24 | 7,500 | 5560—4.69 | 4410—0.71 | T—1in<br>C—1in<br>S—1in<br>A—1in | 300—1.0<br>800—2.0<br>400—1.0<br>800—2.0 | 300—1.0<br>800—2.0<br>400—1.0<br>800—2.0 | Climb to cross Salt Lake City LFR at not above 6,500', then climb to cross Salt Lake City LFR at not above 9,000' on course of 335° to Promontory Point Rbn. |
| SAN ANTONIO, TEX.<br>San Antonio Airport, 808'<br>109.9 mc, SAT<br>LMM: 200 kc, AT<br>LOM: 219 kc, SA<br>Procedure No. 2—using back course ILS localizer. | 2,050 | 2,050—4.38 | 1,000—0.68 | T—1in<br>C—1in<br>S—1in<br>A—1in | 300—1.0<br>500—1.5<br>400—3.4<br>800—2.0 | 300—1.0<br>500—1.5<br>400—3.4<br>800—2.0 | Climb to 2,500 on NE course ILS within 15 miles, or as directed by ATC. |
| | (*) | (*) | (*) | T—1in<br>C—1in<br>S—1in<br>A—1in | 300—1.0<br>500—1.5<br>400—3.4<br>800—2.0 | 300—1.0<br>500—1.5<br>400—3.4<br>800—2.0 | Climb to 2,800' on SE course San Francisco LFR within 25 miles, or as directed by ATC.<br>•No glide slope facility. |
| SAN FRANCISCO, CALIF.<br>San Francisco Airport, 11'<br>109.5 mc, SFO<br>LMM: 280 kc, FO<br>LOM: 350 kc, SF<br>Procedure No. 1 | 1,660 | 1,660—5.40 | 550—0.66 | T—1in<br>C—1in<br>S—1in<br>A—1in | 300—1.0<br>500—1.5<br>400—3.4<br>800—2.0 | 300—1.0<br>500—1.5<br>400—3.4<br>800—2.0 | Climb to 3,000' on NW course San Francisco LFR within 25 miles or as directed by ATC.<br>•After passing through Belmont FM (via SE course San Francisco LFR), climb to intercept localizer course SE of LOM inbound (281°).<br>•After takeoff from Oakland Airport home on San Francisco LOM, making good a track of 166° while climbing to 2,400'; then climb to intercept localizer course SE of LOM inbound. |



INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

| City and State; airport name; elevation; Identification and frequency of LMM; identification, LOM; frequency and identification, procedure No. | Minimum altitude at Fix or point of intersection inbound (ft.) | Altitude of glide slope and distance to approach end of runway | | Ceiling and visibility minimums | | | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|
| | | At outer marker | At middle marker | Conditions | Type of aircraft | | |
| | | | | | 75 m. p. h. or less | More than 75 m. p. h. | |
| SAULT STE. MARIE, MICH.<br>Kinross AFB, 769'<br>110.3 mc, INK<br>LMM: 200 kc, NR<br>LOM: 210 kc, IN<br>Procedure No. 1 | 2,300 | ~1,414—6.65* | 971—0.66* | T—1in<br>C—1in<br>S—1in<br>A—1in | 300—1.0<br>500—1.5<br>400—3.4<br>800—2.0 | 300—1.0<br>500—1.5<br>400—3.4<br>800—2.0 | Climb to 2,500' on SE course ILS within 25 miles, or when directed by ATC, climb to 4,500', thence climb to 6,000' on course of 335° to Sanilac LFR, then climb to 9,000' on course of 335° to Promontory Point Rbn. |
| SHREVEPORT, LA.<br>Greater Shreveport Airport, 252'<br>110.3 mc, SLA<br>LMM: 278 kc, HV<br>LOM: 210 kc, SH<br>Procedure No. 1 | 1,400 | 1,143—4.31 | 455—0.62 | T—1in<br>C—1in<br>S—1in<br>A—1in | 300—1.5<br>200—1.0<br>400—3.4<br>800—2.0 | 300—1.5<br>200—1.0<br>400—3.4<br>800—2.0 | Climb to 2,000' on W course ILS. 360 I. centered for takeoff to SE. CAUTION: 834' msl radio tower, located 1.3 miles S-E of airport. |
| | 1,480 | 1,365—4.40 | 635—0.71 | T—1in#<br>C—1in<br>S—1in<br>A—1in | 300—1.0<br>200—1.0<br>400—3.1<br>800—2.0 | 300—1.0<br>200—1.5<br>400—3.1<br>800—2.0 | Climb to 2,000' on W course ILS. 360 I. centered for takeoff to SE. CAUTION: 834' msl radio tower, located 1.3 miles S-E of airport. |
| SYRACUSE, N. Y.<br>Hancock Airport, 410'<br>109.9 mc, SYR<br>LMM: None<br>LOM: 221 kc, SY<br>Procedure No. 1 | 1,220 | 1,220—4.70 | 220—0.61 | T—1in<br>C—1in<br>S—1in<br>A—1in | 300—1.0<br>500—1.5<br>400—3.1<br>800—2.0 | 300—1.0<br>500—1.5<br>400—3.1<br>800—2.0 | Climb to 1,500' on SE course Tampa LFR or as directed by ATC. |
| TAMPA, FLA.<br>International Airport, 26'<br>110.3 mc, TPA<br>LMM: None<br>LOM: 251 kc, TP<br>Procedure No. 1 | 1,500 | 1,143—4.31 | 455—0.62 | T—1in<br>C—1in<br>S—1in<br>A—1in | 300—1.0<br>500—1.5<br>400—3.4<br>800—2.0 | 300—1.0<br>500—1.5<br>400—3.4<br>800—2.0 | Climb to 1,500' on N course ILS. •Deviation authorized to avoid traffic conflict with NAS ATB. •No glide slope on course ILS. Note: Straight in to Runway 36. |

| City and State; airport name; elevation; Identification and frequency of LMM; identification, LOM; frequency and identification, procedure No. | Transition to ILS | | | Minimum altitude (ft.) | Procedure turn from side of course indicated; approach course (outbound and inbound); all tracks; limiting distances |
|---|---|---|---|---|---|
| | From— | To— | Course and distance | | |
| SALT LAKE CITY, UTAH<br>Salt Lake City Airport No. 1, 4,222'<br>110.3 mc, SLC<br>LMM: 278 kc, LC<br>LOM: 230 kc, SA<br>Procedure No. 24 | Riverton FM | S course ILS | 315—0.0 | 7,500 | No procedure turn authorized.<br>Final approach courses<br>Not outbound.<br>345 inbound. |
| SAN ANTONIO, TEX.<br>San Antonio Airport, 808'<br>109.9 mc, SAT<br>LMM: 200 kc, AT<br>LOM: 219 kc, SA<br>Procedure No. 2—using back course ILS localizer. | San Antonio LFR (SAT) | SW course ILS | 174—3.6 | 2,200 | W side SW course<br>131 outbound.<br>311 inbound.<br>2,200' within 5 miles of LOM. |
| | San Antonio VOR | Outer marker | 186—12.0 | 2,200 | |
| | Int E course San Antonio LFR and NE course ILS. | Outer marker | 271—8.8 | 2,200 | |
| | Kelly LFR (SKF) | Outer marker | (339—8.3 | 2,200 | |
| | Int. S course San Antonio LFR and SE course Kelly LFR. | SW course ILS | 319—13.0 | 2,200 | |
| | Int. SW course Kelly LFR and SW course ILS. | Outer marker | 031—12.0 | 2,200 | |
| | San Antonio VOR | NE course ILS | 142—5.0 | 2,400 | N side NE course:<br>031 outbound.<br>211 inbound.<br>2,400' within 15 miles of Int. 322° bearing to ILS LFR course (NA beyond 15 miles) |
| | San Antonio LFR | NE course ILS. | 084—2.5 | 2,400 | |
| | Int. S course San Antonio LFR and SW course ILS. | Int. E course San Antonio LFR and NE course ILS. | 031—4.5 | 2,200 | |
| SAN FRANCISCO, CALIF.<br>San Francisco Airport, 11'<br>109.5 mc, SFO<br>LMM: 280 kc, FO<br>LOM: 350 kc, SF<br>Procedure No. 1 | San Francisco LFR | Belmont FM (via SE course San Francisco LFR).* | 106—6.0 | 1,700 | No procedure turn authorized.<br>Final approach<br>101 Outbound.<br>281 inbound. |
| | Moffet LFR | LOM | 259—18.0 | 1,700 | |
| | Half Moon Bay Int. | LOM | 031—12.0 | 3,000 | |
| | Oakland LFR | LOM | 175—12.0 | 2,000 | |
| | Newark RM and Rbn. | LOM | 253—12.0 | 2,000 | |
| | Saratoga Int | LOM | 333—21.0 | 5,000 | |
| | Oakland Airport | LOM | 176—11.0 | (**) | |
| | Oakland VOR | LOM | 107—11.0 | 2,000 | |
| | San Francisco VOR | LOM | 285—9.0 | 1,500 | |

| City and State; airport name; elevation; Identification and frequency of LMM; identification, LOM; frequency and identification, procedure No. | Transition to ILS | | | Minimum altitude (ft.) | Procedure turn from side of course indicated; approach course (outbound and inbound); all tracks; limiting distances |
|---|---|---|---|---|---|
| | From— | To— | Course and distance | | |
| SAULT STE. MARIE, MICH.<br>Kinross AFB, 769'<br>110.3 mc, INK<br>LMM: 200 kc, NR<br>LOM: 210 kc, IN<br>Procedure No. 1 | Sault Ste Marie LFR | LOM | 296—13.0 | 2,300 | W side NW course<br>335 outbound.<br>155 inbound.<br>2,300' within 5 miles of LOM. |
| | Int. W course Sault Ste Marie LFR and NW course ILS. | LOM | 155—13.0 | 2,300 | |
| | Int. S ers Sault Ste Marie LFR and SE course ILS. | LOM | 337—9.0 | 2,300 | |
| SHREVEPORT, LA.<br>Greater Shreveport Airport, 252'<br>110.3 mc, SLA<br>LMM: 278 kc, HV<br>LOM: 210 kc, SH<br>Procedure No. 1 | Shreveport VOR | LOM | 183—10.0 | 1,740 | W side NW course<br>315 outbound.<br>135 inbound.<br>1,400' within 25 miles of LOM. |
| | Dixie Rbn | LOM | 182—13.0 | 1,480 | |
| | Shreveport LFR | LOM | 227—8.0 | 1,100 | |
| | Int. SW course Barksdale LFR and E course Shreveport LFR. | LOM | 300—12.0 | 1,480 | |
| | Int. W course Shreveport LFR and NW ers ILS. | LOM | 135—8.0 | 1,430 | |
| | Int 340° brg to Shreveport VOR and SE course ILS. | LOM | 315—16.0 | 1,400 | |
| | Int. (087° bearing to Shreveport VOR and NW course ILS. | LOM | 135—25.0 | 1,480 | |
| SYRACUSE, N. Y.<br>Hancock Airport, 410'<br>109.9 mc, SYR<br>LMM: None<br>LOM: 221 kc, SY<br>Procedure No. 1 | Syracuse LFR | LOM | 069—13.0 | 1,980 | N side E course:<br>268 outbound.<br>088 inbound.<br>1,600' within 5 miles of LOM |
| | Syracuse VOR | LOM | 121—10.0 | 1,960 | |
| | Int. E course Syracuse LFR and 305° bearing to LOM | LOM | 335—3.0 | 1,980 | |
| | Int. E course Syracuse LFR and SW course Utica LFR | E course ILS | 310—13.0 | 2,500 | |
| Procedure No. 2—using back course ILS localizer | Syracuse LFR | W course ILS | 110—1.0 | *2,000 | S side W course:<br>278 outbound.<br>098 inbound.<br>2,000' within 5 miles of LOM. |
| | Syracuse VOR | W course ILS | 235—6.0 | 1,700 | |
| TAMPA, FLA.<br>International Airport, 26'<br>110.3 mc, TPA<br>LMM: None<br>LOM: 251 kc, TP<br>Procedure No. 1 | Int. N course Tampa LFR and N course ILS. | LOM | 180—16.3 | 1,000 | W side N course:<br>360 outbound.<br>180 inbound.<br>1,000' within 5 miles of LOM. |
| | Tampa LFR | ILS localizer | 359—5.8 | 1,500 | |
| | Tampa VOR | LOM | 058—17.2 | 1,300 | |
| | Tampa LFR | Int SW course and E course ILS | 210—6.0 | 1,500 | W side S course:<br>180 outbound.<br>360 inbound.<br>1,500' within 5 miles of LOM and SW course ILS. |

INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

| City and State; airport name; elevation; Localizer frequency and identification; LMM frequency and identification; LOM frequency and identification; procedure No. | Transition to ILS: From— | To— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope intercept ion inbound (ft.) | Altitude of glide slope and distance to approach end of runway: At outer marker | At middle marker | Ceiling and visibility minimums: Conditions | Type of aircraft: 75 m. p. h. or less | Type of aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| TETERBORO, N. J. Teterboro Airport, 7' 108.1 mc, TEB LMM: None LOM: None Procedure No. 1 | Chatham Rbn | SW course ILS | 095–12.0 | 2,000 | W side SW course:** 239 outbound. 059 inbound. 1,800' within 5 miles of OM. | 1,400 | 1,360–4.70 | 230–0.64 | T–dn | 300–1.0 | 300–1.0 | Climb to 1,000' on heading of 059°, turn left, climb to 2,000' on ADF course to Paterson Rbn. |
| | Newark LOM | SW course ILS | 348–7.0 | 1,800* | | | | | C–dn | 600–1.0 | 1,000–1.5 | #700–1 required when approach lights are inoperative. |
| | Paterson Rbn | Outer marker | 186–10.0 | 2,000 | | | | | S–dn# 6 | 600–1.0 | 600–1.0 | *If radar vectoring is employed, aircraft may be authorized to start descent to 1,400' after passing NW course Idlewild LFR for a straight-in approach following the ILS course. |
| | Caldwell VOR | Outer marker | 111–13.0 | 2,000 | | | | | A–dn | 1,000–2.0 | 1,000–2.0 | **Procedure turn W to avoid traffic. |
| TRI-CITY (Bristol), TENN. Tri-City Airport, 1,524' 109.9 mc., TRI LMM: 201kc., RI LOM: 239 kc., TR Procedure No. 1 | Tri-City LFR | LOM | 116–2.5 | 3,000 | N side E course: 080 outbound. 270 inbound. 3,000' within 5 miles of LOM | 3,000 | 2,740–4.30 | 1,750–0.65 | T–dn | 300–1.0 | 300–1.0 | Climb to 5,000' on SW course Tri-City LFR, or as directed by ATC. *Emmett Rbn is located 14.5 miles from runway; glide slope altitude 5,500' msl at Emmett Rbn. Descent inbound on glide slope not to be started until definitely past Emmett Rbn inbound on final. |
| | Int. SW course Tri-City LFR and 090° course to Tri-City VOR. | LOM | 072–11.0 | 3,000 | | | | | C–d | 700–1.0 | 800–1.5 | | |
| | Int. 125° course to Tri-City VOR and 227° course to Knoxville VOR. | LOM | 134–23.0 | 4,500 | | | | | C–n | 700–1.5 | 800–2.0 | | |
| | Emmett Rbn | LOM (final) | 270–10.0 | (*) | | | | | S–dn 27 | 600–3/4 | 600–3/4 | | |
| | Tri-City LFR | Emmett Rbn | 095–11.0 | 5,500 | | | | | A–dn | 1,000–2.0 | 1,000–2.0 | | |
| | Int. SW course Tri-City LFR and E course ILS. | Emmett Rbn | 090–14.0 | 5,500 | | | | | | | | | |
| | Int. NE course Tri-City LFR and 210° course to Tri-City VOR. | Emmett Rbn | 219–13.0 | 5,500 | | | | | | | | | |
| WASHINGTON, D. C. Washington National Airport, 16' 109.9 mc., DCA LMM: 224 kc., CA LOM: None Procedure No. 1 | Andrews LFR | Outer marker | 305–10.0 | 1,500 | W side S course:* 183 outbound. 003 inbound. 1,400' within 5 miles of OM. | 1,400 | 1,360–5.30 | 205–0.62 | T–dn | 300–1.0 | 300–1.0 | If contact not established at LMM, make climbing turn to left as soon as practicable and climb to 1,800' (or to a higher altitude if directed by ATC) on NW course Washington LFR, or as directed by ATC. *Non-standard procedure turn to avoid Andrews AFB traffic. CAUTION: Standard clearance not provided over 596' msl monument, 1.8 miles N of airport. |
| | Springfield Rbn | Outer marker | 103–12.0 | 1,500 | | | | | C–dn | 600–1.0 | 600–1.5 | | |
| | | | | | | | | | S–dn 36 | 400–3/4 | 400–3/4 | | |
| | | | | | | | | | A–dn | 800–2.0 | 800–2.0 | | |
| WILKES-BARRE, PA. Wilkes-Barre-Scranton Airport, 956' 110.3 mc., AVP LMM: 201 kc., VP LOM: None Procedure No. 1 | Wilkes-Barre-Scranton LFR | Crystal Lake Rbn | 199–8.0 | 3,500 | E side SW course: 222 outbound. 042 inbound. 3,500' within 5 miles of OM. | 3,500* | 2,250–4.55 | 1,189–0.69 | T–dn# | 600–1.0 | 600–1.0 | Make a climbing left turn and climb to 4,000' on SW course Wilkes-Barre-Scranton LFR. #600–2 day, 800–2 night for Runways 10 and 16. *Minimum altitude over Crystal Lake Rbn is 3,500'. NOTE: This procedure premised on use of Crystal Lake Rbn and ILS glide slope. Rbn located 10.2 miles from approach end of Runway 4—frequency, 219 kc; identification, CYE. CAUTION: High terrain to E, SE and S of airport within 3 miles. |
| | Int. E course Wilkes-Barre-Scranton LFR and SW course ILS. | Crystal Lake Rbn | 222–11.0 | 3,500 | | | | | C–d | 900–1.5 | 1,000–2.0 | | |
| | Int. E course Williamsport LFR and SW course Wilkes-Barre Scranton LFR. | Crystal Lake Rbn | 100–10.0 | 3,500 | | | | | C–n | 1,300–2.0 | 1,300–2.0 | | |
| | Wilkes-Barre-Scranton VOR | Crystal Lake Rbn | 234–25.0 | 3,500 | | | | | S–dn 4 | 600–2.0 | 600–2.0 | | |
| | | | | | | | | | A–d | 1,300–2.0 | 1,300–2.0 | | |
| | | | | | | | | | A–n | 1,600–3.0 | 1,600–3.0 | | |



INSTRUMENT LANDING SYSTEM PROCEDURES—Continued

| City and State; airport name; elevation; Localizer frequency and identification. LMM frequency and identification; LOM: frequency and identification; procedure No. | Transition to ILS: From— | To— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude at glide slope intercept ion inbound (ft.) | Altitude of glide slope and distance to approach end of runway: At outer marker: | At middle marker: | Ceiling and visibility minimums: Conditions | Type of aircraft: 75 m. p. h. or less | Type of aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| WILMINGTON, DEL. New Castle County Airport, 79' 109.7 mc., ILG LMM: 383 kc., LG LOM: 400 kc., IL Procedure No. 1 | New Castle LFR | Outer marker | 180–3.5 | 1,500 | E side S course: 193 outbound. 013 inbound. 1,600' within 5 miles of LOM. | 1,600 | 1,605–6.00 | 295–0.70 | T–dn | 300–1.0 | 300–1.0 | Make a climbing left turn as soon as practicable, climb to 1,500' on S course ILS |
| | Int. S course New Castle LFR and SW course Millville LFR. | Outer marker | 018–30.0 | 1,500 | | | | | C–dn | 500–1.0 | 500–1.5 | | |
| | | | | | | | | | S–dn 1 | 400–3/4 | 400–3/4 | | |
| | | | | | | | | | A–dn | 800–2.0 | 800–2.0 | | |
| WINDSOR LOCKS, CONN. Bradley Field, 173' 110.3 mc., BDL LMM: None LOM: 239 kc., BD Procedure No. 1 | Int. NW course Hartford LFR and SW course ILS. | LOM | 057–3.5 | 2,500 | S side SW course: 237 outbound. 057 inbound. 2,200' within 5 miles of LOM | (*) | (*) 1740–5.50 (Final approach altitude over and distance from OM) | (*) 0.66 (from MM) | T–dn | 300–1.0 | 300–1.0 | Climb to 2,500' on NE course of ILS, or when directed by ATC, make right climbing turn as soon as practicable, return to LOM at 2,500'. NOTE: Standard clearance not provided over ridge 1 mile N of LOM. *This procedure not premised on use of the glide slope. |
| | Int. E course Westfield LFR and NE course ILS. | LOM | 237–19.0 | 2,500 | | | | | C–dn | 500–1.0 | 500–1.5 | | |
| | | | | | | | | | S–dn 6 | 400–1.0 | 400–1.0 | | |
| | | | | | | | | | A–dn | 800–2.0 | 800–2.0 | | |
| WINSTON-SALEM, N. C. Smith Reynolds Airport, 969' 110.3 mc., INT LMM: 209kc., NT LOM: 317kc., IN Procedure No. 1 | Winston-Salem LFR | LOM | 328–0.6 | 2,000 | SW side SE course: 148 outbound. 328 inbound. 2,100' within 5 miles of LOM. | 2,050 | 2,050–4.50 | 1,193–0.70 | T–dn | 300–1.0 | 300–1.0 | Climb to 3,500' on NW course Winston-Salem LFR within 25 miles, or when directed by ATC, turn right, climb to 2,100' and return to LOM (right turn shall not be less than standard rate turn to avoid Greensboro traffic patterns). *CAUTION: 1,307' msl building, 2.3 miles SSW of airport. |
| | Wallburn Int | LOM | 328–5.0 | 2,000 | | | | | C–dn* | 500–1.0 | 600–1.5 | | |
| | Greensboro LFR | LOM | 263–15.0 | 2,400 | | | | | S–dn 33 | 400–3/4 | 400–3/4 | | |
| | High Point FM (Thomas Int). | LOM | 328–11.0 | 2,000 | | | | | A–dn | 800–2.0 | 800–2.0 | | |
| | Greensboro VOR | LOM | 282–11.0 | 2,400 | | | | | | | | | |
| WORCESTER, MASS. Worcester Airport, 1009' 109.5 mc., ORH LMM: None LOM: 254 kc., OR Procedure No. 1 | Int. E course Westfield LFR and NE course Hartford LFR. | LOM | 064–24.0 | 2,400 | E side SE course: 152 outbound. 332 inbound. 2,200' within 10 miles of LOM (NA beyond 10 miles). | 2,300 | 2,170–4.60 | 1,205–0.66 | T–dn | 300–1.0 | 300–1.0 | Make left climbing turn and climb to 2,400' on SE course ILS within 10 miles of LOM. |
| | Int. W course Boston LFR and N course Providence LFR. | LOM | 254–31.0 | 2,400 | | | | | C–dn | 500–1.0 | 600–1.5 | | |
| | | | | | | | | | S–dn 33 | 400–3/4 | 400–3/4 | | |
| | Int. W course Boston LFR and NE course Hartford LFR | LOM | 248–28.0 | 2,400 | | | | | A–dn | 800–2.0 | 800–2.0 | |

5. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GROUND CONTROLLED APPROACH SYSTEM PROCEDURES

When a GCA instrument approach is conducted at the below named airport(s), it shall be in accordance with the following instrument approach procedure(s), unless an approach is conducted in accordance with a different procedure authorized by the Administrator for such airport(s). Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with the ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

| City and State; airport name, elevation; GCA transmitting and guarding frequencies | Radar terminal area maneuvering altitudes by sectors and limiting distances | Ceiling and visibility minimums | | | | | | Except when the ground controller may direct otherwise prior to final approach, A missed approach procedure shall be executed as provided below when: (A) communication on final approach is lost for more than 5 seconds; (b) directed by ground controller; (c) visual reference is not established upon descent to the authorized landing minimums; or (d) landing is not accomplished; remarks |
|---|---|---|---|---|---|---|---|---|
| | | Runway No. | Condition | Precision approach (PAR) | | Surveillance approach (ASR) | | |
| | | | | 75 m. p. h. or less | More than 75 m. p. h. | 75 m. p. h. or less | More than 75 m. p. h. | |
| ATLANTA, GA. | | | | | | | | |
| Atlanta Airport, 1,024' | | 9R | T-dn | 300-1.0 | 300-1.0 | ..... | ..... | Climb to 2,000' and proceed to Walnut Intersection via the SE course of Atlanta LFR. |
| Transmits: 278 kc; 109.9, 119.1, 119.5, 120.7, 121.5, 126.18 mc. | | | C-dn | 500-1.0 | 500-1.5 | ..... | ..... | |
| Guards: 3023.5, 3105 kc; 119.1, 119.5, 120.7, 121.5, 122.5, 126.18 mc. | | | S-dn | 400-3/4 | 400-3/4 | ..... | ..... | |
| | | | A-dn | 800-2.0 | 800-2.0 | ..... | ..... | |
| | | 9R, 27L, 33L | T-dn | ..... | ..... | 300-1.0 | 300-1.0 | |
| | | | C-dn | ..... | ..... | 400-1.0 | 500-1.5 | |
| | | | S-dn | ..... | ..... | 400-1.0 | 500-1.5 | |
| | | | A-dn | ..... | ..... | 800-2.0 | 800-2.0 | |
| | | 15R | T-dn | ..... | ..... | 300-1.0 | 300-1.0 | |
| | | | C-dn | ..... | ..... | 600-1.0 | 600-1.5 | |
| | | | S-dn | ..... | ..... | 600-1.0 | 600-1.5 | |
| | | | A-dn | ..... | ..... | 800-2.0 | 800-2.0 | |
| BOSTON, MASS. | | | | | | | | |
| Logan Airport, 19' | | 4R | T-dn | 300-1.0 | 300-1.0 | ..... | ..... | Climb to 1,300' on N course Boston LFR, or when directed by ATC, make a right climbing turn to 1,500' on the E course of Boston LFR. |
| Transmits: 278, 382 kc; 110.3, 118.1, 118.3, 119.9, 121.5, 126.18, 126.5, 257.8 mc. | | | C-dn | 500-1.0* | 600-1.5 | ..... | ..... | *500-1.0 required when circling W of airport. |
| Guards: 3023.5, 3105 kc; 118.1, 118.3, 119.9, 121.5, 122.5, 126.18, 126.5, 257.8 mc. | | | S-dn | 400-3/4 | 400-3/4 | ..... | ..... | #500-1.0 on Runways 27 and 33. |
| | | | A-dn | 800-2.0 | 800-2.0 | ..... | ..... | CAUTION: 370' stack SW of airport. |
| | | 9 | T-dn | ..... | ..... | 300-1.0 | 300-1.0 | |
| | | | C-dn | ..... | ..... | 900-1.0 | 900-1.5 | |
| | | | S-dn | ..... | ..... | 900-1.0 | 900-1.5 | |
| | | | A-dn | ..... | ..... | 900-2.0 | 900-2.0 | |
| | | 4L, 4R, 15 | T-dn | | | 300-1.0 | 300-1.0 | |
| | | | C-dn | | | 700-1.0 | 700-1.5 | |
| | | | S-dn | | | 700-1.0 | 700-1.5 | |
| | | | A-dn | | | 800-2.0 | 800-2.0 | |
| | | 22L, 22R, 27, 33 | T-dn | | | 300-1.0 | 300-1.0 | |
| | | | C-dn | | | 600-1.0 | 600-1.5 | |
| | | | S-dn | | | 600-1.0# | 600-1.5 | |
| | | | A-dn | | | 800-2.0 | 800-2.0 | |



GROUND CONTROLLED APPROACH SYSTEM PROCEDURES—Continued

| City and State; airport name, elevation; GCA transmitting and guarding frequencies | Radar terminal area maneuvering altitudes by sectors and limiting distances | Ceiling and visibility minimums | | | | | | Except when the ground controller may direct otherwise prior to final approach, A missed approach procedure shall be executed as provided below when: (A) communication on final approach is lost for more than 5 seconds; (b) directed by ground controller; (c) visual reference is not established upon descent to the authorized landing minimums; or (d) landing is not accomplished; remarks |
|---|---|---|---|---|---|---|---|---|
| | | Runway No. | Condition | Precision approach (PAR) | | Surveillance approach (ASR) | | |
| | | | | 75 m. p. h. or less | More than 75 m. p. h. | 75 m. p. h. or less | More than 75 m. p. h. | |
| LOS ANGELES, CALIF. | | | | | | | | |
| Los Angeles International Airport, 128' | | 24L, R | T-dn | 300-1.0 | 300-1.0 | ..... | ..... | Climb to 2,000' and proceed to W course Los Angeles LFR. |
| Transmits: 278, 382 kc; 109.9, 118.1, 119.9, 121.1, 121.5, 126.18 mc. | | | C-dn | 500-1.0 | 600-2.0 | ..... | ..... | NOTE: Approaches authorized only to runways indicated. |
| Guards: 3023.5, 3105 kc; 118.1, 119.9, 121.1, 121.5, 122.5, 126.18 mc. | | | S-dn | 400-3/4 | 400-3/4 | ..... | ..... | |
| | | | A-dn | 800-2.0 | 800-2.0 | ..... | ..... | |
| | | 7L, R, 11, 24L, R, 29 | T-dn | | | 300-1.0 | 300-1.0 | |
| | | | C-dn | | | 500-1.0 | 600-2.0 | |
| | | | S-dn | | | 500-1.0 | 600-2.0 | |
| | | | A-dn | | | 800-2.0 | 800-2.0 | |
| NEWARK, N. J. | | | | | | | | |
| Newark Airport, 18' | | 4 | T-dn | 300-1.0 | 300-1.0 | ..... | ..... | Climb to 1,000' on NE course Newark LFR, make a left climbing turn, proceed to Paterson Rbn at 2,000', or as directed by ATC. |
| Transmits: 278, 341 kc; 110.3, 118.1, 118.3, 121.5, 125.18 mc. | | | C-dn | 600-1.0 | 600-1.5 | ..... | ..... | |
| Guards: 3023.5, 3105 kc; 118.1, 118.3, 121.5, 122.5, 126.18 mc. | | | S-dn | 400-3/4 | 400-3/4 | ..... | ..... | |
| | | | A-dn | 800-2.0 | 800-2.0 | ..... | ..... | |
| NEW YORK, N. Y. | | | | | | | | |
| La Guardia Field, 20' | | 4 | T-dn | 300-1.0 | 300-1.0 | ..... | ..... | Climb to 1,500' (or to a higher altitude when directed by ATC) and proceed to La Guardia LFR on NE course. |
| Transmits: 290, 362 kc; 109.9, 118.1, 118.7, 119.9, 120.3, 121.5 mc. | | | C-dn | 500-1.0 | 600-1.5 | ..... | ..... | NOTE: Initial approach to GCA shall be conducted on any approved route to within 25 miles of the airport at not less than the established minimum en route altitude, or not less than 1,500' from La Guardia LFR. |
| Guards: 3023.5, 3105 kc; 118.1, 118.7, 119.3, 120.3, 121.5, 122.5 mc. | | | S-dn | 400-3/4 | 400-3/4 | ..... | ..... | CAUTION: Standard clearance not provided over 122' msl tank located 2 miles N of airport. 252' msl stack located 1.3 miles E of airport. |
| | | | A-dn | 800-2.0 | 800-2.0 | ..... | ..... | |
| New York International Airport (Idlewild Airport), 12' | | 4R | T-dn | 300-1.0 | 300-1.0 | ..... | ..... | Climb to 500' straight ahead, make a standard rate climbing turn to the right to a heading of 130°, intercepting the SW course of Mitchel LFR. Climb to 1,500' (or to a higher altitude when directed by ATC) outbound on the SW course of Mitchel LFR. |
| Transmits: 239, 379 kc; 109.5, 118.1, 119.1, 121.5, 132.3, 134.1, 137.88, 142.74 mc. | | | C-dn | 500-1.0 | 600-1.5 | ..... | ..... | CAUTION: 278' msl stack located 1.7 miles SSE of Runway 4R. |
| Guards: 3023.5, 3105 kc; 118.1, 119.1, 121.5, 122.5, 132.3, 134.1, 137.88, 142.74 mc. | | | S-dn | 400-3/4 | 400-3/4 | ..... | ..... | |
| | | | A-dn | 800-2.0 | 800-2.0 | ..... | ..... | |
| WASHINGTON, D. C. | | | | | | | | |
| Washington National Airport 16' | | 36 | T-dn | 300-1.0 | 300-1.0 | ..... | ..... | Make a left climbing turn as soon as practicable, climb to 1,500' (or to a higher altitude if directed by ATC) on the NW course (Washington LFR. |
| Transmits: 278 kc; 109.9, 118.1, 118.3, 119.1, 120.7, 121.5, 126.5, 134.64 mc. | | | C-dn | 600-1.0 | 600-1.5 | ..... | ..... | NOTE: Initial approach to GCA shall be conducted on any approved route to within 25 miles of the airport at not less than the established minimum en route altitude, or not less than 1,500' from Stormont Rbn (SRI), 1,600' from Riverside Rbn (RVD), and 1,500' from Andrews LFR (ADW). |
| Guards: 3023.5, 3105 kc; 118.1, 118.3, 119.1, 120.7, 121.5, 122.5, 126.5, 134.64 mc. | | | S-dn | 400-3/4 | 400-3/4 | ..... | ..... | |
| | | | A-dn | 800-2.0 | 800-2.0 | ..... | ..... | CAUTION: Standard clearance not provided over 586' msl monument located 1.8 miles N of airport. |

6. The very high frequency omnirange procedures prescribed in § 609.15 (a) are amended to read in part:

VHF OMNIRANGE (VOR) PROCEDURES

When a VOR instrument approach is conducted at the below named airports, it shall be in accordance with the following instrument approach procedures unless an approach is conducted in accordance with additional procedures authorized by the Administrator for such airports. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for routine operation in the part and area of use as set forth below:

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance: facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished; remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| ABILENE, TEX.<br>Abilene Municipal Airport, 1,757'<br>BVOR<br>113.7 mc, ABI<br>Procedure No. 1 | Abilene LFR | 041—11.0 | 3,100 | S side course:<br>255 outbound.<br>075 inbound.<br>6,000' within 5 miles.<br>4,000' within 15 miles. | 3,000 | 065—13.1 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>700-2.0<br>800-2.0 | 300-1.0<br>700-2.0<br>800-2.0 | Within 10.1 miles, climb to 3,000' on course of 065° within 25 miles of VOR. |
| ALBANY, GA.<br>Albany Airport, 196'<br>BVOR<br>112.9 mc, ABY<br>Procedure No. 1 | Albany LFR | 066—9.0 | 1,600 | W side course:<br>304 outbound.<br>124 inbound.<br>1,600' within 25 miles. | 1,100 | 124—5.9 | T-dn<br>C-dn<br>C-n<br>S-dn<br>S-n<br>16<br>A-dn<br>A-n | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.0<br>500-3.0<br>800-2.0<br>800-3.0 | 300-1.0<br>500-1.5<br>500-3.0<br>500-1.0<br>500-3.0<br>800-2.0<br>800-3.0 | Within 5.9 miles, climb to 1,600' on course of 124° within 25 miles of VOR. |
| ALBANY, N. Y.<br>Albany Airport, 288'<br>BVOR<br>116.9 mc, ALB<br>Procedure No. 1 | Saratoga Springs FM | 207—25.0 | 1,600 | W side course:<br>010 outbound.<br>190 inbound.<br>1,600' within 20 miles.<br>1,800' within 25 miles. | 1,100* | At airport | T-dn<br>C-dn<br>S-dn<br>16<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>500-1.0<br>800-2.0 | Within 0.0 mile, climb to 1,600' on course of 190° then make a climbing right turn, climb to 3,000' on outbound course of 297° within 25 miles of VOR, or when directed by ATC, climb to 3,000' on outbound course of 181° within 25 miles.<br>*Lowest to authorized landing minimums authorized after passing Albany LFR; of position over Albany LFR not positively identified by both visual and aural means on final approach, ceiling minimums of 800' are applicable. |
| | Round Lake FM (final) | 190—13.0 | 1,100 | | | | | | | |
| | Albany LFR (final) | 190—3.0 | (*) | | | | | | | |
| Procedure No. 2 | Saratoga Springs FM | 207—25.0 | 2,200 | E side course:<br>190 outbound.<br>010 inbound.<br>2,200' within 25 miles. | 1,700 (Over Delmar FM) | 010—5.4 (From Delmar FM) | T-dn<br>C-dn<br>S-dn<br>1<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>500-1.0<br>800-2.0 | Within 5.4 miles of Delmar FM, climb to 3,000' on course of 010° within 25 miles of VOR, or when directed by ATC, climb to 3,000' on course of 297°. |
| | Coxsackie FM (final) | 016—28.0 | 1,700 | | | | | | | |
| ALEXANDRIA, LA.<br>Alexandria AFB, 88'<br>BVOR<br>116.1 mc, AEX<br>Procedure No. 1 | Alexandria LFR | 271—1.4 | 1,500 | E side course:<br>149 outbound.<br>329 inbound.<br>1,500' within 25 miles. | 800 | 329—7.4 | T-day<br>C-dn<br>S-dn<br>S-n<br>32<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | Within 7.4 miles turn left and climb to 1,500 feet on course of 329° within 25 miles of VOR.<br>CAUTION 319' msl radio tower, 3 miles E of airport—obstruction lighted. |
| ALLENTOWN, PA.<br>Allentown-Bethlehem-Easton Airport, 392'<br>BVOR<br>117.5 mc, ABL<br>Procedure No. 1 | ---------- | ------ | ------ | W side course:<br>325 outbound.<br>176 inbound.<br>2,700' within 10 miles.<br>2,500' within 15 miles.<br>3,200' within 25 miles. | 2,200 | 176—4.0 | T-dn<br>C-dn<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>600-2.0<br>800-2.0 | Within 4.0 miles, climb to 2,500' on course of 176° within 25 miles of VOR, or as directed by ATC.<br>NOTE: Night landings on Runways 18-36, 14-32, and 9-27 authorized only when flare pots or associated flood lights are used. |
| AMARILLO, TEX.<br>Amarillo Air Terminal, 3,604'<br>BVOR<br>113.1 mc, AMA<br>Procedure No. 1 | Amarillo LFR | 012—7.0 | 4,700 | N side course:<br>023 outbound.<br>203 inbound.<br>4,300' within 25 miles. | 4,100 | 203—4.0 | T-dn<br>C-dn<br>S-dn<br>S-n<br>21<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | Within 4.0 miles, climb to 5,000' on course of 203° within 25 miles of VOR. |
| AUGUSTA, MAINE<br>Augusta State Airport, 357'<br>BVOR<br>113.4 mc, AUO<br>Procedure No. 1 | Augusta LFR | 080—2.1 | 1,600 | N side course:<br>083 outbound.<br>263 inbound.<br>1,600' within 25 miles. | 900 | At airport | T-d<br>T-n<br>C-d<br>C-n<br>A-dn | 400-1.0<br>500-1.0<br>600-1.0<br>600-1.5<br>800-2.0 | NA<br>NA<br>NA<br>NA<br>NA | Within 0.0 mile, climb to 1,800' on course of 226° within 25 miles of VOR.<br>NOTE (1) Night operations on NE-SW runway not authorized. |

VHF OMNIRANGE (VOR) PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance: facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished; remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| AUSTIN, TEX.<br>Mueller Airport, 631'<br>BVOR<br>112.5 mc, AUS<br>Procedure No. 1 | Austin LFR | 014—5.0 | 2,000 | W side course:<br>355 outbound.<br>175 inbound.<br>2,000' within 25 miles. | 1,540 (Over VOR)<br>1,320* (Over Austin FM) | 175—5.6 (From VOR)<br>175—3.5 (From Austin FM) | T-dn<br>C-dn<br>S-dn<br>BR<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 5.6 miles, turn left, climb to 2,000' on course of 100° outbound from VOR within 25 miles, or as directed by ATC.<br>*If Austin FM not received, descent below 1,320' not authorized. |
| BAKER, OREG.<br>Baker Airport, 3,368'<br>BVOR<br>115.3 mc, BKE<br>Procedure No. 1 | Baker LFR | 111—1.7 | 9,000 | E side course:*<br>296 outbound.<br>116 inbound.<br>7,000' within 10 miles (NA beyond 10 miles). | 5,060 | At airport | T-d<br>T-n<br>C-d<br>C-n<br>A-dn | 1,000-1.0<br>1,400-2.0<br>1,700-1.0<br>1,700-2.0<br>1,700-2.0 | 1,000-1.0<br>1,400-2.0<br>1,700-1.0<br>1,700-2.0<br>1,700-2.0 | Within 0.0 mile, make climbing left turn, climb to 10,000'# on course of 296° within 25 miles of VOR, or as directed by ATC.<br>*Procedure turn W side NA due to high terrain.<br>#Climb to 7,000' within 10 miles of VOR.<br>SHUTTLE: To 8,000' on course of 120° outbound, 305° inbound within 10 miles. All turns to E.<br>CAUTION: 5,100' terrain, 6 miles SE of airport. |
| BAKERSFIELD, CALIF.<br>Bakersfield-Kern County Airport No. 1, 515'<br>BVOR<br>115.4 mc, BFL<br>Procedure No. 1 | Famosa FM (final) | 140—8.0 | 1,600 | W side course:<br>311 outbound.<br>131 inbound.<br>2,000' within 25 miles. | 1,600 | 131—4.4 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>700-2.0<br>800-2.0 | 300-1.0<br>700-2.0<br>800-2.0 | Within 4.4 miles, turn right, climb to 2,000' on course of 320° within 25 miles of VOR or as directed by ATC.<br>NOTE: Take-offs or landings on Runway 7/25 not authorized. |
| | Bakersfield LFR | 299—3.0 | 2,000 | | | | | | | |
| BALTIMORE, MARYLAND<br>Friendship International Airport, 146'<br>BVOR<br>115.8 mc, BAL<br>Procedure No. 1 | Int. N course Baltimore LFR. | 209—28.0 | 1,800 | W side course:<br>360 outbound.<br>180 inbound.<br>1,900' within 20 miles.<br>2,000 within 25 miles. | 1,300 | 180—2.5 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.0<br>800-2.0 | Within 2.5 miles, climb to 1,500' on course of 180° within 15 miles of VOR. |
| | Baltimore LFR | 277—8.0 | 1,500 | | | | | | | |
| | Beltsville FM | 049—15.0 | 1,500 | | | | | | | |
| | Int. NE course Arcola LFR | 109—25.0 | 1,800 | | | | | | | |
| | Int. NE course Arcola LFR | 173—29.0 | 2,000 | | | | | | | |
| Harbor Field 14'<br>Procedure No. 1 | Int. N course Baltimore LFR. | 209—28.0 | 1,800 | S side course:<br>258 outbound.<br>078 inbound.<br>1,500' within 10 miles.<br>1,600' within 15 miles.<br>1,700' within 20 miles.<br>1,800' within 25 miles | 1,000 | 078—7.9 | T-d<br>T-n<br>C-dn<br>S-d<br>S-n<br>9<br>A-dn# | 300-1.0<br>400-1.5<br>800-1.5<br>800-1.0<br>800-1.5<br>NA | 300-1.0<br>400-1.5<br>800-1.5<br>800-1.5<br>800-1.5<br>NA | Within 7.9 miles, climb to 1,800' on course of 015° outbound from VOR within 25 miles, or as directed by ATC.<br>#No weather reporting service of this airport. |
| | Baltimore LFR | 277—8.0 | 1,500 | | | | | | | |
| | Beltsville FM | 049—15.0 | 1,500 | | | | | | | |
| | Int. NE course Arcola LFR | 109—25.0 | 1,800 | | | | | | | |
| | Int. NE course Arcola LFR | 173—29.0 | 2,000 | | | | | | | |
| BATON ROUGE, LA.<br>Harding Field, 70'<br>BVOR<br>115.6 mc, BTR<br>Procedure No. 1 | Baton Rouge LFR | 216—8.2 | 1,500 | S side course:<br>245 outbound.<br>065 inbound.<br>1,300' within 25 miles. | 780 | 065—8.8 | T-dn<br>C-dn<br>S-dn<br>4<br>A-dn | 300-1.0<br>700-1.0<br>700-1.0<br>800-2.0 | 300-1.0<br>700-1.5<br>700-1.0<br>800-2.0 | Within 8.8 miles, turn right and climb to 1,300' on course of 080° within 25 miles of VOR, or as directed by ATC. |
| BEAUMONT, TEX.<br>Jefferson Co. Airport, 15'<br>BVOR<br>114.9 mc, BUJ<br>Procedure No. 1 | Beaumont LFR | 205—7.5 | 1,300 | S side course:<br>241 outbound.<br>061 inbound.<br>1,300' within 25 miles. | 700 | 061—5.7 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 5.7 miles, climb to 1,400' on course of 065° within 25 miles of VOR. |
| BELLINGHAM, WASH.<br>Bellingham Airport, 158'<br>BVOR<br>114.3 mc, BLI<br>Procedure No. 1 | Int. E course Vancouver LFR and 148° brg to VOR. | 148—19.0 | 2,000 | W side course:<br>328 outbound.<br>148 inbound.<br>2,000' within 15 miles (NA beyond 15 miles). | 2,000 | 148—10.2 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>800-1.0<br>800-2.0 | 300-1.0<br>800-1.5<br>800-2.0 | Within 10.2 miles, climb to 4,000' on course of 145° within 25 miles of VOR, or as directed by ATC.<br>CAUTION: 450' terrain located 6 miles NW of airport. |
| | Bellingham LFR | 340—8.0 | 2,000 | | | | | | | |
| | Abbotsford LFR | 195—6.0 | 2,000 | | | | | | | |
| | Int. W course Abbotsford LFR and 148° brg to VOR. | 148—6.0 | 2,000 | | | | | | | |
| | Int. E course Vancouver LFR and N course Abbotsford LFR. | 161—20.0 | 2,000 | | | | | | | |

VHF OMNIRANGE (VOR) PROCEDURES—Continued

| City and State; airport name, elevation; class of facility, frequency; identification; procedure No. | Initial approach to facility | | | Procedure turn (*) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| | From— | Course and distance | Minimum altitude (ft.) | | | | Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | |
| BINGHAMTON, N. Y.<br>Broome County Airport, 1,626'.<br>BVOR-DTV<br>114.1 mc, BGM<br>Procedure No. 1 | | | | S side course:<br>256 outbound.<br>076 inbound<br>3,000' within 25 miles. | 2,500 | 076—8.1 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>600-2.0<br>800-2.0 | 300-1.0<br>600-2.0<br>800-2.0 | Within 8.1 miles, climb to 3,500' on course of 076° within 25 miles of VOR. |
| BIG SPRING, TEX.<br>Webb AFB, 2,561'.<br>BVOR<br>112.9 mc BGS<br>Procedure No. 1 | Stanton FM | 055—21.0 | 3,800 | N side course:<br>030 outbound.<br>210 inbound<br>3,700' within 25 miles. | 3,200 | 210<br>4.3 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>600-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>800-2.0 | Within 4.3 miles, climb to 4,000' on course of 130° within 25 miles.<br>CAUTION: 2,821' mst terrain located 1.51 miles ESE of field, lighted with flashing red beacon. |
| BIRMINGHAM, ALA.<br>Birmingham Airport, 643'<br>BVOR<br>114.4 mc, BHM<br>Procedure No. 1 | | | | W side course:<br>014 outbound.<br>194 inbound<br>2,500' within 25 miles. | 2,000 | 194<br>4.8 | T-dn<br>C-dn<br>S-dn 18<br>A-dn | 300-1.0<br>800-1.0<br>800-1.0<br>1,000-2.0 | 500-1.0<br>800-1.5<br>800-1.0<br>1,000-2.0 | Within 4.8 miles, climb to 2,700' on course of 194° within 25 miles of VOR.<br>CAUTION: 1,550' mst tower, 6 miles SSW of airport. |
| BOWLING GREEN, KY.<br>Bowling Green-Warren County Airport, 540'<br>BVOR<br>116.1 mc, BNG<br>Procedure No. 1 | | | | E side course:<br>203 outbound.<br>023 inbound.<br>1,800' within 10 miles.<br>1,900' within 25 miles. | 1,300 | 023—2.4 | T-dn<br>C-dn<br>C-n<br>S-dn 2<br>S-n 2<br>A-dn | 300-1.0<br>600-1.0<br>600-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>600-1.5<br>600-1.5<br>600-1.5<br>600-1.5<br>800-2.0 | Within 2.4 miles, climb to 2,200' on course of 045° within 25 miles of VOR. |
| BROWNSVILLE, TEX.<br>Rio Grande Valley International Airport, 22'<br>BVOR<br>113.5 mc, BRO<br>Procedure No. 1 | Brownsville LFR Range | 107—4.3 | 1,200 | N side course:<br>063 outbound.<br>243 inbound<br>1,300' within 25 miles. | 700 | 243—2.7 | T-dn<br>C-dn<br>S-d<br>S-n 26<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | Within 2.7 miles, turn right, climb to 1,700' on course of 300° within 25 miles of VOR. |
| BRUNSWICK, GA.<br>McKinnon Airport, 20'<br>BVOR<br>115.4 mc, SSI<br>Procedure No. 1 | Brunswick Rbn | 288—3.4 | 1,300 | S side course:<br>292 outbound.<br>112 inbound.<br>1,300' within 25 miles. | 760 | 112—3.0 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 3.0 miles, climb to 1,300' on course of 112° outbound from VOR within 20 miles. |
| BURLEY, IDAHO<br>Burley Airport, 4,159'<br>BVOR<br>114.1 mc, BYI<br>Procedure No. 1 | Burley LFR | 251—7.1 | 7,000 | S side course:<br>283 outbound.<br>103 inbound.<br>6,000' within 25 miles. | 4,800 | 103—5.3 | T-d<br>T-d<br>C-d<br>C-n<br>A-dn | 500-1.0<br>500-2.0<br>600-1.0<br>600-2.0<br>800-2.0 | NA<br>NA<br>NA<br>NA<br>NA | Within 5.3 miles, make climbing left turn, climb to 7,000' on course of 277° within 25 miles of VOR, or as directed by ATC. |
| BURLINGTON, IOWA<br>Burlington Airport, 698'<br>BVOR<br>117.9 mc, BRL<br>Procedure No. 1. | Burlington LFR | 093—11.0 | 1,900 | N side course:<br>107 outbound.<br>287 inbound.<br>1,900' within 25 miles. | 1,400 | 287—11.0 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>700-2.0<br>800-2.0 | 300-1.0<br>700-2.0<br>800-2.0 | Within 11.0 miles, climb to 2,000' on course of 287° within 25 miles of VOR, or as directed by ATC. |
| BUTLER, MO.<br>Butler Airport, 870'<br>BVOR-DTVRJ<br>115.9 mc, BUM<br>Procedure No. 1 | | | | S side course:<br>255 outbound.<br>075 inbound.<br>2,000' within 25 miles. | 1,500 | 079—8.0 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 300-1.0<br>NA<br>500-2.0<br>NA<br>800-2.0<br>NA | NA<br>NA<br>NA<br>NA<br>NA<br>NA | Within 8.0 miles, climb to 2,000' on course of 075° within 25 miles. |
| CARLSBAD, N. MEX.<br>Carlsbad Airport, 3276'<br>BVOR<br>116.8 mc, CNM<br>Procedure No. 1 | Int. 253° brg from Wink VOR. | 322—33.0 | 5,000 | E side course:<br>152 outbound.<br>332 inbound.<br>5,000' within 25 miles. | 4,200 | 332—6.0 | T-dn<br>C-n<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-2.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-2.0<br>800-2.0 | Within 6.0 miles, turn right and climb to 5,000' on course of 043° within 25 miles of VOR.<br>NOTE: Runway 22L-4R restricted to day operations<br>CAUTION: Unlighted hill 200' above airport elevation located approximately 2.5 miles NW.<br>SHUTTLE: To 5,000' on outbound course of 152° within 25 miles. |
| | Int. 073° brg from Salt Flat VOR. | 023—40.0 | 7,000 | | | | | | | |
| | Carlsbad LFR | 151—1.7 | 4,500 | | | | | | | |
| CASPER, WYO.<br>Natrona County Airport<br>5813'<br>BVOR<br>116.0 mc, CPR<br>Procedure No. 1 | Casper LFR | 282—14.0 | 7,000 | N side course:<br>[illegible]<br>7,500' within 25 miles. | 7,000 | 261—15.0 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>[illegible] | 300-1.0<br>[illegible] | Within 15.0 miles, make 180° turn, climb to 7,500' on [illegible] within 25 miles of VOR, or as directed by ATC.<br>CAUTION: 7,630 mst terrain at VOR site and 6 miles S, SW and W of airport |



VHF OMNIRANGE (VOR) PROCEDURES—Continued

| City and State; airport name, elevation; class of facility, frequency; identification; procedure No. | Initial approach to facility | | | Procedure turn (*) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| | From— | Course and distance | Minimum altitude (ft.) | | | | Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | |
| CHARLESTON, S. C.<br>Charleston Airport, 45'<br>BVOR<br>113.5 mc, CHS<br>Procedure No. 1 | Charleston LFR | 010—4.5 | 1,200 | W side course:<br>342 outbound.<br>162 inbound.<br>1,200' within 25 miles. | 700 | 162—5.3 | T-dn<br>C-dn<br>S-dn 15<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 5.3 miles, climb to 1,500' on course of 162° outbound from VOR within 25 miles. |
| CHARLESTON, W. VA.<br>Kanawha County, Airport, 981'<br>BVOR<br>113.7 mc, CHW<br>Procedure No. 1 | Charleston LFR | 185—9.0 | 2,500 | S side course:<br>245 outbound.<br>065 inbound.<br>2,500' within 25 miles. | 2,000 | 065—11.9 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>800-2.0<br>1,000-2.0 | 300-1.0<br>800-2.0<br>1,000-2.0 | Within 11.9 miles, climb to 2,500' on course of 060° within 25 miles of VRO, or as directed by ATC. |
| | Huntington LFR | 104—42.0 | 2,500 | | | | | | | |
| CHATTANOOGA, TENN.<br>Lovell Field, 682'<br>BVOR<br>113.1 mc, CHA<br>Procedure No. 1 | Chattanooga LFR | 290—4.0 | 2,500 | E side course:<br>031 outbound.<br>211 inbound.<br>2,500' within 25 miles. | 1,660 | 188—2.7 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-2.0<br>700-2.0<br>800-2.0 | 300-1.0<br>700-2.0<br>700-2.0<br>800-2.0 | Within 2.7 miles, climb to 2,600' on course of 188° within 25 miles of VOR, or as directed by ATC. |
| CHEYENNE, WYO.<br>Cheyenne Airport, 6,156'<br>BVOR<br>112.3 mc, CYS<br>Procedure No. 1 | Cheyenne LFR | 028—5.0 | 7,300 | W side course:<br>015 outbound.<br>195 inbound.<br>7,300' within 25 miles. | 6,800 | 195—4.3 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 4.3 miles climb to 7,500' on course of 166° within 25 miles of VOR. |
| CHILDRESS, TEX.<br>Childress Airport, 1,952'<br>BVOR-DTVJ<br>113.9 mc, CDS<br>Procedure No. 1 | | | | E side course:<br>171 outbound.<br>351 inbound.<br>3,100' within 25 miles. | 2,600 | 351—3.7 | T-d<br>T-n<br>C-d<br>C-n<br>S-d<br>S-n 35<br>A-d<br>A-n | 300-1.0<br>NA<br>500-1.0<br>NA<br>500-1.0<br>NA<br>800-2.0<br>NA | 300-1.0<br>NA<br>500-1.5<br>NA<br>500-1.0<br>NA<br>800-2.0<br>NA | Within 3.7 miles, climb to 3,600' on course of 351° within 25 miles of VOR, or as directed by ATC. |
| CINCINNATI, OHIO<br>Greater Cincinnati Airport, 890'<br>BVOR<br>115.6 mc, CVG<br>Procedure No. 1 | Int. NW course Cincinnati LFR and 170° brg to BOR. | 170—26.0 | 2,000 | E side course:<br>223 outbound.<br>043 inbound.<br>2,000' within 25 miles. | 1,460 | 043—2.6 | T-dn<br>C-dn<br>S-dn 4<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 2.6 miles, climb to 2,100' on course of 007° within 25 miles of VOR, or as directed by ATC. |
| | Cincinnati LFR | 243—22.0 | 2,100 | | | | | | | |
| COLLEGE STATION, TEX.<br>Easterwood Airport, 326'<br>BVOR-DTV<br>113.3 mc, CLL<br>Procedure No. 1 | Bryan LFR | 119—9.0 | 1,600 | S side course:<br>278 outbound.<br>098 inbound.<br>1,400' within 10 miles.<br>1,600' within 25 miles. | 900 | 098—2.9 | T-dn<br>C-dn<br>S-dn 10<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 2.9 miles, climb to 1,600' on course of 125° within 25 miles of VOR, or as directed by ATC.<br>NOTE: Maintain procedure turn altitude until within 11 miles of VOR on final. |
| COLUMBIA, S. C.<br>Columbia Airport, 244'<br>BVOR<br>114.7 mc, CAE<br>Procedure No. 1 | Columbia LFR | 275—14.0 | 1,600 | S side course:<br>283 outbound.<br>103 inbound.<br>1,700' within 25 miles. | 1,200 | 103—5.7 | T-dn<br>C-dn<br>S-dn 10<br>A-dn | 300-1.0<br>600-1.0<br>600-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>600-1.0<br>800-2.0 | Within 5.7 miles, climb to 1,500' on course of 103° outbound from VOR within 25 miles. |
| COLUMBUS, GA.<br>Muscogee County Airport, 397'<br>BVOR-DTV<br>117.1 mc, CSG<br>Procedure No. 1 | Lawson LFR | 024—19.0 | 1,600 | N side course:<br>055 outbound.<br>235 inbound.<br>2,100' within 25 miles. | 1,600 | 235—3.8 | T-dn<br>C-dn<br>S-dn 24<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 3.8 miles, climb to 2,000' on course of 235° within 25 miles, or as directed by ATC.<br>CAUTION: Fort Benning danger area SE of the VOR station. |
| COLUMBUS, N. MEX.<br>Columbus Airport, 4024'<br>BVOR<br>116.7 mc, CUS<br>Procedure No. 1 | Columbus LFR | 033—0.9 | 8,500 | N side course:<br>084 outbound.<br>264 inbound.<br>6,000' within 15 miles (NA beyond 15 miles). | 5,200 | 264—2.8 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 1,000-2.0<br>1,000-3.0<br>1,000-2.0<br>1,000-3.0<br>1,500-2.0<br>1,500-3.0 | 1,000-2.0<br>1,000-3.0<br>1,000-2.0<br>1,000-3.0<br>1,500-2.0<br>1,500-3.0 | Within 2.8 miles, climb to 9,000' on course of 264° outbound from VOR within 25 miles. |
| COTULLA, TEX.<br>Cotulla Airport, 471'<br>BVOR-DTVJ<br>114.7 mc, COT<br>Procedure No. 1 | | | | N side course:<br>075 outbound.<br>255 inbound.<br>1,600' within 10 miles (NA beyond 10 miles). | 1,100 | 255—5.8 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>1,000-2.0<br>(BCOB) | NA<br>NA<br>NA | Within 5.8 miles, turn left, climb to 1,600' on course of 180° within 25 miles of VOR.<br>CAUTION: Unlighted 650' mst tower located 1 mile WSW of airport. |

VHF Omnirange (VOR) Procedures—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility | | | | Minimum altitudes (feet) | Procedure turn (P) side of course; initial approach altitude; final approach fix and distance; distance from airport to fix; limiting distances | Missed approach instructions |
|---|---|---|---|---|---|---|---|
| | From— | Course and distance | Minimum altitude (ft.) | Type aircraft | | | |
| | | | | 75 m. p. h. or less | More than 75 m. p. h. | | |
| BRIE, PA.<br>Erie Int Airport, 732'<br>BVOR<br>115.7 mc, ERI<br>Procedure No. 1 | Erie LFR | 231—4.5 | 2,200 | Side course:<br>300' outbound.<br>070 inbound<br>2,200 within 2 miles. | | | |
| EUGENE, OREG.<br>Mahlon Sweet Airport, 365'<br>BVOR<br>112.9 mc, EUG<br>Procedure No. 1 | Tangle LFR | 044—0.8 | 3,000 | E side course:<br>360' outbound.<br>3,000' within 15 miles. | | | |
| | Int N cse Eugene LFR and 129° bearing to VOR | 129—2.5 | 3,000 | Within 11 miles, make climbing right turn, climb to 3,000', direct to VOR, within 25 miles of VOR, as directed by ATC. | | | |
| | | | | • Procedure turn on W side NA due to high terrain. | | | |
| FARGO, N. DAK.<br>Hector Field, 900'<br>BVOR<br>115.3 mc, FAR<br>Procedure No. 1 | Barnesville LMF | 257—2.0 | 2,800 | W side course:<br>171 outbound.<br>351 inbound.<br>2,300' within 25 miles. | | | |
| FLORENCE, S. C.<br>Florence Airport, 195'<br>BVOR<br>115.7 mc, FLO<br>Procedure No. 1 | | | | N side course:<br>064 outbound.<br>244 inbound.<br>1,100' within 25 mile. | | | |
| FORT BRIDGER, WYO.<br>Fort Bridger Airport, 7,050'<br>BVOR<br>114.7 mc, FBR<br>Procedure No. 1 | Fort Bridger LFR | 283—3.0 | 8,300 | W side course:<br>023 outbound.<br>203 inbound.<br>8,100' within 25 miles. | | | |
| FORT MYERS, FLA.<br>Page Field, 17'<br>BVOR<br>114.7 mc, FMY<br>Procedure No. 1 | | | | S side course:<br>222 outbound.<br>042 inbound.<br>1,200 within 25 miles. | | | |
| FORT SMITH, ARK.<br>Fort Smith Airport, 469'<br>BVOR-DME<br>113.1 mc, FSM<br>Procedure No. 1 | Fort Smith Rbn | 061—7.0 | 1,900 | N side course:<br>060 outbound.<br>240 inbound.<br>2,200' within 10 miles.*<br>2,500' within 15 miles.*<br>2,800' within 20 miles.*<br>(*Beyond 20 miles, NA) | | | |
| | Van Buren Rbn | 125—11.0 | 2,100 | | | | |
| FORTUNA, CALIF.<br>Eureka-Arcata Airport, 336'<br>BVOR-DME<br>114.1 mc, FOT<br>Procedure No. 1 | Arcata LFR | 177—13.0 | 2,400 | W side course:<br>358 outbound.<br>178 inbound.<br>1,800' within 25 miles. | | | |
| FORT WAYNE, IND.<br>Baer Field, 815'<br>BVOR<br>116.0 mc, FWA<br>Procedure No. 1 | Fort Wayne LFR | 352—7.0 | 2,200 | W side course:<br>344 outbound.<br>164 inbound.<br>2,100' within 15 miles.<br>2,200' within 25 miles. | | | |
| | Int NW cse Fort Wayne LFR and 167° brg to VOR | 137—23.0 | 2,100 | | | | |
| FORT WORTH, TEX.<br>Meacham Field, 682'<br>BVOR<br>115.5 mc, FTW<br>Procedure No. 1 | | | | S side course:<br>266 outbound.<br>086 inbound.<br>2,500' within 15 miles. | | | |
| GAGE, OKLA.<br>Gage Airport, 2,225'<br>BVOR<br>114.7 mc, GAG<br>Procedure No. 1 | Gage LFR | 271—3.0 | 3,200 | S side course:<br>284 outbound.<br>104 inbound. | | | |



VHF Omnirange (VOR) Procedures—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility | | | | Minimum altitudes (feet) | Procedure turn (P) side of course; initial approach altitude; final approach fix and distance; distance from airport to fix; limiting distances | Missed approach instructions |
|---|---|---|---|---|---|---|---|
| | From— | Course and distance | Minimum altitude (ft.) | Type aircraft | | | |
| | | | | 75 m. p. h. or less | More than 75 m. p. h. | | |
| GILA BEND, ARIZ.<br>Gila Bend AF auxiliary 858'<br>BVOR<br>116.3 mc, GBN<br>Procedure No. 1 | | | | | | S side courses:<br>250 outbound.<br>070 inbound.<br>3,600' within 15 miles.<br>4,000' within 25 miles. | |
| GOODLAND, KANS.<br>Goodland Airport, 3,653'<br>BVOR<br>115.1 mc, GLD<br>Procedure No. 1 | | | | | | W side course:<br>180 outbound.<br>360 inbound.<br>4,700' within 25 miles. | |
| GRAND ISLAND, NEBR.<br>Grand Island Airport 1,846'<br>BVOR<br>117.0 mc, GRI<br>Procedure No. 1 | Grand Island LFR | 165—0.9 | 3,100 | | | W side course:<br>340 outbound.<br>160 inbound.<br>3,100' within 15 miles.<br>3,200' within 25 miles. | |
| GREAT FALLS, MONT.<br>Great Falls Airport, 3,671'<br>BVOR<br>113.1 mc, GTF<br>Procedure No. 1 | Great Falls LFR | 228—1.0 | 5,500 | 5,500 | | S side courses:<br>096 outbound.<br>036 inbound.<br>5,500' within 10 miles (NA beyond 10 miles). | |
| | Belt FM | 206—22.0 | 5,700 | 5,700 | | | |
| | Casselo FM | 024—19.0 | 5,500 | 5,500 | | | |
| GREENSBORO, N. C.<br>Greensboro-High Point Airport, 913'<br>BVOR<br>116.8 mc, GSO<br>Procedure No. 1 | | | | | | W side course:<br>297 outbound.<br>117 inbound.<br>2,400' within 25 miles. | |
| GREENWOOD, MISS.<br>Greenwood Municipal Airport 129'<br>BVOR<br>112.7 mc, GRW<br>Procedure No. 1 | | | | | | E side courses:<br>132 outbound.<br>312 inbound.<br>1,500' within 25 miles. | |
| HARRISBURG, PA.<br>Harrisburg State Airport, 347'<br>BVOR<br>112.8 mc, HAR<br>Procedure No. 1 | Harrisburg LFR | 287—5.0 | 4,000 | | | S side courses:<br>289 outbound.<br>109 inbound.<br>2,500' within 10 miles.<br>3,000' within 15 miles.<br>3,200' within 20 miles.<br>3,500' within 25 miles | |
| HOBART, OKLA.<br>Hobart Airport, 1,562'<br>BVOR-DME<br>114.7 mc, HBR<br>Procedure No. 1 | | | | | | E side course:<br>173 outbound.<br>353 inbound.<br>3,000' within 25 miles | |
| HOUSTON, TEX.<br>Houston Airport, 50'<br>BVOR<br>114.7 mc, HOU<br>Procedure No. 1. | Houston LFR | 311—2.0 | 1,300 | | | S side course:<br>245 outbound.<br>065 inbound.<br>1,300' within 10 miles.*<br>1,400' within 20 miles.*<br>1,400 within 25 miles.* | |
| HUNTSVILLE, ALA.<br>Huntsville Airport, 619'<br>VORW<br>112.3 mc, HSV<br>Procedure No. 1 | | | | | | W side course:<br>085 outbound.<br>1.58 inbound.<br>2,700' within 25 miles. | |

VHF OMNIRANGE (VOR) PROCEDURES—Continued

| City and State, airport name, elevation, class of facility, frequency, identification, procedure No. | Initial approach to facility | | | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, reverse | Procedure turn ( ) side of course indicates procedure turn not required. Minimum altitude over facility on final approach course (ft.). Distances in nautical miles unless otherwise indicated. Where two minimums are given, the lower is for use when DME is operating. | Minimum altitude over facility on final approach course (ft.) | Airport facilities to airport | Condition | Type aircraft: More than 75 m. p. h. | Type aircraft: 75 m. p. h. or less | Minimum altitude (ft.) | Course and distance | From— |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| HURON, S. DAK. Huron Airport, 1,287' VOR Airway No. 1 113.3 mc, HON Procedure No. 1 | Huron LFR | 352—1.0 | 2,400 | W side course: 500 outbound. 2,400 inbound. 2,400' within 25 miles. | 1,400 | 131—2.2 | T-4n | 300-1.0 | 300-1.0 | 2,400 | 352—1.0 | Huron LFR | |
| | | | | | | | C-4n | NA | NA | | | | |
| | | | | | | | C-1n | 500-1.5 | 500-1.5 | | | | |
| | | | | | | | A-1n | 800-2.0 | 800-2.0 | | | | |
| HUTCHINSON, KANS. Hutchinson Airport, 1,543' VOR Hutchinson Airport 116.8 mc, HUT Procedure No. 1 | Hutchison LFR | 241—1.0 | 2,700 | E side course: 061 outbound. 241 inbound. 2,700' within 25 miles. | 2,700 | 082—6.5 | T-4n | 300-1.0 | 300-1.0 | 2,700 | 082—6.5 | Hutchison LFR | |
| | | | | | | | C-4n | 500-1.5 | 500-1.5 | | | | |
| | | | | | | | C-1n | 700-2.0 | 700-2.0 | | | | |
| | | | | | | | S-1n | 500-1.0 | 500-1.0 | | | | |
| | | | | | | | A-4n | 800-2.0 | 800-2.0 | | | | |
| IMPERIAL, NEBR. Imperial Airport, 3,256' VOR-DTY Airway No. 1 117.9 mc, IML Procedure No. 1 | | | 3,800 | N side course: 300 outbound. 120 inbound. 4,300' within 25 miles. | 1,900 | 297—6.1 | T-4n | 300-1.0 | 300-1.0 | 3,800 | 297—6.1 | Int. NW course Indianapolis LFR (final). Indianapolis LFR. Int. W course Indianapolis LFR (Greenwood-FM). | 140—17.5 |
| | | | | | | | C-4n | NA | NA | | | | |
| | | | | | | | C-1n | 700-2.0 | 700-2.0 | | | | |
| | | | | | | | A-4n | NA | NA | | | | |
| INDIANAPOLIS, IND. Indianapolis Airport, 796' VOR Airway No. 1 116.3 mc, IND Procedure No. 1 | | | 1,600 | W side course: 350 outbound. 170 inbound. 2,100 within 25 miles. | 1,500 | 140—6.0 | T-4n | 300-1.0 | 300-1.0 | 1,600 | 140—6.0 | | 353—6.8 |
| | | | | | | | C-4n | 500-1.5 | 500-1.5 | | | | |
| | | | | | | | S-4n | 500-1.0 | 500-1.0 | | | | |
| | | | | | | | A-4n | 800-2.0 | 800-2.0 | | | | |
| | | | 2,100 | | | | | | | | | | 005—40.0 |
| | | | | | | | | | | | | | |
| JACKSON, MISS. Hawkins Field, 313' VOR Airway No. 1 114.5 mc, JAN Procedure No. 1 | Jackson LFR | 313—3.6 | 1,500 | W side course: 337 outbound. 157 inbound. 1,700' within 25 miles. | 1,100 | 157—1.9 | T-4n | 300-1.0 | 300-1.0 | 1,500 | 157—1.9 | Jackson LFR | 313—3.6 |
| | | | | | | | C-4n | 500-1.5 | 500-1.5 | | | | |
| | | | | | | | C-1n | 700-2.0 | 700-2.0 | | | | |
| | | | | | | | S-4n | 500-1.0 | 500-1.0 | | | | |
| | | | | | | | A-4n | 800-2.0 | 800-2.0 | | | | |
| JACKSONVILLE, FLA. Imeson Airport, 52' VOR Airway No. 1 114.5 mc, JAX Procedure No. 1 | Jacksonville LFR | 045—2.6 | 1,000 | N side course: 188 outbound. 24 inbound. 1,000' within 25 miles. | 600 | 245—1.2 | T-4n | 300-1.0 | 300-1.0 | 1,000 | 245—1.2 | Jacksonville LFR | 045—2.6 |
| | | | | | | | C-4n | 500-1.5 | 500-1.5 | | | | |
| | | | | | | | S-4n | 500-1.0 | 500-1.0 | | | | |
| | | | | | | | A-4n | 800-2.0 | 800-2.0 | | | | |
| JAMESTOWN, N. DAK. Jamestown Airport, 1494' VOR Airway No. 1 114.5 mc, JMS Procedure No. 1 | | | 2,900 | E side course: 181 outbound. 001 inbound. 2,900' within 25 miles. | 1,900 | 001—4.7 | T-4n | 300-1.0 | 300-1.0 | 2,900 | 001—4.7 | Int. W course Indianapolis LFR (Greenwood-FM). | 005—40.0 |
| | | | | | | | C-4 | 500-1.5 | 500-1.5 | | | | |
| | | | | | | | C-4n | 500-1.5 | 500-1.5 | | | | |
| | | | | | | | A-4n | 800-2.0 | 800-2.0 | | | | |
| | | | 2,100 | | | | | | | | | | |
| JUNCTION, TEX. Kimble Company Airport, 1,729' VOR-DTY Airway No. 1 117.6 mc, JCT Procedure No. 1 | | | 3,100 | S side course: 325 outbound. 145 inbound. 3,000' within 25 miles. | 1,900 | 113—6.5 | T-4n | 300-2.0 | 300-2.0 | 3,100 | 113—6.5 | | |
| | | | | | | | C-4n | 1,000-2.0 | 1,000-2.0 | | | | |
| | | | | | | | A-4n* | 1,000-2.0 | (DCOB) | | | | |
| KANSAS CITY, MO. Kansas City Airport, 758' VOR Airway No. 1 112.1 mc, MKC Procedure No. 1 | Kansas City LFR | 001—5.0 | 2,500 | W side course: 351 outbound. 171 inbound. 2,500' within 25 miles. | 1,900 | 171—10.0 | T-4n* | 300-1.0 | 300-1.0 | 2,500 | 171—10.0 | | |
| | | | | | | | C-4n | 1,000-3.0 | 1,000-3.0 | | | | |
| | | | | | | | A-4n | 1,000-3.0 | 1,000-3.0 | | | | |
| KENNEBUNK, MAINE. Sanford Airport, 243' VOR-DTY Airway No. 1 113.7 mc, PSF Procedure No. 1 | Portland LFR | 235—22.0 | 1,700 | N side course: 181 outbound. 361 inbound. 1,700' within 25 miles. | 1,100 | 261—4.5 | T1-4 | 300-1.0 | 300-1.0 | 1,900 | 261—4.5 | | |
| | | | | | | | T1-n | NA | NA | | | | |
| | | | | | | | C-1 | 500-1.5 | 500-1.5 | | | | |
| | | | | | | | C-1n | 700-2.0 | 700-2.0 | | | | |
| | | | | | | | A-1 | 800-2.0 | 800-2.0 | | | | |
| | | | | | | | A-1n | NA | NA | | | | |



VHF OMNIRANGE (VOR) PROCEDURES—Continued

| City and State, airport name, elevation, class of facility, frequency, identification, procedure No. | Initial approach to facility | | | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, reverse | Procedure turn ( ) side of course indicates procedure turn not required. Minimum altitude over facility on final approach course (ft.). Distances in nautical miles unless otherwise indicated. Where two minimums are given, the lower is for use when DME is operating. | Minimum altitude over facility on final approach course (ft.) | Airport facilities to airport | Condition | Type aircraft: More than 75 m. p. h. | Type aircraft: 75 m. p. h. or less | Minimum altitude (ft.) | Course and distance | From— |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| KEY WEST, FLA. Meacham Field, 4' VOR Airway No. 1 113.7 mc, EYW Procedure No. 1 | Key West LFR | 068—2.0 | 1,300 | W side course: 311 outbound. 131 inbound. 1,100' within 25 miles. | 1,100 | 131—2.2 | T-4 | 300-1.0 | 300-1.0 | 1,300 | 322—4.1 | Key West LFR | 068—2.0 |
| | | | | | | | T-n | NA | NA | | | | |
| | | | | | | | C-4 | 500-1.5 | 500-1.5 | | | | |
| | | | | | | | C-1 | 500-2.0 | 500-2.0 | | | | |
| | | | | | | | A-1 | 800-2.0 | 800-2.0 | | | | |
| | | | | | | | A-n | NA | NA | | | | |
| KIRKSVILLE, MO. Kirksville Airport, 970' VOR Airway No. 1 117.3 mc, IRK Procedure No. 1 | Kirksville LFR | 316—5.0 | 2,100 | W side course: 120 outbound. 2,100' within 25 miles. | 1,100 | 129—3.7 | T-4n | 300-1.0 | 300-1.0 | 2,100 | 129—3.7 | Kirksville LFR | 316—5.0 |
| | | | | | | | C-4n | NA | NA | | | | |
| | | | | | | | C-1n | 500-1.5 | 500-1.5 | | | | |
| | | | | | | | A-4n | 800-2.0 | 800-2.0 | | | | |
| LA CROSSE, WIS. La Crosse Airport, 653' VOR Airway No. 1 113.7 mc, LSE Procedure No. 1 | | | | N side course: 112 outbound. 292 inbound. 2,100' within 25 miles. | 1,100 | 322—4.1 | T-4 | 400-1.0 | 400-1.0 | 1,100 | 322—4.1 | | |
| | | | | | | | T-n | 400-1.5 | 400-1.5 | | | | |
| | | | | | | | C-4 | 600-1.5 | 600-1.5 | | | | |
| | | | | | | | C-n | 600-2.0 | 600-2.0 | | | | |
| | | | | | | | A-4n | 1,000-2.0 | 1,000-2.0 | | | | |
| LAFAYETTE, LA. Lafayette Airport, 40' VOR Airway No. 1 117.7 mc, LFT Procedure No. 1 | Lafayette Rbn | 108—4.1 | 1,200 | E side course: 288 outbound. 348 inbound. 1,200' within 25 miles. | 740 | 304—3.1 | T-4n | 300-1.0 | 300-1.0 | 740 | 304—3.1 | | |
| | | | | | | | C-4n | 600-1.5 | 600-1.5 | | | | |
| | | | | | | | C-n | 600-2.0 | 600-2.0 | | | | |
| | | | | | | | S-4n | 500-1.5 | 500-1.5 | | | | |
| | | | | | | | S-n | 500-2.0 | 500-2.0 | | | | |
| | | | | | | | A-4n* | 1,000-2.0 | (DCOB) | | | | |
| LA ORANGE, GA. Callaways Airport, 700' VOR Airway No. 1 115.6 mc, LGC Procedure No. 1 | | | | S side course: 202 outbound. 022 inbound. 2,000' within 25 miles. | 1,500 | 082—11.8 | T-4n | 300-1.0 | 300-1.0 | 1,500 | 082—11.8 | | |
| | | | | | | | C-4n | 600-1.5 | 600-1.5 | | | | |
| | | | | | | | C-1n | 600-2.0 | 600-2.0 | | | | |
| | | | | | | | A-4n | 800-2.0 | 800-2.0 | | | | |
| LAKE CHARLES, LA. Lake Charles AFB, 15' VOR Airway No. 1 116.9 mc, LCH Procedure No. 1 | Lake Charles LFR | 247—5.0 | 1,300 | S side course: 224 outbound. 044 inbound. 1,500' within 25 miles. | 800 | 044—6.2 | T-4n | 300-1.0 | 300-1.0 | 1,300 | 044—6.2 | | |
| | | | | | | | C-4n | 500-1.5 | 500-1.5 | | | | |
| | | | | | | | A-4n | 800-2.0 | 800-2.0 | | | | |
| LAMONI, IOWA Lamoni Airport, 1,103' VOR-DTY Airway No. 1 116.7 mc, LNS Procedure No. 1 | | | | E side course: 136 outbound. 316 inbound. 2,200' within 25 miles. | 1,700 | 308—3.6 | T-4n | 300-1.0 | 300-1.0 | 1,700 | 308—3.6 | | |
| | | | | | | | C-4n | 500-1.5 | 500-1.5 | | | | |
| | | | | | | | A-4n | 800-2.0 | 800-2.0 | | | | |
| LANSING, MICH. Capital City Airport, 858' VOR Airway No. 1 114.1 mc, LAN Procedure No. 1 | Lansing LFR | 217—9.0 | 2,100 | S side course: 054 outbound. 234 inbound. 2,200' within 25 miles. | 1,500 | 053—6.0 | T-4n | 300-1.0 | 300-1.0 | 2,100 | 053—6.0 | | |
| | | | | | | | C-4n | 500-1.5 | 500-1.5 | | | | |
| | | | | | | | S-4n | 500-1.0 | 500-1.0 | | | | |
| | | | | | | | A-4n | 800-2.0 | 800-2.0 | | | | |
| LARAMIE, WYO. Brees Field, 7,253' VOR Airway No. 1 117.6 mc, LAR Procedure No. 1 | Laramie LFR | 225—1.7 | 8,500 | E side course: 317 outbound. 137 inbound. 8,400' within 25 miles. | 7,800 | 138—2.6 | T-4n | 300-1.0 | 300-1.0 | 8,500 | 138—2.6 | | |
| | | | | | | | C-4n | 500-1.0 | 500-1.0 | | | | |
| | | | | | | | C-1n | 500-2.0 | 500-2.0 | | | | |
| | | | | | | | A-4n | 800-2.0 | 800-2.0 | | | | |
| LAS VEGAS, N. MEX. Las Vegas Airport, 6,982' VOR Airway No. 1 117.3 mc, LVS Procedure No. 1 | | | | E side course: 290 outbound. 024 inbound. 9,000' within 25 miles. | 7,800 | 021—3.7 | T-4n | 300-1.0 | 300-1.0 | 7,800 | 021—3.7 | | |
| | | | | | | | C-4n | 500-1.0 | 500-1.0 | | | | |
| | | | | | | | C-1n | 500-2.0 | 500-2.0 | | | | |
| | | | | | | | A-4n | 800-2.0 | 800-2.0 | | | | |
| LAWTON, OKLA. Lawton Airport, 1,108' VOR 112.2 mc, LAW Procedure No. 1 | Int. 107 deg to Watkins Int and 2.5 mi brg to Lawton VOR. | 253—12.0 | 2,100 | E side course: 186 outbound. 346 inbound. 2,200' within 25 miles. | 1,500 | 345—4.8 | T-4n | 300-1.0 | 300-1.0 | 2,100 | 345—4.8 | | |
| | | | | | | | C-4n | 500-1.0 | 500-1.0 | | | | |
| | | | | | | | C-1n | 500-1.5 | 500-1.5 | | | | |
| | | | | | | | A-4n* | NA | NA | | | | |
| | | | | | | | | | | 1,700 | | | |

* Not S. Weather Bureau or CAA Communications available at this airport. Vores on VOR controlled by Army Tower at Post Field.

VHF OMNIRANGE (VOR) PROCEDURES—Continued

| City and State; airport name, elevation; class of facility, frequency, identification, procedure No. | Initial approach to facility | | Minimum altitude over facility on final approach course (ft.) | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks | Procedure turn: (*) side of final approach course; minimum height and inbound, distances, limiting distances |
|---|---|---|---|---|---|---|---|---|
| | From— | Course and distance | | Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | | |
| LEXINGTON, KY.<br>Blue Grass Airport, 978'<br>BVOR<br>124 mc, LEX<br>Procedure No. 1 | Lexington Rdn | 104—9.5 | 2,300 | | | | | N side course:<br>135 outbound.<br>315 inbound.<br>2,300' within 25 miles. |
| | Int. 290° bearing to Louisville VOR and 345° bearing to Lexington VOR. | 315—18.0 | 2,300 | T-dn<br>C-dn*<br>A-dn | 300–1 0<br>500–1 0<br>800–2 0 | 300–1 0<br>500–1 0<br>800–2 0 | Within 8.4 miles, climb to 2,280' on course of 315°. *CAUTION: 1,000' MSL tower located 3.5 miles ENE of airport. This tower is 2.5 miles to the right (NE) of final approach radial from VOR to airport. | |
| LEXINGTON, NEBR.<br>Lexington Airport, 2,400'<br>BVOR-DTV HJ<br>124.7 mc, LXN<br>Procedure No. 1 | 3, 280 | 271—5.3 | | T-dn<br>C-dn<br>A-dn | 300–1 0<br>700–1 5<br>800–2 0 | NA<br>NA<br>NA | Within 5.3 miles, climb to 3,700' on course of 274° within 25 miles of VOR. CAUTION: 2nd fld. | N side course:<br>094 outbound<br>274 inbound<br>3,400' within 25 miles. |
| LITTLE ROCK, ARK.<br>Adams Field, 257'<br>BVOR<br>113.9 mc, LIT<br>Procedure No. 1 | 880 | 311—4.5 | | T-dn<br>C-dn<br>S-dn<br>A-dn | 300–1 0<br>500–1 0<br>700–1 5<br>800–2 0 | 300–1 0<br>500–1 0<br>700–1 5<br>800–2 0 | Within 4.5 miles, climb to 3,060' on course of 295° within 25 miles of VOR, or as directed by ATC. | E side course:<br>311 outbound.<br>131 inbound.<br>1,500' within 25 miles. |
| | 1, 140 | 125—2.6 | | T-dn<br>C-dn<br>S-dn<br>A-dn* | 300–1 0<br>500–1 0<br>700–1 5<br>800–2 0<br>1,000–2 0<br>(DCOB) | 300–1 0<br>500–1 0<br>700–1 5<br>800–2 0<br>1,000–2 0<br>(DCOB) | Within 2.6 miles, climb to 1,660' on course of 125° within 25 miles of VOR, or as directed by ATC. *Maintain procedure turn altitude until aircraft is equipped with 2 VOR receivers. | S side course:<br>305 outbound.<br>125 inbound.<br>1,640' within 10 miles.<br>1,760' within 15 miles.<br>1,900' within 25 miles. |
| LONGVIEW, TEX.<br>Gregg County Airport, 355'<br>BVOR<br>117.4 mc, LLV<br>Procedure No. 1 | 1,660 | 310—2.9 | | T-dn<br>C-dn<br>S-dn<br>A-dn | 300–1 0<br>500–1 0<br>700–1 5<br>800–2 0 | 300–1 0<br>500–1 0<br>700–1 5<br>800–2 0 | Within 3.0 miles, climb to 1,740' on course of 310° within 25 miles of VOR, or as directed by ATC. | S side course:<br>305 outbound.<br>134 inbound.<br>2,500' within 25 miles. |
| LUFKIN, TEX.<br>Angelina County Airport, 300'<br>BVOR-DTV<br>112.1 mc, LFK<br>Procedure No. 1 | 800 | 331—4.7 | | T-dn<br>C-dn<br>A-dn | 100–1 0<br>500–1 0<br>1,000–2 0<br>(DCOB) | NA<br>NA<br>NA | Within 4.7 miles, turn right and climb to 1,640' on course of 151° outbound from VOR within 25 miles. *Maintain procedure turn altitude until within 10 miles of VOR on final. CAUTION: 517' msl obstruction lighted radio tower located 3 miles E of airport. | E side course:<br>151 outbound.<br>331 inbound.<br>1,400' within 20 miles.<br>1,640' within 25 miles. |
| MALAD CITY, IDAHO<br>Malad City Airport, 4,503'<br>VORW<br>115.6 mc, MLD<br>Procedure No. 1 | 9,000 | 187—8.6 | | T-nl<br>T-ll<br>C-nl<br>C-ll<br>A-nl<br>A-ll | 3,000–3 0<br>NA<br>3,000–3 0<br>NA<br>3,000–3 0<br>NA | | Within 8.6 miles, make climbing left turn, climb to 11,000' on course of 273° within 25 miles of VOR, or as directed by ATC. CAUTION: High terrain in all directions. | S side course:<br>273 outbound.<br>093 inbound.<br>9,580' within 15 miles (NA beyond 15 miles). |
| MALDEN, MO.<br>Malden Airport, 295'<br>BVOR-DTV HJ<br>109.5 mc, MAW<br>Procedure No. 1 | 960 | 245—5.0 | | T-nl<br>T-ll<br>C-nl<br>C-ll<br>A-nl<br>A-ll | 300–1 0<br>500–1 5<br>800–2 0<br>NA<br>NA<br>NA | | Within 5.0 miles, climb to 1,500' on course of 295° within 25 miles. | N side course:<br>115 outbound.<br>295 inbound.<br>1,460' within 25 miles. |
| MANSFIELD, OHIO<br>Mansfield Airport, 1,296'<br>BVOR<br>113.9 mc, MFD<br>Procedure No. 1 | 1, 960 | 311—6.6 | | T-dn<br>C-dn<br>S-dn<br>A-dn | 300–1 0<br>500–1 0<br>700–1 5<br>800–2 0 | 300–1 0<br>500–1 5<br>700–1 5<br>800–2 0 | Within 6.6 miles, climb to 2,400' on course of 311° within 25 miles of VOR. | N side course:<br>134 outbound.<br>314 inbound.<br>2,500' within 25 miles. |
| MARIANNA, FLA.<br>Marianna Airport, 112'<br>BVOR-DTVJ<br>114.0 mc, MAI<br>Procedure No. 1 | 1,500 | 307—3.5 | | T-dn<br>C-dn<br>S-dn<br>A-dn | 300–1 0<br>500–1 5<br>700–1 5<br>32<br>800–2 0 | 300–1 0<br>500–1 5<br>700–1 5<br>32<br>800–2 0 | Within 3.5 miles, climb to 1,440' on course of 307° outbound from VOR within 25 miles or as directed by ATC. | N side course:<br>127 outbound.<br>307 inbound.<br>1,440' within 25 miles. |
| MARTINSBURG, W. VA.<br>Martinsburg Airport, 564'<br>BVOR<br>113.2 mc, MRB<br>Procedure No. 1 | 2,300 | 281—7.1 | | T-dn<br>C-dn<br>A-dn | 300–1 0<br>500–2 0<br>800–2 0 | 300–1 0<br>500–2 0<br>800–2 0 | Within 7.1 miles, climb to 4,000' on course of 280° within 25 miles of VOR, or as directed by ATC. | N side course:<br>100 outbound.<br>280 inbound.<br>2,800' within 25 miles. |
| [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] |
| [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] |

VHF OMNIRANGE (VOR) PROCEDURES—Continued

| City and State; airport name, elevation; class of facility, frequency; identification, procedure No. | Initial approach to facility | | Minimum altitude over facility on final approach course (ft.) | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks | Procedure turn: (*) side of final approach course; minimum height and inbound, distances, limiting distances |
|---|---|---|---|---|---|---|---|---|
| | From— | Course and distance | | Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | | |
| NASSENA, N. Y.<br>Richards Field, 205'<br>BVOR-DTVJ<br>112.1 mc, MSS<br>Procedure No. 1 | 1,260 | 289—5.9 | | T-dn<br>C-dn<br>A-dn | 300–1 0<br>500–1 0<br>800–2 0 | 300–1 0<br>500–1 5<br>800–2 0 | Within 5.9 miles, climb to 1,240' on course of 290° within 25 miles of VOR, makeshelf climbing turn, if unable to maintain climb gradient to 1,240' report to ATC. CAUTION: 566' msl tower located approximately 2 miles SW of airport. | N sidecourse:<br>075 outbound.<br>255 inbound.<br>1,740' within 25 miles. |
| MEDFORD, OREG.<br>Medford Airport, 1,339'<br>BVOR-DTV<br>116.9 mc, MFR<br>Procedure No. 1 | 5,500* | 141—7.3 | | T-dn<br>C-dn*<br>A-dn* | 300–1 0<br>2,200–2 0<br>2,700–2 0 | 300–1 0<br>2,200–2 0<br>2,700–2 0 | Within 7.3 miles, climb to 5,580' on course of 333° within 10 miles of VOR, or as directed by ATC. *Radar ATC required. Cross OR at 4,000', and 1,000' per minute climb to assigned altitude. #Climb to 6,500' within 25 miles of VOR. *Procedure turn W side not authorized due to high terrain. | E side course:**<br>333 outbound.<br>153 inbound.<br>(4,000' within 25 miles. |
| MEMPHIS, TENN.<br>Memphis Airport, 268'<br>BVOR-DTV<br>111.7 mc, MEM<br>Procedure No. 1 | 910 | 284—4.0 | | T-dn<br>C-dn<br>S-dn<br>A-dn | 300–1 0<br>500–1 0<br>700–1 5<br>27<br>800–2 0 | 300–1 0<br>500–1 5<br>700–1 5<br>34<br>800–2 0 | Within 4.0 miles, climb to 1,700' on course of 284° within 25 miles of VOR, or as directed by ATC. | N side course:<br>104 outbound.<br>284 inbound.<br>1,400' within 25 miles. |
| MERIDIAN, MISS.<br>Key Field, 297'<br>BVOR-DTV<br>115.3 mc, MEI<br>Procedure No. 1 | 1,380 | 280—5.3 | | T-dn<br>C-dn<br>S-dn<br>A-dn | 300–1 0<br>1,000–1 5<br>1,000–1 5<br>1,000–2 0 | 300–1 0<br>1,000–1 5<br>1,000–1 5<br>1,000–2 0 | Within 5.3 miles, climb to 1,800' on course of 280° within 25 miles of VOR. CAUTION: 800' msl tower, 8.5 miles ESE of airport and 1.7 miles NW of VOR. | N side course:<br>110 outbound.<br>288 inbound.<br>1,800' within 25 miles. |
| MIAMI, FLA.<br>Miami International Airport, 9'<br>BVOR-DTV<br>113.5 mc, MIA<br>Procedure No. 1 | 600 | 096—3.3 | | T-dn<br>C-dn<br>S-dn<br>A-dn | 300–1 0<br>500–1 5<br>600–1 0<br>800–2 0 | 300–1 0<br>500–1 5<br>600–1 0<br>800–2 0 | Within 3.3 miles, climb to 1,400' on course of 096° within 25 miles of VOR. | S side course:<br>266 outbound.<br>086 inbound.<br>1,100' within 25 miles. |
| MIDLAND, TEX.<br>Midland Air Terminal, 2,867'<br>BVOR-DVT<br>114.8 mc, MAF<br>Procedure No. 1 | 3,300 | 149—4.2 | | T-dn<br>C-dn<br>S-dn<br>I-dn<br>A-dn | 300–1 0<br>500–1 5<br>600–1 0<br>1/2<br>800–2 0 | 300–1 0<br>500–1 5<br>600–1 0<br>1/2<br>800–2 0 | Within 4.2 miles, turn left and climb to 4,500' on course of 126° within 25 miles of VOR, or as directed by ATC. | W side course:<br>360 outbound.<br>180 inbound.<br>4,000' within 25 miles. |
| MILFORD, UTAH<br>Milford Airport, 5,040'<br>VORW<br>112.1 mc, MLF<br>Procedure No. 1 | 6,000 | 345—4.2 | | T-dn<br>T-nl<br>C-dn<br>C-nl<br>S-dn<br>S-nl<br>A-dn<br>A-nl | 300–1 0<br>1,000–2 0<br>1,000–1 5<br>1,000–2 0<br>1,000–1 5<br>1,000–2 0<br>1,000–2 0<br>1,000–2 0 | 300–1 0<br>1,000–2 0<br>1,000–1 5<br>1,000–2 0<br>1,000–1 5<br>1,000–2 0<br>1,000–2 0<br>1,000–2 0 | Within 4.2 miles, climb to 9,000' on course of 165° within 25 miles of VOR, or as directed by ATC. CAUTION: Terrain 2.5 miles WNW of airport, 1,000' above airport. Alternate procedure for emergency use only. Milford VOR is unmonitored and unattended. | W side course:<br>180 outbound.<br>360 inbound.<br>8,000' within 15 miles (NA beyond 15 miles). |
| MINOT, N. DAK.<br>Port O' Minot Airport 1,723'<br>BVOR-DTV<br>112.9 mc, MOT<br>Procedure No. 1 | 2,300 | 259—5.7 | | T-dn<br>C-dn<br>S-dn<br>A-dn | 300–1 0<br>500–1 5<br>700–1 5<br>25<br>800–2 0 | 300–1 0<br>500–1 5<br>700–1 5<br>25<br>800–2 0 | Within 5.7 miles, climb to 3,100' on course of 259° within 25 miles of VOR. | N side course:<br>159 outbound.<br>339 inbound.<br>2,720' within 25 miles. |
| MOBILE, ALA.<br>Bates Field, 217'<br>BVOR-DTV<br>113.3 mc, MOB<br>Procedure No. 1 | 1,000 | 107—7.2 | | T-dn<br>C-dn<br>S-dn<br>A-dn | 300–1 0<br>500–1 5<br>500–1 0<br>800–2 0 | 300–1 0<br>500–1 5<br>500–1 0<br>800–2 0 | Within 7.2 miles, turn left, climb to 1,500' on course of 049° within 25 miles of VOR, or as directed by ATC. | S side course:<br>287 outbound.<br>107 inbound.<br>1,500' within 25 miles. |
| MONROE, LA.<br>Selman Field, 79'<br>BVOR-DTV<br>113.7 mc, MLU<br>Procedure No. 1 | 800 | 054—5.0 | | T-dn<br>C-dn<br>S-nl<br>S-ll<br>A-nl<br>A-ll | 300–1 0<br>500–1 0<br>500–1 0<br>500–1 5<br>800–2 0<br>800–2 0 | 300–1 0<br>500–1 5<br>500–1 0<br>500–1 5<br>800–2 0<br>800–2 0 | Within 5.0 miles, climb to 1,100' on course of 034° within 25 miles of VOR, or as directed by ATC. | S sidecourse:<br>214 outbound.<br>034 inbound.<br>1,000' within 25 miles. |

VHF OMNIRANGE (VOR) PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification, procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound), altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| MONTGOMERY, ALA.<br>Dannelly Field, 219'<br>BVOR-DTVBJ<br>112.1 mc, MGM<br>Procedure No. 1 | Maxwell LFR | 152—12.0 | 1,700 | E side course:<br>136 outbound.<br>316 inbound.<br>1,700' within 25 miles. | 1,200 | 316—6.1 | T-dn<br>C-dn<br>C-n<br>S-dn<br>S-n<br>33<br>A-dn | 300-1.0<br>500-1.0<br>500-2.0<br>500-1.0<br>500-2.0<br>800-2.0 | 300-1.0<br>600-1.5<br>600-2.0<br>500-1.0<br>500-2.0<br>800-2.0 | Within 6.1 miles, climb to 1,700' on course of 316° within 25 miles of VOR, or as directed by ATC.<br>CAUTION: 695' msl tower, 2 miles SE of VOR station. |
| MUSCLE SHOALS, ALA.<br>Muscle Shoals Airport, 546'<br>BVOR-DTV<br>117.5 mc, MSL<br>Procedure No. 1 | Muscle Shoals LFR | 218—1.0 | 1,700 | N side course:<br>114 outbound.<br>294 inbound.<br>1,500' within 25 miles. | 1,360 | 294—4.4 | T-dn<br>C-dn<br>C-n<br>S-dn<br>S-n<br>29<br>A-dn | 300-1.0<br>500-1.0<br>500-2.0<br>500-1.0<br>500-2.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-2.0<br>500-1.0<br>500-2.0<br>800-2.0 | Within 4.4 miles, climb to 2,000' on course of 294° within 25 miles of VOR, or as directed by ATC. |
| MUSKEGON, MICH.<br>Muskegon County Airport, 628'<br>BVOR-DTV<br>117.3 mc, MKG<br>Procedure No. 1 | Muskegon LFR | 270—0.7 | 1,800 | E side course:<br>148 outbound.<br>328 inbound.<br>1,800' within 10 miles.<br>1,900' within 25 miles. | 1,300 | 328—2.0 | T-dn<br>C-dn<br>S-dn<br>32<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 2.0 miles, climb to 1,900' on course of 328° within 25 miles of VOR, or as directed by ATC |
| NASHVILLE, TENN.<br>Berry Field, 606'<br>BVOR-DTV<br>114.1 mc, BNA<br>Procedure No. 1 | Nashville LFR | 159—4.7 | 2,000 | N side course:<br>121 outbound.<br>301 inbound.<br>2,200' within 10 miles.<br>2,500' within 25 miles. | 1,600 | 301—5.1 | T-dn<br>C-dn<br>S-dn<br>33<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 5.1 miles, climb to 2,000' on course of 301° within 25 miles of VOR, or as directed by ATC.<br>CAUTION: High tension line 137' above field elevation between VOR station and airport. |
| NEEDLES, CALIF.<br>Needles Airport, 990<br>BVOR-DTV<br>117.3 mc, EED<br>Procedure No. 1 | | | | N side course:<br>085 outbound.<br>265 inbound.<br>4,500' within 15 miles (NA beyond 15 miles). | 3,000 | 257—8.4 | T-d<br>T-n<br>C-d<br>C-n<br>A-d<br>A-n | 1,000-2.0<br>1,000-3.0<br>1,000-2.0<br>1,000-3.0<br>1,000-2.0<br>1,000-3.0 | 1,000-2.0<br>1,000-3.0<br>1,000-2.0<br>1,000-3.0<br>1,000-2.0<br>1,000-3.0 | Within 6.0 miles, turn right, climb to 7,000' on course of 322° within 25 miles of VOR or as directed by ATC.<br>SHUTTLE: To 6,000' on course of 265° outbound, 85° inbound within 15 miles. |
| NEW ORLEANS, LA.<br>Moisant International Airport, 3'<br>BVOR-DTV<br>Procedure No. 1 | New Orleans LFR | 240—6.0 | 1,100 | S side course:<br>215 outbound.<br>035 inbound.<br>1,200' within 25 miles. | 720 | 035—2.8 | T-dn<br>C-dn<br>S-dn<br>1<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 2.8 miles, climb to 1,500' on course of 035° within 25 miles of VOR. |
| OGDEN, UTAH<br>Ogden Airport, 4,455'<br>BVOR-DTV<br>113.1 mc, OGD<br>Procedure No. 1 | Huntsville FM | 244—20.0 | 11,000 | W side course:<br>328 outbound.<br>148 inbound.<br>7,500' within 25 miles.<br>10,000' within 25 miles. | 5,200 | 098—4.3 | T-dn<br>C-d<br>C-n<br>A-d<br>A-n | 400-1.0<br>800-2.0<br>800-3.0<br>800-2.0<br>800-3.0 | 400-1.0<br>800-2.0<br>800-3.0<br>800-2.0<br>800-3.0 | Within 0.0 mile, climb to 9,000' on course of 259° within 25 miles of VOR, or as directed by ATC.<br>*Descent below 11,000' not authorized until past Corrine FM.<br>SHUTTLE: To 10,000' on course of 328° outbound, 148° inbound within 25 miles of VOR. All turns to W of course. |
| | Corrine FM (final)* | 118—23.0 | 5,500 | | | | | | | |
| OKLAHOMA CITY, OKLA.<br>Will Rogers Field, 1,283'<br>BVOR-DTV<br>115.5 mc, OKC<br>Procedure No. 1 | | | | W side course:<br>308 outbound.<br>128 inbound.<br>2,500' within 25 miles. | 1,990 | 128—4.0 | T-dn<br>C-dn<br>S-d<br>S-n<br>12<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | Within 4.0 miles, climb to 2,500' on course of 155° within 25 miles. |
| OTTO, N. MEX.<br>Otto Airport, 6,226'<br>BVOR-DTV<br>114.0 mc, OTO<br>Procedure No. 1 | Int. 021° brg to Las Vegas VOR and 254° brg to Otto VOR | 254—19.0 | 8,500 | N side course:<br>076 outbound.<br>256 inbound.<br>8,500' within 10 miles (NA beyond 10 miles). | 7,500 | 256—3.4 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | NA<br>NA<br>NA | Within 3.4 miles, turn left, climb to 9,500' on course of 074° within 25 miles of VOR or as directed by ATC.<br>SHUTTLE: To 8,500' on course of 076° outbound, 256° inbound within 10 miles. |
| OTTUMWA, IOWA<br>Ottumwa Airport, 845'<br>BVOR-DTV<br>113.4 mc, OTM<br>Procedure No. 1 | Ottumwa Rbn | 125—8.0 | 1,900 | N side course:<br>124 outbound.<br>304 inbound.<br>1,900 within 25 miles. | 1,400 | 303—7.7 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-2.0<br>800-2.0 | 300-1.0<br>500-2.0<br>800-2.0 | Within 7.7 miles, climb to 2,200' on course of 303° within 25 miles of VOR, or as directed by ATC. |



VHF OMNIRANGE (VOR) PROCEDURES—Continued

| City and State; airport name, elevation; class of facility, frequency; identification, procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound), altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished; remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| PADUCAH, KY.<br>Barkley Field, 405'<br>BVOR-DTV<br>117.3 mc, PUK<br>Procedure No. 1 | Paducah Rbn | 224—5.4 | 1,600 | E side course:<br>220 outbound.<br>040 inbound.<br>1,600' within 10 miles.<br>1,800' within 25 miles. | 1,120 | 040—4.8 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 4.8 miles, climb to 1,800' on course of 038° within 25 miles of VOR. |
| | Int. E course Advance LFR | 117—7.0 | 1,600 | | | | | | | |
| PALACIOS, TEX.<br>Palacios Airport, 13'<br>BVOR-DTV<br>117.3 mc, PSX<br>Procedure No. 1 | Palacios LF range | 298—2.0 | 1,200 | S side course:<br>296 outbound.<br>116 inbound.<br>1,200' within 25 miles. | 680 | 116—3.9 | T-d<br>T-n<br>C-d<br>C-n<br>S-d<br>S-n<br>13<br>A-d<br>A-n | 300-1.0<br>NA<br>500-1.0<br>NA<br>500-1.0<br>NA<br>800-2.0<br>NA | 300-1.0<br>NA<br>500-1.5<br>NA<br>500-1.0<br>NA<br>800-2.0<br>NA | Within 3.9 miles, climb to 1,200' on course of 116° within 25 miles of VOR. |
| PARKERSBURG, W. VA.<br>Wood County Airport, 556'<br>BVOR<br>117.9 mc, PKB<br>Procedure No. 1 | | | | W side course:<br>032 outbound.<br>212 inbound.<br>2,500' within 25 miles. | 2,000 | 212—6.8 | T-dn<br>C-dn<br>S-dn<br>20<br>A-dn | 300-1.0<br>600-1.0<br>600-1.0<br>800-2.0 | 300-1.0<br>700-1.5<br>600-1.0<br>800-2.0 | Within 6.8 miles, climb to 2,500' on course of 212° within 25 miles of VOR, or as directed by ATC. |
| PASO ROBLES, CALIF.<br>Paso Robles County Airport, 885'<br>BVOR-DTVJ<br>116.9 mc; PRB<br>Procedure No. 1 | | | | E side course:<br>130 outbound.<br>310 inbound.<br>3,000' within 15 miles.<br>4,000' within 20 miles.<br>5,000' within 25 miles. | 2,000 | 310—0.0 | T-dn<br>C-d<br>C-n<br>A-d<br>A-n | 300-1.0<br>1,200-1.0<br>1,200-2.0<br>1,200-2.0<br>1,200-3.0 | 300-1.0<br>1,200-1.0<br>1,200-2.0<br>1,200-2.0<br>1,200-3.0 | Within 0.0 mile climb to 5,000' on course of 318° within 25 miles of VOR, or as directed by ATC. |
| PENDLETON, OREG.<br>Pendleton Airport, 1,493'<br>BVOR-DTV<br>112.7 mc, PDT<br>Procedure No. 1 | Pendleton LFR | 252—7.3 | 4,000 | N side course:*<br>251 outbound.<br>071 inbound.<br>3,500' within 25 miles. | 2,600 | 071—1.5 | T-dn<br>C-dn<br>S-dn<br>7<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 1.5 miles, make climbing left turn, climb to 4,000' on course of 236° within 25 miles of VOR, or as directed by ATC.<br>*Procedure turn on S side NA due to high terrain. |
| | Cabbage Hill FM | 282—18.2 | 4,000 | | | | | | | |
| | Int. S ers. Walla Walla LFR & 241° brg to VOR. | 241—22.0 | 3,500 | | | | | | | |
| PHILIPSBURG, PA.<br>Philipsburg Airport, 1,933'<br>BVOR-DTV<br>115.5 mc, PSB<br>Procedure No. 1 | Philipsburg LFR | 125—8.0 | 4,000 | N side course:<br>073 outbound.<br>253 inbound.<br>3,500' within 25 miles. | 3,000 | 253—5.1 | T-dn<br>C-d<br>C-n<br>A-dn | 500-1.0<br>800-1.0<br>800-2.0<br>1,000-2.0 | 500-1.0<br>800-1.0<br>800-2.0<br>1,000-2.0 | Within 5.1 miles, climb to 4,000' on course of 253° within 25 miles of VOR. |
| PHOENIX, ARIZ.<br>Phoenix-Sky Harbor Airport, 1,124'<br>BVOR-DTV<br>112.3 mc, PHX<br>Procedure No. 1 | Int. 272° brg to Hassayampa VOR & 146° brg to Phoenix VOR | 146—27.0 | 5,000 | S side course:<br>076 outbound.<br>256 inbound.<br>2,900' within 10 miles.<br>4,100' within 20 miles (NA beyond 20 miles) | 2,100 | 256—6.8 | T-dn<br>C-dn<br>S-dn<br>256<br>A-dn | 300-1.0<br>700-1.0<br>700-1.0<br>800-2.0 | 300-1.0<br>700-1.5<br>700-1.0<br>800-2.0 | Within 6.8 miles, climb to 5,000' on course of 256° within 25 miles of VOR, or as directed by ATC.<br>SHUTTLE: To 5,000' on course of 076° outbound, 340° inbound within 25 miles or to 5,000' on course of 256° outbound, 076 inbound within 25 miles. |
| | Perryville FM | 076—33.0 | 2,600 | | | | | | | |
| PIERRE, S. DAK.<br>Pierre Airport, 1,742'<br>BVOR-DTV<br>117.7 mc, PIR<br>Procedure No. 1 | Pierre LFR | 52—2.0 | 3,000 | N side course:<br>067 outbound.<br>247 inbound.<br>3,000' within 25 miles. | 2,500 | 247—5.4 | T-dn#<br>C-d<br>C-n<br>A-dn | 300-1.0<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>500-2.0<br>800-2.0 | Within 5.4 miles, climb to 3,500' on course of 247° within 25 miles of VOR, or as directed by ATC.<br>#All take-offs to NW restricted to 400-1. Sliding scale will not apply. |
| PINE BLUFF, ARK.<br>Grider Field, 205'<br>BVOR-DTVJ<br>116.0 mc, PBF<br>Procedure No. 1 | Int. 314° brg to Little Rock VOR (final). | 179—9.0 | 940 | E side course:#<br>359 outbound.<br>179 inbound.<br>1,400' within 25 miles. | 940 | 179—4.5 | T-dn<br>C-dn<br>S-d<br>S-n<br>17<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | Within 4.5 miles, climb to 1,000' on course of 179° within 25 miles of VOR, or as directed by ATC.<br>#Non-standard procedure turn account danger area W side of course. |
| PITTSBURGH, PA.<br>Allegheny County Airport, 1,252'<br>BVOR-DTV<br>117.4 mc, PIT<br>Procedure No. 1 | Pittsburgh LF Rng | 218—6.0 | 2,700 | S side course:<br>232 outbound.<br>052 inbound.<br>2,500' within 15 miles.<br>2,600' within 20 miles.<br>2,700' within 25 miles. | 2,000 | 0.2—7.5 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>600-1.0<br>800-2.0 | 300-1.0<br>700-1.5<br>800-2.0 | With in 7.5 miles, climb to 2,600' on course of 075° within 20 miles of VOR. |
| PLATTSBURG, N. Y.<br>Plattsburg Airport, 374'<br>BVOR-DTV<br>112.9 mc, PLB<br>Procedure No. 1 | Burlington LFR | 349—23.0 | 1,500 | N side course:<br>070 outbound.<br>230 inbound.<br>1,500' within 15 miles (NA beyond 15 miles). | 1,000 | 230—9.6 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>600-1.5<br>800-2.0 | 300-1.0<br>600-1.5<br>800-2.0 | With in 9.6 miles, make a climbing left turn and climb to 1,500' returning to VOR.<br>SHUTTLE: To 2,000' on course of 050° outbound 230° inbound within 15 miles. |

VHF OMNIRANGE (VOR) PROCEDURES—Continued

| City and State; airport name, elevation, class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Initial approach to facility: Course and distance | Initial approach to facility: Minimum altitude (ft.) | Ceiling and visibility minimums: Type aircraft: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks | Procedure turn: (.) side of final approach course (outbound and inbound), altitude over facility (ft.), distance from facility to airport (miles), limiting distances |
|---|---|---|---|---|---|---|---|---|
| POCATELLO, IDAHO<br>Phillips Field, 4,448'<br>BVOR-DTV<br>116.9 mc, PIH<br>Procedure No. 1 | Pocatello LFR | 213—3.5 | 7,400 | T—tln<br>C—cl<br>C—tn<br>A—tln | 300–1.0<br>600–1.5<br>600–2.0<br>800–2.0 | 300–1.0<br>600–1.5<br>600–2.0<br>800–2.0 | Within 3.6 miles, make climbing left turn, climb to 7,400' on course of 294° within 25 miles of VOR, or as directed by ATC.<br>•Procedure turn on S side NA due to high terrain. | N side course.*<br>070 outbound.<br>250 inbound.<br>6,000' within 25 miles. |
| PONCA CITY, OKLA.<br>Ponca City Airport, 1,014'<br>BVOR-DTV<br>117.3 mc, PNC<br>Procedure No. 1 | ---------- | ---------- | ---------- | T—tln<br>C—tln<br>A—tln | 300–1.0<br>600–1.0<br>800–2.0 | N A<br>N A<br>N A | Within 3.5 miles, climb to 2,800' on course of 029° within 25 miles. | S side course.<br>279 outbound.<br>060 inbound.<br>2,300' within 25 miles. |
| PRESCOTT, ARIZ.<br>Prescott Airport, 5,042'<br>BVOR-DTV<br>114.1 mc, PRC<br>Procedure No. 1 | 6,500 | 129—4.0 | 7,400 | T—tln<br>C—tln<br>A—tln | 300–2.0<br>1,000–2.0<br>1,000–2.0 | 1,000–2.0<br>1,500–2.0<br>1,500–2.0 | Within 2.0 miles turn left, climb to 8,000' on course of 325° within 25 miles of VOR. | E side course.<br>325 outbound.<br>145 inbound.<br>8,000' within 25 miles. |
| PRESQUE ISLE, MAINE<br>Presque Isle AFB, 581'<br>VOR<br>114.7 mc, PQI<br>Procedure No. 1 | 1,400 | 183—5.4 | 7,400 | T—tln<br>C—tln<br>S—tln<br>10<br>A—tln | 300–1.0<br>700–1.5<br>700–1.0<br>NS–2.0 | 300–1.0<br>700–1.5<br>700–1.0<br>NS–2.0 | Within 5.4 miles, climb to 2,700' on course of 180° outbound from VOR within 25 miles. | W side course.<br>360 outbound.<br>180 inbound.<br>2,000' within 10 miles.<br>2,500' within 25 miles. |
| PRINCETON, MAINE<br>Princeton Airport, 250'<br>VORW<br>114.3 mc, PSN<br>Procedure No. 1 | 1,700 | 102—10.6 | 7,400 | T—tl<br>C—tn<br>C—cl<br>A—cl<br>A—tl | 3 0 1 0<br>NS–2.0<br>NS–2.0<br>1,000–2.0<br>NA | 300–1.0<br>NS–2.0<br>NS–2.0<br>1,000–2.0<br>NA | Within 10.6 miles, climb to 2,000' on course of 102° outbound from VOR within 25 miles. | W side course.<br>312 outbound.<br>132 inbound.<br>2,300' within 25 miles. |
| PUEBLO, COLO.<br>Pueblo Airport No. 1, 4,853'<br>BVOR-DTV<br>112.1 mc, PUB<br>Procedure No. 1 | 5,800 | 348—2.9 | 6,000 | T—tln<br>C—cl<br>C—tn<br>S—tln<br>35<br>A—tln | 300–1.0<br>500–2.0<br>500–2.0<br>700–1.0<br>NS–2.0 | 300–1.0<br>500–1.5<br>500–2.0<br>700–1.0<br>NS–2.0 | Within 2.9 miles, climb to 6,000' on course of 76° within 25 miles of VOR, or as directed by ATC. | E side course.<br>166 outbound.<br>346 inbound.<br>6,000' within 10 miles.<br>(NA beyond 10 miles). |
| QUINCY, ILL.<br>Baker Wm-Quincy Airport, 769'<br>BVOR-DTV<br>115.6 mc, UIN<br>Procedure No. 1 | 1,500 | 029—7.2 | 1,900 | T—tln*<br>C—tln*<br>S—tln<br>35<br>A—tln | 300–1.0<br>500–1.0<br>500–1.0<br>NS–2.0 | 300–1.0<br>500–1.5<br>500–1.0<br>NS–2.0 | Within 7.2 miles, climb to 1,600' on course of 029° within 25 miles of VOR, or as directed by ATC.<br>*Use 2,100' when located approximately 6.5 miles WNW of airport. | F side course.<br>209 outbound.<br>029 inbound.<br>1,900' within 25 mlls. |
| RAPID CITY, S. DAK.<br>Rapid City Airport, 3,172'<br>BVOR-DTV<br>116.9 mc, RAP<br>Procedure No. 1 | 3,600 | 139—9.2 | 7,400 | T—tln<br>C—tln<br>A—tln | 300–1.0<br>700–2.0<br>800–2.0 | 300–1.0<br>700–2.0<br>800–2.0 | Within 9.2 miles, climb to 5,500' on course of 161° within 25 miles of VOR, or as directed by ATC.<br>•Procedure turn nonstandard account high terrain W. | E side course.*<br>161 outbound.<br>341 inbound.<br>4,400' within 15 miles (NA beyond 15 miles). |
| RED BLUFF, CALIF.<br>Red Bluff Airport, 354'<br>BVOR-DTV<br>114.9 mc, RBL<br>Procedure No. 1 | 1,200 | 332—3.3 | 7,400 | T—tln<br>C—tln<br>S—tln<br>33<br>A—tln | 300–1.0<br>600–1.0<br>600–1.0<br>NS–2.0 | 300–1.0<br>600–1.5<br>600–1.0<br>NS–2.0 | Within 3.3 miles, make right turn, climb to 2,500' on course of 115° within 25 miles of VOR, or as directed by ATC. | E side course.<br>145 outbound.<br>325 inbound.<br>2,300' within 25 miles. |
| ROCK SPRINGS, WYO.<br>Rock Springs Airport, 6,772'<br>BVOR-DTV<br>114.7 mc, RKS<br>Procedure No. 1 | Rock Springs LFR | 184—1.0 | 9,200 | T—tln<br>C—tln<br>A—tln | 300–1.0<br>1,000–1.5<br>1,000–2.0<br>1,000–2.0 | 300–1.0<br>1,000–1.5<br>1,000–2.0<br>1,000–2.0 | Within 2.4 miles, climb to 10,000' on course of 261° within 25 miles, of VOR, or as directed by ATC. | N side course:<br>081 outbound.<br>261 inbound.<br>9,200' within 25 miles. |
| ROSWELL, N. MEX.<br>Roswell Airport, 3,621'<br>BVOR-DTV<br>113.1 mc, ROW<br>Procedure No. 1 | ---------- | ---------- | ---------- | T—tln<br>C—tln<br>A—tln | 300–1.0<br>500–1.5<br>800–2.0 | 300–1.0<br>500–1.5<br>800–2.0 | Within 3.8 miles, climb to 6,000' on course of 345° within 25 miles. | E side course:<br>166 outbound.<br>346 inbound.<br>4,800' within 25 miles. |



VHF OMNIRANGE (VOR) PROCEDURES—Continued

| City and State; airport name, elevation, class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Initial approach to facility: Course and distance | Initial approach to facility: Minimum altitude (ft.) | Ceiling and visibility minimums: Type aircraft: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks | Procedure turn: (.) side of final approach course (outbound and inbound), altitude over facility (ft.), distance from facility to airport (miles), limiting distances |
|---|---|---|---|---|---|---|---|---|
| RUSSELL, KANS.<br>Russell Airport, 1,890'<br>BVOR-DTV<br>114.5 mc, RSL<br>Procedure No. 1 | ---------- | ---------- | ---------- | T—tln<br>C—tln<br>A—tln | 300–1.0<br>600–1.5<br>600–2.0 | 300–1.0<br>600–1.5<br>600–2.0 | Within 6 miles, climb to 2,100' on course of 168° via Russell LFR, or as directed by ATC. | W side course.*<br>349 outbound.<br>169 inbound.<br>3,100' within 25 miles. |
| SACRAMENTO, CALIF.<br>Sacramento Airport, 21'<br>BVOR DTV<br>115.2 mc, SAC<br>Procedure No. 1 | Clark-Junc FM (final) | 023—7.0 | 1,900 | T—tln<br>C—tln<br>A—tln | 300–1.0<br>500–1.0<br>NS–2.0 | 300–1.0<br>500–1.0<br>NS–2.0 | Within 4.5 miles, climb to 2,100' on course of 203° via Clark-Junc FM (final), or as directed by ATC.<br>•Climb 20 mile, 5% lift to 2,500' via Ca Tr N 257° mist tower to Sacramento VOR and LFR. | S side course.*<br>023 inbound.<br>203 outbound.<br>1,200 within 7 mile NW beyond Clark-Junc FM. |
| ST. JOSEPH, MO.<br>Rosecrans Memorial Airport 831<br>BVOR-DTV<br>114.3 mc, STJ<br>Procedure No. 1 | St. Joseph LFR | 350—17.0 | 2,400 | T—tln<br>C—tln<br>A—tln | 300–1.0<br>1,000–3.0<br>1,000–3.0 | 300–1.0<br>1,000–3.0<br>1,000–3.0 | Within 12.7 miles, climb to 2,600' on course of 170° with 2 miles VOR on as directed by ATC.<br>•Use N 4.6 mile NW, NW and E of fld. | W side course.<br>167 outbound.<br>347 inbound.<br>2,400 within 25 mls. |
| ST. LOUIS, MO.<br>Lambert-St. Louis Airport, 605'<br>BVOR-DTV<br>115.9 mc, STL<br>Procedure No. 1 | St. Louis LFR | 305—1.0 | 1,800 | T—tln<br>C—tln<br>A—tln | 300–1.0<br>700–2.0<br>NS–2.0 | 300–1.0<br>700–2.0<br>NS–2.0 | Within 9.3 miles, climb to 2,100' on course of 125° within 25 miles of VOR, or as directed by ATC. | W side course.<br>137 outbound.<br>317 inbound.<br>1,800' within 10 mile.<br>1,900 within 25 mile. |
| ST. PETERSBURG, FLA.<br>Pinella Co. International Airport | See TAMPA, FLA. | | | | | | | |
| SALINAS, CALIF.<br>Salinas Airport, 84'<br>BVOR DTV<br>112.1 mc, SNS<br>Procedure No. 1 | ---------- | ---------- | ---------- | T—tln<br>C—tln<br>A—tln | 300–1.0<br>600–1.5<br>600–2.0 | 300–1.0<br>600–1.5<br>600–2.0 | Within 14 miles, climb to 3,000' on course of 124° via Salinas LFR, or as directed by ATC. | W side course.<br>304 outbound.<br>124 inbound.<br>2,500 within 25 mls. |
| SALT FLAT, TEX.<br>Sublett Airport, 3,527'<br>BVOR-DTV<br>114.4 mc, SFL<br>Procedure No. 1 | Salt Flat LFR | 153—3.1 | 6,000 | T—tln<br>C—tln<br>A—tln | 300–1.0<br>700–2.0<br>700–2.0 | 300–1.0<br>700–2.0<br>700–2.0 | Within 4.0 miles, turn right and climb 11,000' on course of 248° within 25 miles of VOR, or as directed by ATC.<br>•Climb 6,000' on course of 248° via Salt Flat LFR to 11,000' over terrain 2.5 miles E of VOR. Circling NW-N-E of 4,500' mid radio mast. 3 mi SW of VOR.<br>Caution: Mountainous terrain within 20 miles of VOR. All turns to W. | W side course.*<br>068 outbound.<br>248 inbound.<br>11,000' within 25 miles. |
| SALT LAKE CITY, UTAH<br>Salt Lake City Airport, No. 1, 4,227'<br>BVOR DTV<br>117.3 mc, SLC<br>Procedure No. 1 | Layton FM (final) | 112—12.0 | 4,800 | T—tln<br>C—tln<br>A—tln | 300–1.0<br>700–2.0<br>700–2.0 | 300–1.0<br>700–2.0<br>700–2.0 | Within 14 miles, climb to 7,000' on course of 124° via Riverton LFR, or as directed by ATC. | W side course.<br>304 outbound.<br>124 inbound.<br>7,000' within 20 mls.<br>10,000 within 25 mls. |
| SAN ANGELO, TEX.<br>Mathis Airport, 1,917'<br>BVOR DTV<br>115.1 mc, SJT<br>Procedure No. 1 | Riverton LFR | 212—2.0 | 11,000 | T—tln<br>C—tln<br>A—tln | 300–1.0<br>700–2.0<br>700–2.0 | 300–1.0<br>700–2.0<br>700–2.0 | Within 2.1 miles, climb to 3,000' on course of 032° via San Angelo LFR, or as directed by ATC. | N side course.<br>212 outbound.<br>032 inbound.<br>3,000 within 2 miles. |
| SAN ANTONIO, TEX.<br>International Airport, 809'<br>BVOR DTV<br>116.3 mc SAT<br>Procedure No. 1 | San Antonio LFR | 354—1.5 | 2,400 | T—tln<br>C—tln<br>A—tln | 300–1.0<br>500–1.5<br>500–2.0 | 300–1.0<br>500–1.5<br>500–2.0 | Within 7.1 miles, climb to 2,500' on course of 174° via San Antonio LFR, or as directed by ATC.<br>•Use 2,900' when maximum authorized altitude is required for procedure turn. Climb 1 mile on final approach course to 2,900' before starting procedure turn. Climb 1 mile on Antonio LFR on final approach course to 2,900' before starting procedure turn. Climb 1 mile on Antonio LFR on final approach course to 2,900' before starting procedure turn. Climb 1 mile on final approach course to 2,900' before starting procedure turn. Climb 1 mile on final approach course to 2,900' before starting procedure turn. Climb 1 mile

VHF OMNIRANGE (VOR) PROCEDURES—Continued

| City and State; airport name, elevation, class of facility, frequency; identification, procedure No. | Initial approach to facility | | | Departure turn; (1) Sale of altitude | Minimum Obstruction Clearance Altitude (MOCA) |
|---|---|---|---|---|---|
| | From— | Course and distance | Minimum altitude (ft.) | | |
| SAN DIEGO, CALIF. Lindbergh Field, 13' 1VOR-DTV 119.9 mc, SAN Procedure No. 1 | Int 298° bearing to Long Beach VOR and 142° bearing to San Diego VOR | 112–30.0 | 2,500 | W side course: 220 outbound, 112° inbound. 2,500' within 25 miles. | 1,500 |
| | La Jolla FM (final) | 112–2.0 | 1,700 | | |
| SANTA FE, N. MEX. Santa Fe Airport (New), 6,348' 1VOR-DTV 113.6 mc, SAF Procedure No. 1 | ---------- | ---------- | ---------- | E side course: 142° inbound. 262° outbound. 5,100' within 25 miles. | 6,000 |
| SAVANNAH, GA. Travis Field, 50' 1VOR-DTV 112.7 mc, SAV Procedure No. 1 | Savannah LFR | 064–4.0 | 1,400 | E side course: 244° outbound. 064° inbound. 1,200' within 25 miles. | 700 |
| | | 295–16.0 | 4,000 | | |
| SEATTLE, WASH. Boeing Field, 21' 1VOR-DTV 116.4 mc, SEA Procedure No. 1 | Buckley FM | 295–16.0 | 4,000 | E side course: 115° outbound. 295° inbound. 4,000' within 25 miles. | 3,600 |
| | Int NW course Seattle LFR and 115° bearing to Seattle VOR | 158–7.0 | 2,000 | | |
| | Seattle LFR | 103–4.2 | 2,000 | | |
| | Int Lakeview LM and 295° bearing to Seattle VOR (final) | 127–5.0 | 1,600 | | |
| SHREVEPORT, LA. Downtown Airport, 372' 1VOR-DTV 112.9 mc, SHV Procedure No. 1 | Shreveport LFR | 339–11.0 | 1,700 | E side course: 339° inbound. 159° outbound. 1,800' within 25 miles. | 1,180 |
| SIOUX CITY, IOWA. Sioux City Airport, 1,067' 1VOR-DTV 115.5 mc, SUX Procedure No. 12 | Sioux City LFR | 112–2.0 | 2,100 | E side course: 292° outbound. 112° inbound. 2,100' within 25 miles. | 1,900 |
| | Sloan FM (final) | 339–7.0 | 1,800 | | |
| SIOUX FALLS, S. DAK. Sioux Falls Airport, 1,429' 1VOR-DTV 117.3 mc, BTJ Procedure No. 1 | Sioux Falls, LFR | 337–4.0 | 2,700 | W side course: 157° outbound. 337° inbound. 2,700' within 25 miles. | 2,280 |
| SPRINGFIELD, ILL. Capital Airport, 593' 1VOR-DTV 112.7 mc, SPI Procedure No. 1 | Springfield LFR | 001–12.3 | 2,000 | N side course: 181° outbound. 001° inbound. 1,500' within 25 miles. | 1,400 |
| SPRINGFIELD, MO. Strafford Airport, 1,267' 1VOR-DTV 116.9 mc, SGF Procedure No. 1 | Strafford LFR | 270–6.7 | 2,200 | W side course: 090° outbound. 270° inbound. 2,200' within 25 miles. | 1,800 |
| SYRACUSE, N. Y. Syracuse Airport, 412' 1VOR-DTV 113.6 mc, SYR Procedure No. 1 | Syracuse LFR | 041–5.0 | 1,700 | S side course: 221° outbound. 041° inbound. 1,700' within 25 miles. | 1,400 |

VHF OMNIRANGE (VOR) PROCEDURES—Continued

| City and State; airport name, elevation, class of facility, frequency; identification, procedure No. | Initial approach to facility | | | Departure turn; (1) Sale of altitude | Minimum Obstruction Clearance Altitude (MOCA) |
|---|---|---|---|---|---|
| | From— | Course and distance | Minimum altitude (ft.) | | |
| TALLAHASSEE, FLA. Dale Mabry Field, 70' 1VOR-DTV 109.9 mc, TLH Procedure No. 1 | Tallahassee LFR | 007–6.0 | 1,300 | W side course: 352 outbound. 160 inbound. 1,300' within 25 miles. | 800 |
| TAMPA, FLA. Peter O. Knight Airport (St. Petersburg), 10' 1VOR-DTV 115.5 mc, TPA Procedure No. 1 | Tampa FLR | 275–17.0 | 1,500 | S side course: 275° outbound. 095° inbound. 1,350' within 25 miles. | 840 |
| TERRE HAUTE, IND. Hulman Field, 483' 1VOR-DTV 115.8 mc, HUF Procedure No. 1 | Terre Haute LFR | 343–8.2 | 1,500 | W side course: 163° outbound. 343° inbound. 1,500' within 25 miles. | 1,340 |
| | Int N course Terre Haute LFR and SE course Chanute LFR. | 143–8.5 | 1,400 | | |
| TEXARKANA, ARK. Texarkana Airport, 357' 1VOR-DTV 117.1 mc, TXK Procedure No. 1 | Texarkana LFR | 346–3.0 | 1,300 | W side course: 346° outbound. 166° inbound. 1,500' within 25 miles. | 1,000 |
| TUL DALLAS, OREG. The Dalles Airport, 243' 1VOR-DTV 17.0 mc, DLS Procedure No. 1 | The Dalles LFR | 090–10.5 | 6,000 | S side course*: 090° outbound. 270° inbound. 4,000' within 25 miles. | 5,740 |
| | Int N course The Dalles LFR and 145° bearing to VOR | 145–16.0 | 5,000 | | |
| THERMAL, CALIF. Thermal Airport, 117' 1VOR-DTV 114.8 mc, THM Procedure No. 1 | Int 295° bearing to Ontario VOR and 115° bearing to Thermal VOR | 145–21.0 | 7,000 | E side course: 325° outbound. 145° inbound. 3,000' within 25 miles. | 1,380 |
| | Int 37° bearing to Hayfield Ranch and 322° bearing to Thermal VOR | 322–15.0 | 4,000 | | |
| TOPEKA, KANS. Philip Billard Airport, 880' 1VOR-DTV 117.8 mc, TOP Procedure No. 1 | Topeka Rbn at 14.8 OM | 270–7.0 | 2,300 | W side course: 090° outbound. 270° inbound. 2,300' within 25 miles. | 1,800 |
| TRUTH OR CONSEQUENCES, N. MEX. Truth or Consequences Airport, 4,895' 1VOR-DTV 112.6 mc, TCS Procedure No. 1 | Truth or Consequences LFR | 270–18.0 | 8,000 | E side course: 090° outbound. 180° inbound. 8,000' within 10 miles (NA beyond 10 miles). | 6,800 |
| TUCUMCARI, N. MEX. Tucumcari Airport, 4,063' 1VOR-DTV 112.3 mc, TCC Procedure No. 1 | Tucumcari LFR | 078–3.0 | 5,200 | N side course: 086° outbound. 266° inbound. 5,200' within 25 miles. | 4,740 |
| TUSCALOOSA, ALA. Van De Graaff Airport, 168' 1VOR-DTV 116.6 mc, TCL Procedure No. 1 | Tuscaloosa Rbn | 050–3.0 | 1,300 | N side course: 122° outbound. 246° inbound. 1,800' within 25 miles. | 1,300 |
| UKIAH, CALIF. Ukiah Airport, 613' 1VOR-DTV 112.3 mc, UKI Procedure No. 1 | ---------- | ---------- | ---------- | S side course: 023° outbound. 203° inbound. 6,000' within 25 miles. | 4,600 |

VHF OMNIRANGE (VOR) PROCEDURES—Continued

| City and State; airport name, elevation, class of facility, frequency, identification, procedure No. | Initial approach to facility: From— | Initial approach to facility: Course and distance | Initial approach to facility: Minimum altitude (ft.) | Procedure turn: (*) side of final approach course (outbound and inbound), altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| VALDOSTA, GA.<br>Valdosta Airport, 203'<br>BVOR-TV<br>113.7 mc; VLD<br>Procedure No. 1 | Valdosta Rbn | 182—7.0 | 1,500 | E side course:<br>182 outbound.<br>002 inbound.<br>1,300' within 25 miles. | 800 | 002—7.0 | T-dn<br>C-dn<br>S-dn<br>35<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 7.0 miles, turn left, climb to 1,500' on course of 315° within 25 miles of VOR, or as directed by ATC. |
| VERO BEACH, FLA.<br>Vero Beach Airport, 25'<br>BVOR-TV<br>117.3 mc, VRB<br>Procedure No. 1 | | | | S side course:<br>290 outbound.<br>110 inbound.<br>1,200' within 25 miles. | 520 | 110—4.2 | T-dn<br>C-dn<br>S-dn<br>11<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 4.2 miles, climb to 1,200' on course of 110° within 25 miles of VOR, or as directed by ATC. |
| VICHY, MO.<br>Vichy Airport, 1,148'<br>BVOR-DTV<br>117.7 mc, VIH<br>Procedure No. 1 | Vichy LFR | 012—4.5 | 2,200 | N side course:<br>063 outbound.<br>243 inbound.<br>2,200' within 25 miles. | 1,700 | 243—3.0 | T-dn<br>C-dn<br>S-dn<br>S-n<br>22<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | Within 3.0 miles, climb to 2,600' on course of 243° outbound from VOR within 25 miles.<br>NOTE: Runway lights on call from Vichy radio. |
| WACO, TEX.<br>Waco Airport, 515'<br>BVOR-DTV<br>115.3 mc; ACT<br>Procedure No. 1 | | | | W side course:<br>319 outbound.<br>139 inbound.<br>2,000' within 25 miles. | 1,500 | 139—3.8 | T-dn<br>C-dn<br>S-dn<br>S-n<br>14<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | Within 3.8 miles, climb to 2,000' on course of 139° within 25 miles. |
| WALNUT RIDGE, ARK.<br>Walnut Ridge Airport, 275'<br>BVOR-DTV<br>115.7 mc, ARG<br>Procedure No. 1 | Walnut Ridge LFR | 184—6.5 | 1,700 | S side course:<br>246 outbound.<br>066 inbound.<br>1,600' within 25 miles | 1,100 | 066—1.3 | T-sl<br>T-n<br>C-sl<br>C-n<br>A-sl<br>A-n | 300-1.0<br>NA<br>500-1.0<br>NA<br>800-2.0<br>NA | 300-1.0<br>NA<br>500-1.5<br>NA<br>800-2.0<br>NA | Within 1.3 miles, climb to 2,500' on course of 066° within 25 miles of VOR |
| WATERTOWN, N. Y.<br>Watertown Airport, 326'<br>BVOR-DTVJ<br>116.1 mc; ART<br>Procedure No. 1 | | | | N side course:<br>228 outbound.<br>048 inbound.<br>1,600' within 15 miles (NA beyond 15 miles). | 1,100 | 048—3.2 | T-dn<br>C-dn<br>S-dn<br>6<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 3.2 miles, climb to 2,000' on course of 048° within 25 miles of VOR.<br>NOTE: Procedure turn N to avoid terrain to S. |
| WATERTOWN, S. DAK.<br>Watertown Airport, 1,717'<br>BVOR-DTV<br>116.6 mc; ATY<br>Procedure No. 1 | Watertown LFR | 316—5.0 | 2,900 | W side course:<br>357 outbound.<br>177 inbound.<br>2,300' within 10 miles<br>3,000' within 15 miles<br>3,200' within 25 miles. | 2,400 | 177—4.3 | T-dn<br>C-dn<br>S-dn<br>17<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 4.3 miles, climb to 3,000' on course of 177° within 25 miles of VOR, or as directed by ATC. |
| WEST PALM BEACH, FLA.<br>Palm Beach International Airport 10'<br>BVOR DTV<br>115.5 mc; PBI<br>Procedure No. 1 | W. Palm Beach LFR | 281—1.0 | 1,200 | S side course:<br>274 outbound.<br>094 inbound.<br>1,200' within 25 miles. | 700 | 094—3.0 | T-dn<br>C-dn<br>S-dn<br>9<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>800-2.0 | Within 3.0 miles, climb to 1,200' on course of 094° within 25 miles of VOR. |
| WHEELING, W. VA.<br>Ohio County Airport, 1,195'<br>BVOR-VDTJ<br>112.7 mc; HLG<br>Procedure No. 1 | Bergholz Rbn | 138—27.0 | 2,500 | W side course:<br>046 outbound.<br>226 inbound.<br>2,700' within 15 miles (NA beyond 15 miles). | 2,200 | 226—6.7 | T-dn*#<br>C-dn#<br>S-dn#<br>21<br>A-dn# | 300-1.0<br>600-1.0<br>600-1.0<br>800-2.0 | 300-1.0<br>700-1.5<br>600-1.0<br>800-2.0 | Within 6.7 miles climb to 2,600' on course of 210° within 25 miles, or as directed by ATC.<br>*Take-offs NA on Runway 9.<br>#Night operation NA on Runway 9-27. |
| | Clinton Rbn | 220—20.0 | 2,700 | | | | | | | |
| | Cecil Rbn | 265—22.0 | 2,500 | | | | | | | |
| | Int, 291° course from Pittsburgh VOR and 220° course to Wheeling VOR (final). | 220—10.0 | 2,200 | | | | | | | |



VHF OMNIRANGE (VOR) PROCEDURES—Continued

| City and State; airport name, elevation, class of facility, frequency; identification, procedure No. | Initial approach to facility: From— | Initial approach to facility: Course and distance | Initial approach to facility: Minimum altitude (ft.) | Procedure turn: (*) side of final approach course (outbound and inbound), altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| WICHITA FALLS, TEX.<br>Wichita Falls Airport (Sheppard AFB), 1,029'<br>BVOR-DTV<br>112.7 mc; ICH<br>Procedure No. 1 | Jolly FM | 294—14.8 | 2,500 | S side course:<br>254 outbound.<br>074 inbound.<br>2,200' within 25 miles. | 1,400 | 079—4.3 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>500-1.0<br>800-2.0 | 300-1.0<br>500-1.5<br>800-2.0 | Within 4.3 miles, turn left, climb to 2,500' on course of 40° within 25 miles of VOR. |
| | Wichita Falls LFR | 273—6.7 | 2,500 | | | | | | | |
| WINK, TEX.<br>Wink Airport, 2,824'<br>BVOR-DTV<br>112.1 mc; INK<br>Procedure No. 1 | Wink LFR | 330—9.0 | 4,400 | W side course:<br>328 outbound.<br>148 inbound.<br>4,400' within 25 miles. | 3,900 | 148—6.9 | T-dn<br>C-dn<br>S-sl<br>S-n<br>13<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br>500-1.5<br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | Within 6.9 miles, climb to 4,000' on course of 148° within 25 miles. |
| WINSLOW, ARIZ.<br>Winslow Airport, 4,937'<br>BVOR-DTV<br>114.9 mc; INW<br>Procedure No. 1 | Joseph City FM | 257—25.0 | 7,000 | E side course:<br>300 outbound.<br>120 inbound.<br>7,000' within 25 miles. | 6,000 | 101—4.4 | T-dn<br>C-dn<br>S-dn<br>10<br>A-dn | 300-1.0<br>500-2.0<br>500-1.0<br>800-2.0 | 300-1.0<br>600-2.0<br>500-1.0<br>800-2.0 | Within 4.4 miles, turn left, climb to 7,000' on course of 077° within 25 miles of VOR, or as directed by ATC.<br>SHUTTLE: To 8,000' on course of 120° outbound, 300° inbound within 25 miles. |
| YAKIMA, WASH.<br>Yakima Airport, 1,077'<br>BVOR-DTV<br>116.0 mc; YKM<br>Procedure No. 1 | Yakima LFR | 339—1.8 | 4,000 | S side course:*<br>107 outbound.<br>287 inbound.#<br>4,000' within 10 miles (NA beyond 10 miles) | 3,000# | 248—4.2 | T-sl<br>T-n<br>C-sl<br>C-n<br>A-sl<br>A-n | 500-1.0<br>800-2.0<br>800-2.0<br>800-2.0<br>800-2.0<br>800-2.0 | 500-1.0<br>800-2.0<br>800-2.0<br>1,000-2.0<br>800-2.0<br>1,000-2.0 | Within 4.2 miles, turn right climbing to 5,000', proceed on 160° bearing to VOR, thence proceed outbound on 107° bearing from VOR within 25 miles, or as directed by ATC.<br>*Procedure turn N side NA due to high terrain and danger area.<br>#Final approach area restricted account of danger area 4 miles NE of VOR.<br>CAUTION: High terrain extends from NE to NW of VOR station. |
| | Int, 349° brg to Ellensburg VOR and 102° brg to Yakima VOR. | 102—7.5 | 4,000 | | | | | | | |
| YOUNGSTOWN, OHIO<br>Youngstown Airport, 1,196'<br>BVOR-DTV<br>114.7 mc; YNG<br>Procedure No. 1 | Youngstown LOM | 027—40.0 | 2,300 | W side course:<br>003 outbound.<br>183 inbound.<br>2,300' within 25 miles. | 1,740 | 183—4.6 | T-dn<br>C-dn<br>S-sl<br>S-n<br>18<br>A-dn | 500-1.0<br>500-1.0<br>500-1.0<br>500-1.0<br>800-2.0 | 500-1.0<br>500-1.5<br>500-1.0<br>500-1.5<br>800-2.0 | Within 4.6 miles, climb to 2,600' on course of 183° within 25 miles of VOR, or as directed by ATC. |
| | Gustavus FM (final) | 183—9.0 | 1,740 | | | | | | | |
| YUMA, ARIZ.<br>Yuma County Airport, 213'<br>BVOR-DTV<br>115.5 mc; YUM<br>Procedure No. 1 | | | | E side course:*<br>346 outbound.<br>166 inbound.<br>3,000' within 25 miles. | 2,500 | 166—7.1 | T-dn<br>C-dn<br>A-dn | 300-1.0<br>600-1.0<br>800-2.0 | 300-1.0<br>600-1.5<br>800-2.0 | Within 7.1 miles, climb to 3,500' on course of 166° within 20 miles of VOR, or as directed by ATC.<br>*Maneuvering area for procedure turn limited to 5 miles on each side of final approach course due to danger area E of course. |

7. The very high frequency omnirange procedures prescribed in § 609.15 (b) are amended to read in part:

VHF OMNIRANGE (TVOR) PROCEDURES

When a TVOR instrument approach is conducted at the below named airport(s), it shall be in accordance with the following instrument approach procedure(s), unless an approach is conducted in accordance with a different procedure authorized by the Administrator for such airport(s). Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area, or as set forth below.

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Initial approach to facility: Course and distance | Initial approach to facility: Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance from int. runway centerline extended and final approach course to approach end of runway | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at TVOR, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| BOSTON, MASS.<br>Logan Airport, 19'<br>BWOR-DTXV<br>117.7 mc; BOS<br>Procedure No. TVOR-4R | Peabody FM | 210—11.0 | 1,500 | E side course:<br>237 outbound.<br>057 inbound.<br>1,700' within 10 miles (NA beyond 10 miles). | 1,000* | 035—1.1 | T-dn<br>C-dn*<br>S-dn*<br>4R<br>A-dn | 300-1.0<br>1,000-1.0<br>1,000-1.0<br><br>1,000-2.0 | 300-1.0<br>1,000-1.5<br>1,000-1.0<br><br>1,000-2.0 | Within 0.0 mile, climb to 1,500' on course of 031° within 20 miles of TVOR, or when directed by ATC, climb to 1,500' on outbound course of 100°.<br>*If NW course of Squantum NAS LFR is identified on final, ceiling minimums of 700' for landing are applicable. |
| | Int. W crs Boston LFR and NW crs Squantum NAS LFR | 126—17.0 | 1,700 | | | | | | | |
| | Int. SW crs Boston LFR and N crs Providence LFR | 060—27.0 | 1,700 | | | | | | | |
| | Int. NW crs Squantum NAS LFR and 057° inbnd crs (final). | 057—4.5 | 1,700 | | | | | | | |
| | Boston LFR | 200—2.0 | 1,500 | | | | | | | |
| | Squantum NAS LFR | 005—7.0 | 1,500 | | | | | | | |
| | Dedham FM (final) | 060—12.0 | 1,200 | | | | | | | |
| Procedure No. TVOR-15 | Peabody FM | 210—11.0 | 1,500 | S side course:<br>327 outbound.<br>147 inbound.<br>1,700' within 10 miles (NA beyond 10 miles). | 1,100* | 150—0.3 | T-dn<br>C-dn*<br>S-dn*<br>15<br>A-dn | 300-1.0<br>1,100-1.0<br>1,100-1.0<br><br>1,100-2.0 | 300-1.0<br>1,100-1.5<br>1,100-1.0<br><br>1,100-2.0 | Within 0.0 mile, climb to 1,700' on course of 215° within 10 miles of VOR, or when directed by ATC, climb to 1,500' on outbound course of 031°.<br>*If W course of Boston LFR is identified on final, ceiling minimums of 700' for landing are applicable. |
| | Int. W course Boston LFR and NW course Squantum NAS LFR. | 126—17.0 | 1,700 | | | | | | | |
| | Int. SW course Boston LFR and N course Providence LFR. | 060—27.0 | 1,700 | | | | | | | |
| | Boston LFR | 200—2.0 | 1,500 | | | | | | | |
| | Squantum NAS LFR | 005—7.0 | 1,500 | | | | | | | |
| | Int. W course Boston LFR and 147° inbound course (final). | 147—5.0 | 700* | | | | | | | |
| Procedure No. TVOR-22L | Int. SW course Boston LFR and N course Providence LFR. | 060—27.0 | 1,700 | W side course:<br>016 outbound.<br>196 inbound.<br>1,700' within 10 miles (NA beyond 10 miles). | 700 | 215—1.0 | T-dn<br>C-dn<br>S-dn<br>22L<br>A-dn | 300-1.0<br>700-1.0<br>700-1.0<br><br>800-2.0 | 300-1.0<br>700-1.5<br>700-1.0<br><br>800-2.0 | Within 0.0 mile, climb to 1,700' on course of 215° within 10 miles of VOR, or when directed by ATC, climb to 1,500' on outbound course of 100°. |
| | Peabody FM | 210—11.0 | 1,500 | | | | | | | |
| | Int. W course Boston LFR and NW course Squantum NAS LFR. | 126—17.0 | 1,700 | | | | | | | |
| | Boston LFR | 200—2.0 | 1,500 | | | | | | | |
| | Squantum NAS LFR | 005—7.0 | 1,500 | | | | | | | |
| Procedure No. TVOR-27 | Int. W course Boston LFR and NW course Squantum NAS LFR. | 126—17.0 | 1,700 | N side course:<br>086 outbound.<br>266 inbound.<br>1,300' within 10 miles (NA beyond 10 miles). | 600 | 272—0.6 | T-dn<br>C-dn<br>S-dn<br>27<br>A-dn | 300-1.0<br>600-1.0<br>600-1.0<br><br>800-2.0 | 300-1.0<br>600-1.5<br>600-1.0<br><br>800-2.0 | Within 0.0 mile, climb to 1,700' on course of 215° within 10 miles of VOR, or when directed by ATC, climb to 1,500' on outbound course of 031°.<br>NOTE: Standard clearance not provided over 370' stack SW of airport. |
| | Peabody FM | 210—11.0 | 1,500 | | | | | | | |
| | Boston LFR | 200—2.0 | 1,500 | | | | | | | |
| | Squantum NAS LFR | 005—7.0 | 1,500 | | | | | | | |
| | Int. SW course Boston LFR and N course Providence LFR. | 060—27.0 | 1,700 | | | | | | | |



VHF OMNIRANGE (TVOR) PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Initial approach to facility: Course and distance | Initial approach to facility: Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance from int. runway centerline extended and final approach course to approach end of runway | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at TVOR, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| BOSTON, MASS.—Con.<br>Logan Airport<br>Procedure No. TVOR-33 | Peabody FM | 210—11.0 | 1,500 | N side course:<br>159 outbound.<br>339 inbound.<br>1,500' within 10 miles (NA beyond 10 miles). | 1,100* | 159—0.4 | T-dn<br>C-dn*<br>S-dn*<br>33<br>A-dn | 300-1.0<br>1,000-1.0<br>1,000-1.0<br><br>1,000-2.0 | 300-1.0<br>1,000-1.5<br>1,000-1.0<br><br>1,000-2.0 | Within 0.0 mile, climb to 1,700' on course of 215° within 10 miles of VOR, or when directed by ATC, climb to 1,500' on outbound course of 031°.<br>*If NE course of Squantum NAS LFR is identified on final, ceiling minimums of 500' for landing are applicable.<br>NOTE: Standard clearance not provided over 370' stack S of Airport. |
| | Int. W crs Boston LFR and NW crs Squantum NAS LFR | 126—17.0 | 1,700 | | | | | | | |
| | Int. SW crs Boston LFR and N crs Providence LFR. | 060—27.0 | 1,700 | | | | | | | |
| | Boston LFR | 200—2.0 | 1,500 | | | | | | | |
| | Squantum NAS LFR | 005—7.0 | 1,500 | | | | | | | |
| | Int. NE crs Squantum NAS LFR and 339° inbound crs (final). | 339—7.0 | 500* | | | | | | | |
| TOLEDO, OHIO<br>Toledo Airport, 622'<br>LVOR-DTV<br>114.6 mc; TOL<br>Procedure No. TVOR-4 | Waterville VOR | 019—11.0 | 1,900 | E side course:<br>217 outbound.<br>037 inbound.<br>1,800' within 10 miles (NA beyond 10 miles). | 1,120 | 041—0.25 | T-dn<br>C-dn<br>S-dn<br>4<br>A-dn | 300-1.0<br>500-1.0<br>500-1.0<br><br>800-2.0 | 300-1.5<br>500-1.5<br>500-1.5<br><br>800-2.0 | Within 0.0 mile, make right climbing turn to 1,800' on course of 112° within 20 miles of LVOR, or as directed by ATC. |
| | Genoa Rbn | 317—4.5 | 1,800 | | | | | | | |
| | Toledo LFR | 312—9.0 | 1,800 | | | | | | | |
| Procedure No. TVOR-11 | Waterville VOR | 019—11.0 | 1,900 | W side course:<br>309 outbound.<br>129 inbound.<br>2,100' within 10 miles, (NA beyond, 10 miles). | 1,640<br>(Over Maumee Int.) | 125—0.29 | T-dn<br>C-dn<br>S-dn<br>11<br>A-dn | 300-1.0<br>600-1.0<br>600-1.0<br><br>800-2.0 | 300-1.0<br>600-1.5<br>600-1.5<br><br>800-2.0 | Within 0.0 mile, climb to 1,800' on course of 112° within 15 miles of LVOR, or as directed by ATC.<br>*The intersection of 129° VOR course to Toledo-LVOR and 205° VOR course to Waterville VOR. |
| | Genoa Rbn | 317—4.5 | 1,800 | | | | | | | |
| | Toledo LFR | 312—9.0 | 1,900 | | | | | | | |
| | Maumee Int. (final) | 129—4.7 | 1,200 | | | | | | | |
| Procedure No. TVOR-32 | Waterville VOR | 019—11.0 | 1,900 | E side course:<br>142 outbound.<br>322 inbound.<br>1,800' within 10 miles (NA beyond 10 miles). | 1,340<br>(Over Genoa Int.) | 322—0.2 | T-dn<br>C-dn<br>S-dn<br>32<br>A-dn | 300-1.0<br>500-1.5<br>500-1.0<br><br>800-2.0 | 300-1.0<br>500-1.5<br>500-1.5<br><br>800-2.0 | Within 0.0 mile, climb to 2,100' on course of 309° within 20 miles of LVOR, or as directed by ATC.<br>*Intersection of 322° VOR course to Toledo LVOR and 249° VOR course to Waterville VOR. |
| | Genoa Rbn | 317—4.5 | 1,800 | | | | | | | |
| | Toledo LFR | 312—9.0 | 1,900 | | | | | | | |
| | Genoa Int. (final) | 322—4.2 | 1,000 | | | | | | | |

These procedures shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

S. A. KEMP,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 53-9802, Filed, Dec. 2, 1953; 8:45 a. m.]

[Amdt. 50]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below listed airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility, class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance from IAF to airport | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | Type aircraft | | |
| | | | | | | | | 75 m. p. h. or less | More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| GRAND ISLAND, NEBR. Grand Island, 1,842' SBMRLZ-VDT, GRI Procedure No. 1 November 25, 1953 | Grand Island VOR | 345—0.8 | 3,100 | W side N course: 10 outbound, 180 inbound. 1,500' within 15 miles. 3,200' within 25 miles. | 2,100 | 154—1.7 | T—dn<br>C—dn<br>A—dn | 500-1<br>500-1<br>1 1/2-2<br>BC O/R | 500-1<br>500-1<br>1 1/2-2<br>BC O/R | Within 1.7 miles climb to 3,200' on S course within 25 miles. |
| HUTCHINSON, KANS. Hutchinson, 1,542' SBMRLZ-VDT, HUT Procedure No. 1 November 25, 1953 | Hutchinson VOR | 162—1.0 | 2,800 | E side S course: 179 outbound. 359 inbound. 2,800' within 15 miles. Procedure turn NA to be initiated at ATC | 2,100 | 359—3.1 | T—dn<br>C—dn<br>C—in<br>S—dn<br>S—in<br>A—dn | 500-1<br>500-1<br>500-1<br>500-1<br>500 1½<br>800-2 | 500-1<br>500-1<br>500-1<br>500-1<br>500 1½<br>800-2 | Within 3.1 miles climb to 2,800' on N course within 25 miles or when directed by ATC turn left and climb to 3,000' on W course HUT-LFR within 25 miles.<br>CAUTION. 2,500' TV tower located 4.6 miles ESE of airport. Aircraft taking off to N, S, NE, SE climb to 2,800' prior to proceeding toward TV tower 2,440' MSL. |
| | North Fork "HW" or Marker (final). | 90—13.0 | 2,400 | | | | | | | |
| OAKLAND, CALIF. Municipal, 5' SBRAZ VDTX OAK Procedure No. 1 December 1, 1953 | Baypoint FM<br>Evergreen FM H<br>Newark FM H<br>Mt. Eden Int. (final)* | 300—24<br>304—37<br>304—16<br>304—8<br>(To Rng Sta.) | 3,100<br>3,500<br>1,800<br>800 | S side SE course: 124 outbound. 304 inbound. 2,000' within 15 miles. 1,500' within 10 miles. Beyond 10 miles NA due to traffic conditions. All descents and maneuvering located 10 miles must be done in accordance with Newark holding pattern procedure. | Mt Eden Int * 1,000 | Mt Eden Int * 304—7 | T—dn<br>C—dn<br>C—in<br>S—dn<br>S—in<br>27 L R<br>A—dn | 500-1<br>500-1<br>500-1<br>800-2 | 500-1<br>600-1½<br>500-1<br>800-2 | Over Oak LFR climb to 2,000' on NW course of Oak LFR within 15 miles (Richmond Int.). All maneuvering W of course. Missed or aborted approaches must cross Oak LFR at not above 1,500'.<br>*Mt. Eden Int. defined as Int. SE course Oak LFR and bearing 047° magnetic to Hayward Rbn. (Hwd 242 kc). If Mt. Eden Int. not received descent below 1,000' NA and 1,000' landing minimums apply.<br>CAUTION. High terrain (Mt. Diablo 3,925' MSL) 7 miles SE of NE course 17 miles from Oak LFR. Also, high terrain paralleling SE course on NE side. Deviation from standard criteria authorized on terrain clearance for final approach in Item 6, and in missed approach altitude. |
| PHILIPSBURG, PA. Municipal Airport, 1,933' SBRAZ-VDT PSB Procedure No. 1 November 30, 1953 | | | | W side of NW course: 340 outbound. 160 inbound. 3,700' within 25 miles. | 3,000 | 160—3.0 | T—dn<br>C—dn<br>C—in<br>S—dn<br>S—in<br>15<br>A—dn | 500-1<br>600-1<br>600-1<br>700-1<br>600-2<br>1,000-2 | 500-1<br>700-1<br>700-2<br>700-1<br>700-2<br>1,000-2 | Within 3.0 miles, climb to 4,300' on S course within 25 miles.<br>CAUTION. 2,500' MSL unlighted hills 2.0 miles to and SE of airport. |
| ROCHESTER, MINN. Rochester, 1,041' SBMRLZ-VDT-RST Procedure No. 1 November 25, 1953 | Rochester VOR | 093—4.3 | 2,400 | East side of course: 170 outbound. 350 inbound. 2,400' within 15 miles. 2,500' within 25 miles. | 1,900 | 350—2.0 | T—dn<br>C—dn<br>S—dn<br>27<br>A—dn | 500-1<br>600-1<br>500-1<br>800-2 | 500-1<br>600-1½<br>500-1<br>800-2 | Within 2.6 miles, climb to 2,800' on N course or if directed by ATC, make left climbing turn to 2,800', proceed out W course RST-LFR within 25 miles. |
| | Stewartville FM (final) | 350—7.8 | 1,900 | | | | | | | |

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below listed airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; facility, class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance from IAF to airport | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | Type aircraft | | |
| | | | | | | | | 75 m. p. h. or less | More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| OAKLAND, CALIF. Municipal, 5' SBRAZ-VDTX Oak Procedure No. 1 December 1, 1953 | Baypoint FM<br>Evergreen FM H<br>Newark FM H<br>Mt. Eden Int. (final): | 300—24<br>304—37<br>304—16<br>304—8<br>(To Rng Sta.) | 3,100<br>3,500<br>1,800<br>800 | S side SE course: 124 outbound. 304 inbound. 1,500' within 15 miles. Beyond 10 miles NA due to traffic conditions. All descents and maneuvering beyond 10 miles must be done in accordance with Newark holding pattern procedure. | Mt * Eden Int 1,000 | Mt * Eden Int 304—7 | T—dn<br>C—dn<br>S—dn<br>27 L R<br>A—dn | 500-1<br>500-1<br>500-1<br>800-2 | 500-1<br>600-1½<br>500-1<br>800-2 | Over Oak LFR climb to 2,000' on an outbound track of 304° magnetic from oak LFR within 15 miles (Richmond Int.). All maneuvering W of course. Missed or aborted approaches must cross Oak LFR at not above 1,500'.<br>*Mt. Eden Int. defined as Int. SE course Oak LFR and bearing 047° Magnetic to Hayward Rbn. (Hwd 242 kc). If Mt. Eden Int. not received descent below 1,000' NA and 1,000' landing minimums apply.<br>CAUTION. High terrain (Mt. Diablo 3,925' MSL) 7 miles SE of NE course 17 miles from Oak LFR. Also, high terrain paralleling SE course on NE side. Deviation from standard criteria authorized on terrain clearance for final approach in Item 6, and in missed approach altitude. |

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Transition to ILS | | | | Procedure turn (—) side of final approach course (outbound and inbound) altitudes; limiting distances | Minimum altitude at glide slope intercept inbound (ft.) | Altitude of glide slope and distance to approach end of runway at— | | Ceiling and visibility minimums | | | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | From— | To— | Course and distance | Minimum alti tudes (ft.) | | | Outer marker | Middle marker | Condition | Type aircraft | | |
| | | | | | | | | | | 75 m. p. h. or less | More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| BISMARCK, N. DAK. Municipal 1,676' ILS BIS LOM–BI Procedure No. 1 Constellation ILS and ADF November 8, 1953 | Bismarck LFR | LOM | 123—4.0 | 3,000 | E side SE course: 125 outbound. 305 inbound. 2,000' within 10 miles. 3,300' within 25 miles. | 2,300 | 2,750—1.3 | 1,873—0.7 | T—dn<br>C—d<br>C—in<br>S—dn<br>S—in<br>ILS<br>ADF* | 300-1<br>700 1<br>700 1½<br>400-¼<br>500-1 | 500-1<br>700-1½<br>700-1½<br>400-¼<br>500-1 | 4.3 miles after passing LOM (ADF), climb to 3,300' on W course BIS-LFR or on a 282° course from BIS-VOR to Judson FM.<br>*700 1½ might required if approach lights inoperative.<br>CAUTION. Radio tower 1,800' and 1,750' 2 miles N and 1½ miles S, respectively, of airport. Radio tower 2,119' 4 miles N and 8 miles E of LFR. |
| | Bismarck VOR | LOM | 139—2.0 | 3,000 | | | | | A—dn | 800-2 | 800-2 | |
| | Int. W course BIS-LFR and SE ILS course. | LOM | 125—5.0 | 3,000 | | | | | | | | |
| | Int. 82 course to BIS VOR and 125 brg. to LOM. | LOM | 125—3.0 | 3,000 | | | | | | | | |
| | Int. 200 course to BIS VOR and 282 brg. to LOM. | LOM | 282—10.0 | 3,000 | | | | | | | | |
| | Driscoll FM | LOM | 213—30.0 | 3,000 | | | | | | | | |

## III. STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

| City and State, airport name, elevation, effective date | Transition to ILS | | |

5. The very high frequency omnirange procedures prescribed in § 609.15 are amended to read in part:

TVOR DAYTON INTERNATIONAL

| City and state; airport name; facility name; service; and identification (if VOR, check frequency) | Procedure turn | Course and distance limitations | Minimum altitudes (feet above mean sea level) | Course and distance (miles) from facility or fix | Type of use | Minimum altitudes (feet above mean sea level) | Course and distance (miles) from facility or fix | Type of use | Minimum altitudes (feet above mean sea level) |
|---|---|---|---|---|---|---|---|---|---|
| | | | | I would method not established if TVOR, or if facility is not operated | | | | | |
| FRESNO, CALIF. Fresno Terminal, 21° VOR DEX Procedure No. 1 November 5, 1953 | | | 1,700 | Clear to 2,000' on 22.5° course from FNO VOR within 5 miles. | | | | | |
| | | | | Within 5 miles, climb to 2,800' on outbound course via 22.5° course from FNO VOR to FNO LFR, then via N.N.E. LF lower beam to 4 miles E. of FNO LFR, then via N.N.E. LF lower beam on N. N.N.E. course to 2,500' within 25 miles. | Straight-in | 2,500 | 1-mile radius of FNO LFR | Straight-in | 1,700 |
| | | | | | Circling | 2,500 | | Circling | 2,500 |
| HUTCHINSON, KANS. Hutchinson LFR North Fork "HW" VOR DEX Procedure No. 1 November 28, 1953 | | | 2,700 | West side of course 2,700' within 10 miles. | | | | | |
| | | | | | Straight-in | 2,700 | West side of course 2,700' within 25 miles. Procedure turn not authorized E of course. | | |
| | | | | | Circling | 2,700 | | Circling | 2,700 |
| PORTLAND, OREG. Portland International, 23° VOR DEX Procedure No. 1 October 30, 1953 | | | 1,000 | West side of course 1,000' within 10 miles. | | | | | |
| | | | 3,000 | 3,000' within 10 miles. Proceed to the VOR via the 151° radial. | | | | | |
| | | | 1,000 | 1,000' on course. | | | | | |
| | | | 2,000 | 2,000' within 25 miles. | | | | | |
| ROCHESTER, MINN. Rochester, 1,961' VOR-DF Procedure No. 1 November 20, 1953 | | | 2,100 | South side of course 2,100' inbound. 2,500' within 10 miles. 2,500' within 25 miles. | | | | | |
| SALINA, KANS. Salina, 1,211' VOR-TVOR-ILS Procedure No. 1 November 23, 1953 | | | | South side of course 2,100' inbound. 1,711' at LFR. 1,911' at VOR. 2,800' within 25 miles. | | | | | |

These procedures shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-10012; Filed, Dec. 2, 1953; 8:45 a. m.]



## TITLE 22—FOREIGN RELATIONS

### Chapter I—Department of State

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

NONIMMIGRANTS NOT REQUIRED TO PRESENT PASSPORTS, VISAS, OR BORDER-CROSSING IDENTIFICATION CARDS

The following amendments to Part 41, Chapter I, Title 22 of the Code of Federal Regulations, are hereby prescribed:

1. Paragraph (f) of § 41.6 *Nonimmigrants not required to present passports, visas, or border-crossing identification cards* is amended to read as follows:

(f) An alien not within the purview of paragraph (e) of this section who is being transported in immediate and continuous transit through the United States without stopover from one foreign place to another in accordance with the terms of a contract, including a bonding agreement, entered into by a transportation line and the Attorney General, under the provisions of section 238 (d) of the act, to insure such immediate and continuous transit through, and departure from, the United States en route to a specifically designated foreign country: *Provided*, That such alien is in possession of a travel document which is valid for his entry into a foreign country for a period of not less than 60 days after the date of immediate and continuous transit through the United States: *And provided further*, That at all times such alien is not aboard an aircraft which is in flight through the United States he shall be in the custody of an officer of the United States or, if the Attorney General finds that such custody is not practicable, in such other custody as the Attorney General may approve.

2. Section 41.6 *Nonimmigrants not required to present passports, visas, or border-crossing identification cards*, is amended by the addition of the following new paragraph at the end thereof:

(j) A national of Cuba who is a crewman serving on board a Cuban military or naval aircraft and who makes application for admission into the United States in connection with his official duties.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: September 8, 1953.

[SEAL] JOHN FOSTER DULLES,
*Secretary of State.*

Dated: November 23, 1953.

HERBERT BROWNELL, Jr.,
*Attorney General.*

[F. R. Doc. 53-10111; Filed, Dec. 2, 1953; 8:52 a. m.]

PART 44—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE REFUGEE RELIEF ACT OF 1953

Chapter I, Title 22 of the Code of Federal Regulations, is amended by the addition of the following part:

Sec.
44.1 Definitions.
44.2 Classes of applicants under the Refugee Relief Act of 1953.
44.3 Assurance of employment, housing, and against becoming a public charge.
44.4 Eligible orphans.
44.5 Disavowal of proscribed activities.
44.6 Registration and order of consideration.
44.7 Ineligibility to receive visas.
44.8 Procedure in applying for visa.
44.9 Procedure in issuing visa.
44.10 Numerical limitations on issuance of visas.

AUTHORITY: §§ 44.1 to 44.10 issued under sec. 4, 63 Stat. 111; 5 U. S. C. 151c.

§ 44.1 *Definitions.* The following definitions, in addition to the pertinent definitions contained in section 101 of the Immigration and Nationality Act and Part 42 of this chapter, shall be applicable to this part:

(a) The terms "refugee", "escapee", and "German expellee" shall have the meaning ascribed thereto in section 2 of the Refugee Relief Act of 1953.

(b) "Act" means the Refugee Relief Act of 1953, approved August 7, 1953 (Pub. Law 203, 83d Cong.).

(c) "Administrator" means the Administrator of the Bureau of Security, Consular Affairs and Personnel of the Department of State.

(d) "Applicant" means an alien who seeks to enter the United States under the provisions of the Refugee Relief Act of 1953.

(e) "British Isles", as used in section 4 (a) (4) of the act, shall include England, Scotland, Wales and Northern Ireland, and adjacent islands under British jurisdiction.

(f) "Certificate of re-admission", as used in section 7 (d) (2) of the act, means a document which is valid for the bearer's re-admission into the country in which he obtained his visa when it shall be found that the visa was obtained by fraud or willful misrepresentation of a material fact.

(g) "Citizen or citizens of the United States", as used in section 7 (a) of the act, refers to natural persons who are citizens of the United States as distinct from aliens, organizations, and persons who are nationals but not citizens of the United States.

(h) "Communist, Communist-dominated, or Communist-occupied areas of Europe", as used in section 2 (b) of the act, refers to the status of such area as of the time of application for a visa.

(i) "Country", as used in section 7 (d) (2) of the act, means any area in which an applicant obtains his visa.

(j) "Ethnic origin", as used in section 2 (c) of the act with reference to German expellees, and as used in section 4 (a) of the act with reference to Italian, Greek, Dutch, and Chinese persons, shall be determined upon the basis of the following factors, the presence or absence of any one of which shall not in itself be considered conclusive, but any combination of which may be considered as providing satisfactory evidence of the ethnic origin claimed:

(1) Applicant, other than a German expellee, emigrated from or is indigenous to the country of ethnic origin claimed;

(2) Antecedents emigrated from or were indigenous to the country of ethnic origin claimed;

(3) Uses the language or dialect of the country of ethnic origin claimed as the common language of the home or for social communication;

(4) Resided in the country of birth, if other than the country of ethnic origin, in an area predominantly populated by persons of the ethnic stock or origin claimed who, as distinguished from the surrounding population, retained the social characteristics and group homogeneity attributable to such persons;

(5) Evidences common attributes or social characteristics of the ethnic group to which he ascribes his origin and with which he resided in the country of his birth, if other than the country of ethnic origin, such as educational institutions attended, church affiliation, social and political associations and affiliations, name, business or commercial practices and associates, and secondary language or dialect.

(k) "Far East", as used in section 4 (a) (11) and (12) of the act, means the geographical area which includes British Borneo, Burma, Cambodia, the Federation of Malaya, Hong Kong, Indonesia, Japan, Korea, Laos, Macau, New Caledonia, the Philippines, Singapore, Taiwan, Thailand, Timor and Vietnam.

(l) "Firmly resettled" refers to the status of an alien who, at any time after the occurence of events which form the basis of his claim to a refugee status under the act, has been re-established in a home under circumstances which assure him a reasonable opportunity of remaining permanently. The status of firm resettlement shall be considered prima facie established upon the basis of any of the factors specified in subparagraphs (1), (2), (3) and (4) of this paragraph: *Provided*, That nothing in this paragraph shall be construed as an exclusive definition of the term "firmly resettled":

(1) Applicant has acquired a new nationality: *Provided*, That such nationality was not acquired by the applicant solely as a member of a group which, by law or edict, was collectively granted full or limited citizenship rights and privileges in the area of their present residence;

(2) Applicant has a reasonably permanent livelihood, including income from business interests, and enjoys substantially the same economic and political rights or privileges enjoyed by the citizens or resident aliens of the community in which he lives;

(3) Applicant voluntarily abandoned his permanent residence in a non-communist area where he had a reasonably permanent livelihood, including income from business interests, and enjoyed substantially the same economic and political rights or privileges enjoyed by

the citizens or resident aliens of the community in which he lived;

(4) Applicant has had a long residence in the country or area in which he makes application for a visa under the act. In any such case the type of residence or work permit held by the applicant and the requirement of periodic renewal thereof are factors to be considered.

(m) "Fled from", as used in section 2 (b) of the act, shall be deemed to include cases of forceful removal when the alien concerned declines to return because of persecution or the fear of persecution. The persecution or fear of persecution which caused an alien to flee from his usual place of abode need not be the same persecution which causes his inability to return.

(n) "Material misrepresentation", as used in section 11 (e) of the act, means a misrepresentation, including the presentation of documents, made or presented knowingly, to any officer or agency of the United States Government intrusted directly or indirectly, or charged in whole or in part, with the administration, investigation, enforcement, or any other function relating to, the implementation of the act concerning any matter material to the applicant's eligibility for any benefits under the act, or material to his eligibility to receive a visa under the immigration laws and regulations.

(o) "Reside" and "residing", as used in section 4 (a) of the act, shall have the meaning ascribed to the term "residence" as defined in section 101 (a) (33) of the Immigration and Nationality Act.

(p) "Under ten years of age" refers to age prior to reaching the tenth birthday anniversary and relates to the time of visa issuance.

(q) "Urgent need of assistance for the essentials of life", as used in section 2 (a) of the act, shall include, but not be limited to, essentials such as food, shelter, clothing and medical care; freedom from persecution because of race, religion or political opinion; the opportunity to earn a reasonable livelihood; equal opportunity for sharing in economic, social and political rights or privileges; the right and opportunity to practice religious beliefs; and the privilege and opportunity to be united with one's family.

(r) "Urgent need of assistance for transportation", as used in section 2 (a) of the act, shall include, but not be limited to, such factors as the need for services and guidance as well as a need for funds.

(s) "Usual place of abode", as used in section 2 (a) of the act, means the country, region, area, or locality where the applicant had his principal actual dwelling place in fact and to which he is unable to return because of fear of persecution, natural calamity, or military operations, or because of the consequences of a natural calamity or military operations.

(t) "Son", "daughter", "stepson", "stepdaughter" and "child" shall include such a person who was born out of lawful wedlock. "Stepson" or "stepdaughter" refers to a person who had not reached the age of twenty-one years at the time the marriage creating the status of stepson or stepdaughter occurred.

(u) "Sponsor" means a United States citizen who gives an assurance required by the act on behalf of an alien seeking to enter the United States under the act.

(v) "Spouse", as used in section 5 of the act, means a United States citizen spouse, or an alien spouse who has been lawfully admitted into the United States for permanent residence or who is admissible to the United States for permanent residence.

(w) "Valid unexpired passport", or "suitable travel document", or "document of identity or nationality", or "other documentary evidence", as used in section 7 (d) (1) of the act, means a travel document which is valid for the entry of the bearer into a foreign country for at least sixty days beyond the period of validity of the immigrant visa issued to the bearer.

(x) "World War II" shall be considered to have started on September 1, 1939 and to have terminated on December 31, 1946.

§ 44.2 *Classes of applicants under the Refugee Relief Act of 1953*—(a) *German expellees.* This class shall consist of refugees of German ethnic origin who (1) were born in and were forcibly removed from or forced to flee from Albania, Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Rumania, Union of Soviet Socialist Republics, Yugoslavia, or areas provisionally under the administration or control or domination of any such countries, except the Soviet Zone of military occupation of Germany, and (2) are residing in the area of the German Federal Republic, western sectors of Berlin or in Austria at the time of application for a visa. Zone "B" of the Free Territory of Trieste shall be considered an area provisionally under the administration of Yugoslavia. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in the German Federal Republic or in the western sector of Berlin or in Austria, and shall bear the notation "P. L. 203—4 (a) (1)" in the space provided for nonquota classification.

(b) *Escapees in German Federal Republic, Berlin and Austria.* This class shall consist of refugees who (1) because of persecution or fear of persecution on account of race, religion or political opinion, fled from the Union of Soviet Socialist Republics or other Communist, Communist-dominated or Communist-occupied area of Europe including those parts of Germany under military occupation by the Union of Soviet Socialist Republics, (2) cannot return thereto because of fear of persecution on account of race, religion or political opinion, and (3) are residing in the area of the German Federal Republic or the western sectors of Berlin or in Austria at the time of application for a visa. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in the German Federal Republic or in the western sector of Berlin or in Austria, and shall bear the notation "P. L. 203—4 (a) (2)" in the space provided for nonquota classification.

(c) *Escapees in NATO and other countries.* This class shall consist of refugees who (1) because of persecution or fear of persecution on account of race, religion or political opinion, fled from the Union of Soviet Socialist Republics or other Communist, Communist-dominated or Communist-occupied area of Europe including those parts of Germany under military occupation by the Union of Soviet Socialist Republics, (2) cannot return thereto because of fear of persecution on account of race, religion or political opinion, (3) at the time of application for a visa are residing within the European continental limits of the member nations of the North Atlantic Treaty Organization, or in Turkey, Sweden, Iran, or in Zone "A" of the Free Territory of Trieste, and (4) are not nationals of the area in which they reside. The NATO countries within European continental limits include Belgium, Denmark, France, Greece, Italy, Luxembourg, the Netherlands, Norway, Portugal and islands under the jurisdiction of any such country if immediately adjacent thereto. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in one of the NATO countries specified, or in Turkey, Sweden, Iran, or in Zone "A" of the Free Territory of Trieste, and shall bear the notation "P. L. 203—4 (a) (3)" in the space provided for nonquota classification.

(d) *Polish war veterans in the British Isles.* This class shall consist of refugees who (1) during World War II were members of the armed forces of the Republic of Poland, (2) were honorably discharged from such forces, (3) resided on August 7, 1953 in the British Isles, and (4) have not acquired British citzenship. The issuance of immigrant visas to aliens within the class described in this paragraph shall not be limited to any particular geographical area. Such visas shall bear the notation "P. L. 203—4 (a) (4)" in the space provided for nonquota classification.

(e) *Italian refugees.* This class shall consist of refugees who: (1) Are persons of Italian ethnic origin, and (2) resided on August 7, 1953 in Italy or in the Free Territory of Trieste. An alien residing within Zone "B" of the Free Territory of Trieste at the time of his application for a visa shall not be considered chargeable as a refugee. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in Italy or in Zone "A" of the Free Territory of Trieste, and shall bear the notation "P. L. 203—4 (a) (5)" in the space provided for nonquota classification.

(f) *Italian relatives.* This class shall consist of persons who: (1) Are of Italian ethnic origin, (2) resided on August 7, 1953 in Italy or the Free Territory of Trieste, and (3) qualify under any of the preferences specified in paragraph (2), (3), or (4) of section 203 (a) of the Immigration and Nationality Act. A prerequisite to qualification under any of such preferences shall be the approval by the Attorney General of a petition provided for in section 205 of the Immigration and Nationality Act. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in Italy or in the Free Territory of Trieste, and shall bear the notation "P. L. 203—4 (a) (6)" in the space provided for nonquota classification.

(g) *Greek refugees.* This class shall consist of refugees who: (1) Are persons of Greek ethnic origin, and (2) resided on August 7, 1953 in Greece. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in Greece, and shall bear the notation "P. L. 203—4 (a) (7)" in the space provided for nonquota classification.

(h) *Greek relatives.* This class shall consist of persons who: (1) Are of Greek ethnic origin, (2) resided on August 7, 1953 in Greece, and (3) qualify under any of the preferences specified in paragraph (2), (3), or (4) of section 203 (a) of the Immigration and Nationality Act. A prerequisite to qualification under any of such preferences shall be the approval by the Attorney General of a petition provided for in section 205 of the Immigration and Nationality Act. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in Greece, and shall bear the notation "P. L. 203—4 (a) (8)" in the space provided for nonquota classification.

(i) *Netherlands refugees.* This class shall consist of refugees who: (1) Are of Dutch ethnic origin, and (2) resided on August 7, 1953, in continental Netherlands. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in continental Netherlands, and shall bear the notation "P. L. 203—4 (a) (9)" in the space provided for nonquota classification.

(j) *Netherlands relatives.* This class shall consist of persons who: (1) Are of Dutch ethnic origin, (2) resided on August 7, 1953 in continental Netherlands, and (3) qualify under any of the preferences specified in paragraph (2), (3), or (4) of section 203 (a) of the Immigration and Nationality Act. A prerequisite to qualification under any of such preferences shall be the approval by the Attorney General of a petition provided for in section 205 of the Immigration and Nationality Act. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in the Netherlands and shall bear the notation "P. L. 203—4 (a) (10)" in the space provided for nonquota classification.

(k) *Far East refugees (non-Asian).* This class shall consist of refugees who: (1) At the time of application for a visa are residing within the district of an American consular office in the Far East, and (2) are not attributable by as much as one-half of their ancestry to a people or peoples indigenous to the Far East. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in a consular office district in the Far East, and shall bear the notation "P. L. 203—4 (a) (11)" in the space provided for nonquota classification.



(l) *Far East refugees (Asian).* This class shall consist of refugees, including Chinese persons, who: (1) At the time of application for a visa are residing within the district of an American consular office in the Far East, and (2) are attributable by as much as one-half of their ancestry to a people or peoples indigenous to the Far East. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in a consular office district in the Far East, and shall bear the notation "P. L. 203—4 (a) (12)" in the space provided for nonquota classification.

(m) *Chinese refugees.* This class shall consist of refugees who: (1) Are of Chinese ethnic origin, and (2) whose passports for travel to the United States are endorsed by the Chinese Nationalist Government or its authorized representatives. The passport of an alien eligible under this paragraph shall bear an endorsement reading as follows: "Endorsed for the purposes of section 4 (a) (13) of the Refugee Relief Act of 1953". The issuance of immigrant visas to aliens within the class described in this paragraph shall not be limited to any particular geographical area. Such visas shall bear the notation "P. L. 203—4 (a) (13)" in the space provided for nonquota classification.

(n) *Palestinian refugees.* This class shall consist of refugees who on August 7, 1953 were eligible to receive assistance from the United Nations Relief and Works Agency for Palestine Refugees in the Near East. The term "Palestinian refugee" means a refugee who was formerly resident in Palestine and who lost his home and livelihood as a result of the Arab-Israeli hostilities. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in Bahrein, Egypt, Iran, Iraq, Jordan, Kuwait, Lebanon, Oman, Saudi Arabia, Syria, Turkey or Yemen, and shall bear the notation "P. L. 203—4 (a) (14)" in the space provided for nonquota classification.

(o) *Orphans.* This class shall consist of children who: (1) Are eligible orphans as that term is defined in section 5 (b) of the act, (2) are under ten years of age at the time the visa is issued, and (3) are unable to obtain an immigrant visa solely because the nonpreference portion of the quota to which they would otherwise be chargeable is oversubscribed at the time their visa application is made. The issuance of visas to orphans within the class described in this paragraph shall not be limited to any particular geographical area. Such visas shall bear the notation "P. L. 203—orphan" in the space provided for nonquota classification.

(p) *Spouses and unmarried minor sons and daughters.* This class shall consist of the accompanying spouses and the accompanying unmarried sons or daughters under twenty-one years of age, including stepsons or stepdaughters and sons or daughters adopted prior to July 1, 1953, of persons described in paragraphs (a) to (n), inclusive, of this section. A spouse, son or daughter shall be deemed to be accompanying the principal applicant if such spouse, son or daughter is issued an immigrant visa within four months of the date of issuance of an immigrant visa to the principal applicant. An immigrant visa issued to an alien within the class described in this paragraph shall be issued only in the country or area in which the principal applicant is, or could be, issued an immigrant visa under the act, and shall bear the same notation which is or was used in issuing an immigrant visa to the principal applicant, in the space provided for nonquota classification. In any case where the principal applicant precedes his family to the United States, or in which the family unit is not traveling together, the immigrant visa issued to the spouse, son or daughter shall bear the name of the principal applicant.

§ 44.3 *Assurance of employment, housing, and against becoming a public charge*—(a) *Submission of assurances.* The assurance required by section 7 (a) of the act relating to employment, housing, and against becoming a public charge shall be given in writing by a responsible citizen or citizens of the United States, and sworn to or affirmed before a notary public or other person authorized to administer an oath or affirmation. The assurance shall be (1) in such form and content as shall be prescribed by the Administrator; (2) accompanied by such documentary evidence as may be required by written instructions attached thereto; (3) prepared in quadruplicate; and (4) forwarded in triplicate to the Director of the Visa Office, Department of State, Washington 25, D. C. An assurance shall be the personal obligation of the individual citizen or citizens signing it. Several citizens may give individual assurances to cover the members of a family. Assurances which do not specifically identify the prospective employment and housing accommodation shall be considered blanket assurances and shall not be considered as meeting the requirements of section 7 of the act. The following assurance forms shall be used exclusively and may be obtained from the Visa Office of the Department of State, from any District Office of the Immigration and Naturalization Service, or from any voluntary or other recognized agency which performs services in connection with the immigration, settlement, or welfare of aliens:

Form DSR 1—Assurance by an individual sponsor for named alien.

Form DSR 2—Assurance by more than one sponsor for named alien.

Form DSR 3—Assurance by an individual sponsor for alien nominated by agent.

Form DSR 4—Assurance by more than one sponsor for alien nominated by agent.

(b) *Adequacy of assurances.* Upon the receipt by the Visa Office of the Department of State of an assurance submitted in accordance with the provisions of paragraph (a) of this section, the Administrator will verify, or cause to be verified, the authenticity and bona fides of such an assurance. It it is found that the assurance is authentic and given in good faith by a responsible citizen or citizens of the United States, the assurance will be verified and the sponsor

notified thereof: *Provided*, That such verification may be revoked, cancelled, or withdrawn at any time prior to the applicant's admission into the United States if information subsequently obtained by the Administrator establishes that the assurance did not meet the requirements of the act or the regulations contained in this part. Two copies of the verified assurance shall be forwarded to the American consular office where the beneficiary will apply for an immigrant visa under the act. If the Administrator has reason to believe that an assurance does not meet the requirements of the act and the regulations contained in this part, he will withhold its approval, notify the sponsor of the action taken and of the reasons therefor, or he may require the sponsor to furnish additional information or undertakings in connection with the assurance. The Administrator may request or conduct such investigation as he deems appropriate to verify the authenticity and bona fides of any assurance submitted for his approval. Disapproval of an assurance shall not preclude the submission of other assurances by the same sponsor nor the re-activation of the original assurance if further information or undertakings are provided and are satisfactory to the Administrator. The consular officer shall likewise be satisfied that a verified assurance meets the requirements of the act and the regulations contained in this part, and, if so satisfied, shall accept and approve it. Verification of an assurance by the Administrator shall establish prima facie that it is authentic and given in good faith by a responsible citizen or citizens of the United States. In the event a consular officer is not satisfied that a verified assurance meets the requirements of the act and the regulations contained in this part, he may request the Department to obtain additional information or undertakings with respect thereto, or he may disapprove the assurance. Both the sponsor and the beneficiary shall be informed concerning the disapproval of any assurance, including the reason for the action taken.

(c) *Assurance of employment.* (1) The assurance that an alien will be suitably employed without displacing some other person from his employment shall provide such information as may be required to satisfy the Administrator, the consular officer, and the immigration officer that (i) suitable activities for salary, wages, or other economic gain are to be made available to the alien by the individual citizen or citizens furnishing the assurance, (ii) the wages or compensation offered are not less than the prevailing rate for like activity in the community where the employment will be performed, (iii) the employment is of a permanent or indefinite nature and will be available at the time of arrival of the alien in the United States, and (iv) no person will be displaced from his employment by reason of the activities to be performed by such alien. The assurance of employment shall show the specific address in the United States at which the employment is available, the type of employment, and the terms and conditions thereof, including the rate or range of compensation to be paid.

(2) In the case of an alien who has reached his tenth birthday anniversary and who is under twenty-one years of age at the time of issuance of an immigrant visa to him, who has no dependents, and for whom an assurance of employment is required by the act, assurance that such alien will, as his principal activity, pursue a full course of study at an established institution of learning or other recognized place of study in the United States, particularly designated by him and approved by the Attorney General for the purposes of section 101 (a) (15) (F) of the Immigration and Nationality Act, and that he will undertake studies commensurate with his age and prior scholastic attainment without displacing another student from his place of study shall be deemed to be an assurance that the alien will be suitably employed without displacing some other person from his employment: *Provided*, That the Administrator may, upon recommendation of a consular officer, waive the twenty-one year limitation in an exceptionally meritorious case.

(3) Every sponsor who gives an assurance of employment for an alien shall, prior to the submission of the assurance to the Director of the Visa Office, obtain through the local office of the State Employment Service serving the area of proposed employment a signed statement from the United States Employment Service consisting of a finding and recommendation with regard to the authenticity and bona fides of the employment assurance. Such statement shall accompany the assurance of employment and shall be submitted to the Director of the Visa Office in duplicate. In making its finding with regard to the authenticity and bona fides of an assurance of employment, the Employment Service will consider such factors as (i) the existence of a valid offer of employment, (ii) the status of the assurer as a bona fide employer, (iii) the non-displacement of American workers, (iv) whether the employment will be temporary or seasonal in duration, and (v) whether the terms and conditions of the employment are substantially less favorable to the alien than to other workers similarly employed in the area of prospective employment. As a possible basis for granting a priority in the consideration of the alien's visa application, the local office of the State Employment Service may include in its finding a statement concerning the urgent need for the alien's services or skills in the United States, if it finds that the alien will be employed in a capacity calling for such services or skills. A sponsor giving an assurance of employment shall establish any claim to priority consideration under section 12 (i) of the act with the local office of the State Employment Service.

(d) *Assurance of housing.* The assurance of housing required by section 7 (a) of the act shall provide such information as may be required to satisfy the Administrator, the consular officer and the immigration officer that (1) safe, sanitary and adequate housing will be available to the alien and the members of his family upon their arrival in the United States, and (2) no person will be displaced from such housing to accommodate the occupancy of the alien and the members of his family. The assurance of housing shall show the specific address and type of housing to be made available. Prior to the submission of an assurance of housing to the Director of the Visa Office, a sponsor submitting Form DSR–1 or DSR–2 shall first obtain from a State or local public agency having jurisdiction over the area of prospective housing a statement consisting of a finding and recommendation with regard to the authenticity and bona fides of the housing assurance, particularly from the standpoint of the availability of such housing. In the absence of a State or local public agency, any such statement from a recognized voluntary agency or from three disinterested citizens residing in the community in which the housing is to be provided shall be deemed acceptable. A sponsor submitting Form DSR–3 or DSR–4 shall attach thereto a similar statement secured either from a State or local public agency, a recognized voluntary agency, or from three disinterested citizens residing in the community in which the housing is to be provided.

(e) *Assurance against becoming a public charge.* (1) The assurance that an alien and the members of his family who shall accompany him and who propose to live with him, if admitted into the United States, will not become public charges shall provide such information as may be required to satisfy the Administrator, the consular officer and the immigration officer that the alien and the members of his family who will accompany him and who propose to live with him will not become public charges after their arrival in the United States: *Provided*, That assistance to be rendered an alien and the members of his family in connection with their transportation to and resettlement in the United States shall not be regarded as a cause for refusal of a visa on the ground that such alien will become a public charge. An applicant whose assurance against becoming a public charge has been found insufficient shall not be precluded from having another assurance against becoming a public charge submitted in his behalf.

(2) An applicant eligible under paragraph (6), (8) or (10) of section 4 (a) of the act shall, in the absence of an assurance of employment, bond required against becoming a public charge, provide other satisfactory evidence that he will not become a public charge.

(f) *Procedure in case of unknown alien.* A United States citizen who desires to sponsor an unknown alien shall execute Form DSR–3 (Form DSR–4 if more than one sponsor) in an original and four copies and, in his discretion, may designate therein an individual or a public or private agency or organization as his agent for the purpose of nominating the alien beneficiary of the assurance in accordance with its specifications. The notarized original and three signed copies of the assurance shall be transmitted by the sponsor to the designated agent. At such time as an alien beneficiary has been nominated and the "Statement by Agent", annexed to the assurance form, has been properly completed by the agent, including the name of the nominated alien, the notarized original and two signed copies of the assurance shall be forwarded to the Director of the Visa Office, Department of State, Washington 25, D. C. The assurance shall be accompanied by such documentary evidence as the attached instructions may require.

(g) *Assurances in "Pipeline Cases".* An applicant whom the Displaced Persons Commission found to be an eligible displaced person under the provisions of section 2 (c) of the Displaced Persons Act of 1948, as amended, and whose application for an immigration visa was in process on December 31, 1951, shall be required to have a new assurance form executed in his behalf. A determination of eligibility under the Displaced Persons Act of 1948, as amended, shall not be deemed to exempt any such applicant from a de novo consideration of his eligibility under the act and regulations issued thereunder, nor entitle him to any priority in the consideration of his visa application.

(h) *Penalties for violation.* Every sponsor shall be advised concerning the provisions of section 14 (c) of the act which provides that any person or persons who shall knowingly violate, conspire to violate, induce or attempt to induce any person to violate any provision of the act shall be guilty of a felony, and upon conviction thereof, shall be fined not more than ten thousand dollars or shall be imprisoned not more than ten years, or both. The substance of this provision of law shall be included in the instructions appended to each assurance form.

§ 44.4 *Eligible orphans*—(a) *Assurance of adoption and proper care.* The assurance of adoption and proper care required by section 5 (b) of the act in the case of an orphan to be adopted in the United States shall be given in writing jointly by the adoptive United States citizen and spouse, sworn to or affirmed before a notary public or other person authorized to administer an oath or affirmation, and forwarded in triplicate (notarized original and two signed copies) to the Director of the Visa Office, Department of State, Washington 25, D. C. Form DSR–5 shall be used in the case of an orphan known to the adoptive parents. Form DSR–6 shall be used in the case of an orphan to be selected by a designated agency. An assurance of adoption and proper care shall provide such information and be accompanied by such documentary evidence as may be required to satisfy the Administrator and the consular officer that (1) proper care will be provided the orphan in conformity with standards established by an appropriate public agency of the State in which the orphan will reside, (2) appropriate proceedings for the adoption of such orphan in the United States will be initiated and completed as soon as possible in accordance with the applicable State law, (3) no legal obstacle to a lawful adoption is known or believed to exist under the laws of the State of prospective adoption, (4) permission to bring the orphan into the State of prospective adoption has been obtained from the appropriate State agency, if such permission is necessary, (5) the orphan has been irrevocably released in writing for emigration and adoption in accordance with the law governing the relinquishment of a child for adoption in the country of the orphan's residence and the release is deemed acceptable to the court of prospective adoption, (6) as satisfactory investigation of the proposed adoptive home and parents has been made by a local child-care agency recognized by the State in which the orphan will reside, which investigation shall be compatible with the requirements, procedures and practices of the appropriate State welfare agency, (7) a satisfactory investigation in the country of the orphan's residence has been made by a qualified welfare agency concerning the orphan's mental and physical health, family background and other pertinent matters, and (8) arrangements have been made with an appropriate local agency or any other local child-care agency for the supervision of the orphan pending his legal adoption, and, in the event the adoption petition is denied by the court, for the assumption by such agency of responsibility for the care and resettlement of the orphan.

(b) *Affidavit by social welfare agency.* Every assurance of adoption and proper care given for an eligible orphan shall be a named assurance and shall be accompanied by an affidavit signed by a responsible officer of a national or other social welfare agency, recognized for such purpose by the Administrator, attesting to the authenticity and bona fides of the assurance, which affidavit shall be considered by the Administrator as a confirmation that the requirements and conditions, specified in paragraph (a) of this section, have been satisfied. The United States citizen and spouse who execute an assurance of adoption and proper care shall designate therein a recognized social welfare agency to provide the necessary affidavit. It shall be incumbent upon such agency to report to the appropriate State Department of Welfare whenever an eligible orphan is to be placed within the State, and to indicate in the report what local agency will assume responsibility for the supervision of the orphan pending his or her legal adoption.

(c) *Procedure in case of unknown orphan.* In the case of an orphan who is not known to the adoptive parents, the United States citizen and spouse shall execute Form DSR–6 in an original and four copies and shall authorize therein the designated social welfare agency to act as their agent in the selection of an eligible orphan in accordance with the specifications of the assurance. The notarized original of the assurance and three signed copies thereof shall be transmitted by the adoptive parents to the designated agency. At such time as an eligible orphan has been selected and the required affidavit has been executed by a responsible officer of the designated agency, the complete file in the case, including the notarized original and two signed copies of the assurance, shall be forwarded to the Director of the Visa Office, Department of State, Washington 25, D. C.

(d) *Procedure in case of known orphan.* In the case of an orphan who is known to the adoptive parents and who is, therefore, named in the assurance of adoption and proper care, the procedure prescribed in paragraph (c) of this section shall be followed, except that no authorization to select an eligible orphan need be given the designated agency. In any such case, the United States citizen and spouse shall execute Form DSR–5 in an original and four copies.

(e) *Procedure in case of orphan adopted abroad.* In the case of an orphan who has been adopted abroad, the adoptive United States citizen and spouse shall execute Form DRS–5 only to the extent required in such form, and if residing abroad, may submit the notarized original and one signed copy thereof directly to the consular officer to whom an application for an immigrant visa will be made in behalf of such orphan. In the event the adoptive parents of an orphan adopted abroad are residing in the United States, the executed Form DSR–5 shall be submitted in triplicate (notarized original and two signed copies) to the Director of the Visa Office, Department of State, Washington 25, D. C.

(f) *Adequacy of assurance of adoption and proper care.* Upon the receipt of an assurance of adoption and proper care, the Administrator will verify, or cause to be verified, the authenticity and bona fides of such assurance. If it is found that the assurance is authentic and given in good faith by a responsible United States citizen and spouse, the assurance will be verified: *Provided*, That such verification may be revoked, cancelled or withdrawn at any time prior to the orphan's admission into the United States if information subsequently obtained by the Administrator establishes that the assurance of adoption and proper care did not meet the requirements of the act and the regulations contained in this part. Two copies of the verified assurance of adoption and proper care will be forwarded to the American consular office where the application for an immigrant visa under the act will be made in behalf of the orphan. The consular officer to whom a visa application is made in behalf of an orphan shall be satisfied that the United States citizen and spouse who gave the assurance of adoption and proper care will adopt, and will care for properly, the orphan named in the assurance, if such orphan is admitted into the United States. If the consular officer is not satisfied that a verified assurance of adoption and proper care meets the requirements of the act and the regulations contained in this part, he may request the Department to obtain additional information or undertakings with respect thereto, or he may disapprove the assurance. In the event an assurance of adoption and proper care is disapproved either by the Administrator or by a consular officer, the adoptive United States citizen and spouse shall be informed concerning the reason or reasons for disapproval.

(g) *Release for emigration and adoption.* In the case of an eligible orphan adopted abroad or to be adopted in the United States, the irrevocable written release required of the remaining parent, if any, by section 5 (b) of the act shall be a prerequisite to the issuance of an immigrant visa to any such orphan, regardless of whether the orphan is in the custody of the remaining parent or has been released into the custody of a child welfare agency. Every release of an orphan for adoption in the United States shall meet the requirements of the governing law of the country of the orphan's residence and shall also be acceptable to the court of prospective adoption in the United States.

§ 44.5 *Disavowal of proscribed activities.* (a) An applicant's oath or affirmation subscribed or taken in connection with his formal application for a special nonquota immigrant visa shall be administered by the consular officer in such a manner as to comply with the provisions of section 14 (b) of the act which require every alien eighteen years of age or older, before being issued a visa, to take and subscribe an oath or affirmation that he is not and never has been a person specified in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H) of section 212 (a) (28) of the Immigration and Nationality Act, except as provided in subparagraph (I) of such section. Prior to administering the required oath or affirmation, the consular officer shall inform the applicant concerning the classes of excludable aliens enumerated in section 212 (a) (28) of the Immigration and Nationality Act, as well as the defector and other classes provided for in subparagraph (I) thereof, and require him to sign the following statement which shall become a part of, and be covered by the applicant's oath or affirmation subscribed or taken in connection with, his visa application:

I have been informed concerning both the classes of excludable aliens enumerated in section 212 (a) (28) of the Immigration and Nationality Act, and the defector and other classes provided for in subparagraph (I) thereof. I hereby declare that I am not and never have been a person specified in such section, except as may be claimed under Item 38 of this application.

(b) The signed statement required under paragraph (a) of this section shall be stamped or otherwise included under Item 37 of application Form 256a and 256b, immediately following the listing of excludable classes.

§ 44.6 *Registration and order of consideration.*—(a) *Registration priority.* Aliens previously registered on quota-waiting lists, including the beneficiaries of approved petitions, shall have the burden of coming forward to claim the benefits of the act. The names of prospective applicants who have not previously been registered on a quota-waiting list, or in whose cases an approved petition for preference status has not been received at the Consulate, shall be entered on appropriate quota-waiting lists in the chronological order in which they apply for registration. Every applicant shall be entitled to a registration priority as determined by (1) the date on which he was registered on a quota-waiting-list for the purposes of the Immigration and Nationality Act, (2) the date he actually applied for registration under the act, or (3) the date on which an approved petition was filed with the Attorney General in his behalf, whichever date is earliest.

(b) *Maintenance of index-card lists.* For the purpose of keeping a current record of active cases, two index-card lists, may, in the discretion of the responsible consular officer, be maintained chronologically, one for petition cases and the other for non-petition cases, as follows:

(1) Upon the receipt of a verified assurance of employment, housing, and against becoming a public charge, an index card may be prepared showing the name of the beneficiary of the assurance, the date of his registration priority, and such other data as the consular officer deems pertinent;

(2) Upon the receipt of an approved petition in the case of a beneficiary who has signified his intention to apply for a visa under the act, an index card may be prepared showing the name of the beneficiary of the petition, the date of his registration priority, and such other data as the consular officer deems pertinent;

(3) Upon the issuance or refusal of an immigrant visa, the applicant's card shall be withdrawn from the index-card list, appropriately noted, and separately filed pending the termination of the Refugee Relief Program.

(c) *Order of consideration.* In determining the order of consideration of applications for special nonquota immigrant visas under the act, consideration shall be given first to applications under paragraphs (6), (8) and (10) of section 4 (a) of the act, and second to the applications of aliens for whom a priority over other nonpreference applicants has been authorized as provided in section 12 of the act. As among applicants under paragraph (6), (8), or (10) of section 4 (a) of the act, consideration shall be given first to the applications of aliens who qualify under the preference specified in section 203 (a) (2), of the Immigration and Nationality Act, second to the applications of aliens who qualify under the preference specified in section 203 (a) (3) of the Immigration and Nationality Act, and third to the applications of aliens who qualify under the preference specified in section 203 (a) (4) of the Immigration and Nationality Act.

(d) *Order of issuance of visas.* Immigrant visas issued to applicants within the classes described in section 4 and section 5 of the act shall be issued strictly in the chronological order in which such applicants (1) have established their registration priorities and (2) are determined by the consular officer to be qualified for immigrant visas under the immigration laws and regulations, including the provisions of the act and the regulations contained in this part.

§ 44.7 *Ineligibility to receive visas.* An applicant shall be considered ineligible to receive an immigrant visa under the immigration laws and regulations, including the provisions of the act and the regulations contained in this part, on any of the following grounds:

(a) The applicant does not qualify under any category of refugees or other persons described in section 4 or section 5 of the act;

(b) The applicant has had no satisfactory assurance or assurances given in his behalf, if required by section 5 (b) or section 7 (a) of the act;

(c) The applicant claiming eligibility under paragraph (6), (8), or (10) of section 4 (a) of the act has had no petition approved in his behalf, as required by section 205 of the Immigration and Nationality Act;

(d) The applicant has not undergone a thorough investigation, or a written report of investigation has not been prepared in his case, as required by section 11 (a) of the act;

(e) Complete information is not available regarding the applicant's history covering a period of at least two years immediately preceding his application for a visas, unless such requirement has been waived upon the recommendation of the Secretary of State and the Secretary of Defense;

(f) The applicant has not taken and subscribed to the oath or affirmation required by section 14 (b) of the act;

(g) The applicant made a material misrepresentation for the purpose of gaining admission into the United States as an alien eligible under the act;

(h) The applicant has personally advocated or assisted in the persecution of any person or group of persons because of race, religion, or national origin;

(i) The applicant is not in possession of (1) a valid unexpired passport or other suitable travel document, or a document of identity or nationality, or other documentary evidence that he will be assured of readmission to the country of his nationality, foreign residence or in which he obtains a visa under the act, and (2) a certificate of readmission to the country in which he obtains a visa, as required by section 7 (d) (2) of the act;

(j) The applicant is ineligible to receive an immigrant visa under the provisions of the Immigration and Nationality Act and the regulations contained in Part 42 of this chapter;

(k) Due to the absence of affirmative evidence, there is insufficient information to form a clear judgment of eligibility in the applicant's case.

§ 44.8 *Procedure in applying for visa.*—(a) *Form and place of application.* Every alien applying for an immigrant visa under the act shall make application on Form FS–256 in accordance with the provisions of § 42.30 of this chapter, except that (1) no application fee shall be charged, and (2) the alien shall apply for such visa at an American consular office which is authorized to issue immigrant visas under the act and which is within the country or area in which the applicant was residing on August 7, 1953, or is residing at the time of his application for a visa, whichever limitation is applicable to his case as determined by section 4 (a) of the act or by § 44.2.



(b) *Supporting documents.* Every applicant shall be required to submit supporting documents in accordance with the provisions of § 42.35 of this chapter. Consular officers shall insist upon the presentation of birth certificates if they are reasonably procurable. In the case of an applicant under section 4 (a) (14) of the act, the consular officer may, in his discretion, require a statement in writing from the United Nations Relief and Works Agency for Palestine Refugees in the Near East certifying to the applicant's eligibility for assistance on August 7, 1953.

(c) *Fingerprints.* Every applicant shall be fingerprinted on standard fingerprint Form AR–4 in connection with his visa application, except in the case of an applicant who is under fourteen years of age at the time of application for a visa. An applicant may be required by the consular officer at the time he makes preliminary or informal application for an immigrant visa to have a set of his fingerprints taken on Form AR–4 in the event such procedure is considered necessary for the purpose of identification or investigation. The applicant's fingerprint card AR–4 shall, upon the issuance or refusal of a visa, be forwarded to the Department with the pertinent information required to be inserted therein and, if the visa is refused, a statement of the ground of refusal.

(d) *Physical and mental examination.* Prior to the issuance of an immigrant visa to any applicant, the consular officer shall require such applicant to submit to a physical and mental examination by a medical officer of the United States Public Health Service.

(e) *Referral for investigation.* Consular officers shall not refer a case for investigation until such time as a favorable preliminary determination has been made with respect to the applicant's eligibility to receive an immigrant visa. Any such determination shall include a preliminary approval of the required assurance or assurances submitted in the particular case, which approval shall be contingent, so far as concerns the assurance of employment, upon the receipt of a certification from the United States Employment Service's representative abroad concerning the applicant's occupational qualifications.

(f) *Amendment of Form FS–256.* For the purposes of the act, application Form FS–256 shall be amended in the following respects:

(1) The introductory sentence shall read:

I, the undersigned, being duly sworn, state the following facts regarding myself and hereby make application for a special nonquota immigrant visa and alien registration under the Refugee Relief Act of 1953 and the Immigration and Nationality Act to the American ------ consul ------ at ------

(2) Item 30 shall read:

I claim to be a nonquota immigrant under the Refugee Relief Act of 1953 and my claim is based on the following facts.

(3) Item 31 shall read:

Available documents required by the Refugee Relief Act of 1953 and the Immigration and Nationality Act are filed herewith and made a part hereof, as follows (Sec. 222 (b)).

(4) On the reverse side of Form 256a and 256b, the following statement shall be stamped or otherwise inserted under Item 37 immediately following the listing of excludable classes:

I have been informed concerning both the classes of excludable aliens enumerated in section 212 (a) (28) of the Immigration and Nationality Act, and the defector and other classes provided for in subparagraph (I) thereof. I hereby declare that I am not and never have been a person specified in such section, except as may be claimed under Item 38 of this application.

(5) On the reverse side of Form 256a and 256b, the reference to the five dollar application fee and to the twenty dollar visa fee shall be stricken and the word "gratis" inserted in the spaces opposite the specified fee.

§ 44.9 *Procedure in issuing visa.*—(a) *Applicable regulation and exceptions.* The issuance of immigrant visas under the act shall be in accordance with the provisions of § 42.41 of this chapter, except that (1) no visa fee shall be charged, (2) in lieu of the symbols specified in § 42.3 of this chapter, there shall be inserted in the spaces provided in Form 256a and 256b for nonquota classification the appropriate notation specified in § 44.2, and (3) the applicant shall be required to sign the statement inserted in Item 37 of the application form with reference to proscribed activities. An immigrant visa issued under the act shall bear a number assigned by the Department for use in issuing such visa, and shall also bear the number of the approved petition in the case of an applicant eligible under paragraph (6), (8), or (10) of section 4 (a) of the act.

(b) *Assignment of number a prerequisite to issuance.* No immigrant visa shall be issued under the act until such time as the consular officer shall have received from the Department an appropriate number for such purpose. A number which has been used in issuing an immigrant visa under the act shall not be used again even though the recipient of the visa failed for any reason to use it. Unused numbers shall be returned to the Department.

(c) *Supporting documents.* Supporting documents submitted in connection with the visa application shall be attached to the application side of Form 256 in accordance with the provisions of § 42.41 (c) of this chapter. A copy of the verified assurance shall be included among the attached supporting documents. In the case of a Palestinian refugee eligible under section 4 (a) (14) of the act, a copy of the statement from the United Nations Relief and Works Agency for Palestine Refugees in the Near East, if required by the consular officer, shall also be included among the attached supporting documents.

(d) *Advisory opinion required in certain cases.* A consular officer may refuse to issue an immigrant visa to any applicant without the concurrence of the immigration officer abroad. In any case, however, in which the consular officer makes a determination of eligibility to receive an immigrant visa and the immigration officer abroad does not concur in such determination, a full report of the facts in the case shall be forwarded to the Department for an advisory opinion. The report shall specify the provision of law or regulation under which the immigration officer considers the applicant to be ineligible to receive an immigrant visa and the reasons therefor. Pending receipt of an advisory opinion from the Department, final action shall not be taken in the case.

§ 44.10 *Numerical limitations on issuance of visas.* (a) In accordance with the provisions of section 4 and section 5 of the act, a total of two hundred nine thousand numbers may be made available for the issuance of special nonquota immigrant visas as follows:

(1) Not more than fifty-five thousand visas to German expellees, as described in section 4 (a) (1) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(2) Not more than thirty-five thousand visas to escapees, as described in section 4 (a) (2) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(3) Not more than ten thousand visas to escapees, as described in section 4 (a) (3) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(4) Not more than two thousand visas to Polish war veterans in the British Isles, as described in section 4 (a) (4) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(5) Not more than forty-five thousand visas to Italian refugees, as described in section 4 (a) (5) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(6) Not more than fifteen thousand visas to Italian relatives, as described in section 4 (a) (6) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(7) Not more than fifteen thousand visas to Greek refugees, as described in section 4 (a) (7) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(8) Not more than two thousand visas to Greek relatives, as described in section 4 (a) (8) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(9) Not more than fifteen thousand visas to Netherlands refugees, as described in section 4 (a) (9) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(10) Not more than two thousand visas to Netherlands relatives, as described in section 4 (a) (10) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(11) Not more than two thousand visas to non-Asian refugees in the Far East, as described in section 4 (a) (11) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(12) Not more than three thousand visas to Asian refugees in the Far East, as described in section 4 (a) (12) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(13) Not more than two thousand visas to Chinese refugees, as described in section 4 (a) (13) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(14) Not more than two thousand visas to Palestinian refugees, as described in section 4 (a) (14) of the act, and their spouses and unmarried sons or daughters under twenty-one years of age;

(15) Not more than four thousand visas to eligible orphans as defined in section 5 (b) of the act.

(b) In the event the numbers used for the issuance of visas do not exhaust the total authorized for a particular class of refugees or other persons enumerated in paragraph (a) of this section, the unused portion shall not be made available to increase the total of visas issued beyond the numerical limitation specified for any other class.

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: November 27, 1953.

SCOTT MCLEOD,
*Administrator, Bureau of Security, Consular Affairs, and Personnel.*

[F. R. Doc. 53-10112; Filed, Dec. 2, 1953; 8:52 a. m.]

# TITLE 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

### Subchapter A—Income and Excess Profits Taxes

[Regs. 130; T. D. 6054]

### PART 40—EXCESS PROFITS TAX; TAXABLE YEARS ENDING AFTER JUNE 30, 1950

TELEVISION BROADCASTING COMPANIES

On December 13, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 11247) to conform Regulations 130 (26 CFR, Part 40) to section 519 of the Revenue Act of 1951, approved October 20, 1951. After consideration of such relevant suggestions as were presented regarding the proposals, the amendments set forth below are hereby adopted.

PARAGRAPH 1. Section 40.435–6 (a) (1) is amended by inserting at the end thereof the following new sentence: "In the case of a taxpayer engaged in the television broadcasting business which computes its average base period net income under section 459 (d), see § 40.459 (d)–5 (c)."

PAR. 2. Section 40.435–7 (a) (2) is amended by inserting at the end thereof the following new sentence: "For rules applicable in the case of a taxpayer engaged in the television broadcasting business which computes its average base period net income under section 459 (d), see § 40.459 (d)–5 (d)."

PAR. 3. There is inserted immediately after § 40.459 (c)–1 (d) (4) the following:

SEC. 519 TELEVISION BROADCASTING COMPANIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951)

Section 459, as added by sections 516 to 518 of this Act, is hereby amended by adding after subsection (c) thereof the following new subsections:

(d) *Television broadcasting companies*—(1) *In general.* In the case of a taxpayer engaged in the business of television broadcasting throughout a period beginning before January 1, 1951, and ending with the close of the taxable year, the taxpayer's average base period net income determined under this subsection shall be the amount computed under paragraph (2) or (3), whichever is applicable.

(2) *If engaged in television broadcasting at close of base period.* If the taxpayer was engaged in the business of television broadcasting at the close of its base period, the average base period net income computed under this paragraph shall be computed as follows:

(A) If the taxpayer was engaged during its base period in any business or businesses other than television broadcasting, by computing the average base period net income under section 435 (d) for such other business or businesses (determined without regard to income, deductions, losses, or other items attributable to the television broadcasting business).

(B) By multiplying such part of its total assets (as defined in section 442 (f)) for the last day of its base period, as was attributable to the television broadcasting business by—

(i) The base period rate of return determined under section 447 (c) for the industry classification which includes radio broadcasting, or

(ii) If the taxpayer was engaged during its base period in the business of radio broadcasting, its individual rate of return computed under paragraph (4),

whichever rate of return produces the greater average base period net income under this subsection. If the amount computed under this subparagraph is computed by the use of the rate of return specified in clause (i), the amount so computed shall be reduced by an amount equal to such portion of the total interest paid or incurred by the taxpayer, for the period of 12 months following the close of its base period, as is attributable to its television broadcasting business.

(C) By adding the amount computed under subparagraph (B) to the amount, if any, computed under subparagraph (A).

(3) *Commencing television broadcasting after base period and before 1951.* If the taxpayer acquires its television broadcasting business after the close of its base period and before January 1, 1951, the average base period net income computed under this paragraph shall be computed as provided in paragraph (2), except that—

(A) The applicable rate of return under paragraph (2) (B) shall be multiplied by such part of its total assets (as defined in section 442 (f)), for the last day of the calendar month in which it first engaged in such business, as was attributable to such business, and

(B) The reduction specified in the last sentence of paragraph (2) (B) shall, if applicable, be equal to such portion of the total interest paid or incurred by the taxpayer, for the period of 12 months following the month in which it first engaged in such business, as is attributable to such business.

(4) *Individual rate of return.* The individual rate of return shall be computed as follows:

(A) By determining the amount of the taxpayer's total assets (as defined in section 442 (f)) attributable to the business of radio broadcasting for the last day of each month in its base period.

(B) By computing the aggregate of the amounts ascertained under subparagraph (A) and dividing by 48.

(C) By computing for each month in the base period the excess profits net income of the radio broadcasting business (computed without regard to income, deductions, losses, or other items attributable to any other business), by adding such amounts for the 48 months in the base period, and by dividing by 4.

(D) By dividing the amount computed under subparagraph (C) by the amount computed under subparagraph (B).

(5) *Rules for application of paragraph.* (A) For the purpose of section 459 (d) (1) (B), an average base period net income determined under this subsection shall be considered an average base period net income determined under section 435 (d); but, in computing the base period capital addition under section 435 (f), the contribution under such section shall be adjusted, under regulations prescribed by the Secretary or his delegate, so as to exclude therefrom items attributable to the television broadcasting business.

(B) If any part of the total assets referred to in paragraph (2) (B) or paragraph (3) (A), whichever is applicable, were acquired, directly or indirectly, through the use of assets attributable at any time during the base period to a business of the taxpayer other than television broadcasting, the amount determined under paragraph (2) (A) shall be properly adjusted by eliminating from the excess profits net income (computed for the purpose of paragraph (2) (A)) for each month prior to such acquisition such portion thereof as is attributable to the assets used, directly or indirectly, for such acquisition. For the purpose of this subparagraph, the excess profits net income for any month shall be attributed to such assets on the basis of the ratio, as of the beginning of the day of the acquisition, of such assets to total assets (as defined in section 442 (f)) determined without regard to assets attributable to the television broadcasting business.

(C) The Secretary shall by regulations prescribe rules for the application of this subsection, including rules for the computation of the taxpayer's net capital addition or reduction.

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SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise provided in section 516 (d), the amendments made by this title (including sec. 519) shall be applicable only with respect to taxable years ending after June 30, 1950.

§ 40.459 (d)–1 *Television broadcasting companies; in general.* (a) A corporation which was engaged in the business of television broadcasting throughout a period beginning before January 1, 1951, and ending with the close of an excess profits tax taxable year may compute its average base period net income for the purpose of determining its excess profits tax for such taxable year under section 459 (d) instead of under any other applicable provision of the Code. The average base period net income computed under section 459 (d) shall be



the amount computed under paragraph (2) of section 459 (d) and under § 40.459 (d)–2 if the taxpayer was engaged in the business of television broadcasting at the end of its base period, and shall be the amount computed under paragraph (3) of section 459 (d) and under § 40.459 (d)–3 if the taxpayer did not acquire its television broadcasting business until after the close of its base period. In no event shall the benefit of section 459 (d) be available, however, unless the taxpayer was engaged in the television broadcasting business before January 1, 1951. The amount determined as the average base period net income under section 459 (d) shall be used as the average base period net income in computing the excess profits tax for any taxable year ending after June 30, 1950, if the taxpayer continued in the business of television broadcasting through the end of such taxable year, and if the use of such amount computed under section 459 (d) as the average base period net income would result in a lesser excess profits tax for such taxable year than would result under any other allowable computation of such tax.

(b) A taxpayer which does not actually broadcast television will not be considered to be engaged in the television broadcasting business even though it is engaged in a business which is related to television broadcasting, such as advertising, the manufacturing of television equipment, or the preparation and sale of television programs. A taxpayer which is engaged in the television broadcasting business and also in any other business or businesses, however, may be entitled to the benefit of section 459 (d).

§ 40.459 (d)–2 *Computation of average base period net income if taxpayer was engaged in television broadcasting at close of base period.* If the taxpayer was engaged in the business of television broadcasting at the close of its base period, its average base period net income determined under section 459 (d) shall be computed as follows:

(a) If the taxpayer was engaged during its base period in any business or businesses other than television broadcasting, its average base period net income for such other business or businesses shall be computed under section 435 (d) and § 40.435–1 (d), relating to the computation of average base period net income under the general average method. The determination of the average base period net income of such business or businesses other than television broadcasting shall be made without regard to any income, deductions, losses, or other items which are attributable to the television broadcasting business. See § 40.459 (d)–5 (a). If the taxpayer was not engaged during its base period in any business other than television broadcasting, the amount determined under this paragraph shall be zero. See § 40.459 (d)–5 (b) for adjustment of the amount computed under this paragraph where assets attributable to the television broadcasting business were acquired, directly or indirectly, through the use of assets attributable at any time during the base period to a business other than the television broadcasting business.

(b) Such part of the taxpayer's total assets for the last day of its base period as was attributable to the television broadcasting business shall be multiplied—

(1) By the base period rate of return determined under section 447 (c) for the industry classification which includes radio broadcasting, and the amount so determined shall then be reduced by an amount equal to such portion of the total interest paid or incurred by the taxpayer for the period of 12 months following the close of its base period as is attributable to its television broadcasting business, or

(2) If the taxpayer was engaged during its base period in the business of radio broadcasting, by its individual rate of return computed under section 459 (d) (4) and § 40.459 (d)–4,

whichever produces the greater average base period net income under section 459 (d) and this section.

(c) The amount, if any, computed under section 459 (d) (2) (A) and under paragraph (a) of this section shall be added to the amount computed under section 459 (d) (2) (B) and under paragraph (b) of this section.

The amount determined under paragraph (c) of this section—that is, the total of the amounts determined under paragraphs (a) and (b) of this section—shall be the average base period net income computed under section 459 (d) of a taxpayer which was engaged in the television broadcasting business at the close of its base period.

§ 40.459 (d)–3 *Computation of average base period net income if taxpayer commenced television broadcasting after close of base period and before 1951.* If the taxpayer did not acquire its television broadcasting business until after the close of its base period (but before January 1, 1951), its average base period net income determined under section 459 (d) shall be computed in the same manner as provided in section 459 (d) (2) and § 40.459 (d)–2 as in the case of a taxpayer which was engaged in the television broadcasting business at the close of its base period, except that—

(a) The applicable rate of return specified in section 459 (d) (2) (B) and § 40.459 (d)–2 (b) shall be multiplied by such part of the taxpayer's total assets for the last day of the calendar month in which it first engaged in the television broadcasting business (instead of for the last day of its base period) as was attributable to such television broadcasting business; and

(b) The reduction for interest specified in the last sentence of section 459 (d) (2) (B) and in § 40.459 (d)–2 (b) (1) shall, if applicable, be equal to that portion of the total interest paid or incurred by the taxpayer for the period of 12 months following the month in which it first engaged in the television broadcasting business (instead of for the period of 12 months following the close of its base period) as is attributable to such television broadcasting business.

§ 40.459 (d)–4 *Individual rate of return.* The individual rate of return, for the purpose of the computations provided in sections 459 (d) (2) (B) (ii) and § 40.459 (d)–2 (b) (2) and in sections 459 (d) (3) (A) and § 40.459 (d)–3 (a), in the case of a taxpayer which was engaged in the business of radio broadcasting during its base period, shall be computed as follows:

(a) The taxpayer's total assets attributable to its radio broadcasting business for the last day of each month in its base period shall be determined. See § 40.459 (d)–5 (a) for rules for the determination of the business to which assets are attributable.

(b) The amounts determined under paragraph (a) of this section shall be added together and the aggregate divided by 48.

(c) The excess profits net income for each month in the base period attributable to the radio broadcasting business shall be computed, such excess profits net income being determined without regard to income, deductions, losses, or any other items attributable to any business other than the radio broadcasting business (see § 40.459 (d)–5 (a)). Such amounts of excess profits net income attributable to the radio broadcasting business for each month in the base period shall be added together and the total of such amounts then divided by 4. The excess profits net income for any month attributable to the radio broadcasting business, for the purpose of this paragraph, shall be the excess profits net income or deficit in excess profits net income, as the case may be, attributable to such business for the taxable year in which such month falls divided by the number of calendar months in such year.

(d) The amount computed under paragraph (c) of this section shall be divided by the amount computed under paragraph (b) of this section. That is, the aggregate, divided by 4, of the excess profits net income attributable to the radio broadcasting business for each month in the base period shall be divided by the aggregate, divided by 48, of the taxpayer's total assets attributable to the radio broadcasting business for the last day of each month in the base period. The resulting figure shall be the taxpayer's individual rate of return.

§ 40.459 (d)–5 *Rules for application of section 459 (d)*—(a) *Determination of business to which items are attributable.* (1) The determination, for the purpose of section 459 (d) and §§ 40.459 (d)–1 through 40.459 (d)–5, whether any income, deductions, losses, interest, assets, or any other items are attributable to the television broadcasting business, to the radio broadcasting business, or to any other business shall be made in such manner as will clearly reflect the income attributable to each such business, and, in the case of assets, will reflect the extent to which assets are used in, or devoted to, the businesses of the taxpayer. Administrative expenses, for example, in the case of a taxpayer which is engaged in the television broadcasting business and also in some other business or busi-

nesses may not be attributed to any one business but shall be properly allocated among the various businesses of the taxpayer. If an asset is used in or devoted to the television broadcasting business, or the radio broadcasting business, and also some other business, such asset shall not be included at an amount equal to its full adjusted basis in determining at any time the total assets of the taxpayer which are attributable, as the case may be, to the television broadcasting business or to the radio broadcasting business. In such case, proper adjustment shall be made to reflect the fact that such asset directly or indirectly is used in or devoted to, or is part of, the television broadcasting business, the radio broadcasting business, or some other business. Similarly, proper adjustment shall also be made in the case of any other items (including, for example, interest) as are attributable to more than one business.

(2) (i) For the purpose of the adjustment provided in section 459 (d) (5) (B) and in paragraph (b) of this section, for the purpose of computing the individual rate of return provided in section 459 (d) (4), and for the purpose of computing an average base period net income under section 459 (d) (2) (A) for the business or businesses of the taxpayer other than the television broadcasting business, if cash or other liquid assets were in fact set aside pursuant to a resolution of the board of directors of the taxpayer or other corporate action for the purpose of acquiring assets to be used in the television broadcasting business, the setting aside of such assets shall be considered the acquisition, on the date the assets were set aside, of assets attributable to the television broadcasting business.

(ii) The rules provided in subdivision (i) of this subparagraph shall also apply to cash or other liquid assets not so set aside to the extent that the taxpayer establishes to the satisfaction of the Commissioner that such cash or other liquid assets were held for the purpose of acquiring assets to be used in the television broadcasting business (for example, through designation in the accounting records of the taxpayer) and that such cash or other liquid assets had no material effect upon the excess profits net income during the base period of the business or businesses of the taxpayer other than television broadcasting. Such cash or other liquid assets shall be deemed to have been set aside for the purpose of acquiring assets to be used in the television broadcasting business on the date which the taxpayer so establishes as the date that such cash or other liquid assets were first held for this purpose.

(iii) The rules provided in subdivisions (i) and (ii) of this subparagraph shall not apply to any assets therein described which were used for a purpose other than that for which they were set aside.

(b) *Adjustment of average base period net income of business other than television broadcasting business.* (1) If any part of the total assets attributable to the television broadcasting business which were held by the taxpayer on the date as of which the applicable rate of return is to be applied to its television broadcasting assets was acquired, directly or indirectly, through the use of assets which were attributable at any time during the base period to a business of the taxpayer other than the television broadcasting business, an adjustment, as provided in section 459 (d) (5) (B), must be made in determining under section 459 (d) (2) (A) the average base period net income, if any, of the taxpayer's nontelevision broadcasting business or businesses. See subparagraph (3) of this paragraph for rules with respect to the circumstances in which such adjustment is required. The conversion in whole or in part of assets attributable to a business other than the television broadcasting business to use in the television broadcasting business shall be considered for the purpose of section 459 (d) and of this section, to the extent of such conversion, to be an acquisition of television broadcasting assets by the use of assets attributable to a business of the taxpayer other than its television broadcasting business. In determining the extent of such conversion, appropriate allowance shall be made for offsetting effects of conversion in whole or in part of assets attributable to the television broadcasting business to use in a business other than the television broadcasting business.

(2) If an adjustment is required under the provisions of section 459 (d) (5) (B) and of subparagraph (1) of this paragraph with respect to any acquisition of assets attributable to the television broadcasting business, then in determining the average base period net income under section 459 (d) (2) (A) of such nontelevision broadcasting business or businesses there shall be excluded from the excess profits net income for each month prior to any such acquisition such portion of such excess profits net income as is attributable to the assets used, directly or indirectly, for such acquisition. In determining the amount which is to be excluded from the excess profits net income for any month, under the provisions of section 459 (d) (5) (B) and of this subparagraph, the part of the excess profits net income attributable to any assets which were used, directly or indirectly, to acquire assets attributable to the television broadcasting business shall be determined on the basis of the ratio, as of the beginning of the date of acquisition, of such assets which were so used to the total assets of the taxpayer other than its assets attributable to the television broadcasting business. If the acquisition took place on any day other than the first day of a calendar month, the adjustment for the month in which the acquisition took place shall be reduced to an amount determined on the basis of the ratio of the number of days in such month prior to the day on which the acquisition was made to the total number of days in such month.

(3) The adjustment provided in section 459 (d) (5) (B) and in this paragraph is required in any case in which an average base period net income for a business or businesses of the taxpayer other than its television broadcasting business is computed under section 459 (d) (2) (A) except to the extent that television broadcasting assets were acquired by the taxpayer through a bona fide long-term increase in its capital structure made in conjunction with and for the purpose of such acquisition. A bona fide long-term increase in the capital structure within the meaning of this subparagraph (whether an increase in equity capital or in borrowed capital as defined in section 439 (b)) shall be deemed to have occurred only to the extent that such increase is reflected in the capital structure throughout the period beginning with the time such increase was originally made and ending with the close of the taxable year for which the tax is being computed. For the purpose of determining whether such increase is reflected in the capital structure, proper adjustment shall be made to eliminate the effect of any loss occurring after the original increase is made and, in the case of such determination as of any time during a taxable year, the determination shall be made without regard to the earnings and profits of such taxable year. If the increase in the capital structure is the result of a Part II transaction, this subparagraph and § 40.462–9 (b) (1) (ii) shall be applied in the light of the facts applicable both to the taxpayer and to the component corporation in such transaction. For the purpose of this subparagraph, an increase in the capital structure does not result from the conversion of inadmissible assets into admissible assets or from the accumulation of earnings and profits prior to the beginning of the first taxable year which begins after the date of the acquisition. If the assets of the television broadcasting business were acquired partly in the manner described in this subparagraph and partly in another manner the adjustment shall be made to the extent the acquisition was made in such other manner.

(c) *Computation of base period capital addition.* The average base period net income under section 459 (d) shall be considered, for the purpose of section 435 (a) (1) (B), to be an average base period net income computed under section 435 (d) which provides for the computation of the average base period net income under the general average method. The base period capital addition provided in section 435 (f) accordingly will be allowed in any case in which the average base period net income computed under section 459 (d) is used in determining the excess profits tax for any excess profits tax taxable year, but such base period capital addition shall be allowed only with respect to the taxpayer's business or businesses other than its television broadcasting business. The following rules shall be applicable in computing the base period capital addition in the case of a taxpayer which computes its average base period net income under section 459 (d):

(1) In computing the yearly base period capital as of any day, there shall be excluded from each item in the computation (such as assets, liabilities, borrowed capital, or the adjustment for interest) any amount attributable or allocable to the assets of the television broadcasting business held on such day.



(2) If an adjustment is required to be made under section 459 (d) (5) (B) with respect to assets of the taxpayer used directly or indirectly to acquire television broadcasting assets, the amount of the adjusted basis of assets with respect to which such adjustment is required shall be excluded from assets of the taxpayer in computing equity capital as of any day prior to such acquisition. Such further adjustments shall be made in computing other items (such as liabilities, borrowed capital, or the adjustment for interest) in the determination of yearly base period capital as of such day as are, under generally accepted accounting principles, consistent with the elimination of such amount from total assets.

(3) In making computations necessary for the determination of yearly base period capital for any taxable year, such computations shall be made, under the rules and principles set forth in paragraph (a) of this section, in the light of all the facts of the particular case and consistent with the purpose of restricting the base period capital addition to the business or businesses of the taxpayer other than its television broadcasting business and the avoidance of any duplication in the computation of such base period capital addition.

(d) *Computation of net capital addition or reduction.* (1) In the case of a taxpayer which was engaged in the business of television broadcasting at the close of its base period, the net capital addition or reduction, provided in section 435 (g), shall be computed in the same manner as in the case of any taxpayer which computes its average base period net income under the general average method provided in section 435 (d). See §§ 40.437–6 and 40.437–7.

(2) In the case of a taxpayer which did not acquire its television broadcasting business until after the close of its base period (but before January 1, 1951), the net capital addition or reduction, provided in section 435 (g), shall be determined in the same manner as in the case of any taxpayer which computes its average base period net income under the general average method provided in section 435 (d) (see §§ 40.437–6 and 40.437–7), except that the following adjustment shall be made:

(i) There shall be determined the amount of any proceeds obtained from borrowing, from the issuance of capital stock, as paid-in surplus, as a contribution to capital, or in any other manner, on or after the first day of the taxpayer's first taxable year ending after June 30, 1950, and before the first day of the first calendar month following the calendar month in which the taxpayer first engaged in the television broadcasting business.

(ii) There shall be determined the excess of (*a*) the amount of the taxpayer's assets attributable to the television broadcasting business as of the last day of the calendar month in which the taxpayer first engaged in the television broadcasting business over (*b*) the amount of the taxpayer's assets with respect to which an adjustment is required under the provisions of section 459 (d) (5) (B) and of paragraph (b) of this section.

(iii) The amount determined under subdivision (i) of this subparagraph, but not more than the amount determined under subdivision (ii) of this subparagraph, shall be considered, for the purpose of any computations necessary for the determination of the net capital addition or reduction, to have been obtained prior to the first day of the taxpayer's first taxable year ending after June 30, 1950.

§ 40.459 (d)–6 *Definitions.* For the purpose of section 459 (d) and §§ 40.459 (d)–1 through 40.459 (d)–5:

(a) The term "total assets" shall have the same meaning as in section 442 (f) and § 40.442–3 (d) (1).

(b) The "amount of an asset" in the case of property other than money shall be an amount equal to the adjusted basis of such property for determining gain on the sale or exchange thereof, and in the case of money shall be the amount thereof.

SEC. 519. TELEVISION BROADCASTING COMPANIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Section 459, as added by sections 516 to 518 of this Act, is hereby amended by adding after subsection (c) thereof the following new subsections:

* * * * * *

(e) *Basis of assets.* For the purposes of this section, any reference to the adjusted basis of property or to the basis (unadjusted) of property means the adjusted basis or the basis (unadjusted), as the case may be, for determining gain upon sale or exchange.

SEC. 523. EFFECTIVE DATE OF TITLE V (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Except as otherwise provided in section 506 (d), the amendments made by this title (including sec. 519) shall be applicable only with respect to taxable years ending after June 30, 1950.

§ 40.459 (e)–1 *Basis of assets.* For the purpose of section 459 (including all subsections thereof) and the regulations thereunder, any reference to the adjusted basis of property or to the basis (unadjusted) of property means the adjusted basis or the basis (unadjusted), as the case may be, of such property for determining gain upon the sale or exchange thereof.

(53 Stat. 32; 26 U. S. C. 62. Interpret or apply sec. 519, 65 Stat. 555)

[SEAL] T. COLEMAN ANDREWS,
*Commissioner of Internal Revenue.*

Approved: November 27, 1953.

M. B. FOLSOM,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53–10113; Filed, Dec. 2, 1953; 8:52 a. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

[Treasury Department Circ. 932]

### PART 290—LOANS TO PUBLIC OR PRIVATE AGENCIES UNDER REFUGEE RELIEF ACT OF 1953

Sec.
290.1 Scope of part.
290.2 Definition of terms.
290.3 Applications.
290.4 Requirements.
290.5 Terms and conditions of loans.
290.6 Repayments.
290.7 Reservations.

AUTHORITY: §§ 290.1 to 290.7 issued under sec. 16, Pub. Law 203, 83d Cong., E. O. 10487, 18 F. R. 5635.

§ 290.1 *Scope of part.* This part applies to the making of loans by the Secretary of the Treasury under section 16 of the Refugee Relief Act of 1953, Pub. Law 203, 83d Cong., to public or private agencies of the United States for the purpose of financing the transportation from ports of entry within the United States, to the places of their resettlement, of persons receiving immigrant visas under the said act and who lack the resources to finance the expenses involved.

§ 290.2 *Definition of terms.* For the purposes of this part:

(a) The word "Secretary" refers to the Secretary of the Treasury and, except for the purposes of § 290.7 (c), his designee.

(b) The word "act" refers to the Refugee Relief Act of 1953, approved August 7, 1953, Public Law 203, 83d Congress.

(c) The term "public agency" shall mean any executive department or agency of the United States or of any state of the United States, or municipality of such state.

(d) The term "private agency" shall mean a corporation or association organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, no part of the net earnings of which inures to the benefit of a private shareholder or individual, and no substantial part of the activities of which is carried on for propaganda or otherwise attempting to influence legislation.

§ 290.3 *Applications.* Public or private agencies shall make application for loans on forms prescribed by the Secretary which may be obtained from the Fiscal Service, Bureau of Accounts, Treasury Department, Washington 25, D. C.

§ 290.4 *Requirements.* In order for an application to be given favorable consideration, the applying agency shall not be in default in the payment of any loan made to it pursuant to the provisions of the Displaced Persons Act of 1948, as amended, and shall:

(a) Establish to the satisfaction of the Secretary that it has authority to borrow money under its charter, articles of incorporation, or other enabling document for the purpose described in section 16 of the Refugee Relief Act of 1953 and that the person acting for it in this regard has the authority so to act;

(b) Set forth the manner and terms in which it proposes to repay the loan requested, if granted;

(c) Establish to the satisfaction of the Secretary that there is reasonable assurance the amount of the loan requested will be repaid.

§ 290.5 *Terms and conditions of loans.* In cases where applications for loans are approved, the applying agency shall:

(a) Execute a promissory note in such form and with such terms and conditions as the Secretary may deem appropriate; and

(b) Execute an agreement containing the following and such other provisions as the Secretary may require:

(1) All funds loaned to it will be used exclusively for the purpose of financing the transportation from ports of entry within the United States, to the places of their resettlement, of persons receiving immigrant visas under the act, and who lack resources to finance the expenses involved.

(2) A bank account or bank accounts for the borrowed funds will be established and maintained by the agency separately from other funds of the agency.

(3) Promissory notes will be obtained from the sponsor or the immigrant and held in trust for the Secretary as security for loans made to the agency.

(4) No interest, service or other charges will be made upon the sponsor or immigrant for the use of any funds made available under the act.

(5) Adequate books and records relating to the funds borrowed from the Secretary and loans made therefrom shall be maintained and shall be available for inspection during the life of the loan obtained from the Secretary.

(6) Reports will be made to the Secretary for such periods and in such form as he may prescribe of the balances available in and the sums disbursed from the accounts referred to in subparagraph (2) of this paragraph, the number of immigrants served by the borrowed funds, the recoveries on loans made, and such other information as the Secretary may require.

(7) All recoveries by the agency of advances to sponsors or immigrants out of funds borrowed from the Secretary shall be deposited in the special accounts referred to in subparagraph (2) of this paragraph, and shall be used only for the repayment of any unpaid balance of such loan or interest thereon so long as any such balance remains outstanding.

(8) If, in the judgment of the Secretary, there has been an improper use or other misapplication of the borrowed funds, or the agency has failed to meet the requirements of the act or this part, or any terms of the loan agreement, the loan or any unpaid balance due thereon, upon written notice by the Secretary to the agency, shall become due and payable immediately.

§ 290.6 *Repayments.* Repayments shall be made by check, draft or money order drawn in favor of the Treasurer of the United States and forwarded to the Fiscal Service, Bureau of Accounts, Treasury Department, Washington 25, D. C., with an appropriate letter of transmittal identifying the loan to which such repayment applies.

§ 290.7 *Reservations.* (a) The Secretary may, in his discretion, reject in whole or in part any application of a public or private agency for a loan under the provisions of this part.

(b) Any determination by the Secretary that a corporation or association is a private agency for the purposes of this part shall not be construed in any manner as determining the status of such corporation or association under the provisions of the Internal Revenue Code.

(c) The Secretary may waive, withdraw or amend at any time or from time to time any or all of the provisions of the regulations in this part.

[SEAL] M. B. FOLSOM,
*Acting Secretary of the Treasury.*

DECEMBER 1, 1953.

[F. R. Doc. 53-10162; Filed, Dec. 2, 1953; 8:52 a. m.]

## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

PART 71—ISSUE OF DOMESTIC MONEY ORDERS

ERROR IN AMOUNT OF MONEY ORDERS

In Part 71, Issue of Domestic Money Orders, 39 CFR Part 71, make the following change:

In § 71.12 *Errors and corrections: "not issued" orders* (18 F. R. 5542), paragraphs (b) and (c) are designated paragraphs (c) and (d) respectively, and a new paragraph (b) is inserted, to read as follows:

(b) *Error in amount of money order.* In any instance where the remitter discovers the error after the order issued for an insufficient amount has left his possession, he can apply for the issuance of a money order covering the difference between the erroneous amount and the proper amount as shown on the related application, Form 6001. The postmaster should request a photostat of the paid order from the regional accounting office, forward it with report of the facts in the case to the Bureau of Finance, Division of Money Orders.

(R. S. 161, 396, 4027, 4029, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 711, 713)

[SEAL] ROSS RIZLEY,
*Solicitor.*

[F. R. Doc. 53-10093; Filed, Dec. 2, 1953; 8:49 a. m.]

## TITLE 45—PUBLIC WELFARE

### Chapter V—War Claims Commission

Subchapter C—Appeals and Hearings

PART 515—APPEALS

Except for §§ 515.1 and 515.2 (a), (b) and (c) (1) (2), Part 515 is amended to read as follows:

SUBPART A—APPEALS, GENERAL INFORMATION

Sec.
515.1 Basis for appeal.
515.2 Appeal form and time limitations.
515.3 Appeals calendar.
515.4 Consideration of appeals.
515.5 Appeal proceedings in general.
515.6 The Council on Appeals.

SUBPART B—REVIEW AND RECONSIDERATION

515.10 Review and reconsideration by the Claims Service.

SUBPART C—HEARINGS

Sec.
515.15 Docketing and notification of hearing.
515.16 Pre-hearing conference.
515.17 Conduct of hearings.
515.18 Oral argument at close of hearing.
515.19 Proposed findings and conclusions.

SUBPART D—FINDINGS AND CONCLUSIONS

515.30 Council on Appeals to recommend decisions.
515.31 Decision of the Commission.
515.32 Notice of decision.
515.33 Dismissal of appeals.

SUBPART E—REHEARING AND REARGUMENT

515.35 Rehearing and reargument.

AUTHORITY: §§ 515.1 to 515.35 issued under sec. 2, 62 Stat. 1240; 50 U. S. C. App. 2001.

SUBPART A—APPEALS, GENERAL INFORMATION

§ 515.1 *Basis for appeal.* Any claimant whose claim is denied or is approved for less than the full allowable amount may appeal to the Commission from such determination.

§ 515.2 *Appeal form and time limitations.* (a) An appeal shall be made in writing on WCC Form 1105. Such form to be acceptable, must be filed with the Commission within six months from the date of the award or disallowance letter informing the claimant of the original determination.

(b) Upon failure to file such an appeal within six months, the claimant will be deemed to have waived his right to appeal and the decision of the Commission shall constitute a full and final disposition of the case.

(c) (1) All documents, briefs or other additional evidence relative to an appeal from the award or disallowance of a claim under sections 5 (a) through (e), 6 or 7 (a) of the act shall be filed with the Commission at the time of the filing of WCC Form 1105 or within 30 days thereafter except that if such documents, briefs or other additional evidence are requested by the Commission, they shall be filed within 60 days from the date of request therefor if the claimant is within the continental United States or within 90 days from the date of request therefor if the claimant is outside the continental United States. Failure on the part of the claimant to file such documents, briefs or other additional evidence within the time limits shall be grounds for dismissal of the appeal in accordance with § 515.32.

(2) All documents or other additional evidence relative to an appeal from the award or disallowance of a claim under section 7 (b) or (c) of the act shall be submitted prior to December 1 1953: *Provided*, That the appellant may at any time prior to December 1, 1953, notify the Commission that all additional evidence has been submitted. Appellants under section 7 (b) or (c) shall file all briefs which they desire to file in connection with their appeals prior to January 31, 1954.

§ 515.3 *Appeals calendar.* Upon receipt in Appeals and Hearings Service of WCC Form 1105 from the Claims Service following its reconsideration and review in accordance with Subpart B of this part, the case shall be entered on the



Appeals and Hearings Docket. Each appeal shall be assigned a docket number in the order of its receipt. This number shall govern the order in which appeals are considered.

§ 515.4 *Consideration of appeals.* (a) If the appellant has specified on WCC Form 1105 that he does not wish to make a personal appearance or to appear through a representative, his appeal, when reached on the appeals calendar, shall be considered by the Council on Appeals in accordance with § 515.30 (b).

(b) If the appellant in executing WCC Form 1105 has requested a personal appearance the hearing date will be set in accordance with Subpart C of this part.

(c) A request for a personal appearance may be waived by the interested parties at any time and the case submitted to the Council on Appeals in accordance with § 515.30 (b).

§ 515.5 *Appeal proceedings in general.* Appeal proceedings may consist of:

(a) A review and reconsideration by the Claims Service of the original determination on the claim. (See Subpart B of this part.)

(b) A hearing before the Commissioners or their representative when requested by the appellant or by the Commission. (See Subpart C of this part.)

(c) Findings and conclusions of the Commission upon the recommendation of the Council on Appeals. (See Subpart D of this part.)

(d) Rehearing and reargument. (See Subpart E of this part.)

§ 515.6 *The Council on Appeals.* The Council on Appeals shall consider appeals within the Appeals and Hearings Service and shall recommend decisions on appeals to the Commissioners. The Director, Appeals and Hearings Service shall serve as Chairman of the Council on Appeals.

SUBPART B—REVIEW AND RECONSIDERATION

§ 515.10 *Review and reconsideration by the Claims Service.* (a) Upon receipt of WCC Form 1105 from the appellant the Claims Service shall briefly review and reconsider the appeal and the material in support thereof, plus any additional supporting evidence or briefs which the appellant or his authorized representative shall submit.

(b) The recommendation of the Claims Service together with all supporting evidence, briefs, et cetera, shall be promptly forwarded to the Appeals and Hearings Service for further consideration.

(c) This action of the Claims Service shall be informal and no notice of the finding of the Claims Service need be furnished the appellant.

SUBPART C—HEARINGS

§ 515.15 *Docketing and notification of hearing.* (a) If the appellant in executing WCC Form 1105 has requested a personal appearance, the appeal will be set for hearing at the earliest date permitted by the hearing docket. The appellant will be notified of the date set. If the appellant fails to appear, the case will be disposed of in the usual order. The appellant may request that the case be reset for a different date within 30 days of the date of notice of hearing if the appellant resides in the continental United States or 90 days if outside the continental United States. The appellant shall be limited to one such request.

(b) The Commission may, in its discretion, require a hearing in any proceeding and shall set the hearing at the earliest practicable date permitted by the hearing docket. The appellant will be notified of the date set. If the appellant fails to appear the appeal shall be dismissed in accordance with § 515.33. The appellant may request that the case be reset for a different date within 30 days of the notice of hearing if within the continental United States or 90 days if outside the continental United States. The appellant shall be limited to one such request.

§ 515.16 *Pre-hearing conference.* At the request of the appellant or by an order of the Council on Appeals, at any time prior to the hearing, a conference may be arranged between the appellant or his representative and the Council on Appeals or its representative at a designated time and place to consider simplification of the issues and any other matter which would tend to expedite the disposition of the hearing.

§ 515.17 *Conduct of hearings.* (a) Unless otherwise ordered by the Commission, hearings on appeals shall be closed. The hearings shall be stenographically reported and the transcript shall be a part of the record.

(b) Hearings shall be held by the Commissioners or by the Council on Appeals or by any combination of Commissioners and members of the Council on Appeals as may be designated by the Commission in each instance. The Commission will specify the individual who is to serve as chairman of the hearing.

(c) The chairman of a hearing panel may administer oaths and examine witnesses. The chairman may, in accordance with Part 502, Subchapter A of the Commission's regulations in this chapter, require by subpoena the attendance and testimony of witnesses, as well as the production of all necessary books, papers, documents, records, correspondence, and other evidence.

(d) The appellant shall have the burden of proof on all issues involved in the appeal proceeding.

(e) The appellant, his authorized representative, the Council on Appeals or the appellate attorney shall have the right and power to call, examine and cross-examine witnesses and to introduce for the record documentary or other evidence.

(f) The rules of evidence prevailing in courts of law and equity shall not be controlling. Any testimony or other evidence having probative value shall be received. However, it shall be the policy to exclude irrelevant, incompetent, immaterial or unduly repetitious evidence.

(g) In the discretion of the chairman, the hearing or pre-hearing may be adjourned from day to day, postponed to a later date, or to a different place by announcement thereof at the hearing, or by reasonable notice to the interested parties.

§ 515.18 *Oral argument at close of hearing.* Any party shall be entitled upon request at the close of the hearing, to such time as may be fixed by the chairman for oral argument. Oral argument made with the consent of the chairman shall be included in the stenographic report of the hearing.

§ 515.19 *Proposed findings and conclusions.* At the close of the reception of evidence, or within a reasonable time thereafter, to be fixed by the chairman, any party may submit proposed findings and conclusions, together with a brief in support thereof. Such proposal shall be in writing and shall contain appropriate references to the record. Copies thereof shall be furnished to all parties. Reply briefs may be filed with the permission of and within a reasonable time to be fixed by the chairman.

SUBPART D—FINDINGS AND CONCLUSIONS

§ 515.30 *Council on Appeals to recommend decisions.* (a) After a hearing upon an appeal has been held the Council on Appeals shall, as soon as practicable after receipt of the transcript of the hearing, consider all evidence presented by the appellant in connection with an appeal and shall recommend a decision to the Commissioners.

(b) If no hearing is requested upon the appeal, the Council on Appeals, shall consider all additional evidence and shall recommend a decision upon the appeal to the Commissioners.

§ 515.31 *Decision of the Commission.* The recommended decision of the Council on Appeals shall be referred to the Commissioners and shall, when approved by two Commissioners, become the final decision of the Commission.

§ 515.32 *Notice of decision.* Notice of the final decision of the Commission together with a copy thereof shall be furnished to all interested parties.

§ 515.33 *Dismissal of appeals.* (a) An appeal may be dismissed when on its face it is not allowable or when it appears to have been abandoned or when substantiating evidence has not been furnished in accordance with § 515.2.

(b) The decision dismissing an appeal shall be final. The provisions as to notice of finding in § 515.32 and as to rehearing and reargument in § 515.35 shall apply to decisions of the Commission in dismissing an appeal.

SUBPART E—REHEARING AND REARGUMENT

§ 515.35 *Rehearing and reargument.* Any party desiring a rehearing, reargument or any relief not specifically covered by this part, may file a petition with the Commission within ten (10) days if a resident within the continental United States or within sixty (60) days if outside the continental United States after notice of the decision, stating the relief sought and the reasons in support thereof. Evidence in support of the pe-

tition should be attached thereto. The Commission may deny or allow the petition in whole or in part, as it deems proper.

DANIEL F. CLEARY,
*Chairman, War Claims Commission.*

[F. R. Doc. 53-10114; Filed, Dec. 2, 1953; 8:52 a. m.]

# TITLE 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

### PART 3—RADIO BROADCAST SERVICES

### TELEVISION BROADCAST STATIONS; TRANSMITTERS AND ASSOCIATED EQUIPMENT

In the matter of amendment of § 3.687 (a) (2) rules governing television broadcast stations.

1. The Commission has before it for consideration § 3.687 (a) (2) of its rules and regulations relating to the operation of television transmitters.

2. On April 23, 1953, the Commission issued a Report and Order in Dockets 10369 and 10370, which, among other things, amended § 3.687 (a) (2) of the rules, effective June 1, 1953, by adding the following provision relating to the field strength or voltage of the upper sideband radiated or dissipated by television transmitters:

> The field strength or voltage of the upper sideband as radiated or dissipated and measured as described in subparagraph (3) of this paragraph, shall not be greater than −20 db for a modulating frequency of 4.75 Mc or greater.

3. Section 3.687 (a) (2), as amended, requires that television transmitters be operated so that a specified attenuation of the upper sidebands is obtained. However, it has come to the Commission's attention that the video frequency filters necessary in some transmitters to achieve the specified attenuation figure will not be generally available for an additional 6 to 8 months' period and that, accordingly, a number of existing stations have been unable to comply with the present provisions of the rule. Accordingly, it is the Commission's view that the public interest would be served by extending the time for compliance with the provisions of the rule to July 1, 1954.

4. The Commission has found that prior notice of rule making in this case would be unnecessary and impracticable and would be contrary to the public interest. Furthermore, since the amendment adopted herein represents a relaxation of the requirements of the rule by postponing the date of compliance, the amendment may be made effective immediately. Authority for the adoption of the amendment is contained in sections 4 (i), 303 (f) and 303 (r) of the Communications Act of 1934, as amended.

5. In view of the foregoing: *It is ordered*, That, effective immediately, § 3.687 of the Commission's rules and regulations is amended as follows:

(a) Add footnote designator 28a at the end of paragraph (a) (2).

(b) Insert footnote 28a in its proper place to read as follows:

> [28a] Television stations shall have until July 1, 1954 for compliance with the requirements of this subparagraph with respect to attenuation of the upper sidebands.

(Sec. 4, 48 Stat. 1066 as amended, 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082 as amended; 47 U. S. C. 303)

Adopted: November 25, 1953.

Released: November 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10129; Filed, Dec. 2, 1953; 8:56 a. m.]

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[Docket No. 8967]

### PART 3—RADIO BROADCAST SERVICES

### MULTIPLE OWNERSHIP

In the matter of the amendment of §§ 3.35, 3.240 and 3.636 of the rules and regulations relating to multiple ownership of AM, FM and television broadcast stations; Docket No. 8967.

1. This proceeding involves a proposal to amend §§ 3.35, 3.240 and 3.636 (formerly 3.640) of the Commission's rules and regulations which relate respectively to multiple ownership of AM, FM and television broadcast stations.

2. The proceeding was instituted by the issuance of a notice of proposed rule making on August 19, 1948 (13 F. R. 5060). The following parties submitted written comments with respect to the proposed amendments and also participated in the oral argument held before the Commission en banc on January 17, 1949: Paramount Pictures, Inc., Balaban and Katz Corporation and Gulf Theatres, Inc. (the "Paramount group"); Columbia Broadcasting System, Inc.; the Fort Industry Company; KMMJ, Inc., Salt Lake City Broadcasting Corporation, Trans-America Television Corporation, and Universal Broadcasting Company (the "McKenna group"); and National Broadcasting Company, Inc. In addition, written comments were submitted by Mr. E. B. Craney and Mr. Arthur W. Scharfeld.

3. The parties to this proceeding have raised numerous objections to the proposed amendments. These objections fall generally into two categories. The first group challenges the authority of the Commission to adopt rules of general applicability dealing with the subject multiple ownership of broadcast stations, while the second group objects to specific provisions of the proposed amendments. We shall first take up the arguments of the former group.

4. There has been general agreement among the parties to this proceeding that in order to guard against monopolistic tendencies and to preserve competition in the broadcasting industry the Commission can and should, in the exercise of its licensing functions, give consideration to the multiple ownership of stations. Nevertheless, it has been argued that the Commission must announce the general principle of law governing the multiple ownership of broadcast stations on a case-to-case basis only and that the Commission is here precluded from issuing rules of general applicability. This argument however, fails to consider the specific rule making powers conferred on this Commission by the Communications Act[1] and the consistent rulings of the courts sustaining the rule making powers of this Commission, as well as other government agencies.[2] Under the Communications Act, the Commission has full authority to adopt rules giving effect to the principles that will apply in licensing radio stations pursuant to the statutory touchstone of "public convenience, interest and necessity." Such rules are designed to implement and enforce the act and to announce publicly Commission policy with respect to factors which may warrant a denial of a license because they are incompatible with the policies and purposes of the act. The rule making powers conferred on the Commission, expressly set forth in sections 4 (i) and 303 (r) of the act, not only authorize the adoption of rules but affirmatively direct the Commission to make such regulations as may be necessary to carry out the provisions of the act. In addition to its rule making powers, the Commission may proceed on a case-to-case basis so that the policies and purposes of the act will be implemented within the framework of particular cases. The choice between these alternative techniques for the implementation of the act must be determined in light of all the relevant considerations presented by the particular problem. The Supreme Court in Securities and Exchange Commission v. Chenery Corp. 332 U. S. 194, 203-204, stated:

> • • • an administrative agency must be equipped to act either by general rule or by individual order. To insist upon one form of action to the exclusion of the other is to exalt form over necessity.
>
> • • • There is thus a very definite place for the case-by-case evolution of the statutory standards and the choice made between proceeding by general rule or by individual ad hoc litigation is one that lies primarily in the informed discretion of the administrative agency. See Columbia Broadcasting System v. U. S., 316 U. S. 407, 421.[2a]

Our determination here that the problems presented by the multiple ownership of broadcast stations are best resolved by the promulgation of rules of general applicability is made on the basis of the knowledge and experience acquired by this Commission over a period of more than a decade in the handling of these problems.[4]

5. The provisions of §§ 3.35, 3.240 and 3.636 governing the multiple ownership of broadcast stations and the amendments thereof proposed in this proceeding were promulgated pursuant to the general rule making authority contained in sections 4 (i) and 303 (r) of the act and are designed to implement the Congressional policy against monopoly enunciated specifically in sections 311 and 313 of the Communications Act. Parties to this proceeding have urged that the promulgation of these rules by the Commission is an attempt to enforce the anti-trust laws of the United States which function Congress has delegated to the Department of Justice. This contention has been advanced before, and expressly rejected by the courts. Thus, in Mansfield Journal Co. v. Federal Communications Commission, 86 U. S. App. D. C. 102, 180 F. (2d) 28, the court stated:

> Appellant argues that this amounts to enforcement of the anti-trust laws. But whether appellant has been guilty of a violation of these laws is not here in issue. The fact that a policy against monopoly has been made the subject of criminal sanction by Congress as to certain activities does not preclude an administrative agency charged with protecting the public interest from holding the general policy of Congress to be applicable to questions arising in the proper discharge of its duties. • • • Monopoly in the field of communication of news and advertising is contrary to the public interest, even if not in terms proscribed by the anti-trust laws.[5]

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[1] Section 4 (i) provides: The Commission may perform any and all acts, make such rules and regulations and issue such orders, not inconsistent with this act, as may be necessary in the execution of its functions.

Section 303 (r) provides: Except as otherwise provided in this Act, the Commission from time to time, as public convenience, interest, or necessity requires, shall • • •

(r) Make such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this act, or any international radio or wire communications treaty or convention, or regulations annexed thereto, including any treaty or convention insofar as it relates to the use of radio, to which the United States is or may hereafter become a party.

[2] National Broadcasting Company v. United States, 319 U. S. 190, affirming 47 F. Supp. 940; Columbia Broadcasting System v. United States, 316 U. S. 407, 420–421; Heitmeyer v. Federal Communications Commission, 68 App. D. C. 180, 95 F. (2d) 90; Ward v. Federal Communications Commission, 71 App. D. C. 166, 108 F. (2d) 486; cf. Stahlman v. Federal Communications Commission, 75 App. D. C. 176, 126 F. (2d) 124; Securities & Exchange Commission v. Chenery Corp., 332 U. S. 194; Lichter v. United States, 334 U. S. 742.

[2a] In at least three cases in recent years the courts have expressly rejected arguments that the Federal Communications Commission should act on a case-by-case basis rather than by adopting general rules specifying in advance the circumstances under which it will or will not grant licenses. National Broadcasting Company v. Federal Communications Commission, 319 U. S. 190 (Chain Broadcasting Regulations); Pelman v. United States (N. D. Ill., Civil No. 49C227, aff'd 339 U. S. 873 (Reserve time Rules); American Broadcasting v. U. S. (110 F. Supp. 374 (S. D. N. Y.) (Latta v. Rules).

[3] In 1940 the Commission adopted a multiple ownership rule for FM broadcasting stations (5 F. R. 2384); multiple ownership rules for television were adopted in 1941 (6 F. R. 2284); multiple ownership rules for AM broadcasting stations were adopted in 1943 (8 F. R. 16065). These rules have been reported to Congress and discussed in hearings but Congress has never taken action to abolish or circumscribe the Commission's authority to issue such rules.

[4] See also National Broadcasting Company v. United States, 319 U. S. 190; Southern Steamship Company v. National Labor Relations Board, 316 U. S. 31.



6. Nor do we find merit in the contention that section 9 (a) of the Administrative Procedure Act, 5 U. S. C., section 1008, which provides that "no sanction shall be imposed or substantive rule or order be issued except within the jurisdiction delegated to the agency and as authorized by law", prohibits the adoption of these rules. The legislative history of section 9 (a) leaves no doubt that the section was not intended to prevent an agency from adopting rules which it would be otherwise authorized to issue but was merely designed to "afford statutory recognition for the basic rule of law embodied in judicial decisions." Senate Judiciary Committee Print, June 1945, in Sen. Doc. No. 248, 79th Cong. 2d Sess., p. 34.[5]

7. The objections advanced by the parties to this proceeding against the specific provisions of the amended rules are considered below.

8. We need not here take up those arguments directed to the overlap and allied provisions of the outstanding proposal (subsections (1) and (2)). We have determined not to effectuate, at this time, any changes with respect to overlap. We recognize that some changes may well be desirable, but recent developments, particularly in television, compel reconsideration of the entire overlap question. While certain features of the outstanding proposal are unrelated to these developments and would appear to merit adoption, it is felt that such a piecemeal approach is inappropriate. Accordingly, we take no action here changing the present provisions of our rules governing overlap situations.

9. We turn now to the objections to the proposed provisions which deal with the total number of stations in which a licensee should be permitted to have an interest. The proposed rules provide that the determination whether the grant of a license would result in a concentration of control of broadcasting facilities inconsistent with the public interest will depend on the facts of each case; and the factors which the Commission will consider in making that determination are set forth with particularity. It is further provided that the Commission will consider the ownership, operation or control directly or indirectly of more than 7 AM, 6 FM or 5 TV broadcast stations by any person to constitute a concentration of control contrary to the public interest. It is also provided that no person or any of its stockholders, officers or directors may have a direct or indirect interest in or be stockholders, officers or directors of more than 14 AM, 12 FM or 10 TV broadcast stations. Tables are also included in the rules which specifically set forth the maximum number of stations in which any person or its stockholders, officers or directors may have interests less than control.

10. One of the basic underlying considerations in the enactment of the Communications Act was the desire to effectuate the policy against the monopolization of broadcast facilities and the preservation of our broadcasting system on a free competitive basis. See Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 470. This Commission has consistently adhered to the principle of "diversification" in order to implement the Congressional policy against monopoly and in order to preserve competition. That principle requires a limitation on the number of broadcast stations which may be licensed to any person or to persons under common control. It is our view that the operation of broadcast stations by a large group of diversified licensees will better serve the public interest than the operation of broadcast stations by a small and limited group of licensees. The vitality of our system of broadcasting depends in large part on the introduction into this field of licensees who are prepared and qualified to serve the varied and divergent needs of the public for radio service. Simply stated, the fundamental purpose of this facet of the multiple ownership rules is to promote diversification of ownership in order to maximize diversification of program and service viewpoints as well as to prevent any undue concentration of economic power contrary to the public interest. In this connection, we wish to emphasize that by such rules diversification of program services is furthered without any governmental encroachment on what we recognize to be the prime responsibility of the broadcast licensee (See section 326 of the Communications Act). It is to effect this purpose that the foregoing specific limitation on the number of stations that may be owned, operated or controlled by any person, has been included in the multiple ownership rules.[7]

11. In view of the arguments advanced by some parties that the proposed rules are arbitrary in that they give no effect to class and size of stations, geographical locations, populations served, and similar factors, we have considered alternatives

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[5] The Attorney General's Manual on the Administrative Procedure Act makes it clear that the purpose of Section 9 (a) was to prevent administrative agencies from imposing sanctions or adopting substantive rules which had not been specifically or generally authorized by Congress. See also Senate Report on S. 7 in Sen. Doc. 248, 79th Cong. 2d Sess., p. 211; and House Report on S. 7 in Sen. Doc. 248, 79th Cong. 2d Sess., p. 274.

[6] Involved here is the question of determining the extent of overlap—that is, the population and area encompassed by the overlap. As brought out in the Sixth Report and Order (pars. 85, 88, 90, 91) and several recent cases (In re Application of Westinghouse Stations, Inc., 8 Pike & Fischer RR 341; In re Application of Louis Wasmer, 9 Pike & Fischer RR 713), this presents a particularly difficult problem in television because of the technical data available and the rules drafted on the basis of such limited data.

[7] Such limitations have been in effect for the FM and TV service since the multiple ownership rules for those services were adopted. The original limit of 3 television stations was subsequently raised to 5 in the light of changed conditions.

to the outstanding proposal.[8] But as a result of a study of the present holdings of multiple owners, we have concluded that any proposal to limit multiple ownership on the basis of such factors as class of station or geographical location, is either unsatisfactory or unworkable.[9] For a formula, which we believe would reasonably limit ownership on such bases, would require extensive divestment of holdings by existing licensees; it is felt that this would be unduly disruptive. On the other hand, if existing licensees are to retain their present holdings, no formula can be devised which does not substantially extend the present maximum limitation on station ownership—a result felt to be completely unwarranted in view of the important policy considerations involved. As to devising a reasonable formula and "grandfathering" present holdings however greatly in excess of this new criterion, this is believed improper in view of the extensive multiple AM holdings and the nature of such holdings built up over that service's long history and the consequent unfairly preferential treatment accorded such multiple owners. We conclude, therefore, that the method employed in our outstanding proposal is the only sound and workable one because of the history and present development of the broadcast industry.

12. As stated, the outstanding proposal equates two minority non-controlling holdings with one full or controlling ownership. In view of the contention made that the proposal is objectionable because of this effort to deal with interests less than control (e. g., that "[it] endeavor[s] to reduce to simple mathematical formulae matters that are incapable of such reduction"), we have re-examined this facet of the matter. It is our conclusion that the principle of diversification and the realities of the situation require that no distinction be made between a minority non-controlling interest and a full or controlling one. While the holder of a small interest in many instances may have slight influence on the operation of the station in question, it is also true such a person can exert a considerable influence—to an extent clearly within the objectives and purview of the described diversification policy. Several factors should be noted here: (1) there may not be a correlation between the size of the minority holding and the extent of the influence wielded; (2) it is impossible to determine on the face of the application what the influence of the multiple owner will be; indeed, it may be difficult or incapable of definite ascertainment even in a subsequent hearing; and (3) in the case of the holder who has interested himself in numerous stations, there is a good probability that because he is so actively engaged in the broadcast field, his influence will tend to be a positive or substantial one. For these reasons, we are of the opinion that to permit parties to acquire interests of any nature in more than the specified maximum numbers of stations set out within would tend to defeat the diversification policy. We have accordingly revised the multiple ownership rules so as to preclude such holdings.[10]

13. Section (a) (3) of the attached rules is also concerned with the interests that any stockholder, officer or director of a party applying for a license may have in other stations. Objections have been raised to the consideration of the interests of those who are only officers or directors but not stockholders of applicants or licensees. Such objections, however, ignore the practical realities of business organization and control, particularly in the case of corporations. In numerous business organizations the actual day to day control is in the hands of officers and directors who are not necessarily owners or stockholders. Reference need only be made to the history of the antitrust laws to discover the consequences which may flow from interlocking directorships and managements. And it is significant that Congress has inserted provisions in the antitrust laws specifically to guard against evils resulting from the interlocking interests of directors, officers and even employees of business organizations. See 15 U. S. C., sections 19, 20. In light of these considerations, the Commission believes that it is both reasonable and necessary to take cognizance of the interests of directors and officers of licensees and applicants in order to preserve competition and prevent monopoly in the broadcasting field.

14. With respect to stockholders, section (b) of the proposed rules provides that in applying section (a) in the case of corporations having more than 50 voting stockholders, only those stockholders need be considered who are officers or directors or who own 1 percent or more of the outstanding voting stock. It has been suggested that only holders of 5 percent or more of the stock of such corporations should be considered. The Commission is of the opinion, however, that the provision as originally proposed should be adopted for the reason that in corporations of large size, owners of 1 percent of the stock may have considerable voice in the control and management; and that interests of that size should properly be considered in the application of these rules.

15. Neither the present nor proposed rules on limiting multiple ownership in TV make any distinction between VHF and UHF stations. The Commission has received several petitions[11] requesting that such a distinction be made, and that either no limitation be placed on the ownership of UHF stations or that the limitation on TV holdings be raised to either 7 or 8 with no more than five in the VHF service. This argument rests on the premise that such action is desirable in order to promote the early development of UHF. Oppositions to these proposals have also been submitted.[12] The opponents argue that the proposed liberalization of the ownership limitation with respect to UHF stations is not in the public interest and that "If it appears that UHF is not developing as rapidly as desired, and if smaller communities are not being served by television, and if no other solution is in sight, there will be time enough to take such a drastic step as has been suggested." The Commission is now actively engaged in studying the position of the post-freeze TV station. We note that other interested parties are also engaged along this line.[13] Accordingly, we are deferring consideration of the multiple ownership facet of the UHF question to the over-all UHF study.

16. We turn now to what is the appropriate specific limitation in each service on the number of stations in which one person may hold an interest. The attached rules continue in effect the existing limitation on TV station ownership which, in our judgment based on extensive experience with the problems of multiple ownership, have proven practicable and desirable. It is argued that the rules should permit the ownership of the same number of TV stations as AM since TV operations now need to be buttressed by the profits of the AM operation while the latter may need such service from the former in the future. But the period when television operations were largely supported by AM profits has passed, and television stations by and large, are either now operating at a profit or can reasonably look forward to such operation in the future. As to the converse argument, it is believed that restrictions on multiple ownership should be related to the circumstances of the present and immediate future rather than to some remote or possible set of circumstances in the indefinite future. In the absence of circumstances which we do not now foresee, we believe that the policy of diversification requires the adoption of the 5 station limitation.[14]

17. With respect to interests in FM broadcast stations, the attached rules, unlike the proposal which specified a 6 station FM limitation, raise the limitation to seven—the AM figure. It is considered desirable to have the same limitation applicable to both aural services because of their inter-relationship and the present status of FM's growth.[15]

18. The specific limitation on the holding of interests in excess of seven AM broadcast stations is a new provision of the Commission's rules on multiple ownership. Aside from the factors set out in the prior paragraph, the greater potential of FM as compared to AM for the accommodation of broadcast stations might have justified a more severe limitation in AM than the limitation imposed in FM. It was determined, however, to limit the holdings in AM stations of any one person to seven in order that present holdings of such stations be not unduly disrupted. The specific limitation of 7 stations contained in the attached rule is consistent with the historical development of AM broadcasting and the tremendous expansion that has been achieved almost entirely within the framework of that limitation; only a very few parties have holdings in excess of 7. As to these latter few, orders to show cause why they should not divest themselves of so much of their holdings as is necessary to bring about conformity with the subject rule, will be issued. Decision as to whether or not divestment will be required will be made on the basis of the arguments adduced and the factors involved in each case.

19. In view of the above considerations, we find that the public interest, convenience and necessity will be served by the adoption of the attached rules. Authority for their adoption is contained in sections 4 (i), 303 (r), 311, 313 and 314 of the Communications Act of 1934, as amended.

20. *Accordingly, it is ordered,* This 25th day of November 1953, that, effective 20 days after publication in the FEDERAL REGISTER, §§ 3.35, 3.240, and 3.636 of the Commission's rules and regulations are amended as set forth below

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interpret or apply secs. 303, 311, 313, 314, 48 Stat. 1082, as amended, 1083, 1087; 47 U. S. C. 303, 311, 313, 314)

Released: November 27, 1953.

FEDERAL COMMUNICATIONS COMMISSION,[16]

[SEAL] WM. P. MASSING, *Acting Secretary.*

§ 3.35 *Multiple ownership.* No license for a standard broadcast station shall be granted to any party (including all parties under common control[17]) if:

(a) Such party directly or indirectly owns, operates, or controls another standard broadcast station a substantial portion of whose primary service area would receive primary service from the station in question, except upon a showing that public interest, convenience and necessity will be served through such multiple ownership situation; or

(b) Such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other standard broadcast station if the grant of such license would result in a concentration of control of standard broadcasting in a manner inconsistent with public interest, convenience, or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of areas served, the number of people served, classes of station involved and the extent of other competitive service to the areas in question. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than seven standard broadcast stations.[18]

§ 3.240 *Multiple ownership.* No license for an FM broadcast station shall be granted to any party (including all parties under common control[17]) if:

(a) Such party directly or indirectly owns, operates, or controls another FM broadcast station which serves substantially the same service area; or

(b) Such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other FM broadcast station if the grant of such license would result in a concentration of control of FM broadcasting in a manner inconsistent with public interest, convenience, or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of areas served, the number of people served, classes of stations involved, and the extent of other competitive service to the areas in question. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than seven FM broadcast stations.[18]

§ 3.636 *Multiple ownership.* (a) No license for a television broadcast station shall be granted to any party (including all parties under common control[17]) if:

(1) Such party directly or indirectly owns, operates, or controls another television broadcast station which serves substantially the same area; or

(2) Such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other television broadcast station if the grant of such license would result in a concentration of control of television broadcasting in a manner inconsistent with public interest, convenience, or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of areas served, the number of people served, and the extent of other competitive service to the areas in question. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or

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[8] In the Matter of Erunton et al., 3 Pike & Fischer RR 291. On the basis of the facts in that proceeding, the Commission considered and gave weight to such factors as the class and power of stations in determining whether the requested transfer of an additional station to CBS would be in the public interest. The Commission's decision in that proceeding does not, however, preclude the adoption under appropriate circumstances of rules of general application such as are involved here.

It should also be noted that even if all the AM stations owned by the one party are small, there is a tendency to concentrate in the same general area; under these circumstances, ownership of more than 7 stations would result in a concentration of control that would be contrary to the public interest.

[9] It is important to note that the proposed rules do take these factors into consideration in situations not involving an application for facilities in excess of the maximum permissible number.

[10] We note that some parties who now have television interests in five stations which include some of a minority nature, have applied for additional television facilities, presumably relying on the absence of any specific provision dealing with minority holdings. We feel that such parties, who may have gone to considerable expense and otherwise relied on the policy prevailing before this change, should not be penalized procedurally by the immediate dismissal of their applications.

Therefore, parties who have applied for interests in excess of five before the date of adoption of this rule change and whose applications—because their holdings involved minority interests—were not defective under § 1.361 (c) of this chapter or inconsistent with other pending applications of the party within § 1.362 of this chapter, may, if they desire, continue to prosecute their applications by a request for waiver of either § 1.362 of this chapter or § 1.361 (c) of this chapter. It should be clearly understood that the waiver thus granted is a procedural one only, permitting the parties involved to continue in their hearings or other processing procedure; the holdings of such parties, whether minority or controlling, must conform to the maximum number established in the rules here adopted. It follows that a grant to such a party bringing its interests to six would be conditioned on divestment of some other interest.

[11] These petitions were filed by the National Broadcasting Company, Inc., American Broadcasting Company, Inc., and Allen B. DuMont Laboratories, Inc.

[12] The opposing parties are Senator Edwin C. Johnson, Redwood Broadcasting Co., Fairmont Broadcasting Co., and New England Television Company.

[13] See e. g., the petition of the newly formed Ultra High Frequency Television Association dated October 27, 1953.

[14] The argument is also made that no cogent reasons exist for the disparity in TV and AM multiple ownership rules in view of the fact that the TV station potential is approximately equivalent to the AM station number. But there is a substantial disparity between the number of existing AM and TV stations. Further, as brought out in paragraph 18, the AM figure of 7 was selected because of the tremendous expansion which has been achieved within the framework of that limitation; a lower figure would result in either severe disruption or, in the event of "grandfathering", preferential treatment being accorded too many licensees. No such consideration pertains to the determination of the TV figure.

[15] The most recent statistics available (January 1, 1953) show that of 600 FM broadcast stations, 538 are owned by AM licensees and for the most part, duplicate the AM programming.

[16] Separate views of Commissioner Hennock filed as part of original document.

[17] The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

[18] In applying the foregoing provisions to the stockholders of a corporation which has more than 50 voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock.

directors of, more than five television broadcast stations."*

* The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

** In applying the provisions of paragraph (a) of this section to the stockholders of a corporation which has more than 50 voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock.

(b) Paragraph (a) of this section is not applicable to non-commercial educational stations.

[F. R. Doc. 53-10130; Filed, Dec. 2, 1953; 8:57 a. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

MOTOR CARRIERS; AUGMENTING EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 30th day of November A. D. 1953.

Upon consideration of the record in the above-entitled proceeding, and in order to afford more time for further study as to the necessity for the provisions hereinafter described of the rules prescribed by the order entered in this proceeding May 8, 1951, as heretofore modified, and good cause appearing;

*It is ordered*, That the order entered in this proceeding May 8, 1951, as heretofore modified, be, and it is hereby, further modified so as to make effective March 1, 1955, instead of March 1, 1954, the provision of § 207.4 (a) (3) which requires that any contract, lease, or other arrangement for the use of equipment shall specify a period "which shall not be less than 30 days".

*And it is further ordered*, That the following proviso of § 207.4 (a) (5) of the said order of May 8, 1951, shall become effective March 1, 1955, instead of March 1, 1954: *"Provided, however*, That such compensation shall not be computed on the basis of any division or percentage of any applicable rate or rates on any commodity or commodities transported in said vehicle or on a division or percentage of any revenue earned by said vehicle during the period for which the lease is effective."

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10116; Filed, Dec. 2, 1953; 8:53 a. m.]

[Ex Parte No. MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

MOTOR CARRIERS; AUGMENTING EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 30th day of November A. D. 1953.

Upon consideration of the record in the above-entitled proceeding; it appearing desirable to clarify § 207.4 (a) (3) (i) and (ii) of the rules and regulations prescribed by the order of May 8, 1951, in the said proceeding, as heretofore modified;

*It is ordered*, That subdivision (ii) of § 207.4 (a) (3) be, and the same is hereby canceled.

*It is further ordered*, That subdivision (i) of § 207.4 (a) (3) be amended to read as follows:

(i) That equipment specified in section 203 (b) (4a), (5) and (6) of the act (49 U. S. C. 303 (b) (4a), (5) and (6)), may be utilized by authorized carriers under contracts, leases or other arrangements applying for any period, upon completion of a movement in which such equipment is exempt from regulation by the Commission except as to qualifications and maximum hours of service of employees and safety of operations and standards of equipment, and is next being utilized by the authorized carrier in a loaded movement in any direction or in one of a series of loaded movements over reasonably direct routes in the direction of the general area in which the exempt movement originated, or in the direction of the area in which the equipment is based; provided the authorized carrier receives, prior to the execution of the lease, a statement signed by the owner of the equipment, or some one duly authorized to sign for the owner authorizing the driver to lease the equipment for the return movement or movements, and a statement signed by the driver specifying the origin, destination, and the time of the beginning and ending of the last exempt movement.

*And it is further ordered*, That this order shall be effective as of the date hereof.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10117; Filed, Dec. 2, 1953; 8:53 a. m.]

## PROPOSED RULE MAKING

### FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 2 ]

[Docket No. 10200]

TABLE OF FREQUENCY ALLOCATIONS

ORDER SCHEDULING HEARING

In the matter of amendment of § 2.104 (a) (1) (iv) of Part 2 of the Commission's rules and regulations to delete certain uses by the domestic fixed service of frequencies below 25 Mc for purposes other than the safety of life and property; Docket No. 10200.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of November 1953;

The Commission having under consideration additional comments filed on February 16, 1953, in the above-entitled proceeding by the State of California, requesting the Commission to take no further action in this matter until the State of California can make a determination as to the feasibility of substituting microwave frequencies for those presently utilized by the Federal-State Market News Service, and a letter dated May 25, 1953 from the State of California stating that the Legislature of the State of California has adopted Senate Concurrent Resolution No. 16 which authorizes and directs a complete survey of the feasibility of utilization of a microwave system, a wire line system and other alternative forms of communication systems for state agencies and that the Division of Communications of the State Department of Finance will promptly undertake such a survey;

It appearing, that concurrently with the above additional comments, the State of California filed a petition requesting the amendment of rules and regulations governing the Public Safety Radio Service and the Industrial Radio Service, as well as requesting the amendment of Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations; and

It further appearing, that this petition requires the further study by the Commission, of the effect such amendments may have upon the existing frequency allocations and present use of frequencies above 25 Mc; and



It further appearing, that the request of the State of California that the Commission withhold action in Docket 10200 would apparently require considerable delay in resolving the problems involved in this proceeding and which were fully set forth in the Commission's further notice of proposed rule making; and

It further appearing, that the Commission cannot find that such delay would be in the public interest; and

It further appearing, that the State of California has requested a hearing and oral argument with respect to the deletion of frequencies below 25 Mc, now utilized by stations of the Federal State Market News Service, provided the Commission cannot grant the relief requested in the petition and in Docket 10200 comments;

*It is ordered*, That on February 23, 1954, the Commission will hold a hearing on its notice of proposed rule making in Docket 10200 adopted May 21, 1952, and its further notice of proposed rule making adopted September 17, 1952. The issue to be considered at this hearing will be limited to whether § 2.104 (a) (1) (iv) of the Commission's rules should be amended so as to delete authority for certain uses by the Domestic Fixed Service of frequencies below 25 Mc. for purposes other than the safety of life and property; and

*It is further ordered*, That parties desiring to participate in the hearing should file a statement with the Commission on or before January 22, 1954, setting forth a list of their witnesses who will testify at the hearing together with the subjects with respect to which testimony will be adduced and evidence offered.

Released: November 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10119; Filed, Dec. 2, 1953; 8:54 a. m.]

[ 47 CFR Part 3 ]

[Docket No. 10782]

STANDARD BROADCAST STATIONS

FREQUENCY ALLOCATIONS; CLEAR CHANNELS; CLASS I AND II STATIONS

In the matter of amendment to § 3.25 (b) of the Commission rules and regulations (Radio Broadcasting Service) to permit the inclusion of the frequency of 1540 kilocycles as a Class I–B channel in the United States; Docket No. 10782.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend § 3.25 (b) of Subpart A, Part 3, of the Commission's rules, to read as follows:

(b) To each of the channels below there may be assigned Class I and Class II stations: 680, 710, 810, 850, 940, 1000, 1030, 1060, 1070, 1080, 1090, 1110, 1130, 1140, 1170, 1190, 1500, 1510, 1520, 1530, 1540[a], 1550, and 1560 kilocycles.

[a] Class I and II stations on this frequency shall protect a Class I assignment in the Bahama Islands in accordance with paragraph (e) of this section.

3. The purpose of this amendment is to provide for the establishment of a Class I–B station in the United States on 1540 kc. in Waterloo, Iowa as provided for by the terms of the 1950 NARBA.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (a), (b), (c), (d), (f), (h), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before December 31, 1953 a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 25, 1953.

Released: November 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. R. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10121; Filed, Dec. 2, 1953; 8:55 a. m.]

[ 47 CFR Part 3 ]

[Docket No. 10783]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on October 27, 1953, by the Tennessee Educational Television Commission, and now made part of this docket, requesting an amendment of § 3.606, *Table of assignments*, rules governing Television Broadcast Stations, so as to assign Channel 11 to Lexington, Tennessee, Channel 7—to Rock Island, Tennessee, and Channel 2—to Sneedville, Tennessee [1] and to reserve those assignments for noncommercial educational use. The following change with respect to the offset carrier requirement only would be required as a result of the assignment of Channel 11 to Lexington, Tennessee:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Meridian, Miss. | 11 | −11 |

[1] The assignment of Channel 2 to Sneedville would conflict with the assignment of this channel to Montgomery, West Virginia, as proposed in a petition filed on October 16, 1953, by Fayette Associates, Inc., and Chemical City Broadcasting Company in that the separation between these communities is approximately 155 miles whereas the required separation is 170 miles.

3. In support of the requested amendment, petitioner urges that there are presently assigned 4 television channels in the State of Tennessee which are reserved for educational use; that these assignments would not provide for complete coverage of the state; that the addition of the three assignments as requested would provide almost complete coverage of the state; and that these assignments conform to all the requirements of the Commission's rules and may be made without any other changes in the table.

4. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the amendment proposed by petitioners should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before December 31, 1953, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: November 25, 1953.

Released: November 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10122; Filed, Dec. 2, 1953; 8:55 a. m.]

[ 47 CFR Part 18 ]

[Docket No. 10778]

INDUSTRIAL, SCIENTIFIC AND MEDICAL SERVICES

USE OF SHORT-WAVE EPILATION EQUIPMENT

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Short-wave epilation (hair removing) equipment has been classified by the Commission as miscellaneous equipment as defined in Part 18 of the Commission's rules regulating the use of Industrial, Scientific and Medical Equipment. The provisions of Part 18 dealing with miscellaneous equipment have been in effect since April 30, 1948, except that those provisions did not become applicable until April 30, 1953, to miscellaneous equipment manufactured and assembled prior to April 30, 1948.

3. The Commission has received a petition, filed jointly by Lionel Shuman and The Electrolysis Society of America, Inc., requesting that § 18.51 be amended to provide that Part 18 would not be applicable until December 31, 1957, to epilating equipment manufactured before December 31, 1953. This petition alleges that electrologists were not aware that their equipment was subject to the provisions of Part 18 and they therefore have been buying, until very recently, equipment that did not meet the standards prescribed by Part 18.

4. The Commission believes that the meaning of Part 18 of its rules has been clear since the date that the rules were originally adopted. Moreover, a number of epilation machines have been type approved by the Commission and made available to the public. However, the Commission is aware that there has been some confusing and misleading advertising in the Trade Press with respect to the applicability of Part 18 to epilation equipment, with the result that there has been widespread misunderstanding on the part of users of this type of equipment. Therefore, the Commission now proposes to amend § 18.51 of its rules so as to defer the applicability of Part 18 to short-wave epilation equipment until June 30, 1954, with respect to all short-wave epilation equipment manufactured before December 31, 1950, and until December 31, 1955, for such equipment manufactured between December 31, 1950, and June 30, 1953. By extending the applicability date until June 30, 1954, for machines made prior to December 31, 1950, the owners of such equipment will have been able to use it for a minimum of 3½ years, and it is believed that the June 30, 1954, date will provide a reasonable amount of time within which to replace such equipment. An additional 18 months is being given persons who purchased their equipment subsequent to December 31, 1950, to provide them with a reasonable amortization period. The June 30, 1953, date has been chosen because of the fact that on June 18, 1953, the Commission released its order denying the petition of Wappler, Inc., which sought to have epilation equipment classified as surgical diathermy apparatus which is exempt from the provisions of Part 18 of the rules, and if any doubts previously existed as to the status of epilation equipment under Part 18, they ceased to exist after that decision of the Commission was publicized. All persons are warned that the continued use of non-complying epilation equipment manufactured subsequent to June 30, 1953, without a license is contrary to law. Moreover, the relief which the Commission proposes to grant to the users of epilation equipment will be applicable only if such steps as may be necessary are promptly take to eliminate interference to authorized radio services resulting from the operation of epilation equipment.

5. The proposed amendment is issued under the authority of sections 4 (i), 301 and 303 (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form proposed may file with the Commission on or before December 31, 1953, a written statement or brief setting forth his comments. Persons desiring to support the amendments may also file comments by the same date. Replies to comments may be filed within 10 days from the last day for filing original comments. The Commission will consider all comments and briefs presented before taking final action with respect to the proposed amendments.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of the statements or comments shall be furnished to the Commission.

Adopted: November 25, 1953.

Released: November 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10120; Filed, Dec. 2, 1953; 8:54 a. m.]

## INTERSTATE COMMERCE COMMISSION

[ 49 CFR Part 207 ]

[Ex Parte No. MG-43]

LEASE AND INTERCHANGE OF VEHICLES

MOTOR CARRIERS; AUGMENTING EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 30th day of November A. D. 1953.

Upon consideration of the record in the above-entitled proceeding, and good cause appearing:

*It is ordered*, That this proceeding be, and it is hereby, reopened for further hearing at a time and place or places to be hereafter fixed, solely with respect to the following matters:

1. Those provisions of § 207.4 (a) (3) of the rules and regulations prescribed herein by order entered May 8, 1951, as heretofore modified, which require that any contract, lease or other arrangement for the use of equipment shall specify a period "which shall be not less than 30 days".

2. The following proviso of § 207.4 (a) (5) of said rules and regulations: "*Provided, however*, That such compensation shall not be computed on the basis of any division or percentage of any applicable rate or rates on any commodity or commodities transported in said vehicle or on a division or percentage of any revenue earned by said vehicle during the period for which the lease is effective."

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10115; Filed, Dec. 2, 1953; 8:53 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

ALASKA

SHORESPACE RESTORATION ORDER NO. 506 AND SMALL TRACT CLASSIFICATION NO. 76

NOVEMBER 13, 1953.

1. By virtue of the authority contained in the act of June 5, 1920 (41 Stat. 1059; 48 U. S. C. 372), and pursuant to Delegation of Authority contained in sections 2.21 and 2.22 (a) (3) of Order No. 1, Bureau of Land Management, Region VII, approved by the Acting Secretary of the Interior on August 20, 1951 (16 F. R. 8625), it is ordered as follows:

Subject to valid existing rights, the 80-rod shorespace reserve which is now or may hereafter be created under the act of May 14, 1898 (30 Stat. 409; 48 U. S. C. 371), as amended, is hereby revoked as to the public lands hereinafter described, which are situated in the Anchorage, Alaska Land District and which are hereby classified as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

KODIAK AREA

FOR LEASE AND SALE

1. For business sites:

U. S. Survey 3098:
Lots 1, 2, 3, 13, 14 and 15.

Comprising 6 tracts aggregating approximately 6.01 acres.



2. For home sites:
U. S. Survey 3098:
Lots 4–9, inclusive;
Lots 11 and 12;
Lots 16–22, inclusive;
Lots 26–29, inclusive.
U. S. Survey 3099:
Lots 1–28, inclusive.
U. S. Survey 3100:
Lots 1–12 inclusive;
Lots 14–20, inclusive.
U. S. Survey 3101:
Lots 1–24, inclusive.
U. S. Survey 3103:
All
U. S. Survey 3104:
All.

Comprising 122 tracts aggregating approximately 170.76 acres.

2. These lands have been reserved for various purposes for several years and were restored subject to Small Tract Classification on October 6, 1953. The tracts are grouped in six U. S. Surveys and are located approximately one to two miles northeast of the City of Kodiak. Of the 128 lots opened to lease and sale, 25 border Mill Bay Road and 71 lie along Mission Road Extension. None of the 32 lots on Melnitsa (Island) Lake are now accessible by road. The six lots nearest to Kodiak on Mill Bay Road have been classified as business sites while all of the remaining tracts in the six surveys are listed as home sites. The terrain varies widely from well-drained, exceptionally good building sites to low, swampy areas of little value. Most of the tracts have an added advantage of either a fine view of St. Paul Harbor or a lake-shore location. For the most part, their vegetative cover consists of a fine stand of Sitka spruce. The climate here is typical of Kodiak Island and much of the Aleutian Chain. It has cool summers, mild winters, and a very high annual precipitation. Sewage disposal on these tracts can be accomplished through the use of cesspools and septic tanks. Water for domestic use may be obtained from either hand-dug or drilled wells. Churches, schools, commercial establishments, and other community facilities are available in the City of Kodiak.

3. This classification order shall not otherwise become effective to change the status of any lands described herein or to permit the leasing of any such lands under the Small Tract Act of June 1, 1938, cited above, until 10:00 a. m. on December 10, 1953. At that time the lands described below shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location and selection as follows:

(a) *Ninety-one day period for preference right filings.* For a period of 91 days from 10:00 a. m. on December 10, 1953, to close of business on March 10, 1954 inclusive, preference will be given, as set forth above, to:

(1) Applications under the Small Tract Act of June 1, 1938, (52 Stat. 609; 43 U. S. C. 682a) as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and

(2) Applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by veterans and other qualified persons under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph.

(b) *Advance period for simultaneous preference right filings.* All applications filed by such veterans and other qualified persons, or by persons claiming preference rights superior to those of such veterans filed under the preceding paragraph (a) on November 19, 1953 or thereafter, up to and including 10:00 a. m. on December 10, 1953, shall be treated as simultaneously filed. All applications filed under the preceding paragraph (a) after 10:00 a. m. on December 10, 1953, shall be considered in the order of filing.

(c) *Date for non-preference right filings.* Commencing at 10:00 a. m. on March 11, 1954, any lands remaining unappropriated shall become subject to application under the Small Tract Act by the public generally.

(d) *Advance period for simultaneous non-preference right filings.* Applications under the Small Tract Act by the general public filed on February 16, 1954, or thereafter, up to and including 10:00 a. m. on March 11, 1954, shall be treated as simultaneously filed. All applications filed thereafter shall be considered in the order of filing.

4. A veteran shall accompany his application with a complete photostatic, or other copy, (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or which constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claim. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

5. All applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be made on Form 4–776 and shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent that such regulations are applicable. Applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of Title 43 of the Code of Federal Regulations.

6. Lessees under the Small Tract Act of June 1, 1938, will be required, within a reasonable time after execution of the lease, to construct upon the leased land, to the satisfaction of the appropriate officer of the Bureau of Land Management authorized to sign the lease, improvements which, under the circumstances, are substantial, and are appropriate for the use for which the lease is issued. Leases will be issued for a period of two years, at an annual rental of $5 for homesites, payable in advance for the entire lease period. Applications for extension for an additional period of one year shall be considered in appropriate cases. The rental for business sites will be in accordance with a schedule of graduated charges based on gross income, with a minimum charge of $20 payable yearly in advance, the remainder, if any, to be paid within 30 days after each yearly anniversary of the lease. Every lease for land classified for lease and sale will contain an option to purchase clause and every such lessee may file an application to purchase at the sale price as provided in the lease.

7. All of the land will be leased in tracts varying in size from approximately 0.17 acre to approximately 2.22 acres, in accordance with the classification maps on file in the Land Office, Anchorage, Alaska. These tracts are appraised at prices ranging from $50 to $500.

8. Lessees must locate any wells or sewage disposal facilities in accordance with the laws and regulations of the Territory of Alaska.

9. The leases will be made subject to rights-of-way for road purposes and public utilities, as specified in the Classification and Appraisal Report on file in the Land Office, Anchorage, Alaska. Such rights-of-way may be utilized by the Federal Government, State, Territory, County, or Municipality, or by any agency thereof. In the discretion of the authorized officer of the Bureau of Land Management, these rights-of-way may be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

FRED J. WELLER,
*Chief,*
*Division of Land Planning.*

[F. R. Doc. 53-10094; Filed, Dec. 2, 1953; 8:47 a. m.]

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Treasury Department Order 150-33]

COMMISSIONER OF INTERNAL REVENUE

DELEGATION OF AUTHORITY TO ABATE JEOPARDY ASSESSMENTS WHEN JEOPARDY DOES NOT EXIST

By virtue of the authority vested in me as Secretary of the Treasury, it is hereby ordered:

1. The Commissioner of Internal Revenue is authorized to perform the functions vested in the Secretary of the Treasury by Public Law 274 (83d Cong.), approved August 14, 1953, to abate jeopardy assessments if he finds that jeopardy does not exist.

2. The functions herein transferred may be delegated by the Commissioner to such officers or employees in the In-

ternal Revenue Service in such manner as he shall from time to time direct.

Dated: November 27, 1953.

[SEAL] M. B. FOLSOM,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-10064; Filed, Dec. 2, 1953; 8:46 a. m.]

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[Treasury Department Order 177-2]

FISCAL ASSISTANT SECRETARY

DESIGNEE OF SECRETARY OF THE TREASURY UNDER THE REFUGEE RELIEF ACT OF 1953

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, the Fiscal Assistant Secretary shall be my designee under the provisions of the regulations in Part 290 of Title 31, Code of Federal Regulations (31 CFR Part 290)[1], relating to the making of loans to public or private agencies of the United States for the purpose of financing the transportation from ports of entry within the United States to the places of their resettlement of persons receiving immigrant visas under the Refugee Relief Act of 1953, approved September 16, 1953.

Dated: December 1, 1953.

[SEAL] M. B. FOLSOM,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-10163; Filed, Dec. 2, 1953; 8:52 a. m.]

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## DEPARTMENT OF LABOR

### Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Bee & Gee Pants Co., 104-106 River Street, Olyphant, Pa., effective 12-15-53 to 12-14-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's & boys' trousers).

Bellgrade Manufacturing Co., Winder, Ga., effective 11-18-53 to 11-17-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (work trousers).

Belton Shirt Co., Belton, S. C., effective 12-1-53 to 11-30-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Benjamin & Johnes, Inc., 413 South Clinton Avenue, Dunn, N. C., effective 11-19-53 to 5-18-54; 20 learners for expansion purposes (foundation garments).

B. Bennett Co., Inc., 123 Magazine Street, New Orleans, La., effective 11-19-53 to 11-18-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (pants and shirts).

Blue Buckle Overall Co., Fourteenth and Kemper Streets, Lynchburg, Va., effective 12-4-53 to 12-3-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (work clothing).

Cowden Manufacturing Co., 112 Hamilton Avenue, Lancaster, Ky., effective 11-28-53 to 11-27-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (denim overalls and overall jackets).

Day's Tailor-D Clothing, Inc., Twenty-ninth and Pacific, Tacoma, Wash., effective 11-26-53 to 11-25-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's trousers).

Day's Tailor-D Clothing, Inc., Twenty-ninth and Pacific, Tacoma, Wash., effective 11-26-53 to 5-25-54; 50 learners for expansion purposes (men's trousers).

Delta Manufacturing Co., Wichita Falls, Tex., effective 11-23-53 to 11-22-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (work clothing).

Eagle Bros., Mahanoy City, Pa., effective 11-23-53 to 11-22-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and sport shirts).

Fairmont Manufacturing Co., Inc., Mitchell Building, Fairmont, N. C., effective 11-19-53 to 5-18-54; 35 learners for expansion purposes (ladies' nightwear).

Grafton Manufacturing Co., Route 4, Riverside Drive, Grafton, W. Va., effective 11-20-53 to 4-8-54; 50 learners for expansion purposes (replacement certificate) (ladies' cotton shirts).

Hebson Garment Co., Inc., 25 East G Street, Anniston, Ala., effective 11-23-53 to 11-22-54; 5 learners for normal labor turnover purposes (pajamas and nightgowns).

Industrial Garment Manufacturing Co., Erwin, Tenn., effective 12-1-53 to 11-30-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts and work pants).

The H. D. Lee Co., Inc., 409 East Madison, South Bend, Ind., effective 11-28-53 to 11-27-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (work clothing).

R. Lowenbaum Manufacturing Co., 100 South Minnesota Street, Cape Girardeau, Mo., effective 12-5-53 to 12-4-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (junior dresses).

Oberman Manufacturing Co., Fayetteville, Ark., effective 11-30-53 to 11-29-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (pants and shirts).

Palm Beach Co., Roanoke, Ala., effective 11-19-53 to 11-18-54; 7 percent of the total number of factory production workers for normal labor turnover purposes. Machine operators (except cutting), pressers, hand sewers; each 480 hours at least 65 cents an hour for the first 240 hours and not less than 70 cents an hour for the remaining 240 hours (pants and washable suits).

Pittston Apparel Co., Inc., E and I Tompkins Streets, Pittston, Pa., effective 11-20-53 to 11-19-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

Reliance Manufacturing Co., Magnolia Factory, Laurel, Miss., effective 12-1-53 to 11-30-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Richmond Shirt Co., Inc., 816 Bridge Street, Richmond, Vt., effective 11-23-53 to 11-22-54; 5 learners for normal labor turnover purposes (children's shirts and blouses).

Selinsgrove Dress Co., 113 North High Street, Selinsgrove, Pa., effective 11-20-53 to 11-19-54; 10 learners for normal labor turnover purposes (ladies' wash frocks).

Woods Manufacturing Co., 202 Garrison Avenue, Fort Smith, Ark., effective 11-23-53 to 11-22-54; 10 learners for normal labor turnover purposes (men's and boys' trousers).

York Manufacturing Co., York, Ala., effective 11-17-53 to 11-16-54; 10 learners for normal labor turnover purposes (children's play clothing).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952, 17 F. R. 8633).

The S. Frieder & Sons Co., Greensboro, Fla., effective 11-20-53 to 5-19-54; 25 learners for expansion purposes. Cigar machine operating, 320 hours, machine stripping, 160 hours, packing (cigars retailing for 6 cents or less), 160 hours; each 65 cents an hour.

General Cigar Co., Inc., 1201-11 Seventh Avenue, Huntington, W. Va., effective 11-20-53 to 11-19-54; 10 percent of the total number of factory production workers engaged in each occupation listed below. Cigar machine operator, 320 hours, packer (cigars retailing for more than 6 cents each), 320 hours, hand stripper, 160 hours, machine stripper, 160 hours; each 65 cents an hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

The Boss Manufacturing Co., Cleburne and Harrington Streets, Cisco, Tex., effective 10-24-53 to 10-23-54; 10 learners for normal labor turnover purposes (work gloves).

The Boss Manufacturing Co., 105 Elm Street, Chillicothe, Mo., effective 11-24-53 to 11-23-54; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

The Boss Manufacturing Co., 124 West Williams Street, Breckenridge, Tex., effective 11-19-53 to 11-18-54; 10 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., 217 East Main Street, Beardstown, Ill., effective 11-24-53 to 11-23-54; 10 learners for normal labor turnover purposes (work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Abingdon Manufacturing Corp., Abingdon, Va., effective 11-20-53 to 11-19-54; 5 percent of the total number of factory production workers engaged in the manufacture of men's woven shorts for normal labor turnover purposes (men's woven shorts).

Norwich Knitting Co., Clayton, N. C., effective 11-24-53 to 11-23-54; 5 percent of the total number of factory production workers for normal labor turnover purposes (knitted underwear and outerwear).

[1] See Title 31, Chapter II, Part 290, *supra*.



Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Glenwyn Chenilles, Inc., Sweetwater, Tenn., effective 11-19-53 to 5-18-54; 10 percent of the total number of factory production workers for normal labor turnover purposes. Chenille machine operators, 320 hours at least 65 cents an hour for the first 160 hours and not less than 70 cents an hour for the remaining 160 hours (chenille bedspreads).

Glen I. Evans, Inc., 306 Paynter Avenue, Caldwell, Idaho, effective 11-19-53 to 5-18-54; 10 percent of the total number of factory production workers for normal labor turnover purposes. Fly tyers, 320 hours at least 65 cents an hour for the first 160 hours and not less than 70 cents an hour for the remaining 160 hours (fishing tackle).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C. this 23d day of November 1953.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 53-10066; Filed, Dec. 2, 1953; 8:47 a. m.]

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## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8873, 10766]

RADIO DIABLO, INC., AND KXOB, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARINGS ON STATED ISSUES

In re applications of Radio Diablo, Inc., Stockton, California, Docket No. 8873, File No. BPCT-363; KXOB, Inc., Stockton, California, Docket No. 10766, File No. BPCT-1091; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of November 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 13 in Stockton, California; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Radio Diablo, Inc., is legally, financially and technically qualified to construct, own and operate a television broadcast station; and that KXOB, Inc., is legally and technically qualified to construct, own and operate a television broadcast station;

It further appearing that Radio Diablo, Inc., filed a letter on November 24, 1953, stating, inter alia: that the Commission, on September 21, 1953, sent pre-hearing letters to each of the above-entitled applicants, stating that any reply should be filed within thirty days from the date of that notice and that "In the absence of a reply from you concerning the above matters, your application will be subject to dismissal pursuant to the provisions of § 1.381 of the Commission's rules"; that on October 21, 1953, Radio Diablo, Inc., filed an amendment to its application; that on October 21, 1953, KXOB, Inc., filed a letter requesting that the Commission defer action on designating the competing Stockton applications for hearing for a period of two weeks to permit completion and filing of an amendment; that by letter of October 29, 1953, "the Commission advised Radio Diablo, Inc., that it was unable to resolve certain questions and requested further advice from the applicant within ten days thereof"; that on November 9, 1953, Radio Diablo, Inc., filed a response to the Commission's letter of October 29, 1953, providing information and statements concerning the matters raised therein; that on November 4, 1953, KXOB, Inc., filed an amendment to its application, the covering letter stating that "it may be necessary to tender still another amendment to the application in the near future"; that "on November 12, 1953, the Commission addressed another letter to KXOB, Inc., advising of financial deficiencies in the proposal of KXOB, Inc., and directed that 'your reply and any appropriate amendments to your application should be filed in triplicate on or before November 23, 1953'"; and that the application of KXOB, Inc., should be dismissed pursuant to the provisions of § 1.381 of the Commission's rules; and

It further appearing that, on November 23, 1953, KXOB, Inc., filed a letter stating that an amendment "will be submitted in the course of the next day or two"; that the replies filed by KXOB, Inc., on October 21, 1953, and November 23, 1953, were submitted within the times specified by the Commission in its letters of September 21, 1953, and November 12, 1953, respectively, and indicated an intention on the part of KXOB, Inc., to prosecute its application as did its amendment of November 4, 1953; that Radio Diablo, Inc., has not been prejudiced in any respect by the actions of which it complains; and that dismissal of the application of KXOB, Inc., is not warranted on the basis of the above facts;

It further appearing that, by letters of October 21, 1953, and October 23, 1953, respectively, KXOB, Inc., and Radio Diablo, Inc., requested, inter alia, that the order designating the above-entitled applications for hearing include an issue drawn in the light of the provisions of section 307 (b) of the Communications Act of 1934, as amended; and

It further appearing that, inasmuch as both of the above-entitled applications specify operation on the same channel assigned to the same city in the Commission's Table of Assignments, the inclusion of such an issue is not warranted.

*It is ordered*, That the request of Radio Diablo, Inc., to dismiss the application of KXOB, Inc., as set forth in its letter filed November 24, 1953, is denied.

*It is further ordered*, That the requests of KXOB, Inc., and Radio Diablo, Inc., in their letters of October 21, 1953, and October 23, 1953, respectively, to include an issue drawn under section 307 (b) of the Communications Act, are denied.

*It is further ordered*, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 24th day of December 1953, in Washington, D. C., upon the following issues:

1. To determine whether KXOB, Inc., is financially qualified to construct, own and operate its proposed television broadcast station.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

*It is further ordered*, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to Radio Diablo, Inc. will give reasonable assurance that the proposals set forth in its application will be effectuated.

Released: November 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10123; Filed, Dec. 2, 1953; 8:55 a. m.]

[Docket Nos. 10767-10770]

TELEPHONE ANSWERING SERVICE ET AL

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mrs. Pearl Forester, d/b as Telephone Answering Service, Dallas, Texas, Docket No. 10767, File No. 180-C2-P-53; Radio Paging, Dallas, Texas, Docket No. 10768, File No. 363-C2-P-53; George A. Smith, Dallas, Texas, Docket No. 10769, File No. 607-C2-P-53; O. B. English, d/b as Radio Communications Company, Fort Worth, Texas, Docket No. 10770, File No. 927-C2-P-53; For construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 25th day of November 1953;

The Commission, having under consideration the above-entitled applications for one-way signaling authorizations in the Domestic Public Land Mobile Radio Service in Dallas and Fort Worth, Texas; and

It appearing that the number of applicants for facilities in this area exceeds the number of frequencies available; and

It further appearing that the above-entitled applications request authorizations in the same or overlapping service areas and that a grant of such applications might result in harmful mutual interference; and

It further appearing that, in accordance with § 6.409 of the Commission's rules, each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area, in order to permit the rendition of service on an interference-free basis; and

It further appearing that the Commission has advised each of the above-entitled applicants by letter dated July 21, 1953, pursuant to the provisions of section 309 (b) of the Communications Act, as amended, as to the reasons why his application cannot be granted without hearing, and no replies have been received thereto;

*It is ordered*, That, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m. on January 4, 1954 upon the following issues:

1. To determine the technical and other qualifications (except legal and financial) of each of the above-entitled applicants to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to receive service from each of the proposed facilities and the need for such service in the areas proposed to be served.

3. To determine whether any mutual interference would result from operation of the proposed stations, and, if so, whether, in view of the nature of the service proposed, such interference would be undesirable or intolerable.

4. To determine whether, and to what extent, co-channel operations are feasible between the communities involved in this proceeding.

5. To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices, and services of each applicant for the furnishing of Domestic Public Land Mobile Radio Service.

6. To determine, in the light of the evidence adduced on the foregoing issues which applicants are best qualified to serve the public interest, convenience or necessity.

Released: November 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10124; Filed, Dec. 2, 1953; 8:55 a. m.]

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[Docket Nos. 10771, 10772]

RADIO PAGING AND JOHN R. SUTHERLAND

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Radio Paging, St. Louis, Missouri, Docket No. 10771, File No. 589-C2-P-53; John R. Sutherland, St. Louis, Missouri, Docket No. 10772, File No. 868-C2-P-53; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 25th day of November 1953;

The Commission, having under consideration the above-entitled applications for one-way signaling authorizations in the Domestic Public Land Mobile Radio Service in St. Louis, Missouri; and

It appearing, that the number of applicants for facilities in this area exceeds the number of frequencies available; and

It further appearing that the above-entitled applications request authorizations in the same or overlapping service areas and that a grant of such applications might result in harmful mutual interference; and

It further appearing that, in accordance with § 6.409 of the Commission's rules, each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area, in order to permit the rendition of service on an interference-free basis; and

It further appearing that the Commission has advised each of the above-entitled applicants by letter dated September 29, 1953, pursuant to the provisions of section 309 (b) of the Communications Act, as amended, as to the reasons why his application cannot be granted without hearing, and that no replies to such letters have been received;

*It is ordered*, That, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m. on February 1, 1954, upon the following issues:

1. To determine the technical and other qualifications (except legal and financial) of each of the above-entitled applicants to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to receive service from the proposed facilities and the need for such service in the areas proposed to be served.

3. To determine whether any mutual interference would result from operation of the proposed stations, and, if so, whether, in view of the nature of the service proposed, such interference would be undesirable or intolerable.

4. To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices and services of each applicant for the furnishing of Domestic Public Land Mobile Radio Service.

5. To determine, in the light of the evidence adduced on the foregoing issues, which applicant is better qualified to serve the public interest, convenience or necessity.

Released: November 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10125; Filed, Dec. 2, 1953; 8:56 a. m.]

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[Docket Nos. 10773-10775]

SEATTLE RADIO TELEPHONE SERVICE ET AL

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Lewis Maxwell Kelley and R. E. Rogers, d/b as Seattle Radio Telephone Service, Seattle, Washington, Docket No. 10773, File No. 351-C2-P-53; Phil Duryee, d/b as Radio Contact, Seattle, Washington, Docket No. 10774, File No. 379-C2-P-53; Radio Dispatch, Inc., d/b as Radiosignal Service, Seattle, Washington, Docket No. 10775, File No. 421-C2-P-53; for construction permits for one-way signaling stations in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 25th day of November 1953;

The Commission, having under consideration the above-entitled applications for one-way signaling authorizations in the Domestic Public Land Mobile Radio Service in Seattle, Washington; and

It appearing that the number of applicants for facilities in this area exceeds the number of frequencies available; and

It further appearing that the above-entitled applications request authorizations in the same or overlapping service areas and that a grant of such applications might result in harmful mutual interference; and

It further appearing that, in accordance with § 6.409 of the Commission's rules, each frequency available for assignment in the Domestic Public Land Mobile Radio Service is normally assigned exclusively to a single applicant in any service area, in order to permit the rendition of service on an interference-free basis; and

It further appearing that the Commission has advised each of the above-entitled applicants by letter dated February 16, 1953, pursuant to the provisions of section 309 (b) of the Communications Act, as amended, as to the reasons why his application cannot be granted without hearing, and has carefully considered all responses thereto and is still of the opinion that a hearing is necessary;

*It is ordered*, That, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m. on January 18, 1954, upon the following issues:

1. To determine the technical and other qualifications (except legal and financial) of each of the above-entitled applicants to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to receive service from the proposed facilities and the need for such service in the area proposed to be served.

3. To determine whether any mutual interference would result from operation of the proposed stations, and, if so, whether in view of the nature of the service proposed, such interference would be undesirable or intolerable.

4. To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices and services of each applicant for the furnishing of Domestic Public Land Mobile Radio Service.

5. To determine, in the light of the evidence adduced on the foregoing issues, which applicants are best qualified to serve the public interest, convenience or necessity.

Released: November 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10126; Filed, Dec. 2, 1953; 8:56 a. m.]

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[Docket No. 10786]

COLUMBIA BROADCASTING SYSTEM, INC.

ORDER TO SHOW CAUSE

1. The Commission has today (November 25, 1953) adopted rules revising the multiple ownership limitations (Docket 8967). As so revised, § 3.35 (a) (2) prohibits the holding of interests in more than seven standard broadcast stations. Since Columbia Broadcasting System, Inc. now owns six such stations and has minority interests in three others, its holdings contravene the cited rule.

2. In this connection, the following excerpt from the Report and Order is in point:

• • • only a very few parties have holdings in excess of seven. As to these latter few, orders to show cause why they should not divest themselves of so much of their holdings as is necessary to bring about conformity with the subject rule, will be issued. Decision as to whether or not divestment will be required will be made on the basis of the arguments adduced and the factors involved in each case.

3. In view of the foregoing: *It is ordered*, Pursuant to sections 303 (f) and 316 of the Communications Act of 1934, as amended, that Columbia Broadcasting System, Inc. show cause, by written reply submitted by December 31, 1953, why it should not, within a period of 3 years from the release date of this order, make such divestment of its present holdings as to bring them into conformity with the seven station limitation specified by § 3.35 (a) (2).

Adopted: November 25, 1953.

Released: November 27, 1953.

By direction of the Commission.

[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10127; Filed, Dec. 2, 1953; 8:56 a. m.]

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[Docket No. 10787]

J. ELROY McCAW

ORDER TO SHOW CAUSE

In the matter of standard broadcast holdings of J. Elroy McCaw; Docket No. 10787.

1. The Commission has today (November 25, 1953) adopted rules revising the multiple ownership limitations (Docket 8967). As so revised, § 3.35 (a) (2) prohibits the holding of interests in more than seven standard broadcast stations. Since you now have interests in eight such stations, your holdings contravene the cited rule.

2. In this connection, the following excerpt from the Report and Order is in point:

• • • only a very few parties have holdings in excess of seven. As to these latter few, orders to show cause why they should not divest themselves of so much of their holdings as is necessary to bring about conformity with the subject rule, will be issued. Decision as to whether or not divestment will be required will be made on the basis of the arguments adduced and the factors involved in each case.

3. In view of the foregoing: *It is ordered*, Pursuant to sections 303 (f) and 316 of the Communications Act of 1934, as amended, that you show cause, by written reply submitted by December 31, 1953, why you should not, within a period of 3 years from the release date of this order, make such divestment of your present holdings as to bring them into conformity with the seven station limitation specified by § 3.35 (a) (2).

Adopted: November 25, 1953.

Released: November 27, 1953.

By direction of the Commission.

[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10128; Filed, Dec. 2, 1953; 8:56 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3237]

ADOLF GOBEL, INC.

ORDER SUMMARILY SUSPENDING TRADING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 27th day of November A. D. 1953.

The Commission by order adopted March 13, 1953, pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, having summarily suspended trading in the $1.00 par value common stock of Adolf Gobel, Inc., on the American Stock Exchange for a period of ten days from that date, and subsequently having entered additional orders further suspending such trading in order to prevent fraudulent, deceptive or manipulative acts or practices; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on that Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder, for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

*It is ordered*, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, effective at the opening of the trading session on said Exchange on November 30, 1953, for a period of ten days.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53-10100; Filed, Dec. 2, 1953; 8:49 a. m.]

[File No. 70-3150]

CENTRAL AND SOUTH WEST CORP.

NOTICE OF FILING REGARDING ISSUANCE OF NOTES

NOVEMBER 27, 1953.

Notice is hereby given that a declaration has been filed with this Commission by Central and South West Corporation ("Central"), a registered holding company, pursuant to the Public Utility Holding Company Act of 1935 ("act"), and that declarant has designated sections 6 (a) and 7 thereof as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than December 14, 1953 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said declaration as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Pursuant to two loan agreements, the one between Central and The First National Bank of Chicago, Bankers Trust Company, The Chase National Bank of the City of New York, Harris Trust and Savings Bank, and Equitable Security Trust Company, and the other between Central and John Hancock Mutual Life Insurance Company, Central proposes to borrow up to an aggregate amount not exceeding $12,750,000, of which not exceeding $10,000,000 will be borrowed from said banks from time to time, from December 31, 1953, to December 31, 1954, and of which $2,750,000 will be borrowed from said insurance company on December 31, 1953. Each loan will be evidenced by a promissory note or notes of Central maturing December 31, 1955, and bearing interest from the date thereof until maturity at the rate of 3½ percent per annum, payable semiannually June 30 and December 31 of each year, and after maturity at the rate of 6 percent per annum. Under the loan agreements between Central and said banks and said insurance company, each of the notes (but in the case of notes payable to said banks, only those notes outstanding on December 1, 1955) may be renewed by a new note or notes dated December 31, 1955, maturing December 31, 1957, and bearing interest until maturity at an annual rate equal to ½ of 1 percent above the prime rate then in effect at The First National Bank of Chicago, but not less than 3½ percent or more than 3¾ percent per annum, and after maturity at the rate of 6 percent per annum.

Under the loan agreement with said banks, Central may prepay at any time, or from time to time, any of such notes, in whole or in part, without premium, unless prepayment is made from the proceeds of any bank borrowings (other than from said banks), in which event Central shall pay a premium of ½ of 1 percent of the amount of any prepayment made on or prior to December 31, 1956, and of ¼ of 1 percent of any prepayment made thereafter. Said agreement further provides for the payment of a commitment fee computed from December 31, 1953, to December 31, 1954, at the rate of ½ of 1 percent per annum on the daily average unused amount of the commitment of each said bank, Central having the right to terminate on five days written notice the unused amount of the commitment of said banks. Under the loan agreement with the insurance company, Central may prepay, without premium, at any time, or from time to time, the insurance company note, in whole or in part, except where such prepayment is made directly or indirectly from the proceeds of any loan from any bank or insurance company (other than said insurance company), in which event the company shall pay at the same time a premium equal to ½ of 1 percent of the amount of the prepayment made on or prior to December 31, 1956, and equal to ¼ of 1 percent of the amount of the prepayment if made thereafter. Any such "loan" shall not include the purchase of debentures and other securities of Central payable five years or more from the date thereof, or serially during said period. Both loan agreements provide that if a prepayment is made, 78 percent of such prepayment shall be made under the agreement with said banks, and 22 percent under the agreement with said insurance company.

The entire proceeds of the bank loans will be invested by Central in common stock of one or more of its subsidiaries and will be used by such subsidiaries to finance, in part, their immediate construction programs. The note to the insurance company will be delivered in full payment and discharge of the 3 percent notes of Central now outstanding in the aggregate principal amount of $2,750,000 payable to said insurance company which mature January 1, 1954, to July 1, 1959. The declaration states that it is contemplated that the proposed notes will be paid at or before their maturity, or their extended maturity, through the issuance and sale by Central of such securities as may be appropriate and approved by the Commission. By amendment to the declaration, Central agrees that such securities will meet the requirements of section 7 (c) (1) of the act or that it will demonstrate that such securities are for necessary and urgent corporate purposes and that the requirements of section 7 (c) (1) would impose an unreasonable financial burden upon Central and are not necessary or appropriate in the public interest or for the protection of investors or consumers.

Central requests authority to renew on December 31, 1955, the notes to be issued under the bank loan agreement and the note to be issued under the insurance company agreement by the issuance of the renewal notes described above. The declaration as amended states that should the Commission prefer to withhold action at this time with respect to the renewal notes, Central requests the Commission to retain jurisdiction with respect thereto.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Fees and expenses are estimated at $4,500, including legal fees not to exceed $1,500 to be paid to counsel for the insurance company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10102; Filed, Dec. 2, 1953; 8:50 a. m.]

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[File No. 70-3153]

COLUMBIA GAS SYSTEM, INC., AND CUMBERLAND AND ALLEGHENY GAS CO.

NOTICE REGARDING ISSUANCE AND SALE OF INSTALLMENT NOTES BY SUBSIDIARY TO HOLDING COMPANY

NOVEMBER 27, 1953.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly owned subsidiary Cumberland and Allegheny Gas Company ("Cumberland") have filed a joint application with the Commission pursuant to sections 6 (b), 9 and 10 of the Public Utility Holding Company Act of 1935 ("the act"). All interested persons are referred to said application for a more detailed statement of the transactions therein proposed, which are summarized as follows:

Cumberland, a West Virginia corporation, is a gas utility company operating in the States of West Virginia and Maryland. In order to provide additional cash required to complete its 1953 construction program, Cumberland proposes to issue and sell at par from time to time, but not later than March 31, 1954, and Columbia proposes to buy, $1,450,000 principal amount of Cumberland's -- percent Installment Promissory Notes. Said Notes will become due in equal annual installments on February 15 of each of the years 1955 to 1979 inclusive. Interest on the unpaid principal will be payable semi-annually on February 15 and August 15 at the rate of 4 percent per annum or such lower rate, being a multiple of ⅛th of 1 percent, as shall be not less than the cost of money to Columbia in its next sale of Debentures. Any Notes issued prior to the sale of Debentures by Columbia will bear interest at 4 percent per annum, subject to change as set forth above.

Cumberland has applied to the Public Service Commission of West Virginia for approval of the proposed issue of notes and the filing indicates that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

The expenses of applicants in connection with the proposed transactions are estimated at $1,895 for Cumberland and $150 for Columbia.

It is requested that the Commission's order be expedited and made effective upon issuance.

Notice is further given that any interested person may, not later than December 14, 1953, at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10103; Filed, Dec. 2, 1953; 8:50 a. m.]

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[File No. 70-3154]

CENTRAL AND SOUTH WEST CORP. ET AL.

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARIES AND ACQUISITION THEREOF BY PARENT

NOVEMBER 27, 1953.

In the matter of Central and South West Corporation, Central Power and Light Company, Public Service Company of Oklahoma, Southwestern Gas and Electric Company; File No. 70-3154.

Notice is hereby given that Central and South West Corporation ("Central") and its public-utility subsidiaries, Central Power and Light Company ("Power and Light"), Public Service Company of Oklahoma ("Public Service"), and Southwestern Gas and Electric Company ("Southwestern"), all of whose common stocks are owned by Central, have filed a joint application-declaration pursuant to section 6 (a), 7, 9, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 of the rules and regulations promulgated thereunder with this Commission with respect to proposed transactions which are summarized as follows:

A. Power and Light proposes:

(1) By amendment to its Articles of Incorporation to increase the number of authorized shares of its common stock ($10 par value) from 2,397,300 shares to 2,697,300 shares.

(2) On or about January 4, 1954, to issue, sell and deliver 300,000 shares of its common stock ($10 par value) to Central for the sum of $3,000,000, payable in cash upon delivery of the shares.

B. Public Service proposes:

(1) On or before December 31, 1953, to issue and deliver 300,000 additional shares of its common stock ($10 par value) to Central and to transfer on its books from "Earned Surplus" to "Stated Capital" in respect of its common stock, the sum of $10 for each of said additional shares, or a total of $3,000,000.

(2) On or before December 31, 1953, to issue, sell and deliver 300,000 shares of its common stock ($10 par value) to Central for the sum of $3,000,000, payable in cash upon delivery of the shares.

C. Southwestern proposes:

(1) On or before December 31, 1953, to issue, sell and deliver 100,000 shares of its common stock ($10 par value) to Central for the sum of $1,000,000, payable in cash upon delivery of the shares.

D. Central proposes:

(1) To purchase and pay for in cash, at par, the 300,000 shares of common stock of Power and Light on the terms stated in paragraph A (2).

(2) To acquire the 300,000 shares of common stock of Public Service to be issued as stated in paragraph B (1).

(3) To purchase and pay for in cash, at par, the 300,000 shares of common stock of Public Service on the terms stated in paragraph B (2) above.

(4) To purchase and pay for in cash, at par, the 100,000 shares of common stock of Southwestern on the terms stated in paragraph C (1) above.

The joint application-declaration recites that the proposed issue and sale of the additional common shares by Power and Light, Public Service and Southwestern to Central is necessary to finance, in part, the construction programs of the respective companies. The purchase of the shares by Central will be made out of funds received from the sale of 606,034 shares of its common stock as authorized by this Commission (File No. 70-3094).

The declaration states that no Federal or State commission, other than this Commission and the Corporation Commission of the State of Oklahoma, has jurisdiction over any of the proposed transactions.

Fees and expenses are estimated at $28,000.

Notice is further given that any interested person may, not later than December 14, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said filing which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 14, 1953, such joint application-declaration as filed or as amended, may be granted, or permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10101; Filed, Dec. 2, 1953; 8:49 a. m.]



## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29637]

PAPER FROM YULEE, FLA., TO WESTERN TRUNK LINE TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 27, 1953

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Paper and paper articles, carloads.

From: Yulee, Fla.

To: Points in western trunk-line territory.

Grounds for relief: Rail competition, circuity, market competition, to maintain grouping, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1378, supp. 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10069; Filed, Dec. 1, 1953; 8:48 a. m.]

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[4th Sec. Application 29638]

CASTOR POMACE FROM CAMERON, TEX., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 27, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Castor pomace, carloads.

From: Cameron, Tex.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuity, and market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, supp. 130.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10070; Filed, Dec. 1, 1953; 8:48 a. m.]

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[4th Sec. Application 28689]

PETROLEUM PRODUCTS FROM SUPERIOR, WIS., TO MINNESOTA

APPLICATION FOR RELIEF

NOVEMBER 27, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the aggregate-of-intermediates provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Duluth, Missabe and Iron Range Railway Company, the Duluth, Winnipeg & Pacific Railway Company, and Great Northern Railway Company for carriers parties to schedules listed below.

Commodities involved: Refined petroleum products, in tank-car loads.

From: Superior, Wis.

To: Points in Minnesota.

Grounds for relief: Competition with rail carriers and competition with motor carriers.

Schedules filed containing proposed rates: D. M. & I. R. Railway tariff I. C. C. No. A-110, D. W. & P. Railway tariff I. C. C. No. 286, supp. 134, G. N. Railway tariff I. C. C. No. A-8163, supp. 76.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10071; Filed, Dec. 1, 1953; 8:48 a. m.]

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[4th Sec. Application 28690]

FISH FROM MENOMINEE, MICH., TO POINTS IN MARYLAND, PENNSYLVANIA, VIRGINIA, AND WEST VIRGINIA

APPLICATION FOR RELIEF

NOVEMBER 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff I. C. C. No. 4542, pursuant to fourth-section order No. 17220.

Commodities involved: Fish, pickled, in barrels, boxes, kits, pails or tubs, carloads.

From: Menominee, Mich.

To: Points in Maryland, Pennsylvania, Virginia, and West Virginia.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10104; Filed, Dec. 2, 1953; 8:50 a. m.]

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[4th Sec. Application 28691]

MAGAZINES OR PERIODICALS FROM BRIDGEPORT, CONN., TO KANSAS CITY, MO.

APPLICATION FOR RELIEF

NOVEMBER 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: I. N. Doe, Agent, for carriers parties to schedule listed below.

Commodities involved: Magazines or periodicals, also sections or parts thereof, and newspaper supplements, carloads.

From: Bridgeport, Conn.

To: Kansas City, Mo.

Grounds for relief: Competition with rail carriers, circuitous routes, and competition with motor carriers.

Schedules filed containing proposed rates: I. N. Doe, Agent, I. C. C. No. 604, supp. 35.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10105; Filed, Dec. 2, 1953; 8:50 a. m.]

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Office Room

THE NATIONAL ARCHIVES

# FEDERAL REGISTER

LITTERA SCRIPTA MANET

1934

OF THE UNITED STATES

VOLUME 18 NUMBER 236

*Washington, Friday, December 4, 1953*

## TITLE 3—THE PRESIDENT

### PROCLAMATION 3039

UNITED NATIONS HUMAN RIGHTS DAY, 1953

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Universal Declaration of Human Rights was adopted by the General Assembly of the United Nations on December 10, 1948, as a common standard of achievement, and the anniversary of its adoption is now celebrated throughout the world as a time to increase understanding of this great document; and

WHEREAS the Universal Declaration of Human Rights proclaims that recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world, and declares that the basis of the authority of government shall be the will of the people; and

WHEREAS these essential principles of liberty and free government are affirmed likewise in our Declaration of Independence, the Constitution of the United States, and the Constitutions and basic laws of our States and territories:

NOW, THEREFORE, I, DWIGHT D EISENHOWER, President of the United States of America, do hereby call upon the people of the United States to observe December 10, 1953, as United Nations Human Rights Day. The guardian of our heritage of individual liberty is the sacred obligation of every citizen of our Republic. Let us study the Universal Declaration of Human Rights and the Bills of Rights in our own Constitutions and basic laws, that they may arouse our consciences to the need to defend our liberties and to extend the frontiers of freedom, thus hastening the day when all people, of whatever nation, race, or creed, will be secure in the enjoyment of their human rights and fundamental freedoms.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of November in the year of our Lord nineteen hundred and fifty-three, and of the Independence of the United States of America the one hundred and seventy-eighth.

[SEAL] DWIGHT D EISENHOWER

By the President:

JOHN FOSTER DULLES, *Secretary of State.*

[F. R. Doc. 53-10269; Filed, Dec. 2, 1953; 5:06 p. m.]

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## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FARM CREDIT ADMINISTRATION

Effective December 4, 1953, § 6.365 is added as set out below.

§ 6.365 *Farm Credit Administration.* (a) Four Directors of Credit Services.

(b) One General Counsel.

(c) One Special Assistant to the Governor.

(R. S. 1753, sec. 2, 22 Stat. 403, 5 U. S. C. 631, 633. E. O. 10440, Mar. 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 53-10171; Filed, Dec. 3, 1953; 8:53 a. m.]

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### Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Dept. Reg. 108.201]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

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## CODIFICATION GUIDE—Con.

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1. Effective as of the beginning of the first pay period following December 5, 1953, paragraph (b) is amended by the deletion of the following posts:

El Djema Sahim (Safi Area), Morocco.
Brazil, all posts in states and territories other than those named under Brazil above, except Araraquara, Belo Horizonte, Fazenda Ipanema, Kilometer 47 (Research and Teaching Center 28 miles west of Rio de Janeiro), Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, Sao Paulo and Vicosa.

2. Effective as of the beginning of the first pay period following December 5, 1953, paragraph (c) is amended by the deletion of the following post:

Antofagasta, Chile.

3. Effective as of the beginning of the first pay period following December 5, 1953, paragraph (d) is amended by the deletion of the following posts:

Rabat-Sale Air Field, Morocco.
Salvador, Bahia, Brazil.

4. Effective as of the beginning of the first pay period following December 5, 1953, paragraph (b) is amended by the addition of the following posts:

Brazil, all posts in states and territories other than those named under Brazil above, except Araraquara, Belo Horizonte, Fazenda Ipanema, Kilometer 47 (Research and Teaching Center 28 miles west of Rio de Janeiro), Pocos de Caldes, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Salvador (Bahia), Santos, Sao Paulo and Vicosa.

5. Effective as of the beginning of the first pay period following July 4, 1953, paragraph (d) is amended by the addition of the following post:

Bar le Duc, France.

6. Effective as of the beginning of the first pay period following December 5, 1953, paragraph (d) is amended by the addition of the following posts:

Antofagasta, Chile.
Pocos de Caldes, Brazil.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

[SEAL] DONOLD B. LOURIE,
*Under Secretary for Administration.*

NOVEMBER 25, 1953.

[F. R. Doc. 53-10175; Filed, Dec. 3, 1953; 8:54 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter I—Farm Credit Administration

REDESIGNATION OF CHAPTER HEADNOTE

EDITORIAL NOTE: In accordance with the provisions of Public Law 202, 83d Congress, the headnote of Chapter I of Title 6 is redesignated as set forth above.

### Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

**Subchapter C—Loans, Purchases, and Other Operations**

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 4, Barley]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 18 F. R. 1963, 4617, 5131, and 5617, and containing the specific regulations for the 1953-Crop Barley Price Support Program are hereby amended as follows:

Section 601.33 (c) (1) is amended by adding to the list of basic county support rates: Cross County, Arkansas—$1.33 per bushel.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053, 15 U. S. C. Sup. 714; 7 U. S. C. Sup. 1447, 1421)

Issued this 30th day of November 1953.

[SEAL] HOWARD H. GORDON,
*President,*
*Commodity Credit Corporation.*

[F. R. Doc. 53-10179; Filed, Dec. 3, 1953; 8:55 a. m.]

[1954 C. C. C. Wheat Bulletin A, Revised]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1954 WHEAT PRICE SUPPORT PROGRAM

Certain changes in these regulations are appropriate at this time for the efficient operation of the program. Rather than issuing the several amendments necessary we are, for purposes of clarity, making the changes necessary by issuing this 1954 C. C. C. Wheat Bulletin A, Revised, which reads as follows:

Sec.
601.426 Administration.
601.427 Applicability of §§ 601.426 through 601.428.
601.428 Definitions.

AUTHORITY: §§ 601.426 to 601.428 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 401, 408, 63 Stat. 1054; 15 U. S. C. Sup., 714c, 7 U. S. C. Sup. 1421, 1428.

§ 601.426 *Administration.* The program will be carried out under the general supervision and direction of the President, Commodity Credit Corporation, by Production and Marketing Administration (hereinafter referred to as PMA) through State and county PMA committees.

§ 601.427 *Applicability of §§ 601.426 through 601.428.* Sections 601.426 through 601.428 shall govern the eligi-

bility of producers and wheat under the 1954 Wheat Price Support Operations insofar as compliance with 1954 acreage allotments on wheat is concerned.

§ 601.428 *Definitions.* As used in this subpart and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Farm.* "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Assistant Administrator for Production, PMA, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(b) *Farm acreage allotment.* Means that wheat acreage allotment established for the farm under Title 7, Part 728—Wheat, Subpart—Regulations Pertaining to Farm Acreage Allotment for 1954 Crop, as published in the FEDERAL REGISTER under date of June 3, 1953.

(c) *Wheat acreage.* (1) Wheat acreage means (i) the acreage seeded to wheat, excluding (*a*) any acreage seeded to a wheat mixture in wheat mixture counties approved by the Director, Grain Branch, PMA, and, (*b*) any acreage seeded in counties approved by the Director, Grain Branch, PMA, including drought counties approved by the President of the United States of America, for use as green manure, cover crop and hay, and which does not reach maturity and (ii) the acreage of volunteer (self-seeded) wheat which reaches maturity.

(2) Acreage seeded to wheat will not be considered as an acreage of wheat for the farm to the extent that (i) it has been totally destroyed by any cause beyond the control of the producer and cannot be reseeded and (ii) an additional acreage of wheat subsequently seeded with prior approval of the county committee, or an acreage of volunteer wheat, with approval of the county committee, or both, is substituted for the destroyed acreage.

(d) *Eligible producer.* (1) An eligible producer shall be any individual, partnership, association, corporation or other legal entity producing wheat in 1954 on a farm on which the 1954 wheat acreage is not in excess of the 1954 wheat acreage allotment established for such farm: *Provided, however,* That no such producer shall be eligible for price support on eligible wheat until he is entitled to receive a wheat marketing card or a wheat marketing certificate for each farm on which he has an interest in the 1954 wheat crop, located in the same county as the farm on which the eligible wheat was produced.

(2) A producer shall not be deemed to be in excess of the acreage allotment for the farm unless the producer operating such farm knowingly exceeded the acreage allotment. If the acreage allotment is in fact exceeded, such allotment shall be considered as having been knowingly exceeded unless it is determined by the county committee on the basis of evidence submitted by such producer that the acreage allotment was unknowingly exceeded: *Provided, however,* That if the allotment is in fact exceeded by more than two percent or two acres, whichever is larger, the county committee shall submit its findings and recommendations to the State committee which shall make the determination as to whether the allotment was unknowingly exceeded. If the producer made no direct effort by measuring or otherwise to comply with the allotment, he shall be determined to have knowingly exceeded the allotment. If the producer is determined to have unknowingly exceeded the allotment, the acreage shall be deemed to be within the acreage allotment for the purpose of price support only. Any producer who is dissatisfied with any determination of the county committee respecting his compliance or eligibility may, within 15 days after the notification to him of such determination by the county committee, appeal to the State committee in writing. Such appeal shall contain all the facts constituting the basis of his claim that the county committee determination is improper.

(e) *Eligible wheat.* No wheat other than wheat which is produced by an eligible producer in 1954 on a farm on which the wheat acreage is within the farm acreage allotment shall be eligible for price support.

Done at Washington, D. C., this 1st day of December 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10180; Filed, Dec. 3, 1953; 8:55 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

### Subchapter A—Civil Air Regulations

[Supp. 18]

### PART 60—AIR TRAFFIC RULES

### CERTIFICATE OF WAIVER

The purpose of this supplement is to publish current policies under which the Administrator of Civil Aeronautics will authorize persons conducting special flight operations to deviate from Air Traffic Rules.

Section 60.1-1, published on September 27, 1951, in 16 F. R. 9802, is revoked, and new §§ 60.1-1 through 60.1-4 are added to read:

§ 60.1-1 *Sections of this part which may be waived (CAA policies which apply to § 60.1 (b)).* (a) A Certificate of Waiver or Authorization, Form ACA-663, will be issued to authorize noncompliance with any section of this part for a special flight operation when the operation can be conducted under the terms and conditions of a certificate which will provide a reasonable degree of safety to other air traffic and to persons and property on the ground. Deviations from the following section of this part for special flight operations are considered routine and generally will be approved by the local Aviation Safety Agent:

(1) Section 60.16, Acrobatic flight.

(2) Section 60.17, Minimum safe altitudes.

(3) Section 60.18, Operation on and in the vicinity of an airport.

(4) Section 60.23, Aircraft lights.

(b) Deviation from other sections of this part may require approval by authority higher than the local Aviation Safety Agent, and the application for such deviation should be submitted sufficiently in advance of the contemplated operation to allow time for the additional approval procedure to be completed. Normally, ten days is sufficient time to complete the approval procedure for such deviations.

§ 60.1-2 *Terms and conditions of a certificate of waiver (CAA policies which apply to § 60.1 (b)).* A Certificate of Waiver or Authorization, Form ACA-663, which authorizes noncompliance with one or more sections of this part for a special flight operation will be subject to the following terms and conditions:

(a) *Authorization.* The certificate will authorize noncompliance with only those sections of the Air Traffic Rules listed on the certificate. It will not relieve the holder from compliance with any state or local law or ordinance which may apply to the operation.

(b) *Duration.* The certificate will contain an expiration date to allow ample time for completion of the operation, not to exceed one year. It may be surrendered by the holder or cancelled by the Administrator at any time.

(c) *Special provisions.* (1) The certificate will contain such special provisions as the approving agent may deem necessary in the interest of safety and appropriate to the operation to be performed. Examples of special provisions which may be placed in the certificate are:

(i) A thorough inspection of the aircraft, engine, and special equipment shall be made prior to each day's operation.

(ii) A planned course of action shall be followed with emphasis on selection of available emergency landing areas.

(iii) A capable and experienced pilot holding at least a commercial rating shall be used as pilot.

(iv) Appropriate officials of the community involved shall be notified prior to the beginning of the operations.

(v) Air traffic control for the area involved shall be notified prior to the beginning of the operations.

(2) In addition, specific installations or precautions will be required where they are deemed necessary to insure safety during the use of special equipment, or necessary for the particular areas or types of operation involved.

§ 60.1-3 *Certificate of waiver for air shows, meets, races, etc. (CAA policies which apply to § 60.1 (b)).* The following policies, in addition to those contained in § 60.1-2, apply to a Certificate of Waiver or Authorization for an air show, air meet, air race, or other aeronautical demonstration for which noncompliance with any provision of this part is necessary.

(a) *Authorization.* Authorization will be issued only when the air show, meet, race, or other aeronautical demonstration will contribute directly to the advancement of, and public confidence in, aviation. The certificate will be issued only to an applicant who is directly in charge of the flight operation and responsible for compliance with the conditions of the waiver.

(b) *Acts for which authorization will not be granted.* Approval will not be given for the following acts:

(1) Intentional aircraft crashes.

(2) Dog fighting.

(3) "Crazy" flying.

(4) Acrobatics not under direct control (communications) provided by the applicant.

(5) Acrobatics or inverted flight below an altitude of 100 feet.

(6) Flight closer than 500 feet horizontally to the spectators.

(c) *Special provisions.* The certificate may contain any of the following provisions:

(1) All acts shall be approved in writing by the local agent before they may be performed.

(2) Participants in a specific act shall, if required by the local agent, demonstrate competency to perform the act prior to approval.

(3) First aid and fire fighting equipment shall be immediately available at the location of the demonstration.

(4) Provisions shall be made for control of spectators.

(5) The applicant shall establish a central operations point from which activities will be directed, and he or his representatives shall be immediately available at this point during activities.

(6) The applicant shall provide means to advise all participants that an activity has been halted.

(7) An activity shall be halted when unauthorized persons enter the operations area, or for any other reason in the interest of safety.

(8) No aircraft shall be flown closer than (specified distance) horizontally to spectators.

(9) Acrobatics or inverted flight shall not be demonstrated lower than (specified altitude).

(10) No object shall be dropped from an aircraft if the object will land within (specified distance) from spectators.

(11) A closed field signal, readily seen from an altitude of 3,000 feet, (large white "X") shall be displayed on the landing area when the activities are in progress.

(12) A physical barrier shall be provided to confine spectators to designated areas.

(13) A deadline readily visible to the participants, shall be provided to insure that aircraft will maintain the approved horizontal distance from the spectators.

(14) The holder shall notify the nearest CAA Airways Communication Station of the date, time, place, nature, and duration of the operations and request that an appropriate Notice to Airmen be disseminated.

(15) The course and pylons for races shall be located and spaced to provide protection to persons and property on the ground.

(16) The holder shall, prior to beginning activities, submit to the approving agent a written statement, signed by all participants that they have read and understand the conditions of the certificate of waiver.

(17) All participants shall be briefed on special field rules, and the manner and order of events before beginning activities.

(18) Clearance for all participating pilots and aircraft shall be obtained from the approving agent before beginning activities.

(19) All aircraft and special equipment shall be inspected prior to each day's operation.

(20) Any other special provisions which the approving agent may deem necessary in the interest of safety.

§ 60.1-4 *Application for waiver (CAA policies which apply to § 60.1 (b)).* An applicant for a Certificate of Waiver or Authorization for any special flight operation should comply with the following procedure:

(a) Obtain two copies of an Application for Certificate of Waiver, Form ACA-400, from the local Aviation Safety District Office.

(b) Fill out both copies of the application as follows:

(1) Type or print in ink.

(2) Give complete information on items 1 through 7 (items 1 through 13 for air shows).

(3) List, under item 3, all sections of this part for which a waiver is required.

(4) Sign both copies of the completed application on the reverse side in the space provided for the applicant's signature.

(c) Submit both copies of the application to the local Aviation Safety Agent.

(d) Arrange with the local Aviation Safety Agent for inspection of aircraft, aircraft records, personnel, etc., as appropriate for the operation involved.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective December 15, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-10134; Filed, Dec. 3, 1953; 8:45 a. m.]



## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 22]

### PART 600—DESIGNATION OF CIVIL AIRWAYS

### ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.14 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.)* is amended between the "Columbus, Ohio, radio range station" and the "Altoona, Pa., radio range station" to read: "Columbus, Ohio, radio range station; Wheeling, W. Va., nondirectional radio beacon; Pittsburgh, Pa., radio range station; New Alexandria, Pa., nondirectional radio beacon; Altoona, Pa., radio range station;".

2. Section 600.109 is amended to read:

§ 600.109 *Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.).* From the Charleston, S. C., radio range station via the Myrtle Beach, S. C., nondirectional radio beacon; Wilmington, N. C., VHF VAR radio range station; New Bern, N. C., VHF VAR radio range; Williamston, N. C., VHF VAR radio range station (excluding the portions between 11,000 feet and 16,000 feet and between 21,000 feet and 45,000 feet above mean sea level, during the hours of darkness, which lie within the Cherry Point, N. C., night danger area D-125); the intersection of the northeast course of the Williamston, N. C., VHF VAR radio range and the southwest course of the Norfolk, Va., radio range to the Norfolk, Va., radio range station.

3. Section 600.211 *Red civil airway No. 11 (Enid, Okla., to Boston, Mass.)* is amended by deleting the portion which reads: "Louisville, Ky., radio range station; the intersection of the east course of the Louisville, Ky., radio range and the southwest course of the Huntington, W. Va., radio range to the Huntington, W. Va., radio range station," and by adding the following portion in lieu thereof: "Louisville, Ky., radio range station to the intersection of the east course of the Louisville, Ky., radio range and a line bearing 358° True from the Lexington, Ky., nondirectional radio beacon,"

4. Section 600.213 *Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.)* is amended by changing the name of the facility at Wheeling, W. Va., from "outer marker compass locator" to "nondirectional radio beacon."

5. Section 600.218 is amended to read:

§ 600.218 *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).* From the intersection of the northwest

course of the Indianapolis, Ind., radio range and the northwest course of the Cincinnati, Ohio, radio range via the Cincinnati, Ohio, radio range station; Huntington, W. Va., nondirectional radio beacon; Charleston, W. Va., radio range station; Elkins, W. Va., radio range station; Front Royal, Va., radio range station to the intersection of the east course of the Front Royal, Va., radio range and the northwest course of the Washington, D. C., radio range.

6. Section 600.219 *Red civil airway No. 19 (Detroit, Mich., to Norfolk, Va.)* is amended between the "Detroit, Mich., radio range station" and "the intersection of the southeast course of the Morgantown, W. Va., radio range and the west course of the Front Royal, Va., radio range," to read: "From the Detroit, Mich., radio range station via the intersection of the southeast course of the Detroit, Mich., radio range and the west course of the Akron, Ohio, radio range; Akron, Ohio, radio range station; Morgantown, W. Va., radio range station to the intersection of the southeast course of the Morgantown, W. Va., radio range and the west course of the Front Royal, Va., radio range".

7. Section 600.220 *Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.)* is amended between "Akron, Ohio, radio range station;" and "Pittsburgh, Pa., radio range station;" by adding the following portion to read: "the intersection of the southeast course of the Akron, Pa., radio range and the northwest course of the Pittsburgh, Pa., radio range;".

8. Section 600.221 is amended by changing the caption to read: "*Red civil airway No. 21 (Selinsgrove, Pa., to Boston, Mass.)*", by deleting the first portion which reads: "From the intersection of the northeast course of the Pittsburgh, Pa., radio range and the west course of the Altoona, Pa., radio range via the intersection of the northeast course of the Pittsburgh, Pa., radio range and the north course of the Altoona, Pa., radio range; the Selinsgrove, Pa., nondirectional radio beacon to the Wilkes-Barre, Pa., radio range station." and by adding the following portion in lieu thereof: "From the Selinsgrove, Pa., nondirectional radio beacon to the Wilkes-Barre, Pa., radio range station."

9. Section 600.234 is amended to read:

§ 600.234 *Red civil airway No. 34 (Charleston, W. Va., to Weeksville, N. C.).* From the Charleston, W. Va., radio range station via the Pulaski, Va., radio range station to the Greensboro, N. C., radio range station. From the intersection of the northeast course of the Greensboro, N. C., radio range and the northwest course of the Raleigh, N. C., radio range via the Raleigh, N. C., radio range station; the intersection of the southeast course of the Raleigh, N. C., radio range and the southwest course of the Rocky Mount, N. C., VHF VAR radio range; Rocky Mount, N. C., VHF VAR radio range station; the intersection of the northeast course of the Rocky Mount, N. C., radio range and a line bearing 287° True from the Weeksville, N. C., Navy radio range to the Weeksville, N. C., Navy radio range station.

10. Section 600.257 *Red civil airway No. 57 (Des Moines, Iowa, to Youngstown, Ohio)* is amended by deleting the last portion which reads: "From the intersection of the west course of the Cleveland, Ohio, radio range and the northwest course of the Akron, Ohio, radio range via the Akron, Ohio, radio range station to the Youngstown, Ohio, radio range station.", and by substituting the following in lieu thereof: "From the Akron, Ohio, radio range station to the Youngstown, Ohio, radio range station."

11. Section 600.285 is amended to read:

§ 600.285 *Red civil airway No. 85 (Dayton, Ohio, to Altoona, Pa.).* From the Dayton, Ohio, radio range station to the Mansfield, Ohio, nondirectional radio beacon. From the intersection of the southeast course of the Akron, Ohio, radio range and the northwest course of the Pittsburgh, Pa., radio range via the Butler, Pa., nondirectional radio beacon to the Altoona, Pa., radio range station.

12. Section 600.302 is amended to read:

§ 600.302 *Red civil airway No. 102 (Louisville, Ky., to Huntington, W. Va.).* From the intersection of the south course of the Louisville, Ky., radio range and a line bearing 268° True from the Lexington, Ky., nondirectional radio beacon via the Lexington, Ky., nondirectional radio beacon to the Huntington, W. Va., nondirectional radio beacon.

13. Section 600.304 is added to read:

§ 600.304 *Red civil airway No. 104 (Greensboro, N. C., to Raleigh, N. C.).* From the Greensboro, N. C., radio range station to the intersection of the southeast course of the Greensboro, N. C., radio range and the south course of the Raleigh, N. C., radio range.

14. Section 600.305 is added to read:

§ 600.305 *Red civil airway No. 105 (Wichita, Kans., to Joplin, Mo.).* From the intersection of the northeast course of the Wichita, Kans., radio range and the west course of the Chanute, Kans., radio range via the Chanute, Kans., radio range station to the intersection of the east course of the Chanute, Kans., radio range and the north course of the Joplin, Mo., radio range.

15. Section 600.615 *Blue civil airway No. 15 (Huntington, W. Va., to Erie, Pa.)* is amended by deleting the portion which reads: "From the intersection of the northwest course of the Huntington, W. Va., radio range and the south course of the Columbus, Ohio, radio range to the Columbus, Ohio, radio range station." and by adding the following in lieu thereof: "From the Huntington, W. Va., nondirectional radio beacon to the Columbus, Ohio, radio range station."

16. Section 600.620 *Blue civil airway No. 20 (Atlantic City, N. J., to Allentown, Pa.)* is amended by changing the last portion to read: "Philadelphia, Pa., radio range station via a point at lat. 40°15'00", long. 75°22'45" to the Allentown, Pa., radio range station."

17. Section 600.649 *Blue civil airway No. 49 (Atlantic City, N. J., to Philadelphia, Pa.)* is amended by changing the first portion to read: "From the intersection of the southeast course of the Philadelphia, Pa., radio range and a point at lat. 38°58'35", long. 74°54'30" via the intersection of the southeast course of the Philadelphia, Pa., radio range and the southeast course of the Millville, N. J., radio range;".

18. Section 600.673 is amended to read:

§ 600.673 *Blue civil airway No. 73 (Pittsburgh, Pa., to Buffalo, N. Y.).* From the Pittsburgh, Pa., radio range station via the Brookville, Pa., nondirectional radio beacon; Bradford Pa., nondirectional radio beacon to the Buffalo, N. Y., radio range station.

19. Section 600.6001 is amended to read:

§ 600.6001 *VOR civil airway No. 1 (Norfolk, Va., to New York, N. Y.).* From the Norfolk, Va., VAR station via the intersection of the Norfolk VAR north course and the Salisbury omnirange 206° True radial; Salisbury, Md., omnirange station; intersection of the Salisbury omnirange 038° True radial and the Atlantic City VAR southwest course; Atlantic City, N. J., VAR station; intersection of the Atlantic City VAR northeast course and the Colts Neck omnirange 204° True radial to the Colts Neck, N. J., omnirange station. Those portions of this airway between the Atlantic City, N. J., VAR station and the Colts Neck, N. J., omnirange station more than 3 miles either side of the center line and those portions in conflict with Patuxent danger area (D-43) are excluded.

20. Section 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.)* is amended between the Kansas City, Mo., omnirange station and the Burlington, Iowa, omnirange station to read: "Kansas City, Mo., omnirange station, including a north alternate, excluding the portion which overlaps the Osage City danger area (D-405); Kirksville, Mo., omnirange station, including a south alternate via the intersection of the Kansas City omnirange 076° True and the Kirksville omnirange 227° True radials; Burlington, Iowa, omnirange station, including a south alternate;".

21. Section 600.6012 *VOR civil airway No. 12 (Palmdale, Calif., to Philadelphia, Pa.)* is amended between the Wichita, Kans., omnirange station and the Kansas City, Mo., omnirange station to read: "Wichita, Kans., omnirange station including a north alternate and also a south alternate via the intersection of the Anthony omnirange 084° True and the Wichita omnirange 191° True radials; Emporia, Kans., omnirange station, including a north alternate via the intersection of the Wichita omnirange 045° True and the Emporia omnirange 259° True radials; Kansas City, Mo., omnirange station, including a north alternate, excluding the portion which overlaps the Osage City danger area (D-405);".

22. Section 600.6013 *VOR civil airway No. 13 (Houston, Tex., to Duluth, Minn.)* is amended between the Kansas City, Mo., omnirange station and the Des Moines, Iowa, omnirange station to read: "Kansas City, Mo., omnirange station, including an east alternate; Lamoni, Iowa, omnirange station, including an east alternate via the intersection of the Kansas City omnirange 035° True and the Lamoni omnirange 175° True radials; Des Moines, Iowa, omnirange station, including an east and a west alternate;".

23. Section 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Montebello, Va.)* is amended between the Fort Worth, Tex., omnirange station and the Sulphur Springs, Tex., omnirange station to read: "Fort Worth, Tex., omnirange station; Dallas, Tex., omnirange station, including a north alternate and also a south alternate via the intersection of the Fort Worth omnirange 109° True and the Dallas omnirange 247° True radials; Sulphur Springs, Tex., omnirange station, including a north alternate;".

24. Section 600.6050 is amended to read:

§ 600.6050 *VOR civil airway No. 50 St. Joseph, Mo., to Peoria, Ill.).* From the St. Joseph, Mo., omnirange station via the Kirksville, Mo., omnirange station; Quincy, Ill., omnirange station, including a south alternate; to the point of intersection of the Pontiac, Ill., omnirange 258° True and the Bradford, Ill., omnirange 188° True radials.

25. Section 600.6114 is amended to read.

§ 600.6114 *VOR civil airway No. 114 Pueblo, Colo., to New Orleans, La.).* From the Pueblo, Colo., omnirange station via the Dalhart, Tex., omnirange station; Amarillo, Tex., omnirange station, Childress, Tex., omnirange station; Wichita Falls, Tex., omnirange station; Dallas, Tex., omnirange station, including a north alternate via the intersection of the Wichita Falls omnirange 109° True and the Dallas omnirange 324° True radials; Gregg County, Tex., omnirange station; Shreveport, La., omnirange station; intersection of the Shreveport omnirange 169° True and the Alexandria omnirange 312° True radials; Alexandria, La., omnirange station; Baton Rouge, La., omnirange station to the New Orleans, La., omnirange station, including a north alternate via the intersection of the Baton Rouge omnirange 092° True and the New Orleans omnirange 001° True radials.

(Sec. 307, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985 as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. December 8, 1953, except item 12, which becomes effective 0001, e. s. t. December 29, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-10181; Filed, Dec. 3, 1953; 8:55 a. m.]



[Amdt. 22]

## PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

### ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.109 is amended by changing caption to read: "*Amber civil airway No. 9 control areas (Charleston, S. C., to Norfolk, Va.).*"

2. Section 601.221 is amended by changing the caption to read: "*Red civil airway No. 21 control areas (Selinsgrove, Pa., to Boston, Mass.).*"

3. Section 601.234 is amended by changing the caption to read: "*Red civil airway No. 34 control areas (Charleston, W. Va., to Weeksville, N. C.).*"

4. Section 601.285 is amended to read:

§ 601.285 *Red civil airway No. 85 control areas (Dayton, Ohio, to Altoona, Pa.).* All of Red civil airway No. 85.

5. Section 601.304 is added to read:

§ 601.304 *Red civil airway No. 104 control areas (Greensboro, N. C., to Raleigh, N. C.).* All of Red civil airway No. 104.

6. Section 601.305 is added to read:

§ 601.305 *Red civil airway No. 105 control areas (Wichita, Kans., to Joplin, Mo.).* All of Red civil airway No. 105.

7. Section 601.673 is amended by changing caption to read: "*Blue civil airway No. 73 control areas (Pittsburgh, Pa., to Buffalo, N. Y.).*"

8. Section 601.1010 *Control area extension (Charlotte, N. C.)* is revoked.

9. Section 601.1010 is added to read:

§ 601.1010 *Control area extension (Greenwood, S. C.).* That airspace bounded on the north by lat. 34°20'00", on the east by long. 82°00'00", on the south by lat. 34°10'00" and on the west by Blue civil airway No. 39.

10. Section 601.1014 is amended to read:

§ 601.1014 *Control area extension (Greenville, S. C.) (Greenville-Charlotte-Greensboro area).* All that airspace beginning at lat. 35°49'30", long. 79°30'00", thence southwesterly to lat. 34°49'30", long. 80°10'00", thence clockwise along the arc of a 50-mile radius circle centered on the Charlotte, N. C., radio range (at lat. 35°10'30", long. 80°56'00") to lat. 34°27'15", long. 80°52'30", thence westerly to lat. 34°22'30", long. 82°20'00", thence clockwise along the arc of a 30-mile radius circle centered on the Greenville, S. C., radio range (at lat. 34°48'45", long. 82°20'30") to lat. 35°13'30", long. 82°30'00", thence northeast to lat. 35°19'00", long. 82°06'30", thence clockwise along the arc of a 30-mile radius circle centered on the Spartanburg, S. C., radio range (at lat. 34°53'45", long. 81°58'40") to Green civil airway No. 6 at lat. 35°11'30", long. 81°35'30", thence northeast along Green civil airway No. 6 to lat. 35°51'00", long. 80°34'30", thence clockwise along the arc of a 35-mile radius circle centered between the Winston-Salem and Greensboro, N. C., radio ranges at lat. 36°06'00", long. 80°01'30", to lat. 35°49'30", long. 79°30'00" point of beginning.

11. Section 601.1112 *Control area extension (Fort Dix, N. J.)* is amended by deleting the words "on the east by Amber civil airway No. 9," and by substituting the following in lieu thereof: "on the east by VOR civil airway No. 1,".

12. Section 601.1114 *Control area extension (Chanute, Kans.)* is revoked.

13. Section 601.1167 *Control area extension (Winston-Salem, N. C.)* is revoked.

14. Section 601.1199 *Control area extension (Greensboro, N. C.)* is revoked.

15. Section 601.1256 is amended to read:

§ 601.1256 *Control area extension (Pittsburgh, Pa.).* All that airspace within a 35-mile radius of the Pittsburgh, Pa., radio range station.

16. Section 601.1337 is amended to read:

§ 601.1337 *Control area extension (Wausau, Wis.).* That airspace within a 15-mile radius of the Wausau omnirange station including the airspace southeast of the omnirange station bounded on the northeast by VOR civil airway No. 268, on the south by lat. 44°30'00", and on the west by a line 5 miles west of and parallel to the 166° True radial of the Wausau omnirange station.

17. Section 601.2017 is amended to read:

§ 601.2017 *Pittsburgh, Pa., control zone.* Within a 5-mile radius of Allegheny County Airport, Pittsburgh, Pa., and within 2 miles either side of a direct line extending from the Allegheny County Airport to the Cecil, Pa., nondirectional radio beacon.

18. Section 601.2090 is amended to read:

§ 601.2090 *Columbus, Ohio, control zone.* Within a 5-mile radius of the Port Columbus Municipal Airport and within a 5-mile radius of the Lockbourne, Ohio, Air Force Base including the airspace within 2 miles either side of a direct line extending from the Columbus radio range station to the Lockbourne AFB, within 2 miles either side of the west course of the Columbus radio range extending to the Hilliard fan marker, within 2 miles either side of the east course of the Columbus radio range extending to the Newark fan marker and within 2 miles either side of the 50 mile

230° True radials of the Columbus omnirange extending from the Port Columbus airport control zone to a point 10 miles northeast of the omnirange station.

19. Section 601.2104 is amended to read:

§ 601.2104 *Huntington, W. Va., control zone.* Within a 5-mile radius of Huntington Airport, Chesapeake, Ohio, within a 5-mile radius of Tri State Airport, Huntington, W. Va., within 2 miles either side of a line bearing 253° True extending from the Huntington nondirectional radio beacon to a point 10 miles west, and within 2½ miles either side of a line bearing 313° True extending from the Huntington nondirectional radio beacon to a point 10 miles northwest

20. Section 601.2313 is amended to read:

§ 601.2313 *Pittsburgh, Pa., control zone.* Within a 5-mile radius of Greater Pittsburgh Airport, within 2 miles either side of the Greater Pittsburgh Airport ILS localizer southeast course extending southeastward from the ILS localizer to the boundary of the Allegheny County Airport control zone, and within 2 miles either side of bearings of 90° True and 270° True from the Greater Pittsburgh Airport extending through the Greater Pittsburgh nondirectional radio beacon to a point 10 miles east of the radio beacon and through the Clinton nondirectional radio beacon to a point 10 miles west of the radio beacon.

21. Section 601.2318 is amended to read:

§ 601.2318 *Myrtle Beach, S. C., control zone.* Within a 5-mile radius of the Myrtle Beach Municipal Airport and within 2 miles either side of the 47° True radial of the Myrtle Beach omnirange extending from the omnirange station to a point 10 miles northeast.

22. Section 601.4013 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.)* is amended by deleting the following reporting point: "the intersection of the southwest course of the New York (La Guardia), N. Y., radio range and the east course of the Matawan, N. J., VHF VAR radio range;".

23. Section 601.4014 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.)* is amended by deleting the following reporting point: "the intersection of the west course of the Pittsburgh, Pa., radio range and the northwest course of the Morgantown, W. Va., radio range;" and by substituting the following reporting point in lieu thereof: "Wheeling, W. Va., nondirectional radio beacon;" and by adding after "Pittsburgh, Pa., radio range station;" the following reporting point: "New Alexandria, Pa., nondirectional radio beacon;".

24. Section 601.4109 is amended by changing caption to read: *"Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.)*," and by deleting the following reporting point: "Salisbury, Md., VHF radio range station."

25. Section 601.4211 *Red civil airway No. 11 (Enid, Okla., to Boston, Mass.)* is amended by deleting the following reporting point: "Huntington, W. Va., radio range station;".

26. Section 601.4218 *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.)* is amended after "Cincinnati, Ohio, radio range station;" by adding the following reporting point: "Huntington, W. Va., nondirectional radio beacon;".

27. Section 601.4219 *Red civil airway No. 19 (Detroit, Mich., to Norfolk, Va.)* is amended by deleting the following reporting point: "Wellington, Ohio, VHF radio range station;".

28. Section 601.4221 is amended to read:

§ 601.4221 *Red civil airway No. 21 (Selinsgrove, Pa., to Boston, Mass.).* The intersection of the southwest course of the Providence, R. I., radio range and the southwest course of the Quonset Point, R. I. (Navy), radio range.

29. Section 601.4234 is amended by changing caption to read: *"Red civil airway No. 34 (Charleston, W. Va., to Weeksville, N. C.)*, and by deleting the following reporting point: "Elizabeth City, N. C., VHF radio range station."

30. Section 601.4285 is amended to read:

§ 601.4285 *Red civil airway No. 85 (Dayton, Ohio, to Altoona, Pa.).* Butler, Pa., nondirectional radio beacon.

31. Section 601.4304 is added to read:

§ 601.4304 *Red civil airway No. 104 (Greensboro, N. C., to Raleigh, N. C.).* No reporting point designation.

32. Section 601.4305 is added to read:

§ 601.4305 *Red civil airway No. 105 (Wichita, Kans., to Joplin, Mo.).* No reporting point designation.

33. Section 601.4673 is amended by changing the caption to read: *"Blue civil airway No. 73 (Pittsburgh, Pa., to Buffalo, N. Y.)."*

34. Section 601.6001 is amended to read:

§ 601.6001 *VOR civil airway No. 1 control areas (Norfolk, Va., to New York, N. Y.).* All of VOR civil airway No. 1.

35. Section 601.6050 is amended to read:

§ 601.6050 *VOR civil airway No. 50 control areas (St. Joseph, Mo., to Peoria, Ill.).* All of VOR civil airway No. 50, including a south alternate.

36. Section 601.6114 is amended to read:

§ 601.6114 *VOR civil airway No. 114 control areas (Pueblo, Colo., to New Orleans, La.).* All of VOR civil airway No. 114, including north alternates.

37. Section 601.7001 *Domestic VOR reporting points* is amended by adding the following reporting point:

Henrietta intersection: the intersection of the Lansing, Mich., omnirange 148° True and the Detroit, Mich., omnirange 276° True radials.

(Sec. 205, 52 Stat. 984, as amended. 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 001 e. s. t. December 8, 1953, except items 5 and 13, which become effective 0001, e. s. t., December 29, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-10182; Filed, Dec. 3, 1953; 8:55 a. m.]

## TITLE 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

**Subchapter C—Bureau of Foreign Commerce**

[6th Gen. Rev. of Export Regs., Amdt. 73]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

MISCELLANEOUS AMENDMENTS

1. Section 373.40 *Iron and steel* is amended by deleting therefrom paragraphs (d) *Nickel-bearing stainless steel, and plate and structurals* and (f) *Time for submission of applications.*

2. Section 373.71 *Supplement 1: Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by deleting therefrom the following entries and related submission dates:

a. For the Second and Third Quarters, 1953:

| Dept. of Commerce Schedule B No. | Commodity | Submission dates | |
|---|---|---|---|
| | | Second quarter 1953 | Third quarter 1953 |
| | *Metals and manufactures*[1] | | |
| | Commodities with processing code STEE, carbon and stainless steel only[2] | Nov. 24-Dec. 20, 1952 | Mar. 2-May 18, 1953. |
| | Commodities with processing code NONF | Dec. 1-Dec. 31, 1952 | |
| | Commodities with processing code TNPL: Specification production plate | Dec. 15, 1952-Jan. 9, 1953 | |

[1] Submission dates for these commodities are also applicable to project license and petroleum project licenses (see § 374.2 (c) of this subchapter).
[2] See § 398.5 (c) of this subchapter for exception to these dates under certain conditions.



b. For the Fourth Quarter, 1953 and the First Quarter, 1954:

| Dept. of Commerce Schedule B No. | Commodity | Submission dates | |
|---|---|---|---|
| | | Fourth quarter 1953 | First quarter 1954 |
| | *Metals and manufactures*[1] | | |
| | Commodities with processing code STEE[2] Nickel-bearing stainless steel in all shapes and forms (semi-finished and finished) (as defined in Defense Materials System Regulation 1). | May 18-June 5, 1953. | Oct. 12-Nov. 6, 1953. |

[1] The submission dates for these commodities are also applicable to project license and petroleum project license applications (see § 374.2 (c) of this subchapter).
[2] See § 398.5 (c) of this subchapter for exception to these dates under certain conditions.

3. Section 380.2 *Amendments or alterations of licenses* paragraph (f), subparagraph (3) *Amendment requests on which field offices may not take action,* is amended by deleting therefrom subdivisions (iii) and (iv).

This amendment shall become effective as of December 3, 1953.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
*Director,*
*Bureau of Foreign Commerce.*

[F. R. Doc. 53-10161; Filed, Dec. 3, 1953; 8:52 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 6046]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

VISIONADE VISOR CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.20 *Comparative data or merits;* § 3.130 *Manufacture or preparation;* § 3.170 *Qualities or properties of product or service.* I. In connection with the offer for sale, sale or distribution of the corporate respondent's automobile visors or any other visors made of materials having the same or similar properties in commerce, and on the part of respondent corporation, its officers, etc., representing, directly or by implication: (1) That respondent's visors will fit more makes or models of automobiles than is the fact, or are tailor made to fit individual model cars; and (2) that respondent's visors give the eyes the same protection as fine sun glasses; and, II, in connection with the offering for sale, sale or distribution of the plastic automobile visors, or any other visors made of materials having the same or similar properties, in commerce, and on the part of respondents, Henry I. Sobel and Albert Rothgart, individually or as copartners trading as Filterzone Auto Vision Company, etc., jointly or severally, and on the part of their representatives, etc., representing, directly or by implication: (1) That respondents' visors are optically correct and afford clear, true visibility; and (2) that respondents' visors filter out all infra red rays or any greater proportion of infra red rays than is actually the fact; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45)

[Cease and desist order, Visionade Visor Company, Inc., et al., Brooklyn, N. Y., Docket 6046, November 3, 1953]

*In the Matter of Visionade Visor Company, Inc., a Corporation, and Henry I. Sobel and Albert Rothgart, Copartners Trading as Filterzone Auto Vision Company*

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission, respondents' answer thereto, and hearings at which testimony and other evidence, duly recorded and filed in the office of the Commission, in support of and in opposition to the allegations of said complaint were introduced before said examiner, theretofore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, answer, testimony and other evidence, proposed findings as to the facts and conclusions presented by counsel in support of complaint, no proposed findings as to the facts and conclusions having been presented by respondents and oral argument not having been requested, and said examiner, having duly considered the record in the matter, and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on November 3, 1953.

Said order to cease and desist is as follows:

*It is ordered,* That the respondent Visionade Visor Company, Inc., its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its plastic automobile visors or any other visors made of materials having the same or similar properties in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That its visors will fit more makes or models of automobiles than is the fact, or are tailor made to fit individual model cars.

2. That its visors give the eyes the same protection as fine sun glasses.

*It is further ordered,* That the respondents, Henry I. Sobel and Albert Rothgart, individually or as copartners trading as Filterzone Auto Vision Company, or trading under any other name, jointly or severally, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the plastic automobile visors, or any other visors made of materials having the same or similar properties, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That their visors are optically correct and afford clear, true visibility.

2. That their visors filter out all infra red rays or any greater proportion of infra red rays than is actually the fact.

By "Decision of the Commission and Order To File Report of Compliance", Docket 6046, November 3, 1953, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

*It is ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 3, 1953.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
*Secretary.*

[F. R. Doc. 53-10173; Filed, Dec. 3, 1953; 8:53 a. m.]

[Docket No. 5974]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

PAGE DAIRY CO.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 3.715 *Charges and price differentials.* In connection with the sale of fluid milk in commerce, discriminating in price by selling said fluid milk of like grade and quality to any purchaser at prices lower than those granted other purchasers where respondent, in the sale of such product, is in competition with any other sellers; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U. S. C. 13)

[Cease and desist order, Page Dairy Company, Toledo, Ohio, Docket 5974, October 30, 1953]

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, respondent's answer, and hearings at which

[1] Filed as part of the original document.

testimony and other evidence, duly recorded and filed in the office of the Commission, in support of the allegations of the complaint, were introduced by said examiner, theretofore duly designated by the Commission.

Thereafter, following the resting of the case in support of the complaint at the conclusion of the aforesaid hearings, and respondent's election to introduce no testimony or other evidence in opposition to the allegations of the complaint, the proceeding regularly came on for final consideration by said examiner on the complaint, answer, testimony, and other evidence and proposed findings as to the facts, conclusion and order submitted jointly by counsel supporting the complaint and counsel for respondent, oral argument not having been requested; and said examiner, having duly considered the matter, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on October 30, 1953.

Said order to cease and desist is as follows:

*It is ordered*, That the respondent, Page Dairy Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale of fluid milk in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from discriminating in price by selling said fluid milk of like grade and quality to any purchaser at prices lower than those granted other purchasers where respondent, in the sale of such product, is in competition with any other seller.

By "Decision of the Commission and Order to File Report of Compliance", Docket 5974, October 30, 1953, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

*It is ordered*, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: October 30, 1953.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr.,
*Secretary.*

[F. R. Doc. 53-10174; Filed, Dec. 3, 1953; 8:54 a. m.]

[1] Filed as part of the original document.

## TITLE 29—LABOR

### Chapter V—Wage and Hour Division, Department of Labor

PART 686—SHOE MANUFACTURING AND ALLIED INDUSTRIES IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), notice was published in the FEDERAL REGISTER on November 10, 1953 (18 F. R. 7060), of my decision to approve the recommendation of Special Industry Committee No. 14 for Puerto Rico for the Shoe Manufacturing and Allied Industries in Puerto Rico, and the Wage Order which I proposed to issue to carry such recommendation into effect was published therewith.

As indicated in the notice, my findings and conclusions in this matter were set forth in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Special Industry Committee No. 14 for Puerto Rico for Minimum Wage Rates in the Shoe Manufacturing and Allied Industries in Puerto Rico."

Interested parties were given an opportunity to file exceptions to the proposed actions within fifteen days of the date of publication of the notice. No exceptions have been received.

Accordingly, pursuant to the authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended, 29 U. S. C. 201, et seq.), the said decision is affirmed and made final, the recommendation of Special Industry Committee No. 14 for Puerto Rico for a minimum wage rate in the Shoe Manufacturing and Allied Industries in Puerto Rico is hereby approved and the Wage Order contained in 29 CFR, 1952 Supp., Part 686, is hereby amended, as set forth in the November 10, 1953 issue of the FEDERAL REGISTER (18 F. R. 7060), as follows:

1. Delete § 686.2 and substitute the following:

§ 686.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Shoe Manufacturing and Allied Industries in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(Sec. 8, 63 Stat. 915; 29 U. S. C. 208)

The above amendment shall become effective January 4, 1954.

Signed at Washington, D. C., this 30th day of November 1953.

WM. R. MCCOMB,
*Administrator,*
*Wage and Hour Division.*

[F. R. Doc. 53-10139; Filed, Dec. 3, 1953; 8:47 a. m.]

PART 709—COSTUME JEWELRY HAIR ORNAMENT DIVISION AND COSTUME JEWELRY GENERAL DIVISION OF THE BUTTON, BUCKLE AND JEWELRY INDUSTRY IN PUERTO RICO

MINIMUM WAGE ORDER

Pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), notice was published in the FEDERAL REGISTER on November 10, 1953 (18 F. R. 7060-7061), of my decision to approve the recommendations of Special Industry Committee No. 14 for Puerto Rico for the Costume Jewelry Division of the Button, Buckle, and Jewelry Industry in Puerto Rico, and the Wage Order which I proposed to issue to carry such recommendations into effect was published therewith.

As indicated in the notice, my findings and conclusions in this matter were set forth in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 14 for Puerto Rico for Minimum Wage Rates in the Costume Jewelry Division of the Button, Buckle, and Jewelry Industry in Puerto Rico."

Interested parties were given an opportunity to file exceptions to the proposed actions within fifteen days of the date of publication of the notice. No exceptions have been received.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), the said decision is affirmed and made final, the recommendations of Special Industry Committee No. 14 for Puerto Rico for minimum wage rates in the Costume Jewelry Division of the Button, Buckle, and Jewelry Industry in Puerto Rico are hereby approved and the Wage Order contained in 29 CFR, Part 709, is hereby amended, as set forth in the November 10, 1953, issue of the FEDERAL REGISTER (18 F. R. 7060-7061), as follows:

1. In § 709.1 delete in its entirety the note which immediately follows paragraph (e) (minimum wage rate for the pearl button and buckle division) and substitute the following paragraphs:

(f) Wages at a rate of not less than 50 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Costume Jewelry Hair Ornament Division of the Button, Buckle, and Jewelry Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(g) Wages at a rate of not less than 36 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the Costume Jewelry General Division of the Button, Buckle, and Jewelry Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

2. In § 709.3 delete the note which immediately follows paragraph (b) (5) (definition of the pearl button and buckle division) and add the following subparagraphs:

(6) *Costume Jewelry Hair Ornament Division.* The manufacture from any material (except precious metals or materials of local origin such as seeds, shells, natural fibers and similar materials) of hair ornaments such as decorative or ornamental combs, clips, and barrettes, and of component parts of such ornaments when the manufacture of such parts is performed in an establishment producing such hair ornaments.

(7) *Costume Jewelry General Division.* The manufacture of jewelry (except rosaries, hair ornaments, metal expansion watch bands and bracelets, and metal, glass, plastic and wooden beads) and jewelry findings from any material except precious metals or materials of local origin such as seeds, shells, natural fibers and similar materials.

(Sec. 8, 63 Stat. 915; 29 U. S. C. 208)

The above amendments shall become effective January 4, 1954.

Signed at Washington, D. C., this 30th day of November 1953.

WM. R. MCCOMB,
*Administrator,*
*Wage and Hour Division.*

[F. R. Doc. 53-10140; Filed, Dec. 3, 1953; 8:47 a. m.]



## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 931]

CALIFORNIA

PARTIALLY REVOKING EXECUTIVE ORDER OF AUGUST 8, 1914, CREATING PUBLIC WATER RESERVE NO. 22

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of August 8, 1914, creating Public Water Reserve No. 22, is hereby revoked so far as it affects the following-described lands:

MOUNT DIABLO MERIDIAN

T. 24 S., R. 42 E.,
Sec. 24, W½.

The area described, including public and non-public lands, contains 320 acres.

The release from withdrawal of the lands in the SE¼NW¼, N½SW¼ and the SE¼SW¼ of the said section 24 is made in furtherance of an exchange under section 8 of the act of June 28, 1934, as amended by section 3 of the act of June 26, 1936 (48 Stat. 1272, 49 Stat. 1976; 43 U. S. C. 315g), by which the offered lands will benefit a Federal land program. This restoration is therefore not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 147; 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II and others.

The W½NW¼ is patented land.

No applications for the remaining lands released from withdrawal by this order may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. This order shall not otherwise become effective to change the status of the said lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for the lands may be obtained on request from the Manager of the Land Office at Los Angeles, California.

ORME LEWIS,
*Assistant Secretary of the Interior.*

NOVEMBER 30, 1953.

[F. R. Doc. 53-10136; Filed, Dec. 3, 1953; 8:46 a. m.]

[Public Land Order 932]

SOUTH DAKOTA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 85 OF JANUARY 29, 1943

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 85 of January 29, 1943, withdrawing public lands for use of the War Department as a gunnery range, is hereby revoked so far as it affects the following-described lands:

BLACK HILLS MERIDIAN

T. 8 N., R. 9 E.,
Sec. 5, lots 2, 3 and 4, S½N½, S½.
T. 9 N., R. 9 E.,
Sec. 21, N½, SW¼;
Sec. 28, N½, SW¼;
Sec. 29, SE¼;
Sec. 31, E½, SW¼;
Sec. 32, S½SW¼, NW¼SW¼;
Sec. 33, NE¼SW¼.

The areas described aggregate 2,369.36 acres.

The lands are gently rolling and have an elevation of approximately 3,000 feet above sea level. The soil is a heavy gumbo clay over hardpan and shale. The annual precipitation is about 16.09 inches. Owing to poor soils, the land is not suitable for cultivation but is usable mainly for grazing. They are primarily suitable for disposal by public sale, exchange or State selection. It is not likely that they will be classified for any other disposition but any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not become effective to change the status of the described lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall become subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Regional Administrator at Billings, Montana.

ORME LEWIS,
*Assistant Secretary of the Interior.*

NOVEMBER 30, 1953.

[F. R. Doc. 53-10137; Filed, Dec. 3, 1953; 8:46 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket Nos. 10670, 10671]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, *Table of assignments*, rules governing television broadcast stations; Dockets Nos. 10670, 10671.

1. The Commission has under consideration the following notices issued in these proceedings: (1) Its notice of proposed rule making (FCC 53-1112) issued on August 27, 1953, relating to the request of Carl Bloomquist that Channel 10 be assigned to Virginia, Minnesota, and to Laurium, Michigan, to be accomplished by deleting the present assignment of Channel 10 from Hibbing, Minnesota, and from Hancock, Michigan; (2) its notice of proposed rule making (FCC 53-1116) issued on the same date, relating to the request of Head of the Lakes Broadcasting Company that Channel 12 be assigned to Duluth, Minnesota-Superior, Wisconsin, to be accomplished by substituting Channel 37 for Channel 12 in Brainerd, Minnesota, and Channel 33 for Channel 12 in Iron River, Michigan; and (3) its notice of further proposed rule making (FCC 53-1368) issued on October 23, 1953, relating to the counterproposal of Head of the Lakes Broadcasting Company requesting the assignment of Channel 10 to Duluth, Minnesota, and Channel 13 to Buhl, Minnesota, to be accomplished by deleting Channel 10 from Hibbing, Minnesota, and from Hancock, Michigan, and by deleting Channel 26 from Virginia, Minnesota.

2. The above-entitled proceedings relate to several requests for amendment of the Commission's television channel assignments in the Northern Minnesota-

Northwestern Michigan area. The various proposals and counterproposals filed in the proceedings, some of which are mutually exclusive, seek a reassignment of Channels 10 and 12 in this general area; and the discussion of the proposals will be considered in this light.

CHANNEL 10 PROCEEDING

3. Carl Bloomquist, Eveleth, Minnesota, filed a petition requesting that Channel 10 be assigned to Virginia, Minnesota, a city with a population of 12,500 persons, to be accomplished by deleting Channel 10 from Hibbing, Minnesota, a city with 16,300 persons located about 20 miles from Virginia. This assignment would also require the deletion of Channel 10 from Hancock, Michigan, a community of 5,200 persons situated less than 190 miles from Virginia; and it is suggested than Channel 10 can be assigned instead to Laurium, Michigan, a community in this general area with a population of 3,200 persons. Petitioner suggests as an alternative that Channel 13 could be shifted from Calumet, Michigan, a nearby community of 1,300 persons, to replace Channel 10 at Hancock. One channel, Channel 26 is presently assigned to Virginia; Channel 10 represents the only assignment in Hibbing and Hancock; Channel 13 is the only assignment in Calumet; and no assignments are presently listed for Laurium. An application (BPCT–1774) for a station on Channel 10 in Hibbing, filed September 30, 1953, by North Star Televising Company, is pending. No applications have been filed for Channel 10 in Hancock, Channel 26 in Virginia, or Channel 13 in Calumet.

4. In support of his request, Carl Bloomquist states that he proposes to file an application for a VHF television station in Virginia "designed to provide service for the entire Mesabi Range" and that "Virginia is the central city of this area, whose principal industry is the mining of iron ore." Petitioner contends that while a UHF channel has been assigned to Virginia, it "has been advised that the signal would be unsatisfactory" and that a VHF station would "provide a satisfactory service for the entire area." Petitioner argues that in light of the trend in the iron ore industry in the general area, there will be a shift in population in the direction of the area that would be served by a Virginia station and that, accordingly, the assignment of Channel 10 in Virginia would represent a more efficient utilization of the spectrum than would this assignment in Hibbing. A comment supporting the proposed assignment of Channel 10 in Virginia was filed by the Chamber of Commerce of Ely, Minnesota, a small community located approximately 35 miles from Virginia and 75 miles from Hibbing.

5. Head of the Lakes Broacasting Company filed a conflicting counterproposal requesting that Channel 10 be assigned to Duluth, Minnesota.[1]

[1] Head of the Lakes Broadcasting Company has also filed an alternative request which seeks the assignment of Channel 12 for Duluth-Superior. This request is discussed below in connection with the Channel 12 proceeding.

The following changes in the Table of Assignments are suggested to accomplish this assignment:

| City | Present | Proposed |
|---|---|---|
| Duluth, Minn.-Superior, Wis | 3, 6+, *8, 9, 13 | 3, 6+, *8, 13 |
| Duluth, Minn | --- | 10 |
| Hibbing, Minn | 10 | --- |
| Virginia, Minn | 28+ | --- |
| Hancock, Mich | 10– | --- |
| Buhl, Mich | --- | 13 |

Head of the Lakes suggests that Channel 10 be assigned to Duluth rather than Duluth-Superior since Channel 10 at Superior would not meet the minimum spacing requirements. In order to assign Channel 10 to Duluth it must be deleted from both Hibbing and Hancock. Head of the Lakes requests, in addition, that Channel 13 be added to Buhl, Minnesota, a community of 1,400 persons, and that Channel 26 be deleted from Virginia. Head of the Lakes points out that since both Hibbing and Virginia are within 15 miles of Buhl,[2] Channel 13 in Buhl would be available as well for applicants in Hibbing and Virginia under the provisions of § 3.607 (b) of this chapter which makes channels listed in the Table of Assignments available upon application to communities without their own assignments and within 15 miles of the listed city (15-mile rule). Head of the Lakes suggests that Channel 32 be deleted from Duluth-Superior to keep the number of assignments in the community at the same level. Five channels are presently assigned to Duluth-Superior, three VHF with one of these reserved for education, and two UHF. Great Plains Televising Properties of Minnesota, Inc., has been operating UHF Station WFTV on Channel 38 in Duluth since June. A Final Decision granting an application for VHF Channel 6 in Duluth was issued October 15, 1953. Two applications for Channel 3, the remaining commercial VHF channel at Duluth-Superior, including the Head of the Lakes' application, are involved in a comparative hearing. One application, as noted above, is pending for Channel 10 at Hibbing. Duluth and Superior have a combined population of 139,800 persons, with Duluth having 104,500 and Superior 35,300.

6. In support of its request for the addition of a VHF channel to Duluth, Head of the Lakes urges that such assignment would eliminate the controversy in the Channel 3 and 6 proceedings in Duluth-Superior and would "bring VHF television service immediately to the Duluth-Superior area." While Channel 10 is proposed only for Duluth, it is urged that a station could be so located as to provide identical service to both cities and the surrounding area as would be the case if the assignment were made to the hyphenated community. Head of the Lakes submits that Channel 13 at Buhl is intended as a substitute for the present assignments of Channel 10 at Hibbing and Channel 26 at Virginia, as well as a substitute for the proposed assignment of Channel 10 to Virginia. It is contended that Channel 13 at Buhl would satisfy "the needs of this entire area of the Mesabi Range, and the cities located within it, for television assignments", and that the eventual location of this channel would be determined in a licensing proceeding involving applicants from all of the cities. Head of the Lakes notes, also, that Channel 13 is assigned to Calumet, Michigan, and that since both Hancock and Laurium are within 15 miles of Calumet,[3] Channel 13 would also be available upon application for Hancock and Laurium. It is urged that the assignment of two VHF channels to the small area comprised by Calumet and Hancock, communities with very small populations represents an inefficient distribution of channels. If additional channels for these communities are required, it is asserted that UHF channels could be assigned. Mayor John I. Anderson of Buhl filed a communication supporting the assignment of Channel 13 to Buhl.

7. The Bemidji Civic and Commerce Association of Bemidji, Minnesota, filed a counterproposal requesting the assignment of Channel 13 to Bemidji, Minnesota, a city with a population of 10,000 persons. It is proposed to accomplish this assignment merely by switching Channel 11 for Channel 13 at Fargo, North Dakota. An application for Channel 13 at Fargo is pending; however, it appears that the site presently specified for Channel 13 in this application can also be employed on Channel 11. The Fargo applicant has not filed an opposition to the proposed change of channels for Fargo in this proceeding. The Table of Assignments presently assigns one channel, UHF Channel 24, to Bemidji, so that Channel 13 would represent a second assignment for that community. The Bemidji counterproposal conflicts with the Head of the Lakes counterproposal in that Channel 13 cannot be assigned to both Buhl and Bemidji.

8. In support of the request for the assignment of Channel 13 to Bemidji, it is urged that Bemidji, with a population of 10,000 persons, is the county seat of Beltrami County, and is the trading center for an area extending 50 miles in every direction. It is stated that the closest VHF assignment to Bemidji is at Brainerd, Minnesota, 84 miles distant, and that Bemidji would receive no Grade A VHF service under the present assignments. It is asserted that Channel 13 at Bemidji would represent its second frequency and would "furnish the trading area of Bemidji with a consistent VHF service."

OPPOSITION

9. North Star Televising Company filed comments opposing the proposals which require deletion of Channel 10 from Hibbing. It is explained that on September 30, 1953, North Star filed an application for Channel 10 in Hibbing. North Star argues that in the Hibbing area there is a chain of cities running generally northeastward from Grand Rapids to Aurora, Minnesota, and that Hibbing, the largest city in the chain of cities, is located almost exactly in the center. North Star alleges that a station on Channel 10 in the Hibbing area operating with the power and antenna height proposed in the North Star application would include all the cities in the chain within its Grade B contour. With respect to the Carl Bloomquist proposal to assign Channel 10 to Virginia in place of Hibbing, North Star asserts that Virginia is not only smaller in population than Hibbing but is located so that a Virginia station could not afford Grade B service to all the cities in the chain without employing much greater power than that required in Hibbing. North Star also opposes the deletion of Channel 10 from Hibbing in order to assign this frequency to Duluth. North Star argues that in order to assign a fourth VHF channel to Duluth, it is necessary to delete the only assignments from two communities, Hibbing and Hancock. North Star urges that the assignment of Channel 10 in Hibbing represents a more efficient utilization of the spectrum. With respect to the proposal to assign Channel 13 to Buhl, North Star points out that such assignment can be accomplished without reference to Channel 10. North Star explains that Channel 32 is presently assigned to Duluth-Superior but that no applications have been filed for this frequency, and submits that the need for an additional VHF channel in Duluth-Superior arises solely from the refusal of the presently pending applicants to accept a UHF channel. North Star asserts that demand for a VHF facility in Hibbing has been demonstrated by the application for Channel 10 in that city. The Hibbing Chamber of Commerce also submitted a communication urging that Channel 10 be retained in Hibbing.

10. Great Plains Television Properties of Minnesota, Inc., filed comments opposing the assignment of Channel 10 to Duluth. Great Plains is presently operating UHF Station WFTV on Channel 38 in Duluth. Great Plains urges that Hibbing and Hancock should not be deprived of their only channels to make possible the assignment of a third commercial VHF channel for Duluth-Superior. It is urged that an additional channel is not required to satisfy the demand in Duluth-Superior since a UHF assignment is unapplied for. Great Plains argues that the Head of the Lakes proposal seeks to "break down basic inter-mixture principles and to deprive more sparsely settled areas in Michigan and Minnesota of their only VHF assignment for the sole purpose of getting another VHF channel in lieu of a UHF channel which they could presumably have for the asking under the present allocation table." Great Plains submits that if a third VHF channel is assigned to Duluth-Superior, the three top television networks will affiliate with the VHF grantees and the UHF station will be left without adequate network service. Great Plains cautions that "it is doubtful whether a UHF station could survive under these circumstances."

11. Carl Bloomquist also filed comments opposing the Head of the Lakes proposal to assign Channel 10 to Duluth, urging that an additional VHF channel should be assigned instead to Virginia as requested in his petition.

12. Head of the Lakes filed comments opposing the Carl Bloomquist proposal, urging that any need for additional assignments at Virginia or Hibbing would be taken care of by the assignment of Channel 13 to Buhl, and, further, that UHF channels could be assigned to these communities. Head of the Lakes also opposes the Bemidji counterproposal, noting that Channel 13 in Bemidji would be a second channel even though no applications have been filed for Channel 24 which is already assigned there. Head of the Lakes submits that UHF channels would suffice in Bemidji and urges that there is no need for the addition of VHF Channel 13. Head of the Lakes urges that, in any event, the assignment of Channel 13 to Buhl is to be preferred.

CHANNEL 12 PROCEEDING

13. Head of the Lakes Broadcasting Company has filed a petition requesting that Channel 12 be assigned to Duluth-Superior to be accomplished by making the following changes in the Table of Assignments:[4]

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Duluth, Minn.-Superior, Wis | 3, 6+, *8–, 9, 13 | 3, 6+, *8–, 12, 13 |
| Brainerd, Minn | 12 | 12 |
| Iron River, Mich | 12– | 12– |

As noted from the above table the assignment of Channel 12 in Duluth-Superior requires the deletion of this frequency from Brainerd, Minnesota, a city of 12,600 persons, and from Iron River, Michigan, a community of 4,000 persons. Head of the Lakes proposes UHF channels as replacements in these communities. Channel 12 would represent a third commercial VHF in Duluth-Superior, which has a population of 139,800 persons. No applications have been filed for stations in either Brainerd or Iron River. As noted above, UHF Station WFTV has been operating on Channel 38 in Duluth since June; a Final Decision was issued for a station on Channel 6 on October 15, 1953; and two applications including petitioner's, are involved in a comparative hearing for Channel 3. No applications have been filed for UHF Channel 32 in Duluth-Superior.

14. In support of its request for the assignment of Channel 12 in Duluth-Superior, Head of the Lakes urges the same arguments advanced in the Channel 10 proceeding in support of the addition of a VHF channel for Duluth. Head of the Lakes submits also that since both Brainerd and Iron River presently have no television stations or service, the potential viewing public would not be prejudiced by the assignment of the UHF channels at this time. Head of the Lakes argues also that the population of Brainerd and Iron River are "too small to afford economic support for a television station."

15. Upper Michigan-Wisconsin Broadcasting Company, Inc., filed a mutually exclusive counterproposal requesting that VHF Channel 12 be assigned to Ironwood, Michigan. It is proposed to accomplish this assignment by substituting UHF Channel 33 for Channel 12 in Iron River, Michigan. Since Channel 12 cannot be assigned to both Ironwood and Duluth-Superior in light of the minimum spacing requirements, this proposal conflicts with the Head of the Lakes proposal. The Table of Assignments presently assigns one channel, UHF Channel 31, to Ironwood, a city of 11,500 persons. No applications for a station in Ironwood have been filed.

16. In support of its counterproposal, Upper Michigan represents that it proposes to file an application for a station on Channel 12 in Ironwood. It is urged that Channel 12 in Iron River is the only VHF channel presently assigned in the Upper Peninsula area served by its standard broadcast stations. Upper Michigan contends that the assignment of Channel 12 to Ironwood is to be preferred to the assignment of an additional channel to Duluth-Superior. It is urged that if Channel 12 is assigned to Duluth-Superior as a fourth VHF channel, no VHF service would be available for either the Brainerd or Ironwood areas.

OPPOSITIONS

17. The University of Minnesota filed comments opposing the substitution of a UHF channel for VHF Channel 12 in Brainerd as requested by Head of the Lakes. The University explains that for the past several years it has been looking toward the development of a state-wide network of educational television stations serving the State and that at the present time only Channel 2 in Minneapolis and Channel 8 in Duluth have been reserved. The University states that a study which it has undertaken indicates that a total of 10 stations throughout Minnesota would be required in order to achieve a state-wide educational network. The University represents that a VHF station on Channel 12 at Brainerd would be the third station in terms of priority, and that it might consider applying for an educational station on Channel 12 if a commercial applicant does not apply. Channel 12 in Brainerd, it is stated, would be particularly useful in light of its location in the central part of the State in the middle of a large rural area that does not presently receive satisfactory service.

18. Governor C. Elmer Anderson of Minnesota filed comments opposing the Head of the Lakes proposal to delete Channel 12 from Brainerd. Governor Anderson urges that Channel 12 "will best serve Brainerd and this region in the future." It is argued that depriving Brainerd of its only VHF channel to make another VHF channel available for Duluth is not justified. Governor Anderson contends that "it is just as important for the smaller communities of our State to have the opportunity to develop VHF television in their markets as it is for the larger communities to do so."

[2] Hibbing is 9.2 miles from Buhl, and Virginia is 11.5 miles from Buhl.

[3] Hancock is 11 miles from Calumet and Laurium is about 10 miles from Calumet.

[4] As noted above in connection with the Channel 10 proceeding, Head of the Lakes has filed an alternative request seeking Channel 10 for Duluth.

19. Comments opposing the deletion of Channel 12 from Brainerd were also filed by Brainerd Broadcasting Company (KLIZ). Brainerd Broadcasting Company states that if Brainerd is ever to have good service, a VHF channel will be necessary. If Channel 12 is deleted, it is urged that the Brainerd area "will be doomed for the foreseeable future because it will be that much less commercially advisable." In addition to the foregoing, comments opposing the deletion of Channel 12 from Brainerd were filed by Brainerd Civic Association, Inc.; Pequot Lakes Commercial Club, Pequot Lakes, Minnesota; Mayor Frank M. Neisse, Long Prairie, Minnesota; Chamber of Commerce, Little Falls, Minnesota; Chamber of Commerce, Motley, Minnesota; Mayor G. E. Luekow, Deerwood, Minnesota; Mayor Roy Tabaka, Longville, Minnesota; Long Prairie Commercial Club, Long Prairie, Minnesota; Brainerd Lions Club, The Exchange Club of Brainerd; Brainerd Rotary Club; and Village Council of Pequot Lakes, Minnesota.

20. Great Plains Television Properties of Minnesota, Inc., also opposes the Head of the Lakes request to assign Channel 12 to Duluth-Superior. As noted above, Great Plains is presently operating a UHF station on Channel 38 in Duluth, and advances the same arguments as those presented in its opposition to the request to assign Channel 10 to Duluth. In addition, Great Plains states that the Head of the Lakes request requires that two cities lose their only VHF assignments in order to provide a fourth for Duluth-Superior. Great Plains argues that the Head of the Lakes proposal violates two basic assignment principles as laid down by the Commission in the Sixth Report: (1) To provide at least one VHF signal to as much of the nation as possible; and (2) the principle of intermixture of VHF and UHF for the purpose of fostering a competitive nationwide service. Great Plains also asserts that the request to assign Channel 12 to Ironwood, Michigan, indicates a "demand" for a VHF channel in the Iron Mountain region of Michigan, and that the assignment of Channel 12 to Ironwood is to be preferred.

21. WIKB, Inc., Iron River, Michigan, filed a telegram opposing the deletion of VHF Channel 12 from Iron River.

CONCLUSIONS

22. Channel 10 proceeding: The Commission is presented with two mutually exclusive proposals for the use of VHF Channel 10 in the Minnesota-Michigan area, and with a proposal for the assignment of Channel 13 to Bemidji which conflicts in part with one of the Channel 10 requests. These requests are (1) the proposal of Carl Bloomquist to assign Channel 10 to Virginia and Laurium by deleting it from Hibbing and Hancock; (2) the proposal of Head of the Lakes to assign Channel 10 to Duluth by deleting it from Hibbing and Hancock, deleting Channel 26 from Virginia, and assigning Channel 13 to Buhl; and (3) the requests of Bemidji Civic and Commerce Association to assign Channel 13 to Bemidji by shifting Channel 11 for 13 in Fargo. The Bloomquist and Head of the Lakes proposals are conflicting since Channel 10 cannot be assigned to both Virginia and Duluth, and the Head of the Lakes and Bemidji proposals are conflicting since Channel 13 cannot be assigned to both Buhl and Bemidji.

23. We do not believe that the request of Carl Bloomquist to shift Channel 10 from Hibbing to Virginia has merit. Hibbing is a city with a population of 16,300 as compared with 12,500 in Virginia. Furthermore, an application is presently pending for Channel 10 in Hibbing and the record in this proceeding demonstrates a demand for this assignment in that community. Finally, the Bloomquist proposal would require that we shift Channel 10 from Hancock with a population of 5,200 to Laurium with a population of 3,200. Upon the basis of the entire record in this proceeding, we conclude that the shifting of Channel 10 from Hibbing to Virginia would not be warranted and that the request of Carl Bloomquist should be denied.

24. The Head of the Lakes counterproposal seeking the assignment of Channel 10 for Duluth also requires that we delete Channel 10 from both Hibbing and Hancock. For the same reasons set out below in connection with our discussion of the Head of the Lakes Channel 12 proposal, we do not believe that the assignment of an additional VHF channel for Duluth, at the expense of the only assignments in Hibbing and Hancock, would be warranted. As noted above, Hibbing is a city of over 16,000 people, and an application for the use of Channel 10 in Hibbing is pending.

25. The Head of the Lakes proposal would require that we delete Channel 10 from two communities in order to make this assignment available for Duluth. Such assignment would result in an inefficient utilization of the spectrum. Head of the Lakes suggests that Channel 13 could be added to Buhl, but this assignment can be made without regard to the assignment of Channel 10 in Duluth. Furthermore, this assignment can also be made to Bemidji, a city of 10,000 people as compared with only 1,400 in Buhl. We do not believe that the fact that Channel 13 at Buhl could be applied for by Hibbing and Virginia, or that Channel 13 in Calumet, Michigan, could be applied for by Hancock or Laurium, under the 15-mile rule, offers a satisfactory solution. Nevertheless, it is the fact that in order to assign Channel 10 to Duluth, the total number of VHF assignments in the Table must be reduced. We cannot conclude, on the basis of the entire record in this proceeding, that the assignment of Channel 10 to Duluth would be warranted; and, accordingly, the Head of the Lakes counterproposal is being denied.

26. Finally, we believe the record supports the adoption of the request for the assignment of Channel 13 to Bemidji, Minnesota, a city with a population of 10,000 persons. This assignment can be accomplished merely by substituting Channel 11 for Channel 13 in Fargo, North Dakota, and without depriving any other community of a VHF channel. The addition of Channel 13 in Bemidji; therefore, would effect an efficient utilization of the spectrum and would serve the public interest. Accordingly, we are granting the proposal of Bemidji Civic and Commerce Association.

27. Channel 12 proceeding: The Commission has under consideration two conflicting requests for the assignment of VHF Channel 12 in the Minnesota-Michigan area: (1) Head of the Lakes Broadcasting Company requests that Channel 12 be asigned as a fourth VHF (third commercial) channel to Duluth-Superior. This assignment requires that we substitute UHF channels for VHF Channel 12 in both Brainerd, Minnesota, and Iron River, Michigan; (2) the Upper Michigan-Wisconsin Broadcasting Company, Inc., in its counterproposal requests instead that we shift Channel 12 from Iron River to Ironwood, Michigan, and that UHF Channel 33 be substituted in Iron River. Since Channel 12 cannot be assigned to both Ironwood and Duluth-Superior, these two proposals conflict.

28. In our view the additional assignment of a VHF channel for Duluth-Superior at the expense of deleting VHF Channel 12 from both Brainerd and Iron River would not be warranted. Channel 12 represents the only assignment in Brainerd, a community of 12,600 persons. Furthermore, the assignment of Channel 12 to Ironwood would represent a first VHF channel for a city with a population of 11,500 persons. Adequate demand for the assignment of Channel 12 in both Brainerd and Ironwood has been demonstrated in the record of this proceeding.

29. In urging adoption of its counterproposal, Head of the Lakes assumes that the assignment of an additional VHF channel to Duluth-Superior will enable the Commission immediately to resolve the procedural problems in the comparative hearing in Duluth-Superior. However, a new assignment to Duluth-Superior must, of course, be available upon application for new applicants, and a comparative hearing might still very well be necessary. It should also be noted that Head of the Lakes is not contending that Duluth-Superior does not have its fair share of channels, but rather that an additional VHF channel be added. On the other hand, UHF Channel 32 which is assigned to Duluth-Superior is still unapplied for.

30. The assignment of Channel 12 in Duluth-Superior can be accomplished only by deleting this assignment from two other cities. This assignment, therefore, would represent an inefficient use of the spectrum. We cannot conclude, on the basis of the entire record in this proceeding, that the assignment of Channel 12 to Duluth-Superior as requested by Head of the Lakes would be justified. Accordingly, we are denying this proposal.

31. We do believe, however, that the record supports the granting of the Upper Michigan counterproposal requesting that Channel 12 be shifted from Iron River to Ironwood, Michigan, and that Channel 33 be substituted in Iron River. Iron River has a population of only about 4,000 and no application for Channel 12 has as yet been filed. Channel 12 in Ironwood, a city with a population of 11,500 persons, would represent a first VHF assignment and a second channel. We believe the record establishes a demand for the assignment of Channel 12 to Ironwood and that Channel 33 will adequately serve the needs of Iron River. Accordingly, we are granting the counterproposal of Upper Michigan-Wisconsin Broadcasting Company.

32. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

33. In view of the foregoing: *It is ordered*, That effective 30 days after publication in the FEDERAL REGISTER, the Table of Assignments contained in § 3.606 *Table of Assignments*, rules governing television broadcast stations, is amended as follows:

1. Amend the table to read as follows:

| City | Channel No. |
|---|---|
| Iron River, Mich | 33 — |
| Ironwood, Mich | 12 —, 31 — |
| Bemidji, Minn | 13 —, 24 — |
| Fargo, N. Dak | 6, 11, *34 —, 40 |

2. Change the Channel 11 assignment at International Falls, Minnesota from Channel 11 to Channel 11+.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1082, 1082 as amended, 1084; 47 U. S. C. 301, 303, 307)

Adopted: November 27, 1953.

Released: December 1, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10164; Filed, Dec. 3, 1953; 8:52 a. m.]



## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 32—SOUTHWESTERN REGION

SUBPART—WICHITA MOUNTAINS WILDLIFE REFUGE, OKLAHOMA

USE OF BOATS FOR FISHING

*Basis and purpose.* On the basis of observations and reports by representatives of the Fish and Wildlife Service, it has been determined that the limited use of outboard motor powered boats for the purpose of fishing on Elmer Thomas Lake within the Wichita Mountains Wildlife Refuge will not be inimical to the management of the refuge.

Since the following regulation is a relaxation of the existing restrictions applicable to the Wichita Mountains Wildlife Refuge, notice and public procedure thereon are not required (60 Stat. 237; U. S. C. 1001, et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, § 32.188 is revised to read as follows:

§ 32.188 *Use of boats.* The use of boats or floating devices of any description is prohibited on all waters of the refuge except for official purposes by the Oklahoma Game and Fish Commission and by representatives of the Fish and Wildlife Service authorized to enforce the laws and regulations applicable to the refuge or to fishing in Oklahoma: *Provided*, That on the waters of Elmer Thomas Lake within the refuge rowboats may be used for recreational purposes and boats powered by outboard motors may be used for fishing purposes only at all times except during the waterfowl hunting season. No racing craft or inboard motorboats may be used on Elmer Thomas Lake within the refuge.

(Sec. 10, 45 Stat. 1222, 16 U. S. C. 715i)

Dated: November 30, 1953.

O. H. JOHNSON,
*Acting Director.*

[F. R. Doc. 53-10135; Filed, Dec. 3, 1953; 8:45 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Bureau of Animal Industry

[ 9 CFR Part 151 ]

RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

DOGS

Notice is hereby given that the Secretary of Agriculture, pursuant to the authority vested in him by section 201, paragraph 1606 of the Tariff Act of 1930, as amended (19 U. S. C. and Supp., sec. 1201, par. 1606), proposes to recognize the book of record of purebred dogs entitled "Livre des Origines Français" sponsored by the Société Centrale Canine pour l'Amélioration des Races de Chiens en France, 3 Rue de Choiseul, Paris 2, France, of which Mr. G. Guilbert is President, and to amend the regulations governing the recognition of breeds and books of record of purebred animals by adding the name of the stud book to the list of books of record named in 9 CFR 151.10 (a), as amended, under the subheading "Dogs".

Any person who wishes to submit written data, views, or arguments concerning the proposed action may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within thirty days after the date of publication of this notice in the FEDERAL REGISTER.

(Sec. 201, Par. 1606, 46 Stat. 673 as amended by 62 Stat. 161; 19 U. S. C. and Supp., Sec. 1201, Par. 1606)

Done at Washington, D. C., this 30th day of November 1953.

TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10145; Filed, Dec. 3, 1953; 8:48 a. m.]

### Production and Marketing Administration

[ 9 CFR Part 201 ]

REVISION OF REGULATIONS UNDER PACKERS AND STOCKYARDS ACT

EXTENSION OF TIME FOR SUBMITTING DATA, VIEWS OR ARGUMENTS

Notice is hereby given of an extension, to and including January 7, 1954, of the period of time within which any interested person may submit written data, views, or arguments concerning the proposed revision of the regulations under the Packers and Stockyards Act, 1921, as amended and supplemented (9 CFR 201 et seq.; 7 U. S. C. 181 et seq.).

Notice of rule making concerning the proposed revision was published in the FEDERAL REGISTER on November 7, 1953 (18 F. R. 7027).

Done at Washington, D. C., this 30th day of November 1953.

TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10146; Filed, Dec. 3, 1953; 8:49 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Parts 2, 6, 10, 11 ]

[Docket No. 10777]

PUBLIC SAFETY, AND INDUSTRIAL RADIO SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Parts 10 and 11 of the Commission's rules governing Public Safety and Industrial Radio Services, respectively, to permit Operational Fixed Stations licensed to a State to provide coordinated service to State agencies for the handling of public safety, administrative and agricultural information traffic on a non-common-carrier basis; Docket No. 10777.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The State of California has filed a petition requesting the Commission to

amend Parts 10 and 11 of its rules and regulations so as to permit the use of operational fixed stations licensed to a State to provide coordinated service to certain State agencies which are now licensees in the Public Safety Radio Services, other State agencies which are eligible to become licensees in the Public Safety Radio Services and the Federal State Market News Service of California. In addition, petitioner asks that any facilities licensed for the above purposes be permitted to use any offpeak circuit capacity for general administrative communications of the State Government. Under the Commission's existing rules, organizations such as the Federal State Market News Service may not be authorized to use frequencies in either the Industrial or Public Safety Radio Services, other State agencies which are authorized for the transmission of State administrative traffic. Petitioner specifically requests that the Commission's rules be amended substantially as follows:

(a) The definition of "Agriculture Service" in § 6.3 of the Commission's rules be transferred to, and become a part of, § 2.1 of the Commission's rules.

(b) Sections 10.7 and 11.6 of the Commission's rules be amended to provide that agencies of a State Government eligible to use the same Operational Fixed frequencies may enter into cooperating arrangements to share the use of stations employing such frequencies.

(c) Section 11.451 or § 11.501 of the Commission's rules be amended to provide that a State Agency engaged in the collection, transmission and dissemination of agricultural market news in conjunction with the United States Department of Agriculture is eligible to become a licensee in the "Relay Press Radio" or "Special Industrial Radio" Service.

(d) Sections 11.452 and 11.453 or § 11.502 and § 11.503 of the Commission's rules (depending on whether § 11.451 or § 11.501 is amended) be amended to provide that only the frequencies assignable to Operational Fixed Stations or frequencies made available to Agriculture Stations by § 2.104 (a) of the Commission's rules will be licensed to Agriculture Stations.

3. The Commission has not made any determination as to whether amendments of the type proposed by the State of California would be in the public interest and the Commission is not now proposing specific amendments to its rules. However, this notice of proposed rule making is being issued to afford interested parties an opportunity to present their views to the Commission concerning the proposal advanced by the State of California.

4. The proposed amendments are issued pursuant to the authority of sections 4 (i) and 303 of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted should file with the Commission on or before January 15, 1954, a written statement or brief setting forth his comments. Persons desiring to support the amendment may also file comments by the same date. Comments or briefs in reply to the original comments or briefs may be filed within ten days from the last day for filing said original briefs or comments. The Commission will consider all comments and briefs before taking final action. An original and fourteen copies of each brief or written statement should be filed, as required by § 1.764 of the Commission's rules and regulations.

Adopted: November 25, 1953.

Released: November 30, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10165; Filed, Dec. 3, 1953; 8:53 a. m.]

## FEDERAL POWER COMMISSION

### [ 18 CFR Part 11 ]

[Docket No. R-120]

ANNUAL CHARGES PRESCRIBED FOR LICENSEES

DISCRETIONARY REDUCTION

NOVEMBER 25, 1953.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. Under section 10 (e) of the Federal Power Act, licensees are required to pay reasonable annual charges to be fixed by the Commission for, among others, the purpose of reimbursing the United States for the costs of administration of Part I of the act, with the proviso that State and municipal licensees are entitled to certain exemptions thereunder. Those charges are generally assessed by the Commission in accordance with the provisions of § 11.20 of its general rules and regulations (18 CFR 11.20).

3. The act of August 15, 1953 (Pub. Law 278, 83d Cong., 67 Stat. 587) provides that in determining the amount of annual charges applicable to any project owned by a State or municipality, the Commission may determine those charges with reference to the actual cost of services incurred by the Commission with respect to the project. This provision, in effect, gives the Commission discretionary authority to establish an alternative method for determining annual charges for States and municipal licensees, other than the uniform formula now applicable to all licensees under § 11.20 of the Commission's rules (18 CFR 11.20). In order to determine annual charges on a project basis as permitted in the new statute, it would be necessary to establish an additional system of cost accounting for State and municipal projects. Because of the additional cost resulting from the establishment and administration of any such cost-accounting system and in view of the fact that the Commission has, on the average over the past several years, collected in annual administrative charges an amount which has not been greatly in excess of the annual cost of administration of Part I of the act, no change is contemplated at this time in the present method of determining annual administrative charges for State and municipal licensees provided in § 11.20 of the Commission's rules.

4. Since the act referred to in paragraph 3, above, also provides that the accounting requirements of sections 4 (b), 301 and 302 of the Federal Power Act shall not be applicable to any project owned by a State or municipality (except that the provisions of section 4 (b) of the act shall continue to be applicable to any license for a hydroelectric project in the International Rapids sections of the St. Lawrence River), the Commission is relieved of the administration of cost accounting with respect to such projects. This fact makes it reasonable to grant some reduction in annual charges assessed pursuant to § 11.20 of the Commission's rules to reflect the saving resulting to the Commission.

5. Pursuant to the authority vested in it by section 10(e) of the Federal Power Act and Public Law 278 (67 Stat. 587), the Commission proposes to amend its rules by the addition of § 11.28 to grant a reduction in annual charges for project licenses issued to States and municipalities, in the following form:

§ 11.28 *Discretionary reduction.* Until such time as the Commission shall otherwise order, a State or municipal licensee shall be entitled to a reduction in the amount of the annual charges fixed under a license heretofore or hereafter issued for a major project to the extent of thirty (30) percent of the net amount of the charges assessed for the purpose of reimbursing the United States for the cost of administration of Part I of the Federal Power Act as reduced by any exemption that may be granted pursuant to section 10(e) of the act: *Provided, however,* That nothing herein shall apply to any hydroelectric development in the International Rapids section of the St. Lawrence River, United States and Canada. The reduction herein granted shall be applicable to annual charges for periods from and after January 1, 1954.

6. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., not later than 30 days from the date of the publication of this notice in the FEDERAL REGISTER, data, views and comments in writing concerning the proposed amendment. The Commission will consider these written submittals before acting upon the proposed amendments.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10141; Filed, Dec. 3, 1953; 8:47 a. m.]



# NOTICES

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

AGUA CALIENTE (PALM SPRINGS) BAND OF MISSION INDIANS OF CALIFORNIA

FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Agua Caliente Reservation was duly adopted by the Agua Caliente (Palm Springs) Band of Mission Indians of California which has jurisdiction over the area of Indian country included in the resolution:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Agua Caliente (Palm Springs) Band of Mission Indians: *Provided*, That such introduction, sale or possession is in conformity with the laws of California.

Be it further resolved that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

ORME LEWIS,
*Assistant Secretary of the Interior.*

NOVEMBER 19, 1953.

[F. R. Doc. 53-10138; Filed, Dec. 3, 1953; 8:46 a. m.]

## DEPARTMENT OF COMMERCE

### Bureau of the Census

LUMBER, GLASS, STEEL AND MACHINERY PRODUCTS

NOTICE OF CONSIDERATION FOR SURVEYS

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct annual surveys of the products listed below, under the provision of the act of Congress approved June 19, 1948, 62 Stat. 478. These commodities are significant in the lumber, glass, steel and machinery areas of manufacturing and on the basis of information and recommendations received by the Bureau of the Census, the data have significant application to the needs of the public and industry and are not publicly available from non-Governmental or other Governmental sources.

Such surveys, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Information will be collected from establishments engaged in the production of the following products: Lumber, Glass containers, Steel mill products, Power cranes and shovels.

Report forms furnishing data on shipments and or production will be required from all establishments engaged in the production of the specified items with the exception of the lumber survey, which will be conducted on a sample basis, and the glass containers survey where establishments that file the monthly report on glass containers will not need to submit an annual report on those products. In addition, data on manufacturers' stocks will be required for lumber and glass containers and data on receipts and consumption will be required for steel mill products. Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington 25, D. C.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writing to the Director of the Census and will receive consideration.

[SEAL] ROBERT W. BURGESS,
*Director.*

Approved:

SINCLAIR WEEKS,
*Secretary of Commerce.*

[F. R. Doc. 53-10176; Filed, Dec. 3, 1953; 8:54 a. m.]

SALES, CREDIT BUSINESS, BAD DEBT LOSSES, AND OPERATING EXPENSES OF WHOLESALERS 1953

NOTICE OF CONSIDERATION FOR SURVEYS

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct an annual wholesale trade survey of annual sales, cash-credit business, bad debt losses, operating expenses, and end-of-year receivables under the provisions of the act of Congress approved June 19, 1948, 62 Stat. 478. This survey will provide important information on these phases of wholesale trade in the various kinds of business and, on the basis of information and recommendations received by the Bureau of the Census, the data have significant application to the needs of the public, and the distributive trade and other government agencies, and are not publicly available from non-governmental or other governmental sources.

Such survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

The survey will cover merchant wholesalers as defined in the Standard Industrial Classification Manual published by the Bureau of the Budget. Reports will be required from a sample of merchant wholesalers in the United States in order to provide information on annual sales figures, sales-expense ratios, sales-receivables ratios, credit-bad debt loss ratios, and notes and accounts receivable at the end of the year. As the survey is based on a probability sample, it will be possible to determine the accuracy or sampling reliability of the findings. The sample of wholesale firms required to report the above information will be based on sales size and trade classifications of establishments as shown in the latest Census of Business covering the year 1948, as supplemented by records of new businesses maintained by the Bureau of Old Age and Survivors' Insurance.

Copies of the proposed form and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington 25, D. C.

Any suggestions or recommendations concerning the subject matter of this proposed survey should be submitted in writing to the Director of the Census and will receive consideration.

[SEAL] ROBERT W. BURGESS,
*Director.*

Approved:

SINCLAIR WEEKS,
*Secretary of Commerce.*

[F. R. Doc. 53-10177; Filed, Dec. 3, 1953; 8:54 a. m.]

RECEIPTS OF SERVICE ESTABLISHMENTS WITH CERTAIN SUPPLEMENTARY DATA FOR MOTION PICTURE THEATERS, HOTELS, MOTELS AND TOURIST COURTS, AND LAUNDRY AND CLEANING ESTABLISHMENTS

NOTICE OF CONSIDERATION FOR SURVEYS

Notice is hereby given that the Bureau of the Census is considering a proposal to conduct an annual service trade survey of the annual receipts of selected service trades with supplementary information for certain of these trades, as of the end of the year, under the provisions of the act of Congress approved June 19, 1948, 62 Stat. 478. The supplementary information for motion picture theaters will consist of number of admissions, seating capacity, receipts from admissions, amount of admissions taxes; and other receipts for hotels and motels, number of rented units, percentage of occupancy, number of rooms for transients and residential guests, receipts for room rentals, sales of meals and alcoholic beverages; for laundry and cleaning establishments, receipts from cash and carry and from delivered work, type and capacity of laundering equipment, capacity of cleaning equipment. This survey will provide the only continuing source of basic information in the service trades. On the basis of information and recommendations received by the Census Bureau, the data have significant application to the needs of the public, the representatives and members of the trades involved, governmental agencies, and are not publicly available from non-governmental or other governmental sources.

Such survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Reports will not be required from all service trades in the United States but will be confined to the following groups as described in the Standard Industrial Classification Manual issued by the Technical Committee on Industrial Classification, Division of Statistical Standards, Bureau of the Budget:

| Major group or industry No.: | Title |
|---|---|
| 701 | Hotels. |
| 7031 | Auto courts, etc. (part). |
| 72 | Personal services. |
| 75 | Automobile repair service and garages. |
| 76 | Miscellaneous repair services. |
| 7831 | Motion picture theaters. |

Not all establishments engaged in the kinds of service mentioned above will be required to file reports. A probability sample has been designed which will provide the type of information outlined in paragraph one above and which will produce results, the accuracy or sampling variability of which can be measured. Reports will be requested from establishments selected in accordance with the sample design on the basis of their volume of receipts and location in Census Sample Areas. Reports will also be requested from some service firms which operate establishments outside Census Sample Areas but whose headquarters are located therein.

Copies of the proposed forms and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington 25, D. C.

Any suggestions or recommendations concerning the subject matter of this survey should be submitted in writing to the Director of the Census and will receive consideration.

[SEAL] ROBERT W. BURGESS, *Director.*

Approved:

SINCLAIR WEEKS, *Secretary of Commerce.*

[F. R. Doc. 53-10178; Filed, Dec. 3, 1953; 8:55 a. m.]

## Federal Maritime Board

MEMBER LINES OF TRANS-ATLANTIC PASSENGER CONFERENCE AND GULF MEDITERRANEAN PORTS CONFERENCE

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 120-73 between the member lines of the Trans-Atlantic Passenger Conference modifies the basic agreement of the conference (No. 120) to provide for sale of transportation by airlines having arrangements with a member line for the interchange on a commission basis of trans-atlantic passenger traffic on tickets or exchange orders issued by or transferred from such airlines.

(2) Agreement No. 134-18 between the member lines of the Gulf Mediterranean Ports Conference modifies the basic agreement of that Conference (134) to exclude from the scope of the agreement sulphur, in bulk, grain in bulk, and phosphate rock, in bulk. Agreement 134 as presently in effect includes such commodities within its scope only to the extent of fixing the maximum brokerage that may be paid on grain, and providing that brokerage on sulphur and phosphate rock will be governed by the customary usage of the trade.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: November 30, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 53-10141; Filed, Dec. 3, 1953; 8:48 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 5993]

TRANS-TEXAS AIRWAYS

NOTICE OF HEARING

In the matter of the application of R. E. McKaughan and Trans-Texas Airways for approval of control and interlocking relationships under sections 408 and 409 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on December 10, 1953, at 10:00 a. m., e. s. t., in Room 2070, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., December 1, 1953.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 53-10172; Filed, Dec. 3, 1953; 8:53 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-2240]

WASHINGTON GAS LIGHT CO. AND POTOMAC GAS CO.

ORDER FIXING DATE OF HEARING

Washington Gas Light Company (Washington), a corporation organized and existing under the laws of the United States of America, and the Potomac Gas Company (Potomac), a Virginia corporation, both having their principal place of business at Eleventh and H Streets NW., Washington, D. C., on September 4, 1953, filed a joint application, as supplemented on October 29, 1953, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Washington to acquire and operate all of the facilities and properties of Potomac, all as more fully described in said joint application on file with the Commission and open to public inspection.

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Washington and Potomac having requested that their joint application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest, or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on October 20, 1953 (18 F. R. 6653).

(2) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 7, 1953, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the Matters involved and the issues presented by the application herein: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceeding pursuant to provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: November 30, 1953.

Issued: November 30, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-10142; Filed, Dec. 3, 1953; 8:48 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3127]

DUQUESNE LIGHT CO.

SUPPLEMENTAL ORDER PERMITTING ISSUANCE AND SALE AT COMPETITIVE BIDDING OF ADDITIONAL SHARES OF PREFERRED STOCK

NOVEMBER 30, 1953.

Duquesne Light Company ("Duquesne"), a subsidiary of Philadelphia Company, a registered holding company and a subsidiary of Standard Gas and Electric Company and Standard Power and Light Corporation, both also registered holding companies, filed an application and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder, regarding, among other things, the issue and sale by Duquesne of 100,000 shares of its authorized but unissued preferred stock as a new series to be known as its "... Percent Preferred Stock", of the par value of $50 per share ("New Preferred Stock").

The Commission, by order dated September 8, 1953, granted said application, as amended, subject among other things, to a reservation of jurisdiction with respect to the fees and expenses to be incurred by Duquesne in connection with the proposed issuance and sale of New Preferred Stock, except that the proposed sale of the shares of New Preferred Stock was not to be consummated until the results of competitive bidding, pursuant to Rule U-50, were made a matter of record and a further order or orders issued, for which purpose jurisdiction also was reserved;

On November 25, 1953, Duquesne filed a further amendment to its application in which amendment Duquesne states that pursuant to the aforesaid order, on September 9, 1953, Duquesne published a public invitation for the presentation on September 17, 1953, of proposals for the purchase of said shares of its New Preferred Stock, subject to a 30-day postponement period, and that on September 16, 1953, Duquesne postponed the time for presentation of such proposals to a time and date subsequently to be determined by Duquesne;

Said amendment further states that Duquesne now proposes to publish a second public invitation for proposals to be submitted on December 7, 1953, and Duquesne requests that the 10-day notice period provided for by Rule U-50 with respect to the proposed sale of said shares of New Preferred Stock be shortened to six days;

The Commission having examined said application as further amended and again finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary; and the Commission deeming it appropriate and in the public interest and the interest of investors and consumers to grant said application, as further amended, subject to the terms and conditions and reservation of jurisdiction hereinafter indicated;

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act that said application, as further amended, be and the same is hereby granted forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that the results of the competitive bidding with respect to the proposed sale of shares of New Preferred Stock shall have been made a matter of record herein and a further order or orders shall have been entered with respect thereto, which order or orders may contain such further terms and conditions as may then be deemed appropriate, for which purpose jurisdiction be, and the same hereby is, reserved.

*It is further ordered*, That the jurisdiction heretofore reserved over all fees and expenses incurred or proposed to be incurred in connection with the issuance and sale of New Preferred Stock be, and the same hereby is, continued.

*It is further ordered*, That the request of Duquesne to shorten the 10-day notice period, provided by Rule U-50, to elapse between the time of inviting bids and the entering into of agreements with respect to the proposed sale of New Preferred Stock be, and the same hereby is, granted.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-10143; Filed, Dec. 3, 1953; 8:49 a. m.]



## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28692]

BRICK FROM IOWA TO MINNESOTA AND NORTH DAKOTA

APPLICATION FOR RELIEF

NOVEMBER 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent for carriers parties to schedules listed below.

Commodities involved: Brick and related articles, also drain title, carloads.

From: Sioux City and Sergeant Bluff, Iowa.

To: Points in Minnesota and North Dakota.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Great Northern Railway Company, I. C. C. A-7678, supp. 29; Great Northern Railway Company, I. C. C. A-8051, supp. 227; Great Northern Railway Company, I. C. C. A-8114, supp. 63. Minneapolis, St. Paul & Sault Ste. Marie Railroad Company, I. C. C. No. 7403, supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10106; Filed, Dec. 2, 1953; 8:51 a. m.]

[4th Sec. Application 28693]

FEEDING AND SORGHUM GRAINS FROM IOWA AND MISSOURI TO COLORADO AND WYOMING

APPLICATION FOR RELIEF

NOVEMBER 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Feeding grains and sorghum grains, as described in the application, carloads.

From: Points in Iowa and Missouri.

To: Points in Colorado and Wyoming.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3306, supp. 93.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10107; Filed, Dec. 2, 1953; 8:51 a. m.]

[4th Sec. Application 28694]

PIPE FROM BROOKLYN, N. Y. STATIONS TO THE SOUTHWEST

APPLICATION FOR RELIEF

NOVEMBER 30, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Steel or wrought iron or steel pipe and related articles, carloads.

From: Stations on the South Brooklyn Railway, viz.: Bath Beach, Coney Island, Gravesend, Greenwood, Kensington and 39th Street and 3d Avenue, N. Y.

To: Points in Arkansas, Louisiana, New Mexico, Oklahoma and Texas.

Grounds for relief: Rail competition, circuity, to maintain grouping, and additional origins.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3982, supp. 41.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10108; Filed, Dec. 2, 1953; 8:51 a. m.]

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[4th Sec. Application 28695]

SCRAP IRON FROM SOUTH TO HAMBURG, PA.

APPLICATION FOR RELIEF

DECEMBER 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Scrap iron or steel, carloads.

From: Points in southern territory.

To: Hamburg, Pa.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1329, supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10147; Filed, Dec. 3, 1953; 8:49 a. m.]

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[4th Sec. Application 28695]

PAPER FROM NORTH CAROLINA TO WESTERN TRUNK LINE TERRITORY

APPLICATION FOR RELIEF

DECEMBER 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Paper and paper articles, carloads.

From: Charlotte, Conover, and Newton, N. C.

To: Points in western trunk-line territory.

Grounds for relief: Competition with rail carriers, circuity, to maintain grouping, and additional origins.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1378, supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10148; Filed, Dec. 3, 1953; 8:49 a. m.]

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[4th Sec. Application 28697]

GYPSUM BOARD PAPER FROM GARWOOD, N. J., AND NEWBURGH, N. Y., TO PORT WENTWORTH, GA.

APPLICATION FOR RELIEF

DECEMBER 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Gypsum board paper, in rolls, carloads.

From: Garwood, N. J., and Newburgh, N. Y.

To: Port Wentworth, Ga.

Grounds for relief: Competition with water carriers and competition with motor-water carriers.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-968, supp. 23.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10149; Filed, Dec. 3, 1953; 8:49 a. m.]

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[4th Sec. Application 28698]

CIGARETTES AND TOBACCO FROM NORTH CAROLINA AND VIRGINIA TO CENTRAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

DECEMBER 1 1953

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent for carriers parties to schedules listed below.

Commodities involved: Cigarettes and manufactured tobacco, carloads.

From: Durham, Reidsville, and Winston-Salem, N. C., Petersburg and Richmond, Va.

To: Points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, and Wisconsin.

Grounds for relief: Competition with rail carriers, circuity, competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1156, supp. 23; C. A. Spaninger, Agent, I. C. C. No. 1122, supp. 31; R. B. Le Grande, Agent, I. C. C. No. 253, supp. 67; C. W. Boin, Agent, I. C. C. No. A-941, supp. 78.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10150; Filed, Dec. 3, 1953; 8:50 a. m.]

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[4th Sec. Application 28699]

GRAIN FROM KANSAS CITY, MISSOURI-KANSAS, AND POINTS IN KANSAS, MISSOURI AND OKLAHOMA TO BEAUMONT AND PORT ARTHUR, TEX., FOR EXPORT

APPLICATION FOR RELIEF

DECEMBER 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Missouri-Kansas-Texas Railroad Company for itself and on behalf of the Missouri-Kansas-Texas Railroad Company of Texas and other carriers.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Kansas City, Mo.-Kans., also points in Kansas, Missouri, and Oklahoma.

To: Beaumont and Port Arthur, Tex., for export.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: Missouri-Kansas-Texas Railroad Company I. C. C. No. 1510, supp. 18. Missouri-Kansas-Texas Railroad Company I. C. C. No. 1470, supp. 53.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10151; Filed, Dec. 3, 1953; 8:50 a. m.]

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[4th Sec. Application 28700]

MOTOR-RAIL RATES IN THE EAST; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

DECEMBER 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and H. T. Smith Express Company.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Territory: Between Boston, Mass., and New Haven, Conn., also between Hartford or New Haven, Conn., on the one hand, and Harlem River, N. Y., Elizabeth and Edgewater, N. J., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10152; Filed, Dec. 3, 1953; 8:50 a. m.]

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[4th Sec. Application 28701]

PULPBOARD AND FIBREBOARD FROM COLUMBUS, OHIO, AND POINTS TAKING SAME RATES, TO ASHEBORO, N. C.

APPLICATION FOR RELIEF

DECEMBER 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff I. C. C. No. 4510, pursuant to fourth-section-order No. 17220.

Commodities involved: Paper, pulpboard or fibreboard, carloads.

From: Columbus, Ohio, and points taking same rates.

To: Asheboro, N. C.

Grounds for relief: Competition with rail carriers, and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10153; Filed, Dec. 3, 1953; 8:50 a. m.]

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[4th Sec. Application 28702]

AUTOMOBILE BODIES AND PARTS FROM CHICAGO, ILL., TO MASSACHUSETTS, PENNSYLVANIA AND NEW JERSEY

APPLICATION FOR RELIEF

DECEMBER 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff I. C. C. No. 4542, pursuant to fourth-section order No. 17220.

Commodities involved: Automobile bodies and parts, carloads.

From: Chicago, Ill.

To: Boston, Mass., Chester, Pa., Edgewater, Metuchen, and Teterboro, N. J.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is





vestigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10154; Filed, Dec. 3, 1953; 8:50 a. m.]

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[4th Sec. Application 28703]

CEMENT FROM ALPENA, MICH., TO MILWAUKEE, WIS.

APPLICATION FOR RELIEF

DECEMBER 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cement, carloads.

From: Alpena, Mich.

To: Milwaukee, Wis.

Grounds for relief: Competition with rail carriers, circuity, to maintain grouping, and additional origins.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1329, supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10155; Filed, Dec. 3, 1953; 8:50 a. m.]

---

[4th Sec. Application 28704]

CEMENT FROM ALPENA, MICH., TO MILWAUKEE, WIS.

APPLICATION FOR RELIEF

DECEMBER 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cement, carloads.

From: Alpena, Mich.

To: Milwaukee, Wis.

Grounds for relief: Competition with rail carriers, circuity, to maintain grouping, and additional origins.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1329, supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10156; Filed, Dec. 3, 1953; 8:50 a. m.]

---

[4th Sec. Application 28705]

CEMENT FROM ALPENA, MICH., TO MILWAUKEE, WIS.

APPLICATION FOR RELIEF

DECEMBER 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cement, carloads.

From: Alpena, Mich.

To: Milwaukee, Wis.

Grounds for relief: Competition with rail carriers, circuity, to maintain grouping, and additional origins.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1329, supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10157; Filed, Dec. 3, 1953; 8:50 a. m.]

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[4th Sec. Application 28706]

CEMENT FROM ALPENA, MICH., TO MILWAUKEE, WIS.

APPLICATION FOR RELIEF

DECEMBER 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cement, carloads.

From: Alpena, Mich.

To: Milwaukee, Wis.

Grounds for relief: Competition with rail carriers, circuity, to maintain grouping, and additional origins.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1329, supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10158; Filed, Dec. 3, 1953; 8:50 a. m.]

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[4th Sec. Application 28707]

CEMENT FROM ALPENA, MICH., TO MILWAUKEE, WIS.

APPLICATION FOR RELIEF

DECEMBER 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cement, carloads.

From: Alpena, Mich.

To: Milwaukee, Wis.

Grounds for relief: Competition with rail carriers, circuity, to maintain grouping, and additional origins.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1329, supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10159; Filed, Dec. 3, 1953; 8:50 a. m.]

found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10154; Filed, Dec. 3, 1953; 8:50 a. m.]

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[4th Sec. Application 28703]

VARIOUS COMMODITIES FROM TRUNK-LINE AND NEW ENGLAND TERRITORIES TO SOUTHERN AND CENTRAL TERRITORIES

APPLICATION FOR RELIEF

DECEMBER 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to schedules listed in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

From: Points in trunk-line and New England territories.

To: Points in southern and central territories.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10155; Filed, Dec. 3, 1953; 8:51 a. m.]

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[4th Sec. Application 28704]

BRICK AND RELATED ARTICLES FROM HEBRON, N. DAK., TO SOUTH DAKOTA

APPLICATION FOR RELIEF

DECEMBER 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Northern Pacific Railway Company for itself and on behalf of carriers parties to schedule listed below.

Commodities involved: Brick, building, or facing, and related articles, carloads.

From: Hebron, N. Dak.

To: Points in South Dakota.

Grounds for relief: Competition with rail carriers and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Northern Pacific Railway Company, I. C. C. No. 9831, supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10156; Filed, Dec. 3, 1953; 8:51 a. m.]

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[4th Sec. Application 28705]

CAST IRON PIPE BETWEEN POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

DECEMBER 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cast iron pipe and related articles, carloads.

From: Producing points in southern territory.

To: Points in southern territory including points in Virginia and West Virginia.

Grounds for relief: Rail competition, circuity, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1374, supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10157; Filed, Dec. 3, 1953; 8:51 a. m.]

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[4th Sec. Application 28706]

BEVERAGE PREPARATIONS FROM CHICAGO, ILL., TO MISSOURI, KANSAS, NEBRASKA, IOWA, AND COLORADO

APPLICATION FOR RELIEF

DECEMBER 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedules listed below.

Commodities involved: Beverage preparations, dry, carloads.

From: Chicago, Ill.

To: Kansas City, Mo., Topeka, Kans., Omaha, Nebr., Council Bluffs, Iowa, St. Joseph, Mo., and Denver, Colo.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3733, supp. 97; W. J. Prueter, Agent, I. C. C. No. A-3991, supp. 14; W. J. Prueter, Agent, I. C. C. No. A-3600, supp. 164.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10158; Filed, Dec. 3, 1953; 8:51 a. m.]



[4th Sec. Application 28707]

RED LEAD AND LITHARGE FROM CHICAGO, ILL., TO COUNCIL BLUFFS, IOWA, AND OMAHA AND SOUTH OMAHA, NEBR.

APPLICATION FOR RELIEF

DECEMBER 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedules listed below.

Commodities involved: Lead, red, dry, and litharge, dry, carloads.

From: Chicago, Ill.

To: Council Bluffs, Iowa, Omaha and South Omaha, Nebr.

Grounds for relief: Competition with rail carriers, circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3733, supp. 97.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10159; Filed, Dec. 3, 1953; 8:51 a. m.]

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[4th Sec. Application 28708]

VEGETABLE OIL SHORTENING FROM CHICAGO, ILL., TO ATCHISON AND LEAVENWORTH, KANS., ST. JOSEPH, MO., AND OMAHA, NEBR.

APPLICATION FOR RELIEF

DECEMBER 1, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Vegetable oil shortening, carloads.

From: Chicago, Ill.

To: Atchison and Leavenworth, Kans., St. Joseph, Mo., and Omaha, Nebr.

Grounds for relief: Competition with rail carriers, circuitous routes, and competition with motor carriers.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3733, supp. 97.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10160; Filed, Dec. 3, 1953; 8:52 a. m.]

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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

# FEDERAL REGISTER

VOLUME 18 NUMBER 237

*Washington, Saturday, December 5, 1953*

## TITLE 6—AGRICULTURAL CREDIT

### Chapter I—Farm Credit Administration

[Farm Credit Administration Order 585]

CONTINUATION OF ORDERS, REGULATIONS, AND SIMILAR INSTRUMENTS

DECEMBER 4, 1953.

1. All orders, regulations, rules, delegations of authority, directives, and other actions of the Farm Credit Administration whether issued, made, or taken by the Governor or through the exercise of authority delegated by the Governor, which were in effect immediately prior to the effective date (December 4, 1953) of the Farm Credit Act of 1953 (Pub. Law 202, 83d Cong.), are hereby continued in effect except to the extent modified by law and by this order.

2. All orders, regulations, rules, delegations of authority, directives, and other actions continued in effect by the first paragraph of this order which refer to an officer or employee of the Farm Credit Administration by the title shown below in the column designated "First Column" are hereby amended to refer to the title shown below in the column designated "Second Column" directly opposite the title listed in the "First Column".

| *First Column* | *Second Column* |
|---|---|
| Land Bank Commissioner | Deputy Governor, and Director of Land Bank Service. |
| Production Credit Commissioner | Deputy Governor, and Director of Production Credit Service. |
| Intermediate Credit Commissioner | Deputy Governor, and Director of Intermediate Credit Bank Service. |
| Cooperative Bank Commissioner | Deputy Governor, and Director of Cooperative Bank Service. |
| Deputy Land Bank Commissioner | Deputy Director of Land Bank Service. |
| Deputy Production Credit Commissioner. | Deputy Director of Production Credit Service. |
| Deputy Intermediate Credit Commissioner. | Deputy Director of Intermediate Credit Bank Service. |
| Deputy Cooperative Bank Commissioner. | Deputy Director of Cooperative Bank Service. |
| Assistant Intermediate Credit Commissioner. | Assistant Director of Intermediate Credit Bank Service. |
| Assistant Cooperative Bank Commissioner. | Assistant Director of Cooperative Bank Service. |
| Assistant Deputy Land Bank Commissioner. | Assistant Deputy Director of Land Bank Service. |
| Assistant Deputy Production Credit Commissioner. | Assistant Deputy Director of Production Credit Service. |
| Assistant Deputy Intermediate Credit Commissioner. | Assistant Deputy Director of Intermediate Credit Bank Service. |
| Assistant Deputy Cooperative Bank Commissioner. | Assistant Deputy Director of Cooperative Bank Service. |

3. The Deputy Governor and Director of Land Bank Service is hereby designated a member of the Board of Directors of the Federal Farm Mortgage Corporation.

4. The Deputy Governor and Director of Cooperative Bank Service is hereby designated a member of the Board of Directors of the Central Bank for Cooperatives, Chairman of said Board of Directors, and Executive Officer of said Bank.

(Secs. 5, 7, Pub. Law 202, 83d Cong.; 67 Stat. 392, 393)

[SEAL] C. R. ARNOLD,
*Acting Governor.*

[F. R. Doc. 53-10251; Filed, Dec. 4, 1953; 10.33 a. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directed to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

*Now Available*

UNITED STATES GOVERNMENT ORGANIZATION MANUAL

1953–54 Edition
(Revised through July 1)

Published by the Federal Register Division, the National Archives and Records Service, General Services Administration

734 Pages—$1.00 a copy

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

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## TITLE 7—AGRICULTURE

### Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[Amdt. 1]

### PART 722—COTTON

MARKETING QUOTA REGULATIONS RELATING TO APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT FOR 1954 CROP OF UPLAND COTTON TO STATES, COUNTIES AND FARMS

*Basis and purpose.* The purpose of this amendment is to establish the county acreage allotments for the 1954 crop of upland cotton pursuant to section 344 (e) of the Agricultural Adjustment Act of 1938, as amended. Notice of the proposed establishment of such allotments was given on October 21, 1953 (18 F. R. 6661), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003).

Farmers engaged in the production of upland cotton in 1953 will determine in a referendum to be held on December 15, 1953, whether marketing quotas will be in effect on the 1954 crop of upland cotton. In order that county acreage allotments may be apportioned to farms and notices of individual farm acreage allotments mailed, insofar as practicable, so as to be received by farmers prior to the referendum, as required by section 362 of the Agricultural Adjustment Act of 1938, as amended, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and the county acreage allotments contained herein shall be effective upon filing of this document with the Director, Division of the FEDERAL REGISTER.

Section 722.516 (e) of the Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1954 Crop of Upland Cotton to States, Counties, and Farms (18 F. R. 7531) is amended to read as follows:

(e) *County acreage allotment.* The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (b) of this section and (2) the acreages, if any, allocated to the county by the State committee from the State acreage reserve as adjustments for trends in acreage and for abnormal conditions adversely affecting plantings, pursuant to subparagraphs (1) and (2) of paragraph (c) of this section. The county acreage allotment for each county is set out below. The amounts of the acreages set aside and reserved by each county committee pursuant to § 722.517 (a) and (b) are available for inspection by any interested person at the office of the county committee. Also available for inspection at the office of the county committee are the data pertaining to the establishment of administrative areas in accordance with paragraph (f) of this section.

| County: ALABAMA | *County acreage allotments* |
|---|---|
| Autauga | 9,614 |
| Baldwin | 1,767 |
| Barbour | 13,215 |
| Bibb | 3,891 |
| Blount | 19,347 |
| Bullock | 9,945 |
| Butler | 8,857 |
| Calhoun | 7,209 |
| Chambers | 11,641 |
| Cherokee | 23,188 |
| Chilton | 8,960 |
| Choctaw | 5,182 |
| Clarke | 4,191 |
| Clay | 4,480 |
| Cleburne | 3,812 |
| Coffee | 17,378 |
| Colbert | 23,520 |
| Conecuh | 10,074 |
| Coosa | 1,830 |
| Covington | 14,988 |
| Crenshaw | 10,882 |
| Cullman | 37,412 |
| Dale | 6,667 |
| Dallas | 26,531 |
| De Kalb | 34,259 |
| Elmore | 17,075 |
| Escambia | 9,483 |
| Etowah | 12,606 |
| Fayette | 9,241 |
| Franklin | 15,051 |
| Geneva | 18,756 |
| Greene | 13,627 |
| Hale | 15,506 |
| Henry | 13,739 |
| Houston | 23,852 |
| Jackson | 26,296 |
| Jefferson | 3,155 |
| Lamar | 12,699 |
| Lauderdale | 30,406 |
| Lawrence | 42,213 |
| Lee | 9,667 |
| Limestone | 51,382 |
| Lowndes | 11,770 |
| Macon | 17,434 |
| Madison | 61,537 |
| Marengo | 17,118 |
| Marion | 15,481 |
| Marshall | 34,569 |
| Mobile | 2,295 |
| Monroe | 17,039 |
| Montgomery | 11,633 |
| Morgan | 31,865 |
| Perry | 11,169 |
| Pickens | 16,234 |
| Pike | 16,868 |
| Randolph | 10,887 |
| Russell | 10,978 |
| St. Clair | 6,074 |
| Shelby | 6,075 |
| Sumter | 14,235 |
| Talladega | 13,777 |
| Tallapoosa | 8,313 |
| Tuscaloosa | 17,253 |
| Walker | 7,098 |
| Washington | 1,591 |
| Wilcox | 12,061 |
| Winston | 8,211 |
| a State total | 1,025,209 |
| b. State acreage reserve for small farms and new farms | 113,912 |
| c. State acreage allotment | 1,139,121 |

| County: ARIZONA | *County acreage allotments* |
|---|---|
| Cochise | 8,495 |
| Graham | 11,637 |
| Greenlee | 1,508 |
| Maricopa | 103,308 |
| Mohave | 325 |
| Pima | 17,700 |
| Pinal | 125,805 |
| Santa Cruz | 1,729 |
| Yavapai | 15 |
| Yuma | 17,801 |
| a State total | 287,723 |
| b. State acreage reserve for small farms and new farms | 500 |
| c State acreage allotment | 288,223 |

| County: ARKANSAS | *County acreage allotments* |
|---|---|
| Arkansas | 10,106 |
| Ashley | 27,239 |
| Baxter | 202 |
| Boone | 71 |
| Bradley | 6,814 |
| Calhoun | 4,808 |
| Chicot | 32,165 |
| Clark | 6,843 |
| Clay | 40,172 |
| Cleburne | 4,954 |
| Cleveland | 5,853 |
| Columbia | 16,076 |
| Conway | 10,399 |
| Craighead | 81,354 |
| Crawford | 963 |
| Crittenden | 100,303 |
| Cross | 38,732 |
| Dallas | 3,232 |
| Desha | 44,469 |
| Drew | 14,458 |
| Faulkner | 18,435 |
| Franklin | 968 |
| Fulton | 1,503 |
| Garland | 116 |
| Grant | 1,498 |
| Greene | 38,064 |
| Hempstead | 13,132 |
| Hot Springs | 1,336 |
| Howard | 4,070 |
| Independence | 8,818 |
| Izard | 3,977 |
| Jackson | 47,141 |
| Jefferson | 70,867 |
| Johnson | 1,342 |
| Lafayette | 16,007 |
| Lawrence | 22,425 |
| Lee | 58,649 |
| Lincoln | 35,522 |
| Little River | 7,552 |
| Logan | 3,150 |
| Lonoke | 53,925 |
| Marion | 130 |
| Miller | 15,170 |
| Mississippi | 192,359 |
| Monroe | 39,706 |
| Montgomery | 249 |
| Nevada | 7,424 |
| Newton | 79 |
| Ouachita | 3,695 |
| Perry | 2,019 |
| Phillips | 82,305 |
| Pike | 760 |
| Poinsett | 86,410 |
| Polk | 225 |
| Pope | 5,478 |
| Prairie | 11,039 |
| Pulaski | 20,432 |
| Randolph | 11,512 |
| St. Francis | 68,080 |
| Saline | 268 |
| Scott | 459 |
| Searcy | 403 |
| Sebastian | 866 |
| Sevier | 1,304 |
| Sharp | 4,281 |
| Stone | 335 |
| Union | 3,806 |
| Van Buren | 2,728 |
| White | 27,006 |
| Woodruff | 38,438 |
| Yell | 8,849 |
| a State total | 1,493,545 |
| b State acreage reserve for small farms and new farms | 69,139 |
| c. State acreage allotment | 1,562,684 |

| County: CALIFORNIA | *County acreage allotments* |
|---|---|
| Butte | 3 |
| Fresno | 183,841 |
| Glenn | 9 |
| Imperial | 40,878 |
| Kern | 165,466 |
| Kings | 85,928 |
| Los Angeles | 159 |
| Madera | 46,025 |
| Merced | 25,720 |
| Riverside | 17,830 |
| San Benito | 170 |
| San Bernardino | 662 |
| San Diego | 253 |
| San Joaquin | 3 |
| San Luis Obispo | 26 |
| Stanislaus | 118 |
| Tehama | 58 |
| Tulare | 129,955 |
| Yuba | 10 |
| a. State total | 697,114 |
| b. State acreage reserve for small farms and new farms | 692 |
| c State acreage allotment | 697,806 |

| County: FLORIDA | *County acreage allotments* [1] |
|---|---|
| Alachua | 89 |
| Baker | 2 |
| Bay | 52 |
| Calhoun | 514 |
| Columbia | 196 |
| Dixie | 4 |
| Duval | 1 |
| Escambia | 1,390 |
| Gadsden | 139 |
| Gilchrist | 1 |
| Hamilton | 1,061 |

[1] County acreage allotments are calculated and rounded to tenths of acres; however, such allotments have been rounded to whole acres for purposes of publication in the FEDERAL REGISTER.

| Florida—Con. County—Con. | County acreage allotments [1] |
|---|---|
| Holmes | 4,756 |
| Jackson | 6,393 |
| Jefferson | 1,615 |
| Lafayette | 186 |
| Leon | 1,044 |
| Levy | 6 |
| Liberty | 7 |
| Madison | 2,763 |
| Nassau | 4 |
| Okaloosa | 1,683 |
| Orange | 6 |
| Santa Rosa | 4,934 |
| Suwannee | 623 |
| Taylor | 22 |
| Union | 4 |
| Walton | 2,148 |
| Washington | 829 |
| a. State total | 30,472 |
| b. State acreage reserve for small farms and new farms | 2,650 |
| c. State acreage allotment | 33,122 |

Footnote 1 on p. 7837.

| Georgia | County acreage allotments [1] |
|---|---|
| Appling | 4,707 |
| Atkinson | 915 |
| Bacon | 2,413 |
| Baker | 3,400 |
| Baldwin | 2,983 |
| Banks | 4,039 |
| Barrow | 7,386 |
| Bartow | 17,750 |
| Ben Hill | 5,240 |
| Berrien | 3,391 |
| Bibb | 1,319 |
| Blackley | 7,372 |
| Brantley | 43 |
| Brooks | 8,882 |
| Bryan | 272 |
| Bulloch | 16,123 |
| Burke | 28,937 |
| Butts | 5,443 |
| Calhoun | 5,594 |
| Camden | 3 |
| Candler | 7,052 |
| Carroll | 14,046 |
| Catoosa | 1,737 |
| Charlton | 12 |
| Chatham | 45 |
| Chattahoochee | 169 |
| Chattooga | 5,781 |
| Cherokee | 2,119 |
| Clarke | 2,475 |
| Clay | 3,630 |
| Clayton | 1,793 |
| Clinch | 129 |
| Cobb | 3,162 |
| Coffee | 7,133 |
| Colquitt | 21,918 |
| Columbia | 2,559 |
| Cook | 3,844 |
| Coweta | 8,760 |
| Crawford | 1,950 |
| Crisp | 9,906 |
| Dade | 530 |
| Dawson | 395 |
| Decatur | 4,340 |
| De Kalb | 929 |
| Dodge | 14,399 |
| Dooly | 19,720 |
| Dougherty | 2,094 |
| Douglas | 1,911 |
| Early | 14,263 |
| Echols | 53 |
| Effingham | 1,572 |
| Elbert | 9,645 |
| Emanuel | 17,824 |
| Evans | 2,802 |
| Fayette | 6,102 |
| Floyd | 10,246 |

[1] County acreage allotments are calculated and rounded to tenths of acres; however, except for Rabun County, such allotments have been rounded to whole acres for purposes of publication in the FEDERAL REGISTER.

| Georgia—Con. County—Con. | County acreage allotments [1] |
|---|---|
| Forsyth | 4,289 |
| Franklin | 9,338 |
| Fulton | 3,827 |
| Gilmer | 31 |
| Glascock | 5,295 |
| Gordon | 11,515 |
| Grady | 3,577 |
| Greene | 4,192 |
| Gwinnett | 7,883 |
| Habersham | 709 |
| Hall | 4,226 |
| Hancock | 9,626 |
| Haralson | 3,881 |
| Harris | 2,232 |
| Hart | 13,261 |
| Heard | 4,050 |
| Henry | 12,745 |
| Houston | 6,239 |
| Irwin | 9,947 |
| Jackson | 12,336 |
| Jasper | 5,231 |
| Jeff Davis | 2,223 |
| Jefferson | 20,822 |
| Jenkins | 12,347 |
| Johnson | 16,735 |
| Jones | 729 |
| Lamar | 3,048 |
| Lanier | 602 |
| Laurens | 30,926 |
| Lee | 3,615 |
| Liberty | 131 |
| Lincoln | 3,349 |
| Long | 534 |
| Lowndes | 3,306 |
| Lumpkin | 177 |
| McDuffie | 7,188 |
| McIntosh | 7 |
| Macon | 12,826 |
| Madison | 11,236 |
| Marion | 4,001 |
| Meriwether | 13,056 |
| Miller | 6,662 |
| Mitchell | 12,533 |
| Monroe | 2,145 |
| Montgomery | 4,187 |
| Morgan | 15,499 |
| Murray | 4,521 |
| Muscogee | 223 |
| Newton | 8,548 |
| Oconee | 8,449 |
| Oglethorpe | 8,633 |
| Paulding | 4,878 |
| Peach | 2,499 |
| Pickens | 1,187 |
| Pierce | 2,253 |
| Pike | 7,040 |
| Polk | 7,895 |
| Pulaski | 9,223 |
| Putnam | 2,280 |
| Quitman | 1,661 |
| Rabun | 0 |
| Randolph | 6,048 |
| Richmond | 2,924 |
| Rockdale | 3,810 |
| Schley | 4,250 |
| Screven | 17,779 |
| Seminole | 4,702 |
| Spalding | 3,556 |
| Stephens | 1,324 |
| Stewart | 3,193 |
| Sumter | 11,098 |
| Talbot | 1,553 |
| Taliaferro | 2,505 |
| Tattnall | 5,402 |
| Taylor | 7,507 |
| Telfair | 4,946 |
| Terrell | 12,238 |
| Thomas | 5,740 |
| Tift | 6,863 |
| Toombs | 8,271 |
| Treutlen | 3,827 |
| Troup | 2,681 |
| Turner | 7,855 |
| Twiggs | 3,706 |
| Upson | 1,647 |
| Walker | 3,959 |
| Walton | 20,667 |
| Ware | 770 |

| Georgia—Con. County—Con. | County acreage allotments [1] |
|---|---|
| Warren | 11,899 |
| Washington | 18,398 |
| Wayne | 2,614 |
| Webster | 1,882 |
| Wheeler | 3,729 |
| White | 867 |
| Whitfield | 3,073 |
| Wilcox | 11,919 |
| Wilkes | 5,701 |
| Wilkinson | 2,679 |
| Worth | 19,487 |
| a. State total | 973,775.4 |
| b. State acreage reserve for small farms and new farms | 32,086.6 |
| c. State acreage allotment | 1,005,862.0 |

| County: Illinois | County acreage allotments |
|---|---|
| Alexander | 1,897 |
| Jefferson | 2 |
| Johnson | 12 |
| Massac | 2.6 |
| Pulaski | 1,690 |
| Williamson | 1.6 |
| a. State total | 3,605.2 |
| b. State acreage reserve for small farms and new farms | 394.8 |
| c. State acreage allotment | 4,000.0 |

| County: Kansas | County acreage allotments |
|---|---|
| Cowley | 9 |
| Montgomery | 63 |
| a. State total | 72 |
| b. State acreage reserve for small farms and new farms | 8 |
| c. State acreage allotment | 80 |

| County: Kentucky | County acreage allotments |
|---|---|
| Ballard | 9 |
| Calloway | 198 |
| Carlisle | 84 |
| Fulton | 6,826 |
| Graves | 125 |
| Hickman | 1,100 |
| McCracken | 4 |
| Marshall | 66 |
| a. State total | 8,422 |
| b. State acreage reserve for small farms and new farms | 714 |
| c. State acreage allotment | 9,136 |

| Parish: Louisiana | Parish acreage allotments |
|---|---|
| Acadia | 13,591 |
| Allen | 974 |
| Ascension | 607 |
| Assumption | 31 |
| Avoyelles | 23,512 |
| Beauregard | 307 |
| Bienville | 8,379 |
| Bossier | 22,797 |
| Caddo | 30,276 |
| Calcasieu | 361 |
| Caldwell | 6,291 |
| Cameron | 600 |
| Catahoula | 11,343 |
| Claiborne | 14,578 |
| Concordia | 8,774 |
| De Soto | 12,748 |
| East Baton Rouge | 882 |
| East Carroll | 23,337 |
| East Feliciana | 4,936 |
| Evangeline | 16,325 |
| Franklin | 51,282 |
| Grant | 4,041 |
| Iberia | 2,276 |
| Iberville | 717 |
| Jackson | 1,395 |
| Jefferson | 2 |



| Louisiana—Con. Parish—Con. | Parish acreage allotments |
|---|---|
| Jefferson Davis | 1,142 |
| Lafayette | 16,433 |
| Lafourche | 248 |
| La Salle | 414 |
| Lincoln | 6,861 |
| Livingston | 406 |
| Madison | 16,157 |
| Morehouse | 25,707 |
| Natchitoches | 26,811 |
| Orleans | 6 |
| Ouachita | 13,255 |
| Plaquemines | 1 |
| Pointe Coupee | 10,619 |
| Rapides | 16,316 |
| Red River | 14,042 |
| Richland | 43,013 |
| Sabine | 3,531 |
| St. Bernard | 1 |
| St. Helena | 2,355 |
| St. James | 19 |
| St. John the Baptist | 20 |
| St. Landry | 36,218 |
| St. Martin | 9,556 |
| St. Mary | 15 |
| St. Tammany | 326 |
| Tangipahoa | 1,579 |
| Tensas | 18,057 |
| Union | 7,953 |
| Vermilion | 7,156 |
| Vernon | 1,353 |
| Washington | 6,086 |
| Webster | 9,183 |
| West Baton Rouge | 1,097 |
| West Carroll | 21,633 |
| West Feliciana | 2,374 |
| Winn | 1,260 |
| a. State total | 590,023 |
| b. State acreage reserve for small farms and new farms | 44,883 |
| c. State acreage allotment | 634,906 |

| County: Mississippi | County acreage allotments |
|---|---|
| Adams | 3,304 |
| Alcorn | 14,879 |
| Amite | 9,816 |
| Attala | 14,715 |
| Benton | 11,659 |
| Bolivar | 122,703 |
| Calhoun | 16,024 |
| Carroll | 15,603 |
| Chickasaw | 15,698 |
| Choctaw | 4,259 |
| Claiborne | 5,493 |
| Clarke | 4,793 |
| Clay | 9,171 |
| Coahoma | 91,112 |
| Copiah | 9,301 |
| Covington | 10,655 |
| De Soto | 34,215 |
| Forrest | 1,253 |
| Franklin | 2,147 |
| George | 1,029 |
| Greene | 1,004 |
| Grenada | 12,004 |
| Hancock | 41 |
| Harrison | 20 |
| Hinds | 29,341 |
| Holmes | 36,460 |
| Humphreys | 51,060 |
| Issaquena | 11,773 |
| Itawamba | 12,986 |
| Jackson | 50 |
| Jasper | 7,886 |
| Jefferson | 5,673 |
| Jefferson Davis | 16,310 |
| Jones | 9,348 |
| Kemper | 12,281 |
| Lafayette | 17,106 |
| Lamar | 3,433 |
| Lauderdale | 6,661 |
| Lawrence | 9,075 |
| Leake | 18,936 |
| Lee | 28,777 |
| Leflore | 76,407 |
| Lincoln | 7,300 |
| Lowndes | 17,448 |

| Mississippi—Con. County—Con. | County acreage allotments |
|---|---|
| Madison | 34,349 |
| Marion | 11,003 |
| Marshall | 32,323 |
| Monroe | 30,061 |
| Montgomery | 8,523 |
| Neshoba | 16,873 |
| Newton | 10,993 |
| Noxubee | 18,777 |
| Oktibbeha | 5,376 |
| Panola | 40,769 |
| Pearl River | 232 |
| Perry | 1,701 |
| Pike | 7,052 |
| Pontotoc | 20,451 |
| Prentiss | 18,135 |
| Quitman | 60,932 |
| Rankin | 11,298 |
| Scott | 12,218 |
| Sharkey | 29,014 |
| Simpson | 14,105 |
| Smith | 11,271 |
| Stone | 115 |
| Sunflower | 125,828 |
| Tallahatchie | 57,776 |
| Tate | 24,914 |
| Tippah | 17,360 |
| Tishomingo | 10,172 |
| Tunica | 52,170 |
| Union | 18,823 |
| Walthall | 14,392 |
| Warren | 6,919 |
| Washington | 89,330 |
| Wayne | 6,657 |
| Webster | 8,740 |
| Wilkinson | 5,015 |
| Winston | 13,510 |
| Yalobusha | 11,644 |
| Yazoo | 44,597 |
| a. State total | 1,698,667 |
| b. State acreage reserve for small farms and new farms | 60,974 |
| c. State acreage allotment | 1,759,641 |

| County: Missouri | County acreage allotments |
|---|---|
| Bollinger | 51 |
| Butler | 16,404 |
| Cape Girardeau | 153 |
| Carter | 24 |
| Dunklin | 78,862 |
| Howell | 50 |
| Mississippi | 28,595 |
| New Madrid | 95,116 |
| Oregon | 109 |
| Ozark | 35 |
| Pemiscot | 98,728 |
| Ripley | 2,421 |
| Scott | 15,652 |
| Stoddard | 39,130 |
| a. State total | 375,340 |
| b. State acreage reserve for small farms and new farms | 16,056 |
| c. State acreage allotment | 391,396 |

| County: Nevada | County acreage allotments |
|---|---|
| Clark | 25 |
| Nye | 2,264 |
| a. State total | 2,289 |
| b. State acreage reserve for small farms and new farms | 0 |
| c. State acreage allotment | 2,289 |

| County: New Mexico | County acreage allotments [1] |
|---|---|
| Chaves | 31,393 |
| Curry | 1,257 |
| De Baca | 307 |
| Dona Ana | 40,973 |

[1] County Acreage Allotments are calculated and rounded to tenths of acres; however, such allotments have been rounded to whole acres for purposes of publication in the FEDERAL REGISTER.

| New Mexico—Con. County—Con. | County acreage allotments [1] |
|---|---|
| Eddy | 27,648 |
| Grant | 62 |
| Guadalupe | 6 |
| Harding | 20 |
| Hidalgo | 5,275 |
| Lea | 22,302 |
| Luna | 11,030 |
| Otero | 1,037 |
| Quay | 2,660 |
| Roosevelt | 15,440 |
| Sierra | 2,198 |
| Socorro | 1,235 |
| Valencia | 28 |
| a. State total | 162,851 |
| b. State acreage reserve for small farms and new farms | 4,392 |
| c. State acreage allotment | 167,243 |

| County: North Carolina | County acreage allotments |
|---|---|
| Alamance | 105 |
| Alexander | 1,237 |
| Anson | 15,891 |
| Beaufort | 1,425 |
| Bertie | 5,735 |
| Bladen | 4,065 |
| Brunswick | 275 |
| Burke | 252 |
| Cabarrus | 5,838 |
| Caldwell | 76 |
| Camden | 553 |
| Carteret | 121 |
| Caswell | 2 |
| Catawba | 4,623 |
| Chatham | 945 |
| Chowan | 2,069 |
| Cleveland | 36,214 |
| Columbus | 2,616 |
| Craven | 563 |
| Cumberland | 13,017 |
| Currituck | 511 |
| Davidson | 1,030 |
| Davie | 2,347 |
| Duplin | 3,846 |
| Durham | 143 |
| Edgecombe | 12,921 |
| Forsyth | 132 |
| Franklin | 10,586 |
| Gaston | 4,933 |
| Gates | 2,366 |
| Granville | 438 |
| Greene | 4,037 |
| Guilford | 108 |
| Halifax | 22,252 |
| Harnett | 14,046 |
| Hertford | 3,964 |
| Hoke | 15,099 |
| Hyde | 715 |
| Iredell | 10,851 |
| Johnston | 21,496 |
| Jones | 372 |
| Lee | 1,525 |
| Lenoir | 2,549 |
| Lincoln | 9,548 |
| McDowell | 4 |
| Martin | 2,521 |
| Mecklenburg | 9,440 |
| Montgomery | 1,547 |
| Moore | 1,856 |
| Nash | 14,141 |
| New Hanover | 28 |
| Northampton | 18,603 |
| Onslow | 341 |
| Orange | 143 |
| Pamlico | 466 |
| Pasquotank | 432 |
| Pender | 325 |
| Perquimans | 1,782 |
| Pitt | 6,835 |
| Polk | 1,788 |
| Randolph | 113 |
| Richmond | 7,156 |
| Robeson | 43,783 |
| Rockingham | 7 |
| Rowan | 7,060 |
| Rutherford | 11,041 |
| Sampson | 22,907 |

| North Carolina—Con. County—Con. | County acreage allotments |
|---|---|
| Scotland | 21,189 |
| Stanly | 3,085 |
| Tyrrell | 257 |
| Union | 20,356 |
| Vance | 2,858 |
| Wake | 7,135 |
| Warren | 8,868 |
| Washington | 601 |
| Wayne | 12,166 |
| Wilkes | 72 |
| Wilson | 9,531 |
| Yadkin | 55 |
| a. State total | 482,308 |
| b. State acreage reserve for small farms and new farms | 46,330 |
| c. State acreage allotment | 528,638 |

| County: Oklahoma | County acreage allotments |
|---|---|
| Adair | 18 |
| Alfalfa | 78 |
| Atoka | 2,228 |
| Beaver | 66 |
| Beckham | 69,079 |
| Blaine | 13,608 |
| Bryan | 18,405 |
| Caddo | 50,161 |
| Canadian | 14,308 |
| Carter | 1,733 |
| Cherokee | 316 |
| Choctaw | 6,080 |
| Cleveland | 2,618 |
| Coal | 4,237 |
| Comanche | 14,105 |
| Cotton | 18,927 |
| Craig | 96 |
| Creek | 6,322 |
| Custer | 25,668 |
| Delaware | 3 |
| Dewey | 8,371 |
| Ellis | 589 |
| Garfield | 103 |
| Garvin | 6,988 |
| Grady | 19,447 |
| Grant | 10 |
| Greer | 42,788 |
| Harmon | 52,414 |
| Harper | 25 |
| Haskell | 4,809 |
| Hughes | 7,014 |
| Jackson | 62,993 |
| Jefferson | 19,465 |
| Johnston | 3,335 |
| Kay | 361 |
| Kingfisher | 1,232 |
| Kiowa | 57,308 |
| Latimer | 608 |
| Le Flore | 5,870 |
| Lincoln | 3,614 |
| Logan | 3,905 |
| Love | 8,982 |
| McClain | 11,150 |
| McCurtain | 9,889 |
| McIntosh | 16,080 |
| Major | 2,373 |
| Marshall | 4,791 |
| Mayes | 1,334 |
| Murray | 781 |
| Muskogee | 23,541 |
| Noble | 1,531 |
| Nowata | 950 |
| Okfuskee | 11,042 |
| Oklahoma | 876 |
| Okmulgee | 14,737 |
| Osage | 5,705 |
| Pawnee | 5,451 |
| Payne | 3,855 |
| Pittsburg | 8,731 |
| Pontotoc | 1,819 |
| Pottawatomie | 2,147 |
| Pushmataha | 870 |
| Roger Mills | 22,043 |
| Rogers | 1,422 |
| Seminole | 2,650 |
| Sequoyah | 2,140 |
| Stephens | 7,838 |
| Texas | 41 |

| Oklahoma—Con. County—Con. | County acreage allotments |
|---|---|
| Tillman | 78,214 |
| Tulsa | 3,331 |
| Wagoner | 12,705 |
| Washington | 89 |
| Washita | 83,339 |
| Woodward | 495 |
| a. State total | 900,256 |
| b. State acreage reserve for small farms and new farms | 28,946 |
| c. State acreage allotment | 929,202 |

| County: South Carolina | County acreage allotments |
|---|---|
| Abbeville | 9,264 |
| Aiken | 22,475 |
| Allendale | 10,353 |
| Anderson | 31,975 |
| Bamberg | 13,060 |
| Barnwell | 16,938 |
| Beaufort | 959 |
| Berkeley | 8,081 |
| Calhoun | 15,721 |
| Charleston | 1,068 |
| Cherokee | 14,425 |
| Chester | 11,092 |
| Chesterfield | 32,885 |
| Clarendon | 33,852 |
| Colleton | 7,550 |
| Darlington | 31,563 |
| Dillon | 22,778 |
| Dorchester | 9,086 |
| Edgefield | 9,945 |
| Fairfield | 5,851 |
| Florence | 31,207 |
| Georgetown | 2,299 |
| Greenville | 17,783 |
| Greenwood | 5,452 |
| Hampton | 8,017 |
| Horry | 8,365 |
| Jasper | 2,460 |
| Kershaw | 20,188 |
| Lancaster | 9,120 |
| Laurens | 19,358 |
| Lee | 35,706 |
| Lexington | 11,268 |
| McCormick | 4,466 |
| Marion | 12,065 |
| Marlboro | 40,915 |
| Newberry | 9,140 |
| Oconee | 9,385 |
| Orangeburg | 57,910 |
| Pickens | 7,603 |
| Richland | 7,070 |
| Saluda | 8,654 |
| Spartanburg | 26,844 |
| Sumter | 40,183 |
| Union | 7,035 |
| Williamsburg | 32,998 |
| York | 17,523 |
| a. State total | 761,974 |
| b. State acreage reserve for small farms and new farms | 24,032 |
| c. State acreage allotment | 786,006 |

| County: Tennessee | County acreage allotments [1] |
|---|---|
| Bedford | 1,591 |
| Benton | 2,662 |
| Bradley | 1,595 |
| Cannon | 31 |
| Carroll | 17,754 |
| Chester | 10,354 |
| Coffee | 1,312 |
| Crockett | 28,509 |
| Davidson | 11 |
| Decatur | 4,310 |
| DeKalb | 34 |
| Dyer | 31,270 |
| Fayette | 40,211 |

[1] County acreage allotments are calculated and rounded to tenths of acres; however, such allotments have been rounded to whole acres for purposes of publication in the Federal Register.

| Tennessee—Con. County—Con. | County acreage allotments |
|---|---|
| Franklin | 5,744 |
| Gibson | 39,103 |
| Giles | 8,947 |
| Grundy | 152 |
| Hamilton | 840 |
| Hardeman | 20,028 |
| Hardin | 9,247 |
| Haywood | 39,379 |
| Henderson | 17,535 |
| Henry | 4,771 |
| Hickman | 26 |
| Humphreys | 10 |
| Knox | 13 |
| Lake | 21,377 |
| Lauderdale | 32,618 |
| Lawrence | 20,558 |
| Lewis | 325 |
| Lincoln | 11,913 |
| Louden | 8 |
| McMinn | 1,210 |
| McNairy | 18,631 |
| Madison | 30,625 |
| Marion | 593 |
| Marshall | 392 |
| Maury | 155 |
| Meigs | 691 |
| Monroe | 444 |
| Moore | 85 |
| Obion | 9,383 |
| Perry | 199 |
| Polk | 1,331 |
| Rhea | 23 |
| Roane | 7 |
| Rutherford | 4,633 |
| Sequatchie | 1 |
| Shelby | 44,490 |
| Stewart | 5 |
| Tipton | 41,585 |
| Van Buren | 30 |
| Warren | 490 |
| Wayne | 3,212 |
| Weakley | 8,635 |
| White | 81 |
| Williamson | 120 |
| Wilson | 75 |
| a. State total | 530,489 |
| b. State acreage reserve for small farms and new farms | 36,402 |
| c. State acreage allotment | 575,891 |

| County: Texas | County acreage allotments |
|---|---|
| Anderson | 11,136 |
| Andrews | 3,643 |
| Angelina | 3,319 |
| Aransas | 1,158 |
| Archer | 2,551 |
| Armstrong | 1,459 |
| Atascosa | 9,495 |
| Austin | 18,180 |
| Bailey | 88,543 |
| Bastrop | 12,661 |
| Baylor | 19,045 |
| Bee | 13,348 |
| Bell | 73,614 |
| Bexar | 4,497 |
| Blanco | 210 |
| Borden | 18,646 |
| Bosque | 12,423 |
| Bowie | 14,424 |
| Brazoria | 10,841 |
| Brazos | 20,243 |
| Brewster | 129 |
| Briscoe | 23,165 |
| Brooks | 4,027 |
| Brown | 8,835 |
| Burleson | 27,915 |
| Burnet | 6,367 |
| Caldwell | 23,383 |
| Calhoun | 18,231 |
| Callahan | 8,388 |
| Cameron | 165,196 |
| Camp | 3,210 |
| Carson | 264 |
| Cass | 11,942 |
| Castro | 35,097 |
| Chambers | 129 |



| Texas—Con. County—Con. | County acreage allotments |
|---|---|
| Cherokee | 11,940 |
| Childress | 55,452 |
| Clay | 12,501 |
| Cochran | 73,314 |
| Coke | 7,503 |
| Coleman | 36,063 |
| Collin | 90,211 |
| Collingsworth | 68,859 |
| Colorado | 9,754 |
| Comal | 393 |
| Comanche | 8,724 |
| Concho | 28,714 |
| Cooke | 8,737 |
| Corvell | 20,510 |
| Cottle | 58,422 |
| Crockett | 26 |
| Crosby | 114,124 |
| Culberson | 3,186 |
| Dallam | 22 |
| Dallas | 40,421 |
| Dawson | 213,160 |
| Deaf Smith | 6,923 |
| Delta | 39,213 |
| Denton | 23,896 |
| DeWitt | 17,422 |
| Dickens | 55,819 |
| Dimmit | 1,884 |
| Donley | 28,780 |
| Duval | 16,131 |
| Eastland | 4,071 |
| Ector | 273 |
| Ellis | 141,593 |
| El Paso | 28,019 |
| Erath | 9,270 |
| Falls | 81,204 |
| Fannin | 77,136 |
| Fayette | 27,933 |
| Fisher | 83,714 |
| Floyd | 84,847 |
| Foard | 12,340 |
| Fort Bend | 59,573 |
| Franklin | 4,967 |
| Freestone | 19,395 |
| Frio | 3,546 |
| Gaines | 68,248 |
| Galveston | 48 |
| Garza | 43,340 |
| Gillespie | 1,157 |
| Glasscock | 9,414 |
| Goliad | 5,042 |
| Gonzales | 15,704 |
| Gray | 3,341 |
| Grayson | 41,103 |
| Gregg | 1,474 |
| Grimes | 15,526 |
| Guadalupe | 21,741 |
| Hale | 144,763 |
| Hall | 98,742 |
| Hamilton | 9,196 |
| Hansford | 284 |
| Hardeman | 35,258 |
| Hardin | 48 |
| Harris | 4,293 |
| Harrison | 13,886 |
| Haskell | 130,423 |
| Hays | 8,697 |
| Hemphill | 1,423 |
| Henderson | 9,552 |
| Hidalgo | 184,321 |
| Hill | 120,297 |
| Hockley | 192,157 |
| Hood | 3,159 |
| Hopkins | 31,414 |
| Houston | 25,009 |
| Howard | 77,629 |
| Hudspeth | 15,462 |
| Hunt | 104,355 |
| Irion | 760 |
| Jack | 2,239 |
| Jackson | 17,359 |
| Jasper | 423 |
| Jeff Davis | 371 |
| Jefferson | 97 |
| Jim Hogg | 2,159 |
| Jim Wells | 23,786 |
| Johnson | 39,448 |

| Texas—Con. County—Con. | County acreage allotments |
|---|---|
| Jones | 113,907 |
| Karnes | 36,809 |
| Kaufman | 66,454 |
| Kendall | 55 |
| Kenedy | 4 |
| Kent | 20,487 |
| Kerr | 146 |
| Kimble | 139 |
| King | 10,244 |
| Kinney | 321 |
| Kleburg | 8,890 |
| Knox | 64,397 |
| Lamar | 67,983 |
| Lamb | 193,657 |
| Lampasas | 2,491 |
| La Salle | 2,749 |
| Lavaca | 32,895 |
| Lee | 9,357 |
| Leon | 11,156 |
| Liberty | 3,047 |
| Limestone | 73,739 |
| Live Oak | 19,178 |
| Llano | 454 |
| Loving | 303 |
| Lubbock | 236,635 |
| Lynn | 193,108 |
| McCulloch | 19,802 |
| McLennan | 91,146 |
| McMullen | 1,545 |
| Madison | 6,722 |
| Marion | 2,257 |
| Martin | 93,604 |
| Mason | 1,756 |
| Matagorda | 16,892 |
| Maverick | 6,278 |
| Medina | 1,065 |
| Menard | 775 |
| Midland | 26,277 |
| Milan | 53,563 |
| Mills | 3,168 |
| Mitchell | 71,759 |
| Montague | 4,030 |
| Montgomery | 1,111 |
| Moore | 292 |
| Morris | 3,095 |
| Motley | 37,147 |
| Nacogdoches | 6,799 |
| Navarro | 114,928 |
| Newton | 441 |
| Nolan | 44,162 |
| Nueces | 106,568 |
| Ochiltree | 173 |
| Oldham | 11 |
| Palo Pinto | 3,300 |
| Panola | 9,379 |
| Parker | 3,558 |
| Parmer | 27,742 |
| Pecos | 14,451 |
| Polk | 4,798 |
| Potter | 20 |
| Presidio | 2,699 |
| Rains | 9,019 |
| Randall | 582 |
| Reagan | 799 |
| Real | 1 |
| Red River | 33,227 |
| Reeves | 41,605 |
| Refugio | 12,801 |
| Roberts | 86 |
| Robertson | 28,024 |
| Rockwall | 22,856 |
| Runnels | 93,377 |
| Rusk | 13,993 |
| Sabine | 2,484 |
| San Augustine | 6,300 |
| San Jacinto | 3,627 |
| San Patricio | 82,246 |
| San Saba | 8,469 |
| Schleicher | 8,747 |
| Scurry | 67,649 |
| Shackleford | 3,913 |
| Shelby | 9,474 |
| Smith | 9,529 |
| Somervell | 1,454 |
| Starr | 24,622 |
| Stephens | 1,237 |
| Sterling | 277 |

| Texas—Con. County—Con. | County acreage allotments |
|---|---|
| Stonewall | 26,457 |
| Sutton | 14 |
| Swisher | 36,053 |
| Tarrant | 10,826 |
| Taylor | 35,849 |
| Terrell | 28 |
| Terry | 138,824 |
| Throckmorton | 12,272 |
| Titus | 4,826 |
| Tom Green | 58,655 |
| Travis | 39,603 |
| Trinity | 4,021 |
| Tyler | 408 |
| Upshur | 4,564 |
| Uvalde | 956 |
| Val Verde | 166 |
| Van Zandt | 24,981 |
| Victoria | 24,835 |
| Walker | 5,997 |
| Weller | 5,095 |
| Ward | 8,216 |
| Washington | 23,135 |
| Webb | 2,239 |
| Wharton | 72,759 |
| Wheeler | 27,619 |
| Wichita | 6,750 |
| Wilbarger | 53,140 |
| Willacy | 100,661 |
| Williamson | 113,996 |
| Wilson | 6,623 |
| Wise | 2,263 |
| Wood | 4,818 |
| Yoakum | 28,211 |
| Young | 12,859 |
| Zapata | 2,436 |
| Zavala | 8,137 |
| a. State total | 7,233,428 |
| b. State acreage reserve for small farms and new farms | 143,430 |
| c. State acreage allotment | 7,376,858 |

| County: Virginia | County acreage allotments |
|---|---|
| Accomac | 3 |
| Brunswick | 2,193 |
| Caroline | 2 |
| Charlotte | 16 |
| Chesterfield | 2 |
| Cumberland | 3 |
| Dinwiddie | 216 |
| Franklin | 5 |
| Greensville | 3,832 |
| Halifax | 28 |
| Isle of Wight | 287 |
| Lunenburg | 222 |
| Mecklenburg | 1,911 |
| Nansemond | 1,758 |
| Norfolk | 34 |
| Nottoway | 2 |
| Prince Edward | 3 |
| Prince George | 57 |
| Princess Anne | 10 |
| Southampton | 4,353 |
| Surry | 15 |
| Sussex | 1,558 |
| a. State total | 16,510 |
| b. State acreage reserve for small farms and new farms | 1,834 |
| c. State acreage allotment | 18,344 |

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 344, 362, 52 Stat. 57, 62, as amended; 7 U. S. C. 1344, 1362)

Issued at Washington, D. C., this 1st day of December 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] True D. Morse,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10166; Filed, Dec. 1, 1953; 3:11 p. m.]

## Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

**Subchapter B—Sugar Requirements and Quotas**

[Sugar Reg 814.20, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS

MAINLAND CANE SUGAR AREA, 1953

*Basis and purpose.* This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of revising Sugar Regulation 814.20 which allots the 1953 sugar quota for the mainland cane sugar area.

Revision of Sugar Regulation 814.20 is necessary (1) to give effect to Amendment 7 to Sugar Regulation 813 (18 F. R. 7159) which prorated a deficit in the 1953 quota for the domestic beet area and increased the 1953 quota for the mainland cane area by 7,531 short tons, raw value, to a total of 517,291 short tons, raw value, and (2) to prorate to other allottees the quantity released by one allottee.

On June 23, 1953, a hearing was held in New Orleans, Louisiana, for the purpose of receiving evidence, to enable the Secretary to make a fair, efficient and equitable distribution of the 1953 sugar quota for the mainland cane sugar area.

At that hearing, or following the hearing, 50 of the 51 allottees waived their right to a further hearing for the purpose of (1) giving effect to a change in the quota for the mainland cane area or (2) reallotting to other allottees any quantities released by one or more allottees provided the revised allotments were made on the same basis as the original allotments. Since the initial order was issued (S. R. 814.20 (18 F. R. 5289)), the quota for the mainland cane sugar area has been increased by 7,531 short tons, raw value, due to an additional deficit in the quota for the beet area (S. R. 813, Amendment 7 (18 F. R. 7159)). Also, 660 short tons, raw value, have been released by one allottee.

Since one allottee failed to waive its right to a hearing prior to the revision of the initial allotment order, it became necessary to hold a public hearing. Accordingly, pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.), a notice was issued on November 18, 1953, of a public hearing to be held at Washington, D. C., on November 24, 1953, for the purpose of receiving evidence to enable the Secretary to make a fair, efficient and equitable distribution of the revised 1953 sugar quota for the mainland cane sugar area.

At the hearing the Government witness proposed that the revised allotments should be made on the same basis as the initial allotments. No other testimony was offered. The revised allotments in the amounts set forth in this order are established on the same basis as those in the initial order, and afford a fair, efficient and equitable distribution of the quota, as required by section 205 (a) of the act.

Because of the limited time remaining in the quota year to which the allotments apply it is imperative that this amendment became effective at the earliest possible date in order to permit continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently this order shall be effective when published in the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, paragraph (a) of § 814.20 is hereby amended to read as follows:

§ 814.20 *Allotment of the 1953 sugar quota for the mainland cane sugar area*—(a) *Allotments.* The 1953 sugar quota for the mainland cane sugar area is hereby allotted to the following processors in amounts which appear opposite their respective names:

| Processor | Allotment (short tons, raw value) |
|---|---|
| Albania Sugar Cooperative, Inc | 5,430 |
| Alice C. Refinery & Plantation, Inc | 6,592 |
| Alma Plantation, Ltd | 6,308 |
| J. Aron & Co., Inc | 10,510 |
| Billeaud Sugar Factory | 7,860 |
| Breaux Bridge Sugar Cooperative, Inc | 6,521 |
| Burton-Sutton Oil Co., Inc | 5,450 |
| Caire & Graugnard | 3,512 |
| Caldwell Sugar Cooperative, Inc | 8,032 |
| Catherine Sugar Co., Inc | 5,688 |
| Columbia Sugar Co | 4,375 |
| Cora-Texas Manufacturing Co | 2,420 |
| Cypremort Sugar Co., Inc | 4,836 |
| Dugas & LeBlanc, Ltd | 9,607 |
| Duhe & Bourgeois Sugar Co., Inc | 7,475 |
| Erath Sugar Co., Ltd | 4,942 |
| Evan Hall Sugar Cooperative, Inc | 17,111 |
| Evangeline Pepper & Food Products | 5,495 |
| Fellsmere Sugar Products Association | 8,323 |
| Frisco Cane Co., Inc | 650 |
| Glenwood Cooperative, Inc | 8,519 |
| Godchaux Sugars, Inc | 31,990 |
| Helvetia Sugar Cooperative, Inc | 5,937 |
| Iberia Sugar Cooperative, Inc | 12,884 |
| LaFourche Sugar Co | 11,124 |
| Harry L. Laws & Co., Inc | 7,854 |
| Levert-St. John, Inc | 9,744 |
| Loisel Sugar Co | 5,886 |
| Louisiana State Penitentiary | 3,634 |
| Louisiana State University | 150 |
| Lulu Plantation | 10,307 |
| Meeker Sugar Cooperative, Inc | 4,263 |
| Milliken & Farwell, Inc | 9,733 |
| Okeelanta Sugar Refinery, Inc | 10,355 |
| M. A. Patout & Son, Ltd | 7,597 |
| Poplar Grove Plantation & Refining Co | 5,425 |
| E. G. Robichaux Co., Ltd | 3,705 |
| St. James Sugar Cooperative, Inc | 9,586 |
| St. Mary Sugar Cooperative, Inc | 12,331 |
| Slack Bros., Inc | 2,802 |
| Smedes Bros., Inc | 4,223 |
| South Coast Corp | 35,100 |
| Southdown Sugars, Inc | 33,482 |
| Sterling Sugars, Inc | 9,463 |
| J. Supple's Sons Plantation Co | 3,588 |
| United States Sugar Corp | 97,091 |
| Valentine Sugars, Inc | 9,397 |
| Vermilion Sugar Co | 2,690 |
| Vida Sugars, Inc | 4,607 |
| A. Wilbert's Sons Lbr. & Sh. Co | 6,932 |
| Young's Industries, Inc | 5,760 |
| All other persons | 0 |
| Total | 517,291 |

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup. 1115)

Done at Washington, D. C., this 2d day of December 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10208; Filed, Dec. 4, 1953; 8:51 a. m.]

## Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 7]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.307 *Navel Orange Regulation 7*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on December 3, 1953, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section



effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 6, 1953, and ending at 12:01 a. m., P. s. t., December 13, 1953, is hereby fixed as follows:

(i) District 1: 1,200 carloads;

(ii) District 2: Unlimited movement;

(iii) District 3: 125 carloads;

(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handled," "handler," "carloads," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 4th day of December 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Dec. 6 to 12:01 a. m., P. s. t., Dec. 13, 1953]

NAVEL ORANGES

PRORATE DISTRICT NO. 1

| Handler | Prorate base (percent) |
|---|---|
| Total | 100.0000 |
| A. F. G. Lindsay | 2.0017 |
| A. F. G. Porterville | 2.5231 |
| Ivanhoe Cooperative Association | .7088 |
| Anderson Packing Co | 1.4619 |
| Euclid Avenue Orange Association | 1.1251 |
| Lindsay Mutual Groves | 1.7636 |
| Martin Ranch | 1.4745 |
| Orange Cove Orange Growers | 2.7418 |
| Woodlake Packing House | 1.9561 |
| Dofflemyer & Son, W. Todd | .5230 |
| Earlibest Orange Association | 1.8068 |
| Elderwood Citrus Association | .7415 |
| Exeter Citrus Association | 3.4785 |
| Exeter Orange Growers Association | 1.4526 |
| Exeter Orchards Association | 1.4443 |
| Hillside Packing Association | 1.4195 |
| Ivanhoe Mutual Orange Association | 1.1599 |
| Klink Citrus Association | 4.1837 |
| Lemon Cove Citrus Association | .8711 |
| Lindsay Citrus Growers, Association | 2.4086 |
| Lindsay Cooperative Association | 1.4437 |
| Lindsay Fruit Association | 2.4023 |
| Lindsay Orange Growers Association | .8273 |
| Naranjo Packing House Co | 1.3123 |
| Orange Cove Citrus Association | 3.6221 |
| Orange Packing Co | 1.0597 |
| Orosi Foothill Citrus Association | 1.4530 |
| Paloma Citrus Fruit Association | .8193 |
| Rocky Hill Citrus Association | 1.4390 |
| Sanger Citrus Association | 3.0705 |
| Sequoia Citrus Association | .8356 |
| Stark Packing Co | 2.7628 |
| Visalia Citrus Association | 2.0635 |

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 1—continued

| Handler | Prorate base (percent) |
|---|---|
| Waddell & Son | 2.5779 |
| Baird Neece Corp | 1.9183 |
| Beattie Association, D. A | .5040 |
| Grand View Heights Citrus Association | 3.2626 |
| Magnolia Citrus Association | 2.5964 |
| Porterville Citrus Association, The | 1.6537 |
| Randolph Marketing Co | 1.9946 |
| Richgrove-Jasmine Citrus Association | 1.2382 |
| Strathmore Cooperative Citrus Association | 1.0666 |
| Strathmore District Orange Association | 1.7597 |
| Strathmore Packing House Co | 2.2555 |
| Sunflower Citrus Growers | 2.5608 |
| Sunland Packing House Co | 2.9255 |
| Terra Bella Citrus Association | 1.3518 |
| Tule River Citrus Association | .8856 |
| Baker Ranch Packing House | .4626 |
| Batkins, Jr., Fred A | .0602 |
| California Citrus Groves, Inc., Ltd | 2.8218 |
| Darby, Fred J | .0249 |
| Dubendorf, John | .1351 |
| Evans Bros. Packing Co | .2318 |
| Far West Produce Distributors | .0546 |
| Foothill Packing Co | .3317 |
| Friesen, Lawrence | .0083 |
| Gluskin, Ludwig E | .0000 |
| Harding & Leggett | 1.8263 |
| Independent Growers, Inc | .9539 |
| Lo Bue Bros | .7148 |
| Maas, W. A | .1230 |
| Marks, W. & M | .4448 |
| McNees, Hubert K | .0249 |
| Morin, Carl W | .0216 |
| Orange Belt Fruit Distributors, Inc | .3367 |
| Paramount Citrus Association, Inc | 1.9819 |
| Reimers, Don H | .5060 |
| Riverside Fruit Co | .2488 |
| Sequoia Cider Mill | .0177 |
| Stephens & Caln | .0297 |
| Tashjian, John | .1185 |
| Zaninovich Bros., Inc | 1.5950 |

PRORATE DISTRICT NO. 3

| | |
|---|---|
| Total | 100.0000 |
| Consolidated Citrus Growers | 11.1993 |
| McKellips Citrus Co., Inc | 15.2823 |
| Phoenix Citrus Package Co | 2.2180 |
| Pioneer Fruit Co | 3.9207 |
| Arizona Citrus Growers | 13.8423 |
| Chandler Heights Citrus Growers | 2.0774 |
| Desert Citrus Growers | 6.6555 |
| Mesa Citrus Growers | 21.5502 |
| Tal' Wi-Wi Ranches | 2.6071 |
| Tempeco Groves | 6.6972 |
| Yuma Mesa Fruit Growers Association | .9516 |
| Allen & Allen Citrus Package Co | .6331 |
| Clark & Sons Produce Co., J. H | .3790 |
| Commercial Citrus Co | 1.4213 |
| Ishikawa, Paul | .0474 |
| Leppla, H. Lorain | 3.7570 |
| Macchiaroli Fruit Co., James | 2.7622 |
| Potato House, The | .2081 |
| Sunny Valley Citrus Package Co | 1.1758 |
| Valley Citrus Package Co | 2.6143 |

[F. R. Doc. 53-10253; Filed, Dec. 4, 1953; 11:43 a. m.]

[Lemon Reg. 514]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.621 *Lemon Regulation 514*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on December 2, 1953, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 6, 1953, and ending at 12:01 a. m., P. s. t., December 13, 1953, is hereby fixed as follows:

(i) District 1: 30 carloads;

(ii) District 2: 200 carloads;

(iii) District 3: 20 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended market-

ing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 513 (18 F. R. 7584) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 3d day of December 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-10242; Filed, Dec. 4, 1953; 8:52 a. m.]

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[959.309 Amdt. 2]

## PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

### LIMITATION OF SHIPMENTS

*Findings.* (1) Pursuant to Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any preparation on the part of handlers which cannot be completed by the effective date, and (iv) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

*Order as amended.* The provisions of § 959.309 (b) (4) and (5) (FEDERAL REGISTER, August 29, October 22, and November 10, 1953, 18 F. R. 5163, 6697, 7055), are hereby amended to read as follows:

(4) The limitations set forth in subparagraph (1) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) Grading or storing in the production area, (ii) seed, (iii) export, (iv) canning, freezing, dehydration, or manufacture or conversion into starch, flour and alcohol, (v) charity, and (vi) livestock feed within the production area.

(5) Each handler making shipments of potatoes pursuant to subparagraph (4) of this paragraph shall (except for shipments of potatoes for grading or storing in the production area, and shipments of potatoes for livestock feed) (i) file an application with the committee pursuant to § 959.130 for permission to make such shipments, (ii) pay assessments on such shipments pursuant to § 959.41, and (iii) have such shipments (except shipments of seed potatoes) inspected pursuant to § 959.60, and for each shipment made pursuant to subdivisions (iv) and (v) of subparagraph (4) of this paragraph shall furnish a record of shipment applicable thereto to the committee: *Provided*, That each application to ship potatoes made pursuant to subdivisions (iv) and (v) of subparagraph (4) of this paragraph shall be accompanied by the applicant handler's certification and buyer's certification that the potatoes to be shipped are to be used for the purpose stated in the application: *Provided further*, That each handler agrees in his application to furnish a copy of the bill of lading on each such shipment and to bill each such shipment directly to the applicable processor: *And provided further*, That each handler making shipments of potatoes to export, pursuant to subdivision (iii) of subparagraph (4) of this paragraph, shall include in his application applicable thereto, the export license number and shall enter such number on the Federal-State Inspection Certificate and Bill of Lading applicable to each such shipment, or in the event that no export license is required on such shipment, the handler thereof shall furnish the committee with a copy of the Department of Commerce Export Declaration Form No. 7525-V applicable to such shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 1st day of December 1953, to become effective 12:01 a. m., P. s. t., December 4, 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch.*

[F. R. Doc. 53-10191; Filed, Dec. 4, 1953; 8:47 a. m.]

# TITLE 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

### PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

### MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146; 18 F. R. 352, 1207, 4376, 4950) are amended as indicated below:

1. Part 141 is amended by adding the following new section:

§ 141.420 *Bacitracin - tyrothricin - neomycin troches; potency and moisture.* Proceed as directed in § 141.410 (a).

2. In § 146.77 *Dibenzylethylenediamine dipenicillin G for aqueous injection* subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the period at the end thereof to a comma and adding the following clause: "except that the blank may be filled in with the date which is 24 months after the month during which the batch was certified, if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section."

3. In § 146.114 *Streptomycin sulfate oral veterinary* subparagraph (3) of paragraph (c) *Labeling* is amended by changing the figure "24" to "36".

4. In § 146.115 *Streptomycin sulfate powder oral veterinary* • • • subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the figure "18" to "36".

5. Section 146.304 *Chloramphenicol ophthalmic* is amended as follows:

a. Paragraph (a) *Standards of identity* • • • is amended by changing the second, third, and fourth sentences to read: "It may contain cortisone acetate. It is sterile. The chloramphenicol is of such quantity that when prepared as directed in its labeling the potency of such solution or suspension is not less than 1.0 milligram per milliliter and maintains its labeled potency after it has been kept for 10 days at room temperature. Such solution or suspension has a pH of 7.3 ± 0.2."

b. In paragraph (b) *Packaging*, fourth sentence, delete the words "shall contain not less than 25 milligrams and each".

c. In paragraph (c) *Labeling*, subparagraph (1) (v) is amended by inserting between the words "contains" and "preservatives" the words "cortisone acetate or".

d. Paragraph (c) *Labeling* is further amended by adding the following new subparagraph:

(4) On the label and labeling, if it contains cortisone acetate, after the name "Chloramphenicol ophthalmic," wherever it appears, the words "with cortisone acetate," in juxtaposition with such name.

e. In paragraph (d) *Request for certification; samples*, subparagraph (2) (i) is amended by inserting between the words "solution" and "prepared" the words "or suspension".

f. In paragraph (d) *Request for certification; samples*, subparagraph (3) (iii) is amended by changing the period at the end thereof to a comma and adding the following clause: "except if cortisone acetate is used, such package shall contain approximately 100 milligrams."

6. Section 146.403 (3) (iii) is amended to read:

§ 146.403 *Bacitracin tablets* • • •
(d) *Request for certification; samples* • • •
(3) • • •
(iii) In case of an initial request for certification, each other substance used in making the batch; 1 package of each containing approximately 5 grams.

7. Part 146 is amended by adding the following new section:

§ 146.420 *Bacitracin-tyrothricin-neomycin troches.* Bacitracin-tyrothricin-neomycin troches conform to all requirements, and are subject to all procedures, prescribed by § 146.413 for bacitracin-neomycin troches, except that:

(a) Each troche contains not less than 50 units of bacitracin.

(b) Each troche contains not less than 1 milligram of tyrothricin.

(c) In addition to the labeling prescribed for bacitracin-neomycin troches, each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of tyrothricin in each troche of the batch.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 2 U. S. C. 371)

Dated: December 1, 1953.

[SEAL] OVETA CULP HOBBY,
*Secretary.*

[F. R. Doc. 53-10187; Filed, Dec. 4, 1953; 8:46 a. m.]



# TITLE 39—POSTAL SERVICE

## Chapter I—Post Office Department

### PART 58—REGISTRATION OF DOMESTIC MAIL MATTER

### REGISTRY RECEIPTS

In § 58.10, *Registry receipts*, amend paragraph (b) as follows:

a. Insert "(1)" after "(b) *Full value to be declared at time of mailing.*"

b. Add new subparagraph (2) to read as follows:

(2) The following standards are furnished merely as a guide in determining the value to be declared on representative types of matter presented for registration:

(i) Currency—full value.

(ii) Negotiable securities—market value on the date of mailing.

(iii) Jewelry and precious stones—full value.

(iv) Merchandise of all kinds—full value.

(v) Internal Revenue Documentary stamps and postage stamps—full value (in cases of stamps having philatelic value, the cost of replacement should be declared).

(vi) Nonnegotiable securities (including certificates of stock)—no intrinsic value. (If registry indemnity is desired, the sender may pay a fee higher than the minimum to provide for indemnification for the cost of duplication.)

(vii) Warehouse receipts—no intrinsic value. (If registry indemnity is desired, the sender may pay a fee higher than the minimum for indemnification for the cost of duplication.)

(viii) Valuable papers, such as checks, drafts, deeds, wills, abstracts, and the like—no value.

(R. S. 161, 396, secs 304, 309, 42 Stat. 24, 25, sec. 3, 45 Stat. 469, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 381a)

[SEAL] ROSS RIZLEY,
*Solicitor.*

[F. R. Doc. 53-10186; Filed, Dec. 4, 1953; 8:46 a. m.]

# TITLE 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

### Subchapter S—Rights-of-Way

[Circular 1864]

### PART 244—RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOGGING ROADS ON THE OREGON AND CALIFORNIA AND COOS BAY REVESTED LANDS

### DOCUMENTARY EVIDENCE OF WATER RIGHT

Paragraph (b) of § 244.6 is amended to read as follows:

§ 244.6 *Documents which must accompany application.* • • •

(b) *Evidence of water right.* If the project involves the storage, diversion, or conveyance of water, the applicant must file a statement of the proper State official, or other evidence, showing that he has a right to the use of the water. Where the State official requires an applicant to obtain a right-of-way as a prerequisite to the issuance of evidence of a water right, if all else be regular, a right-of-way may be granted conditioned only upon the applicant's filing the required evidence of water right from the State official within a specified reasonable time. The conditional right-of-way will terminate at the expiration of the time allowed.

(R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201)

ORME LEWIS,
*Acting Secretary of the Interior.*

DECEMBER 1, 1953.

[F. R. Doc. 53-10189; Filed, Dec. 4, 1953; 8:47 a. m.]

# TITLE 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### Subchapter A—General Rules and Regulations

### PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

### PERSONS FURNISHING CARS OR PROTECTIVE SERVICE; ANNUAL REPORT FORM B-1

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 18th day of November A. D. 1953.

The Matter of Annual Reports from Persons Furnishing Cars or Protective Service being under consideration, and it appearing that the changes in existing regulations to be effectuated by this order are only minor changes with respect to the data to be furnished, and that public rule-making procedures are unnecessary;

*It is ordered*, That the order dated December 10, 1952, In the Matter of Annual Reports from Persons Furnishing Cars or Protective Service (49 CFR 120.70) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1953, and subsequent years, as follows:

§ 120.70 *Form prescribed for persons furnishing cars or protective service and owning 1,000 cars or more.* All persons furnishing cars or protective service to or on behalf of carriers by railroad or express companies within the scope of section 20 of Part I of the Interstate Commerce Act as amended, and owning 1,000 cars or more, are hereby required to file annual reports for the year ended December 31, 1953, and for each succeeding year until further order, in accordance with Annual Report Form B-1, which is hereby approved and made a part of this order.[1] The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31, of the year following the one to which it relates.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904. Interprets or applies sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20)

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10204; Filed, Dec. 4, 1953; 8:50 a. m.]

[1] Form filed as part of the original document.

## TITLE 46—SHIPPING

### Chapter I—Coast Guard, Department of the Treasury

[CGFR 53-25]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Notices regarding proposed changes in the rules and regulations governing vessel inspection were published in the FEDERAL REGISTER dated February 13, 1953, 18 F. R. 880–883, as Items II to XI, inclusive, and Item XIX, and in the FEDERAL REGISTER dated March 7, 1953, 18 F. R. 1334, as Item XX on the agenda to be considered by the Merchant Marine Council, and a public hearing was held by the Merchant Marine Council on March 24, 1953, in Washington, D. C. All comments submitted were considered and where practicable were incorporated into the regulations.

The various amendments to the rules and regulations for tank vessels in 46 CFR Parts 32, 33, and 34 (Subchapter D) are based on Item XX of the agenda considered by the Merchant Marine Council. The amendment to 46 CFR 32.01–10 (a) eliminates the requirements for rails on unmanned tank barges. The amendments to 46 CFR 33.35–1 and 33.35–5 require additional life preservers for personnel on watch in the engine room and pilothouse which shall be stowed in locations readily accessible to such personnel. The amendment to 46 CFR 33.55–10 (a) revises the requirement regarding equipment for the impulse-projected rocket type line-throwing appliance. The amendment to 46 CFR 34.20–1 (c) and (d) revises the requirements for oil fuel units or settling tanks. The amendment to 46 CFR 34.22–5 (d) will allow a minimum nominal diameter of $\frac{3}{4}$ inch for steam extinguishing pipe used in fixed fire extinguishing systems for lamp and paint rooms and similar spaces on tank ships constructed or converted on or after November 19, 1952.

The purpose of the amendment to 46 CFR 43.40–10 is to correct a typographical error in the "International Load Line certificate" (Form A–2). The purpose for amending 46 CFR 44.05–10 (b), 44.05–30, and 44.05–35, regarding load line markings and load line certificates for steam colliers, tugs, barges, and self-propelled barges when engaged in special services or coastwise and inter-island voyages, is to permit the use of the load line mark "MS" for those vessels operating on the Great Lakes when authorized under 46 CFR 45.01–15 and 45.01–17. These changes are based on Item XIX on the agenda considered by the Merchant Marine Council.

The purpose for amending 46 CFR 52.20–15, 55.07–15, 55.10–25 (c) (2), and 55.10–30, is to clarify various requirements regarding shell joints of boilers and unfired pressure vessels, bilge and ballast piping, and bilge pumps.

The various amendments to 46 CFR 56.01–10 (d) and (m), 56.05–3, and 56.05–5, deal with test procedures for qualified welders, radiography of welds and radiographic test procedures and use of magnetic particle testing of welds. These changes are based on Item II of the agenda.

The purpose for adding 46 CFR 57.01–15, regarding fuel oil for boilers, is that this requirement was inadvertently omitted when the regulations were revised and republished on October 18, 1952. The amendment to 46 CFR 61.20–20 (a) revises the requirements of inspection of boiler mountings and attachments to agree with the regulations which were in effect prior to November 19, 1952, since it was not intended that the inspections be changed.

The purpose for amending 46 CFR 67.01–30 (d) is to clarify the requirements regarding repairs, replacements, or alterations of boilers built and installed prior to July 1, 1935. The purpose for amending 46 CFR 67.10–10 (c) is to add requirements regarding riveted shell joints which were inadvertently omitted when the regulations were revised and published October 18, 1952.

The purpose for amending 46 CFR 71.20–15 (a), 71.25–10 (a), 72.40–1 (a), and 73.35–25 (b), regarding scope of initial inspection, scope of annual inspection, requirements for rails and guards, and door indicators and warning signals for class 3 watertight doors, is editorial in nature and clarifies the requirements which were published on October 18, 1952.

The amendments to 46 CFR 75.20–15 (kk) and 75.20–15 (n) establish requirements regarding emergency drinking water for lifeboats and life rafts. These amendments are based on Item III on the agenda.

The amendment to 46 CFR 75.45–15 revises the requirement regarding the length of service line for impulse-projected rocket type line-throwing appliance. This amendment is based on Item IV on the agenda.

The amendment to Table 76.05–1 (a) in 46 CFR 76.05–1 (a) revises the requirements regarding fire detecting systems in machinery spaces containing oil fuel units or settling tanks. This amendment is based on Item V of the agenda.

The purpose for amending 46 CFR 76.50–15 (a), (c) regarding spare charges for hand portable fire extinguishers, 77.13–1 (a), regarding radiotelegraph and radiotelephone, and 78.13–20, regarding manning of lifeboats and life rafts, is to clarify the requirements and to indicate applicability to motorboats carrying passengers for hire.

The purpose for adding 46 CFR 78.17–70, regarding radio apparatus for lifeboats, 78.17–75, regarding requirements for fuel oil, 78.33–20, regarding breaking of safety valve seal, and 78.37–5 (a) (12), regarding fuel oil data required to be logged, is to add requirements which were inadvertently omitted in the revision of the regulations published October 18, 1952. The purpose for amending 46 CFR 78.55–1 (a) is to clarify the master's and chief engineer's responsibility with respect to steam pressure of boilers.

The purpose for amending 46 CFR 91.20–15, regarding scope of initial inspection, and 91.25–10, regarding scope of annual inspection, is to clarify the regulations published October 18, 1952. The amendments to 46 CFR 94.20–15 (ii) and 94.20–25 (n) revise requirements regarding drinking water for lifeboats and life rafts. These amendments are based on Item III of the agenda.

The amendment to 46 CFR 94.45–15 (a) (3) revises the requirements regarding the service line for impulse-projected rocket type line-throwing appliance. This amendment is based on Item IV of the agenda.

The purpose for deleting 46 CFR 94.90–5 (b) is to remove from the regulations a duplicate requirement regarding daylight signalling lamp. The applicable requirements are in Subpart 113.60 of Subchapter J—Electrical Engineering of this chapter.

The amendment to 46 CFR 95.05–10 (a) (3) revises the requirements regarding fixed fire extinguishing systems in the engine room where oil fuel units or settling tanks are used. This amendment is based on Item V of the agenda.

The purpose for amending 46 CFR 95.50–15 (a) and (c), regarding spare charges for fire extinguishers, 96.13–1, regarding radiotelegraph and radiotelephone, 97.13–25 (a) and (c), regarding manning of lifeboats and life rafts, is to clarify the requirements which were previously published October 18, 1952.

The purpose for adding 46 CFR 97.15–50, regarding radio apparatus for lifeboats, 97.15–55, regarding requirements for fuel oil, 97.30–20, regarding breaking of safety valve seal, and 97.35–5 (a) (8), regarding fuel oil data required to be logged, is to add requirements which were inadvertently omitted when the regulations were revised and published October 18, 1952.

The purpose for amending 46 CFR 97.37–37 (d), regarding markings for emergency equipment, and 97.45–1 (a), regarding the master's and chief engineer's responsibility relating to steam pressure of boilers, is to clarify the requirements which were revised and published October 18, 1952.

The purpose for amending 46 CFR 112.55–1 (a) is to correct the general requirements regarding storage batteries which were published October 18, 1952.

The purpose for amending 46 CFR 157.20–35, regarding the minimum number of engineers necessary for the safe navigation of a vessel, is to correct the regulation to agree with the provisions of R. S. 4463, as amended (46 U. S. C. 222), and R. S. 4426, as amended (46 U. S. C. 404).

The amendments to 46 CFR 160.002–1 to 160.002–7, inclusive, revise and bring up to date the specification requirements for kapok life preservers. These amendments are based on Item VI of the agenda.

The amendments to 46 CFR 160.003–1 to 160.003–7, inclusive, revise and bring up to date the specification requirements for cork life preservers. These amendments are based on Item VII of the agenda.

The amendments to 46 CFR 160.004–1 to 160.004–7, inclusive, revise and bring up to date the specification requirements for balsa wood life preservers. These amendments are based on Item VII of the agenda.

The amendments to 46 CFR 160.005–1 to 160.005–7, inclusive, revise and bring up to date the specification requirements for fibrous glass life preservers. These amendments are based on Item VI of the agenda.

The deletion of 46 CFR 160.006–3 and the change in title for Subpart 160.006 cancel the specification requirements for re-covering of life preservers. This deletion is based on Item VII of the agenda.

The addition of 46 CFR 160.026–1 to 160.026–7, inclusive, as a new Subpart 160.026 establishes specification requirements regarding emergency drinking water in hermetically sealed containers. This new specification is based on Item III of the agenda.

The amendments to 46 CFR 160.035–1 to 160.035–11, inclusive, revise and bring up to date the specification requirements for lifeboats. These amendments are based on Item VIII of the agenda.

The amendment to 46 CFR 160.040–4 (c) revises the requirements for service lines for the impulse-projected rocket type line-throwing appliance. This amendment is based on Item IV of the agenda.

The addition of 46 CFR 162.027–1 to 162.027–6, inclusive, establishes specification requirements for combination solid stream and water spray fire hose nozzles as a new Subpart 162.027. This specification is based on Item IX of the agenda.

The amendments to 46 CFR 164.006–1 to 164.006–5, inclusive, revise and bring up to date the specification requirements for deck coverings for merchant vessels. These amendments are based on Item X of the agenda.

The amendments to 46 CFR 164.008–1 to 164.008–4, inclusive, revise and bring up to date the specification requirements for bulkhead panels for merchant vessels. These amendments are based on Item XI of the agenda.

The proposed amendments regarding the specification for incombustible materials considered as Item XII of the agenda were not approved and will be given further consideration and placed on a future agenda of the Merchant Marine Council.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate rules and regulations in accordance with the statutes cited with the regulations below the following amendments to the regulations are prescribed which shall become effective on and after January 1, 1954, unless otherwise indicated within the amendment itself:

#### Subchapter D—Tank Vessels

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

SUBPART 32.01—SAFETY REQUIREMENTS

Section 32.01–10 (a) is amended to read as follows:

§ 32.01–10 *Rails—TB/ALL.* (a) All tank vessels, except unmanned tank barges, the construction or conversion of which is started on or after July 1, 1951, shall be fitted with fixed or portable rails on decks and bridges. All rails shall be in at least two courses, including the top, and shall be at least 36 inches high. Rails shall consist of solid or tubular stanchions or chains or wire rope or a combination thereof.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended; 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 33—LIFESAVING APPLIANCES

SUBPART 33.35—LIFE PRESERVERS

1. Section 33.35–1 is amended to read as follows:

§ 33.35–1 *Number required—TB/ALL.* All tank vessels shall be provided with one approved life preserver for each person carried. An additional number of life preservers shall be provided for personnel on watch in the engine room and pilothouse.

2. Section 33.35–5 is amended to read as follows:

§ 33.35–5 *Distribution and stowage—TB/ALL.* Life preservers shall be distributed throughout the cabins, staterooms, berths, and other places convenient for each person on such tank vessels. The stowage of the additional number of life preservers shall be such that they are readily accessible to personnel on watch in the engine room and pilothouse.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

SUBPART 33.35—LINE-THROWING APPLIANCES

Section 33.55–10 (a) is amended to read as follows:

§ 33.55–10 *Equipment for line-throwing appliances—T OC.* * * *

(a) *Impulse-projected rocket type.* Four rockets (2 of which shall be of the buoyant type), 4 primer-ejector cartridges, 4 service lines (each of a length not less than that specified in the approval of the appliance carried, of $\frac{7}{32}$-inch to $\frac{9}{32}$-inch diameter, of flax or manila, and having a breaking strength of at least 500 pounds, to be kept in faking boxes or on reels), 1 auxiliary line (1,500 feet of 3-inch circumference manila), 1 can of oil, 1 cleaning brush, 12 wiping patches, and 1 set of instructions furnished by the manufacturer, all in a suitable case or box with the appliance, except that the service lines and the auxiliary line may be stowed in an accessible location nearby.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 34—FIRE-FIGHTING EQUIPMENT

SUBPART 34.20—BOILER ROOM AND MACHINERY SPACES ON TANK VESSELS

Section 34.20–1 is amended by revising paragraphs (c) and (d) to read as follows:

§ 34.20–1 *Fixed fire extinguishing systems for boiler rooms and machinery spaces—T/ALL.* * * *

(c) All steam propelled tank ships using oil for fuel, construction or conversion of which is started on or after November 19, 1952, shall be fitted with a fixed carbon dioxide or foam fire extinguishing system in all spaces containing oil fired boilers, whether main or auxiliary, their fuel oil service pumps and or such fuel oil units as the heaters, strainers, valves, manifolds, etc., that are subject to the discharge pressure of the fuel oil service pumps.

(d) All tank ships propelled by internal combustion machinery and having auxiliary boilers using oil for fuel, construction or conversion of which is started on or after November 19, 1952, shall be fitted with a fixed carbon dioxide or foam fire extinguishing system in all spaces containing such boilers, their fuel oil service pumps and or such fuel oil units as heaters, strainers, valves, manifolds, etc., that are subject to the discharge pressure of the fuel oil service pumps.

SUBPART 34.22—LAMP AND PAINT ROOMS AND SIMILAR COMPARTMENTS ON TANK SHIPS

Section 34.22–5 (d) is amended to read as follows:

§ 34.22–5 *Fixed fire extinguishing systems for lamp and paint rooms and similar spaces on tank ships constructed or converted on or after November 19, 1952—T/ALL.* * * *

(d) When a steam system is installed it shall meet the general requirements of § 34.15–15, except that the minimum nominal diameter of any steam fire extinguishing pipe shall be $\frac{3}{4}$ of an inch.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended; 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

#### Subchapter E—Load Lines

PART 43—FOREIGN OR COASTWISE VOYAGE

SUBPART 43.40—ZONES AND SEASONAL AREAS AND MISCELLANEOUS REQUIREMENTS

Section 43.40–10 *Form of load line certificates* is amended by correcting the "International Load Line Certificate" (Form A2) by changing the phrase describing the "Load Line," opposite "Freeboards From Deck Line" for "Tropical, Summer, Winter," from "Upper edge of line below center of disk" to "Upper edge of line through center of disk."

(Sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended; 46 U. S. C. 85a, 88a)

PART 44—VARIANCE FOR STEAM COLLIERS, TUGS, BARGES, AND SELF-PROPELLED BARGES (WHEN ENGAGED IN SPECIAL SERVICES OR COASTWISE AND INTER-ISLAND VOYAGES)

1. Section 44.05–10 (b) (including Figure 44.05–10 (b)) is amended to read as follows:

§ 44.05–10 *Load line markings.* * * *

(b) In the case of vessels which engage in special services on coastwise voyages and voyages on the Great Lakes, the marks on the vessel's sides are to be in accordance with figure 44.05–10 (b), except that the line marked "MS" shall be used only where applicable to vessels defined in §§ 45.01–15 and 45.01–17 of this subchapter.

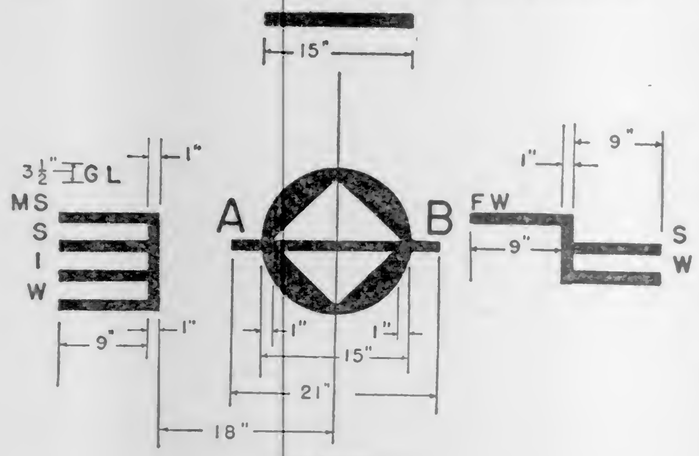



FIGURE 44.05-10 (b).

NOTE: The line marked "MS" shall be used only where applicable to vessels defined in §§ 45.01-15 and 45.01-17 of this subchapter.

2. Section 44.05-30 is amended to read as follows:

§ 44.05-30 *Load line certificate.* (a) The load line certificates for a special service coastwise or special inter-island voyage shall be issued in addition to any other applicable load line certificates and shall be on the form shown in § 44.05-35.

3. Section 44.05-35 is amended to read as follows:

§ 44.05-35 *Form of load line certificate.* (a) Where no other Load Line certificate is issued:

LOAD LINE CERTIFICATE FOR A SPECIAL SERVICE COASTWISE OR INTER-ISLAND VOYAGE

Issued under the authority of the Commandant, U. S. Coast Guard, United States of America, under the provisions of the Coastwise Load Line Act of August 27, 1935, as amended.

[SEAL]

Issued by----------
Certificate No.----------

This certificate is valid only for coastwise or inter-island voyages that are between the limits of---------- and ---- provided the vessel is engaged solely in the trade stated herein.

Ship---------- Official No.------
Port of registry ------- Trade of vessel-----
Gross tonnage----------

| FREEBOARD FROM DECK LINE | LOAD LINE |
|---|---|
| Tropical------- (T) | -- -------Above (S) |
| Summer------- (S) | --Upper edge of line through center of disk. |
| Winter------- (W) | ----------Below (S) |

*Allowance for fresh water for all freeboards (except on the Great Lakes)---------
The upper edge of the deck line from which these freeboards are measured is-----inches above the top of the----deck at side.

*Where seagoing steamers navigate a river or inland water, deeper loading is permitted corresponding to the weight of fuel, etc., required for consumption between the point of departure and the open sea.




This is to certify that this ship has been surveyed and the freeboards and load lines shown above have been found to be correctly marked upon the vessel in manner and location as provided by the Load Line Regulations of the Commandant, U. S. Coast Guard, applicable to vessels engaged on this special service voyage.

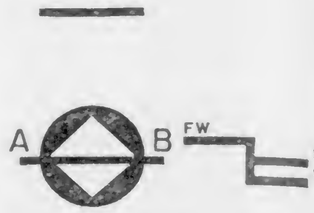
** This certificate remains in force until ---------- Issued at ----------
on the --------- day of ---------- 19 ----.
(Here follows the signature or seal and description of the assigning authority)

NOTE: In accordance with the Load Line Regulations the disc or diamond and the lines must be permanently marked by center punch marks or cutting.

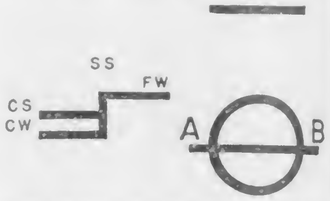
(On the reverse side of the load line certificate, the provision for annual inspection endorsement and for renewal of the certificate is to be the same as for vessels engaged in the foreign trade.)

** Upon the expiration of the certificate renewal must be obtained as provided by the Load Line Regulations and the certificate so endorsed. Endorsement should also be made in the spaces provided on the occasion of each annual inspection required by the Load Line Regulations.

(b) Where the Special Service Load Line Certificate is issued in addition to a Great Lakes Load Line Certificate, the wording of the Special Service Load Line Certificate is to be identical to that given in paragraph (a) of this section, but the markings indicated in the form shall be replaced by the following markings:




(c) Where the Special Service Load Line Certificate is issued in addition to an Unlimited Coastwise or International Load Line Certificate, the wording of the Special Service Load Line Certificate is to be identical to that given in paragraph (a) of this section, but the markings indicated in the form shall be replaced by the following markings:




(Sec. 2, 49 Stat. 888, as amended, 46 U. S. C. 88a)

## Subchapter F—Marine Engineering

### PART 52—CONSTRUCTION

Section 52.20-15 is amended by correcting the phrase "outside diameters" to "inside diameters" in the first sentence of paragraph (a) and in paragraph (e) so that these paragraphs read as follows:

§ 52.20-15 *Detail requirements.* (a) Where the radius *R* to which a dished head is formed is less than 80 percent of the inside diameter of the shell, the thickness of a head with a flanged-in manhole opening shall be not less than the value found by making *R* in Formulas (1) and (2) in § 52.20-10, equal to 80 percent of the inside diameter of the shell and with the added thickness for the manhole. The thickness calculated shall be the minimum thickness of a head with a flanged-in manhole opening for any form of head and the maximum allowable stress shall not exceed 80 percent of the values given in Table 52.05-10 (a) or 54.03-10 (c) in Part 54 of this subchapter.

* * * * *

(e) If a flanged-in manhole which meets the requirement of § 52.20-20 is placed in a full-hemispherical head or ellipsoidal head, the thickness of the head shall be the same as for a head dished to a segment of a sphere, with the radius of dish equal to eight-tenths of the inside diameter of the shell and with the added thickness for the manhole as specified in paragraph (d) of this section.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426-4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404-409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)



### PART 55—PIPING SYSTEMS, PUMPS, REFRIGERATION MACHINERY, AND FUEL TANKS

#### SUBPART 55.07—DETAIL REQUIREMENTS

1. Section 55.07-15 *Joint and flange connections* is amended by deleting the explanatory note "(For maximum steam service pressure at a temperature of 500° F)" just below the heading in Table 55.07-15 (e5), and by deleting the explanatory note "(For maximum steam service pressure at a temperature of 750°)" just below the headings in Tables 55.07-15 (e6) through 55.07-15 (e11), inclusive, which are all titled "Steel flanged fittings and companion flanges."

2. Section 55.10-25 (c) (2) is amended to read as follows:

§ 55.10-25 *Bilge and ballast piping.* * * *

(c) * * *

(2) Passenger vessels engaged on international voyages shall have the bilge manifolds arranged for remote control so that in the event of flooding, one of the bilge pumps can take suction from any compartment. If a bilge system common to all pumps is installed, the necessary valves for controlling the bilge suctions shall be operable from above the bulkhead deck. If, in addition to the main bilge pumping system, an emergency bilge pumping system is installed, it shall be so arranged that the emergency bilge pump may take suction from any flooded compartment.

3. Section 55.10-30 (e) is amended to read as follows:

§ 55.10-30 *Bilge pumps.* * * *

(e) *Location.* If the engines and boilers are in two or more watertight compartments, the bilge pumps shall be distributed throughout these compartments. When the location of bilge pumps in separate watertight compartments is not possible, the Commandant will consider alternate arrangements of the bilge pumps.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426-4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, 41 Stat. 305, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404-409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

### PART 56—ARC WELDING, GAS WELDING, AND BRAZING

#### SUBPART 56.01—ARC WELDING AND GAS WELDING

1. Section 56.01-10 (d) is amended by revising the text of the paragraph, but not the Figures 56.01-10 (d1) to 56.01-10 (d6), inclusive, and by adding a Table 56.01-10 (d), to read as follows:

§ 56.01-10 *Qualification of welders.* * * *

(d) (1) Tests required for qualification in the various positions for different materials and thicknesses are given in Table 56.01-10 (a). They are designated as Test No. 1 through Test No. 6 for which specimens shall be prepared in accordance with Figures 56.01-10 (d1) through 56.01-10 (d6), respectively, and physically tested if this method of welder qualification is used. Alternatively, if so desired, a welder may be qualified by the use of radiography provided the radiographic procedure is qualified as required in § 56.05-3. The radiographs of the weld test plates shall indicate that the weld(s) are acceptable for the group covering the fabrication classification as specified in Table 56.01-10 (d). Test specimens shall be prepared in position of material and thicknesses as indicated in Table 56.01-10 (a) for either physical tests or radiographic examination.

(2) The test plate welds shall comply with the radiographic standards of Group 1 or 2 classification, a copy of which is on file with each Officer in Charge, Marine Inspection covering the welding for which the welder is being qualified.

TABLE 56.01-10 (d)—RADIOGRAPHIC WELDER QUALIFICATION TESTS

| Group | Classification |
|---|---|
| 1 ------- | Class I piping. |
| 1 ------- | Class I and Class II welded pressure vessels. |
| 2 ------- | Class II piping. |
| 2 ------- | Class III welded pressure vessels. |

2. Section 56.01-10 (m) is amended by revising Figure 56.01-10 (m) to read as follows:

(m) * * *

RECORD CARD OF WELDER'S QUALIFICATION TESTS

Name: ----------
Employer: ----------
Approved for: ----------

| Test No. | Process | Base metal | Positions | Diameter of electrode | Date of test | Groups welder tested | Type of test[1] | Signature of inspector | Agency |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

[1] P = Physical tests. R = Radiographic tests.

Form CG-[illegible]

[Face of Card]

Date of birth: ----------
Place of birth: ----------
Symbol for marking work: ----------
Employed as a welder under: ----------

| Test No. | From— | To— |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |

(Photograph)

Welder's signature: ----------

[Back of Card]

FIGURE 56.01-10 (m)—RECORD CARD OF WELDER'S QUALIFICATION TESTS

#### SUBPART 56.05—TESTS AND INSPECTION

1. Part 56 is amended by adding a new § 56.05-3 reading as follows:

§ 56.05-3 *Qualification of radiographic test procedure.* (a) Prior to the use of radiography by fabricators or commercial radiographic laboratories, the radiographic procedure proposed for use in the nondestructive tests of welds shall be qualified to demonstrate that the procedure will produce radiographs of acceptable standard.

NOTE: An additional procedure qualification test will not be required provided proof is furnished that the radiographic procedure test has been accepted by the Bureau of Ships of the Department of the Navy.

(b) After exposure and processing, the procedure qualification films shall be forwarded to the Commandant through the Officer in Charge, Marine Inspection, for interpretation.

(c) The procedure qualification shall be representative of the radiography to be used in examining production welds or welder qualification tests. If both plate and welded pipe joints are to be tested by radiography, a procedure qualification test shall be conducted for each type of fabrication involved.

2. Section 56.05-5 is amended to read as follows:

§ 56.05-5 *Nondestructive tests.* (a) (1) All longitudinal and circumferential

welded butt-joints of Class I welded pressure vessels shall be examined throughout their entire length, except as specifically exempted in other sections of this subchapter, by means of radiography, preferably by X-ray.

(2) Each welded butt-joint of Class II welded pressure vessels shall be examined throughout its entire length by means of radiography, preferably by X-ray, when the plate thickness at the welded joint exceeds 1½ inches, or when such pressure vessels are constructed of steel plate complying with Subpart 51.04 in Part 51 of this subchapter for Grades C, D, E, F, and G, having plate thicknesses at the joint exceeding 1 inch. (See § 54.03–1 of this subchapter and Table 56.01–25.)

(b) (1) All butt-welded joints of Class I piping, unless exempted by § 56.01–80, shall be nondestructively tested. Radiography shall be used for diameters or thicknesses as follows:

(i) Carbon steel when the pipe wall thickness exceeds $^3/_8$ inch.

(ii) Alloy steel when the diameter is 4 inches or larger.

(2) Butt-welded joints of Class I piping of thicknesses and sizes not exceeding that specified in subparagraph (1) of this paragraph may be examined by means of magnetic particle testing. The surfaces to be inspected shall be clean, dry, and free from oil, excessive rust, slag, and scale accumulation. All surface irregularities such as undercuts, overlaps, ripples, rough welds, etc., which may make interpretation of the magnetic indications difficult, shall be made smooth by grinding, chipping, or sandblasting.

(c) Welded joints of pressure vessels to be radiographed shall be prepared as follows:

(1) The welded joints shall be representative of the completed weld to be placed in service.

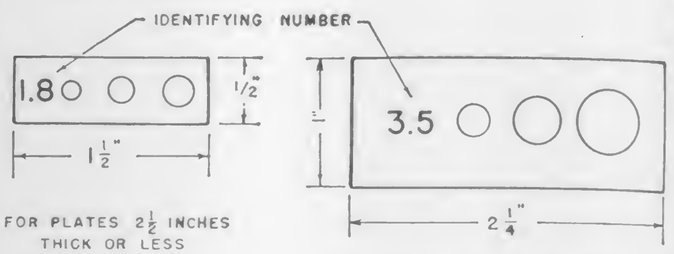
(2) The weld ripples or weld surface irregularities, on both inside and outside, shall be removed by any suitable mechanical process to a degree such that the resulting radiographic contrast due to any remaining irregularities cannot mark or be confused with that of any objectionable defect.

(3) The finished surface of the reinforcement may have a crown of approximately uniform amount not to exceed the following:

| Material thickness (inches): | Maximum thickness of reinforcement (inches) |
|---|---|
| ½ and below | $^1/_{16}$ |
| Over ½ to 1, inclusive | $^3/_{32}$ |
| Over 1 | $^1/_8$ |

(4) Single-welded butt-joints made the equivalent of double-welded butt-joints in accordance with § 56.01–55 may be radiographed without removal of the backing strip provided the backing strip image will not interfere with the interpretation of resultant radiographs.

(d) Radiographic examination shall be performed with a technique that will indicate the presence of defects having depths of 2 percent of the thickness of the material, or widths of 4 percent of the thickness of the material being examined. Penetrameters made of material having radiographic density approximately the same as that of the material being radiographed shall be used to determine the sensitivity of the radiographic technique being employed.




DIAMETER OF HOLES 2, 3, AND 4 TIMES THE THICKNESS OF PENETRAMETER BUT NOT LESS THAN 1/16 INCH

FIGURE 56.05–5 (e)—Details of penetrameters.

(e) Penetrameters of the type as shown in Figure 56.05–5 (e) shall be used, and shall be placed on the energy source side of the object being radiographed. All radiographs shall show the image of the penetrameter.

(f) Each penetrameter shall have three holes of diameters equal respectively to two, three and four times the penetrameter thickness, but in no case less than $^1/_{16}$ inch, except when gamma rays are used as a source of radiation, the minimum hole need not be less than $^3/_{32}$ inch. The smallest hole shall be distinguishable on the radiograph.

(g) Each penetrameter shall carry an identifying number representing, to two significant figures, the minimum thickness of plate for which it may be used. The images of the identifying numbers shall appear clearly on the radiographs.

(h) The thickness of the penetrameter shall be not more than 2 percent of the thickness of the material being examined. When the weld reinforcement and or backing strip is not removed, a shim shall be placed under the penetrameter, such that the total thickness being radiographed under the penetrameter is the same as the total thickness through the weld, including backing strip when not removed.

(i) For metals of uniform thickness, each radiograph taken of welds shall have visible penetrameters and identification markers as follows:

(1) When the dimension of the film in the direction of the weld is 6 inches or less, one penetrameter is required.

(2) When the dimension of the film in the direction of the weld is over 6 inches, 2 penetrameters are required.

(3) When a gammograph is made with the source of energy on the inside of the pipe, one penetrameter is required.

(4) For assembly welds, at least 2 identification markers are required. The distance between any two adjacent identification markers shall be not more than 6 inches.

(j) (1) Where the thickness of the metal is not uniform but does not vary over the area covered by a single radiograph (6 inches maximum length) by more than 50 percent of the maximum thickness or by more than $^1/_2$ inch in thickness, whichever is the lesser, one penetrameter shall be used which shall be located at a point of mean thickness. The penetrameter shall be placed at the end of maximum angularity when there is a difference in angularity of radiation at the two ends.

(2) If the thickness of metal covered by a single radiograph varies by more than 50 percent of the maximum thickness or by more than $^1/_2$ inch, whichever is the lesser, suitable penetrameters shall be placed at the thinnest and thickest portion of the material being radiographed.

(3) The penetrameter shall be positioned so as to give the maximum sensitivity of image.

(k) Radiographic film shall be of fine grain and used with lead screens unless other type of film and screens are used in the procedure qualification. All radiographs shall be free from excessive mechanical processing defects which would interfere with the proper interpretation of the radiograph.

(l) (1) The film during exposure shall be as close to the surface of the weld as practicable. If possible this distance shall be not greater than 1 inch. Except as provided for below, under any condition the following ratio shall be at least 7 to 1:

$$\frac{\text{Distance from source of radiation to weld surface toward radiation}}{\text{Distance from weld surface toward radiation to film}}$$

(2) In radiographing a pipe weld or a casting by placing a radium or cobalt capsule inside the object, the penetrameters may be placed on the film side of the surface provided the inspector is satisfied that the radiographic technique followed has been proved satisfactory.

(m) Identification markers, the image of which is to appear on the film, shall be placed adjacent to the weld and their locations accurately and permanently marked near the weld on the outer surface of the plate or pipe, so that a defect appearing on the radiograph may be accurately located on the actual weld.

(n) (1) When radiographing a circumferential pipe joint by placing a radium or cobalt capsule inside the pipe, the penetrameters may be placed on the film side of the circumferential joint provided the manufacturer satisfies the inspector that the technique followed in doing the work is known to be adequate.

NOTE: A suggested method for proving the adequacy of the radium or cobalt capsule method of radiography is as follows:

A preliminary radiograph should be made with a piece of pipe or casting with penetrameters on both the inside and outside. The diameter of the pipe employed in making this proof radiograph should be substantially the same as that of the job to be performed, and its wall thickness the practical equivalent of the over-all thickness of the joint to be radiographed, including both backing ring and reinforcement if these are present in the joint to be examined. The radium or cobalt capsule employed in making this proof radiograph, together with all other items of technique, such as the location of the capsule and the time of the exposure, should be the same as employed on the actual job. Each penetrameter should be provided with a marker which will show up clearly on the film and which will indicate the side of the joint on which it is located. F for the film side, and R for the radiation side.

(2) When the radium or cobalt capsule is placed on the axis of the joint and the complete circumference radiographed with a single exposure, four penetrameters uniformly spaced, shall be employed.

(o) The radiographs shall be submitted to the inspector with data as follows:

(1) The thickness of the base metal.

(2) The distance of the film from the surface of the weld.

(3) The distance of the film from the source of radiation.

(p) A complete set of radiographs for each job shall be submitted for examination to, and be retained for a period of ten years by, the Officer in Charge, Marine Inspection, in the zone where the fabrication is done.

(q) The acceptability of welds examined by radiography shall be judged by the following standards:

(1) Welds in which the radiographs show elongated slag inclusions or cavities are unacceptable if the length of any such imperfection is greater than $^1/_3T$ where $T$ is the thickness of the thinner plate welded. If several imperfections within the above limitations exist in line, the welds shall be judged acceptable if the sum of the longest dimensions of all such imperfections is not more than $T$ in a length of $12T$ and if the defects are separated by at least $6L$ of acceptable weld metal, where $L$ is the length of the longest imperfection. The maximum length of acceptable inclusion for any plate thickness shall be ¾ inch. Any slag inclusion shorter than ¼ inch shall be acceptable for any plate thickness.

(2) Welds in which the radiographs show any type of crack or zones of incomplete penetration shall be unacceptable. Incomplete penetration appears as elongated darkened lines of varying length and width in any part of the welding groove.

(3) Welds in which the radiographs show porosity shall be judged as acceptable or unacceptable by comparison with a standard set of radiographs, copies of which are on file at Coast Guard Headquarters, with the Coast Guard District Commanders, and with the Officers in Charge, Marine Inspection.

(R. S. 4405, 4417a, as amended, sec. 14, 29 Stat. 690, as amended, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 375, 391a, 366, 367, 1333, 50 U. S. C. App. 1275. Interpret or apply R. S. 4418, 4426, 4427, 4429, 4430, 4433, 4434, 4453, as amended; 46 U. S. C. 392, 404, 405, 407, 408, 409, 411, 412, 435; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 57—MAIN AND AUXILIARY MACHINERY

SUBPART 57.01—GENERAL REQUIREMENTS

Part 57 is amended by adding a new section 57.01–15 reading as follows:

§ 57.01–15 *Fuel oil for boilers.* Oil to be used as fuel to be burned under boilers on vessels subject to inspection by the Coast Guard shall have a flash point of not less than 150 degrees F. (Closed cup test.)

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4426–4431, 4433, 4434, 4453, 4491, as amended; sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, secs. 1 and 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 404–409, 411, 412, 435, 489, 366, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 61—INSTALLATIONS, TESTS, INSPECTIONS, MARKINGS, AND OFFICIAL FORMS

SUBPART 61.20—TESTS AND INSPECTION OF BOILERS

Section 61.20–20 (a) is amended to read as follows:

§ 61.20–20 *Boiler mountings and attachments.* (a) All valves and other boiler mountings and attachments shall be opened up and examined by the inspector after each four years of service, and such valves, boiler mountings, and attachments shall be removed from the boilers after each eight years of service for examination of the studs or bolts connecting them to the boiler and to permit examination of those parts of the valves, boiler mountings and attachments which are not susceptible to examination by simply opening up the valves. The Officer in Charge, Marine Inspection, may require the examinations prescribed by this section to be made at more frequent intervals, if in his opinion such action is necessary to be assured of the safety of the boiler.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4426–4431, 4433, 4434, 4453, 4491, as amended; sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, secs. 1 and 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 404–409, 411, 412, 435, 489, 366, 367, 526p, 1333, 463a 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter G—Marine Engineering Installations Contracted for Prior to July 1, 1935

PART 67—CONSTRUCTION

SUBPART 67.01—PROCEDURE AND GENERAL REQUIREMENTS

Section 67.01–30 (b) is amended to read as follows:

§ 67.01–30 *Repairs, replacements, or alterations.* * * *

(b) Boilers built and installed prior to July 1, 1935, may be repaired with materials and in the same manner specified in this subchapter, except that the use of cast iron valves, mountings, or attachments for repairs, replacements, or alterations on existing boilers operating at pressures exceeding 30 pounds per square inch is prohibited. Emergency repairs, replacements, or alterations shall be reported as soon as practicable to the Officer in Charge, Marine Inspection, at or nearest the first port where the vessel may call after such repairs are made.

SUBPART 67.10—SHELL JOINTS

Section 67.10–10 (c) is amended to read as follows:

§ 67.10–10 *Riveted joints.* * * *

(c) (1) To determine the pitch for iron plates and iron rivets:

$$p = \frac{d^2 \times 0.7854 \times n}{T} + d \qquad (1)$$

(2) To determine the pitch for steel plates and steel rivets:

$$p = \frac{23}{28} \times \frac{d^2 \times 0.7854 \times n}{T} + d \qquad (1a)$$

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4426–4431, 4433, 4434, 4453, 4491, as amended; sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, secs. 1 and 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 404–409, 411, 412, 435, 489, 366, 367, 526p, 1333, 463a 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter H—Passenger Vessels

PART 71—INSPECTION AND CERTIFICATION

SUBPART 71.20—INITIAL INSPECTION

Section 71.20–15 (a) is amended to read as follows:

§ 71.20–15 *Scope of inspections.* (a) The initial inspection, which may consist of a series of inspections during the construction of a vessel, shall include a complete inspection of the structure, machinery, and equipment, including the outside of the vessel's bottom, and the outside, and where possible the inside, of the boilers. The inspection shall be such as to insure that the arrangements, materials, and scantlings of the structure, boilers and their appurtenances, piping, main and auxiliary machinery, electrical installations, lifesaving appliances, fire detecting and extinguishing equipment, and other equipment fully comply with the applicable regulations for such vessel and are in accordance with approved plans, and that the radio installations, including fixed and port-

able radios for lifeboats, are in accordance with the requirements of the Federal Communications Commission. The inspection shall also be such as to insure that the workmanship of all parts of the vessel and its equipment is in all respects satisfactory.

SUBPART 71.25—ANNUAL INSPECTION

Section 71.25–10 (a) is amended to read as follows:

§ 71.25–10 *Scope of inspection.* (a) The annual inspection shall include an inspection of the structure, boilers, machinery, and equipment. The inspection shall be such as to insure that the vessel, as regards the structure, boilers and their appurtenances, piping, main and auxiliary machinery, electrical installations, lifesaving appliances, fire detecting and extinguishing equipment, and other equipment is in satisfactory condition and fit for the service for which it is intended, and that it complies with the applicable regulations for such vessel, and that the radio installations, including fixed and portable radios for lifeboats, are in compliance with the requirements of the Federal Communications Commission.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4423, 4426, 4428–4430, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, secs. 10, 11, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, sec. 3, 54 Stat. 346, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 392, 399, 400, 404, 406–408, 411, 412, 435, 366, 395, 396, 363, 367, 660a, 1333, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 72—CONSTRUCTION AND ARRANGEMENT

SUBPART 72.40—RAILS AND GUARDS

Section 72.40–1 (a) is amended to read as follows:

§ 72.40–1 *Application.* (a) The provisions of this subpart, with the exception of § 72.40–90, shall apply to all vessels contracted for on or after November 19, 1952. Vessels contracted for prior to November 19, 1952, shall meet the requirements of § 72.40–90.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4490, as amended, sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 5, 49 Stat. 1384, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 483, 363, 369, 367, 1333, 463a, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 73—WATERTIGHT SUBDIVISION

SUBPART 73.35—WATERTIGHT BULKHEADS DOORS

Section 73.35–25 (b) is amended to read as follows:

§ 73.35–25 *Door indicators and warning signals.* • • •

(b) For Class 3 watertight doors, provision shall be made to give warning signal by electric horn or howler when the door is about to be closed; the signal shall precede the movement of the door by a safe interval.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4490, as amended, sec. 3, 24 Stat. 129, 41 Stat. 305, sec. 2, 45 Stat. 1493, sec. 2, 49 Stat. 888, sec. 5, 49 Stat. 1384, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 482, 483, 363, 85a, 88a, 369, 367, 1333, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1592 Supp.)

PART 75—LIFESAVING EQUIPMENT

SUBPART 75.20—EQUIPMENT FOR LIFEBOATS, LIFE RAFTS, LIFE FLOATS, AND BUOYANT APPARATUS

1. Section 75.20–15 (kk) is amended to read as follows:

§ 75.20–15 *Description of equipment for lifeboats.* • • •

(kk) *Water.* (1) For each person the lifeboat is certified to carry, there shall be provided three quarts of drinking water consisting of 9 approved hermetically sealed containers per person constructed and filled in accordance with Subpart 160.026 of Subchapter Q (Specifications) of this chapter. The service life of this equipment shall be limited to 5 years from date of packing, and replacement of outdated containers shall be made at the first annual inspection of the vessel after the date of expiration.

(2) The drinking water containers shall be stowed in drinking water tanks, lockers, or other compartments providing suitable protection.

(3) This regulation shall become effective January 1, 1954, but approved drinking water containers already in use on that date may be continued in use, if otherwise in good and serviceable condition, until the first annual inspection of the vessel following 5 years from the date of packing, whereupon they shall be replaced with containers of the type specified in subparagraph (1) of this paragraph.

2. Section 75.20–25 (n) is amended to read as follows:

§ 75.20–25 *Description of equipment of life rafts.* • • •

(n) *Water.* (1) For each person the life raft is certified to carry, there shall be provided one quart of drinking water consisting of 3 approved hermetically sealed containers per person constructed and filled in accordance with Subpart 160.026 of Subchapter Q (Specifications) of this chapter. The service life of this equipment shall be limited to five years from date of packing, and replacement of outdated containers shall be made at the first annual inspection of the vessel after the date of expiration.

(2) The drinking water containers shall be stowed in compartments providing suitable protection.

(3) This regulation shall become effective January 1, 1954, but approved drinking water containers already in use on that date may be continued in use, if otherwise in good and serviceable condition, until the first annual inspection of the vessel following 5 years from the date of packing, whereupon they shall be replaced with containers of the type specified in subparagraph (1) of this paragraph.

SUBPART 75.45—LINE-THROWING APPLIANCES

Section 75.45–15 (a) (3) is amended to read as follows:

§ 75.45–15 *Equipment for line-throwing appliances.* (a) • • •

(3) Four service lines, each of a length not less than that specified in the approval of the appliance carried, of $^{7}/_{32}$-inch to $^{9}/_{32}$-inch diameter, of flax or manila, and having a breaking strength of at least 500 pounds, to be kept in faking boxes or on reels. These lines may be kept either in the box or case with the remainder of the equipment, or be stowed in an accessible location nearby.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4481, 4482, 4488, 4491, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 474, 475, 481, 489, 367, 526p, 1333, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 76—FIRE PROTECTION EQUIPMENT

SUBPART 76.05—FIRE DETECTING AND EXTINGUISHING EQUIPMENT, WHERE REQUIRED

Section 76.05–1 (a) is amended by changing in Table 76.05–1 (a) the requirements for "oil fired boilers" under "machinery spaces" to read as follows:

§ 76.05–1 *Fire detecting systems.* (a) • • •

TABLE 76.05–1 (a)

| Space | Detecting systems | Fire-extinguishing systems |
|---|---|---|
| *Machinery spaces* | | |
| • • | • | • • |
| Oil fired boilers: Spaces containing oil fired boilers either main or auxiliary, their fuel oil service pumps, and/or such other fuel oil units as the heaters, strainers, valves, manifolds, etc., that are subject to the discharge pressure of the fuel oil service pumps, together with adjacent spaces to which oil can drain. | None required. | Carbon dioxide, foam, or water spray.[1] |
| • • | • | • • |

[1] Protection of auxiliary boilers, fuel oil units, valves, and manifolds not required on vessels contracted for prior to Nov. 19, 1952.

SUBPART 76.50—HAND PORTABLE FIRE EXTINGUISHERS AND SEMIPORTABLE FIRE EXTINGUISHING SYSTEMS, ARRANGEMENTS, AND DETAILS

Section 76.50–15 is amended by revising paragraphs (a) and (c) to read as follows:

§ 76.50–15 *Spare charges.* (a) For all vessels other than motorboats, spare charges shall be carried for at least 50 percent of each size and each variety, i. e. foam, soda-acid, carbon dioxide, etc., of hand portable fire extinguisher required by § 76.50–10 (a). However, if the unit is of such variety that it cannot be readily recharged by the vessel's personnel, one spare unit of the same classification shall be carried in lieu of spare charges for all such units of the same size and variety.

• • • • •



(c) For all vessels other than motorboats, extra safety valve units shall be carried on board for at least 50 percent of all foam type hand portable fire extinguishers and semiportable fire extinguishing systems.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, 4483, as amended, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 1333, 463a, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

PART 77—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

SUBPART 77.13—RADIOTELEGRAPH AND RADIOTELEPHONE

1. The center heading title for Subpart 77.13 is amended to read as set forth above.

2. Section 77.13–1 (a) is amended to read as follows:

§ 77.13–1 *Required by Federal Communications Commission.* (a) Radiotelegraph and radiotelephone installations are required on certain vessels. Details of the application of this requirement as well as details of the installation shall be as required by the statutes and regulations under the jurisdiction of the Federal Communications Commission.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 5, 55 Stat. 244, 245; 46 U. S. C. 391, 392, 404, 367, 526p, 1333, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 78—OPERATIONS

SUBPART 78.13—STATION BILLS

Section 78.13–20 is amended to read as follows:

§ 78.13–20 *Manning of lifeboats and life rafts.* (a) The provisions of this section shall apply to all vessels other than motorboats and to all motorboats carrying more than 12 passengers on an international voyage with the exception that the lifeboat or life raft may be placed in the charge of a licensed motorboat operator.

(b) There shall be for each lifeboat or life raft a number of certificated lifeboatmen equal to that specified in Table 78.13–20 (b).

Table 78.13–20 (b)

| Prescribed complement of lifeboat or life raft | | Minimum number of lifeboatmen | |
|---|---|---|---|
| Over | Not over | Ocean service | All services other than ocean[1] |
| ---- | 25 | 2 | 1 |
| 25 | 40 | 2 | 2 |
| 40 | 60 | 3 | 3 |
| 60 | 85 | 4 | 4 |
| 85 | 110 | 5 | 5 |
| 110 | ---- | 6 | 6 |

[1] Certificated lifeboatmen not required in river service.

(c) The allocation of the certificated lifeboatmen to each lifeboat shall be at the discretion of the master according to the circumstances.

(d) For ocean service, the master shall appoint a first and second in command of each lifeboat and life raft who shall be either a licensed deck officer, an able seaman, or a certificated lifeboatman. For vessels in other services, the master shall appoint a person in command of each lifeboat and life raft, and except for river service, this person shall be either a licensed deck officer or an able seaman, except that life rafts for 15 persons or less in Great Lakes and lakes, bays, and sounds service may be placed in the charge of a certificated lifeboatman. The person in charge of each lifeboat or life raft shall have a list of its crew, and shall see that the persons under his orders are acquainted with their several duties.

(e) The master shall assign to each motor-propelled lifeboat a man capable of working the motor.

(f) The master shall assign to each lifeboat carrying a wireless and searchlight a man capable of operating such equipment.

SUBPART 78.17—TESTS, DRILLS, AND INSPECTIONS

Part 78 is amended by adding new §§ 78.17–70 and 78.17–75, reading as follows:

§ 78.17–70 *Radio apparatus for lifeboats.* (a) It shall be the duty of the master to require that all batteries for all fixed and portable radio apparatus for lifeboats are brought up to full charge weekly if the batteries are of a type which require recharging.

(b) In any case, the transmitter shall be tested weekly using a suitable artificial aerial.

§ 78.17–75 *Requirements for fuel oil.* (a) It shall be the duty of the chief engineer to cause an entry in the log be made of each supply of fuel oil received on board, stating the quantity received, the name of the vendor, the name of the oil producer, and the flash point (closed cup test) for which it is certified by the producer.

(b) It shall be the further duty of the chief engineer to cause to be drawn and sealed and suitably labeled at the time the supply is received on board, a half-pint sample of each lot of fuel oil. These samples shall be preserved until the particular supply of oil is exhausted.

SUBPART 78.33—REPORTS OF ACCIDENTS, REPAIRS, AND UNSAFE EQUIPMENT

Part 78 is amended by adding a new § 78.33–20, reading as follows:

§ 78.33–20 *Breaking of safety valve seal.* (a) If at any time it is necessary to break the seal on a safety valve for any purpose, the chief engineer shall advise the Officer in Charge, Marine Inspection, at the next port of call, giving the reason for breaking the seal and requesting that the valve be examined and adjusted by an inspector.

SUBPART 78.37—LOG BOOK ENTRIES

Section 78.37–5 (a) is amended by adding a new subparagraph reading as follows:

§ 78.37–5 *Actions required to be logged.* (a) • • •

(12) Fuel oil data: Upon receipt of fuel oil on board. See § 78.17–75.

SUBPART 78.55—CARRYING OF EXCESS STEAM

Section 78.55–1 is amended to read as follows:

§ 78.55–1 *Master and chief engineer responsible.* (a) It shall be the duty of the master and the engineer in charge of the boilers of any vessel to require that a steam pressure is not carried in excess of that allowed by the certificate of inspection, and to require that the safety valves, once set and sealed by the inspector, are in no way tampered with or made inoperative except as provided in § 78.33–20.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4453, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 435, 367, 526p, 1333, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

**Subchapter I—Cargo and Miscellaneous Vessels**

PART 91—INSPECTION AND CERTIFICATION

SUBPART 91.20—INITIAL INSPECTION

Section 91.20–15 is amended to read as follows:

§ 91.20–15 *Scope of inspection.* (a) The initial inspection, which may consist of a series of inspections during the construction of a vessel, shall include a complete inspection of the structure, machinery, and equipment, including the outside of the vessel's bottom, and the outside, and where possible the inside, of the boilers. The inspection shall be such as to insure that the arrangements, materials, and scantlings of the structure, boilers and their appurtenances, piping, main and auxiliary machinery, electrical installations, lifesaving appliances, fire detecting and extinguishing equipment, and other equipment fully comply with the applicable regulations for such vessel and are in accordance with approved plans, and that the radio installations, including fixed and portable radios for lifeboats, are in accordance with the requirements of the Federal Communications Commission. The inspection shall also be such as to insure that the workmanship of all parts of the vessel and its equipment is in all respects satisfactory.

(b) When equipment is installed which is not required by applicable regulations in this subchapter, that equipment shall be inspected and tested as required for such equipment by applicable regulations in Subchapter H (Passenger Vessels) of this chapter. For example, fire-detecting systems shall be inspected and tested as required by Subpart 71.20 of Subchapter H (Passenger Vessels) of this chapter.

SUBPART 91.25—ANNUAL INSPECTION

Section 91.25-10 is amended to read as follows:

§ 91.25-10 *Scope of inspection.* (a) The annual inspection shall include an inspection of the structure, boilers, machinery, and equipment. The inspection shall be such as to insure that the vessel, as regards the structure, boilers and their appurtenances, piping, main and auxiliary machinery, electrical installations, lifesaving appliances, fire-detecting and extinguishing equipment, and other equipment is in satisfactory condition and fit for the service for which it is intended, and that it complies with the applicable regulations for such vessel, and that the radio installations, including fixed and portable radios for lifeboats, are in compliance with the requirements of the Federal Communications Commission.

(b) When equipment is installed which is not required by applicable regulations in this subchapter, that equipment shall be inspected and tested as required for such equipment by applicable regulations in Subchapter H (Passenger Vessels) of this chapter. For example, fire-detecting systems shall be inspected and tested as required by Subpart 71.25 of Subchapter H (Passenger Vessels) of this chapter.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4423, 4426-4431, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, secs. 10, 11, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, sec. 5, 55 Stat. 244, 245, as amended, 46 U. S. C. 361, 362, 391, 392, 399, 400, 404-409, 411, 412, 435, 366, 395, 396, 363, 367, 660a, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 94—LIFESAVING EQUIPMENT

SUBPART 94.20—EQUIPMENT FOR LIFEBOATS AND LIFE RAFTS

1. Section 94.20-15 (ii) is amended to read as follows:

§ 94.20-15 *Description of equipment for lifeboats.* • • •

(ii) *Water.* (1) For each person the lifeboat is certified to carry, there shall be provided three quarts of drinking water consisting of 9 approved hermetically sealed containers per person constructed and filled in accordance with Subpart 160.026 of Subchapter Q (Specifications) of this chapter. The service life of this equipment shall be limited to 5 years from date of packing, and replacement of outdated containers shall be made at the first annual inspection of the vessel after the date of expiration.

(2) The drinking water containers shall be stowed in drinking water tanks, lockers, or other compartments providing suitable protection.

(3) This regulation shall become effective January 1, 1954, but approved drinking water containers already in use on that date may be continued in use, if otherwise in good and serviceable condition, until the first annual inspection of the vessel following 5 years from the date of packing, whereupon they shall be replaced with containers of the type specified in subparagraph (1) of this paragraph.

2. Section 94.20-25 (n) is amended to read as follows:

§ 94.20-25 *Description of equipment for life rafts.* • • •

(n) *Water.* (1) For each person the life raft is certified to carry, there shall be provided one quart of drinking water consisting of 3 approved hermetically sealed containers per person constructed and filled in accordance with Subpart 160.026 of Subchapter Q (Specifications) of this chapter. The service life of this equipment shall be limited to 5 years from date of packing, and replacement of outdated containers shall be made at the first annual inspection of the vessel after the date of expiration.

(2) The drinking water containers shall be stowed in compartments providing suitable protection.

(3) This regulation shall become effective January 1, 1954, but approved drinking water containers already in use on that date may be continued in use, if otherwise in good and serviceable condition, until the first annual inspection of the vessel following 5 years from the date of packing, whereupon they shall be replaced with containers of the type specified in subparagraph (1) of this paragraph.

SUBPART 94.45—LINE-THROWING APPLIANCE

Section 94.45-15 (a) (3) is amended to read as follows:

§ 94.45-15 *Equipment for line-throwing appliances.* (a) • • •

(3) Four service lines, each of a length not less than that specified in the approval of the appliance carried, of 7/32-inch to 9 32-inch diameter, of flax or manila, and having a breaking strength of at least 500 pounds, to be kept in faking boxes or on reels. These lines may be kept either in the box or case with the remainder of the equipment, or be stowed in an accessible location nearby.

SUBPART 94.90—SHIP'S DISTRESS SIGNALS

Section 94.90-5 *Vessels in ocean or coastwise service* is amended by deleting paragraph (b). (The applicable requirements are in Subpart 113.60 of Subchapter J—Electrical Engineering.)

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4481, 4482, 4488, 4491, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 5, 55 Stat. 244, 245; as amended; 46 U. S. C. 391, 392, 404, 484, 475, 481, 489, 367, 526p. 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 95—FIRE PROTECTION EQUIPMENT

SUBPART 95.05—FIRE DETECTING AND EXTINGUISHING EQUIPMENT WHERE REQUIRED

Section 95.05-10 (a) (3) is amended to read as follows:

§ 95.05-10 *Fixed fire extinguishing systems.* (a) • • •

(3) On vessels of 1,000 gross tons and over, contracted for on or after November 19, 1952, or where conversion from coal to oil is contracted for on or after November 19, 1952, a fixed carbon dioxide, foam or water spray system shall be installed in all spaces containing oil fired boilers, either main or auxiliary, their fuel oil service, pumps, and/or such fuel oil units as the heaters, strainers, valves, manifolds, etc., that are subject to the discharge pressure of the fuel oil service pump.

SUBPART 95.50—HAND PORTABLE FIRE EXTINGUISHERS AND SEMIPORTABLE FIRE EXTINGUISHING SYSTEMS, ARRANGEMENTS, AND DETAILS

Section 95.50-15 is amended by revising paragraphs (a) and (c) to read as follows:

§ 95.50-15 *Spare charges.* (a) For all vessels other than motorboats spare charges shall be carried for at least 50 percent of each size and each variety, i. e. foam, soda-acid, carbon dioxide, etc., of hand portable fire extinguisher required by § 95.50-10 (a). However, if the unit is of such variety that it cannot be readily recharged by the vessel's personnel, one spare unit of the same classification shall be carried in lieu of spare charges for all such units of the same size and variety.

• • • • • •

(c) For all vessels other than motorboats extra safety valve units shall be carried on board for at least 50 percent of all foam type hand portable fire extinguishers and semiportable fire extinguishing systems.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, 4483, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 463a, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 96—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

SUBPART 96.13—RADIOTELEGRAPH AND RADIOTELEPHONE

1. The center heading title for Subpart 96.13-1 is amended to read as set forth above.

2. Section 96.13-1 (a) is amended to read as follows:

§ 96.13-1 *Required by Federal Communications Commission.* (a) Radiotelegraph and radiotelephone installations are required on certain vessels. Details of the application of this requirement as well as details of the installation shall be as required by the statutes and regulations under the jurisdiction of the Federal Communications Commission.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 5, 55 Stat. 244, 245; 46 U. S. C. 391, 392, 404, 367, 526p, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 97—OPERATIONS

SUBPART 97.13—STATION BILLS

Section 97.13-25 is amended by revising paragraphs (a) and (c) to read as follows:

§ 97.13-25 *Manning of lifeboats and life rafts.* (a) There shall be for each lifeboat and life raft a number of certificated lifeboatmen equal to that specified in Table 97.13-25 (a).

TABLE 97.13-25 (a)

| Prescribed complement of lifeboat or life raft | | Minimum number of lifeboatmen | |
|---|---|---|---|
| Over | Not over | Ocean service | All services other than ocean [1] |
| ---- | 25 | 2 | 1 |
| 25 | 40 | 2 | 2 |
| 40 | 60 | 3 | 3 |
| 60 | 85 | 4 | 4 |
| 85 | 110 | 5 | 5 |
| 110 | ---- | 6 | 6 |

[1] Certificated lifeboatmen not required in river service.

• • • • • •

(c) For ocean service, the master shall appoint a first and second in command of each lifeboat and life raft who shall be either a licensed deck officer, an able seaman, or a certificated lifeboatman. For vessels in other services, the master shall appoint a person in command of each lifeboat and life raft, and except for river service, this person shall be either a licensed deck officer or an able seaman, except that life rafts for 15 persons or less in Great Lakes and lakes, bays and sounds service may be placed in the charge of a certificated lifeboatman. The person in charge of each lifeboat or life raft shall have a list of its crew, and shall see that the persons under his orders are acquainted with their several duties.

SUBPART 97.15—TESTS, DRILLS, AND INSPECTIONS

Part 97 is amended by adding new §§ 97.15-50 and 97.15-55, reading as follows:

§ 97.15-50 *Radio apparatus for lifeboats.* (a) It shall be the duty of the master to require that all batteries for all fixed and portable radio apparatus for lifeboats are brought up to full charge weekly if the batteries are of a type which require recharging.

(b) In any case, the transmitter shall be tested weekly using a suitable artificial aerial.

§ 97.15-55 *Requirements for fuel oil.* (a) It shall be the duty of the chief engineer to cause an entry in the log to be made of each supply of fuel oil received on board, stating the quantity received, the name of the vendor, the name of the oil producer, and the flash point (closed cup test) for which it is certified by the producer.

(b) It shall be the further duty of the chief engineer to cause to be drawn and sealed and suitably labeled at the time the supply is received on board, a half-pint sample of each lot of fuel oil. These samples shall be preserved until the particular supply of oil is exhausted.

SUBPART 97.30—REPORTS OF ACCIDENTS, REPAIRS, AND UNSAFE EQUIPMENT

Part 97 is amended by adding a new § 97.30-20, reading as follows:

§ 97.30-20 *Breaking of safety valve seal.* (a) If at any time it is necessary to break the seal on a safety valve for any purpose, the chief engineer shall advise the Officer in Charge, Marine Inspection, at the next port of call, giving the reason for breaking the seal and requesting that the valve be examined and adjusted by an inspector.

SUBPART 97.35—LOG BOOK ENTRIES

Section 97.35-5 (a) is amended by adding a new subparagraph reading as follows:

§ 97.35-5 *Actions required to be logged.* (a) • • •

(8) Fuel oil data: Upon receipt of fuel oil on board. See § 97.15-55.

SUBPART 97.37—MARKING FOR FIRE AND EMERGENCY EQUIPMENT, ETC.

Section 97.37-37 (d) is amended to read as follows:

§ 97.37-37 *Lifeboats.* • • •

(d) All oars shall be conspicuously marked with the vessel's name.

SUBPART 97.45—CARRYING OF EXCESS STEAM

Section 97.45-1 (a) is amended to read as follows:

§ 97.45-1 *Master and chief engineer responsible.* (a) It shall be the duty of the master and the engineer in charge of the boilers of any vessel to require that a steam pressure is not carried in excess of that allowed by the certificate of inspection, and to require that the safety valves, once set and sealed by the inspector, are in no way tampered with or made inoperative except as provided in § 97.30-20.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4453, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 392, 404, 435, 367, 526p, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter J—Electrical Engineering

PART 112—EMERGENCY LIGHTING AND POWER SYSTEM

SUBPART 112.55—STORAGE BATTERY INSTALLATION

Section 112.55-1 (a) is corrected to read as follows:

§ 112.55-1 *General requirements.* (a) Storage batteries shall be of a design and construction proven successful in merchant marine service, and capable of withstanding the roll and pitch of a vessel and exposure to salt air. Positive plates of lead-acid batteries shall be at least 0.25 inch thick, and the specific gravity of the electrolyte when fully charged shall be 1.210 to 1.220, both inclusive, at 25 degrees C., except that thin positive plate construction (0.125 inch thick) may be used for engine cranking batteries. The fully charged specific gravity of the electrolyte of engine cranking batteries shall not exceed 1.260 at 25 degrees C. for high watering space type batteries or 1.285 at 25 degrees C. for normal watering space type batteries.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4453, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 463a, 1333, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter P—Manning of Vessels

PART 157—MANNING REQUIREMENTS

SUBPART 157.20—COMPUTATIONS

Section 157.20-35 is amended to read as follows:

§ 157.20-35 *Engineers.* (a) On any vessel subject to inspection, the Officer in Charge, Marine Inspection, shall determine the minimum number of engineers necessary for the safe navigation of a vessel.

(R. S. 4438, as amended, 4463, as amended; 46 U. S. C. 224, 222)

(b) The provisions of R. S. 4426, as amended (46 U. S. C. 404), require a licensed engineer on every ferryboat, canal boat, yacht, or other small craft of like character propelled by steam, except for a motorboat subject to the Act of April 25, 1940, as amended (54 Stat. 164-167; 46 U. S. C. 526-526t).

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply E. O. 10402, Oct. 30, 1952, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

1. Subpart 160.002, consisting of §§ 160.062-1 to 160.002-7, inclusive, is amended to read as follows:

SUBPART 160.002—LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 2, 3, 5 AND 6

Sec.
160.002-1 Applicable specifications and plans.
160.002-2 Types and models.
160.002-3 Materials.
160.002-4 Construction.
160.002-5 Inspections and tests.
160.002-6 Marking.
160.002-7 Procedure for approval.

AUTHORITY: §§ 160.002-1 to 160.002-7 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526c, 526p, 1333, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

§ 160.002-1 *Applicable specifications and plans*—(a) *Specifications.* The following specifications, of the issue in effect on the date life preservers are manufactured, form part of this subpart:

(1) Military specifications:

JAN-C-299—Cloth, Cotton, Print.
MIL-C-300—Cloth, Cotton, Drill (Fully shrunk).
JAN-W-530—Webbing, Cotton, Natural, or in Colors.
MIL-L-3129—Life Preservers, Jacket Type, Fibrous Glass.

MIL–T–2448—Twine, Cotton, Mattress, Polished for use in Tufting Machines.

(2) Federal specifications:

V–T–276—Thread, Cotton.
CCC–T–191—Textile Test Methods.
DDD–S–751—Stitches; Seams; and Stitching.

(3) Coast Guard Specification:

164.003—Kapok, processed.

(b) *Plans.* The following plans, of the issue in effect on the date life preservers are manufactured, form a part of this specification:

Dwg. No. F–49–6–1:
(Sheet 1) Cutting Pattern and General Arrangement (adult).
(Sheet 1A) Alternate stitching of tapes and webbing (adult and child).
(Sheet 2) Pad Detail (adult).
Dwg. No. F–49–6–5:
(Sheet 1) Cutting Pattern and General Arrangement (child).
(Sheet 2) Pad Detail (child).

(c) *Copies on file.* Copies of the specifications and plans referred to in this section shall be kept on file by the manufacturer, together with the certificate of approval. The Coast Guard specification and plans may be obtained upon request from the Commandant, United States Coast Guard, Washington 25, D. C. The Federal Specifications may be purchased from the Business Service Center, General Services Administration, Washington 25, D. C. The Military Specifications may be obtained from the Bureau of Supplies and Accounts, Department of the Navy, Washington 25, D. C.

§ 160.002–2 *Types and models.* (a) Life preservers specified by this subpart shall be of the following types:

Type A—Adult:
Model 2—Adult, 24 ounces kapok, removable pads *not enclosed* within vinyl film outer pad covering.
Model 3—Adult, 24 ounces kapok, removable pads *enclosed* within vinyl film outer pad covering.
Type B—Child:
Model 5—Child, 16 ounces kapok, removable pads *enclosed* within vinyl film outer pad covering.
Model 6—Child, 16 ounces kapok, removable pads *not enclosed* within vinyl film outer pad covering.

§ 160.002–3 *Materials*—(a) *Kapok.* The kapok shall comply with Subpart 164.003 of this subchapter and shall be properly processed.

(b) *Envelope.* The life preserver envelope, or cover, shall be made of cotton drill. The color shall be Indian Orange, Cable No. 70072, Standard Color Card of America, Ninth Edition, issued by the Textile Color Association of the United States, Inc., 200 Madison Avenue, New York, N. Y. The drill shall be evenly dyed, and the fastness of the color to laundering, water, and light shall be rated "good" when tested in accordance with Federal Specification CCC–T–191, Methods 5610, 5630, and 5660. After dyeing, the drill shall be treated with a mildew-inhibitor of the type specified in paragraph (1) of this section. The finished goods shall contain not more than 2 percent residual sizing or other nonfibrous material, shall weigh not less than 6.5 ounces per square yard, shall have a thread count of not less than 72 in the warp and 54 in the filling, and shall have a breaking strength (grab method) of not less than 105 pounds in the warp and 70 pounds in the filling. Properly mildew-inhibited drills meeting the psysical requirements of specification MIL–C–300 for Type II, Class A drill will be acceptable. If it is proposed to treat the fabric with a fire-retardant substance, full details shall be submitted to the Commandant for determination as to what samples will be needed for testing.

(c) *Tunnel strip.* The tunnel strip shall be made of cotton drill conforming to the requirements for the envelope cover.

(d) *Pad covering.* The covering for the kapok pads shall be any cotton sheeting or print cloth which possesses not less strength than unbleached cotton print cloth known commercially as 38½ inch, 64 x 56, 5.50 yards, having a minimum breaking strength of 36 pounds in the warp and 22 pounds in the filling. Cotton print cloths meeting the requirements of Type I, Class B, of specification JAN–C–299 are acceptable. The pad covering shall be treated with a mildew-inhibitor of the type specified in paragraph (1) of this section.

(e) *Outer pad covering.* The outer covering for the kapok pads of Models 3 and 5 life preservers shall be a vinyl resin film complying with the applicable requirements of Section 3 of specification MIL–L–3129, and shall have a maximum of two pinholes per square yard under a 20 percent linear elongation.

(f) *Tie tapes and drawstrings.* The tie tapes at the neck and the lower drawstring shall be made of 1¼-inch cotton tape weighing not less than 0.3 ounce per linear yard, and having a minimum breaking strength of 200 pounds. The tie tapes and drawstrings shall be treated with a mildew-inhibitor of the type specified in paragraph (1) of this section.

(g) *Body strap.* The body strap shall be made of one-inch cotton webbing having a minimum breaking strength of 400 pounds. One-inch cotton webbing meeting the requirements of specification JAN–W–530 is acceptable. The complete body strap assembly shall have a minimum breaking strength of 360 pounds. The body strap shall be treated with a mildew-inhibitor of the type specified in paragraph (1) of this section.

(h) *Dee rings and snap hook.* The Dee rings and snap hook shall be brass, bronze, or stainless steel, and of the approximate size indicated by Dwg. F–49–6–1, Sheet 1. The snap hook spring shall be phosphor bronze or other suitable corrosion-resistant material. Dee ring ends shall be welded to form a continuous ring. The webbing opening of the snap hook shall be a continuous ring.

(i) *Reinforcing tape.* The reinforcing tape shall be made of ¾-inch cotton tape weighing not less than 0.18 ounce per linear yard and having a minimum breaking strength of 120 pounds, and shall be treated with a mildew-inhibitor of the type specified in paragraph (1) of this section.

(j) *Thread.* The thread shall be Type IB, No. 20, 4-ply cotton thread, conforming to the requirements of Federal Specification V–T–276, and shall be treated with a mildew-inhibitor of the type specified in paragraph (1) of this section.

(k) *Tufting twine.* The tufting twine shall be in compliance with specification MIL–T–2448, and shall be treated with a mildew-inhibitor of the type specified in paragraph (1) of this section.

(l) *Mildew-inhibitor.* The mildew-inhibitor shall be dihydroxydichlorodiphenylmethane, known commercially as Compound G–4, applied by the aqueous method. The amount of inhibitor deposited shall be not more than 1.50 percent and not less than 1.00 percent of the dry weight of the finished goods.

§ 160.002–4 *Construction*—(a) *General.* This specification covers life preservers which essentially consist of a vest-cut envelope containing pockets in which are enclosed pads of buoyant material, the life preserver being fitted with tapes and webbing to provide complete reversibility, proper adjustment for close fit to the bodies of various size wearers, and proper flotation characteristics to hold the wearer in an upright backward position with head and face out of water.

(b) *Envelope.* The envelope shall be of not more than two pieces, one piece for either side, cut to the pattern shown on Dwg. No. F–49–6–1, Sheet 1, for adult size, and Dwg. No. F–49–6–5, Sheet 1, for child size, joined by seams and stitching as shown on the drawing. A drawstring tunnel shall be formed by stitching a strip of the tunnel strip material as shown by the drawing. The ends of the tunnel strip shall be tucked under the reinforcing tape stitched around the end openings so there is no direct access to the pads from the outside. Three pockets shall be formed for insertion of the kapok pads. The two front pads shall be removable from the envelope when portions of the lower longitudinal seam are opened, and the back pad shall be removable when a portion of one armhole seam is opened. The pads shall be well inserted into the pockets of the envelope, in no case more than one inch from the top seam of the pocket.

(c) *Pad inserts.* (1) The kapok pads shall be formed from two pieces of material cut to the pattern shown by Dwg. No. F–49–6–1, Sheet 2, for adult size, and Dwg. No. F–49–6–5, Sheet 2, for child size, with seams as indicated on the drawing, and filled with kapok distributed as follows:

TABLE 160.002–4 (c) (1)—DISTRIBUTION OF KAPOK IN PAD INSERTS

| | Models 2 and 3 life preservers | Models 5 and 6 life preservers |
|---|---|---|
| | *Ounces* | *Ounces* |
| Kapok, maximum | 24 | 16 |
| Front pad (2): | | |
| Lower section | 5¼ | 3½ |
| Upper section | 3¼ | 2½ |
| Back pad | 6 | 4 |

(2) For Models 3 and 5 life preservers, the kapok pads shall be enclosed in the outer pad covering specified by § 160.002–3 (e), which shall be heat-sealed tight. The heat-sealed pad seams shall show an adhesion of not less than 8 pounds when tested in accordance with paragraph 4.4.5 of specification MIL–L–3129, and the volume of the finished individual heat-sealed pads shall be such as to provide buoyancy as set forth in the following table when tested in accordance with the method set forth in § 160.002–5 (d), except that the period of submergence shall be only long enough to determine the displacement of the pads:

TABLE 160.002–4 (c) (2)—VOLUME DISPLACEMENT OF SEALED PADS FOR MODELS 3 AND 5 LIFE PRESERVERS

| | Model 3 life preservers | Model 5 life preservers |
|---|---|---|
| Front pad | 12½ lb. each ± 1 lb. | 7½ lb. each ± 1 lb. |
| Back pad | 8 lb. each ± 1½ lb. | 5 lb. each ± 1½ lb. |

(d) *Tie tapes.* The tie tapes at the neck shall extend not less than 14 inches from the edge of the adult life preserver and not less than 12 inches from the edge of the child life preserver. They shall be stitched through both thicknesses of the envelope as shown by Dwg. No. F–49–6–1, Sheet 1, for adult size, and Dwg. No. F–49–6–5, Sheet 1, for child size, or by the alternate stitching shown on Sheet 1A. The free ends shall be doubled over and stitched in accordance with Section G–G of Sheet 1.

(e) *Drawstrings.* The drawstrings at the waist shall extend not less than 8 inches from the edge of the life preserver and shall be secured in the drawstring tunnel as shown by Dwg. No. F–49–6–1, Sheet 1, for adult size, and Dwg. No. F–49–6–5, Sheet 1, for child size, or by the alternate stitching shown on Sheet 1A. The free ends shall be doubled over and stitched in accordance with Section G–G of Sheet 1.

(f) *Body strap.* The body strap shall be fitted with a single Dee ring on one end with the arrangement of a snap hook and pre-threaded double Dee rings as shown on Dwg. No. F–49–6–1, Sheet 1, on the other. The body strap shall be stitched as shown on the drawings, and the edge of the single Dee ring shall be 20 inches from the center line for adult size and 15 inches for child size.

(g) *Reinforcing tape.* Binding tape shall be stitched approximately 15 inches for adult jackets and 12 inches for child jackets around the back of the neck, and also around the openings of the drawstring tunnel and around the bottom of the armholes, as indicated by the drawings.

(h) *Stitching.* All stitching shall be a short lock stitch conforming to Stitch Type 301 of Federal Specification DDD–S–751 and there shall be not less than 7, nor more than 9 stitches to the inch.

(i) *Tufting.* The pad inserts shall be tufted in the locations shown on Dwg. No. F–49–6–1, Sheet 2, for adult size, and Dwg. No. F–49–6–5, Sheet 2, for child size, except the alternate method provided by § 160.002–4 (j) may be employed for certain tufts in the case of Models 2 and 6 life preservers.

(j) *Securing pad inserts in envelope pockets.* The removable pad inserts shall be secured in the pockets of the envelopes of Models 2 and 6 life preservers, in no case more than one inch from the top seam of the pocket, by a row of stitching, approximately 1¼ inches long near the upper edge of each pocket, which stitching shall extend through both envelope covers and the pad cover fabric. The alternate method of securing the pad inserts in the pockets of the envelopes of Models 2 and 6 life preservers, in no case more than one inch from the top seam of the pocket, shall be by extending the tufts in the upper section of the front pads, and the tuft in the back pad, through the envelope covers and the pads. The removable pad inserts, which are contained in vinyl film outer pad covering, shall not be stitched or tufted to the envelopes of Models 3 and 5 life preservers.

(k) *Workmanship.* Life preservers shall be of first-class workmanship and shall be free from any defects materially affecting their appearance or serviceability.

§ 160.002–5 *Sampling, tests, and inspections*—(a) *General.* When production is to commence on life preservers or kapok pad inserts for use in life preservers, the manufacturer shall notify the Officer in Charge, Marine Inspection, U. S. Coast Guard, of the inspection zone in which the factory is located in sufficient time for him to assign a Coast Guard marine inspector to the plant to observe production methods and to conduct any inspections or tests which may be deemed advisable. Manufacturers of approved life preservers shall maintain quality control of the materials used in manufacturing operations, and the finished product so as to meet the requirements of this specification. When a lot of life preservers is presented for Coast Guard inspection, it is expected that the manufacturer will previously have taken all ordinary precautions to assure himself that the life preservers are in full compliance with the requirements of this specification. The Coast Guard inspections and test are not intended to replace, or be a substitute for, full inspections and tests by the manufacturer to maintain the quality of his product. The Coast Guard marine inspector shall be admitted to any place in the factory where work is done on the life preservers or on component materials or parts. Samples of materials entering into construction may be taken by the inspector and tests made for compliance with the applicable requirements.

(b) *Lot size and sampling.* (1) A lot shall consist of not more than 500 life preservers. A new lot shall be started with any change or modification in materials used or manufacturing methods employed. When a lot of life preservers is ready for inspection, the manufacturer shall notify the Officer in Charge, Marine Inspection, U. S. Coast Guard, of the inspection zone in which the factory is located, who will assign a marine inspector to the plant for the purpose of making the necessary tests and inspections. From each lot of life preservers the marine inspector shall select samples in accordance with the following table to be tested for buoyancy in accordance with paragraph (d) of this section:

TABLE 160.002–5 (b) (1)—SAMPLING FOR BUOYANCY TESTS

| Lot size: | *Number of life preservers in sample* |
|---|---|
| 100 and under | 1 |
| 101 to 200 | 2 |
| 201 to 300 | 3 |
| 301 to 500 | 4 |

(2) For a lot next succeeding one from which any sample life preserver failed the buoyancy test, the sample shall consist of not less than ten specimen life preservers to be tested for buoyancy in accordance with paragraph (d) of this section.

(c) *Test facilities.* The manufacturer shall provide a suitable place and the necessary apparatus for the use of the inspector in conducting tests to determine compliance of life preservers with this specification. The apparatus shall include accurate spring scales of adequate capacity, weighted wire mesh baskets, and a test tank or tanks which can be locked or sealed in such manner as to preclude disturbance of life preservers undergoing test or change in water level.

(d) *Buoyancy test.* (1) Securely attach the accurate spring scale in a position directly over the test tank. Suspend the weighted wire basket from the scale in such a manner that the basket is weighed while it is completely under water. In order to measure the actual buoyancy provided by the life preserver, the underwater weight of the empty basket should exceed the buoyancy of the life preserver. To obtain the buoyancy of the life preserver, proceed as follows:

(i) Weigh the empty wire basket under water.

(ii) Place the life preserver inside the basket and submerge it so that the top of the basket is at least 2 inches below the surface of the water for 48 hours. The tank shall be locked or sealed during this 48 hour submergence period. It is important that after the life preserver has once been submerged it shall remain submerged for the duration of the test, and at no time during the course of the test shall it be removed from the tank or otherwise exposed to air.

(iii) After the 48 hour submergence period unlock or unseal the tank and weigh the weighted wire basket with the life preserver inside while both are still under water.

(iv) The buoyancy is computed as (i) minus (iii).

(2) A Model 2 or 6 life preserver may be tested as a unit. For a Model 3 or 5 life preserver, the pads shall be separated from the preserver. The vinyl film outer pad covering shall then be removed from the pads, and the pads placed in the wire basket and tested for buoyancy as described above.

(e) *Buoyancy required.* Models 2 and 3 adult life preservers are required to provide not less than 16½ pounds buoyancy, and Models 5 and 6 child life preservers are required to provide not less than 11 pounds buoyancy.

(f) *Lot inspection.* If the sample life preserver or preservers meet the buoy-

ancy requirement, the inspector shall carefully inspect individually each of the life preservers in the lot, making such examination and tests as are necessary to satisfy himself that the life preservers have been manufactured according to this specification. Non-conforming units shall be eliminated. The manufacturer shall provide a well lighted place equipped with a suitable smooth top table for use by the inspector and shall provide labor for all handling of life preservers requisite to lot inspection.

(g) *Lot acceptance.* When the inspector has satisfied himself that the life preservers in the lot are of a type officially approved in the name of the company, and that such life preservers meet the requirements of this specification, they shall be plainly marked in waterproof ink with the words, "Inspected and Passed, (Date), (Port), (Inspector's initials), USCG."

(h) *Lot rejection.* If any sample life preserver fails the buoyancy test, ten additional specimen life preservers shall be selected from the lot and tested for buoyancy. If all the ten additional specimen life preservers pass the buoyancy test, the lot shall be considered for lot inspection as set forth in paragraph (f) of this section. If any one of the ten additional specimen life preservers fails the buoyancy test, the lot shall be rejected. If, in the lot inspection, three or more non-conforming units are eliminated for the same kind of defect, lot inspection shall be discontinued until such time as the manufacturer has inspected the remainder of the lot and eliminated or corrected additional units having the same kind of defect. Non-conforming units which have been eliminated in the lot inspection may be re-submitted for inspection, provided that all defects have been corrected to the satisfaction of the inspector. When permitted by the Commander of the Coast Guard District, rejected lots may be re-worked by the manufacturer to correct the deficiency for which they were rejected and to eliminate all non-conforming units, following which the remainder of the lot may be re-submitted for official testing and inspection. Life preservers from rejected lots may not, unless subsequently accepted, be sold or offered for sale under representation as being in compliance with this specification or as being approved for use on merchant vessels or motorboats.

§ 160.002–6 *Marking*—(a) *General.* Each life preserver shall be plainly marked in waterproof ink on a front compartment in letters not less than ¾ inch in height with the word, "ADULT" or "CHILD", as the case may be, and in letters ¼ inch to ⅜ inch in height with, "Model No. _____, Kapok (Manufacturer's name and address), U. S. C. G. Approval No. _____."

§ 160.002–7 *Procedure for approval*—(a) *General.* Life preservers for use on merchant vessels or motorboats are approved only by the Commandant, U. S. Coast Guard, Washington, D. C. Each model life preserver is considered separately. Correspondence pertaining to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located. The Commander of the Coast Guard District will detail a marine inspector to the factory to observe the production facilities and manufacturing methods and to select, from not less than ten life preservers already manufactured, not less than three life preservers for test in accordance with § 160.002–5 (d). A copy of the marine inspector's report, together with a fourth specimen life preserver and one set of pad inserts selected from those already manufactured, will be forwarded to the Commandant for examination, and if satisfactory an official approval number will be assigned to the manufacturer for the model life preserver submitted.

2. Subpart 160.003, consisting of §§ 160.003–1 to 160.003–7, inclusive, is amended to read as follows:

SUBPART 160.003—LIFE PRESERVERS, CORK (JACKET TYPE), MODELS 32 AND 36

Sec.

160.003–1 Applicable specifications and plans.
160.003–2 Types and models.
160.003–3 Materials.
160.003–4 Construction.
160.003–5 Inspections and tests.
160.003–6 Marking.
160.003–7 Procedure for approval.

AUTHORITY: §§ 160.003–1 to 160.003–7 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 404 474, 473, 481, 489, 490, 396, 367, 526e, 526p, 1333, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

§ 160.003–1 *Applicable specifications and plans*—(a) *Specifications.* The following specifications, of the issue in effect on the date life preservers are manufactured, form a part of this subpart:

(1) Military specifications:

MIL–C–300—Cloth, Cotton, Drill (Fully Shrunk).

(2) Federal specifications:

C–G–496—Glue, Urea, resin-type (liquid and powder).
V–T–276—Thread; cotton.
CCC–T–191—Textile Test Methods.
DDD–S–751—Stitches; seams; and stitching.

(3) Coast Guard specification:

164.001—Cork, Sheet.

(b) *Plans.* The following plans of the issue in effect on the date life preservers are manufactured, form a part of this subpart:

Dwg. No. 160.003–1 (b), Sheet 1—Life Preserver, Cork and Balsa Wood, Models 32 and 42 Cutting Pattern and General Arrangement (Adult).
Dwg. No. 160.003–1 (b), Sheet 2—Life Preserver, Cork and Balsa Wood, Models 36 and 46, Cutting Pattern and General Arrangement (Child).

(c) *Copies on file.* Copies of the specifications and plans referred to in this section shall be kept on file by the manufacturer, together with the certificate of approval. The Coast Guard specifications and plans may be obtained upon request from the Commandant, United States Coast Guard, Washington 25, D. C. The Federal Specifications may be purchased from the Business Service Center, General Services Administration, Washington 25, D. C. The Military Specifications may be obtained from the Bureau of Supplies and Accounts, Department of the Navy, Washington 25, D. C.

§ 160.003–2 *Types and models.* (a) Life preservers specified by this subpart shall be of the following types and models:

Type A—Adult:
Model 32—Adult cork life preserver (Jacket type).
Type B—Child:
Model 36—Child cork life preserver (Jacket type).

§ 160.003–3 *Materials*—(a) *Cork.* The cork shall be of new material and shall comply with the requirements of specification Subpart 164.001 of this subchapter. Re-use of cork blocks from life preservers is permitted, but if such blocks are utilized they shall be of sound structure and shall comply with the requirements for size, forming, and quality as specified in this subpart for new blocks.

(b) *Envelope.* The life preserver envelope, or cover, shall be made of cotton drill. The color shall be Indian Orange Cable No. 70072, Standard Color Card of America, Ninth Edition, issued by the Textile Color Association of the United States, Inc., 200 Madison Ave., New York, N. Y. The drill shall be evenly dyed, and the fastness of the color to laundering, water, and light shall be rated "good" when tested in accordance with Federal Specification CCC–T–191, Methods 5610, 5630, and 5660. After dyeing, the drill shall be treated with a mildew-inhibitor of the type specified in paragraph (f) of this section. The finished goods shall contain not more than 2 percent residual sizing or other non-fibrous material, shall weigh not less than 6.5 ounces per square yard, shall have a thread count of not less than 72 in the warp and 54 in the filling, and shall have a breaking strength (grab method) of not less than 105 pounds in the warp and 70 pounds in the filling. Properly mildew-inhibited drills meeting the physical requirements of specification MIL–C–300 for Type II, Class A drill will be acceptable. If it is proposed to treat the fabric with a fire-retardant substance, full details shall be submitted to the Commandant for determination as to what samples will be needed for testing.

(c) *Tie tapes and body straps.* The tie tapes at the neck and the lower body straps shall be 1¼-inch cotton tape, weighing not less than 0.3 ounce per linear yard, and having a minimum breaking strength of 200 pounds. Tie tapes and body straps shall be treated with a mildew-inhibitor of the type specified in paragraph (f) of this section.

(d) *Thread.* The thread shall be heavy cotton thread, Type IIIB, designation 10/3, complying with Table IV of Federal Specification V–T–276, and shall be treated with a mildew-inhibitor of the type specified in paragraph (f) of this section. Alternate threads will be given special consideration.



(e) *Reinforcing tape.* The reinforcing tape shall be ¾-inch cotton tape weighing not less than 0.18 ounce per lineal yard and having a minimum breaking strength of 120 pounds, and shall be treated with a mildew-inhibitor of the type specified in paragraph (f) of this section.

(f) *Mildew inhibitor.* The mildew-inhibitor shall be dihydroxydichlorodiphenylmethane, known commercially as Compound G–4, applied by the aqueous method. The amount of inhibitor deposited shall be not more than 1.50 percent and not less than 1 percent of the dry weight of the finished goods.

(g) *Glue.* The glue shall be a waterproof urea resin type complying with Federal Specification C–G–496.

§ 160.003–4 *Construction*—(a) *General.* This specification covers life preservers which essentially consist of a vest-cut envelope containing pockets in which are enclosed blocks of buoyant material, the life preserver being secured with tapes to provide reversibility and adjustment for fitting it to the body.

(b) *Envelope.* The envelope shall be of not more than two pieces, one piece for either side, cut to the pattern shown on Dwg. No. 160.003–1 (b), Sheet 1, for adult size, and Sheet 2, for child size; joined by seams and stitching as shown on the drawing.

(c) *Buoyant material.* The life preservers covered by this specification shall each be filled with 8 blocks of cork as specified below:

(1) *Dimensions.* The dimensions of the finished cork blocks shall be as follows, except that a tolerance of plus or minus ⅛ inch in length, breadth, and thickness will be permitted:

Model 32—Adult:
4 blocks—12" x 5" x 1⅞".
4 blocks—7" x 5" x 1⅞".
Model 36—Child:
4 blocks—11" x 3½" x 1⅞".
4 blocks—7" x 3½" x 1⅞".

(2) *Forming.* The corners and edges of the blocks shall be slightly rounded or beveled. The surfaces, edges, and corners of the blocks shall be of such smoothness as will prevent undue destruction of the covering and present a smooth surface to provide a suitable backing for legible stenciling or stamping of the required marking on the cover. If blocks are of more than one piece, the joining pieces shall be milled to a fair surface and shall be fitted and secured together by waterproof glue or by dowel pins or skewers, or by a combination of waterproof glue and dowel pins or skewers. The finished blocks shall be free of protruding dowel pins or skewers.

(d) *Tie tapes and body straps.* The tie tapes at the neck and the two body straps (one body strap is located on each side of the life preserver) shall be secured by stitching through both thicknesses of the envelope as indicated on the drawings, and the free ends shall extend not less than 12 inches from the edges of the life preserver after being doubled over and stitched as shown on the drawings.

(e) *Stitching.* All machine stitching shall be short lock stitch, conforming to Stitch Type 301 of Federal Specification DDD–S–751, with not less than 7 nor more than 9 stitches to the inch. The lower longitudinal edge of the jacket shall be turned to a roll and rope stitched will double thread, not less than 2½ stitches to the inch, or it may be machine sewn.

(f) *Reinforcing tape.* Reinforcing tape shall be stitched approximately 18 inches for adult jackets and 14 inches for child jackets around the back of the neck.

(g) *Workmanship.* Life preservers shall be of first-class workmanship and shall be free from any defects materially affecting their appearance or serviceability.

§ 160.003–5 *Sampling, tests, and inspections*—(a) *General.* When production is to commence on life preservers, or cork blocks for use in life preservers, the manufacturer shall notify the Officer in Charge, Marine Inspection, U. S. Coast Guard, of the inspection zone in which the factory is located in sufficient time for him to assign a Coast Guard Marine Inspector to the plant to observe production methods and to conduct any inspections or tests which may be deemed advisable. Manufacturers of approved life preservers shall maintain quality control of the materials used, manufacturing operations, and the finished product so as to meet the requirements of this specification. When a lot of life preservers is presented for Coast Guard inspection, it is expected that the manufacturer will previously have taken all ordinary precautions to assure himself that the life preservers are in full compliance with the requirements of this specification. The Coast Guard inspections and tests are not intended to replace, or be a substitute for, full inspections and tests by the manufacturer to maintain the quality of his product. The Coast Guard Marine Inspector shall be admitted to any place in the factory where work is done on the life preservers or on component materials or parts. Samples of materials entering into construction may be taken by the marine inspector and tests made for compliance with the applicable requirements.

(b) *Lot size and sampling.* (1) A lot shall consist of not more than 500 life preservers. A new lot shall be started with any change or modification in materials used or manufacturing methods employed. When a lot of life preservers is ready for inspection, the manufacturer shall notify the Officer in Charge, Marine Inspection, U. S. Coast Guard, of the inspection zone in which the factory is located, who will assign a marine inspector to the plant for the purpose of making the necessary tests and inspections. From each lot of life preservers the marine inspector shall select samples in accordance with the following table to be tested for buoyancy in accordance with paragraph (d) of this section:

TABLE 160.003–5 (b)—SAMPLING FOR BUOYANCY TESTS

| Lot size: | Number of life preservers in sample |
|---|---|
| 100 and under | 1 |
| 101 to 200 | 2 |
| 201 to 300 | 3 |
| 301 to 500 | 4 |

(2) For a lot next succeeding one from which any sample life preserver failed the buoyancy test, the sample shall consist of not less than ten specimen life preservers to be tested for buoyancy in accordance with paragraph (d) of this section.

(c) *Test facilities.* The manufacturer shall provide a suitable place and necessary apparatus for the use of the inspector in conducting tests to determine compliance of life preservers with this specification. The apparatus shall include accurate spring scales of adequate capacity, weighted wire mesh baskets, and a test tank or tanks which can be locked or sealed in such manner as to preclude disturbance of life preservers undergoing test or change in water level.

(d) *Buoyancy test.* Securely attach the accurate spring scale in a position directly over the test tank. Suspend the weighted wire basket from the scale in such a manner that the basket is weighed while it is completely under water. In order to measure the actual buoyancy provided by the life preserver, the underwater weight of the empty basket should exceed the buoyancy of the life preserver. To obtain the buoyancy of the life preserver, proceed as follows:

(1) Weigh the empty wire basket under water.

(2) Place the life preserver inside the basket and submerge it so that the top of the basket is at least 2 inches below the surface of the water for 48 hours. The tank shall be locked or sealed during this 48-hour submergence period. It is important that after the life preserver has once been submerged it shall remain submerged for the duration of the test, and at no time during the course of the test shall it be removed from the tank or otherwise be exposed to air.

(3) After the 48-hour submergence period, unlock or unseal the tank and weigh the weighted wire basket with the life preserver inside while both are still under water.

(4) The buoyancy is computed as (1) minus (3).

(e) *Buoyancy required.* A Type A adult life preserver is required to provide not less than 16½ pounds buoyancy, and a Type B child life preserver is required to provide not less than 11 pounds buoyancy.

(f) *Lot inspection.* If the sample life preserver or preservers meet the buoyancy requirement, the marine inspector shall carefully inspect individually each of the life preservers in the lot, making such examinations and tests as are necessary to satisfy himself that the life preservers have been manufactured according to this specification. Non-conforming units shall be eliminated. The manufacturer shall provide a well-lighted place equipped with a suitable smooth top table for use by the marine inspector and shall provide labor for all handling of life preservers requisite to lot inspection.

(g) *Lot acceptance.* When the marine inspector has satisfied himself that the life preservers in the lot are of a type officially approved in the name of the company, and that such life preservers meet the requirements of this specification, they shall be plainly marked in waterproof ink with the words,

"Inspected and Passed, (Date), (Port), (Inspector's initials), USCG".

(h) *Lot rejection.* If any sample life preserver fails the buoyancy test, ten additional specimen life preservers shall be selected from the lot and tested for buoyancy. If all the ten additional specimen life preservers pass the buoyancy test, the lot shall be considered for inspection as set forth in paragraph (f) of this section. If any one of the ten additional specimen life preservers fails the buoyancy test, the lot shall be rejected. If, in the lot inspection, three or more nonconforming units are eliminated for the same kind of defect, lot inspection shall be discontinued until such time as the manufacturer has inspected the remainder of the lot and eliminated or corrected additional units having the same kind of defect. Non-conforming units which have been eliminated in the lot inspection may be re-submitted for inspection: *Provided*, That all defects have been corrected to the satisfaction of the inspector. When permitted by the Commander of the Coast Guard District, rejected lots may be re-worked by the manufacturer to correct the deficiency for which they were rejected and to eliminate all non-conforming units, following which the remainder of the lot may be re-submitted for official testing and inspection. Life preservers from rejected lots may not, unless subsequently accepted, be sold or offered for sale under representation as being in compliance with this specification or as being approved for use on merchant vessels or motorboats.

§ 160.003–6 *Marking*—(a) *General.* Each life preserver shall be plainly marked in waterproof ink on a front compartment in letters not less than ¾ inch in height with the word, "ADULT" or "CHILD", as the case may be, and in letters ¼ inch to ⅜ inch in height with, "Model No. ____, Cork, (Manufacturer's name and address), U. S. C. G. Approval No. ____."

§ 160.003–7 *Procedure for approval*—(a) *General.* Life preservers for use on merchant vessels and motorboats are approved only by the Commandant, U. S. Coast Guard, Washington, D. C. Each model life preserver is considered separately. Correspondence pertaining to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located. The Commander of the Coast Guard District will detail a marine inspector to the factory to observe the production facilities and manufacturing methods and to select, from not less than ten life preservers already manufactured, not less than three life preservers for test in accordance with § 160.003–5 (d). A copy of the marine inspector's report, together with a fourth specimen life preserver selected from those already manufactured, will be forwarded to the Commandant for examination and, if satisfactory, an official approval number will be assigned to the manufacturer for the model life preserver submitted.

3. Subpart 160.004, consisting of §§ 160.004–1 to 160.004–7, inclusive, is amended to read as follows:

## SUBPART 160.004—LIFE PRESERVERS, BALSA WOOD (JACKET TYPE), MODELS 42 AND 46

Sec.


160.004–1 Applicable specifications and plans.
160.004–2 Type and models.
160.004–3 Materials.
160.004–4 Construction.
160.004–5 Sampling, tests, and inspections.
160.004–6 Marking.
160.004–7 Procedure for approval.


AUTHORITY: §§ 160.004–1 to 160.004–7 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

§ 160.004–1 *Applicable specifications and plans*—(a) *Specifications.* The following specifications, of the issue in effect on the date life preservers are manufactured, form a part of this subpart:

(1) Military specifications:

MIL–C–300—Cloth, Cotton, Drill (Fully Shrunk).

(2) Federal specifications:

C–G–496—Glue: Urea, Resin-Type (Liquid and Powder).
V–T–276—Thread: Cotton.
CCC–T–191—Textile Test Methods.
DDD–S–751—Stitches; Seams; and Stitching.

(3) Coast Guard specification:

164.002—Balsa Wood.

(b) *Plans.* The following plans, of the issue in effect on the date life preservers are manufactured, form a part of this subpart:

Dwg. No. 160.003–1(b): Sheet 1—Life preserver, Cork and Balsa Wood, Models 31 and 41, Cutting Pattern and General Arrangement (Adult).

Dwg. No. 160.003–1(b): Sheet 2—Life preserver, Cork and Balsa Wood, Models 35 and 45, Pattern and General Arrangement (Child).

(c) *Copies on file.* Copies of the specifications and plans referred to in this section shall be kept on file by the manufacturer, together with the certificate of approval. The Coast Guard specification and plan may be obtained upon request from the Commandant, United States Coast Guard, Washington 25, D. C. The Federal Specifications may be purchased from the Business Service Center, General Services Administration, Washington 25, D. C. The Military Specifications may be obtained from the Bureau of Supply and Accounts, Department of the Navy, Washington 25, D. C.

§ 160.004–2 *Types and models.* (a) Life preservers specified by this subpart shall be of the following types and models:

Type A—Adult:
Model 42—Adult balsa wood life preserver (jacket type).
Type B—Child:
Model 46—Child balsa wood life preserver (jacket type).

§ 160.004–3 *Materials*—(a) *Balsa wood.* Balsa wood blocks shall be new wood complying with Subpart 164.002 of this subchapter of a density to meet the requirements for "Density B". Re-use of balsa wood blocks from old life preservers or other devices is not permitted.

(b) *Envelope.* The life preserver envelope, or cover, shall be made of cotton drill. The color shall be Indian Orange Cable No. 70072, Standard Color Card of America, Ninth Edition, issued by the Textile Color Association of the United States, Inc., 200 Madison Ave., New York, N. Y. The drill shall be evenly dyed, and the fastness of the color to laundering, water, and light shall be rated "good" when tested in accordance with Federal Specification CCC–T–191, Methods 5610, 5630, and 5660. After dyeing, the drill shall be treated with a mildew-inhibitor of the type specified in paragraph (f) of this section. The finished goods shall contain not more than 2 percent residual sizing or other non-fibrous material, shall weigh not less than 6.5 ounces per square yard, shall have a thread count of not less than 72 in the warp and 54 in the filling, and shall have a breaking strength (grab method) of not less than 105 pounds in the warp and 70 pounds in the filling. Properly mildew-inhibited drills meeting the physical requirements of specification MIL–C–300 for Type II, Class A drill will be acceptable. If it is proposed to treat the fabric with a fire-retardant substance, full details shall be submitted to the Commandant for determination as to what samples will be needed for testing.

(c) *Tie tapes and body straps.* The tie tapes at the neck and the lower body straps shall be 1¼-inch cotton tape, weighing not less than 0.3 ounce per linear yard, and having a minimum breaking strength of 200 pounds. The tapes and body straps shall be treated with a mildew-inhibitor of the type specified in paragraph (f) of this section.

(d) *Thread.* The thread shall be heavy cotton thread, Type IIIB, designation 10 3, complying with Table IV of Federal Specification V–T–276, and shall be treated with a mildew-inhibitor of the type specified in paragraph (f) of this section. Alternate threads will be given special consideration.

(e) *Reinforcing tape.* The reinforcing tape shall be ¾-inch cotton tape, weighing not less than 0.18 ounce per linear yard and having a minimum breaking strength of 120 pounds, and shall be treated with a mildew-inhibitor of the type specified in paragraph (f) of this section.

(f) *Mildew-inhibitor.* The mildew-inhibitor shall be dihydroxydichlorodiphenylmethane, known commercially as Compound G–4, applied by the aqueous method. The amount of inhibitor deposited shall be not more than 1.50 percent and not less than 1.00 percent of the dry weight of the finished goods.

(g) *Glue.* The glue shall be a waterproof urea resin type complying with Federal Specification C–G–496.

(h) *Coating.* Coating for the balsa wood blocks shall be a suitable waterproofing substance, such as "Hydrotuf", "Synthetic Plasoleum", "Balsa Wood Coating", or other substance of equal quality and effectiveness.

§ 160.004–4 *Construction*—(a) *General.* This specification covers life preservers which essentially consist of a vest-cut envelope containing pockets in which are enclosed blocks of buoyant material, the life preserver being secured with tapes to provide reversibility and adjustment for fitting it to the body.



(b) *Envelope.* The envelope shall be of not more than two pieces, one piece for either side, cut to the pattern shown on Dwg. No. 160.003–1 (b), Sheet 1, for adult size, and Sheet 2, for child size; joined by seams and stitching as shown on the drawings.

(c) *Buoyant material.* The life preservers covered by this specification shall each be filled with 8 blocks of balsa wood as specified below:

(1) *Dimensions.* The dimensions of the finished balsa wood blocks shall be as follows, except that a tolerance of plus or minus ⅛ inch in length, breadth, and thickness will be permitted:

Model 42—Adult:
4 blocks—12" x 5" x 1⅞".
4 blocks—7" x 5" x 1⅞".
Model 46—Child:
4 blocks—11" x 3½" x 1⅞".
4 blocks—7 " x 3½" x 1⅞".

(2) *Forming.* The balsa wood blocks shall be of one piece or shall be cut from glued up panels made from balsa wood lumber of the same length and thickness. The blocks shall be formed so as to present minimum end grain, and the corners and edges shall be slightly rounded or beveled. The surfaces, edges, and corners of the blocks shall be of such smoothness as will prevent undue destruction of the covering and present a smooth surface to provide a suitable backing for legible stenciling or stamping of the required marking on the cover.

(3) *Coating.* The balsa wood blocks shall be given a copious coating with a waterproof coating material which is in accordance with § 160.004–3 (g) and be allowed to dry thoroughly before being inserted in the pockets of the envelope.

(d) *Tie tapes and body straps.* The tie tapes at the neck and the two body straps (One body strap is located on each side of the life preserver) shall be secured by stitching through both thicknesses of the envelope as indicated on the drawings, and the free ends shall extend not less than 12 inches from the edges of the life preserver after being doubled over and stitched as shown on the drawings.

(e) *Stitching.* All machine stitching shall be short lock stitch, conforming to Stitch Type 301 of Federal Specification DDD–S–751, with not less than 7 nor more than 9 stitches to the inch. The lower longitudinal edge of the jacket shall be turned to a roll and rope stitched with double thread, not less than 2½ stitches to the inch, or it may be machine sewn.

(f) *Reinforcing tape.* Reinforcing tape shall be stitched approximately 18 inches for adult jackets and 14 inches for child jackets around the back of the neck.

(g) *Workmanship.* Life preservers shall be of first-class workmanship and shall be free from any defects materially affecting their appearance or serviceability.

§ 160.004–5 *Sampling, tests and inspections*—(a) *General.* When production is to commence on life preservers or balsa wood blocks for use in life preservers, the manufacturer shall notify the Officer in Charge, U. S. Coast Guard, of the inspection zone in which the factory is located in sufficient time for him to assign a Coast Guard Marine Inspector to the plant to observe production methods and to conduct any inspections or tests which may be deemed advisable. Manufacturers of approved life preservers shall maintain quality control of the materials used, manufacturing operations, and the finished product so as to meet the requirements of this specification. When a lot of life preservers is presented for Coast Guard inspection, it is expected that the manufacturer will previously have taken all ordinary precautions to assure himself that the life preservers are in full compliance with the requirements of this specification. The Coast Guard inspections and tests are not intended to replace, or be a substitute for, full inspections and tests by the manufacturer to maintain the quality of his product. The Coast Guard Marine Inspector shall be admitted to any place in the factory where work is done on the life preservers or on component materials or parts. Samples of materials entering into construction may be taken by the marine inspector and tests made for compliance with the applicable requirements.

(b) *Lot size and sampling.* (1) A lot shall consist of not more than 500 life preservers. A new lot shall be started with any change or modification in materials used or manufacturing methods employed. When a lot of life preservers is ready for inspection, the manufacturer shall notify the Officer in Charge, Marine Inspection, U. S. Coast Guard, of the inspection zone in which the factory is located, who will assign a marine inspector to the plant for the purpose of making the necessary tests and inspections. From each lot of life preservers the marine inspector shall select samples in accordance with the following table to be tested for buoyancy in accordance with paragraph (d) of this section:

TABLE 160.004–5 (b) (1)—SAMPLING FOR BUOYANCY TESTS

| Lot size: | Number of life preservers in sample |
|---|---|
| 100 and under | 1 |
| 101 to 200 | 2 |
| 201 to 300 | 3 |
| 301 to 500 | 4 |

(2) For a lot next succeeding one from which any sample life preserver failed the buoyancy test, the sample shall consist of not less than ten specimen life preservers to be tested for buoyancy in accordance with paragraph (d) of this section.

(c) *Test facilities.* The manufacturer shall provide a suitable place and the necessary apparatus for the use of the marine inspector in conducting tests to determine compliance of life preservers with this specification. The apparatus shall include accurate spring scales of adequate capacity, weighted wire mesh baskets, and a test tank or tanks which can be locked or sealed in such manner as to preclude disturbance of life preservers undergoing test or change in water level.

(d) *Buoyancy test.* Securely attach the accurate spring scale in a position directly over the test tank. Suspend the weighted wire basket from the scale in such a manner that the basket is weighed while it is completely under water. In order to measure the actual buoyancy provided by the life preserver, the under water weight of the empty basket should exceed the buoyancy of the life preserver. To obtain the buoyancy of the life preserver, proceed as follows:

(1) Weigh the empty wire basket under water.

(2) Place the life preserver inside the basket and submerge it so that the top of the basket is at least 2 inches below the surface of the water for 48 hours. The tank shall be locked or sealed during this 48-hour submergence period. It is important that after the life preserver has once been submerged it shall remain submerged for the duration of the test, and at no time during the course of the test shall it be removed from the tank or otherwise be exposed to air.

(3) After the 48-hour submergence period unlock or unseal the tank and weigh the weighted wire basket with the life preserver inside while both are still under water.

(4) The buoyancy is computed as (1) minus (3).

(e) *Buoyancy required.* A Type A adult life preserver is required to provide not less than 16½ pounds buoyancy, and a Type B child life preserver is required to provide not less than 11 pounds buoyancy.

(f) *Lot inspection.* If the sample life preserver or preservers meet the buoyancy requirement, the Marine inspector shall carefully inspect individually each of the life preservers in the lot, making such examination and tests as are necessary to satisfy himself that the life preservers have been manufactured according to this specification. Non-conforming units shall be eliminated. The manufacturer shall provide a well lighted place equipped with a suitable smooth top table for use by the Marine inspector and shall provide labor for all handling of life preservers requisite to lot inspection.

(g) *Lot acceptance.* When the Marine inspector has satisfied himself that the life preservers in the lot are of a type officially approved in the name of the company, and that such life preservers meet the requirements of this specification, they shall be plainly marked in waterproof ink with the words, "Inspected and Passed, (Date), (Port), (Inspector's initials), USCG."

(h) *Lot rejection.* If any sample life preserver fails the buoyancy test ten additional specimen life preservers shall be selected from the lot and tested for buoyancy. If all the ten additional specimen life preservers pass the buoyancy test, the lot shall be considered for lot inspection as set forth in paragraph (f) of this section. If any one of the ten additional specimen life preservers fails the buoyancy test, the lot shall be rejected. If, in the lot inspection, three or

more non-conforming units are eliminated for the same kind of defect, lot inspection shall be discontinued until such time as the manufacturer has inspected the remainder of the lot and eliminated or corrected additional units having the same kind of defect. Non-confroming units which have been eliminated in the lot inspection may be re-submitted for inspection, provided that all defects have been corrected to the satisfaction of the marine inspector. When permitted by the Commander of the Coast Guard District, rejected lots may be re-worked by the manufacturer to correct the deficiency for which they were rejected and to eliminate all non-confroming units, following which the remainder of the lot may be re-submitted for official testing and inspection. Life preservers from rejected lots may not, unless subsequently accepted, be sold or offered for sale under representation as being in compliance with this specification or as being approved for use on merchant vessels or motorboats.

§ 160.004–6 *Marking*—(a) *General.* Each life preserver shall be plainly marked in waterproof ink on a front compartment in letters not less than $\frac{3}{4}$ inch in height with the word, "ADULT" or "CHILD", as the case may be, and in letters $\frac{1}{4}$ inch to $\frac{3}{8}$ inch in height with, "Model No. ____, Balsa Wood (Manufacturer's name and address), U. S. C. G. Approval No. ____."

§ 160.004–7 *Procedure for approval*—(a) *General.* Life preservers for use on merchant vessels and motorboats are approved only by the Commandant, U. S. Coast Guard, Washington, D. C. Each model life preserver is considered separately. Correspondence pertaining to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located. The Commander of the Coast Guard District will detail a marine inspector to the factory to observe the production facilities and manufacturing methods and to select, from not less than ten life preservers already manufactured, not less than three life preservers for test in accordance with § 160.004–5 (d). A copy of the inspector's report, together with a fourth specimen life preserver selected from those already manufactured, will be forwarded to the Commandant for examination and, if satisfactory, an official approval number will be assigned to the manufacturer for the model life preserver submitted.

4. Subpart 160.005, consisting of §§ 160.005–1 to 160.005–7, inclusive, is amended to read as follows:

SUBPART 160.005—LIFE PRESERVERS, FIBROUS GLASS, ADULT AND CHILD (JACKET TYPE), MODELS 51, 52, 55, AND 56

Sec.

160.005–1 Applicable specifications and plans.
160.005–2 Types and models.
160.005–3 Materials.
160.005–4 Construction.
160.005–5 Inspections and tests.
160.005–6 Marking.
160.005–7 Procedure for approval.

AUTHORITY: §§ 160.005–1 to 160.005–7 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended, 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526c, 526p, 1333, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

§ 160.005–1 *Applicable specifications and plans*—(a) *Specifications.* The following specifications, of the issue in effect on the date life preservers are manufactured, form a part of this subpart:

(1) Federal specifications:

V–T–276—Thread, Cotton.
CCC–T–191—Textile Test Methods.
DDD–S–751—Stitches; Seams; and Stitching.

(2) Military specifications:

JAN–C–299—Cloth, Cotton, Print.
MIL–C–300—Cloth, Cotton Drill (Fully Shrunk).
JAN–W–530—Webbing, Cotton, Natural or in Colors.
MIL–T–2448—Twine, Cotton, Mattress, Polished, for use in Tufting Machines.
MIL–G–2766—Glass, Fibrous (For Life Preservers).
MIL–L–3129—Life Preservers, Jacket Type, Fibrous Glass.

(b) *Plans.* The following plans, of the issue in effect on the date life preservers are manufactured, form a part of this subpart:

Dwg. No. 160.005–1:
(Sheet 1) Cutting Pattern and General Arrangement (Adult).
(Sheet 2) Alternate Stitching of Tapes and Webbing (Adult and Child).
(Sheet 3) Pad Detail (Adult).
(Sheet 4) Cutting Pattern and General Arrangement (Child).
(Sheet 5) Pad Detail (Child).

(c) *Copies on file.* Copies of the specifications and plans referred to in this section shall be kept on file by the manufacturer, together with the certificate of approval. The Coast Guard plans may be obtained upon request from the Commandant, United States Coast Guard, Washington 25, D. C. The Federal Specifications may be purchased from the Business Service Center, General Services Administration, Washington 25, D. C. The Military Specifications may be obtained from the Bureau of Supplies and Accounts, Department of the Navy, Washington 25, D. C.

§ 160.005–2 *Types and models.* (a) Life preservers specified by this subpart shall be of the following types:

Type A—Adult:
Model 51—Adult, removable pads *not enclosed* within vinyl film outer pad covering.
Model 52—Adult, removable pads *enclosed* within vinyl film outer pad covering.
Type B–Child:
Model 55—Child, removable pads *not enclosed* within vinyl film outer pad covering.
Model 56—Child, removable pad *enclosed* within vinyl film outer pad covering.

§ 160.005–3 *Materials*—(a) *Fibrous glass.* The fibrous glass shall comply with the requirements of specification MIL–G–2766.

(b) *Envelope.* The life preserver envelope, or cover, shall be made of cotton drill. The color shall be Indian Orange Cable No. 70072, Standard Color Card of America, Ninth Edition, issued by the Textile Color Association of the United States, Inc., 200 Madison Ave., New York, N. Y. The drill shall be evenly dyed, and the fastness of the color to laundering, water, and light shall be rated "good" when tested in accordance with Federal Specification CCC–T–191, Methods 5610, 5630, and 5660. After dyeing, the drill shall be treated with a mildew-inhibitor of the type specified in paragraph (1) of this section. The finished goods shall contain not more than 2 percent residual sizing or other non-fibrous material, shall weigh not less than 6.5 ounces per square yard, shall have a thread count of not less than 72 in the warp and 54 in the filling, and shall have a breaking strength (grab method) of not less than 105 pounds in the warp and 70 pounds in the filling. Properly mildew-inhibited drills meeting the physical requirements of specification MIL–C–300 for Type II, Class A drill will be acceptable. If it is proposed to treat the fabric with a fire-retardant substance, full details shall be submitted to the Commandant for determination as to what samples will be needed for testing.

(c) *Tunnel strip.* The tunnel strip shall be made of cotton drill conforming to the requirements for the envelope cover.

(d) *Pad covering.* The covering for the fibrous glass pads shall be any cotton sheeting or print cloth which possesses not less strength than unbleached cotton print cloth known commercially as $38\frac{1}{2}$-inch, 64 x 56, 5.50 yards, having a minimum breaking strength of 36 pounds in the warp and 22 pounds in the filling. Cotton print cloths meeting the requirements of Type I, Class B, of specification JAN–C–299, are acceptable. The pad covering shall be treated with a mildew-inhibitor of the type specified in paragraph (1) of this section.

(e) *Outer pad covering.* The outer covering for the fibrous glass pads for Models 52 and 56 life preservers shall be a vinyl resin film complying with the applicable requirements of Section 3 of specification MIL–L–3129, and shall have a maximum of two pinholes per square yard under a 20 percent elongation.

(f) *Tie tapes and drawstrings.* The tie tapes at the neck and the lower drawstrings shall be made of $1\frac{1}{4}$-inch cotton tape weighing not less than 0.3 ounce per linear yard, and having a minumum breaking strength of 200 pounds. Tie tapes and drawstrings shall be treated with a mildew-inhibitor of the type specified in paragraph (1) of this section.

(g) *Body strap.* The body strap shall be made of one-inch cotton webbing having a minimum breaking strength of 400 pounds. One-inch cotton webbing meeting the requirements for Types IIb, III, or V, of specification JAN–W–530, are acceptable. The complete body strap assembly shall have a minimum breaking strength of 360 pounds. The body strap shall be treated with a mildew-inhibitor of the type specified in paragraph (1) of this section.

(h) *Dee rings and snap hook.* The dee rings and snap hook shall be brass, bronze, or stainless steel, and of the approximate size indicated by Dwg. No. 160.005–1, Sheet 1. The snap hook spring shall be phosphor bronze or other suitable corrosion-resistant material. Dee ring ends shall be welded to form a continuous ring. The webbing opening of the snap hook shall be a continuous ring.

(i) *Reinforcing tape.* The reinforcing tape shall be $\frac{3}{4}$-inch cotton tape weighing not less than 0.18 ounce per linear yard and having a minimum breaking strength of 120 pounds, and shall be treated with a mildew-inhibitor of the type specified in paragraph (1) of this section.

(j) *Thread.* The thread shall be Type IB, No. 20, 4-ply cotton thread, conforming to the requirements of Federal Specification V–T–276, and shall be treated with a mildew-inhibitor of the type specified in paragraph (1) of this section.

(k) *Tufting twine.* The tufting twine shall be in compliance with specification MIL–T–2448, and shall be treated with a mildew-inhibitor of the type specified in paragraph (1) of this section.

(l) *Mildew-inhibitor.* The mildew-inhibitor shall be dihydroxydichlorodiphenylmethane, known commercially as Compound G–4, applied by the aqueous method. The amount of inhibitor deposited shall be not more than 1.50 percent and not less than 1.00 percent of the dry weight of the finished goods.

§ 160.005–4 *Construction*—(a) *General.* This specification covers life preservers which essentially consist of a vest-cut envelope containing pockets in which are enclosed pads of buoyant material, the life preserver being fitted with tapes and webbing to provide complete reversibility, proper adjustment for close fit to the bodies of various size wearers, and proper flotation characteristics to hold the wearer in an upright backward position with head and face out of water.

(b) *Envelope.* The envelope shall be of not more than two pieces, one piece for either side, cut to the pattern shown on Dwg. No. 160.005–1, Sheet 1, for adult size, and Dwg. No. 160.005–1, Sheet 4, for child size; joined by seams and stitching as shown on the drawing. A drawstring tunnel shall be formed by stitching a strip of the tunnel strip material as shown by the drawing. The ends of the tunnel strip shall be tucked under the reinforcing tape stitched around the end openings so there is no direct access to the pads from the outside. Three pockets shall be formed for insertion of the pads. The two front pads shall be removable from the envelope when portions of the lower longitudinal seam are opened, and the back pad shall be removable when a portion of one armhole seam is opened. The pads shall be well inserted into the pockets of the envelope, in no case more than one inch from the top seam of the pocket.

(c) *Pad inserts.* (1) The fibrous glass pads shall be formed from two pieces of material each cut to the patterns shown by Dwg. No. 160.005–1, Sheet 3, for adult size, and Sheet 5, for child size, with seams as indicated on the drawing, and filled with buoyant fibrous glass distributed as follows:



TABLE 160.005–4 (c) (1)—DISTRIBUTION OF FIBROUS GLASS IN PAD INSERTS

| | Models 51 and 52 (minimum) | Models 55 and 56 (minimum) |
|---|---|---|
| | *Ounces* | *Ounces* |
| Fibrous glass, minimum | 46.0 | 30.0 |
| Front pad (2): | | |
| Lower section | 10.0 | 6.5 |
| Upper section | 7.25 | 4.75 |
| Back pad | 11.5 | 6.5 |

(2) For Models 52 and 56 life preservers, the fibrous glass pads shall be enclosed in the outer pad covering specified by § 160.005–3 (e), which shall be heat-sealed tight. The heat-sealed pad seams shall show an adhesion of not less than 8 pounds when tested in accordance with paragraph 4.4.5 of specification MIL–L–3129, and the volume of the finished individual heat-sealed pads shall be such as to provide buoyancy as set forth in the following table when tested in accordance with the method set forth in § 160.005–5 (d), except that the period of submergence shall be only long enough to determine the displacement of the pads:

TABLE 160.005–4 (c) (2)—VOLUME DISPLACEMENT OF SEALED PADS FOR MODELS 52 AND 56 LIFE PRESERVERS

| | Model 52 life preservers | Model 56 life preservers |
|---|---|---|
| Front pad | 12 lb. each ±½ lb. | 7½ lb. each ±½ lb. |
| Back pad | 8 lb. each ±½ lb. | 5 lb. each ±½ lb. |

(d) *Tie tapes.* The tie tapes at the neck shall extend not less than 14 inches from the edge of the adult life preserver and not less than 12 inches from the edge of the child life preserver. They shall be stitched through both thicknesses of the envelope as shown by Dwg. No. 160.005–1, Sheet 1, for adult size, and Sheet 4, for child size, or by the alternate stitching shown on Sheet 2. The free ends shall be doubled over and stitched in accordance with Section E–E of Sheet 1.

(e) *Drawstrings.* The drawstrings at the waist shall extend not less than 8 inches from the edge of the life preserver and shall be secured in the drawstring tunnel as shown by Dwg. No. 160.005–1, Sheet 1, for adult size, and Sheet 4, for child size, or by the alternate stitching shown on Sheet 2. The free ends shall be doubled over and stitched in accordance with Section E–E of Sheet 1.

(f) *Body strap.* The body strap shall be fitted with a single dee ring on one end and with the arrangement of a snap hook and prethreaded double dee rings as shown on Dwg. No. 160.005–1, Sheet 1, on the other. The body strap shall be stitched as shown on the drawings, and the edge of the single dee ring shall be 20 inches from the center line for adult size and 15 inches for child size.

(g) *Reinforcing tape.* Binding tape shall be stiched approximately 15 inches for adult life preservers and 12 inches for child life preservers around the back of the neck, and also around the openings of the drawstring tunnel and around the bottom of the arm holes as indicated by the drawings.

(h) *Stitching.* All stitching shall be a short lock stitch conforming to Stitch Type 301 of Federal Specification DDD–S–751, and there shall be not less than 7, nor more than 9 stitches to the inch.

(i) *Tufting.* The pad inserts shall be tufted in the locations shown on Dwg. No. 160.005–1, Sheet 3, for adult size, and Sheet 5, for child size, except the alternate method provided by paragraph (j) of this section may be employed for certain tufts in the case of Models 51 and 55 life preservers.

(j) *Securing pad inserts in envelope pockets.* The removable pad inserts shall be secured in the pockets of the envelopes of Models 51 and 55 life preservers, in no case more than one inch from the top seam of the pocket, by a row of stitching, approximately $1\frac{1}{4}$ inches long near the upper edge of each pocket, which stitching shall extend through both envelope covers and the pad cover fabric. The alternate method of securing the pad inserts in the pockets of the envelopes of Models 51 and 55 life preservers, in no case more than one inch from the top seam of the pocket, shall be by extending the tufts in the upper section of the front pads, and the tuft in the back pad, through the envelope covers and the pads. The removable pad inserts, which are contained in a vinyl film outer pad covering, shall not be stitched or tufted to the envelopes of Models 52 and 56 life preservers.

(k) *Workmanship.* Life preservers shall be of first-class workmanship and shall be free from any defects materially affecting their appearance or serviceability.

§ 160.005–5 *Sampling, tests, and inspections*—(a) *General.* When production is to commence on life preservers or fibrous glass pad inserts for use in life preservers, the manufacturer shall notify the Officer in Charge, Marine Inspection, U. S. Coast Guard of the inspection zone in which the factory is located in sufficient time for him to assign a Coast Guard Marine Inspector to the plant to observe production methods and to conduct any inspections or tests which may be deemed advisable. Manufacturers of approved life preservers shall maintain quality control of the materials used, manufacturing operations, and the finished product so as to meet the requirements of this specification. When a lot of life preservers is presented for Coast Guard inspection, it is expected that the manufacturer will previously have taken all ordinary precautions to assure himself that the life preservers are in full compliance with the requirements of this specification. The Coast Guard inspections and tests are not intended to replace, or be a substitute for, full inspections and tests by the manufacturer to maintain the quality of his product. The Coast Guard Marine Inspector shall be admitted to any place in the factory where work is done on the life preservers or on component materials or parts. Samples of materials entering into construction may be taken by the marine inspector and tests made for compliance with the applicable requirements.

(b) *Lot size and sampling.* (1) A lot shall consist of not more than 500 life preservers. A new lot shall be started with any change or modification in materials used or manufacturing methods employed. When a lot of life preservers is ready for inspection, the manufacturer shall notify the Officer in Charge, Marine Inspection, U. S. Coast Guard, of the inspection zone in which the factory is located, who will assign a marine inspector to the plant for the purpose of making the necessary tests and inspections. From each lot of life preservers the marine inspector shall select samples in accordance with the following table to be tested for buoyancy in accordance with paragraph (d) of this section:

TABLE 160.005 (b) (1)—SAMPLING FOR BUOYANCY TESTS

| Lot size: | Number of life preservers in sample |
|---|---|
| 100 and under | 1 |
| 101 and 200 | 2 |
| 201 to 300 | 3 |
| 301 to 500 | 4 |

(2) For a lot next succeeding one from which any sample life preserver failed the buoyancy test, the sample shall consist of not less than ten specimen life preservers to be tested for buoyancy in accordance with paragraph (d) of this section.

(c) *Test facilities.* The manufacturer shall provide a suitable place and the necessary apparatus for the use of the inspector in conducting tests to determine compliance of life preservers with this specification. The apparatus shall include accurate spring scales of adequate capacity, weighted wire mesh baskets, and a test tank or tanks which can be locked or sealed in such manner as to preclude disturbance of life preservers undergoing test or change in water level.

(d) *Buoyancy test.* (1) Securely attach the accurate spring scale in a position directly over the test tank. Suspend the weighted wire basket from the scale in such a manner that the basket is weighed while it is completely under water. In order to measure the actual buoyancy provided by the life preserver, the underwater weight of the empty basket should exceed the buoyancy of the life preserver. To obtain the buoyancy of the life preserver, proceed as follows:

(i) Weigh the empty wire basket under water.

(ii) Place the life preserver inside the basket and submerge it so that the top of the basket is at least 2 inches below the surface of the water for 48 hours. The tank shall be locked or sealed during this 48 hour submergence period. It is important that after the life preserver has once been submerged it shall remain submerged for the duration of the test, and at no time during the course of the test shall it be removed from the tank or otherwise be exposed to air.

(iii) After the 48 hour submergence period unlock or unseal the tank and weigh the weighted wire basket with the life preserver inside while both are still under water.

(iv) The buoyancy is computed as (i) minus (iii).

(2) A Model 51 or 55 life preserver may be tested as a unit. For a Model 52 or 56 life preserver the pads shall be separated from the preserver. The vinyl film outer pad covering shall then be removed from the pads, and the pads placed in the wire basket and tested for buoyancy as described above.

(e) *Buoyancy required.* Models 51 and 52 adult life preservers are required to provide not less than 16½ pounds buoyancy, and Models 55 and 56 child life preservers are required to provide not less than 11 pounds buoyancy.

(f) *Lot inspection.* If the sample life preserver or preservers meet the buoyancy requirement, the marine inspector shall carefully inspect individually each of the life preservers in the lot, making such examination and tests as are necessary to satisfy himself that the life preservers have been manufactured according to this specification. Non-conforming units shall be eliminated. The manufacturer shall provide a well lighted place equipped with a suitable smooth top table for use by the marine inspector and shall provide labor for all handling of life preservers requisite to lot inspection.

(g) *Lot acceptance.* When the marine inspector has satisfied himself that the life preservers in the lot are of a type officially approved in the name of the company, and that such life preservers meet the requirements of this specification, they shall be plainly marked in waterproof ink with the words, "Inspected and Passed, (Date), (Port), (Inspector's initials), USCG."

(h) *Lot rejection.* If any sample life preserver fails the buoyancy test ten additional specimen life preservers shall be selected from the lot and tested for buoyancy. If all the ten additional specimen life preservers pass the buoyancy test, the lot shall be considered for lot inspection as set forth in paragraph (f) of this section. If any one of the ten additional specimen life preservers fails the buoyancy test, the lot shall be rejected. If in the lot inspection, three or more non-conforming units are eliminated for the same kind of defect, lot inspection shall be discontinued until such time as the manufacturer has inspected the remainder of the lot and eliminated or corrected additional units having the same kind of defect. Non-conforming units which have been eliminated in the lot inspection may be re-submitted for inspection, provided that all defects have been corrected to the satisfaction of the marine inspector. When permitted by the Commander of the Coast Guard District, rejected lots may be re-worked by the manufacturer to correct the deficiency for which they were rejected and to eliminate all non-conforming units, following which the remainder of the lot may be re-submitted for official testing and inspection. Life preservers from rejected lots may not, unles subsequently accepted, be sold or offered for sale under representation as being in compliance with this specification or as being approved for use on merchant vessels or motorboats.

§ 160.005–6 *Marking*—(a) *General.* Each life preserver shall be plainly marked in waterproof ink on a front compartment in letters not less than ¾ inch in height with the word, "ADULT" or "CHILD", as the case may be, and in letters ¼ inch to ⅜ inch in height with, "Model No. ____, Fibrous Glass, (Manufacturer's name and address), U. S. C. G. Approval No. ____."

§ 160.005–7 *Procedure for approval*—(a) *General.* Life preservers for use on merchant vessels and motorboats are approved only by the Commandant, U. S. Coast Guard, Washington, D. C. Each model life preserver is considered separately. Correspondence pertaining to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located. The Commander of the Coast Guard District will detail a marine inspector to the factory to observe the production facilities and manufacturing methods and to select, from not less than ten life preservers already manufactured, not less than three life preservers for test in accordance with § 160.005–5 (d). A copy of the marine inspector's report, together with a fourth specimen life preserver and one set of pad inserts selected from those already manufactured, will be forwarded to the Commandant for examination and, if satisfactory, an official approval number will be assigned to the manufacturer for the model life preserver submitted.

SUBPART 160.006—LIFE PRESERVERS; REPAIRING AND CLEANING

5. The heading for Subpart 160.006 is changed from "Subpart 160.006—Life Preservers; Repairing, Re-Covering and Cleaning" to "Subpart 160.006—Life Preservers; Repairing and Cleaning."

6. Section 160.006–3 Re-covering is deleted.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, sec. 3, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

7. Part 160 is amended by adding a new Subpart 160.026, consisting of §§ 160.026–1 to 160.026–7, inclusive, reading as follows:

SUBPART 160.026—WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS), FOR MERCHANT VESSELS

Sec.
160.026–1 Applicable specifications.
160.026–2 Type.
160.026–3 Container.
160.026–4 Water.
160.026–5 Marking.
160.026–6 Sampling, inspection, and tests of production lots.
160.026–7 Procedure for approval.

AUTHORITY: §§ 160.026–1 to 160.026–7 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4417a, 4418, 4426, 4488, 4491, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 5, 55 Stat. 244, 245, as amended, 46 U. S. C. 391, 391a, 392, 404, 481, 489, 396, 367, 1333, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.



§ 160.026–1 *Applicable specifications*—(a) *General.* The following specifications, of the issue in effect on the date emergency drinking water is packed, form a part of this subpart:

(1) Military specifications:

MIL–L–7178—Lacquer; Cellulose Nitrate, Gloss for Aircraft Use.
MIL–E–15090—Enamel, Equipment, Light-Gray (Formula No. 111).
MIL–W–15117A—Water, Emergency Drinking (In Sealed Cans).

(b) *Copies on file.* Copies of the above specifications shall be kept on file by the packer, together with the approved plans and certificate of approval issued by the Coast Guard. The military specifications may be obtained from the Bureau of Supplies and Accounts, Department of the Navy, Washington 25, D. C.

§ 160.026–2 *Type.* (a) Emergency drinking water for lifeboats and life rafts and its hermetically sealed container shall be as specified herein, but alternate containers will be given special consideration.

§ 160.026–3 *Container*—(a) *General.* The emergency drinking water container shall be a sanitary type can, approximately $2^{11}/_{16}$" in diameter by $4^{7}/_{8}$" in height. The top and bottom of the can shall be double-seamed and compound-lined. The side seam shall be of a locked type, soldered on the outside. The can shall be made of 1.25-pound coating coke tin-plate throughout, with not less than 100-pound plate for the body and 85-pound plate for the ends.

(b) *Interior and exterior coatings.* The interior of the container shall be uncoated, except for the tin-plating required by paragraph (a) of this section. In addition to the tin-plating, the exterior surfaces of the container, including the ends, but excluding the side seam, shall be lithographed a gray enamel conforming to Type I or II, Class 2 of Specification MIL–E–15090, with the marking as provided by § 160.026–5 lithographed in black print. After filling, sealing, autoclaving, and marking, the container shall be dip-coated with one coat of clear base lacquer conforming to Specification MIL–L–7178.

(c) *Plant sanitation, sterilizing and filling.* The plant and equipment in which the water is canned shall be maintained in a clean and sanitary condition at all times, and standard aseptic procedures shall be followed throughout in filling the cans. The container shall be free from all foreign materials, and shall be filled with approximately $10^{2}/_{3}$ oz. of water meeting the requirements of § 160.026–4. After filling, it shall be hermetically sealed under vacuum, and after sealing, it shall be autoclaved at a temperature of not less than 250° F. for not less than 15 minutes.

§ 160.026–4 *Water.* (a) Only clear, potable water which has been suitably inhibited to protect the container against corrosion shall be used. After treatment and packing, the water shall be free from organic matter and have a pH between 7.0 and 9.0 as determined by means of a standard pH meter using glass electrodes. The water shall be completely sterile, having a coliform bacteria count of zero, and shall not exceed the maxima in mineral salt as shown in Table 160.026–4 (a) below:

TABLE 160.026–4 (a)—MINERAL SALT CONTENT

| Constituent | Parts per million (maximum) |
|---|---|
| Lead (Pb) | 0.1 |
| Copper (Cu) | .2 |
| Zinc (Zn) | 5.0 |
| Sulfate ($SO_4$) | 250.0 |
| Magnesium (Mg) | 100.0 |
| Chlorides (Cl) | 250.0 |
| Iron (Fe) | .3 |
| Residue on Evaporation | 1,000.0 |
| Sulfide (S) | None |

§ 160.026–5 *Marking*—(a) *General.* The month and year of packing and the lot number shall be embossed on the top of the container. The container shall also be lithographed on one side in accordance with § 160.026–3 (b) with the following:

"U. S. Coast Guard
Approval No. ____"
(Not less than $^{3}/_{32}$" in height)

"Contents
Approx. $10^{2}/_{3}$ oz."
(Not less than $^{3}/_{32}$" in height)

"EMERGENCY
DRINKING
WATER"
(Not less than $^{3}/_{8}$" in height)

(Name and address of packer)
(Not less than $^{1}/_{8}$" in height)

(b) *Other marking.* In addition to any other marking placed on the smallest packing carton or box in which emergency drinking water containers are placed prior to shipment, each carton or box shall be plainly and permanently marked with the name and address of the packer, the month and year of packing, and the lot number.

§ 160.026–6 *Sampling, inspection, and tests of production lots*—(a) *General.* When packing of approved emergency drinking water for lifeboats and life rafts is to commence, the packer shall notify the Officer in Charge, Marine Inspection, U. S. Coast Guard, of the inspection zone in which the plant is located in sufficient time for him to assign a marine inspector to the plant to observe production methods, select samples from production, and conduct the inspections and tests required by this subpart.

(b) *Lots.* For purposes of sampling the production of approved emergency drinking water for lifeboats and life rafts, a lot shall consist of all cans of water to be offered for inspection at one time. Lots shall be numbered serially by the packer, and a new lot shall be started with any change or modification in materials or production methods.

(c) *Visual inspection of containers.* The marine inspector shall select at random from each lot the number of sample filled containers indicated in Table 160.026–6 (c), which shall be examined visually for marking, exterior coating, and general compliance with the requirements of this subpart and the packer's approved drawings. If the number of defective cans exceeds the acceptance number shown in the table for the sample selected, the lot shall be rejected.

TABLE 160.026–6 (c)—SAMPLING FOR VISUAL INSPECTION OF CONTAINERS

| Lot size | Number of cans in sample | Acceptance number |
|---|---|---|
| 800 and under | 35 | 0 |
| 801 to 1,300 | 50 | 1 |
| 1,301 to 3,200 | 75 | 2 |
| 3,201 to 8,000 | 110 | 3 |
| 8,001 and over | 150 | 4 |

(d) *Laboratory tests of containers and water.* The marine inspector shall select at random from each lot the number of sets of 11 filled sample containers indicated in Table 160.026–6 (d1), which shall be forwarded to a recognized testing laboratory for the tests outlined in Table 160.026–6 (d2), all costs of which shall be payable by the packer. If any sample is found to be non-conforming in any of these tests, the lot shall be rejected.

TABLE 160.026–6 (d1)—SAMPLING FOR LABORATORY TESTS

| Lot size | Number of sets of samples to be selected |
|---|---|
| 3,200 and under | 1 set of 11 containers each. |
| 3,201 and over | 2 sets of 11 containers each. |

TABLE 160.026–6 (d2)—DESCRIPTION OF LABORATORY TESTS

| Number of containers per set of samples to be tested | Type of test | Reference specification for test procedure to be followed |
|---|---|---|
| 1 | Coliform organisms | Spec. MIL–W–15117A, Sec. 4.5.2. |
| 1 | Interior corrosion | Spec. MIL–W–15117A, Sec. 4.5.1. |
| 9 | Salt content | Spec. MIL–W–15117A, Sec. 4.5.3. |

(e) *Packer's tests for retention of vacuum.* All filled containers in the lot shall be held in storage by the packer for a period of two weeks from the date of filling. At the end of this two weeks storage period, the packer shall subject each container to slap tests as follows: Strike the end of the can against a firm but well padded surface to deaden any noise of impact other than the water slap which will occur if the required vacuum is present in the can. The water slap is distinguished by a sharp metallic click and is caused by the absence of air to cushion the impact of the water against the can. All cans found not to have the required vacuum shall be removed from the lot.

(f) *Additional tests by marine inspector.* Upon receiving a certified copy of the laboratory test report showing

satisfactory results in the tests described in paragraph (d) of this section, and notification from the packer of completion of the tests for retention of vacuum described in paragraph (e) for the lot offered for inspection, the marine inspector shall select at random from the lot the number of filled sample containers indicated in Table 160.026–6 (f). The test for retention of vacuum previously conducted by the packer shall be repeated by the inspector with the samples selected, and if any container is found not to have the required vacuum, the lot shall be rejected. If satisfactory in tests for retention of vacuum, the sample containers selected shall then be opened, and the water checked for clearness, potability and *pH* value. An accurately calibrated meter for use by the marine inspector in determining *pH* value shall be provided by the packer. If any cloudiness, discoloration, bad taste or odor, or a *pH* value of less than 7.0 or more than 9.0 is observed, the lot shall be rejected.

TABLE 160.026–6 (f)—SAMPLING FOR ADDITIONAL TESTS BY MARINE INSPECTOR

| Lot size: | *Number of cans in sample* |
|---|---|
| 500 and under | 5 |
| 501 to 3,200 | 7 |
| 3,201 and over | 10 |

(g) *Lot acceptance.* When the marine inspector has satisfied himself that the emergency drinking water in the lot is of a type officially approved in the name of the packer and meets the requirements of this subpart and the packer's approved drawings, the lot shall be accepted, and each of the smallest packing cartons or boxes in which the containers are sealed prior to shipment shall be plainly marked with the words, "Inspected and Passed (date), (port), Inspector's Initials, USCG." When permitted by the inspector, rejected lots may be resubmitted for official inspection, provided all containers in the lot have been re-worked by the packer, and all defective units removed. Emergency drinking water from rejected lots may not, unless subsequently accepted, be sold or offered for sale under representation as being in compliance with this subpart or as being approved for use on merchant vessels.

§ 160.026–7 *Procedure for approval*—(a) *General.* Emergency drinking water for lifeboats and life rafts on merchant vessels is approved only by the Commandant, U. S. Coast Guard, Washington 25, D. C. Correspondence pertaining to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the plant is located.

(b) *Pre-approval samples and plans.* Packers who desire to pack approved emergency drinking water shall make application for approval to the Commander of the Coast Guard District who will detail a marine inspector to the factory to observe production facilities and manufacturing methods and to select a pre-approval sample of at least 24 containers made up as for service use, together with four prints of fully-dimensioned descriptive drawings showing the construction and arrangement of the container, all materials and finishes used, marking, source of water supply, and kind and amount of corrosion inhibitor used. The Commander of the Coast Guard District will forward the sample containers and drawings to the Commandant to determine compliance with this specification and suitability of the emergency drinking water for type or brand approval for use in lifeboats and life rafts on merchant vessels.

8. Subpart 160.035, consisting of §§ 160.035–1 to 160.035–11, is amended to read as follows:

## SUBPART 160.035—LIFEBOATS FOR MERCHANT VESSELS

Sec.


160.035–1 Applicable specifications.
160.035–2 General requirements for lifeboats.
160.035–3 Construction of steel oar-propelled lifeboats.
160.035–4 Construction of steel hand-propelled lifeboats.
160.035–5 Construction of steel motor-propelled lifeboats, with and without radio cabin.
160.035–6 Construction of aluminum oar-, hands-, and motor-propelled lifeboats.
160.035–7 Construction of wood oar-, hand-, and motor-propelled lifeboats.
160.035–8 Cubic capacity of lifeboats.
160.035–9 Number of persons allowed in lifeboats.
160.035–10 Inspection and testing of lifeboats.
160.035–11 Procedure for approval of lifeboats.


AUTHORITY: §§ 160.035–1 to 160.035–11 issued under R. S. 4405, as amended 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4417a, 4418, 4426, 4481, 4482, 4488, 4491, 4492, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 5, 55 Stat. 244, 245, as amended. 46 U. S. C. 391, 391a, 392, 404, 474, 475, 481, 489, 490, 396, 367, 1333, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

§ 160.035–1 *Applicable specifications*—(a) *Specifications.* The following specifications, of the issue in effect on the date lifeboats are manufactured, form a part of this subpart:

(1) A. S. T. M. Standard specifications:

A93—Standard Specification for Zinc Coated Iron or Steel Sheets, Class D or E.
A7—Standard Specification for Steel for Bridges and Buildings.

(2) Military specification:

MIL–P–66A—Plywood, Flat-panel.

(3) Federal Communications Commission:

Rules Governing Stations on Shipboard in the Maritime Services.

(4) United States Coast Guard specifications:

160.033—Mechanical Disengaging Apparatus (For Lifeboats).
160.034—Hand Propelling Gear (For Lifeboats).
161.006—Searchlights, Motor Lifeboat.
162.015—Flame Arresters, Back-fire (For Carburetors) For Merchant Vessels and Motorboats.

(b) *Copies on file.* Copies of the specifications and rules referred to in this section shall be kept on file by the manufacturer, together with the approved plans and certificate of approval. The Coast Guard Specifications may be obtained upon request from the Commandant, United States Coast Guard Headquarters, Washington 25, D. C. The A. S. T. M. Standard Specifications may be purchased from the American Society for Testing Materials, 1916 Race St., Philadelphia 3, Pennsylvania. The Military Specifications may be obtained from the Bureau of Supply and Accounts, Department of the Navy Washington 25, D. C. The Federal Communications Commission's Rules and Regulations may be obtained from the Federal Communications Commission, Washington 25, D. C.

§ 160.035–2 *General requirements for lifeboats.* (a) The requirements of this subpart apply to all new construction. Lifeboats approved and in use prior to the regulations in this subpart may be continued in service if in satisfactory condition.

(b) All lifeboats must be properly constructed and shall be of such form and proportions that they shall be readily maneuverable, have ample stability in a seaway, and sufficient freeboard when fully loaded with their full complement of persons and equipment. All lifeboats must be open boats with rigid sides having internal buoyancy only.

(c) Lifeboats may be constructed of steel, aluminum, wood or other materials receiving specific approval: *Provided*, That, the weight of the fully equipped and loaded lifeboat shall not exceed 44,800 pounds.

(d) For the purpose of calculations and conducting tests, the weight of the persons shall be taken at 165 pounds each.

§ 160.035–3 *Construction of steel oar-propelled lifeboats*—(a) *Type.* Lifeboats shall have rigid sides and be fitted with internal buoyancy so arranged that the boats will float in the flooded condition when fully loaded with persons and equipment. The capacity of an oar-propelled lifeboat is limited to a maximum of 59 persons. Lifeboats designed to carry 60 or more persons shall be either hand-propelled or motor-propelled.

(b) *Specifications.* The following specifications and schedule of lifeboat material, including Table 160.035–3, shall be complied with unless other arrangements in matters of construction details, design, strength, equivalent in safety and efficiency are approved by the Commandant.



TABLE 160.035–3

| Length of boat, not over (feet) | Bar keel, stem, and stern-post (inches) | Gunwales: Angle bar (inches) | Gunwales: Flanged flat bar (inches) | Shell plating: Side (USSG) | Shell plating: Bottom (USSG) | Thwarts: Number required | Thwarts: Distance from top of thwart to top of gunwale (inches) | Thwarts: Size (inches) | Stanchions (inches) | Painter shackles (nominal size) | Rudder thickness (inches) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 12.0 | 2½ x ⅝ | 2 x 1½ x ⅛ | 3½ x ⅜ | 18 | 18 | 4 | 9 | 1⅛ x 7½ | 1⅛ x 3½ | ⅝ | 1 |
| 14.0 | 2½ x ⅝ | 2 x 1½ x ⅛ | 3½ x ⅛ | 18 | 18 | 4 | 9 | 1⅛ x 7½ | 1⅛ x 3½ | ⅝ | 1 |
| 16.0 | 2½ x ⅝ | 2 x 1½ x ⅛ | 3½ x ⅛ | 18 | 18 | 4 | 9 | 1⅛ x 7½ | 1⅛ x 3½ | ⅝ | 1 |
| 18.0 | 2½ x ⅝ | 2 x 2 x ⅛ | 4 x ⅛ | 18 | 18 | 4 | 9 | 1⅝ x 7½ | 1⅝ x 3½ | ⅝ | 1 |
| 20.0 | 2½ x ¾ | 2 x 2 x ⅛ | 4 x ⅛ | 16 | 16 | 5 | 9 | 1⅝ x 7½ | 1⅝ x 3½ | ⅝ | 1 |
| 22.0 | 2½ x ¾ | 2 x 2 x ⅛ | 4 x ⅛ | 16 | 14 | 5 | 9 | 1⅝ x 7½ | 1⅝ x 3½ | ¾ | 1¼ |
| 24.0 | 3 x ¾ | 2½ x 2 x ⅛ | 4½ x ⅛ | 16 | 14 | 5 | 10 | 1¾ x 9½ | 1¾ x 5½ | ¾ | 1¼ |
| 26.0 | 3 x ¾ | 2½ x 2 x ⅛ | 4½ x ⅛ | 14 | 14 | 6 | 10 | 1¾ x 9½ | 1¾ x 5½ | ¾ | 1¼ |
| 28.0 | 3½ x ¾ | 2½ x 2½ x ⅛ | 5 x ⅛ | 13 | 12 | 6 | 10 | 1¾ x 9½ | 1¾ x 5½ | ¾ | 1¼ |
| 30.0 | 3½ x ¾ | 2½ x 2½ x ⅛ | 5 x ⅛ | 13 | 12 | 7 | 11 | 1¾ x 9½ | 1¾ x 5½ | ¾ | 1¼ |
| 32.0 | 4 x ¾ | 2½ x 2½ x ⅛ | 5 x ⅛ | 13 | 12 | 7 | 11 | 1¾ x 11½ | 1¾ x 5½ | ¾ | 1¼ |
| 34.0 | 4 x ¾ | 2½ x 2½ x ⅛ | 5 x 5/16 | 12 | 12 | 8 | 11 | 1¾ x 11½ | 1¾ x 5½ | ¾ | 1¼ |
| 36.0 | 1 x 1 | 2½ x 2½ x 5/16 | 5 x 5/16 | 12 | 12 | 8 | 11 | 1¾ x 11½ | 1¾ x 5½ | ¾ | 1¼ |

NOTE: Hoisting shackles, if provided, shall have a factor of safety of six based on the lowering weight of the fully loaded lifeboat.

(c) *Material.* (1) Plating for shell, floors, air tanks, etc., shall be made by the openhearth or electric furnace process in accordance with A. S. T. M. Standard Specification A93 Class D or E. The bend tests required by these specifications shall be made after the galvanizing or other anti-corrosive treatment has been applied.

(2) Rolled or extruded shapes such as keel, stem, sternpost, gunwales, etc., and rivets shall be made by the openhearth or electric furnace process in accordance with A. S. T. M. Standard Specification A7. Consideration will be given to the use of other steels having equivalent strength where longitudinal cold forming is necessary.

(d) *Riveting.* (1) Where riveting is employed in the construction of the shell, double riveting shall be used. The centers of the rivets in the row nearest the edge of the sheet shall be not less than $\frac{3}{8}$ inch nor more than $\frac{1}{2}$ inch from the edge. Rivets shall be staggered with not less than 18 rivets to the foot and shall have countersunk heads. The diameter of the rivets shall be not less than that shown in the Table 160.035–3 (d) (1).

TABLE 160.035–3 (d) (1)

| Plating thickness: | *Rivet diameter (inch)* |
|---|---|
| 18 USSG | $\frac{1}{4}$ |
| 16 USSG | $\frac{1}{4}$ |
| 14 USSG | 5/16 |
| 13 USSG | 5/16 |
| 12 USSG | 5/16 |

(2) Riveting of the shell plating to the keel, stem, and sternpost shall be button head rivets, staggered with not less than 12 rivets to the foot. The distance from the edge of the plate to the centers of the rivets in the nearest row shall be not less than $\frac{1}{2}$ inch nor more than $\frac{3}{4}$ inch. Rivets connecting the shell to the gunwale shall be spaced not more than 3 inches on centers. The size of the rivets for connecting the shell plating to the keel, stem, sternpost, and gunwale shall be $\frac{1}{4}$-inch diameter for boats 28 feet and under, and $\frac{5}{16}$-inch diameter for boats over 28 feet.

(3) The connection of the floors to the shell shall be by a single row of rivets not less than $\frac{3}{16}$ inch in diameter and spaced not more than 3 inches on centers.

(e) *Welding.* (1) Welding may be substituted for riveting in any location. It shall be performed by welders certified by the U. S. Coast Guard, American Bureau of Shipping, or U. S. Navy Department, and only approved electrodes shall be used. Details of the joints shall be indicated on the construction drawings submitted for approval.

(f) *Keel, stem and sternpost.* (1) Dimensions shall be not less than those shown in Table 160.035–3.

(2) The keel, stem, and sternpost shall be in not more than two lengths except in the case of a lifeboat of stern frame construction where three lengths may be used. The scarph shall have a length of nine times the thickness of the keel and shall be strapped and riveted. A double Vee butt weld may be used without straps.

(g) *Shell plating.* (1) The gage of the shell plating shall be not less than that shown in Table 160.035–3.

(2) Where increased thickness of bottom plating is called for by Table 160.035–3, the thicker plating shall be fitted to approximately the turn of the bilge.

(3) Doubling plates of suitable size shall be fitted on all lifeboats where the shell is liable to damage, wear, or corrosion from contact with chocks. Doublers shall be not less than the thickness of the bottom plating.

(4) All seam and butt laps shall be at least $1\frac{1}{4}$ inches.

(5) The laps of joints on keel, stem, and sternpost shall be at least 2 inches.

(6) All seam and butt laps, laps of plating on keel, stem, and sternpost, shall be made over felt laid in wet red lead. Other methods will be given separate consideration.

(h) *Floors.* (1) Floors shall be fitted in lifeboats 24 feet in length and over.

(2) Floors shall be of a thickness not less than that of the bottom plating and shall be at least 6 inches deep at the centerline of the lifeboat and shall be flanged $1\frac{1}{2}$ inches top and bottom. The floors shall extend to approximately the turn of the bilge.

(3) The maximum floor spacing for boats 28 feet and under shall be 36 inches, and for boats over 28 feet but not exceeding 36 feet shall be 30 inches.

(4) Limber holes shall be cut in the floors and so located as to provide efficient drainage. The limber holes shall be so arranged that the load on the floors is taken by the keel as well as by the shell plating.

(i) *Gunwales.* (1) Dimensions of angular gunwales shall be not less than that shown in Table 160.035–3.

(2) The gunwales on each side of the lifeboat shall be in not more than two pieces. If the gunwales are fitted in two lengths, the joint shall be placed at approximately one-third of the length from the stem or stern of the boat and at opposite ends of the boat. The joint may be riveted or welded, and if riveted, the backing-up piece shall be angular in section of the thickness of the gunwale, and the length shall be not less than eight times the depth of the gunwale. A suitable butt weld may be used without backing-up bar.

(3) Flanged plates made from flat bars, dimensions of which shall be not less than that shown in Table 160.035–3, may be substituted for angle gunwales. The legs of the angles shall be approximately equal and the inside radius of the bend shall be not less than $\frac{1}{2}$ inch nor more than $\frac{3}{4}$ inch. The vertical leg shall be outside of the sheer strake.

(4) Wood gunwales when installed in metal lifeboats shall be of clear grained oak or teak. They shall be of a size as listed in the table below. When in two lengths the scarph shall be located as outlined in subparagraph (2) of this paragraph. Scarphs shall be of a good long bevel type stiffened on the under side by a piece of the same size and material as the gunwale and at least 2 feet in length. The lap of the wooden gunwale to the sheer strake shall be made over felt laid in wet red lead and the gunwale shall be secured to the sheer strake with fastenings placed on 3-inch centers.

TABLE 160.035–3 (i) (4)

| Length of boat | Depth of gunwale | Width of gunwale |
|---|---|---|
| | *Inches* | *Inches* |
| 12 feet and not over 18 feet | 1¾ | 2⅝ |
| Over 18 and not over 20 feet | 1¾ | 2¾ |
| Over 20 and not over 22 feet | 2 | 2⅝ |
| Over 22 and not over 24 feet | 2¼ | 2¾ |
| Over 24 and not over 26 feet | 2⅜ | 2⅝ |
| Over 26 and not over 28 feet | 2⅝ | 2¾ |

(j) *Nosings.* (1) The outside of the gunwale angle shall have a nosing fitted to the gunwale of hollow steel, half round, 2 inches by $\frac{1}{4}$ inch. If a flanged plate gunwale is used, a nosing will not be required.

(2) The outside of a wooden gunwale shall have a nosing of clear grain oak or teak, secured to the sheer strake and the gunwale by fastenings spaced on 6-inch centers which fastenings may be substituted for alternate fastenings between the gunwale and sheer strake. On boats not over 20 feet long, the flat side of the nosing shall be not less than $1\frac{1}{2}$-inch

wide and $^{3}/_{8}$-inch thick, on boats not over 24 feet in length it shall be not less than $1^{7}/_{8}$-inch wide by 1-inch thick, on all boats over 24 feet in length it shall be not less than $2^{1}/_{4}$-inch wide by 1-inch thick.

(k) *Gunwale braces.* (1) The brace shall be bent outboard at the thwart so that the bolts and nuts do not obstruct the seating space. The gunwales shall be secured to the thwarts by steel braces, bolts and rivets as follows:

TABLE 160.035-2 (k) (1)

| Length of lifeboat | Brace size | Bolts and rivets |
|---|---|---|
| | *Inches* | *Diameter (inch)* |
| 22 feet and under | 3 x [illegible] | [illegible] |
| Over 22 feet and not over 28 ft. | 3 x [illegible] | [illegible] |
| Over 28 feet | 3 x [illegible] | [illegible] |

(2) The gunwale braces shall be bolted to the thwarts with at least two carriage bolts of a size not less than that noted in the table above and riveted or welded to the gunwales. Where riveted to the gunwale, at least two rivets of a size not less than that noted in the table above shall be used.

(3) Bracket type gunwale braces will be given special consideration.

(l) *Breast plates.* (1) Breast plates shall be fitted to the stem and stern post. The thickness of the breast plates shall not be less than the thickness of the leg of the gunwale and the depth of the throat of the plate shall not be less than twice the depth of the gunwale.

(2) Breast hooks for wooden gunwales shall be of the strap type, not less than $1^{1}/_{2}$-inch wide, nor less than $^{1}/_{4}$-inch thick. The length of each leg of the breast hook shall be not less than 5 times the width of the gunwale. The inside strap shall be continuous and the outside strap may be in two pieces provided they are through riveted to the stem or stern post. The inner and outer straps shall be through riveted or bolted to each other through the gunwale and sheer strake by not less than 3 rivets or bolts on each side.

(m) *Seats.* (1) The thwarts, side benches, and end benches shall be of fir, yellow pine, or approved equivalent.

(2) The dimensions of the thwarts shall be not less than that shown in Table 160.035-3. The mast thwart, if cut out in way of the mast, shall be suitably increased in width so that the width in way of the mast is not less than that required for other thwarts.

(3) The number of thwarts shall not be less than that set forth in Table 160.035-3.

(4) The distance from the top of the thwarts to the top of the gunwale shall be not less than that shown in Table 160.035-3.

(5) The thwart ends shall be fitted between flanges, or may be installed on top of both flanges, of a thickness not less than the bottom shell plating and secured to the thwart by two bolts in addition to the bolts through the gunwale braces. Each flange shall be riveted to the shell with rivets of the same size as used to connect the side and bottom plating and spaced not less than ten to the foot. The flanges shall extend inboard to take the brace bolts and shall be one inch in width less than the thwart. The ends of the thwart shall be not less than $^{3}/_{8}$ inch and not more than $^{3}/_{4}$ inch from the shell.

(6) The edges of all thwarts, side, and end benches shall be well rounded.

(7) Suitable foot rests shall be furnished at a distance of between 17 inches to 20 inches below the thwarts and side benches. This may be accomplished by raising the footings from the bottom of the boat.

(8) Side and end benches shall be solid or close planked, not less than the following thicknesses:

TABLE 160.035-3 (m) (8)

| Length of lifeboat | Fir or Pine | Plywood [1] |
|---|---|---|
| | *Inch* | *Inch* |
| Up to 24 feet | $^{3}/_{4}$ | $^{5}/_{8}$ |
| 24 feet to and including 28 feet | 1 | $^{3}/_{4}$ |

[1] Plywood, if used, shall be at least equal to Military Specification MIL-P-15, Boat Hull Plywood, Type I or Type II.

(n) *Stretchers.* (1) Stretchers of sufficient size and strength shall be fitted in suitable positions for rowing.

(o) *Stanchions.* (1) Fir or yellow pine stanchions of a size not less than that shown in Table 160.035-3 shall be fitted in all lifeboats where the unsupported length of the thwarts exceeds 4 feet.

(p) *Footings.* (1) Fir, pine, or plywood footings, of a thickness not less than that shown in subparagraph (m) (8) of this section, shall cover the bottom of the lifeboat between the side tanks. If fir or pine footings are used, they shall be not less than $7^{1}/_{2}$ inches wide or more than $9^{1}/_{2}$ inches wide and they shall be spaced not more than 2 inches apart.

(2) The footings shall be made readily detachable and so arranged that the plugs are at all times directly accessible without removing the footings.

(q) *Disengaging apparatus.* (1) Connections for the disengaging apparatus shall have a minimum factor of safety of six.

(2) For construction and capacity of disengaging apparatus, see Subpart 160.033 of this subchapter.

(r) *Plugs.* (1) Each lifeboat shall be fitted with an automatic plug so designed and installed as to insure complete drainage at all times when the boat is out of the water. The automatic plug shall be provided with a cap attached to the lifeboat by a suitable chain.

(s) *Protection against corrosion.* (1) All steel or iron entering into the construction of lifeboats shall be galvanized by the hot dipped process. Other methods of corrosion prevention will be given special consideration.

(2) Where welded construction is employed, the material shall be galvanized after welding unless impractical to do so in which case consideration will be given to equivalent protection.

(3) Provisions shall be made to obtain a satisfactory bond between the metal and the paint.

(t) *Rudders.* (1) Each lifeboat for vessels in ocean, coastwise, and Great Lakes service shall be fitted with a rudder and tiller. The rudder shall be constructed of clear straight grained oak, properly strengthened with drifts or straps, of a thickness not less than that shown in Table 160.035-3. The thickness may be reduced $^{1}/_{8}$ inch if cheek pieces are fitted extending beyond the lower pintle connection. The rudder shall be stiffened across the bottom edge by a piece of wood of the same character or by a metal shoe. Consideration will be given to the use of hollow metal rudders provided they are designed to float. Plywood rudders will be given special consideration. The rudder shall be fitted with a $^{1}/_{2}$-inch diameter manila lanyard of such length as to permit the rudder to be shipped without untying the lanyard.

(2) The lower attachment of the rudder to the sternpost shall be by a gudgeon and pintle. The upper attachment shall be of the triple or double gudgeon drop pin type. Where the double gudgeon type is used, the pin shall be attached to the rudder by a chain.

(3) A suitable hinged or pivoted tiller shall be provided.

(4) Rudder stops shall be provided to limit the rudder angle to approximately 45 degrees each side of the centerline.

(u) *Air tanks.* (1) There shall be supplied at least one cubic foot of air tankage for each person permitted in the boat in addition to sufficient air tankage to float the boat when filled with water and open to the sea.

(2) At least 50 percent of the air tankage shall be located along the sides of the boat and it shall be so located that the boat will be on even keel when flooded.

(3) The tops of the air tanks shall be protected by the side benches or other suitable means. The construction shall be such that water will not collect on the tops of the tanks.

(4) The cubical contents shall be stamped on the air tanks in such a location as to be visible from within the boat. The cubic capacity of the air tanks shall be determined by the formula contained in § 160.035-8 (c) except that the areas at the ends of the tanks cannot be neglected.

(5) Each air tank shall be fitted with a standard one-quarter inch pipe-size testing nipple with hexagonal cap. Cap to be of corrosion resistant material.

(6) Air tanks shall be double riveted and caulked, hook jointed and soldered, or welded so as to withstand a test pressure of one pound per square inch.

(7) *Independent air tanks.* (i) Independent air tanks shall be securely fastened in such a manner that they may be temporarily removed for inspection purposes. Fastenings shall not pierce the air tanks.

(ii) The material for the air tanks shall be of a thickness not less than that noted below:

| Capacity (cubic feet): | *USSG* |
|---|---|
| Not over 6 | 22 |
| Over 6, not over 15 | 20 |
| Over 15 | 18 |

(8) *Built-in air tanks.* (i) A bolted inspection plate shall be provided in such a location that all portions of the tank will be accessible for inspection and repair.

(ii) The tops and sides of all built-in air tanks shall be not less than 14 USSG, except that 16 USSG may be used at the ends if severe forming is necessary. All bulkheads of built-in air tanks shall be not less than 16 USSG.

(iii) Each compartment shall be fitted with a standard $^{1}/_{4}$-inch pipe size test nipple and hexagonal cap so located as to be convenient for inspection purposes. In addition, a similar fitting shall be installed as near the bottom as possible for the purpose of draining water that may enter the tank.

(v) *Equipment stowage.* (1) Provision lockers, water tanks, and special equipment lockers shall be watertight and so designed and located as to fit under the side benches, end benches, or footings without projecting into the accommodation spaces of the lifeboat. In special cases, stowage under the thwarts will be permitted. Standard $^{1}/_{4}$-inch pipe size testing nipples shall be fitted to all such lockers or tanks.

(2) Water tanks shall be constructed of at least 18 USSG material. An opening with a dogged type cover shall be provided for removal of water cans. This opening shall be at least 7" in diameter, but in any case shall be of sufficient size that all water cans can be removed. In addition, built-in water tanks shall have an opening at least 13 inches in diameter with a bolted cover for the purpose of inspection and maintenance. A 2-inch diameter fill cap shall be installed for the purpose of storing rain water. A standard $^{1}/_{4}$-inch pipe size drainage nipple with hexagonal cap shall be fitted in the bottom of the tank in an accessible location and may be used for air testing the water tank.

(w) *Grab rails.* (1) Grab rails shall be substantially attached to each lifeboat below the turn of the bilge and shall extend approximately one-half of the length of the lifeboat on each side. The ends of the grab rails shall be faired to prevent fouling and all connections of the rails to the lifeboat shall be made by riveting the palms of the brackets to a small plate and riveting the plate to the shell. To prevent rupture of the shell if the grab rail is carried away, more rivets shall be used in attaching the plate to the shell than in fastening the bracket to the plate.

(x) *Hand rails.* (1) All lifeboats intended for use in ocean and coastwise service shall be fitted with hand rails approximately 18 inches in length, constructed and attached to the lifeboat in the same manner as the grab rails required by paragraph (w) of this section. The hand rails shall be located approximately parallel to and at both ends of the grab rails and spaced midway between the grab rail and the gunwale and midway between the grab rail and the keel on both sides of the lifeboat, provided that, when the distance from grab rail to the gunwale or to the keel exceeds 4 feet two hand rails shall be fitted so as to provide equal spacing. In no case shall the hand rails project beyond the widest part of the boat. Recessed hand rails or other alternate arrangements will be given special consideration.



§ 160.035-4 *Construction of steel hand-propelled lifeboats.* (a) A hand-propelled lifeboat shall comply with all the requirements for an oar-propelled lifeboat, and in addition, shall have sufficient additional buoyancy to compensate for the weight of the hand-propelling gear.

(b) The hand-propelling gear shall be of an approved type and shall be substantially constructed and securely fitted in the lifeboat. The design shall be such that the lifeboat may be readily maneuvered from the ship's side after being launched and steerage way maintained under adverse weather conditions. Provisions shall be made for going astern. The hand-propelling gear shall propel the lifeboat with only a normal amount of effort while maintaining an average speed of not less than 3 knots over a measured course of not less than 1,000 feet.

(c) The hand-propelling gear shall be so designed that it may be operated by persons untrained in its use, and shall be operable when the boat is flooded.

(d) For construction of hand-propelling gear, see Subpart 160.034 of this subchapter.

§ 160.035-5 *Construction of steel motor-propelled lifeboats, with and without radio cabin—(a) General provisions applicable to all motor-propelled lifeboats.* (1) A motor-propelled lifeboat, carried as part of the lifesaving equipment of a vessel, whether required or not, shall comply with all the requirements for an oar-propelled lifeboat, and in addition, shall have sufficient additional buoyancy to compensate for the weight of the engine and other equipment.

(2) The engine shall be enclosed in a suitable engine box which shall be watertight with the exception of the top which may be weathertight. The top of the engine box shall be fitted with a screw-down mushroom vent. The engine box shall be fitted with a suitable drain.

(3) Fuel tanks shall be constructed of steel or other approved equivalent. The material for gasoline fuel tanks shall comply with A. S. T. M. Specification A93, and shall have a thickness of not less than 14 USSG. Diesel oil fuel tanks shall have a thickness of not less than 12 USSG and shall not be galvanized on the inside; however, the outside of such tanks shall be so treated as to obtain a corrosion resistance approximately equivalent to hot-dip galvanizing. Swash plates shall be fitted in tanks over 30 inches in length. Fuel tanks shall be adequately supported and securely fastened inside the lifeboat to prevent any movement. Fuel tanks shall have no openings in bottom, sides, or ends. Openings for fill, vent and feed pipes shall be on the top surface of the tanks. Fuel tanks shall be provided with a shut-off valve at the tank. Tanks shall be designed with a factor of safety of not less than 4, and shall be tested by a static head above the tank top of ten feet of water without showing leakage or permanent deformation.

(4) Propeller shafting shall be of bronze or other suitable corrosion resistant materials. Fittings, pipes, connections, etc., shall be of high standard and good workmanship, and installed in accordance with good marine practice. The exhaust manifold shall be suitably insulated.

(5) All engines shall be permanently installed in the lifeboat and have an efficient hand starter. If starting batteries are fitted, in addition to the hand starter, they shall be installed in a lead lined box within the motor box. The battery box shall be so constructed as to retain the battery in position when the lifeboat is in a seaway. The battery box shall be one inch longer and one inch wider than the battery and shall be lined with 4 pound lead flashed up 3 inches on the sides and ends.

(6) The following tools to perform emergency repairs and ordinary servicing shall be provided:

1 12-oz. ball peen hammer.
1 screw driver with 6-inch blade.
1 pair of 8-inch slip-joint pliers.
1 8-inch adjustable end wrench.

(b) *Steel motor-propelled lifeboats with radio cabin (Class A).*

(1) The engine shall be of a reliable, marine, compression-ignition type and shall be capable of propelling the fully equipped and loaded lifeboat at a sustained speed of not less than six knots through smooth water over a measured course. Provisions shall be made for going astern. Sufficient fuel for 24 hours continuous operation at six knots shall be provided. The engine shall be fitted with a marine type generator, insulated as required by A. I. E. E. rules for marine service, capable of charging the batteries used for the radio and searchlight as well as the starting battery, if fitted.

(2) The radio and source of power for the radio and the searchlight shall be housed and protected from the elements by a suitable radio cabin. The entire installation shall comply with the requirements of the Federal Communications Commission's Rules Governing Stations on Shipboard in the Maritime Services. The radio cabin shall be of a size to contain the radio and source of power for the radio and searchlight, and the operator of the equipment. The top and sides of the radio cabin shall be watertight with the exception of the door which need not be watertight but shall be at least weathertight. The installation of the radio cabin shall take into consideration the concentration of weight in this area.

(3) The searchlight shall be of an approved type constructed in accordance with specification Subpart 161.006 of this subchapter and shall be securely mounted on top of the radio cabin.

(4) The batteries shall be installed in a lead lined box securely fastened inside the radio cabin. The box shall be one inch longer and one inch wider than the battery and shall be lined with 4-pound lead flashed up 3 inches on the sides and ends.

(c) *Steel motor-propelled lifeboats without radio cabin (Class B).* (1) The engine shall be of a reliable, marine, compression-ignition or spark ignition type, capable of propelling the fully equipped and loaded lifeboat at a sustained speed of four knots through smooth water over a measured course. Provision shall be

made for going astern. Sufficient fuel for 24 hours continuous operation at four knots shall be provided. If a starting battery is supplied, the engine shall be fitted with a generator for charging the battery.

(2) All carburetors, except the down draft type, shall be fitted with an adequate drip collector covered with a flame screen. A backfire flame arrester of an approved type constructed in accordance with specification Subpart 162.015 of this subchapter shall be fitted and the air intakes shall be so directed that the backfire cannot blow down into the bilge. There shall be a strainer between the carburetor and the fuel tank.

§ 160.035–6 *Construction of aluminum oar, hand, and motor-propelled lifeboats.* (a) Lifeboats may be constructed of aluminum alloy. Special consideration of the materials, scantlings, and design will be given. In general, the strength of aluminum alloy lifeboats shall be equivalent to that of steel lifeboats the construction of which is noted in §§ 160.035–3, 160.035–4 and 160.035–5.

§ 160.035–7 *Construction of wood oar, hand, and motor-propelled lifeboats.* (a) Lifeboats may be constructed of wood or plywood. In either case, special consideration of the materials, scantlings, and design will be given. In general, the strength of wooden lifeboats shall be equivalent to that of steel lifeboats the construction of which is noted in §§ 160.035–3, 160.035–4 and 160.035–5.

§ 160.035–8 *Cubic capacity of lifeboats*—(a) *Definitions.* The following definitions apply to the measurement of a lifeboat to determine its cubic capacity:

(1) *Length (L).* The length is the distance in feet from the inside of the plating or planking at the stem to the corresponding position at the stern. In the case of a boat with a square stern, the after terminus is the inside of the transom.

(2) *Breadth (B).* The breadth is the distance in feet over the plating or planking at the point where the breadth of the boat is greatest.

(3) *Depth (D).* The depth is the distance in feet amidships inside the plating from the top of the keel to the level of the gunwale. The depth used for calculating purposes shall not exceed 45 percent of the breadth.

(4) *Sheer.* Lifeboats shall have a sheer at each end at least equal to 4 percent of the length, and a sheer at the quarter points of at least 1 percent of the length. If less sheer is provided, the depth used to determine the cubic capacity shall be assumed to be reduced so as to achieve this minimum sheer.

(b) *Formula.* The cubic capacity shall be determined by the following formula:

$$L \times B \times D \times 0.6$$

(c) *Owner's option.* (1) In all cases the owner or manufacturer has the right to require that the cubic capacity of the lifeboat be determined by exact measurement as outlined in subparagraph (2) of this paragraph.

(2) To determine the cubic capacity of a lifeboat by exact measurement, the use of Stirling's (Simpson's) rule shall be employed. The capacity in cubic feet of a lifeboat, calculated by Stirling's rule, may be considered as given by the following formula:

$$\text{Capacity} = \frac{L}{12}(4A + 2B + 4C)$$

where *A*, *B*, and *C* denote, respectively, the areas of the cross sections at the quarter length forward, amidships, and the quarter length aft, which correspond to the three points obtained by dividing *L* into four equal parts. (The areas corresponding to the two ends of the boat are considered negligible.) The areas *A*, *B*, and *C* shall be deemed to be given in square feet by the successive application of the following formula to each of the three cross sections:

$$\text{Area} = \frac{h}{12}(a + 4b + 2c + 4d + e)$$

*h* being the depth in feet as determined by subparagraph (a) (3) of this section. *a*, *b*, *c*, *d*, and *e*, denote the horizontal breadths of the lifeboat measured in feet at the upper and lower points obtained by dividing *h* into four equal parts. (*a* and *e* being the breadths at the extreme points, and *c* the breadth at the middle point of *h*.) If the sheer of the gunwale measured at the two points situated at a quarter of the length of the boat from the ends exceeds 1 percent of the length of the lifeboat, the depth used in calculating the area of the cross sections A and or C shall be deemed to be the depth amidships plus 1 percent of the length of the boat.

(d) *Hand-propelled lifeboat.* The cubic capacity of a hand-propelled lifeboat shall be determined in the same manner as an oar-propelled lifeboat.

(e) *Motor-propelled lifeboat.* The cubic capacity of a motor-propelled lifeboat shall be determined in the same manner as an oar-propelled lifeboat and then deducting from the gross volume, a volume equal to the engine box and accessories, and when carried, the radio cabin, searchlight, and their accessories. The volume of such equipment extending above the sheer line need not be deducted.

§ 160.035–9 *Number of persons allowed in lifeboats.* (a) The maximum number of persons for which the lifeboat may be rated is determined as noted in subparagraphs (1), (2), and (3) of this paragraph. The smallest number obtained is the number to be used.

(1) The number of persons permitted in the lifeboat shall not exceed $\frac{1}{10}$ the net cubic capacity as determined by § 160.035–8 (b) or at the owner's or manufacturer's option by § 160.035–8 (c).

(2) The number of persons permitted in the lifeboat shall not exceed the number for which seating space is provided as determined by drawing figures to scale of a size as noted below on an arrangement plan of the lifeboat:

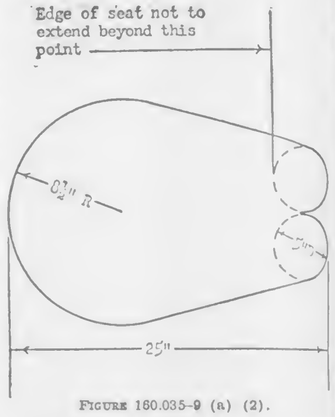



FIGURE 160.035–9 (a) (2).

(3) The number of persons permitted in the lifeboat shall not exceed the number of persons wearing life preservers which can be seated in the lifeboat without interfering with the use of the oars.

§ 160.035–10 *Inspection and testing of lifeboats.* (a) Lifeboats shall be inspected during the course of construction to determine that the arrangements and materials entering into the construction are in accordance with approved plans, and to insure that the workmanship is of good quality. All air tanks shall be tested to an air pressure of one pound per square inch and shall show no evidence of weakness.

(b) Before approval is granted to any design of lifeboat, the following tests shall be made by a marine inspector:

(1) *Strength test.* The light boat shall be suspended by shackles at the bow and stern, or by means of the releasing gear, and the length, beam, and depth shall be measured. Weights shall then be added to equal the weight of the equipment, food, water, etc., and persons for which the boat is to be approved, and the length, beam, and depth measured. Additional weight shall then be added so that the suspended load is 25 percent greater than the weight of the fully equipped and loaded lifeboat and the measurements repeated. All weights shall then be removed and the measurements rechecked. There shall be no appreciable set as a result of this test.

(2) *Flooding test.* Lifeboats shall be flooded to determine the amount of air tankage necessary to float the complete boat including releasing gear but with no equipment, provision lockers, water tanks, or fuel tanks aboard. If provision lockers, water tanks, and fuel tanks cannot be removed, they should be flooded or filled to the final waterline. Lifeboats fitted with watertight storage compartments to accommodate individual drinking water containers shall have these individual containers aboard and placed in the stowage compartments which shall be sealed watertight during the flooding test. Ballast of equivalent weight and density should be substituted for the motor, shaft, propeller, radio, battery, searchlight, etc., if they are to be installed.

(i) *Boats with independent air tanks.* The estimated amount of air tankage to just float the boat in this condition should be fitted symmetrically aboard the lifeboat, and then the boat flooded. If the tops of the gunwales at their lowest point do not clear the surface of the water, the air tankage shall be increased as necessary. One cubic foot of air tankage for each person the lifeboat is permitted to carry shall be added to the amount thus determined to constitute the required air tankage for the lifeboat.

(ii) *Boats with built-in air tanks.* When flood testing lifeboats with built-in air tanks, weights shall be placed in the bottom of the lifeboat to counteract the buoyancy of air tankage provided for the persons to be carried. The amount of weight required per person carried shall be as follows:

| Material: | Weight per person (pounds) |
|---|---|
| Iron or steel | 72 |
| Lead | 69 |
| Concrete | 110 |

Other impervious material may be used if more convenient. The weight per person required is determined from the formula $W = \frac{63d}{d-63}$ where *d* is the density of material in pounds per cubic foot. (Sandbags should not be used for this purpose inasmuch as their weight under water is not readily predictable.) If the lifeboat weighted as above does not float with the gunwale at the lowest point just clear of the surface of the water, unit air tanks should be slipped beneath the thwarts until the gunwales do clear the surface of the water. The additional air tankage required shall be incorporated in the design of the lifeboat.

(3) *Seating capacity test.* The lifeboat shall be fully loaded with equipment, and in this condition the number of persons for which the lifeboat is to be approved shall be seated, in accordance with the seating plan required in § 160.035–11 (a). All persons shall wear an approved life preserver and it shall be demonstrated by actual test that there is sufficient room to row the boat without interference.

(4) *Freeboard test.* Freeboards shall be measured to the low point of the sheer with the lifeboat in light condition with neither equipment nor persons aboard, and in the loaded condition with full equipment and persons aboard.

(5) *Stability test.* Upon the conclusion of the seating test, all persons on one side of the centerline shall disembark. The remaining people on board should sit upright and not move from their original positions. (Not less than one-half the total number of persons should remain in the lifeboat.) Freeboard to the low point of sheer shall then be measured. This freeboard should, in general, be not less than 10 percent of the depth of the lifeboat.

(c) Motor-propelled lifeboats shall be subjected to the same tests as required for an oar-propelled lifeboat. In addition, speed tests over a measured course and fuel consumption tests on a time basis shall be made to determine that the fully loaded lifeboat can maintain a speed of 6 knots for Class A motor-propelled lifeboats, and 4 knots for Class B motor-propelled lifeboats, and that there is sufficient fuel for at least 24 hours for each class of motor-propelled lifeboat at its respective speed. A 4-hour endurance trial shall be conducted with the fully loaded lifeboat at the RPM attained in the speed test in order to insure that there is no overheating, undue vibration, or other condition which would warrant the belief that the lifeboat could not maintain its proper speed for 24 hours. The time consumed in conducting the speed and fuel consumption tests may be counted toward the 4-hour endurance test. It shall be demonstrated that all engines installed in motor lifeboats can be started with the hand crank with no previous warming up period.

(d) Hand-propelled lifeboats shall be subjected to the same tests as required for an oar-propelled lifeboat. In addition, a test shall be made to assure that the lifeboat can be satisfactorily maneuvered with the hand-propelling gear. A speed of at least 3 knots shall be achieved in both light and load condition over a measured course of not less than 1,000 feet.

(e) *Testing and inspection after approval.* After the design of a lifeboat has been approved, subsequent lifeboats of the same design shall be individually inspected and tested as noted in paragraph (a) of this section. In addition, motors and hand-propelling gear when installed shall be operated in the "ahead", "neutral", and "astern" positions. If mechanical disengaging apparatus is fitted, it shall be tested by suspending the lifeboat in light condition and operating the mechanism to insure that the gear is properly installed: *Provided*, That, if in the opinion of the marine inspector, the installation is not entirely satisfactory, he may require the same test be conducted with the lifeboat fully loaded.

(f) A corrosion resistant name plate shall be affixed at the bow of each lifeboat on which is stamped the name of the manufacturer, serial number, approval number, dimensions of the lifeboat, cubic capacity, air tank capacity, the number of persons for which the lifeboat is approved, together with the inspector's initials, the date, and the letters U. S. C. G.

§ 160.035–11 *Procedure for approval of lifeboats.* (a) Before action is taken on any design of lifeboat, plans covering fully the arrangement and construction of the lifeboat, material specifications, together with a lines drawing, stowage arrangement, seating arrangement, and other details shall be submitted to the Commandant through the Commander of the Coast Guard District in which the lifeboat is built.

(b) If the drawings required in paragraph (a) of this section are satisfactory, the Commander of the Coast Guard District in which the lifeboat is to be built, shall be notified in writing when fabrication is to commence. A marine inspector will be assigned to supervise the construction in accordance with the plans and upon completion, conduct the tests required by § 160.035–10.

(c) At the time that the tests are successfully completed, the manufacturer shall present to the marine inspector four corrected copies of the plans noted in paragraph (a) of this section, including any corrections, changes, or additions which may have been found necessary during construction or testing. If the manufacturer desires more than one set of approved plans, additional copies shall be submitted at that time.

(d) Upon receipt of corrected drawings and satisfactory test reports, the Commandant will issue a certificate of approval. No change shall be made in the design or construction without first receiving permission of the Commandant, via the Commander of the Coast Guard District in which the lifeboat is built.

SUBPART 160.040—LINE-THROWING APPLIANCE, IMPULSE-PROJECTED ROCKET TYPE (AND EQUIPMENT) FOR MERCHANT VESSELS

9. Section 160.040–4 (c) is amended by changing the first sentence to read as follows:

§ 160.040–4 *Equipment for impulse-projected rocket type line-throwing appliance.* * * *

(c) Four service lines, each $\frac{7}{32}$-inch to $\frac{9}{32}$-inch diameter, with not less than 500 pounds breaking strength, and in one continuous length not less than that specified in the approval of the appliance carried, without splice, knot, or other retarding or weakening features. The length of each service line will be assigned in the approval of the appliance as a round number approximately one-third in excess of the average distance the line is carried in the tests required by § 160.040–7 (c). * * *

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4417a, 4418, 4426, 4481, 4488, 4491, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 391a, 392, 404, 474, 481, 489, 396, 367, 1333, 50 U. S. C. App 1275; E. O. 10102, 17 F. R. 9917; 3 CFR, 1952 Supp.)

PART 162—ENGINEERING EQUIPMENT

Part 162 is amended by adding a new Subpart 162.027 reading as follows:

SUBPART 162.027—NOZZLES, FIRE HOSE, COMBINATION SOLID STREAM AND WATER SPRAY ($1\frac{1}{2}$-INCH AND $2\frac{1}{2}$-INCH) FOR MERCHANT VESSELS

Sec.
162.027–1 Applicable specifications.
162.027–2 Type and size.
162.027–3 Materials, construction, workmanship, and performance requirements.
162.027–4 Inspections and tests.
162.027–5 Marking.
162.027–6 Procedure for approval.

AUTHORITY: §§ 162.027–1 to 162.027–6 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4417a, 4418, 4426, 4471, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 1333, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 391a, 392, 404, 471,

489, 396, 367, 526p, 463a, 1333, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

§ 162.027–1 *Applicable specifications.* (a) The following specifications of the issue in effect on the date combination solid stream and water spray fire hose nozzles are manufactured, form a part of this subpart:

(1) Military specification:

MIL–B–16444, Bronze, Hydraulic (ounce metal): castings.

(2) Federal specification:

WW–C–621, Couplings; hose, cotton (rubber lined) and linen (unlined).

(b) *Copies on file.* Copies of the specifications referred to in this section shall be kept on file by the manufacturer, together with the approved plans and certificate of approval. The Military Specification may be obtained from the Bureau of Supplies and Accounts, Department of the Navy, Washington 25, D. C. The Federal Specification may be purchased from the Business Service Center, General Services Administration, Washington 25, D. C.

§ 162.027–2 *Type and size*—(a) *Type.* Combination solid stream and water spray fire hose nozzles specified by this subpart shall consist essentially of a fire hose nozzle body with two discharge outlets, a valve for shut off and directing the flow of water to either outlet, a high-velocity water spray tip, and an applicator with a low-velocity water spray head. One discharge outlet shall be a straight stream orifice, and the other outlet shall be designed to accommodate either the high-velocity tip or the applicator with the low-velocity head, both of which must be capable of being removed or inserted readily without the use of tools. Combination nozzles shall be designed with a self-cleaning strainer in the body; or may omit the strainer if both the high-velocity spray tip and the low-velocity spray head are designed to pass material up to the size of a $\frac{7}{8}$-inch diameter ball for the $1\frac{1}{2}$-inch size, and up to a $\frac{1}{2}$-inch diameter ball for the $2\frac{1}{2}$-inch size. Nozzles permitting adjustment to obtain a range of spray patterns will not be considered as meeting the requirements of this subpart.

(b) *Size.* Combination solid stream and water spray fire hose nozzles shall be of two sizes: one for use on $1\frac{1}{2}$-inch hose, and the other for use on $2\frac{1}{2}$-inch hose.

§ 162.027–3 *Materials, construction, workmanship, and performance requirements*—(a) *Materials.* The materials shall comply with the requirements outlined in this paragraph. Alternate materials which meet the performance requirements of this subpart will be given special consideration.

(1) *Materials, general.* All materials used in the construction of combination solid stream and water spray fire hoze nozzles shall be of good quality, suitable for the purpose intended, and shall conform to the requirements of this subpart. The use of dissimilar metal in combination shall be avoided if possible but, when such contacts are necessary, provisions shall be made to prevent effects such as galvanic corrosion, freezing of moving parts, and loosening or tightening of joints due to differences in thermal expansion coefficients. Castings shall be free from blow holes, porosity, shrinkage defects, cracks, or other injurious defects.

(2) *Materials, specific.* The nozzle body, valve, valve control handle or lever, high-velocity tip, and low-velocity head shall be bronze, complying with Military Specification MIL–B–16444. Other component parts such as applicator tubes, valve seats, springs, gaskets, etc., shall not be limited with regard to materials except for the requirements of subparagraph (1) of this paragraph.

(b) *Construction.* The construction of combination nozzles manufactured in accordance with this subpart shall comply with the requirements outlined in this paragraph. Alternate arrangements which meet the performance requirements of this subpart will be given special consideration.

(1) *General.* The waterways and control valve shall be so arranged that the nozzle operates from shut-off to spray position and then to solid stream, so that it is not necessary to go through solid stream to obtain a spray. Each of the three positions shall have a positive stop or spring-loaded detent to hold the valve at the position while the pressure at the inlet is 100 p. s. i., and shall be clearly marked to indicate the proper location of the lever or handle for the desired use. The $1\frac{1}{2}$-inch nozzle shall have not less than a $\frac{5}{8}$-inch solid stream orifice, and the $2\frac{1}{2}$-inch nozzle shall have not less than a $\frac{7}{8}$-inch solid stream orifice. The high-velocity water spray tip shall be attached to the body of the nozzle by a short length of chain. The threads on the inlet end of the nozzle shall be American National Standard Fire-Hose Threads, i. e., 9 threads per inch for the $1\frac{1}{2}$-inch size, and $7\frac{1}{2}$ threads per inch for the $2\frac{1}{2}$-inch size.

(2) *Self-cleaning strainer.* The self-cleaning strainer contained within the body of the nozzle shall be so arranged as to prevent foreign material from entering the spray waterway and to effect complete cleaning of the strainer when the handle is moved to the solid stream position with the water flowing. The arrangement shall be such as to not permit any of the foreign material to be flushed into the spray waterway when the valve is in any position. The perforations in the strainer shall be of a diameter no larger than 60 percent of the diameter of the smallest orifice in the high-velocity spray tip, and the total free area of the strainer shall be at least 15 times the total area of the high-velocity spray tip orifices. The self-cleaning strainer may be omitted from the body of the nozzle if both the high-velocity tip and the applicator with low-velocity head are designed to pass material up to the size of a $\frac{3}{8}$-inch diameter ball for the $1\frac{1}{2}$-inch size, and up to a $\frac{1}{2}$-inch diameter ball for the $2\frac{1}{2}$-inch size.

(3) *Applicators.* The applicator for the $1\frac{1}{2}$-inch nozzles shall be either 4 feet or 10 feet in length.[1] The 4-foot applicator shall have a bend approximately 12 inches from the discharge end, through an angle of 60 degrees, on a 6- to 8-inch radius. The discharge end of the 10-foot applicator shall be bent through an angle of 90 degrees, to a radius of 6 to 8 inches, so that the normal extension is 10 to 12 inches in length. The applicator for the $2\frac{1}{2}$-inch nozzle shall be 12 feet in length, with the discharge end bent through an angle of 90 degrees, to a radius of 6 to 8 inches, so that the normal extension is 10 to 12 inches in length. The bends in the applicators shall be downward and in the vertical plane of the nozzle when the applicator is locked in place. The length specified for each applicator is the straight length of the pipe before bending, and a reasonable tolerance will be acceptable. The inlet end of the applicator shall have a bayonet or other positive but quick operating joint which shall be identical with that on the high-velocity water spray tip.

(4) *Additional strainer for low-velocity water spray head.* The low-velocity water spray head which is fitted on the end of the applicator shall be protected by an additional strainer which shall be readily removable for cleaning, this strainer to have perforations of a diameter no larger than 60 percent of the diameter of the smallest orifice in the low-velocity water spray head, and a total free area of at least 15 times the total free area of the orifices in the low-velocity water spray head. The strainer may be omitted if the low-velocity water spray head is designed to pass material up to the size of a $\frac{3}{8}$-inch diameter ball for the $1\frac{1}{2}$-inch size, and up to a $\frac{1}{2}$-inch diameter ball for the $2\frac{1}{2}$-inch size.

(c) *Workmanship.* Combination nozzles manufactured in accordance with this subpart shall be of first class workmanship and shall be free from any defects materially affecting their appearance or serviceability.

(d) *Performance requirements.* Combination nozzles manufactured in accordance with this subpart shall be capable of meeting the test requirements outlined in § 162.027–4.

§ 162.027–4 *Inspections and tests*—(a) *General.* Combination nozzles specified by this subpart are not inspected at regularly scheduled factory inspections by the Coast Guard; however, the Commander of the Coast Guard District may detail an inspector at any time to visit any place where combination nozzles are manufactured to check materials and manufacturing methods, and to conduct such tests and examinations as may be required to satisfy himself that combination nozzles are being manufactured in compliance with the requirements of this specification. The manufacturer shall provide a suitable place and the necessary equipment for the use of the inspector in conducting such tests or examinations at the place of manufacture.

[1] The 4-foot applicator is intended for $1\frac{1}{2}$-inch size combination nozzles fitted in propulsion machinery spaces containing oil-fired boilers, internal combustion machinery, or oil fuel units.



(b) *Solid stream.* With the nozzle three feet above the ground, held at an angle to obtain maximum range, the valve in the solid stream position, and the water flowing at a gage pressure at the inlet to the nozzle of 100 pounds per square inch, the output and effective range of the solid stream orifice in still air shall comply with the requirements in Table 162.027–4 (b). The effective range is defined as the extreme limit at which the stream has not lost continuity by breaking into showers of spray, and appears to effectively carry through an opening of 4 feet diameter, as nearly as can be judged by visual observation.

TABLE 162.027–4 (b)

| Nozzle size | $1\frac{1}{2}$-inch | $2\frac{1}{2}$-inch. |
|---|---|---|
| Output, minimum | 160 g. p. m. | 325 g. p. m. |
| Effective range, minimum | 55 feet | 65 feet. |

(c) *High-velocity water spray tip.* With the high-velocity water spray tip in place, the nozzle about 3 feet above the ground, held level, the valve in the water spray position, and the water flowing at a gage pressure at the inlet to the nozzle of 100 pounds per square inch, the output and pattern in still air shall consist of finely divided particles uniformly distributed throughout the discharge cone, and shall comply with the requirements in Table 162.027–4 (c).

TABLE 162.027–4 (c)

| Nozzle size | $1\frac{1}{2}$-inch | $2\frac{1}{2}$-inch. |
|---|---|---|
| Output | 50 g. p. m., −3, +5. | 110 g. p. m., −7, +11. |
| Horizontal projection of spray pattern. | 20 feet, minimum. | 25 feet, minimum. |
| Diameter of pattern at point of maximum spread. | 6 feet, minimum. | 8 feet, minimum. |

(d) *Low-velocity water spray head.* (1) With the applicator in place on the nozzle, the low-velocity water spray head in a vertical position pointing downward, about 8 feet above the ground, the valve in the water spray position, and the water flowing at a gage pressure at the inlet of the nozzle of 100 pounds per square inch, the output and pattern in still air shall consist of very finely divided particles uniformly distributed throughout the discharge cone, and shall comply with the requirements in Table 162.027–4 (d) (1).

TABLE 162.027–4 (d) (1)

| Nozzle size | $1\frac{1}{2}$-inch | $2\frac{1}{2}$-inch. |
|---|---|---|
| Output | 50 g. p. m., −3, +5. | 110 g. p. m., −7, +11. |
| Diameter of pattern | 16 feet, minimum. | 22 feet, minimum. |

(2) With the applicator in place on the nozzle, the water flowing at a gage pressure at the inlet of the nozzle of 100 pounds per square inch, bring the low-velocity spray head over the surface of kerosene or water in a tank and measure the distance when it is as close as possible without unduly disturbing the surface or scattering the liquid. The distance under these conditions shall not exceed 2 feet.

(3) *Fire test.* For the purpose of evaluating the effectiveness of the low-velocity water spray head, a fire test with the following set-up shall be used:

A cylindrical tank, having a minimum diameter of 15 feet and a height of approximately $2\frac{1}{2}$ feet above the ground, shall be partially filled with water on which kerosene is floated to a depth of not less than $2\frac{1}{2}$ inches. The surface of the kerosene shall be approximately 12 inches below the top rim of the tank. The kerosene shall be primed with about $\frac{1}{2}$ gallon of gasoline. After ignition, the fire shall be allowed to burn approximately 2 minutes before being attacked. The approach shall be made from the windward side with the water flowing at a gage pressure at the nozzle inlet of 100 p. s. i. This test shall not be conducted out of doors when the wind velocity is greater than 5 miles per hour. The test fire shall be extinguished in not more than 2 minutes for the $1\frac{1}{2}$-inch size and not more than 1 minute and 30 seconds for the $2\frac{1}{2}$-inch size.

(e) *Self-cleaning strainer.* The self-cleaning strainer shall be tested by introducing foreign material into the water stream supplied to the nozzle, the foreign material to consist of sea weed, sand, and broken shells, no part of which shall be larger than the straight stream orifice of the nozzle being tested. With the high-velocity water spray tip in place, sufficient material shall be introduced to effect a nearly complete stoppage of the flow through the spray tip. With the flow nearly stopped, the control lever shall be moved to the solid stream position for a period not longer than 5 seconds to flush out the strainer. This test shall be performed with a gage pressure at the nozzle inlet of both 50 pounds per square inch and 100 pounds per square inch with the water flowing and the nozzle in the unclogged condition. The performance of the strainer following this test shall be such that the output and the spray pattern of the spray tip will comply with the requirements of paragraph (c) of this section for the size nozzle being tested.

(f) *Corrosion tests.* Measure the torque required to turn the valve control handle from the "Spray" position toward the "Solid Stream" position. With the high-velocity spray tip in place, and the valve control handle in the "Spray" position, expose the nozzle to a 20 percent salt water spray for 6 days at 95° F., following which again measure the torque in the same manner. With the high-velocity spray tip in place, submerge the nozzle in a 4 percent salt water solution for 5 minutes with the valve control handle in the "Solid Stream" position and 5 minutes in the "Spray" position, then drain it and set it aside for 2 days, following which again measure the torque in the same manner. The torque required to operate the valve control handle after each test shall be no greater than two pound-feet more than the torque required to operate it with the nozzle in the new condition.

(g) *Ruggedness tests.* With the high-velocity spray tip in place, the nozzle shall be dropped on a concrete floor or slab having a smooth surface from a height of 3 feet four times, as follows: In the first drop the nozzle shall be held vertically so as to land on its tip. In the second drop it shall be held vertically so as to land on the hose end. In the third and fourth drops it shall be held with its axis approximately horizontal so as to land on opposite sides. The high-velocity spray tip shall then be removed and replaced by the applicator with low-velocity spray head, and this complete assembly shall be dropped from a height of 3 feet once, as follows: It shall be held with the axis of the assembly approximately horizontal and the bend of the applicator downward so as to land on the end of the low-velocity tip and bottom of the nozzle body approximately simultaneously. The nozzle body, valve control handle, high-velocity water spray tip, and applicator with low-velocity water spray head shall be sufficiently rugged so that following these drop tests they function properly and meet all the test requirements of this subpart.

§ 162.027–5 *Marking*—(a) *General.* Each combination nozzle shall be permanently and legibly marked with the manufacturer's name and model designation in addition to the marking of the valve positions required by § 162.027–3 (b) (1).

§ 162.027–6 *Procedure for approval*—(a) *General.* Combination solid stream and water spray fire hose nozzles for use on merchant vessels are approved only by the Commandant, U. S. Coast Guard, Washington, D. C. Correspondence pertaining to the subject matter of this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located.

(b) *Manufacturer's plans and specifications.* In order to apply for approval of combination nozzles, the manufacturer shall submit 4 prints each of detailed plans and specifications, including a complete bill of materials, assembly drawing, and parts drawings descriptive of the arrangement and construction of the device, to the Commander of the Coast Guard District in which the factory is located. Each drawing shall have an identifying number, date, with alterations properly noted, and the model designation identifying the nozzle involved. These drawings and specifications will be forwarded to the Commandant for examination.

(c) *Pre-approval sample and tests.* After the drawings and specifications have been found to appear satisfactory, at the request of the manufacturer, a marine inspector will be detailed to the factory to observe the production facilities and manufacturing methods, and to examine a pre-approval sample, which will be forwarded to the Commandant for testing, in accordance with § 162.027–4, together with plans and specifications in quadruplicate, revised or corrected as may have been required. Cost of shipping and pre-approval testing shall be borne by the manufacturer.

(d) *Alternate pre-approval tests.* In order to avoid the duplication of tests which may have been done previously by some other recognized testing organization, such as a facility of the U. S. Navy or Underwriters' Laboratories, Inc., the Coast Guard will accept the test data of such organizations. Reports of such tests should be forwarded in quadruplicate by the manufacturer along with the plans and specifications indicated by paragraph (b) of this section, or arrange-

ments made for such organization to forward the reports directly to the Coast Guard. Such reports shall identify the nozzle by name and model designation and by specifications and drawings having revision dates corresponding to the drawings submitted in accordance with paragraph (b) of this section. Such reports shall indicate that the samples tested were compared with the manufacturer's plans and specifications and were found to be in conformance thereto, with any exceptions between the sample and the plans and specifications properly noted. In addition to the results of the various tests, such reports shall show the detailed data on each trial made to arrive at the average results, and the pertinent conditions of the test methods followed, instruments and methods used for measurements, and all arrangements and conditions surrounding the tests, in order to provide a clear presentation not only of the test results, but also of all pertinent facts necessary for a clear understanding and interpretation of such results.

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PART 164—MATERIALS

1. Subpart 164.006, consisting of §§ 164.006–1 to 164.006–8, inclusive, is amended to read as follows:

SUBPART 164.006—DECK COVERINGS FOR MERCHANT VESSELS

Sec.
164.006–1 Applicable specifications.
164.006–2 Grades.
164.006–3 Construction.
164.006–4 Inspection and testing.
164.006–5 Procedure for approval.

AUTHORITY: §§ 164.006–1 to 164.006–5 issued under R. S. 4405, as amended, 4462, as amended. Interpret or apply R. S. 4417, 4417a, 4418, 4426, as amended, sec. 5, 49 Stat. 1384, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 391a, 392, 404, 369, 367, 1333, 463a, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

§ 164.006–1 *Applicable specifications.* (a) There are no other specifications applicable to this subpart.

§ 164.006–2 *Grades.* (a) Deck coverings shall be of but one grade as specified in this subpart, and shall be known as "an approved deck covering."

§ 164.006–3 *Construction, materials, and workmanship.* (a) It is the intent of this specification to obtain a deck covering made largely of incombustible materials with low heat transmission qualities which will produce a minimum of smoke when exposed to high temperatures.

(b) Deck coverings shall be of such a quality as to successfully pass all of the tests set forth in § 164.006–4.

§ 164.006–4 *Inspection and testing.* (a) All tests shall be conducted at the National Bureau of Standards or other laboratories designated by the Coast Guard.

(b) *Smoke tests.* (1) A sample of each thickness submitted shall be tested for smoke emission. Each sample shall be laid on a ¼" x 12" x 27" steel plate. Normal protective coatings and deck attachments shall be incorporated in the samples. Each sample shall be heated in a furnace whose temperature is limited to the standard decking curve reaching 1,325 degrees F. at the end of one hour. Smoke observations shall be made at intervals not greater than five minutes during the one-hour period of test.

(2) Instantaneous values of the percent of light transmission shall be calculated from the observations noted in subparagraph (1) of this paragraph. A plot of light transmission values shall be made using straight lines between instantaneous values.

(3) Any instantaneous value of 10 percent light transmission or less shall be considered sufficient cause for rejection of a deck covering.

(4) Average values of light transmission shall be calculated for 15, 30, and 60 minutes. Averages shall be an arithmetic mean with values taken at one minute intervals from the plotted curve noted in subparagraph (2) of this paragraph. If any of the three average values of light transmission is less than the values set forth below, it will be considered sufficient cause for rejection of a deck covering:

15 minutes—90 percent light transmission.
30 minutes—60 percent light transmission.
60 minutes—50 percent light transmission.

(c) *Fire resistance and integrity tests.* (1) A sample of each thickness submitted shall be tested for fire resistance and integrity. Each sample shall be laid on a ¼" x 12" x 27" steel plate. Normal protective coatings and deck attachments shall be incorporated in the samples. Each sample shall be heated in a furnace whose temperature is controlled according to the standard fire exposure curve reaching 1,700 degrees F. at the end of one hour. Temperature of the unexposed side as indicated by a thermocouple under a 0.40 inch asbestos pad shall be observed at intervals not greater than 5 minutes during the one-hour period of test.

(2) Data from these tests shall be analyzed to determine the thicknesses necessary to limit the average temperature rise on the unexposed surface to 250 degrees F. above the original temperature at the end of 15, 30, and 60 minutes.

(3) Excessive cracking, buckling, or disintegration may be considered cause for rejection.

(d) *Organic carbon content test.* (1) The organic carbon content shall be determined and shall not exceed 0.12 gram per cubic centimeter of the molded deck covering.

§ 164.006–5 *Procedure for approval.* (a) If a manufacturer desires to have a deck covering approved, a request shall be presented to the Commandant of the Coast Guard, together with the following information:

(1) The trade name and designation of the deck covering.

(2) The range of thicknesses in which it is proposed to lay the deck covering together with any information the manufacturer may have as to maximum or minimum thicknesses.

(3) Description of method of attachment to or protection of the steel deck together with the trade name and designation of adhesive or protective coating if used.

(4) A sample of the molded deck covering at least 6 inches square and ¼ inch thick. This may or may not be attached to a backing material at the manufacturer's option.

(b) The material submitted will be examined and the manufacturer advised as to the number and thicknesses of samples to be submitted together with the estimated cost of the tests.

(c) If the deck covering is indicated as being suitable, the manufacturer shall then submit the following:

(1) Two samples of each thickness to be tested laid in the manner designated on a ¼" x 12" x 27" steel plate for the purpose of the smoke test and fire resistance and integrity test noted in § 164.006–4 (b) and (c).

(2) Sufficient bulk material (unmixed) to lay a sample one inch thick on an area of 12" x 27". If an adhesive or protective coating is used, a liberal sample shall be supplied.

(3) If the manufacturer desires to witness the tests, he should so indicate at this time.

(4) A check in amount to cover the estimated cost of the test, made payable to Treasurer of the United States.

(d) The above material will be submitted to the National Bureau of Standards by the Coast Guard for testing. The tests noted in § 164.006–4 will be conducted and a report submitted to the Coast Guard.

(e) A copy of the test report will be forwarded to the manufacturer and he will be advised if his material is approved under this specification, and if approved, in what thicknesses it may be laid, and in what thicknesses it must be laid to meet the requirements for Class A–60 decks without the use of any other insulating material. If approved, this information will be published in the FEDERAL REGISTER.

2. Subpart 164.008, consisting of §§ 164.008–1 to 164.008–4, inclusive, is amended to read as follows:

SUBPART 164.008—BULKHEAD PANELS FOR MERCHANT VESSELS

Sec.
164.008–1 Applicable specifications.
164.008–2 Material.
164.008–3 Inspection and testing.
164.008–4 Procedures for approval.

AUTHORITY: §§ 164.008–1 to 164.008–4 issued under R. S. 4405, as amended, 4462, as amended. Interpret or apply R. S. 4417, 4417a, 4418, 4426, as amended, sec. 5, 49 Stat. 1384, secs. 1, 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 391a, 392, 404, 369, 367, 1333, 463a, 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

§ 164.008–1 *Applicable specifications.* (a) The following specifications, of the issue in effect on the date of manufacture of the bulkhead panel, shall form a part of this subpart where applicable:

(1) Coast Guard specification:

Subpart 164.009—Incombustible Materials for Merchant Vessels.

(2) American Society for Testing Materials specification:

ASTM E 119–50—Methods of Fire Tests of Building Construction and Materials.

(b) *Copies on file.* Copies of the specifications referred to in this section shall



be kept on file by the manufacturer, together with the certificate of approval. The Coast Guard specification may be obtained upon request from the Commandant, United States Coast Guard, Washington 25, D. C. The American Society for Testing Materials specification may be purchased from the American Society for Testing Materials, 1916 Race Street, Philadelphia 3, Pennsylvania.

§ 164.008–2 *Material.* (a) Bulkhead panel material shall be of such quality as to successfully meet the requirements for an Incombustible Material as set forth in Subpart 164.009 of this subchapter.

(b) Bulkhead panels used in Class B–15 construction and as a component in Class A–30 or Class A–15 construction shall meet the fire resistance requirements of § 164.008–3 (b) (2) for at least 15 minutes, and the integrity requirements of § 164.008–3 (b) (3) for at least 30 minutes.

(c) Bulkhead panels for use as a component in Class A–60 construction shall meet the first resistance requirements of § 164.008–3 (b) (2) for at least 15 minutes and the integrity requirements of § 164.008–3 (b) (3) for at least 60 minutes.

§ 164.008–3 *Inspection and testing—*(a) *Tests.* All tests shall be conducted at the National Bureau of Standards or other laboratory designated by the Coast Guard.

(b) (1) A representative bulkhead panel, of a size as indicated in § 164.008–4 (c) (1), shall be installed in a furnace to form part of one wall. The furnace shall be heated and the temperature controlled according to the standard fire exposure curve reaching 1,550 degrees F. at the end of 30 minutes and 1,700 degrees F at the end of one hour. The temperature of the non-fire exposed side, as indicated by 9 thermocouples under 040-inch asbestos pads (less than 9 thermocouples will be given special consideration by the Coast Guard), shall be observed at intervals not greater than 3 minutes during the test. The test shall be continued for at least 30 minutes to meet the requirements of § 164.008–2 (b) or at least 60 minutes to meet the requirements of § 164.008–2 (c). In either case, the test shall not be stopped before the maximum surface temperature rise values noted in subparagraph (2) of this section have been reached. Temperature recordings shall be taken in way of the joints for information purposes, but these temperatures will not be used to determine the average or maximum temperature rises of the panel.

(2) Data from this test shall be analyzed to determine the thickness necessary to limit the temperature rise at any thermocouple on the non-fire exposed surface to 250 degrees F. above the original temperature at the end of 15 minutes.

(3) This test shall determine the length of time, up to one hour, that the bulkhead panel, including the joint, can withstand the passage of flame.

(c) *Spot check tests.* After approval has been granted to a bulkhead panel, the Coast Guard reserves the right to spot-check the material at any time by having any or all of the above tests conducted on any samples taken from stock or from the field. The manufacturer will incur no expense for such tests, but the results shall be binding upon the approval of his product. The manufacturer will be advised in advance of the time of testing of the samples selected and may witness the tests if he so desires.

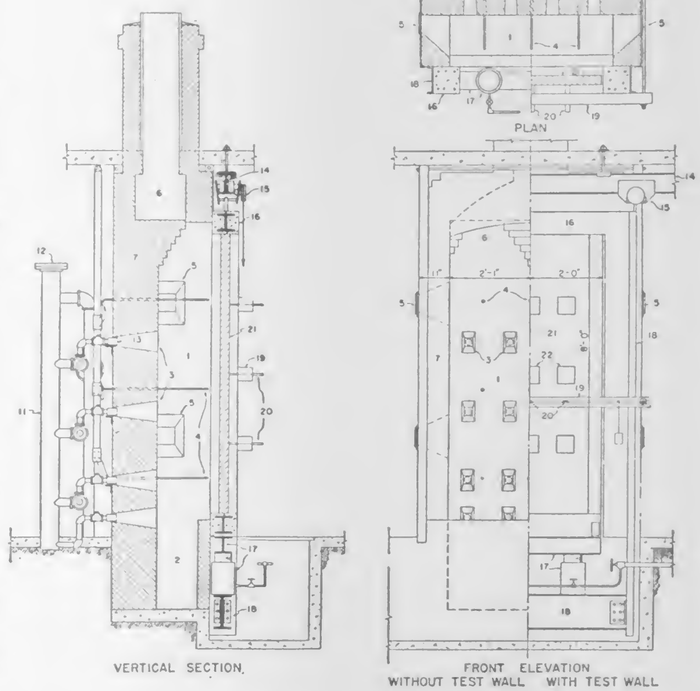
§ 164.008–4 *Procedure for approval.* (a) If a manufacturer desires to have a bulkhead panel approved, a request shall be presented to the Commandant of the Coast Guard together with the following:

(1) If the material has already been approved as an "Incombustible Material" under Subpart 164.009 of this subchapter, the approval number of the material shall be indicated. If the material has not been approved as an "Incombustible Material," the procedure set forth in Subpart 164.009 shall be followed; and such approval shall be obtained.

(2) The trade name of the bulkhead panel.

(3) The range of thicknesses and/or densities in which it is proposed to manufacture or use the material, together with any information or recommendations the manufacturer may have as to maximum or minimum thicknesses or densities.

(b) This information will be submitted by the Coast Guard to the National Bureau of Standards for consideration. After the material has been approved as an "Incombustible material," and if it is indicated that the material is in all other respects suitable, the manufacturer will be so advised. The recommended thickness of the panel for the fire resistance and integrity test




SMALL WALL-TESTING FURNACE

1, Furnace chamber; 2, pit for debris; 3, burner ports; 4, thermocouple protection tubes; 5, observation windows; 6, flue outlets; 7, fire brick furnace wall; 8, gas control valve; 9, air control valve; 10, air-gas mixer; 11, mixed fuel distributing manifold; 12, explosion valve; 13, selfpiloting burner tips; 14, track for moving test frames; 15, hand trolley for carrying test frames; 16, movable refractory concrete test frame; 17, loading jacks and beam; 18, loading frame; 19, bar for holding deflection scales and tying frame to furnace; 20, deflection scales; 21, test specimen; 22, asbestos pads covering thermocouples on unexposed surface of test specimen.

FIGURE NO. 164.008–4 (c) (1).

and the estimated cost of the tests will be specified at this time.

(c) If the material is indicated as being suitable, the manufacturer shall submit the samples required by subparagraph (1) of this paragraph to the Fire Protection Section of the National Bureau of Standards, Washington 25, D. C., and shall advise the Coast Guard of the shipment.

(1) One representative panel of the material 7.5 feet high and 4 feet wide containing at least one vertical joint, located at approximately ⅓ panel width from one edge (16"–18"). A sketch of the furnace is shown in Figure 164.008–4 (c) (1). If the manufacturer desires to submit the panel in a thickness or size other than that recommended, prior approval shall be obtained from the Commandant. The manufacturer shall supply any labor required for fabrication of the panel and for attaching the panel to the frame for testing, as necessary.

(2) A check in the amount of the estimated cost made payable to the Treasurer of the United States should be submitted to the Coast Guard prior to testing.

(3) If the manufacturer desires to witness the test, he should so indicate at this time.

(d) The test noted in § 164.008–3 (b) will then be conducted by the National Bureau of Standards, and a report will be submitted to the Coast Guard.

(e) A copy of the report will be forwarded to the manufacturer, and he will be advised if his material is approved under this subpart. If approved, any stipulations of the approval will be specified. This information will be published in the FEDERAL REGISTER, and a Certificate of Approval will be given to the manufacturer.

(f) If the manufacturer desires to have the tests conducted at some laboratory other than the National Bureau of Standards, this information shall be supplied at the time of initial contact with the Coast Guard. If the proposed laboratory is acceptable to the Coast Guard, the manufacturer will be so advised and any special testing requirements together with an estimated cost of expenses incurred by a Coast Guard representative and by the National Bureau of Standards will be specified at this time. Payment will be made as noted in subparagraph (c) (2) of this section. The Coast Guard shall be notified in advance of the date of the test so that a representative may be present. The laboratory shall submit a detailed test report to the Coast Guard in triplicate together with representative samples of the material taken before and after testing. The test report and samples will be examined by the National Bureau of Standards for compliance with this subpart. The test report shall include the following information together with any other pertinent data:

(1) Description of the panel tested giving size, thickness, density, detail of joint and method of assembling in furnace.

(2) Complete time-temperature data consisting of a numerical time-temperature table for each furnace and panel thermocouple together with the initial temperature reading of each thermocouple.

(3) A log setting forth the observer's notes relative to deflections, cracking, smoke and gas emission, glow, flame emission, and any other important data. The time of each observation should be noted.

(4) Photographs of both sides of the panel before and after testing.

Dated: December 3, 1953.

[SEAL] A. C. RICHMOND,
*Rear Admiral, U. S. Coast Guard, Acting Commandant.*

[F. R. Doc. 53-10230; Filed, Dec. 4, 1953; 8:52 a. m.]

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII-6]

### DMO VII-6—EXPANSION GOALS

By virtue of the authority vested in me by Executive Order 10480 of August 14, 1953; *It is hereby ordered:*

1. In view of the amount of expansion which has been undertaken, and on the recommendation of the agency to which authority has been delegated for this purpose in each instance, it is hereby ordered that no accelerated tax amortization certificates under section 124A of the Internal Revenue Code will be issued on applications filed after this date for further expansions in the areas of production appearing on List I set forth below. The expansion goals in these areas will be reviewed from time to time by the appropriate agencies under the direction of the Office of Defense Mobilization in order to determine (1) that certified expansion is in fact being accomplished and (2) that changes in defense requirements are adequately reflected in the goals. If after such review new goals are established for any of the areas of production on List I, a public announcement to that effect will be made so that all members of the affected industries may have equal opportunity to apply for accelerated tax amortization to the extent of the additional capacity required and within the limitations of the statute.

2. The need for further expansion in the areas of production appearing on List II set forth below, is currently under active consideration by the Office of Defense Mobilization with appropriate agencies and no accelerated tax amortization certificates in an area on List II will be issued on applications filed after this date until a decision has been reached. Public announcement of each decision will be made.

3. Since the amount of expansion which has been undertaken in the areas of production appearing on List III set forth below, is not adequate for defense purposes, the Office of Defense Mobilization will continue to issue accelerated tax amortization certificates for further expansions within such areas of production, up to the amount of the defense requirement.

4. This order shall take effect on December 3, 1953.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

LIST I

CLOSED

| No. | Goal | Delegate agency |
|---|---|---|
| 183 | Acetic acid | Commerce. |
| 158 | Acetone | Commerce. |
| 159A | Adipic acid | Commerce. |
| 159B | Adiponitrile | Commerce. |
| 79 | Air preheaters, regenerative | Commerce. |
| 23 | Aniline | Commerce. |
| 31 | Anthraquinone vat dyes (over 40 percent strength base). | Commerce. |
| 210 | Argon | Commerce. |
| 182 | Batteries, "AA" type, dry | Commerce. |
| 53 | Benzene hexachloride (including 99 percent or more gamma isomer content. | Commerce. |
| 44 | Benzene hexachloride (technical grade). | Commerce. |
| 195 | Beryllium copper alloy mill products facilities. | Commerce. |
| 196 | Beryllium copper master alloy producing facilities. | Commerce. |
| 5 | Blast furnaces | Commerce. |
| 188 | Brass mill facilities | Commerce. |
| 61 | Butadiene | Commerce. |
| 60 | Calcium carbide | Commerce. |
| 102 | Carbon, activated (water purification and decolorizing grade). | Commerce. |
| 72 | Carbon black | Commerce. |
| 35 | Carbon tetrachloride | Commerce. |
| 167 | Chemical manufacturing, miscellaneous. | Commerce. |
| 24 | Chlorine | Commerce. |
| 189 | Copper foundry facilities | Commerce. |
| 150 | Copper wire mill facilities | Commerce. |
| 164 | Cotton compresses | Agriculture. |
| 95 | Cotton gins | Agriculture. |
| 126C | Cyclohexane | Commerce. |
| 37 | DDT | Commerce. |
| 137 | Electrical connectors, Army-Navy type. | Commerce. |
| 166A | Electronic glass envelopes (automatic machine). | Commerce. |
| 166B | Electronic glass envelopes (other than automatic machine). | Commerce. |
| 194A | Ethylchloride | Commerce. |
| 21 | Ethylene glycol | Commerce. |
| 20 | Ethylene oxide | Commerce. |
| 194B | Ethylene Dibromide | Commerce. |
| 179 | Ferroalloys, blast furnace (ferromanganese, silico-manganese, spiegeleisen and silvery iron). | Commerce. |
| 180 | Ferroalloys, electric furnace | Commerce. |
| 116A | Filtrous glass, continuous filament. | Commerce. |
| 116B | Filtrous glass, superfine | Commerce. |
| 201 | Fisher and Calumet locomotives | GSA. |
| 75 | Generators, water wheel driven | Commerce. |
| 202A | Glass tubing (lead and soda lime). | Commerce. |
| 202B | Glass tubing (borosilicate) | Commerce. |
| 117 | Graphite, artificial | Commerce. |
| 147 | Heat exchangers, tubular | Commerce. |
| 107 | Heavy metal tanks (process and storage vessels). | Commerce. |
| 176D | Hexamethylenediamine | Commerce. |
| 103 | Industrial ethyl alcohol | Commerce. |
| 42 | Iron oxide, yellow (synthetic) | Commerce. |
| 169 | Kettle fat processing facilities | Commerce. |
| 160 | Ketone, methyl ethyl | Commerce. |
| 161 | Ketone, methyl isobutyl | Commerce. |
| 170 | Lime, fine and dolomitic | GSA. |
| 1 | Lubricating oil | Interior. |
| 96A | Lumber and wood products (barking and shipping facilities). | Commerce. |
| 13 | Magnesium | Commerce. |
| 45 | Maleic anhydride | Commerce. |
| Note | Marginally punched cotton duck. | Commerce. |
| 139 | Materials handling equipment | Commerce. |
| 184 | Mercury | Commerce. |
| 58 | Methyl chloride | Commerce. |
| 89 | Methylene chloride | Commerce. |
| 86 | Mining machinery | Commerce. |
| 140 | Motors, miniature electric | Commerce. |
| 26 | Naphthalene | Commerce. |
| 2 | Newsprint | Commerce. |
| 173 | Octyl alcohols | Commerce. |
| 99B | Oil (crude) refining capacity (foreign). | Interior. |
| 66C | Oil pipelines (foreign) | Interior. |
| 66D | Oil storage facilities (foreign) | Interior. |
| 65A | Oil wells drilled (domestic) | Interior. |
| 66A | Oil wells drilled (foreign) | Interior. |
| 136 | Optical glass | Commerce. |
| 155 | Optics—Facilities for producing precision types. | Commerce. |
| 28 | Oxygen, high-purity | Commerce. |



LIST I—Continued

CLOSED—continued

| No. | Goal | Delegate agency |
|---|---|---|
| 19A | Paper | Commerce. |
| 19B | Paperboard | Commerce. |
| 52 | Perfluoroethylene | Commerce. |
| 7 | Phenol | Commerce. |
| 178 | Phosphate rock | GSA. |
| 119A | Phosphatic fertilizers | Commerce. |
| 119B | Phosphatic feed supplements | Commerce. |
| 198 | Phosphatizing of steel drums | Commerce. |
| 8 | Phthalic anhydride | Commerce. |
| 93 | Plywood materials | Commerce. |
| 46 | Plywood, exterior type, soft-wood. | Commerce. |
| 111 | Potash | GSA. |
| 67 | Power crane and shovel industry | Commerce. |
| 39 | Quinoline | Commerce. |
| 120 | Railroad equipment (production facilities). | Commerce. |
| 203 | Reels and spools | Commerce. |
| 153 | Refractories, basic | Commerce. |
| 199 | Refractories, fire clay, super duty and high alumina bricks. | Commerce. |
| 154 | Refractories, insulating fire brick | Commerce. |
| 191 | Refractories, ladle bricks | Commerce. |
| 192 | Refractories, printing | Commerce. |
| 193 | Refractories, silica | Commerce. |
| 40 | Resorcinal | Commerce. |
| 62 | Rubber and rubber products | Commerce. |
| 69 | Scrap, ferrous and nonferrous | Commerce. |
| 87 | Sebacic acid | Commerce. |
| 208 | Selective electrical switches | Commerce. |
| 109 | Soda ash | Commerce. |
| 50 | Sodium cyanide | Commerce. |
| 104 | Special industrial services | Commerce. |
| 6 | Steel ingots | Commerce. |
| 54 | Storage batteries, electric | Commerce. |
| 117 | Stranding, steel | Commerce. |
| 109 | Styrene, monomer (including methylstyrene). | Commerce. |
| 17 | Sulfur | GSA. |
| 126 | Synthetic fibers, noncellulose | Commerce. |
| 144 | Tape, cellulose | Commerce. |
| 145 | Tape, filament | Commerce. |
| 143 | Telegraph, domestic system | Commerce. |
| 175 | Tetraethyl lead | Interior. |
| 51 | Titanium dioxide pigment | Commerce. |
| 41 | Trichlorethylene | Commerce. |
| 73 | Turbines, hydraulic | Commerce. |
| 45 | Vulcanized fibre | Commerce. |
| 68C | Wood pulp | Commerce. |

LIST II

SUSPENDED

| | | |
|---|---|---|
| 122 | Abrasive products | Commerce. |
| 85 | Aircraft, military | Commerce. |
| 98 | Anti-friction bearing industry | Commerce. |
| 197 | Benzene | Commerce. |
| 57 | Carbon electrodes | Commerce. |
| 133 | Coal, territory of Alaska | Interior. |
| 77 | Condensers | Commerce. |
| 131 | Continuous galvanized sheet and strip | Commerce. |
| 48 | Crawler-type tractor industry | Commerce. |
| 128 | Dies, jigs and fixtures | Commerce. |
| 55 | Electric power | Interior. |
| 199 | Elephant tools—Manufacturing facilities. | Commerce. |
| 36 | Formaldehyde | Commerce. |
| 97 | Friction bearings | Commerce. |
| 91 | Gears and gear drives | Commerce. |
| 82 | Glycerine | Commerce. |
| 172 | Hexamethylenetetramine | Commerce. |
| 32 | Hose, horizontal wire braided | Commerce. |
| 25 | Hydrochloric acid | Commerce. |
| 30 | Hydrogen peroxide | Commerce. |
| 100 | Labeling compound | Commerce. |
| 96B | Lumber and wood products (barking and shipping facilities). | Commerce. |
| 123 | Machine tools | Commerce. |
| 106 | Mechanical power transmission equipment. | Commerce. |
| 108 | Medical supplies and equipment | Commerce. |
| 127 | Metal cutting tools | Commerce. |
| 140 | Metalworking equipment, miscellaneous. | Commerce. |
| 59 | Methanol-synthetic | Commerce. |
| 209 | Military canvas reclamation facilities. | Commerce. |
| 9 | Nitrogen | Commerce. |
| 186 | Ordnance facilities | Commerce. |
| 129 | Penicillin | Commerce. |
| 174 | Pentaerythritol | Commerce. |
| 29 | Phosphorus, elemental | Commerce. |
| 80 | Photographic film and paper | Commerce. |
| 34 | Portland cement | Commerce. |
| 105 | Precision and large size fasteners | Commerce. |
| 124 | Presses and forging equipment | Commerce. |
| 142 | Pumping machinery | Commerce. |
| 135 | Railroad terminal and road facilities. | DTA. |

LIST II—Continued

SUSPENDED—continued

| No. | Goal | Delegate agency |
|---|---|---|
| 101 | Screw machine products, precision. | Commerce. |
| 162 | Sodium bichromate | Commerce. |
| 88 | Sodium chlorate | Commerce. |
| 111 | Special components | Commerce. |
| 200 | Sulfuric acid | Commerce. |
| 156 | Toluene | Commerce. |
| 168 | Valves and fittings, industrial | Commerce. |
| 47 | Vehicles and engines (military) | Commerce. |
| None | Warehouse and storage facilities | DTA. |

LIST III

OPEN

| | | |
|---|---|---|
| 148 | Aircraft, commercial | Commerce. |
| 207 | Alkylate | Interior. |
| 63A | Alumina | GSA. |
| 63 | Aluminum, primary | GSA. |
| 177B | Aluminum sheet and plate heat treating facilities. | Commerce. |
| 177A | Aluminum sheet and plate, producing facilities. | Commerce. |
| 205 | Ammunition metal boxes, 30 and 50 caliber. | Commerce. |
| 112 | Antimony | GSA. |
| 151 | Asbestos, chrysotile, strategic grades. | GSA. |
| 119 | Barite | GSA. |
| 92 | Bauxite | GSA. |
| 118 | Beryl | GSA. |
| 76 | Boilers, steam | Commerce. |
| 181 | Casting, steel | Commerce. |
| 20 | Chromite (chemical grade) | GSA. |
| 19 | Chromite (metallurgical grade) | GSA. |
| 21 | Chromite (refractory grade) | GSA. |
| 10 | Cobalt | GSA. |
| 4A | Coal, metallurgical for byproduct coke. | Interior. |
| 4 | Coke, Byproduct | Interior. |
| 11 | Columbite and tantalite ores | GSA. |
| 56 | Copper | GSA. |
| 83 | Cryolite, Synthetic | GSA. |
| 167 | Cylinders, compressed gas | Commerce. |
| 130 | Electrolytic tin plate | Commerce. |
| 84 | Electronic products, military | Commerce. |
| 165 | Fluorspar, acid grade | GSA. |
| 68 | Freight cars | DTA. |
| 171A | Gas pipe (large lines bid) | Interior. |
| 171B | Gas pipe (small lines bid) | Interior. |
| 204 | Gray iron castings (over 3,000 pounds). | Commerce. |
| 99 | Heavy aluminum aircraft forgings. | Commerce. |
| 212 | Heavy steel plate (over 20,000 pounds). | Commerce. |
| 122 | High voltage switchgear | Commerce. |
| 98 | Inland waterway vessels (specified types). | DTA. |
| 132 | Iron ore | GSA. |
| 3 | Iron ore facilities | GSA. |
| 206 | Laboratories, research and development. | Commerce. |
| 12 | Lead | GSA. |
| 152 | Locomotives, Diesel | DTA. |
| 187 | Manganese ore, battery and chemical grades. | GSA. |
| 14 | Manganese ore, metallurgical grade. | GSA. |
| 64 | Mercury | GSA. |
| 114 | Metal can manufacture—Tin conservation. | Commerce. |
| 81 | Military photographic equipment (motion and still). | Commerce. |
| 15 | Molybdenum | GSA. |
| 65C | Natural gas liquids capacity | Interior. |
| 16 | Nickel | GSA. |
| 65B | Oil (crude) refining capacity (domestic). | Interior. |
| 65D | Oil pipelines (domestic) | Interior. |
| 65E | Oil storage facilities (domestic) | Interior. |
| 90 | Ore carriers, Great Lakes | DTA. |
| 113 | Ore carriers, ocean-going | Commerce. |
| 185 | Rare earths | GSA. |
| 163 | Rutile | GSA. |
| 176 | Scientific instruments | Commerce. |
| 178 | Selenium | GSA. |
| 214 | Steel sheets, grain oriented | Commerce. |
| 211 | Structural shapes, wide flange | Commerce. |
| 27 | Tankers, ocean-going | Commerce. |
| 134 | Tapered aluminum sheet | Commerce. |
| 33 | Tires (specific types) | Commerce. |
| 121 | Titanium metal | GSA. |
| 78 | Transformers, distribution | Commerce. |
| 18 | Tungsten ore | GSA. |
| 74 | Turbines, steam | Commerce. |
| 91 | Welded aluminum tubing | Commerce. |
| 22 | Zinc | GSA. |

[F. R. Doc. 53-10167; Filed, Dec. 1, 1953; 3:45 p. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

WRIGHT BROTHERS NATIONAL MEMORIAL

ORDER REDESIGNATING AREA AND MONUMENT FORMERLY KNOWN AS THE KILL DEVIL HILL NATIONAL MEMORIAL

Whereas, on December 17, 1953, the United States will celebrate the fiftieth anniversary of the first successful human attempt in all history at power-driven airplane flight, achieved on December 17, 1903, by an American, Orville Wright, with the assistance of his brother Wilbur Wright;

Whereas, there has been established pursuant to the act of March 2, 1927 (44 Stat. 1264) a memorial area and monument, known as Kill Devil Hill National Memorial, at Kitty Hawk, North Carolina, in commemoration of such airplane flight:

Now, therefore, in furtherance of the object of the aforesaid act of March 2, 1927, in commemorating the historic achievement of the Wright brothers, and in recognition of the fiftieth anniversary of the historic flight achieved by Orville Wright, I, Orme Lewis, Acting Secretary of the Interior, pursuant to my authority and responsibility for the administration, protection, and development of the aforesaid area of the National Park System, do hereby designate as the "Wright Brothers National Memorial" the area heretofore known as the "Kill Devil Hill National Memorial."

Issued this 1st day of December 1953.

ORME LEWIS,
*Acting Secretary of the Interior.*

[P. R. Doc. 53-10190; Filed, Dec. 4, 1953; 8:47 a. m.]

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

MEMPHIS UNION STOCK YARDS, MEMPHIS, TENNESSEE

DEPOSTING OF STOCKYARD

It has been ascertained that the Memphis Union Stock Yards, Memphis, Tennessee, originally posted on November 1, 1921, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under said act for the reason that it is no longer being conducted or operated as a public livestock market. Therefore, notice is given to the owners of the stockyard and to the public that such livestock market is no longer subject to the provisions of the act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not deposting

promptly a stockyard which no longer is within the definition of that term contained in said act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication thereof in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 2d day of December 1953.

[SEAL] H. E. REED,
*Director, Livestock Branch, Production and Marketing Administration.*

[F. R. Doc. 53-10207; Filed, Dec. 4, 1953; 8:51 a. m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

[Dept. Order 128, Amended, Amdt. 2]

UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION

REVOCATION OF DELEGATION OF AUTHORITY TO ACT PURSUANT TO CMP REG. 6

National Production Authority Delegation 14 was revoked effective July 1, 1953 (18 F. R. 4917). Accordingly, paragraph 4.04 of Department Order No. 128 (Amended) of February 13, 1953 (18 F. R. 1216), and Supplement 4 to Department Order No. 128, Revised August 3, 1951 (16 F. R. 10042), are hereby revoked.

This revocation does not affect the validity of any action taken pursuant to the above delegations prior to the effective date of the revocation.

[SEAL] ROBERT B. MURRAY, Jr.,
*Acting Secretary of Commerce.*

[F. R. Doc. 53-10188; Filed, Dec. 4, 1953; 8:46 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-2098]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF EXTENSION OF TIME

NOVEMBER 30, 1953.

Upon consideration of the motion of Texas Illinois Natural Gas Pipeline Company filed November 27, 1953, for a further extension of time within which to undertake the operations, sale and service authorized by the Commission's order issued March 27, 1953, in the above-entitled matter;

Notice is hereby given that a further extension of time is granted to and including January 1, 1954, within which Texas Illinois Natural Gas Pipeline Company shall complete the construction of the facilities and sell and deliver storage gas to the Natural Gas Storage Company of Illinois, authorized by said order issued March 27, 1953. Paragraph (C) (1) of said order is further amended accordingly.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10183; Filed Dec. 4, 1953; 8:45 a. m.]

[Docket No. G-2099]

NATURAL GAS PIPELINE CO. OF AMERICA

NOTICE OF EXTENSION OF TIME

NOVEMBER 30, 1953.

Upon consideration of the Motion of Natural Gas Pipeline Company of America filed November 27, 1953, for a further extension of time within which to undertake the operations, sale and service authorized by the Commission's order issued March 27, 1953, in the above-designated matter;

Notice is hereby given that a further extension of time is granted to and including January 1, 1954, within which Natural Gas Pipeline Company of America shall actually undertake and regularly perform the operations, sale, and service authorized by said order issued March 27, 1953. Paragraph (C) (1) of said order is further amended accordingly.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10184, Filed, Dec. 4, 1953; 8:45 a. m.]

[Docket No. G-2284]

CENTRAL KENTUCKY NATURAL GAS CO.

NOTICE OF APPLICATION

DECEMBER 1, 1953.

Take notice that on October 20, 1953, Central Kentucky Natural Gas Company (Applicant), a Kentucky corporation, address, Charleston, West Virginia, filed an application for an order disclaiming jurisdiction with respect to the sale and delivery of natural gas by Applicant to Kentucky Creosoting Company (Creosoting), or, in the alternative an order issuing a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing such sale and delivery of natural gas and authorizing the continued operation of certain existing facilities utilized to make such sale and delivery.

Applicant states that as a result of recent operations the perimeter of its Menifee Storage Pool in Kentucky was enlarged so that certain tracts of land from which Creosoting obtained natural gas under leasehold oil and gas estates which it owned or controlled in conjunction with various private individuals became included within the enlarged perimeter of the storage horizon of said storage pool. As a result of condemnation proceedings Applicant became assignee of the various leasehold oil and gas estates, wells and well and field lines of Creosoting, subject to a reservation of approximately 114,000 Mcf of natural gas to be extracted from the assigned premises by Creosoting and other assignors, and subject to Applicant's agreement that following such extraction, it would sell and deliver natural gas to Creosoting for the purpose of resale in the Town of Stanton, Kentucky, and its environs. Applicant states that in February, 1953 delivery of such reserved volumes to Creosoting was completed. Applicant now proposes to continue the operation of the necessary facilities, and the sale and delivery of natural gas to Creosoting for resale which it commenced pursuant to its contractual obligations following final delivery of the reserved volumes in February, 1953. The estimated requirements of Creosoting for 1953 are approximately 43,168 Mcf, growing to approximately 55,867 Mcf in 1957. The 1953-1954 peak day requirements are estimated to be approximately 388 Mcf. Applicant proposes to continue the operation of existing well and field facilities located in Menifee Storage Pool at existing pool pressures for the proposed service, and no new or additional facilities are proposed for such purpose.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 21st day of December 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10185; Filed, Dec. 4, 1953; 8:45 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3139]

STANDARD POWER AND LIGHT CORP.

SUPPLEMENTAL ORDER RELEASING JURISDICTION WITH RESPECT TO NEGOTIATED SALE OF COMMON STOCK OF SUBSIDIARY BY PARENT

NOVEMBER 30, 1953.

The Commission by order dated November 9, 1953, having permitted to become effective a declaration, as amended, of Standard Power and Light Corporation ("Standard Power"), a registered holding company, with respect to, among other things, a proposal to sell, by negotiation, from 10,000 to 15,000 shares of the 290,000 shares of Common Stock of Duquesne Light Company ("Duquesne"), a public utility company and a subsidiary of Standard Power, held by Standard Power; and

The Commission having reserved jurisdiction over, among other things, the sale of the Duquesne Common Stock; and

Standard Power having filed a further amendment to its declaration in which it is stated that, in accordance with the permission granted by said order of the Commission dated November 9, 1953, it offered 10,000 shares of Duquesne Common Stock to a limited group on a competitive basis and received bids for 8,500 shares of such Stock as follows:

| Number of shares: | Price per share |
|---|---|
| 2,100 | $29.75 |
| 900 | 29.50 |
| 5,500 | 29.335 |
| 8,500 | |

The amendment having further stated that Standard Power has accepted the bids as set forth above, and that it will attempt to sell an additional 1,500 shares prior to December 31, 1953; and

The Commission having examined said amendment, and having considered the record herein, and having found no



reason for the imposition of any further terms and conditions with respect to the sale of the said 8,500 shares of Common Stock and that jurisdiction with respect thereto should be released;

*It is ordered*, That jurisdiction heretofore reserved with respect to the results of the sale by Standard Power of the aforesaid 8,500 shares of Duquesne Common Stock be, and the same hereby is, released.

*It is further ordered*, That jurisdiction be, and the same hereby is, continued over the results of negotiation by Standard Power for the sale of the additional 1,500 shares of Duquesne Common Stock.

*It is further ordered*, That jurisdiction heretofore reserved over all other matters described in the Commission's order dated November 9, 1953, be, and the same hereby is, continued.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 53-10205; Filed, Dec. 4, 1953; 8:50 a. m.]

[File No. 70-3163]

ELECTRIC BOND AND SHARE CO.

NOTICE OF FILING REGARDING SALE BY PARENT OF SECURITIES OF SUBSIDIARY

Notice is hereby given that Electric Bond and Share Company ("Bond and Share"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), and has designated section 12 (d) thereof and Rule U-44 (a) promulgated thereunder as being applicable to the proposed transaction which is summarized as follows:

Bond and Share heretofore filed with the Commission its Final Comprehensive Plan as finally amended July 7, 1953 (the "Plan") under section 11 (e) of the act. The Plan was approved by orders of the Commission dated February 20, 1953, and July 15, 1953, and by order of the United States District Court for the Southern District of New York dated July 16, 1953.

The Plan proposed, among other things, that Bond and Share would dispose of certain of its holdings of common stock of United Gas Corporation ("United Gas") by capital distribution, dividend distributions and rights offerings to the Bond and Share stockholders. Provision was also made that the remainder of the shares of United Gas stock to be disposed of under the Plan should be disposed of by Bond and Share in such manner and on such terms as it deemed appropriate within two years after the effective date of the Plan which was July 16, 1953. Bond and Share now holds 1,765,053 shares of United Gas common stock (being approximately 13.7 percent of the outstanding shares of such stock). By the present declaration Bond and Share proposes to sell 100,000 shares of United Gas stock in the manner hereinafter set forth.

Bond and Share proposes to sell the foregoing 100,000 shares of United Gas common stock for cash upon the basis of a negotiated private sale to a person or persons who will acquire such shares for investment and not for distribution under circumstances which will not involve any "public offering" as contemplated by the Securities Act of 1933. The terms under which and the price at which the shares of United Gas are proposed to be sold by Bond and Share have not yet been agreed upon but such terms and price, as well as other details involving the proposed sale, will be supplied by amendment to the present declaration as soon as they are available.

Declarant requests that the Commission exempt the proposed sale of 100,000 shares of United Gas stock from the provisions of Rule U-50 promulgated under the act on the basis of a finding to be made by the Commission as contemplated by subsection (a) (5) of such rule, that compliance with paragraphs (b) and (c) of the rule, relating to "competitive bidding" procedure, is not "necessary or appropriate in the public interest or for the protection of investors or consumers to assure the maintenance of competitive conditions, the receipt of adequate consideration or the reasonableness of any fees or commissions to be paid with respect" to the proposed sale.

Notice is further given that any interested person may, not later than December 11, 1953, at 12:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter, said declaration as filed, or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 53-10238; Filed, Dec. 4, 1953; 8:52 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28709]

SULPHURIC ACID FROM SOUTHWEST TO LE MOYNE, ALA.

APPLICATION FOR RELIEF

DECEMBER 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Sulphuric acid, in tankcar loads.

From: Specified points in Arkansas, Louisiana, Oklahoma, and Texas.

To: Le Moyne, Ala.

Grounds for relief: Rail carriers, circuity, market competition, to apply over rates constructed on the basis of the short line distance formula, and additional destination.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3919, supp. 200; F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 290; F. C. Kratzmeir, Agent, I. C. C. No. 3908, supp. 169; F. C. Kratzmeir, Agent, I. C. C. No. 3906, supp. 198.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10192; Filed, Dec. 4, 1953; 8:48 a. m.]

[4th Sec. Application 28710]

MOTOR-RAIL RATES IN THE EAST; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

DECEMBER 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Rand Express Freight Lines, Inc.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: New Haven, Conn., and Harlem River, N. Y., also from Boston and Springfield, Mass., and Providence, R. I., to New Haven, Conn.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters in-

volved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10193; Filed, Dec. 4, 1953; 8:48 a. m.]

[4th Sec. Application 28711]

MOTOR-RAIL RATES IN THE EAST; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

DECEMBER 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Bradley's Express.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: Boston, Mass., and New Haven, Conn., also between Hartford and New Haven, Conn., on the one hand, and Harlem River, N. Y., Elizabeth and Edgewater, N. J., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10194; Filed, Dec. 4, 1953; 8:48 a. m.]

[4th Sec. Application 28712]

LESS THAN CARLOAD TRAFFIC IN CONTAINERS FROM AND TO MISSOURI RIVER CITIES

APPLICATION FOR RELIEF

DECEMBER 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Missouri Pacific Railroad Company and Missouri Pacific Railroad Company of Nebraska.

Commodities involved: Less-than-carload shipments of freight in containers furnished by the carriers.

Between: Kansas City, Mo.-Kans., and St. Joseph, Mo., on the one hand, and stations in Kansas and Nebraska, on the other.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Missouri Pacific Railroad Company, I. C. C. No. A-10406.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10195; Filed, Dec. 4, 1953; 8:48 a. m.]

[4th Sec. Application 28713]

CANDY AND CONFECTIONERY FROM CHICAGO, ILL., TO KANSAS CITY, MO.-KANS.

APPLICATION FOR RELIEF

DECEMBER 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Candy and confectionery, carloads.

From: Chicago, Ill.

To: Kansas City, Mo.-Kans.

Grounds for relief: Competition with rail carriers, circuity, and competition with motor carriers.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3733, supp. 97.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10196; Filed, Dec. 4, 1953; 8:48 a. m.]

[4th Sec. Application 28714]

FRESH MEATS AND PACKING HOUSE PRODUCTS FROM FREMONT, NEBR., TO PAULINE AND TOPEKA, KANS.

APPLICATION FOR RELIEF

DECEMBER 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Fresh meats and packing house products, carloads.

From: Fremont, Nebr.

To: Pauline and Topeka, Kans.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3748, supp. 103.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10197; Filed, Dec. 4, 1953; 8:48 a. m.]

[4th Sec. Application 28715]

SCRAP PAPER FROM CHICAGO, ILL., TO KANSAS CITY, MO., AND OMAHA, NEBR.

APPLICATION FOR RELIEF

DECEMBER 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Scrap or waste paper, carloads.

From: Chicago, Ill.

To: Kansas City, Mo., and Omaha, Nebr., and points taking same rates.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3733, supp. 97.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10198; Filed, Dec. 4, 1953; 8:49 a. m.]

[4th Sec. Application 28716]

SUPERPHOSPHATE FROM STREATOR, ILL., TO ARMOUR, IOWA

APPLICATION FOR RELIEF

DECEMBER 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Superphosphate (acid phosphate), in carloads.

From: Streator, Ill.

To: Armour, Iowa.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3790, supp. 86.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10199; Filed, Dec. 4, 1953; 8:49 a. m.]

[4th Sec. Application 28717]

MURIATIC ACID FROM AND TO SOUTHWEST; EXCEPTIONS TO UNIFORM CLASSIFICATION RATING

APPLICATION FOR RELIEF

DECEMBER 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Muriatic (hydrochloric) in tank-car loads, subject to class 22 5 rating in exceptions to uniform classification.

Between: Points in southwestern territory, on the one hand, and points in Illinois and western trunk-line territory, on the other.

Grounds for relief: Rail competition, circuity, operation through higher-rated territory, and to maintain higher rates at intermediate points east of Mississippi River.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4077, supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10200; Filed, Dec. 4, 1953; 8:49 a. m.]

[4th Sec. Application 28718]

FRESH MEATS AND PACKING HOUSE PRODUCTS FROM RIO GRANDE CROSSINGS TO POINTS IN CENTRAL, MIDWEST AND SOUTHWEST TERRITORIES

APPLICATION FOR RELIEF

DECEMBER 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fresh meats and packing house products, carloads.

From: Brownsville, Eagle Pass, El Paso, Hidalgo, Laredo, and Presidio, Tex. (on traffic from Mexico).

To: Points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin.

Grounds for relief: Competition with rail carriers, circuitous routes, and equalization of rates from Rio Grande River Crossings.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3843, supp. 44.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10201; Filed, Dec. 4, 1953; 8:49 a. m.]

[4th Sec. Application 28719]

MOTOR-COMPETITIVE ALL-RAIL CLASS AND COMMODITY RATES BETWEEN LOUISIANA AND TEXAS

APPLICATION FOR RELIEF

DECEMBER 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Texas and New Orleans Railroad Company for itself and on behalf of Texas-Mexican Railway Company.

Involving: Class and commodity rates over all-rail routes made the same as common carrier motor rates.

Between: Points in Louisiana and Texas.

Grounds for relief: Competition with motor carriers and to maintain grouping.

Schedules filed containing proposed rates: J. D. Hughett, Agent, MF–I. C. C. No. 205, supp. 3; J. D. Hughett, Agent, MF–I. C. C. No. 203, supp. 6; J. D. Hughett, Agent, MF–I. C. C. No. 178, supp. 42; J. D. Hughett, Agent, MF–I. C. C. No. 182, supp. 15; J. D. Hughett, Agent, MF–I. C. C. No. 200, supp. 9; J. D. Hughett, Agent, MF–I. C. C. No. 185, supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10202; Filed, Dec. 4, 1953; 8:49 a. m.]

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[4th Sec. Application 28720]

MOTOR-COMPETITIVE ALL-RAIL CLASS AND COMMODITY RATES BETWEEN LOUISIANA AND TEXAS

APPLICATION FOR RELIEF

DECEMBER 2, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the (aggregate-of-intermediates) provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Texas and New Orleans Railroad Company for itself and on behalf of Texas-Mexican Railway Company.

Involving: Class and commodity rates over all-rail routes made the same as common carrier motor rates.

Between: Points in Louisiana and Texas.

Grounds for relief: Competition with motor carriers and to maintain grouping.

Schedules filed containing proposed rates: J. D. Hughett, Agent, MF–I. C. C. No. 205, supp. 3; J. D. Hughett, Agent, MF–I. C. C. No. 203, supp. 6; J. D. Hughett, Agent, MF–I. C. C. No. 178, supp. 42; J. D. Hughett, Agent, MF–I. C. C. No. 182, supp. 15; J. D. Hughett, Agent, MF–I. C. C. No. 200, supp. 9; J. D. Hughett, Agent, MF–I. C. C. No. 185, supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10203; Filed, Dec. 4, 1953; 8:50 a. m.]


# FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 18 NUMBER 238

*Washington, Tuesday, December 8, 1953*


## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, the position listed below is added to § 6.302 (d).

§ 6.302 *Department of State.* • • •

(d) *Office of the Assistant Secretary for Public Affairs.* • • •

(7) One Chief, News Division.

(R S 1753, sec. 2, 22 Stat. 403, 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 53-10236; Filed, Dec. 7, 1953; 8:49 a. m.]

## TITLE 7—AGRICULTURE

### Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 722—COTTON

MARKETING QUOTA REGULATIONS RELATING TO APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT FOR 1954 CROP OF EXTRA LONG STAPLE COTTON TO STATES, COUNTIES, AND FARMS

GENERAL

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AUTHORITY: §§ 722.1111 to 722.1128 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 343–347, 361–368, 373–374, 388, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1343–1347, 1361–1368, 1373–1374, 1388.

GENERAL

§ 722.1111 *Basis and purpose.* (a) The regulations contained in §§ 722.1111 to 722.1128 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of State, county, and farm acreage allotments for the 1954 crop of extra long staple cotton. The latest available statistics of the Federal Government have been used in making the determinations required to be made in connection with establishing State and county acreage allotments, and such statistics will be used in making the other determinations required to be made in connection with §§ 722.1111 to 722.1128. Prior to preparing the regulations in §§ 722.1111 to 722.1128, public notice was given (18 F. R. 7196) in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) of proposed regulations being considered for issuance. The data, views, and recommendations which were submitted in response to such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) In order that the State and county Production and Marketing Administration committees may establish farm acreage allotments as early as possible prior to the cotton referendum to be held on

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

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December 15, 1953, and in order to comply with section 362 of the act which provides that, insofar as practicable, notice of the farm acreage allotment shall be mailed to the farm operator of each farm in sufficient time to be received prior to the date of the referendum, it is essential that the regulations in §§ 722.1111 to 722.1128 be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest, and such regulations shall be effective upon filing of this document with the Director, Division of the Federal Register.

§ 722.1112 *Definitions.* As used in §§ 722.1111 to 722.1128 and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings and the masculine shall include the feminine and neuter genders and the singular shall include the plural number:

(a) "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto heretofore or hereafter made.

(b) "Secretary" means the Secretary, or Acting Secretary, of Agriculture of the United States.

(c) "Assistant Administrator" means the Assistant Administrator for Production or Acting Assistant Administrator for Production, of the Production and Marketing Administration of the United States Department of Agriculture.

(d) "Director" means the Director, or Acting Director, of the Cotton Branch, Production and Marketing Administration, United States Department of Agriculture.

(e) "Committees":

(1) "Community committee" means the persons elected within a community as the community committee pursuant to the Secretary's regulations governing the selection and functions of the Production and Marketing Administration county and community committees (14 F. R. 5916).

(2) "County committee" means the persons elected within a county as the county committee pursuant to the Secretary's regulations governing the selection and functions of the Production and Marketing Administration county and community committees (14 F. R. 5916). In Puerto Rico the PMA Caribbean Area Committee shall, insofar as applicable, perform all functions of the county committee.

(3) "State committee" means the persons designated by the Secretary as the State committee of the Production and Marketing Administration. In Puerto Rico the PMA Caribbean Area Committee shall, insofar as applicable, perform all functions of the State committee.

(4) "Review committee" means the review committee appointed by the Secretary pursuant to section 363 of the act.

(f) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or State or agency thereof. The term "person" shall include two or more persons having a joint or common interest.

(g) "Owner" or "landlord" means a person who owns farm land and rents such land to another person or who operates such land.

(h) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(i) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(j) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(k) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(l) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Assistant Administrator, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(m) "Farm acreage allotment" means an acreage allotment established for extra long staple cotton for a farm under the regulations in this subpart.

(n) "Extra long staple cotton" means American-Egyptian, Sea Island and Sea-land cotton, and all other varieties of the Barbedense species, and any hybrid thereof, and any other cotton in which one or more of these varieties predominates.

(o) "State and county code number" means the applicable number assigned by the Production and Marketing Administration to each State and county for the purpose of identification. In Puerto Rico a comparable identifying number will be used in place of the county code number.

(p) "Serial number of the farm" or "farm serial number" means the serial number assigned to a farm by the county committee.

(q) "Old cotton farm" means a farm having an acreage planted to extra long staple cotton in any one or more of the years 1951, 1952, and 1953, in a county designated in § 722.1116 (b).

(r) "New cotton farm" means a farm located in a county designated in § 722.1116 (b) on which extra long staple cotton is to be planted in 1954 but on which there was no acreage planted to extra long staple cotton in any of the years 1951, 1952, or 1953.

(s) "Normal yield" means the average yield of extra long staple lint cotton per acre for the farm, adjusted for abnormal weather conditions, during the five calendar years 1947, 1948, 1950, 1951, and 1952. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised by the county committee in accordance with instructions issued by the Assistant Administrator, taking into consideration abnormal weather conditions, the normal yield, if any, for the county, and the yield in years for which data are available.

(t) "Normal production" of any number of acres means the normal yield per acre of extra long staple lint cotton for the farm multiplied by such number of acres.

(u) "Actual yield" means the pounds of extra long staple lint cotton per acre determined by dividing the number of pounds of such lint cotton produced on the farm in 1954 by the acreage planted to such cotton on the farm in 1954.

(v) "Actual production" of any number of acres means the actual yield of extra long staple lint cotton per acre for the farm multiplied by such number of acres.

(w) "Producer" means a person who as landlord (other than the landlord of a standing-rent tenant, fixed-rent tenant, or cash tenant), cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper is entitled to all or a share of the 1954 crop of extra long staple cotton or of the proceeds thereof.

(x) "Acreage planted to extra long staple cotton":

(1) *State and county.* The acreages of extra long staple cotton to be used in establishing State acreage allotments are the official acreages for the years 1947, 1948, 1950, 1951, and 1952, as determined by the Bureau of Agricultural Economics of the United States Department of Agriculture. Official estimates of planted acreages shall be used where available from the Bureau of Agricultural Economics; in other cases, the official estimates of the acreages in cultivation on July 1 of each year shall be used.

(2) *Farm.* For purposes of establishing farm acreage allotments for the 1954 crop of extra long staple cotton, the acreage planted to such cotton on a farm means the acreage of land seeded to such

cotton. The acreage seeded to extra long staple cotton for the years 1951 to 1953, inclusive, shall be determined as follows:

(i) *For 1951 and 1952.* The acreage measured by the county committee or reported to the county committee for the farm, with such adjustments in the reported acreages as are necessary under instructions issued by the Assistant Administrator. The sum of the reported acreages as adjusted by the county committee plus the measured acreages shall conform with the official planted acreages of the Bureau of Agricultural Economics, United States Department of Agriculture, for the respective years to the extent required under instructions issued by the Assistant Administrator.

(ii) *For 1953.* The acreage measured by the county committee in accordance with instructions issued by the Assistant Administrator.

(y) "Abnormal weather conditions" means weather conditions (including conditions directly resulting therefrom) adversely affecting the planting of extra long staple cotton, which conditions must have been of sufficient duration and intensity to prevent the planting of cotton and must have continued until the end of the planting season for the area. In apportioning the State acreage allotment to counties, adjustments in county acreages of extra long staple cotton for abnormal weather conditions for applicable years are made on the basis of recommendations by the State committees. Any such adjustment in county acreages of extra long staple cotton is the amount established by reference to available information and data as the net reduction of planted acreage in the county attributable solely to abnormal weather conditions. Such adjustments for abnormal weather conditions take into consideration failure to plant extra long staple cotton because of abnormal weather conditions. Also, in cases where the acreage of extra long staple cotton in cultivation July 1 is used in apportioning allotments to States and counties, abandonment of extra long staple cotton prior to July 1 in excess of normal abandonment by that date because of abnormal weather conditions shall be taken into consideration in determining adjustments, if any, in county acreages of extra long staple cotton.

(z) "Cropland" means the land which in 1953 was tilled or was in regular rotation as determined by the county committee in accordance with instructions issued by the State committee, excluding any land which constitutes, or will constitute, if such tillage is continued, a wind-erosion hazard to the community and also excluding bearing orchards and vineyards (except the acreage of cropland therein) and plowable non-crop open pasture.

§ 722.1113 *Issuance of forms and instructions.* The Director shall cause to be prepared such forms and instructions as are necessary for carrying out the regulations in §§ 722.1111 to 722.1128. The forms shall be issued by the Director with the approval of the Assistant Administrator, and the instructions shall be issued by the Assistant Administrator. Copies of such forms and instructions shall be furnished free to persons needing them upon request made to the office of the State or county committee or the Director.

§ 722.1114 *Extent of calculations and rule of fractions.* The acreage planted to extra long staple cotton on farms and farm acreage allotments shall be computed to three places beyond the decimal point and rounded to tenths of acres. Fractions of fifty one-thousandths of an acre or more shall be rounded upward, and fractions of less than fifty one-thousandths of an acre shall be dropped. For example, 10.051 would be 10.1 and 10.050 would be 10.0.

STATE AND COUNTY ACREAGE ALLOTMENTS

§ 722.1115 *Apportionment of national acreage allotment among States.* The national acreage allotment proclaimed for the 1954 crop of extra long staple cotton (18 F. R. 6557) is apportioned among the States (including Puerto Rico) on the basis of the average acreage planted to extra long staple cotton in each such State for the years 1947, 1948, 1950, 1951, and 1952. It has been determined that, on the basis of the latest available data and information, no adjustments in State acreages of extra long staple cotton for abnormal weather conditions are required for any of the aforementioned years. The acreage allotted to a State pursuant to the provisions of this section is herein referred to as the "State acreage allotment". The State acreage allotment for each State for the 1954 crop of extra long staple cotton is as follows:

| State | *State acreage allotments* |
|---|---|
| Arizona | 16,271 |
| California | 272 |
| Florida | 614 |
| Georgia | 185 |
| New Mexico | 7,144 |
| Texas | 14,259 |
| Puerto Rico | 2,516 |
| Total | 41,261 |

§ 722.1116 *Apportionment of State acreage allotment among counties*—(a) *Establishment of State acreage reserve.* The State committee shall set aside a total State acreage reserve of 10 percent of the State acreage allotment unless, on the basis of the needs of the State as determined under paragraph (c) of this section, the State committee recommends a smaller acreage reserve and the Administrator of the Production and Marketing Administration approves such recommendation.

(b) *Computed county acreage allotments.* The State acreage allotment for the 1954 crop of extra long staple cotton, less the State acreage reserve established pursuant to paragraph (a) of this section, shall be apportioned to the following counties designated pursuant to section 347 (a) of the act: Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona, and Imperial and Riverside Counties, California, and Alachua, Columbia, Hamilton, Jefferson, Lake, Madison, Marion, Orange, Putnam, Seminole, Suwannee, Union, and Volusia Counties, Florida, and Atkinson, Berrien, Cook, and Lanier Counties, Georgia, and Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, and Sierra Counties, New Mexico, and the counties in Puerto Rico, and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward Counties, Texas. Such apportionment shall be made on the basis of the acreage planted to extra long staple cotton in 1947, 1948, 1950, 1951, and 1952 (herein referred to as the "base years"), with adjustments for abnormal weather conditions during such years. The acreage allotted to a county pursuant to the provisions of this paragraph is herein referred to as the "computed county acreage allotment". The cotton producing areas located in the northern part of Puerto Rico shall be considered as a county and the cotton producing areas in the southern part of Puerto Rico shall be considered as a county.

(c) *Use of State acreage reserve.* The State acreage reserve established for the purposes set forth in subparagraphs (1) through (4) of this paragraph (c) shall be used as provided in such subparagraphs and in accordance with instructions issued by the Assistant Administrator.

(1) *To adjust computed county acreage allotments for trends in the acreage of extra long staple cotton.* The State committee shall, if necessary, use a part of the State acreage reserve to adjust the computed county acreage allotments for trends in the acreage planted to extra long staple cotton in the counties during recent years (the period of years may include the year 1953 but shall not include the year 1949). Any such adjustments shall be determined by use of a formula, if needed, applied uniformly to each county in the State.

(2) *To adjust computed county acreage allotments for counties adversely affected by abnormal conditions affecting plantings of extra long staple cotton.* The State committee shall, if necessary, use a part of the State acreage reserve to adjust the computed county acreage allotments for abnormal conditions adversely affecting plantings in the counties during the base years. The State committee shall examine the acreage planted to extra long staple cotton for each of the base years to determine whether the acreage planted may have been adversely affected by abnormal conditions. In determining the needs for adjustments for abnormal conditions adversely affecting plantings, the State committee shall take into account (i) abnormal weather conditions adversely affecting plantings during any of the base years; (ii) conditions in counties in which a number of farms are being returned to extra long staple cotton production or are increasing the acreage in extra long staple cotton after having been out of production or having been on a reduced level of production of such cotton because such farms were used to a larger extent than normal in connection with air bases, defense plants, and other wartime activities; (iii) abnormal reduction in planted acreage of extra long staple cotton because of an unusual movement of labor from farms in the area or county to war industries or into the armed forces and



its return, as compared with such movements in other counties; and (iv) any other abnormal conditions which adversely affected plantings in the county to a greater extent as compared with other counties.

(3) *To make adjustments in acreage allotments for small farms.* The State committee shall determine the acreage required from the State acreage reserve to supplement that part of the county acreage reserve established as provided for in subparagraphs (1) and (2) of § 722.1117 (e) to adjust indicated farm acreage allotments for old cotton farms established under § 722.1117 (d) at 15 acres or less. The acreage made available to any county under this subparagraph shall be used by the county committee only for adjustments in small farm allotments. The acreage reserved for small farms may also be used (i) to establish allotments for any small farm which is an old cotton farm but for which an allotment was not established at the time allotments were established for old cotton farms in the county because of oversight on the part of the county committee or because the county committee had no information or data with respect to acreage planted to extra long staple cotton on the farm in 1951, 1952, or 1953, and (ii) to adjust allotments for small farms where the farm is reconstituted for 1954 due to division of the farm as constituted in 1953 or a combination of a part or all of the 1953 farm with other land.

(4) *To establish 1954 acreage allotments for new cotton farms.* Where the State committee determines that the needs for acreage to establish acreage allotments for new cotton farms are generally uniform in all counties in the State which are designated in paragraph (b) of this section, the State committee shall determine whether all the acreage required to establish acreage allotments for new cotton farms shall be provided from the State acreage reserve or the county acreage reserve, or from both such reserves. In determining the source of acreage for new cotton farms the State committee shall take into consideration the acreage requirements determined for such farms from the county surveys, if available, as provided for in § 722.1117 (e) (3). In States where new areas within the counties designated in paragraph (a) of this section will be brought into production of extra long staple cotton in 1954 or where it is determined by the State committee that the entire county acreage reserve for any county is needed for adjustments pursuant to subparagraphs (1) and (2) of § 722.1117 (e), the State committee shall consider establishing an acreage from the State acreage reserve to supplement the acreage set aside by the county committee, if any, from the county acreage reserve for establishing acreage allotments for new cotton farms. The acreage made available to any county under this subparagraph shall be used by the county committee only for new cotton farms.

(d) *Availability of data for inspection.* The following shall be on file and shall be available in the office of the State committee for examination by any interested producer of extra long staple cotton: (1) The amount of the State acreage reserve; (2) the formula, if any, and data developed and used under subparagraphs (1) and (2) of paragraph (c) of this section; and (3) the total acreage set aside from the State acreage reserve for the purposes set forth in subparagraphs (3) and (4) of paragraph (c) of this section.

(e) *County acreage allotment.* The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (b) of this section, and (2) the acreages from the State acreage reserve which are added to the computed county acreage allotment under subparagraphs (1) and (2) of paragraph (c) of this section. This paragraph will be amended at a later date to include the county acreage allotment established for each county.

(f) *Administrative areas.* If the county committee with the approval of the State committee, or if the State committee, determines with respect to a county that, because of the difference in types, kinds, and productivity of the soil or other conditions, different areas of the county should be treated separately in order to prevent discrimination, each such area shall, in accordance with instructions issued by the Assistant Administrator, be designated as an administrative area and, insofar as practicable, each such area shall be treated as a county in determining the acreage allotment for the area and in establishing farm acreage allotments under § 722.1117.

ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS

§ 722.1117 *Apportionment of county acreage allotment*—(a) *Acreage set aside from county acreage allotment.* The county committee shall set aside an acreage from the county acreage allotment which it estimates will be adequate (1) for establishing allotments for old cotton farms for which allotments are not established at the time allotments are originally established for old cotton farms in the county because of oversight on the part of the county committee or because the county committee had no information or data with respect to acreage planted to extra long staple cotton on the farm in 1951, 1952, or 1953, (2) for correction by the county committee of errors in farm acreage allotments, and (3) for providing the additional allotment required for farms which are reconstituted for 1954 as provided in paragraphs (g) and (h) of this section.

(b) *Determination of county acreage reserve.* The county committee shall establish a county acreage reserve of not in excess of 15 percent of the county acreage allotment which shall be used to adjust indicated farm acreage allotments for old cotton farms determined under paragraph (d) of this section and to establish acreage allotments for new cotton farms under paragraph (e) (3) of this section. The county acreage reserve shall not be less than 13 percent of the county acreage allotment (less the acreage set aside pursuant to paragraph (a) of this section) unless the county committee recommends a smaller acreage reserve and the State committee gives its approval in accordance with instructions issued by the Assistant Administrator. Any approval of a smaller acreage reserve shall be based upon a showing by the county committee that the recommended acreage is adequate, on the basis of the factors set forth in paragraph (e) of this section, to make necessary adjustments in indicated allotments for old cotton farms and to establish allotments for new cotton farms.

(c) *Determination of adjusted cropland.* The county committee shall in accordance with instruction issued by the Assistant Administrator, determine an adjusted cropland acreage for each old cotton farm by subtracting from the acreage of land on the farm which in 1953 was tilled annually or in regular rotation, the sum of the following acreages:

(1) The 1953 acreage of sugarcane for sugar or for syrup and sugar beets for sugar;

(2) The 1953 acreage of tobacco for market (or the 1953 farm acreage allotment, if any, for the applicable type of tobacco if the 1953 acreage has not been determined);

(3) The 1953 acreage of peanuts picked and threshed as determined by the county comittee;

(4) The acreage of wheat for harvest in 1954 for market or for feeding to livestock for market. If the measured wheat acreage for the farm is not available to the county committee, the deduction for wheat acreage shall be the 1954 wheat acreage allotment less the acreage which the county committee determines will be used for purposes other than for market or for feeding to livestock for market. In the counties designated in item (7) of this paragraph, the deduction for wheat acreage shall be limited to the acreage by which the deduction which otherwise would be made under this item (4) exceeds the acreage deducted under item (7) of this paragraph;

(5) The acreage planted to rice in 1953 for market or for feeding to livestock for market, plus the acreage of other rice land on the farm for which water is available and which is not used for the production of cotton under the rotation system for the farm;

(6) The acreage of land devoted in 1953 primarily to orchards or vineyards, less the acreage therein which qualifies as cropland for 1954; and

(7) In Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona, and in Imperial and Riverside Counties, California, and in Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, and Sierra Counties, New Mexico, and in Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward Counties, Texas, the acreage of cropland in excess of that acreage for which irrigation water is normally available and adequate from available facilities for the production of irrigated crops during the cotton-producing season (seeding to maturity).

(d) *Indicated acreage allotments for old cotton farms.* The county acreage allotment, less the acreages set aside and

reserved pursuant to paragraphs (a) and (b) of this section, shall be used to determine indicated allotments for old cotton farms as follows:

(1) *Determination of county cropland factors.* The first county cropland factor shall be computed by dividing the county acreage allotment (less the acreages set aside and reserved pursuant to paragraphs (a) and (b) of this section) by the total of the adjusted cropland acreages on old cotton farms. Second and additional county cropland factors shall be determined, if necessary, by dividing (i) the available county acreage allotment remaining after maximum indicated farm acreage allotments as defined in subparagraph (2) of this paragraph have been established by (ii) the total of the adjusted cropland acreages for old cotton farms in the county which under the preceding factor were not affected by the maximum allotment provisions. The last county cropland factor computed and applied shall be referred to herein as the "final county cropland factor".

(2) *Indicated farm acreage allotment.* An indicated acreage allotment shall be computed for each old cotton farm by multiplying the adjusted cropland for each such farm by the applicable county cropland factor except that the maximum indicated acreage allotment for any such farm shall not exceed the highest acreage planted to extra long staple cotton on the farm in any of the years 1951, 1952, or 1953.

(e) *Use of county acreage reserve.* The county acreage reserve shall be used by the county committee as follows:

(1) *Adjustments in indicated farm acreage allotments of 5 to 15 acres.* Not less than 20 percent of the county acreage reserve shall, to the extent required, be used by the county committee to adjust indicated farm acreage allotments of 5 to 15 acres, inclusive, determined under paragraph (d) of this section. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the acreages planted to extra long staple cotton in 1951, 1952, and 1953; the land, labor, and equipment available for the production of such cotton; crop-rotation practices; the soil and other physical facilities affecting the production of such cotton; and abnormal conditions of production. The county committee shall not make adjustments so as to cause an acreage allotment to be established for any such farm (i) in excess of the acreage which could be planted on the farm in 1954 consistent with sound crop rotation practices followed in the community; (2) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (3) which would cause extra long staple cotton to be planted on land unsuited to the production of such cotton.

(2) *Adjustments in indicated acreage allotments for other farms.* The remainder of the acreage in the county acreage reserve, after meeting the requirements under subparagraphs (1) and (3) of this paragraph, shall be used by the county committee to adjust indicated acreage allotments for farms which are less than 5 acres or more than 15 acres. Such adjustments shall be made so as to establish acreage allotments which are fair and reasonable in relation to the acreage allotments established for similar farms in the community, taking into consideration for the farm the land, labor, and equipment available for the production of extra long staple cotton; crop-rotation practices; the soil and other physical facilities affecting the production of such cotton; and abnormal conditions of production. The acreages planted to extra long staple cotton on a farm in 1951, 1952, and 1953 shall be considered in determining the land, labor, and equipment available for the production of such cotton and in connection with the crop-rotation practices followed on the farm. The county committee shall not make adjustments so as to cause an acreage allotment to be established for any such farm (1) in excess of the acreage which could be planted on the farm in 1954 consistent with sound crop-rotation practices followed in the community, (2) in excess of the acreage which can be farmed with the labor and equipment currently or normally available on the farm, or (3) which would cause extra long staple cotton to be planted on land unsuited to the production of such cotton.

(3) *Acreage allotments for new cotton farms*—(i) *Determination of county acreage needed for establishing acreaage allotments for new cotton farms.* The county committee, with the assistance of the community committees, shall estimate from county office records and other available sources of information the number of new cotton farms in the county and the adjusted cropland acreage for such farms, and such estimates shall be used by the State and county committees as a basis for determining the acreage that will be required for establishing acreage allotments for new cotton farms. The acreage so determined shall not exceed 75 percent of the acreage obtained by multiplying the county cropland factor, which shall be estimated where necessary, by the total estimated adjusted cropland acreage on new cotton farms in the county. In determining the acreage from the county acreage reserve which is to be used for establishing acreage allotments for new cotton farms, the county committee shall take into consideration the acreage, if any, to be made available from the State acreage reserve pursuant to subparagraph (4) of § 722.1116 (c) for establishing acreage allotments for new cotton farms.

(ii) *Eligibility of a new cotton farm for an acreage allotment.* An acreage allotment for extra long staple cotton for a new cotton farm may be established by the county committee in accordance with instructions issued by the Assistant Administrator if each of the following conditions is met:

(a) An application for such an acreage allotment is filed by the farm operator with the county committee by the closing date established by the State committee. In no event is the closing date to be earlier than January 15, 1954.

(b) The farm operator is largely dependent on income from the farm for his livelihood.

(c) The farm is the only farm in the county which is owned or operated by the farm operator or farm owner for which an acreage allotment for extra long staple cotton is established for 1954.

(iii) *Establishment of acreage allotments for new cotton farms.* If the applicant's farm is eligible for an acreage allotment for extra long staple cotton, such allotment shall be established by the committee on the basis of land, labor, and equipment available for the production of extra long staple cotton; crop-rotation practices; and the soil and other physical facilities affecting the production of such cotton. The acreage allotment so determined for any such farm shall not exceed the smallest of (a) the acreage allotment established for old cotton farms in the county which are similar with respect to the foregoing factors, (b) the acreage allotment requested by the applicant, and (c) the result obtained by multiplying the adjusted cropland for the farm by the final county cropland factor. The acreage allotments for new cotton farms shall be subject to review and approval by the State committee.

(f) *Use of acreage allocated to county from State acreage reserve for making adjustments in acreage allotments for small farms.* The acreage allocated to a county from the State acreage reserve for making adjustments in acreage allotments for small farms shall be used by the county committee to adjust indicated farm acreage allotments of 15 acres and less for old cotton farms on the basis of the factors set forth in paragraph (e) (1) and (2) of this section for adjusting small farm allotments.

(g) *Allotments for late and reconstituted farms and correction of errors.* The acreage set aside from the county acreage allotment pursuant to paragraph (a) of this section shall be used by the county committee (1) for establishing allotments for old cotton farms for which allotments were not established at the time allotments were originally established for old cotton farms in the county because of oversight on the part of the county committee or because the county committee had no information or dates with respect to acreage planted to extra long staple cotton on the farm in 1951, 1952, or 1953, (2) for correcting errors in farm acreage allotments, and (3) for use in establishing acreage allotments for farms which are divided or combined for 1954 as provided in paragraph (h) of this section.

(h) *Allotments for farms divided or combined.* If land which was operated as a single farm in 1953 is divided into two or more tracts for 1954 (1) the acreages of extra long staple cotton on the farm in 1951, 1952, and 1953 shall be divided among the several tracts in proportion to the acreage of cropland on each tract, except that upon agreement by all interested producers and approval by the county committee, the acreages normally considered as rice land, wheat land, and sugarcane land may be excluded from the cropland on each tract in apportioning the cotton acreage history among the tracts, and (2) a cotton acreage allotment shall be determined, for the land which constitutes a farm as it is operated in 1954, in accordance with applicable provisions of paragraphs (d) and (e) of this section. If two or more tracts of land are combined and operated as a single farm in 1954, an allotment for such farm for 1954 shall be determined in accordance with the applicable provisions of paragraphs (d) and (e) of this section.

(i) *Availability of reserves for inspection by interested producers.* The allocations to the county from the State acreage reserve and the total amount and the distribution of the county acreage reserve and all other data used in establishing farm acreage allotments shall be available in the office of the county committee for examination by any interested producer of extra long staple cotton.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 722.1118 *Notice of farm acreage allotment and marketing quota.* Immediately after acreage allotments for farms in a county or other local administrative area are established and approved by the State committee pursuant to § 722.1127 (a), the county committee shall mail to the operator of each such farm a written notice of the farm acreage allotment and marketing quota for the farm. The county committee shall also mail to the opertor of (1) each new cotton farm for which application for an allotment is made but for which it is determined that no farm acreage allotment and marketing quota will be established and (2) each farm for which no cotton acreage data were reported pursuant to § 722.1124 and the county committee has no reliable basis for appraising data for the farm but the county committee believes that extra long staple cotton was planted on the farm in one or more of the years 1951, 1952, and 1953, a similar written notice showing "none" as the acreage allotment and marketing quota established for the farm. The notice shall contain at or near the top thereof the following statement: "To all persons who as operator, landlord, tenant, or sharecropper are interested in the farm for which this acreage allotment and marketing qutoa are established." Notice so given shall constitute notice to all such persons. Such notice shall also contain a brief statement of the procedure whereby application for review of the marketing quota may be made under section 363 of the act. A copy of each notice, containing a notation thereon of the date of mailing the notice to the operator of the farm, shall be kept among the permanent records of the county committee, and upon request a copy thereof, duly certified as a true and correct copy, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the extra long staple cotton produced in 1954 on the farm for which the notice is given. Insofar as practicable, the notice for each old cotton farm shall be prepared and mailed to the operator so as to be received prior to December 15, 1953, the date on which the referendum to determine whether producers of extra long staple cotton favor or oppose marketing quotas for the 1954 crop will be held.

§ 722.1119 *Amount of the farm marketing quota.* The farm marketing quota for any farm for the 1954 crop of extra long staple cotton shall be the actual production of extra long staple lint cotton for the acreage planted to such cotton on the farm less the farm marketing excess.

§ 722.1120 *Amount of the farm marketing excess*—(a) *Where the acreage planted to extra long staple cotton is determined.* The farm marketing excess for the 1954 crop of extra long staple cotton shall be the normal production of the acreage of such cotton on the farm in excess of the farm acreage allotment. Where it is established by any producer on the farm in connection with an application filed by him or by any other producer on the farm in accordance with regulations to be issued under this part by the Secretary, that the normal production of the excess acreage is larger than the amount by which the actual production of extra long staple cotton in 1954 on the farm exceeds the normal production of the farm acreage allotment, the farm marketing excess shall be adjusted downward to the smaller amount.

(b) *Where the acreage planted to extra long staple cotton is not determined.* Whenever the determination of the acreage planted to extra long staple cotton in excess of the farm acreage allotment is prevented by the farm operator, the farm marketing excess shall be the total number of pounds of such cotton produced in 1954 on the farm. In the event the farm operator or any other producer on the farm establishes, in accordance with regulations to be issued under this part by the Secretary, the total number of pounds of extra long staple cotton produced in 1954 on the farm, the farm marketing excess shall be the number of pounds of such cotton produced in 1954 on the farm in excess of the normal production of the farm acreage allotment.

(c) *Acreage planted on farms without an allotment.* If extra long staple cotton is grown in 1954 on any farm outside the area designated in § 722.1116 (b), or if extra long staple cotton is grown in 1954 on a farm which is located within the area so designated but which does not have an allotment for extra long staple cotton, the farm marketing excess for the 1954 crop of extra long staple cotton shall be the normal production of the acreage of such cotton on the farm. Where it is established by any producer on the farm in connection with an application filed by him or by any other producer on the farm in accordance with regulations to be issued under this part by the Secretary, that the normal production of the acreage planted to extra long staple cotton exceeds the actual production of such cotton on the farm in 1954, the farm marketing excess shall be adjusted downward to the smaller amount.



§ 722.1121 *Publication of farm acreage allotments and marketing quotas.* One copy of each notice of the farm acreage allotment and marketing quota for farms in a county shall be placed in binders or folders, or in lieu thereof a listing of such allotments shall be prepared, and such notices or listing shall be kept freely available in the office of the county committee for public inspection for a period of not less than thirty calendar days. At the end of such period the copies of the notices or the listing shall be filed in the office of the county committee and remain readily available for further public inspection. If the county is divided into administrative areas, separate binders, folders, or listings shall be prepared and made available for inspection for each administrative area.

§ 722.1122 *Successors-in-interest.* Any person who succeeds to the interest of a producer in a farm, or in a crop of extra long staple cotton, or in extra long staple cotton for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of such cotton.

§ 722.1123 *Marketing quotas not transferable.* A farm marketing quota is established for a farm and may not be assigned or otherwise transferred in whole or in part to any other farm.

MISCELLANEOUS PROVISIONS

§ 722.1124 *Report of data and information for old cotton farms.* The owner, operator, or any other interested person shall furnish the county committee of the county in which the farm is located the data and information required to be entered on Form CN-364 (1953), "Farm Acreage Report", a copy of which may be obtained from the county committee of any county in which either upland cotton or extra long staple cotton is grown or from the State committee. The county committee, with the assistance of the community committee, shall, insofar as possible, appraise and otherwise determine the required data and information for any farm for which such report on Form CN-364 (1953) is not filed by a person having an interest in the farm, using for such appraisals and determinations the records of the county office for the farm and other farms in the community and other available information.

§ 722.1125 *Acreage planted to extra long staple cotton*—(a) *Adjustment of acreage planted in excess of farm acreage allotment.* If the acreage determined to be planted to extra long staple cotton on a farm in 1954 is in excess of the farm acreage allotment, the farm operator may, not later than a date established under instructions issued by the Assistant Administrator, adjust such planted acreage to the farm acreage allotment. The date established under such instructions shall afford farm operators a reasonable time for making such adjustments.

(b) *Underplanting the farm acreage allotment.* For any farm on which extra long staple cotton is planted in 1954 and the acreage of such cotton in 1954 is less than the 1954 farm acreage allotment by not more than the larger of 10 percent of the allotment or one acre, an acreage equal to the farm acreage allotment shall be deemed to be the acreage planted to such cotton on the farm in 1954, and the additional acreage added to the extra long staple cotton acreage history for the farm shall be added to the extra long staple cotton acreage history for the county and State.

(c) *No credit for overplanting the farm acreage allotment.* Any acreage planted to extra long staple cotton in 1954 in excess of the farm acreage allotment for the 1954 crop of such cotton shall not be taken into account in establishing State, county, and farm acreage allotments for the 1955 and subsequent crops of such cotton.

§ 722.1126 *Availability of records.* The State and county committees shall make available for inspection by owners or operators of farms receiving extra long staple cotton acreage allotments, all records pertaining to such cotton acreage allotments and marketing quotas.

§ 722.1127 *Approval of county committee determinations and redelegation of authority by the State committee*—(a) *Approval of county committee determinations.* The State committee shall review all acreage allotments and may correct or require correction of any determinations made under §§ 722.1117 to 722.1125. All acreage allotments shall be approved by the State committee and no official notice of acreage allotment and marketing quota shall be mailed to a farm operator until such allotment has been approved by the State committee.

(b) *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 722.1111 to 722.1128 may be redelegated by the State committee.

REVIEW OF QUOTAS

§ 722.1128 *Review of quotas*—(a) *Review committees.* Any producer who is dissatisfied with the farm acreage allotment or marketing quota established for his farm, or in the case of a new cotton farm with the action of the county committee in refusing to establish a farm acreage allotment or marketing quota for such farm, may, by making application within 15 days after the mailing of the notice provided for in § 722.1118, have such allotment, quota, or determination reviewed by a review committee composed of three farmers appointed by the Secretary. The review committee shall, upon proper application, review the action of the county committee. The review committee in determining any farm acreage allotment or marketing quota shall, to the same extent as the county committee, be limited to the establishment of a farm acreage allotment or marketing quota in an amount which, under the Act and regulations, should have been established. Unless such application is made within 15 days, the original determination of the farm acreage allotment or marketing quota shall be final. All applications for review shall be made in accordance with the Marketing Quota Review Regulations issued by the Secretary.

(b) *Court review.* If the producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

NOTE: The reporting requirements contained herein have been approved by, and subsequent reporting requirements will be subject to the approval of the Bureau of Budget in accordance with Federal Reports Act of 1942.

Done at Washington, D. C., this 4th day of December 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10257; Filed, Dec. 4, 1953; 3:07 p. m.]

# TITLE 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 AND INVESTMENT COMPANY ACT OF 1940

APPLICATION OF REGULATION S-X

*Purpose of amendment.* On October 9, 1953, the Securities and Exchange Commission rescinded Form 9-K (17 CFR 249.309) (Securities Exchange Act of 1934 Release No. 4949 and Securities Act of 1933 Release No. 3489), the form for quarterly reports of gross sales and operating revenues under the Securities Exchange Act of 1934. This action by the Commission makes necessary the deletion of the reference to such form now contained in paragraph (a) (3) and paragraph (a) (4) of § 210.1-01 (Rule 1-01), Article 1 of Regulation S-X.

In addition the amendment clarifies the introductory language of paragraph (a).

*Statutory basis.* The amendments of the rule are adopted pursuant to authority conferred upon the Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19 (a) thereof, the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof, the Public Utility Holding Company Act of 1935, particularly section 20 thereof, and the Investment Company Act of 1940, particularly sections 8, 30, 31 (c) and 38 (a) thereof.

Text of rule as amended:

§ 210.1-01 *Application of this part.* (a) This part (together with the Accounting Series Releases) states the requirements applicable to the form and content of all financial statements required to be filed as part of—

(1) Registration statements under the Securities Act of 1933 filed on Form S-1, S-2, S-3, S-4, S-5, S-6, or S-11 (§§ 239.11, 239.12, 239.13, 239.14, 239.15, 239.16, 239.18 of this chapter), except as otherwise specifically provided in such forms;

(2) Applications for registration of securities under the Securities Exchange Act of 1934 filed on Form 8-A, 8-B, 10 or 14 (§§ 249.208a, 249.208b, 249.210, 249.214 of this chapter);

(3) Supplemental or periodic reports under Section 13 of the Securities Exchange Act of 1934 filed on Form 8-K, 10-K, 14-K, 16-K, or U5-S (§§ 249.308, 249.310, 249.314, 249.316, 259.5s of this chapter);

(4) Supplemental or periodic reports under Section 15 (d) of the Securities Exchange Act of 1934 filed on Form 8-K, 10-K, 2-MD, 4-MD, or U5-S (§§ 249.308, 249.310, 249.402, 249.404, 259.5s of this chapter); and

(5) Registration statements and annual reports filed under the Public Utility Holding Company Act of 1935 by public utility holding companies registered under such act; and

(6) Registration statements and annual reports under the Investment Company Act of 1940.

(b) The term "financial statements" as used in this part shall be deemed to include all supporting schedules.

The Commission finds that notice and public procedures upon this amendment are unnecessary since it is merely a clarification of the rules previously in effect. The foregoing rule, as amended, shall become effective January 4, 1954.

(Secs. 19, 23, 48 Stat. 85, 901 as amended, sec. 38, 54 Stat. 841; 15 U. S. C. 77s, 78w, 80a-37. Interprets or applies secs. 6, 7, 8, 10, 12, 13, 15, 48 Stat. 78, 79, 81, 892, 894, 895, as amended; sec. 20, 49 Stat. 833; secs. 8, 30, 31, 54 Stat. 803, 836, 838, 15 U. S. C. 77f, 77g, 77h, 77j, 78l, 78m, 78o, 79t, 80a-8, 80a-29, 80a-30)

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

NOVEMBER 30, 1953.

[F. R. Doc. 53-10224; Filed, Dec. 7, 1953; 8:47 a. m.]

# TITLE 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53385]

NAVIGATION AND CUSTOMS FEES: ASSESSMENT AND COLLECTION

The Customs Regulations are hereby amended as indicated hereinafter to provide for the assessment and collection of the fees listed below pursuant to authority contained in Title V, Independent Offices Appropriation Act, 1952 (5 U. S. C. 140):

(1) For registering a house flag or funnel mark, or both, upon application of an owner of a vessel or vessels, $25.

(2) For recording a trade-mark, trade name, or copyright, $25.



(3) For designating a common carrier as a carrier of customs bonded merchandise, $35.

(4) For establishment of a customs bonded warehouse, $50.

(5) For issuing a customs cartage or lighterage license, $35.

(6) For issuing a customhouse broker's license, $100.

PART 3—DOCUMENTATION OF VESSELS

Part 3 is amended by inserting a new § 3.82 reading as follows:

§ 3.82 *Fee for registering a house flag or funnel mark, or both.* A fee of $25, designated as fee number 11 in § 4.98 of this chapter, shall be paid upon the registration of a house flag or funnel mark, or both, and each application for such registration filed with a collector of customs shall be accompanied by a remittance in that amount.

(R. S. 161, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3. Interprets or applies sec. 7, 35 Stat. 426, as amended, sec. 501, 65 Stat. 290; 46 U. S. C. 49, 5 U. S. C. 140)

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Section 4.98 (a) is amended by adding the following as fee number 11 to the table of fees:

11. Registering a house flag or funnel mark, or both (5 U. S. C. 140; T. D. 53385).

(R. S. 161, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3. Interprets or applies secs. 7, 35 Stat. 426, as amended, sec. 501, 65 Stat. 290; 46 U. S. C. 49, 5 U. S. C. 140)

PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

1. Section 11.15 (a) is amended by deleting "and" following "ownership of the applicant," in the second sentence, by deleting footnote reference 17 at the end of the second sentence and said footnote, and by changing the period at the end of the second sentence to a comma and adding the following: "and the fee of $25 prescribed by § 24.12 of this chapter. Checks or money orders in payment of the fee shall be made payable to the Head, Fiscal Section, Bureau of Customs."

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624)

2. Section 11.16 (a) is amended by deleting footnote reference 17 at the end of the first sentence and by changing the period at the end of the second sentence to a comma and adding the following: "and by the fee of $25 prescribed by § 24.12 of this chapter. Checks or money orders in payment of the fee shall be made payable to the Head, Fiscal Section, Bureau of Customs."

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624)

3. Section 11.19 (b) is amended by substituting "accompanied by" for "together with", and by deleting the period at the end of the sentence and adding the following after the word "Alaska": "and the fee of $25 prescribed by § 24.12 of this chapter. Checks or money orders in payment of the fee shall be made payable to the Collector of Customs, New York, N. Y."

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624. Interprets or applies sec. 1, 61 Stat. 652; 17 U. S. C. 109)

4. Section 11.19 (d) is amended by deleting from the last sentence the word "and" and the period at the end and adding the following after the word "designate": "and by the fee of $25 prescribed by § 24.12 of this chapter. Checks or money orders in payment of the fee shall be made payable to the Head, Fiscal Section, Bureau of Customs."

(Sec. 1, 61 Stat. 652; 17 U. S. C. 109.)

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

Section 18.1 (c) is amended by substituting "accompanied by the fee of $35 prescribed by § 24.12 of this chapter," for "together with" in the first sentence, and by inserting a comma after "carriage" in that sentence.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624.)

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

Section 19.2 (a) is amended by changing the period at the end of the first sentence to a comma and adding "and shall transmit therewith the fee of $50 prescribed by § 24.12 of this chapter."

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624.)

PART 21—CARTAGE AND LIGHTERAGE

Section 21.1 (a) is amended by deleting the period from the end of the third sentence and adding thereto "and pay the fee of $35 prescribed by § 24.12 of this chapter."

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624.)

Part 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Section 24.12 (a) is amended to read as follows:

§ 24.12 *Customs fees; charges for storage.* (a) (1) A table of the rates of fees prescribed by law or hereinafter in this paragraph shall be kept posted in each collector's, surveyor's, and comptroller's office. A customs fee in the amount respectively indicated shall be collected for each of the following actions and when payment of such fee is received by any customs employee a receipt therefor shall be issued:

(i) Recording a trade-mark, trade name, or copyright, $25 (see §§ 11.15, 11.16, and 11.19 of this chapter).

(ii) Designating a common carrier as a carrier of customs bonded merchandise, $35 (see § 18.1 of this chapter).

(iii) Establishment of a customs bonded warehouse, $50 (see § 19.2 of this chapter).

(iv) Issuance of a customs cartage or lighterage license, $35 (see § 21.1 of this chapter).

(v) Issuance of a customhouse broker's license, $100.

(vi) Making an official certification, unless otherwise prescribed by law, 20 cents.

(2) The fee in subparagraph (1) (iii) of this paragraph shall be assessed and collected for the action of initially establishing a customs bonded warehouse or for rebonding a warehouse after its discontinuance. Such fee shall not be collected for action in connection with the discontinuance or alteration of a customs bonded warehouse or the reactivation of such a warehouse after its temporary suspension.

(3) The fee in subparagraph (1) (iv) of this paragraph shall be assessed and collected for the action of initially issuing a customs cartage or lighterage license or issuing a new license after the previous license has been canceled or revoked, but not for renewing such a license.

(R. S. 161, 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies R. S. 2635, as amended, 2654, as amended, 4383, as amended, sec. 501, 65 Stat. 290; 19 U. S. C. 58, 59, 46 U. S. C. 333, 5 U. S. C. 140)

Notice of the proposed issuance of the foregoing amendments was published in the FEDERAL REGISTER on August 8, 1953 (18 F. R. 4707), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). After due consideration of the representations received, it has been decided to adopt the amendments as set forth above.

The fees listed in § 24.12 (a) (1) to (5), inclusive, are not retroactive and shall be assessed and collected only for the action taken on applications received on or after the effective date of these amendments.

The amendments shall become effective upon the expiration of 30 days after the date of their publication in the FEDERAL REGISTER.

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

Approved: November 27, 1953.

H. CHAPMAN ROSE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-10235; Filed, Dec. 7, 1953; 8:48 a. m.]

# TITLE 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

EXEMPTING CERTAIN ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS FROM CERTIFICATION

*Correction*

In F. R. Doc. 53-10110, appearing at page 7672 of the issue for Thursday, December 3, 1953, the following changes should be made:

1. In the introductory text of § 146.30 (f), the parenthetical phrase should

read "(unless they contain crystalline penicillin o or *l*-ephenamine penicillin)".

2. In the fifth line of § 146.37 (f) (2), the word "only" should be inserted between the words "use" and "in".

## TITLE 22—FOREIGN RELATIONS

### Chapter I—Department of State

[Dept. Reg. 108.199]

PART 75—INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION AND IMPLEMENTS OF WAR

*Correction*

In Federal Register Document 53-10042, published at page 7628 of the issue for Tuesday, December 1, 1953, the citation of authority should read as follows:

AUTHORITY: §§ 75.1 to 75.46 issued under sec. 12, 54 Stat. 10; 22 U. S. C. 452; Proc. 3038, 18 F. R. 7505. Statutory provisions interpreted or applied are cited to text in parentheses.

## TITLE 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 6055]

PART 7—TAXATION PURSUANT TO TREATIES

EXCHANGE OF INFORMATION UNDER INCOME TAX CONVENTIONS

§ 7.1 *Exchange of information*—(a) *Form 1042 Supplement.* (1) For the calendar year 1953 and subsequent calendar years every United States withholding agent shall make and file with the district director of internal revenue for the district in which the withholding agent is located an information return on Form 1042 Supplement with respect to each foreign country which has, or will have, entered into an income tax convention with the United States, if such convention provides for the mutual exchange of information and if the Commissioner of Internal Revenue determines that such return is required in the case of such country.

(2) Form 1042 Supplement shall be filed simultaneously with the Form 1042 prescribed by § 39.143-7 of this chapter. A separate return shall be made on Form 1042 Supplement in duplicate with respect to each such country as the Commissioner of Internal Revenue shall designate, and there shall be reported thereon all items of fixed or determinable annual or periodical income derived from sources within the United States and paid to nonresident aliens (including nonresident alien individuals, fiduciaries, and partnerships) and to nonresident foreign corporations, whose addresses at the time of payment were in such country, including such items of income upon which United States tax has not been withheld at source because of the income tax convention with such country; except that any of such items which constitute wages subject to withholding of United States tax pursuant to section 1622, Internal Revenue Code, and interest in respect of which an ownership certificate other than Form 1001, such as Form 1001-D, Form 1001-IR, or Form 1001-UK, or the substitute thereof, has been filed in duplicate with the withholding agent is not required to be reported on such Form 1042 Supplement.

(3) As soon as practicable after the close of the calendar year 1953 and subsequent calendar years during which the income tax convention between the United States and such country is in effect, the Commissioner of Internal Revenue will transmit to the appropriate authority designated in the convention with such country the duplicate copy of each available Form 1042 Supplement filed pursuant to this section in respect to such country for such preceding calendar year.

(4) Form 1042B, Form 1042C, Form 1042D, Form 1042E, and Form 1042F, which are currently prescribed under this part as information returns for use under the income tax convention between the United States and Canada, France, the United Kingdom, The Netherlands, and Switzerland, respectively, will not be required for 1953 and subsequent years.

(b) *Form 1042.* For the calendar year 1953 and subsequent calendar years every United States withholding agent shall report on Form 1042 all such items of income, otherwise required to be reported thereon pursuant to § 39.143-7 of this chapter, upon which United States tax has not been withheld at source because of any income tax convention which is in effect between the United States and a foreign country. There shall also be reported on such form interest on registered bonds with respect to which an exemption certificate, such as Form 1001 A-D, or an exemption or reduced rate certificate, such as Form 1001 A-S, has been filed with the withholding agent.

(c) *Prior regulations.* The provisions of this section shall apply notwithstanding any regulation to the contrary which has been approved prior to the date on which this Treasury decision is published in the FEDERAL REGISTER.

Because this Treasury decision is basically in accordance with procedures now being followed by withholding agents, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] T. COLEMAN ANDREWS,
*Commissioner of Internal Revenue.*

Approved: December 1, 1953.

M. B. FOLSOM,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-10233; Filed, Dec. 7, 1953; 8:48 a. m.]

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter I—Office of Defense Mobilization

[Defense Mobilization Order V-1, Supp. 1]

ESTABLISHMENT OF INTERDEPARTMENTAL COMMODITY ADVISORY COMMITTEES

By virtue of the authority vested in me by Executive Order 10480 of August 15, 1953, and Reorganization Plan No. 3 of June 12, 1953, and in order to obtain advice and cooperation which will facilitate the coordination of Federal policies and programs with respect to the supply of materials to meet the requirements for both current defense activities and readiness for any future national emergency, *It is hereby ordered:*

1. There are hereby established in the Office of Defense Mobilization the following interdepartmental commodity advisory committees. The Chairman of each committee shall be appointed by the Assistant Director for Materials, Office of Defense Mobilization. Representatives shall be designated by the head of the indicated department or agency:

a. *Interdepartmental Iron, Steel and Ferroalloys Committee.*

Department of Defense.
Department of Commerce.
Department of State.
Department of the Interior.
U. S. Tariff Commission.
General Services Administration.

b. *Interdepartmental Light Metals Committee.*

Department of Defense.
Department of Commerce.
Department of State.
Department of the Interior.
U. S. Tariff Commission.
General Services Administration.

c. *Interdepartmental Non-Ferrous Metals Committee.*

Department of Defense.
Department of Commerce.
Department of State.
Department of the Interior.
U. S. Tariff Commission.
General Services Administration.

d. *Interdepartmental Non-Metallic Minerals Committee.*

Department of Defense.
Department of Commerce.
Department of State.
Department of the Interior.
U. S. Tariff Commission.
General Services Administration.

e. *Interdepartmental Chemicals and Rubber Committee.*

Department of Defense.
Department of Commerce.
Department of State.
Department of the Interior.
Department of Agriculture.
U. S. Tariff Commission.
General Services Administration.

f. *Interdepartmental Forest Products Committee.*

Department of Defense.
Department of Commerce.
Department of State.
Department of the Interior.
Department of Agriculture.
U. S. Tariff Commission.
General Services Administration.

g. *Interdepartmental Fibers Committee.*

Department of Defense.
Department of Commerce.
Department of State.
Department of Agriculture.
U. S. Tariff Commission.
General Services Administration.

2. The foregoing ODM interdepartmental commodity advisory committees shall be advisory to the Assistant Director for Materials, ODM, in the development of supply, requirements, and technical data required by the ODM in carrying out its industrial mobilization responsibilities.

3. This order shall become effective immediately.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 53-10258; Filed, Dec. 4, 1953; 4:33 p. m.]

### Chapter XXI—Defense Rental Areas Division, Office of Defense Mobilization

[Rent Regulation 1, Amdt. 152 to Schedule A]

[Rent Regulation 2, Amdt. 150 to Schedule A]

[Rent Regulation 3, Amdt. 142 to Schedule A]

[Rent Regulation 4, Amdt. 86 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

CERTAIN STATES

*Correction*

In Federal Register Document 53-7388, appearing at page 4991 of the issue for Friday, August 21, 1953, the "Effective date of regulation" in the last column of the table in paragraph 2, opposite area "(86) Braidwood-Joliet", class C, now reading "Dec. 10, 1952," should read "Dec. 10, 1951."

In the table in F. R. Doc. 53-7389, page 4992 of the issue for Friday, August 21, 1953, area "(321) Del Rio" should read "(312) Del Rio", and the maximum rent date for this area should read "Sept. 1, 1952".

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of the Treasury

Subchapter G—Navigation Requirements for Certain Inland Waters

[CGFR 53-49]

PART 82—BOUNDARY LINES OF INLAND WATERS

GULF COAST; MISCELLANEOUS AMENDMENTS

A notice regarding the establishment of a line of demarcation between the high seas and inland waters from Mobile Bay to the Rio Grande River on the Gulf of Mexico was published in the FEDERAL REGISTER dated May 1, 1953 (18 F. R. 2556). A public hearing was held by the Commander of the 8th Coast Guard District on June 2, 1953, in the Jackson Room of the St. Charles Hotel, New Orleans, Louisiana. Upon request the Commander of the 8th Coast Guard District permitted until July 3, 1953, additional comments and data to be submitted and made a part of the record of this hearing.

All the comments, views, and data submitted in writing or orally at the public hearing, together with the recommendations of the Commander of the 8th Coast Guard District, were considered by the Merchant Marine Council. Where practicable, the comments, views, and data relating to safe navigation were accepted and parts of the described lines as proposed were revised accordingly. The comments, data, and views submitted which were based on reasons not directly connected with promoting safe navigation were rejected.

The establishment of descriptive lines of demarcation is solely for purposes connected with navigation and shipping. Section 2 of the act of February 19, 1895, as amended (33 U. S. C. 151), authorizes the establishment of these descriptive lines primarily to indicate where different statutory and regulatory rules for preventing collisions of vessels shall apply and must be followed by public and private vessels. These lines are not for the purpose of defining Federal or State boundaries, nor do they define or describe Federal or State jurisdiction over navigable waters. Upon the waters inshore of the lines described, the Inland Rules and Pilot Rules apply. Upon the waters outside of the lines described, the International Rules apply.

The purposes for these changes in the line of demarcation between the high seas and rivers, harbors, and inland waters, from Mobile Bay to the Rio Grande River on the Gulf of Mexico, are (1) to extend or connect lines previously published for certain localities; (2) to remove confusion that has arisen regarding where the lines should be; and (3) to clearly indicate where the rules for preventing collisions at sea (International Rules) apply and where the Inland Rules and Pilot Rules for preventing collisions of vessels apply.

The purpose for amending 33 CFR 82.95 is to describe a line of demarcation from Mobile Bay, Alabama, to Mississippi Passes, Louisiana.

The purpose for amending 33 CFR 82.100 is to change the provisions of this regulation to agree with Public Law 232, 83d Congress (62 Stat. 249; 33 U. S. C. 154, 301). Public Law 232 made the Inland Rules applicable to the Mobile River and all its tributaries.

The purpose for adding a new regulation 33 CFR 82.103 is to describe the line of demarcation from Mississippi Passes, Louisiana, to Sabine Pass, Texas. Numerous objections to the descriptive line proposed and considered at the public hearing were received and were the basis for certain changes adopted. The new regulation 33 CFR 82.103 sets forth the line from Mississippi Passes, Louisiana, to Sabine Pass, Texas.

33 CFR 82.105, regarding Inland Rules to be followed in Sabine Pass, Texas, is canceled. This line is not necessary since a new regulation designated 33 CFR 82.106 includes Sabine Pass, Texas.

The new regulation designated 33 CFR 82.106 describes the line from Sabine Pass, Texas, to Galveston, Texas.

33 CFR 82.110, regarding the descriptive line for Galveston Harbor, is canceled. This line is not necessary since a new regulation designated 33 CFR 82.111 includes Galveston Harbor.

A new regulation designated 33 CFR 82.111 describes the line from Galveston, Texas, to Brazos River, Texas.

33 CFR 82.115, regarding the descriptive line for Brazos River, Texas, is canceled. This line is not necessary since a new regulation designated 33 CFR 82.116 includes the Brazos River.

A new description designated 33 CFR 82.116 describes the line from Brazos River, Texas, to the Rio Grande, Texas. Numerous comments regarding this proposed description were received. The proposed descriptive line was not adopted. The line of demarcation adopted will permit oceangoing vessels running between Aransas Pass Lighted Whistle Buoy 1A and Brazos Santiago Entrance Lighted Whistle Buoy 1 to operate under the International Rules at all times.

In order to prevent confusion regarding effective date of regulations because the revised International Rules become effective on and after January 1, 1954, it is hereby found to be in the public interest that these amendments become effective on and after January 1, 1954.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate rules and regulations in acordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective on and after January 1, 1954:

1. Section 82.95 is amended to read as follows:

§ 82.95 *Mobile Bay, Ala., to Mississippi Passes, La.* Starting from a point which is located 1 mile, 90° true, from Mobile Point Lighthouse, a line drawn to Mobile Entrance Lighted Whistle Buoy 1; thence to Ship Island Lighthouse; thence to Chandeleur Lighthouse; thence in a curved line following the general trend of the seaward, high-water shore lines of the Chandeleur Islands to the southwesternmost extremity of Errol Shoal (Lat. 29°35.8′ N., Long. 89°00.8′ W.); thence to Pass a Loutre Lighted Whistle Buoy 4.

2. Section 82.100 is amended to read as follows:

§ 82.100 *Mississippi River.* The Pilot Rules for Western Rivers are to be followed in the Mississippi River and its tributaries above the Huey P. Long Bridge.

3. Part 82 is amended by adding a new § 82.103, reading as follows:

§ 82.103 *Mississippi Passes, La., to Sabine Pass, Tex.* A line drawn from Pass a Loutre Lighted Whistle Buoy 4 to South Pass Lighted Whistle Buoy 2; thence to Southwest Pass Entrance Midchannel Lighted Whistle Buoy; thence to Ship Shoal Lighthouse; thence to Calcasieu Pass Lighted Whistle Buoy 1; thence to Sabine Pass Lighted Whistle Buoy 1.

4. Section 82.105 *Sabine Pass, Texas,* is canceled.

5. Part 82 is amended by adding a new § 82.106, reading as follows:

§ 82.106 *Sabine Pass, Tex., to Galveston, Tex.* A line drawn from Sabine Pass Lighted Whistle Buoy 1 to Galveston Bar Lighted Whistle Buoy 1.

6. Section 82.110 *Galveston Harbor* is canceled.

7. Part 82 is amended by adding a new § 82.111, reading as follows:

§ 82.111 *Galveston, Tex., to Brazos River, Tex.* A line drawn from Galveston Bar Lighted Whistle Buoy 1 to Freeport Entrance Lighted Bell Buoy 1.

8. Section 82.115 *Brazos River, Tex.* is canceled.

9. Part 82 is amended by adding a new § 82.116, reading as follows:

§ 82.116 *Brazos River, Tex., to the Rio Grande, Tex.* A line drawn from Freeport Entrance Lighted Bell Buoy 1 to Pass Cavallo Lighted Whistle Buoy 1; thence to Aransas Pass Lighted Whistle Buoy 1A; thence to a position 10½ miles, 90° true, from the north end of Lopeno Island (Lat. 27°00.1′ N., Long. 97 15.5′ W.); thence to Brazos Santiago Entrance Lighted Whistle Buoy 1.

(Sec. 2, 28 Stat. 672, as amended, 33 U. S. C. 151)

Dated: December 1, 1953.

[SEAL] A. C. RICHMOND,
*Rear Admiral, U. S. Coast Guard,*
*Acting Commandant.*

[F. R. Doc. 53-10234; Filed, Dec. 7, 1953; 8:48 a. m.]

## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

PART 27—LETTER, CALL, AND LOCK BOXES, AND KEY DEPOSITS

RENT OF BOXES

In § 27.7 *Rent of boxes* paragraphs (b), (c), and (d) are amended to read as follows:

(b) *Collection of rent.* Box rents shall be collected on or before the beginning of a quarter for that quarter or in advance on an annual basis for the fiscal year. Box patrons including agencies of the Federal Government are permitted to pay rental on post office boxes for not more than one full fiscal year in advance, or for the three, two, or one quarter remaining in the fiscal year during which the box is rented. All box rentals collected, both current and advance payments, shall be accounted for as postal receipts on the dates collections are made. When a patron, including a Government agency, surrenders a box prior to the expiration of the period for which rental has been paid no portion of the rental shall be refunded.

(c) *Box rent notice.* Postmasters shall place a notice that the rent is due and payable in each rented box 10 days in advance of the expiration of the quarter for which rental has been paid. If a boxholder fails to renew his right to his box on or before the last day of a quarter the box shall then be closed and offered for rent, and the mail placed in the general delivery unless deliverable by carrier. At a station or branch, such mail which is undeliverable by carrier shall be held at the station or branch for 10 days and then if not called for returned to the sender with suitable endorsement. In the case of a known permanent resident who is temporarily absent and has filed a forwarding order for his mail, the box rent notice should be inclosed in an official penalty envelope and mailed to his forwarding address. Ample time for reply should be allowed before the closing and rerenting of such box. (See §§ 43.22 and 43.23 of this chapter.)

(d) *When box rented after beginning of quarter.* When a box is rented after the beginning of the quarter the rent to be collected shall be computed by multiplying the number of days remaining in the quarter, including the day on which the box is rented, by the rate and dividing the product by 90, which for this purpose shall be considered the number of days in each quarter, except that rental for the entire quarter shall be collected from a boxholder who pays for the right to continue the use of the box which he held during the previous quarter. Boxes shall not be assigned or transferred to others by boxholders.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 5 U. S. C. 22, 369)

[SEAL] ROSS RIZLEY,
*Solicitor.*

[F. R. Doc. 53-10219; Filed, Dec. 7, 1953; 8:46 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

COMPENSATORY EXTENSIONS OF CERTAIN MIGRATORY GAME BIRD SEASONS

*Basis and purpose.* A request has been received from the States of New York and West Virginia for an extension of the migratory game bird seasons by the number of days sportsmen were not permitted to hunt such birds due to emergency State action closing extensive areas to shooting as a forest fire prevention measure. It has been determined that the slight compensatory extensions sought are not likely to result in a diminution of the birds to any greater extent than was contemplated for the original period.

Accordingly, pursuant to authority conferred upon me by § 6.4 of the Migratory Bird Treaty Act Regulations (16 F. R. 7513), the seasons fixed by the amendments to such regulations approved August 21 and October 28, 1953 (18 F. R. 5175 and 18 F. R. 6971) are, subject to shooting hours and other applicable provisions of the current Federal regulations, extended as follows:

Waterfowl and coot from December 16 to December 19, both dates inclusive, in New York (except Long Island and that part of Westchester County lying south of the Hutchinson River Parkway).

In West Virginia, waterfowl and coot from December 27, 1953, to January 9, 1954; woodcock from December 1 to December 19, all dates inclusive.

Since these amendments are relaxations of existing regulations, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001, et seq.), and they shall become effective immediately.

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704)

Dated: November 30, 1953.

JOHN L. FARLEY,
*Director,*
*Fish and Wildlife Service.*

[F. R. Doc. 53-10211; Filed, Dec. 7, 1953; 8:45 a. m.]

# PROPOSED RULE MAKING

## SECURITIES AND EXCHANGE COMMISSION

### [ 17 CFR Part 250 ]

REGISTRATION AND GENERAL EXEMPTIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission is considering adopting a new rule, (Rule U-13; 17 CFR 250.13) under the Public Utility Holding Company Act of 1935 exempting certain non-utility subsidiary companies and affiliates of registered holding companies from the obligations, duties and liabilities imposed upon them as subsidiary companies or affiliates of registered holding companies.

The proposal to adopt U-13 is made pursuant to the provisions of sections 3 (d) and 20 (a) of the Public Utility Holding Company Act of 1935.

Section 3 (d) of the act provides that the Commission "may, by rules and regulations, conditionally or unconditionally exempt any specified class or classes of persons from the obligations, duties, or liabilities imposed upon such persons as subsidiary companies or affiliates under any provision or provisions of this title • • •" The proposed rule would unconditionally exempt every subsidiary company or affiliate of a registered holding company (which subsidiary company or affiliate is not (a) a holding company, (b) a public-utility company, (c) an investment company or (d) a service company) from all the obligations, duties and liabilities imposed upon it by the act as a subsidiary company or affiliate of a registered holding company: *Provided,* That the company so exempted becomes a subsidiary or affiliate by reason of the acquisition of its voting securities after the effective date of the rule by a registered holding company: *And provided further,* That such acquisition is in accordance with an investment program permitted by an order of the Commission entered pursuant to section 11 of the act in connection with the conversion of such registered holding company into an investment company in compliance with the act.

At the present time there are two registered holding companies which, with Commission approval, are in the process of converting into investment companies and there are two other registered holding companies which have indicated an intention to convert into an investment company if permitted by the Commission.

The text of the proposed rule would read as follows:

§ 250.13 *Exemption of certain non-utility subsidiary companies and affiliates of registered holding companies transforming to investment companies.* Every subsidiary company or affiliate of a registered holding company which subsidiary company or affiliate is not—

(a) A holding company;

(b) A public-utility company;

(c) An investment company or investment trust, including one which is a medium for investments in securities for the benefit of a public-utility or holding company or its directors, officers or employees;

(d) A service company performing services or construction for or selling goods to associate companies of any of the classes specified in paragraphs (a) to (c) of this section; or

(e) Controlling, directly or indirectly, any company specified in paragraphs (a) to (d) of this section;

shall be unconditionally exempt from the obligations, duties and liabilities which would otherwise be imposed upon such company as a subsidiary company or an affiliate by any provision or provisions of the act and shall not be deemed to be a subsidiary company or an affiliate within the meaning of any such provision or provisions, if such company becomes a subsidiary company or an affiliate by virtue of the acquisition after December 15, 1953, directly or indirectly, of voting securities of which it is the issuer by a registered holding company in accordance with an investment program permitted by an order of the Commission which has become final and which has been entered pursuant to section 11 of the act in connection with the conversion of such registered holding company into an investment company in compliance with the provisions of the act.

All interested persons are hereby invited to submit views and comments on the proposed rule. Such views and comments should be submitted to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before December 16, 1953.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

NOVEMBER 27, 1953.

[F. R. Doc. 53-10225; Filed, Dec. 7, 1953; 8:47 a. m.]



## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

### [ 7 CFR Part 962 ]

[Docket No. AO 162-A4]

FRESH PEACHES GROWN IN GEORGIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER REGULATING HANDLING

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Lanier Hotel, 553 Mulberry Street, Macon, Georgia, beginning at 10:00 a. m., e. s. t., December 17, 1953, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962, 18 F. R. 3013), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of fresh peaches grown in the State of Georgia. These proposals have not received the approval of the Secretary of Agriculture.

Such public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following amendment has been proposed by the Industry Committee established pursuant to the aforesaid marketing agreement and order:

1. Delete the proviso in the first sentence of § 962.41 and insert in lieu thereof the following: "*Provided,* That no assessment shall be levied against peaches that are exempt pursuant to § 962.71 or against peaches that are exempt from inspection pursuant to § 962.64."

The Fruit and Vegetable Branch, Production and Marketing Administration has proposed that such other changes in the marketing agreement and order be made as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., or from the Southeastern Marketing Field Office, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, P. O. Box 19, Lakeland, Florida.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 2d day of December 1953.

[SEAL] ROY W. LENNARTSON,
*Assistant Administrator.*

[F. R. Doc. 53-10231; Filed, Dec. 7, 1953; 8:48 a. m.]

## FEDERAL POWER COMMISSION

### [ 18 CFR Part 11 ]

[Docket No. R-129]

ANNUAL CHARGES PRESCRIBED FOR LICENSEES

DISCRETIONAL REDUCTION

*Correction*

In F. R. Doc. 53-10141 appearing at page 7826 of the issue for Friday, December 4, 1953, the bracketed docket number designation should read as set forth above.

# NOTICES

## DEPARTMENT OF JUSTICE

OFFICE OF ALIEN PROPERTY

STATEMENT OF ORGANIZATION AND DELEGATIONS OF FINAL AUTHORITY

The Statement of Organization and Delegations of Final Authority of the Office of Alien Property (16 F. R. 6895), as amended, are hereby amended to read as follows:

1. *Establishment.* The Office of Alien Property, Department of Justice, was established by the Attorney General to administer functions vested in him relating to the control or vesting of foreign owned property, the administration of property vested under the Trading With the Enemy Act, as amended, including allowance and payment of claims asserted with respect thereto, and litigation connected with any of the foregoing functions.

2. *Direction.* The Office of Alien Property is under the supervision and direction of an Assistant Attorney Gen-

eral, who is Director of the Office of Alien Property and is responsible to the Attorney General. The Director acts for and on behalf of the Attorney General. All of the authority, rights, privileges, powers, duties, and functions of the Office of Alien Property may be exercised by the Director or by any agencies, instrumentalities, agents, delegates, or other personnel appointed or designated by him.

3. *Authority.* (a) Authority under the Trading With the Enemy Act, as amended, was delegated to the Alien Property Custodian by the President pursuant to the following Executive Orders:

(1) Executive Order 9095 of March 11, 1942, 7 F. R. 1971, as amended by Executive Order 9193 of July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; and Executive Order 9567 of June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; and modified by Executive Order 9760 of July 23, 1946, 11 F. R. 7999, 3 CFR, 1946 Supp.

(2) Executive Order 9142 of April 21, 1942, 7 F. R. 2985, 3 CFR, 1943 Cum. Supp.

(3) Executive Order 9325 of April 7, 1943, 8 F. R. 1682, 3 CFR, 1943 Cum. Supp.

(4) Executive Order 9725 of May 16, 1946, 11 F. R. 5381, 3 CFR, 1946 Supp.

(b) The Office of Alien Property Custodian was terminated, and all powers and authority vested in or transferred to the Alien Property Custodian or the Office of Alien Property Custodian were transferred to or vested in the Attorney General by Executive Order 9788 of October 14, 1946, 11 F. R. 11981, 3 CFR, 1946 Supp.

(c) Jurisdiction formerly exercised by the Secretary of the Treasury under the Trading With the Enemy Act, as amended, over certain assets which were blocked by Executive Order 8389 of April 10, 1940, 5 F. R. 1400, as amended, 3 CFR, 1943 Cum. Supp., was transferred to the Attorney General by Executive Order 9989 of August 20, 1948, 13 F. R. 4891, 3 CFR, 1948 Supp. By Executive Order 10348 of April 26, 1952, 17 F. R. 3769, 3 CFR, 1952 Supp., the aforesaid Executive Orders and all delegations, regulations, rulings, instructions and licenses under said Orders were continued in force according to their terms for the duration of the national emergency proclaimed by Proclamation 2914 of December 16, 1950, 15 F. R. 9029, 3 CFR, 1950 Supp.

(d) By Executive Order 10244 of May 17, 1951, 16 F. R. 4689, 3 CFR, 1951 Supp., the President designated the Attorney General to exercise functions relating to the settlement of intercustodial disputes regarding enemy property conferred by the act of September 28, 1950 (64 Stat. 1079; 50 U. S. C. App. Sup. 40).

(e) Certain functions under the Trading With the Enemy Act, as amended, relating to the Philippines, which were conferred on the President by the Philippine Property Act of 1946, as amended (60 Stat. 418, 64 Stat. 1116, 22 U. S. C. and Sup. 1382), were delegated to the Philippine Alien Property Administration by the following orders:

(1) Executive Order 9789 of October 14, 1946, 11 F. R. 11981, 3 CFR, 1946 Supp.

(2) Executive Order 9818 of January 7, 1947, 12 F. R. 133, 3 CFR, 1947 Supp.

(3) Executive Order 9921 of January 10, 1948, 13 F. R. 171, 3 CFR, 1948 Supp.

(f) The Philippine Alien Property Administration was terminated by Executive Order 10254 of June 15, 1951, 16 F. R. 5289, 3 CFR, 1951 Supp., and all powers and authority vested in or transferred to the Philippine Alien Property Administration or the Philippine Alien Property Administrator were transferred to or vested in the Attorney General.

(g) The Attorney General, by Order 3732, Supp. 51, of July 12, 1951, 16 F. R. 6895, has placed all of the foregoing powers and authority in the Office of Alien Property, Department of Justice.

4. *Organization.* The Office of Alien Property is composed of the following principal subdivisions, with functions and authority as indicated:

(a) *Office of the Director.* This Office consists of the Director, the Deputy Director, an Intercustodial and Foreign Funds Officer, and the Hearing Examiners.

(1) The Director exercises the functions and authority noted in paragraph 3 of this Notice.

(2) The Deputy Director may exercise any of the authority, rights, privileges, powers, duties, and functions of the Director in the absence of the Director or in the event of his inability to act, or at any other time, to the extent that such an authority may be lawfully delegated by the Director. In performing the aforesaid duties the Deputy Director will act for and on behalf of the Attorney General.

(3) The Intercustodial and Foreign Funds Officer is responsible for the administration of controls with respect to property over which jurisdiction is exercised by virtue of Executive Order 9989 and transactions relating to such property; and for the conduct of negotiations with respect to intercustodial conflicts.

(i) The Intercustodial and Foreign Funds Officer is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his functions.

(ii) The Intercustodial and Foreign Funds Officer is authorized to take final action with respect to specific licensing matters, by granting or denying applications for specific licenses, and by amending, modifying, renewing, or revoking existing specific licenses with respect to the property over which jurisdiction is exercised by virtue of Executive Order 9989. In the exercise of the foregoing authority, such official will act for and on behalf of the Director or the Deputy Director, and will sign in the following form:

Issued by direction and on behalf of the (Deputy) Director, Office of Alien Property.

By ----------
(Title)

(4) The Hearing Examiners, consisting of a Chief Hearing Examiner and such other hearing examiners as may from time to time be designated, hear and determine, subject to review by the Director or the Deputy Director, contested claims under Sections 9 (a), 20, 32 and 34 of the Trading With the Enemy Act, as amended, and handle such other matters not inconsistent with their duties as hearing examiners as may be assigned by the Director or the Deputy Director. The Hearing Examiners are hereby severally delegated authority to exercise the powers conferred upon hearing examiners by 8 CFR Part 502.

(b) *Legal and Legislative Section.* Under the supervision of the Chief, Legal and Legislative Section, this section advises on all legal and legislative matters generally affecting the operations of the Office of Alien Property. This section also is responsible for all matters relating to the liquidation of banking and insurance institutions under the control of the Office and all matters relating to the administration of patents, trade-marks and copyrights and rights or interests therein or related thereto vested under the Trading With the Enemy Act, as amended, or controlled thereunder by 8 CFR Part 507.

(1) The Chief, Legal and Legislative Section, is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his functions.

(2) The Chief, Legal and Legislative Section, is authorized:

(i) To issue licenses with respect to vested patents, applications for patents, copyrights and rights or interests therein or related thereto; and to fix royalty schedules pertaining thereto;

(ii) To approve requests for loans of vested motion picture films and to enter into agreements concerning the use thereof;

(iii) To make demand for and accept payment of royalties and other moneys due the Attorney General with respect to vested patents, applications for patents, copyrights, trade-marks, films, licenses and rights or interests therein or relating thereto; and to execute receipts, surrenders, releases or other instruments to evidence such action.

(c) *Litigation Section.* Under the supervision of the Chief, Litigation Section, this Section conducts all litigation concerning the Office. This Section is responsible for collection, custody and administration with respect to vested interests in estates and trusts and vested rights under contracts of life insurance and annuity.

(1) The Chief, Litigation Section, is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his functions.

(2) The Chief, Litigation Section, is authorized:

(i) To issue any demand, direction or instruction directed to any person, firm or corporation or take any other action necessary to effectuate a vesting order;

(ii) To take custody of any property or interest therein which is vested in, or is transferable or deliverable to, the Attorney General under the Trading With the Enemy Act, as amended; to accept payment, conveyance, transfer, assignment, or delivery made to or for the account of the Attorney General pursuant to said act; to exercise any right of election to surrender or release any vested insurance policy contract rights or interests therein against payment of cash surrender value; and to execute receipts, surrenders, releases or other instruments to evidence such action.



(d) *Claims Section.* Under the supervision of the Chief, Claims Section, this Section processes all claims under the Trading With the Enemy Act, as amended, for return of property or payment of debts of former owners of vested property and related attorney fee claims.

(1) The Chief, Claims Section, is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his functions, including particularly the powers conferred upon him by 8 CFR, Part 502.

(2) In the exercise of such authority, insofar as it relates to a position taken by the Claims Section prior to allowance or final disallowance of a claim, the Chief, Claims Section, shall sign in his own name and title.

(e) *Liquidation Section.* Under the supervision of the Chief, Liquidation Section, this Section is responsible for matters relating to the operation or liquidation of business enterprises which have been supervised or vested, or in which interests have been supervised or vested, and for the management and liquidation of vested real and personal property. This Section also performs certain functions in connection with effectuating returns of vested property.

(1) The Chief, Liquidation Section, is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his functions.

(2) The Chief, Liquidation Section, and within this Section the Chief, Collection and Custody Unit and the Assistant Chief, Collection and Custody Unit, are severally authorized:

(i) To issue any demand, direction or instruction directed to any person, firm, or corporation or to take any other action necessary to effectuate a vesting order;

(ii) To take custody of any property or interest therein which is vested in, or is transferable or deliverable to, the Attorney General under the Trading With the Enemy Act, as amended; to accept payment, conveyance, transfer, assignment or delivery made to or for the account of the Attorney General pursuant to said act; and to execute receipts, surrenders, releases or other instruments to evidence such action;

(iii) To waive compliance with any vesting order which vests a debt in a specific amount to the extent of normal service charges not to exceed $250.00 asserted by a claimant who would be entitled to a return of the amount of such charges if the vesting order were enforced according to its terms;

(iv) To direct the execution and delivery of transfers of vested property.

(f) *Comptroller's Section.* Under the supervision of the Comptroller, this Section maintains accounting records regarding vested property; prepares financial reports of the Office of Alien Property; deposits for collection with the Treasurer of the United States currency, checks, and drafts paid to or received by the Office of Alien Property; transfers the proceeds to the account of the Attorney General with the Treasurer of the United States; and makes disbursements by the issuance of checks in payment of taxes, expenses of and claims allowed by the Office of Alien Property. This Section also performs certain other functions in connection with effectuating returns of vested property.

(1) The Comptroller is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his functions.

(2) The Disbursing Officer, within the Comptroller's Section, is authorized to collect moneys for the Office of Alien Property; to deposit for collection with the Treasurer of the United States currency, checks, and drafts paid to or received by the Office of Alien Property; to transfer the proceeds to the account of the Attorney General with the Treasurer of the United States; and to make disbursements by issuance of checks in payment of taxes, necessary and proper expenses of the Office of Alien Property and duly allowed claims. In the exercise of such authority, he is authorized to act in his own name and title.

(g) *Administrative Section.* Under the supervision of the Chief, Administrative Section, this Section is responsible for internal administrative functions, maintains statistical records of the Office of Alien Property and prepares official reports.

(1) The Chief, Administrative Section, is authorized to exercise such powers and authority as may be necessary and appropriate in the performance of his functions.

(2) Within this Section, the Records Officer and the Assistant to the Records Officer are severally authorized to authenticate, certify and attest copies of books, records, papers, and documents in the official custody of the Office of Alien Property; to subscribe the name of the Director or the Deputy Director to such certificates, and to affix the seal of the Office of Alien Property.

(h) *Philippine Office.* Under the supervision of the Manager, Philippine Office, this Office is responsible for all matters in the Philippine Islands affecting the Office of Alien Property, including the coordination of the activities in the Philippines of all Sections of the Office of Alien Property.

(1) The Manager, Philippine Office, is authorized to exercise any of the rights, privileges, powers, duties, and functions of the Office of Alien Property, or of the Director, Office of Alien Property, with respect to property or interests located in the Philippines, or which, prior to vesting, were located in the Philippines, including particularly and without limitation:

(i) To collect all moneys for the Office of Alien Property in the Philippines; to make disbursements by issuance of checks in payment of necessary and proper expenses of the Manila Office and duly allowed claims against the Office of Alien Property;

(ii) To authenticate, certify, and attest copies of books, records, papers, and documents in the official custody of the Office of Alien Property, as successor to the Philippine Alien Property Administration, and to affix the seal of the Office of Alien Property.

(i) *San Francisco Office.* This Office, under the Manager, San Francisco Office, coordinates activities in the West Coast area of all Sections of the Office of Alien Property and administers personnel and service functions for that Office.

(j) *Hawaii Office.* This Office, under the Manager, Hawaii Office, coordinates activities in Hawaii of all Sections of the Office of Alien Property and handles personnel and service functions in that Office.

(k) *Overseas Office.* This Office, under the Chief, Overseas Office, administers all functions of the Office of Alien Property in Europe.

(l) *Tokyo Office.* This Office, under the Chief, Tokyo Office, administers all functions of the Office of Alien Property in Japan.

5. *Form of Signature.* Except for the Director, Deputy Director, and as otherwise indicated in paragraph 4 of this notice, the designated officials of the Office of Alien Property, in exercising authority conferred on them, will sign in the following form:

(Name)
Assistant Attorney General
Director, Office of Alien Property
By ----------
(Title)

6. *Location of Offices.* The Office of Alien Property maintains offices as follows:

(a) *Washington, D. C.* Federal Home Loan Bank Building, 101 Indiana Avenue NW., Washington 25, D. C.

(b) *San Francisco Office.* San Francisco, California.

(c) *Philippine Office.* Manila, P. I.

(d) *Hawaii Office.* Honolulu, T. H.

(e) *Overseas Office.* Munich, Germany.

(f) *Tokyo Office.* American Embassy, Tokyo, Japan.

7. *Information*—(a) *General.* Requests for general information should be addressed to the Office of Alien Property, Department of Justice, Washington 25, D. C., unless the San Francisco, Philippine, Hawaii, Overseas or Tokyo Office is nearer, in which event requests may be addressed to such Office.

(b) *Sales.* Notices of public offerings of vested property are given by publication in appropriate newspapers and trade journals and by mail to persons on the mailing lists of the Office of Alien Property. The mailing lists are maintained by the Comptroller's Section and names may be placed on such lists on request.

(c) *Patents and Copyrights Program.* Vested interests in certain properties of these types have been made available for use by the American public. Requests for information should be addressed to the Legal and Legislative Section, Office of Alien Property, Washington 25, D. C.

(40 Stat. 411, 55 Stat. 839, 60 Stat. 50, 925, 64 Stat. 1079, 50 U. S. C. App. and Sup. 1–40; 60 Stat. 418, 64 Stat. 1116, 22 U. S. C. and Sup. 1382; E. O. 8389, April 10, 1940, 5 F. R. 1400, as amended, 3 CFR, 1943 Cum. Supp.; E. O. 9142, April 21, 1942, 7 F. R. 2985, 3 CFR, 1943 Cum. Supp.; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945

Supp.: E. O. 9725, May 16, 1946, 11 F. R. 5381, 3 CFR, 1946 Supp.; E. O. 9788, October 14, 1946, 11 F. R. 11981, 3 CFR, 1946 Supp.; E. O. 9818, January 1, 1947, 12 F. R. 133, 3 CFR, 1947 Supp.; E. O. 9921, January 10, 1948, 13 F. R. 171, 3 CFR, 1948 Supp.; E. O. 9989, August 20, 1948, 13 F. R. 4981, 3 CFR, 1948 Supp.; Proc. 2914, December 16, 1950, 15 F. R. 9029, 3 CFR, 1950 Supp.; E. O. 10244, May 17, 1951, 16 F. R. 4639, 3 CFR, 1951 Supp.; E. O. 10254, June 15, 1951, 16 F. R. 5829, 3 CFR, 1951 Supp.; E. O. 10348, April 26, 1952, 17 F. R. 3769, 3 CFR, 1952 Supp.)

Executed at Washington, D. C., on December 3, 1953.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 53-10240; Filed, Dec. 7, 1953; 8:49 a. m.]

## DEPARTMENT OF STATE

[Public Notice 132; Delegation of Authority 74]

ADMINISTRATOR OF THE BUREAU OF SECURITY, CONSULAR AFFAIRS AND PERSONNEL

DELEGATION OF AUTHORITY WITH RESPECT TO ADMINISTRATION AND ENFORCEMENT OF IMMIGRATION AND NATIONALITY LAWS RELATING TO POWERS, DUTIES AND FUNCTIONS OF DIPLOMATIC AND CONSULAR OFFICERS

NOVEMBER 27, 1953.

By virtue of the authority vested in me by section 4 of the act of May 26, 1949 (63 Stat. 111; 5 U. S. C. 151c), it is hereby provided as follows:

(1) Under the general direction of the Secretary of State and subject to the limitations contained in section 104 of the Immigration and Nationality Act (66 Stat. 174; 8 U. S. C. 1104) the Administrator of the Bureau of Security, Consular Affairs and Personnel of the Department of State shall be charged with the administration and enforcement of the Immigration and Nationality Act and all other immigration and nationality laws relating to the powers, duties and functions of diplomatic and consular officers of the United States, including the authority to establish such regulations; prescribe such forms of reports, entries and other papers, issue such instruments; and to perform such other acts as he deems necessary for carrying out the provisions of the Immigration and Nationality Act and all other immigration and nationality laws relating to the powers, duties and functions of diplomatic and consular officers of the United States.

(2) There are hereby excluded from the authority delegated under paragraph (1) of this order: (a) The powers, duties and functions conferred upon consular officers relating to the granting or refusal of visas; (b) the powers, duties and functions conferred upon the Secretary of State by delegation from the President of the United States; and (c) the powers, duties and functions conferred jointly upon the Secretary of State and the Attorney General.

(3) The authority delegated under paragraph (1) of this order shall not be deemed to include the authority to redelegate the powers, duties and functions so delegated.

(4) This order shall take effect as of the date hereof.

Dated: November 27, 1953.

[SEAL] JOHN FOSTER DULLES,
*Secretary of State.*

[F. R. Doc. 53-10226; Filed, Dec. 7, 1953; 8:47 a. m.]

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

[Notice 1]

ENTRY OF SUGAR INTO THE CONTINENTAL UNITED STATES EX-QUOTA

ENTRY FOR REFINING AND RETURN TO CUSTOMS' CUSTODY

Pursuant to the provisions of paragraph (b) of § 818.2, and on the basis of information before me, I do hereby determine and give public notice that sugar or liquid sugar may be brought or imported into the continental United States during the remainder of 1953 for the sole purpose of refining and return to Customs' custody without interfering with the effective administration of the Sugar Act of 1948. Accordingly, notice is hereby given that during the period from the date of publication of this notice in the FEDERAL REGISTER through the close of business on December 31, 1953, sugar or liquid sugar may be brought or imported into the continental United States for the sole purpose of refining and return to Customs' custody without being charged against the applicable quota or allotment after acceptance by the Director of the Sugar Branch or the Chief, Quota and Allotment Division, Sugar Branch, of the Production and Marketing Administration of the Department, of a bond pursuant to paragraph (c) of § 818.2 and the fulfillment of other applicable conditions specified in Part 818.

Issued at Washington, D. C., this 2d of December 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10232; Filed, Dec. 7, 1953; 8:48 a. m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

DIRECTOR OF THE BUREAU OF FOREIGN COMMERCE ET AL.

DELEGATION OF AUTHORITY RELATING TO EXPORT CONTROL

A. I hereby delegate to the Director of the Bureau of Foreign Commerce authority to exercise and perform all powers and functions provided by the Export Control Act of 1949, as extended. This specifically includes the authority: (1) To issue rules and regulations to carry out the purposes of the aforesaid Act, including rules and regulations applicable to the financing, transporting, and other servicing of exports and the participation therein by any person necessary to achieve effective enforcement; (2) to sign and issue subpoenas requiring any person to appear and testify or to appear and produce books, records, and other writings, or both, to any designated place, in connection with any investigation necessary or appropriate to the enforcement of said export control authority; and (3) to require reports and the keeping of records by any person, to the extent necessary or appropriate to the enforcement of said export control authority, and to require any person to permit the inspection of books, records, and other writings, premises, or property.

B. The Director of the Bureau of Foreign Commerce is authorized to redelegate any power or function conferred upon him by this delegation and he may authorize such successive redelegations as he may deem appropriate, except as otherwise provided and limited in paragraphs C, D, and E herein with respect to inspections, subpoenas, oaths and affirmations, and other enforcement authority.

C. In addition to the Director, and at all times, the Deputy Director of the Bureau of Foreign Commerce and the Director and Deputy Director of the Office of Export Supply are each authorized to (1) require any person to permit the inspection of books, records, and other writings, premises, or property; and (2) to sign and issue subpoenas requiring any person to appear and testify or appear and produce books, records, and other writings, or both, to any designated place, in connection with any investigation necessary or appropriate to the enforcement of said export control authority.

D. The Compliance Commissioners for Export Control are authorized, in any proceeding for the denial of licensing privileges under the Export Control Act of 1949, (1) to administer oaths and affirmations, and (2) to sign and issue subpoenas requiring any person to appear and testify or to appear and produce books, records, and other writings, or both.

E. Any person employed in the Export Control Investigation Staff of the Bureau of Foreign Commerce and any attorney in the Office of the Assistant General Counsel (International Affairs) assigned to export control enforcement duties, who is specifically designated as a special agent of the Bureau of Foreign Commerce by the Director thereof, is hereby authorized, (1) to make investigations, obtain information, inspect books, records, and other writings, premises, or property of, and take the sworn testimony of, any person; and (2) to administer oaths and affirmations for the purpose of procuring or receiving from any person sworn statements or other sworn testimony, concerning any matter under investigation necessary or appropriate to the enforcement of the export control authority vested in me.

F. This supersedes the delegation of authority previously made and confirmed with respect to export control (17 F. R. 1229), except that all outstanding rules, regulations, orders, licenses, and other forms of administrative action shall, until amended or revoked, remain in full force and effect.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

Dated: December 1, 1953.

[SEAL] SINCLAIR WEEKS,
*Secretary of Commerce.*

[F. R. Doc. 53-10237; Filed, Dec. 7, 1953; 8:49 a. m.]



## CIVIL AERONAUTICS BOARD

[Docket No. 6305]

HAWAIIAN AIRLINES MAIL RATE CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on January 7, 1954, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., December 2, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-10239; Filed, Dec. 7, 1953; 8:49 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10780]

JEAN S. SUGDEN

ORDER DESIGNATING MATTER FOR HEARING

In the matter of Jean S. Sugden, Yuma, Arizona, suspension of Restricted Radiotelephone Operator Permit; Docket No. 10780.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of November 1953;

It appearing, that acting in accordance with the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, Jean S. Sugden, Yuma, Arizona filed with the Commission within the time provided therefor an application requesting hearing on the Commission's order of October 28, 1953, suspending for a period of the remainder of the license term her Restricted Radiotelephone Operator Permit PR-11-71027; and

It further appearing, that under the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, said licensee is entitled to a hearing in the matter; and that upon the filing of a timely written application therefor the Commission's order of suspension is held in abeyance until the conclusion of the proceeding in the said matter.

*It is ordered*, This 25th day of November 1953 that the matter of the suspension of the Restricted Radiotelephone Operator license of Jean S. Sugden is hereby designated for hearing before a Commission examiner in the offices of the Commission in Washington, D. C., at 10:00 a. m. on June 1, 1954, upon the following issues:

(1) To determine whether at any time between September 4 and September 18, 1953, inclusive, Jean S. Sugden wilfully operated a unit of radio station KOG-285 to transmit unauthorized communications in violation of § 11.151 (a) of the Commission's rules and the terms of the station license.

(2) To determine if Jean S. Sugden, between September 4 and September 18, 1953, inclusive, operated a unit of radio station KOG-285 without holding a radio operator license or permit issued by the Commission in violation of section 318 of the Communications Act of 1934, as amended, and § 11.154 (e) of the Commission's rules.

(3) If the licensee committed such violation, to determine whether the facts or circumstances in connection therewith would warrant any change in the terms of the Commission's order of suspension.

*It is further ordered*, That a copy of this order be transmitted by registered mail, return receipt requested to Jean S. Sugden, Yuma, Arizona.

Released: December 1, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10212; Filed, Dec. 7, 1953; 8:45 a. m.]

[Docket No. 10781]

ROBERT V. H. SUGDEN

ORDER DESIGNATING MATTER FOR HEARING

In the matter of Robert V. H. Sugden, Yuma, Arizona, suspension of Restricted Radiotelephone Operator Permit; Docket No. 10781.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of November 1953;

It appearing, that acting in accordance with the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, Robert V. H. Sugden, Yuma, Arizona filed with the Commission within the time provided therefor an application requesting hearing on the Commission's order of October 28, 1953, suspending for a period of the remainder of the license term his Restricted Radiotelephone Operator Permit RP-11-71026; and

It further appearing, that under the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, said licensee is entitled to a hearing in the matter; and that upon the filing of a timely written application therefor the Commission's order of suspension is held in abeyance until the conclusion of the proceeding in the said matter.

*It is ordered*, This 25th day of November 1953 that the matter of the suspension of the Restricted Radiotelephone Operator license of Robert V. H. Sugden is hereby designated for hearing before a Commission examiner in the offices of the Commission in Washington, D. C., at 10:00 a. m. on June 1, 1954, upon the following issues:

(1) To determine if at various times from September 4 to September 18, 1953, inclusive, Robert V. H. Sugden wilfully permitted base station KOG-285 to be operated by an unlicensed person in violation of section 318 of the Communications Act of 1934, as amended, and § 11.154 (e) of the Commission's rules; and

(2) To determine if at various times from September 4 to September 18, 1953, inclusive, Robert V. H. Sugden wilfully operated a unit of radio station KOG-285 and wilfully permitted other persons to operate units of said station to transmit unauthorized communications in violation of § 11.151 (a) of the Commission's rules and the terms of the station license;

(3) If the licensee committed such violation, to determine whether the facts or circumstances in connection therewith would warrant any change in the terms of the Commission's order of suspension.

*It is further ordered*, That a copy of this order be transmitted by registered mail, return receipt requested, to Robert V. H. Sugden, Yuma, Arizona.

Released: December 1, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10213; Filed, Dec. 7, 1953; 8:45 a. m.]

[Docket No. 10784]

TACOMA BROADCASTERS, INC.

ORDER TO SHOW CAUSE

In the matter of revocation of license of Tacoma Broadcasters, Inc., licensee of Station KTAC, Tacoma, Washington; Docket No. 10784.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of November 1953;

The Commission having under consideration information that Tacoma Broadcasters, Inc., licensee of Station KTAC at Tacoma, Washington, has not complied with the requirements of § 1.343 (a) of the Commission's rules and regulations, which section requires each broadcast licensee to file, on or before April 1 of each year, an Annual Ownership Report, (FCC Form 323), as of December 31 of the preceding calendar year; and

It appearing, that necessary forms (FCC Form 323), for filing an Annual Ownership Report, for the calendar year ending December 31, 1952, were forwarded to Tacoma Broadcasters, Inc., during January 1953; and

It further appearing, that a letter signed by the Secretary of the Commission, was mailed to Tacoma Broadcasters, Inc., on June 1, 1953, informing such company of its non-compliance with § 1.343 (a) of the Commission's rules and regulations and directing it to

file such Annual Ownership Report on or before June 19, 1953, necessary forms being enclosed therewith; and

It further appearing, that on August 26, 1953, the Commission directed that a letter be sent to Tacoma Broadcasters, Inc., by registered mail, return receipt requested, directing said company to file such Annual Ownershop Report within thirty days, necessary forms being enclosed therewith; and

It further appearing, that such a letter was mailed on August 31, 1953, by registered mail and was received by Tacoma Broadcasters, Inc., on September 4, 1953; and

It further appearing, that an Annual Ownership Report (FCC Form 323) as of December 31, 1952, has not been received in the offices of the Commission from Tacoma Broadcasters, Inc., despite the aforesaid specific directive from the Commission to do so; and

It further appearing, that the noncompliance with § 1.343 (a) of the Commission's rules and regulations on the part of Tacoma Broadcasters, Inc., Tacoma, Washington, has been willful;

*It is ordered*, That pursuant to section 312 (a) (4) of the Communications Act of 1934, as amended, Tacoma Broadcasters, Inc., licensee of Station KTAC, be and is hereby directed to show cause why there should not be issued an order revoking its radio station license; and

*It is further ordered*, That a hearing in this matter will be held in the Commission's office, Twelfth and Pennsylvania Avenue NW., Washington 25, D. C., on the 18th day of January 1954, in order to determine whether said Order of Revocation should be issued, and that Tacoma Broadcasters, Inc., is herewith called upon to appear at this hearing and give evidence upon the matter specified herein; and

*It is further ordered*, That pursuant to § 1.402 of the Commission's rules and regulations, that said Tacoma Broadcasters, Inc., is directed to file with the Commission within thirty days of the receipt of this order a written appearance in triplicate, stating that it will appear and present evidence on the matters specified in this order if it desires to avail itself of the opportunity to appear before the Commission. If said Tacoma Broadcasters, Inc., does not desire to appear before the Commission to give evidence on the matters specified herein, it shall, within thirty days of the receipt of this order, file with the Commission, in triplicate a written waver of hearing. Such waiver may be accompanied by a statement of reasons why Tacoma Broadcasters, Inc., believes that an Order of Revocation should not be issued; and

*It is further ordered*, That failure of said Tacoma Broadcasters, Inc., timely to respond to this order or failure to appear at the hearing designated herein will be deemed a waiver of hearing.

Released: December 1, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10214; Filed, Dec. 7, 1953; 8:45 a. m.]

[Docket No. 10785]

## LA PORTE COUNTY BROADCASTING CO., INC.

### ORDER TO SHOW CAUSE

In the matter of revocation of license of La Porte County Broadcasting Company, Inc., licensee of Station WLOI, La Porte, Indiana; Docket No. 10785.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of November 1953;

The Commission having under consideration information that La Porte County Broadcasting Company, Inc., licensee of Station WLOI at La Porte, Indiana, has not complied with the requirements of § 1.343 (a) of the Commission's rules and regulations, which section requires each broadcast licensee to file, on or before April 1 of each year, an Annual Ownership Report, (FCC Form 323), as of December 31 of the preceding calendar year; and

It appearing, that necessary forms (FCC Form 323), for filing an Annual Ownership Report, for the calendar year ending December 31, 1952, were forwarded to La Porte County Broadcasting Company, Inc., during January 1953; and

It further appearing, that a letter signed by the Secretary of the Commission was mailed to La Porte County Broadcasting Company, Inc., on June 1, 1953, informing such company of its noncompliance with § 1.343 (a) of the Commission's rules and regulations and directing it to file such Annual Ownership Report on or before June 19, 1953, necessary forms being enclosed therewith; and

It further appearing, that on August 26, 1953, the Commission directed that a letter be sent to La Porte County Broadcasting Company, Inc., by registered mail, return receipt requested, directing said company to file such Annual Ownership Report within thirty days, necessary forms being enclosed therewith; and

It further appearing, that such a letter was mailed an August 31, 1953, by registered mail and was received by La Porte County Broadcasting Company, Inc., on September 13, 1953; and

It further appearing, that an Annual Ownership Report (FCC Form 323) as of December 31, 1952, has not been received in the offices of the Commission from La Porte County Broadcasting Company, Inc., despite the aforesaid specific directive from the Commission to do so; and

It further appearing, that the noncompliance with § 1.343 (a) of the Commission's rules and regulations on the part of La Porte County Broadcasting Company, Inc., La Porte, Indiana, has been willful;

*It is ordered*, That pursuant to section 312 (a) (4) of the Communications Act of 1934, as amended, La Porte County Broadcasting Company, Inc., licensee of Station WLOI, be and is hereby directed to show cause why there should not be issued an order revoking its radio station license; and

*It is further ordered*, That a hearing in this matter will be held in the Commission's office, Twelfth and Pennsylvania Avenue NW., Washington 25, D. C., on the 18th day of January 1954, in order to determine whether said Order of Revocation should be issued, and that La Porte County Broadcasting Company, Inc., is herewith called upon to appear at this hearing and give evidence upon the matter specified herein; and

*It is further ordered*, That pursuant to § 1.402 of the Commission's rules and regulations, that said La Porte County Broadcasting Company, Inc., is directed to file with the Commission within thirty days of the receipt of this order a written appearance in triplicate, stating that it will appear and present evidence on the matters specified in this order if it desires to avail itself of the opportunity to appear before the Commission. If said La Porte County Broadcasting Company, Inc., does not desire to appear before the Commission to give evidence on the matters specified herein, it shall, within thirty days of the receipt of this order, file with the Commission, in triplicate a written waiver of hearing. Such waiver may be accompanied by a statement of reasons why La Porte County Broadcasting Company, Inc., believes than an Order of Revocation should not be issued; and

*It is further ordered*, That failure of said La Porte County Broadcasting Company, Inc., timely to respond to this order or failure to appear at the hearing designated herein will be deemed a waiver of hearing.

Released: December 1, 1953

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary*

[F. R. Doc. 53-10215; Filed, Dec. 7 1953; 8:45 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-1928, G-2063, G-2134]

PERMIAN BASIN PIPELINE CO ET AL.

### NOTICE OF ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 2, 1953.

In the matters of Permian Basin Pipeline Company, Docket No. G-1928; El Paso Natural Gas Company, Docket No. G-2134; Northern Natural Gas Company, Docket No. G-2063.

Notice is hereby given that on November 27, 1953, the Federal Power Commission issued its orders adopted November 25, 1953, in the above-entitled matters, amending Opinion No. 249 and order of May 1, 1953 (18 F. R. 2674) issuing certificates of public convenience and necessity to Permian Basin Pipeline Company, Docket No. G-1928, and to El Paso Natural Gas Company, Docket No. G-2134.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10216; Filed, Dec 7 1953; 8:45 a. m.]



[Docket Nos. G-2225, G-2265]

TEXAS GAS TRANSMISSION CORP. AND CITIES SERVICE GAS CO.

### NOTICE OF FINDINGS AND ORDERS

DECEMBER 1, 1953.

Notice is hereby given that on November 30, 1953, the Federal Power Commission issued its orders adopted November 25, 1953, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10217; Filed, Dec. 7, 1953; 8:45 a. m.]

[Docket Nos. ID-1058, ID-1204]

W. J. ROSE AND GEORGE B. MUNROE, JR.

### NOTICE OF ORDER AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

DECEMBER 1, 1953.

Notice is hereby given that on November 30, 1953, the Federal Power Commission issued its orders adopted November 25, 1953, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10218; Filed, Dec. 7, 1953; 8:45 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3147]

MONONGAHELA POWER CO.

### SUPPLEMENTAL ORDER RELEASING JURISDICTION HERETOFORE RESERVED WITH RESPECT TO RESULTS OF COMPETITIVE BIDDING AND FEES AND EXPENSES

DECEMBER 2, 1953.

Monongahela Power Company ("Monongahela"), a public-utility subsidiary of The West Penn Electric Company, a registered holding company, having filed herein a declaration and an amendment thereto, with this Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule U-50 promulgated thereunder, regarding the issue and sale at competitive bidding of $10,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1983 ("New Bonds"); and

The Commission having by order dated November 18, 1953 permitted said declaration as amended to become effective subject to a reservation of jurisdiction with respect to the results of competitive bidding under Rule U-50 and with respect to the payment of all fees and expenses incurred or to be incurred in connection with the proposed transactions; and

A further amendment to said declaration having been filed on December 2, 1953, setting forth the action taken to comply with the requirements of Rule U-50, and stating that, pursuant to the invitation for competitive bids with respect to the New Bonds, the following bids were received:

| Bidder | Annual interest rate (percent) | Price to Company (percent of principal) | Annual cost to Company (percent) |
|---|---|---|---|
| Union Securities Corp. and Salomon Bros. & Hutzler | 3¾ | 101.727 | 3.531194 |
| Halsey, Stuart & Co., Inc. | 3¾ | 101.235 | 3.567899 |
| Harriman Ripley & Co., Inc. | 3¾ | 101.109 | 3.564513 |
| Equitable Securities Corp. | 3¾ | 101.099 | 3.564206 |
| W. C. Langley & Co. and The First Boston Corp. | 3¾ | 100.6799 | 3.587811 |
| Merrill Lynch, Pierce, Fenner & Beane | 3¾ | 100.637 | 3.590115 |
| Kidder, Peabody & Co., and White, Weld & Co. | 3¾ | 100.3199 | 3.607461 |

Said amendment setting forth that Monongahela has accepted the proposal of the underwriting group headed by Union Securities Corporation and Salomon Bros. & Hutzler as shown above, and further stating that said bonds will be reoffered to the public at a price of 102.31 percent of the principal amount thereof resulting in an underwriting spread of 0.583 percent and an aggregate spread of $58,300; and

The record also having been completed with respect to the fees and expenses to be incurred in connection with the proposed transactions, which fees and expenses to be paid by the company are estimated in the aggregate amount of $42,419.48, including a fee of $7,500 to Sullivan and Cromwell, counsel for Monongahela, plus expenses of $200, and a fee of $3,650 to Price Waterhouse & Co., for accounting services plus expenses of $569.48, and a fee of $5,000 to Cahill, Gordon, Zachry & Reindel, counsel to the purchasers; which fee is to be paid by the purchasers; and

The Commission observing no basis for adverse findings with respect to the results of competitive bidding or the fees and expenses to be paid in connection with the proposed transactions, and deeming it appropriate that said declaration, as amended, should be permitted to become effective and that jurisdiction heretofore reserved should be released;

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, and subject to the terms and conditions contained in Rule U-24 that said declaration, as amended be, and the same hereby is, permitted to become effective forthwith; and

*It is further ordered*, That jurisdiction heretofore reserved with respect to the results of competitive bidding and the payment of fees and expenses be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53-10223; Filed, Dec. 7, 1953; 8:46 a. m.]

[File No. 812-856]

NORTH AMERICAN SECURITIES CO.

### NOTICE OF FILING OF APPLICATION REGARDING PAYMENT OF BONUS TO EMPLOYEES

DECEMBER 2, 1953.

North American Securities Company ("Applicant"), San Francisco, California, has filed an application pursuant to section 17 (d) of the Investment Company Act of 1940 and Rule N-17D-1 of the rules and regulations thereunder regarding the proposed payment in December 1953 of a bonus to each of the company's employees equal to one-half of one month's salary in the case of each person who has been employed for the entire year and, in the case of persons employed for a lesser period, a portion of one-half of one month's salary based on the proportionate number of months of the year during which such persons were employed. The Applicant estimates that the proposed bonus payments will aggregate $9,400.

Applicant is a wholly owned subsidiary and investment adviser of North American Investment Corporation, a registered management, closed-end, diversified investment company, and it is the underwriter and investment adviser of Commonwealth Investment Company and of Commonwealth Stock Fund, Inc., each of which is a registered management, open-end, diversified investment company. Applicant has about 51 employees who are eligible to receive the proposed bonus, including seven individuals who are affiliated persons (as officers or directors) of North American Investment Corporation, Commonwealth Investment Company or Commonwealth Stock Fund, Inc., or of all three companies. The applicant's parent company, North American Investment Corporation, does not have any paid employees.

Rule N-17D-1 provides, among other things, that it shall be unlawful, with certain exceptions not applicable here, for any affiliated person of a registered investment company or of any company controlled by any such registered company to participate in, or effect any transaction in connection with, any bonus plan in which any such registered or controlled company is a participant unless an application regarding such plan has been granted by the Commission.

Notice is further given that any interested person may, not later than December 14, 1953, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided

in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-10221; Filed, Dec. 7, 1953; 8:46 a. m.]

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[File No. 812-857]

NIAGARA SHARE CORP.

NOTICE OF FILING OF APPLICATION REGARDING PAYMENT OF BONUS TO EMPLOYEES

DECEMBER 2, 1953.

Niagara Share Corporation ("Niagara Share"), Buffalo, New York, a registered management, closed-end, diversified investment company, has filed an application pursuant to section 17 (d) of the act and Rule N-17D-1 of the rules and regulations thereunder regarding the proposed payment, in the discretion of the company's board of directors, of a bonus for 1953 to each of its employees, including officers, in an amount not to exceed 10 percent of their respective salaries and an additional cost-of-living bonus for 1953 not to exceed $150, to each of its employees except certain officers. The application states that the company has 16 employees and that it is expected that each of them will receive the bonus based on salary and that 12 of them will receive the cost-of-living bonus. Niagara Share estimates that the salary and cost-of-living bonuses for 1953 will total $11,139 and $1,800, respectively.

Rule N-17D-1 of the rules and regulations under the act provides among other things, that it shall be unlawful, with certain exceptions not applicable here, for any affiliated person of any registered investment company or of any company controlled by any such registered company to participate in, or effect any transaction in connection with any bonus plan in which such registered or controlled company is a participant unless an application regarding such plan has been granted by the Commission.

Notice is further given that any interested person may, not later than December 15, 1953, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-10222; Filed, Dec. 7, 1953; 8:46 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28722]

AUTOMOBILES FROM JANESVILLE, WIS., TO IOWA, MICHIGAN, MINNESOTA, AND WISCONSIN

APPLICATION FOR RELIEF

DECEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Automobiles, set up, freight or passenger, carloads.

From: Janesville, Wis.

To: Points in Iowa, Michigan, Minnesota and Wisconsin.

Grounds for relief: Competition with rail carriers, circuitous routes, and competition with motor carriers.

Schedules filed containing proposed rates; W. J. Prueter, Agent, I. C. C. No. A-3939, supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10228; Filed, Dec. 7, 1953; 8:48 a. m.]

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[4th Sec. Application 28723]

CRANBERRIES FROM WISCONSIN TO MEMPHIS AND NASHVILLE, TENN.

APPLICATION FOR RELIEF

DECEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to his tariff I. C. C. No. A-3883, pursuant to fourth-section order No. 17220.

Commodities involved: Cranberries, fresh, carloads.

From: Points in Wisconsin.

To: Memphis and Nashville, Tenn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10229; Filed, Dec. 7, 1953; 8:48 a. m.]

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[Sec. 5a Application 50]

OIL CAPITOL TARIFF BUREAU INC.

APPLICATION FOR APPROVAL OF AGREEMENT

DECEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed November 9, 1953 by: Clyde Grever, Attorney-in-fact, 5315 West Eighth Street, Tulsa, Okla.

Agreement involved: An agreement between and among common carriers by motor vehicle relating to rates, rules, and regulations for the transportation, in interstate or foreign commerce, of oil-industry commodities, heavy machinery, and such commodities which, because of size or weight, require the use of special equipment, boats and other commodities, between points in the States of Arkansas, Colorado, Illinois, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Texas; and procedures for the joint initiation, consideration, and establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10241; Filed Dec. 7, 1953; 8:49 a. m.]


# FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 18 NUMBER 239

*Washington, Wednesday, December 9, 1953*


## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PUBLIC HOUSING ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, subparagraph (2) is added to § 6.142 (d) as set out below:

§ 6.142 *Housing and Home Finance Agency.* • • •

(d) *Public Housing Administration.* • • •

(2) Until June 30, 1956, the position of Special Representative at San Diego, California.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 53-10259; Filed, Dec. 8, 1953; 8:47 a. m.]

## TITLE 46—SHIPPING

### Chapter I—Coast Guard, Department of the Treasury

Subchapter O—Regulations Applicable to Certain Vessels During Emergency

[CGFR 53-51]

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS[1]

NATIONALITY OF CREWS OF NON-SUBSIDIZED MERCHANT VESSELS

The purpose of this order is to cancel the general waiver designated § 154.11, as well as 33 CFR 19.11, effective January 1, 1954, regarding the nationality of crews of non-subsidized merchant vessels.

It has been determined upon investigation that there is sufficient experienced personnel in the merchant marine industry to meet the requirements of certain navigation and vessel inspection laws relating to manning of merchant vessels and to meet the citizenship requirements for crews of non-subsidized merchant vessels and that the continuation of this waiver is no longer necessary. It is hereby found that compliance with the notice of proposed rule making, public rule making procedure thereon, and effective date requirements of the Administrative Procedure Act is contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by an order of the Acting Secretary of the Treasury dated January 23, 1951, identified as CGFR 51-51, and published in the FEDERAL REGISTER dated January 26, 1951 (16 F. R. 731), the following waiver order is canceled effective January 1, 1954:

Section 154.11 *Nationality of crews of nonsubsidized merchant vessels* is revoked: *Provided*, That any vessel where the crew is engaged on or before December 31, 1953, under the terms of this waiver such vessel may continue with such deficiencies in its crew for the remainder of the period for which the entire crew is signed on and no penalty of law shall be imposed because of failure to comply with the provisions of 46 U. S. C. 672a which were relaxed by this waiver.

(61 Stat. 33, 685; 46 U. S. C. Sup., note prec. 1)

Dated: December 1, 1953.

[SEAL] A. C. RICHMOND, *Rear Admiral, U. S. Coast Guard, Acting Commandant.*

[F. R. Doc. 53-10256; Filed, Dec. 8, 1953; 8:47 a. m.]

[1] This is also codified in 33 CFR Part 19.

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of the Treasury

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

NATIONALITY OF CREWS OF NON-SUBSIDIZED MERCHANT VESSELS

CROSS REFERENCE: For cancellation of § 19.11, see F. R. Doc. 53-10256, Title 46, Chapter I, Part 154, *supra*.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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# TITLE 7—AGRICULTURE

## Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

### Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

### PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

#### RECODIFICATION

By virtue of the authority (18 F. R. 4839) vested in me by the Secretary of Agriculture and in accordance with the revised Federal Register regulations, the format of the regulations (7 CFR Part 52) governing the grading and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products, and the United States Standards with respect thereto, which are operative pursuant to the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83rd Cong., approved July 28, 1953), is recodified as hereinafter set forth.

The recasting of the format due to such recodification is not intended, nor shall it be deemed to make any substantive change in said regulations. The services and programs provided by the regulations are currently in effect except the United States Standards for concentrated orange juice for manufacturing and canned concentrated orange juice which become effective on December 12 1953, and for frozen concentrate for lemonade on December 19, 1953. Therefore, with these exceptions, the regulations as presented in recodified form shall become effective upon publication in the FEDERAL REGISTER so as to avoid any interruption in the continuity of such services and programs.

The recodification is set forth below.

Issued at Washington, D. C., this 7th day of December, 1953.

[SEAL] GEORGE A. DICE,
*Deputy Assistant Administrator, Production and Marketing Administration.*



PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS[1]

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[1] Among such other processed food products are the following: Honey; molasses, except for stock feed; nuts and nut products, except oil; sugar (cane, beet, and maple); sirups (blended), sirups, except from grain; marine food products, except oil.

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52.584 Recommended designations of liquid media and Brix measurements.
52.585 Recommended fill of container.
52.586 Recommended minimum drained weight.

FACTORS OF QUALITY

52.587 Ascertaining the grade.
52.588 Ascertaining the rating for the factors which are scored.
52.589 Color.
52.590 Absence of defects.
52.591 Character.

LOT CERTIFICATION TOLERANCES

52.592 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.593 Score sheet for canned blueberries.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN BLUEBERRIES

PRODUCT DESCRIPTION, TYPES, AND GRADES

52.611 Product description.
52.612 Types of frozen blueberries.
52.613 Grades of frozen blueberries.

FACTORS OF QUALITY

Sec.
52.614 Ascertaining the grade.
52.615 Ascertaining the rating for the factors which are scored.
52.616 Color.
52.617 Absence of defects.
52.618 Character.

LOT CERTIFICATION TOLERANCES

52.619 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.620 Score sheet for frozen blueberries.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN BROCCOLI

PRODUCT DESCRIPTION, STYLES, AND GRADES

52.631 Product description.
52.632 Styles of frozen broccoli.
52.633 Grades of frozen broccoli.

FACTORS OF QUALITY

52.634 Ascertaining the grade.
52.635 Ascertaining the rating for the factors which are scored.
52.636 Color.
52.637 Uniformity of size.
52.638 Absence of defects.
52.639 Character.

LOT CERTIFICATION TOLERANCES

52.640 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.641 Score sheet for frozen broccoli.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN BRUSSELS SPROUTS

PRODUCT DESCRIPTION AND GRADES

52.651 Product description.
52.652 Grades of frozen Brussels sprouts.

FACTORS OF QUALITY

52.653 Ascertaining the grade.
52.654 Ascertaining the rating for the factors which are scored.
52.655 Color.
52.656 Absence of defects.
52.657 Character.

LOT CERTIFICATION TOLERANCES

52.658 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.659 Score sheet for frozen Brussels sprouts.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED CARROTS

IDENTITY, STYLES, AND GRADES

52.671 Identity.
52.672 Styles of canned carrots.
52.673 Grades of canned carrots.

FILL OF CONTAINER AND DRAINED WEIGHTS

52.674 Recommended fill of container.
52.675 Recommended minimum drained weight.

SIZES

52.676 Sizes of carrots in whole carrots.
52.677 Sizes of carrot slices in sliced carrots.
52.678 Sizes of carrot quarters in quartered carrots.

FACTORS OF QUALITY

52.679 Ascertaining the grade.
52.680 Ascertaining the rating for the factors which are scored.
52.681 Color.
52.682 Uniformity of size and shape.
52.683 Absence of defects.
52.684 Texture.

LOT CERTIFICATION TOLERANCES

52.685 Tolerance for certification of officially drawn samples.





SCORE SHEET

Sec.
52.686 Score sheet for canned carrots.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN DICED CARROTS

PRODUCT DESCRIPTION, STYLE, AND GRADES

52.701 Product description.
52.702 Style of frozen diced carrots.
52.703 Grades of frozen diced carrots.

FACTORS OF QUALITY

52.704 Ascertaining the grade.
52.705 Ascertaining the rating for the factors which are scored.
52.706 Color.
52.707 Uniformity of size and shape.
52.708 Absence of defects.
52.709 Texture.

LOT CERTIFICATION TOLERANCES

52.710 Tolerance for certification of officially drawn samples.

SCORE SHEET

52.711 Score sheet for frozen diced carrots.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN CAULIFLOWER

PRODUCT DESCRIPTION AND GRADES

52.721 Product description.
52.722 Grades of frozen cauliflower.

FACTORS OF QUALITY

52.723 Ascertaining the grade.
52.724 Ascertaining the rating for the factors which are scored.
52.725 Color.
52.726 Absence of defects.
52.727 Character.

LOT CERTIFICATION TOLERANCES

52.728 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.729 Score sheet for frozen cauliflower.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF SULFURED CHERRIES

PRODUCT DESCRIPTION, STYLES, SIZES, AND GRADES

52.741 Product description.
52.742 Styles of sulfured cherries.
52.743 Recommended sizes of sulfured cherries.
52.744 Grades of sulfured cherries.
52.745 Definition.

FACTORS OF QUALITY

52.746 Ascertaining the grade with respect to "U. S. Grade A" or "U. S. Fancy" and "U. S. Grade B" or "U. S. Choice."
52.747 Ascertaining the rating for each factor which is scored.
52.748 Color.
52.749 Absence of defects.
52.750 Character.
52.751 Ascertaining the grade with respect to U. S. Combination Grade.

LOT CERTIFICATION TOLERANCES

52.752 Tolerance for certification of officially drawn samples for U. S. Combination Grade of sulfured cherries.
52.753 Tolerance for certification of officially drawn samples for "U. S. Grade A" or "U. S. Fancy" and "U. S. Grade B" or "U. S. Choice."

SCORE SHEET AND WORK SHEET

52.754 Score sheet for sulfured cherries.
52.755 Work sheet for sulfured cherries for grading on the basis of the U. S. Combination Grade.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED RED SOUR (TART) PITTED CHERRIES

IDENTITY AND GRADES

Sec.
52.771 Identity.
52.772 Grades of canned red sour (tart) pitted cherries.

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

52.773 Designations of liquid media and Brix measurements.
52.774 Recommended fill of container.
52.775 Recommended drained weight.

FACTORS OF QUALITY

52.776 Ascertaining the grade.
52.777 Ascertaining the rating for each factor.
52.778 Color.
52.779 Absence of defects.
52.780 Character.

LOT CERTIFICATION TOLERANCES

52.781 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.782 Score sheet for canned red sour (tart) pitted cherries.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN RED SOUR (TART) PITTED CHERRIES

PRODUCT DESCRIPTION AND GRADES

52.801 Product description.
52.802 Grades of frozen red sour (tart) pitted cherries.

FACTORS OF QUALITY

52.803 Ascertaining the grade.
52.804 Ascertaining the rating for each factor.
52.805 Color.
52.806 Absence of defects.
52.807 Character.

LOT CERTIFICATION TOLERANCES

52.808 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.809 Score sheet for frozen red sour (tart) pitted cherries.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED SWEET CHERRIES

IDENTITY, TYPES, STYLES, AND GRADES

52.821 Identity.
52.822 Types of canned sweet cherries.
52.823 Styles of canned sweet cherries.
52.824 Grades of canned sweet cherries.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHT

52.825 Liquid media and Brix measurements for canned sweet cherries.
52.826 Fill of container for canned sweet cherries.
52.827 Recommended minimum drained weight.
52.828 Compliance with recommended drained weights.

FACTORS OF QUALITY

52.829 Ascertaining the grade.
52.830 Ascertaining the rating for the factors which are scored.
52.831 Color.
52.832 Uniformity of size.
52.833 Absence of defects.
52.834 Character.

LOT CERTIFICATION TOLERANCES

52.835 Tolerances for certification of officially drawn samples.

SCORE SHEET

Sec.
52.836 Score sheet for canned sweet cherries.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED CREAM STYLE CORN

IDENTITY, COLORS, AND GRADES

52.851 Identity.
52.852 Colors of canned cream style corn.
52.853 Grades of canned cream style corn.

FILL OF CONTAINER

52.854 Fill of container for canned cream style corn.

FACTORS OF QUALITY

52.855 Ascertaining the grade.
52.856 Ascertaining the rating for the factors which are scored.
52.857 Color.
52.858 Consistency.
52.859 Absence of defects.
52.860 Tenderness and maturity.
52.861 Flavor.

LOT CERTIFICATION TOLERANCES

52.862 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.863 Score sheet for canned cream style corn.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED WHOLE KERNEL (OR WHOLE GRAIN) CORN

IDENTITY, COLOR, AND GRADES

52.881 Identity.
52.882 Color of canned whole kernel (or whole grain) corn.
52.883 Grades of canned whole kernel (or whole grain) corn.

FILL OF CONTAINER AND DRAINED WEIGHTS

52.884 Recommended fill of container.
52.885 Recommended minimum drained weight.

FACTORS OF QUALITY

52.886 Ascertaining the grade.
52.887 Ascertaining the rating for the factors which are scored.
52.888 Color.
52.889 Cut.
52.890 Absence of defects.
52.891 Tenderness and maturity.
52.892 Flavor.

LOT CERTIFICATION TOLERANCES

52.893 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.894 Score sheet for canned whole kernel (or whole grain) corn and canned whole kernel (or whole grain) and vacuum pack corn.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN WHOLE KERNEL (OR WHOLE GRAIN) CORN

PRODUCT DESCRIPTION, COLOR, AND GRADES

52.911 Product description.
52.912 Color of frozen whole kernel (or whole grain) corn.
52.913 Grades of frozen whole kernel (or whole grain) corn.

FACTORS OF QUALITY

52.914 Ascertaining the grade.
52.915 Ascertaining the rating of the factors which are scored.
52.916 Color.
52.917 Absence of defects.
52.918 Tenderness and maturity.

LOT CERTIFICATION TOLERANCES

52.919 Tolerances for certification of officially drawn samples.

SCORE SHEET

Sec.
52.920 Score sheet for frozen whole kernel (or whole grain) corn.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN CORN-ON-THE-COB

PRODUCT DESCRIPTION, COLOR AND GRADES

52.931 Product description.
52.932 Colors of frozen corn-on-the-cob.
52.933 Grades of frozen corn-on-the-cob.

FACTORS OF QUALITY

52.934 Ascertaining the grade.
52.935 Ascertaining the rating of the factors which are scored.
52.936 Color.
52.937 Absence of defects.
52.938 Tenderness and maturity.

LOT CERTIFICATION TOLERANCES

52.939 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.940 Score sheet for frozen corn-on-the-cob.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED CRANBERRY SAUCE

PRODUCT DESCRIPTION, STYLES, AND GRADES

52.951 Product description.
52.952 Styles of canned cranberry sauce.
52.953 Grades of canned cranberry sauce.

FILL OF CONTAINER

52.954 Recommended fill of container

FACTORS OF QUALITY

52.955 Ascertaining the grade.
52.956 Ascertaining the rating for the factors which are scored.
52.957 Color.
52.958 Consistency and texture.
52.959 Absence of defects.
52.960 Flavor and odor.

EXPLANATION

52.961 Explanation of terms.

LOT CERTIFICATION TOLERANCES

52.962 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.963 Score sheet for canned cranberry sauce.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF DRIED CURRANTS

PRODUCT DESCRIPTION, TYPES, AND GRADES

52.981 Product description.
52.982 Types (varieties) of dried currants.
52.983 Grades of dried currants.

DEFINITIONS AND EXPLANATIONS

52.984 Explanation of terms.

WORK SHEET

52.985 Work sheet for dried currants.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF DATES

PRODUCT DESCRIPTION, STYLES, AND GRADES

52.1001 Product description.
52.1002 Styles of dates.
52.1003 Grades for dates.

DEFINITIONS AND EXPLANATIONS

52.1004 Definitions of varying degrees of uniformity of color.
52.1005 Definitions of varying degrees of uniformity of size.
52.1006 Definitions of varying degrees of character.
52.1007 Definition of defects.

FACTORS OF QUALITY

52.1008 Specifications of allowances and limitations for defects with respect to whole dates and whole pitted dates.

WORK SHEET

52.1009 Work sheet for dates.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF DRIED FIGS

PRODUCT DESCRIPTION, TYPES, STYLES, SIZES, AND GRADES

52.1021 Product description.
52.1022 Types (colors) of dried figs.
52.1023 Styles and types of packs of dried figs.
52.1024 Sizes of Style I (a), whole, loose, dried figs.
52.1025 Grades of dried figs (not for manufacturing.)
52.1026 Moisture allowances for grades (not for manufacturing) of dried figs.
52.1027 Grades of dried figs for manufacturing.
52.1028 Moisture allowances for grades for manufacturing of dried figs.

DEFINITIONS AND EXPLANATIONS

52.1029 Definitions of varying degrees of maturity.
52.1030 Definitions of varying degrees of uniformity of size.
52.1031 Definitions of varying degrees of uniformity of color.
52.1032 Definitions of defect.
52.1033 Definition of varying degrees of flavor and odor.

WORK SHEETS

52.1034 Work sheet for grades (not for manufacturing) of dried figs.
52.1035 Work sheet for grades for manufacturing of dried figs.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED FRUIT COCKTAIL

IDENTITY AND GRADES

52.1051 Identity
52.1052 Grades of canned fruit cocktail.

PROPORTIONS

52.1053 Proportion of fruit ingredients.

LIQUID MEDIA, FILL OF CONTAINER, DRAINED WEIGHTS

52.1054 Liquid media and Brix measurements for canned fruit cocktail.
52.1055 Fill of container for canned fruit cocktail.

FACTORS OF QUALITY

52.1056 Ascertaining the grade.
52.1057 Ascertaining the rating for the factors which are scored.
52.1058 Clearness of liquid media.
52.1059 Color.
52.1060 Uniformity of size.
52.1061 Absence of defects.
52.1062 Character.

LOT CERTIFICATION TOLERANCES

52.1063 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1064 Score sheet for canned fruit cocktail.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FRUIT JELLY

IDENTITY, TYPES, KINDS, AND GRADES

52.1081 Identity.
52.1082 Types of fruit jelly.
52.1083 Kinds of fruit jelly.
52.1084 Grades of fruit jelly.

FILL OF CONTAINER

52.1085 Recommended fill of container.

FACTORS OF QUALITY

52.1086 Ascertaining the grade.
52.1087 Ascertaining the rating for each factor.
52.1088 Consistency.
52.1089 Color.
52.1090 Flavor.

LOT CERTIFICATION TOLERANCES

52.1091 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1092 Score sheet for fruit jelly.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FRUIT PRESERVES (OR JAMS)

IDENTITY, TYPES, KINDS, AND GRADES

52.1111 Identity.
52.1112 Types of fruit preserves (or jams).
52.1113 Kinds of fruit preserves (or jams) according to Group I or Group II designations.
52.1114 Grades of fruit preserves (or jams).

FILL OF CONTAINER

52.1115 Recommended fill of container.

FACTORS OF QUALITY

52.1116 Ascertaining the grade
52.1117 Ascertaining the rating for the factors which are scored.
52.1118 Consistency.
52.1119 Color.
52.1120 Absence of defects.
52.1121 Flavor.

LOT CERTIFICATION TOLERANCES

52.1122 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1123 Score sheet for fruit preserves (or jams).

SUBPART—UNITED STATES STANDARDS FOR GRADES OF GRAPEFRUIT

PRODUCT DESCRIPTION AND GRADES

52.1141 Product description.
52.1142 Grades of canned grapefruit

LIQUID MEDIA AND FILL OF CONTAINER

52.1143 Recommended designations of liquid media and Brix measurements.
52.1144 Recommended fill of container.

FACTORS OF QUALITY

52.1145 Ascertaining the grade.
52.1146 Ascertaining the rating for the factors which are scored.
52.1147 Drained weight.
52.1148 Wholeness.
52.1149 Color.
52.1150 Absence of defects.
52.1151 Character.

EXPLANATIONS

52.1152 Explanation of terms.

LOT CERTIFICATION TOLERANCES

52.1153 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1154 Score sheet for canned grapefruit.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN GRAPEFRUIT

PRODUCT DESCRIPTION AND GRADES

52.1171 Product description.
52.1172 Grades of frozen grapefruit.





FACTORS OF QUALITY

Sec.
52.1173 Ascertaining the grade.
52.1174 Ascertaining the rating of each factor.
52.1175 Wholeness.
52.1176 Color.
52.1177 Absence of defects.
52.1178 Character.

LOT CERTIFICATION TOLERANCES

52.1179 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1180 Score sheet for frozen grapefruit.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED GRAPEFRUIT JUICE

PRODUCT DESCRIPTION, AND GRADES

52.1191 Product description.
52.1192 Grades of canned grapefruit juice.

FILL OF CONTAINER

52.1193 Recommended fill of container.

FACTORS OF QUALITY

52.1194 Ascertaining the grade.
52.1195 Ascertaining the rating of each factor.
52.1196 Color.
52.1197 Absence of defects.
52.1198 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.1199 Definitions of terms as used in the standards.
52.1200 Explanation of analyses.

LOT CERTIFICATION TOLERANCES

52.1201 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1202 Score sheet for canned grapefruit juice.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN CONCENTRATED GRAPEFRUIT JUICE

PRODUCT DESCRIPTION, STYLES, AND GRADES

52.1221 Product description.
52.1222 Styles of frozen concentrated grapefruit juice.
52.1223 Grades of frozen concentrated grapefruit juice.

FILL OF CONTAINER

52.1224 Recommended fill of container.

FACTORS OF QUALITY

52.1225 Ascertaining the grade.
52.1226 Ascertaining the rating for the factors which are scored.
52.1227 Color.
52.1228 Absence of defects.
52.1229 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.1230 Definitions of terms as used in these standards.
52.1231 Explanation of analyses.

LOT CERTIFICATION TOLERANCES

52.1232 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1233 Score sheet for frozen concentrated grapefruit juice.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED GRAPEFRUIT AND ORANGE FOR SALAD

PRODUCT DESCRIPTION AND GRADES

52.1251 Product description.
52.1252 Grades of canned grapefruit and orange for salad.

LIQUID MEDIA AND FILL OF CONTAINER

52.1253 Recommended designations of liquid media and Brix measurements.
52.1254 Recommended fill of container.

FACTORS OF QUALITY

52.1255 Ascertaining the grade.
52.1256 Ascertaining the rating for the factors which are scored.
52.1257 Drained weight.
52.1258 Wholeness.
52.1259 Color.
52.1260 Absence of defects.
52.1261 Character.

EXPLANATIONS

52.1262 Explanation of terms.

LOT CERTIFICATION TOLERANCES

52.1263 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1264 Score sheet for canned grapefruit and orange for salad.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED BLENDED GRAPEFRUIT JUICE AND ORANGE JUICE

PRODUCT DESCRIPTION AND GRADES

52.1281 Product description.
52.1282 Grades of canned blended grapefruit juice and orange juice.

FILL OF CONTAINER

52.1283 Recommended fill of container.

FACTORS OF QUALITY

52.1284 Ascertaining the grade.
52.1285 Ascertaining the rating of each factor.
52.1286 Color.
52.1287 Absence of defects.
52.1288 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.1289 Definitions of terms.
52.1290 Explanation of analyses.

LOT CERTIFICATION TOLERANCES

52.1291 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1292 Score sheet for canned blended grapefruit juice and orange juice.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN CONCENTRATED BLENDED GRAPEFRUIT JUICE AND ORANGE JUICE

PRODUCT DESCRIPTION, STYLES, AND GRADES

52.1311 Product description.
52.1312 Styles of frozen concentrated blended grapefruit juice and orange juice.
52.1313 Grades of frozen concentrated blended grapefruit juice and orange juice.

FILL OF CONTAINER

52.1314 Recommended fill of container.

FACTORS OF QUALITY

52.1315 Ascertaining the grade.
52.1316 Ascertaining the rating for the factors which are scored.
52.1317 Color.
52.1318 Absence of defects.
52.1319 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.1320 Definitions of terms as used in these standards.
52.1321 Explanation of analyses.

LOT CERTIFICATION TOLERANCES

52.1322 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1323 Score sheet for frozen concentrated blended grapefruit juice and orange juice.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED GRAPE JUICE

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

52.1341 Product description.
52.1342 Types of canned grape juice.
52.1343 Styles of canned grape juice.
52.1344 Grades of canned grape juice.

FILL OF CONTAINER

52.1345 Recommended fill of container.

FACTORS OF QUALITY

52.1346 Ascertaining the grade.
52.1347 Ascertaining the rating for the factors which are scored.
52.1348 Color.
52.1349 Absence of defects.
52.1350 Flavor.

EXPLANATIONS

52.1351 Explanation of terms.

LOT CERTIFICATION TOLERANCES

52.1352 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1353 Score sheet for canned grape juice.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN LEAFY GREENS

PRODUCT DESCRIPTION, KINDS, STYLES, AND GRADES

52.1371 Product description.
52.1372 Kinds of frozen leafy greens.
52.1373 Styles of frozen leafy greens.
52.1374 Grades of frozen leafy greens.

FACTORS OF QUALITY

52.1375 Ascertaining the grade.
52.1376 Ascertaining the rating for the factors which are scored.
52.1377 Color.
52.1378 Absence of defects.
52.1379 Character.

LOT CERTIFICATION TOLERANCES

52.1380 Tolerance for certification of officially drawn samples.

SCORE SHEET

52.1381 Score sheet for frozen leafy greens.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF EXTRACTED HONEY, HONEY

PRODUCT DESCRIPTION, TYPES, TYPE OF PROCESS, AND COLOR

52.1391 Product description.
52.1392 Types of extracted honey.
52.1393 Color of honey.
52.1394 Application of U. S. D. A. permanent glass color standards in classifying the color of honey.
52.1395 Tolerance for certification of color of officially drawn samples.

FILL OF CONTAINER

52.1396 Recommended fill of container.

GRADES

52.1397 Grades of honey.

FACTORS OF QUALITY

52.1398 Ascertaining the grade.
52.1399 Ascertaining the rating for each factor.
52.1400 Flavor.
52.1401 Absence of defects.
52.1402 Clarity.

LOT CERTIFICATION TOLERANCES

52.1403 Tolerances for certification of officially drawn samples.

SCORE SHEET

Sec.
52.1404 Score sheet for extracted honey.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN CONCENTRATE FOR LEMONADE

PRODUCT DESCRIPTION AND GRADES

52.1421 Product description.
52.1422 Grades of frozen concentrate for lemonade.

FILL OF CONTAINER

52.1423 Recommended fill of container.

FACTORS OF QUALITY

52.1424 Ascertaining the grade.
52.1425 Ascertaining the rating for the factors which are scored.
52.1426 Color.
52.1427 Absence of defects.
52.1428 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.1429 Definition of terms.
52.1430 Explanation of analyses.

LOT CERTIFICATION TOLERANCES

52.1431 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1432 Score sheet for frozen concentrate for lemonade.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF ORANGE MARMALADE

PRODUCT DESCRIPTION, KINDS, STYLES, TYPES, AND GRADES

52.1451 Product description.
52.1452 Kinds of orange marmalade.
52.1453 Styles of orange marmalade.
52.1454 Types of orange marmalade.
52.1455 Grades of orange marmalade.

FILL OF CONTAINER

52.1456 Recommended fill of container.

FACTORS OF QUALITY

52.1457 Ascertaining the grade.
52.1458 Ascertaining the rating for the factors which are scored.
52.1459 Color.
52.1460 Consistency and character.
52.1461 Absence of defects.
52.1462 Flavor and odor.

EXPLANATIONS AND METHODS OF ANALYSES

52.1463 Explanation of terms or analyses.

LOT CERTIFICATION TOLERANCES

52.1464 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1465 Score sheet for orange marmalade.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED MUSHROOMS

IDENTITY, COLOR, STYLES, AND GRADES

52.1481 Identity.
52.1482 Color.
52.1483 Styles of canned mushrooms.
52.1484 Grades of canned mushrooms.

SIZES, FILL OF CONTAINER, AND DRAINED WEIGHTS

52.1485 Sizes of mushrooms in whole and button mushrooms.
52.1486 Fill of container for canned mushrooms.
52.1487 Minimum drained weight.

FACTORS OF QUALITY

52.1488 Ascertaining the grade.
52.1489 Ascertaining the rating for the factors which are scored.
52.1490 Color.
52.1491 Uniformity of size and shape.
52.1492 Absence of defects.
52.1493 Character.

LOT CERTIFICATION TOLERANCES

52.1494 Tolerance for certification of officially drawn samples.

SCORE SHEET

52.1495 Score sheet for canned mushrooms.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN OKRA

PRODUCT DESCRIPTION, STYLES, AND GRADES

52.1511 Product description.
52.1512 Styles of frozen okra.
52.1513 Grades of frozen okra.

SIZE

52.1514 Size of frozen okra.

FACTORS OF QUALITY

52.1515 Ascertaining the grade.
52.1516 Ascertaining the rating for each factor.
52.1517 Color.
52.1518 Absence of defects.
52.1519 Character.

LOT CERTIFICATION TOLERANCES

52.1520 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1521 Score sheet for frozen okra.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF OLIVE OIL

PRODUCT DESCRIPTION AND GRADES

52.1531 Product description.
52.1532 Grades of olive oil.

FILL OF CONTAINER

52.1533 Recommended fill of container.

FACTORS OF QUALITY

52.1534 Ascertaining the grade.
52.1535 Ascertaining the rating for each factor.
52.1536 Free fatty acid content.
52.1537 Absence of defects.
52.1538 Odor.
52.1539 Flavor.

LOT CERTIFICATION TOLERANCES

52.1540 Tolerance for certification of officially drawn samples.

SCORE SHEET

52.1541 Score sheet for olive oil.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED ORANGE JUICE

PRODUCT DESCRIPTION AND GRADES

52.1551 Product description.
52.1552 Grades of canned orange juice.

FILL OF CONTAINER

52.1553 Recommended fill of container.

FACTORS OF QUALITY

52.1554 Ascertaining the grade.
52.1555 Ascertaining the rating of each factor.
52.1556 Color.
52.1557 Absence of defects.
52.1558 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.1559 Definition of terms.
52.1560 Explanation of analyses.

LOT CERTIFICATION TOLERANCES

52.1561 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1562 Score sheet for canned orange juice.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN CONCENTRATED ORANGE JUICE

PRODUCT DESCRIPTION, STYLES, AND GRADES

52.1581 Product description.
52.1582 Styles of frozen concentrated orange juice.
52.1583 Grades of frozen concentrated orange juice.

FILL OF CONTAINER

52.1584 Recommended fill of container.

FACTORS OF QUALITY

52.1585 Ascertaining the grade.
52.1586 Ascertaining the rating for the factors which are scored.
52.1587 Color.
52.1588 Absence of defects.
52.1589 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.1590 Definitions of terms as used in these standards.
52.1591 Explanation of analyses.

LOT CERTIFICATION TOLERANCES

52.1592 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1593 Score sheet for frozen concentrated orange juice.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED PEARS

IDENTITY, STYLES AND GRADES

52.1611 Identity.
52.1612 Styles of canned pears.
52.1613 Grades of canned pears.
52.1614 Grades of canned solid-pack pears.

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

52.1615 Liquid media and Brix measurements for canned pears.
52.1616 Fill of container for canned pears.
52.1617 Recommended fill of container for canned "solid-pack" pears.
52.1618 Recommended minimum drained weight.
52.1619 Compliance with recommended drained weights.

FACTORS OF QUALITY

52.1620 Ascertaining the grade.
52.1621 Ascertaining the rating for the factors which are scored.
52.1622 Color.
52.1623 Uniformity of size and symmetry.
52.1624 Absence of defects.
52.1625 Character.

LOT CERTIFICATION TOLERANCES

52.1626 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1627 Score sheet for canned pears.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED FIELD PEAS AND CANNED BLACK-EYE PEAS

IDENTITY AND GRADES

52.1641 Identity.
52.1642 Grades of canned peas.

FILL OF CONTAINER AND DRAINED WEIGHTS

52.1643 Recommended fill of container.
52.1644 Recommended drained weight.

FACTORS OF QUALITY

52.1645 Ascertaining the grade.
52.1646 Ascertaining the rating of each factor.
52.1647 Color.
52.1648 Absence of defects.
52.1649 Character.





LOT CERTIFICATION TOLERANCES

Sec.
52.1650 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1651 Score sheet for canned field peas and canned black-eye peas.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN FIELD PEAS AND FROZEN BLACK-EYE PEAS

PRODUCT DESCRIPTION, DEFINITIONS, AND GRADES

52.1661 Product description.
52.1662 Definitions.
52.1663 Grades of frozen peas.

FACTORS OF QUALITY

52.1664 Ascertaining the grade.
52.1665 Ascertaining the rating for the factors which are scored.
52.1666 Color.
52.1667 Absence of defects.
52.1668 Character.

LOT CERTIFICATION TOLERANCES

52.1669 Tolerance for certification of officially drawn samples.

SCORE SHEET

52.1670 Score sheet for frozen field peas and frozen black-eye peas.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CUCUMBER PICKLES

PRODUCT DESCRIPTION, STYLES, GRADES, AND TYPES

52.1681 Product description.
52.1682 Styles of cucumber pickles.
52.1683 Grades of cucumber pickles.
52.1684 Types of cucumber pickles.

FILL OF CONTAINER AND DRAINED WEIGHTS

52.1685 Recommended fill of container.
52.1686 Recommended minimum drained weight.

SIZES

52.1687 Sizes of cucumber pickles in whole cucumber pickles.
52.1688 Sizes of cross cut or sliced cucumber pickles.

FACTORS OF QUALITY

52.1689 Ascertaining the grade.
52.1690 Ascertaining the rating of each factor.
52.1691 Color.
52.1692 Uniformity of size and shape.
52.1693 Absence of defects.
52.1694 Texture.

LOT CERTIFICATION TOLERANCES

52.1695 Tolerance for certification of officially drawn samples.

SCORE SHEET

52.1696 Score sheet for cucumber pickles.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED PINEAPPLE

PRODUCT DESCRIPTION, STYLES, AND GRADES

52.1711 Product description.
52.1712 Styles of canned pineapple.
52.1713 Grades of canned pineapple.

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

52.1714 Recommended designations of liquid media and Brix measurements.
52.1715 Recommended fill of container.
52.1716 Recommended minimum drained weight.

COUNTS AND SIZES

52.1717 Recommended count and size of slices and half slices.

FACTORS OF QUALITY

52.1718 Ascertaining the grade.
52.1719 Ascertaining the rating for each factor.
52.1720 Color.
52.1721 Uniformity of size and shape.
52.1722 Absence of defects.
52.1723 Character.

LOT CERTIFICATION TOLERANCES

52.1724 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1725 Score sheet for canned pineapple.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN PINEAPPLE

PRODUCT DESCRIPTION, STYLES, AND GRADES

52.1741 Product description.
52.1742 Styles of frozen pineapple.
52.1743 Grades of frozen pineapple.

FACTORS OF QUALITY

52.1744 Ascertaining the grade.
52.1745 Ascertaining the rating of each factor.
52.1746 Color.
52.1747 Uniformity of size and symmetry.
52.1748 Absence of defects.
52.1749 Character.

LOT CERTIFICATION TOLERANCES

52.1750 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1751 Score sheet for frozen pineapple.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED PINEAPPLE JUICE

PRODUCT DESCRIPTION AND GRADES

52.1761 Product description.
52.1762 Grades of canned pineapple juice.

FILL OF CONTAINER

52.1763 Recommended fill of container.

FACTORS OF QUALITY

52.1764 Ascertaining the grade.
52.1765 Ascertaining the rating of each factor.
52.1766 Color.
52.1767 Absence of defects.
52.1768 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.1769 Explanation of terms and analyses.

LOT CERTIFICATION TOLERANCES

52.1770 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1771 Score sheet for canned pineapple juice.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED PLUMS

PRODUCT DESCRIPTION, VARIETIES, STYLES, AND GRADES

52.1781 Product description.
52.1782 Varieties of canned plums.
52.1783 Styles of canned plums.
52.1784 Grades of canned plums.

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

52.1785 Recommended designations of liquid media and Brix measurements for canned plums.
52.1786 Recommended fill of container for canned plums.
52.1787 Recommended minimum drained weight.
52.1788 Compliance with recommended drained weights.

FACTORS OF QUALITY

52.1789 Ascertaining the grade.
52.1790 Ascertaining the rating for the factors which are scored.
52.1791 Color.
52.1792 Uniformity of size.
52.1793 Absence of defects.
52.1794 Character.

LOT CERTIFICATION TOLERANCES

52.1795 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1796 Score sheet for canned plums.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED WHITE POTATOES

IDENTITY, STYLES, AND GRADES

52.1811 Identity.
52.1812 Styles of canned white potatoes.
52.1813 Grades of canned white potatoes.

FILL OF CONTAINER AND DRAINED WEIGHTS

52.1814 Recommended fill of container.
52.1815 Recommended minimum drained weight.

SIZES

52.1816 Sizes of canned whole white potatoes.

FACTORS OF QUALITY

52.1817 Ascertaining the grade.
52.1818 Ascertaining the rating for each factor.
52.1819 Color.
52.1820 Uniformity of size and shape.
52.1821 Absence of defects.
52.1822 Texture.

LOT CERTIFICATION TOLERANCES

52.1823 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1824 Score sheet for canned white potatoes.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF PROCESSED RAISINS

PRODUCT DESCRIPTION, TYPES, SIZES, COLORS, AND GRADES

52.1841 Product description.
52.1842 Types (varieties) of processed raisins.
52.1843 Sizes of Thompson Seedless Raisins.
52.1844 Colors of Sulfur Bleached and Golden Bleached Thompson Seedless Raisins.
52.1845 Grades of Thompson Seedless Raisins.
52.1846 Sizes of Muscat Raisins.
52.1847 Grades of Muscat Raisins.
52.1848 Sizes of Sultana Raisins.
52.1849 Grades of Sultana Raisins.

EXPLANATIONS

52.1850 Explanation of terms.

WORK SHEET

52.1851 Work sheet for processed raisins.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN RASPBERRIES

PRODUCT DESCRIPTION, TYPES, AND GRADES

52.1871 Product description.
52.1872 Types (colors) of frozen raspberries.
52.1873 Grades of frozen raspberries (not for manufacturing).
52.1874 Grades of frozen raspberries for manufacturing.

FACTORS OF QUALITY

52.1875 Ascertaining the score and grade for frozen raspberries (not for manufacturing).
52.1876 Ascertaining the score of each factor for frozen raspberries (not for manufacturing).

Sec.
52.1877 Color.
52.1878 Absence of defects.
52.1879 Character.
52.1880 Determination of the grades of frozen raspberries for manufacturing.
52.1881 Ascertaining the rating of each factor for frozen raspberries for manufacturing.
52.1882 Color.
52.1883 Absence of defects.
52.1884 Character.

LOT CERTIFICATION TOLERANCES

52.1885 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1886 Score sheet for frozen raspberries (not for manufacturing).

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED SPINACH

IDENTITY AND GRADES

52.1901 Identity.
52.1902 Grades of canned spinach.

FILL OF CONTAINER AND DRAINED WEIGHTS

52.1903 Recommended fill of container.
52.1904 Recommended drained weight.

FACTORS OF QUALITY

52.1905 Ascertaining the grade.
52.1906 Ascertaining the rating for each factor.
52.1907 Color.
52.1908 Absence of defects.
52.1909 Character.

LOT CERTIFICATION TOLERANCES

52.1910 Tolerance for certification of officially drawn samples.

SCORE SHEET

52.1911 Score sheet for canned spinach.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN SPINACH

PRODUCT DESCRIPTION, STYLES, AND GRADES

52.1921 Product description.
52.1922 Styles of frozen spinach.
52.1923 Grades of frozen spinach.

FACTORS OF QUALITY

52.1924 Ascertaining the grade.
52.1925 Ascertaining the rating for the factors which are scored.
52.1926 Color.
52.1927 Absence of defects.
52.1928 Character.

LOT CERTIFICATION TOLERANCES

52.1929 Tolerance for certification of officially drawn samples.

SCORE SHEET

52.1930 Score sheet for frozen spinach.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN COOKED SQUASH

PRODUCT DESCRIPTION AND GRADES

52.1941 Product description.
52.1942 Grades of frozen cooked squash.

FACTORS OF QUALITY

52.1943 Ascertaining the grade.
52.1944 Ascertaining the ratings for the factors which are scored.
52.1945 Consistency.
52.1946 Color.
52.1947 Finish.
52.1948 Absence of defects.

LOT CERTIFICATION TOLERANCES

52.1949 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1950 Score sheet for frozen cooked squash.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN SQUASH (SUMMER TYPE)

PRODUCT DESCRIPTION, STYLES, AND GRADES

52.1961 Product description.
52.1962 Styles of frozen squash.
52.1963 Grades of frozen summer squash.

FACTORS OF QUALITY

52.1964 Ascertaining the grade.
52.1965 Ascertaining the ratings for the factors which are scored.
52.1966 Color.
52.1967 Absence of defects.
52.1968 Character.

LOT CERTIFICATION TOLERANCES

52.1969 Tolerance for certification of officially drawn samples.

SCORE SHEET

52.1970 Score sheet for frozen squash (summer type).

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN STRAWBERRIES

PRODUCT DESCRIPTION, STYLES, SIZES, AND GRADES

52.1981 Product description.
52.1982 Styles of frozen strawberries.
52.1983 Sizes of whole strawberries.
52.1984 Grades of frozen strawberries (not for manufacturing).
52.1985 Grades of frozen strawberries for manufacturing.

FACTORS OF QUALITY

52.1986 Ascertaining the score and grade for frozen strawberries (not for manufacturing).
52.1987 Ascertaining the score of each factor for frozen strawberries (not for manufacturing).
52.1988 Color.
52.1989 Absence of defects.
52.1990 Character.
52.1991 Determination of the grades of frozen strawberries for manufacturing.
52.1992 Ascertaining the rating of each factor for frozen strawberries for manufacturing.
52.1993 Color.
52.1994 Absence of defects.
52.1995 Character.

LOT CERTIFICATION TOLERANCES

52.1996 Tolerance for certification of officially drawn samples.

SCORE AND WORK SHEETS

52.1997 Score sheet for frozen strawberries (not for manufacturing).
52.1998 Work sheet for frozen strawberries for manufacturing.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN SUCCOTASH

PRODUCT DESCRIPTION, INGREDIENTS, AND GRADES

52.2011 Product description.
52.2012 Kind, type, and style of ingredients.
52.2013 Proportion of ingredients.
52.2014 Grades of frozen succotash.

FACTORS OF QUALITY

52.2015 Ascertaining the grade.
52.2016 Ascertaining the rating for the factors which are scored.
52.2017 Color.
52.2018 Absence of defects.
52.2019 Tenderness.
52.2020 Method for determining proportion of ingredients.

LOT CERTIFICATION TOLERANCES

52.2021 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2022 Score sheet for frozen succotash.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED SWEETPOTATOES

IDENTITY, COLORS, STYLES, TYPES, AND GRADES

52.2041 Identity.
52.2042 Colors of canned sweetpotatoes.
52.2043 Styles of canned sweetpotatoes.
52.2044 Types of packs of canned sweetpotatoes.
52.2045 Grades of canned sweetpotatoes.

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

52.2046 Recommended designations of liquid media and Brix measurements.
52.2047 Recommended fill of container.
52.2048 Recommended minimum drained weight.

FACTORS OF QUALITY

52.2049 Ascertaining the grade.
52.2050 Ascertaining the rating for the factors which are scored.
52.2051 Color.
52.2052 Shape and size or consistency.
52.2053 Absence of defects.
52.2054 Character.

LOT CERTIFICATION TOLERANCES

52.2055 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2056 Score sheet for canned sweetpotatoes.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED TANGERINE JUICE

PRODUCT DESCRIPTION AND GRADES

52.2071 Product description.
52.2072 Grades of canned tangerine juice.

FILL OF CONTAINER

52.2073 Recommended fill of container.

FACTORS OF QUALITY

52.2074 Ascertaining the grade.
52.2075 Ascertaining the rating of each factor.
52.2076 Color.
52.2077 Absence of defects.
52.2078 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.2079 Definitions of terms.
52.2080 Explanation of analyses.

LOT CERTIFICATION TOLERANCES

52.2081 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2082 Score sheet for canned tangerine juice.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF TOMATO CATSUP

IDENTITY AND GRADES

52.2101 Identity.
52.2102 Grades of tomato catsup.

FILL OF CONTAINER

52.2103 Recommended fill of container for tomato catsup.

FACTORS OF QUALITY

52.2104 Ascertaining the grade.
52.2105 Ascertaining the rating for the factors which are scored.
52.2106 Color.
52.2107 Consistency.
52.2108 Absence of defects.
52.2109 Flavor.

DEFINITIONS

52.2110 Definitions of terms used in these standards.



LOT CERTIFICATION TOLERANCES

52.2111 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2112 Score sheet for tomato catsup.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN MIXED VEGETABLES

PRODUCT DESCRIPTION, KINDS, STYLES, PROPORTIONS, AND GRADES

52.2131 Product description.
52.2132 Kinds and styles of basic vegetables.
52.2133 Proportions of ingredients.
52.2134 Grades of frozen mixed vegetables.

FACTORS OF QUALITY

52.2135 Ascertaining the grade.
52.2136 Ascertaining the rating for the factors which are scored.
52.2137 Color.
52.2138 Absence of defects.
52.2139 Character.

EXPLANATIONS AND METHODS OF ANALYSES

52.2140 Explanation of terms and analyses.

LOT CERTIFICATION TOLERANCES

52.2141 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2142 Score sheet for frozen mixed vegetables.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED APPLES

PRODUCT DESCRIPTION, STYLES, AND GRADES

52.2161 Product description.
52.2162 Styles of canned apples.
52.2163 Grades of canned apples.

FILL OF CONTAINER AND DRAINED WEIGHTS

52.2164 Recommended fill of container.
52.2165 Recommended minimum drained weights.

FACTORS OF QUALITY

52.2166 Ascertaining the grade.
52.2167 Ascertaining the rating for the factors which are scored.
52.2168 Color.
52.2169 Uniformity of size.
52.2170 Absence of defects.
52.2171 Character.

LOT CERTIFICATION TOLERANCES

52.2172 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2173 Score sheet for canned apples.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CHILI SAUCE

PRODUCT DESCRIPTION AND GRADES

52.2191 Product description.
52.2192 Grades of chili sauce.

FILL OF CONTAINER

52.2193 Recommended fill of container for chili sauce.

FACTORS OF QUALITY

52.2194 Ascertaining the grade.
52.2195 Ascertaining the rating for the factors which are scored.
52.2196 Color.
52.2197 Consistency.
52.2198 Character.
52.2199 Absence of defects.
52.2200 Flavor.

LOT CERTIFICATION TOLERANCES

52.2201 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2202 Score sheet for chili sauce.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CONCENTRATED ORANGE JUICE FOR MANUFACTURING

PRODUCT DESCRIPTION AND GRADES

Sec.
52.2221 Product description.
52.2222 Grades of concentrated orange juice for manufacturing.

FILL OF CONTAINER

52.2223 Recommended fill of container.

FACTORS OF QUALITY

52.2224 Ascertaining the grade.
52.2225 Ascertaining the rating for the factors which are scored.
52.2226 Color.
52.2227 Absence of defects.
52.2228 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.2229 Explanation of terms and analyses.

LOT CERTIFICATION TOLERANCES

52.2230 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2231 Score sheet for concentrated orange juice for manufacturing.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED CONCENTRATED ORANGE JUICE

PRODUCT DESCRIPTION, STYLES, AND GRADES

52.2251 Product description.
52.2252 Styles of canned concentrated orange juice.
52.2253 Grades of canned concentrated orange juice.

FILL OF CONTAINER

52.2254 Recommended fill of container.

FACTORS OF QUALITY

52.2255 Ascertaining the grade.
52.2256 Ascertaining the rating for the factors which are scored.
52.2257 Color.
52.2258 Absence of defects.
52.2259 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.2260 Explanation of terms and analyses.

LOT CERTIFICATION TOLERANCES

52.2261 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2262 Score sheet for canned concentrated orange juice.

AUTHORITY: §§ 52.1 to 52.2262 issued under sec. 205, 60 Stat. 1090, Pub. Law 156, 83d Cong.; 7 U. S. C. 1624.

## SUBPART—REGULATIONS GOVERNING INSPECTION AND CERTIFICATION

§ 52.1 *Administration of regulations.* The Administrator, Production and Marketing Administration, United States Department of Agriculture, is charged with the Administration of the regulations in this part except that he may delegate any or all of such functions to any officer or employee of the Production and Marketing Administration of the Department, in his discretion.

### DEFINITIONS

§ 52.2 *Meaning of words.* Words in the regulations in this part in the singular form shall be deemed to import the plural and vice versa, as the case may demand.

§ 52.3 *Terms defined.* For the purpose of the regulations in this part, unless the context otherwise requires, the following terms shall have the following meanings:

(a) "Act" means the following provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and of the Department of Agriculture Appropriation Act, 1951 (Pub. Law 759; 81st Cong., approved September 6, 1950, as continued in effect by Public Law 70; 82d Congress, approved July 1, 1951), or any future act of Congress conferring similar authority:

AGRICULTURAL MARKETING ACT OF 1946

• • • To inspect, certify, and identify the class, quality, quantity, and condition of agricultural products when shipped or received in interstate commerce, under such rules and regulations as the Secretary of Agriculture may prescribe, including assessment and collection of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered, to the end that agricultural products may be marketed to the best advantage, that trading may be facilitated, and that consumers may be able to obtain the quality product which they desire, except that no person shall be required to use the service authorized by this subsection. • • •

DEPARTMENT OF AGRICULTURE APPROPRIATION ACT, 1951

*Market inspection of farm products.* For the investigation and certification, in one or more jurisdictions, to shippers and other interested parties of the class, quality, and condition of any agricultural commodity or food product, whether raw, dried, canned, or otherwise processed, and any product containing an agricultural commodity or derivative thereof when offered for interstate shipment or when received at such important central markets as the Secretary may from time to time designate, or at points which may be conveniently reached therefrom under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable and as nearly as may be to cover the cost for the services rendered. • • •

*Marketing farm products.* For acquiring and diffusing among the people of the United States useful information relative to the needed supplies, standardization, classification, grading, preparation for market, handling, transportation, storage, and marketing of farm and food products, including the demonstration and promotion of the use of uniform standards of classification of American farm and food products throughout the world • • •

(b) "Administrator" means the Administrator of the Production and Marketing Administration of the Department.

(c) "Applicant" means any interested party who requests inspection service under the regulations in this part.

(d) "Case" means the number of containers (cased or uncased) which, by the particular industry are ordinarily packed in a shipping container.

(e) "Certificate of loading" means a statement, either written or printed, issued pursuant to the regulations in this part, relative to checkloading of a processed product subsequent to inspection thereof.

(f) "Certificate of sampling" means a statement, either written or printed, issued pursuant to the regulations in this part, identifying officially drawn samples and may include a description of condition of containers and the condi-

tion under which the processed product is stored.

(g) "Class" means a grade or rank of quality.

(h) "Condition" means the degree of soundness of the product which may affect its merchantability and includes, but is not limited to those factors which are subject to change as a result of age, improper preparation and processing, improper packaging, improper storage or improper handling.

(i) "Department" means the United States Department of Agriculture.

(j) "Inspection certificate" means a statement, either written or printed, issued pursuant to the regulations in this part, setting forth in addition to appropriate descriptive information relative to a processed product, and the container thereof, the quality and condition, or any part thereof, of the product and may include a description of the conditions under which the product is stored.

(k) "Inspection service" means:

(1) The sampling pursuant to the regulations in this part;

(2) The determination pursuant to the regulations in this part of:

(i) Essential characteristics such as style, type, size, sirup density or identity of any processed product which differentiates between major groups of the same kind;

(ii) The class, quality and condition of any processed product, including the condition of the container thereof by the examination of appropriate samples;

(3) The issuance of any certificate of sampling, inspection certificates, or certificates of loading of a processed product, or any report relative to any of the foregoing; or

(4) Performance by an inspector of any related services such as assigning an inspector in a processing plant to observe the preparation of the product from its raw state through each step in the entire process, or observe conditions under which the product is being prepared, processed, and packed, or observe plant sanitation as a prerequisite to the inspection of the processed product, either on a continuous or periodic basis, or checkload the inspected processed product in connection with the marketing of the processed product.

(l) "Inspector" means any employee of the Department authorized by the Secretary or any other person licensed by the Secretary to investigate, sample, inspect, and certify in accordance with the regulations in this part to any interested party the class, quality and condition of processed products covered in this part and to perform related duties in connection with the inspection service.

(m) "Interested party" means any person who has a financial interest in the commodity involved.

(n) "Licensed sampler" means any person who is authorized by the Secretary to draw samples of processed products for inspection service, to inspect for condition of containers in a lot, and may, when authorized by the Administrator, perform related services under the act and the regulations in this part.

(o) "Lot" for the purpose of the regulations in this part means any number of containers of the same size and type containing a processed product of the same type or style offered for inspection by an interested party, except containers bearing an identification mark different from other containers and containing a lower grade quality than the containers bearing the other marks, may be considered as a separate lot.

(p) "Officially drawn sample" means any sample that has been selected from a particular lot by an inspector, licensed sampler, or by any other person authorized by the Administrator pursuant to the regulations in this part.

(q) "Person" means any individual, partnership, association, business trust, corporation, any organized group of persons (whether incorporated or not), the United States (including, but not limited to, any corporate agencies thereof), any State, county, or municipal government, any common carrier, and any authorized agent of any of the foregoing.

(r) "Plant" means the premises, buildings, structures, and equipment (including, but not being limited to, machines, utensils, and fixtures) employed or used with respect to the manufacture or production of processed products.

(s) "Processed product" means any fruit, vegetable, or other food product covered under these regulations which has been preserved by any recognized commercial process, including, but not limited to, canning, freezing, dehydrating, drying, the addition of chemical substances, or by fermentation.

(t) "Quality" means the inherent properties of any processed product which determine the relative degree of excellence of such product, and includes the effects of preparation and processing, and may or may not include the effects of packing media, or added ingredients.

(u) "Sample" means a single container, a single portion of a container, any number of containers, or a composite mixture of a single type, style or size of a single commodity, packed in a single size of container, or other unit, as may be designated by the Administrator, to be used for inspection.

(v) "Shipping container" means an individual container designed for shipping a number of packages or cans ordinarily packed in a container for shipping or designed for packing unpackaged processed products for shipping.

(w) "Sampling" means the act of selecting samples of processed products for the purpose of inspection under the regulations in this part.

(x) "Secretary" means the Secretary of the Department or any other officer or employee of the Department authorized to exercise the powers and to perform the duties of the Secretary in respect to the matters covered by the regulations in this part.

(y) "Unofficially drawn sample" means any sample that has been selected by any person other than an inspector or licensed sampler, or by any other person not authorized by the Administrator pursuant to the regulations in this part.

INSPECTION SERVICE

§ 52.4 *Where inspection service is offered.* Inspection service may be furnished wherever any inspector or licensed sampler is available and the facilities and conditions are satisfactory for the conduct of such service.

§ 52.5 *Who may obtain inspection service.* An application for inspection service may be made by any interested party, including, but not limited, to, the United States and any instrumentality or agency thereof, any State, county, municipality, or common carrier, and any authorized agent in behalf of the foregoing.

§ 52.6 *How to make application.* An application for inspection service may be made to the office of inspection or to any inspector, at or nearest the place where the service is desired; and an up-to-date list of the Standardization and Inspection Field Offices of the Department may be obtained upon request to the Administrator. Satisfactory proof that the applicant is an interested party, and satisfactory proof of the authority of any person applying for inspection service, shall be furnished.

§ 52.7 *Information required in connection with application.* Application for inspection service shall be made in the English language and may be made orally (in person or by telephone), in writing, or by telegraph. If an application for inspection service is made orally, such application shall be confirmed promptly in writing. In connection with each application for inspection service, there shall be furnished such information as may be necessary to perform an inspection on the processed product for which application for inspection is made, including but not limited to, the name of the product, name and address of the packer or plant where such product was packed, the location of the product, its lot or car number, codes or other identification marks, the number of containers, the type and size of the containers, the interest of the applicant in the product, whether the lot has been inspected previously to the application by any Federal agency and the purpose for which inspection is desired.

§ 52.8 *Filing of application.* An application for inspection service shall be regarded as filed only when made in accordance with the regulations in this part.

§ 52.9 *Record of filing time.* A record showing the date and hour when each application for inspection or for an appeal inspection is received shall be maintained.

§ 52.10 *When application may be rejected.* An application for inspection service may be rejected by the Administrator (a) for non-compliance by the applicant with the regulations in this part, (b) for non-payment for previous inspection services rendered, (c) when the product is not properly identifiable by code or other marks, or (d) when it appears that to perform the inspection service would not be to the best interests of the Government. Such applicant shall be promptly notified of the reason for such rejection.

§ 52.11 *When application may be withdrawn.* An application for inspection service may be withdrawn by the applicant at any time before the inspection is performed: *Provided*, That, the applicant shall pay at the hourly rate prescribed in § 52.48 for the time incurred by the inspector in connection with such application, any travel expenses, telephone, telegraph or other expenses which have been incurred by the inspection service in connection with such application.



§ 52.12 *Disposition of inspected sample.* Any sample of a processed product that has been used for inspection may be returned to the applicant, at his request and expense; otherwise it shall be destroyed, or disposed of to a charitable institution.

§ 52.13 *Basis of inspection.* Inspection service shall be performed on the basis of the appropriate U. S. Standards for grades of processed products, Federal, Quartermaster Corps, Military or Veterans Administration specifications, written buyer and seller contract specifications or any written specification supplied by an applicant which is approved by the Administrator.

§ 52.14 *Order of inspection service.* Inspection service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any such applications which are made by the United States (including, but not being limited to, any instrumentality or agency thereof) and to any application for an appeal inspection.

§ 52.15 *Postponing inspection service.* If the inspector determines that it is not possible to accurately ascertain the quality or condition of a processed product immediately after processing because the product has not reached equilibrium in color, sirup density, or drained weight, or for any other substantial reason, he may postpone inspection service for such period as may be necessary.

§ 52.16 *Financial interest of inspector.* No inspector shall inspect any processed product in which he is directly or indirectly financially interested.

§ 52.17 *Forms of certificates.* Inspection certificates, certificates of sampling or loading, and other memoranda concerning inspection service shall be issued on forms approved by the Administrator.

§ 52.18 *Issuance of certificates.* (a) An inspection certificate may be issued only by an inspector: *Provided*, That, another employee of the inspection service may sign any such certificate covering any processed product inspected by an inspector when given power of attorney by such inspector and authorized by the Administrator, to affix the inspector's signature to an inspection certificate which has been prepared in accordance with the facts set forth in the notes, made by the inspector, in connection with the inspection.

(b) A certificate of loading shall be issued and signed by the inspector or licensed sampler authorized to check the loading of a specific lot of processed products: *Provided*, That, another employee of the inspection service may sign such certificate of loading covering any processed product checkloaded by an inspector or licensed sampler when given power of attorney by such inspector or licensed sampler and authorized by the Administrator to affix the inspector's or licensed sampler's signature to a certificate of loading which has been prepared in accordance with the facts set forth in the notes made by the inspector or licensed sampler in connection with the checkloading of a specific lot of processed products.

§ 52.19 *Issuance of corrected certificates.* A corrected inspection certificate may be issued by the inspector who issued the original certificate after distribution of a certificate if errors, such as incorrect dates, code marks, grade statements, lot or car numbers, container sizes, net or drained weights, quantities, or errors in any other pertinent information require the issuance of a corrected certificate. Whenever a corrected certificate is issued, such certificate shall supersede the inspection certificate which was issued in error and the superseded certificate shall become null and void after the issuance of the corrected certificate.

§ 52.20 *Issuance of an inspection report in lieu of an inspection certificate.* A letter report in lieu of an inspection certificate may be issued by an inspector when such action appears to be more suitable than an inspection certificate: *Provided*, That, the issuance of such report is approved by the Administrator.

§ 52.21 *Disposition of inspection certificates.* The original of any inspection certificate, issued under the regulations in this part, and not to exceed four copies thereof, if requested prior to issuance, shall be delivered or mailed promptly to the applicant, or person designated by the applicant. All other copies shall be filed in such manner as the Administrator may designate. Additional copies of any such certificates may be supplied to any interested party as provided in § 52.50.

§ 52.22 *Report of inspection results prior to issuance of formal report.* Upon request of any interested party, the results of an inspection may be telegraphed or telephoned to him, or to any other person designated by him, at his expense.

APPEAL INSPECTION

§ 52.23 *When appeal inspection may be requested.* An application for an appeal inspection may be made by any interested party who is dissatisfied with the results of an inspection as stated in an inspection certificate, if the lot of processed products can be positively identified by the inspection service as the lot from which officially drawn samples were previously inspected. Such application shall be made within thirty (30) days following the day on which the previous inspection was performed, except upon approval by the Administrator the time within which an application for appeal inspection may be made may be extended.

§ 52.24 *Where to file for an appeal inspection and information required.* (a) Application for an appeal inspection may be filed with:

(1) The inspector who issued the inspection certificate on which the appeal covering the processed product is requested; or

(2) The inspector in charge of the office of inspection at or nearest the place where the processed product is located.

(b) The application for appeal inspection shall state the location of the lot of processed products and the reasons for the appeal; and date and serial number of the certificate covering inspection of the processed product on which the appeal is requested, and such application may be accompanied by a copy of the previous inspection certificate and any other information that may facilitate inspection. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation shall be made promptly.

§ 52.25 *When an application for an appeal inspection may be withdrawn.* An application for appeal inspection may be withdrawn by the applicant at any time before the appeal inspection is performed: *Provided*, That, the applicant shall pay at the hourly rate prescribed in § 52.48 of this part, for the time incurred by the inspector in connection with such application, any travel expenses, telephone, telegraph, or other expenses which have been incurred by the inspection service in connection with such application.

§ 52.26 *When appeal inspection may be refused.* An application for an appeal inspection may be refused if:

(a) The reasons for the appeal inspection are frivolous or not substantial;

(b) The quality or condition of the processed product has undergone a material change since the inspection covering the processed product on which the appeal inspection is requested;

(c) The lot in question is not, or cannot be made accessible for the selection of officially drawn samples;

(d) The lot relative to which appeal inspection is requested cannot be positively identified by the inspector as the lot from which officially drawn samples were previously inspected; or

(e) There is noncompliance with the regulations in this part. Such applicant shall be notified promptly of the reason for such refusal.

§ 52.27 *Who shall perform appeal inspection.* An appeal inspection shall be performed by an inspector or inspectors (other than the one from whose inspection the appeal is requested) authorized for this purpose by the Administrator and, whenever practical, such appeal inspection shall be conducted jointly by two such inspectors: *Provided*, That, the inspector who made the inspection on which the appeal is requested may be authorized to draw the samples when another inspector or licensed sampler is not available in the area where the product is located.

§ 52.28 *Appeal inspection certificate.* After an appeal inspection has been completed, an appeal inspection certifi-

cate shall be issued showing the results of such appeal inspection; and such certificate shall supersede the inspection certificate previously issued for the processed product involved. Each appeal inspection certificate shall clearly identify the number and date of the inspection certificate which it supersedes. The superseded certificate shall become null and void upon the issuance of the appeal inspection certificate and shall no longer represent the quality or condition of the processed product described therein. The inspector or inspectors issuing an appeal inspection certificate shall forward notice of such issuance to such persons as he considers necessary to prevent misuse of the superseded certificate if the original and all copies of such superseded certificate have not previously been delivered to the inspector or inspectors issuing the appeal inspection certificate. The provisions in the regulations in this part concerning forms of certificates, issuance of certificates, and disposition of certificates shall apply to appeal inspection certificates, except that copies of such appeal inspection certificates shall be furnished all interested parties who received copies of the superseded certificate.

LICENSING OF SAMPLERS AND INSPECTORS

§ 52.29 *Who may become licensed sampler.* Any person possessing qualifications as determined by an examination for competency, given by the Administrator, may be licensed as a licensed sampler to draw samples for the purpose of inspection under the regulations in this part. Such a license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. Licensed samplers shall have no authority to inspect processed products under the regulations in this part except as to condition of the containers in a lot. A licensed sampler shall perform his duties pursuant to the regulations in this part as directed by the Administrator.

§ 52.30 *Application to become a licensed sampler.* Application to become a licensed sampler shall be made to the Administrator on forms furnished for that purpose. Each such application shall be executed and signed by the applicant in his own handwriting, and the information contained therein shall be verified by him under oath or affirmation administered by a notary public, and the application shall contain or be accompanied by:

(a) Satisfactory evidence that he has passed his twenty-first birthday;

(b) A statement showing his present and previous occupations, together with names of all employers for whom he has worked with periods of service during the last ten years previous to the date of his application;

(c) A statement that, in his capacity as a licensed sampler, he will not draw samples from any lot of processed products with respect to which he or his employer is an interested party;

(d) A statement by the applicant that he agrees to comply with all terms and conditions of the regulations in this part relating to duties of licensed samplers; and

(e) Such other information as may be required by the aforesaid Administrator.

§ 52.31 *Inspectors.* Inspections will ordinarily be performed by employees under the Administrator who are employed as Federal Government employees for that purpose. However, any person employed under any joint Federal-State inspection service arrangement may be licensed, if otherwise qualified, by the Secretary to make inspections in accordance with this part on such processed products as may be specified in his license. Such license shall be issued only in a case where the Administrator is satisfied that the particular person is qualified to perform adequately the inspection service for which such person is to be licensed. Each such license shall bear the printed signature of the Secretary and shall be countersigned by an authorized employee of the Department. An inspector shall perform his duties pursuant to the regulations in this part as directed by the Administrator.

§ 52.32 *Suspension or revocation of license of licensed sampler or licensed inspector.* Pending final action by the Secretary, the Administrator may, whenever he deems such action necessary, suspend the license of any licensed sampler, or licensed inspector, issued pursuant to the regulations in this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid seven days period and consideration of such argument and evidence, the Secretary shall take such action as he deems appropriate with respect to such suspension or revocation.

§ 52.33 *Surrender of license.* Upon termination of his services as a licensed sampler or licensed inspector, or suspension or revocation of his license, such licensee shall surrender his license immediately to the office of inspection serving the area in which he is located. These same provisions shall apply in a case of an expired license.

TABLE I—CANNED FRUITS AND VEGETABLES AND CANNED FRUIT AND VEGETABLE PRODUCTS, INCLUDING TOMATO PRODUCTS, AND SUCH PRODUCTS AS PEANUT BUTTER, PICKLES, RELISHES, MARMALADES, HONEY, MAPLE SIRUP, FRUIT PULPS AND JAMS, EXCEPT SINGLE-STRENGTH AND CONCENTRATED CITRUS JUICES AND GRAPE JUICES AND FRUIT JELLIES AND VINEGAR

| Size and type of container | Rate of sampling [1] | | |
|---|---|---|---|
| | From lots containing 1 to 2,000 cases | From lots containing 2,001 to 5,000 cases | From lots exceeding 5,000 cases |
| Any type of container of a volume of 11 fluid ounces or less. | 1 container for each 6,000 containers or fraction thereof. | 1 container for each 8,000 containers or fraction thereof. | 1 container for each 12,000 containers or fraction thereof. |
| Any type of container of a total volume of more than 11 fluid ounces but not more than 52 fluid ounces. | 1 container for each 3,000 containers or fraction thereof. | 1 container for each 4,000 containers or fraction thereof. | 1 container for each 6,000 containers or fraction thereof. |
| Any type of container of a volume exceeding that of a No. 3 cylinder size can (404 x 700). | 1 container for each 1,000 containers or fraction thereof. | 1 container for each 2,000 containers or fraction thereof. | 1 container for each 3,000 containers or fraction thereof. |

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from any 1 lot.

SAMPLING

§ 52.34 *How samples are drawn by inspectors or licensed samplers.* An inspector or a licensed sampler shall select samples, upon request, from designated lots of processed products which are so placed as to permit thorough and proper sampling in accordance with the regulations in this part. Such person shall, unless otherwise directed by the Administrator, select samples of such products at random, and from various locations in each lot in such manner and number, not inconsistent with the regulations in this part, as to secure representative samples of the lot. Samples drawn for inspection shall be furnished by the applicant at no cost to the Department.

§ 52.35 *Accessibility for sampling.* Each applicant shall cause the processed products for which inspection is requested to be made accessible for proper sampling. Failure to make any lot accessible for proper sampling shall be sufficient cause for postponing inspection service until such time as such lot is made accessible for proper sampling.

§ 52.36 *How officially drawn samples are to be identified.* Officially drawn samples shall be marked by the inspector or licensed sampler so such samples can be properly identified for inspection.

§ 52.37 *How samples are to be shipped.* Unless otherwise directed by the Administrator, samples which are to be shipped to any office of inspection shall be forwarded to the office of inspection serving the area in which the processed products from which the samples were drawn is located. Such samples shall be shipped in a manner to avoid, if possible, any material change in the quality or condition of the sample of the processed product. All transportation charges in connection with such shipments of samples shall be at the expense of the applicant and wherever practicable, such charges shall be prepaid by him.

§ 52.38 *Sampling rates for officially drawn samples.* Unless otherwise directed by the Administrator, each inspector and each licensed sampler shall select from each lot not less than the number of samples indicated in the following applicable tables except as may be required otherwise by the provisions in § 52.34.



TABLE IV—CANNED FRUITS AND VEGETABLES AND CANNED FRUIT AND VEGETABLE PRODUCTS, INCLUDING TOMATO PRODUCTS, AND SUCH PRODUCTS AS PEANUT BUTTER, PICKLES, RELISHES, MARMALADES, HONEY, MAPLE SIRUP, FRUIT PULPS AND JAMS, EXCEPT SINGLE-STRENGTH AND CONCENTRATED CITRUS JUICES AND GRAPE JUICES AND FRUIT JELLIES AND VINEGAR (Continued)

| Size and type of container | Rate of sampling [1] | | |
|---|---|---|---|
| | From lots containing 1 to 2,000 cases | From lots containing 2,001 to 5,000 cases | From lots exceeding 5,000 cases |
| Any type of container of a volume exceeding that of a No. 12 size can (603 x 812) but not exceeding that of a No. 10 size can (6½ cans). | 1 container for each 1,500 containers or fraction thereof. | 1 container for each 2,000 containers or fraction thereof. | 1 container for each 3,000 containers or fraction thereof. |
| Any type of container of a total volume of more than 1 gallon but not more than 2 gallons. | 1 container for each 500 containers or fraction thereof. | 1 container for each 800 containers or fraction thereof. | 1 container for each 1,200 containers or fraction thereof. |
| Any type of container of a volume exceeding that of a No. 10 size can (6½ cans) but not exceeding 1 gallon. | 1 container for each 1,000 containers or fraction thereof. | 1 container for each 1,500 containers or fraction thereof. | 1 container for each 2,000 containers or fraction thereof. |
| Any type of container of a total volume of more than 2 gallons but not more than 5 gallons. | 1 container for each 200 containers or fraction thereof. | 1 container for each 300 containers or fraction thereof. | 1 container for each 400 containers or fraction thereof. |
| Any type of container of a volume exceeding that of a 5 gallon can but not exceeding that of a 7 gallon can. | 1 container for each 100 containers or fraction thereof. | 1 container for each 150 containers or fraction thereof. | 1 container for each 200 containers or fraction thereof. |
| Any type of container of a volume exceeding that of a 7 gallon can but not exceeding that of a 10 gallon can. | 1 container for each 50 containers or fraction thereof. | 1 container for each 75 containers or fraction thereof. | 1 container for each 100 containers or fraction thereof. |
| Any type of container of a volume exceeding that of a 10 gallon can but not exceeding that of a 15 gallon can. | 1 container for each 25 containers or fraction thereof. | 1 container for each 40 containers or fraction thereof. | 1 container for each 50 containers or fraction thereof. |
| Any type of container of a volume exceeding that of a 15 gallon can but not exceeding that of a 20 gallon can. | 1 container for each 15 containers or fraction thereof. | 1 container for each 20 containers or fraction thereof. | 1 container for each 25 containers or fraction thereof. |
| Any type of container of a volume exceeding that of a 20 gallon can but not exceeding that of a 30 gallon can. | 1 container for each 10 containers or fraction thereof. | 1 container for each 15 containers or fraction thereof. | 1 container for each 20 containers or fraction thereof. |
| Any type of container of a volume exceeding that of a 30 gallon can but not exceeding that of a 40 gallon can. | 1 container for each 8 containers or fraction thereof. | 1 container for each 12 containers or fraction thereof. | 1 container for each 16 containers or fraction thereof. |
| Any type of container of a volume exceeding that of a 40 gallon can but not exceeding that of a 50 gallon can. | 1 container for each 6 containers or fraction thereof. | 1 container for each 10 containers or fraction thereof. | 1 container for each 12 containers or fraction thereof. |
| Any type of container of a volume exceeding that of a 50 gallon can but not exceeding that of a 60 gallon can. | 1 container for each 5 containers or fraction thereof. | 1 container for each 8 containers or fraction thereof. | 1 container for each 10 containers or fraction thereof. |
| Any type of container of a volume exceeding that of a 60 gallon can but not exceeding that of a 70 gallon can. | 1 container for each 4 containers or fraction thereof. | 1 container for each 6 containers or fraction thereof. | 1 container for each 8 containers or fraction thereof. |
| Any type of container of a volume exceeding that of a 70 gallon can but not exceeding that of a 80 gallon can. | 1 container for each 3 containers or fraction thereof. | 1 container for each 5 containers or fraction thereof. | 1 container for each 6 containers or fraction thereof. |
| Any type of container of a volume exceeding that of a 80 gallon can but not exceeding that of a 90 gallon can. | 1 container for each 2 containers or fraction thereof. | 1 container for each 4 containers or fraction thereof. | 1 container for each 5 containers or fraction thereof. |
| Any type of container of a volume exceeding that of a 90 gallon can but not exceeding that of a 100 gallon can. | 1 container for each 2 containers or fraction thereof. | 1 container for each 3 containers or fraction thereof. | 1 container for each 4 containers or fraction thereof. |
| Any type of container of a volume exceeding that of a 100 gallon can. | 1 container for each container or fraction thereof. | 1 container for each 2 containers or fraction thereof. | 1 container for each 3 containers or fraction thereof. |

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from any 1 lot.

TABLE V—DRIED FRUIT

| Size and type of container | Shipping container sizes | | |
|---|---|---|---|
| | Less than 20 pounds net weight | 20 pounds to and including 80 pounds net weight | Exceeding 80 pounds but not exceeding 60 pounds net weight |
| Number of pounds in lot | Rate of sampling [1] | | |
| | Approximately 8 ounce samples | Approximately 16 ounce samples | Approximately 16 ounce samples |
| 500 pounds or less | (2) | 8 | (2) |
| 501 to 2,000 pounds | | 9 | |
| 2,001 to 4,000 pounds | | 10 | |
| 4,001 to 6,000 pounds | | | |
| | Approximately 8 ounce samples | | |
| 6,001 to 8,000 pounds | | 11 | |
| 8,001 to 10,000 pounds | | 12 | |
| 10,001 to 12,000 pounds | | 14 | |
| 12,001 to 14,000 pounds | | 15 | |
| Over 14,000 pounds | Each additional 1,500 pounds or fraction thereof, 1 approximately 8 ounce sample. | Each additional 2,000 pounds or fraction thereof, 1 approximately 8 ounce sample. | Each additional 3,000 pounds or fraction thereof, 1 approximately 16 ounce sample. |

[1] In no case, shall the total of all the samples drawn yield less than 25 ounces of dates; 100 figs or 200 fig slices; or 50 ounces of other dried fruit. The size of the sample from an individual container may be increased to establish the quality of the fruit in the container.

[2] When lot consists of 500 pounds or less, draw 4 approximately equal samples, except that when the lot consists of less than 4 shipping containers, a sample shall be drawn from each shipping container.

TABLE VI—DEHYDRATED FRUITS AND VEGETABLES

| Size and type of container | Rate of sampling [1] |
|---|---|
| Any type of container of 5 pounds or less net weight | 1 container for each 2,400 containers or fraction thereof. |
| Any type of container in excess of 5 pounds, net weight | 1 container for each 1,200 containers or fraction thereof. |

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from any 1 lot.

TABLE VII—PROCESSED PRODUCTS NOT SPECIFICALLY LISTED IN ANY TABLE CONTAINED IN THIS SECTION

| Size and type of container | Rate of sampling [1] |
|---|---|
| Any type of container irrespective of its size or volume | At a rate that will represent the lot as may be determined by the inspector. |

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from any 1 lot.

TABLE II—CANNED AND FROZEN, SINGLE-STRENGTH CITRUS JUICES AND GRAPE JUICES AND FRUIT JELLIES AND VINEGAR

| Size and type of container | Rate of sampling [1] | | |
|---|---|---|---|
| | From lots containing 1 to 2,000 cases | From lots containing 2,001 to 5,000 | From lots exceeding 5,000 cases |
| Any type of container of a volume of 11 fluid ounces or less | 1 container for each 4,800 containers or fraction thereof. | 1 container for each 6,000 containers or fraction thereof. | 1 container for each 8,000 containers or fraction thereof. |
| Any type of container of a total volume of more than 11 fluid ounces but not more than 52 fluid ounces. | 1 container for each 2,400 containers or fraction thereof. | 1 container for each 3,000 containers or fraction thereof. | 1 container for each 4,000 containers or fraction thereof. |
| Any type of container of a total volume of more than 52 fluid ounces. | 1 container for each 1,200 containers or fraction thereof. | 1 container for each 1,500 containers or fraction thereof. | 1 container for each 2,000 containers or fraction thereof. |

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from any 1 lot.

TABLE III—FROZEN FRUITS AND VEGETABLES AND FROZEN FRUIT AND VEGETABLE PRODUCTS, EXCEPT FROZEN SINGLE-STRENGTH AND CONCENTRATED CITRUS JUICES AND GRAPE JUICES

| Size and type of container | Rate of sampling [1] |
|---|---|
| Any type of container of 1 pound or less net weight | 1 container for each 2,400 containers or fraction thereof. |
| Any type of container over 1 pound but less than 10 pounds net weight | 1 container for each 1,600 containers or fraction thereof. |
| Any type of container of 5 pounds or more, but less than 10 pounds, net weight | 1 container for each 1,200 containers or fraction thereof. |
| Frozen vegetables only: Any type of container of 10 pounds or more, net weight | One 2-pound sample (approximate weight) for each 3,000 pounds of the first 18,000 pounds, plus 1 additional 2-pound sample for each additional 5,000 pounds, or fraction thereof in excess of 18,000 pounds. |
| Frozen fruits and berries only: Any type of container of 10 pounds or more net weight | One 3-pound sample (approximate weight) for each 3,000 pounds of the first 18,000 pounds, plus 1 additional 3-pound sample for each additional 5,000 pounds, or fraction thereof in excess of 18,000 pounds. When determined by the inspector that 3-pound subsamples do not reflect the quality of the product in the container 1 or more entire containers may be substituted for any 1 or more sub-samples. |

[1] These are minimum rates and in no case where lots consist of more than 1 container shall less than 2 samples be drawn from any 1 lot.

§ 52.39 *Issuance of certificate of sampling.* Each inspector and each licensed sampler shall prepare and sign a certificate of sampling to cover the samples drawn by the respective person, except that an inspector who inspects the samples which he has drawn need not prepare a certificate of sampling. One copy of each certificate of sampling prepared shall be retained by the inspector or licensed sampler (as the case may be) and the original and all other copies thereof shall be disposed of in accordance with the instructions of the Administrator.

§ 52.40 *Identification of lots sampled.* Each lot from which officially drawn samples are selected shall be marked in such manner as may be prescribed by the Administrator, if such lots do not otherwise possess suitable identification.

FEES AND CHARGES

§ 52.41 *Payment of fees and charges.* Fees and charges for any inspection service shall be paid by the interested party making the application for such service, in accordance with the applicable provisions of the regulations in this part, and, if so required by the person in charge of the office of inspection serving the area where the services are to be performed, and advance of funds prior to rendering inspection service in an amount suitable to the Administrator, or a surety bond suitable to the Administrator, may be required as a guarantee of payment for the services rendered. All fees and charges for any inspection service performed pursuant to the regulations in this part shall be paid by check, draft, or money order payable to the Treasurer of the United States and remitted to the office of inspection serving the area in which the services are performed, within ten (10) days from the date of billing, unless otherwise specified in a contract between the applicant and the Administrator, in which latter event the contract provisions shall apply.

§ 52.42 *Schedule of fees.* (a) Unless otherwise provided for in a written agreement between the applicant and the Administrator, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United States, or any agency or instrumentality thereof, shall be at the rate of $3.60 per hour.

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the applicable rates specified in this section as follows: [1]

(1) *Canned fruits and vegetables and canned fruit and vegetable products and other canned processed products, such as peanut butter, pickles, relishes, jams, jellies, marmalades, honey, maple sirup and concentrates.*

OFFICIALLY DRAWN SAMPLES

Each lot when packed 6 or more cans per case but not exceeding 48 cans per case except canned pineapple and canned pineapple juice inspected in Puerto Rico: [1]

| | |
|---|---|
| Minimum fee for 600 cases or less | $6.00 |
| For each additional 200 cases, or fraction thereof, in excess of 600 cases | 1.60 |

Each lot of canned pineapple and canned pineapple juice inspected in Puerto Rico:

| | |
|---|---|
| The fee for each case of 24 containers or less | $0.015 |
| The fee for each case of more than 24 containers | .020 |
| Minimum fee for any lot | 6.00 |

[1] Inspection of large quantities except canned pineapple and canned pineapple juice inspected in Puerto Rico: When application is made for inspection of 20,000 cases or more of a single commodity of canned fruits and vegetables and canned fruit and vegetable products in containers of any type of a volume capacity not exceeding that of a No. 12 size (603 x 812) the fee shall be at the rate of $1.40 for each 200 cases or fraction thereof: *Provided*, That, the commodity is available for inspection at any one place at any one time.

UNOFFICIALLY DRAWN SAMPLES

| | |
|---|---|
| Minimum fee | $3.60 |
| For more than 4 containers of any type of a volume not in excess of that of a No. 3 size can (404 x 414), per container | .75 |
| For more than 2 containers of any type of a volume exceeding that of a No. 3 size can (404 x 414), but not exceeding that of a No. 12 size can (603 x 812), per container | 1.50 |

(2) *Frozen fruits and vegetables and frozen fruit and vegetable products.*

OFFICIALLY DRAWN SAMPLES

Each lot other than when inspected in Puerto Rico:

| | |
|---|---|
| Minimum fee for 10,000 pounds or less | $6.00 |
| For each additional 5,000 pounds, or fraction thereof, in excess of 10,000 pounds | 2.00 |

Each lot inspected in Puerto Rico:

| | |
|---|---|
| Minimum fee for 10,000 pounds or less | 7.20 |
| For each additional 5,000 pounds, or fraction thereof, in excess of 10,000 pounds | 2.40 |

UNOFFICIALLY DRAWN SAMPLES

| | |
|---|---|
| Minimum fee | $3.60 |
| For more than 2 samples of any type or weight, per sample | 1.50 |

(3) *Dried fruits other than figs and dates.*

OFFICIALLY DRAWN SAMPLES

Each lot:

| | |
|---|---|
| Minimum fee for 12,000 pounds or less | $6.00 |
| For each additional 2,000 pounds, or fraction thereof, in excess of 12,000 pounds | .50 |

UNOFFICIALLY DRAWN SAMPLES

| | |
|---|---|
| Each sample | $3.60 |

(4) *Dried figs and dates.*

OFFICIALLY DRAWN SAMPLES

Each lot:

| | |
|---|---|
| Minimum fee for 8,000 pounds or less | $6.00 |
| For each additional 2,000 pounds, or fraction thereof, in excess of 8,000 pounds | 1.50 |

UNOFFICIALLY DRAWN SAMPLES

| | |
|---|---|
| Each sample | $3.60 |

(5) *Other processed products.* The fee to be charged and collected for the inspection of any processed product not included in subparagraphs (1), (2), (3) and (4) of this paragraph shall be at the rate of $3.60 per hour for the time consumed by the inspector in making the inspection, including the time consumed in sampling by the inspector or licensed sampler: *Provided, however*, That fees for sampling time will not be assessed by the office of inspection when such fees have been assessed and collected directly from the applicant by a licensed sampler.

§ 52.43 *Fees to be charged and collected for sampling when performed by a licensed sampler.* Such sampling fees as are specifically prescribed by the Administrator in connection with the licensing of the particular sampler (which fees are to be prescribed in the light of the sampling work to be performed by such sampler and other pertinent factors) may be assessed and collected by such licensed sampler directly from the applicant: *Provided*, That, if such licensed sampler is an employee of a State, the appropriate authority of that State may make the collection, or they may be assessed and collected by the office of inspection serving the area where the services are performed.

§ 52.44 *Inspection fees when charges for sampling have been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler and with respect to which the sampling fee has been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee provided in this part applicable to the respective processed product: *Provided*, That, if the fee charged for the inspection service is based on the hourly rate of charge, the fee shall be at the rate of $3.60 per hour prescribed in this part.

§ 52.45 *Inspection fees when charges for sampling have not been collected by a licensed sampler.* For each lot of processed products from which samples have been drawn by a licensed sampler, and with respect to which the sampling fee has not been collected by the licensed sampler, the fee to be charged for the inspection shall be 75 percent of the fee as prescribed in this part, plus a reasonable charge to cover the cost of sampling as may be determined by the Administrator: *Provided*, That, if the fee charged is based on the hourly rate, the fee shall be at the rate of $3.60 per hour prescribed in this part, plus a reasonable charge to cover the cost of sampling, as determined by the Administrator.

§ 52.46 *Fee for appeal inspection.* The fee to be charged for an appeal inspection shall be at the rates prescribed in this part for other inspection services: *Provided*, That, if the result of any appeal inspection made for any applicant, other than the United States or any agency or instrumentality thereof, discloses that a material error was made in the inspection on which the appeal is made, no inspection fee shall be assessed.

§ 52.47 *Charges for micro, chemical and certain other special analyses.* (a) The following charges shall be made for micro, chemical and certain other special analyses which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product: [2]

| Type of analysis | For first analysis | For each additional analysis |
|---|---|---|
| *Micro, chemical, and certain other special analyses* | | |
| Mold count | $1.50 | $1.50 |
| Weed larvae and insect fragment count | 3.00 | 3.00 |
| Filth and rodent count | 3.00 | 3.00 |
| Alcohol-insoluble solids | 3.00 | 2.00 |
| Ash | 2.00 | 2.00 |
| Ascorbic acid (vitamin C) | 6.00 | 2.00 |
| Ash, alkalinity | 2.00 | 2.00 |
| Ash, salt free | 4.00 | 4.00 |
| Ash, acid insoluble | 4.00 | 4.00 |
| Ash, water insoluble | 4.00 | 4.00 |
| Crude fiber | 10.00 | 5.00 |
| Ether extract (crude fat) | 5.00 | 5.00 |
| Fiber, crude and wax bean | 3.00 | 3.00 |
| Juice number | 8.00 | 8.00 |
| Moisture (air oven method) | 2.00 | 2.00 |
| Moisture (vacuum oven method) | 2.00 | 2.00 |
| Nut meat | 3.00 | 2.00 |
| Non-volatile ether extract | 6.00 | 6.00 |
| Oil (lemon and orange extract (precipitation method) | 3.00 | 3.00 |
| Oil of lemon extract with oil base (distillation method) | 4.00 | 4.00 |
| Phosphorus pentoxide ($P_2O_5$) | 8.00 | 8.00 |
| Phosphorus pentoxide ($P_2O_5$) and aluminum trioxide ($Al_2O_3$) | 15.00 | 15.00 |
| Recoverable oil | 2.00 | 2.00 |
| Reducing sugars | 6.00 | 6.00 |
| Starch or carbohydrates (direct hydrolysis) | 12.00 | 10.00 |
| Carbohydrates (by difference) | 12.00 | 10.00 |
| Sulphur dioxide (direct titration) | 3.00 | 1.00 |
| Total solids (by drying) | 3.00 | 2.00 |
| Vanillin and coumarin | 10.00 | 10.00 |
| Volatile and non-volatile ether extract | 8.00 | 8.00 |
| Water extract | 4.00 | 4.00 |
| Water insoluble, inorganic residue examination for adulteration, acid particle count | 8.50 | 6.00 |

(b) The following charges shall be made for analyses which are requested by an applicant and are not in connection with an inspection to determine the quality or condition of the product: [3]

| Type of analysis | For first analysis | For each additional analysis |
|---|---|---|
| Catalase | $2.40 | $1.20 |
| Peroxidase | 2.40 | 1.20 |
| Titratable citric, lactic, acetic, or fatty acids, sodium chloride | 1.20 | 1.20 |
| Soluble solids (by refrac.) | 2.40 | 1.20 |
| Total solids (by refrac.) | 2.40 | 1.20 |

§ 52.48 *When charges are to be based on hourly rate not otherwise provided for in this part.* When inspection is for condition only or when inspection services or related services are rendered and formal certificates are not issued or when the services rendered are such that charges based upon the foregoing sections would be inadequate or inequitable, charges may be based on the time consumed by the inspector in performance of such inspection service at the rate of $3.60 per hour.

§ 52.49 *Fees for score sheets.* If the applicant for inspection service requests score sheets showing in detail the inspection of each container or sample inspected and listed thereon, such score sheets may be furnished by the inspector in charge of the office of inspection serving the area where the inspection was performed; and such applicant shall be charged at the rate of $1.00 for each twelve samples, or fraction thereof, inspected and listed on such score sheets.

§ 52.50 *Fees for additional copies of inspection certificates.* Additional copies of any inspection certificate other than those provided for in § 52.21, may be supplied to any interested party upon payment of a fee of $1.50 for each set of five (5) or fewer copies.

§ 52.51 *Travel and other expenses.* Charges may be made to cover cost of travel and other expenses incurred by the inspection service in connection with the performance of any inspection service, including travel and other expenses incurred in connection with any appeal inspection.

§ 52.52 *Charges for inspection service on a contract basis.* Irrespective of fees and charges prescribed in foregoing sections, the Administrator may enter into contracts with applicants to perform continuous inspection services or other inspection services pursuant to the regulations in this part and other requirements as prescribed by the Administrator in such contract, and the charges for such inspection service provided in such contracts shall be on such basis as will reimburse the Production and Marketing Administration of the Department for the full cost of rendering such inspection service including an appropriate overhead charge to cover as nearly as practicable administrative overhead expenses as may be determined by the Administrator.

MISCELLANEOUS

§ 52.53 *Fraud or misrepresentation.* Any wilful misrepresentation or any deceptive or fraudulent practice found to be made or committed by any person in connection with:

(a) The making or filing of an application for any inspection service;

(b) The submission of samples for inspection;

(c) The use of any inspection report or any inspection certificate, or appeal inspection certificate issued under the regulations in this part;

(d) The use of the words "Packed under continuous inspection of the U. S. Department of Agriculture," any legend signifying that the product has been officially inspected, any statement of grade or words of similar import in the labeling or advertising of any processed product;

(e) The use of a facsimile form which simulates in whole or in part any official U. S. certificate for the purpose of purporting to evidence the U. S. grade of any processed product; or

(f) Any wilful violation of the regulations in this part or supplementary rules or instructions issued by the Administrator, may be deemed sufficient cause for debarring such person from any or all benefits of the act.

§ 52.54 *Political activity.* All inspectors and licensed samplers are forbidden, during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, are prohibited. This applies to all appointees or licensees, including, but not limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 52.55 *Interfering with an inspector or licensed sampler.* Any further benefits of the act may be denied any applicant or other interested party who either personally or through an agent or representative interferes with or obstructs, by intimidation, threats, assault, or in any other manner, an inspector or licensed sampler in the performance of his duties.

§ 52.56 *Compliance with other laws.* None of the requirements in the regulations in this part shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to the operation of food processing establishments and to processed food products.

§ 52.57 *Identification.* Each inspector and licensed sampler shall have in his possession at all times and present upon request, while on duty, the means of identification furnished by the Department to such person.

REQUIREMENTS FOR PLANTS OPERATING UNDER CONTINUOUS INSPECTION ON A CONTRACT BASES [4]

§ 52.81 *Plant survey.* (a) Prior to the inauguration of continuous inspection service on a contract basis, the Administrator will make, or cause to be made, a survey and inspection of the plant where such service is to be performed to determine whether the plant and methods of operation are suitable and adequate for the performance of such services in accordance with:

(1) The regulations in this part, including, but not limited to, the requirements contained in §§ 52.81 through 52.87; and

(2) The terms and provisions of the contract pursuant to which the service is to be performed.

§ 52.82 *Premises.* The premises of the plant shall be free from conditions objectionable to food processing operations; and such conditions include, but are not limited to, the following:

(a) Strong offensive odors;

[1] The fees specified in this section are exclusive of charges for such micro, chemical and certain other special analyses, other than salt, acid, catalase, peroxidase, soluble solids (by refrac.) or total solids (by refrac.), which may be requested by the applicant or required by the inspector to determine the quality or condition of the processed product.

[1] When any of these analyses are made at the request of an appplicant and are not in connection with an inspection to determine the quality or condition of the product, the listed fees shall be increased by 20%.

[2] When these analyses are made in connection with an inspection to determine the quality or condition of the product no fee shall be charged for the analyses.

[4] Compliance with the above requirements does not excuse failure to comply with all applicable sanitary rules and regulations of city, county, State, Federal, or other agencies having jurisdiction over such plants and operations.

(b) Litter, waste, and refuse (e. g., garbage, viner refuse, and damaged containers) within the immediate vicinity of the plant buildings or structures;

(c) Excessively dusty roads, yards, or parking lots; and

(d) Poorly drained areas.

§ 52.83 *Buildings and structures.* The plant buildings and structures shall be properly constructed and maintained in a sanitary condition, including, but not being limited to, the following requirements:

(a) There shall be sufficient light (1) consistent with the use to which the particular portion of the building is devoted and (2) to permit efficient cleaning. Belts and tables on which picking, sorting, or trimming operations are carried on shall be provided with sufficient nonglaring light to insure adequacy of the respective operation.

(b) If practicable, there shall be sufficient ventilation in each room and compartment thereof to prevent excessive condensation of moisture and to insure sanitary and suitable processing and operating conditions. If such ventilation does not prevent excessive condensation, the Administrator may require that suitable facilities be provided to prevent the condensate from coming in contact with equipment used in processing operations and with any ingredient used in the manufacture or production of a processed product.

(c) There shall be an efficient waste disposal and plumbing system. All drains and gutters shall be properly installed with approved traps and vents, and shall be maintained in good repair and in proper working order.

(d) There shall be ample supply of both hot and cold water; and the water shall be of safe and sanitary quality with adequate facilities for its (1) distribution throughout the plant, and (2) protection against contamination and pollution.

(e) Roofs shall be weather-tight. The walls, ceilings, partitions, posts, doors, and other parts of all buildings and structures shall be of such materials, construction, and finish as to permit their efficient and thorough cleaning. The floors shall be constructed of tile, cement, or other equally impervious material, shall have good surface drainage, and shall be free from openings or rough surfaces which would interfere with maintaining the floors in a clean condition.

(f) Each room and each compartment in which any processed products are handled, processed, or stored (1) shall be so designed and constructed as to insure processing and operating conditions of a clean and orderly character; (2) shall be free from objectionable odors and vapors; and (3) shall be maintained in a clean and sanitary condition.

(g) Every practical precaution shall be taken to exclude dogs, cats, and vermin (including, but not being limited to, rodents and insects) from the rooms in which processed products are being prepared or handled and from any rooms in which ingredients (including, but not being limited to, salt, sugar, spices, flour, syrup, and raw fruits and vegetables) are handled or stored. Screens, or other devices, adequate to prevent the passage of insects shall, where practical, be provided for all outside doors and openings. The use of poisonous cleansing agents, insecticides, bactericides, or rodent poisons shall not be permitted except under such precautions and restrictions as will prevent any possibility of their contamination of the processed product.

§ 52.84 *Facilities.* Each plant shall be equipped with adequate sanitary facilities and accommodations, including, but not being limited to, the following:

(a) There shall be a sufficient number of adequately lighted toilet rooms, ample in size, and conveniently located. Such rooms shall not open directly into rooms or compartments in which processed products are being manufactured or produced, or handled. Toilet rooms shall be adequately screened and equipped with self-closing doors and shall have independent outside ventilation.

(b) Lavatory accommodations (including, but not being limited to, running water, single service towels, and soap) shall be placed at such locations in or near toilet rooms and in the manufacturing or processing rooms or compartments as may be necessary to assure the cleanliness of each person handling ingredients used in the manufacture or production of processed products.

(c) Containers intended for use as containers for processed products shall not be used for any other purpose.

(d) No product or material which creates an objectionable condition shall be processed, handled, or stored in any room, compartment, or place where any processed product is manufactured, processed, or handled.

(e) Suitable facilities for cleaning (e. g., brooms, brushes, mops, clean cloths, hose, nozzles, soaps, detergent, sprayers, and steam pressure hose and guns) shall be provided at convenient locations throughout the plant.

§ 52.85 *Equipment.* All equipment used for receiving, washing, segregating, picking, processing, packaging, or storing any processed products or any ingredients used in the manufacture or production thereof, shall be of such design, material, and construction as will:

(a) Enable the examination, segregation, preparation, packaging and other processing operations applicable to processed products, in an efficient, clean, and sanitary manner, and

(b) Permit easy access to all parts to insure thorough cleaning and effective bactericidal treatment. Insofar as is practicable, all such equipment shall be made of corrosion-resistant material that will not adversely affect the processed product by chemical action or physical contact. Such equipment shall be kept in good repair and sanitary condition.

§ 52.86 *Operations and operating procedures.* (a) All operations in the receiving, transporting, holding, segregating, preparing, processing, packaging and storing of processed products and ingredients, used as aforesaid, shall be strictly in accord with clean and sanitary methods and shall be conducted as rapidly as practicable and at temperatures that will not tend to cause (1) any material increase in bacterial or other micro-organic content, or (2) any deterioration or contamination of such processed products or ingredients thereof. Mechanical adjustments or practices which may cause contamination of foods by oil, dust, paint, scale, fumes, grinding materials, decomposed food, filth, chemicals, or other foreign materials shall not be conducted during any manufacturing or processing operation.

(b) All processed products and ingredients thereof shall be subjected to continuous inspection throughout each manufacturing or processing operation. All processed products which are not manufactured or prepared in accordance with the requirements contained in §§ 52.81 through 52.87 or are not fit for human food shall be removed and segregated prior to any further processing operation.

(c) All ingredients used in the manufacture or processing of any processed product shall be clean and fit for human food.

(d) The methods and procedures employed in the receiving, segregating, handling, transporting, and processing of ingredients in the plant shall be adequate to result in a satisfactory processed product. Such methods and procedures include, but are not limited to, the following requirement:

(1) Containers, utensils, pans, and buckets used for the storage or transporting of partially processed food ingredients shall not be nested unless rewashed before each use;

(2) Containers which are used for holding partially processed food ingredients shall not be stacked in such manner as to permit contamination of the partially processed food ingredients;

(3) Packages or containers for processed products shall be clean when being filled with such products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such products. If, to assure a satisfactory finished product, changes in methods and procedures are required by the Administrator, such changes shall be effectuated as soon as practicable.

§ 52.87 *Personnel; health.* In addition to such other requirements as may be prescribed by the Administrator with respect to persons in any room or compartment where exposed ingredients are prepared, processed, or otherwise handled, the following shall be complied with:

(a) No person affected with any communicable disease (including, but not being limited to, tuberculosis) in a transmissible stage shall be permitted;

(b) Infections or cuts shall be covered with rubber gloves or other suitable covering;

(c) Clean, suitable clothing shall be worn;

(d) Hands shall be washed immediately prior to starting work and each resumption of work after each absence from the work station;



(e) Spitting, and the use of tobacco are prohibited; and

(f) All necessary precautions shall be taken to prevent the contamination of processed products and ingredients thereof with any foreign substance (including, but not being limited to, perspiration, hair, cosmetics, and medicaments).

## SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED APPLE JUICE[1]

### PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.301 *Product description.* Canned apple juice is the unfermented liquid prepared from the first pressing juice of properly prepared sound, fresh apples, excluding the liquid obtained from any additional residual apple material. Such apple juice is prepared without any concentration, without dilution, or without the addition of sweetening ingredients; may be processed with or without the addition of antioxidants; and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers (either metal or glass).

§ 52.302 *Styles of canned apple juice.* (a) Style I, Clear (typical of "clarified" apple juice).

(b) Style II, Cloudy (typical of "nonclarified" apple juice, but not a crushed or disintegrated apple product).

§ 52.303 *Grades of canned apple juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned apple juice that possesses a very good color; is practically free from defects; possesses a very good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned apple juice that possesses a good color; is fairly free from defects; possesses a good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of canned apple juice that fails to meet the requirements of U. S. Grade C or U. S. Standard.

### FILL OF CONTAINER

§ 52.304 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled as full as practicable with apple juice and that the product occupy not less than 90 percent of the volume of the container.

### FACTORS OF QUALITY

§ 52.305 *Ascertaining the grade.* (a) The grade of canned apple juice may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(b) The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

| Factors: | Points |
|---|---|
| Color | 20 |
| Absence of defects | 20 |
| Flavor | 60 |
| Total score | 100 |

§ 52.306 *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.307 *Color—(a) (A) classification.* Canned apple juice that possesses a very good color may be given a score of 17 to 20 points. "Very good color" means that the color is bright and typical of freshly pressed juice and may vary from characteristic light non-amber shades to medium amber shades; that the canned apple juice of Style I, Clear, is sparkling clear and transparent; and that canned apple juice of Style II, Cloudy, may range from a slight translucent appearance to a definitely hazy appearance.

(b) *(C) classification.* If the canned apple juice possesses a good color, a score of 14 to 16 points may be given. Canned apple juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is typical of canned apple juice, which color may be deep amber or other typical color but is not off color for the respective style.

(c) *(SStd) classification.* Canned apple juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.308 *Absence of defects.* The factor of absence of defects refers to the degree of freedom from sediment or other residue, dark specks, particles of seeds, coarse particles of pulp, or other defects.

(a) *(A) classification.* Canned apple juice that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that the canned apple juice may possess a slight amount of sediment or residue of an amorphous nature; may possess not more than a trace of dark specks or of sediment or residue of a non-amorphous nature; and shall be free from particles of seed, coarse particles of pulp, or other defects.

(b) *(C) classification.* If the canned apple juice is fairly free from defects, a score of 14 to 16 points may be given. Canned apple juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned apple juice may possess a slight amount of sediment or residue of an amorphous or non-amorphous nature, of dark specks, of particles of seed, of coarse particles of pulp, or of any other defects, provided such defects do not seriously affect the appearance or palatability of the product.

(c) *(SStd) classification.* Canned apple juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.309 *Flavor.* The factor of flavor refers to the degree of excellence and palatableness of a distinct apple juice flavor and aroma typical of apple juice that has been properly processed.

(a) *(A) classification.* Canned apple juice that possesses a very good flavor may be given a score of 51 to 60 points. "Very good flavor" means that the canned apple juice possesses a fine, distinct canned apple juice flavor and a typical fruity odor which may be slightly oxidized or slightly astringent but is free from any trace of scorching, of the flavor of overprocessing, of objectionable oxidation, of the flavor of green fruit, or of any other objectionable flavor or odor. To score in this classification canned apple juice shall meet the following additional requirements:

*Brix.* Not less than 11.5 degrees.

*Acid.* Not less than 0.35 gm. nor more than 0.70 gm., calculated as malic, per 100 ml. of juice.

(b) *(C) classification.* If the canned apple juice possesses a good flavor, a score of 42 to 50 points may be given. Canned apple juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good flavor" means that the canned apple juice possesses a normal flavor and odor, typical of canned apple juice which may be more than slightly oxidized or may be more than slightly astringent but is free from objectionable odors or objectionable flavors of any kind. To score in this classification canned apple juice shall meet the following additional requirements:

*Brix.* Not less than 10.5 degrees.

*Acid.* Not less than 0.30 gm. nor more than 0.80 gm., calculated as malic, per 100 ml. of juice.

(c) *(SStd) classification.* Canned apple juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 41 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

### EXPLANATIONS AND ANALYSES

§ 52.310 *Explanation of terms.* (a) "Brix" means the degrees Brix of canned apple juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If canned apple juice is tested at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of canned apple juice may be determined

by any other method which gives equivalent results.

(b) "Acid" means grams of acid (calculated as malic acid) per 100 ml. of juice in canned apple juice determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator or any other satisfactory indicator.

LOT CERTIFICATION TOLERANCES

§ 52.311 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned apple juice, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.312 *Score sheet for canned apple juice.*

| | |
|---|---|
| Size and kind of container | |
| Container mark or identification | |
| Label | |
| Liquid measure (Fl. ounces) | |
| Vacuum (in inches) | |
| Brix (degrees) | |
| Acid (malic: grams/100 ml.) | |

| Factors | Score points | |
|---|---|---|
| Color | 20 | (A) 17–20<br>(C) [1] 14–16<br>(D) [1] 0–13 |
| Absence of defects | 20 | (A) 17–20<br>(C) [1] 14–16<br>(D) [1] 0–13 |
| Flavor | 60 | (A) 51–60<br>(C) [1] 42–50<br>(D) [1] 0–41 |
| Total score | 100 | |

Grade

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED APPLESAUCE[1]

PRODUCT DESCRIPTION AND GRADES

§ 52.331 *Product description.* "Canned applesauce" is prepared from sound, fresh, apples (Pyrus malus) of proper ripeness, which fruit has been washed, peeled, cored, trimmed, sorted, chopped, and pulped; is packed with or without the addition of sweetening ingredients, water, salt, and spices; and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

§ 52.332 *Grades of canned applesauce.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned applesauce that possesses a good color and a good flavor; and that is of such quality with respect to consistency, finish, and absence of defects, as to score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned applesauce that possesses a fairly good color, a fairly good flavor, a fairly good consistency, and a fairly good finish; that is fairly free from defects; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of canned applesauce that fails to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER

§ 52.333 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of canned applesauce be filled as full as practicable without impairment of quality and that the product occupy not less than 90 percent of the volume of the container.

FACTORS OF QUALITY

§ 52.334 *Ascertaining the grade.* (a) The grade of canned applesauce is ascertained by considering, in conjunction with the other requirements of the respective grade, the respective ratings for the factors of color, consistency, finish, absence of defects, and flavor.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors is:

| Factors: | *Points* |
|---|---|
| Color | 20 |
| Consistency | 20 |
| Finish | 20 |
| Absence of defects | 20 |
| Flavor | 20 |
| Total score | 100 |

§ 52.335 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.336 *Color*—(a) *(A) classification.* Canned applesauce that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the canned applesauce possesses a practically uniform, bright, typical color; is free from tinges of pink color, and is free from discoloration due to scorching, oxidation, or other causes.

(b) *(C) classification.* Canned applesauce that possesses a fairly good color may be given a score of 14 to 16 points. Canned applesauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned applesauce possesses a fairly uniform, typical color that may be dull, slightly brown, slightly gray, or slightly pink, but is not off color.

(c) *(SStd) classification.* Canned applesauce that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.337 *Consistency.* The factor of consistency refers to the viscosity of the product and to the degree of separation of free liquor.

(a) *(A) classification.* Canned applesauce that possesses a good consistency may be given a score of 17 to 20 points. "Good consistency" means that the canned applesauce, after stirring and emptying from the container to a dry flat surface, forms a moderately mounded mass, and that at the end of two minutes there is not more than a slight separation of free liquor.

(b) *(C) classification.* Canned applesauce that possesses a fairly good consistency may be given a score of 14 to 16 points. Canned applesauce that scores 15 points or less in this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a partial limiting rule). "Fairly good consistency" means that the canned applesauce, after stirring and emptying from the container to a dry flat surface, may be more than moderately mounded, may be moderately stiff but not excessively stiff, or may be slightly thin so that it levels itself and that at the end of two minutes there may be moderate but not excessive separation of free liquor.

(c) *(SStd) classification.* Canned applesauce that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.338 *Finish.* The factor of finish refers to the texture of the product and evenness of the apple particles.

(a) *(A) classification.* Canned applesauce that possesses a good finish may be given a score of 17 to 20 points. "Good finish" means that the apple particles are evenly divided; that the product is granular but not lumpy; is not pasty or "salvy"; and the apple particles are not hard.

(b) *(C) classification.* Canned applesauce that possesses a fairly good finish may be given a score of 14 to 16 points. Canned applesauce that scores 15 points or less in this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a partial limiting rule). "Fairly good finish" means that the apple particles are evenly divided; the product may lack granular characteristics; may be slightly pasty or slightly "salvy" but not decidedly pasty or decidedly "salvy"; and the apple particles are not hard.

(c) *(SStd) classification.* Canned applesauce that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.339 *Absence of defects.* The factor of absence of defects refers to the degree of freedom from particles of seeds, flecks of bruised apple particles, peel, carpel tissue, dark particles from the blossom end of apples, and from other objectionable particles.

(a) *(A) classification.* Canned applesauce that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that the number, size, and color of the aforesaid defects present do not materially affect the appearance or eating quality of the product.

(b) *(C) classification.* Canned applesauce that is fairly free from defects may be given a score of 14 to 16 points. Canned applesauce that scores 14 points in this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a partial limiting rule). "Fairly free from defects" means that the number, size and color of the aforesaid defects present do not seriously affect the appearance or eating quality of the product.

(c) *(SStd) classification.* Canned applesauce which fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.340 *Flavor.* Consideration is given under the factor of flavor to the natural flavor and aroma of the apple ingredient and the apparent relationship of acidity to sweetness.

(a) *(A) classification.* Canned applesauce that possesses a good flavor may be given a score of 17 to 20 points. "Good flavor" means that the product has a distinct, desirable, characteristic, normal flavor and odor, and is free from objectionable flavors and objectionable odors of any kind (including but not being limited to those caused by oxidation, fermentation, and caramelization). The canned applesauce shall test not less than 16.5 degrees Brix.

(b) *(C) classification.* Canned applesauce that possesses a fairly good flavor may be given a score of 14 to 16 points. Canned applesauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means that the product may be lacking in good flavor and odor; is practically free from the flavor of overripe fruit; and is free from objectionable flavors and objectionable odors (including but not being limited to those caused by oxidation, fermentation and serious caramelization).

(c) *(SStd) classification.* Canned applesauce which fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS

§ 52.341 *Definition of term used in these standards.* "Degrees Brix" in canned applesauce is the refractometric sucrose value of the filtrate determined in accordance with the International Scale of Refractive Indices of Sucrose Solutions without correction for insoluble solids or acids.

LOT CERTIFICATION TOLERANCES

§ 52.342 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned applesauce, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.343 *Score sheet for canned applesauce.*

| | |
|---|---|
| Size and kind of container | |
| Container mark or identification | |
| Label | |
| Net weight (ounces) | |
| Degrees Brix (by refractometer) | |
| Vacuum | |

| Factors | Score points | |
|---|---|---|
| Color | 20 | (A) 17–20<br>(C) [1] 14–16<br>(D) [1] 0–13 |
| Consistency | 20 | (A) 17–20<br>(C) [2] 14–16<br>(D) [1] 0–13 |
| Finish | 20 | (A) 17–20<br>(C) [2] 14–16<br>(D) [1] 0–13 |
| Absence of defects | 20 | (A) 17–20<br>(C) [2] 14–16<br>(D) 0–13 |
| Flavor | 20 | (A) 17–20<br>(C) [1] 14–16<br>(D) [1] 0–13 |
| Total score | 100 | |

Grade

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN APPLES[1]

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.361 *Product description.* Frozen apples are prepared from sound, properly ripened fruit of Malus sylvestris (Pyrus malus); are peeled, cored, trimmed, sliced, sorted, and washed; are properly drained before filling into containers; may be packed with or without the addition of a sweetening ingredient and are frozen and stored at temperatures necessary for the preservation of the product.

§ 52.362 *Styles of frozen apples.* (a) "Slices" means frozen apples consisting of slices of apples cut longitudinally and radially from the core.

(b) "Rings" means frozen apples consisting of slices cut transversely to the core.

§ 52.363 *Grades of frozen apples.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen apples that possess similar varietal characteristics; that possess a good flavor; that possess a good color; that are practically free from defects; that possess a good character; and are of such quality with respect to uniformity of size as to score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen apples that possess similar varietal characteristics; that possess reasonably good flavor; that possess a reasonably good color; that are reasonably uniform in size; that are reasonably free from defects; that possess a reasonably good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen apples that fail to meet the requirements of U. S. Grade B or U. S. Choice.

FACTORS OF QUALITY

§ 52.364 *Ascertaining the grade.* (a) The grade of frozen apples is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size, absence of defects, and character.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given for such factors are:

| Factors: | *Points* |
|---|---|
| Color | 20 |
| Uniformity of size | 20 |
| Absence of defects | 20 |
| Character of fruit | 40 |
| Total score | 100 |

(c) The scores for the factors of color, uniformity of size, absence of defects, and character are determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(d) "Good flavor" means that the product has a good, characteristic, normal flavor and odor, and is free from objectionable flavors and objectionable odors of any kind.

(e) "Reasonably good flavor" means that the product may be lacking in good flavor and odor; and is free from objectionable flavors and objectionable odors of any kind.

§ 52.365 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.366 *Color*—(a) *(A) classification.* Frozen apples that possess a good color may be given a score of 17 to 20 points. "Good color" means that the frozen apples, internally and externally, possess a reasonably uniform bright color, characteristic of apples of similar varieties.

(b) *(B) classification.* Frozen apples that possess a reasonably good color may be given a score of 14 to 16 points. Frozen apples that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen apples possess a color that is typical of apples of similar varietal characteristics, that may be variable and that the product may possess a slight but not markedly brown or gray cast and shall be practically free from internal discoloration.

(c) *(SStd) classification.* Frozen apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product. (This is a limiting rule.)

§ 52.367 *Uniformity of size*—(a) *(A) classification.* Frozen apples that are practically uniform in size may be given a score of 17 to 20 points. "Practically uniform in size" has the following meaning with respect to the various styles of frozen apples:

(1) *Slices.* At least 90 percent by weight of the product consists of whole or practically whole slices of 1¼ inches in length or longer, and that of 90 percent by weight of the product consisting of units of the most uniform thickness, the thickness of the thickest unit does not exceed the thickness of the thinnest unit by more than one-fourth inch. "Practically whole slices" means that the individual slice may be cut or broken but at least three-fourths of the original slice is present.

(2) *Rings.* At least 75 percent by weight of the product consists of whole or practically whole rings and of 90 percent by weight of the product consisting of units of the most uniform thickness, the thickness of the thickest unit does not exceed the thickness of the thinnest unit by more than ⅛ inch. "Practically whole rings" means that the individual ring may be cut or broken on one side but at least ¾ of the ring is present.

(b) *(B) classification.* Frozen apples that are reasonably uniform in size may be given a score of 14 to 16 points. "Reasonably uniform in size" has the following meaning with respect to the various styles of frozen apples:

(1) *Slices.* At least 75 percent by weight of the product consists of whole or practically whole slices 1¼ inch in length or longer and that of 75 percent by weight of the product consisting of units of the most uniform thickness, the thickness of the thickest unit does not exceed the thickness of the thinnest unit by more than ¼ inch.

(2) *Rings.* At least 50 percent by weight of the apples consist of whole or practically whole rings.

(c) *(SStd) classification.* Frozen apples that fail to meet the requirements of paragraph (b) of this section, may be given a score of 0 to 13 points. Frozen apples that fall into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.368 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material, damaged or seriously damaged units, and carpel tissue.

(1) "Harmless extraneous material" means any vegetable substance (including but not being limited to, a leaf, stem, or portions thereof, cores or portions of cores, and seeds) that is harmless.

(2) "Damaged" means any unit in which the appearance or eating quality is more than slightly affected by blossom end material, peel, bruise and other external or internal discoloration, or other means; and any unit that is affected by pathological injury or insect injury.

(3) "Seriously damaged" means any unit possessing dark blossom end material, peel that exceeds in the aggregate an area equal to that of a circle ½ inch in diameter, light brown bruise which is more than ¼ inch deep, and dark brown bruise; or means any unit in which the appearance or eating quality is seriously affected by other internal or external discoloration, pathological injury, insect injury, or by other means.

(4) "Practically free from carpel tissue" means that for each 16 ounces of drained weight of the product the carpel tissue present shall not exceed in the aggregate an area equal to ¾ square inch.

(5) "Reasonably free from carpel tissue" means that for each 16 ounces of drained weight of the product the carpel tissue present shall not exceed in the aggregate an area equal to 1½ square inches.

(b) *(A) classification.* Frozen apples that are practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that extraneous material may be present that does not materially affect the appearance or eating quality of the product; that not more than a total of 8 percent, by weight, of the units may be damaged and seriously damaged: *Provided*, That not more than 3 percent, by weight, of all the units are seriously damaged; and that the product is practically free from carpel tissue.

(c) *(B) classification.* Frozen apples that are reasonably free from defects may be given a score of 14 to 16 points. Frozen apples that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that extraneous material may be present that does not seriously affect the appearance or eating quality of the product; that not more than a total of 15 percent, by weight, of the units may be damaged or seriously damaged: *Provided*, That not more than 5 percent, by weight, of all the units are seriously damaged; and that the product is reasonably free from carpel tissue.

(d) *(SStd) classification.* Frozen apples that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.369 *Character*—(a) *General.* The factor of character refers to the tendency of the units to disintegrate or break down and become mushy. Frozen apples that possess a good character may be given a score of 34 to 40 points. "Good character" means that the units possess a reasonably uniform texture, are firm but not hard, with not more than 3 percent by weight, that are "mushy" apples.

(1) "Mushy apples" means fruit that is a pulpy mass and of a consistency approximating applesauce.

(b) *(B) classification.* Frozen apples that possess a reasonably good character may be given a score of 28 to 33 points. Frozen apples that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the units may be variable in texture, with not more than 12 percent by weight of the apples that are markedly soft, markedly hard, or mushy.

(c) *(SStd) classification.* Frozen apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.370 *Tolerance for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen apples, the grade for such lot will be determined by averaging the total scores for the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated.

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.371 *Score sheet for frozen apples.*

| | | | |
|---|---|---|---|
| Size and kind of container | | | ----- |
| Container mark or identification | | | ----- |
| Label | | | ----- |
| Net weight (ounces) | | | ----- |
| Style | | | ----- |
| Ratio of fruit-sugar | | | ----- |
| Style of pack (sugar or syrup) | | | ----- |
| Syrup density (degrees Brix) | | | ----- |
| Factors | Score points | | |
| Color | 20 | (A) 17-20<br>(B) 11-16<br>(D) 0-13 | |
| Uniformity of size | 20 | (A) 17-20<br>(B) 14-16<br>(D) 0-13 | |
| Absence of defects | 20 | (A) 17-20<br>(B) 11-16<br>(D) 0-13 | |
| Character of fruit | 40 | (A) 34-40<br>(B) 28-33<br>(D) 0-27 | |
| Total score | 100 | | |
| Normal flavor and odor | | | ----- |
| Grade | | | ----- |

[1] Indicates limiting rule within classification.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN ASPARAGUS [1]

PRODUCT DESCRIPTION, STYLES, TYPES, AND GRADES

§ 52.381 *Product description.* Frozen asparagus is the product prepared from the clean, sound and succulent fresh shoots of the asparagus plant (Asparagus officinalis) by sorting, trimming, washing, and blanching, which is then frozen and stored at temperatures necessary for the preservation of the product.

(a) "Head" in "Cut Spears" or "Cuts and Tips" means the tip end which has been cut from an asparagus shoot and which is ⅝ inch or more in length or an upper portion which possesses substantial compact head material which has been cut from near the tip end and which is approximately the same length as the predominating length of the units in the container: *Provided*, That when asparagus is cut into units less than ⅝ inch in length, tip ends which are ⅜ inch or more in length will be considered as a "head."

(b) "Unit" means any individual portion of an asparagus shoot ⅜ inch or more in length used in frozen asparagus.

§ 52.382 *Styles of frozen asparagus.* (a) "Spears" (or Stalks") is the style of frozen asparagus that consists of the head and adjoining portion of the shoot that is 3 inches or more in length.

(b) "Tips" is the style of frozen asparagus that consists of the head and adjoining portion of the shoot that is less than 3 inches in length.

(c) "Cut Spears" or "Cuts and Tips" is the style of frozen asparagus that consists of the head and portions of the shoot cut transversely into units 2 inches or less but not less than ½ inch in length. This style shall contain not less than 18 percent,[2] by count, of heads if cut into units 1¼ inches or less in length but not less than ½ inch in length and shall contain not less than 25 percent [2] by count, of heads if cut into units longer than 1¼ inches.[2]

(d) "Center Cuts" or "Cuts" is the style of frozen asparagus that consists of portions of shoots that are cut transversely into units 2 inches or less but not less than ½ inch in length, or that does not meet the foregoing definition for "Cut Spears" or "Cuts and Tips."

§ 52.383 *Grades of frozen asparagus.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen asparagus that possesses similar varietal characteristics; that possesses a good flavor and odor; that is pratically free from defects; that possesses a good character; and that is of such quality with respect to color and uniformity of length as to score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen asparagus that possesses similar varietal characteristics; that possesses a reasonably good flavor and odor; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; and that is of such quality with respect to uniformity of length as to score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen asparagus that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

§ 52.384 *Types of frozen asparagus.* The type of frozen asparagus is not incorporated in the grades of the finished product, since the type of frozen asparagus is not a factor of quality for the purpose of these grades. The type of asparagus packed in the container may be designated as "green" or "all-green," or "green-white," asparagus when it meets the following requirements:

(a) "Green" or "all-green" consists of units of frozen asparagus which are typical green, light green, or purplish green in color.

(b) "Green-white" consists of frozen asparagus Spears and Tips, of which at least ⅔ of the length is typical green, light green, or purplish green in color, or that fails to meet the requirements of "green" or "all-green" asparagus spears and tips.

SIZES

§ 52.385 *Size of frozen asparagus.* The size of frozen asparagus Spears and Tips is determined by measuring the longest dimension at right angles to the longitudinal axis of the unit after it has been restored to its original contour, at a point 5 inches from the top, except that units less than 5 inches in length are measured at the base. Frozen asparagus spears and tips will be considered as meeting the designated size, provided, that in sizes small, medium, large, and extra large, as the case may be, 80 percent, by count, are of a single size: *And further provided*, That not more than 10 percent, by count, may be one size larger or one size smaller than a single size. The word and number designations of the various sizes of frozen asparagus are shown in Table No. 1 of this section.

TABLE NO. 1—SIZES OF FROZEN ASPARAGUS, SPEARS, AND TIPS

| Word designation | Number designation | Diameter in inches |
|---|---|---|
| Small | 1 | Less than ⅜ inch. |
| Medium | 2 | ⅜ inch or larger but less than ½ inch. |
| Large | 3 | ½ inch or larger but less than ⅞ inch. |
| Extra large | 4 | ⅞ inch or larger. |
| Mixture or blend of sizes. | ----- | A mixture of two or more sizes or that does not meet any of the designations. |

FACTORS OF QUALITY

§ 52.386 *Ascertaining the grade.* (a) The grade of frozen asparagus may be ascertained by considering, in conjunction with the other requirements of the respective grade, the respective rating for the factors of color, uniformity of length, absence of defects, and character.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors is:

| Factors: | Points |
|---|---|
| Color | 20 |
| Uniformity of length | 10 |
| Absence of defects | 30 |
| Character | 40 |
| Total score | 100 |

(c) The scores for the factors of color, uniformity of length, absence of defects, and character are determined immediately after thawing under water to the extent that the product is substantially free from ice crystals and can be handled as individual units, and is cooked to determine tough fibers and the degree of shriveling as required under the factor of "character." The cooking time (from the time the water reboils after the asparagus is added) is nine minutes for sizes No. 1 and No. 2 and twelve minutes for sizes No. 3 and No. 4 and for mixed sizes.

(d) "Good flavor and odor" means that the product, after cooking, has a good, characteristic normal flavor and odor, and is free from objectionable flavors or objectionable odors of any kind.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The percent, by count, of heads is determined by averaging the percent, by count, of heads in all of the containers comprising the sample: *Provided*, That when cut into units 1¼ inches or less in length no individual container may contain less than 12 percent, by count, of heads, and when cut into units longer than 1¼ inches no container may contain less than 15 percent, by count, of heads.

(e) "Reasonably good flavor and odor" means that the product, after cooking, may be lacking in good characteristic normal flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.387 *Ascertaining the rating of the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.388 *Color*—(a) *General.* The color of asparagus is based on the type and style of asparagus and the characteristic and predominant color of the exterior surface of the units. Units which are substantially green, light green, or purplish green that possess insignificant areas or tinges of typical white or yellowish white color shall be considered as typical green, light green, or purplish green in color, irrespective of type or style.

(b) (*A*) *classification.* Frozen asparagus that possesses a good color may be given a score of 17 to 20 points. "Good color" has the following meanings with respect to the following types and styles of frozen asparagus:

(1) *Green or all-green spears or tips.* The units possess a good characteristic green, light green, or purplish green color, typical of well developed and tender asparagus and not more than 8 percent, by count, of the units may possess typical white or yellowish white color not in excess of ⅓ of the length of the unit.

(2) *Green or all-green cut spears or cuts and tips and center cuts or cuts.* The units possess a good characteristic green, light green, or purplish green color, typical of at least reasonably well developed and tender asparagus and not more than 6 percent, by count, of the units may be typical white or yellowish white or partially of such color.

(3) *Green-white spears or tips.* The units possess a good characteristic green, light green, or purplish green color typical of well developed and tender asparagus and may possess typical white or yellowish white color: *Provided,* That not more than 5 percent, by count, of the units, or one unit, whichever is larger, may possess such color in excess of ⅓ of the length of the unit.

(c) (*B*) *classification.* If the frozen asparagus possesses a reasonably good color a score of 14 to 16 points may be given. "Reasonably good color" has the following meanings with respect to the following types and styles of frozen asparagus:

(1) *Green or all-green spears or tips.* The units possess a reasonably good characteristic green, light green, or purplish green color typical of reasonably well developed and tender asparagus and not more than 16 percent, by count, of the units may possess typical white or yellowish white color not in excess of ⅓ of the length of the unit.

(2) *Green or all-green cut spears or cuts and tips and center cuts or cuts.* The units possess a reasonably good characteristic green, light green, or purplish green color, typical of reasonably well developed and tender asparagus and not more than 12 percent, by count, of the units may be typical white or yellowish white or partially of such color.

(3) *Green-white spears or tips.* The units possess a reasonably good characteristic green, light green, or purplish green color, typical of reasonably well developed and tender asparagus, and may possess typical white or yellowish white color: *Provided,* That not more than 10 percent, by count, of the units may possess such color in excess of ⅓ of the length of the unit.

(d) (*SStd*) *classification.* Frozen asparagus that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.389 *Uniformity of length*—(a) (*A*) *classification.* Frozen asparagus that is practically uniform in length may be given a score of 9 to 10 points. "Practically uniform in length" has the following meanings with respect to the following styles:

(1) *Spears (or stalks) and tips.* In 90 percent or more, by count, of the units with the most uniform length, the length of the longest unit does not exceed the length of the shortest unit by more than ¼ of the length of the shortest unit.

(2) *Cut spears or cuts and tips and center cuts or cuts.* Not more than 2 percent, by count, of the units are longer than 2 inches and at least 80 percent, by count, shall not vary more than ½ inch from the predominant length of the units.

(b) (*B*) *classification.* If the frozen asparagus is reasonably uniform in length a score of 7 to 8 points may be given. "Reasonably uniform in length" has the following meanings with respect to the following styles:

(1) *Spears (or stalks) and tips.* In 80 percent or more, by count, of the units with the most uniform length, the length of the longest unit does not exceed the length of the shortest unit by more than ¼ of the length of the shortest unit.

(2) *Cut spears or cuts and tips and center cuts or cuts.* Not more than 5 percent, by count, of the units are longer than 2 inches in length and at least 55 percent, by count, shall not vary more than ½ inch from the predominant length of the units.

(c) (*SStd*) *classification.* Frozen asparagus that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 6 points and shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule).

§ 52.390 *Absence of defects*—(a) *General.* The factor of absence of defects has reference to the degree of freedom from grit or silt, loose material, shattered heads, misshapen units, poorly cut units, and from units damaged and seriously damaged by discoloration, mechanical injury, pathological injury, insect injury, or damaged by other means not specifically mentioned.

(1) "Grit or silt" means sand or any other particle of earthy material.

(2) "Loose material" means any loose or shattered asparagus material, cut or broken pieces, less than ⅜ inch in length.

(3) "Shattered head" means any unit with the asparagus head broken or shattered to the extent that the appearance is seriously affected.

(4) "Misshapen" means any spear (or stalk) or tip that is badly crooked, or any unit that is seriously affected in appearance by doubles or other malformations.

(5) "Poorly cut" means a unit that has a very ragged, stringy, or frayed edge or edges or a unit that is partially cut, or is cut at an angle of less than approximately 45 degrees.

(6) "Damaged" means damaged by discoloration, mechanical injury, pathological injury, insect injury, or damaged by other means which have not been specifically mentioned to such an extent that the aggregate damaged area materially affects the appearance or edibility of the unit.

(7) "Seriously damaged" means damaged to such an extent that the appearance or edibility of the unit is seriously affected.

(b) (*A*) *classification.* Frozen asparagus that is practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" has the following meanings with respect to the following styles of frozen asparagus:

(1) *Spears (or stalks) and tips.* No grit or silt may be present that affects the appearance or edibility of the product; loose material may be present that does not materially affect the appearance of the product and there may be present not more than 15 percent, by count, of shattered heads, misshapen units, poorly cut units, and damaged and seriously damaged units: *Provided,* That of such 15 percent not more than ⅓ thereof or not more than 3 percent, by count, of all the units may be seriously damaged: *And further provided,* That one unit with shattered head, misshapen unit, poorly cut unit, and damaged and seriously damaged unit is permitted in a container if such unit exceeds the respective allowances of 15 percent, by count, or 3 percent, by count, of all the units.

(2) *Cut spears or cuts and tips and center cuts or cuts.* No grit or silt may be present that affects the appearance or eating quality of the product, loose material may be present that does not materially affect the appearance of the product and there may be present not more than 10 percent, by count, of shattered heads, misshapen units, poorly cut units, and damaged and seriously damaged units: *Provided,* That of such 10 percent not more than ½ thereof or not more than 5 percent, by count, of all the units may be seriously damaged.

(c) (*B*) *classification.* If the frozen asparagus is reasonably free from defects a score of 22 to 25 points may be given. Frozen asparagus that falls into this classification shall not be graded



above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" has the following meanings with respect to the following styles of frozen asparagus:

(1) *Spears (or stalks) and tips.* Not more than a trace of grit or silt may be present that slightly affects the appearance or eating quality of the product; loose material may be present that does not seriously affect the appearance of the product; and there may be present not more than 30 percent, by count, of shattered heads, misshapen units, poorly cut units, and damaged and seriously damaged units: *Provided,* That of such 30 percent not more than ⅓ thereof or not more than 10 percent, by count, of all the units may be seriously damaged.

(2) *Cut spears or cuts and tips and center cuts or cuts.* Not more than a trace of grit or silt may be present that slightly affects the appearance or eating quality of the product; loose material may be present that does not seriously affect the appearance of the product; and there may be present not more than 20 percent, by count, of shattered heads, misshapen units, poorly cut units, and damaged and seriously damaged units: *Provided,* That of such 20 percent not more than ½ thereof or not more than 10 percent, by count, of all the units may be seriously damaged.

(d) (*SStd*) *classification.* Frozen asparagus that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.391 *Character*—(a) *General.* The factor of character refers to the degree of development of the head and bracts, and to the tenderness and texture of the unit, and to the degree of freedom from shriveling.

(1) "Well developed" means that the appearance of the head is not materially affected by a seedy appearance and is practically compact.

(2) "Reasonably well developed" means that the head may show a seedy appearance over the surface and the head and bracts may be elongated but not so developed or elongated as to give a definitely spread or branching appearance.

(b) (*A*) *classification.* Frozen asparagus that possesses a good character may be given a score of 33 to 40 points. "Good character" has the following meanings with respect to the following styles:

(1) *Spears (or stalks) and tips.* Not less than 90 percent, by count, of the heads are well developed, and immediately after thawing and cooking the appearance of the product is not materially affected by shriveling and not more than 10 percent, by count, of the units may possess tough fibers.

(2) *Cut spears or cuts and tips and center cuts or cuts.* The heads are at least reasonably well developed, and immediately after thawing and cooking the appearance of the product is not materially affected by shriveling and not more than 5 percent, by count, of the units may possess tough fibers.

(c) (*B*) *classification.* If the frozen asparagus possesses a reasonably good character a score of 27 to 32 points may be given. Frozen asparagus that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" has the following meanings with respect to the following styles:

(1) *Spears (or stalks) and tips.* Not less than 90 percent, by count, of the heads are reasonably well developed, and immediately after thawing and cooking the appearance of the product is not seriously affected by shriveling and not more than 20 percent, by count, of the units may possess tough fibers.

(2) *Cut spears or cuts and tips and center cuts or cuts.* Not less than 65 percent, by count, of all the heads are reasonably well developed, and immediately after thawing and cooking the appearance of the product is not seriously affected by shriveling and not more than 10 percent, by count, of the units may possess tough fibers.

(d) (*SStd*) *classification.* Frozen asparagus that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 26 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.392 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen asparagus, the grade for such lot will be determined by averaging the total scores of all containers, if:

(1) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(2) None of the containers comprising the sample fall more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.393 *Score sheet for frozen asparagus.*

| Factors | Score points | | |
|---|---|---|---|
| Color | 20 | (A) | 17–20 |
| | | (B) | 14–16 |
| | | (SStd.) | 10–13 |
| Uniformity of length | 10 | (A) | 9–10 |
| | | (B) | 7–8 |
| | | (SStd.) | 1–6 |
| Absence of defects | 20 | (A) | 26–30 |
| | | (B) | 22–25 |
| | | (SStd.) | 10–21 |
| Character | 40 | (A) | 33–40 |
| | | (B) | 27–32 |
| | | (SStd.) | 10–26 |
| Total score | 100 | | |
| Grade | | | |
| Flavor and odor | | | |

Number, size and kind of container
Container marks or identification
Label
Net weight (ounces)
Style
Type
Size
Heads in cut spears, cuts and tips, (% by count)

Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED DRIED BEANS [1]

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

§ 52.411 *Product description.* Canned dried beans are prepared from the matured seeds of varieties of beans (sometimes called "peas") used for canning, but not including soy-beans; and may be prepared by washing, soaking, blanching, or other processing; may be packed with or without the addition of water, spices, spice oils, spice flavorings, salt, coloring agents, thickening ingredients, sweetening ingredients, tomato products, pork or pork products, and meat or meat products; and are sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

§ 52.412 *Types of canned dried beans.* (a) White beans. (b) Lima beans. (c) Red beans. (d) Black-eye beans or black-eye peas. (e) Beans or "peas" of other colors or types.

§ 52.413 *Styles of packs of canned dried beans.* Canned dried beans are usually packed in the following styles:

(a) *In tomato sauce.* This style of pack contains tomato pulp or tomato puree or a similar tomato product in the packing medium with or without any one or more of the following: sweetening ingredients, salt, thickening ingredients, coloring agents, and spices or other flavorings. Variations of this style are:

(1) In tomato sauce with pork or pork product.

(2) In tomato sauce with meat or meat product.

(b) *In sweetened sauce.* This style of pack contains sweetening ingredients in the packing medium with or without any one or more of the following: Salt, thickening ingredients, coloring agents, spices or other flavorings, and molasses. Variations of this style are:

(1) In sweetened sauce with pork or pork product.

(2) In sweetened sauce with meat or meat product.

(c) *In brine.* This style of pack contains water and salt in the packing medium with or without any one or more

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

of the following: spices or other flavorings, and thickening ingredients.

§ 52.414 *Grades of canned dried beans.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned dried beans that possess similar varietal characteristics; are practically free from defects; possess a good character; possess a good typical color; possess a reasonably rich, typical and normal flavor; and are of such quality with respect to consistency that the total score is not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned dried beans that possess similar varietal characteristics; possess a fairly good consistency; are fairly free from defects; possess a fairly good character; possess a good typical color; possess a typical and normal flavor; and score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of canned dried beans that fail to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER

§ 52.415 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned dried beans be filled with canned dried beans as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume capacity of the container.

FACTORS OF QUALITY

§ 52.416 *Ascertaining the grade.* (a) The grade of canned dried beans may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Consistency, absence of defects, and character.

(b) The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

| | Points |
|---|---|
| Consistency | 20 |
| Absence of defects | 40 |
| Character | 40 |
| Total score | 100 |

§ 52.417 *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, the range "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.418 *Consistency*—(a) (*A*) *classification.* Canned dried beans that possess a good consistency may be given a scope of 17 to 20 points. "Good consistency" has the following meaning for the respective style of canned dried beans when they are emptied on a flat surface:

(1) *In tomato sauce and in sweetened sauce.* The sauce is smooth and is neither grainy nor lumpy and the product forms a slightly mounded mass of beans and packing medium with not more than a slight separation of liquid.

(2) *In brine.* The packing medium is neither grainy nor lumpy and the product may possess a thick consistency or a consistency in which there is a separation of liquid.

(b) (*C*) *classification.* If the canned dried beans possess a fairly good consistency, a score of 14 to 16 points may be given. "Fairly good consistency" has the following meaning for the respective style of canned dried beans when they are emptied on a flat surface:

(1) *In tomato sauce and in sweetened sauce.* The sauce is fairly smooth and may be slightly grainy but is not lumpy and the product possesses a thick consistency with practically no separation of liquid or with a moderate separation of liquid but does not possess a watery consistency.

(2) *In brine.* The packing medium is fairly smooth and may be slightly grainy but is not lumpy and the product may possess a consistency in which there is considerable separation of liquid or may possess a watery consistency.

(c) (*SStd*) *classification.* Canned dried beans that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.419 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from extraneous material, from loose skins, from broken and mashed units, and from damaged units.

(1) A "unit" means two cotyledons and a skin, or portions thereof, whether or not attached or combined as a whole bean. A single whole skin or pieces of loose skin aggregating the equivalent of a whole skin will be considered as one-third of a unit. A cotyledon or portions of cotyledons aggregating the equivalent of a cotyledon will be considered as one-third of a unit.

(2) "Loose skins" means skins or portions of skins which have become separated wholly from the cotyledons.

(3) A "broken unit" means a bean from which either cotyledon, or portions thereof, has become detached and any such parts of the bean that have become separated from the whole bean.

(4) "Mashed units" means beans that are crushed or flattened to the extent that their appearance is seriously affected.

(5) "Damaged unit" means any unit that is (i) spotted, discolored, or otherwise damaged to such an extent that its appearance or edibility is materially affected, or (ii) affected by pathological, insect, or similar type injury regardless of the area affected. Beans that possess characteristic darkening around the hilum are not considered damaged units.

(b) (*A*) *classification.* Canned dried beans that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that no extraneous material is present, and, of the units:

(1) Not more than 5 percent, by count, may be loose skins and broken and mashed units; and

(2) Not more than 4 percent, by count, may be damaged units.

(c) (*C*) *classification.* If the canned dried beans are fairly free from defects, a score of 28 to 33 points may be given. Canned dried beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present not more than 1 small piece of harmless extraneous material for each 20 ounces of net weight, and, of the units:

(1) Not more than 10 percent, by count, may be loose skins and broken and mashed units; and

(2) Not more than 8 percent, by count, may be damaged units.

(d) (*SStd*) *classification.* Canned dried beans that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.420 *Character*—(a) (*A*) *classification.* Canned dried beans that possess a good character may be given a score of 34 to 40 points. "Good character" means the beans possess a texture that is typical, that may be slightly granular or slightly firm, and that the skins are tender.

(b) (*C*) *classification.* If the canned dried beans possess a fairly good character, a score of 28 to 33 points may be given. Canned dried beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the beans possess a fairly good typical texture, that the beans may be firm but are not markedly hard, that the beans may be soft but are not mushy, and that the skins may be slightly tough.

(c) (*SStd*) *classification.* Canned dried beans that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS

§ 52.421 *Explanation of terms.* (a) "Similar varietal characteristics" means that the beans are alike in shape, color, and general characteristics.

(b) "Good typical color" means (1) that the beans possess a color distinctly characteristic of the type of canned dried beans; and (2) that the surrounding sauce or brine possesses a color distinctly characteristic for the style of pack.

(c) "Reasonably rich, typical and normal flavor" means a flavor that is indicative of good-flavor ingredients for the respective type and style of pack, and the canned dried beans are free from objectionable flavors or objectionable odors of any kind.



(d) "Typical and normal flavor" means a flavor that is indicative of a product slightly lacking in good-flavor ingredients for the respective type and style of pack, and the canned dried beans are free from objectionable flavors or objectionable odors of any kind.

LOT CERTIFICATION TOLERANCES

§ 52.422 *Tolerance for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned dried beans, the grade for such lot will be determined by averaging the total scores of all containers, if:

(1) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.423 *Score sheet for canned dried beans.*

| | | | |
|---|---|---|---|
| [illegible] | | | |
| [illegible] code or identification | | | |
| Label | | | |
| [illegible] (number) | | | |
| [illegible] (ounces) | | | |
| Type | | | |
| Leaf pack | | | |
| Factors | Score points | | |
| [illegible] | 20 | (A) | 17–20 |
| | | (C) | 14–16 |
| | | (D) | 0–13 |
| Absence of defects | 40 | (A) | 34–40 |
| | | (C) | 28–33 |
| | | (D) | 0–27 |
| Character | 40 | (A) | 34–40 |
| | | (C) | 28–33 |
| | | (D) | 0–27 |
| Total score | 100 | | |
| [illegible] | | | |
| [illegible] | | | |
| [illegible] | | | |

[1] Indicates limiting rule within classification.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED GREEN BEANS AND CANNED WAX BEANS [1]

IDENTITY, STYLES, AND GRADES

§ 52.441 *Identity.* (a) "Canned green beans" means canned green beans as defined in the definitions and standard of identity for canned green beans (21 CFR 51.10), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(b) "Canned wax beans" means canned wax beans as defined in the definitions and standard of identity for canned wax beans (21 CFR 51.15), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(c) "Canned beans" means canned green beans or canned wax beans.

(d) "Whole green beans" or "whole wax beans" means canned beans consisting of whole pods, including pods which after removal of either or both ends are less than $2\frac{3}{4}$ inches in length, or transversely cut pods not less than $2\frac{3}{4}$ inches in length.

(e) "Unit" means an individual green bean or wax bean, or portion of either, in canned beans.

§ 52.442 *Styles of canned beans.* (a) "Whole" means canned beans that are not arranged in any definite position in the container.

(b) "Whole vertical pack" means canned beans that are packed parallel to the sides of the container.

(c) "Whole asparagus style" means canned beans consisting of pods that are cut at both ends, are of substantially equal lengths, and are packed parallel to the sides of the container.

(d) "Sliced lengthwise" or "French style" means canned beans consisting of pods that are sliced lengthwise.

(e) "Cut" or "cuts" means canned beans consisting of pods that are cut transversely into pieces less than $2\frac{3}{4}$ inches, but not less than $\frac{3}{4}$ inch, in length, and may contain shorter end pieces which result from cutting.

(f) "Short cut" or "short cuts" means canned beans consisting of pieces of pods of which not less than 75 percent are less than $\frac{3}{4}$ inch in length and not more than 1 percent are more than $1\frac{1}{4}$ inches in length.

(g) "Mixed" or "mixture" means a mixture of two or more of the following forms of canned beans: "whole;" "sliced lengthwise;" "cuts;" or "short cuts."

§ 52.443 *Grades of canned beans.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; are not materially affected in appearance by sloughing of the epidermis; are very young and tender; and are of such quality with respect to clearness of liquor, uniformity of color, and absence of defects as to score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; are not materially affected in appearance by sloughing of the epidermis; possess a reasonably uniform typical color; are young and reasonably tender; are reasonably free from defects; and are of such quality with respect to clearness of liquor as to score not less than 75 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of canned green beans or canned wax beans that possess similar varietal characteristics; possess a normal flavor and odor; are not seriously affected in appearance by sloughing of the epidermis; possess a fairly uniform typical color; are nearly mature and fairly tender; possess a fairly good liquor; are fairly free from defects; and score not less than 60 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of canned beans that fail to meet the requirements of U. S. Grade C or U. S. Standard and may or may not be "Below standard in quality, good food, not high grade."

FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.444 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned beans be filled with green beans or wax beans, as the case may be as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

§ 52.445 *Recommended drained weight.* The drained weight recommendations in Table No. I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of green beans or wax beans, as the case may be, is determined by emptying the contents of the container upon a No. 8 circular sieve of proper diameter and allowing to drain for 2 minutes. A sieve 8 inches in diameter is used for No. $2\frac{1}{2}$ size cans (401 x 411) and smaller sizes, and a sieve 12 inches in diameter is used for containers larger than the No. $2\frac{1}{2}$ size can.

TABLE NO. I—RECOMMENDED MINIMUM DRAINED WEIGHTS, IN OUNCES, OF GREEN BEANS AND WAX BEANS

| Container size or designation | Styles of canned beans | | | |
|---|---|---|---|---|
| | Whole | Whole vertical pack or whole asparagus style | Short cuts and cuts less than $1\frac{1}{2}$ inches | French style and cuts $1\frac{1}{2}$ inches and longer |
| 8 Z tall | $4\frac{1}{4}$ | $4\frac{3}{4}$ | $4\frac{1}{2}$ | $4\frac{1}{4}$ |
| Semco jar | 4 | ------ | $4\frac{1}{4}$ | 4 |
| No. 1 (picnic) | $5\frac{3}{4}$ | $6\frac{1}{4}$ | 6 | $5\frac{3}{4}$ |
| No. 1 tall | 9 | 10 | $9\frac{1}{4}$ | 9 |
| No. 300 | $8\frac{1}{2}$ | $9\frac{1}{4}$ | $8\frac{1}{2}$ | $8\frac{1}{2}$ |
| No. 300 jar | $8\frac{1}{2}$ | ------ | $8\frac{1}{2}$ | $8\frac{1}{2}$ |
| No. 303 | 9 | $9\frac{3}{4}$ | $9\frac{1}{2}$ | 9 |
| No. 303 jar | $9\frac{1}{2}$ | ------ | $9\frac{3}{4}$ | $9\frac{1}{2}$ |
| No. 2 | 11 | 12 | $11\frac{1}{4}$ | 11 |
| No. $2\frac{1}{2}$ | $16\frac{3}{4}$ | $17\frac{1}{2}$ | $16\frac{3}{4}$ | $16\frac{1}{2}$ |
| No. $2\frac{1}{2}$ jar | $16\frac{3}{4}$ | ------ | $16\frac{3}{4}$ | $16\frac{1}{2}$ |
| No. 10 | 61 | 66 | 63 | 61 |

TYPES AND SIZES

§ 52.446 *Types of canned beans.* The type of canned beans is not incorporated in the grades of the finished product, since the type of canned beans is not a

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

factor of quality for the purpose of these grades. The type of canned beans is dependent upon the type of beans packed in the container and is described as round type or flat type.

(a) "Round type canned green beans" are canned beans consisting of round type green beans having a width not greater than 1½ times the thickness of the bean. "Round type canned wax beans" are canned beans consisting of round type wax beans having a width not greater than 1½ times the thickness of the bean.

(b) "Flat type canned green beans" are canned beans consisting of flat type green beans having a width greater than 1½ times the thickness of the bean. "Flat type canned wax beans" are canned beans consisting of flat type wax beans having a width greater than 1½ times the thickness of the bean.

§ 52.447 *Sizes of green beans or wax beans in canned beans.* The size of green beans or wax beans is not a factor of quality of canned beans for the purpose of these grades. The size of a green bean or wax bean is determined by measuring the shorter diameter of the bean transversely to the long axis at the thickest portion of the pod. The designations of the various sizes of round type and flat type green beans or wax beans packed as canned beans are shown in Table No. II of this section.

TABLE NO. II—SIZES OF GREEN BEANS AND WAX BEANS IN CANNED BEANS

| Size of beans (inches in thickness) | Round type beans in various styles of canned beans | | | Flat type beans in whole, cut or short cut beans | |
|---|---|---|---|---|---|
| | Number designation | Whole beans, word designation | Cut or short cut beans, word designation | Number designation | Word designation |
| Less than 14½/64 inch in thickness. | Size 1 | Tiny | Small | Size 2 | Small. |
| 14½/64 inch to, but not including, 18½/64 inch in thickness. | Size 2 | Small | do | Size 3 | Medium. |
| 18½/64 inch to, but not including, 21/64 inch in thickness. | Size 3 | Medium | do | Size 4 | Medium large. |
| 21/64 inch to, but not including, 24/64 inch in thickness. | Size 4 | Medium large | Medium | Size 5 | Large. |
| 24/64 inch to, but not including, 27/64 inch in thickness. | Size 5 | Large | Large | Size 6 | Extra large. |
| 27/64 inch or more in thickness | Size 6 | Extra large | Extra large | Size 6 | Do. |

FACTORS OF QUALITY

§ 52.448 *Ascertaining the grade.* (a) The grade of canned beans may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings of the factors of clearness of liquor, color, absence of defects, and maturity.

(b) The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

| Factors: | Points |
|---|---|
| Clearness of liquor | 10 |
| Color | 15 |
| Absence of defects | 35 |
| Maturity | 40 |
| Total score | 100 |

(c) "Normal flavor and normal odor" means that the canned beans are free from objectionable flavors and objectionable odors of any kind.

§ 52.449 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "32 to 35 points" means 32, 33, 34, or 35 points).

§ 52.450 *Clearness of liquor*—(a) *(A) classification.* Canned beans that possess a practically clear liquor may be given a score of 9 to 10 points. "Practically clear liquor" means that the liquor may possess a slight tint of yellow-green to green color and that not more than a trace of suspended material and sediment is present.

(b) *(B) classification.* If the canned beans possess a reasonably clear liquor, a score of 7 to 8 points may be given. "Reasonably clear liquor" means that the liquor may be cloudy and contain a small quantity of sediment.

(c) *(C) classification.* If the canned beans possess a fairly good liquor, a score of 5 to 6 points may be given. "Fairly good liquor" means that the liquor may be dull in color, but not off color; may be cloudy; or may possess a noticeable accumulation of sediment.

(d) *(SStd) classification.* Canned beans that possess a liquor that is definitely off color for any reason, is excessively cloudy, or contains a seriously objectionable quantity of sediment may be given a score of 0 to 4 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.451 *Color*—(a) *(A) classification.* Canned beans that possess a practically uniform bright typical color may be given a score of 14 to 15 points. "Practically uniform bright typical color" means that the canned beans possess a color that is bright and typical of very young and tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 5 percent, by count, which vary markedly from this color.

(b) *(B) classification.* If the canned beans possess a reasonably uniform typical color, a score of 12 to 13 points may be given. "Reasonably uniform typical color" means that the canned beans possess a color that is typical of young and reasonably tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 10 percent, by count, which vary markedly from this color.

(c) *(C) classification.* Canned beans that possess a fairly uniform typical color may be given a score of 10 to 11 points. Canned beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly uniform typical color" means that the canned beans possess a color that is typical of nearly mature and fairly tender green beans or wax beans, as the case may be, of similar varietal characteristics with not more than 15 percent, by count, which vary markedly from this color.

(d) *(SStd) classification.* Canned beans that are definitely off color or fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 9 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.452 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, loose seed and pieces of seed, unstemmed units, ragged-cut units, split units, small pieces of pods, units damaged by mechanical injury, and units blemished by scars, pathological injury, insect injury, or blemished by other means.

(1) "Blemished unit" means any unit in which the aggregate area affected exceeds the area of a circle 1/8 inch in diameter.

(2) "Seriously blemished" means blemished to such an extent that the appearance or eating quality of the unit is seriously affected.

(3) "Extraneous vegetable matter" means leaves, detached stems, and other similar vegetable matter.

(4) "Ragged-cut unit" means a section of a pod that has a very ragged edge, or a section of a pod that is partially cut.

(5) "Split unit" means a whole bean, cut, or short cut unit, that is split into two parts.

(6) "Small pieces of pods" means pieces of pods less than ½ inch in length.

(7) "Damaged by mechanical injury" means broken or damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(b) *(A) classification.* Canned beans that are practically free from defects may be given a score of 32 to 35 points. "Practically free from defects" has the following meanings with respect to the following styles of packs of canned green beans or canned wax beans:

(1) *Whole or cut.* "Practically free from defects" means that the weight of all loose seed and pieces of seed does not exceed 3 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

(i) Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;



(ii) Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

(iii) Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished;

(iv) Not more than 5 ragged-cut units, 5 units damaged by mechanical injury, or any combination of not more than 5 ragged-cut units and units damaged by mechanical injury;

(v) Not more than 5 percent, by weight, of split units; and

(vi) Not more than 40 small pieces of pods in cut style, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 15 percent, by count, of the total units are less than ½ inch long.

(2) *Sliced lengthwise.* "Practically free from defects" means that the pods are well sliced; the combined weight of all defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

(i) Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

(ii) Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems; and

(iii) Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished.

(3) *Short cuts.* "Practically free from defects" means that the weight of all loose seed and pieces of seed does not exceed 3 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

(i) Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

(ii) Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

(iii) Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished;

(iv) Not more than 5 ragged-cut units, 5 units damaged by mechanical injury, or any combination of not more than 5 ragged-cut units and units damaged by mechanical injury;

(v) Not more than 5 percent, by weight, of split units; and

(vi) Not more than 40 small pieces of pods, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 15 percent, by count, of the total units are less than ½ inch long.

(4) *Mixed when not containing pods that are sliced lengthwise.* "Practically free from defects" means that the weight of all loose seed and pieces of seed does not exceed 3 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

(i) Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

(ii) Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

(iii) Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished;

(iv) Not more than 5 ragged-cut units, 5 units damaged by mechanical injury, or any combination of not more than 5 ragged-cut units and units damaged by mechanical injury;

(v) Not more than 5 percent, by weight, of split units; and

(vi) Not more than 40 small pieces of pods, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 15 percent, by count, of the total units are less than ½ inch long.

(5) *Mixed when containing pods that are sliced lengthwise.* "Practically free from defects" means that the pods that are sliced lengthwise are well sliced and that the combined weight of all defects and defective units does not exceed 10 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

(i) Not more than 1 piece of extraneous vegetable matter, exclusive of detached stems;

(ii) Not more than 4 unstemmed units or 4 detached stems, or any combination of not more than 4 unstemmed units and detached stems;

(iii) Not more than 2 percent, by count, of blemished units, and of such 2 percent not more than one-half thereof may consist of units that are seriously blemished;

(iv) Not more than 5 ragged-cut units, 5 units damaged by mechanical injury, or any combination of not more than 5 ragged-cut units and units damaged by mechanical injury;

(v) Not more than 5 percent, by weight, of split units; and

(vi) Not more than 40 small pieces of pods, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 15 percent, by count, of the total units are less than ½ inch long.

(c) *(B) classification.* If the canned beans are reasonably free from defects, a score of 27 to 31 points may be given. "Reasonably free from defects" has the following meanings with respect to the following styles of canned beans:

(1) *Whole or cut.* "Reasonably free from defects" means that the weight of all loose seed and pieces of seed does not exceed 4 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

(i) Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

(ii) Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;

(iii) Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof may consist of units that are seriously blemished;

(iv) Not more than 10 ragged-cut units, 10 units damaged by mechanical injury, or any combination of not more than 10 ragged-cut units and units damaged by mechanical injury;

(v) Not more than 10 percent, by weight, of split units; and

(vi) Not more than 60 small pieces of pods in cut style, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 25 percent, by count, of the total units are less than ½ inch long.

(2) *Sliced lengthwise.* "Reasonably free from defects" means that the pods are reasonably well sliced; the combined weight of all defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

(i) Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

(ii) Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems; and

(iii) Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof may consist of units that are seriously blemished.

(3) *Short cuts.* "Reasonably free from defects" means that the weight of all loose seed and pieces of seed does not exceed 4 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

(i) Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

(ii) Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;

(iii) Not more than 10 ragged-cut units, 10 units damaged by mechanical injury, or any combination of not more than 10 ragged-cut units and units damaged by mechanical injury;

(iv) Not more than 10 percent, by weight, of split units; and

(v) Not more than 4 percent, by count, of blemished units, and of 4 percent not more than one-half thereof may consist of units that are seriously blemished.

(4) *Mixed when not containing pods that are sliced lengthwise.* "Reasonably free from defects" means that the weight of all loose seed and pieces of seed does not exceed 4 percent of the drained weight of the units; the combined weight of all other defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

(i) Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

(ii) Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;

(iii) Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof may consist of units that are seriously blemished;

(iv) Not more than 10 ragged-cut units, 10 units damaged by mechanical injury, or any combination of not more than 10 ragged-cut units and units damaged by mechanical injury;

(v) Not more than 10 percent, by weight, of split units; and

(vi) Not more than 60 small pieces of pods, provided that where the number of units per 12 ounces drained weight exceeds 240, not more than 25 percent, by count, of the total units are less than ½ inch long.

(5) *Mixed when containing pods that are sliced lengthwise.* "Reasonably free from defects" means that the pods that are sliced lengthwise are reasonably well sliced and that the combined weight of all defects and defective units does not exceed 15 percent of the drained weight of the units; and that for each 12 ounces, drained weight, of units there may be present:

(i) Not more than 2 pieces of extraneous vegetable matter, exclusive of detached stems;

(ii) Not more than 5 unstemmed units or 5 detached stems, or any combination of not more than 5 unstemmed units and detached stems;

(iii) Not more than 4 percent, by count, of blemished units, and of such 4 percent not more than one-half thereof may consist of units that are seriously blemished;

(iv) Not more than 10 percent, by weight, of split units; and

(v) Not more than 60 small pieces of pods, provided that where the number of units per 12 ounces drained weight exceed 240, not more than 25 percent, by count, of the total units are less than ½ inch long.

(d) *(C) classification.* If the canned beans are fairly free from defects, a score of 22 to 26 points may be given. Canned beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the following styles of canned beans:

(1) *Whole or cut.* "Fairly free from defects" means that the weight of all loose seed and pieces of seed does not exceed 5 percent of the drained weight of the units;[2] the combined weight of all other defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

(i) The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]

(ii) There are not more than 6 unstemmed units per 12 ounces, drained weight, of units;[2]

(iii) There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished;

(2) *Sliced lengthwise.* "Fairly free from defects" means that the pods are fairly well sliced; the combined weight of all defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

(i) The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]

(ii) There are not more than 6 unstemmed units per 12 ounces, drained weight, of units;[2] and

(iii) There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished;

(3) *Short cuts.* "Fairly free from defects" means that the weight of all loose seed and pieces of seed does not exceed 5 percent of the drained weight of the units;[2] the combined weight of all other defects and defective units does not exceed 20 percent of the drained weight of the units and that:

(i) The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]

(ii) There are not more than 6 unstemmed units per 12 ounces, drained weight, of the units;[2]

(iii) There may be present not more than 15 percent, by weight, of split units; and

(iv) There are not more than 8 percent, by count, of blemished units,[2] and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished;

(4) *Mixed when not containing pods that are sliced lengthwise.* "Fairly free from defects" means that the weight of all loose seed and pieces of seed does not exceed 5 percent of the drained weight of the units;[2] the combined weight of all other defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

(i) The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]

(ii) There are not more than 6 unstemmed units per 12 ounces, drained weight, of units;[2]

(iii) There may be present not more than 15 percent, by weight, of split units; and

(iv) There may be present not more than 15 percent, by weight, of split units; and

(v) There are not more than 60 units per 12 ounces, drained weight, of units which are less than ½ inch long, *Provided*, That where the number of units per 12 ounces drained weight exceeds 240, not more than 25 percent, by count, of the total units are less than ½ inch long.[2]

(5) *Mixed when containing pods that are sliced lengthwise.* "Fairly free from defects" means that the pods that are sliced lengthwise are fairly well sliced; and that the combined weight of all defects and defective units does not exceed 20 percent of the drained weight of the units, and that:

(i) The combined weight of all extraneous vegetable matter does not exceed 0.6 ounce per 60 ounces, drained weight, of the units;[2]

(ii) There are not more than 6 unstemmed units per 12 ounces, drained weight, of units;[2]

(iii) There are not more than 8 percent, by count, of blemished units, and of such 8 percent not more than one-half thereof may consist of units that are seriously blemished;

(iv) There may be present not more than 15 percent, by weight, of split units; and

(v) There are not more than 60 units per 12 ounces, drained weight, of units which are less than ½ inch long, *Provided*, That where the number of units per 12 ounces drained weight exceeds 240, not more than 25 percent, by count, of the total units are less than ½ inch long.[2]

(e) *(SStd) classification.* Canned beans that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and may also be "Below standard in quality, good food, not high grade" for the following applicable reasons: excessive number of very short pieces, excessive number of blemished units, excessive number of unstemmed units, excessive foreign material, and excessive loose seed and pieces of seed.

§ 52.453 *Maturity—(a) General.* The factor of maturity refers to the degree of development of pods and seeds and the tenderness of the pods.

(1) "Trimmed pod" means any pod from which there has been trimmed off as far as the end of the space formerly occupied by seed, any portion of the pod from which seed has become separated.

(2) "Tough strings" means strings or pieces of string at least ½ inch in length which will support a ½ pound weight for not less than 5 seconds.

(3) "Fibrous material" means properly prepared, dried cellulose material obtained from deseeded pods, including strings, broken or unbroken.

(b) *(A) classification.* Canned beans that are very young and tender may be given a score of 35 to 40 points. "Very young and tender" means that the units are fullfleshed for the variety tender and not fibrous; the seeds are in the early stages of maturity; and not more than 5 percent, by count, of the units possess tough strings.

(c) *(B) classification.* If the canned beans are young and reasonably tender, a score of 29 to 34 points may be given. Canned green beans or canned wax beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Young and reasonably tender" means that the units may, to some extent, have lost their fleshy structure; the seeds may have passed the early stages of maturity and have not reached the late stages of maturity; are not fibrous; and not more than 10 percent, by count, of the units may possess tough strings.

(d) *(C) classification.* If the canned beans are nearly mature and fairly tender, a score of 23 to 28 points may be given. Canned green beans or canned wax beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Nearly mature and fairly tender" means that the units may have lost, to a considerable extent, their fleshy structure, and that:

(1) The trimmed pods contain not more than 25 percent, by weight, of seed and pieces of seed;[2]

(2) The deseeded pods contain not more than 0.15 percent, by weight, of fibrous material;[2] and

(3) Not more than 20 percent, by count, of the units may possess tough strings except that in case there are present units at least $\frac{1}{16}$ inch or more in diameter, there are not more than 12 strings or pieces of strings in 12 ounces, drained weight, which will support a ½ pound weight for not less than 5 seconds.[2]

(e) *(SStd) classification.* Canned beans that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 22 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and may also be "Below Standard in quality, good food, not high grade," for the following applicable reasons: excessive seed and pieces of seed in trimmed pods, excessive fibrous material in deseeded pods, and excessive tough strings when there are present units $\frac{7}{64}$ inch or more in diameter.

LOT CERTIFICATION TOLERANCES

§ 52.454 *Tolerance for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned green beans or canned wax beans, the grade for such lot will be determined by averaging the total score of all containers, if:

(1) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.455 *Score sheet for canned green beans or canned wax beans.*

| | | | |
|---|---|---|---|
| Container size | | | |
| Container code or marking | | | |
| Label | | | |
| Net weight (ounces) | | | |
| Vacuum (inches) | | | |
| Drained weight | | | |
| Type (round or flat) | | | |
| Variety (green or wax) | | | |
| Style | | | |
| Size of green beans or wax beans | | | |
| Factors | Score points | | |
| Clearness of liquor | 10 | (A) 9-10<br>(B) 7-8<br>(C) 5-6<br>(SStd.) 0-4 | |
| Color | 15 | (A) 14-15<br>(B) 12-13<br>(C) 10-11<br>(SStd.) 0-9 | |
| Absence of defects | 35 | (A) 32-35<br>(B) 27-31<br>(C) 22-26<br>(SStd.) 0-21 | |
| Maturity | 40 | (A) 35-40<br>(B) 29-34<br>(C) 23-28<br>(SStd.) 0-22 | |
| Total score | 100 | | |
| Grade | | | |
| Normal flavor and odor | | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED LIMA BEANS[1]

IDENTITY, TYPES, AND GRADES

§ 52.471 *Identity.* "Canned lima beans" means the canned product properly prepared from the clean, sound, succulent seed of the lima bean plant, as defined in the definitions and standard of identity for canned vegetables (21 CFR 52.990) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.472 *Types of canned lima beans.* (a) "Thin-seeded," such as Henderson Bush and Thorogreen varieties;

(b) "Thick-seeded Baby Potato," such as Baby Potato, Baby Fordhook, and Evergreen varieties;

(c) "Thick-seeded," such as Fordhook variety.

§ 52.473 *Grades of canned lima beans.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned lima beans that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a good color; that are practically free from defects; that possess a practically clear liquor; that possess a good character; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: *Provided*, That the canned lima beans may possess a reasonably good character and a fairly clear liquor if the total score is not less than 90 points.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned lima beans that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a reasonably good color; that are reasonably free from defects; that possess a reasonably clear liquor; that possess a reasonably good character; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 80 points: *Provided*, That the canned lima beans may possess a fairly clear liquor if the total score is not less than 80 points.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of canned lima beans that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a fairly good color; that are fairly free from defects; that possess a fairly clear liquor; that possess a fairly good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of canned lima beans that fail to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.474 *Recommended fill of container.* The recommended fill of container for canned lima beans is not incorporated in the grades of the finished product, since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned lima beans be filled as full as practicable with beans without impairment of quality.

§ 52.475 *Recommended minimum drained weight.* The minimum drained weight recommendations in Table No. I of this section are not incorporated in the grades of the finished product, since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned lima beans is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter so as to distribute the product evenly, inclining the sieve to facilitate drainage and allow to drain for two minutes. The drained weight is the weight of the sieve and the lima beans less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 2 size can (307 x 409) and smaller sizes, and a sieve 12 inches in diameter is used for containers larger than the No. 2 size can.

[2] Determined as outlined in the standards of quality of canned green beans (21 CFR 51.11) and canned wax beans (21 CFR 51.16) promulgated under the Federal Food, Drug, and Cosmetic Act.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

TABLE No. I—RECOMMENDED MINIMUM DRAINED WEIGHTS (IN OUNCES) OF LIMA BEANS

| Container designation | Container size: Overall diameter (inches) | Container size: Overall height (inches) | Container size: Overflow capacity (fluid ounces) | Drained weight |
|---|---|---|---|---|
| 8 Z tall | 2 1/16 | 7 4/16 | ..... | 5½ |
| 8 Z jar | ..... | ..... | 8 2 | 5½ |
| No. 1 (picnic) | 2 1/16 | 4 | ..... | 7 |
| No. 1 tall | 3 1/16 | 4 11/16 | ..... | 10½ |
| No. 300 | 3 | 4 6/16 | ..... | 9½ |
| No. 303 | 3 1/16 | 4 5/16 | ..... | 11 |
| No. 303 jar | ..... | ..... | 17 0 | 11 |
| No. 2 | 3 5/16 | 4 5/16 | ..... | 12½ |
| No. 10 | 6 2/16 | 7 | ..... | 72 |

SIZES

§ 52.476 *Sizes of lima beans in canned lima beans.* The size of lima beans is not a factor of quality of canned lima beans for the purpose of these grades. The size of a lima bean is determined by measuring the greatest width through the center at right angles to the longitudinal axis of the bean. The designations of the various sizes of lima beans packed as canned beans are shown in Table No. II of this section.

TABLE No. II—SIZES OF LIMA BEANS IN CANNED LIMA BEANS

| Word designation: | *Size of lima beans (inches in width)* |
|---|---|
| Midget | 2 5/16 inch in width and smaller. |
| Tiny | Over 2 5/16 inch to and including 3 1/16 inch in width. |
| Small | Over 3 1/16 inch to and including 3 5/16 inch in width. |
| Medium | Over 3 5/16 inch to and including 3 9/16 inch in width. |
| Large | Larger than 3 9/16 inch in width. |

FACTORS OF QUALITY

§ 52.477 *Ascertaining the grade.* (a) The grade of canned lima beans is ascertained by considering, in conjunction with the other requirements of the respective grade, the respective ratings for the factors of color, clearness of liquor, absence of defects, and character.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

| Factor: | *Points* |
|---|---|
| Color | 35 |
| Clearness of liquor | 10 |
| Absence of defects | 25 |
| Character | 30 |
| Total score | 100 |

(c) "Normal flavor and normal odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

§ 52.478 *Ascertaining the rating of the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "8 to 10 points" means 8, 9, or 10 points).

§ 52.479 *Color*—(a) *General.* (1) "Green" with respect to thin-seeded and thick-seeded Baby Potato types means that the color of the individual lima bean possesses as much or more green color than Plate 11, F–2, as illustrated in Maerz and Paul's Dictionary of Color.[1]

(2) "Green" with respect to thick-seeded types means that the color of the individual lima bean possesses as much or more green color than Plate 12, L–2, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(3) "White" with respect to thin-seeded and thick-seeded Baby Potato types means that the individual lima bean is lighter in color than Plate 11, C–2, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(4) "White" with respect to thick-seeded type means that the individual lima bean is lighter in color than Plate 11, L–3, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(b) *(A) classification.* Canned lima beans that possess a good color may be given a score of 32 to 35 points. "Good color" means that the lima beans, regardless of type, possess a bright typical color and meet the following additional color requirements for the respective types:

(1) *Thin-seeded types; Thick-seeded Baby Potato type.* (i) Not less than 90 percent, by count, of the lima beans are "green" defined as aforesaid, and not more than 10 percent, by count, may be lighter in color: *Provided,* That not more than 1 percent, by count, of all the lima beans are white.

(ii) Not less than 97 percent, by count, of the lima beans are "green," defined as aforesaid, and not more than 3 percent, by count, may be lighter in color or white lima beans.

(2) *Thick-seeded type.* Not less than 90 percent, by count, of the lima beans are "green," defined as aforesaid, and not more than 10 percent, by count, may be lighter in color: *Provided,* That not more than 3 percent, by count, of all the lima beans are white.

(c) *(B) classification.* If the canned lima beans possess a reasonably good color, a score of 29 to 31 points may be given. Canned lima beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the lima beans, regardless of type, possess a typical color and meet the following additional requirements for the respective types:

(1) *Thin-seeded type; Thick-seeded Baby Potato type.* Not less than 50 percent, by count, of the lima beans are "green," defined as aforesaid, and not more than 50 percent, by count, may be lighter in color: *Provided,* That not more than 25 percent, by count, of all the lima beans are white.

(2) *Thick-seeded type.* Not less than 50 percent, by count, of the lima beans are "green," defined as aforesaid, and not more than 50 percent, by count, may be lighter in color: *Provided,* That not more than 25 percent, by count, of all the lima beans are white.

(d) *(C) classification.* Canned lima beans that possess a fairly good color may be given a score of 26 to 28 points. Canned lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the lima beans, regardless of type, possess a typical color and meet the following additional requirements for the respective types:

(1) *Thin-seeded type; Thick-seeded Baby Potato type.* Less than 50 percent, by count, of the lima beans are "green," defined as aforesaid, and all of the lima beans may be white.

(2) *Thick-seeded type.* Less than 50 percent, by count, of the lima beans are "green," defined as aforesaid, and all of the lima beans may be white.

(e) *(SStd) classification.* Canned lima beans that are definitely off color or fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 25 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.480 *Clearness of liquor*—(a) *(A) classification.* Canned lima beans that possess a practically clear liquor may be given a score of 9 or 10 points. "Practically clear liquor" means that the liquor may be slightly cloudy and that not more than a small amount of sediment is present.

(b) *(B) classification.* If the canned lima beans possess a reasonably clear liquor, a score of 7 or 8 points may be given. "Reasonably clear liquor" means that the liquor may be somewhat cloudy and may contain a considerable amount of sediment.

(c) *(C) classification.* Canned lima beans that possess a fairly clear liquor may be given a score of 5 or 6 points. "Fairly clear liquor" means that the liquor may be dull in color but not to the extent that the appearance is seriously affected, and may be rather viscous cream-like, or starchy.

(d) *(SStd) classification.* Canned lima beans that possess a liquor that is definitely off color for any reason or that contains an excessive amount of sediment may be given a score of 0 to 4 points and shall not be graded above Substandard, regardless of the total score for the product (this is limiting rule).

§ 52.481 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, from loose skins, loose cotyledons, broken beans, sprouted beans, and from beans that show light discoloration or that are blemished or seriously blemished.

(1) "Extraneous vegetable matter" means pods or pieces of pods, leaves, stems, and other similar vegetable matter.

(2) "Broken bean" means a bean from which one-half or more of a cotyledon or the equivalent thereof has become detached; or pieces of cotyledon aggregating the equivalent of an average size whole cotyledon.

(3) "Loose cotyledon" means a whole cotyledon which has become separated from the skin.

(4) "Loose skin" means a whole skin or portions of skin aggregating the equivalent of an average size whole skin which has become separated from the cotyledons.

(5) "Light discoloration" means light discoloration of the hilum or other light discoloration which slightly affects but does not materially affect the appearance of the bean.

(6) "Sprouted" means lima beans that show an external shoot protruding beyond the cotyledon or skin.

(7) "Blemished" means blemished by discoloration, pathological injury, insect injury, or blemished by other means, other than by light discoloration which is not considered blemished, to such an extent that the aggregate blemished area materially affects the appearance or eating quality of a bean or any detached piece of a bean.

(8) "Seriously blemished" means blemished to such an extent that the aggregate blemished area seriously affects the appearance or eating quality of a bean or any detached piece of a bean.

(b) *(A) classification.* Canned lima beans that are practically free from defects may be given a score of 22 to 25 points. "Practically free from defects" means that the aforesaid defects, individually or collectively, do not more than slightly affect the appearance or eating quality of the product. The following allowances provide a guide for scoring canned lima beans which are practically free from defects:

(i) For each 10 ounces drained weight of beans there may be present:

(i) 1 piece, or pieces, of extraneous vegetable matter having an aggregate area of 3/16 square inch (1/2" x 3/8") on one surface of the piece, or pieces;

(ii) 3 percent, by count, of loose skins;

(iii) 5 percent, by count, of broken beans and loose cotyledons;

(iv) 1 percent, by count, of sprouted beans; and

(v) 2 percent, by count, of blemished and seriously blemished beans, and of such 2 percent, not more than 1/3 thereof or 1/2 of 1 percent, by count, of all the beans may be seriously blemished.

(c) *(B) classification.* If the canned lima beans are reasonably free from defects, a score of 20 or 21 points may be given. Canned lima beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the aforesaid defects, individually or collectively, do not materially affect the appearance or eating quality of the product. The following allowances provide a guide for scoring canned lima beans which are reasonably free from defects:

(i) For each 10 ounces drained weight of beans there may be present:

(i) 1 piece, or pieces, of extraneous vegetable matter having an aggregate area of more than 3/16 square inch but not more than 3/4 square inch (1/2" x 3/4") on one surface of the piece, or pieces;

(ii) 5 percent, by count, of loose skins;

(iii) 10 percent, by count, of broken beans and loose cotyledons;

(iv) 4 percent, by count, of sprouted beans; and

(v) 3 percent, by count, of blemished and seriously blemished beans, and of such 3 percent, not more than 1/3 thereof or 1 percent by count, of all the beans may be seriously blemished.

(d) *(C) classification.* Canned lima beans that are fairly free from defects may be given a score of 18 or 19 points. Canned lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the aforesaid defects, individually or collectively, do not seriously affect the appearance or eating quality of the product. The following allowances provide a guide for scoring canned lima beans which are fairly free from defects:

(1) For each 10 ounces drained weight of beans there may be present:

(i) 1 piece, or pieces, of extraneous vegetable matter having an aggregate area of more than 3/8 square inch, but not more than 3/4 square inch (1/2" x 1 1/2") on one surface of the piece, or pieces;

(ii) 8 percent, by count, of loose skins;

(iii) 15 percent, by count, of broken beans and loose cotyledons;

(iv) 8 percent, by count, of sprouted beans; and

(v) 4 percent, by count, of blemished and seriously blemished beans, and of such 4 percent, not more than 1/2 thereof or 2 percent, by count, of all the beans may be seriously blemished.

(e) *(SStd) classification.* Canned lima beans that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.482 *Character.* The factor of character refers to the tenderness and maturity of the product.

(a) *(A) classification.* Canned lima beans that possess a good character may be given a score of 27 to 30 points. "Good character" means that the lima beans are young and tender.

(b) *(B) classification.* If the canned lima beans possess a reasonably good character, a score of 24 to 26 points may be given. "Reasonably good character" means that the lima beans are reasonably young and reasonably tender.

(c) *(C) classification.* Canned lima beans that possess a fairly good character may be given a score of 21 to 23 points. Canned lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the lima beans may be nearly mature and possess a fairly tender texture, may be firm and mealy but not hard, or may be soft but not mushy.

(d) *(SStd) classification.* Canned lima beans that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.483 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned lima beans the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(4) The average score of all containers for any factor subject to a limiting rule must be within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(5) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.484 *Score sheet for canned lima beans.*

| | | | |
|---|---|---|---|
| Size and kind of container | | | |
| Container marks or code identification | | | |
| Label | | | |
| Net weight (ounces) | | | |
| Vacuum (inches) | | | |
| Drained weight (ounces) | | | |
| Type | | | |
| Size | | | |
| Color (Percent green) | | | |
| (Percent white) | | | |
| Factors | Score points | | |
| Color | 35 | (A) | 32–35 |
| | | (B) | 29–31 |
| | | (C) | 26–28 |
| | | (SStd.) | 0–25 |
| Clearness of liquor | 10 | (A) | 9–10 |
| | | (B) | 7–8 |
| | | (C) | 5–6 |
| | | (SStd.) | 0–4 |
| Absence of defects | 25 | (A) | 22–25 |
| | | (B) | 20–21 |
| | | (C) | 18–19 |
| | | (SStd.) | 0–17 |
| Character | 30 | (A) | 27–30 |
| | | (B) | 24–26 |
| | | (C) | 21–23 |
| | | (SStd.) | 0–20 |
| Total score | 100 | | |
| Grade | | | |
| Normal flavor and odor | | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN LIMA BEANS[1]

PRODUCT DESCRIPTION, TYPES, AND GRADES

§ 52.501 *Product description.* "Frozen lima beans" means the frozen product prepared from the clean, sound, succulent seed of the lima bean plant by shelling, washing, blanching, and properly draining, and is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] Second Edition.

§ 52.502 *Types of frozen lima beans.* (a) "Thin-seeded," such as Henderson Bush and Thorogreen varieties.

(b) "Thick-seeded Baby Potato," such as Baby Potato, Baby Fordhook, and Evergreen.

(c) "Thick-seeded," such as Fordhook variety.

§ 52.503 *Grades of frozen lima beans.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen lima beans that possess similar varietal characteristics; that possess a good flavor and odor; that are tender; that possess a good color; that are practically free from defects; and that score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen lima beans that possess similar varietal characteristics; that possess a good flavor and odor; that are reasonably tender; that possess a reasonably good color; that are reasonably free from defects; and that score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of frozen lima beans that possess similar varietal characteristics; that possess a fairly good flavor and odor; that are fairly tender; that possess a fairly good color; that are fairly free from defects; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of frozen lima beans that fail to meet the requirements of U. S. Grade C or U. S. Standard.

FACTORS OF QUALITY

§ 52.504 *Ascertaining the grade.* (a) The grade of frozen lima beans is ascertained by considering in conjunction with the other requirements of the respective grade the respective ratings for the factors of color and absence of defects.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors is:

| Factors: | *Points* |
|---|---|
| Color | 60 |
| Absence of defects | 40 |
| Total score | 100 |

(c) The scores for the factors of color and absence of defects are determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. The tenderness and flavor and odor of frozen lima beans are determined after the product is cooked.

(d) "Good flavor and odor" means that the product, after cooking, has a good, characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(e) "Fairly good flavor and odor" means that the product, after cooking, may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.505 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "54 to 60 points" means 54, 55, 56, 57, 58, 59, or 60 points).

§ 52.506 *Color—(a) General.* (1) "Green" with respect to thin-seeded and thick-seeded types means that the color of not less than 50 percent of the surface area of the individual lima bean possesses as much or more green color than Plate 18, K–5, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(2) "Green" with respect to thick-seeded Baby Potato type means that the color of not less than 50 percent of the surface area of the individual lima bean possesses as much or more green color than Plate 18, J–3, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(3) "White" means that more than 50 percent of the surface area of the individual lima bean possesses less green color than Plate 18, E–1, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(b) *(A) classification.* Frozen lima beans that possess a good color may be given a score of 54 to 60 points. "Good color" means that the lima beans, regardless of type, possess a bright typical color and meet the following additional color requirements for the respective types:

(1) *Thin-seeded type (with skins removed); Thick-seeded Baby Potato type (with skins on).* (i) Not less than 93 percent, by count, of the lima beans are "green" and not more than 7 percent, by count, may be lighter in color: *Provided,* That not more than 1 percent, by count, of all the lima beans are white, or

(ii) Not less than 97 percent, by count, of the lima beans are "green" and not more than 3 percent, by count, may be lighter in color or white lima beans.

(2) *Thick-seeded type (with skins on).* Not less than 85 percent, by count, of the lima beans are "green" and not more than 15 percent, by count, may be lighter in color: *Provided,* That not more than 1 percent, by count, of all the lima beans are white.

(c) *(B) classification.* If the frozen lima beans possess a reasonably good color, a score of 48 to 53 points may be given. Frozen lima beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the lima beans, regardless of type, possess a typical color and meet the following additional requirements for the respective types:

(1) *Thin-seeded type (with skins removed); Thick-seeded Baby Potato type (with skins on).* Not less than 65 percent, by count, of the lima beans are "green" and not more than 35 percent, by count, may be lighter in color or white beans.

(2) *Thick-seeded type (with skins on).* Not less than 60 percent, by count, of the lima beans are "green" and not more than 40 percent, by count, may be lighter in color: *Provided,* That not more than 5 percent, by count, of all the lima beans are white.

(d) *(C) classification.* If the frozen lima beans possess a fairly good color, a score of 42 to 47 points may be given. Frozen lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the lima beans, regardless of type, possess a typical color and meet the following additional requirements for the respective types:

(1) *Thin-seeded type (with skins removed); Thick-seeded Baby Potato type (with skins on).* Less than 65 percent, by count, of the lima beans are "green" and all of the lima beans may be white.

(2) *Thick-seeded type (with skins on).* Less than 60 percent, by count, of the lima beans are "green": *Provided,* That not more than 20 percent, by count, of all the lima beans are white.

(e) *(SStd) classification.* Frozen lima beans that are definitely off color or fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 41 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.507 *Absence of defects—(a) General.* The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, from loose skins, loose cotyledons, broken beans, shriveled beans, sprouted beans, and from beans that show light discoloration or that are blemished or seriously blemished.

(1) "Extraneous vegetable matter" means pods or pieces of pods, leaves, stems, and other similar vegetable matter.

(2) "Broken bean" means a bean from which ½ or more of a cotyledon or the equivalent thereof has become detached; or pieces of cotyledon aggregating the equivalent of an average size whole cotyledon.

(3) "Loose cotyledon" means a whole cotyledon which has become separated from the skin.

(4) "Loose skin" means a whole skin, or portions of skin aggregating the equivalent of an average size whole skin, which has become separated from the cotyledons.

(5) "Light discoloration" means discoloration of the hilum or other light discoloration which slightly affects but does not materially affect the appearance of the bean.

(6) "Blemished" means blemished by discoloration, pathological injury, insect injury, or blemished by other means, other than by light discoloration which is not considered blemished, to such an extent that the aggregate blemished area materially affects the appearance or eating quality of a bean or any detached piece of a bean.

(7) "Seriously blemished" means blemished to such an extent that the aggregate blemished area seriously affects the appearance or eating quality of a bean or any detached piece of a bean.

(8) "Shriveled" means lima beans that are materially wrinkled and are not of normal plumpness.

(9) "Sprouted" means lima beans that show an external shoot protruding beyond the cotyledon or skin.

(b) *(A) classification.* Frozen lima beans that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that the aforesaid defects, individually or collectively, do not more than slightly affect the appearance or eating quality of the product. The following allowances provide a guide for scoring frozen lima beans which are practically free from defects:

(1) For each 10 ounces of frozen lima beans there may be present:

(i) 1 piece, or pieces, of extraneous vegetable matter having an aggregate of ⅜ square inch (1½ inch by ⅜ inch) on one surface of the piece, or pieces;

(ii) 3 percent, by count, of loose skins;

(iii) 5 percent, by count, of broken beans and loose cotyledons, and of such 5 percent, not more than ⅗ thereof or 3 percent, by count, of all the beans may be broken;

(iv) 1 percent, by count, of shriveled and sprouted beans; and

(v) 2 percent, by count, of blemished and seriously blemished beans, and of such 2 percent, not more than ¼ thereof or ½ of 1 percent, by count, of all the beans may be seriously blemished.

(c) *(B) classification.* If the frozen lima beans are reasonably free from defects, a score of 32 to 35 points may be given. Frozen lima beans that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the aforesaid defects, individually or collectively, do not materially affect the appearance or eating quality of the product. The following allowances provide a guide for scoring frozen lima beans that are reasonably free from defects:

(1) For each 10 ounces of frozen lima beans there may be present:

(i) 1 piece, or pieces, of extraneous vegetable matter having an aggregate area of more than $\frac{3}{16}$ square inch but not more than ⅜ square inch (1½ inch x ¾ inch) on one surface of the piece, or pieces;

(ii) 5 percent, by count, of loose skins;

(iii) 10 percent, by count, of broken beans and loose cotyledons, and of such 10 percent, not more than ½ thereof or 5 percent, by count, of all the beans may be broken;

(iv) 4 percent, by count, of shriveled and sprouted beans; and

(v) 3 percent, by count, of blemished and seriously blemished beans, and of such 3 percent, not more than ⅓ thereof or 1 percent, by count, of all the beans may be seriously blemished.

(d) *(C) classification.* Frozen lima beans that are fairly free from defects may be given a score of 28 to 31 points. Frozen lima beans that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the aforesaid defects, individually or collectively, do not seriously affect the appearance or eating quality of the product. The following allowances provide a guide for scoring frozen lima beans that are fairly free from defects:

(1) For each 10 ounces of frozen lima beans there may be present:

(i) 1 piece, or pieces, of extraneous vegetable matter having an aggregate area of more than ⅜ square inch, but not more than ¾ square inch (½ inch x 1½ inches) on one surface of the piece or pieces;

(ii) 8 percent, by count, of loose skins;

(iii) 15 percent, by count, of broken beans and loose cotyledons, and of each 15 percent, not more than ⅔ thereof or 10 percent, by count, of all the beans may be broken;

(iv) 8 percent, by count, of shriveled and sprouted beans; and

(v) 4 percent, by count, of blemished and seriously blemished beans, and of such 4 percent, not more than ½ thereof or 2 percent, by count, of all the beans may be seriously blemished.

(e) *(SStd) classification.* Frozen lima beans that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.508 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen lima beans the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(4) The average score of all containers for any factor subject to a limiting rule must be within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(5) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.509 *Score sheet for frozen lima beans.*

| Factors | Score points |
|---|---|
| Size and kind of container | -- |
| Container marks or identification | -- |
| Label | -- |
| Net weight (ounces) | -- |
| Type | -- |
| Size | -- |
| Color (Percent green | -- |
| (Percent white | -- |
| Color | 60 |
| (A) | 54-60 |
| (B) | 48-53 |
| (C) | 42-47 |
| (SStd) | 0-41 |
| Absence of defects | 40 |
| (A) | 36-40 |
| (B) | 32-35 |
| (C) | 28-31 |
| (SStd) | 0-27 |
| Total score | 100 |
| Grade | -- |
| Check and weight | -- |

[1] Used only for Limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED BEETS[1]

IDENTITY, STYLES, AND GRADES

§ 52.521 *Identity.* "Canned beets" means canned beets as defined in the definitions and standards of identity for canned vegetables (21 CFR 52.990), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.522 *Styles of canned beets.* (a) "Whole" or "whole beets" means canned beets consisting of whole beets that retain the approximate original conformation of the whole beet.

(b) "Slices" or "sliced beets" means canned beets consisting of slices of beets, irrespective of whether such slices are "corrugated," "fluted," "wavy," or "scalloped."

(c) "Quarters" or "quartered beets" means canned beets consisting of quarters of beets.

(d) "Dice" or "diced beets" means canned beets consisting of diced beets.

(e) "Julienne," "French style," or "shoestring" means canned beets consisting of strips of beets.

(f) "Cut" means canned beets consisting of units, irrespective of whether such units are "segmented" or "wedge-shaped," which are not uniform in size or shape or which do not conform to any of the foregoing styles.

(g) "Unit" means an individual beet or portion of a beet in canned beets.

§ 52.523 *Grades of canned beets.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned beets that possess similar varietal characteristics; possess a normal flavor and odor; possess a good color; are practically free from defects; are tender; and possess such uniformity of size and shape as to score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

[2] First edition.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned beets that possess similar varietal characteristics; possess a normal flavor and odor; possess a fairly good color; are fairly free from defects; are fairly tender; and possess such uniformity of size and shape as to score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned beets that fail to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.524 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled as full as practicable with beets without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

§ 52.525 *Recommended drained weight.* The drained weight recommendations in Table No. I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned beets is determined by emptying the contents of the container upon a No. 8 circular sieve of proper diameter and allowing to drain for 2 minutes. A sieve 8 inches in diameter is used for the No. 2½ size can (401 x 411) and smaller sizes; and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

TABLE NO. 1

[Recommended drained weight, in ounces, of beets]

| Container size or designation | Whole (size) [1] | | Sliced (size) [1] | | Diced | Quartered cut | Julienne |
|---|---|---|---|---|---|---|---|
| | Size No. 1 to 3, inclusive | Size No. 4 to 6, inclusive | Small | Medium and large | | | |
| 8-ounce Tall | 5¾ | 5¼ | 5¾ | 5¼ | 6 | 6 | 5½ |
| No. 1 Picnic | 7¼ | 7 | 7¼ | 7 | 7½ | 7½ | 7 |
| No. 303 | 10½ | 10 | 10 | 9½ | 10½ | 10½ | 9 |
| No. 2 | 12½ | 12 | 12½ | 12 | 13 | 12½ | 11 |
| No. 2½ | 19½ | 19 | 19 | 18½ | 19½ | 19 | 18 |
| No. 10 | 72 | 69 | 71 | 68 | 72 | 71 | 69 |
| 16-ounce glass | 10½ | 9½ | 9¾ | 9¼ | 10½ | 10½ | 8¾ |

[1] Assorted sizes and mixed sizes to be based on drained weight for predominant size of individual units.

SIZES

§ 52.526 *Sizes of beets in whole beets.* The size of any beet is determined by measuring the smallest diameter through the center transverse to the longitudinal axis of the beet. The word and number designations of the various sizes of beets in whole beets are shown in Table No. II of this section. Such table also specifies the count range per container for stated container sizes.

TABLE NO. II

[Sizes of beets in whole beets]

| Word designation | Number designation | Count range per container | | | | |
|---|---|---|---|---|---|---|
| | | No. 1 Picnic | No. 2 can | No. 2½ can | No. 10 can | 16-ounce glass |
| Tiny | Size 1 | 25 and over | 50 and over | 70 and over | 250 and over | 35 and over. |
| | Size 2 | 18 to but not including 25. | 35 to but not including 50. | 50 to but not including 70. | 175 to but not including 250. | 25 to but not including 35. |
| Small | Size 3 | 12 to but not including 18. | 25 to but not including 35. | 35 to but not including 50. | 125 to but not including 175. | 18 to but not including 25. |
| | Size 4 | 8 to but not including 12. | 15 to but not including 25. | 20 to but not including 35. | 75 to but not including 125. | 10 to but not including 18. |
| Medium | Size 5 | 5 to but not including 8 | 10 to but not including 15. | 15 to but not including 20. | 50 to but not including 75. | 7 to but not including 10. |
| | Size 6 | Less than 5 | Less than 10 | Less than 15 | Less than 50 | Less than 7. |
| Assorted sizes [1] | | | | | | |
| Mixed sizes [2] | | | | | | |

[1] Assorted sizes is a combination of any two adjacent sizes.
[2] Mixed sizes is a combination of more than two adjacent sizes.

§ 52.527 *Sizes of beet slices in sliced beets.* The size of any slice in sliced beets is determined by measuring the smallest diameter of the largest surface of the slice. The word designation of the various sizes of slices in sliced beets is shown in Table No. III of this section.

TABLE NO. III

[Sizes of slices in sliced beets]

| Word designation | Smallest diameter in inches |
|---|---|
| Small | Less than 2 inches. |
| Medium | From 2 inches up to but not including 2½ inches. |

TABLE NO. III—Continued

| Word designation | Smallest diameter in inches |
|---|---|
| Large | Not less than 2½ inches. |
| Assorted sizes.[1] | |
| Mixed sizes.[2] | |

[1] Assorted sizes is a combination of any two adjacent sizes.
[2] Mixed sizes is a combination of all designated sizes.

FACTORS OF QUALITY

§ 52.528 *Ascertaining the grade.* (a) The grade of canned beets may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings of the factors of color, uniformity of size and shape, absence of defects, and texture.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

| Factors: | Points |
|---|---|
| Color | 25 |
| Uniformity of size and shape | 15 |
| Absence of defects | 30 |
| Texture | 30 |
| Total score | 100 |

(c) "Normal flavor and normal odor" means that the canned beets are free from objectionable flavor and objectionable odors of any kind.

§ 52.529 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "12 to 15 points" means 12, 13, 14, or 15 points).

§ 52.530 *Color*—(a) *(A) classification.* Canned beets that possess a good color may be given a score of 21 to 25 points. "Good color" means that the canned beets possess a color that is uniform, bright, and typical of canned beets produced from beets of similar varietal characteristics.

(b) *(C) classification.* If the canned beets possess a fairly good color, a score of 18 to 20 points may be given. Canned beets that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned beets possess a color that is typical of canned beets produced from beets of similar varietal characteristics and such color may be variable or slightly dull.

(c) *(SStd) classification.* Canned beets that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for that product (this is a limiting rule).

§ 52.531 *Uniformity of size and shape*—(a) *(A) classification.* Canned beets that are practically uniform in size and shape may be given a score of 12 to 15 points. "Practically uniform in size and shape" has the following meanings with respect to the various styles of canned beets:

(1) *Whole beets.* The size of the individual beet is not more than 2¼ inches in diameter, measured as aforesaid; the beets may vary moderately in shape, and the diameter of the largest beet does not exceed the diameter of the smallest beet by more than 50 percent of the diameter of the smallest beet.

(2) *Quartered beets.* The beets from which the quarters have been prepared were of a size not more than 2½ inches in diameter, measured as aforesaid, and the weight of the largest quarter does not exceed the weight of the smallest quarter by more than 50 percent of the weight of the smallest quarter.

(3) *Sliced beets.* The individual slice is not more than 5/16 inch in thickness when measured at the thickest portion; the size of each slice is not more than 3½ inches in diameter, measured as aforesaid, and the diameter of the largest slice does not exceed the diameter of the smallest slice by more than 50 percent of the diameter of the smallest slice.

(4) *Diced beets.* The units are practically uniform in size and shape with edges measuring not more than ⅜ inch; and the aggregate weight of the units which are smaller than one-half of a cube and of all large and irregular units does not exceed 15 percent of the weight of all units.

(5) *Julienne, French style, or shoestring.* The strips of beets are practically uniform in size and shape, with cross sections measuring not more than 3/16 inch, and the aggregate weight of all strips less than 1½ inches in length does not exceed 25 percent of the weight of all the strips.

(6) *Cut.* The individual units weigh not less than ¼ ounce nor more than 2 ounces each and the largest unit weighs not more than four times the weight of the smallest unit. An occasional unit which is not representative of the general size of all the units is excluded in determining size variation.

(b) *(C) classification.* If the canned beets are fairly uniform in size and shape, a score of 8 to 11 points may be given. "Fairly uniform in size and shape" has the following meanings with respect to the various styles of canned beets:

(1) *Whole beets.* The size of the individual beet is not more than 2½ inches in diameter, measured as aforesaid; the beets may vary considerably in shape, and the diameter of the largest beet is not more than twice the diameter of the smallest beet.

(2) *Quartered beets.* The beets from which the quarters have been cut were of a size not more than 3½ inches in diameter, measured as aforesaid, and the weight of the largest quarter is not more than twice the weight of the smallest quarter.

(3) *Sliced beets.* The individual slice is not more than ⅜ inch in thickness when measured at the thickest portion; the size of each slice is not more than 3½ inches in diameter, measured as aforesaid; and the diameter of the largest slice is not more than twice the diameter of the smallest slice.

(4) *Diced beets.* The units are fairly uniform in size and shape, with edges measuring not more than ½ inch; and the aggregate weight of all units which are smaller than one-half of a cube and all large and irregular units does not exceed 25 percent of the weight of all units.

(5) *Julienne, French style, or shoestring.* The strips of beets are fairly uniform in size and shape, with cross sections measuring not more than 3/16 inch and the aggregate weight of all strips less than 1½ inches in length does not exceed 40 percent of the weight of all the strips.

(6) *Cut.* The individual units weigh not less than ⅛ ounce nor more than 3 ounces each and the largest unit weighs not more than twelve times the weight of the smallest unit. An occasional unit which is not representative of the general size of all the units is excluded in determining size variation.

(c) *(SStd) classification.* Canned beets that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 7 points and shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule).

§ 52.532 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from defective units. Defective units are slabs, units damaged by mechanical injury, units blemished by brown or black internal or external discoloration, pathological injury or insect injury and units blemished by other means.

(1) "Slab" means any portion of a whole beet obtained in slicing that possesses only one cut surface or cut surfaces of unequal areas varying in diameter more than ½ inch.

(2) "Damaged by mechanical injury" means crushed, broken, or cracked units, units with excessively frayed edges and surfaces, units with unpeeled areas, excessively trimmed units, or damaged by other means.

(3) "Blemished" means any blemish affecting an aggregate area greater than the area of a circle 3/16 inch in diameter or any blemish which seriously affects the appearance or eating quality of the unit.

(b) *(A) classification.* Canned beets that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" has the following meanings with respect to the various styles of canned beets:

(1) *Whole beets.* The aggregate weight of all defective units does not exceed 15 percent of the weight of all the units, and of such 15 percent not more than one-half thereof or one beet, whichever weighs more, may consist of blemished units.

(2) *Sliced, quartered, and cut beets.* The aggregate weight of all blemished units and units damaged by mechanical injury does not exceed 15 percent of the weight of all the units, and of such 15 percent not more than one-half thereof or one slice, quarter or cut, whichever weighs more, may consist of blemished units, and with respect to sliced beets not more than 10 percent of the weight of all the units may consist of units that are slabs.

(3) *Diced, Julienne, French style, or shoestring beets.* The aggregate weight of all defective units does not exceed 10 percent of the weight of all the units, and of such 10 percent not more than one-half thereof may consist of blemished units.

(c) *(C) classification.* Canned beets that are fairly free from defects may be given a score of 22 to 25 points. Canned beets that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the various styles of canned beets:

(1) *Whole beets.* The aggregate weight of all defective units does not exceed 30 percent of the weight of all the units, and of such 30 percent not more than one-half may consist of blemished units.

(2) *Sliced, quartered, and cut beets.* The aggregate weight of all blemished units and units damaged by mechanical injury does not exceed 30 percent of the weight of all the units, and of such 30 percent not more than one-half thereof may consist of blemished units, and with respect to sliced beets not more than 25 percent of the weight of all the units may consist of units that are slabs.

(3) *Diced, Julienne, French style, or shoestring beets.* The aggregate weight of all defective units does not exceed 25 percent of the weight of all the units, and of such 25 percent not more than one-half thereof may consist of blemished units.

(d) *(SStd) classification.* Canned beets that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.533 *Texture.* The factor of texture refers to the tenderness of the beets, and the degree of freedom from stringy or coarse fibers.

(a) *(A) classification.* Canned beets that possess a tender texture may be given a score of 26 to 30 points. "Tender texture" means that the beets are tender, not fibrous, and possess a uniform character.

(b) *(C) classification.* If the canned beets possess a fairly tender texture, a score of 22 to 25 points may be given. Canned beets that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly tender texture" means that the beets are fairly tender, may be variable in character but not tough or hard, and may possess a few stringy or coarse fibers.

(c) *(SStd) classification.* Canned beets that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.534 *Tolerance for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned beets, the grade for such lot will be determined by averaging the total scores of all containers, if:

(1) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total

scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.535 *Score sheet for canned beets.*

| | | | |
|---|---|---|---|
| Container size | | | |
| Container code or marking | | | |
| Label | | | |
| Net weight (ounces) | | | |
| Vacuum (inches) | | | |
| Drained weight (ounces) | | | |
| Style | | | |
| Size of whole beets (count) | | | |
| Size of sliced beets (diameter) | | | |
| Factors | Score points | | |
| Color | 25 | (A) | 21–25 |
| | | (C) | 18–20 |
| | | (SStd.) | 0–17 |
| Uniformity of size and shape | 15 | (A) | 12–15 |
| | | (C) | 8–11 |
| | | (SStd.) | 0–7 |
| Absence of defects | 30 | (A) | 26–30 |
| | | (C) | 22–25 |
| | | (SStd.) | 0–21 |
| Texture | 30 | (A) | 26–30 |
| | | (C) | 22–25 |
| | | (SStd.) | 0–21 |
| Total score | 100 | | |
| Normal flavor and odor | | | |
| Grade | | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED BLACKBERRIES AND OTHER SIMILAR BERRIES SUCH AS BOYSENBERRIES, DEWBERRIES, AND LOGANBERRIES [1]

PRODUCT DESCRIPTION AND GRADES

§ 52.551 *Product description.* "Canned blackberries" and other similar berries such as "boysenberries," "dewberries," and "loganberries," hereinafter called berries means the canned product prepared from stemmed, properly ripened sound, fresh fruit by proper cleaning and sorting and may be packed with or without the addition of water or sweetening ingredient in hermetically sealed containers and sufficiently processed by heat to assure preservation of the product.

§ 52.552 *Grades of canned berries.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned berries that possess similar varietal characteristics; that possess a good color; that are practically uniform in size; that are practically free from defects; that possess a good character; that possess a normal flavor and odor; and that for these factors which are scored in accordance with the scoring system outlined in this subpart, the total score is not less than 90 points: *Provided*, That the canned berries may possess a reasonably good color and may be reasonably uniform in size if the total score is not less than 90 points.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of canned berries that possess similar varietal characteristics; that possess a reasonably good color; that are reasonably uniform in size; that are reasonably free from defects; that possess a reasonably good character; that possess a normal flavor and odor; and that for these factors which are scored in accordance with the scoring system outlined in this subpart, the total score is not less than 80 points: *Provided*, That the canned berries may be fairly uniform in size if the total score is not less than 80 points.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of canned berries that possess similar varietal characteristics; that possess a fairly good color; that may be fairly uniform in size; that are fairly free from defects; that possess a fairly good character; that possess a normal flavor and odor; and that when scored in accordance with the scoring system outlined in this subpart, the total score is not less than 70 points.

(d) "Substandard" is the quality of canned berries that fail to meet the requirements of U. S. Grade C or U. S. Standard.

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

§ 52.553 *Recommended liquid media and Brix measurements for canned berries.* "Cut-out" requirements for liquid media in canned berries are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purpose of these grades. The recommended "cut-out" Brix measurement, as applicable, for the respective designations are as follows:

*Designations and Brix Measurements*

"Extra heavy sirup": 24° or more, but not more than 35° Brix.

"Heavy sirup": 19° or more, but less than 24° Brix.

"Light sirup": 14° or more, but less than 19° Brix.

"Slightly sweetened water": Less than 14° Brix.

"In water": Packed in water.

§ 52.554 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned berries be filled with berries as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

§ 52.555 *Recommended minimum drained weight.* The minimum drained weight recommendations are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned berries is determined by emptying the contents upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937 inch ± 3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight (or drained berries) is the weight of the sieve and the berries less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

§ 52.556 *Compliance with recommended drained weights.* Compliance with the recommended drained weights for canned berries is determined by averaging the drained weights from all containers which are representative of a specific lot and such lot is considered as meeting the recommendations, if: The average drained weight from all the containers meets the recommended drained weight; one-half or more of the containers meet the recommended drained weight; and the drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practices.

TABLE NO. 1—RECOMMENDED MINIMUM DRAINED WEIGHT, IN OUNCES, OF CANNED BERRIES

| Can size | Can dimensions (in inches) | | Maximum capacity in water at 68° F. (in ounces) | Blackberries | | Other berries | |
|---|---|---|---|---|---|---|---|
| | Diameter | Height | | Extra heavy and heavy sirup | Light sirup and water | Extra heavy and heavy sirup | Light sirup and water |
| 6 ounces | 2 11/16 | 3 4/16 | 8 65 | 4¾ | 4¾ | 4¼ | 4 |
| No. 303 | 3 1/16 | 4 6/16 | 16 85 | 9¼ | 9¼ | 7 | 6½ |
| No. 2 | 3 7/16 | 4 6/16 | 20 50 | 11¼ | 12¼ | 9½ | 8½ |
| No. 10 | 6 2/16 | 7 | 109 45 | 63 | 70 | 55 | 50 |
| No. 10 [1] (heavy pack) | 6 2/16 | 7 | 109 45 | ---- | 74 | ---- | 70 |

[1] Canned blackberries in No. 10 containers (in water) may be certified with the additional statement "heavy pack," provided they meet a minimum drained weight requirement of 74 ounces per can.

FACTORS OF QUALITY

§ 52.557 *Ascertaining the grade.* (a) The grade of canned berries is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size, absence of defects and character.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 20 |
| Uniformity of size | 20 |
| Absence of defects | 30 |
| Character of fruit | 30 |
| Total score | 100 |

(c) "Normal flavor and odor" means that the product is free from objectionable odors and objectionable flavors of any kind.

§ 52.558 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "22 to 25 points" means 22, 23, 24, or 25 points).

§ 52.559 *Color.* The factor of color refers to the color typical of the varietal group and to the intensity and brightness of such characteristic color.

(a) (*A*) *classification.* Canned berries that possess a good color may be given a score of 18 to 20 points. "Good color" means that the canned berries possess a color typical of well-ripened berries for the varietal type that have been properly processed and are practically uniform and bright in color.

(b) (*B*) *classification.* If the canned berries possess a reasonably good color, a score of 16 or 17 points may be given. "Reasonably good color" means that the canned berries possess a color typical of reasonably well-ripened berries for the varietal type that have been properly processed, and which color may be somewhat lacking in luster and may range in color from the lighter shades of reasonably well-ripened berries to the darker hues of well-ripened berries.

(c) (*C*) *classification.* If the canned berries possess a fairly good color, a score of 14 or 15 points may be allowed. Canned berries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned berries possess a color typical of fairly well-ripened berries for the varietal type that have been properly processed, and which color may be variable but is not off-color.

(d) (*SStd*) *classification.* Canned berries that fail to meet the requirements of paragraph (c) of this section, may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.560 *Uniformity of size*—(a) *General.* The factor of uniformity of size refers to the uniformity of diameters of the canned berries. "Diameter" is the minimum diameter of the fruit of the berry measured at right angles to the stem axis that will pass through a rigid ring of the same diameter without using pressure.

(b) (*A*) *classification.* If the canned berries are practically uniform in size, a score of 18 to 20 points may be given. "Practically uniform in size" means that the variation in size of the berries does not materially affect the appearance of the product and that with respect to canned blackberries, not more than 15 percent, by count, of the blackberries are less than $^{20}/_{32}$ inch in diameter.

(c) (*B*) *classification.* If the canned berries are reasonably uniform in size, a score of 16 or 17 points may be given. "Reasonably uniform in size" means that the variation in size of the berries does not seriously affect the appearance of the product and that with respect to canned blackberries, not more than 15 percent, by count, of the blackberries are less than $^{15}/_{32}$ inch in diameter.

(d) (*C*) *classification.* If the canned berries are fairly uniform in size, a score of 14 or 15 points may be given. Canned berries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size" means that the canned berries may be variable in size and that with respect to canned blackberries more than 15 percent, by count, are less than $^{15}/_{32}$ inch in diameter.

§ 52.561 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous vegetable material and from damaged berries.

(1) "Harmless extraneous vegetable material" means any vegetable substance (including, but not limited to, leaves, stems, or portions of stems, whether or not attached, caps or portions of caps, whether or not attached).

(2) "Damaged" means any surface blemish or internal injury that materially affects the appearance or edibility of the berry (including, but not limited to, insect injury, pathological injury, hard berries, underdeveloped berries, and abnormally developed berries).

(b) (*A*) *classification.* Canned berries that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that harmless extraneous vegetable material may be present that does not more than slightly affect the appearance or edibility of the product; and that not more than 4 percent, by count, of the canned berries may be damaged.

(c) (*B*) *classification.* If the canned berries are reasonably free from defects, a score of 24 to 26 points may be given. Canned berries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that harmless extraneous vegetable material may be present that does not more than materially affect the appearance or edibility of the product; and that not more than 8 percent, by count, of the canned berries may be damaged.

(d) (*C*) *classification.* Canned berries that are fairly free from defects may be given a score of 21 to 23 points. Canned berries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that harmless extraneous vegetable material may be present that does not more than seriously affect the appearance or edibility of the product; and that not more than 15 percent, by count, of the canned berries may be damaged.

(e) (*SStd*) *classification.* Canned berries which fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.562 *Character of fruit*—(a) *General.* The factor of character refers to the degree of texture, and appearance as well as to the degree of disintegration of the berries.

(1) A berry is considered "crushed" if more than 50 percent of the drupelets are crushed, broken or detached, or if the normal shape of the berry is otherwise materially affected or destroyed.

(b) (*A*) *classification.* Canned berries that possess a good character may be given a score of 27 to 30 points. "Good character" means that the berries possess a firm, tender texture characteristic of well-ripened berries for the varietal type and are practically intact; that the berries and accompanying liquor are practically free from detached seed cells; and that not more than 5 percent, by weight, of the blackberries may be crushed and not more than 10 percent, by weight, of dewberries, boysenberries, loganberries, or other similar types may be crushed.

(c) (*B*) *classification.* If the canned berries have a reasonably good character, a score of 24 to 26 points may be given. Canned berries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the berries may possess a reasonably tender texture characteristic of reasonably well-ripened berries to slightly over-ripe berries for the varietal type and are reasonably intact; that the berries and accompanying liquor are reasonably free from detached seed cells; and that not more than 10 percent by weight, of blackberries may be crushed and not more than 15 percent, by weight, of dewberries, boysenberries, loganberries, or other similar types may be crushed.

(d) (*C*) *classification.* Canned berries that possess a fairly good character may be given a score of 21 to 23 points. Canned berries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the berries may possess a fairly tender texture characteristic of fairly well-ripened berries to over-ripe berries for the varietal type and are fairly intact; and that not more than 20 percent, by weight, of the berries may be crushed.

(e) (*SStd*) *classification.* Canned berries that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.563 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned blackberries, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(4) The average score of all containers for any factor subject to a limiting rule must be within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(5) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.564 *Score sheet for canned berries.*

| Factors | | |
|---|---|---|
| Color | 20 | A (20) B (16–17) C (11–15) SStd (0–10) |
| Uniformity of size | 20 | A (20) B (16–19) C (11–15) SStd (0–10) |
| Absence of defects | 40 | A (40) B (32–39) C (28–31) SStd (0–27) |
| Character of fruit | 40 | A (40) B (32–39) C (28–31) SStd (0–27) |
| Total score | 100 | |
| Grade | | |

[1] Indicate limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED BLUEBERRIES [1]

PRODUCT DESCRIPTION, TYPES, AND GRADES

§ 52.581 *Product description.* Canned blueberries are prepared from the properly ripened fresh fruit of the blueberry bush (Genus Vaccinium), including species or varieties often called "huckleberries", but not of the Genus Gaylussacia; are stemmed and washed; are packed with or without the addition of water or sweetening ingredients; and are sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

§ 52.582 *Types of canned blueberries.* (a) Native (or wild) type.

(b) Cultivated type.

§ 52.583 *Grades of canned blueberries.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned blueberries that possess similar varietal characteristics; that possess a very good color; that are practically free from defects; that possess a good character; that possess a normal flavor and odor; and that score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of canned blueberries that possess similar varietal characteristics; that possess a good color; that are reasonably free from defects; that possess a reasonably good character; that possess a normal flavor and odor; and that score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of canned blueberries that possess similar varietal characteristics; that possess a fairly good color; that are fairly free from defects; that possess a fairly good character; that possess a normal flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "U. S. Grade D" or "Substandard" is the quality of canned blueberries that fail to meet the requirements of U. S. Grade C or U. S. Standard.

LIQUID MEDIA, FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.584 *Recommended designations of liquid media and Brix measurements.* "Cut-out" requirements for liquid media are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purpose of these grades.

(a) It is recommended that canned blueberries have the following indicated "cut-out" Brix measurement for the respective designation, which designations include, but are not limited to, the following:

| *Designations* | *Brix measurement* |
|---|---|
| Extra heavy sirup | 25° or more, but not more than 35°. |
| Heavy sirup | 20° or more, but less than 25°. |
| Light sirup | 15° or more, but less than 20°. |
| Slightly sweetened water. | Less than 15° Brix. |
| Water pack (packed in water). | |

(b) "Brix" means the degrees Brix of the liquid from canned blueberries when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If the liquid is tested at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in the "Official Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of the liquid from canned blueberries may be determined by any other method which gives equivalent results.

§ 52.585 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned blueberries be filled with blueberries as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

§ 52.586 *Recommended minimum drained weight.* The minimum drained weight recommendations are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades. The drained-weight of canned blueberries is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, 2.38 square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight (or drained blueberries) is the weight of the sieve and the blueberries less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED BLUEBERRIES

| Container designation | Container size (over-all dimensions) | | Recommended minimum drained weight |
|---|---|---|---|
| | Width | Height | |
| | *Inches* | *Inches* | *Ounces* |
| 300 x 407 | 3 | 4 | 8 |
| No. 2 | 3 1/16 | 4 | 12 |
| No. 10 | 6 3/16 | 7 | 56 |

FACTORS OF QUALITY

§ 52.587 *Ascertaining the grade.* (a) The grade of canned blueberries may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | *Points* |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Character | 40 |
| Total score | 100 |

(c) "Normal flavor and odor" means that the product is free from objectionable odors and objectionable flavors of any kind.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.



§ 52.588 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.589 *Color*—(a) *(A) classification.* Canned blueberries that possess a very good color may be given a score of 18 to 20 points. "Very good color" means a practically uniform, bright, dark blue-purple color typical of blueberries which had been properly processed from well-matured blueberries.

(b) *(B) classification.* If the canned blueberries possess a good color, a score of 16 or 17 points may be given. Canned blueberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Good color" means a reasonably uniform, dark blue-purple color typical of blueberries which had been properly processed from reasonably well-matured blueberries.

(c) *(C) classification.* If the canned blueberries possess a fairly good color, a score of 14 or 15 points may be given. Canned blueberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means a blue-purple color typical of blueberries which had been properly processed and which are not off color for any reason.

(d) *(SStd) classification.* Canned blueberries that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.590 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material (such as leaves and large stems); from clusters; from cap stems; from undeveloped berries, or edible berries other than blueberries; and from berries damaged by insect, pathological, or any other injury.

(1) "Cap stems" are small stems which attach berries to the branch and means single cap stems or joined double cap stems with or without berries attached.

(2) A "cluster" means three or more joined cap stems with or without berries attached.

(3) "Undeveloped berries" are mummified berries with wrinkled or tough skins or which may be pathologically defective.

(b) *(A) classification.* Canned blueberries that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that the canned blueberries are reasonably free from cap stems and for each 20 ounces of net weight, or the equivalent thereof, there may be present:

(1) Not more than a total of 2 whole leaves or large stems, provided such whole leaves and any other portions of leafy material do not exceed ½ square inch;

(2) Not more than 5 berries that are undeveloped or edible berries other than blueberries or berries that are damaged; and

(3) In native (or wild) type, not more than an average of 12 clusters in all containers comprising the sample, provided there are no more than 16 clusters in any single container; or

(4) In cultivated type, not more than 4 clusters.

(c) *(B) classification.* If the canned blueberries are reasonably free from defects, a score of 32 to 35 points may be given. Canned blueberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned blueberries are reasonably free from cap stems and for each 20 ounces of net weight, or the equivalent thereof, there may be present:

(1) Not more than a total of 4 whole leaves or large stems, provided such whole leaves and any other portions of leafy material do not exceed ¾ square inch;

(2) Not more than 8 berries that are undeveloped or edible berries other than blueberries or berries that are damaged; and

(3) In Native (or wild) type, not more than an average of 20 clusters in all containers comprising the sample, provided there are no more than 28 clusters in any single container; or

(4) In Cultivated type, not more than 8 clusters.

(d) *(C) classification.* If the canned blueberries are fairly free from defects, a score of 28 to 31 points may be given. Canned blueberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned blueberries are fairly free from cap stems and for each 20 ounces of net weight, or the equivalent thereof, there may be present:

(1) Not more than a total of 6 whole leaves or large stems, provided such whole leaves and any other portions of leafy material do not exceed 1 square inch;

(2) Not more than 10 berries that are undeveloped or edible berries other than blueberries or berries that are damaged; and

(3) In Native (or wild) type, not more than an average of 28 clusters in all containers comprising the sample, provided there are no more than 40 clusters in any single container; or

(4) In Cultivated type, not more than 12 clusters.

(e) *(SStd) classification.* Canned blueberries that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.591 *Character*—(a) *(A) classification.* Canned blueberries that possess a good character may be given a score of 36 to 40 points. "Good character" means that the blueberries are reasonably firm, reasonably fleshy, practically whole, and practically intact with not more than 10 percent by weight of the drained blueberries that may be crushed, mushy, or broken berries.

(b) *(B) classification.* If the canned blueberries possess a reasonably good character, a score of 32 to 35 points may be given. Canned blueberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the blueberries may be lacking in firmness and fleshy texture but are reasonably whole and reasonably intact with not more than 15 percent by weight of the drained blueberries that may be crushed, mushy, or broken berries.

(c) *(C) classification.* If the canned blueberries possess a fairly good character, a score of 28 to 31 points may be given. Canned blueberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the blueberries are fairly whole and fairly intact with not more than 30 percent by weight of the drained blueberries that may be crushed, mushy, or broken berries.

(d) *(SStd) classification.* Canned blueberries that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.592 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned blueberries, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.593 *Score sheet for canned blueberries.*

| | | |
|---|---|---|
| Size and kind of container | | |
| Container mark or identification | | |
| Label | | |
| Net weight (ounces) | | |
| Vacuum (inches) | | |
| Drained weight (ounces) | | |
| Brix measurement | | |
| Sirup designation (extra heavy, heavy, etc.) | | |
| Type | | |

| Factors | Score points | |
|---|---|---|
| Color | 20 | (A) 18–20<br>(B) 16–17<br>(C) 14–15<br>(D) 10–13 |
| Absence of defects | 40 | (A) 36–40<br>(B) 32–35<br>(C) 28–31<br>(D) 10–27 |
| Character | 40 | (A) 36–40<br>(B) 32–35<br>(C) 28–31<br>(D) 10–27 |
| Total score | 100 | |
| Flavor and odor | | |
| Grade | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN BLUEBERRIES [1]

PRODUCT DESCRIPTION, TYPES, AND GRADES

§ 52.611 *Products description.* Frozen blueberries are prepared from the properly ripened fresh fruit of the blueberry bush (Genus Vaccinium), including species or varieties often called "huckleberries," but not of the Genus Gaylussacia; are cleaned and stemmed; may or may not be washed; are packed with or without packing media; and are frozen and maintained at temperatures necessary for the preservation of the product.

§ 52.612 *Types of frozen blueberries.* (a) Native (or wild) type.

(b) Cultivated type.

§ 52.613 *Grades of frozen blueberries.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen blueberries that possess similar varietal characteristics; that are practically free from defects; that possess a good character; that possess a normal flavor and odor; and are of such quality with respect to color as to score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen blueberries that possess similar varietal characteristics; that possess a good color; that are reasonably free from defects; that possess a reasonably good character; that possess a normal flavor and odor; and that score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of frozen blueberries that possess similar varietal characteristics; that possess a fairly good color; that are fairly free from defects; that possess a fairly good character; that possess a normal flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "U. S. Grade D" or "Substandard" is the quality of frozen blueberries that fail to meet the requirements of U. S. Grade C or U. S. Standard.

FACTORS OF QUALITY

§ 52.614 *Ascertaining the grade.* (a) The grade of frozen blueberries may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Character | 40 |
| Total score | 100 |

(c) The scores for the factors of color, absence of defects, and character of frozen blueberries are determined when the product is sufficiently free from ice crystals to permit handling of the blueberries.

(d) "Normal flavor and odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

§ 52.615 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.616 *Color*—(a) *(A) classification.* Frozen blueberries that possess a very good color may be given a score of 18 to 20 points. "Very good color" means that the blueberries possess a practically uniform, bright, dark blue-purple color typical of properly matured berries for the variety and that there may be present not more than 5 percent by count of berries that possess a red-purple color. Frozen blueberries that are undercolored (not at least red-purple color) or that have a definite green cast are considered "green berries." (See § 52.617 (a).)

(b) *(B) classification.* If the frozen blueberries possess a good color, a score of 16 or 17 points may be given. "Good color" means that the blueberries possess a reasonably uniform, dark blue-purple color typical of reasonably well-matured berries for the variety and that there may be present not more than 10 percent by count of berries that possess a red-purple color. Frozen blueberries that are under-colored (not at least red-purple color) or that have a definite green cast are considered "green berries." (See § 52.617 (a).)

(c) *(C) classification.* If the frozen blueberries possess a fairly good color, a score of 14 or 15 points may be given. Frozen blueberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the blueberries may be moderately variable in color, but are not definitely dull or off color, and there may be present not more than 20 percent by count of berries that possess a red-purple color. Frozen blue berries that are undercolored (not at least red-purple color) or that have a definite green cast are considered "green berries." (See § 52.617 (a).)

(d) *(SStd) classification.* Frozen blueberries that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.617 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material (such as leaves and large stems); from clusters; from cap stems; from green berries, undeveloped berries, or edible berries other than blueberries; and from berries damaged by insect, pathological, or any other injury.

(1) "Green berries" are blueberries that are undercolored and do not possess at least a red-purple color or that have a definite green cast, even though the over-all color of the berries may not be a true green color.

(2) "Cap stems" are small stems which attach berries to the branch and means single cap stems or joined double cap stems with or without berries attached.

(3) A "cluster" means three or more joined cap stems with or without berries attached.

(4) "Undeveloped berries" are mummified berries with wrinkled or tough skins or which may be pathologically defective.

(b) *(A) classification.* Frozen blueberries that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that the frozen blueberries are reasonably free from cap stems and for each 16 ounces of net weight, or the equivalent thereof, there may be present:

(1) Not more than a total of 2 whole leaves or large stems, provided such whole leaves and any other portions of leafy material do not exceed ½ square inch;

(2) Not more than a total of 10 berries that are green or undeveloped or edible berries other than blueberries or berries that are damaged, provided not more than 5 berries are undeveloped or edible berries other than blueberries or berries that are damaged; and

(3) In Native (or wild) type, not more than an average of 12 clusters in all samples or containers comprising the sample, provided there are no more than 16 clusters in any single sample or in any single container; or

(4) In Cultivated type, not more than 4 clusters.

(c) *(B) classification.* If the frozen blueberries are reasonably free from defects, a score of 32 to 35 points may be given. Frozen blueberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the frozen blueberries are reasonably free from cap stems and for each 16 ounces of net weight, or the equivalent thereof, there may be present:

(1) Not more than a total of 4 whole leaves or large stems, provided such whole leaves and any other portions of leafy material do not exceed ¾ square inch;

(2) Not more than a total of 16 berries that are green or undeveloped or edible berries other than blueberries or berries that are damaged, provided not more than 8 berries are undeveloped or edible berries other than blueberries or berries that are damaged; and

(3) In Native (or wild) type, not more than an average of 20 clusters in all samples or containers comprising the sample, provided there are no more than 28 clusters in any single sample or in any single container; or

(4) In Cultivated type, not more than 8 clusters.

(d) *(C) classification.* If the frozen blueberries are fairly free from defects, a score of 28 to 31 points may be given. Frozen blueberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the frozen blueberries are fairly free from cap stems and for each 16 ounces of net weight, or the equivalent thereof, there may be present:

(1) Not more than a total of 6 whole leaves or large stems, provided such whole leaves and any other portions of leafy material do not exceed 1 square inch;

(2) Not more than a total of 20 berries that are green or undeveloped or edible berries other than blueberries or berries that are damaged, provided not more than 10 berries are undeveloped or edible berries other than blueberries or berries that are damaged; and

(3) In Native (or wild) type, not more than an average of 28 clusters in all samples or containers comprising the sample, provided there are no more than 40 clusters in any single sample or in any single container; or

(4) In Cultivated type, not more than 12 clusters.

(e) *(SStd) classification.* Frozen blueberries that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.618 *Character*—(a) *(A) classification.* Frozen blueberries that possess a good character may be given a score of 36 to 40 points. "Good character" means that the blueberries are reasonably firm, reasonably fleshy, practically whole, and practically intact with not more than 6 percent by weight of berries that may be crushed, mushy, or broken.

(b) *(B) classification.* If the frozen blueberries possess a reasonably good character, a score of 32 to 35 points may be given. Frozen blueberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the blueberries may be lacking in firmness and fleshy texture but are reasonably whole and reasonably intact with not more than 10 percent by weight of berries that may be crushed, mushy, or broken.

(c) *(C) classification.* If the frozen blueberries possess a fairly good character, a score of 28 to 31 points may be given. Frozen blueberries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the blueberries are fairly whole and fairly intact with not more than 20 percent by weight of berries that may be crushed, mushy, or broken.

(d) *(SStd) classification.* Frozen blueberries that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.619 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen blueberries, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.620 *Score sheet for frozen blueberries.*

| | |
|---|---|
| Size and kind of container | |
| Container mark or identification | |
| Label (style of pack—Ratio of fruit to sugar, tc., if shown) | |
| Net weight (ounces) | |
| Type | |

| Factors | Score points | |
|---|---|---|
| Color | 20 | (A) 18–20<br>(B) 16–17<br>(C) 14–15<br>(D) 10–13 |
| Absence of defects | 40 | (A) 36–40<br>(B) 32–35<br>(C) 28–31<br>(D) 10–27 |
| Character | 40 | (A) 36–40<br>(B) 32–35<br>(C) 28–31<br>(D) 10–27 |
| Total score | 100 | |
| Flavor and odor | | |
| Grade | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN BROCCOLI [1]

PRODUCT DESCRIPTION, STYLES AND GRADES

§ 52.631 *Product description.* "Frozen broccoli" is prepared from the fresh, headed stalks or shoots of the broccoli plant (Brassica oleracea botrytis) by trimming, washing, and blanching and is frozen and stored at temperatures necessary for preservation of the product.

§ 52.632 *Styles of frozen broccoli.* (a) "Stalks" is the style that consists of the head and adjoining portions of the stem and attached leaves. Stalks that are cut longitudinally (including, but not limited to, quarters or halves) are considered as this style.

(b) "Cuts" or "Cut Broccoli" is the style that consists of portions cut from stalks with not less than 35 percent by weight of the broccoli that is head material.[2] "Head material" consists of buds or bud clusters whether or not attached to stalks or portions of stalks and includes such stalks or portions thereof. Units that possess practically no buds are not considered as head material.

(c) "Pieces" is the style that consists of any cut portions of stalks and that does not meet the foregoing definition for "Cuts" or "Cut Broccoli".

§ 52.633 *Grades of frozen broccoli.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen broccoli that possesses similar varietal characteristics; that possesses a good color; that is practically free from defects; that possesses good character; that possesses a good flavor and odor; and is of such quality with respect to uniformity of size as to score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen broccoli that possesses similar varietal characteristics; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; that possesses a fairly good

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The amount of head material is determined by averaging the weight of the head material from all containers comprising the sample, provided no single container contains less than 25 percent by weight of head material.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

flavor and odor; and is of such quality with respect to uniformity of size as to score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of frozen broccoli that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

FACTORS OF QUALITY

§ 52.634 *Ascertaining the grade.* (a) The grade of frozen broccoli may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size, absence of defects, and character.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given for such factors are:

| Factors: | Points |
|---|---|
| Color | 20 |
| Uniformity of size | 20 |
| Absence of defects | 20 |
| Character | 40 |
| Total score | 100 |

(c) The scores for the factors of color, uniformity of size, absence of defects, and character with respect to development are determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. The degree of tenderness and freedom from fiber and flavor and odor are determined after the product is cooked.

(d) "Good flavor and odor" means that the product after cooking has a good, characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(e) "Fairly good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.635 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.636 *Color*—(a) *(A) classification.* Frozen broccoli that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the frozen broccoli possesses a characteristic green color which may include lighter colored areas typical of young and tender broccoli that do not materially affect the appearance of the product.

(b) *(B) classification.* If the frozen broccoli possesses a reasonably good color, a score of 14 to 16 points may be given. Frozen broccoli that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen broccoli possesses a characteristic green color which may be variable but is not off color.

(c) *(SStd) classification.* Frozen broccoli that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.637 *Uniformity of size*—(a) *General.* "Diameter" of a stalk, whether or not cut longitudinally means the greatest crosswise dimension measured 1 inch above the lowest portion of the main stem of the stalk at approximate right angles to the length.

(b) *(A) classification.* Frozen broccoli that is practically uniform in size may be given a score of 17 to 20 points. "Practically uniform in size" has the following meanings with respect to the following styles:

(1) *Stalks.* The longest stalk does not exceed the shortest stalk by more than 2 inches and in the 90 percent, by count, of stalks which have the most uniform lengths, the length of the longest stalk does not exceed the length of the shortest stalk by more than 1 inch; and the diameter of the stalk with the greatest diameter does not exceed the diameter of the stalk with the shortest diameter by more than 1 inch and in the 90 percent, by count, of stalks which have the most uniform diameters, the diameter of the stalk with the greatest diameter does not exceed the diameter of the stalk with the shortest diameter by more than $\frac{3}{4}$ inch.

(2) *Cuts; pieces.* Not more than 5 percent, by weight, of the units may be longer than 2 inches.

(c) *(B) classification.* If the frozen broccoli is reasonably uniform in size, a score of 14 to 16 points may be given. "Reasonably uniform in size" has the following meanings with respect to the following styles:

(1) *Stalks.* In the 90 percent, by count, of stalks which have the most uniform lengths, the length of the longest stalk does not exceed the length of the shortest stalk by more than 2 inches; and in the 90 percent, by count, of stalks which have the most uniform diameters, the diameter of the stalk with the greatest diameter does not exceed the diameter of the stalk with the shortest diameter by more than $\frac{3}{4}$ inch.

(2) *Cuts; pieces.* Not more than 10 percent, by weight, of the units may be longer than $2\frac{1}{2}$ inches.

(d) *(SStd) classification.* Frozen broccoli that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule).

§ 52.638 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from grit, harmless extraneous materials, detached fragments, loose leaves, loose pieces of leaves, and poorly trimmed stalks; and from units that are damaged or seriously damaged.

(1) "Grit" means sand or other rough, hard particles of earthy sediment.

(2) "Harmless extraneous material" means vegetable substances other than broccoli, such as weeds and grass and any portions thereof, that are harmless.

(3) "Loose leaves and loose pieces of leaves" means leaves or pieces of leaves not attached to a unit.

(4) "Detached fragments" means any detached portions of stalks including bud clusters, shattered materials, portions of stems without bud clusters regardless of size or length, and portions of stems with bud clusters, which portions are 2 inches or less in the greatest straight dimension.

(5) "Poorly trimmed" means that the appearance of the stalk is seriously affected by attached leaves and by ragged or partial trimming of the leaves, by ragged or partial removal of leaves, and poor cutting of the stem of the stalk.

(6) "Damaged" means discoloration, mechanical injury, pathological injury, insect injury, hollow stems, pithy stems, or other injuries which, singly or in combination, on a unit or in a unit materially affect the appearance or eating quality of the unit.

(7) "Seriously damaged" means damage to such an extent that the appearance or eating quality of the unit is seriously affected.

(b) *(A) classification.* Frozen broccoli that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" has the following meanings with respect to the following styles:

(1) *Stalks.* No grit that affects the appearance or eating quality may be present; not more than one piece of harmless extraneous material may be present for each 20 ounces of net weight; detached fragments, loose leaves, and loose pieces of leaves that do not materially affect the appearance may be present; and stalks that are poorly trimmed, damaged, or seriously damaged do not exceed 10 percent, by count, of all the stalks, but of such 10 percent, not more than one-half thereof, or not more than 5 percent by count of all the stalks, may be seriously damaged. One stalk in a single container is permitted to be poorly trimmed, damaged, or seriously damaged if such stalk exceeds the respective allowances of 10 percent or 5 percent, provided that in all containers comprising the sample such poorly trimmed, damaged, or seriously damaged stalks do not exceed an average of 10 percent, by count, but of such 10 percent average, not more than one-half thereof, or not more than an average of 5 percent, may be seriously damaged.

(2) *Cuts; pieces.* No grit that affects the appearance or eating quality may be present; not more than one piece of harmless extraneous material may be present for each 20 ounces of net weight; loose leaves and loose pieces of leaves that do not materially affect the appearance may be present; and units that are damaged or seriously damaged do not exceed 8 percent, by weight, but of such 8 percent not more than one-half thereof, or not more than 4 percent, by weight, of all the units, may be seriously damaged.

(c) *(B) classification.* If the frozen broccoli is reasonably free from defects, a score of 14 to 16 points may be given. Frozen broccoli that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" has the following meanings with respect to the following styles:

(1) *Stalks.* No grit that affects the appearance or eating quality may be present; not more than two pieces of harmless extraneous material may be present for each 20 ounces of net weight; detached fragments, loose leaves, and loose pieces of leaves that do not materially affect the appearance may be present; and stalks that are poorly trimmed, damaged, or seriously damaged do not exceed 20 percent, by count, of all the stalks, but of such 20 percent, not more than one-half thereof, or not more than 10 percent, by count, of all the stalks, may be seriously damaged.

(2) *Cuts; pieces.* No grit that affects the appearance or eating quality may be present; not more than two pieces of harmless extraneous material may be present for each 20 ounces of net weight, loose leaves and loose pieces of leaves that do not materially affect the appearance may be present; and units that are damaged or seriously damaged do not exceed 16 percent, by weight, but of such 16 percent, not more than one-half thereof, or not more than 8 percent, by weight, of all the units, may be seriously damaged.

(d) *(SStd) classification.* Frozen broccoli that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.639 *Character*—(a) *General.* The factor of character refers to the degree of development and tenderness and to the degree of freedom from stringy, fibrous development.

(b) "Well developed" means that the branching bud clusters of the unit form a practically compact head, that the individual buds in the bud clusters are all practically closed, and that the immediate stems supporting the individual buds in the bud clusters show no more than slight elongation.

(c) "Reasonably well developed" means that the branching bud clusters of the unit may be spread or spreading; that the individual buds in the bud clusters may have reached a moderate stage of enlargement but practically none of the buds are in the flowered or open stage; and that the immediate stems supporting the individual buds in the bud clusters may be moderately elongated.

(d) After the broccoli has been tested for development, the broccoli is cooked before making the determination for the degree of tenderness and the degree of freedom from fibrous development.

(b) *(A) classification.* Frozen broccoli that possesses a good character may be given a score of 34 to 40 points. "Good character" has the following meanings with respect to the following styles:

(1) *Stalks.* Not less than 80 percent, by count, of the stalks are well developed and the remainder are reasonably well developed; and all of the stalks are tender.

(2) *Cuts; pieces.* The units are at least reasonably well developed; and the broccoli is tender.

(c) *(B) classification.* If the frozen broccoli possesses a reasonably good character, 28 to 33 points may be given. Frozen broccoli that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" has the following meanings with respect to the following styles:

(1) *Stalks.* Not less than 90 percent, by count, of the stalks are at least reasonably well developed; the stalks are reasonably tender and practically free from stringy, fibrous development.

(2) *Cuts; pieces.* Not less than 95 percent, by weight, of the bud clusters of the units are at least reasonably well developed; the broccoli is reasonably tender and practically free from stringy, fibrous development.

(d) *(SStd) classification.* Frozen broccoli that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.640 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen broccoli, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.641 *Score sheet for frozen broccoli.*

| | | |
|---|---|---|
| Size and kind of container | | |
| Container mark or identification | | |
| Label | | |
| Net weight (ounces) | | |
| Style | | |
| Count (of stalks) | | |
| Factors | Score points | |
| Color | 20 | (A) 17–20<br>(B) [1] 14–16<br>(D) [1] 0–13 |
| Uniformity of size | 20 | (A) 17–20<br>(B) 14–16<br>(D) [1] 0–13 |
| Absence of defects | 20 | (A) 17–20<br>(B) [1] 14–16<br>(D) [1] 0–13 |
| Character | 40 | (A) 34–40<br>(B) [1] 28–33<br>(D) [1] 0–27 |
| Total score | 100 | |
| Flavor and odor | | |
| Grade | | |

[1] Indicates limiting rule.

STUPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN BRUSSELS SPROUTS [1]

PRODUCT DESCRIPTION AND GRADES

§ 52.651 *Product description.* Frozen Brussels sprouts are prepared from the fresh heads of the Brussels sprouts plant (Brassica oleracea gemmifera) by trimming, washing, and blanching and are frozen and maintained at temperatures necessary for the preservation of the product.

§ 52.652 *Grades of frozen Brussels sprouts.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen Brussels sprouts that possess similar varietal characteristics; that possess a good color; that are practically free from defects; that possess a good character; that possess a good flavor and odor; and that score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen Brussels sprouts that possess similar varietal characteristics; that possess a reasonably good color; that are reasonably free from defects; that possess a reasonably good character; that possess a good flavor and odor; and that score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of frozen Brussels sprouts that possess a fairly good color; that are fairly free from defects; that possess a fairly good character; that possess a fairly good flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "U. S. Grade D" or "Substandard" is the quality of frozen Brussels sprouts that fails to meet the requirements of U. S. Grade C or U. S. Standard.

FACTORS OF QUALITY

§ 52.653 *Ascertaining the grade.* (a) The grade of frozen Brussels sprouts is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character.

(b) The relative importance of each factor which is scored is expressed nu-

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

merically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 30 |
| Absence of defects | 40 |
| Character | 30 |
| Total score | 100 |

(c) The scores for the factors of color and absence of defects of Brussels sprouts are determined immediately after thawing so that the product is sufficiently free from ice crystals to permit proper handling as individual units and the product is completely thawed to determine the factor of character. The product is cooked to determine the flavor and odor.

(d) "Good flavor and odor" means that the product after cooking has a good, characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(e) "Fairly good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.654 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "27 to 30 points" means 27, 28, 29, or 30 points).

§ 52.655 *Color*—(a) *General.* The color of Brussels sprouts is based on the characteristic and predominating color of the outer surfaces of the Brussels sprouts.

(1) "Yellow-green" means a predominating characteristic green color with a definite yellow cast.

(2) "Yellow" means a predominating characteristic yellow color with slight tinges of green or a predominating characteristic yellow color typical of the color Brussels sprouts possess after the outer green leaves have been removed.

(b) (*A*) *classification.* Frozen Brussels sprouts that possess a good color may be given a score of 27 to 30 points. "Good color" means that not more than 5 percent, by count, of the units may be yellow and that the remainder of the units are yellow-green or more green in color. One Brussels sprout in a single container is permitted to be yellow if such unit exceeds the allowance of 5 percent.

(c) (*B*) *classification.* If the frozen Brussels sprouts possess a reasonably good color, a score of 24 to 26 points may be given. Frozen Brussels sprouts that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that more than 5 percent, by count, but not more than 25 percent, by count, of the units are yellow and that the remainder of the units are yellow-green or more green in color.

(d) (*C*) *classification.* If the frozen Brussels sprouts possess a fairly good color, a score of 21 to 23 points may be given. Frozen Brussels sprouts that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that more than 25 percent, by count, of the units are yellow and that the remainder, if any, are yellow-green or more green in color but are not off-color for any reason.

(e) (*SStd*) *classification.* Frozen Brussels sprouts that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.656 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from grit, silt, harmless extraneous material, loose leaves and loose small pieces, poorly trimmed units, and from units damaged by discoloration, mechanical injury, pathological injury, insect injury, or other means.

(1) "Grit" (or sand) is rough, hard particles of earthy sediment.

(2) "Silt" is fine earthy sediment from material such as mud or clay.

(3) "Harmless extraneous material" means vegetable substances other than from Brussels sprouts, such as weeds and grass and any portion thereof, that are harmless.

(4) "Loose leaves and loose small pieces" means leaves, pieces of leaves, and small pieces of edible stalk or stems not attached to a unit, whether or not damaged.

(5) "Poorly trimmed units" means (i) that the butt end is not trimmed smoothly and closely at the approximate point of attachment of the outer leaves; or (ii) that the appearance of the unit is materially damaged from excessive cutting into the head. Brussels sprouts heads from which the leaves have been stripped, whether or not excessively, are not considered "poorly trimmed units."

(6) "Damaged" means any unit damaged by surface or internal discoloration, mechanical injury, pathological injury, insect injury, or by other means to the extent that the appearance or eating quality is materially affected.

(7) "Seriously damaged" means any unit damaged to such an extent that the appearance or eating quality is seriously affected.

(b) (*A*) *classification.* Frozen Brussels sprouts that are practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that no grit or silt that affects the appearance or eating quality of the product is present; no harmless extraneous material is present; loose leaves and loose small pieces that do not affect the appearance or eating quality of the product may be present; and that units that are damaged or seriously damaged do not exceed 10 percent, by count, of all the units, but of such 10 percent not more than one-half thereof or not more than 5 percent, by count, of all the units may be seriously damaged; and, in addition, not more than 10 percent, by count, of all the units may be poorly trimmed.

(c) (*B*) *classification.* If the frozen Brussels sprouts are reasonably free from defects, a score of 32 to 35 points may be given. Frozen Brussels sprouts that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that no grit or silt that affects the appearance or eating quality of the product is present; not more than one piece of harmless extraneous material may be present for each 20 ounces of net weight; loose leaves and loose small pieces that do not materially affect the appearance or eating quality of the product may be present; and that units that are damaged or seriously damaged do not exceed 20 percent, by count, of all the units, but of such 20 percent not more than one-half thereof or not more than 10 percent, by count, of all the units may be seriously damaged, and, in addition, not more than 15 percent, by count, of all the units may be poorly trimmed.

(d) (*C*) *classification.* Frozen Brussels sprouts that are fairly free from defects may be given a score of 28 to 31 points. Frozen Brussels sprouts that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that a slight trace of grit or silt that does not affect materially the appearance or eating quality of the product may be present, not more than two pieces of harmless extraneous material may be present for each 20 ounces of net weight; loose leaves and loose small pieces that do not seriously affect the appearance or eating quality of the product may be present, and that units that are damaged, seriously damaged, or poorly trimmed do not exceed 50 percent, by count, of all the units, but of such 50 percent not more than three-tenths thereof or not more than 15 percent, by count, of all the units may be seriously damaged and of such 50 percent not more than two-fifths thereof or not more than 20 percent, by count, of the units may have butt ends that are not trimmed smoothly and closely at the approximate point of attachment of the outer leaves.

(e) (*SStd*) *classification.* Frozen Brussels sprouts that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.657 *Character*—(a) *General.* The factor of character refers to the degree of development and tenderness and texture of the Brussels sprouts heads.

(1) "Well developed" means that a Brussels sprout head is well formed, compact, and reasonably firm.

(2) "Reasonably well developed" means that a Brussels sprout head is reasonably well formed, reasonably compact, and fairly firm.

(3) "Fairly well developed" means that a Brussels sprout head is fairly well formed but may have been reduced in size or excessively stripped by removal of leaves.

(4) "Very loose-structured" means that a Brussels sprout head is very light in weight in comparison to its size and possesses large open spaces resulting in a very spongy condition that yields easily and considerably to moderate pressure.

(b) (*A*) *classification.* Frozen Brussels sprouts that possess a good character may be given a score of 27 to 30 points. "Good character" means that not less than 80 percent, by count, of the units are well developed and that the remainder are reasonably well developed or fairly well developed and not more than an occasional unit may be very loose-structured.

(c) (*B*) *classification.* If the frozen Brussels sprouts possess a reasonably good character, a score of 24 to 26 points may be given. Frozen Brussels sprouts that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that not less than 50 percent, by count, of the units are at least reasonably well developed; not more than 10 percent, by count, may be very loose-structured units; and the remainder are fairly well developed.

(d) (*C*) *classification.* Frozen Brussels sprouts that possess a fairly good character may be given a score of 21 to 23 points. Frozen Brussels sprouts that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that not less than 50 percent, by count, of the units are at least fairly well developed.

(e) (*SStd*) *classification.* Frozen Brussels sprouts that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.658 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen Brussels sprouts, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.659 *Score sheet for frozen Brussels sprouts.*

| | | | |
|---|---|---|---|
| Size and kind of container | | | |
| Container mark or identification | | | |
| Label | | | |
| Net weight (ounces) | | | |
| Count | | | |
| Factors | Score points | | |
| Color | 30 | (A) 27-30<br>(B) †24-26<br>(C) †21-23<br>(D) †0-20 | |
| Absence of defects | 40 | (A) 36-40<br>(B) †32-35<br>(C) †28-31<br>(D) †0-27 | |
| Character | 30 | (A) 27-30<br>(B) †24-26<br>(C) †21-23<br>(D) †0-20 | |
| Total score | 100 | | |
| Flavor and odor | | | |
| Grade | | | |

† Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED CARROTS [1]

IDENTITY, STYLES, AND GRADES

§ 52.671 *Identity.* "Canned carrots" means the canned product properly prepared from the clean, sound root of the carrot plant as defined in the definitions and standards of identity for canned vegetables (21 CFR 52.990) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.672 *Styles of canned carrots.* (a) "Whole" or "whole carrots" means canned carrots consisting of whole carrots that retain the approximate original conformation of the whole carrot.

(b) "Slices" or "sliced carrots" means canned carrots consisting of carrot slices produced by slicing whole carrots transverse to the longitudinal axis.

(c) "Quarters" or "quartered carrots" means canned carrots consisting of quarters of carrots produced by cutting whole carrots longitudinally into four approximately equal units. Whole carrots cut longitudinally into six units approximating the size and appearance of the quartered carrots are also permitted in this style.

(d) "Diced carrots" means canned carrots consisting of units produced by cutting whole carrots into cubes having edges, other than the rounded outer edges, measuring approximately ½ inch or less.

(e) "Julienne," "French style," or "shoestring" means canned carrots consisting of strips of carrots.

(f) "Cut" means canned carrots consisting of units which with respect to size or shape do not conform to any of the foregoing styles. Carrots which have been cut longitudinally into two approximately equal units are included in this style.

(g) "Unit" means an individual carrot or portion of a carrot in canned carrots.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 52.673 *Grades of canned carrots.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned carrots that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a good color; that are practically free from defects; that are tender; that are practically uniform in size and shape; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned carrots that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a fairly good color; that are fairly free from defects; that are fairly tender; that are fairly uniform in size and shape; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned carrots that fail to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.674 *Recommended fill of container.* The recommended fill of container is not incorporated in the grade of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that the container of canned carrots be filled as full as practicable with carrots without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

§ 52.675 *Recommended minimum drained weight.* The minimum drained weight recommendations in Table No. I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned carrots is determined by emptying the contents of the container upon a U. S. Standard No. 8 sieve of proper diameter so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage and allowing to drain for two minutes. The drained weight is the weight of the sieve and carrots less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 2½ size can (401 x 411) and smaller sizes; and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

TABLE NO. I—RECOMMENDED MINIMUM DRAINED WEIGHTS, IN OUNCES, OF CARROTS

| Container size or designation | Style of canned carrots | | | | |
|---|---|---|---|---|---|
| | Whole | Diced | Quartered cut | Sliced | Julienne |
| 8-ounce tall | 5½ | 6 | 6 | 5¾ | 5½ |
| 8-ounce glass | 5½ | 6 | 6 | 5¾ | 5½ |
| No. 1 picnic | 7¼ | 7¾ | 7½ | 7¾ | 7 |
| No. 300 | 9½ | 10 | 10 | 9½ | 9 |
| No. 303 | 10½ | 11 | 11 | 10½ | 10 |
| No. 303 glass | 10½ | 11 | 11 | 10½ | 10 |
| No. 2 | 12½ | 14 | 12½ | 12½ | 12 |
| No. 2½ | 18½ | 19 | 18½ | 18½ | 18¼ |
| No. 2½ glass | 18¼ | 18¼ | 18¼ | 18¼ | 18 |
| No. 10 | 68 | 72 | 70½ | 69 | 68 |

SIZES

§ 52.676 *Sizes of carrots in whole carrots.* The size of any carrot is determined by measuring the longest diameter through the center transverse to the longitudinal axis of the carrot.

§ 52.677 *Sizes of carrot slices in sliced carrots.* The size of any slice in sliced carrots is determined by measuring the smallest diameter of the largest surface of the slice.

§ 52.678 *Sizes of carrot quarters in quartered carrots.* The size of any quarter in quartered carrots with respect to diameter is determined by measuring the largest cut surface transverse to the longitudinal axis.

FACTORS OF QUALITY

§ 52.679 *Ascertaining the grade.* (a) The grade of canned carrots is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size and shape, absence of defects, and texture.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

| Factors: | Points |
|---|---|
| Color | 25 |
| Uniformity of size and shape | 15 |
| Absence of defects | 30 |
| Texture | 30 |
| Total score | 100 |

(c) "Normal flavor and odor" means that the canned carrots are free from objectionable flavors and objectionable odors of any kind.

§ 52.680 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, "12 to 15 points" means 12, 13, 14, or 15 points).

§ 52.681 *Color*—(a) *(A) classification.* Canned carrots that possess a good color may be given a score of 21 to 25 points. "Good color" means that the canned carrots possess an orange-yellow color that is bright and typical of canned carrots, and that the presence of green units does not more than slightly affect the appearance or eating quality of the product.

(b) *(C) classification.* If the canned carrots possess a fairly good color, a score of 18 to 20 points may be given. Canned carrots that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned carrots possess the typical color of canned carrots, that such color may be slightly dull but not off-color, and that the presence of green units does not materially affect the appearance or eating quality of the product.

(c) *(SStd) classification.* Canned carrots that are off-color for any reason or that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.682 *Uniformity of size and shape*—(a) *(A) classification.* Canned carrots that are practically uniform in size and shape may be given a score of 12 to 15 points. "Practically uniform in size and shape" has the following meanings with respect to the various styles of canned carrots:

(1) *Whole carrots.* The size of the individual carrot is not more than $1\frac{3}{4}$ inches in diameter, measured as aforesaid; the carrots may vary moderately in shape and the diameter of the largest unit is not more than 50 percent greater than the diameter of the second smallest unit.

(2) *Quartered carrots.* The carrots from which the quarters have been prepared were of a size not more than $2\frac{1}{2}$ inches in diameter, measured as aforesaid, and the diameter of the largest quarter is not more than 50 percent greater than the diameter of the second smallest quarter, and the length of the longest quarter is not more than 50 percent greater than the length of the second shortest quarter.

(3) *Sliced carrots.* The individual slice is not more than $\frac{3}{8}$ inch in thickness when measured at the thickest portion; the size of each slice is not more than $2\frac{1}{2}$ inches in diameter, measured as aforesaid, and the diameter of the largest slice is not more than 50 percent greater than the diameter of the second smallest slice.

(4) *Diced carrots.* The units are practically uniform in size and shape with edges, other than the rounded outer edges, measuring approximately $\frac{1}{2}$ inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large and large irregular shaped units does not exceed 12 percent of the weight of all the units.

(5) *Julienne, French style, or shoestring.* The strips of carrots are practically uniform in size and shape, with cross sections measuring approximately $\frac{5}{16}$ inch, and the aggregate weight of all strips less than $\frac{1}{2}$ inch in length does not exceed 12 percent of the weight of all the strips.

(6) *Cut.* The individual units weigh not less than $\frac{1}{4}$ ounce and the largest unit is not more than four times the weight of the second smallest unit. When cut longitudinally into two approximately equal units, the carrots from which the units have been prepared were of a size not more than $2\frac{1}{2}$ inches in diameter, measured as aforesaid, and the weight of the largest unit is not more than 50 percent greater than the weight of the second smallest unit.

(b) *(C) classification.* If the canned carrots are fairly uniform in size and shape a score of 8 to 11 points may be given. Canned carrots that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size and shape" has the following meanings with respect to the various styles of canned carrots:

(1) *Whole carrots.* The size of the individual carrot is not more than $2\frac{1}{4}$ inches in diameter, measured as aforesaid; the carrots may vary considerably in shape, and the diameter of the largest unit is not more than twice the diameter of the second smallest unit.

(2) *Quartered carrots.* The carrots from which the quarters have been cut were of a size not more than $2\frac{1}{2}$ inches in diameter, measured as aforesaid, and the diameter of the largest quarter is not more than twice the diameter of the second smallest unit, and the length of the longest quarter is not more than twice the length of the second shortest quarter.

(3) *Sliced carrots.* The individual slice is not more than $\frac{3}{8}$ inch in thickness when measured at the thickest portion; the size of each slice is not more than $2\frac{1}{2}$ inches in diameter, measured as aforesaid; and the diameter of the largest slice is not more than twice the diameter of the second smallest slice.

(4) *Diced carrots.* The units are fairly uniform in size and shape, with edges, other than the rounded outer edges, measuring approximately $\frac{1}{2}$ inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large and large irregular shaped units does not exceed 25 percent of the weight of all the units.

(5) *Julienne, French style, or shoestring.* The strips of carrots are fairly uniform in size and shape, with cross sections measuring approximately $\frac{3}{16}$ inch and the aggregate weight of all the strips less than $\frac{1}{2}$ inch in length does not exceed 25 percent of the weight of all the strips.

(6) *Cut.* The individual units weigh not less than $\frac{1}{8}$ ounce and the largest unit is not more than twelve times the weight of the second smallest unit. When cut longitudinally into two approximately equal units, the carrots from which the units have been prepared were of a size not more than $2\frac{1}{2}$ inches in diameter, measured as aforesaid, and the weight of the largest unit is not more than twice the weight of the second smallest unit.

(c) *(SStd) classification.* Canned carrots that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 7 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.683 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from defective units. Defective units are units damaged by mechanical injury, unpeeled units, units blemished or seriously blemished by brown or black internal or external discoloration, sunburn, or green colored units, pathological injury or insect injury, and units blemished or seriously blemished by other means.

(1) "Damaged by mechanical injury" means crushed, broken, or cracked units, units with excessively frayed edges and surfaces, excessively trimmed units, or damaged by other means.

(2) "Unpeeled unit" means any unit possessing an unpeeled area greater than the area of a circle $\frac{1}{4}$ inch in diameter.

(3) "Blemished" means any unit blemished to the extent that the appearance or eating quality is materially affected.

(4) "Seriously blemished" means any unit blemished to the extent that the appearance or eating quality is seriously affected.

(b) *(A) classification.* Canned carrots that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" has the following meanings with respect to the various styles of canned carrots:

(1) *Whole carrots.* The aggregate weight of all defective units does not exceed 15 percent of the weight of all the units, and of such 15 percent not more than $\frac{1}{2}$ thereof or one carrot, whichever weighs more, may consist of blemished units and seriously blemished units: *Provided*, That not more than 1 percent, by weight, of all the units may be seriously blemished, and that the presence of blemished and seriously blemished units does not more than slightly affect the appearance or eating quality of the product.

(2) *Sliced, quartered, and cut carrots.* The aggregate weight of all defective units does not exceed 15 percent of the weight of all the units, and of such 15 percent not more than $\frac{1}{2}$ thereof or one slice, quarter or cut, whichever weighs more, may consist of blemished units and seriously blemished units: *Provided*, That not more than 1 percent, by weight, of all the units may be seriously blemished, and that the presence of blemished and seriously blemished units does not more than slightly affect the appearance or eating quality of the product.

(3) *Diced, Julienne, French style, or shoestring carrots.* The aggregate weight of all defective units does not exceed 10 percent of the weight of all the units and of such 10 percent not more than $\frac{1}{2}$ thereof may consist of blemished units and seriously blemished units: *Provided*, That not more than 1 percent, by weight, of all the units may be seriously blemished, and that the presence of blemished and seriously blemished units does not more than slightly affect the appearance or eating quality of the product.

(c) *(C) classification.* Canned carrots that are fairly free from defects may be given a score of 22 to 25 points. Canned carrots that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the various styles of canned carrots:

(1) *Whole carrots.* The aggregate weight of all defective units does not exceed 25 percent of the weight of all the units, and of such 25 percent, not more than $\frac{1}{2}$ thereof may consist of blemished units and seriously blemished units: *Provided*, That not more than 2 percent, by weight, of all the units may be seriously blemished, and that the presence of blemished and seriously blemished units does not seriously affect the appearance or eating quality of the product.

(2) *Sliced, quartered, and cut carrots.* The aggregate weight of all defective units does not exceed 25 percent of the weight of all the units, and of such 25 percent not more than $\frac{1}{2}$ thereof or one slice, quarter or cut, whichever weighs more, may consist of blemished units and seriously blemished units: *Provided*, That not more than 2 percent, by weight, of all the units may be seriously blemished, and that the presence of blemished and seriously blemished units does not seriously affect the appearance or eating quality of the product.

(3) *Diced, Julienne, French style, or shoestring carrots.* The aggregate weight of all defective units does not exceed 20 percent of the weight of all the units, and of such 20 percent not more than $\frac{1}{2}$ thereof may consist of blemished units and seriously blemished units: *Provided*, That not more than 2 percent, by weight, of all the units may be seriously blemished, and that the presence of blemished and seriously blemished units does not seriously affect the appearance or eating quality of the product.

(d) *(SStd) classification.* Canned carrots that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.684 *Texture*—(a) *General.* The factor of texture refers to the tenderness of the carrots and the degree of freedom from coarse and fibrous units.

(b) *(A) classification.* Canned carrots that possess a tender texture may be given a score of 26 to 30 points. "Tender texture" means that the carrots are tender and firm but not fibrous, and possess a practically uniform texture.

(c) *(C) classification.* If the canned carrots possess a fairly tender texture, a score of 22 to 25 points may be given. Canned carrots that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly tender texture" means that the carrots are fairly tender, may be variable in texture but not soft or mushy, tough or hard, and there may be present a few units which possess a coarse or fibrous texture.

(d) *(SStd) classification.* Canned carrots that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.685 *Tolerance for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned carrots, the grade for such lot will be determined by averaging the total score of all containers if:

(1) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.686 *Score sheet for canned carrots.*

| Factors | Score points | | |
|---|---|---|---|
| Number, size, and [illegible] | | | |
| Count per [illegible] | | | |
| Ladies | | | |
| No. 1 [illegible] | | | |
| Varieties | | | |
| Drained weight [illegible] | | | |
| Style | | | |
| Size of [illegible] | | | |
| Size of [illegible] | | | |
| Color | 25 | (A) | 21–25 |
| | | (C) | 18–20 |
| | | (SStd) | 0–17 |
| Uniformity of size and shape | 15 | (A) | 12–15 |
| | | (C) | 8–11 |
| | | (SStd) | 0–7 |
| Absence of defects | 30 | (A) | 26–30 |
| | | (C) | 22–25 |
| | | (SStd) | 0–21 |
| Texture | 30 | (A) | 26–30 |
| | | (C) | 22–25 |
| | | (SStd) | 0–21 |
| Total score | 100 | | |
| Normal flavor and odor | | | |
| Grade | | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN DICED CARROTS [1]

PRODUCT DESCRIPTION, STYLE, AND GRADES

§ 52.701 *Product description.* Frozen diced carrots is the clean and sound product prepared from the fresh root of the carrot plant (Daucus carota) by washing, sorting, peeling, trimming, and blanching, and is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.702 *Style of frozen diced carrots.* "Diced carrots" means frozen carrots consisting of units produced by cutting whole carrots into cubes having edges other than the rounded outer edges, measuring approximately $\frac{1}{2}$ inch or less.

§ 52.703 *Grades of frozen diced carrots.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen diced carrots that possess similar varietal characteristics; that possess a good

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

flavor and odor; that possess a good color; that are practically free from defects; that are tender; and that are practically uniform in size and shape; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen diced carrots that possess similar varietal characteristics; that possess a reasonably good flavor and odor; that possess a reasonably good color; that are reasonably free from defects; that are reasonably tender; that are reasonably uniform in size and shape; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen diced carrots that fail to meet the requirements of U. S. Grade B or U. S. Extra Standard.

FACTORS OF QUALITY

§ 52.704 *Ascertaining the grade.* (a) The grade of frozen diced carrots may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size and shape, absence of defects, and texture.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

| Factors: | *Points* |
|---|---|
| Color | 25 |
| Uniformity of size and shape | 15 |
| Absence of defects | 30 |
| Texture | 30 |
| Total score | 100 |

(c) The score for the factors of color, uniformity of size and shape, and absence of defects in frozen diced carrots is determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. A representative sample of the product is cooked to determine texture and flavor and odor.

(d) "Good flavor and odor" means that the product after cooking has a good characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(e) "Reasonably good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from obectionable flavors and objectionable odors of any kind.

§ 52.705 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "12 to 15 points" means 12, 13, 14, or 15 points).

§ 52.706 *Color*—(a) *(A) classification.* Frozen diced carrots that possess a good color may be given a score of 21 to 25 points. "Good color" means that the frozen diced carrots possess an orange-yellow color that is bright and typical of frozen carrots, and that the presence of green units does not more than slightly affect the appearance or eating quality of the product.

(b) *(B) classification.* If the frozen diced carrots possess a reasonably good color, a score of 18 to 20 points may be given. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen diced carrots possess the typical color of frozen carrots and such color may be slightly dull but not off color, and that the presence of green units does not materially affect the appearance or eating quality of the product.

(c) *(SStd) classification.* Frozen diced carrots that are off color for any reason or that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.707 *Uniformity of size and shape*—(a) *(A) classification.* Frozen diced carrots that are practically uniform in size and shape may be given a score of 12 to 15 points. "Practically uniform in size and shape" means that the units are practically uniform in size and shape with edges, other than the rounded outer edges, measuring approximately $\frac{1}{2}$ inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large and large irregular shaped units does not exceed 12 percent of the weight of all the units.

(b) *(B) classification.* If the frozen diced carrots are reasonably uniform in size and shape a score of 8 to 11 points may be given. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably uniform in size and shape" means that the units are reasonably uniform in size and shape with edges, other than the rounded outer edges, measuring approximately $\frac{1}{2}$ inch or less; and the aggregate weight of all units of irregular shape which are noticeably smaller than one-half the volume of an average size cube and of all noticeably large and large irregular shaped units does not exceed 25 percent of the weight of all the units.

(c) *(SStd) classification.* Frozen diced carrots that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 7 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.708 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from defective units. Defective units are units damaged by mechanical injury, unpeeled units, units blemished or seriously blemished by brown or black internal or external discoloration, sunburn, or green colored units, pathological injury or insect injury, and units blemished or seriously blemished by other means.

(1) "Damaged by mechanical injury" means crushed, broken or cracked units, units with excessively frayed edges and surfaces, or damaged by other means.

(2) "Unpeeled unit" means any unit possessing an unpeeled area greater than the area of a circle $\frac{1}{8}$ inch in diameter.

(3) "Blemished" means any unit blemished to the extent that the appearance or eating quality is materially affected.

(4) "Seriously blemished" means any unit blemished to the extent that the appearance or eating quality is seriously affected.

(b) *(A) classification.* Frozen diced carrots that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" means that the aggregate weight of all defective units does not exceed 10 percent of the weight of all the units, and of such 10 percent not more than one-half thereof may consist of blemished units and seriously blemished units: *Provided*, That not more than 1 percent, by weight, of all the units may be seriously blemished and that the presence of blemished and seriously blemished units does not more than slightly affect the appearance or eating quality of the product.

(c) *(B) classification.* Frozen diced carrots that are reasonably free from defects may be given a score of 22 to 25 points. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the aggregate weight of all defective units does not exceed 16 percent of the weight of all the units and of such 16 percent not more than $\frac{1}{2}$ thereof may consist of blemished units and seriously blemished units: *Provided*, That not more than 2 percent, by weight, of all the units may be seriously blemished and that the presence of blemished and seriously blemished units does not materially affect the appearance or eating quality of the product.

(d) *(SStd) classification.* Frozen diced carrots that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.709 *Texture*—(a) *General.* The factor of texture refers to the tenderness of the carrots and the degree of freedom from coarse or fibrous units.

(b) *(A) classification.* Frozen diced carrots that possess a tender texture may be given a score of 26 to 30 points. "Tender texture" means that the carrots are tender, not fibrous, and possess a practically uniform texture.

(c) *(B) classification.* If the frozen diced carrots possess a reasonably tender texture, a score of 22 to 25 points may be given. Frozen diced carrots that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably tender texture" means that the carrots are reasonably tender, may be variable in texture but not tough or hard, and there may be present a few units which possess a coarse or fibrous texture.

(d) *(SStd) classification.* Frozen diced carrots that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.710 *Tolerance for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen diced carrots the grade for such lot will be determined by averaging the total scores of all containers, if:

(1) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.711 *Score sheet for frozen diced carrots.*

Size and kind of container ....
Container marks or identification ....
Label ....
Net weight (ounces) ....
Style ....

| Factors | Score points | |
|---|---|---|
| Color | 25 | (A) 21–25; (B) 18–20; (SStd.) 10–17 |
| Uniformity of size and shape | 15 | (A) 12–15; (B) 8–11; (SStd.) 0–7 |
| Absence of defects | 30 | (A) 26–30; (B) 22–25; (SStd.) 0–21 |
| Texture | 30 | (A) 26–30; (B) 22–25; (SStd.) 0–21 |
| Total score | 100 | |

Grade ....
Flavor and odor ....

[1] Indicates limiting rule.



SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN CAULIFLOWER [1]

PRODUCT DESCRIPTION AND GRADES

§ 52.721 *Product description.* Frozen cauliflower is prepared from the fresh flower heads of the cauliflower plant (Brassica oleracea botrytis) by trimming, washing, and blanching and is frozen and maintained at temperatures necessary for preservation of the product.

§ 52.722 *Grades of frozen cauliflower.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen cauliflower that possesses similar varietal characteristics; that possesses a good flavor and odor; that possesses a good color; that is practically free from defects; that possesses a good character; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen cauliflower that possesses similar varietal characteristics; that possesses a fairly good flavor and odor; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen cauliflower that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

FACTORS OF QUALITY

§ 52.723 *Ascertaining the grade.* (a) The grade of frozen cauliflower is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character.

(b) The relative importance of each factor which is scored is expressed on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | *Points* |
|---|---|
| Color | 40 |
| Absence of defects | 40 |
| Character | 20 |
| Total score | 100 |

(c) The scores for the factors of color, absence of defects, and character are determined immediately after thawing so that the product is sufficiently free from ice crystals to permit proper handling as individual units, except that buds or buttons which are slightly dark in typical color are cooked before evaluating the factor of color. The product is cooked to determine the flavor and odor.

(d) "Good flavor and odor" means that the product after cooking has a good, characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(e) "Fairly good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.724 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.725 *Color*—(a) *(A) classification.* Frozen cauliflower that possesses a good color may be given a score of 34 to 40 points. "Good color" means that the buds or buttons possess a characteristic white to light cream color over the tops, which color may be slightly variable, and that the product may possess a characteristic green color or bluish tint on the branches and greenish yellow to light green modified leaves or bracts: *Provided*, That the buds or buttons may possess a color slightly darker than light cream which disappears upon cooking.

(b) *(B) classification.* If the frozen cauliflower possesses a reasonably good color, a score of 28 to 33 points may be given. Frozen cauliflower that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the buds or buttons may possess a variable characteristic color ranging from white or light cream to dull white or dark cream over the tops, and that the product may possess a characteristic green color or bluish tint on the branches and greenish yellow to light green modified leaves or bracts: *Provided*, That the buds or buttons may possses a color darker than dark cream, but not seriously darkened, which color disappears upon cooking to the extent that the appearance of the product is no more than slightly affected.

(c) *(SStd) classification.* Frozen cauliflower that is off color for any reason or that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.726 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from poorly trimmed clusters and small clusters, from damaged and seriously damaged clusters and small clusters, from pieces and detached fragments, and from any other defects which detract from the appearance or edibility of the product.

(1) "Portion of a head" means an individual portion or section of a head made up of buds or buttons and the adjoining stems or portions of stems and attached modified leaves or bracts.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(2) "Cluster" means a portion of a head which weighs more than ¼ ounce and which is not less than ¾ inch in the greatest dimension measured across the top of the cluster.

(3) "Small cluster" means a portion of a head which weighs not more than ¼ ounce and which is not less than ¾ inch in the greatest dimension measured across the top of the cluster.

(4) "Piece" means a small portion of a head which is less than ¾ inch in the greatest dimension measured across the top of the cluster. "Pieces" are considered as defects whether or not defective.

(5) "Detached fragments" are detached leaves, detached modified leaves or bracts, or detached portions of stems. Detached fragments are considered as defects whether or not defective.

(6) "Poorly trimmed cluster" or "poorly trimmed small cluster" means that the appearance of the cluster is seriously affected by ragged cutting or gouging, or both, or is seriously affected by attached modified leaves or bracts.

(7) "Damaged cluster" or "damaged small cluster" means that the cluster is damaged by dark discoloration, pathological injury, insect injury, or any other injury or defect which singly or in combination affect materially the appearance or edibility of the cluster.

(8) "Seriously damaged cluster" or "seriously damaged small cluster" means that the cluster is damaged to the extent that the appearance or edibility of the cluster is seriously affected.

(b) *(A) classification.* Frozen cauliflower that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the product is practically free from pieces and detached fragments and from any defects not specifically mentioned that affect materially the appearance or edibility of the product, and, in addition, means that:

(1) No seriously damaged clusters are present; and

(2) Not more than a total of 15 percent, by weight, of the cauliflower may be poorly trimmed clusters, poorly trimmed small clusters, damaged clusters, damaged small clusters, and seriously damaged small clusters: *Provided*, Not more than 10 percent, by weight, of the cauliflower are damaged clusters,[2] damaged small clusters, and seriously damaged small clusters: *Further provided*, Not more than 5 percent, by weight, of the cauliflower are seriously damaged small clusters.

(c) *(B) classification.* If the frozen cauliflower is reasonably free from defects, a score of 28 to 33 points may be given. Frozen cauliflower that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the product is reasonably free from pieces and detached fragments and from any defects not specifically mentioned that affect seriously the appearance or edibility of the product, and in addition, means that:

(1) Not more than a total of 30 percent, by weight, of the cauliflower may be poorly trimmed clusters, poorly trimmed small clusters, damaged clusters, damaged small clusters, seriously damaged clusters, and seriously damaged small clusters: *Provided*, Not more than 15 percent, by weight, of the cauliflower are damaged clusters, damaged small clusters, seriously damaged clusters, seriously damaged small clusters: *Further provided*, Not more than 10 percent, by weight, of the cauliflower are seriously damaged clusters and seriously damaged small clusters.

(d) *(SStd) classification.* Frozen cauliflower that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.727 *Character*—(a) *General.* The factor of character refers to the development, texture, and degree of freedom from ricey and fuzzy units.

(1) "Ricey units" are sections of the head on which the ultimate branches have become elongated, causing the flower clusters to separate and present a loose or open and sometimes granular appearance.

(2) "Fuzzy units" are sections of the head that have elongated individual flowers or pedicels that result in a very fuzzy appearance.

(b) *(A) classification.* Frozen cauliflower that possesses a good character may be given a score of 17 to 20 points. "Good character" means that not less than 80 percent, by weight, of the cauliflower are firm and compact clusters of buds or buttons; and that the remainder of the clusters may be reasonably firm and reasonably compact or may be slightly soft, slightly ricey, or slightly fuzzy.

(c) *(B) classification.* If the frozen cauliflower possesses a reasonably good character, a score of 14 to 16 points may be given. Frozen cauliflower that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that not less than 60 percent, by weight, of the cauliflower are at least reasonably firm and reasonably compact clusters of buds or buttons; and that the remainder of the clusters may be soft, ricey, or fuzzy but not more than 10 percent, by weight, of the cauliflower may be mushy.

(d) *(SStd) classification.* Frozen cauliflower that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.728 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen cauliflower, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated:

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.729 *Score sheet for frozen cauliflower.*

Size and kind of container .....
Container marks or identification .....
Label .....
Net weight (ounces) .....

| Factors | Score points | |
|---|---|---|
| Color | 40 | (A) ... (B) ... (SStd) ... |
| Absence of defects | 40 | (A) ... (B) ... (SStd) ... |
| Character | 20 | (A) ... (B) ... (SStd) ... |
| Total score | 100 | |

Flavor and odor .....
Grade .....

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF SULFURED CHERRIES[1]

PRODUCT DESCRIPTION, STYLES, SIZES, AND GRADES

§ 52.741 *Product description.* "Sulfured cherries" are prepared from properly matured whole cherries (Prunus avium or Prunus cerasus) of similar varietal characteristics; are packed with or without the addition of a hardening agent, in a solution of sulfur dioxide of sufficient strength to preserve the product.

§ 52.742 *Styles of sulfured cherries.* (a) "Unstemmed and unpitted" is the style of sulfured cherries consisting of whole cherries (irrespective of size) with pits, and not less than 80 percent, by weight, of all the cherries have the stems attached.

(b) "Stemmed and unpitted" is the style of sulfured cherries consisting of whole cherries (irrespective of size) with pits and not more than ½ of 1 percent, by weight, of all the cherries are cherries with stems attached.

(c) "Stemmed and pitted" is the style of sulfured cherries consisting of whole cherries of which not more than ½ of 1 percent, by weight, of all the cherries are cherries with stems attached and: (1) For each 40 ounces of all the cherries there may be present not more than 2 cherries with pits when all cherries are of small size or extra small size; (2) for each 40 ounces of all the cherries there may be present not more than 1 cherry with a pit when all cherries are of medium size, large size, or different sizes; and (3) for each 60 ounces of all the cherries there may be present not more than 1 cherry with a pit when all cherries are of extra large size.

(d) "Unstemmed and pitted" or "cocktail" is the style of sulfured cherries consisting of whole cherries of which not more than 7 percent, by weight, of all the cherries are cherries without the stems firmly attached and: (1) For each 40 ounces of all the cherries there may be present not more than 2 cherries with pits when all cherries are of small size or extra small size; (2) for each 40 ounces of all the cherries there may be present not more than 1 cherry with a pit when all cherries are of medium size, large size, or different sizes; and (3) for each 60 ounces of all the cherries there may be present not more than 1 cherry with a pit when all cherries are of extra large size.

(e) "Unclassified" consists of sulfured cherries which do not conform to any of the foregoing styles.

(f) "Pit" means an entire pit or portion thereof attached to a sulfured cherry or within the pit cavity.

§ 52.743 *Recommended sizes of sulfured cherries.* (a) Although size is a factor in connection with some styles of sulfured cherries, it is not a factor of quality for the purpose of these grades. The size range of sulfured cherries varies on the basis of the diameter of the fruit. The diameter of the sulfured cherry is the minimum diameter of the fruit that will pass through a rigid ring of the same diameter without using pressure. The name designations of the various sizes are shown in the first column of Table No. I of this section. Sulfured cherries will be considered as meeting a particular designated size if not more than 10 percent, by weight, of all the cherries are 1 mm. smaller or 2 mm. smaller and not more than 10 percent, by weight, of all the cherries are 1 mm. larger or 2 mm. larger than the diameter range of the particular size designation: *Provided*, That not more than 1 percent, by weight, of all cherries are no more than 2 mm. smaller than the minimum diameter for the designated size and not more than 1 percent, by weight, of all cherries are no more than 2 mm. larger than the maximum diameter for the designated size.

TABLE NO. I—SIZES OF CHERRIES IN SULFURED CHERRIES

| Name designation: | *Minimum and maximum diameter* |
|---|---|
| Extra small | 14 mm. to, and including, 16 mm. |
| Small | 16 mm. to, and including, 18 mm. |
| Medium | 18 mm. to, and including, 20 mm. |
| Large | 20 mm. to, and including, 22 mm. |
| Extra large | 22 mm. and over. |

§ 52.744 *Grades of sulfured cherries.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of sulfured cherries that are clean; that possess a good color; that are practically free from defects; that possess a good character; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of sulfured cherries that are clean; that possess a reasonably good color; that are reasonably free from defects; that possess a reasonably good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Seconds" is the quality of sulfured cherries that are clean, but for other reasons fail to meet the requirements of U. S. Grade B or U. S. Choice.

(d) "U. S. Combination Grade" is the quality of sulfured cherries that are clean; and that with respect to color, absence of defects, and character meets the following requirements:

(1) Not less than 90 percent, by weight, of all the cherries, possess at least a reasonably good color and a reasonably good character and are free from misshapen cherries, cherries seriously damaged by mechanical injury, and seriously blemished cherries; and

(2) Unless otherwise specified, at least 50 percent, by weight, of all the cherries, possess a good color and a good character; and are free from blemished cherries or seriously blemished cherries, misshapen cherries, and cherries damaged by mechanical injury or cherries seriously damaged by mechanical injury.

§ 52.745 *Definition.* "Clean" means that the product is practically free from loose pits, leaves, detached stems, bark, fruit spurs, dirt or other foreign material.

FACTORS OF QUALITY

§ 52.746 *Ascertaining the grade with respect to "U. S. Grade A" or "U. S. Fancy" and "U. S. Grade B" or "U. S. Choice."* (a) The grade of sulfured cherries is ascertained by considering, in addition to the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

| Factors: | *Points* |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Character | 40 |
| Total score | 100 |

§ 52.747 *Ascertaining the ratins for each factor which is scored.* The essential variations within each factor which is scored are so described that the value may be ascertained and expressed numerically. The numerical range for the ratings of such factors is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.748 *Color*—(a) *(A) classification.* Sulfured cherries that possess a good color may be given a score of 17 to 20 points. "Good color" means that the cherries possess a practically uniform color typical of well-bleached sulfured cherries for the variety.

(b) *(B) classification.* If the sulfured cherries possess a reasonably good color, a score of 14 to 16 points may be given. "Reasonably good color" means that the cherries possess a reasonably uniform color typical of reasonably well-bleached sulfured cherries for the variety. Sulfured cherries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

(c) *(SStd) classification.* Sulfured cherries that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points. Sulfured cherries that fall into this classification shall not be graded above U. S. Grade D or Seconds, regardless of the total score for the product (this is a limiting rule).

§ 52.749 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from misshapen cherries, cherries damaged or seriously damaged by mechanical injury, and cherries blemished or seriously blemished by discoloration, rain or solution cracks, bird pecks, pathological injury, insect injury or blemished by other means.

(1) "Misshapen cherries" means any deformed cherries or double cherries.

(2) "Cherries damaged by mechanical injury" means any pitter tear or pitter tears which materially affect the appearance of the cherry; any open pitter hole measuring more than ⅛ inch across, but not more than 3/16 inch across, or open pitter holes aggregating more than ⅛ inch across, but not more than 3/16 inch across; any pitter hole where there is a material loss of flesh; and other mechanical injury which materially affects the appearance of the cherry.

(3) "Cherries seriously damaged by mechanical injury" means any pitter tear or pitter tears which seriously affect the appearance of the cherry; any open pitter hole measuring more than 3/16 inch across, or open pitter holes aggregating more than 3/16 inch across, any pitter hole where there is a serious loss of flesh; and other mechanical injury which seriously affects the appearance of the cherry.

(4) "Blemished cherry" means any cherry which is affected by:

(i) Dark surface discoloration exceeding in the aggregate the area of a circle 3/16 inch in diameter, but not exceeding

[2] One cluster in a single container is permitted to be damaged if such cluster exceeds 10 percent, by weight, provided that in all containers comprising the sample, such damaged cluster does not exceed an average of 10 percent by weight.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

in the aggregate ⅛ of the surface of the cherry;

(ii) Any rough surface areas which slightly affect the appearance of the cherry;

(iii) Light surface discoloration exceeding in the aggregate ⅛ of the surface of the cherry, but not exceeding in the aggregate ½ of the surface of the cherry;

(iv) Rain checks or rain cracks (*a*) in the stem basin more than ¼ inch in length, but not more than ½ inch in length, (*b*) any rain checks or rain cracks outside the stem basin more than $\frac{3}{16}$ inch in length but not more than ⅜ inch in length;

(v) Any solution cracks or other blemish or combination of any blemishes which materially affect the appearance of the cherry. The term "blemished cherry" also means any cherry the flesh of which is materially discolored.

(5) "Seriously blemished cherry" means any cherry which is affected by:

(i) Dark surface discoloration exceeding in the aggregate ⅛ of the surface of the cherry;

(ii) Any rough surface areas which materially affect the appearance of the cherry;

(iii) Light surface discoloration exceeding in the aggregate ½ of the surface of the cherry;

(iv) Rain checks or rain cracks (*a*) in the stem basin more than ½ inch in length, (*b*) any rain checks or rain cracks outside the stem basin, more than $\frac{3}{16}$ inch in length.

(v) Any solution cracks or other blemish or combination of any blemishes which seriously affect the appearance of the cherry. The term "seriously blemished cherry" also means any cherry the flesh of which is seriously discolored.

(b) (*A*) *classification.* Sulfured cherries that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that not more than a total of 10 percent, by weight, of cherries are misshapen cherries, cherries damaged by mechanical injury, seriously damaged by mechanical injury, blemished cherries or seriously blemished cherries of which not more than five percent, by weight, of all cherries are misshapen cherries, cherries seriously damaged by mechanical injury or seriously blemished cherries.

(c) (*B*) *classification.* Sulfured cherries that are reasonably free from defects may be given a score of 28 to 33 points. "Reasonably free from defects" means that not more than a total of 10 percent, by weight, of cherries are misshapen cherries, cherries seriously damaged by mechanical injury, or seriously blemished cherries. Sulfured cherries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

(d) (*SStd*) *classification.* Sulfured cherries that fail to meet the requirements of paragraph (c) of this section for any reason may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Seconds, regardless of the total score for the product (this is a limiting rule).

§ 52.750 *Character*—(a) *General.* The factor of character refers to the firmness of the cherries and to the condition of the flesh.

(b) (*A*) *classification.* Sulfured cherries that possess a good character may be given a score of 34 to 40 points. "Good character" means that the cherries possess a firm fleshy texture, retain their approximate original shape, are not shriveled or watery, and do not show more than slight collapsed areas of flesh. To score in this classification, sulfured cherries may contain not more than five percent, by weight, of cherries which fail to meet requirements for "good character."

(c) (*B*) *classification.* If the sulfured cherries possess a reasonably good character, a score of 28 to 33 points may be given. Sulfured cherries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the cherries possess a reasonably firm texture, may have slightly lost their original shape, may be slightly shriveled, or may show moderate collapsed areas of flesh. To score in this classification, sulfured cherries may contain not more than 10 percent, by weight, of cherries which fail to meet the requirements for "reasonably good character."

(d) (*SStd*) *classification.* Sulfured cherries that are soft, flabby, wrinkled, leathery, or have materially lost their original shape, or show seriously collapsed areas of flesh, or fail to meet the requirements of paragraph (c) of this section for any reason may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Seconds, regardless of the total score for the product (this is a limiting rule).

§ 52.751 *Ascertaining the grade with respect to U. S. Combination Grade.* (a) The combination grade of sulfured cherries is ascertained by considering color, absence of defects, character, and the cleanliness of the product.

(b) The definition for cleanliness and the terms defined with respect to ascertaining "U. S. Grade A" or "U. S. Fancy" and "U. S. Grade B" or "U. S. Choice" outlined under the factors of color, absence of defects and character for these grades are also applicable for ascertaining the U. S. Combination Grade.

LOT CERTIFICATION TOLERANCES

§ 52.752 *Tolerance for certification of officially drawn samples for U. S. Combination Grade of sulfured cherries.* (a) When certifying samples that have been officially drawn and which represent a specific lot of sulfured cherries, the percent, by weight, of cherries which possess at least a reasonably good color and a reasonably good character, and are free from misshapen cherries, cherries seriously damaged by mechanical injury, and seriously blemished cherries is computed by averaging the percent, by weight, of such cherries in all samples of the lot if:

(1) None of the samples in the lot contain less than 80 percent, by weight of such cherries.

(b) The percent, by weight, of cherries for the lot which possess a good color and a good character, and are free from blemished cherries or seriously blemished cherries, misshapen cherries and cherries damaged by mechanical injury or cherries seriously damaged by mechanical injury, is computed by averaging the percent, by weight, of such cherries in all samples of the lot if:

(1) None of the samples in the lot contains less than 35 percent, by weight, of such cherries.

§ 52.753 *Tolerance for certification of officially drawn samples for "U. S. Grade A" or "U. S. Fancy" and U. S. Grade B" or "U. S. Choice."* (a) When certifying samples that have been officially drawn and which represent a specific lot of sulfured cherries, the grade for such lot will be determined by averaging the total scores of the samples comprising the lot, if:

(1) Not more than one-sixth of such samples fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such samples which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all samples in the lot for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the samples comprising the lot falls more than four points below the minimum score for the grade indicated by the average of the total scores; and

(3) All samples comprising the lot meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET AND WORK SHEET

§ 52.754 *Score sheet for sulfured cherries.*

| | | | |
|---|---|---|---|
| Size and kind of container | | | |
| Container identification marks | | | |
| Size of sample | | | |
| Size of cherries | | | |
| Style of pack | | | |
| Similar varieties | | | |
| Are clean | | | |
| Factors | Score points | | |
| Color | 20 | (A) 17–20<br>(B) 14–16<br>(D) 0–13 | |
| Absence of defects | 40 | (A) 34–40<br>(B) 28–33<br>(D) 0–27 | |
| Character | 40 | (A) 34–40<br>(B) 28–33<br>(D) 0–27 | |
| Total score | 100 | | |
| Grade | | | |
| Size of lot covered | | | |

[1] Indicates limiting rule.

§ 52.755 *Work sheet for sulfured cherries for grading on the basis of the U. S. Combination Grade.*

| | | | |
|---|---|---|---|
| Size and kind of container | | | |
| Container identification marks | | | |
| Size of sample | | | |
| Style of pack | | | |
| Similar varieties | | | |
| Are clean | | | |
| Color | Good color—reasonably good color | | Percent by weight |
| Absence of defects and character | Possess a good character and are free from blemished or seriously blemished cherries, misshapen cherries and cherries damaged or seriously damaged by mechanical injury.<br>Fail to meet requirements for reasonably good character, or are misshapen cherries, cherries seriously damaged by mechanical injury or seriously blemished cherries. | | |
| Grade of sample | | | |
| Grade of lot | | | |
| Size of lot | | | |



SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED RED SOUR (TART) PITTED CHERRIES [1]

IDENTITY AND GRADES

§ 52.771 *Identity.* "Canned red sour (tart) pitted cherries" means the canned product prepared from mature pitted cherries of the red sour varietal group (*Prunus cerasus*), as such product is defined in the standard of identity for canned cherries (21 CFR 27.39), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.772 *Grades of canned red sour (tart) pitted cherries.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned red sour (tart) pitted cherries that possess similar varietal characteristics; that possess a good, bright typical color; that are practically free from defects; that possess a good character; that possess a normal flavor; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart. In addition to the foregoing requirements, such canned red sour (tart) pitted cherries may contain not more than 5 percent, by count, of cherries that are less than $\frac{9}{16}$ inch in diameter.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned red sour (tart) pitted cherries that possess similar varietal characteristics; that possess a fairly good typical color; that are fairly free from defects; that possess a fairly good character; that possess a normal flavor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart. There is no size requirement for such canned red sour (tart) pitted cherries.

(c) "U. S. Grade D" or "Substandard" is the quality of canned red sour (tart) pitted cherries that fail to meet any requirement of "U. S. Grade C" or "U. S. Standard."

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

§ 52.773 *Designations of liquid media and Brix measurements.* "Cut-out" requirements for packing media are not incorporated in the grades of the finished product since sirup or any other packing medium, as such, is not a factor of quality for the purpose of these grades. Canned red sour (tart) pitted cherries are packed in the optional packing media referred to in the aforesaid standard of identity for canned cherries and such packing media include, but are not limited to, the following, which have the indicated "cut-out" Brix measurement:

| *Designation of liquid media* | *Brix measurement* |
|---|---|
| "Extra heavy sirup" | 28° or more but less than 45°. |
| "Heavy sirup" | 22° or more but less than 28°. |
| "Light sirup" | 18° or more but less than 22°. |
| "Slightly sweetened water" | Less than 18°. |

"Water" (water or any mixture of water and cherry juice).

§ 52.774 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned red sour (tart) pitted cherries be filled as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

§ 52.775 *Recommended drained weight.* The drained weight recommendations in Table No. I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned red sour (tart) pitted cherries is determined by emptying the contents of the container upon a circular sieve of proper diameter containing 8 meshes to the inch (0.097-inch square openings) and allowing to drain for two minutes. A sieve 8 inches in diameter is used for No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the No. 3 size can.

TABLE NO. I—RECOMMENDED DRAINED WEIGHTS

| Container size or designation | Over all dimensions | | Packed in water | Packed in any sirup or "slightly sweetened water" |
|---|---|---|---|---|
| | Width | Height | | |
| | *Inches* | *Inches* | *Ounces* | *Ounces* |
| No. 303 | $3\frac{31}{32}$ | $4\frac{45}{64}$ | 11 | $10\frac{3}{4}$ |
| No. 2 | $3\frac{7}{16}$ | $4\frac{21}{64}$ | $13\frac{1}{2}$ | $12\frac{3}{4}$ |
| No. 10 | $6\frac{3}{16}$ | 7 | 74 | $70\frac{3}{4}$ |

FACTORS OF QUALITY

§ 52.776 *Ascertaining the grade.* (a) The grade of canned red sour (tart) pitted cherries is ascertained by considering, in addition to the requirements of the respective grade (including the requirement for size in U. S. Grade A or U. S. Fancy) the respective ratings of the factors of color, absence of defects, and character.

(b) The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

| Factors | *Points* |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Character | 40 |
| Total score | 100 |

(c) "Normal flavor" means that the flavor is characteristic of canned red sour (tart) pitted cherries and that the product is free from objectionable flavors of any kind.

§ 52.777 *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, "17 to 20 points" means 17, 18, 19 or 20 points).

§ 52.778 *Color*—(a) (*A*) *classification.* Canned red sour (tart) pitted cherries that possess a good, bright typical color may be given a score of 17 to 20 points. "Good, bright typical color" means that the canned red sour (tart) pitted cherries possess a practically uniform color that is bright and typical of canned red sour (tart) pitted cherries which had been properly prepared and properly processed from properly ripened red sour cherries.

(b) (*C*) *classification.* If the canned red sour (tart) pitted cherries possess a fairly good typical color, a score of 14 to 16 points may be given. Canned red sour (tart) pitted cherries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good typical color" means that the canned red sour (tart) pitted cherries possess a fairly uniform typical color of canned red sour (tart) pitted cherries which had been properly prepared and properly processed and which color may range from a brownish cast to mottled shades of brown.

(c) (*SStd*) *classification.* Canned red sour (tart) pitted cherries that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.779 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material, pits, mutilated cherries, and cherries blemished by scab, hail injury, discoloration, scar tissue, or by other means.

(1) "Cherry" means a whole cherry, whether or not pitted, or portions of such cherries which in the aggregate approximate the average size of the cherries.

(2) "Harmless extraneous material" means any vegetable substance (including, but not being limited to, a leaf or a stem, and any portions thereof) that is harmless.

(3) "Pit" means a whole pit or portions of pits computed as follows:

(i) A single piece of pit shell, whether or not within or attached to a whole

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.

cherry, that is larger than one-half pit shell is considered as one pit;

(ii) A single piece of pit shell, whether or not within or attached to a whole cherry, that is not larger than one-half pit shell is considered as one-half pit;

(iii) Pieces of pit shell, within or attached to a whole cherry, when their combined size is larger than one-half pit shell are considered as one pit; and

(iv) Pieces of pit shell, within or attached to a whole cherry, when their combined size is not larger than one-half pit shell are considered as one-half pit.

(4) "Mutilated cherry" means a cherry that is so pitter-torn or damaged by other means that the entire pit cavity is exposed and the appearance of the cherry is seriously affected.

(5) "Blemished cherry" means any cherry the skin of which is blemished to the extent that the aggregate blemished area materially affects the appearance of the cherry. The term "blemished cherry" also means any cherry the flesh of which is materially discolored.

(6) "Seriously blemished" means any cherry blemished to the extent that the appearance or eating quality is seriously affected.

(b) *(A) classification.* Canned red sour (tart) pitted cherries that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present (1) not more than 1 piece of harmless extraneous material for each 60 ounces of net contents; (2) not more than 1 pit for each 20 ounces of net contents; and (3) not more than a total of 10 percent, by count, of cherries that are mutilated cherries and blemished cherries of which not more than 4 percent, by count, of all cherries are seriously blemished.

(c) *(C) classification.* If the canned red sour (tart) pitted cherries are fairly free from defects, a score of 28 to 33 points may be given. Canned red sour (tart) pitted cherries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present (1) not more than 1 piece of harmless extraneous material for each 20 ounces of net contents; (2) not more than 1 pit for each 20 ounces of net contents; and (3) not more than a total of 20 percent, by count, of cherries that are mutilated cherries and blemished cherries of which not more than 15 percent, by count, of all cherries are blemished.

(d) *(SStd) classification.* Canned red sour (tart) pitted cherries that fail to meet the requirements of paragraph (c) of this section for any reason may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.780 *Character—(a) General.* The factor of character refers to the degree of maturity of the cherries and the physical characteristics of the flesh of the cherries in canned red sour (tart) pitted cherries.

(b) *(A) classification.* Canned red sour (tart) pitted cherries that possess a good character may be given a score of 34 to 40 points. "Good character" means that the canned red sour (tart) pitted cherries possess a firm, fleshy texture typical of canned red sour (tart) pitted cherries which had been properly prepared and properly processed from properly ripened red sour cherries.

(c) *(C) classification.* If the canned red sour (tart) pitted cherries possess a fairly good character, a score of 28 to 33 points may be given. Canned red sour (tart) pitted cherries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the canned red sour (tart) pitted cherries possess a fairly firm or fairly fleshy texture but are not soft, tough, very thin-fleshed, or leathery in character.

(d) *(SStd) classification.* Canned red sour (tart) pitted cherries that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.781 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned red sour (tart) pitted cherries, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification, including the computation of pits based on a total quantity of sample contents of 24 pounds.

SCORE SHEET

§ 52.782 *Score sheet for canned red sour (tart) pitted cherries.*

| | |
|---|---|
| Size and kind of container | |
| Container mark or identification | |
| Label | |
| Net weight (ounces) | |
| Vacuum (inches) | |
| Drained weight (ounces) | |
| Sirup designation (extra heavy, heavy, etc.) | |
| Brix measurement | |
| Size [1] | |

| Factors | Score points | |
|---|---|---|
| Color | 20 | (A) 17-20<br>(C) 14-16<br>(D) 1-13 |
| Absence of defects | 40 | (A) 34-40<br>(C) 28-33<br>(D) 1-27 |
| Character | 40 | (A) 34-40<br>(C) 28-33<br>(D) 1-27 |
| Total score | 100 | |
| Normal flavor | | |
| Grade | | |

[1] Indicates limiting rule.
[2] See size limitation for U. S. Grade A or U. S. Fancy only.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN RED SOUR (TART) PITTED CHERRIES [1]

PRODUCT DESCRIPTION AND GRADES

§ 52.801 *Product description.* Frozen red sour (tart) pitted cherries are prepared from properly ripened fruit of the cherry tree of the red sour varietal group (Prunus cerasus); are washed, pitted, and sorted; are properly drained before filling; may be packed with or without packing media; and are frozen and stored at temperatures necessary for the preservation of the product.

§ 52.802 *Grades of frozen red sour (tart) pitted cherries.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen red sour (tart) pitted cherries that possess similar varietal characteristics; that possess a good red color; that are practically free from defects; that possess a good character; that possess a normal flavor; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart. In addition to the foregoing requirements, such frozen red sour (tart) pitted cherries may contain not more than 5 percent, by count, of cherries that are less than $^{9}/_{16}$ inch in diameter.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of frozen red sour (tart) pitted cherries that possess similar varietal characteristics; that possess a reasonably good red color; that are fairly free from defects; that possess a fairly good character; that possess a normal flavor; and score not less than 70 points when scored in accordance with the scoring system outlined in this subpart. There is no size requirement for such frozen red sour (tart) pitted cherries.

(c) "U. S. Grade D" or "Substandard" is the quality of frozen red sour (tart) pitted cherries that fail to meet the requirements of U. S. Grade C or U. S. Standard.

FACTORS OF QUALITY

§ 52.803 *Ascertaining the grade.* (a) The grade of frozen red sour (tart) pitted cherries is determined immediately after thawing to the extent that the cherries may be separated easily and the cherries are free from ice and solidified packing media. The grade is determined by considering in addition to the requirements of the respective grade (including the requirement for size in U. S. Grade A or U. S. Fancy) the respective ratings of the factors of color, absence of defects, and character.

(b) The relative importance of each factor is expressed numerically on a scale of 100. The maximum number of points that may be given each factor is:

| Factors: | Points |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Character | 40 |
| Total score | 100 |

(c) "Normal flavor" means that the flavor is characteristic of frozen red sour (tart) pitted cherries and that the product is free from objectionable flavors of any kind.

§ 52.804 *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.805 *Color—(a) (A) classification.* Frozen red sour (tart) pitted cherries that possess a good red color may be given a score of 17 to 20 points. "Good red color" means that the frozen cherries possess a color that is bright and typical of properly ripened cherries and that is reasonably uniform in that not more than 15 percent, by count, of cherries vary markedly from this color because of discoloration due to oxidation, improper processing, or other causes, or because of undercolored cherries.

(b) *(C) classification.* If the frozen red sour (tart) pitted cherries possess a reasonably good red color, a score of 14 to 16 points may be given. Frozen red sour (tart) pitted cherries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good red color" means that the frozen cherries possess a color that is reasonably bright and typical of properly ripened cherries and that is fairly uniform in that not more than 25 percent, by count, of cherries vary markedly from this color because of discoloration due to oxidation, improper processing, or other causes, or because of undercolored cherries.

(c) *(SStd) classification.* Frozen red sour (tart) pitted cherries that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.806 *Absence of defects—(a) General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material, pits, mutilated cherries, and cherries blemished by scab, hail injury, discoloration, scar tissue, or by other means.

(1) "Cherry" means a whole cherry, whether or not pitted, or portions of such cherries which in the aggregate approximate the average size of the cherries.

(2) "Harmless extraneous material" means any vegetable substance (including, but not being limited to, a leaf or a stem and any portions thereof) that is harmless.

(3) "Pit" means a whole pit or portions of pits computed as follows:

(i) A single piece of pit shell, whether or not within or attached to a whole cherry, that is larger than one-half pit shell is considered as one pit;

(ii) A single piece of pit shell, whether or not within or attached to a whole cherry, that is not larger than one-half pit shell is considered as one-half pit;

(iii) Pieces of pit shell, within or attached to a whole cherry, when their combined size is larger than one-half pit shell are considered as one pit; and

(iv) Pieces of pit shell, within or attached to a whole cherry, when their combined size is not larger than one-half pit shell are considered as one-half pit.

(4) "Mutilated cherry" means a cherry that is so pitter-torn or damaged by other means that the entire pit cavity is exposed and the appearance of the cherry is seriously affected.

(5) "Blemished cherry" means any cherry the skin of which is blemished to the extent that the aggregate area covered by the blemishes exceeds the area of a circle $^{9}/_{32}$ inch in diameter and the appearance of the cherry is materially affected by such blemishes. The term "blemished cherry" also means any cherry the flesh of which is materially discolored.

(6) "Seriously blemished" means any cherry blemished to the extent that the appearance or eating quality is seriously affected.

(b) *(A) classification.* Frozen red sour (tart) pitted cherries that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present (1) not more than 1 piece of harmless extraneous material for each 60 ounces of net contents; (2) not more than 1 pit for each 20 ounces of net contents; and (3) not more than a total of 10 percent, by count, of cherries that are mutilated cherries and blemished cherries of which not more than 4 percent, by count, of all cherries are seriously blemished.

(c) *(C) classification.* If the frozen red sour (tart) pitted cherries are fairly free from defects, a score of 28 to 33 points may be given. Frozen red sour (tart) pitted cherries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present (1) not more than 1 piece of harmless extraneous material for each 20 ounces of net contents; (2) not more than 1 pit for each 20 ounces of net contents; and (3) not more than a total of 20 percent, by count, of cherries that are mutilated cherries and blemished cherries of which not more than 15 percent, by count, of all cherries are blemished.

(d) *(SStd) classification.* Frozen red sour (tart) pitted cherries that fail to meet the requirements of paragraph (c) of this section for any reason may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.808 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen red sour (tart) pitted cherries, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample,[2] if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The allowance for pits will be based on the average of all containers comprising the sample.

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.809 *Score sheet for frozen red sour (tart) pitted cherries.*

| | |
|---|---|
| Size and kind of container | |
| Container mark or identification | |
| Label (Style of pack. Ratio of fruit to sugar, etc., if shown) | |
| Net weight (ounces) | |
| Size [1] | |

| Factors | Score points | | |
|---|---|---|---|
| Color | 20 | (A) | 17-20 |
| | | (C) | [2] 14-16 |
| | | (D) | [2] 0-13 |
| Absence of defects | 40 | (A) | 34-40 |
| | | (C) | [2] 28-33 |
| | | (D) | [2] 0-27 |
| Character | 40 | (A) | 34-40 |
| | | (C) | [2] 28-33 |
| | | (D) | [2] 0-27 |
| Total score | 100 | | |

| | |
|---|---|
| Normal flavor | |
| Grade | |

[1] See size limitation for U. S. Grade A or U. S. Fancy, only.
[2] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED SWEET CHERRIES [1]

IDENTITY, TYPES, STYLES, AND GRADES

§ 52.821 *Identity.* "Canned sweet cherries" means the canned product prepared from mature cherries and as defined in the standard of identity for canned cherries (21 CFR 27.30) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.822 *Types of canned sweet cherries.* (a) "Light" type are of the light sweet varietal group and includes, but is not limited to, such varieties known as Royal Anne.

(b) "Dark" type are of the dark sweet varietal group and includes, but is not limited to, such varieties known as Bing, Black Republican, Schmidt, and Lambert.

§ 52.823 *Styles of canned sweet cherries.* Unless specifically designated as "pitted", canned sweet cherries are considered as "unpitted."

(a) "Unpitted" sweet cherries are stemmed cherries without the pits removed.

(b) "Pitted" sweet cherries are stemmed cherries with the pits removed.

§ 52.824 *Grades of canned sweet cherries.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned sweet cherries that are practically free from defects; that possess a good character; that possess a normal flavor and odor; and that are of such quality with respect to color and uniformity of size as to score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of canned sweet cherries that are reasonably free from defects; that possess a reasonably good character; that possess a normal flavor and odor; and that are of such quality with respect to color and uniformity of size as to score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of canned sweet cherries that possess a fairly good color; that are fairly uniform in size; that are fairly free from defects; that possess a fairly good character; that possess a normal flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of canned sweet cherries that fail to meet the requirements of U. S. Grade C or U. S. Standard and is the quality of canned sweet cherries that may or may not meet the minimum standard of quality for canned cherries issued pursuant to the Federal Food, Drug, and Cosmetic Act.

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

§ 52.825 *Liquid media and Brix measurements for canned sweet cherries.* "Cutout" requirements for liquid media in canned sweet cherries are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The "cutout" Brix measurement, as applicable, for the respective designations are as follows:

| Designation | Brix measurement |
|---|---|
| "Extra heavy sirup" or "Extra heavy cherry juice sirup" | 25° or more but not more than 35°. |
| "Heavy sirup" or "Heavy cherry juice sirup" | 20° or more but less than 25°. |
| "Light sirup" or "Light cherry juice sirup" | 16° or more but less than 20°. |
| "Slightly sweetened water" or "Slightly sweetened cherry juice" | Less than 16°. |
| "In water" | Packed in water. |
| "In cherry juice" | Packed in cherry juice. |

§ 52.826 *Fill of container for canned sweet cherries.* The standard of fill of container for canned sweet cherries is the maximum quantity of cherries which can be sealed in the container and processed by heat to prevent spoilage, without crushing such ingredient. Canned sweet cherries that do not meet this requirement are "Below Standard in Fill."

§ 52.827 *Recommended minimum drained weight.* The minimum drained weight recommendations in Table I of § 52.828 are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades. The drained weight of canned sweet cherries is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch±3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and sweet cherries less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

§ 52.828 *Compliance with recommended drained weights.* Compliance with the recommended drained weights for canned sweet cherries is determined by averaging the drained weights from all the containers which are representative of a specific lot, and such lot is considered as meeting the recommendations, for the applicable styles, if:

(a) The average drained weight from all the containers meets the recommended drained weight;

(b) One-half or more of the containers meet the recommended drained weight, and

(c) The drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practice.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR PITTED AND UNPITTED CANNED SWEET CHERRIES

| Container size or designation (metal, unless otherwise stated) | In extra heavy sirups and in declared "dietetic packs" whether or not packed in water | In heavy sirups | In [illegible] sirups and in [illegible] water | Other than declared "dietetic packs" packed in water |
|---|---|---|---|---|
| | (Oz.) | (Oz.) | (Oz.) | (Oz.) |
| 8 Z tall | 4¾ | 5 | [illegible] | [illegible] |
| No. 1 tall | 9¾ | 10 | [illegible] | [illegible] |
| No. 303 | 9¾ | 10 | [illegible] | [illegible] |
| No. 303 glass | 9¾ | 10 | [illegible] | [illegible] |
| No. 2 | 12 | 12½ | [illegible] | [illegible] |
| No. 2½ | 17¼ | 18 | [illegible] | [illegible] |
| No. 2½ glass | 17¼ | 17¾ | [illegible] | [illegible] |
| No. 10 | 66 | 68 | 70 | 70 |

FACTORS OF QUALITY

§ 52.829 *Ascertaining the grade.* (a) The grade of canned sweet cherries is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size, absence of defects, and character.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.



(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 30 |
| Uniformity of size | 20 |
| Absence of defects | 30 |
| Character | 20 |
| Total score | 100 |

(c) "Normal flavor and odor" means that the canned sweet cherries are free from objectionable flavors and objectionable odors of any kind.

§ 52.830 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "27 to 30 points" means 27, 28, 29, or 30 points).

§ 52.831 *Color—(a) General.* The factor of color refers to the color typical of the varietal group— either light sweet or dark sweet; and to the intensity and brightness of such characteristic color.

(b) *(A) classification.* Canned sweet cherries that possess a good color may be given a score of 27 to 30 points. "Good color" means that the cherries are bright and possess a color typical of well-matured cherries of similar varieties which have been properly processed; that in light sweet cherries, the basic background color, exclusive of blush, is a pinkish-yellow to pale amber color and that the blush appears as a surface color ranging from very light pinkish-tan to tannish-brown; and that in dark sweet cherries, the basic background color is a typical deep-red to purple-red or purple-black.

(c) *(B) classification.* If the canned sweet cherries possess a reasonably good color, a score of 24 to 26 points may be given. "Reasonably good color" means that the cherries possess a color typical of reasonably well-matured cherries of similar varieties which have been properly processed; that in light sweet cherries, the basic background color, exclusive of blush, is a pinkish-yellow to amber color which may be no more than slightly dull and that the blush appears as a surface color ranging from tan to tannish-brown; and that in dark sweet cherries, the basic background color is a typical deep red to purple-red or purple-black which may be no more than slightly dull.

(d) *(C) classification.* If the canned sweet cherries possess a fairly good color, a score of 21 to 23 points may be given. Canned sweet cherries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the cherries possess a color typical of fairly well-matured cherries of similar varieties which have been properly processed; that in light sweet cherries, the basic background color and blush may be variable or may be slightly dull but is not off-color; and that in dark sweet cherries, the cherries may possess a slightly dull deep red to slightly dull purple-red color or slightly dull purple-black color that may be variable but is not off-color.

(e) *(SStd) classification.* Canned sweet cherries that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.832 *Uniformity of size—(a) General.* The factor of uniformity of size refers to the uniformity of diameters in pitted and unpitted cherries, and to the variation of weight and minimum weight in unpitted cherries.

(1) "Diameter" of a cherry is the diameter of a rigid round hole through which the cherry will just pass without using force. In pitted cherries, the diameter is that which approximates the apparent original size had the cherry not been pitted but does not apply to any pitter-torn cherries.

(b) *(A) classification.* Canned sweet cherries that are practically uniform in size may be given a score of 18 to 20 points. "Practically uniform in size" means that:

(1) In unpitted cherries,

(i) The weight of each cherry is not less than $\frac{1}{10}$ ounce (2.84 grams);

(ii) The weight of the largest cherry is not more than twice the weight of the smallest cherry; and

(iii) The diameter of the cherry with the greatest diameter may exceed the diameter of the cherry with the smallest diameter by not more than $\frac{3}{16}$ inch; and in 85 percent, by count, of all the cherries with the most uniform diameters the diameter of the cherries with the greatest diameters may exceed the diameter of the cherries with the smallest diameters by not more than $\frac{1}{16}$ inch.

(2) In pitted cherries,

(i) The diameter of the cherry with the greatest diameter may exceed the diameter of the cherry with the smallest diameter by not more than $\frac{3}{16}$ inch; and in 85 percent, by count, of all the cherries with the most uniform diameters the diameter of the cherries with the greatest diameters may exceed the diameter of the cherries with the smallest diameters by not more than $\frac{1}{16}$ inch.

(c) *(B) classification.* If the canned sweet cherries are reasonably uniform in size, a score of 16 or 17 points may be given. "Reasonably uniform in size" means that:

(1) In unpitted cherries,

(i) The weight of each cherry is not less than $\frac{1}{10}$ ounce (2.84 grams);

(ii) The weight of the largest cherry is not more than twice the weight of the smallest cherry; and

(iii) The diameter of the cherry with the greatest diameter may exceed the diameter of the cherry with the smallest diameter by not more than $\frac{3}{16}$ inch; and in 85 percent, by count, of all the cherries with the most uniform diameters the diameter of the cherries with the greatest diameters may exceed the diameter of the cherries with the smallest diameters by not more than $\frac{1}{8}$ inch.

(2) In pitted cherries,

(i) The diameter of the cherry with the greatest diameter may exceed the diameter of the cherry with the smallest diameter by not more than $\frac{3}{16}$ inch; and in 85 percent, by count, of all the cherries with the most uniform diameters the diameter of the cherries with the greatest diameters may exceed the diameter of the cherries with the smallest diameters by not more than $\frac{1}{8}$ inch.

(d) *(C) classification.* If the canned sweet cherries are fairly uniform in size, a score of 14 or 15 points may be given. Canned sweet cherries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size" means that:

(1) In unpitted cherries,

(i) The weight of each cherry is not less than $\frac{1}{10}$ ounce (2.84 grams);

(ii) The weight of the largest cherry is not more than twice the weight of the smallest cherry; and

(iii) The diameter of the cherry with the greatest diameter may exceed the diameter of the cherry with the smallest diameter by not more than $\frac{3}{16}$ inch; and in 85 percent, by count, of all the cherries with the most uniform diameters the diameter of the cherries with the greatest diameters may exceed the diameter of the cherries with the smallest diameters by not more than $\frac{1}{8}$ inch.

(2) In pitted cherries,

(i) The diameter of the cherry with the greatest diameter may exceed the diameter of the cherry with the smallest diameter by not more than $\frac{3}{16}$ inch; and in 85 percent, by count, of all the cherries with the most uniform diameters the diameter of the cherries with the greatest diameters may exceed the diameter of the cherries with the smallest diameters by not more than $\frac{1}{8}$ inch.

(d) *(C) classification.* If the canned sweet cherries are fairly uniform in size, a score of 14 or 15 points may be given. Canned sweet cherries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size" means that:

(1) In unpitted cherries,

(i) The weight of each cherry is not less than $\frac{1}{10}$ ounce (2.84 grams);

(ii) The weight of the largest cherry is not more than twice the weight of the smallest cherry; and

(iii) The diameter of the cherry with the greatest diameter may exceed the diameter of the cherry with the smallest diameter by not more than $\frac{3}{16}$ inch; and in 85 percent, by count, of all the cherries with the most uniform diameters the diameter of the cherries with the greatest diameters may exceed the diameter of the cherries with the smallest diameters by not more than $\frac{1}{8}$ inch.

(2) In pitted cherries,

(i) The diameter of the cherry with the greatest diameter may exceed the diameter of the cherry with the smallest diameter by not more than $\frac{3}{16}$ inch; and in 85 percent, by count, of all the cherries with the most uniform diameters the diameter of the cherries with the greatest diameters may exceed the diameter of the cherries with the smallest diameters by not more than $\frac{1}{8}$ inch.

(e) *(SStd) classification.* Canned "unpitted" sweet cherries which fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points, shall not be graded above Substandard (this is a limiting rule), and are also "Below Standard in Quality" for the applicable reasons:

"Small";
"Mixed sizes."

§ 52.833 *Absence of defects—(a) General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material; from portions of stems; from pits or portions thereof in pitted style; from slightly damaged, damaged, slightly misshapen, misshapen, blemished, and seriously blemished cherries; and from any other defects which detract from the appearance or edibility of the product. Processing cracks are not considered as defects but are considered under the factor of character.

(1) "Cherry" means a whole cherry, whether or not pitted, or portions of such cherries which in the aggregate approximate the average size of a cherry.

(2) "Harmless extraneous material" means any vegetable substance (including, but not limited to, a leaf or portion thereof, a stem or portion thereof longer than $\frac{1}{2}$ inch) that is harmless.

(3) "Portions of cherry stems," whether loose or attached, means such portions that are $\frac{1}{2}$ inch or less and such portions are considered as a defect separate from "harmless extraneous material."

(4) A "pit" is considered as a defect only in the style of pitted cherries and means a whole pit or portions of pits computed as follows:

(i) A single piece of pit shell, whether or not within or attached to a whole cherry, that is larger than one-half pit shell is considered as one pit;

(ii) A single piece of pit shell, whether or not within or attached to a whole cherry, that is not larger than one-half pit shell is considered as one-half pit;

(iii) Pieces of pit shell, within or attached to a whole cherry, when their combined size is larger than one-half pit shell are considered as one pit; and

(iv) Pieces of pit shell, within or attached to a whole cherry, when their combined size is not larger than one-half pit shell are considered as one-half pit.

(5) "Slightly damaged" means any injury other than blemishes which affects the appearance of the cherry, and includes:

(i) Slight circular cracks with slight discoloration, such as "rain checks," confined entirely within the stem basin and more than $\frac{1}{4}$ inch, but not more than $\frac{1}{2}$ inch, in length;

(ii) Slight cracks with slight discoloration, such as "rain checks," outside the stem basin and more than $\frac{3}{16}$ inch but not more than $\frac{3}{8}$ inch in length;

(iii) Mutilated cherries in unpitted style whereby the cherry is seriously torn at the stem end and that such torn area exceeds that of a circle $\frac{1}{4}$ inch in diameter; and mutilated cherries in pitted style whereby the cherry is so pitter-torn or so damaged by other similar means that the entire pit cavity is exposed and the appearance of the cherry is seriously affected.

(6) "Damaged" means any injury other than blemishes which affects the appearance of the cherry and includes:

(i) Serious circular cracks with discoloration, such as "rain checks," confined entirely within the stem basin and more than $\frac{1}{2}$ inch in length;

(ii) Serious cracks with discoloration, such as "rain checks," outside the stem basin and more than $\frac{3}{8}$ inch in length;

(iii) Deep cracks with discoloration, in unpitted style, outside the stem basin that are so deep as to expose the pit or that otherwise seriously affect the appearance of the cherry.

(7) "Slightly misshapen" cherries includes, but is not limited to, cherries which are slightly deformed or in which there is a cleavage (or deep furrow) with the skin unbroken at the suture extending more than $\frac{1}{16}$ inch but no more than one-half the length from the stem cavity to the apex.

(8) "Misshapen" cherries means cherries which are deformed to the extent that the appearance is materially affected and includes, but is not limited to "double" cherries in unpitted style and cherries in which there is a cleavage (or deep furrow) with the skin unbroken at the suture extending more than one-half the length from the stem cavity to the apex.

(9) "Blemished" means any blemished areas on the skin, which singly or in the aggregate, materially affect the appearance of the cherry; and includes:

(i) Such surface blemishes having an aggregate area exceeding that of a circle $\frac{3}{16}$ inch in diameter, not extending into the fruit tissue but which materially affect the appearance of the cherry; or

(ii) Such blemishes having an aggregate area equivalent of, or less than, that of a circle $\frac{3}{16}$ inch in diameter and extending into the fruit tissue so that the flesh is materially discolored.

(10) "Seriously blemished" means blemished to the extent that the appearance or edibility of the cherry is seriously affected.

(b) *(A) classification.* Canned sweet cherries that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the canned sweet cherries are practically free from any defects not specifically mentioned that affect the appearance or edibility of the product and that for the applicable style not more than the following defects or defective units may be present:

(1) 1 piece of harmless extraneous material for each 60 ounces of net contents;

(2) 1 portion of cherry stem for each 20 ounces of net contents;

(3) In pitted style, 1 pit for each 20 ounces of net contents; and

(4) A total of 10 percent by count of the cherries may be slightly damaged, damaged, slightly misshapen, misshapen, blemished, seriously blemished, or any combination thereof but not more than 5 percent by count of the cherries may be damaged, misshapen, blemished, seriously blemished, or any combination thereof: *Provided*, That not more than 2 percent by count of the cherries may be seriously blemished.

(c) *(B) classification.* If the canned sweet cherries are reasonably free from defects, a score of 24 to 26 points may be given. Canned sweet cherries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned sweet cherries are reasonably free from any defects not specifically mentioned that affect the appearance or edibility of the product and that for the applicable style not more than the following defects or defective units may be present:

(1) 1 piece of harmless extraneous material for each 40 ounces of net contents;

(2) A total of 5 portions of cherry stems but not more than 1 portion of cherry stem may be longer than $\frac{1}{4}$ inch but not longer than $\frac{1}{2}$ inch for each 20 ounces of net contents;

(3) In pitted style, 1 pit for each 20 ounces of net contents; and

(4) A total of 20 percent by count of the cherries may be slightly damaged, damaged, slightly misshapen, misshapen, blemished, seriously blemished, or any combination thereof but not more than 10 percent by count of the cherries may be damaged, misshapen, blemished, seriously blemished, or any combination thereof: *Provided*, That not more than 3 percent by count of the cherries may be seriously blemished.

(d) *(C) classification.* If the canned sweet cherries are fairly free from defects, a score of 21 to 23 points may be given. Canned sweet cherries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned sweet cherries are fairly free from any defects not specifically mentioned that affect the appearance or edibility of the product and that for the applicable style not more than the following defects or defective units may be present:

(1) 1 piece of harmless extraneous material for each 20 ounces of net contents;

(2) A total of 10 portions of cherry stems but not more than 3 portions of cherry stems, each of which may be longer than $\frac{1}{4}$ inch but not longer than $\frac{1}{2}$ inch for each 20 ounces of net contents;

(3) In pitted style, 1 pit for each 20 ounces of net contents;

(4) A total of 30 percent by count of the cherries may be slightly damaged, damaged, misshapen, blemished, seriously blemished, or any combination thereof but not more than 15 percent by count of the cherries may be blemished and seriously blemished.

(e) *(SStd) classification.* Canned sweet cherries which fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points; shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule); and may be "Below Standard in Quality" for the applicable reasons:

"Partially pitted;"
"Blemished."

§ 52.834 *Character*—(a) *General.* The factor of character refers to the fleshiness and to the tenderness and texture in relation to maturity in the canned sweet cherries and to the presence of serious processing cracks in unpitted style.

(1) "Serious processing cracks" means cracks without any discoloration that are so deep as to expose the pit; processing cracks that are not serious are not scoreable.

(b) *(A) classification.* Canned sweet cherries that possess a good character may be given a score of 18 to 20 points. "Good character" means that the cherries are thick-fleshed, are tender but not soft or noticeably flabby, and otherwise possess a good texture characteristic of canned sweet cherries that have been properly processed from well-matured cherries; that not more than 10 percent by count of the cherries may possess a reasonably good character; and that, in unpitted style, not more than 5 percent by count of the cherries may possess serious processing cracks.

(c) *(B) classification.* If the canned sweet cherries possess a reasonably good character, a score of 16 or 17 points may be given. Canned sweet cherries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the cherries are reasonably thick-fleshed, are reasonably tender but not more than slightly soft nor markedly flabby, and otherwise possess a texture characteristic of canned sweet cherries that have been properly processed from reasonably well-matured cherries; that not more than 10 percent by count of the cherries may possess a fairly good character provided, in unpitted cherries, none are thin-fleshed; and that, in unpitted style, not more than 10 percent by count of the cherries may possess serious processing cracks.

(d) *(C) classification.* If the canned sweet cherries possess a fairly good character, a score of 14 or 15 points may be given. Canned sweet cherries that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the cherries may be lacking in thickness of flesh but, in unpitted cherries, the total weight of pits is not more than 12 percent of the weight of drained cherries; may be variable in tenderness and texture, ranging from firm to soft, but characteristic of canned sweet cherries that may have been processed from slightly immature to slightly over-mature cherries; that not more than 10 percent by count of the cherries may be markedly flabby; and that, in unpitted style, serious processing cracks may be present.

(e) *(SStd) classification.* Canned sweet cherries that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule). Canned pitted sweet cherries in which the total weight of the pits is more than 12 percent of the weight of drained cherries are also "Below Standard in Quality—Thin Fleshed."

LOT CERTIFICATION TOLERANCES

§ 52.835 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned sweet cherries, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(4) The average score of all containers for any factor subject to a limiting rule must be within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(5) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.836 *Score sheet for canned sweet cherries.*

| | |
|---|---|
| Size and kind of container | |
| Container mark or identification | |
| Label | |
| Net weight (ounces) | |
| Vacuum (inches) | |
| Drained weight (ounces) | |
| Count per container | |
| Fruit packing medium | |
| Syrup designation (Extra heavy, heavy, etc.) | |
| Type: ( ) Light ( ) Dark | |
| Style: ( ) Unpitted ( ) Pitted | |



| Factors | Score points | | |
|---|---|---|---|
| Color | 30 | (A) 27-30<br>(B) 24-26<br>(C) 1 21-23<br>(SStd.) 0-20 | |
| Uniformity of size | 20 | (A) 18-20<br>(B) 16-17<br>(C) 1 14-15<br>(SStd.) 0-13 | |
| Absence of defects | 30 | (A) 27-30<br>(B) 24-26<br>(C) 1 21-23<br>(SStd.) 0-20 | |
| Character | 20 | (A) 18-20<br>(B) 1 16-17<br>(C) 1 14-15<br>(SStd.) 0-13 | |
| Total score | 100 | | |
| Normal flavor and odor | | | |
| Grade | | | |

1 Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED CREAM STYLE CORN [1]

IDENTITY, COLORS, AND GRADES

§ 52.851 *Identity.* "Canned cream style corn" means the canned product properly prepared from the clean, sound, succulent kernels of sweet corn as defined in the definition and standard of identity for canned corn (21 CFR 51.20) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.852 *Colors of canned cream style corn.* (a) White.

(b) Golden or yellow.

§ 52.853 *Grades of canned cream style corn.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned cream style corn that possesses similar varietal characteristics; that is tender; that possesses a good color; that possesses a good consistency; that is practically free from defects; that possesses a very good flavor; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: *Provided*, That the cream style corn may possess a reasonably good color, a reasonably good consistency, a good flavor, and may be reasonably tender, scoring not less than 26 points if the total score is not less than 90 points.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned cream style corn that possesses similar varietal characteristics; that is reasonably tender; that possesses a reasonably good color; that possesses a reasonably good consistency; that is reasonably free from defects; that possesses a good flavor; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 80 points: *Provided*, That the cream style corn may possess a fairly good color, scoring not less than 7 points if the total score is not less than 80 points.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of canned cream style corn that possesses similar varietal characteristics; that is fairly tender; that possesses a fairly good color; that possesses a fairly good consistency; that is fairly free from defects; that possesses a fairly good flavor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of canned cream style corn that fails to meet the requirements of U. S. Grade C or U. S. Standard and may or may not meet the minimum standards of quality for canned cream style corn issued pursuant to the Federal Food, Drug, and Cosmetic Act.

FILL OF CONTAINER

§ 52.854 *Fill of container for canned cream style corn.* The standard of fill of container for canned cream style corn is not incorporated in the grades of the finished product, since fill of container, as such, is not a factor of quality for the purpose of these grades. The standard fill of container for canned cream style corn is a fill of not less than 90 percent of the total capacity of the container. Canned cream style corn that does not meet this requirement is "Below standard in fill."

FACTORS OF QUALITY

§ 52.855 *Ascertaining the grade.* (a) The grade of canned cream style corn is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, consistency, absence of defects, tenderness and maturity, and flavor.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

| Factor: | Points |
|---|---|
| Color | 10 |
| Consistency | 20 |
| Absence of defects | 20 |
| Tenderness and maturity | 30 |
| Flavor | 20 |
| Total score | 100 |

§ 52.856 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.857 *Color*—(a) *(A) classification.* Canned cream style corn that possesses a good color may be given a score of 9 or 10 points. "Good color" means that the cut kernels possess a practically uniform color typical of tender sweet corn and that the product is bright and is practically free from "off-variety" kernels.

(b) *(B) classification.* Canned cream style corn that possesses a reasonably good color may be given a score of 8 points. "Reasonably good color" means that the kernels possess a reasonably uniform color typical of reasonably tender sweet corn, and that the product may lack brightness but not to the extent that the appearance is materially affected, and is reasonably free from "off-variety" kernels.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(c) *(C) classification.* Canned cream style corn that possesses a fairly good color may be given a score of 6 or 7 points. Canned cream style corn that scores 7 points in this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, and if scored 6 points in this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule). "Fairly good color" means that the kernels possess a fairly uniform color typical of fairly tender sweet corn and that the product may be dull, but not to the extent that the appearance is seriously affected, and is fairly free from "off-variety" kernels.

(d) *(SStd) classification.* Canned cream style corn that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 5 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.858 *Consistency*—(a) *General.* The factor of consistency refers to the viscosity of the product, to the degree of smoothness, and to the separation of free liquor.

(b) *(A) classification.* Canned cream style corn that possesses a good consistency may be given a score of 18 to 20 points. "Good consistency" means that the canned cream style corn, after stirring and emptying from the container to a dry flat surface, possesses a heavy cream-like consistency, with not more than a slight appearance of curdling, forms a slightly mounded mass, and that at the end of two minutes after emptying on the dry flat surface there is practically no separation of free liquor.

(c) *(B) classification.* If the canned cream style corn has a reasonably good consistency a score of 16 or 17 points may be given. "Reasonably good consistency" means that the canned cream style corn, after stirring and emptying from the container to a dry flat surface, has a reasonably good creamy consistency, with not more than a moderate appearance of curdling, may flow just enough to level off to a nearly uniform depth or may be moderately stiff and moderately mounded, and that at the end of two minutes after emptying on the dry flat surface there may be a slight separation of free liquor.

(d) *(C) classification.* Canned cream style corn that has a fairly good consistency may be given a score of 14 or 15 points. Canned cream style corn that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good consistency" means that the canned cream style corn, after stirring and emptying on a dry flat surface, may be thin but not excessively thin, or thick but not excessively dry, pasty, or crumbly, or moderately but not excessively curdled, and that at the end of two minutes after emptying on the dry flat surface there may be a moderate but not excessive separation of free liquor. The approximate circular area over which the product spreads when emptied on a dry flat surface shall not exceed 12 inches: *Provided,* That when the washed, drained residue of canned cream style corn contains more than 20 percent of alcohol insoluble solids, the average diameter of the area over which the product spreads shall not exceed 10 inches.[2]

(e) *(SStd) classification.* Canned cream style corn that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and may also be graded "Below Standard in Quality" for the following reason: Excessively liquid.

§ 52.859 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from pieces of cob, husk, silk, or other harmless extraneous vegetable matter, from pulled kernels, and from discolored kernels or other defects.

(b) *(A) classification.* Canned cream style corn that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that pieces of cob, husk, silk, or other harmless extraneous vegetable matter, pulled kernels, discolored kernels, or other defects may be present that do not more than slightly affect the appearance or eating quality of the product.

(c) *(B) classification.* If the canned cream style corn is reasonably free from defects, a score of 16 or 17 points may be given. Canned cream style corn that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that pieces of cob, husk, silk, or other harmless extraneous vegetable matter, pulled kernels, discolored kernels, or other defects may be present that do not materially affect the appearance or eating quality of the product.

(d) *(C) classification.* Canned cream style corn that fails to meet the requirements of paragraph (c) of this section may be given a score of 14 or 15 points. Canned cream style corn that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that pieces of cob, husk, silk, or other harmless extraneous vegetable matter, pulled kernels, discolored kernels, or other defects may be present that do not seriously affect the appearance or eating quality of the product, and that:

(1) For each 20 ounces of net weight there may be present:

(i) Not more than 1 cubic centimeter of pieces of cob;[2] and

(ii) Not more than 1 square inch (1" x 1") of husk;[2] and that

(2) For each 2 ounces of net weight there may be present:

(i) Not more than 1 brown or black discolored kernel or piece of kernel;[2] and that

(3) For each 1 ounce of net weight there may be present:

(i) Not more than 6 inches of silk.[2]

(e) *(SStd) classification.* Canned cream style corn that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and may also be graded "Below Standard in Quality" for the applicable reasons:

(1) Excessive discolored kernels.
(2) Excessive cob.
(3) Excessive husk.
(4) Excessive silk.

§ 52.860 *Tenderness and maturity*—(a) *(A) classification.* Canned cream style corn that is tender may be given a score of 27 to 30 points. "Tender" means that the kernels are in the milk, early cream, or middle cream stage of maturity, have a tender texture, and that pieces of the interior portions of corn kernels or ground kernels are characteristic of sweet corn in the milk, early cream, or middle cream stage of maturity.

(b) *(B) classification.* If the canned cream style corn is reasonably tender a score of 24 to 26 points may be given. Canned cream style corn that scores less than 26 points in this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a partial limiting rule). "Reasonably tender" means that the kernels are in the middle cream stage to late cream stage of maturity, have a reasonably tender texture, and that pieces of the interior portions of corn kernels or ground kernels are characteristic of sweet corn in the middle cream to late cream stage of maturity.

(c) *(C) classification.* Canned cream style corn that is fairly tender may be given a score of 22 or 23 points. Canned cream style corn that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly tender" means that the kernels are in the early dough or dough stage of maturity, may be firm but not hard or tough, and that pieces of the interior portions of corn kernels or ground kernels are characteristic of sweet corn in the early dough or dough stage of maturity. The weight of the alcohol insoluble solids of the washed, drained material[2] does not exceed 27 percent of the weight of such material.

(d) *(SStd) classification.* Canned cream style corn that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and may also be graded "Below Standard in Quality."

§ 52.861 *Flavor*—(a) *General.* The factor of flavor refers to the palatability of the product. The natural flavor of the sweet corn and the effects of added sugar (sucrose) and salt are considered in evaluating this factor.

(b) *(A) classification.* Canned cream style corn that possesses a very good flavor may be given a score of 18 to 20 points. "Very good flavor" means that the product including added seasoning ingredients has a very good characteristic flavor and odor typical of tender canned sweet corn.

(c) *(B) classification.* If the canned cream style corn possesses a good flavor, a score of 16 or 17 points may be given. "Good flavor" means that the product including added seasoning ingredients has a good characteristic flavor and odor typical of reasonably tender canned sweet corn.

(d) *(C) classification.* Canned cream style corn that possesses a fairly good flavor may be given a score of 14 or 15 points. Canned cream style corn that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(e) *(SStd) classification.* Canned cream style corn that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.862 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned cream style corn the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(4) The average score of all containers for any factor subject to a limiting rule must be within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(5) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.863 *Score sheet for canned cream style corn.*

| | | |
|---|---|---|
| [illegible], size, and kind of container | | --- |
| [illegible] marks or identification | | --- |
| [illegible] | | --- |
| [illegible] (tenderness) | | --- |
| [illegible] (texture) | | --- |
| [illegible] (white or golden) | | --- |

[2] Determined as outlined in the Standard of Quality for Canned Sweet Corn (21 CFR 51.21) promulgated under the Federal Food, Drug, and Cosmetic Act.



| Factors | | Score points | |
|---|---|---|---|
| Color | 10 | (A) | 9-10 |
| | | (B) | 8 |
| | | (C) | 6, 7 |
| | | (SStd) | 0-5 |
| Consistency | 20 | (A) | 18-20 |
| | | (B) | 16, 17 |
| | | (C) | 14, 15 |
| | | (SStd) | 0-13 |
| Absence of defects | 20 | (A) | 18-20 |
| | | (B) | 16, 17 |
| | | (C) | 14, 15 |
| | | (SStd) | 0-13 |
| Tenderness and maturity | 30 | (A) | 27-30 |
| | | (B) | 24-26 |
| | | (C) | 22-23 |
| | | (SStd) | 0-21 |
| Flavor | 20 | (A) | 18-20 |
| | | (B) | 16, 17 |
| | | (C) | 14, 15 |
| | | (SStd) | 0-13 |
| Total score | 100 | | |
| Grade | | | |

[1] Indicates partial limiting rule.
[2] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED WHOLE KERNEL (OR WHOLE GRAIN) CORN[1]

IDENTITY, COLOR, AND GRADES

§ 52.881 *Identity.* "Canned whole kernel (or whole grain) corn" means the canned product properly prepared from the clean, sound, succulent kernels of sweet corn as defined in the definition and standard of identity for canned corn (21 CFR 51.20) issued pursuant to the Federal Food, Drug, and Cosmetic Act. The product is considered "Vacuum Pack" or "Vacuum Packed" when the liquid in the container[2] is not more than 20 percent of the net weight and the container is closed under conditions creating a high vacuum.

§ 52.882 *Color of canned whole kernel (or whole grain) corn.* (a) White.

(b) Golden or Yellow.

§ 52.883 *Grades of canned whole kernel (or whole grain) corn.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned whole kernel (or whole grain) corn that possesses similar varietal characteristics; that is tender; that possesses a good color; that is well cut; that is practically free from defects; that possesses a very good flavor; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: *Provided,* That the canned whole kernel (or whole grain) corn may possess a reasonably good color, a good flavor, and may be reasonably well cut, if the total score is not less than 90 points.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of canned whole kernel (or whole grain) corn that possesses similar varietal characteristics; that is reasonably tender; that possesses a reasonably good color; that is reasonably well cut; that is reasonably free from defects; that possesses a good flavor; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 80 points: *Provided,* That the canned whole kernel (or whole grain) corn may possess a fairly good color, scoring not less than 7 points, and may be fairly well cut, if the total score is not less than 80 points.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of canned whole kernel (or whole grain) corn that possesses similar varietal characteristics; that is fairly tender; that possesses a fairly good color; that is fairly well cut; that is fairly free from defects; that possesses a fairly good flavor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of canned whole kernel (or whole grain) corn that fails to meet the requirements of U. S. Grade C or U. S. Standard and may or may not meet the minimum standards of quality for canned whole kernel (or whole grain) corn issued pursuant to the Federal Food, Drug, and Cosmetic Act.

FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.884 *Recommended fill of container.* The recommended fill of container for canned whole kernel (or whole grain) corn is not incorporated in the grades of the finished product, since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned whole kernel (or whole grain) corn be filled as full as practicable with the product.

§ 52.885 *Recommended minimum drained weight.* The minimum drained weight recommendations of Table No. I of this section are not incorporated in the grades of the finished product, since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of whole kernel (or whole grain) corn is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage and allowing to drain for two minutes. The drained weight is the weight of the sieve and the whole kernel (or whole grain) corn less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 2½ size can (401" x 411") and smaller sizes and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

TABLE NO. I—RECOMMENDED MINIMUM DRAINED WEIGHTS IN OUNCES OF WHOLE KERNEL (OR WHOLE GRAIN) CORN (EXCEPT VACUUM PACK)

| Container size or designation | Grade A, tenderness and maturity minimum drained weight (ounces) | Grades B, C, and Substandard tenderness and maturity minimum drained weight (ounces) |
|---|---|---|
| 8 ounce, tall | 5 25 | 5 50 |
| No 1 (picnic) | 6 75 | 7 00 |
| No 300 | 9 25 | 9 50 |
| No 303 | 10 50 | 10 75 |
| No 2 | 12 75 | 13 25 |
| No 10 | 70 00 | 72 00 |

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] Determined as outlined in the Standard of Quality for Canned Sweet Corn (21 CFR 51.21) promulgated under the Federal Food, Drug, and Cosmetic Act.

FACTORS OF QUALITY

§ 52.886 *Ascertaining the grade.* (a) The grade of canned whole kernel (or whole grain) corn is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, cut, absence of defects, tenderness and maturity, and flavor.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

| Factors: | *Points* |
|---|---|
| Color | 10 |
| Cut | 10 |
| Absence of defects | 20 |
| Tenderness and maturity | 40 |
| Flavor | 20 |
| Total score | 100 |

§ 52.887 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.888 *Color*—(a) *(A) classification.* Canned whole kernel (or whole grain) corn that possesses a good color may be given a score of 9 or 10 points. "Good color" means that the kernels possess a practically uniform color typical of tender sweet corn and that the product is bright and is practically free from "off-variety" kernels.

(b) *(B) classification.* Canned whole kernel (or whole grain) corn that possesses a reasonably good color may be given a score of 8 points. "Reasonably good color" means that the kernels possess a reasonably uniform color typical of reasonably tender sweet corn and that the product may lack brightness but not to the extent that the appearance is materially affected and is reasonably free from "off-variety" kernels.

(c) *(C) classification.* Canned whole kernel (or whole grain) corn that possesses a fairly good color may be given a score of 6 or 7 points. Canned whole kernel (or whole grain) corn that scores 7 points in this classification shall not be graded above U. S. Grade B or U. S. Extra Standard and that scores 6 points in this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule). "Fairly good color" means that the kernels possess a fairly uniform color typical of fairly tender sweet corn and that the product may be dull but not to the extent that the appearance is seriously affected and is fairly free from "off-variety" kernels.

(d) *(SStd) classification.* Canned whole kernel (or whole grain) corn that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 5 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.889 *Cut*—(a) *General.* The factor of cut refers to the degree of smoothness of the cut surface of the kernels, uniformity and depth of cut, and to the degree of freedom from adhering cob tissue.

(b) *(A) classification.* Canned whole kernel (or whole grain) corn which has been well cut may be given a score of 9 or 10 points. "Well cut" means that the appearance of the product is not more than slightly affected by the presence of ragged cut kernels, torn kernels, irregular cut kernels, and kernels with attached cob tissue.

(c) *(B) classification.* Canned whole kernel (or whole grain) corn in which the kernels are reasonably well cut may be given a score of 8 points. "Reasonably well cut" means that the appearance of the product is not materially affected by the presence of ragged cut kernels, torn kernels, irregular cut kernels, and kernels with attached cob tissue.

(d) *(C) classification.* Canned whole kernel (or whole grain) corn in which the kernels are fairly well cut may be given a score of 6 or 7 points. Canned whole kernel (or whole grain) corn that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Fairly well cut" means that the appearance of the product is not seriously affected by the presence of ragged cut kernels, torn kernels, irregular cut kernels, and kernels with attached cob tissue.

(e) *(SStd) classification.* Canned whole kernel (or whole grain) corn that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 5 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.890 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from pieces of cob, husk, silk, or other harmless extraneous vegetable matter, from pulled kernels, ragged kernels, crushed kernels, loose skins, and from damaged or seriously damaged kernels.

(1) "Damaged kernel" means any kernel affected by insect injury, or damaged by discoloration, pathological injury, or by other means to the extent that the appearance or eating quality is materially affected.

(2) "Seriously damaged kernel" means damaged to such an extent that the appearance or eating quality is seriously affected.

(b) *(A) classification.* Canned whole kernel (or whole grain) corn that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that pieces of cob, husk, silk, or other harmless extraneous vegetable matter, pulled kernels, ragged kernels, crushed kernels, loose skins, and damaged or seriously damaged kernels may be present that do not more than slightly affect the appearance or eating quality of the product.

(c) *(B) classification.* If the canned whole kernel (or whole grain) corn is reasonably free from defects a score of 16 or 17 points may be given. Canned whole kernel (or whole grain) corn that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that pieces of cob, husk, silk, or other harmless extraneous vegetable matter, pulled kernels, ragged kernels, crushed kernels, loose skins, and damaged or seriously damaged kernels may be present that do not materially affect the appearance or eating quality of the product.

(d) *(C) classification.* Canned whole kernel (or whole grain) corn that is fairly free from defects may be given a score of 14 or 15 points. Canned whole kernel (or whole grain) corn that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that:

(1) For each 14 ounces of drained weight there may be present:

(i) Not more than 1 cubic centimeter of pieces of cob;[2]

(ii) Not more than 1 square inch (1" x 1") of husk;[2] and

(2) For each 2 ounces of drained weight there may be present:

(i) Not more than 1 brown or black discolored kernel or discolored piece of kernel;[2] and

(3) For each 1 ounce of drained weight there may be present:

(i) Not more than 7 inches of silk: *Provided*, That pieces of cob, silk or other harmless extraneous vegetable matter, pulled kernels, ragged kernels, crushed kernels, loose skins, and damaged or seriously damaged kernels do not seriously affect the appearance or eating quality of the product.

(e) *(SStd) classification.* Canned whole kernel (or whole grain) corn that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and may also be graded "Below Standard in Quality" for the applicable reasons:

(1) Excessive discolored kernels.
(2) Excessive cob.
(3) Excessive husk.
(4) Excessive silk.

§ 52.891 *Tenderness and maturity*—(a) *(A) classification.* Canned whole kernel (or whole grain) corn that is tender may be given a score of 36 to 40 points. "Tender" means that the kernels are in the milk or early cream stage of maturity and have a tender texture.

(b) *(B) classification.* If the canned whole kernel (or whole grain) corn is reasonably tender a score of 32 to 35 points may be given. Canned whole kernel (or whole grain) corn that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably tender" means that the kernels are in the cream stage of maturity and have a reasonably tender texture.

(c) *(C) classification.* Canned whole kernel (or whole grain) corn that is fairly tender may be given a score of 30 or 31 points. Canned whole kernel (or whole grain) corn that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly tender" means that the kernels are in the early dough or dough stage and may be firm but not hard or tough. The weight of the alcohol insoluble solids[2] shall not exceed 27 percent of the drained weight.

(d) *(SStd) classification.* Canned whole kernel (or whole grain) corn that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 29 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule), and may also be graded "Below Standard in Quality."

§ 52.892 *Flavor*—(a) *General.* The factor of flavor refers to the palatability of the product. The natural flavor of the sweet corn and the effects of added sugar (sucrose) and salt are considered in evaluating this factor.

(b) *(A) classification.* Canned whole kernel (or whole grain) corn that possesses a very good flavor may be given a score of 18 to 20 points. "Very good flavor" means that the product including added seasoning ingredients has a very good characteristic flavor and odor typical of tender canned sweet corn.

(c) *(B) classification.* If the canned whole kernel (or whole grain) corn possesses a good flavor a score of 16 or 17 points may be given. "Good flavor" means that the product including added seasoning ingredients has a good characteristic flavor and odor typical of reasonably tender canned sweet corn.

(d) *(C) classification.* Canned whole kernel (or whole grain) corn that possesses a fairly good flavor may be given a score of 14 or 15 points. Canned whole kernel (or whole grain) corn that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(e) *(SStd) classification.* Canned whole kernel (or whole grain) corn that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.893 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned whole kernel (or whole grain) corn the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.894 *Score sheet for canned whole kernel (or whole grain) corn and canned whole kernel (or whole grain) and vacuum pack corn.*

Number, size, and kind of container.....
Container marks or identification.....
Label.....
Net weight (ounces).....
Vacuum (inches).....
Drained weight (ounces).....
Color.....

| Factors | Score points | | |
|---|---|---|---|
| Color | 10 | (A) | 9-10 |
| | | (B) | 8 |
| | | (C) | [1] 6-7 |
| | | (SStd.) | [2] 0-5 |
| Cut | 10 | (A) | 9-10 |
| | | (B) | 8 |
| | | (C) | [1] 6-7 |
| | | (SStd.) | [2] 0-5 |
| Absence of defects | 20 | (A) | 18-20 |
| | | (B) | [1] 16-17 |
| | | (C) | [1] 14-15 |
| | | (SStd.) | [2] 0-13 |
| Tenderness and maturity | 40 | (A) | 36-40 |
| | | (B) | [1] 32-35 |
| | | (C) | [1] 30-31 |
| | | (SStd.) | [2] 0-29 |
| Flavor | 20 | (A) | 18-20 |
| | | (B) | 16-17 |
| | | (C) | [1] 14-15 |
| | | (SStd.) | [2] 0-13 |
| Total score | 100 | | |

Grade.....

[1] Indicates partial limiting rule.
[2] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN WHOLE KERNEL (OR WHOLE GRAIN) CORN[1]

PRODUCT DESCRIPTION, COLOR, AND GRADES

§ 52.911 *Product description.* Frozen whole kernel (or whole grain) corn means the frozen product prepared from fresh, clean, sound, succulent kernels of sweet corn of either the white or golden (or yellow) varieties by removing husk and silk; by sorting, trimming, and washing; and by blanching before or after removal from the cob. The frozen whole kernel (or whole grain) corn is frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.912 *Color of frozen whole kernel (or whole grain) corn.* (a) Golden (or Yellow).

(b) White.

§ 52.913 *Grades of frozen whole kernel (or whole grain) corn.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen whole kernel (or whole grain) corn that possesses similar varietal characteristics; that possesses a good flavor and odor; that is tender; that possesses a good color; that is practically free from defects; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: *Provided*, That the frozen whole kernel (or whole grain) corn may possess a reasonably good color if the total score is not less than 90 points.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen whole kernel (or whole grain) corn that possesses similar varietal characteristics; that possesses a good flavor and odor; that is reasonably tender; that possesses a reasonably good color; that is reasonably free from defects; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 80 points: *Provided*, That frozen whole kernel (or whole grain) corn may possess a fairly good color, scoring not less than 7 points if the total score is not less than 80 points.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of frozen whole kernel (or whole grain) corn that possesses similar varietal characteristics; that possesses a fairly good flavor and odor; that is fairly tender; that possesses a fairly good color; that is fairly free from defects; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of frozen whole kernel (or whole grain) corn that fails to meet the requirements of "U. S. Grade C" or "U. S. Standard."

FACTORS OF QUALITY

§ 52.914 *Ascertaining the grade.* (a) The grade of frozen whole kernel (or whole grain) corn may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and tenderness and maturity.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

| Factors: | *Points* |
|---|---|
| Color | 10 |
| Absence of defects | 40 |
| Tenderness and maturity | 50 |
| Total score | 100 |

(c) The grade of frozen whole kernel (or whole grain) corn is determined immediately after thawing to the extent

[1] Determined as outlined in the Standard of Quality for Canned Sweet Corn (21 CFR 51.21) promulgated under the Federal Food, Drug, and Cosmetic Act.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

that the product is substantially free from ice crystals. The product is cooked to determine flavor and odor.

(d) "Good flavor and odor" means that the product, after cooking, has a good characteristic normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(e) "Fairly good flavor and odor" means that the product, after cooking, may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.915 *Ascertaining the rating of the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "36 to 40 points" means 36, 37, 38, 39, or 40 points).

§ 52.916 *Color*—(a) *(A) classification.* Frozen whole kernel (or whole grain) corn that possesses a good color may be given a score of 9 or 10 points. "Good color" means that the kernels possess a practically uniform color typical of tender sweet corn and that the product is bright and is practically free from "off-variety" kernels.

(b) *(B) classification.* If the frozen whole kernel (or whole grain) corn possesses a reasonably good color a score of 8 points may be given. "Reasonably good color" means that the kernels possess a reasonably uniform color typical of reasonably tender sweet corn and that the product is reasonably bright and reasonably free from "off-variety" kernels.

(c) *(C) classification.* Frozen whole kernel (or whole grain) corn that possesses a fairly good color may be given a score of 6 or 7 points. Frozen whole kernel (or whole grain) corn that scores 6 points in this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule). "Fairly good color" means that the kernels possess a fairly uniform color typical of fairly tender sweet corn and that the product may be dull but not to the extent that the appearance is seriously affected, and is fairly free from "off-variety" kernels.

(d) *(SStd) classification.* Frozen whole kernel (or whole grain) corn that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 5 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.917 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from pieces of cob, husk, silk, or other harmless extraneous vegetable matter, from pulled kernels, ragged kernels, crushed kernels, loose skins, and from damaged or seriously damaged kernels.

(1) "Damaged kernel" means any kernel affected by insect injury or damaged by discoloration, pathological injury, or by other means to the extent that the appearance or eating quality is materially affected.

(2) "Seriously damaged kernel" means damaged to such an extent that the appearance or eating quality is seriously affected.

(b) *(A) classification.* Frozen whole kernel (or whole grain) corn that is practically free from defects may be given a score of 36 to 40 points. "Practically free from defects" means that pieces of cob, husk, silk, or other harmless extraneous vegetable matter, pulled kernels, ragged kernels, crushed kernels, loose skins, and damaged or seriously damaged kernels may be present that do not more than slightly affect the appearance or eating quality of the product.

(c) *(B) classification.* If the frozen whole kernel (or whole grain) corn is reasonably free from defects a score of 32 to 35 points may be given. Frozen whole kernel (or whole grain) corn that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that pieces of cob, husk, silk, or other harmless extraneous vegetable matter, pulled kernels, ragged kernels, crushed kernels, loose skins, and damaged or seriously damaged kernels may be present that do not materially affect the appearance or eating quality of the product.

(d) *(C) classification.* Frozen whole kernel (or whole grain) corn that is fairly free from defects may be given a score of 28 to 31 points. Frozen whole kernel (or whole grain) corn that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that pieces of cob, husk, silk, or other harmless extraneous vegetable matter, pulled kernels, ragged kernels, crushed kernels, loose skins, and damaged or seriously damaged kernels may be present that do not seriously affect the appearance or eating quality of the product.

(e) *(SStd) classification.* Frozen whole kernel (or whole grain) corn that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.918 *Tenderness and maturity*—(a) *(A) classification.* Frozen whole kernel (or whole grain) corn that is tender may be given a score of 45 to 50 points. "Tender" means that the kernels are in the milk or early cream stage of maturity and have a tender texture.

(b) *(B) classification.* If the frozen whole kernel (or whole grain) corn is reasonably tender a score of 40 to 44 points may be given. Frozen whole kernel (or whole grain) corn that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably tender" means that the kernels are in the cream stage of maturity and have a reasonably tender texture.

(c) *(C) classification.* Frozen whole kernel (or whole grain) corn that is fairly tender may be given a score of 36 to 39 points. Frozen whole kernel (or whole grain) corn that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly tender" means that the kernels are in the early dough or dough stage and have a fairly tender texture.

(d) *(SStd) classification.* Frozen whole kernel (or whole grain) corn that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 35 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.919 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen whole kernel (or whole grain) corn, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.920 *Score sheet for frozen whole kernel (or whole grain) corn.*

Number, size, and kind of container .....
Containers marks or identification .....
Label .....
Net weight (ounces) .....

| Factors | Score points |
|---|---|
| Color | 10 (A) ... (B) ... (C) ... (SStd) ... |
| Absence of defects | 40 (A) ... (B) ... (C) ... (SStd) ... |
| Tenderness and maturity | 50 (A) ... (B) ... (C) ... (SStd) ... |
| Total score | 100 |

Grade .....
Flavor and odor .....

[1] Indicates partial limiting rule.
[2] Indicates limiting rule.



SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN CORN-ON-THE-COB [1]

PRODUCT DESCRIPTION, COLOR, AND GRADES

§ 52.931 *Product description.* Frozen corn-on-the-cob is the product which is prepared from sound, properly matured, fresh sweet corn ears (Zea Mays L.) of either the white or golden (or yellow) varieties by removing husk and silk; by sorting, trimming, washing, and blanching; and which sweet corn ears are then frozen and stored at temperatures necessary for the preservation of the product.

§ 52.932 *Colors of frozen corn-on-the-cob.* (a) Golden (or yellow).
(b) White.

§ 52.933 *Grades of frozen corn-on-the-cob.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen corn-on-the-cob that is well developed; that possesses similar varietal characteristics; that possesses a good flavor and odor; that is practically uniform in size; that possesses a good color; that is practically free from defects; that is tender; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) U. S. Grade B of U. S. Extra Standard, is the quality of frozen corn-on-the-cob that is reasonably well developed; that possesses similar varietal characteristics; that possesses a fairly good flavor and odor; that is reasonably uniform in size and symmetry; that possesses a reasonably good color; that is reasonably free from defects; that is reasonably tender; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of frozen corn-on-the-cob that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

FACTORS OF QUALITY

§ 52.934 *Ascertaining the grade.* (a) The grade of frozen corn-on-the-cob may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and tenderness and maturity.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors is:

| Factors: | Points |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Tenderness and maturity | 40 |
| Total score | 100 |

(c) The grade of frozen corn-on-the-cob is determined immediately after the product has been thawed sufficiently so that the product is practically free from ice crystals.

(d) The product is cooked to determine flavor and odor.

(e) "Good flavor and odor" means that the product, after cooking, has a good, characteristic normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(f) "Fairly good flavor and odor" means that the product, after cooking, may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(g) "Practically uniform in size" means that the length of the longest ear in the sample does not exceed the length of the shortest ear by more than 1 inch and that the largest diameter of the largest ear in the sample does not exceed the largest diameter of the smallest ear by more than $1\frac{1}{2}$ inch.

(h) "Reasonably uniform in size" means that the length of the longest ear in the sample does not exceed the length of the shortest ear by more than 1 inch and that the largest diameter of the largest ear in the sample does not exceed the largest diameter of the smallest ear by more than $\frac{3}{4}$ inch.

(i) "Count of kernels per ear" means the approximate number of kernels on each ear in the sample.

(j) "Ear" means an individual ear of corn with husk and silk removed.

(k) "Well developed" means that the ear is well filled with kernels and that on ears of row varieties the appearance is not materially affected by irregular and curved rows of kernels.

(l) "Reasonably well developed" means that the ear is reasonably well filled with kernels and that on ears of row varieties the appearance is not seriously affected by irregular and curved rows of kernels.

(m) "Sample" means not less than two ears of frozen corn-on-the-cob drawn from a single shipping container or retail package.

§ 52.935 *Ascertaining the rating of the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.936 *Color*—(a) *(A) classification.* Frozen corn-on-the-cob that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the frozen corn-on-the-cob possesses a bright, practically uniform typical color of young and tender corn.

(b) *(B) classification.* Frozen corn-on-the-cob that possesses a reasonably good color may be given a score of 14 to 16 points. Frozen corn-on-the-cob that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen corn-on-the-cob possesses a reasonably bright, reasonably uniform typical color of reasonably young and reasonably tender corn.

(c) *(SStd) classification.* Frozen corn-on-the-cob that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.937 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from loose material, attached material, poorly trimmed ears, and from damaged kernels and seriously damaged kernels.

(1) "Loose material" means pieces of cob, kernels and portions of kernels, husk and portions of husk, and silk not attached to an ear.

(2) "Attached material" means silk and husk or portions of silk and husk attached to an ear.

(3) "Poorly trimmed ear" means that the end or ends of an ear are rough or ragged in appearance and that any attached stalk which may be present exceeds $\frac{1}{4}$ inch in length.

(4) "Damaged kernel" means any kernel damaged by mechanical injury and any kernel damaged by pathological injury, insect injury, discoloration, or damaged by other means to such an extent that the appearance or eating quality is materially affected. Mechanical injury means that the kernel is materially damaged by cutting or crushing. Kernels on the ends of the ear which are damaged by cutting shall not be considered as damaged by mechanical injury.

(5) "Seriously damaged kernel" mean damaged to such an extent that the appearance or eating quality is seriously affected. Kernels damaged by mechanical injury shall not be considered seriously damaged.

(b) *(A) classification.* Frozen corn-on-the-cob that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that loose material, attached material, or poorly trimmed ears that do not affect the appearance or eating quality of the product may be present in the sample; that not more than 5 percent, by count, of kernels in the sample are damaged or seriously damaged, but not more than $\frac{1}{2}$ of one percent, by count, of all the kernels are seriously damaged.

(c) *(B) classification.* If the frozen corn-on-the-cob is reasonably free from defects a score of 28 to 33 points may be given. Frozen corn-on-the-cob that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that loose material, attached material, or poorly trimmed ears that do not materially affect the appearance or eating quality of the product may be present in the sample; that not more than 10 percent, by count, of kernels in the sample are damaged or seriously damaged, but not more than 1 percent, by count, of all the kernels are seriously damaged.

(d) *(SStd) classification.* Frozen corn-on-the-cob that fails to meet the requirements of paragraph (c) of this

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.938 *Tenderness and maturity*—(a) *General.* The tenderness and maturity of the kernels is referred to under this factor. The tenderness and maturity of the kernels is determined by examining at least 3 complete adjacent rows of kernels or an equivalent number if kernels are not in rows, after removal from each ear in the sample. The kernels are removed from the ear by cutting just above the tip cap.

(b) *(A) classification.* Frozen corn-on-the-cob that is tender may be given a score of 34 to 40 points. "Tender" means that the kernels in the sample are in the milk or early cream stage of maturity and have a tender texture.

(c) *(B) classification.* If the frozen corn-on-the-cob is reasonably tender a score of 28 to 33 points may be given. Frozen corn-on-the-cob that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably tender" means that the kernels in the sample are in the cream stage of maturity and have a reasonably tender texture.

(d) *(SStd) classification.* Frozen corn-on-the-cob the kernels of which are in the early dough or dough stage of maturity or that fails in any other respect to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.939 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen corn-on-the-cob the grade of such lot will be determined by averaging the total scores of all samples if:

(1) Not more than one-sixth of the samples drawn from the lot fail to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such samples which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all samples for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(2) None of the samples drawn from the lot fall more than 4 points below the minimum score for the grade indicated by the average of the total scores;

(3) In addition to the above tolerances not more than one-sixth of the samples fail to meet the requirements with respect to uniformity of size and symmetry for the respective grade; and

(4) All samples drawn from the lot meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.940 *Score sheet for frozen corn-on-the-cob.*

| | | |
|---|---|---|
| Size and kind of container | | |
| Container marks or identification | | |
| Label | | |
| Net weight (ounces) | | |
| Number of ears (count) | | |
| Length of ears (inches) | | |
| Kernels per ear (count) | | |
| White or golden (yellow) | | |
| Development of ear | | |
| Similar varietal characteristics | | |
| **Factors** | **Score points** | |
| Color | 20 | [(A) 17-20; (B) [1]14-16; (C) [1]10-13] |
| Absence of defects | 40 | [(A) 34-40; (B) [1]28-33; (C) [1]10-27] |
| Tenderness and maturity | 40 | [(A) 34-40; (B) [1]28-33; (C) [1]10-27] |
| Total score | 100 | |
| Uniformity of size | | |
| Flavor and odor | | |
| Grade | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED CRANBERRY SAUCE[1]

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.951 *Product description.* Canned cranberry sauce is the jellied or semi-jellied product prepared from clean, sound, matured or fairly well-matured cranberries; a sweetening ingredient or sweetening ingredients, and water. Pectin may be added but only in a quantity which reasonably compensates for deficiency, if any, of the natural pectin content of the cranberries. The mixture is concentrated and sufficiently processed by heat to assure preservation of the product in hermetically sealed containers. The soluble solids of the finished product is not less than 35 percent and not more than 45 percent.

§ 52.952 *Styles of canned cranberry sauce*—(a) *Style I.* Jellied or strained (typical of a jellied product prepared from strained cranberries).

(b) *Style II.* Whole (typical of a semi-jellied product prepared from whole or partially whole cranberries).

§ 52.953 *Grades of canned cranberry sauce.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned cranberry sauce that possesses a good color; that possesses a good consistency and good texture; that is practically free from defects; that possesses a good flavor and odor; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned cranberry sauce that possesses a fairly good color; that possesses a fairly good consistency and a fairly good texture; that is fairly free from defects; that possesses a fairly good flavor and odor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of canned cranberry sauce that fails to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER

§ 52.954 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled as full as practicable with cranberry sauce and that the product occupy not less than 90 percent of the volume of the container.

FACTORS OF QUALITY

§ 52.955 *Ascertaining the grade.* The grade of canned cranberry sauce may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, consistency and texture, absence of defects, and flavor and odor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 20 |
| Consistency and texture | 40 |
| Absence of defects | 20 |
| Flavor and odor | 20 |
| Total score | 100 |

§ 52.956 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.957 *Color*—(a) *(A) classification.* Canned cranberry sauce that possesses a good color may be given a score of 17 to 20 points. "Good color" means the bright, dark red color typical of canned cranberries which color is free from any dullness.

(b) *(C) classification.* If the canned cranberry sauce possesses a fairly good color, a score of 14 to 16 points may be given. Canned cranberry sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means the red color typical of canned cranberries, which color may be slightly dull or may indicate slight evidence of oxidation but is not off color.

(c) *(SStd) classification.* Canned cranberry sauce that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.958 *Consistency and texture*—(a) *(A) classification.* Canned cranberry sauce that possesses a good consistency and good texture may be given a score of 34 to 40 points. "Good consistency and good texture" has the following meanings with respect to the following styles of canned cranberry sauce:

(1) *Jellied or strained.* The gel is tender to slightly firm and there may be evidence of a reasonable separation of free liquid.

(2) *Whole.* The skin particles and the semi-jellied portions are reasonably tender and the fruit, seed, and skin particles are dispersed reasonably uniform throughout the product.

(b) *(C) classification.* If the canned cranberry sauce possesses a fairly good consistency and a fairly good texture, a score of 26 to 33 points may be given. Canned cranberry sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good consistency and fairly good texture" has the following meanings with respect to the following styles of canned cranberry sauce:

(1) *Jellied or strained.* The gel may lack firmness or may be stiff but is not tough or rubbery and there may be evidence of separation of free liquid which is not excessive.

(2) *Whole.* The skin particles and the semi-jellied portions are fairly tender and the fruit, seed, and skin particles are dispersed fairly uniform throughout the product and there may be evidence of separation of free liquid which is not excessive.

(c) *(SStd) classification.* Canned cranberry sauce that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.959 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from foreign material and objectionable material and from harmless extraneous particles in Style I, Jellied or strained; and from defective cranberries and foreign berries and particles thereof, fine stems, foreign material and objectionable material, and other defects in Style II, Whole.

(b) *(A) classification.* Canned cranberry sauce that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" has the following meanings with respect to the following styles of cranberry sauce:

(1) *Jellied or strained.* The product is free from foreign material and objectionable material, is free from any harmless extraneous particles that exceed the area of a circle $\frac{3}{16}$ inch in diameter; and is practically free from harmless extraneous particles that are the equivalent in area of a circle $\frac{3}{16}$ inch or less in diameter.

(2) *Whole.* There may be present for each 12 ounces of net weight not more than 3 defective cranberries or foreign berries and not more than 4 fine stems $\frac{3}{4}$ inch or more in length; the product is free from foreign material and objectionable material and is practically free from other defects which affect materially the appearance or edibility of the product.

(c) *(C) classification.* If the canned cranberry sauce is fairly free from defects, a score of 14 to 16 points may be given. Canned cranberry sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the following styles of cranberry sauce:

(1) *Jellied or strained.* The product is free from foreign material and objectionable material; is practically free from harmless extraneous particles that exceed the area of a circle $\frac{3}{16}$ inch in diameter; and is fairly free from harmless extraneous particles that are the equivalent in area of a circle $\frac{3}{16}$ inch or less in diameter.

(2) *Whole.* There may be present for each 12 ounces of net weight not more than 6 fine stems $\frac{3}{4}$ inch or more in length; the product is free from foreign material and objectionable material and is fairly free from other defects which affect materially the appearance or edibility of the product.

(d) *(SStd) classification.* Canned cranberry sauce that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.960 *Flavor and odor*—(a) *(A) classification.* Canned cranberry sauce that possesses a good flavor and odor may be given a score of 17 to 20 points. "Good flavor and odor" means that the product possesses a good, characteristic, slightly tart flavor typical of cooked cranberries and that the product is free from any trace of a caramelized flavor, abnormal flavor, or abnormal odor.

(b) *(C) classification.* If the canned cranberry sauce possesses a fairly good flavor and odor, a score of 14 to 16 points may be given. Canned cranberry sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor and odor" means that the product possesses a normal flavor typical of cooked cranberries and that the product is free from objectionable flavors and objectionable odors of any kind.

(c) *(SStd) classification.* Canned cranberry sauce that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATION

§ 52.961 *Explanation of terms.* (a) "Soluble solids" content is determined refractometrically without correction for water-insoluble solids.

LOT CERTIFICATION TOLERANCES

§ 52.962 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned cranberry sauce, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.963 *Score sheet for canned cranberry sauce.*

| | | |
|---|---|---|
| Size and kind of container | | |
| Container mark or identification | | |
| Label | | |
| Net weight (ounces) | | |
| Vacuum (inches) | | |
| Style | | |
| Soluble solids (per cent by refractometer) | | |
| **Factors** | **Score points** | |
| Color | 20 | [(A) 17-20; (C) [1]14-16; (D) 10-13] |
| Consistency and texture | 40 | [(A) 34-40; (C) [1]28-33; (D) 10-27] |
| Absence of defects | 20 | [(A) 17-20; (C) [1]14-16; (D) 10-13] |
| Flavor and odor | 20 | [(A) 17-20; (C) [1]14-16; (D) 10-13] |
| Total score | 100 | |
| Grade | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF DRIED CURRANTS[1]

PRODUCT DESCRIPTION, TYPES, AND GRADES

§ 52.981 *Product description.* Dried currants are dried grapes of such Vinifera varieties as Black Corinth that have been properly processed by stemming, capstemming, and cleaning.

§ 52.982 *Types (varieties) of dried currants*—(a) *Type I.* Zante type (domestic).

(b) *Type II.* Other than Zante type (domestic), such as Amalias, Patras, Vostizza, and Zante varieties.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 52.983 *Grades of dried currants.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of dried currants that possess similar varietal characteristics; that possess a good typical color; that possess a good characteristic flavor; that show development characteristic of dried currants prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements (see Table I of this section):

(1) Not more than 2 pieces of stem per 16 ounces of dried currants may be present;

(2) Not more than 1½ percent, by weight, of dried currants may possess capstems;

(3) Not more than 1 percent, by weight, of dried currants may be poorly developed blowovers;

(4) Not more than 2 percent, by weight, of dried currants may be damaged;

(5) Not more than 5 percent, by weight, of dried currants may be visibly sugared; and

(6) Not more than 1 percent, by weight, of dried currants may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(i) Not more than ½ of 1 percent, by weight, of dried currants may be affected by decay.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of dried currants that possess similar varietal characteristics; that possess a reasonably good typical color; that possess a good characteristic flavor; that show development characteristic of dried currants prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements (see Table I of this paragraph):

TABLE I—MAXIMUMS ALLOWABLE FOR DEFECTS IN DRIED CURRANTS

| Defects | U. S. Grade A or U. S. Fancy | U. S. Grade B or U. S. Choice | Substandard |
|---|---|---|---|
| | Maximum count (per 16 ounces) | | |
| Pieces of stem | 2 | 3 | ---------- |
| | Maximum (by weight) (percent) | | |
| Currants with capstems | 1½ | 2 | No limit. |
| Poorly developed, blowovers. | 1 | 2 | ---do---- |
| Damaged | 2 | 3 | ---do---- |
| Visibly sugared | 5 | 10 | ---do---- |
| Mold, decay, fermentation, insect infestation, imbedded dirt, or other foreign material. | 1 | 2 | |
| | But not more than | | |
| Decay | ½ | 1 | |

(1) Not more than 3 pieces of stem per 16 ounces of dried currants may be present;

(2) Not more than 2 percent, by weight, of dried currants may possess capstems;

(3) Not more than 2 percent, by weight, of dried currants may be poorly developed, blowovers;

(4) Not more than 3 percent, by weight, of dried currants may be damaged;

(5) Not more than 10 percent, by weight, of dried currants may be visibly sugared; and

(6) Not more than 2 percent, by weight, of dried currants may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(i) Not more than 1 percent, by weight, of dried currants may be affected by decay.

(c) "Substandard" is the quality of dried currants that fail to meet the requirements of U. S. Grade B or U. S. Choice.

DEFINITIONS AND EXPLANATIONS

§ 52.984 *Explanation of terms.* (a) A "piece of stem" means a portion of the branch or main stem.

(b) "Capstems" means small woody stems exceeding ⅛ inch in length which attach the grapes to the branches of the bunch. A currant for each capstem which is not attached to a currant is included and weighed with "currants with capstems" in ascertaining compliance with the allowance permitted.

(c) "Poorly developed, blowovers" refers to currants that are immature or hard, contain practically no flesh, are very light in weight, and have very coarse wrinkles.

(d) "Damaged" currants means currants affected by insect injury or injury from sunburn, scars, mechanical or other means which seriously affects the appearance, edibility, keeping quality, or shipping quality of the currants.

(e) "Visibly sugared" means the accumulation of crystallized fruit sugars in the flesh of the currant or on the surface which is readily apparent.

(f) "Mold" means mold filaments or spores (often characterized by a condition wherein the skin of the currant appears to have been dissolved, leaving a slimy or sticky appearance, and often resulting in a positive reaction when submerged in a 3-percent hydrogen peroxide solution).

(g) "Affected by insect infestation" means that the currants show the presence of insects, insect fragments, or excreta. No live insects are permitted.

WORK SHEET

§ 52.985 *Work sheet for dried currants.*

| | |
|---|---|
| Size of case or package | ------ |
| Markings | ------ |
| Label or brand | ------ |
| Net weight | ------ |
| Type | ------ |
| Moisture content | ------ |

| | A | B | Sub-standard |
|---|---|---|---|
| Similar varietal characteristics | | | |
| Color | | | |
| Flavor | | | |
| Development | | | |
| Defects | Maximum (per 16 ounces) | | |
| Pieces of stem | 2 | 3 | |
| | (Maximum by weight) (percent) | | |
| Currants with capstems | 1½ | 2 | No limit. |
| Poorly developed, blowovers | 1 | 2 | Do. |
| Damaged | 2 | 3 | Do. |
| Visibly sugared | 5 | 10 | Do. |
| Mold, decay, fermentation, insect infestation, imbedded dirt, foreign material | 1 | 2 | |
| | Put not more than | | |
| Decay | ½ | 1 | |
| Grade | | | |

SUBPART—UNITED STATES STANDARDS FOR GRADES OF DATES[1]

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1001 *Product description.* Dates are the properly cured fresh fruit of the date tree (Phoenix dactylifera).

§ 52.1002 *Styles of dates.* (a) "Whole unpitted dates" or "whole dates" means whole dates from which the pits have not been removed and which may or may not be slit longitudinally.

(b) "Whole pitted dates" or "pitted dates" means whole dates from which the pits have been removed.

(c) "Cut dates" means pitted dates cut into pieces not less than ½ inch in any dimension.

(d) "Macerated dates" means dates that are ground, chopped, mashed, or broken, or that are cut or sliced into small pieces less than ½ inch in any dimension.

§ 52.1003 *Grades for dates.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of whole dates or whole pitted dates of one variety that are practically uniform in color; are practically uniform in size; contain not less than 80 percent, by weight, that possess a good character and the remainder possesses a reasonably good character; may contain not more than a total of 1 percent, by weight, that possess semi-dry calyx ends, dry calyx ends, or are improperly ripened; do not exceed the allowances and limitations for defects specified in Chart No. I of § 52.1008 (b); and, with respect to whole pitted dates, there may be present not more than 1 whole pit or 2 pit fragments for each 25 ounces of whole pitted dates.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of whole dates or whole pitted dates of one variety that are reasonably uniform in color; are reasonably uniform in size; contain not less than 85 percent, by weight, that possess at least a reasonably good character and the remainder possesses not less than a fairly good character; may contain not more than a total of 5 percent, by weight, that possess semi-dry calyx ends or dry calyx ends or are improperly ripened, but, of such dates, not more than an aggregate of 1 percent, by weight, of all the dates may possess dry calyx ends or may be improperly ripened; do not exceed the allowances and limitations for defects specified in Chart No. II of § 52.1008 (b); and, with respect to whole pitted dates, there may be present not more than 1 whole pit or 2 pit fragments for each 25 ounces of whole pitted dates.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of whole dates or whole pitted dates of one variety that are fairly uniform in color; are fairly uniform in size; contain not less than 90 percent, by weight, that possess at least a fairly good character and the remainder may fail to possess fairly good character or may possess dry calyx ends or may be improperly ripened; do not exceed the allowances and limitations for defects specified in Chart No. III of § 52.1008 (c); and, with respect to whole pitted dates, there may be present not more than 1 whole pit or 2 pit fragments for each 25 ounces of whole pitted dates.

(d) "U. S. Grade D" or "Substandard" is the quality of whole dates or whole pitted dates that fail to meet the requirements of "U. S. Grade C" or "U. S. Standard."

(e) "U. S. Grade D (Cut Dates)" or "Substandard (Cut Dates)" and "U. S. Grade D (Macerated Dates)" or "Substandard (Macerated Dates)" are the grade designations for cut dates and macerated dates whether or not produced from U. S. Grade D or Substandard dates or dates of better quality.

DEFINITIONS AND EXPLANATIONS

§ 52.1004 *Definitions of varying degrees of uniformity of color.* (a) "Practically uniform in color" means, with respect to dates that are predominantly light amber in color, that there may be not more than 5 percent by count of dates that are dark amber in color; and, with respect to dates that are predominantly dark amber in color, that there may be not more than 5 percent by count of dates that are light amber in color.

(b) "Reasonably uniform in color" means, with respect to dates that are predominantly light amber in color, that there may be not more than 10 percent by count of dates that are dark amber in color; and, with respect to dates that are predominantly dark amber in color, that there may be not more than 10 percent by count of dates that are light amber in color.

(c) "Fairly uniform in color" means, with respect to dates that are predominantly light amber in color, that there may be not more than 20 percent by count of dates that are dark amber in color; and, with respect to dates that are predominantly dark amber in color, that there may be not more than 20 percent by count of dates that are light amber in color.

§ 52.1005 *Definitions of varying degrees of uniformity of size.* (a) "Practically uniform in size" means that not more than a total of 10 percent by weight of whole unpitted dates or whole pitted dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(b) "Reasonably uniform in size" means that not more than a total of 15 percent by weight of whole unpitted dates or whole pitted dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

(c) "Fairly uniform in size" means that not more than a total of 20 percent by weight of whole unpitted dates or whole pitted dates may be conspicuously larger or smaller than the approximate average size of the dates in the container.

§ 52.1006 *Definitions of varying degrees of character.* (a) "Good character" is the character of a date which is well developed, well fleshed, soft, and translucent.

(b) "Reasonably good character" is the character of a date which is reasonably well developed, reasonably well fleshed, pliable, and semi-translucent; or is the character of a date which has reached a stage of maturity that may be expected to develop into a reasonably well-ripened date.

(c) "Fairly good character" is the character of a date which is fairly well developed, fairly well fleshed, and may be firm but is pliable; or is the character of a date which has reached a stage of maturity that may be expected to develop into a fairly well-ripened date. Dates of this character may possess semi-dry calyx ends.

(d) "Semi-dry calyx end" means that the flesh at the stem end of a date, constituting not less than one-eighth and not more than one-fourth of the date, is slightly lacking in character, is noticeably firm and materially more dry than the balance of the date.

(e) "Dry calyx end" means that the flesh at the stem end of the date, constituting more than one-fourth of the date, is materially lacking in character, hard, and materially more dry than the balance of the date.

(f) "Improperly ripened" means evidence of "green shrivel" of the date or that the date possesses a puffy flesh or a decidedly rubbery texture resulting from failure of the tissue of the date to reach a desirable soft, pliable condition.

§ 52.1007 *Definition of defects.* (a) "Damaged by discoloration" is the presence of a dark area in the flesh of the date, which dark area is visible through the skin and is more than one-fourth (¼) inch in width and extends more than the equivalent of half the length of the date, such darkening being of natural origin and not caused by mold or other organism.

(b) "Damaged by broken skin" is any rupture of the skin in a manner to expose the flesh of the date, the shortest dimension of such exposed area being not less than three-sixteenths (3/16) inch.

(c) "Damaged by checking" is the presence of fine lines, resulting from water injury, affecting the surface of the skin over an area not less than one-fourth of the total surface of the date.

(d) "Seriously damaged by checking" is the presence of heavy lines, resulting from water injury, seriously affecting the surface of the skin over an area not less than one-fourth of the total surface of the date.

(e) "Damaged by deformity" is any abnormal shape sufficient to produce an appearance discernibly at variance with the normal shape that is typical of the variety.

(f) "Damaged by puffiness" is the condition of a date of which the skin is soft and pliable and from which the skin is separated from the flesh in a balloon-like fashion, over an area not less than one-half of the total surface of the date. Soft skins which have returned and adhere to the flesh of the date are not considered "damaged by puffiness."

(g) "Seriously damaged by puffiness" is the condition of a date of which the skin is dry, hard, and brittle and from which the skin is separated from the flesh over an area not less than one-half of the total surface of the date.

(h) "Damaged by scars" are any blemishes that affect the exterior of the date and which are not less than three-sixteenths (3/16) inch in the shortest dimension.

(i) "Damaged by sunburn" is an area, usually light in color, scarred by the heat of the sun, such area being not less than three-sixteenths (3/16) inch in the shortest dimension.

(j) "Damaged by insect injury" is any blemish, resulting from the activity of insects or mites, distributed over an area of not less than one-eighth of the total surface of the date.

(k) "Damaged by improper hydrating" means that the date has been injured by excessive heat or that the hydrating process is incomplete.

(l) "Damaged by mashing" means any physical injury to the flesh and skin of the date leaving the date partially mangled but otherwise whole.

(m) "Damaged by mechanical injury" means excessive trimming or similar injury that damages the appearance or that damages or affects the eating quality of the whole date or the whole unpitted date.

(n) "Damaged by lack of pollination" means, with respect to whole unpitted dates, that pollination of the date was not accomplished, such condition being manifested by the absence of a pit in the whole unpitted dates or by thin, immature appearance of the date.

(o) "Damaged by blacknose" is severe checking in which the flesh becomes dark, crusty, and dry and which severe checking affects an area greater than one-eighth of the total surface of the date.

(p) "Damaged by side spot" means a very dark area, which generally is circular in appearance, extending into the flesh of the date and, when decayed tissue or mold is not present, affecting in the aggregate an area not less than the area of a circle three-sixteenths (3/16) inch in diameter.

(q) "Damaged by black scald" means the collapse, death, and blacken-

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

ing of the flesh along the side of the date, usually accompanied by a bitter taste in the affected area.

(r) "Damaged by other defects" means any injury or defect or group of defects not defined in this section (such as, but not limited to, heavy sugaring, and excessive scars not described in the definition "damaged by scars,") which materially affect the appearance, edibility, or keeping quality of the dates.

(s) "Affected by souring" is evidenced by the breakdown of the sugars into alcohol and acetic acid by yeasts and bacteria.

(t) "Affected by mold" is the presence of visible mold.

(u) "Affected by dirt" is the presence of any quantity of such substance.

(v) "Affected by insect infestation" is the presence of dead insects, insect parts, or excreta. (No live insects are permitted.)

(w) "Affected by foreign material" is the presence of any quantity of such substances.

(x) "Affected by decay" is a state of decomposition.

FACTORS OF QUALITY

§ 52.1008 *Specifications of allowances and limitations for defects with respect to whole dates and whole pitted dates*—(a) *U. S. Grade A or U. S. Fancy.* The following total allowance and limitations are to be used in ascertaining whether whole dates or whole pitted dates are U. S. Grade A or U. S. Fancy:

CHART NO. I

TOTAL ALLOWANCE

Not more than a total of 10 percent[1] for the following defects:

| Damaged by: | Damaged by: |
|---|---|
| Discoloration. | Side spot. |
| Broken skin. | Black scald. |
| Checking. | Other defects. |
| Deformity. | Seriously damaged by puffiness. |
| Puffiness. | Seriously damaged by checking. |
| Scars. | Affected by: |
| Sunburn. | Souring. |
| Insect injury. | Mold. |
| Improper hydrating. | Dirt. |
| Mashing. | Insect infestation. |
| Mechanical injury. | Foreign material. |
| Lack of pollination | Decay. |
| Blacknose. | |

LIMITATIONS

Not more than ⅜ of the total allowance, or 6 percent,[1] may be the following:

| Damaged by: | Affected by: |
|---|---|
| Side spot. | Mold. |
| Black scald. | Dirt. |
| Other defects. | Insect infestation. |
| Affected by: | Foreign material. |
| Souring. | Decay. |

Not more than ⅜ of the total allowance, or 4 percent,[1] may be the following:

| Affected by: | Affected by: |
|---|---|
| Souring. | Insect infestation. |
| Mold. | Foreign material. |
| Dirt. | Decay. |

Not more than 1/10 of the total allowance, or 1 percent,[1] may be the defect shown below:

Affected by decay

(b) *U. S. Grade B or U. S. Choice.* The following allowances and limitations are to be used in ascertaining whether whole dates or whole pitted dates are U. S. Grade B or U. S. Choice:

CHART NO. II

ALLOWANCES

Not more than 15 percent[1] may be the following defect:

Seriously damaged by checking

Not more than 20 percent[1] may be the following defect:

Damaged by broken skin

ADDITIONAL ALLOWANCE

Not more than a total of 15 percent[1] for the following defects:

| Damaged by: | Damaged by: |
|---|---|
| Deformity. | Side spot. |
| Puffiness. | Black scald. |
| Scars. | Other defects. |
| Sunburn. | Seriously damaged by puffiness. |
| Insect injury. | Affected by: |
| Improper hydrating. | Souring. |
| Mashing. | Mold. |
| Mechanical injury. | Dirt. |
| Lack of pollination. | Insect infestation. |
| Blacknose. | Foreign material. |
| | Decay. |

LIMITATIONS

Not more than ⅔ of the additional allowance, or 10 percent,[1] may be the following:

| Damaged by: | Affected by: |
|---|---|
| Lack of pollination. | Souring. |
| Blacknose. | Mold. |
| Side spot. | Dirt. |
| Black scald. | Insect infestation. |
| Other defects. | Foreign material. |
| | Decay. |

Not more than ½ of the additional allowance, or 5 percent,[1] may be the following:

Affected by:
Souring.
Mold.
Dirt.
Insect infestation.
Foreign material.
Decay.

Not more than 1/15 of the additional allowance, or 1 percent,[1] may be the defect shown below:

Affected by decay

(c) *U. S. Grade C or U. S. Standard.* The following total allowance and limitations are to be used in ascertaining whether whole dates or whole pitted dates are U. S. Grade C or U. S. Standard:

CHART NO. III

TOTAL ALLOWANCE

Not more than a total of 20 percent[1] for the following defects:

| Damaged by: | Seriously damaged by puffiness. |
|---|---|
| Deformity. | |
| Scars. | |
| Sunburn. | |
| Insect injury. | |
| Improper hydrating. | |
| Mashing. | |
| Mechanical injury. | Affected by: |
| Lack of pollination. | Souring. |
| Blacknose. | Mold. |
| Side spot. | Dirt. |
| Black scald. | Insect infestation. |
| Other defects. | Foreign material. |
| | Decay. |

LIMITATIONS

Not more than ½ of the total allowance, or 10 percent,[1] may be the following:

| Damaged by: | Affected by: |
|---|---|
| Lack of pollination. | Souring. |
| Blacknose. | Mold. |
| Side spot. | Dirt. |
| Black scald. | Insect infestation. |
| Other defects. | Decay. |

Not more than ⅓ of the total allowance, or 5 percent,[1] may be the following:

Affected by:
Souring.
Mold.
Dirt.
Insect infestation.
Foreign material.
Decay.

Not more than 1/10 of the total allowance, or 2 percent,[1] may be the defect shown below:

Affected by decay

WORK SHEET

§ 52.1009 *Work sheet for dates.*

| | |
|---|---|
| Size and kind of container | ..... |
| Container mark or identification | ..... |
| Label or brand | ..... |
| Net weight | ..... |
| Style | ..... |
| Count (per lb.) | ..... |
| Moisture content (if determined) | ..... |
| Uniformity of color (percent by count) | |
| Practically uniform ---% light ---% dark amber | ..... |
| Reasonably uniform ---% light ---% dark amber | ..... |
| Fairly uniform ---% light ---% dark amber | ..... |
| Uniformity of size (percent by weight) | |
| Practically uniform: ---% larger; ---% smaller | ..... |
| Reasonably uniform: ---% larger; ---% smaller | ..... |
| Fairly uniform ---% larger; ---% smaller | ..... |
| Whole pits or pit fragments | ..... |
| Character: | |
| (A) Good: ---% Reasonably good | ..... |
| (B) Reasonably good: ---% Fairly good | ..... |
| (C) Fairly good: ---% fail to meet "fairly good" | ..... |
| ------ Semi-dry calyx ends | ---% |
| ------ Dry calyx ends or improperly ripened | ---% |
| Defects: (percent by weight) | |
| Affected by decay | ---% |
| Affected by souring, mold, dirt, insect infestation, foreign material | ---% |
| Damaged by lack of pollination, blacknose, side spot, black scald, other defects | ---% |
| Sub-total above defects | ---% |
| Damaged by puffiness [1] | ---% |
| Seriously damaged by puffiness | ---% |
| Damaged by checking [2] | ---% |
| Seriously damaged by checking [3] | ---% |
| Damaged by broken skin [4] | ---% |
| Damaged by discoloration [5] | ---% |
| Damaged by deformity, scars, sunburn, insect injury, improper hydrating, mashing, mechanical injury | ---% |
| Grand total all defects | ---% |
| U. S. Grade (including all factors) | ..... |

[1] No limit in U. S. Grade C or U. S. Standard for "damaged by puffiness."

[2] No limit in U. S. Grade B or U. S. Choice and in U. S. Grade C or U. S. Standard for "damaged by checking."

[3] No limit in U. S. Grade C or U. S. Standard for "seriously damaged by checking."

[4] No limit in U. S. Grade C or U. S. Standard for "damaged by broken skin."

[5] No limit in U. S. Grade B or U. S. Choice and in U. S. Grade C or U. S. Standard for "damaged by discoloration."

SUBPART—UNITED STATES STANDARDS FOR GRADES OF DRIED FIGS [1]

PRODUCT DESCRIPTION, TYPES, STYLES, SIZES, AND GRADES

§ 52.1021 *Product description.* Dried figs are the fruit of the fig tree (Ficus carica) from which the greater portion of moisture has been removed. Before packing the dried figs have been thoroughly cleaned. The figs may or may not be sulphured or otherwise bleached.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[1] Percentages are by weight.



§ 52.1022 *Types (colors) of dried figs.* (a) "White" or "white figs" are white to dark brown in color and include such varieties as Calimyrna, Adriatic, and Kadota.

(b) "Black" or "black figs" are black or dark purple in color as in the Mission varieties.

§ 52.1023 *Styles and types of packs of dried figs.* (a) "Whole" or "whole figs" means dried figs in the following types of packs:

(1) Style I (a), "Whole, loose, figs" are whole dried figs, not materially changed from their original dried form, that are packed without special arrangement in a container.

(2) Style I (b), "Whole, pulled, figs" are whole dried figs which are changed from their original dried form by purposely flattening and shaping and are placed in a definite arrangement in a container. The dried figs may or may not be split slightly across the eye but are not split to the extent that the seed cavity is materially exposed.

(3) Style I (c), "Whole, layered, figs" are whole dried figs which are changed from their original dried form by purposely flattening and shaping and are placed in a staggered-layer arrangement in a container. The figs are split across the base to the extent that the seed cavity may be materially exposed.

(b) Style II, "Sliced" or "sliced figs" means dried whole figs that are cut into slices not less than ¼ inch in thickness; such slices are not recut showing more than two cut surfaces.

§ 52.1024 *Sizes of Style I (a), whole, loose, dried figs.* (a) The sizes of Style I (a), whole, loose, dried figs for the following varieties are:

BLACK MISSION

No. 1 size (Jumbo size)—1$^{7}/_{16}$ inches or larger in width.
No. 2 size (Extra Fancy size)—1$^{3}/_{16}$ inches to, but not including, 1$^{7}/_{16}$ inches in width.
No. 3 size (Fancy size)—1$^{1}/_{16}$ inches to, but not including, 1$^{3}/_{16}$ inches in width.
No. 4 size (Extra Choice size)—$^{15}/_{16}$ inch to, but not including, 1$^{1}/_{16}$ inches in width.
No. 5 size (Choice size)—$^{13}/_{16}$ inch to, but not including, $^{15}/_{16}$ inch in width.
No. 6 size (Standard size)—less than $^{13}/_{16}$ inch in width.

ADRIATIC OR KADOTA

No. 1 size (Jumbo size)—1$^{8}/_{16}$ inches or larger in width.
No. 2 size (Extra Fancy size)—1$^{5}/_{16}$ inches to, but not including, 1$^{8}/_{16}$ inches in width.
No. 3 size (Fancy size)—1$^{3}/_{16}$ inches to, but not including, 1$^{5}/_{16}$ inches in width.
No. 4 size (Extra Choice size)—1$^{1}/_{16}$ inches to, but not including, 1$^{3}/_{16}$ inches in width.
No. 5 size (Choice size)—$^{15}/_{16}$ inch to, but not including, 1$^{1}/_{16}$ inches in width.
No. 6 size (Standard size)—Less than $^{15}/_{16}$ inch in width.

CALIMYRNA

No. 1 size (Jumbo size)—1$^{9}/_{16}$ inches or larger in width.
No. 2 size (Extra Fancy size)—1$^{6}/_{16}$ inches to, but not including, 1$^{9}/_{16}$ inches in width.
No. 3 size (Fancy size)—1$^{3}/_{16}$ inches to, but not including, 1$^{6}/_{16}$ inches in width.
No. 4 size (Extra Choice size)—1$^{1}/_{16}$ inches to, but not including, 1$^{3}/_{16}$ inches in width.
No. 5 size (Choice size)—$^{15}/_{16}$ inch to, but not including, 1$^{1}/_{16}$ inches in width.
No. 6 size (Standard size)—Less than $^{15}/_{16}$ inch in width.

(b) In determining compliance with size requirements listed in paragraph (a) of this section, Style I (a), whole, loose, dried figs will be considered as of one size if not more than 10 percent by count of the figs varies from the size range. "Uniformity of size," as such, is not a requirement for Style I (a), whole, loose, dried figs.

§ 52.1025 *Grades of dried figs (not for manufacturing)*—(a) *(A) classification.* "U. S. Grade A" or "U. S. Fancy" is the quality of dried figs that are of one variety; are well-matured with not more than 5 percent by count of reasonably well-matured dried figs; are practically uniform in size, except for Style I (a) whole, loose, figs and Style II, sliced figs; possess a practically uniform typical color; possess a good distinct, typical, and normal dried fig flavor and odor; are free from foreign material; and do not exceed the maximum allowances and limitations as specified in Table No. I (Moisture), Table No. II (Defects: Styles I (a), I (b), and I (c), whole figs), or Table No. III (Defects: Style II, sliced figs) of this subpart.

(b) *(B) classification.* "U. S. Grade B" or "U. S. Choice" is the quality of dried figs that are of one variety; are reasonably well-matured with not more than 10 percent by count of fairly well-matured dried figs; are reasonably uniform in size, except for Style I (a), whole, loose, figs and Style II, sliced figs; possess a reasonably uniform typical color; possess a reasonably good, distinct, typical, and normal dried fig flavor and odor; are free from foreign material; and do not exceed the maximum allowances and limitations as specified in Table No. I (Moisture), Table No. IV (Defects: Styles I (a), I (b), and I (c), whole figs), or Table No. V (Defects: Style II, sliced figs) of this subpart.

(c) *(C) classification.* "U. S. Grade C" or "U. S. Standard" is the quality of dried figs that are of one variety or of similar varieties; are fairly well-matured; are fairly uniform in size, except for Style I (a), whole, loose, figs and Style II, sliced figs; possess a fairly uniform typical color; possess a typical and normal dried fig flavor and odor; are free from foreign material; and do not exceed the maximum allowances and limitations as specified in Table No. I (Moisture), Table No. VI (Defects: Styles I (a), I (b), and I (c), whole figs), or Table No. VII (Defects: Style II, sliced figs) of this subpart.

(d) *(SStd) classification.* "U. S. Grade D" or "Substandard" is the quality of dried figs that fail to meet the requirements of "U. S. Grade C" or "U. S. Standard."

§ 52.1026 *Moisture allowances for grades (not for manufacturing) of dried figs.* (a) Dried figs shall not exceed the moisture limits for the grades, types, styles, and groups designated in Table No. I of this section. Moisture limits are not applicable to U. S. Grade D (not for manufacturing) or Substandard (not for manufacturing). Group I includes figs in containers which do not completely enclose and seal the figs; such containers include, but are not limited to, wood boxes or fiber boxes. Group II includes figs packaged in completely sealed packages; such containers include, but are not limited to, cellophane, pliofilm, metal-foil wrapped bags or cartons.

(b) In determining compliance with the moisture limits prescribed in Table No. I, samples which represent a specific lot of dried figs may possess one percent (1%) additional moisture, provided the average moisture for all samples is within the limits stated in Table No. I.

TABLE NO. I—MOISTURE ALLOWANCES FOR DRIED FIGS

| Grades (not for manufacturing) | Types | Styles | Maximum moisture limits (by weight) | |
|---|---|---|---|---|
| | | | Group I | Group II |
| | | | *Percent* | *Percent* |
| U. S. Grade A or U. S. Fancy and U. S. Grade B or U. S. Choice and U. S. Grade C or U. S. Standard. | White | Whole | 24 | 30 |
| | do | Sliced | 23 | |
| | Black | Whole | 23 | 30 |
| | do | Sliced | 23 | |
| | Black and white (mixed) | Whole | 23 | 30 |
| | do | Sliced | 23 | |

§ 52.1027 *Grades of dried figs for manufacturing*—(a) *(A) classification.* "U. S. Grade A for Manufacturing" or "U. S. Fancy for Manufacturing" is the quality of dried figs that are of one variety or similar varieties; are reasonably well-matured with not more than 5 percent by count of fairly well-matured figs; possess a reasonably uniform typical color, possess a good, distinct, typical, and normal dried fig flavor and odor; are free from foreign material; and do not exceed the maximum allowances and limitations as specified in Table No. VIII (Moisture); Table No. IX (Defects: Styles I (a), I (b), and I (c), whole figs); or Table No. X (Defects: Style II, sliced figs) of this subpart.

(b) *(B) classification.* "U. S. Grade B for Manufacturing" or "U. S. Choice for Manufacturing" is the quality of dried figs that are of one variety or mixed varietal types; are fairly well-matured; may possess a variable color; possess a reasonably good, distinct, typical and normal dried fig flavor and odor; are free from foreign material; and do not exceed the maximum allowances and limitations as specified in Table No. VIII (Moisture); Table No. XI (Defects): Styles I (a), I (b), and I (c), whole figs); or Table No. XII, (Defects: Style II, sliced figs) of this subpart.

(c) *(SStd) classification.* "U. S. Grade D for Manufacturing" or "Substandard for Manufacturing" is the quality of dried figs that fail to meet the requirements of "U. S. Grade B for Manufacturing" or U. S. Choice for Manufacturing."

§ 52.1028 *Moisture allowances for grades for manufacturing of dried figs.*

(a) Dried figs shall not exceed the moisture limits for the grades, types, styles, and groups designated in Table No. VIII of this subpart. Moisture limits are not applicable to U. S. Grade D for Manufacturing or Substandard for Manufacturing. Group I includes figs in containers which do not completely enclose and seal the figs; such containers include, but are not limited to, wood boxes or fiber boxes. Group II includes figs packaged in completely sealed packages; such containers include, but are not limited to, cellophane, pliofilm, metal-foil wrapped bags or cartons.

(b) In determining compliance with the moisture limits prescribed in Table No. VIII, samples which represent a specific lot of dried figs may possess one percent (1%) additional moisture, provided the average moisture for all samples is within the limits stated in Table No. VIII.

DEFINITIONS AND EXPLANATIONS

§ 52.1029 *Definitions of varying degrees of maturity.* (a) A "well-matured" dried fig means a dried fig which is well developed and in which the interior shows very good sugary tissue development that is sirupy and gumlike in consistency and texture.

(b) A "reasonably well-matured" dried fig means a dried fig which is reasonably well developed and in which (1) the interior shows good sugary tissue development that is gummy but slightly fibrous in consistency and texture or (2) one-third or less of the interior of the fig may be entirely lacking in sugary tissue, provided that the remainder of the interior of the fig is sirupy and gumlike in consistency and texture.

(c) A "fairly well-matured" dried fig means a dried fig which is fairly well developed and in which (1) the sugary tissue in the interior of the fig is gummy and fibrous in consistency and texture or (2) one-third or less of the interior of the fig may be entirely lacking in sugary tissue, provided that the remainder of the interior of the fig is gummy but slightly fibrous in consistency and texture or (3) more than one-third but less than one-half of the interior of the fig may be entirely lacking in sugary tissue, provided that the remainder of the interior of the fig is sirupy and gumlike in consistency and texture.

TABLE NO. II—ALLOWANCES FOR DEFECTS

[Style I (a), whole, loose, figs; style I (b), whole, pulled, figs; style I (c), whole, layered, figs]

| Grade (not for manufacturing) | Total allowance, not more than a total of 10% [1] | Limited allowances | | |
|---|---|---|---|---|
| | | Not more than 3/5 of the total or 6% [1] | Not more than 1/10 of the total or 1% [1] | Not more than 1/10 of the total or 1% [1] |
| U. S. Grade A or U. S. Fancy | Damaged by: Scars or disease, Sunburn, Insect injury, Mechanical injury, Visible sugaring, Other similar defects. Immature figs. Affected by: Souring, Mold. Dirt. Affected by decay. Worthless figs. | Affected by: Souring, Mold. Dirt. Affected by decay. Worthless figs. | Affected by decay. | Worthless figs. |

[1] Percentages are by count.

TABLE NO. III—ALLOWANCES FOR DEFECTS

[Style II, sliced figs]

| Grade (not for manufacturing) | Total allowance, not more than a total of 10% [1] | Limited allowances | | |
|---|---|---|---|---|
| | | Not more than 3/5 of the total or 6% [1] | Not more than 1/10 of the total or 1% [1] | Not more than 1/10 of the total or 1% [1] |
| U. S. Grade A or U. S. Fancy | Damaged by: Scars or disease, Sunburn, Insect injury, Visible sugaring, Other similar defects. Immature figs. Affected by: Souring, Mold. Dirt. Affected by decay. Worthless figs. | Affected by: Souring, Mold. Dirt. Affected by decay. Worthless figs. | Affected by decay. | Worthless figs. |

[1] Percentages are by count.

TABLE NO. IV—ALLOWANCES FOR DEFECTS

[Style I (a), whole, loose, figs.; style I (b), whole, pulled, figs.; style I (c), whole, layered, figs]

| Grade (not for manufacturing) | Total allowance, not more than a total of 15% [1] | Limited allowances | | |
|---|---|---|---|---|
| | | Not more than 5/8 of the total or 8% [1] | Not more than 1/8 of the total or 1% [1] | Not more than 2/5 of the total or 2% [1] |
| U. S. Grade B or U. S. Choice | Damaged by: Scars or disease, Sunburn, Insect injury, Mechanical injury, Visible sugaring, Other similar defects. Immature figs. Affected by: Souring, Mold. Dirt. Affected by decay. Worthless figs. | Affected by: Souring, Mold. Dirt. Affected by decay. Worthless figs. | Affected by decay. | Worthless figs. |

[1] Percentages are by count.



TABLE NO. V—ALLOWANCES FOR DEFECTS

[Style II, sliced figs]

| Grade (not for manufacturing) | Total allowance, not more than a total of 15% [1] | Limited allowances | | |
|---|---|---|---|---|
| | | Not more than 5/8 of the total or 8% [1] | Not more than 1/8 of the total or 1% [1] | Not more than 2/5 of the total or 2% [1] |
| U. S. Grade B or U. S. Choice | Damaged by: Scars or disease, Sunburn, Insect injury, Visible sugaring, Other similar defects. Immature figs. Affected by: Souring, Mold. Dirt. Affected by decay. Worthless figs. | Affected by: Souring, Mold. Dirt. Affected by decay. Worthless figs. | Affected by decay. | Worthless figs. |

[1] Percentages are by count.

TABLE NO. VI—ALLOWANCES FOR DEFECTS

[Style I (a), whole, loose, figs; style I (b), whole, pulled, figs; style I (c), whole, layered, figs]

| Grade (not for manufacturing) | Total allowance, not more than a total of 20% [1] | Limited allowances | | |
|---|---|---|---|---|
| | | Not more than 1/2 of the total or 10% [1] | Not more than 1/10 of the total or 2% [1] | Not more than 3/20 of the total or 3% [1] |
| U. S. Grade C or U. S. Standard | Seriously damaged by: Scars or disease. Damaged by: Scars or disease, Sunburn, Insect injury, Mechanical injury, Visible sugaring, Other similar defects. Immature figs. Affected by: Souring, Mold. Dirt. Affected by decay. Worthless figs. | Affected by: Souring, Mold. Dirt. Affected by decay. Worthless figs. | Affected by decay. | Worthless figs. |

[1] Percentages are by count.

TABLE NO. VII—ALLOWANCES FOR DEFECTS

[Style II, sliced figs]

| Grade (not for manufacturing) | Total allowance, not more than a total of 20% [1] | Limited allowances | | |
|---|---|---|---|---|
| | | Not more than 1/2 of the total or 10% [1] | Not more than 1/10 of the total or 2% [1] | Not more than 3/20 of the total or 3% [1] |
| U. S. Grade C or U. S. Standard | Damaged by: Scars or disease, Sunburn, Insect injury, Visible sugaring, Other similar defects. Immature figs. Affected by: Souring, Mold. Dirt. Affected by decay. Worthless figs. | Affected by: Souring, Mold. Dirt. Affected by decay. Worthless figs. | Affected by decay. | Worthless figs. |

[1] Percentages are by count.

TABLE NO. VIII—MOISTURE ALLOWANCES FOR DRIED FIGS

| Grades for manufacturing | Types | Styles | Maximum moisture limits (by weight) | |
|---|---|---|---|---|
| | | | Group I | Group II |
| | | | *Percent* | *Percent* |
| U. S. Grade A or U. S. Fancy and U. S. Grade B or U. S. Choice. | White | Whole | 24 | 30 |
| | do | Sliced | 23 | |
| | Black | Whole | 23 | 30 |
| | do | Sliced | 23 | |
| | Black and white (mixed) | Whole | 23 | 30 |
| | do | Sliced | 23 | |

(d) An "immature" fig is considered a defect (see § 52.1032 (h)).

(e) A "worthless" fig is considered a defect (see § 52.1032 (l)).

§ 52.1030 *Definitions of varying degrees of uniformity of size.* Uniformity of size applies to Style I (b), whole, pulled, figs and Style I (c), whole, layered, figs, where the original shape has been materially changed.

(a) "Practically uniform in size" means that not more than a total of 10 percent by count of dried figs may be conspicuously larger or smaller than the approximate average size of the dried figs in the container.

(b) "Reasonably uniform in size" means that not more than a total of 15 percent by count of dried figs may be conspicuously larger or smaller than the approximate average size of the dried figs in the container.

(c) "Fairly uniform in size" means that not more than a total of 20 percent by count of dried figs may be conspicuously larger or smaller than the approximate average size of the dried figs in the container.

§ 52.1031 *Definitions of varying degrees of uniformity of color.* (a) "Practically uniform typical color" means,

with respect to white varieties of dried figs that are light in color, that there may be not more than 5 percent by count of dried figs that are markedly dark figs; and, with respect to white varieties that are dark in color, that there may be not more than 5 percent by count of dried figs that are markedly light-colored figs.

(b) "Practically uniform typical color" means, with respect to black varieties of dried figs, that the color of the dried figs is a practically uniform natural black color and that dried figs affected by very light-colored scars which are not calloused and which, singly or in the aggregate on a whole dried fig, are less than one-half of the exterior surface of the dried fig do not exceed 10 percent by count of the dried figs.

(c) "Reasonably uniform typical color" means, with respect to white varieties of dried figs that are light in color, that there may be not more than 10 percent by count of dried figs that are markedly dark figs; and, with respect to white varieties that are dark in color, that there may be not more than 10 percent by count of dried figs that are markedly light-colored figs.

(d) "Reasonably uniform typical color" means, with respect to black varieties of dried figs, that the color of the dried figs is a reasonably uniform natural black color and that dried figs affected by very light-colored scars which are not calloused and which, singly or in the aggregate on a whole dried fig, are less than one-half of the exterior surface of the dried fig do not exceed 15 percent by count of the dried figs.

(e) "Fairly uniform typical color" means, with respect to white varieties of dried figs that are light in color or are very light green in color, that there may be not more than 20 percent by count of dried figs that are markedly dark figs; and, with respect to white varieties that are dark in color, that there may be not more than 20 percent by count of dried figs that are markedly light-colored figs.

(f) "Fairly uniform typical color" means, with respect to black varieties of dried figs, that the color of the dried figs is a fairly uniform natural black color and that dried figs affected by very light-colored scars which are not calloused and which, singly or in the aggregate on a whole dried fig, are less than one-half of the exterior surface of the dried fig do not exceed 20 percent by count of the dried figs.

TABLE NO. IX—ALLOWANCES FOR DEFECTS

[Style I (a), whole, loose, figs; style I (b), whole, pulled, figs; style I (c), whole, layered, figs]

| Grade for manufacturing | Total allowance, not more than a total of 15% [1] | Limited allowances | | |
|---|---|---|---|---|
| | | Not more than 1/3 of the total or 5% [1] | Not more than 1/15 of the total or 1% [1] | Not more than 1/30 of the total or 1/2% [1] |
| U. S. Grade A or U. S. Fancy | Seriously damaged by: Scars or disease.<br>Damaged by:<br>Scars or disease.<br>Sunburn.<br>Insect injury.<br>Mechanical injury.<br>Other similar defects.<br>Immature figs.<br>Affected by:<br>Souring.<br>Mold.<br>Dirt.<br>Affected by decay.<br>Worthless figs. | Affected by:<br>Souring.<br>Mold.<br>Dirt.<br>Affected by decay.<br>Worthless figs. | Affected by decay. | Worthless figs. |

[1] Percentages are by count.

TABLE NO. X—ALLOWANCES FOR DEFECTS

[Style II, sliced figs]

| Grade for manufacturing | Total allowance, not more than a total of 10% [1] | Limited allowances | | |
|---|---|---|---|---|
| | | Not more than 4/5 of the total or 8% [1] | Not more than 1/10 of the total or 1% [1] | Not more than 1/5 of the total or 2% [1] |
| U. S. Grade A or U. S. Fancy | Damaged by:<br>Scars or disease.<br>Sunburn.<br>Insect injury.<br>Other similar defects.<br>Immature figs.<br>Affected by:<br>Souring.<br>Mold.<br>Dirt.<br>Affected by decay.<br>Worthless figs. | Affected by:<br>Souring.<br>Mold.<br>Dirt.<br>Affected by decay.<br>Worthless figs. | Affected by decay. | Worthless figs. |

[1] Percentages are by count.

TABLE NO. XI—ALLOWANCES FOR DEFECTS

[Style I (a), whole, loose, figs; style I (b), whole, pulled, figs; style I (c), whole, layered, figs]

| Grade for manufacturing | Total allowance, not more than a total of 30% [1] | Limited allowances | | |
|---|---|---|---|---|
| | | Not more than 1/3 of the total or 10% [1] | Not more than 1/15 of the total or 2% [1] | Not more than 1/30 of the total or 1% [1] |
| U. S. Grade B or U. S. Choice | Seriously damaged by: Scars or disease.<br>Damaged by:<br>Sunburn.<br>Insect injury.<br>Mechanical injury.<br>Other similar defects.<br>Immature figs.<br>Affected by:<br>Souring.<br>Mold.<br>Dirt.<br>Affected by decay.<br>Worthless figs. | Affected by:<br>Souring.<br>Mold.<br>Dirt.<br>Affected by decay.<br>Worthless figs. | Affected by decay. | Worthless figs. |

[1] Percentages are by count.



TABLE NO. XII—ALLOWANCES FOR DEFECTS

[Style II, sliced figs]

| Grade for manufacturing | Total allowance, not more than a total of 20% [1] | Limited allowances | | |
|---|---|---|---|---|
| | | Not more than 1/3 of the total or 10% [1] | Not more than 1/10 of the total or 2% [1] | Not more than 1/4 of the total or 6% [1] |
| U. S. Grade B or U. S. Choice | Damaged by:<br>Scars or disease.<br>Sunburn.<br>Insect injury.<br>Other similar defects.<br>Immature figs.<br>Affected by:<br>Souring.<br>Mold.<br>Dirt.<br>Affected by decay.<br>Worthless figs. | Affected by:<br>Souring.<br>Mold.<br>Dirt.<br>Affected by decay.<br>Worthless figs. | Affected by decay. | Worthless figs. |

[1] Percentages are by count.

§ 52.1032 *Definitions of defects.* (a) "Damaged by scars or disease" means that the area of tough or calloused scars, singly or in the aggregate on a dried fig or portion of dried fig, is equal to, or exceeds, the area of a circle 3/8 inch in diameter but is less than the area of a circle 1/2 inch in diameter.

(b) "Seriously damaged by scars or disease" means that the area of tough or calloused scars, singly or in the aggregate on a dried fig or portion of dried fig, is equal to, or exceeds, the area of a circle 1/2 inch in diameter. Figs which possess very light-colored scars that are not calloused are considered as "seriously damaged by scars" if such scars, singly or in the aggregate on a whole dried fig, are equal to one-half or more of the exterior surface of the dried fig.

(c) "Damaged by sunburn" means any substantial damage from excessive heat to the skin evidenced by dry and tough surface areas and which damage is accompanied by a lack of sugary tissue affecting one-third or more of the interior of a dried fig.

(d) "Damaged by insect injury" means healed or unhealed surface blemishes or unhealed blemishes in the flesh which affect materially the appearance, edibility, or keeping quality of the dried figs.

(e) "Mechanical injury" means injury to the styles of whole dried figs as follows: (1) In Style I (a), Whole, loose, figs and Style I (b), Whole, pulled, figs, the seed tissue is mashed out beyond the outer wall or there are excessive skin breaks which affect materially the appearance of the dried figs for the applicable style; (2) in Style I (c), Whole, layered, figs, there are excessive skin breaks (other than the normal splitting for the style) to the extent that a dried fig cannot be identified as a whole, layered, fig.

(f) "Damaged by visible sugaring" means white sugar crystals which form on the exterior surface of a dried fig so as to damage materially the appearance. Units showing a few lightly sugared spots are not considered as "damaged by visible sugaring."

(g) "Damaged by other similar defects" includes any injury or defect not specifically mentioned which affects materially the appearance, edibility, or keeping quality of the dried figs, except that stems which attach the fig to the twig of the tree are not considered as "other similar defects."

(h) An "immature" fig means a fig which does not meet the requirements of "fairly well-matured" (see § 52.1029 (c)) but is not worthless.

(i) "Affected by souring" means that a dried fig is (1) fermented, as evidenced by a distinct sour taste or odor or by the darkening in color characteristic of fermentation or souring; or (2) infested with internal rot (endosepsis).

(j) "Affected by mold" means that a dried fig shows a moldy or smutty condition, singly or in the aggregate on a dried fig or portion of dried fig, that is equal to, or exceeds, the area of a circle 3/16 inch in diameter.

(k) "Affected by decay" means that the flesh is decomposed by rot.

(l) A "worthless" fig means a fig which is tough and fibrous and may contain a trace of sugary tissue.

§ 52.1033 *Definition of varying degrees of flavor and odor.* (a) "Good, distinct, typical, and normal dried fig flavor and odor" means a clean and distinct dried fig flavor and odor free from any flavors or odors such as are characteristic of scorching or caramelization and free from other slight abnormal flavors or odors.

(b) "Reasonably good, distinct, typical, and normal dried fig flavor and odor" means a clean and distinct dried fig flavor and odor which may possess very slight flavors or odors such as are characteristic of scorching or caramelization or may possess other very slight abnormal flavors or odors.

(c) "Typical and normal dried fig flavor and odor" means a clean and distinct dried fig flavor and odor which may possess slight flavors or odors such as are characteristic of scorching or caramelization but may not possess any flavor in amounts resulting in objectionable or off-flavors.

WORK SHEETS

§ 52.1034 *Work sheet for grades (not for manufacturing) of dried figs.*

| | |
|---|---|
| Size and kind of container | ------ |
| Container mark or identification | ------ |
| Label or brand | ------ |
| Net weight | ------ |
| Type (color) | ------ |
| Style (type of pack) | ------ |
| Size or sizes (Whole, loose, figs) | ------ |
| Moisture content | ------ |
| Varietal characteristics: | |
| Similar ---- Mixed | ------ |
| Uniformity of color: | |
| White: Marked variation from Light ---- Dark | ----% |
| Black: ------- Natural Black | ----% |
| Very light scars (uncalloused etc.) | ----% |
| Uniformity of size: (Whole, pulled and layered) Conspicuously larger ----; smaller | ----% |
| Maturity and development: | |
| (A Well-matured | ----% |
| (B) Reasonably well-matured | ----% |
| (C) Fairly well-matured | ----% |
| Flavor and odor: (A), (B), (C) | ------ |
| Count (per sample): | |
| Worthless figs | ----% |
| Affected by decay | ----% |
| Affected by souring, mold | ----% |
| Dirt | ----% |
| Subtotal above defects | ----% |
| Seriously damaged by scars or disease [1] | ----% |
| Damaged by scars or disease | ----% |
| Mechanical injury [2] | ----% |
| Damaged by sunburn, insect injury, visible sugaring, other similar defects, and immature figs | ----% |
| Grand total all defects | ----% |
| U. S. Grade (including all factors) | ------ |

[1] "Seriously damaged by scars or disease" applies to U. S. Grade C (not for manufacturing) or U. S. Standard (not for manufacturing) in Style I (a), Whole, loose, figs; Style I (b), Whole, pulled, figs; and Style I (c), Whole, layered, figs.

[2] "Damaged by mechanical injury" is not applicable to any grade of Style II, sliced figs.

§ 52.1035 *Work sheet for grades for manufacturing of dried figs.*

| | |
|---|---|
| Size and kind of container | ------ |
| Container mark or identification | ------ |
| Label or brand | ------ |
| Net weight | ------ |
| Type (color) | ------ |
| Style (type of pack) | ------ |
| Size or sizes (whole, loose, figs) | ------ |
| Moisture content | ------ |
| Varietal characteristics: | |
| Similar ---- Mixed | ------ |
| Uniformity of color: | |
| White: Marked variation from Light ---- Dark | ----% |
| Black: ------- Natural black | ------ |
| Very light scars (uncalloused, etc.) | ----% |
| Maturity and development: | |
| (A) For Manufacturing — reasonably well-matured | ----% |
| (B) For Manufacturing — fairly well-matured | ----% |
| Flavor and odor: (A), (B) | ------ |

Count (per sample):

| | |
|---|---|
| Worthless figs | ----% |
| Affected by decay | ----% |
| Affected by souring, mold | ----% |
| Dirt | ----% |
| Subtotal above defects | ----% |
| Seriously damaged by scars or disease [1] | ----% |
| Damaged by scars or disease [2] | ----% |
| Mechanical injury [3] | ----% |
| Damaged by sunburn, insect injury, other similar defects, and immature figs | ----% |
| Grand total all defects | ----% |
| U. S. Grade for manufacturing (including all factors) | ------ |

[1] "Seriously damaged by scars or disease" applies to U. S. Grade A for Manufacturing or U. S. Fancy for Manufacturing and U. S. Grade B for Manufacturing or U. S. Choice for Manufacturing in Style I (a), Whole, loose, figs; Style I (b), Whole, pulled, figs; and Style I (c), Whole, layered, figs.

[2] No limit for "damaged by scars or disease" in U. S. Grade B for Manufacturing or U. S. Choice for Manufacturing in Style I (a), Whole, loose, figs; Style I (b), Whole, pulled, figs; and Style I (c), Whole, layered, figs.

[3] "Damaged by mechanical injury" is not applicable to any grade of Style II, sliced figs.

## UNITED STATES STANDARDS FOR GRADES OF CANNED FRUIT COCKTAIL [1]

### IDENTITY AND GRADES

§ 52.1051 *Identity.* "Canned fruit cocktail" means the food prepared from the mixture of fruit ingredients of peaches, pears, grapes, pineapple, and cherries as defined in the standard of identity for canned fruit cocktail, canned cocktail fruits, canned fruits for cocktail (21 CFR 27.40) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.1052 *Grades of canned fruit cocktail.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned fruit cocktail that is practically free from defects; that possesses a good character; that possesses a normal flavor and odor; and that is of such quality with respect to clearness of liquid media, color, and uniformity of size as to score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of canned fruit cocktail that possesses a fairly clear liquid media; that is reasonably uniform in size; that is reasonably free from defects; that possesses a reasonably good character; that possesses a normal flavor and odor; and that is of such quality with respect to color as to score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned fruit cocktail that fails to meet the requirements of U. S. Grade B or U. S. Choice and is the quality of canned fruit cocktail that may or may not meet the minimum standard of quality for canned fruit cocktail issued pursuant to the Federal Food, Drug, and Cosmetic Act.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

### PROPORTIONS

§ 52.1053 *Proportion of fruit ingredients.* Canned fruit cocktail shall contain the fruit ingredients in the proportions indicated in Table I.

TABLE I

| Fruit ingredient | Style | Proportions | |
|---|---|---|---|
| | | Not less than— | Not more than— |
| Peaches (any yellow variety) | Diced | 30 percent by weight of drained fruit. | 50 percent by weight of drained fruit. |
| Pears (any variety) | Diced | 25 percent by weight of drained fruit. | 45 percent by weight of drained fruit. |
| Grapes (any seedless variety) | Whole | 6 percent by weight of drained fruit. | 20 percent by weight of drained fruit. |
| Pineapple (any variety) | Diced or sectors | 6 percent by weight of drained fruit, but not less than 2 sectors or 3 dice for each 4½ ounces avoirdupois of product and each fraction thereof greater than 2 ounces. | 16 percent by weight of drained fruit. |
| Cherries (any light, sweet variety) or (artificially colored red) or (artificially colored red and artificially flavored). | Approximate halves | 2 percent by weight of drained fruit; but not less than 1 approximate half for each 4½ ounces avoirdupois of product and each fraction thereof greater than 2 ounces. | 6 percent by weight of drained fruit. |

### LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

§ 52.1054 *Liquid media and Brix measurements for canned fruit cocktail.* "Cut-out" requirements for liquid media in canned fruit cocktail are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurement, as applicable, for the respective designations are as follows:

| Designations | Brix measurement |
|---|---|
| "Extra heavy sirup" or "Extra heavy fruit juice sirup" | 22° or more but not more than 35°. |
| "Heavy sirup" or "Heavy fruit juice sirup" | 18° or more but less than 22°. |
| "Light sirup" or "Light fruit juice sirup" | 14° or more but less than 18°. |
| "In water" | Packed in water. |
| "In fruit juice" | Packed in fruit juice. |

§ 52.1055 *Fill of container for canned fruit cocktail.* (a) The standard of fill of container for canned fruit cocktail is a fill such that the total weight of drained fruit is not less than 65 percent of the water capacity of the container. Canned fruit cocktail that does not meet this requirement is "Below Standard in Fill."

(b) Such total weight of drained fruit is determined by the following method: Tilt the open container so as to distribute the contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve so incline the sieve as to facilitate the drainage. Two minutes from the time drainage begins, weigh the sieve and drained fruit. The weight so found, less the weight of the sieve, shall be considered to be the total weight of drained fruit.

(c) The total weight of drained fruit, also termed "drained weight," shall be not less than that shown for the respective size of containers in Table II.

TABLE II

[Minimum drained weight for canned fruit cocktail]

| Container designation (metal, unless otherwise stated) | Container size | | | Capacity—weighed (filled at 68° F.) | Minimum drained weight (85 percent capacity) |
|---|---|---|---|---|---|
| | Overall width | Dimensions, height | Overflow capacity | | |
| | *Inches* | *Inches* | *Fluid ounces* | *Avdp. ounces* | *Ounces* |
| 8 Z tall | 2 1/16 | 3 4/16 | | 8 [illegible] | 5.63 |
| 8-oz. glass | | | 8.2 | 8 [illegible] | 5.63 |
| No. 300 | 3 | 4 5/16 | | 13.30 | 9.88 |
| No. 1 tall | 3 1/16 | 4 11/16 | | 16 [illegible] | 10.38 |
| No. 303 | 3 3/16 | 4 5/16 | | 16 [illegible] | 10.96 |
| 303 glass | | | 17.0 | 17 [illegible] | 11.81 |
| No. 2 | 3 5/16 | 4 5/16 | | 20 [illegible] | 13.13 |
| No. 2½ | 4 1/16 | 4 11/16 | | 23 [illegible] | 15.34 |
| No. 2½ glass | | | 28.35 | 28 [illegible] | 19.15 |
| No. 10 | 6 3/16 | 7 | | 109.45 | 71.13 |

### FACTORS OF QUALITY

§ 52.1056 *Ascertaining the grade.* (a) The grade of canned fruit cocktail is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of clearness of liquid media, color, uniformity of size, absence of defects, and character.



(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Clearness of liquid media | 20 |
| Color | 20 |
| Uniformity of size | 20 |
| Absence of defects | 20 |
| Character | 20 |
| Total score | 100 |

(c) "Normal flavor and odor" means that the canned fruit cocktail is free from objectionable flavors and objectionable odors of any kind.

§ 52.1057 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1058 *Clearness of liquid media*—(a) *(A) classification.* Canned fruit cocktail that possesses a reasonably clear liquid media may be given a score of 17 to 20 points. "Reasonably clear liquid media" means that the liquid drained from the fruit cocktail is reasonably bright in color without any tinge of pink color or dullness of color and may contain fine fruit particles which do not materially affect the appearance of the product.

(b) *(B) classification.* If the canned fruit cocktail possesses a fairly clear liquid media, a score of 14 to 16 points may be given. "Fairly clear liquid media" means that the liquid drained from the fruit cocktail may be slightly pink or slightly dull in color but is not off color for any reason and may contain fruit particles which materially affect, but do not seriously affect, the appearance of the product.

(c) *(SStd) classification.* Canned fruit cocktail that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1059 *Color*—(a) *General.* The factor of color refers to the general brightness and uniformity of color typical of each of the fruit ingredients; the degree of freedom from staining from artificially colored cherries, if present; and the dullness or off color in any single fruit ingredient.

(b) *(A) classification.* Canned fruit cocktail that possesses a good color may be given a score of 17 to 20 points. "Good color" means that each fruit ingredient possesses a practically uniform typical color that is bright and characteristic of at least reasonably well-matured fruit that has been properly prepared and processed; that any of the fruit ingredients may be no more than slightly affected by pink staining; and that none of the fruit ingredients are dull or off color for reasons other than being slightly affected by pink staining.

(c) *(B) classification.* If the canned fruit cocktail possesses a reasonably good color, a score of 14 to 16 points may be given. Canned fruit cocktail that falls into this classification because of staining or dullness of color shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a partial limiting rule). "Reasonably good color" means that each fruit ingredient possesses a reasonably uniform typical color that is reasonably bright and characteristic of at least fairly well-matured fruit that has been properly prepared and processed; and that any of the fruit ingredients may be more than slightly affected by pink staining but not to the extent that the appearance is materially affected by this cause or may be slightly dull in color but none of the fruit ingredients are off color for reasons other than staining or dullness within these limits.

(d) *(SStd) classification.* Canned fruit cocktail that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1060 *Uniformity of size*—(a) *General.* The factor of uniformity of size refers to the uniformity of size of intact halves of cherries and whole grapes and to the degree of deviation from the dimensions for diced units of peaches, pears, and pineapple or for sectors of pineapple, which dimensions approximate the following:

(1) Diced units are not more than ¾ inch in greatest edge dimension and will not pass through the meshes of a sieve designated as 9/16 inch in Table I of "Standard Specifications for Sieves" published March 1, 1940, in L. C. 584 of the National Bureau of Standards, U. S. Department of Commerce;

(2) Sectors of pineapple: The length of the outside arc is not more than ¾ inch but is more than ⅜ inch; the thickness is not more than ½ inch but is more than 5/16 inch; the length (measured along the radius from the inside arc to outside arc) is not more than 1¼ inch but is more than ¾ inch.

(b) *(A) classification.* Canned fruit cocktail in which each of the fruit ingredients are practically uniform in size may be given a score of 17 to 20 points. "Practically uniform in size" means that not more than 10 percent by weight of the peach units, of the pear units, or of the pineapple units if diced may fail to conform to the dimensions for diced units; that not more than 10 percent by weight of the pineapple units if in sectors may fail to conform to the dimensions for sectors of pineapple; that the largest whole grape does not weigh more than three times the weight of the smallest whole grape; and that the longest dimension on the cut surface of the largest intact cherry half does not exceed the longest dimension on the cut surface of the smallest intact cherry half by more than 33⅓ percent.

(c) *(B) classification.* If the canned fruit cocktail possesses fruit ingredients that are reasonably uniform in size, a score of 14 to 16 points may be given. Canned fruit cocktail in which more than 15 percent by weight of the peach units, of the pear units, or of the pineapple units if diced fail to conform to the dimensions for diced units and in which more than 15 percent by weight of the pineapple units if in sectors fail to conform to the dimensions for sectors of pineapple shall not be graded above U. S. Grade B (or U. S. Choice), regardless of the total score for the product (this is a partial limiting rule). "Reasonably uniform in size" means that not more than 20 percent by weight of the peach units, of the pear units, or of the pineapple units if diced may fail to conform to the dimensions for diced units; that not more than 20 percent by weight of the pineapple units if in sectors may fail to conform to the dimensions for sectors of pineapple; that the largest whole grape does not weigh more than four times the weight of the smallest whole grape; and that the longest dimension on the cut surface of the largest intact cherry half does not exceed the longest dimension on the cut surface of the smallest intact cherry half by more than 50 percent.

(d) *(SStd) classification.* Canned fruit cocktail which fails to meet the requirements of paragraph (c) of this section shall be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule); and if the canned fruit cocktail fails to meet the requirements of paragraph (c) of this section only because of the deviations from the dimensions of diced units of peaches, pears, or pineapple or of sectors of pineapple, the canned fruit cocktail is also:

Below Standard in Quality
Good Food—Not High Grade

§ 52.1061 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material; from peach and pear peel; from pits or portions thereof; from capstems; from crushed or broken grapes; from broken cherry halves; from unevenly colored cherry halves; from blemished units; and from any other defects which detract from the appearance or edibility of the product.

(1) "Harmless extraneous material" means any vegetable substance not specifically mentioned herein as a defect that is harmless.

(2) A "pit or portion thereof" means any whole pit or piece of a pit material, regardless of size.

(3) A "capstem" means a small woody stem which attaches a grape to the branch of a bunch of grapes. Capstems are considered as defects whether or not attached to a grape.

(4) A "crushed or broken grape" means a grape that is severely crushed so as to destroy its shape or that is severed into two separate parts. Portions or fragments of grapes that are the equivalent of one grape are considered as a grape in ascertaining compliance with percentages by count of grapes.

(5) A "broken cherry half" means any portion of a cherry that is definitely less than an apparent half or a definitely mutilated cherry half.

(6) An "unevenly colored cherry half" means, if the cherry halves are artificially colored, that the color in the cherry half is other than evenly distributed in the unit or other than uniform with the color of the other cherry halves.

(7) "Blemished" in the case of the peach, pear, grape, or cherry ingredients means blemished with scab, hail injury, scar tissue, objectionable pear seed cell material, objectionable portions of interior pear stems, or other abnormality which materially affects the appearance of the unit; and in the case of the pineapple ingredient means any blemish or combination of blemishes on a unit which materially affects the appearance or edibility of the unit and includes, but is not limited to, any fruit eye or portion thereof which on the exposed portion exceeds the area of a circle $\frac{1}{16}$ inch in diameter, brown spots, pieces of shell, bruised portions, or other similar blemishes.

(b) (*A*) *classification.* Canned fruit cocktail that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that the product is practically free from harmless extraneous material, from pits or portions thereof, from the presence of peel from loose capstems, and from any other defects not specifically mentioned that more than slightly affect the appearance or edibility of the product; and that, in addition, not more than the following defective units, as applicable for the ingredient, may be present:

(1) *Peach.* 5 percent by weight of the peach units may be blemished;

(2) *Pear.* 5 percent by weight of the pear units may be blemished;

(3) *Pineapple.* 5 percent by count of the pineapple units may be blemished;

(4) *Grape.* 10 percent by count of the grapes in a container containing 10 grapes or more, and 1 grape in a container containing less than 10 grapes may be blemished; 5 percent by count of the grapes in a container containing 20 grapes or more, and 1 grape in a container containing less than 20 grapes may be crushed or broken; and 10 percent by count of the grapes in a container containing 10 grapes or more, and 1 grape in a container containing less than 10 grapes may have the capstem attached.

(5) *Cherry.* 5 percent by count of the cherry halves in a container containing 20 cherry halves or more, and 1 cherry half in a container containing less than 20 cherry halves may be blemished; 5 percent by count of the cherry halves in a container containing 20 cherry halves or more, and 1 cherry half in a container containing less than 20 cherry halves may be a broken cherry half; and 5 percent by count of the cherry halves in a container containing 20 cherry halves or more, and 1 cherry half in a container containing less than 20 cherry halves may be unevenly colored: *Provided*, That in all containers comprising the sample such blemished cherry halves do not exceed an average of 5 percent by count of the total number of cherry halves; such broken cherry halves do not exceed an average of 5 percent by count of the total number of cherry halves; and such unevenly colored cherry halves do not exceed an average of 5 percent by count of the total number of cherry halves.

(c) (*B*) *classification.* If the canned fruit cocktail is reasonably free from defects, a score of 14 to 16 points may be given. Canned fruit cocktail that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the product is practically free from harmless extraneous material and from pits or portions thereof; that the product is reasonably free from loose capstems and from any other defects not specifically mentioned that materially affect the appearance or edibility of the product; that not more than $\frac{1}{4}$ square inch of peach peel or of pear peel for each pound of net contents may be present; and that, in addition, not more than the following defective units, as applicable for the ingredient, may be present:

(1) *Peach.* 10 percent by weight of the peach units may be blemished;

(2) *Pear.* 10 percent by weight of the pear units may be blemished;

(3) *Pineapple.* 12½ percent by count of the pineapple units may be blemished;

(4) *Grape.* 20 percent by count of the grapes may be blemished; 10 percent by count of the grapes in a container containing 10 grapes or more, and 1 grape in a container containing less than 10 grapes may be crushed or broken; and 10 percent by count of the grapes in a container containing 10 grapes or more, and 1 grape in a container containing less than 10 grapes may have the capstem attached.

(5) *Cherry.* 15 percent by count of the cherry halves may be blemished; 15 percent by count of the cherry halves in a container containing more than 6 cherry halves, and 1 cherry half in a container containing 6 cherry halves or less may be a broken cherry half; and 15 percent by count of the cherry halves in a container containing more than 6 cherry halves, and 1 cherry half in a container containing 6 cherry halves or less may be unevenly colored.

(d) (*SStd*) *classification.* Canned fruit cocktail that fails to meet any of the requirements of paragraph (c) of this section shall be given a score of 0 to 13 points; shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule); and may or may not be:

Below Standard in Quality
Good Food—Not High Grade

§ 52.1062 *Character*—(a) *General.* The factor of character refers to the texture and tenderness for the fruit ingredients as prepared and processed for canned fruit cocktail.

(b) (*A*) *classification.* Canned fruit cocktail that possesses a good character may be given a score of 17 to 20 points. "Good character" means that each fruit ingredient is reasonably uniform in texture and tenderness with no more than slight disintegration and that the individual fruit ingredients meet the following requirements:

(1) *Peach.* The texture is typical of diced peaches prepared and processed from at least reasonably well-matured fruit and the units may range in tenderness from firm to soft and may possess frayed edges.

(2) *Pear.* The texture is typical of diced pears prepared and processed from properly ripened pears or from pears of marked graininess and the units may be lacking in uniformity of tenderness ranging from markedly firm to soft with rounded edges.

(3) *Pineapple.* The units are practically uniform in ripeness with fruitlets of compact structure, are reasonably free from porosity, and are practically free from hard core material.

(4) *Grape.* The units are reasonably plump and reasonably firm.

(5) *Cherry.* The units are reasonably firm.

(c) (*B*) *classification.* If the canned fruit cocktail possesses a reasonably good character, a score of 14 to 16 points may be given. Canned fruit cocktail that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that each fruit ingredient may range from a firm to soft texture without serious disintegration and that the individual fruit ingredients meet the following requirements:

(1) *Peach.* The texture is typical of diced peaches prepared and processed from at least fairly well-matured fruit and the units may range in tenderness from firm to soft and may possess frayed edges.

(2) *Pear.* The texture is typical of diced pears prepared and processed from properly ripened pears or from pears of marked graininess and the units may be lacking in uniformity of tenderness ranging from markedly firm to soft with rounded edges.

(3) *Pineapple.* The units are practically uniform in ripeness with fruitlets of compact structure, are reasonably free from porosity, and are practically free from hard core material.

(4) *Grape.* The units are reasonably plump and reasonably firm.

(5) *Cherry.* The units are reasonably firm.

(c) (*B*) *classification.* If the canned fruit cocktail possesses a reasonably good character, a score of 14 to 16 points may be given. Canned fruit cocktail that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that each fruit ingredient may range from a firm to soft texture without serious disintegration and that the individual fruit ingredients meet the following requirements:

(1) *Peach.* The texture is typical of diced peaches prepared and processed from at least reasonably well-matured fruit and the units may range in tenderness from slightly firm to slightly soft but possess fairly well-defined edges.

(2) *Pear.* The texture is typical of diced pears prepared and processed from properly ripened pears or from pears of moderate graininess and the units may range in tenderness from slightly firm to slightly soft and may have slightly rounded edges.

(3) *Pineapple.* The units are practically uniform in ripeness with fruitlets of compact structure, are reasonably free from porosity, and are practically free from hard core material.

(4) *Grape.* The units are reasonably plump and reasonably firm.

(5) *Cherry.* The units are reasonably firm.

(c) (*B*) *classification.* If the canned fruit cocktail possesses a reasonably good character, a score of 14 to 16 points may be given. Canned fruit cocktail that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that each fruit ingredient may range from a firm to soft texture without serious disintegration and that the individual fruit ingredients meet the following requirements:

(1) *Peach.* The texture is typical of diced peaches prepared and processed from at least fairly well-matured fruit and the units may range in tenderness from firm to soft and may possess frayed edges.

(2) *Pear.* The texture is typical of diced pears prepared and processed from properly ripened pears or from pears of marked graininess and the units may be lacking in uniformity of tenderness ranging from markedly firm to soft with rounded edges.

(3) *Pineapple.* The units are practically uniform in ripeness with fruitlets of compact structure, are reasonably free from porosity, and are practically free from hard core material.

(4) *Grape.* The units may be variable in texture from firm to soft but not mushy or excessively flabby.

(5) *Cherry.* The units may be fairly firm to soft but not excessively flabby.

(d) (*SStd*) *classification.* If the canned fruit cocktail fails to meet the requirements of paragraph (c) of this section, a score of 0 to 13 points may be given. Canned fruit cocktail that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1063 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned fruit cocktail the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(4) The average score of all containers for any factor subject to a limiting rule must be within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(5) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1064 *Score sheet for canned fruit cocktail.*

| | | | |
|---|---|---|---|
| Size and kind of container | | | |
| Code mark or mark or identification | | | |
| Label | | | |
| Net weight (ounces) | | | |
| Vacuum (inches) | | | |
| Drained weight (ounces): | | | |
| ( ) Meets ( ) Fill of container | | | |
| ( ) Fails ( ) Fill of container | | | |
| Proportion of fruit ingredients: | | | |
| Peach | ozs. | % | ( ) Meets ( ) Fails |
| Pear | ozs. | % | ( ) Meets ( ) Fails |
| Pineapple | ozs. | % | ( ) Meets ( ) Fails |
| Grape | ozs. | % | ( ) Meets ( ) Fails |
| Cherry | ozs. | % | ( ) Meets ( ) Fails |
| Total | ozs. | 100 % | |
| Count | | | |
| Pineapple ( ) Sectors ( ) Diced | | | |
| Cherry halves | | | |

| Factors | | Score points | |
|---|---|---|---|
| I. Clearness of liquid media | 20 | (A) | 17–20 |
| | | (B) | 14–16 |
| | | (SStd) | [1] 0–13 |
| II. Color | 20 | (A) | 17–20 |
| | | (B) | [2] 14–16 |
| | | (SStd) | [1] 0–13 |
| III. Uniformity of size | 20 | (A) | 17–20 |
| | | (B) | [2] 14–16 |
| | | (SStd) | [1] 0–13 |
| IV. Absence of defects | 20 | (A) | 17–20 |
| | | (B) | [2] 14–16 |
| | | (SStd) | [1] 0–13 |
| V. Character | 20 | (A) | 17–20 |
| | | (B) | [2] 14–16 |
| | | (SStd) | [1] 0–13 |
| Total score | 100 | | |

| | |
|---|---|
| Normal flavor and odor | |
| Grade | |

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FRUIT JELLY [1]

IDENTITY, TYPES, KINDS, AND GRADES

§ 52.1081 *Identity.* "Fruit jelly" means fruit jelly as defined in the definitions and standards of identity for fruit jelly (21 CFR 29.5), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(a) Compliance with the standard of identity to establish the ingredients or proportion of ingredients will be indicated on Federal inspection certificates only when these conditions are ascertained during the process of manufacture.

(b) The soluble solids for fruit jelly are not less than 65 percent.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.





§ 52.1082 *Types of fruit jelly*—(a) *Type I.* Prepared from a single variety of fruit juice ingredient.

(b) *Type II.* Prepared from a mixture of two or more varieties of fruit juice ingredients.

§ 52.1083 *Kinds of fruit jelly.*

Apple.
Apricot.
Blackberry (other than dewberry).
Black raspberry.
Boysenberry.
Cherry.
Crabapple.
Cranberry.
Damson, damson plum.
Dewberry (other than boysenberry, loganberry, and youngberry).
Fig.
Gooseberry.
Grape.
Grapefruit.
Greengage, greengage plum.
Guava.
Loganberry.
Orange.
Peach.
Pineapple.
Plum (other than damson, greengage, and prune).
Pomegranate.
Quince.
Raspberry, red raspberry.
Red currant, currant (other than black currant).
Strawberry.
Youngberry.

§ 52.1084 *Grades of fruit jelly.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of fruit jelly that possesses a good consistency; possesses a bright typical color; is free from defects; possesses a distinct and normal flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of fruit jelly that possesses a reasonably good consistency; possesses a reaonably bright, typical color; is free from defects; possesses a reasonably good and normal flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of fruit jelly that fails to meet the requirements of U. S. Grade B or U. S. Choice.

FILL OF CONTAINER

§ 52.1085 *Recommended fill of container.* It is recommended that the container be filled with jelly as full as practicable without impairment of quality and that the product occupies not less than 90 percent of the capacity of the container.

FACTORS OF QUALITY

§ 52.1086 *Ascertaining the grade.* The grade of fruit jelly may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Consistency, color, and flavor. The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

| Factors: | Points |
|---|---|
| Consistency | 40 |
| Color | 20 |
| Flavor | 40 |
| Total score | 100 |

§ 52.1087 *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "34 to 40 points" means 34, 35, 36, 37, 38, 39, or 40 points).

§ 52.1088 *Consistency*—(a) *General.* The factor of consistency refers to the gel strength of the product.

(b) (*A*) *classification.* Fruit jelly that possesses a good consistency may be given a score of 34 to 40 points. "Good consistency" means that the fruit jelly possesses a tender to slightly firm texture and retains a compact shape without excessive syneresis ("weeping").

(c) (*B*) *classification.* If the fruit jelly possesses a reasonably good consistency, a score of 28 to 33 points may be given. Fruit jelly that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good consistency" means that the fruit jelly may lack firmness but it is not syrupy; and that it may be more than slightly firm but is not tough or rubbery.

(d) (*SStd*) *classification.* Fruit jelly that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1089 *Color*—(a) (*A*) *classification.* Fruit jelly that possesses a bright typical color may be given a score of 17 to 20 points. "Bright typical color" means that the color is characteristic of the fruit juice ingredient or ingredients and that the fruit jelly possesses a sparkling luster or may be not more than slightly cloudy, and is free from any dullness or color.

(b) (*B*) *classification.* If the fruit jelly possesses a reasonably bright typical color, a score of 14 to 16 points may be given. Fruit jelly that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably bright typical color" means that the color is characteristic of the fruit juice ingredient or ingredients and that the fruit jelly may be slightly cloudy and may possess a slight dullness of color.

(c) (*SStd*) *classification.* Fruit jelly that is definitely off color for any reason and fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1090 *Flavor*—(a) (*A*) *classification.* Fruit jelly that possesses a distinct and normal flavor may be given a score of 34 to 40 points. "Distinct and normal flavor" means that the product possesses a good distinct flavor characteristic of the fruit ingredient or fruit ingredients after preserving and is free from any caramelized flavor or any objectionable flavor of any kind.

(b) (*B*) *classification.* If the fruit jelly possesses a reasonably good and normal flavor, a score of 28 to 33 points may be given. Fruit jelly that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good and normal flavor" means that

the product posesses a reasonably good flavor characteristic of the fruit or fruit ingredients after preserving and may possess a slight caramelized flavor but is free from any bitter flavor or other objectionable flavor or off flavor of any kind.

(c) *(SStd) classification.* Fruit jelly that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1091 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of fruit jelly, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1092 *Score sheet for fruit jelly.*

| | | | |
|---|---|---|---|
| Size and kind of container | | | |
| Container code or marking | | | |
| Label | | | |
| Net weight (in ounces) | | | |
| Vacuum reading (in inches) | | | |
| Type | | | |
| Kind | | | |
| Soluble solids | | | |
| **Factors** | **Score points** | | |
| Consistency | 40 | (A) 34-40<br>(B) [1]28-33<br>(D) [1]0-27 | |
| Color | 20 | (A) 17-20<br>(B) [1]14-16<br>(D) [1]0-13 | |
| Flavor | 40 | (A) 34-40<br>(B) [1]28-33<br>(D) [1]0-27 | |
| Total score | 100 | | |
| Grade | | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FRUIT PRESERVES (OR JAMS) [1]

IDENTITY, TYPES, KINDS, AND GRADES

§ 52.1111 *Identity.* "Fruit preserves (or jams)" means preserves or jams as defined in the definitions and standards of identity for preserves, jams (21 CFR 29.3) issued pursuant to the Federal Food, Drug, and Cosmetic Act. The soluble solids for fruit preserves (or jams) in Group I are not less than 68 percent. The soluble solids for fruit preserves (or jams) in Group II are not less than 65 percent.

§ 52.1112 *Types of fruit preserves (or jams)*—(a) *Type I.* Fruit preserves (or jams) that are prepared from a single fruit (except apple) listed in Group I or Group II are "Type I."

(b) *Type II.* Fruit preserves (or jams) that are prepared from more than a single fruit listed in Group I and Group II are "Type II." [2]

§ 52.1113 *Kinds of fruit preserves (or jams) according to Group I or Group II designations.*

GROUP I

Any one singly or in combination with not more than four of the following: [1]

Blackberry (other than dewberry).
Black raspberry.
Blueberry.
Boysenberry.
Cherry.
Crabapple.
Dewberry (other than boysenberry, loganberry and youngberry).
Elderberry.
Grape.
Grapefruit.
Huckleberry.
Loganberry.
Orange.
Pineapple.
Raspberry, red raspberry.
Rhubarb.
Strawberry.
Tangerine.
Tomato.
Yellow tomato.
Youngberry.

GROUP II

Any one singly or in combination with not more than four of the following fruits and fruits in Group I: [2]

Apple (type II only).
Apricot.
Cranberry.
Damson, damson plum.
Fig.
Gooseberry.
Greengage, greengage plum.
Guava.
Nectarine.
Peach (clingstone and freestone).
Pear.
Plum (other than greengage plum and damson plum).
Quince.
Red currant, currant (other than black currant).

§ 52.1114 *Grades of fruit preserves (or jams).* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of fruit preserves (or jams) that possess a good consistency; that possess a good color; that are practically free from defects; that possess a good flavor; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of fruit preserves (or jams) that possess a reasonably good consistency; that possess a reasonably good color; that are reasonably free from defects; that possess a fairly good flavor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of fruit preserves (or jams) that fail to meet the requirements of U. S. Grade B or U. S. Choice.

FILL OF CONTAINER

§ 52.1115 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled with fruit preserves (or jams) as full as practicable without impairment of quality and that the product occupy not less than 90 percent of the volume of the container.

FACTORS OF QUALITY

§ 52.1116 *Ascertaining the grade.* (a) The grade of fruit preserves (or jams) is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of consistency, color, absence of defects, and flavor.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Consistency | 20 |
| Color | 20 |
| Absence of defects | 20 |
| Flavor | 40 |
| Total score | 100 |

§ 52.1117 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1118 *Consistency*—(a) *General.* The factor of consistency refers to the extent of the dispersion and size of the fruit or fruit particles throughout, and the gel-like properties of the product.

(b) *(A) classification.* Fruit preserves (or jams) that possess a good consistency may be given a score of 17 to 20 points. "Good consistency" means that the fruit or fruit particles are dispersed uniformly throughout the product; that the product is a tender gel or may possess no more than a very slight tendency to flow, except that a slightly less viscous consistency may be present when the fruit is chiefly in the form of whole or almost whole units; and that in the following kinds the product does not have a macerated or pureed appearance but in appearance and eating quality consists of whole units or pieces of fruit particles as indicated for the respective kinds, either singly or in combination with any other kind:

(1) Apricot: Halves or pieces or combinations thereof.

(2) Cherry: Whole or almost whole pitted cherries or combinations thereof.

(3) Gooseberry: Whole or almost whole berries or combinations thereof.

(4) Peach (clingstone and freestone): Slices or pieces or combinations thereof.

(5) Pineapple: Crushed pieces or small pieces or combinations thereof.

(6) Strawberry: Whole or almost whole berries or combinations thereof.

(c) *(B) classification.* If the fruit preserves (or jams) possess a reasonably good consistency, a score of 14 to 16 points may be given. Fruit preserves (or jams) that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good consistency" means that the fruit or fruit particles are dispersed reasonably uniformly throughout the product; and that the product may be firm but not rubbery or may be noticeably viscous but not excessively thin.

(d) *(SStd) classification.* Fruit preserves (or jams) that fail to meet the requirements for paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1119 *Color*—(a) *(A) classification.* Fruit preserves (or jams) that possess a good color may be given a score of 17 to 20 points. "Good color" means that the color is bright, practically uniform throughout, and characteristic of the variety or varieties of the fruit ingredients; and that the product is free from dullness of color due to any cause (including, but not being limited to, oxidation or improper processing or improper cooling).

(b) *(B) classification.* If the fruit preserves (or jams) possess a reasonably good color, a score of 14 to 16 points may be given. Fruit preserves (or jams) that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the color is reasonably bright, reasonably uniform throughout, and characteristic of the variety or varieties of the fruit ingredients; however, the color may be slightly dull but may not be off color due to oxidation or improper processing or improper cooling or other causes.

(c) *(SStd) classification.* Fruit preserves (or jams) that for any reason fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1120 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom, in the applicable kinds, from substances ordinarily removed in the preparation for the manufacture of fruit preserves (or jams) and includes, but is not limited to, caps, leaves, stems, seeds, pits, peel, or any portions thereof; from blemished units, underdeveloped units, or otherwise damaged units; and from any defects not specifically mentioned that affect the appearance or edibility of the product.

(1) A "cluster of cap stems" means three or more joined cap stems.

(2) A "cap" means a loose or attached full cap or a portion of a cap to which at least one sepal-like bract or portion thereof is attached. A short stem that is attached to a cap is considered a part of that cap.

(3) A "short stem" means a stem that is ⅛ inch or less in length and which may include the center portion of a cap to which no sepal-like bract or portion thereof is attached. A short stem that is attached to a cap is considered a part of that cap.

(4) A "small stem" means a stem that is longer than ⅛ inch but not more than ¼ inch in length. A small stem that is attached to a cap is considered as a defect separate from that cap.

(5) A "medium stem" means a stem that is longer than ¼ inch but not more than ½ inch in length. A medium stem that is attached to a cap is considered as a defect separate from that cap.

(6) A "long stem" means a stem that is longer than ½ inch in length. A long stem that is attached to a cap is considered as a defect separate from that cap.

(7) A "woody base-stem" means any stem in grape preserves (or jams) with an enlarged woody base approximating 1/16 inch or more in diameter.

(8) "Peel" means, with respect to these fruits, such as apples and peaches, that are commonly prepared for the manufacture of fruit preserves (or jams) by the removal of the skin or peel, any skin or peel whether or not it is attached.

(9) "Seeds" means, with respect to these fruits, such as apples, grapes, and pears, that are prepared for the manufacture of fruit preserves (or jams) by the removal of the seeds, the seeds of such fruit. "Seeds" in fruit preserves (or jams) prepared from citrus fruits means any seed or any portion thereof, whether or not fully developed, that measures more than 3/16 inch in any dimension. Seeds are not considered as defects in fruit preserves (or jams) prepared from such fruits as figs and tomatoes.

(10) "Pit" means, with respect to those fruits, such as apricots, cherries, plums, and peaches, that are prepared for the manufacture of fruit preserves (or jams) by the removal of the pits, a whole, intact pit. Portions of pits include:

(i) A "piece of pit" which means any portion of a pit that is more than ½ inch in any dimension;

(ii) A "small piece of pit" which means any portion of a pit that is not less than ¼ inch nor more than ½ inch in any dimension;

(iii) And a "pit fragment" which means any portion of a pit that is less than ¼ inch in any dimension.

(11) "Blemished, underdeveloped, or otherwise damaged" means units of fruit in which the appearance or edible quality is damaged or blemished because of discolored skin, bruised spots, dark particles, insect or similar injury, hard areas, or units that are hard and shrivelled or damaged by mechanical, pathological, or other injury.

(b) *(A) classification.* Fruit preserves (or jams) that are practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means with respect to:

(1) Type II and any kind or kinds with a macerated or pureed appearance (whether of Type I or II), that the defects do not materially affect the appearance or edibility of the product; and

(2) Type I, that the defects and defective units as applicable do not exceed the allowances for U. S. Grade A as specified in Tables I, II, III, or IV of this section and that any defects whether or not specifically mentioned in such tables do not materially affect the appearance or edibility of the product.

(c) *(B) classification.* If the fruit preserves (or jams) are reasonably free from defects, a score of 14 to 16 points may be given. Fruit preserves (or jams) that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means with respect to:

(1) Type II and any kind or kinds with a macerated or pureed appearance (whether of Type I or II), that the defects do not seriously affect the appearance or edibility of the product; and

(2) Type I, that the defects and defective units as applicable do not exceed the allowances for U. S. Grade B as specified in Tables I, II, III, or IV of this section and that any defects whether or not specifically mentioned in such tables do not seriously affect the appearance or edibility of the product.

(d) *(SStd) classification.* Fruit preserves (or jams) that fail to meet the requirements for paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product. (This is a limiting rule.)

(e) *Allowances.* Ascertaining compliance, with, and explanation of, allowances in Tables I, II, III, and IV:

(1) The term "ounces" refers to "ounces of net weight" of any individual container, of the average net weight of all the containers, or of the aggregate net weight of all the containers comprising the sample as may be applicable. The allowances as stated may be interpolated into other equivalents for containers of other sizes or on an aggregate basis.

(2) When the unit of the allowance, such as "per 200 ounces", is greater than in individual containers, the net weight of all containers in the sample may be aggregated to arrive at the approximate quantity by which to determine compliance with the stated allowance. For example, in a lot consisting of approximate 8-oz. net weight containers and with defects permitted in "1 per 200 ounces", such defect would be permitted in a total of not less than twenty-five 8-oz. containers (approximately 200 ounces in the aggregate).

(3) An occasional defect may be permitted if all the containers in a sample in the aggregate constitute a net weight less than the unit of allowance, provided such defect, singly or in combination with other defects, no more than slightly affects the appearance or edibility of the product.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] In accordance with the limits specified in the definitions and standards of identity for preserves, jams. (21 CFR 29.3)

TABLE I—ALLOWANCES FOR DEFECTS

| Kind of preserves (or jams) type I only | Grade and score range | Stems | Leaves | Caps or portions | Other extraneous material | Loose Sepal-like bracts | Seeds, pits, or portions thereof | Blemished, underdeveloped, or otherwise damaged |
|---|---|---|---|---|---|---|---|---|
| | | Maximum allowances | | | | | | |
| Blackberry, Boysenberry, Dewberry, Loganberry, Youngberry | U. S. Grade A (17–20 points). | Total of 1 only per 96 ounces | | | | 1 per 8 ounces | 10 per 8 ounces in "seedless." | 2 per 8 ounces. |
| | U. S. Grade B (14–16 points). | Total of 1 only per 32 ounces | | | | 3 per 8 ounces | 20 per 8 ounces in "seedless." | 4 per 8 ounces. |
| Cherry | U. S. Grade A (17–20 points). | do | | | | | 1 per 32 ounces | 5 per 8 ounces. |
| | U. S. Grade B (14–16 points). | Total of 1 only per 16 ounces | | | | | do | 8 per 8 ounces. |
| Blueberry | U. S. Grade A (17–20 points). | Total of 1 large stem or 1 leaf per 8 ounces; and 1 cluster of cap stems per 8 ounces. | | | | | | 3 per 8 ounces. |
| Elderberry, Huckleberry | U. S. Grade B (14–16 points). | Total of 3 large stems or 3 leaves per 16 ounces; and 3 clusters of cap stems per 16 ounces. | | | | | | 5 per 8 ounces. |

TABLE II—ALLOWANCES FOR DEFECTS

| Kind of preserves (or jams) type I only | Grade and score range | Stems | | | | Leaves | Other extraneous material | Seeds, pits or portions | | | Peel | Blemished, underdeveloped or otherwise damaged |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Short (3/16" or less) | Small (over 3/16" to 1/4" inclusive) | Medium (over 1/4" to 1/2" inclusive) | Long (longer than 1/2") | | | Pit or pieces of pit | Small pieces of pit | Pit fragments | | |
| | | Maximum allowances | | | | | | | | | | |
| Apricot | U. S. Grade A (17–20 points). | 1 only per 16 ounces | | | None | 1 only per 32 ounces. | 1 only per 200 ounces. | 1 only per 200 ounces. | 1 only per 128 ounces. | 1 only per 32 ounces. | No limit | 1 unit per 8 ounces. |
| | U. S. Grade B (14–16 points). | 1 only per 8 ounces | | | None | 1 only per 16 ounces. | 1 only per 128 ounces. | do | 1 only per 64 ounces. | 1 only per 16 ounces. | do | 4 units per 8 ounces. |
| Peach, Nectarine | U. S. Grade A (17–20 points). | | | | | 1 only per 32 ounces. | 1 only per 32 ounces. | 1 only per 96 ounces. | do | do | 1 square inch per 16 ounces, or 1 square inch per 8 ounces. | 2 units per 8 ounces. |
| | U. S. Grade B (14–16 points). | | | | | 1 only per 16 ounces. | 3 per 32 ounces. | 1 only per 48 ounces. | 1 only per 32 ounces. | 1 only per 8 ounces. | 1 square inch per 8 ounces. | 8 units per 8 ounces. |
| Damson plum, Green gage plum, Plum (others) | U. S. Grade A (17–20 points). | Total of 1 per 8 ounces | | | | 1 only per 128 ounces. | 1 only per 32 ounces. | 1 only per 32 ounces. | | | No limit | 1 unit per 8 ounces. |
| | U. S. Grade B (14–16 points). | Total of 3 per 16 ounces | | | | 1 only per 32 ounces. | 1 only per 16 ounces. | | | | do | 2 units per 8 ounces. |

TABLE III—ALLOWANCES FOR DEFECTS

| Kind of preserves (or jams) type I only | Grade and score range | Stems | Leaves | Other extraneous material | Loose sepal-like bracts | Seeds, pits, or portions thereof | Peel | Blemished, underdeveloped, or otherwise damaged |
|---|---|---|---|---|---|---|---|---|
| | | Maximum allowances | | | | | | |
| Cranberry, Currant (other than black), Currant, red, Fig, Gooseberry, Rhubarb, Tomato, Tomato, yellow | U. S. Grade A (17–20 points). | Total of 1 per 32 ounces. | 1 only per 200 ounces. | 3 per 16 ounces | | | 1 square inch per 16 ounces if prepared by peeling. | 2 units per 8 ounces. |
| | U. S. Grade B (14–16 points). | do | 1 only per 128 ounces. | 5 per 16 ounces | | | 1 square inch per 8 ounces if prepared by peeling. | 4 units per 8 ounces. |
| Grapefruit, Orange, Tangerine | U. S. Grade A (17–20 points). | do | 1 only per 200 ounces. | | 1 per 16 ounces | | | 3 units per 8 ounces. |
| | U. S. Grade B (14–16 points). | do | 1 only per 128 ounces. | | 1 per 8 ounces | | | 5 units per 8 ounces. |
| Pineapple | U. S. Grade A (17–20 points). | | | | | | | 2 units per 8 ounces. |
| | U. S. Grade B (14–16 points). | | | | | | | 4 units per 8 ounces. |

TABLE IV—ALLOWANCES FOR DEFECTS

| Kind of preserves (or jams) type I only | Grade and score range | Stems | | | | Leaves | Caps or portions | Other extraneous material | Loose sepal-like bracts | Seeds | Blemished, underdeveloped or otherwise damaged |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Short (3/16" or less) | Small (over 3/16" to 1/4" inclusive) | Medium (over 1/4" to 1/2" inclusive) | Long (longer than 1/2") | | | | | | |
| | | Maximum allowances | | | | | | | | | |
| Grape | U. S. Grade A (17–20 points). | 3 short or small thin stems, including only 1 woody base stem per 16 ounces. | | | | 1 only per 32 ounces. | | 1 only per 200 ounces. | 3 per 16 ounces. | 3 seeds per 8 ounces. | 2 units per 8 ounces. |
| | U. S. Grade B (14–16 points). | 3 short or small thin stems, including only 1 woody base stem per 8 ounces. | | | | do | | 1 only per 128 ounces. | 5 per 16 ounces. | 6 seeds per 8 ounces. | 4 units per 8 ounces. |
| Strawberry | U. S. Grade A (17–20 points). | 4 per 8 ounces. | 2 small or medium or long stems, including only 1 long stem— | | | 1/2 square inch if measurable by area or—1 piece harmless extraneous material such as weeds or grass, per 32 ounces | | | | | Do. |
| | U. S. Grade B (14–16 points). | 8 per 8 ounces. | 4 small or medium or long stems, including only 1 long stem— | | | 1/2 square inch if measurable by area or—1 piece harmless extraneous material such as weeds or grass, per 32 ounces | | | | | 8 units per 8 ounces. |
| Raspberry, Raspberry, black, Raspberry, red | U. S. Grade A (17–20 points). | 4 per 8 ounces. | 2 small or medium or long stems, including only 1 long stem— | | | 1/2 square inch if measurable by area or—1 piece harmless extraneous material such as weeds or grass, per 32 ounces | | | | | 4 units per 8 ounces. |
| | U. S. Grade B (14–16 points). | 8 per 8 ounces. | 4 small or medium or long stems, including only 1 long stem— | | | 1/2 square inch if measurable by area or—1 piece harmless extraneous material such as weeds or grass, per 32 ounces | | | | | 8 units per 8 ounces. |



§ 52.1121 *Flavor—(a) (A) classification.* Fruit preserves (or jams) that possess a good flavor may be given a score of 34 to 40 points. "Good flavor" means:

(1) that the product possesses a good and distinct flavor; and

(2) that the flavor is characteristic of the applicable kind of fruit ingredient or applicable kinds of fruit ingredients.

(b) *(B) classification.* If the fruit preserves (or jams) possess a fairly good flavor a score of 28 to 33 points may be given. Fruit preserves (or jams) that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means:

(1) that the product possesses a flavor reasonably characteristic of the applicable kind of fruit ingredient or applicable kinds of fruit ingredients; and

(2) may possess a slightly caramelized flavor but is free from any bitter flavor or other objectionable flavor or off flavor of any kind.

(c) *(SStd) classification.* Fruit preserves (or jams) that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1122 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of fruit preserves (or jams), the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample fall more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1123 *Score sheet for fruit preserves (or jams).*

| Factors | Score points | |
|---|---|---|
| Consistency | 20 | (A) 17–20; (B) 14–16; (SStd.) 0–13 |
| Color | 20 | (A) 17–20; (B) 14–16; (SStd.) 0–13 |
| Absence of defects | 20 | (A) 17–20; (B) 14–16; (SStd.) 0–13 |
| Flavor | 40 | (A) 34–40; (B) 28–33; (SStd.) 0–27 |
| Total score | 100 | |
| Grade | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED GRAPEFRUIT [1]

PRODUCT DESCRIPTION, AND GRADES

§ 52.1141 *Product description.* Canned grapefruit, commonly known as canned grapefruit sections, is prepared from sound, mature grapefruit (Citrus paradisi) which have been properly washed; the segments thereof have been separated; and the core, seeds, and major portions of membrane have been removed. The product is packed with or without the addition of water, grapefruit juice, or sweetening ingredients and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

§ 52.1142 *Grades of canned grapefruit.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned grapefruit that possesses a drained weight or average drained weight, as the case may be, of not less than 58 percent of the capacity of the container in containers smaller than the equivalent of No. 2 cans and of not less than 60 percent of the capacity of the container in containers the equivalent of No. 2 cans and larger; that consists of not less than 75 percent by weight of the drained grapefruit which is in whole segments or almost whole segments; that possesses a good color; that is practically free from defects; that possesses a good character; that possesses a good flavor and odor; and that scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of canned grapefruit that possesses a drained weight or average drained weight, as the case may be, of not less than 55 percent of the capacity of the container regardless of the size of the container; that consists of not less than 50 percent by weight of the drained grapefruit which is in whole segments or almost whole segments; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; that possesses a fairly good flavor and odor; and that scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(c) "U. S. Broken" is the quality of canned grapefruit that possesses a drained weight or average drained weight, as the case may be, of not less than 55 percent of the capacity of the container; that consists of less than 50 percent by weight of the drained grapefruit which is in whole or almost whole segments; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; that possesses a fairly good flavor and odor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of canned grapefruit that fails to meet the requirements of U. S. Grade B or U. S. Choice and U. S. Broken.

LIQUID MEDIA AND FILL OF CONTAINER

§ 52.1143 *Recommended designations of liquid media and Brix measurements.* "Cut-out" requirements for liquid media in canned grapefruit are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. It is recommended that canned grapefruit have the following indicated "cut-out" Brix measurement for the respective designation, which designations include, but are not limited to, the following:

| Designation of liquid media: | *Brix measurement* |
|---|---|
| Heavy sirup | 18° or more. |
| Light sirup | 16° or more, but less than 18°. |
| Slightly sweet | 12° or more, but less than 16°. |

§ 52.1144 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of canned grapefruit be filled with grapefruit as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

FACTORS OF QUALITY

§ 52.1145 *Ascertaining the grade.* (a) The grade of canned grapefruit is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of drained weight, wholeness, color, absence of defects, and character.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | *Points* |
|---|---|
| Drained weight | 20 |
| Wholeness | 20 |
| Color | 20 |
| Absence of defects | 20 |
| Character | 20 |
| Total score | 100 |

§ 52.1146 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor

which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.1147 *Drained weight*—(a) *General.* The drained weight of canned grapefruit is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and the grapefruit less the weight of the dry sieve. The grapefruit thus drained is referred to in this section as "drained grapefruit" or "drained weight." A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can. "Capacity of the container" means the weight of distilled water at 68° Fahrenheit which the sealed container will hold.

(b) (*A*) *classification.* Canned grapefruit in containers smaller than the equivalent of No. 2 cans that possesses a drained weight of not less than 58 percent of the capacity of the container may be given a score of 18 to 20 points for the respective containers as outlined in Table I; canned grapefruit in containers the equivalent of No. 2 cans and larger that possesses a drained weight of not less than 60 percent of the capacity of the container may be given a score of 18 to 20 points for the respective containers as outlined in Table II. Whenever more than 1 container of the product is being graded, the score for drained weight of each container is determined by averaging the drained weights of the containers. If the average drained weight indicates a score of 18 to 20 points (in accordance with Table I or II) such score will be assigned to each container: *Provided,* That the drained weight of no individual container indicates a score of less than 16 points. However, if any individual container scores less than 16 points, each container will be assigned the score for its own drained weight.

(c) (*B*) *classification.* If the drained weight of the canned grapefruit in containers smaller than the equivalent of No. 2 cans is less than 58 percent of the capacity of the container, or if the drained weight of the canned grapefruit in containers the equivalent of No. 2 cans and larger is less than 60 percent of the capacity of the container but in either case the drained weight is not less than 55 percent of the capacity of the container, a score of 16 or 17 points may be given for the respective containers as outlined in Table I or II. Whenever more than 1 container of the product is being graded, the score for drained weight of each container is determined by averaging the drained weights of the containers. If the average drained weight indicates a score of 16 or 17 points (in accordance with Table I or II) such score will be assigned to each container: *Provided,* That the drained weight of no individual container indicates a score of less than 14 points. However, if any individual container scores less than 14 points, each container will be assigned the score for its own drained weight. Canned grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

TABLE I—SCORE FOR DRAINED WEIGHTS OF CANNED GRAPEFRUIT

| Grade classification | Score points | Percentage that drained weight is of capacity of container | Drained weight on basis of container designation and size | |
|---|---|---|---|---|
| | | | SZ Tall (2 13/16 x 3 11/16 inches) | No. 303 (3 3/16 x 4 1/16 inches) |
| | | | *Ounces* | *Ounces* |
| U. S. Grade A or U. S. Fancy | 20 | 61 percent or more | 5.28 or more | 10.28 or more |
| | 19 | 59½ to 61 percent | 5.15 to 5.27, inclusive | 10.03 to 10.27, inclusive. |
| | 18 | 58 to 59½ percent | 5.02 to 5.14, inclusive | 9.77 to 10.02, inclusive. |
| U. S. Grade B or U. S. Choice or U. S. Broken | 17 | 56½ to 58 percent | 4.89 to 5.01, inclusive | 9.52 to 9.7[illegible], inclusive. |
| | 16 | 55 to 56½ percent | 4.76 to 4.88, inclusive | 9.27 to 9.51, inclusive. |
| Substandard | 15 | 52½ to 55 percent | 4.54 to 4.75, inclusive | 8.85 to 9.26, inclusive. |
| | 14 | 50 to 52½ percent | 4.33 to 4.53, inclusive | 8.43 to 8.84, inclusive. |
| | 13 or less | Less than 50 percent | Less than foregoing drained weights | |

TABLE II—SCORE FOR DRAINED WEIGHTS OF CANNED GRAPEFRUIT

| Grade classification | Score points | Percentage that drained weight is of capacity of container | Drained weight on basis of container designation and size | | |
|---|---|---|---|---|---|
| | | | No. 2 (3 7/16 x 4 2/16 inches) | No. 3 Cyl. (4 4/16 x 7 inches) | No. 5 (5[illegible] x 5 10/16 inches) |
| | | | *Ounces* | *Ounces* | *Ounces* |
| U. S. Grade A or U. S. Fancy | 20 | 65 percent or more | 13.33 or more | 33.56 or more | 36.42 or more. |
| | 19 | 62½ to 65 percent | 12.84 to 13.32, inclusive. | 32.27 to 33.55, inclusive. | 35.01 to 36.41, inclusive. |
| | 18 | 60 to 62½ percent | 12.33 to 12.83, inclusive. | 30.98 to 32.26, inclusive. | 33.59 to 35.45, inclusive. |
| U. S. Grade B or U. S. Choice or U. S. Broken | 17 | 57½ to 60 percent | 11.79 to 12.32, inclusive. | 29.69 to 30.97, inclusive. | 33.59 to 35.45, inclusive. |
| | 16 | 55 to 57½ percent | 11.28 to 11.78, inclusive. | 28.40 to 29.68, inclusive. | 32.71 to 33.96, inclusive. |
| Substandard | 15 | 52½ to 55 percent | 10.77 to 11.27, inclusive. | 27.10 to 28.39, inclusive. | 31.[illegible] to 32.70, inclusive. |
| | 14 | 50 to 52½ percent | 10.25 to 10.76, inclusive. | 25.81 to 27.09, inclusive. | 29.55 to 31.02, inclusive. |
| | 13 or less | Less than 50 percent. | Less than foregoing drained weights | | |

(d) (*SStd*) *classification.* Canned grapefruit that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1148 *Wholeness*—(a) *General* "Whole" or "whole segment" means any grapefruit segment that retains its apparent original conformation and is not excessively trimmed.

(1) "Almost whole" or "almost whole segment" means any portion of a grapefruit segment that is not less than 75 percent of the apparent original segment size.

(2) "Broken" or "broken segment" means (i) any portion of a grapefruit segment that is less than 75 percent of the apparent original segment size, (ii) a "whole segment" or "almost whole segment" that is excessively trimmed, and (iii) portions of segments that are joined together only by a "thread" or membrane.

(b) (*A*) *classification.* Canned grapefruit that consists of not less than 75 percent by weight of the drained grapefruit in whole segments or almost whole segments may be given a score of 18 to 20 points.

(c) (*B*) *classification.* If the canned grapefruit consists of not less than 50 percent by weight of the drained grapefruit in whole segments or almost whole segments, a score of 16 or 17 points may be given. Canned grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

(d) (*Broken*) *classification.* If less than 50 percent by weight of the drained grapefruit is in whole segments or almost whole segments, a score of 0 to 15 points may be given. Canned grapefruit that falls into this classification shall not be graded above U. S. Broken, regardless of the total score for the product (this is a limiting rule).

§ 52.1149 *Color*—(a) (*A*) *classification.* Canned grapefruit that possesses a good color may be given a score of 18 to 20 points. "Good color" means a practically uniform, bright, typical color free from any noticeable tinge of amber.

(b) (*B*) *classification.* If the canned grapefruit possesses a reasonably good color, a score of 16 or 17 points may be given. Canned grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means a fairly bright color which may be variable in color but is not off color for any reason.

(c) (*SStd*) *classification.* Canned grapefruit that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).



§ 52.1150 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material, from seeds, from portions of albedo, from portions of tough membrane, and from damaged units.

(1) "Harmless extraneous material" means leaves, portions of leaves, small pieces of peel, and other similar material that is harmless.

(2) "Seed" means any seed or any portion thereof, whether or not fully developed, that measures more than 3/16 inch in any dimension. A "large seed" is one that may be plump and measures more than 3/8 inch in any dimension.

(3) "Damaged unit" means any grapefruit segment or portion thereof that is damaged by pathological injury, by lye peeling, by discoloration, or by similar injury or that is damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(b) (*A*) *classification.* Canned grapefruit that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that no harmless extraneous material is present; that not more than 5 percent by weight of the drained grapefruit may be damaged units; and that for each 20 ounces of net weight there may be present:

(1) Not more than 4 seeds including not more than one large seed; and

(2) Not more than an aggregate area of 2 square inches on the units covered by tough membrane or albedo.

(c) (*B*) *classification.* If the canned grapefruit is reasonably free from defects, a score of 16 or 17 points may be given. Canned grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that not more than 15 percent by weight of the drained grapefruit may be damaged units; and that for each 20 ounces of net weight there may be present:

(1) Not more than 1 small piece of harmless extraneous material;

(2) Not more than 12 seeds including not more than 3 large seeds; and

(3) Not more than an aggregate area of 3 square inches on the units covered by tough membrane or albedo.

(d) (*SStd*) *classification.* Canned grapefruit that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1151 *Character*—(a) *General.* The factor of character refers to the structure and condition of the cells of the grapefruit and reflects the maturity of the grapefruit.

(b) (*A*) *classification.* Canned grapefruit that possesses a good character may be given a score of 18 to 20 points. "Good character" means that the grapefruit is moderately firm and fleshy; that the segments or portions thereof possess a juicy, cellular structure free from dry cells, or "ricey" cells, or fibrous cells that materially affect the appearance or eating quality of the product; and that the product is reasonably free from loose floating cells.

(c) (*B*) *classification.* If the canned grapefruit possesses a reasonably good character, a score of 16 or 17 points may be given. Canned grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the grapefruit may be affected, but not seriously affected, by dry cells, "ricey" cells, or fibrous cells that materially affect the appearance or eating quality of the product.

(d) (*SStd*) *classification.* Canned grapefruit that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS

§ 52.1152 *Explanation of terms.* (a) "Good flavor and odor" means that the product has a distinct and normal flavor and odor typical of canned grapefruit and is free from objectionable odors and objectionable flavors of any kind.

(b) "Fairly good flavor and odor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(c) "Brix" means the degrees Brix of the liquid media surrounding the canned grapefruit when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If the liquid media is tested at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in the "Official Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of the liquid media may be determined by any other method which gives equivalent results.

LOT CERTIFICATION TOLERANCES

§ 52.1153 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned grapefruit, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1154 *Score sheet for canned grapefruit.*

| | |
|---|---|
| Size and kind of container | |
| Container mark or identification | |
| Label | |
| Net weight (ounces) | |
| Vacuum (inches | |
| Drained weight (ounces) | |
| Brix measurement | |
| Syrup designation (heavy, light, etc.) | |
| Count (whole segments or almost whole segments) | |

| Factors | Score points | | |
|---|---|---|---|
| Drained weight | 20 | (A) | 18-20 |
| | | (B), (Bkn) | 16-17 |
| | | (SStd) | 0-15 |
| Wholeness | 20 | (A) | 18-20 |
| | | (B) | 16-17 |
| | | (Bkn) | 0-15 |
| Color | 20 | (A) | 18-20 |
| | | (B), (Bkn) | 16-17 |
| | | (SStd) | 0-15 |
| Absence of defects | 20 | (A) | 18-20 |
| | | (B), (Bkn) | 16-17 |
| | | (SStd) | 0-15 |
| Character | 20 | (A) | 18-20 |
| | | (B), (Bkn) | 16-17 |
| | | (SStd) | 0-15 |
| Total score | 100 | | |

Flavor and odor.....{( ) Good. ( ) Fairly good.

Grade.....

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN GRAPEFRUIT [1]

PRODUCT DESCRIPTION AND GRADES

§ 52.1171 *Product description.* Frozen grapefruit is prepared from the matured fruit of the grapefruit tree (Citrus paradisi), after the fruit has been washed and peeled, and has been separated into segments by removing the core, seeds, and membrane; may be packed with or without packing media; and is frozen and stored at temperatures necessary for the preservation of the product.

§ 52.1172 *Grades of frozen grapefruit.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen grapefruit of which not less than 75 percent by weight of the grapefruit consists of segments that are whole or almost whole; that possesses a practically uniform, bright, typical color; that is practically free from defects; that possesses a good character; that possesses a normal flavor and odor; and score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen grapefruit of which not less than 50 percent by weight of the grapefruit consists of segments that are whole or almost whole; that possesses a reasonably uniform and reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; that possesses a normal flavor and odor; and scores not less than 80 points when scored in

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

accordance with the scoring system outlined in this subpart.

(c) "U. S. Broken" is the quality of frozen grapefruit of which less than 50 percent by weight of the grapefruit consists of segments that are whole or almost whole; that possesses a reasonably uniform and reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; that possesses a normal flavor and odor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "U. S. Grade D" or "Substandard" is the quality of frozen grapefruit that fails to meet the requirements of U. S. Grade B or U. S. Choice and U. S. Broken.

FACTORS OF QUALITY

§ 52.1173 *Ascertaining the grade.* (a) The grade of frozen grapefruit is determined immediately after thawing to the extent that the units may be separated easily. Such grade may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Wholeness, color, absence of defects, and character.

(b) The relative importance of each factor has been expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

| Factors: | Points |
|---|---|
| Wholeness | 20 |
| Color | 20 |
| Absence of defects | 30 |
| Character | 30 |
| Total score | 100 |

(c) "Normal flavor and odor" means that the grapefruit is free from objectionable flavors, off flavors, and objectionable odors of any kind.

§ 52.1174 *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.1175 *Wholeness*—(a) *Definitions.* (1) "Whole" or "whole segment" means any segment that retains its apparent original conformation, is not excessively trimmed, and weighs not less than $^3/_8$ ounce. A whole segment that is excessively trimmed or that weighs less than $^3/_8$ ounce is considered a broken segment.

(2) "Almost whole" or "almost whole segment" means any portion of a segment that is not less than 75 percent of the apparent original segment size, is not excessively trimmed, and weighs not less than $^3/_8$ ounce. An almost whole segment that is excessively trimmed or that weighs less than $^3/_8$ ounce is considered a broken segment.

(3) "Broken" or "broken segment" means a portion of a segment that is less than 75 percent of the apparent original segment size, a whole or almost whole segment that is excessively trimmed, a whole or almost whole segment that weighs less than $^3/_8$ ounce, and portions of segments that are joined together only by a "thread" or membrane.

(b) *(A) classification.* Frozen grapefruit that consists of not less than 75 percent by weight of units that are whole or almost whole segments may be given a score of 18 to 20 points.

(c) *(B) classification.* If the frozen grapefruit consists of at least 50 percent but less than 75 percent by weight of units that are whole or almost whole segments, a score of 16 or 17 points may be given. Frozen grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

(d) *(Broken) classification.* If the frozen grapefruit consists of less than 50 percent by weight of the units that are whole or almost whole segments, a score of 0 to 15 points may be given. Frozen grapefruit that falls into this classification shall not be graded above U. S. Broken, regardless of the total score for the product (this is a limiting rule).

(e) *General.* The evaluation of the score points for the factor of wholeness may be determined from Table No. I of this paragraph which indicates the score range in the respective grades and denotes the minimum requirement for whole or almost whole segments and the maximum allowances for broken segments for the score indicated.

TABLE No. I

| Grade | Score points | Whole or almost whole segments | Broken segments |
|---|---|---|---|
| | | *Minimum (by weight)* | *Maximum (by weight)* |
| U. S. Grade A or U. S. Fancy. | 20 | 100% | 0% |
| | 19 | 85% | 15% |
| | 18 | 75% | 25% |
| U. S. Grade B or U. S. Choice. | 17 | 60% | 40% |
| | 16 | 50% | 50% |
| | 15 | 45% | 55% |
| | 14 | 40% | 60% |
| | 13 | 35% | 65% |
| | 12 | 30% | 70% |
| | 11 | 25% | 75% |
| | 10 | 20% | 80% |
| | 9 | 15% | 85% |
| | 8 | 10% | 90% |
| U. S. Broken | 7 | 5% | 95% |
| | 6 | 0% | (1) |
| | 5 | 0% | (1) |
| | 4 | 0% | (1) |
| | 3 | 0% | (1) |
| | 2 | 0% | (1) |
| | 1 | 0% | (1) |
| | 0 | 0% | (1) |

[1] Large to small: 100% and depending on size of broken units.

§ 52.1176 *Color*—(a) *General.* Federal inspection certificates may designate pink grapefruit whenever that fact is determined.

(1) The uniformity and intensity of the typical color is considered in determining the factor of color.

(b) *(A) classification.* Frozen grapefruit that possesses a practically uniform, bright, typical color may be given a score of 18 to 20 points. "Practically uniform, bright, typical color" means that the grapefruit may possess not more than a slight variation from the typical color of properly matured grapefruit or pink grapefruit from which prepared.

(c) *(B) classification.* If the frozen grapefruit possesses a reasonably uniform and reasonably good color, a score of 16 or 17 points may be given. Frozen grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably uniform and reasonably good color" means that the grapefruit may be variable in color, is fairly bright, and is not off color.

(d) *(SStd) classification.* Frozen grapefruit that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 15 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1177 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material, from seeds, from portions of covering membrane, and from damaged units.

(1) "Harmless extraneous material" means leaves, small pieces of peel, and other similar material.

(2) "Seed" means any seed, whether or not fully developed, that measures more than $^3/_{16}$ inch in any dimension. A "large seed" is one that may be plump and measures more than $^3/_8$ inch in any dimension.

(3) "Damaged unit" means any unit that is damaged by pathological injury, by lye peeling, by discoloration, or by similar injury or that is damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(b) *(A) classification.* Frozen grapefruit that is practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that no harmless extraneous material is present; that not more than 5 percent by weight of the grapefruit may be damaged units; and that for each 16 ounces of net weight there may be present:

(1) Not more than 6 seeds including not more than 1 large seed; and

(2) Not more than an aggregate area of 1 square inch on the units covered by membrane.

(c) *(B) classification.* If the frozen grapefruit is reasonably free from defects, a score of 24 to 26 points may be given. Frozen grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that not more than 10 percent by weight of the grapefruit may be damaged units; and that for each 16 ounces of net weight there may be present:

(1) Not more than 1 small piece of harmless extraneous material;

(2) Not more than 12 seeds including not more than 3 large seeds; and

(3) Not more than an aggregate area of 2 square inches on the units covered by membrane.

(d) *(SStd) classification.* Frozen grapefruit that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 23 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).



(e) *General.* The evaluation of the score points for the factor of absence of defects may be determined from Table No. II of this paragraph which indicates the maximum allowances for each type of defect for the score indicated.

TABLE No. II

| Grade and score points | Harmless extraneous material | Damaged units | Seeds | Aggregate area covered by membrane |
|---|---|---|---|---|
| | Maximum | | | |
| | Per 16 ounces | By weight | Per 16 ounces | |
| U. S. Grade A or U. S. Fancy: | | | | |
| 30 | None | 1% | None | None. |
| 29 | None | 2% | 2, but no large seeds | ½ square inch. |
| 28 | None | 3% | 4, but no large seeds | ¾ square inch. |
| 27 | None | 5% | 6, including 1 large seed | 1 square inch. |
| U. S. Grade B or U. S. Choice and Broken: | | | | |
| 26 | 1 small piece | 7% | 8, including 1 large seed | 1¼ square inches. |
| 25 | 1 small piece | 9% | 10, including 2 large seeds | 1¾ square inches. |
| 24 | 1 small piece | 10% | 12, including 3 large seeds | 2 square inches. |
| U. S. Grade D or Substandard: | | | | |
| 23 or less | More than allowances permitted for 24 points. | | | |

§ 52.1178 *Character*—(a) *General.* The factor of character refers to the structure and condition of the cells and reflects the maturity of the grapefruit.

(b) *(A) classification.* Frozen grapefruit that possesses a good character may be given a score of 27 to 30 points. "Good character" means that the grapefruit is moderately firm and fleshy; that the segments possess a well-developed, juicy, cellular structure; that the product is fairly free from loose cell sacs; and that not more than 5 percent by weight of the grapefruit consists of soft, fibrous, or "ricey" segments.

(c) *(B) classification.* If the frozen grapefruit possesses a reasonably good character, a score of 24 to 26 points may be given. Frozen grapefruit that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the grapefruit is fairly firm and fleshy and that not more than 15 percent by weight of the grapefruit consists of soft, fibrous, or "ricey" segments.

(d) *(SStd) classification.* Frozen grapefruit that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 23 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1179 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen grapefruit, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1180 *Score sheet for frozen grapefruit.*

Size and kind of container _____
Container code or marking _____
Label (style of pack; ratio of fruit-sugar, etc., if shown) _____
Net weight _____
Color (if "pink" varieties) _____

| Factors | Score points | | |
|---|---|---|---|
| Wholeness | 20 | (A) 18–20<br>(B) [1] 16–17<br>(Bkn) [1] 0–15 | _____ |
| Color | 20 | (A) 18–20<br>(B) [1] 16–17<br>(D) [1] 0–15 | _____ |
| Absence of defects | 30 | (A) 27–30<br>(B) [1] 24–26<br>(D) [1] 0–23 | _____ |
| Character | 30 | (A) 27–30<br>(B) [1] 24–26<br>(D) [1] 0–23 | _____ |
| Total score | 100 | | _____ |
| Normal flavor and odor | | | _____ |
| Grade | | | _____ |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED GRAPEFRUIT JUICE [1]

PRODUCT DESCRIPTION AND GRADES

§ 52.1191 *Product description.* Canned grapefruit juice is the undiluted, unconcentrated, unfermented juice obtained from mature fresh fruit of the grapefruit tree (Citrus paradisi) which fruit has been properly washed; is packed with or without the addition of sweetening ingredients; is sufficiently processed by heat to assure preservation of the product; and is packed in containers which are hermetically sealed.

§ 52.1192 *Grades of canned grapefruit juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned grapefruit juice that shows no coagulation; that possesses a very good color; is practically free from defects; possesses a very good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned grapefruit juice that may show slight coagulation; that possesses a good color; is fairly free from defects; that possesses a good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of canned grapefruit juice that fails to meet to the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER

§ 52.1193 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be filled as full as practicable with grapefruit juice and that the product occupy not less than 90 percent of the total capacity of the container.

FACTORS OF QUALITY

§ 52.1194 *Ascertaining the grade.* (a) The grade of canned grapefruit juice may be ascertained by considering, in addition to the requirements in § 52.1192 of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor.

(b) The relative importance of each factor has been expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

| Factors: | Points |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Flavor | 40 |
| Total score | 100 |

§ 52.1195 *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1196 *Color*—(a) *(A) classification.* Canned grapefruit juice that possesses a very good color may be given a score of 17 to 20 points. "Very good color" means (1) in the case of canned grapefruit juice prepared from white-fleshed grapefruit that the color is bright and typical of juice freshly extracted from white-fleshed grapefruit and is free from browning due to scorching, oxidation, caramelization, or other causes; and (2) in the case of canned grapefruit juice prepared from pink-fleshed grapefruit, that the color is bright, and typical

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

of juice freshly extracted from fairly deep-pink-fleshed grapefruit, is free from browning due to scorching, oxidation, caramelization, or other causes, and is so distinctive in color as to distinguish it clearly from canned grapefruit juice prepared from a mixture of white-fleshed grapefruit and pink-fleshed grapefruit or from light colored pink-fleshed grapefruit the juice of which is so light in color that it cannot be distinguished from such a mixture.

(b) *(B) classification.* If the canned grapefruit juice possesses a good color, a score of 14 to 16 points may be given. Canned grapefruit juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good color" means (1) in the case of canned grapefruit juice prepared from white-fleshed grapefruit, that the color is fairly typical of juice extracted from white-fleshed grapefruit and may be dull or show evidence of slight browning, but is not off color; and (2) in the case of canned grapefruit juice prepared from pink-fleshed grapefruit and mixtures of white-fleshed grapefruit and pink-fleshed grapefruit that the color is fairly typical of juice extracted from pink-fleshed grapefruit or mixtures of white-fleshed grapefruit and pink-fleshed grapefruit and may be dull or show evidence of slight browning, but is not off color.

(c) *(SStd) classification.* Canned grapefruit juice that for any reason fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points, and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1197 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from free and suspended pulp, recoverable oil, seeds and seed particles, or other defects.

(1) "Free and suspended pulp" means particles of membrane, core, skin, and other similar extraneous material in canned grapefruit juice.

(2) Canned grapefruit juice that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the juice may contain not more than 10 percent free and suspended pulp and that there may be present not more than 0.015 percent by volume of recoverable oil; and does not contain seeds or seed particles or other defects that more than slightly affect the appearance of the product.

(b) *(A) classification.* If the canned grapefruit juice is fairly free from defects, a score of 28 to 33 points may be given. Canned grapefruit juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the juice may contain not more than 15 percent free and suspended pulp and that there may be present not more than 0.020 percent by volume of recoverable oil; and does not contain seeds or seed particles or other defects that materially affect the appearance of the product.

(c) *(SStd) classification.* If the canned grapefruit juice fails to meet the requirements of paragraph (b) of this section, a score of 0 to 27 points may be given. Canned grapefruit juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1198 *Flavor*—(a) *(A) classification.* (1) Canned grapefruit juice that possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means a fine, distinct canned grapefruit juice flavor which is free from off flavors of any kind and meets the following requirements:

(i) Brix—Not less than 9.5 degrees.

(ii) Acid—Not less than 0.90 gram nor more than 2.0 grams (calculated as anhydrous citric acid) per 100 ml. of juice.

(iii) Brix-acid ratio—Not less than 7 to 1 nor more than 14 to 1.

(2) Canned grapefruit juice is considered "sweet" if the juice possesses a very good flavor and falls within the range of the following requirements:

(i) Brix—Not less than 12.5 degrees.

(ii) Acid—Not less than 1.0 gram nor more than 2.0 grams (calculated as anhydrous citric acid) per 100 ml. of juice.

(iii) Brix-acid ratio—Not less than 9 to 1 nor more than 14 to 1, provided that when the Brix is 16 degrees or more, the Brix-acid ratio may be less than 9 to 1.

(b) *(C) classification.* (1) If the canned grapefruit juice possesses a good flavor, a score of 28 to 33 points may be given. Canned grapefruit juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good flavor" means a good, normal canned grapefruit juice flavor which is free from off flavors of any kind and meets the following requirements:

(i) Brix—Not less than 9.0 degrees.

(ii) Acid—Not less than 0.75 gram (calculated as anhydrous citric acid) per 100 ml. of juice.

(iii) Brix-acid ratio—Not less than 6.5 to 1.

(2) Canned grapefruit juice is considered "sweet" if the juice possesses a good flavor and falls within the range of the following requirements:

(i) Brix—Not less than 12.5 degrees.

(ii) Acid—Not less than 0.85 gram (calculated as anhydrous citric acid) per 100 ml. of juice.

(iii) Brix-acid ratio—Not less than 9 to 1, provided that when the Brix of the juice is 16 degrees or more, the Brix-acid ratio may be less than 9 to 1.

(c) *(SStd) classification.* Canned grapefruit juice that fails to meet the requirements of paragraph (b) of this section, or is off flavor or unpalatable for any reason, may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1199 *Definitions of terms as used in the standards.* (a) "Brix" means the degrees Brix of canned grapefruit juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing juice at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of canned grapefruit juice may be determined by any other method which gives equivalent results.

(b) "Acid" means grams of acid (calculated as anhydrous citric acid) per 100 ml. of juice in canned grapefruit juice determined by titration with standard sodium hydroxide solution using phenolphthalein indicator.

§ 52.1200 *Explanation of analyses.* (a) Free and suspended pulp is determined by the following method:

(1) Graduated centrifuge tubes with a capacity of 50 ml. are filled with juice and placed in a suitable centrifuge. The speed is adjusted, according to diameter, as indicated in Table No. I, and the juice is centrifuged for exactly 10 minutes. As used in this subpart, "diameter" means the over-all distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp in the tube is multiplied by 2 to give the percentage of pulp.

TABLE No. I

| Diameter | Approximate revolutions per minute | Diameter | Approximate revolutions per minute |
|---|---|---|---|
| 10 inches | 1,699 | 15½ inches | 1,209 |
| 10½ inches | 1,570 | 16 inches | 1,271 |
| 11 inches | 1,534 | 16½ inches | 1,232 |
| 11½ inches | 1,500 | 17 inches | 1,204 |
| 12 inches | 1,468 | 17½ inches | 1,176 |
| 12½ inches | 1,438 | 18 inches | 1,150 |
| 13 inches | 1,410 | 18½ inches | 1,182 |
| 13½ inches | 1,384 | 19 inches | 1,161 |
| 14 inches | 1,359 | 19½ inches | 1,142 |
| 14½ inches | 1,336 | 20 inches | 1,122 |
| 15 inches | 1,313 | | |

(b) Recoverable oil is determined by the following method:

(1) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 and Figure 2.[3]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(2) *Procedure.* Exactly 2 liters of juice are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute. By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(i) The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

[3] Filed with the Federal Register Division as part of the original document.



LOT CERTIFICATION TOLERANCES

§ 52.1201 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned grapefruit juice, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1202 *Score sheet for canned grapefruit juice.*

| | |
|---|---|
| Size and kind of container | |
| Container mark or identification | |
| Label | |
| Liquid measure (fl. ounces) | |
| Vacuum (in inches) | |
| Brix (degrees) | |
| Acid (anhydrous citric, grams/100 ml.) | |
| Brix-acid ratio | |
| Pulp (free and suspended) percent | |
| Recoverable oil (percent by volume) | |

| Factors | Score points | | |
|---|---|---|---|
| Color | 20 | (A) | 17–20 |
| | | (C) | [1] 14–16 |
| | | (D) | [1] 0–13 |
| Absence of defects | 40 | (A) | 34–40 |
| | | (C) | [1] 28–33 |
| | | (D) | [1] 0–27 |
| Flavor | 40 | (A) | 34–40 |
| | | (C) | [1] 28–33 |
| | | (D) | [1] 0–27 |
| Total score | 100 | | |

Grade

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN CONCENTRATED GRAPE FRUIT JUICE [1]

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1221 *Product description.* Frozen concentrated grapefruit juice is the frozen product of concentrated, unfermented juice obtained from sound, mature grapefruit (Citrus paradisi). The fruit is prepared by sorting and by washing prior to extraction of the juice to assure a clean product. Upon extraction of such juice, it is concentrated; and single-strength grapefruit juice is admixed to the concentrate. The concentrated grapefruit juice is packed in accordance with good commercial practice and is frozen and maintained at temperatures necessary for the preservation of the product.

§ 52.1222 *Styles of frozen concentrated grapefruit juice*—(a) *Style I, without sweetening ingredient added.* The Brix value of the finished concentrate shall be not less than 38 degrees nor more than 42 degrees.

(b) *Style II, with sweetening ingredient added.* The finished concentrate, exclusive of added sweetening ingredient, has a Brix value of not less than 36 degrees; and the finished concentrate, including added sweetening ingredient, shall have a Brix value of not less than 38 degrees but not more than 48 degrees.

§ 52.1223 *Grades of frozen concentrated grapefruit juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen concentrated grapefruit juice which reconstitutes properly and of which the reconstituted juice possesses the appearance of fresh grapefruit juice; possesses a very good color; is practically free from defects; possesses a very good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen concentrated grapefruit juice which reconstitutes properly and of which the reconstituted juice possesses a good color; is reasonably free from defects; possesses a good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen concentrated grapefruit juice that fails to meet the requirements of U. S. Grade B or U. S. Choice.

FILL OF CONTAINER

§ 52.1224 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with frozen concentrated grapefruit juice as full as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.1225 *Ascertaining the grade.* (a) The grade of frozen concentrated grapefruit juice is ascertained by considering in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Flavor | 40 |
| Total score | 100 |

§ 52.1226 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1227 *Color*—(a) *(A) classification.* Frozen concentrated grapefruit juice of which the reconstituted juice possesses a very good color may be given a score of 17 to 20 points. "Very good color" means that the color is bright and typical of freshly extracted grapefruit juice and is free from any trace of browning.

(b) *(B) classification.* If the reconstituted juice possesses a "good color", a score of 14 to 16 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is typical of freshly extracted grapefruit juice which may be slightly dull or show traces of browning but is not off color for any reason.

(c) *(SStd) classification.* If the reconstituted juice fails to meet the requirements of paragraph (b) of this section, a score of 0 to 13 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1228 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from seeds and portions thereof, from excessive juice cells, from free and suspended pulp, from recoverable oil, and from other defects.

(1) "Free and suspended pulp" means particles of membrane, core, and peel and other similar extraneous materials in the reconstituted grapefruit juice.

(b) *(A) classification.* Frozen concentrated grapefruit juice of which the reconstituted juice is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present: (1) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or drinking quality of the juice; (2) juice cells that do not materially affect the appearance or drinking quality of the juice; (3) other defects that are not more than slightly objectionable; and (4) not more than 10 percent free and suspended pulp. To score in this classification the frozen concentrated grapefruit juice may contain not more than 0.040 milliliter of recoverable oil per 100 grams of the concentrated product.

(c) *(B) classification.* If the reconstituted juice is reasonably free from defects, a score of 28 to 33 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present: (1) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

in diameter, provided such seeds or portions thereof do not seriously affect the appearance or drinking quality of the juice; (2) juice cells that do not seriously affect the appearance or drinking quality of the juice; (3) other defects that are not materially objectionable; and (4) not more than 15 percent free and suspended pulp. To score in this classification the frozen concentrated garpefruit juice may contain not more than 0.048 milliliter of recoverable oil per 100 grams of the concentrated product.

(d) *(SStd) classification.* Frozen concentrated grapefruit juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1229 *Flavor—(a) (A) classification.* Frozen concentrated grapefruit juice of which the reconstituted juice possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means that the flavor is fine, distinct, and substantially typical of freshly extracted grapefruit juice. To score not less than 34 points frozen concentrated grapefruit juice shall meet the following requirements for the respective style:

(1) *Style I, without sweetening ingredient added.* The ratio of Brix value to acid is not less than 8 to 1 nor more than 14 to 1 (see Table I).

(2) *Style II, with sweetening ingredient added.* The ratio of Brix value to acid is not less than 9.5 to 1 nor more than 13 to 1 (see Table II).

(b) *(B) classification.* If the reconstituted juice possesses a good flavor, a score of 28 to 33 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Good flavor" means that the flavor is fairly typical of freshly extracted grapefruit juice and is free from abnormal flavors and off flavors of any kind. To score not less than 28 points frozen concentrated grapefruit juice shall meet the following requirements for the respective style:

(1) *Style I, without sweetening ingredient added.* The ratio of Brix value to acid is not less than 7 to 1 nor more than 16 to 1 (see Table I).

(2) *Style II, with sweetening ingredient added.* The ratio of Brix value to acid is not less than 8 to 1 nor more than 13 to 1 (see Table II).

(c) *(SStd) classification.* If the frozen concentrated grapefruit juice fails to meet the requirements of paragraph (b) of this section, a score of 0 to 27 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1230 *Definitions of terms as used in these standards.* (a) "Reconstituted juice" means the product obtained by mixing thoroughly 3 parts by volume of distilled water and one part by volume of frozen concentrated grapefruit juice.

(b) "Reconstitutes properly" means that the reconstituted juice shows no material separation of colloidal or suspended matter leaving a zone of definitely clear liquid without any turbidity, after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass tube or cylinder (such as a 50 ml. graduated cylinder).

(c) "Acid" means the percent by weight of acid (calculated as anhydrous citric acid) in frozen concentrated grapefruit juice.

TABLE I—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED GRAPEFRUIT JUICE

STYLE I. WITHOUT SWEETENING INGREDIENT ADDED

| Brix value of the concentrate in degrees Brix | U. S. Grade A or U. S. Fancy | | U. S. Grade B or U. S. Choice | |
|---|---|---|---|---|
| | Ratio 8:1 | Ratio 14:1 | Ratio 7:1 | Ratio 16:1 |
| | Acid percent by weight | | Acid percent by weight | |
| | Maximum | Minimum | Maximum | Minimum |
| 38.0° | 4.75 | 2.71 | 5.43 | 2.38 |
| 38.1° | 4.76 | 2.72 | 5.44 | 2.38 |
| 38.2° | 4.78 | 2.73 | 5.46 | 2.39 |
| 38.3° | 4.79 | 2.74 | 5.47 | 2.39 |
| 38.4° | 4.80 | 2.74 | 5.49 | 2.40 |
| 38.5° | 4.81 | 2.75 | 5.50 | 2.41 |
| 38.6° | 4.83 | 2.76 | 5.51 | 2.41 |
| 38.7° | 4.84 | 2.76 | 5.53 | 2.42 |
| 38.8° | 4.85 | 2.77 | 5.54 | 2.43 |
| 38.9° | 4.86 | 2.78 | 5.56 | 2.43 |
| 39.0° | 4.88 | 2.79 | 5.57 | 2.44 |
| 39.1° | 4.89 | 2.79 | 5.59 | 2.44 |
| 39.2° | 4.90 | 2.80 | 5.60 | 2.45 |
| 39.3° | 4.91 | 2.81 | 5.61 | 2.46 |
| 39.4° | 4.93 | 2.81 | 5.63 | 2.46 |
| 39.5° | 4.94 | 2.82 | 5.64 | 2.47 |
| 39.6° | 4.95 | 2.83 | 5.66 | 2.48 |
| 39.7° | 4.96 | 2.84 | 5.67 | 2.48 |
| 39.8° | 4.98 | 2.84 | 5.69 | 2.49 |
| 39.9° | 4.99 | 2.85 | 5.70 | 2.49 |
| 40.0° | 5.00 | 2.86 | 5.71 | 2.50 |
| 40.1° | 5.01 | 2.86 | 5.73 | 2.51 |
| 40.2° | 5.03 | 2.87 | 5.74 | 2.51 |
| 40.3° | 5.04 | 2.88 | 5.76 | 2.52 |
| 40.4° | 5.05 | 2.89 | 5.78 | 2.53 |
| 40.5° | 5.06 | 2.89 | 5.79 | 2.53 |
| 40.6° | 5.08 | 2.90 | 5.80 | 2.54 |
| 40.7° | 5.09 | 2.91 | 5.81 | 2.54 |
| 40.8° | 5.10 | 2.91 | 5.83 | 2.55 |
| 40.9° | 5.11 | 2.92 | 5.84 | 2.56 |
| 41.0° | 5.13 | 2.93 | 5.86 | 2.56 |
| 41.1° | 5.14 | 2.94 | 5.87 | 2.57 |
| 41.2° | 5.15 | 2.94 | 5.89 | 2.58 |
| 41.3° | 5.16 | 2.95 | 5.90 | 2.58 |
| 41.4° | 5.18 | 2.96 | 5.91 | 2.59 |
| 41.5° | 5.19 | 2.96 | 5.93 | 2.59 |
| 41.6° | 5.20 | 2.97 | 5.94 | 2.60 |
| 41.7° | 5.21 | 2.98 | 5.96 | 2.61 |
| 41.8° | 5.23 | 2.99 | 5.97 | 2.61 |
| 41.9° | 5.24 | 2.99 | 5.99 | 2.62 |
| 42.0° | 5.25 | 3.00 | 6.00 | 2.63 |

TABLE II—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED GRAPEFRUIT JUICE

STYLE II. WITH SWEETENING INGREDIENT ADDED

| Brix value of the concentrate in degrees Brix | U. S. Grade A or U. S. Fancy | | U. S. Grade B or U. S. Choice | |
|---|---|---|---|---|
| | Ratio 9.5:1 | Ratio 13:1 | Ratio 8:1 | Ratio 13:1 |
| | Acid percent by weight | | Acid percent by weight | |
| | Maximum | Minimum | Maximum | Minimum |
| 38.0° | 4.00 | 2.92 | 4.75 | 2.92 |
| 38.1° | 4.01 | 2.93 | 4.76 | 2.93 |
| 38.2° | 4.02 | 2.94 | 4.78 | 2.94 |
| 38.3° | 4.03 | 2.95 | 4.79 | 2.95 |
| 38.4° | 4.04 | 2.95 | 4.80 | 2.95 |
| 38.5° | 4.05 | 2.96 | 4.81 | 2.96 |
| 38.6° | 4.06 | 2.97 | 4.83 | 2.97 |
| 38.7° | 4.07 | 2.98 | 4.84 | 2.98 |
| 38.8° | 4.08 | 2.98 | 4.85 | 2.98 |
| 38.9° | 4.09 | 2.99 | 4.86 | 2.99 |
| 39.0° | 4.11 | 3.00 | 4.88 | 3.00 |
| 39.1° | 4.12 | 3.01 | 4.89 | 3.01 |
| 39.2° | 4.13 | 3.02 | 4.90 | 3.02 |
| 39.3° | 4.14 | 3.02 | 4.91 | 3.02 |
| 39.4° | 4.15 | 3.03 | 4.93 | 3.03 |
| 39.5° | 4.16 | 3.04 | 4.94 | 3.04 |
| 39.6° | 4.17 | 3.05 | 4.95 | 3.05 |
| 39.7° | 4.18 | 3.05 | 4.96 | 3.05 |
| 39.8° | 4.19 | 3.06 | 4.98 | 3.06 |
| 39.9° | 4.20 | 3.07 | 4.99 | 3.07 |
| 40.0° | 4.21 | 3.08 | 5.00 | 3.08 |
| 40.1° | 4.22 | 3.08 | 5.01 | 3.08 |
| 40.2° | 4.23 | 3.09 | 5.03 | 3.09 |
| 40.3° | 4.24 | 3.10 | 5.04 | 3.10 |
| 40.4° | 4.25 | 3.11 | 5.05 | 3.11 |
| 40.5° | 4.26 | 3.12 | 5.06 | 3.12 |
| 40.6° | 4.27 | 3.12 | 5.08 | 3.12 |
| 40.7° | 4.28 | 3.13 | 5.09 | 3.13 |
| 40.8° | 4.29 | 3.14 | 5.10 | 3.14 |
| 40.9° | 4.31 | 3.15 | 5.11 | 3.15 |
| 41.0° | 4.32 | 3.15 | 5.13 | 3.15 |
| 41.1° | 4.33 | 3.16 | 5.14 | 3.16 |
| 41.2° | 4.34 | 3.17 | 5.15 | 3.17 |
| 41.3° | 4.35 | 3.18 | 5.17 | 3.18 |
| 41.4° | 4.36 | 3.18 | 5.18 | 3.18 |
| 41.5° | 4.37 | 3.19 | 5.19 | 3.19 |
| 41.6° | 4.38 | 3.20 | 5.20 | 3.20 |
| 41.7° | 4.39 | 3.21 | 5.21 | 3.21 |
| 41.8° | 4.40 | 3.22 | 5.23 | 3.22 |
| 41.9° | 4.41 | 3.22 | 5.24 | 3.22 |
| 42.0° | 4.42 | 3.23 | 5.25 | 3.23 |
| 42.1° | 4.43 | 3.24 | 5.26 | 3.24 |
| 42.2° | 4.44 | 3.25 | 5.28 | 3.25 |
| 42.3° | 4.45 | 3.25 | 5.29 | 3.25 |
| 42.4° | 4.46 | 3.26 | 5.30 | 3.26 |
| 42.5° | 4.47 | 3.27 | 5.31 | 3.27 |
| 42.6° | 4.48 | 3.28 | 5.33 | 3.28 |
| 42.7° | 4.49 | 3.28 | 5.34 | 3.28 |
| 42.8° | 4.51 | 3.29 | 5.35 | 3.29 |
| 42.9° | 4.52 | 3.30 | 5.36 | 3.30 |
| 43.0° | 4.53 | 3.31 | 5.38 | 3.31 |
| 43.1° | 4.54 | 3.32 | 5.39 | 3.32 |
| 43.2° | 4.55 | 3.32 | 5.40 | 3.32 |
| 43.3° | 4.56 | 3.33 | 5.41 | 3.33 |
| 43.4° | 4.57 | 3.34 | 5.43 | 3.34 |
| 43.5° | 4.58 | 3.35 | 5.44 | 3.35 |
| 43.6° | 4.59 | 3.35 | 5.45 | 3.35 |
| 43.7° | 4.60 | 3.36 | 5.46 | 3.36 |
| 43.8° | 4.61 | 3.37 | 5.48 | 3.37 |
| 43.9° | 4.62 | 3.38 | 5.49 | 3.38 |
| 44.0° | 4.63 | 3.38 | 5.50 | 3.38 |
| 44.1° | 4.64 | 3.39 | 5.51 | 3.39 |
| 44.2° | 4.65 | 3.40 | 5.53 | 3.40 |
| 44.3° | 4.66 | 3.41 | 5.54 | 3.41 |
| 44.4° | 4.67 | 3.42 | 5.55 | 3.42 |
| 44.5° | 4.68 | 4.42 | 5.56 | 3.42 |
| 44.6° | 4.69 | 3.43 | 5.58 | 3.43 |
| 44.7° | 4.71 | 3.44 | 5.59 | 3.44 |
| 44.8° | 4.72 | 3.45 | 5.60 | 3.45 |
| 44.9° | 4.73 | 3.45 | 5.61 | 3.46 |
| 45.0° | 4.74 | 3.46 | 5.63 | 3.46 |
| 45.1° | 4.75 | 3.47 | 5.64 | 3.47 |
| 45.2° | 4.76 | 3.48 | 5.65 | 3.48 |
| 45.3° | 4.77 | 3.48 | 5.66 | 3.48 |
| 45.4° | 4.78 | 3.49 | 5.68 | 3.49 |
| 45.5° | 4.79 | 3.50 | 5.69 | 3.50 |
| 45.6° | 4.80 | 3.51 | 5.70 | 3.51 |
| 45.7° | 4.81 | 3.52 | 5.71 | 3.52 |
| 45.8° | 4.82 | 3.52 | 5.73 | 3.52 |
| 45.9° | 4.83 | 3.53 | 5.74 | 3.53 |
| 46.0° | 4.84 | 3.54 | 5.75 | 3.54 |
| 46.1° | 4.85 | 3.55 | 5.76 | 3.55 |
| 46.2° | 4.86 | 3.55 | 5.78 | 3.55 |
| 46.3° | 4.87 | 3.56 | 5.79 | 3.56 |
| 46.4° | 4.88 | 3.57 | 5.80 | 3.57 |
| 46.5° | 4.89 | 3.58 | 5.81 | 3.58 |
| 46.6° | 4.91 | 3.58 | 5.83 | 3.58 |
| 46.7° | 4.92 | 3.59 | 5.84 | 3.59 |
| 46.8° | 4.93 | 3.60 | 5.85 | 3.60 |
| 46.9° | 4.94 | 3.61 | 5.86 | 3.61 |
| 47.0° | 4.95 | 3.62 | 5.88 | 3.62 |
| 47.1° | 4.96 | 3.62 | 5.89 | 3.62 |
| 47.2° | 4.97 | 3.63 | 5.90 | 3.63 |
| 47.3° | 4.98 | 3.64 | 5.91 | 3.64 |
| 47.4° | 4.99 | 3.65 | 5.93 | 3.65 |
| 47.5° | 5.00 | 3.65 | 5.94 | 3.65 |
| 47.6° | 5.01 | 3.66 | 5.95 | 3.66 |
| 47.7° | 5.02 | 3.67 | 5.96 | 3.67 |
| 47.8° | 5.03 | 3.68 | 5.98 | 3.68 |
| 47.9° | 5.04 | 3.68 | 5.99 | 3.68 |
| 48.0° | 5.05 | 3.69 | 6.00 | 3.69 |

(d) "Brix value" in frozen concentrated grapefruit juice is the refractometric sucrose value determined in accordance with the International Scale of Refractive Indices of Sucrose Solutions and to which the applicable correction for acid is added. (See Table III for corrections.)

TABLE III—CORRECTIONS FOR OBTAINING BRIX VALUE[1]

| Citric acid, anhydrous (percent by weight) | Correction to be added to Refractometer Sucrose Value to obtain degree Brix value | Citric acid, anhydrous (percent by weight) | Correction to be added to Refractometer Sucrose Value to obtain degree Brix value |
|---|---|---|---|
| 0 percent | 0.39 | 4.2 percent | 0.81 |
| .2 percent | .43 | 4.4 percent | .85 |
| .4 percent | .47 | 4.6 percent | .89 |
| .6 percent | .51 | 4.8 percent | .93 |
| .8 percent | .54 | 5.0 percent | .97 |
| 1.0 percent | .58 | 5.2 percent | 1.01 |
| 1.2 percent | .62 | 5.4 percent | 1.04 |
| 1.4 percent | .66 | 5.6 percent | 1.07 |
| 1.6 percent | .70 | 5.8 percent | 1.11 |
| 1.8 percent | .74 | 6.0 percent | 1.15 |
| 2.0 percent | .78 | | |

[1] Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baur, from the Analytical Edition of Industrial and Engineering Chemistry, Vol. 11, p. 447, Aug. 15, 1939.

§ 52.1231 *Explanation of analyses.* (a) The measurement of Brix value is determined on the thawed concentrate in accordance with the refractometric method for sugars and sugar products, outlined in the Official Methods of Analysis of the Association of Official Agricultural Chemists.

(b) "Acid", calculated as anhydrous citric acid, is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(c) "Recoverable oil" is determined by the following method:

(i) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 and Figure 2: [2]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(2) *Procedure.* Exactly 400 grams of the thawed concentrate mixed with water to approximately two liters are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from the bottom to top, and bring the solution to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute.

(i) By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(ii) The number of milliliters of oil recovered divided by 4 equals the volume of recoverable oil per 100 grams of concentrate.

(d) "Free and suspended pulp" is determined by the following method: Graduated centrifuge tubes with a capacity of 50 ml. are filled with the reconstituted grapefruit juice and placed in a suitable centrifuge. The speed is adjusted, according to diameter, as indicated in Table IV, and the juice is centrifuged for exactly 10 minutes. As used herein, "diameter" means the over-all distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp in the tube is multiplied by 2 to give the percentage of pulp.

[2] Filed with the Federal Register Division as a part of the original document.

TABLE IV

| Diameter | Approximate revolutions per minute | Diameter | Approximate revolutions per minute |
|---|---|---|---|
| 10 inches | 1,609 | 15½ inches | 1,292 |
| 10½ inches | 1,570 | 16 inches | 1,271 |
| 11 inches | 1,531 | 16½ inches | 1,252 |
| 11½ inches | 1,500 | 17 inches | 1,234 |
| 12 inches | 1,468 | 17½ inches | 1,216 |
| 12½ inches | 1,438 | 18 inches | 1,199 |
| 13 inches | 1,410 | 18½ inches | 1,182 |
| 13½ inches | 1,384 | 19 inches | 1,167 |
| 14 inches | 1,359 | 19½ inches | 1,152 |
| 14½ inches | 1,336 | 20 inches | 1,137 |
| 15 inches | 1,313 | | |

LOT CERTIFICATION TOLERANCES

§ 52.1232 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen concentrated grapefruit juice, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1233 *Score sheet for frozen concentrated grapefruit juice.*

| | |
|---|---|
| Size and kind of container | |
| Container mark or identification | |
| Label | |
| Liquid measure (Fl. ounces) | |
| Brix value of concentrate (corrected for acid) | |
| Anhydrous citric acid (% by weight) | |
| Brix value to acid ratio (—:1) | |
| Recoverable oil (ml./100 grams) | |
| Free and suspended pulp (%) | |
| Reconstitutes properly (Yes) (No) | |
| Appearance of fresh juice (Yes) (No) | |

| Factors | | Score points | |
|---|---|---|---|
| Color | 20 | (A) | 17–20 |
| | | (B) | [1] 14–16 |
| | | (SStd) | 10–13 |
| Absence of defects | 40 | (A) | 34–40 |
| | | (B) | [1] 28–33 |
| | | (SStd) | 10–27 |
| Flavor | 40 | (A) | 34–40 |
| | | (B) | [1] 28–33 |
| | | (SStd) | 0–27 |
| Total score | 100 | | |
| Grade | | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED GRAPEFRUIT AND ORANGE FOR SALAD [1]

PRODUCT DESCRIPTION AND GRADES

§ 52.1251 *Product description.* Canned grapefruit and orange for salad, commonly known as canned citrus salad, is prepared from sound, mature grapefruit (Citrus paradisi) and from sound, mature oranges of the orange group (Citrus sinensis) which have been properly washed; and the segments thereof have been separated and the major portions of membrane and core and the seeds removed. The product is packed with or without the addition of water, juice, or sweetening ingredients and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers. It is recommended that the number of orange units be not less than the number of grapefruit units.

§ 52.1252 *Grades of canned grapefruit and orange for salad.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned grapefruit and orange for salad of which the average weight of the orange fruit is not less than 37½ percent nor more than 60 percent of the drained weight provided no single container consists of orange fruit that is less than 25 percent nor more than 75 percent of the drained fruit in such container; that possesses a drained weight or average drained weight, as the case may be, of not less than 60 percent of the capacity of the container; that consists of not less than 75 percent by weight of the drained grapefruit and not less than 75 percent by weight of the drained orange fruit which is in whole segments or almost whole segments; that possesses a good color; that is practically free from defects; that possesses a good character; that possesses a good flavor and odor; and that scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of canned grapefruit and orange for salad of which the average weight of the orange fruit is not less than 32½ percent nor more than 60 percent of the drained weight provided no single container consists of orange fruit that is less than 25 percent nor more than 75 percent of the drained weight of the fruit in such container; that possesses a drained weight or average drained weight, as the case may be, of not less than 55 percent of the capacity of the container; that consists of not less than 50 percent by weight of the drained grapefruit and not less than 50 percent by weight of the drained orange fruit which is in whole segments or almost whole segments; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; that possesses a fairly good flavor and odor; and that scores not less than 80 points when

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Broken" is the quality of canned grapefruit and orange for salad of which the average weight of the orange fruit is not less than 32½ percent nor more than 60 percent of the drained weight provided no single container consists of orange fruit that is less than 25 percent nor more than 75 percent of the drained weight of the fruit in such container; that possesses a drained weight or average drained weight, as the case may be, of not less than 55 percent of the capacity of the container; that consists of less than 50 percent by weight of the drained grapefruit or less than 50 percent by weight of the drained orange fruit which is in whole or almost whole segments; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; that possesses a fairly good flavor and odor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "U. S. Grade D" or "Substandard" is the quality of canned grapefruit and orange for salad that fails to meet the requirements of U. S. Grade B or U. S. Choice and U. S. Broken.

LIQUID MEDIA AND FILL OF CONTAINER

§ 52.1253 *Recommended designations of liquid media and Brix measurements.* "Cut-out" requirements for liquid media are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. It is recommended that canned grapefruit and orange for salad have the following indicated "cut-out" Brix measurement for the respective designation, which designations include, but are not limited to, the following:

| Designation of liquid media: | *Brix measurement* |
|---|---|
| Heavy sirup | 18° or more. |
| Light sirup | 16° or more, but less than 18°. |
| Slightly sweet | 12° or more, but less than 16°. |

§ 52.1254 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of canned grapefruit and orange for salad be filled with grapefruit and orange fruit as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

FACTORS OF QUALITY

§ 52.1255 *Ascertaining the grade.* (a) The grade of canned grapefruit and orange for salad may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of drained weight, wholeness, color, absence of defects, and character.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | *Points* |
|---|---|
| Drained weight | 20 |
| Wholeness | 20 |
| Color | 20 |
| Absence of defects | 20 |
| Character | 20 |
| Total score | 100 |

§ 52.1256 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.1257 *Drained weight*—(a) *General.* The drained weight of canned grapefruit and orange for salad is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and the fruit less the weight of the dry sieve. The fruit thus drained is referred to in this section as "drained fruit." A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can. "Capacity of the container" means the weight of distilled water at 68° Fahrenheit which the sealed container will hold.

TABLE NO. I—SCORE FOR DRAINED WEIGHTS OF CANNED GRAPEFRUIT AND ORANGE FOR SALAD

| Grade Classification | Score Points | Percentage that drained weight is of capacity of container | Drained weight on basis of container designation and size | | | |
|---|---|---|---|---|---|---|
| | | | 8 oz. tall (2 13/16 x 3 5/16 inches) | No. 2 (3 3/16 x 4 1/16 inches) | No. 3 Cyl. (4 1/16 x 4 7/16 inches) | No. 5 (5 3/16 x 5 1/16 inches) |
| | | | *Ounces* | *Ounces* | *Ounces* | *Ounces* |
| U. S. Grade A or U. S. Fancy. | 20 | 65 percent or more. | 5.63 or more | 13.33 or more | 33.56 or more | 38.41 or more. |
| | 19 | 62½ to 65 percent. | 5.41 to 5.62 incl. | 12.84 to 13.32 incl. | 32.27 to 33.55 incl. | 36.94 to 38.41 incl. |
| | 18 | 60 to 62½ percent. | 5.19 to 5.40 incl. | 12.33 to 12.83 incl. | 30.98 to 32.26 incl. | 35.46 to 36.93 incl. |
| U. S. Grade B or U. S. Choice or U. S. Broken. | 17 | 57½ to 60 percent. | 4.98 to 5.18 incl. | 11.79 to 12.32 incl. | 29.69 to 30.97 incl. | 33.99 to 35.45 incl. |
| | 16 | 55 to 57½ percent. | 4.76 to 4.97 incl. | 11.28 to 11.78 incl. | 28.40 to 29.68 incl. | 32.51 to 33.98 incl. |
| | 15 | 52½ to 55 percent. | 4.55 to 4.75 incl. | 10.77 to 11.27 incl. | 27.10 to 28.39 incl. | 31.04 to 32.50 incl. |
| U. S. Grade D or Substandard. | 14 | 50 to 52½ percent. | 4.33 to 4.54 incl. | 10.25 to 10.76 incl. | 25.81 to 27.09 incl. | 29.56 to 31.02 incl. |
| | 13 or less | Less than 50 percent. | Less than foregoing drained weights | | | |

(d) *(SStd) classification.* Canned grapefruit and orange for salad that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 15 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1258 *Wholeness*—(a) *General.* (1) "Whole" or "whole segment" means any fruit segment that retains its apparent original conformation and is not excessively trimmed.

(2) "Almost whole" or "almost whole segment" means any portion of a fruit segment that is not less than 75 percent of the apparent original segment size.

(3) "Broken" or "broken segment" means (i) any portion of a fruit segment that is less than 75 percent of the apparent original segment size, (ii) a "whole segment" or "almost whole segment" that is excessively trimmed, and (iii) portions of segments that are joined together only by a "thread" or membrane.

(b) *(A) classification.* Canned grapefruit and orange for salad that possesses a drained weight of not less than 60 percent of the capacity of the container may be given a score of 18 to 20 points for the respective containers as outlined in Table No. I. Whenever more than 1 container of the product is being graded, the score for drained weight of each container is determined by averaging the drained weights of the containers. If the average drained weight indicates a score of 18 to 20 points (in accordance with Table No. I) such score will be assigned to each container: *Provided,* That the drained weight of no individual container indicates a score of less than 16 points. However, if any individual container scores less than 16 points, each container will be assigned the score for its own drained weight.

(c) *(B) classification.* If the drained weight of the canned grapefruit and orange for salad is less than 60 percent but not less than 55 percent of the capacity of the container, a score of 16 or 17 points may be given for the respective containers as outlined in Table No. I. Whenever more than 1 container of the product is being graded, the score for drained weight of each container is determined by averaging the drained weights of the containers. If the average drained weight indicates a score of 16 or 17 points (in accordance with Table No. I) such score will be assigned to each container: *Provided,* That the drained weight of no individual container indicates a score of less than 14 points. However, if any individual container scores less than 14 points, each container will be assigned the score for its own drained weight. Canned grapefruit and orange for salad that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).



§ 52.1259 *Color*—(a) *(A) classification.* Canned grapefruit and orange for salad that possesses a good color may be given a score of 18 to 20 points. "Good color" means that the color (1) of the grapefruit is a practically uniform bright, typical color free from any noticable tinge of amber and (2) of the orange fruit is a bright, typical color which may range from deep yellow-orange to orange and which is practically uniform with not more than a slight variation in the units.

(b) *(B) classification.* If the canned grapefruit and orange for salad possesses a reasonably good color, a score of 16 or 17 points may be given. Canned grapefruit and orange for salad that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product. (This is a limiting rule.) "Reasonably good color" means that the color of the grapefruit and of the orange fruit is fairly bright, may be variable in color, but is not off color.

(c) *(SStd) classification.* Canned grapefruit and orange for salad that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 15 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1260 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material, from seeds, from portions of albedo, from portions of tough membrane, and from damaged units.

(1) "Harmless extraneous material" means leaves, portions of leaves, small pieces of peel, and other similar material that is harmless.

(2) "Seed" means any seed or any portion thereof, whether or not fully developed, that measures more than 3/16 inch in any dimension. A "large seed" is one that may be plump and measures more than 3/8 inch in any dimension.

(3) "Damaged unit" means any fruit segment or portion thereof that is damaged by pathological injury, by lye peeling, by discoloration, or by similar injury or that is damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(b) *(A) classification.* Canned grapefruit and orange for salad that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that no harmless extraneous material is present; that not more than 5 percent by weight of the drained fruit may be damaged units; and that for each 20 ounces of net weight there may be present:

(1) Not more than 4 seeds including not more than one large seed; and

(2) Not more than an aggregate area of 2 square inches on the units covered by tough membrane or albedo.

(c) *(B) classification.* If the canned grapefruit and orange for salad is reasonably free from defects, a score of 16 or 17 points may be given. Canned grapefruit and orange for salad that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that not more than 15 percent by weight of the drained fruit may be damaged units; and that for each 20 ounces of net weight there may be present:

(1) Not more than 1 small piece of harmless extraneous material;

(2) Not more than 12 seeds including not more than 3 large seeds; and

(3) Not more than an aggregate area of 3 square inches on the units covered by tough membrane or albedo.

(d) *(SStd) classification.* Canned grapefruit and orange for salad that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 15 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1261 *Character*—(a) *General* The factor of character refers to the structure and condition of the cells of the fruit and reflects the maturity of the grapefruit and orange fruit.

(b) *(A) classification.* Canned grapefruit and orange for salad that possesses a good character may be given a score of 18 to 20 points. "Good character" means that the grapefruit and orange fruit is moderately firm and fleshy; that the segments or portions thereof possess a juicy, cellular structure free from dry cells or "ricey" cells that materially affect the appearance or eating quality of the product; and that the product is reasonably free from loose floating cells.

(c) *(B) classification.* If the canned grapefruit and orange for salad possesses a reasonably good character, a score of 16 or 17 points may be given. Canned grapefruit and orange for salad that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the fruit is reasonably free from dry cells, "ricey" cells, or fibrous cells that materially affect the appearance or eating quality of the product but none of the fruit is seriously affected by dry cells, "ricey" cells, or fibrous cells.

(d) *(SStd) classification.* Canned grapefruit and orange for salad that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 15 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS

§ 52.1262 *Explanation of terms.* (a) "Good flavor and odor" means that the product has a distinct and normal flavor and odor typical of canned grapefruit and of canned orange fruit and is free from objectionable odors and objectionable flavors of any kind.

(b) "Fairly good flavor and odor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(c) "Brix" means the degrees Brix of the liquid media surrounding the canned grapefruit and orange fruit for salad when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If the liquid media is tested at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of the liquid media may be determined by any other method which gives equivalent results.

LOT CERTIFICATION TOLERANCES

§ 52.1263 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned grapefruit and orange fruit for salad, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1264 *Score sheet for canned grapefruit and orange for salad.*

| | | | |
|---|---|---|---|
| Size and kind of container | | | |
| Container mark or identification | | | |
| Label | | | |
| Net weight (ounces) | | | |
| Vacuum (inches) | | | |
| Drained weight (ounces) | | | |
| Brix measurement | | | |
| Syrup designation (heavy, light, etc.) | | | |
| Orange fruit: | | | |
| Drained weight (ounces) | | | |
| Proportion (percent) | | | |
| Count: | | | |
| Orange units | | | |
| Grapefruit units | | | |

| Factors | | Score points | |
|---|---|---|---|
| Drained weight | 20 | (A) | 18-20 |
| | | (B), (Bkn)[1] | 16-17 |
| | | (C) | 10-15 |
| Wholeness | 20 | (A) | 18-20 |
| | | (B) | 16-17 |
| | | (Bkn) | 10-15 |
| Color | 20 | (A) | 18-20 |
| | | (B), (Bkn)[1] | 16-17 |
| | | (C) | 0-15 |
| Absence of defects | 20 | (A) | 18-20 |
| | | (B), (Bkn)[1] | 16-17 |
| | | (C) | 0-15 |
| Character | 20 | (A) | 18-20 |
| | | (B), (Bkn)[1] | 16-17 |
| | | (C) | 0-15 |
| Total score | 100 | | |

| | | | |
|---|---|---|---|
| Flavor and odor | | | |
| Grade | | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED BLENDED GRAPEFRUIT JUICE AND ORANGE JUICE[1]

PRODUCT DESCRIPTION AND GRADES

§ 52.1281 *Product description.* Canned blended grapefruit juice and orange juice is the product prepared from a combination of undiluted, unconcentrated, unfermented juices obtained from the mature fresh fruit of the grapefruit tree (Citrus paradisi) and the sweet orange group (Citrus sinensis) and Mandarin group (Citrus reticulata), except tangerines, which fruit has been properly washed; is packed with or without the addition of sweetening ingredients; is sufficiently processed by heat to assure preservation of the product; and is packed in containers which are hermetically sealed. It is recommended that canned blended grapefruit juice and orange juice be composed of not less than 50 percent orange juice; however, in oranges yielding light-colored juice it is further recommended that as much as 75 percent orange juice be used.

§ 52.1282 *Grades of canned blended grapefruit juice and orange juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned blended grapefruit juice and orange juice that shows no coagulation; possesses a very good color; is practically free from defects; possesses a very good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned blended grapefruit juice and orange juice that may show slight coagulation; possesses a good color; is fairly free from defects; possesses a good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of canned blended grapefruit juice and orange juice that fails to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER

§ 52.1283 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be filled as full as practicable with blended grapefruit juice and orange juice and that the product occupy not less than 90 percent of the total capacity of the container.

FACTORS OF QUALITY

§ 52.1284 *Ascertaining the grade.* (a) The grade of canned blended grapefruit juice and orange juice may be ascertained by considering, in addition to the foregoing requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor.

(b) The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

| Factors: | Points |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Flavor | 40 |
| Total score | 100 |

§ 52.1285 *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1286 *Color*—(a) *(A) classification.* Canned blended grapefruit juice and orange juice that possesses a very good color may be given a score of 17 to 20 points. "Very good color" means that the blended juice possesses a light yellow-orange color that is bright and typical of freshly extracted juice and is free from browning due to scorching, oxidation, caramelization, or other causes.

(b) *(C) classification.* If the canned blended grapefruit juice and orange juice possesses a good color, a score of 14 to 16 points may be given. Canned blended juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good color" means that the blended juice possesses a fairly typical color that may range from light yellow to light amber, may be dull or show evidence of slight browning, but is not off color.

(c) *(SStd) classification.* Canned blended grapefruit juice and orange juice that for any reason fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1287 *Absence of defects—(a) General.* The factor of absence of defects refers to the degree of freedom from free and suspended pulp, recoverable oil, seeds and seed particles, or other defects.

(1) "Free and suspended pulp" means particles of membrane, core, skin, and other similar extraneous material in the canned blended juice.

(b) *(A) classification.* Canned blended grapefruit juice and orange juice that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the juice may contain not more than 12 percent free and suspended pulp and that there may be present not more than 0.030 percent by volume of recoverable oil; and does not contain seeds or seed particles or other defects that more than slightly affect the appearance of the product.

(c) *(C) classification.* If the canned blended grapefruit juice and orange juice is fairly free from defects, a score of 28 to 33 points may be given. Canned blended juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the juice may contain not more than 18 percent free and suspended pulp and that there may be present not more than 0.050 percent by volume of recoverable oil; and does not contain seeds or seed particles or other defects that materially affect the appearance of the product.

(d) *(SStd) classification.* If the canned blended grapefruit juice and orange juice fails to meet the requirements of paragraph (c) of this section, a score of 0 to 27 points may be given. Canned blended juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1288 *Flavor*—(a) *(A) classification.* (1) Canned blended grapefruit juice and orange juice that possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means a fine, distinct canned blended grapefruit juice and orange juice flavor which is free from off flavors of any kind and meets the following requirements:

(i) Brix—Not less than 10.0 degrees.

(ii) Acid—Not less than 0.80 gram nor more than 1.70 grams (calculated as anhydrous citric acid) per 100 ml. of juice.

(iii) Brix-acid ratio—Not less than 8 to 1 nor more than 17 to 1.

(2) Canned blended grapefruit juice and orange juice is considered "sweet" if the juice possesses a very good flavor and falls within the range of the following requirements:

(i) Brix—Not less than 12.5 degrees.

(ii) Acid—Not less than 0.80 gram nor more than 1.70 grams (calculated as anhydrous citric acid) per 100 ml. of juice.

(iii) Brix-acid ratio—Not less than 10 to 1 nor more than 17 to 1, provided, that when the Brix of the juice is 16 degrees or more, the Brix-acid ratio may be less than 10 to 1.

(b) *(C) classification.* (1) If the canned blended grapefruit juice and orange juice possesses a good flavor, a score of 28 to 33 points may be given. Canned blended juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total sore for the product (this is a limiting rule). "Good flavor" means a good, normal canned blended grapefruit juice and orange juice flavor which is free from off flavors of any kind and meets the following requirement:

(i) Brix—Not less than 9.5 degrees.

(ii) Acid—Not less than 0.65 grams nor more than 1.80 grams (calculated as anhydrous citric acid) per 100 ml. of juice.

(iii) Brix-acid ratio—Not less than 7.5 to 1.

(2) Canned blended grapefruit juice and orange juice is considered "sweet" if the juice possesses a good flavor and falls within the range of the following requirements:

(i) Brix—Not less than 12.5 degrees.

(ii) Acid—Not less than 0.65 gram nor more than 1.80 grams (calculated as anhydrous citric acid) per 100 ml. of juice.

(iii) Brix-acid ratio—Not less than 10 to 1, provided, that when the Brix of the juice is 16 degrees or more, the Brix-acid ratio may be less than 10 to 1.

(c) *(SStd) classification.* Canned blended grapefruit juice and orange juice that fails to meet the requirements of paragraph (b) of this section, is off flavor, or is unpalatable for any reason may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1289 *Definitions of terms.* (a) "Brix" means the degrees Brix of canned blended grapefruit juice and orange juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing juice at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of canned blended juice may be determined by any other method which gives equivalent results.

(b) "Acid" means grams of acid (calculated as anhydrous citric acid) per 100 ml. of juice in canned blended grapefruit juice and orange juice determined by titration with standard sodium hydroxide solution using phenolphthalein indicator.

§ 52.1290 *Explanation of analyses.* (a) Free and suspended pulp is determined by the following method:

(1) Graduated centrifuge tubes with a capacity of 50 ml. are filled with juice and placed in a suitable centrifuge. The speed is adjusted, according to diameter, as indicated in Table No. I, and the juice is centrifuged for exactly 10 minutes. As used in this section, "diameter" means the over-all distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp in the tube is multiplied by 2 to give the percentage of pulp.

TABLE NO. I

| Diameter | Approximate revolutions per minute | Diameter | Approximate revolutions per minute |
|---|---|---|---|
| 10 inches | 1,609 | 15½ inches | 1,292 |
| 10½ inches | 1,570 | 16 inches | 1,271 |
| 11 inches | 1,534 | 16½ inches | 1,252 |
| 11½ inches | 1,500 | 17 inches | 1,234 |
| 12 inches | 1,468 | 17½ inches | 1,216 |
| 12½ inches | 1,438 | 18 inches | 1,199 |
| 13 inches | 1,410 | 18½ inches | 1,182 |
| 13½ inches | 1,384 | 19 inches | 1,167 |
| 14 inches | 1,359 | 19½ inches | 1,152 |
| 14½ inches | 1,336 | 20 inches | 1,137 |
| 15 inches | 1,313 | | |

(b) Recoverable oil in canned blended grapefruit juice and orange juice is determined by the following method:

(1) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 and Figure 2.[2]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(2) *Procedure.* Exactly 2 liters of juice are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute. By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(i) The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

LOT CERTIFICATION TOLERANCES

§ 52.1291 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned blended grapefruit juice and orange juice, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1292 *Score sheet for canned blended grapefruit juice and orange juice.*

| | | | |
|---|---|---|---|
| Size and kind of container | | | |
| Container mark or identification | | | |
| Label | | | |
| Liquid measure (fl. ounces) | | | |
| Vacuum (in inches) | | | |
| Brix (degrees) | | | |
| Acid (anhydrous citric grams per ml.) | | | |
| Brix-acid ratio | | | |
| Pulp (free and suspended) percent | | | |
| Recoverable oil (percent by volume) | | | |

| Factors | | Score points | |
|---|---|---|---|
| Color | 20 | (A) | 17-20 |
| | | (B) | 14-16 |
| | | (C) | 10-13 |
| | | (D) | 0-9 |
| Absence of defects | 40 | (A) | 34-40 |
| | | (B) | 28-33 |
| | | (C) | 18-27 |
| | | (D) | 0-17 |
| Flavor | 40 | (A) | 34-40 |
| | | (B) | 28-33 |
| | | (C) | 18-27 |
| | | (D) | 0-17 |
| Total score | 100 | | |

| | | | |
|---|---|---|---|
| Grade | | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN CONCENTRATED BLENDED GRAPEFRUIT JUICE AND ORANGE JUICE[1]

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1311 *Product description.* Frozen concentrated blended grapefruit juice and orange juice is the frozen product prepared from a combination of concentrated, unfermented juices obtained from sound, mature grapefruit (Citrus paradisi) and from sound, mature fruit of the sweet orange group (Citrus sinensis) and Mandarin group (Citrus reticulata), except tangerines. The fruit is prepared by sorting and by washing prior to extraction of the juices to assure a clean product. The juices may be blended upon extraction of such juices or after concentration and fresh orange juice extracted from sorted and washed fruit, as aforesaid, is admixed to the concentrate. It is recommended that the frozen concentrated blended grapefruit juice and orange juice be composed of the equivalent of not less than 50 percent orange juice in the reconstituted juice; however, in oranges yielding light-colored juice it is further recommended that as much as the equivalent of 75 percent orange juice in the reconstituted juice be used. The concentrated juice is packed in accordance with good com-

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

[2] Filed with the Federal Register Division as part of the original document.

mercial practice and is frozen and maintained at temperatures necessary for the preservation of the product.

§ 52.1312 *Styles of frozen concentrated blended grapefruit juice and orange juice*—(a) *Style I, without sweetening ingredient added.* The Brix value of the finished concentrate shall be not less than 40 degrees nor more than 44 degrees.

(b) *Style II, with sweetening ingredient added.* The finished concentrate, exclusive of added sweetening ingredient, has a Brix value of not less than 38 degrees; and the finished concentrate, including added sweetening ingredient, shall have a Brix value of not less than 40 degrees but not more than 48 degrees.

§ 52.1313 *Grades of frozen concentrated blended grapefruit juice and orange juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen concentrated blended grapefruit juice and orange juice which reconstitutes properly and of which the reconstituted juice possesses the appearance of fresh juices of such a blend; possesses a very good color; is practically free from defects; possesses a very good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen concentrated blended grapefruit juice and orange juice which reconstitutes properly and of which the reconstituted juice possesses a good color; is reasonably free from defects; possesses a good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen concentrated blended grapefruit juice and orange juice that fails to meet the requirements of U. S. Grade B or U. S. Choice.

FILL OF CONTAINER

§ 52.1314 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with frozen concentrated blended grapefruit juice and orange juice as full as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.1315 *Ascertaining the grade.* (a) The grade of frozen concentrated blended grapefruit juice and orange juice is ascertained by considering in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Flavor | 40 |
| Total score | 100 |

§ 52.1316 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1317 *Color*—(a) *(A) classification.* Frozen concentrated blended grapefruit juice and orange juice of which the reconstituted juice possesses a very good color may be given a score of 17 to 20 points. "Very good color" means that the color is bright, light yellow-orange, and typical of freshly extracted juices of such a blend and is free from any trace of browning indicative of scorching, oxidation, caramelization, or other causes.

(b) *(B) classification.* If the reconstituted juice possesses a "good color," a score of 14 to 16 points may be given. Frozen concentrated blended grapefruit juice and orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color may range from light yellow to light amber, is fairly typical of freshly extracted juices of such a blend and may be slightly dull or may show traces of browning but is not off color for any reason.

(c) *(SStd) classification.* If the reconstituted juice fails to meet the requirements of paragraph (b) of this section, a score of 0 to 13 points may be given. Frozen concentrated blended grapefruit juice and orange juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1318 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from seeds and portions thereof, from excessive juice cells, from free and suspended pulp, from recoverable oil, and from other defects.

(1) "Free and suspended pulp" means particles of membrane, core, and peel and other similar extraneous materials in the reconstituted blended grapefruit juice and orange juice.

(b) *(A) classification.* Frozen concentrated blended grapefruit juice and orange juice of which the reconstituted juice is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present: (1) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or drinking quality of the juice; (2) juice cells that do not materially affect the appearance or drinking quality of the juice; (3) other defects that are not more than slightly objectionable, and (4) not more than 12 percent free and suspended pulp. To score in this classification the frozen concentrated blended grapefruit juice and orange juice may contain not more than 0.080 milliliter of recoverable oil per 100 grams of the concentrated product.

(c) *(B) classification.* If the reconstituted juice is reasonably free from defects, a score of 28 to 33 points may be given. Frozen concentrated blended grapefruit juice and orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present: (1) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not seriously affect the appearance or drinking quality of the juice; (2) juice cells that do not seriously affect the appearance or drinking quality of the juice; (3) other defects that are not materially objectionable, and (4) not more than 18 percent free and suspended pulp. To score in this classification the frozen concentrated blended grapefruit juice and orange juice may contain not more than 0.096 milliliter of recoverable oil per 100 grams of the concentrated product.

(d) *(SStd) classification.* Frozen concentrated blended grapefruit juice and orange juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1319 *Flavor*—(a) *(A) classification.* Frozen concentrated blended grapefruit juice and orange juice of which the reconstituted juice possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means that the flavor is fine, distinct, and substantially typical of freshly extracted juices of such a blend. To score not less than 34 points frozen concentrated blended grapefruit juice and orange juice shall meet the following requirements for the respective style:

(1) *Style I, without sweetening ingredient added.* The ratio of Brix value to acid is not less than 10 to 1 nor more than 16 to 1 (See Table I).

(2) *Style II, with sweetening ingredient added.* The ratio of Brix value to acid is not less than 11 to 1 nor more than 13 to 1 (See Table II).

(b) *(B) classification.* If the reconstituted juice possesses a good flavor, a score of 28 to 33 points may be given. Frozen concentrated blended grapefruit juice and orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Good flavor" means that the flavor is fairly typical of freshly extracted juices of such a blend and is free from abnormal or off flavors of any kind. To score not less than 28 points frozen concentrated blended grapefruit juice and orange juice shall meet the following requirements for the respective style:

(1) *Style I, without sweetening ingredient added.* The ratio of Brix value to acid is not less than 8 to 1 nor more than 18 to 1 (See Table I).

(2) *Style II, with sweetening ingredient added.* The ratio of Brix value to acid is not less than 9 to 1 nor more than 13 to 1 (See Table II).

(c) *(SStd) classification.* If the frozen concentrated blended grapefruit juice and orange juice fails to meet the requirements of paragraph (b) of this section, a score of 0 to 27 points may be given. Frozen concentrated blended grapefruit juice and orange juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED BLENDED GRAPEFRUIT JUICE AND ORANGE JUICE

STYLE I, WITHOUT SWEETENING INGREDIENT ADDED

| Brix value of the concentrate in degrees Brix | U. S. Grade A or U. S. Fancy | | U. S. Grade B or U. S. Choice | |
|---|---|---|---|---|
| | Ratio 10:1 | Ratio 16:1 | Ratio 8:1 | Ratio 18:1 |
| | Acid percent by weight | | Acid percent by weight | |
| | Maximum | Minimum | Maximum | Minimum |
| 40.0° | 4.00 | 2.50 | 5.00 | 2.22 |
| 40.1° | 4.01 | 2.51 | 5.01 | 2.23 |
| 40.2° | 4.02 | 2.51 | 5.03 | 2.23 |
| 40.3° | 4.03 | 2.52 | 5.04 | 2.24 |
| 40.4° | 4.04 | 2.53 | 5.05 | 2.24 |
| 40.5° | 4.05 | 2.53 | 5.06 | 2.25 |
| 40.6° | 4.06 | 2.54 | 5.08 | 2.26 |
| 40.7° | 4.07 | 2.54 | 5.09 | 2.26 |
| 40.8° | 4.08 | 2.55 | 5.10 | 2.27 |
| 40.9° | 4.09 | 2.56 | 5.11 | 2.27 |
| 41.0° | 4.10 | 2.56 | 5.13 | 2.28 |
| 41.1° | 4.11 | 2.57 | 5.14 | 2.28 |
| 41.2° | 4.12 | 2.58 | 5.15 | 2.29 |
| 41.3° | 4.13 | 2.58 | 5.16 | 2.29 |
| 41.4° | 4.14 | 2.59 | 5.18 | 2.30 |
| 41.5° | 4.15 | 2.59 | 5.19 | 2.31 |
| 41.6° | 4.16 | 2.60 | 5.20 | 2.31 |
| 41.7° | 4.17 | 2.61 | 5.21 | 2.32 |
| 41.8° | 4.18 | 2.61 | 5.23 | 2.32 |
| 41.9° | 4.19 | 2.62 | 5.24 | 2.33 |
| 42.0° | 4.20 | 2.63 | 5.25 | 2.34 |
| 42.1° | 4.21 | 2.63 | 5.26 | 2.34 |
| 42.2° | 4.22 | 2.64 | 5.28 | 2.34 |
| 42.3° | 4.23 | 2.64 | 5.29 | 2.35 |
| 42.4° | 4.24 | 2.65 | 5.30 | 2.35 |
| 42.5° | 4.25 | 2.66 | 5.31 | 2.36 |
| 42.6° | 4.26 | 2.66 | 5.33 | 2.37 |
| 42.7° | 4.27 | 2.67 | 5.34 | 2.37 |
| 42.8° | 4.28 | 2.68 | 5.35 | 2.38 |
| 42.9° | 4.29 | 2.68 | 5.36 | 2.38 |
| 43.0° | 4.30 | 2.69 | 5.38 | 2.39 |
| 43.1° | 4.31 | 2.69 | 5.39 | 2.39 |
| 43.2° | 4.32 | 2.70 | 5.40 | 2.40 |
| 43.3° | 4.33 | 2.71 | 5.41 | 2.41 |
| 43.4° | 4.34 | 2.71 | 5.43 | 2.41 |
| 43.5° | 4.35 | 2.72 | 5.44 | 2.42 |
| 43.6° | 4.36 | 2.73 | 5.45 | 2.42 |
| 43.7° | 4.37 | 2.73 | 5.46 | 2.43 |
| 43.8° | 4.38 | 2.74 | 5.48 | 2.43 |
| 43.9° | 4.39 | 2.74 | 5.49 | 2.44 |
| 44.0° | 4.40 | 2.75 | 5.50 | 2.44 |

TABLE II—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED BLENDED GRAPEFRUIT JUICE AND ORANGE JUICE

STYLE II, WITH SWEETENING INGREDIENT ADDED

| Brix value of the concentrate in degrees Brix | U. S. Grade A or U. S. Fancy | | U. S. Grade B or U. S. Choice | |
|---|---|---|---|---|
| | Ratio 11:1 | Ratio 13:1 | Ratio 9:1 | Ratio 13:1 |
| | Acid percent by weight | | Acid percent by weight | |
| | Maximum | Minimum | Maximum | Minimum |
| 38.0° | 3.64 | 3.08 | 4.44 | 3.08 |
| 38.1° | 3.65 | 3.08 | 4.46 | 3.08 |
| 38.2° | 3.65 | 3.09 | 4.47 | 3.09 |
| 38.3° | 3.66 | 3.10 | 4.48 | 3.10 |

TABLE II—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED BLENDED GRAPEFRUIT JUICE AND ORANGE JUICE—Continued

STYLE II, WITH SWEETENING INGREDIENT ADDED—Con.

| Brix value of the concentrate in degrees Brix | U. S. Grade A or U. S. Fancy | | U. S. Grade B or U. S. Choice | |
|---|---|---|---|---|
| | Ratio 11:1 | Ratio 13:1 | Ratio 9:1 | Ratio 13:1 |
| | Acid percent by weight | | Acid percent by weight | |
| | Maximum | Minimum | Maximum | Minimum |
| 40.0° | 3.67 | 3.11 | 4.49 | 3.11 |
| 40.1° | 3.68 | 3.12 | 4.50 | 3.12 |
| 40.2° | 3.69 | 3.12 | 4.51 | 3.12 |
| 40.3° | 3.70 | 3.13 | 4.52 | 3.13 |
| 40.4° | 3.71 | 3.14 | 4.53 | 3.14 |
| 40.5° | 3.72 | 3.15 | 4.54 | 3.15 |
| 40.6° | 3.73 | 3.15 | 4.55 | 3.15 |
| 40.7° | 3.74 | 3.16 | 4.57 | 3.16 |
| 40.8° | 3.75 | 3.17 | 4.58 | 3.17 |
| 40.9° | 3.75 | 3.18 | 4.59 | 3.18 |
| 41.0° | 3.76 | 3.18 | 4.60 | 3.18 |
| 41.1° | 3.77 | 3.19 | 4.61 | 3.19 |
| 41.2° | 3.78 | 3.20 | 4.62 | 3.20 |
| 41.3° | 3.79 | 3.21 | 4.63 | 3.21 |
| 41.4° | 3.80 | 3.22 | 4.64 | 3.22 |
| 41.5° | 3.81 | 3.22 | 4.65 | 3.22 |
| 41.6° | 3.82 | 3.23 | 4.67 | 3.23 |
| 41.7° | 3.83 | 3.24 | 4.68 | 3.24 |
| 41.8° | 3.84 | 3.25 | 4.69 | 3.25 |
| 41.9° | 3.85 | 3.25 | 4.70 | 3.25 |
| 42.0° | 3.85 | 3.26 | 4.71 | 3.26 |
| 42.1° | 3.86 | 3.27 | 4.72 | 3.27 |
| 42.2° | 3.87 | 3.28 | 4.73 | 3.28 |
| 42.3° | 3.88 | 3.28 | 4.74 | 3.28 |
| 42.4° | 3.89 | 3.29 | 4.76 | 3.29 |
| 42.5° | 3.90 | 3.30 | 4.77 | 3.30 |
| 42.6° | 3.91 | 3.31 | 4.78 | 3.31 |
| 42.7° | 3.92 | 3.32 | 4.79 | 3.32 |
| 42.8° | 3.93 | 3.32 | 4.80 | 3.32 |
| 42.9° | 3.94 | 3.33 | 4.81 | 3.33 |
| 43.0° | 3.95 | 3.34 | 4.82 | 3.34 |
| 43.1° | 3.95 | 3.35 | 4.83 | 3.35 |
| 43.2° | 3.96 | 3.35 | 4.84 | 3.35 |
| 43.3° | 3.97 | 3.36 | 4.86 | 3.36 |
| 43.4° | 3.98 | 3.37 | 4.87 | 3.37 |
| 43.5° | 3.99 | 3.38 | 4.88 | 3.38 |
| 43.6° | 4.00 | 3.38 | 4.89 | 3.38 |
| 43.7° | 4.01 | 3.39 | 4.90 | 3.39 |
| 43.8° | 4.02 | 3.40 | 4.91 | 3.40 |
| 43.9° | 4.03 | 3.41 | 4.92 | 3.41 |
| 44.0° | 4.04 | 3.42 | 4.93 | 3.42 |
| 44.1° | 4.05 | 3.42 | 4.94 | 3.42 |
| 44.2° | 4.05 | 3.43 | 4.96 | 3.43 |
| 44.3° | 4.06 | 3.44 | 4.97 | 3.44 |
| 44.4° | 4.07 | 3.45 | 4.98 | 3.45 |
| 44.5° | 4.08 | 3.45 | 4.99 | 3.45 |
| 44.6° | 4.09 | 3.46 | 5.00 | 3.46 |
| 44.7° | 4.10 | 3.47 | 5.01 | 3.47 |
| 44.8° | 4.11 | 3.48 | 5.02 | 3.48 |
| 44.9° | 4.12 | 3.48 | 5.03 | 3.48 |
| 45.0° | 4.13 | 3.49 | 5.04 | 3.49 |
| 45.1° | 4.14 | 3.50 | 5.06 | 3.50 |
| 45.2° | 4.15 | 3.51 | 5.07 | 3.51 |
| 45.3° | 4.15 | 3.52 | 5.08 | 3.52 |
| 45.4° | 4.16 | 3.52 | 5.09 | 3.52 |
| 45.5° | 4.17 | 3.53 | 5.10 | 3.53 |
| 45.6° | 4.18 | 3.54 | 5.11 | 3.54 |
| 45.7° | 4.19 | 3.55 | 5.12 | 3.55 |
| 45.8° | 4.20 | 3.55 | 5.13 | 3.55 |
| 45.9° | 4.21 | 3.56 | 5.14 | 3.56 |
| 46.0° | 4.22 | 3.57 | 5.16 | 3.57 |
| 46.1° | 4.23 | 3.58 | 5.17 | 3.58 |
| 46.2° | 4.24 | 3.58 | 5.18 | 3.58 |
| 46.3° | 4.25 | 3.59 | 5.19 | 3.59 |
| 46.4° | 4.25 | 3.60 | 5.20 | 3.60 |
| 46.5° | 4.26 | 3.61 | 5.21 | 3.61 |
| 46.6° | 4.27 | 3.62 | 5.22 | 3.62 |
| 46.7° | 4.28 | 3.62 | 5.23 | 3.62 |
| 46.8° | 4.29 | 3.63 | 5.24 | 3.63 |
| 46.9° | 4.30 | 3.64 | 5.26 | 3.64 |
| 47.0° | 4.31 | 3.65 | 5.27 | 3.65 |
| 47.1° | 4.32 | 3.65 | 5.28 | 3.65 |
| 47.2° | 4.33 | 3.66 | 5.29 | 3.66 |
| 47.3° | 4.34 | 3.67 | 5.30 | 3.67 |
| 47.4° | 4.35 | 3.68 | 5.31 | 3.68 |
| 47.5° | 4.35 | 3.68 | 5.32 | 3.68 |
| 47.6° | 4.36 | 3.69 | 5.33 | 3.69 |

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1320 *Definitions of terms as used in these standards.* (a) "Oranges" means oranges of the sweet orange group (Citrus sinensis) and the Mandarin group (Citrus reticulata), except tangerines.

(b) "Reconstituted juice" means the product obtained by mixing thoroughly 3 parts by volume of distilled water and one part by volume of frozen concentrated blended grapefruit juice and orange juice.

(c) "Reconstitutes properly" means that the reconstituted juice shows no material separation of colloidal or suspended matter, leaving a zone of definitely clear liquid without any turbidity, after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass tube or cylinder (such as a 50 ml. graduated cylinder).

(d) "Acid" means the percent by weight of acid (calculated as anhydrous citric acid) in frozen concentrated blended grapefruit juice and orange juice.

(e) "Brix value" in frozen concentrated blended grapefruit juice and orange juice is the refractometric sucrose value determined in accordance with the International Scale of Refractive Indices of Sucrose Solutions and to which the applicable correction for acid is added. (See Table III for corrections.)

TABLE III[1]—CORRECTIONS FOR OBTAINING BRIX VALUE

| Citric acid, anhydrous (percent by weight) | Correction to be added to refractometer sucrose value to obtain degree Brix value | Citric acid, anhydrous (percent by weight) | Correction to be added to refractometer sucrose value to obtain degree Brix value |
|---|---|---|---|
| 2.0 | 0.39 | 4.0 | 0.78 |
| 2.2 | .43 | 4.2 | .81 |
| 2.4 | .47 | 4.4 | .85 |
| 2.6 | .51 | 4.6 | .89 |
| 2.8 | .54 | 4.8 | .93 |
| 3.0 | .58 | 5.0 | .97 |
| 3.2 | .62 | 5.2 | 1.01 |
| 3.4 | .66 | 5.4 | 1.04 |
| 3.6 | .70 | 5.6 | 1.07 |
| 3.8 | .74 | | |

[1] Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, Vol. II, Page 417, Aug. 15, 1939.

§ 52.1321 *Explanation of analyses.* (a) The measurement of Brix value is determined on the thawed concentrate in accordance with the refractometric method for sugars and sugar products, outlined in the Official Methods of Analysis of the Association of Official Agricultural Chemists.

(b) "Acid," calculated as anhydrous citric acid, is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(c) "Recoverable oil" is determined by the following method:

(1) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 and Figure 2.[2]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(2) *Procedure.* (i) Exactly 400 grams of the thawed concentrate mixed with water to approximately two liters are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from the bottom to top, and

[2] Filed with the Federal Register Division as a part of the original document.

bring the solution to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute.

(ii) By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(iii) The number of milliliters of oil recovered divided by 4 equals the volume of recoverable oil per 100 grams of concentrate.

(d) "Free and suspended pulp" is determined by the following method: Graduated centrifuge tubes with a capacity of 50 ml. are filled with the reconstituted blended grapefruit juice and orange juice and placed in a suitable centrifuge. The speed is adjusted, according to diameter, as indicated in Table IV, and the juice is centrifuged for exactly 10 minutes. As used herein, "diameter" means the over-all distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp in the tube is multiplied by 2 to give the percentage of pulp.

TABLE IV

| Diameter | Approximate revolutions per minute | Diameter | Approximate revolutions per minute |
|---|---|---|---|
| 10 inches | 1,660 | 15½ inches | 1,202 |
| 10½ inches | 1,620 | 16 inches | 1,171 |
| 11 inches | 1,581 | 16½ inches | 1,252 |
| 11½ inches | 1,540 | 17 inches | 1,234 |
| 12 inches | 1,468 | 17½ inches | 1,216 |
| 12½ inches | 1,438 | 18 inches | 1,199 |
| 13 inches | 1,440 | 18½ inches | 1,182 |
| 13½ inches | 1,384 | 19 inches | 1,167 |
| 14 inches | 1,359 | 19½ inches | 1,152 |
| 14½ inches | 1,334 | 20 inches | 1,137 |
| 15 inches | 1,313 | | |

LOT CERTIFICATION TOLERANCES

§ 52.1322 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen concentrated blended grapefruit juice and orange juice, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1323 *Score sheet for frozen concentrated blended grapefruit juice and orange juice.*

| | |
|---|---|
| Size and kind of container | |
| Container mark or identification | |
| Label | |
| Liquid measure (Fl. ounces) | |
| Brix value of concentrate (corrected for acid) | |
| Anhydrous citric acid (% by weight) | |
| Brix value to acid ratio (—:1) | |
| Recoverable oil (ml./100 grams) | |
| Free and suspended pulp (%) | |
| Reconstituted properly (Yes) (No) | |
| Appearance of fresh juice (Yes) (No) | |

| Factors | Score points | | |
|---|---|---|---|
| Color | 20 | (A) | 17-20 |
| | | (B) | 14-16 |
| | | (SStd) | 0-13 |
| Absence of defects | 40 | (A) | 34-40 |
| | | (B) | 28-33 |
| | | (SStd) | 0-27 |
| Flavor | 40 | (A) | 34-40 |
| | | (B) | 28-33 |
| | | (SStd) | 0-27 |
| Total score | 100 | | |
| Grade | | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED GRAPE JUICE [1]

PRODUCT DESCRIPTION, TYPES, STYLES, GRADES

§ 52.1341 *Product description.* Canned grape juice is the unfermented liquid obtained from properly matured fresh grapes. Such grape juice is prepared without concentration, without dilution, is packed with or without the addition of sweetening ingredients, and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers (either metal or glass).

§ 52.1342 *Types of canned grape juice.* (a) Type I: Concord type (prepared from grapes of the slip-skin varieties of the Concord type of the Labrusca species).

(b) Type II: Any type other than Concord type (prepared from a single variety of grapes other than Concord type).

(c) Type III: Blended type (prepared from two or more varieties of grapes).

§ 52.1343 *Styles of canned grape juice.* Unless specifically designated as "sweetened", canned grape juice is considered as "unsweetened."

(a) Style I, Unsweetened (without added sweetening ingredient or ingredients).

(b) Style II, Sweetened (with added sweetening ingredient or ingredients).

§ 52.1344 *Grades of canned grape juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned grape juice from which tartrate crystals have been removed; that possesses a good color; that is practically free from defects; that possesses a good flavor; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of canned grape juice from which tartrate crystals have been removed, that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good flavor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of canned grape juice that fails to meet the requirements of U. S. Grade B or U. S. Choice.

FILL OF CONTAINER

§ 52.1345 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled as full as practicable with grape juice and that the product occupy not less than 90 percent of the volume of the container.

FACTORS OF QUALITY

§ 52.1346 *Ascertaining the grade.* The grade of canned grape juice is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 40 |
| Absence of defects | 20 |
| Flavor | 40 |
| Total score | 100 |

§ 52.1347 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1348 *Color*—(a) *(A) classification.* Canned grape juice that possesses a good color may be given a score of 34 to 40 points. "Good color" has the following meanings with respect to the types of canned grape juice:

(1) Type I. A bright purple or bright reddish-purple color typical of properly prepared and properly processed juice from Concord type grapes.

(2) Types II and III. A bright color typical of properly prepared and properly processed juice characteristic of the varietal type or varietal types from which prepared.

(b) *(B) classification.* If the canned grape juice possesses a reasonably good color, a score of 28 to 33 points may be given. Canned grape juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" has the following meanings with respect to the types of canned grape juice:

(1) Type I: A purple or reddish-purple color typical of canned grape juice prepared from Concord type grapes and which color may be slightly dull purple, slightly dull bluish-purple, or slightly dull reddish-purple but which is not off-color for any reason.

(2) Types II and III: A color typical of canned grape juice characteristic of the varietal type or varietal types from which prepared and which color may be slightly dull but which is not off-color for any reason.

(c) *(SStd) classification.* Canned grape juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1349 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from sediment and other residue, from tartrate crystals, from particles of skin, from particles of pulp, from particles of seed, and from any other defects.

(b) *(A) classification.* Canned grape juice that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that the canned grape juice may possess a slight amount of sediment and residue of an amorphous nature; may possess not more than a trace of sediment and residue of a non-amorphous nature; is practically free from tartrate crystals; and is free from particles of skin, particles of pulp, particles of seed, and from any other defects.

(c) *(B) classification.* If the canned grape juice is reasonably free from defects, a score of 14 to 16 points may be given. Canned grape juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned grape juice may possess a slight amount of sediment and residue of an amorphous or non-amorphous nature; may possess a slight amount of tartrate crystals; may possess not more than a trace of particles of skin, particles of pulp, particles of seed, and other defects.

(d) *(SStd) classification.* Canned grape juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1350 *Flavor*—(a) *(A) classification.* Canned grape juice that possesses a good flavor may be given a score of 34 to 40 points. "Good flavor" means that the flavor is a distinct and normal flavor, typical of well-matured grapes and that the canned grape juice is free from any trace of scorching, caramelization, and objectionable flavors and objectionable odors of any kind. To score in this classification, canned grape juice shall meet the following additional requirements:

(1) Brix: Style I, unsweetened—not less than 15.0 degrees.

(2) Brix: Style II, sweetened—not less than 17.0 degrees.

(3) Acid: Not less than 0.60 grams per 100 ml. nor more than 1.20 grams per 100 ml., calculated as tartaric acid.

(4) Brix-acid ratio: For both Style I, unsweetened, and Style II, sweetened, not less than 14 to 1 nor more than 28 to 1.

(b) *(B) classification.* If the canned grape juice possesses a reasonably good flavor, a score of 28 to 33 points may be given. Canned grape juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means that the flavor is normal and typical of reasonably well-matured grapes and that the canned grape juice may be slightly astringent but is free from any trace of scorching, caramelization, and objectionable flavors and objectionable odors of any kind. To score in this classification, canned grape juice shall meet the following additional requirements:

(1) Brix: Style I, unsweetened—not less than 14.0 degrees.

(2) Brix: Style II, sweetened—not less than 16.0 degrees.

(3) Acid: Not less than 0.45 gram per 100 ml. nor more than 1.40 grams per 100 ml., calculated as tartaric acid.

(4) Brix-acid ratio: For both Style I, unsweetened, and Style II, sweetened, not less than 11.5 to 1.

(c) *(SStd) classification.* Canned grape juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS

§ 52.1351 *Explanation of terms.* (a) "Brix" means the degrees Brix of canned grape juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If canned grape juice is tested at a temperature other than 20 degrees C. (68 degrees F.), the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of canned grape juice may be determined by any other method which gives equivalent results.

(b) "Acid" means grams of acid (calculated as tartaric acid) per 100 ml. of juice in canned grape juice determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator or any other satisfactory indicator.

LOT CERTIFICATION TOLERANCES

§ 52.1352 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned grape juice, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1353 *Score sheet for canned grape juice.*

| | |
|---|---|
| Size and kind of container | |
| Container mark or identification | |
| Label | |
| Liquid measure (Fl. ounces) | |
| Vacuum (inches) | |
| Type | |
| Style | |
| Brix (degrees) | |
| Acid (tartaric: grams/100 ml.) | |
| Brix-acid ratio | |

| Factors | Score points | | |
|---|---|---|---|
| Color | 40 | (A) | 34-40 |
| | | (B) [1] | 28-33 |
| | | (D) | 0-27 |
| Absence of defects | 20 | (A) | 17-20 |
| | | (B) [1] | 14-16 |
| | | (D) | 0-13 |
| Flavor | 40 | (A) | 34-40 |
| | | (B) [1] | 28-33 |
| | | (D) | 0-27 |
| Total score | 100 | | |
| Grade | | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN LEAFY GREENS [1]

PRODUCT DESCRIPTION, KINDS, STYLES, AND GRADES

§ 52.1371 *Product description.* Frozen leafy greens is the product prepared from the clean, sound, succulent leaves of fresh leafy greens (other than spinach) which may be whole or cut, with or without stems, by sorting, trimming, washing, and blanching, which is then frozen and maintained at temperatures necessary for the preservation of the product.

§ 52.1372 *Kinds of frozen leafy greens.* (a) Beet greens (Beta vulgaris).

(b) Collards (Brassica oleracea, acephala).

(c) Dandelion greens (Taraxacum taraxacum).

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(d) Endive (Cichorium endivia).
(e) Kale (Brassica oleracea, acephala).
(f) Mustard greens (Brassica juncea, brassica chinensis).
(g) Swiss chard (Beta vulgaris, cicla).
(h) Turnip greens (Brassica rapa).

§ 52.1373 *Styles of frozen leafy greens.* (a) "Whole leaf" is the style of frozen leafy greens that consist of the whole leaf or large portions of leaf, with or without adjacent portions of the stem.

(b) "Sliced" is the style of frozen leafy greens that consist of the leaf or large portions of leaf, with or without adjoining portions of the stem, which has been sliced into reasonably uniform strips.

(c) "Cut" or "chopped" is the style of frozen leafy greens that consist of the leaf or large portions of leaf, with or without adjoining portions of the stem, which has been cut into small pieces.

§ 52.1374 *Grades of frozen leafy greens.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen leafy greens that possess a good flavor and odor, that possess a good color, that possess a good character, that are practically free from defects, and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen leafy greens that possess a fairly good flavor and odor, that possess a reasonably good color, that possess a reasonably good character, that are reasonably free from defects, and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen leafy greens that fail to meet the requirements of U. S. Grade B or U. S. Extra Standard.

FACTORS OF QUALITY

§ 52.1375 *Ascertaining the grade.* (a) The grade of frozen leafy greens is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings of the factors of color, absence of defects, and character.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

| Factors: | *Points* |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Character | 40 |
| Total score | 100 |

(c) The score for the factors of color and absence of defects is determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. A representative sample of the product is cooked for examination with respect to character and flavor and odor.

(d) "Good flavor and odor" means that the product, after cooking, has a good characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(e) "Reasonably good flavor and odor" means that the product after cooking may be lacking in good flavor and odor, but is free from objectionable flavors and objectionable odors of any kind.

§ 52.1376 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1377 *Color*—(a) *(A) classification.* Frozen leafy greens that possess a good color may be given a score of 17 to 20 points. "Good color" means that the frozen leafy greens possess a practically uniform bright color characteristic of the variety.

(b) *(B) classification.* If the frozen leafy greens possess a reasonably good color, a score of 14 to 16 points may be given. Frozen leafy greens that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen leafy greens possess a reasonably uniform characteristic color which may be variable but not to the extent that the appearance of the frozen product is materially affected.

(c) *(SStd) classification* Frozen leafy greens that are definitely off color for any reason, or that fail to meet the requirements of paragraph (b) of this section, may be given a score of 0 to 13 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.1378 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from grit, sand or silt, seed stems, roots, grass and weeds, and damage by yellow, brown, or other discoloration.

(1) "Grit, sand or silt" means any particle of earthy material.

(2) "Damage" means damage by any yellow, brown, or other discoloration affecting any leaf, portion of a leaf, stem, or portion of a stem (except minute, insignificant injuries which shall not be considered as damage) to the extent that the appearance or edibility of the unit is materially affected.

(b) *(A) classification.* Frozen leafy greens that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that no grit, sand or silt may be present that affects the edibility of the frozen leafy greens; seed stems and roots may be present that do not more than slightly affect the appearance or edibility of the product; and for each 12 ounces of the product there may be present:

(1) Damage affecting leaves and stems or portions of leaves and stems aggregating not more than 4 square inches (4" x 1") in area: *Provided,* That the total damaged area or any part thereof does not materially affect the appearance or edibility of the product, and

(2) Grass and weeds aggregating not more than 8 inches in length: *Provided,* That the total amount or any part thereof does not materially affect the appearance or edibility of the product.

(c) *(B) classification.* If the frozen leafy greens are reasonably free from defects a score of 28 to 33 points may be given. Frozen leafy greens that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the product may contain a trace of grit, sand or silt that does not materially affect the edibility of the frozen leafy greens; seed stems and roots may be present that do not materially affect the appearance or edibility of the product; and for each 12 ounces of the product there may be present:

(1) Damage affecting leaves and stems aggregating not more than 8 square inches (8" x 1") in area: *Provided,* That the total damaged area or any part thereof does not seriously affect the appearance or edibility of the product, and

(2) Grass and weeds aggregating not more than 12 inches in length: *Provided,* That the total amount or any part thereof does not seriously affect the appearance or edibility of the product.

(d) *(SStd) classification.* Frozen leafy greens that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.1379 *Character*—(a) *General.* The factor of character refers to the tenderness and texture of the leaves and stems or portions of leaves and stems. The degree of freedom from coarse or tough leaves and stems or coarse or tough portions of leaves and stems, and the degree to which the appearance may be affected by ragged and torn leaves and stems or ragged and torn portions of leaves and stems are considered under this factor.

(b) *(A) classification.* Frozen leafy greens that possess a good character may be scored 34 to 40 points. "Good character" means that the leafy greens are tender and practically free from coarse or tough leaves and stems or coarse or tough portions of leaves and stems and the appearance of the product is not materially affected by ragged and torn leaves and stems or ragged and torn portions of leaves and stems.

(c) *(B) classification.* If the frozen leafy greens possess a reasonably good character a score of 28 to 33 points may be given. Frozen leafy greens that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the leafy greens shall be reasonably tender and that the appearance and eating quality shall not be materially affected by the presence of coarse or tough leaves and stems or coarse or tough portions of leaves and stems.

(d) *(SStd) classification.* Frozen leafy greens that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1380 *Tolerance for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen leafy greens, the grade for such lot will be determined by averaging the total score of all containers, if:

(1) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1381 *Score sheet for frozen leafy greens.*

| | | | |
|---|---|---|---|
| Container size | | | |
| Container code or marking | | | |
| Label | | | |
| Net weight (ounces) | | | |
| Kind of greens | | | |
| Style | | | |
| **Factors** | **Score points** | | |
| Color | 20 | (A) 17-20<br>(B) [1] 14-16<br>(SStd.) [1] 0-13 | |
| Absence of defects | 40 | (A) 34-40<br>(B) [1] 28-33<br>(SStd.) [1] 0-27 | |
| Character | 40 | (A) 34-40<br>(B) [1] 28-33<br>(SStd.) [1] 0-27 | |
| Total score | 100 | | |
| Grade | | | |
| Flavor and odor | | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF EXTRACTED HONEY; HONEY [1]

PRODUCT DESCRIPTION, TYPES, TYPES OF PROCESS, AND COLOR

§ 52.1391 *Product description.* "Extracted honey" or "honey" is honey that has been separated from the comb by centrifugal force, gravity, straining, or by other means, and is prepared and packed under sanitary conditions in accordance with good commercial practice.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.



§ 52.1392 *Types of extracted honey.* The type of extracted honey is not incorporated in the grades of the finished product since the type of extracted honey, as such, is dependent upon the method of preparation and processing, and therefore is not a factor of quality for the purpose of these grades. Extracted honey may be prepared and processed as one of the following types:

(a) *Liquid honey.* "Liquid honey" is honey that is free from visible crystals.

(b) *Crystallized honey.* "Crystallized honey" is honey that is solidly granulated or crystallized, irrespective of whether "Candied," "Fondant," "Creamed," or "Spread" types of crystallized honey.

(c) *Partially crystallized honey.* "Partially crystallized honey" is honey that is a mixture of liquid honey and crystallized honey.

§ 52.1393 *Color of honey.* The color of honey is not a factor of quality for the purpose of these grades.

(a) The color classification of honey is determined by means of the U. S. D. A. permanent glass color standards for honey.[2]

(b) The respective color designation, applicable range of each color, and color range on the Pfund scale are shown in Table No. I, together with spectrophotometric specifications for freshly prepared caramel-glycerine solutions which in thickness of 3.15 centimeters (1.24 inch) closely match the colors of the U. S. D. A. permanent glass color standards.

(c) Crystallized honey and partially crystallized honey are liquefied by heating to approximately 54.4° C. (130° F.) and cooled to approximately 20° C. (68° F.) before ascertaining the color of the honey by means of the U. S. D. A. permanent glass color standards for honey.

§ 52.1394 *Application of U. S. D. A. permanent glass color standards in classifying the color of honey*—(a) *Sample containers.* The sample containers for use in making the visual color determination as set forth in § 52.1395 are square bottles of colorless transparent glass, having an internal width at the center of 3.15 centimeters (1.24 inch), with outside base dimensions of approximately $1\frac{7}{16}$ inches by $1\frac{7}{16}$ inches, and having a capacity of approximately 2 ounces.

(b) *Comparator; viewing box.* Two comparators or viewing boxes are required for the entire color range in the visual comparison test. Each comparator is divided into five compartments approximately $1\frac{1}{2}$ inches square, with each compartment provided with openings approximately $1\frac{3}{16}$ inches square in the two parallel sides. The U. S. D. A. permanent glass color standards are mounted in a fixed position in the front openings of compartments 1, 3, and 5 of the two comparators, compartments 2 and 4 being adapted to receive the sample containers.

(c) *Clear blanks.* Six clear blanks of distilled water in capped sample containers are required. The clear blanks are placed in the compartments provided behind each permanent glass color standard.

(d) *Cloudy suspensions.* Three cloudy suspensions of bentonite in distilled water, each in a capped sample container, are required. These are referred to as "Cloudy No. 1," "Cloudy No. 2," and "Cloudy No. 3," corresponding to varying degrees of cloudiness within the range of the different grades of honey. The cloudy suspensions replace the clear blanks when cloudy honey is to be classified for color.

(e) *Visual comparison test.* The color of a sample of honey is compared with the U. S. D. A. permanent glass color standards in the following manner to determine its color classification:

(1) Place the sample of honey in a clean dry sample container.

(2) Place the clear blanks behind each permanent glass color standard.

(3) Place the container filled with the sample of honey successively in compartments 2 and 4 of the comparator, and visually compare the color of the sample with that of each of the glass color standards by looking through them at a diffuse source of natural or artificial daylight. The color is classified in accordance with the color range as given in Table No. I.

TABLE NO. I—COLOR DESIGNATION OF HONEY AND RANGE FOR EACH COLOR

| U. S. D. A. color standards | Color range U. S. D. A. color standards | Color range Pfund scales | Optical density [1] |
|---|---|---|---|
| | | *Millimeters* | |
| Water White | Honey that is Water White or lighter in color than Water White Color Standard. | 8 or less | 0.0945 |
| Extra White | Honey that is darker than Water White but not darker than Extra White Color Standard. | Over 8 to and including 17. | .189 |
| White | Honey that is darker than Extra White but not darker than White Color Standard. | Over 17 to and including 34. | .378 |
| Extra Light Amber | Honey that is darker than White but not darker than Extra Light Amber or Golden Color Standard. | Over 34 to and including 50. | .590 |
| Light Amber | Honey that is darker than Extra Light Amber but not darker than Light Amber Color Standard. | Over 50 to and including 85. | 1.386 |
| Amber | Honey that is darker than Light Amber but not darker than Amber Color Standard. | Over 85 to and including 114. | 3.008 |
| Dark Amber | Honey that is darker than Amber Color Standard | Over 114 | |

[1] Optical density (absorbance) = $\log_{10}$ (100/percent transmittance), at 560 mμ for 3.15 centimeter thickness for caramel-glycerin solutions measured versus an equal cell containing glycerin.

(4) If the sample is appreciably cloudy in appearance, the clear blanks are replaced by the cloudy suspensions, "Cloudy No. 1," "Cloudy No. 2," or "Cloudy No. 3," respectively, to facilitate color classification.

[2] An approximate color classification may be made by means of the Pfund color grader and the color designated in terms of the aforesaid U. S. D. A. color standards.

§ 52.1395 *Tolerance for certification of color of officially drawn samples*

When certifying the color of samples that have been officially drawn and which represent a specific lot of honey, the lot shall be considered as of one color if not more than one-sixth of the containers comprising the sample contains honey of a different color: *Provided, however,* that the honey in none of the containers falls below the next darker color designation.

FILL OF CONTAINER

§ 52.1396 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled with honey as full as practicable, and with respect to containers of one gallon or less the honey shall occupy not less than 95 percent of the total capacity of the container.

GRADES

§ 52.1397 *Grades of honey.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of honey that contains not less than 81.4 percent soluble solids,[1] possesses a good flavor for the predominant floral source or, when blended, a good flavor for the blend of floral sources, is free from defects, and is of such quality with respect to clarity as to score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of honey that contains not less than 81.4 percent soluble solids,[1] possesses a reasonably good flavor for the predominant floral source or, when blended, a reasonably good flavor for the blend of floral sources, is reasonably free from defects, is reasonably clear, and scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade C" or "U. S. Standard" is honey for reprocessing that contains not less than 80 percent soluble solids,[1] possesses a fairly good flavor for the predominant floral source or, when blended, a fairly good flavor for the blend of floral sources, is fairly free from defects, and is of such quality with respect to clarity as to score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "U. S. Grade D" or "Substandard" is the quality of honey that fails to meet the requirements of "U. S. Grade C" or "U. S. Standard."

FACTORS OF QUALITY

§ 52.1398 *Ascertaining the grade.* (a) The grade of honey may be ascertained by considering in conjunction with the requirements of the various grades the respective ratings for the factors of flavor, absence of defects, and clarity.

(b) The soluble solids content of honey may be determined by means of the refractometer at 20° C. (68° F.). The refractive indices and corresponding percent soluble solids and equivalent specific gravity and percent of moisture may be ascertained from Table No. II of this section. The soluble solids content of honey and equivalent values may be determined by any other method which gives equivalent results.

(c) The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

| Factors: | Points |
|---|---|
| Flavor | 50 |
| Absence of defects | 40 |
| Clarity | 10 |
| Total score | 100 |

(d) Crystallized honey and partially crystallized honey shall be liquefied by heating to approximately 54.4° C. (130° F.) and cooled to approximately 20° C. (68° F.) before ascertaining the grade of the product.

§ 52.1399 *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range for the rating of each factor is inclusive (for example, "27 to 30 points" means 27, 28, 29, or 30 points).

§ 52.1400 *Flavor*—(a) *General.* The factor of flavor refers to the prominence of the honey flavor and aroma and to its conformity to the flavor and aroma of the predominant floral source or blend of floral sources.

(b) (*A*) *classification.* Honey that possesses a good flavor for the predominant floral source may be given a score of 45 to 50 points. "Good flavor for the predominant floral source" means that the product has a good, normal flavor and aroma for the predominant floral source or, when blended, a good flavor for the blend of floral sources and that the honey is free from caramelized flavor or objectionable flavor caused by fermentation, smoke, chemicals or other causes with the exception of the predominant floral source.

(c) (*B*) *classification.* If the honey possesses a reasonably good flavor for the predominant floral source, a score of 40 to 44 points may be given. Honey that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice" regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor for the predominant floral source" means that the product has a reasonably good, normal flavor and aroma for the predominant floral source or, when blended, a reasonably good flavor for the blend of floral sources and that the honey is practically free from caramelized flavor and is free from objectionable flavor caused by fermentation, smoke chemicals or other causes with the exception of the predominant floral source.

(d) (*C*) *classification.* Honey that possesses a fairly good flavor for the predominant floral source may be given a score of 35 to 39 points. Honey that falls into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard" regardless of the total score for the product (this is a limiting rule).

"Fairly good flavor for the predominant floral source" means that the product has a fairly good, normal flavor and aroma for the predominant floral source or, when blended, a fairly good flavor for the blend of floral sources and that the honey may possess a slightly caramelized flavor, is free from objectionable flavor caused by fermentation, smoke, chemicals or other causes with the exception of the predominant floral source.

(e) (*SStd*) *classification.* Honey that fails to meet the requirements of paragraph (d) of this section or is off flavor for any reason may be given a score of 0 to 34 points and shall not be graded above "U. S. Grade D" or "Substandard" regardless of the total score for the product (this is a limiting rule).

§ 52.1401 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of cleanliness and to the degree of freedom from particles of comb, propolis, or other defects which may be in suspension or deposited as sediment in the container.

(b) (*A*) classification. Honey that is free from defects may be given a score of 37 to 40 points. "Free from defects" means that the honey contains no defects that affect the appearance or edibility of the product, and shall be at least as free from defects as honey that has been strained through a standard No. 80 sieve, at a temperature of not more than 130° F.

(c) (*B*) *classification.* If the honey is reasonably free from defects a score of 34 to 36 points may be given. Honey that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice" regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the honey may contain defects which do not materially affect the appearance or edibility of the product, and shall be at least as free from defects as honey that has been strained through a standard No. 50 sieve, at a temperature of not more than 130° F.

(d) (*C*) *classification.* Honey that is fairly free from defects may be given a score of 31 to 33 points. Honey that falls into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard" regardless of the total score for the product (this a limiting rule). "Fairly free from defects" means that the honey may contain defects which may be noticeable but shall be at least as free from defects as honey that has been strained through a standard No. 18 sieve, at a temperature of not more than 130° F.

(e) (*SStd*) *classification.* Honey that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 29 points and shall not be graded above "U. S. Grade D" or "Substandard" regardless of the total score for the product (this is a limiting rule).

§ 52.1402 *Clarity*—(a) *General.* The factor of clarity has reference to the degree of freedom from air bubbles, pollen grains, or fine particles of any material which might be suspended in the product.

(b) (*A*) *classification.* Honey that is clear may be given a score of 8 to 10 points. "Clear" means that the honey may contain air bubbles which do not materially affect the appearance of the product and may contain a trace of pollen grains or other finely divided particles of suspended material which does not affect the appearance of the product.

(c) (*B*) *classification.* If the honey is reasonably clear a score of 6 to 7 points may be given. "Reasonably clear" means that the honey may contain air bubbles, pollen grains, or other finely divided particles of suspended material which does not materially affect the appearance of the product.

(d) (*C*) *classification.* Honey that is fairly clear may be given a score of 4 to 5 points. Honey that falls into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard" regardless of the total score for the product (this is a limiting rule). "Fairly clear" means that the appearance of the honey may be materially but not seriously affected by the presence of air bubbles, pollen grains, or other finely divided particles of suspended material.

(e) (*SStd*) *classification.* Honey that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 3 points and shall not be graded above "U. S. Grade C" or "U. S. Standard" regardless of the total score for the product (this is a limiting rule).

TABLE NO. II—REFRACTIVE INDICES AND CORRESPONDING PERCENT SOLUBLE SOLIDS, EQUIVALENT SPECIFIC GRAVITY AND PERCENT MOISTURE IN EXTRACTED HONEY[1]

| Refractive index at 20° C. | Soluble solids (percent) | Specific gravity (20°/20° C.) at 20° C. | Moisture (percent) |
|---|---|---|---|
| 1.4844 | 79.0 | 1.3966 | 21.0 |
| 1.4840 | 79.2 | 1.3979 | 20.8 |
| 1.4835 | 79.4 | 1.3992 | 20.6 |
| 1.4825 | 79.6 | 1.4006 | 20.4 |
| 1.4822 | 79.8 | 1.4020 | 20.2 |
| 1.4818 | 80.0 | 1.4033 | 20.0 |
| 1.4871 | 80.2 | 1.4046 | 19.8 |
| 1.4867 | 80.4 | 1.4060 | 19.6 |
| 1.4863 | 80.6 | 1.4074 | 19.4 |
| 1.4858 | 80.8 | 1.4087 | 19.2 |
| 1.4850 | 81.0 | 1.4101 | 19.0 |
| 1.4845 | 81.2 | 1.4115 | 18.8 |
| 1.4900 | 81.4 | 1.4129 | 18.6 |
| 1.4895 | 81.6 | 1.4143 | 18.4 |
| 1.4891 | 81.8 | 1.4156 | 18.2 |
| 1.4885 | 82.0 | 1.4171 | 18.0 |
| 1.4880 | 82.2 | 1.4184 | 17.8 |
| 1.4875 | 82.4 | 1.4197 | 17.6 |
| 1.4870 | 82.6 | 1.4212 | 17.4 |
| 1.4865 | 82.8 | 1.4225 | 17.2 |
| 1.4940 | 83.0 | 1.4239 | 17.0 |
| 1.4935 | 83.2 | 1.4254 | 16.8 |
| 1.4930 | 83.4 | 1.4267 | 16.6 |
| 1.4925 | 83.6 | 1.4283 | 16.4 |
| 1.4920 | 83.8 | 1.4295 | 16.2 |
| 1.4915 | 84.0 | 1.4310 | 16.0 |
| 1.4910 | 84.2 | 1.4324 | 15.8 |
| 1.4975 | 84.4 | 1.4338 | 15.6 |
| 1.4970 | 84.6 | 1.4352 | 15.4 |
| 1.4965 | 84.8 | 1.4367 | 15.2 |
| 1.4960 | 85.0 | 1.4381 | 15.0 |
| 1.5035 | 85.2 | 1.4395 | 14.8 |
| 1.5030 | 85.4 | 1.4409 | 14.6 |
| 1.5025 | 85.6 | 1.4424 | 14.4 |
| 1.5019 | 85.8 | 1.4438 | 14.2 |
| 1.5015 | 86.0 | 1.4453 | 14.0 |
| 1.5010 | 86.2 | 1.4466 | 13.8 |
| 1.5005 | 86.4 | 1.4481 | 13.6 |
| 1.5000 | 86.6 | 1.4495 | 13.4 |
| 1.4995 | 86.8 | 1.4510 | 13.2 |
| 1.5041 | 87.0 | 1.4525 | 13.0 |

[1] Temperature corrections: If refractometer reading is made at temperatures above 20° C. (68° F.), add 0.00023 for each degree C., or 0.00013 for each degree F. If made below 20° C. (68° F.), subtract correction. The moisture content of honey and equivalent values may be determined by any other method which gives equivalent results.

LOT CERTIFICATION TOLERANCES

§ 52.1403 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of extracted honey, the grade for such lot will be determined by averaging the total scores of all the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor subject to such limiting rule must be within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal, Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1404 *Score sheet for extracted honey.*

| | | |
|---|---|---|
| Size and kind of container | | |
| Container mark or identification | | |
| Label | | |
| Net weight (ounces) | | |
| Type (liquid, crystallized or partially crystallized) | | |
| Soluble solids (percent) | | |
| Moisture (percent) | | |
| Specific gravity | | |
| Factors | | Score points |
| Flavor | 50 | (A) 45–50<br>(B) 40–44<br>(C) 35–39<br>(D) 0–34 |
| Absence of defects | 40 | (A) 37–40<br>(B) 34–36<br>(C) 30–33<br>(D) 0–29 |
| Clarity | 10 | (A) 8–10<br>(B) 6–7<br>(C) 4–5<br>(D) 0–3 |
| Total score | 100 | |
| Grade | | |
| Color | | |
| Floral source or sources | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN CONCENTRATE FOR LEMONADE[1]

PRODUCT DESCRIPTION AND GRADES

§ 52.1421 *Product description.* Frozen concentrate for lemonade is the product prepared from lemon juice and one or more nutritive sweetening ingredients; it may contain added lemon oil or concentrated lemon oil (or their extracts or emulsions) and may or may not contain water in sufficient quantities to standardize the product. The lemon juice is produced from fresh, sound, ripe, and thoroughly cleansed fruit of one or more of the high acid varieties of the species citrus limon (limonia). Such juice may be fresh or frozen or fresh concentrated or frozen concentrated: *Provided,* That not less than 20 percent, by weight, of the acidity of the product is derived from unconcentrated fresh or frozen lemon juice. The concentrate for lemonade is processed in accordance with good commercial practice and is frozen and maintained at temperatures sufficient for the preservation of the product.

§ 52.1422 *Grades of frozen concentrate for lemonade.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen concentrate for lemonade which mixes readily into a lemonade that possesses an amount of pulp, cloud, and juice sacs so as to substantially reflect the appearance of lemonade prepared from freshly expressed lemon juice; that possesses a good color; that is practically free from defects; that possesses a good flavor; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen concentrate for lemonade which mixes readily into a lemonade that possesses at least a slight, but not an excessive, amount of pulp, cloud, and juice sacs so as to reasonably reflect the appearance of lemonade prepared from freshly expressed lemon juice; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good flavor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(c) "Substandard" is the quality of frozen concentrate for lemonade that fails to meet the requirements of "U. S. Grade B" or "U. S. Choice."

FILL OF CONTAINER

§ 52.1423 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled as full as practicable with frozen concentrate for lemonade.

FACTORS OF QUALITY

§ 52.1424 *Ascertaining the grade.* (a) The grade of frozen concentrate for lemonade is ascertained by considering the requirements with respect to the ease with which the product mixes into a lemonade and to the amount of pulp, cloud and juice sacs present in the lemonade, which factors are not scored, and the factors of color, absence of defects, and flavor which are scored.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 20 |
| Absence of defects | 20 |
| Flavor | 60 |
| Total score | 100 |

(c) The scores for the factors of color, absence of defects, and flavor are deter-

[1] Percent moisture and other equivalents may be ascertained from Table No. II of this section.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal, Food, Drug, and Cosmetic Act.

mined immediately after the product has been prepared as lemonade by thoroughly mixing the frozen concentrate for lemonade with a specific volume of water as directed by the manufacturer.

§ 52.1425 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means, 17, 18, 19, or 20 points).

§ 52.1426 *Color*—(a) *(A) classification.* Frozen concentrate for lemonade which, when prepared as lemonade, possesses a good color may be given a score of 17 to 20 points. "Good color" means a good bright characteristic color that reflects the appearance of lemonade prepared from freshly expressed lemon juice.

(b) *(B) classification.* If the frozen concentrate for lemonade, when prepared as lemonade, possesses a reasonably good color, a score of 14 to 16 points may be given. Frozen concentrate for lemonade that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice," regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means a characteristic color that reflects to a reasonable extent the color of lemonade prepared from freshly expressed lemon juice and is not dark or otherwise discolored for any reason.

(c) *(SStd) classification.* If the lemonade fails to meet the requirements of paragraph (b) of this section, a score of 0 to 13 points may be given. Frozen concentrate for lemonade that falls into this classification shall not be graded above "Substandard" regardless of the total score for the product (this is a limiting rule).

§ 52.1427 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from seeds or portions of seeds, from harmless extraneous material, from objectionable material and from other defects not specifically mentioned that affect the appearance or drinking quality of the product.

(1) "Harmless extraneous material" includes, but is not limited to, embryonic seeds or particles of seeds that measure not more than $^3/_{16}$ inch in any dimension, or other similar material which is harmless.

(2) "Seeds or portions of seeds" means any seed or portion thereof, whether or not fully developed, that measures more than $^3/_{16}$ inch in any dimension.

(b) *(A) classification.* Frozen concentrate for lemonade which, when prepared as lemonade, is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that there may be present not more than an average of 1 seed or portion of seed for each quart of prepared lemonade; and that the appearance and drinking quality of the lemonade is not materially affected by the presence of seeds, portions of seeds, objectionable material, harmless extraneous material, any other defects not specifically mentioned, or any combination thereof.

(c) *(B) classification.* If the lemonade is reasonably free from defects a score of 14 to 16 points may be given. Frozen concentrate for lemonade that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice" regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present not more than an average of 2 seeds or portions of seeds for each quart of lemonade; and that the appearance and drinking quality of the lemonade is not seriously affected by the presence of seeds, portions of seeds, objectionable material, harmless extraneous material, any other defects not specifically mentioned, or any combination thereof.

(d) *(SStd) classification.* If the lemonade fails to meet the requirements of paragraph (c) of this section, a score of 0 to 13 points may be given. Frozen concentrate for lemonade that falls into this classification shall not be graded above "Substandard" regardless of the total score for the product (this is a limiting rule).

§ 52.1428 *Flavor*—(a) *(A) classification.* Frozen concentrate for lemonade which, when prepared as lemonade, possesses a good flavor, may be given a score of 51 to 60 points. "Good flavor" means a fine, distinct, and substantially typical flavor of lemonade prepared from freshly expressed lemon juice and which flavor is free from terpenic, oxidized, rancid, or other off-flavors. To score in this classification, the lemonade shall test not less than 10.5 degrees Brix; shall contain not less than 0.7 grams of acid per 100 ml of the lemonade; may not contain more than 0.02 ml of recoverable oil per 100 ml of the lemonade; and the Brix-acid ratio shall not exceed 20:1.

(b) *(B) classification.* If the prepared lemonade possesses a reasonably good flavor, a score of 42 to 50 points may be given. Frozen concentrate for lemonade that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice" regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means a fairly typical flavor of lemonade prepared from freshly expressed lemon juice and which flavor is practically free from terpenic, oxidized, rancid, or other off-flavors and is free from abnormal flavors of any kind. To score in this classification the lemonade shall test not less than 10.5 degrees Brix; shall contain not less than 0.7 gram of acid per 100 ml of the lemonade, may contain not more than 0.03 ml of recoverable oil per 100 ml of the lemonade; and the Brix-acid ratio shall not exceed 20:1.

(c) *(SStd) classification.* If the prepared lemonade fails to meet the requirements of paragraph (b) of this section, a score of 0 to 41 points may be given. Frozen concentrate for lemonade that falls into this classification shall not be graded above "Substandard" regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1429 *Definition of terms.* (a) "Brix" means the degrees Brix of the lemonade when tested with a Brix hydrometer calibrated at 20° C. (68° F.). If used in testing lemonade at a temperature other than 20° C. (68° F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of lemonade may be determined by any other method which gives equivalent results.

(b) "Acid" means the grams of acid (calculated as anhydrous citric acid) per 100 ml of the prepared lemonade determined by titration with standard sodium hydroxide solution using phenolphthalein as an indicator.

(c) "Brix-acid ratio" means the ratio between the degrees "Brix" as determined in this section and the acid in grams per 100 ml of lemonade.

(d) "Dilution factor" is the value obtained by dividing a volume of lemonade by the volume of concentrate for lemonade used in its preparation when such lemonade is prepared in accordance with the manufacturers directions.

§ 52.1430 *Explanation of analyses.* Recoverable oil is determined by the following method:

(a) *Equipment.*

Oil separatory trap similar to either of those illustrated in Figure 1 [2] and Figure 2 [2]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(b) *Procedure.* Place exactly 1 liter of the concentrate for lemonade with approximately 1 liter of water in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the mixture to a boil. Continue boiling for one hour at the rate of approximately 50 drops per minute. By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered. The number of milliliters of oil recovered divided by 10 times the dilution factor is equivalent to the number of milliliters of oil per 100 milliliters of the lemonade.

LOT CERTIFICATION TOLERANCES

§ 52.1431 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen concentrate for lemonade the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

[2] Figures 1 and 2 filed as part of the original document.



(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(4) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(5) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1432 *Score sheet for frozen concentrate for lemonade.*

| | | | |
|---|---|---|---|
| Can and kind of container | | | |
| Container mark or identification | | | |
| Label (including dilution factor) | | | |
| Gross weight (fluid ounces) | | | |
| Brix of the lemonade | | | |
| Anhydrous citric acid in the lemonade (grams per 100 ml) | | | |
| Brix-acid ratio | | | |
| Recoverable oil (milliliter/100 milliliter of the lemonade) | | | |
| Reconstituted properly (yes) (no) | | | |
| Factors | Score points | | |
| Color | 20 | (A) | 17–20 |
| | | (B) | 14–16 |
| | | (SStd) | 0–13 |
| Absence of defects | 20 | (A) | 17–20 |
| | | (B) | 14–16 |
| | | (SStd) | 0–13 |
| Flavor | 60 | (A) | 51–60 |
| | | (B) | 42–50 |
| | | (SStd) | 0–41 |
| Total score | 100 | | |
| Grade | | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF ORANGE MARMALADE [1]

PRODUCT DESCRIPTION, KINDS, STYLES, TYPES, GRADES

§ 52.1451 *Product description.* Orange marmalade is the semi-solid or gel-like product prepared from orange fruit ingredients together with one or more sweetening ingredients and may contain suitable food acids, food pectins, lemon juice, or lemon peel. The ingredients are concentrated by cooking to such a point that the soluble solids content of the finished marmalade is not less than 68 percent.

§ 52.1452 *Kinds of orange marmalade.* (a) "Sweet orange marmalade" means that the orange fruit ingredient consists principally of such varieties as Navel and Valencia or other commercial dessert varieties other than tangerines. "Sweet orange marmalade" is prepared from not less than 30 parts by weight of orange fruit ingredient to 70 parts by weight of sweetening ingredient.

(b) "Bitter orange marmalade" means that the orange fruit ingredient consists principally of the Seville or sour type of oranges other than tangerines. "Bitter orange marmalade" is prepared from not less than 25 parts by weight of orange fruit ingredient to 75 parts by weight of sweetening ingredient.

(c) "Sweet and bitter orange marmalade" means that the orange fruit ingredient consists of a blend of sweet oranges and bitter oranges other than tangerines. "Sweet and bitter orange marmalade" is prepared from not less than 30 parts by weight of orange fruit ingredient to 70 parts by weight of sweetening ingredient. It is recommended that the orange fruit ingredient from which "Sweet and bitter orange marmalade" is prepared be approximately 50 percent by weight of sweet orange material and bitter orange material.

§ 52.1453 *Styles of orange marmalade.* (a) "Sliced" means that the peel in the orange marmalade is in thin strips.

(b) "Chopped" means that the peel in the orange marmalade is in small pieces (such as irregular shapes and dice-like shapes).

§ 52.1454 *Types of orange marmalade.* (a) "Type I, Clear" means that the peel is suspended in a translucent semi-solid or gel-like mass.

(b) "Type II, Natural" means that the peel is suspended in a cloudy or opaque semi-solid or gel-like mass.

§ 52.1455 *Grades of orange marmalade.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of orange marmalade that is practically free from defects; that possesses a good flavor and odor; and that is of such quality with respect to color and consistency and character as to score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of orange marmalade that possesses a reasonably good color; that possesses a reasonably good consistency and character; that is reasonably free from defects; that possesses a reasonably good flavor and odor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of orange marmalade that fails to meet the requirements of U. S. Grade B or U. S. Choice.

FILL OF CONTAINER

§ 52.1456 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled as full as practicable with orange marmalade and that the product occupy not less than 90 percent of the volume of the container.

FACTORS OF QUALITY

§ 52.1457 *Ascertaining the grade.* The grade of orange marmalade is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, consistency and character, absence of defects, and flavor and odor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 20 |
| Consistency and character | 20 |
| Absence of defects | 20 |
| Flavor and odor | 40 |
| Total score | 100 |

§ 52.1458 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1459 *Color*—(a) *(A) classification.* Orange marmalade that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the product possesses a practically uniform bright color characteristic of properly prepared and properly processed orange marmalade for the respective kind; that the product is practically free from green-colored peel, and that the product is free from dullness of color due to oxidation or improper processing or improper cooling or other causes.

(b) *(B) classification.* If the orange marmalade possesses a reasonably good color, a score of 14 to 16 points may be given. "Reasonably good color" means that the product possesses a reasonably uniform color; that the product is reasonably free from green-colored peel; that the color of the product may be slightly dull but is not off-color nor excessively dark due to oxidation or improper processing or improper cooling or other causes.

(c) *(SStd) classification.* Orange marmalade that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1460 *Consistency and character*—(a) *General.* The factor of consistency and character refers to the gel strength of the product, the amount and distribution of the peel in the product, the tenderness of the peel, the uniformity of width of slices of peel, and the uniformity of size of small pieces of peel.

(b) *(A) classification.* Orange marmalade that possesses a good consistency and character may be given a score of 17 to 20 points. "Good consistency and character" means that the product is a firm but tender gel and may possess no more than a very slight tendency to flow; that the product contains a substantial, but not excessive, amount of peel; that the peel is evenly distributed; that the peel is tender; that in "sliced" style, the thin strips of peel are predominantly of strips approximating $^1/_{32}$ inch to $^1/_{16}$ inch in width; and that in

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

"chopped" style, the small pieces of peel are reasonably uniform in size.

(c) *(B) classification.* If the orange marmalade possesses a reasonably good consistency and character, a score of 14 to 16 points may be given. "Reasonably good consistency and character" means that the product may be definitely firm but is not excessively gummy nor excessively rubbery or that the product may be viscous but is not excessively thin; that the peel is fairly evenly distributed; that the peel is reasonably tender; that in "sliced" style, the thin strips of peel are predominantly of strips approximating no more than $\frac{1}{8}$ inch in width; and that in "chopped" style, the small pieces of peel are fairly uniform in size.

(d) *(SStd) classification.* Orange marmalade that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1461 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from seeds or portions of seeds, from blemished peel, from objectionable material, from harmless extraneous material, and from any other defects not specifically mentioned that affect the appearance and eating quality of the product.

(1) "Harmless extraneous material" includes, but is not limited to, small particles of leaves, undeveloped seeds or particles of seeds that measure not more than $\frac{3}{16}$ inch in any dimension, or other similar materials that are harmless.

(2) "Seeds or portions of seeds" means any seed or any portion thereof, whether or not fully developed, that measures more than $\frac{3}{16}$ inch in any dimension.

(3) "Blemished peel" means pieces of the peel blemished by surface discoloration to the extent that the appearance or eating quality is materially affected.

(b) *(A) classification.* Orange marmalade that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that there may be present on an average for each 16 ounces net weight, not more than 1 seed or portion of seed and not more than 6 pieces of blemished peel; and that in a single container, the appearance and eating quality of the product is not materially affected by the presence of seeds, portions of seeds, blemished peel, objectionable material, harmless extraneous material, any other defects not specifically mentioned, or any combination thereof.

(c) *(B) classification.* If the orange marmalade is reasonably free from defects, a score of 14 to 16 points may be given. Orange marmalade that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present on an average for each 16 ounces net weight, not more than a total of 2 seeds or portions of seeds and not more than 10 pieces of blemished peel; and that in a single container, the appearance and eating quality of the product is not seriously affected by the presence of seeds, portions of seeds, blemished peel, objectionable material, harmless extraneous material, any other defects not specifically mentioned, or any combination thereof.

(d) *(SStd) classification.* Orange marmalade that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1462 *Flavor and odor*—(a) *(A) classification.* Orange marmalade that possesses a good flavor and odor may be given a score of 34 to 40 points. "Good flavor and odor" means that the product possesses a good and distinct flavor and aroma characteristic of properly processed orange marmalade for the respective kind; that the flavor of the product is neither excessively tart nor excessively sweet; and that the product is free from any caramelized flavor and is free from objectionable flavor and objectionable odor of any kind.

(b) *(B) classification.* If the orange marmalade possesses a reasonably good flavor and odor, a score of 28 to 33 points may be given. Orange marmalade that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor and odor" means that the product possesses a reasonably good flavor characteristic of the orange marmalade for the respective kind; that the flavor of the product may be excessively tart or excessively sweet or may possess a slightly caramelized flavor but that the product is free from objectionable flavor and objectionable odor of any kind.

(c) *(SStd) classification.* Orange marmalade that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1463 *Explanation of terms or analyses.* (a) "Orange fruit ingredient" means the edible portions of clean, sound, mature oranges free from material dryness and damage by freezing, including properly prepared orange peel and orange juice but excluding oranges that are artificially colored. Orange fruit ingredients consist of a mixture of cooked orange peel or canned orange peel together with fresh, cooked, canned, concentrated, or frozen orange juice or any combination thereof. The orange juice may be strained or filtered or may contain part or all of the cellular or edible fibrous portions of the oranges used.

(b) The "weight of orange fruit ingredient" means:

(1) The weight of orange peel after the removal of waste materials commonly removed therefrom and prior to steaming or cooking or canning and exclusive of any added water, water used in preparation, added sweetening ingredients, lemon peel, or lemon juice;

(2) The weight of orange juice, whether concentrated or not, approximating the average soluble solids of single-strength juice; and

(3) That the proportion by weight of such orange peel to such orange juice approximates not more than the orange peel (exclusive of waste materials commonly removed therefrom) and orange juice from sound, mature oranges free from material dryness and damage by freezing.

(c) "Sweetening ingredients" mean sugar, invert sugar sirup, dextrose, corn sirup, corn sirup solids, glucose sirup, or any mixture thereof.

(d) The "weight of sweetening ingredient" means the weight of the solids of such ingredient or ingredients.

(e) "Soluble solids content" is determined by the method prescribed in the "Official Methods of Analysis of the Association of Official Agricultural Chemists" as outlined under the applicable method for determining the soluble solids in marmalades, except that no correction is made for water-insoluble solids.

LOT CERTIFICATION TOLERANCES

§ 52.1464 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of orange marmalade, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Note more than one sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards for quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1465 *Score sheet for orange marmalade.*

| Factors | Score points | |
|---|---|---|
| Color | 20 | (A) 17–20<br>(B) 14–16<br>(D) 1 0–13 |
| Consistency and character | 20 | (A) 17–20<br>(B) 14–16<br>(D) 1 0–13 |
| Absence of defects | 20 | (A) 17–20<br>(B) 1 14–16<br>(D) 1 0–13 |
| Flavor and odor | 40 | (A) 34–40<br>(B) 1 28–33<br>(D) 1 0–27 |
| Total score | 100 | |

Grade: .....

Size and kind of container: .....
Container mark or identification: .....
Label: .....
Net weight (ounces): .....
Kind: .....
Style: .....
Type: .....
Soluble solids (% by Refractometer): .....

1 Indicates limiting rule.



SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED MUSHROOMS [1]

IDENTITY, COLOR, STYLES, AND GRADES

§ 52.1481 *Identity.* "Canned mushrooms" means canned mushrooms as defined in the definitions and standards of identity for canned vegetables (21 CFR 52.990) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.1482 *Color.* (a) White or cream. (b) Brown.

§ 52.1483 *Styles of canned mushrooms.* (a) "Whole" or "whole mushrooms" means canned mushrooms consisting of the caps with the veils closed and with stems attached.

(b) "Button" or "button mushrooms" means canned mushrooms consisting of the caps with veils closed and with stems removed immediately below the veil.

(c) "Sliced whole" or "sliced whole mushrooms" means canned mushrooms consisting of slices of whole mushrooms which have been sliced parallel to the longitudinal axis.

(d) "Sliced button" or "sliced buttons" means canned mushrooms consisting of slices of buttons which have been sliced at right angles to the diameter of the cap.

(e) "Stems and pieces" means cut or broken portions of caps and stems.

(f) "Unit" means an individual mushroom or portion of a mushroom in canned mushrooms.

§ 52.1484 *Grades of canned mushrooms.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned mushrooms that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a good color; that are practically free from defects; that possess a good character; that are uniform in size and shape; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points: *Provided*, That the canned mushrooms may be fairly uniform in size and shape if the total score is not less than 85 points.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned mushrooms that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a fairly good color; that are fairly free from defects; that possess a fairly good character; that are fairly uniform in size and shape; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned mushrooms that fail to meet the requirements of U. S. Grade C or U. S. Standard.

SIZES, FILL OF CONTAINER, AND DRAINED WEIGHTS

§ 52.1485 *Sizes of mushrooms in whole and button mushrooms.* (a) No. 0 (Midget) mushrooms will pass through a round opening $\frac{1}{2}$ inch in diameter.

(b) No. 1 (Tiny) mushrooms will pass through a round opening $\frac{5}{8}$ inch in diameter but will not pass through a round opening $\frac{1}{2}$ inch in diameter.

(c) No. 2 (Small) mushrooms will pass through a round opening $\frac{7}{8}$ inch in diameter but will not pass through a round opening $\frac{5}{8}$ inch in diameter.

(d) No. 3 (Medium) mushrooms will pass through a round opening $1\frac{1}{8}$ inches in diameter but will not pass through a round opening $\frac{7}{8}$ inch in diameter.

(e) No. 4 (Large) mushrooms will pass through a round opening $1\frac{3}{8}$ inches in diameter but will not pass through a round opening $1\frac{1}{8}$ inches in diameter.

(f) No. 5 (Extra Large) mushrooms are those too large to pass through a round opening $1\frac{3}{8}$ inches in diameter.

§ 52.1486 *Fill of container for canned mushrooms.* The standard for fill of container for canned mushrooms is not incorporated in the grades of the finished product, since fill of container, as such, is not a factor of quality for the purpose of these grades. The standard of fill of containers is not less than 56 percent of the water capacity of the container if such capacity is less than 11.0 ounces avoirdupois; not less than 59 percent of the water capacity of the container if such capacity is 11.0 ounces or more but less than 25 ounces avoirdupois; and not less than 62 percent of the water capacity of the container if such capacity is 25 ounces avoirdupois or more. Canned mushrooms which do not meet this requirement are "Below standard in fill."

§ 52.1487 *Minimum drained weight.* The minimum drained weights in Table No. I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned mushrooms is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and mushrooms less the weight of the dry sieve. A sieve 8 inches in diameter is used for No. $2\frac{1}{2}$ size cans (401" x 411") and smaller and a sieve 12 inches in diameter is used for containers larger than the No. $2\frac{1}{2}$ size can.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

TABLE NO. I—MINIMUM DRAINED WEIGHTS, IN OUNCES, OF CANNED MUSHROOMS

| Container designation | Over-all dimensions | | Weight of drained mushrooms, ounces (av. dupois) |
|---|---|---|---|
| | Diameter (inches) | Height (inches) | |
| 2 Z mushroom (202 x 204) | $2\frac{1}{4}$ | $2\frac{1}{4}$ | 2 |
| 6 Z (202 x 308) | $2\frac{1}{8}$ | $3\frac{1}{2}$ | $3\frac{1}{4}$ |
| 4 Z mushroom (211 x 212) | $2\frac{11}{16}$ | $2\frac{3}{4}$ | 4 |
| 8 Z tall (211 x 304) | $2\frac{11}{16}$ | $3\frac{3}{4}$ | $4\frac{3}{4}$ |
| 8-ounce glass | | | $4\frac{3}{4}$ |
| No. 1 picnic (211 x 400) | $2\frac{13}{16}$ | 4 | 6 |
| 8 Z mushroom (300 x 400) | 3 | 4 | 8 |
| No. 300 (300 x 407) | 3 | $4\frac{7}{16}$ | 9 |
| No. 1 tall (301 x 411) | $3\frac{1}{16}$ | $4\frac{11}{16}$ | $9\frac{3}{4}$ |
| No. 303 (303 x 406) | $3\frac{1}{16}$ | $4\frac{3}{8}$ | 10 |
| No. 303 glass | | | 10 |
| No. 2 (307 x 409) | $3\frac{7}{16}$ | $4\frac{9}{16}$ | 12 |
| Jumbo (307 x 510) | $3\frac{7}{16}$ | $5\frac{5}{8}$ | 16 |
| No. 10 (603 x 700) | $6\frac{3}{16}$ | 7 | 68 |

FACTORS OF QUALITY

§ 52.1488 *Ascertaining the grade.* (a) The grade of canned mushrooms is ascertained by considering in conjunction with the requirements of the respective grade the respective ratings for the factors of color, uniformity of size and symmetry, absence of defects, and tenderness.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

| Factors: | *Points* |
|---|---|
| Color | 30 |
| Uniformity of size and shape | 20 |
| Absence of defects | 30 |
| Character | 20 |
| Total score | 100 |

(c) "Normal flavor and odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

§ 52.1489 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1490 *Color*—(a) *(A) classification.* Canned mushrooms that possess a good color may be given a score of 26 to 30 points. "Good color" means that the canned mushrooms possess a color that is practically uniform, bright, and typical of canned mushrooms produced from mushrooms of similar varietal characteristics and meet the following additional requirements for the respective color:

(1) *"White" or "cream."* The color of the surface of the cap of the individual mushroom or portion of mushroom of white or cream varieties is not lighter in color than Plate 10, F–2, and is not darker in color than Plate 11, I–5, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(2) *"Brown."* The color of the surface of the cap of the individual mushroom or portion of mushroom of brown varieties is not lighter in color than Plate 11, J–6, and is not darker than

Plate 13, K–7, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(b) *(C) classification.* Canned mushrooms that possess a fairly good color may be given a score of 22 to 25 points. Canned mushrooms that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned mushrooms possess a color that is typical of canned mushrooms produced from mushrooms of similar varietal characteristics and that the product may be dull but not to the extent that the appearance is seriously affected and meet the following additional requirements for the respective colors:

(1) *"White" or "cream."* The color of the surface of the cap of the individual mushroom or portion of mushroom of white or cream varieties may be lighter in color than Plate 10, F–2, but not excessively white, and may be slightly darker in color than Plate 11, I–5: *Provided,* That the gills of none of the units are darker than Plate 14, K–8, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(2) *"Brown."* The color of the surface of the cap of the individual mushroom or portion of mushroom of brown varieties may be lighter in color than Plate 11, J–6, but not excessively light, and may be darker in color than Plate 13, K–7: *Provided,* That the gills of none of the units are darker than Plate 14, K–8, as illustrated in Maerz and Paul's Dictionary of Color.[2]

(c) *(SStd) classification.* Canned mushrooms that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1491 *Uniformity of size and shape*—(a) *(A) classification.* Canned mushrooms that are practically uniform in size and shape may be given a score of 17 to 20 points. "Practically uniform in size and shape" has the following meanings with respect to the various styles of canned mushrooms:

(1) *Whole mushrooms.* The stems are cut transversely and the diameter of the largest cap does not exceed the diameter of the smallest cap by more than ⅛ inch. The units shall be practically uniform in shape.

(2) *Button mushrooms.* The stems are cut transversely so that the distance from the top of the cap to the end of the stem does not exceed the diameter of the cap, and the diameter of the largest cap does not exceed the diameter of the smallest cap by more than ⅛ inch. The units shall be practically uniform in shape.

(3) *Sliced whole mushrooms.* The length of the longest center slice does not exceed the length of the shortest center slice by more than ⅜ inch and the presence of irregular shaped units does not materially affect the appearance of the product.

[2] First edition.

(4) *Sliced buttons.* The length of the longest center slice does not exceed the length of the shortest center slice by more than ⅜ inch and the presence of irregular shaped units does not materially affect the appearance of the product.

(5) *Stems and pieces.* Stems and pieces may be irregular in size and shape: *Provided,* That the presence of very small pieces does not materially affect the appearance of the product.

(b) *(C) classification.* If the canned mushrooms are fairly uniform in size and shape a score of 13 to 16 points may be given. "Fairly uniform in size and shape" has the following meanings with respect to the various styles of canned mushrooms:

(1) *Whole mushrooms.* The stems are cut transversely and the diameter of the largest cap does not exceed the diameter of the smallest cap by more than ¼ inch. The units shall be fairly uniform in shape.

(2) *Button mushrooms.* The stems are cut transversely so that not more than 10 percent, by count, of the mushrooms have stems of such length that the distance from the tip of the cap to the end of the stem exceeds the diameter of the cap, and the diameter of the largest cap does not exceed the diameter of the smallest cap by more than ¼ inch. The units shall be fairly uniform in shape.

(3) *Sliced whole mushrooms.* The length of the longest center slice does not exceed the length of the shortest center slice by more than ⅝ inch and the presence of irregular shaped units does not seriously affect the appearance of the product.

(4) *Sliced buttons.* The length of the longest center slice does not exceed the length of the shortest center slice by more than ⅝ inch and the presence of irregular shaped units does not seriously affect the appearance of the product.

(5) *Stems and pieces.* Stems and pieces may be irregular in size and shape.

(c) *(SStd) classification.* Canned mushrooms that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 12 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1492 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from units which are damaged or seriously damaged.

(1) "Damaged" means damaged by discoloration, pathological injury, insect injury, mechanical injury, or damaged by other means to such an extent that the appearance or eating quality of the unit is materially affected. (Knife marks resulting from the preparation of sliced whole or sliced button mushrooms are not considered mechanical injury.)

(2) "Seriously damaged" means damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(b) *(A) classification.* Canned mushrooms that are practically free from defects may be given a score of 25 to 30 points. "Practically free from defects" means that there may be present not more than 5 percent, by weight, of damaged or seriously damaged units: *Provided,* That not more than 1 percent, by weight, of all the units, or 1 unit, whichever is greater, may be seriously damaged units.

(c) *(C) classification.* If the canned mushrooms are fairly free from defects, a score of 22 to 24 points may be given. Canned mushrooms that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present not more than 20 percent, by weight, of damaged or seriously damaged units: *Provided,* That not more than 2 percent, by weight, of all the units, or 2 units, whichever is greater, may be seriously damaged units.

(d) *(SStd) classification.* Canned mushrooms that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 21 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1493 *Character*—(a) *General.* The factor of character refers to the tenderness and texture of the canned mushrooms and the development of the cap.

(1) "Closed veil" means that the membrane which extends from the inner edge of the cap to the stem practically covers the gills.

(b) *(A) classification.* Canned mushrooms that possess a good character may be given a score of 17 to 20 points. "Good character" means that the units are intact, practically all are tender and free from fibrous or rubbery units, and that with respect to whole and button mushrooms at least 95 percent, by weight, of all the units possess closed veils.

(c) *(C) classification.* If the canned mushrooms have a fairly good character a score of 13 to 16 points may be given. Canned mushrooms that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the units are reasonably intact, may be fairly tender and reasonably free from fibrous or rubbery units, and that with respect to whole and button mushrooms at least 90 percent, by weight, of all the units possess closed veils.

(d) *(SStd) classification.* Canned mushrooms that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 12 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1494 *Tolerance for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned mushrooms, the grade for such lot will be determined by averaging the total scores of all containers, if:



(1) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1495 *Score sheet for canned mushrooms.*

| | |
|---|---|
| Size and kind of container | |
| Container mark or identification | |
| Label | |
| Net weight (ounces) | |
| Vacuum (inches) | |
| Drained weight (ounces) | |
| Style | |
| Size | |
| Color | |

| Factors | Score points | |
|---|---|---|
| Color | 30 | (A) 26–30; (C) 122–25; (SStd.) 10–21 |
| Uniformity of size and symmetry | 20 | (A) 17–20; (C) 13–16; (SStd.) 10–12 |
| Absence of defects | 30 | (A) 25–30; (C) 122–24; (SStd.) 10–21 |
| Character | 20 | (A) 17–20; (C) 113–16; (SStd.) 10–12 |
| Total score | 100 | |

| | |
|---|---|
| Grade | |
| Normal flavor and odor | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN OKRA[1]

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1511 *Product description.* Frozen okra is the product prepared from the fresh, immature, succulent pods of the okra plant (Hibiscus esculentus) of either the green or white varieties, by proper washing, trimming and blanching, and which pods are then frozen and stored at temperatures necessary for the preservation of the product.

§ 52.1512 *Styles of frozen okra.* (a) "Whole okra" means frozen okra consisting of whole pods, with or without the caps removed.

(b) "Cut" or "Cuts" means frozen okra consisting of pods with or without the caps removed, which have been cut transversely into pieces not less than ½ inch in length.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(c) "Unit" means an individual pod or portion of a pod in frozen okra.

§ 52.1513 *Grades of frozen okra.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen okra that possesses similar varietal characteristics; that possesses a good flavor and odor; that possesses a good character; that is practically free from defects; and is of such quality with respect to color as to score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen okra that possesses similar varietal characteristics; that possesses a fairly good flavor and odor; that possesses a reasonably good character; that is reasonably free from defects; that possesses a reasonably good color; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of frozen okra that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

SIZE

§ 52.1514 *Size of frozen okra.* The size of the unit is not a factor of quality for the purpose of these grades. The size of a unit is determined by measuring the length of the unit.

FACTORS OF QUALITY

§ 52.1515 *Ascertaining the grade.* (a) The grade of frozen okra may be ascertained by considering in conjunction with the requirements of the respective grade the respective ratings for the factors of color, absence of defects, and character.

(b) The relative importance of each scoring factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

| Factors: | Points |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Character | 40 |
| Total score | 100 |

(c) The scores for the factors of color, absence of defects, and character with respect to development of pods and seeds are determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. The degree of tenderness and freedom from fiber and flavor and odor are determined after the product is cooked.

(d) "Good flavor and odor" means that the product after cooking has a good, characteristic, normal flavor and odor and is free from objectionable flavors and odors of any kind.

(e) "Fairly good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.1516 *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1517 *Color*—(a) *(A) classification.* Frozen okra that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the color of the frozen okra is bright, practically uniform and typical of young and tender okra of similar varietal characteristics.

(b) *(B) classification.* If the frozen okra possesses a reasonably good color a score of 14 to 16 points may be given. "Reasonably good color" means that the frozen okra possesses a color that is typical of reasonably young and reasonably tender okra of similar varietal characteristics which may be dull but is not off color.

(c) *(SStd) classification.* Frozen okra that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1518 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, sand, grit, or silt, poorly trimmed units, small pieces, units damaged by mechanical injury, misshapen units, and units blemished or seriously blemished by scars, pathological injury, insect injury, or blemished by other means.

(1) "Blemished unit" means any unit blemished to the extent that the aggregate blemished area materially affects the appearance of the product. (Slight discoloration frequently occurring on the ribs or blossom end of the units is not considered blemished unless the unit is materially affected.)

(2) "Seriously blemished" means blemished to such an extent that the appearance or eating quality of the unit is seriously affected.

(3) "Extraneous vegetable matter" means leaves, stems, and other similar vegetable matter.

(4) "Poorly trimmed" means attached stems in excess of ¼ inch in length and very ragged edges or units that are partially cut.

(5) "Small pieces" means pieces of pod less than ½ inch in length.

(6) "Damaged by mechanical injury" means broken or mashed to such an extent that the appearance or eating quality of the unit is seriously affected.

(7) "Sand, grit, or silt" means any particle of earthy material.

(8) "Misshapen" means any whole pod that is badly crooked, or is seriously affected by malformations.

(b) *(A) classification.* Frozen okra that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" has the following meanings with respect to the following styles of packs of frozen okra.

(1) *Whole.* "Practically free from defects" means that the product contains no sand, grit, or silt that affects the eating quality or appearance of the frozen okra, and that the combined weight of

all other defects and defective units does not exceed 10 percent of the weight of the units and that for each 12 ounces of units there may be present:

(i) Not more than 1 piece of extraneous vegetable matter;

(ii) Not more than 4 poorly trimmed units; 4 units damaged by mechanical injury or any combination of not more than 4 poorly trimmed units and units damaged by mechanical injury;

(iii) Not more than 6 percent, by count, of blemished units, and of such 6 percent not more than one-third thereof or 2 percent, by count, of all the units may consist of units that are seriously blemished;

(iv) Not more than 10 percent, by count, of misshapen units; and

(v) Not more than 2 small pieces of pods.

(2) *Cut or cuts.* "Practically free from defects" means that the product contains no sand, grit, or silt that affects the eating quality or appearance of the frozen okra, and that the combined weight of all other defects and defective units does not exceed 8 percent of the weight of the units and that for each 12 ounces of units there may be present:

(i) Not more than one piece of extraneous vegetable matter;

(ii) Not more than 4 percent, by weight, of blemished units and of such 4 percent not more than one-half thereof or 2 percent, by weight, of all the units may consist of units that are seriously blemished;

(iii) Not more than 8 poorly trimmed units, 8 units damaged by mechanical injury or any combination of not more than 8 poorly trimmed units and units damaged by mechanical injury; and

(iv) Not more than 20 small pieces of pods.

(c) (*B*) *classification.* If the frozen okra is reasonably free from defects a score of 28 to 33 points may be given. Frozen okra that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" has the following meaning with respect to the following styles of packs of frozen okra:

(1) *Whole.* "Reasonably free from defects" means that the product may contain a trace of sand, grit, or silt that does not materially affect the eating quality or appearance of the frozen okra, and that the combined weight of all other defects and defective units does not exceed 15 percent of the weight of the units and that for each 12 ounces of units there may be present:

(i) Not more than 2 pieces of extraneous vegetable matter;

(ii) Not more than 8 poorly trimmed units, 8 units damaged by mechanical injury or any combination of not more than 8 poorly trimmed units and units damaged by mechanical injury;

(iii) Not more than 12 percent, by count, of blemished units, and of such 12 percent not more than one-third thereof or 4 percent, by count, of all the units may consist of units that are seriously blemished;

(iv) Not more than 15 percent, by count, of misshapen units; and

(v) Not more than 4 small pieces of pods.

(2) *Cut or cuts.* "Reasonably free from defects" means that the product may contain a trace of sand, grit, or silt that does not materially affect the eating quality or appearance of the frozen okra, and that the combined weight of all other defects does not exceed 12 percent of the weight of the units and that for each 12 ounces of units there may be present:

(i) Not more than 2 pieces of extraneous vegetable matter;

(ii) Not more than 8 percent, by weight, of blemished units and of such 8 percent not more than one-half thereof or 4 percent, by weight, of all the units may consist of units that are seriously blemished;

(iii) Not more than 12 poorly trimmed units or 12 units damaged by mechanical injury or any combination of not more than 12 poorly trimmed units and units damaged by mechanical injury; and

(iv) Not more than 30 small pieces of pods.

(d) (*SStd*) *classification.* Frozen okra that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1519 *Character*—(a) *General.* The factor of character refers to the development of the pods and seeds and to the degree of freedom from fiber.

(b) (*A*) *classification.* Frozen okra that possesses a good character may be given a score of 34 to 40 points. "Good character" means that the units are fleshy and tender, that the seeds are in the early stages of maturity, and that not more than 5 percent, by count, of the units possess tough fibers.

(c) (*B*) *classification.* If the frozen okra possesses a reasonably good character a score of 28 to 33 points may be given. Frozen okra that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the units may have lost to a considerable extent their fleshy texture; that the units are reasonably tender; that the seeds may have passed the early stages of maturity, and that not more than 10 percent, by count, of the units possess tough fibers.

(d) (*SStd*) *classification.* Frozen okra that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1520 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen okra the grade of such lot will be determined by averaging the total scores of all containers, if:

(1) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1521 *Score sheet for frozen okra.*

| | | |
|---|---|---|
| Size and kind of container | | ..... |
| Container marks or identification | | ..... |
| Label | | ..... |
| Net weight (ounces) | | ..... |
| Style (Whole, Cut) | | ..... |
| Variety (green or white) | | ..... |
| Factors | Score points | |
| Color | 20 | (A) 17–20; (B) 14–16; (D) 10–13 |
| Absence of defects | 40 | (A) 34–40; (B) 28–33; (D) 10–27 |
| Character | 40 | (A) 34–40; (B) 28–33; (D) 10–27 |
| Total score | 100 | |
| Grade | | ..... |
| Flavor and odor | | ..... |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF OLIVE OIL [1]

PRODUCT DESCRIPTION AND GRADES

§ 52.1531 *Product description.* Olive oil is the edible oil obtained from the fruit of the olive tree (Olea europaea L.); is clarified, has a specific gravity of 0.910 to 0.915 at 25° C./25° C.; has an iodine number (Hanus) of 79 to 90; has a refractive index of 1.4668 to 1.4683 at 25° C.; and is packed in containers suitable for preservation of the product.

§ 52.1532 *Grades of olive oil.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of olive oil that possesses the typical greenish to light yellow color of olive oil; possesses a free fatty acid content, calculated as oleic, of not more than 1.4 percent; is free from defects; and is of such quality with respect to odor and flavor as to score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of olive oil that possesses the typical greenish to light yellow color of olive oil; possesses a free fatty acid content, calculated as oleic, of not more than 2.5 percent; is reasonably free from defects; possesses a reasonably good typical odor; possesses a reasonably good typical flavor; and scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of olive oil that possesses the typical greenish to light yellow color of olive oil; possesses a free fatty acid content, calculated as oleic, of not more than 3.0 percent; is fairly free from defects; possesses a fairly good typical odor; possesses a fairly good typical flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "U. S. Grade D" or "Substandard" is the quality of olive oil that fails to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER

§ 52.1533 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of olive oil be filled with olive oil as full as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.1534 *Ascertaining the grade.* (a) The grade of olive oil may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Free fatty acid content, absence of defects, odor, and flavor.

(b) The relative importance of each factor is expressed numerically on a scale of 100. The maximum number of points that may be given for each factor is:

| Factors: | Points |
|---|---|
| Free fatty acid content | 30 |
| Absence of defects | 30 |
| Odor | 20 |
| Flavor | 20 |
| Total score | 100 |

§ 52.1535 *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "27 to 30 points" means 27, 28, 29, and 30 points).

§ 52.1536 *Free fatty acid content*—(a) *General.* The free fatty acid content shall be determined in accordance with the method described in the current "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists."

(b) (*A*) *classification.* Olive oil that possesses a free fatty acid content of not more than 1.4 percent, calculated as oleic acid, may be given a score of 27 to 30 points.

(c) (*B*) *classification.* If the olive oil possesses a free fatty acid content of more than 1.4 percent but not more than 2.5 percent, calculated as oleic acid, a score of 24 to 26 points may be given. Olive oil that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

(d) (*C*) *classification.* If the olive oil possesses a free fatty acid content of more than 2.5 percent but not more than 3 percent, calculated as oleic acid, a score of 21 to 23 points may be given. Olive oil that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule).

(e) (*SStd*) *classification.* Olive oil that contains more than 3 percent free fatty acid, calculated as oleic, may be given a score of 0 to 20 points, and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1537 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from cloudiness at 60° F. due to stearin, and from sediment.

(b) (*A*) *classification.* Olive oil that is free from defects may be given a score of 27 to 30 points. "Free from defects" means that the olive oil is entirely free from the defects mentioned and that no water or other liquid immiscible with the olive oil is present.

(c) (*B*) *classification.* If the olive oil is reasonably free from defects, a score of 24 to 26 points may be given. Olive oil that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the olive oil is reasonably free from the defects mentioned and that no water or other liquid immiscible with the olive oil is present.

(d) (*C*) *classification.* If the olive oil is fairly free from defects, a score of 21 to 23 points may be given. Olive oil that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the defects mentioned may be present but may not impair the quality of the olive oil and that no water or other liquid immiscible with the olive oil is present.

(e) (*SStd*) *classification.* Olive oil that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1538 *Odor*—(a) *General.* The factor of odor refers to a typical olive oil odor and the degree of freedom from strong green olive odors, from musty, moldy, butyric, zapatera odors, or any other off-odors.

(b) (*A*) *classification.* Olive oil that possesses a good typical odor may be given a score of 18 to 20 points. "Good typical odor" means that the olive oil has a typical olive oil odor and is practically free from off-odors of any kind.

(c) (*B*) *classification.* If the olive oil possesses a reasonably good typical odor, a score of 16 or 17 points may be given. "Reasonably good typical odor" means that the olive oil has a typical olive oil odor and is reasonably free from off-odors of any kind.

(d) (*C*) *classification.* If the olive oil possesses a fairly good typical odor, a score of 14 or 15 points may be given. "Fairly good typical odor" means that the olive oil has a typical olive oil odor and is fairly free from off-odors of any kind. Olive oil that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule).

(e) (*SStd*) *classification.* Olive oil that fails to meet the requirements of paragraph (d) of this section and that possesses a definite musty moldy, butyric, or zapatera odor or any other definitely objectionable odor may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1539 *Flavor*—(a) *General.* The factor of flavor refers to the typical olive oil flavor and the degree of freedom from strong green olive flavors, from musty, moldy, butyric, zapatera, rancid, or any other off-flavors.

(b) (*A*) *classification.* Olive oil that possesses a good typical flavor may be given a score of 18 to 20 points. "Good typical flavor" means that the olive oil has a typical olive oil flavor and is practically free from off-flavors of any kind.

(c) (*B*) *classification.* If the olive oil possesses a reasonably good typical flavor, a score of 16 or 17 points may be given. "Reasonably good typical flavor" means that the olive oil has a typical olive oil flavor and is reasonably free from off-flavors of any kind.

(d) (*C*) *classification.* If the olive oil possesses a fairly good typical flavor, a score of 14 or 15 points may be given. "Fairly good typical flavor" means that the olive oil has a typical olive oil flavor and is fairly free from off-flavors of any kind. Olive oil that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule).

(e) (*SStd*) *classification.* Olive oil that fails to meet the requirements of paragraph (d) of this section and that possesses a definite musty, moldy, butyric, zapatera, or rancid flavor or any other definitely objectionable flavor may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1540 *Tolerance for certification of officially drawn samples* (a) When certifying samples that have been officially drawn and which represent a specific lot of olive oil, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

limiting rule, must be within the range for the grade indicated.

(2) None of the containers comprising the sample fall more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1541 *Score sheet for olive oil.* The following score sheet may be used to summarize the factors determining the various grades:

| | | | |
|---|---|---|---|
| Size and kind of container | | | |
| Container code or marking | | | |
| Label | | | |
| Contents (liquid measure) | | | |
| **Factors** | **Score points** | | |
| Free fatty acid content | 30 | (A) 27-30<br>(B) [1] 24-26<br>(C) [1] 21-23<br>(D) [1] 0-20 | |
| Absence of defects | 30 | (A) 27-30<br>(B) [1] 24-26<br>(C) [1] 21-23<br>(D) [1] 0-20 | |
| Odor | 20 | (A) 18-20<br>(B) 16-17<br>(C) [1] 14-15<br>(D) [1] 0-13 | |
| Flavor | 20 | (A) 18-20<br>(B) 16-17<br>(C) [1] 14-15<br>(D) [1] 0-13 | |
| Total score | 100 | | |
| Grade | | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED ORANGE JUICE [1]

PRODUCT DESCRIPTION AND GRADES

§ 52.1551 *Product description.* Canned orange juice is the undiluted, unconcentrated, unfermented juice obtained from mature fresh fruit of the sweet orange group (Citrus sinensis) and Mandarin group (Citrus reticulata), except tangerines, which fruit has been properly washed; is packed with or without the addition of sweetening ingredients; is sufficiently processed by heat to assure preservation of the product; and is packed in containers which are hermetically sealed.

§ 52.1552 *Grades of canned orange juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned orange juice that shows no coagulation; that possesses a very good color; is practically free from defects; possesses a very good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned orange juice that may show slight coagulation; that possesses a good color; is fairly free from defects; possesses a good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of canned orange juice that fails to meet the requirements of U. S. Grade C or U. S. Standard.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

FILL OF CONTAINER

§ 52.1553 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be filled as full as practicable with orange juice and that the product occupy not less than 90 percent of the total capacity of the container.

FACTORS OF QUALITY

§ 52.1554 *Ascertaining the grade.* (a) The grade of canned orange juice may be ascertained by considering, in addition to the foregoing requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor.

(b) The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

| Factors: | *Points* |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Flavor | 40 |
| Total score | 100 |

§ 52.1555 *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1556 *Color*—(a) *(A) classification.* Canned orange juice that possesses a very good color may be given a score of 17 to 20 points. "Very good color" means that the orange juice possesses a bright yellow to yellow-orange color typical of freshly extracted juice and is free from browning due to scorching, oxidation, caramelization, or other causes.

(b) *(C) classification.* If the canned orange juice possesses a good color, a score of 14 to 16 points may be given. Canned orange juice that falls into this classification shall not be graded above the U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good color" means that the orange juice may be slightly amber or very light in color but is typical of canned orange juice and may show evidence of slight browning, but is not off-color.

(c) *(SStd) classification.* Canned orange juice that for any reason fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1557 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from recoverable oil; from particles of membrane, core, or skin; from seeds or seed particles; or from other defects.

(b) *(A) classification.* Canned orange juice that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present not more than 0.030 percent by volume of recoverable oil and that the juice does not contain particles of membrane, core, or skin, seeds or seed particles, or other defects that more than slightly affect the appearance of the product.

(c) *(C) classification.* If the canned orange juice is fairly free from defects, a score of 28 to 33 points may be given. Canned orange juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present not more than 0.050 percent by volume of recoverable oil and that the juice does not contain particles of membrane, core, or skin, seed or seed particles, or other defects that materially affect the appearance of the product.

(d) *(SStd) classification.* If the canned orange juice fails to meet the requirements of paragraph (c) of this section, a score of 0 to 27 points may be given. Canned orange juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1558 *Flavor*—(a) *(A) classification.* (1) Canned orange juice that possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means a fine, distinct canned orange juice flavor which is free from traces of scorching, caramelization, oxidation, or terpene; is free from off flavors of any kind; and meets the following requirements:

(i) Brix—Not less than 10.5 degrees.

(ii) Acid—Not less than 0.75 gram nor more than 1.45 grams (calculated as anhydrous citric acid) per 100 ml. of juice.

(iii) Brix-acid ratio—Not less than 9 to 1 nor more than 18 to 1.

(2) Canned orange juice is considered "sweet" if the juice possesses a very good flavor and falls within the range of the following requirements:

(i) Brix—Not less than 12.5 degrees.

(ii) Acid—Not less than 0.75 gram nor more than 1.45 grams (calculated as anhydrous citric acid) per 100 ml. of juice.

(iii) Brix-acid ratio—Not less than 11 to 1 nor more than 18 to 1, provided that when the Brix of the juice is 16 degrees or more, the Brix-acid ratio may be less than 11 to 1.

(b) *(C) classification.* (1) If the canned orange juice possesses a good flavor, a score of 28 to 33 points may be given. Canned orange juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good flavor" means a good, normal canned orange juice flavor which may have a slightly caramelized or slightly oxidized flavor but is free from off flavors of any kind and meets the following requirements:

(i) Brix—Not less than 10.0 degrees.

(ii) Acid—Not less than 0.55 gram nor more than 1.60 grams (calculated as anhydrous citric acid) per 100 ml. of juice.

(iii) Brix-acid ratio—Not less than 8.5 to 1.

(2) Canned orange juice is considered "sweet" if the juice possesses a good flavor and falls within the range of the following requirements:

(i) Brix—Not less than 12.5 degrees.

(ii) Acid—Not less than 0.65 gram nor more than 1.65 grams (calculated as anhydrous citric acid) per 100 ml. of juice.

(iii) Brix-acid ratio—Not less than 11 to 1, provided that when the Brix of the juice is 16 degrees or more, the Brix-acid ratio may be less than 11 to 1.

(c) *(SStd) classification.* Canned orange juice that fails to meet the requirements of paragraph (b) of this section, is off flavor, or is unpalatable for any reason may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1559 *Definitions of terms.* (a) "Brix" means the degrees Brix of canned orange juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing juice at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of canned orange juice may be determined by any other method which gives equivalent results.

(b) "Acid" means grams of acid (calculated as anhydrous citric acid) per 100 ml. of juice in canned orange juice determined by titration with standard sodium hydroxide solution using phenolphthalein indicator.

§ 52.1560 *Explanation of analyses.* (a) Recoverable oil is determined by the following method:

(1) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 and Figure 2.[1]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(2) *Procedure.* Exactly 2 liters of juice are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute. By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(i) The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

[1] Filed with the Federal Register Division as part of the original document.



LOT CERTIFICATION TOLERANCES

§ 52.1561 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned orange juice, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1562 *Score sheet for canned orange juice.*

| | | | |
|---|---|---|---|
| Size and kind of container | | | |
| Container mark or identification | | | |
| Label | | | |
| Liquid measure (fl. ounces) | | | |
| Vacuum (in inches) | | | |
| Brix (degrees) | | | |
| Acid (anhydrous citric; grams/100 ml.) | | | |
| Brix-acid ratio | | | |
| Recoverable oil (percent by volume) | | | |
| **Factors** | **Score points** | | |
| Color | 20 | (A) 17-20<br>(C) [1] 14-16<br>(D) [1] 0-13 | |
| Absence of Defects | 40 | (A) 34-40<br>(C) [1] 28-33<br>(D) [1] 0-27 | |
| Flavor | 40 | (A) 34-40<br>(C) [1] 28-33<br>(D) [1] 0-27 | |
| Total score | 100 | | |
| Grade | | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN CONCENTRATED ORANGE JUICE [1]

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1581 *Product description.* Frozen concentrated orange juice is the frozen product of concentrated, unfermented juice obtained from sound, mature fruit of the sweet orange group (Citrus sinensis) and Mandarin group (Citrus reticulata), except tangerines. The fruit is prepared by sorting and by washing prior to extraction of the juice to assure a clean product. Upon extraction of such juice, it is concentrated; and fresh orange juice extracted from sorted and washed fruit, as aforesaid, is admixed to the concentrate. The concentrated orange juice is packed in accordance with good commercial practice and is frozen and maintained at temperatures necessary for the preservation of the product.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetics Act, or with applicable State laws and regulations.

§ 52.1582 *Styles of frozen concentrated orange juice*—(a) *Style I, without sweetening ingredients added.* The Brix value of the finished concentrate shall be not less than 41.5 degrees nor more than 44.0 degrees.

(b) *Style II, with sweetening ingredient added.* The finished concentrate, exclusive of added sweetening ingredient, has a Brix value of not less than 40 degrees; and the finished concentrate, including added sweetening ingredient, shall have a Brix value of not less than 42 degrees but not more than 49 degrees.

§ 52.1583 *Grades of frozen concentrated orange juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses the appearance of fresh orange juice; possesses a very good color; is practically free from defects; possesses a very good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses a good color; is reasonably free from defects; possesses a good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of frozen concentrated orange juice that fails to meet the requirements of U. S. Grade B or U. S. Choice.

FILL OF CONTAINER

§ 52.1584 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that the container be filled with frozen concentrated orange juice as full as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.1585 *Ascertaining the grade.* (a) The grade of frozen concentrated orange juice is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Flavor | 40 |
| Total score | 100 |

§ 52.1586 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1587 *Color*—(a) *(A) classification.* Frozen concentrated orange juice of which the reconstituted juice possesses a very good color may be given a score of 17 to 20 points. "Very good color" means that the color is the bright yellow to yellow-orange color typical of fresh orange juice.

(b) *(B) classification.* If the reconstituted juice possesses a good color, a score of 14 to 16 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Good color" means that the color is the yellow to yellow-orange color typical of fresh orange juice, which may be dull but is not off color for any reason.

(c) *(SStd) classification.* If the reconstituted juice fails to meet the requirements of paragraph (b) of this section, a score of 0 to 13 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1588 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from seeds and portions thereof, from excessive juice cells, from pulp, from recoverable oil, and from other defects.

(1) "Pulp" means particles of membrane, core, and peel.

(b) *(A) classification.* Frozen concentrated orange juice of which the reconstituted juice is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present: (1) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or drinking quality of the juice; (2) juice cells and pulp that do not materially affect the appearance or drinking quality of the juice; and (3) other defects that are not more than slightly objectionable. To score in this classification the frozen concentrated orange juice may contain not more than 0.100 milliliter of recoverable oil per 100 grams of the concentrated product.

(c) *(B) classification.* If the reconstituted juice is reasonably free from defects, a score of 28 to 33 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present: (1) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding ⅛ inch in diameter, provided such seeds or portions thereof do not seriously affect the appearance or drinking quality of the juice; (2) juice cells and pulp that do not seriously affect the appearance or drinking quality of the juice; and (3) other defects that are not materially objectionable. To score in this classification the frozen concentrated orange juice may contain not more than 0.120 milliliter of recoverable oil per 100 grams of the concentrated product.

(d) *(SStd) classification.* Frozen concentrated orange juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1589 *Flavor*—(a) *(A) classification.* Frozen concentrated orange juice of which the reconstituted juice possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means that the flavor is fine, distinct, and substantially typical of orange juice extracted from fresh mature sweet oranges. To score not less than 34 points frozen concentrated orange juice shall meet the following requirements for the respective style:

(1) *Style I, without sweetening ingredient added.* The ratio of Brix value to acid is not less than 11.5 to 1 nor more than 18 to 1 (see Table I).

(2) *Style II, with sweetening ingredient added.* The ratio of Brix value to acid is not less than 12 to 1 nor more than 14 to 1 (see Table II).

(b) *(B) classification.* If the reconstituted juice possesses a good flavor, a score of 28 to 33 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Good flavor" means that the flavor is fairly typical of fresh orange juice extracted from fresh mature sweet oranges and is free from abnormal flavors and off flavors of any kind. To score not less than 28 points frozen concentrated orange juice shall meet the following requirements for the respective style:

(1) *Style I, without sweetening ingredient added.* The ratio of Brix value to acid is not less than 10 to 1 nor more than 19 to 1 (see Table I).

(2) *Style II, with sweetening ingredient added.* The ratio of Brix value to acid is not less than 10 to 1 nor more than 15 to 1 (see Table II).

(c) *(SStd) classification.* If the frozen concentrated orange juice fails to meet the requirements of paragraph (b) of this section, a score of 0 to 27 points may be given. Frozen concentrated orange juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE I—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED ORANGE JUICE

STYLE I. WITHOUT SWEETENING INGREDIENT ADDED

| Brix value of the concentrate in degrees Brix | U. S. Grade A or U. S. Fancy | | U. S. Grade B or U. S. Choice | |
|---|---|---|---|---|
| | Ratio 11.5:1 | Ratio 18:1 | Ratio 10:1 | Ratio 19:1 |
| | Acid (percent by weight) | | Acid (percent by weight) | |
| | Maximum | Minimum | Maximum | Minimum |
| 41.5° | 3.61 | 2.31 | 4.15 | 2.18 |
| 41.6° | 3.62 | 2.31 | 4.16 | 2.19 |
| 41.7° | 3.63 | 2.32 | 4.17 | 2.19 |
| 41.8° | 3.63 | 2.32 | 4.18 | 2.20 |
| 41.9° | 3.64 | 2.33 | 4.19 | 2.21 |
| 42.0° | 3.65 | 2.33 | 4.20 | 2.21 |
| 42.1° | 3.66 | 2.34 | 4.21 | 2.22 |
| 42.2° | 3.67 | 2.31 | 4.22 | 2.22 |
| 42.3° | 3.68 | 2.35 | 4.23 | 2.23 |
| 42.4° | 3.69 | 2.36 | 4.24 | 2.23 |
| 42.5° | 3.70 | 2.36 | 4.25 | 2.24 |
| 42.6° | 3.70 | 2.37 | 4.26 | 2.24 |
| 42.7° | 3.71 | 2.37 | 4.27 | 2.25 |
| 42.8° | 3.72 | 2.38 | 4.28 | 2.25 |
| 42.9° | 3.73 | 2.38 | 4.29 | 2.26 |
| 43.0° | 3.74 | 2.39 | 4.30 | 2.26 |
| 43.1° | 3.75 | 2.39 | 4.31 | 2.27 |
| 43.2° | 3.76 | 2.40 | 4.32 | 2.27 |
| 43.3° | 3.77 | 2.41 | 4.33 | 2.28 |
| 43.4° | 3.77 | 2.41 | 4.34 | 2.28 |
| 43.5° | 3.78 | 2.42 | 4.35 | 2.29 |
| 43.6° | 3.79 | 2.42 | 4.36 | 2.29 |
| 43.7° | 3.80 | 2.43 | 4.37 | 2.30 |
| 43.8° | 3.81 | 2.43 | 4.38 | 2.30 |
| 43.9° | 3.82 | 2.44 | 4.39 | 2.31 |
| 44.0° | 3.83 | 2.44 | 4.40 | 2.32 |

TABLE II—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED ORANGE JUICE

STYLE II. WITH SWEETENING INGREDIENT ADDED

| Brix value of the concentrate in degrees Brix | U. S. Grade A or U. S. Fancy | | U. S. Grade B or U. S. Choice | |
|---|---|---|---|---|
| | Ratio 12:1 | Ratio 14:1 | Ratio 10:1 | Ratio 15:1 |
| | Acid (percent by weight) | | Acid (percent by weight) | |
| | Maximum | Minimum | Maximum | Minimum |
| 42.0° | 3.50 | 3.00 | 4.20 | 2.80 |
| 42.1° | 3.51 | 3.01 | 4.21 | 2.81 |
| 42.2° | 3.52 | 3.01 | 4.22 | 2.81 |
| 42.3° | 3.53 | 3.02 | 4.23 | 2.82 |
| 42.4° | 3.53 | 3.03 | 4.24 | 2.83 |
| 42.5° | 3.54 | 3.04 | 4.25 | 2.83 |
| 42.6° | 3.55 | 3.04 | 4.26 | 2.84 |
| 42.7° | 3.56 | 3.05 | 4.27 | 2.85 |
| 42.8° | 3.57 | 3.06 | 4.28 | 2.85 |
| 42.9° | 3.58 | 3.06 | 4.29 | 2.86 |
| 43.0° | 3.58 | 3.07 | 4.30 | 2.87 |
| 43.1° | 3.59 | 3.08 | 4.31 | 2.87 |
| 43.2° | 3.60 | 3.09 | 4.32 | 2.88 |
| 43.3° | 3.61 | 3.09 | 4.33 | 2.89 |
| 43.4° | 3.62 | 3.10 | 4.34 | 2.89 |
| 43.5° | 3.63 | 3.11 | 4.35 | 2.90 |
| 43.6° | 3.63 | 3.11 | 4.36 | 2.91 |
| 43.7° | 3.64 | 3.12 | 4.37 | 2.91 |
| 43.8° | 3.65 | 3.13 | 4.38 | 2.92 |
| 43.9° | 3.66 | 3.14 | 4.39 | 2.93 |
| 44.0° | 3.67 | 3.14 | 4.40 | 2.93 |
| 44.1° | 3.68 | 3.15 | 4.41 | 2.94 |
| 44.2° | 3.68 | 3.16 | 4.42 | 2.95 |
| 44.3° | 3.69 | 3.16 | 4.43 | 2.95 |
| 44.4° | 3.70 | 3.17 | 4.44 | 2.96 |
| 44.5° | 3.71 | 3.18 | 4.45 | 2.97 |
| 44.6° | 3.72 | 3.19 | 4.46 | 2.97 |
| 44.7° | 3.73 | 3.19 | 4.47 | 2.98 |
| 44.8° | 3.73 | 3.20 | 4.48 | 2.99 |
| 44.9° | 3.74 | 3.21 | 4.49 | 2.99 |
| 45.0° | 3.75 | 3.21 | 4.50 | 3.00 |
| 45.1° | 3.76 | 3.22 | 4.51 | 3.01 |
| 45.2° | 3.77 | 3.23 | 4.52 | 3.01 |
| 45.3° | 3.78 | 3.24 | 4.53 | 3.02 |
| 45.4° | 3.78 | 3.24 | 4.54 | 3.03 |
| 45.5° | 3.79 | 3.25 | 4.55 | 3.03 |
| 45.6° | 3.80 | 3.26 | 4.56 | 3.04 |
| 45.7° | 3.81 | 3.26 | 4.57 | 3.05 |
| 45.8° | 3.82 | 3.27 | 4.58 | 3.05 |
| 45.9° | 3.83 | 3.28 | 4.59 | 3.06 |
| 46.0° | 3.83 | 3.29 | 4.60 | 3.07 |
| 46.1° | 3.84 | 3.29 | 4.61 | 3.07 |
| 46.2° | 3.85 | 3.30 | 4.62 | 3.08 |
| 46.3° | 3.86 | 3.31 | 4.63 | 3.09 |
| 46.4° | 3.87 | 3.31 | 4.64 | 3.09 |
| 46.5° | 3.88 | 3.32 | 4.65 | 3.10 |
| 46.6° | 3.88 | 3.33 | 4.66 | 3.11 |
| 46.7° | 3.89 | 3.34 | 4.67 | 3.11 |
| 46.8° | 3.90 | 3.34 | 4.68 | 3.12 |
| 46.9° | 3.91 | 3.35 | 4.69 | 3.13 |
| 47.0° | 3.92 | 3.36 | 4.70 | 3.13 |



TABLE II—MAXIMUM AND MINIMUM ACID FOR FROZEN CONCENTRATED ORANGE JUICE—Continued

STYLE II. WITH SWEETENING INGREDIENT ADDED—CON.

| Brix value of the concentrate in degrees Brix | U. S. Grade A or U. S. Fancy | | U. S. Grade B or U. S. Choice | |
|---|---|---|---|---|
| | Ratio 12:1 | Ratio 14:1 | Ratio 10:1 | Ratio 15:1 |
| | Acid (percent by weight) | | Acid (percent by weight) | |
| | Maximum | Minimum | Maximum | Minimum |
| 47.1° | 3.93 | 3.36 | 4.71 | 3.14 |
| 47.2° | 3.93 | 3.37 | 4.72 | 3.15 |
| 47.3° | 3.94 | 3.38 | 4.73 | 3.15 |
| 47.4° | 3.95 | 3.39 | 4.74 | 3.16 |
| 47.5° | 3.96 | 3.39 | 4.75 | 3.17 |
| 47.6° | 3.97 | 3.40 | 4.76 | 3.17 |
| 47.7° | 3.98 | 3.41 | 4.77 | 3.18 |
| 47.8° | 3.98 | 3.41 | 4.78 | 3.19 |
| 47.9° | 3.99 | 3.42 | 4.79 | 3.19 |
| 48.0° | 4.00 | 3.43 | 4.80 | 3.20 |
| 48.1° | 4.01 | 3.43 | 4.81 | 3.21 |
| 48.2° | 4.02 | 3.44 | 4.82 | 3.21 |
| 48.3° | 4.03 | 3.45 | 4.83 | 3.22 |
| 48.4° | 4.03 | 3.46 | 4.84 | 3.23 |
| 48.5° | 4.04 | 3.46 | 4.85 | 3.23 |
| 48.6° | 4.05 | 3.47 | 4.86 | 3.24 |
| 48.7° | 4.06 | 3.48 | 4.87 | 3.25 |
| 48.8° | 4.07 | 3.49 | 4.88 | 3.25 |
| 48.9° | 4.08 | 3.49 | 4.89 | 3.26 |
| 49.0° | 4.08 | 3.50 | 4.90 | 3.27 |

EXPLANATION AND METHODS OF ANALYSES

§ 52.1590 *Definitions of terms as used in these standards.* (a) "Oranges" are fruits of the sweet orange group (*Citrus sinensis*) and the Mandarin group (*Citrus reticulata*), except tangerines.

(b) "Reconstituted juice" means the product obtained by mixing thoroughly 3 parts by volume of distilled water and one part by volume of frozen concentrated orange juice.

(c) "Reconstitutes properly" means that the reconstituted juice shows no material separation of colloidal or suspended matter, leaving a zone of definitely clear liquid without any turbidity, after standing four (4) hours at a temperature of not less than 63 degree Fahrenheit in a clear glass tube or cylinder (such as a 50 ml. graduated cylinder).

(d) "Acid" means the percent by weight of acid (calculated as anhydrous citric acid) in frozen concentrated orange juice.

(e) "Brix value" in frozen concentrated orange juice is the refractometric sucrose value determined in accordance with the International Scale of Refractive Indices of Sucrose Solutions and to which the applicable correction for acid is added. (See Table III for corrections).

TABLE III—CORRECTIONS FOR OBTAINING BRIX VALUES[1]

| Citric acid, anhydrous (percent by weight) | Correction to be added to refractometer sucrose value to obtain degree Brix value | Citric acid, anhydrous (percent by weight) | Correction to be added to refractometer sucrose value to obtain degree Brix value |
|---|---|---|---|
| 0 | 0.30 | 3.6 | 0.70 |
| 2 | .41 | 3.8 | .74 |
| 2.4 | .47 | 4.0 | .78 |
| 3 | .51 | 4.2 | .81 |
| 3.2 | .54 | 4.4 | .85 |
| 3.4 | .58 | 4.6 | .89 |
| 3.5 | .62 | 4.8 | .93 |
| 3.6 | .66 | 5.0 | .97 |

[1] Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, vol. II, p. 447, Aug. 15, 1939.

§ 52.1591 *Explanation of analyses.* (a) The measurement of Brix value is determined on the thawed concentrate in accordance with the refractometric method for sugars and sugar products, outlined in the Official and Tentative Methods of the Association of Official Agricultural Chemists.

(b) "Acid," calculated as anhydrous citric acid, is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(c) "Recoverable oil" is determined by the following method:

(1) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1[2] and Figure 2:[2]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(2) *Procedure.* Exactly 400 grams of the thawed concentrate mixed with water to approximately two liters are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from the bottom to top, and bring the solution to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute.

(i) By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(ii) The number of milliliters of oil recovered divided by 4 equals the volume of recoverable oil per 100 grams of concentrate.

LOT CERTIFICATION TOLERANCES

§ 52.1592 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen concentrated orange juice, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

[2] Filed with the Federal Register Division as part of the original document.

SCORE SHEET

§ 52.1593 *Score sheet for frozen concentrated orange juice.*

| Size and kind of container | |
|---|---|
| Container mark or identification | |
| Label | |
| Liquid measure (fl. ounces) | |
| Brix value of concentrate (corrected for acid) | |
| Acid (grams citric acid (C₆ by weight)) | |
| Brix value to acid ratio | |
| Recoverable oil (ml./lot) (grades) | |
| Reconstitutes properly (yes) (no) | |
| Appearance of fresh juice (yes) (no) | |

| Factors | Score points | |
|---|---|---|
| Color | 20 | (A) 17-20<br>(B) 14-16<br>(C) 0-13 |
| Absence of defects | 40 | (A) 34-40<br>(B) 28-33<br>(C) 0-27 |
| Flavor | 40 | (A) 34-40<br>(B) 28-33<br>(C) 0-27 |
| Total score | 100 | |
| Grade | | |

[1] Tolerances limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED PEARS[1]

IDENTITY, STYLES, AND GRADES

§ 52.1611 *Identity.* "Canned pears" means the canned product prepared from properly prepared, mature pears, as such product is defined in the standard of identity for canned pears (21 CFR 27.20) issued pursuant to the Federal Food, Drug, and Cosmetic Act. For the purposes of these standards, canned pears when referred to as "canned 'solid-pack' pears" means prepared pears, packed without a liquid packing medium, sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

§ 52.1612 *Styles of canned pears.* (a) "Halves" or "halved" canned pears are peeled pears, with cores and stems removed, cut longitudinally from stem to calyx into approximate halves.

(b) "Unpeeled halves" or "unpeeled halved" canned pears are unpeeled pears, with cores and stems removed, cut longitudinally from stem to calyx into approximate halves.

(c) "Quarters" or "quartered" canned pears are peeled pears, with cores and stems removed, cut longitudinally from stem to calyx into approximate quarters.

(d) "Slices" or "sliced" canned pears are peeled pears, with cores and stems removed, cut longitudinally from stem to calyx into approximately equal segments smaller than quarters.

(e) "Dice" or "diced" canned pears are peeled pears, with cores and stems removed, cut into approximate cubes.

(f) "Whole" canned pears are peeled, uncored, whole pears with or without stems removed.

(g) "Unpeeled whole" canned pears are unpeeled, uncored, whole pears with or without stems removed.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(b) "Mixed pieces of irregular sizes and shapes" are peeled and cored units of canned pears that are predominantly irregular in size and shape and which do not conform to a single style of halves, quarters, slices, dice, or whole and may consist of:

(1) Units (commonly called "salad cuts" or "salad pieces") which may have been prepared originally as pear halves but which are irregular in size and shape in that more than one-fourth of the unit appears to have been removed at the outer curved surface or which have been further cut into pieces of irregular sizes and shapes; and

(2) Mixtures of two or more of the following styles which may or may not be of normal shape: Halves, quarters, slices, dice, or whole.

§ 52.1613 *Grades of canned pears.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of halves, unpeeled halves, quarters, slices, diced, whole, or unpeeled whole canned pears that are practically free from defects; that possess a good character; that possess a normal flavor and odor; and that are of such quality with respect to color and with respect to uniformity of size and symmetry for the applicable style as to score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of halves, unpeeled halves, quarters, slices, diced, whole, unpeeled whole, or mixed pieces of irregular sizes and shapes of canned pears that possess at least a reasonably good color for the applicable style; that are at least reasonably free from defects; that possess at least a reasonably good character; that possess a normal flavor and odor; and that are of such quality with respect to uniformity of size and symmetry for the applicable style as to score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of halves, unpeeled halves, quarters, slices, diced, whole, unpeeled whole, or mixed pieces of irregular sizes and shapes of canned pears that possess a fairly good color; that are fairly free from defects; that possess a fairly good character; that possess a normal flavor and odor; and that are of such quality with respect to uniformity of size and symmetry for the applicable style as to score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of canned pears that fail to meet the requirements of U. S. Grade C or U. S. Standard and is the quality of canned pears that may or may not meet the minimum standard of quality for canned pears issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.1614 *Grades of canned solid-pack pears.* (a) "U. S. Grade B Solid-Pack" or "U. S. Choice Solid-Pack" is the quality of halves, unpeeled halves, or mixed pieces of irregular sizes and shapes of canned "solid-pack" pears that possess at least a reasonably good color; that are at least reasonably free from defects for canned "solid-pack" pears; that possess at least a reasonably good character for canned "solid-pack" pears; that possess a normal flavor and odor; and that score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C Solid-Pack" or "U. S. Standard Solid-Pack" is the quality of halves, unpeeled halves, or mixed pieces of irregular sizes and shapes of canned "solid-pack" pears that possess a fairly good color; that are fairly free from defects for canned "solid-pack" pears; that possess a fairly good character for canned "solid-pack" pears; that possess a normal flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard Solid-Pack" is the quality of halves, unpeeled halves, or mixed pieces of irregular sizes and shapes of canned "solid-pack" pears that fail to meet the requirements of "U. S. Grade C Solid-Pack" or "U. S. Standard Solid-Pack".

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

§ 52.1615 *Liquid media and Brix measurements for canned pears.* "Cut-out" requirements for liquid media in canned pears are not incorporated in the grades of the finished product since syrup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurement, as applicable, for the respective designations are as follows:

| Designations | Brix measurement |
|---|---|
| "Extra heavy sirup" or "Extra heavy pear juice sirup". | 22° or more but not more than 25°. |
| "Heavy sirup" or "Heavy pear juice sirup". | 18° or more but less than 22°. |
| "Light sirup" or "Light pear juice sirup". | 14° or more but less than 18°. |
| "Slightly sweetened water" or "Slightly sweetened pear juice". | Less than 14°. |
| "In water" | Packed in water. |
| "In pear juice" | Packed in pear juice. |

§ 52.1616 *Fill of container for canned pears.* The standard of fill of container for canned pears is the maximum quantity of the pear units which can be packed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient. Canned pears that do not meet this requirement are "Below Standard in Fill."

§ 52.1617 *Recommended fill of container for canned "solid-pack" pears.* The recommended fill of container for canned "solid-pack" pears is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of "solid-pack" pears be filled as full as practicable without impairment of quality and that the product occupy not less than 90 percent of the volume of the container.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR HALVES AND UNPEELED HALVES

| Range of count of halves per container | Any grade in any sirup or other liquid medium | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Metal containers | | | | | | Glass containers | |
| | 8 Z Tall (211 x 304) | No. 1 Tall (301 x 411) | No. 303 (303 x 406) | No. 2 (307 x 409) | No. 2½ (401 x 411) | No. 10 (603 x 700) | No. 303 | No. 2½ |
| | Ounces | Ounces | Ounces | Ounces | Ounces | Ounces | Ounces | Ounces |
| 3 to 6 | 4½ | 9 | 9 | 11 | 16 | | 9 | 16 |
| 7 to 9 | 4¾ | 9¼ | 9¼ | 11¼ | 16½ | | 9¼ | 16½ |
| 10 to 12 | | 9¾ | 9¾ | 11¾ | 17 | | | 16¾ |
| 13 to 15 | | | | | 17½ | | | 17 |
| 16 to 22 | | | | | 18 | 62 | | |
| 23 to 30 | | | | | | 62½ | | |
| 31 to 40 | | | | | | 63 | | |
| 41 and over | | | | | | 63 | | |

| Range of count of halves per container | "Solid-pack" only—Metal containers | |
|---|---|---|
| | No. 2½ (401 x 411) | No. 10 (603 x 700) |
| Any count | 24 ounces | 90 ounces |



TABLE II—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR QUARTERS, SLICES, DICED, AND MIXED PIECES OF IRREGULAR SIZES AND SHAPES

| Container designation (metal, unless otherwise stated) | Container size—over-all dimensions | | Any grade in any sirup or other liquid medium | | | |
|---|---|---|---|---|---|---|
| | Width | Height | Quarters | Slices | Diced | Mixed pieces of irregular sizes and shapes |
| | Inches | Inches | Ounces | Ounces | Ounces | Ounces |
| 8 Z tall | 2 11/16 | 3 4/16 | 5 | 5 | 5 | |
| 8 oz. glass | | | 5 | 5 | 5 | |
| No. 1 tall | 3 3/16 | 4 11/16 | 9 3/4 | 9 3/4 | 9 3/4 | |
| No. 303 | 3 3/16 | 4 5/16 | 9 1/4 | 9 1/4 | 9 1/4 | |
| 303 glass | | | 9 3/4 | 9 3/4 | 9 3/4 | |
| No. 2 | 3 7/16 | 4 9/16 | 12 1/4 | 12 1/4 | 12 1/4 | 12 1/4 |
| No. 2½ | 4 3/16 | 4 11/16 | 17 1/4 | 17 1/4 | 17 1/4 | 17 1/4 |
| No. 2½ glass | | | 17 1/2 | 17 1/2 | 17 1/2 | 17 1/2 |
| No. 10 | 6 3/16 | 7 | 65 | 65 | 65 | 65 |
| | | | "Solid-pack" only—mixed pieces of irregular sizes and shapes | | | |
| No. 2½ | 4 3/16 | 4 13/16 | 24 ounces | | | |
| No. 10 | 6 3/16 | 7 | 90 ounces | | | |

§ 52.1618 *Recommended minimum drained weight.* The minimum drained weight recommendations for the various applicable styles in Table I and Table II are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades. The drained weight of canned pears and canned "solid-pack" pears is determined by emptying the contents of the container, turning the pit cavities down in halves, upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch ± 3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and pears less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

§ 52.1619 *Compliance with recommended drained weights.* Compliance with the recommended drained weights for canned pears and canned "solid-pack" pears is determined by averaging the drained weights from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations, for the applicable styles, if in:

(a) *Halves and unpeeled halves.* (1) The average of the drained weights from all of the containers meets the average of the recommended drained weights for the counts from the containers examined;

(2) One-half or more of the containers meet the recommended drained weight from the respective count found; and

(3) The drained weights from the containers which do not meet the recommended drained weight for the count found are within the range of variability for good commercial practice.

(b) *Quarters; slices; diced; mixed pieces of irregular sizes and shapes.* (1) The average drained weight from all the containers meets the recommended drained weight;

(2) One-half or more of the containers meet the recommended drained weight; and

(3) The drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practice.

FACTORS OF QUALITY

§ 52.1620 *Ascertaining the grade.* (a) The grade of canned pears is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size and symmetry, absence of defects, and character.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 20 |
| Uniformity of size and symmetry | 20 |
| Absence of defects | 30 |
| Character | 30 |
| Total score | 100 |

(c) "Normal flavor and odor" means that the canned pears are free from objectionable flavors and objectionable odors of any kind.

§ 52.1621 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1622 *Color—(a) General.* The factor of color refers to the color typical of the variety and its uniformity in each unit and among the units. The factor of color for canned pears that are unpeeled or spiced is not based on any detailed requirements and is not scored but the color shall be normal for unpeeled or spiced canned pears; the other three factors (uniformity of size and symmetry, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) *(A) classification.* Halves, quarters, slices, diced, or whole canned pears that possess a good color may be given a score of 18 to 20 points. "Good color" means that the units of pears individually and collectively possess a characteristic, practically uniform color that is typical white or light yellow-white; that there is no more than a slight variation from an ideal color and translucency for properly prepared and properly processed canned pears; and that in halves, quarters, slices, or whole not more than 10 percent by count of the units may possess "reasonably good color", provided none of such units are "dead white" (or "chalky") in appearance. One unit of halves, quarters, slices, or whole in a single container is permitted to be "reasonably good color" if such unit exceeds the allowance of 10 percent by count.

(c) *(B) and (B–SP) classification.* Halves, quarters, slices, diced, or whole canned pears that possess a reasonably good color; mixed pieces of irregular sizes and shapes of canned pears that possess at least a reasonably good color; and halves or mixed pieces of irregular sizes and shapes of canned "solid-pack" pears that possess at least a reasonably good color may be given a score of 16 or 17 points. Mixed pieces of irregular sizes and shapes of canned pears and halves or mixed pieces of irregular sizes and shapes of canned "solid-pack" pears that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice or U. S. Grade B Solid-Pack or U. S. Choice Solid-Pack, whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the units of pears individually and collectively possess a reasonably uniform and reasonably characteristic color that may show a very slight tint of pink or brown; that may show a slight lack of uniformity; that may vary slightly in translucency; and that in halves, quarters, slices, whole, or mixed pieces of irregular sizes and shapes not more than 10 percent by count of the units may possess "fairly good color" including units that may be "dead white" (or "chalky") in appearance. One unit of halves, quarters, slices, whole, or of mixed pieces of irregular sizes and shapes in a single container is permitted to be "fairly good color" including a unit that may be "dead white" (or "chalky") in appearance if such unit exceeds the allowance of 10 percent by count.

(d) *(C) and (C–SP) classification.* Halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes of canned pears and halves or mixed pieces of irregular sizes and shapes of canned "solid-pack" pears that possess a fairly good color may be given a score of 14 or 15 points. Canned pears or canned "solid-pack" pears that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard or U. S. Grade C Solid-Pack or U. S. Standard Solid-Pack, whichever is applicable, regardless of the total score for the prod-

uct (this is a limiting rule). "Fairly good color" means that the units of pears individually and collectively may vary noticeably from a uniform, characteristic color; may be "dead white" (or "chalky") in appearance; may have a slight pink or brown cast but not a definitely pink or brown color; and are not off-color for any reason.

(c) *(SStd) and (SStd-SP) classification.* Canned pears and canned "solid-pack" pears that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard or Substandard Solid-Pack, whichever is applicable, regardless of the total score for the product (this is a limiting rule).

§ 52.1623 *Uniformity of size and symmetry*—(a) *General.* The factor of uniformity of size and symmetry for mixed pieces of irregular sizes and shapes of canned pears and for canned "solid-pack" pears is not based on any detailed requirements and is not scored; the other three factors (color, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) *(A) classification.* Halves, unpeeled halves, quarters, slices, diced, whole, or whole unpeeled canned pears that are practically uniform in size and symmetry may be given a score of 18 to 20 points. "Practically uniform in size and symmetry" has the following meanings with respect to the following styles of canned pears:

(1) *Halves, unpeeled halves, quarters, whole, unpeeled whole.* The units are very symmetrical and the weight of the largest full-size unit does not exceed the weight of the smallest full-size unit by more than 40 percent; the weight of each half is not less than $\frac{3}{5}$ ounce; and the weight of each quarter is not less than $\frac{3}{10}$ ounce.

(2) *Slices.* Not more than 10 percent by count of the units vary noticeably from the uniform shape of slices.

(3) *Diced.* Not more than 10 percent by weight of the units are more than $\frac{3}{4}$ inch in greatest edge dimension or pass through a $\frac{5}{16}$-inch square opening.

(c) *(B) classification.* Halves, unpeeled halves, quarters, slices, diced, whole unpeeled, or whole canned pears that are reasonably uniform in size and symmetry may be given a score of 16 or 17 points. "Reasonably uniform in size and symmetry" has the following meanings with respect to the following styles of canned pears:

(1) *Halves, unpeeled halves, quarters, whole, unpeeled whole.* The units are reasonably symmetrical and the weight of the largest full-size unit does not exceed the weight of the smallest full-size unit by more than 60 percent; the weight of each half is not less than $\frac{3}{5}$ ounce; and the weight of each quarter is not less than $\frac{3}{10}$ ounce.

(2) *Slices.* Not more than 15 percent by count of the units vary noticeably from the uniform shape of slices.

(3) *Diced.* Not more than 15 percent by weight of the units are more than $\frac{3}{4}$ inch in greatest edge dimension or pass through a $\frac{5}{16}$-inch square opening.

(d) *(C) classification.* Halves, unpeeled halves, quarters, slices, diced, whole, or unpeeled whole canned pears that are fairly uniform in size and symmetry may be given a score of 14 or 15 points. "Fairly uniform in size and symmetry" has the following meanings with respect to the following styles of canned pears:

(1) *Halves, unpeeled halves, quarters, whole, unpeeled whole.* The units may vary in size, thickness, and symmetry and the weight of the largest full-size unit may be not more than twice the weight of the smallest full-size unit; the weight of each half is not less than $\frac{3}{5}$ ounce; and the weight of each quarter is not less than $\frac{3}{10}$ ounce.

(2) *Slices.* Not more than 20 percent by count of the units vary noticeably from the uniform shape of slices.

(3) *Diced.* Not more than 20 percent by weight of the units are more than $\frac{3}{4}$ inch in greatest edge dimension or pass through a $\frac{5}{16}$-inch square opening.

(e) *(SStd) classification.* Canned pears of the applicable styles which fail to meet paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above the following stated grade, regardless of the total score for the product (this is a limiting rule):

(1) Halves, unpeeled halves, quarters, whole, or unpeeled whole canned pears in which the weight of the largest full-size unit is more than twice the weight of the smallest full-size unit shall not be graded above Substandard and are also "Below Standard in Quality—Mixed Sizes."

(2) Halves or unpeeled halves of canned pears in which the weight of any half is less than $\frac{3}{10}$ ounce shall not be graded above Substandard and are also "Below Standard in Quality—Small Halves."

(3) Quarters of canned pears in which the weight of any quarter is less than $\frac{3}{10}$ ounce shall not be graded above Substandard and are also "Below Standard in Quality—Small Quarters."

(4) Slices and diced canned pears shall not be graded above Substandard.

§ 52.1624 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from peel, from blemished units, from units that are crushed or broken, from trimmed units for the applicable styles, and from any other defects which detract from the appearance or edibility of the product.

(1) "Blemished" or "blemished units" means units that are blemished with scab, hail injury, discoloration, or other abnormality covering an aggregate area exceeding the area of a circle ¼ inch in diameter. Units with black or very dark spots or any other damage which materially affect the appearance or edibility of the product are considered as "blemished", regardless of the area of the injury.

(2) "Crushed or broken" means that

(i) A unit of halves, unpeeled halves, quarters, slices, whole, and unpeeled whole canned pears is "crushed" if the unit has lost its normal shape and bears marks of crushing or is otherwise crushed not due to ripeness; and

(ii) A unit of halves, unpeeled halves, quarters, slices, whole, and unpeeled whole canned pears is "broken" if severed into definite parts; halves or unpeeled halves of canned pears that are slightly split from the edge to the core cavity or at the stem end are not considered broken. Portions equivalent to a full-size unit that has been broken are considered as one unit in determining the percentage by count.

(iii) "Crushed or broken" units are not considered defects in the style of diced or mixed pieces of irregular sizes and shapes of canned pears nor in the styles of halves, unpeeled halves, and mixed pieces of irregular sizes and shapes of canned "solid-pack" pears.

(3) "Stem" means an entire or partial external stem, whether or not attached, and is considered a defect in the applicable style of halves, unpeeled halves, quarters, sliced, diced, or mixed pieces of irregular sizes and shapes.

(4) "Cored and stemmed" means the removal of the calyx and seed cell cavity and, if applicable, the removal of the interior stem. "Stemming" refers to the removal of the interior stem.

(5) The degrees of trimming in the various styles of canned pears have the following meanings for the applicable styles:

(i) *Halves canned pears.* (*a*) "Insignificantly trimmed" means that the unit is trimmed to preserve the normal shape of a half and that the unit

(*1*) Possesses smooth contours on the backs and edges and may possess slight indentations or slight knife marks on the backs and edges that are insignificant in appearance;

(*2*) Is symmetrically cored and stemmed no deeper than necessary to remove neatly and cleanly the calyx, seed cell cavity, and interior stem;

(*3*) Possesses a distinct "bridge" or tie between the seed cell cavity and points where the calyx has been removed;

(*4*) Possesses an untrimmed face; and

(*5*) Is free from marks of "double stemming."

(*b*) "Slightly trimmed" means that the unit is trimmed but the normal shape of a half remains and that the unit

(*1*) Possesses reasonably smooth backs and edges and may possess significant indentation or significant knife marks on the backs and edges that do not materially affect the appearance of the unit;

(*2*) May be cored and stemmed deeper than necessary to remove the calyx, seed cell cavity, and interior stem or may not be symmetrically cored and stemmed but is cored and stemmed reasonably neat and reasonably clean;

(*3*) May lack a distinct "bridge" or tie between the seed cell cavity and points where the calyx has been removed;

(*4*) May possess moderate trimming on the face; and

(*5*) May show marks of "double stemming."

(*c*) "Moderately trimmed" means that the unit may be noticeably trimmed but retains the resemblance of a pear half and that the unit

(*1*) May possess gouges or similar cuts on the backs or edges or may possess indentations or knife marks on the backs or edges that do not seriously affect the appearance of the unit;

(*2*) May be deeply cored and stemmed or may not be symmetrically, neatly, and cleanly cored and stemmed;

(*3*) May or may not have the interior stem removed;

(*4*) May possess moderate trimming on the face; and

(*5*) May show marks of "double stemming."

(*d*) "Seriously trimmed" means that the unit is trimmed on the backs and edges or that portions are cut across such surfaces or away from such units but that the shape of a pear half remains.

(ii) *Quarters; whole canned pears.* (*a*) "Insignificantly trimmed" means that the unit is trimmed to preserve the normal shape of the unit and that the unit

(*1*) Possesses smooth contours or well-defined edges, as applicable; and

(*2*) May possess slight indentations or slight knife marks that are insignificant in appearance.

(*b*) "Slightly trimmed" means that the unit is trimmed but the normal shape of the unit remains and that the unit

(*1*) Possesses reasonably smooth contours or reasonably well-defined edges, as applicable; and

(*2*) May possess significant indentations or significant knife marks that do not materially affect the appearance of the unit.

(*c*) "Moderately trimmed" means that the unit may be noticeably trimmed but retains the resemblance of a normal shape for the unit and that the unit

(*1*) May possess gouges or similar cuts on the surface or edges, as applicable, that do not seriously affect the appearance of the unit.

(*d*) "Seriously trimmed" means that the unit is trimmed on the surface or edges, as applicable, but that the applicable shape for the unit remains.

(iii) *Unpeeled halves canned pears.* (*a*) "Insignificantly trimmed" means that no more than insignificant trimming may be present on the edges or on the unpeeled surface and that the unit:

(*1*) May possess slight indentations or slight knife marks that are insignificant in appearance;

(*2*) Is symmetrically cored and stemmed no deeper than necessary to remove neatly and cleanly the calyx, seed cell cavity, and interior stem;

(*3*) Possesses a distinct "bridge" or tie between the seed cell cavity and points where the calyx has been removed;

(*4*) Possesses an untrimmed face; and

(*5*) Is free from marks of "double stemming."

(*b*) "Slightly trimmed" means that the unit

(*1*) May be slightly trimmed on the edges or on the unpeeled surface and may possess significant indentations or significant knife marks that do not materially affect the appearance of the unit;

(*2*) May be cored and stemmed deeper than necessary to remove the calyx, seed cell cavity, and interior stem or may not be symmetrically cored and stemmed but is cored and stemmed reasonably neat and reasonably clean;

(*3*) May lack a distinct "bridge" or tie between the seed cell cavity and points where the calyx has been removed;

(*4*) May possess moderate trimming on the face; and

(*5*) May show marks of "double stemming."

(*c*) "Moderately trimmed" means that the unit may be noticeably trimmed on the edges or on the unpeeled surface but retains the resemblance of a pear half and that the unit

(*1*) May possess indentations or knife marks that do not seriously affect the appearance of the unit;

(*2*) May be deeply cored and stemmed or may not be symmetrically, neatly, and cleanly cored and stemmed;

(*3*) May or may not have the interior stem removed;

(*4*) May possess moderate trimming on the face; and

(*5*) May show marks of "double stemming."

(*d*) "Seriously trimmed" means that the unit is trimmed on the backs and edges or that portions are cut across such surfaces or away from such units but that the shape of a pear half remains.

(iv) *Unpeeled whole canned pears.* (*a*) "Insignificantly trimmed" means that no more than insignificant trimming may be present on the unpeeled surface and that the unit may possess slight indentations or slight knife marks that are insignificant in appearance.

(*b*) "Slightly trimmed" means that the unit may be slightly trimmed on the unpeeled surface and may possess significant indentations or significant knife marks that do not materially affect the appearance of the unit.

(*c*) "Moderately trimmed" means that the unit may be noticeably trimmed on the unpeeled surface but retains the resemblance of a whole pear and that the unit may possess indentations or knife marks that do not seriously affect the appearance of the unit.

(*d*) "Seriously trimmed" means that the unit is trimmed on the unpeeled surface but that the shape of a whole pear remains.

(b) *(A) classification.* Halves, unpeeled halves, quarters, slices, diced, whole, or unpeeled whole canned pears that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the canned pears are practically free from any defects not specifically mentioned that affect the appearance or edibility of the product, and, in addition, has the following meanings with respect to the following styles of canned pears:

(1) *Halves; quarters canned pears.* Not more than an average of ⅛ square inch of peel per 1 pound of net contents may be present; no stems nor loose or partially loose cores may be present; the units may be insignificantly trimmed but none of the units may be seriously trimmed; not more than 10 percent by count of the units may be crushed or broken, slightly trimmed, moderately trimmed, or any combination thereof; and not more than 5 percent by count of the units may be blemished. One unit in a single container is permitted to be crushed or broken, slightly trimmed, or moderately trimmed and one unit in a single container is permitted to be blemished if any of such units exceed the respective allowances of 10 percent and 5 percent by count: *Provided*, That in all containers comprising the sample such crushed, broken, slightly trimmed, and moderately trimmed units do not exceed an average of 10 percent by count of the total number of units and that such blemished units do not exceed an average of 5 percent by count of the total number of units.

(2) *Whole canned pears.* Not more than an average of ⅛ square inch of peel per 1 pound of net contents may be present; the units may be insignificantly trimmed but none of the units may be seriously trimmed; not more than 10 percent by count of the units may be crushed or broken, slightly trimmed, moderately trimmed, or any combination thereof; and not more than 5 percent by count of the units may be blemished. One unit in a single container is permitted to be crushed or broken, slightly trimmed, or moderately trimmed and one unit in a single container is permitted to be blemished if any of such units exceed the respective allowances of 10 percent and 5 percent by count: *Provided*, That in all containers comprising the sample such crushed, broken, slightly trimmed, and moderately trimmed units do not exceed an average of 10 percent by count of the total number of units and that such blemished units do not exceed an average of 5 percent by count of the total number of units.

(3) *Unpeeled halves canned pears.* No stems nor loose or partially loose cores may be present; the units may be insignificantly trimmed but none of the units may be seriously trimmed; not more than 10 percent by count of the units may be crushed or broken, slightly trimmed, moderately trimmed, or any combination thereof; and not more than 5 percent by count of the units may be blemished. One unit in a single container is permitted to be crushed or broken, slightly trimmed, or moderately trimmed, and one unit in a single container is permitted to be blemished if any of such units exceed the respective allowances of 10 percent and 5 percent by count: *Provided*, That in all containers comprising the sample such crushed, broken, slightly trimmed, and moderately trimmed units do not exceed an average of 10 percent by count of the total number of units and that such blemished units do not exceed an average of 5 percent by count of the total number of units.

(4) *Unpeeled whole canned pears.* The units may be insignificantly trimmed but none of the units may be seriously trimmed; not more than 10 percent by count of the units may be

crushed or broken, slightly trimmed, moderately trimmed, or any combination thereof; and not more than 5 percent by count of the units may be blemished. One unit in a single container is permitted to be crushed or broken, slightly trimmed, or moderately trimmed and one unit in a single container is permitted to be blemished if any of such units exceed the respective allowances of 10 percent and 5 percent by count: *Provided*, That in all containers comprising the sample such crushed, broken, slightly trimmed, and moderately trimmed units do not exceed an average of 10 percent by count of the total number of units and that such blemished units do not exceed an average of 5 percent by count of the total number of units.

(5) *Sliced canned pears.* Not more than an average of ⅛ square inch of peel per 1 pound of net contents may be present; no stems nor loose cores may be present; not more than 10 percent by count of the units may be crushed or broken; and not more than 5 percent by count of the units may be blemished. One unit in a single container is permitted to be crushed or broken and one unit in a single container is permitted to be blemished if any of such units exceed the respective allowances of 10 percent and 5 percent by count: *Provided*, That in all containers comprising the sample such crushed and broken units do not exceed an average of 10 percent by count of the total number of units and that such blemished units do not exceed an average of 5 percent by count of the total number of units.

(6) *Diced canned pears.* Not more than an average of ⅛ square inch of peel per 1 pound of net contents may be present; no stems nor loose cores may be present; and not more than 5 percent by count of the units may be blemished.

(c) *(B) classification.* Halves, unpeeled halves, quarters, slices, diced, whole, or unpeeled whole canned pears that are reasonably free from defects and mixed pieces of irregular sizes and shapes of canned pears that are reasonably free from defects may be given a score of 24 to 26 points. Canned pears that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned pears are reasonably free from any defects not specifically mentioned that affect the appearance or edibility of the product, and, in addition, has the following meanings with respect to the following styles of canned pears:

(1) *Halves; quarters canned pears.* Not more than an average of ½ square inch of peel per 1 pound of net contents may be present; not more than 1 stem or 1 loose or partially loose core per 3 pounds of net contents may be present; the units may be insignificantly trimmed or slightly trimmed, or both, but none of the units may be seriously trimmed; not more than 10 percent by count of the units may be crushed or broken or moderately trimmed or any combination thereof; and not more than 10 percent by count of the units may be blemished. One unit in a single container is permitted to be crushed or broken and one unit in a single container is permitted to be blemished if any of such units exceed the respective allowances of 10 percent by count: *Provided*, That in all containers comprising the sample such crushed and broken units do not exceed an average of 10 percent by count of the total number of units and that such blemished units do not exceed an average of 10 percent by count of the total number of units.

(2) *Whole canned pears.* Not more than an average of ½ square inch of peel per 1 pound of net contents may be present; the units may be insignificantly or slightly trimmed, or both, but none of the units may be seriously trimmed; not more than 10 percent by count of the units may be crushed or broken or moderately trimmed or any combination thereof; and not more than 10 percent by count of the units may be blemished. One unit in a single container is permitted to be crushed or broken or moderately trimmed and one unit in a single container is permitted to be blemished if any of such units exceed the respective allowances of 10 percent by count: *Provided*, That in all containers comprising the sample such crushed and broken and moderately trimmed units do not exceed an average of 10 percent by count of the total number of units and that such blemished units do not exceed an average of 10 percent by count of the total number of units.

(3) *Unpeeled halves canned pears.* Not more than 1 stem or 1 loose or partially loose core per 3 pounds of net contents may be present; the units may be insignificantly trimmed or slightly trimmed, or both, but none of the units may be seriously trimmed; not more than 10 percent by count of the units may be crushed or broken or moderately trimmed or any combination thereof; and not more than 10 percent by count of the units may be blemished. One unit in a single container is permitted to be crushed or broken or moderately trimmed and one unit in a single container is permitted to be blemished if any of such units exceed the respective allowances of 10 percent by count: *Provided*, That in all containers comprising the sample such crushed and broken and moderately trimmed units do not exceed an average of 10 percent by count of the total number of units and that such blemished units do not exceed an average of 10 percent by count of the total number of units.

(4) *Unpeeled whole canned pears.* The units may be insignificantly trimmed or slightly trimmed, or both, but none of the units may be seriously trimmed; not more than 10 percent by count of the units may be crushed or broken or moderately trimmed or any combination thereof; and not more than 10 percent by count of the units may be blemished. One unit in a single container is permitted to be crushed or broken or moderately trimmed and one unit in a single container is permitted to be blemished if any of such units exceed the respective allowances of 10 percent by count: *Provided*, That in all containers comprising the sample such crushed and broken and moderately trimmed units do not exceed an average of 10 percent by count of the total number of units and that such blemished units do not exceed an average of 10 percent by count of the total number of units.

(5) *Sliced canned pears.* Not more than an average of ½ square inch of peel per 1 pound of net contents may be present; not more than 1 stem or 1 loose core per 3 pounds of net contents may be present; not more than 10 percent by count of the units may be crushed or broken; and not more than 10 percent by count of the units may be blemished. One unit in a single container is permitted to be crushed or broken and one unit in a single container is permitted to be blemished if any of such units exceed the respective allowances of 10 percent by count: *Provided*, That in all containers comprising the sample such crushed and broken units do not exceed an average of 10 percent by count of the total number of units and that such blemished units do not exceed an average of 10 percent by count of the total number of units.

(6) *Diced canned pears.* Not more than an average of ½ square inch of peel per 1 pound of net contents may be present; not more than 1 stem or 1 loose core per 3 pounds of net contents may be present; and not more than 10 percent by count of the units may be blemished.

(7) *Mixed pieces of irregular sizes and shapes of canned pears.* Not more than an average of ½ square inch of peel per 1 pound of net contents may be present; not more than 1 stem or 1 loose or partially loose core per 3 pounds of net contents may be present; and not more than 10 percent by count of the units may be crushed or broken; and not more than 10 percent by count of the units may be blemished. One unit in a single container is permitted to be crushed or broken and one unit in a single container is permitted to be blemished if any of such units exceed the respective allowances of 10 percent by count: *Provided*, That in all containers comprising the sample such crushed and broken and moderately trimmed units do not exceed an average of 10 percent by count of the total number of units and that such blemished units do not exceed an average of 10 percent by count of the total number of units.

(d) *(B-SP) classification.* Halves, unpeeled halves, or mixed pieces of irregular sizes and shapes of canned "solid-pack" pears that are at least reasonably free from defects for canned "solid-pack" pears may be given a score of 24 to 26 points. Canned "solid-pack" pears that fall into this classification shall not be graded above U. S. Grade B Solid-pack or U. S. Choice Solid-pack, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects for canned 'solid-pack' pears" means that the canned "solid-pack" pears are reasonably free from any defects not specifically mentioned that affect the appearance or edibility of the product, and, in addition, has the following meanings with respect to the following styles of canned "solid-pack" pears.

(1) *Halves; unpeeled halves; mixed pieces of irregular sizes and shapes of canned "solid-pack" pears.* Not more than an average of ½ square inch of peel per 1 pound of net contents may be present; not more than 1 stem or 1 loose or partially loose core per 3 pounds of net contents may be present; and not more than 1 blemished unit per 1 pound of net contents may be present.

(e) *(C) classification.* Halves, unpeeled halves, quarters, slices, diced, whole, unpeeled whole, or mixed pieces of irregular sizes and shapes of canned pears that are fairly free from defects may be given a score of 21 to 23 points. Canned pears that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned pears are fairly free from any defects not specifically mentioned that affect the appearance or edibility of the product, and, in addition, has the following meanings with respect to the following styles of canned pears:

(1) *Halves; quarters canned pears.* Not more than an average of 1 square inch of peel per 1 pound of net contents may be present; not more than 1 stem or 1 loose or partially loose core per 1 pound of net contents may be present; the units may be insignificantly trimmed, slightly trimmed, moderately trimmed, or any combination thereof, but not more than 10 percent by count of the units may be seriously trimmed; not more than 10 percent by count of the units may be crushed or broken; and not more than 20 percent by count of the units may be blemished. One unit in a single container is permitted to be crushed or broken, one unit in a single container is permitted to be seriously trimmed, and one unit in a single container is permitted to be blemished, if any of such units exceed the respective allowances of 10 percent and 20 percent by count of the units: *Provided*, That in all containers comprising the sample such seriously trimmed units do not exceed an average of 10 percent by count of the total number of units and such blemished units do not exceed an average of 20 percent by count of the total number of units.

(2) *Whole canned pears.* Not more than an average of 1 square inch of peel per 1 pound of net contents may be present; the units may be insignificantly trimmed, slightly trimmed, moderately trimmed, or any combination thereof, but not more than 10 percent by count of the units may be seriously trimmed; not more than 10 percent by count of the units may be crushed or broken; and not more than 20 percent by count of the units may be blemished. One unit in a single container is permitted to be crushed or broken, one unit in a single container is permitted to be seriously trimmed, and one unit in a single container is permitted to be blemished, if any of such units exceed the respective allowances of 10 percent and 20 percent by count of the units: *Provided*, That in all containers comprising the sample such seriously trimmed units do not exceed an average of 10 percent by count of the total number of units and such blemished units do not exceed an average of 20 percent by count of the total number of units.

(3) *Unpeeled halves canned pears.* Not more than 1 stem or 1 loose or partially loose core per 3 pounds of net contents may be present; and not more than 1 blemished unit per 1 pound of net contents may be present.

(4) *Unpeeled whole canned pears.* The units may be insignificantly trimmed, slightly trimmed, moderately trimmed, or any combination thereof, but not more than 10 percent by count of the units may be seriously trimmed; not more than 10 percent by count of the units may be crushed or broken; and not more than 20 percent by count of the units may be blemished. One unit in a single container is permitted to be crushed or broken, one unit in a single container is permitted to be seriously trimmed, and one unit in a single container is permitted to be blemished, if any of such units exceed the respective allowances of 10 percent and 20 percent by count of the units: *Provided*, That in all containers comprising the sample such seriously trimmed units do not exceed an average of 10 percent by count of the total number of units and such blemished units do not exceed an average of 20 percent by count of the total number of units.

(5) *Slices.* Not more than an average of 1 square inch of peel per 1 pound of net contents may be present; not more than 1 stem or 1 loose core per 1 pound of net contents may be present; not more than 10 percent by count of the units may be crushed or broken; and not more than 20 percent by count of the units may be blemished. One unit in a single container is permitted to be crushed or broken if such unit exceeds the allowance of 10 percent by count of the units.

(6) *Diced canned pears.* Not more than an average of 1 square inch of peel per 1 pound of net contents may be present; not more than 1 stem or 1 loose core per 1 pound of net contents may be present; and not more than 20 percent by count of the units may be blemished.

(7) *Mixed pieces of irregular sizes and shapes of canned pears.* Not more than an average of 1 square inch of peel per 1 pound of net contents may be present; not more than 1 stem or 1 loose or partially loose core per 1 pound of net contents may be present; the units may be insignificantly trimmed, slightly trimmed, moderately trimmed, or any combination thereof, but not more than 10 percent by count of the units may be seriously trimmed; not more than 10 percent by count of the units may be crushed or broken; and not more than 20 percent by count of the units may be blemished. One unit in a single container is permitted to be crushed or broken, one unit in a single container is permitted to be seriously trimmed, and one unit in a single container is permitted to be blemished, if any of such units exceed the respective allowances of 10 percent and 20 percent by count of the units: *Provided*, That in all containers comprising the sample such seriously trimmed units do not exceed an average of 10 percent by count of the total number of units and such blemished units do not exceed an average of 20 percent by count of the total number of units.

(f) *(C–SP) classification.* Halves, unpeeled halves, or mixed pieces of irregular sizes and shapes of canned "solid-pack" pears that are fairly free from defects for canned "solid-pack" pears may be given a score of 21 to 23 points. Canned "solid-pack" pears that fall into this classification shall not be graded above U. S. Grade C Solid-pack or U. S. Standard Solid-pack, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects for canned 'solid-pack' pears" means that the canned "solid-pack" pears are fairly free from any defects not specifically mentioned that affect the appearance or edibility of the product, and, in addition, has the following meanings with respect to the following styles of canned "solid-pack" pears:

(1) *Halves; unpeeled halves; mixed pieces of irregular sizes and shapes of canned "solid-pack" pears.* Not more than an average of 1 square inch of peel per 1 pound of net contents may be present; not more than 1 stem or 1 loose or partially loose core per 1 pound of net contents may be present; and not more than 2 blemished units per 1 pound of net contents may be present.

(g) *SStd and (SStd-SP) classification.* Canned pears or canned "solid-pack" pears which fail to meet the requirements of paragraphs (e) and (f) of this section may be given a score of 0 to 20 points and shall not be graded above the following stated grades, as applicable, regardless of the total score for the product (this is a limiting rule):

(1) Halves, quarters, whole canned pears shall not be graded above Substandard and may also be "Below Standard in Quality" for the applicable reasons:

Not well peeled.
Partly crushed or broken.
Unevenly trimmed.
Blemished.

(2) Unpeeled halves, unpeeled whole canned pears shall not be graded above Substandard and may also be "Below Standard in Quality" for the applicable reasons:

Partly crushed or broken.
Unevenly trimmed.
Blemished.

(3) Sliced, diced, mixed pieces of irregular sizes and shapes canned pears shall not be graded above Substandard and may also be "Below Standard in Quality" for the applicable reasons:

Not well peeled.
Blemished.

(4) Canned "solid-pack" pears shall not be graded above Substandard Solid-pack.

§ 52.1625 *Character*—(a) *General.* The factor of character refers to the degree of ripeness, the texture, and tenderness of the product.

(b) *(A) classification.* Halves, unpeeled halves, quarters, slices, diced, whole, or unpeeled whole canned pears that possess a good character may be

given a score of 27 to 30 points. "Good character" has the following meanings with respect to the various styles of canned pears:

(1) *Halves, unpeeled halves, quarters canned pears.* The units possess a texture typical of properly and uniformly ripened pears that are properly processed; the texture is fleshy and free from noticeable graininess or toughness; the units are tender; the units are uniformly intact and pliable but firm enough to possess well-defined edges with no visible breaking down of the flesh; and not more than 10 percent by count of the units may possess a reasonably good character. One unit in a container is permitted to have a reasonably good character if one unit exceeds the allowance of 10 percent by count: *Provided,* That in all containers comprising the sample, the units with reasonably good character do not exceed an average of 10 percent by count of the total number of units.

(2) *Whole, unpeeled whole canned pears.* The units possess a texture typical of properly and uniformly ripened pears that are properly processed; the texture is fleshy and free from noticeable graininess or toughness; the units are uniformly intact and firm with no visible breaking down of the flesh; and not more than 10 percent by count of the units may possess a reasonably good character. One unit in a container is permitted to have a reasonably good character if one unit exceeds the allowance of 10 percent by count: *Provided,* That in all containers comprising the sample the units with reasonably good character do not exceed an average of 10 percent by count of the total number of units.

(3) *Slices; diced canned pears.* The product generally possesses a texture typical of properly and uniformly ripened pears that are properly prepared and processed and not more than 10 percent by weight of the drained pears may be disintegrated or mushy.

(c) *(B) classification.* Halves, unpeeled halves, quarters, slices, diced, whole, or unpeeled whole canned pears that possess a reasonably good character and mixed pieces of irregular sizes and shapes of canned pears that possess at least a reasonably good character may be given a score of 24 to 26 points. Canned pears that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" has the following meanings with respect to the following styles of canned pears:

(1) *Halves, unpeeled halves, quarters, mixed pieces of irregular sizes and shapes of canned pears.* The units possess a texture typical of properly ripened pears that are properly processed; the units may possess a texture of moderate graininess; the units are reasonably tender or the tenderness may be variable within the unit; the units may be slightly firm or slightly ragged with slightly frayed edges or slightly soft but are not mushy; and not more than 10 percent by count of the units may possess a fairly good character. One unit in a container is permitted to have a fairly good character if one unit exceeds the allowance of 10 percent by count: *Provided,* That in all containers comprising the sample the units with fairly good character do not exceed an average of 10 percent by count of the total number of units.

(2) *Whole, unpeeled whole canned pears.* The units possess a texture typical of properly ripened pears that are properly processed; the units may possess a texture of moderate graininess; the units are reasonably tender or the tenderness may be variable within the unit; the units may be slightly firm or slightly ragged or slightly soft but are not mushy; and not more than 10 percent by count of the units may possess a fairly good character. One unit in a container is permitted to have a fairly good character if one unit exceeds the allowance of 10 percent by count: *Provided,* That in all containers comprising the sample the units with fairly good character do not exceed an average of 10 percent by count of the total number of units.

(3) *Slices, diced canned pears.* The product generally possesses a texture typical of properly ripened pears that are properly prepared and processed and not more than 15 percent by weight of the drained pears may be disintegrated or mushy.

(d) *B-SP classification.* Halves, unpeeled halves, or mixed pieces of irregular sizes and shapes of canned "solid-pack" pears that possess at least a reasonably good character for canned "solid-pack" pears may be given a score of 24 to 26 points. Canned "solid-pack" pears that fall into this classification shall not be graded above U. S. Grade B Solid-pack or U. S. Choice Solid-pack, regardless of the total score for the product (this is a limiting rule). "Reasonably good character for canned 'solid-pack' pears" has the following meaning with respect to the styles of canned "solid-pack" pears:

(1) *Halves; unpeeled halves; mixed pieces of irregular sizes and shapes of canned "solid-pack" pears.* The product generally possesses a texture of properly ripened pears that are properly processed as "solid-pack" pears; the texture may be of moderate graininess or variable in tenderness or may be soft; not less than 80 percent by weight of the drained pears are in reasonably intact units and the balance may be mushy or consist of units with hard-calyx ends.

(e) *(C) classification.* Halves, unpeeled halves, quarters, slices, diced, whole, unpeeled whole, or mixed pieces of irregular sizes and shapes of canned pears that possess a fairly good character may be given a score of 21 to 23 points. Canned pears that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" has the following meanings with respect to the following styles of canned pears:

(1) *Halves, unpeeled halves, quarters, mixed pieces of irregular sizes and shapes of canned pears.* The units possess a texture of properly processed pears which may be variable; the units may possess a texture of marked graininess; the units may be lacking uniformity of tenderness; the units may be markedly firm or markedly ragged with frayed edges or may be soft; and not more than 10 percent by weight of the drained pears may be mushy or consist of units with hard-calyx ends or units that are not tender.

(2) *Whole, unpeeled whole canned pears.* The units possess a texture of properly processed pears which may be variable; the units may possess a texture of marked graininess; the units may be lacking uniformity of tenderness; the units may be markedly firm or markedly ragged or soft; and not more than 10 percent by count of the units may be mushy or consist of units with hard-calyx ends or units that are not tender. One unit in a container is permitted to be mushy or possess hard-calyx ends or not tender: *Provided,* That in all containers comprising the sample, all of such units do not exceed an average of 10 percent by count of the total number of units.

(3) *Slices; diced canned pears.* The product generally possesses a texture typical of properly prepared and processed pears and not more than 20 percent by weight of the drained pears may be disintegrated or mushy.

(f) *(C-SP) classification.* Halves, unpeeled halves, or mixed pieces of irregular sizes and shapes of canned "solid-pack" pears that possess a fairly good character may be given a score of 21 to 23 points. Canned "solid-pack" pears that fall into this classification shall not be graded above U. S. Grade C Solid-pack or U. S. Standard solid-pack regardless of the total score for the product (this is a limiting rule). "Fairly good character for canned 'solid-pack' pears" has the following meaning with respect to the styles of canned "solid-pack" pears:

(1) *Halves; unpeeled halves; mixed pieces of irregular sizes and shapes of canned "solid-pack" pears.* The product generally possesses a texture of properly processed pears which may be variable; the texture may be of marked graininess or may be soft; not less than 60 percent by weight of the drained pears are in reasonably intact units and the balance may be mushy or consist of units with hard-calyx ends.

(g) *(SStd) classification.* Halves, unpeeled halves, quarters, slices, diced, whole, unpeeled whole, and mixed pieces of irregular sizes and shapes of canned pears that fail to meet the requirements of paragraph (e) of this section or that are "not tender" may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule). Halves, unpeeled halves, quarters, slices, diced, whole, unpeeled whole, or mixed pieces of irregular sizes and shapes of canned pears that are "not tender" are also "Below Standard in Quality—Not Tender."

(h) *(SStd–SP) classification.* Halves, unpeeled halves, and mixed pieces of irregular sizes and shapes of canned "solid-pack" pears that fail to meet the requirements of paragraph (f) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard Solid-pack, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1626 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned pears, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1627 *Score sheet for canned pears.*

| Factors | | Score points |
|---|---|---|
| [illegible] | | |
| [illegible] | | |
| [illegible] | | |
| [illegible] | | |
| [illegible] | | |
| [illegible] | | |
| [illegible] | | |
| [illegible] | | |
| [illegible] | | |
| [illegible] | | |
| Color | 20 | (A) 18–20<br>(B) 16–17<br>(C and (C–SP)[1] 11–15<br>(SStd) & (SStd–SP)[1] 0–10 |
| Uniformity of size and symmetry | 20 | (A) 18–20<br>(B) 16–17<br>(C) 11–15<br>(SStd)[1] 0–10 |
| Absence of defects | 30 | (A) 27–30<br>(B) and (B–SP) 24–26<br>(C) and (C–SP) 21–23<br>(SStd) & (SStd–SP)[1] 0–20 |
| Character | 30 | (A) 27–30<br>(B) and (B–SP) 24–26<br>(C) and (C–SP) 21–23<br>(SStd) & (SStd–SP)[1] 0–20 |
| Total score | 100 | |
| [illegible] | | |

[1] Limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED FIELD PEAS AND CANNED BLACK-EYE PEAS[1]

IDENTITY AND GRADES

§ 52.1641 *Identity.* (a) "Canned field peas" means canned field peas as defined in the definitions and standards of identity for canned vegetables (21 CFR 52.990), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(b) "Canned black-eye peas" means canned black-eye peas as defined in the definitions and standards of identity for canned vegetables (21 CFR 52.990), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(c) "Canned peas" means canned field peas or canned black-eye peas.

(d) "Snap" or "snaps" means a piece or pieces of immature unshelled pods.

(e) "Canned peas without snaps" means canned peas which do not contain immature unshelled pods or pieces thereof.

(f) "Canned peas with snaps" means canned peas which contain pieces of immature unshelled pods.

(g) "Unit" means an individual field pea or black-eye pea or a piece of immature unshelled pod of either.

§ 52.1642 *Grades of canned peas.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned peas that possess similar varietal characteristics; that possess a normal flavor and odor; that are fairly young; that are practically free from defects; that possess at least a fairly good color; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned peas that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a fairly good color; that are nearly mature; that are fairly free from defects; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of canned peas that fail to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.1643 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned peas be filled with field peas or black-eye peas as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

§ 52.1644 *Recommended drained weight.* The drained weight recommendations in Table No. 1 of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned peas is determined by emptying the contents of the container upon a No. 8 sieve of proper diameter and allowing to drain for 2 minutes. A sieve 8 inches in diameter is used for the No. 2½ size can (401 x 411) and smaller sizes; and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.



TABLE NO. 1

[Recommended minimum drained weight, in ounces, of field peas or black-eye peas, including snaps when canned with snaps]

| Container size or designation: | Ounces |
|---|---|
| No. 1 (Picnic) | 7 |
| No. 1 Tall | 10½ |
| No. 300 | 9¼ |
| No. 303 | 11 |
| No. 2 | 13½ |
| No. 10 | 72 |

FACTORS OF QUALITY

§ 52.1645 *Ascertaining the grade.* (a) The grade of canned peas may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings of the factors of color, absence of defects, and character.

(b) The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

| Factors: | Points |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Character | 40 |
| Total score | 100 |

(c) "Normal flavor and odor" means that the canned peas are free from objectionable flavors and objectionable odors of any kind.

§ 52.1646 *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "15 to 20 points" means 15, 16, 17, 18, 19, or 20 points).

§ 52.1647 *Color—(a) (A) classification.* Canned peas that possess a good color may be given a score of 15 to 20 points. "Good color" means that the canned peas possess a fairly uniform color and are typical of fairly young field peas or black-eye peas of similar varietal characteristics.

(b) *(C) classification.* Canned peas that possess a fairly good color may be given a score of 10 to 14 points. "Fairly good color" means that the canned peas possess a color that may be variable and typical of nearly mature field peas or black-eye peas of similar varietal characteristics.

(c) *(SStd) classification.* Canned peas that are definitely off color for any reason or fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 9 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1648 *Absence of defects—(a) General.* The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, from loose skins and pieces of skins, loose cotyledons and pieces of cotyledons, mashed or broken units, and units blemished by pathological injury, insect injury, or other means.

(1) "Extraneous vegetable matter" means hulls or pieces of hulls, unshelled pods or pieces of unshelled pods (except in peas canned with snaps), leaves,

stems and other similar vegetable matter.

(2) "Mashed or broken" means seriously crushed so that the unit has lost its original conformation or is broken to the extent that a cotyledon or portion thereof has become separated from the unit.

(3) "Blemished" means discolored or spotted by pathological injury, insect injury, or other means to such an extent that the appearance or eating quality of the unit is materially affected.

(b) *(A) classification.* Canned peas that are practically free from defects may be given a score of 35 to 40 points. "Practically free from defects" means that for each 12 ounces drained weight of units there may be present not more than 2 pieces of extraneous vegetable matter, and the combined weight of all loose skins and pieces of skins, loose cotyledons and pieces of cotyledons, and mashed or broken units does not exceed 5 percent, and the weight of blemished units does not exceed 2 percent of the drained weight of the canned peas.

(c) *(C) classification.* If the canned peas are fairly free from defects, a score of 30 to 34 points may be given. Canned peas that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that for each 12 ounces drained weight of units there may be present not more than 4 pieces of extraneous vegetable matter, and the combined weight of all loose skins and pieces of skins, loose cotyledons and pieces of cotyledons, and mashed or broken units does not exceed 10 percent, and the weight of blemished units does not exceed 6 percent of the drained weight of the canned peas.

(d) *(SStd) classification.* Canned peas that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 29 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1649 *Character—(a) General.* This factor refers to the tenderness and maturity of the canned peas.

(b) *(A) classification.* Canned peas that are fairly young may be given a score of 35 to 40 points. "Fairly young" means that the units are tender and in a fairly early stage of maturity.

(c) *(C) classification.* If the field peas or black-eye peas are nearly mature, a score of 30 to 34 points may be given. Canned peas that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Nearly mature" means that the units are fairly tender and may be mealy but not hard.

(d) *(SStd) classification.* Canned peas that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 29 points, and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1650 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned peas without snaps or canned peas with snaps, the grade for such lot will be determined by averaging the total scores of all containers if:

(1) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total score, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1651 *Score sheet for canned field peas and canned black-eye peas.*

| | |
|---|---|
| Container size | |
| Container code or marking | |
| Label | |
| Net weight (ounces) | |
| Count (in can) | |
| Drained weight (ounces) | |
| Style | |

| Factors | Score Points | | |
|---|---|---|---|
| Color | 20 | (A) 15–20<br>(C) 10–14<br>(D) [1] 0–9 | |
| Absence of defects | 40 | (A) 35–40<br>(C) [1] 25–34<br>(D) [1] 0–29 | |
| Character | 40 | (A) 35–40<br>(C) [1] 30–34<br>(D) [1] 0–29 | |
| Total score | 100 | | |
| Grade | | | |
| Normal flavor and odor | | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN FIELD PEAS AND FROZEN BLACK-EYE PEAS [1]

PRODUCT DESCRIPTION, DEFINITIONS, AND GRADES

§ 52.1661 *Product description.* "Frozen field peas" is the product prepared from the clean and sound immature seed of the field pea plant (Vigna sinensis) by shelling, sorting, washing, and blanching, and is then frozen and maintained at temperatures necessary for the preservation of the product. "Frozen black-eye peas" is the product prepared from the clean and sound immature seed of the black-eye pea plant (Vigna sinensis) by shelling sorting, washing, and blanching, and is then frozen and maintained at temperatures necessary for the preservation of the product.

§ 52.1662 *Definitions.* (a) "Frozen peas" means frozen field peas or frozen black-eye peas.

(b) "Unit" means an individual field pea or black-eye pea in frozen peas.

§ 52.1663 *Grades of frozen peas.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen peas that possess similar varietal characteristics; that possess a good flavor and odor; that possess a good character; that possess a good typical color; that are practically free from defects; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen peas that possess similar varietal characteristics; that possess a reasonably good flavor and odor; that possess a reasonably good character; that possess a reasonably good typical color; that are reasonably free from defects; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen peas that fail to meet the requirements of U. S. Grade B or U. S. Extra Standard.

FACTORS OF QUALITY

§ 52.1664 *Ascertaining the grade.* (a) The grade of frozen peas may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

| Factors: | Points |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Character | 40 |
| Total score | 100 |

(c) The score for the factors of color and absence of defects in frozen peas is determined after thawing so that the product is substantially free from ice crystals and can be handled as individual units. A representative sample of the product is cooked for examination with respect to character and for flavor and odor.

(d) "Good flavor and odor" means that the product after cooking has a good characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(e) "Reasonably good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.1665 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive for example, "15 to 20 points" means 15, 16, 17, 18, 19, or 20 points).

§ 52.1666 *Color—(a) (A) classification.* Frozen peas that possess a good typical color may be given a score of 15 to 20 points. "Good typical color" means that the frozen peas possess a color that is typical of reasonably young field peas or black-eye peas of similar varietal characteristics, that possess not less than 50 percent, by count, of peas which show at least a tinge of green color, and that there may be present not more than 5 percent, by weight, of field peas or black-eye peas which are of markedly different varietal colors.

(b) *(B) classification.* Frozen peas that possess a reasonably good typical color may be given a score of 10 to 14 points. Frozen peas that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably good typical color" means that the frozen peas possess a color that is typical of fairly young field peas or black-eye peas of similar varietal characteristics and that there may be present not more than 5 percent, by weight, of field peas or black-eye peas which are of markedly different varietal colors.

(c) *(SStd) classification.* Frozen peas that are definitely off color for any reason or that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 9 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.1667 *Absence of defects—(a) General.* The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, from loose skins and pieces of skins, loose cotyledons and pieces of cotyledons, broken units, and units blemished by pathological injury, insect injury, or other means.

(b) "Extraneous vegetable matter" means hulls or pieces of hulls, unshelled peas or pieces of unshelled pods, leaves, stems, and other similar vegetable matter.

(c) "Blemished" means discolored or spotted by pathological injury, insect injury, or other means to such an extent that the appearance or eating quality of the unit is materially affected.

(d) *(A) classification.* Frozen peas that are practically free from defects may be given a score of 35 to 40 points. "Practically free from defects" means that for each 16 ounces of units, or per package if less than 16 ounces, there may be present not more than 2 pieces of extraneous vegetable matter and the combined weight of all loose skins and pieces of skins, loose cotyledons and pieces of cotyledons, and broken units does not exceed 5 percent, and the weight of blemished units does not exceed 3 percent of the weight of the frozen peas.

(e) *(B) classification.* If the frozen peas are reasonably free from defects, a score of 30 to 34 points may be given. Frozen peas that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that for each 16 ounces of units, or per package if less than 16 ounces, there may be present not more than 4 pieces of extraneous vegetable matter and the combined weight of all loose skins and pieces of skins, loose cotyledons and pieces of cotyledons, and broken units does not exceed 10 percent, and the weight of the blemished units does not exceed 5 percent of the weight of the frozen peas.

(f) *(SStd) classification.* Frozen peas that fail to meet the requirements of paragraph (e) of this section may be given a score of 0 to 29 points. The product shall not be graded above Substandard if the weight of blemished units exceeds 5 percent of the weight of the frozen peas regardless of the total score for the product (this is a partial limiting rule).

§ 52.1668 *Character—(a) General.* This factor refers to the maturity of the field peas or blackeye peas and the tenderness of the units.

(b) *(A) classification.* Frozen peas that possess a good character may be given a score of 35 to 40 points. "Good character" means that the units are tender and in a reasonably young stage of maturity.

(c) *(B) classification.* If the field peas or black-eye peas possess a reasonably good character, a score of 30 to 34 points may be given. Frozen peas that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the units are reasonably tender and in a fairly young stage of maturity.

(d) *(SStd) classification.* Frozen peas that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1669 *Tolerance for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen peas, the grade for such lot will be determined by averaging the total scores of all containers if:

(1) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total score, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1670 *Score sheet for frozen field peas and frozen black-eye peas.*

| | |
|---|---|
| Size and kind of container | |
| Container mark or identification | |
| Label | |
| Net weight (ounces) | |

| Factors | Score points | | |
|---|---|---|---|
| Color | 20 | (A) 15–20<br>(C) 10–14<br>(SStd.) [1] 0–9 | |
| Absence of defects | 40 | (A) 35–40<br>(C) [2] 30–34<br>(SStd.) [1] 0–29 | |
| Character | 40 | (A) 35–40<br>(C) [2] 30–34<br>(SStd.) [1] 0–29 | |
| Total score | 100 | | |
| Grade | | | |
| Flavor and odor | | | |

[1] Indicates limiting rule.
[2] Indicates partial limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CUCUMBER PICKLES [1]

PRODUCT DESCRIPTION, STYLES, GRADES, AND TYPES

§ 52.1681 *Product description.* Cucumber pickles means the pickled product prepared from fresh immature cucumbers (Cucumis Sativus) which have been cured by natural fermentation in a solution of common salt with or without the addition of dill herbs and processed or preserved in a liquid packing medium which may be seasoned with sugar or a combination of sugar and dextrose (refined corn sugar) or a combination of sugar and corn sirup or corn sirup solids, or a combination of sugar, dextrose and corn sirup, or corn sirup solids, salt, a vinegar or vinegars, spices or flavoring or both, and onions or garlic or both, and with or without other seasoning or flavoring ingredients to give the product the flavor and characteristics of the respective type. Cucumber pickles may be processed or preserved with or without the addition of other pickled vegetables which have been cured as aforesaid.

§ 52.1682 *Styles of cucumber pickles.* (a) "Whole" or "whole pickles" means cucumber pickles consisting of whole cucumbers.

(b) "Cross cut," "slices" or "sliced" means cucumber pickles consisting of units irrespective of whether such units are cut at right angles to the longitudinal axis into units of approximately equal thickness or cut longitudinally into halves, quarters, eighths or into units with parallel surfaces.

(c) "Cut" or "cut pickles" means cucumber pickles (1) which are not uniform in size or shape or (2) which do not conform to any of the foregoing styles.

(d) "Finely cut" or "finely chopped pickles" means cucumber pickles which have been finely cut or finely chopped.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(e) "Unit" means an individual cucumber pickle or pickle ingredient or portion of either in cucumber pickles.

§ 52.1683 *Grades of cucumber pickles.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of cucumber pickles that possess: a practically uniform typical color; are practically free from defects; possess a good texture; possess a normal flavor and normal odor; and are of such quality with respect to uniformity of size and shape as to score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of cucumber pickles that possess: a fairly uniform typical color; are fairly free from defects; possess a fairly good texture; possess a normal flavor and normal odor; and are of such quality with respect to uniformity of size and shape as to score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of cucumber pickles that fail to meet the requirements of U. S. Grade C or U. S. Standard.

§ 52.1684 *Types of cucumber pickles.* The type of cucumber pickles is not incorporated in the grades of the finished product, since type of cucumber pickles is not a factor of quality for the purpose of these grades. The type of cucumber pickles is dependent upon the method of preparation and processing. Cucumber pickles are usually prepared and processed as any one of the following types:

(a) "Dills" or "dill pickles" are of two classifications:

(1) Genuine dills or genuine dill pickles consist of cucumber pickles prepared from fresh immature cucumbers cured by natural fermentation in a solution of common salt with dill herbs with or without dill flavoring in a liquid packing medium, with or without additional spices, spice flavorings, or other seasonings or flavoring ingredients. Dill herb and other herbs may be added. The packing medium contains not less than 0.6 gram of acid (calculated as lactic) per 100 milliliters.

(2) Processed dills or processed dill pickles consist of cucumber pickles prepared from fresh immature cucumbers cured by natural fermentation in a solution of common salt in a liquid packing medium containing dill flavored brine, a vinegar or vinegars, spices, spice flavoring, or other seasoning or flavoring ingredients. Dill herb and other herbs may be added. The packing medium contains not less than 0.6 gram of acid (calculated as acetic) per 100 milliliters.

(b) "Sour pickles" consist of sour cucumber pickles in a liquid packing medium to which has been added salt, a vinegar or vinegars, with or without the addition of spices, spice flavoring, or other seasoning or flavoring ingredients. The packing medium contains not less than 1.4 grams acid (calculated as acetic) per 100 milliliters nor more than 2.4 grams acid (calculated as acetic) per 100 milliliters.

(c) "Sweet pickles" consist of sweet cucumber pickles in a liquid packing medium to which has been added sugar or a combination of sugar and dextrose (refined corn sugar), or a combination of sugar and corn sirup or corn sirup solids, or a combination of sugar, dextrose, and corn sirup or corn sirup solids, salt, a vinegar or vinegars, with or without the addition of spices, spice flavoring, or other seasoning or flavoring ingredients. The packing medium contains not more than 3.0 percent salt.

(d) "Mixed pickles" consist of mixed cucumber pickles which may be of any of the foregoing styles except finely cut or finely chopped cucumber pickles to which has been added onions and cut cauliflower with or without the addition of red peppers, pimientos, or pieces of red peppers or pimientos in a liquid packing medium with or without the addition of sugar or a combination of sugar and dextrose (refined corn sugar), or a combination of sugar and corn sirup or corn sirup solids, or a combination of sugar, dextrose, and corn sirup or corn sirup solids, salt, a vinegar or vinegars, with or without the addition of spices, spice flavoring, and other seasoning or flavoring ingredients. Mixed pickles may contain ingredients in the following proportions:

| | *Percent by weight* |
|---|---|
| Cucumbers | 60 to 80 |
| Cauliflower | 10 to 30 |
| Onions | 5 to 10 |
| Red peppers or pimientos | Optional ingredient |

(1) Mixed pickles are of two classifications:

(i) Sour mixed pickles consist of mixed cucumber pickles in a liquid packing medium to which has been added salt, a vinegar or vinegars, with or without the addition of spices, spice flavoring, or other seasoning or flavoring ingredients. The packing medium contains not less than 1.4 grams acid (calculated as acetic) per 100 milliliters or more than 2.4 grams acid (calculated as acetic) per 100 milliliters.

(ii) Sweet mixed pickles consist of mixed cucumber pickles in a liquid packing medium to which has been added salt, a vinegar or vinegars, sugar or a combination of sugar and dextrose (refined corn sugar) or a combination of sugar and corn sirup or corn sirup solids, or a combination of sugar, dextrose, and corn sirup or corn sirup solids with or without the addition of spices, spice flavoring, and other seasoning or flavoring ingredients. The packing medium may contain not more than 3.0 percent salt.

(e) "Chow chow" consists of chow chow cucumber pickles which may be of any of the foregoing styles, except finely cut or finely chopped cucumber pickles, to which has been added onions and cut cauliflower, with or without the addition of red peppers or pimientos, or pieces of red peppers or pimientos, in a sauce of proper consistency, with or without the addition of sugar or a combination of sugar and dextrose (refined corn sugar), or a combination of sugar and corn sirup or corn sirup solids, or a combination of sugar, dextrose and corn sirup, or corn sirup solids, salt, a vinegar or vinegars, and mustard, with or without the addition of spices, spice flavoring, and other seasoning or flavoring ingredients. Chow chow may contain ingredients in the following proportions:

| | *Percent by weight* |
|---|---|
| Cucumbers | 60 to 80 |
| Cauliflower | 10 to 30 |
| Onions | 5 to 10 |
| Red peppers or pimientos | Optional ingredient |

(1) Chow chow is of two classifications:

(i) Sour chow chow consists of chow chow cucumber pickles in a sauce of proper consistency, to which has been added salt, a vinegar or vinegars, and mustard, with or without the addition of spices, spice flavoring, and other seasoning or flavoring ingredients.

(ii) Sweet chow chow consists of chow chow cucumber pickles in a sauce of proper consistency, to which has been added salt, a vinegar or vinegars, mustard, sugar or a combination of sugar and dextrose (refined corn sugar), or a combination of sugar and corn sirup or corn sirup solids, or a combination of sugar, dextrose and corn sirup or corn sirup solids with or without the addition of spices, spice flavoring, and other seasoning or flavoring ingredients.

(f) "Sweet pickle relish" consists of finely cut or finely chopped sweet cucumber pickle relish, to which may be added cauliflower, onions, with or without the addition of green tomatoes, red peppers or pimientos, in a liquid packing medium with the addition of salt, a vinegar or vinegars, sugar or a combination of sugar and dextrose (refined corn sugar), or a combination of sugar and corn sirup or corn sirup solids, or a combination of sugar, dextrose and corn sirup or corn sirup solids, with or without the addition of spices, spice flavoring and other seasoning or flavoring ingredients. Sweet pickle relish may contain ingredients in the following proportions:

| | *Percent by weight* |
|---|---|
| Cucumbers | 60 to 100 |
| Cauliflower [1] | 10 to 30 |
| Onions [1] | 5 to 10 |
| Green tomatoes | [2] |
| Red peppers or pimientos | Optional ingredient |

[1] Optional.

[2] Optional—not to exceed 10% by weight when used in lieu of equal quantities of cauliflower.

The packing medium may contain not more than 3.0 percent salt.

FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.1685 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since the fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of cucumber pickles be filled as full as practicable without impairment of quality, that the product be entirely covered with the packing medium and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.



§ 52.1686 *Recommended minimum drained weight.* (a) The minimum drained weight recommendations in Table I are not incorporated in the grades of the finished product since drained weight as such, is not a factor of quality for the purpose of these grades.

(b) The drained weight of all types of cucumber pickles except chow chow pickles is determined by emptying the contents of the container upon a circular sieve of proper diameter, containing 8 meshes to the inch (0.097-inch square openings) and allowing to drain for two minutes. A sieve 8 inches in diameter is used for container one-quart size or less and a sieve 12 inches in diameter is used for containers or samples larger than one-quart size.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS, IN OUNCES, OF PICKLES

| Container size or designation | Sour whole, cut, mixed, and dill pickles | Sweet whole, cut, and mixed pickles | Sweet pickle relish |
|---|---|---|---|
| Pint (16 ounces) | ---------- | 11 | 14 |
| Quart (32 ounces) | 17 | 22 | 28 |
| Gallon (128 ounces) | 85 | 90 | 112 |
| No. 2½ | 17 | 21 | 26½ |
| No. 10 | 72 | 76 | 94 |
| No. 12 | 85 | 90 | 112 |

SIZES

§ 52.1687 *Sizes of cucumber pickles in whole cucumber pickles.* The size of any whole cucumber pickle is determined by measuring the shortest diameter transverse to the longitudinal axis at the thickest portion of the pickle and by measuring the distance from stem to blossom end.

§ 52.1688 *Sizes of cross cut or sliced cucumber pickles.* The size of any unit cut at right angles to the longitudinal axis is determined by measuring the shortest diameter of the surface of the unit. The size of any unit cut longitudinally is determined by measuring the longest distance parallel to the longitudinal axis.

FACTORS OF QUALITY

§ 52.1689 *Ascertaining the grade.* (a) The grade of cucumber pickles may be ascertained by considering, in addition to the foregoing requirements of the respective grade, the following factors: Color, uniformity of size and shape, absence of defects, and texture. The relative importance of each factor is expressed numerically on a scale of 100. The maximum number of points that may be given for each factor is:

| Factors: | *Points* |
|---|---|
| Color | 20 |
| Uniformity of size and shape | 20 |
| Absence of defects | 30 |
| Texture | 30 |
| Total | 100 |

(b) "Normal flavor and normal odor" means that the cucumber pickles are free from objectionable flavors and objectionable odors of any kind.

§ 52.1690 *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "16 to 20 points" means 16, 17, 18, 19, or 20 points).

§ 52.1691 *Color*—(a) *(A) classification.* Cucumber pickles that possess a practically uniform typical color may be given a score of 16 to 20 points. "Practically uniform typical color" means that the skin of the cucumber ingredient is practically free from bleached areas; that the skin of not more than 10 percent by weight of the cucumber ingredient may vary markedly from a typical yellow-green to green color; and that in mixed pickles, chow chow pickles and pickle relish, all of the pickle ingredients possess a practically uniform typical color for the respective ingredient.

(b) *(C) classification.* If the cucumber pickles possess a fairly uniform typical color, a score of 13 to 15 points may be given. Cucumber pickles that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly uniform typical color" means that the skin of the cucumber ingredient is fairly free from bleached areas; that the skin of not more than 25 percent by weight of the cucumber ingredient may vary markedly from a typical yellow-green to green color; and that in mixed pickles, chow chow pickles and pickle relish all of the pickle ingredients possess a fairly uniform typical color for the respective ingredient.

(c) *(SStd) classification.* Cucumber pickles that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 12 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1692 *Uniformity of size and shape*—(a) *(A) classification.* Cucumber pickles that are practically uniform in size and shape may be given a score of 17 to 20 points. "Practically uniform in size and shape" has the following meanings with respect to the various styles of cucumber pickles:

(1) *Whole pickles.* The pickles may vary moderately in size and shape and the diameter of the largest pickle, measured as aforesaid, does not exceed the diameter of the smallest pickle by more than 50 percent of the diameter of the smallest pickle.

(2) *"Cross cut," "slices" or "sliced" pickles.* The individual unit when cut at right angles to the longitudinal axis is not less than 3/16 inch nor more than 3/8 inch in thickness when measured at the thickest portion and the diameter of the largest unit, measured as aforesaid, is not more than 2 inches in diameter and the largest unit does not exceed the diameter of the smallest unit by more than 50 percent of the diameter of the smallest unit. When the units are cut longitudinally, such units may vary moderately in size and shape and the length of the longest unit is not more than twice the length of the shortest unit. When cut longitudinally with parallel surfaces, the unit is not less than 3/16 inch nor more than 3/8 inch in thickness when measured at the thickest portion.

(3) *Cut pickles.* The weight of the largest unit does not exceed the weight of the smallest unit by more than four times the weight of the smallest unit. An occasional unit which is not representative of the general size of all the units of a respective pickle ingredient is excluded in determining size variation.

(4) *Finely cut or finely chopped pickles.* The pickle ingredients have been finely cut or chopped into units which may vary moderately in size.

(b) *(C) classification.* If the pickles are fairly uniform in size and shape, a score of 13 to 16 points may be given. "Fairly uniform in size and shape" has the following meanings with respect to the various styles of cucumber pickles.

(1) *Whole pickles.* The pickles may vary considerably in size and shape and the diameter of the largest pickle, measured as aforesaid, is not more than twice the diameter of the smallest pickle.

(2) *"Cross cut," "slices" or "sliced" pickles.* The individual unit when cut at right angles to the longitudinal axis is not less than 3/16 inch nor more than 3/8 inch in thickness when measured at the thickest portion and the diameter of the largest unit, measured as aforesaid, is not more than 2 inches in diameter and the largest unit is not more than twice the diameter of the smallest unit. When the units are cut longitudinally, such units may vary considerably in size and shape and the length of the longest unit is not more than twice the length of the shortest unit. When cut longitudinally with parallel surfaces, the unit is not less than 3/16 inch nor more than 3/8 inch in thickness when measured at the thickest portion.

(3) *Cut pickles.* The largest unit weighs not more than twelve times the weight of the smallest unit. An occasional unit which is not representative of the general size of all the units of a respective pickle ingredient is excluded in determining size variation.

(4) *Finely cut or finely chopped pickles.* The pickle ingredients have been finely cut or chopped into units which may vary considerably in size.

(c) *(SStd) classification.* Cucumber pickles that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 12 points and shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule).

§ 52.1693 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from grit, sand, or silt; from attached stems, curved pickles, markedly off-shaped pickles, end cuts, units damaged by mechanical injury, units blemished by brown or black discoloration, by scars, pathological injury or insect injury and units blemished by other means.

(1) "Curved pickles" are whole pickles that are slightly curved or very curved.

(i) "Slightly curved" pickles are pickles that are curved at an angle of not more than 35 degrees, and

(ii) "Very curved" pickles are pickles that are curved at an angle of more than 35 degrees but not more than 60 degrees.

(2) "Markedly off-shaped" pickles are pickles that are curved at more than a 60-degree angle, "nubbins" and other badly crooked or misshapen pickles.

(3) "Grit, sand, or silt" means any particle of earthly material whether in the liquid packing medium or imbedded in the skin or flesh of the pickle.

(4) "Blemished unit" means blemished to such an extent that the appearance or eating quality of the unit is materially affected.

(5) "Seriously blemished" means blemished to such an extent that the appearance or eating quality of the unit is seriously affected.

(6) "Damaged by mechanical injury" means crushed or broken units or units damaged by other means to such an extent that the appearance or eating quality of the unit is seriously affected.

(7) "Stem" means any attached stem longer than ¼ inch.

(8) "End cut" or "end cuts" means any portion of a whole pickle obtained in the preparation of cross cut or sliced pickles possessing only one cut surface.

(b) *(A) classification.* Cucumber pickles that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" means that the product contains no grit, sand, or silt that affects the eating quality or appearance of the product, the combined weight of all other defects and defective units does not exceed 25 percent of the total weight of the units, and that:

(1) Not more than 20 percent by count of all the pickles in whole pickles may consist of curved pickles and of such 20 percent not more than ¼ thereof may consist of very curved pickles;

(2) Not more than 5 percent by count of all the pickles in whole pickles may consist of markedly off-shaped pickles;

(3) Not more than 20 percent by count of all the pickles in whole pickles may have attached stems, and of such 20 percent not more than one-half thereof may have attached stems that exceed one-half inch in length.

(4) Not more than 10 percent by count of all the units may be blemished units, and of such 10 percent not more than one-half thereof may consist of seriously blemished units;

(5) Not more than 5 percent by weight of all the units may be end cuts in cross cut or sliced pickles; and

(6) Not more than 10 percent by count of all the units may be damaged by mechanical injury.

(c) *(C) classification.* If the cucumber pickles are fairly free from defects, a score of 22 to 25 points may be given. Cucumber pickles that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the product may contain a trace of grit, sand, or silt that does not materially affect the eating quality or appearance of the product, the combined weight of all other defects and defective units does not exceed 40 percent of the weight of the units, and that:

(1) Not more than 35 percent by count of all the pickles in whole pickles may consist of curved pickles and of such 35 percent not more than three-sevenths thereof may consist of very curved pickles;

(2) Not more than 10 percent by count of all the pickles in whole pickles may consist of markedly off-shaped pickles;

(3) Not more than 35 percent by count of all the pickles in whole pickles may have attached stems and of such 35 percent not more than four-sevenths thereof may have attached stems that exceed one-half inch in length.

(4) Not more than 20 percent by count of all the units may be blemished units and of such 20 percent not more than one-half thereof may consist of seriously blemished units;

(5) Not more than 15 percent by weight of all the units may be end cuts in cross cut or sliced pickles, and

(6) Not more than 25 percent by count of all the units may be damaged by mechanical injury.

(d) *(SStd) classification.* Cucumber pickles that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 21 points and shall not be graded above U. S. Grade D or Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.1694 *Texture—(a) General.* The factor of texture refers to the firmness, crispness, and the condition of the cucumber pickles.

(1) "Chalky white areas" means opaque chalky white areas exceeding ⅛ of the diameter of the pickle. Very pale green to translucent white areas should not be classified as chalky white.

(b) *(A) classification.* Cucumber pickles that possess a good texture may be given a score of 26 to 30 points. "Good texture" means that the cucumber pickles are firm and crisp for the respective style or type of pack, are practically free from seedy pickles, and that:

(1) Not more than 10 percent by count of all the units in cucumber pickles may be slightly shriveled, soft, or slippery;

(2) Not more than 10 percent by count of all the units in cucumber pickles may be hollow pickles; and

(3) Not more than 20 percent by count of all the units in cucumber pickles may have chalky white areas.

(c) *(C) classification.* If the cucumber pickles possess a fairly good texture, a score of 22 to 25 points may be given. Cucumber pickles that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a limiting rule). "Fairly good texture" means that the cucumber pickles are fairly firm and crisp, for the respective style and type of pack, are fairly free from seedy pickles, and that:

(1) Not more than 20 percent by count of all the units in cucumber pickles may be markedly shriveled, soft, or slippery;

(2) Not more than 20 percent by count of all the units in cucumber pickles may be hollow pickles; and

(3) Not more than 20 percent by count of all the units in cucumber pickles may have chalky white areas.

(d) *(SStd) classification.* Cucumber pickles that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 21 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1695 *Tolerance for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of cucumber pickles, the grade for such lot will be determined by averaging the total scores of all the containers comprising the sample if:

(1) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all the containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1696 *Score sheet for cucumber pickles.* The following score sheet may be used to summarize the factors determining the various grades:

| | | | |
|---|---|---|---|
| Size and kind of container | | | ..... |
| Container code or marking | | | ..... |
| Label | | | ..... |
| Net weight (in ounces) | | | ..... |
| Vacuum (in inches) | | | ..... |
| Drained weight (in ounces) | | | ..... |
| Style | | | ..... |
| Type | | | ..... |
| Density of syrup (° Baume or ° Brix) | | | ..... |
| Acidity—grams per 100 ml | | | ..... |
| Salt (% NaCl) | | | ..... |
| Size count (if whole) | | | ..... |
| Ingredients (if mixed or chow chow): ....% Cucumbers. ....% Cauliflower. ....% Onions. ....% Peppers. | | | |
| Factors | Score points | | |
| Color | 20 | (A) | 18–20 |
| | | (C) | 15–17 |
| | | (D) | 11–14 |
| Uniformity of size and shape | 20 | (A) | 17–20 |
| | | (C) | 13–16 |
| | | (D) | 10–12 |
| Absence of defects | 30 | (A) | 26–30 |
| | | (C) | 22–25 |
| | | (D) | 16–21 |
| Texture | 30 | (A) | 26–30 |
| | | (C) | 22–25 |
| | | (D) | 16–21 |
| Total score | 100 | | |
| Normal flavor and odor | | | ..... |
| Grade | | | ..... |

[1] Indicates limiting rule.



SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED PINEAPPLE [1]

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1711 *Product description.* Canned pineapple is prepared from the properly matured fruit of the pineapple plant (Ananas sativus or Ananas comosus) which fruit is washed, peeled, cored, and trimmed; is packed with or without packing media; is packed with or without the addition of sweetening ingredients; and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

§ 52.1712 *Styles of canned pineapple.* (a) "Sliced" or "slices" of pineapple consist of whole, practically unbroken slices of pineapple that have been cut approximately at right angles to the vertical axis of the fruit.

(b) "Half sliced" or "half slices" of pineapple are portions of slices of pineapple that are matched in size so that two portions are approximately equivalent to a slice.

(c) "Broken sliced" or "broken slices" of pineapple consist of varying sized portions of slices which have approximately the same measurement along the radial axis. "Radial axis" means the measurement along the radius from the inside arc to the outside arc.

(d) "Tidbits" of pineapple are small, wedge-shaped sections cut from slices or portions of slices of pineapple. The approximate measurements of such sectors are: (1) Length of outside arc, more than ⅜ inch but not more than ¾ inch; (2) thickness, more than 5/16 inch but not more than ½ inch; and (3) length (measured along the radius from the inside arc to the outside arc), more than 1/16 inch but not more than 1¼ inches.

(e) "Salad cuts" of pineapple are wedge-shaped sections cut from slices or portions of slices of pineapple. The approximate measurements of such sectors are: (1) length of outside arc—more than ¾ inch but not more than 2 inches; (2) thickness—more than 5/16 inch but not more than ⅞ inch; and (3) length (measured along the radius from the inside arc to the outside arc)—more than ⅝ inch but not more than 1¼ inches.

(f) "Chunks" of pineapple are large pieces of pineapple which may or may not be uniform in shape and do not exceed 1½ inches in any edge dimension. The approximate measurements of such pieces if wedge-shaped are: (1) length of outside arc—more than ¾ inch; (2) thickness—more than ½ inch; and (3) length (measured along the radius from the inside arc to the outside arc)—more than 1 1/16 inch. Such pieces that are not wedge-shaped may be predominantly of irregular shapes and do not have the appearance of any uniformly cut unit, such as cubes or tidbits.

(g) "Cubes" or "diced" pineapple consist of approximate cube-shaped pieces.

(h) "Vertical cuts" of pineapple are longitudinal sections cut from the prepared cylinder of pineapple.

(i) "Crushed" pineapple is pineapple that has been cut, shredded, or crushed into a comminuted form or into small, irregularly shaped pieces that do not have the appearance of any regularly cut unit. This style includes, but is not limited to, styles commonly called "crushed," "finely cut crushed," "coarse cut crushed," or similar designations, and may include any combinations thereof.

§ 52.1713 *Grades of canned pineapple.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple that possesses a good color; that is practically free from defects; that possesses a good character; that possesses a good flavor and odor; and that is of such quality with respect to uniformity of size and shape as to score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; that possesses a fairly good flavor and odor; and that is of such quality with respect to uniformity of size and shape as to score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of half slices and broken slices of canned pineapple that possesses a fairly good color; that is fairly free from defects; that possesses a fairly good character; that possesses a fairly good flavor and odor; and that is of such quality with respect to uniformity of size and shape as to score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "U. S. Grade D" or "Substandard" is the quality of sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple that fails to meet the requirements of U. S. Grade B or U. S. Choice; or is the quality of half slices or broken slices of canned pineapple that fails to meet the requirements of U. S. Grade C or U. S. Standard.

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

§ 52.1714 *Recommended designations of liquid media and Brix measurements.* "Cut-out" requirements for liquid media or packing media are not incorporated in the grades of the finished product since sirup or any other liquid medium or a dry sweetening ingredient, as such, is not a factor of quality for the purpose of these grades.

(a) It is recommended that canned pineapple have the following indicated "cut-out" Brix measurement for the respective designation, which designations include, but are not limited to, the following:

| *Designation for all styles, except "crushed"* | *Brix measurement* |
|---|---|
| Extra heavy sirup | 22° or more, but not more than 35°. |
| Heavy sirup | 18° or more, but less than 22°. |
| Light sirup | 14° or more, but less than 18°. |
| Sweetened extra heavy | 22° or more, but not more than 35°. |
| Sweetened heavy | 18° or more, but less than 22°. |

§ 52.1715 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned pineapple be filled as full as practicable without impairment of quality and that the product and packing medium, if any, occupy not less than 90 percent of the volume of the container.

§ 52.1716 *Recommended minimum drained weight.* The minimum drained weight recommendations for the various styles in Table I, Table II, and Table III of this subpart are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned pineapple is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and the pineapple less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

COUNTS AND SIZES

§ 52.1717 *Recommended count and size of slices and half slices.* The recommended minimum number of slices and half slices, together with the recommended approximate thickness and approximate diameter for the respective counts per container, are shown in Table IV for the most common container sizes for these styles.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR SLICES, HALF SLICES, AND BROKEN SLICES

| Container designation | Container size—over-all dimensions | | Slices | Half slices | Broken slices |
|---|---|---|---|---|---|
| | Width | Height | | | |
| | *Inches* | *Inches* | *Ounces* | *Ounces* | *Ounces* |
| 300 x 204 | 3 | 2 1/16 | 4 | ------ | ------ |
| No. 1 flat | 3 7/16 | 2 3/16 | 5 3/4 | ------ | ------ |
| 8 Z tall | 2 13/16 | 3 4/16 | ------ | ------ | ------ |
| 211 cylinder | 2 13/16 | 4 1/16 | ------ | ------ | ------ |
| No. 1 3/4 | 4 1/16 | 2 7/16 | 9 1/4 | 9 1/4 | ------ |
| No. 2 | 3 7/16 | 4 9/16 | 12 3/4 | 12 1/2 | 12 1/2 |
| No. 2 1/2 | 4 1/16 | 4 1/16 | 18 1/4 | 18 | 18 |
| No. 10 | 6 9/16 | 7 | 61 1/2 | ------ | 62 1/2 |

TABLE II—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CHUNKS, CUBES, AND VERTICAL CUTS

| Container designation | Container size—over-all dimensions | | Chunks | Cubes | Vertical cuts |
|---|---|---|---|---|---|
| | Width | Height | | | |
| | *Inches* | *Inches* | *Ounces* | *Ounces* | *Ounces* |
| 300 x 204 | 3 | 2 1/16 | 4 | 4 | ------ |
| No. 1 flat | 3 7/16 | 2 3/16 | 5 | 5 | ------ |
| 8 Z tall | 2 13/16 | 3 4/16 | 5 | 5 | ------ |
| 211 cylinder | 2 13/16 | 4 1/16 | 7 3/4 | 7 3/4 | 8 1/4 |
| No. 1 3/4 | 4 1/16 | 2 7/16 | 9 1/4 | 9 1/4 | ------ |
| No. 2 | 3 7/16 | 4 9/16 | 12 3/4 | 12 3/4 | 12 3/4 |
| No. 2 1/2 | 4 1/16 | 4 1/16 | 18 3/4 | 18 3/4 | 18 1/4 |
| No. 10 | 6 9/16 | 7 | 65 3/4 | 71 1/4 | ------ |

TABLE III—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR TIDBITS, SALAD CUTS, AND CRUSHED

| Container designation | Container size—over-all dimensions | | Tidbits salad cuts | Crushed | | |
|---|---|---|---|---|---|---|
| | Width | Height | | Regular pack | Heavy pack | Solid pack |
| | *Inches* | *Inches* | *Ounces* | *Ounces* | *Ounces* | *Ounces* |
| 300 x 204 | 3 | 2 1/16 | 4 | 4 3/4 | ------ | ------ |
| No. 1 flat | 3 7/16 | 2 3/16 | 5 | 6 | ------ | ------ |
| 8 Z tall | 2 13/16 | 3 5/16 | 5 | 5 3/4 | ------ | ------ |
| 211 cylinder | 2 13/16 | 4 1/16 | 7 3/4 | 9 | ------ | ------ |
| No. 1 3/4 | 4 1/16 | 2 7/16 | 9 1/4 | 9 3/4 | ------ | ------ |
| No. 2 | 3 7/16 | 4 9/16 | 12 3/4 | 13 3/4 | ------ | ------ |
| No. 2 1/2 | 4 1/16 | 4 1/16 | 18 3/4 | 19 3/4 | ------ | ------ |
| No. 10 | 6 9/16 | 7 | 65 3/4 | 72 3/4 | 79 | 85 1/2 |

TABLE IV

| Container designation | Slices | Half slices | Approximate thickness of slices and half slices | Approximate diameter of slices and half slices | Approximate diameter of core holes |
|---|---|---|---|---|---|
| | Minimum per can | Minimum per can | | | |
| | | | *Inches* | *Inches* | *Inches* |
| 300 x 204 | 4 | ------ | 4 6/16 | 2 1/2 | 1 1/16 to 1 4/16 |
| No. 10 | 57 | ------ | 4 6/16 | 2 1/2 | 1 1/16 to 1 3/4 |
| No. 1 flat | 4 | ------ | 4 6/16 | 2 13/16 | 1 1/16 to 1 3/4 |
| No. 2 | 10 | 20 | 4 6/16 | 2 13/16 | 1 1/16 to 1 3/4 |
| No. 10 | 50 | ------ | 4 6/16 | 2 13/16 | 1 1/16 to 1 3/4 |
| No. 1 3/4 | 4 | 8 | 3 9/16 | 3 1/2 | 1 1/4 to 1 3/4 |
| No. 2 1/2 | 8 | 16 | 3 9/16 | 3 1/2 | 1 1/4 to 1 3/4 |
| No. 10 | 28 | ------ | 3 9/16 | 3 1/2 | 1 1/4 to 1 3/4 |

FACTORS OF QUALITY

§ 52.1718 *Ascertaining the grade.* (a) The grade of canned pineapple may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size and shape for the applicable style, absence of defects, and character. The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

| Factors: | *Points* |
|---|---|
| Color | 20 |
| Uniformity of size and shape | 20 |
| Absence of defects | 30 |
| Character | 30 |
| Total score | 100 |

(b) "Good flavor and odor" means that the canned pineapple possesses a distinct and normal flavor for the variety, is characteristic of properly ripened and properly matured pineapple that has been properly prepared and processed; and is free from objectionable flavors and objectionable odors of any kind.

(c) "Fairly good flavor and odor" means that the canned pineapple may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.1719 *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.1720 *Color*—(a) *(A) classification.* Sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple that possesses a good color may be given a score of 18 to 20 points. "Good color" means that the color of the pineapple units or mass is bright and is characteristic of properly ripened and properly matured pineapple of similar varietal characteristics; and that there may be slight variations in shades of such characteristic color in the units, within each unit, or within the mass, and that white radiating streaks may be present: *Provided*, That such variations do not materially affect the appearance of the product.

(b) *(B) classification.* Sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple that possesses a reasonably good color may be given a score of 16 or 17 points. Canned pineapple that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the color of the pineapple units or mass may be slightly dull but is characteristic of properly matured pineapple of similar varietal characteristics; and that there may be marked variations in shades of such characteristic color in the units, within each unit, or within the mass, and that white radiating streaks may be present; *Provided*, That such variations do not seriously affect the appearance of the product.

(c) *(C) classification.* Half slices and broken slices of canned pineapple that possesses a fairly good color may be given a score of 14 or 15 points. Canned pineapple that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the color of the pineapple units may be slightly dull but is characteristic of properly matured pineapple of similar varietal characteristics; and that there may be marked variations in shades of such characteristic color in the units or within each unit, and that white radiating steaks may be present: *Provided*, That such variations do not seriously affect the appearance of the product.

(d) *(SStd) classification.* Sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple that for any reason is off color or that fails to meet the requirements of paragraph (b) of this section, and half slices or broken slices of canned pineapple that for any reason is off color or that fails to meet the requirements of paragraph (c) of this section, may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1721 *Uniformity of size and shape*—(a) *General.* The factor of uniformity of size and shape is not based on any detailed requirements and is not scored for the style of crushed pineapple; the other three factors (color, absence of defects, and character) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score for canned crushed pineapple:

(b) *(A) classification.* Sliced, tidbits, salad cuts, chunks, cubes, or vertical cuts of canned pineapple that is practically uniform in size and shape may be given a score of 18 to 20 points. "Practically uniform in size and shape" has the following meanings with respect to the following styles of canned pineapple:

(1) *Sliced.* The diameter of the slice with the longest diameter does not exceed the diameter of the slice with the shortest diameter by more than $\frac{1}{16}$ inch.

(i) The thickness of the slice with the widest thickness at the circumference does not exceed the thickness of the slice with the most narrow thickness at the circumference by more than $\frac{1}{16}$ inch.

(ii) The maximum radial axis of any slice does not exceed the minimum radial axis of the same slice by more than $\frac{1}{8}$ inch. "Radial axis" means the measurement along the radius from the inside arc to the outside arc.

(2) *Tidbits.* Not more than 10 percent by weight of the units may fail to conform to any one or more of the following dimensions:

(i) Length of outside arc—more than $\frac{3}{8}$ inch but not more than $\frac{3}{4}$ inch;

(ii) Thickness—more than $\frac{5}{16}$ inch but not more than $\frac{1}{2}$ inch;

(iii) Length (measured along the radius from the inside arc to the outside arc)—more than $1\frac{1}{16}$ inch but not more than $1\frac{1}{4}$ inches.

(3) *Salad cuts.* Not more than 10 percent by weight of the units may fail to conform to any one or more of the following dimensions:

(i) Length of outside arc—more than $\frac{3}{4}$ inch but not more than 2 inches;

(ii) Thickness—more than $\frac{5}{16}$ inch but not more than $\frac{15}{16}$ inch;

(iii) Length (measured along the radius from the inside arc to the outside arc)—more than $\frac{5}{8}$ inch but not more than $1\frac{1}{4}$ inches.

(4) *Chunks.* (i) If predominantly wedge-shaped or if predominantly of a similar distinct shape, none of the pieces may exceed $1\frac{1}{2}$ inches in any edge dimension and not less than an aggregate of 90 percent by weight of the units consist of pieces which weigh more than $\frac{3}{16}$ of an ounce each and exceed at least one of the following dimensions:

(*a*) Length of outside arc—$\frac{3}{4}$ inch;

(*b*) Thickness—$\frac{1}{2}$ inch;

(*c*) Length (measured along the radius from the inside arc to the outside arc)—$1\frac{1}{16}$ inch;

or (ii) if predominantly of irregular sizes and shapes, none of the pieces may exceed $1\frac{1}{2}$ inches in any edge dimension and not less than 90 percent by weight of the units consist of pieces which weigh more than $\frac{3}{16}$ of an ounce each.

(5) *Cubes.* Not more than 10 percent by weight of the units may consist of pieces which weigh more than $\frac{3}{16}$ of an ounce each, are more than $\frac{3}{4}$ inch in greatest edge dimension, or pass through a $\frac{5}{16}$-inch square opening.

(6) *Vertical cuts.* The units are of substantially equal length and not more than 10 percent by count of the units, or not more than 1 unit in a container of less than 10 units, may be less than $\frac{3}{4}$ inch or more than $1\frac{1}{4}$ inches in the longest dimension edge other than any longitudinal measurement.

(b) *(B) classification.* If the sliced, tidbits, salad cuts, chunks, cubes, or vertical cuts canned pineapple is reasonably uniform in size and shape, a score of 16 or 17 points may be given. "Reasonably uniform in size and shape" has the following meanings with respect to the following styles of canned pineapple:

(1) *Sliced.* The diameter of the slice with the longest diameter does not exceed the diameter of the slice with the shortest diameter by more than $\frac{1}{8}$ inch.

(i) The thickness of the slice with the widest thickness at the circumference does not exceed the thickness of the slice with the most narrow thickness at the circumference by more than $\frac{1}{8}$ inch.

(ii) The maximum radial axis of any slice does not exceed the minimum radial axis of the same slice by more than $\frac{1}{4}$ inch. "Radial axis" means the measurement along the radius from the inside arc to the outside arc.

(iii) The ratio of the weight of the largest slice to the weight of the smallest slice does not exceed 1.33.

(2) *Tidbits.* Not more than 20 percent by weight of the units may fail to conform to any one or more of the following dimensions:

(i) Length of outside arc—more than $\frac{3}{8}$ inch but not more than $\frac{3}{4}$ inch;



(ii) Thickness—more than $\frac{5}{16}$ inch but not more than $\frac{1}{2}$ inch;

(iii) Length (measured along the radius from the inside arc to the outside arc)—more than $1\frac{1}{16}$ inch but not more than $1\frac{1}{4}$ inches.

(3) *Salad cuts.* Not more than 20 percent by weight of the units may fail to conform to any one or more of the following dimensions:

(i) Length of outside arc—more than $\frac{3}{4}$ inch but not more than 2 inches;

(ii) Thickness—more than $\frac{5}{16}$ inch but not more than $\frac{15}{16}$ inch;

(iii) Length (measured along the radius from the inside arc to the outside arc)—more than $\frac{5}{8}$ inch but not more than $1\frac{1}{4}$ inches.

(4) *Chunks.* (i) If predominantly wedge-shaped or if predominantly of a similar distinct shape, none of the pieces may exceed $1\frac{1}{2}$ inches in any edge dimension; not less than 85 percent by weight of the units consist of pieces which weight more than $\frac{3}{16}$ of an ounce each; and not less than 80 percent by weight of the units exceed at least one of the following dimensions:

(*a*) Length of outside arc—$\frac{3}{4}$ inch;

(*b*) Thickness—$\frac{1}{2}$ inch;

(*c*) Length (measured along the radius from the inside arc to the outside arc)—$1\frac{1}{16}$ inch;

or (ii) if predominantly of irregular sizes and shapes, none of the pieces may exceed $1\frac{1}{2}$ inches in any edge dimension and not less than 85 percent by weight of the units consist of pieces which weigh more than $\frac{3}{16}$ of an ounce each.

(5) *Cubes.* Not more than 20 percent by weight of the units may consist of pieces which weigh more than $\frac{3}{16}$ of an ounce each, are more than $\frac{3}{4}$ inch in greatest edge dimension, or pass through a $\frac{5}{16}$-inch square opening.

(6) *Vertical cuts.* The units are of reasonably uniform length; not more than 20 percent by count of the units, or not more than one unit in a container of less than 5 units, may be less than $\frac{3}{4}$ inch or more than $1\frac{1}{4}$ inches in the longest dimension edge other than any longitudinal measurement; and the ratio of the weight of the largest vertical cut to the weight of the smallest vertical cut does not exceed 1.33.

(c) *(C) classification.* If the canned pineapple consists of half slices or broken slices that are fairly uniform in size and shape, a score of 14 or 15 points may be given. "Fairly uniform in size and shape" has the following meaning with respect to, and applies only to, the following styles:

(1) *Half slices.* Not more than an aggregate of 10 percent by count of the units, or not more than 1 unit in a container of less than 10 units, may consist of portions that are smaller or larger than an approximate half slice or may consist of portions that do not have approximately the same measurement at the radial axis but do have approximately the same thickness as contrasted with the measurements of the predominating half slices; and the ratio of the weight of the largest unit to the weight of the smallest approximate half slice does not exceed 1.66. "Radial axis" means the measurement along the radius from the inside arc to the outside arc.

(2) *Broken slices.* Not more than an aggregate of 10 percent by weight of the units may consist of portions that are smaller than one-fourth of a slice, may consist of portions that are larger than three-fourths of a slice, or may consist of portions that do not have approximately the same measurement at the radial axis but do have approximately the same thickness as contrasted with the measurements of the predominating broken slices. "Radial axis" means the measurement along the radius from the inside arc to the outside arc.

(d) *(SStd) classification.* Sliced, tidbits, salad cuts, chunks, cubes, or vertical cuts of canned pineapple that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

(e) Half slices or broken slices that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade C or Standard, regardless of the total score for the product (this is a limiting rule).

§ 52.1722 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from units that are crushed or excessively trimmed or split for the applicable style; from units that are blemished or seriously blemished; and from any other defects which detract from the appearance or edibility of the product.

(1) "Crushed" means that a unit in sliced, half sliced, broken sliced, tidbits, salad cuts, chunks, or vertical cuts of canned pineapple has been seriously crushed so that the unit is not of normal shape.

(2) "Excessively trimmed" means that a unit in sliced, half sliced, broken sliced, or vertical cuts of canned pineapple has been so trimmed that it does not retain the apparent original conformation of the prepared unit. "Slight trimming" means that the trimming may be noticeable but does not affect the conformation of the units.

(3) "Split" means that a slice or half slice in sliced or half sliced pineapple is definitely severed from core hole to perimeter or that a vertical cut is completely divided into segments.

(4) "Blemished" means that the unit possesses any blemish (or combination of blemishes) which materially affects the appearance or edibility of the unit and includes, but is not limited to, any fruit eye or portion thereof which on the exposed portion exceeds the area of a circle $\frac{1}{16}$ inch in diameter, brown spots, pieces of shell, bruised portions, and other similar injuries or blemishes.

(5) "Seriously blemished" means that the unit is blemished to the extent that the blemish or blemishes seriously affect the appearance or edibility of the unit and includes, but is not limited to, deep fruit eyes and serious brown spots.

(b) *(A) classification.* Sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple that is

practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the product is practically free from any defects not specifically mentioned that affect the appearance or edibility of the product, and, in addition, has the following meanings with respect to the following styles of canned pineapple:

(1) *Sliced.* Not more than 3 units in containers of more than 25 units or not more than 1 unit in containers of 25 units or less may be crushed; an occasional slice may be slightly trimmed but none of the slices are excessively trimmed; not more than 5 percent by count of the slices may be blemished or seriously blemished; and not more than 10 percent by count of the slices may be split in not more than 1 place. One slice in a single container is permitted to be blemished or seriously blemished or split if such slice exceeds the respective allowance of 5 percent or 10 percent by count: *Provided,* That in all containers comprising the sample such blemished or seriously blemished units do not exceed an average of 5 percent by count of the total number of units, and that such split units do not exceed an average of 10 percent by count of the total number of units.

(2) *Tidbits.* Not more than 3 units in containers of less than 150 units or not more than 2 percent by count of the units in containers of 150 or more units may be crushed; and not more than 5 percent by count of all the units may be blemished or seriously blemished but of such 5 percent not more than one-half thereof, or not more than 2½ percent by count of all the units, may be seriously blemished.

(3) *Salad cuts.* Not more than 2 units in containers of less than 100 units or not more than 2 percent by count of the units in containers of 100 or more units may be crushed; and not more than 5 percent by count of all the units may be blemished or seriously blemished but of such 5 percent not more than one-half thereof, or not more than 2½ percent by count of all the units, may be seriously blemished.

(4) *Chunks.* Not more than 3 units in containers of less than 70 units or not more than 5 percent by count of units in containers of 70 or more units may be crushed; and not more than 5 percent by count of all the units may be blemished or seriously blemished but of such 5 percent not more than one-half thereof, or not more than 2½ percent by count of all the units, may be seriously blemished.

(5) *Cubes.* Not more than 2 percent by weight of all the drained units may be blemished or seriously blemished but of such 2 percent not more than one-half thereof, or not more than 1 percent by weight of all the drained units, may be seriously blemished.

(6) *Vertical cuts.* Not more than 1 unit in a container may be crushed; an occasional vertical cut may be slightly trimmed but none of the vertical cuts are excessively trimmed; not more than 5 percent by count of the units may be blemished or seriously blemished; and not more than 10 percent by count of the vertical cuts may be split in not more than 1 place. One vertical cut in a single container is permitted to be blemished or seriously blemished or split if such vertical cut exceeds the respective allowance of 5 percent or 10 percent by count: *Provided,* That in all containers comprising the sample such blemished or seriously blemished units do not exceed an average of 5 percent by count of the total number of units, and that such split units do not exceed an average of 10 percent by count of the total number of units.

(7) *Crushed.* Not more than ½ percent by weight of the drained pineapple may be blemished or seriously blemished. In determining the weight of any blemished material, the weight of the entire piece which is blemished is included and the percentage based on the drained weight of the crushed pineapple.

(c) *(B) classification.* If the sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple is reasonably free from defects, a score of 24 to 26 points may be given. Canned pineapple that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the product is reasonably free from any defects not specifically mentioned that affect the appearance or edibility of the product, and, in addition has the following meanings with respect to the following styles of canned pineapple:

(1) *Sliced.* Not more than 3 units in containers of more than 25 units or not more than 1 unit in containers of 25 units or less may be crushed; the slices may be slightly trimmed but none of the slices are excessively trimmed; not more than 12½ percent by count of the slices may be blemished or seriously blemished; and not more than 25 percent by count of the slices may be split in not more than 2 places per slice. One slice in a single container is permitted to be blemished or seriously blemished and 1 slice is permitted to be split if such slices exceed the respective allowance of 12½ percent by count and 25 percent by count: *Provided,* That in all containers comprising the sample such blemished or seriously blemished units do not exceed an average of 12½ percent by count of the total number of units, and that such split units do not exceed an average of 25 percent by count of the total number of units.

(2) *Tidbits.* Not more than 3 units in containers of less than 150 units or not more than 2 percent by count of the units in containers of 150 or more units may be crushed; and not more than 12½ percent by count of all the units may be blemished or seriously blemished but of such 12½ percent not more than one-half thereof, or not more than 6¼ percent by count of all the units, may be seriously blemished.

(3) *Salad cuts.* Not more than 2 units in containers of less than 100 units or not more than 2 percent by count of the units in containers of 100 or more units may be crushed; and not more than 12½ percent by count of all the units may be blemished or seriously blemished but of such 12½ percent not more than one-half thereof, or not more than 6¼ percent by count of all the units, may be seriously blemished.

(4) *Chunks.* Not more than 3 units in containers of less than 70 units or not more than 5 percent by count of units in containers of 70 or more units may be crushed; and not more than 12½ percent by count of all the units may be blemished or seriously blemished but of such 12½ percent not more than one-half thereof, or not more than 6¼ percent by count of all the units, may be seriously blemished.

(5) *Cubes.* Not more than 4 percent by weight of all the drained units may be blemished or seriously blemished but of such 4 percent not more than one-half thereof, or not more than 2 percent by weight of all the drained units, may be seriously blemished.

(6) *Vertical cuts.* Not more than 1 unit in a container may be crushed; the vertical cuts may be slightly trimmed but none of the vertical cuts are excessively trimmed; not more than 12½ percent by count of the vertical cuts may be blemished or seriously blemished; and not more than 25 percent by count of the vertical cuts may be split in not more than 2 places per cut. One vertical cut in a single container is permitted to be blemished or seriously blemished and 1 vertical cut is permitted to be split if such cuts exceed the respective allowance of 12½ percent by count and 25 percent by count: *Provided,* That in all containers comprising the sample such blemished or seriously blemished units do not exceed an average of 12½ percent by count of the total number of units, and that such split units do not exceed an average of 25 percent by count of the total number of units.

(7) *Crushed.* Not more than ¾ percent by weight of the drained pineapple may be blemished or seriously blemished. In determining the weight of any blemished material, the weight of the entire piece which is blemished is included and the percentage based on the drained weight of the crushed pineapple.

(d) *(C) classification.* If the canned pineapple consists of half slices or broken slices that are fairly free from defects, a score of 21 to 23 points may be given. Canned pineapple that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the product is fairly free from any defects not specifically mentioned that affect the appearance or edibility of the product, and, in addition has the following meanings with respect to, and applies only to, the following styles:

(1) *Half slices.* Not more than 3 units in containers of more than 25 units or not more than 1 unit in containers of 25 units or less may be crushed; the half slices may be trimmed but none of the half slices are excessively trimmed; and not more than 12½ percent by count of the units may be blemished or seriously blemished; and not more than 25 percent by count of the half slices may be split in not more than 1 place per unit. One unit in a single container is permitted to be blemished or seriously blemished and 1 half slice is permitted to be split if such unit and half slice exceed the respective allowance of 12½ percent and 25 percent by count: *Provided,* That in all containers comprising the sample such blemished or seriously blemished units do not exceed an average of 12½ percent by count of the total number of units, and that such split units do not exceed an average of 25 percent by count of the total number of units.

(2) *Broken slices.* Not more than 5 percent by count of the units may be crushed; the broken slices may be trimmed but none of the broken slices are excessively trimmed; and not more than 12½ percent by count of the units may be blemished or seriously blemished.

(e) *(SStd) classification.* Sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple that fails to meet the requirements of paragraph (c) of this section and half slices or broken slices that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1723 *Character—(a) General.* The factor of character refers to the degree of ripeness and maturity, the texture of the fruit, and the degree of freedom from core material. Core material shall not be considered unless such material may be definitely identified as hard and characteristic of the center structure of pineapple. In determining the weight of core material, such portions are cut cleanly from the rest of the fruit.

(b) *(A) classification.* Sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple that possesses a good character may be given a score of 27 to 30 points. "Good character" has the following meanings with respect to the following styles of canned pineapple:

(1) *Sliced.* The slices are of practically uniform ripeness, are at least reasonably firm with the fruitlets appearing as a compact structure, are reasonably free from porosity, and there may be present not more than 2½ percent by weight of the drained pineapple that is core material.

(2) *Tidbits, salad cuts, cubes, vertical cuts, or crushed.* The units are of practically uniform ripeness, the fruitlets appear as a compact structure, the units are reasonably free from porosity; and there may be present not more than 2½ percent by weight of the drained pineapple that is core material.

(3) *Chunks. The units are of practically uniform ripeness, the fruitlets appear as a compact structure, the units are reasonably free from porosity, and the units are practically free from any core material.*

(c) *(B) classification.* If the sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple possesses a reasonably good character, a score of 24 to 26 points may be given. Canned pineapple that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" has the following meanings with respect to the following styles of canned pineapple:

(1) *Sliced.* The slices are of reasonably uniform ripeness, the fruitlets are reasonably compact in structure, the slices are fairly free from porosity; and there may be present not more than 5 percent by weight of the drained pineapple that is core material.

(2) *Tidbits, salad cuts, cubes, vertical cuts, or crushed.* The units are of reasonably uniform ripeness, the fruitlets are reasonably compact in structure, the units are fairly free from porosity; and there may be present not more than 5 percent by weight of the drained pineapple that is core material.

(3) *Chunks.* The units are of reasonably uniform ripeness, the fruitlets are reasonably compact in structure, the units are fairly free from porosity; and there may be present not more than 2½ percent by weight of the drained pineapple that is core material.

(d) *(C) classification.* Half slices and broken slices of canned pineapple that possesses a fairly good character may be given a score of 21 to 23 points. Canned pineapple that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" has the following meaning with respect to, and applies only to, the following styles:

(1) *Half slices and broken slices.* The units are of reasonably uniform ripeness, the fruitless are reasonably compact in structure, the units are fairly free from porosity; and there may be present not more than 5 percent by weight of the drained pineapple that is core material.

(e) *(SStd) classification.* Sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple that fails to meet the requirements of paragraph (c) of this section, and half slices or broken slices that fail to meet the requirements of paragraph (d) of this section, may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1724 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned pineapple, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to each limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1725 *Score sheet for canned pineapple.*

| | | | |
|---|---|---|---|
| Size and kind of container | | | |
| Container mark or identification | | | |
| Label | | | |
| Net weight (ounces) | | | |
| Vacuum (inches) | | | |
| Drained weight (ounces) | | | |
| Brix measurement | | | |
| Syrup designation (Extra heavy, heavy, etc.) | | | |
| Style | | | |
| Count | | | |
| Approximate sizes—Slices or half slices | | | |
| Thickness | | | |
| Diameter | | | |
| Diameter of core hole | | | |
| **Factors** | **Score points** | | |
| Color | 20 | (A) | 18-20 |
| | | (B) | 16-17 |
| | | (C) | 14-15 |
| | | (D) | [1]0-13 |
| Uniformity of size and shape | 20 | (A) | 18-20 |
| | | (B) | 16-17 |
| | | (C) | 14-15 |
| | | (D) | [1]0-13 |
| Absence of defects | 30 | (A) | 27-30 |
| | | (B) | [1]24-26 |
| | | (C) | [1]21-23 |
| | | (D) | [1]0-20 |
| Character | 30 | (A) | 27-30 |
| | | (B) | [1]24-26 |
| | | (C) | [1]21-23 |
| | | (D) | [1]0-20 |
| Total score | 100 | | |
| Flavor and odor | | | |
| Grade | | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN PINEAPPLE [1]

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1741 *Product description.* Frozen pineapple is prepared from the properly ripened fruit of the pineapple plant (Ananas sativus or Ananas comosus); is peeled, cored, trimmed, and washed; may be packed with or without packing media; and is frozen and stored at temperatures necessary for the preservation of the product.

§ 52.1742 *Styles of frozen pineapple—(a) Whole slices.* Frozen whole slices of pineapple consist of whole, practically unbroken slices of pineapple that have been cut, at a right angle to the longitudinal axis, into approximately equal units.

(b) *Half slices.* Frozen half slices of pineapple are such portions of whole slices of pineapple that are so matched in size and thickness that two portions are approximately equivalent to a slice.

(c) *Broken slices.* Frozen broken slices of pineapple consist of portions of slices of pineapple, if such portions are approximately of the same thickness and diameter.

(d) *Crushed.* Frozen crushed pineapple is pineapple that has been cut, shredded, or crushed into fine pieces.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(e) *Tidbits.* Frozen tidbits of pineapple are small, wedge-shaped sections cut from slices or portions of slices of pineapple.

(f) *Chunks.* Frozen chunks of pineapple are pieces of pineapple which do not conform to any of the foregoing styles, which need not be symmetrical nor uniform in size, and which do not exceed 1½ inches in any dimension.

§ 52.1743 *Grades of frozen pineapple.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of whole slices, crushed, tidbits, or chunks that possess a practically uniform, bright, characteristic yellow color in the applicable style; are practically uniform in size and symmetry in the applicable style; are practically free from defects in the applicable style; possess a good character in the applicable style; possess a normal flavor and odor; and score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of whole slices, crushed, tidbits, or chunks that possess a reasonably uniform, good, characteristic yellow color in the applicable style; are reasonably uniform in size and symmetry in the applicable style; are reasonably free from defects in the applicable style; possess a reasonably uniform, reasonably good character in the applicable style; possess a normal flavor and odor; and score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of half slices and broken slices that are fairly uniform in size and symmetry; possess a fairly uniform, fairly good, characteristic yellow color or better color; are fairly free from defects; possess a fairly good character; possess a normal flavor and odor; and score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "U. S. Grade D" or "Substandard" is (1) the quality of whole slices, crushed, tidbits, or chunks that fail to meet the requirements of "U. S. Grade B" or "U. S. Choice" grade; or (2) the quality of half slices or broken slices that fail to meet the requirements of "U. S. Grade C" or "U. S. Standard."

FACTORS OF QUALITY

§ 52.1744 *Ascertaining the grade.* (a) The grade of frozen pineapple is determined immediately after thawing to the extent that the mass or units may be easily separated. The grade of frozen pineapple may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Color, uniformity of size and symmetry, absence of defects, and character.

(b) The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

| Factors: | Points |
|---|---|
| Color | 20 |
| Uniformity of size and symmetry | 20 |
| Absence of defects | 30 |
| Character | 30 |
| Total score | 100 |

(c) "Normal flavor and odor" means that the pineapple is free from objectionable flavors, off flavors, and objectionable odors of any kind.

§ 52.1745 *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.1746 *Color*—(a) *(A) classification.* Whole slices, crushed, tidbits, or chunks that possess a practically uniform, bright, characteristic yellow color, may be given a score of 18 to 20 points. "Practically uniform, bright, characteristic yellow color" means that the frozen pineapple has a yellow color typical of frozen pineapple and that there may be some variation of such color in the mass or of the units.

(b) *(B) classification.* Whole slices, crushed, tidbits, or chunks that possess a reasonably uniform, good, characteristic yellow color, may be given a score of 16 or 17 points. Frozen pineapple that falls into this classification shall not be graded above "U. S. Grade C" or "U. S. Choice," regardless of the total score for the product (this is a limiting rule). "Reasonably uniform, good, characteristic yellow color" means that the frozen pineapple may have considerable variation of such color in the mass or of the units.

(c) *(C) classification.* Half slices or broken slices that possess a fairly uniform, fairly good, characteristic yellow color or better color may be given a score of 14 or 15 points. Frozen pineapple that falls into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard," regardless of the total score for the product (this is a limiting rule). "Fairly uniform, fairly good, characteristic yellow color," means that the individual units of the frozen pineapple may vary markedly from a uniform, typical yellow color and may be slightly dull in color.

(d) *(SStd) classification.* Frozen pineapple that possesses a grayish cast or is definitely dull or off-color for any reason, or that fails to meet the requirements of paragraphs (a), (b), or (c) of this section for the applicable style may be given a score of 0 to 13 points and shall not be graded above "U. S. Grade D" or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1747 *Uniformity of size and symmetry*—(a) *General.* The factor of uniformity of size and symmetry shall not be scored when grading frozen crushed pineapple or frozen chunks of pineapple. The other three factors shall be scored and the total shall be multiplied by 100 and divided by 80, dropping any fractions, to determine the total score.

(b) *(A) classification.* If the frozen pineapple units are practically uniform in size and symmetry, a score of 18 to 20 points may be given. "Practically uniform in size and symmetry" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

(1) *Whole slices and tidbits.* All of the units within each style are the same apparent thickness, size, and shape, with not more than a slight deviation in actual dimensions.

(c) *(B) classification.* If the frozen pineapple units are reasonably uniform in size and symmetry, a score of 16 or 17 points may be given. Frozen pineapple that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice," regardless of the total score for the product (this is a limiting rule). "Reasonably uniform in size and symmetry" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

(1) *Whole slices and tidbits.* The units within each style may vary in thickness, size, and shape with more than a slight deviation in actual dimensions.

(d) *(C) classification.* If the frozen pineapple units consist of half slices or broken slices, a score of 14 or 15 points may be given. Frozen pineapple that falls into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard," regardless of the total score for the product (this is a limiting rule).

§ 52.1748 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from blemished units; from excessively trimmed units; from broken units; and from crushed units. (See Table No. I of this subpart.)

(1) "Blemished units" are units of frozen pineapple with any fruit eye more than 1/32 inch in diameter, deep fruit eyes regardless of area, brown spots, peel, bruise, or other injury.

(2) "Excessively trimmed units" means that the units have been so trimmed that they do not retain their apparent original conformation.

(3) "Broken units" means that whole slices are definitely severed from core hole to perimeter.

(4) "Crushed units," except for crushed style, means that the units have been crushed to the extent that they are not of normal shape.

(b) *(A) classification.* Frozen pineapple that is practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

(1) *Whole slices.* No units are crushed; no units are excessively trimmed; not more than 5 percent, by count, may be blemished; and not more than 10 percent, by count, may be broken in one place only. One blemished unit and one broken unit are permitted if one unit exceeds the respective allowance of 5 percent and 10 percent by count.

(2) *Tidbits and chunks.* Not more than 5 percent, by count, may be crushed and not more than 5 percent, by count, may be blemished.

(3) *Crushed.* Not more than 1/2 percent by weight, may be blemished units. In determining the weight of blemished material, the weight of the entire blemished piece is included and the percentage is based on the net weight of the pineapple.



(c) *(B) classification.* Frozen pineapple that is reasonably free from defects may be given a score of 24 to 26 points. Frozen pineapple that falls into this classification shall not be graded above "U. S. Grade B" or "U. S. Choice," regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

(1) *Whole slices.* Not more than 3 percent, by count, may be excessively trimmed; not more than 5 percent, by count, may be crushed; not more than 12½ percent, by count, may be blemished; and not more than 25 percent, by count, may be broken in one place only.

(2) *Tidbits and chunks.* Not more than 5 percent, by count, may be crushed; and not more than 12½ percent, by count, may be blemished.

(3) *Crushed.* Not more than 1 percent, by weight, may be blemished units. In determining the weight of blemished material, the weight of the entire piece is included and the percentage based on the net weight of the frozen pineapple.

(d) *(C) classification.* Frozen pineapple that is fairly free from defects may be given a score of 21 to 23 points. Frozen pineapple that falls into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard," regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

(1) *Half slices and broken slices.* Not more than 5 percent, by count, may be crushed; and not more than 12½ percent, by count, may be blemished. Since half slices and broken slices of frozen pineapple are whole slices broken in more than one place, these styles are scored in this classification and shall not be graded above "U. S. Grade C" or "U. S. Standard," regardless of the total score for the product (this is a limiting rule).

(e) *(SStd) classification.* Whole slices, crushed, tidbits, and chunks of pineapple that fail to meet paragraph (c) of this section; and half slices or broken slices of frozen pineapple that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above "U. S. Grade D" or Substandard, regardless of the total score for the product (this is a limiting rule).

(f) The evaluation of the score for the factor of absence of defects may be determined from Table No. I of this subpart which indicates the maximum allowances for each type of defect for the score indicated.

§ 52.1749 *Character*—(a) *General.* The factor of character refers to the degree of ripeness and texture of the fruit.

(b) *(A) classification.* Frozen pineapple that possesses a good character may be given a score of 27 to 30 points. "Good character" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

(1) *Whole slices, tidbits, and crushed.* The fruit is of practically uniform ripeness and there may be present not more than 2½ percent, by weight of the pineapple, that is core material or fibrous stock; and, in the case of whole slices and tidbits, the fruit is reasonably firm and the fruitlets appear as a compact structure, reasonably free from porosity.

(2) *Chunks.* The fruit is of practically uniform ripeness and normally has had more of the fibrous portions around the core hole removed than is the case with other styles of pack; the fruit is reasonably firm and the fruitlets appear as a compact structure, reasonably free from porosity.

TABLE NO. I—ALLOWANCES FOR DEFECTS IN FROZEN PINEAPPLE

| Grade | Score points | Whole slices: Crushed units | Whole slices: Excessively trimmed | Whole slices: Blemished units | Whole slices: Broken units | Crushed—Blemished units | Half slices and broken slices: Crushed units | Half slices and broken slices: Blemished units | Tidbits and chunks: Crushed units | Tidbits and chunks: Blemished units |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Maximum allowances | | | | | | | | |
| | | By count | | | | By weight | By count | | | |
| U. S. Grade A or U. S. Fancy. | 30 | None | None | None | 4% | 1% | | | | |
| | 29 | None | None | 3% | 8% | 2% | | | | |
| | 28 | None | None | 4% | 12½% | 3% | | | | |
| | 27 | None | None | 6% | 16% | 4% | | | | |
| U. S. Grade B or U. S. Choice. | 26 | 1% | 6% | 8% | 20% | 5% | | | | |
| | 25 | 3% | 9% | 10% | 24% | 6% | | | | |
| | 24 | 5% | 12½% | 12½% | 26% | 10% | | | | |
| U. S. Grade C or U. S. Standard. | 23 | | | | | | 17% | 6% | | |
| | 22 | | | | | | 33⅓% | 9% | | |
| | 21 | | | | | | 50% | 12½% | | |
| U. S. Grade D or Substandard. | 20 or less | More than allowances permitted for 24 points. | | | | | More than allowances permitted for 21 points. | | More than allowances permitted for 24 points. | |

(2) *Chunks.* The fruit is of reasonably uniform ripeness and normally has had more of the fibrous portions around the core hole removed than is the case with other styles of pack; and the fruitlets are reasonably compact in structure, fairly free from porosity.

(d) *(C) classification.* If the frozen pineapple possesses a fairly good character, a score of 21 to 23 points may be given. Frozen pineapple that falls into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard" regardless of the total score for the product (this is a limiting rule). "Fairly good character" has the following meaning with respect to, and applies only to, the following styles of frozen pineapple:

(1) *Half slices and broken slices.* The texture may be variable and there may be present not more than 5 percent, by weight of the pineapple, that is core material of fibrous stock and the fruitlets may be flaccid and loosely constructed.

(e) *(SStd) classification.* Whole slices, crushed, tidbits, and chunks of pineapple that fail to meet paragraph (c) of this section; and half slices and broken slices that fail to meet the requirements of paragraph (d) of this section, may be given a score of 0 to 20 points and shall not be graded above "U. S. Grade D" or Substandard regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1750 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen pineapple, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of

quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1751 *Score sheet for frozen pineapple.*

| | | | |
|---|---|---|---|
| Size and kind of container | | | ---- |
| Container mark or identification | | | ---- |
| Label (style of pack; Ratio of fruit to sugar, etc., if shown) | | | ---- |
| Net weight | | | ---- |
| Style | | | ---- |
| Count (of whole slices) | | | ---- |
| Factors | Score points | | |
| Color | 20 | (A) 18–20<br>(B) 16–17<br>(C) 14–15<br>(D) 10–13 | |
| Uniformity of size and symmetry | 20 | (A) 18–20<br>(B) 16–17<br>(C) 14–15 | |
| Absence of defects | 30 | (A) 27–30<br>(B) 24–26<br>(C) 21–23<br>(D) 10–20 | |
| Character | 30 | (A) 27–30<br>(B) 24–26<br>(C) 21–23<br>(D) 10–20 | |
| Total score | 100 | | |
| Normal flavor and odor | | | ---- |
| Grade | | | ---- |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED PINEAPPLE JUICE [1]

PRODUCT DESCRIPTION AND GRADES

§ 52.1761 *Product description.* Canned pineapple juice is the undiluted, unconcentrated, unfermented juice obtained from the edible portions of the mature fruit of the pineapple plant (Ananas comosus or Ananas sativus); is prepared by a succession of treatments (including, but not being limited to, crushing, screening, and pressing with or without heat) to extract a part of the liquid and insoluble materials; is packed with or without the addition of sweetening ingredients; is sufficiently processed by heat to assure the preservation of the product in hermetically-sealed containers and is thereupon packed into containers which are thereafter hermetically sealed.

§ 52.1762 *Grades of canned pineapple juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned pineapple juice that possesses a very good color, is practically free from defects, possesses a very good flavor, and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned pineapple juice that possesses a good color, is fairly free from defects, possesses a good flavor, and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of canned pineapple juice that fails to meet the requirements of U. S. Grade C or U. S. Standard.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

FILL OF CONTAINER

§ 52.1763 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled as full as practicable with pineapple juice and that the product occupy not less than 90 percent of the total capacity of the container.

FACTORS OF QUALITY

§ 52.1764 *Ascertaining the grade.* (a) The grade of canned pineapple juice may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor.

(b) The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

| Factors: | *Points* |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Flavor | 40 |
| Total score | 100 |

§ 52.1765 *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example) "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1766 *Color*—(a) *(A) classification.* Canned pineapple juice that possesses a very good color may be given a score of 17 to 20 points. "Very good color" means that the canned pineapple juice possesses a bright, typical color characteristic of canned pineapple juice made from freshly pressed pineapple juice from properly matured and properly ripened pineapple, and which pineapple juice has been properly processed.

(b) *(C) classification.* If the canned pineapple juice possesses a good color, a score of 14 to 16 points may be given. Canned pineapple juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good color" means that the canned pineapple juice possesses a characteristic color which may be slightly dull or may be light amber but is not off color.

(c) *(SStd) classification.* Canned pineapple juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1767 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from specks and other objectionable particles and to the quantity of free and suspended pulp that may be present.

(b) *(A) classification.* Canned pineapple juice that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the canned pineapple juice does not contain specks or other objectionable particles that affect the appearance or palatability of the juice and that the canned pineapple juice may contain not more than 26 percent free and suspended pulp when determined in accordance with the method outlined in this subpart.

(c) *(C) classification.* If the canned pineapple juice is fairly free from defects, a score of 28 to 33 points may be given. Canned pineapple juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned pineapple juice may contain specks or other objectionable particles that do not materially affect the appearance or palatability of the juice and that the canned pineapple juice may contain not more than 30 percent free and suspended pulp when determined in accordance with the method outlined in this subpart.

(d) *(SStd) classification.* Canned pineapple juice that fails to meet the requirements of paragraph (c) of this section, may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1768 *Flavor*—(a) *(A) classification.* Canned pineapple juice that possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means a fine, distinct canned pineapple juice flavor, characteristic of canned pineapple juice made from properly matured and properly ripened pineapple, and which pineapple juice is free from any caramelized flavor and that the canned pineapple juice meets the following requirements:

(1) *Brix.* Not less than 12.0 degrees.

(2) *Brix-acid ratio.* Not less than 12 to 1.

(b) *(C) classification.* If the canned pineapple juice possesses a good flavor, a score of 28 to 33 points may be given. Canned pineapple juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good flavor" means a good, normal canned pineapple juice flavor that may be slightly caramelized but is free from objectionable flavor or off flavor of any kind and that the canned pineapple juice meets the following requirements:

(1) *Brix.* Not less than 10.5 degrees.

(2) *Brix-acid ratio.* Not less than 12 to 1.

(c) *(SStd) classification.* If the canned pineapple juice fails to meet the requirements of paragraph (b) of this section, if the canned pineapple juice has the flavor of fruit not properly matured or not properly ripened, or if the canned pineapple juice is definitely unpalatable, a score of 0 to 27 points may be given. Canned pineapple juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1769 *Explanation of terms and analyses.* (a) "Brix" means the degrees Brix of canned pineapple juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing juice at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of canned pineapple juice may be determined by any other method which gives equivalent results.

(b) "Free and suspended pulp" is determined by the following method: Graduated centrifuge tubes with a capacity of 50 ml. are filled with juice and placed in a suitable centrifuge. The speed is adjusted, according to the diameter, as indicated in Table No. I and the juice is centrifuged for exactly 3 minutes. As used herein, "diameter" means the over-all distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp in the tube is multiplied by 2 to give the percentage of pulp.

TABLE No. I

| *Diameter* | *Approximate revolutions per minute* | *Diameter* | *Approximate revolutions per minute* |
|---|---|---|---|
| 10 inches | 1,609 | 15½ inches | 1,292 |
| 10½ inches | 1,570 | 16 inches | 1,271 |
| 11 inches | 1,534 | 16½ inches | 1,252 |
| 11½ inches | 1,500 | 17 inches | 1,234 |
| 12 inches | 1,468 | 17½ inches | 1,216 |
| 12½ inches | 1,438 | 18 inches | 1,199 |
| 13 inches | 1,410 | 18½ inches | 1,182 |
| 13½ inches | 1,384 | 19 inches | 1,167 |
| 14 inches | 1,359 | 19½ inches | 1,152 |
| 14½ inches | 1,336 | 20 inches | 1,137 |
| 15 inches | 1,313 | | |

(c) "Acid" means grams of acid (calculated as anhydrous citric acid) per 100 ml. of juice in canned pineapple juice determined by titration with standard sodium hydroxide solution using phenolphthalein indicator.

LOT CERTIFICATION TOLERANCES

§ 52.1770 *Tolerances for certification of officially drawn samples.* (a) When officially drawn and which represent a specific lot of canned pineapple juice, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1771 *Score sheet for canned pineapple juice.*

| | | | |
|---|---|---|---|
| Size and kind of container | | | ---- |
| Container mark or identification | | | ---- |
| Label | | | ---- |
| Net weight (Avd. ounces) or Liquid measure (Fl. ounces) | | | ---- |
| Vacuum (inches) | | | ---- |
| Brix measurement (° Brix) | | | ---- |
| Pulp (free and suspended—% Pulp) | | | ---- |
| Acid (anhydrous citric: grams/100 ml.) | | | ---- |
| Brix-acid ratio | | | ---- |
| Factors | Score Points | | |
| Color | 20 | (A) 17–20<br>(C) 14–16<br>(D) 10–13 | |
| Absence of defects | 40 | (A) 34–40<br>(C) 28–33<br>(D) 10–27 | |
| Flavor | 40 | (A) 34–40<br>(C) 28–33<br>(D) 10–27 | |
| Total score | 100 | | |
| Grade | | | ---- |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED PLUMS [1]

PRODUCT DESCRIPTION, VARIETIES, STYLES, AND GRADES

§ 52.1781 *Product description.* Canned plums (including prune plums) are the properly ripened fresh fruit of the plum tree (Prunus domestica), are prepared by stemming and washing, are packed in water with or without sweetening ingredients, may be packed with the addition of suitable ingredients for "dietetic pack", and are sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

§ 52.1782 *Varieties of canned plums.* (a) Purple plum groups.

(b) Green gage plum groups.

(c) Yellow egg plum groups.

§ 52.1783 *Styles of canned plums.* (a) "Whole" canned plums are whole, unpeeled, unpitted plums.

(b) "Halved" canned plums are unpeeled, pitted plums, cut or separated longitudinally into approximate halves.

§ 52.1784 *Grades of canned plums.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned plums that possess similar varietal characteristics; that are practically free from defects; that possess a normal flavor and odor; and that are of such quality with respect to color, uniformity of size, and character as to score not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of canned plums that possess similar varietal characteristics; that possess a reasonably good color; that are reasonably free from defects; that possess a normal flavor and odor; and that are of such quality with respect to uniformity of size and character as to score not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of canned plums that possess similar varietal characteristics; that possess a fairly good color; that are fairly uniform in size; that are fairly free from defects; that possess a fairly good character; that possess a normal flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "U. S. Grade D" is the quality of canned plums that possess similar varietal characteristics; that possess a fairly good color, that may or may not be fairly uniform in size; that are fairly free from defects except that there is no limit on crushed or broken units; that may or may not possess a fairly good character; and that possess a normal flavor and odor.

(e) "Substandard" is the quality of canned plums that fails to meet the requirements of either U. S. Grade C or U. S. Standard or U. S. Grade D, or both.

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

§ 52.1785 *Recommended designations of liquid media and Brix measurements for canned plums.* "Cut-out" requirements for liquid media in canned plums are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. It is recommended that canned plums have the following "cut-out" Brix measurement for the applicable designation, which designations include, but are not limited to:

| *Designation* | *Brix measurement* |
|---|---|
| "Extra heavy sirup" | 26° or more but not more than 35°. |
| "Heavy sirup" | 21° or more but less than 26°. |
| "Light sirup" | 16° or more but less than 21°. |
| "In water" | Packed in water. |

§ 52.1786 *Recommended fill of container for canned plums.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of canned plums be filled with plums as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

§ 52.1787 *Recommended minimum drained weight.* The minimum drained weight recommendations for the applicable styles in Table I and Table II of this subpart are not incorporated in the grades of the finished product since

drained weight, as such, is not a factor of quality for the purposes of these grades. The drained weight of canned plums is determined by emptying the contents of the container, turning the pit cavities down in halves, upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch±3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and plums less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404×414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR WHOLE CANNED PLUMS

| Range of count of whole plums per container | In any syrup, or in any other liquid medium including declared "dietetic packs" whether or not packed "in water" | | | | | | |
|---|---|---|---|---|---|---|---|
| | Metal containers | | | | | Glass containers | |
| | 8 Z tall (211 x 304) | No. 1 tall (301 x 411) | No. 303 (303 x 406) | No. 2 (307 x 409) | No. 2½ (401 x 411) | No. 303 | No. 2½ |
| | *Ounces* | *Ounces* | *Ounces* | *Ounces* | *Ounces* | *Ounces* | *Ounces* |
| 10 or less | 4¼ | 9 | 9 | 10½ | 15½ | 9 | 15 |
| 11 to 16 | 4¼ | 9 | 9 | 10½ | 13½ | 9 | 15 |
| 17 to 22 | | | | 11 | 16 | | 15½ |
| 23 and over | | | | | 16½ | | 15½ |

| | Whole style, in No. 10 (603 x 700) cans | |
|---|---|---|
| | In any syrup or in any other liquid medium including declared "dietetic packs" whether or not packed "in water" | Other than declared "dietetic packs" packed "in water" |
| Any count | 60 ounces | 65 ounces |

TABLE II—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR HALVED CANNED PLUMS

| Container designation (metal, unless otherwise stated) | Container size (over-all dimensions) | | Any grade in any syrup or other liquid medium |
|---|---|---|---|
| | Width | Height | |
| | *Inches* | *Inches* | *Ounces* |
| 8 Z tall | 2 1/16 | 3 5/16 | 4½ |
| 8 ounce glass | | | 4½ |
| No. 1 tall | 3 1/16 | 4 1/16 | 9½ |
| No. 2½ | 3 3/16 | 4 5/16 | 9½ |
| 303 glass | | | 9½ |
| No. 2 | 3 3/16 | 4 9/16 | 12 |
| No. 2½ | 4 3/16 | 4 13/16 | 16½ |
| No. 2½ glass | | | 16 |
| No. 10 | 6 3/16 | 7 | 63 |

§ 52.1788 *Compliance with recommended drained weights.* Compliance with the recommended drained weights for canned plums is determined by averaging the drained weights from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations, for the applicable styles, if in:

(a) Whole style:

(1) The average of the drained weights from all of the containers meets the average of the recommended drained weights for the counts from the containers examined;

(2) One-half or more of the containers meet the recommended drained weight for the respective count found; and

(3) The drained weights from the containers which do not meet the recommended drained weight for the count found are within the range of variability for good commercial practice.

(b) Halved style:

(1) The average drained weight from all the containers meets the recommended drained weight;

(2) One-half or more of the containers meet the recommended drained weight; and

(3) The drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practice.

FACTORS OF QUALITY

§ 52.1789 *Ascertaining the grade.* (a) The grade of canned plums is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size, absence of defects, and character.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | *Points* |
|---|---|
| Color | 20 |
| Uniformity of size | 20 |
| Absence of defects | 30 |
| Character | 30 |
| Total score | 100 |

(c) "Normal flavor and odor" means that the canned plums are free from objectionable flavors and objectionable odors of any kind.

§ 52.1790 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.1791 *Color*—(a) *General.* The factor of color refers to the color of the background skin and any exposed flesh typical for the varietal group and to the intensity and brightness of such characteristic color. Characteristic mottling on the skin for the varietal group is considered as typical color and not as lacking in uniformity of color.

(b) (*A*) *classification.* Canned plums that possess a good color may be given a score of 18 to 20 points. "Good color" means that the plums possess a practically uniform, bright color typical of well-matured plums of a single varietal group which have been properly processed; that any exposed flesh is reasonably bright; and that not more than 10 percent by count of the units may possess a reasonably good color, including the over-all "dead-brown" color of canned purple plums. To score in this classification canned purple plums shall be surrounded by a practically clear and highly colored purple liquid.

(c) (*B*) *classification.* If the canned plums possess a reasonably good color, a score of 16 or 17 points may be given. "Reasonably good color" means that the plums possess a reasonably uniform, reasonably bright color typical of reasonably well-matured plums of a single varietal group which have been properly processed; that any exposed flesh may be only fairly bright; and that not more than 15 percent by count of the units may possess a fairly good color. To score in this classification canned purple plums shall be surrounded by a reasonably clear and reasonably high-colored liquid.

(d) (*C*) or (*D*) *classification.* If the canned plums possess a fairly good color, a score of 14 or 15 points may be given. Canned plums that fall into this classification shall not be graded above U. S. Grade C or Standard or U. S Grade D, whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the plums possess a color typical of at least fairly well-matured plums of a single varietal group which have been properly processed; that such characteristic color may be markedly variable including the over-all "dead-brown" color of canned purple plums but is not off color for any reason.

(e) (*SStd*) *classification.* Canned plums that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1792 *Uniformity of size*—(a) *General.* Any plums of halved style that are not cleanly divided into halves shall be separated into two approximately equal halves before ascertaining uniformity of size.

(b) (*A*) *classification.* Canned plums that are practically uniform in size may be given a score of 18 to 20 points. "Practically uniform in size" means that:

(1) In containers with less than 20 units, the weight of the largest unit does not exceed the weight of the second smallest unit by more than 50 percent, or



(2) In containers with 20 or more units, in 95 percent by count of the units that are most uniform in weight, the weight of the largest unit does not exceed the weight of the smallest unit by more than 50 percent.

(c) (*B*) *classification.* If the canned plums are reasonably uniform in size, a score of 16 or 17 points may be given. "Reasonably uniform in size" means that:

(1) In containers with less than 20 units, the weight of the largest unit does not exceed the weight of the second smallest unit by more than 75 percent, or

(2) In containers with 20 or more units, in 95 percent by count of the units that are most uniform in weight, the weight of the largest unit does not exceed the weight of the smallest unit by more than 75 percent.

(d) (*C*) *classification.* If the canned plums are fairly uniform in size, a score of 14 or 15 points may be given. "Fairly uniform in size" means that:

(1) In containers with less than 20 units, the weight of the largest unit is not more than twice the weight of the second smallest unit, or

(2) In containers with 20 or more units, in 95 percent by count of the units that are most uniform in weight, the weight of the largest unit is not more than twice the weight of the smallest unit.

(e) (*D*) or (*SStd*) *classification.* Canned plums that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, whichever is applicable, regardless of the total score for the product (this is a limiting rule).

§ 52.1793 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material; from crushed or broken units; from pits or loose pits for the applicable style; from damaged and seriously damaged units; and from any other defects which detract from the appearance or edibility of the product.

(1) A "unit", in whole style, means a whole or substantially whole plum and, in halved style, any whole or partially whole plum is separated into two approximately equal halves and each half therefrom is considered a "unit."

(2) "Harmless extraneous material" means any vegetable substance (including, but not limited to, a leaf or stem or significant portions thereof) that is harmless.

(3) "Crushed or broken" means that a unit bears marks of crushing or is otherwise crushed or broken not due to ripeness. In whole style, plums that possess broken skins or that are split to the pit cavity are not considered crushed or broken unless the entire pit cavity is exposed or the unit is mutilated to the extent that it is not intact as a whole or substantially whole plum. In halved style, halves of plums that are slightly split are not considered crushed or broken unless the unit is seriously mutilated.

(4) A "pit" means a whole pit or any portion thereof. In whole style, only "loose pits" are considered as defects. In halved style, pits are considered as defects whether loose or attached to a unit.

(5) "Damaged" means any injury which, singly or in the aggregate on a unit or in a unit (except for internal gummosis), materially affects the appearance of the unit and includes, but is not limited to:

(i) Surface areas blemished by sunburn, scab, or other serious discoloration (exclusive of characteristic mottling) having an aggregate area exceeding that of a circle 3/16 inch in diameter and not extending into the fruit tissue;

(ii) Surface areas blemished by sunburn, scab, or other serious discoloration (exclusive of characteristic mottling) having an aggregate area equivalent of, or less than, that of a circle 3/16 inch in diameter and extending into the fruit tissue so that the flesh is materially discolored or toughened;

(iii) Abnormalities, such as "doubles" and growth cracks, but not "shriveled" areas;

(iv) External gummosis.

(6) "Seriously damaged" means damaged to the extent that the appearance or edibility of the unit is seriously affected.

(b) (*A*) *classification.* Canned plums that are practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the canned plums are practically free from any defects not specifically mentioned that affect the appearance or edibility of the product and that for the applicable style not more than the following defects or defective units may be present:

(1) 1 small stem or 1 small leaf for each 64 ounces of net weight; and no harmless extraneous material;

(2) No crushed or broken units;

(3) 1 loose pit for each 32 ounces of net weight in whole style and no pits in halved style;

(4) A total of 10 percent by count of the units may be damaged and seriously damaged: *Provided*, That not more than 3 percent by count of the units may be seriously damaged. One unit in a single container is permitted to be damaged or one unit in a single container is permitted to be seriously damaged if any of such units exceed the respective allowances of 10 percent and 3 percent by count, provided that in all containers comprising the sample such damaged and seriously damaged units do not exceed an average of 10 percent by count of the total number of units or that such seriously damaged units do not exceed an average of 3 percent by count of the total number of units.

(c) (*B*) *classification.* If the canned plums are reasonably free from defects, a score of 24 to 26 points may be given. Canned plums that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned plums are reasonably free from any defects not specifically mentioned that affect materially the appearance or edibility of the product and that for the applicable style not more than the following defects or defective units may be present:

(1) 1 small stem or 1 small leaf for each 32 ounces of net weight; and no other harmless extraneous material;

(2) 5 percent by count of the units may be crushed or broken;

(3) 1 loose pit for each 16 ounces of net weight in whole style and no pits in halved style; and

(4) A total of 15 percent by count of the units may be damaged and seriously damaged: *Provided*, That not more than 5 percent by count of the units may be seriously damaged. One unit in a single container is permitted to be damaged or one unit in a single container is permitted to be seriously damaged if any of such units exceed the respective allowances of 15 percent and 5 percent by count, provided that in all containers comprising the sample such damaged and seriously damaged units do not exceed an average of 15 percent by count of the total number of units or that such seriously damaged units do not exceed an average of 5 percent by count of the total number of units.

(d) (*C*) *classification.* If the canned plums are fairly free from defects, a score of 21 to 23 points may be given. Canned plums that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned plums are fairly free from any defects not specifically mentioned that affect materially the appearance or edibility of the product and that for the applicable style not more than the following defects or defective units may be present:

(1) 1 small stem or 1 small leaf for each 16 ounces of net weight and 1 piece of other harmless extraneous material for each 96 ounces of net weight;

(2) 10 percent by count of the units may be crushed or broken;

(3) 3 loose pits for each 32 ounces of net weight in whole style and 1 pit for each 32 ounces of net weight in halved plums; and

(4) A total of 20 percent by count of the units may be damaged and seriously damaged: *Provided*, That not more than 10 percent by count of the units may be seriously damaged. One unit in a single container is permitted to be seriously damaged if such unit exceeds 10 percent by count, provided that in all containers comprising the sample such seriously damaged units do not exceed an average of 10 percent by count of the total number of units.

(e) (*D*) *classification.* Canned plums that fail to meet the requirements of paragraph (d) of this section with respect to requirements in subparagraph (2) of said paragraph (or only with respect to crushed or broken units) may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D, regardless of the total score for the product (this is a limiting rule).

(f) (*SStd*) *classification.* Canned plums that fail to meet the requirements of paragraph (d) of this section with respect to requirements other than sub-

paragraph (2) of said paragraph (or other than for crushed and broken units) may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1794 *Character*—(a) *General.* The factor of character refers to the texture and condition of the flesh in relation to ripeness or maturity, to the tenderness and firmness of the canned plums, and to shriveled areas of the skin.

(b) (*A*) *classification.* Canned plums that possess a good character may be given a score of 27 to 30 points. "Good character" means that the units are thick-fleshed, are tender and may be soft but hold their apparent original conformation, and otherwise possess a good texture of both skin and flesh characteristic of canned plums that have been properly processed from well-ripened or well-matured plums; and that not more than a total of 10 percent by count of the canned plums may possess a reasonably good character or may possess shriveled areas that do not materially affect the appearance of the plum.

(c) (*B*) *classification.* If the canned plums possess a reasonably good character, a score of 24 to 26 points may be given. "Reasonably good character" means that the units may be slightly lacking in thickness of flesh, may be variable in texture from soft to slightly firm, and otherwise possess a reasonably good texture of both skin and flesh characteristic of canned plums that have been properly processed from reasonably well-ripened or reasonably well-matured plums; and that not more than a total of 20 percent by count of the canned plums may possess a fairly good character or may possess shriveled areas that do not materially affect the appearance of the plum.

(d) (*C*) *classification.* If the canned plums possess a fairly good character, a score of 21 to 23 points may be given. Canned plums that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the units may be more than slightly lacking in thickness of flesh, possess a fairly good texture of both skin and flesh characteristic of canned plums that have been properly processed from fairly well-ripened or fairly well-matured plums, may be variable in texture from very soft to slightly tough but are not so soft as to show material disintegration, and may possess shriveled areas that materially affect, but do not seriously affect, the appearance of the canned plums.

(e) (*D*) or (*SStd*) *classification.* Canned plums that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D or Substandard, whichever is applicable, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1795 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned plums, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1796 *Score sheet for canned plums.*

| | | |
|---|---|---|
| Size and kind of container | | ---- |
| Container mark or identification | | ---- |
| Label | | ---- |
| Net weight (ounces) | | ---- |
| Vacuum (inches) | | ---- |
| Count | | ---- |
| Drained weight (ounces) | | ---- |
| Brix measurement | | ---- |
| Syrup designation (extra heavy, heavy, etc.) | | ---- |
| Style (whole) (halves) | | ---- |
| **Factors** | **Score points** | |
| Color | 20 | (A) 18-20<br>(B) 16-17<br>(C) and (D) [1] 14-15<br>(SStd) 10-13 |
| Uniformity of size | 20 | (A) 18-20<br>(B) 16-17<br>(C) 14-15<br>(D) and (SStd) 10-13 |
| Absence of defects | 30 | (A) 27-30<br>(B) [1] 24-26<br>(C) [1] 21-23<br>(D) and (SStd) 10-20 |
| Character | 30 | (A) 27-30<br>(B) 24-26<br>(C) [1] 21-23<br>(D) and (SStd) 10-20 |
| Total score | 100 | |
| Normal flavor and odor | | ---- |
| Grade | | ---- |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED WHITE POTATOES [1]

IDENTITY, STYLES, AND GRADES

§ 52.1811 *Identity.* "Canned white potatoes" means canned potatoes as defined in the definitions and standards of identity for canned vegetables other than those specifically regulated, as amended for canned potatoes (21 CFR 52.990 (c) (3)), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.1812 *Styles of canned white potatoes.* For the purpose of the grade standards in this subpart, the canned white potatoes are properly peeled prior to canning; "unit" means an individual potato or a portion of a potato; and the various styles of the canned product are as follows:

(a) "Whole" or "whole potatoes" is the style that consists of units that are whole potatoes that are of the approximate conformation of the prepared potatoes.

(b) "Slices," "sliced," or "sliced potatoes" is the style that consists of units that are potato slices of practically uniform thickness.

(c) "Dice," "diced," or "diced potatoes" is the style that consists of units that are approximate cubes.

(d) "Shoestring," "French style," "julienne," "shoestring potatoes," "French-style potatoes," or "julienne potatoes" is the style that consists of units that are potato strips of varying lengths.

(e) "Pieces" is the style that consists of units (including, but not being limited to, "orange cuts" and "quarters") other than those comprising any of the foregoing styles or of a mixture of units comprising any two or more styles.

§ 52.1813 *Grades of canned white potatoes.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned white potatoes that possess similar varietal characteristics; possess a good color; are practically free from defects; possess a good texture; possess a normal flavor and odor; are at least fairly uniform in size and shape; and score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned white potatoes that may or may not possess similar varietal characteristics; possess a fairly good color; are fairly free from defects; possess a fairly good texture; possess a normal flavor and odor; may or may not be fairly uniform in size and shape; and score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of canned white potatoes that fail to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.1814 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of canned white potatoes be filled with white potatoes as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

§ 52.1815 *Recommended minimum drained weight.* The minimum drained weight recommendations in Table No. I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades. The drained weight of canned white potatoes is determined by emptying the contents of the container upon a circular sieve of proper diameter containing 8 meshes to the inch (0.097-inch square openings) and allowing to drain for 2 minutes. A sieve 8 inches in diameter is used for containers the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can (404 x 414).

TABLE NO. I

[Recommended minimum drained weights for canned white potatoes]

| Container size or designation: | *All styles* |
|---|---|
| No. 2 | 13 ounces |
| No. 2½ | 19 ounces |
| No. 10 | 74 ounces |

SIZES

§ 52.1816 *Sizes of canned whole white potatoes.* The size of a whole potato is determined by its diameter which is the greatest dimension measured at right angles to its greatest cross section length. The designations of the various sizes of such potatoes are shown in Table No. II of this section.

TABLE NO. II

[Sizes of canned whole white potatoes]

| Word designation | Number designation | Diameter (in inches) |
|---|---|---|
| Tiny | Size 1 | 1 inch or less. |
| Small | Size 2 | Over 1 inch to, and including, 1½ inches. |
| Medium | Size 3 | Over 1½ inches. |

FACTORS OF QUALITY

§ 52.1817 *Ascertaining the grade.* (a) The grade of canned white potatoes may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size and shape, absence of defects, and texture.

(b) The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

| *Factors* | *Points* |
|---|---|
| Color | 20 |
| Uniformity of size and shape | 20 |
| Absence of defects | 40 |
| Texture | 20 |
| Total score | 100 |

(c) "Normal flavor and odor" means that the product is free from objectionable odors and objectionable flavors of any kind.

§ 52.1818 *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1819 *Color*—(a) (*A*) *classification.* Canned white potatoes that possess a good color may be given a score of 17 to 20 points. "Good color" means that the canned white potatoes, exclusive of the units that are blemished by discoloration, are practically free from oxidation and possess a practically uniform, light color typical of canned white potatoes processed from potatoes of similar varietal characteristics.

(b) (*C*) *classification.* If the canned white potatoes possess a fairly good color, a score of 14 to 16 points may be given. Canned white potatoes that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned white potatoes, exclusive of units that are blemished by discoloration, possess a fairly uniform color typical of canned white potatoes although the color of the potatoes, whether individually or in combination, may be variable, light, dull, grayish-white, yellow-white, or watery-white (semi-translucent), or indicative of slight oxidation, or slight discoloration but not off-color.

(c) (*SStd*) *classification.* Canned white potatoes that for any reason fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1820 *Uniformity of size and shape*—(a) (*A*) *classification.* Canned white potatoes that are practically uniform in size and shape may be given a score of 17 to 20 points. "Practically uniform in size and shape" has the following meanings with respect to the various styles of canned white potatoes:

(1) *Whole potatoes.* The size of each whole potato is not more than 2 inches in diameter, measured as aforesaid; and the weight of the largest whole potato is not more than three times the weight of the second smallest whole potato.

(2) *Sliced potatoes.* The diameter of any slice is the shortest diameter across the surface of the slice. The individual slice is not more than ¾ inch in thickness when measured at the thickest portion; the size of each slice is not more than 2 inches in diameter, measured as aforesaid; and the diameter of the largest slice is not greater than one and one-half times the diameter of the second smallest slice.

(3) *Diced potatoes.* The units are practically uniform in size and shape; and the aggregate weight of the units which are smaller than one-half of a cube, the units which are larger than a ½-inch cube, and the units which are irregular in shape does not exceed 10 percent of the weight of all units.

(4) *Shoestring potatoes.* The strips of potatoes are practically uniform in thickness and the aggregate weight of all strips less than ½ inch in length does not exceed 10 percent of the weight of all the strips.

(5) *Pieces.* The individual units each weigh not less than ½ ounce nor more than 2 ounces and the weight of the largest unit is not more than twice the weight of the second smallest unit.

(b) (*C*) *classification.* If the canned white potatoes are fairly uniform in size and shape, a score of 14 to 16 points may be given. "Fairly uniform in size and shape" has the following meanings with respect to the various styles of canned white potatoes:

(1) *Whole potatoes.* The size of each whole potato may be more than 2 inches in diameter but not more than 2½ inches in diameter, measured as aforesaid; and the weight of the largest whole potato is not more than four times the weight of the second smallest whole potato.

(2) *Sliced potatoes.* The diameter of any slice is the shortest diameter across the surface of the slice. The individual slice is not more than 1 inch in thickness when measured at the thickest portion; the size of each slice is not more than 2½ inches in diameter, measured as aforesaid; and the diameter of the largest slice is not more than twice the diameter of the second smallest slice.

(3) *Diced potatoes.* The units are fairly uniform in size and shape; and the aggregate weight of the units which are smaller than one-half of a cube, the units which are larger than a ¾-inch cubes, and the units which are irregular in shape does not exceed 25 percent of the weight of all units.

(4) *Shoestring potatoes.* The strips of potatoes are fairly uniform in thickness and the aggregate weight of all strips less than ½ inch in length does not exceed 25 percent of the weight of all the strips.

(5) *Pieces.* The individual units each weigh not less than ¼ ounce nor more than 3 ounces and the weight of the largest unit is not more than four times the weight of the second smallest unit.

(c) (*SStd*) *classification.* Canned white potatoes that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule).

§ 52.1821 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material, grit, peel, blemished units, and mechanical damage.

(1) "Harmless extraneous material" means vegetable substances such as weeds, grass, and leaves and any portions thereof that are harmless.

(2) "Grit" means sand, and other rough, hard particles of earthy sediment.

(3) "Blemished" means affected by brown or black surface or internal discoloration, concentrated areas that are otherwise discolored, discolored eyes, unpeeled eyes, hollow heart, scab, or other means when the blemishes, singly or in combination on a unit, materially affect the appearance or eating quality of the unit.

(4) "Seriously blemished" means blemished to such an extent that the appearance or eating quality of the unit is seriously affected.

(5) "Mechanical damage" means moderate trimming or gouges due to the trimming of a whole potato which materially affect the appearance of the whole potato. Slight cuts or slight indentations due to trimming are not considered mechanical damage.

(6) "Serious mechanical damage" means broken units, serious trimming, or

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

deep gouges due to the trimming of a whole potato which seriously affect the appearance of the whole potato and destroy the conformation of the unit.

(b) *(A) classification.* Canned white potatoes that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" has the following meanings with respect to the various styles of canned white potatoes:

(1) *Whole.* No harmless extraneous material or grit is present; not more than ½ square inch, in the aggregate, of peel may be present for each 20 ounces of net weight; and the aggregate weight of potatoes that are blemished or seriously blemished and potatoes that possess mechanical damage or serious mechanical damage does not exceed 20 percent of the weight of all the units, but of such 20 percent not more than one-fourth thereof or one potato, whichever is the greater in weight, may be seriously blemished or possess serious mechanical damage.

(2) *Sliced; pieces.* No harmless extraneous material or grit is present, not more than ½ square inch, in the aggregate, of peel may be present for each 20 ounces of net weight; and the aggregate weight of units that are blemished and units that are seriously blemished does not exceed 10 percent of the weight of all the units, but of such 10 percent not more than one-fourth thereof or one unit, whichever is the greater in weight, may be seriously blemished.

(3) *Diced; shoestring.* No harmless extraneous material or grit is present; not more than ½ square inch, in the aggregate, of peel may be present for each 20 ounces of net weight; and the aggregate weight of units that are blemished and units that are seriously blemished does not exceed 4 percent of the weight of all the units, but of such 4 percent not more than one-fourth thereof may be seriously blemished.

(c) *(C) classification.* If the canned white potatoes are fairly free from defects, a score of 28 to 33 points may be given. Canned white potatoes that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" has the following meanings with respect to the various styles of canned white potatoes.

(1) *Whole.* Not more than 1 small piece of harmless extraneous material for each 20 ounces of net weight may be present; not more than a trace of grit may be present; not more than 1 square inch, in the aggregate, of peel may be present for each 20 ounces of net weight; and the aggregate weight of potatoes that are blemished or seriously blemished, and potatoes that possess mechanical damage, or serious mechanical damage does not exceed 30 percent of the weight of all the units, but of such 30 percent not more than one-third thereof or one potato, whichever is the greater in weight, may be seriously blemished or possess serious mechanical damage.

(2) *Sliced; pieces.* Not more than 1 small piece of harmless extraneous material for each 20 ounces of net weight may be present; not more than a trace of grit may be present; not more than 1 square inch, in the aggregate, of peel may be present for each 20 ounces of net weight; and the aggregate weight of all units that are blemished or seriously blemished does not exceed 15 percent of the weight of all the units, but of such 15 percent not more than one-third thereof or one unit, whichever is the greater in weight, may be seriously blemished.

(3) *Diced; shoestring.* Not more than 1 small piece of harmless extraneous material for each 20 ounces of net weight may be present; not more than a trace of grit may be present; not more than 1 square inch, in the aggregate, of peel may be present for each 20 ounces of net weight; and the aggregate weight of units that are blemished and units that are seriously blemished does not exceed 6 percent of the weight of all the units, but of such 6 percent not more than one-third thereof may be seriously blemished.

(d) *(SStd) classification.* Canned white potatoes that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1822 *Texture—(a) (A) classification.* Canned white potatoes that possess a good texture may be given a score of 17 to 20 points. "Good texture" means that the texture of the potatoes is typical of properly prepared and properly processed potatoes and that the potatoes are firm and possess a fine and even grain and may possess not more than a slight amount of sloughing that does not materially affect the appearance of the product.

(b) *(C) classification.* If the canned white potatoes possess a fairly good texture, a score of 14 to 16 points may be given. Canned white potatoes that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good texture" means that the potatoes may be variable in texture, may be slightly coarse-grained, may be slightly hard, may be slightly soft, or may possess more than a slight amount of sloughing or more than a slight amount of disintegration, provided the amount of sloughing or disintegration does not seriously affect the appearance of the product.

(c) *(SStd) classification.* Canned white potatoes that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1823 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned white potatoes, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range or the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1824 *Score sheet for canned white potatoes.*

| | | |
|---|---|---|
| Size and kind of container | | |
| Container mark or identification | | |
| Label | | |
| Net weight (in ounces) | | |
| Vacuum (in inches) | | |
| Drained weight (in ounces) | | |
| Style | | |
| Size (of whole potatoes) | | |
| Count (of whole potatoes) | | |

| Factors | Score points | |
|---|---|---|
| Color | 20 | (A) 17-20<br>(C) 14-16<br>(D) 10-13 |
| Uniformity of size and shape | 20 | (A) 17-20<br>(C) 14-16<br>(D) 10-13 |
| Absence of defects | 40 | (A) 34-40<br>(C) 28-33<br>(D) 14-27 |
| Texture | 20 | (A) 17-20<br>(C) 14-16<br>(D) 10-13 |
| Total score | 100 | |
| Grade | | |
| Normal flavor and odor | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF PROCESSED RAISINS [1]

PRODUCT DESCRIPTION, TYPES, SIZES, COLORS, AND GRADES

§ 52.1841 *Product description.* Processed raisins are dried grapes of the Vinifera varieties, such as Thompson Seedless (Sultanina), Muscat of Alexandria, Muscatel Gordo Blanco, and Sultana, which have been properly stemmed, capstemmed, and cleaned.

§ 52.1842 *Types (varieties) of processed raisins.* (a) Type I—Thompson Seedless.

(1) Unbleached (natural).
(2) Sulfur Bleached and Golden Bleached.
(3) Soda Dipped.
(b) Type II—Muscat.
(1) Seeded (seeds removed).
(2) Unseeded (loose).
(3) Soda Dipped Unseeded (Valencia).
(c) Type III—Sultana.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.



§ 52.1843 *Sizes of Thompson Seedless Raisins.* The sizes of Thompson Seedless Raisins are not incorporated in the grades of the finished product since size, as such, is not a factor of quality for the purposes of these grades. The common size designations and measurement requirements applicable thereto include, but are not limited to, the following:

(a) "Select" size raisins means that not less than 35 percent, by weight, but not more than 85 percent, by weight, of all the raisins will pass through round perforations $^{24}/_{64}$ inch in diameter, but not more than 5 percent, by weight, of all the raisins may pass through round perforations $^{20}/_{64}$ inch in diameter.

(b) "Small" (or "Midget") size raisins means that all of the raisins will pass through round perforations $^{24}/_{64}$ inch in diameter and not less than 90 percent, by weight, of all the raisins will pass through round perforations $^{20}/_{64}$ inch in diameter.

(c) "Mixed" size raisins means a mixture which does not meet the requirements of "Select" size.

§ 52.1844 *Colors of Sulfur Bleached and Golden Bleached Thompson Seedless Raisins.* The color of Sulfur Bleached and Golden Bleached Thompson Seedless Raisins is not a factor of quality for the purposes of these grades. The color requirements applicable to the respective color designations are as follows:

(a) "Well-bleached color" (or "Extra Fancy color") means that the raisins are practically uniform in color and may range from yellow or golden to light amber color with a predominating yellow or golden color and that not more than 1 percent, by weight, of all the raisins may be definitely dark berries.

(b) "Reasonably well-bleached color" (or "Fancy color") means that the raisins are reasonably uniform in color and may range from yellow or golden or greenish yellow to light amber wherein the predominating color may be greenish yellow or light amber and that not more than 3 percent, by weight, of all the raisins may be definitely dark berries.

(c) "Fairly well-bleached color" (or "Extra Choice color") means that the raisins are fairly uniform in color and may range from yellow or greenish yellow to amber or light greenish amber and that not more than 6 percent, by weight, of all the raisins may be definitely dark berries.

(d) "Bleached color" (or "Choice color") means that the raisins may be generally dark amber or dark greenish amber; that not more than 15 percent, by weight, of all the raisins may be definitely dark berries in Sulfur Bleached; that not more than 20 percent, by weight, of all the raisins may be definitely dark berries in Golden Bleached; and that the color may also lack uniformity.

(e) "Definitely dark berries" means raisins which are definitely darker than dark amber and characteristic of naturally "raisined" grapes.

§ 52.1845 *Grades of Thompson Seedless Raisins.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a good typical color; that possess a good characteristic flavor; that show development characteristic of raisins prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements (see Table I of this section):

(1) Not more than 1 piece of stem per 16 ounces of raisins may be present;

(2) Not more than 15 capstems per 16 ounces of raisins may be present;

(3) Not more than 1 percent, by weight, of raisins may be poorly developed, blowovers;

(4) Not more than 2 percent, by weight, of raisins may be damaged;

(5) Not more than 5 percent by weight, of raisins may be visibly sugared; and

(6) Not more than 3 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(i) Not more than 1 percent, by weight, of raisins may be affected by decay.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a good typical color; that possess a good characteristic flavor; that show development characteristic of raisins prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements (see Table I of this section):

(1) Not more than 2 pieces of stem per 16 ounces of raisins may be present;

(2) Not more than 25 capstems per 16 ounces of raisins may be present;

(3) Not more than 2 percent, by weight, of raisins may be poorly developed, blowovers;

(4) Not more than 3 percent, by weight, of raisins may be damaged;

TABLE I—MAXIMUMS ALLOWABLE FOR DEFECTS IN TYPE I, THOMPSON SEEDLESS RAISINS

| Defects | U. S. Grade A or U. S. Fancy | U. S. Grade B or U. S. Choice | U. S. Grade C or U. S. Standard | Substandard |
|---|---|---|---|---|
| | Maximum count (per 16 ounces) | | | |
| Pieces of stem | 1 | 2 | 3 | |
| Capstems | 15 | 25 | 35 | No limit. |
| | Maximum (by weight) (percent) | | | |
| Poorly developed, blowovers | 1 | 2 | 3 | No limit. |
| Damaged | 2 | 3 | 5 | Do. |
| Visibly sugared | 5 | 10 | 15 | Do. |
| Mold, decay, fermentation, insect infestation, unbleached dirt, or other foreign material. | 3 | 4 | 5 | 5. |
| | but not more than | | | |
| Decay | 1 | 1 | 2 | |

(5) Not more than 10 percent, by weight, of raisins may be visibly sugared; and

(6) Not more than 4 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(i) Not more than 1 percent, by weight, of raisins may be affected by decay.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of Thompson Seedless Raisins that possess similar varietal characteristics; that in Unbleached and Soda Dipped raisins possess a fairly good typical color; that possess a fairly good flavor; that show development characteristic of raisins prepared from fairly well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements (see Table I of this section):

(1) Not more than 3 pieces of stem per 16 ounces of raisins may be present;

(2) Not more than 35 capstems per 16 ounces of raisins may be present;

(3) Not more than 3 percent, by weight, of raisins may be poorly developed, blowovers;

(4) Not more than 5 percent, by weight, of raisins may be damaged;

(5) Not more than 15 percent, by weight, of raisins may be visibly sugared; and

(6) Not more than 5 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(i) Not more than 2 percent, by weight, of raisins may be affected by decay.

(d) "Substandard" is the quality of Thompson Seedless Raisins that fail to meet the requirements (see Table I of this section) of U. S. Grade C or U. S. Standard: *Provided*, That:

(1) Not more than 5 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material.

§ 52.1846 *Sizes of Muscat Raisins.* The sizes of Muscat Raisins are not incorporated in the grades of the finished product since size, as such, is not a factor of quality for the purposes of these grades. The common size designations and measurement requirements appli-

cable thereto include, but are not limited to, the following:

(a) *Seeded.* (1) "Select" size raisins means that not less than 30 percent, by weight, of all the raisins will not pass through round perforations $34/64$ inch in diameter; and the balance will pass through round perforations $34/64$ inch in diameter but not more than 5 percent, by weight, of all the raisins may pass through round perforations $32/64$ inch in diameter.

(2) "Small" (or "Midget") size raisins means that all of the raisins will pass through round perforations $34/64$ inch in diameter and not less than 90 percent, by weight, of all the raisins will pass through round perforations $32/64$ inch in diameter.

(3) "Mixed" size raisins means a mixture of sizes that do not meet the requirements of "Select" size.

(b) *Unseeded.* (1) "4 Crown" means raisins that will not pass through round perforations $42/64$ inch in diameter.

(2) "3 Crown" means raisins that will pass through round perforations $42/64$ inch in diameter but will not pass through round perforations $34/64$ inch in diameter.

(3) "2 Crown" means raisins that will pass through round perforations $34/64$ inch in diameter but will not pass through round perforations $24/64$ inch in diameter.

(4) "1 Crown" means raisins that will pass through round perforations $24/64$ inch in diameter.

§ 52.1847 *Grades of Muscat Raisins.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of Muscat Raisins that possess similar varietal characteristics; that possess a good typical color with not more than 10 percent, by weight, of raisins that may be dark reddish-brown berries in Soda Dipped Unseeded (Valencia) raisins; that possess a good characteristic flavor; that show development characteristic of raisins prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture, except that Seeded Muscats may contain not more than 19 percent, by weight, of moisture; and that meet the following additional requirements (see Table II of this section):

(1) Not more than 1 piece of stem per 16 ounces of raisins may be present;

(2) Not more than 10 capstems per 16 ounces of raisins may be present;

(3) Not more than 12 seeds per 16 ounces of raisins in Muscat Seeded Raisins may be present;

(4) Not more than 1 percent, by weight, of raisins may be poorly developed, blowovers;

(5) Not more than 3 percent, by weight, of raisins may be damaged;

(6) Not more than 5 percent, by weight, of raisins may be visibly sugared; and

(7) Not more than 3 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(i) Not more than 1 percent, by weight, of raisins may be affected by decay.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of Muscat Raisins that possess similar varietal characteristics; that possess a reasonably good typical color with not more than 15 percent, by weight, of raisins that may be dark reddish-brown berries in Soda Dipped Unseeded (Valencia) raisins; that possess a good characteristic flavor; that show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture, except that Seeded Muscats may contain not more than 19 percent, by weight, of moisture; and that meet the following additional requirements (see Table II of this section):

(1) Not more than 2 stems per 16 ounces of raisins may be present;

(2) Not more than 15 capstems per 16 ounces of raisins may be present;

(3) Not more than 15 seeds per 16 ounces of raisins in Muscat Seeded Raisins may be present;

(4) Not more than 2 percent, by weight, of raisins may be poorly developed, blowovers;

(5) Not more than 4 percent, by weight, of raisins may be damaged;

(6) Not more than 10 percent, by weight, of raisins may be visibly sugared; and

(7) Not more than 4 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(i) Not more than 1 percent, by weight, of raisins may be affected by decay.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of Muscat Raisins that possess similar varietal characteristics; that possess a fairly good typical color with not more than 20 percent, by weight, of raisins that may be dark reddish-brown berries in Soda Dipped Unseeded (Valencia) raisins; that possess a fairly good flavor; that show development characteristic of raisins prepared from fairly well-matured grapes; that contain not more than 18 percent, by weight, of moisture, except that Seeded Muscats may contain not more than 19 percent, by weight, of moisture; and that meet the following additional requirements (see Table II of this section):

(1) Not more than 3 stems per 16 ounces of raisins may be present;

(2) Not more than 20 capstems per 16 ounces of raisins may be present;

(3) Not more than 20 seeds per 16 ounces of raisins in Muscat Seeded Raisins may be present;

(4) Not more than 3 percent, by weight, of raisins may be poorly developed, blowovers;

(5) Not more than 5 percent, by weight, of raisins may be damaged;

(6) Not more than 15 percent, by weight, of raisins may be visibly sugared; and

(7) Not more than 5 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(i) Not more than 2 percent, by weight, of raisins may be affected by decay.

TABLE II—MAXIMUMS ALLOWABLE FOR DEFECTS IN MUSCAT RAISINS

| Defects | U. S. Grade A or U. S. Fancy | U. S. Grade B or U. S. Choice | U. S. Grade C or U. S. Standard | Substandard |
|---|---|---|---|---|
| | Maximum count (per 16 ounces) | | | |
| Pieces of stem | 1 | 2 | 3 | |
| Capstems | 10 | 15 | 20 | No limit. |
| Seeds (seeded type) | 12 | 15 | 20 | Do. |
| | Maximum (by weight) (percent) | | | |
| Poorly developed, blowovers | 1 | 2 | 3 | No limit. |
| Damaged | 3 | 4 | 5 | Do. |
| Visibly sugared | 5 | 10 | 15 | Do. |
| Mold, decay, fermentation, insect infestation, imbedded dirt, or other foreign material. | 3 | 4 | 5 | 5. |
| | but not more than | | | |
| Decay | 1 | 1 | 2 | |

(d) "Substandard" is the quality of Muscat Raisins that fail to meet the requirements (see Table II of this section) of U. S. Grade C or U. S. Standard: *Provided*, That:

(1) Not more than 5 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material.

§ 52.1848 *Sizes of Sultana Raisins.* Size designations are not applicable to Sultana Raisins.

§ 52.1849 *Grades of Sultana Raisins.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of Sultana Raisins that possess similar varietal characteristics; that possess a good typical color; that possess a good characteristic flavor; that show development characteristic of raisins prepared from well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements (see Table III of this section):

(1) Not more than 1 stem per 16 ounces of raisins may be present;

(2) Not more than 25 capstems per 16 ounces of raisins may be present;

(3) Not more than 1 percent, by weight, of raisins may be poorly developed, blowovers;



(4) Not more than 2 percent, by weight, of raisins may be damaged;

(5) Not more than 5 percent, by weight, of raisins may be visibly sugared; and

(6) Not more than 3 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(i) Not more than 1 percent, by weight, of raisins may be affected by decay.

TABLE III—MAXIMUMS ALLOWABLE FOR DEFECTS IN SULTANA RAISINS

| Defects | U. S. Grade A or U. S. Fancy | U. S. Grade B or U. S. Choice | U. S. Grade C or U. S. Standard | Substandard |
|---|---|---|---|---|
| | Maximum count (per 16 ounces) | | | |
| Pieces of stem | 1 | 2 | 3 | |
| Capstems | 25 | 45 | 65 | No limit. |
| | Maximum (by weight) (percent) | | | |
| Poorly developed, blowovers | 1 | 2 | 3 | No limit. |
| Damaged | 2 | 3 | 5 | Do. |
| Visibly sugared | 5 | 10 | 15 | Do. |
| Mold, decay, fermentation, insect infestation, imbedded dirt, or other foreign material. | 3 | 4 | 5 | 5. |
| | but not more than | | | |
| Decay | 1 | 1 | 2 | |

(b) "U. S. Grade B" or "U. S. Choice" is the quality of Sultana Raisins that possess similar varietal characteristics; that possess a reasonably good typical color; that possess a good characteristic flavor; that show development characteristic of raisins prepared from reasonably well-matured grapes; that contain not more than 18 percent, by weight, of moisture; and that meet the following additional requirements (see Table III of this section):

(1) Not more than 2 pieces of stem per 16 ounces of raisins may be present;

(2) Not more than 45 capstems per 16 ounces of raisins may be present;

(3) Not more than 3 percent, by weight, of raisins may be poorly developed, blowovers;

(4) Not more than 5 percent, by weight, of raisins may be damaged;

(5) Not more than 15 percent, by weight, of raisins may be visibly sugared; and

(6) Not more than 5 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material: *Provided*, That:

(i) Not more than 2 percent, by weight, may be affected by decay.

(d) "Substandard" is the quality of Sultana Raisins that fail to meet the requirements (see Table III of this section) of U. S. Grade C or U. S. Standard: *Provided*, That:

(1) Not more than 5 percent, by weight, of raisins may be affected by mold, decay, fermentation, insect infestation (no live insects are permitted), imbedded dirt, or other foreign material.

EXPLANATIONS

§ 52.1850 *Explanation of terms.* (a) "Capstems" means small woody stems exceeding $1/8$ inch in length which attach the raisins to the branches of the bunch.

(b) A "piece of stem" means a portion of the branch or main stem.

(c) "Seeds" refers to the whole, fully developed seeds which have not been removed during the processing of Muscat Seeded Raisins.

(d) "Poorly developed, blowovers" refers to berries that are immature, contain practically no flesh, are very light in weight, and have very coarse wrinkles.

(e) "Damaged" raisins means raisins affected by insect injury or injury from sunburn, scars, mechanical or other means which seriously affects the appearance, edibility, keeping quality, or shipping quality of the raisins. In Muscat Seeded Raisins, mechanical injury resulting from normal seeding operations is not considered damage.

(f) "Visibly sugared" means the accumulation of crystallized fruit sugars in the flesh of the raisin or on the surface which is readily apparent.

(g) "Mold" means mold filaments or spores (often characterized by a condition wherein the skin of the raisin appears to have been dissolved, leaving a slimy or sticky appearance, and often resulting in a positive reaction when submerged in a 3-percent hydrogen peroxide solution).

(h) "Affected by insect infestation" means that the raisins show the presence of insects, insect fragments, or excreta. No live insects are permitted.

SCORE SHEET

§ 52.1851 *Work sheet for processed raisins.*

| | | | | |
|---|---|---|---|---|
| Size of case or package | | | | |
| Marking | | | | |
| Label or brand | | | | |
| Net weight | | | | |
| Type | | | | |
| Size or sizes | | | | |
| Moisture content | | | | |

| | A | B | C | Substd |
|---|---|---|---|---|
| Flavor | | | | |
| *Defects* | Maximum (per 16 ounces) | | | |
| Pieces of stem (all types) | 1 | 2 | 3 | -- |
| Capstems: | | | | |
| Thompson Seedless | 15 | 25 | 35 | (1) |
| Muscat | 10 | 12 | 20 | (1) |
| Sultana | 25 | 45 | 65 | (1) |
| Seeds in Muscat Seeded only | 12 | 15 | 20 | (1) |

| | A | B | C | Substd |
|---|---|---|---|---|
| *Defects* | Maximum (by weight) (percent) | | | |
| Poorly developed, blowovers (all types) | 1 | 2 | 3 | (1) |
| Damaged: | | | | |
| Thompson Seedless and Sultana | 2 | 3 | 5 | (1) |
| Muscat | 3 | 4 | 5 | (1) |
| Visibly sugared (all types) | 5 | 10 | 15 | (1) |
| Mold, decay, fermentation, insect infestation, imbedded dirt, foreign material (all types) | 3 | 4 | 5 | 5 |
| | but not more than | | | |
| Decay (all types) | 1 | 1 | 2 | ---- |

| Color | Maximum (by weight) (percent) |
|---|---|
| *Thompson Seedless* | |
| Sulfur Bleached and Golden Bleached: | |
| Well-bleached (ex Fcy) | 1 |
| Reasonably well-bleached (Fancy) | 3 |
| Fairly well-bleached (Ex Choice) | 6 Definitely dark berries. |
| Sulfur Bleached: | |
| Bleached (Choice) | 15 |
| Golden Bleached: | |
| Bleached (Choice) | 20 |
| *Muscat* | |
| Soda Dipped Unseeded: | |
| Grade A | 10 Dark reddish brown berries. |
| Grade B | 15 |
| Grade C | 20 |
| Grade | ---- |

[1] No limit.

## SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN RASPBERRIES [1]

### PRODUCT DESCRIPTION, TYPES, AND GRADES

§ 52.1871 *Product description.* Frozen raspberries are prepared from the properly ripened fresh fruit of the plant (Genus rubus); are stemmed and cleaned; may be packed with or without packing media; and are frozen and stored at temperatures necessary for the preservation of the product.

§ 52.1872 *Types (colors) of frozen raspberries.* (a) "Red" or "red raspberries" are red or reddish purple in color.

(b) "Black" or "black raspberries" are black in color.

§ 52.1873 *Grades of frozen raspberries (not for manufacturing).* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen raspberries that possess similar varietal characteristics; possess a bright, practically uniform, typical color; are practically free from defects; possess a good character; possess a normal flavor and odor; and score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen raspberries that possess similar varietal characteristics; possess a reasonably bright, reasonably uniform, typical color; are reasonably free from defects; possess a reasonably good character; possess a normal flavor and odor; and score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S Grade D" or "Substandard" is the quality of frozen raspberries that fail to meet the requirements of "U. S. Grade B" or "U. S. Choice."

§ 52.1874 *Grades of frozen raspberries for manufacturing.* (a) "U. S. Grade A for Manufacturing" or "U. S. Fancy for Manufacturing" is the quality of frozen raspberries that possess similar varietal characteristics; that possess a bright, practically uniform, typical color; that are practically free from defects for the purposes of manufacturing; that possess a good character for the purposes of manufacturing; and that possess a normal flavor and odor.

(b) "U. S. Grade B for Manufacturing" or "U. S. Choice for Manufacturing" is the quality of frozen raspberries that possess similar varietal characteristics; that possess a reasonably bright, reasonably uniform, typical color; that are reasonably free from defects for the purposes of manufacturing; that possess a reasonably good character for the purposes of manufacturing; and that possess a normal flavor and odor.

(c) "U. S. Grade D for Manufacturing" or "Substandard for Manufacturing" is the quality of frozen raspberries that fail to meet the requirements of "U. S. Grade B for Manufacturing" or "U. S. Choice for Manufacturing."

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

### FACTORS OF QUALITY

§ 52.1875 *Ascertaining the score and grade for frozen raspberries (not for manufacturing).* (a) The grade of frozen raspberries is determined immediately after thawing to the extent that the units may be separated easily. The score and grade of frozen raspberries may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Color, absence of defects, and character.

(b) The relative importance of each factor has been expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

| Factors: | Points |
|---|---|
| Color | 40 |
| Absence of defects | 40 |
| Character | 20 |
| Total score | 100 |

(c) "Normal flavor and odor" means that the raspberries are free from objectionable flavors off flavors, and objectionable odors of any kind.

§ 52.1876 *Ascertaining the score of each factor for frozen raspberries (not for manufacturing).* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "34 to 40 points" means 34, 35, 36, 37, 38, 39, or 40 points).

§ 52.1877 *Color*—(a) *(A) classification.* Frozen raspberries that possess a bright, practically uniform, typical color may be given a score of 34 to 40 points. "Bright, practically uniform, typical color" means that the raspberries possess a bright and good characteristic color; that not more than 5 percent, by weight, of the raspberries vary markedly from the intensity and luster of the characteristic color of well-ripened raspberries; and that none of the raspberries possess a grey cast or darkening characteristic of oxidation or over-maturity.

(b) *(B) classification.* If the frozen raspberries possess a reasonably bright, reasonably uniform, typical color, a score of 28 to 33 points may be given. Frozen raspberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably bright, reasonably uniform, typical color" means that the raspberries possess a reasonably bright, reasonably good characteristic color; that not more than 10 percent, by weight, of the raspberries vary markedly from the intensity and luster of the characteristic color of well-ripened raspberries; and that the raspberries may possess a slight grey cast or slight darkening characteristic of oxidation or over-maturity.

(c) *(SStd) classification.* Frozen raspberries that are definitely dull or off-color or that fail to meet the requirements of paragraph (b) of this section, may be given a score of 0 to 27 points and shall not be graded above U. S Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(d) *Evaluation of score points.* The evaluation of the score points for the factor of color may be determined from Table No. I of this section which indicates the score range in the respective grades and the maximum allowances for frozen raspberries that vary markedly from the intensity and luster of the characteristic color of well-ripened raspberries.

TABLE No. I

| Grade | Score points | Typical color | Marked variation from color of well-ripened raspberries |
|---|---|---|---|
| | | | Maximum (by weight) percent |
| U. S. Grade A or U. S. Fancy | 40, 39, 38, 37, 36, 35, 34 | Bright, good characteristic color; none may possess a grey cast or darkening (oxidation or overmaturity). | None, ½, 1, 2, 3, 4, 5 |
| U. S. Grade B or U. S. Choice | 33, 32, 31, 30, 29, 28 | Reasonably bright, reasonably good; may possess slight grey cast or slight darkening (oxidation or overmaturity). | 6, 7, 8, 9, 10, 11 |
| U. S. Grade D or Substandard | 27 or less | More than the allowances permitted for 28 points. | |

§ 52.1878 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material, caps and portions thereof, sepal-like bracts and portions thereof, stems, undeveloped raspberries, and damaged raspberries.

(1) "Harmless extraneous material" means vegetable substances such as weeds, grass, and leaves and any portions thereof that are harmless.

(2) A "cap" means a loose or attached full cap or a portion of a cap to which at least one sepal-like bract or portion thereof is attached. A "stem" that is attached to the cap is considered a separate defect.

(3) A "stem" means a stem, either loose or attached, that is longer than ¼ inch.

(4) An "undeveloped raspberry" means a raspberry or a portion of a raspberry that is shriveled or in which more than one-fourth of the raspberry possesses hard or undeveloped drupelets or that possesses deformed areas which materially affect either the appearance or the edibility of the product.

(5) A "damaged raspberry" means a raspberry or a portion of a raspberry that is damaged by bruises or by pathological, insect, or other injury or is damaged by other means which materially affect either the appearance or the edibility of the product. "Damage" includes any surface blemish or blemishes on a raspberry which in the aggregate exceed that of a circle ¼ inch in diameter or any noticeable blemish, regardless of area, that extends into the fruit tissue. Minute, insignificant injuries are not considered as damage.

(6) "Area" means the aggregate surface covered by the material stated when such material or portions thereof are placed in a contiguous position with no intervening spaces.

(b) *(A) classification.* Frozen raspberries that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present for each 16 ounces of net weight an area of not more than ¼ square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; and not more than 2 stems, including not more than 1 stem which may exceed ½ inch in length, or 1 piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and that there may be present not more than a total of 5 percent, by weight, of raspberries that are undeveloped raspberries and damaged raspberries.

(c) *(B) classification.* If the frozen raspberries are reasonably free from defects, a score of 28 to 33 points may be given. Frozen raspberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present for each 16 ounces of net weight an area of not more than ½ square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; and not more than 4 stems, including not more than 1 stem which may exceed ½ inch in length, or 1 piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and that there may be present not more than a total of 10 percent, by weight, of raspberries that may be undeveloped raspberries and damaged raspberries.

(d) *(SStd) classification.* Frozen raspberries that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(e) *Evaluation of score points.* The evaluation of the score points for the factor of absence of defects may be determined from Table No. II which indicates the maximum allowance for each class of defects for the score indicated.



§ 52.1879 *Character*—(a) *General.* The factor of character refers to the texture and degree of maturity and degree of disintegration as evidenced by crushed raspberries.

(1) A "crushed" raspberry is a raspberry in which more than 50 percent of the drupelets are crushed, broken, or detached, or if the normal shape of the raspberry is otherwise seriously affected or destroyed.

(b) *(A) classification.* Frozen raspberries that possess a good character may be given a score of 17 to 20 points. "Good character" means that the raspberries are mature, well-developed, and practically intact to the extent that not more than 5 percent, by weight, of the raspberries may be slightly immature or slightly over-mature; that the raspberries are fleshy and tender; that the raspberries and accompanying liquor, if any, are practically free from detached seed cells; that not more than 10 percent, by weight, of red raspberries may be crushed; and that not more than 5 percent, by weight, of black raspberries may be crushed.

(c) *(B) classification.* If the frozen raspberries have a reasonably good character, a score of 14 to 16 points may be given. Frozen raspberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the raspberries are reasonably mature, reasonably well-developed, and reasonably intact to the extent that not more than 10 percent, by weight, of the raspberries may be slightly immature or slightly over-mature; that the raspberries are reasonably fleshy and reasonably tender; that the raspberries and accompanying liquor, if any, are reasonably free from detached seed cells; that not more than 20 percent, by weight, of red raspberries may be crushed; and that not more than 15 percent, by weight, of black raspberries may be crushed.

(d) *(SStd) classification.* Frozen raspberries that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(e) *Evaluation of score points.* The evaluation of the score points for the factor of character may be determined from Table No. III of this section which indicates the general requirements for texture and intactness, and the maximum allowances for variation in maturity and for crushed raspberries for the score indicated.

TABLE No. II—ALLOWANCE FOR DEFECTS

| Grade | Score points | Harmless extraneous material (leaves, etc.), caps, sepal-like bracts and portions thereof | Harmless extraneous material (weeds, grass) and stems (including stems over ½ inch) | | Undeveloped and damaged raspberries |
|---|---|---|---|---|---|
| | | Maximum | | | |
| | | Per 16 ounces of net weight | | | By weight |
| | | | Stems | Harmless material | |
| | | | Total | Over ½" | |
| | | | | | Percent |
| U. S. Grade A or U. S. Fancy | 40 | None | None | None | None |
| | 39 | ⅛ square inch | 1 | None | ½ |
| | 38 | ⅛ square inch | 1 | None | 1 |
| | 37 | ⅛ square inch | 1 | None or 1 piece | 2 |
| | 36 | ¼ square inch | 2 | 1 or 1 piece | 3 |
| | 35 | ¼ square inch | 2 | 1 or 1 piece | 4 |
| | 34 | ¼ square inch | 2 | 1 or 1 piece | 5 |
| U. S. Grade B or U. S. Choice | 33 | ⅛ square inch | 3 | 1 or 1 piece | 5½ |
| | 32 | ⅛ square inch | 3 | 1 or 1 piece | 6 |
| | 31 | ⅛ square inch | 3 | 1 or 1 piece | 7 |
| | 30 | ½ square inch | 4 | 1 or 1 piece | 8 |
| | 29 | ½ square inch | 4 | 1 or 1 piece | 9 |
| | 28 | ½ square inch | 4 | 1 or 1 piece | 10 |
| U. S. Grade D or Substandard | 27 or less | More than the allowances permitted for 28 points | | | |

TABLE No. III—CHARACTER

| Grade | Score points | General description of texture and intactness | Slightly immature and slightly overmature | Crushed | |
|---|---|---|---|---|---|
| | | | | Red raspberries | Black raspberries |
| | | | Maximum (by weight) | | |
| | | | Percent | Percent | Percent |
| U. S. Grade A or U. S. Fancy | 20 | Mature, well-developed, practically intact, fleshy and tender, practically free from seed cells. | 2 | 4 | 2 |
| | 19 | | 3 | 6 | 3 |
| | 18 | | 4 | 8 | 4 |
| | 17 | | 5 | 10 | 5 |
| U. S. Grade B or U. S. Choice | 16 | Reasonably mature, reasonably well-developed, reasonably intact, reasonably fleshy and tender, reasonably free from seed cells. | 7 | 12 | 9 |
| | 15 | | 9 | 16 | 12 |
| | 14 | | 10 | 20 | 15 |
| U. S. Grade D or Substandard | 13 or less | More than the allowances permitted for 14 score points. | | | |

§ 52.1880 *Determination of the grades of frozen raspberries for manufacturing.* (a) The grade of frozen raspberries for manufacturing is determined immediately after thawing a sample to the extent that the units may be separated easily. The grade of frozen raspberries for manufacturing is ascertained by considering the following factors, and for which no scoring system is provided:

Color, absence of defects, and character.

(b) "Normal flavor and odor" means that the raspberries are free from objectionable flavors, off flavors, and objectionable odors of any kind.

§ 52.1831 *Ascertaining the rating of each factor for frozen raspberries for manufacturing.* (See Table No. IV, § 52.1834, which is a brief summary of requirements for grades of frozen raspberries for manufacturing).

§ 52.1832 *Color*—(a) *(A) classification.* "U. S. Grade A for Manufacturing" or "U. S. Fancy for Manufacturing" requires that the frozen raspberries shall possess a bright, practically uniform, typical color. "Bright, practically uniform, typical color" means that the raspberries possess a bright and good characteristic color; that not more than 5 percent, by weight, of the raspberries vary markedly from the intensity and luster of the characteristic color of well-ripened raspberries; and that none of the raspberries possess a grey cast or darkening characteristic of oxidation or over-maturity.

(b) *(B) classification.* "U. S. Grade B for Manufacturing" or "U. S. Choice for Manufacturing" requires that the frozen raspberries shall possess a reasonably bright, reasonably uniform typical color. "Reasonably bright, reasonably uniform, typical color" means that the raspberries possess a reasonably bright, reasonably good characteristic color; that not more than 10 percent, by weight, of the raspberries vary markedly from the intensity and luster of the characteristic color of well-ripened raspberries; and that the raspberries may possess a slight grey cast or slight darkening characteristic of oxidation or over-maturity.

(c) *(SStd) classification.* Frozen raspberries for manufacturing that fail to meet the requirements of paragraph (b) of this section for the factor of color shall be considered U. S. Grade D for Manufacturing or Substandard for Manufacturing.

§ 52.1833 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material, caps and portions thereof, sepal-like bracts and portions thereof, stems, undeveloped raspberries, and damaged raspberries.

(1) "Harmless extraneous material" means vegetable substances such as weeds, grass, and leaves and any portions thereof that are harmless.

(2) A "cap" means a loose or attached full cap or a portion of a cap to which at least one sepal-like bract or portion thereof is attached. A "stem" that is attached to the cap is considered a separate defect.

(3) A "stem" means a stem, either loose or attached, that is longer than $\frac{1}{4}$ inch.

(4) An "undeveloped raspberry" means a raspberry or a portion of a raspberry that is shriveled or in which more than one-fourth of the raspberry possesses hard undeveloped drupelets or that possesses deformed areas which materially affect either the appearance or the edibility of the product.

(5) A "damaged raspberry" means a raspberry or a portion of a raspberry that is damaged by bruises or pathological, insect, or other injury or is damaged by other means which materially affect either the appearance or the edibility of the product. "Damage" includes any surface blemish or blemishes on a raspberry which in the aggregate exceed that of a circle $\frac{1}{4}$ inch in diameter or any noticeable blemish, regardless of area, that extends into the fruit tissue. Minute, insignificant injuries are not considered as damage.

(6) "Area" means the aggregate surface covered by the material stated when such material or portions thereof are placed in a contiguous position with no intervening spaces.

(b) *(A) classification.* "U. S. Grade A for Manufacturing" or "U. S. Fancy for Manufacturing" requires that the frozen raspberries shall be practically free from defects for the purposes of manufacturing. "Practically free from defects for the purposes of manufacturing" means that there may be present for each 16 ounces of net weight an area of not more than $\frac{1}{4}$ square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; and not more than 2 stems, including not more than 1 stem which may exceed $\frac{1}{2}$ inch in length, or 1 piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and that there may be present not more than a total of 10 percent, by weight, of raspberries that are undeveloped raspberries and damaged raspberries.

(c) *(B) classification.* "U. S. Grade B for Manufacturing" or "U. S. Choice for Manufacturing" requires that the frozen raspberries shall be reasonably free from defects for the purposes of manufacturing. "Reasonably free from defects for the purposes of manufacturing" means that there may be present for each 16 ounces of net weight an area of not more than $\frac{1}{2}$ square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; and not more than 4 stems, including not more than 1 stem which may exceed $\frac{1}{2}$ inch in length, or 1 piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and that there may be present not more than a total of 20 percent, by weight, of raspberries that are undeveloped raspberries and damaged raspberries.

(d) *(SStd) classification.* Frozen raspberries for manufacturing that fail to meet the requirements of paragraph (c) of this section for the factor of absence of defects shall be considered U. S. Grade D for Manufacturing or Substandard for Manufacturing.

§ 52.1834 *Character*—(a) *General.* The factor of character refers to the texture and degree of maturity and degree of disintegration as evidenced by crushed raspberries.

(1) A "crushed" raspberry is a raspberry in which more than 50 percent of the druplets are crushed, broken, or detached, or if the normal shape of the raspberry is otherwise seriously affected or destroyed.

TABLE NO. IV—BRIEF SUMMARY OF REQUIREMENTS FOR GRADES OF FROZEN RASPBERRIES FOR MANUFACTURING

| Grades | Color | |
|---|---|---|
| | Typical color | Maximum variation from color of well-ripened raspberries |
| | | *Maximum (by weight) (percent)* |
| U. S. Grade A for manufacturing or U. S. Fancy for manufacturing. | Bright, good characteristic color; none may possess a grey cast or darkening (oxidation or overmaturity). | 5 |
| U. S. Grade B for manufacturing or U. S. Choice for manufacturing. | Reasonably bright, reasonably good; may possess a slight grey cast or slight darkening (oxidation or overmaturity). | 10 |

| Grades | Absence of defects | | |
|---|---|---|---|
| | Harmless extraneous material (leaves, etc.), caps, sepal-like bracts and portions thereof | Harmless extraneous material (weeds, grass) and stems (including stems over ½ inch) | Undeveloped and damaged raspberries |
| | Maximum | | |
| | Per 16 ounces of net weight | | By weight |
| | | | *Percent* |
| U. S. Grade A for manufacturing or U. S. Fancy for manufacturing. | ¼ square inch | 2 stems, including 1 stem that may exceed ½ inch, or 1 piece harmless material. | 10 |
| U. S. Grade B for manufacturing or U. S. Choice for manufacturing. | ½ square inch | 4 stems, including 1 stem that may exceed ½ inch, or 1 piece harmless material. | 20 |



TABLE NO. IV—BRIEF SUMMARY OF REQUIREMENTS FOR GRADES OF FROZEN RASPBERRIES FOR MANUFACTURING—Continued

| Grades | Character | | |
|---|---|---|---|
| | General description of texture and intactness | Slightly immature and slightly overmature | Crushed raspberries |
| | | Maximum (by weight) (percent) | |
| U. S. Grade A for manufacturing or U. S. Fancy for manufacturing. | Good character for purposes of manufacturing: reasonably mature, reasonably well-developed, reasonably intact, reasonably fleshy and reasonably tender, reasonably free from seed cells. | 10 | 25 |
| U. S. Grade B for manufacturing or U. S. Choice for manufacturing. | Reasonably good character for purposes of manufacturing: fairly mature, fairly well-developed, fairly intact, fairly fleshy and fairly tender, fairly free from seed cells. | 15 | 50 |

(b) *(A) classification.* "U. S. Grade A for Manufacturing" or "U. S. Fancy for Manufacturing" requires that the frozen raspberries shall possess a good character for the purposes of manufacturing. "Good character for the purposes of manufacturing" means that the raspberries are reasonably mature, reasonably well-developed, and reasonably intact to the extent that not more than 10 percent, by weight, of the raspberries may be slightly immature or slightly over-mature; that the raspberries are reasonably fleshy and reasonably tender; that the raspberries and accompanying liquor, if any, are reasonably free from detached seed cells; and that not more than 25 percent, by weight, of the raspberries may be crushed.

(c) *(B) classification.* "U. S. Grade B for Manufacturing" or "U. S. Choice for Manufacturing" requires that the frozen raspberries shall possess a reasonably good character for the purposes of manufacturing. "Reasonably good character for the purposes of manufacturing" means that the raspberries are fairly mature, fairly well-developed, and fairly intact to the extent that not more than 15 percent, by weight, of the raspberries may be slightly immature or slightly over-mature; that the raspberries are fairly fleshy and fairly tender; that the raspberries and accompanying liquor, if any, are fairly free from detached seed cells; that not more than 50 percent, by weight, of the raspberries may be crushed.

(d) *(SStd) classification.* Frozen raspberries that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D for Manufacturing or Substandard for Manufacturing.

LOT CERTIFICATION TOLERANCES

§ 52.1835 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen raspberries, the grade for such lot will be determined by averaging the total scores of all containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1836 *Score sheet for frozen raspberries (not for manufacturing).*

Size and kind of container .....
Container mark or identification .....
Label (style of pack; Ratio of fruit to sugar, etc., if shown) .....
Type (color), if known .....

| Factors | Score points | | |
|---|---|---|---|
| Color | 40 | (A) | 34-40 |
| | | (B) | 28-33 |
| | | (D) | 10-27 |
| Absence of defects | 40 | (A) | 34-40 |
| | | (B) | 28-33 |
| | | (D) | 10-27 |
| Character | 20 | (A) | 17-20 |
| | | (B) | 14-16 |
| | | (D) | 10-13 |
| Total score | 100 | | |

Normal flavor and odor .....
Grade .....

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED SPINACH

IDENTITY AND GRADES

§ 52.1901 *Identity.* "Canned spinach" means canned spinach as defined in the definitions and standards of identity for canned vegetables (21 CFR 52.990), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.1902 *Grades of canned spinach.*[3] (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned spinach that possesses a good color, possesses a good character, a normal flavor and odor, is practically free from defects, and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned spinach that possesses a fairly good color, possesses a fairly good character, a normal flavor and odor, is fairly free from defects, and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of canned spinach that fails to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.1903 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled with spinach as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

§ 52.1904 *Recommended drained weight.* (a) The drained weight recommendations in Table No. I of this section are not incorporated in the grades of the finished products, since drained weight, as such, is not a factor of quality for the purpose of these grades.

(b) The drained weight of canned spinach is determined by emptying the contents of the container upon a No. 8 sieve of proper diameter and allowing to drain for two minutes. A sieve 8 inches in diameter is used for the No. $2\frac{1}{2}$ size can (401 x 411) and for containers of equal or smaller sizes; and a sieve 12 inches in diameter is used for containers larger than the No. $2\frac{1}{2}$ size can.

TABLE NO. I—RECOMMENDED MINIMUM DRAINED WEIGHTS (IN OUNCES) OF SPINACH

| Container size or designation: | *Drained weight* |
|---|---|
| 8 Z Tall | 5¼ |
| No. 1 (Picnic) | 7 |
| No. 1 Tall | 10½ |
| No. 303 | 10¾ |
| No. 2 | 13 |
| No. 2½ | 19 |
| No. 10 | 60 |
| No. 303 jar | 11¼ |
| No. 2½ jar | 18¼ |

FACTORS OF QUALITY

§ 52.1905 *Ascertaining the grade.* (a) The grade of canned spinach is ascertained by considering in conjunction with the requirements of the respective grade, the respective ratings of the factors of color, absence of defects, and character.

(b) The relative importance of each factor is expressed numerically on a scale of 100. The maximum number of points that may be given for each factor is:

| Factors: | *Points* |
|---|---|
| Color | 30 |
| Absence of defects | 40 |
| Character | 30 |
| Total score | 100 |

[2] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[3] These grades have been so drafted that they may be used in grading other greens such as canned turnip, mustard, and beet greens, and canned kale. In grading these products, however, the typical characteristics of the vegetable shall be considered.

(c) "Normal flavor and normal odor" means that the product is free from objectionable odors and objectionable flavors of any kind.

§ 52.1906 *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "26 to 30 points" means 26, 27, 28, 29, or 30 points).

§ 52.1907 *Color*—(a) *(A) classification.* Canned spinach that possesses a good color may be given a score of 26 to 30 points. "Good color" means that the color is the typical green color of young and tender canned spinach and that there is not more than a slight variation in green color.

(b) *(C) classification.* If the canned spinach possesses a fairly good color, a score of 22 to 25 points may be given. Canned spinach that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned spinach possesses a fairly typical green color that may be variable or slightly dull, but not to the extent that the appearance of the product is seriously affected.

(c) *(SStd) classification.* Canned spinach that is definitely off color for any reason or that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 21 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1908 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from grit, sand, or silt, seed heads, grass and weeds, crowns of root stubs, root stubs, and major and minor damage. Minute insignificant injuries shall not be considered as damage. The evaluation of the score points for the factor of absence of defects may be determined from Table No. II of this section which prescribes the maximum score which may be allowed for specified defects.

(1) "Grit, sand, or silt" means any particles of earthy material.

(2) "Major damage" means any yellow, brown, or other discoloration which covers an aggregate area of not less than 1 square inch on one surface of any leaf, portion of leaf, stem, or portion of stem, or any pathological damage, or insect injury affecting any leaf, portion of a leaf, stem, or portion of a stem.

(3) "Minor damage" means any yellow, brown, or other discoloration which covers an aggregate area of less than 1 square inch on one surface of any leaf, portion of a leaf, stem, or portion of a stem.

TABLE No. II—DEFECTS

| Range of score points | Score points | Grit, sand, or silt | Total number of root stubs—per 60 ounces drained weight | Damage: Total | Damage: Total | Total number of seed heads | Grass and weeds | Total number of crowns of roots |
|---|---|---|---|---|---|---|---|---|
| | | Per 13 ounces drained weight | | | | | | |
| | | | | Major and minor | Major | | Aggregate length | Noticeably detract from appearance of product |
| | | | | | | | *Inches* | *Inches* |
| 33–40 | 40 | None | None | None | None | None | None | None |
| | 39 | None | None | 1–2 | 1 | None | 1 | None |
| | 38 | None | 1 | 3 | 2 | 1 | 2 | 1 |
| | 37 | None | 1 | 4 | 2 | 1 | 3 | 1 |
| | 36 | None | 2 | 5 | 3 | 1 | 4 | 2 |
| | 35 | None | 2 | 6 | 3 | 2 | 5–6 | 2 |
| | 34 | None | 3 | 7 | 4 | 2 | 7–8 | 3 |
| | 33 | None | 3 | 8 | 4 | 2 | 9–10 | 3 |
| 26–32 | 32 | Trace | 4 | 9–10 | 5 | 3 | 11 | 4 |
| | 31 | Trace | 4 | 9–10 | 5 | 3 | 12 | 4 |
| | 30 | Trace | 5 | 11–12 | 6 | 3 | 13 | 5 |
| | 29 | Trace | 5 | 11–12 | 6 | 3 | 14 | 6 |
| | 28 | Trace | 5 | 13–14 | 7 | 4 | 15–16 | 7 |
| | 27 | Trace | 6 | 13–14 | 7 | 4 | 17–18 | 8 |
| | 26 | Trace | 6 | 15–16 | 8 | 4 | 19–20 | 9 |
| 0–41 | 25 or less | More than the allowances permitted for 26 score points | | | | | | |

(b) *(A) classification.* Canned spinach that is practically free from defects may be given a score of 33 to 40 points. "Practically free from defects" means that the product contains no grit, sand, or silt that affects the eating quality or appearance of the spinach; that for each 60 ounces of drained weight there may be present not more than 3 root stubs; and that for each 13 ounces of drained weight there may be present:

(1) Not more than 2 tender crowns which have been cut from root stubs with leaf clusters attached;

(2) Major and minor damage affecting not more than 8 leaves or stems or portions of leaves or stems, including major damage affecting not more than 4 leaves or stems or portions of leaves and stems;

(3) Not more than 2 seed heads; and

(4) Grass or weeds aggregating not more than 10 inches in length of which not more than 3 inches may be coarse grass or weeds and none of the coarse grass or weeds may be more than $\frac{3}{16}$ inch in width measured at the widest point transversely to the long axis.

(c) *(C) classification.* If the canned spinach is fairly free from defects, a score of 26 to 32 points may be given. Canned spinach that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the product may contain a trace of grit, sand, or silt that does not seriously affect the eating quality or appearance of the spinach; that for each 60 ounces of drained weight there may be present not more than 6 root stubs; and that for each 13 ounces of drained weight there may be present:

(1) Not more than 4 tender crowns which have been cut from root stubs with leaf clusters attached;

(2) Major and minor damage affecting not more than 16 leaves or stems or portions of leaves or stems, including major damage affecting not more than 8 leaves or stems or portions of leaves or stem

(3) Not more than 4 seed heads; and

(4) Grass or weeds aggregating not more than 20 inches in length of which not more than 9 inches may be coarse grass or weeds and none of the coarse grass or weeds may be more than $\frac{3}{16}$ inch in width measured at the widest point transversely to the long axis.

(d) *(SStd) classification.* Canned spinach that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 25 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1909 *Character*—(a) *General.* The factor of character refers to the condition and structural characteristics of the spinach leaves and stems or portions of leaves and stems. The degree of freedom from coarse or tough leaves and stems or coarse or tough portions of leaves and stems, the tenderness of the spinach, and the degree of ragedness, disintegration, or (except with respect to chopped spinach) shredding of leaves and stems are considered under this factor.

(b) *(A) classification.* Canned spinach that possesses a good character may be scored 26 to 30 points. "Good character" means that the spinach is tender and is practically free from coarse or tough leaves and stems or coarse or tough portions of leaves and stems and that the appearance of the product is not materially affected by ragged, disintegrated or shredded leaves or stems or portions of leaves or stems.

(c) *(C) classification.* If the canned spinach possesses a fairly good character, a score of 22 to 25 points may be given. Canned spinach that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the spinach may be fairly tender, and that the appearance of the product is not seriously affected by ragged, disintegrated, or shredded leaves or stems or portions of leaves or stems.

(d) *(SStd) classification.* Canned spinach that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 21 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).



LOT CERTIFICATION TOLERANCES

§ 52.1910 *Tolerance for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned spinach, the grade for such lot will be determined by averaging the scores of the containers comprising the sample, if:

(1) Not more than one-sixth of the containers comprising the sample fail to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers in the lot meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act, and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1911 *Score sheet for canned spinach.*

| | |
|---|---|
| Size and kind of container | |
| Container code or marking | |
| Label | |
| Net weight (ounces) | |
| Vacuum (inches) | |
| Drained weight (ounces) | |

| Factors | Score points | | |
|---|---|---|---|
| Color | 30 | (A) | 26–30 |
| | | (C) | 22–25 |
| | | (D) | 0–21 |
| Absence of defects | 40 | (A) | 33–40 |
| | | (C) | 26–32 |
| | | (D) | 0–25 |
| Character | 30 | (A) | 26–30 |
| | | (C) | 22–25 |
| | | (D) | 0–21 |
| Total score | 100 | | |

| | |
|---|---|
| Normal flavor and odor | |
| Grade | |

[1] Indicates limiting rule within classification.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN SPINACH [1]

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1921 *Product description.* Frozen spinach is the product prepared from the whole or cut, clean, sound, and succulent leaves and stems of fresh spinach (Spinacea oleracea) by sorting, trimming, washing, and blanching such leaves and stems, which is then frozen and maintained at temperatures necessary for the preservation of the product.

§ 52.1922 *Styles of frozen spinach.* (a) "Whole" or "whole leaf" spinach is the style of frozen spinach that consists substantially of the leaf and adjoining portion of the leaf.

(b) "Cut" or "chopped" is the style of frozen spinach that consists of the leaf and adjoining portion of the leaf which has been cut or chopped into small pieces.

§ 52.1923 *Grades of frozen spinach.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen spinach that possesses a good flavor and odor, that possesses a good color, that possesses a good character, that is practically free from defects, and that scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen spinach that possesses a fairly good flavor and odor, that possesses a reasonably good color, that possesses a reasonably good character, that is reasonably free from defects, and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen spinach that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

FACTORS OF QUALITY

§ 52.1924 *Ascertaining the grade.* (a) The grade of frozen spinach may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings of the factors of color, absence of defects, and character.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

| Factors: | *Points* |
|---|---|
| Color | 20 |
| Absence of defects | 60 |
| Character | 20 |
| Total score | 100 |

(c) The score for the factors of color, absence of defects, and character is determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. A representative sample of the product is cooked for examination with respect to flavor and odor.

(d) "Good flavor and odor" means that the product, after cooking, has a good characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(e) "Reasonably good flavor and odor" means that the product after cooking may be lacking in good flavor and odor, but is free from objectionable flavors and objectionable odors of any kind.

§ 52.1925 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1926 *Color*—(a) *(A) classification.* Frozen spinach that possesses a good color may be given a score of 17 to 20 points. Good color means that the frozen spinach possesses a practically uniform bright characteristic green color.

(b) *(B) classification.* If the frozen spinach possesses a reasonably good color, a score of 14 to 16 points may be given. Frozen spinach that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen spinach possesses a reasonably uniform characteristic green color and may be variable in color but not to the extent that the appearance of the frozen product is materially affected.

(c) *(SStd) classification.* Frozen spinach that is definitely off color for any reason, or that fails to meet the requirements of paragraph (b) of this section, may be given a score of 0 to 13 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.1927 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from grit, sand, or silt, seed heads, grass and weeds, crowns of root stubs, root stubs, and major and minor damage.

(1) "Grit, sand, or silt" means any particle of earthy material.

(2) "Minor damage" means damage by any yellow, brown, or other discoloration which covers an aggregate area of less than 1 square inch on one surface of any leaf, portion of a leaf, stem, or portion of a stem (except minute insignificant injuries which shall not be considered as minor damage), or damage affecting any leaf, portion of a leaf, stem, or portion of a stem, to the extent that the appearance or eating quality of the unit is materially affected regardless of the area.

(3) "Major damage" means damage by any yellow, brown, or other discoloration which covers an aggregate area of 1 square inch or more on one surface of any leaf, portion of a leaf, stem, or portion of a stem, or any insect injury or other damage affecting any leaf, portion of a leaf, stem, or portion of a stem to the extent that the appearance or eating quality of the unit is seriously affected regardless of area.

(b) *(A) classification.* Frozen spinach that is practically free from defects may be given a score of 51 to 60 points. "Practically free from defects" has the following meanings with respect to the following styles of frozen spinach:

(1) *Whole or whole leaf.* No grit, sand, or silt may be present that affects the appearance or eating quality of the frozen spinach, and for each 48 ounces of the product there may be present not more than one root stub, and for each 16 ounces of the product there may be present:

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(i) Not more than 2 tender crowns of roots with leaf clusters attached;

(ii) Major and minor damage affecting not more than 8 leaves and stems or portions of leaves and stems, including major damage affecting not more than 4 leaves and stems or portions of leaves and stems;

(iii) Not more than 2 seed heads; and

(iv) Grass and weeds aggregating not more than 10 inches in length of which not more than 3 inches may be grass and weeds which detract materially from the appearance of the product.

(2) *Cut or chopped.* No grit, sand, or silt may be present that affects the appearance or eating quality of the frozen spinach; minor damage, major damage, seed heads, grass, weeds, crowns of root stubs, and root stubs, or pieces thereof, may be present that do not materially affect the appearance or eating quality of the product.

(c) (*B*) *classification.* If the frozen spinach is reasonably free from defects a score of 42 to 50 points may be given. Frozen spinach that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" has the following meanings with respect to the following styles of frozen spinach:

(1) *Whole or whole leaf.* A trace of grit, sand, or silt may be present that does not materially affect the appearance or eating quality of the frozen spinach; for each 48 ounces of the product there may be present not more than 3 root stubs and for each 16 ounces of the product there may be present:

(i) Not more than 4 tender crowns of roots with leaf clusters attached;

(ii) Major and minor damage affecting not more than 16 leaves and stems, including major damage affecting not more than 8 leaves and stems or portions of leaves and stems;

(iii) Not more than 4 seed heads; and

(iv) Grass and weeds aggregating not more than 15 inches in length of which not more than 6 inches may be grass and weeds which detract materially from the appearance of the product.

(2) *Cut or chopped.* A trace of grit, sand, or silt may be present that does not materially affect the appearance or eating quality of the frozen spinach; minor damage, major damage, seed heads, grass, weeds, crowns of root stubs, and root stubs, or pieces thereof, may be present that do not seriously affect the appearance or eating quality of the product.

(d) (*SStd*) *classification.* Frozen spinach that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 41 points and shall not be graded above substandard regardless of the total score for the product (this is a limiting rule).

§ 52.1928 *Character*—(a) *General.* The factor of character refers to the tenderness and condition of the spinach leaves and stems or portions of leaves and stems. The degree of freedom from coarse or tough leaves and stems or coarse or tough portions of leaves and stems, and the degree to which the appearance may be affected by ragged and torn leaves and stems or ragged and torn portions of leaves and stems, are considered under this factor.

(b) (*A*) *classification.* Frozen spinach that possess a good character may be scored 17 to 20 points. "Good character" means that the spinach is tender and practically free from coarse or tough leaves and stems or coarse or tough portions of leaves and stems and the appearance of the product is not materially affected by ragged and torn leaves and stems or ragged and torn portions of leaves and stems.

(c) (*B*) *classification.* If the frozen spinach possesses a reasonably good character a score of 14 to 16 points may be given. Frozen spinach that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the spinach may possess a few coarse or tough leaves and stems or coarse or tough portions of leaves and stems, and the appearance of the product may be materially but not seriously affected by shredded, ragged, or disintegrated leaves and stems or portions of leaves and stems.

(d) (*SStd*) *classification.* Frozen spinach that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1929 *Tolerance for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen spinach, the grade for such lot will be determined by averaging the total score of all containers, if:

(1) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(2) None of the containers comprising the sample fall more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1930 *Score sheet for frozen spinach.*

| | |
|---|---|
| Container size | |
| Container code or marking | |
| Label | |
| Net weight (ounces) | |

| Factors | Score points | |
|---|---|---|
| Color | 20 | (A) 17–20<br>(B) 14–16<br>(SStd.) 0–13 |
| Absence of defects | 60 | (A) 51–60<br>(B) 42–50<br>(SStd.) 0–41 |
| Character | 20 | (A) 17–20<br>(B) 14–16<br>(SStd.) 0–13 |
| Total score | 100 | |

| | |
|---|---|
| Grade | |
| Flavor and odor | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN COOKED SQUASH[1]

PRODUCT DESCRIPTION AND GRADES

§ 52.1941 *Product description.* Frozen cooked squash is the clean, sound, properly matured product made from varieties of fall or late type squash which have been properly prepared by washing, cutting, cleaning, steaming, reducing to a pulp and removing seed, and fiber. The product is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.1942 *Grades of frozen cooked squash.* (a) "U. S. Grade A or "U. S. Fancy" is the quality of frozen cooked squash that possesses a good consistency; that possesses a good color; that possesses a good finish; that is practically free from defects; that possesses a good flavor and odor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen cooked squash that possesses a reasonably good consistency; that possesses a reasonably good color; that possesses a reasonably good finish; that is reasonably free from defects; that possesses a fairly good flavor and odor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(c) "Substandard" is the quality of frozen cooked squash that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

FACTORS OF QUALITY

§ 52.1943 *Ascertaining the grade.* (a) The grade of frozen cooked squash may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of consistency, color, finish, and absence of defects.

(b) The relative importance of each scoring factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

| Factors: | Points |
|---|---|
| Consistency | 30 |
| Color | 20 |
| Finish | 20 |
| Absence of defects | 30 |
| Total score | 100 |

(c) The scores for the factors of consistency, color, finish, and absence of defects are determined after the frozen cooked squash is heated in a double boiler, or in a covered pan until thoroughly warmed and completely free from ice crystals. The warmed product is then stirred to blend all separated liquid into a uniform mixture. The requirements for flavor and odor are also ascertained on the warmed product.

(d) "Good flavor and odor" means that the product after heating, has a good, characteristic normal flavor and odor and is free from objectionable flavors, and objectional odors of any kind.

(e) "Reasonably good flavor and odor" means that the product, after heating, may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.1944 *Ascertaining the ratings for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1945 *Consistency*—(a) (*A*) *classification.* Frozen cooked squash that possesses a good consistency may be given a score of 26 to 30 points. "Good consistency" means that the warmed mixed squash, after emptying from a container to a dry flat surface, forms a well-mounded mass, and that at the end of two minutes after emptying on such surface there is not more than a slight separation of free liquor.

(b) (*B*) *classification.* If the frozen cooked squash possesses a reasonably good consistency, a score of 21 to 25 points may be given. Frozen squash that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good consistency" means that the warmed mixed squash after emptying from the container to a dry flat surface, may be reasonably stiff, but not excessively stiff; forms a moderately mounded mass, and that at the end of two minutes, after emptying on such surface, there may be a moderate, but not excessive separation of free liquor.

(c) (*SStd*) *classification.* Frozen cooked squash that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1946 *Color*—(a) (*A*) *classification.* Frozen cooked squash that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the color of the warmed mixed squash possesses a practically uniform, bright, typical color; and is free from discoloration due to oxidation, or other causes.

(b) (*B*) *classification.* If the frozen cooked squash possesses a reasonably good color, a score of 14 to 16 points may be given. Frozen squash that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the color of the warmed cooked squash possesses a reasonably uniform, reasonably bright, typical color, and the color may be variable or slightly dull but is not off-color.

(c) (*SStd*) *classification.* Frozen cooked squash that is off-color for any reason or fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1948 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from sand, grit, or silt, pieces of seed, fiber, and from dark or off-colored particles.

(1) "Grit, sand, or silt" means any particle of earthy material.

(b) (*A*) *classification.* Frozen cooked squash that is practically free from defects may be given a score of 25 to 30 points. "Practically free from defects" means that no grit, sand, or silt may be present that affects the appearance or eating quality of the frozen cooked squash, and that the number, size and color of the other aforesaid defects present individually or collectively do not more than slightly affect the appearance or eating quality of the product.

(c) (*B*) *classification.* Frozen cooked squash that is reasonably free from defects may be given a score of 21 to 24 points. Frozen squash that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means a trace of grit, sand, or silt may be present that does not materially affect the appearance or eating quality of the frozen cooked squash, and that any of the other aforesaid defects present individually or collectively may be noticeable but are not so large, so numerous, or of such contrasting color as to seriously affect the appearance or eating quality of the product.

(d) (*SStd*) *classification.* Frozen cooked squash which fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1949 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen cooked squash, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than four points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(4) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(5) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1950 *Score sheet for frozen cooked squash.*

| | |
|---|---|
| Number, size, and kind of container | |
| Container marks or identification | |
| Label | |
| Net weight (ounces) | |

| Factors | | Score points |
|---|---|---|
| Consistency | 30 | (A) 26–30<br>(B) [1] 21–25<br>(SStd.) 0–20 |
| Color | 20 | (A) 17–20<br>(B) [1] 14–16<br>(SStd.) 0–13 |
| Finish | 20 | (A) 17–20<br>(B) [1] 14–16<br>(SStd.) 0–13 |
| Absence of defects | 30 | (A) 25–30<br>(B) [1] 21–24<br>(SStd.) 0–20 |
| Total score | 100 | |

| | |
|---|---|
| Flavor and odor | |
| Grade | |

[1] Indicates limiting rule.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN SQUASH (SUMMER TYPE)[1]

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1961 *Product description.* "Frozen squash" is the fresh, sound, immature product from the squash (summer type) plant hereinafter called frozen squash, which has been properly prepared and properly blanched, and is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.1962 *Styles of frozen squash.* (a) Sliced.

(b) Cut.

§ 52.1963 *Grades of frozen summer squash.* (a) "U. S. Grade A" or U. S. Fancy" is the quality of frozen squash that possesses similar varietal characteristics; that possesses a good flavor and odor; that possesses a good color; that is practically free from defects; that possesses a good character; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen squash that possesses similar varietal characteristics; that possesses a reasonably good flavor and odor; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen squash that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

FACTORS OF QUALITY

§ 52.1964 *Ascertaining the grade.* (a) The grade of frozen squash may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character.

(b) The relative importance of each scoring factor is expressed numerically on the scale of 100. The maximum number of points that may be given each factor is:

| Factors: | Points |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Character | 40 |
| Total score | 100 |

(c) The scores for the factors of color, absence of defects, and character are determined immediately after thawing so that the product is sufficiently free from ice crystals to permit proper handling as individual units, and a representative sample of the product is cooked to ascertain tenderness of the frozen squash before final evaluation of the score for character. Flavor and odor are also ascertained on the cooked product.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(d) "Good flavor and odor" means that the product after cooking has a good, characteristic normal flavor and ordor and is free from objectionable flavors and objectionable odors of any kind.

(e) "Reasonably good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.1965 *Ascertaining the ratings for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1966 *Color*—(a) *(A) classification.* Frozen squash that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the color of the squash is bright and typical of young and tender squash of similar varietal characteristics which has been properly processed.

(b) *(B) classification.* If the frozen squash possesses a reasonably good color, a score of 14 to 16 points may be given. Frozen squash that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the color of the squash is typical of reasonably young and tender squash of similar varietal characteristics which has been properly processed.

(c) *(SStd) classification.* Frozen squash that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1967 *Absence of defects.*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous vegetable material, sand, grit, or silt, poorly cut units, units damaged by mechanical injury, and units damaged by discoloration, scars, insect injury, or damaged by other means.

(1) "Unit" means a whole squash or a portion of a squash.

(2) "Damaged unit" means any unit damaged by discoloration, scars, insect injury, or by any other means except damaged by mechanical injury to the extent that the appearance or eating quality of the product is materially affected.

(3) "Seriously damaged" means damaged to the extent that the appearance or eating quality of the unit is seriously affected.

(4) "Harmless extraneous vegetable material" means leaves, detached stems or portions thereof, or other similar vegetable material.

(5) "Poorly cut" means units with attached stems or stem material, very ragged units, or pieces of less than ½ slice in sliced style squash.

(6) "Damaged by mechanical injury" means broken or mashed to such an extent that the appearance or eating quality of the unit is seriously affected.

(7) "Sand, grit, or silt" means any particle of earthy material.

(b) *(A) classification.* Frozen squash that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the product contains no grit, sand, or silt that affects the eating quality or appearance of the frozen squash; that for each 12 ounces of units there may be present not more than one piece of harmless extraneous vegetable material. The combined weight of all other defects and defective units must not exceed 8 percent of the weight of the units. *Provided,* That

(1) Not more than 4 percent, by weight, is of damaged units and of such 4 percent, not more than one-fourth thereof or 1 percent, by weight, of all the units consist of units that are seriously damaged; or

(2) Not more than 6 percent, by weight, is of poorly cut units, or of units damaged by mechanical injury, or any combination thereof of not more than 6 percent, by weight.

(c) *(B) classification.* If the frozen squash is reasonably free from defects, a score of 28 to 33 points may be given. Frozen squash that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the product may contain a trace of sand, grit, or silt that does not materially affect the eating quality or appearance of the frozen squash; that for each 12 ounces of units there may be present not more than two pieces of harmless extraneous vegetable material. The combined weight of all other defects and defective units must not exceed 12 percent of the weight of the units: *Provided,* That

(1) Not more than 8 percent, by weight, is of damaged units and of such 8 percent, not more than one-fourth thereof or 2 percent, by weight, of all the units consist of units that are seriously damaged.

(2) Not more than 10 percent, by weight, is of poorly cut units, or of units damaged by mechanical injury, or any combination thereof of not more than 10 percent, by weight.

(d) *(SStd) classification.* Frozen squash that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1968 *Character*—(a) *General.* The factor of character refers to the fleshy texture, the tenderness, and the degree of development of the seeds.

(b) *(A) classification.* Frozen squash that possesses a good character may be given a score of 34 to 40 points. "Good character" means that the units are practically intact, are fleshy and tender, that the seeds are in the immature stage, and that not more than 5 percent, by weight of the units may be of reasonably good character.

(c) *(B) classification.* If the frozen squash possesses a reasonably good character, a score of 28 to 33 points may be given. Frozen squash that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the units may show slight disintegration, may have lost to a considerable extent their fleshy texture, may be reasonably tender, and that the seeds may have passed the immature stage of maturity, but are not hard and that not more than 10 percent, by weight, of the units fails to meet the requirements for reasonably good character.

(d) *(SStd) classification.* Frozen squash that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.1969 *Tolerance for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen squash, the grade for such lot will be determined by averaging the total score for all containers, if:

(1) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.1970 *Score sheet for frozen squash (summer type).*

Number, size, and kind of container .....
Condition and marks or identification .....
Label .....
Net weight (ounces) .....
Style (sliced, cut) .....

| Factors | | Score points | |
|---|---|---|---|
| Color | 20 | (A) | 17–20 |
| | | (B) | [1] 14–16 |
| | | (SStd.) | [1] 0–13 |
| Absence of defects | 40 | (A) | 34–40 |
| | | (B) | [1] 28–33 |
| | | (SStd.) | [1] 0–27 |
| Character | 40 | (A) | 34–40 |
| | | (B) | [1] 28–33 |
| | | (SStd.) | [1] 0–27 |
| Total score | 100 | | |

Flavor and odor .....
Grade .....

[1] Indicates limiting rule.



SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN STRAWBERRIES[1]

PRODUCT DESCRIPTION, STYLES, SIZES, AND GRADES

§ 52.1981 *Product description.* Frozen strawberries are prepared from the properly ripened fresh fruit of the strawberry plant (Fragaria virginiana); are stemmed, washed, and sorted; may be packed with or without packing media; and are frozen and stored at temperatures necessary for the preservation of the product.

§ 52.1982 *Styles of frozen strawberries.* (a) "Whole" or "whole strawberries."

(b) "Sliced" or "sliced strawberries."

§ 52.1983 *Sizes of whole strawberries.* Except with respect to "U. S. Grade A" or "U. S. Fancy" grade (not for manufacturing), the size of whole strawberries is not incorporated in the grades of the finished product since size, as such, is not a factor of quality for the purpose of these grades. When used in connection with the following sizes of whole strawberries, the term "diameter" means the greatest dimension measured at right angles to a straight line running from the stem to the apex:

(a) *Small size.* Whole strawberries that measure less than ⅝ inch in diameter.

(b) *Medium size.* Whole strawberries that measure ⅝ inch to 1 inch, inclusive, in diameter.

(c) *Large size.* Whole strawberries that measure more than 1 inch in diameter.

§ 52.1984 *Grades of frozen strawberries (not for manufacturing).* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen strawberries that possess similar varietal characteristics; possess a bright, practically uniform, typical color; are practically free from defects; possess a good character; possess a normal flavor and odor; and score not less than 85 points when scored in accordance with the scoring system outlined in this subpart. In addition to the foregoing requirements, whole strawberries of this grade may contain not more than 5 percent, by count, of whole strawberries that are small size, i. e., less than ⅝ inch in diameter.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen strawberries that possess similar varietal characteristics; possess a reasonably bright, reasonably uniform, typical color; are reasonably free from defects; possess a reasonably good character; possess a normal flavor and odor; and score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of frozen strawberries that fail to meet the requirements of "U. S. Grade B" or "U. S. Choice."

§ 52.1985 *Grades of frozen strawberries for manufacturing.* (a) "U. S. Grade A for Manufacturing" or "U. S. Fancy for Manufacturing" is the quality of frozen strawberries that possess similar varietal characteristics; that are of any size; that possess a bright, practically uniform, typical color; that are practically free from defects; that possess a good character for the purposes of manufacturing; and that possess a normal flavor and odor.

(b) "U. S. Grade B for Manufacturing" or "U. S. Choice for Manufacturing" is the quality of frozen strawberries that possess similar varietal characteristics; that are of any size; that possess a reasonably bright, reasonably uniform, typical color; that are reasonably free from defects; that possess a reasonably good character for the purposes of manufacturing; and that possess a normal flavor and odor.

(c) "U. S. Grade D for Manufacturing" or "Substandard for Manufacturing" is the quality of frozen strawberries that fail to meet the requirements of "U. S. Grade B for Manufacturing" or "U. S. Choice for Manufacturing."

FACTORS OF QUALITY

§ 52.1986 *Ascertaining the score and grade for frozen strawberries (not for manufacturing).* (a) The grade of frozen strawberries is determined immediately after thawing to the extent that the units may be separated easily. The score and grade of frozen strawberries may be ascertained by considering, in addition to the requirements of the respective grade, the following factors: Color, absence of defects, and character.

(b) The relative importance of each factor has been expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

| Factors: | Points |
|---|---|
| Color | 40 |
| Absence of defects | 40 |
| Character | 20 |
| Total score | 100 |

(c) "Normal flavor and odor" means that the strawberries are free from objectionable flavors, off flavors, and objectionable odors of any kind.

§ 52.1987 *Ascertaining the score of each factor for frozen strawberries (not for manufacturing).* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "34 to 40 points" means 34, 35, 36, 37, 38, 39, or 40 points).

§ 52.1988 *Color*—(a) *General.* "Well colored" means that not less than four-fifths, in the aggregate, of the surface of the whole strawberry is the red or pink color characteristic of strawberries of similar varieties, and that the surface (including cut surfaces) of the sliced strawberry is the typical color, characteristic of well-ripened strawberries of similar varieties.

(b) *(A) classification.* Frozen strawberries that possess a bright, practically uniform, typical color may be given a score of 34 to 40 points. "Bright, practically uniform, typical color" means

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

that the whole and sliced strawberries possess a bright and good characteristic red or pink color, reasonably free from a slightly dull, slightly grey, or slightly reddish-brown cast; and that there may be present not more than 5 percent, by count, of the whole strawberries that are not well colored and not more than 5 percent, by weight, of the sliced strawberries that are not well colored.

(c) *(B) classification.* If the frozen strawberries possess a reasonably bright, reasonably uniform, typical color, a score of 28 to 33 points may be given. Frozen strawberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably bright, reasonably uniform, typical color" means that the whole and sliced strawberries possess a reasonably good characteristic red or pink color that may possess a slightly dull, slightly grey, or slightly reddish-brown cast; and that there may be present not more than 10 percent, by count, of the whole strawberries that are not well colored and not more than 10 percent, by weight, of the sliced strawberries that are not well colored.

(d) *(SStd) classification.* Frozen strawberries that are definitely dull or off-color or that fail to meet the requirements of paragraph (c) of this section, may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(e) The evaluation of the score points for the factor of color may be determined from Table No. I of this subpart which indicates the score range in the respective grades and which denotes the typical color in frozen strawberries and the maximum allowance for frozen strawberries that are not well colored for the score indicated.

§ 52.1989 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material, caps and portions thereof, sepal-like bracts and portions thereof, stems, short stems, undeveloped strawberries, and damaged strawberries.

(1) "Harmless extraneous material" means vegetable substances such as weeds, grass, and leaves and any portions thereof that are harmless.

(2) A "cap" means a loose or attached full cap or a portion of a cap to which at least one sepal-like bract or portion thereof is attached. A "short stem" that is attached to a cap is considered a part of the cap. A "stem" that is attached to the cap is considered a separate defect.

(3) A "stem" means a stem, either loose or attached, that is longer than ⅛ inch.

(4) A "short stem" means a stem that is ⅛ inch or less in length and which may include the center portion of a cap to which no sepal-like bract or portion thereof is attached.

(5) An "undeveloped strawberry" means a strawberry or a portion of a strawberry that possesses a hard, seedy, or deformed end or that possesses deformed areas which materially affect either the appearance or the edibility of the product.

(6) A "damaged strawberry" means a strawberry or a portion of a strawberry that is damaged by bruises or by pathological, insect, or other injury or is damaged by other means which materially affect either the appearance or the edibility of the product. Minute, insignificant injuries are not considered as damage.

(7) "Area" means the aggregate surface covered by the material stated when such material or portions thereof are placed in a contiguous position with no intervening spaces.

(b) *(A) classification.* Frozen strawberries that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" has the following meanings with respect to the following styles of frozen strawberries:

(1) *Whole.* There may be present for each 16 ounces of net weight an area of not more than ¼ square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than 2 stems, including not more than 1 stem which may exceed ½ inch in length, or 1 piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and not more than 16 short stems; and there may be present not more than a total of 5 percent, by weight, of whole strawberries that are undeveloped strawberries and of whole strawberries that are damaged strawberries.

TABLE NO. I—ALLOWANCES FOR COLOR

| Grade | Score points | Whole and sliced, typical color | Whole, practically free from defects, not well colored | |
|---|---|---|---|---|
| | | | Maximum | |
| | | | By count (percent) | By weight (percent) |
| U. S. Grade A or U. S. Fancy | 40<br>39<br>38<br>37<br>36<br>35<br>34<br>33 | Bright and good characteristic red or pink color; reasonably free from a slightly dull, slightly grey, or slightly reddish-brown cast. | 1<br>2<br>3<br>4<br>5<br>6 | 1<br>2<br>3<br>4<br>5<br>5 |
| U. S. Grade B or U. S. Choice | 32<br>31<br>30<br>29<br>28 | Reasonably good characteristic red or pink color, may possess a slightly dull, slightly grey, or slightly reddish-brown cast. | 7<br>8<br>9<br>10<br>10 | 6<br>7<br>8<br>9<br>10 |
| U. S. Grade D or Substandard | 27 or less | More than the allowances permitted for 28 points | | |

(2) *Sliced.* There may be present for each 16 ounces of net weight an area of not more than ¼ square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than 1 stem which may exceed ½ inch in length, or 1 piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and not more than 16 short stems; and there may be present not more than a total of 2½ percent, by weight, of sliced strawberries that are undeveloped units of strawberries and of sliced strawberries that are damaged units of strawberries.

(c) *(B) classification.* If the frozen strawberries are reasonably free from defects, a score of 28 to 33 points may be given. Frozen strawberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" has the following meanings with respect to the following styles of frozen strawberries:

(1) *Whole.* There may be present for each 16 ounces of net weight an area of not more than ½ square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than 4 stems, including not more than 1 stem which may exceed ½ inch in length, or 1 piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and not more than 32 short stems; and there may be present not more than a total of 10 percent, by weight, of whole strawberries that are undeveloped strawberries and of whole strawberries that are damaged strawberries.

(2) *Sliced.* There may be present for each 16 ounces of net weight an area of not more than ½ square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than 4 stems, including not more than 1 stem which may exceed ½ inch in length, or 1 piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and not more than 32 short stems; and there may be present not more than a total of 10 percent, by weight, of whole strawberries that are undeveloped strawberries and of whole strawberries that are damaged strawberries.

(d) *(SStd) classification.* Frozen strawberries that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(e) *Evaluation of score points.* The evaluation of the score points for the factor of absence of defects may be determined from Table No. II of this subpart which indicates the maximum allowances for each class of defects for the score indicated.

§ 52.1990 *Character*—(a) *General.* The factor of character refers to the texture and degree of disintegration or the degree of wholeness as evidenced by crushed or partial strawberries and mushy strawberries.

(1) A "crushed or partial strawberry" is a strawberry that has been excessively trimmed or has become disintegrated so that the portion remaining intact is less than one-half of the apparent whole strawberry.



(2) "Mushy strawberries" are strawberries that are so soft that they are a pulpy mass.

(b) *(A) classification.* Frozen strawberries that possess a good character may be given a score of 17 to 20 points. "Good character" means that the strawberries are fleshy, reasonably firm, and practically intact and that:

(1) Not more than 10 percent, by weight, of whole strawberries may be crushed or partial strawberries and mushy strawberries; and

(2) Not more than 20 percent, by weight, of sliced strawberries may be mushy strawberries.

TABLE NO. II—ALLOWANCES FOR DEFECTS

| Grade | Score points | Whole and sliced | | | | | | | | Sliced, underdeveloped and damaged units of strawberries |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Harmless extraneous material (leaves, etc.), caps, sepal-like bracts and portions thereof | Per 16 ounces of net weight | | | | | | By weight | |
| | | | Stems | | Harmless material | Short stems | | | | |
| | | | Total | Over ½" | | | | | | |
| | | Maximum | | | | | | | | |
| | | | | | | | | | Percent | Percent |
| U. S. Grade A or U. S. Fancy | 40 | None | None | None | None | None | | 3 | None | ¼ |
| | 39 | ¼ square inch | 1 | None | None | None | | 4 | ¼ | ½ |
| | 38 | ¼ square inch | 1 | None | None | 5 | | 5 | ½ | 1 |
| | 37 | ¼ square inch | 2 | None | None | 10 | | 6 | 1 | 1½ |
| | 36 | ¼ square inch | 2 | 1 or | 1 piece | 12 | | 7 | 1½ | 2 |
| | 35 | ¼ square inch | 2 | 1 or | 1 piece | 14 | | 8 | 2 | 2½ |
| | 34 | ¼ square inch | 3 | 1 or | 1 piece | 16 | | 9 | 2½ | 3 |
| | 33 | ⅜ square inch | 3 | 1 or | 1 piece | 20 | | 10 | 3 | 3½ |
| | 32 | ⅜ square inch | 3 | 1 or | 1 piece | 24 | | 11 | 3½ | 4 |
| | 31 | ⅜ square inch | 3 | 1 or | 1 piece | 28 | | 12 | 4 | 4½ |
| U. S. Grade B or U. S. Choice | 30 | ⅜ square inch | 4 | 1 or | 1 piece | 30 | | 13 | 4½ | 5 |
| | 29 | ½ square inch | 4 | 1 or | 1 piece | | | | | |
| | 28 | ½ square inch | 4 | 1 or | 1 piece | 32 | | | 5 | 10 |
| U. S. Grade D or Substandard | 27 or less | More than the allowances permitted for 28 points | | | | | | | | |

(c) *(B) classification.* If the frozen strawberries have a reasonably good character, a score of 14 to 16 points may be given. Frozen strawberries that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the strawberries are reasonably fleshy, fairly firm, and reasonably intact and that:

(1) Not more than 20 percent, by weight, of whole strawberries may be crushed or partial strawberries and mushy strawberries; and

(2) Not more than 30 percent, by weight, of sliced strawberries may be mushy strawberries.

(d) *(SStd) classification.* Frozen strawberries that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

TABLE NO. III—CHARACTER

| Grade | Score points | Texture | Whole, crushed, partial, and mushy | Sliced, mushy |
|---|---|---|---|---|
| | | | Maximum (by weight) | |
| | | | Percent | Percent |
| U. S. Grade A or U. S. Fancy | 20<br>19<br>18 | Fleshy, reasonably firm, practically intact | None<br>3<br>6 | 5<br>10<br>15 |
| U. S. Grade B or U. S. Choice | 17<br>16<br>15 | Reasonably fleshy, fairly firm, reasonably intact | 10<br>13<br>20 | 20<br>25<br>30 |
| U. S. Grade D or Substandard | 13 or less | More than the allowances permitted for 14 score points. | | |

§ 52.1994 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material, caps and portions thereof, sepal-like bract and portions thereof, stems, short stems, undeveloped strawberries, and damaged strawberries.

(1) "Harmless extraneous material" means vegetable substances such as weeds, grass, and leaves and any portions thereof that are harmless.

(2) A "cap" means a loose or attached full cap or a portion of a cap to which at least one sepal-like bract or portion thereof is attached. A "short stem" that is attached to a cap is considered a part of the cap. A "stem" that is attached to the cap is considered a separate defect.

(3) A "stem" means a stem, either loose or attached, that is longer than ⅛ inch.

(4) A "short stem" means a stem that is ⅛ inch or less in length and which may include the center portion of a cap to which no sepal-like bract or portion thereof is attached.

(5) An "undeveloped strawberry" means a strawberry or a portion of a strawberry that possesses a hard, seedy, or deformed end or that possesses deformed areas which materially affect either the appearance or the edibility of the product.

(6) A "damaged strawberry" means a strawberry or a portion of a strawberry that is damaged by bruises or by pathological, insect, or other injury or is damaged by other means which materially affect either the appearance or the edibility of the product. Minute, insignificant injuries are not considered as damage.

(7) "Area" means the aggregate surface covered by the material stated when such material or portions thereof are placed in a contiguous position with no intervening spaces.

(b) (*A*) *classification.* "U. S. Grade A for Manufacturing" or "U. S. Fancy for Manufacturing" requires that the frozen strawberries shall be practically free from defects. "Practically free from defects" has the following meaning with respect to the following styles of frozen strawberries:

(1) *Whole.* There may be present for each 16 ounces of net weight an area of not more than ¼ square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than 2 stems, including not more than 1 stem which may exceed ½ inch in length, or 1 piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and not more than 16 short stems; and there may be present not more than a total of 5 percent, by weight, of whole strawberries that are undeveloped strawberries and of whole strawberries that are damaged strawberries.

(2) *Sliced.* There may be present for each 16 ounces of net weight an area of not more than ½ square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than 4 stems, including not more than 1 stem which may exceed ½ inch in length, or 1 piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and not more than 32 short stems; and there may be present not more than a total of 10 percent, by weight, of whole strawberries that are undeveloped strawberries and of whole strawberries that are damaged strawberries.

(c) (*B*) *classification.* "U. S. Grade B for Manufacturing" or "U. S. Choice for Manufacturing" requires that the frozen strawberries shall be reasonably free from defects. "Reasonably free from defects" has the following meaning with respect to the following styles of frozen strawberries:

(1) *Whole.* There may be present for each 16 ounces of net weight an area of not more than ½ square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than 4 stems, including not more than 1 stem which may exceed ½ inch in length, or 1 piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and not more than 32 short stems; and there may be present not more than a total of 10 percent, by weight, of whole strawberries that are undeveloped strawberries and of whole strawberries that are damaged strawberries.

(2) *Sliced.* There may be present for each 16 ounces of net weight an area of not more than ½ square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than 2 stems, including not more than 1 stem which may exceed ½ inch in length, or 1 piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and not more than 16 short stems; and there may be present not more than a total of 2½ percent, by weight, of sliced strawberries that are undeveloped units of strawberries and of sliced strawberries that are damaged units of strawberries.

(c) (*B*) *classification.* "U. S. Grade B for Manufacturing" or "U. S. Choice for Manufacturing" requires that the frozen strawberries shall be reasonably free from defects. "Reasonably free from defects" has the following meaning with respect to the following styles of frozen strawberries:

(1) *Whole.* There may be present for each 16 ounces of net weight an area of not more than ¼ square inch comprising harmless extraneous material (such as leaves and portions thereof), caps and portions thereof, and loose sepal-like bracts and portions thereof; not more than 2 stems, including not more than 1 stem which may exceed ½ inch in length, or 1 piece of harmless extraneous material that is not measurable by area (such as weeds and blades of grass); and there may be present not more than a total of 5 percent, by weight, of whole strawberries that are undeveloped strawberries and of whole strawberries that are damaged strawberries.

TABLE NO. IV—BRIEF SUMMARY OF REQUIREMENTS FOR GRADES OF FROZEN STRAWBERRIES FOR MANUFACTURING

| Grades | Color | | |
|---|---|---|---|
| | Whole and sliced, typical color | Whole, not well colored, maximum (by count) | Sliced, not well colored, maximum (by weight) |
| | | *Percent* | *Percent* |
| U. S. Grade A for manufacturing or U. S. Fancy for manufacturing. | Bright and good characteristic red or pink color, reasonably free from a slightly dull, slightly grey, or slightly reddish-brown cast. | 5 | 5 |
| U. S. Grade B for manufacturing or U. S. Choice for manufacturing. | Reasonably good characteristic red or pink color that may possess a slightly dull, slightly grey, or slightly reddish-brown cast. | 10 | 10 |



seed of varieties of lima beans, vegetable soybeans, or fresh immature pods of green beans or wax beans. The ingredients are mixed and properly drained and then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product. When soybeans or green beans or wax beans are used, the product is designated as "frozen soybean succotash" or "frozen green bean (or wax bean) succotash," as the case may be.

§ 52.2012 *Kind, type, and style of ingredients.* (a) Corn, sweet, whole kernel:

(1) White.
(2) Golden (yellow).

(b) Lima beans:

(1) Thin-seeded.
(2) Thick-seeded.
(3) Thick-seeded baby potato.

(c) Soybeans, vegetable.

(d) Green beans or wax beans, Cut or Short Cut style.

§ 52.2013 *Proportion of ingredients.* It is recommended that frozen succotash consist of a mixture of the vegetable ingredients in the following proportions:

| | Proportions by weight (percent) | |
|---|---|---|
| | Not more than— | Not less than— |
| Corn, white or golden | 75 | 50 |
| Lima beans, fresh | 50 | 25 |
| Soybeans, vegetable | 50 | 25 |
| Green or wax beans | 50 | 25 |

§ 52.2014 *Grades of frozen succotash.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen succotash in which each vegetable possesses similar varietal characteristics; possesses a good flavor and odor; is tender; possesses a good color; is practically free from defects; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: *Provided*, That the frozen succotash may be reasonably tender and possess a reasonably good color if the total score is not less than 90 points.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen succotash in which each vegetable possesses similar varietal characteristics;

TABLE NO. IV—BRIEF SUMMARY OF REQUIREMENTS FOR GRADES OF FROZEN STRAWBERRIES FOR MANUFACTURING

| Grades | Absence of defects | | | | | Character | | |
|---|---|---|---|---|---|---|---|---|
| | Whole and sliced | | | Whole, undeveloped and damaged units of strawberries | Sliced, undeveloped and damaged units of strawberries | Whole, crushed, partial, and mushy, maximum (by weight) | Slices, mushy, maximum (by weight) | |
| | Harmless extraneous material (leaves, etc.), caps, sepal-like bracts and portions thereof. | Harmless extraneous material (weeds, grass) and stems (including stems over ½ inch) | Short stems | | | | | |
| | Maximum | | | | | | | |
| | Per 16 ounces of net weight | | | By weight | By weight | | | |
| | | | | *Percent* | *Percent* | *Percent* | *Percent* | |
| U. S. Grade A for manufacturing or U. S. Fancy for manufacturing. | ¼ square inch | 2 stems, including 1 stem that may exceed ½ inch, or 1 piece harmless material. | 16 | 5 | 2½ | 15 | 25 | |
| U. S. Grade B for manufacturing or U. S. Choice for manufacturing. | ½ square inch | 4 stems, including 1 stem that may exceed ½ inch, or 1 piece harmless material. | 32 | 10 | 5 | 25 | 40 | |

| Grades | Character |
|---|---|
| U. S. Grade A for manufacturing or U. S. Fancy for manufacturing. | Good character for purposes of manufacturing; reasonably fleshy, fairly firm, reasonably intact. |
| U. S. Grade B for manufacturing or U. S. Choice for manufacturing. | Reasonably good character for purposes of manufacturing; fairly fleshy and fairly intact. |

(d) (*SStd*) *classification.* Frozen strawberries for manufacturing that fail to meet the requirements of paragraph (c) of this section for the factor of absence of defects shall be considered U. S. Grade D for Manufacturing or Substandard for Manufacturing.

§ 52.1995 *Character*—(a) *General.* The factor of character refers to the texture and degree of disintegration or the degree of wholeness as evidenced by crushed or partial strawberries and mushy strawberries.

(1) A "crushed or partial strawberry" is a strawberry that has been excessively trimmed or has become disintegrated so that the portion remaining intact is less than one-half of the apparent whole strawberry.

(2) "Mushy strawberries" are strawberries that are so soft that they are a pulpy mass.

(b) (*A*) *classification.* "U. S. Grade A for Manufacturing" or "U. S. Fancy for Manufacturing" requires that the frozen strawberries shall possess a good character for the purposes of manufacturing. "Good character for the purposes of manufacturing" means that the strawberries are reasonably fleshy, fairly firm, and reasonably intact and that:

(1) Not more than 15 percent, by weight, of whole strawberries may be crushed or partial strawberries and mushy strawberries; and

(2) Not more than 25 percent, by weight, of sliced strawberries may be mushy strawberries.

(c) (*B*) *classification.* "U. S Grade B for Manufacturing" or "U. S. Choice for Manufacturing" requires that the frozen strawberries shall possess a reasonably good character for the purposes of manufacturing. "Reasonably good character for the purposes of manufacturing" means that the strawberries are fairly fleshy and fairly intact and that:

(1) Not more than 25 percent, by weight, of whole strawberries may be crushed or partial strawberries and mushy strawberries; and

(2) Not more than 40 percent, by weight, of sliced strawberries may be mushy strawberries.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN SUCCOTASH[1]

PRODUCT DESCRIPTION, INGREDIENTS, AND GRADES

§ 52.2011 *Product description.* Frozen succotash means the frozen product prepared from fresh, clean, sound, succulent kernels of sweet corn and the immature

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(d) (*SStd*) *classification.* Frozen strawberries for manufacturing that fail to meet the requirements of paragraph (c) of this section for the factor of character shall be considered U. S. Grade D for Manufacturing or Substandard for Manufacturing.

LOT CERTIFICATION TOLERANCES

§ 52.1996 *Tolerance for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen strawberries, the grade for such lot will be determined by averaging the total scores of all containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE AND WORK SHEETS

§ 52.1997 *Score sheet for frozen strawberries (not for manufacturing).*

| | |
|---|---|
| Size and kind of container | |
| Container mark or identification | |
| Label (Style of Pack; Ratio of fruit to sugar, etc., if shown) | |
| Net weight | |
| Style | |
| Size | |

possesses a good flavor and odor; is reasonably tender; possesses a reasonably good color; is reasonably free from defects; and that scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of frozen succotash in which each vegetable possesses similar varietal characteristics; possesses a fairly good flavor and odor; is fairly tender; possesses a fairly good color; is fairly free from defects; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of frozen succotash that fails to meet the requirements of U. S. Grade C or U. S. Standard.

FACTORS OF QUALITY

§ 52.2015 *Ascertaining the grade.* (a) The grade of frozen succotash is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and tenderness.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

| Factors: | Points |
|---|---|
| Color | 30 |
| Absence of defects | 30 |
| Tenderness | 40 |
| Total score | 100 |

(c) The scores for the factors of color, absence of defects, and tenderness (with respect to each individual vegetable prior to cooking) are determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. A representative sample is cooked to determine the tenderness of the vegetable ingredients collectively and to ascertain the flavor and odor of the product.

(d) "Good flavor and odor" means that the product, after cooking, has a good, characteristic, normal flavor and odor and is free from objectionable flavor and objectionable odors of any kind.

(e) "Fairly good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.2016 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "27 to 30 points" means 27, 28, 29, or 30 points).

§ 52.2017 *Color*—(a) *General.* The factor of color refers to the overall appearance of the product and to the general brightness of the vegetables.

(1) "Green" with respect to lima beans means that the color of not less than 50 percent of the surface area of the individual lima bean (with skins on) possesses as much or more green color than plate 18, J–3, as illustrated in Maerz and Paul's Dictionary of Color.[1]

(2) "White" with respect to lima beans means that more than 50 percent of the surface area of the individual lima bean (with skins on) possesses less green color than Plate 18, E–1, as illustrated in Maerz and Paul's Dictionary of Color.[1]

(b) (*A*) *Classification.* Frozen succotash that possesses a good color may be given a score of 27 to 30 points. "Good color" means that the vegetables are bright and possess a color typical of young and tender vegetables that have been properly prepared and properly processed and that the frozen whole kernel (or whole grain) corn is practically free from "off-colored" kernels. In addition, the lima beans shall meet the following color requirements:

(1) Not less than 93 percent, by count, of the lima beans are green and not more than 7 percent, by count, may be lighter in color: *Provided*, That not more than 1 percent, by count, of all the lima beans are white, or

(2) Not less than 97 percent, by count, of the lima beans are green and not more than 3 percent, by count, may be lighter in color or white beans.

(c) (*B*) *classification.* If the frozen succotash possesses a reasonably good color, a score of 24 to 26 points may be given "Reasonably good color" means that the vegetables are reasonably bright and possess a color typical of reasonably young and reasonably tender vegetables that have been properly prepared and properly processed and that the frozen whole kernel (or whole grain) corn is reasonably free from "off-colored" kernels. In addition, the lima beans shall meet the following color requirements:

(1) Not less than 65 percent, by count, of the lima beans are green and not more than 35 percent, by count, may be lighter in color or white beans.

(d) (*C*) *classification.* Frozen succotash that possesses a fairly good color may be given a score of 21 to 23 points. Frozen succotash that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the vegetables possess a color that may be dull but not to the extent that the appearance is materially affected and the whole kernel) or whole grain) corn in the frozen succotash is fairly free from "off-variety" kernels. In addition, the lima beans shall meet the following color requirements:

(1) Less than 65 percent, by count, of the lima beans are green and all of the lima beans may be white.

(e) (*SStd*) *classification.* If the frozen succotash fails to meet the requirements of paragraph (d) of this section, a score of 0 to 20 points may be given. Frozen succotash that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

[1] First Edition.

§ 52.2018 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from extraneous vegetable matter, damaged units, seriously damaged units, and from any other defects.

(1) "Extraneous vegetable matter" means pieces of pod, leaves, stems, pieces of cob, husk, and other similar vegetable matter, other than silk, that is normally removed in proper preparation of the vegetables for processing.

(2) "Damaged" means damaged by discoloration, pathological injury, insect injury, or damaged by other means to the extent that the appearance or eating quality is materially affected.

(3) "Seriously damaged" means damaged by discoloration, pathological injury, insect injury, or damaged by other means to the extent that the appearance or eating quality is seriously affected and includes but is not limited to "shriveled" lima beans that are materially wrinkled and are not of normal plumpness and "sprouted" lima beans that show an external shoot protruding beyond the cotyledon or skin.

(4) "Other defects" means any defect not specifically mentioned that affects the appearance or eating quality of the product and includes but is not limited to the following:

(i) *Lima beans.* Broken beans, loose cotyledons, loose skins, and any portion thereof.

(ii) *Corn.* Crushed kernels, ragged kernels, loose skins, and dark and objectionable silk more than $\frac{1}{2}$ inch in length.

(iii) *Soybeans.* Broken soybeans, loose cotyledons, loose skins, or any portion thereof.

(iv) *Green (or wax) beans.* Ragged cut units, split units, and small pieces of pod.

(b) (*A*) *classification.* Frozen succotash that is practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the aforesaid defects, individually or collectively, do not more than slightly affect the appearance or eating quality of the product. The following allowances provide a guide for scoring frozen succotash that is practically free from defects. For each 10 ounces of frozen succotash there may be present, 1 piece, or pieces, of extraneous vegetable matter, such as pieces of pod, husk, leaves, and stems having an aggregate area of not more than $\frac{3}{8}$ square inch ($\frac{1}{2}$ inch x $\frac{3}{4}$ inch) on one surface of the piece, or pieces; and $\frac{1}{4}$ cubic centimeter of pieces of cob.

(c) (*B*) *classification.* If the frozen succotash is reasonably free from defects, a score of 24 to 26 points may be given. Frozen succotash that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the aforesaid defects, individually or collectively, do not materially affect the appearance or eating quality of the product. The following allowances provide a guide for scoring frozen succotash that is reasonably free from defects. For each 10 ounces of frozen succotash there may be present: 1 piece, or pieces, of extraneous vegetable matter, such as pieces of pod, husk, leaves, and stems having an aggregate area of not more than $\frac{3}{8}$ square inch ($\frac{1}{2}$ inch x $\frac{3}{4}$ inch) on one surface of the piece, or pieces; and $\frac{1}{2}$ cubic centimeter of pieces of cob.

(d) (*C*) *classification.* Frozen succotash that is fairly free from defects may be given a score of 21 to 23 points. Frozen succotash that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects means that the aforesaid defects, individually or collectively, do not seriously affect the appearance or eating quality of the product. The following allowances provide a guide for scoring frozen succotash that is fairly free from defects. For each 10 ounces of frozen succotash there may be present: 1 piece, or pieces, of extraneous vegetable matter, such as pieces of pod, husk, leaves, and stems having an aggregate area of not more than $\frac{3}{4}$ square inch ($\frac{1}{2}$ inch x $1\frac{1}{2}$ inch) on one surface of the piece, or pieces; and 1 cubic centimeter of pieces of cob.

(e) (*SStd*) *classification.* Frozen succotash that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points. Frozen succotash that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2019 *Tenderness*—(a) (*A*) *classification* Frozen succotash consisting of vegetables that are tender may be given a score of 36 to 40 points. "Tender" means that the vegetables in the frozen succotash, after cooking, are tender and, prior to cooking, meet the following additional requirements:

(1) *Corn, whole kernel (or whole grain).* The kernels are in the milk or early cream stage of maturity.

(2) *Lima beans.* The lima beans are young and tender.

(3) *Soybeans.* The soybeans are young and tender.

(4) *Green beans (or wax beans).* The green beans (or wax beans) are full-fleshed for the variety, and the seeds are in the early stage of maturity.

(b) (*B*) *classification.* If the frozen succotash consists of vegetables that are reasonably tender, a score of 32 to 35 points may be given. "Reasonably tender" means that the vegetables in the frozen succotash, after cooking, are reasonably tender, and, prior to cooking, meet the following additional requirements:

(1) *Corn, whole kernel.* The kernels are in the cream stage of maturity.

(2) *Lima beans.* The lima beans are reasonably young and reasonably tender.

(3) *Soybeans.* The soybeans are reasonably young and reasonably tender.

(4) *Green beans (or wax beans).* The green beans (or wax beans) may have lost their fleshy texture to some extent and the seeds may have passed the early stage of maturity and have not reached the late stage of maturity.

(c) (*C*) *classification.* Frozen succotash consisting of vegetables that are fairly tender may be given a score of 28 to 31 points. Frozen succotash that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly tender" means that the vegetables in the frozen succotash, after cooking, are fairly tender, and, prior to cooking, meet the following additional requirements:

(1) *Corn, whole kernel.* The kernels are in the early dough or dough stage of maturity.

(2) *Lima beans.* The lima beans may be nearly mature.

(3) *Soybeans.* The soybeans may be nearly mature.

(4) *Green beans (or wax beans).* The green beans (or wax beans) may have lost to a considerable extent their fleshy structure and the seeds may be well developed and nearly mature.

(d) (*SStd*) *classification.* Frozen succotash in which the vegetables fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points. Frozen succotash that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2020 *Method for determining proportion of ingredients.* (a) The proportion of ingredients is determined on the thawed succotash in the following manner:

(1) Separate each of the vegetables from all of the containers in the sample.

(2) Composite each of the vegetables thus separated and weigh.

(3) Add the weights of the composited vegetables to obtain the total weight of vegetables in the sample.

(4) Divide the total weight of vegetables by the weight of each of the composited vegetables in the sample and multiply by 100. The result shall be considered to be the percent of the total weight of vegetables in the sample or the proportion of the vegetable ingredient.

LOT CERTIFICATION TOLERANCES

§ 52.2021 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represents a specific lot of frozen succotash the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(4) The average score of all containers for any factor subject to a limiting rule must be within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(5) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.2022 *Score sheet for frozen succotash.*

| | | | |
|---|---|---|---|
| Size and kind of container | | | |
| Container mark or Identification | Packages | | |
| | Cases | | |
| Label (list of ingredients, etc.) | | | |
| Net weight (ounces) | | | |
| Kind, type, and style of ingredient | | Average unit weight each ingredient | Proportion of ingredients |
| Corn (white kernel (white or golden)) | | oz. | % |
| Lima beans (type) | | oz. | % |
| Soybeans | | oz. | % |
| Green (or wax) beans, cut to ... inches | | oz. | % |
| Total weight | | oz. | 100% |
| ( ) Meets proportions; ( ) Fails proportions | | | |
| Factors | Score points | | |
| Color | 30 | (A) 27–30; (B) 24–26; (C) 21–23; (SStd) 0–20 | |
| Absence of defects | 30 | (A) 27–30; (B) 24–26; (C) 21–23; (SStd) 0–20 | |
| Tenderness | 40 | (A) 36–40; (B) 32–35; (C) 28–31; (SStd) 0–27 | |
| Total score | 100 | | |
| Flavor and odor after cooking ( ) Good, ( ) Fairly good, ( ) Off. | | | |
| Grade | | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED SWEETPOTATOES [1]

IDENTITY, COLORS, STYLES, TYPES, AND GRADES

§ 52.2041 *Identity.* Canned sweetpotatoes means canned sweetpotatoes as defined in the definitions and standards of identity for canned vegetables (21 CFR 52.990), issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.2042 *Colors of canned sweetpotatoes.* (a) Yellow.

(b) Golden.

§ 52.2043 *Styles of canned sweetpotatoes.* (a) "Whole" or "whole sweetpotatoes" means canned sweetpotatoes that retain the approximate original conformation of the prepared sweetpotatoes.

(b) "Pieces" or "pieces of sweetpotatoes" means canned sweetpotatoes that consist of cut units (including, but not being limited to, sweetpotatoes that are halved longitudinally) or broken units.

(c) "Mashed" or "mashed sweetpotatoes" means canned sweetpotatoes that are wholly comminuted or crushed.

(d) Any combination of two or more of the following styles constitutes a style: Whole, pieces, or mashed.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 52.2044 *Types of packs of canned sweetpotatoes.* In addition to styles, canned sweetpotatoes are usually processed as any one of the following types of packs:

(a) In a liquid packing medium.

(b) "Vacuum-pack (without packing media)."

(c) "Solid-pack" (or "dry-pack").

§ 52.2045 *Grades of canned sweetpotatoes.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned sweetpotatoes that possess a good color; that are practically uniform in shape and size or possess good consistency, as applicable; that are practically free from defects; that possess a good character; that possess a normal flavor and odor; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned sweetpotatoes that possess a fairly good color; that are fairly free from defects; that possess a fairly good character; that possess a normal flavor and odor; and that are of such quality with respect to shape and size or consistency as to score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of canned sweetpotatoes that fail to meet the requirements of "U. S. Grade C" or "U. S. Standard."

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

§ 52.2046 *Recommended designations of liquid media and Brix measurement.* "Cut-out" requirements for liquid media are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. It is recommended that sweetpotatoes packed in sirup have the following indicated "cut-out" Brix measurement for the respective sirup designation, as applicable, and which designations are included in, but are not limited to, the following for canned sweetpotatoes in a liquid packing medium:

| *Designation* | *Brix measurement* |
|---|---|
| Extra heavy sirup | 30° or more. |
| Heavy sirup | 25° or more, but less than 30°. |
| Light sirup | 18° or more, but less than 25°. |
| In water | packed in water. |

§ 52.2047 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled as full as practicable with sweetpotatoes and that the product and packing medium, if any, occupy not less than 90 percent of the volume of the container.

§ 52.2048 *Recommended minimum drained weight.* (a) The minimum drained weight recommendations in Table I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(b) The drained weight recommendations in Table I of this section are not applicable to canned sweetpotatoes packed as "vacuum-pack (without packing media)" or as "solid-pack" (or "dry-pack").

(c) The drained weight of canned sweetpotatoes is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch±3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and the sweetpotatoes less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS OF SWEETPOTATOES IN A LIQUID PACKING MEDIUM

| Container size or designation: | *Drained weight ounces* |
|---|---|
| No. 2 | 14 |
| No. 2½ | 19 |
| No. 3 vacuum or squat (404 x 307) | 15 |
| No. 10 | 72 |

FACTORS OF QUALITY

§ 52.2049 *Ascertaining the grade.* (a) The grade of canned sweetpotatoes may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, shape and size or consistency, absence of defects, and character.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | *Points* |
|---|---|
| Color | 20 |
| Shape and size or consistency | 20 |
| Absence of defects | 40 |
| Character | 20 |
| Total score | 100 |

(c) "Normal flavor and odor" means that the product is free from objectionable odors and objectionable flavors of any kind.

§ 52.2050 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.2051 *Color*—(a) *(A) classification.* Canned sweetpotatoes that possess a good color may be given a score of 17 to 20 points. "Good color" means a reasonably bright characteristic color (either yellow or golden) and that there may be reasonable variations of such characteristic color in the units, in each unit, or in the mass.

(b) *(C) classification.* If the canned sweetpotatoes possess a fairly good color, a score of 14 to 16 points may be given. Canned sweetpotatoes that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the color may be variable in the units, in each unit, or in the mass and that the color may be slightly dull but is not offcolor.

(c) *(SStd) classification.* Canned sweetpotatoes that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2052 *Shape and size or consistency*—(a) *(A) classification.* Whole and pieces (whether packed singly or in combination) packed in a liquid packing medium or as "vacuumpack (without packing media)" that are practically uniform in shape and size may be given a score of 17 to 20 points; and canned sweetpotatoes packed as "solid-pack" (or "dry-pack") that possess a good consistency may be given a score of 17 to 20 points. "Practically uniform in shape and size" and "good consistency" have the following meanings with respect to the following styles and types of packs of canned sweetpotatoes:

(1) *Whole and pieces (whether packed singly or in combination) in a liquid packing medium or "vacuum-pack (without packing media)."* "Practically uniform in shape and size" means that the units of a single style may vary moderately in shape and that the weight of the largest unit, irrespective of style, is not more than three times the weight of the second smallest unit, irrespective of style.

(2) *Whole, pieces, and mashed (whether packed singly or in combination) packed as "solid-pack" (or "dry-pack").* "Good consistency" means that the sweetpotatoes possess a stiff consistency which may show a slight separation of free liquid.

(b) *(C) Classification.* If whole and pieces (whether packed singly or in combination) packed in a liquid packing medium or as "vacuum-pack (without packing media)" are fairly uniform in shape and size, a score of 14 to 16 points may be given; or if the canned sweetpotatoes packed as "solid-pack" (or "dry-pack") possess a fairly good consistency, a score of 14 to 16 points may be given. Canned sweetpotatoes that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly uniform in shape and size" and "fairly good consistency" have the following meanings with respect to the following styles and types of packs of canned sweetpotatoes:

(1) *Whole and pieces (whether packed singly or in combination) in a liquid packing medium or "vacuum-pack (without packing media)."* "Fairly uniform in shape and size" means that the units of a single style may vary considerably in shape and that the weight of the largest unit, irrespective of style, is not more than four times the weight of the second smallest unit, irrespective of style.

(2) *Whole, pieces, and mashed (whether packed singly or in combination) packed as "solid-pack" (or "dry-pack").* "Fairly good consistency" means that the sweetpotatoes possess a thick consistency but may not be free flowing.

(c) *(SStd) Classification.* Canned sweetpotatoes that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule).

§ 52.2053 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from particles of peel, secondary rootlets, untrimmed fibrous ends, discolored areas, or from other defects.

(b) *(A) Classification.* Canned sweetpotatoes that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the product contains not more than a slight amount of particles of peel, secondary rootlets, untrimmed fibrous ends, discolored areas, or other defects which do not affect materially the appearance or the edibility of the product.

(c) *(C) Classification.* If the canned sweetpotatoes are fairly free from defects, a score of 28 to 33 points may be given. Canned sweetpotatoes that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the particles of peel, secondary rootlets, untrimmed fibrous ends, discolored areas, or other defects may be definitely noticeable but are not so prominent as to affect seriously the appearance or the edibility of the product.

(d) *(SStd) Classification.* Canned sweetpotatoes that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2054 *Character*—(a) *General.* The factor of character refers to the texture and condition of the flesh, the degree of freedom from tough or coarse fibers, the tenderness of the canned sweetpotatoes, and the tendency of sweetpotatoes packed in a liquid packing medium or as "vacuum-pack (without packing media)" to retain their apparent original conformation and size without disintegration.

(b) *(A) classification.* Canned sweetpotatoes that possess a good character may be given a score of 17 to 20 points. "Good character" has the following meanings with respect to the following styles and types of packs of canned sweetpotatoes:

(1) *Whole and pieces (whether packed singly or in combination) in a liquid packing medium or "vacuum-pack (without packing media)."* "Good character" means that the units possess a uniformly smooth texture, are practically free from tough or coarse fibers, and may be soft to firm but hold their apparent original conformation and size without material distintegration.

(2) *Whole, pieces, and mashed packed as "solid-pack" (or "dry-pack").* "Good character" means that any units present possess a uniformly smooth texture, are practically free from tough or coarse fibers, and may be soft to firm and that any mashed sweetpotatoes present possess a uniformly smooth texture, practically free from tough or coarse fibers.

(3) *Mashed.* "Good character" means that the mass possesses a uniformly smooth texture and is free from tough or coarse fibers.

(c) *(C) classification.* If the canned sweetpotatoes possess a fairly good character, a score of 14 to 16 points may be given. Canned sweetpotatoes that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" has the following meanings with respect to the following styles and types of packs of canned sweetpotatoes:

(1) *Whole and pieces (whether packed singly or in combination) in a liquid packing medium or "vacuum-pack (without packing media)."* "Fairly good character" means that the units possess a fairly uniform texture, may possess a few tough or coarse fibers, may be variable in tenderness but are not tough, may be very soft to very firm, and may possess slight or partial disintegration of the units.

(2) *Whole, pieces, and mashed packed as "solid-pack" (or "dry-pack").* "Fairly good character" means that any units present possess a fairly uniform texture, may possess a few tough or coarse fibers, may be variable in tenderness but are not tough, and may be very soft to very firm and that any mashed sweetpotatoes present possess a fairly uniform texture, may be coarse but are practically free from lumps, and may possess a few tough or coarse fibers.

(3) *Mashed.* "Fairly good character" means that the mass possesses a fairly uniform texture, may be coarse but is free from lumps, and that not more than a few tough or coarse fibers may be present.

(d) *(SStd) classification.* Canned sweetpotatoes that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

TOLERANCES

§ 52.2055 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned sweetpotatoes, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.2056 *Score sheet for canned sweetpotatoes.*

| | | | |
|---|---|---|---|
| Size and kind of container | | | |
| Container mark or identification | | | |
| Label | | | |
| Net weight (ounces) | | | |
| Vacuum (inches) | | | |
| If in a liquid packing medium: | | | |
| Drained weight (ounces) | | | |
| Brix measurement | | | |
| Sirup designation (heavy, light, etc.) | | | |
| Color | | | |
| Style and type of pack | | | |
| Count (whole) | | | |
| **Factors** | **Score points** | | |
| Color | 20 | (A) | 17-20 |
| | | (C) | 14-16 |
| | | (D) | 1 0-13 |
| Shape and size or consistency | 20 | (A) | 17-20 |
| | | (C) | 14-16 |
| | | (D) | 1 0-13 |
| Absence of defects | 40 | (A) | 34-40 |
| | | (C) | 1 28-33 |
| | | (D) | 1 0-27 |
| Character | 20 | (A) | 17-20 |
| | | (C) | 14-16 |
| | | (D) | 1 0-13 |
| Total score | 100 | | |
| Flavor and odor | | | |
| Grade | | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED TANGERINE JUICE[1]

PRODUCT DESCRIPTION AND GRADES

§ 52.2071 *Product description.* Canned tangerine juice is the undiluted, unconcentrated, unfermented juice obtained from mature fresh fruit of the Mandarin orange (Citrus reticulata) which fruit has been properly washed; is packed with or without the addition of sweetening ingredients; is sufficiently processed by heat to assure preservation of the product; and is packed in containers which are hermetically sealed.

§ 52.2072 *Grades of canned tangerine juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned tangerine juice that shows no coagulation; that possesses a very good color; is practically free from defects; possesses a very good flavor; and scores not less than 85

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned tangerine juice that may show slight coagulation; that possesses a good color; is fairly free from defects; possesses a good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade D" or "Substandard" is the quality of canned tangerine juice that fails to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER

§ 52.2073 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be filled as full as practicable with tangerine juice and that the product occupy not less than 90 percent of the total capacity of the container.

FACTORS OF QUALITY

§ 52.2074 *Ascertaining the grade.* The grade of canned tangerine juice may be ascertained by considering in addition to the foregoing requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor. The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

| Factors: | Points |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Flavor | 40 |
| Total score | 100 |

§ 52.2075 *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points.

§ 52.2076 *Color*—(a) *(A) classification.* Canned tangerine juice that possesses a very good color may be given a score of 17 to 20 points. "Very good color" means that the tangerine juice possesses a bright yellow to yellow-orange color typical of freshly extracted juice and is free from browning due to scorching, oxidation, caramelization, or other causes.

(b) *(C) classification.* If the canned tangerine juice possesses a good color, a score of 14 to 16 points may be given. Canned tangerine juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good color" means that the tangerine juice possesses a typical yellow to yellow-orange color that may be slightly amber or show evidence of slight browning, but is not off-color.

(c) *(SStd) classification.* Canned tangerine juice that for any reason fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2077 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from free and suspended pulp, recoverable oil, seeds or seed particles, or other defects.

(1) "Free and suspended pulp" means particles of membrane, core, skin, and other similar extraneous material in canned tangerine juice.

(b) *(A) classification.* Canned tangerine juice that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the juice may contain not more than 7 percent free and suspended pulp and that there may be present not more than 0.020 percent by volume of recoverable oil; and does not contain seeds or seed particles or other defects that more than slightly affect the appearance of the product.

(c) *(C) classification.* If the canned tangerine juice is fairly free from defects, a score of 28 to 33 points may be given. Canned tangerine juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the juice may contain not more than 10 percent free and suspended pulp and that there may be present not more than 0.030 percent by volume of recoverable oil; and does not contain seeds or seed particles or other defects that materially affect the appearance of the product.

(d) *(SStd) classification.* If the canned tangerine juice fails to meet the requirements of paragraph (c) of this section, a score of 0 to 27 points may be given. Canned tangerine juice that falls into this classification shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2078 *Flavor*—(a) *(A) classification.* (1) Canned tangerine juice that possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means a fine, distinct canned tangerine juice flavor which is free from traces of scorching, caramelization, oxidation, or terpene; is free from off flavors of any kind; and meets the following requirements:

(i) Brix—Not less than 10.5 degrees.

(ii) Acid—Not less than 0.70 gram nor more than 1.40 grams (calculated as anhydrous citric acid) per 100 ml. of juice.

(iii) Brix-acid ratio—Not less than 10 to 1 nor more than 18 to 1.

(2) Canned tangerine juice is considered "sweet" if the juice possesses a very good flavor and falls within the range of the following requirements:

(i) Brix—Not less than 12.5 degrees.

(ii) Acid—Not less than 0.70 gram nor more than 1.40 grams (calculated as anhydrous citric acid) per 100 ml. of juice.

(iii) Brix-acid ratio—Not less than 11 to 1 nor more than 18 to 1, provided that when the Brix is 16 degrees or more, the Brix-acid ratio may be less than 11 to 1.

(b) *(C) classification.* (1) If the canned tangerine juice possesses a good flavor, a score of 28 to 33 points may be given. Canned tangerine juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good flavor" means a good, normal canned tangerine juice flavor which may have a slightly caramelized or slightly oxidized flavor but is free from off flavors of any kind and meets the following requirements:

(i) Brix—Not less than 10.0 degrees.

(ii) Acid—Not less than 0.55 gram nor more than 1.60 grams (calculated as anhydrous citric acid) per 100 ml. of juice.

(iii) Brix-acid ratio—Not less than 9 to 1.

(2) Canned tangerine juice is considered "sweet" if the juice possesses a good flavor and falls within the range of the following requirements:

(i) Brix—Not less than 12.5 degrees.

(ii) Acid—Not less than 0.65 gram nor more than 1.60 grams (calculated as anhydrous citric acid) per 100 ml. of juice.

(iii) Brix-acid ratio—Not less than 11 to 1, provided that when the Brix of the juice is 16 degrees or more the Brix-acid ratio may be less than 11 to 1.

(c) *(SStd) classification.* Canned tangerine juice that fails to meet the requirements of paragraph (b) of this section, is off flavor, or is unpalatable for any reason may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.2079 *Definitions of terms.* (a) "Brix" means the degrees Brix of canned tangerine juice when tested with a Brix hydrometer calibrated at 20 degrees C (68 degrees F.) If used in testing juice at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists." The degrees Brix of canned tangerine juice may be determined by any other method which gives equivalent results.

(b) "Acid" means grams of acid (calculated as anhydrous citric acid) per 100 ml. of juice in canned tangerine juice determined by titration with standard sodium hydroxide solution using phenolphthalein indicator.

§ 52.2080 *Explanation of analyses.* (a) Free and suspended pulp is determined by the following method:

(1) Graduated centrifuge tubes with a capacity of 50 ml. are filled with canned tangerine juice and placed in a suitable centrifuge. The speed is adjusted according to diameter, as indicated in Table No. I, and the juice is centrifuged for exactly 10 minutes. As used in this section, "diameter" means the over-all distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp in the tube is multiplied by 2 to give the percentage of pulp.

TABLE No. I

| Diameter | Approximate revolutions per minute | Diameter | Approximate revolutions per minute |
|---|---|---|---|
| 10 inches | 1,609 | 15½ inches | 1,292 |
| 10½ inches | 1,570 | 16 inches | 1,271 |
| 11 inches | 1,534 | 16½ inches | 1,252 |
| 11½ inches | 1,500 | 17 inches | 1,234 |
| 12 inches | 1,468 | 17½ inches | 1,216 |
| 12½ inches | 1,438 | 18 inches | 1,199 |
| 13 inches | 1,410 | 18½ inches | 1,182 |
| 13½ inches | 1,384 | 19 inches | 1,167 |
| 14 inches | 1,359 | 19½ inches | 1,152 |
| 14½ inches | 1,336 | 20 inches | 1,137 |
| 15 inches | 1,313 | | |

(b) Recoverable oil is determined by the following method:

(1) Equipment. Oil separatory trap similar to either of those illustrated in Figure 1 and Figure 2.[2]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(2) Procedure. Exactly 2 liters of juice are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from bottom to top, and bring the juice to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute. By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(3) The number of milliliters of oil recovered divided by 20 equals the percent by volume of recoverable oil.

LOT CERTIFICATION TOLERANCES

§ 52.2081 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned tangerine juice, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

[2] Filed with the Division of the Federal Register as part of the original document.



SCORE SHEET

§ 52.2082 *Score sheet for canned tangerine juice.*

| | | | |
|---|---|---|---|
| Size and kind of container | | | |
| Container mark or identification | | | |
| Label | | | |
| Liquid measure (fl. ounces) | | | |
| Vacuum (in inches) | | | |
| Brix (degrees) | | | |
| Acid (anhydrous citric: grams/100 ml.) | | | |
| Brix-acid ratio | | | |
| Pulp (free and suspended: percent) | | | |
| Recoverable oil (percent by volume) | | | |
| **Factors** | **Score points** | | |
| Color | 20 | (A) 17-20<br>(C) 14-16<br>(D) 10-13 | |
| Absence of Defects | 40 | (A) 34-40<br>(C) 28-33<br>(D) 10-27 | |
| Flavor | 40 | (A) 34-40<br>(C) 28-33<br>(D) 10-27 | |
| Total score | 100 | | |
| Grade | | | |

[1] Indicates limiting rule.

## SUBPART—UNITED STATES STANDARDS FOR GRADES OF TOMATO CATSUP [1]

IDENTITY AND GRADES

§ 52.2101 *Identity.* Tomato catsup means the product as defined in the standard of identity for catsup, ketchup, catchup (21 CFR 53.10) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.2102 *Grades of tomato catsup.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of tomato catsup that possesses a good color; that possesses a good consistency; that is practically free from defects; that possesses a good flavor; that possesses a good finish; that has a total solids content of not less than 33 percent, by weight; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of tomato catsup that possesses a good color; that possesses a good consistency; that is practically free from defects; that possesses a good flavor; that possesses a good finish; that has a total solids content of not less than 29 percent, by weight; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart: *Provided*, That the tomato catsup may score not less than 18 points for the factor of consistency if the total score is not less than 85 points.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of tomato catsup that possesses a fairly good color; that possesses a fairly good consistency; that is fairly free from defects; that possesses a good finish; that possesses a fairly good flavor; that has a total solids content of not less than 25 percent, by weight; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(d) "Substandard" is the quality of tomato catsup that fails to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER

§ 52.2103 *Recommended fill of container for tomato catsup.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of tomato catsup be filled as full as practicable without impairment of quality and that the product occupy not less than 90 percent of the capacity of the container.

FACTORS OF QUALITY

§ 52.2104 *Ascertaining the grade.* (a) The grade of tomato catsup is ascertained by considering in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, consistency, absence of defects, and flavor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 25 |
| Consistency | 25 |
| Absence of defects | 25 |
| Flavor | 25 |
| Total score | 100 |

§ 52.2105 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive for example, 17 to 20 points means 17, 18, 19 or 20 points).

§ 52.2106 *Color*—(a) *General.* The amount of red in the tomato catsup is determined by comparing the color of the product with that produced by spinning a combination of the following Munsell color discs:

Disc 1—Red (5R 2.6/13) (glossy finish).
Disc 2—Yellow (2.5YR 5/12) (glossy finish).
Disc 3—Black (N1) (glossy finish).
Disc 4—Gray (N4) (mat finish).

(b) *(A) and (B) classification.* Tomato catsup that possesses a good color may be given a score of 21 to 25 points. "Good color" means that the color is typical of tomato catsup made from well ripened red tomatoes and which has been properly prepared and properly processed. Such color contains as much or more red than that produced by spinning the specified Munsell color discs in the following combinations: 65 percent of the area of Disc 1; 21 percent of the area of Disc 2; 14 percent of the area of either Disc 3 or Disc 4, or 7 percent of the area of Disc 3 and 7 percent of the area of Disc 4 whichever most nearly matches the reflectance of the tomato catsup. To receive a score in this classification, tomato catsup, when packed in glass, shall show no discoloration in the "neck" of the bottle.

(c) *(C) classification.* If the tomato catsup possesses a fairly good color, a

score of 17 to 20 points may be given. Tomato catsup that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the color is typical of tomato catsup and contains as much or more red than that produced by spinning the specified Munsell color discs in the following combinations: 53 percent of the area of Disc 1; 28 percent of the area of Disc 2; 19 percent of the area of either Disc 3 or Disc 4, or 9½ percent of the area of Disc 3 and 9½ percent of the area of Disc 4 whichever most nearly matches the reflectance of the tomato catsup.

(d) *(SStd) classification.* Tomato catsup that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 16 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2107 *Consistency*—(a) *General.* The factor of consistency refers to the viscosity of the product and the tendency to hold its liquid portion in suspension.

(b) *(A) and (B) classification.* Tomato catsup that possesses a good consistency may be given a score of 22 to 25 points. "Good consistency" means that the tomato catsup shows not more than a slight separation of free liquid when poured on a flat grading tray; is not excessively stiff; and flows not more than 9 centimeters in 30 seconds at 20 degrees Centigrade in the Bostwick consistometer.

(c) *(C) classification.* If the tomato catsup possesses a fairly good consistency, a score of 18 to 21 points may be given. Tomato catsup that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good consistency" means that the tomato catsup may show a noticeable, but not excessive, separation of free liquid when poured on a flat grading tray; is not excessively stiff; and flows not more than 14 centimeters in 30 seconds at 20 degrees Centigrade in the Bostwick consistometer.

(d) *(SStd) classification.* Tomato catsup that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2108 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from defects such as: dark specks or scale-like particles, seeds, particles of seed, tomato peel, core material, or other similar substances. This factor is evaluated by observing a layer of the product on a smooth white, flat surface. Such layer is prepared by drawing a scraper with a clearance of 3/32 inch high by 7 inches long rapidly through the product in two horizontal planes so as to form an approximate square.

(b) *(A) and (B) classification.* Tomato catsup that is practically free from defects may be given a score of 21 to 25 points. "Practically free from defects" means that any defects present do not more than slightly affect the appearance or eating quality of the product.

(c) *(C) classification.* If the tomato catsup is fairly free from defects, a score of 18 to 20 points may be given. Tomato catsup that falls into this classification shall not be scored above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that any defects present may be noticeable but are not so large, so numerous, or of such contrasting color as to seriously affect the appearance or eating quality of the product.

(d) *(SStd) classification.* Tomato catsup that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 17 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2109 *Flavor*—(a) *(A) and (B) classification.* Tomato catsup that possesses a good flavor may be given a score of 21 to 25 points. "Good flavor" means a good, distinct flavor characteristic of good quality ingredients. Such flavor is free from scorching or any objectionable flavor of any kind.

(b) *(C) classification.* If the tomato catsup possesses only a fairly good flavor, a score of 17 to 20 points may be given. Tomato catsup that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means a flavor characteristic of the ingredients in which there may be slight traces of undesirable flavor such as scorched, bitter, or astringent, but is free from objectionable or off flavor of any kind.

(c) *(SStd) classification.* Tomato catsup that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 16 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

DEFINITIONS

§ 52.2110 *Definitions of terms used in these standards.* (a) "Total solids" in tomato catsup for the purposes of these standards is the refractometric sucrose value of the filtrate determined in accordance with the International Scale of Refractive Indices of Sucrose Solutions to which value is added 1 percent.

(b) "Good finish" means that the product has a uniform, smooth texture.

LOT CERTIFICATION TOLERANCES

§ 52.2111 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of tomato catsup, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(4) The average score of all containers for any factor subject to a limiting rule must be within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(5) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.2112 *Score sheet for tomato catsup.*

| | |
|---|---|
| Type of container | ... |
| Container size | ... |
| Container mark | ... |
| Label | ... |
| Net weight or volume | ... |
| Total solids | ... |
| Vacuum readings | ... |

| Factors | | Score points | |
|---|---|---|---|
| Color | 25 | (A) (B) | 21-25 |
| | | (C) | 17-21 |
| | | (SStd) | 0-16 |
| Consistency | 25 | (A) (B) | 22-25 |
| | | (C) | 18-21 |
| | | (SStd) | 0-17 |
| Absence of defects | 25 | (A) (B) | 21-25 |
| | | (C) | 18-20 |
| | | (SStd) | 0-17 |
| Flavor | 25 | (A) (B) | 21-25 |
| | | (C) | 17-20 |
| | | (SStd) | 0-16 |
| Total score | 100 | | |

| | |
|---|---|
| Normal flavor and odor | ... |
| Grade | ... |

(1) Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN MIXED VEGETABLES[1]

PRODUCT DESCRIPTION, KINDS, STYLES, PROPORTIONS, AND GRADES

§ 52.2131 *Product description.* Frozen mixed vegetables consist of three or more succulent vegetables, properly prepared and properly blanched; may contain vegetables (such as, small pieces of sweet red peppers or sweet green peppers) added as garnish; and are frozen and maintained at temperatures necessary for the preservation of the product.

§ 52.2132 *Kinds and styles of basic vegetables.* It is recommended that frozen mixed vegetables, other than small pieces of vegetables added as garnish, consist of the following kinds and styles of vegetables as basic vegetables:

(a) Beans, green or wax: Cut style, predominantly of ½ inch to 1½ inch cuts;

(b) Beans, lima: Any single varietal type;

(c) Carrots: Diced style, predominantly of ⅜ inch to ½ inch cubes;

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.



(d) Corn, sweet: Golden (or Yellow) in whole kernel style;

(e) Peas: Early type or sweet type.

§ 52.2133 *Proportions of ingredients.* It is recommended that frozen mixed vegetables consist of three, four, or five basic vegetables in the following proportions:

(a) *Three vegetables.* A mixture of three basic vegetables in which any one vegetable is not more than 40 percent by weight of all the frozen mixed vegetables.

(b) *Four vegetables.* A mixture of four basic vegetables in which none of the vegetables is less than 8 percent by weight nor more than 35 percent by weight of all the frozen mixed vegetables.

(c) *Five vegetables.* A mixture of five basic vegetables in which none of the vegetables is less than 8 percent by weight nor more than 30 percent by weight of all the frozen mixed vegetables.

§ 52.2134 *Grades of frozen mixed vegetables.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen mixed vegetables in which each basic vegetable possesses similar varietal characteristics; in which all vegetables possess a good color, are practically free from defects, possess a good character, possess a good flavor and odor; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen mixed vegetables in which each basic vegetable possesses similar varietal characteristics; in which all vegetables possess a reasonably good color, are reasonably free from defects, possess a reasonably good character, possess a fairly good flavor and odor; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen mixed vegetables that fail to meet the requirements of U. S. Grade B or U. S. Extra Standard.

FACTORS OF QUALITY

§ 52.2135 *Ascertaining the grade.* (a) The grade of frozen mixed vegetables is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and character.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Character | 40 |
| Total score | 100 |

(c) The scores for the factors of color, absence of defects, and character (with respect to each individual vegetable prior to cooking) are determined immediately after thawing so that the product is sufficiently free from ice crystals to permit proper handling as individual units; and representative samples of the product are cooked to ascertain tenderness of the frozen mixed vegetables, collectively, before final evaluation of the score for character. Flavor and odor are also ascertained on the cooked product.

(d) "Good flavor and odor" means that the product and each basic vegetable after cooking has a good, characteristic normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(e) "Fairly good flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.2136 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.2137 *Color*—(a) *General.* The factor of color refers to the general brightness of all the combined vegetables.

(b) *(A) classification.* Frozen mixed vegetables which possess a good color may be given a score of 17 to 20 points. "Good color" means that the combined basic vegetables as a mass are bright and characteristic of reasonably young or reasonably tender mixed vegetables that have been properly prepared and properly processed; that any pieces of vegetable material used for garnish are reasonably bright; and that none of the individual vegetables are off color for any reason.

(c) *(B) classification.* If the frozen mixed vegetables possess a reasonably good color, a score of 14 to 16 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the combined basic vegetables as a mass are reasonably bright and characteristic of fairly young or fairly tender mixed vegetables that have been properly prepared and properly processed; that any pieces of vegetable material used for garnish may be only fairly bright but are not off color for any reason; and that none of the individual vegetables are off color for any reason.

(d) *(SStd) classification.* If the frozen mixed vegetables fail to meet the requirements of paragraph (c) of this section, a score of 0 to 13 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2138 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous vegetable materials, slightly damaged units moderately damaged units, seriously damaged units, and any other defects which detract from the appearance or edibility of the product.

(1) "Harmless extraneous vegetable material" means any vegetable substance other than from any of the basic vegetables or garnish and any portions of the basic vegetables which are normally removed in preparation for processing. Such materials include, but are not limited to, "Small pieces" and "large pieces" as follows:

(i) A "small piece of harmless extraneous vegetable material" is any piece or unit of such material similar in shape and the equivalent in size or smaller than 3/16 square inch of leafy material or loose pieces of pods from peas or lima beans, tough or woody stems of any size other than unstemmed units of green or wax beans, ¼-inch cube of corn cob material, ½ square inch of corn husk, and ⅜-inch diameter thistle buds;

(ii) A "large piece of harmless extraneous vegetable material" is any piece or unit of such material similar in shape and larger in size than the equivalent of an applicable kind of "small piece of harmless extraneous vegetable material."

(2) "Slightly damaged unit" means any unit of the basic vegetable or garnish that is affected by slight blemishes, slight discoloration, or similar injury that are noticeable but do not materially affect the appearance or edibility of the unit, and includes, but is not limited to, light discoloration of the hilum of lima beans or other light discoloration of the skin which does not penetrate into the cotyledon of lima beans.

(3) "Moderately damaged unit" means any unit of a basic vegetable or garnish that is affected by blemishes, discoloration, or any other similar injury that materially affects the appearance or edibility of the unit and has the following specific meanings for the respective vegetables:

(i) *Beans, green or wax.* Any unit blemished by scars, by pathological injury, by insect injury, or by other means which in the aggregate exceeds the area of a circle ⅛ inch in diameter.

(ii) *Beans, lima.* A bean or portion thereof that is spotted or otherwise definitely discolored or that is blemished by pathological injury, by insect injury, or by other means other than light discoloration.

(iii) *Carrots.* Any unit possessing an unpeeled area greater than the area of a circle ⅛ inch in diameter; and any unit blemished by internal or external discoloration, by sunburn or green color, by pathological injury, by insect injury, or by other means.

(iv) *Corn.* Any kernel or portion thereof that possesses serious brown or black discoloration.

(v) *Peas.* Any spotted pea or any off-colored pea (such as brown, gray, cream, or yellow-white) that is abnormally defective and that definitely lacks any tinge of green color.

(vi) *Garnish.* Any piece blemished by discoloration, by pathological injury, by insect injury, or by other means which in the aggregate exceeds the area of a circle ⅛ inch in diameter.

(4) "Seriously damaged unit" means any unit of the basic vegetable or garnish, other than damaged corn kernels, that is damaged to the extent that the appearance and edibility of the unit is seriously affected and includes, but is not limited to, "shriveled" lima beans that are materially wrinkled and not of nor-

mal plumpness; "sprouted" lima beans that show an external shoot protruding beyond the cotyledon or skin; and any unit with brown or very black or very dark spots and serious insect injury regardless of the area affected.

(5) "Other defects" means any defects not specifically mentioned that affect the appearance or edibility of the product, and includes, but are not limited to the following:

(i) *Beans, green or wax.* Loose seeds and portions thereof; and pod sections with very ragged edges that are partially cut or split into two parts, or that are markedly shorter or longer than the predominating lengths of the cut units;

(ii) *Beans, lima.* Mashed beans, broken beans, loose cotyledons, loose skins, and any portions thereof;

(iii) *Carrots.* Crushed, broken, cracked, or irregularly shaped units; units with excessively frayed edges and surfaces; and units markedly smaller than one-half the volume of, or markedly larger than, the predominating size of cubes;

(iv) *Corn.* Crushed kernels, ragged kernels, loose skins, and dark and objectionable pieces of silk more than ½ inch in length; and

(v) *Peas.* Mashed peas, broken peas, loose cotyledons, loose skins, and any portions thereof.

(b) *(A) classification.* Frozen mixed vegetables that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present no more than the following defects within the limits stated:

(1) No large pieces of harmless extraneous vegetable material; but 1 small piece of harmless extraneous vegetable material for each 16 ounces net weight, or for each package if the package is less than 16 ounces, of frozen mixed vegetables: *Provided,* That the combined weight of all the harmless extraneous material is not more than ½ of 1 percent, by weight, of the frozen mixed vegetables;

(2) 2 moderately damaged units for each 3 ounces of frozen mixed vegetables and 1 seriously damaged unit for each 4 ounces of frozen mixed vegetables: *Provided,* That slightly damaged, moderately damaged, and seriously damaged units, either singly or in combination, do not materially affect the appearance or edibility of the frozen mixed vegetables; and

(3) Other defects, individually or collectively, do not materially affect the appearance of the frozen mixed vegetables.

(c) *(B) classification.* If the frozen mixed vegetables are reasonably free from defects, a score of 28 to 33 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present no more than the following defects within the limits stated:

(1) 1 large piece of harmless extraneous vegetable material and 2 small pieces of harmless extraneous vegetable material for each 16 ounces net weight, or for each package if the package is less than 16 ounces, of frozen mixed vegetables: *Provided,* That the combined weight of all the harmless extraneous material is not more than ½ of 1 percent, by weight, of the frozen mixed vegetables;

(2) 4 moderately damaged units for each 3 ounces of frozen mixed vegetables and 1 seriously damaged unit for each 2 ounces of frozen mixed vegetables: *Provided,* That slightly damaged, moderately damaged, and seriously damaged units, either singly or in combination, do not seriously affect the appearance or edibility of the frozen mixed vegetables; and

(3) Other defects, individually or collectively, do not seriously affect the appearance of the frozen mixed vegetables.

(d) *(SStd) classification.* If the frozen mixed vegetables fail to meet the requirements of paragraph (c) of this section, a score of 0 to 27 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2139 *Character — (a) General.* The factor of character refers to the texture, the maturity, and the degree of development of the pods and seeds in green beans or wax beans; the tenderness of lima beans; the tenderness and the degree of freedom from stringy or coarse fibers in carrots; the tenderness and maturity or starchiness of the corn; the tenderness or maturity of the peas; and to the tenderness of the combined frozen mixed vegetables after cooking.

(b) *(A) classification.* Frozen mixed vegetables which collectively and individually possess a good character may be given a score of 34 to 40 points. "Good character" means that the combined vegetables after cooking are tender and that the individual vegetables prior to cooking meet the following requirements:

(1) *Beans, green or wax.* The bean pods are full-fleshed and tender, the seeds are in the earlier stages of maturity, and both the bean pods and seeds are the equivalent of frozen green beans or wax beans that would score not less than 36 points for the factor of "Texture and Maturity" as outlined in the "United States Standards for Grades of Frozen Snap Beans."

(2) *Beans, lima.* The lima beans, except for an occasional bean that may be white, are tender.

(3) *Carrots.* The units are tender and are the equivalent of frozen diced carrots that would score not less than 26 points for the factor of "Texture" as outlined in the "United States Standards for Grades of Frozen Diced Carrots."

(4) *Corn.* The kernels are at least in the cream stage of maturity, have at least a reasonably tender texture, and are the equivalent of frozen whole-grain corn that would score not less than 43 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Whole Kernel (or Whole Grain) Corn."

(5) *Peas.* The peas are at least reasonably tender and are the equivalent of frozen peas that would score not less than 34 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Peas."

(c) *(B) classification.* If the frozen mixed vegetables, collectively and individually, possess a reasonably good character, a score of 28 to 33 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the combined vegetables after cooking are reasonably tender and practically free from tough fibers and that the individual vegetables prior to cooking meet the following requirements:

(1) *Beans, green or wax.* The bean pods are at least fairly tender and are the equivalent of frozen green beans or wax beans that would score not less than 30 points for the factor of "Texture and Maturity" as outlined in the "United States Standards for Grades of Frozen Snap Beans."

(2) *Beans, lima.* The lima beans are at least fairly tender and not more than 10 percent by count of all the lima beans may be white.

(3) *Carrots.* The units are at least reasonably tender and are the equivalent of frozen diced carrots that would score not less than 24 points for the factor of "Texture" as outlined in the "United States Standards for Grades of Frozen Diced Carrots."

(4) *Corn.* The kernels are at least fairly tender and are the equivalent of frozen whole-grain corn that would score not less than 38 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Whole Kernel (or Whole Grain) Corn."

(5) *Peas.* The peas are at least fairly tender and are the equivalent of frozen peas that would score not less than 30 points for the factor of "Tenderness and Maturity" as outlined in the "United States Standards for Grades of Frozen Peas."

(d) *(SStd) classification.* If the frozen mixed vegetables, collectively or individually, fail to meet the requirements of paragraph (c) of this section, a score of 0 to 27 points may be given. Frozen mixed vegetables that fall into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.2140 *Explanation of terms and analyses.* (a) The "proportion of ingredients" are determined on the thawed vegetables by the following procedure:

(1) Separate and assemble from all the containers in the sample each of the basic vegetables;

(2) Weigh each basic vegetable thus composited to obtain the "aggregate weight" of each basic vegetable from all the containers in the sample;

(3) Add the aggregate weights of all the basic vegetables to obtain the "grand total weight" of all the basic vegetables from all containers in the sample; and then



(4) Calculate the percentage of each basic vegetable in the sample by dividing the "aggregate weight" of each basic vegetable by the "grand total weight" of all the basic vegetables.

LOT CERTIFICATION TOLERANCES

§ 52.2141 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen mixed vegetables, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(1) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(2) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(3) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.2142 *Score sheet for frozen mixed vegetables.*

Size and kind of container _____ _____
Container mark | Packed by _____ _____
or Identification | Cases _____ _____
Label statement of ingredients, etc. _____ _____
Net weight, ounces _____ _____

| Kinds, styles of ingredients | Aggregate weight each ingredient | Proportion of ingredients |
|---|---|---|
| Garnish | | |
| Beans, cut ( ) green; ( ) wax | .028 | [1] |
| Beans, lima ( ) round; ( ) flat | .028 | [1] |
| Lima beans | .028 | [1] |
| Carrots, diced (approx. ″ cubes) | .028 | [1] |
| Corn, whole kernel, Golden | .028 | [1] |
| Peas ( ) sweet; ( ) early | .028 | [1] |
| Grand total, weight | .028 | 100 |
| ( ) Meets proportions; ( ) Fails proportions. | | |

| Factors | | Score | | |
|---|---|---|---|---|
| Color | 20 | (A) | 17–20 | (Thawed Beans, Limas, Carrots, Corn, Peas. |
| | | (B) | 14–16 | |
| | | (SStd)[1] | 0–13 | |
| Absence of defects | 40 | (A) | 34–40 | |
| | | (B) | 28–33 | |
| | | (SStd)[1] | 0–27 | |
| Character | 40 | (A) | 34–40 | |
| | | (B) | 28–33 | |
| | | (SStd)[1] | 0–27 | |
| All vegetables after cooking: ( ) tender; ( ) reasonably tender, etc. | | | | |

Flavor and odor after cooking:
( ) good; ( ) fairly good; ( ) off.

Total score _____
Grade _____

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED APPLES[1]

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.2161 *Product description.* Canned apples is the product prepared from sound, fresh apples of proper maturity and proper ripeness, which fruit is packed with or without any of the following ingredients: Water, salt, spices, nutritive sweetening ingredients, and any other ingredients permissible under the provision of the Federal Food, Drug and Cosmetic Act, and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

§ 52.2162 *Styles of canned apples.* "Sliced" means canned apples consisting of segments of apples cut longitudinally and radially from the core axis.

§ 52.2163 *Grades of canned apples.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned apples that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a good color; that are practically uniform in size; that are practically free from defects; that possess a good character; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart: *Provided,* That the canned apples may be fairly uniform in size, if the total score is not less than 85 points.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned apples that possess similar varietal characteristics; that possess a normal flavor and odor; that possess a fairly good color; that are fairly uniform in size; that are fairly free from defects; that possess a fairly good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned apples that fail to meet the requirements of "U. S. Grade C" or "U. S. Standard."

FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.2164 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with apples as full as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

§ 52.2165 *Recommended minimum drained weights.* (a) Minimum drained weight recommendations for canned apples shown in Table I of this paragraph are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades. The drained weight of canned apples is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3% square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and the apples less the weight of the dry sieve. A sieve of 8 inches in diameter is used for No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the No. 3 size can.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS

| Can size | Can dimensions (inches) | | Drained Weight (ounces) |
|---|---|---|---|
| | Diameter | Height | |
| No. 1 | 3 | 4 | 14 |
| No. 2 | 3 | 4 | 18 |
| No. 3 | 4 | 4 1/16 | 26 |
| No. 10 | 6 | 7 | 96 |

(b) Compliance with the recommended drained weights for canned apples is determined by averaging the drained weights from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendation if:

(1) The average drained weight from all the containers meets the recommended drained weight;

(2) One half—or more of the containers meet the recommended drained weight; and

(3) The drained weights from the containers which do not meet the recommended drained weights are within the range of variability for good commercial practice.

FACTORS OF QUALITY

§ 52.2166 *Ascertaining the grade.* (a) The grade of canned apples is ascertained by considering the requirements with respect to varietal characteristics, flavor, and odor, which are not scored and the factors of color, uniformity of size, absence of defects, and character which are scored.

(b) The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 20 |
| Uniformity of size | 20 |
| Absence of defects | 20 |
| Character | 40 |
| Total score | 100 |

(c) "Normal flavor and odor" means that the product is free from objectionable flavors and objectionable odors of any kind.

§ 52.2167 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each factor which is scored is inclusive (for ex-

[1] The requirement of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

ample "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.2168 *Color*—(a) *(A) classification.* Canned apples that possess a good color may be given a score of 17 to 20 points. "Good color" means that the slices, internally and externally, possess a reasonably uniform bright color, characteristic of apples of similar varieties.

(b) *(C) classification.* If the canned apples possess a fairly good color, a score of 14 to 16 points may be given. Canned apples that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the slices possess a color characteristic of apples of similar varieties; may vary noticeably in color; may possess a slight, but not markedly, brown, pink, or grey cast; and are practically free from internal discoloration.

(c) *(SStd) classification.* Canned apples that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2169 *Uniformity of size*—(a) *General.* The factor of uniformity of size refers to the degree of wholeness and to the uniformity of thickness of the slices.

(1) "Practically whole slice" means that the individual slice may be cut or broken but at least three-fourths of the apparent original slice remains.

(b) *(A) classification.* Canned apples that are practically uniform in size may be given a score of 17 to 20 points. "Practically uniform in size" means that at least 90 percent of the drained weight of the product consists of whole or practically whole slices of $1^1/_4$ inches in length or longer; and that of the 90 percent of the drained weight of the product consisting of units of the most uniform thickness, the thickness of the slices does not vary more than $^1/_4$ inch.

(c) *(C) classification.* Canned apples that are fairly uniform in size may be given a score of 14 to 16 points. "Fairly uniform in size" means that at least 75 percent of the drained weight of the product consists of whole or practically whole slices of $1^1/_4$ inches in length or longer.

(d) *(SStd) classification.* Canned apples that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2170 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous matter, from damaged or seriously damaged slices, and from carpel tissue.

(1) "Harmless extraneous matter" means any vegetable substance (including, but not being limited to, a leaf, stem, or portions thereof, cores and portions of cores, and seeds) that is harmless.

(2) "Damaged unit" means any unit possessing green peel that exceeds in the aggregate an area of a circle $^1/_2$ inch in diameter, or red peel that exceeds in the aggregate an area of a circle $^1/_4$ inch in diameter, light brown bruise that exceeds the area of a circle $^1/_2$ inch in diameter or which is more than $^1/_4$ inch deep, and any unit in which the appearance or eating quality is materially affected by blossom end material, dark brown bruise or other internal or external discoloration, pathological injury, insect injury, or by any other means.

(3) "Seriously damaged unit" means any unit damaged to such an extent that the appearance or eating quality is seriously affected.

(4) "Practically free from carpel tissue" means that for each 16 ounces of the product, the carpel tissue present does not exceed in the aggregate an area equal to $^3/_4$ square inch.

(5) "Fairly free from carpel tissue" means that for each 16 ounces of the product the carpel tissue present does not exceed an area equal to $1^1/_2$ square inches.

(b) *(A) classification.* Canned apples that are practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that extraneous matter may be present that does not materially affect the appearance or eating quality of the product; that the product is practically free from carpel tissue; and that not more than a total of 5 percent, by weight, of the units may be damaged of which not more than 1 percent, by weight, of all the units may be seriously damaged: *Provided*, That extraneous matter, damaged and seriously damaged units, singly or in combination, do not materially affect the appearance or eating quality of the product.

(c) *(C) classification.* Canned apples that are fairly free from defects may be given a score of 14 to 16 points. Canned apples that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that extraneous matter may be present that does not seriously affect the appearance or eating quality of the product; that the product is fairly free from carpel tissue; and that not more than a total of 15 percent, by weight, of the units may be damaged of which not more than 3 percent, by weight, of all the units may be seriously damaged: *Provided*, That extraneous matter, damaged and seriously damaged units, singly or in combination, do not seriously affect the appearance or eating quality of the product.

(d) *(SStd) classification.* Canned apples that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2171 *Character*—(a) *General.* The factor of character refers to the texture of the slices and to the tendency to retain their conformation without material softening or disintegration.

(1) "Mushy apples" means slices or portions thereof that are a pulpy mass and of a consistency approximating applesauce.

(b) *(A) classification.* Canned apples that possess a good character may be given a score of 34 to 40 points. "Good character" means that the slices possess a reasonably tender texture, and that not more than 5 percent of the drained weight of the product consists of mushy apples.

(c) *(C) classification.* Canned apples that possess a fairly good character may be given a score of 28 to 33 points. Canned apples that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the slices may be variable in texture, with not more than 15 percent of the drained weight of the product consisting of slices that are markedly hard, markedly soft, or mushy.

(d) *(SStd) classification.* Canned apples that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.2172 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned apples, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(4) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(5) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.2173 *Score sheet for canned apples.*

| | |
|---|---|
| Size and kind of container | |
| Container mark or identification | |
| Label | |
| Net weight (ounces) | |
| Vacuum reading (in inches) | |
| Drained weight (ounces) | |



| Factors | Score points | | |
|---|---|---|---|
| I. Color | 20 | (A) | 17–20 |
| | | (C) | 14–16 |
| | | (SStd) | 1–13 |
| II. Uniformity of size | 20 | (A) | 17–20 |
| | | (C) | 14–16 |
| | | (SStd) | 1–13 |
| III. Absence of defects | 20 | (A) | 17–20 |
| | | (C) | 14–16 |
| | | (SStd) | 1–13 |
| IV. Character of fruit | 40 | (A) | 34–40 |
| | | (C) | 28–33 |
| | | (SStd) | 1–27 |
| Total score | 100 | | |

[illegible] flavor and odor

[illegible]

[illegible] limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CHILI SAUCE[1]

PRODUCT DESCRIPTION AND GRADES

§ 52.2191 *Product description.* Chili sauce is the product prepared from mature, clean, sound, tomatoes of the red or reddish varieties which are peeled and chopped or crushed, or all (or a portion) of the tomatoes may be chopped, crushed, or macerated and the peelings screened out in a manner so that at least a substantial portion of the seed remains in the product, to which are added salt, spices, vinegar, nutritive sweetening ingredients, and to which may be added vegetable flavoring ingredients such as chopped onion, chopped green or red pepper, chopped green tomatoes, chopped celery, and sweet pickle relish in such quantities as will not materially alter the appearance of the product with respect to the predominance of the tomato ingredient, and any other ingredients permissible under the provisions of the Federal Food, Drug, and Cosmetic Act. The chili sauce is processed in accordance with good commercial practice; is packed in hermetically sealed containers; and is sufficiently processed by heat, before or after sealing, to assure preservation of the product. The refractive index of the filtrate of the chili sauce at 20 degrees C. is not less than 1.3784.

§ 52.2192 *Grades of chili sauce.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of chili sauce that possesses a good color; that possesses a good consistency; that possesses a good character; that is practically free from defects; that possesses a good flavor; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart: *Provided*, That the chili sauce may score not less than 14 points on the factor of character if the total score is not less than 85 points.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of chili sauce that possesses a fairly good color; that possesses a fairly good consistency; that possesses a fairly good character; that is fairly free from defects; that possesses a fairly good flavor; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of chili sauce that fails to meet the requirements of "U. S. Grade C" or "U. S. Standard."

FILL OF CONTAINER

§ 52.2193 *Recommended fill of container for chili sauce.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of chili sauce be filled as full as practicable without impairment of quality and that the product occupy not less than 90 percent of the capacity of the container.

FACTORS OF QUALITY

§ 52.2194 *Ascertaining the grade.* (a) The grade of the chili sauce is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, consistency, character, absence of defects, and flavor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given for each such factor is:

| Factors: | Points |
|---|---|
| Color | 20 |
| Consistency | 20 |
| Character | 20 |
| Absence of defects | 20 |
| Flavor | 20 |
| Total score | 100 |

§ 52.2195 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, and 20 points).

§ 52.2196 *Color*—(a) *(A) classification.* Chili sauce that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the color of the chili sauce is bright; the color of the tomato ingredient is predominant and characteristic of properly prepared, well ripened, properly processed tomatoes; and that the added seasoning ingredients do not materially detract from the appearance of the product.

(b) *(C) classification.* If the chili sauce possesses a fairly good color, a score of 14 to 16 points may be given. Chili sauce that scores in this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the color of the chili sauce may be slightly dull but not off color; the color of the tomato ingredient is characteristic of properly prepared, fairly well ripened, properly processed tomatoes; and that the added seasoning ingredients do not seriously detract from the appearance of the product.

(c) *(SStd) classification.* Chili sauce that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2197 *Consistency*—(a) *(A) classification.* Chili sauce that possesses a good consistency may be given a score of 17 to 20 points. "Good consistency" means that the chili sauce is heavy bodied and when emptied from the container to a flat surface forms a moderately mounded mass and shows not more than a slight separation of free liquid at the edges of the mass.

(b) *(C) classification.* If the chili sauce possesses only a fairly good consistency a score of 14 to 16 points may be given. Chili sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good consistency" means that the chili sauce, when emptied from the container to a flat surface, may tend to level itself, or may show a moderate separation of free liquid at the edges of the mass, but is not excessively stiff or excessively liquid.

(c) *(SStd) classification.* Chili sauce that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2198 *Character*—(a) *General.* The factor of character refers to the degree of disintegration of the tomatoes and the tenderness and texture of the onion, celery, pickle relish, or other similar ingredients.

(b) *(A) classification.* Chili sauce that possesses a good character may be given a score of 17 to 20 points. "Good character" means that the product does not have a finely comminuted appearance and that the onion, celery, pickle relish, and other similar ingredients are tender, reasonably firm, or crisp in texture.

(c) *(C) classification.* If the chili sauce possesses a fairly good character a score of 14 to 16 points may be given. "Fairly good character" means that the product may be finely comminuted and that the other vegetable ingredients may be only fairly tender.

(d) *(SStd) classification.* Chili sauce that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2199 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from dark specks or scale-like particles, discolored seeds or pieces of abnormally discolored ingredients, tomato peel, and other defects.

(b) *(A) classification.* Chili sauce that is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that any defects present do not more than slightly affect the appearance or eating quality of the product.

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

(c) *(C) classification.* If the chili sauce is fairly free from defects, a score of 14 to 16 points may be given. Chili sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that any defects present may be noticeable but are not so large, so numerous, or so prominent as to seriously affect the appearance or eating quality of the product.

(d) *(SStd) classification.* Chili sauce that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2200 *Flavor*—(a) *(A) classification.* Chili sauce that possesses a good flavor may be given a score of 17 to 20 points. "Good flavor" means a good distinct flavor characteristic of chili sauce properly prepared from good quality ingredients. Such flavor is free from scorching or any objectionable flavor of any kind.

(b) *(C) classification.* If the chili sauce possesses a fairly good flavor, a score of 14 to 16 points may be given. Chili sauce that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means that the product may be lacking in good characteristic flavor, but is free from objectionable or off-flavors of any kind.

(c) *(SStd) classification.* Chili sauce that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.2201 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of chili sauce the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(4) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(5) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.2202 *Score sheet for chili sauce.*

| | |
|---|---|
| Type of container | --- |
| Container size | --- |
| Label | --- |
| Net weight or volume | --- |
| Refractive index | --- |
| Vacuum readings | --- |

| Factors | | Score points | |
|---|---|---|---|
| Color | 20 | (A) | 17-20 |
| | | (C) | 14-16 |
| | | (SStd) | 0-13 |
| Consistency | 20 | (A) | 17-20 |
| | | (C) | 14-16 |
| | | (SStd) | 0-13 |
| Character | 20 | (A) | 17-20 |
| | | (C) | 14-16 |
| | | (SStd) | 0-13 |
| Absence of defects | 20 | (A) | 17-20 |
| | | (C) | 14-16 |
| | | (SStd) | 0-13 |
| Flavor | 20 | (A) | 17-20 |
| | | (C) | 14-16 |
| | | (SStd) | 0-13 |
| Total score | 100 | | |

| | |
|---|---|
| Normal flavor and color | --- |
| Grade | --- |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CONCENTRATED ORANGE JUICE FOR MANUFACTURING [1]

PRODUCT DESCRIPTION AND GRADES

§ 52.2221 *Product description.* Concentrated orange juice for manufacturing is the concentrated product obtained from sound, mature fruit of the sweet orange group (Citrus sinensis) and Mandarin group (Citrus reticulata), except tangerines. The fruit is prepared by sorting and by washing prior to extraction of the juice and the extracted juice is concentrated. The concentrated orange juice is processed in accordance with good commercial practice; and may or may not require processing by heat or subsequent refrigeration to assure preservation of the product but is not the product which is considered "frozen concentrated orange juice." The finished product does not contain any additives except that cold-pressed oil to standardize flavor and chemical preservatives permissible under provisions of the Federal Food, Drug, and Cosmetic Act may have been added.

(a) The Brix value of the finished concentrate shall be not less nor more than the following for the respective dilution factor of canned concentrated orange juice for manufacturing:

| Dilution factor | Brix value of the finished concentrate | |
|---|---|---|
| | Minimum Brix value | Maximum Brix value |
| | *Degrees* | *Degrees* |
| 1 plus 3 | 41.8 | 44.0 |
| 1 plus 4 | 50.0 | 53.0 |
| 1 plus 5 | 57.8 | 61.2 |
| 1 plus 6 | 65.2 | No limit |

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

(b) Concentrated orange juice for manufacturing of other dilution factors between "1 plus 3" to "1 plus 6" or more than "1 plus 6" shall result in a Brix (upon reconstitution as prescribed by the processor or as prescribed by the label on the container, if labeled) of not less than 11.7 degrees.

§ 52.2222 *Grades of concentrated orange juice for manufacturing.* (a) "U. S. Grade A for Manufacturing" or "U. S. Fancy for Manufacturing" is the quality of concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses a reasonably good color; is practically free from defects; possesses a reasonably good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(b) "U. S. Grade C for Manufacturing" or "U. S. Standard for Manufacturing" is the quality of concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses a fairly good color; is fairly free from defects; possesses a fairly good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(c) "Substandard for Manufacturing" is the quality of concentrated orange juice that fails to meet the requirements of U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing.

FILL OF CONTAINER

§ 52.2223 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with concentrated orange juice as full as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.2224 *Ascertaining the grade.* The grade of concentrated orange juice for manufacturing is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Flavor | 40 |
| Total score | 100 |

§ 52.2225 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.2226 *Color*—(a) *(A–Mfg) classification.* Concentrated orange juice of which the reconstituted juice possesses a reasonably good color may be given a score of 17 to 20 points. "Reasonably good color" means that the color is a reasonably good yellow to yellow-orange color typical of properly processed and properly concentrated orange juice and is reasonably free from browning due to scorching, oxidation, caramelization, or other causes.

(b) *(C–Mfg) classification.* If the reconstituted juice possesses a fairly good color, a score of 14 to 16 points may be given. Concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the orange juice may be slightly amber or very light in color and may show evidence of slight browning but is not off-color.

(c) *(SStd–Mfg) classification.* Concentrated orange juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

§ 52.2227 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from seeds and portions thereof, from excessive juice cells, from pulp, and from other defects.

(b) "Pulp" means particles of membrane, core, and peel.

(c) *(A–Mfg) classification.* Concentrated orange juice of which the reconstituted juice is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present:

(1) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding 1/8 inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or drinking quality of the juice;

(2) Juice cells and pulp that do not materially affect the appearance or drinking quality of the juice; and

(3) Other defects that are not more than slightly objectionable.

(d) *(SStd–Mfg) classification.* Concentrated orange juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).



§ 52.2228 *Flavor*—(a) *(A–Mfg) classification.* Concentrated orange juice of which the reconstituted juice possesses a reasonably good flavor may be given a score of 34 to 40 points. "Reasonably good flavor" means that the flavor is typical of reconstituted concentrated orange juice from properly processed and concentrated orange juice; that the flavor may range from high acidity to low acidity; is practically free from traces of scorching, caramelization, oxidation, or terpene; and is free from off-flavors of any kind. To score not less than 34 points the concentrated orange juice shall meet the following requirement: The ratio of the Brix value to acid is not less than 8 to 1 nor more than 18 to 1.

(b) *(C–Mfg) classification.* If the reconstituted juice possesses a fairly good flavor, a score of 28 to 33 points may be given. Concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means a normal flavor for reconstituted concentrated orange juice; and that the flavor may range from high acidity to low acidity, may have a slightly caramelized or slightly oxidized flavor or may possess traces of terpene but is free from off-flavors of any kind. To score not less than 28 points concentrated orange juice shall meet the following requirement: the ratio of the Brix value to acid is not less than 8 to 1 nor more than 21 to 1.

(c) *(SStd–Mfg) classification.* If the concentrated orange juice fails to meet the requirements of paragraph (b) of this section, a score of 0 to 27 points may be given. Concentrated orange juice that falls into this classification shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.2229 *Explanation of terms and analyses.* (a) "Reconstituted juice" means the product obtained by mixing thoroughly one part by volume of the canned concentrated orange juice with a stated volume of water. For example, a dilution factor of "1 plus 6" means that to one part by volume of concentrated orange juice 6 parts by volume of water are added to produce a reconstituted juice. Distilled water is used in reconstituting the product for testing flavor.

(b) "Reconstitution as declared" means any defined reconstitution, such as in labeling: For example, "this can (46 oz.) made up to 10 quarts" means a "1 plus 5.95" concentrate.

(c) "Reconstitutes properly" means that the reconstituted juice shows no material separation of colloidal or suspended matter after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass tube or cylinder (such as a 50 ml. graduated cylinder).

(d) "Acid" means the percent by weight of acid (calculated as anhydrous citric acid) in concentrated orange juice and is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(e) "Brix value" of the concentrate is the refractometric sucrose value determined in accordance with the International Scale of Refractive Indices of Sucrose Solutions and to which the applicable correction for acid is added. (See Table I for corrections.)

TABLE I—CORRECTIONS FOR OBTAINING BRIX VALUES

| Citric acid, anhydrous, percent by weight | Correction to be added to refractometric sucrose value to obtain Brix value | Citric acid, anhydrous, percent by weight | Correction to be added to refractometric sucrose value to obtain Brix value |
|---|---|---|---|
| 0.0 | 0.00 | 1.6 | 0.70 |
| 0.1 | .00 | 1.7 | .74 |
| 0.2 | .00 | 1.8 | .78 |
| 0.3 | .00 | 1.9 | .81 |
| 0.4 | .01 | 2.0 | .85 |
| 0.5 | .02 | 2.1 | .89 |
| 0.6 | .03 | 2.2 | .93 |
| 0.7 | .04 | 2.3 | .97 |

[1] See "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Sale and W. E. Ruether, Journal of the Association of Official Agricultural Chemists, vol. 31, p. 347, Aug. 15, 1948.

(f) The "Brix" of reconstituted juice, as applicable, means the degree Brix of the properly reconstituted juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing juice at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in the Official Methods of Analysis of the Association of Official Agricultural Chemists. The degrees Brix of the reconstituted juice may be determined by any other method which gives equivalent results.

LOT CERTIFICATION TOLERANCES

§ 52.2230 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of concentrated orange juice for manufacturing the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(4) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(5) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal

Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.2231 *Score sheet for concentrated orange juice for manufacturing.*

| | | | |
|---|---|---|---|
| Size and kind of container | | | |
| Container mark or identification | | | |
| Label (including reconstitution factor) | | | |
| Liquid measure (fluid ounces) | | | |
| Net weight | | | |
| Brix value of concentrate (corrected for acid) | | | |
| Anhydrous citric acid in concentrate (percent by weight) | | | |
| Brix value/acid ratio | | | |
| Recoverable oil (ml./100 grams) | | | |
| Reconstituted properly (Yes) (No) | | | |
| Factors | Score points | | |
| Color | 20 | (A Mfg) | 17-20 |
| | | (C Mfg) | 14-16 |
| | | (SStd Mfg) | 10-13 |
| Absence of defects | 40 | (A Mfg) | 34-40 |
| | | (C Mfg) | 28-33 |
| | | (SStd Mfg) | 10-27 |
| Flavor | 40 | (A Mfg) | 34-40 |
| | | (C Mfg) | 28-33 |
| | | (SStd Mfg) | 10-27 |
| Total score | 100 | | |
| Grade for manufacturing | | | |

[1] Indicates limiting rule.

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED CONCENTRATED ORANGE JUICE [1]

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.2251 *Product description.* Canned concentrated orange juice is the concentrated product obtained from sound, mature fruit of the sweet orange group (Citrus sinensis) and Mandarin group (Citrus reticulata), except tangerines. The fruit is prepared by sorting and by washing prior to extraction of the juice; the extracted juice is concentrated; and single strength orange juice extracted from sorted and washed fruit may or may not be admixed to the concentrate. The canned concentrated orange juice is processed in accordance with good commercial practice and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

§ 52.2252 *Styles of canned concentrated orange juice—(a) Style I, without sweetening ingredient added.* (1) The Brix value of the finished concentrate shall be not less nor more than the following for the respective dilution factor of canned concentrated orange juice:

| Dilution factor | Brix value of the finished concentrate | |
|---|---|---|
| | Minimum Brix value | Maximum Brix value |
| | *Degrees* | *Degrees* |
| 1 plus 1 | 29.5 | 34.9 |
| 1 plus 2 | 32.4 | 34.1 |
| 1 plus 3 | 41.7 | 44.0 |
| 1 plus 4 | 50.0 | 53.0 |
| 1 plus 5 | 57.8 | 61.2 |
| 1 plus 6 | 65.2 | 68.8 |

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

| Dilution factor | Brix value of the finished concentrate exclusive of added sweetening ingredients | Brix value of the finished concentrate including added sweetening ingredients | |
|---|---|---|---|
| | Minimum Brix value | Minimum Brix value | Maximum Brix value |
| | *Degrees* | *Degrees* | *Degrees* |
| 1 plus 1 | 21.6 | 29.5 | 34.9 |
| 1 plus 2 | 30.1 | 32.4 | 34.1 |
| 1 plus 3 | 40.0 | 42.0 | 44.0 |
| 1 plus 4 | 48.1 | 50.0 | 53.0 |
| 1 plus 5 | 56.8 | 58.4 | 61.2 |
| 1 plus 6 | 64.0 | 65.2 | 68.8 |

(2) Canned concentrated orange juice of any other dilution factors between "1 plus 1" to less than "1 plus 6," shall result in a Brix (upon reconstitution as prescribed by the processor or as prescribed by the label on the container, if labeled) of not less than 11.7 degrees.

(b) *Style II, with sweetening ingredient added.* (1) The Brix value of the finished concentrate exclusive of added sweetening ingredient and the Brix value of the finished concentrate including added sweetening ingredient shall be not less nor more than the following, as applicable, for the respective dilution factor of canned concentrated orange juice:

(2) Canned concentrated orange juice of any other dilution factors between "1 plus 1" to less than "1 plus 6" shall have had a Brix exclusive of any added sweetening ingredient (upon reconstitution as prescribed by the processor or as prescribed by the label on the container, if labeled) of not less than 11.3 degrees; and the finished canned concentrated orange juice shall result in a Brix including any added sweetening ingredient (upon reconstitution as prescribed by the processor or as prescribed by the label on the container, if labeled) of not less than 11.9 degrees nor more than 14.2 degrees.

§ 52.2253 *Grades of canned concentrated orange juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses an appearance reasonably characteristic of fresh orange juice; possesses a good color; is practically free from defects; possesses a good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this section.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned concentrated orange juice which reconstitutes properly and of which the reconstituted juice possesses a fairly good color; is fairly free from defects; possesses a fairly good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(c) "Substandard" is the quality of canned concentrated orange juice that fails to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER

§ 52.2254 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with concentrated orange juice as full as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.2255 *Ascertaining the grade.* The grade of canned concentrated orange juice is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, absence of defects, and flavor. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | *Points* |
|---|---|
| Color | 20 |
| Absence of defects | 40 |
| Flavor | 40 |
| Total score | 100 |

§ 52.2256 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.2257 *Color—(a) (A) classification.* Canned concentrated orange juice of which the reconstituted juice possesses a good color may be given a score of 17 to 20 points. "Good color" means that the color is a good yellow to yellow-orange color typical of properly processed orange juice and is free from browning due to scorching, oxidation, caramelization, or other causes.

(b) *(C) classification.* If the reconstituted juice possesses a fairly good color, a score of 14 to 16 points may be given. Canned concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the orange juice may be slightly amber or very light in color and may show evidence of slight browning, but is not off-color.

(c) *(SStd) classification.* Canned concentrated orange juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2258 *Absence of defects—(a) General.* The factor of absence of defects refers to the degree of freedom from seeds and portions thereof, from excessive juice cells, from pulp, from recoverable oil, and from other defects.

(1) "Pulp" means particles of membrane, core and peel.



(b) *(A) classification.* Canned concentrated orange juice of which the reconstituted juice is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present:

(1) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding $\frac{1}{8}$ inch in diameter, provided such seeds or portions thereof do not materially affect the appearance or drinking quality of the juice;

(2) Juice cells and pulp that do not materially affect the appearance or drinking quality of the juice; and

(3) Other defects that are not more than slightly objectionable. To score in this classification the canned concentrated orange juice shall contain at least a trace of recoverable oil but not more than 0.0024 milliliter per degree Brix value per 100 grams of the concentrate.

(c) *(C) classification.* If the reconstituted juice is fairly free from defects, a score of 28 to 33 points may be given. Canned concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present:

(1) Small seeds or portions thereof that are of such size that they could pass through round perforations not exceeding $\frac{1}{8}$ inch in diameter, provided such seeds or portions thereof do not seriously affect the appearance or drinking quality of the juice;

(2) Juice cells and pulp that do not seriously affect the appearance or drinking quality of the juice; and

(3) Other defects that are not materially objectionable. To score in this classification the canned concentrated orange juice may contain recoverable oil of not more than 0.003 milliliter per degree Brix value per 100 grams of the concentrate.

(d) *(SStd) classification.* Canned concentrated orange juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2259 *Flavor—(a) (A) classification.* Canned concentrated orange juice of which the reconstituted juice possesses a good flavor may be given a score of 34 to 40 points. "Good flavor" means that the flavor is a distinct orange juice flavor typical of reconstituted orange juice from properly processed and concentrated orange juice; is free from traces of scorching, caramelization, oxidation, or terpene; and is free from off-flavors of any kind. To score not less than 34 points the canned concentrated orange juice shall meet the following requirements for the respective style:

(1) *Style I, without sweetening ingredient added.* The ratio of the Brix value to acid is not less than 11.5 to 1 nor more than 18 to 1.

(2) *Style II, with sweetening ingredient added.* The ratio of the Brix value to acid is not less than 12 to 1 nor more than 15 to 1.

(b) *(C) classification.* If the reconstituted juice possesses a fairly good flavor, a score of 28 to 33 points may be given. Canned concentrated orange juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means that the flavor is a normal flavor for reconstituted canned concentrated orange juice and may have a slightly caramelized or slightly oxidized flavor but is free from off-flavors of any kind. To score not less than 28 points canned concentrated orange juice shall meet the following requirements for the respective style:

(1) *Style I, without sweetening ingredient added.* The ratio of Brix value to acid is not less than 9.5 to 1 nor more than 20 to 1.

(2) *Style II, with sweetening ingredient added.* The ratio of Brix value to acid is not less than 10 to 1 nor more than 15 to 1.

(c) *(SStd) classification.* If the canned concentrated orange juice fails to meet the requirements of paragraph (b) of this section, a score of 0 to 27 points may be given. Canned concentrated orange juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.2260 *Explanation of terms and analyses.* (a) "Reconstituted juice" means the product obtained by mixing thoroughly one part by volume of the canned concentrated orange juice with a stated volume of water. For example, a dilution factor of "1 plus 3" means that to 1 part by volume of canned concentrated orange juice 3 parts by volume of water are added to produce a reconstituted juice. Distilled water is used in reconstituting the product for testing flavor.

(b) "Reconstitution as declared" means any defined reconstitution, such as in labeling: for example, "6 fluid ounces—makes 1 quart" means a "1 plus 4.33" concentrate.

(c) "Reconstitutes properly" means that the reconstituted juice shows no material separation of colloidal or suspended matter after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass tube or cylinder (such as a 50 ml. graduated cylinder).

(d) "Acid" means the percent by weight of acid (calculated as anhydrous citric acid) in canned concentrated orange juice and is determined by titration with standard sodium hydroxide solution using phenolphthalein as indicator.

(e) "Brix value" of the concentrate is the refractometricsucrose value determined in accordance with the International Scale of Refractive Indices of Sucrose Solutions and to which the applicable correction for acid is added. (See Table I for corrections.)

TABLE I—CORRECTIONS FOR OBTAINING BRIX VALUE [1]

| Citric acid, anhydrous (percent by weight) | Correction to be added to refractometer sucrose value to obtain degree Brix value | Citric acid, anhydrous (percent by weight) | Correction to be added to refractometer sucrose value to obtain degree Brix value |
|---|---|---|---|
| 2.0 | 0.39 | 4.6 | 0.70 |
| 2.2 | .43 | 4.8 | .74 |
| 2.4 | .47 | 5.0 | .78 |
| 2.6 | .51 | 5.2 | .80 |
| 2.8 | .54 | 5.4 | .83 |
| 3.0 | .58 | 5.6 | .86 |
| 3.2 | .62 | 5.8 | .90 |
| 3.4 | .66 | 6.0 | .97 |

[1] Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. L. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, vol. II, p. 147, Aug. 15, 1939.

(f) The "Brix" of reconstituted juice, as applicable, means the degrees Brix of the properly reconstituted juice when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing juice at a temperature other than 20 degrees C. (68 degrees F.) the applicable temperature correction shall be made to the reading of the scale as prescribed in the Official Methods of Analysis of the Association of Official Agricultural Chemists. The degrees Brix of the reconstituted juice may be determined by any other method which gives equivalent results.

(g) "Recoverable oil" is determined by the following method:

(1) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 [1] or Figure 2.[2]

Gas burner or hotplate.
Ringstand and clamps.
Rubber tubing.
3-liter narrow-neck flask.

(2) *Procedure.* (i) Exactly 400 grams of the concentrate mixed with water to approximately two liters are placed in a 3-liter flask. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from the bottom to top, and bring the solution to a boil. Boiling is continued for one hour at the rate of approximately 50 drops per minute.

(ii) By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(iii) The number of milliliters of oil recovered divided by 4 equals the volume of recoverable oil per 100 grams of concentrate. To determine compliance with minimum or maximum allowances, as applicable, for recoverable oil, the volume of recoverable oil per 100 grams of concentrate divided by the Brix value of the concentrate equals the volume of recoverable oil per degree Brix value per 100 grams of concentrate.

LOT CERTIFICATION TOLERANCES

§ 52.2261 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned concentrated orange

[1] Filed as part of original document.

juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, with respect to those factors which are scored:

(1) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(2) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(3) None of the containers falls more than one grade below the grade indicated by the average of such total scores;

(4) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample; and

(5) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

SCORE SHEET

§ 52.2262 *Score sheet for canned concentrated orange juice.*

| | |
|---|---|
| Size and kind of container | ... |
| Container mark or identification | ... |
| Label (including dilution factor) | ... |
| Liquid measure (fluid ounces) | ... |
| Net weight | ... |
| Brix value of conc. frate (corrected for acid) | ... |
| Style ( ) 1. ( ) II | ... |
| Anhydrous citric acid in concentrate (percent by weight) | ... |
| Brix value to acid ratio | ... |
| Recoverable oil (ml 100 grams) | ... |
| Reconstitutes properly (Yes) (No) | ... |
| Appearance reasonably characteristic of fresh juice (Yes) (No) | ... |

| Factors | Score points | | |
|---|---|---|---|
| Color | 20 | (A) | 17-20 |
| | | (C) | 14-16 |
| | | (Substd) | 10-13 |
| Absence of defects | 40 | (A) | 34-40 |
| | | (C) | 28-33 |
| | | (Substd) | 10-27 |
| Flavor | 40 | (A) | 34-40 |
| | | (C) | 28-33 |
| | | (Substd) | 10-27 |
| Total score | 100 | | |
| Grade | | | ... |

[1] Indicates limiting rule.

[F. R. Doc. 53-10288; Filed, Dec. 8, 1953; 8:49 a. m.]

## Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

DISCONTINUANCE OF PUBLICATION OF RIDERS

The publication in the Code of Federal Regulations of multiple crop insurance riders for the counties designated below is hereby discontinued due to the fact that multiple crop insurance is no longer offered in these counties:

Section 420.51-1 Butler County, Alabama (15 F. R. 2622; 16 F. R. 4829; 17 F. R. 3265).

Section 420.51-2 Henry County, Alabama (16 F. R. 4831; 17 F. R. 3266).

Section 420.51-3 Blount County, Alabama (17 F. R. 3267).

Section 420.53-2 White County, Arkansas (16 F. R. 4833, 12114, 12765).

Section 420.58-1 Jefferson County, Florida (16 F. R. 4834; 17 F. R. 3268).

Section 420.59-2 Jenkins County, Georgia (15 F. R. 2627; 16 F. R. 4837; 17 F. R. 3270).

Section 420.59-3 Emanuel County, Georgia (15 F. R. 2628; 16 F. R. 4838; 17 F. R. 3271).

Section 420.59-5 Mitchell County, Georgia (16 F. R. 4840; 17 F. R. 3272).

Section 420.59-6 Sumter County, Georgia (16 F. R. 4841, 12123).

Section 420.62-2 Spencer County, Indiana (15 F. R. 2632, 9282; 16 F. R. 12128; 17 F. R. 11270).

Section 420.66-3 Acadia Parish, Louisiana (16 F. R. 4854; 17 F. R. 3284).

Section 420.68-1 Talbot County, Maryland (14 F. R. 7329; 15 F. R. 9290; 16 F. R. 12139).

Section 420.72-1 Panola County, Mississippi (15 F. R. 2650; 16 F. R. 4863; 17 F. R. 3294).

Section 420.72-2 Alcorn County, Mississippi (16 F. R. 4865; 17 F. R. 3295).

Section 420.81-1 Perquimans County, North Carolina (15 F. R. 2651; 16 F. R. 4867; 17 F. R. 3297, 3671).

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516)

[SEAL] C. S. LAIDLAW, *Manager, Federal Crop Insurance Corporation.*

[F. R. Doc. 53-10263; Filed, Dec. 8, 1953; 8:48 a. m.]

## Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1953-54 FISCAL YEAR

On November 13, 1953, notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 7195) regarding the expenses and rate of assessment for the 1953-54 fiscal year under Marketing Agreement No. 117, and Order No. 14 (18 F. R. 5638) regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Navel Orange Administrative Committee (established pursuant to the marketing agreement and order), it is hereby found and determined that:

§ 914.201 *Expenses and rate of assessment for the 1953-54 fiscal year.* (a) The expenses necessary to be incurred by the Navel Orange Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, for its maintenance and functioning during the period October 1, 1953, through October 31, 1954, will amount to $151,937.50; and the rate of assessment to be paid by each handler who first handles oranges shall be one and one-quarter cents ($0.0125) per box of oranges handled by such handler as the first handler thereof during the 1953-54 fiscal year. Such rate of assessment is hereby fixed as each such handler's pro rata share of the aforesaid expenses.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) in accordance with the provisions of said marketing agreement and order, the rate of assessment is applicable to all fresh oranges handled during the aforesaid fiscal year; (2) shipments of Navel oranges are now being made; (3) the provisions of this section do not impose any obligation on a handler until such handler handles Navel oranges; and (4) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable the Navel Orange Administrative Committee to perform its duties and functions in accordance with said marketing agreement and order.

As used in this section, "handle," "handler," "oranges," "fiscal year" and "box" shall have the same meaning as is given to each such term in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 4th day of December 1953.

[SEAL] TRUE D. MORSE, *Acting Secretary of Agriculture.*

[F. R. Doc. 53-10264; Filed, Dec. 8, 1953; 8:48 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

### Subchapter B—Economic Regulations

[Reg. No. ER-193]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

ELIMINATION OF PROHIBITION AGAINST USING WORDS "AIRWAYS", "AIRLINES" OR "AIRLINE" IN NAMES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 3d day of December 1953.

At the present time § 298.2 (a) (3) of the Economic Regulations prohibits air taxi operators, in the absence of special approval by the Board, from using business names containing the words "airline", "airlines" or "airways", or indicating by name or otherwise that they are "airline", "airlines" or "airways". This section was adopted by the Board in order to give the public some means of distinguishing between the typical airline services offered by carriers holding certificates of public convenience and necessity, and those offered by air taxi operators conducted pursuant to the blanket exemption of Title IV of the Civil Aeronautics Act contained in Part 298. It was thought that the size of the aircraft used by the carriers would not in itself be a sufficient distinction, since certain of the local-service operators and other certificated air carriers utilized small aircraft at the time the air taxi operator regulation was promulgated. Although Part 298 has been in effect now for twenty months, the Board has received no complaints which indicate that members of the traveling public are confusing the services offered by air taxi operators with those offered by certificated air carriers. This is true despite the fact that a substantial number of air taxi operators are currently using such names by the air taxi operators (14 CFR Part 298) effective December 3, 1953, as follows:

By striking subparagraph (3) of § 298.2 (a).

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 416, 52 Stat. 1004; 49 U. S. C. 496)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-10266; Filed, Dec. 8, 1953; 8:48 a. m.]



## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 51]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LOW FREQUENCY INSTRUMENT APPROACH PROCEDURE

Ceilings and visibilities are in feet above airport elevation. Radius distances are in statute miles unless otherwise indicated. Editorial changes are in bold face. Alternate missed approach procedures are published in the procedure section when available. Minimum altitudes over specified routes or fixes shall be those established for en route operation in the particular area as set forth below. Minimum altitudes over facilities shall correspond with those established for en route operation over the facility unless otherwise specified.

| City and State | Airport name and location | Radio aid and its frequency | Class of service | Ceiling and visibility minimums: Type aircraft: Condition | Type aircraft: 75 m.p.h. or less | Type aircraft: More than 75 m.p.h. | Procedure turn (—) side of course | Maximum authorized altitude | Minimum obstruction clearance altitude | Distance from airport to facility | Procedure |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | If clear of contact not actual U/S and is not authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
| | 1 | 2 | 3 | 4 | 5 | | | | | | |
| BATTLE CREEK, MICH. Kellogg Field, Battle Creek Municipal Airport. Battle Creek No. 1 November 15, 1953 | | Battle Creek FM (final) | 111—3 | 1,680 | 300-1 1 mi. 500-1 2 mi. 800-2 | | | 1,700 | 1,000 | 6 miles | West-bnd. NW course; climb to 3,000' on NW course within 25 miles. Alternate missed approach: Climb to 1,500' on NW course within 15 miles, climb to 2,000' on NW course within 25 miles. CAUTION: numerous unlighted TV receiving antennae in all quadrants of runways. 25-50-34 Deviation from standard criteria authorized in Item 5. |
| DAYTON, OHIO Dayton Municipal Airport. Dayton No. 1 DAY November 15, 1953 | | Vandalia FM (final) | 090—3 | 1,760 | 300-1 1 mi. 500-1 2 mi. 800-2 | | | 1,780 | 1,000 | 7 miles | Within 3.2 miles, climb to 2,100' on N course. |

IFR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

| City and State; airport name, elevation, facility class and identification; procedure No., effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of course; Maximum distance from facility for beginning procedure turn; Minimum altitude over facility on final approach course (ft.) | Ceiling and visibility minimums | | |
|---|---|---|---|---|---|---|---|
| | | | | | Condition | Type aircraft 75 m. p. h. or less | Type aircraft More than 75 m. p. h. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| GREAT FALLS, MONT. Municipal Airport, 3,651' FBRAZ-VDIX Procedure No. 1 November 15, 1953 | Cascade FM (final) | 023—19.0 | *7,500 | S side of course; 24 outbound, 5,540' within 10 miles. E, 20 and 35 NA due to [illegible] | | | |
| | Belt LM | 270—25.0 | 6,500 | | | | |
| OAKLAND, CALIF. Municipal, 6' FBRAZ-VDIX OAK Procedure No. 1 December 1, 1953 | Bayport FM | 294—21 | 3,000 | S side SE. course, 12.5 outbound, 3,000' within 10 miles. Beyond 10 miles NA due to [illegible] conditions. All descents and maneuvering beyond 10 miles must be done in accordance with pattern procedure. | | | |
| | Eastgate FM | 304—37 | 3,000 | | | | |
| | Newark FM | 334—15 | 1,500 | | | | |
| | *Mt. Eden Int. (final) | 301—9 (to rnwy 31L) | 1,500 | | | | |
| FITTSBURGH, PA. Allegheny County Airport, 1,252' FBRAZ-DTXV PIT Procedure No. 1 Effective upon Realignment of SW course PIT radio range | Int SW course PIT and NW course MGW. | 48—29 | 2,500 | S side of SW course. 22.5 outbound. 6.5 inbound. 2,500' within 10 miles. | | | |
| ST. LOUIS, MO. Lambert Field, 552' FBRAZ-DTXV Procedure No. 1 December 15, 1953 | SILVOR | 123—11.0 | 1,800 | S side east course. 10.0 outbound 2.8 inbound. 1,800' within 25 miles. | | | |
| | Lake FM facility | 043—7.6 | 1,800 | | | | |
| | Spanish Lake FM (final) | 240—8.0 | 1,800 | | | | |
| THE DALLES, OREG. Municipal Airport, 243' FBRAZ-VDIX Procedure No. 1 November 16, 1953 | Int. 107 course DLS VOR and E course DLS LFR (final). | 265—11.0 | 2,740 | S side E course 10.5 outbound 2.5 inbound. 4,000' within 25 miles. Procedure turn for more favorable terrain. | | | |

2. The following direction finding procedures are established as a guide for safe approach to the airport and are for use when the ceiling and visibility are below the minimums prescribed for the procedures established for the airport:

| City and State; airport name, elevation, facility class and identification; procedure No., effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of course; Maximum distance from facility for beginning procedure turn; Minimum altitude over facility on final approach course (ft.) | Ceiling and visibility minimums | | |
|---|---|---|---|---|---|---|---|
| | | | | | Condition | Type aircraft 75 m. p. h. or less | Type aircraft More than 75 m. p. h. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| BRUNSWICK, MAINE Municipal Airport, 64' MIW-RBW Procedure No. 1 Amdt-1 Apr. 1951 | PROCEDURE CANCELLED EFFECTIVE NOVEMBER 16, 1953 | | | | | | |
| DAYTON, OHIO Dayton Airport, 1,057' DAYTA Procedure No. 1 July 12, 1951 | (PROCEDURE CANCELLED EFFECTIVE DECEMBER 16, 1953) | | | | | | |
| MIW, Clipp City Range Procedure No. 2 December 16, 1951 | (PROCEDURE CANCELLED EFFECTIVE DECEMBER 16, 1953) | | | | | | |
| DOVER, DEL. Dover AFB DOV Procedure No. 1 June 6, 1952 | (PROCEDURE CANCELLED EFFECTIVE NOVEMBER 16, 1953) | | | | | | |
| HUNTINGTON, W. VA. Huntington Airport, 846' HTS-BHW Procedure No. 1 Effective upon conversion from range to BH facility. | [illegible] | | | | | | |
| Tri-State Airport, 852' BH-250 HTS-BHW Procedure No. 1 Effective upon conversion of HTW range to BH facility. | [illegible] | | | | | | |
| ST. LOUIS, MO. Lambert Field, 605' "IT" facility IAQ Procedure No. 2 November 26, 1953 | ~I Lane LFR ..... | 240—21 | 2,000 | S side of course; 12.5 outbound, 2,000' within 10 miles. Beyond 10 miles NA due to [illegible] conditions. All descents and maneuvering beyond 10 miles must be done in accordance with pattern procedure. | | | |
| | ~I Lane VOR ..... | 240—21 | 2,000 | | | | |
| | Int W course ~IL LFR and SW course ~IL VOR. | 240—21 | 2,000 | | | | |
| | ~IT Facility ..... | 060—17.0 | 2,000 | | | | |
| | Int 060 course ~IT and 240 course ~IL LFR. | 240—17.0 | 2,000 | | | | |
| | ~IT Facility ..... | 060—17.0 | 2,000 | | | | |



[illegible]

| City and State; airport name, elevation, facility class and identification; procedure No., effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of course; Maximum distance from facility for beginning procedure turn; Minimum altitude over facility on final approach course (ft.) | Ceiling and visibility minimums | | |
|---|---|---|---|---|---|---|---|
| | | | | | Condition | Type aircraft 75 m. p. h. or less | Type aircraft More than 75 m. p. h. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| [illegible] | [illegible] | | | | | | |
| [illegible] | [illegible] | | | | | | |
| [illegible] | [illegible] | | | | | |

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State, airport name, elevation, Facility Class and identification, procedure No., effective date | Transition to ILS | | | | Procedure turn (*) side of final approach course outbound and inbound; altitudes, limiting distances | Minimum altitude at glide slope intercept-ion inbound (ft.) | Altitude of glide slope and distance to approach end of runway at— | | Ceiling and visibility minimums | | | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | From— | To— | Course and distance | Minimum altitudes (ft.) | | | Outer marker | Middle marker | Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| BAKERSFIELD, CALIF.<br>Kern County No. 1, 515'<br>ILS BFL<br>Procedure No. 1<br>November 18, 1953 | BFL LFR | SE course ILS | 141—14.5 | 2,000 | S side SE course, 114° outbound, 294° inbound. 1,820' within 10 miles of OM. Beyond 10 miles NA. Procedure turn * S side for more favorable terrain. | 1,820 | 1,820—4.71 | 680—0.62 | T-dn<br>C-dn<br>S-dn<br>Rwy 30<br>A-dn | 300-1<br>700-2<br>400-3/4<br>800-2 | 300-1<br>700-2<br>400-3/4<br>800-2 | Climb to 3,000' on NW course BFL LFR within 25 miles or to 2,000' on track of 309° from BFL VOR. Alternate missed approach when directed by ATC climb to 2,000' on SW course of BFL LFR within 15 miles.<br>CAUTION. Numerous unlighted TV receiving antennae in approach area to runways 25, 30, 34. |
| | BFL VOR | SE course ILS | 131—4 | 2,000 | | | | | | | | |
| CLEVELAND, OHIO<br>Cleveland Hopkins, 786'<br>ILS CLE<br>Procedure No. 2<br>December 1, 1953 | Radar transition to ILS NE course to be conducted in accordance with established PTT patterns for Runway 23R. | | | | Not authorized. | Not applicable. Descend to authorized minimums after passing 5 mile fix as determined by surveillance radar. | | | T-dn<br>C-dn<br>S-dn<br>23R<br>A-dn | 300-1<br>500-1<br>700-1<br>800-2 | 300-1<br>500-1<br>700-1<br>800-2 | Within 5 miles after passing radar fix, climb to 2,200' on SW course ILS within 25 miles.<br>*Or at a higher altitude when requested by ATC. This procedure authorized only in conjunction with airport surveillance radar. |
| DAYTON, OHIO<br>Dayton Airport, 1,008'<br>ILS DAY<br>MHW TPC<br>Procedure No. 2<br>December 16, 1953 | Dayton LFR | TPC | 071—8.2 | 2,200 | N side NE course. (Back course ILS 995 Outbound. 255 Inbound. 2,200' within 10 miles. | 1,700' over TPC | No glide path<br>TPC—4.6 | | T-dn<br>C-dn<br>S-dn<br>21 L & R<br>A-dn | 500-1<br>800-2 | 500-1<br>500-1<br>800-2 | Within 16 miles, climb to 2,500' on SW course ILS or 236° bearing outbound from TPC Rbn within 10 miles or when directed by ATC climb to 2,100' on N course DAY LFR to W course CMH. |
| | Dayton VOR | TPC | 105—4.8 | 2,200 | | | | | | | | |
| | Wright-Patterson LFR | TPC | 317—11.5 | 2,200 | | | | | | | | |
| | Springfield Rbn | TPC | 285—19.2 | 2,300 | | | | | | | | |
| | Int 023° course DAY VOR and ILS SW course or 56° bearing | TPC | 056—8.0 | 2,200 | | | | | | | | |
| | Int S course DAY LFR and ILS SW course or 56° bearing | TPC | 056—11.0 | 2,200 | | | | | | | | |
| | Int W course CMH LFR and ILS NE course or 236° bearing (final). | TPC | 236—8.0 | 1,700 | | | | | | | | |
| | Int 265° course to DAY VOR and ILS NE course or bearing 236 (final). | TPC | 236—3.0 | 1,700 | | | | | | | | |

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

| City and State, airport name, elevation, Facility Class and identification, procedure No., effective date | Transition to ILS | | | | Procedure turn (*) side of final approach course outbound and inbound; altitudes, limiting distances | Minimum altitude at glide slope intercept-ion inbound (ft.) | Altitude of glide slope and distance to approach end of runway at— | | Ceiling and visibility minimums | | | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | From— | To— | Course and distance | Minimum altitudes (ft.) | | | Outer marker | Middle marker | Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| OAKLAND, CALIF.<br>Oakland Municipal, 5'<br>ILS-OAK<br>Procedure No. 1<br>December 1, 1953 | Newark FMHW | Hayward MHW | 336—7 | 2,500 | S side E course 097° outbound, 277° inbound. 3,500' within 10 miles of HWD MHW. | 2,508 | HWD-MHW 2,500'—9.4<br>LOM 1,320'—4.72 | 280—0.66 | T-dn<br>C-dn<br>S-dn<br>27R<br>A-dn | 300-1<br>500-1<br>400-3/4<br>800-2 | 300-1<br>500-1<br>400-3/4<br>800-2 | Climb to 2,000' on NW course Oak LFR within, 15 miles or to 2,000' on 310° radial from Oak, VOR within 15 miles (Richmond Int.). All maneuvering W of course. Missed or aborted approaches must cross Oak LFR or VOR at not above 1,500'.<br>*These transitions authorized Day on Top only.<br>#Procedure turn on Oak LFR or VOR transition only. Upon completion of procedure turn and transition to localizer course inbound, descent from glide path interception is authorized to cross Hayward MHW at 2,500'. Deviation from standard terrain clearance authorized in missed approach altitude. |
| | Oak LFR | Hayward MHW | 069—11 | 3,500 | | | | | | | | |
| | Oak VOR | Hayward MHW | 094—12 | 3,500 | | | | | | | | |
| | Baypoint FM* | Hayward MHW | 167—24 | 6,000 | | | | | | | | |
| | Altamont Int *# | Hayward MHW | 277—21.1 | 5,000 | | | | | | | | |
| | SFO LOM | Newark MHW | 075—13 | 4,000 | | | | | | | | |
| | SFO LFR | Newark MHW | 078—16 | 4,000 | | | | | | | | |
| | SFO VOR | Newark MHW | 329—12 | 3,500 | | | | | | | | |
| | Altamont Int | Newark MHW | 329—25 | 5,000 | | | | | | | | |
| | NUQ LFR | Newark MHW | 342—15 | 3,500 | | | | | | | | |
| WINDSOR LOCKS, CONN.<br>Bradley Field, 173'<br>ILS BDL<br>LOM BD 239 kcs<br>Procedure No. 1<br>Combination ILS and ADF<br>November 13, 1953 | Int NW crs BFD and SW crs ILS | LOM | 058—3.5 | 2,500 | S side SW course. 238 outbound. 058 inbound. 2,500' within 10 miles. | ILS 2,300<br>ADF 1,700 Over LOM | 1,650—7.2 | 415—0.7 | T-dn<br>C-dn | 300-1<br>700-1½ | 300-1<br>700-1½ | Within 5.2 miles after passing LOM (ADF), climb to 2,500' on NE course ILS or 058° track on LOM. Alternate missed approach procedure when requested by ATC: Make a climbing right turn to LOM at 2,500'.<br>*Deviation from criteria authorized in straight-in landing minimums, standard clearance not provided over ridge approximately 1 mile N of outer marker.<br>CAUTION. Unlighted hills 2¾ miles NE. of airport approximately 765' MSL. |
| | Int E crs BAF and NE crs ILS | LOM | 258—19.0 | 2,500 | | | | | S-dn<br>ILS | 400-¾ | 400-¾ | |
| | Int S crs BAF and SW crs ILS | LOM | 078—3.5 | 2,500 | | | | | *ADF | 500-1 | 500-1 | |
| | | | | | | | | | A-dn<br>ILS | 800-2 | 800-2 | |
| | | | | | | | | | ADF<br>A-dn | 1,000-2<br>BCOB | 1,000-2<br>BCOB | |

4. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnet C. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach.

| City and State; airport name, elevation, effective date | Radar terminal area maneuvering altitudes by sectors and limiting distances | Ceiling and visibility minimums | | | | | | Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as prescribed below when (a) communication on final approach is lost for more than 5 seconds, (b) directed by ground controller; (c) visual reference is not established upon descent to the authorized landing minimums; or (d) landing is not accomplished |
|---|---|---|---|---|---|---|---|---|
| | | Runway No. | Condition | Precision approach (PAR) | | Surveillance approach (ASR) | | |
| | | | | 75 m. p. h. or less | More than 75 m. p. h. | 75 m. p. h. or less | More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| INDIANAPOLIS, IND.<br>Municipal Weir Cook, 796'<br>Procedure No. 1<br>December 7, 1953 | All bearings are to the radar with sector azimuths progressing clockwise.<br>120° to 240° 2,300' within 20 miles.<br>240° to 120° 2000' within 20 miles. | 4, 9, 13, 18, 27, 31, 36 | S-dn<br>C-dn | | | 400-1<br>500-1 | 400-1<br>500-1 | Runways 4, 9, 13, 18, climb to 2,300' on E course of Indianapolis LFR within 20 miles of station and proceed to Greenfield intersection or as directed by ATC. |
| | | 22 | *S-dn<br>C-dn | | | 500-1½<br>500-1½ | 500-1½<br>500-1½ | Runways 22, 27, 31, 36, climb to 2,300' on NW course of Indianapolis LFR within 20 miles of station and proceed to Int. of a 50° course from Terre Haute VOR and NW course. Indianapolis LFR, or as directed by ATC. |
| | | All runways | T-dn<br>A-dn | | | 300-1<br>800-2 | 300-1<br>800-2 | Alternate: Climb to 2,300' on S course of Indianapolis LFR within 25 miles.<br>*ASR straight-in approach minimums higher on runway 22 because of ground clutter and antenna location. |

5. The very high frequency omnirange procedures prescribed in § 609.15 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | Type aircraft | | |
| | | | | | | | | 75 m. p. h. or less | More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| BAKERSFIELD, CALIF.<br>Kern County No. 1, 515'<br>BVOR BFL<br>Procedure No. 1<br>November 18, 1953 | Famosa FM (final) | 139—8 | 1,600 | W side of course:<br>311 outbound<br>131 inbound.<br>2,000' within 25 miles. | 1,600 | 131—4.4 | T-dn<br>C-dn<br>A-dn | 300-1<br>700-2<br>800-2 | 300-1<br>700-2<br>800-2 | Within 4.4 miles turn R (W) and climb to 2,000' on outbound course of 319° within 25 miles of BFL VOR.<br>Alternate missed approach: When directed by ATC, climb to 2,000' on a track of 225° from BFL VOR within 15 miles.<br>CAUTION. Numerous unlighted TV receiving antennae in approach areas to runways 25–30–34. |
| BRYCE CANYON, UTAH<br>CAA Site No. 45, 7,886'<br>BVOR-VDITJ<br>BCE<br>Procedure No. 1<br>November 19, 1953 | | | | W side of course:<br>110 outbound.<br>290 inbound.<br>11,000' within 25 miles. | 10,100 | 669—7.7 | T-dn<br>C-dn<br>A-dn | 1,500-3<br>2,500-3<br>2,500-3 | 1,500-3<br>2,500-3<br>2,500-3 | Within 7.7 miles climb to 13,000' on the 045° radial from Bryce Canyon VOR within 25 miles. |
| HANKSVILLE, UTAH<br>CAA Site SL 4,480'<br>BVOR-VDIPJ<br>HVE<br>Procedure No. 1<br>November 19, 1953 | | | | South side of course:<br>[illegible]<br>[illegible]<br>[illegible] | 5,700 | 270—0.2 | T-dn<br>C-dn<br>A-dn | 600-2<br>1,200-2<br>1,200-2 | 600-2<br>1,200-2<br>1,200-2 | Within 0 miles, climb to 11,000' on the 050° radial from HVE VOR within 25 miles. |



VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | Type aircraft | | |
| | | | | | | | | 75 m. p. h. or less | More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| MILFORD, UTAH<br>Milford Airport, 5,040'<br>VORW-MFL<br>Procedure No. 1<br>November 19, 1953 | | | | W side of course:<br>180 outbound.<br>360 inbound.<br>8,000' within 15 miles.<br>Beyond 15 miles NA. | 6,090 | 345—4.2 | T-dn<br>L-dn<br>C-dn<br>C-dn<br>S-dn<br>Rwy 31<br>S-dn<br>A-dn | 300-1<br>1,000-2<br>1,000-1<br>NA<br>1,000-1<br>NA<br>NA | 300-1<br>1,000-2<br>1,000-1½<br>NA<br>1,000-1<br>NA<br>NA | Within 4.2 miles, climb to 9,000' on the 007° radial from MFL VOR within 25 miles.<br>Emergency procedure only. Weather observations 0730 to 2030 only. No attendant on field 2030 to 0530. |

These procedures shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-10206; Filed, Dec. 8, 1953, 8 45 a. m.]

[Amdt. 52]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LOW FREQUENCY RANGE PROCEDURES

When an LFR instrument approach is conducted at the below named airport(s), it shall be in accordance with the following instrument approach procedure(s), unless an approach is conducted in accordance with a different procedure authorized by the Administrator for such airport(s). Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility | | | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance (mi.) facility to airport | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| | From— | Course and distance | Minimum altitude (ft.) | | | | Condition | Type aircraft | | |
| | | | | | | | | 75 m. p. h. or less | More than 75 m. p. h. | |
| LANSING, MICH.<br>Capital City Airport, 858'<br>SBMRAZ DTV<br>296 kc, LAN<br>Procedure No. 1<br>Effective date: October 14, 1953 | | | | N side E course:<br>101 outbound.<br>281 inbound.<br>2,000' within 25 miles. | 2,100 | 287—2.0 | T-dn<br>C-dn<br>S-dn<br>C-dn<br>A-dn | 300-1<br>800-1<br>800-1<br>NA<br>800-2 | 300-1<br>800-1, 5<br>800-1<br>NA<br>800-2 | Within 2.0 miles, climb to 2,200' on W course. |
| *WACO, TEX<br>Waco Airport, 515'<br>SBRAZ DTV<br>385 kc, ACT<br>Procedure No. 1<br>Effective date: September 21, 1953 | Waco VOR | 178—7.0 | 1,700 | E side S course:<br>180 outbound.<br>000 inbound.<br>1,800' within 15 miles (NA beyond 15 miles). | *1,400 | 000—2.6 | T-dn<br>C-dn<br>S-dn<br>C-dn<br>A-dn | 300-1<br>500-1<br>700-1<br>NA<br>800-2 | 300-1<br>500-1, 5<br>500-1<br>NA<br>800-2 | Within 2.6 miles, climb to 2,000' on N course within 25 miles, or as directed by ATC.<br>*300' clearance over 1,010' construction 4 miles E of course. Maintain procedure turn altitude until within 10 miles of LFR on final.<br>**80' per minute descent required at 120 mph. |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

LOW FREQUENCY RANGE PROCEDURES—Continued

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| WICHITA, KANS.<br>Wichita AFB<br>Procedure No. 1 | (PROCEDURE CANCELED) | | | | | | | | | |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

AUTOMATIC DIRECTION FINDING PROCEDURES

When an ADF instrument approach is conducted at the below named airport(s), it shall be in accordance with the following instrument approach procedure(s), unless an approach is conducted in accordance with a different procedure authorized by the Administrator for such airport(s). Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; class of facility; frequency; identification; procedure No. | Initial approach to facility: From— | Course and distance | Minimum altitude (ft.) | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified below, or if landing not accomplished remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| MEMPHIS, TENN.<br>Memphis Airport, 299'<br>LOM<br>215 kc, MF<br>Procedure No. 1<br>(Replaces Procedure No. 2 as published in Flight Information Manual, dated June 1, 1953)<br>Effective date: October 1, 1953 | Memphis LFR | 293—5.0 | 1,700 | S side course:<br>29° outbound,<br>086 inbound<br>1,700' within 25 miles. | 1,700 | 087—1.88 | T-dn<br>C-dn<br>S-dn<br>9<br>A-dn | 500-1<br>500-1 ¾<br>500-1<br>800-2 | 500-1<br>500-1 ¾<br>500-1<br>800-2 | Within 1.88 miles, climb to 2,000' on course of 086° to NL c— Memphis LFR. |
| | Cuba FM | 192—18.0 | 2,000 | | | | | | | |
| TULSA, OKLA.<br>Tulsa Airport, 674'<br>LOM<br>219 kc, TU<br>Procedure No. 1<br>Effective date: October 7, 1953. | Int. SE course Tulsa LFR and 250° bearing to LOM | 250—9.0 | 2,200 | E side course:<br>174 outbound<br>354 inbound.<br>2,200 within 25 miles. | 2,200 | 354—6.1 | T-dn<br>C-dn<br>S-dn<br>36R<br>A-dn | 500-1<br>500-1<br>500-1<br>1,000-2 (BCOB) | 500-1<br>500-1 ¾<br>500-1<br>1,000-2 (BCOB) | Within 6.1 miles, climb to 2,000' on NE course Tulsa LFR within 25 miles.<br>CAUTION: 1,100' tower located 2.8 miles NW of LOM. |
| | Verdigris River FM | 211—10.0 | 2,200 | | | | | | | |
| | Tulsa LFR | 183—8.0 | 2,200 | | | | | | | |
| | Tulsa VOR | 165—13.0 | 2,200 | | | | | | | |
| | Red Fork FM | 077—10.0 | 2,200 | | | | | | | |
| | Skiatook FM | 140—23.0 | 2,200 | | | | | | | |
| TULSA, OKLA.<br>MHW (Owasso Rbn)<br>233 kc, OWS<br>Procedure No. 2<br>Effective date: October 7, 1953 | Verdigris River FM | 270—9.0 | 2,000 | W side course:<br>354 outbound,<br>174 inbound<br>2,000' within 15 miles (NA beyond 15 miles). | 1,700 | 174—4.5 | T-dn<br>C-dn<br>S-dn<br>17L<br>A-dn | 500-1<br>500-1<br>500-1<br>1,000-2 (BCOB) | 500-1<br>500-1 ¾<br>500-1<br>1,000-2 (BCOB) | Within 6.5 miles, climb to 2,300' on SW course of Tulsa LFR within 25 miles. |
| | Tulsa LFR | 302—6.0 | 2,000 | | | | | | | |
| | Red Fork FM | 028—17.0 | 2,300 | | | | | | | |
| | Skiatook FM | 107—11.0 | 2,000 | | | | | | | |
| | Tulsa VOR | 030—2.5 | 2,000 | | | | | | | |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

INSTRUMENT LANDING SYSTEM PROCEDURES

When an ILS instrument approach is conducted at the below named airport(s), it shall be in accordance with the following instrument approach procedure(s), unless an approach is conducted in accordance with a different procedure authorized by the Administrator for such airport(s). Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; Airport name, elevation; Localizer: Frequency and identification; LMM: Frequency and identification; LOM: Frequency and identification Procedure No. | Transition to ILS: From— | To— | Course and distance | Minimum altitude | Procedure turn: ( ) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude at glide slope intercept, inbound | Altitude of glide slope and distance to approach end of runway: At outer marker | At middle marker | Ceiling and visibility minimums: Condition | Type of aircraft: 75 m. p. h. or less | Type of aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums, or if landing not accomplished, remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| CHARLESTON, W. VA.<br>Kanawha County Airport, 981'<br>110.3 mc, CHW<br>LMM: 227 kc, HW<br>LOM: 245 kc, CH<br>Procedure No. 1<br>Effective date: October 18, 1953 | Int. NE course ILS and 252° bearing Ctcharleston LFR. | LOM | 229—12.0 | 2,500 | N side NE course:<br>049 outbound,<br>229 inbound.<br>2,300' within .5 miles of LOM. | (*) | *1,880-5.04 (Final approach altitude over OM and distance to runway from OM). | *0.63 (Distance to runway from MM). | T-dn<br>C-dn<br>S-dn<br>23<br>A-dn | 300-1<br>600-1<br>500-1<br>800-2 | 300-1<br>600-1.5<br>500-1<br>800-2 | Climb to 2,500' proceeding to Charleston LFR; or when directed by ATC, climb to 2,500' proceeding to Charleston VOR.<br>*This procedure not premised on use of the glide slope. |
| | Charleston LFR | LOM | 091—14.0 | 2,500 | | | | | | | | |
| | Charleston VOR | LOM | 058—17.0 | 2,500 | | | | | | | | |
| TAMPA, FLA.<br>Tampa Intn'l Airport, 26'<br>110.3 mc, TPA<br>LMM: None<br>LOM: 251 kc, TP<br>Procedure No. 1<br>Effective Date: August 31, 1953 | Int. N course Tampa LFR and N course ILS. | LOM | 180—16.0 | 1,000 | W side N course:<br>360 outbound,<br>180 inbound<br>1,220' within .5 miles of LOM. | 1,220 | 1,220—4.70 | 220<br>0.61 | T-dn<br>C-dn<br>S-dn<br>18<br>A-dn | 300-1<br>500-1<br>400-3.4 | 300-1<br>500-1.5<br>400-3.4 | Turn right to 225°*, climb to 1,500', intercept and proceed W on 265° course from Tampa LFR within 25 miles, or when directed by ATC, climb to 1,500' on S course ILS within 25 miles.<br>*CAUTION: Simultaneous approaches at MacDill AFB, 7 miles S. |
| | Tampa LFR | S crs ILS | 336—6.0 | 1,500 | | | | | | 800-2 | 800-2 | |
| | Tampa VOR | LOM | 053—17.0 | 1,300 | | | | | | | | |

NOTE: Bearings, headings, courses are magnetic. Distances are in statute miles. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation.

These procedures shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended, 49 U. S. C. 551)

[SEAL]

F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-10210; Filed, Dec. 8, 1953; 8:45 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

[Amdt. 1]

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—ORANGE AND GRAPEFRUIT EXPORT PAYMENT PROGRAM UMX 135A (FISCAL YEAR 1954)

PRODUCT SPECIFICATIONS

Section 517.424 (b) (1), (2), and (3) is hereby amended to read as follows:

§ 517.424 *Product specifications.*

* * *

(b) *Processed products.* (1) Single-strength orange juice shall meet the requirements of U. S. Grade A as defined in "United States Standards for Grades of Canned Orange Juice," effective July 29, 1949.

(2) Single-strength grapefruit juice shall meet the requirements of U. S. Grade A as defined in "United States Standards for Grades of Canned Grapefruit Juice," effective July 29, 1949.

(3) Blended grapefruit and orange juice shall meet the requirements of U. S. Grade A as defined in "United States Standards for Grades of Canned Blended Grapefruit and Orange Juice," effective July 29, 1949.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. Sup. 612c)

*Effective date.* This amendment shall become effective at 12:01 a. m., December 9, 1953.

Dated this 4th day of December 1953.

[SEAL] S. R. SMITH,
*Authorized Representative of the Secretary of Agriculture.*

[F. R. Doc. 53-10252; Filed, Dec. 8, 1953; 8:47 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

[ 7 CFR Part 925 ]

[Docket No. AO 226 A3]

MILK IN THE PUGET SOUND, WASHINGTON, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after its publication in the FEDERAL REGISTER.

A public hearing was called by the Production and Marketing Administration, United States Department of Agriculture, following a request of the United Dairymen's Association, and was held August 10–11, 1953. The major issues presented on the record of the hearing and covered by this decision relate to:

1. The application of producer bases and to the rule governing transfers of such bases.
2. Modification of the definition of "handler" to include bargaining cooperatives which do not operate plants.
3. Revision of location adjustments applicable to Class I milk and deliveries of base milk.
4. A proposed expansion of the "marketing area," as defined in the order.
5. Revision of the method of computing the price differential for butterfat in Class I milk.
6. Modification of the provisions under which milk is moved between plants by transfer and diversion.
7. The proposed use of price estimates as the basis of settlement with producers for milk.
8. Revision of the application of the location adjustment on certain Class II milk in District No. 1 of the marketing area.
9. Revision of the method of computing, for classification and pricing purposes, the volume of condensed skim milk, nonfat dry milk solids, or other products condensed from skim milk utilized in Class I milk products.
10. Revision of the definition of "producer-handler."
11. Clarification of the location adjustment on certain Class II milk as to its application to milk used in the manufacture of various types of cheese.
12. Review of the provisions which require payments on "other source milk" used by handlers as Class I milk at a rate equal to the difference between the Class I and Class II prices.
13. Clarification of the provisions under which marketing service deductions are made from payments due producers.
14. Several proposed changes in other provisions for the purpose of clarification and to improve administrative procedures.

A decision, based upon the August 10–11, 1953 hearing, which provided modified conditions under which producer milk might be moved from fluid milk plants or country plants to other fluid milk plants or country plants for manufacturing purposes during the balance of 1953, was issued September 10, 1953. An amendment containing the provision decided upon therein was made effective on October 1. Such decision indicated the propriety of further review of the order provisions covering interplant transfers in light of the conclusions reached on other issues of the hearing. Accordingly, certain revisions of language in the transfer provisions, as discussed below, have been made to insure that, over the longer term, milk may be moved into manufacturing channels in an orderly manner, when it is not needed for Class I milk products.

*Findings and conclusions.* The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) The provisions relating to producer bases should be revised as to the number of months during the year bases are applied in distributing to producers the proceeds from the sale of milk; the provisions relating to transfers of base between producers should not be changed.

For six months of the year the total returns realized by producers from the sale of milk in both classifications are distributed to the individual producers by means of a "base and excess" plan of payment. For a certain quantity of milk, computed as the average of his deliveries during the preceding August-December period, the producer receives a "base price" for each month that bases are in effect, and for additional deliveries he receives the "excess price," which usually is equivalent to the Class II price. For other months, when individual producer bases are not used in connection with the distribution of producer returns, each producer receives a single blended, or weighted average, price (adjusted for location and butterfat variation) for all milk delivered. The latter period includes those months of the year (August-December) known as the "open period" when the deliveries made by each producer determine the quantity of milk on which he will be paid the base price for six months during the following year.

Use of the base and excess plan of payment in all months of the year was proposed. In support of this proposal producer proponents contended that the effect of the current provisions is to return to the producer who has even production an increased base price in relation to the Class I price as the flush production season approaches and a decreased price in relation to the Class I price during the short production months. Thus, producers who make the effort necessary to achieve a level production pattern receive, in effect, a "diluted" price for fall production. Proponents argue that the order should



assure the producer who has evened out his annual production curve that he will not receive a lower price in relation to the Class I price in the season of historically short production than the price he received for his base milk in the preceding season of flush production. If this is not accomplished a production pattern for the market in close alignment with the relatively even sales pattern of Class I milk will be difficult to attain.

Since the base and excess plan of payment returns to the producer of an even supply the highest possible price provided by the order for a percentage of his milk deliveries greater than that of the uneven producer for the months bases are in effect, proponents contended further that additional incentive to even production will result if such plan of payment is employed throughout the year rather than for a six months' period. It was testified that individual ability on the part of the producer is basic to the attainment of an even production pattern for the market, and that greater progress toward this objective will be made if the returns to the producer who has achieved even production are not materially reduced in the fall months in relation to those of the uneven producer. It was stated that the plan proposed should promote further production adjustments on a seasonal basis without at the same time restricting the total amount of milk produced for the market annually. It was testified that even though he is "on base," a producer who is attempting to level out production will produce as much milk as possible during the base-making months in the fall in order to establish a base which will include the largest possible percentage of any seasonal increase in his production the following spring and summer. In this way the producer insures himself the maximum return for his milk throughout the next year. Under the proposal new producers would be permitted to share in the total market proceeds at the base price for the month in varying amounts up to 80 percent of their deliveries, the highest percentages applying in those months when the market supply of producer milk normally is smallest. Although under such a provision a new producer coming into the market in the fall would receive a somewhat lesser return in relation to those of other producers during his first months of entry, proponents argue that this result is justified to prevent undue gain to such a producer at the expense of the tried producer who has achieved a relatively even production curve. Proponents do not suggest any change in either the method of computing bases or the base-making period (August through December) now specified in the order, except to extend to the additional months the plan would be in effect the schedule of monthly percentages applied to the deliveries of any new producer in computing the amount of his base milk for the particular month.

The base and excess plan of payment was adopted in the original Puget Sound order as a means of inducing additional milk production in the fall and winter relative to spring and summer levels. By providing returns directly related to the ability of the producer to deliver additional milk in the fall and winter as compared with deliveries in the other seasons, a production pattern more nearly fitted to the Class I sales pattern has been encouraged. Further seasonal shifts in deliveries would assist in relieving problems involving the disposition of reserve milk supplies in the flush production months and would provide greater assurance of adequate milk supplies at reasonable price levels in other months.

As previously stated, the present order provides for a "base-making period" of five months out of each year. During this period all producers deliver on precisely the same price terms while establishing bases to be effective in six months of the following year. Since the statute does not bar the application of the base and excess plan of payment in months other than those to which it now applies, the important consideration concerning its extension to the entire year is whether there would be a strong tendency for producers to restrict total market supplies. The plan adopted provides that each producer will continue to make a new "base" each year computed from his deliveries of both base milk and excess milk in the base-making months and, if he chooses, the producer may relinquish his base once during the year and be paid on the same terms as a new producer until revised bases for regular producers become effective on the basis of August-December deliveries. This privilege is accorded to producers under the present order and should be extended to the added months the plan will be in effect. This should enable those producers who so desire to increase the level of their milk deliveries substantially in the fall months. However, a producer who so elects to relinquish base should receive a base, to become effective the following February 1, in the manner of other producers who did not relinquish base. Under these circumstances, and since the total returns to all producers are not being reduced in relation to the returns to be realized from the production of factory milk, it does not appear that undue restriction on deliveries by regular producers should result from application of the plan throughout the year.

In establishing percentages for determining the bases of new producers under a 12-month plan, particular consideration has been given to seasonal levels of deliveries for the market as a whole. The seasonal levels of production in relation to the need for Class I milk indicates that the percentages of new producer deliveries to be priced as base milk should be relatively high in the fall and winter months to encourage the delivery of milk by new producers in such months and to minimize the incentive to enter the market during months when supplies are seasonally large. The following percentages of deliveries for the additional months the plan will be in effect should accomplish this without, at the same time, unduly reducing returns to regular producers: August, 75; September through December, 90; January, 80; and February, 75. The record indicates that the percentages currently established by the order with respect to new producer deliveries for the months of March through July are satisfactory and do not require revision. In view of the foregoing it is concluded that the base and excess plan of payment should be made effective for all months of the year.

Proponents further contended that unnecessary and inequitable hardships sometimes occur from the fact that the order does not permit the producer to transfer an earned base with the sale or lease of the herd to a producer who continues to produce milk on the same farm. It was indicated that the value inherent in the establishment of an even production pattern is lost to the producer who conveys his herd to another producer if the latter is required to begin his operations on the same farm as a new producer. It was contended in support of the proposal that a herd so obtained and kept normally would continue to produce for a period of several months following the transfer in close alignment with the production pattern already established by the transferor.

The proposal presented was discussed by three witnesses appearing on behalf of producer organizations. It appears from the testimony that there is divergence of opinion among producer representatives as to the opportunities to transfer base which should be afforded by the order. One witness indicated that any producer should be permitted to move his base with the herd when the herd moves to another farm, and further that bases should be subject to sale without limitation. Another would limit transfers of bases to those cases in which death or ill health would force the sale of the farm and herd and would not otherwise permit their sale. The principal witness for the proposal, however, presented the view that on transfer of base the herd should be maintained on the same farm for the proposal, however, presented the proposal) following conveyance, and that it was not proposed that the base should follow the herd off the farm without rather strict limitation. From the latter testimony it appears that the original intent of the proposal was not to permit the unlimited purchase and sale of bases without reference to the disposition of the herd and farm.

A plan which would permit the ready transfer of base with a herd immediately raises the question of what constitutes a "herd." This appears to be an indeterminate factor in the proposal and as such raises serious complications from an administrative viewpoint. The purchase and sale of base as such was not pursued in detail and further comment thereon is not necessary at this time. However, the producer's own ability, as a farm manager, to produce even supplies of milk invariably has been an important underlying consideration to the establishment of base in all areas where base plans have been employed. It has been considered so significant in relation to the other factors involved in milk production that in the past the individual producer in the Pudget Sound area has been required to establish a separate base for each farm operated (§ 925.61

(e)). Any relaxation of the order regarding transfers would run counter to this consideration, and it is not clear in the record why less importance should now be attached to such factor. In view of the divergency of concepts concerning the transfer of bases offered for the record, it is concluded that the present base rules should be left unchanged pending further consideration of the problem by producers.

(2) The definition of "handler" should not be revised to include a cooperative association not operating a fluid milk plant or country plant for purposes other than those described in § 925.15 (b).

A proposal was made at the hearing by producer groups to designate as a handler any bargaining-type cooperative with respect to milk of its members caused to be delivered to fluid milk plants or country plants of proprietary handlers and to require payment by the latter to the cooperative for the class utilization value of such milk. This would establish the cooperative as the medium between the market administrator and the plant operator through which monthly reports of base and excess milk receipts are filed with the market administrator and certain handler obligations to the producer-settlement and administrative assessment funds are paid. The proposal also contained a corollary provision under which any such cooperative would be allowed to reduce a required payment to the producer-settlement fund by any amount by which the proprietary handler defaults in making payment to the cooperative for milk purchased at the class prices. The proposal submitted is similar in principle to one offered for consideration by producer representatives at the original promulgation hearing and at the amendment hearing held in March 1952. Under present order provisions producer-settlement fund payments are made by the proprietary handler to the market administrator and the bargaining cooperative collects from the handler at the base and excess prices for milk marketed in behalf of producers.

Proponents stated in support that the reporting of base and excess quantities of milk under the present system of reporting is unnecessarily cumbersome. The milk of an individual producer frequently is caused to be delivered by a bargaining cooperative to several different plants during the course of the monthly pay period. This requires the coordination of information regarding the individaul producer's deliveries of milk by the cooperative, and an exchange of information regarding such deliveries with the handlers involved before the payment obligations of the latter to the association and to the market administrator can be computed. In order that those handlers who receive milk from certain individual producers during only part of a month may know the extent of their obligation to such producers and also the amount of their net obligation to, or credit from, the producer-settlement fund, it is necessary for the bargaining cooperative marketing milk on behalf of producers to furnish the handler with the base and excess quantities of milk the latter received from each such producer during the month. When a particular producer's milk is sent by his cooperative to more than one plant during the month it is necessary for each handler involved to report to the cooperative the total amount of milk received and, in turn, for the cooperative to compile the total quantity of milk received during the month at all plants from such producer, than to compute his base and excess quantities, and finally to advise each of the handlers concerned of the amounts of base and excess milk for which he must pay the cooperative on behalf of such producer. During any given month the milk of several hundred individual producers may be sent to more than one plant. This exchange of information is necessitated by the fact that a bargaining cooperative which markets milk for its members controls the hauling of such milk and in many instances is the only practical source of information relative to the total monthly deliveries of an individual producer. The problem has been intensified largely by the expansion of the farm tank system of hauling under which the milk of two or more producers may be commingled in a farm tank truck and the handler receiving milk from the truck cannot identify the producer source of the milk delivered to him. It is the contention of proponents that if the bargaining cooperative is designated the first handler of the milk, the above exchange of information can be eliminated with a saving in bookkeeping to the cooperatives and handlers concerned. Under the proposed plan the market administrator would receive information on the base and excess deliveries of such producers from the bargaining cooperative directly, and a report of his total milk receipts and utilization from each handler buying from such a cooperative. The proprietary handler would continue, of course, to report the receipts of base and excess milk from producers not members of a cooperative and to make minimum payments to the latter producers at the base and excess prices.

It is obvious from the present record that the proponent bargaining cooperatives and the handlers to whom they sell have a problem involving an exchange of information regarding the deliveries of base milk and excess milk of a substantial number of producers. The remedy proposed would create, however, certain other problems of more serious proportions. At present each handler (including any cooperative which operates a plant) is responsible for remitting to the market administrator all monies due producers other than his own as the result of the market equalization of producer returns through the producer-settlement fund. If the handler fails to pay the producer-settlement fund he immediately makes his assets subject to enforcement action. Under the proposal each proprietary handler purchasing from a bargaining-type cooperative would be required to pay the cooperative for such milk at the class prices on the basis of its utilization by the handler. On the other hand, the proposal would place responsibility on the cooperative to make payment to the producer-settlement fund only to the extent that it had been able to collect from the handler.

The proposed plan would require the market administrator to look to the bargaining cooperative for payments to the pool on milk marketed through the cooperative. The real incidence of responsibility for payment would remain, however, with the proprietary handler who actually received and utilized the milk. Under these circumstances the market administrator's ability to enforce payments due the producer-settlement fund would be impaired since the plan relieves a proprietory handler from responsibility to the market administrator concerning such payments. For example, any disagreement between a handler and a bargaining cooperative concerning the adequacy of payment to the cooperative could cause a delay in payment to the pool. In other instances the market administrator might determine that a proprietary handler owes money to the pool and such handler would disagree. In the latter situation the market administrator would be forced to rely for payment upon an agreement between the handler and his cooperative supplier that an obligation existed. If in the opinion of the cooperative involved the handler had fulfilled his obligation, the market administrator would have no recourse to enforce a payment he determined is due producers. It should be noted here that monies owed to the producer-settlement fund by a handler buying from a bargaining cooperative under the plan are not monies owing to producers affiliated with such cooperative, but rather represent monies belonging to other producers, including many not affiliated with any of the proponent associations. Action by the market administrator to insure full payment for milk could be rendered difficult if not impossible under the above conditions. Such procedure could open the way for underpayments which could have serious effect upon producer returns and undermine the essential provisions of the order which establish minimum uniform prices to all handlers.

The producer-settlement fund, or "pool", is a sensitive device for distributing the proceeds to farmers for milk produced. It cannot operate to promote the objectives of the order unless equalization payments are made promptly when due. Any failure to so pay monies due the pool represents a serious obstruction to the maintenance of orderly marketing conditions for producers since orderly marketing requires assurance that all producers receive full and prompt payment for their milk. If a condition of uncertainty as to responsibility for pool payments were to exist, the order could not operate effectively to maintain orderly marketing conditions and all producers, including those marketing through the proponent associations, would lose the principal advantages the regulation affords.

Secondarily, the record also discloses certain other administrative complications which would be created. The amount of milk delivered by producers to be accounted for on the basis of inter-handler transfers would be increased substantially. This would necessitate a more complicated set of rules to govern such movements, involving a specific plan for assigning classification according to sources whenever, as frequently happens, a handler receives milk from more than one cooperative (either bargaining or plant operating) and perhaps also from independent producers. The allocation of classified milk to its source may be made either by arbitrary assignment by the market administrator or by proration. Assignment of classification by the market administrator would involve arbitrary choice as to which source would receive credit for the largest amount of milk utilized in Class I. Although this would place a difficult burden upon the market administrator, the proposal offers no guide in this connection. If the proration method of assigning classification is used, the basis for making original assignments would be relatively simple. However, it would follow logically from such a plan that audit adjustment should be prorated also. Such procedure undoubtedly would increase the number of billings necessary to settlement since each handler, including any bargaining cooperative, who furnished any milk to another handler would be involved in settlement of any audit adjustment based on the latter handler's utilization of milk. At present settlement for such adjustments is made directly with the market administrator. Under any plan of allocation, the market administrator would have to adopt a reporting device to advise a bargaining cooperative of the manner in which the milk of its members was used by the proprietary handler in order that the cooperative could ascertain its obligation to the producer-settlement fund with respect to such milk. When a bargaining cooperative causes member milk to be delivered to several proprietary handlers the procedure of advising the cooperative of the use of milk would have to be repeated for each plant. Similarly, reports not now made to the cooperative relative to audit adjustments would be necessary also. It is noted further that proponents state emphatically that the handler operating the plant where milk purchased from such a cooperative is received should continue to be entitled to the shrinkage allowance associated with Class II milk. In the present order, sales between handlers may be made as either Class I milk or Class II milk under a relatively simple system of transfers. There is no necessity under such plan for dividing the transferred quantity into Class I milk and Class II shrinkage in order to determine the obligation of the transferee handler to his supplier. If the modified shrinkage provision were not adopted, however, those handlers who purchase milk through a bargaining cooperative would be denied the shrinkage allowance in Class II milk as compared with those why buy from an operating cooperative or from independent producers since it would not be possible to determine shrinkage for a handler not operating a plant. In combination these complications appear to offset, from the standpoint of the mechanics of an effective and efficiently managed regulation working in the interest of orderly marketing for all producers, the advantages if would bring to the particular cooperatives and handlers affected by the reporting problem submitted.

It is concluded from the above that enforcement procedure would be made unduly complicated in relation to the benefits to be realized. It is concluded also that while the proposal could simplify the reporting procedures for certain coperatives and handlers, the total amount of paper work necessary on a market-wide basis would not be lessened and conceivably might be increased. Therefore, the proposal should not be adopted under present circumstances.

(3) Current provisions for price adjustments, based on the location of the regulated plant, should be revised by (a) designating a new district within the marketing area to be known as "District No. 4" and (b) establishing a location adjustment of 20 cents per hundredweight applicable to the prices of Class I milk and base milk at plants in such district.

At present, District 2 of the marketing area is comprised of Skagit and Whatcom Counties. Producer associations proposed that Skagit County be removed from such district and be established separately as "District No. 4." This redesignation would be made for the purpose of applying a location adjustment for plants located in Skagit County different from that applicable at plants in the remainder of District 2. A 40 cent per hundredweight location adjustment was adopted for District 2 effective December 1, 1952, and no revision of the adjustment is contemplated for Whatcom County. In the new district the adjustment would be reduced to 20 cents per hundredweight. The 40 cent adjustment in effect for District 3 and the 50 cent adjustment for certain locations outside the marketing area would not be revised under the proposal.

Proponents stated that present location adjustments are based on a system of handling and transporting milk under which milk is delivered from farm to country plant in cans and then is weighed, tested, precooled and assembled in large quantities at the plant prior to shipment in "over-the-road" tank trucks to District 1 plants. This method of handling is still dominant in Lewis, Pacific and Whatcom Counties and on the Olympic Peninsula, but regulated plants located in Skagit County are being by-passed by farm hauling routes which now bring milk directly from farms in the latter county to fluid milk plants within District 1. The rapid growth of the farm tank method of transporting milk, which has made possible this extension of direct delivery farm routes from District 1 plants, also has brought about a reduction of approximately 20 cents per hundredweight in the cost of moving milk in substantial amounts from Skagit County farms to Seattle plants. It has become practical, from a cost standpoint, for farm tankers which carry the equivalent of 250–300 cans of milk to deliver milk directly to city plants in Seattle, or to other cities in District 1, from Skagit County farms, and for even smaller loads picked up at the farms to be reloaded directly to larger tank trucks for over-the-road movement, eliminating in many instances the need for country plant handling. It was testified also that the shipment of milk in farm tanks to District 1 directly from farms located in Whatcom County has not proved economical as yet. Although milk is picked up by farm tanks at many Whatcom County farms for delivery to plants within the county, the distance between such county and Seattle still warrants the assembly of sizable loads at country plants to gain the advantage of the lowest possible over-the-road hauling cost.

The marketing of milk received from producers at plants located outside District 1 requires the performance of more costly services than does the marketing of milk received from producers whose farms are in District 1. The purpose of the location adjustments is to reflect the additional costs of these services to the outlying producers as compared to the near-in producers. At the time of the hearing in March 1952, most milk in the outlying districts was received at country plants prior to shipment to District 1. The total value of services performed on milk received from producers in District 2, as shown by the record, was about 63.5 cents per hundredweight, including country plant transportation 28.5 cents; country plant handling 10 cents; and country plant to District 1 plant transportation 25 cents. The cost of performing services on milk received from producers in District 1 was 22.7 cents. The additional cost of performing services on milk received in District 2 was about 40.8 cents per hundredweight (63.5 cents less 22.7 cents), and a location allowance for District 2 was established at 40 cents per hundredweight as a reasonable measure of the cost of the additional services on milk received in District 2. For the same reasons a like allowance was established for District 3.

The present record indicates that the bulk of inspected milk originating in Skagit County is marketed through the producer association in such county. To a large extent the milk shipped from such county for utilization in District 1 is now being transported in farm tank trucks whereas the milk received from farms in cans is being utilized locally within the county. Within District 1, the can delivery system appears to remain dominant. However, a shift in recent months of more than 21 percent of the producers in this district to the farm tank system would indicate some reduction in delivery costs within such district since the last revision of the location adjustments. With the growth of the farm tank system of delivery an active competition for milk supplies has developed between operators of farm tank pick-up routes which extend into Skagit County from District 1 plants and the Skagit County association. Milk is being hauled from Skagit County farms to Seattle on farm tank pick-up routes at a cost to the producer ranging from 37 to 39 cents per hundredweight. The growth of the farm tank system also has reduced the



cost of moving milk from farms to the



milk, and (b) the extent of the Class I

credited in the pool with having paid

should not be used as the basis for han-

cost of moving milk from farms to the Burlington plant of the Skagit County association so that milk now can be delivered from farms to the plant, reloaded and shipped to Seattle in over-the-road tank trucks at a total cost of approximately 38 cents per hundredweight as compared with the 63.5 cents per hundredweight computed from the record of the hearing held in March 1952 as the then prevailing value of the hauling and handling service to producers in such district. Even on the assumption that the average delivery cost from farm to plant in District 1 has not changed, the difference in the value of services to the producers in Skagit County in marketing their milk and the value of such services to District 1 producers has been reduced from 40.8 cents to an amount ranging from 14.3 to 17 cents per hundredweight depending on the delivery system used.

When milk is moved to District 1 from an outlying district by the farm tank method, without first being received in a plant in the outlying district, the location adjustment fixed by the order for such district does not apply because that particular milk is regarded as a direct shipment to the District 1 plant. If the location adjustment for milk received in a plant in the outlying district is set at a figure substantially higher than the actual cost of moving milk to District 1 from a similar location by the alternative farm tank method, the returns to the producers whose milk is received at the outlying plant are reduced in relation to those of other producers, with farms similarly located, who are on the farm tank delivery system. If continued this condition would cause the producers receiving lower returns to shift to the farm tank system of necessity. The proposed reduction in the location adjustment on the uniform price for base milk in Skagit County from 40 to 20 cents per hundredweight producers reasonably reflects the current costs of moving milk in substantial quantities to District 1 plants from Skagit County as compared with the costs of similar service to District 1 producers and will remove price disadvantage with respect to producer milk received at Skagit County plants as compared with other milk which originates in the county and is moved to District 1 on a direct-shipped basis. Such reduction should be made in order to assure continuance of the service which the presence of plant facilities in such county still affords numerous producers whose milk is used locally. In view of the above, the location adjustment to handlers for milk received in Skagit County plants and disposed of locally as Class I milk also should be reduced from 40 to 20 cents per hundredweight.

(4) The definition of "marketing area" should not be revised.

It was proposed also at the hearing that the counties of Kitsap and Mason (which include the city of Bremerton) and certain adjacent territory on the Olympic Peninsula be included within District No. 1 of the marketing area. Proponents testified in support that (a) such counties do not produce enough milk locally to meet requirements, and economically and geographically are an integral part of the sales area for the milk of those producers shipping to regulated plants, (b) if the populous and rapidly growing Kitsap-Mason area is to have sufficient milk, it must rely on producers and handlers now covered by the order, (c) some of the seasonal reserve of milk produced on the Olympic Peninsula is utilized in regulated plants at the expense of the pool, (d) producers and handlers in such counties should contribute to the maintenance of stable conditions for the entire Puget Sound area by bearing their proportionate share of the seasonal surplus for the entire marketing area, and to the cost of administration of the order, and (e) local processors of milk in Kitsap and Mason Counties have a competitive advantage in such counties over handlers operating out of the present marketing area resulting in the creation of trade barriers for the benefit of local handlers and producers.

The factual circumstances regarding the production and marketing of milk in the Kitsap-Mason area are not substantially different in relation to the entire Puget Sound area than was the case at the time of the hearing in March 1952 (see decision of the Secretary dated November 13, 1952, official notice of which is taken). About 95 percent of the Grade A milk produced on the Kitsap-Mason Peninsula is marketed by a local producer's association which operates fluid milk distribution facilities in Bremerton. Nearly all milk produced in such counties is utilized locally and none is distributed in fluid form to outlets located within the presently defined marketing area or provides an appreciable source of supply for any regulated plant. During most months the local supply is insufficient to meet all the fluid milk requirements of such counties. This deficit at times is substantial, depending largely on the needs of the Navy Yard. The local cooperative association purchases supplemental milk supplies covered by the order from a producer cooperative during some months of the year and in the flush production season disposes of a portion of the seasonal excess of locally produced milk to the same producer group. Monthly prices paid dairy farmers by the local cooperative association have been closely in line with (sometimes equivalent to) the respective Class I prices for District 1 of the marketing area.

In connection with problems of milk distribution reference is made in the record to the fluctuating purchases of fluid milk by the Navy Yard at Bremerton which buys on contract following bids by interested parties. Proponents, however, did not complain of competitive disadvantage as to this sizable outlet for fluid milk. It appears that contracts for such business are held as frequently by regulated handlers as by the local, unregulated distributors. As a practical matter any local distributor, including the local cooperative, who holds the successful bid for such business must purchase from regulated handlers the milk needed to cover such sales in view of the deficit production locally and does not have price advantage over handlers under regulation with respect to this business.

The competitive situation for regulated handlers who distribute fluid milk on the Kitsap-Mason Peninsula does not appear to be substantially different than it was prior to regulation and no hardship to any handler is revealed by the record. No specific example of current competitive disadvantage with local handlers caused by the existence of the order was presented by the proponent company. Proponent's contention appears to be that if the marketing area is not expanded some competitive disadvantage may result in the future. The type of situation presented follows a pattern which may be expected at the edge of any area made subject to regulation. It does not appear that the proposed expansion of the marketing area is necessary to prevent undue hardship on any regulated handler. Also, it was not demonstrated that an orderly market for the producers whose milk is already under the order is dependent upon the inclusion of the Kitsap-Mason Peninsula. The representative of the Kitsap-Mason cooperative testified that the maintenance of orderly marketing conditions for local dairy farmers does not require an order at this time.

The scope of the marketing area is related to the particular problems involved. Since a milk marketing order is a type of regulation requiring specific boundaries for the area to be covered, some competition between regulated handlers and others hardly can be avoided at points outside the regulated area. A regulated handler who distributes outside the regulated area so established incurs voluntarily whatever risks are involved in doing business in competition with persons unregulated. In the absence of compelling reason to extend the marketing area for the purpose of estabishing or maintaining orderly marketing conditions either inside or outside the presently defined marketing area, it is concluded that the counties of Kitsap and Mason and their environs should not be included in the marketing area.

(5) The butterfat differential applicable to Class I milk should be revised.

Producers requested a reduction in the butterfat differential on Class I milk from 1.25 to 1.2 times the price per pound of 92-score butter on the San Francisco market.

The average butterfat test of producer milk delivered from farms continues to exceed the average butterfat test of Class I milk disposed of by handlers even though some reduction in the butterfat differential was made as the result of an amendatory hearing on order provisions held in March 1952. The reduction in the butterfat differential made effective as a result of the March 1952 hearing appears to have encouraged a better balance between the total quantity of butterfat produced and that sold in Class I milk. However, additional encouragement in this direction appears appropriate in view of the amount of butterfat produced in relation to (a) the quantity of solids not fat in producer milk, and (b) the extent of the Class I outlets for butterfat.



Handlers pointed out in opposition that the proposal would increase the Class I price since the actual test of Class I milk customarily has been lower than the "standard test" of 4.0 percent on which the announced Class I price is based and a smaller differential would be subtracted from the Class I price at the 4.0 percent test in arriving at the price at actual test. Using August prices in illustration it may be noted that the August 1953 Class I price for 4.0 percent milk was $5.261 and at actual test (3.861 percent) was $5.145. Under the proposal the August Class I price at test would have been $5.150. The difference between the proposed Class I price and the actual Class I price for such month is 0.5 of a cent per hundredweight (or one one-hundredth of a cent per quart). It is felt that such a change should not be viewed as a significant change in the Class I price level on a market-wide basis.

In view of the foregoing, it is concluded that the proposal should be adopted.

(6) The provisions relating to the diversion of producer milk to nonpool plants should be modified; the provisions under which milk is classified when transferred from fluid milk plants or country plants to other fluid milk plants or country plants should be revised.

The present definition of "producer milk" provides that a handler may divert to a nonpool plant, on his account, any milk purchased from producers. It is provided further that when such milk is diverted it shall be deemed to have been received at the plant from which it was diverted. It was proposed by the cooperative associations testifying at the hearing that producer milk diversions from any fluid milk plant or country plant to any nonpool plant located in a district different from that in which the diverting plant is located be restricted to the milk of those producers whose milk was received at such fluid milk plant or country plant on at least 17 to 20 days during the month of diversion, with the one exception that if such delivery requirements is met in the month of March, diversions might be made without such restriction in the immediately following months of April, May and June.

The evidence indicates that under present order language it is possible for handlers to assign producers to a particular regulated plant and then to divert a portion of, or all, the milk of such producers to a nonpool plant in another district where, by virtue of the location adjustment provisions, a different price level prevails under the order. In the absence of some minimum standard of delivery performance in connection with deliveries from farms to the District 1 plant, milk could be "diverted" which never was intended to be utilized to fulfill District 1 requirements and with respect to which no transportation cost to such district was incurred. For accounting and payment purposes such milk would be regarded as a receipt at a District 1 plant, where no location adjustment is deductible, and the handler would be credited in the pool with having paid producers the full District 1 minimum price, although the milk actually was received and utilized in another district where a lower minimum price obtains. Thus, it would be possible under present language for a handler to draw from the pool sufficient money to pay the producer of such milk a minimum price higher than that applicable under the order for the area where such milk actually was received by the handler.

Provision for the diversion of milk from regulated to unregulated plants without forcing the producers involved to lose their status as producers was adopted in the original order primarily to minimize the hauling necessary to move milk into manufacturing channels when the regulated plant lacked adequate manufacturing facilities to handle reserve milk supplies. Since location adjustments are necessary to reflect reasonable returns to the entire group of producers based on the value of the services required in moving milk to the principal markets covered by the order, diversion on the basis described in the preceding paragraph would jeopardize the proper distribution of such returns. Such adjustments are considered a basic part of the pricing structure for the supply area for the reasons set forth in this and in prior decisions on the Puget Sound order and should not be undermined by improper "diversions" of milk. It is concluded, therefore, that diversions to nonpool plants during any given month should be restricted, when more than one price area is involved, to milk delivered by the producer(s) whose individual shipments of milk have been received at the diverting plant on at least 20 days during such month, except that if this delivery requirement is met for the month of March, no such delivery requirement should be applicable to the producer's milk in the succeeding flush production months of April, May and June. If such requirements are not met, the dairy farmer whose milk is received at such fluid milk plant or country plant on at least 17 to 20 days during the month of diversion, with the one exception that if such delivery requirements is met in the month of March, diversions might be made without such restriction in the immediately following months of April, May and June.

In a decision of the Secretary dated September 10, 1953, official notice of which is taken, consideration was given to a revision of the conditions under which milk might be moved between regulated plants for manufacturing use. It was concluded in such decision that certain revisions of the transfer provisions should be made for a temporary period, pending further review in connection with the issues discussed in the present decision. An amendment to the order making such changes operative for the balance of 1953 was made effective October 1, 1953. After further consideration in connection with the other issues decided herein, it is now concluded, for the reasons set forth in the September 10 decision, that such changes will have continuing applicability beyond the end of 1953 and therefore should be readopted, with minor changes in language, for an indefinite period.

(7) Uniform prices for base milk and excess milk estimated by the market administrator on or before the 5th day of each month for the preceding month should not be used as the basis for handler payments to producers.

Producers proposed that handlers be required to make settlement with producers for milk on the basis of uniform prices for base and excess milk to be estimated by the market administrator on or before the 5th day of each month for the preceding month. In the event of variance between the estimated prices and the prices subsequently computed from the handlers' monthly reports of receipt and utilization, such variance would be taken into account by an adjustment to the prices computed for the next following month. At present the uniform prices for base and excess milk are computed and announced by the 13th day of each month for the preceding month.

Proponents contended that a hardship is incurred by the producer associations under procedure followed in making collections for milk since they find it necessary (a) to make two separate estimates of base and excess prices in billing customers on the 5th and 20th of the month for milk delivered during the half month immediately preceding such respective dates, and (b) to make a third, or final, billing involving adjustments of the prior billings on the basis of the base and excess prices announced by the market administrator. It was stated that if a price estimate by the market administrator could be used as grounds for settlement the third billing could be eliminated with a resulting saving under such collection procedure.

In adopting a payment plan of this kind it would be necessary, in the interest of establishing a basis for reasonably accurate estimates, to outline in the order the guides, or standards, by which such estimates would be made. The record indicates that to have an adequate basis for estimating the market administrator would need preliminary data concerning milk delivered by producers as base and excess milk and the uses of such milk by handlers. The testimony, however, does not indicate a means by which the market administrator could be supplied with such information without a requirement on handlers to file additional reports preliminary to their regular monthly reports. Proponents stated that the advantages to be gained by the cooperatives under the proposed provisions would not warrant additional handler reporting requirements. It perhaps is noteworthy here that as the result of the hearing held in March 1952, it was concluded in the decision of the Secretary issued November 13, 1952, that the date by which handlers are required to file regular monthly data on receipts and utilization should be set back from the 6th to the 8th day following the end of the month in which the milk was delivered in order to give cooperatives and handlers sufficient time to organize such data, particularly that relating to base and excess milk deliveries, for filing with the market administrator. Although the subject proposal has appeal the incurrence of a preliminary report by handlers would appear infeasible in the circumstances outlined. It is concluded that the proposed provision concerning payments for milk on the





basis of price estimates should not be adopted at this time.



tion and classification should be the same regardless of the form in which the milk

basis of price estimates should not be adopted at this time.

(8) The location adjustment applicable to milk utilized for certain Class II milk products in District 1 should not be eliminated with respect to milk received in Thurston County for such uses.

The present order provides for a location adjustment of 25 cents per hundredweight (a) to be charged handlers on milk originating in District 1 of the marketing area and used in specified Class II milk products, principally sweetened condensed milk, ice cream, cottage cheese and aerated cream, and (b) to be distributed to producers on milk delivered to plants in such district over and above deliveries of base milk. It was proposed that the 25 cent adjustment to handlers be eliminated with respect to milk received in Thurston County (District 1) for the designated Class II uses.

The proponent of the elimination of the Class II location adjustment for Thurston County milk is the operator of a manufacturing plant which engages primarily in the processing of milk for ice cream, sweetened condensed milk and butter but is not under order regulation. During the summer months milk is received at such plant from a regulated plant. Such milk customarily is manufactured into ice cream or sweetened condensed milk and in this circumstance the selling handler is accountable to the pool at the Class II price, adjusted by the location differential of 25 cents on Class II milk in District 1. The price which proponent pays the selling handler for the milk is arrived at by negotiation between the two parties. Proponent contends that the selling handler suffers hardship under the location adjustment provision, and that because of other provisions of the order it is not feasible for him to ship his excess supplies to any other manufacturing outlet.

Data in the record relating to the production and disposition of milk originating on farms located in District 1 of the marketing area indicate that in almost every month there is a deficit of production in such district to cover both the Class I utilization and the uses of Class II milk in such district to which the 25 cent location adjustment applies. The movement of substantial quantities of milk from Districts 2 and 3 to District 1 is necessary to fulfill the sum of such requirements even though the total production of milk throughout the milkshed has increased since the location adjustment on Class II milk was adopted in 1952. When milk is shipped into District 1 from plants in other districts for the Class II uses referred to, the handling and transportation charges applicable in connection therewith exceed the said location adjustment of 25 cents. When ungraded milk is purchased from farms within District 1 for such Class II uses, the effective pay prices to farmers usually are higher than the manufacturing price level for Districts 2 and 3 by more than 25 cents per hundredweight. It is to be noted also that the revised provisions adopted by this decision for the transfer of milk between regulated plants, and between regulated and unregulated plants, will facilitate the disposition by handlers of reserve supplies in District 1 to manufacturing outlets, including outlets located in the other districts. It appears from the evidence that this will make it possible for the selling handler referred to above to select from a wider choice of outlets, including some where the milk may be utilized in ways which will exempt it from the location adjustment.

Since District 1 is a deficit producing area the cost of transporting producer milk for the necessary market uses and reserves should be reflected in the relative returns to producers in the respective districts. There was no proposal to change the rate of adjustment now in effect. It is concluded that the location adjustment is reasonable and should not be changed at this time.

(9) The provisions under which the total quantity of milk in each class is computed should be revised.

The present order is silent as to whether nonfat milk solids received by a handler and utilized to fortify skim milk or skim milk drinks in Class I should be computed on the basis of the actual volume of such solids used or on the volume of their fluid skim milk equivalent. By administrative interpretation the actual quantity of nonfat solids added has been the basis of determining volume for classification purposes in connection with such fortified products. Although the record indicates that reconstituted skim milk or milk drinks are not being sold in the marketing area at present, the accounting practice to be followed in the event such items are introduced is related to the problem at hand and the conclusions reached apply equally to the classification of products made from reconstituted skim milk. There appears to be no contention concerning the propriety of classifying both fortified and reconstituted fluid products as Class I milk. The question at issue relates only to the method of computing the volume of skim milk included in such products to which the payment required by § 925.70 (a) (6) applies. It was proposed that the order might be clarified in this respect through revision of the definition of "other source milk." However, it appears more appropriate, from a drafting standpoint, to include more specific language covering the problem in the provisions under which the market administrator is required to compute the total amounts of skim milk and butterfat in each class.

When the butterfat content of any Class I product is increased by the handler above the basic test of 4.0 percent, the added butterfat from producer milk is priced on the basis of the butterfat differential at the same rate as the butterfat represented by the basic butterfat test, but no basis was presented on the hearing record whereby it would be possible or feasible to adjust the Class I price applicable to the skim milk component of a Class I milk product on the basis of a precise determination of its solids-not-fat content. Nevertheless, to provide equal costs per hundredweight to handlers for producer milk in accordance with its use and to prevent jeopardy to producer returns from Class I milk, a price adjustment should be made in the case of sales in such class in the form of products from which part of, or all, the original water has been removed and not replaced.

The record discloses that nonfat dry milk solids utilized to fortify Class I milk products are required to come from Grade A milk and are paid for on the basis of the Class II price if derived from milk covered by the order or at price for manufacturing milk, closely in line with the Class II price, if derived from milk processed at a non-regulated plant. The additional solids utilized increase the value and salability of the end product. In the absence of evidence to the contrary, it must be assumed that the value of each pound of nonfat milk solids utilized by addition to, or as, a Class I product has a value to the handler the same as every other pound contained therein. Neither the form in which, nor the source from which, such solids are obtained alters their value to the handler for this purpose and they may not be distinguished on the basis of cost of production, need for regular supplies, sanitary requirements, seasonality of production, or value to consumers. Since the Class I price provisions are designed to encourage producers to deliver an adequate and dependable supply of milk in all seasons, the returns to producers for one portion of Class I milk should not be reduced below the level of the remaining portion disposed of in such class. The effect of computing the value of the added nonfat solids on actual weight rather than on a skim milk equivalent basis, in a Class I product, is to alter the accounting method for such solids as compared with an equivalent quantity of such solids contained in skim milk in fluid form which is utilized in the same product, in another Class I product, or in Class II milk. The actual weight basis of accounting for the added solids used in fortified skim milk (Class I) has the effect, from a pricing standpoint, of retaining in Class II milk a portion of the producer milk utilized in the production of such Class I product even though it represents the only end use resulting from the producer milk involved. This is equivalent to granting the handler a price reduction with respect to a portion of his Class I milk.

Producer and handler representatives testifying at the hearing recognized the logic of the "skim milk equivalent" basis of accounting in the event nonfat milk solids are used at some future date to produce reconstituted milk or milk drinks as a means of preventing price differences among handlers and to preserve the integrity of Class I pricing. The relative effects of solids used in fortified skim milk and in reconstituted skim milk on handlers' costs and on the total returns to producers from Class I milk are, however, merely effects of degree. There are no distinguishing differences in the end products or as to the necessary supplies of producer milk which substantiate a separate method of accounting for the extra solids used in fortifying a Class I milk product. It is concluded that the relationship between other source milk and producer milk now provided in the order with respect to allocation and classification should be the same regardless of the form in which the milk solids are obtained for use in Class I, i. e., receipts of other source concentrated skim milk products, including condensed skim milk or nonfat dry milk solids, should be considered as equivalent in volume to the skim milk in fluid form which would be required in the production of such products.



(10) The definition of "producer-handler" should not be changed.

A proposal was made to review the definition of producer-handler to determine whether persons in this category should be regulated more completely by the order. It was pointed out in this connection that by permitting a producer-handler to purchase milk from other producer-handlers or from uninspected sources the present order may enable him to gain competitive advantage over regular handlers. It was suggested on the record that consideration might be given to the regulation of producer-handlers in the same manner as other handlers and to include their milk in the pool as producer milk, or, in the alternative, to apply a charge at the difference between the Class I and Class II prices on any milk received and used as Class I milk by the producer-handler other than the sum of his own farm production and any amounts received from regulated plants.

Producer-handlers who do not purchase milk from other producers were granted exemption from the pricing and payment provisions of the original Puget Sound order, and have continued to be exempt. Such persons are required, however, to make reports of their receipts and uses of milk and milk products at frequent intervals as requested by the market administrator. It was concluded in the original decision on the order that full regulation of producer-handlers would not assist materially in achieving the objectives of the regulation.

The present record does not disclose a marketing problem caused by the purchase of "other source milk" by producer-handlers. The testimony indicates that no producer-handler is handling other source milk at the present time. If he purchases and sells milk in the marketing area which has been obtained from uninspected farms, the producer-handler takes the risk of violating applicable health regulations. There appears to be no apparent danger that producer-handlers will expand operations to the disadvantage of regulated handlers on the basis of such milk. If a producer-handler purchases milk from a handler under the order the milk is accounted for to the pool at the Class I price. If he receives milk from another producer-handler for resale he does not increase the total quantity of milk to which exemption has been granted. The latter type of purchase has been only occasional and no instances of competitive disadvantage to handlers resulting therefrom were cited.

To consider a producer-handler as a handler for any month in which he purchases milk from another producer-handler would add administrative complications and increased reporting requirements which do not appear justified by the evidence. To go further at this time and consider producer-handlers as producers with respect to their own farm production of milk also would present administrative problems out of line with any expected benefits to either handlers or other producers supplying the market. It is concluded that any change in the present status of producer-handlers under the regulation should await further developments which indicate that practices on their part are causing disturbance to the orderly marketing of milk by producers generally.

(11) The Class II location adjustment provision should be made more specific concerning its application to milk used in the several varieties of cheese processed from producer milk.

Cheddar cheese is a Class II milk product not subject to the Class II location adjustment for District 1 plants. In view of the manufacture and sale of other types of hard molded cheese made from producer milk it has been necessary for the market administrator to interpret the location adjustment provisions as to its application to milk utilized in several varieties of cheese. The term "cheddar cheese" in such provision has been deemed to include other hard molded cheeses, such as Colby and Monterey Jack, on the basis that they might be described as "cheddar-type." It was proposed at the hearing that such interpretation be reviewed to determine whether the order should be clarified concerning the application of location adjustments to milk utilized in various types of cheese.

The record indicates that no dissatisfaction has occurred with respect to past interpretation of order provisions in this respect and that such interpretation represented the proper basis for application of the adjustments. The primary question at hand is the method to be used, as a matter of clarity, to describe adequately the kinds of hard molded cheese which should be exempt from the location adjustment on Class II milk. It appears that this can be done satisfactorily by stating that the exemption covers all cheeses except the following, to which the location adjustment does apply: "Baker's cheese", "pot cheese", "cottage cheese (including creamed cottage cheese)", "cream cheese", and "neufchatel cheese." Such named cheeses should be subject to the location adjustment even though sold with ingredients added such as shredded vegetables, chives, etc., or under trade names which do not refer to their cheese content. It is concluded that the language adopted will clarify the location adjustment provision and make it possible for the market administrator to determine precisely how much milk made into various cheeses is exempt from the adjustment without the necessity for a broad interpretation of language.

(12) The rate of payment provided by § 925.70 of the order as to "other source milk" classified as Class I milk should be continued without change.

The order now provides (§§ 925.8 and 925.9) for the designation of "fluid milk plants" and "country plants". The purpose of these designations is to indicate the sources of milk which are fully regulated under the order. Sections 925.45 and 925.70 (a) (6) provide for the integration into the regulatory plan of milk other than that which is fully regulated (i. e. "other source milk"). The former section provides for the allocation, in the classification system, of other source milk while the latter section provides for certain payments to be made into the producer-settlement fund on other source milk which is in excess of that allocated to Class II milk.

The provisions for designating the sources of fully regulated milk and the integration into the regulatory plan of other source milk should be continued in the order unchanged.

At the hearing, a review of the experience with the provisions on plant definitions and the payments on other source milk was made. This review was carried out because it seemed desirable to test the operations of these provisions which were incorporated in the order when it was originally formulated in the light of experience gained during the actual operation of the regulatory program in this market.

All of the Grade A milk produced for consumption in fluid form in the State of Washington is subject to uniform state-wide sanitary standards administered by the State government. As a consequence of this uniform code of sanitary requirements, milk produced under the code anywhere in the State of Washington, is eligible from a sanitation standpoint for sale in the Puget Sound marketing area. Although all Grade A milk produced in the State is eligible for sale in the marketing area, the fact is, of course, that all of the milk so produced does not in fact constitute the regular and normal supply of milk for the regulated marketing area. For this reason, it is necessary to develop standards which distinguish that Grade A milk which is in fact the normal and regular supply for the Puget Sound area from that Grade A milk which is not a part of the regular and normal supply, so that regulation by the order may be imposed fully on that milk which is the regular and normal supply for the area while with respect to that milk which is not a part of such supply, the regulation may be applied only to the extent necessary to integrate the other source milk into the regulatory scheme. Since the sanitation standards for Grade A milk are uniform throughout the State, it is not possible to identify the regular and normal supply for this marketing area on the basis of distinctive sanitation requirements.

Neither is the shipment of milk to the marketing area for Class I utilization a practical basis for identifying the milk which should be fully regulated under the order. If any small, incidental, or accidental shipment of milk into the marketing area were to bring all of the milk at the plant from whence such shipment was made under total regulation, great hardship could be caused to the operator of such plant and to the farmers delivering milk to such an operator. Because of the uniformity of

health requirements throughout the State, small quantities of milk are, in fact, disposed of in the regulated marketing area as Class I from plants which are not normal or regular sources of supply for the marketing area. Moreover, the operators of the plants from which such shipments arise may not wish to bring their plants under total regulation. There are many situations in which plant operators may find it economical or desirable to make shipments of small quantities of milk to the marketing area and in which it is neither necessary nor desirable in terms of effective regulation to bring the operators of such plants fully under the regulation. For instance, a plant which is associated with a market outside of the Puget Sound area may find it advantageous to ship milk to a plant regulated by the order in order to have such milk converted into manufactured dairy products. It is quite possible, however, through misunderstanding, or from errors of estimating the utilization of milk, for milk which was intended for utilization in Class II products to be assigned a Class I classification. If through such accident or misunderstanding a plant were placed completely under regulation, considerable hardship, unnecessary to effective regulation, might result. For this reason, it is not practical nor desirable to place a plant totally under regulation merely because a small quantity of milk shipped by it to the market finds it way into a Class I utilization.

The Puget Sound order provides for a market-wide pool. Under this pooling plan, handlers whose proportion of utilization in Class I is greater than the market as a whole make payments into an equalization fund and those handlers whose proportion of utilization in Class I is less than the average for the market receive payments out of the equalization fund. This method of payments into and out of the equalization fund is the essential mechanism for providing uniformity of payments to farmers irrespective of the handler to whom they deliver their milk and provision for equalized payments to farmers is necessary to the maintenance of stable and orderly marketing conditions in the Puget Sound area.

Because handlers with less than the market average proportion of milk in Class I may draw payments out of the producer-settlement, or equalization, fund there is an advantage to any plant operator who has less than the market-wide average proportion of milk in Class I to place himself under regulation in order to obtain these payments and, thereby, make it possible for him to pay the uniform price established under the order to his producers. The smaller the plant operator's proportion in Class I, the greater is the advantage of regulation to him. Under these circumstances, plants which are engaged primarily in the manufacture of milk into dairy products, rather than as suppliers of Class I milk to the marketing area, will attempt to place their plants under regulation for the sole purpose of obtaining payments out of the equalization fund. The result of this, however, will be to reduce the returns to those farmers whose milk actually constitutes the regular source of supply of Class I milk for the marketing area.

It is necessary for the reasons stated, therefore, that that milk which in fact constitutes the regular and normal sources of supply for the marketing area be distinguished from other milk which might enter the marketing area. Sections 925.8 and 925.9 of the order are designed to identify the regular and normal sources of supply for the Puget Sound marketing area. These sections provide that regulated plants shall be of two kinds. First is the "fluid milk plant", and it is defined as a plant located within the marketing area from which certain Class I items are disposed of in the marketing area. Second is a "country plant", from which Grade A milk, in specified percentages, is supplied to a fluid milk plant. Under the definition of country plant, any plant no matter where located may bring itself under regulation by performing in the manner required, and any plant may relieve itself of regulation when it no longer operates in a way that brings it within the scope of these two sections of the order. Under these circumstances, the decision as to whether a plant will be fully regulated under the order or will not be subject to regulation is determined by the decision of the plant operator himself.

Since the order provides for the identification of that milk which is subject to total regulation under the order, the possibility remains that some milk (i. e., other source milk) will be disposed of in the marketing area as Class I which is not subject to total regulation. In fact since the effective date of the order, minor quantities of other source milk have been disposed of in each month as Class I milk in the marketing area either by delivery to a regulated plant or by sale by the outside plant operator directly to stores or to other consumption outlets such as hotels, restaurants, or homes. During that period of 1951 when the order was effective, other source milk in Class I averaged in the neighborhood of 175,000 pounds per month. The amount of other source milk used as Class I has declined steadily however, and in the first six months of 1953 it averaged less than 50,000 pounds per month; although in June the figure was over 114,000 pounds. This other source milk was subject to the compensation payments provided for in § 925.70 (a) (6).

The payments on other source milk provided by this section should be continued without change. The provision requires that on all other source milk classified as Class I, a payment shall be made into the equalization fund at a rate equal to the difference between the Class I price and the Class II price. Payments at this rate are necessary to maintain the integrity of the pricing and pooling provisions of the order.

Essentially all of the other source milk utilized as Class I in the marketing area has been of Grade A quality and, therefore, similar in quailty to that regularly disposed of in the marketing area for Class I. It was produced as part of a supply intended primarily to meet the demand for milk for fluid consumption (or the equivalent of Class I milk uses under the order) in some area in the State of Washington other than the area regulated by this order but it was not used for such purposes in the area for which it was produced. It was, instead, milk which became surplus to the needs for milk for fluid disposition in the area for which it was produced. If the plant operator had not found a sale for such milk within the regulated marketing area, it would have been necessary for him to convert the milk into a manufactured milk product. The most likely surplus disposition of this other source milk would have been as butter and nonfat dry milk solids.

Its value, therefore, to the plant operator was a surplus milk value. The Class II price for milk under the Puget Sound order is based on the value of milk when it is converted into butter and nonfat dry milk solids and this is the price which regulated handlers are required to pay for milk when they convert it into these two products. The Class II price, therefore, represents an accurate and fair representation of the value to the receiving plant operator of surplus milk which is disposed of as other source milk for Class I purposes in the marketing area.

If unregulated plant operators were allowed to dispose of surplus milk for Class I purposes in the regulated marketing area without some compensating, or neutralizing provision in the order, it is clear that the disposition of such milk, because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the marketing area. The plan of Congress, as contemplated under the Agricultural Marketing Agreement Act of 1937, of returning minimum uniform prices to the producers for the regulated marketing area, would be defeated. Moreover, inefficiencies in the marketing of milk would be encouraged, for the regulated market would obtain its Class I milk not from the regular and normal sources of supply for the market but from other sources of supply generated solely as a result of the price advantage created for unregulated milk by the regulation itself. Providing for some method of compensating for, or neutralizing the effect of, the advantage created for unregulated milk therefore is an essential and necessary provision of this order. Since the value for Class I milk in a regulated market is established at the level of the Class I price provided for in the order and since the true value of other source milk when disposed of in the marketing area is the Class II value, a payment computed as the difference between the Class I price and the Class II price will remove the advantage which other source milk would have when disposed of for Class I purposes in the marketing area. For this reason, the present payments required under § 925.70 (a) (6) should be continued unchanged.

Cross-questioning at the hearing raised the question of whether a payment computed as the difference between the Class I price and price actually paid by a handler for other source milk of Grade A quality would not be an adequate means of removing the advantage which inheres in the Class I use of such other source milk. Under the circumstances which prevail in the Puget Sound marketing area, a handler normally would come into possession of this type of other source milk by purchasing it from an unregulated milk plant. The milk which such a handler receives under these circumstances is at a different stage in the marketing process than is the milk which is priced under the order. Order prices apply to milk as received at the first plant from individual farmers. The price paid by a handler for other source milk applies to milk which has already been received at the first plant, weighed, tested, cooled and placed in a transportation conveyance. Obviously, the handler generally will pay more for other source milk under this condition than he would for milk received directly from farmers, for the plant operator who first receives the milk from farmers must necessarily obtain a markup if he is to be recompensed for the services which he has performed on the milk. In some situations, the purchase of other source milk might be made from a plant operated by the same company as the regulated plant. Thus, the transaction would be primarily a matter of bookkeeping within the same company and it would be advantageous to the company if the price for the milk were to be stated as the Class I price. For by this means, all compensatory payments into the equalization fund would be avoided. Even between plants controlled by different companies, the advantage of showing that the price at which the milk was exchanged was at least as high as the Class I price would give great impetus to the effectuation of paper transactions showing a price at least equal to the Class I price while undisclosed payments were made in order to avoid the imposition of the compensatory payments into the equalization fund. Under these circumstances, it would be impractical from an administrative standpoint to provide for a payment the actual amount of which would be within the control of parties to the transaction. It is essential instead that the payment be computed on an objective basis and that it be equal for all handlers for similar transactions. The present method of computing the payments conforms with these requirements and the alternative methods raised in discussion fail to do so.

The evidence in the record also touched upon the possibility of providing for payments based on the difference between the price paid by the first receiver to farmers and the Class I price. It is clearly shown however that this method would be impractical also. The payment plans which are used by unregulated operators include such varying practices as paying uniform prices on a straight utilization basis, paying on a base and excess plan, paying irregular and nonuniform premiums, absorbing transportation charges, and paying on a variety of butterfat and location differentials. This wide variety of payment plans would render impossible an accurate ascertainment of the actual prices paid to farmers by the first receiver. But what is equally as important, as shown above, is that the price actually paid to farmers does not determine the true value of other source milk disposed of in the marketing area. The true value for such milk, irrespective of the price paid for it to farmers, is the Class II value because other source milk disposed of in a marketing area is in fact the surplus of milk produced primarily for sale in an area outside of the regulated marketing area. Hence, although other suggestions for computing the rate of the compensatory charge have administrative and other difficulties inherent in them in the final analysis even if they were administratively feasible, they would not be fully effective in removing the advantage which attaches to other source milk when it is used as Class I milk in the regulated marketing area. Only the difference between the Class I price and the Class II price accurately reflects this advantage and consequently only this rate will be fully effective in dealing with the problem of integrating other source milk (when used as Class I) into the regulatory plan.

It may be noted also that other source milk not of Grade A quality as well as that of Grade A quality is received and handled in a number of plants subject to the regulation. Although from the standpoint of health standards it is not legal to use such milk for Class I uses except under emergency dispensation granted by the applicable health authorities, the possibility remains that this grade of milk may find its way at times into fluid, or Class I, products. If this occurs the same rate of payment should apply to such milk since its value is established by a lack of eligibility on a Grade A standard, for regular use as Class I milk. This characteristic stamps it the equivalent, from a use standpoint, as surplus Grade A milk, and for the same general grounds as are set forth above with respect to the payment applicable to other source milk of Grade A quality, a similar payment should apply.

(13) The marketing service provision should be modified.

Certain language should be added to the provision which deals with the designated marketing services to be performed by the market administrator for producers who are not members of a qualified cooperative association performing such services. At present the order provision requires interpretation as to the incidence of responsibility for marketing services in the case of a cooperative which performs some but not all of the specified services. It is concluded that proper application of the statute requires a cooperative association, otherwise qualified, to perfom not a portion, but all, of the specified services in order to qualify under the provision and to make unnecessary the performance of the services by the market administrator on behalf of producer members of such cooperative. The addition of the language adopted should clarify the order in this respect.

(14) Certain revisions of order language should be made for administrative purposes.

The reference to producer shrinkage in § 925.44 (b) (1) of the order should be revised to refer to the portion of such shrinkage which is classified as Class II milk under § 925.41 (b) (4). This will result in more precise language but will not change the administrative application of the present provisions. For similar reasons, a revision of language is appropriate in § 925.70 (a) relating to the computation of the value of milk for each handler. Such provision will be clarified if reference is made to the fact that the computation provided for therein should be made separately for each plant operated by the handler.

In the amendments effective December 1, 1952 a provision was added to divide any "overage" in the handler's plant on a prorata basis between producer milk and other source milk. Prior to that date all overage had been allocated to producer milk and had been charged for at the applicable class price. The amendment eliminated the charge on the portion allocated to other source milk. Section 925.70 (a) (6) provides that if a handler uses other source milk in Class I he must pay the difference between the Class I and Class II prices on the amount so used. In the event any overage is allocated to other source milk and is classified as Class I milk, it is not clear that § 925.70 (a) (6) applies to the overage as well as to any other source milk subject to such provision. The addition of a reference to overage will clarify the application of the provision.

The December 1, 1952, amendments also provided that skim milk or butterfat transferred from a fluid milk plant or country plant located in District 1 or in the counties of Kitsap and Mason to another fluid milk plant or country plant similarly located should be allocated to Class II milk after assigning thereto any other source milk at the latter plant. In view of the necessity in recent months for handlers to make transfers and diversions of producer milk originating in District 1 to plants located in present District 2, it is appropriate to revise the applicable transfer provisions to indicate the classification procedure to be followed in the event of such movements. The necessity for a clarification of language arises because of the fact that at District 1 plants a location adjustment applies to milk used for certain products included in Class II milk whereas no location adjustment is applicable at District 2 plants. When an inter-district transfer is made the use assignment of the milk transferred determines whether the location adjustment should apply. The provision adopted should permit such transfers to take place without penalty to the handlers involved.

The section of the order under which monthly reports of receipts and utilization of milk are required of handlers should be made more specific to affirm the administrative practice of requiring the handler to submit separate reports for each of his plants rather than a combined report for all plants. Proper administration of the order necessitates a breakdown of information on the re-

ceipts and uses of milk plant by plant where a handler operates more than one plant covered by the regulation. It is concluded that the language adopted will clarify the reporting provisions.

No objections to these administrative charges were raised at the hearing and it is concluded that the appropriate language changes should be made.

*Rulings on briefs.* Briefs were filed on behalf of a substantial number of producers and for certain handlers who would be subject to the proposed marketing agreement and to the order, as amended, and as hereby proposed to be further amended. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the requests to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the findings and conclusions in this recommended decision.

*General findings.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order, as amended.* The order, as amended, and as proposed below to be further amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. A revised marketing agreement is not included in this recommended decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as proposed to be amended as follows:

1. Delete the last two sentences in § 925.6 *Definition of "marketing area"* and substitute therefor the following: "'District No. 1' of the marketing area shall include that part of the marketing area lying within the counties of King, Pierce, Snohomish, Thurston, and Grays Harbor. 'District No. 2' of the marketing area shall include that part of the marketing area lying within Whatcom County. 'District No. 3' of the marketing area shall include that part of the marketing area lying within the counties of Lewis and Pacific, and 'District No. 4' of the marketing area shall include that part of the marketing area lying within Skagit County."

2. Delete § 925.13 and substitute therefor the following:

§ 925.13 *Producer milk.* "Producer milk" or "milk received from producers" means milk qualified as described in § 925.12 and either received directly from a farm at a fluid milk plant or country plant or caused to be diverted by a handler for his account from such a plant to a nonpool plant: *Provided*, That if any of the following conditions is met, milk so diverted shall be deemed to have been received by the diverting handler at the plant from which is was diverted:

(a) The milk was diverted either to a nonpool plant not located in the marketing area or to a nonpool plant located in the same district of the marketing area as the plant from which the diversion was made; or

(b) The diversion was a type not referred to in paragraph (a) of this section and the milk involved was produced by a producer from whom milk was received on not less than 20 days during the same month at the plant from which the diversion was made, except that if such 20-day delivery requirement is met for the month of March of any year it need not be met for the next following April, May or June.

3. Delete § 925.18 and substitute therefor the following:

§ 925.18 *Base milk.* "Base milk" means milk delivered by a producer during the month which is not in excess of (a) his daily base computed pursuant to § 925.60 (a) multiplied by the number of days of delivery in such month, or (b) his base computed pursuant to § 925.60 (b): *Provided*, That with respect to any producer on "every-other-day" delivery to a fluid milk plant or country plant, the days of non-delivery shall be considered as days of delivery for the purposes of this section and of § 925.60 (a).

4. Delete the language of § 925.30 preceding paragraph (a) of such section and substitute therefor the following:

§ 925.30 *Monthly reports of receipts and utilization.* On or before the 8th day of each month and in the detail and on forms prescribed by the market administrator, each person who is a handler pursuant to § 925.15 (a), except a producer-handler, shall submit to the market administrator a separate report for each of such handler's fluid milk plants, country plants, and plants where milk or milk products subject to payments required under § 925.70 (b) were handled, and each cooperative association which is a handler pursuant to § 925.15 (b) shall submit to the market administrator a report with respect to milk diverted on its account, containing the following information for the preceding month:

5. Delete § 925.44 and substitute therefor the following:

§ 925.44 *Interplant movements.* Skim milk and butterfat moved as any of the items specified in § 925.41 (a) (1) from a fluid milk plant or country plant to another plant either by transfer or by diversion under conditions of the proviso in § 925.13 shall be assigned (separately) to each class, in the following manner:

(a) From a country plant or fluid milk plant to a fluid milk plant: As Class I milk to the extent Class I milk is available at the transferee plant, subject to the following provisions:

(1) In the event the quantity transferred exceeds the total of receipts from producers and other handlers at the transferor plant, such excess shall be assigned last to the Class I available at the transferee plant;

(2) If more than one transferor plant is involved, the available Class I milk shall be assigned to the transferor plants in the following order:

(i) To fluid milk plants located in District No. 1;

(ii) To country plants located in District No. 1 or in the counties of Kitsap and Mason;

(iii) To country plants and fluid milk plants located in District No. 4; and

(iv) To country plants and fluid milk plants not located in District No. 1, District No. 4, or in the counties of Kitsap and Mason.

(3) If Class I milk is not available in amounts equal to the sum of the quantities to be assigned pursuant to subparagraph (2) of this paragraph, the transferee handler may designate, within each of the four categories of plants listed in such subparagraph, the plant to which the available Class I milk shall be assigned;

(4) If at a fluid milk plant any receipts of skim milk or butterfat from any fluid milk plant(s) or country plant(s) located in District No. 1 or in the counties of Kitsap or Mason are assigned to Class II milk, they shall be allocated to the uses stated in § 925.54 (a) (1) insofar as such uses are available at the transferee plant after allocating to such uses the other source milk at such plant; and

(5) Notwithstanding the prior provisions of this paragraph, any such skim milk and butterfat caused to be moved in bulk by a handler during any month from any fluid milk plant or country plant either by transfer or without being received therein to a fluid milk plant in which facilities are maintained and used during the same month to receive milk or milk products required by applicable health authority regulations to be kept physically separate from milk qualified as described in § 925.12 shall be deemed to have been transferred by such handler to a country plant and shall be classified in accordance with the provisions of paragraph (b) of this section.

(b) From a country plant or fluid milk plant to a country plant: As Class II milk subject to the following conditions:

(1) The skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the transferee plant after the subtraction pursuant to § 925.45 (b) (2) of other source milk at such plant and after the subtraction of producer shrinkage classified as Class II milk pursuant to § 925.41 (b) (4), and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk;

(2) If more than one transferor plant is involved, the available Class II milk shall be assigned to the transferor plants in the following order:

(i) To country plants and fluid milk plants not located in District No. 1, District No. 4, or in the counties of Kitsap and Mason;

(ii) To country plants and fluid milk plants located in District No. 4;

(iii) To country plants located in District No. 1 or in the counties of Kitsap and Mason; and

(iv) To fluid milk plants located in District No. 1.

(3) If Class II milk is not available in amounts equal to the sum of the quantities to be assigned pursuant to subparagraph (2) of this paragraph, the transferee handler may designate, within each of the four categories of plants listed in such subparagraph, the plant to which the available Class II milk shall be assigned;

(4) If at a country plant any receipts of skim milk or butterfat from any fluid milk plant(s) or country plant(s) located in District No. 1 or in the counties of Kitsap and Mason are assigned to Class II milk they shall be allocated to the uses stated in § 925.54 (a) (1) insofar as such uses are available at the transferee plant after allocating to such uses the other source milk at such plant; and

(5) Notwithstanding the prior provisions of this paragraph, any such skim milk and butterfat caused to be moved in bulk by a handler during any month from any fluid milk plant or country plant without being received therein to a country plant in which facilities are maintained and used during the same month to receive milk or milk products required by applicable health authority regulations to be kept physically separate from milk qualified as described in § 925.12 shall be deemed to have been transferred by such handler to a country plant and shall be classified in accordance with the provisions of this paragraph.

(c) From a country plant or fluid milk plant to a nonpool plant:

(1) As Class I milk if the transfer is to a nonpool plant located outside the marketing area or to the plant of a producer-handler, except as provided for in subparagraph (2) of this paragraph.

(2) As Class II milk if the transfer is to a nonpool plant located in the marketing area or within any of the counties of Clallam, Jefferson, Grays Harbor, Island, Kitsap and Mason, in the State of Washington, which is not engaged in the distribution of milk for consumption in fluid form: *Provided*, That if such nonpool plant disposes of skim milk or butterfat in any of the forms specified in § 925.41 (a) (1) to any other nonpool plant distributing milk in fluid form which is not located in the marketing area, such disposition up to the quantity of producer milk transferred to the first nonpool plant shall be classified as Class I milk: *Provided further*, That if the preceding proviso does not apply the transferred quantity shall be allocated to uses other than those covered by § 925.54 (a) (1) to the extent that such other Class II milk uses are available at such nonpool plant: *And provided also*, That if the market administrator is not permitted to audit the records of such nonpool plant for the purpose of use verification, the entire transfer shall be classified as Class I milk.

6. Delete § 925.45 (a) and substitute therefor the following:

(a) Correct for mathematical and for other obvious errors the monthly report submitted by such handler and compute the total pounds of skim milk and butterfat in each class: *Provided*, That when nonfat milk solids derived from nonfat dry milk solids, condensed skim milk, or any other product condensed from skim milk, are utilized by such handler either (1) to fortify (or as an additive to) fluid milk, flavored milk, skim milk or any other milk product, or (2) for disposition in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids;

7. Delete in § 925.52 (a) the figure "1.25" and substitute therefor the figure "1.2."

8. Delete § 925.53 and substitute therefor the following:

§ 925.53 *Location adjustments to handlers on Class I milk.* In computing the value of each handler's milk pursuant to § 925.70 the following location adjustments shall be credited with respect to each hundredweight of skim milk and butterfat, respectively, received and classified as Class I milk: 50 cents at any plant located in Clallam County or Jefferson County; 20 cents at any plant located in District No. 4; and 40 cents at any other plant not located in District No. 1 or in the counties of Kitsap and Mason.

9. Delete § 925.54 (a) and substitute therefor the following:

(a) Compute the sum (in pounds) of: (1) The total utilization at such plant (including any disposition of skim milk and butterfat from such plant for similar uses at nonpool plants) of skim milk and butterfat, respectively, in evaporated milk in hermetically sealed cans, butter, nonfat dry milk solids, powdered whole milk, all cheeses except "baker's," "pot," cottage, cream and neufchatel, and shrinkage allowable as Class II milk pursuant to § 925.41 (b) (4) and (5), and (2) the total quantity of skim milk and butterfat transferred to other fluid milk plants and country plants located in District No. 1 or in the counties of Kitsap and Mason and allocated to the uses specified in subparagraph (1) of this paragraph (as provided in § 925.44 (a) (4) and (b) (4);

10. Delete § 925.60 (a) and (b) and substitute therefor the following:

(a) The daily base of each producer whose milk was received by a handler(s) on not less than one hundred twenty (120) days during the months of August through December, inclusive, shall be an amount computed by dividing such producer's total pounds of milk delivered in such five-month period by the number of days from the date of his first delivery to the end of such five-month period. The base so computed, which shall be recomputed each year, shall become effective on the first day of February next following and shall remain in effect through the month of January of the next succeeding year.

(b) Any producer who is not eligible to receive a base computed pursuant to paragraph (a) of this section, shall have, beginning with February 1954, a monthly base computed by multiplying his deliveries to a handler(s) during the month by the appropriate monthly percentage in the following table:

| | | | |
|---|---|---|---|
| January | 80 | July | 55 |
| February | 75 | August | 75 |
| March | 65 | September | 90 |
| April | 55 | October | 90 |
| May | 45 | November | 90 |
| June | 50 | December | 90 |

11. Delete § 925.61 and substitute therefor the following:

§ 925.61 *Base rules.* The following rules shall be observed in determination of bases:

(a) A base may be transferred upon written notice to the market administrator on or before the last day of the month of transfer, but under the following circumstances only:

(1) Upon the death, retirement or entry into military service of a producer, the entire base may be transferred to a member (or members) of his immediate family who continues to supply producer milk from the same farm; or

(2) If a base is held jointly and such joint holding is terminated the entire base may be transferred as a unit to one of the joint holders or to a new joint holding in which at least one of the original joint holders is a participant.

(b) A producer who ceases deliveries to a fluid milk plant or country plant for more than 45 days shall lose his base if computed pursuant to § 925.60 (a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to § 925.60 (b) until he can establish a new base under § 925.60 (a) to begin the next February 1.

(c) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to § 925.60 (a) may relinquish such base by cancellation, and effective from the first day of the month in which notice is received by the market administrator until the next February 1 such producer's base shall be computed in the manner provided by § 925.60 (b).

(d) As soon as bases computed by the market administrator are allotted, notice of the amount of each producer's base shall be given by the market administra-

tor to the handler receiving such producer's milk and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place at each of his plants a list or lists showing the base of each producer whose milk is received at such plant.

(e) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 925.12 may establish or earn a base pursuant to the provisions of § 925.60, and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment used are jointly owned or operated.

12. Delete that portion of § 925.70 (a) prior to subparagraph (1) of such paragraph and substitute therefor the following:

(a) Except as provided in paragraph (b) of this section, the total value of milk received during any month at each plant by each handler, including a cooperative association, shall be a sum of money computed by the market administrator as follows:

13. Delete § 925.70 (a) (6) and (b) and substitute therefor the following:

(6) Add, with respect to other source milk (including overage allocated to other source milk) received at each fluid milk plant and country plant of such handler in excess of the total volume of his Class II milk (except allowable shrinkage) at such plant, an amount computed by multiplying the hundredweight of such other source milk by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on the butterfat test of such other source milk), and in the case of a fluid milk plant or country plant not located in District No. 1, or in the counties of Kitsap or Mason, such difference shall be reduced as follows: 20 cents at any such plant located in District No. 4; 50 cents at any such plant located in Clallam County or Jefferson County; and 40 cents at any other plant not located in District No. 1 or in the counties of Kitsap or Mason.

(b) The value of milk of each handler at any plant where only other source milk was received and from which, during the month, some other source milk was disposed of within the marketing area as Class I milk pursuant to § 925.41 (a) (1) shall be a sum of money computed by the market administrator by multiplying the hundredweight of such other source milk so disposed of by the difference between the Class I milk and Class II milk prices adjusted, respectively, by the butterfat differentials provided in § 925.52 (based on butterfat test of such other source milk), and, in the event disposition within the marketing area was only within Districts Nos. 2, 3, or 4, such difference shall be reduced by 40 cents, 40 cents, and 20 cents per hundredweight, respectively.

14. Delete § 925.80 (b) and substitute therefor the following:

(b) On or before the 17th day after the end of each month each handler shall pay to each cooperative association which operates a fluid milk plant or country plant, for skim milk and butterfat received from such cooperative association during such month, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 925.41) by the class price taking into account any location adjustment, as provided by § 925.53 and 925.54, applicable at the plant at which payment for such skim milk and butterfat is required under the provisions of § 925.70.

15. Delete § 925.81 and substitute therefor the following:

§ 925.81 *Location adjustments to producers.* In making payments to producers pursuant to § 925.80 (a) (1) the following adjustments for location are applicable:

(a) Deductions may be made per hundredweight of base milk received from producers, as follows: 50 cents at any plant located in Clallam County or Jefferson County; 20 cents at any plant located in District No. 4; and 40 cents at any other plant not located in District No. 1 or in the counties of Kitsap and Mason.

(b) 25 cents per hundredweight shall be added to the uniform price for excess milk received from producers at plants located in District No. 1 or in the counties of Kitsap and Mason.

16. Delete § 925.87 (a) and substitute therefor the following:

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 925.80 (a), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association;

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association; and

(3) All milk received at a plant operated by a cooperative association(s) from producers who are members thereof but for whom any of the services set forth below in this paragraph is not being performed by such association(s), as determined by the market administrator.

Such deduction shall be paid by the handler to the market administrator on or before the 15th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling, and testing of milk received from producers and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

Filed at Washington, D. C., this 3d day of December 1953.

[SEAL] ROY W. LENNARTSON,
*Assistant Administrator.*

[F. R. Doc. 53-10265; Filed, Dec. 8, 1953; 8:48 a. m.]

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## [ 7 CFR Part 953 ]

LEMONS GROWN IN STATES OF CALIFORNIA AND ARIZONA

EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1953-54 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Lemon Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended, as the agency to administer the terms and provisions thereof: (1) That the Secretary of Agriculture find that expenses not to exceed $119,364.00 will be necessarily incurred during the fiscal year ending October 31, 1954, for the maintenance and functioning of the committee established under the aforesaid amended marketing agreement and order, and (2) that the Secretary of Agriculture fix, as the pro rata share of such expenses which each handler who first handles lemons shall pay in accordance with the aforesaid amended marketing agreement and order during the aforesaid fiscal year, the rate of assessment at $0.015 per packed box of lemons, or an equivalent quantity of lemons, handled by him as the first handler thereof during said fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

Terms used herein shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued this 3d day of December 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-10254; Filed, Dec. 8, 1953; 8:47 a. m.]



# NOTICES

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

[Order 2741]

REGIONAL DIRECTOR, REGION 2, BUREAU OF RECLAMATION

EXERCISE OF AUTHORITY

DECEMBER 2, 1953.

SECTION 1. *Revocation; saving clause.* (a) The area comprising California Projects, Bureau of Reclamation, is hereby redesignated Region 2, Bureau of Reclamation, and Order No. 2725 (18 F. R. 3785) on the subject "Exercise of Authority by Officials of California Projects, Bureau of Reclamation" is revoked.

(b) Any redelegation of authority made pursuant to Order No. 2725, shall continue in effect until modified or revoked by proper authority.

SEC. 2. *Construction of existing documents.* All references to the Supervising Engineer, California Projects, Bureau of Reclamation, in any document, including any Secretarial delegation of authority with respect to contracts the provisions of which had received Secretarial approval, shall be deemed to refer to the Regional Director, Region 2, Bureau of Reclamation.

(Sec. 2, Reorg. Plan No. 3 of 1950; 5 U. S. C., 1946 ed. Sup. V, sec. 133z-15, note)

ORME LEWIS,
*Acting Secretary of the Interior.*

[F. R. Doc. 53-10243; Filed, Dec. 8, 1953; 8:45 a. m.]

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## DEPARTMENT OF LABOR

### Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Biflex Johnston, Inc., Calhoun Street, Johnston, S. C., effective 11-25-53 to 11-24-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (foundation garments).

Cluett, Peabody & Co., Inc., Bremen, Ga., effective 11-27-53 to 11-26-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress shirts).

Finesilver Manufacturing Co., 816 Camaron Street, San Antonio, Tex., effective 11-27-53 to 11-26-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (work pants, dungarees, and shirts).

Forest City Manufacturing Co., Collinsville, Ill., effective 12-5-53 to 12-4-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (dresses).

Hickerson & Co., Inc., Brainerd, Minn., effective 12-10-53 to 12-9-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' work and sport clothing).

Jinright Manufacturing Co., Coleman, Tex., effective 12-3-53 to 12-2-54; 10 learners for normal labor turnover purposes (ladies' and children's jeans, shirts, etc.).

Luzerne Outerwear Manufacturing Corp., 87-93 North Canal Street, Shickshinny, Pa., effective 11-27-53 to 11-26-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport jackets).

Regina Manufacturing Co., 44 Carey Avenue, Wilkes-Barre, Pa., effective 12-1-53 to 11-30-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (corsets and brassieres).

The Shirtmaster Co., Inc., Abbeville, S. C., effective 12-7-53 to 12-6-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

York Manufacturing Co., York, Ala., effective 11-23-53 to 5-22-54; 30 learners for expansion purposes (shorts and longies).

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

Boss Manufacturing Co., Gregory and Harrington Streets, Cisco, Tex., effective 11-24-53 to 11-23-54; 10 learners for normal labor turnover purposes (work gloves) (replacement certificate).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Union Underwear Co., Inc., Frankfort, Ky., effective 12-11-53 to 12-10-54; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' shorts).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952, 17 F. R. 1500).

Manistee Shoe Manufacturing Co., 50 Filer Street, Manistee, Mich., effective 11-27-53 to 11-26-54; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Cardinal Industries, Berlin, Wis., effective 11-27-53 to 5-26-54; 5 learners for normal labor turnover purposes (learners may not be engaged at subminimum wage rates in the production of loafer sox); sewing machine operators, 240 hours at 65 cents per hour (carpenter aprons).

Fabriko Inc., Green Lake, Wis., effective 11-27-53 to 5-26-54; 7 learners for normal labor turnover purposes (learners at subminimum wage rates are not authorized in the production of loafer sox); sewing machine operators, 240 hours at 65 cents per hour (aprons, bowl covers, etc.).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Rosanne Optical Manufacturing Co., Inc., Hato Rey, P. R., effective 11-23-53 to 3-22-54; 15 learners; any factory production operation involved in the manufacture of optical frames made from plastic material, 200 hours at 35 cents per hour (optical frames).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 30th day of November 1953.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 53-10244; Filed, Dec. 8, 1953; 8:46 a. m.]

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## CIVIL AERONAUTICS BOARD

[Docket No. 6078]

AIR AMERICA, INC. ET AL.; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

In the matter of a complaint against Air America, Inc. and certain allegedly associated companies, including Air America Agency Corporation, Air America Agency, Inc., Airline Reservations, Inc. (New York), Airline Reservations, Inc. (Illinois), and Airline Tickets, Inc., filed by American Airlines, Inc., and charging aforesaid respondents, together and severally, with violations of section 411 of the Civil Aeronautics Act of 1938, as amended, and with violations of § 291.1 (a) of the Board's Economic Regulations.

Notice is hereby given that a public hearing in the above-entitled proceeding

originally assigned to be held on October 12, 1953, and later re-assigned for December 8, 1953, is hereby postponed until January 5, 1954, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Without limiting the scope of the issues presented by the complaint filed by American Airlines, Inc., particular attention will be given to the question whether the respondents, or any of them, are in violation of section 411 of the act and § 291.1 (a) of the Board's Economic Regulations and whether the Board shall exercise its powers under sections 205 (a), 411, 1002 (b) and 1002 (c) of the act and order the respondents, or any of them, to cease and desist from activities and practices which have allegedly resulted in violations of said section 411 of the act and said § 291.1 (a) of the Board's Economic Regulations.

Notice is hereby further given that any person other than parties of record desiring to be heard in this proceeding must file with the Board on or before January 5, 1954, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

For further details of the issues involved in this proceeding, all interested parties are referred to the complaint and other documents on file under Docket No. 6078 in the docket section of the Civil Aeronautics Board.

Dated at Washington, D. C., December 4, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-10267; Filed, Dec. 8, 1953; 8:48 a. m.]

## OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 52—DPAV 48 (a)]

GOODYEAR ENGINEERING CORP.

DELETION FROM LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN ACTIVITIES OF ORDNANCE CORPS INTEGRATION COMMITTEE ON PROPELLANTS AND EXPLOSIVES

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is herewith published the name of the following company which has been deleted from the list of companies accepting the request to participate in the activities of the Integration Committee on Propellants and Explosives in accordance with the voluntary plan entitled, "Plan and Regulations of Ordnance Corps Covering the Integration Committee on Propellants and Explosives," dated May 15, 1953. The request was published in 18 F. R. 5338 on September 2, 1953.

Goodyear Engineering Corporation, care Indiana Arsenal, Charlestown, Indiana.

(Sec. 708, 67 Stat. 129, Pub. Law 95, 83d Cong., E. O. 10480, Aug. 14, 1953, 18 F. R. 4939)

Dated: December 7, 1953.

ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 53-10283; Filed, Dec. 7, 1953; 1:06 p. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3159]

DUVAL SULPHUR & POTASH CO. AND UNITED GAS CORP.

NOTICE OF PROPOSED ISSUANCE OF COMMON STOCK DIVIDEND BY SUBSIDIARY AND ACQUISITION OF ITS PRO-RATA SHARES BY PARENT COMPANY

DECEMBER 2, 1953.

Notice is hereby given that Duval Sulphur & Potash Company ("Duval"), a non-utility subsidiary of United Gas Corporation ("United") which in turn is a public-utility subsidiary of Electric Bond and Share Company, a registered holding company, and United have filed a joint application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicants have designated sections 6 (b), 9 and 10 of the act as applicable to the proposed transactions, which are summarized as follows:

The authorized Capital Stock of Duval consists of 1,000,000 shares, no par value, of which 875,000 shares are issued and outstanding. United owns 653,724 shares (74.71 percent) of Duval's outstanding Capital Stock, the balance thereof being held by the public generally. In addition to its regular cash dividend, Duval proposes the payment of a stock dividend to the holders of its Capital Stock. On November 19, 1953, the Board of Directors of Duval, subject to obtaining appropriate authorization under the act, declared a dividend on Duval's Capital Stock, no par value, at the rate of one share of Duval's Capital Stock for each seven shares of such stock held. The record date and payment date for such dividend are December 10, 1953 and December 31, 1953, respectively. No fractional shares of Capital Stock will be issued. Dividend Scrip Certificates representing fractional shares of Capital Stock of Duval will be delivered which may be combined with other Dividend Scrip Certificates representing in the aggregate one or more full shares of Capital Stock of Duval and may be exchanged for such share or shares during a period which expires on December 31, 1954.

Prior to the close of business on December 31, 1954, Manufacturers Trust Company, 45 Beaver Street, New York 15, New York, Transfer and Dividend Disbursing Agent for Duval, will act as the agent of holders of Dividend Scrip Certificates who may desire (a) to purchase additional Dividend Scrip Certificates so that their holdings will aggregate one full share of Capital Stock of Duval, or (b) to sell their Dividend Scrip Certificates. Such purchases and sales will be based on market prices for full shares on the American Stock Exchange. Dividend Scrip Certificate holders will not be charged for such services. As soon as practicable after December 31, 1954, all shares of Capital Stock represented by Dividend Scrip Certificates then outstanding will be sold, and holders of Dividend Scrip Certificates will, until December 31, 1955, be entitled to surrender said certificates for their pro rata share of the cash net proceeds of such sale. After December 31, 1955, Dividend Scrip Certificates will be void.

Dividend Scrip Certificates do not confer upon the holder any voting or other rights of a stockholder, nor shall any of the shares of Capital Stock represented by Dividend Scrip Certificates be voted.

In connection with the payment of the stock dividend, the Board of Directors fixed the amount to be transferred from "Earned Surplus" (which at September 30, 1953, was $7,116,422.59) to "Capital Stock" on Duval's books at $26.75 for each share of additional Capital Stock to be issued (being the closing price on November 18, 1953, for Duval's Capital Stock on the American Stock Exchange, to which such stock is admitted to unlisted trading privileges), or a total of $3,343,750 for the entire 125,000 shares to be issued.

In connection with the transactions proposed, United will be entitled to receive 93,389 shares and a Dividend Scrip Certificate entitling it to receive one-seventh of a share of Duval's Capital Stock. United's investment in Duval is carried on its books at $4,679,352. Upon consummation, the transaction will be reflected by an increase in the number of shares of Capital Stock of Duval owned by United from 653,724 shares to 747,113 shares with no change in the dollar investment, except to the extent that the dollar investment would be increased by the cost of United's exercise of its privilege to purchase additional Dividend Scrip Certificates sufficient to aggregate one full share of the Capital Stock of Duval.

Notice is further given that any interested person may, not later than December 17, 1953 at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 53-10220; Filed, Dec. 7, 1953; 8:46 a. m.]



[File Nos. 54-164, 59-14]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

ORDER GRANTING RECITALS

DECEMBER 3, 1953.

The Commission having heretofore ordered the liquidation of International Hydro-Electric System ("IHES"), a registered holding company, pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 ("act"); and

The United States District Court for the District of Massachusetts ("Court") having taken jurisdiction over said holding company pursuant to section 11 (d) of the act for the purpose of enforcing said order, and having appointed Bartholomew A. Brickley as trustee ("Trustee") to hold and administer the assets of said holding company pending its liquidation; and

The Trustee having notified the Commission pursuant to Rule U-44 (c) of the rules and regulations under the act that he proposes to sell under competitive conditions, prior to December 31, 1953, certain of the portfolio securities of IHES, to wit, 125,000 common shares of New England Electric System, as a part of his liquidation program; and the Court by order entered November 30, 1953 having authorized such sale, reserving jurisdiction to pass upon the bid price before consummation of the sale; and the Commission having notified the Trustee that no declaration is required to be filed with the Commission with respect to this matter; and

The Trustee having requested that the Commission enter an order containing appropriate recitals pursuant to Supplement R and section 1808 (f) of the Internal Revenue Code with respect to the sale of said securities, and the Commission deeming it appropriate that such request be granted:

*It is ordered and recited*, That the sale of 125,000 common shares, $1.00 par value, of New England Electric System now held by International Hydro-Electric System is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance with the meaning and requirements of the Internal Revenue Code and section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 53-10249; Filed, Dec. 8, 1953; 8:46 a. m.]

[File No. 70-3148]

NARRAGANSETT ELECTRIC CO. AND NEW ENGLAND ELECTRIC SYSTEM

ORDER AUTHORIZING ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARY TO PARENT COMPANY

DECEMBER 3, 1953.

New England Electric System ("NEES"), a registered holding company, and the Narragansett Electric Company ("Narragansett"), a subsidiary of NEES, having filed a joint application with this Commission, pursuant to sections 6 (a) (2), 6 (b) and 7 (c) of the Public Utility Holding Company Act of 1935 ("the act"), and Rules U-42 (b) (2) and U-50 thereunder with respect to the following proposed transactions:

Under a contract dated October 27, 1953, Narragansett proposes, prior to April 1, 1954, to issue and sell to NEES, the holder of all of its outstanding $50 par value common stock, 100,000 additional shares of such stock at the price of $50 per share. It is indicated that such sale is proposed in order to provide Narragansett with new money required to finance, in part, its 1954 construction program. The proceeds derived from the sale of the common stock will be applied by Narragansett to the payment of its then outstanding short-term note indebtedness and any balance will be used for construction or to reimburse its treasury therefor.

The issue and sale of the common stock has been approved by the Public Utility Administrator, Department of Business Regulation of the State of Rhode Island in which State Narragansett is organized and doing business.

The expenses to be incurred in connection with said transactions are estimated at $12,500 for Narragansett and $300 for NEES. Such expenses include $2,000 to be paid by Narragansett and $300 by NEES for services rendered at cost by New England Power Service Company, an affiliated service company.

Applicants request that the Commission's order be made effective upon issuance.

Due notice having been given of the filing of the joint application, and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary; and deeming it appropriate in the public interest and in the interest of investors and consumers that said joint application be granted forthwith, without the imposition of terms and conditions other than those prescribed in Rule U-24:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application be granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 53-10245; Filed, Dec. 8, 1953; 8:46 a. m.]

[File No. 70-3149]

NARRAGANSETT ELECTRIC CO.

ORDER AUTHORIZING SALE OF PREFERRED STOCK AT COMPETITIVE BIDDING

DECEMBER 3, 1953.

The Narragansett Electric Company ("Narragansett"), a subsidiary of New England Electric System ("NEES"), a registered holding company, having filed an application-declaration with this Commission, pursuant to sections 6 (a) (2), 6 (b) and 7 (e) of the Public Utility Holding Company Act of 1935 ("the act"), and Rules U-42 (b) (2) and U-50 thereunder with respect to the following proposed transactions:

Narragansett presently has outstanding 180,000 shares of Cumulative Preferred Stock, 4½ percent Series ($50 par value) and proposes to issue and sell 150,000 shares of a new series of Preferred Stock of the par value of $50 per share. Narragansett also proposes to amend its charter and to incorporate therein certain provisions for the protection of the preferred stockholders which provisions will entitle such stockholders to certain rights and privileges, with respect to, among other things, the issuance of additional securities, dividends and voting power. The proposed sale of preferred stock will be pursuant to the competitive bidding requirements of Rule U-50. The dividend rate (which shall be expressed in a multiple of 0.03 of 1 percent and not in excess of 6 percent) and the price, exclusive of accrued dividends, to be paid to Narragansett (which shall be not less than $50 and shall not exceed $51.375 per share) will be determined by competitive bidding. Bids will be received up to 12 noon on a date, not less than ten days nor more than thirty days after the date of the invitation for bids, which the company shall fix by giving notice at least forty-two hours in advance to each prospective bidder.

The proceeds from the proposed sale of preferred stock (exclusive of accrued dividends and the expenses of issuance) are to be applied to the payment of short-term note indebtedness presently outstanding in the aggregate of $6,250,000 and, according to the application-declaration may be outstanding in the aggregate amount of $7,450,000 at the time the preferred stock is sold, and the balance, if any, of the proceeds will be used to pay for capitalizable expenditures or to reimburse the treasury therefor.

The proposed issue and sale of preferred stock has been approved by the Public Utility Administrator, Department of Business Regulation of the State of Rhode Island.

Due notice having been given of the filing of the application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of said act, that said application-declaration, as amended, be and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of preferred stock shall not be consummated until the result of competitive bidding with respect thereto shall have been made a matter of record in this proceeding and a further order shall

have been entered by this Commission in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

*It is further ordered*, That jurisdiction be, and hereby is, reserved over the payment of all fees and expenses incurred or to be incurred in connection with the proposed transactions.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-10246; Filed, Dec. 8, 1953; 8:46 a. m.]

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[File No. 70-3158]

WHEELING ELECTRIC CO.

NOTICE REGARDING PROPOSED ISSUE AND SALE OF SHORT-TERM NOTES

DECEMBER 3, 1953.

Notice is hereby given that Wheeling Electric Company ("Wheeling"), a public utility subsidiary of American Gas and Electric Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), and has designated sections 6 and 7 thereof as applicable to the proposed transaction which is summarized as follows:

The proposed transactions cover the establishment of a line of credit with a banking institution and the proposed borrowing under such line of credit of an amount not to exceed $1,000,000 outstanding at any one time, from time to time, prior to December 31, 1954, from such banking institution and the issuance and delivery of Notes evidencing such borrowings by Wheeling.

The Notes to be issued by Wheeling in evidence of such borrowings will be dated as of the date of such borrowings in each case and will in no event mature in more than 270 days after the date of issuance.

Of the $1,000,000 proposed to be borrowed, Wheeling has already borrowed $400,000 from the said banking institution and has issued its note in evidence thereof. This borrowing, in the amount of $400,000, was made on October 6, 1953, and was exempted from the provisions of section 6 (a) by the first sentence of section 6 (b) of the act.

It is expected that the next borrowing, in the amount of $100,000 will be made on or about January 1, 1954. The note evidencing such borrowing of $100,000 will bear interest from the date thereof at the then current prime credit rate which is currently 3¼ percent per annum.

Subsequent borrowings will be made from time to time prior to December 31, 1954 in amounts depending upon Wheeling's cash requirements and not to exceed $1,000,000 outstanding at any one time under the said line of credit. Such subsequent borrowings will bear interest from the respective dates thereof at the then current prime credit rate.

Wheeling may prepay the notes from time to time, in whole or in part, without premium.

No finders' fees or commissions are to be paid by Wheeling in connection with the proposed transactions, and it is estimated that miscellaneous expenses to be incurred by Wheeling will not exceed the nominal amount of $250.

Notice is further given that any interested person may, not later than December 21, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by the said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after that date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said declaration which is on file in the offices of the Commission for a statement of the transaction therein proposed.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-10247; Filed, Dec. 8, 1953; 8:46 a. m.]

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[File No. 70-3160]

UNITED GAS CORP. AND UNION PRODUCING CO.

NOTICE REGARDING LOAN BY PARENT COMPANY TO SUBSIDIARY

DECEMBER 3, 1953.

United Gas Corporation ("United"), a public-utility subsidiary of Electric Bond and Share Company, a registered holding company, and its non-utility subsidiary, Union Producing Company ("Union"), have filed a joint application with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"), particularly sections 6 (b), 9, and 10 thereof with respect to transactions proposed therein which are summarized as follows:

United proposes to lend to Union, its wholly owned subsidiary, and the latter proposes to borrow from United, not to exceed an aggregate amount of $2,000,000 during a period following the date of the entry of the Commission's order herein to the end of 1954 in such installments and at such times as funds may be required and requested from United. The proceeds from the loan will be used by Union to increase its working capital.

The proposed loan will be evidenced by unsecured promissory notes issued by Union to United or order, from time to time, payable on or before six years from the date of issue of such notes, bearing interest at the rate of 5 percent per annum, payable semi-annually on July 1 and January 1 of each year.

Union has presently issued and outstanding $15,000,000 principal amount of its promissory notes consisting of $7,000,000 principal amount of 3 percent Notes, $4,000,000 principal amount of 4 percent Notes, and $4,000,000 principal amount of 5 percent Notes, all such notes being payable on or before six (6) years from dates of issue. All of said notes are owned by United, and $12,000,000 principal amount of such notes are pledged with the Guaranty Trust Company of New York, the Corporate Trustee, under United's Mortgage and Deed of Trust, dated as of October 1, 1944, in favor of Guaranty Trust Company of New York and Henry A. Theis (Herbert E. Twyeffort, Successor Trustee), Trustees, as supplemented. The additional promissory notes of Union to be acquired from time to time by United in connection with the transactions proposed herein will, upon acquisition by United be pledged with the Corporate Trustee under its Mortgage and Deed of Trust.

Notice is further given that any interested person may, not later than December 18, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by the said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 18, 1953, said application as filed or as amended may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-10248; Filed, Dec. 8, 1953; 8:46 a. m.]

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## UNITED STATES TARIFF COMMISSION

[Investigation 31]

ALSIKE CLOVER SEED

NOTICE OF INVESTIGATION

Upon application filed November 23, 1953, by W. W. Thompson, Klamath Falls, Oregon, and others, the United States Tariff Commission, on the 2d day of December 1953, instituted an investigation under section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, to determine whether alsike clover seed provided for in paragraph 763 of the Tariff Act of 1930, and on which a concession was granted under the General Agreement on Tariffs and Trade, is, as a result in whole or in part of the customs treatment reflecting such concession, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

*Inspection of application.* The application filed in this case is available for public inspection at the office of the secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

I certify that the above investigation was instituted by the Tariff Commission on the 2d day of December 1953.

Issued: December 3, 1953.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 53-10250; Filed, Dec. 8, 1953; 8:47 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28721]

BILLETS, BLOOMS, INGOTS, FROM ILLINOIS, NEW YORK, AND OHIO TO ORLANDO, FLA.

APPLICATION FOR RELIEF

DECEMBER 3, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedules listed below.

Commodities involved: Billets, blooms, ingots, slabs and bars, iron or steel, carloads.

From: Chicago and Sterling, Ill., Buffalo, N. Y., Canton, Cleveland, Massillon and Youngstown, Ohio.

To: Orlando, Fla.

Grounds for relief: Competition with rail carriers, circuity, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: H. R. Hinsch, Alternate Agent, I. C. C. No. 4510, supp. 33; C. W. Boin, Agent I. C. C. No. A-968, supp. 23; R. G. Raasch Agent, I. C. C. No. 784, supp. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10227; Filed, Dec. 7, 1953; 8:48 a. m.]

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[4th Sec. Application 28724]

PULPBOARD OR FIBREBOARD FROM GROVETON, N. H., TO BIRMINGHAM AND MOBILE, ALA., MEMPHIS, TENN., AND NEW ORLEANS AND BOGALUSA, LA.

APPLICATION FOR RELIEF

DECEMBER 4, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The St. Louis-San Francisco Railway Company for itself and on behalf of carriers parties to Agent C. W. Boin's tariff I. C. C. No. A-899.

Commodities involved: Pulpboard or fibreboard, carload.

From: Groveton, N. H.

To: Birmingham and Mobile, Ala., Memphis, Tenn., New Orleans and Bogalusa, La.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10225; Filed, Dec. 8, 1953; 8:47 a. m.]

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[Drouth Order 47, Amdt. 2]

[Drouth Order 48, Amdt. 1]

[Drouth Order 49, Amdt. 2]

[Drouth Order 50, Amdt. 1]

[Flood Order 4, Amdt. 1]

TRANSPORTATION OF HAY, FEED AND LIVESTOCK IN CERTAIN DISASTER AREAS AT REDUCED RATES

EXTENSION OF EXPIRATION DATES

In the matter of relief under section 22 of the Interstate Commerce Act.

Upon consideration of a request by the Acting Secretary of Agriculture dated December 2, 1953, to extend the expiration date of these orders:

*It is ordered*, That the orders previously entered herein, be, and they are hereby, amended to extend the expiration date from December 31, 1953, to and including June 30, 1954.

*It is further ordered*, That notice to the affected railroads and the general public shall be given by depositing copies of these orders in the office of the Secretary of the Commission and by filing copies with the Director, Division of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N. Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D. C., and to the President of the American Short Line Railroad Association, Washington, D. C.

Dated at Washington, D. C., this 3d day of December 1953.

By the Commission, Commissioner Alldredge.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10260; Filed, Dec. 8, 1953; 8:47 a. m.]

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[Drouth Order 51]

TRANSPORTATION OF HAY AND FEED TO UTAH AND WYOMING

REDUCED RATES

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing, that by reason of a prolonged drouth existing in the States of Utah and Wyoming, the Acting Secretary of Agriculture by letter dated December 2, 1953, has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay and feed to Utah and Wyoming at reduced rates:

*It is ordered*, That carriers by railroad participating in the transportation of hay and feed to Utah and Wyoming be, and they are hereby, authorized under section 22 of the Interstate Commerce Act, to establish and maintain to and including June 30, 1954, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be made effective one day after publication and filing instead of thirty.

*It is further ordered*, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the United States Department of Agriculture or by such State agents or agencies as may in turn be designated by the United States Department of Agriculture to assist in relieving the distress caused by the drouth.

*It is further ordered*, That during the period in which any reduced rates authorized by this order are effective the carriers may, not withstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate-of-intermediate rates is a reduced rate established under the authority of this order.

*And it is further ordered*, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and dated.

*And it is further ordered*, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Division of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N. Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice President of the Association of American Railroads, Washington, D. C., and to the President of the American Short Line Railroad Association, Washington, D. C.

Dated at Washington, D. C., this 3d day of December 1953.

By the Commission, Commissioner Alldredge.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10261; Filed, Dec. 8 1953; 8:48 a. m.]

Alice Bowen


# FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 18 NUMBER 240

*Washington, Thursday, December 10, 1953*


## TITLE 7—AGRICULTURE

### Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[Amdt. 1]

PART 722—COTTON

APPORTIONMENT OF STATE ACREAGE ALLOTMENT AMONG COUNTIES

*Basis and purpose.* The purpose of this amendment is to establish the county acreage allotments for the 1954 crop of extra long staple cotton pursuant to sections 344 (e) and 347 (c) of the Agricultural Adjustment Act of 1938, as amended. Notice of the proposed establishment of such allotments was given on November 13, 1953 (18 F. R. 7196), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003).

Farmers engaged in the production of extra long staple cotton in 1953 will determine in a referendum to be held on December 15, 1953, whether marketing quotas will be in effect on the 1954 crop of such cotton. In order that county acreage allotments may be apportioned to farms and notices of individual farm acreage allotments mailed, insofar as practicable, so as to be received by farmers prior to the referendum, as required by section 362 of the Agricultural Adjustment Act of 1938, as amended, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirements of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and the county acreage allotments contained herein shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.1116 (e) of the Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1954 Crop of Extra Long Staple Cotton to States, Counties, and Farms (18 F. R. 7883), is amended to read as follows:

§ 722.1116 *Apportionment of State acreage allotment among counties*—

* * *

(e) *County acreage allotment.* The county acreage allotment shall be the sum of (1) the computed county acreage allotment determined under paragraph (b) of this section and (2) the acreages from the State acreage reserve which are added to the computed county acreage allotment under subparagraphs (1) and (2) of paragraph (c) of this section. The county acreage allotment for each county is set out below. The amounts of the acreages set aside and reserved by each county committee pursuant to § 722.1117 (a) and (b) are available for inspection by any interested person at the office of the county committee. Also, available for inspection at the office of the county committee are the data pertaining to the establishment of administrative areas in accordance with paragraph (f) of this section.

| County: ARIZONA | *County acreage allotments* |
|---|---|
| Cochise | 43 |
| Graham | 3,735 |
| Maricopa | 6,797 |
| Pima | 1,313 |
| Pinal | 4,014 |
| Santa Cruz | 13 |
| Yuma | 106 |
| a. State total | 16,021 |
| b. State acreage reserve for small farms and new farms | 250 |
| c. State acreage allotment | 16,271 |

| County: CALIFORNIA | *County acreage allotments* |
|---|---|
| Imperial | 30 |
| Riverside | 215 |
| a. State total | 245 |
| b. State acreage reserve for small farms and new farms | 27 |
| c. State acreage allotment | 272 |

| County: FLORIDA | *County acreage allotments* |
|---|---|
| Alachua | 60.0 |
| Columbia | 32.0 |
| Hamilton | 5.0 |
| Jefferson | 0.1 |
| Lake | 168.5 |
| Madison | 29.0 |
| Marion | 114.5 |
| Orange | 23.0 |
| Putnam | 8.6 |

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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| FLORIDA—Con. | *County acreage allotments* |
|---|---|
| County—Con. | |
| Seminole | 80.9 |
| Suwannee | 2.6 |
| Union | 35.0 |
| Volusia | 6.8 |
| a. State total | 565.1 |
| b. State acreage reserve for small farms and new farms | 48.9 |
| c. State acreage allotment | 614.0 |

| GEORGIA | *County acreage allotments* |
|---|---|
| County: | |
| Atkinson | 1 |
| Berrien | 134 |
| Cook | 28 |
| Lanier | 16 |
| a. State total | 179 |
| b. State acreage reserve for small farms and new farms | 6 |
| c. State acreage allotment | 185 |

| NEW MEXICO | *County acreage allotments* |
|---|---|
| County: | |
| Dona Ana | 6,828 |
| Eddy | 95 |



| NEW MEXICO—Con. | *County acreage allotments* |
|---|---|
| County—Con. | |
| Luna | 12 |
| Otero | 13 |
| Sierra | 47 |
| a. State total | 6,995 |
| b. State acreage reserve for small farms and new farms | 149 |
| c. State acreage allotment | 7,144 |

| TEXAS | *County acreage allotments* |
|---|---|
| County: | |
| Brewster | 43 |
| Culberson | 181 |
| El Paso | 8,368 |
| Hudspeth | 984 |
| Loving | 8 |
| Pecos | 195 |
| Presidio | 56 |
| Reeves | 3,568 |
| Ward | 381 |
| a. State total | 13,784 |
| b. State acreage reserve for small farms and new farms | 475 |
| c. State acreage allotment | 14,259 |

| PUERTO RICO | *Area acreage allotments* |
|---|---|
| Area: | |
| North | 1,918 |
| South | 346 |
| a. Puerto Rico area total | 2,264 |
| b. Puerto Rico acreage reserve for small farms and new farms | 252 |
| c. Puerto Rico total acreage allotment | 2,516 |

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies Secs. 344, 347, 362, 52 Stat. 57, 59, 62, as amended; 7 U. S. C. 1344, 1347, 1362)

Issued at Washington, D. C., this 7th day of December 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10296; Filed, Dec. 7, 1953; 4:24 p. m.]

## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 67]

PART 608—DANGER AREAS

FORT DIX, NEW JERSEY; ALTERATION

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

In § 608.38, the Fort Dix, New Jersey, area ("D-25"), published on July 16, 1949, in 14 F. R. 4293, and amended on January 8, 1952, in 17 F. R. 191, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 40°02'45" N., long. 74°25'50" W.; SSE. to lat. 39°58'45" N., long. 74°24'45" W.; SSW. to lat. 39°56'00" N., long. 74°26'20" W.; NW. to lat. 39°57'20" N., long. 74°27'40" W.; westerly along a road to lat. 39°57'20" N., long. 74°33'30" W.; due N. to lat. 40°02'45" N.; due E. to lat. 40°02'45" N., long. 74°25'50" W., point of beginning."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on December 8, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-10268; Filed, Dec. 8, 1953; 1:12 p. m.]

## TITLE 15—COMMERCE AND FOREIGN TRADE

AMENDMENTS OF CERTAIN PARTS AND CHAPTERS

In order to conform the codification of Title 15 of the Code of Federal Regulations to the present organizational pattern of the Department of Commerce, that title is amended in the following respects:

1. In Subtitle A—Office of the Secretary of Commerce, a new Part 3 is added as follows:

PART 3—APPEALS PROCEDURES

CROSS REFERENCE: For the appeals procedures followed by the Appeals Board for the Department of Commerce (established August 18, 1953, 18 F. R. 5125), see Parts 382 and 383 of this title, RP 1 and Reg. 5 under Chapter VI of Title 32A, and § 401.9, Chapter IV of Title 44.

2. The headnote of Chapter III is amended to read "Bureau of Foreign Commerce, Department of Commerce".

3. Subchapter A—Office of Business Economics of Chapter III is redesignated Chapter VIII—Office of Business Economics, Department of Commerce of this title, and Parts 301, 302, 305, and 323 are redesignated Parts 801, 802, 805, and 823.

4. Subchapter B—Office of Industry and Commerce of Chapter III is revoked.

5. The headnote of Subchapter C of Chapter III is deleted. All references to the Office of International Trade appearing in Parts 360–399 of this chapter should read "Bureau of Foreign Commerce."

6. A new headnote "Subchapter A—Miscellaneous Regulations" is inserted preceding Part 360, and the headnote "Export Regulations" which precedes Part 370 is redesignated "Subchapter B—Export Regulations" and is transferred to precede Part 368.

7. Chapter VI—Office of Technical Services, Department of Commerce is redesignated Chapter VI—Business and Defense Services Administration, Department of Commerce. The reference in § 601.2 to the Office of Technical Services should read "Business and Defense Services Administration." For regulations of Business and Defense Services Administration under the Defense Production Act of 1950, as amended, see Title 32A, Chapter VI.

[SEAL] SINCLAIR WEEKS,
*Secretary of Commerce.*

[F. R. Doc. 53-10293; Filed, Dec. 9, 1953; 8:51 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 6116]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

SUNSET APPLIANCE STORES, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.35 *Condition of goods;* § 3.200 *Sample, offer or order conformance:* § 3.260 *Terms and conditions;* § 3.275 *Undertakings, in general.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.2060 *Sample, offer or order conformance;* § 3.2080 *Terms and conditions;* § 3.2090 *Undertakings, in general.* In connection with the offering for sale, sale or distribution in commerce, of television sets or other merchandise, representing, directly or by implication: (1) That any product is offered for sale when such offer is not a bona fide offer to sell the product so offered; (2) offering for sale or demonstration any television set or other appliance unless such set or appliance is in stock or otherwise available to customers under the conditions stated in such offer and at such price as may be designated therein; (3) that air conditioners, television sets or other electric appliances will be demonstrated in the homes of prospective purchasers or will be demonstrated without charge or obligation, contrary to the fact; that (4) that air conditioners, television sets or other electric appliances are completely or thoroughly reconditioned or rebuilt or are in perfect working order when such is not the fact; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Sunset Appliance Stores, Inc., et al., Long Island, N. Y., Docket 6116, November 10, 1953]

*In the Matter of Sunset Appliance Stores, Inc., a Corporation; and Joseph Rudnick and Morris Sobel (Erroneously Named as Lawrence Sobol), Individually and as Officers of Sunset Appliance Stores, Inc., a Corporation*

This proceeding was instituted by complaint which charged respondents with the use of unfair and deceptive acts and practices and unfair methods of competition in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice", dated November 13, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted

by the Commission on November 10, 1953 and ordered entered of record as the Commission's findings as to the facts, conclusion, and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

*It is ordered*, That the respondents, Sunset Appliance Stores, Inc., a corporation, and its officers, and Joseph Rudnick and Morris Sobel, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of television sets or other merchandise, do forthwith cease and desist from representing, directly or by implication:

1. That any product is offered for sale when such offer is not a bona fide offer to sell the product so offered.

2. Offering for sale or demonstration any television set or other appliance unless such set or appliance is in stock or otherwise available to customers under the conditions stated in such offer and at such price as may be designated therein.

3. That air conditioners, television sets or other electric appliances will be demonstrated in the homes of prospective purchasers or will be demonstrated without charge or obligation, contrary to the fact.

4. That air conditioners, television sets or other electric appliances are completely or thoroughly reconditioned or rebuilt or are in perfect working order when such is not the fact.

*It is further ordered*, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record on this 10th day of November, 1953.

Issued: November 13, 1953.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, JR., *Secretary.*

[F. R. Doc. 53-10297; Filed, Dec. 9, 1953; 8:52 a. m.]

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

#### Subchapter C—Federal Savings and Loan System

[No. 6573]

PART 149—POWERS OF CONSERVATOR AND CONDUCT OF CONSERVATORSHIPS

AUTHORITY OF OFFICERS

DECEMBER 7, 1953.

Resolved that, pursuant to § 108.11 of the general regulations of the Home Loan Bank Board (24 CFR 108.11) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), the first sentence of § 149.11 of the rules and regulations for the Federal Savings and Loan System (24 CFR 149.11) is hereby amended, effective December 10, 1953, by substituting a comma for the period at the end thereof and adding the following: "or any person or persons from time to time designated by the Home Loan Bank Board."

Resolved further that, as this amendment relates to matters of organization procedure, notice and public procedure thereon are found unnecessary and, as it is necessary that this power be exercised forthwith in the benefit of the public, deferment of the effective date of this amendment is not required.

(Sec. 5, 48 Stat. 132 as amended; 12 U. S. C. and Sup. 1464)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 53-10294; Filed, Dec. 9, 1953, 8:51 a. m.]

## TITLE 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

#### Subchapter A—Income and Excess Profits Taxes

[T. D. 6056]

PART 7—TAXATION PURSUANT TO TREATIES

SUBPART—BELGIUM

Sec.
7.1100 Introductory.
7.1101 Dividends.
7.1102 Interest.
7.1103 Natural resource royalties and real property rentals.
7.1104 Patent and copyright royalties and film rentals.
7.1105 Private pensions and annuities.
7.1106 Release of excess tax withheld at source.
7.1107 Addressee not actual owner.
7.1108 Information to be furnished in ordinary course.
7.1109 Beneficiaries of a domestic estate or trust.

AUTHORITY: §§ 7.1100 to 7.1109 issued under 53 Stat. 32, 467, 26 U. S. C. 62, 3791.

§ 7.1100 *Introductory.* (a) The income tax convention between the United States and Belgium, signed October 28, 1948, as modified and supplemented by the supplementary convention between such Governments, signed September 9, 1952, and proclaimed by the President of the United States on September 23, 1953, referred to in this subpart as the convention, provides in part as follows, effective with respect to income derived in taxable years begining on or after January 1, 1953:

ARTICLE I

(1) The taxes which are the subject of the present Convention are:

(a) In the case of the United States: The Federal income taxes.

(b) In the case of Belgium: The income taxes, the national crisis tax, and the personal complementary tax, including all additions to these taxes.

(2) The present Convention shall apply also to any other taxes of a substantially similar character imposed by either Contracting State subsequently to the date of signature of the present Convention or by the government of any territory to which the present Convention is extended under Article XXII.

(3) In the event of appreciable changes in the fiscal laws of either of the Contracting States the competent authorities of the Contracting States will consult together.

ARTICLE II

(1) In the present Convention, unless the context otherwise requires:

(a) The term "United States" means the United States of America, and when used in a geographical sense means the States, the Territories of Alaska and of Hawaii, and the District of Columbia.

(b) The term "Belgium" when used in a geographical sense means the Kingdom of Belgium in Europe.

(c) The term "United States enterprise" means an industrial or commercial enterprise or undertaking carried on in the United States by a citizen or resident of the United States or by a corporation or other juridical person created or organized in the United States or under the laws of the United States or of any State or Territory of the United States.

(d) The term "Belgium enterprise" means an industrial or commercial enterprise or undertaking caried on in Belgium by a citizen or resident of Belgium or by a corporation or other juridical person created or organized in Belgium or under the laws of Belgium.

(e) The terms "enterprise of one of the Contracting States" and "enterprise of the other Contracting State" mean a United States enterprise or a Belgium enterprise, as the context requires.

(f) The term "permanent establishment" when used with respect to an enterprise of one of the Contracting States means a branch, factory, mine, oil well, plantation, workshop, warehouse, installation, or other fixed place of business, but does not include an agency unless the agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or has control over a stock of merhandise from which he regularly fills orders on behalf of such enterprise. An enterprise of one of the Contracting States shall not be deemed to have a permanent establishment in the other Contracting State merely because it carries on business dealings in such other Contracting State through a bona fide commission agent or broker acting in the ordinary course of his business as such. When a corporation of one Contracting State has a subsidiary corporation which is a corporation created or organized in the other Contracting State or which is engaged in trade or business in such other Contracting State, such subsidiary corporation shall not, merely because of that fact, be deemed to be a permanent establishment of its parent corporation.

(g) The term "industrial and commercial profits" shall not include the following:

(i) Income from real property.

(ii) Income from mortgages, from public funds, securities (including mortgage bonds), loans, deposits, and current accounts;

(iii) Dividends and other income from shares in a corporation;

(iv) Rentals or royalties arising from leasing personal property or from any interest in such property, including rentals or royalties for the use of, or for the privilege of using, patents, copyrights, secret processes and formulae, good will, trade marks, trade brands, franchises, and other like property;

(v) Profit or loss from the sale or exchange of capital assets;

(vi) Compensation for labor or personal services.

Subject to the provisions of the present Convention, the income referred to in sub-

[1] Filed as part of the original document.



paragraphs (1) to (vi) shall be taxed separately or together with industrial and commercial profits in accordance with the laws of the Contracting States.

(h) The term "competent authority" or "competent authorities" means, in the case of the United States, the Commissioner of Internal Revenue or his duly authorized representative; and in the case of Belgium, the Directeur General de l'Administration des Contributions Directes or his duly authorized representative; and, in the case of any territory to which the present Convention is extended under Article XXII, the competent authority for the administration in such territory of the taxes to which the present Convention applies.

(2) In the application of the provision of the present Convention by either of the Contracting States, any term which is not otherwise defined shall, unless the context otherwise requires, have the meaning which that term has under the laws of such Contracting State relating to the taxes which are the subject of the present Convention.

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ARTICLE VI

Income of whatever nature derived from real property shall be taxable only in the Contracting State in which the real property is situated. This Article does not apply to income derived from mortgages or bonds secured by real property.

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ARTICLE VIII

(1) The rate of United States tax on dividends derived from sources within the United States by a resident or corporation or other entity of Belgium not having a permanent establishment within the United States shall not exceed 15 percent.

(2) Belgium shall not impose on dividends derived from sources within Belgium by a resident or corporation or other entity of the United States not having a permanent establishment within Belgium any tax in the nature of a personal complementary tax or surtax thereon, or any tax similar to that withheld at the source on dividends under United States law in the case of nonresident aliens and foreign corporations.

ARTICLE VIIIA

The rate of tax imposed by each of the Contracting States upon interest (on bonds, notes, debentures, or on any other form of indebtedness) derived from sources within such State by a resident or corporation or other entity of the other State not having a permanent establishment within the former State shall not exceed 15 percent.

ARTICLE IX

(1) Rentals or royalties from real property or in respect of the operation of mines, quarries, or other natural resources shall be taxable only in the Contracting State in which such property, mines, quarries, or other natural resources are situated. A resident of Belgium, or a corporation or other juridical person created or organized in Belgium deriving such rentals or royalties from sources within the United States may elect for any taxable year to be subject to United States tax as if such resident, corporation, or entity were engaged in trade or business within the United States through a permanent establishment therein in such taxable year.

(2) Royalties derived from within one of the Contracting States by a resident or by a corporation or other entity of the other Contracting State as consideration for the right to use copyrights, patents, secret processes and formulae, trade marks and other analogous rights shall be exempt from taxation in the former State, provided such resident, corporation, or other entity does not have a permanent establishment there. The term "royalties" as used in this paragraph shall be deemed to include rentals in respect of motion picture films.

ARTICLE X

* * * * *

(2) Private pensions and annuities derived from within one of the Contracting States and paid to individuals residing in the other Contracting State shall be exempt from taxation in the former State.

(3) The term "pensions" as used in this Article means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

(4) The term "annuities" as used in this Article means a stated sum payable periodically at stated times, under an obligation to make the payments in consideration of money paid.

* * * * *

ARTICLE XV

(1) The competent authorities of the Contracting States shall exchange such information (being information available under the respective taxation laws of the Contracting States) as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or the administration of statutory provisions and regulations against legal avoidance in relation to the taxes which are the subject of the present Convention.

(2) Documents and information contained therein, transmitted under the provisions of the present Convention by one of the Contracting States to the other Contracting State shall not be published, revealed or disclosed to any person except to the extent permitted under the laws of the latter State with respect to similar documents or information.

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ARTICLE XVII

Each of the Contracting States shall collect taxes, which are the subject of this Convention, imposed by the other Contracting State (as though such tax were a tax imposed by the former State) as will ensure that the exemption, or reduced rate of tax, as the case may be, granted under the present Convention by such other State shall not be enjoyed by persons not entitled to such benefits.

ARTICLE XVIII

(1) In no case shall the provisions of Articles XV, XVI, and XVII be construed so as to impose upon either of the Contracting States the obligation

(a) to carry out administrative measures at variance with the regulations and practice of either Contracting State, or

(b) to supply information or particulars which are not procurable under its own legislation or that of the State making the application.

(2) The State to which application is made for information or assistance shall comply as soon as possible with the request addressed to it. Nevertheless, such State may refuse to comply with the request for reasons of public policy or if compliance would involve violation of a business, industrial or trade secret. In such case it shall inform, as soon as possible, the State making the application.

* * * * *

ARTICLE XX

(1) The provisions of the present Convention shall not be construed to restrict in any maner any exemption, deduction, credit or other allowance accorded by the laws of one of the Contracting States in the determination of the tax imposed by such State.

(2) Should any difficulty or doubt arise as to the interpretation or application of the present Convention, the competent authorities of the Contracting States shall settle the question by mutual agreement.

(3) Citizens or corporations or other juridical persons of one of the Contracting States within the other Contracting State shall not be subjected, as regards the taxes referred to in the present Convention, to the payment of higher taxes than are imposed upon the citizens or corporations or other juridical persons of such other Contracting State.

ARTICLE XXI

The competent authorities of the two Contracting States may (in the case of the United States, with the approval of the Secretary of the Treasury, and in the case of Belgium, with the approval of the Minister of Finance) prescribe regulations necessary to carry out the provisions of the present Convention. With respect to the provisions of the present Convention relating to exchange of information and mutual assistance in the collection of taxes, such authorities may, by common agreement, prescribe rules concerning matters of procedure, forms of application and replies thereto, conversion of currency, disposition of amounts collected, minimum amount subject to collection, and related matters.

* * * * *

ARTICLE XXIII

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Brussels as soon as possible.

(2) The present Convention shall become effective with respect to income derived in taxable years beginning on or after the first day of January of the calendar year in which the exchange of the instruments of ratification takes place, except that if such exchange takes place after the thirtieth day of September of such calendar year, Articles VIII and VIIIA and Article IX (2) shall become effective only with respect to payments made after the thirty-first day of December of such calendar year. It shall continue effective for a period of five years beginning with the first day of January of the calendar year in which such exchange takes place and indefinitely after that period, but may be terminated by either of the Contracting States at the end of the five-year period or at any time thereafter, provided that at least six months' prior notice of termination has been given, the termination to become effective on the first day of January following the expiration of the six-month period.

* * * * *

(b) As used in this subpart, any term defined in the convention shall have the meaning so assigned to it; any term not so defined shall, unless the context otherwise requires, have the meaning which such term has under the Internal Revenue Code.

§ 7.1101 *Dividends*—(a) *General.* (1) The rate of United States tax imposed by the Internal Revenue Code upon dividends derived from sources within the United States in taxable years beginning on or after January 1, 1953, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of Belgium, or by a Belgian corporation or other entity, shall not exceed 15 percent under the provisions of Article VIII of the convention if such alien, corporation, or other entity at no time during the taxable year in which such dividends are derived has a permanent establishment within the United States. As to what constitutes a permanent es-

tablishment, see Article II (1) (f) of the convention.

(2) Thus, if a nonresident alien individual who is a resident of Belgium performs personal services within the United States during the taxable year, but has at no time during such year a permanent establishment within the United States, he is entitled to the reduced rate of tax with respect to dividends derived in that year from United States sources, as provided in Article VIII of the convention, even though under the provisions of section 211 (b) of the Internal Revenue Code he has engaged in trade or business within the United States during such year by reason of his having performed personal services therein.

(b) *Effect of address in Belgium on withholding in the case of dividends.* For the purpose of withholding of United States tax in the case of dividends every nonresident alien (including a nonresident alien individual, fiduciary, and partnership) whose address is in Belgium shall be deemed by United States withholding agents to be a nonresident alien who is a resident of Belgium not having a permanent establishment within the United States; and every foreign corporation whose address is in Belgium shall be deemed by such withholding agents to be a Belgium corporation not having a permanent establishment within the United States.

(c) *Rate of withholding.* (1) Withholding at source in the case of dividends derived from sources within the United States and paid on or after January 1, 1953, to nonresident aliens (including a nonresident alien individual, fiduciary, and partnership) and to foreign corporations, whose addresses are in Belgium, shall be at the rate of 15 percent in every case except that in which, prior to the date of payment of such dividends, the Commissioner of Internal Revenue has notified the withholding agent that the reduced rate of withholding shall not apply.

(2) The preceding provisions respecting the application of the reduced withholding rate in the case of dividends paid to nonresident aliens and foreign corporations with addresses in Belgium are based upon the assumption that the payee of the dividend is the actual owner of the capital stock from which the dividend is derived and consequently is the person liable to United States tax upon such dividend. As to action by the recipient who is not the owner of the dividend, see § 7.1107.

(3) The rate at which United States tax has been withheld from any dividend paid at any time after the expiration of the thirtieth day after the date on which this subpart is published in the FEDERAL REGISTER to any person whose address is in Belgium at the time the dividend is paid shall be shown either in writing or by appropriate stamp on the check, draft, or other evidence of payment, or on an accompanying statement.

§ 7.1102 *Interest*—(a) *General.* The rate of United States tax imposed by the Internal Revenue Code upon interest on bonds, securities, notes, debentures, or on any other form of indebtedness, including interest on obligations of the United States, obligations of instrumentalities of the United States, and mortgages and bonds secured by real property, which is derived from sources within the United States in taxable years beginning on or after January 1, 1953, by a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) who is a resident of Belgium, or by a Belgian corporation or other entity, shall not exceed 15 percent under the provisions of Article VIIIA of the convention if such alien, corporation, or other entity at no time during the taxable year in which such interest is derived has a permanent establishment in the United States. As to what constitutes a permanent establishment, see Article II (1) (f) of the convention.

(b) *Application of reduced rate at source.* (1) To secure the reduced rate of United States tax at source in the case of coupon bond interest, the nonresident alien who is a resident of Belgium, or the Belgian corporation or other entity, shall for each issue of bonds file Form 1001–B in duplicate when presenting the interest coupons for payment. This form shall be signed by the owner of the interest, trustee, or agent and shall show the name and address of the obligor, the name and address of the owner of the interest, and the amount of the interest. It shall contain a statement that the owner (i) is a resident of Belgium, or is a Belgian corporation or other entity, and (ii) has no permanent establishment in the United States.

(2) The reduction in the rate of United States tax contemplated by Article VIIIA of the convention, insofar as it concerns coupon bond interest, is applicable only to the owner of the interest. The person presenting the coupon or on whose behalf it is presented shall, for the purpose of the reduction in tax, be deemed to be the owner of the interest only if he is, at the time the coupon is presented for payment, the owner of the bond from which the coupon has been detached. If the person presenting the coupon or on whose behalf it is presented is not the owner of the bond, Form 1001, and not Form 1001–B, shall be executed.

(3) The original and duplicate of Form 1001–B shall be forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland, with the quarterly return on Form 1012. See § 39.143–7 of this chapter (Regulations 118). Form 1001–B shall be listed on Form 1012.

(4) For general provisions pertaining to the use, without reference to the provisions of the convention, of ownership certificate, Form 1001, by nonresident aliens and nonresident foreign corporations, see §§ 39.143–4 and 39.143–6 of this chapter.

(5) To secure the reduced rate of United States tax at source in the case of interest, other than coupon bond interest, the nonresident alien who is a resident of Belgium, or the Belgian corporation or other entity, shall file Form 1001A–B in duplicate with the withholding agent in the United States. This form shall be signed by the owner of the interest, trustee, or agent and shall show the name and address of the obligor and the name and address of the owner of the interest. It shall contain a statement that the owner (i) is a resident of Belgium, or is a Belgian corporation or other entity, and (ii) has no permanent establishment in the United States.

(6) Form 1001A–B shall be filed with the withholding agent for each successive three-calendar-year period during which such interest is paid. For this purpose, the first such period shall commence with the beginning of the calendar year in which such income is first paid on or after January 1, 1953. Each such form filed with any withholding agent shall be filed not later than 20 days preceding the date of the first payment within each successive period, or, if that is not possible because of special circumstances, as soon as possible after such first payment. Once such a form has been filed in respect of any three-calendar-year period, no additional Form 1001A–B need be filed in respect thereto unless the Commissioner of Internal Revenue notifies the withholding agent that another such form shall be filed by the taxpayer. If, after filing such form, the taxpayer ceases to be eligible for the reduced rate of United States tax granted by Article VIIIA of the convention in respect to such interest, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of the interest as recorded on the books of the payer, the reduction in rate of withholding of United States tax shall no longer apply unless the new owner of record is entitled to and does properly file a Form 1001A–B with the withholding agent.

(7) The duplicate of each Form 1001A–B (and letter) shall be immediately forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland.

§ 7.1103 *Natural resource royalties and real property rentals.* The convention does not change the rate of United States tax imposed pursuant to sections 211 and 231 of the Internal Revenue Code upon natural resource royalties and real property rentals. The withholding of United States tax with respect to such items derived from sources within the United States by nonresident aliens who are residents of Belgium, or by Belgian corporations or other entities, is not changed by the convention. See sections 143 (b) and 144 of the Internal Revenue Code and Articles VI and IX (1) of the convention.

§ 7.1104 *Patent and copyright royalties and film rentals*—(a) *General.* (1) Royalties derived from sources within the United States in taxable years beginning on or after January 1, 1953, by a nonresident alien individual, fiduciary, and partnership) who is a resident of Belgium, or by a Belgian corporation or other entity, as consideration for the right to use copyrights, patents, secret processes and formulae, trade-marks, and other analogous rights are exempt from United States tax under the provisions of Article IX (2) of the convention if such alien, corporation, or other entity at no time during the taxable year in which such royalties are derived has a permanent establishment within the United States. Such royalties are, therefore, not subject to the withholding of United States tax at source. As to what constitutes a permanent establishment, see Article II (1) (f) of the convention.

(2) The term "royalties" as used in this section shall be deemed to include rentals in respect of motion picture films.

(b) *Application of exemption from withholding.* (1) To avoid withholding of United States tax at source in the case of the royalties to which paragraph (a) of this section is applicable, the nonresident alien who is a resident of Belgium, or the Belgian corporation or other entity, shall file Form 1001A–B in duplicate with the withholding agent in the United States. The provisions of § 7.1102 (b) relating to the execution, filing, and effective period of such form with respect to interest are equally applicable with respect to the income falling within the scope of this section.

(2) The duplicate of each Form 1001A–B (and letter) shall be immediately forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland.

§ 7.1105 *Private pensions and annuities*—(a) *General.* Private pensions and annuities, as defined in Article X (3) and (4) of the convention, derived from sources within the United States in taxable years beginning on or after January 1, 1953, and paid to a nonresident alien individual who is a resident of Belgium are exempt from United States tax under the provisions of Article X (2) of the convention. Such items of income are, therefore, not subject to the withholding of United States tax at source.

(b) *Application of exemption from withholding.* (1) To avoid withholding of United States tax at source in the case of the items of income to which paragraph (a) of this section is applicable, the nonresident alien individual who is a resident of Belgium shall notify the withholding agent by letter in duplicate that such income is exempt from United States tax under the provisions of Article X of the convention. The letter of notification shall be signed by the owner of the income, shall show the name and address of both the payer and the owner of the income, and shall contain a statement that the owner, an individual, is neither a citizen nor a resident of the United States but is a resident of Belgium. If such letter is also to be used as authorization for the release, pursuant to § 7.1106, of excess tax withheld from such items of income, it shall also contain a statement that the owner was, at the time when the income was derived from which the excess tax was withheld, neither a citizen nor a resident of the United States but was a resident of Belgium.

(2) This letter shall constitute authorization for the payment of such items of income without withholding of United States tax at source unless the Commissioner of Internal Revenue subsequently notifies the withholding agent that the tax shall be withheld with respect to payments of such items of income made after receipt of such notice. If, after filing a letter of notification, the owner of the income ceases to be eligible for the exemption from United States tax granted by the convention in respect to such income, he shall promptly notify the withholding agent by letter in duplicate. When any change occurs in the ownership of such income as recorded on the books of the payer, the exemption from withholding of United States tax shall no longer apply unless the new owner of record is entitled to and does properly file a letter of notification with the withholding agent.

(3) Each letter of notification, or the duplicate thereof, shall be immediately forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland.

(c) *Definition of pensions and annuities.* (1) Under Article X (3) of the convention, the term "pensions", as used in Article X, means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

(2) Under Article X (4) of the convention, the term "annuities", as used in Article X, means a stated sum payable periodically at stated times under an obligation to make the payments in consideration of money paid.

§ 7.1106 *Release of excess tax withheld at source.* (a) In order to give the convention effective application at the earliest practicable date, the exemptions from, and reductions in the rate of, withholding of United States tax at source granted by this subpart are hereby made effective beginning January 1, 1953, contingent upon compliance with the applicable provisions of § 7.1101 through § 7.1105.

(b) In the case of dividends derived from sources within the United States and paid to a nonresident alien (including a nonresident alien individual, fiduciary, and partnership) or to a foreign corporation, whose address at the time of payment was in Belgium, if United States tax at the statutory rate (30 percent as of the date of approval of this subpart) has been withheld from such dividends on or after January 1, 1953, there shall be released by the withholding agent and paid over to the person from whom it was withheld an amount which is equal to the amount obtained by subtracting 15 percent of such dividends from the tax so withheld.

(c) In the case of every taxpayer whose address at the time of payment was in Belgium and who furnishes to the withholding agent Form 1001A–B in accordance with §§ 7.1102 (b) and 7.1104 (b), if United States tax at the statutory rate (30 percent as of the date of approval of this subpart) has been withheld on or after January 1, 1953, from the items of income in respect of which such form is prescribed in such sections, there shall be released by the withholding agent and paid over to the person from whom it was withheld—

(1) In the case of interest (other than coupon bond interest), an amount which is equal to the amount obtained by subtracting 15 percent of such interest from the tax so withheld from such interest; and

(2) In the case of patent royalties, copyright royalties, film rentals, and the like, an amount equal to the tax so withheld from such items.

(d) In the case of every taxpayer whose address at the time of payment was in Belgium and who furnishes to the withholding agent Form 1001–B clearly marked "Substitute" and executed in accordance with § 7.1102 (b), if United States tax at the statutory rate (28 percent or 30 percent, as the case may be, as of the date of approval of this subpart) has been withheld from coupon bond interest on or after January 1, 1953, there shall be released by the withholding agent and paid over to the person from whom it was withheld an amount which is equal to the difference between the amount of such interest multiplied by the higher of such statutory rates (30 percent as of the date of approval of this subpart) and 15 percent of such interest. One such substitute form shall be filed in duplicate with respect to each issue of bonds and will serve with respect to that issue to replace all Forms 1001 previously filed by the taxpayer in the calendar year in which the excess tax was withheld and with respect to which such excess is released.

(e) The original and duplicate of such substitute Form 1001–B shall be forwarded by the withholding agent to the District Director of Internal Revenue, Audit Division, Alien Returns Section, Baltimore 2, Maryland, with the quarterly return on Form 1012. See § 39.143–7 of this chapter. Such substitute Form 1001–B shall be listed on Form 1012.

(f) In the case of every taxpayer whose address at the time of payment was in Belgium and who furnishes to the withholding agent the letter of notification prescribed in § 7.1105 (b) as authorization for the release of excess tax withheld, if United States tax at the statutory rate (30 percent as of the date of approval of this subpart) has been withheld on or after January 1, 1953, from private pensions and annuities as defined in Article X, there shall be released by the withholding agent and paid over to the person from whom it was withheld an amount equal to the tax so withheld from such items.

(g) The provisions of this section shall have no application to excess tax withheld at source which has been paid by the withholding agent to the district director of internal revenue pursuant to § 39.143–7 of this chapter.

§ 7.1107 *Addressee not actual owner*—(a) *General.* (1) If the recipient in Belgium of any dividend from sources within the United States, with respect to which United States tax at the reduced rate of 15 percent has been withheld at source pursuant to § 7.1101 (c), is a nominee or representative through whom such dividend flows to a person other than one described in § 7.1101 (a) as being entitled to such reduced rate,

such recipient in Belgium shall withhold an additional amount of United States tax equivalent to the United States tax which would have been withheld if the convention had not been in effect (30 percent of such dividend as of the date of approval of this subpart) minus the 15 percent which has been withheld at the source.

(2) In any case in which a fiduciary or partnership with an address in Belgium receives, otherwise than as a nominee or representative, a dividend from sources within the United States with respect to which United States tax at the reduced rate of 15 percent has been withheld at source pursuant to § 7.1101 (c), if a beneficiary of such fiduciary or a partner in such partnership is not entitled to the reduced rate of United States tax granted by Article VIII (1) of the convention, the fiduciary or partnership shall withhold an additional amount of United States tax with respect to the portion of such dividend included in such beneficiary's share of the distributed or distributable income, or in such partner's distributive share of the income, of such fiduciary or partnership, as the case may be. The amount of the additional tax is to be calculated in the same manner as under the immediately preceding paragraph of this section.

(3) If any amount of United States tax is released pursuant to § 7.1106 by the withholding agent in the United States with respect to a dividend paid to such a person (nominee, representative, fiduciary, or partnership) with an address in Belgium, the latter shall also withhold from such released amount any additional amount of United States tax, otherwise required to be withheld by the preceding provisions of this section in respect of such dividend, in the same manner as if at the time of payment of such dividend United States tax at the rate of only 15 percent had been withheld at source therefrom.

(b) *Returns filed by Belgium withholding agents.* The amounts withheld pursuant to paragraph (a) of this section by any withholding agent in Belgium shall be deposited, without converting such amounts into United States dollars, with the Belgium Directeur General de l'Administration des Contributions Directes on or before the 15th day after the close of the quarter of the calendar year in which such withholding in Belgium occurs. The withholding agent making such deposit shall render therewith such appropriate Belgium form as may be prescribed by the Directeur General de l'Administration des Contributions Directes. The amounts so deposited should be remitted by the Directeur General by draft in United States dollars to the District Director of Internal Revenue, Baltimore 2, Maryland, U. S. A., on or before the end of the calendar month in which the deposit is made, and should be accompanied by such Belgian form as may be required to be rendered by the withholding agent in Belgium in connection with such deposit.

§ 7.1108 *Information to be furnished in ordinary course*—(a) *General.* In compliance with the provisions of Article XV of the convention the Commissioner of Internal Revenue will transmit to the Belgian Directeur General de l'Administration des Contributions Directes, as soon as practicable after the close of the calendar year 1953 and of each subsequent calendar year during which the convention is in effect, the following information relating to such preceding calendar year:

(1) The duplicate copy of each available Form 1042 Supplement filed pursuant to paragraph (b) of this section; and

(2) The duplicate copy of each available ownership certificate, Form 1001–B, filed pursuant to § 7.1102 (b), and substitute Form 1001–B, filed pursuant to § 7.1106, in connection with coupon bond interest.

(b) *Information return.* (1) To facilitate compliance with Article XV of the convention, every United States withholding agent shall make and file in duplicate with the district director of internal revenue for the district in which the withholding agent is located an information return on Form 1042 Supplement, with respect to Belgian addressees, which shall be filed for the calendar year 1953 and subsequent calendar years. This return shall be filed simultaneously with the Form 1042 required by § 39.143–7 of this chapter.

(2) There shall be reported on such Form 1042 Supplement all items of fixed or determinable annual or periodical income derived from sources within the United States and paid to nonresident aliens (including nonresident alien individuals, fiduciaries, and partnerships) and to nonresident foreign corporations, whose addresses at the time of payment were in Belgium, including such items of income upon which, in accordance with this Treasury decision, no withholding of United States tax is required; except that any of such items which constitute interest in respect of which Form 1001–B or substitute Form 1001–B has been filed in duplicate with the withholding agent are not required to be reported on such Form 1042 Supplement.

§ 7.1109 *Beneficiaries of a domestic estate or trust.* A nonresident alien who is a resident of Belgium and who is a beneficiary of a domestic estate or trust shall be entitled to the exemption from, or reduction in the rate of, United States tax granted by Articles VIII, VIIIA, and IX (2) of the convention with respect to dividends, interest, and copyright royalties and the like, to the extent such item or items are included in his share of the distributed or distributable income of such estate or trust, provided that he otherwise satisfies the requirements of these respective articles. In order to be entitled in such instance to the exemption from, or reduction in the rate of, withholding of United States tax such beneficiary must otherwise satisfy such requirements and shall, where applicable execute and submit to the fiduciary of such estate or trust in the United States the Form 1001A–B prescribed in § 7.1102 (b) and § 7.1104 (b).

Because it is necessary to bring into effect at the earliest practicable date the rules of this Treasury decision respecting release of excess tax withheld, and exemption from, or reduction in the rate of, withholding of tax, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

[SEAL] O. GORDON DELK,
*Acting Commissioner of Internal Revenue.*

Approved: December 4, 1953.

M. B. FOLSOM,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-10289; Filed, Dec. 9, 1953; 8:50 a. m.]

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[T. D. 6058; Regs. 111, 118]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

PART 39—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1951

NONDISTRIBUTABLE INCOME OF PERSONAL HOLDING COMPANIES

On September 5, 1953, there was published in the FEDERAL REGISTER (18 F. R. 5388) a notice of proposed rule making with respect to amendments to conform Regulations 103 and 111 (26 CFR Parts 19, 29) to section 349 of the Revenue Act of 1951, approved October 20, 1951, relating to the exclusion of certain nondistributable income in determining the undistributed subchapter A net income of personal holding companies. No comments regarding the rules proposed having been received during the 30-day period prescribed in such notice, the amendments to such regulations and to Regulations 118 (26 CFR Part 39) set forth below are hereby adopted:

PARAGRAPH 1. There is inserted immediately preceding § 29.504–1 the following:

SEC. 349. NONDISTRIBUTABLE INCOME OF PERSONAL HOLDING COMPANIES (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

Effective for taxable years beginning after December 31, 1939, section 504 is hereby amended by adding at the end thereof the following new subsection:

(e) The amount by which the undistributed subchapter A net income determined without reference to this subsection exceeds the amount which could be distributed on the last day of the taxable year as a dividend (1) without violating any action, regulation, rule, order, or proclamation taken, promulgated, made, or issued by, or pursuant to the direction of, the President or any agency that he may designate, under the Trading With the Enemy Act of October 16, 1917, as amended, or the First War Powers Act of 1941, and (2) not subject to a lien in favor of the United States.

PAR. 2. Section 29.504–1 is amended as follows:

(A) By deleting in the first sentence thereof the word "and" which immediately precedes "(d)".

(B) By striking the period at the end of the first sentence and by inserting in lieu thereof a comma and the following: "and (e) the amount by which the undistributed subchapter A net income (determined without reference to this provision) exceeds the amount which could be distributed on the last day of the taxable year as a dividend (1) without violating any action, regulation, rule, order, or proclamation taken, promulgated, made, or issued by, or pursuant to the direction of, the President or any agency that he may designate, under the Trading With the Enemy Act, 40 Stat. 411, as amended (50 U. S. C. App. 1 et seq.), or the First War Powers Act, 1941, 55 Stat. 838 (50 U. S. C. App. 601 et seq.), and (2) not subject to a lien in favor of the United States."

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] T. COLEMAN ANDREWS,
*Commissioner of Internal Revenue.*

Approved: December 4, 1953.

M. B. FOLSOM,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-10291; Filed, Dec. 9, 1953; 8:50 a. m.]

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Subchapter C—Miscellaneous Excise Taxes

[T. D. 6057; Regs. 42, 43, 113]

PART 101—TAXES ON ADMISSIONS, DUES, AND INITIATION FEES

PART 130—TAXES ON SAFE DEPOSIT BOXES AND ON CERTAIN TRANSPORTATION AND COMMUNICATION SERVICES

PART 143—TAX WITH RESPECT TO THE TRANSPORTATION OF PROPERTY

DELETION OF INSTRUCTION WITH RESPECT TO SUBMISSION OF CERTAIN INFORMATION BY DISTRICT DIRECTORS

Regulations 42 (1942 Edition) (26 CFR Part 130), Regulations 43 (1941 Edition) (26 CFR Part 101), and Regulations 113 (1943 Edition) (26 CFR Part 143) are amended as follows:

PARAGRAPH 1. Section 130.75 of Regulations 42 is amended by striking out the second sentence thereof.

(53 Stat. 206, 423, as amended, 467; 26 U. S. C. 1855, 3472, 3791)

PAR. 2. Section 101.37 of Regulations 43, as amended by Treasury Decision 5349, approved March 17, 1944, is further amended by striking out the last sentence of paragraph (d) thereof.

(53 Stat. 467; 26 U. S. C. 3791)

PAR. 3. Section 143.55 of Regulations 113 is amended by striking out the second sentence thereof.

(53 Stat. 423, as amended, 467; 26 U. S. C. 3472, 3791. Interprets or applies 53 Stat. 206; 26 U. S. C. 1855)

Because this Treasury decision merely removes from Regulations 42, Regulations 43, and Regulations 113 an instruction with respect to the submission of information by district directors of internal revenue to the Commissioner, it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

This Treasury decision shall be effective upon its filing for publication in the FEDERAL REGISTER.

[SEAL] T. COLEMAN ANDREWS,
*Commissioner of Internal Revenue.*

Approved: December 4, 1953.

M. B. FOLSOM,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-10290; Filed, Dec. 9, 1953; 8:50 a. m.]

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## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

BISCAYNE BAY, FLORIDA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), special regulations governing the operations of the east and west drawspans in the bridges commonly designated as the Venetian Causeway across Biscayne at N. E. 15th Street, and MacArthur Causeway across Biscayne Bay at N. E. 13th Street, Miami, Florida, are hereby amended to read as follows:

§ 203.447 *Biscayne Bay, Fla.; State Road Department of Florida highway bridge (MacArthur or 13th Street Causeway) and Dade County Port Authority highway bridge (Venetian or 15th Street Causeway), Miami, Fla.* (a) During the period from November 1 to April 30, both dates inclusive, the owners of or agencies controlling these bridges shall not be required to open the east and west drawspans of the MacArthur Causeway and the west drawspan of Venetian Causeway between 7:00 a. m. and 9:00 a. m. or between 4:30 p. m. and 6:30 p. m., except that all three drawspans shall be opened on the half hour and even hour for sufficient time to pass any vessels awaiting passage.

(b) During the period from November 1 to April 30, both dates inclusive, the owner of or agency controlling Venetian Causeway shall not be required to open the east drawspan between 7:15 a. m. and 8:45 a. m. or between 4:45 p. m. and 6:15 p. m., except that the drawspan shall be opened at 7:45 a. m. and 8:15 a. m., 5:15 p. m. and 5:45 p. m. for sufficient time to pass any vessels awaiting passage.

(c) Any of the drawspans shall be opened at any time when required by a tow, or in an emergency. An emergency shall be indicated by four blasts of the signalling device.

(d) Officers of the Police Departments of Miami and Miami Beach shall be stationed at the respective draws and at the ends of the causeways during the above hours to regulate traffic in conjunction with the bridge tenders.

(e) Boat owners shall cooperate insofar as possible to facilitate the operation of the draws of the bridges.

(f) Signs indicating the nature of the regulations will be placed by the State Road Department and the Dade County Port Authority where and as directed by the District Engineer, Corps of Engineers, in charge of the locality.

[Regs., November 12, 1953, 823.01 (Biscayne Bay, Florida)–ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 53-10265; Filed, Dec. 9 1953; 8:50 a. m.]

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PART 207—NAVIGATION REGULATIONS

BERING STRAIT, ALASKA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1) and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 207.804 is hereby prescribed establishing and governing the use and navigation of a restricted area in Bering Strait off Cape Prince of Wales, Alaska, and §§ 207.129 and 207.141 are hereby revoked as follows:

§ 207.804 *Bering Strait, Alaska; naval restricted area off Cape Prince of Wales*—(a) *The area.* An area 2 000 feet wide extending from a point on Cape Prince of Wales marked by a triangular cable marker located approximately midway between the village of Wales and Cape Prince of Wales Light to a point four statute miles due west of the cable marker with the axis of the area passing through the two points.

(b) *The regulations.* (1) No vessel shall anchor in the restricted area described in paragraph (a) of this section.

(2) Dragging of anchors in or across the restricted area is prohibited and no object attached to a vessel shall be placed on or near the bottom.

(3) The regulations in this section shall be enforced by the Commandant, Seventeenth Naval District, Seattle, Washington, and such agencies as he may designate.

§ 207.129 *York River, Virginia; U. S. Navy anti-torpedo net areas.* [Revoked.]

§ 207.141 *Chesapeake Bay, Hampton Roads; U. S. Navy anti-torpedo net areas.* [Revoked.]

[Regs., November 17, 1953, 800.212 (Bering Strait, Alaska)-ENGWO and 800.2121 (Chesapeake Bay)-ENGWO] (40 Stat. 266, 892; U. S. C. 1, 3)

[SEAL] WM. E. BERGIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 53-10287; Filed, Dec. 9, 1953; 8:50 a. m.]

PART 209—ADMINISTRATIVE PROCEDURE

PIERS, DREDGING, ETC., IN WATERWAYS

A new subparagraph (6) is added to § 209.130 (a) as follows:

§ 209.130 *Piers, dredging, etc., in waterways*—(a) *Laws relating to permits.* * * *

(6) For minor structures and work in unimproved waterways or in improved waterways where such structures and work are well removed from the fairways used by navigation, authorization may be by a letter of permission. No drawings will be required to be submitted, nor will any public notice be issued in such cases. This procedure may be utilized when, in the opinion of the District Engineer concerned, there could be no opposition from the standpoint of navigation and authorization would unquestionably be given. If State law or local ordnance requires approval of the structures or work, a copy of such approval will be submitted with the application. Aerial crossings and submarine cables and other underwater crossings will not be regarded as minor structures or work.

* * * * *

[Regs., Nov. 27, 1953, ENGWO] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 53-10286; Filed, Dec. 9, 1953; 8:50 a. m.]

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—EDUCATIONAL BENEFITS

SUBPART C—TRAINING FACILITIES

MISCELLANEOUS AMENDMENTS

1. In Subpart A, paragraph (b) (3) (ix) of § 21.53 is amended to read as follows:

§ 21.53 *Extension of entitlement.*
* * *

(b) *School, college, or university courses.* * * *

(3) * * *

(ix) In all excess cost courses where the dollar value of remaining entitlement including any statutory extension is not sufficient to cover the term, semester, or period of enrollment, the converted value of the veteran's remaining entitlement, having been determined by the educational benefits representative and reported on VA Form 7-1907c or VA Form 7-1907c-1, will not be exceeded by the finance activity, and this amount may be paid regardless of the time in the course when charges for tuition, fees, supplies, etc., fall due; the time limit determined for subsistence payment shall not preclude the payment of the total amount of charges for tuition, etc., as authorized in this section in an extension of entitlement.

* * * * *

2. In § 21.54, paragraphs (a) and (b) are amended to read as follows:

§ 21.54 *Election of benefit.* (a) Any person who has eligibility for education or training under Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12), and who also has eligibility for vocational rehabilitation training under Part VII, as amended, may elect either benefit or may be provided an approved combination of courses: *Provided*, That the total period of any such combination of courses shall not exceed the maximum period or limitations under either Part VII or Part VIII, as amended, whichever affords the greater period of eligibility. An approved combination of courses under these laws may not be construed to mean concurrent pursuit under both laws. This provision of the law offers the veteran the right to elect whether he will take training under either Part VII or Part VIII, as amended, and further specifies that the Veterans' Administration may provide him with a combination of courses involving training under one act supplemented with training under the other. However, it is wholly within the discretion of the Veterans' Administration whether any combination of courses is to be provided in any case for the veteran.

(b) For the purposes of election between Parts VII and VIII, a presumption of eligibility under Part VII will attach (if need has not been officially determined to exist or not to exist), when there is of record, an official finding by duly constituted claims authority that the veteran has a service-connected compensable disability incurred in or aggravated by service in the Armed Forces of the United States in World War II or on or after June 27, 1950, and prior to such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of Congress. This presumption may be rebutted in any case only through filing by the veteran of VA Form 7-1900 and a subsequent determination that need for training does not exist.

* * * * *

3. In § 21.625 of Subpart C, paragraph (d) is amended, paragraph (f) is deleted, and former paragraphs (g), (h), (i), and (j) are redesignated paragraphs (f), (g), (h), and (i), so that the amended and redesignated material reads as follows:

§ 21.625 *Contract negotiations for correspondence courses.* * * *

(d) *Negotiation of contracts.* All contracts and supplements to existing contracts for correspondence courses shall be negotiated by central office and decentralized to regional offices. Where possible, contracts for correspondence courses will be negotiated for use under both Public Laws 16 and 346. In some instances, a separate contract may be negotiated separately for Public Law 16 and Public Law 346 enrollments. In the event that a contract is limited in scope, indication will be given either in the body or on the face thereof by a stamp impression or otherwise. Contracts negotiated for correspondence courses are usually approved for use in all States. Occasionally, however, contracts are negotiated by central office for correspondence courses of limited application as to program or region.

* * * * *

(f) *Information concerning correspondence courses.* Information concerning the subject matter of courses and academic credit for such courses of institutions which are members of the National University Extension Association can be obtained from the Guide to Correspondence Study, a publication of that association. Copies of such publication have been furnished each regional office. Specific questions as to the content of courses covered in the above publication and courses included in Veterans Administration contracts may be directed to the institutions offering the courses. The Home Study Blue Book and Directory of Private Home Study Schools and Courses, published by the National Home Study Council, Washington, D. C., also furnishes information as to courses offered by member institutions of such council.

(g) *Request for correspondence course for which no contract exists.* When a correspondence course is desired for which no contract has been decentralized to the regional offices, request for a contract for the desired course may be made to central office by the school or the regional office.

(h) *Courses not included in contract.* Before any correspondence course offered by an institution with which a contract has been negotiated but which course is not included in the contract may be made available to eligible veterans, an amendment by a supplement to the original contract including such courses must be negotiated by central office.

(i) *Changes in courses.* Changes in courses made by the institution with which a contract has been negotiated during the life of the contract will become effective and a part of the contract only upon negotiation of a supplement to the existing contract. Minor changes in courses or course material not affecting the length of the course of number of lessons and not lowering the educational value of the courses or the quality of the course materials, such as revision of text, the substitution of a newer lesson for an older one, or the substitution of equipment of equal or greater value, are permitted without notice. Such minor changes and revisions shall be placed on file with the Director, Training Facilities Service For Vocational Rehabilitation and Education, Central Office, Veterans' Administration, Washington 25, D. C., at the time of the change or revision, in all cases in which the original course material was submitted to the Veterans' Administration for review.

4. In § 21.669, paragraph (b) is deleted.

§ 21.669 *Certification by institution.*
* * *

(b) [Deleted.]

5. Section 21.669a *Compliance with ceiling price regulations* is revoked.

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective December 10, 1953.

[SEAL] H. V. STIRLING,
*Deputy Administrator.*

[F. R. Doc. 53-10299; Filed, Dec. 9, 1953; 8:52 a. m.]



## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

COMPENSATORY EXTENSION OF CERTAIN MIGRATORY GAME BIRD SEASON

*Basis and purpose.* A request has been received from the State of Tennessee for an extension of the mourning dove season by the number of days sportsmen were not permitted to hunt such birds due to emergency State action closing extensive areas to shooting as a forest fire prevention measure. It has been determined that the slight compensatory extension sought is not likely to result in a diminution of the birds to any greater extent than was contemplated for the original period.

Accordingly, pursuant to authority conferred upon me by § 6.4 of the Migratory Bird Treaty Act Regulations (16 F. R. 7513), the seasons fixed by the amendments to such regulations approved August 21 and October 28, 1953 (18 F. R. 5175 and 18 F. R. 6971) are, subject to shooting hours and other applicable provisions of the current Federal regulations, extended as follows:

In that part of Tennessee lying east of Kentucky Lake, mourning doves from December 8 to December 12, both dates inclusive, an extension of five days.

Since these amendments are relaxations of existing regulations, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001 et seq.), and they shall become effective immediately.

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704)

Dated: December 4, 1953.

JOHN L. FARLEY,
*Director,*
*Fish and Wildlife Service.*

[F. R. Doc. 53-10269; Filed, Dec. 9, 1953; 8:45 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR Part 192 ]

FERMENTED MALT LIQUORS

PROPOSED AMENDMENT OF REQUIREMENTS FOR FILLING CASES AND PREPARING CERTAIN FORMS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted, in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 161 of the Revised Statutes and sections 3176 and 3791 of the Internal Revenue Code (Sec. 161 R. S.; 5 U. S. C. 22; 53 Stat. 375, 467; 26 U. S. C. 3176, 3791.)

[SEAL] T. COLEMAN ANDREWS,
*Commissioner of Internal Revenue.*

In order to provide for more accurate determination of a brewer's tax liability by eliminating the present provisions for packaging an indiscriminate mixture of seven and eight ounce bottles or eleven and twelve ounce bottles of beer in one case, and to require that the daily statement of fermented malt liquor bottled be reported in Form 103 in lieu of Form 139, Regulations 18 (26 CFR Part 192), are hereby amended as follows:

PARAGRAPH 1. Wherever the term "supervisor" or "district supervisor" appears in the sections of the regulations revised by this Treasury decision, such term is hereby amended to read "Assistant Regional Commissioner."

PAR. 2. Section 192.281 is amended by changing the colon in the first sentence to a period and striking the proviso which begins *"Provided,* That due to conditions".

PAR. 3. Section 192.440 is amended as follows:

(A) By inserting in the first sentence, immediately after the words "removed from the brewery premises," the phrase "the quantity of fermented liquor bottled,".

(B) By striking the fifth sentence, which begins "The aggregates of quantities bottled".

PAR. 4. Section 192.441 is amended as follows:

(A) By striking from the second sentence the words "bottled and the aggregate quantity".

(B) By striking from the last sentence the words "bottled and entries as to quantities".

These amendments shall become effective on the first day of the first month which begins not less than thirty days following the date of publication in the FEDERAL REGISTER.

[F. R. Doc. 53-10292; Filed, Dec. 9, 1953; 8:51 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

### [ 17 CFR Parts 240, 249 ]

WHEN ISSUED TRADING RULES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration the above-mentioned proposals for revision of its when issued trading rules, pursuant to the provisions of section 3 (a) (12), 12 and 23 (a) of the Securities Exchange Act of 1934.

The Commission is engaged in a comprehensive review of the rules, regulations, forms and procedures adopted under the various statutes administered by it. It is attempting to eliminate duplication and to simplify its requirements wherever practicable without prejudice to the public interest or the protection of investors. The present proposals are part of this program.

Regulation X-12D3, which consists of §§ 240.12d3-1 through 240.12d3-10 (Rules X-12D3-1—X-12D3-10), provides for the registration for when issued trading on national securities exchanges of unissued short-term warrants, commonly called subscription rights, and for such registration of unissued securities other than short-term warrants. Form 1-J (17 CFR 249.231) is the appropriate form required to be filed for registration of such warrants, and Form 2-J (17 CFR 249.232) is required to be filed for registration of other unissued securities.

For all practical purposes, Regulation X-12D3 and Form 1-J have been obsolete as to warrants since June 22, 1950, when the Commission amended § 240.-12a-4 (Rule X-12A-4) to provide that an unissued short-term warrant as well as an issued short-term warrant could be traded on an exchange as an exempted security pursuant to the filing of an exemption statement on Form AN-4 (17 CFR 249.235) by either the issuer or the exchange for both when issued and regular way trading. On December 29, 1952, the Commission further amended Rule X-12A-4 to substitute the filing by the exchange of a notice of intent to trade in lieu of the formal filing of an exemption statement on Form AN-4, and Form AN-4 was then rescinded.

On March 20, 1953, the Commission amended § 240.12a-5 (Rule X-12A-5) so that the conditional temporary exemption from registration provided by that rule for trading issued securities on exchanges would also provide such exemption for trading such securities on a when issued basis before they are issued. Since trading under § 240.12a-5 (Rule X-12A-5) is on the basis of a notice from the exchange, the amendment of March 20, 1953, made unnecessary the filing of formal applications for registration on Form 2-J for when issued trading in unissued securities proposed to be issued in stock splits, stock dividends, mergers, consolidations, reorganization plans, etc., to the holders of securities already traded on exchanges.

The only cases in which Regulation X-12D3 is still believed to serve a substantial practical purpose is where the securities to be traded are the subject of a voluntary subscription or exchange right granted to the holders of a security traded on an exchange. The present proposal contemplates that § 240.12a-5 (Rule X-12A-5) be further amended to cover these cases and generally to simplify its requirements. The provisions of § 240.12a-5 (Rule X-12A-5), which are applicable whether the new security is issued or unissued, should be far less burdensome to issuers and exchanges than the provisions of Regulation X-12D3, and in almost all cases public information concerning the transactions is available either under one of the Acts administered by the Commission or otherwise.

If the proposed amendment to § 240.-12a-5 (Rule X-12A-5) is adopted, it is believed that none of the ten rules of Regulation X-12D3 will continue to serve a useful purpose and it is, therefore, proposed to rescind the entire regulation and Form 1-J and 2-J promulgated thereunder.

It is also proposed to rescind §§ 240.-12a-6, 240.12a-7, 240.12a-8, and 240.12a-9 (Rules X-12A-6, X-12A-7, X-12A-8 and X-12A-9). The situation to which §§ 240.12a-6 and 240.12a-8 (Rules X-12A-6 and X-12A-8) relate are believed to be covered by § 240.12a-5 (Rule X-12A-5). Sections 240.12a-7 and 240.12a-9 (Rules X-12A-7 and X-12A-9) were promulgated in the light of particular circumstances and it is believed are no longer of general usefulness.

The text of the proposed amendments to § 240.12a-5 (Rule X-12A-5) is as follows:

§ 240.12a-5 *Temporary exemption of substituted or additional securities.* (a) (1) Whenever by operation of law or otherwise the holders of a security admitted to trading on a national securities exchange (hereinafter called the "original" security) have the right to subscribe to or otherwise acquire all or any part of a class of another security in substitution for or in addition to the original security, the entire class outstanding of such other security shall be exempted from the operation of section 12 (a) to the extent necessary to render lawful the effecting of transactions therein on any national securities exchange on which the original security is admitted to trading: *Provided*, That a registration statement is in effect under the Securities Act of 1933 as to such other security, to the extent required, or the terms of any applicable exemption from registration under such act have been complied with, if required.

(2) An unissued security shall be exempt from the operation of section 12 (a) of the act to the extent necessary to render lawful when issued trading in such security on a national securities exchange, provided (i) transactions in the security on such exchange would upon the issuance of the security be exempt under this rule from the operation of said section, (ii) a registration statement is in effect under the Securities Act of 1933 as to such unissued security, to the extent required, or the terms of any applicable exemption from registration under such act have been complied with, if required, (iii) the approval of stockholders of the issuance of such security has been obtained, if required, and (iv) all other necessary official action, other than the filing or recording of charter amendments or other documents with the appropriate State authorities, has been taken to authorize and assure the issuance of such security.

* * * * *

(d) The exchange shall notify the Commission in writing of any event within the purview of paragraph (a) of this section promptly after acquiring knowledge thereof. The notification shall briefly describe the event, shall state the date on which the substituted or additional security was or is proposed to be admitted to trading on the exchange as a security exempted from the operation of section 12 (a) by this section, and shall, unless a registration statement has been filed under the Securities Act of 1933 or an application has been filed under the Securities Exchange Act of 1934 with respect to such security, briefly describe the plan of issuance of such security. The exchange shall promptly notify the Commission of any material change in the foregoing.

All interested persons are invited to submit data, views and comments on these proposals in writing to the Secretary, Securities and Exchange Commission, at its principal office, 425 Second Street NW., Washington 25, D. C., on or before December 24, 1953.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

DECEMBER 2, 1953.

[F. R. Doc. 53-10280; Filed, Dec. 9, 1953; 8:48 a. m.]

## [ 17 CFR Part 240 ]

### PROXY RULES

### PUBLIC HEARING ON PROPOSED AMENDMENTS

On October 9, 1953, the Commission announced in Securities Exchange Act Release No. 4950, that it had under consideration proposed amendments to its proxy rules under the Securities Exchange Act of 1934, and invited all interested persons to submit views and comments in writing with respect to the proposals. Having considered the comments received, the Commission has decided that the public interest warrants a hearing on the proposed changes in the proxy rules.

Accordingly, notice is hereby given that a public hearing will be held in Room 102 at its offices, 425 Second Street NW., Washington 25, D. C., on Wednesday, December 16, 1953, at 9:30 a. m.

Any person interested in presenting his views on the proposed amendments to the proxy rules at this public hearing should, not later than December 14, 1953, at 5:30 p. m., submit to the Commission in writing a statement of his intention to appear at the hearing, and of the matters upon which he desires to be heard. In view of the fact that only the one day, December 16, 1953, is available for this hearing, it is urged that interested persons file written statements of their views in advance of the hearing date and limit their requests for time to make oral presentations to not more than 15 minutes, if possible, so as to provide an opportunity for all interested persons to be heard.

Communications or requests with respect to the hearing should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

DECEMBER 4, 1953.

[F. R. Doc. 53-10281; Filed, Dec. 9, 1953; 8:48 a. m.]

## [ 17 CFR Parts 240, 249 ]

### REGISTRATION OF CLASSES OF SECURITIES

### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration the above-mentioned proposals, pursuant to the provisions of sections 12 and 23 (a) of the Securities Exchange Act of 1934.

The Commission is engaged in a comprehensive review of the rules, regulations, forms and procedures adopted under the various statutes administered by it. It is attempting to eliminate duplication and to simplify its requirements wherever practicable without prejudice to the public interest or the protection of investors. As a part of this program, the Commission is circulating for comment certain simplifications and revisions of its when issued trading rules.

The Commission is also considering a revision of its registration practice under section 12 of the act. Under the existing practice, registration is effective only as to a specified number of shares or a specified amount of a class of security so that if additional shares or amounts of the same class are subsequently issued, a new application on Form 8-A (17 CFR 249.208a) must be filed for registration of the additional amounts. Under the present proposal the original application for registration would be deemed to apply for registration of the entire class, and the registration of unissued shares or amounts would become automatically effective when they are issued, without further application, certification or order. This proposal would make unnecessary a large majority of the applications previously filed on Form 8-A since most such applications are for registration of additional blocks of a class of security already registered in part. In view of the reporting requirements of Forms 8-K and 10-K (17 CFR 249.308 and 249.310), it is not believed that the filing of such applications is necessary in the interest of investors. Under the proposed procedure, applications on Form 8-A would have to be filed only in the event that a new class or series is to be registered. The time and expense saved by registrants, exchanges and the Commission itself should be considerable.

The new procedure, if adopted, will, of course, not affect the continuing right of exchanges to require certain filings with them prior to actual listing or issuance of specified blocks of the registered class or prior to modification thereof.

If the above proposal is adopted, it is also proposed (1) to amend the provisions of Regulation X-12D1 which govern exchange certifications so as to eliminate requirements which will be unnecessary under the new procedure and (2) to rescind paragraph (b) of § 240.12d2-2 (Rule X-12D2-2) for the same reason.

It is further proposed to amend Form 8-A. A copy of the proposed amended form is attached.[1] It will be noted that the revision considerably simplifies the old form. This has been made possible principally by the deletion of certain requirements which are considered to be unnecessarily burdensome and detailed in view of the current and annual reporting requirements of the registrant and in view of the class registration technique.

The text of the proposed amended Regulation X-12D1 is as follows:

[1] Filed as part of the original document.



### EFFECTIVENESS OF REGISTRATION; EXCHANGE CERTIFICATION

§ 240.12d1-1 *Registration effective as to class or series.* (a) An application filed pursuant to section 12 (b) and (c) of the act for registration of a security on a national securities exchange shall be deemed to apply for registration of the entire class or series of such security. Registration shall become effective, as provided in section 12 (d) of the act, (1) as to the shares or amounts of such class or series then issued, and (2), without further application for registration, upon issuance as to additional shares or amounts of such class or series then or thereafter authorized.

(b) This section shall apply to classes and series of securities of which a specified number of shares or amounts was registered or registered upon notice of issuance, and to applications for registration filed, prior to the close of business on ----------, as well as to classes and series registered, or applications filed, thereafter.

(c) This section shall not affect the right of a national securities exchange to require the issuer of a registered security to file documents with or pay fees to the exchange in connection with the modification of such security or the issuance of additional shares or amounts.

§ 240.12d1-2 *Acceleration of effectiveness of registration.* A request for acceleration of the effective date of registration pursuant to section 12 (d) of the act and § 240.12d1-1 shall be made in writing by either the registrant, the exchange, or both and shall briefly describe the reasons therefor.

§ 240.12d1-3 *Requirements as to certification.* (a) Certification that a security has been approved by an exchange for listing and registration pursuant to section 12 (d) of the act and § 240.12d1-1 shall be made by the governing committee or other corresponding authority of the exchange.

(b) The certification shall specify (1) the approval of the exchange for listing and registration; (2) the title of the security so approved; (3) the date of filing with the exchange of the application for registration and of any amendments thereto; and (4) any conditions imposed on such certification. The exchange shall promptly notify the Commission of the partial or complete satisfaction of any such conditions.

(c) The certification may be made by telegram but in such case shall be confirmed in writing. All certifications in writing and all amendments thereto shall be filed with the Commission in duplicate and at least one copy shall be manually signed by the appropriate exchange authority.

§ 240.12d1-4 *Date of receipt of certification by Commission.* The date of receipt by the Commission of the certification approving a security for listing and registration shall be the date on which the certification is actually received by the Commission or the date on which the application for registration to which the certification relates is actually received by the Commission, whichever date is later.

§ 240.12d1-5 *Operation of certification on subsequent amendments.* If an amendment to the application for registration of a security is filed with the exchange and with the Commission after the receipt by the Commission of the certification of the exchange approving the security for listing and registration, the certification, unless withdrawn, shall be deemed made with reference to the application as amended.

§ 240.12d1-6 *Withdrawal of certification.* An exchange may, by notice to the Commission, withdraw its certification prior to the time that the registration to which it relates first becomes effective pursuant to § 240.12d1-1.

All interested persons are invited to submit data, views and comments on these proposals in writing to the Secretary, Securities and Exchange Commission, at its principal office, 425 Second Street NW., Washington 25, D. C., on or before December 24, 1953.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

DECEMBER 2, 1953.

[F. R. Doc. 53-10282; Filed, Dec. 9, 1953; 8:49 a. m.]

# DEPARTMENT OF AGRICULTURE

## Production and Marketing Administration

## [ 7 CFR Part 52 ]

### U. S. STANDARDS FOR GRADES OF CUCUMBER PICKLES

### EXTENSION OF TIME FOR FILING DATA, VIEWS, AND ARGUMENTS

Proposed United States Standards for Grades of Cucumber Pickles were set forth in the notice which was published in the FEDERAL REGISTER of October 15, 1953 (18 F. R. 6566).

In consideration of comments and suggestions received indicating the need for further study of the proposed standards, notice is hereby given of an extension until January 15, 1954, of the period of time within which written data, views, and arguments may be submitted by interested parties for consideration in connection with the aforesaid proposed United States Standards for Grades of Cucumber Pickles.

Done at Washington, D. C., this 7th day of December 1953.

[SEAL] GEORGE A. DICE, *Deputy Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 53-10303; Filed, Dec. 9, 1953; 8:53 a. m.]

## [ 7 CFR Part 730 ]

### RICE

### NOTICE OF DETERMINATIONS PERTAINING TO MARKETING QUOTAS AND ACREAGE ALLOTMENTS FOR THE 1954 CROP

Section 354 (a) of the Agricultural Adjustment Act of 1938, as amended (7

U. S. C. 1354 (a)), requires the Secretary of Agriculture to determine whether marketing quotas shall be in effect on the 1954 crop of rice and, if quotas are required, to proclaim such quotas not later than December 31, 1953. Section 352 of the act, as amended (7 U. S. C. 1352), requires the Secretary not later than December 31, 1953, to proclaim the national acreage allotment of rice for the calendar year 1954.

Prior to the determinations and proclamations with respect to marketing quotas and acreage allotments for the 1954 crop of rice, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Grain Branch, Commodity Stabilization Service (formerly the Production and Marketing Administration), United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than 15 days after the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 7th day of December 1953.

[SEAL] HOWARD H. GORDON, *Administrator.*

[F. R. Doc. 53-10302; Filed, Dec. 9, 1953; 8:53 a. m.]

# NOTICES

## DEPARTMENT OF THE TREASURY

### Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG

AVAILABLE CERTIFICATIONS

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodities:

Novelties, pewter and tinware.
Porcelain, Japanese, decorated in Hong Kong.
Rice powder.
Turnips, preserved.

[SEAL] ELTING ARNOLD, *Acting Director, Foreign Assets Control.*

[F. R. Doc. 53-10295; Filed, Dec. 8, 1953; 1:12 p. m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

[Case No. 157; Appeals Board Docket FC-19]

ATLANTIC & PACIFIC WIRE & CABLE CO., INC., ET AL.

DECISION OF APPEALS BOARD

In the matter of: Atlantic & Pacific Wire & Cable Co., Inc., Martin Oboler, its president, Irving Rubin, its secretary and treasurer, 112-01 Northern Boulevard, East Elmhurst, Long Island, New York; Vicente Larrauri, 814 Cortlandt Avenue, Bronx, New York, Respondents; Case No. 157; Appeals Board Docket FC-19.

This matter comes before the Appeals Board by letter of appeal in behalf of Vicente Larrauri, dated July 29, 1953, and by letter of appeal dated July 30, 1953, by and in behalf of the Atlantic and Pacific Wire and Cable Company, Inc. (hereinafter referred to as A & P), and Martin Oboler and Irving Rubin, its officers. These parties appeal from an Order Revoking and Denying License Privileges dated July 17, 1953, issued by the Office of International Trade against said appellants. Also named in the said Order was one Julio Limantour of New York City, who has not appealed.

On August 3, 1953, the Order Revoking and Denying License Privileges was stayed in all respects as to these appellants, but not as to Limantour, by action of the Office of International Trade, pending final decision on their respective appeals by this Board.

A hearing in the matter of these appeals was held by the Appeals Board on October 1, 1953, at which time appellant Larrauri was represented by counsel, and appellants A & P, Oboler and Rubin were represented by Martin Oboler, president of said company.

The record in this appeal includes the charging letter from the Office of International Trade to the several appellants, dated March 13, 1953, transcript of the hearing before a Compliance Commissioner of the Office of International Trade, in New York City, on May 19, 1953, and various exhibits admitted in evidence at the said hearing. The report and recommendations of the Compliance Commissioner and the Order Revoking and Denying License Privileges are also a part of the record.

An application for an export license, dated June 18, 1951, was made by Oboler as president of A & P. Relying upon statements made therein and in various amendments and additions thereto, the Office of International Trade issued a license permitting the exportation of 2,500 pounds of resistance wire, having a copper content of 2,110 pounds, to a named consignee (one Alfredo Lopez) in Buenos Aires, Argentina. The exportation, however, was never made.

During the period of validity of the said license, on or about May 21, 1952, A & P inserted in the New York Times an advertisement offering for sale 3,500 pounds of assorted nichrome wire for export to Argentina with export license. Despite the obvious disparity in the amount and nature of the commodity covered by the license and referred to in the advertisement, appellants do not dispute that the advertisement refers to any other than the license which is involved in this appeal.

Subsequently, the Office of International Trade charged these appellants and the aforesaid Limantour with violation of the Export Control Act and the regulations issued pursuant thereto, in several material respects having to do with the specified application for export license and the placing of the advertisement.

The record in this case shows the following:

1. When the subject application for export license was filed, it named A & P as the exporter, Alfredo Lopez as the intermediate and ultimate consignee, and stated that the ultimate end use of the wire would be "For maintenance and repair of hospital and medical equipment. For purchaser's end use."

2. The application for export license was originally prepared by Larrauri with the assistance and guidance of Limantour, his employer.

3. Oboler signed the application for A & P; that it was returned by the Office of International Trade to A & P more than once after its original filing for additional information; that this information was supplied by Oboler or Rubin in behalf of A & P.

4. An order for the wire in question was given to A & P by the J. L. Distributing Corporation (a defunct New York Corporation then owned or controlled by Limantour).

5. That a purported "import permit" was issued to Lopez by the Argentine Government which could have covered steel, nichrome or nickelin wire, but not wire having more than 80 percent copper content, as described in the A & P application and the export license which was issued thereon.

There were indications that A & P had been selling wire to or through the J. L. Distributing Corporation, Limantour and Larrauri, and was paid for this wire by Runyon Trading Corporation, Lopez' domestic agent. These were domestic transactions as far as A & P was concerned because while the wire was shipped to the dock by A & P, it was admittedly exported by Runyon under general license to a foreign consignee, believed to be Lopez in Argentina.

Larrauri was found by the Compliance Commissioner to have knowingly stated falsely in the application for the export license which he prepared, that A & P was to be the exporter; and to have stated the end use although he had no basis for assuming that the end use was to be as hereinbefore quoted. Further he was found to have known that there was no contract or agreement to buy and sell as between A & P and Lopez.

Larrauri argues from the record (1) that since the exportation never took place, it cannot be shown conclusively that the statement that A & P was to be the exporter was false at the time it was made; (2) that the existence of the "import permit", the history of previous similar transactions, and the absence of any evidence of falsity, create an inference of credibility as to the existence of a contract or agreement. In view of the obviously loose business methods of the persons concerned, the Board believes that the evidence adduced can do no more than create a doubt as to the veracity of the statements, and concludes that Larrauri is entitled to the benefit of that doubt, especially in view of his inexperience with validated license shipments and the fact that he had nothing more to do with the transaction after preparing the application.

A & P, through Oboler, was found by the Compliance Commissioner to have executed the original application for export license as prepared by Larrauri, and, in so doing, represented that the statements therein were true; to have falsely represented that A & P had received an order from the named consignee for the commodity mentioned therein; to have falsely represented that A & P was to be the exporter; to have represented that A & P had purchased the resistance wire intended to be exported, when, in fact, the consignee had an import permit for nichrome wire, and A & P had not purchased and did not have the 10,000 pounds of nichrome wire for this transaction; and that, after receipt of the resulting export license, A & P placed an advertisement in a New York City newspaper offering for sale 3,500 pounds of nichrome wire for export to Argentina with export license for immediate shipment. Rubin, on behalf of A & P, was found by the Commissioner to have resubmitted the application with additional information, thereby participating in the misrepresentations found by the Commissioner to be contained therein. Since the acts of Oboler and Rubin, as officers of A & P, and the acts of A & P as a corporation, are so interrelated, the Board hereinafter considers them together.

It is not disputed that the application was in fact signed by Oboler in his capacity as president of A & P. Accordingly, he must be taken to have assumed for A & P the role and responsibility of the exporter.

As previously stated, on various occasions A & P had sold wire to J. L. Distributing Corporation, had received payment therefor from Runyon Trading Corporation (Lopez' domestic contact) and had delivered such wire to the dock knowing that Runyon would then export the wire to Argentina for delivery to Lopez. These transactions occurred during the time that validated licenses were not required for such operations. In the light of such past experience, Oboler argues that he could rely (as he claims he did) on an order from J. L. Distributing Corporation as representing in fact the existence of an order from the consignee. However, the certificate signed by Oboler, and referred to in the pertinent finding of fact, recites that the application for export license represents a request to export commodities which the named purchaser has contracted to buy, and the applicant has contracted to sell; it further certifies that "the documents or records evidencing this contract will be kept by this applicant for three years. * * *"

The finding that A & P did not have the type of wire covered by the "import permit" is in considerable degree supported by the record.

These appellants admit that A & P inserted the advertisement in a New York newspaper as charged. They claim, in exculpation of this violation, that they were wholly inexperienced in export control regulations; that they found themselves in possession of a quantity of wire available for the prospective transaction, which at that time appeared to have "evaporated"; that the advertisement was withdrawn and the license surrendered on demand by the Office of International Trade. A reasonable interpretation of the facts strongly suggests that the placing of the advertisement was the result of ignorance of the regulations.

After careful consideration of all the evidence, the Board concludes that there has been, on the part of all these appellants, a high degree of carelessness in their dealing with the Government. There is the testimony of Larrauri that he and Limantour inserted the name of A & P as the applicant for license in the belief that the Office of International Trade might thereby be more favorably impressed. There is the testimony of Oboler that the application was originally signed by him without attention to its content and without any question or investigation as to the existence of a contract from Lopez. The casual business methods of these appellants and their irresponsible dealing with their Government cannot be passed over in silence lest the Government be made impotent to perform its statutory duty of controlling exports.

As to Larrauri, the record shows that he prepared an export license application for A & P, but it does not appear that he knew that the statements he placed on this application were untrue. After presenting the application to A & P for signature, apparently he had no further part in the application, and the later changes and additions were made thereto by A & P in order to make it acceptable to the Office of International Trade.

As to A & P, Oboler and Rubin, the record shows conclusively that they were careless, negligent and had little regard for their obligations in dealing with the U. S. Government in making sure of the facts set forth in an export license application before presenting it to the Office of International Trade. This, particularly when coupled with the advertisement in the New York Times, constitutes acts that are in such blatant disregard of government regulations that they constitute culpable ignorance which cannot be excused.

After careful consideration of the evidence and arguments, before it the Appeals Board finds that the findings in the Order Revoking and Denying License Privileges, insofar as they relate to culpable acts on the part of Vicente Larrauri are not supported by substantial evidence, but that, as to A & P, Oboler and Rubin, sufficient evidence exists to sustain in part such findings. *Now, therefore, it is ordered*, That:

(a) The appeal of Vicente Larrauri be granted, and that the Order Revoking and Denying License Privileges, dated July 17, 1953, OIT Case No. 157 (18 F. R. 4345), insofar as it relates to said appellant, be, and it is, hereby vacated.

(b) The appeal of the Atlantic and Pacific Wire and Cable Company, Inc., Martin Oboler and Irving Rubin be denied and that the Order Revoking and Denying License Privileges, dated July 17, 1953, OIT Case No. 157 (18 F. R. 4345), insofar as it relates to said appellants be, and it is, hereby sustained and confirmed in all respects except that the period during which the suspension of privileges thereunder shall be effective is reduced from twelve months to one month from the date hereof; thereafter for a period of eleven months the order shall be held in abeyance provided that these appellants shall not in the opinion of the Director, Office of Export Supply, Bureau of Foreign Commerce, violate during said eleven months period, any provision of the order or regulations of the Bureau of Foreign Commerce (formerly Office of International Trade) relating to export control. If, in the opinion of the Director, Office of Export Supply, such violations do occur, he may summarily issue an order as to these appellants reinstating and making effective said Order for the balance of said eleven months period.

Dated: December 3, 1953, at Washington, D. C.

FREDERIC W. OLMSTEAD, *Chairman, Appeals Board.*

[F. R. Doc. 53-10284; Filed, Dec. 9, 1953; 8:49 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 5993]

TRANS-TEXAS AIRWAYS

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of R. E. McKaughan and Trans-Texas Airways for approval of control and interlocking relationships under sections 408 and 409 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding, assigned to be held December 10, 1953, in Washington, D. C., is hereby postponed and reassigned to be held on December 14, 1953, at 10:00 a. m., e. s. t., in Room 2070, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., December 7, 1953.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 53-10300; Filed, Dec. 9, 1953; 8:52 a. m.]

[Docket No. 6204]

NORTHEAST AIRLINES, INC.

NOTICE OF REASSIGNMENT OF HEARING

In the matter of an investigation to determine whether the certificate of public convenience and necessity for route No. 27 held by Northeast Airlines, Inc., should be altered, amended, or modified so as to eliminate therefrom authority to serve the intermediate point Provincetown, Massachusetts.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding heretofore assigned to be held on January 6, 1954, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice is hereby reassigned and will be held on the same date and in Room 2070 of the same building at the same address before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., December 7, 1953.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 53-10301; Filed, Dec. 9, 1953; 8:52 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. E-6383]

MCNARY PROJECT, COLUMBIA RIVER, WASHINGTON-OREGON

NOTICE OF INTERIM ALLOCATION OF COSTS

DECEMBER 4, 1953.

Notice is hereby given that on December 4, 1953, the Federal Power Commission issued its interim allocation of costs adopted November 25, 1953, in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-10270; Filed, Dec. 9, 1953; 8:45 a. m.]

[Docket No. E-6499]

DELAWARE POWER AND LIGHT CO. ET AL.

NOTICE OF POSTPONEMENT OF HEARING

DECEMBER 4, 1953.

In the matter of Delaware Power and Light Company, the Eastern Shore Public Service Company of Maryland, Eastern Shore Public Service Company of Virginia; Docket No. E-6499.

Notice is hereby given that the hearing in the above-designated matter now scheduled to commence on December 10, 1953, is postponed to December 17, 1953, at 10:00 a. m., in the Commission's Hearing Room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-10276; Filed, Dec. 9, 1953; 8:47 a. m.]

[Docket No. E-6512]

PENNSYLVANIA WATER AND POWER CO. AND CONSOLIDATED GAS ELECTRIC LIGHT AND POWER CO. OF BALTIMORE

NOTICE OF OPINION NO. 263

DECEMBER 4, 1953.

Notice is hereby given that on December 3, 1953, the Federal Power Commission issued its opinion adopted December 2, 1953, in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-10271; Filed, Dec. 9, 1953; 8:45 a. m.]

[Docket No. E-6528]

IOWA POWER AND LIGHT CO.

NOTICE OF SUPPLEMENTAL ORDER AUTHORIZING ISSUANCE OF SECURITIES

DECEMBER 4, 1953.

Notice is hereby given that on December 2, 1953, the Federal Power Commission issued its order adopted December 2, 1953, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-10272; Filed, Dec. 9, 1953; 8:45 a. m.]

[Docket No. G-2271]

TENNESSEE GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

Tennessee Gas Transmission Company (Applicant), a Delaware corporation having its principal place of business in Houston, Texas, on October 12, 1953, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the transportation and sale of natural gas in increased volumes to Alabama-Tennessee Natural Gas Company, Tennessee Natural Gas Lines, Inc. and Western Kentucky Gas Company for the purpose of enabling these customer companies to meet their requirements during the 1953-1954 winter, all as more fully described in said application on file with the Commission and open to public inspection.

By order issued October 28, 1953, in Docket No. G-2222, et al., that part of the above-entitled proceeding involving increased deliveries of gas to Alabama-Tennessee Natural Gas Company was severed from the other matters involved in said proceeding for the purpose of separate hearing and disposition.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, and no request to be heard, protest, or petition in opposition to the application as it relates to Tennessee Natural Gas Lines, Inc., and Western Kentucky Gas Company has been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 23, 1953 (18 F. R. 6741).

The Commission finds: That part of this proceeding involving the transportation and sale of increased volumes of natural gas to Tennessee Natural Gas Lines, Inc. and Western Kentucky Gas Company is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules and practice and procedure.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 18, 1953, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by that part of the above application involving the transportation and sale of increased volumes of natural gas to Tennessee Natural Gas Lines, Inc. and Western Kentucky Gas Company: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: December 2, 1953.

Issued: December 4, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-10274; Filed, Dec. 9, 1953; 8:46 a. m.]

[Docket No. G-2268]

EAST TENNESSEE NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

On October 7, 1953, East Tennessee Natural Gas Company (Applicant), a Tennessee corporation with its principal office near Knoxville, Tennessee, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation near Calhoun, in McMinn County, Tennessee, of certain natural gas interconnecting, metering and regulating facilities for the purpose of delivering and selling, upon an interruptible basis, up to 9,000 Mcf of natural gas per day to Bowaters Southern Paper Corporation for use in its plant being constructed in such area for the processing of wood into wood pulp for use in the manufacturing of paper.

Applicant has requested that its application be heard under the shortened-procedure provided for in § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)). Due notice of the filing of the application has been given, including publication in the FEDERAL REGISTER on October 29, 1953 (18 F. R. 6838).

Petitions for leave to intervene in the above-entitled proceeding have been filed by, among others, Tennessee Gas Company, Chattanooga Gas Company, and Athens (Tenn.) Utilities Board, utility customers of Applicant. Such Petitioners object to this proceeding being considered under the shortened-procedure rule and request to be heard concerning the application.

The Commission finds:

(1) This proceeding, in the circumstances, is not a proper one for disposition under the provisions of the aforesaid § 1.32 (b) of its rules of practice and procedure.

(2) It is appropriate, reasonable, and in the public interest in carrying out the provisions of the Natural Gas Act, and good cause exists, to hold a public hearing in the above-entitled proceeding, as hereinafter provided and ordered.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR, Chapter I), a public hearing be held, commencing on January 12, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application herein.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Adopted: December 2, 1953.

Issued: December 4, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-10273; Filed, Dec. 9, 1953; 8:46 a. m.]

[Docket No. G-2323]

EL PASO NATURAL GAS CO.

ORDER SUSPENDING PROPOSED CANCELLATION OF TARIFF AND FIXING DATE OF HEARING

On November 6, 1953, El Paso Natural Gas Company (El Paso) filed a Notice of Cancellation of its Rate Schedule T-1, and on November 9, 1953, filed a Notice of Cancellation of Service Agreement Form C of its FPC Gas Tariff, Original Volume No. 1, applicable only to the transportation service prescribed in Rate Schedule T-1, proposing the cancellation of its common carrier Rate Schedule T-1 for transportation of natural gas and of Form C of Service Agreement, respectively.

Rate Schedule T-1, which together with Form C of the Service Agreement has been in effect since December 19, 1950, was filed to comply with a stipulation entered into by El Paso with the Department of Interior requiring that El Paso have on file with the Commission a rate schedule for common carrier service, as a prerequisite to Interior's issuance under the Mineral Leasing Act of permits granting rights-of-way to El Paso. No service has yet been rendered under the rate schedule and service agreement.

The Mineral Leasing Act has recently been amended and El Paso states that it has been advised by the Department of the Interior that, in effect, the common carrier requirement of the Mineral Leasing Act is not now applicable to a company subject to regulation under the Natural Gas Act. El Paso now proposes to cancel Rate Schedule T-1, as it "does not consider the rate schedule to be in the public interest."

Notice of the proposed cancellation has been sent to those parties notified by El Paso at the time the T-1 rate schedule was filed initially, to others who have in the past expressed a desire to obtain transportation service, to the State commissions concerned, and to the Department of the Interior. Several of such parties have protested or filed objection to the proposed cancellation of the transportation rate schedule, requesting additional time to prepare and file answers to the proposed cancellation, or requesting a hearing on the matter and seeking additional time to prepare therefor.

The cancellation of Rate Schedule T-1 and Form C of the Service Agreement has not been shown to be justified, and such cancellation may result in the making or granting of an undue preference or advantage to some or the subjecting of others to an undue prejudice or disadvantage or may result in rates that are unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

Unless suspended by order of the Commission, the proposed cancellation of the Rate Schedule T-1 will become effective upon expiration of statutory notice on December 7, 1953, and of the Form C of the Service Agreement on December 10, 1953, pursuant to the provisions of the Natural Gas Act and the general rules and regulations thereunder.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing pursuant to the authority contained in section 4 of the Natural Gas Act, concerning the lawfulness of the proposed cancellation of El Paso's Rate Schedule T-1 and Form C of the Service Agreement, and whether the cancellation thereof would result in the making or granting of an undue preference or advantage to some or the subjecting of others to an undue prejudice or disadvantage or in rates that are unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful; and that the proposed Notices of Cancellation be suspended as hereinafter provided, and the effect thereof deferred pending hearing and decision herein.

The Commission orders:

(A) A public hearing be held commencing on March 1, 1954, at 10 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of El Paso's proposed cancellation of its common carrier Rate Schedule T-1 for transportation of natural gas, and the Form C of Service Agreement of its FPC Gas Tariff, Original Volume No. 1, as proposed by the Notices of Cancellation filed November 6, 1953, and November 9, 1953.

(B) Pending such hearing and decision thereon, the proposed Notices of Cancellation of El Paso, described in paragraph (A) above, be and they are hereby suspended, and the effect thereof deferred until May 8, 1954, and May 11, 1954, respectively, unless otherwise ordered by the Commission, or until such time as said proposed cancellations may be made effective in the manner prescribed by the Natural Gas Act.

(C) At the hearing, the parties, including Commission staff counsel, may reserve cross-examination until after El Paso shall have presented and completed its case-in-chief.

(D) El Paso shall serve upon all parties not later than February 15, 1954, copies of the testimony and exhibits proposed to be offered at the hearing, including five (5) copies upon Commission staff counsel.

(E) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: December 2, 1953.

Issued: December 4, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-10275; Filed, Dec. 9, 1953; 8:46 a. m.]

## INTERSTATE COMMERCE COMMISSION

[Drouth Order 52]

TRANSPORTATION OF HAY AND FEED TO ALABAMA

REDUCED RATES

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing that by reason of a prolong drouth existing in the State of Alabama, the Under Secretary of Agriculture by letter dated December 3, 1953, has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay and feed to Alabama at reduced rates;

*It is ordered*, That carriers by railroad participating in the transportation of hay and feed to Alabama be, and they are hereby, authorized under section 22 of the Interstate Commerce Act, to establish and maintain to and including June 30, 1954, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in

section 6 of the Interstate Commerce Act except that they may be made effective one day after publication and filing instead of thirty.

*It is further ordered*, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the United States Department of Agriculture or by such State agents or agencies as may in turn be designated by the United States Department of Agriculture to assist in relieving the distress caused by the drouth.

*It is further ordered*, That during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate-of-intermediate rates over the same routes if one or more of the factors of such aggregate-of-intermediate rates is a reduced rate established under the authority of this order.

*It is further ordered*, That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

*And it is further ordered*, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Division of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N. Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D. C., and to the President of the American Short Line Railroad Association, Washington, D. C.

Dated at Washington, D. C., this 7th day of December 1953.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10208; Filed, Dec. 9, 1953; 8:52 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. S7-72]

REDDY KILOWATT, INC.

NOTICE OF FILING OF PETITION TO AMEND RULE U-40 UNDER THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

DECEMBER 4, 1953.

Notice is hereby given that Reddy Kilowatt, Inc. ("Petitioner"), a Delaware corporation and a non-utility company, has filed a petition requesting that the Commission amend its Rule U-40 of the general rules and regulations promulgated under the Public Utility Holding Company Act of 1935 ("act") so as to exempt from section 9 (a) (1) of the act the acquisition by a registered holding company or subsidiary company thereof of securities of a company such as Petitioner.

Petitioner requests that the Commission renumber the present paragraph (c) of Rule U-40 as paragraph (d) and add a new paragraph (c) reading as follows:

(c) Section 9 (a) (1) shall not apply to the acquisition of securities of a company whose principal business is the ownership and/or licensing of trade names, trade-marks and service marks used by public-utility companies in the ordinary course of their business and the preparation, distribution and/or sale of material and services related wholly to such names and marks.

In support of its petition, Petitioner states as follows:

Petitioner is the successor of Ashton B. Collins (who since 1934 had been engaged as a sole proprietorship doing business as Reddy Kilowatt and Reddy Kilowatt Service) and owns certain trade names, trade-marks and service marks, including the term "Reddy Kilowatt" and the character known by that name. Petitioner and/or its predecessor have licensed the use of such marks to about 222 public utility companies, of which approximately 47 are subsidiaries of holding companies registered under the act.

At the time Petitioner was organized in June 1953, Collins turned over to it all of his business and assets and received in exchange all of the authorized stock of Petitioner consisting of 1,000 shares of common stock of $1 par value per share. To enable licensees to participate in the control of the marks owned by Petitioner, Collins created a joint tenancy in 200 shares of such stock and offered Petitioner's licensees the opportunity to become the joint owners of such shares without payment. Acceptance of such offer by a licensee subject to the requirements of the act would require the Commission's approval pursuant to section 9 (a) (1) of the act.

Petitioner asserts that the Commission has power to promulgate the requested amendment pursuant to section 9 (c) (3) of the act since the promotion of sales and good consumer relations and the protection and enhancement of valuable trade-marks which serve these ends is part of the ordinary course of business of a public-utility company. Petitioner further asserts that adoption of the proposed amendment would not be detrimental to the public interest or the interests of investors or consumers and that such interests would be better served by such an amendment which would eliminate the expenditure by the Commission and the licensees subject to the act of time and money in connection with the transactions as to which the exception is sought.

All interested persons are invited to submit in writing data, views and comments, regarding Petitioner's request to the Secretary, Securities and Exchange Commission, at its principal office, 425 Second Street NW., Washington 25, D. C., on or before December 22, 1953.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-10279; Filed, Dec. 9, 1953; 8:48 a. m.]

[File No. 70-3129]

ARKANSAS LOUISIANA GAS CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

DECEMBER 4, 1953.

The Commission, on September 14, 1953, having issued its memorandum opinion and order permitting a declaration to become effective regarding the issuance and sale by Arkansas Louisiana Gas Company ("Arkansas Louisiana") of $35,000,000 principal amount of First Mortgage Bonds to a group of 15 institutional investors and not to exceed $35,000,000 of temporary bank notes, and having reserved jurisdiction with respect to all fees, commissions and expenses incurred or to be incurred in connection with said transactions; and

Arkansas Louisiana having filed amendments to its declaration listing fees, commissions and expenses aggregating $281,962 which includes fees and expenses incurred in connection with its previous unconsummated offer at competitive bidding of $35,000,000 first mortgage bonds (Holding Company Act Release No. 12134). Such fees and expenses include $90,000 financial advisers and placement fee, and not to exceed $2,500 as reimbursement for expenses, to The First Boston Corporation, Halsey Stuart and Co., Inc. and Lazard Freres & Co.; $35,000 attorneys' fee to Frueauff Burns, Farrell, Shanley & Johnson, and attorneys' fee to Blanchard, Goldstein, Walker & O'Quinn, both as counsel for Arkansas Louisiana; and, $20,000 attorneys' fee to Davis Polk Wardwell & Kiendl, who acted as counsel for the prospective underwriters in the competitive bidding offer and as counsel for the institutional purchasers; and

It appearing that said fees, commissions and expenses are not unreasonable;

*It is ordered*, That the jurisdiction heretofore reserved over fees, commissions and expenses be, and the same hereby is, released.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-10278; Filed, Dec. 9, 1953; 8:47 a. m.]

[File No. 70-3157]

QUINCY ELECTRIC LIGHT AND POWER CO. ET AL.

NOTICE OF PROPOSED ISSUANCE AND SALE OF SHORT-TERM UNSECURED PROMISSORY NOTES TO PARENT COMPANY

DECEMBER 4, 1953

In the matter of Quincy Electric Light and Power Company, Suburban Electric Company, New England Electric System; File No. 70-3157.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its subsidiary companies, Quincy Electric Light and Power Company ("Quincy") and Suburban Electric Company ("Suburban"), have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 (the "act"). The applicants-declarants have designated sections 6 (a), 7, 9 (a), 10 and 12 (f) of the act and Rules U-23, U-42 (b) (2), U-43 (a), U-45 (b) (1) and U-50 (a) (3) promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Quincy and Suburban propose to issue to NEES, from time to time but not later than December 31, 1953, unsecured promissory notes in the respective aggregate principal amounts of $1,250,000 and $2,500,000. Each of said notes will mature April 1, 1954, and may be prepaid in whole or in part without payment of a premium.

Quincy presently has outstanding unsecured promissory notes payable to NEES in the principal amount of $1,080,000 and notes payable to banks in the principal amount of $200,000. Suburban presently has outstanding $3,800,000 principal amount of unsecured promissory notes payable to banks. Both companies have Commission authorization to issue additional promissory notes to banks; Quincy in the amount of $1,080,000 and Suburban in the amount of $635,000 (see Holding Company Act Release No. 12121, August 31, 1953). Such authorization will not be effective if and when this Commission makes its order approving the notes herein proposed to be issued to NEES. The proceeds derived from such notes will be used by Quincy and Suburban to prepay a like principal amount of note indebtedness to banks and to NEES. The interest rate on such notes will be at the prime interest rate being paid by Quincy and Suburban on the notes prepaid until their maturity date and thereafter at the prime interest rate at the time of issuance. The notes to be prepaid bear interest at 3¼ percent which, according to the application-declaration, is the present prime interest rate.

Each borrowing company has stipulated that if any permanent financing is done prior to the maturity date of its then outstanding unsecured promissory notes, the proceeds derived therefrom will be applied in reduction of, or in total payment of, notes then outstanding, and the amount of then authorized but unissued promissory notes will be reduced by the amount, if any, by which such permanent financing exceeds the amount of the then outstanding unsecured promissory notes.

The application-declaration states that incidental services in connection with the proposed note issues will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $150 for each applicant-declarant, or an aggregate of $450.

The application-declaration further states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Applicants-declarants request that the Commission's order herein become effective forthwith upon issuance.

Notice is further given that any interested person may, not later than December 21, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-10277; Filed, Dec. 9, 1953; 8:47 a. m.]

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# FEDERAL REGISTER

VOLUME 18 NUMBER 241

*Washington, Friday, December 11, 1953*


## TITLE 7—AGRICULTURE

### Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 542, Amended]

PART 319—FOREIGN QUARANTINE NOTICES

MODIFICATION OF ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF TREATMENT OF ORANGES, GRAPEFRUIT, TANGERINES, AND MANILA MANGOES FROM MEXICO

Pursuant to the authority conferred by § 319.56–2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56), § 319.56–2g (a) (8) of the administrative instructions prescribing method of treatment of oranges, grapefruit, tangerines, and Manila mangoes from Mexico (7 CFR Supp. 319.56–2g (a) (8); B. E. P. Q. 542, as amended), is hereby amended to read as follows:

§ 319.56–2g *Administrative instructions prescribing method of treatment of oranges, grapefruit, tangerines, and Manila mangoes from Mexico*—(a) *Conditions for issuance of permits.* * * *

(8) In cases where treating rooms are located in the interior of Mexico, or at places removed from ports of entry where inspectors are regularly stationed, those in interest must make advance arrangements for approval of the plant and for supervision, and furnish the Chief of the Bureau of Entomology and Plant Quarantine with acceptable assurance that they will provide, without cost to the United States Department of Agriculture, all salaries, transportation, per diem, and other incidental expenses for the supervising inspectors, including the payment to the inspectors of additional compensation for their services in excess of 40 hours weekly, according to rates established for the payment of Bureau of Entomology and Plant Quarantine inspectors.

The purpose of this amendment is to specify additional conditions that must be met when inspectors are sent to points in the interior of Mexico or places removed from ports of entry where inspectors are regularly stationed, to supervise treatments authorized in the administrative instructions hereby amended. It is necessary that such conditions be made effective immediately in order to parallel employment procedures for inspectors working at their assigned stations in this country. Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found for good cause that notice and public procedure on the foregoing amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the effective date hereof less than 30 days after its publication in the FEDERAL REGISTER.

(Sec. 3, 33 Stat. 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 143, 162)

This amendment shall be effective December 11, 1953.

Done at Washington, D. C., this 18th day of November 1953.

[SEAL] W. L. POPHAM,
*Acting Chief,*
*Bureau of Entomology and Plant Quarantine.*

[F. R. Doc. 53–10345; Filed, Dec. 10, 1953; 8:54 a. m.]

### Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 994—PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

EXPENSES OF PECAN ADMINISTRATIVE COMMITTEE AND RATE OF ASSESSMENT FOR FISCAL PERIOD BEGINNING OCTOBER 1, 1953

Notice of proposed rule making with respect to expenses of the Pecan Administrative Committee and rate of assessment for the fiscal period beginning October 1, 1953 was published in the FEDERAL REGISTER of November 18, 1953 (18 F. R. 7300), pursuant to provisions of Marketing Agreement No. 111 and Order No. 94, regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina (7 CFR,

(Continued on p. 8131)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

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1952 Sup., Part 994), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice opportunity was afforded interested persons to submit to the Department written data, views, or arguments for consideration prior to issuance of the final rule. No such documents were received during the time specified in the notice.

It is hereby found and determined that it is unnecessary and contrary to the public interest to delay the effective date of this order later than the date of its publication in the FEDERAL REGISTER for the reasons that (1) it is necessary that the Pecan Administrative Committee be authorized to collect assessments from handlers to defray expenses incurred in administering the marketing agreement and order during the current fiscal period and the establishment of a rate of assessment is necessary to such collection; (2) the handling of assessable inshell pecans of the 1953 crop has begun; and (3) the order herein will require no special preparation by handlers or the Pecan Administrative Committee.

Therefore, after consideration of all relevant matters, it is hereby found and determined that the expenses of the Pecan Administrative Committee and rate of assessment shall be as follows:

§ 994.304 *Expenses for the fiscal period beginning October 1, 1953, and rate of assessment*—(a) *Expenses.* Expenses in the amount of $32,000 are reasonable and likely to be incurred by the Pecan Administrative Committee for its maintenance and functioning during the fiscal period beginning October 1, 1953; and

(b) *Rate of assessment.* The rate of assessment to be paid, in accordance with the applicable provisions of said marketing agreement and order, by each handler who first handles unshelled pecans shall be 16 cents per hundred pounds of assessable unshelled pecans handled by him as the first handler thereof during the fiscal period beginning October 1, 1953.

(Sec. 5, 48 Stat. 31, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 7th day of December 1953 to become effective upon publication in the FEDERAL REGISTER.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10306; Filed, Dec. 10, 1953; 8:45 a. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, subparagraph (3) is added to § 6.103 (f), subparagraph (11) is added to § 6.302 (b), subparagraph (9) is added to § 6.323 (a), and § 6.366 is added as set out below.

§ 6.103 *Treasury Department.* * * *

(f) *Bureau of Customs.* * * *

(3) The positions of Collector of Customs at Puerto Rico and the Virgin Islands.

§ 6.302 *Department of State.* * * *

(b) *Bureau of Security, Consular Affairs and Personnel.* * * *

(11) Chief Inspector.

§ 6.323 *Department of Health, Education, and Welfare*—(a) *Office of the Secretary.* * * *

(9) One Special Representative of the Secretary.

§ 6.366 *Federal Mediation and Conciliation Service.* (a) One General Counsel.

(b) Two Private Secretaries to the Director.

(c) One Private Secretary to each of the following: The Associate Director, the Assistant Director, and the General Counsel.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 53-10330; Filed, Dec. 10, 1953; 8:51 a. m.]

### Chapter III—Foreign and Territorial Compensation

Subchapter C—Civil Service Commission

PART 350—TERRITORIAL POST DIFFERENTIALS AND TERRITORIAL COST-OF-LIVING ALLOWANCES

PAYMENT

Section 350.6 (h) is amended to read as follows:

§ 350.6 *Payment of territorial post differentials and territorial cost-of-living allowances.* * * *

(h) Payments of territorial post differentials represent "additional compensation properly includible in the gross income of the recipient for Federal income tax purposes." (Letter of Commissioner of Internal Revenue to Bureau of the Budget, August 28, 1948). Payments of territorial cost-of-living allowances "are excludable from gross income and exempt from Federal income tax under the provisions of section 116 (j) of the Internal Revenue Code." (Revenue Ruling 237, Internal Revenue Bulletin No. 22 of October 26, 1953, page 13.)

(Sec. 202, Part II, E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 53-10331; Filed, Dec. 10, 1953; 8:51 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 6093]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

GARDEN RESEARCH LABORATORIES ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.20 *Comparative data or merits;* § 3.25 *Competitors and their products*—Competitors' products; § 3.30 *Composition of goods;* § 3.85 *Government approval, action, connection or standards*—in general; § 3.90 *History of product or offering;* § 3.170 *Quantities or properties of product or service;* § 3.195 *Safety;* § 3.205 *Scientific or other relevant facts;* § 3.210 *Scientific tests;* § 3.265 *Tests and investigations.* Subpart—*Disparaging competitors and their products*—Competitors' products: § 3.1000 *Performance;* § 3.1010 *Qualities or properties;* § 3.1025 *Safety.* In connection with the offering for sale, sale and distribution in commerce, of the chemical fertilizer designated "RX–15", or any other product containing substantially the same ingredients or possessing substantially the same properties, representing, directly or by implication: (1) That RX–15 is the scientific designation of a plant fluid; (2) that said product is a new plant food or new discovery, or that it was developed as a result of atomic research; (3) that persons identified with any college, university, or other institution of learning discovered said product, conducted tests or made reports with respect thereto, unless such be the fact; (4) that personnel identified with Rutgers University or any other educational institution made photographs showing the results obtained by the use of respondents' products or that the United States Atomic Energy Commission had taken photographs pertaining to respondents' product or authorized the use by respondents of any such photographs; (5) that photographs of plants taken one hour after being fertilized by liquid fertilizer were taken only fifteen minutes thereafter, or representing that photographs were taken at any specified time contrary to the fact; (6) that respondents' product contains radioactive materials; (7) that the use of said product, by sprinkling and without other factors, will assure an abundance of flowers or vegetables on a small patch of ground; (8) that the ingredients of said products are absorbed by the leaves within fifteen minutes, or within any other period of time which is contrary to fact; (9) that dry fertilizers do not produce results for months or other extended periods of time after application, or misrepresenting in any other manner the time within which dry fertilizers are absorbed or produce results; (10) that said product is more powerful than all other fertilizers; or that it supplies 360 percent more plant food at the rate of 1,000 times faster than other fertilizers or at any other given quantity or rate inconsistent

with the facts, or misrepresenting in any other manner the amount of plant food supplied by said product or the period of time within which such plant food takes effect in comparison with other fertilizers; (11) that said product is substantially cheaper in price under conditions of effective use than all other fertilizers; (12) that there are vitamins and harmones contained in said product which aid plant growth; (13) that the amount of plant food supplied by said product, when in a water solution, is any amount in excess of the quantity of respondents' product actually present in such solution; or that, under such conditions of use, the cost of said plant food is less than it is in fact; (14) that other fertilizers, even though used according to directions, may injure plants; and (15) that respondents' product, unlike other fertilizers, will not burn or injure foliage, even though not used according to directions; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 5 U. S. C. 45) [Cease and desist order, Garden Research Laboratories et al., Madison, N. J., Docket 6093, November 13, 1953.]

*In the Matter of Garden Research Laboratories, a Corporation, and Cecil C. Hoge, Individually and as an Officer of said Corporation; Cecil C. Hoge, Hamilton Hoge, John Hoge, Sidney C. Hoge and Barbara Obolensky, copartners Trading Under the Name of Huber Hoge and Sons; and Alfred S. Pfeil, an Individual*

This proceeding was heard by John Lewis, hearing examiner, upon the complaint of the Commission, and a hearing before said examiner, theretofore duly designated by the Commission, at which a stipulation as to the facts was entered into by counsel in lieu of oral testimony in support of or in opposition to the allegations of the complaint, and certain documentary evidence by agreement of counsel was introduced into evidence.

Thereafter the proceeding regularly came on for final consideration by said examiner upon the complaint and said stipulation as to the facts and documentary evidence (which were recorded and filed in the office of the Commission), and counsel having elected not to file proposed findings and conclusions for consideration by said examiner and oral argument not having been requested; and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on November 13, 1953.

Said order to cease and desist is as follows:

*It is ordered*, That the respondent Garden Research Laboratories, a corporation and its officers, and the respondent Cecil C. Hoge, individually and as an officer of said corporation, and the respondents Cecil C. Hoge, Hamilton Hoge, John Hoge, Sidney C. Hoge and Barbara Obolensky, individually and as copartners doing business as Huber Hoge and Sons, or under any other name, and the respondent Alfred S. Pfeil, individually, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the chemical fertilizer designated RX–15, or any other product containing substantially the same ingredients or possessing substantially the same properties, do forthwith cease and desist from representing, directly or by implication:

1. That RX–15 is the scientific designation of a plant food.

2. That said product is a new plant food or new discovery, or that it was developed as a result of atomic research.

3. That persons identified with any college, university or other institution of learning discovered said product, conducted tests or made reports with respect thereto, unless such be the fact.

4. That personnel identified with Rutgers University or any other educational institution made photographs showing the results obtained by the use of respondents' product or that the United States Atomic Energy Commission had taken photographs pertaining to respondents' product or authorized the use by respondents of any such photographs.

5. That photographs of plants taken one hour after being fertilized by liquid fertilizer were taken only fifteen minutes thereafter, or representing that photographs were taken at any specified time contrary to the fact.

6. That respondents' product contains radioactive materials.

7. That the use of said product, by sprinkling and without other factors, will assure an abundance of flowers or vegetables on a small patch of ground.

8. That the ingredients of said products are absorbed by the leaves within fifteen minutes, or within any other period of time which is contrary to fact.

9. That dry fertilizers do not produce results for months or other extended periods of time after application, or misrepresenting in any other manner the time within which dry fertilizers are absorbed or produce results.

10. That said product is more powerful than all other fertilizers; or that it supplies 360 percent more plant food at the rate of 1,000 times faster than other fertilizers or at any other given quantity or rate inconsistent with the facts, or misrepresenting in any other manner the amount of plant food supplied by said product or the period of time within which such plant food takes effect in comparison with other fertilizers.

11. That said product is substantially cheaper in price under conditions of effective use than all other fertilizers.

12. That there are vitamins and hormones contained in said product which aid plant growth.

13. That the amount of plant food supplied by said product, when in a water solution, is any amount in excess of the quantity of respondents' product actually present in such solution; or that, under such conditions of use, the cost of said plant food is less than it is in fact.

14. That other fertilizers, even though used according to directions, may injure plants.

15. That respondents' product, unlike other fertilizers, will not burn or injure foliage, even though not used according to directions.

By "Decision of the Commission and Order to File Report of Compliance," Docket 6093, November 13, 1953, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

*It is ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: November 13, 1953.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr., *Secretary.*

[F. R. Doc. 53–10342; Filed, Dec. 10, 1953; 8:53 a. m.]

[1] Filed as part of the original document.

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146; 18 F. R. 2099, 2337) are amended as indicated below:

1. In § 146.58 *Penicillin and streptomycin* • • • subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by changing the figure "36" to "48".

2. Section 146.201 (c) (2) and (3) are amended to read:

§ 146.201 *Chlortetracycline hydrochloride (chlortetracycline hydrochloride salt).* • • •

(c) *Labeling.* • • •

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is intended solely for intravenous veterinary use, the statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian."

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing:

(i) If it is intended for use by man, adequate directions and warnings for its use by practitioners licensed by law to administer such drug.

(ii) If it is intended for intravenous veterinary use, adequate directions and warnings for its use by veterinarians licensed by law to administer such drug.

(iii) If it is intended solely for veterinary use other than for intravenous injection and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(iv) A statement of the conditions under which such solutions should be stored, including a reference to their instability when stored under other conditions, and a statement "Sterile solutions must be injected immediately after preparation."

3. Section 146.307 (c) (1) (iii) is amended to read:

§ 146.307 *Chloramphenicol solution.* • • •

(c) *Labeling.* • • •

(1) • • •

(iii) The statement "Expiration date --------," the blank being filled in with the date which is 12 months after the month during which the batch was certified if it is the solution of the drug, or 24 months after the month during which the batch was certified if it is the dry mixture of the drug.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: December 7, 1953.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 53–10305; Filed, Dec. 10, 1953; 8:45 a. m.]



PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

EXEMPTION FROM CERTIFICATION OF ANIMAL FEED CONTAINING ANTIBIOTICS UNDER CERTAIN CONDITIONS

Under authority provided in the Federal Food, Drug, and Cosmetic Act (sec. 507 (c), 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 357 (c); 67 Stat. 18), I find that the requirements of sections 502 (l) and 507 of the act with respect to animal feed containing certifiable antibiotics and 0.056 percent of nitrofurazone, when used for the treatment of swine enteritis caused by Salmonella choleraesuis, are no longer necessary to insure safety and efficacy of such drugs when used for the purpose indicated, and hereby promulgate the following amendment exempting such drugs from the requirements:

Section 146.62 is amended by adding the following new paragraph:

(l) It is intended for use solely as a treatment for infectious swine enteritis caused by Salmonella choleraesuis, its labeling bears adequate directions and warnings for such use, and it contains nitrofurazone in a quantity, by weight of feed, of 0.056 percent.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it would be against public interest to delay providing for the aforesaid amendment, and since it conditionally relaxes existing requirements.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: December 7, 1953.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 53–10304; Filed, Dec. 10, 1953; 8:45 a. m.]

## TITLE 22—FOREIGN RELATIONS

### Chapter I—Department of State

PART 44—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE REFUGEE RELIEF ACT OF 1953

*Correction*

In Federal Register Document 53–10112, appearing at page 7783 of the issue for Thursday, December 3, 1953, the following corrections should be made:

1. In the eighth line of § 44.3 (b) the beginning of the second sentence of (b) should read "If it is found".

2. The first two words of (6) of § 44.4 (a) should read "a satisfactory".

3. In the fifth line of § 44.7 (e) the word "visas" should read "visa".

[Departmental Reg. 108.203]

PART 99—INFORMATION MEDIA GUARANTIES UNDER THE ECONOMIC COOPERATION ACT OF 1948, AS AMENDED

WITHDRAWAL

Part 99 of Chapter I, Title 22, is hereby withdrawn.

For the Secretary of State.

EDWARD T. WAILES, *Assistant Secretary.*

[F. R. Doc. 53–10324; Filed, Dec. 10, 1953; 8:50 a. m.]

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VI–2]

DMO VI–2—POLICY GUIDANCE AND DELEGATION OF RESPONSIBILITY WITH RESPECT TO TRANSPORTATION IN PREPARATION FOR ATTACK CONDITIONS, UNDER ATTACK CONDITIONS, AND IN POST-ATTACK REHABILITATION

1. Under the authority vested in me by Executive Order 10480 of August 14, 1953 (18 F. R. 4939), I hereby assign to the Commissioner of the Interstate Commerce Commission who is responsible for the supervision of the Bureau of Service of the Commission, the Secretary of Commerce, the Secretary of the Army, the Secretary of the Treasury, and the Secretary of the Interior, within their respective areas of responsibility designated in section 201 of Executive Order 10480 and section 401 of Executive Order 10219, responsibility for preparing plans and programs for the most effective use of the nation's transportation facilities[1] (a) in preparation for attack conditions, (b) under attack conditions, and (c) in post-attack rehabilitation.

2. It is the policy of the Office of Defense Mobilization to develop through the designated agencies plans to meet the problems which would thus be presented with the objective of:

a. Developing the greatest possible resistance within the transportation plant to attack and achieving the maximum operating flexibility under attack conditions.

b. Assuring the maximum transportation performance under attack conditions, by the above and by such control measures as may be required to that end.

c. Directing this performance toward the most urgent transportation requirements presented at the time.

d. Coordinating transportation with plans and programs for meeting the production problems presented by loss and disorganization of productive capacity.

e. Assuring the most rapid restoration of transportation capacity to the level of post-attack transportation requirements, in the priority dictated by those requirements, and coordinated with other national post-attack rehabilitation programs.

[1] The word "transportation" includes warehousing, storage, and port facilities.

3. The policy above indicated applies specifically in the following, among other matters:

a. Development for each type of transportation of plans for the security of communications, operating facilities, operating personnel, operating headquarters, and essential operating records.

b. Development of alternative routes tending to disperse risk, nationwide detour plans around all major traffic centers, and all other measures of like character that study of the situation may disclose to be desirable as well as necessary steps to minimize the impact of attacks upon transportation.

c. Development of (1) a comprehensive plan of operation, including operating procedures and channels of communications under post-attack conditions, and (2) in coordination with the Federal Civil Defense Administration, a similar plan of operation under attack conditions which enables determination of the priority to be accorded traffic and enables such priority to be carried out.

d. Development of plans for determining the amount and priority of restoration of transportation plant in the post-attack phase in coordination with national post-attack controls and requirements and for the concentration of materials, work equipment, and forces to accomplish such restoration. To this end, the designated agencies shall develop for each type of transportation plans for the stockpiling of necessary restoration materials and the provision of work equipment.

4. The designated agencies shall cooperate with each other, and with other government agencies having statutory or other legal responsibility relating to activities assigned herein, to assure effective correlation of government plans and programs.

5. The designated agencies shall report from time to time to the Director of the Office of Defense Mobilization the progress made in carrying out this assignment.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 53-10388; Filed Dec. 9, 1953; 2:46 p. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 10711]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

TABLE OF FREQUENCY ALLOCATIONS

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 2d day of December 1953;

The Commission having under consideration its proposal in the above entitled matter; and

It appearing, That in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on October 7, 1953 (18 F. R. 6384) and that the period for the filing of comments has now expired; and

It further appearing, that no comments were submitted in this proceeding; and

It further appearing, that the public interest, convenience, and necessity will be served by the amendment herein ordered, the authority for which is contained in section 303 (c), (f), and (r) of the Communications Act of 1934, as amended;

*It is ordered*, That, effective 30 days after publication in the FEDERAL REGISTER, Part 2 of the Commission's rules is amended as set forth below.

(Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: December 4, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

Amend § 2.104 (a) (5) by adding the footnote "NG1" to all frequency bands allocated to the broadcasting service in which the footnote does not now appear. The portion of the section so affected will then read as follows:

| 8 | 9 | 10 | 11 |
|---|---|---|---|
| 535-550 (US27) (NG1) (NG24) | Broadcasting | Broadcasting | | Standard broadcast. |
| 550-1500 (NG1) (NG24) | Broadcasting | Broadcasting | | Standard broadcast. |
| 1500-1600 (NG1) (NG24) | Broadcasting | Broadcasting | | Standard broadcast. |
| 1600-1605 (NG1) (NG24) | Broadcasting | Broadcasting | | Standard broadcast. |
| 6000-6200 (NG1) | Broadcasting | International broadcasting | | International broadcasting. |
| 9500-9700 (NG1) | Broadcasting | International broadcasting | | International broadcasting. |
| 11,700-11,900 (NG1) | Broadcasting | International broadcasting | | International broadcasting. |
| 15,100-15,350 (NG1) | Broadcasting | International broadcasting | | International broadcasting. |
| 17,770-17,850 (NG1) | Broadcasing | International broadcasting | | International broadcasting. |
| 21,450-21,750 (NG1) | Broadcasting | International broadcasting | | International broadcasting. |

[F. R. Doc. 53-10317; Filed, Dec. 10, 1953; 8:47 a. m.]

[Docket No. 10646]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

1. The Commission has under consideration its notice of proposed rule making issued on August 21, 1953 (FCC 53-1066) and published in the FEDERAL REGISTER on August 28, 1953 (18 F. R. 5148), proposing to assign Channel 7 to Carthage, New York.

2. The time for filing comments in this proceeding expired September 23, 1953. The Brockway Company, Watertown, N. Y., supported the proposal. Meredith Syracuse Television Corporation and WAGE, Inc., both of Syracuse, N. Y., opposed the proposal.

3. In support of the proposed assignment of Channel 7 to Carthage, Brockway urged that the assignment would provide a first VHF assignment in the area of New York State known as the "North Country"; that this area is sparsely populated and underserved; that Jefferson County, in which Carthage is located, has a population of 85,521, including Carthage with a population of 4,420 and Watertown with a population of 34,350; and that it will file an application for a construction permit to build a station on this channel at Carthage.

4. Meredith opposed the assignment of Channel 7 to Carthage on the grounds that such an operation would cause interference within the service area of Station WHEN operating on adjacent Channel 8 at Syracuse, N. Y. Meredith concedes that the proposed assignment meets the required minimum adjacent channel spacing and that existing stations are not protected from any interference which may be caused by the grant of a new station or the modification of the facilities of an existing station but contends that in making a determination on the assignment of new channels in an area the Commission should take into account the effect on other stations notwithstanding the fact that the proposed assignment meets the minimum spacings. In the sixth report and order the Commission concluded that adjacent channel interference was not interference in the sense that no service was available but that it was a substitution of one service for another. In that report reasons were given for deleting the previously proposed adjacent channel ratios and the replacement therefore of minimum mileage separations. We must reject the contention that existing stations are entitled to more protection from interference from proposed assignments than from other existing stations. Further the rules as finally adopted in the sixth report do not provide for interference calculations of any sort.

5. WAGE, Inc., opposed the assignment of Channel 7 to Carthage, and filed a counterproposal requesting, instead, that Channel 11 be assigned as a third VHF channel to Syracuse, New York. This assignment requires that we switch VHF channels in Buffalo, New York, and in three Canadian cities. The WAGE, Inc., counterproposal, therefore, would require an amendment of the United States-Canadian Television Agreement relating to television channel assignments along the Canadian border. Channel 11 in Syracuse, under the WAGE, Inc., proposal, would be 170 miles from the co-channel assignment in Toronto. This proposal, in addition, would require that an existing station on Channel 9 in Toronto be shifted to another frequency. Representatives of the Canadian Government were consulted with reference to this counterproposal; however, agreement to an amendment of the United States-Canadian Television Agreement that would incorporate the assignment changes requested by WAGE, Inc., could not be reached. In view of these facts, we believe the public interest in insuring stability of assignments along the United States-Canadian border requires the rejection of the WAGE, Inc., counterproposal.

6. The Commission finds that the assignment of Channel 7 to Carthage, N. Y., meets the requirements of the rules and would be in the public interest.

7. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

8. In view of the foregoing: *It is ordered*, That effective 30 days after publication in the FEDERAL REGISTER, the table of assignments contained in § 3.606 of the Commission's rules and regulations is amended as follows:

a. Add to the table under the State of New York:

| City: | Channel No. |
|---|---|
| Carthage, N. Y. | 7— |

b. Change the Channel 7 assignment in Calais, Maine, from 7 to 7—.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1084; 47 U. S. C. 301, 303, 307)

Adopted: December 2, 1953.

Released: December 4, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10320; Filed, Dec. 10, 1953; 8:48 a. m.]

[Docket No. 10713]

PART 3—RADIO BROADCAST SERVICES

TELEVISION BROADCAST STATIONS; TABLE OF ASSIGNMENTS

1. The Commission has under consideration its notice of proposed rule making (FCC 53-1323) issued in this proceeding on October 8, 1953, proposing to amend the Commission's table of television assignments by assigning Channel 6 to Whitefish Bay, Wisconsin, to be accomplished by interchanging the assignments of Channels 5 and 6 between Marquette, Michigan, and Green Bay, Wisconsin.

2. The Hearst Corporation and the Common Council of the City of Milwaukee filed comments supporting the proposed amendment. Comments in opposition to the proposed amendment were filed by WJIM, Inc., Lansing, Michigan; Central Broadcasting Company, Davenport, Iowa; Midwest Broadcasting Company, Milwaukee, Wisconsin; and the Ultra High Frequency Television Association.

3. In support of the assignment of Channel 6 to Whitefish Bay, The Hearst Corporation urges that this assignment would provide an additional VHF service to Wisconsin and the Milwaukee metropolitan area without depriving any other community of an assignment. Hearst contends that such assignment, which can be accomplished merely by interchanging Channel 5 for Channel 6 between Marquette, Michigan, and Green Bay, Wisconsin, would effect a more efficient use of television channels since it would make three commercial VHF services available in the Milwaukee area. Hearst states that no applications are presently pending for Channel 5 in Marquette, two applications, which have not yet been designated for hearing, are pending for Channel 6 in Green Bay, and that only minor changes would be required in order to amend the Green Bay applications to specify Channel 5. The Green Bay applicants have not filed oppositions to the proposed assignments. The Common Council of the City of Milwaukee, in supporting the assignment of Channel 6 to Whitefish Bay, urges that "there is real justification and merit" for the additional assignment of VHF Channel 6 to the Milwaukee area.

4. WJIM, Inc., licensee of Station WJIM-TV on Channel 6 in Lansing, Michigan, opposed the assignment of Channel 6 in Whitefish Bay. WJIM urges that shifting Channel 6 from Green Bay to Whitefish Bay will substantially increase the interference caused to WJIM-TV. Central Broadcasting Company, licensee of Station WOC-TV on Channel 6 in Davenport, Iowa, also opposed the proposed amendment of Channel 6 in Whitefish Bay.[1] Central submits that in the recent television proceedings in Docket 8736 et al., it was directed to show cause why the television channel authorized for the operation of WOC-TV should not be changed from 5 to 6 and the purpose of the channel change was to reduce the interference which WOC-TV received on Channel 5. Central states that it spent considerable time and money in shifting to Channel 6. Central argues that assigning Channel 6 to Whitefish Bay will increase the interference to WOC-TV "to approximately the same extent that it would have suffered if it had remained on Channel 5."

5. Both WJIM, Inc., and Central Broadcasting Company concede that Channel 6 in Whitefish Bay would comply with all minimum spacing requirements, but urge that their existing stations in Lansing and Davenport are entitled to greater protection. However, § 3.612 of the rules provides that "Permittees and licensees of television broadcast stations are not protected from any interference which may be caused by the grant of a new station or of authority to modify the facilities of an existing station * * *" and that "The nature and extent of the protection from interference accorded to television broadcast stations is limited solely to the protection which results from the minimum assignment and station separation requirements and the rules with respect to maximum powers and antenna heights set forth in this subpart." The Commission made clear in the sixth report (paragraph 206) issued in the recent television proceedings that "the Commission is not basing the Table of Assignments on any theory of protected contours" and that "In establishing the Table we have not provided for any protection to specific contours of existing stations in connection with the grant of individual applications." In light of the above, and since Channel 6 in Whitefish Bay would meet all minimum spacing requirements, we can see no merit to the contentions of WJIM, Inc. and Central Broadcasting Company. It is correct that in the recent allocation proceedings WOC-TV was changed from Channel 5 to Channel 6; however, this change was required in order to eliminate a substandard separation of only 155 miles.

6. The Ultra High Frequency Association and Midwest Broadcasting Company filed comments opposing the assignment of Channel 6 to Whitefish Bay. Midwest has been operating UHF Station WCAN-TV on Channel 25 in Milwaukee since September 6, 1953. Midwest and the Association state that they oppose "any assignment of VHF channels which distorts the assured plan under which UHF stations were financed and built." They urge that permittees, "relying upon the finality of the Commisison's allocation action," have "invested money in the acquisition of equipment and construction of facilities." The assignment of an additional VHF channel in the Milwaukee area, they assert, will have a deleterious economic effect on the UHF operators. Midwest and the Association contend that two basic principles expressed in the sixth report and table of assignments are the preservation of "a competitive balance of power between VHF and UNF" and a fostering of "the maximum utilization of television channels in both bands throughout the United States in a manner consistent with the public interest." They state that relying on these principles and the belief that nothing would be done to upset the table of assignments in regard to the balance between the VHF and UHF, and that equipment would be soon available which would permit transmissions at high

[1] Central Broadcasting Company filed its comments on November 10, 1953, one day after the last date for filing such comments in this proceeding, and moved that its late comments be accepted, alleging good cause. This motion has been granted and the comments have been accepted in this proceeding.

power and which would enable conversion of VHF sets to UHF, many UHF grantees expended money and effort in developing UHF service. Midwest and the Association submit that adding VHF assignments in large cities is unfair to such UHF operators and is contrary to the Commission's previous efforts to expedite the establishment of UHF service. They contend that in Milwaukee, the addition of Channel 6 would deter the conversion of receivers to receive UHF and would substantially decrease the possibility of the UHF stations receiving network affiliations. The Association requests that the time for filing comments in this proceeding be extended for a period of at least 90 days to enable it to complete a number of surveys concerning the VHF-UHF relationship. Midwest and the Association also request that action on the Whitefish Bay assignment be withheld until after the decision in the case of Logansport Broadcasting Corp. v. United States, in the Court of Appeals for the District of Columbia Circuit. They argue that this decision might make an overall allocation proceeding necessary. Midwest and the Association request oral argument or an oral hearing.

7. It is our view that the record in this proceeding supports the assignment of Channel 6 to Whitefish Bay. The oppositions to this assignment filed by Midwest and the Ultra High Frequency Association are apparently premised on the assumption that the Commission's table of assignments is static and that existing licensees are entitled to a protection from additional assignments which would conceivably adversely affect their private economic interests. Both of these assumptions are incorrect. The Commission's table of assignments is not an inflexible allocation plan and the Commision's rules specifically provide procedures for amendments to the table: And since the sixth report numerous changes in channel asignments have been accomplished. Nor is it the case that licensees are entitled to a "freeze" on changes in the table of assignments because of a possible adverse effect on private commercial interests. Channel 6 in Whitefish Bay meets the Commission's assignment requirements and we see no merit, therefore, in the contentions advanced by Midwest Broadcasting Company and the UHF Association.

8. Nor do we see any necessity for extending the time for filing comments in this proceeding or for the holding of an oral hearing or oral argument. Adequate opportunity has been afforded all interested parties to participate in this proceeding, and lengthy comments have been submitted by both Midwest and the UHF Association. Oral argument or an oral hearing at this time is unnecessary and would serve no useful purpose. Finally, we are of the view that the pendency of the Logansport appeal has no relevance to this proceeding.

9. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 301, 303 (c) (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

10. In view of the foregoing; *It is ordered*, That, effective 30 days from publication in the FEDERAL REGISTER, the table of assignments contained in § 3.606 of the commission's rules and regulations is amended as follows:

1. Add to table:

| City: | Channel No. |
|---|---|
| Whitefish Bay, Wis | 6 |

2. Amend the table to read:

| City: | Channel No. |
|---|---|
| Marquette, Mich | 6−, 17 |
| Green Bay, Wis | 2+, 5+, 70+ |

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1084; 47 U. S. C. 301, 303, 307)

Adopted: December 3, 1953.

Released: December 4, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10319; Filed, Dec. 10, 1953; 8:48 a. m.]

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[Docket No. 10591]

## PART 3—RADIO BROADCAST SERVICES

### STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING STANDARD BROADCAST STATIONS

1. The Commission has under consideration its notice of proposed rule making issued on July 15, 1953 (FCC 53-876), proposing to amend its Standards of Good Engineering Practice Concerning Standard Broadcast Stations with respect to blanketing requirements.

2. The standards presently provide that where a station is to be located in a city which is not part of a metropolitan district, the transmitter site shall be so located that the population within the 250 mv/m contour shall be less than 1 percent of the population of the city in which the main studio is located. However, there is a proviso that where it is impossible or impractical to locate a station at such a site, it may be located so that the population within the 500 mv/m contour shall be less than 1 percent of the population of the city. Where the station is to be located in a city which is part of a metropolitan district, the standards now provide that the transmitter site shall be located so that the population within the appropriate contour (250 mv/m) or 500 mv/m) shall be less than 1 percent of the population within the metropolitan district receiving primary service.

3. The July 15th notice proposes that the 1 v/m (1000 mv/m) contour be considered the blanket contour instead of the 250 mv/m, that the 25 mv/m contour be used as the reference contour for blanketing purposes in all situations, and that the population within the blanket contour not exceed 1 percent of the population within the reference (25 mv/m) contour. Further, an exception is provided where the number of persons within the 1 v/m contour is 300 or less.

4. Comments were filed by three parties.[1] Radio Cincinnati's comments are directed to the last sentence of paragraph D of section 4 which provides:

> The Commission will not authorize new stations, increased facilities to existing stations or auxiliary transmitters, of greater than 500 watts operating power in such areas or utilizing rooftop antennas.

Radio Cincinnati, licensee of Station WKRC, Cincinnati, Ohio, is presently authorized to use a roof-top antenna and does not now have an alternate main transmitter or auxiliary transmitter. Radio Cincinnati points out that if it were to install such an alternate or auxiliary transmitter, it would not be permitted to use its presently authorized site for such installation. To avoid the "unjustifiable hardship" thus imposed, it recommends appropriate revision of paragraph D.

5. We believe Radio Cincinnati's comments have merit. It was not our intention to prevent the installation of rooftop auxiliary transmitters where the main transmitter is so located. We have, accordingly, revised the provision to make this clear.

6. The Association of Federal Communications Consulting Engineers filed comments which approved the proposed use of 1 v/m (1000 mv/m) contour as the blanket contour. The Association, however, does not believe the 25 mv/m contour should be employed as the reference contour "because of the vast difference in the 25 mv/m areas of stations operating on the high end of the band." In this connection, it points out that the higher frequency stations must locate closer to the business and industrial districts than stations on low frequencies and thus approach more closely areas of higher population density. It is the Association's recommendation that the population within the blanket area be related to the population in the interference-free service area.[2]

7. With respect to the above arguments, it is pointed out that the Association's proposal to employ the interference-free contour would favor the lower frequency station to a much greater extent than our present proposal does. The following sample situation, although somewhat simplified, demonstrates this: Assume two 1 kw non-directional stations with a uniform conductivity of 10 millimos per meter, one on 600 kc and one on 1590 kc. Assuming a radiated field of 200 mv/m, the distance to the 1 v/m contour would be approximately 0.2 miles in both cases. The distance to the 25 mv/m contour would be 7 miles for the low frequency station and 4.6 miles for the high. To provide the city with the same coverage, the high frequency station would, therefore, have to move 2.4 miles nearer the city than its low frequency counterpart. The low frequency station would have 2.3 times more area within its 25 mv/m contour than the high frequency one (with the probable consequent increase in the number of persons within such contour) and 8 times more area within its 0.5 mv/m contour. Accordingly, the Commission's proposal results in only about one quarter the difference between the ratios for the low and high frequency stations that obtains in the Association's proposal. A further drawback to the Association's proposal stems from the fact that since there is in most instances considerable difference between the population within the daytime and nighttime interference-free contour due to skywave limitations, there could be considerable difference between the daytime and nighttime blanket ratios. Under the Commission's proposal, however, the ratio would be constant except in the instances where different powers or radiation patterns are used day and night. Finally, it should be pointed out that the population within the 25 mv/m contour can be readily determined [3] whereas calculations of the number of persons within interference-free contours are not only relatively laborious but also are subject to more varying results. Accordingly, we conclude that use of the interference-free contour in this connection would be unappropriate.

8. National Broadcasting Company, Inc. states that it is not opposed to the instant proposal except to the extent that it fails to recognize and adequately provide reasonable protection from the increased image interference which might result from its adoption.[4] NBC urges that the proposal be modified so as to retain substantially the present blanketing protection whenever a new assignment involves a frequency separation of 910 kc with an existing primary broadcast service which is a condition conducive to image interference.

9. We find no merit in this objection to the subject proposal. The Commission's standards are explicit that the phenomenon of image interference is not a condition to be considered in connection with station assignments. This is so for the reason that well designed receivers are not susceptible to such interference; that receivers of simpler design may be modified or protected by wave traps, and that the probability of the combination of factors necessary to cause image interference is so small that it does not merit consideration in this connection. This view has been repeatedly reaffirmed by the Commission in various decisions.[5]

10. In view of the foregoing, we conclude that as revised with respect to auxiliary transmitters, the amendments should be adopted. Authority for the issuance of this amendment is contained in sections 303 (e), (f), (r) and 4 (i) of the Communications Act of 1934, as amended.

11. *It is ordered*, That, effective 30 days after publication in the FEDERAL REGISTER, section 4 of the Standards of Good Engineering Practice Concerning Broadcast Stations and Part 3 of the Commission's rules governing Radio Broadcast Services are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: December 2, 1953.

Released: December 7, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

1. Section 3.14 is amended as follows: Add a new paragraph (r) as follows:

(r) *Blanketing.* Blanketing is that form of interference which is caused by the presence of a broadcast signal of 1 v/m or greater intensity in the area adjacent to the antenna of the transmitting station. The 1 v/m contour is referred to as the blanket contour and the area within this contour is referred to as the blanket area.

2. Section 3.24 is amended as follows: Redesignate subparagraph (g) as (h) and add a new subparagraph (g) as follows:

(g) That the population within the 1 v/m contour does not exceed 1.0 percent of the population within the 25 mv/m contour: *Provided, however*, That where the number of persons within the 1 v/m contour is 300 or less the provisions of this paragraph are not applicable.

3. Add a new § 3.88 as follows:

§ 3.88 *Blanketing interference.* The license of each broadcast station is required to satisfy all reasonable complaints of blanketing interference within the 1 v/m contour.

4. Section 4 of the Standards of Good Engineering Practice Concerning Standard Broadcast Stations is amended to read as follows:

SECTION 4. LOCATIONS OF TRANSMITTERS OF STANDARD BROADCAST STATIONS

A. The four primary objectives to be obtained in the selection of a site for a transmitter of a broadcast station are as follows:

(1) To serve adequately the center of population in which the studio is located and to give maximum coverage to adjacent areas.

(2) To cause and experience minimum interference to and from other stations.

(3) To prevent a minimum hazard to air navigation consistent with objectives 1 and 2.

(4) To fulfill certain other requirements given below.

B. The site selected should meet the following conditions:

(1) A minimum field intensity of 25 to 50 mv/m will be obtained over the business or factory areas of the city.

(2) A minimum field intensity of 5 to 10 mv/m will be obtained over the most distant residential section.

(3) The absorption of the signal is the minimum for any obtainable sites in the area. As a guide in this respect the absorption of the signals from other stations in that area should be followed, as well as the results of tests on other sites.

(4) The population within the blanket contour does not exceed that specified by § 3.24 (g).

C. In selecting a site in the center of a city it is usually necessary to place the radiating system on the top of a building. This building should be large enough to permit the installation of a satisfactory ground and/or counterpoise system. Great care must be taken to avoid selecting a building surrounded by taller buildings or where any nearby building higher than the antenna is located in the direction which it is desired to serve. Such a building will tend to cast "radio shadows" which may materially reduce the coverage of the station in that direction. Irrespective of the height of surrounding buildings, the building on which the antenna is located should not have height of approximately one-quarter wavelength. A study of antenna systems located on buildings tends to indicate that where the building is approximately a quarter wavelength in height, the efficiency of radiation may be materially reduced.

D. Particular attention must be given to avoiding cross-modulation. In this connection, attention is invited to the fact that it has been found very unsatisfactory to locate broadcast stations so that high signal intensities occur in areas with overhead electric power or telephone distribution systems and sections where the wiring and plumbing are old or improperly installed. These areas are usually found in the older or poorer sections of a city. These conditions give rise to cross-modulation interference

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[1] The comments of the National Broadcasting Company, Inc., were filed late, with a request to accept such late filing; that request is granted.

[2] The Association also points out that the notice contains a Table B which indicates the value of inductivity and conductivity recommended for various types of country; that in the notice of proposed rule making in Docket 10604, the Commission proposes to eliminate Table B and all references thereto; and that the alleged conflict demonstrates the expediency of revising the standards on an over-all basis instead of the piecemeal manner illustrated by the subject proceeding. This contention is entirely without merit. The notice of proposed rule making pointed out that: "The substantive revisions of section 4 of the standards proposed herein relate only to the blanketing requirements and cross modulation." Table B is not concerned with blanketing or cross modulation and is, therefore, not involved here. It is found herein only because it is more convenient to set out the whole of section 4 than to separate out those parts dealing with blanketing or cross modulation. No conflict or inconsistency results from the fact that Table B is the subject of a separate rule making proceeding in which its replacement is proposed.

[3] In this connection, the recommended use of population density maps Series P-D and H-E should be noted (see section 4E of the standards herein).

[4] Image interference is a phenomenon which can occur in superheterodyne receivers in the presence of two radio signals separated in frequency by twice the intermediate frequency of the particular receiver. Such interference manifests itself when the receiver is tuned to one of the stations and the program of the other station is also audible. The condition giving rise to such interference occurs when the signal strength of the undesired station is considerably greater than the signal strength of the desired station and where the particular receiver has no image rejection circuits or pre-selection at radio frequency stages.

[5] See, for example, WBUT (6 RR 266), WNOE (7 RR 264), and KGKO (8 RR 864).

due to the nonlinear conductivity characteristics of contacts between wiring, plumbing, or other conductors. This type of interference is independent of the selectivity characteristics of the receiver and normally can be eliminated only by correction of the condition causing the interference. Cross-modulation tends to increase with frequency and in some areas it has been found impossible to eliminate all sources of cross-modulation, resulting in an unsatisfactory condition for both licensee and listeners. The Commission will not authorize, (1) new stations (2) increased facilities to existing stations, or (3) auxiliary transmitters, for use with other than the authorized antenna system of the main transmitter, located in such areas or utilizing roof-top antennas, when the operating power would be in excess of 500 watts.

E. If it is determined that a site should be selected removed from the city, there are several general conditions to be followed in determining the exact site. Three maps should be given consideration if available:

(1) Map of the density of population and number of people by sections in the area.[1a]

(2) Geographical contour map with contour intervals of 20 to 50 feet.

(3) Map showing the type, nature and depth of the soil in the area with special reference to the condition of the moisture throughout the year.

From these maps a site should be selected with a minimum number of intervening hills between it and the center of the city. In general, because of ground conditions, it is better to select a site in a low area rather than on top of a hill, and the only condition under which a site on top of a hill should be selected is that it is only possible by this means to avoid a substantial number of hills, between the site and the center of a city with the resulting radio shadows. If a site is to be selected to serve a city which is on a general sloping area, it is generally better to select a site below the city than above the city.

F. If a compromise must be made between probable radio shadows from intervening hills and locating the transmitter on top of a hill, it is generally better to compromise in favor of the low area, where an efficient radiating system may be installed which will more than compensate for losses due to shadows being caused by the hills, if not too numerous or too high. Several transmitters have been located on top of hills, but so far as data has been supplied not a single installation has given superior efficiency of propagation and coverage.

G. The ideal location of a broadcast transmitter is in a low area of marshy or "crawfishy" soil or area which is damp the maximum percentage of time and from which a clear view over the entire center of population may be had and the tall buildings in the business section of the city would cast a shadow across the minimum residential area.

[1a] See Bureau of Census series P-D and H-E available from Superintendent of Documents, Washington 25, D. C.

H. The type and condition of the soil or earth immediately around a site is very important. Important, to an equal extent, is the soil or earth between the site and the principal area to be served. Sandy soil is considered the worst type, with glacial deposits and mineral-ore areas next. Alluvial, marshy areas and salt-water bogs have been found to have the least absorption of the signal. One is fortunate to have available such an area and, if not available, the next best condition must be selected.

I. Table B indicates the values of inductivity and conductivity which it is recommended be used for various types of country in the absence of surveys over the particular area involved. Naturally, values obtained from the use of these figures will be only approximate and should, if possible, be replaced by actual measurements in the area under consideration

TABLE B

| Type of terrain | Inductivity | Conductivity | Absorption factor at 50 miles, 1,000 kc.[1] |
|---|---|---|---|
| Sea water, minimum attenuation. | 81 | $4.64\times10^{-11}$ | 1.0 |
| Pastoral, low hills, rich soil, typical of Dallas Tex. | 20 | $3\times10^{-13}$ | .50 |
| Lincoln, Nebr., and Wolf Point, Mont., areas. | ------ | ------ | ------ |
| Pastoral, low hills, rich soil, typical of Ohio and Illinois. | 14 | $10^{-13}$ | .17 |
| Flat country, marshy, densely wooded, typical of Louisiana near Mississippi River. | 12 | $7.5\times10^{-14}$ | .13 |
| Pastoral, medium hills, and forestation, typical of Maryland, Pennsylvania, New York, exclusive of mountainous territory and sea coasts. | 13 | $6\times10^{-14}$ | .09 |
| Pastoral, medium hills, and forestation, heavy clay soil, typical of central Virginia. | 13 | $4\times10^{-14}$ | .05 |
| Rocky soil, steep hills, typical of New England. | 14 | $2\times10^{-14}$ | .025 |
| Sandy, dry, flat, typical of coastal country. | 10 | $2\times10^{-14}$ | .024 |
| City, industrial areas, average attenuation. | 5 | $10^{-14}$ | .011 |
| City, industrial areas, maximum attenuation. | 3 | $10^{-15}$ | .003 |

[1] This figure is stated for comparison purposes in order to indicate at a glance which values of conductivity and inductivity represent the higher absorption. This figure is the ratio between field intensity obtained with the soil constants given and with no absorption.

J. In general, broadcast transmitters operating with approximately the same power can be grouped in the same approximate area and thereby reduce the interference between them. If the city is of irregular shape, it is often possible to take advantage of this in selecting a suitable location that will give a maximum coverage. The maps giving the density of population will be a key to this. The map giving the elevation by contours will be a key to the obstructing hills between the site and city. The map of the soil conditions will assist in determining the efficiency of the radiating system that may be erected and the absorption of the signal encountered in the surrounding area.

K. Another factor to be considered is the relation of the site to airports and airways. Procedures and standards with respect to the Commission's consideration of proposed antenna structures which will serve as a guide to persons intending to apply for radio station licenses are contained in Part 17 of the Commission rules (Rules Concerning the Construction, Marking and Lighting of Antenna Structures).

L. In finally selecting the site, consideration must be given to the required space for erecting an efficient radiating system, including the ground or counterpoise. It is the general practice to use direct grounds consisting of a radial buried wire system. If the area is such that it is not possible to get such ground system in soil that remains moist throughout the year, it probably will be found better to erect a counterpoise. (Such a site should be selected only as a last resort.) It, like the antenna itself, must of course be designed properly for the operating frequency and other local conditions.

M. While an experienced engineer can sometimes select a satisfactory site for a 100-watt station by inspection, it is necessary for a higher power station to make a field-intensity survey to determine that the site selected will be entirely satisfactory. There are several facts that cannot be determined by inspection that make a survey very desirable for all locations removed from the city. Often two or more sites may be selected that appear to be of equal promise. It is only by means of field-intensity surveys taken with a transmitter at the different sites or from measurements on the signal of nearby stations traversing the terrain involved that the most desirable site can be determined. There are many factors regarding site efficiency that cannot be determined by any other method. When making the final selection of a site, the need for a field-intensity survey to establish the exact conditions cannot be stressed too strongly. The selection of a proper site for a broadcast station is an important engineering problem and can only be done properly by experienced radio engineers.

[F. R. Doc. 53-10318; Filed, Dec. 10, 1953; 8:48 a. m.]

## PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

### OPERATING CONTROLS FOR RADIO-TELEGRAPH INSTALLATIONS ON CERTAIN SHIPS

In the matter of amendment of Subpart U of Part 8 of the Commission's rules regarding operating controls for radiotelegraph installations on board ships subject to the radio provisions of the International Convention for the Safety of Life at Sea, London, 1948.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of December 1953;

The Commission having under consideration the matter of implementation of the radio provisions of the International Convention for the Safety of Life at Sea, London, 1948; and Subpart U of Part 8 of its rules which contains rules and regulations designed to guide persons in complying with these provisions; and

It appearing, that Chapter IV, Regulation 10, subparagraph (q) of the Safety Convention contains a requirement which became effective November 19, 1953, that radiotelegraph installations "be provided with a device permitting changeover from transmission to reception and vice versa without manual switching"; and

It further appearing, that for the purpose of completing Subpart U, the above referred to requirement should be added to the present provisions of Subpart U; and

It further appearing, that compliance with the provisions of section 4 of the Administrative Procedure Act, is unnecessary since the rule amendment herein ordered finalized does no more than reflect the Safety Convention requirement;

*It is ordered*, That, effective immediately, and pursuant to sections 303 (r) and 359 of the Communications Act of 1934, as amended, and Chapter IV, Regulation 10, of the International Convention for the Safety of Life at Sea, London, 1948, Part 8 of the Commission's rules is amended by redesignating § 8.712 as § 8.713 and by inserting a new § 8.712 to read as follows:

§ 8.712 *Operating controls.* The radiotelegraph installation shall be provided with a device permitting changeover from transmission to reception and vice versa without manual switching.

(Sec. 303, 48 Stat. 1082, as amended, sec. 359, 50 Stat. 195; 47 U. S. C. 303, 359)

Released: December 4, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10332; Filed, Dec. 10, 1953; 8:51 a. m.]



# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

### [ 7 CFR Part 997 ]

[Docket No. AO 205-A1]

### HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

### NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

*Correction*

In Federal Register Document 53-9964, appearing at page 7556 of the issue for Thursday, November 26, 1953, the following changes should be made:

1. In the middle column of page 7559, the 21st line of (i) should read "each of the candidates by an appreciable".

2. In the third column of page 7560, the reference in the sixth line of the second paragraph should read "13 F. R. 4623".

3. In § 997.32 (page 7565) the last sentence of paragraph (a) should be designated paragraph (b) so that such paragraph (b) shall read as follows:

(b) Nominations on behalf of growers who market their filberts through other than cooperative handlers shall be submitted after ballot by such growers conducted as follows: Names of the grower candidates to accompany the ballot shall be submitted to the control board prior to February 10 of each fiscal year on petitions signed by not less than ten growers who market their filberts through other than cooperative handlers and who are of record with the control board; each grower may sign only as many petitions as there are persons to be nominated as members of the control board; ballots accompanied by the list of candidates submitted by petitions, together with instructions, shall be mailed to all growers who market their filberts through other than cooperative handlers and who are of record with the control board; the qualified person receiving the highest number of votes for the position for which his name was placed on the ballot shall be the nominee for that position, except that, in case of a tie, the names of the tied candidates shall be submitted. If the Secretary determines that this procedure is unsatisfactory to the growers who market their filberts through other than cooperative handlers, because it is too difficult or costly to administer, it does not result in the name of a sufficient number of qualified candidates being submitted with the ballot, or it should be changed for other reasons, he may change this procedure through the formulation and issuance of superseding regulations.

4. In the proviso at the end of paragraph (c) of § 997.50 "$^{3}/_{64}$" should read "$^{5}/_{64}$".

## DEPARTMENT OF LABOR

### Wage and Hour Division

### [ 29 CFR Parts 655, 703 ]

[Administrative Order 433]

### PUERTO RICO; SPECIAL INDUSTRY COMMITTE No. 15

### APPOINTMENT TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES FOR CERTAIN INDUSTRIES

1. Pursuant to authority under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended 29 U. S. C., and Sup., 201 et seq.) I, Wm. R. McComb, Administrator of the Wage and Hour Division, United States Department of Labor, do hereby appoint and convene a special industry committee for Puerto Rico composed of the following representatives:

For the public: A. Cecil Snyder, San Juan, P. R., chairman; Joan Borden Colt, Providence, R. I.; Pedro Munoz-Amato, Rio Piedras, P. R.

For the employers: Sam Schweitzer, Mayaguez, P. R.; A. C. Bob Reuter, Mayaguez, P. R.; George Marlin, New York, N. Y.

For the employees: David Dubinsky, New York, N. Y.; Gladys Dickason, New York, N. Y.; Hipolito Marcano, San Juan, P. R.

2. The special industry committee herein created, in accordance with the provisions of the Fair Labor Standards Act, as amended, and the regulations promulgated thereunder (29 CFR Part 511), shall meet beginning on January 11, 1954, at 10:00 a. m. in Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico, and shall proceed to investigate conditions in the industries in Puerto Rico hereinafter enumerated and recommend to the Administrator minimum wage rates for all employees in said industries in Puerto Rico, who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce" excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14. Minimum wage rates recommended by the committee shall be the highest rates (not in excess of 75 cents per hour) which it determines will not substantially curtail employment in such industries and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico.

Said special industry committee shall investigate conditions respecting, and recommend minimum wage rates for, the employees in the following industries in Puerto Rico: The needlework and fabricated textile products industry; the corsets, brassieres and allied garments industry; and the men's and boys' clothing and related products industry.

3. For the purpose of this order these industries are defined as follows:

*Needlework and fabricated textile products industry.* The manufacture from any material of all apparel and apparel furnishings and accessories made by the knitting, crocheting, cutting, sewing, embroidering, or other processes; the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: *Provided, however*, That the definition shall not cover products or activities included in the corsets, brassieres and allied garments industry, as defined herein, nor products or activities included in the following industries in Puerto Rico as defined in the wage orders for such industries: The artificial flower industry, the button, buckle, and jewelry industry, the hairnet industry, the handicraft products industry, the hosiery industry, the hooked rug industry, the men's and boys' clothing and related products industry, the shoe manufacturing and allied industries, the textile and textile products industry. This definition includes, but without limitation, handkerchiefs, scarves and mufflers; gloves; women's, misses', girls' and infants' outerwear, underwear, and nightwear; handbags (except handbags made by hand out of raffia, maguey, straw or similar materials); household art linens; needlepoint; embroideries and trim-

mings; curtains, draperies, and bedspreads; and miscellaneous fabricated textile products.

*Corsets, brassieres, and allied garments industry.* The manufacture of corsets, brassieres, brassiere pads, girdles, sanitary belts, foundation garments, and similar items.

*Men's and boys' clothing and related products industry.* The manufacture from any material of men's and boys' clothing and related products, including, but without limitation, suits, coats, overcoats, trousers, shirts, underwear, nightwear, work clothing, sports wear (including bathing suits, riding habits and athletic uniforms), heavy outerwear, neckties, caps, hats (except hand-made straw hats), belts (except leather belts), robes and dressing gowns, raincoats, suspenders, garters, academic caps and gowns, vestments, costumes, and other items of apparel and accessories (except gloves, handkerchiefs, scarves and mufflers, hosiery, and shoes).

Signed at Washington, D. C., this 8th day of December 1953.

WM. R. MCCOMB,
*Administrator,*
*Wage and Hour Division.*

[F. R. Doc. 53-10343; Filed, Dec. 10, 1953; 8:54 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 2 ]

[Docket No. 10797]

FREQUENCY ALLOCATIONS

NON-GOVERNMENT FIXED AND MOBILE SERVICES

In the matter of amendment of Part 2 of the Commission's rules and regulations regarding frequency allocations above 890 Mc to the non-Government Fixed and Mobile services; Docket No. 10797.

Notice is hereby given of proposed rule making in the above entitled matter.

The proposed amendments are issued as the result of the Commission's study of current frequency allocation problems above 890 Mc and are considered to be responsive to the following problems:

(a) Requirement for additional exclusive spectrum space for TV pickup operations.

(b) Requirment for exclusive spectrum space for common carrier mobile functions, including additional broadcast and "closed circuit" TV pickup service, and for public mobile radiotelephone service including land mobile, maritime mobile and aeronautical mobile public correspondence.

(c) Requirement for exclusive microwave spectrum space for Safety and Special Radio Services mobile functions.

(d) Requirement for additional exclusive broadcast STL frequencies, including AM STL, FM STL and TV STL (sound only).

(e) Requirement for additional common carrier fixed service spectrum space below 3700 Mc.

(f) Requirement for exclusive, as compared to shared, allocations for the non-Government fixed services now operating in the vicinity of 900 Mc.

In proposing these allocation changes, the Commission has given due consideration to the development of the various services, both as to operating techniques and equipment, as well as to pending petitions now before the Commission requesting reallocations in the microwave fixed bands, and is of the opinion that these proposed adjustments will be in the public interest.

The conclusion of this proceeding will terminate consideration of the reallocation petitions filed by the Federal Telecommunications Laboratories on August 15, 1950; by the Peninsular Telephone Company on October 25, 1950; and by the Lenkurt Electric Company, Inc., on June 5, 1953. It may be noted that the proposed reallocation, if adopted, would constitute a denial of the petitions of the Federal Telecommunications Laboratories and the Peninsular Telephone Company and would grant the petition of the Lenkurt Electric Company, Inc.

If the proposal is adopted, it is intended to make the new allocations effective on May 1, 1954, for new stations. Those licenses which expire prior to May 1, 1955, may, upon appropriate application, be extended to May 1, 1955. Stations in these bands which may have license expiration dates later than May 1, 1955, will not be authorized to operate on frequencies which are not in accordance with the new allocation.

The proposed amendments to the rules are set forth below and are issued pursuant to the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before February 15, 1954, a written statement or brief setting forth his comments. Persons favoring such proposal may also file comments. Replies to such comments may be filed within ten days from the last date for filing the original comments. The Commission will consider all comments and briefs presented before taking final action in the matter.

In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: December 2, 1953.

Released: December 4, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

a. Proposed amendments to § 2.1:

1. Add the definition:

*Standard broadcast STL station (FXS).* A fixed station utilizing telephony to transmit from a studio of a standard broadcast station to the transmitter of that broadcast station, programs to be broadcast by that station.

2. Delete the definition of mobile except television pickup station (MOZ).

3. Add the definition:

*Common carrier mobile station (MOC).* A mobile station open to public correspondence.

4. Add the definition:

*Common carrier land station (FLC).* A land station open to public correspondence.

b. Proposed amendments to § 2.101:

1. Add the following symbols and terms to the list of stations:

FXS—Standard Broadcast STL Station.
MOC—Common Carrier Mobile Station.
FLC—Common Carrier Land Station.

2. Delete the symbol and term "MOZ—Mobile (except television pickup) station."

c. Proposed amendment to § 2.104 (a):

| Band (mc) | Service | Class of station | Frequency (mc) | Nature of SERVICES of stations |
|---|---|---|---|---|
| 7 | 8 | 9 | 10 | 11 |
| 890–936 (NG1) | Fixed | (a) Common carrier fixed<br>(b) International control | 915 | Industrial scientific and medical equipment. |
| 936–950 (NG1) | Fixed | (a) Standard Broadcast STL<br>(b) FM Broadcast STL<br>(c) Television STL (sound only) (NG14) (NG34). | | |
| 950–960 (NG1) | Fixed | Operational fixed | | |
| 3500–3600 (NG1) | Mobile | (a) Land<br>(b) Mobile. | | Aviation, Industrial, Land Transportation, Marine, Public Safety. |
| 3600–3700 (NG1) | Mobile | (a) Common carrier land<br>(b) Common carrier mobile. | | |
| 6425–6500 (NG1) | Mobile | (a) Common carrier land<br>(b) Common carrier mobile. | | |
| 6500–6575 (NG1) | Mobile | (a) Land<br>(b) Mobile. | | Aviation, Industrial, Land Transportation, Marine, Public Safety. |
| 6875–7125 (NG1) | (a) Fixed<br>(b) Mobile | (a) Television pickup<br>(b) Television STL (NG16). | | |
| 11,700–11,950 (NG1) | Mobile | (a) Common carrier land<br>(b) Common carrier mobile. | | |
| 11,950–12,200 (NG1) | Mobile | (a) Land<br>(b) Mobile. | | Aviation, Industrial, Land Transportation, Marine, Public Safety. |

NG13—Delete.
NG14—Interim FM relay stations may be authorized to use frequencies in this band on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations..
NG15—Delete.
NG34—Television inter-city relay stations may be authorized to use frequencies in this band, for audio purposes only, on the condition that harmful interference will not be caused to stations operating in accordance with the table of frequency allocations

[F. R. Doc. 53-10323; Filed, Dec. 10, 1953; 8:50 a. m.]



### [ 47 CFR Parts 2, 10, 11, 16, 18 ]

[Docket No. 10798]

APPLICATION AND LICENSING PROCEDURE EQUIPMENT ACCEPTABLE FOR LICENSING; WITHDRAWAL OF CERTIFICATE OF TYPE APPROVAL

In the matter of amendment of Part 2 of the Commission's rules to establish a program for the certification of equipment acceptable for licensing. Amendment of Parts 10, 11 and 16 of the Commission's rules to require type acceptance of equipment. Amendment of § 18.16 of the Commission's rules to clarify the procedure for withdrawal of type approval; Docket No. 10798.

1. Notice is hereby given of proposed rule making in the above entitled matters.

2. The Commission has recently adopted a new application and licensing procedure involving the use of Form 400 in the non-common carrier land mobile services; i. e., the services covered by Part 10—Public Safety Radio Services, Part 11—Industrial Radio Services, and Part 16—Land Transportation Radio Services. This new procedure requires reference to a List of Equipment Acceptable for Licensing. Due to the exigency of the situation it was necessary to issue a list prior to the promulgation of a formal procedure for obtaining a listing. The proposed rules are intended to fill this need by establishing a procedure to be followed by manufacturers or other persons desiring to have equipment certified by the Commission as acceptable for licensing.

3. These rules also collect in one place the various procedures dealing with type approval of equipment which involves the actual testing of equipment by the Commission. These procedures cover ship radiotelegraph equipment required for safety purposes, diathermy and industrial heating equipment and Citizens Radio Equipment. In addition the proposed rules contain an amendment to § 18.16 of the Commission's rules relating to the withdrawal of type approval for medical diathermy equipment and miscellaneous equipment in order to conform that section to the proposed general provisions respecting type approval in Part 2.

4. The proposed rules are issued under authority of sections 303 (e), (f) and (r) of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed rules should not be adopted, or should not be adopted in the form set forth, may file with the Commission on or before February 1, 1954, a written statement or brief setting forth his comments. At the same time any person who favors the proposed rules may file a statement or brief in support thereof. Comments or briefs in reply to the original comments or briefs may be filed within ten days from the last date of filing of said original comments or briefs. The Commission will consider all such comments, briefs and statements before taking final action and, if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place thereof will be given.

6. In accordance with § 1.784 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: December 2, 1953.

Released: December 3, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

1. Add Subpart F to Part 2, as follows:

SUBPART F—EQUIPMENT TYPE APPROVAL AND TYPE ACCEPTANCE FOR LICENSING

§ 2.501 *Program defined.* In order to carry out its responsibilities under the Communications Act and the various treaties and international regulations, it is necessary for the Commission to ascertain that the equipment proposed by various applicants is capable of meeting the technical operating standards set forth in said statutes, treaties and the Commission's rules and regulations. To facilitate such determinations in those services where equipment is generally standardized, to promote the improvement of equipment and to promote the efficient use of the radio spectrum the Commission has designed two specific procedures for securing advance approval of transmitting equipment in such services as a prerequisite for securing station licenses. These procedures are designated as type approval and type acceptance. In general, type approval contemplates tests conducted by Commission personnel, while type acceptance is based on data concerning the equipment submitted by the manufacturer. The procedures described in the sections that follow are intended to apply to equipment in those services which specifically require either type approval or type acceptance. These procedures may also be applied to equipment components, such as power amplifiers, etc., but only to the extent specified in the rules of the particular service in which such components will be used.

§ 2.510 *Type approval.* (a) Type approval is normally based on tests performed at the Commission's laboratory at Laurel, Maryland. In certain cases, type approval may be based on tests performed at other locations provided the tests are conducted in accordance with procedures specified by the Commission and under the direction and supervision of Commission personnel.

(b) Application for type approval may be in the form of a letter addressed to the Commission. The letter shall specify the part of the rules under which type approval is desired and shall include any information specifically required to be submitted under such part of the rules. In addition the request shall describe the equipment to be tested and include the size and weight of each component. On receipt of a reply from the Commission the applicant shall ship the equipment prepaid to Chief, Laboratory Division, P. O. Box 31, Laurel, Md., complete with operating instructions and circuit diagrams. Upon completion of the tests, the equipment will be returned to the applicant, shipping charges collect.

(c) In the event of failure of the equipment to meet the Commission's technical requirements, notice may be given directly by the Chief, Laboratory Division, and arrangements made for modification or adjustment as required.

§ 2.511 *Limitations on type approval.* (a) Type approval is limited to a determination that, if the equipment is properly maintained and operated and no unauthorized change whatsoever is made in its construction, it is capable of complying with the technical requirements of the applicable part of the rules. Type approval shall not be construed as a determination with respect to features not covered by the rules of the service under which the equipment is approved.

(b) Type approval shall not be construed to mean that the equipment will continue to be satisfactory as the Commission's technical standards may be changed to conform with progress in the state of the art.

§ 2.512 *Withdrawal of type approval.* (a) Type approval may be withdrawn, if upon subsequent inspection or operation it is determined that unauthorized changes have been made in the equipment or that it does not comply with the technical requirements of the applicable part of the rules. The procedure for withdrawal of type approval in such cases shall be the same as that prescribed by the Commission for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(b) In the event changes in the Commission's technical standards necessitate the withdrawal of type approval, the procedure to be followed will be set forth in the order finalizing the revised technical standards after appropriate rule making proceedings.

(c) When type approval has been withdrawn, the manufacturer shall make no further sale of equipment which in any manner indicates that such equipment meets the type approval requirements of the Commission.

(d) When type approval has been withdrawn for unauthorized changes or failure to comply with technical requirements, the Commisison will consider that fact in determining whether the manufacturer in question is eligible to receive any new type approval.

§ 2.520 *Type acceptance.* (a) Acceptance of equipment for licensing is based on representations and test data submitted by the manufacturer.

(b) A separate request for type acceptance shall be submitted for each different type of equipment. Each request shall be in triplicate, signed by the applicant or by a duly authorized representative who shall certify that the application was prepared by him or at his direction and that to the best of his knowledge and belief the facts set forth in the application and accompanying technical data are true and correct. The technical test data required to be submitted shall be certified by the engineer who performed or supervised the

tests who shall attach a brief statement of his qualifications.

§ 2.521 *Limitations on type acceptance.* (a) Type acceptance is limited to a finding that, insofar as can be determined from the data submitted, and if the equipment is properly maintained and operated and no unauthorized change whatsoever is made in its construction, the equipment complies with current technical standards of the service in which the equipment will be operated. The fact that a particular equipment has been type accepted for licensing purposes shall not be construed as a determination with respect to mechanical features nor of reliability under service conditions not covered by the rules of the service under which the equipment is accepted.

(b) Type acceptance shall not be construed to mean that the equipment will continue to be satisfactory as the Commission's technical standards may be changed to conform with progress in the state of the art.

§ 2.522 *Withdrawal of type acceptance.* (a) Type acceptance may be withdrawn, if upon subsequent inspection or operation it is determined that unauthorized changes have been made in the equipment or that it does not comply with the technical requirements of the applicable part of the rules. The procedure for withdrawal of type acceptance in such cases shall be the same as that prescribed by the Commission for revocation of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(b) In the event changes in the Commission's technical standards necessitate the withdrawal of type acceptance, the procedure to be followed will be set forth in the order finalizing the revised technical standards after appropriate rule making proceedings.

(c) When type acceptance has been withdrawn, the manufacturer shall make no further sale of equipment which in any manner indicates that such equipment meets the type acceptance requirements of the Commission.

(d) When type acceptance has been withdrawn for unauthorized changes or failure to comply with technical requirements, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new type acceptance.

§ 2.523 *Information required for type acceptance.* (a) Each request for type acceptance of equipment shall include the information listed in paragraph (b) of this section. This information is general and is the minimum required for all equipments. In many cases, additional information specific to a particular service is also required. The applicant should carefully read the rules of the service in which the proposed equipment is intended to be operated to make sure that such additional specific information is furnished. If deemed necessary, the Commission may require additional information, test data, or testing in its own laboratory at Laurel, Maryland, before determining the acceptability of any specific equipment.

(b) The request shall include the following information:

(1) The type number of the equipment.

NOTE: See § 2.540 regarding the assignment of type numbers.

(2) The service and rule part under which the equipment is intended to be operated.

(3) A complete description of the equipment including a listing of all tubes used, function of each, multiplication in each stage, plate current and voltage applied to each tube. The description should be sufficiently complete to develop all factors that may affect a determination as to whether the equipment will comply with the technical standards of the applicable rule part.

(4) The type of emission for which the equipment is designed. Include a description of the modulator and the modulation limiting circuit, if incorporated.

(5) A curve, or equivalent data, showing the limiting action of the modulation limiting circuit, if incorporated.

(6) A curve, or other equivalent data, showing the frequency characteristic of the audio modulating circuit between 100 and 5,000 cycles, in voice modulated communications equipment.

(7) A curve, or equivalent data, showing the band occupied by the emitted signal (see subparagraph (1)) of this paragraph).

(8) A description of the circuits incorporated to provide suppression of harmonic and spurious radiation.

(9) Curves, or equivalent data, showing the magnitude of each spurious or harmonic radiation that can be detected when the equipment is omitting:

(i) An unmodulated carrier;

(ii) A modulated carrier (see subparagraph (11) of this paragraph).

Spurious radiation should be checked at the equipment terminals when properly loaded with a suitable artificial antenna (lossy line method). The spectrum should be investigated from the lowest radio frequency generated in the equipment up to at least the tenth harmonic of the carrier frequency or to the highest frequency possible in the present state of the art of measuring techniques. Particular attention should be paid to harmonics and subharmonics of the carrier frequency as well as to those frequencies removed from the carrier by multiples of the oscillator frequency. Spurious signals attenuated more than 20 db below the required attenuation need not be shown separately.

(10) A report of field intensity measurements made to detect spurious signals that may be radiated directly from the cabinet, control circuits, power leads or intermediate circuit elements for the following equipments:

(i) Equipment in which more than a minimum of 60 db of spurious attenuation must be provided.

(ii) All equipment operating on frequencies higher than 25 Mc.

(iii) Hand carried transmitters, or others, where the antenna is an integral part of and attached directly to the transmitter.

Field intensity measurements of spurious emissions for other types of equipment may be required, when in the opinion of the Commission, there is a need for such measurement.

(11) The test data required by subparagraphs (7) and (9) of this paragraph should be measured for the following conditions, as applicable:

(i) Telegraph transmitters for manual operation, when keyed at 40 words per minute.

(ii) Other telegraph transmitters, when keyed at the maximum machine speed.

(iii) Voice modulated transmitters required to be equipped with a modulation limiting circuit when modulated by an input signal 10 db greater than that required to produce 100 percent modulation: Test 1 at 500 cycles; test 2 at 2,500 cycles; test 3 with voice or equivalent.

(iv) Voice modulated transmitter without limiters when modulated by an input signal large enough to produce at least 85 percent modulation: Test 1 at 500 cycles; test 2 at 2,500 cycles; test 3 with voice or equivalent.

(v) Broadcast transmitters, when modulated under the conditions prescribed in Part 3 of this chapter.

(vi) Transmitters designed for other types of modulation when modulated by an appropriate signal of sufficient amplitude to be representative of the type of service in which used. A description of the input signal used should be supplied.

(12) A description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization.

(13) Measured data to show the frequency stability of the transmitter with variation of temperature and with variation of primary supply voltage:

(i) Vary temperature from −30° C. to 50° C. for non-broadcast equipment. Use other suitable limits for other types of equipment, such as broadcast.

(ii) Vary primary supply voltage from 85 percent to 115 percent of the normal supply voltage at the input to the cable normally provided with the equipment, or at the power supply terminals if cables are not normally provided.

(14) Frequency range of the equipment.

(15) Measured data to show the r. f. carrier power at the equipment terminals for the circuit constants specified in the general description of the equipment. Specify how the equipment was loaded when the power output was measured.

(16) A description of each measurement procedure together with a listing of the actual test equipment used and a block diagram showing the test setup.

(17) A complete circuit diagram, wiring diagram, instruction book and photographs showing the general construction and layout of the equipment.

§ 2.530 *Submission of technical data for application reference.* (a) In certain services, neither type approval nor acceptance for licensing is required. However, applications for station authorizations in such services require a detailed technical description of the equipment proposed to be used. In order to simplify the handling of applications and to facilitate the filing of applications by eliminating the need for individual submission of equipment specifications the Commission will accept for application reference purposes detailed technical specifications of equipment proposed to be used in these services. Persons desiring to avail themselves of this privilege, may submit the data described below in triplicate. Applications for station authorizations submitted subsequent to such filing may refer to the technical data so filed.

(b) In order for the applicant to refer to technical data on file, the submission referred to above should contain the following information:

(1) The type number of the equipment.

(2) The service under which the equipment is to operate.

(3) A complete description of the equipment including a listing of all tubes used, function of each, oscillator frequency, multiplication in each stage, plate current and voltage applied to each tube, etc.

(4) Type of emission for which equipment is designed.

(5) Description of the modulator, including modulation limiting circuit if incorporated.

(6) Bandwidth occupied by the emission.

(7) Frequency range of the equipment.

(8) A description of the oscillator circuit together with any devices installed for the purpose of frequency stabilization.

(9) Statement of the frequency stability of the equipment including the temperature range over which the frequency stability is guaranteed.

(10) The rated r. f. carrier power.

(11) A description of the circuits incorporated to provide suppression of harmonic and spurious radiation. State the amount of such suppression incorporated in db below the level of the unmodulated carrier, or other stated reference level if a carrier is not employed.

(12) Describe the power supply intended to be used.

(13) Attach circuit diagram, wiring diagram, instruction book. If available also attach photographs showing the general construction and layout of the equipment.

(c) Receipt by the Commission of data for application reference purposes does not imply that the Commission has made or intends to make any finding regarding the acceptability of the equipment for licensing. Each applicant is expected to exercise appropriate care in the selection of equipment to insure that the unit selected will comply with the rules governing the service in which it is proposed to operate.

§ 2.540 *Identification and changes in equipment.* (a) Each equipment for which type approval or type acceptance is requested shall be identified by a distinctive type number. All equipment sold or used pursuant to type approval or type acceptance must have affixed to it such indication of type approval or type acceptance as may be specified by the service rules governing such equipment.

(b) No change whatsoever may be made in type approved equipment without prior authorization from the Commission. When a change is authorized, the Commission may require the manufacturer to identify the modified equipment with a new type number and to reapply for type approval.

NOTE: See § 2.512 regarding withdrawal of type approval.

(c) Changes in type accepted equipment may be made without prior authorization provided the change does not adversely affect the test data filed with the Commission and on which type acceptance was based. If the change will adversely affect the test data on file with the Commission prior authorization must be obtained before the change may be made; and the Commission may require the manufacturer to identify the modified equipment with a new type number and to reapply for type acceptance.

NOTE: See § 2.522 regarding the withdrawal of type acceptance.

(d) If the manufacturer provides a modification kit for installation in the field, such kit shall contain a name plate bearing the new type number if a new type number has been required by the Commission.

(e) Licensees proposing to modify their own equipment shall follow the procedure of paragraph (b) or paragraph (c) of this section as applicable.

§ 2.541 *Radio equipment list.* From time to time the Commission will publish lists of type approved and type accepted equipment. Such lists will include all equipment (except for custom built and composite transmitters) which has been type approved and type accepted by the Commission, as well as the services and frequencies for which it may be used and the power, emission and other limitations on the use of each type of equipment. These lists are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

§ 2.542 *Limitation on availability of equipment files for public reference.* (a) Information about equipment submitted by manufacturers and other persons pursuant to this subpart will not be open to the public until such time as the equipment has been included on the appropriate radio equipment list, except that information about equipment filed for application reference purposes will be available for inspection.

(b) The Commission will comply with a manufacturer's request temporarily to withhold the release of data concerning new types of equipment. Such data will not be made public prior to the date on which the equipment is included on the appropriate radio equipment list.

§ 2.543 *Making available type approved or type accepted equipment for testing or inspection.* Any manufacturer of equipment which has been type-approved or type accepted by the Commission shall immediately, upon request by the Commission, make available to the Commission production models of said type approved or type accepted equipment in order that the equipment may be tested or inspected either at the place of manufacture or at the Commission's laboratory at Laurel, Maryland. Failure to comply immediately with any such request by the Commission shall be considered grounds for revoking type approval or type acceptance.

2. Add new §§ 10.110, 11.110, 16.110 to read as follows:

*Acceptability of transmitters for licensing.* (a) Except for transmitters used at developmental stations, each transmitter utilized by a station authorized for operation under this part after January 1, 1955, and all transmitters in use after January 1, 1960, must be acceptable to the Commission under one or more of the following conditions:

(1) The transmitter may be type accepted by the Commission as being capable of meeting the technical standards set forth in Subpart C of this part for the type of operation specified in the station's instrument of authorization and included on its "List of Equipment Acceptable for Licensing" pursuant to paragraph (c) of this section.

(2) The transmitter may be type accepted by the Commission as being capable of meeting the technical standards set forth in Subpart C of this part for the type of operation specified in the station's instrument of authorization but not included on its "List of Equipment Acceptable for Licensing" pursuant to paragraph (d) of this section.

(3) A transmitter which is not included on the Commission's "List of Equipment Acceptable for Licensing" but is described on a station authorization by manufacturer and type number (in the case of a composite transmitter by type number only) and is in use prior to January 1, 1955, may continue to be used by the licensee, his successors or assigns in business until January 1, 1960, provided such transmitter does not cause harmful interference due to failure to comply with the technical standards in this part.

(b) Where a transmitter is used under a developmental authorization, it is merely necessary to submit the technical specifications of the equipment together with such additional information as the Commission may require. Greater detail regarding this type of submission is contained in Part 2 of this chapter.

(c) Any manufacturer of a transmitter to be built in quantity for use in this service may request "Type Acceptance" for such transmitter following the type acceptance procedure set forth in Part 2 of this chapter. From time to time, the Commission will publish a list of such Type Accepted transmitters entitled "Radio Equipment List, Part C, List of Equipment Acceptable for Licensing." Copies of this list are available for inspection at the Commission's office in Washington, D. C., and at each of its field offices.

(d) Type acceptance may be requested by the prospective station licensee, as part of his application for a station authorization for custom built

or composite transmitters, by following the type acceptance procedure set forth in Part 2 of this chapter. However, such transmitters will not normally be included on the Commission's "List of Equipment Acceptable for Licensing" but will be individually enumerated on the document authorizing the operation of such transmitters.

(e) Type acceptance is limited to a finding that insofar as can be determined from the data submitted, and if the equipment is properly maintained and operated and no unauthorized change whatsoever is made in its construction, the equipment complies with current technical standards of these services to the extent specified in the "List of Equipment Acceptable for Licensing" or in the station's instrument of authorization. Type acceptance shall not be construed as a finding with respect to mechanical features nor of reliability under service conditions not covered by this part, nor shall type acceptance be construed to mean that the equipment will continue to be satisfactory as the technical standards in this part may be changed to conform with progress in the state of the art.

(f) In the event the Commission finds it necessary to withdraw type acceptance for a particular equipment, because of unauthorized changes by the manufacturer or for other justifiable reasons, steps to be taken by licensees using such equipment will be set out in the order withdrawing type acceptance.

(g) Licensees proposing to modify existing equipment must receive prior authorization from the Commission if the proposed change will adversely affect the test data on file with the Commission and on which type acceptance was based. The licensee may be required to assign a new type number that will identify the modified equipment, install new name plates bearing such new type number and reapply for type acceptance. Authorization is not required by each individual licensee where the change consists of the installation of a modification kit approved by the Commission, which is being furnished by the manufacturer for installation in the field.

(h) Type acceptance is valid only when the transmitter is operated within the power, emission and other limitations as set forth in the Commission's "List of Equipment Acceptable for Licensing," for the particular equipment.

3. *Add new paragraph* (c) *regarding power tolerance to* §§ 10.106, 11.106, 16.106:

(c) The plate input to the final r. f. stage under actual operating conditions shall not exceed by more than 10 percent the plate power input shown in the Radio Equipment List, Part C, for Transmitter included in this list, or the plate power input shown on the authorization for all other transmitters.

4. Amend § 18.16 to read as follows:

§ 18.16 *Withdrawal of certificate of type approval.* (a) A certificate of type approval may be withdrawn if the type of equipment for which it was issued proves defective in service and under usual conditions of maintenance and operation such equipment cannot be relied on to meet the conditions set forth in this part for the operation of the type of equipment involved or if any change whatsoever is made in the construction of equipment sold under the Certificate of Type Approval issued by the Commission, without the specific approval of the Commission.

(b) The procedure for withdrawal of a Certificate of Type Approval shall be the same as that prescribed for withdrawal of a radio station license pursuant to the provisions of the Communications Act of 1934, as amended.

(c) In the case of withdrawal of a Certificate of Type Approval the manufacturer shall make no further sale of equipment under such certificate.

(d) When a Certificate of Type Approval has been withdrawn for unauthorized changes or for failure to comply with technical requirements, the Commission will consider that fact in determining whether the manufacturer in question is eligible to receive any new Certificate of Type Approval.

[F. R. Doc. 53-10321; Filed, Dec. 10, 1953; 8:49 a. m.]

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## [ 47 CFR Part 4 ]

### TELEVISION AUXILIARY BROADCAST STATIONS

### NOTICE OF FURTHER PROPOSED RULE MAKING

In the matter of amendment of Part 4 of the Commission's rules and regulations governing television auxiliary broadcast stations; Docket No. 10345.

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. On November 12, 1952, the Commission adopted a notice of proposed rule making proposing certain changes in the rules governing television auxiliary broadcast stations in order to provide channels for the operation of television pickup, television STL, and television intercity relay stations by licensees of television broadcast stations assigned channels in the UHF television broadcast band. It was proposed to provide a minimum of ten channels in the 1990–2110 Mc and the 6875–7125 Mc bands by reducing the channel widths from 17 to 12 Mc and from 25 to 19 Mc, respectively, in these bands. The notice also proposed to require the use of cross-polarization on adjacent auxiliary channels and added two new sections to the rules to provide for special temporary authorizations and require station identification.

3. Comments were received from the National Association of Radio and Television Broadcasters, Motorola, Inc., American Telephone and Telegraph Company, A. Earl Cullum, Jr., United States Independent Telephone Association, National Broadcasting Company, Inc., WSM, Inc., The Chronicle Publishing Company, American Broadcasting Company, Inc. (now American Broadcasting-Paramount Theatres, Inc.), WBEN, Inc., Raytheon Manufacturing Company, and Federal Telecommunication Laboratories, Inc.

4. The above comments represent a cross-section of the television broadcast industry and were almost unanimous in opposing a reduction in the channel widths at this time. Most such comments were directed toward the instability of present equipment, degradation of the transmitted intelligence with reduced frequency swing due to less favorable signal-to-noise ratios, adjacent channel interference, and impossibility of multiplexing visual and aural signals within the narrower channels. The comments opposing reduction of channel widths appear to have considerable merit and further examination of the proposal to reduce channel widths has been made. It is concluded that such reduction should not be made at this time.

5. It has become increasingly clear in these proceedings that it is undesirable to retain television auxiliary channels on an apportioned basis as is the case in the existing rules. Although such a plan reduces the administrative burden to a minimum it creates wholly undesirable situations with respect to best utilization of the microwave channels. Under such a plan the only two television stations in a particular city might be required to operate their studio-transmitter links on adjacent channels, with the attendant interference problems, while the remaining microwave channels remained unused. Upon reconsideration, and on the basis of the comments received, it now appears more desirable to place the assignment of television auxiliary channels on a case-to-case basis. This will place an additional administrative burden on the Commission but will result in greater flexibility for the broadcast user and will permit better service on their part.

6. In order to do this and maintain present channel widths it appears desirable to make the entire spectrum allocated for television pickup and television STL purposes, available for assignment to television broadcast licensees. In its Report and Order in Docket No. 9363, adopted October 5, 1950, which established the present rules governing television auxiliary broadcast stations the Commission listed only seven of the ten 25 megacycle channels allocated in the 6875–7125 Mc band and thirteen of the twenty 25 megacycle channels allocated in the 12700–13200 Mc band for assignment to television broadcast licensees. In so doing, the Commission stated:

> This plan leaves 3 channels in the 7000 Mc. band and 7 channels in the 12000 Mc. band for the exclusive use of communications common carriers to provide television pickup and STL service to television broadcasters thus meeting the assertion of the communications common carriers that they could best provide a nation-wide service by using a group of channels on an exclusive basis, which would permit freedom in exchanging equipment from city to city to meet the demand for common carrier service where it arises. In addition to the above, 6 additional channels in the 13000 Mc. band are provided for the shared use of television broadcasters and communication common carriers. On the basis of present information, this plan appears to provide a practical and equitable apportionment of channels. If future experience demonstrates that the apportionment adopted herein is not the best one to meet the respective needs of broadcasters and common carriers, the Commission will, of course, consider proposals for amendment of the rules in this respect.



In addition to the above reservation, the Commission's rules provide that where a television broadcast licensee engages a communications common carrier to provide a television pickup or STL service, the channels normally available to that broadcaster under the television auxiliary rules may be assigned to the communications common carrier providing such service to the broadcaster. Raytheon Manufacturing Company, National Association of Radio and Television Broadcasters, and The Chronicle Publishing Company all requested that the present reservation of channels for use by common carriers be deleted. The Commission believes that better channel utilization will be achieved if they are now made available to television broadcasters. The present provision of the television auxiliary rules which will be continued in the proposed rules makes these as well as other television auxiliary channels available to communication common carriers on the same basis as they are available to broadcasters.

7. It is proposed, therefore, to list all channels allocated for television pickup and television STL stations in § 4.602(a) of the rules, channelled on the present basis, i. e., six 17 Mc. and one 18 Mc. channel in the band 1990–2110 Mc.; two 17 Mc. and one 16 Mc. channel in the band 2450–2500 Mc.; ten 25 Mc. channels in the band 6875–7125 Mc.; eight 25 Mc. channels in the band 10,500–10,700 Mc.; and, twenty 25 Mc. channels in the band 12,700–13,200 Mc. The proposed rules will provide for the assignment of two exclusive channels to each television licensee for use in a particular area and will place the remaining unused channels in a "pool" equally available to all licensees in that area. This will permit licensees to select frequencies so as to avoid mutual interference and will eliminate the artificial shortages created by a "paper" reservation of channels which may not be used by the licensee for whom they are reserved. It is anticipated that in some areas real congestion may arise. However, the proposed rules encourage licensees to share a common channel for fixed installations where circumstances are such as to permit interference-free co-channel operation. The original proposal to require a certain plane of polarization for each channel has been discarded in order to permit maximum flexibility on the part of licensees in the elimination of interference and more efficient utilization of available channels. It is further proposed to amend § 4.603 to point out that equipment used for sound transmission in STL stations must have performance capabilities sufficient to permit the overall TV system to meet the requirements of § 3.687 of the rules governing television broadcast stations. An additional amendment to § 4.632 (a) has been added to establish the basis for identifying the "exclusive" channel of a licensee. This proposal also contains a slight change in the originally proposed station identification rule to meet certain practical objections to the original proposal. The modified proposal will not work undue hardship on the licensee and call sign transmission will serve to facilitate investigations of interference reports. Section 4.604 is amended to reflect proposed changes in § 4.602.

8. Authority for the issuance of the proposed amendments is vested in the Commission under sections 303 (a), (b), (c), (d), (e), (f), (g), (r), and 4 (i) of the Communications Act of 1934, as amended.

9. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth below, may file with the Commission on or before February 15, 1954, written data, views or arguments concerning said proposals. Persons favoring the amendments as proposed may file written data, views, or arguments supporting said proposals by the same data. Replies to such data, views or arguments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments before taking final action in the matter, and if comments are submitted which warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

10. This proceeding does not involve any change in frequency allocations set forth in Part 2 of our rules and heretofore made by the Commission. Accordingly, no data, views or arguments will be accepted in this proceeding proposing any such changes in frequency allocations.

11. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: December 2, 1953.

Released: December 7, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

1. Delete the present language of § 4.602 and substitute the following:

§ 4.602 *Frequency assignment.* (a) The following frequencies are allocated for assignment to television pickup, television STL, and television intercity relay stations:

| Band A (Mc) | Band B (Mc) | Band C (Mc) | Band D (Mc) | |
|---|---|---|---|---|
| 1990–2007 | 6875–6900 | 10500–10525 | 12700–12725 | 12950–12975 |
| 2007–2024 | 6900–6925 | 10525–10550 | 12725–12750 | 12975–13000 |
| 2024–2041 | 6925–6950 | 10550–10575 | 12750–12775 | 13000–13025 |
| 2041–2058 | 6950–6975 | 10575–10600 | 12775–12800 | 13025–13050 |
| 2058–2075 | 6975–7000 | 10600–10625 | 12800–12825 | 13050–13075 |
| 2075–2092 | 7000–7025 | 10625–10650 | 12825–12850 | 13075–13100 |
| 2092–2110 | 7025–7050 | 10650–10675 | 12850–12875 | 13100–13125 |
| 2450–2467 | 7050–7075 | 10675–10700 | 12875–12900 | 13125–13150 |
| 2467–2484 | 7075–7100 | | 12900–12925 | 13150–13175 |
| 2484–2500 | 7100–7125 | | 12925–12950 | 13175–13200 |

Frequencies shown above between 2450 and 2500 Mc in Band A and between 10,500 and 10,700 Mc in Band C are allocated to accommodate the incidental radiations of industrial, scientific, and medical (ISM) equipment, and stations operating therein must accept any interference that may be caused by the operation of such equipment. ISM frequencies are also shared with other communication services and exclusive channel assignments will not be made, nor is the channeling shown above necessarily that which will be employed by such other services.

(b) Except as provided in paragraph (a) of this section each television broadcast station licensee in an area may request the assignment of one channel in Band A or Band B and one channel in Band D on an exclusive basis. In making such exclusive assignments, priority will be based on the filing date of an appropriate application (FCC Form 313) completed in accordance with the instructions thereon. Frequency assignments will normally be made as requested if the requested frequency is not assigned to another licensee on an exclusive basis. However, the Commission reserves the right to assign frequencies other than those requested if, in its opinion, such action is warranted.

(c) Where the relative locations of the studio and transmitter are such as to permit co-channel operation of television STL stations by two or more licensees in the same area such licensees may, by mutual agreement, request the assignment of a common channel for STL use on an exclusive basis. In the event that such a shared assignment is made each participating licensee may request the assignment of an individual exclusive channel in Band A, Band B, or Band D in addition to the shared STL channel.

(d) A television broadcast station licensee may request the assignment of not more than two channels in addition to its exclusive channel on a non-exclusive basis for television pickup, television STL, and television intercity relay purposes. Such non-exclusive channel assignments are subject to withdrawal should they be needed to provide an exclusive channel assignment to a licensee pursuant to the provisions of paragraph (b) of this section. Withdrawal of non-exclusive channel assignments will be made in the following order:

(1) The most recent existing assignment of a third channel to a single licensee.

(2) The most recent existing assignment of a second channel to a single licensee which does not utilize its exclusive channel for STL purposes.

(3) The most recent existing assignment of a non-exclusive channel.

(e) The use of frequencies in the bands 1990–2110 Mc., 6875–7125 Mc., and 12,700–13,200 Mc., by television intercity relay stations shall be on a secondary basis and is subject to the condition that no harmful interference is caused to stations operating in accordance with the Table of Frequency allocations in § 2.104 (a) of this chapter.

(f) In the event that a television broadcast station licensee engages a communications common carrier to provide television pickup or television STL service, the channels available to that licensee may be assigned to the communications common carrier for the purpose of providing such service to that licensee.

2. In § 4.603: a. Substitute the following text for the present text of paragraph (a):

§ 4.603 *Sound channels.* (a) The frequencies listed in § 4.602 (a) may be used for the simultaneous transmission of the picture and sound portions of television broadcast programs and for cue and order circuits, either by means of multiplexing or by the use of a separate transmitter within the same channel. When multiplexing of a television STL station is contemplated consideration should be given to the requirements of § 3.687 of this chapter regarding the overall system performance requirements. Applications for new television pickup, television STL, and television intercity relay stations shall clearly indicate the nature of any multiplexing proposed. Multiplexing equipment may be installed on licensed equipment without further authority of the Commission: *Provided*, That the Commission in Washington, D. C., and the Commission's Engineer-in-charge of the Radio District in which the station is located shall be promptly notified of the installation of such apparatus: *And provided further*, That the installation of such apparatus on a television STL station shall not result in degradation of the overall system performance of the television broadcast station below that permitted by § 3.687 of this chapter.

b. Delete footnote 3 and the designator at the end of the first sentence of paragraph (b) and add the following new paragraph (c):

(c) Remote pickup broadcast stations may be used in conjunction with television pickup stations for the transmission of the aural portion of television programs or events that occur outside a television studio and for the transmission of cues, orders, and other related communications necessary thereto. The rules governing remote pickup broadcast stations are contained in Subpart D of this part.

3. Substitute the following for the present text of § 4.604:

§ 4.604 *Frequency selection to avoid interference.* (a) Applicants for new television pickup, television STL, and television inter-city relay stations shall endeavor to select frequency assignments which will be least likely to result in mutual interference with other licensees in the same area. Consideration should be given to the relative locations of receiving points, normal transmission path, and nature of the contemplated operation.

(b) Because of the more or less continuous nature of the operation of television STL stations frequency assignments to such stations will normally be designated as the exclusive channel of the licensee pursuant to § 4.602 (b). The operation of television STL stations on frequencies other than the exclusive channel shall be subject to the condition that no harmful interference is caused to the operation of television pickup stations.

(c) Where two or more licensees are assigned a common channel for television pickup, television STL, or television inter-city relay purposes in the same area and simultaneous operation is contemplated they shall take such steps as may be necessary to avoid mutual interference. If a mutual agreement to this effect cannot be reached the Commission shall be notified and it will take such action as may be necessary, including time-sharing arrangements, to assure an equitable distribution of available facilities.

4. a. Substitute the following text for the present text of § 4.632 (a):

(a) A licensee for a television pickup, television STL, or television inter-city relay station will be issued only to the licensee of a television broadcast station.[4] A separate application is required for each transmitter and the application shall be specific with regard to the frequency requested. The first channel assigned in Band A or Band B to a licensee will be considered to be the exclusive assignment provided in § 4.602 (b). Exclusive channel assignments in Band D will be designated only upon request. A licensee may request a change in its exclusive channel assignment only where there are unassigned channels available. In making such changes the priority set forth in § 4.602 (b) will be observed.

b. Delete present paragraph (e).

5. Add a new § 4.633 as follows:

§ 4.633 *Temporary authorizations.* (a) Special temporary authority may be granted for the operation, as a television auxiliary broadcast station, of equipment licensed to another television broadcast station, or other class of station, or equipment of suitable design not heretofore licensed. Such authority will normally be granted only for special operation of a temporary nature.

(b) A request for special temporary authority for the operation of a television auxiliary broadcast station may be made by informal application, which shall be filed with the Commission at least 10 days prior to the date of the proposed operation: *Provided*, That an application filed within less than 10 days of the proposed operation may be accepted upon a satisfactory showing of the reasons for the delay in submitting the request.

(c) An application for special temporary authority shall set forth full particulars of the purpose for which the request is made, and shall show the type of equipment, power output, emission, and frequency or frequencies proposed to be used, as well as the time, date and location of the proposed operation. In the event that the proposed antenna installation will increase the height of any natural formation, or existing man-made structure, by more than 20 feet, a vertical plan sketch showing the height of the structure proposed to be erected, the height above ground of any existing structure, the elevation of the site above mean sea level, and the geographic coordinates of the proposed site, shall be submitted with the application.

(d) A request for special temporary authority shall specify a channel or channels consistent with the provisions of § 4.602: *Provided*, That in the case of events of widespread interest and importance which cannot be transmitted successfully on these frequencies assigned to other services may be requested upon a showing that operation thereon will not cause interference to established stations: *And provided further*, That in no case will a television auxiliary broadcast operation be authorized on frequencies employed for the safety of life and property.

6. Section 4.637 is amended to read as follows:

§ 4.637 *Emission and bandwidth.* (a) Television auxiliary broadcast stations operating on frequencies above 1500 Mc may be authorized to employ any type of emission suitable for the transmission of the visual and accompanying aural signals. The bandwidth of such emissions shall be limited to the assigned channel.

(b) Television auxiliary broadcast stations operating on frequencies below 1500 Mc may be authorized to employ either frequency modulation or amplitude modulation, or both, depending upon the equipment employed. The emissions of such stations shall be confined to the assigned channel.

7. Section 4.651 is amended to read as follows:

§ 4.651 *Equipment changes.* (a) Commission authority upon appropriate formal application (FCC Form 313) therefor is required for any of the following equipment changes:

(1) A change of the transmitter as a whole (except replacement with an identical transmitter), or a change in the power output.

(2) A change of frequency assignment.

(3) A change in the location of a television STL or television inter-city relay station (except relocation of the equipment within the same building) or a change in the area of operation of a television pickup station.

(4) Any change in the antenna system of a television STL or television inter-city relay station which will result in a change of more than 20 feet in the height above ground of the antenna and supporting structure, or that will result in a change of the direction of the main radiation lobe.

(b) Other equipment changes not specifically referred to in paragraph (a) of this section may be made at the discretion of the licensee provided that the Engineer-in-Charge of the radio district in which the station is located, and the Commission at its Washington office, are notified in writing upon the completion of such changes, and provided that the changes are appropriately reflected in the next application for renewal of license of the television auxiliary broadcast station filed by the licensee.

8. Section 4.662 is amended to read as follows:

§ 4.661 *Frequency tolerance.* (a) The licensee of a television auxiliary broadcast station shall maintain the operating frequency of its station so that the normal sideband energy shall fall within the assigned channel. If transmission is by asymmetrical sideband operation, suitable filters or other devices shall be employed to insure a minimum of radiated energy outside the assigned channel.

(b) Television STL stations operating on frequencies shown in § 4.603 (b) shall maintain their operating frequency within 0.005 percent of the assigned frequency.

9. Add a new § 4.682 as follows:

§ 4.682 *Station identification.* (a) Each television auxiliary broadcast station shall identify itself by transmitting its call sign at the beginning and end of each period of operation; and during operation, shall identify itself on the hour by transmitting its own call sign or the call sign of the television broadcast station with which it is associated.

(b) Identification transmissions during operation need not be made when to make such transmission would interrupt a single consecutive speech, play, religious service, symphony concert, or any type of production. In such cases, the identification transmission shall be made at the first interruption of the entertainment continuity and at the conclusion thereof.

(c) Where more than one television auxiliary broadcast station is employed in an integrated relay system, the station at the point of origination may originate the transmission of the call signs of all the stations in the relay system.

(d) The transmission of the call sign shall normally employ the type of emission for which the station is authorized, i. e. a visual transmitter shall employ visual identification and an aural transmitter shall employ aural identification: *Provided, however*, When the transmitter is used for visual transmission only the identifying call sign may be transmitted in international Morse code by keying the radio frequency carrier or a modulating signal impressed on the carrier. The Commission may, at its discretion specify other methods of identification.

[F. R. Doc. 53-10322; Filed, Dec. 10, 1953; 8:49 a. m.]



# NOTICES

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

BLACK DIAMOND STEAMSHIP CORP. ET AL

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. section 814.

(1) Agreement No. 7924 between Black Diamond Steamship Corp., and Alcoa Steamship Company, Inc., covers the transportation of cargo under through bills of lading from Holland, Belgium and Germany to Puerto Rico, with transshipment at New York.

(2) Agreement No. 7928, between United States Navigation Company, Inc., and Alcoa Steamship Company, Inc., covers transportation of cargo under through bills of lading from Holland and Belgium to Puerto Rico, with transshipment at New York.

(3) Agreement No. 7929 between N. V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij (Holland America Line) and Alcoa Steamship Company, Inc., covers the transportation of cargo under through bills of lading from Holland and Belgium to Puerto Rico, with transshipment at New York.

(4) Agreement No. 7936 between Nippon Yusen Kaisha and Alcoa Steamship Company, Inc., covers the transportation of cargo under through bills of lading from Japan and the Philippines to Virgin Islands, with transshipment at New York.

(5) Agreement No. 7937 between Nippon Yusen Kaisha and Alcoa Steamship Company, Inc., covers the transportation of cargo under through bills of lading from Japan and the Philippines to Puerto Rico, with transshipment at New York.

(6) Agreement No. 8220, between American Export Lines, Inc., Isthmian Steamship Company, Israel America Line, Ltd., and M. Dizengoff & Co. (Shipping) 1949, Ltd., provides for the creation of a conference to be known as the North Atlantic Israel Freight Conference, for the establishment and maintenance of just and reasonable rates, charges and practices, for or in connection with the transportation of all cargo, in the trade from U. S. North Atlantic ports, Hampton Roads Maine range, either direct or via transshipment, to all ports in Israel on the Mediterranean.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 8, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 53-10344; Filed, Dec. 10, 1953; 8:54 a. m.]

### Office of the Secretary

[Dept. Order 132, Amended]

LOAN GUARANTEE PROGRAM

ORGANIZATION AND DELEGATION OF AUTHORITY

SECTION 1. *Purpose.* The purpose of this order is to provide organization and delegate authority for performance of the guarantee loan functions of the Department of Commerce as a guaranteeing agency under the provisions of section 301 of the Defense Production Act of 1950, as amended, and Part III of Executive Order 10480 of August 14, 1953.

SEC. 2. *Authority.* (a) Section 301 of the Defense Production Act of 1950, as amended, provides in substance that (i) in order to expedite production and deliveries under Government contracts, the President may authorize certain agencies (including the Department of Commerce) to guarantee any financing institution, public or private, against loss on loans made to finance any contractor or subcontractor, in connection with the performance or termination of any contract deemed by the guaranteeing agency to be necessary to expedite production and deliveries or services under Government contracts for the procurement of materials or the performance of services for the national defense; (ii) any Federal Reserve Bank may act, on behalf of any guaranteeing agency, as fiscal agent of the United States, and be reimbursed by the guaranteeing agency for expenses in acting as agent; (iii) the President may issue regulations and prescribe rates of interest, guarantee and commitment fees, and other charges; and (iv) each guaranteeing agency may use funds allocated or appropriated for such purposes.

(b) Under Executive Order 10480, the President designated the Department of Commerce as one of the guaranteeing agencies. He designated the Federal Reserve Banks as fiscal agents for the guaranteeing agencies, and authorized the Board of Governors of the Federal Reserve System after consultation with the guaranteeing agencies, to prescribe necessary regulations.

SEC. 3. *Delegation of authority.* (a) Authority is hereby delegated to the Assistant Secretary of Commerce for Domestic Affairs, and, as alternate, the Deputy Assistant Secretary of Commerce for Domestic Affairs to exercise the powers and authorities vested in the Secretary of Commerce by section 301 of the Defense Production Act of 1950, as amended, sections 301 and 302 of Executive Order 10480, and regulations which have been or may subsequently be prescribed by the Board of Governors of the Federal Reserve System.

(b) This delegation of authority is made in accordance with the provisions of section 703 of the Defense Production Act of 1950, as amended, section 602 (b) of Executive Order 10480 and Reorganization Plan No. 5 of 1950.

SEC. 4. *Establishing of Loan Guarantee Advisory Board.* (a) There is hereby

established in the Office of the Secretary a Loan Guarantee Advisory Board which shall be composed of the General Counsel of the Department of Commerce (or his designated representative), the Administrator of the Business and Defense Services Administration (or his designated representative), and, in the case of each proposed loan guarantee, the head of the primary organization unit having preponderant interest in the procurement contracts for which the financing is required (or his designated representative). The Administrator of the Business and Defense Services Administration (or his designee) shall represent the small business functions of the Department as well as the other interests of the Business and Defense Services Administration.

(b) It shall be the function of the Loan Guarantee Advisory Board, after review and analysis of the request for a loan guarantee and the procurement of the necessary Certificates of Eligibility and other documents and clearances, to recommend to the Assistant Secretary of Commerce for Domestic Affairs the action to be taken with respect to each proposed loan guarantee.

(c) The General Counsel, or his designated representative, shall serve as Chairman of the Board. The Office of the General Counsel shall provide the Board with such professional and clerical assistance as may be necessary.

(d) A representative of the Board of Governors of the Federal Reserve System may be invited to meet with the Board as deemed desirable by the Board. Likewise, the Board may from time to time obtain the advice of representatives of other branches of the Government and other persons and may invite such representatives and persons to its meetings.

SEC. 5. *Issuance of instructions.* The Assistant Secretary of Commerce for Administration shall issue any orders, instructions, or directives necessary to implement the provisions of this order.

SEC. 6. *Effect on other orders.* This order supersedes Department Order No. 132, dated June 29, 1951 (16 F. R. 6967). Any other orders or parts of orders the provisions of which are inconsistent or in conflict with the provisions of this order are hereby amended or superseded accordingly.

Effective date: November 27, 1953.

SINCLAIR WEEKS,
*Secretary of Commerce.*

[F. R. Doc. 53-10316; Filed, Dec. 10, 1953; 8:47 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 6432]

NORTH CENTRAL AIRLINES, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of an investigation instituted by the Board to determine whether the public convenience and necessity require that North Central's amended temporary certificate of public convenience and necessity for route No. 86, be altered, amended, or modified insofar as said certificate authorizes service by North Central over Segment 5 of said route.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on January 12, 1954, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., December 7, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-10341; Filed Dec. 10, 1953; 8:53 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8809, 10788, 10789, 10790]

ST. LOUIS TELECAST, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of St. Louis Telecast, Inc., St. Louis, Missouri, Docket No. 8809, File No. BPCT-294; St. Louis Amusement Company, St. Louis, Missouri, Docket No. 10788, File No. BPCT-745; Columbia Broadcasting System, Inc., St. Louis, Missouri, Docket No. 10789, File No. BPCT-1565; 220 Television, Inc., St. Louis, Missouri, Docket No. 10790, File No. BPCT-1778; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of December 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 11 in St. Louis, Missouri; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station; but that questions are raised concerning other qualifications of Columbia Broadcasting System, Inc. to construct, own and operate its proposed television broadcast station.

*It is ordered,* That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 31st day of December 1953 in Washington, D. C. upon the following issues:

1. To determine the stock ownership and management interests of Columbia Broadcasting System, Inc., in existing television broadcast stations and in applicants for television broadcast stations.

2. To determine whether, in the light of the evidence adduced at the hearing with respect to issue "1", a grant of the application of Columbia Broadcasting System, Inc. would be consistent with the provisions of § 3.636 of the Commission's rules and with its policies concerning the ownership of interests, minority or majority, by one party in more than five television stations.

3. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

*It is further ordered,* That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

*It is further ordered,* That the action taken in this order is without prejudice to any action which the Commission may take with respect to the "Petition For Reconsideration And Acceptance Of Application For Filing" filed by Broadcast House, Inc., on November 30, 1953.

Released: December 4, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10334; Filed, Dec. 10, 1953; 8:52 a. m.]

[Docket Nos. 8936, 10795, 10796]

LOYOLA UNIVERSITY ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Loyola University, New Orleans, Louisiana, Docket No. 8936, File No. BPCT-359; The Times-Picayune Publishing Company, New Orleans, Louisiana, Docket No. 10795, File No. BPCT-648; James A. Noe, Harry Allsman, Raymond F. Hufft, and James A. Noe, Jr., d b as James A. Noe and Company, New Orleans, Louisiana, Docket No. 10796, File No. BPCT-1588; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of December 1953;

The Commission having under consideration the above-entitled applications each requesting a construction permit for a new television broadcast station to operate on Channel 4 in New Orleans, Louisiana; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Loyola University and The Times-Picayune Publishing Company are legally, financially and technically qualified to construct, own and operate television broadcast stations; and that James A. Noe and Company is legally and technically qualified to construct, own and operate a television broadcast station; and

It further appearing, that the application of Loyola University proposes an antenna location in the vicinity of the antenna of standard broadcast Station WTPS; that the installation and operation of the television antenna as proposed is possible and feasible without adversely affecting the ability of Station WTPS to operate in accordance with the terms of its license; that appropriate proof thereof should be submitted after installation and operation of the said proposed antenna; and that a grant, if made, of the application should be subject to a condition in this respect as follows:

The construction authorized is subject to the condition that such shall not adversely affect the ability of standard broadcast Station WTPS to operate in accordance with the terms of its license, particularly with respect to its antenna system, and that sufficient field intensity measurements of Station WTPS shall be made before and after such construction to prove that no material effect thereon has resulted.

*It is ordered,* That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 31st day of December 1953 in Washington, D. C., upon the following issues:

1. To determine whether James A. Noe and Company is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

*It is further ordered,* That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 8, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10335; Filed, Dec. 10, 1953; 8:52 a. m.]

[Docket Nos. 8954, 9015, 10793, 10794]

WISCONSIN BROADCASTING SYSTEM, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Wisconsin Broadcasting System, Inc., Milwaukee, Wisconsin, Docket No. 8954, File No. BPCT-377; Milwaukee Broadcasting Company, Milwaukee, Wisconsin, Docket No. 9015, File No. BPCT-472; Milwaukee Area Telecasting Corporation, Milwaukee, Wisconsin, Docket No. 10793, File No. BPCT-1578; Kolero Telecasting Corporation, Milwaukee, Wisconsin, Docket No. 10794, File No. BPCT-1796; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of December 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 12 in Milwaukee, Wisconsin; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Milwaukee Broadcasting Company and Milwaukee Area Telecasting Corporation are legally, financially and technically qualified to construct, own and operate a television broadcast station; and that Wisconsin Broadcasting System, Inc., and Kolero Telecasting Corporation are legally and financially qualified to construct, own and operate a television broadcast station and are technically so qualified except as to the matter referred to in issue "1" below;

*It is ordered,* That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 31st day of December 1953 in Washington, D. C., upon the following issues:

1. To determine whether the installation of either of the stations proposed by Wisconsin Broadcasting System, Inc., and Kolero Telecasting Corporation in their above-entitled applications would constitute a hazard to air navigation.

2. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

*It is further ordered,* That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issues: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 7, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10336; Filed, Dec. 10, 1953; 8:52 a. m.]

[Docket Nos. 10285, 10352, 10779]

PORT ARTHUR COLLEGE ET AL.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUE

In re applications of Port Arthur College, Port Arthur, Texas, Docket No. 10285, File No. BPCT–839; Joe B. Carrigan, trustee and James K. Smith, a partnership, d/b as Smith Radio Company, Port Arthur, Texas, Docket No. 10352, File No. BPCT–1013; Jefferson Amusement Company, Port Arthur, Texas, Docket No. 10779, File No. BPCT–1440; for construction permits for new television broadcast stations.

1 The Commission has before it for consideration (a) a "Petition for Rehearing and Other Relief", filed by Jefferson Amusement Company (hereinafter called Jefferson) on May 22, 1953, of the Commission's Memorandum Opinion and Order (FCC 53–450, adopted April 22, 1953); (b) "Reply to 'Petition for Rehearing and Other Relief'" filed by Port Arthur College on June 8, 1953; (c) "Opposition to 'Petition for Rehearing and Other Relief'" filed by Joe B. Carrigan, Trustee, and James K. Smith, a partnership d/b as Smith Radio Company on June 8, 1953,[1] and (d) a "Reply to Opposition To Petition for Rehearing" filed by Jefferson Amusement Company on June 16, 1953.

2. The detailed and comprehensive factual situation involved in the matter before us is set forth in our Memorandum Opinion and Order of April 22, 1953 (9 Pike & Fischer RR 219). In brief, we found there that the motion of the Lufkin Amusement Company for dismissal of its application to construct a television station on Channel 4 assigned to the Beaumont-Port Arthur, Texas, area was granted insofar as it requested dismissal but was denied insofar as it requested that such dismissal be without prejudice; that through stock ownership and certain directorships common to all three corporations, Lufkin controlled East Texas Theatres, Inc., which, in turn, controlled Jefferson Amusement Company; that the application of Jefferson Amusement Company for the same channel in the same area was one filed on "behalf of or for the benefit of" Lufkin Amusement Company; and that, under the provisions of § 1.363 (a) of the Commission's rules,[2] the Jefferson application should be dismissed. Our conclusions, in this connection, are set forth in paragraph "9" of the above Memorandum Opinion and Order wherein we stated:

9. There remains for our consideration the determination of whether Jefferson's application, with relation to the dismissed Lufkin application, is one filed by the "same applicant, or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest." In reaching this determination, we cannot confine our considerations to the Lufkin and Jefferson Corporations only for there are present facts which involve a third corporation, East Texas Theatres, Inc. We have set forth in paragraph "3" above, that E. L. Kurth, Sr., J. H. Kurth, Jr. and Simon W. Henderson, Jr., are directors common to the three corporations; that E. L. Kurth and S. W. Henderson, Jr. are officers and directors of both Lufkin and East Texas; that the board of directors of East Texas Theatres, Inc. is composed of six persons as is the board of directors of Jefferson; that M. L. Wertheim, Secretary of Jefferson, signed the Lufkin application as Assistant Secretary of that corporation; that Robert H. Park, a director and shareholder of Jefferson, was proposed as station manager in the Lufkin application and now is proposed as general manager in the proposed Jefferson station; and that the narrative statements as to policy on public issues and program plans and policies are identical. By virtue of the fact that Lufkin has negative control of East Texas through its 50 percent stock ownership and 50 percent representation on East Texas' board of six directors, it is apparent that Lufkin is in the position of being able to veto any proposed action of East Texas which is inconsistent with the objectives of Lufkin. This veto power extends not only to actions requiring a stockholders' vote, but also to the day-to-day operations of East Texas based on policies adopted by the board of directors. This negative control possessed by Lufkin does not terminate with the East Texas Corporation but it pervades Jefferson as well. Since East Texas Theatres, Inc., owns 50 percent of the issued and outstanding stock of Jefferson, the policies and interests of Lufkin are capable of being advanced and carried into fruition in Jefferson through the exercise of Lufkin's negative control of East Texas. The presence of E. L. Kurth, Sr., J. H. Kurth, Jr. and Simon W. Henderson, Jr., on Jefferson's board of directors further assures Lufkin that its interests in East Texas and its expressions of policy emanating from East Texas will be vigorously protected and advanced at the meetings of Jefferson's board of directors.

3. In its respective pleadings herein, Jefferson alleges, in substance, that the facts and rules which the Commission should consider in making its determination herein should be based on the application as filed by Jefferson on November 24, 1952, and not as of December 12, 1952, the date it amended its application,[1] citing In re Tampa Television Company, 8 Pike & Fischer RR 395; that on December 5, 1952, the date Lufkin petitioned to dismiss its application, "Lufkin had no controlling interest in Jefferson, either affirmative or negative, directly or indirectly"; that between November 24, 1952, and December 16, 1952 (the date the Lufkin application was dismissed) the Commission did not "notify either Lufkin or Jefferson that their respective applications were inconsistent, conflicting, multifarious, or repetitious, so as to put the parties on notice for the purpose of correcting any deficiency or defect, or of electing which application was desired to be prosecuted"; that failure to take such action was the "best evidence" that the Jefferson application was not in violation of § 1.363 (a) after Lufkin's dismissal because the Lufkin application, "having neither received a hearing on the merits of its application nor been in default, the Rule is patently not applicable"; that Lufkin and Jefferson did not apply for the same facilities; that by failing to include Jefferson as a party to the hearing designated on December 1, 1952, the Commission failed to comply with section 309 (b) of the Communications Act; that the interest of Lufkin in East Texas is only a beneficial one; that 50 percent of East Texas stock is owned by E. L. Kurth, J. H. Kurth, Jr., and S. W. Henderson; that Jefferson has a management contract with East Texas covering all of its theatres "now owned or hereafter acquired by East Texas"; that the Gordon interests own 66⅔ percent of the "beneficial or liquidating" interest in Jefferson; that it is "peculiarly unrealistic for the Commission to infer 'working control' of Jefferson by Lufkin, arising solely out of the beneficial ownership of 50 percent of East Texas stock by individuals who are also Lufkin stockholders, and nothing more"; that the "status quo or incumbency of Mr. Gordon as President of the two companies, and of one-half of the board of directors of each of the two companies, representing the Gordon interest or family group, is of prime importance, because in effect it gives to this group positive management control of both corporations"; that "granting the validity of the concept of 'negative control', insofar as it implies a theoretical power of veto on the part of East Texas, and indirectly therefore, Lufkin, in the affairs of Jefferson, the concept is one of legal presumption, and is not per se conclusive of the interpretation advanced by the Commission"; and that the Commission should reconsider its action insofar as it purports to find that the Jefferson application was filed on behalf of or for the benefit of Lufkin. Alternatively, and in addition, petitioner requests that the Commission (a) waive the provisions of § 1.363 (a) and reinstate its application; (b) grant a hearing on the issues raised by its Memorandum Opinion and Order; (c) grant oral argument; and (d) rescind its hearing orders, continue said hearing and consolidate the Jefferson application with that of the other two pending applications for the same channel.

4. In their oppositions to the petition herein, Smith Radio Company and Port Arthur College allege, in substance, that the Tampa Television case was not concerned with § 1.363 (a) but with § 1.364 "prohibiting the contemporaneous processing of inconsistent or multiple applications"; that "we are not concerned here with the ownership of Jefferson at the time Lufkin dismissed, but with its ownership at the time the Commission dismissed Jefferson"; that Lufkin was dismissed after it had been designated for hearing, after it had participated in oral argument on its motion to dismiss, and after it had defaulted in its showing of good cause justifying a dismissal without prejudice; that the facts in the instant case justify the conclusion that the application of Jefferson is for and on behalf of the Lufkin group; that no justification has been shown for a waiver of § 1.363 (a); that such request is untimely and a grant thereof would be prejudicial; that the Jefferson application should not have been accepted and such error should not be repeated; that since, as alleged by Jefferson, "in 1948, and up to November, 1952, Jefferson was 50 percent owned by United Paramount Theatres, which would not acquiesce in the filing of a Jefferson application", it is quite possible "that Lufkin may have been used as the 'stalking horse' for the Gordon-Lufkin desires to get into television"; that with Jefferson operating from the transmitter site proposed by Lufkin, service of the same kind to the same area will result; that the Lufkin application states unequivocally that it owns 50 percent of East Texas and that petitioner now attempts to "condition, contradict or somehow qualify these unequivocal statements"; and that the petition for rehearing and for other relief should be denied in toto.

5. Jefferson urges that in the light of our decision in In re Tampa Television Company, 8 Pike & Fischer RR 393, where we held that, under the facts of that case, the date of the Motions Commissioner's action with relation to a motion to dismiss an application is taken to be effective as of the time of the filing of the motion to dismiss, the Jefferson application is not repetitious with the dismissed Lufkin Amusement Company application. It urges this by the following reasoning: Lufkin petitioned to dismiss its application without prejudice on December 5, 1952; the Motions Commissioner dismissed its application with prejudice on December 16, 1952; in the meantime, Jefferson, on December 12, 1952, amended its application to reflect that, by the deletion of United Paramount Theatres, Inc., as a stockholder, East Texas Theatres, Inc. increased its interest in Jefferson's voting stock to 50 percent; therefore, dating the effectiveness of the Motions Commissioner's action back to the date of filing of Lufkin's petition to dismiss its application without prejudice, it is apparent that as of December 5, 1952, the Lufkin and Jefferson applications did not have that identity of interest which would bring Jefferson within the intent of § 1.363 (a). We do not believe that our decision in the Tampa Television Company case, supra, is controlling here. There, we were concerned with the question of multiple application by the same applicant and not with the question of whether an application was filed on "behalf of or for the benefit of the original parties in interest" where the original parties had been dismissed with prejudice. In arguing that the Jefferson and Lufkin applications, insofar as determining whether they are the same application for the purposes of § 1.363 (a), must be considered as they were constituted on December 5, 1952, Jefferson overlooks the essential purpose of § 1.363 (a). That rule, as it pertains to an application which has been dismissed with prejudice, does not restrict itself to a consideration of two applications as they may exist on the date of a dismissal with prejudice. The rule expressly provides that where an application is dismissed with prejudice, after hearing or default, the Commission will not consider a like application involving service of the same kind to the same area by the same applicant, or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of twelve months from the effective date of the Commission's order.

6. Upon the facts which were before us for our consideration in our Memorandum Opinion and Order of April 22, 1953, we were compelled to reach the conclusion that the Jefferson application was filed on behalf or for the benefit of Lufkin Amusement Company, with the consequent result that under § 1.363 (a) Jefferson's application was not entitled to remain before us for consideration. In the instant petition for rehearing, Jefferson presents additional facts with respect to the relationship between Lufkin Amusement Company, East Texas Theatres, Inc., and Jefferson Amusement Company and additional legal arguments with respect to the applicability of § 1.363 (a) which were not previously presented in this cause. Without attempting to assess the probative value of the evidence brought forward by Jefferson, we believe that the additional facts and arguments submitted by Jefferson raise questions as to the applicability of § 1.363 (a) to the case before us sufficient to warrant a hearing thereon. The hearing record on this issue will permit a determination as to whether or not, in fact, comparative consideration of Jefferson's application by the Commission would be consistent with the provisions of § 1.363 (a) of the Commission's rules.

7. In view of the foregoing: *It is ordered*, That our order of April 22, 1953 (FCC 53–450) is rescinded; and that the above-entitled application of Jefferson Amusement Company is designated for hearing to commence at 10:00 a. m. on the 16th day of December 1953, in Washington, D. C., upon the following issue: To determine whether the application of Jefferson Amusement Company should be dismissed pursuant to the provisions of § 1.363 (a) of the Commission's rules, in light of the filing and dismissal of the application of Lufkin Amusement Company (BPCT–545).

*It is further ordered*, That Port Arthur College, and Joe B. Carrigan, Trustee and James K. Smith, a partnership d/b as Smith Radio Company are hereby made parties to the above hearing.

Adopted: December 2, 1953.

Released: December 4, 1953.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53–10337; Filed, Dec. 10, 1953; 8:52 a. m.]

[1] On May 29, 1953, Smith Radio Company and Port Arthur College filed a joint request for extension of time to reply to Jefferson's petition for reconsideration to June 8, 1953. By letter of June 4, 1953, Smith Radio Company, Port Arthur College and Jefferson were advised that the time to reply had been extended to June 8, 1953.

[2] Section 1.363 (a) provides in pertinent part as follows: "Where an applicant has been afforded an opportunity to be heard with respect to a particular application for new station * * * and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider a like application involving service of the same kind to the same area by the same applicant, or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of twelve months from the effective date of the Commission's order. The Commission may, for good cause shown, waive the requirements of this section."

[1] When the Jefferson application was filed on November 24, 1952, East Texas Theatres, Inc. had a 25 percent interest in Jefferson and United Paramount Theatres, Inc. then had a 50 percent interest in Jefferson. The Jefferson amendment to its application, filed December 12, 1952, stated that it (Jefferson) had purchased and would hold as Treasury Stock the 50 percent interest of United Paramount Theatres, Inc. With this action, the East Texas Theatres' interest in Jefferson voting stock increased from 25 percent to 50 percent, and the stock purchased by Jefferson and to be held in its Treasury became a nonvoting stock.



[Docket No. 10505]

DONZE ENTERPRISES, INC. (KSGM)

ORDER CONTINUING HEARING

In re application of Donze Enterprises, Inc. (KSGM), Ste. Genevieve, Missouri, Docket No. 10505, File No. BP–8488; for construction permit.

The Commission having under consideration a joint petition filed December 3, 1953, by Midland Broadcasting Company and Donze Enterprises, Inc., respondent and applicant, respectively, in the above-entitled proceeding, requesting that the hearing presently scheduled for December 7, 1953, be continued to January 5, 1954; and

It appearing, that several informal conferences between counsel have developed a favorable atmosphere for negotiating a settlement of, at least, some of the differences between the parties, but that the details cannot be worked out without consideration of data which the engineers for the parties have been unable to prepare because of their workload; that the engineers have been requested to prepare and present such data and it is believed this will be done within the next two weeks; and that, it is now difficult to determine what exhibits may be accepted without formal proof, particularly in view of the fact that there has been considerable discussion and a generally accepted feeling that most of the engineering exhibits can be agreed upon before the hearing starts, if they are available for full examination by the opposing party prior to the commencement of the hearing; and

It further appearing, that counsel for the Broadcast Bureau of the Commission has consented to a waiver of the requirements of § 1.745 of the Commission's rules and regulations and agreed to an immediate consideration and grant of the petition for continuance;

*It is ordered*, This 4th day of December 1953, that the petition be and it is hereby granted; and the hearing presently scheduled to commence on December 7, 1953, is continued to January 5, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53–10338; Filed, Dec. 10, 1953; 8:52 a. m.]

[1] Commissioners Hyde, Chairman and Lee dissented in opinion.

[Docket No. 10587]

GREEN BAY BROADCASTING CO. (WMAW)

ORDER CONTINUING HEARING WITHOUT DATE

In re application of Green Bay Broadcasting Company (WMAW), Menominee, Michigan, Docket No. 10587, File No. BMP-6064; for modification of construction permit.

Whereas, by order of the Commission granted September 24, 1953, hearing on the application herein was set for December 14, 1953; and

Whereas the applicant above-named has on November 4, 1953, filed its Petition for Reconsideration and Grant Without Hearing, which petition is now pending, and the effect of favorable action thereon by the Commission would be to render the hearing on said application unnecessary.

*It is ordered*, This 7th day of December 1953, that the hearing conference on the application of Green Bay Broadcasting Company, pursuant to § 1.841, heretofore scheduled for December 14, 1953, be continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10339; Filed, Dec. 10, 1953; 8:53 a. m.]

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[Docket Nos. 10791, 10792]

MANSFIELD JOURNAL CO. AND FERGUM THEATRES, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mansfield Journal Company, Mansfield, Ohio, Docket No. 10791, File No. BPCT-1178; Fergum Theatres, Inc., Mansfield, Ohio, Docket No. 10792, File No. BPCT-1179; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of December 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 36 in Mansfield, Ohio; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Mansfield Journal Company is legally, financially and technically qualified to construct, own and operate a television broadcast station except as to the matters referred to in issues "1", "2", and "3" below; and that Fergum Theatres, Inc., is legally, financially and technically qualified to construct, own and operate a television broadcast station except as to the matters referred to in issues "3" and "4" below;

*It is ordered*, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 31st day of December 1953 in Washington, D. C. upon the following issues:

1. To determine whether Mansfield Journal Company is qualified to be the licensee of a television broadcast station, in the light of its past activities in violation of Federal antitrust laws and those of its officers, directors and stockholders.

2. To determine the transmitter output and effective radiated power, as affected by diplexer loss, of the operation proposed by Mansfield Journal Company, with particular reference to the ratio of aural to visual effective radiated power required by § 3.682 (a) (15) of the Commission's rules.

3. To determine whether the installation of either of the stations proposed in the above-entitled applications would constitute a hazard to air navigation.

4. To determine whether good cause exists for the location of the proposed main studio of Fergum Theatres, Inc., outside the principal community to be served; whether such location would be consistent with the operation of the station proposed by Fergum Theatres, Inc., in the public interest; and whether the provisions of § 3.613 (a) of the Commission's rules should be waived.

5. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

*It is further ordered*, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 7, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10340; Filed, Dec. 10, 1953; 8:53 a. m.]

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## FEDERAL POWER COMMISSION

[Docket No. E-6532]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF SECURITIES

DECEMBER 7, 1953.

Notice is hereby given that on December 4, 1953, the Federal Power Commission issued its order adopted December 2, 1953, authorizing issuance of securities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10307; Filed, Dec. 10, 1953; 8:45 a. m.]

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[Docket No. G-1308]

SOUTHERN NATURAL GAS CO.

NOTICE OF ORDER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 7, 1953.

Notice is hereby given that on December 4, 1953, the Federal Power Commission issued its order adopted December 2, 1953, amending order of May 19, 1950 (15 F. R. 3296) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10308; Filed, Dec. 10, 1953; 8:45 a. m.]

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[Docket Nos. G-2236, G-2266]

OHIO FUEL GAS CO. AND EL PASO NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDERS

DECEMBER 7, 1953.

In the matters of the Ohio Fuel Gas Company, Docket No. G-2236, El Paso Natural Gas Company, Docket No. G-2266.

Notice is hereby given that on December 4, 1953, the Federal Power Commission issued its orders adopted December 2, 1953, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10309; Filed, Dec. 10, 1953; 8:46 a. m.]



[Docket Nos. G-2102, G-2250]

CITY OF PALO ALTO AND PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF COMPLAINT AND ALLOWING TARIFF SHEETS TO TAKE EFFECT

DECEMBER 7, 1953.

City of Palo Alto v. Pacific Gas and Electric Company, Docket No. G-2250, and in the matter of Pacific Gas and Electric Company, Docket No. G-2102.

Notice is hereby given that on December 4, 1953, the Federal Power Commission issued its order adopted December 2, 1953, in the above-entitled matters, permitting withdrawal of the complaint of the City of Palo Alto, Docket No. G-2250, and allowing tariff sheets filed by Pacific Gas and Electric Company, Docket No. G-2102 to take effect as of August 22, 1953.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10310; Filed, Dec. 10, 1953; 8:46 a. m.]

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[Docket No. G-2263]

LONE STAR GAS CO.

NOTICE OF FINDINGS AND ORDER

DECEMBER 7, 1953.

Notice is hereby given that on December 4, 1953, the Federal Power Commission issued its order adopted December 2, 1953, issuing a certificate of public convenience and necessity, and permitting and approving abandonment of certain facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10311; Filed, Dec. 10, 1953; 8:46 a. m.]

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[Project No. 2144]

CITY OF SEATTLE

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

DECEMBER 7, 1953.

Public notice is hereby given that The City of Seattle, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for preliminary permit for proposed Project No. 2144 to be located on the Pend Oreille River in Pend Oreille County, Washington, affecting public lands and lands of the United States within Kaniksu National Forest. The proposed project would consist of a concrete dam about 300 to 350 feet high with crest length of about 500 feet located about one mile from the International Boundary forming a reservoir having a water surface elevation of 1,990 feet above mean sea level; a power plant operating under a gross head of about 270 feet located immediately downstream from the dam with provisions for an installed capacity of about 570,000 kilowatts; and transmission facilities consisting initially of two 230-kilovolt circuits connecting to the grid system of the Bonneville Power Administration in the area of Spokane, Washington. The power to be produced or displaced by the proposed project would be used by The City of Seattle to supply customers in its service area. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for license under the terms of the Federal Power Act for the proposed project.

Protests of petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before January 14, 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10312; Filed, Dec. 10, 1953; 8:46 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1578]

ROCKWELL SPRING AND AXLE CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of December A. D. 1953.

The Los Angeles Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $5 Par Value, of Rockwell Spring and Axle Company, a security listed and registered on the New York Stock Exchange, on the Pittsburgh Stock Exchange, and on the Midwest Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to January 5, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 53-10325; Filed, Dec. 10, 1953; 8:50 a. m.]

[File No. 7-1579]

ROCKWELL SPRING AND AXLE CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 4th day of December A. D. 1953.

The Philadelphia-Baltimore Stock Exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 thereunder, has made application for unlisted trading privileges in the Common Stock, $5 Par Value, of Rockwell Spring and Axle Company, a security listed and registered on the New York Stock Exchange, on the Pittsburgh Stock Exchange, and on the Midwest Stock Exchange.

Rule X-12F-1 provides that the applicant shall furnish a copy of the application to the issuer and to every exchange on which the security is listed or already admitted to unlisted trading privileges. The application is available for public inspection at the Commission's principal office in Washington, D. C.

Notice is hereby given that, upon request of any interested person received prior to January 4, 1954, the Commission will set this matter down for hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 53-10326; Filed, Dec. 10, 1953; 8:51 a. m.]

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[File Nos. 54-171, 59-92]

NORTH AMERICAN CO. AND NORTH AMERICAN UTILITY SECURITIES CORP.

MEMORANDUM OPINION AND ORDER APPROVING APPLICATION AND RELEASING JURISDICTION

DECEMBER 4, 1953.

In the matter of the North American Company, File No. 54-171; North American Utility Securities Corporation, the North American Company, File No. 59-92.

We have before us the fees and expenses to be allowed in connection with a plan, as amended, filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), by the North American Company ("North American"), a registered holding company, providing for the liquidation and dissolution of its investment company subsidiary, North American Utility Securities Corporation ("NAUSCORP"). The plan was designed to effect partial

compliance with the provisions of section 11 (b) of the act and our Order of April 14, 1942, in that upon completion of the liquidation and dissolution North American was committed to the prompt disposition of the security holdings thus received.

The original plan was filed on June 21, 1948, and provided that North American would receive all the assets, subject to the current liabilities of NA US CORP, by reason of its holdings of all of the $7 cumulative preferred stock, of which there were 60,000 shares outstanding and that the common stock, of which 90,397 shares were held by the public and 376,151 shares were held by North American, would receive nothing. Hearings were held with respect to this plan and with respect to the issues raised by the Commission in its order instituting proceedings against NA US CORP under section 11 (b) (2) of the act.[1] On August 16, 1950, the staff of the Division of Corporate Regulation filed its recommended findings and opinion in which it recommended that the plan not be approved by the Commission. The Protective Committee for the Public Holders of Common Stock concurred in the staff's recommendation and exceptions thereto were filed by the companies.[2]

The matter was thereafter submitted to us for decision. Before a resolution of the issues was reached, North American filed an Amended Plan providing that the holders of the publicly held common stock should receive $9 a share in full satisfaction of all rights in respect thereof. The Commission's findings, opinion and order approving the amended plan were issued on July 23, 1952,[3] and was ordered enforced by the District Court on September 16, 1952.[4] North American also opposed the request by the Protective Committee for the Public Holders of Common Stock for a list of stockholders of NA US CORP to enable the committee to solicit the public common stockholders.[5] A suit for an injunction against the committee was filed in District Court. This action was dismissed in December 1948[6] and this decision was affirmed by the Court of Appeals in June 1949.[7]

The order of July 23, 1952, approving the amended plan contained a condition to the effect that North American and NAUSCORP should pay only such fees and expenses in connection with the amended plan and the proceedings relating thereto as the Commission may approve on appropriate application made to it. Subsequently, we notified the interested persons that applications for approval of fees and expenses should be filed and the companies were requested to supply information regarding certain fees and expenses paid or proposed to be paid for services in connection with these proceedings.

The following table shows the amounts of fees and expenses for which applications have been filed:

| Applicant | Amount requested | |
|---|---|---|
| | Fees | Expenses |
| Sullivan & Cromwell, counsel to companies | $100,000 | $753.20 |
| Irving Steinman, counsel to protective committee for public holders of common stock of NAUSCORP | 60,000 | 1,557.08 |
| Samuel I. Posen, chairman of committee | 6,500 | 910.97 |
| Maurice K. Kraft, member of committee and financial expert | 13,500 | 502.72 |
| The Ad Press, Ltd., & printing | ..... | 6,854.00 |
| Total | 180,000 | 10,637.97 |

The Commission having examined the statements and affidavits submitted in support of such requests and having examined the record and the requested fees and expenses in the light of the standards of the act, and having concluded that the requested fees and expenses in the amounts set forth herein are reasonable and for necessary services:

*It is ordered*, That the foregoing applications for allowances and reimbursement of expenses are approved and that the reservation of jurisdiction in this matter with respect to said fees and expenses, be, and the same hereby is, released.

By the Comission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 53-10329; Filed, Dec. 10, 1953; 8:51 a. m.]

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[File No. 54-211]

CENTRAL PUBLIC UTILITY CORP.

ORDER APPROVING PLAN

DECEMBER 4, 1953.

Central Public Utility Corporation ("Cenpuc"), a registered holding company, having filed an application with this Commission for approval of a plan under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") for compliance with section 11 (b) thereof; and

Said plan providing, among other things, for the distribution by Cenpuc to its stockholders, on a pro rata basis, of the reclassified stock of its public-utility subsidiary, Central Indiana Gas Company ("Central Indiana") and the liquidation and dissolution of its non-utility subsidiary, Central Natural Gas Corporation ("Central Natural"); and

Public hearings having been duly held after appropriate notice with respect to said plan at which hearings all interested persons were afforded an opportunity to be heard; and

Cenpuc having requested that the Commission's order approving said plan contain recitals and findings in accordance with the requirements of the Internal Revenue Code, as amended, including Supplement R and section 1808 (f) thereof; and

The Commission having considered the entire record in this matter and having this day filed its findings and opinion herein finding that said plan is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby:

*It is ordered*, On the basis of the record herein and said findings and opinion, pursuant to section 11 (e) and other applicable provisions of the act, that said plan be, and the same hereby is, approved, forthwith, subject to the terms and conditions contained in Rule U-24 promulgated under the act and to the following additional terms and conditions:

1. That only such fees and expenses, and no more, in connection with said plan and the proceedings incident thereto shall be paid as the Commission may approve on appropriate application made to it and, with the exception of fees and expenses to be paid Stone & Webster Service Corporation and Baltimore National Bank ("Baltimore") for services to be rendered as transfer agents under the plan, jurisdiction hereby is specifically reserved with respect to the reasonableness, appropriate allocation, and payment by Cenpus and its subsidiaries of all fees and expenses and all other remuneration incurred or to be incurred in connection with said plan, the transactions incident thereto, and the proceedings thereon and related thereto; and

2. That jurisdiction be, and it hereby is, specifically reserved with respect to the following:

a. All aspects of the procedure with respect to the selection of the reconstituted Board of Directors of Central Indiana and the composition thereof; and

b. The entertaining of such further proceedings, entering of such further orders and the taking of such further action as may be deemed to be necessary or appropriate in connection with the plan, the transactions incident thereto, and the consummation thereof and as may be deemed to be necessary or appropriate to effectuate the requirements of section 11 (b) of the act.

*It is further ordered and recited*, Pursuant to section 11 (e) and other applicable sections of the act and the rules and regulations promulgated thereunder, that the transactions itemized below proposed in said plan and involved in the consummation thereof, are approved and found to be necessary or appropriate to effectuate the provisions of section 11 (b) of the act, and necessary or appropriate to the integration or simplification of the holding company system of which Cenpuc, Central Indiana and Central Natural are members:

(1) The amendment of Central Indiana's Certificate of Incorporation as proposed in section I of said plan and the effectuation thereby and in connection therewith of the following:

(a) The increase and change of Central Indiana's authorized common stock from 500,000 shares, having a par value of $10 each, to 1,100,000 shares having a par value of $5 each ("Central Indiana's new common stock") and the giving of (i) cumulative voting rights, and (ii) preemptive rights, both as described in (4) and (5) of sub-section B of section I of said plan, to the holders of the shares of Central Indiana's new common stock.

(b) The increase and change of the outstanding shares of Central Indiana's common stock from 400,000 shares, having a par value of $10 each, to 1,000,100 shares, having a par value of $5 each.

(c) The increase of the capital of Central Indiana from $4,000,000 to $5,000,500 by the transfer of $1,000,500 from Central Indiana's earned surplus account to its capital stock account.

(2) The assignment by Cenpuc, as the owner thereof, and the transfer at the time and in the manner proposed in section II of said plan of all of the 1,000,100 shares of Central Indiana's new common stock on a share for share basis to the holders of record (including Baltimore) of the shares of Cenpuc's capital stock at the close of business on a date subsequently to be fixed as the record date by resolution of Cenpuc's Board of Directors, and, as a result thereof, the acquisition by such holders of record of the shares of Central Indiana's new common stock so assigned and transferred.

(3) The acceptance by Baltimore, for the account of those persons identified in section III of said plan, of the shares of Central Indiana's new common stock transferred under section II of said plan to Baltimore as the holder of record of distributable shares of Cenpuc's capital stock (shares distributable by Baltimore under Cenpuc's amended plan, approved by order of this Commission, dated June 13, 1952), and the assignment by Baltimore and the transfer to, and the acquisition by such persons of said shares of Central Indiana's new common stock at the times, to the extent, and subject to the conditions specified in section III of the plan.

(4) The payment to and the receipt by Baltimore for the account of those persons identified in section III of said plan, of any and all dividends paid by Central Indiana to Baltimore on the aforesaid shares of Central Indiana's new common stock, and the payment by Baltimore of such dividends to the persons entitled thereto at the time, to the extent, and subject to the conditions specified in section III of said plan.

(5) The surrender by Baltimore to Central Indiana for extinguishment at the time specified and otherwise as provided in subsection C of section III of said plan, and the acceptance by Central Indiana of the surrender for that purpose, of all of the aforesaid shares of Central Indiana's new common stock not theretofore transferred or then transferable under said section III, and concurrently therewith the payment by Baltimore to, and the acceptance by Central Indiana, free and clear for its own use, of all moneys representing dividends theretofore paid by Central Indiana on the surrendered shares.

(6) The dissolution and liquidation of Central Natural, as proposed in section V of said plan, and as a result of and at the time of such liquidation, the transfer to and the acquisition by Cenpuc of all of the then assets of Central Natural.

*It is further ordered*, That jurisdiction be, and hereby is, reserved to enter such other or further orders conforming to the requirements of Supplement R of Chapter 1 and section 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended, as may be necessary or appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 53-10327; Filed, Dec. 10, 1953; 8:51 a. m.]

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[File Nos. 59-10, 54-82, 59-95, 54-205, 59-39, 54-50, 54-176]

NORTH AMERICAN CO. ET AL.

MEMORANDUM OPINION AND ORDER RELEASING AND RESERVING CERTAIN JURISDICTIONS

DECEMBER 4, 1953.

In the matter of the North American Company and its subsidiary companies, File No. 59-10; the North American Company, File Nos. 54-82, 59-95; the North American Company, Union Electric Company of Missouri, File No. 54-205; North American Light & Power Company Holding Company System and the North American Company, File No. 59-39; North American Light & Power Company, File No. 54-50; the North American Company, Union Electric Company of Missouri, West Kentucky Coal Company, File No. 54-176.

We have before us the fees and expenses to be allowed in connection with various plans filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") by the North American Company ("North American"), a registered holding company, Union Electric Company of Missouri ("Union Electric"), a public utility company and also a registered holding company, West Kentucky Coal Company ("West Kentucky"), a former non-utility subsidiary of North American and North American Light & Power Company ("Light & Power"), a registered holding company, now in process of liquidation. All of these proceedings were proposed and filed as a result of an order of this Commission dated December 30, 1941, directing the liquidation of Light & Power under section 11 (b) (2) of the act,[1] and of an order dated April 14, 1942, which, with certain minor exceptions not here pertinent, required that to comply with the provision of section 11 (b) (1) of the act, North American must dispose of all of its interests in its utility and non-utility holdings, other than those comprising the Union Electric system.[2]

On August 4, 1943, North American filed its so called "Regional Plan" under section 11 (e) of the act for the stated purpose of effecting compliance with the provisions of section 11 (b) of the act.

No decision was ever rendered by the Commission with respect to the 1943 plan and on April 18, 1946, this plan was withdrawn and a new plan was filed which proposed to effectuate compliance with section 11 (b) of the act by the payment of North American's bank loans and the distribution of certain of its security holdings to its stockholders under a warrant, the creation of an investment company, the withdrawal of certain claims asserted by Illinois Power Company, a former subsidiary of Light & Power, against Light & Power and North American and the integration of Illinois Power Company with Union Electric, evidence on which was taken in proceedings relating to a section 11 (e) plan filed by Light & Power providing for its liquidation and dissolution. Hearings were held and briefs filed with respect to this plan, but before a decision could be reached, a new plan was filed, which in addition to modifying certain provisions of the 1946 plan to which objections were raised, also embodied the settlement of the intercompany claims and provided for the liquidation and dissolution of Light & Power. The claims settlement was approved by this Commission[3] and enforced by the District Court in May 1947.[4] After a further amendment, the plan of liquidation for Light & Power was also approved by this Commission[5] and enforced by the District Court.[6] An appeal was taken by certain common stockholders of Light & Power with respect to certain phases of the Light & Power plan which was not finally resolved until 1950, but in the meantime distributions and sales of Light & Power's portfolio holdings were effected and the claims of the holders of the publicly held preferred and common stocks of Light & Power were satisfied.

In the years 1947, 1948, and 1949 North American, after appropriate approvals by this Commission, sold and distributed major investments in its principal subsidiaries in accordance with the provisions of the 1947 plan relating to compliance with section 11 (b) of the act, including a section 11 (e) plan providing for the transfer of a portion of the properties of West Kentucky to Union Electric as a capital contribution by North American and the distribution of its holdings of West Kentucky stock by North American to its stockholders.

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[1] The North American Company, Holding Company Act Release No. 8399 (1948).

[2] A request made by North American that the hearing officer file a recommended decision was denied. Petition for review dismissed the North American Company v. S. E. C. (C. A. 2, October 9, 1950) (unreported).

[3] The North American Company, Holding Company Act Release No. 11390 (1952).

[4] North American Utility Securities Corporation et al., U. S. D. C., Maryland, Civil Action No. 5935.

[5] The solicitation material had been approved by the Commission under Rule U-62.

[6] North American Utility Securities Corporation v. Posen et al., U. S. D. C. S. D. N. Y. Civil Action No. 4832.

[7] North American Utility Securities Corporation v. Posen et al., 176 F. 2d 194 (C. A. 2, June 23, 1949).

[1] North American Light & Power Company et al., 10 S. E. C. 924.

[2] The North American Company 11 S E C. 194 (1942), affirmed sub. nom. North American Company v. S. E. C., 133 F. 2d 148 (C. A. 2, 1943), affirmed 327 U. S. 686 (1946).

[3] The North American Company and its Subsidiary Companies 25 S. E. C. 349, 25 S. E. C. 651 (1947).

[4] D. Del. Civil Action 1033 (May 28, 1947).

[5] The North American Company and its Subsidiary Companies 26 S. E. C. 169 (1947).

[6] In re Illinois Power Co. 74 F. Supp. 317 (D. Del. 1947).

By order dated October 31, 1952, we approved a plan under section 11 (e) of the act filed on April 18, 1952, by North American and joined in, to the extent necessary, by Union Electric providing primarily for the liquidation and dissolution of North American, subject to certain terms and conditions, including one that North American shall pay only such fees and expenses in connection with the plan and proceedings relating thereto as the Commission may approve on appropriate application made to it.[1] Subsequently, we notified the interested persons that applications for approval of fees and expenses should be filed and North American was requested to supply information regarding certain fees and expenses paid or proposed to be paid for services in connection with these proceedings.

On November 30, 1950, we released jurisdiction with respect to the fees and expenses requested by the applicants for services rendered in connection with the joint plan under section 11 (e) of the act filed by North American, Union Electric and West Kentucky.[2] In approving a fee of $10,000 to George Rosier for services in that proceeding, we indicated that such approval should not be construed as any indication of what weight we would accord his contentions as to the proper measure of the compensation to which he might be entitled, either in the Light & Power reorganization or with respect to any future application that he might file in connection with any proceeding under section 11 (e) of the act relating to North American.

On December 21, 1950, we issued an order releasing jurisdiction with respect to the payment of certain fees and expenses, as therein set forth, for services in connection with the plan of reorganization of Light & Power, and reserving jurisdiction with respect to the fees and expenses to be allowed to the firm of Burns, Currie, Walker and Rich until the matter of fees for services in the over-all North American situation was disposed of, and in allowing an interim payment of $20,000 to George Rosier for his services in that proceeding, reiterated that the amount was not to be construed as any indication of what we might determine subsequently, in future proceedings, to be an appropriate total allowance for Rosier's over-all services.

The firm of Burns, Currie, Walker and Rich has filed a supplemental statement which completes the record with respect to services performed in the Light & Power matter. With regard to Rosier, we believe the amounts heretofore allowed Rosier represent adequate compensation for services performed in those matters and that no further allowance should be made to him for such services. The allowance made herein to Rosier is for services performed in connection with the plan of liquidation and dissolution of North American.

The following table shows the amounts of fees and expenses for services performed in the above proceedings, the approval of which has been requested:

| Recipient or applicant | Amount requested | |
|---|---|---|
| | Fees | Expenses |
| Sullivan & Cromwell, counsel to North American | $150,000.00 | $783.04 |
| Burns, Currie, Walker & Rich, counsel to North American | 29,500.00 | 413.71 |
| George Rosier, counsel to trustees of Central States Electric Corp., and its two subsidiaries, American Cities Power & Light Corp. and Blue Ridge Corp. | 35,000.00 | 712.45 |
| The Ad Press, Ltd. | | 103,148.00 |
| Neville Press | | 6,701.10 |
| Lincoln Engraving & Printing Co. | | 631.00 |
| Merrill Lynch, Pierce, Fenner & Beane, brokers for North American stockholders that disposed of small holdings of Union Electric stock | 2,000.50 | |
| Total | 217,100.50 | 112,102.30 |

The Commission having considered the statements and affidavits heretofore submitted in support of the requested fees and expenses and having examined the record and the requested fees and expenses in the light of the standards of the act, and having concluded that the requested fees and expenses in the amounts set forth are reasonable and for necessary services:

*It is ordered*, That the applications for allowance and reimbursement of expenses are reasonable and that the reservations of jurisdiction in these matters with respect to said fees and expenses, be, and the same hereby are, released.

*It is further ordered*, That jurisdiction be and hereby is reserved with respect to any additional fees and expenses to be incurred in connection with further proceedings on North American's section 11 (e) plan.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-10328; Filed, Dec. 10, 1953; 8:51 a. m.]

[1] The North American Company et al., Holding Company Act Release No. 11530.

[2] The North American Company et al., Holding Company Act Release No. 10256.

[3] The North American Company and its Subsidiary Companies, Holding Company Act Release No. 10304.

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28726]

PULPBOARD AND FIBREBOARD FROM CLYATTVILLE AND ESKAY, GA., TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

DECEMBER 8, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Pulpboard and fibreboard, carloads.

From: Clyattville and Eskay, Ga.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, to maintain grouping, to apply rates constructed on the basis of the short line distance formula, and additional origins.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1349, supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10314; Filed, Dec. 10, 1953; 8:46 a. m.]

Reference Room

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
# FEDERAL REGISTER
1934 OF THE UNITED STATES

VOLUME 18 NUMBER 242

*Washington, Saturday, December 12, 1953*

## TITLE 20—EMPLOYEES' BENEFITS

### Chapter II—Railroad Retirement Board

PART 327—AVAILABLE FOR WORK

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U. S. C. 362), Part 327 of the regulations of the Railroad Retirement Board under such act is adopted by Board Order 53-296, dated November 18, 1953, effective July 1, 1953, to be read as follows:

Sec.
327.1 Statutory provisions.
327.5 Meaning of "available for work".
327.10 Consideration of availability.
327.15 Reasonable efforts to obtain work.

AUTHORITY: §§ 327.1 to 327.15 issued under sec. 12, 52 Stat. 1107, as amended; 45 U. S. C. 362.

§ 327.1 *Statutory provisions.* (a) "Subject to the provisions of section 4 of this Act, * * * a day of unemployment, with respect to any employee, means a calendar day on which he is * * * available for work * * *" (Section 1 (k) of the act.)

(b) "* * * The Board shall prescribe a procedure for registration of unemployed employees at employment offices. Such procedure for registration shall be prescribed with a view to such registration affording substantial evidence of the days of unemployment of the employees who register. The Board may, when such registration is made personally by an employee, accept such registration as initial proof of unemployment sufficient to certify for payment a claim for benefits." (Section 12 (i) of the act.)

§ 327.5 *Meaning of "available for work"—(a) General definition.* A claimant for unemployment benefits is available for work if he is willing and ready to work.

(b) *Willing to work.* A claimant is willing to work if he is willing to accept and perform for hire such work as is reasonably appropriate to his circumstances in view of factors such as:

(1) The current practices recognized by management and labor with respect to such work;

(2) The degree of risk involved to the claimant's health, safety, and morals;

(3) His physical fitness and prior training;

(4) His experience and prior earnings;

(5) His length of unemployment and prospects for obtaining work; and

(6) The distance of the work from his residence and from his most recent work.

(c) *Ready to work.* A claimant is ready to work if he:

(1) Is in a position to receive notice of work which he is willing to accept and perform, and

(2) Is prepared to be present with the customary equipment at the location of such work within the time usually allotted.

§ 327.10 *Consideration of availability—(a) Initial proof.* When a claimant has complied with the provisions of Part 325 of this chapter, he shall initially be considered available for work.

(b) *Information indicating unavailability.* If the office of the Board which is adjudicating a claimant's claims for benefits receives information indicating that the claimant may not be available for work, he shall be required to submit evidence of his availability for work, and no benefits shall thereafter be paid with respect to any day in the period of the claimant's unemployment unless sufficient evidence of the claimant's availability for work on such day is presented.

§ 327.15 *Reasonable efforts to obtain work—(a) Requirement.* A claimant may be required at any time to show, as evidence of willingness to work, that he is making reasonable efforts to obtain work which he professes to be willing to accept and perform, unless he has good prospects of obtaining such work or his circumstances are such that any efforts to obtain work other than by making application for employment service pursuant to § 325.13 of this chapter would be fruitless to the claimant.

(Continued on p. 8159)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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**UNITED STATES GOVERNMENT ORGANIZATION MANUAL**

**1953–54 Edition**
(Revised through July 1)

Published by the Federal Register Division, the National Archives and Records Service, General Services Administration

**734 Pages—$1.00 a copy**

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

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(b) *Failure to comply with requirement.* When the office of the Board which is adjudicating claims for benefits has information that the claimant has failed to comply with the requirements set forth in paragraph (a) of this section, no benefits shall be paid with respect to any days in the period of the claimant's unemployment unless sufficient evidence of the claimant's availability for work on such days is presented.

(c) *"What constitutes reasonable efforts."* A claimant shall be considered as making reasonable efforts to obtain work when he takes such steps toward obtaining work as are appropriate to his circumstances. In determining what steps are appropriate to a claimant's circumstances, consideration shall be given to actions such as:

(1) Registering with a union hiring or placement facility;

(2) Applying for employment with former employers;

(3) Making application with employers including individuals and companies not covered by the act, who may reasonably be expected to have openings in work suitable for him;

(4) Responding to appropriate "want ads" for work which appears suitable for him;

(5) Actively prosecuting his claim for reinstatement in his former work;

(6) Any other action reasonably directed toward obtaining work.

Dated: December 7, 1953.

By authority of the Board.

MARY B. LINKINS,
*Secretary of the Board.*

[F. R. Doc. 53-10356; Filed, Dec. 11, 1953; 8:46 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

PAMLICO SOUND, BOGUE SOUND, AND ADJACENT WATERS, NORTH CAROLINA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.55 establishing and governing the use and navigation of danger zones in Pamlico Sound, Bogue Sound, and adjacent waters, North Carolina, is hereby amended to read as follows:

§ 204.55 *Pamlico Sound, Bogue Sound, and adjacent waters, N. C.; danger zones for Marine Corps operations*—(a) *Bombing and rocket firing area in Pamlico Sound in vicinity of Brant Island*—(1) *The area.* The waters within a circular area with a radius of 3.0 statute miles having its center on the southern side of Brant Island at latitude 35°12'30", longitude 76°36'30".

(2) *The regulations.* The area shall be closed to navigation at all times except for vessels engaged in operational and maintenance work as directed by the enforcing agency. Prior to bombing or firing operations the area will be "buzzed" by plane. Upon being so warned vessels working in the area shall leave the area immediately.

(b) *Bombing, rocket firing, and strafing areas in Pamlico Sound and Neuse River*—(1) *The areas.* (i) The waters within a circular area with a radius of 1.8 statute miles having its center at latitude 35°02'12", longitude 76°28'00".

(ii) The waters within a circular area with a radius of 0.5 statute mile having its center at latitude 35°00'30", longitude 76°29'50".

(iii) The waters within a circular area with a radius of 0.5 statute mile having its center at latitude 35°04'12", longitude 76°28'24".

(iv) The waters within a circular area with a radius of 0.5 statute mile having its center at latitude 35°01'42", longitude 76°25'48".

(v) The waters within a circular area with a radius of 0.5 statute mile having its center at latitude 34°58'48", longitude 76°26'12".

(2) *The regulations.* (i) The areas described in subparagraph (1) (i) and (ii) of this paragraph will be used as bombing, rocket firing, and strafing areas. Live and dummy ammunition will be used. The areas shall be closed to navigation at all times except for such vessels as may be directed by the enforcing agency to enter on assigned duties. The areas will be patrolled and vessels "buzzed" by the patrol plane prior to the conduct of operations in the areas. Vessels which have inadvertently entered the danger zones upon being so warned shall leave the area immediately.

(ii) The areas described in subparagraph (1) (iii), (iv), and (v) of this paragraph will be used as bombing, rocket firing, and strafing areas. Practice and dummy ammunition will be used. All operations will be conducted during daylight hours, and the areas will be open to navigation at night. No vessel shall enter these areas during the hours of daylight without special permission from the enforcing agency. The areas will be patrolled and vessels "buzzed" by the patrol plane prior to the conduct of operations in the areas. Vessels which have inadvertently entered the danger zones upon being so warned shall leave the areas immediately.

(c) *Bombing area in Atlantic Ocean in vicinity of Bear Inlet*—(1) *The area.* The waters within a rectangular area described as follows: Beginning at latitude 34°38'03", longitude 77°10'06"; thence to latitude 34°32'53", longitude 77°06'30"; thence to latitude 34°31'15", longitude 77°09'41"; thence to latitude 34°36'33", longitude 77°13'18"; and thence to the point of beginning. The area includes all of the entrance to Bear Inlet, and extends westward to a point approximately 1,000 yards east of Browns Inlet and seaward approximately five and one-half miles from Bear Inlet.

(2) *The regulations.* The area shall be closed to navigation at all times except for vessels proceeding along established waterways. Adequate safety precautions will be taken before and during each practice. Operations will be suspended, if necessary, to insure the safety of vessels proceeding along established waterways.

(d) *Enforcing agency.* The regulations in this section shall be enforced by the Commander, Marine Corps Air Bases, Cherry Point, North Carolina, or his authorized representatives.

[Regs., Nov. 24, 1953, 800.2121-ENGWO] (40 Stat. 266, 892; 33 U. S. C. 1, 3)

[SEAL] WM. E. BERGIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 53-10364; Filed, Dec. 11, 1953; 8:48 a. m.]

PART 207—NAVIGATION REGULATIONS

CHESAPEAKE BAY ENTRANCE

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.158 establishing and governing the use and navigation of a naval restricted area across Chesapeake Bay entrance is hereby modified by changes in the limits of the area and redesignation of an enforcing agency, as follows:

§ 207.158 *Chesapeake Bay entrance; naval restricted area*—(a) *The area.* Beginning at a point on the south shore of Chesapeake Bay at longitude 76°03'06"; thence to latitude 37°01'18", longitude 76°02'06"; thence to latitude 37°00'18", longitude 75°55'54"; thence to latitude 36°58'00", longitude 75°48'24"; thence to latitude 36°51'48", longitude 75°51'06"; thence to the shore at longitude 75°58'48", and thence northwesterly and southwesterly along the shore at Cape Henry to the point of beginning.

(b) *The regulations.* (1) Anchoring, trawling, crabbing, fishing, and dragging in the area are prohibited, and no object attached to a vessel or otherwise shall be placed on or near the bottom.

(2) This section shall be enforced by Officer in Charge, Harbor Defense Unit, Norfolk, Virginia.

[Regs., Nov. 19, 1953, 800.2121 (Chesapeake Bay) ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 53-10365; Filed, Dec. 11, 1953; 8:48 a. m.]

# TITLE 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

### Subchapter C—Miscellaneous Excise Taxes

[Regulations 30]

### PART 198—PRODUCTION OF VOLATILE FRUIT-FLAVOR CONCENTRATES

*Preamble:* 1. These regulations, Regulations 30, Volatile Fruit-Flavor Concentrates (26 CFR Part 198) are a republication of Regulations 30, 1949 edition (26 CFR Part 198).

2. These regulations, except for the addition of several definitions, consist only of previously approved material but the text has been rearranged and renumbered to conform to the Federal Register Regulations (13 F. R. 5929).

3. This republication of these regulations shall not affect or limit any act done or any liability previously incurred, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the date of republication, nor shall this republication release, acquit, affect, or limit any offense committed in violation of these regulations prior to republication, or any penalty, liability or forfeiture incurred prior to such date.

4. It is found that compliance with notice and public rule making procedure of section 4 (a) and the effective date limitations of section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1001 et seq.) is unnecessary in connection with the republication of the regulations in this part for the reason that the changes made relate merely to form and not substance.

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AUTHORITY: §§ 198.1 to 198.207 issued under 53 Stat. 375, 467; 26 U. S. C. 3176, 3791. Interpret or apply 63 Stat. 611; 26 U. S. C. 5142. Other statutory provisions interpreted or applied are cited to the text in parenthesis.

§ 198.0 *Statutory provisions.* Sections 198.0-1 to 198.0-11 set forth the text of laws of more common application pertaining to the production of volatile fruit-flavor concentrates.

§ 198.0-1 *Registry of stills.*

26 U. S. C. 2810 *Registry of stills*—(a) *Requirement.* Every person having in his possession or custody, or under his control, any still or distilling apparatus set up, shall register the same with the collector of the district in which it is, by subscribing and filing with him duplicate statements, in writing, setting forth the particular place where such still or distilling apparatus is set up, the kind of still and its cubic contents, the owner thereof, his place of residence, and the purpose for which said still or distilling apparatus has been or is intended to be used, one of which statements shall be retained and preserved by the collector, and the other transmitted by him to the Commissioner. Stills and distilling apparatus shall be registered immediately upon their being set up.

Every still or distilling apparatus not so registered, together with all personal property in the possession or custody, or under the control of such person, and found in the building, or in any yard or inclosure connected with the building in which the same may be set up, shall be forfeited.

And every person having in his possession or custody, or under his control, any still or distilling apparatus set up which is not so registered, shall pay a penalty of $500, and shall be fined not less than $100, nor more than $1,000, and imprisoned for not less than six months nor more than two years.

Stills and distilling apparatus set up at refineries for the refining of crude petroleum or the production of petroleum products and not used in the manufacture of distilled spirits are not required to be registered under this section.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 198.0-2 *Premises prohibited for distilling.*

26 U. S. C. 2819 *Premises prohibited for distilling.* No person shall use any still, worm, or other vessel, for the purpose of distilling in any dwelling house, or in any shed, yard or inclosure connected with any dwelling house, or on board of any vessel or boat or in any building, or on any premises where beer, lager beer, ale, porter, or other fermented liquors, vinegar, or ether, are manufactured or produced, or where sugars or syrups are refined, or where liquors of any description are retailed, or where any other business is carried on; or within six hundred feet in a direct line of any premises authorized to be used for rectifying, except that the Secretary is authorized to permit such use for distilling on premises at such nearer distance than six hundred feet as he prescribes, in any case in which he deems that such permission may be granted without danger to the revenue; and every person who does any of the acts prohibited by this section, or aids or assists therein, or causes or procures the same to be done, shall be fined $1,000 and imprisoned for not less than six months nor more than two years, in the discretion of the court, for each such offense: *Provided*, That saleratus may be manufactured, or meal or flour ground from grain, in any building or on any premises where spirits are distilled; but such meal or flour shall be used only for distillation on the premises: *Provided further*, That any boiler used in generating steam or heating water to be used in any distillery, may be located in any other building or on any other premises to be connected with such still or boiling tubs, by suitable pipes or other apparatus, or the steam from such boiler in the distillery may be conveyed to other premises to be used for manufacturing or other purposes.

§ 198.0-3 *Changes in apparatus and fastenings.*

26 U. S. C. 2823 *Changes in apparatus and fastenings*—(a) *Power of Commissioner.* The Commissioner is authorized to order and require such changes of or additions to distilling apparatus, connecting pipes, pumps, or cisterns, or any machinery connected with or used in or on the distillery premises, or may require to be put on any of the stills, tubs, cisterns, pipes, or other vessels, such fastenings, locks, or seals as he may deem necessary.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 198.0-4 *Entry and examination of distillery.*

26 U. S. C. 2827 *Entry and examination of distillery*—(a) *Power of revenue officers.* It shall be lawful for any revenue officer at all times, as well by night as by day, to enter into any distillery or building or place used for the business of distilling, or used in connection therewith for storage or other purposes, and to examine, gauge, measure, and take an account of every still or other vessel or utensil of any kind, and of all low-wines, and of the quantity and gravity of all mash, wort, or beer, and of all yeast, or other compositions for exciting or producing fermentation in any mash or beer, of all spirits and of all materials for making or distilling spirits, which may be in any such distillery or premises, or in possession of the distiller.

And whenever any internal revenue officer, or any person called by him to his aid, is hindered, obstructed, or prevented by any distiller or by any workman, or other person acting for such distiller, or in his employ, from entering into any such distillery or building or place as aforesaid; or any such officer is by the distiller, or his workman, or any person in his employ, prevented or hindered from, or opposed, or obstructed, or molested in the performance of his duty under the internal revenue laws, in any respect, the distiller shall forfeit the sum of not exceeding $1,000.

And whenever any officer, having demanded admittance into a distillery or distillery premises, and having declared his name and office, is not admitted into such distillery, or premises by the distiller or other person having charge thereof, it shall be lawful for such officer at all times, as well by night as by day, to break open by force any of the doors or windows, or to break through any of the walls of such distillery or premises necessary to be broken open or through, to enable him to enter the said distillery or premises; and the distiller shall forfeit the sum of not exceeding $1,000.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 198.0-5 *Distillers and rectifiers to furnish facilities and give assistance for examination of premises.*

26 U. S. C. 2828 *Distillers and rectifiers to furnish facilities and give assistance for examination of premises*—(a) *Power of revenue officers.* On the demand of any internal revenue officer or agent, every distiller or rectifier shall furnish strong, safe, and convenient ladders of sufficient length to enable the officer or agent to examine and gauge any vessel or utensil in such distillery or premises; and shall, at all times when required, supply all assistance, lights, ladders, tools, staging, or other things necessary for inspecting the premises, stock, tools, and apparatus belonging to such person, and shall open all doors, and open for examination all boxes, packages, and all casks, barrels, and other vessels not under the control of the revenue officer in charge, under a penalty of $500 for every refusal or neglect so to do.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 198.0-6 *Installation of meters, tanks, and other apparatus.*

26 U. S. C. 2829 *Installation of meters, tanks, and other apparatus*—(a) *Power of the Commissioner.* The Commissioner, with the approval of the Secretary, is authorized to require at distilleries, breweries, rectifying houses, and wherever else in his judgment such action may be deemed advisable, the installation of meters, tanks, pipes, or any other apparatus for the purpose of protecting the revenue, and such meters, tanks, and pipes and all necessary labor incident thereto shall be at the expense of the person on whose premises the installation is required. Any such person refusing or neglecting to install such apparatus when so required by the Commissioner shall not be permitted to conduct business on such premises.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 198.0-7 *Officer's authority to break up grounds or walls.*

26 U. S. C. 2830 *Officer's authority to break up grounds or walls*—(a) *Power of revenue agent.* It shall be lawful for any revenue officer, and any person acting in his aid, to break up the ground on any part of a distillery, or premises of a distiller or rectifier, or any ground adjoining or near to such distillery or premises, or any wall or partition thereof, or belonging thereto, or other place, to search for any pipe, cock, private conveyance, or utensil; and, upon finding any such pipe or conveyance leading therefrom or thereto, to break up any ground, house, wall, or other place through or into which such pipe or other conveyance leads, and to break or cut away such pipe or other conveyance, and turn any cock, or to examine whether such pipe or other conveyance conveys or conceals any mash, wort, or beer, or other liquor, which may be used for the distillation of low-wines or spirits, from the sight or view of the officer, so as to prevent or hinder him from taking a true account thereof.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 198.0-8 *Rules and regulations.*

26 U. S. C. 3176 *Rules and regulations*—(a) *Power of Commissioner.* The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 198.0–9 *Volatile fruit-flavor concentrates.*

26 U. S. C. 3182 *Volatile fruit-flavor concentrates*—(a) *Exemption.* The provisions of this chapter (other than sections 2810, 2819, and 2823 and other than sections 2827 to 2830, both inclusive) shall not be applicable with respect to the manufacture, by any process which includes evaporations from the mash or juice of any fruit, of any volatile fruit-flavor concentrate if:

(1) Such concentrate, and the mash or juice from which it is produced, contains no more alcohol than is reasonably unavoidable in the manufacture of such concentrate; and

(2) Such concentrate is rendered unfit for use as a beverage before removal from the place of manufacture; and

(3) The manufacturer thereof keeps such records, renders such reports, files such bonds, and complies with such other rules and regulations with respect to the production, removal, sale, transportation, and use of such concentrate and of the mash or juice from which such concentrate is produced, as the Commissioner, with the approval of the Secretary, may prescribe as necessary for the protection of the revenues imposed by this chapter.

(b) *Control after tax-free manufacture.* If any volatile fruit-flavor concentrate (or any fruit mash or juice from which such concentrate is produced) containing one-half of 1 per centum or more of alcohol by volume, which is manufactured free from tax under the provisions of subsection (a), is sold, transported, or used by any person in violation of the provisions of this chapter or regulations promulgated thereunder, such person and such concentrate, mash, or juice shall be subject to all provisions of this chapter pertaining to distilled spirits and wines, including those requiring the payment of tax thereon; and the person so selling, transporting, or using such concentrate, mash, or juice shall be required to pay such tax.

§ 198.0–10 *Rules and regulations.*

26 U. S. C. 3791 *Rules and regulations*—(a) *Authorization*—(1) *In general.* Except as provided in section 1928 (a), Cotton Futures, section 2599, Marihuana, section 2559, Narcotics, section 3176, Liquor, and section 1805, Silver, the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.

(2) *In case of change in law.* The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary, or the Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury Decision, relating to the internal revenue laws, shall be applied without retroactive effect.

§ 198.0–11 *Verification of returns; penalties of perjury.*

26 U. S. C. 3809 *Verification of returns; penalties of perjury*—(a) *Penalties.* Any person who willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

(b) *Signature presumed correct.* The fact that an individual's name is signed to a return, statement, or other document filed shall be prima facie evidence for all purposes that the return, statement, or other document was actually signed by him.

(c) *Verification in lieu of oath.* The Commissioner, under regulations prescribed by him with the approval of the Secretary, may require that any return, statement, or other document required to be filed under any provision of the internal revenue laws shall contain or be verified by a written declaration that it is made under the penalties of perjury, and such declaration shall be in lieu of any oath otherwise required.

### Subpart A—Scope of Regulations

§ 198.1 *Production of volatile fruit-flavor concentrates.* Pursuant to the provisions of section 3132, I. R. C. (Public Law 240, 81st Congress), any volatile fruit-flavor concentrate containing alcohol developed in the processing of such volatile fruit-flavor may be manufactured, stored, sold, distributed and used, in accordance with this part without being subject to the provisions of chapter 26 of the Internal Revenue Code, other then sections 2810, 2819, 2823, and other then sections 2827 to 2830, both inclusive, if:

(a) Such concentrate, and the mash or juice from which it is produced, contains no more alcohol than is reasonably unavoidable in the manufacture of such concentrate; and

(b) Such concentrate is unfit or is rendered unfit for use as a beverage before removal from the place of manufacture; and

(c) The manufacturer thereof keeps such records, renders such reports, files such bonds, and complies with such other rules and regulations with respect to the production, removal, sale, transportation, and use of such concentrate and of the mash or juice from which such concentrate is produced, as the Commissioner, with the approval of the Secretary, may prescribe as necessary for the protection of the revenues imposed by chapter 26 of the Internal Revenue Code.

§ 198.2 *Prohibited operations.* Under the law a manufacturer of volatile fruit-flavor concentrate who violates any of the conditions exempting him from the provisions of chapter 26 of the Internal Revenue Code will subject himself to the taxes and penalties otherwise applicable under that chapter in respect of such operations, and any person who sells, transports, or uses any volatile fruit-flavor concentrate or the mash or juice from which it is produced in violation of chapter 26 of the Code or the regulations promulgated thereunder will subject himself to all the provisions of the chapter pertaining to distilled spirits and wines, including those requiring payment of the tax thereon.

§ 198.3 *Instruments and papers.* The terms, conditions, and instructions contained in instruments and papers required to be furnished by law or regulations are hereby made a part of the regulations in this part as fully and to the same extent as if incorporated herein.

### Subpart B—Definitions

§ 198.6 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meaning ascribed in this subpart.

§ 198.7 *Assistant Regional Commissioner.* "Assistant Regional Commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax.

§ 198.8 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 198.9 *Concentrate.* "Concentrate" shall mean any volatile fruit-flavor concentrate produced by any process which includes evaporations from the mash or juice of any fruit.

§ 198.10 *Concentrate plant.* "Concentrate plant" shall mean a factory or plant for the manufacture, by any process which includes evaporations from the mash or juice of any fruit, of any volatile fruit-flavor concentrate, established and operated under this part and as described in the proprietor's notice, Form 27–G.

§ 198.11 *Flashed juice or mash.* "Flashed juice or mash" shall mean the spent processing material from which the volatile fruit-flavors have been removed.

§ 198.12 *Fold.* "Fold" shall mean the ratio of the volume of a concentrate to the volume of the processing material from which distilled. For example, one gallon of concentrate of 100-fold would be the product from 100 gallons of processing material.

§ 198.13 *Fruit.* "Fruit" shall mean and include all products commonly known and classified as fruit, berries, or grapes.

§ 198.14 *Including.* The word "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 198.15 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include females, a trust, estate, partnership, company, or corporation and the term "include" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 198.16 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code.

§ 198.17 *Person.* "Person" shall be construed to mean and include an individual, a trust, estate, partnership, company, or corporation.

§ 198.18 *Processing material* "Processing material" shall mean the fruit juice or mash which is fed to the evaporator for the separation of volatile fruit-flavors from such fruit juice or mash.

§ 198.19 *Proprietor.* "Proprietor" shall mean the person in whose name notice of the intention to engage in the business of manufacturing volatile fruit-flavor concentrates has been given to the Assistant Regional Commissioner.

§ 198.20 *Secretary.* "Secretary" shall mean the Secretary of the Treasury.

§ 198.21 *U. S. C.* "U. S. C." shall mean the United States Code.

### Subpart C—Location and Use

§ 198.25 *Restrictions.* Plants for the production of concentrates under this part may not be located in any dwelling house, or in any shed, yard, or enclosure connected with any dwelling house, or on board of any vessel or boat, or in any building or on any premises where beer, lager beer, ale, porter, or other fermented liquors, vinegar, or ether, are manufactured or produced, or, except as provided in § 198.29, where sugars or syrups are refined, or where liquors of any description are retailed, or where any other business is carried on; or within six hundred feet in a direct line of any rectifying plant. (53 Stat. 314; 26 U. S. C. 2819)



§ 198.26 *Within six hundred feet of a rectifying plant.* No person shall carry on the business of manufacturing volatile fruit-flavor concentrates by any process which includes evaporations from the mash or juice of any fruit at a distance of less than six hundred feet in a direct line from any rectifying plant, except when he has been so authorized by the Assistant Regional Commissioner. The Assistant Regional Commissioner may grant such authority when he is of the opinion that the revenue will not be endangered thereby. (53 Stat. 314; 26 U. S. C. 2819)

§ 198.27 *Special application.* A person desiring to manufacture volatile fruit-flavor concentrates by any process which includes evaporations from the mash or juice of any fruit within six hundred feet of a rectifying plant shall file a special application, in triplicate, for such privilege, with the Assistant Regional Commissioner. The application shall state the locations of the concentrate plant and the rectifying plant, the distance between the premises, the name of the proprietor of the rectifying plant, a description of any connecting pipelines, the reason for locating the concentrate plant within six hundred feet of such other premises, and any additional information which the Assistant Regional Commissioner may require. The Assistant Regional Commissioner will take action on such application in accordance with the procedure prescribed in § 198.145. (53 Stat. 314; 26 U. S. C. 2819)

§ 198.28 *Changes requiring approval.* Where there is to be a change in the distance between a concentrate plant and a rectifying plant, located within six hundred feet of each other as a result of the extension or curtailment, or other change in either premises, a new special application, in triplicate, must be filed with the Assistant Regional Commissioner by the proprietor of the premises which is to be extended or curtailed. Where a change occurs in the proprietorship of the concentrate plant or of a rectifying plant, located within six hundred feet of each other, the new proprietor shall file with the Assistant Regional Commissioner a new special application, in triplicate. Unless the concentrate plant premises are extended or curtailed as the result of such change, the change may be reflected in the next notice, and plat, filed by the proprietor. Such new special application shall be considered and disposed of in accordance with the procedure prescribed in § 198.145. (53 Stat. 314; 26 U. S. C. 2819)

§ 198.29 *Use of premises.* The premises of a concentrate plant shall be used exclusively for the manufacture of concentrates by any process which includes evaporations from the mash or juice of any fruit: *Provided*, That flashed juice or mash, which is a byproduct of the concentrate process, or fruit juice, may be processed, for the purpose of manufacturing a marketable article, on the concentrate plant premises. (53 Stat. 314; 26 U. S. C. 2819)

### Subpart D—Construction

§ 198.35 *Buildings or rooms.* The concentrate plant must be so constructed and equipped as to be suitable for the production of concentrate, and must be completely separated from contiguous buildings or rooms, which are not used in conjunction with the concentrating process, or the processing of juice and mash or flashed juice and mash, by solid, unbroken partitions, or floors, of substantial construction. Such partitions shall extend from the ground to the roof, or, if a room is used, from the floor to the ceiling: *Provided*, That necessary openings for the passage of approved pipe lines for the conveyance of fruit juice, water, steam, fuel, or similar lines, may be permitted in the walls or partitions.

§ 198.36 *Means of ingress or egress.* Except as provided in § 198.35 the doors and other openings must lead into a yard connected with the concentrate plant, or a public street: *Provided*, That where a room or floor is used, the door may open into an elevator shaft, or a common passageway partitioned off from other businesses, leading either directly or through another elevator shaft or similar passageway to the street or yard. Where the door of the concentrate plant opens into a common passageway, as provided above, the partition forming the common passageway shall be substantially constructed of solid materials or of expanded metal or woven wire of not less than nine gauge, and not more than 2-inch mesh, and shall extend from the floor to the ceiling or roof, except that doors may be permitted therein. Common passageways must be used exclusively as means of communication. (53 Stat. 314; 26 U. S. C. 2819)

§ 198.37 *Distilling department.* A room or rooms must be provided in which shall be located the apparatus and equipment used in processing the fruit juice or mash received on the premises. Such room or rooms shall be known as the distilling department and shall be used exclusively for the processing of fruit juices. A sign must be posted over the door to the distilling department, bearing the words "Distilling Department," and, if more than one room is used, such rooms shall be given alphabetical designations as "A," "B," "C," etc.

### Subpart E—Sign

§ 198.40 *Posting of sign.* The proprietor shall place and keep conspicuously on the outside and at the front of the concentrate plant or over the front entrance thereto, where it can be plainly seen, a sign exhibiting in plain and legible letters, not less than three inches in height and of a proper and proportionate width, the name of the proprietor and the words "Volatile Fruit-Flavor Concentrate Plant No. ----," followed by the registry number assigned by the Assistant Regional Commissioner.

### Subpart F—Equipment

§ 198.45 *Processing material storage tanks.* Each processing material storage tank shall have plainly and legibly painted thereon the words "Processing Material Storage Tank" followed by its serial number and capacity in wine gallons. Such tanks shall be located in the distilling department or in a separate room or building and must be so placed as to be accessible for examination by Government officers. (53 Stat. 318; 26 U. S. C. 2829)

§ 198.46 *Distilling apparatus.* The equipment used in the processing of a volatile fruit-flavor concentrate, from the place where steam or heat is first applied and through the vapor-liquid separator, the fractionating column, and the final condenser must have a clear space of not less than two feet around them. Every still or condenser must be numbered, commencing with the number "1" at the evaporator, and shall have painted thereon its designated use, such as "evaporator," "vapor-liquid separator," etc., and its number. Where the distilling equipment is insulated, or the manufacturer's serial number is otherwise obscured, such number will likewise be painted on the covering of the still.

§ 198.47 *Pipe lines.* The distilling apparatus and equipment must be closed and continuous commencing with the evaporator from which the vapor rises and continuing with securely closed pipe lines to the concentrate receiving tank or other receptacle in which the product is deposited. All such pipe lines must be of a fixed and permanent character, constructed of metal or other suitable material, and so arranged as to be exposed to view throughout their entire lengths. (53 Stat. 318; 26 U. S. C. 2829)

§ 198.48 *Details of construction and equipment.* Where details of construction and equipment are not covered by this part, such construction and equipment must afford adequate supervision and control. The Assistant Regional Commissioner may approve details of construction and equipment in lieu of those specified herein where it is shown that it is impracticable to conform to the prescribed specifications, and the proposed construction and equipment will afford adequate supervision and control. Where it is proposed to substitute construction and equipment for that for which specifications are prescribed, approval of the Assistant Regional Commissioner should be first obtained. (53 Stat. 318; 26 U. S. C. 2829)

### Subpart G—Qualifying Documents

§ 198.55 *Notice, Form 27–G.* Every person, before engaging in the business of manufacturing concentrates pursuant

to the provisions of section 3182, I. R. C. (Public Law 240, 81st Congress), must file notice on Form 27–G, in triplicate, with the Assistant Regional Commissioner. Except as provided in § 198.59, in the case of amended and supplemental notices, all of the information indicated by the lines of the form and the instructions printed thereon, and by this part, shall be furnished. Notices on Form 27–G must be filed in accordance with the instructions printed on the form and sworn to before an officer authorized to administer oaths. Such notices must be numbered serially, commencing with "1" and continuing in regular sequence for all notices thereafter filed, whether amended or supplemental.

§ 198.56 *Description of premises.* The notice, Form 27–G shall contain a complete description of the building constituting the concentrate plant, including the height, width, and length, the material of which constructed, and the number of stories. All rooms comprising the concentrate plant shall be described on Form 27–G. The description shall include the designated name of each room, which shall be according to its use, and the dimensions thereof.

§ 198.57 *Description of apparatus and equipment.* There must be described on the Form 27–G the number of tanks, evaporators, separators, stills, condensers, and, if any, receiving and storage tanks, which shall be listed separately as to serial number and capacity in wine gallons. All other regular and permanent equipment must also be described on Form 27–G.

§ 198.58 *Capacity.* The kind, by name of fruit, of processing materials to be used, the maximum quantity of each kind of processing material that shall be processed in 24 hours, the maximum quantity of concentrates (in wine gallons) that will be produced in 24 hours, and, as to each kind, the minimum and maximum folds to which the volatile fruit-flavors shall be concentrated, and the maximum percent of alcohol to be contained in the concentrates, must be stated on the Form 27–G.

§ 198.59 *Amended and supplemental notices.* Amended and supplemental notices on Form 27–G may be executed in skeleton form, except as to the items amended or supplemented. All other items which are correctly set forth in prior notices, and in which there has been no change since the last preceding notice, may be incorporated in the amended or supplemental notices by reference to the respective notice previously filed. Such incorporation by reference shall be made by entering for each such item in the space provided therefor the statement, "No change since filing Form 27–G, serial number ——," (the number being inserted), and the date of such form.

§ 198.60 *Corporate documents.* There must be submitted with, and made a part of, the original or initial notice on Form 27–G given by a corporation to engage in the business of manufacturing volatile fruit-flavor concentrates, properly certified copies, in triplicate, of the following documents:

(a) Extracts of the minutes of meetings of the board of directors, authorizing certain officers or other persons to sign for the corporation;

(b) A list of the names and addresses of the officers, directors, and stockholders.

§ 198.61 *Power of attorney, Form 1534.* If the notice or other qualifying documents are signed by an attorney in fact for an individual, partnership, association, or corporation, or by one of the members for a partnership or association, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 198.60, such notice or other qualifying documents must be supported by a duly authenticated copy of the power of attorney conferring authority upon the person filing the document to execute the same. Such powers of attorney shall be executed on Form 1534, in triplicate, and submitted to the Assistant Regional Commissioner.

§ 198.62 *Execution of power of attorney.* Where the principal giving the power of attorney is an individual, it must be executed by him in person, and not by an agent. In the case of a copartnership or association, powers of attorney authorizing one or more of the members, or another person, to execute documents on behalf of the copartnership or association must be executed by all of the members constituting the copartnership or association. However, if one or more members less than the whole number constituting the copartnership or association have been delegated the authority to appoint agents or attorneys in fact, the power of attorney may be executed by such member or members, provided it is supported by a duly authenticated copy, in triplicate, of the document conferring authority upon the member or members to execute the same. Where, in the case of a corporation, powers of attorney are executed by an officer thereof, such documents must be supported by triplicate copies of the authorization of such officer so to do, certified by the secretary or assistant secretary of the corporation, under the corporate seal, if any, to be true copies.

§ 198.63 *Duration of power of attorney.* Power of attorney authorizing the execution of documents on behalf of a person engaged in, or intending to engage in, the business of concentrating volatile fruit-flavors shall continue in effect until written notice, in triplicate, of the revocation of such authority is received by the Assistant Regional Commissioner, unless terminated by operation of law.

§ 198.64 *Registry of stills, Form 26.* Every person having in his possession or custody, or under his control, any still or distilling apparatus set up, must register the same with the Assistant Regional Commissioner for the region in which the still is located, on Form 26 immediately it is set up. The Form 26 shall be executed, in triplicate, in accordance with the requirements of the columns, lines and instructions on the form. (53 Stat. 308 as amended; 26 U. S. C. 2310)

§ 198.65 *Taxable status of stills.* Stills, when used in the production of concentrates pursuant to this part, shall not be subject to special occupational and commodity taxes.

§ 198.66 *Bond, Form 1694.* Every person intending to commence the business of manufacturing volatile fruit-flavor concentrates shall, upon filing his notice of such intention, Form 27–G, and before proceeding with such business, execute a volatile fruit-flavor concentrate manufacturer's bond, Form 1694 in triplicate, in conformity with the provisions of Subpart H of this part and file the same with the Assistant Regional Commissioner.

§ 198.67 *Penal sum of bond.* The penal sum of a manufacturer's bond to cover the manufacture of volatile fruit-flavor concentrates shall be $5 000: *Provided, however*, That, where, because of the magnitude of the proposed operation or for other good reason, it is the opinion of the Assistant Regional Commissioner that additional bond should be required for the protection of the revenue, such additional bond, not to exceed $20 000, may, with the approval of the Commissioner, be required.

### Subpart H—Bonds and Consents of Surety

§ 198.75 *General requirements.* Every person required to file a bond or consent of surety under the regulations in this part, shall prepare and execute it on the prescribed form, in triplicate, in accordance with this part and the instructions printed on the form, and shall submit it to the Assistant Regional Commissioner.

§ 198.76 *Surety or security.* Bonds required by this part shall be given with surety or collateral security.

§ 198.77 *Corporate surety.* Bonds may be given with corporate surety authorized by the Secretary of the Treasury to become surety on Federal Bonds, subject to the limitations prescribed by the Secretary in Treasury Department Form 356, Commissioner of Accounts, Surety Bonds Branch, which is issued annually, and subject to such amendatory circulars as may be issued from time to time.

§ 198.78 *Two or more corporate sureties.* A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and the sureties: *Provided*, That each corporate surety may limit its liability in terms upon the face of the bond in a definite, specified amount, which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary, as set forth in Treasury Department Form 356. When the sureties so limit their liability, the aggregate of such limited liabilities must equal the required penal sum of the bond.

§ 198.79 *Powers of attorney.* Powers of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of corporate sureties are required to be filed with, and passed upon by, the Commissioner of Accounts, Surety Bonds Branch, Treasury Department. Such powers and other evidence of appointment need not be filed with, or submitted to Assistant Regional Commissioners.



§ 198.80 *Individual sureties.* Bonds may be given with individual sureties, of which there must be not less than two, each of whom must qualify by executing Form 33 (AT), in triplicate. Individual sureties must be citizens of the United States and reside in the State in which the business of the principal is to be conducted. No person will be accepted as an individual surety in a State in which he is not authorized to become a surety.

§ 198.81 *Ownership of real property.* Each individual surety must own unencumbered real property, in fee simple, the appraised value of which, over and above any exemptions from execution allowed by the laws of the State, is equal to the penal sum of the bond. Such real property must be located within the State where the business of the principal is to be conducted.

§ 198.82 *Description of real property.* The real property must be described in the surety's affidavit, Form 33 (AT), with all of the formalities required in conveyances of real estate by the laws of the State in which it is situated.

§ 198.83 *Execution of Form 33 (AT).* The surety's affidavit on Form 33 (AT) shall contain all of the information required by this part and the instructions printed on the form. The form shall be subscribed and sworn to before an officer duly authorized to administer oaths, and one copy thereof shall be attached to each copy of the bond to which it relates.

§ 198.84 *Certificate of title.* There must be submitted with the surety's affidavit, Form 33 (AT), a certificate of title, in triplicate, showing that the surety has a fee simple title, free of encumbrances, to the realty described in the form.

§ 198.85 *Appraisal.* There will also be submitted with Form 33 (AT) an appraisal, in triplicate, by two or more competent persons designated by the Assistant Regional Commissioner for the purpose, showing separately the value of the land and buildings, and a full and clear statement of the method employed by them in determining their valuation. The appraisal shall be at the expense of the principal on the bond, unless it is made by Government officers.

§ 198.86 *Investigation.* The Assistant Regional Commissioner must cause an investigation to be made of all the facts stated in the surety's affidavit on Form 33 (AT) and supporting documents, and shall forward one copy of the report of such investigation to the Commissioner with the bond and accompanying Form 33 (AT).

§ 198.87 *Requalification.* The Commissioner or Assistant Regional Commissioner may at any time, in his discretion, require the requalification of individual sureties on Form 33 (AT).

§ 198.88 *Interest in business.* The surety, whether individual or corporate, must have no interest whatever in the business covered by the bond.



§ 198.89 *Deposit of collateral.* Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by principals as collateral security in lieu of individual or corporate sureties.

§ 198.90 *Disposition of collateral by Assistant Regional Commissioner.* Assistant Regional Commissioners, on receiving such bonds or notes, or other obligations, pledged and deposited by principals as collateral security in lieu of surety, shall deposit such securities as required by Department Circular No. 154, revised (31 CFR Part 225).

§ 198.91 *Consents of surety.* Consents of surety to a change in the terms of a bond must be executed on Form 1533 in as many copies as are required of the bond which they affect, by the principal and all sureties with the same formality and proof of authority to execute as are required for the execution of bonds. Form 1533 will be used by obligors on collateral bonds as well as those on surety bonds. The Form 1533 must properly identify the bond affected thereby and state specifically and precisely what is covered by the extended terms thereof. If the surety is a corporation, the consent may be executed by an agent or attorney in fact duly authorized so to do by power of attorney filed by the surety with the proper Assistant Regional Commissioner, through the office of the Commissioner; or the consent may be executed by the home office officials, of such corporate surety; except that, in cases where the saving of time is an element, the consent may be executed by an agent or attorney in fact where the home office officials, by specific direction, direct and order its execution. A copy of such specific direction should be attached to each copy of such consent.

§ 198.92 *Approval required.* No individual, firm, partnership, corporation, or association intending to commence or to continue the business of producing volatile fruit-flavor concentrates shall commence such business until all bonds in respect of such business required by any provision of law have been approved by the Assistant Regional Commissioner.

§ 198.93 *Authority to approve.* Assistant Regional Commissioners are authorized to approve all bonds required in this part and consents of surety relating thereto.

§ 198.94 *Cause for disapproval.* Bonds or consents of surety submitted by any individual, firm, partnership, corporation, or association, in respect to the business of a manufacturer of volatile fruit-flavor concentrates, may be disapproved if the individual, firm, partnership, corporation, or association giving the same, or owning, controlling, or actively participating in the management of such business of the individual, firm, partnership, corporation, or association giving the same, shall have been previously convicted in a court of competent jurisdiction of:

(a) Any fraudulent noncompliance with any provision of any law of the United States, if such provision relates to internal revenue or customs taxation of distilled spirits, wines, or fermented malt liquors, or if such an offense shall have been compromised with the individual, firm, partnership, corporation, or association upon payment of penalties or otherwise; or

(b) Any felony under a law of any State, Territory, or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation, or transportation of distilled spirits, wine, fermented malt liquor, or other intoxicating liquor.

§ 198.95 *Appeal to Commissioner.* Where a bond or consent of surety is disapproved by the Assistant Regional Commissioner, the person giving the bond may appeal from such disapproval to the Commissioner.

§ 198.96 *Disapproval of Commissioner final.* The disapproval by the Commissioner of any bond or consent of surety with respect to the commencement or continuance of the business of manufacturing volatile fruit-flavor concentrates shall be final.

§ 198.97 *Additional or strengthening bonds.* In any case where, in the opinion of the Assistant Regional Commissioner, the penal sum of the bond on file and in effect is not sufficient, the principal shall give an additional or strengthening bond in a sufficient penal sum, as provided in § 198.67, provided the surety thereon is the same as on the bond already on file and in effect; otherwise, a new bond covering the entire amount required by the Assistant Regional Commissioner shall be required. Such additional or strengthening bonds, being filed to increase the bond liability of the principal and the surety, shall not be construed in any sense to be substitute bonds, and the Assistant Regional Commissioner shall refuse to approve, or recommend the approval of any additional or strengthening bond where any notation is made thereon intended, or which may be construed, as a release of any former bond, or as limiting the amount of either bond to less than its full penal sum. Additional or strengthening bonds must show the current date of execution and the effective date in the blank spaces provided therefor. Such bonds must have marked thereon, by the obligors at the time of execution, "Additional Bond," or "Strengthening Bond."

§ 198.98 *New bond.* A new bond may be required at any time in the discretion of the Commissioner or Assistant Regional Commissioner. A new bond shall be required immediately in the case of the death, removal, or insolvency of an individual surety, or the insolvency of a corporate surety. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing or liquidating the business of the principal, must execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. When, in the opinion of

the Commissioner or the Assistant Regional Commissioner, the interests of the Government demand it, or in any case where the security of the bond becomes impaired in whole or in part for any reason whatever, the principal will be required to give a new bond. Where a bond is found to be not acceptable, the principal shall be required to file immediately a new and satisfactory bond, or discontinue business forthwith.

§ 198.99 *Superseding bond.* Where a new bond is submitted by the principal to supersede a bond or bonds then in effect, and such superseding bond has been approved, notice of termination of the superseded bond may be issued as provided in Subpart M of this part. Superseding bonds must show the current date of execution and the date they are to be effective, and each such bond shall have marked thereon, by obligors at the time of execution, "Superseding Bonds."

### Subpart I—Plats and Flow Plans

§ 198.105 *Plats and flow plans.* Every person intending to engage in the business of concentrating volatile fruit-flavors pursuant to the regulations in this part must submit to the Assistant Regional Commissioner with his notice, Form 27–G, an accurate plat of the concentrate plant premises and accurate flow plans of the distilling apparatus and equipment, in triplicate, conforming to the requirements of this subpart.

§ 198.106 *Preparation.* Every plat and flow plan shall be drawn to scale. Each plat and flow plan shall bear a distinctive title, and the complete name and address of the proprietor, enabling ready identification. Each sheet of the original plats and flow plans shall be numbered, the first being designated number "1," and the other sheets numbered in consecutive order. The dimensions of plats and flow plans shall be 15" x 20", outside measurement, with a clear margin of at least 1" on each side of the drawing, lettering, and writing. Plats and flow plans shall be submitted on sheets of good quality white paper, tracing cloth, opaque cloth, or sensitized linen. Plats and flow plans may be original drawings, or reproductions made by the "Ditto Process" or by blue or brown line lithoprint, if such reproductions are clear and distinct.

§ 198.107 *Depiction of premises.* Plats must show the outer boundaries of the concentrate plant premises, in feet and inches, in a color contrasting with those used for other drawings on the plat, and they must contain an accurate depiction of the building or buildings comprising the premises. The depiction of the premises should agree with the description in the notice, Form 27–G. If two or more buildings are to be used, they must be shown in their relative position and the designated name or use of each indicated. Where two or more buildings are used for the same purpose, the name of each such building shall include an alphabetical designation, beginning with "A". All first floor exterior openings of each building on the premises will be shown on the plat. If the concentrate plant consists of a room or a floor of a building, an outline of the building, the precise location and designation of the room or floor and the means of ingress from and egress to a public street or yard shall be shown.

§ 198.108 *Rectifying plant within six hundred feet.* Where a concentrate plant is to be established on premises at a distance of less than six hundred feet in a direct line from a rectifying plant, the plat must show the relative location of such premises, all pipe lines and other connections, if any, between them, and the distance, in feet and inches that they are from each other in a direct line. The outline of the two premises must be shown in contrasting colors. (53 Stat. 314; 26 U. S. C. 2819)

§ 198.109 *Contiguous premises.* The plat must show the relative location of any premises on which distilled spirits, wines, beer, lager beer, ale, porter, or other liquors are manufactured or produced, stored, used, or sold, contiguous to the concentrate plant premises, and all pipe lines and other connections, if any, between them, and the distance they are from each other. The outlines of such contiguous premises and the concentrate plant premises must be shown in contrasting colors.

§ 198.110 *Elevational flow plans.* Elevational flow plans (diagrams) shall be submitted covering: (a) Processing material system, (b) distilling system, and (c), if any, the concentrate receiving and storage tank systems. Such flow plans shall clearly depict all equipment in its relative operating sequence, and elevation by floors, with all connecting pipe lines, valves, flanges, measuring devices, etc. The elevation by floors on the flow plans may be indicated by horizontal lines representing floor levels. All of the flow plans as a unit must show the flow of the processing material, and the resulting products, from the processing material feed tank through the evaporators, stills, condensers, sight boxes, and other equipment and the deposit and removal of the finished concentrate from the concentrate receiving tanks, if any. All major equipment, such as tanks, evaporators, stills, condensers, etc., must be identified on these flow plans as to number and use. The elevational flow plans must be so drawn that all fixed pipe lines connected with the distilling system may be readily traced from beginning to end, and the direction of flow through the equipment must be indicated by arrows. Other types of drawings that clearly depict the information required herein may be submitted in compliance with this section.

§ 198.111 *Certificate of accuracy.* The plat and plans shall bear a cerificate of accuracy in the lower right-hand corner of each sheet, signed by the proprietor, the draftsman and the Assistant Regional Commissioner, substantially in the following form:

---
(Name of proprietor)

---
(Address)

Approved: ---
(Date)

---
(Assistant Regional Commissioner)

Accuracy certified by:

---
(Name and capacity for the proprietor)

---
(Draftsman)

---- 19 ---- Sheet No. ----

§ 198.112 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded, but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order, or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence.

### Subpart J—Requirements Governing Changes in Name, Proprietorship, Control, Location, Premises and Equipment

§ 198.120 *General requirements.* Where any change in the location, form, capacity, ownership, agency, superintendency, or in the persons interested in the business of operating a concentrate plant, is made, written notice must be given to the Assistant Regional Commissioner within 10 days, and in the form prescribed in this subpart.

#### Change in Individual, Firm, or Corporate Name

§ 198.121 *Notice, Form 27–G.* Where there is to be a change in the individual, firm, or corporate name of the proprietor, the proprietor must submit to the Assistant Regional Commissioner notice on Form 27–G, in triplicate, covering the new name.

§ 198.122 *Sign.* Where there is to be a change in the individual, firm, or corporate name of the proprietor, the proprietor must change the concentrate plant sign to conform with the provisions of Subpart E of this part.

§ 198.123 *Records.* Where there is to be a change in the individual, firm, or corporate name of the proprietor, the proprietor must keep records covering operations under the new name to conform with the provisions of Subpart P of this part.

#### Change in Proprietorship

§ 198.124 *Notice, Form 27–G.* If the outgoing proprietor is to discontinue permanently the business of concentrating volatile fruit-flavors, Form 27–G, in triplicate, stating thereon the purpose to be "Discontinuance of Business," and giving the date of the discontinuance, must be filed with the Assistant Regional Commissioner.

§ 198.125 *Registry of stills.* Where there is to be a change in proprietorship of the concentrate plant, the outgoing proprietor must register the stills "Not for Use" on Form 26, in triplicate, in accordance with the provisions of Subpart N of this part.



§ 198.126 *Records.* Where there is to be a change in proprietorship of the concentrate plant, the outgoing proprietor must make appropriate entry in the concentrate plant records in accordance with the provisions of Subpart P of this part.

§ 198.127 *Non-fiduciary successor.* If the change in proprietor is brought about by any means, except by the appointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the successor must qualify in the same manner as the proprietor of a new concentrate plant, except that he may adopt the plat and plans of his predecessor as provided in § 198.129.

§ 198.128 *Fiduciary.* If the successor is an administrator, executor, receiver, trustee, assignee, or other fiduciary, and intends to manufacture volatile fruit-flavor concentrates, he must comply with the provisions of Subpart G of this part, to the extent that such provisions are applicable. The fiduciary may adopt the plat and plans of the predecessor in accordance with § 198.129. The fiduciary must also furnish certified copies, in triplicate, of the order of the court or other pertinent documents showing the qualification as such fiduciary. The effective date of the qualifying documents filed by a fiduciary must be the same as the date of the court order, or the day specified therein, for him to assume control.

§ 198.129 *Adoption of plat and plans.* The plat and plans of the concentrate plant may be adopted by a successor where they clearly describe and depict the premises and the building, apparatus, and equipment thereon, to be taken over by the successor. The adoption by a successor of the plat and plans of a predecessor shall be in the form of a certificate, in triplicate, in which shall be set forth the name of the predecessor, the address and number of the concentrate plant, the number of each sheet comprising each plat and plan covered by such certificate, and a statement that the concentrate plant premises, and the building, apparatus, and equipment thereon, are correctly described and depicted on such plat and plans.

§ 198.130 *Sign.* The successor, if other than a fiduciary temporarily operating the concentrate plant, must change the concentrate plant sign to conform to the requirements of Subpart E of this part.

§ 198.131 *Materials and concentrates.* If processing materials and concentrates are received by transfer from the predecessor, the successor must comply with the requirements of Subpart P of this part.

#### Other Changes

§ 198.132 *Change in partnership.* The withdrawal of one or more members of a partnership or the taking in of a new partner, whether active or silent, shall constitute a change in proprietorship. Likewise, the bankruptcy or adjudicated insolvency of one or more of the copartners results in a dissolution of the partnership and, consequently, a change in proprietorship. Where such a change in proprietorship occurs, the successor must qualify in the same manner as a new proprietor, except that the successor may adopt the plats and plans of the predecessor, as provided in § 198.129.

§ 198.133 *Changes in stockholders, officers, and directors of corporations.* The sale or transfer of the capital stock of a corporation operating a concentrate plant does not constitute a change in the proprietorship of such plant. However, where the sale or transfer of capital stock results in a change in the control or management of the business, or where there is a change in the officers or directors, the proprietor, within 10 days, must give notice thereof, in triplicate, to the Assistant Regional Commissioner. Mere change in stockholders of corporations not constituting a change in control need not be so reported.

§ 198.134 *Reincorporation.* Where a corporation operating a concentrate plant is reorganized and a new charter or certificate of incorporation is secured, the new corporation must qualify in the same manner as a new proprietor of the concentrate plant, except that the new corporation may adopt the plat and plans of the predecessor, as provided in § 198.129.

§ 198.135 *Change in the location of the concentrate plant.* The proprietor must comply with the applicable provisions of Subparts C through I of this part, where there is a change in location.

§ 198.136 *Change in premises.* Where the concentrate plant premises are to be extended or curtailed, and prior to the use of the extended or curtailed premises, the proprietor must file with the Assistant Regional Commissioner an amended notice, Form 27–G, and an amended plat of the premises as extended or curtailed. If the plans are affected by the extension or curtailment they also must be amended.

§ 198.137 *Changes in equipment.* Where changes are to be made in the apparatus and equipment of the distilling department, which changes would affect the accuracy of the notice, plat, or plans, the proprietor shall first secure approval thereof by the Assistant Regional Commissioner pursuant to application, in triplicate, setting forth specifically the proposed changes: *Provided*, That emergency repairs may be made without prior approval of the Assistant Regional Commissioner. Where such emergency repairs are made, the proprietor shall file immediately a report thereof, in triplicate, with the Assistant Regional Commissioner. Upon completion of changes in equipment, where such changes affect the accuracy of the notice, plats, or plans, the proprietor must file an amended notice and amended plans, except that, in the case of minor changes such as general repairs, changes in pipe lines, or the addition or removal of a tank, an amended notice and amended plans need not be filed immediately: *Provided*, That the Commissioner or Assistant Regional Commissioner may, at any time, in his discretion require the filing of an amended notice and amended plans covering such minor changes. Where an amended notice and amended plans are not filed immediately upon completion of minor changes in equipment, the proprietor must include such changes in the next amended notice and plans filed by him.

### Subpart K—Action by Assistant Regional Commissioner

#### Original Establishments

§ 198.145 *Special application.* Where a special application for permission to operate a concentrate plant within six hundred feet of a rectifying plant is submitted, and such special application conforms to the requirements of this part, the Assistant Regional Commissioner will cause an inspection to be made to determine whether the proposed operation of the concentrate plant within six hundred feet of the rectifying plant may be permitted without jeopardy to the revenue. The inspector will ascertain whether the application accurately describes the relative location of the two premises and all pipe lines and other connections, if any, between such premises. The inspector will also observe the surroundings, including all streets, roads, and driveways connecting the two premises, and any condition which might endanger the revenue, and will describe the same in his report. If the Assistant Regional Commissioner finds, upon consideration of the inspection report, that the concentrate plant may be operated at the designated location without danger to the revenue, he will note his approval on all copies of the special application. He will then return one copy of the approved application to the applicant, retain the original for his files, and forward the remaining copy, together with a copy of the inspection report, to the Commissioner. Approval of the special application pertains to the location of the concentrate plant only, and does not authorize the operation thereof. The concentrate plant may not be operated until the other qualifying documents required by law and this part have been approved by the Assistant Regional Commissioner. If the special application is disapproved, the Assistant Regional Commissioner will note his disapproval thereon and will return all copies of such application to the applicant, with advice as to the reasons for disapproval. (53 Stat. 314; 26 U. S. C. 2819)

§ 198.146 *Examination of qualifying documents.* Upon receipt of notice, plat, plans, bond, and other documents required by this part, of persons intending to engage in the business of producing volatile fruit-flavor concentrates, the Assistant Regional Commissioner shall examine the same to determine whether they have been properly executed, and whether they reflect compliance with the requirements of the law and regulations. Where any required document has not been filed, or where errors or discrepancies are found in those filed, or where the documents filed do not reflect compliance with this part, action thereon will be held in abeyance until the omission or material errors or discrepancies,

have been rectified, and there has been full compliance with all requirements.

§ 198.147 *Inspection of premises.* Where the required documents have been filed in proper form, the Assistant Regional Commissioner shall assign an inspector to examine the premises, buildings, apparatus, and equipment, and determine whether they conform with the description thereon in the notice, plat and plans, and whether the apparatus and equipment, and measures of protection to the revenue afforded meet the requirements of the law and regulations. The inspector shall observe particularly the manner in which the rooms or buildings on the premises are separated from other premises, or other rooms or buildings, the means of communication, of ingress and egress, and the construction of the distilling apparatus and equipment. Where the inspection discloses minor irregularities in the qualifying documents, or in construction, the inspector shall, at the time of the discovery, direct the attention of the proprietor to such irregularities in order that the proprietor may correct the discrepancies before completion of the inspection. Upon completion of the inspection, a report thereof shall be submitted to the Assistant Regional Commissioner.

§ 198.148 *Inaccurate documents.* Where the Assistant Regional Commissioner's examination, or the inspector's report, discloses discrepancy in the qualifying documents, the inaccurate or incomplete documents shall be returned to the proprietor for correction. A record of any bonds so returned shall be maintained.

§ 198.149 *Defective construction.* Where it is found that the construction of the distilling apparatus or equipment does not conform to the requirements of the law and regulations, the Assistant Regional Commissioner shall inform the proprietor concerning the defects, and further action must be held in abeyance pending correction thereof.

§ 198.150 *Bonds and consents of surety.* All bonds and consents of surety required to be filed by manufacturers of concentrates shall be approved or disapproved by the Assistant Regional Commissioner.

§ 198.151 *Inquiry by Assistant Regional Commissioner.* Before approving any bond or consent of surety given by any individual, firm, partnership, corporation, or association, in respect to the business of a concentrate manufacturer, the Assistant Regional Commissioner shall make such inquiry or investigation as may be deemed necessary to ascertain whether such individual, firm, partnership, corporation, or association, or any person owning, controlling, or actively participating in the management of the business has been convicted of, or has compromised, an offense of the nature specified in § 198.94.

§ 198.152 *Approval of bond.* If the Assistant Regional Commissioner finds that the person seeking to qualify as a proprietor has complied in all respects with the requirements of law and this part, he shall note his approval on all copies of the bond, and his approval on all copies of the notice, plat, and plans.

§ 198.153 *Disapproval of qualifying documents.* If the Assistant Regional Commissioner finds that the applicant has not complied in all respects with the requirements of the law and regulations, or that the individual, firm, partnership, corporation, or association intending to commence business as a manufacturer of concentrates, or any person owning, controlling, or actively participating in the management of such business, has been convicted of, or has compromised, an offense of the nature specified in § 198.94, or, if he finds that the situation of the premises is in other respects such as would enable the proprietor to defraud the United States, he shall disapprove the bond, notice, plat, plans, and other documents.

§ 198.154 *Appeal to Commissioner.* Where a bond or consent of surety is disapproved by the Assistant Regional Commissioner, and an appeal is taken to the Commissioner, the Assistant Regional Commissioner shall furnish the Commissioner with full information respecting the disapproval, stating the nature of the offense, the names of the offenders, the date of conviction, or the date of acceptance of an offer in compromise, and all other reasons for his action. The Commissioner will grant a hearing in the matter if the parties so request at the time appeal is taken from the action of the Assistant Regional Commissioner.

§ 198.155 *Disposition of qualifying documents.* Where the bond or consent of surety is approved by the Assistant Regional Commissioner, he shall assign a registry number to the concentrate plant, in accordance with the provisions of § 198.156, and shall forward the original copy of the bond, and the original copies of the notice, plat, plans, and other qualifying documents, together with a copy of all inspection reports, to the Commissioner, return one copy of the bond, notice, plat, plans, and other qualifying documents to the proprietor, retain one copy of each such qualifying document for the file of the proprietor, and authorize the proprietor to commence operations. If the bond or consent of surety is disapproved by the Assistant Regional Commissioner all copies thereof shall be returned to the principal, and the surety or sureties shall be notified of such action. The Assistant Regional Commissioner shall promptly advise the Commissioner fully regarding the disapproval of any bond. If the bond or consent of surety has been disapproved, the Assistant Regional Commissioner shall return all copies of other qualifying documents to the proprietor with advice as to the reasons for disapproval.

§ 198.156 *Registry numbers.* Concentrate plants will be numbered serially in the order of their establishment. A separate series shall be used for each State. Registry numbers assigned to discontinued concentrate plants will not be reassigned to other concentrate plants. The same registry number shall be continued whenever there is a change of proprietorship.

CHANGES SUBSEQUENT TO ESTABLISHMENT

§ 198.157 *Procedure applicable.* The provisions of this subpart, respecting the action required of Assistant Regional Commissioners in connection with the establishment of concentrate plants shall be followed, to the extent applicable, where there is a change in the individual, firm, or corporate name of the proprietor, or where there is a change in the proprietorship, location of premises, distilling apparatus and equipment, of the concentrate plant, or where operations are permanently discontinued.

CONSENTS OF SURETY, AND ADDITIONAL AND SUPERSEDING BONDS

§ 198.158 *Procedure applicable.* The procedure prescribed herein for the approval and disapproval of notices and bonds submitted in connection with the establishment of concentrate plants will, to the extent applicable, govern the approval and disapproval of consents of surety, and additional and superseding bonds.

### Subpart L—Action by Commissioner

ORIGINAL ESTABLISHMENT

§ 198.165 *Review of documents.* The Commissioner will review the qualifying documents, and determine that they are properly executed, and in conformity with the requirements of law and regulations concerning construction and establishment. Where the documents are found to be in conformity with the above requirements, they will be accepted for filing by the Commissioner. If such documents are not in conformity with the above requirements, the Commissioner will return them to the Assistant Regional Commissioner with the necessary instructions for correction.

CHANGES SUBSEQUENT TO ORIGINAL ESTABLISHMENT

§ 198.166 *Procedure applicable.* The provisions of § 198.165 concerning the action of the Commissioner in connection with the establishment of concentrate plants shall be followed to the extent applicable, where there is a change in individual, firm, or corporate name, or where there is a change in the proprietorship, location, premises, or distilling apparatus and equipment, of the concentrate plant.

### Subpart M—Termination of Bonds

§ 198.170 *Termination of bond.* The manufacturer's bond, Form 1694 may be terminated as to future liability (a) pursuant to application by the surety as provided in § 198.171 or (b) pursuant to approval of a superseding bond or discontinuance of business by the principal. Application for termination of a manufacturer's bond upon approval of a superseding bond or discontinuance of the business, must be filed in duplicate with the Assistant Regional Commissioner.

§ 198.171 *Application of surety for relief from bond.* A surety on any bond required by this part may at any time in writing, notify the principal and the Assistant Regional Commissioner in whose office the bond is on file that he desires, after a date named, which shall be at least 60 days after the date of such notification, to be relieved of liability under said bond. The notice shall be executed in triplicate by the surety, who shall deliver one copy to the principal and two copies to the Assistant Regional Commissioner, who shall retain one copy and transmit one copy to the Commissioner. This notice may not be given by an agent of the surety unless it is accompanied by a power of attorney, duly executed by the surety, authorizing him to give such notice, or by a verified statement that such power of attorney is on file with the department. The surety must also file with the Assistant Regional Commissioner an acknowledgement or other proof of service of such notice on the principal.



§ 198.172 *Extent of release of surety from liability.* If such notice is not thereafter in writing withdrawn, the rights of the principal as supported by said bond shall be terminated on the date named in the notice, and the surety shall be relieved from liability for concentrates, and fruit juice or mash, which are produced or received wholly subsequent to the date named in the notice. If the concentrate manufacturer files a valid superseding bond on Form 1694 prior to the date named in the surety's notice, the surety shall also be relieved from liability for concentrates and juice or mash on hand at the concentrate plant on said date. If the principal fails to file such superseding bond, the surety, notwithstanding his release from liability as specified above, shall continue to remain liable under the bond for all concentrates and juice or mash on hand at the concentrate plant on said date, until such concentrate and juice or mash have been lawfully disposed of or a new bond has been filed by the principal covering the same. Liability under the bond, Form 1694, for concentrate, and fruit juice or mash, produced, received, or removed thereunder prior to the date named in the surety's notice shall continue until such concentrates, and fruit juice or mash, are properly accounted for according to law and regulations, regardless of whether the principal files a superseding bond.

§ 198.173 *Notice of release of surety from liability.* If the principal files a valid superseding bond prior to the date named in the surety's notice, the Assistant Regional Commissioner shall issue "Notice of Release" on Form 1491, in accordance with § 198.175. Where the principal fails to file such superseding bond, the Assistant Regional Commissioner shall, by letter, notify the surety of such fact and of his continued liability under the bond for concentrates and juice or mash on hand at the concentrate plant on said date. The Assistant Regional Commissioner shall also at such time notify the concentrate manufacturer that no further operations may be conducted at the concentrate plant until a valid bond is filed and approved. The Assistant Regional Commissioner will forward a copy of each such letter to the Commissioner.

§ 198.174 *Action on application for termination of bond.* When an application for the termination of a manufacturer's bond as to future liability is filed with the Assistant Regional Commissioner in a case where a superseding bond has been approved, or the principal has discontinued business, as provided in § 198.170, the Assistant Regional Commissioner shall retain one copy of such application and forward one copy to the Commissioner, with his recommendation. The Assistant Regional Commissioner shall, before forwarding the application to the Commissioner, make a complete examination of records to determine whether there is any liability then due and payable outstanding against the bond. He shall also ascertain from the District Director of Internal Revenue whether there are any outstanding unpaid assessments against the principal. If it is found that violations of law or regulations occurred during the period covered by the bond and that penalties incurred or fines imposed have not been paid, or that outstanding assessments, or demands for payment of taxes, chargeable against the bond have not been paid or otherwise settled, no further action will be taken until all such liabilities have been settled.

§ 198.175 *Notices, Forms 1490 and 1491.* Upon approval of the application for termination of a manufacturer's bond, the Assistant Regional Commissioner will execute Form 1490, where a superseding bond has been approved, or Form 1491, where the principal has discontinued business, in quadruplicate (in quintuplicate if there are two sureties), and will forward the original to the Commissioner, one copy to each obligor on the bond, and retain one copy on file with the bond to which it relates.

§ 198.176 *Release of collateral.* The release of collateral pledged and deposited to support bonds required by the regulations in this part shall be in accordance with the provisions of Department Circular No. 154, revised (31 CFR Part 225), subject to the conditions governing the issuance of notices on Forms 1490 and 1491 of the termination of such bonds. When the Assistant Regional Commissioner determines that there is no outstanding liability against the bond, he will fix the date or dates on which a part or all of the security may be released. In fixing such date, which ordinarily will be not less than six months from the date of such determination, the Assistant Regional Commissioner shall satisfy himself that the interests of the Government will not be jeopardized. At any time prior to the release of such security the Assistant Regional Commissioner may, in his discretion and for proper cause, further extend the date of release of such security for such additional length of time as in his judgment may be appropriate.

### Subpart N—Suspension or Discontinuance of Business

§ 198.180 *Form of notice.* Any proprietor of a concentrate plant desiring to suspend operations in connection with the production, use, and removal of concentrates for an indefinite period, or for a definite period exceeding 15 days, shall give notice to such effect, on Form 27–G, in triplicate, to the Assistant Regional Commissioner, stating when he will suspend operations. The giving of such notice will not be required where operations are temporarily suspended. The proprietor shall fix in the notice, the time and date when operations shall be suspended.

§ 198.181 *Registry of stills.* The temporary suspension of operations at a concentrate plant does not necessitate reregistration of stills. The operations of a concentrate plant by alternating proprietors, where no permanent change in ownership occurs does not require registry of the stills by the proprietors. Where there is a change in location or use, or a bona fide change in ownership of a still, the still must be registered to reflect the change. The Assistant Regional Commissioner shall, upon approving the registration of a still on Form 26, retain one copy, forward one copy to the Commissioner and return the remaining copy to the proprietor. The proprietor shall retain his copy at the concentrate plant premises, available for inspection by Government officers.

### Subpart O—Plant Operations

§ 198.190 *Compliance with requirements of law and regulations.* Under no circumstances shall any person produce concentrates until compliance with all the requirements of law and this part, and the required notice, Form 27–G, and supporting documents have been approved in accordance with provisions of this part.

§ 198.191 *Inspection of premises and records.* All persons manufacturing concentrates pursuant to the provisions of this part shall permit any internal revenue officer to inspect the premises, equipment, stocks, and records, at any reasonable hour, as well by night as by day, as required by law. (53 Stat. 317; 26 U. S. C. 2827, 2828)

COMMENCEMENT OF OPERATIONS

§ 198.192 *Processing material.* The proprietor of a concentrate plant may produce processing material on his premises to be used in the manufacture of concentrates or such processing material may be produced elsewhere and transported to the concentrate plant. Processing material must be measured when produced or, if produced elsewhere, when received on the premises. The production or receipt of such materials shall be recorded in a record to be maintained by the proprietor, as provided in § 198.201. This record shall also show the name and address of the person from whom received. If processing material is stored on the premises, and it is desired to remove the same for any purpose whatsoever, the proprietor shall enter on his record the kind and quantity so removed, the name and address of the person to whom disposed of, and the reason therefor.

§ 198.193. *Use of processing material.* The proprietor may use processing ma-

terial produced, and received as set forth in § 198.192, if it contains no more alcohol than is reasonably unavoidable. To this end, fermented processing material must not be used in the manufacture of a concentrate. The proprietor must use processing material as soon as produced, or as soon thereafter as it is practicable.

§ 198.194 *Quantity of processing material to be determined.* The proprietor shall determine the number of gallons of processing material fed to the evaporator and shall enter the same on his record, as provided in § 198.201.

§ 198.195 *Quantity and alcohol content of concentrate produced to be determined.* As to each lot of processing material processed, the total quantity of concentrate produced therefrom and the alcohol content of such concentrate shall be determined and recorded. The alcohol content shall be determined by the use of a standard hydrometer and in accordance with the provisions of the Gauging Manual (26 CFR Part 186).

§ 198.196 *Removal of concentrate.* Concentrate which is fit for use as a beverage may not be removed from the place of manufacture. Such concentrate, may, however, be used on the premises in the completion of the manufacture of any product authorized to be made by the provisions of § 198.29, if such products contain less than one-half of one percent alcohol by volume. Where the alcoholic content of any concentrate exceeds six percent but not more than fifteen percent of alcohol by volume, and it is desired to remove such concentrate from the premises, there shall be added to each gallon thereof not less than:

(a) $8\frac{3}{10}$ pounds of sucrose; or

(b) $2\frac{1}{2}$ ounces of any one of the following:

(1) Malic acid;

(2) Citric acid;

(3) Tartaric acid.

Concentrate containing not more than six percent alcohol by volume may be removed from the premises without being modified by the addition of any substance; unless the Commissioner finds that the concentrate is fit for use as a beverage and requires the addition thereto of the materials specified in paragraphs (a) or (b) of this section.

§ 198.197 *Label.* Each container of concentrate shall have affixed thereto, at the time of filling, a label showing: (a) The name of the proprietor; (b) the registry number of the plant and the State in which located; and (c) the address of the plant, as shown on the notice, Form 27–G.

**Subpart P—Proprietor's Records and Reports**

§ 198.200 *General.* The proprietor of every concentrate plant shall keep commercial records and render reports on Form 1695 as hereinafter provided.

§ 198.201 *Commercial records.* The proprietor shall keep commercial records showing daily, the production, receipt, and use of processing material, the use of flashed juice or mash, the production of concentrate and the percent, by volume, of alcohol contained therein, the removal or use of concentrates, and the removal of articles manufactured from juice or mash, and flashed juice or mash. The names and addresses of the persons from whom processing materials are received and the names and addresses of the persons to whom concentrates are disposed of shall be shown on these records. The commercial records shall also show the receipt and use of substances that are used to render concentrates unfit for use as a beverage in accordance with the provisions of § 198.196.

§ 198.202 *Retention of commercial records.* Commercial records shall be maintained on the premises available for inspection by Government officers at all reasonable hours as provided in § 198.191. Such commercial records shall be retained as permanent records for a period of not less than four years.

§ 198.203 *Report, Form 1695.* Entries on Form 1695 shall be made as indicated by the headings of the various columns, and lines, and in accordance with the instructions on the form and as set forth in this part. The entries must be made by the proprietor, or by his agent from personal knowledge or from data furnished by the proprietor. At the close of the month, but in no case later than the tenth day of the succeeding month, the proprietor shall prepare and forward two copies of the Form 1695 to the Assistant Regional Commissioner.

§ 198.204 *Execution.* The monthly report, Form 1695, shall be signed by the proprietor or his authorized agent and shall be verified by a written declaration that it is made under the penalties of perjury. Where the report is signed by an agent, proper power of attorney authorizing the agent to execute the report for the proprietor must be filed in triplicate, with the Assistant Regional Commissioner. (63 Stat. 667; 26 U. S. C. 3809)

§ 198.205 *Permanent record.* One copy of the Form 1695 shall be retained by the proprietor as a permanent record, in bound form, and shall be kept on the premises available for inspection by Government officers at all reasonable hours.

§ 198.206 *Requirements where change in proprietorship occurs.* When a succession or change in the proprietorship of the concentrate plant occurs, the outgoing proprietor shall enter on his record, Form 1695, an account of all processing material and concentrates transferred to his successor, who shall in turn enter such items on his report, Form 1695, as received from his predecessor. The outgoing proprietor shall make appropriate notation on all forms and records required to be kept by him, showing the change in the proprietor and the date thereof.

§ 198.207 *Audit of reports, Form 1695, by Assistant Regional Commissioner.* The Assistant Regional Commissioner shall, after audit and not later than the last day of the month succeeding that for which the reports are rendered, forward one copy of Form 1695 to the Commissioner and retain the remaining copy.

*Effective date.* The provisions of this part shall be effective December 1, 1953.

[SEAL] T. COLEMAN ANDREWS,
*Commissioner of Internal Revenue.*

Approved:

M. B. FOLSOM,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53–10422; Filed, Dec. 11, 1953; 8:56 a. m.]

## TITLE 7—AGRICULTURE

### Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 8]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.308 *Navel Orange Regulation 8*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on December 3, 1953, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period specified in this section; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., December 13, 1953, and ending at 12:01 a. m., P. s. t., August 1, 1954, no handler shall handle any Navel oranges, grown in District 2, which are of a size smaller than 2.31 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 5 percent, by count, of oranges smaller than such minimum size, but not less than 2.20 inches in diameter, shall be permitted: *Provided*, That in determining the percentage of oranges which are smaller than 2.31 inches in diameter, such percentage shall be based only on those oranges which are of a size 2.43 inches in diameter and smaller, but oranges in any container must average not less than a diameter of 2.375 inches. The aforesaid tolerance is on a container basis but individual packages in any lot may contain not more than double the tolerance specified: *Provided*, That the average for the entire lot is within the tolerance specified: *Provided further*, That at least one orange which does not meet the requirements shall be permitted in any one package.

(2) As used in this section, "handler," "handle," and "District 2," shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 9th day of December 1953.

S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53–10370; Filed, Dec. 11, 1953; 8:49 a. m.]

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[Navel Orange Reg. 9]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.309 *Navel Orange Regulation 9*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on December 10, 1953, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 13, 1953, and ending at 12:01 a. m., P. s. t., December 20, 1953, is hereby fixed as follows:

(i) District 1: 400 carloads;

(ii) District 2: 57.25 carloads;

(iii) District 3: 145 carloads;

(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handled," "handler," "carloads," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 11th day of December 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Dec. 13 to 12:01 a. m., P. s. t., Dec. 20, 1953]

NAVEL ORANGES

PRORATE DISTRICT NO. 1

| Handler | Prorate base (percent) |
|---|---|
| Total | 100.0000 |
| A. F. G. Lindsay | 1.8906 |
| A. F. G. Porterville | 2.3375 |
| Ivanhoe Cooperative Association | .7005 |
| Anderson Packing Co | 1.4449 |
| Euclid Avenue Orange Association | 1.1120 |
| Lindsay Mutual Groves | 1.4685 |
| Martin Ranch | 1.4574 |
| Orange Cove Orange Growers | 2.7099 |
| Woodlake Packing House | 1.9332 |
| Dofflemyer & Son, W. Todd | .5170 |
| Earlibest Orange Association | 1.7857 |
| Elderwood Citrus Association | .7329 |
| Exeter Citrus Association | 3.4380 |
| Exeter Orange Growers Association | 1.2354 |
| Exeter Orchards Association | 1.4274 |
| Hillside Packing Association | 1.4031 |
| Ivanhoe Mutual Orange Association | 1.1464 |
| Klink Citrus Association | 4.1350 |
| Lemon Cove Citrus Association | .8609 |
| Lindsay Citrus Growers Association | 2.3805 |
| Lindsay Cooperative Association | 1.4270 |
| Lindsay Fruit Association | 2.3742 |
| Lindsay Orange Growers Association | .8176 |
| Naranjo Packing House Co | 1.2971 |
| Orange Cove Citrus Association | 3.5800 |
| Orange Packing Co | 1.0817 |
| Orosi Foothill Citrus Association | 1.4361 |
| Paloma Citrus Fruit Association | .8097 |
| Rocky Hill Citrus Association | 1.6263 |
| Sanger Citrus Association | 3.0347 |
| Sequoia Citrus Association | .8259 |
| Stark Packing Co | 2.7307 |
| Visalia Citrus Association | 2.6820 |
| Waddell & Son | 2.4484 |
| Baird Neece Corp | 1.8959 |
| Beattie Association, D. A | .4982 |
| Grand View Heights Citrus Association | 3.2246 |
| Magnolia Citrus Association | 2.5661 |
| Porterville Citrus Association, The | 1.7047 |
| Randolph Marketing Co | 1.9714 |
| Richgrove-Jasmine Citrus Association | 1.2239 |
| Strathmore Cooperative Citrus Association | 1.0542 |
| Strathmore District Orange Association | 1.7392 |
| Strathmore Packing House Co | 2.2292 |
| Sunflower Citrus Growers | 2.8453 |
| Sunland Packing House Co | 2.8914 |
| Terra Bella Citrus Association | 1.3361 |
| Tule River Citrus Association | .8752 |
| Baker Ranch Packing House | .4571 |
| Batkins, Jr., Fred A | .0595 |
| California Citrus Groves, Inc., Ltd | 2.7890 |
| Darby, Fred J | .0246 |
| Dubendorf, John | .1335 |
| Evans Bros. Packing Co | .2291 |
| Far West Produce Distributors | .0639 |
| Foothill Packing Co | .3278 |
| Friesen, Lawrence | .0082 |
| Haas & Ferry | .1592 |
| Harding & Leggett | 1.8057 |
| Independent Growers, Inc | .9829 |
| Lo Bue Bros | .7065 |
| Maas, W. A | .1215 |
| Marks, W. & M | .4397 |
| Mc Nees, Hubert K | .0000 |
| Morin, Carl W | .0213 |
| Nickel, Edward | .0035 |

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 1—continued

| Handler | Prorate base (percent) |
|---|---|
| Orange Belt Fruit Distributors Inc | 0.5271 |
| Paramount Citrus Association, Inc | 1.9588 |
| Reimers, Don H | .5001 |
| Riverside Fruit Co | .1168 |
| Sequoia Cider Mill | .0175 |
| Stephens & Cain | .4684 |
| Tashjian, John | .1171 |
| Zaninovich, Bros., Inc | 1.5765 |
| PRORATE DISTRICT NO. 2 | |
| Total | 100.0000 |
| A. F. G. Corona | .5837 |
| A. F. G. Fullerton | .0208 |
| A. F. G. Orange | .0179 |
| A. F. G. Riverside | 1.3490 |
| A. F. G. Santa Paula | .0475 |
| Eadington Fruit Co | .7352 |
| Signal Fruit | 1.2272 |
| Anaheim Cooperative | .0321 |
| Bryn Mawr Mutual | .4920 |
| Chula Vista Mutual | .1073 |
| Daniels, Inc., Ward | .3365 |
| Euclid Avenue Orange Association | 3.0931 |
| Foothill Citrus Union, Inc | .3832 |
| Garden Grove Citrus Association | .0168 |
| Index Mutual Association | .0108 |
| La Verne Cooperative Citrus Association | 3.0155 |
| Olive Hillside Groves, Inc | .0082 |
| Redlands Foothill Groves | 2.6481 |
| Redlands Mutual Orange Association | 1.3756 |
| Azusa Citrus Association | .8422 |
| Covina Citrus Association | 2.0698 |
| Glendora Citrus Associaton | 1.6518 |
| Valencia Heights Orchard Association | .2206 |
| Gold Buckle Association | 4.6689 |
| La Verne Orange Association | 4.7470 |
| Anaheim Valencia Orange Association | .0122 |
| Fullerton Mutual Orange Association | .4275 |
| La Habra Citrus Association | .0869 |
| Yorba Linda Citrus Association | .0813 |
| El Cajon Valley Citrus Association | .1582 |
| Escondido Orange Association | .6343 |
| Citrus Fruit Growers | .4589 |
| Cucamonga Mesa Growers | .8832 |
| Etiwanda Citrus Fruit Association | .1355 |
| Upland Citrus Association | 2.1405 |
| Upland Heights Orange Association | 1.2040 |
| Consolidated Orange Growers | .0212 |
| Garden Grove Citrus Association | .0205 |
| Goldenwest Citrus Association | .1766 |
| Olive Heights Citrus Association | .0603 |
| Santiago Orange Growers Association | .0766 |
| Villa Park Orchards Association | .0382 |
| Bradford Bros., Inc | .2037 |
| Placentia Mutual Orange Association | .1663 |
| Placentia Orange Growers Association | .2279 |
| Yorba Orange Growers Association | .0491 |
| Corona Citrus Association | 1.1684 |
| Jameson Co | .6008 |
| Orange Heights Orange Association | 4.0697 |
| Crafton Orange Growers Association | 1.8673 |
| East Highlands Citrus Association | .5429 |
| Redlands Heights Groves | 1.0042 |
| Redlands Orangedale Association | 1.2125 |
| Rialto Fontana Citrus Association | .2682 |
| Bryn Mawr Fruit Growers Association | 1.3463 |
| Mission Citrus Asssociation | .9523 |
| Redlands Cooperative Fruit Association | 2.1306 |

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

| Handler | Prorate base (percent) |
|---|---|
| Redlands Orange Growers Association | 1.7394 |
| Redlands Select Groves | .5335 |
| Rialto Orange Co | .4589 |
| Southern Citrus Growers | 1.0473 |
| United Citrus Growers | 1.0988 |
| Arlington Heights Citrus Co | 1.6172 |
| Blue Banner, Inc | 2.6003 |
| Brown Estate, L. V. W | 2.2866 |
| Gavilan Citrus Association | 2.2080 |
| McDermont Fruit Co | 1.8544 |
| Monte Vista Citrus Association | 1.5584 |
| National Orange Co | 1.5440 |
| Riverside Highgrove Citrus Association | 2.0831 |
| Victoria Avenue Citrus Association | 3.3328 |
| Claremont Citrus Association | .6495 |
| College Heights Orange & Lemon Association | 2.1586 |
| Indian Hill Citrus Association | 1.0757 |
| Walnut Fruit Growers Association | .6331 |
| West Ontario Citrus Association | .8442 |
| Escondido Cooperative Citrus Association | .1071 |
| Camarillo Citrus Association | .0042 |
| Fillmore Citrus Association | 1.0826 |
| Mupu Citrus Association | .0049 |
| Ojai Orange Association | 1.0383 |
| Piru Citrus Association | 1.2026 |
| Rancho Sespe | .0013 |
| San Fernando Fruit Growers Association | .4558 |
| Santa Paula Orange Association | .0929 |
| Ventura County Citrus Association | .0415 |
| North Whittier Heights | .1328 |
| Placentia Cooperative Orange Association | .2727 |
| Sierra Madre-Lamanda Citrus Association | .0764 |
| A. J. Packing Co | .1581 |
| Babijuice Corp. of California | .0443 |
| Bryant, Foster | .0291 |
| Cherokee Citrus Co., Inc | 1.1455 |
| Dunning, Vera Hueck | .1817 |
| Evans Brothers Packing Co | 1.3066 |
| Far West Produce Distributors | .0491 |
| Gold Banner Association | 2.5001 |
| Granada Packing House | .1355 |
| Orange Belt Fruit Distributors | .7308 |
| Panno Fruit Co., Carlo | .0519 |
| Paramount Citrus Association | .1099 |
| Placentia Orchard Association | .0799 |
| Wall, E. T | 2.2036 |
| Western Fruit Growers, Inc | 5.3102 |
| PRORATE DISTRICT NO. 3 | |
| Total | 100.0000 |
| Consolidated Citrus Growers | 10.6276 |
| McKellips Citrus Co., Inc | 12.9396 |
| Phoenix Citrus Packing Co | 1.8780 |
| Pioneer Fruit Co | 3.3197 |
| Arizona Citrus Growers | 18.7050 |
| Chandler Heights Citrus Growers | 2.2463 |
| Desert Citrus Growers | 6.5458 |
| Mesa Citrus Growers | 25.4974 |
| Tal' Wi-Wi Ranches | .5847 |
| Tempeco Groves | 5.6706 |
| Yuma Mesa Fruit Growers Association | .8059 |
| Allen & Allen Citrus Packing Co | .5360 |
| Clark & Sons Produce Co., J. H | .3210 |
| Commercial Citrus Co | 1.2034 |
| Ishikawa, Paul | .0401 |
| Leppla, H. Lorain | 3.1811 |
| Macchiaroli Fruit Co., James | 2.3387 |
| Potato House, The | .1763 |
| Sunny Valley Citrus Packing Co | .9955 |
| Valley Citrus Packing Co | 2.3873 |

[F. R. Doc. 53-10444; Filed, Dec. 11, 1953; 11:10 a. m.]

[Lemon Reg. 515]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 953.626 *Lemon Regulation 515*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on December 9, 1953, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 13, 1953, and ending at 12:01 a. m., P. s. t., December 20, 1953, is hereby fixed as follows:

(i) District 1: 25 carloads;

(ii) District 2: 130 carloads;

(iii) District 3: 20 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 10th day of December 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

PRORATE BASE SCHEDULE

[Storage date: Dec. 6, 1953]

DISTRICT NO. 1

[12:01 a. m. Dec. 13, 1953, to 12:01 a. m. Dec. 27, 1953]

| Handler | Prorate base (percent) |
|---|---|
| Total | 100.000 |
| Klink Citrus Association | 40.386 |
| Lemon Cove Association | 15.336 |
| Tulare County Lemon & Grapefruit Association | 33.422 |
| Harding & Leggett | 5.933 |
| Zaninovich Bros., Inc | 4.923 |
| DISTRICT NO. 2 | |
| Total | 100.000 |
| American Fruit Growers, Inc., Corona | .221 |
| American Fruit Growers, Inc., Fullerton | .344 |
| American Fruit Growers, Inc., Upland | .701 |
| Buenaventura Lemon Co | 1.268 |
| Consolidated Lemon Co | .646 |
| Ventura Pacific Co | 3.147 |
| Chula Vista Mutual Lemon Association | .443 |
| Euclid Lemon Association | .630 |
| Index Mutual Association | .077 |
| La Verne Cooperative Citrus Association | .987 |
| Ventura Coastal Lemon Co | 2.983 |
| Ventura County Orange & Lemon Association | .000 |
| Ventura Processors | 2.811 |
| Glendora Lemon Growers Association | 1.240 |
| La Verne Lemon Association | .549 |
| La Habra Citrus Association | .334 |
| Yorba Linda Citrus Association | .281 |
| Escondido Lemon Association | 2.306 |
| Cucamonga Mesa Growers | 1.436 |
| Etiwanda Citrus Fruit Association | .962 |
| San Dimas Lemon Association | .566 |
| Upland Lemon Growers Association | 5.798 |
| Central Lemon Association | .430 |
| Irvine Citrus Association, The | .513 |
| Placentia Mutual Orange Association | .648 |
| Corona Citrus Association | .164 |
| Corona Foothill Lemon Co | 1.831 |
| Jameson Company | .600 |
| Arlington Heights Citrus Co | .533 |
| College Heights Orange & Lemon Association | 4.143 |





PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

| Handler | Prorate base (percent) |
|---|---|
| Chula Vista Citrus Association, The | 0.622 |
| Escondido Cooperative Citrus Association | .157 |
| Fallbrook Citrus Association | 1.183 |
| Lemon Grove Citrus Association | .134 |
| Carpinteria Lemon Association | 3.894 |
| Carpinteria Mutual Citrus Association | 4.776 |
| Goleta Lemon Association | 5.313 |
| Johnston Fruit Co | 6.995 |
| Briggs Lemon Association | 2.093 |
| Fillmore Lemon Association | .593 |
| Oxnard Citrus Association | 4.979 |
| Rancho Sespe | .538 |
| San Fernando Heights Lemon Association | 1.602 |
| Santa Clara Lemon Association | 5.100 |
| Santa Paula Citrus Fruit Association | 1.792 |
| Saticoy Lemon Association | 5.665 |
| Seaboard Lemon Association | 5.901 |
| Somis Lemon Association | 3.985 |
| Ventura Citrus Association | 1.351 |
| Ventura County Citrus Association | .486 |
| Limoneira Co | 3.246 |
| Teague-McKevett Association | .597 |
| East Whittier Citrus Association | .056 |
| Murphy Ranch Co | .183 |
| North Whittier Heights Citrus Association | .105 |
| Sierra Madre-Lamanda Citrus Association | .631 |
| Dunning Ranch | .000 |
| Far West Produce Distributors | .082 |
| Huarte, Joseph D | .000 |
| Paramount Citrus Association, Inc | 1.207 |
| Santa Rosa Lemon Co | .122 |
| DISTRICT NO. 3 | |
| Total | 100.000 |
| Consolidated Citrus Growers | 4.273 |
| Phoenix Citrus Packing Co | 4.302 |
| Pioneer Fruit Co | 6.272 |
| Arizona Citrus Growers | 45.659 |
| Desert Citrus Growers Co | 9.897 |
| Tempeco Groves | 6.837 |
| Arlington Heights Citrus Co | 5.527 |
| James Macchiaroli Fruit Co | 1.353 |
| Morris Bros. Fruit Co | 12.271 |
| Mutual Citrus Products Co | .000 |
| Sunny Valley Citrus Packing Co | 3.559 |
| Valley Citrus Packing Co | .000 |

[F. R. Doc. 53-10425; Filed, Dec. 11, 1953; 8:57 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 23]

## PART 600—DESIGNATION OF CIVIL AIRWAYS

### ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.12 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended by deleting the following: "Lone Rock, Wis., radio range station;", and by adding the following in lieu thereof: "the intersection of the southeast course of the La Crosse, Wis., radio range and the west course of the Madison, Wis., radio range;"

2. Section 600.214 *Red civil airway No. 14 (Lone Rock, Wis., to Bowling Green, Ky.)* is amended by deleting the portion which reads: "From the Lone Rock, Wis., radio range station via the Rockford, Ill., radio range station;", and by adding the following in lieu thereof: "From the intersection of the southeast course of the La Crosse, Wis., radio range and the west course of the Madison, Wis., radio range via the Rockford, Ill., radio range station;"

3. Section 600.631 *Blue civil airway No. 31 (Burlington, Iowa, to Madison, Wis.)* is amended by changing the last portion to read: "From the intersection of the south course of the Madison, Wis., radio range and the northwest course of the Rockford, Ill., radio range to the Madison, Wis., radio range station."

4. Section 600.639 *Blue civil airway No. 39 (Savannah, Ga., to Elmira, N. Y.)* is amended between the Morgantown, W. Va., radio range station and the Elmira, N. Y., radio range station to read: "Morgantown, W. Va., radio range station to the New Alexandria, Pa., nondirectional radio beacon. From the intersection of the southwest course of the Elmira, N. Y., radio range and the east course of the Philipsburg, Pa., radio range to the Elmira, N. Y., radio range station."

5. Section 600.647 *Blue civil airway No. 47 (Blackstone, Va., to Dunkirk, N. Y.)* is amended between the Altoona, Pa., radio range station and the Dunkirk, N. Y., nondirectional radio beacon to read: "Altoona, Pa., radio range station; Philipsburg, Pa., radio range station; Bradford, Pa., nondirectional radio beacon to the Dunkirk, N. Y., nondirectional radio beacon."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001, e. s. t., December 15, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-10346; Filed, Dec. 11, 1953; 8:45 a. m.]

[Amdt. 23]

## PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act

would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1100 is amended to read:

§ 601.1100 *Control area extension (Lone Rock, Wis.).* That airspace within a 15-mile radius of the Lone Rock omnirange station including the airspace within 5 miles either side of the 24° True radial of the omnirange extending from the omnirange station to a point 25 miles northeast.

2. Section 601.1101 is amended to read:

§ 601.1101 *Control area extension (Madison, Wis.).* Within 5 miles either side of a line bearing 183° True from the Madison, Wis., outer marker extending from the outer marker to a point 25 miles south.

3. Section 601.2110 is amended to read:

§ 601.2110 *Lone Rock, Wis., control zone.* Within a 5-mile radius of the Municipal Airport and within 2 miles either side of the 24° True and 204° True radials of the Lone Rock omnirange extending from the Municipal Airport control zone to a point 10 miles northeast of the omnirange station.

4. Section 601.2112 is amended to read:

§ 601.2112 *Madison, Wis., control zone.* Within a 5-mile radius of Truax Field, within 2 miles either side of the east course of the Madison radio range extending from the radio range station to a point 10 miles east, and within 2 miles of lines bearing 183° True and 03° True from the outer marker extending from the Truax Field control zone to a point 10 miles south of the outer marker.

5. Section 601.4012 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended by deleting the following reporting point: "Lone Rock, Wis., radio range station;" and by substituting the following reporting point in lieu thereof: "the intersection of the southeast course of the La Crosse, Wis., radio range and the west course of the Madison, Wis., radio range;"

6. Section 601.7001 *Domestic VOR reporting points* is amended by changing the following reporting point to read:

Walton Intersection: The intersection of the Moline, Ill., omnirange 088° True and the Bradford, Ill., omnirange 360° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001, e. s. t., December 15, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-10347; Filed, Dec. 11, 1953; 8:45 a. m.]

[Amdt. 52]

## PART 610—MINIMUM EN ROUTE IFR ALTITUDES

### ALTERATIONS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

1. Section 610.12 *Green civil airway No. 2* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| La Crosse, Wis. (LFR) | Lone Rock (INT), Wis. | 2,500 |
| Lone Rock (INT), Wis. | Madison, Wis. (LFR) | 2,500 |

2. Section 610.104 *Amber civil airway No. 4* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Sioux City, Iowa (LFR | Sioux Falls, S. Dak. (LFR). | 3,000 |

3. Section 610.208 *Red civil airway No. 8* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Liberty [1] (INT), Ohio | Wright-Patterson, [2] Ohio (LFR). | 3,000 |

[1] 3,000'—Minimum crossing altitude at Liberty (INT), eastbound.
[2] 3,000'—Minimum crossing altitude at Wright-Patterson (LFR), westbound.

4. Section 610.208 *Red civil airway No. 8* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Williamsport, Pa. (LFR). | Crystal Lake, Pa. (LF/RBN). | 4,000 |
| Crystal Lake, Pa. (LF/RBN). | Stroudsburg (INT), Pa. | 4,000 |
| Stroudsburg (INT), Pa. | Newark, N. J. (LFR) | 2,700 |

5. Section 610.214 *Red civil airway No. 14* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Lone Rock (INT), Wis. | Int. NW ers. Rockford, Ill. (LFR), and S ers. Madison, Wis. (LFR). | 2,700 |
| Int. NW ers. Rockford, Ill. (LFR) and S ers. Madison, Wis. (LFR). | Rockford, Ill. (LFR).. | 2,300 |

6. Section 610.216 *Red civil airway No. 16* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Augusta, Ga. (LFR)... | Columbia, S. C. (LFR). | 1,500 |

7. Section 610.218 *Red civil airway No. 18* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Huntington, W. Va. (LF/RBN). | Charleston, W. Va. (LFR). | 2,500 |

8. Section 610.221 *Red civil airway No. 21* is amended to eliminate:

| From— | To— | Minimum altitude |
|---|---|---|
| Int. E ers Pittsburgh, Pa. (LFR), and W ers. Altoona, Pa. (LFR) | Tyrone (INT), Pa.... | 1,500 |
| Tyrone (INT), Pa .... | Selinsgrove, Pa. (RBN). | 4,500 |
| Williamsport, Pa. (LFR). | Int. NE ers Allentown, Pa. (LFR), and NW ers. Newark, N. J. (LFR | 4,000 |
| Int. NE ers. Allentown, Pa. (LFR), and NW ers. Newark, N. J. (LFR). | Chatham, N. J. (LF/RBN). | 2,700 |
| Chatham, N. J. (LF/RBN). | Newark, N. J. (LFR | 2,000 |

9. Section 610.227 *Red civil airway No. 27* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Mount Healthy (INT), Ohio. | Dayton, Ohio (LFR | 2,500 |

10. Section 610.631 *Blue civil airway No. 31* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Int. NW ers Rockford, Ill. (LFR), and S ers. Madison, Wis. (LFR). | Madison, Wis. (LFR | 2,100 |

11. Section 610.639 *Blue civil airway No. 39* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Mt. Pleasant (INT), Pa. | New Alexandria, Pa. (LF/RBN). | 3,000 |
| Int. SW ers. Elmira, N. Y. (LFR), and E ers. Philipsburg, Pa. (LFR). | Elmira, N. Y. (LFR | 4,500 |



12. Section 610.639 *Blue civil airway No. 39* is amended to eliminate:

| From— | To— | Minimum altitude |
|---|---|---|
| Tyrone (INT), Pa..... | Phillipsburg, Pa. (LFR). | 4,500 |

13. Section 610.647 *Blue civil airway No. 47* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Altoona, Pa. (LFR).... | Phillipsburg, Pa. (LFR). | 4,500 |
| Philipsburg, Pa. (LFR). | Bradford, Pa. (LF/RBN). | 4,000 |

14. Section 610.6037 *VOR Civil Airway No. 37* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Morgantown, W. Va. (VOR). | Pittsburgh, Pa. (VOR). | 4,000 |

15. Section 610.6038 *VOR civil airway No. 38* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Montebello, Va. (VOR) | Gold Hill (INT), Va | 6,000 |
| Gold Hill (INT), Va | Flat Rock, Va. (VOR) | 2,000 |

16. Section 610.6043 *VOR civil airway No. 43* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Youngstown, Ohio (VOR | Kingsville, Ohio (VOR). | 2,200 |
| Kingsville, Ohio (VOR) | Erie, Pa. (VOR)..... | 2,000 |

17. Section 610.6047 *VOR civil airway No. 47* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Cincinnati, Ohio (VOR), via W. alter. | Dayton, Ohio (VOR), via W. alter. | 3,000<br>2,400 |

18. Section 610.6053 *VOR civil airway No. 53* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Tri-City, Tenn. (VOR). | Lexington, Ky. (VOR). | 6,200 |
| Lexington, Ky. (VOR). | Louisville, Ky. (VOR) | 2,200 |

19. Section 610.6056 *VOR civil airway No. 56* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Columbia, S. C. (VOR). | Florence, S. C. (VOR). | 1,900 |

20. Section 610.6075 *VOR civil airway No. 75* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Flat Rock, Va. (VOR). | Gordonsville, Va. (VOR) [1] | 2,000 |

[1] 3,000'—Minimum crossing altitude at Gordonsville (VOR), Northeast-bound.

21. Section 610.6096 *VOR civil airway No. 96* is amended to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Fort Wayne, Ind. (VOR). | Antwerp [1] (INT), Ohio. | 2,600 |
| Antwerp [1] (INT), Ohio. | Waterville, Ohio (VOR). | 2,000 |

[1] 2,600'—Minimum crossing altitude at Antwerp (INT), southwest-bound.

22. Section 610.6133 *VOR civil airway No. 133* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Mansfield, Ohio (VOR). | Int. 345° T rad. Mansfield, Ohio (VOR), and W ers. Wellington, Ohio (VAR). | 2,500 |

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective December 15, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-10348; Filed, Dec. 11, 1953; 8:45 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

### [ 7 CFR Part 814 ]

### 1954 SUGAR QUOTA FOR MAINLAND CANE SUGAR AREA

NOTICE OF HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318; 7 U. S. C. Sup. 1100), and in accordance with the applicable rules of practice and procedure (12 F. R. 8225, 13 F. R. 127, 2063; 7 CFR 801, et seq.), and on the basis of information before me, I do hereby find that the allotment of the 1954 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held at the Hotel Monteleone, New Orleans, Louisiana, on January 6, 1954, beginning at 10:00 a. m., c. s. t.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make a fair, efficient, and equitable distribution of the abovementioned quota among persons who market sugar processed from sugarcane produced in the Mainland Cane Sugar Area.

The finding made above is in the nature of a preliminary finding based on the best information now available. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or change such preliminary finding and make or withhold allotment of any such quota in accordance therewith.

In addition, the subjects and issues of this hearing also include (1) the manner in which the statutory factors of "processings from proportionate shares," "past marketings," and "ability to market," as provided in section 205 (a) of the said act, should be measured; and (2) the relative weightings which should be given to these factors.

Issued this 8th day of December 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10371; Filed, Dec. 11, 1953; 8:49 a. m.]

### [ 7 CFR Part 814 ]

### 1954 SUGAR QUOTA FOR DOMESTIC BEET SUGAR AREA

NOTICE OF HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318; 7 U. S. C. Sup. 1100), and in accordance with the applicable rules of practice and procedure (12 F. R. 8225, 13 F. R. 127, 2063; 7 CFR 801, et seq.), and on the basis of information before me, I do hereby find that the allotment of the 1954 sugar quota for the domestic beet sugar area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and hereby give notice that a public hearing will be held at the Congress Hotel, Chicago, Illinois, on January 18, 1954, beginning at 10:00 a. m., c. s. t.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make a fair, efficient, and equitable distribution of the above-

mentioned quota among persons who market sugar processed from sugar beets produced in the domestic beet sugar area.

The finding made above is in the nature of a preliminary finding based on the best information now available. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or change such preliminary finding and make or withhold allotment of any such quota in accordance therewith.

The subjects and issues of this hearing include (1) the manner in which the statutory factors of "processings from proportionate shares," "past marketings," and "ability to market," as provided in section 205 (a) of the said act, should be measured; and (2) the relative weightings which should be given to these factors.

Issued this 8th day of December 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10372; Filed, Dec. 11, 1953; 8:50 a. m.]

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## [ 7 CFR Part 961 ]

[Docket No. AO-160-A-14-RO1]

### HANDLING OF MILK IN THE PHILADELPHIA, PA., MARKETING AREA

### DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Philadelphia, Pennsylvania, on August 12–13, 1952, pursuant to notice issued July 18, 1952 (17 F. R. 6749), and on January 28, 1953, February 24–27, 1953, and March 5–6, 1953, pursuant to notices issued December 18, 1952, including tentative findings and conclusions (17 F. R. 11723), and January 21, 1953 (18 F. R. 553).

On the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administrator, on August 20, 1953, filed with the Hearing Clerk, United States Department of Agriculture, a recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on August 26, 1953 (18 F. R. 5101, F. R. Doc. 53-7497).

The material issues of record not previously dealt with in a decision issued February 16, 1953 (18 F. R. 984), related to:

1. Butterfat differentials to be used in calculating values of milk of differing butterfat content, as received from individual producers, and as disposed of in various uses by handlers.

2. Regulation of plants disposing of Class I milk in both the Philadelphia and New York marketing areas.

3. Prices applicable to producer milk sold outside the marketing area.

4. The definition of "producer milk plant."

5. Payments for administrative expense by a handler with a small portion of his sales of milk in the marketing area.

6. Coordination of allocation provisions with corresponding provisions in the New York Federal order in connection with milk received from handlers under such order.

7. Change in the provisions with respect to time for submitting reports, reporting of producer payrolls, and computation of uniform price by handlers.

*Findings and conclusions.* The following findings and conclusions on the material issues are based upon evidence contained in the record of the hearing:

1. *Butterfat differentials.* No action is taken in this decision on this issue which is reserved for further study.

2. *Milk sold in the New York marketing area.* The price for milk sold as Class I in the New York metropolitan milk marketing area should be the New York order Class I–A price less such payment as may be required under the New York order on such milk.

A producer representative at the hearing requested that the amendment proposed in the tentative findings and conclusions apply only to handlers who become handlers by supplying milk for Class I use as specified in § 961.6 (c) to pasteurizing or bottling plants disposing of Class I milk in the marketing area. Although there is no evidence other handlers have made sales of milk for Class I use in the New York market, there does not appear to be a basis for discriminating in the manner requested between (1) handlers with named plants and pasteurizing or bottling plants distributing in the area, as against (2) handlers regulated only because they ship milk to such pasteurizing or bottling plants. The evidence submitted did not show that the proposed amendment would in any way interfere with regular operations of bona fide handlers in the Philadelphia market. Accordingly, the tentative findings and conclusions are adopted as the findings and conclusions of this recommended decision.

3. *Sales outside the area.* No action is taken in this decision on prices to be paid producers for milk sold as Class I outside the marketing area, except for sales in the New York marketing area. This matter is reserved for a further decision.

4. *Definition of "producer milk plant."* The definition of producer milk plant should be modified to include during the months of February through September, any plant supplying milk to pasteurizing or bottling plants described in § 961.6 (b) unless not more than 25,000 pounds of such milk is Class I milk, and during the months of October through January, plants shipping milk to such pasteurizing or bottling plants on 11 or more days unless such milk is only Class II.

It was proposed that the definition of producer milk plant be changed to include all plants supplying Class I milk to the marketing area. The evidence presented in support of this proposal by a representative of milk plants not ordinarily associated with this market, was directed towards making it easier for these plants to compete for supplies in the same area as Philadelphia producer milk plants. This presumably would result from the proposed amendment by causing Philadelphia handlers to handle more milk, thus reducing the uniform prices they pay producers.

The purpose given is not an adequate basis for changing the order in the manner proposed. Also, from the record it does not appear that the present order provisions are in any way detrimental to the interests of the dairy farmers supplying plants represented by the proponent.

A study of the record shows, however, that there is considerably less need than in previous periods for use of non-producer milk to fill out the supplies of handlers in meeting requirements of the fluid market. During recent years there has been a rather steady increase in the supply of producer milk. A producer witness proposed that no milk should be allowed to be used in the market for Class I use free of price regulation during the months of April, May and June, and handler representatives concurred in such modification of the order. The record is persuasive that a more extensive change is possible and desirable. During the months in which the order now allows a handler to obtain supplies of milk from a non-producer plant for Class I use on four days per month without involving such plant under regulation, it would appear possible for handlers to assure themselves without great difficulty of regular producer milk either by direct receipt or by purchase from other handlers. During these months in recent years the reserve of producer milk over Class I needs has been 18 percent or more of the total producer receipts in the market. During other months also (October through January) there is a lesser need for supplemental supplies from non-producer sources than in previous periods. It would appear that shipments on 10 days or less per month should be sufficient to accommodate handlers who may need to fill out their requirements from other than producer sources.

These provisions of the order which apply to the use of non-producer milk for Class I are designed to meet the needs of the market in a short supply situation without involving under regulation plants which are not needed on a regular basis as a part of the supply. Under current supply conditions, however, the order provisions allow some handlers to obtain part of their milk supply at a cost considerably less than the minimum prices specified in the order. The change here recommended would tend to correct this situation in that the use of milk not priced under the order would occur only when the cost of such milk is likely to be comparable with the cost of producer milk.

It is desirable that the order specify some minimum amount of milk which, if used as Class I milk, would involve a plant under order regulation. The quantity of 25,000 pounds per month, which may be considered about one tank load, would serve this purpose.

5. *Administrative expense.* No change should be made in the manner in which payment for administrative expense applies to handlers.

It was proposed that in the case of a plant which is a producer milk plant only by reason of shipments to pasteurizing and bottling plants described in § 961.6 (b), payments for administrative expense should apply only to milk sold in the marketing area. This proposal was made by the operator of a non-producer plant which sometimes supplies milk to the market. This plant operator complained that the relatively small percentage of his milk which comes into the market would require him to pay administrative expense on all receipts of milk at his plant if the plant became qualified as a producer milk plant by shipping to such pasteurizing and bottling plants on more than 4 days per month in the months of February through September, or more than 19 days in other months.

The proponent did not ask that any change be made in the qualifications for plants coming under order regulation as producer milk plants. If a plant becomes a producer milk plant, it is necessary for the market administrator to audit all payments to producers delivering to the plant and all disposition of milk therefrom. Expense of administration accordingly tends to be in proportion to the volume of milk received by the plant rather than the amount disposed of as Class I in the marketing area.

It is concluded that no change should be made in the required payments for administrative expense on the basis of this record.

6. *Coordination of allocation provisions with New York order.* No change should be made in the provisions for allocating producer and nonproducer milk to Class I and Class II.

A handler witness pointed out that a handler who receives milk from a New York order pool plant might be required to pay for more milk at the Philadelphia order Class I and the New York order Class I–B prices than his total Class I utilization. This might happen if a multiple plant handler received such milk at a plant which had a higher percentage Class I utilization than the average for all his plants. Under the Philadelphia order, during the months of October through January, such milk could be allocated pro rata to Class I, the same as producer milk, in accordance with the average utilization in all plants of the handler. Under the New York order, however, such milk would be classified either entirely as I–B, or if the New York plant operator so elects, in the proportion that Class I utilization at the Philadelphia plant is to total receipts of all milk.

In the months of February through September, under the Philadelphia order, none of the Class I utilization could be allocated to nonproducer milk from a New York order plant.

Current supply conditions are such that handlers of most of the milk sold in the market have adequate supply from regular producer sources to meet year around needs, and other handlers may arrange to do so. There are ordinarily additional supplies of milk available from plants not now regulated under either order. Accordingly, there does not appear there would be any need for a handler to buy milk from a New York order plant. In view of supply conditions, no change should be made in the allocation provisions which would reduce the shore of producer milk in Class I utilization.

7. *Reports and computation of uniform prices.* No change should be made in the provisions concerning the filing of reports. Payments for milk should continue to be at the uniform price computed for each handler by the market administrator.

Handlers' request that 8 days other than Saturday and Sunday be allowed for submission of reports required pursuant to § 961.50 would cause an uneconomical peak-load of work for the market administrator's office and increase the expense in checking these reports prior to the announcement of uniform prices. The time now provided under the order for the submission of these reports appears to be as much as can be allowed and yet afford the market administrator opportunity to properly carry out the functions of his office without delaying the payments to producers. It is understood that handlers now are submitting their reports, with few exceptions, on time.

The proposal by handlers that they be allowed to compute their own uniform price and pay producers on this basis, subject to correction of any errors after audit, is of doubtful practicability. Although such a procedure might allow handlers more time for preparing checks to producers, since they would not need to wait for verification of the price by the market administrator, experience has shown there would be increased risk of error in payments, and no doubt many handlers would request at least a preliminary check of their computations by the market administrator before beginning payments. In view of the likelihood of increased administrative problems in adjusting errors and possible confusion on the part of producers resulting from errors or different procedures used by several handlers, it is questionable whether the proposal of handlers could be made to work satisfactorily. There is nothing in the order provisions which prevents a handler from making payments prior to announcement of the uniform price by the market administrator, and if the handler's reports and computations are accurate, no discrepancies would be involved.

Omission of producer pay-roll reports was proposed by handlers to save the expense of submitting such information which, it was argued, could be obtained by the market administrator at the time of audit of the handler's records. Such a change in reporting requirements, however, would shift the burden and expense of this work to the market administrator. Pay-roll reports have been required under the order for the purpose of thoroughly checking prices, deductions and other computations involved in payments to producers. Such checking can be done more efficiently and with less expense if the reports are submitted and the clerical work is done in the market administrator's office. These reports also contain much of the statistical information regularly summarized and published by the market administrator and from time to time compiled for special purposes particularly for presentation at public hearings.

*General findings.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Rulings on exceptions.* In arriving at the findings and conclusions included in this decision each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

*Determination of representative period.* The month of October 1953 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such order, as amended.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area" and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and

procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

*It is hereby ordered*, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended, by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 9th day of December 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

*Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area*

§ 961.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 961.6 (c) and substitute:

(c) Any other plant from which milk is supplied to a pasteurizing or bottling plant described in paragraph (b) of this section: *Provided*, That any such other plant shall not be included in this definition during any month in which there is shipped from the plant only Class II milk as defined in § 961.31 or during any of the months of October, November, December, and January in which shipments are made from the plant on less than 11 days, or during any other month in which shipments allocated to Class I are not more than 25,000 pounds, to such pasteurizing and bottling plant or to a plant or plants supplying such pasteurizing or bottling plant.

2. In § 961.43 delete the 2d proviso and substitute: "*And provided further*, That for Class I milk disposed of in an area where the handling of milk is regulated by another order of the Secretary the price effective under such other order shall apply, except that for Class I milk disposed of in the New York metropolitan milk marketing area, the price shall be the Class I–A price pursuant to the New York order less such payment as is required on such milk pursuant to the New York order."

[F. R. Doc. 53-10374; Filed, Dec. 11, 1953; 8:50 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

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## [ 7 CFR Part 963 ]

[Docket No. AO-233-A1]

### HANDLING OF MILK IN THE STARK COUNTY, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order regulating the handling of milk in the Stark County, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of the decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing on the record of which the proposed marketing agreement and order were formulated was conducted at Canton, Ohio, on September 24–25, 1953, pursuant to notice thereof which was issued on September 15, 1953 (18 F. R. 5629).

The material issues of record related to:

1. Modifying the Class I price provisions of the order;
2. Placing fluid cream in a separate classification and pricing it at a discount from the Class I price;
3. Reducing the price of Class II milk diverted to a nonpool plant during the months of April, May, and June;
4. Restricting the scope of the 25-cent discount on Class I milk received at non-permit pool plants;
5. Classifying as Class II milk sold for manufacturing purposes to a manufacturer of candy, soup, or bakery products;
6. Eliminating from the marketing area those sections which are in Sugar Creek Township of Wayne County; and
7. Allowing a certain type of custom-bottling operation to be excluded from the pricing provisions of the order.

*Findings and conclusions.* The following findings and conclusions on the material issues are based upon evidence in the record:

1. *Class I price differential.* The Class I prices should be maintained in close relationship to those prevailing in the Cleveland, Ohio, marketing area. This should be accomplished by establishing the stated Class I differentials at 5 cents per hundredweight less than those for Cleveland, namely 95 cents per hundredweight during the months of April, May, and June, $1.40 during February, March, and July, and $1.85 during the months of August through January. These stated differentials should be made subject to a supply-demand adjustment similar to that for Cleveland except that the current and standard utilization percentages should include supply and utilization data for the combined markets instead of for Cleveland alone.

The pricing provisions of the Stark County order became effective December 1, 1952. The order included a supply-demand adjustment based upon data on receipts and sales in the Stark County area. However, it was provided that through July 1953 the Class I price at permit plants in the Stark County area be 15 cents less than the Class I price for milk delivered to the marketing area under the Cleveland, Ohio, milk marketing order. This 8-month period was designed to provide an opportunity for the accumulation of complete data for the Stark County market over a period of time and for a review of the prospective applicability of the supply-demand adjustment and other pricing provisions of the Stark County order.

The Class I prices provided by the Stark County order since August 1 have been unsatisfactory. The primary goal of the Class I price is to encourage the production of an adequate supply of pure and wholesome milk for the market. There is every indication that the Class I prices have been higher than needed to achieve this goal. After allowing for the seasonal variation in production, it appears that supplies have been fully adequate since the inception of the order, yet the supply-demand adjustment contained in the order indicates a lower than normal supply in every month. The present schedule of standard utilization percentages is based upon the assumption that the supply of milk is normal in relation to sales during November, the usual month of lowest production, when receipts of milk from producers are equal to 85 percent of the total utilization of Class I milk in the market. The normal supply in months other than November is based upon the normal seasonal variation in the ratio of sales to producer receipts. On the basis of the marketing area as defined in the order, the plants which have qualified as pool plants, and the organization in the market with respect to the allocation of milk between handlers, holding tank capacity, and similar factors it is clear that the Stark County market is adequately supplied when Class I sales constitute a considerably higher percentage of producer receipts than 85 percent.

A more appropriate level of Class 1 prices can be provided for Stark County by maintaining such price in close relationship with the Class I price computed under the Cleveland, Ohio, marketing order. The Stark County milkshed is almost completely encompassed by the Cleveland supply territory and Cleveland shippers are in fact located throughout the Stark County procurement area. Competition between distributors in the sale of milk also makes it important that prices in the two areas be closely related. The most direct competition is that provided by one handler whose distributing plant is regulated under the Cleveland order and who has several outlets in the Stark County marketing area. In addition, the Stark County handlers compete extensively with Cleveland handlers in sales territory outside the marketing area. These close competitive relationships made the price divergencies which have occurred since August 1 highly disruptive in the market.

During August 1953, the intermediate seasonal differential of $1.30 was subject to a supply-demand adjustment of plus 20 cents, for a total Class I differential of $1.50. In Cleveland, during the same month the fall and winter differential of $1.90 was subject to a supply-demand adjustment of minus 25 cents, for a net differential of $1.65. In September the Stark County differential was $1.70 plus 28 cents for a net of $1.98 whereas the Cleveland differential was $1.90 less 19 cents for a net of $1.71. Official notice is taken of the fact that in October the Stark County differential was $1.70 plus 38 cents as compared with a Cleveland differential of $1.90 minus 13 cents and that in November the Stark County differential was $1.70 plus 38 cents as compared with a Cleveland differential of $1.90 without any supply-demand adjustment.

In relating the Stark County Class I price differentials to those prevailing in Cleveland, the stated differentials should be only 5 cents less instead of the 15-cent differences which prevailed from December 1952 to July 1953 or the 10- to 20-cent differences incorporated in the present order. The former differentials were designed to equalize Stark County and Cleveland prices at pool plants located such distances from Cleveland as to be subject to location differentials. However, the major portion of the Stark County supply competes either with milk which is hauled directly to Cleveland or with milk which is hauled to country supply plants at which location adjustments are not fully effective. In the Stark County milkshed the distance to Stark County handlers' plants is considerably less than the distance to plants located in Cleveland. However, hauling charges to Cleveland are only moderately higher than the average hauling rate to Stark County, and 5 cents is an adequate allowance for this difference.

Both the Stark County and Cleveland orders rely primarily upon seasonal changes in the stated Class I differential to encourage producers to maximize production during the fall months and minimize it during the spring. The months during which each rate of Class I differential would apply in Cleveland were changed subsequent to the Stark County promulgation hearing. The schedule should be correspondingly changed in Stark County to provide for Class I differentials of 95 cents in April, May and June, $1.40 in February, March and July, and $1.85 in August through January. This change will not only keep Class I prices in Stark County more closely in line with those in Cleveland, but will also provide producers with an earlier indication of seasonal price changes. Under the current order, for example, the fall and winter differential does not become effective until September 1, and producers do not receive payment for their September deliveries until mid-October. To the extent that producers respond to actual payments for milk rather than to advance knowledge of what the Class I differentials will be, it would appear desirable to have the price change come to the producers' attention earlier than mid-October.

Basing the supply-demand adjustment upon the combined supply and sales data for Stark County and for Cleveland serves to reflect conditions in Stark County to a moderate degree and at the same time will keep Stark County Class I price differentials closely in line with those prevailing in Cleveland. Under the Cleveland order, supplies are considered normal in relation to sales when receipts from producers are equal to 117 percent of Class I utilization during November and the schedule reaches a seasonal peak in May when normal receipts are 171 percent of sales. In the more compact and efficiently organized Stark County marketing area normal supplies during November are substantially less than 117 percent and summer receipts from producers are smaller in relation to fall receipts than in Cleveland. The combined normal percentage for each month should be as follows:

| | | | |
|---|---|---|---|
| January | 122 | July | 145 |
| February | 127 | August | 135 |
| March | 134 | September | 130 |
| April | 148 | October | 126 |
| May | 166 | November | 115 |
| June | 160 | December | 119 |

The corresponding standard utilization percentages would be as follows:

| 2-month period | Standard relationship | Month for which prices are computed |
|---|---|---|
| January-February | 125 | March. |
| February-March | 131 | April. |
| March-April | 141 | May. |
| April-May | 157 | June. |
| May-June | 163 | July. |
| June-July | 152 | August. |
| July-August | 140 | September. |
| August-September | 132 | October. |
| September-October | 125 | November. |
| October-November | 121 | December. |
| November-December | 117 | January. |
| December-January | 121 | February. |

Another change which is necessary in order to synchronize the pricing provisions of the Stark County and Cleveland orders involves the amount of the supply-demand adjustment resulting from each given percentage of indicated oversupply or undersupply. The schedule currently in effect for Cleveland provides for an adjustment of two cents for each net utilization percentage point, with a maximum supply-demand adjustment of plus or minus 25 cents. There is no seasonal variation in the schedule. This same schedule should be adopted in Stark County.

During the period January through November 1953 these recommended changes in the supply-demand adjustment for Stark County would have resulted in the same supply-demand adjustments as would have been effective under the currently effective amendment to the Cleveland order.

2. *Fluid cream.* Handlers proposed that skim milk and butterfat utilized for Class I purpose in the form of fluid cream and cream mixtures be priced at 40 cents less than the Class I price per hundredweight of milk of 3.5 percent butterfat content. Fluid cream is now priced under the order at the same level as other Class I products. The proponents maintain that the high cost of raw product was primarily responsible for declining sales of fluid cream. They also maintained that experience under 7 years of operation of the Cleveland order demonstrated the need for a lower price on fluid cream than on other Class I products.

Cream sales data for the Stark County area as a whole are available only for the period beginning December 1, 1952, and do not provide a satisfactory basis for separating seasonal changes in sales from those of longer duration. Data for longer periods of time were made available by individual handlers, but the decline in cream sales revealed by such data are attributable in part to a general decline in cream sales for the country as a whole and to the effect of mar-

gins charged by the handlers themselves as well as to the level of raw material prices under the order. Any valid comparison between Cleveland and Stark County experience would have to include much more detailed evidence on the comparability of health regulations, price levels, and consumer purchasing habits in the two markets than was presented by the proponents.

Under the Stark County order the skim milk and butterfat used in each class is accounted for separately. In the case of fluid cream, handlers are charged only for such butterfat and such skim milk as is contained in the cream rather than for the quantity of 3.5 percent milk from which such cream is derived. By far the major proportion of the cost of cream is accounted for by the butterfat portion.

The price per pound of butterfat in Class I milk in permit plants in December 1952 was equal to 1.74 times the average price of 92-score butter at Chicago for the month. This was the highest ratio of fat values to butter prices which has prevailed since the inception of the order; the lowest ratio prevailed during April 1953 when Class I butterfat was 1.43 times the price of butter. The higher the butterfat values are set, the greater is the cost of cream to handlers. The fact that the price of butterfat has such wide seasonal variation under the Stark County order introduces a corresponding seasonal change in the cost of cream ingredients. The butterfat value also affects costs to handlers of other Class I products. A high price of butterfat increases the cost of any product testing more than 3.5 percent butterfat and reduces the price per hundredweight of products testing below 3.5.

The cost to handlers of fluid cream and other high-testing Class I items should be decreased by establishing Class I butterfat prices at a fixed ratio of 1.3 times the price of 92-score butter in Chicago. During most months of the year this will decrease the cost to handlers of cream ingredients by more than the requested 40-cent per hundredweight discount. A correspondingly larger proportion of the Class I value per hundredweight of 3.5 milk will be assigned skim milk which has experienced a steadily increasing demand in the form of the various low fat and non fat Class I items.

3. *Class II price.* Handlers proposed that during the flush production months of April, May and June any Class II milk transferred or diverted to a nonpool plant be priced at 40 cents less than the regular Class II price. This proposal was designed primarily to avoid a recurrence of the situation which prevailed during the spring of 1953 when considerable losses were incurred on milk moved to out-of-area manufacturing plants, principally for the manufacture of hard cheese.

There are serious shortcomings in this type of proposal. One relates to the definition of the eligible nonpool plants. If, for example, milk was transferred or diverted to an ice cream manufacturing plant located within the marketing area, such plant would have a competitive advantage over those handlers who pay the full Class II price for milk used to manufacture ice cream in their own plants. A more fundamental difficulty is that such a provision would tend to encourage uneconomic shipments of milk to nonpool plants. If a handler had the choice between diverting milk to another pool plant at the Class II price or diverting it to a nonpool plant at which he could obtain a return as much as 35 cents below the Class II price, it would be to his advantage to send it to the latter plant. The producers, of course, would lose 40 cents per hundredweight on such a movement and the pool plant operator would gain 5 cents.

It appears that the unusually large quantities of Class II milk in the market during 1953 are largely the result of the high rate of milk production which was experienced in Stark County and most areas in the United States from December 1952 through June 1953. If and when similar circumstances recur, consideration can be given to prompt amending action to deal with the particular situation which is then in prospect.

4. *Price discount at non-permit plants.* Under current provisions of the order, plants located within Stark County, but selling Class I milk only in areas outside the cities of Alliance, Canton and Massillon, may operate without health permits from any one of these three cities. As non-permit plants their Class I milk is priced at 25 cents less than the price applicable to plants holding such permits. The 25-cent discount is indirectly applicable in one other circumstance. Some handlers operate plants which are located outside the marketing area. So long as their sales in the area are less than 10 percent of their total Class I business, their plant remains a nonpool plant. On such Class I sales as are made from these nonpool plants in the marketing area, the handler is charged a compensatory payment equal to the difference between the Class I price and the Class II price. If the nonpool plant has a permit from Alliance, Canton or Massillon, the compensatory payment is computed at the full Class I rate. If, however, the nonpool plant does not have such a permit, the compensatory payment is computed at the non-permit rate of 25 cents less than the regular Class I price. Some of the nonpool plants currently active in the market confine their sales to the territories outside the city limits of Alliance, Canton and Massillon and do not hold permits from any of these three cities. These nonpool plants do, however, hold permits from municipal or county health authorities in the areas where their plants are located and where they distribute the principal portion of their Class I milk.

It was proposed that the 25-cent discount be limited to those plants which do not hold permits from any health authority. Under this proposal the only plants presently eligible for the 25-cent discount would be those located within Stark County and holding no permit from Alliance, Canton or Massillon.

Information was not presented in sufficient detail to determine whether the various permits held by nonpool plants currently or potentially in the market are fully comparable with the health permits by Alliance, Canton and Massillon. Moreover, it is clear that any nonpool plant which now receives the 25-cent discount must confine its sales to territory where non-permit milk sets the competitive standard. If a nonpool plant sells in one of the three designated cities, it must acquire a permit and the compensatory payment would be computed on the basis of the full Class I price.

It is concluded that no change should be made in the present provisions relating to the 25-cent discount.

5. *Sales to bakeries, candy kitchens, and soup manufacturers.* It was proposed by handlers that skim milk and butterfat disposed of as milk, skim milk, or cream in bulk to manufacturers of candy, soup or bakery products for manufacturing uses be classified as Class II utilization in all months of the year.

The fundamental problem in connection with this proposal is the fact that manufacturing grades of milk are permitted to be used for this class of manufacturing operations. It follows that inspected milk sold to such outlets commands no appreciable premium over the Class II price. In the circumstances, this outlet is not one for which producers should be encouraged to make available a year-around supply of inspected milk. If this utilization were included as Class II in all months of the year, those handlers who supply the business would be interested in signing on a sufficient number of producers to care for these customers, as well as their regular Class I trade, on a year-around basis. On the other hand, to the extent that such outlets can utilize seasonally excess milk during the months of flush production, milk sold to them can properly be classified as Class II.

It is concluded that milk, skim milk, and cream disposed of in bulk during any of the months from March through August to a manufacturer of candy, soup, or bakery products who does not dispose of any milk in fluid form should be classified as Class II.

6. *Marketing area.* A handler proposed that those sections of Sugar Creek Township in Wayne County which are designated as part of the market area be deleted. The handler operates a nonpool plant located outside the marketing area from which he distributes milk in the town of Dalton and the adjacent sections which he seeks to have deleted from the marketing area. His sales in the marketing area constitute less than 10 percent of his total Class I sales and he, therefore, does not qualify as a pool plant. Accordingly, his receipts of milk from dairy farmers are not priced under the order. However, on such sales as he makes in the marketing area, a compensatory payment is charged at a rate designed to eliminate any competitive advantage which such a handler might otherwise enjoy.

Actual sales data transmitted by the proponent and by pool plant handlers competing in the territory in question disclose that over two-thirds of the total sales in the territory are supplied by the pool plants. These data confirm the original conclusion that this territory is an integral part of the defined marketing area. It should not be excluded.

7. *Custom bottling.* A handler proposed that milk processed at a pool plant under arrangements commonly referred to as "custom bottling" be exempted from the price and classification provisions of the order. This handler has a bottling plant located within the marketing area and also operates a plant located outside the area from which fluid milk is distributed only in communities located outside the defined marketing area. The pool plant is equipped to bottle milk in paper containers. The nonpool plant is not so equipped and obtains its supply of paper-packaged milk from the pool plant. The handler's intentions were that equivalent quantities of raw milk be supplied to the pool plant. The pool plant also provides milk in paper packages to other distributors doing business outside the marketing area and some of these are also in a position to supply the raw milk for custom bottling.

The order presently provides that all milk processed at a pool plant be classified and priced under the order. The minimum order prices are applicable whether the milk is sold within the marketing area or outside such area. This uniformity of pricing avoids the possibility that a lower price on milk sold outside the area could be construed as unfair price competition by outside producers and distributors. The price uniformity also avoids imposing higher costs for milk of the same quality on the consumers who happen to be located within the marketing area than on consumers outside such area. Lower prices on outside sales would, in effect, subsidize out-of-area consumers at the expense of in-area consumers who would be obliged to pay a disproportionate share of the cost necessary to induce producers to furnish an adequate supply of milk for the market.

Any exemption of custom bottled milk would constitute a serious breach of the principle of pricing milk uniformly whether it is ultimately sold within or without the marketing area. Any handler who owned or could make suitable arrangements with a nonpool plant could supply his out-of-area business from such plant. Meanwhile the supply of those handlers who relied exclusively upon their pool plant would be fully priced under the order. It is concluded that any such exemption would be unduly disruptive of normal operations in the market and should not be allowed.

*General findings.* (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement and order upon which a hearing has been held.

*Rulings.* Briefs were filed on behalf of producers and handlers. The proposed findings and conclusions and the arguments contained in these briefs were considered in making the findings and reaching the conclusions in this decision. To the extent that any proposed findings and conclusions in the briefs are at variance with the findings and conclusions of this decision, such proposed findings and conclusions are denied for the reasons set forth in support of the findings and conclusions of this decision on the issue to which the proposed findings and conclusions related.

*Recommended marketing agreement and order.* The following amendments to the order are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as proposed to be further amended:

1. In § 963.41 (b) delete the word "or" at the end of subparagraph (4), substitute a semicolon for the period at the end of subparagraph (5) and add the word "or", and add a subparagraph (6) to read as follows:

(6) Disposed of in bulk as milk, skim milk, or cream during any of the months of March through August to a manufacturer of candy, soup, or bakery products who does not dispose of any milk in fluid form.

2. Change § 963.51 to read as follows:

§ 963.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for butterfat and skim milk in producer milk received by such handler during the month which is classified as Class I milk shall be computed by the market administrator as follows:

(a) Add to the basic formula price the following amount for the month indicated:

| Month: | *Amount* |
|---|---|
| April, May, and June | $0.95 |
| February, March, and July | 1.40 |
| All others | 1.85 |

*Provided*, That in computing the price to be paid by any handler for butterfat and skim milk contained in producer milk which was received by such handler during the month at a pool plant for which the handler does not hold a permit from the health authorities of either of the cities of Alliance, Canton, or Massillon, Ohio, and which is classified as Class I milk, the amounts to be added to the basic formula price pursuant to this paragraph shall be 25 cents less in each month than the amounts indicated above.

(b) Add or subtract from the result computed pursuant to paragraph (a) of this section a "supply-demand adjustment" computed as follows:

(1) Compute a "current utilization percentage" by dividing the combined total receipts of milk from producers during the first and second preceding months under this order and under Order No. 75 regulating the handling of milk in the Cleveland, Ohio, marketing area by the total combined utilization of milk in Class I by handlers regulated under the two orders, multiplying the result by 100, and rounding to the nearest whole number;

(2) Compute a "net utilization percentage" by subtracting from the current utilization percentage computed pursuant to subparagraph (1) of this paragraph the appropriate "standard utilization percentage" shown below:

| Month for which the price is being computed: | *Standard utilization percentage* |
|---|---|
| January | 117 |
| February | 121 |
| March | 125 |
| April | 131 |
| May | 141 |
| June | 157 |
| July | 163 |
| August | 152 |
| September | 140 |
| October | 132 |
| November | 128 |
| December | 121 |

(3) The amount of the supply-demand adjustment shall be as follows:

| Net utilization percentage: | *Amount (cents)* |
|---|---|
| +13 or over | −25 |
| +10 or +11 | −19 |
| +7 or +8 | −13 |
| +4 or +5 | −7 |
| +2 to −2 | 0 |
| −4 or −5 | +7 |
| −7 or −8 | +13 |
| −10 or −11 | +19 |
| −13 or below | +25 |

When the net utilization percentage does not fall within one of the above tabulated brackets, the supply-demand adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

(c) The price per hundredweight of butterfat classified as Class I shall be determined by multiplying by 130 the price per pound of butter as described in § 963.50 (b) (1).

(d) From the price computed pursuant to paragraphs (a) and (b) of this section subtract an amount equal to the price per hundredweight of butterfat determined pursuant to paragraph (c) of this section multiplied by 0.035, and divide the remainder by 0.965. The result shall be the price per hundredweight of skim milk classified as Class I.

3. Change § 963.52 (a) to read as follows:

(a) Multiply the basic formula price computed pursuant to § 963.50 by a factor obtained by dividing the price computed pursuant to § 963.50 (c) into the amount computed pursuant to § 963.50 (c) (1).

Filed at Washington, D. C., this 8th day of December 1953.

[SEAL] GEORGE A. DICE,
*Deputy Assistant Administrator.*

[F. R. Doc. 53-10373; Filed, Dec. 11, 1953; 8:50 a. m.]

## DEPARTMENT OF COMMERCE

### Civil Aeronautics Administration

### [ 14 CFR Part 42 ]

AIR TAXI OPERATOR CERTIFICATES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Administrator contemplates the adoption of the following rules relative to the issuance, amendment, and reissuance of air taxi operator certificates. All interested persons who desire to submit written data, views, or argument for consideration by the Administrator in connection with the proposed rules, shall send them to the Civil Aeronautics Administration, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

§ 42.5–5 *Application for an air taxi operator certificate (CAA rules which apply to § 42.5 and SR–395).* (a) Application for an air taxi operator certificate shall be made in triplicate on Form ACA–1602, provided for this purpose by the Administrator. The application form may be obtained by contacting the local Aviation Safety Agent or District Office. When the requirements, as prescribed in this part, have been met, the applicant shall present his application to the local Aviation Safety Agent and arrange for an inspection of his flight equipment and all ground facilities.

(b) Where inspection indicates that the applicant is capable of conducting the proposed operation in accordance with the provisions of this part, an Air Taxi Operator Certificate, Form ACA–1603, will be issued, together with operations specifications. The operations specifications which have been approved on the application form become a part of the certificate and specify the carriage of passengers, cargo, or both; the category and class of aircraft (e. g., aircraft single engine land); and the flight conditions under which operations are authorized (e. g., VFR day, VFR night, IFR day, IFR night).

§ 42.5–6 *Amendment and reissuance of air taxi operator certificates (CAA rules which apply to § 42.5).* (a) Application for amendment and reissuance of an air taxi operator certificate shall be made, in accordance with procedure for original issuance, when the operator desires a change in:

(1) Name or address of operator.
(2) Ownership.
(3) Area of operations.
(4) Base of operations.
(5) Type of operations.

(b) In cases set forth in paragraph (a), (1), (2), and (3) of this section the agent may elect to inspect the aircraft as for original issuance.

(c) In cases set forth in paragraph (a) (4) of this section the agent may elect to inspect the aircraft if the base of operations is not moved out of the region of previous certification. Inspection will be made and a new certificate and number will be issued when the base is moved to another region.

(d) In cases set forth in paragraph (a) (5) of this section, inspection as for original issuance will be made.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53–10349; Filed, Dec. 11, 1953; 8:45 a. m.]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Parts 3, 4b, 5, 6, 13, 14, 18, 40, 41, 42 ]

1953 ANNUAL REVIEW AND AMENDMENTS OF AIRWORTHINESS REGULATIONS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to the airworthiness provisions of the Civil Air Regulations in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by January 11, 1954. Copies of such communications will be available after January 13, 1954, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The proposed amendment to the airworthiness regulations attached hereto stem from the studies conducted during the Board's 1953 annual airworthiness review and particularly from the discussions which took place at the annual meetings held in Washington September 21 through September 23. Those issues which are sufficiently resolved are being published herein in the form of proposed amendments to the regulations. These pertain to the following parts of the Civil Air Regulations: 3, 4b, 5, 6, 13, 14, 18, 40 (effective January 1, 1954), 41, and 42. The explanatory statements accompanying the proposed amendments present the basis for the amendments and the reasons why certain other proposals are not considered sufficiently resolved to justify specific recommendations for amendment of the regulations at the present time.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated: December 8, 1953, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
*Director.*

*Part 3.* At the recent annual airworthiness meeting the subject of clarification of certain administrative provisions of Part 3 was discussed. As a result of these discussions there are proposed herein certain changes. These proposed changes concern themselves mainly with designating more clearly the applicable regulations with which compliance must be shown to obtain type certification or modification of a type certificate. Although no basic change in policy from that followed in the past is contemplated, the proposed amendments specify in more detail the prerogatives of the applicant in choosing the regulations. It should be noted that the proposed rules regarding the designation of applicable regulations (§ 3.11) apply not only to new airplane types for which application for type certificate is made but also to all type irrespective of the date of original application for type certificate. For example, the provisions which require or which permit the applicant to elect compliance with newer regulations would be effective not only to new type airplanes but also to all existing types certificated under this part. This provision in no way negates the long standing rule that, except in unusual cases, the airplane need not comply with any regulations made effective subsequent to the date of application for type certificate. A significant clarification is being proposed which would define those changes in the airplane type which are sufficiently extensive to warrant treating the airplane as a new type. Another important phase of the proposal is the establishment of a time limitation of 3 years for the effectiveness of an application for type certification. The proposed amendments to the administrative provisions also include minor changes for purposes of clarification. (See proposed amendments to §§ 3.11, 3.12, 3.13, and 3.19.)

In addition to the proposed changes to the administrative provisions of Part 3, two other proposals are being made which are considered minor in nature. Neither of these proposals was discussed during the annual airworthiness meeting. The subject of requiring heaters to be of an approved type was considered sufficiently resolved prior to the meeting so that discussion was not warranted. (See proposed amendment to § 3.338 (c).) The other, fire precautions for cabin interiors, is considered necessary for clarification and consistency with other parts of the regulations (See proposed amendment to § 3.338 (a).)

It is proposed to amend Part 3 as follows:

1. By amending § 3.11 to read as follows:

§ 3.11 *Designation of applicable regulations.* The provisions of this section shall apply to all airplane types certificated under this part irrespective of the date of application for type certificate.

(a) Unless otherwise established by the Board, the airplane shall comply with the provisions of this part together with all amendments thereto effective on the date of application for type certificate, except that compliance with later effective amendments may be elected or required pursuant to paragraphs (c), (d), and (e) of this section.

(b) If the interval between the date of application for type certificate and the issuance of the corresponding type certificate exceeds three years, a new application for type certificate shall be required except that for applications pending on the effective date of this section such three-year period shall commence on the effective date of this section. At the option of the applicant, a new application may be filed prior to the expiration of the three-year period. In either instance the applicable regulations shall be those effective on the date of the new application in accordance with paragraph (a) of this section.

(c) During the interval between filing the application and the issuance of a type certificate, the applicant may elect to show compliance with any amendment of this part which becomes effective during that interval, in which case all other amendments found by the Administrator to be directly related shall be complied with.

(d) Except as otherwise provided by the Board, or by the Administrator pursuant to § 1.24 of this subchapter, a change to the type certificate (see § 3.13 (b)) may be accomplished, at the option of the applicant, either in accordance with the regulations incorporated by reference in the type certificate pursuant to § 3.13 (c), or in accordance with subsequent amendments to such regulations in effect on the date of application for approval of the change, subject to the following provisions:

(1) When the applicant elects to show compliance with an amendment to the regulations in effect on the date of application for approval of a change, he shall show compliance with all amendments which the Administrator finds are directly related to the particular amendment selected by the applicant.

(2) When the change consists of a new design or a substantially complete redesign of a component, equipment installation, or system installation of the airplane, and the Administrator finds that the regulations incorporated by reference in the type certificate pursuant to § 3.13 (c) do not provide complete standards with respect to such change, he shall require compliance with such provisions of the regulations in effect on the date of application for approval of the change as he finds will provide a level of safety equal to that established by the regulations incorporated by reference at the time of issuance of the type certificate.

NOTE: Examples of new or redesigned components and installations which might require compliance with regulations in effect on the date of application for approval, are: New powerplant installation which is likely to introduce additional fire or operational hazards unless additional protective measures are incorporated; the installation of an auto-pilot or a new electric power system.

(e) If changes listed in subparagraphs (1) through (3) of this paragraph are made, the airplane shall be considered as a new type, in which case a new application for type certificate shall be required and the regulations together with all amendments thereto effective on the date of the new application shall be made applicable in accordance with paragraphs (a), (b), (c), and (d) of this section.

(1) A change in the number of engines;

(2) A change to engines employing different principles of operation or propulsion;

(3) A change in design, configuration, power, or weight which the Administrator finds is so extensive as to require a substantially complete investigation of compliance with the regulations.

2. By amending § 3.12 to read as follows:

§ 3.12 *Recording of applicable regulations.* The Administrator, upon the issuance of a type certificate, shall record the applicable regulations with which compliance was demonstrated. Thereafter, the Administrator shall record the applicable regulations for each change in the type certificate which is accomplished in accordance with regulations other than those recorded at the time of issuance of the type certificate. (See § 3.11.)

3. By amending § 3.13 (b) by deleting the parenthetical reference: "(See also § 3.11 (a).)" at the end of the paragraph.

4. By amending § 3.13 by adding a new paragraph (c) to read as follows:

§ 3.13 *Type certificate.* • • •

(c) The applicable provisions of this part recorded by the Administrator in accordance with § 3.12 shall be considered as incorporated in the type certificate as though set forth in full.

5. By amending § 3.19 to read as follows:

§ 3.19 *Changes in type design.* (For requirements with regard to changes in type design and the designation of applicable regulations therefor, see § 3.11 (d) and (e), and Part 1 of this subchapter.)

6. By amending § 3.388 (a) by deleting the second sentence and inserting in lieu thereof the following: "In compartments where smoking is to be permitted, the wall and ceiling linings, the covering of all upholstering, floors, and furnishings shall be flame-resistant."

7. By amending § 3.388 (b) to read as follows:

§ 3.388 *Fire precautions.* • • •

(b) *Combustion heaters.* If combustion heaters are installed, they shall be of an approved type. The installation shall comply with applicable parts of the powerplant installation requirements covering fire hazards and precautions. All applicable requirements concerning fuel tanks, lines, and exhaust systems shall be considered.

*Parts 4b, 40 (Effective January 1, 1954), 41, and 42).* A number of subjects pertaining to transport category airplanes which were discussed at the recent annual airworthiness meeting, are now considered sufficiently resolved to warrant specific proposals for amendment to the regulations.

Among the changes proposed there are some dealing with the administrative provisions of Par 4b. These proposed changes concern themselves mainly with designating more clearly the applicable regulations with which compliance must be shown to obtain type certification or modification of a type certificate. Although no basic change in policy from that followed in the past is contemplated, the proposed amendments specify in more detail the prerogatives of the applicant in choosing the regulations. It should be noted that the proposed rules regarding the designation of applicable regulations (§ 4b.11) apply not only to new airplane types for which application for type certificate is made but also to all types irrespective of the date of original application for type certificate. For example, the provisions which require or which permit the applicant to elect compliance with newer regulations would be effective not only to new type airplanes but also to all existing types certificated under this part. This provision in no way negates the long standing rule that, except in unusual cases, the airplane need not comply with any regulations made effective subsequent to the date of application for type certificate. A significant clarification is being proposed which would define those changes in the airplane type which are sufficiently extensive to warrant treating the airplane as a new type. Another important phase of the proposal is the establishment of a time limitation of 5 years for the effectiveness of an application for type certificate. The proposed amendments to the administrative provisions also include minor changes for purposes of clarification. (See proposed amendments to §§ 4b.11, 4b.12, 4b.13, and 4b.19.)

Changes are herein proposed to the requirements pertaining to flight crew accommodations. The presently effective regulations provide for the arrangement, location with respect to the plane of rotation of the propellers, etc., of the pilot and his controls and instruments. Since in certain instances the airworthiness regulations require flight crew personnel in addition to the pilot, certain of these provisions are being amended to make them applicable to the minimum flight crew which is required for safe operation of the airplane. (See proposed amendments to §§ 4b.350, 4b.351, and 4b.353.)

A new requirement is also being proposed which prescribes the application of the principle of fail-safe design to propeller reversing systems in newly certificated transport category airplanes. (See also corresponding changes being proposed for Part 14.) The intent of the rule is to preclude unwanted reversing of the propeller during normal or emergency operation in case of a single failure or malfunction of the system. It is also intended that single failures or malfunctions be considered in conjunction with manipulation of the controls by the pilot, and that failure of primary structural parts, the occurrence of which is shown to be extremely remote, need

not be considered. (See proposed amendment to § 4b.407.)

Another proposed change would require, in conjunction with the determination of usable fuel, the evaluation of the effects of moderate slips and skids which sometimes occur during landing in cross-winds. The purpose of this proposed requirement is to ascertain whether engine malfunctioning during landing may occur with low fuel, and if so, to note such effect in the flight manual for pilot information. (See proposed amendments to §§ 4b.416 and 4b.742.)

A change is being proposed to the requirements which establish the power supply needed for operation of equipment, systems, and installations during normal and power failure conditions. The proposed change makes clear that the essential power load requirements under power failure conditions may be reduced in conjunction with a monitoring procedure and, for the two-engine-inoperative conditions, permits taking into account for power supply requirements only those loads which are necessary for controlled flight. (See proposed amendment to § 4b.606.)

A couple of additional changes in Part 4b are being proposed of relatively minor nature with the intent of clarifying the regulations.

In addition to the changes in Part 4b, it is proposed to revise the two-engine-out performance operating limitations contained in Parts 40 (effective January 1, 1954), 41, and 42 for the purpose of clarifying their intent. Under the presently effective requirements, the failure of the second engine may be interpreted to be 90 minutes away from the point of departure instead of at the critical point, in which case an unsafe operation may result in long over-water flights. The proposed rewrite is intended to make clear that both engines are considered to fail simultaneously at the critical point. The proposal also makes clear that a reduction in weight of the airplane may be considered in descending from the cruising altitude at the critical point to the minimum prescribed altitude. (See proposed amendments to §§ 40.75 (Part 40 effective January 1, 1954), 41.30 (c), and 42.75.)

It is proposed to amend Parts 4b, 40, 41, and 42 as follows:

1. By amending § 4b.11 to read as follows:

§ 4b.11 *Designation of applicable regulations.* The provisions of this section shall apply to all airplane types certificated under this part irrespective of the date of application for type certificate.

(a) Unless otherwise established by the Board, the airplane shall comply with the provisions of this part together with all amendments thereto effective on the date of application for type certificate, except that compliance with later effective amendments may be elected or required pursuant to paragraphs (c), (d), and (e) of this section.

(b) If the interval between the date of application for type certificate and the issuance of the corresponding type certificate exceeds five years, a new application for type certificate shall be required, except that for applications pending on the effective date of this section such five-year period shall commence on the effective date of this section. At the option of the applicant, a new application may be filed prior to the expiration of the five-year period. In either instance the applicable regulations shall be those effective on the date of the new application in accordance with paragraph (a) of this section.

(c) During the interval between filing the application and the issuance of a type certificate, the applicant may elect to show compliance with any amendment of this part which becomes effective during that interval, in which case all other amendments found by the Administrator to be directly related shall be complied with.

(d) Except as otherwise provided by the Board, or by the Administrator pursuant to § 1.24 of this subchapter, a change to the type certificate (see § 4b.13 (b)) may be accomplished, at the option of the applicant, either in accordance with the regulations incorporated by reference in the type certificate pursuant to § 4b.13 (c), or in accordance with subsequent amendments to such regulations in effect on the date of application for approval of the change, subject to the following provisions:

(1) When the applicant elects to show compliance with an amendment to the regulations in effect on the date of application for approval of a change, he shall show compliance with all amendments which the Administrator finds are directly related to the particular amendment selected by the applicant.

(2) When the change consists of a new design or a substantially complete redesign of a component, equipment installation, or system installation of the airplane, and the Administrator finds that the regulations incorporated by reference in the type certificate pursuant to § 4b.13 (c) do not provide complete standards with respect to such change, he shall require compliance with such provisions of the regulations in effect on the date of application for approval of the change as he finds will provide a level of safety equal to that established by the regulations incorporated by reference at the time of issuance of the type certificate.

NOTE: Examples of new or redesigned components and installations which might require compliance with regulations in effect on the date of application for approval, are: New powerplant installation which is likely to introduce additional fire or operational hazards unless additional protective measures are incorporated; the installation of an auto-pilot, a pressurization system, or a new electric power system.

(e) If changes listed in subparagraphs (1) through (3) of this paragraph are made, the airplane shall be considered as a new type, in which case a new application for type certificate shall be required and the regulations together with all amendments thereto effective on the date of the new application shall be made applicable in accordance with paragraphs (a), (b), (c), and (d) of this section.

(1) A change in the number of engines;

(2) A change to engines employing different principles of operation or propulsion;

(3) A change in design, configuration, power, or weight which the Administrator finds is so extensive as to require a substantially complete investigation of compliance with the regulations.

2. By amending § 4b.12 to read as follows:

§ 4b.12 *Recording of applicable regulations.* The Administrator, upon the issuance of a type certificate, shall record the applicable regulations with which compliance was demonstrated. Thereafter, the Administrator shall record the applicable regulations for each change in the type certificate which is accomplished in accordance with regulations other than those recorded at the time of issuance of the type certificate. (See § 4b.11.)

3. By amending § 4b.13 (b) by deleting the parenthetical reference: "(See also § 4b.11 (a).)" at the end of the paragraph.

4. By amending § 4b.13 by adding new paragraph (c) to read as follows:

§ 4b.13 *Type certificate.* • • •

(c) The applicable provisions of this part recorded by the Administrator in accordance with § 4b.12 shall be considered as incorporated in the type certificate as though set forth in full.

5. By amending § 4b.19 to read as follows:

§ 4b.19 *Changes in type design.* (For requirements with regard to changes in type design and the designation of applicable regulations therefor, see § 4b.11 (d) and (e), and Part 1 of this subchapter.)

6. By amending § 4b.350 by adding the following general paragraph preceding paragraph (a):

§ 4b.350 *Pilot compartment; general.* All references to flight crew in §§ 4b.350 through 4b.353 shall mean the minimum flight crew established in accordance with § 4b.720.

7. By amending § 4b.350 (a) to read as follows:

§ 4b.350 *Pilot compartment; general.* • • •

(a) The arrangement of the pilot compartment and its appurtenances shall provide safety and assurance that the flight crew will be able to perform all of their duties and operate the controls in the correct manner without unreasonable concentration and fatigue.

8. By amending § 4b.350 (b) by deleting the word "pilot" and inserting in lieu thereof the words "flight crew".

9. By amending § 4b.351 (a) (2) by deleting the word "pilots' " and inserting in lieu thereof the words "flight crews' ".

10. By amending § 4b.353 (c) by deleting in two instances the words "pilots' " and inserting in lieu thereof the words "flight crews' ".

11. By amending § 4b.362 (e) (7) by adding the word "approved" in front of the phrase "means shall be provided to assist the occupants in descending to the ground".



12. By adding a new § 4b.407 to read as follows:

§ 4b.407 *Propeller reversing system.* The propeller reversing system, if installed, shall be such that no single failure or malfunctioning of the system during normal or emergency operation will result in unwanted travel of the propeller blades below the normal flight low-pitch stop to a position which would prevent continued safe flight of the airplane.

NOTE: A propeller reversing system is considered as complying with this requirement if it provides a level of safety equivalent to that of a reversing system incorporating a secondary flight low-pitch stop system such that no single failure or malfunctioning during normal or emergency operation will result in energization or actuation of both the normal and the secondary flight low-pitch stop systems.

13. By amending § 4b.416 by redesignating paragraphs (c) and (d) as (d) and (e), respectively, and by adding a new paragraph (c) to read as follows:

§ 4b.416 *Determination of unusable fuel supply and fuel system operation on low fuel.* • • •

(c) During the determination of unusable fuel in accordance with paragraph (b) of this section, the effects of moderate slips and skids on the occurrence of engine malfunctioning with low fuel shall be investigated. Any adverse effects shall be described in the Airplane Flight Manual in accordance with § 4b.742 (a), but need not be considered in establishing the unusable fuel.

14. By amending § 4b.604 (m) by deleting the words "engine cylinder displacement" and inserting in lieu thereof the words "cylinder displacement of the engine".

15. By amending § 4b.606 (c) by adding a new subparagraph (4) to read as follows:

§ 4b.606 *Equipment, systems, and installations.* • • •

(c) *Power supply.* • • •

(4) In determining the probable operating combinations and durations of essential loads for the partial power failure conditions prescribed in subparagraphs (2) and (3) of this paragraph, it shall be permissible to assume that the power loads are reduced in accordance with a monitoring procedure which is consistent with safety in the types of operations authorized. If a particular load is not required to maintain controlled flight it need not be considered for the two-engine-inoperative condition on airplanes with four or more engines as prescribed in subparagraph (3) of this paragraph.

16. By amending § 4b.742 (a) by adding the reference: "(See also § 4b.416 (c).)"

17. By amending §§ 41.30 (c), 40.75 (Part 40 effective January 1, 1954), and 42.75 to read as follows:

§ 41.30 *En route limitations.* • • •

(c) *Airplanes with four or more engines; two engines inoperative.* The provisions of this paragraph shall apply only to airplanes certificated in accordance with the performance requirements of Part 4b of this subchapter. No airplane having four or more engines shall be flown along an intended track except under the conditions of either subparagraph (1) or subparagraph (2) of this paragraph.

(1) No place along the intended track shall be more than 90 minutes away from an available landing area at which a landing can be made in accordance with the requirements of § 41.34, assuming all engines to be operating at cruising power.

(2) The take-off weight shall not be greater than that which would permit the airplane, with the two critical engines inoperative, to have a rate of climb in feet per minute equal to 0.01 $V_{s_0}^2$ ($V_{s_0}$ being expressed in miles per hour) along along all points of the route, from the most critical point to the landing area, either at an altitude of 1,000 feet above the elevation of the highest ground or obstruction within 10 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is higher. In showing compliance with this prescribed rate of climb, the following shall apply:

(i) Both engines shall be assumed to fail simultaneously at the critical point along the route.

(ii) It shall be permissible to consider the reduction of the airplane's weight as a result of descending from the cruising altitude at the critical point to the point at which the prescribed minimum altitude is reached.

(iii) It shall be permissible to consider that the weight of the airplane as it proceeds along its intended track is progressively reduced by normal consumption of fuel and oil with all engines operating up to the critical point and with two engines operating beyond the critical point.

(iv) If fuel jettisoning is provided, the airplane's weight at the critical point shall be considered to be not less than that which would include sufficient fuel to proceed to an available landing area at which a landing can be made in accordance with the requirements of § 41.34 and to arrive there at an altitude of at least 1,000 feet directly over the landing area.

§ 40.75 *En route limitations; two engines inoperative.* (To read in substance the same as proposed § 41.30 (c)).

§ 42.75 *En route limitations; two engines inoperative.* (To read in substance the same as proposed § 41.30 (c)).

*Part 5.* During the annual airworthiness meeting the subject of clarification of a number of the administrative provisions of Part 5 was discussed. As a result of these discussions changes are being proposed to this part. These proposed changes concern themselves mainly with designating more clearly the applicable regulations with which compliance must be shown to obtain type certification or modification of a type certificate. Although no basic change in policy from that followed in the past is contemplated, the proposed amendments specify in more detail the prerogatives of the applicant in choosing the regulations. It should be noted that the proposed rules regarding the designation of applicable regulations (§ 5.11) apply not only to new glider types for which application for type certificate is made but also to all types irrespective of the date of original application for type certificate. For example, the provisions which require or which permit the applicant to elect compliance with newer regulations would be effective not only to new type gliders but also to all existing types certificated under this part. This provision in no way negates the long standing rule that, except in unusual cases, the glider need not comply with any regulations made effective subsequent to the date of application for type certificate. A significant clarification is being proposed which would define those changes in the glider type which are sufficiently extensive to warrant treating the glider as a new type. Another important phase of the proposal is the establishment of a time limitation of 3 years for the effectiveness of an application for type certificate. The proposed amendments to the administrative provisions also include minor changes for purposes of clarification.

It is proposed to amend Part 5 as follows:

1. By amending § 5.11 to read as follows:

§ 5.11 *Designation of applicable regulations.* The provisions of this section shall apply to all glider types certificated under this part irrespective of the date of application for type certificate.

(a) Unless otherwise established by the Board, the glider shall comply with the provisions of this part together with all amendments thereto effective on the date of application for type certificate, except that compliance with later effective amendments may be elected or required pursuant to paragraphs (c), (d), and (e) of this section.

(b) If the interval between the date of application for type certificate and the issuance of the corresponding type certificate exceeds three years, a new application for type certificate shall be required, except that for applications pending on the effective date of this section such three-year period shall commence on the effective date of this section. At the option of the applicant, a new application may be filed prior to the expiration of the three-year period. In either instance the applicable regulations shall be those effective on the date of the new application in accordance with paragraph (a) of this section.

(c) During the interval between filing the application and the issuance of a type certificate, the applicant may elect to show compliance with any amendment of this part which becomes effective during that interval, in which case all other amendments found by the Administrator to be directly related shall be complied with.

(d) Except as otherwise provided by the Board, or by the Administrator pursuant to § 1.24 of this subchapter, a change to the type certificate (see § 5.13 (b)) may be accomplished, at the option of the applicant, either in accordance

with the regulations incorporated by reference in the type certificate pursuant to § 5.13 (c), or in accordance with subsequent amendments to such regulations in effect on the date of application for approval of the change, subject to the following provisions:

(1) When the applicant elects to show compliance with an amendment to the regulations in effect on the date of application for approval of a change, he shall show compliance with all amendments which the Administrator finds are directly related to the particular amendment selected by the applicant.

(2) When the change consists of a new design or a substantially complete redesign of a component, equipment installation, or system installation of the glider, and the Administrator finds that the regulations incorporated by reference in the type certificate pursuant to § 5.13 (c) do not provide complete standards with respect to such change, he shall require compliance with such provisions of the regulations in effect on the date of application for approval of the change as he finds will provide a level of safety equal to that established by the regulations incorporated by reference at the time of issuance of the type certificate.

(e) If a change in design, configuration, or weight is made which the Administrator finds is so extensive as to require a substantially complete investigation of compliance with the regulations, the glider shall be considered as a new type, in which case a new application for type certificate shall be required and the regulations together with all amendments thereto effective on the date of the new application shall be made applicable in accordance with paragraphs (a), (b), (c), and (d) of this section.

2. By amending § 5.12 to read as follows:

§ 5.12 *Recording of applicable regulations.* The Administrator, upon the issuance of a type certificate, shall record the applicable regulations with which compliance was demonstrated. Thereafter, the Administrator shall record the applicable regulations for each change in the type certificate which is accomplished in accordance with regulations other than those recorded at the time of issuance of the type certificate. (See § 5.11.)

3. By amending § 5.13 (b) by deleting the parenthetical reference: "(See also § 5.11 (a).)" at the end of the paragraph.

4. By amending § 5.13 by adding new paragraph (c) to read as follows:

§ 5.13 *Type certificate.* • • •

(c) The applicable provisions of this part recorded by the Administrator in accordance with § 5.12 shall be considered as incorporated in the type certificate as though set forth in full.

5. By amending § 5.19 to read as follows:

§ 5.19 *Changes in type design.* (For requirements with regard to changes in type design and the designation of applicable regulations therefor, see § 5.11 (d) and (e), and Part 1 of this subchapter.)

*Part 6.* A number of subjects pertaining to rotorcraft certification were discussed at the recent annual airworthiness meeting. Some of these subjects are now considered sufficiently resolved to warrant specific proposals for amendment to the regulations.

Among the changes proposed there are some dealing with the administrative provisions of this part. These proposed changes concern themselves mainly with designating more clearly the applicable regulations with which compliance must be shown to obtain type certification or modification of a type certificate. Although no basic change in policy from that followed in the past is contemplated, the proposed amendments specify in more detail the prerogatives of the applicant in choosing the regulations. It should be noted that the proposed rules regarding the designation of applicable regulations (§ 6.11) apply not only to new rotorcraft types for which application for type certificate is made but also to all types irrespective of the date of original application for type certificate. For example, the provisions which require or which permit the applicant to elect compliance with newer regulations would be effective not only to new type rotorcraft but also to all existing types certificated under this part. This provision in no way negates the long standing rule that, except in unusual cases, the rotorcraft need not comply with any regulations made effective subsequent to the date of application for type certificate. A significant clarification is being proposed which would define those changes in the rotorcraft type which are sufficiently extensive to warrant treating the rotorcraft as a new type. Another important phase of the proposal is the establishment of a time limitation of 3 years for the effectiveness of an application for type certificate. The proposed amendments to the administrative provisions also include minor changes for purposes of clarification. (See proposed amendments to §§ 6.11, 6.12, 6.13, and 6.19.)

The presently effective regulations require a rotor high-pitch limiting device which will prevent the rotor rpm from dropping below a safe minimum. Difficulty has been encountered in complying with this requirement as it is presently worded. When the limiting device is set at sea level at relatively low temperature conditions it limits the use of full available power at higher altitudes and temperatures. In order to overcome the difficulty which has been encountered with the language and retain the original intent of the regulations an amendment in language is proposed herein. The proposal involves the use of a broader term so that the intent can possibly be fulfilled by means other than a high-pitch limiting device. (See proposed amendment to § 6.103 (a).)

An amendment is being proposed to the rotor drive and control mechanism endurance test requirements. This proposed amendment would require that all parts be in a serviceable condition at the conclusion of the test. (See proposed amendment to § 6.412 (a).)

Certain items discussed during the recent annual airworthiness meeting regarding proposed amendments to Part 6 were not sufficiently resolved to warrant proposing amendments at this time. One such item was the establishment of a rotorcraft transport category. It was the consensus during the meeting that a distinction should be made in the airworthiness requirements between "Transport" category and "Normal" category rotorcraft. There was, however, a great deal of controversy over how such a distinction should be made. It is considered that further study is necessary before appropriate changes can be made in the regulations which would make a distinction between "Transport" and "Normal" categories. During the meeting industry representatives indicated that they were continuing their studies and that by the next annual airworthiness review they would make specific proposals for amendments to Part 6 which would distinguish between the two categories. Therefore, no proposal is being made on this subject at this time.

Two other items discussed during the meeting, namely, take-off and landing distances and limiting height for autorotative landing, are not included herein as proposed amendments. It is considered that solution of these two problems is so interwoven with the establishment of the transport category for rotorcraft that their solution should be deferred to a later date.

It is proposed to amend Part 6 as follows:

1. By amending § 6.11 to read as follows:

§ 6.11 *Designation of applicable regulations.* The provisions of this section shall apply to all rotorcraft types certificated under this part irrespective of the date of application for type certificate.

(a) Unless otherwise established by the Board, the rotorcraft shall comply with the provisions of this part together with all amendments thereto effective on the date of application for type certificate, except that compliance with later effective amendments may be elected or required pursuant to paragraphs (c), (d), and (e) of this section.

(b) If the interval between the date of application for type certificate and the issuance of the corresponding type certificate exceeds three years, a new application for type certificate shall be required, except that for applications pending on the effective date of this section such three-year period shall commence on the effective date of this section. At the option of the applicant, a new application may be filed prior to the expiration of the three-year period. In either instance the applicable regulations shall be those effective on the date of the new application in accordance with paragraph (a) of this section.

(c) During the interval between filing the application and the issuance of a type certificate, the applicant may elect to show compliance with any amendment of this part which becomes effective during that interval, in which case all other amendments found by the Administrator to be directly related shall be complied with.



(d) Except as otherwise provided by the Board, or by the Administrator pursuant to § 1.24 of this subchapter a change to the type certificate (see § 6.13 (b)) may be accomplished, at the option of the applicant, either in accordance with the regulations incorporated by reference in the type certificate pursuant to § 6.13 (c), or in accordance with subsequent amendments to such regulations in effect on the date of application for approval of the change, subject to the following provisions:

(1) When the applicant elects to show compliance with an amendment to the regulations in effect on the date of application for approval of a change, he shall show compliance with all amendments which the Administrator finds are directly related to the particular amendment selected by the applicant.

(2) When the change consists of a new design or a substantially complete redesign of a component, equipment installation, or system installation of the rotorcraft, and the Administrator finds that the regulations incorporated by reference in the type certificate pursuant to § 6.13 (c) do not provide complete standards with respect to such change, he shall require compliance with such provisions of the regulations in effect on the date of application for approval of the change as he finds will provide a level of safety equal to that established by the regulations incorporated by reference at the time of issuance of the type certificate.

NOTE: Examples of new or redesigned components and installations which might require compliance with regulations in effect on the date of application for approval, are: New powerplant installation which is likely to introduce additional fire or operational hazards unless additional protective measures are incorporated; the installation of a new rotor system or a new electric power system.

(e) If changes listed in subparagraphs (1) through (3) of this paragraph are made, the airplane shall be considered as a new type, in which case a new application for type certificate shall be required and the regulations together with all amendments thereto effective on the date of the new application shall be made applicable in accordance with paragraphs (a), (b), (c), and (d) of this section.

(1) A change in the number of engines or rotors;

(2) A change to engines or rotors employing different principles of operation or propulsion;

(3) A change in design, configuration, power, or weight which the Administrator finds is so extensive as to require a substantially complete investigation of compliance with the regulations.

2. By amending § 6.12 to read as follows:

§ 6.12 *Recording of applicable regulations.* The Administrator, upon the issuance of a type certificate, shall record the applicable regulations with which compliance was demonstrated. Thereafter, the Administrator shall record the applicable regulations for each change in the type certificate which is accomplished in accordance with regulations other than those recorded at the time of issuance of the type certificate. (See § 6.11.)

3. By amending § 6.13 (b) by deleting the parenthetical reference: "(See also § 6.11 (a).)" at the end of the paragraph.

4. By amending § 6.13 by adding new paragraph (c) to read as follows:

§ 6.13 *Type certificate.* • • •

(c) The applicable provisions of this part recorded by the Administrator in accordance with § 6.12 shall be considered as incorporated in the type certificate as though set forth in full.

5. By amending § 6.19 to read as follows:

§ 6.19 *Changes in type design.* (For requirements with regard to changes in type design and the designation of applicable regulations therefor, see § 6.11 (d) and (e), and Part 1 of this subchapter.)

6. By amending § 6.103 (a) by deleting the last two sentences and inserting in lieu thereof the following: "A means shall be provided to prevent rotational speeds substantially less than the approved minimum rotor rpm in any flight condition with full throttle and with pitch control of the main rotor(s) in the high-pitch position. It shall be acceptable for such means to allow the use of higher pitch in emergency, provided that the means incorporate provisions to prevent inadvertent transition from the normal operating range to the higher-pitch angles."

7. By amending § 6.412 (a) by adding to the end of the paragraph the following sentence: "At the conclusion of the endurance testing, all parts shall be in a serviceable condition."

*Part 13.* At the recent annual airworthiness meeting the subject of clarification of certain administrative provisions of Part 13 was discussed. As a result of these discussions there are proposed herein certain changes. These proposed changes concern themselves mainly with designating more clearly the applicable regulations with which compliance must be shown to obtain type certification or modification of a type certificate. Although no basic change in policy from that followed in the past is contemplated, the proposed amendments specify in more detail the prerogatives of the applicant in choosing the regulations. It should be noted that the proposed rules regarding the designation of applicable regulations (§ 13.11) apply not only to new engine types for which application for type certificate is made but also to all types irrespective of the date of original application for type certificate. For example, the provisions which require or which permit the applicant to elect compliance with newer regulations would be effective not only to new type engines but also to all existing types certificated under this part. This provision in no way negates the long standing rule that, except in unusual cases, the engine need not comply with any regulations made effective subsequent to the date of application for type certificate. A significant clarification is being proposed which would define those changes in the engine type which are sufficiently extensive to warrant treating the engine as a new type. Another important phase of the proposal is the establishment of a time limitation of 3 years for the effectiveness of an application for type certificate. The proposed amendments to the administrative provisions also include minor changes for purposes of clarification. (See proposed amendments to §§ 13.11, 13.12, 13.13, and 13.19.)

A minor change is also being proposed to Part 13 to clarify the acceleration and deceleration provisions of the endurance tests for turbine engines. The proposed change makes clear that in performing the accelerations and decelerations the power control lever must be moved from one extreme position to the other in not more than one second except in special cases, such as for a propeller turbine where more than one regime of control lever motion is scheduled, in which case a period of time as long as two seconds is permitted. The change also makes clear that accelerations or decelerations, whichever may be the case, must be accomplished in changing power settings in the take-off and idling operations test. (See proposed amendment to § 13.254.)

In addition to the proposals contained herein a recommendation was discussed during the annual airworthiness meeting which would have prohibited consideration of favorable service experience in determining the extent of penalty tests for parts repaired or replaced during the engine endurance test. There was not sufficient justification submitted during the meeting to warrant an amendment to the regulations on this subject. Therefore no proposal is being made.

It is proposed to amend Part 13 as follows:

1. By amending § 13.11 to read as follows:

§ 13.11 *Designation of applicable regulations.* The provisions of this section shall apply to all engine types certificated under this part irrespective of the date of application for type certificate.

(a) Unless otherwise established by the Board, the engine shall comply with the provisions of this part together with all amendments thereto effective on the date of application for type certificate, except that compliance with later effective amendments may be elected or required pursuant to paragraphs (c), (d), and (e) of this section.

(b) If the interval between the date of application for type certificate and the issuance of the corresponding type certificate exceeds three years, a new application for type certificate shall be required, except that for applications pending on the effective date of this section such three-year period shall commence on the effective date of this section. At the option of the applicant, a new application may be filed prior to the expiration of the three-year period. In either instance the applicable regulations shall be those effective on the date of the new application in accordance with paragraph (a) of this section.

(c) During the interval between filing the application and the issuance of a type certificate, the applicant may elect to show compliance with any amendment of this part which becomes effective during that interval, in which case all other amendments found by the Administrator to be directly related shall be complied with.

(d) Except as otherwise provided by the Board, or by the Administrator, pursuant to § 1.24 of this subchapter, a change to the type certificate (see § 13.13 (b)) may be accomplished at the option of the applicant, either in accordance with the regulations incorporated by reference in the type certificate pursuant to § 13.13 (c), or in accordance with subsequent amendments to such regulations in effect on the date of application for approval of the change, subject to the following provisions:

(1) When the applicant elects to show compliance with an amendment to the regulations in effect on the date of application for approval of a change, he shall show compliance with all amendments which the Administrator finds are directly related to the particular amendment selected by the applicant.

(2) When the change consists of a new design or a substantially complete redesign of a major component of the engine, and the Administrator finds that the regulations incorporated by reference in the type certificate pursuant to § 13.13 (c) do not provide complete standards with respect to such change, he shall require compliance with such provisions of the regulations in effect on the date of application for approval of the change as he finds will provide a level of safety equal to that established by the regulations incorporated by reference at the time of issuance of the type certificate.

(e) If changes listed in subparagraphs (1) and (2) of this paragraph are made, the engine shall be considered as a new type, in which case a new application for type certificate shall be required and the regulations together with all amendments thereto effective on the date of the new application shall be made applicable in accordance with paragraphs (a), (b), (c), and (d) of this section.

(1) A change in the principle of operation;

(2) A change in design, configuration, power limitations, or speed limitations, which the Administrator finds is so extensive as to require a substantially complete investigation of compliance with the regulations.

2. By amending § 13.12 to read as follows:

§ 13.12 *Recording of applicable regulations.* The Administrator, upon the issuance of a type certificate, shall record the applicable regulations with which compliance was demonstrated. Thereafter, the Administrator shall record the applicable regulations for each change in the type certificate which is accomplished in accordance with regulations other than those recorded at the time of issuance of the type certificate. (See § 13.11.)

3. By amending § 13.13 (b) by deleting the parenthetical reference: "(See also § 13.11 (a).)" at the end of the sentence.

4. By amending § 13.13 by adding a new paragraph (c) to read as follows:

§ 13.13 *Type certificate.* • • •

(c) The applicable provisions of this part recorded by the Administrator in accordance with § 13.12 shall be considered as incorporated in the type certificate as though set forth in full.

5. By amending § 13.19 to read as follows:

§ 13.19 *Changes in type design.* (For requirements with regard to changes in type design and the designation of applicable regulations therefor, see § 13.11 (d) and (e), and Part 1 of this subchapter.)

6. By amending § 13.254 (a) by adding after the first sentence the following sentence: "In changing the power setting after each period, the power-control lever shall be moved in the manner prescribed in paragraph (f) of this section."

7. By amending § 13.254 (f) by adding at the end of the paragraph the following sentence: "In complying with the provisions of this paragraph the power-control lever shall be moved from one extreme position to the other in not more than 1 second, except where different regimes of control operations are incorporated necessitating scheduling of the power-control lever motion in going from one extreme position to the other, a longer period of time shall be acceptable but in no case shall this time exceed 2 seconds."

*Part 14.* A number of subjects pertaining to propellers were discussed at the recent annual airworthiness meeting. These subjects are considered sufficiently resolved to warrant specific proposals for amendment to the regulations.

As a result of the discussions, changes are being proposed with respect to the administrative provisions of Part 14. These proposed changes concern themselves mainly with designating more clearly the applicable regulations with which compliance must be shown to obtain type certification or modification of a type certificate. Although no basic change in policy from that followed in the past is contemplated, the proposed amendments specify in more detail the prerogatives of the applicant in choosing the regulations. It should be noted that the proposed rules regarding the designation of applicable regulations (§ 14.11) apply not only to new propeller types for which application for type certificate is made but also to all types irrespective of the date of original application for type certificate. For example, the provisions which require or which permit the applicant to elect compliance with newer regulations would be effective not only to new type propellers but also to all existing types certificated under this part. This provision in no way negates the long standing rule that, except in unusual cases, the propeller need not comply with any regulations made effective subsequent to the date of application for type certificate. A significant clarification is being proposed which would define those changes in the propeller type which are sufficiently extensive to warrant treating the propeller as a new type. Another important phase of the proposal is the establishment of a time limitation of 3 years for effectiveness of an application for type certificate. The proposed amendments to the administrative provisions also include minor changes for purposes of clarification. (See proposed amendments to §§ 14.11 to 14.12, 14.13, and 14.19.)

In addition to the proposals to amend the administrative provisions of Part 14 there is also a proposal to add a new requirement which prescribes that reversible propeller designs incorporate features within themselves or be adaptable to a reversing system in an airplane which is compatible with the principle of fail-safe design. (See also corresponding change being proposed for Part 4b.) The intent of this rule is to assure that new reversible propeller designs will incorporate features which will preclude unwanted reversing during normal or emergency operation in case of a single failure or malfunctioning of the system when installed in an airplane. It is not intended by this rule to consider the failure of primary structural parts, the occurrence of which is shown to be extremely remote. (See proposed amendment to § 14.103.)

It is proposed to amend Part 14 as follows:

1. By amending § 14.11 to read as follows:

§ 14.11 *Designation of applicable regulations.* The provisions of this section shall apply to all propeller types certificated under this part irrespective of the date of application for type certificate.

(a) Unless otherwise established by the Board, the propeller shall comply with the provisions of this part together with all amendments thereto effective on the date of application for type certificate, except that compliance with later effective amendments may be elected or required pursuant to paragraphs (c), (d), and (e) of this section.

(b) If the interval between the date of application for type certificate and the issuance of the corresponding type certificate exceeds three years, a new application for type certificate shall be required, except that for applications pending on the effective date of this section such three-year period shall commence on the effective date of this section. At the option of the applicant, a new application may be filed prior to the expiration of the three-year period. In either instance the applicable regulations shall be those effective on the date of the new application in accordance with paragraph (a) of this section.

(c) During the interval between filing the application and the issuance of a type certificate, the applicant may elect to show compliance with any amendment of this part which becomes effective during that interval, in which case all other amendments found by the Administrator to be directly related shall be complied with.

(d) Except as otherwise provided by the Board, or by the Administrator pursuant to § 1.24 of this subchapter, a change to the type certificate (see § 14.13 (b)) may be accomplished, at the option of the applicant, either in accordance with the regulations incorporated by reference in the type certificate pursuant to § 14.13 (c), or in accordance with subsequent amendments to such regulations in effect on the date of application for approval of the change, subject to the following provisions:

(1) When the applicant elects to show compliance with an amendment to the regulations in effect on the date of application for approval of a change, he shall show compliance with all amendments which the Administrator finds are directly related to the particular amendment selected by the applicant.

(2) When the change consists of a new design or a substantially complete redesign of a major component of the propeller and the Administrator finds that the regulations incorporated by reference in the type certificate pursuant to § 14.13 (c) do not provide complete standards with respect to such change, he shall require compliance with such provisions of the regulations in effect on the date of application for approval of the change as he finds will provide a level of safety equal to that established by the regulations incorporated by reference at the time of issuance of the type certificate.

(e) If changes listed in subparagraphs (1) and (2) of this paragraph are made, the propeller shall be considered as a new type, in which case a new application for type certificate shall be required and the regulations together with all amendments thereto effective on the date of the new application shall be made applicable in accordance with paragraphs (a), (b), (c), and (d) of this section.

(1) A change in the principle of operation;

(2) A change in design, configuration, power limitations, or speed limitations which the Administrator finds is so extensive as to require a substantially complete investigation of compliance with the regulations.

2. By amending § 14.12 to read as follows:

§ 14.12 *Recording of applicable regulations.* The Administrator, upon the issuance of a type certificate, shall record the applicable regulations with which compliance was demonstrated. Thereafter, the Administrator shall record the applicable regulations for each change in the type certificate which is accomplished in accordance with regulations other than those recorded at the time of issuance of the type certificate. (See § 14.11.)

3. By amending § 14.13 (b) by deleting the parenthetical reference: "(See also § 14.11 (a).)" at the end of the paragraph.

4. By amending § 14.13 by adding new paragraph (c) to read as follows:

§ 14.13 *Type certificate.* • • •

(c) The applicable provisions of this part recorded by the Administrator in accordance with § 14.12 shall be considered as incorporated in the type certificate as though set forth in full.

5. By amending § 14.19 to read as follows:

§ 14.19 *Changes in type design.* (For requirements with regard to changes in type design and the designation of applicable regulations therefor, see § 14.11 (d) and (e), and Part 1 of this subchapter.)

6. By adding a new § 14.103 to read as follows:

§ 14.103 *Reversible propellers.* Reversible propellers shall be adaptable for use with a reversing system in an airplane so that no single failure or malfunctioning of the reversing system during normal or emergency operation will result in unwanted travel of the propeller blades below the normal flight low-pitch stop to a position which would prevent continued safe flight of the airplane.

NOTE: A reversible propeller design is considered as complying with this requirement if it can be made adaptable for use with a reversing system in an airplane which provides a level of safety equivalent to that of a reversing system incorporating a secondary flight low-pitch stop system such that no single failure or malfunctioning during normal or emergency operation will result in energization or actuation of both the normal and the secondary flight low-pitch stop systems.

*Part 18.* The discussions during the annual airworthiness meeting included the subject of the requirements pertaining to alterations in Part 18. As a result of these discussions an amendment is proposed to § 18.30 (b) intended to clarify which airworthiness requirements are applicable with respect to alterations being made. The proposed amendment primarily consists of a note which makes reference to the airworthiness parts under which the aircraft or product were type certificated. The wording of the note is consistent with changes to the administrative provisions of the various airworthiness parts of the Civil Air Regulations which are being proposed simultaneously with this proposed change.

It is proposed to amend Part 18 as follows:

1. By amending § 18.30 (b) by inserting "applicable [6]" before the words "airworthiness requirements" and by adding footnote 6 to read as follows:

[6] The airworthiness requirements applicable to an alteration are normally those with which the manufacturer originally demonstrated compliance for the issuance of a type certificate. The Aircraft Specification includes a reference to that part of the Civil Air Regulations and to the category under which the original type certification was accomplished. More detailed information on the requirements applicable at the time of type certification can be obtained from the Civil Aeronautics Administration. However, the individual parts of the airworthiness regulations specify that the provisions in effect on the date of application for approval to the alteration may be made applicable. (See §§ 3.11, 4b.11, 5.11, 6.11, 13.11, or 14.11, whichever part is applicable.)

[F. R. Doc. 53-10395; Filed, Dec. 11, 1953; 8:54 a. m.]





## SECURITIES AND EXCHANGE COMMISSION

[ 17 CFR Part 250 ]

LOANS, EXTENSIONS OF CREDIT, DONATIONS AND CAPITAL CONTRIBUTIONS TO ASSOCIATE COMPANIES

NOTICE OF ORAL ARGUMENT

On March 12, 1953, the Commission issued Holding Company Act Release No. 11761 inviting all interested persons to submit comments on its § 250.45 (b) (6) (Rule U-45 (b) (6)) and recommendations for modification or change thereof. This rule, promulgated in 1941 pursuant to section 12 of the Public Utility Holding Company Act of 1935, governs the allocation of consolidated income taxes among the member companies of registered holding company systems. Pursuant to this invitation, the Commission received a number of written communications from various public-utility holding companies, regulatory bodies, and others, setting forth in considerable detail their views, comments, and recommendations concerning Rule U-45 (b) (6).

Thereafter, on November 9, 1953, the Commission issued Holding Company Act Release No. 12206-X stating that its Division of Corporate Regulation, after having carefully considered all comments and recommendations theretofore received on the matter, had submitted to the Commission a proposed amendment to Rule U-45 (b) (6). The Commission thereupon invited all interested persons to submit data, views, and comments in writing on such proposed amended rule which, as set forth in said release, would read as follows:

§ 250.45 *Loans, extensions of credit, donations and capital contributions to associate companies.* • • •

(b) *Exceptions.* The following transactions shall be exempt from the declaration requirements of this section:

• • • • • •

(6) A loan or extension of credit or an agreement of indemnity arising out of a consolidated tax return filed by a holding company (or other parent company) and its subsidiaries: *Provided*, That the top company in the group assumes primary responsibility for the payment of any tax liability involved, subject to the right to contribution from the several members of the group in an amount not exceeding as to any company that percentage of the sum of the normal tax, surtax and excess profits tax on a consolidated basis which the sum of the normal tax, surtax, and excess profits tax of such company if paid on a separate return basis is of the aggregate amount of normal, surtax and excess profits taxes of the individual companies based upon separate returns. In computing each company's tax on a separate return basis, the gross income of each company in the group shall be computed without including therein dividends received from other companies in the group and allowance shall be made for loss carryover and other adjustments as if the company had always filed its tax returns on a separate return basis

with such dividends excluded from gross income. In no event, however, shall the liability allocated to an individual company exceed the amount of normal, surtax and excess profits tax of such company based upon a separate return.

Written comments and views on the above proposal have been received by the Commission from regulatory bodies, registered holding companies, and others. One of the regulatory bodies has requested an opportunity to be heard by the Commission.

The Commission deems it appropriate that an opportunity to be heard be extended to all interested persons:

Notice is hereby given that oral argument before the Commission on the proposed amendment to Rule U-45 (b) (6) will be held on December 22, 1953, at 9:30 a. m., e. s. t., in the offices of the Commission, 425 Second Street NW., Washington 25, D. C. Any person desiring to be heard on such matter should file with the Secretary of the Commission on or before December 21, 1953, his written request or application therefor.

*It is ordered*, That the Secretary of the Commission give notice of such oral argument, by first class mail, to the Federal Power Commission, the Federal Communications Commission, the Interstate Commerce Commission, the Civil Aeronautics Board, the Commissioner of Internal Revenue Service, the public utility commission of each State, the top company in each registered holding company system, and to all other persons who have heretofore submitted written views and comments to the Commission with respect to this matter. Notice shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

DECEMBER 4, 1953.

[F. R. Doc. 53-10358; Filed, Dec. 11, 1953; 8:47 a. m.]

## [ 17 CFR Part 259 ]

### FORMS FOR PERIODIC ACCOUNTING REPORTS

### FORM U-13-60

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to revise Form U-13-60 (17 CFR 259.313), which is the annual reporting form for mutual and subsidiary service companies under the Public Utility Holding Company Act of 1935.

The Commission is engaged in a comprehensive review of the rules, regulations, forms and procedures adopted under the various statutes administered by it. It is attempting to eliminate duplication and to simplify its requirements wherever practicable without prejudice to the public interest or the protection of investors. The present proposal which is made pursuant to the provisions of sections 13, 14 and 20 (a) of the act, is a part of this program and is designed to eliminate needless detail from Form U-13-60 and to avoid unnecessary duplication of information contained in the system annual report on Form U5S (17 CFR 259.5s).

The proposed revision of Form U-13-60 contemplates the following:

(1) Items 7, 8, and 9 would be deleted.

(2) Schedule 205 would be amended by adding the following additional instruction:

Describe any changes made during the year in the bases used and principles and methods applied in the allocation of charges for service.

(3) Schedule 235 would be deleted.

(4) Schedule 240 would be deleted.

(5) Schedule 245 (and the reference thereto in Schedule 200) would be deleted.

(6) Schedule 250 would be amended by inserting after the first sentence of the instructions thereto the following sentence:

If the aggregate amount paid to anyone vendee (other than an associate company or an affiliate) and included within one account is less than $2,000, only the aggregate number and amount of all such payments included within the account need be shown.

(7) Schedule 260 would be amended by adding the following additional instruction:

The term "principal items" is defined as items of $500 or more. However, the aggregate number and amount of all items of less than $500 should be reported.

(8) Schedule 265 would be amended by adding the following additional instruction:

The aggregate number and amount of all items of less than $1,000 may be shown in lieu of details.

(9) The signature clause would be amended to read as follows:

Pursuant to the requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations of the Securities and Exchange Commission issued thereunder, the undersigned company has duly caused this report to be signed on its behalf by the undersigned officer thereunto duly authorized.

---
(Name of company)

By: ---
(Signature and printed name and title of signing officer)

Date: ---

(10) The second sentence of Instruction 6 would be amended to read as follows:

Every such letter shall be stated to be signed by a duly authorized officer of the company.

All interested persons are invited to submit data, views and comments on this proposal in writing to the Secretary, Securities and Exchange Commission, at its principal office, 425 Second Street NW., Washington 25, D. C., on or before December 22, 1953.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

DECEMBER 4, 1953.

[F. R. Doc. 53-10357; Filed, Dec. 11, 1953; 8:47 a. m.]

# NOTICES

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Treasury Department Order 167-7]

[CGFR 53-34]

### COMMANDANT, U. S. COAST GUARD

### DELEGATION OF FUNCTIONS TO THE COMMANDANT

By virtue of the authority vested in me as Secretary of the Treasury and the authority in Reorganization Plan No. 26 of 1950 (15 F. R. 4935), there are hereby delegated to the Commandant, U. S. Coast Guard, the functions of the Secretary of the Treasury set forth below and all action taken thereunder prior to the effective date of this order is hereby ratified. The Commandant is authorized to re-delegate the functions herein delegated. These functions include those vested in me by the following sections of the act of July 9, 1952 (66 Stat. 481):

(1) Section 209 (a), to give or withhold consent required for enlistment or appointment of a Coast Guard Reservist in another Armed Force of the United States.

(2) Section 217 (c), to convene and take final action approving or disapproving the recommendations of the board of officers provided for therein.

(3) Section 232, to determine whether or not applicants for appointment or enlistment in the Coast Guard Reserve may be appointed or enlisted notwithstanding the existence of a physical defect.

(4) Section 233, to order Reserve personnel to extended active duty or active duty for training under the conditions and to the extent provided for therein.

(5) Section 234, to order to and retain on active duty, with their consent, Reserve personnel to perform duties in connection with the organizing, administering, recruiting, instructing, or training of the Coast Guard Reserve.

(6) Section 235 (a), to enter into a standard written agreement with Reserve personnel for periods of active duty service not to exceed five (5) years.

(7) Section 239, to release from extended active duty or active duty for training any member of the Coast Guard Reserve at any time.

(8) Section 249 (a), to convene boards of officers provided for therein.

(9) Section 253, to detail such members of the Regular Coast Guard and of the Coast Guard Reserve as may be necessary to develop, train, instruct, and administer the Coast Guard Reserve.

(10) Section 255, to make available to the Coast Guard Reserve such supplies, equipment, services, and facilities of the Regular Coast Guard as he may deem necessary and advisable for the support and development of the Coast Guard Reserve without charging the costs or value thereof, or any expenses in connection therewith, against the appropriation provided for the Coast Guard Reserve and to repossess or re-distribute such equipment and supplies as he finds to be in the best interest of the United States.

[SEAL] H. CHAPMAN ROSE, *Acting Secretary of the Treasury.*

NOVEMBER 30, 1953.

[F. R. Doc. 53-10390; Filed, Dec. 11, 1953; 8:52 a. m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### ALABAMA

### DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN THE DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following counties are determined as of December 1, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on November 28, 1953, pursuant to Public Law 875, 81st Congress:

ALABAMA

| | |
|---|---|
| Colbert. | Limestone. |
| Franklin. | Madison. |
| Lauderdale. | Morgan. |
| Lawrence. | |

Done this 8th day of December 1953.

[SEAL] TRUE D. MORSE, *Acting Secretary of Agriculture.*

[F. R. Doc. 53-10382; Filed, Dec. 11, 1953; 8:52 a. m.]

### KENTUCKY

### DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN THE DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of November 27, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on September 16, 1953, pursuant to Public Law 875, 81st Congress:

KENTUCKY

| | |
|---|---|
| Anderson. | Lee. |
| Bracken. | Magoffin. |
| Fleming. | Trimble. |
| Jefferson. | |

Done this 8th day of December 1953.

[SEAL] TRUE D. MORSE, *Secretary of Agriculture.*

[F. R. Doc. 53-10376; Filed, Dec. 11, 1953; 8:51 a. m.]

### MISSISSIPPI

### DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN THE DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of November 30, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on September 16, 1953, pursuant to Public Law 875, 81st Congress:

MISSISSIPPI

| | | |
|---|---|---|
| Benton. | Lafayette. | Panola. |

Done this 8th day of December 1953.

[SEAL] TRUE D. MORSE, *Acting Secretary of Agriculture.*

[F. R. Doc. 53-10377; Filed, Dec. 11, 1953; 8:51 a. m.]

### NEVADA

### DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN THE DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the additional area described below is determined as of November 25, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on August 1, 1953, pursuant to Public Law 875, 81st Congress.

NEVADA

A part of Elko County, Nevada, described as: Beginning at a point in Wendover, Nevada, on the Nevada-Utah border; thence north along said border to the right-of-way of the Southern Pacific Co.; thence along said right-of-way in a southwesterly direction to its intersection with the right-of-way of the Nevada Northern Railway Co. in Cobre, Nevada; thence south along the right-of-way of the Nevada Northern Railway Co. to its intersection with the right-of-way of The Western Pacific Railroad Co. in Shafter, Nevada; thence west along the right-of-way of The Western Pacific Railroad Co. to its intersection with Highway 11 at the east side of Ruby Valley; thence in a southwesterly direction along the east side of Ruby Valley to a point on the Elko-White Pine County line; thence east to the Utah-Nevada boundary; thence north along said boundary to the point of beginning.

Done this 8th day of December 1953.

[SEAL] TRUE D. MORSE, *Acting Secretary of Agriculture.*

[F. R. Doc. 53-10375; Filed, Dec. 11, 1953; 8:51 a. m.]

### TENNESSEE

### DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN THE DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of November 27, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on September 18, 1953, pursuant to Public Law 875, 81st Congress:

TENNESSEE

| | |
|---|---|
| Bedford. | Knox. |
| Blount. | Sevier. |
| Cocke. | |

Done this 8th day of December 1953.

[SEAL] TRUE D. MORSE, *Acting Secretary of Agriculture.*

[F. R. Doc. 53-10378; Filed, Dec. 11, 1953; 8:51 a. m.]

### UTAH

### DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN THE DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the area described below is determined as of November 30, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on November 25, 1953, pursuant to Public Law 875, 81st Congress.

UTAH

Those parts of Tooele, Juab, and Millard Counties lying east of the Utah-Nevada boundary, south of Route 40, west of the Stansbury and Onaqui Mountains, and north of Highway 6.

Done this 8th day of December 1953.

[SEAL] TRUE D. MORSE, *Acting Secretary of Agriculture.*

[F. R. Doc. 53-10379; Filed, Dec. 11, 1953; 8:51 a. m.]

VIRGINIA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN THE DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of November 27, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on September 26, 1953, pursuant to Public Law 875, 81st Congress:

VIRGINIA

Charlotte. Rockingham. Washington.

Done this 8th day of December 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10380; Filed, Dec. 11, 1953; 8:51 a. m.]

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WYOMING

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN THE DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following parts of Uinta, Lincoln, Sublette, Fremont, and Sweetwater Counties are determined as of November 30, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on November 25, 1953, pursuant to Public Law 875, 81st Congress:

WYOMING

Beginning at a point due south of Lyman, Wyoming, on the Utah-Wyoming boundary; thence north to a point due west of the most southern line of Shoshone National Forest; thence east to a point due north of Table Rock; thence south across Table Rock to a point on the Colorado-Wyoming boundary; thence west to the point of beginning; also, any part of the so-called "Carter Lease" which may lie outside of the hereinbefore-described tract.

Done this 8th day of December 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10381; Filed, Dec. 11, 1953; 8:52 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. E-6355]

IDAHO POWER CO.

NOTICE OF ORDER AUTHORIZING FURTHER EXTENTION OF TIME

DECEMBER 8, 1953.

Notice is hereby given that on December 7, 1953, the Federal Power Commission issued its order adopted December 2, 1953, in the above-entitled matter, authorizing further extension of time to and including June 30, 1954, for consummating the transaction authorized by order issued June 1, 1951 (16 F. R. 5505).

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10351; Filed, Dec. 11, 1953; 8:46 a. m.]

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[Docket No. G-1506]

NEW YORK STATE NATURAL GAS CORP.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 8, 1953.

Notice is hereby given that on December 8, 1953, the Federal Power Commission issued its order adopted December 4, 1953, modifying order of January 17, 1951 (16 F. R. 593), issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10352; Filed, Dec. 11, 1953; 8:46 a. m.]

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[Docket No. G-2227]

MOBILE GAS SERVICE CORP.

NOTICE OF ORDER TERMINATING PROCEEDINGS

DECEMBER 8, 1953.

Notice is hereby given that on December 7, 1953, the Federal Power Commission issued its order adopted December 2, 1953, terminating proceedings in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10353; Filed, Dec. 11, 1953; 8:46 a. m.]

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[Docket No. G-2316]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION

DECEMBER 8, 1953.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation, address Commerce Building, Houston, Texas, filed on November 18, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to construct and operate (1) new compressor units aggregating approximately 28,000 horsepower and other related facilities to be installed in eleven of Applicant's existing compressor stations, and (2) approximately fifty miles of 10¾-inch miscellaneous pipelines extending from the Flour Bluffs Field in Nueces County, Texas to Applicant's Compressor Station Number 1. These facilities are stated to increase the daily design capacity of Applicant's system by approximately 24,400 Mcf per day, and will enable Applicant to transport for the account of Equitable Gas Company (Equitable) up to this volume of gas purchased by Equitable in the Flour Bluffs Field. Applicant will deliver the gas to Equitable at a specified point of delivery in the Commonwealth of Pennsylvania, and the gas will be used to supply Equitable's system in Pittsburgh, Pennsylvania, and its environs, in southwestern Pennsylvania and northern West Virginia.

The estimated cost of the proposed facilities is $9,314,000. Applicant proposes no separate financing in connection with this project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of December 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10354; Filed, Dec. 11, 1953; 8:46 a. m.]

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[Docket No. R-126]

TREATMENT OF FEDERAL INCOME TAXES AS AFFECTED BY ACCELERATED AMORTIZATION

NOTICE OF OPINION NO. 264

DECEMBER 8, 1953.

Notice is hereby given that on December 4, 1953, the Federal Power Commission issued its opinion adopted December 3, 1953, is the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10355; Filed, Dec. 11, 1953; 8:46 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10556, 10557, 10558]

SUPERIOR TELEVISION, INC., ET AL.

ORDER RE ISSUES

In re applications of Superior Television, Inc., Corpus Christi, Texas, Docket No. 10556, File No. BPCT-1031; Keys-TV, Inc., Corpus Christi, Texas, Docket No. 10557, File No. BPCT-1045; K-Six Television, Inc., Corpus Christi, Texas, Docket No. 10558, File No. BPCT-1434; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of December 1953;

The Commission having under consideration (1) a petition filed October 3, 1953 by Superior Television, Inc. to enlarge the issues in the hearing on the above-entitled applications to permit inquiry into the adequacy of available funds to effectuate the proposals; and



(2) a response to the said petition filed on October 3, 1953 by K-Six Television, Inc.;

It appearing that in its original order of designation in this proceeding the Commission was satisfied that all the applicants herein were financially qualified and made specific findings to that effect; and

It further apearing that the question of whether or not the available funds of the applicants will be sufficient to effectuate their proposals, and hence whether or not the issues should be broadened to permit the receipt of evidence on this question, is a matter best left to the discretion of the Examiner after his receipt of allegations sufficiently particularized and material so that, if proved, they would establish significant differences between the competing proposals, all as set out in our Memorandum Opinion and Order in re South Central Broadcasting Corporation, et al., released October 7, 1953, Docket Nos. 10461-10464; and

It further appearing that the response to the petition filed by K-Six Television, Inc. makes no objection to the granting of this petition, and no other objections having been filed;

*It is ordered*, This 3d day of December 1953 that the petition of Superior Television, Inc., filed October 3, 1953, to enlarge the issues in this proceeding is granted insofar as it requests that the Hearing Examiner be given authority to enlarge the issues to permit inquiry into the adequacy of finances available to the applicants; and

*It is further ordered*, That the issues specified in this proceeding may be enlarged by the Examiner upon sufficient allegations of fact made in support of said enlargement, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 8, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10392; Filed, Dec. 11, 1953; 8:53 a. m.]

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[Docket Nos. 10701, 10702, 10703]

SANGAMON VALLEY TELEVISION CORP. ET AL.

ORDER RE ISSUES

In re application of Sangamon Valley Television Corporation, Springfield, Illinois, Docket No. 10701, File No. BPCT-589; Capitol City Television Company, Springfield, Illinois, Docket No. 10702, File No. BPCT-1699; WMAY-TV Incorporated, Springfield, Illinois, Docket No. 10703, File No. BPCT-1768; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of December 1953;

The Commission having under consideration a petition filed November 6, 1953, seeking modification of a Commission order of September 30, 1953, to include an issue giving the Examiner discretionary authority to admit evidence designed to controvert the determination that available funds will be sufficient to effectuate the proposals in each application; and

It appearing that the Commission on October 1, 1953, adopted in South Central Broadcasting Corporation, Docket No. 10461, the policy indicated in the above requested issue, applying it to future competitive proceedings; and

It further appearing that the instant proceeding was designated for hearing on September 30th, but that the hearing actually commenced on October 30, 1953, and that each of the applicants has proposed to make a showing designed to meet the indicated issue; and

It further appearing that the parties have agreed and the Broadcast Bureau has not objected to the instant petition;

*It is ordered*, That the above-described petition is granted and that the Examiner is granted authority, upon sufficient allegations of fact, made in support of said enlargement, to add the following issue to those previously designated: To determine whether the funds available to each applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 8, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10393; Filed, Dec. 11, 1953; 8:53 a. m.]

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[Change List No. 80]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

NOVEMBER 16, 1953.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADA

| Call letters | Location | Power (kw) | Antenna | Schedule | Class | Probable date to commence operation |
|---|---|---|---|---|---|---|
| | | *730 kilocycles* | | | | |
| NEW | Victoria, B. C. (delete assignment) | 1 kw | ND | U | II | |
| | | *740 kilocycles* | | | | |
| NEW | Wetaskiwin, Alberta | 50 kw | DA-1 | U | II | Nov. 17, 1954. |
| NEW | Alberta (delete assignment) | 50 kw | DA | U | II | |
| | | *900 kilocycles* | | | | |
| CHML | Hamilton, Ontario (change from DA-N) | 5 kw | DA-1 | U | II | Immediately. |

NOTE: Previous change list dated October 28, 1953 should have been numbered #79 instead of #78.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10394; Filed, Dec. 11, 1953; 8:53 a. m.]

## HOUSING AND HOME FINANCE AGENCY

### Home Loan Bank Board

[No. 6631]

CHIEF AND ASSISTANT CHIEF SUPERVISOR

DELEGATION OF AUTHORITY TO APPROVE ACTIONS OF CONSERVATOR

DECEMBER 8, 1953.

Resolved that effective December 10, 1953, any authority or requirement under §§ 149.5 through 149.10 of the rules and regulations for the Federal Savings and Loan System, inclusive, for action, by order or otherwise, by the Home Loan Bank Board, may be performed by the Chief Supervisor or the Assistant Chief Supervisor of the Home Loan Bank Board and such persons are hereby designated to act for such purposes pursuant to the provisions of § 149.11 of the rules and regulations for the Federal Savings and Loan System.

(Sec. 5 (a) (d), 48 Stat. 132, 133; 12 U. S. C. 1464 (a) (d))

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
*Secretary.*

[F. R. Doc. 53-10389; Filed, Dec. 11, 1953; 8:52 a. m.]

## NATIONAL LABOR RELATIONS BOARD

SPECIAL PROCESSING OF REPRESENTATION CASES INVOLVING UNIONS OF WHICH AN OFFICER HAS BEEN INDICTED FOR FILING A FALSE NON-COMMUNIST AFFIDAVIT

SUSPENSION OF STATEMENT OF POLICY

Pursuant to the provisions of section 3 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.),

the National Labor Relations Board hereby separately announces in the FEDERAL REGISTER the suspension of the Statement of policy on special processing of representation cases involving unions of which an officer has been indicted for filing a false non-Communist affidavit (effective October 23, 1953) published in the FEDERAL REGISTER on November 11, 1953, 18 F. R. 7185.

Dated: Washington, D. C., December 10, 1953.

By direction of the Board.

FRANK M. KLEILER,
*Executive Secretary.*

[F. R. Doc. 53-10333; Filed, Dec. 11, 1953; 8:56 a. m.]

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 6]

MISSISSIPPI

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about December 3, 1953 and December 5, 1953, because of the disastrous effect of tornadoes, damage resulted to residences and business property located in certain areas in the State of Mississippi; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the SBA Regional Office below indicated from persons or firms whose property situated in the following counties (hereinafter referred to as "the disaster areas") suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of Issaquena, Warren, Coahoma: Small Business Administration Regional Office, Peachtree Seventh Building, 50 Seventh Street NE., Atlanta, Ga.

2. A special field office will be established in Vicksburg, Mississippi, to receive and process applications.

3. No disaster loan application from any resident or firm situated in the disaster areas will be accepted under the authority of this order subsequent to June 30, 1954.

Dated: December 7, 1953.

WENDELL B. BARNES,
*Acting Administrator.*

[F. R. Doc. 53-10368; Filed, Dec. 11, 1953; 8:49 a. m.]

[Declaration of Disaster Area 7]

LOUISIANA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about November 22, December 3 and December 5, 1953, because of the disastrous effect of tornadoes, damage resulted to residences and business property located in certain areas in the State of Lousiana; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the SBA Regional Office below indicated from persons or firms whose property situated in the following parishes (hereinafter referred to as "the disaster areas") suffered damage or other destruction as a result of the catastrophe above referred to:

Parishes of Union, Lafayette, Ouchita, LaSalle, Grant, Vernon, Franklin, DeSota, Rapides: Small Business Administration Regional Office, 1114 Commerce Street, Dallas 2, Texas.

2. A special field office will be established in Vicksburg, Mississippi, to receive and process applications, and additional field offices will be established if required.

3. No disaster loan application from any resident or firm situated in the disaster areas will be accepted under the authority of this order subsequent to June 30, 1954.

Dated: December 7, 1953.

WENDELL B. BARNES,
*Acting Administrator.*

[F. R. Doc. 53-10367; Filed, Dec. 11, 1953; 8:49 a. m.]

[Declaration of Disaster Area 8]

TEXAS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about December 1, 1953, because of the disastrous effect of tornadoes, damage resulted to residences and business property located in certain areas in the State of Texas; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the SBA Regional Office below indicated from persons or firms whose property situated in the following county (hereinafter referred to as "the disaster area") suffered damage or other destruction as a result of the catastrophe above referred to:

County of Ashley: Small Business Administration Regional Office, 1114 Commerce Street, Dallas 2, Tex.

2. A special field office will be established in Vicksburg, Mississippi, to receive and process such applications and additional field offices will be established if required.

3. No disaster loan application from any resident or firm situated in the disaster area will be accepted under the authority of this order subsequent to June 30, 1954.

Dated: December 7, 1953.

WENDELL B. BARNES,
*Acting Administrator.*

[F. R. Doc. 53-10369; Filed, Dec. 11, 1953; 8:49 a. m.]

[Declaration of Disaster Area 9]

ARKANSAS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about December 5, 1953, because of the disastrous effect of tornadoes, damage resulted to residences and business property located in certain areas in the State of Arkansas; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the SBA Regional Office below indicated from persons or firms whose property situated in the following counties (hereinafter referred to as "the disaster areas") suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of Guadalupe, Lee, Washington: Small Business Administration Regional Office, 1114 Commerce Street, Dallas, Tex.

2. Special field offices will be established to receive and process applications if this is determined to be necessary.

3. No disaster loan application from any resident or firm situated in the disaster areas will be accepted under the authority of this order subsequent to June 30, 1954.

Dated: December 7, 1953.

WENDELL B. BARNES,
*Acting Administrator.*

[F. R. Doc. 53-10370; Filed, Dec. 11, 1953; 8:49 a. m.]

[S B. A. Pool Request No. 2]

DELTA TOOL & DIE CO. AND WILLIAMSON GEAR & MACHINE CO.

ADDITIONAL COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN THE OPERATIONS OF THE ALLIED SPECIALTIES COMPANY

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the names of the following companies which have accepted the request to participate in the operations of the Allied Specialties Company are herewith published. The original list of companies accepting such request was published on August 1, 1953, in 18 F. R. 4529.

Delta Tool & Die Co., Virginia Avenue and Forrest Road, Eddington, Pa.
Williamson Gear & Machine Co., 2606 Martha Street, Philadelphia 25, Pa.

(Sec. 708, 64 Stat. 818; 50 U. S. C. App. 2158; E. O. 10493, October 16, 1953, 18 F. R. 6583)

Dated: December 9, 1953.

WENDELL B. BARNES,
*Acting Administrator.*

[F. R. Doc. 53-10387; Filed, Dec. 11, 1953; 8:52 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-127, 59-3, 59-12]

ELECTRIC BOND AND SHARE CO. ET AL

SUPPLEMENTAL ORDER RELEASING JURISDICTION CONCERNING ATTORNEYS' FEE

DECEMBER 8, 1953.

The Commission having previously by order entered, June 5, 1953, released jurisdiction over certain applications for allowances in connection with Plan II-B of Electric Bond and Share Company ("Bond and Share"), a registered holding company, including, among other things, fees payable to Simpson Thacher & Bartlett, Counsel for Bond and Share, representing services rendered to that company up to the date of filing the applications therein during the latter part of 1952 (Holding Company Act Release No. 11978); and

Simpson Thacher & Bartlett having filed an affidavit setting forth that such firm has, subsequent to the filing of its previous applications for fees herein, rendered certain additional services in connection with the Plan II-B proceedings, including particularly services rendered in connection with an appeal brought by certain holders of $5 preferred stock certificates of Bond and Share, which appeal was dismissed by the Court of Appeals for the Second Circuit during June 1953, which affidavit requests that Bond and Share proposes to pay Simpson Thacher & Bartlett $1,000 in payment for such services, subject to release of jurisdiction over such fee by this Commission; and

The Commission having considered said affidavit, and it appearing to the Commission that the requested additional allowance is reasonable and that an order should be entered releasing jurisdiction with respect thereto so as to permit payment thereof;

*It is hereby ordered*, That jurisdiction be and is hereby released with respect to the payment by Bond and Share of the sum of $1,000 to Simpson Thacher & Bartlett, as compensation for such additional legal services rendered in these proceedings.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 53-10360; Filed, Dec. 11, 1953; 8:47 a. m.]

[File Nos. 54-196, 59-97, 70-2681, 70-3156]

MISSION OIL CO. ET AL.

NOTICE OF FILING REGARDING CONSOLIDATION OF PROPERTIES, ELIMINATION OF HOLDING COMPANY, REQUEST FOR ORDERS AND ORDER REGARDING SOLICITATION MATERIAL

DECEMBER 7, 1953.

In the matter of the Mission Oil Company, Southwestern Development Company, and subsidiaries and Sinclair Oil Corporation, File Nos. 54-196, 59-97; Albert R. Jones, et al., File No. 70-2681; Southwestern Development Company, Amarillo Gas Company, Amarillo Oil Company, Clayton Gas Company, Dalhart Gas Company, Red River Gas Company, West Texas Gas Company, File No. 70-3156.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Southwestern Development Company ("Southwestern"), a registered holding company, and by its wholly owned subsidiary companies, Amarillo Gas Company ("Amarillo Gas"), Amarillo Oil Company ("Amarillo Oil"), Clayton Gas Company ("Clayton"), Dalhart Gas Company ("Dalhart"), Red River Gas Company ("Red River"), and West Texas Gas Company ("West Texas"). Applicants-declarants have designated sections 7, 10 and 12 of the act as applicable to the proposed transactions which are summarized as follows:

In brief, it is proposed that the gas utility properties of the Southwestern holding-company system be consolidated into Amarillo Gas, the name of which will be changed to Pioneer Natural Gas Company ("Pioneer"), and that its non-utility properties be consolidated into Amarillo Oil, which will be a subsidiary of Pioneer, and that Southwestern be liquidated and dissolved after distributing the common stock of Pioneer to be held by it to Southwestern's existing common stockholders, including Sinclair Oil Corporation ("Sinclair"), a partially exempt registered holding company, which owns approximately 53 percent of the common stock of Southwestern and will receive a like percentage of the common stock of Pioneer, and A. R. Jones, an individual, who owns approximately 9 percent of the common stock of Southwestern and will receive a like percentage of the common stock of Pioneer.

The steps in the program are as follows:

(a) Amarillo Oil will transfer its transmission line properties to West Texas in exchange for the latter's production properties (gasoline plant, gathering lines and any other production facilities). This exchange will be made on the basis of the respective book values of the properties, with Amarillo Oil paying West Texas in cash the excess of the book value of the West Texas properties over that of Amarillo Oil in the amount of approximately $142,300.00.

(b) Southwestern will make a contribution to the capital of West Texas by canceling all indebtedness owing by West Texas to Southwestern.

(c) Under a plan of reorganization to be entered into between Southwestern, Amarillo Oil and Red River, Amarillo Oil will amend its charter to authorize an additional number of shares of its stock (approximately 87,000 shares) of a par value of $25 per share having an aggregate par value equal to the net book value of Red River's properties and the indebtedness of Amarillo Oil to Southwestern. Red River will subscribe for such part thereof as will equal the book value of all of its properties less its liabilities, which properties will be transferred by Red River to Amarillo Oil in payment for such stock, Amarillo Oil assuming Red River's liabilities. Southwestern will subscribe for the balance of such shares and pay therefor by canceling the indebtedness owing by Amarillo Oil to Southwestern. Red River will dissolve and distribute its holdings of Amarillo Oil stock to Southwestern in cancellation of Red River's stock held by Southwestern.

(d) Under a plan of reorganization to be entered into between Southwestern and Amarillo Gas, Amarillo Gas will amend its corporate charter so as to change its name to Pioneer, reclassify its capital stock, and make other provisions necessary to the consummation of the transactions involved in the program, as well as to provide additional protection for investors.

(e) Also pursuant to the plan of reorganization between Southwestern and Amarillo Gas, Southwestern will (1) surrender the presently outstanding 5,000 shares of capital stock of Amarillo Gas, par value $100 per share, owned by it for conversion into 66,666⅔ reclassified shares of the par value of $7.50 per share, and (2) cancel all indebtedness owing by Amarillo Gas to Southwestern and transfer to Amarillo Gas all of the assets and properties of Southwestern other than Amarillo Gas $7.50 par value capital stock held by it, including all of the outstanding capital stocks of Amarillo Oil, West Texas, Dalhart, and Clayton, in payment for the unissued 1,388,847⅓ shares of the $7.50 par value capital stock of Amarillo Gas (including 66,666⅔ shares of reclassified treasury stock) which 1,388,847⅓ shares will be issued to Southwestern. As a part of

the consideration for the transfer of these assets by Southwestern, Amarillo Gas will assume all of the liabilities of Southwestern including $9,450,000 principal amount of notes having varying maturities and interest rates from 2½ percent to 3¼ percent per annum.

(f) Immediately following the completion of the steps set forth in paragraph (e) above, West Texas, Dalhart, and Clayton will transfer, in liquidation, all of their properties to Amarillo Gas subject to and upon the assumption of all of their liabilities by Amarillo Gas. West Texas, Dalhart, and Clayton will then be dissolved.

(g) Upon the completion of the steps set forth above, a meeting of the stockholders of Southwestern will be held to authorize the distribution of Southwestern's assets to its stockholders and its dissolution.

(h) Southwestern will transfer to the holders of the 727,757 shares of its capital stock in exchange for the surrender for cancellation by such stockholders of the shares of $5.00 par value capital stock of Southwestern presently held by them, two shares of Pioneer $7.50 par value capital stock for each share of Southwestern stock so held.

(i) After consummation of all of the foregoing transactions, Southwestern will be dissolved.

It is stated that the right of Southwestern stockholders to receive Pioneer capital stock in exchange for the surrender for cancellation of their shares of Southwestern capital stock shall be without limitation as to time, and that Southwestern will, however, during a reasonable period following the beginning of such distribution and transfer make every reasonable effort from time to time to locate such Southwestern stockholders who are entitled to receive Pioneer capital stock but whose Southwestern stock has not been surrendered for exchange.

Southwestern proposes to furnish to each of its stockholders a copy of the Commission's Notice of Filing promptly after its issuance.

The declaration states that The New Mexico Public Service Commission has jurisdiction over the sale of the stock or properties of Clayton and that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Southwestern has also requested an order of the Commission pursuant to section 5 (d) of the act to be issued upon the filing of a certificate of notification of consummation of the transactions as proposed in the application-declaration, which order shall direct that Southwestern has ceased to be a holding company under the act and that its registration under the act has ceased to be in effect.

Southwestern and Sinclair have applied, in certain proceedings captioned "In the Matter of The Mission Oil Company, Southwestern Development Company and Subsidiaries, and Subsidiaries, and Sinclair Oil Corporation, File Nos. 54-196, 59-97, and In the Matter of Albert R. Jones, et al., File No. 70-2681", filed under section 11 (e) of the act, wherein the Commission approved a plan of reorganization by its Findings, Opinion and Order dated December 21, 1951 (Holding Company Act Release No. 10969) for a Supplemental Order containing recitals conforming to Supplement R and section 1803 (f) of the Internal Revenue Code. Under the provisions of the plan approved by the Commission's order of December 21, 1951, Sinclair was to acquire (and has now acquired) from Southwestern and from The Mission Oil Company a total of 384,860.86 shares of the reclassified $5 par value common stock of Southwestern. It was further provided in such plan that Sinclair was to sell, at public or private sale, such 384,860.86 shares of Southwestern stock, and to invest an amount equal to the proceeds of such sale as a contribution to the capital of Sinclair Refining Company, a wholly-owned subsidiary of Sinclair. Since it is proposed that Sinclair and the other stockholders of Southwestern are to receive stock of Pioneer in lieu of their investment in Southwestern, it is now requested that the Commission find that the distribution and transfer by Southwestern to its shareholders, in exchange for the surrender of Southwestern's stock, of the shares of Pioneer stock, the sale by Sinclair of the Pioneer stock received by it, and the investment by Sinclair of an amount equal to the proceeds of the above mentioned sale by it of the Pioneer stock as a contribution to the capital of said Sinclair Refining Company are necessary or appropriate to effectuate the purposes of section 11 (b) of the act: *Provided*, That such steps or the transactions may be carried out within six months from the date of the Commission's order, or within such longer time as the Commission may by further order direct. A similar finding is requested with respect to the various transactions (outlined above) with respect to the consolidation of the properties of Southwestern holding company system into Pioneer.

It is requested that the Commission's orders entered herein become effective upon the issuance thereof.

Notice is further given that any interested person may, not later than December 22, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

Southwestern having also filed a certain letter to be transmitted to its stockholders immediately after the issuance of this notice and order, with which will be transmitted a copy of this notice and order, and having requested that the declaration with respect thereto pursuant to Rule U-62 be made effective and the Commission being satisfied that such request should be granted:

*It is ordered*, That said declaration with respect to such letter be and become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-10363; Filed, Dec. 11, 1953; 8:48 a. m.]

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[File No. 70-3104]

NEW ENGLAND ELECTRIC SYSTEM

ORDER AUTHORIZING ACQUISITION OF SECURITIES

DECEMBER 7, 1953.

New England Electric System ("NEES"), a registered holding company, having filed an application with this Commission, pursuant to sections 9 and 10 of the Public Utility Holding Company Act of 1935 (the "act"), with respect to the following proposed transaction:

NEES presently holds a promissory note of What Cheer Associates, Inc., ("What Cheer") with a balance due of $2,235,400. This note is secured by 37,500 shares of common stock of United Transit Company ("UTC"), a transit company organized and operating in Rhode Island, and that company's 4 percent ten-year mortgage note presently outstanding in the principal amount of $2,235,400. What Cheer owns all of UTC's secured notes and all but 383 shares of its outstanding 42,604 shares of capital stock.

UTC has the approval of the Public Utility Administrator, Department of Business Regulation of the State of Rhode Island to reduce its capital in the amount of $1,278,120 and to transfer $1,278,120 from its capital stock account to a special reserve account to which losses anticipated upon the retirement of certain trackless trolley equipment will be charged. The reduction in capital will be effected by the surrender by all holders of UTC capital stock of all shares held by them in exchange for seven-tenths as many shares of new UTC capital stock. Such transactions by UTC are not subject to this Commission's jurisdiction. In connection with such transactions the 37,500 shares of UTC capital stock pledges with NEES will be exchanged for 26,250 shares of new UTC stock. In the application to this Commission NEES seeks authority to acquire the new UTC stock in substitution for the old UTC stock held. Both before and after the exchange, 88 percent of UTC's outstanding capital stock will be pledged with NEES.

The application states that there are no fees, commissions or other remuneration involved. It further states that incidental services in connection with the proposed transaction will be performed, at the actual cost thereof, by New England Power Service Company, an affiliated service company, such services being estimated not to exceed a cost of $500. It further states that no State or Federal commission, other than this Commission, has jurisdiction over the transaction proposed by NEES.

NEES requests that the Commission's order herein become effective forthwith upon issuance.

Due notice having been given of the filing of the application and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted forthwith:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and it hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-10362; Filed, Dec. 11, 1953; 8:48 a. m.]

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[File No. 70-3127]

DUQUESNE LIGHT CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER RESULTS OF COMPETITIVE BIDDING IN SALE OF PREFERRED STOCK

DECEMBER 7, 1953.

The Commission, by orders dated September 8, 1953, and November 30, 1953, having granted the application, as amended, of Duquesne Light Company ("Duquesne"), a subsidiary of Philadelphia Company, a registered holding company and a subsidiary of Standard Gas and Electric Company and Standard Power and Light Corporation, both also registered holding companies, proposing, among other things, the issuance and sale by Duquesne of 100,000 shares of its authorized but unissued preferred stock as a new series to be known as its "----- percent Preferred Stock", of the par value of $50 per share ("New Preferred Stock"), subject to reservations of jurisdiction with respect to the results of competitive bidding under Rule U-50 and the fees and expenses to be incurred in connection with the proposed transaction; and

Duquesne having on December 7, 1953, filed a further amendment to its application herein setting forth the action taken by it to comply with the requirements of Rule U-50, and stating that, pursuant to the invitation for competitive bids, the following bids have been received:





| Group headed by— | Annual dividend rate (percent) | Price to Company (dollars per share) | Annual cost to Company (percent) |
|---|---|---|---|
| The First Boston Corp.---- | 4.20 | 50.21 | 4.182 |
| Lehman Bros. ---------- | 4.25 | 50.4015 | 4.216 |
| Kidder, Peabody & Co., Merrill Lynch, Pierce, Fenner & Beane, and White, Weld & Co ---- | 4.25 | 50.29 | 4.225 |
| Kuhn, Loeb & Co. and Smith, Barney & Co.---- | 4.25 | 50.267 | 4.227 |
| Blyth & Co., Inc.---------- | 4.25 | 50.19 | 4.233 |

The amendment having further stated that Duquesne has accepted the bid of the group headed by The First Boston Corporation, as set forth above, and that the New Preferred Stock will be reoffered to the public at a price of $51.21 per share, resulting in an underwriting spread of $1.00 per share or an aggregate of $100,000; and

The record not having been completed with respect to the fees and expenses to be incurred in connection with the proposed transaction; and

The Commission having examined the amendment and having considered the record herein and observing no basis for imposing terms and conditions with respect to the price to be received for said New Preferred Stock, the dividend rate and the underwriter's spread, or otherwise, and it appearing appropriate to the Commission that jurisdiction heretofore reserved over the results of competitive bidding with respect to the issuance and sale of the New Preferred Stock be released:

*It is ordered*, That the application, as further amended, be, and the same hereby is, granted forthwith, and that the jurisdiction heretofore reserved over the results of competitive bidding with respect to the aforesaid sale of New Preferred Stock be, and the same hereby is, released, subject to the terms and conditions prescribed in Rule U-24.

*It is further ordered*, That the jurisdiction heretofore reserved with respect to the fees and expenses to be incurred in connection with the proposed sale of New Preferred Stock be, and the same hereby is, continued.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-10361; Filed, Dec. 11, 1953; 8:47 a. m.]

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[File No. 70-3129]

ARKANSAS LOUISIANA GAS CO.

AMENDMENT TO ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

DECEMBER 8, 1953.

It appearing that the Supplemental Order Releasing Jurisdiction Over Certain Fees and Expenses entered herein on December 4, 1953, inadvertently omitted certain words and figures;

*It is hereby ordered*, That said order of December 4, 1953, be amended to include the following: "of $12,500" immediately preceding the words "to Blanchard, Goldstein, Walker & O'Quinn".

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-10359; Filed, Dec. 11, 1953; 8:47 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28725]

MERCHANDISE IN MIXED CARLOADS FROM CERTAIN STATES TO ALABAMA AND MISSISSIPPI

APPLICATION FOR RELIEF

DECEMBER 8, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise in mixed carloads.

From: Cincinnati, Ohio, Evansville, Ind., Louisville, Ky., Norfolk and Richmond, Va., and Washington, D. C.

To: Points in Alabama and Mississippi.

Grounds for relief: Competition with rail carriers, circuity, and competition with motor carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1305, supp. 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R Doc. 53-10313; Filed, Dec. 10, 1953; 8:46 a. m.]

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[4th Sec. Application 28727]

PAPER BOXES FROM DAIRYPAK, GA., TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

DECEMBER 8, 1953.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent for carriers parties to schedule listed below.

Commodities involved: Paper boxes, carloads.

From: Dairypak, Ga.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, market competition, grouping, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1349, supp. 27.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10315; Filed, Dec. 10, 1953; 8:47 a. m.]

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[4th Sec. Application 28728]

VARIOUS COMMODITIES FROM, TO AND BETWEEN POINTS IN THE SOUTHWEST

APPLICATION FOR RELIEF

DECEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules shown in exhibit A of the application, pursuant to fourth-section order No. 17220.

Commodities involved: Various commodities, carloads.

From, to and between points in the Southwest.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10383; Filed, Dec. 11, 1953; 8:52 a. m.]

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[4th Sec. Application 28729]

NEWSPRINT PAPER FROM SOUTHERN PORTS TO GAINESVILLE, GA.

APPLICATION FOR RELIEF

DECEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1369.

Commodities involved: Newsprint paper, imported, carloads.

From: Gulf, south Atlantic, and Virginia ports.

To: Gainesville, Ga.

Grounds for relief: Competition with rail carriers, circuitous routes and grouping.

Schedules filed containing proposed rates: Agent Spaninger's tariff I. C. C. 1369, supp. No. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10384; Filed, Dec. 11, 1953; 8:52 a. m.]

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[4th Sec. Application 28730]

PIG IRON FROM JACKSON, OHIO, TO SAGINAW, MICH.

APPLICATION FOR RELIEF

DECEMBER 9, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for The Ann Arbor Railroad Company and other carriers.

Commodities involved: Pig iron, carloads.

From: Jackson, Ohio.

To: Saginaw, Mich.

Grounds for relief: Competition with rail carriers, circuitous routes and to market competition.

Schedules filed containing proposed rates: B. & O. R. R. tariff I. C. C. No. 24012, supp. No. 3; C. & O. R. R. tariff I. C. C. No. 13049, supp. No. 29; D. T. & I. R. R. tariff I. C. C. No. 734, supp. No. 6.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10385; Filed, Dec. 11, 1953; 8:52 a. m.]

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[No. MC-C-1510]

IRON OR STEEL ARTICLES; MIDDLE ATLANTIC TERRITORY

THIRD SUPPLEMENTAL ORDER

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 7th day of December A. D. 1953.

The matter of rates and charges maintained by motor common carriers on iron or steel articles between points in various States being under consideration; and good cause appearing therefor:

*It is ordered*, That the above-entitled investigation be, and it is hereby, broadened to include investigation into and concerning the reasonableness, and the lawfulness otherwise, of the rates, charges, and regulations maintained by motor common carriers for the transportation in interstate or foreign commerce of iron or steel articles between points in Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, and West Virginia, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia, with a view to making such findings and entering such order or orders or taking such other action, as the facts and circumstances shall appear to warrant.

*It is further ordered*, That all common carriers by motor vehicle engaged in the transportation described in the next preceding paragraph hereof be, and they are hereby, made respondents in this proceeding.

*It is further ordered*, That notice of this proceeding be given to the respondents and to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of Federal Register.



*And it is further ordered*, That this proceeding be assigned for hearing at such times and places as may hereafter be fixed.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10386; Filed, Dec. 11, 1953; 8:52 a. m.]

# FEDERAL REGISTER

VOLUME 18 NUMBER 243

*Washington, Tuesday, December 15, 1953*


## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter III—Foreign and Territorial Compensation

#### Subchapter B—The Secretary of State

[Dept. Reg. 108.204]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Paragraph (d) of § 325.11 *Designation of differential posts,* is amended by the addition of the following posts, effective as of the beginning of the first pay period following December 5, 1953:

Haifa, Israel.
Tel Aviv, Israel.

(Sec. 102, Part I, E. O. 10000, Sept. 16, 1948, 13 F. R. 5453, 3 CFR, 1948 Supp.)

For the Secretary of State.

DONOLD B. LOURIE,
*Under Secretary for Administration.*

DECEMBER 4, 1953.

[F. R. Doc. 53-10416; Filed, Dec. 14, 1953; 8:49 a. m.]

## TITLE 7—AGRICULTURE

### Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 7, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

a. *Findings.* 1. Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

b. *Order, as amended.* The provisions in paragraph (b) (1) (i) of § 914.307 (Navel Orange Regulation 7, 18 F. R. 7842) are amended to read as follows:

(i) District 1, 1,300 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 10th day of December 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-10426; Filed, Dec. 14, 1953; 8:51 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53390]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

VERIFICATION OF INSPECTION; INSPECTION CERTIFICATES

In view of the ratification by the United States of the International Convention for Safety of Life at Sea, 1948, as proclaimed by the President on Sep-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

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tember 10, 1952 (Treaties and Other International Acts, Series 2495); the denunciation of the International Convention for the Safety of Life at Sea, 1929, on November 19, 1952, effective November 19, 1953; and the orders of the Commandant of the United States Coast Guard of October 27, 1953 (18 F. R. 6945, 6946), referring to that denunciation and making certain determinations regarding certificates issued under each convention, § 4.66 (b) of the Customs Regulations is amended to read as follows:

(b) In the case of vessels of foreign nations which are signatories of the International Convention for the Safety of Life at Sea, 1948, an unexpired safety certificate issued or recognized under the authority of that Convention may be accepted in lieu of a certificate of inspection.

Footnote 103, appended to § 4.66 (b) is deleted.

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3. Interprets or applies R. S. 4496; 46 U. S. C. 494)

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

Approved: December 8, 1953.

H. CHAPMAN ROSE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-10419; Filed, Dec. 14, 1953; 8:50 a. m.]



## TITLE 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 593—COORDINATED PROCUREMENT

PART 596—CONTRACT CLAUSES AND FORMS

MISCELLANEOUS AMENDMENTS

1. In § 590.306–1 a new paragraph (c) is added as follows:

§ 590.306–1 *Domestic shipments.* * * *
(c) When it has been determined that shipments will be made on the basis of all transportation charges paid to destination (Contractor's Account), care will be exercised in designating exact receiving points. An example of an exact designation is "F. O. B. Receiving Dock, _____ General Depot, X City, Y State". Exact designation of the receiving point precludes unnecessary additional drayage and handling charges accruing to the Government.

2. A new § 593.102 is added to Part 593 and in § 593.109 (d), Item 7 is revised, as follows:

§ 593.102 *Execution and administration of contracts.* When submitting requests to the Departments of the Navy and Air Force and to joint procuring agencies under the single department procurement program, Department of the Army requirements for contractual instruments will be limited to seven copies.

§ 593.109 *Preparation of procurement requests.* * * *
(d) *Instructions for preparation.* * * *

ITEM 7. *Distribution of contracts and related documents.* Name and address of Office(s) to which copies of contracts and related documents are to be mailed. Also list number of copies desired. See § 593.102.

3. In § 596.103–11 (g), subparagraphs (10), (11), (12), and (13) are revised as follows:

§ 596.103–11 *Default.* * * *
(g) *Report of termination of contract (Reports Control Symbol FIN–51).* * * *

(10) Attach 1 copy of the following:
(i) Terminated contract.
(ii) Repurchase contract, if any.
(11) Attach 2 copies of the following:
(i) Notice of termination.
(ii) Notice to cure default, if any. See paragraph (d) (5) of this section.
(iii) Computation of liquidated or actual damages.
(iv) Correspondence from Contracting Officer to delinquent Contractor relative to the indebtedness.
(12) Attach original and 1 copy of correspondence from delinquent contractor to contracting officer relative to indebtedness.
(13) Attach 2 copies of any other papers or documents deemed to be required as evidence for prosecution of claim or litigation against defaulting contractor.

* * * * *

4. Section 596.104–12 is revoked and Subpart B, comprising §§ 596.203–4 and 596.203–7, is revoked as follows:

§ 596.104–12 *Military security requirements.* [Revoked.]

SUBPART B—CLAUSES FOR COST-REIMBURSEMENT TYPE CONTRACTS

[Revoked]

§ 596.203–4 *Allowable cost, fixed-fee and payment.* [Revoked.]

§ 596.203–7 *Records.* [Revoked.]

5. Section 596.579 is rescinded and the following substituted therefor:

§ 596.579 *Security Requirements Check List; DD Form 254.* (a) This form consists of DD Form 254 and the appendage thereto, DD Form 254–1. For requirements as to use see § 406.104–12 of this chapter and § 592.212–2 of this subchapter.

(b) This form is available for supply from adjutant general publications depots.

[Proc. Cir. 28, Nov. 25, 1953] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21, 41 U. S. C. Sup. 151–161)

[SEAL] WM. E. BERGIN,
*Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 53-10415; Filed, Dec. 14, 1953; 8:49 a. m.]

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter XXI—Defense Rental Areas Division, Office of Defense Mobilization

[Rent Regulation 1, Amdt. 168 to Schedule A]

[Rent Regulation 2, Amdt. 166 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

VIRGINIA

Effective December 15, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that the item of Schedule A indicated below reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 9th day of December 1953.

GLENWOOD J. SHERRARD,
*Director,*
*Defense Rental Areas Division.*

(343a) [Revoked and decontrolled.]

These amendments decontrol the following defense-rental area on the initiative of the Director, Defense Rental Areas Division, Office of Defense Mobilization, under section 204 (c) of the act: Quantico (Virginia) Defense-Rental Area.

[F. R. Doc. 53-10428; Filed, Dec. 14, 1953; 9:00 a. m.]

[Rent Regulation 3, Amdt. 158 to Schedule A]

[Rent Regulation 4, Amdt. 102 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

VIRGINIA

Effective December 15, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that the item of Schedule A indicated below reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 9th day of December 1953.

GLENWOOD J. SHERRARD,
*Director,*
*Defense Rental Areas Division.*

(343a) [Revoked and decontrolled.]

These amendments decontrol the following defense-rental area on the initiative of the Director, Defense Rental Areas Division, Office of Defense Mobilization, under section 204 (c) of the act: Quantico (Virginia) Defense-Rental Area.

[F. R. Doc. 53-10429; Filed, Dec. 14, 1953; 9:00 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

WRANGELL NARROWS, ALASKA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.800 is amended by the addition of a paragraph to govern the speed of vessels in portions of Wrangell Narrows and by other minor revisions where reference is made to navigational aids, as follows:

§ 207.800 *Wrangell Narrows, Alaska; use, administration, and navigation—*(a) *Definitions.* (1) The term "Wrangell Narrows" includes the entire body of water shown on United States Coast and Geodetic Survey Chart No. 8170 between Wrangell Narrows North Entrance Lighted Bell Buoy 63 and Midway Rock Light.

(2) The term "raft section" refers to a standard raft of logs or piling securely fastened together for long towing in Alaska inland waters in the manner customary with the local logging interests, i. e., with booms, swifters, and tail sticks. It normally contains 30,000 to 70,000 feet board measure of logs or piling and has a width of 45 to 60 feet and a length of 75 to 100 feet.

(3) The term "horsepower" refers to the manufacturer's rating of the towboat engine as shown in standard catalogs or on the name plate fixed to the engine.

(b) *Fish traps.* No fish traps shall be towed through Wrangell Narrows without specific authority, in each case, from

the District Engineer, Alaska District, Corps of Engineers, Anchorage, Alaska.

(c) No vessel shall exceed a speed of seven (7) knots between Wrangell Narrows Channel Light 52 and an unmarked point in the channel one (1) nautical mile to the southward and between Wrangell Narrows Channel Light 58 and Wrangell Narrows Lighted Buoy 60.

(d) *Tow channel.* (1) The following route will be taken by all tows passing through Wrangell Narrows when the towboat has a draft of nine feet or less (northbound, read down; southbound, read up):

East of Battery Islets:
  East of S1TC and S3TC.
  West of S4TC.
East of Colorado Reef:
  East of Wrangell Narrows Channel Light 21 Occ. G.
  West of Wrangell Narrows Channel Lighted Buoy 23 FG.
West of Petersburg:
  East of Wrangell Narrows Channel Light 54 FR.
  East of Wrangell Narrows Channel Light 56 Qk FR.
  East of Wrangell Narrows Channel Light 58 FR., thence proceeding to west side of channel and leaving Wrangell Narrows by making passage between Wrangell Narrows Channel Daybeacon 61 and Wrangell Narrows North Entrance Lighted Bell Buoy 63 F.

(2) For towboats drawing more than nine feet, application shall be made to the District Engineer, Alaska District, Corps of Engineers, Anchorage, Alaska, for authority to use the ship channel for each trip.

(e) *Size of tows.* The maximum tows permitted shall be as follows:

(1) *Towboats of 25 horsepower or less.* Not permitted to take any tows through Wrangell Narrows other than fuel logs, not to exceed 500 feet board measure per horsepower up to a maximum of 10,000 feet board measure.

(2) *Towboats of 26 to 49 horsepower.* Fuel logs not to exceed 10,000 feet board measure, or one freighting scow not larger than 30 feet by 60 feet, or one raft section.

(3) *Towboats of 50 to 89 horsepower.* Fuel logs, not to exceed 10,000 feet board measure if in "tandem" (not bound together) or 15,000 feet board measure if chained or cabled, or one anchor lifter, or one pile driver, or two units of other towable equipment, or two raft sections.

(4) *Towboats of 90 horsepower or over.* Fuel logs not to exceed 10,000 feet board measure if in "tandem" (not bound together) or 15,000 feet board measure if chained or cabled, or one anchor lifter, or one pile driver, or three units of other towable equipment, or seven raft sections.

(f) *Arrangement of tows.* (1) No towline or aggregate of towlines between towboat and separated pieces shall exceed 150 feet in length.

(2) Tows shall not exceed 65 feet in width overall.

(3) Tows other than rafts shall be taken alongside the towboat whenever possible.

(g) *Anchorage.* No craft or tow shall be anchored in Wrangell Narrows in either the main ship channel or the towing channel, nor shall any craft or tow be anchored so that it can swing into either of these channels.

(h) *Disabled craft.* Disabled craft in a condition of absolute necessity are exempt from the regulations in this section.

[Regs., Nov. 17, 1953, 800.211 (Wrangell Narrows, Alaska)–ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 53-10414; Filed, Dec. 14, 1953; 8:49 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

Subchapter A—Alaska

[Circular No. 1865]

### PART 62—FUR FARMING

Part 62 is revised to read as follows:

FUR FARM LEASES


Sec.
62.1 Statutory authority.
62.2 Policy.
62.3 Definitions.
62.4 Area subject to lease.
62.5 Lands subject to lease.
62.6 Qualifications of applicants.
62.7 Application for lease.
62.8 Form of lease; rental and royalty; report of annual operations.
62.9 Assignments and subleases.
62.10 Renewal of leases.
62.11 Commencement of operations; stocking land.
62.12 Rights reserved; protection of improvements and roads.
62.13 Termination of lease; cancellation.
62.14 Removal of improvements and personal property.
62.15 Appeals.


AUTHORITY: §§ 62.1 to 62.15 issued under sec. 2, 44 Stat. 822, 48 U. S. C. 361.

FUR FARM LEASES

§ 62.1 *Statutory authority.* The act of July 3, 1926 (44 Stat. 821, 48 U. S. C. secs. 360, 361), authorizes the Secretary of the Interior to lease public lands on the mainland of or islands in Alaska, with the exception of the Pribilof Islands, for fur farming, for periods not exceeding ten years.

§ 62.2 *Policy.* (a) The authority to lease the public lands in Alaska for fur-farming purposes was granted in order to promote the development of the production of furs in Alaska.

(b) No lease for the purpose of raising beavers will be granted on any area already occupied by a beaver colony nor will any such lease be granted on streams or lakes where the activities of beavers may interfere with the run or spawning of salmon.

(c) In order to offer more people an opportunity to lease lands, and to avoid tying up large areas of land unnecessarily, fur-farming leases on public lands will not be granted for areas greater than are justified by the needs and experience of the applicant.

§ 62.3 *Definitions.* As used in this part: (a) "Secretary" means Secretary of the Interior; (b) "Director" means Director, Bureau of Land Management; (c) "Regional Administrator" means Regional Administrator, Bureau of Land Management, Anchorage, Alaska; and (d) "Manager" means Manager, Land Office, Bureau of Land Management, in whose district the lands involved are situated.

§ 62.4 *Area subject to lease.* (a) On the mainland such leases may be for an area not exceeding 640 acres. A lease may cover an entire island, provided the area thereof does not exceed 30 square miles, and provided the need for such entire island is clearly established. Islands so close together that animals can cross from one to the other, and whose combined area does not exceed 30 square miles, will be treated as one island. Islands having an area of more than 30 square miles will be treated as mainland.

(b) Where a lease is granted for an area in excess of 640 acres on an island, the manager may, after notice to the lessee, reduce the area to an amount not less than 640 acres, if he determines that the lessee cannot reasonably use all of the area for which the lease was granted.

§ 62.5 *Lands subject to lease.* (a) Vacant, unreserved, and unappropriated public lands are subject to lease.

(b) Except for lands under the jurisdiction of the Fish and Wildlife Service and the National Park Service, public lands withdrawn or reserved for any purpose are subject to lease if the department or agency having jurisdiction thereof consents to the issuance of the lease.

§ 62.6 *Qualifications of applicants.* Any person who is a citizen of the United States, or any group or association composed of such persons, or any corporation organized under the laws of the United States, or of any State or Territory thereof, authorized to conduct business in Alaska may file an application.

§ 62.7 *Application for lease.*[1] An application for lease should be filed in duplicate in the proper land office. No specific form of application is required, but the application should contain or be accompanied by the following:

(a) Applicant's full name, post office address, the general nature of his present business, and the principal place of business.

(b) (1) A statement of the age and of the citizenship status, whether native-born or naturalized, of the applicant, if an individual, or of each partner or member of a partnership or association. A copartnership or an association applicant shall file a copy of whatever written articles of association its members have executed.

(2) A corporation shall file a certified copy of its articles of incorporation, evidence that it is authorized to transact business in the Territory of Alaska, and a copy of the corporate minutes or resolution authorizing the filing of the application and the execution of the lease.

(c) Description of the land for which the lease is desired, by legal subdivision, section, township, and range, if surveyed, and by metes and bounds, with the approximate area, if unsurveyed. The metes and bounds description should be connected by course and distance with some corner of the public-land surveys, if practicable, or with reference to rivers, creeks, mountains, towns, islands, or other prominent topographical points or natural objects or monuments.

(d) A statement as to the applicant's experience in and knowledge of fur farming.

(e) A statement as to the kind of fur-bearing animals to be raised, and, if foxes, the color type; the number of fur-bearing animals the applicant proposes to have on the leased land within one year from the date of the lease, and whether it is proposed to purchase or trap the stock; and that before commencing operations under any lease which may be issued the applicant will procure from the Alaska Game Commission, or its designated agents, whatever licenses are required under the Alaska Game Law (48 U. S. C. 191–213), and the act of April 30, 1946 (7 U. S. C. 433–434).

(f) A detailed statement of the reasons for the need for any area in excess of 640 acres but not exceeding 30 square miles, when the land applied for is comprised of an island, or islands.

(g) A statement of the nature and results of the investigation made by applicant as to whether the land and climate are suited to raising the kind of animals proposed to be stocked.

(h) A statement as to whether the land is occupied, claimed, or used by natives of Alaska or others; and, if so, the nature of the use and occupancy and the improvements thereon, if any.

(i) If beavers are to be raised, a statement as to (1) whether a beaver colony exists on the land, and (2) whether salmon streams or lakes are on or adjacent to the land proposed to be leased.

(j) A statement that the applicant is acting solely on his own account and not under any agreement or understanding with another.

(k) The serial numbers of all other applications filed or leases obtained under this act by applicant, or applicant's spouse or business associate, or in which applicant has a direct or indirect interest.

(l) The showing as to hot or medicinal springs required by § 292.8 of this chapter.

§ 62.8 *Form of lease; rental and royalty; report of annual operations.* (a) Leases will be issued on Form 4–230.

(b) Prior to the issuance of a lease and annually thereafter, the lessee shall pay an advance rental of $5 per annum if the lease embraces 10 acres or less, a rental of $25 per annum if the leased area is more than 10 acres but not more than 640 acres, and a rental of $50 per annum if the leased area exceeds 640 acres.

(c) Within 60 days after the end of each lease year the lessee shall file with the Manager a report on Form 4–230a, in duplicate, showing his operations under the lease and his gross receipts thereunder from the sale of live animals and pelts for the preceding lease year. The lessee shall pay, at the time of filing the report, a royalty of 1 percent of such gross receipts deducting therefrom the amount of the advance rental payment made for such preceding lease year.

§ 62.9 *Assignments and subleases.* A proposed assignment of a lease, in whole or in part, or a sublease, must be filed in duplicate with the land office within 90 days from the date of its execution; must contain all of the terms and conditions agreed upon by the parties thereto; and must be supported by a statement that the assignee or sublessee agrees to be bound by the provisions of the lease. The assignee or sublessee must submit with the assignment or sublease the information or statements required by § 62.7 (a), (b), (d), (e), (j) and (k). No assignment or sublease will be recognized unless and until approved by the Manager.

§ 62.10 *Renewal of leases.* Upon an application filed in the proper land office within 90 days preceding the expiration date of the lease, if it is determined that a renewal lease should be granted, the lessee will be offered such lease by the Manager, upon such terms and conditions and for such duration as may be fixed, not exceeding 10 years. The filing of an application for renewal does not confer on the lessee any preference right to a renewal. The timely filing of an application will, however, authorize the exclusive fur-farming use of the lands by the lessee in accordance with the terms of the prior lease pending final action on the renewal application.

§ 62.11 *Commencement of operations; stocking lands.* The lessee shall, within one year from the date of issuance of the lease, commence operations by taking possession of the leased area, and by placing thereon within that period such improvements as may be needed for such operations and as will show good faith, and shall thereafter develop the fur-farming enterprise on the leased area with reasonable diligence. The lessee shall stock the leased area with the minimum of fur-bearing animals required by the lease within the periods specified in the lease.

§ 62.12 *Rights reserved; protection of improvements and roads.* Nothing in this part or any lease issued under this part shall interfere with or prevent:

(a) The prospecting, locating, development, entering, leasing, or patenting of mineral resources in the leased area under laws applicable thereto.

(b) The use and disposal of timber or other resources on or in the leased area under applicable laws.

(c) The use and occupation of parts of leased areas for the taking, preparing, manufacturing, or storing of fish or fish products, or the utilization of the lands for purposes of trade or business, to the extent and in the manner provided by law, and as authorized by the Regional Administrator.

(d) The acquisition or granting of rights-of-way or easements under applicable laws and regulations.

(e) Hunting and fishing under applicable Federal and Territorial hunting and fishing laws and regulations, but the Regional Administrator may prohibit or restrict, or he may authorize the lessee to prohibit or restrict hunting or fishing on such parts of the leased area and for such periods as he may determine to be necessary in order to prevent any substantial interference with the purposes for which the lease is issued.

§ 62.13 *Termination of lease; cancellation.* (a) The manager may terminate a lease at the request of the lessee if the lessee shall make satisfactory showing that such termination will not adversely affect the public interest and that he has paid all charges due the Government thereunder.

(b) A lease may be canceled by the manager if the lessee shall fail to comply with any of the provisions of this part or of the lease, or shall devote the lease area primarily to any purpose other than the rearing of fur-bearing animals as authorized. No lease will be canceled until the lessee has been formally notified of such default and such default shall continue for 60 days after service of such notice.

§ 62.14 *Removal of improvements and personal property.* (a) Improvements or personal property may not be removed from the lands, except fur bearing animals disposed of in the regular course of business, unless all moneys due the United States under the lease have been paid. The lessee shall be allowed 90 days from the date of expiration or termination of the lease within which to remove his personal property and such improvements as are not disposed of in the manner set forth in paragraph (b) of this section, which he has a right to remove; if not removed or otherwise disposed of within the said period, such improvements or personal property shall become the property of the United States.

(b) Upon the expiration of the lease or the earlier termination thereof, the manager may, in his discretion and upon a written petition filed by the lessee within 30 days from the date of such expiration or termination, require the subsequent lease applicant, prior to the execution of a new lease, to agree to compensate the lessee for any improvements of a permanent nature that he

[1] Title 18, U. S. C., sec. 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representations as to any matter within its jurisdiction.

may have placed upon the leased area for fur-farming purposes during the period of the lease. If the interested parties are unable to reach an agreement as to the amount of compensation, the amount shall be fixed by the manager. All such agreements, to be effective, must be approved by the manager. The failure of the subsequent lessee to pay the former lessee in accordance with such agreement will be just cause for cancellation of the lease.

§ 62.15 *Appeals.* An appeal may be taken from any decision of the manager to the Director; and from any decision of the Director to the Secretary of the Interior pursuant to Part 221 of this chapter.

NOTE: The reporting requirement of this regulation has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

DOUGLAS MCKAY,
*Secretary of the Interior.*

DECEMBER 9, 1953.

[F. R. Doc. 53-10397; Filed, Dec. 14, 1953; 8:45 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR Parts 182, 183, 184 ]

[Regs. 3, 4, 5]

INDUSTRIAL ALCOHOL; PRODUCTION OF DISTILLED SPIRITS; PRODUCTION OF BRANDY

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U. S. C. 1001, et seq.), approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted, in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 3105, 3124, and 3176 of the Internal Revenue Code (53 Stat. 358, 364, 375; 26 U. S. C. 3105, 3124, 3176).

[SEAL] O. GORDON DELK,
*Acting Commissioner, of Internal Revenue.*

The purposes of these amendments are (a) to conform the regulations to the provisions of section 2901, Internal Revenue Code, as amended by Public Law 448—81st Congress, by providing procedure for the remission of tax on distillates lost while in transit in bond from registered or fruit distilleries to denaturing plants, or while on storage at denaturing plants prior to denaturation; and (b) to provide that the proprietor of the denaturing plant to which distillates are being transferred shall be liable for the tax thereon from the time the distillates are removed from a distillery for transfer to his denaturing plant.

PARAGRAPH 1. Whenever the term "district supervisor" appears in the sections of the regulations revised by this Treasury decision, such term is hereby amended to read "Assistant Regional Commissioner."

PAR. 2. Regulations 3 (26 CFR Part 182) are amended as follows:

a. Section 182.692 is amended as follows:

1. By striking from the first sentence of paragraph (b) the phrase "to cover the receipt," and inserting in lieu thereof the phrase "to assume liability for the payment of the tax on such distillates from the time they leave the registered distillery or fruit distillery from which they are removed, including the transportation, receipt,".

2. By striking the last sentence of paragraph (c), which begins, "The liability of the distiller".

3. By adding a new paragraph (e) to read as follows:

(e) *Voluntary destruction.* If the distillates, after removal from the registered distillery or fruit distillery where produced, are found to be unfit for denaturation, they may be destroyed at the denaturing plant upon filing notice of intent so to do and application for supervision of destruction. The notice and application shall be filed, in triplicate, with the storekeeper-gauger in charge, and shall contain a description of the distillates as shown on the Form 1520 received from the distillery, and shall show the reasons for destruction. The storekeeper-gauger will verify the description of the distillates, including the quantity reported, and will then supervise their destruction. Upon destruction of the distillates, the storekeeper-gauger will prepare a report on the back of the notice and application showing the method of destruction and certifying to the accuracy of the description of the distillates contained in the notice and application, and will forward the original thereof to the Assistant Regional Commissioner, return one copy to the proprietor, and retain the remaining copy for his files. The proprietor shall make proper entry on Form 1468–A covering the destruction of the distillates.

b. Paragraph (a) of § 182.700 is revoked.

c. There are inserted, immediately following § 182.700, the following new sections:

§ 182.700a *Loss by theft.* The tax shall be collected on distillates stolen while in transit to a denaturing plant or while stored therein prior to denaturation, unless the denaturer submits proof as to the cause of the loss and establishes to the satisfaction of the Assistant Regional Commissioner that it did not occur as the result of connivance, collusion, fraud, or negligence on the part of the denaturer, distiller, consignor, consignee, bailee, or carrier, or the employees of any of them. Claim for remission of tax on distillates lost by theft shall be filed as provided in §§ 182.700f to 182.700h. The tax on distillates lost by theft may be remitted or refunded only to the extent that the claimant is not indemnified or recompensed for such tax.

(53 Stat. 340 as amended, 346, 358, 364, 375; 26 U. S. C. 2901, 2916, 3105, 3124, 3176)

§ 182.700b *Unauthorized voluntary destruction.* The tax shall be collected on distillates voluntarily destroyed after removal from the registered distillery or fruit distillery where produced, except as provided in § 182.692 (e).

(53 Stat. 340 as amended, 346, 358, 364, 375; 26 U. S. C. 2901, 2916, 3105, 3124, 3176)

§ 182.700c *Losses except by theft.* The tax on distillates lost otherwise than by theft while in transit to the denaturing plant or while stored therein prior to denaturation, may be remitted. In the case of any such loss, the Assistant Regional Commissioner may require the denaturer to submit proof as to the cause of such loss and, where deemed necessary, to file a claim for remission of the tax as provided in §§ 182.700f to 182.700h.

(53 Stat. 340 as amended, 346, 358, 364, 375; 26 U. S. C. 2901, 2916, 3105, 3124, 3176)

§ 182.700d *Report of losses.* Losses of distillates in transit to a denaturing plant or while stored therein prior to denaturation must be reported to the Assistant Regional Commissioner by the denaturer immediately after the losses are discovered. Where losses of distillates in the denaturing plant occur or are discovered while a Government officer is on duty, the officer will immediately make a full report of the loss to the Assistant Regional Commissioner. The reports should set out the nature, cause, and extent of the loss in sufficient detail to bring out all the known material facts and circumstances surrounding the loss. The condition of each tank or other container from which the loss has been sustained, and the quantity lost therefrom, should be reported.

(53 Stat. 340 as amended, 346, 358, 364, 375; 26 U. S. C. 2901, 2916, 3105, 3124, 3176)

§ 182.700e *Investigation by Assistant Regional Commissioner.* The Assistant Regional Commissioner will consider the nature and extent of any loss reported by the denaturer or Government officer and will immediately make such investigation and require such evidence to be submitted as he may deem necessary.



(53 Stat. 340 as amended, 346, 358, 364, 375; 26 U. S. C. 2901, 2916, 3105, 3124, 3176)

§ 182.700f *Filing of claims.* Claims for remission of tax on distillates lost on the premises of a denaturing plant or in transit thereto, when required, will be filed promptly with the Assistant Regional Commissioner of the region in which the plant is located. Where a required claim for remission of tax on such distillates is not filed as provided in §§ 182.700a and 182.700c, the Assistant Regional Commissioner will require immediate payment of tax on the quantity lost.

(53 Stat. 340 as amended, 346, 358, 364, 375; 26 U. S. C. 2901, 2916, 3105, 3124, 3176)

§ 182.700g *Form of claims.* Claims for remission of tax for losses occurring on denaturing plant premises, or in transit thereto, shall be made on letter size paper (original only) and shall set forth, under oath, the following information:

(a) The name of the denaturer and the registry number and location of the denaturing plant;

(b) The serial numbers of the tanks or other containers from which the distillates were lost;

(c) The quantity of distillates lost from each tank or other container, and the total quantity of distillates covered by the claim;

(d) The total amount of tax for which the claim is filed;

(e) The date of the loss or, if such date is not known, the date on which the loss was discovered, and the cause and nature thereof, together with all the facts surrounding the loss;

(f) The name of the carrier, if any;

(g) If lost by theft, whether the loss occurred as a result of connivance, collusion, fraud, or negligence on the part of the denaturer, distiller, owner, consignor, consignee, bailee, or carrier, or the employees of any of them;

(h) Whether the claimant is indemnified or recompensed for the tax, and, if so, the amount and nature of such indemnity or recompense. The actual value of the distillates, less the tax, must be stated explicitly, and where required, certified copies of all policies of insurance or other documents of indemnity covering the distillates must be furnished.

(53 Stat. 340 as amended, 346, 358, 364, 375; 26 U. S. C. 2901, 2916, 3105, 3124, 3176)

§ 182.700h *Supporting statements.* Claims for remission of tax on distillates lost while on the premises of a denaturing plant or in transit thereto, must be supported by affidavits of persons having personal knowledge of the loss.

(53 Stat. 340 as amended, 346, 358, 364, 375; 26 U. S. C. 2901, 2916, 3105, 3124, 3176)

§ 182.700i *Action on claim by Assistant Regional Commissioner.* When a claim for remission of tax is received by the Assistant Regional Commissioner, he will carefully examine the same to see that all the required information has been furnished, and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary. Upon completion of his investigation, if any, the Assistant Regional Commissioner will allow or disallow the claim in accordance with existing law and regulations.

(53 Stat. 340 as amended, 346, 358, 364, 375; 26 U. S. C. 2901, 2916, 3105, 3124, 3176)

§ 182.700j *Records.* Losses of distillates in transit to the denaturing plant or while stored therein shall be shown as a separate entry in the same columns in which losses of alcohol are shown on Form 1468–A.

(53 Stat. 346, 358, 364, 375; 26 U. S. C. 2916, 3105, 3124, 3176)

(d) Section 182.779 is amended to read as follows:

§ 182.779 *Distillates.* The tax on distillates lost while in transit to a denaturing plant or while stored therein prior to denaturation may be remitted in accordance with the provisions of §§ 182.-700a to 182.700i.

PAR. 3. Section 183.408 of Regulations 4 (26 CFR Part 183) is amended by striking therefrom the last sentence, which reads "The liability of the distiller to tax on such distillates removed for denaturation shall continue until they have been deposited in the denaturing plant."

PAR. 4. Section 184.441 of Regulations 5 (26 CFR Part 184) is amended by striking therefrom the last sentence, which reads "The liability of the distiller to tax on such distillates removed for denaturation shall continue until they have been deposited in the denaturing plant."

This Treasury decision will be effective on the 31st day after publication in the FEDERAL REGISTER.

[F. R. Doc. 53-10421; Filed, Dec. 14, 1953; 8:50 a. m.]

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

### [ 7 CFR Part 53 ]

CERTAIN PORK CARCASSES AND CERTAIN SWINE

U. S. STANDARDS FOR GRADES

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that the Department of Agriculture, pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622 and 1624) and the item for Marketing Services contained in the Department of Agriculture Appropriation Act, 1954 (67 Stat. 205; 7 U. S. C. Sup. 414) has under consideration proposed amendments of the official U. S. standards for grades of barrow and gilt carcasses and of the official U. S. standards for grades of slaughter barrows and gilts (§§ 53.143 and 53.153) which were proposed by a Swine Industry Committee. It is proposed to amend the names for certain grades of slaughter barrows and gilts and grade names for barrow and gilt carcasses as follows:

Choice No. 1 to be designated as Meat.
Choice No. 2 to be changed to Good.
Choice No. 3 to be designated as Overfat.

Any interested person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Director of the Livestock Branch, Production and Marketing Administration within 60 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 10th day of December 1953.

[SEAL] ROY W. LENNARTSON,
*Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 53-10427; Filed, Dec. 14, 1953; 8:51 a. m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

### [ 29 CFR Parts 655, 703, 710 ]

PUERTO RICO; SPECIAL INDUSTRY COMMITTEE NO. 15

NOTICE OF HEARING CONCERNING EVIDENCE TO BE CONSIDERED IN RECOMMENDING MINIMUM WAGE RATES FOR EMPLOYEES IN VARIOUS INDUSTRIES

In conformity with sections 5 and 8 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended, 29 U. S. C., and Sup., 201 et seq.), and in accordance with § 511.11 of the regulations issued pursuant thereto (29 CFR Part 511), notice is hereby given to all interested persons that a public hearing will be held beginning on January 11, 1954 at 10:00 a. m., in Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce, Puerto Rico for the purpose of receiving evidence to be considered by Special Industry Committee No. 15 for Puerto Rico in recommending minimum wage rates for employees in the industries in Puerto Rico hereinafter enumerated.

Special Industry Committee No. 15 for Puerto Rico was created by Administrative Order No. 433, published in the FEDERAL REGISTER on December 11, 1953. It is charged, in accordance with the provisions of the Fair Labor Standards Act of 1938, as amended, and regulations promulgated thereunder, with the duty of investigating conditions in the following industries in Puerto Rico, as defined in said administrative order: The needlework and fabricated textile products industry; the corsets, brassieres, and allied garments industry; and the men's and boys' clothing and related products industry.

The Committee is further charged with the duty of recommending to the Administrator the highest minimum wage rates (not in excess of 75 cents per hour) for all employees in Puerto Rico in the industries cited above who, within the meaning of said act, are "engaged in commerce or in the production of goods for commerce", excepting employees exempted by the provisions of section 13 (a) and employees coming under the provisions of section 14,

which, having due regard to economic and competitive conditions, will not substantially curtail employment in such industries and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico. Before any minimum wage rates recommended by the Committee are made effective, a public hearing will be held pursuant to section 8 of the act, at a time and place to be announced by the Administrator, and at which all interested persons will have an opportunity to be heard.

Any person who, in the opinion of the Committee or its duly authorized subcommittee, has a substantial interest in the proceeding and is prepared to present material pertinent to the question under consideration may appear on his own behalf or on behalf of any other person. Persons wishing to appear are requested to file with James G. Johnson, Territorial Director of the Wage and Hour Division, Post Office Box 9061, Santurce 29, Puerto Rico, not later than December 28, 1953, a notice of intention to appear. A copy of such notice must also be filed by such persons with the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C., on or before the same date. The notice of intention to appear should contain the following information:

1. The name and address of the person appearing.

2. If he is appearing in a representative capacity, the name and address of the person or persons whom, or the organization which, he is representing.

3. The approximate length of time which his presentation will consume.

All testimony will be taken under oath and subject to reasonable cross-examination by any interested person present. Testimony so received will be offered as evidence at the public hearing to be held on such minimum wage recommendations as Special Industry Committee No. 15 for Puerto Rico may make.

Written statements of persons who cannot appear personally will be considered by the Committee: *Provided*, That such statements are sworn and that at least 12 copies thereof are received not later than January 11, 1954, at the Wage and Hour Division of the United States Department of Labor, Room 412, New York Department Store Building, Stop 16½, Ponce de Leon Avenue, Santurce 29, Puerto Rico. Any person appearing at the hearing who offers written material must submit at least 12 copies thereof.

Signed at San Juan, Puerto Rico, this 9th day of December 1953.

A. CECIL SNYDER,
*Chairman, Special Industry Committee No. 15 for Puerto Rico.*

[F. R. Doc. 53-10424; Filed, Dec. 14, 1953; 8:51 a. m.]

# NOTICES

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[T. D. 53389; Treasury Department Order 165-3]

ESTABLISHING OFFICE OF DEPUTY COMMISSIONER, TARIFF AND MARINE ADMINISTRATION

DECEMBER 7, 1953.

There is published below for your information and guidance Treasury Department Order No. 165-3, dated December 7, 1953, establishing in the Bureau of Customs a new office designated as Deputy Commissioner of Customs, Tariff and Marine Administration.

D. B. STRUBINGER,
*Acting Commissioner of Customs.*

By virtue of the authority vested in me as Secretary of the Treasury, there is hereby established in the Bureau of Customs a new office designated as Deputy Commissioner of Customs (Tariff and Marine Administration). This office shall have supervision of the Division of Classification, Entry and Value, the Division of Drawbacks, Penalties, and Quotas, and the Division of Marine Administration.

H. CHAPMAN ROSE,
*Acting Secretary of the Treasury.*

DECEMBER 7, 1953.

[F. R. Doc. 53-10391; Filed, Dec. 11, 1953; 8:53 a. m.]

### Foreign Assets Control

FIRECRACKERS

IMPORTATION FROM HONG KONG AND MACAO

Notice is hereby given that the Treasury Department on the basis of information in its possession as to the availability for importation into the United States of firecrackers which are not of Communist Chinese or North Korean origin is now prepared to consider applications for licenses under the Foreign Assets Control Regulations (31 CFR 500.101 to 500.808) for the importation during the first six months of 1954 of a limited quantity of firecrackers from Hong Kong and Macao.

Any person interested in importing such firecrackers may obtain additional information and license application forms from the Foreign Assets Control, Treasury Department, Washington 25, D. C.

[SEAL] ELTING ARNOLD,
*Acting Director, Foreign Assets Control.*

[F. R. Doc. 53-10420; Filed, Dec. 14, 1953; 8:50 a. m.]

### Office of the Secretary

[Treasury Department Order 180-1]

COMMISSIONER OF NARCOTICS

DELEGATION OF AUTHORITY TO REMIT OR MITIGATE FORFEITURES

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, there is hereby delegated to the Commissioner of Narcotics authority to perform any function of the Secretary of the Treasury under the Act of August 9, 1939, 53 Stat. 1291, 49 U. S. C. 781 et seq., and under Part 153 of Title 26 of the Code of Federal Regulations, relating to the remission or mitigation of forfeitures incurred in connection with those contraband articles that are classified by the Act under the term "narcotic drug."

Dated: December 9, 1953.

H. CHAPMAN ROSE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-10423; Filed, Dec. 14, 1953; 8:51 a. m.]

### United States Coast Guard

[CGFR 53-52]

TERMINATIONS OF APPROVALS OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited below, the following approvals of equipment are terminated because (1) the manufacturer is no longer in business; or (2) the manufacturer does not desire to retain the approval; or (3) the item is no longer being manufactured; or (4) the item of equipment no longer complies with present Coast Guard requirements; or (5) the approval has expired. Except for those approvals which have expired, all other terminations of approvals made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval of any item of equipment as listed in this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE)

Termination of Approval No. 160.002/26/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif. (Approved FEDERAL REGISTER October 1, 1952.)

Termination of Approval No. 160.002/27/0, Model 3, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif. (Approved FEDERAL REGISTER October 1, 1952.)



Termination of Approval No. 160.002/28/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif. (Approved FEDERAL REGISTER October 1, 1952.)

Termination of Approval No. 160.002/30/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Fairfield Textile Works, P. O. Box 6, Highway 40, Fairfield Calif. (Approved FEDERAL REGISTER October 1, 1952.)

Termination of Approval No. 160.002/32/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Fairfield Textile Works, P. O. Box. 6, Highway 40, Fairfield, Calif. (Approved FEDERAL REGISTER November 22, 1952.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 4492, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 481, 489, 490, 526e, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 160.002)

CLEANING PROCESS FOR LIFE PRESERVERS

Termination of Approval No. 160.006/15/0, Waterfront cleaning process for kapok life preservers with permanently installed buoyant inserts, as outlined in letter of August 28, 1948, from the Waterfront Service Co., 1490 Francisco Street, San Francisco, Calif. (Approved FEDERAL REGISTER October 2, 1948. Termination of approval effective October 2, 1953.)

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and Sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391, 396, 404, 475, 481, 489, 526e, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 160.006)

BUOYANT CUSHIONS, KAPOK, STANDARD

Termination of Approval No. 160.007/2/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif. (Approved FEDERAL REGISTER October 1, 1952.)

Termination of Approval No. 160.007/20/0, Standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Fairfield Textile Works, P. O. Box 6, Highway 40, Fairfield, Calif. (Approved FEDERAL REGISTER October 1, 1952.)

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526c, 526p; 46 CFR 160.007)

BUOYANT CUSHIONS, NON-STANDARD

Termination of Approval No. 160.008/152/0, 13" x 18" x 2" rectangular buoyant cushion, 21 oz. kapok, dwg. No. 1–113, dated February 6, 1947, manufactured by Fairfield Textile Works, P. O. Box 6, Highway 40, Fairfield, Calif. (Approved FEDERAL REGISTER October 1, 1952.)

Termination of Approval No. 160.008/180/0, 14¼" x 15¾" x 2" rectangular buoyant cushion, 20 oz. kapok, dwg. No. 1–109, dated February 14, 1946, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif. (Approved FEDERAL REGISTER October 1, 1952.)

Termination of Approval No. 160.008/181/0, 14" x 18" x 2" rectangular buoyant cushion, 22 oz. kapok, dwg. No. 1–110, dated March 12, 1946, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif. (Approved FEDERAL REGISTER October 1, 1952.)

Termination of Approval No. 160.008/512/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, unsupported plastic cover and straps, dwg. dated May 1, 1952, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif. (Approved FEDERAL REGISTER October 11, 1952.)

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 160.008)

BUOYS, LIFE, RING, CORK OR BALSA WOOD

Termination of Approval No. 160.009/6/0, 20-inch cork ring life buoy, U. S. C. G. Specification Subpart 160.009, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif. (Approved FEDERAL REGISTER October 1, 1952.)

Termination of Approval No. 160.009/7/0, 20-inch balsa wood ring life buoy, U. S. C. G. Specification Subpart 160.009, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif. (Approved FEDERAL REGISTER October 1, 1952.)

Termination of Approval No. 160.009/8/0, 24-inch cork ring life buoy, U. S. C. G. Specification Subpart 160.009, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif. (Approved FEDERAL REGISTER October 1, 1952.)

Termination of Approval No. 160.009/9/0, 24-inch balsa wood ring life buoy, U. S. C. G. Specification Subpart 160.009, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif. (Approved FEDERAL REGISTER October 1, 1952.)

Termination of Approval No. 160.009/10/0, 30-inch cork ring life buoy, U. S. C. G. Specification Subpart 160.009, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif. (Approved FEDERAL REGISTER, October 1, 1952.)

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 526c, 526p, 1333, 50 U. S. C. 1275; 46 CFR 33.01–5, 33.40–1, 160.009)

LIFEBOAT DAVITS

Termination of Approval No. 160.032/44/1, mechanical davit, crescent sheath screw types C59A (formerly type CA), approved for maximum working load of 11,700 pounds per set (5,850 pounds per arm) using not less than three part falls, identified by general arrangement dwg. No. 3071–2 dated February 8, 1946, and revised August 13, 1948, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER October 2, 1948. Termination of approval effective October 2, 1953.)

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 474, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.032)

LIFEBOATS

Termination of Approval No. 160.035/164/0, 26.0' x 9.0' x 3.25' steel, oar-propelled lifeboat, 50-person capacity, identified by general arrangement dwg. No. G–367–D dated March 5, 1946, and revised November 14, 1946, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Approved FEDERAL REGISTER October 29, 1948. Termination of approval effective October 29, 1953.)

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. App. 1275; 46 CFR 160.035)

BOILERS, HEATING

Termination of Approval No. 162.003/62/0, Size 3830–8C Way-Wolff hot water heating boiler, welded steel plate construction, vertical fire tube, oil fired, dwgs. No. H–110–1 and No. H–110–E, rev. 1, maximum working pressure 30 p. s. i., manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N. Y. (Approved FEDERAL REGISTER October 29, 1948. Termination of approval effective October 29, 1953.)

Termination of Approval No. 162.003/63/0, size 5730–8C Way-Wolff hot water heating boiler, welded steel plate construction, vertical fire tube, oil fired, dwgs. No. H–110–1 and No. H–110–D, rev. 5, maximum working pressure 30 p. s. i., manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N. Y. (Approved FEDERAL REGISTER October 29, 1948. Termination of approval effective October 29, 1953.)

Termination of Approval No. 162.003/64/0, size 5736–8C Way-Wolff hot water heating boiler, welded steel plate construction, vertical fire tube, oil fired, dwgs. No. H–110–1 and No. H–110–D, rev. 5, maximum working pressure 30 p. s. i., manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N. Y. (Approved FEDERAL REGISTER October 29, 1948. Termination of approval effective October 29, 1953.)

Termination of Approval No. 162.003/66/0, size 6930–10C Way-Wolff hot water heating boiler, welded steel plate construction, vertical fire tube, oil fired, dwgs. No. H–110–1 and No. H–110–B, rev. 5, maximum working pressure 30 p. s. i., manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N. Y. (Approved FEDERAL REGISTER October 29, 1948. Termination of approval effective October 29, 1953.)

Termination of Approval No. 162.003/67/0, size 6936–10C Way-Wolff hot water heating boiler, welded steel plate construction, vertical fire tube, oil fired, dwgs. No. H–110–1 and No. H–110–B, rev. 5, maximum working pressure 30 p. s. i., manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38 N. Y. (Approved FEDERAL REGISTER October 29, 1948. Termination of approval effective October 29, 1953.)

Termination of Approval No. 162.003/68/0, size 6948–10C Way-Wolff hot water heating boiler, welded steel plate con-

struction, vertical fire tube, oil fired, dwgs. No. H–110–1 and No. H–110–B, rev. 5, maximum working pressure 30 p. s. i., manufactured by Way-Wolff Associates, Inc., 33 Fulton Street, New York 38, N. Y. (Approved FEDERAL REGISTER October 29, 1948. Termination of approval effective October 29, 1953.)

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. App. 1275; 46 CFR Part 52)

LIFE PRESERVERS, CORK, ADULT AND CHILD (JACKET TYPE)

Termination of Approval No. A–67, Model 31, adult cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif. (Approved Bureau of Marine Inspection and Navigation letter dated February 13, 1941.)

Termination of Approval No. A–68, Model 35, child cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif. (Approved Bureau of Marine Inspection and Navigation letter dated February 13, 1941.)

Termination of Approval No. A–152, Model 31, adult cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Fairfield Textile Works, P. O. Box. 6, Highway 40, Fairfield, Calif. (Approved Bureau of Marine Inspection and Navigation letter dated August 14, 1941.)

Termination of Approval No. A–153, Model 35, child cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Fairfield Textile Works, P. O. Box 6, Highway 40, Fairfield, Calif. (Approved Bureau of Marine Inspection and Navigation letter dated August 14, 1941.)

(R. S. 4405, 4417a, 4426, 4488, 4491, 4492, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 481, 489, 490, 526e, 526p, 1333, 50 U. S. C. 1275, 46 CFR 160.003)

LIFE PRESERVERS, BALSA WOOD, ADULT AND CHILD (JACKET TYPE)

Termination of Approval No. A–69, Model 41, adult balsa wood life preserver, U. S. C. G. Specification Subpart 160.004, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif. (Approved Bureau of Marine Inspection and Navigation letter dated February 13, 1941.)

Termination of Approval No. A–70, Model 45, child balsa wood life preserver, U. S. C. G. Specification Subpart 160.004, manufactured by Wilber & Son, 590 Howard Street, San Francisco, Calif. (Approved Bureau of Marine Inspection and Navigation letter dated February 13, 1941.)

Termination of Approval No. A–154, Model 41, adult balsa wood life preserver, U. S. C. G. Specification Subpart 160.004, manufactured by Fairfield Textile Works, Box 6, Highway 40, Fairfield, Calif. (Approved Bureau of Marine Inspection and Navigation letter dated August 14, 1941.)

Termination of Approval No. A–155, Model 45, child balsa wood life preserver, U. S. C. G. Specification Subpart 160.004, manufactured by Fairfield Textile Works, P. O. Box 6, Highway 40, Fairfield, Calif. (Approved Bureau of Marine Inspection and Navigation letter dated August 14, 1941.)

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, 4492, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 475, 481, 489, 490, 526e, 526p, 1333, 50 U. S. C. 1275; 46 CFR 160.004)

Dated: December 8, 1953.

[SEAL] A. C. RICHMOND,
*Rear Admiral, U. S. Coast Guard.*
*Acting Commandant.*

[F. R. Doc. 53-10417; Filed, Dec. 14, 1953; 8:50 a. m.]

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[CGFR 53-53]

APPROVAL OF EQUIPMENT; CHANGES IN NAME AND ADDRESS OF MANUFACTURERS; AND CORRECTION OF A PRIOR DOCUMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and in compliance with the authorities cited with each item of equipment: *It is ordered*, That:

(a) All the approvals listed in this document which extend these approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of five years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and

(b) All the other approvals listed in this document (which are not covered by paragraph (a) above) are prescribed and shall be in effect for a period of five years from the date of publication of this document in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority;

(c) The names and addresses of manufacturers of approved equipment shall be made as indicated below; and

(d) The Document CGFR 53–41 appearing in the FEDERAL REGISTER dated October 6, 1953 (18 F. R. 6360–6363), regarding approval of equipment shall be corrected as indicated below:

CLEANING PROCESS FOR LIFE PRESERVERS

NOTE: Where buoyancy fillers are not removed from envelope covers during cleaning process.

Approval No. 160.006/16/0, Select cleaning process for kapok life preservers, as outlined in letter of Sept. 10, 1948, from the Select Laundry, 2510 Filbert Street, Oakland 7, Calif. (Extension of the approval published in FEDERAL REGISTER October 29, 1948; effective October 29, 1953.)

(R. S. 4405, 4417a, 4426, 4482, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 164, 166, 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391, 396, 404, 475, 481, 489, 526e, 526p, 1333, 50 U. S. C. App. 1275; 46 CFR 160.006)

BUOYANT CUSHIONS, KAPOK, STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.007/59/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Correct Craft, Inc., Pine Castle, Fla. (Reinstatement of approval terminated in FEDERAL REGISTER March 18, 1953.)

Approval No. 160.007/138/0, standard kapok buoyant cushion, U. S. C. G. Specification Subpart 160.007, manufactured by Iowa Fibre Products, Inc., 316 Court Avenue, Des Moines 9, Iowa, for Hawkeye Sporting Goods Co., P. O. Box 613, Des Moines, Iowa.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p, 46 CFR 160.007)

BUOYANT CUSHIONS, NON-STANDARD

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.008/398/0, 16" x 16" x 2" rectangular buoyant cushion 25 oz. kapok, U. S. C. G. Specification Subpart 160.008, dwg. dated September 13, 1948, manufactured by Fortier Upholstering Co., Manistee, Mich. (Extension of the approval published in FEDERAL REGISTER October 29, 1948 effective October 29, 1953.)

Approval No. 160.008/399/0, 15" x 18" x 2" rectangular buoyant cushion, 25 oz. kapok, U. S. C. G. Specification Subpart 160.008, dwg. dated September 11, 1948, manufactured by Fortier Upholstering Co., Manistee, Mich. (Extension of the approval published in FEDERAL REGISTER October 29, 1948 effective October 29, 1953.)

Approval No. 160.008/575/0, 15" x 20" x 2" rectangular buoyant cushion, 26½ oz. kapok, dwg. dated July 29, 1953, rev. 1, manufactured by Iowa Fibre Products, Inc., 316 Court Avenue, Des Moines 9, Iowa.

Approval No. 160.008/578/0, 15½" x 17½" x 2" rectangular buoyant cushion, 28 oz. kapok, dwg. No. 3502, dated August 7, 1953, manufactured by Correct Craft, Inc., Pine Castle, Fla.

Approval No. 160.008/579/0, 15½" x 15⅝" x 21½" x 22½" x 2" trapezoidal buoyant cushion, 36 oz. kapok, dwg. No. 3503, dated August 7, 1953, manufactured by Correct Craft, Inc., Pine Castle, Fla.

Approval No. 160.008/586/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, dwg. Nos. B–46, dated December 22, 1941, revised March 6, 1946, and A–278, dated October 8, 1952 revised February 25, 1953, manufactured by The American Pad & Textile Co., Greenfield, Ohio, and Fairfield, Calif.

Approval No. 160.008/587/0, 14" x 18" x 2" rectangular buoyant cushion, 23 oz. kapok, dwg. dated August 24, 1953, manufactured by Noble Products Company, Box 327, Caldwell, Ohio.

Approval No. 160.008/588/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, dwg. No. 3 dated August 25, 1953, manufactured by Stearns Manufacturing Co., West Division Street at Thirtieth St., Cloud., Minn.

Approval No. 160.008/589/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, dwg. No. 4, dated August 25, 1956, manufactured by Stearns Manufacturing Co., West Division Street at 30th, St. Cloud, Minn.



Approval No. 160.008/590/0, 14" x 17" x 2" rectangular buoyant cushion, 23 oz. kapok, dwg. dated September 15, 1953, manufactured by Iowa Fibre Products, Inc., 316 Court Avenue, Des Moines 9, Iowa.

Approval No. 160.008/591/0, 15" x 15" x 2" rectangular buoyant cushion, 20 oz. kapok, dwg. dated September 15, 1953, manufactured by Iowa Fibre Products, Inc., 316 Court Avenue, Des Moines 9, Iowa.

Approval No. 160.008/592/0, 13½" x 18" x 2" rectangular buoyant cushion, 23 oz. kapok, dwg. dated September 29, 1953, manufactured by Iowa Fibre Products, Inc., 316 Court Avenue, Des Moines 9, Iowa, for Hawkeye Sporting Goods Co., P. O. Box 613, Des Moines, Iowa.

(R. S. 4405, 4491, 54 Stat. 164, 166, as amended; 46 U. S. C. 375, 489, 526e, 526p; 46 CFR 160.008)

BUOYANT APPARATUS

Approval No. 160.010/20/0, 7.5' x 4.0' (11" x 11" body section), rectangular solid balsa wood buoyant apparatus, 20-person capacity, assembly dwg. No. 43053, dated April 30, 1953, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 2, N. Y.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 160.010)

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS AND SUPPLIED-AIR RESPIRATORS

Approval No. 160.011/6/1, Bullard Supplied Fresh Air Hose Mask No. 1903, Bureau of Mines Approval No. BM–1903, consisting of BM–1903 face piece, BM–1903 blower (both centrifugal type and positive pressure type), BM–1903 harness, and BM–1903 or BM–1903A hose, maximum of two hose lines each originating at the blower and not exceeding 150 feet in length, manufactured by E. D. Bullard Co., 275 Eighth Street, San Francisco 3, Calif. (Extension of the approval published in FEDERAL REGISTER October 2, 1948; effective October 2, 1953.)

(R. S. 4405, 4417a, 4426, 4491, 49 Stat. 1544, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 50 U. S. C. 1275; 46 CFR 160.011)

LIFE FLOAT

Approval No. 160.027/34/0, 9.0' x 5.08' (13" dia. body section) rectangular hollow aluminum life float, 25-person capacity, dwg. No. 3348, dated May 15, 1951, revised September 30, 1953, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 474, 475, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 160.027)

DAVITS, LIFEBOAT

Approval No. 160.032/141/0, gravity davit, type GD, size 40, approved for maximum working load of 12,000 pounds per set (6,000 pounds per arm) using 2-part falls, identified by general arrangement dwg. No. G1501–1 dated May 29, 1953, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 474, 481, 489, 1333, 50 U. S. C. 1275; 46 CFR 160.032)

HAND-PROPELLING GEAR, LIFEBOAT

Approval No. 160.034/11/0, Type Y, hand-propelling gear, identified by assembly dwg. No. 99–5 dated May 7, 1953, submitted by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4405, 4417a, 4426, 4488, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 404, 481, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 160.034)

LIFEBOATS

Approval No. 160.035/22/2, 24.0' x 8.0' x 3.25' steel, oar-propelled lifeboat, 43-person capacity, identified by general arrangement dwg. No. G–2443 dated June 4, 1952, and revised February 2, 1953, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Supersedes Approval No. 160.035/22/1 published in the FEDERAL REGISTER August 9, 1949.)

Approval No. 160.035/179/1, 20.0' x 6.5' x 2.67' steel, oar-propelled lifeboat, 20-person capacity, identified by construction and arrangement dwg. No. 3180 dated December 10, 1952, and revised September 16, 1953, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.035/179/0 terminated in the FEDERAL REGISTER March 18, 1953.)

Approval No. 160.035/183/1, 22.0' x 6.75' x 2.92' steel, oar-propelled lifeboat, 25-person capacity, identified by construction and arrangement dwg. No. 3181 dated July 22, 1953, and revised October 16, 1953, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.035/183/0 terminated in the FEDERAL REGISTER May 19, 1953.)

Approval No. 160.035/244/1, 18.0' x 6.0' x 2.5' aluminum, motor propelled lifeboat without radio cabin (Class B), 14-person capacity, identified by construction and arrangement dwg. No. 49R–1820 dated March 1, 1949, and revised August 15, 1953, manufactured by Lane Lifeboat & Davit Corporation, 8920—26th Ave., Brooklyn 14, N. Y. (Supersedes Approval No. 160.035/244/0 published in the FEDERAL REGISTER August 9, 1949.)

Approval No. 160.035/282/0, 24.0' x 7.63' x 3.21' aluminum, oar-propelled lifeboat, 35-person capacity, identified by construction and arrangement dwg. No. 24–4C dated September 25, 1951, and revised August 14, 1953, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.035/294/0, 24.0' x 7.63' x 3.21' aluminum, motor-propelled lifeboat without radio cabin (Class B), 33-person capacity, identified by construction and arrangement dwg. No. 24–4D dated July 15, 1952, and revised August 29, 1952, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.035/308/0, 22.0' x 7.5' x 3.17' steel, hand-propelled lifeboat, 31-person capacity, identified by arrangement and construction dwg. No. 3477 dated May 14, 1953, and revised September 22, 1953, manufactured by Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.035/311/0, 24.0' x 8.0' x 3.5' steel, motor-propelled lifeboat without radio cabin (Class B), 40-person capacity, identified by construction and arrangement dwg. No. 24–9E dated January 12, 1953, and revised October 21, 1953, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4405, 4417a, 4426, 4481, 4488, 4491, 4492, sec. 11, 35 Stat. 428, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 396, 404, 474, 481, 489, 490, 1333, 50 U. S. C. App. 1275; 46 CFR 160.035)

BOILER HEATING

Approval No. 162.003/150/1, Model IDL–30 horizontal fire-tube hot water heating boiler, 2,470,000 B. t. u. per hour, dwg. No. 38–53D–376–5, Rev. 5, dated September 24, 1953, maximum design pressure 30 p. s. i., approval limited to bare boiler, manufactured by The International Boiler Works Co., 1 Birch Street, East Stroudsburg, Pa. (Supersedes Approval No. 162.003/150/0 published in the FEDERAL REGISTER October 6, 1953.)

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, 49 Stat. 1544, 54 Stat. 346, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. App. 1275; 46 CFR Part 52)

FIRE EXTINGUISHERS, PORTABLE, HAND, WATER, CARTRIDGE-OPERATED TYPE

Approval No. 162.009/15/0, Stop-Fire Anti-Freeze, cartridge-operated type 2½-gallon hand portable fire extinguisher, assembly dwg. Nos. WC50–0–49 dated May 9, 1950, and WC50–01–49 dated March 9, 1950, nameplate dwg. No. WC50–30A–50 dated April 1, 1951 (Coast Guard Classification: Type A, Size II), manufactured by Stop-Fire, Inc., 125 Ashland Place, Brooklyn 1, N. Y.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333, 50 U. S. C. 1275; 46 CFR 25.30, 34.25–1, 76.50, 95.50)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/57/0, #36 Vulcan range for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 11–(57–1.1, –2.1, –4.1, –6.1 & –60–1.0), .001, manu-

factured by Vulcan-Hart Manufacturing Company, Bayard and Hamburg Streets, Baltimore 30, Md.

(R. S. 4405, 4417a, 4426, 4491, secs. 1, 2, 49 Stat. 1544, sec. 2, 54 Stat. 1028, and sec. 5 (e), 55 Stat. 244, as amended; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 1333, 50 U. S. C. App. 1275; 46 CFR 55.16-10)

STRUCTURAL INSULATION

Approval No. 164.007/25/0, "PC Foamglas" cellulated glass type structural insulation identical to that described in manufacturer's pamphlet No. G2508 revised 10-47, and National Bureau of Standards' letter file 10.2/10.2, FP2628 dated August 25, 1948, and file 10.2 dated October 8, 1948, approved for use without other insulating materials as meeting Class A-60 requirements in a 4-inch thickness and 10 pounds per cubic foot density, manufactured by Pittsburgh Corning Corporation, 1 Gateway Center, Pittsburgh 22, Pa. (Extension of the approval published in FEDERAL REGISTER October 29, 1948; effective October 29, 1953.)

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. App. 1275; 46 CFR 72.05, 92.05)

BULKHEAD PANEL

Approval No. 164.008/31/0, hollow steel, asbestos board core, bulkhead panel meeting Class B-15 requirements in a 2¼" thickness with two ¼" asbestos millboard inserts, as described in National Bureau of Standards Test Report No. TG10230-16; FP3227 and identified by dwg. No. J-042, revision 1 dated August 20, 1952, manufactured by Martin-Parry Corporation, P. O. Box 964, Toledo 1, Ohio.

(R. S. 4405, 4417a, 4426, 49 Stat. 1384, 1544, 54 Stat. 346, 1028, and sec. 5 (e), 55 Stat. 244, 245, as amended; 46 U. S. C. 367, 369, 375, 391a, 404, 463a, 1333, 50 U. S. C. 1275; 46 CFR 164.008)

FIRE EXTINGUISHER SYSTEM, PORTABLE

Portable foam fire extinguishing system for cargo tanks of tank vessels, National Aer-O-Foam Nozzle, Type NPU, assembly dwg. No. NPU-25 dated March 10, 1943, for use with pressure proportioner, line proportioner, or premix solution; or for use with pick-up tube and at least four cans of National Aer-O-Foam Liquid; approved for a superficial liquid area not exceeding 400 square feet; multiple units may be used to protect greater areas in the ratio of one unit for each 400 square feet or fraction thereof to be protected, manufactured by National Foam System, Inc., Union and Adams Streets, West Chester, Pa.

(R. S. 4405, 4417a, sec. 2, 54 Stat. 1028, and sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C 375, 391a, 463a, 50 U. S. C. 1275; 46 CFR 34.15)

CHANGE IN NAME AND ADDRESS OF MANUFACTURER

The name and address of Allen Copper Coil Manufacturing, 400 East Pine Street, Seattle 22, Wash., has been changed to The Heat Exchanger Company, 415 Denny Way, Seattle 9, Wash., for Approval Nos. 162.003/110/0 through 162.003/114/0 published in the FEDERAL REGISTER November 11, 1950, for heating boilers.

The address of Style-Crafters Inc. has been changed from P. O. Box 2148, Greenville, S. C., to P. O. Box 3312, Station A, Greenville, S. C., for Approval Nos. 160.007/43/0, 160.008/158/0, 160.008/527/0, and 160.008/528/0 previously published in the FEDERAL REGISTER for kapok buoyant cushions.

The name and address of the Van Karner Chemical Arms. Corp., 202 East Forty-fourth Street, New York 17, N. Y., have been changed to Van Karner Ltd., 177 New Jersey Avenue, Port Jervis, N. Y., for Approval No. 160.021/7/0 for hand red flare distress signals, Approval No. 160.022/1/0 for floating orange smoke distress signals, and Approval No. 160.028/3/0 for signal pistols, which were previously published in the FEDERAL REGISTER.

CORRECTION OF A PRIOR DOCUMENT

The Coast Guard Document CGFR 53-41 and Federal Register Document 53-8515 published in the FEDERAL REGISTER dated October 6, 1953, is corrected by changing the word "sprayoo model 6610CW" to "spraco model 6610CN" in Approval No. 160.025/12/0; by changing the phrase "Rego No. 2148 RD" to RegO No. 2148 RPD" in Approval No. 162.019/5/0; and by changing the reference "report No. TP 367-88; F. R. 1978" to "report No. TP 367-88; FR 1978" in Approval No. 164.006/36/0.

Dated: December 8, 1953.

[SEAL] A. C. RICHMOND,
*Rear Admiral, U. S. Coast Guard, Acting Commandant.*

[F. R. Doc. 53-10418; Filed, Dec. 14, 1953; 8:50 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Grazing Dist. 3, Amdt. 1; Misc. 1597967]

NEVADA

MODIFICATION OF GRAZING DISTRICT

DECEMBER 9, 1953.

Under and pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1934 (48 Stat. 1269; 43 U. S. C. 315, et seq.), as amended, known as the Taylor Grazing Act, and in accordance with Departmental Order No. 2583 of August 16, 1950, §§ 2.22 and 2.91, it is ordered as follows:

The following-described lands are eliminated from Nevada Grazing District No. 3, as heretofore established and modified:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 19 E.,
Sec. 16, N½SE¼, SE¼SE¼
Sec. 23, SE¼
Sec. 25, NW¼SW¼
Sec. 26, N½NE¼, SE¼NE¼.

The areas described aggregate 440.00 acres.

WILLIAM PINCUS,
*Assistant Director.*

[F. R. Doc. 53-10396; Filed, Dec. 14, 1953; 8:45 a. m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

WEST VIRGINIA; DISASTER ASSISTANCE

DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of November 27, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on November 16, 1953, pursuant to Public Law 875, 81st Congress.

WEST VIRGINIA

| | |
|---|---|
| Marshall. | Taylor. |
| Mason. | Wetzel. |
| Ohio. | |

Done this 10th day of December 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10405; Filed, Dec. 14, 1953; 8:47 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-2314]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION

DECEMBER 8, 1953.

Take notice that on November 16, 1953, The Manufacturers Light and Heat Company (Applicant), a Pennsylvania corporation, address, Pittsburgh, Pennsylvania, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximaately 6 miles of 12¾ inch O. D. natural-gas transmission pipeline in Washington County, Pennsylvania, extending southeast from a point of connection on Applicant's existing Line No. 7215, north of its Hugus Compressor Station, to the Borough of Allenport, Pennsylvania.

Applicant proposes, by means of the said facilities, to increase the existing capacity of its pipeline system serving Allenport, and the adjacent area in the vicinity of Charleroi, California, Brownsville, and Beallsville, Pennsylvania. The proposed facilities will be used to transport natural gas at a daily rate of 20,900 Mcf, of which 17,300 Mcf will be delivered at Allenport and the remainder will be distributed through other connecting lines. Applicant states that it has experienced pressure difficulties on its existing facilities serving the Allenport area, and because of their age, such facilities cannot be safely increased in capacity by increasing pressures to transport gas required for 1953-1954 peak-day requirements. The proposed facilities are expected to enable Applicant to maintain adequate service to an existing market area, and no new service is proposed to be rendered by means thereof.

The estimated total overall capital cost of the proposed facilities is $260,000. The funds required to finance such costs will be provided by Applicant's parent, The Columbia Gas System, Inc., which has made capital contributions to Applicant and has agreed to purchase Applicant's notes.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of December 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10398; Filed, Dec. 14, 1953; 8:45 a. m.]

[Docket No. G-2321]

WEST TENNESSEE PUBLIC UTILITY DISTRICT OF WEAKLEY, CARROLL AND BENTON COUNTIES, TENNESSEE

NOTICE OF APPLICATION

DECEMBER 8, 1953.

Take notice that West Tennessee Public Utility District of Weakley, Carroll, and Benton Counties, Tennessee (Applicant), a Tennessee public corporation, address Dresden, Tennessee, filed on November 27, 1953, an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Tennessee Gas Transmission Company (Tennessee Gas) to establish physical connection of its transportation facilities with the facilities of Applicant's proposed natural gas distribution system, and to sell natural gas to Applicant for local distribution to the public in the Tennessee municipalities of Bruceton, Camden, Dresden, Greenfield, Hollow Rock, Huntingdon, McKenzie, and Sharon, and in the areas adjacent thereto.

Applicant proposes to interconnect its facilities with those of Tennessee Gas at a point approximately 2 miles south of Decaturville, Tennessee. Delivery of gas is to be made to the above-named communities through 40 miles of an 8-inch pipe line extending to a point near Huntingdon, Tennessee, and lateral lines extending therefrom.

Applicant's annual gas requirements are stated to 319,083 Mcf for the first year and 674,419 Mcf for the fifth year. Its first year peak day requirements are stated to be 2,539 Mcf while its fifth year requirements are 5,754 Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 28th day of December 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10399; Filed, Dec. 14, 1953; 8:46 a. m.]



## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3237]

ADOLF GOBEL, INC.

ORDER SUMMARILY SUSPENDING TRADING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 9th day of December A. D. 1953.

The Commission by order adopted March 13, 1953, pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, having summarily suspended trading in the $1.00 par value common stock of Adolf Gobel, Inc., on the American Stock Exchange for a period of ten days from that date, and subsequently having entered additional orders further suspending such trading in order to prevent fraudulent, deceptive or manipulative acts or practices; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on that Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder, for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

*It is ordered*, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, effective at the opening of the trading session on said Exchange on December 10th, 1953, for a period of ten days.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 53-10403; Filed, Dec. 14, 1953; 8:47 a. m.]

[File No. 54-164]

INTERNATIONAL HYDRO-ELECTRIC SYSTEM

ORDER APPROVING ADDITIONAL INTERIM ALLOWANCE TO BARTHOLOMEW A. BRICKLEY AND OLIVER R. WAITE

DECEMBER 8, 1953.

Bartholomew A. Brickley and Oliver R. Waite, counsel to the said Bartholomew A. Brickley, Trustee of International Hydro-Electric System ("IHES"), a registered holding company under order of liquidation pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 ("the act"), whose assets are now being held and administered under the direction of the United States District Court for the District of Massachusetts ("the Court") pursuant to section 11 (d) of the act, having filed a joint application pursuant to Rule U-63 for an additional interim allowance in the amount of $220,000 for their legal services herein; and

A hearing having been held on said application and the Commission having filed its memorandum opinion herein:

*It is ordered*, That an additional interim allowance in the maximum amount of $220,000 be and is hereby approved for payment by IHES to Brickley and Waite for their services to IHES in all capacities, such payment being subject to the further approval of the court.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 53-10402; Filed, Dec. 14, 1953; 8:47 a. m.]

[File No. 70-3151]

NEW ENGLAND GAS AND ELECTRIC ASSN.

NOTICE OF PROPOSED VOLUNTARY EXCHANGE OFFER BY HOLDING COMPANY FOR MINORITY INTEREST IN COMMON STOCK OF SUBSIDIARY

DECEMBER 9, 1953.

Notice is hereby given that New England Gas and Electric Association ("Negas"), a registered holding company, has filed with this Commission an application-declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a), 7, 9, and 10 of the act as applicable to the proposed transaction, which is summarized as follows:

Negas owns 276,722.4 shares or 97.61 percent of the outstanding common stock of its public-utility subsidiary, New Bedford Gas and Edison Light Company ("New Bedford"), the balance of 6,763.4 such shares or 2.39 percent being held by approximately 200 other holders, including three officers or directors of New Bedford who hold in the aggregate 165 shares. Negas proposes to offer to such holders, during a 60-day period, common shares of Negas at the rate of 4¾ common shares of Negas for each share of common stock of New Bedford surrendered for exchange. No fractional shares of Negas will be issued, but in lieu thereof Negas will pay for each fractional share cash at the rate of $15 per whole share of Negas common. Based on the holdings of record on October 23, 1953, Negas estimates that it would issue 32,055 of its common shares and would make cash payments aggregating $1,070.33, in lieu of fractional shares, if all the New Bedford shares held by the minority interest should be exchanged.

The book value of the New Bedford shares at September 30, 1953, was $64 70 per share. Although no active market quotations are available due to the small number of shares held by the public,

the Trustees of Negas estimate the fair market value of the New Bedford shares to be $71.25 per share. A recent market quotation for Negas common shares is shown at 15⅞ bid and 17 asked.

Exchanges will be effected through Old Colony Trust Company, Boston. Negas intends to invite certain dealers to solicit exchanges, and proposes to pay to such dealers a commission of $1.25 per share for all New Bedford shares surrendered for exchange pursuant to such solicitations. Negas' financial adviser, The First Boston Corporation, will act as manager of such dealers without additional compensation.

It is requested that the Commission's order herein be made effective upon issuance.

Notice is further given that any interested person may, not later than December 23, 1953 at 1:00 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration as amended which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said application-declaration, as now amended or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-10400; Filed, Dec. 14, 1953; 8:46 a. m.]

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[File No. 70-3155]

OHIO EDISON CO.

NOTICE IN RESPECT OF ISSUANCE AND SALE OF BONDS AND ISSUANCE AND SALE PURSUANT TO A RIGHTS OFFERING OF ADDITIONAL SHARES OF COMMON STOCK

DECEMBER 9, 1953.

Notice is hereby given that Ohio Edison Company ("Ohio"), a registered holding company and a public-utility company, has filed an application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"), and has designated sections 6 (a), 7, 12 (c), and 12 (d) of the act and Rules U-42 and U-50 promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Ohio proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $30,000,000 principal amount of First Mortgage Bonds, __ percent Series of 1954 due 1984. The bonds will be issued under and secured by the existing Mortgage and Deed of Trust, dated as of August 1, 1930, as previously supplemented and amended, and as to be further supplemented and amended by a supplemental indenture dated as of January 1, 1954. The price to be received by the company (which shall not be less than 100 percent nor more than 102¾ percent of the principal amount) for said bonds, and the rate of interest thereon (which shall be a multiple of ⅛ of 1 percent) will be determined by competitive bidding.

Ohio also proposes to issue and sell, with an underwriting, 527,830 additional shares of its authorized but unissued $12 par value common stock, pursuant to a rights offering to its stockholders on the basis of one share of additional common stock for each ten shares held of record at the close of business on January 14, 1954, at a price to be fixed prior to the offering. The subscription rights will be evidenced by transferable warrants, to be mailed on or before January 16, 1954, which will afford the holder the right to subscribe for the new shares ("Right") and the privilege to subscribe, at the subscription price, subject to allotment, for such additional number of unsubscribed shares as the warrant holder may elect ("additional subscription privilege"). Warrants will expire at 3:30 p. m., e. s. t., January 29, 1954. No fractional shares will be issued. The company, through its subscription agents, to be designated on the warrant, will provide facilities for the purchase of Rights (not exceeding nine in any one case) as may be necessary for a subscription to one full share, or the sale of Rights (not exceeding nine in any one case) in excess of those necessary for the purchase of full shares. Warrants for not more than nine Rights, not exercised for subscription, may be sold through the subscription agents.

The Company proposes, if it deems it necessary or desirable, during the period commencing with the second full business day prior to the time for submission of bids on the common stock and continuing until such time, to stabilize the price of its common stock for the purpose of facilitating the offering of such additional common stock, by the purchase through brokers with the payment of regular stock exchange commissions, on the New York Stock Exchange and the Midwest Stock Exchange, or otherwise, not to exceed 52,783 shares of its common stock.

In effectuating the issue and sale of additional shares of common stock, the company proposes, on or about December 31, 1953, publicly to invite bids from underwriters in respect of the amount of compensation to be paid by the company to such underwriters for their services and agreement to purchase, at the subscription price, any shares of such additional common stock, not subscribed for as a result of the offering to the stockholders, plus such number of additional shares of common stock, if any, as may have been purchased by the company, prior to the acceptance of a proposal, in connection with stabilizing transactions. Bids will be received on or about January 13, 1954, and prospective underwriters will be notified of the subscription price prior to 5:00 p. m., e. s. t., on the second full business day prior to the time for the submission of bids.

It is stated that the net proceeds to be received from the proposed sale of bonds and common stock will be used primarily to finance property additions, approximately $44,100,000 being required for such purpose during 1954. The balance of approximately $4,400,000 will be used for other corporate purposes, including sinking fund requirements for 1954 of $2,355,000.

It is further stated that the proposed transactions are subject to the jurisdiction of The Public Utilities Commission of Ohio, and that appropriate orders of that Commission will be obtained.

All interested persons are referred to said application-declaration on file at the offices of this Commission for a statement of the transactions therein proposed.

Notice is further given that any interested person may, not later than December 28, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, the issues of fact or law, if any, raised by the said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 28, 1953 said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-10401; Filed, Dec. 14, 1953; 8:46 a. m.]

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[File No. 70-3162]

CENTRAL OHIO LIGHT & POWER CO.

NOTICE OF FILING REGARDING ISSUANCE OF SHORT TERM BANK LOAN NOTES

DECEMBER 9, 1953.

Notice is hereby given that Central Ohio Light & Power Company ("Central"), a public utility subsidiary of American Gas and Electric Company, a registered holding company, has filed a declaration, and an amendment thereto, with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") regarding its proposal to issue to six banking institutions its notes in a total amount not to exceed $3,500,000 outstanding at any one time. The declarant has designated section 7 and Rules U-42 and U-50 (a) (2) as applicable to the proposed transactions which are summarized as follows:

Central has established a line of credit with six banking institutions in the aggregate amount of $3,500,000 and proposes to borrow from time to time prior to December 31, 1954, up to but not to exceed $3,500,000 outstanding at any one time and to issue and deliver to said banks its notes as evidence of such borrowings. The notes to be issued by Central will in each case be dated as of the date of such borrowings, will bear interest from the dates thereof at the then prime interest rate, which is presently 3¼ percent per annum, and will mature not more than 270 days after the date of issuance. Central may prepay the notes from time to time, in whole or in part, without premium, and partial payments would be made ratably on all of the notes on the date or dates designated by Central.

The amount of not to exceed $3,500,000 outstanding at any one time proposed to be borrowed will be used by Central for the following purposes:

(a) The payment, simultaneously with the initial borrowing under such line of credit, on or before January 11, 1954, of:

(1) All of Central's then outstanding 3½ percent Sinking Fund Debentures due 1963, in the face amount of $900,000, at the redemption price thereof of 102.25 percent of par together with accrued interest to the date of redemption;

(2) All of Central's presently outstanding notes payable, which mature on January 11, 1954, in the face amount of $1,600,000, at the face amount thereof; and

(3) All of Central's presently outstanding notes payable to banks, which mature on January 7, 1954, in the face amount of $400,000, at the face amount thereof; and

(b) To finance part of the costs of Central's construction program which it estimates at $964,000 for 1954.

Central agrees that provision will be made in its next permanent financing for the prepayment of all of the notes then outstanding and that, at such time, the authorization requested herein with respect to such notes shall terminate.

No finders' fees or commissions are to be paid by Central in connection with the proposed issuance of the notes. Expenses to be incurred by Central are estimated not to exceed $500.

Central requests that the Commission's order permitting its declaration to become effective be issued as soon as practicable pursuant to Rule U-23 promulgated under the act, waives the 30-day waiting period and requests that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than December 22, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, said declaration, as amended, or as further amended, may be permitted to become effective as provided in Rule U-23 promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-10404; Filed, Dec. 14, 1953; 8:47 a. m.]

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[File No. 70-3166]

ELECTRIC BOND AND SHARE CO.

NOTICE OF FILING AUTHORIZING SALE BY PARENT OF SECURITIES OF SUBSIDIARY

DECEMBER 1, 1953.

Notice is hereby given that Electric Bond and Share Company ("Bond and Share"), a registered holding company, has filed an application-declaration pursuant to sections 9, 10, and 12 (d) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-44 (a) promulgated thereunder with respect to the following proposed transactions:

Bond and Share heretofore filed with the Commission its Final Comprehensive Plan as finally amended July 7, 1953 (the "Plan") under section 11 (e) of the act. The Plan was approved by orders of the Commission dated February 20, 1953, and July 15, 1953, and by order of the United States District Court for the Southern District of New York dated July 16, 1953.

The Plan proposed, among other things, that Bond and Share would dispose of certain of its holdings of common stock of United Gas Corporation ("United Gas") by capital distribution, dividend distributions and rights offerings to the Bond and Share stockholders. Provision was also made that the remainder of the shares of United Gas stock to be disposed of under the Plan should be disposed of by Bond and Share in such manner and on such terms as it deemed appropriate within two years after the effective date of the Plan which was July 16, 1953. Bond and Share now holds 1,755,053 shares of United Gas common stock (being approximately 13.6 percent of the outstanding shares of such stock).

Bond and Share now proposes to sell at public offering after receiving competitive bids 100,000 shares of its present holdings of United Gas common stock plus such additional shares not exceeding 15,000 as Bond and Share may acquire during the course of stabilizing operations effected by the declarant in connection with the proposed sale. The declarant presently intends to publish its notice of public invitation for bids not later than December 18, 1953, and to receive bids not earlier than 3:45 p. m. on December 21, 1953. Declarant proposes to comply with the provisions of Rule U-50 of the Commission with the exception that the declarant requests that the Commission reduce its 10-day period provided by sub-division (b) of that rule to the extent necessary to permit the declarant to carry out the time schedule just described respecting the publication of its invitation for bids and the receipt of bids.

The declarant requests permission from the Commission to purchase not more than 15,000 shares of United Gas common stock for the purpose of stabilizing the market for that stock on the New York Stock Exchange. The declarant contemplates that such stabilizing purchases may commence immediately upon the issuance of the order of the Commission relating to this declaration and that such purchases will be effected at a price (exclusive of a commission) not in excess of the last preceding sale price of the United Gas common stock on the New York Stock Exchange. The declarant further contemplates that such stabilizing purchases may continue up to the receipt by the declarant of bids for the shares of United Gas common stock herein proposed to be sold. As above indicated all shares of such stock purchased for stabilizing purchases will be sold by the declarant together with the 100,000 shares of United Gas stock proposed to be sold as herein provided.

Notice is further given that any interested person, not later than December 17, 1953, at 12:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 17, 1953, said application-declaration as filed, or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10470; Filed, Dec. 14, 1953; 10:37 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28731]

AUTOMOBILES FROM EVANSVILLE, IND., TO LOUISIANA, MISSISSIPPI, AND TENNESSEE

APPLICATION FOR RELIEF

DECEMBER 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. 1390, pursuant to fourth-section order No. 16101.

Commodities involved: Automobiles, new passenger, carloads.

From: Evansville, Ind.

To: Baton Rouge and New Orleans, La., Natchez, Miss., and Memphis, Tenn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10407; Filed, Dec. 14, 1953; 8:48 a. m.]

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[4th Sec. Application 28735]

MERCHANDISE IN MIXED CARLOADS FROM WINSTON-SALEM, N. C., TO ST. LOUIS, MO., AND EAST ST. LOUIS, ILL.

APPLICATION FOR RELIEF

DECEMBER 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise in mixed carloads.

From: Winston-Salem, N. C.

To: St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Competition with rail carriers, circuitous routes, and competition with motor carriers.

Schedules filed containing proposed rates; C. A. Spaninger, Agent, I. C. C. No. 1305, supp. 38.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10411; Filed, Dec. 14, 1953; 8:48 a. m.]

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[4th Sec. Application 28736]

SYRUP (GLUCOSE) FROM POINTS IN ILLINOIS, IOWA, AND MISSOURI TO REIDSVILLE AND GREENSBORO, N. C.

APPLICATION FOR RELIEF

DECEMBER 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Syrup, corn, unmixed (glucose), in carloads and tank-car loads.

From: Points in Illinois, Iowa, and Missouri.

To: Reidsville and Greensboro, N. C.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 784, supp. 8; C. A. Spaninger, Agent, I. C. C. No. 1062, supp. 122.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10412; Filed, Dec. 14, 1953; 8:48 a. m.]

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[No. 31405]

LOUISIANA INTRASTATE PASSENGER FARES AND CHARGES

NOTICE OF INVESTIGATION AND HEARING

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 2d day of December A. D. 1953.

It appearing, that in Southern Pacific-Missouri Pacific Increased Passenger Fares, 288 I. C. C. 339, the Commission authorized carriers subject to the Interstate Commerce Act, parties thereto, to make certain increases in their basic interstate one-way and round-trip passenger fares; and that increases under such authorization have been made;

It further appearing, That a petition dated October 20, 1953, and filed by the Texas and New Orleans Railroad Company and other common carriers by railroad operating to, from and between points in the State of Louisiana, averring that the Louisiana Public Service Commission has refused to authorize or permit petitioners to increase their Louisiana intrastate passenger fares corresponding to those authorized by this Commission in said I. C. C. 339 causes and results in undue and unreasonable advantage, preference and prejudice as between persons and localities in intrastate commerce on the one hand and interstate commerce on the other hand, and undue or unreasonable and unjust discrimination against interstate commerce, in violation of section 13 of the Interstate Commerce Act; and for good cause appearing:

*It is ordered*, That an investigation be, and it is hereby, instituted and that a hearing be held therein to receive evidence from said petitioners and any other persons interested to determine whether the one-way and round-trip fares and charges of the petitioners for the intrastate transportation of passengers made or imposed by authority of the State of Louisiana, cause any undue or unreasonable advantage, preference or prejudice, as between persons or localities in intrastate commerce on the one hand, and interstate or foreign commerce on the other, or any undue, unreasonable, or unjust discrimination against interstate commerce; and to determine what fares and charges, if any, or what maximum or minimum, or maximum and minimum fares and charges, shall be prescribed to remove the unawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

*It is further ordered*, That all common carriers by railroad operating within the State of Louisiana, subject to the jurisdiction of this Commission be and they are hereby, made respondents to this proceeding; that a copy of this order be served upon said respondents; and that the State of Louisiana be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of that State and to the Louisiana Public Service Commission at Baton Rouge, La.

*It is further ordered*, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.:

*And it is further ordered*, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter direct.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10406; Filed, Dec. 14, 1953; 8:47 a. m.]


# FEDERAL REGISTER

VOLUME 18 NUMBER 244

*Washington, Wednesday, December 16, 1953*


## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10505

AMENDING THE SELECTIVE SERVICE REGULATIONS

By virtue of the authority vested in me by Title I of the Universal Military Training and Service Act (62 Stat. 604), as amended, I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Orders No. 10292 of September 25, 1951, and No. 10420 of December 17, 1952, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. Paragraphs (e) and (f) of section 1622.12 of Part 1622, *Classification Rules and Principles*, are amended to read as follows:

"(e) Every registrant who after being inducted into the armed forces under the provisions of section 4 (a) of title I of the Universal Military Training and Service Act, as amended, has served honorably therein for a period of six months or more, and who (1) has been separated therefrom by honorable discharge or discharge under honorable conditions, or by an equivalent type of release from service, except when such discharge or release was because of erroneous induction, or (2) has been transferred to a reserve component of the armed forces, each such registrant who has been transferred to a reserve component of the armed forces shall be identified with the abbreviation 'Res.' in the manner provided in § 1622.65, and every other such registrant shall be identified with the abbreviation 'Disc.' in the manner provided in § 1622.64, and upon attaining an age beyond the maximum age of liability for military service under the provisions of the selective service law, all such registrants shall be reclassified in Class V–A.

"(f) Every registrant who on or after June 24, 1948, has entered upon active duty in the armed forces, other than active duty for training only or active duty for the sole purpose of undergoing a physical examination, and has served honorably therein for a period of six months or more, and (1) who has been separated therefrom by honorable discharge or discharge under honorable conditions or by an equivalent type of release from service, except when such discharge or release was because of minority or erroneous enlistment, or (2) who has been separated therefrom by honorable discharge or discharge under honorable conditions or by an equivalent type of release from service and transferred to a reserve component of the armed forces, or (3) who has been transferred to a reserve component of the armed forces. Each such registrant who has been transferred to a reserve component of the armed forces shall be identified with the abbreviation 'Res.' in the manner provided in § 1622.65, and every other such registrant shall be identified with the abbreviation 'Disc.' in the manner provided in § 1622.64, and upon attaining an age beyond the maximum age of liability for military service under the provisions of the selective service law, all such registrants shall be reclassified in Class V–A."

2. Paragraphs (c) and (e) of section 1650.8 of Part 1650, *Registration, Classification, Physical Examination, Selection, and Induction of Persons in Medical, Dental, and Allied Specialist Categories*, are amended to read as follows:

"(c) In registering persons who are in priority one or priority two, as defined in paragraphs (2), (4), and (5) of section 4 (i) of title I of the Universal Military Training and Service Act, as amended, the registrar shall not issue the Registration Certificate (SSS Form No. 2) after the Registration Card (SSS Form No. 1) has been signed by a special registrant but shall give the special registrant a Classification Questionnaire (SSS Form No. 100), three copies of Initial Data for Classification and Commissioning in Medical Services for Medical, Dental and Veterinary Corps (DD Form No. 390), and a return envelope addressed to the local board of the registrar, which forms shall be completed by the special registrant and mailed to the local board in the return envelope within five days after his registration."

* * * * *

"(e) In registering persons who are in priority three or priority four, as defined

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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in paragraphs (2), (4), and (5) of section 4 (i) of title I of the Universal Military Training and Service Act, as amended, the registrar shall not issue the Registration Certificate (SSS Form No. 2) after the Registration Card (SSS Form No. 1) has been signed by a special registrant but shall deliver the registration card to the local board of the registrar. The Registration Card (SSS Form No. 1) of such a special registrant shall then be processed, and the Registration Certificate (SSS Form No. 2) shall be prepared and mailed to the special registrant, in the manner provided in paragraph (d) of this section. The Classification Questionnaire (SSS Form No. 100) and the Initial Data for Classification and Commissioning in Medical Services for Medical, Dental and Veterinary Corps (DD Form No. 390) shall not be delivered to registrants who are in priority three or four until such time as is fixed by the Director of Selective Service."

3. (a) Subparagraph (2) of paragraph (e) of section 1650.11 of Part 1650 is amended to read as follows:

"(2) A special registrant shall be placed in Class I–C if he has been inducted into the armed forces under the provisions of section 4 (i) of the Universal Military Training and Service Act, as amended, and thereafter has served on active duty for a period of twelve months or more, and has been separated from the armed forces by honorable discharge or discharge under honorable conditions or by an equivalent type of release from service, or has been so separated and transferred to a reserve component of the armed forces. Each such special registrant who has been transferred to a reserve component of the armed forces shall be identified on all records by following his classification with the abbreviation 'Res.', and every other such special registrant shall be similarly identified with the abbreviation 'Disc.'. Upon attaining the fifty-first anniversary of the day of his birth, each such special registrant shall be reclassified in Class V–A."

(b) Paragraph (l) of section 1650.11 is amended to read as follows:

"(l) (1) A special registrant shall be placed in Class IV–A if he is the sole surviving son of a family of which one or more sons or daughters were killed in action or died in line of duty while serving in the Armed Forces of the United States, or subsequently died as a result of injuries received or disease incurred during such service.

(2) A special registrant shall be placed in Class IV–A if he has served in the active service, as defined in paragraphs (4) and (5) of section 4 (i) of the Universal Military Training and Service Act, as amended, since September 16, 1940, for a period of twenty-one months or more.

(3) A special registrant shall be placed in Class IV–A if he is not registered and is not required to register under section 3 of the Universal Military Training and Service Act, as amended, and subsequent to September 9, 1950, was called or ordered to active duty as a commissioned member of a reserve component of the Armed Forces of the United States, and thereafter has served on active duty for a period of twelve months or more, and has been separated from such reserve component by discharge or acceptance of his resignation of his commission."

4. Paragraph (e) of section 1650.30 of Part 1650 is amended to read as follows:

"(e) The State Director of Selective Service shall maintain a record at State Headquarters of the name, local board, date of birth, specialist category, and number of order of priority under paragraphs (2), (4), and (5) of section 4 (i) of title I of the Universal Military Training and Service Act, as amended, of each special registrant who has been found acceptable for service in the armed forces. After the State Director of Selective Service has entered this information on such record, he shall forward the records received from the final examining agency of the armed forces for each special registrant to the registrant's local board."

5. Paragraph (b) of section 1650.40 of Part 1650 is amended to read as follows:

"(b) Special calls for specified numbers of male persons in any medical, dental, or allied specialist category shall, on the basis of the best information then available, be allocated, by the Director of Selective Service among the several States and by each State Director of Selective Service among the local boards in his State, in such manner that special registrants in each specialist category who are in Class I–A and Class I–A–O and have been found acceptable for service in the armed forces shall, on a Nation-wide basis within the Nation and a State-wide basis within each State, be ordered for induction in the following manner:

(1) Within each specialist category, those special registrants who are in a lower numbered order of priority as defined in paragraphs (2), (4), and (5) of section 4 (i) of title I of the Universal Military Training and Service Act, as amended, shall be ordered to report for induction before special registrants who are in a higher numbered order of priority.

(2) Those special registrants who are in priority one or priority three, as defined in paragraphs (2), (4), and (5) of section 4 (i) of title I of the Universal Military Training and Service Act, as amended, shall be ordered to report for induction in the order of their dates of birth with the youngest being selected first.

(3) Those special registrants who are in priority two or priority four, as defined in paragraphs (2), (4), and (5) of section 4 (i) of title I of the Universal Military Training and Service Act, as amended, shall be ordered to report for induction according to their length of active service, as defined in paragraphs (4) and (5) of section 4 (i) of that Act, with those having the least number of full months of such service being selected first."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*December 10, 1953.*

[F. R. Doc. 53-10482; Filed, Dec. 14, 1953; 4:33 p. m.]

## EXECUTIVE ORDER 10506

DELEGATING CERTAIN FUNCTIONS OF THE PRESIDENT UNDER THE PUBLIC HEALTH SERVICE ACT

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. The Secretary of Health, Education, and Welfare is hereby authorized and empowered, without the approval, ratification, or other action of the President, to perform the following-described functions vested in the President under the Public Health Service Act (58 Stat. 682), as amended:

(a) The authority under section 203 (42 U. S. C. 204) to appoint commissioned officers of the Reserve Corps.

(b) The authority under section 206 (b) (42 U. S. C. 207 (b)) to prescribe titles, appropriate to the several grades, for commissioned officers of the Public Health Service other than medical officers.

(c) The authority under section 207 (a) (2) (42 U. S. C. 209 (a) (2)) to terminate commissions of officers of the Reserve Corps without the consent of the officers concerned.

(d) The authority under sections 210 (a), (k), and (l) (42 U. S. C. 211 (a), (k), and (l)) to make or terminate temporary promotions of commissioned officers of the Regular Corps and Reserve Corps.

(e) The authority under section 211 (d) (42 U. S. C. 212 (d)) to approve the voluntary retirement of the Surgeon General.

(f) The authority to prescribe regulations under the following-designated sections: 207 (a), 207 (b), 208 (b), 208 (e), 210 (a), 210 (b), 210 (d) (1), 210 (h), 210 (i), 210 (j) (1), 210 (k), 211 (c), 215 (a), 218 (a), 219 (a), and 510 (42 U. S. C. 209 (a), 209 (b), 210 (b), 210 (e), 211 (a), 211 (b), 211 (d) (1), 211 (h), 211 (i), 211 (j), (1), 211 (k), 212 (c), 216 (a), 218a (a), 210–1 (a), and 228).

(g) The authority under sections 321 (a) and 364 (a) (42 U. S. C. 248 (a) and 267 (a)) to approve the selection of suitable sites for and the establishment of additional institutions, hospitals, stations, grounds, and anchorages; subject, however, to the approval of the Director of the Bureau of the Budget, except as he may otherwise provide.

SEC. 2. The Surgeon General is hereby authorized and empowered, without the approval, ratification, or other action of the President, to perform the function vested in the President by sections 203 and 207 (a) (2) of the Public Health Service Act (58 Stat. 683, 685), as amended (42 U. S. C. 204 and 209 (a)

(2)), or otherwise, of accepting voluntary resignations of commissioned officers of the Regular Corps or the Reserve Corps.

SEC. 3. All actions heretofore taken by the President with respect to the matters affected by this order and in force at the time of the issuance of this order, including any regulations prescribed or approved by the President with respect to such matters, shall, except as they may be inconsistent with the provisions of this order, remain in effect until amended, modified, or revoked pursuant to the authority conferred by this order.

SEC. 4. Paragraph 2 of Executive Order No. 9993 of August 31, 1948, is hereby amended to read as follows:

"2. *Exercise by the Secretary of Health, Education, and Welfare of certain powers of the President.* The Secretary of Health, Education, and Welfare is authorized to exercise the powers of the President (a) to terminate temporary promotions under section 6 (b) of the act of February 28, 1948, 62 Stat. 45, and (b) to specify ports under section 366 (a) of the Public Health Service Act.

SEC. 5. As used in this order, the term "functions" embraces duties, powers, responsibilities, authority, or discretion, and the term "perform" may be construed to mean "exercise".

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*December 10, 1953.*

[F. R. Doc. 53-10484; Filed, Dec. 14, 1953; 4:38 p. m.]

## EXECUTIVE ORDER 10507

FURTHER AMENDMENT OF EXECUTIVE ORDER NO. 9805,[1] PRESCRIBING REGULATIONS GOVERNING PAYMENT OF CERTAIN TRAVEL AND TRANSPORTATION EXPENSES

By virtue of authority vested in me by the act of August 2, 1946, 60 Stat. 806, as amended, it is ordered that Executive Order No. 9805 of November 25, 1946, entitled "Regulations Governing Payment of Travel and Transportation Expenses of Civilian Officers and Employees of the United States when Transferred from One Official Station to Another for Permanent Duty," as amended by Executive Orders No. 9933 of February 27, 1948, No. 10196 of December 20, 1950, and No. 10274 of July 18, 1951, be, and it is hereby, further amended as follows:

SECTION 1. Section 12 of the said Executive Order No. 9805, as amended, is hereby further amended to read as follows:

"SEC. 12. (a) *Commutation of expenses—general.* In lieu of the payment of actual expenses of transportation, packing, crating, drayage, and unpacking of household goods and personal effects in the case of transfers between points within the continental United States, reimbursement shall be made to the employee on a commuted basis at rates per hundred pounds as fixed by zones in Schedule A which is attached to and made a part of these regulations. The amount payable shall be the product of the applicable rate and the net weight of household goods and personal effects actually transported (within the weight limitation prescribed by section 16 hereof). In case the weight of the household goods transported is less than the one-thousand-pound minimum weight allowance chargeable under applicable tariffs, the employee may be reimbursed to the extent of the minimum tariff requirement. Government bills of lading shall not be used.

(b) *Commutation of expenses—temporary storage.* In lieu of the payment of actual expenses of temporary storage of household goods and personal effects in the case of transfers between points within the continental United States and in addition to allowances under Schedule A, reimbursement shall be made to the employee at the commuted rate of $2.00 per hundred pounds for the first 30 days of storage or fraction thereof plus 50¢ per hundred pounds for the next 30 days or fraction thereof: *Provided, however*, that the amount of the reimbursement shall not exceed the amount actually paid by the employee for the storage in question. Any claim for reimbursement for temporary storage shall be supported by the original or certified copy of the receipted warehouse bill."

SEC. 2. Schedule A attached to and forming a part of the said Executive Order No. 9805, as last amended by the said Executive Order No. 10274, is hereby further amended to read as follows:

SCHEDULE A—RATE PER 100 POUNDS

| (a) Miles | (b) 1,999 pounds or less[1] | (c) Break-point in pounds (see note) | (d) 2,000 to 3,999 pounds[1] | (e) Break-point in pounds (see note) | (f) 4,000 to 7,000 pounds[2] |
|---|---|---|---|---|---|
| 15 | $4.18 | 1,804 | $3.77 | 3,778 | $3.56 |
| 20 | 4.28 | 1,809 | 3.87 | 3,752 | 3.61 |
| 25 | 4.38 | 1,813 | 3.97 | 3,739 | 3.71 |
| 30 | 4.54 | 1,806 | 4.08 | 3,697 | 3.77 |
| 35 | 4.69 | 1,783 | 4.18 | 3,656 | 3.82 |
| 40 | 4.85 | 1,760 | 4.28 | 3,624 | 3.92 |
| 45 | 5.00 | 1,733 | 4.38 | 3,672 | 4.02 |
| 50 | 5.11 | 1,758 | 4.49 | 3,635 | 4.08 |
| 55 | 5.26 | 1,706 | 4.59 | 3,600 | 4.13 |
| 60 | 5.41 | 1,705 | 4.69 | 3,565 | 4.18 |
| 65 | 5.57 | 1,724 | 4.80 | 3,567 | 4.28 |
| 70 | 5.72 | 1,714 | 4.90 | 3,576 | 4.38 |
| 75 | 5.88 | 1,701 | 5.00 | 3,593 | 4.49 |
| 80 | 5.98 | 1,710 | 5.11 | 3,594 | 4.59 |
| 85 | 6.14 | 1,698 | 5.21 | 3,601 | 4.69 |
| 90 | 6.29 | 1,689 | 5.31 | 3,571 | 4.74 |
| 95 | 6.44 | 1,681 | 5.41 | 3,550 | 4.80 |
| 100 | 6.65 | 1,686 | 5.52 | 3,515 | 4.85 |
| 105 | 6.75 | 1,691 | 5.62 | 3,488 | 4.90 |
| 110 | 6.80 | 1,683 | 5.72 | 3,462 | 4.95 |
| 115 | 7.01 | 1,692 | 5.93 | 3,497 | 5.05 |
| 120 | 7.22 | 1,702 | 6.14 | 3,395 | 5.21 |
| 125 | 7.12 | 1,710 | 6.34 | 3,383 | 5.36 |
| 130 | 7.03 | 1,718 | 6.55 | 3,372 | 5.52 |
| 135 | 7.78 | 1,723 | 6.70 | 3,586 | 5.67 |
| 140 | 7.99 | 1,730 | 6.91 | 3,376 | 5.84 |
| 145 | 8.14 | 1,748 | 7.11 | 3,365 | 5.98 |
| 150 | 8.35 | 1,742 | 7.27 | 3,379 | 6.14 |
| 155 | 8.56 | 1,736 | 7.42 | 3,365 | 6.24 |
| 160 | 8.71 | 1,741 | 7.58 | 3,347 | 6.34 |
| 165 | 8.86 | 1,746 | 7.73 | 3,364 | 6.50 |
| 170 | 9.02 | 1,750 | 7.89 | 3,372 | 6.65 |
| 175 | 9.17 | 1,754 | 8.04 | 3,384 | 6.80 |
| 180 | 9.33 | 1,758 | 8.20 | 3,371 | 6.91 |
| 185 | 9.48 | 1,762 | 8.30 | 3,379 | 7.01 |
| 190 | 9.64 | 1,754 | 8.45 | 3,395 | 7.17 |
| 195 | 9.74 | 1,769 | 8.61 | 3,401 | 7.32 |
| 200 | 9.89 | 1,772 | 8.76 | 3,412 | 7.47 |
| 205 | 10.05 | 1,776 | 8.92 | 3,400 | 7.58 |
| 210 | 10.20 | 1,780 | 9.02 | 3,405 | 7.68 |
| 220 | 10.36 | 1,771 | 9.17 | 3,417 | 7.83 |
| 230 | 10.51 | 1,777 | 9.33 | 3,419 | 7.99 |
| 240 | 10.67 | 1,778 | 9.48 | 3,417 | 8.14 |
| 250 | 10.82 | 1,783 | 9.64 | 3,414 | 8.30 |
| 260 | 10.98 | 1,788 | 9.74 | 3,406 | 8.40 |
| 270 | 11.13 | 1,788 | 9.89 | 3,406 | 8.50 |
| 280 | 11.34 | 1,771 | 10.05 | 3,447 | 8.66 |
| 290 | 11.54 | 1,758 | 10.20 | 3,466 | 8.81 |
| 300 | 11.74 | 1,748 | 10.36 | 3,476 | 8.96 |
| 325 | 11.79 | 1,764 | 10.56 | 3,471 | 9.06 |
| 350 | 12.06 | 1,778 | 10.72 | 3,471 | 9.17 |
| 375 | 12.26 | 1,774 | 10.87 | 3,484 | 9.32 |
| 400 | 12.42 | 1,780 | 11.03 | 3,491 | 9.42 |
| 425 | 12.57 | 1,779 | 11.18 | 3,497 | 9.53 |
| 450 | 12.78 | 1,782 | 11.34 | 3,497 | 9.73 |
| 475 | 12.93 | 1,787 | 11.49 | 3,497 | 9.84 |
| 500 | 13.04 | 1,778 | 11.59 | 3,511 | 9.94 |
| 550 | 13.40 | 1,777 | 11.90 | 3,519 | 10.15 |
| 600 | 13.71 | 1,792 | 12.21 | 3,441 | 10.35 |
| 650 | 14.07 | 1,774 | 12.47 | 3,477 | 10.56 |
| 700 | 14.38 | 1,771 | 12.78 | 3,477 | 10.76 |
| 750 | 14.68 | 1,760 | 12.98 | 3,511 | 10.97 |
| 800 | 14.99 | 1,757 | 13.28 | 3,511 | 11.18 |
| 850 | 15.25 | 1,771 | 13.59 | 3,497 | 11.38 |
| 900 | 15.51 | 1,773 | 13.76 | 3,511 | 11.58 |
| 950 | 15.77 | 1,777 | 14.01 | 3,511 | 11.79 |
| 1,000 | 16.02 | 1,782 | 14.27 | 3,511 | 12.00 |
| 1,050 | 16.28 | 1,780 | 14.53 | 3,511 | 12.20 |
| 1,100 | 16.59 | 1,784 | 14.79 | 3,511 | 12.41 |
| 1,150 | 16.90 | 1,781 | 15.01 | 3,497 | 12.62 |
| 1,200 | 17.16 | 1,784 | 15.30 | 3,497 | 12.82 |
| 1,250 | 17.41 | 1,788 | 15.56 | 3,497 | 13.03 |
| 1,300 | 17.67 | 1,791 | 15.82 | 3,497 | 13.23 |
| 1,350 | 17.98 | 1,788 | 16.07 | 3,497 | 13.44 |
| 1,400 | 18.24 | 1,791 | 16.33 | 3,497 | 13.64 |
| 1,450 | 18.55 | 1,789 | 16.59 | 3,497 | 13.85 |
| 1,500 | 18.86 | 1,791 | 16.84 | 3,497 | 14.05 |
| 1,550 | 19.11 | 1,790 | 17.10 | 3,497 | 14.26 |
| 1,600 | 19.47 | 1,795 | 17.36 | 3,497 | 14.46 |
| 1,650 | 19.68 | 1,791 | 17.62 | 3,497 | 14.67 |
| 1,700 | 19.94 | 1,791 | 17.88 | 3,497 | 14.87 |
| 1,750 | 20.25 | 1,791 | 18.13 | 3,497 | 15.08 |
| 1,800 | 20.50 | 1,795 | 18.39 | 3,497 | 15.28 |
| 1,850 | 20.81 | 1,793 | 18.65 | 3,497 | 15.49 |
| 1,900 | 21.07 | 1,796 | 18.91 | 3,497 | 15.69 |
| 1,950 | 21.28 | 1,791 | 19.16 | 3,497 | 15.90 |
| 2,000 | 21.64 | 1,797 | 19.42 | 3,497 | 16.10 |
| 2,050 | 21.95 | 1,794 | 19.68 | 3,497 | 16.31 |
| 2,100 | 22.25 | 1,793 | 19.94 | 3,497 | 16.51 |
| 2,150 | 22.56 | 1,791 | 20.19 | 3,497 | 16.72 |
| 2,200 | 22.82 | 1,793 | 20.45 | 3,497 | 16.92 |
| 2,250 | 23.08 | 1,791 | 20.66 | 3,497 | 17.13 |
| 2,300 | 23.39 | 1,789 | 20.96 | 3,497 | 17.33 |
| 2,350 | 23.70 | 1,787 | 21.17 | 3,497 | 17.54 |
| 2,400 | 23.95 | 1,790 | 21.43 | 3,497 | 17.74 |
| 2,450 | 24.21 | 1,793 | 21.69 | 3,497 | 17.95 |
| 2,500 | 24.47 | 1,795 | 21.95 | 3,497 | 18.15 |
| 2,550 | 24.78 | 1,792 | 22.20 | 3,497 | 18.36 |
| 2,600 | 25.09 | 1,791 | 22.46 | 3,497 | 18.56 |
| 2,650 | 25.34 | 1,794 | 22.72 | 3,497 | 18.77 |
| 2,700 | 25.60 | 1,790 | 22.97 | 3,497 | 18.97 |
| 2,750 | 25.86 | 1,793 | 23.18 | 3,497 | 19.18 |
| 2,800 | 26.17 | 1,792 | 23.44 | 3,497 | 19.38 |
| 2,850 | 26.48 | 1,791 | 23.70 | 3,497 | 19.59 |
| 2,900 | 26.74 | 1,792 | 23.95 | 3,497 | 19.79 |
| 2,950 | 26.99 | 1,791 | 24.16 | 3,497 | 20.00 |
| 3,000 | 27.25 | 1,789 | 24.37 | 3,497 | 20.20 |

NOTE: The tariffs approved by the Interstate Commerce Commission include minimum weight provisions to insure that, in instances where the charges computed in one bracket exceed those computed for the same mileage in the next higher bracket, the lower rate is used. The breakpoint columns in Schedule A are designed as a convenience in determining the proper amount of reimbursement in such instances.

[1] The rate applicable for the transportation of 1,999 pounds, net, or less for the applicable mileage, column (a), is that shown in column (b) unless the net weight exceeds the number of pounds shown in column (c) for the applicable mileage; in the latter case the applicable rate is that shown in column (d) for the same mileage and the applicable weight is the minimum hundredweight of that column instead of the actual weight of the goods transported.

[2] In the case of transportation of household goods weighing 2,000 to 3,999 pounds, net, the amount of reimbursement is computed by using the applicable rate in column (d), (e), and (f) in the same manner as described above for columns (b), (c), and (d).

[3] In the case of transportation of household goods weighing 4,000 to 7,000 pounds, net, the amount of reimbursement is the product of the applicable rate in column (f) for the applicable mileage multiplied by the number of hundredweight transported.

To illustrate: The amount of reimbursement for the transportation of 1,800 pounds, net, for 900 miles is computed by using the applicable rate in column (d), $4.69 (since 1,800 pounds exceeds the applicable column (c) weight, 1,755 pounds) and the minimum hundredweight of column (d), 20. The amount so computed is $93.80. The amount of reimbursement for the transportation of 1,700 pounds, net, a distance of 400 miles is the product of the applicable rate in column (b), $5.41 (since 1,700 pounds does not exceed the applicable weight in column (c), 1,735 pounds) multiplied by the net hundredweight transported, 17. The amount so computed is $91.97.

*Additional Allowances*

*Island Shipments.* To the amount of reimbursement computed from the foregoing table add $3.50 per hundred pounds for each shipment by common carrier having Martha's Vineyard, Massachusetts, as its origin or destination or (b) $5.00 per hundred pounds for each shipment by common carrier having its origin or destination on any other island of one of the coastal States that can be reached by line-carrier transportation only by use of ferry or ship.

*Metropolitan Areas.* To the amount of reimbursement computed from the foregoing table add (a) 30 cents per hundred pounds for each shipment by common carrier originating or terminating, or both, in one of the areas described below or (b) add 60 cents per hundred pounds for each shipment by common carrier originating in one of the areas described below and terminating in another of such areas:

Illinois: Chicago and Cook and Lake Counties and any point within the territory bounded by Lake Michigan and Indiana State Line on the east, U. S. Highway 30 on the south, State Highway 31 on the west, and State Highway 120 on the north, including corporate limits of points and places on the specified highways.

Indiana: Gary, and any point in Lake County.

New York: New York City, and any point in Nassau, Suffolk, and Westchester Counties.

Ohio: Cleveland, and any point in Cuyahoga County.

Pennsylvania: Philadelphia, and any point in Delaware, Montgomery, and Philadelphia Counties. Pittsburgh, and any point in Allegheny County.

This order shall be effective in any case in which the transportation involved is authorized and commenced on or after May 8, 1953.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*December 10, 1953.*

[F. R. Doc. 53-10483; Filed, Dec. 14, 1953; 4:33 p. m.]

## EXECUTIVE ORDER 10508

EXCUSING FEDERAL EMPLOYEES FROM DUTY ONE-HALF DAY ON DECEMBER 24, 1953, AND ONE-HALF DAY ON DECEMBER 31, 1953

By virtue of the authority vested in me as President of the United States, it is hereby ordered that the several executive departments, independent establishments, and other governmental agencies in the metropolitan area of the District of Columbia, including the General Accounting Office, the Government Printing Office, and the Navy Yard and Naval Stations, shall be closed one-half day on Thursday, December 24, 1953, the day preceding Christmas Day, and one-half day on Thursday, December 31, 1953, the day preceding New Year's Day; and all employees in the Federal service in the metropolitan area of the District of Columbia, and in the field service of the executive departments, independent establishments, and other agencies of the Government, except those who may for special public reasons be excluded from the provisions of this order by the heads of their respective departments, establishments, or agencies, or those whose absence from duty would be inconsistent with the provisions of existing law, shall be excused from duty on such one-half days; and each such one-half day shall be considered a holiday within the meaning of Executive Order No. 10358 of June 9, 1952, and of all statutes so far as they relate to the compensation and leave of employees of the United States.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*December 14, 1953.*

[F. R. Doc. 53-10501; Filed, Dec. 15, 1953; 10:25 a. m.]



# RULES AND REGULATIONS

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 5710]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LOUIS SHAPIRO AND PURO CO.

Subpart—*Advertising falsely or misleadingly:* § 3.75 *Free goods or services;* § 3.155 *Prices*—Exaggerated as regular and customary. Subpart—*Misbranding or mislabeling:* § 3.1213 *Free goods;* § 3.1280 *Price.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1955 *Free goods.* In connection with the offering for sale, sale and distribution in commerce, of "Puro", or any other merchandise, representing, directly or by implication: (1) That a price which is in excess of the price at which said merchandise is regularly sold is the customary or usual price of said merchandise; and (2) that any article of merchandise is being given free or as a gift or without cost where some or all of the cost of said article has been added to the regular price of other merchandise, the purchase of which is required as a condition for receiving said article; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Louis Shapiro trading as Puro Company, Chicago, Ill., Docket 5710, November 19, 1953]

*In the Matter of Louis Shapiro, an Individual Trading as Puro Company*

Pursuant to the provisions of the Federal Trade Commission Act, the Commission, on November 10, 1949, issued and subsequently served its complaint in this proceeding upon Louis Shapiro, an individual trading as Puro Company, charging him with unfair and deceptive acts and practices in commerce in violation of the provisions of that act. After the issuance of said complaint and the filing of respondent's answer thereto, a hearing was held at which testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before a hearing examiner of the Commission theretofore duly designated by it, and such testimony and other evidence were duly recorded and filed in the office of the Commission. Thereafter, on June 13, 1952, the hearing examiner filed his initial decision herein which was duly served on the parties.

On July 7, 1952, counsel for respondent filed with the Commission an appeal from said initial decision. Thereafter this proceeding regularly came on for consideration by the Commission upon the record herein, including briefs in support of and in opposition to said appeal (oral argument not having been requested) and the Commission issued its order granting said appeal in part and denying it in part; and the Commission, being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,[1] conclusion[2] and order to cease and desist, the same to be in lieu of the initial decision of the hearing examiner.

*It is ordered,* That respondent, Louis Shapiro, individually and trading and doing business as Puro Company or under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of "Puro," or any other merchandise, do forthwith cease and desist from representing, directly or by implication:

(1) That a price which is in excess of the price at which said merchandise is regularly sold is the customary or usual price of said merchandise.

(2) That any article of merchandise is being given free or as a gift or without cost where some or all of the cost of said article has been added to the regular price of other merchandise, the purchase of which is required as a condition for receiving said article.

*It is further ordered,* That respondent, Louis Shapiro, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

Issued: November 19, 1953.

By the Commission.[3]

[SEAL] ALEX. AKERMAN, JR.,
*Secretary.*

[F. R. Doc. 53-10458; Filed, Dec. 15, 1953; 8:52 a. m.]

[1] Filed as part of the original document.

[3] Commissioner Mead concurs except he would issue a broader order regarding use of word "free." (See Mead dissent in Walter J. Black, Inc., et al., Docket 5571.)

[1] 11 F. R. 13823.

[File No. 21-295]

PART 130—FUR INDUSTRY

RESCISSION OF PART

In the matter of Trade Practice Rules for the Fur Industry; File No. 21-295.

Whereas, the Commission on June 17, 1938 promulgated trade practice rules for the Fur Industry which were codified in the Code of Federal Regulations (Title 16, Part 130); and

Whereas, the rules and regulations under the Fur Products Labeling Act (Title 16, Part 301), effective August 9, 1952, superseded on that date all provisions of the said Fur Rules relating to misbranding and false or deceptive advertising and invoicing of furs or fur products; and

Whereas, proceedings for the revision of the rules for the Fur Industry do not appear under the circumstances to be warranted in the public interest;

*It is ordered*, That the said rules be and the same are hereby rescinded.

By the Commission.

[SEAL] ALEX. AKERMAN, JR., *Secretary.*

[F. R. Doc. 53-10459; Filed, Dec. 15, 1953; 8:53 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

#### Subchapter F—Personnel

PART 573—APPOINTMENT OF COMMISSIONED OFFICERS AND WARRANT OFFICERS

MISCELLANEOUS AMENDMENTS

1. The opening statement of § 573.2, subparagraphs (1) and (5) of paragraph (c), subparagraphs (1), (3) and (5) of paragraph (d), subparagraphs (1) and (2) of paragraph (e), and subparagraphs (1) and (2) of paragraph (f) are amended to read as follows:

§ 573.2 *Age and special eligibility requirements.* The age requirement for appointment in the various corps of the Army Medical Service, Regular Army, as prescribed in § 573.10, is restated for information and guidance of all concerned, together with special eligibility requirements for each corps as indicated. Female applicants for the Army Nurse Corps and the Women's Medical Specialist Corps must be unmarried and have no dependent or dependents under 18 years of age or a child or children under 18 years of age. Such applicants who have any legal or other responsibilities for custody, control, care, maintenance, or support of any child or children under 18 years of age will be ineligible. These special requirements are in addition to general eligibility requirements prescribed by § 573.10, for appointment in the Regular Army.

* * * * *

(c) *Veterinary Corps.* Applicants must: (1) Have reached 21st birthday but not the 32d birthday on date of appointment. The latter date may be advanced by the number of years, months, and days of active Federal service performed after attaining the age of 21 years as a commissioned officer in the Army of the United States subsequent to December 31, 1947, but not to exceed a total of 5 years. Applicants must be eligible according to age requirements on that date which is 6 months after the end of the application period (§ 573.5 (c) (3) (i)).

* * * * *

(5) Be on active duty at time of application and screening but need not be on active duty at time of appointment.

(d) *Medical Service Corps.* Applicant must: (1) Have reached 21st birthday but not the 30th birthday on date of appointment. The latter date may be advanced by the number of years, months, and days of active Federal service performed after attaining the age of 21 years as a commissioned officer in the Army of the United States subsequent to December 31, 1947, but not to exceed a total of 5 years. Applicants must be eligible according to age requirements on that date which is 6 months after the end of the application period (§ 573.5 (c) (3) (i)).

* * * * *

(3) Hold a Reserve commission. Be assigned to any branch and have completed 18 months active Federal commissioned service in the United States Army, performed within the 3-year period immediately preceding submission of an application. Tours of active duty of 90 days or less may not be included in computing service for this program.

* * * * *

(5) Be on active duty at time of application and screening but need not be on active duty at time of appointment.

* * * * *

(e) *Army Nurse Corps.* Applicant must: (1) Have reached the 21st birthday on date of appointment but not have passed the 27th birthday on date of nomination by the President, for appointment in the grade of second lieutenant; have reached the 21st birthday on date of appointment but not have passed the 30th birthday on the date of nomination by the President, for appointment in the grade of first lieutenant. These maximum ages are increased by the number of years, months, and days of active Federal commissioned service performed subsequent to December 31, 1947, but not to exceed a total of 5 years.

(2) Hold a Reserve commission and be assigned to the Army Nurse Corps branch in the Army, and have served on active duty for at least 6 months immediately prior to appearance before evaluation board.

* * * * *

(f) *Women's Medical Specialist Corps.* Applicant must: (1) Have reached the 21st birthday on date of appointment but not have passed the 27th birthday on date of nomination by the President, for appointment in the grade of second lieutenant; have reached the 21st birthday on date of appointment but not have passed the 30th birthday on date of nomination by the President, for appointment in the grade of first lieutenant. These maximum ages are increased by the number of years, months, and days of active Federal commissioned service performed subsequent to December 31, 1947, but not to exceed a total of 5 years.

(2) Hold a Reserve commission and be assigned to the Women's Medical Specialist Corps branch of the Army, and have served on active duty for at least 6 months immediately prior to appearance before evaluation board.

* * * * *

2. Sections 573.3 and 573.4 are rescinded and the following substituted therefor:

§ 573.3 *Service credit.* (a) Each individual appointed in the Regular Army under the Officer Personnel Act of 1947 (61 Stat. 795), as amended, and the Army-Navy Nurses Act of 1947 (61 Stat. 41) as amended, shall at time of appointment be credited with an amount of service equivalent to the total period of active Federal service performed after attaining the age of 21 years as a commissioned officer in the Army of the United States subsequent to December 31, 1947, and prior to appointment in the Regular Army, but not to exceed 5 years.

(b) In addition to paragraph (a) of this section, individuals appointed in the following corps will be given service credit on the basis of professional training as indicated below:

| Corps: | Credit (years) |
|---|---|
| Medical Corps | 4 |
| Dental Corps | 3 |
| Veterinary Corps | 2 |
| Medical Service Corps | [1] 3 |

[1] If at time of appointment the individual holds a degree of doctor of philosophy or comparable degree recognized by The Surgeon General in a science allied to medicine.

§ 573.4 *Grade determination.* (a) Upon the basis of service credited in § 573.3, individuals appointed in the Army Nurse Corps and the Women's Medical Specialist Corps who have less than 3 years' service credit shall be appointed in the grade of second lieutenant; 3 or more years but not to exceed 5, shall be appointed in the grade of first lieutenant. Individuals appointed in other corps of the Medical Service who have less than 3 years' service credit shall be appointed in the grade of second lieutenant; 3 or more years but less than 7, shall be appointed in the grade of first lieutenant; 7 or more years shall be appointed in the grade of captain.

(b) Appointments in the Medical or Dental Corps will be in grades determined according to the applicant's age and years of active professional experience subsequent to graduation from a medical or dental school acceptable to the Department of the Army.

| Grade | Professional experience (years) | Maximum age |
|---|---|---|
| First lieutenant | None | Not have attained 28th birthday. |
| Captain | 4 | Not have attained 32d birthday. |
| Major | 11 | Not have attained 40th birthday. |
| Lieutenant colonel | 18 | Not have attained 48th birthday. |

Initial appointments in the Medical or Dental Corps in the grade of colonel are



authorized. Persons appointed in this grade will possess outstanding qualifications for special positions determined by The Surgeon General as requirements necessitate.

3. In § 573.5 paragraph (a) and subparagraph (3) (iii) of paragraph (c) are amended to read as follows:

§ 573.5 *Application.* (a) Applications will be submitted on DA Form 61 (Application for Appointment), in duplicate. DA Form 61 may be requisitioned through normal publications supply channels, on or about December 15, 1953.

* * * * *

(c) Applications will be forwarded as follows:

* * * * *

(3) Applications for appointment in the Veterinary Corps and Medical Service Corps:

* * * * *

(iii) If 60 or more duty days have elapsed since the submission of a complete efficiency report, the applicant's file will include a special, complete efficiency report. When the period subsequent to the last efficiency report does not permit coverage of 60 days, a certificate executed by the applicant's immediate superior officer will be attached to the application file. This certificate, in lieu of the special efficiency report, will state that such efficiency report cannot be submitted and that observed performance of duties does not disclose evidence of a nature to preclude favorable consideration. The certificate will, in addition indicate that the applicant's performance of duty is of sufficiently high caliber to indicate qualities of leadership, aptitude for military service, and attributes considered requisite to a successful career as a Regular Army officer. If a special efficiency report is included in the file, the next efficiency report to be rendered will commence with the date immediately following the closing date of the special report. Such reports will not duplicate any period of other reports previously rendered.

* * * * *

4. Section 573.7 is amended to read as follows:

§ 573.7 *Action within Department of the Army.* (a) Upon receipt of an application and allied papers, The Adjutant General will review the case, including available Department of the Army records, in order to determine statutory and administrative eligibility, and will then forward all papers to The Surgeon General. The Surgeon General will recommend appointment or nonappointment and return each case to The Adjutant General. When applicable, recommendations for appointment will include grade in which appointment is to be made. Recommendations for nonappointment will include reasons therefor, and such applicants will be notified promptly by The Adjutant General.

(b) Report of medical examination will be requested at the appropriate time and will then be referred to The Surgeon General by The Adjutant General for determination of physical qualifications. Those applicants found disqualified physically will be notified promptly.

(c) The Adjutant General will transmit names of applicants recommended for appointment to the Secretary of the Army for action to effect appointments, and will issue necessary instructions through commanders of major commands concerned to consummate such appointments.

[SR 605-25-10, November 30, 1953] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 53-10445; Filed, Dec. 15, 1953; 8:49 a. m.]

PART 573—APPOINTMENT OF COMMISSIONED OFFICERS AND WARRANT OFFICERS

GENERAL ELIGIBILITY REQUIREMENTS; ARMY NURSE CORPS AND WOMEN'S MEDICAL SPECIALIST CORPS

In § 573.10 (b) subparagraphs (5) and (6) are amended to read as follows:

§ 573.10 *General eligibility requirements.* * * *

(b) * * *

(5) *Army Nurse Corps.* Applicant must have reached the 21st birthday but not the 27th birthday on date of nomination by the President, for appointment as second lieutenant. This maximum age may be increased by the number of years, months, and days of active Federal service performed, after attaining the age of 21 years, as a commissioned officer in the Army of the United States subsequent to December 31, 1947 but not to exceed a total of 3 years. For appointment in the grade of first lieutenant, applicant must have reached the 21st birthday but not have attained the 30th birthday on date of nomination by the President, for appointment. This maximum age may be increased by the number of years, months, and days of active Federal service performed, after attaining the age of 21 years, as a commissioned officer in the Army of the United States subsequent to December 31, 1947, but not to exceed a total of 5 years.

(6) *Women's Medical Specialist Corps.* Applicant must have reached the 21st birthday but not the 27th birthday on date of nomination by the President for appointment as second lieutenant. This maximum age may be increased by the number of years, months, and days of active Federal service performed, after attaining the age of 21 years, as a commissioned officer in the Army of the United States subsequent to December 31, 1947, but not to exceed a total of 3 years. For appointment in the grade of first lieutenant applicant must have reached the 21st birthday but not have attained the 30th birthday on date of nomination by the President for appointment. This maximum age may be increased by the number of years, months, and days of active Federal service performed, after attaining the age of 21 years, as a commissioned officer in the Army of the United States subsequent to December 31, 1947, but not to exceed a total of 5 years.

* * * * *

[C2, AR 605-25, November 30, 1953] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 53-10430; Filed, Dec. 15, 1953; 8:45 a. m.]

### Chapter XVI—Selective Service System

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

PART 1650—REGISTRATION, CLASSIFICATION, PHYSICAL EXAMINATION, SELECTION, AND INDUCTION OF PERSONS IN MEDICAL, DENTAL, AND ALLIED SPECIALIST CATEGORIES

CROSS REFERENCE: For amendments to §§ 1622.12, 1650.8, 1650.11, 1650.30, and 1650.40, see Title 3, Executive Order 10505, *supra*.

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

TONGASS NARROWS, ALASKA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.785 is hereby prescribed to govern the navigation of Tongass Narrows, Alaska, as follows:

§ 207.785 *Tongass Narrows, Alaska; navigation*—(a) *Definitions.* The term "Tongass Narrows" includes the body of water shown on United States Coast and Geodetic Survey Chart No. 8094 lying between Revillagigedo Channel and Guard Islands in Clarence Strait.

(b) No vessel shall exceed a speed of seven knots between Idaho Rock and Charcoal Point.

(c) No vessel shall while moored or at anchor, or by slow passage or otherwise while underway, unreasonably obstruct the free passage and progress of other vessels.

(d) No vessel shall moor or anchor to any structure of the United States other than mooring piers, wharves, and floats without the consent of the District Engineer, Alaska District, Anchorage, Alaska, or his authorized representative.

[Regs., November 17, 1953, 800.211 (Tongass Narrows, Alaska)-ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 53-10431; Filed, Dec. 15, 1953; 8:46 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 53]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| ELKO, NEV.<br>Elko, Municipal, 5136'<br>SBRAZ-DTV EKO<br>Procedure No. 1<br>December 12, 1953 | Deeth FM | 210—31 | 9,000 | N side W course:<br>240 outbound.<br>050 inbound.<br>8,500' within 15 miles.<br>10,000' within 25 miles. | 7,600 | 203—0.8 | T-dn<br>Tkf<br>C-dn<br>A-dn | 1,000-2<br>1,000-3<br>2,500-3<br>2,500-3 | 1,000-2<br>1,000-3<br>2,500-3<br>2,500-3 | Within 0.0 mile, climb to 9,000' on NE course between range and Deeth FM, making procedure turn on N side of NE course. |
| | Carlin FM (final) | 050—19 | 7,600 | | | | | | | |
| FRESNO, CALIF.<br>Fresno Air Terminal, 331'<br>SBRAZ-DTV FNO<br>Procedure No. 1<br>December 12, 1953 | (Make let-down to Fresno-Chandler Airport. Fly VFR from Fresno-Chandler Airport to Fresno Air Terminal.) | | | | | | | | | |
| FRESNO, CALIF.<br>Fresno-Chandler, 277'<br>SBRAZ-DTV<br>FNO<br>Procedure No. 1<br>December 12, 1953 | Bowles FM (final) | 316—11.0 | 800 | W side SE course:<br>136 outbound.<br>316 inbound.<br>1,500' within 25 miles.<br>Procedure<br>Turn W side more favorable terrain. | 800 | 035—1.0 | T-dn<br>C-dn<br>A-dn | 300-1<br>500-2<br>800-2 | NA<br>NA<br>NA | Within 0.0 mile, climb to 2,000' on W course within 20 miles, or as directed by ATC. |
| FRESNO, CALIF.<br>Fresno-Chandler, 277'<br>SBRAZ-DTV<br>FNO<br>Procedure No. 2<br>December 12, 1953 | Bowles FM | 316—11.0 | 1,300 | S side W course:<br>271 outbound.<br>091 inbound.<br>1,500' within 10 miles.<br>1,900' within 25 miles. | 800 | 035—1.0 | T-dn<br>C-dn<br>A-dn | 300-1<br>500-1<br>800-2 | NA<br>NA<br>NA | Within 0.0 mile course climb to 1,500' on SE course within 20 miles, or as directed by ATC. |
| LOVELOCK, NEV.<br>Lovelock Airport, 3603'.<br>BMRLZ-DTV<br>LOL<br>Procedure No. 1.<br>December 12, 1953. | | | | N side NE course:<br>048 outbound.<br>228 inbound.<br>9,500' within 10 miles.<br>(NA beyond 10 miles.) | 7,500 | 247°—21.0 | T-dn<br>T-kn<br>O-dn<br>C-dn<br>A-dn<br>A-kn | 3,500-3<br>4,500-5<br>3,500-3<br>4,500-8<br>3,500-3<br>4,500-8 | 3,500-3<br>4,500-5<br>3,500-3<br>4,500-8<br>3,500-3<br>4,500-8 | Within 0.0 mile, climb to 10,000' on SW course within 30 miles, or as directed by ATC.<br>*Final approach from LFR station at night shall be via SW course of LFR until airport is visible from cockpit.<br>NOTE: ADF procedure not authorized. Shuttle: to 10,000' on SW course within 25 miles. |
| MERCED, CALIF.<br>Merced Airport, 155'<br>MRAZ (Castle AFB LFR)<br>MER<br>Procedure No. 1<br>December 12, 1953 | | | | N side NE course:<br>033 outbound.<br>213 inbound.<br>1,700' within 15 miles.<br>(NA beyond 15 miles.) | 1,200 | 153—3.0 | T-dn<br>C-dn<br>A-dn | 300-1<br>500-1<br>800-2 | 300-1<br>(600-1½)<br>800-2 | Within 3.0 miles, climb to 3,000' on SW course within 25 miles, or as directed by ATC. |

2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| WINDSOR LOCKS, CONN.<br>Bradley Field, 171'<br>LOM 239 kcs. BD<br>Procedure No. 1<br>February 1, 1953 | (PROCEDURE CANCELED EFFECTIVE NOVEMBER 13, 1953) | | | | | | | | | |

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Transition to ILS: From | Transition to ILS: To— | Transition to ILS: Course and distance | Transition to ILS: Minimum altitudes (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope intercept. (ft.) | Altitude of glide slope and distance to approach end of runway at—: Outer marker | Altitude of glide slope and distance to approach end of runway at—: Middle marker | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| DAYTON, OHIO<br>Dayton Airport, 1,008'<br>ILS DAY<br>LOM DA<br>LMM AY<br>Procedure No. 1<br>Combination ILS & ADF<br>December 16, 1953 | Dayton LFR | LOM | 189—3.0 | 2,300 | West side course:<br>235 outbound.<br>055 inbound.<br>2,300' within 10 miles of LOM. | 2,300<br>ADF<br>1,700'<br>over<br>LOM | 2,270—4.4 | 1,235—0.66 | T-DN<br>C-DN | 300-1<br>500-1 | 300-1<br>500-1½ | Within 4.4 miles after passing LOM, climb to 2,100' on N course DAY LFR to W course CMH or (when directed by ATC) climb to 2,300' on NE course ILS or 55° M to W course CMH. |
| | Dayton VOR | LOM | 189—8.0 | 2,300 | | | | | S-DN<br>6L ILS | 400-¾ | 400-¾ | |
| | Wright Patterson LFR | LOM | 297—12 | 3,000 | | | | | 6L & 6R<br>ADF | 500-1 | 500-1 | |
| | Verona FM | LOM | 107—10 | 2,300 | | | | | A-DN<br>ILS | 800-2 | 800-2 | |
| | W course CMH LFR & ILS NE course or bearing 235° M to LOM | LOM | 235—18 | 2,300 | | | | | A-DN<br>ADF | 1,000-2<br>BCOB | 1,000-2<br>BCOB | |
| | Liberty Int | LOM | 071—9 | 2,300 | | | | | | | | |
| | 266° bearing to DAY VOR and ILS NE course or bearing 235° M to LOM. | LOM | 235—13 | 2,300 | | | | | | | | |
| PITTSBURGH, PA.<br>Greater Pittsburgh Airport, 1,068'<br>ILS PIT<br>LOM PI<br>Procedure No. 1<br>Combination ILS & ADF<br>November 4, 1953 | Pittsburgh LFR | PI LOM | 308—10.6 | 2,400 | E 316 course ILS:<br>141 outbound.<br>321 inbound.<br>2,000' within 10 miles of PI LOM. NA beyond 10 miles. | ILS<br>2,500'<br>ADF<br>2,100'<br>over<br>PI<br>LOM | 2,500—4.7 | 1,415—0.7 | T-dn<br>C-dn<br>S-dn<br>72<br>ILS<br>ADF<br>A-dn<br>ILS<br>ADF | 300-1<br>500-1<br><br><br>400-¾<br>500-1<br><br>800-2<br>1,000-2<br>BCOB | 300-1<br>500-1½<br><br><br>400-¾<br>500-1<br><br>800-2<br>1,000-2<br>BCOB | Within 4.7 miles after passing PI-LOM, make a climbing left turn, climb to 2,500' (or higher when requested by ATC) and proceed to Clinton Rbn. |
| | Pittsburgh VOR | PI LOM | 336—12 | 2,600 | | | | | | | | |
| | McKeesport Rbn | PI LOM | 291—19 | 2,700 | | | | | | | | |
| | GRP LOM | PI LOM | 297—7 | 2,600 | | | | | | | | |
| | Clinton Rbn | PI LOM | 119—10 | 2,600 | | | | | | | | |
| | Coal Rbn | PI LOM | 013—8 | 2,600 | | | | | | | | |
| | Butler Rbn | PI LOM | 214—21 | 2,900 | | | | | | | | |
| | ASR Patterns | PI LOM | As directed | | | | | | | | | |

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State, airport name, elevation; facility; class and identification; procedure No., effective date | Transition to ILS: From— | Transition to ILS: To— | Transition to ILS: Course and distance | Transition to ILS: Minimum altitudes (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope interception inbound (ft.) | Altitude of glide slope and distance to approach end of runway at—: Outer marker | Altitude of glide slope and distance to approach end of runway at—: Middle marker | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| PITTSBURGH, PA<br>Greater Pittsburgh Airport, 1,168'<br>ILS GPB<br>LMM GMM<br>LOM GRP<br>Procedure No. 2<br>Combination ILS & ADF<br>November 4, 1953 | New Alexandria Rbn | GRP-LOM | 280—36 | 3,000 | N side E course ILS: 097° outbound, 277° inbound. 2,900' within 10 miles; NA beyond 10 miles. | 2,400 over GRP LOM | No Glide Path<br>6.5 | 0.7 | T-dn<br>C-dn<br>S-dn 28<br>ILS<br>ADF<br>A-dn | 300-1<br>500-1<br><br><br>400-1<br>500-1 | 300-1<br>500-1½<br><br><br>400-1<br>500-1 | 6½ miles after passing GRP-LOM climb to 2,500' (or higher if directed by ATC) on W course ILS or 277° course to Clinton Rbn. |
| | Butler Rbn | GRP-LOM | 210—16 | 2,900 | | | | | | | | |
| | McKeesport Rbn | GRP-LOM | 306—18 | 2,900 | | | | | | | | |
| | Pittsburgh LFR | GRP-LOM | 348—11 | 2,900 | | | | | | | | Note: ILS procedure based on localizer only. No glide path available. |
| | Pittsburgh VOR | GRP-LOM | 356—11 | 2,900 | | | | | ILS<br>ADF | 800-2<br>1,000-2 (BCOB) | 800-2<br>1,000-2 (BCOB) | |
| | Cecil Rbn | GRP-LOM | 028—12 | 2,900 | | | | | | | | |
| | Clinton Rbn | GRP-LOM | 097—13 | 2,900 | | | | | | | | |
| | ASR Patterns | GRP-LOM | As directed | | | | | | | | | |

4. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnet C. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the ground controller. From initial contact with GCA to final authorized landing minimums, the instructions of the GCA controller are mandatory except when (A) visual reference with ground is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion appears desirable to discontinue the approach.

| City and State; airport name, elevation; effective date | Radar terminal area; maneuvering altitudes by sectors and limiting distances | Ceiling and visibility minimums: Runway No. | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Precision approach (PAR): 75 m. p. h. or less | Ceiling and visibility minimums: Precision approach (PAR): More than 75 m. p. h. | Ceiling and visibility minimums: Surveillance approach (ASR): 75 m. p. h. or less | Ceiling and visibility minimums: Surveillance approach (ASR): More than 75 m. p. h. | Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds; (b) directed by ground controller; (c) visual reference is not established upon descent to the authorized landing minimums; or (d) landing is not accomplished |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| OAKLAND, CALIF.<br>Municipal, 5'<br>December 1, 1953 | All bearings are to the radar with sector azimuths progressing clockwise. | 27 L R<br>9 L R<br>33 | S-dn<br>C-dn | | | 500-1<br>700—1½ | 600—1½<br>600—1½ | Climb to 2,000' on northwest course Oakland LFR within 15 miles (Richmond Int ) or on a magnetic course (Radial) of 310° from the Oakland VOR within 15 miles. |
| | Within 5 miles:<br>125°–251°, 1,000'.<br>251°–125°, 500'. | All runways | T-dn<br>A-dn | | | 300—1<br>800—2 | 300—1<br>800—2 | |
| | Within 10 miles:<br>145°–271°, 3,000'.<br>271°–352°, 1,500'.<br>352°–95°, 1,000'.<br>095°–060°, 1,800'.<br>060°–115°, 1,500'. | | | | | | | |
| | Within 15 miles:<br>142°–291°, 3,000'.<br>291°–317°, 1,000'.<br>317°–060°, 3,000'.<br>060°–142°, 1,800'. | | | | | | | |

GCA STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; effective date | Radar terminal area; maneuvering altitudes by sectors and limiting distances | Ceiling and visibility minimums: Runway No. | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Precision approach (PAR): 75 m. p. h. or less | Ceiling and visibility minimums: Precision approach (PAR): More than 75 m. p. h. | Ceiling and visibility minimums: Surveillance approach (ASR): 75 m. p. h. or less | Ceiling and visibility minimums: Surveillance approach (ASR): More than 75 m. p. h. | Except when the ground controller may direct otherwise prior to final approach, a missed approach procedure shall be executed as provided below when (a) communication on final approach is lost for more than 5 seconds; (b) directed by ground controller; (c) visual reference is not established upon descent to the authorized landing minimums; or (d) landing is not accomplished |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| OAKLAND, CALIF.—Continued<br>Municipal—Continued | Within 20 miles:<br>145°–214°, 3,000'.<br>214°–234°, 5,000'.<br>234°–294°, 3,200'.<br>294°–352°, 1,600'.<br>352°–095°, 3,000'.<br>095°–145°, 2,000'. | | | | | | | |
| | Within 25 miles:<br>115°–214°, 3,000'.<br>214°–234°, 5,000'.<br>234°–300°, 3,700'.<br>300°–342°, 1,600'.<br>342°–010°, 3,500'.<br>010°–060°, 3,000'.<br>060°–115°, 3,000'.<br>115°–145°, 3,000'. | | | | | | | |

These procedures shall become effective on the dates indicated in column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-10350; Filed, Dec. 15, 1953; 8:45 a. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

NOTIFICATION OF ADVERSE DECISIONS OF ADMINISTRATIVE OFFICERS OF AGENCIES; APPEALS TO COMMISSION

Sections 22.3 and 22.4 are amended to read as follows:

§ 22.3 *Notification of adverse decisions of administrative officers of agencies.* Adverse decisions by administrative officers following notification of proposed adverse action, charges and opportunity for answer shall be in writing, dated, and submitted to the employee promptly after such decisions have been made. The employee shall also be advised, in the same notification, of his right to appeal, to the appropriate office of the Civil Service Commission, as provided in § 22.4.

§ 22.4 *Appeals to the Commission*—(a) *Submission of appeals.* A preference eligible may appeal to the Civil Service Commission from an adverse decision of discharge, suspension for more than thirty (30) days, furlough without pay, or reduction in rank or compensation within the scope of section 14 of the Veterans' Preference Act of 1944, as amended. Appeals may be submitted immediately upon notice of the decision, during the period before the decision is effected, or thereafter within the time limits provided in paragraph (b) of this section.

(b) *Time limits on appeals.* Ten days after the date that an adverse decision is effected by actual discharge, suspension for more than thirty (30) days, furlough without pay, or reduction in rank or compensation shall be considered a reasonable time limit for the preparation and submission of an appeal except as provided below.

(1) The time limit on an appeal of a reduction resulting from a classification decision of an employing agency, where there is a right to appeal the position classification to the agency under its established administrative procedures, shall be either ten (10) days after the effective date of the adverse decision or ten (10) days after the decision by the agency on the administrative position classification appeal, at the election of the employee.

(2) The time limit on an appeal of a postmaster appointed by the President and confirmed by the U. S. Senate, who is notified of an adverse decision of discharge and continues in office until a successor is installed, shall be ten (10) days after receipt of the notice.

(c) *Extension of time limits.* The time limit may be extended in the discretion of the Commission upon a showing by the employee that he was not notified of his right to appeal as provided in § 22.3 and was unaware of his right in this respect or, that circumstances beyond his control prevented him from filing an appeal within the prescribed ten (10) days.

(Secs. 11 and 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Asistant.*

[F. R. Doc. 53-10443; Filed, Dec. 15, 1953; 8:49 a. m.

## TITLE 46—SHIPPING

### Chapter I—Coast Guard, Department of the Treasury

**Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels**

[CGFR 53-54]

PART 146—TRANSPORTATION OR STOWAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

MISCELLANEOUS AMENDMENTS

A notice regarding proposed miscellaneous changes in the regulations gov-

erning the transportation or stowage of explosives or other dangerous articles or substances and combustible liquids on board vessels was published in the FEDERAL REGISTER dated September 9, 1953, 18 F. R. 5434, 5435, as Items XVII to XXVI, inclusive, on the Agenda to be considered by the Merchant Marine Council on September 29, 1953, at Washington, D. C. All comments, views, and data submitted were considered and where practicable incorporated into the regulations.

The amendment to 46 CFR 146.02–20 changes the specific regulations governing repair work involving welding or burning on board vessels handling dangerous cargo. The changes require additional precautions and are intended to further protect against the possibility of fire or other casualty. This amendment is based on Item XVII of the agenda.

The amendments to 46 CFR 146.03–19, 146.04–5, 146.05–3, 146.05–15 (g), and 146.05–16, change the requirements so that they will be as nearly parallel as practicable with the revised regulations of the Interstate Commerce Commission which govern the land transportation of various dangerous and hazardous cargoes. These changes deal with requirements regarding inside containers, listing of explosives and other dangerous articles and combustible liquids, requirements regarding mixed packing, and the marking and labeling for domestic shipments only and for mixed packages. These amendments are based on Item XVIII on the Agenda.

The amendments to 46 CFR 146.20–7 (s), (u), 146.20–9 (c), 146.20–11 (d), (g), (q), (r), 146.20–13 (a), 146.20–90, 146.20–100, and 146.20–300, bring up to date the requirements governing explosives and are as nearly parallel as practicable with the Interstate Commerce Commission regulations governing the land transportation of explosives. The amendments deal with class A explosives with respect to boosters, bursters, and supplementary charges, and charged oil well jet perforating guns; class B explosives with respect to special fireworks; class C explosives with respect to percussion fuzes, igniters, etc., and common fireworks, samples of explosives and explosive articles for laboratory and examination purposes; stowage and storage of explosives and other dangerous articles; Table A—Classification: Class A; Dangerous Explosives, and Table C—Classification: Class C; Relatively Safe Explosives. These amendments are based on Item XIX of the Agenda.

The amendments to 46 CFR 146.21–1, 146.21–65 and 146.21–100 and the deletion of 46 CFR 146.21–5 revise the requirements regarding inflammable (flammable) liquids so that they will be as nearly parallel as practicable with similar regulations of the Interstate Commerce Commission governing the transportation of inflammable liquids. The amendments revised the definition of inflammable (flammable) liquids, revise the requirements regarding limited quantity shipments, and Table D—Classification: Inflammable Liquids. These amendments are based on Item XX of the Agenda.

The amendments to 46 CFR 146.22–25 (d) and 146.22–100 revise the requirements governing inflammable solids and oxidizing materials so that they will be as nearly parallel as practicable with similar regulations of the Interstate Commerce Commission governing the land transportation of inflammable solids and oxidizing materials. These amendments deal with nickel catalyst finely divided, actuated or spent, and revised requirements in Table E—Classification: Inflammable Solids and Oxidizing Materials. A new § 146.22–35, regarding the bulk transportation of elemental phosphorus in water is added to 46 CFR Part 146. These amendments are based on Item XXI of the Agenda.

The amendment to 46 CFR 146.23–100 revised the requirements governing corrosive liquids so that they will be as nearly parallel as practicable with similar regulations of the Interstate Commerce Commission governing the land transportation of corrosive liquids. The amendment revises and brings up to date the requirements in Table F—Classification: Corrosive Liquids. This amendment is based on Item XXII of the Agenda.

The amendments to 46 CFR 146.24–1 and 146.24–100 and the deletion of 46 CFR 146.24–5 revised these requirements so that they will be as nearly parallel as practicable to similar regulations of the Interstate Commerce Commission governing the land transportation of compressed gases. These amendments revised the definition of compressed gases and certain requirements in Table G—Classification: Compressed Gases. The amendments to 46 CFR 146.24–30 to 146.24–50, inclusive, and 146.24–80 revised the requirements for "On deck" and "Under deck" stowage of cylinders of compressed gases and requirements governing the transportation of liquid chlorine in bulk. These amendments are based on Item XXIII of the agenda.

The amendments to 46 CFR 146.25–55 and 146.25–200 revised the requirements governing poisonous articles so that they will be as nearly parallel as practicable with similar regulations of the Interstate Commerce Commission governing the land transportation of poisonous articles. These amendments bring up to date and revised the requirements regarding exemptions for poisons, Class B, and revised the requirements in Table H—Classification: Class B, Less Dangerous Poisons. These amendments are based on Item XXIV of the agenda.

The amendment to 46 CFR 146.26–100 revises the requirements with respect to leather cement and furfural in Table J—Classification: Combustible Liquids. This amendment is based on Item XXV of the agenda.

The amendment to 46 CFR 146.27–100 deletes the requirements and conditions for loading, stowing, and transporting baled cotton from Table K—Hazardous Articles and inserts a reference to a new § 146.27–25 which contains these requirements and conditions, which section is being added to 46 CFR Part 146. The new regulation, designated 46 CFR 146.27–25, contains the revised requirements and brings up to date the safety precautions to be followed in the transportation of cotton. These amendments are based on Item XXVI of the agenda.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective 90 days after date of publication of this document in the FEDERAL REGISTER, except as otherwise indicated in the regulations:

SUBPART—GENERAL REGULATIONS

Section 146.02–20 is amended to read as follows:

§ 146.02–20 *Repairs or work involving welding or burning or other hazards.* (a) A vessel having on board explosives or other dangerous articles as cargo shall not proceed to a ship repair plant or enter upon a drydock or marine railway or otherwise undertake repairs, or any work involving welding or burning, or the use of powder actuated tools or appliances which may produce intense heat, in violation of any of the following provisions:

(1) No such repairs or work, except emergency repairs to the vessel's main propelling or boiler plant or auxiliaries thereto, shall be undertaken while any explosives as cargo are on board.

(2) No such repairs or work shall be undertaken in holds containing any other dangerous articles as cargo, nor in compartments adjoining holds in which other dangerous articles as cargo are stowed except necessary repairs to the vessel's main propelling or boiler plant or auxiliaries thereto, including tail shaft and propeller.

(3) No such repairs or work shall be undertaken in or upon boundaries of holds, after the discharge of any cargo of explosives or inflammable solids or oxidizing materials, until all precautions are taken to see that no residue of cargo is left to create a hazard.

(4) No such repairs or work shall be undertaken in, or upon boundaries of, holds that have lately contained substances capable of giving off inflammable or explosive vapors, until such holds have been determined gas free.

(b) None of the provisions in paragraph (a) of this section shall apply to permitted articles of ships' stores and supplies of a dangerous nature, although provisions shall be taken to afford safe storage and protection to such stores from any risk incident to the repair work.

(c) Contrary to the provisions set forth in this section, emergency repairs may be undertaken when in the judgment of the master, such repairs are necessary for the safety of the vessel, its passengers and crew.



9. After "Charcoal, wood screenings, *other than "pinon" wood screenings* Inf. S. Yellow", insert the following in columns 1 and 2:
*Charged oil well jet perforating guns* ---- Not permitted.

11. After "Cyanide of calcium, solid ---- Pois. B. Poison", insert the following in columns 1, 2, and 3:
Cyanide of calcium mixtures, solid ---- Pois. B ---- Poison.

12. After "Cyclohexane Inf. L. Red", insert the following in columns 1, 2, and 3:
Cyclohexyltrichlorosilane ---- Cor. L ---- White.

13. After "Cyclopropane Inf. G. Red gas", insert the following in column 1:
*Cyclotrimethylenetrinitramine, desensitized.* (See: "High explosives.")
*Cyclotrimethylenetrinitramine, wet with not less than 10% of water.* (See: "High explosives.")

14. After "Dichlorodifluoromethane and difluoroethane mixture (*constant boiling mixture*) Noninf., G. Green gas", insert the following in columns 1, 2, and 3:
Dichlorodifluoromethane - monofluorotrichloromethane Noninf. G ---- Green gas.
mixture.

15. After "*Dimethylarsenic acid, solid* (See: "Cacodylic acid, solid")," Insert the following in columns 1, 2, and 3:
Dimethyl dichlorosilane (see: "Ethyl trichlorosilane") ---- Inf. L ---- Red.

16. After "Dispersent gas, N. O. S. Noinf. G. Green gas", insert the following in columns 1, 2, and 3:
Dodecyltrichlorosilane ---- Cor. L ---- White.

17. After "Ethyl lactate Comb. L.", insert the following in columns 1, 2, and 3:
Ethyl mercaptan (see "Mercaptans") ---- Inf. L ---- Red.

18. After "Ethylene glycol monomethyl ether acetate (*methyl "Cellosolve" acetate*) Comb. L.", insert the following in columns 1, 2, and 3:
Ethylene imine, inhibited ---- Inf. L ---- Red.

19. Amend "Furfural Comb. L." by adding an asterick as follows in column 1:
*Furfural.

20. After "*Grenades, hand or rifle, explosive, with gas, smoke, or incendiary material* (See: "Explosive hand or rifle grenades")", insert the following in column 1:
*Grenades, hand or rifle, with gas, smoke, or incendiary material but without bursting charges.* (See: "Chemical ammunition, class A or B poison" or "Fireworks, special.")

21. After "*Hessian* (See: "Burlap cloth")", Insert the following in columns 1, 2, and 3:
Hexadecyltrichlorosilane ---- Cor. L ---- White.

22. After "Igniters Expl. C", insert the following in column 1:
*Illuminating projectiles, fuzed or not fuzed, with expelling charge.* (See: "Fireworks, special.")

23. Delete the following items in column 1:
*Illuminating projectiles fuzed and with expelling charges.* (See: "Ammunition for cannon with illuminating projectiles.")
*Illuminating projectiles not fuzed and without expelling charges.* (See: "Fireworks, special.")

SUBPART—DEFINITIONS OF WORDS AND TERMS CONTAINED WITHIN THE REGULATIONS IN THIS SUBCHAPTER

Section 146.03–19 is amended to read as follows:

§ 146.03–19 *Inside containers.* The following abbreviations when used in the tables indicate that the substance is packed in "Inside Containers" of the following descriptions:

"WIC" means With Inside Container, which may be glass, earthenware, metal, polyethylene or other authorized materials.
"WIL" means With Inside Liners.
"WMC" means With Inside Metal Containers.
"WML" means With Inside Metal Liners.
"WPL" means With Inside Paper Liners.

SUBPART—LIST OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ARTICLES SUBJECT TO THE REGULATIONS IN THIS SUBCHAPTER

Section 146.04–5 is amended by inserting, or amending or deleting the following articles as indicated:

§ 146.04–5 *List of explosives and other dangerous articles and combustible liquids.*

| Article | Classed as | Label required |
|---|---|---|
| * * * | | |
| 1. After "Alcohol, wood (methanol)" "Inf. L.", "Red", insert the following in columns 1, 2, and 3: | | |
| Aldrin | Pois. B | Poison. |
| Aldrin mixture, dry, with more than 15% aldrin | Pois. B | Poison. |
| Aldrin mixture, liquid | Pois. B | Poison. |
| 2. After "*Aliphatic mercaptan mixtures (see: "Mercaptans")* -- Inf. L | | Red. |
| *Aliphatic mercaptan mixtures | | |
| 2a. After "*Ammonium pierate, wet (when wet with not less than 10 percent water and in a quantity not exceeding 16 ounces in one outside package)*" and "Inf. S.", insert the following in columns 1 and 2: | | |
| Ammonium sulfate nitrate (leunasaltpeter) | Haz | |
| 3. After "Amyl chloride" "Inf. L." "Red", insert the following in columns 1, 2, and 3: | | |
| Amyl mercaptan (see: "*Mercaptans*") | Inf. L | Red. |
| 4. After "Burnt fibers (See: "Fibers, burnt")" "Inf. S." "Yellow", insert the following in columns 1 and 2: | | |
| Bursters (explosive) (see: "Boosters") | Expl. A | |
| 5. After "Butyl ether Comb. L.", insert the following in columns 1, 2, and 3: | | |
| Butyl mercaptan (see "*Mercaptans*") | Inf. L | Red. |
| 6. Amend "Calcium hypochlorite compounds, dry, containing more than 39% available oxygen (39% available chlorine)" Oxy. M. Yellow" to read as follows in columns 1, 2, and 3: | | |
| Calcium hypochlorite compounds, dry, containing more than 39% available chlorine. | Oxy. M | Yellow. |
| 7. After "*Cement, leather Inf. L. Red", insert the following in columns 1, 2, and 3: | | |
| *Cement, linoleum | Comb. L | Red. |
| *Cement, linoleum | Inf. L | Red. |
| 8. After "*Cement, rubber Inf. L. Red", insert the following in columns 1, 2, and 3: | | |
| *Cement, tile | Comb. L | Red. |
| *Cement, tile | Inf. L | Red. |
| *Cement, wallboard | Comb. L | Red. |
| *Cement, wallboard | Inf. L | Red. |

39. After "Propellant explosives in water, unstable, condemned, or deteriorated *(smokeless powder for cannon or small arms)* Expl. B", insert the following in columns 1, 2, and 3:

| | | |
|---|---|---|
| Propyl mercaptan (See "Mercaptans") | Inf. L | Red. |

40. After "Propylene Inf. G. Red gas", insert the following in columns 1, 2, and 3:

| | | |
|---|---|---|
| Propylene oxide | Inf. L | Red. |

40a. Opposite "Saltpeter (See: "Potassium nitrate"), in columns 2 and 3 delete "Inf. S." and "Yellow".

40b Opposite "Saltpeter, Chile (See: "Sodium Nitrate") in columns 2 and 3 delete "Inf. S." and "Yellow".

41. After "Smokeless powder for cannon or small arms (See: "Propellant explosives" or "High explosives"), insert the following in column 1:

*Smoke projectiles with bursting charges.* (See: "Explosive projectiles with bursting charge.")

*Smoke projectiles with expelling charge but without bursting charge.* (See: "Fireworks, special.")

41a. Amend "Sulfide of potassium (See: "Potassium sulfide") and "Oxy. M." to read as follows in columns 1 and 2:

Sulfide of potassium (see: "Potassium sulfide") Inf. S.

42. After "Sulfuric acid, spent, in bulk (See: § 146.23–40 and 146.23–45)", insert the following in columns 1, 2, and 3:

| | | |
|---|---|---|
| Sulfuryl chloride | Cor. L | White. |
| Supplementary charges (explosive) (see: "Boosters") | Expl. A | |

43. After "Trimethylamine, aqueous solution (See: "Dimethylamine, aqueous solution") (Inf. L. Red", insert the following in columns 1, 2, and 3:

| | | |
|---|---|---|
| Trimethyl chlorosilane (see: "Ethyl trichlorosilane") | Inf. L | Red. |

44. After "Vinyl methyl ether, inhibited Inf. L. Red", insert the following in columns 1, 2, and 3:

| | | |
|---|---|---|
| Vinyl trichlorosilane (see: "Ethyl trichlorosilane") | Inf. L | Red. |

45. After "Zirconium, metallic, dry Inf. S. Yellow.", insert the following in columns 1, 2, and 3:

| | | |
|---|---|---|
| Zirconium, metallic, solutions or mixtures thereof, liquid. | Inf. L | Red. |

SUBPART—SHIPPER'S REQUIREMENTS RE: PACKING, MARKING, LABELING AND SHIPPING PAPERS

Section 146.05–3 is amended to read as follows:

§ 146.05–3 *Mixed packing.* (a) Outside containers having interior packages containing substances possessing different dangerous characteristics, the mixture of which is liable to cause evolution of heat or gas or produce a corrosive acting substance, shall not be offered for transportation or storage on board vessels to which the regulations in this part apply unless so packed as to prevent admixture.

(b) The offering for transportation of any package or container of any liquid, solid or gaseous material which under conditions incident to transportation may polymerize (combine or react with itself) so as to cause dangerous evolution of heat or gas is prohibited. Such materials may be offered for transportation when properly stabilized or inhibited.

Section 146.05–15 (g) is amended to read as follows:

§ 146.05–15 *Marking and labeling applying to domestic shipments only.*

* * *

(g) Each package containing "Any Other Dangerous Article" as defined by the regulations in this part shall be conspicuously labeled by the shipper as follows except as otherwise provided:

(1) "Red label" as described and illustrated in § 146.05–17 (f) on containers



of inflammable liquids, except when exempted by the regulations in this part. If inflammable liquid is also a class A poison or a radioactive material poison D, the "poison gas" label or "radioactive materials" label must also be applied to the package.

(2) "Yellow label" as described and illustrated in § 146.05–17 (g) on containers of inflammable solids and oxidizing materials, except when exempted by the regulations in this part. If inflammable solid or oxidizing material is also a class A poison or a radioactive material poison D, the "poison gas" label or "radioactive materials" label must also be applied to the package.

(3) "White label" as described and illustrated in § 146.05–17 (h) on containers of acids, except when exempted by the regulations in this part. If the acid is also a class A poison or a radioactive material poison D, the "poison gas" label or "radioactive materials" label must also be applied to the package.

(4) "White label" as described and illustrated in § 146.05–17 (j) on containers of corrosive liquids, except when exempted by the regulations in this part. If the corrosive liquid is also a class A poison or a radioactive material poison D, the "poison gas" label or "radioactive materials" label must also be applied to the package.

(5) "White label" as described and illustrated in § 146.05–17 (k) on containers of alkaline caustic liquids, except when exempted by the regulations in this part. If the alkaline caustic liquid is also a class A poison or a radioactive material poison D, the "poison gas" label or "radioactive materials" label must also be applied to the package.

(6) "Red label" as described and illustrated in § 146.05–17 (l) on containers of inflammable compressed gases, except when exempted by the regulations in this part. If the inflammable compressed gas is also a class A poison or a radioactive material poison D, the "poison gas" label or the "radioactive materials" label must also be applied to the package.

(7) "Green label" as described and illustrated in § 146.05–17 (m) on containers of noninflammable compressed gases except when exempted by the regulations in this part. If the noninflammable compressed gas is also a class A poison or a radioactive material poison D, the "poison gas" label or "radioactive materials" label must also be applied to the package.

(8) "Poison gas label" as described and illustrated in § 146.05–17 (n) on containers of class A poisons.

(9) "Poison label" as described and illustrated in § 146.05–17 (o) on containers of class B poison liquids, or solids, except when exempted by the regulations in this part. If the class B poison liquid or solid is also a radioactive material poison D, the "radioactive materials" label must also be applied to the package.

(10) "Tear gas label" as described and illustrated in § 146.05–17 (p) on containers of class C poisons.

(11) "Radioactive materials label" as described and illustrated in § 146.05–17 (q) on containers of group I and group II radioactive materials.

(12) "Radioactive materials label" as described and illustrated in § 146.05–17 (r) on containers of group III radioactive materials.

(13) "Empty label" as described and illustrated in § 146.05–17 (u) shall be applied to empty containers when such application is required by the regulations in this part.

(14) "Bung label" as described and illustrated in § 146.05–17 (v) on metal barrels or drums containing inflammable liquids with vapor pressures exceeding 16 pounds per square inch absolute.

Section 146.05–16 is amended to read as follows:

§ 146.05–16 *Labels for mixed packing.* (a) Use the red label only when red and other labels are prescribed, except when poison gas label or radioactive materials label is prescribed, then both the red label and the poison gas label or red label and radioactive materials label must be used.

(b) Use white acid (alkaline caustic liquid or corrosive liquid) label only when white acid (alkaline caustic liquid or corrosive liquid) and yellow or poison labels are prescribed or poison labels (class B) are prescribed, except when poison gas label or radioactive materials label is prescribed, then both the white acid label and the poison gas label or white acid and radioactive materials label is prescribed, then both the white acid label and the poison gas label or white acid and radioactive materials label must be used.

(c) Use the yellow label only when yellow and poison labels are prescribed, except when poison gas label or radioactive materials label is prescribed, then both the yellow label and the poison gas label or the yellow label and the radioactive materials label must be used.

Section 146.20–7 is amended by changing paragraph (s) and adding a new paragraph (u), reading as follows:

§ 146.20–7 *Class A explosives.* * * *

(s) *Boosters, bursters and supplementary charges.* Boosters and supplementary charges consist of a casing containing a high explosive and are used to increase the intensity of explosion of the detonator of a detonating fuse. Bursters consist of a casing containing a high explosive and are used to repture a projectile or bomb to permit release of its contents.

* * * * *

(u) *Charged oil well jet perforating guns.* Charged oil well jet perforating guns are steel tubes or metallic strips into which are inserted shaped charges connected in series by primacord. These devices are not permitted to be shipped on board any vessel subject to the regulations in this subchapter.

Section 146.20–9 (c) is amended to read as follows:

§ 146.20–9 *Class B explosives.* * * *

(c) Special fireworks are manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. (See class C explosives for "fireworks, common"). Examples are toy torpedoes, railway torpedoes, some firecrackers and salutes, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles and smoke projectiles fuzed or unfuzed and containing expelling charges but not containing bursting charges, flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not over 72 grains of flash powder each (see "Black powder and low explosives", Class B explosives, for shipments made as low explosives) and flash cartridges, consisting of a paper cartridge shell, small-arms primer, and flash composition, not exceeding 180 grains all assembled in one piece. Fireworks must be in a finished state, exclusive or mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation.

Section 146.20–11 is amended by changing paragraphs (d), (g), (q), and (r) to read as follows:

§ 146.20–11 *Class C explosives.* * * *

(d) Percussion fuzes, combination fuzes, and time fuzes are devices designed to ignite powder charges of ammunition or to initiate an intermediate charge (booster) in projectiles, bombs, etc. When such fuzes are assembled with booster charges they are properly described as "detonating fuzes" (see § 146.20–5 (g) (3)).

* * * * *

(g) Igniters consist of fiberboard, plastic, paper or metal tubes containing a small quantity of igniting compound which is ignited by the action of a primer, pull wire or scratch composition.

* * * * *

(q) Common fireworks are fireworks devices suitable for use by the public and designed primarily to produce visible effects by combustion. Some small devices designed to produce audible effects are also included in this class. The types, sizes and amount of pyrotechnic contents of these devices are limited as enumerated in this paragraph. No component, of any device listed in this paragraph, which is designed to produce an audible effect shall contain pyrotechnic composition in excess of 2 grains in weight. (Propelling or expelling charges consisting of a mixture of sulfur, charcoal and saltpeter are not considered as designed to produce audible effects.) Any new device, not enumerated in this paragraph, must be approved by the Bureau of Explosives before being offered for transportation as common fireworks. Common fireworks must be in a finished state exclusive of mere ornamentation as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation. Fireworks, other than common fireworks as defined in this paragraph, and those forbidden for transportation by § 146.20–3, are classed as special fireworks (see class B explosives). The devices are:

(1) Roman candles, not exceeding 10 balls spaced uniformly in the tube, total pyrotechnic composition not to exceed 20 grams each in weight. The inside tube diameter shall not exceed ⅝ inch.



24. After "Isopropanol (See: "Alcohol or alcohol, N. O. S.") Inf. L. Red", insert the following in columns 1, 2, and 3:

| | | |
|---|---|---|
| Isopropyl mercaptan (see: "Mercaptans") | Inf. L | Red. |

25. Amend "Lithium hypochlorite compounds, dry, containing more than 8 80 available oxygen (39% available chlorine) (See: "Calcium hypochlorite compounds, dry, etc.") Oxy. M. Yellow", to read as follows in columns 1, 2, and 3:

| | | |
|---|---|---|
| Lithium hypochlorite compounds, dry, containing more than 39% available chlorine) (see: "Calcium hypochlorite compounds, dry, etc.") | Oxy. M | Yellow. |

26. Amend "Methanol *(methyl alcohol)* (See: "Alcohol or alcohol, N. O. S.") Inf. L. Red", to read as follows in columns 1, 2, and 3:

| | | |
|---|---|---|
| *Methanol (methyl hydrate) (methyl alcohol)* (see: "Alcohol or alcohol, N. O. S.") | Inf. L | Red. |

27. After "Methyl mercaptan Inf. G. Red gas", insert the following in columns 1, 2, and 3:

| | | |
|---|---|---|
| Methyl parathion, liquid (see "Parathion, liquid") | Poi. B | Poison. |
| Methyl parathion mixture, liquid (see: "Parathion mixture, liquid.") | Poi. B | Poison. |

28. After "Methyldichlorarsine Pois. A. Poison Gas", insert the following in columns 1, 2, and 3:

| | | |
|---|---|---|
| Methyl trichlorosilane (see: "Ethyl trichlorosilane.") | Inf. L | Red. |

30. After "Monochloroethylene (See: "Vinyl chloride, inhibited") Inf. G. Red gas", insert the following in columns 1, 2, and 3:

| | | |
|---|---|---|
| Monochloropentafluoroethane | Nonlnf. G | Green gas. |

31. After "Nickel carbonyl Inf. L. Red", insert the following in columns, 1, 2, and 3:

| | | |
|---|---|---|
| •Nickel catalyst, finely divided, activated or spent | Inf. S | Yellow. |

32. After "Nitrate of soda (See: "*Nitrates*") Oxy. M.", insert the following in columns 1 and 2:

| | | |
|---|---|---|
| Nitrate of soda and potash (see: "*Nitrates*") | Oxy. M | |

33. After "Oakum Haz.", insert the following in columns 1, 2, and 3:

| | | |
|---|---|---|
| Octadecyltrichlorosilane | Cor. L | White. |

34. Amend "*Photographic, flash powder* (See: "Fireworks, special")", to read as follows in column 1:

*Photographic flash powder.* (See: "Fireworks, special" or "Low explosives.")

35. After "•Polishing compounds, liquid (See: "Polishes, metal, stove, furniture, and wood, liquid") Comb. L", insert the following in column 1:

*Polymerizable materials.* (See: § 146.05–3.)

36. After "•Potato spray (arsenical), liquid (See: "Insecticide, liquid")", insert the following in columns 1, 2, and 3:

| | | |
|---|---|---|
| Pressurized inflammable (flammable) liquids, N. O. S. | Inf. L | Red. |

37. After "*Projectiles, gas, smoke, or incendiary, with burster or booster without detonating fuze* (See: "Ammunition, chemical, explosive")", insert the following in column 1:

*Projectiles, illuminating, incendiary or smoke with expelling charge but without bursting charge.* (See: "Fireworks, special")

38. Delete the following item in column 1:

*Projectiles, illuminating, incendiary or smoke.* (See: "Ammunition, projectiles, grenades, bombs, mines, and torpedoes" or "Fireworks, special.")



determined by flash point from Taglia-

(4) Butyl mercaptan.

(2) Sky rockets with sticks, total pyrotechnic composition not to exceed 20 grams each in weight. The inside tube diameter shall not exceed ½ inch. The rocket sticks must be securely fastened to the tubes.

(3) Helicopter type rockets, total pyrotechnic composition not to exceed 20 grams each in weight. The inside tube diameter shall not exceed ½ inch.

(4) Cylindrical fountains, total pyrotechnic composition not to exceed 75 grams each in weight. The inside tube diameter shall not exceed ¾ inch.

(5) Cone fountains, total pyrotechnic composition not to exceed 50 grams each in weight.

(6) Wheels, total pyrotechnic composition not to exceed 60 grams for each driver unit or 240 grams for each complete wheel. The inside tube diameter of driver units shall not exceed ½ inch.

(7) Illuminating torches and colored fire in any form, except items included in subparagraph (12) of this paragraph, total pyrotechnic composition not to exceed 100 grams each in weight.

(8) Sparklers and dipped sticks, total pyrotechnic composition not to exceed 100 grams each in weight. Pyrotechnic composition containing any chlorate or perchlorate shall not exceed 5 grams.

(9) Mines and shells of which the mortar is an integral part, total pyrotechnic composition not to exceed 40 grams each in weight.

(10) Firecrackers and salutes with casings, the external dimensions of which do not exceed 1½ inches in length or ¼ inch in diameter, total pyrotechnic composition not to exceed 2 grams each in weight.

(11) Novelties consisting of two or more devices enumerated in this paragraph, trick matches and cigarette plugs, when approved by the Bureau of Explosives.

(12) Railway fusees, truck flares, hand ship distress signals, smoke candles, smoke signals and smoke pots.

(r) Igniter cord consists of a wire, with or without textile countering, uniformly covered with a combustible chemical mixture, countered with strands of wire and overspun with textile yarns and/or wire, and water resistant coatings which, when ignited, burns at various rates according to design.

Section 146.20–13 (a) is amended to read as follows:

§ 146.20–13 *Samples of explosives and explosive articles for laboratory and examination purposes.* (a) New explosives, including fireworks and explosive devices, other than Army, Navy or Air Corps explosive or chemical ammunition of a security classification, must be examined and approved by the Bureau of Explosives as safe for transportation before being offered for shipment, except that a sample of such explosives, fireworks and explosive devices, not to exceed 5 pounds net weight, may be offered for transportation on board cargo vessels subject to the regulations in this subchapter for the purpose of this examination. Samples of explosives, except liquid nitroglycerin, other than new explosives for laboratory examination not exceeding 5 pounds net weight may be offered for transportation by cargo vessels subject to the regulations of this subchapter. For the purposes of the regulations in this part a new explosive, including fireworks and explosive devices, is the product of a new factory or an explosive or explosive device of an essentially new composition or character made by any factory.

Section 146.20–90 and the Table entitled "Stowage and Storage Chart of Explosives and Other Dangerous Articles" are amended as indicated below:

§ 146.20–90 *Stowage and storage chart of explosives and other dangerous articles.* • • •

1. In the fourth sentence of § 146.20–90 which begins with "The letter X at an intersection • • •", delete the phrase: "boosters (explosive)".

2. In vertical and horizontal descriptive columns 7 of Table entitled *"Stowage and storage chart of explosives and other dangerous articles"*, delete the phrase: "boosters (explosive)".

3. In vertical and horizontal descriptive columns 5 of Table entitled *"Stowage and storage chart of explosives and other dangerous articles"*, add the following: "• • • and boosters (explosive), bursters (explosive) or supplementary charges (explosive) without detonators.[1]

4. At the end of Table entitled *"Stowage and Storage chart of explosives and other dangerous articles"*, add the following footnote [1]:

Section 146.20–100 is amended by changing certain requirements for certain articles as follows:

NOTE: An "item" is defined for the purpose of these amendments as any article or group of articles within the table for which an individual set of stowage and container requirements is prescribed.

§ 146.20–100 *Table A—Classification: Class A; Dangerous explosives.* • • •

1. Amend the item headed *"Ammunition—Projectiles, grenades, bombs, mines and torpedoes"* as follows:

In column 4, *Required conditions for transportation—Cargo vessel*, delete the present requirements under "Outside containers" and insert the following in lieu thereof:

Strong wooden or metal boxes. Gross weight of a box containing more than one projectile, grenade, bomb or mine must not exceed 250 lb.

Explosive projectiles, explosive torpedoes, explosive mines, or explosive bombs, exceeding 90 pounds in weight, and explosive projectiles of not less than 4½ inches in diameter, may be shipped without being boxed only by, for, or to the Departments of the Army, Navy and Air Force of the United States Government when securely blocked and braced in accordance with methods approved by the Bureau of Explosives.

2. Amend the item headed "High explosives (*when containing not more than 75% liquid explosive ingredient*)" as follows:

In column 2, *Characteristic properties, etc.*, delete the present requirements and insert the following in lieu thereof:

Each outside box must be plainly marked on top and on one side or end: "High explosives—Dangerous", except ICC–23G which must be so marked on the side or end.

The top of boxes (except ICC–23G) must be marked "This Side Up".

Observe "This Side Up" stowage.

3. Amend the item headed "High explosives (*when containing 10% or less of a liquid explosive ingredient*)" as follows:

In column 2, *Characteristic properties, etc.*, delete the present requirements and insert the following in lieu thereof:

Each outside box must be plainly marked on top and on one side or end: "High explosives—Dangerous", except ICC 23G which must be so marked on the side or end.

The top of boxes (except ICC–23G) must be marked "This Side Up".

Observe "This Side Up" stowage.

4. Amend the item headed "High explosives (*containing no liquid explosive ingredient*)" as follows:

In column 2, *Characteristic properties, etc.*, delete the present requirements and insert the following in lieu thereof:

Each outside box must be plainly marked on top and on one side or end: "High explosives—Dangerous," except ICC–23G which must be so marked on the side or end.

Each keg, drum or barrel must be marked on both ends: "High explosives—Dangerous."

5. Amend the item headed "High explosives (*containing no liquid explosive ingredient nor any chlorate*)" as follows:

In column 2, *Characteristic properties, etc.*, delete the present requirements and insert the following in lieu thereof:

Each outside box must be plainly marked on top and on one side or end: "High explosives—Dangerous", except ICC–23G which must be so marked on the side or end.

Each keg, drum or barrel must be marked on both ends: "High explosives—Dangerous."

6. Amend the item headed "High explosives (*in dry condition*)" as follows:

In column 1, *Descriptive name of article*, insert the following after "Ammonium picrate" and before "Nitroguanidine":

*Cyclotrimethylenetrinitramine (desensitized).*

7. Amend the item headed "High explosives (*wet with not less than 10 pounds of water to each 90 pounds of dry material*)" as follows:

In column 1, *Descriptive name of article*, insert the following after "Ammonium picrate" and before "Picric acid":

*Cyclotrimethylenetrinitramine.*

In column 4, *Required conditions for transportation—Cargo vessel*, add the following under "Outside containers":

Authorized only for "Cyclotrimethylenetrinitramine, wet with 10% water": Fiber drums (ICC–21A, 21B) WIC, not over 200 lb. net dry wt.

8. Amend the item headed "Boosters (explosive)" as follows:

[1] Bursters (explosive), boosters (explosive), or supplementary charges (explosive) without detonators when shipped by, to or for the Departments of the Army, Navy and Air Force of the United States Government may be stowed with any of he articles named, except those in columns 3, 4, 10, 16, 17, 18, 19, 20, 21, 22, 23, and 24.



In column 1, *Descriptive name of article*, insert the following after "Boosters (explosive)":

Bursters (explosive).
Supplementary charges (explosive).

In column 2, *Characteristic properties, etc.*, delete the present information and requirements and insert the following in lieu thereof:

Boosters and supplementary charges consist of a casing containing a high explosive and are used to increase the intensity of explosion of the detonator of a detonating fuze. Bursters consist of a casing containing a high explosive and are used to rupture a projectile or bomb to permit release of its contents.

Detonating fuzes are used in the military service to detonate the high explosive bursting charges of projectiles, mines, bombs, torpedoes and grenades. In addition to a powerful detonator, they may contain several ounces of a high explosive such as tetryl or dry nitrocellulose, all assembled in a heavy steel envelope.

Do not stow boosters, bursters, supplementary charges or detonating fuzes with any high explosive. Do not load at the same time as high explosives are being loaded.

Each outside container must be plainly marked "Detonating fuzes—Handle carefully—Do not store or load with any high explosives", or "Boosters (explosive)—Handle carefully", or Bursters (explosive)—Handle carefully", or "Supplementary charges (explosive)—Handle carefully", as the case may be.

In column 4, *Required conditions for transportation—Cargo vessel*, delete the present requirements under "Outside containers" and insert the following in lieu thereof:

Strong tight wooden boxes, not over 100 lb. gr. wt. for detonating fuzes. Not over 300 lbs. gr. wt. for boosters, bursters, and supplementary charges.

9. Amend the descriptive name "Initiating explosives (*lead azide, dextrinated type only, wet with not less than 20% by weight of water*)" to read as follows:

Initiating explosives (*lead azide, wet with not less than 20% by weight of water*)

Section 146.20–300 is amended by changing certain requirements for "Igniter cord" as follows:

§ 146.20–300 *Table C—Classification: Class C; relatively safe explosives.* • • •

1. Amend the item headed "Igniter cord" as follows:

In column 2, *Characteristic properties, etc.*, delete the first sentence and insert the following in lieu thereof:

Igniter cord consists of a wire, with or without textile countering, uniformly covered with a combustible chemical mixture, countered with strands of wire and overspun with textile yarns and/or wire, and water resistant coatings which, when ignited, burns at various rates according to design. • • •

SUBPART—DETAILED REGULATIONS GOVERNING INFLAMMABLE LIQUIDS

Section 146.21–1 is amended to read as follows:

§ 146.21–1 *Definition of inflammable liquids.* (a) An inflammable (flammable) liquid is defined by the ICC regulations as any liquid which gives off inflammable (flammable) vapors (as determined by flash point from Tagliabue's open-cup tester, as used for test of burning oils) at or below a temperature of 80° F.

(b) A pressurized inflammable (flammable) liquid is defined by the ICC regulations as any mixture other than a compressed gas in which the gas is used as an expellant, if any one of the following occurs:

(1) Using the Bureau of Explosives' Flame Projection Apparatus,[1] the flame projects more than 18 inches beyond the ignition source with valve opened fully, or, the flame flashes back and burns at the valve with any degree of valve opening.

(2) Using the Bureau of Explosives' Open Drum Apparatus,[1] there is any significant propagation of flame away from the ignition source.

(3) Using the Bureau of Explosives' Closed Drum Apparatus,[1] there is any explosion of the vapor-air mixture in the drum.

(c) Such definitions are binding upon all shippers making shipments of inflammable (flammable) liquids by common carrier vessels engaged in interstate or foreign commerce by water. These definitions are accepted and adopted and form part of the regulations in this subchapter applying to all shippers making shipments of inflammable (flammable) liquids by any vessel, and shall apply to the owners, charterers, agents, master, or other persons, transporting, carrying, conveying, storing, stowing or using inflammable (flammable) liquids on board any vessel subject to R. S. 4472, as amended (46 U. S. C. 170), and the regulations in this subchapter.

Section 146.21–5 *Inflammable liquid defined* is deleted. (The text of this section is now incorporated in § 146.21–1.)

Section 146.21–65 is amended to read as follows:

§ 146.21–65 *Limited quantity shipments.* (a) Inflammable liquids, except those enumerated in paragraph (c) of this section, in inside metal containers not over 1 quart capacity each, packed in strong outside containers, except as otherwise provided, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

(b) Such shipments may be accepted on board vessels subject to the regulations in this subpart, provided the bill of lading or other shipping paper correctly describes the article in accordance with the true name as shown in the commodity list. Stowage shall be "On deck under cover" or "Tween decks" in a compartment not subject to artificial heat.

(c) The following articles in any quantity are not exempt from any of the provisions of the regulations in this subpart:

(1) Acrolein.
(2) Aliphatic mercaptan mixtures.
(3) Amyl mercaptan.
(4) Butyl mercaptan.
(5) Carbon bisulfide (disulfide).
(6) Ethyl chloride.
(7) Ethyl mercaptan.
(8) Ethyl trichlorosilane.
(9) Ethylene imine, inhibited.
(10) Ethylene oxide.
(11) Inflammable (flammable)) liquids which are also corrosive liquids or oxidizing materials under these regulations.
(12) Isopropyl mercaptan.
(13) Lithium aluminum hydride (ethereal).
(14) Nickel carbonyl.
(15) Pentaborane.
(16) Pressurized inflammable (flammable) liquids.
(17) Propyl mercaptan.
(18) Spirits of nitroglycerin in excess of one percent by weight.
(19) Trichlorosilane.
(20) Vinyl trichlorosilane.
(21) Zinc ethyl.
(22) Zirconium, metallic, solutions or mixtures thereof, liquid.

Section 146.21–100 is amended by changing certain requirements for certain articles as follows:

NOTE: An "item" is defined for the purpose of these amendments as any article or group of articles within the table for which an individual set of stowage and container requirements is prescribed.

§ 146.21–100 *Table D—Classification: Inflammable liquids.* • • •

1. Amend items with the following headings so as to include "21B" in every case where "(ICC–21A, 22A, 22B)" appears under "Outside container" requirements in columns 4, 5, 6, and 7, where permitted, so that the stowage requirement will read "Fiber or plywood drums, WIC (ICC–21A, 21B, 22A, 22B) not over 1 gal. cap." for each such item:

a. Acetaldehyde.
b. Acetone.
c. Alcohol or alcohol, N. O. S.
d. Allyl bromide.
e. Amyl nitrite.
f. Antifreeze compounds, liquid.
g. Benzene.
h. Box toe gum.
i. Butyraldehyde.
j. Cement, leather.
k. Coal tar distillate.
l. Collodion.
m. Compounds, cleaning, liquid.
n. Compounds, lacquer, paint or varnish, etc., removing reducing or thinning.
o. Crotonaldehyde.
p. Crude oil, petroleum.
q. Cyclohexane.
r. Diethylamine.
s. Dimethylamine, aqueous solution.
t. Drugs, chemicals, medicines or cosmetics (over 16 ounces or 1 quart).
u. Ether.
v. Ethyl acetate.
w. Ethyl formate.
x. Ethyl methyl ketone.
y. Ethyl nitrite.
z. Ethylene dichloride.
aa. Gasoline.
bb. Heptane.
cc. Hexane.
dd. Inflammable liquids, N. O. S.
ee. Ink.
ff. Insecticide, liquid.
gg. Isooctane.
hh. Isopentane.
ii. Lacquer base or lacquer chips, plastic (wet with alcohol or solvent)
jj. Methyl acetate.

[1] A description of the Bureau of Explosives' Flame Projection Apparatus, Open Drum Apparatus, Closed Drum Apparatus, and method of tests may be procured from the Bureau of Explosives, 30 Vesey Street, New York 7, New York.

kk. Methyl formate.
ll. Motor fuel, N. O. S.
mm. Neohexane.
nn. Oil.
oo. Paint, enamel, lacquer, stain, etc.
pp. Pentane.
qq. Polishes, metal, stove, furniture and wood, liquid.
rr. Pyridine.
ss. Road asphalt or tar, liquid.
tt. Solvents, N. O. S.
uu. Toluol.
vv. Turpentine substitutes.
ww. Vinylidene chloride, inhibited.
xx. Wet nitrocellulose, colloided, granular or flake.
yy. Xylol.

2. Amend items with the following headings so as to include "104A–AL–W" in every case where "(ICC–103, 103W, 103AL–W, 104, 104W, 104A, etc.)" appears under "Outside container" requirements in columns 4 and 7, where permitted, so that the stowage requirements will read "Tank cars (ICC–103, 103W, 103AL–W, 104, 104W, 104A, 104A–W, 104A–AL–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, ARA–II, ARA–III, ARA–IV, ARA–IVA)" for each such item:

a. Acetaldehyde.
b. Acetone.
c. Alcohol or alcohol, N. O. S.
d. Allyl bomide.
e. Antifreeze compounds, liquid.
f. Benzene.
g. Box toe gum.
h. Butyraldehyde.
i. Cement, leather.
j. Coal tar distillate.
k. Collodion.
l. Compouds, cleaning, liquid.
m. Compounds, lacquer, paint, or varnish, etc., removing, reducing, or thinning, liquid.
n. Crotonaldehyde.
o. Crude oil, petroleum.
p. Cyclohexane.
q Diethylamine.
r. Dimethylamine, aqueous solution.
s. Drugs, chemicals, medicines or cosmetics, N. O. S. (over 16 ounces or 1 quart).
t. Ethyl acetate.
u. Ethyl methyl ketone.
v. Ethylene dichloride.
w. Gas drips, hydrocarbon.
x. Heptane.
y. Hexane.
z. Inflammable liquids, N. O. S.
aa. Ink.
bb. Insecticide, liquid.
cc. Isooctane.
dd. Methyl acetate.
ee. Motor fuel, N. O. S.
ff. Neohexane.
gg. Oil.
hh. Paint, enamel, lacquer, stain, etc.
ii. Pentane.
jj. Polishes, metal, stove, furniture and wood, liquid.
kk. Pyridine.
ll. Road asphalt or tar, liquid.
mm. Solvents, N. O. S.
nn. Toluol.
oo. Turpentine substitutes.
pp. Vinylidene chloride, inhibited.
qq. Xylol liquid.

3. Amend the item headed "Acrolein" as follows:

In column 4, *Required conditions for transportation—Cargo vessel*, insert the following under "Outside containers":

Tank Cars (ICC–105A500, 105A500W)

4. Amend the item headed "Carbon bisulfide (disulfide)" as follows:

In column 4, *Required conditions for transportation—Cargo vessel*, add the following to "Tank cars" under "Outside containers":

103AL–W

5. Amend the item headed "Cement, leather" as follows:

In column 1, *Descriptive name of article*, add the following descriptive names:

Cement, linoleum.
Cement, tile.
Cement, wallboard.

In column 3, *Label required*, insert the following horizontally across from each of the above new descriptive names added to column 1:

Red.

6. Amend the two items headed "Drugs, chemicals, medicines, or cosmetics, N. O. S." as follows:

In column 1, *Descriptive name of article*, add the following substances after "Zinc ethyl":

Ethylene imine, inhibited.
Zirconium, metallic, solutions or mixtures thereof, liquid.
Amyl mercaptan.
Butyl mercaptan.
Ethyl mercaptan.
Aliphatic mercaptan mixtures.
Isopropyl mercaptan.
Propyl mercaptan.
Vinyl trichlorosilane.
Pressurized inflammable (flammable) liquids.

7. Amend the item headed "Ethyl trichlorosilane" as follows:

In column 1, Descriptive name of article, insert the following after "Ethyl trichlorosilane":

Methyl trichlorosilane.
Vinyl trichlorosilane.
Dimethyl dichlorosilane.
Trimethyl chlorosilane.

In column 2, *Characteristic properties, etc.*, delete the present information and requirements and insert the following in lieu thereof:

*Colorless liquids with acrid odor.*
*Evolve white fumes when exposed to moist air.*
*React violently with water to evolve heat and white, acrid fumes.*
*Fumes extremely corrosive.*
*May form explosive mixtures with air.*
*Flash points below 80° F.*
Handle carefully to avoid damage to containers and exposure of contents to air.

8. Insert the following new item after the item headed "Ethylene dichloride":

In column 1, *Descriptive name of article*, insert the following:

Ethylene imine, inhibited.

In column 2, *Characteristic properties, etc.*, insert the following:

*Oily volatile liquid, strongly alkaline.*
*Vapors very irritating to the eyes.*
*Vapors heavier than air.*
*Flash point below 80° F.*
*Miscible with water.*
Keep cool.

In column 3, *Label required*, insert the following:

Red.

In column 4, *Required conditions for transportation-Cargo vessel*, insert the following:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Wooden boxes (ICC–15A, 15B) WIC not exceeding 5 pints cap.

In columns 5, 6, and 7, *Required conditions for transportation*, insert the following:

Not permitted.

9. Amend the item headed "Ethylene oxide" as follows:

In column 4, *Required conditions for transportation—Cargo vessel*, delete the present requirements under "Outside containers" and insert the following in lieu thereof:

Steel barrels or drums (ICC–5P) lugged, not over 61 gal. cap. Drums marked "Keep this end up."
Wooden boxes (ICC–15A, 15B, 15C, 16A) WIC, not over 9 lb. net wt.
Fiberboard boxes (ICC–12B) WIC, not over 9 lb. net wt.
Cylinders as prescribed for any compressed gas except acetylene.
Tank cars (ICC–104A, 104A–W, 105A300, 105A300–W, 105A400, 105A400–W, 105A500, 105A500–W, 105A600, 105A600–W, ARA IV-A).

NOTE: Ethylene oxide may also be carried in strong incombustible nonspecification outside containers, WIC complying with ICC regulations, not over 100 grams net wt.

10. Amend the item headed "Inflammable liquids, N. O. S." as follows:

In columns 4, 5, 6, and 7, *Required conditions for transportation*, insert the following note under "Outside containers":

NOTE: Specification containers shall be of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.

11. Insert the following new item after "Lithium aluminum hydride, ethereal":

In column 1, *Descriptive name of article*, insert the following:

*Mercaptans:*
Amyl mercaptan.
Butyl mercaptan.
Ethyl mercaptan.
Isopropyl mercaptan.
Propyl mercaptan.
Aliphatic mercaptan mixtures.
(When possessing a flash point at or below 80 F.).

In column 2, *Characteristic properties, etc.*, insert the following:

*Water-white to yellow liquids.*
*Strong offensive garlic-like odor.*
*Butyl mercaptan highly toxic, others are toxic to lesser degree.*
*Do not breathe vapors from these substances or allow in contact with eyes.*
*Flash points variable (ethyl—lowest; amyl—highest).*
*Immiscible with water.*
Keep cool. Stow well away from living quarters.

In column 3, *Label required*, insert the following:

Red.

In column 4, *Required conditions for transportation—Cargo vessel*, insert the following:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."



Outside containers:
Steel barrels or drums:
(ICC–5, 5A, 5B, 5C) not over 110 gal. cap.
(ICC–17C) STC, not over 55 gal. cap.
(ICC–17E) STC, not over 5 gal. cap.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 16 gal. cap.
Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt.

Authorized only for mercaptans having a flash point above 20° F.:
Steel barrels or drums (ICC–17E) STC, not over 55 gal. cap.

In columns 5, 6, and 7, *Required conditions for transportation*, insert the following:

Not permitted.

12. Insert the following new item after the item headed "Polishes, metal, stove, furniture and wood, liquid":

In column 1, *Descriptive name of article*, insert the following:

Pressurized inflammable (flammable) liquid, N. O. S.

In column 2, *Characteristic properties, etc.*, insert the following:

*A pressurized inflammable (flammable) liquid is any mixture (other than a compressed gas) in which a gas is used as an expellant, which meets the definition as set forth in § 146.21–1 (b).*

In column 3, Label required, insert the following:

Red.

In column 4, *Required conditions for transportation—Cargo vessel*, insert the following:

Stowage:
"On deck in open."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 16 gals. cap.
Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt.
Cylinders as prescribed for any compressed gas except acetylene.

In columns 5, 6, and 7, *Required conditions for transportation;* insert the following:

Not permitted.

13. Amend the item headed "Wet nitrocellulose, colloided, granular or flake" as follows:

In column 4, *Required conditions for transportation—Cargo vessel*, insert the following under "Outside containers":

Authorized only for nitrocellulose or collodion cotton, fibrous, wet, or colloided nitrocellulose, granular or flake, wet: Aluminum barrels or drums (ICC–42F) not over 450 lb. gr. wt.

14. Insert the following new item after the item headed "Pressurized inflammable (flammable) liquids, N. O. S.":

In column 1, *Descriptive name of article*, insert the following:

Propylene oxide.

In column 2, *Characteristic properties, etc.*, insert the following:

*Colorless liquid, ethereal odor.*
*Explosive range: 2 to 22% in air.*
*Flash point below 0° F.*
*Miscible with water.*

In column 3, *Label required*, insert the following:

Red.

In column 4, *Required conditions for transportation—Cargo vessel*, insert the following:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Steel barrels or drums:
(ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap.
(ICC–5M) not over 55 gal cap.
(ICC–17C) STC, not over 55 gal. cap.
(ICC–17E) STC, not over 55 gal. cap.
Aluminum barrels or drums (ICC–42B, 42C) not over 110 gal. cap.
Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 1 gal. cap.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 16 gal. cap.
Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt.
Fiber or plywood drums (ICC–21A, 21B, 22A, 22B) WIC, not over 1 gal. cap.
Cylinders as prescribed for any compressed gas except acetylene.
Tank cars (ICC–103, 103W, 103AL–W, 104, 104W, 104A, 104A–W, 104A–AL–W, 105A300, 105A300W, 105A400, 105A400W, 105A500, 105A500W, 105A600,105A600W, ARA–II, ARA–III, ARA–IV, ARA–IV–A).

In columns 5, 6, and 7, *Required conditions for transportation*, insert the following:

Not permitted.

15. Insert the following new item after the item headed "Zinc ethyl":

In column 1, *Descriptive name of article*, insert the following:

Zirconium, metallic, solutions or mixtures thereof, liquid.

In column 2, *Characteristic properties, etc.*, insert the following:

*Finely divided zirconium suspended in an inflammable liquid.*
*Zirconium metal highly inflammable in dry state.*
*Flash point variable.*
Stow away from oxidizing materials.

In column 3, *Label required*, insert the following:

Red.

In column 4, *Required conditions for transportation—Cargo vessel*, insert the following:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Wooden boxes (ICC–15A, 15B, 15C) WIC, not over 16 gal. cap.

In columns 5, 6, and 7, *Required conditions for transportation*, insert the following:

Not permitted.

SUBPART—DETAILED REGULATIONS GOVERNING INFLAMMABLE SOLIDS AND OXIDIZING MATERIALS

Section 146.22–25 (d) is amended by inserting "Nickel catalyst, finely divided, activated or spent" after "Motion-picture film, old and worn out (nitrocellulose base)" and before "Paper stock, wet", as follows:

§ 146.22–25 *Exemptions for inflammable solids and oxidizing materials.* * * *
(d) * * *

Nickel catalyst, finely divided, activated or spent.

Part 146 is amended by adding a new § 146.22–35 reading as follows:

§ 146.22–35 *Elemental phosphorus in water in bulk*—(a) *General.* Elemental phosphorus, white or yellow, in water may be carried in bulk or barges in conformity with the following provisions:

(1) Barges shall be constructed or altered to meet the rules of the American Bureau of Shipping and as required by this section.

(b) *Types of cargo tanks.* (1) Tanks in which the vessel's structure forms a part thereof may be employed, provided void spaces are located surrounding the tanks on the sides and bottom.

(2) Tanks independent of the hull either cylindrical or of rectangular design may be employed. The plating of such tanks shall be not less than 9/16 inch thick.

(3) The tanks shall be designed and tested to a head of 8 feet above the tank top or the highest level the lading may rise, whichever is the greater.

(c) *Venting.* Each cargo tank shall be fitted with an approved pressure-vacuum relief valve set to discharge at a pressure not exceeding 2 pounds per square inch. The discharge therefrom shall lead overboard above the waterline.

(d) *Installation.* Adequate clearance shall be provided for the inspection and maintenance of independent cargo tanks, or such tanks shall be made moveable.

(e) *Openings in tanks.* Openings in tanks are prohibited below deck except for access openings used for inspection and maintenance of tanks. Manholes or access trunks shall be of not less than 20 inches diameter. Openings shall be fitted with bolted cover plates and gaskets resistant to the attack of phosphorus pent oxide.

(f) *Outage.* Sufficient outage shall be provided to prevent the tanks from being liquid full at any time, but in no case shall the outage be less than 1 percent.

(g) *Cargo discharging.* Pumps shall be employed in the discharge of cargo. The use of compressed air to discharge cargo is prohibited.

(h) *Cargo temperature.* Cargo shall be loaded at a temperature not exceeding 140° F. and then be cooled to a temperature not exceeding 105° F. prior to movement of the barge.

(i) *Heating coils.* Coils in which steam or hot water is circulated to heat the cargo so that it may be pumped shall be located outside the cargo tanks.

(j) *Void flooding.* A fixed ballast piping system, including a pump driven by an internal combustion engine, shall be installed so that any void space surrounding the fixed tanks may be flooded.

(k) *General requirements.* (1) All enclosed compartments containing independent cargo tanks and machinery spaces containing cargo pumps for han-



dling cargo shall be adequately ventilated.

(2) Cargo tanks shall be tested to a head of 8 feet above the tank top or the highest level the lading may rise, whichever is the greater.

(3) Cargo tanks shall be designed and tested to withstand a pressure of 2 pounds per square inch.

(4) Cargo tanks shall be designed to withstand the maximum pressure that may be developed by the cargo.

(5) Cargo tanks shall be designed to withstand the maximum stresses that may be developed in service.

(6) Cargo tanks shall be designed to withstand the maximum temperature that may be developed by the cargo.

(7) Cargo tanks shall be designed to withstand the maximum vacuum that may be developed in service.

(8) Cargo tanks shall be designed to withstand the maximum impact that may be developed in service.

(9) Cargo tanks shall be designed to withstand the maximum fatigue that may be developed in service.

(10) Cargo tanks shall be designed to withstand the maximum creep that may be developed in service.

(11) Cargo tanks shall be designed to withstand the maximum corrosion that may be developed in service.

(12) Cargo tanks shall be designed to withstand the maximum erosion that may be developed in service.

(13) Cargo tanks shall be designed to withstand the maximum abrasion that may be developed in service.

(14) Cargo tanks shall be designed to withstand the maximum wear that may be developed in service.

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(254) Cargo tanks shall be designed to withstand the maximum wear that may be developed in service.

(255) Cargo tanks shall be designed to withstand the maximum deterioration that may be developed in service.

(256) Cargo tanks shall be designed to withstand the maximum aging that may be developed in service.

(257) Cargo tanks shall be designed to withstand the maximum fatigue that may be developed in service.

(258) Cargo tanks shall be designed to withstand the maximum creep that may be developed in service.

(259) Cargo tanks shall be designed to withstand the maximum corrosion that may be developed in service.

(260) Cargo tanks shall be designed to withstand the maximum erosion that may be developed in service.

(261) Cargo tanks shall be designed to withstand the maximum abrasion that may be developed in service.

(262) Cargo tanks shall be designed to withstand the maximum wear that may be developed in service.

(263) Cargo tanks shall be designed to withstand the maximum deterioration that may be developed in service.

(264) Cargo tanks shall be designed to withstand the maximum aging that may be developed in service.

(265) Cargo tanks shall be designed to withstand the maximum fatigue that may be developed in service.

(266) Cargo tanks shall be designed to withstand the maximum creep that may be developed in service.

(267) Cargo tanks shall be designed to withstand the maximum corrosion that may be developed in service.

(268) Cargo tanks shall be designed to withstand the maximum erosion that may be developed in service.

(269) Cargo tanks shall be designed to withstand the maximum abrasion that may be developed in service.

(270) Cargo tanks shall be designed to withstand the maximum wear that may be developed in service.

(271) Cargo tanks shall be designed to withstand the maximum deterioration that may be developed in service.

(272) Cargo tanks shall be designed to withstand the maximum aging that may be developed in service.

(273) Cargo tanks shall be designed to withstand the maximum fatigue that may be developed in service.

(274) Cargo tanks shall be designed to withstand the maximum creep that may be developed in service.

(275) Cargo tanks shall be designed to withstand the maximum corrosion that may be developed in service.

(276) Cargo tanks shall be designed to withstand the maximum erosion that may be developed in service.

(277) Cargo tanks shall be design

dling liquid phosphorus shall be provided with effective means of ventilation.

(2) Cargo piping shall be of steel or wrought iron. Flanges and pipe fittings shall be of steel or malleable iron. Valves shall be of steel or bronze.

(3) Cargo lines shall be traced with steam piping and secured thereto by lagging to prevent solidification of cargo during pumping operations.

(4) A water hose shall be connected ready for immediate use and any spillage of phosphorus shall be immediately washed down.

(5) At least two fresh air masks or self-contained oxygen breathing apparatus shall be stowed on board the vessel at all times for use of personnel entering the tanks or adjacent spaces.

(6) Authorization from the Commandant, United States Coast Guard, shall be obtained to transport lading other than phosphorus in the cargo tanks.

(7) Mechanical ventilation of sufficient capacity to insure a change of air every three minutes shall be provided during the inspection and maintenance of the cargo tanks.

(8) During the time elemental phosphorus is laden in the tanks, the barge shall be under constant surveillance. A towing vessel engaged in transporting such barges shall not leave the barge unattended except when the barge is moored at a pier, wharf, dock or other terminal and then only if such facility is provided with watchman or guard service.

(9) The Interstate Commerce Commission standard "Dangerous" placard shall be displayed in four locations on the barge when elemental phosphorus is laden in the tanks. A placard shall be posted approximately amid ships on each side facing outboard, and a placard shall be posted at each end of the barge at about the end of the tanks facing outboard. After unloading and before a tank or tanks are cleaned, the placard shall be reversed to show the "Dangerous—Empty" legend.

(l) *Electrical bonding.* Independent cargo tanks shall be electrically grounded to the hull. The barge shall be electrically connected to the shore piping prior to connecting the cargo hose. This electrical connection shall be maintained until after the cargo hose has been disconnected and any spillage has been removed.

(m) *Tests and retests.* Each tank shall be tested before being put into service as prescribed in paragraph (b) (3) of this section. Tanks shall be retested, as prescribed, at intervals of ten years or less after the original test, and before being returned to service after any extensive repairs.

Section 146.22-100 is amended by changing certain requirements for certain articles as follows:

NOTE: An "item" is defined for the purpose of these amendments as any article or group of articles within the table for which an individual set of stowage and container requirements is prescribed.

§ 146.22-100 *Table E—Classification: Inflammable solids and oxidizing materials.* • • •

1. Amend the item headed "Benzoyl peroxide, dry" as follows:

In columns 4, 5, 6, and 7, *Required conditions for transportation*, add the following under "Outside containers":

Fiberboard boxes (ICC-12B) WIC, not over 70 lb. gr. wt.

2. Amend the item headed "Benzoyl peroxide, wet" as follows:

In columns 4, 5, 6, and 7, *Required conditions for transportation*, add the following under "Outside containers":

Steel barrels or drums (ICC-5, 5B, 6A, 6B, 6C) WIL, not over 350 lb. gr. wt.

3. Amend the item headed "Calcium hypochlorite compounds, dry, containing more than 8.80 percent available oxygen (39% available chlorine)" as follows:

In column 1, *Descriptive name of article*, delete the present descriptive names and insert the following in lieu thereof:

Calcium hypochlorite compounds, dry, containing more than 39 percent available chlorine.

Lithium hypochlorite compounds, dry, containing more than 39 percent available chlorine.

4. Amend the item headed "Chlorate and borate mixtures" as follows:

In column 2, *Characteristic properties, etc.*, delete the present sentence and insert the following in lieu thereof:

Mixtures of chlorates and borates or magnesium chloride in varying proportions containing no other hazardous additives.

5. Amend the item headed "Chlorobenzoyl peroxide (para), dry" as follows:

In columns 4, 5, 6, and 7, *Required conditions for transportation*, add the following under "Outside containers":

Fiberboard boxes (ICC-12B) WIC, not over 70 lb. gr. wt.

6. Amend the item headed "Inflammable solids, N. O. S." as follows:

In columns 4, 5, 6, and 7, *Required conditions for transportation*, add the following note under "Outside containers":

NOTE: Specification containers shall be of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.

7. Amend the item headed "Lauroyl peroxide, dry" as follows:

In columns 4, 5, 6, and 7, *Required conditions for transportation*, under "Outside containers", amend the entry "Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt." to read as follows:

Fiberboard boxes (ICC-12B) WIC, not over 70 lb. gr. wt.

8. Insert the following new item after the item headed "Motion-picture film (processed, positive or negative, slow-burning)":

In column 1, *Descriptive name of article*, insert the following:

Nickel catalyst, finely divided, activated or spent (*wet with not less than 40% by weight of water or other suitable liquid*)

In column 2, *Characteristic properties, etc.*, insert the following:

Finely divided nickel suspended in a liquid.
*When dry, subject to spontaneous heating and ignition.*
Check containers to ascertain if leakage has occurred.
Reject leaking containers or those showing signs of having leaked.

In column 3, *Label required*, insert the following:

Yellow.

In column 4, *Required conditions for transportation—Cargo vessel*, insert the following:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
Outside containers:
Steel barrels or drums (ICC-5, 5B, 6A, 6B, 6C) not over 55 gal. cap.
Wooden boxes (ICC-15A, 15B) WIMC, not over 100 lb. gr. wt.
Fiberboard boxes (ICC-12B), WIMC, not over 65 lb. gr. wt.

In column 5, *Required conditions for transportation—Passenger vessel*, insert the following:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Steel barrels or drums (ICC-5, 6A, 6B, 6C) not over 55 gal. cap.
Wooden boxes (ICC-15A, 15B) WIMC, not over 100 lb. gr. wt.
Fiberboard boxes (ICC-12B) WIMC, not over 65 lb. gr. wt.

In column 6, *Required conditions for transportation—Ferry vessel*, insert the following:

Stowage: Ferry stowage (AA).
Outside containers:
Steel barrels or drums (ICC-5, 6A, 6B, 6C) not over 55 gal. cap.
Wooden boxes (ICC-15A, 15B) WIMC, not over 100 lb. gr. wt.
Fiberboard boxes (ICC-12B) WIMC, not over 65 lb. gr. wt.

In column 7, *Required conditions for transportation—R. R. car ferry*, insert the following:

Stowage: Ferry stowage (BB).
Outside containers:
Steel barrels or drums (ICC-5, 6A, 6B, 6C) not over 55 gal. cap.
Wooden boxes (ICC 15A, 15B) WIMC, not over 100 lb. gr. wt.
Fiberboard boxes (ICC-12B) WIMC, not over 65 lb. gr. wt.

9. Amend the item headed "Nitrates" by inserting "Nitrate of soda and potash" after "Nitro-carbo nitrate" and before "Nitrates, N. O. S." as follows:

In column 1, *Descriptive name of article*, insert the following:

Nitrate of soda and potash.

In column 2, *Characteristic properties, etc.*, insert the following:

*Mixture of sodium and potassium nitrate.*
*Soluble in water.*
*Involved in a fire will greatly intensify the burning of all combustible materials.*
Stow separate from all combustible materials, explosives, inflammable liquids, or acids.
Nitrates in bulk or in bags should not be stowed in the same compartment with combustible materials, explosives, inflammable liquids (red label), or acids (white label).
Carefully clean and remove all residue of nitrate remaining in a compartment used for the stowage of this substance.



In column 3, *Label required*, insert the following:

No label required.

10. Amend the item headed "Oxidizing materials, N. O. S." as follows:

In columns 4, 5, 6, and 7, *Required conditions for transportation*, add the following note under "Outside containers":

NOTE: Specification containers shall be of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.

11. Amend the item headed "Potassium sulfide (fused or concentrated but not ground—*may be chipped, flaked, or broken*)" as follows:

In column 1, *Descriptive name of article*, amend the third sentence beginning "Sodium sulfide containing 35% or more combined water by weight, • • •" to read as follows:

Sodium sulfide containing 35% or more combined water by weight, fused or concentrated but not ground (may be chipped, flaked, or broken), is not subject to the regulations in this subchapter when packed in steel barrels or drums that are equipped with moisture-tight closures.

12. Amend the item headed "Succinic acid peroxide, dry" as follows:

In columns 4, 5, 6, and 7, *Required conditions for transportation*, add the following under "Outside containers":

Fiberboard boxes (ICC-12B) WIC, not over 70 lb. gr. wt.

13. Amend the item headed "Thorium metal, powdered" as follows:

In column 4, *Required conditions for transportation—Cargo vessel*, add the following under "Outside containers":

NOTE: Thorium metal powder packed in tightly and securely closed metal cans, cushioned with incombustible material in strong outside wooden or fiberboard boxes, and not exceeding 4 ounces net weight in one outside shipping container, is exempt from specification packaging, marking other than name of contents, and labeling requirements.

14. Amend the item headed "Zirconium, metallic, dry" as follows:

In column 4, *Required conditions for transportation—Cargo Vessel*, add the following under "Outside containers":

Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.

SUBPART—DETAILED REGULATIONS GOVERNING CORROSIVE LIQUIDS

Section 146.23-100 is amended by changing certain requirements for certain articles as follows:

NOTE: An "item" is defined for the purpose of these amendments as any article or group of articles within the table for which an individual set of stowage and container requirements is prescribed.

§ 146.23-100 *Table F—Classification: Corrosive liquids* • • •

1. Amend items with the following headings as indicated below:

a. Antimony pentachloride solution.
b. Alkaline caustic liquids, N. O. S.
c. Boiler compound, liquid.
d. Caustic potash, liquid.
e. Chromic acid solution.
f. Compounds, cleaning, liquid.
g. Corrosive liquid, N. O. S.
h. Cupriethylene-diamine solution.
i. Drugs, chemicals, medicines or cosmetics, N. O. S.
j. Hexamethylene diamine solution.
k. Hydriodic acid.
l. Water treatment compound, liquid.

In columns 4, 5, 6, and 7, *Required conditions for transportation*, where transportation is permitted, add the following under "Outside containers":

Carboys, in plywood drums, polyethylene (ICC-1F) not over 13 gal. cap.
Carboys, boxed, polyethylene (ICC-1G) not over 15 gal. cap.
Steel barrels or drums (ICC-5C) not over 110 gal. cap.
Fiberboard boxes (ICC-12B), WIC, not over 65 lb. gr. wt.

3. Amend the item headed "Acids, liquid, N. O. S." as follows:

In column 4, *Required conditions for transportation—Cargo vessel*, add the following note under "Outside containers":

NOTE: Specification containers shall be of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.

4. Amend the item headed "Batteries, electric storage, wet" as follows:

In columns 6 and 7, *Required conditions for transportation*, amend the sentence beginning "Carload or truckload shipments of electric storage batteries • • •" by deleting at the end thereof the period, inserting a colon and by adding the following: "• • • *Provided*, That such shipments constitute the only commodity being transported in the railroad car or motor vehicle body."

5. Amend the item headed "Corrosive liquid, N. O. S." as follows:

In columns 4, 6, and 7, *Required conditions for transportation*, insert the following note under "Outside containers":

NOTE: Specification containers shall be of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.

6. Insert the following new item after the item headed "Cuprietylenediamine solution":

In column 1, *Descriptive name of article*, insert the following:

Cyclohexyl trichlorosilane.

In column 2, *Characteristic properties, etc.*, insert the following:

*A water-white liquid with a pungent irritating odor.*
*Somewhat combustible.*
*Fumes readily in moist air to evolve corrosive and irritating vapors.*
*In event of spillage, flush with large quantities of water.*

In column 3, *Label required*, insert the following:

White.

In column 4, *Required conditions for transportation—Cargo vessel*, insert the following:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Steel barrels or drums:
(ICC-5, 5A, 5B, 5C) not over 55 gal. cap.
(ICC-5F) not over 11 gal. cap.
(ICC-17E) STC, not over 55 gal. cap.
Steel barrels or drums (ICC-17H, 37D) STC, WIC, not over 55 gal. cap.
Wooden boxes (ICC-15A, 16B) WIC, not over 200 lb. gr. wt.
Cylinders as prescribed for any gas except acetylene.

In columns 5, 6, and 7, *Required conditions for transportation*, insert the following:

Not permitted.

7. Insert the following new item after the item headed "Diphenyl dichlorosilane":

In column 1, *Descriptive name of article*, insert the following:

Dodecyl trichlorosilane

In column 2, *Characteristic properties, etc.*, insert the following:

*A water-white liquid with a pungent irritating odor.*
*Somewhat combustible.*
*Fumes readily in moist air to evolve corrosive and irritating vapors.*
*In event of spillage, flush with large quantities of water.*

In column 3, *Label required*, insert the following:

White.

In column 4, *Required conditions for transportation—Cargo vessel*, insert the following:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Steel barrels or drums:
(ICC-5, 5A, 5B, 5C) not over 55 gal. cap.
(ICC-5F) not over 11 gal. cap.
(ICC-17E) STC, not over 55 gal. cap.
Steel barrels or drums (ICC-17H, 37D) STC, WIC, not over 55 gal. cap.
Wooden boxes (ICC 15A, 16B) WIC, not over 200 lb. gr. wt.
Cylinders as prescribed for any gas except acetylene.

In columns 5, 6, and 7, *Required conditions for transportation*, insert the following:

Not permitted.

8. Amend the item headed "Electrolyte (acid) battery fluid" as follows:

In columns 4, 5, 6, and 7, *Required conditions for transportation*, add the following under "Outside containers":

For export shipment only:
Carboys, glass, in plywood drums (ICC-1EX) not over 6½ gal. cap.

9. Insert the following new item after the item headed "Formic acid":

In column 1, *Descriptive name of article*, insert the following:

Hexadecyl trichlorosilane.

In column 2, *Characteristic properties, etc.*, insert the following:

*A water-white liquid with a pungent irritating odor.*
*Somewhat combustible.*
*Fumes readily in moist air to evolve corrosive and irritating vapors.*
*In event of spillage, flush with large quantities of water.*

In column 3, *Label required*, insert the following:

White.

In column 4, *Required conditions for transportation—Cargo vessel*, insert the following:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Steel barrels or drums:
(ICC–5, 5A, 5B, 5C) not over 55 gal. cap.
(ICC–5F) not over 11 gal. cap.
(ICC–17E) STC, not over 55 gal. cap.
(ICC–17H, 37D) STC, WIC, not over 55 gal. cap.
Wooden boxes (ICC–15A, 16B) WIC, not over 200 lb. gr. wt.
Cylinders as prescribed for any gas except acetylene.

In columns 5, 6, and 7, *Required conditions for transportation*, insert the following:

Not permitted.

10. Amend the item headed "Hydrochloric (muriatic) acid" as follows:

In column 4, *Required conditions for transportation—Cargo vessel*, delete the present requirements under "Outside containers" and insert the following in lieu thereof:

Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap.
Carboys, in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap.
Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap.
Carboys, in plywood drums, glass (ICC–1E) not over 6½ gal. cap.
Carboys, in plywood drums, polyethylene (ICC–1F) not over 13 gal. cap.
Carboys, boxed, polyethylene (ICC–1G) not over 15 gal. cap.
Steel barrels or drums (ICC–5D) rubber-lined not over 110 gal. cap.
Rubber drums (ICC–43A) not over 30 gal. cap.
Wooden barrels or kegs:
(ICC–10A) rubber-lined, not over 50 gal. cap.
(ICC–11A, 11B) WIC, not over 200 lb. net wt.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.
Portable tanks, rubber-lined (ICC–60) not over 8,000 lb. gr. wt.
Authorized only for hydrochloric acid not over 44½% strength by weight: Tank cars (ICC–103B100–W).
Authorized only for hydrochloric acid not over 38% strength by weight: Tank cars (ICC–103B, 103B–W, 108, 108A).
For export shipment only:
Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, not over 6 gal. cap.
Carboys, glass, in plywood drums (ICC–1EX) STC, not over 6½ gal. cap.

NOTE: Hydrochloric acid of not over 20% strength by weight (13.25° Baume) may also be accepted in:
Wooden barrels or kegs (ICC–10A) asphalt-lined not over 50 gal. cap.

In column 5, *Required conditions for transportation—Passenger vessel*, delete the present requirements under "Outside containers" and insert the following in lieu thereof:

Carboys boxed, glass, earthenware clay or stone (ICC–1A) not over 13 gal. cap.
Carboys, in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap.
Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap.
Carboys, in plywood drums, glass (ICC–1E) not over 6½ gal. cap.
Carboys, in plywood drums, polyethylene (ICC–1F) not over 13 gal. cap.
Carboys, boxed, polyethylene (ICC–1G) not over 15 gal. cap.
Steel barrels or drums (ICC–5D) rubber-lined, not over 110 gal. cap.
Rubber drums (ICC–43A) not over 30 gal. cap.
Wooden barrels or kegs:
(ICC–10A) rubber-lined, not over 50 gal. cap.
(ICC–11A, 11B) WIC, not over 200 lb. net wt.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.
Portable tanks, rubber-lined (ICC–60) not over 8,000 lb. gr. wt.
Authorized only for hydrochloric acid not over 44½% strength by weight: Tank cars (ICC–103B100–W).
Authorized only for hydrochloric acid not over 38% strength by weight: Tank cars (ICC–103B, 103B–W, 108, 108A).
For export shipment only:
Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, not over 6 gal. cap.
Carboys, glass, in plywood drums (ICC–1EX) STC, not over 6½ gal. cap.

NOTE: Hydrochloric acid of not over 20% strength by weight (13.25° Baume) may also be accepted in: Wooden barrels or kegs (ICC–10A) asphalt-lined not over 50 gal. cap.

In column 6, *Required conditions for transportation—Ferry vessel*, delete the present requirements under "Outside containers" and insert the following in lieu thereof:

Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap.
Carboys, in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap.
Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap.
Carboys, in plywood drums, glass (ICC–1E) not over 6½ gal. cap.
Carboys, in plywood drums, polyethylene (ICC–1F) not over 13 gal. cap.
Carboys, boxed, polyethylene (ICC–1G) not over 15 gal. cap.
Steel barrels or drums (ICC–5D) rubber-lined, not over 110 gal. cap.
Rubber drums (ICC–43A) not over 30 gal. cap.
Wooden barrels or kegs:
(ICC–10A) rubber-lined, not over 50 gal. cap.
(ICC–11A, 11B) WIC, not over 200 lb. net wt.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.
Motor truck vehicles having cargo tanks.
For export shipment only:
Carboys, boxed, glass, earthenware, clay or stone (ICC–1X) STC, not over 6 gal. cap.
Carboys, glass in plywood drums (ICC–1EX) STC, not over 6½ gal. cap.

NOTE: Hydrochloric acid of not over 20% strength by weight (13.25° Baume) may also be accepted in: Wooden barrels or kegs (ICC–10A) asphalt-lined not over 50 gal. cap.

In column 7, *Required conditions for transportation—R. R. car ferry*, delete the present requirements under "Outside containers" and insert the following in lieu thereof:

Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap.
Carboys, in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap.
Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap.
Carboys, in plywood drums, glass (ICC–1E) not over 6½ gal. cap.
Carboys, in plywood drums, polyethylene (ICC–1F) not over 13 gal. cap.
Carboys, boxed, polyethylene (ICC–1G) not over 15 gal. cap.

11. Amend the item headed "Hydrofluoric acid (original bill of lading or other shipping paper shall certify to the strength of this acid)" as follows:

In column 4, *Required conditions for transportation—Cargo vessel*, under "Outside containers," delete the following:

Hydrofluoric acid of not over 60% strength may also be accepted in:
Carboys in plywood drums, polyethylene (ICC–1F) not over 13 gal. cap.

In column 4, *Required conditions for transportation—Cargo vessel*, under "Outside containers," insert the following above "Hydrofluoric acid of not over 65% strength may also be accepted in:":

Carboys in plywood drums, polyethylene (ICC–1F) not over 13 gal. cap.
Carboys, boxed, polyethylene (ICC–1G) not over 15 gal. cap.

12. Amend the item headed "Hydrofluoric acid, anhydrous" as follows:

In column 4, *Required conditions for transportation—Cargo vessel*, delete the present requirements under "Outside containers" and insert the following in lieu thereof:

Cylinders (ICC–3, 3A, 3AA, 3B 3C 3E, 4, 4A, 25, 38) and (ICC–4B, 4BA, 4C if not brazed).
Tank cars (ICC 105, 105A300, 105A300W, 105A500, 105A500W, ARA–V).

13. Amend the item headed "Hydrofluosilicic acid (must be packed in accordance with ICC requirements)" as follows:

In column 4, *Required conditions for transportation—Cargo vessel*, add the following under "Outside containers":

Authorized only for hydrofluosilicic acid not exceeding 32 percent strength:
Fiberboard boxes (ICC–12B) WIC not over 65 lb. gr. wt.
Carboys, in plywood drums polyethylene (ICC–1F) not over 13 gal. cap.
Carboys, boxed, polyethylene (ICC 1G) not over 15 gal. cap.

14. Insert the following new item after the item headed "Nitrohydrochloric acid":

In column 1, *Descriptive name of article*, insert the following:

Octadecyl trichlorosilane.

In column 2, *Characteristic properties, etc.*, insert the following:

*A water-white liquid with a pungent irritating odor.*
*Somewhat combustible.*
*Fumes readily in moist air to evolve corrosive and irritating vapors.*
*In event of spillage, flush with large quantities of water.*

In column 3, *Label required*, insert the following:

White.

In column 4, *Required conditions for transportation—Cargo vessel*, insert the following:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Steel barrels or drums:
(ICC–5, 5A, 5B, 5C) not over 55 gal. cap.
(ICC–5F) not over 11 gal. cap.
(ICC–17E) STC, not over 55 gal. cap.
Steel barrels or drums (ICC–17H, 37D) STC, WIC, not over 55 gal. cap.
Wooden boxes (ICC–15A, 16B) WIC, not over 200 lb. gr. wt.
Cylinders as prescribed for any gas except acetylene.

In columns 5, 6, and 7, *Required conditions for transportation*, insert the following:

Not permitted.

15. Amend the item headed "Sodium chlorite solution (not exceeding 40% sodium chlorite)" as follows:

In columns 4, 5, 6, and 7, *Required conditions for transportation*, add the following under "Outside containers":

Carboys, in plywood drums, polyethylene (ICC–1F) not over 13 gal. cap.
Carboys, boxed, polyethylene (ICC–1G) not over 15 gal. cap.

For export shipment only:
Carboys, glass, in plywood drums (ICC–1EX) STC, not over 6½ gal. cap.

16. Insert the following new item after the item headed "Sulfuric acid, fuming (oleum) (Nordhausen) (not permitted to be stowed "under deck")":

In column 1, *Descriptive name of article*, insert the following:

Sulfuryl chloride.

In column 2, *Characteristic properties, etc.*, insert the following:

*Colorless liquid.*
*Pungent odor.*
*Rapidly decomposed by alkalies and by water.*
Keep dry.

In column 3, *Label required*, insert the following:

White.

In column 4, *Required conditions for transportation—Cargo vessel*, insert the following:

Stowage:
"On deck protected."
"On deck under cover."
Outside containers:
Carboys, boxed, glass, earthenware, clay or stone (ICC–1A) not over 13 gal. cap.
Carboys in kegs, glass, earthenware, clay or stone (ICC–1C) not over 13 gal. cap.
Carboys, boxed, glass (ICC–1D) not over 6½ gal. cap.
Carboys, in plywood drums, glass (ICC–1E) not over 7 gal. cap.
Carboys, boxed, glass, earthenware, clay, or stone (ICC–1X) STC, for export only, not over 6 gal. cap.
Steel barrels or drums (ICC–5A) not over 110 gal. cap.
Nickel drums (ICC–5K) not over 110 gal. cap.
Wooden barrels or kegs (ICC–11A, 11B) WIC, not over 200 lb. net wt.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 200 lb. gr. wt.
Portable tanks (ICC–60) not over 8,000 lb. gr. wt.
Tank cars (ICC 103A, 103A–W)

In columns 5, 6, and 7, *Required conditions for transportation*, insert the following:

Not permitted.

SUBPART—DETAILED REGULATIONS GOVERNING COMPRESSED GASES

Section 146.24–1 is amended to read as follows:

§ 146.24–1 *Definition of compressed gases.* (a) A compressed gas is defined by the Interstate Commerce Commission regulations as any material or mixture having in the container either an absolute pressure exceeding 40 pounds per square inch at 70° F., or an absolute pressure exceeding 104 pounds per square inch at 130° F., or both; or any liquid having a Reid vapor pressure [1] exceeding 40 pounds per square inch absolute at 100° F. (See §§ 146.25–1 to 146.25–400, inclusive, for gases defined and classified as poisonous).

(b) Any compressed gas, as defined in paragraph (a) of this section, shall be classified as an inflammable compressed gas if any one of the following occurs:

(1) If either a mixture of 13 percent or less (by volume) with air forms an inflammable mixture [2] of the inflammability range with air is greater than 12 percent regardless of the lower limit.

(2) Using the Bureau of Explosives' Flame Projection Apparatus,[3] the flame projects more than 18 inches beyond the ignition source with valve opened fully, or, the flame flashes back and burns at the valve with any degree of valve opening.

(3) Using the Bureau of Explosives' Open Drum Apparatus,[3] there is any significant propagation of flame away from the ignition source.

(4) Using the Bureau of Explosives' Closed Drum Apparatus,[3] there is any explosion of the vapor-air mixture in the drum.

(c) Such definitions are binding upon all shippers making shipments of compressed gases by common carrier vessels engaged in interstate or foreign commerce by water. These definitions are accepted and adopted and form part of the regulations in this subchapter applying to all shippers making shipments of compressed gases by any vessel, and shall apply to the owners, charterers, agents, master, or other persons, transporting, carrying, conveying, storing, stowing or using compressed gases on board any vessel subject to R. S. 4472, as amended (46 U. S. C. 170), and the regulations in this subchapter.

Section 146.24–5 *Compressed gas defined* is deleted. (This section is now incorporated in § 146.24–1).

Section 146.24–30 is amended to read as follows:

§ 146.24–30 *"On deck" stowage.* Compressed gases which are permitted any type of "On deck" stowage by the provisions of the table forming § 146.24–100, shall be properly secured, when so stowed, in a manner satisfactory to the master or other person in charge of the vessel consistent with the following conditions:

(a) That the vessel has open spaces on deck suitable for such purposes of stowage.

(b) That the vessel has sufficient freeboard to afford structural protection from seas or adequate protection and security by bulwarks.

(c) Cylinders shall be stowed on their sides unless boxes, cribs or racks are provided for vertical stowage.

(d) Cylinders shall not be carried "On deck" over holds containing coal.

(e) When stowed "On deck protected" the cylinders shall be protected from the direct rays of the sun by means of structural erections or awnings. Tarpaulins covering cylinders and in contact therewith are not considered adequate protection. Protection by use of wood dunnage is permitted.

Section 146.24–40 is amended to read as follows:

§ 146.24–40 *Stowage clearance.* Containers of compressed gas stowed either "On deck" or "Under deck" on board vessels shall be kept from direct contact with the vessel's side or bulwark by means of dunnage or shoring or other effective means.

Section 146.24–45 *Stowage clearance, vessels on inland waters* is deleted.

Section 146.24–50 is amended to read as follows:

§ 146.24–50 *Stowage securing means.* (a) Cylinders of compressed gas stowed on their sides shall be dunnaged under the first tier so that they will not rest directly on a steel or iron deck. Each additional tier shall be stowed in the cantlines of the lower tier and in no case shall cylinders be stowed bilge to bilge or directly on top of one another. The tiers may be stepped back and the ends alternated in order to clear the flange. Suitable lashing shall be provided to prevent movement in any direction.

[1] American Society for Testing Materials Method of Test for Vapor Pressure of Petroleum Products (D–323). Copies of this specification are available for reading purposes at U. S. Coast Guard Headquarters, Washington 25, D. C. This specification may be purchased from the American Society for Testing Materials, 1916 Race Street, Philadelphia 3, Pa.

[2] These limits shall be determined at atmospheric temperature and pressure. The method of sampling and the test procedure shall be acceptable to the Interstate Commerce Commission (Bureau of Explosives). The inflammability range is defined as the difference between the minimum and maximum percentage by volume of the material in mixture with air that forms an inflammable mixture.

[3] A description of the Bureau of Explosives' Flame Projection Apparatus, Open Drum Apparatus, Closed Drum Apparatus, and method of tests may be procured from the Bureau of Explosives, 30 Vesey Street, New York 7, N. Y.

(b) When cylinders are stowed in a vertical position they shall be stowed in a block, cribbed or boxed in with suitable sound lumber and the box or crib dunnaged at least 4 inches off the steel or iron deck. The cylinders in the box or crib shall be braced to prevent any movement. The box or crib shall be securely chocked and lashed to prevent movement in any direction.

(c) Lashings in all cases shall be secured to pad eyes or other permanent structural parts of the vessel. Pipe rails shall not be used to secure lashings.

Section 146.24-80 is amended to read as follows:

§ 146.24-80 *Liquid chlorine in bulk*—(a) *Scope.* (1) Liquid chlorine may be transported in bulk on steel barges when loaded in unfired pressure vessel type tanks independent of the structure of the vessel.

(2) Barges proposed to be used for the transportation of chlorine in bulk, the construction or conversion of which is contracted for on or after April 1, 1954, shall meet the requirements of Subchapter I (Cargo and Miscellaneous Vessels) of this chapter.

(b) *Design and construction of cargo tanks.* (1) The cargo tanks shall meet the requirements of Class I arc-welded unfired pressure vessels and shall be fabricated, inspected and tested in accordance with the applicable requirements of Subchapter F (Marine Engineering) of this chapter.

(2) Tanks shall be designed for a pressure of not less than 300 pounds per square inch gage.

(3) Each tank shall be provided with 15 x 18-inch or 18-inch minimum diameter manhole, fitted with a cover located above the maximum liquid level and as close as possible to the top of the tank.

(c) *Markings.* (1) Upon satisfactory completion of tests and inspection, the following markings at least ⅜ inch high shall be stamped into a noncorrodible plate permanently attached to the tank by welding.

(Name and address of fabricator)
——— p. s. i. ——— p. s. i.
(design pressure) (shop test pressure)
(Inspector's number, initials and CG symbol)
(Manufacturer's serial number)
——— ——— U. S. gallons
(Date of manufacture) (Water capacity)

(2) In addition to the markings required to be stamped on the tank, the legend "chlorine" shall be conspicuously and legibly marked upon the dome or upper portion of the tank in letters at least 4 inches high.

(3) All tank inlet and outlet connections, except safety relief valves shall be labeled to designate whether they terminate in the vapor or liquid space. Labels of noncorrodible material may be attached to the valves.

(4) All tank markings shall be permanently and legibly stamped in a readily visible position.

(d) *Installation of cargo tanks.* (1) Independent tanks shall be arranged in the barge so as to provide a minimum clearance of not less than 24 inches from the barge side and not less than 15 inches from the barge bottom. Where more than one tank is installed in a barge, the distance between such tanks shall not be less than 15 inches, unless otherwise approved by the Commandant. Alternate provisions may be made for moving such tanks to provide for adequate inspection and maintenance of barge structure and the tanks.

(2) The design shall show the manner in which the tanks are to be installed, supported, and secured on board the barge and shall be approved prior to the installation. Tanks shall be supported in steel saddles and securely anchored in place. No appendages shall be welded to the tanks after they have been stress-relieved unless authorized by the Commandant.

(3) Tanks may be installed "on deck" or "under deck" with the tank protruding above deck. On installations where a portion of the tank extends above the weather deck, provision shall be made to maintain the weather tightness of the deck, except that barges operating on protected inland waters may have tanks located in the holds of hopper type barges without water-tightness of the deck being maintained. All tanks shall be installed with the manhole opening and fittings located above the weather deck.

(4) The hold or holds in which tanks are located "under deck" shall be provided with mechanical ventilation of sufficient capacity to assure a change of air every 3 minutes.

(e) *Cargo tanks on barges.* Sides of tank barges shall be fitted with suitable guards as added precaution against the cargo tanks being damaged as a result of collision.

(f) *Valves, fittings and accessories.* (1) All valves, flanges, fittings and accessory equipment shall be of a type suitable for use with chlorine and shall be made of forged steel, cast steel, or nonferrous metal corrosion resistant to chlorine in either the gas or liquid phase. Valves, flanges and fittings shall be of the square or round tongue and groove type or of raised face, American Standard Association 300-pound standard minimum, fitted with sheet lead or other suitable gasket material. Welding fittings shall be used wherever possible, and the number of pipe joints held to a minimum. Screwed joints in cargo lines and vapor lines are prohibited.

(2) Each tank shall be provided with the necessary fill and discharge liquid and vapor shut-off valves, safety valves, and connections for pressure gages which shall be grouped in the smallest practicable space and shall be protected against mechanical damage and tampering by a suitable protective housing. Other openings in tanks, except as specifically permitted in this section, are prohibited. A drain connection shall be provided from the protective housing and lead overboard just above the deepest load line.

(3) All liquid and vapor connections to the tanks, except safety relief valves, shall have manually operated shut-off valves located as close to the tank as practicable.

(4) Excess flow valves, where required by this section, shall close automatically at the rated flows of vapor or liquid as specified by the manufacturer. The piping, including valves, fittings and appurtenances, protected by excess flow valves shall have a greater capacity than the rated flow of the excess flow valve.

(5) Liquid level gaging devices of any type are prohibited on chlorine tanks.

(6) Pressure gage connections need not be fitted with excess flow valves if the openings are not larger than No. 54 drill size.

(7) Excess flow valves shall be located on the inside of the tank. Back pressure check valves may be located on the inside of the tank or on the outside where the piping enters the tank. When installed on the outside, installation shall be in such a manner that any undue strain will not cause breakage between the tank and the back pressure check valve.

(8) Excess flow valves may be designed with a bypass, not to exceed No. 60 drill size opening, to allow for equalization of pressure.

(g) *Filling and discharge pipes.* (1) Filling connections shall be provided with one of the following:

(i) Combination back pressure check valve and excess flow valve;

(ii) One double or two single back pressure check valves; or

(iii) A positive shut-off valve in conjunction with either an internal back pressure check valve or an internal excess flow valve.

(2) All other liquid and vapor connections to tanks, except filling connections, safety relief valves, and pressure gage connections, shall be equipped with automatic excess flow valves.

(h) *Cargo piping.* (1) Piping shall be of seamless drawn black steel of a thickness of not less than schedule 80.

(2) Piping shall be provided with adequate support to take the weight of the piping off the valves and fittings. Where necessary, provision shall be made for expansion and contraction of piping by means of seamless steel pipe expansion bends. Slip type expansion joints are prohibited.

(3) In multiple tank installations the tanks shall not be interconnected by piping or manifolds. More than one cargo tank may be filled or discharged at a time, provided each tank is filled from or discharged to shore tanks through separate lines.

(i) *Safety relief valves.* (1) Each tank shall be fitted with one or more approved safety relief valves, designed, constructed and flow-tested for capacity in conformance with Subpart 162.018 in Subchapter Q (Specifications) of this chapter. The safety valve requirements in this paragraph are based on unlagged tanks. On lagged tanks the Commandant, United States Coast Guard, will give special consideration to safety valves proposed to be used.

(2) Each safety relief valve shall start to discharge at a pressure not in excess of the maximum allowable pressure of the tank.

(3) The safety relief valve(s) shall have a relieving capacity sufficient to prevent a rise of pressure in the tank of more than 20 percent above the maximum allowable pressure when the safety relief valve(s) are blowing.

(4) The minimum rates of discharge of safety relief valves used on unlagged tanks shall be not less than determined by the following formula:

$$Q = 53.526A^{0.82}$$

where:

$Q$ = minimum required rate of discharge, in cubic feet per minute, of standard air at 120 percent of the maximum set pressure of the safety relief valve. Discharge measured at 60° F. and atmospheric pressure (14.7 p. s. i. a.).

$A$ = total external surface area of the tank, in square feet. $\pi(D \times U)$, for cylindrical tank with hemispherical heads. $\pi D(U + 0.3D)$, for cylindrical tank with spherically dished or semi-ellipsoidal heads. $\pi D^2$, for spherical tank.

$D$ = outside diameter of the tank, in feet.

$U$ = external overall length of the tank, in feet.

(5) Safety relief valve(s) shall be attached to the tank near the highest point of the vapor space. Shut-off valves shall not be installed between the tanks and the safety relief valve(s).

(6) Each safety relief valve shall be tested in the presence of an inspector at the site of installation before or after mounting prior to being placed in service. The test shall prove that the safety relief valve will start to discharge at a pressure not in excess of the maximum allowable pressure of the tank. (For periodic tests see paragraph (o) (3) of this section.)

(j) *Filling density.* The filling density, or the percent ratio of the liquefied gas that may be loaded into the tank to the weight of water the tank will hold at 60° F., shall not exceed 125 percent.

(k) *Venting.* (1) Cargo tanks of tank barges shall have the safety relief valve outlets connected to individual or common risers which shall extend to a reasonable height above the deck, or, the safety relief valve escape may be led to a common discharge header. Where the escape of vapors from the venting system may interfere with towing operations or the operation of the barge in inland waters would be a hazard to installations extending above deck, an installation acceptable to the Commandant may be used. This arrangement shall be such as to minimize the hazard of escaping vapors.

(2) The capacity of branch vents or vent headers shall depend upon the number of cargo tanks connected to such branch or header as provided in Table 146.24-80 (k).

Table 146.24-80 (k)—Capacity of Branch Vents or Vent Headers.

| Number cargo tanks: | Percent total valve discharge |
|---|---|
| 1 or 2 | 100 |
| 3 | 90 |
| 4 | 80 |
| 5 | 70 |
| 6 or more | 60 |

(3) Return bends and restrictive pipe fittings are prohibited. Vents and headers shall be so installed as to prevent stresses on safety relief valve mountings.

(4) When vent discharge risers are installed, they shall be so located as to provide protection against physical damage and be fitted with loose raincaps.

(5) Suitable provision shall be made for draining the vent escape piping if liquid can collect therein.

(l) *Filling and discharging operation.* (1) The maximum amount of liquid chlorine that may be loaded into the cargo tanks shall be determined by weight and shall not exceed the filling density specified in paragraph (j) of this section.

(2) Prior to the start of filling operations, care shall be exercised to insure that the cargo tank(s) is empty and free from foreign matter. After all pipe connections and fittings are made tight, the cargo tank(s) shall be evacuated to at least 20 inches of mercury.

(3) The chlorine shall be loaded through a direct pipe line from the shore tank that is mounted on scales so that an amount of chlorine predetermined by weight is loaded into the cargo tank(s) on board the barge.

(4) After the filling operation is completed the vapor above the liquid chlorine in the cargo tank shall be analyzed to determine the percentage of gaseous chlorine in the vapor space. If it should contain less than 80 percent chlorine, vapors shall be withdrawn through the vent or vapor line until the vapor content in the cargo tanks show at least 80 percent chlorine.

(5) After filling connections are removed, upon completion of the loading of a cargo tank, all connections at the tank shall be tested for leakage of chlorine by the aqua ammonia method.

(6) The chlorine in the cargo tanks shall be discharged by the pressure differential method. Where the vapor pressure of the chlorine is not sufficient to force the liquid out of the tank, compressed air may be used to secure the desired rate of discharge, provided the air is oil-free and thoroughly dried by passing it over activated aluminum oxide, silica gel, or other acceptably drying agent. The compressed air system shall contain a relief valve arranged and set so that the air pressure in the cargo tank cannot exceed 150 pounds per square inch gage.

(7) After completion of the filling or discharge operations, the excess liquid chlorine in the cargo piping shall be removed. The filling and discharge piping shall be disconnected at the cargo tanks, except during filling and discharge operations. After disconnecting the cargo piping, both ends of the line shall be closed and all inlet and outlet valves on the tank shall be plugged or fitted with blind flanges.

(8) Plans showing alternate methods of filling and discharging the lading may be submitted for approval.

(m) *Cargo hose.* Schedule 80 black steel or wrought iron pipe having metallic flexible joints or other pipe acceptable to the Commandant, shall be fitted with liquid cargo or vapor lines during filling or discharge of the cargo tanks.

(n) *Special operating requirements.* (1) Repairs involving welding or burning shall not be undertaken on the tanks or piping while chlorine in either liquid or vapor state is present in the system.

(2) During the time chlorine is laden in the tanks the barge shall be under constant surveillance. A towing vessel engaged in towing such barges shall not leave the barge unattended except when the barge is moored at a pier, wharf, dock, or other terminal, and then only if such facility is provided with watchman or guard service. When the barge is at the consignor's or consignee's terminal, watchman or guard service shall be provided by said consignor or consignee.

(3) The Interstate Commerce Commission's standard "Dangerous" placard shall be displayed in four locations on the barge when chlorine is laden in the tanks. A placard shall be posted approximately amidships on each side and facing outboard. A placard shall also be posted on each end of the barge at about the ends of the tanks facing outboard. Racks for mounting such placards shall be so arranged as to provide clear visibility and be protected from becoming readily damaged or obscured. After unloading and before a tank or tanks are gas-freed, the placard shall be reversed to show the "Dangerous-Empty" legend.

(4) At least two units of self-contained oxygen breathing apparatus shall be carried on board the barge at all times. One unit shall be stowed forward of the cargo tanks and one unit aft of the cargo tanks.

(5) Unless authorized by the Commandant, no other kind of cargo except liquid caustic soda shall be on board a barge at the same time that chlorine in the liquid or vapor state is present in a cargo tank. Chlorine tanks shall not be installed within caustic soda tanks.

(6) Authorization from the Commandant shall be obtained to transport lading other than chlorine in tanks of this service.

(o) *Periodic inspection and tests.* (1) Each cargo tank shall be subjected to an internal and external examination biennially.

(2) Each cargo tank shall be subjected to hydrostatic test biennially of one and one-half times the maximum allowable pressure as determined by the safety relief valve setting.

(3) The safety relief valves shall be popped in the presence of an inspector by use of water, compressed air, or inert compressed gas at the time of the biennial inspection, or at such time as may be required by the inspector to determine the accuracy of adjustment; and, if necessary, such valves shall be repaired and reset.

(p) *Stores on board.* The following substances shall not be used as stores on board barges transporting chlorine in bulk: Hydrogen, methane, liquefied petroleum gases, coal gas, acetylene, ammonia, turpentine, compounds containing metallic powders, finely divided metals or finely divided organic materials.

Section 146.24-100 is amended by changing or adding certain requirements for certain articles as follows:

§ 146.24-100 *Table G—Classification: Compressed gases.* * * *

1. Insert the following new item after the item headed "Dichlorodifluorome-







thane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 3AA | 400 | 30 | 24 |

2. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 3A | 400 | 30 | 24 |

3. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 3 | 400 | 30 | 24 |

4. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 4 | 400 | 30 | 24 |

5. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 4A | 400 | 30 | 24 |

6. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 4B | 400 | 30 | 24 |

7. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 4E | 400 | 30 | 24 |

8. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39 | 400 | 30 | 24 |

9. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39A | 400 | 30 | 24 |

10. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39B | 400 | 30 | 24 |

11. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39C | 400 | 30 | 24 |

12. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39D | 400 | 30 | 24 |

13. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39E | 400 | 30 | 24 |

14. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39F | 400 | 30 | 24 |

15. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39G | 400 | 30 | 24 |

16. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39H | 400 | 30 | 24 |

17. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39I | 400 | 30 | 24 |

18. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39J | 400 | 30 | 24 |

19. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39K | 400 | 30 | 24 |

20. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39L | 400 | 30 | 24 |

21. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39M | 400 | 30 | 24 |

22. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39N | 400 | 30 | 24 |

23. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39O | 400 | 30 | 24 |

24. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39P | 400 | 30 | 24 |

25. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39Q | 400 | 30 | 24 |

26. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39R | 400 | 30 | 24 |

27. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39S | 400 | 30 | 24 |

28. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39T | 400 | 30 | 24 |

29. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39U | 400 | 30 | 24 |

30. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39V | 400 | 30 | 24 |

31. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39W | 400 | 30 | 24 |

32. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39X | 400 | 30 | 24 |

33. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39Y | 400 | 30 | 24 |

34. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 39Z | 400 | 30 | 24 |

35. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40 | 400 | 30 | 24 |

36. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40A | 400 | 30 | 24 |

37. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40B | 400 | 30 | 24 |

38. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40C | 400 | 30 | 24 |

39. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40D | 400 | 30 | 24 |

40. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40E | 400 | 30 | 24 |

41. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40F | 400 | 30 | 24 |

42. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40G | 400 | 30 | 24 |

43. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40H | 400 | 30 | 24 |

44. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40I | 400 | 30 | 24 |

45. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40J | 400 | 30 | 24 |

46. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40K | 400 | 30 | 24 |

47. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40L | 400 | 30 | 24 |

48. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40M | 400 | 30 | 24 |

49. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40N | 400 | 30 | 24 |

50. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40O | 400 | 30 | 24 |

51. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40P | 400 | 30 | 24 |

52. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40Q | 400 | 30 | 24 |

53. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40R | 400 | 30 | 24 |

54. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40S | 400 | 30 | 24 |

55. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40T | 400 | 30 | 24 |

56. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40U | 400 | 30 | 24 |

57. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40V | 400 | 30 | 24 |

58. Insert the following new item after the item headed "Dichlorodifluoromethane (Refrigerant 12)" the following new item:

| Name | Symbol | Specification | Maximum permissible gage pressure in cylinder at 70° F. | Maximum permissible water capacity of cylinder (pounds) | Maximum permissible weight of charge in cylinder (pounds) |
|---|---|---|---|---|---|
| Chlorodifluoromethane | | 40W | 400 | 30 | 24 |

59. Insert the following new item after the item headed "

thane and difluoroethane mixture (constant boiling mixture)":

In column 1, Descriptive name of article, insert the following:

Dichlorodifluoromethane - monofluorotrichloromethane mixture.

In column 2, *Characteristic properties, etc.*, insert the following:

*Noninflammable gas mixture.*
*Ether-like odor.*
*Excessive quantities in an enclosed space may cause suffocation.*

In column 3, *Label required*, insert the following:

Green gas.

In column 4, *Required conditions for transportation—Cargo vessel*, insert the following:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
"Under deck away from heat."
Containers:
Cylinders:
(With valve protection cap.)
(With dished heads.)
(Boxed.)
Tank cars (ICC–105A300, 105A300W, 106A500, 106A500X, 110A500W).
Tanks (ICC–106A500, 106A500X, 110A-500W).

In column 5, *Required conditions for transportation—Passenger vessel*, insert the following:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
"Cargo hatch trunkway."
Containers:
Cylinders:
(With valve protection cap.)
(With dished heads.)
(Boxed.)
Tanks (ICC–106A500, 106A500X, 110A-500W).

In column 6, *Required conditions for transportation—Ferry vessel*, insert the following:

Ferry stowage (AA).
Containers:
Cylinders:
(With valve protection cap).
(With dished heads).
(Boxed).
Tanks (ICC–106A500, 106A500X, 110A-500W).

In column 7, *Required conditions for transportation—R. R. car ferry*, insert the following:

Ferry stowage (BB).
Containers:
Cylinders:
Tank cars (ICC–105A300, 105A300W, 106A500, 106A500X, 110A500W).
Tanks (106A500, 106A500X, 110A500W).

2. Insert the following new item after the item headed "Monochlorodifluoromethane".

In column 1, *Descriptive name of article*, insert the following:

Monochloropentafluoroethane.

In column 2, *Characteristic properties, etc.*, insert the following:

*Noninflammable gas.*
*Excessive quantities in an enclosed space may cause suffocation.*

In column 3, *Label required*, insert the following:

Green gas.

In column 4, *Required conditions for transportation—Cargo vessel*, insert the following:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
"Under deck away from heat."
Containers:
Cylinders:
(With valve protection cap).
(With dished heads).
(Boxed).

In column 5, *Required conditions for transportation—Passenger vessel*, insert the following:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
"Cargo hatch trunkway."
Containers:
Cylinders:
(With valve protection cap).
(With dished heads).
(Boxed).

In column 6, *Required conditions for transportation—Ferry vessel*, insert the following:

Ferry stowage (AA).
Containers:
Cylinders:
(With valve protection cap.)
(With dished heads.)
(Boxed.)

In column 7, *Required conditions for transportation—R. R. Car ferry*, insert the following:

Ferry stowage (BB).
Containers:
Cylinders.

3. Amend the item headed "Tetrafluoroethylene, inhibited" as follows:

In column 2, *Characteristic properties, etc.*, delete "Noninflammable gas," and insert the following in lieu thereof:

Inflammable gas.

In column 3, *Label required*, delete "Green gas" and insert the following in lieu thereof:

Red gas.

In columns 4 and 5, *Required conditions for transportation*, under "Stowage" delete the following:

"Tween decks readily accessible" and "Under deck away from heat".

4. Amend the item headed "Trifluorochloroethylene" as follows:

In column 4, *Required conditions for transportation—Cargo vessels*, add the following under "Containers":

Tank cars (ICC–105A300, 105A300W, 106A-500, 106A500W).
Tanks (106A500, 106A500X).

In column 5, *Required conditions for transportation—Passenger vessel*, add the following under "Containers":

Tanks (106A500, 106A500X).

In column 6, *Required conditions for transportation—Ferry vessel*, add the following under "Containers":

Tanks (106A500, 106A500X).

In column 7, *Required conditions for transportation—R. R. car ferry*, add the following under "Containers":

Tank cars (ICC–105A300, 105A300W, 106A-500, 106A500W).
Tanks (106A500, 106A500X).

SUBPART 146.25—DETAILED REGULATIONS GOVERNING POISONOUS ARTICLES

Section 146.25–55 is amended to read as follows:

§ 146.25–55 *Exemptions for poisons, Class B.* (a) Poisonous liquids, Class B, as defined in this subpart, except aniline oil; chlorpicrin and chlorpicrin mixtures containing no compressed gas or poisons, liquid, Class A; hydrocyanic acid solutions; methyl bromide; motor fuel antiknock compound; parathion; phenyldichlorarsine; tetraethyl lead; thiophosgene; hexaethyl tetraphosphate; methyl parathion; tetraethyl dithio pyrophosphate; and tetraethyl pyrophosphate in tightly closed inside containers securely cushioned when necessary to prevent breakage, and packed as follows are exempt from specification packaging, marking other than name of contents, and labeling requirements:

(1) In glass or earthenware containers not over 1 quart capacity each, or in metal containers not over 1 gallon capacity each, packed in strong outside wooden boxes or barrels.

(2) In glass or earthenware containers not over 1 pint capacity each, or in metal containers not over 1 quart capacity each, packed in strong outside fiberboard boxes.

(b) Poisonous solids, Class B, except cyanides, other than those specified in paragraphs (c) and (d) of this section, and beryllium metal powder, in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows are exempt from specification packaging, marking other than name of contents, and labeling requirements:

(1) In inside glass, earthenware or composition bottles or jars or metal containers or lock-corner sliding-lid wooden boxes, of not over 5 pounds capacity each, or chipboard, pasteboard, or fiber cartons, cans, or boxes, of not over 1 pound capacity each, packed in outside wooden or fiberboard boxes or wooden barrels or kegs. Net weight of contents of outside container not over 100 pounds.

(2) In inside chipboard, pasteboard, or fiber cartons, cans, or boxes, of not over 5 pounds capacity each, packed in outside fiberboard or wooden boxes. Not more than 5 of these cartons shall be packed in any outside container.

(c) Cyanides, except cyanide of calcium and mixtures thereof (see paragraph (d) of this section), when packed and described as follows are exempt from specification packaging and labeling requirements:

(1) Cyanides, or cyanide mixtures, in tightly closed glass, earthenware, or metal inside containers, not over 1 pound each, securely cushioned and packed in outside wooden or fiberboard boxes, or in wooden barrels. Net weight of cyanide mixtures in any outside container, not over 25 pounds.



(2) Cyanide mixtures in tightly closed glass, earthenware, or metal inside containers, securely cushioned and packed in outside wooden or fiberboard boxes, or in wooden barrels. Net weight of cyanide mixtures in any outside container not over 5 pounds.

(3) Cyanides of copper, zinc, lead and silver.

(d) Cyanide of calcium and mixtures thereof when packed and described as follows are exempt from specification packaging and labeling requirements:

(1) Cyanide of calcium and mixtures thereof in tightly closed metal inside containers, not over 1 pound each, securely cushioned and packed in outside wooden or fiberboard boxes, or in wooden barrels. Net weight of cyanide of calcium or mixtures thereof in any outside container, not over 25 pounds.

(2) Cyanide of calcium or mixtures thereof in tightly closed metal inside containers, securely cushioned and packed in outside wooden or fiberboard boxes, or in any outside container, not over 5 pounds.

(e) Such limited quantity shipments may be accepted on board all vessels subject to the regulations in this part provided the bill of lading or other shipping paper correctly describes the article in accordance with the true name as shown in the commodity list. Stowage shall be "On deck under cover" or "Tween decks" in a compartment not subject to artificial heat.

Section 146.25–200 is amended by changing certain requirements for certain articles as follows:

NOTE. An "item" is defined for the purpose of these amendments as any article or group of articles within the table for which an individual set of stowage and container requirements is prescribed.

§ 146.25–200 *Table H—Classification: Class B; less dangerous poisons.* * * *

1. Amend items with the following headings so as to include "5C" in every case where "(ICC–5, 5A, 5B)" appears in columns 4, 5, 6, or 7 under "Outside containers," "Steel barrels or drums" requirements so that it will read "(ICC–5, 5A, 5B, 5C) not over 55 gal. cap."

a. Acetone cyanhydrin.
b. Alcohol, allyl, liquid.
c. Arsenic chloride (arsenous), liquid.
d. Arsenical compounds or mixtures, N. O. S., liquid.
e. Dinitrobenzol, liquid.
f. Drugs, chemicals, medicines or cosmetics, N. O. S.
g. Insecticide, liquid.
h. Mercuric iodide, solution.
i. Nicotine hydrochloride.
j. Nitrobenzol, liquid.
k. Nitroxylol.
l. Poisonous liquids, N. O. S.
m. Sodium arsenite (solution), liquid.
n. Xylidene.

2. Insert the following new item after the item headed "Alcohol, allyl, liquid"; In column 1, *Descriptive name of article*, insert the following:

Aldrin.
Aldrin mixture, dry, with more than 15% aldrin.

In column 2, *Characteristic properties, etc.*, insert the following:

*Poisonous.*
*Do not breathe air laden with this substance.*
*Do not allow in contact with skin.*
Stow away from living quarters and foodstuffs.

In column 3, Label required, insert the following:

Poison.

In column 4, *Required conditions for transportation—Cargo vessel*, insert the following:

Stowage:
"On deck in open."
"On deck under cover."
"Tween decks."
"Under deck."
Outside containers:
Steel barrels or drums:
(ICC 5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt.
(ICC-6A) not over 880 lb. gr. wt.
(ICC 17E, 17H, 37D) STC, not over 300 lb. gr. wt.
(ICC-37H) STC, not over 200 lb. net wt.
Wooden barrels or kegs:
(ICC 10A, 10B, 10C) not over 600 lb. net wt.
(ICC-11A) not over 115 lb. net wt.
Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt.
Wooden kits (ICC-18B) WPL, not over 30 lb. net wt.
Fiberboard boxes (ICC-12B, 12C) WIC, not over 50 lb. net wt.
Fiber drums:
(ICC-21A) not over 225 lb. net wt.
(ICC-21B) not over 200 lb. net wt.
Plywood drums (ICC-22A) not over 115 lb. net wt.
Tank cars (ICC 103, 103A, 103W, 103A W).

Authorized only for dry mixtures containing not more than 20% aldrin and no other material classed as dangerous by the regulations in this part:
Triplex bags (ICC 36A, 36B) Multiwall paper bags (ICC-44B, 44C, 44D).

NOTE: Dry mixtures containing not more than 15% aldrin and no other material classed as dangerous under the regulations in this part are exempt from specification packaging, marking other than name of contents, and labeling requirements.

In column 5, *Required conditions for transportation—Passenger vessel*, insert the following:

Stowage:
"On deck in open."
"On deck under cover."
"Tween decks."
"Under deck."
Outside containers:
Steel barrels or drums:
(ICC–5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt.
(ICC 6A) not over 880 lb. gr. wt.
(ICC–17E, 17H, 37D) STC, not over 300 lb. gr. wt.
(ICC–37H) STC, not over 200 lb. net wt.
Wooden barrels or kegs:
(ICC–10A, 10B, 10C) not over 600 lb. net wt.
(ICC–11A) not over 115 lb. net wt.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt.
Wooden kits (ICC–18B) WPL, not over 30 lb. net wt.
Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt.
Fiber drums:
(ICC–21A) not over 225 lb. net wt.
(ICC–21B) not over 200 lb. net wt.
Plywood drums (ICC–22A) not over 115 lb. net wt.

Authorized only for dry mixtures containing not more than 20% aldrin and no other material classed as dangerous by the regulations in this part:
Triplex bags (ICC–36A, 36B) Multiwall paper bags (ICC–44B, 44C, 44D)

NOTE: Dry mixtures containing not more than 15% aldrin and no other material classed as dangerous under the regulations in this part are exempt from specification packaging, marking other than name of contents, and labeling requirements.

In column 6, *Required conditions for transportation—Ferry vessels*, insert the following:

Ferry stowage (AA).
Outside containers:
Steel barrels or drums:
(ICC–5, 5A, 6B, 6C) not over 1,760 lb. gr. wt.
(ICC 6A) not over 880 lb. gr. wt.
(ICC–17E, 17H, 37D) STC, not over 300 lb. gr. wt.
(ICC–37H) STC, not over 200 lb. net wt.
Wooden barrels or kegs:
(ICC–10A, 10B, 10C) not over 600 lb. net wt.
(ICC–11A) not over 115 lb. net wt.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt.
Wooden kits (ICC–18B) WPL, not over 30 lb. net wt.
Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt.
Fiber drums:
(ICC–21A) not over 225 lb. net wt.
(ICC–21B) not over 200 lb. net wt.
Plywood drums (ICC–22A) not over 115 lb. net wt.

Authorized only for dry mixtures containing not more than 20% aldrin and no other material classed as dangerous by the regulations in this part:
Triplex bags (ICC–36A, 36B.) Multiwall paper bags (ICC–44B, 44C, 44D).

NOTE: Dry mixtures containing not more than 15% aldrin and no other material classed as dangerous under the regulations in this part are exempt from specification packaging, marking other than name of contents, and labeling requirements.

In column 7, *Required conditions for transportation—R. R. car ferry*, insert the following:

Ferry stowage (BB).
Outside containers:
Steel barrels or drums:
(ICC 5, 5A, 5B, 6B, 6C) not over 1,760 lb. gr. wt.
(ICC 6A) not over 880 lb. gr. wt.
(ICC–17E, 17H, 37D) STC, not over 300 lb. gr. wt.
(ICC 37H) STC, not over 200 lb. net wt.
Wooden barrels or kegs:
(ICC–10A, 10B, 10C) not over 600 lb. net wt.
(ICC–11A) not over 115 lb. net wt.
Wooden boxes (ICC–15A, 15B, 15C, 16A, 19A) WIC, not over 100 lb. net wt.
Wooden kits (ICC–18B) WPL, not over 30 lb. net wt.
Fiberboard boxes (ICC–12B, 12C) WIC, not over 50 lb. net wt.
Fiber drums:
(ICC–21A) not over 225 lb. net wt.
(ICC–21B) not over 200 lb. net wt.
Plywood drums (ICC–22A) not over 115 lb. net wt.
Tank cars (ICC–103, 103A, 103W, 103A W)

Authorized only for dry mixtures containing not more than 20% aldrin and no other material classed as dangerous under the regulations in this part:
Triplex bags (ICC–36A, 36B) Multiwall paper bags (ICC–44B, 44C, 44D)

NOTE: Dry mixtures containing not more than 15% aldrin and no other material classed as dangerous under the regulations

in this part are exempt from specification packaging, marking other than name of contents, and labeling requirements.

3. Insert the following new item after the item headed "Aldrin":

In column 1, *Descriptive name of article*, insert the following:

Aldrin mixture, liquid.

In column 2, *Characteristic properties, etc.*, insert the following:

*Poisonous liquid mixtures.*
*May be absorbed through the skin, through digestive organs, or from vapor through respiratory organs.*
Stow away from living quarters and foodstuffs.

In column 3, *Label required*, insert the following:

Poison.

In column 4, *Required conditions for transportation—Cargo vessel*, insert the following:

Stowage:
"On deck in open."
"On deck under cover."
"Tween decks."
"Under deck."
Outside containers:
Steel barrels or drums:
(ICC-5, 5A, 5B, 5C) not over 55 gal. cap.
(ICC-17C, 17E) STC, not over 55 gal. cap.
(ICC-37D) STC, not over 10 gal. cap.
Wooden barrels or kegs:
(ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt.
(ICC-11A, 11B) WIC, not over 200 lb. gr. wt.
Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt.
Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.
Cylinders as prescribed for any compressed gas except acetylene.
Tank cars (ICC-103, 103A, 103W, 103A-W)
Authorized only for viscous mixtures or those which may become partially solid:
Steel barrels or drums (ICC-6A, 6B, 6C) not over 55 gal. cap.
Steel barrels or drums (ICC-17H) STC, not over 55 gal. cap.

In column 5, *Required conditions for transportation—Passenger vessel*, insert the following:

Stowage:
"On deck in open."
"On deck under cover."
"Tween decks."
"Under deck."
Outside containers:
Steel barrels or drums:
(ICC-5, 5A, 5B, 5C) not over 55 gal. cap.
(ICC-17C, 17E) STC, not over 55 gal. cap.
(ICC-37D) STC, not over 10 gal. cap.
Wooden barrels or kegs:
(ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt.
(ICC-11A, 11B) WIC, not over 200 lb. gr. wt.
Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt.
Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.
Cylinders as prescribed for any compressed gas except acetylene.
Authorized only for viscous mixtures or those which may become partially solid:
Steel barrels or drums (ICC-6A, 6B, 6C) not over 55 gal. cap.
Steel barrels or drums (ICC-17H) STC, not over 55 gal. cap.

In column 6, *Required conditions for transportation—Ferry vessel*, insert the following:

Ferry stowage (AA).
Outside containers:
Steel barrels or drums:
ICC-5, 5A, 5B, 5C) not over 55 gal. cap.
(ICC-17C, 17E) STC, not over 55 gal. cap.
(ICC-37D) STC, not over 10 gal. cap.
Wooden barrels or kegs:
(ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt.
(ICC-11A, 11B) WIC, not over 200 lb. gr. wt.
Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt.
Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.
Cylinders as prescribed for any compressed gas except acetylene.

Authorized only for viscous mixtures or those which may become partially solid:
Steel barrels or drums (ICC-6A, 6B, 6C) not over 55 gal. cap.
Steel barrels or drums (ICC-17H) STC, not over 55 gal. cap.

In column 7, *Required conditions for transportation—R. R. car ferry*, insert the following:

Ferry stowage (BB)
Outside containers:
Steel barrels or drums:
(ICC-5, 5A, 5B, 5C) not over 55 gal. cap.
(ICC-17C, 17E) STC, not over 55 gal. cap.
(ICC-37D) STC, not over 10 gal. cap.
Wooden barrels or kegs:
(ICC-10A, 10B, 10C) not over 50 gal. cap. and not exceeding 600 lb. net wt.
(ICC-11A, 11B) WIC, not over 200 lb. gr. wt.
Wooden boxes (ICC-15A, 15B, 15C, 16A, 19A) WIC, not over 150 lb. gr. wt.
Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.
Cylinders as prescribed for any compressed gas except acetylene.
Tank cars (ICC-103, 103A, 103W, 103A-W).

Authorized only for viscous mixtures or those which may become partially solid:
Steel barrels or drums (ICC-6A, 6B, 6C) not over 55 gal. cap.
Steel barrels or drums (ICC-17H) STC, not over 55 gal. cap.

4. Amend the item headed "Beryllium metal powder" as follows:

In columns 4, 5, 6, and 7, *Required conditions for transportation*, add the following under "Outside containers":

Fiber drums:
(ICC-21A) WIC, not over 225 lb. net wt.
(ICC-21B) WIC, not over 200 lb. net wt.

5. Amend the item headed "Carbolic acid (phenol) solid:" as follows:

In columns 4, 5, 6, and 7, *Required conditions for transportation*, under "Outside containers", amend the first entry under "Fiberboard boxes" to read as follows:

(ICC-12B) WIC, not over 84 lb. gr. wt.

6. Amend Item headed "Cyanides or cyanide mixtures, dry" as follows:

In column 1, *Descriptive name of article*, insert the following after "Calcium cyanide, solid":

Cyanide of calcium mixtures, solid

7. Amend the item headed "Methyl bromide" as follows:

In columns 4 and 7, *Required conditions for transportation*, under "Outside containers", delete the present "tank cars" and insert the following in lieu thereof:

Tank cars (ICC-104A, 104A-W, 105A300, 105A300-W, 105A400, 105A400W, 105A500, 105A500W, 105A600, 105A600W, 106A500, 106A500X, 106A800).

8. Amend the item headed "Parathion, liquid" as follows:

In column 1, *Descriptive name of article*, after "Parathion, liquid", add "Methyl parathion, liquid"; after "Parathion mixtures, liquid (*containing more than 50% parathion by weight*)", add "Methyl parathion mixtures, liquid (*containing more than 50% parathion by weight*)."

In column 2, *Characteristic properties, etc.*, amend the 6th sentence to read as follows: "*Liquid parathion or methyl parathion mixtures (solutions, emulsions or emulsifiable liquids) containing more than 50% parathion or methyl parathion by weight.*"

In column 4, *Required conditions for transportation—Cargo vessel*, delete the present requirements under "Outside containers" and insert the following in lieu thereof:

Steel barrels or drums:
(ICC-5, 5A, 5B) not over 55 gal. cap.
(ICC-17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt.
(ICC-37D) STC, WIC, not over 10 gal. cap.
Wooden boxes (ICC-15A, 15B) WIMC, not over 150 lb. gr. wt.
Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.
Fiber drums (ICC-21B) WIC, not over 200 lb. net wt.
Authorized only for "Parathion, liquid" and "Methyl parathion, liquid":
Cylinders as prescribed for any compressed gas except acetylene.

9. Amend the item headed "Parathion mixtures, liquid (*containing not more than 50% parathion by weight*)" as follows:

In column 1, *Descriptive name of article*, after "Parathion mixtures, liquid (*containing not more than 50% parathion by weight*)", insert "Methyl parathion mixtures, liquid (*containing not more than 50% methyl parathion by weight*)."

In column 2, *Characteristic properties, etc.*, amend the first sentence to read as follows: "*Liquid parathion or methyl parathion mixtures (solutions, emulsions or emulsifiable liquids) containing not more than 50% parathion or methyl parathion by weight.*"

In columns 4, 5, 6, and 7, *Required conditions for transportation*, delete the present requirements under "Outside containers" and add the following in lieu thereof:

Steel barrels or drums:
(ICC-5, 5A, 5B) not over 55 gal. cap.
(ICC-17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt.
(ICC-37D) STC, WIC, not over 10 gal. cap.
Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 150 lb. gr. wt.
Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.
Fiber drums (ICC-21B) WIC, not over 200 lb. net wt.
Authorized only for mixtures that are not classified as flammable under the regulations in this part: Steel drums (ICC-17E) STC, not over 10 gal. cap.



NOTE: Mixtures (solutions, emulsions or emulsifiable liquids) containing not more than 25% parathion or methyl parathion by weight, in inside metal containers not over 8 fluid ounces capacity each, packed in strong outside containers together with sufficient absorbent material to completely absorb the liquid in the event of leakage, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

10. Amend the item headed "Perchloro-methyl-mercaptan" as follows:

In column 4, *Required conditions for transportation—Cargo vessel*, add the following under "Outside containers":

Steel barrels or drums, lead-lined (ICC-5H) not over 33 gal. cap.

11. Amend the item headed "Phosgene" as follows:

In column 4, *Required conditions for transportation—Cargo vessel*, add the following under "Outside containers":

Authorized for "Phosgene" only: Tank cars (ICC-105A500, 106A500X) equipped with valve protection caps, gas tight, which must be approved by the Bureau of Explosives; containers must not be equipped with safety devices of any kind; containers must be filled so that they will not be liquid full at 130° F.

12. Amend the item headed "Poisonous liquids, N. O. S." as follows:

In columns 4, 5, 6, and 7, *Required conditions for transportation*, add the following note at the end of "Outside containers":

NOTE: Poisonous liquids, N. O. S. must be packed in specification containers of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.

13. Amend the item headed "Poisonous solids, N. O. S." as follows:

In columns 4, 5, 6, and 7, *Required conditions for transportation*, add the following note under "Outside containers":

NOTE: Poisonous solids, N. O. S., must be packed in specification containers of a design and constructed of materials that will not react dangerously with nor be decomposed by the chemical packed therein.

14. Delete the item headed "Tetraethyl pyrophosphate, liquid" and all descriptive names and requirements thereunder, and add the following two items in lieu thereof:

*First item:* In column 1, *Descriptive name of article*, insert the following:

Tetraethyl pyrophosphate, liquid.
Tetraethyl dithio pyrophosphate, liquid.
Hexaethyl tetraphosphate, liquid.
Tetraethyl pyrophosphate mixtures, liquid (*containing more than 50% tetraethyl pyrophosphate by weight*).
Tetraethyl dithio pyrophosphate mixtures, liquid (*containing more than 50% tetraethyl dithio pyrophosphate by weight*).
Hexaethyl tetraphosphate mixtures, liquid (*containing more than 50% hexaethyl tetraphosphate by weight*).

In column 2, *Characteristic properties, etc.*, insert the following:

*Water-white to amber colored liquids.*
*Miscible with water.*
*Very poisonous.*
*May be absorbed through the skin, through digestive organs, or from vapor through respiratory organs.*
*Mixtures may be solutions, emulsions or emulsifiable liquids.*

In column 3, *Label required*, insert the following:

Poison.

In column 4, *Required conditions for transportation—Cargo vessel*, insert the following:

Stowage:
"On deck in open."
"On deck under cover."
"Tween decks."
"Under deck."
Outside containers:
Steel barrels or drums:
(ICC-5, 5A, 5B) not over 55 gal. cap.
(ICC-17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt.
(ICC-37D) STC, WIC, not over 10 gal. cap.
Wooden boxes (ICC-15A, 15B) WIMC, not over 150 lb. gr. wt.
Fiberboard boxes (ICC-12B) WIC, not over 54 lb. gr. wt.
Fiber drums (ICC-21B) WIC, not over 200 lb. net wt.

Authorized only for "Tetraethyl pyrophosphate, liquid", "Tetraethyl dithio pyrophosphate, liquid", and "Hexaethyl tetraphosphate, liquid.":
Cylinders as prescribed for any compressed gas except acetylene.

In columns 5, 6, and 7, *Required conditions for transportation*, insert the following:

Not permitted.

*Second item:* In column 1, *Descriptive name of article*, insert the following:

Tetraethyl pyrophosphate mixtures, liquid (*containing not more than 50% tetraethyl pyrophosphate by weight*)
Tetraethyl dithio pyrophosphate mixtures, liquid (*containing not more than 50% tetraethyl dithio pyrophosphate by weight*)
Hexaethyl tetraphosphate mixtures, liquid (*containing not more than 50% hexaethyl tetraphosphate by weight*)

In column 2, *Characteristic properties, etc.*, insert the following:

*Solutions, emulsions or emulsifiable liquids containing not more than 50% of the active ingredient by weight.*
*Hazards and precautions similar to those under "Tetraethyl pyrophosphate, liquid" above.*
Stow away from living quarters and foodstuffs.

In column 3, *Label required*, insert the following:

Poison.

In column 4, *Required conditions for transportation—Cargo vessel*, insert the following:

Stowage:
"On deck in open."
"On deck under cover."
"Tween decks."
"Under deck."
Outside containers:
Steel barrels or drums:
(ICC-5, 5A, 5B) not over 55 gal. cap.
(ICC-17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt.
(ICC-37D) STC, WIC, not over 10 gal. cap.
STC, not over 10 gal. cap.
Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 150 lb. gr. wt.
Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.
Fiber drums (ICC-21B) WIC, not over 200 lb. net wt.

Authorized only for mixtures that are not classified as flammable under the regulations in this part: Steel drums (ICC-17E) STC, not over 10 gal. cap.

NOTE: Mixtures (solutions, emulsions, or emulsifiable liquids) containing not more than 25% tetraethyl pyrophosphate, tetraethyl dithio pyrophosphate, or hexaethyl pyrophosphate by weight, in inside metal containers not over 8 fluid ounces capacity each, packed in strong outside containers together with sufficient absorbent material completely to absorb the liquid in the event of leakage, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

In column 5, *Required conditions for transportation—Passenger vessels*, insert the following:

Stowage:
"On deck in open."
"On deck under cover."
"Tween decks."
"Under deck."
Outside containers:
Steel barrels or drums:
(ICC-5, 5A, 5B) not over 55 gal. cap.
(ICC-17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt.
(ICC-37D) STC, WIC, not over 10 gal. cap.
Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 150 lb. gr. wt.
Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.
Fiber drums (ICC-21B) WIC, not over 200 lb. net wt.

Authorized only for mixtures that are not classified as flammable under the regulations in this part: Steel drums (ICC-17E) STC, not over 10 gal. cap.

NOTE: Mixtures (solutions, emulsions, or emulsifiable liquids) containing not more than 25% tetraethyl pyrophosphate, tetraethyl dithio pyrophosphate, or hexaethyl pyrophosphate by weight, in inside metal containers not over 8 fluid ounces capacity each, packed in strong outside containers together with sufficient absorbent material completely to absorb the liquid in the event of leakage, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

In column 6, *Required conditions for transportation—Ferry vessel*, insert the following:

Stowage: Ferry stowage (AA).
Outside containers:
Steel barrels or drums:
(ICC-5, 5A, 5B) not over 55 gal. cap.
(ICC-17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt.
(ICC-37D) STC, WIC, not over 10 gal. cap.
Wooden boxes (ICC-15A, 15B, 15C) WIC, not over 150 lb. gr. wt.
Fiberboard boxes (ICC-12B) WIC, not over 65 lb. gr. wt.
Fiber drums (ICC-21B) WIC, not over 200 lb. net wt.

Authorized only for mixtures that are not classified as flammable under the regulations in this part: Steel drums (ICC-17E) STC, not over 10 gal. cap.

NOTE: Mixtures (solutions, emulsions, or emulsifiable liquids) containing not more than 25% tetraethyl pyrophosphate, tetraethyl dithio pyrophosphate, or hexaethyl pyrophosphate by weight, in inside metal containers not over 8 fluid ounces capacity each, packed in strong outside containers to-

gether with sufficient absorbent material completely to absorb the liquid in the event of leakage, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

In column 7, *Required conditions for transportation—R. R. car ferry*, insert the following:

Stowage: Ferry stowage (BB).
Outside containers:
Steel barrels or drums:
(ICC–5, 5A, 5B) not over 55 gal cap.
(ICC–17C) STC, not over 55 gal. cap. and not exceeding 880 lb. gr. wt.
(ICC–37D) STC, WIC, not over 10 gal. cap.
Wooden boxes (ICC–15A, 15B, 15C) WIC, not over 150 lb. gr. wt.
Fiberboard boxes (ICC–12B) WIC, not over 65 lb. gr. wt.
Fiber drums (ICC–21B) WIC, not over 200 lb. net wt.

Authorized only for mixtures that are not classified as flammable under the regulations in this part: Steel drums (ICC–17E) STC, not over 10 gal. cap.

NOTE: Mixtures (solutions, emulsions, emulsifiable liquids) containing not more than 25% tetraethyl pyrophosphate, tetraethyl dithio pyrophosphate, or hexaethyl pyrophosphate by weight, in inside metal containers not over 8 fluid ounces capacity each, packed in strong outside containers together with sufficient absorbent material completely to absorb the liquid in the event of leakage, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

15. Amend the item headed "Tetraethyl pyrophosphate mixture, dry" as follows:

In column 2, *Characteristic properties, etc.*, amend first sentence to read as follows:

*Dry mixtures in which the liquid active ingredient is absorbed in concentrations greater than 2% but not exceeding 27% by weight in a dry inert material.*

In columns 4, 5, 6, and 7, *Required conditions for transportation*, delete the present requirements under "Outside containers" and insert the following in lieu thereof:

Steel barrels or drums:
(ICC–5, 5B, 6A, 6C) not over 55 gal. cap.
(ICC–17C, 17H) STC, not over 55 gal. cap.
(ICC–37H) STC, not over 100 lb. net wt.
Wooden boxes (ICC–15A, 15B) WIC, not over 150 lb. gr. wt.
Fiberboard boxes (ICC–12B, 12C) WIC, not over 65 lb. gr. wt
Fiber drums (ICC–21A, 21B) not over 200 lb. net wt.

NOTE: Dry mixtures containing not more than 2% by weight of tetraethyl phyrophosphate, tetraethyl dithio pyrophosphate, or hexaethyl tetraphosphate and in which the liquid is absorbed in an inert material, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

SUBPART—DETAILED REGULATIONS GOVERNING COMBUSTIBLE LIQUIDS

Section 146.26–100 amended by changing certain requirements for certain articles as follows:

§ 146.26–100 Table J—*Classification: Combustible liquids.* * * *

1. Amend the item headed "Cement, leather" as follows:

In column 1, *Descriptive name of article*, add the following descriptive names:

Cement, linoleum.
Cement, tile.
Cement, wallboard.

2. Amend the item headed "Furfural" as follows:

In column 1, *Descriptive name of article*, amend by adding the following after the descriptive name:

(When possessing a flash point at or below 150° F. and above 80° F.)

In column 2, *Characteristic Properties, etc.*, delete the 3rd sentence "Flash point 130° F. to 145° F." and insert the following in lieu thereof:

*Flash point variable, over 140° F.*

SUBPART—DETAILED REGULATIONS GOVERNING HAZARDOUS ARTICLES

Part 146 is amended by adding a new § 104.27–25 reading as follows:

§ 146.27–25 *Requirements and conditions for loading, stowing and transporting baled cotton*—(a) *Scope.* Baled cotton may be transported on board vessels subject to R. S. 4472, as amended (46 U. S. C. 170), when the applicable requirements and conditions in this section are met.

(b) *Conditions of acceptance and stowage.* (1) All cotton shall be securely baled and bound and covered with bagging on at least three-fourths of its surface, including both ends of the bale. Poorly compressed bales shall not be accepted. Bales having damaged bindings shall not be accepted. Loose cotton shall not be accepted for transportation on board any vessel.

(2) Bales that are wet or have been wetted by rain or other moisture shall be stowed separate from dry cotton, preferably in a 'tween deck, not overstowed. Bales that are saturated shall not be accepted.

(3) "Burnt Cotton" shall be accepted for transportation under regulations as set forth in the inflammable solids table in § 146.22–100. Assorted burnt, scorched and discolored cotton pickings which have been air or steam dried and rebaled with standard bagging and ties, to a density not less than is customary for merchantable cotton, may be stowed in a 'tween deck but not overstowed.

(4) Bales showing contact with oil or grease shall not be accepted.

(5) Cotton shall not be stowed in a hold lately used for oil cargo unless such hold has been steamed or otherwise cleaned so as to completely remove all traces of oil residue. Particular care shall be exercised if the recent cargo contained any vegetable or animal oils. Holds which have been recently painted shall not be utilized for cotton stowage unless thoroughly dry.

(6) Upon completion of stowage, hatch openings shall be completely closed, tarpaulins where required shall be fitted and secured in place to provide a tight hold. Missing hatch cover sections shall not be permitted. During periods of temporary stoppage of loading the hatch may be left open. In such case a fire watch designated by the master shall be provided and stationed in the hold in which the cotton is stowed.

(7) Ventilator cowls feeding into holds containing cotton, shall have spark screens to prevent ingress of sparks.

(8) Cotton may be stowed in a hold having a division bulkhead which also forms a boundary of a boiler room, engine room, coal bunker or galley: *Provided*, That the cotton stowed in such hold is adequately dunnaged off the bulkhead. For a boiler room bulkhead such dunnaging shall provide at least a 6-inch space between the bulkhead and the cotton. For an engine room bulkhead such dunnaging shall provide at least a 2-inch space between the bulkhead and the cotton. This provision shall be observed when cotton is stowed under such conditions on board cargo vessels or passenger vessels.

(9) 'Tween deck hatches in holds in which cotton is stowed shall be closed off with hatch covers, tarpaulins, and dunnage.

(c) *General vessel requirements.* (1) The holds or compartments in which cotton is stowed shall be equipped with a carbon dioxide system or a steam smothering system or an installation of equivalent efficiency. The extinguishing system shall be examined, prior to loading, to assure that it is in good working condition.

(2) In ports where local regulations require, spark arrestors shall be fitted to funnels.

(3) The vessel, the dock, and lighters, alongside shall be checked and any source of spark or any naked lights shall be eliminated. Fires likely to produce sparks and which cannot be eliminated may be permitted under such conditions as in the judgment of the master or officer in charge of the vessel will serve to protect against fire to the cotton.

(4) Fire hose shall be connected. Fire pumps shall be seen in operation prior to loading and pressure shall be maintained on the fire mains during loading, ready for instant use. Portable fire extinguishers shall be so placed as to be readily available. Such fire hose, fire pumps and fire extinguishers may be the vessel's equipment or shore equipment.

(5) Smoking shall not be permitted on board a vessel loading or discharging cotton except at such times and in such places as designated by the master or officer in charge. "No smoking" signs shall be posted in appropriate places and the officer in charge of loading shall see that they are observed.

(6) The hold shall be clear of all debris and swept broom clean.

(d) *Cargo vessel; mixed storage requirements.* (1) Explosives. The engine and boiler spaces or one hatch shall intervene.

(2) Inflammable liquids, inflammable compressed gases, inflammable solids or oxidizing materials. These substances shall not be stowed in the same hold with cotton, or in a hold above or a hold below one containing cotton. When possible these substances should not be stowed in a hold adjacent to a hold containing cotton. When it is possible to provide such separation, these substances may be stowed in holds adjacent to one containing cotton: *Provided*, That the holds are separated by a tight steel bulkhead: *And provided further*, That the inflammable liquids, inflammable compressed gases, inflammable solids or oxidizing materials are packed in metal containers.

(3) Cotton shall not be stowed in the same hold with liquids having a flash point at or below 150° F. and above 80° F. Cotton may be stowed in a hold adjacent, any hold above or any hold below one containing these substances: *Provided*, That the holds are separated by a tight steel bulkhead or deck.

(4) Corrosive liquids. Corrosive liquids shall not be stowed in any hold over one in which cotton is stowed unless the deck is of steel and the hatch is fitted with a tight coaming and the deck itself is tight against leakage. In no event shall corrosive liquids be stowed over the square of the hatch.

(5) Poisonous articles. Extremely dangerous poisons. Class A; Tear gases or irritating substances, Class C; or Radioactive materials, Class D; shall not be stowed in the same hold with cotton.

(6) Cotton with sulfur in bulk. (i) Cotton may be stowed in the same hold over sulfur provided the sulfur has been trimmed and leveled and the hold thoroughly cleaned of sulfur dust. A tight floor of two 1-inch crossed clean dunnage boards shall be laid on the sulfur before cotton is stowed.

(ii) These substances may be stowed alongside each other in the same hold provided they are separated by a tight wood bulkhead constructed dustproof.

(iii) When bulk sulfur is loaded in a lower hold, cotton shall not be stowed in a 'tween deck hold until such hold has been thoroughly cleaned of all sulfur dust and the 'tween deck hatch covers are in place, and covered with tarpaulins and dunnage.

(7) Cotton with rosin or pitch. When practicable these commodities should be stowed in separate holds. When such stowage is not possible cotton may be stowed in the same hold with these substances provided the substances and the cotton are separated by clean dunnage or other cargo of a non-combustible nature. When such stowage within the same hold involves considerable amounts of these substances the rosin or pitch shall after stowage be floored off with at least two layers of 1-inch dunnaging and the cotton stowed above.

(8) Cotton with vegetable oils, animal oils, or rosin oil. (i) When possible the stowage of fish oils, whale oil, vegetable oils, animal oils or rosin oil should be arranged to be in separate compartments. If this is not possible it should be stowed so that there is no contact with these substances. If cotton is carried over fish oils, whale oil, vegetable oils, animal oils or rosin oil, a tight 2-inch floor of dunnage boards shall be laid over these oils before the cotton is placed on top.

(ii) Cotton shall not be stowed in the hold below one in which these substances are stowed, unless the 'tween deck hatch is fitted with a tight coaming and the deck is of steel and tight against leakage.

(9) Cotton with coal. Cotton and coal shall not be stowed in the same hold. Cotton may be stowed in a hold adjacent to one in which coal is stowed provided that the holds are separated by a tight steel bulkhead and the cotton is dunnaged 2 inches off such division bulkhead. Cotton may be stowed in the compartment above or below one in which coal is stowed provided the deck is of steel and hatches are closed off with hatch covers and tarpaulins.

(10) Cotton with synthetic nitrate of soda. These substances may be transported when stowed in adjacent holds, or holds above or below, provided the holds are separated by a tight steel bulkhead or deck and the hatch covers are in place and covered with tarpaulins.

(e) *Passenger vessels; mixed stowage requirements.* (1) Explosives. The engine and boiler spaces or one hatch shall intervene.

(2) Inflammable liquids, inflammable compressed gases, inflammable solids or oxidizing materials. These substances shall not be stowed in the same hold, an adjacent hold, the hold above or below one containing cotton.

(3) Liquids having a flash point at or below 150° F. and above 80° F. shall not be stowed in the same hold, the hold above or the hold below one containing cotton. These substances may be stowed in a hold adjacent to one containing cotton provided the holds are separated by a tight steel bulkhead.

(4) Corrosive liquids. Corrosive liquids shall not be stowed in any hold above one in which cotton is stowed unless the deck is of steel and the hatch is fitted with a tight coaming and the deck itself is tight against leakage. In no event shall corrosive liquids be stowed over the square of the hatch.

(5) Poisonous articles. Extremely dangerous poisons, Class A; tear gases or irritating substances, Class C; or radioactive materials, Class D; shall not be stowed in the same hold with cotton.

(6) Cotton with sulfur in bulk. (i) Cotton shall not be stowed in the same hold with sulfur in bulk. (ii) When bulk sulfur is loaded in a lower hold cotton shall not be stowed in a 'tween deck hold until such hold has been thoroughly cleaned of all sulfur dust and the 'tween deck hatches are in place, and covered with tarpaulins and dunnage.

(7) Cotton with rosin or pitch. When practicable these commodities should be stowed in separate holds. When such is not possible cotton may be stowed in the same hold with these substances provided the substances and the cotton are separated by clean dunnage or other cargo of a non-combustible nature. When stowage within the same hold involves considerable amounts of these substances the rosin or pitch shall be floored off with at least two layers of one inch dunnaging and the cotton stowed above.

(8) Cotton with vegetable oils, animal oils, or rosin oil. Cotton shall not be stowed in the same hold in which fish oils, whale oil, vegetable oils, animal oils, or rosin oil are stowed. Cotton shall not be stowed in a hold below one in which these substances are stowed unless the 'tween deck hatch is fitted with a tight coaming and the deck is of steel and tight against leakage.

(9) Cotton with coal. Cotton shall not be stowed in the same hold, a hold adjacent, the hold above or the hold below, one containing coal (as cargo).

Section 146.27–100 *Table K—Classification: Hazardous Articles* is amended by deleting under the item "cotton" under columns 4 to 7, inclusive, "Required conditions for transportation" reference "(See footnote 1)" and the text of footnote 1 and by inserting the following in lieu thereof in columns 4, 5, 6, and 7: "For requirements and conditions for loading, stowing and transporting baled cotton see § 146.27–25."

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply sec. 5, 55 Stat. 244, 245, as amended; 50 U. S. C. App. 1275; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.)

Dated: December 10, 1953.

[SEAL] MERLIN O'NEILL,
*Vice Admiral, U. S. Coast Guard,*
*Commandant.*

[F. R. Doc. 53–10446; Filed, Dec. 15, 1953; 8:50 a. m.]



# PROPOSED RULE MAKING

## CIVIL AERONAUTICS BOARD

[ 14 CFR Part 42 ]

[Draft Release No. 53–32]

SPECIAL CIVIL AIR REGULATION; CERTIFICATION AND OPERATION RULES FOR STAR ROUTE AIR CARRIERS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the adoption of a Special Civil Air Regulation which will provide that persons engaged in the carriage of United States mail pursuant to "star route" contracts obtain air carrier operating certificates in accordance with and comply with the provisions of Part 42.

Interested persons may participate in the making of the proposed rule by submitting such written data views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by Jan. 15, 1954. Copies of such communications will be available after Jan. 19, 1954, for examination by interested persons at the Docket Section of the Board,

Room 5412, Department of Commerce Building, Washington, D. C.

When the nature of the terrain in particular sections of the country is such as to make surface transportation impracticable, the Postmaster General has authority under the Experimental Air Mail Act of 1938, as amended, to award contracts for the transportation of all classes of mail by airplane. The routes for which these contracts are awarded are known as "star routes" and are generally in isolated areas and of comparatively short distance. In a few instances these routes are located completely within a State.

An "air carrier" under the Civil Aeronautics Act of 1938, as amended, is defined as anyone who engages in air transportation. "Air transportation" is defined as interstate, overseas, and foreign air transportation or the transportation of mail by aircraft. Thus, a "star route" operator, including one otherwise engaged exclusively in intrastate air transportation, is an "air carrier" within the meaning of the act.

While "star route" air carriers are exempted from certain areas of the Board's economic jurisdiction, they are subject to the Board's safety jurisdiction over air carriers. However, presently effective Parts 40 and 42 of the Civil Air Regulations apply to air carriers when engaged in interstate air transportation, but are not applicable to "star route" air carriers who are engaged only in intrastate transportation of mail. In view of the fact that the Civil Aeronautics Act requires each air carrier to have an air carrier operating certificate, it is necessary to make provision in the Civil Air Regulations for the issuance of this certificate to these "star route" air carriers.

This Special Civil Air Regulation provides air carrier certification and operation rules for all carriers engaged in carriage of mail pursuant to "star route" contracts. In view of the fact that these air carriers generally operate small planes and carry out relatively small operations, it appears desirable that they be certificated and comply with the provisions of Part 42 which are also applicable to air taxi operators. Thus, under this regulation, these air carriers are required to be certificated in accordance with Part 42 and to comply with the provisions of Part 42.

Accordingly, notice is hereby given that it is proposed to promulgate a Special Civil Air Regulation to read in substance as follows:

Persons engaged in the carriage of mail by aircraft pursuant to "star route" contracts awarded under the Experimental Air Mail Act of 1938, as amended, shall be certificated in accordance with and comply with the provisions of Part 42 of the Civil Air Regulations.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560; 62 Stat. 1216)

Dated: December 10, 1953, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 53-10432; Filed, Dec. 15, 1953; 8:46 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 3 ]

[Docket No. 10802]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 10802.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has under consideration a petition filed on November 6, 1953, by the Southeastern Ohio Television System, Zanesville, Ohio, requesting an amendment of the Table of Assignments, contained in § 3.606, rules governing television broadcast stations so as to assign Channel 18 to Zanesville or in the alternative to assign Channel 28 to Zanesville by deleting that assignment from Lancaster, Ohio, and substituting either Channel 66, 68, 78, 81, 82, or 83.

3. The assignment of Channel 18 to Zanesville appears to be technically feasible and may be made both in conformance with our assignment principles and without making any other changes in the table. It is therefore proposed to make this additional assignment to Zanesville.

4. In view of the foregoing, it is proposed to amend § 3.606 *Table of Assignments*, rules governing television broadcast stations, as follows:

| City: | *Channel No.* |
|---|---|
| Zanesville, Ohio | 18−, 50+ |

5. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the amendment proposed by petitioner should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before January 11, 1954 a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: December 10, 1953.

Released: December 11, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 53-10453; Filed, Dec. 15, 1953; 8:51 a. m.]

### [ 47 CFR Parts 7, 8 ]

[Docket No. 10377]

STATIONS ON LAND AND SHIPBOARD IN THE MARITIME SERVICE

FREQUENCIES FOR TELEPHONY

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete authority for operation by coast stations, ship stations, and aircraft stations on currently assignable freqencies for telephony within the band 4000 kc to 18000 kc; and to include authority for operation by such stations on other frequencies for telephony within the same band; Docket No. 10377.

1. On May 6, 1953, the Commission adopted a report and order in the above designated docket finalizing a plan of assignment for all areas other than the Mississippi River and connecting inland waters (except the Great Lakes) which would be used as a basis for carrying out the maritime mobile radiotelephone portion of the Geneva Agreement (1951) in the frequency bands between 4000 kc and 18000 kc. However, the effective dates of deletion of existing frequencies and availability of new frequencies were to be made the subject of later proceedings. First and Second Notices of Proposed Rule Making in this docket specifying such dates for some of the frequencies under the above-referred to plan have heretofore been promulgated and finalized.

2. This Third Further Notice of Proposed Rule Making is issued because it is now deemed feasible to propose specific availability and deletion dates for certain additional frequencies listed in the plan as set forth in the Appendix below. This notice is issued under the authority recited in the original notice of proposed rule making in this docket.

3. Any interested person who is of the opinion that the amendments proposed herein should not be adopted and any person desiring to support this proposal may file with the Commission, on or before January 11, 1954, a written statement or brief setting forth his comments. Replies to such comments may be filed within 10 days from the last date for filing the original comment. Fifteen copies of all such comments shall be furnished. The Commission will consider all comments received before taking final action in this matter.

Adopted: December 9, 1953.

Released: December 11, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING, *Acting Secretary.*



1. The following frequency in kilocycles currently available to coast stations as an assignable frequency for telephony would be deleted as of the date and in the area indicated:

| Frequency | Date of deletion | Area |
|---|---|---|
| 4357.5 | Jan. 15, 1954 | All. |

2. The following frequencies in kilocycles would become available for assignment to public coast stations for telephony and to public ship stations for telephone communication with these coast stations on the dates and in the areas indicated:

| Frequency | | Location | Date |
|---|---|---|---|
| Coast | Ship | | |
| 4357.5 | 4212.5 | Miami | Jan. 15, 1954 |
| 17302.1 | 17212.6 | Territory of Hawaii | Do. |
| | | do | Do. |

[F. R. Doc. 53-10454; Filed, Dec. 15, 1953; 8:51 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

### [ 17 CFR Part 250 ]

FINANCIAL CONNECTIONS OF OFFICERS AND DIRECTORS OF REGISTERED COMPANIES AND SUBSIDIARIES THEREOF

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to revise § 250.70 (Rule U-70) under the Public Utility Holding Company Act of 1935 governing the connections with financial institutions of officers and directors of registered holding companies and subsidiary companies.

The proposal is made pursuant to sections 17 (c) and 20 (a) of the Public Utility Holding Company Act of 1935.

Section 17 (c) prohibits any registered holding company or any subsidiary company thereof from having as an officer or director any "executive officer, partner, appointee, or representative of any bank, trust company, investment banker, or banking association or firm" except as permitted by rule or regulation of the Commission "as not adversely affecting the public interest or the interest of investors or consumers." Rule U-70 defines those persons or situations to which the Commission has granted exemption from section 17 (c).

The rule presently grants exemptions, among others, in the case of operating companies and holding companies for persons whose only financial connections are with commercial banking institutions which meet described requirements. In the case of operating companies, the commercial banking institution (other than one of limited size) must have its principal office in the territory served by the operating company. In the case of holding companies, the exempted persons include directors but not officers of one or more commercial banking institutions having their principal offices within the service area of any of the holding company's principal public-utility subsidiaries. The present rule also exempts persons who themselves own, or represent institutions owning, substantial interests in registered holding companies or subsidiaries thereof, certain indenture trustees or their representatives, and persons having a financial connection with certain small investment bankers who have not since April 1, 1939, engaged in underwriting, marketing, or trading in securities of a public-utility or holding company.

The proposed revision of the rule eliminates the numerous complex exemptions and exceptions inserted in the present rule from time to time over the years to meet specific situations many of which are now only of historical importance. Thus, the rule as proposed to be revised not only is broader and more general than the present rule but also is simpler and should be more easily understood.

Under the proposed revision, registered holding companies and subsidiaries will be permitted to have as officers or directors persons whose only financial connections are with one or more commercial banking institutions, provided each such person is not at the same time an officer of a commercial banking institution and an officer of a registered holding company or subsidiary. The April 1, 1939 date relating to market activities of small investment bankers is advanced to April 1, 1949. The limitation that no holding company or subsidiary shall have as many as one-half of its directors persons with financial connections within the scope of section 17 (c) is continued but there is excepted from the limitation not only persons exempt as representatives of indenture trustees of defaulted obligations collateralized by a majority of the voting stock of the issuer (which exception is contained in the present rule), but also, insofar as public-utility companies are concerned, persons whose only financial connections are with commercial banking institutions having combined capital and surplus not in excess of $2,500,000. This new exception should give public-utility companies a wider choice in the selection of directors.

The revised rule would read as follows:

§ 250.70 *Exemptions from section 17 (c) of the act*—(a) *Exempted persons.* Pursuant to section 17 (c) of the act, which permits exceptions to the provisions thereof in cases that do not adversely affect the public interest or the interest of investors or consumers, and subject to the restrictions set forth in paragraph (b) of this section, a registered holding company or subsidiary may have as officers or directors any person or persons falling in any one or more of the categories specified below:

(1) *Connections with commercial banks.* A person whose only financial connection is with one or more commercial banking institutions: *Provided*, That said person is not at the same time an officer of a commercial bank and an officer of a registered holding company or a subsidiary thereof.

(2) *Indenture trustee or representative.* A single representative (so designated in writing to the Commission) of a corporate trustee under a trust indenture or similar instrument under which outstanding obligations of such company were issued: *Provided*, That such representative has no financial connection except with such trustee.

(3) *In connection with indenture trustee for obligations in default.* A single representative (so designated in writing to the Commission) of a corporate trustee under a trust indenture or similar instrument under which a majority of the voting stock of such company is held as security for an obligation or obligations which are in default: *Provided*, That such representative has no financial connection except with such trustee.

(4) *Connections with small investment bankers.* A person whose only financial connection is with a single investment banker which has total capital and surplus not exceeding $500,000, and which investment banker (including any business of which it is a continuation) is not, and has not at any time after April 1, 1949, engaged in underwriting or otherwise participating in the marketing of, or trading in (except as broker), securities of any public-utility or holding company other than a company exempted pursuant to clauses (3), (4), or (5) of section 3 (a), or as to which there is pending an application for such exemption.

(5) *Persons authorized by Federal Power Commission.* A person who is specifically authorized by an order of the Federal Power Commission to hold positions as officer or director of such company and as officer or director of any financial institution or institutions.

(b) *Limitations on exemptions.* The exemptions set forth in paragraph (a) of this section are subject to the following conditions and restrictions:

(1) *Number of exempted directors.* No registered holding company or subsidiary shall have as many as one-half of its directors persons with financial connections within the scope of section 17 (c), except that this limitation shall not apply (i) to persons who are exempted pursuant to the provisions of paragraph (a) (3) of this section or (ii) in the case of a public-utility company to persons whose only financial connections are with one or more commercial banking institutions each having combined capital and surplus not in excess of $2,500,000.

(2) *Dealings by company with financial institutions.* No registered holding company or subsidiary shall sell, directly or indirectly, any securities issued or held by such company to a financial institution, nor shall such financial institution engage or participate in any underwriting agreement, nor act as agent with respect to any such sale, if such company or any company of which such company is a subsidiary company has had as an officer or director at any time during the preceding 12 months a person or persons having a financial connection with such financial institution. Nevertheless, any such company may sell its securities to a commercial banking institution if each person having a financial

connection with such commercial banking institution and acting as an officer or director of such company or of any parent company thereof is (i) a person who is regularly employed by such company or one or more associate companies thereof and devotes substantially all of his working time to such employment alone or together with employment by a public-utility company which is not an associate company of any registered holding company and who has no financial connection with any investment banker, or (ii) a person whose only financial connection is with one or more commercial banking institutions having a banking office in the territory in which such company carries on operations as a public-utility company.

(3) *Trading by exempted persons.* No officer or director of a registered holding company or subsidiary thereof, exempted by paragraph (a) of this section, who has a financial connection with an investment banker, nor any investment banker with which such person has a financial connection, shall:

(i) Act as broker with respect to, or otherwise trade or deal in, any security of such registered holding company or any subsidiary thereof; or

(ii) Purchase and sell or sell and purchase any such security within any period of less than six months, unless (*a*) such security was acquired in good faith in connection with a debt previously contracted, or (*b*) all profits realized by such officer or director and by such investment banker is paid to and is recovered by the registered holding company or subsidiary company in respect of the security of which such profit is realized, within 30 days after the realization thereof.

(4) *Agreement by exempt persons and their firms.* No exemption shall be effective as to any officer or director having any financial connection with any investment banker, unless such officer or director and such investment banker shall enter into an agreement with such company, and file a copy thereof with the Commission, undertaking to comply with the conditions specified in subparagraph (3) of this paragraph and undertaking that such investment banker will file reports as to its holdings of, and transactions in, securities of companies in such holding company system (on forms U–17–1 and U–17–2) in the manner prescribed for directors of registered holding companies.

(c) *Definitions.* As used in section 17 (c) of the act and in this section:

(1) "Officer" and "executive officer" mean (i) a chairman of the board of directors, chairman of the finance committee or executive committee, president, vice president, treasurer, secretary, comptroller, and in the case of a financial institution also a cashier or trust officer, and (ii) any other person who performs functions corresponding to those normally performed by the foregoing officers, regardless of whether he has an official title or whether his title contains a designation of assistant, and regardless of whether he is serving without salary or other compensation.

(2) A "bank, trust company, investment banker, or banking association or firm" shall not be deemed to include a Federal Reserve bank, or a bank or trust company (i) which does not accept deposits, or if accepting deposits, not less than 85 percent of whose total deposits at the end of the preceding calendar year consisted of time and savings deposits as defined by paragraphs (d) and (e) of § 329.1 of the regulations and statements of policy of the Federal Deposit Insurance Corporation (12 CFR 329.1), or (ii) less than 10 percent of whose total loans and discounts at the end of the preceding calendar year consisted of commercial loans and discounts.

(3) "Financial institution" means a bank, trust company, investment banker, or banking association or firm, or a corporation a majority of whose stock, having the unrestricted right to vote for the election of directors, is owned by a bank, trust company, investment banker or banking association or firm.

(4) "Commercial banking institution" means any financial institution except an investment banker.

(5) "Investment banker" means a person engaged in business as an underwriter or a dealer, as these terms are defined in the Securities Act of 1933, but does not include (i) a bank, trust company, banking association, or banking firm which is prohibited by statute or by rule or regulation thereunder from underwriting or participating in the marketing of securities of a public-utility or holding company, or (ii) a person whose activities as a dealer are limited to dealing in evidences of indebtedness secured by mortgage, deed of trust, or other lien upon real estate as such, as distinguished from usual corporate mortgage bonds and other types of corporate securities. "Investment banker" shall include a corporation a majority of whose stock having the unrestricted right to vote for the election of directors is owned by an investment banker.

(6) A person shall be deemed to have a "financial connection" if he is an officer, director, partner, appointee or representative (including a designated representative of an indenture trustee) of a financial institution.

All interested persons are hereby invited to submit views and comments on the proposed revision of the rule. Such views and comments should be submitted to the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on or before January 11, 1954.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

DECEMBER 4, 1953.

[F. R. Doc. 53-10440; Filed, Dec. 15, 1953; 8:48 a. m.]

# NOTICES

## DEPARTMENT OF LABOR

### Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Angelica Uniform Co., Brunswick, Mo., effective 12–12–53 to 12–11–54; 5 learners for normal labor turnover purposes (washable service apparel).

Michael Berkowitz Co., Inc., Mechanic Street, Frostburg, Md., effective 12–4–53 to 12–3–54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's pajamas).

Big Winston Garment Co., 924 South Main Street, Winston-Salem, N. C., effective 12–18–53 to 12–17–54; 6 learners for normal labor turnover purposes (overalls and dungarees).

Burlington Manufacturing Co., 111 West Third Street, Chanute, Kans., effective 12–6–53 to 12–5–54; 10 percent of the total number of factory production workers for normal labor turnover purposes (overalls and jackets).

Cluett, Peabody & Co., Inc., Fleetwood, Pa., effective 12–12–53 to 12–12–54; 10 percent of the total number of factory production workers for normal labor turnover purposes (boys' shirts).

Cluett, Peabody & Co., Inc., Gilbert, Minn., effective 12–17–53 to 12–16–54; 5 learners for normal labor turnover purposes (shirt collars).

J. Freezer & Son, Inc., Floyd, Va., effective 12–14–53 to 12–13–54; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).



The Jay Garment Co., Brookville, Ind., effective 11–16–53 to 5–15–54; 25 learners for expansion purposes (children's cotton overalls) (replacement certificate).

Lerner Slone Clothing Corp., 304 East Main Street, Carbondale, Ill., effective 12–8–53 to 12–7–54; 10 learners for normal labor turnover purposes (men's trousers).

Mammoth Cave Garment Co., Cave City, Ky., effective 12–11–53 to 12–10–54; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees).

Mayflower Manufacturing Co., 460–506 North Main Avenue, Scranton, Pa., effective 12–12–53 to 12–11–54; 10 percent of the total number of factory production workers for normal turnover purposes (trousers).

Miller & Co., 1540 Lawrence Street, Denver, Colo., effective 12–13–53 to 12–12–54; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

The Nite Kraft Corp., Corner Race and Third Streets, Sunbury, Pa., effective 12–7–53 to 12–6–54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's pajamas).

Renovo Shirt Co., Inc., Mena, Ark., effective 1–19–54 to 7–18–54; 100 learners for expansion purposes (men's and boys' shirts) (replacement certificate).

J. H. Rutter-Rex Manufacturing Co., Inc., 3725 Dauphine Street, New Orleans, La., effective 12–9–53 to 12–8–54; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts and work pants).

Salant & Salant, Inc., Henderson, Tenn., effective 12–13–53 to 12–12–54; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

Samsons Inc., 525 East Fifth Street, Washington, N. C., effective 12–10–53 to 12–9–54; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport shirts).

Samsons, Inc., 525 East Fifth Street, Washington, N. C., effective 12–10–53 to 6–9–54; 10 learners for expansion purposes (sport shirts).

Smith Bros. Manufacturing Co., Carthage, Mo., effective 12–7–53 to 12–6–54; 10 percent of the total number of factory production workers for normal labor turnover purposes (overalls, jeans, jackets).

Smith Bros. Manufacturing Co., Webb City, Mo., effective 12–7–53 to 12–6–54; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

Smith Bros. Manufacturing Co., St. Joseph, Mo., effective 12–7–53 to 12–6–54; 10 percent of the total number of factory production workers for normal labor turnover purposes (overalls, jeans, dungarees, etc.).

Smith Bros. Manufacturing Co., Lamar, Mo., effective 12–7–53 to 12–6–54; 10 percent of the total number of factory production workers for normal labor turnover purposes (blue jeans).

Stahl-Urban Co., Brookhaven, Miss., effective 12–19–53 to 12–18–54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' trousers, wool and cotton outerwear, etc.).

W. E. Stephens Manufacturing Co., Inc., Watertown, Tenn., effective 12–19–53 to 12–18–54; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

Thomson Co., Millen, Ga., effective 12–12–53 to 12–11–54; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport and dress trousers).

Thomson Co., Thomson, Ga., effective 12–8–53 to 12–7–54; 10 percent of the total number of factory production workers for normal labor turnover purposes (sport and dress trousers).

Trimble Manufacturing Corp., Trimble, Tenn., effective 12–6–53 to 12–5–54; 10 percent of the total number of factory production workers for normal labor turnover purposes (jackets).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952, 17 F. R. 8633).

El Moro Cigar Co., South Greene Street and Edwards Place, Greensboro, N. C., effective 12–4–53 to 12–3–54; 10 percent of the total number of factory production workers engaged in each occupation listed below: cigar machine operators, 320 hours at 65 cents per hour.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951, 16 F. R. 10733).

B & K Hosiery Mill, Hickory, N. C., effective 12–8–53 to 12–7–54; 5 learners for normal labor turnover purposes.

Independent Telephone Industry Learner Regulations (29 CFR 522.82 to 522.93, as amended January 25, 1950, 15 F. R. 398).

Clark Telephone Co., Osceola, Iowa, effective 12–4–53 to 12–3–54.

The El Paso Telephone Co., 54 North Central Street, El Paso, Ill., effective 12–8–53 to 12–7–54.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Cluett, Peabody & Co., Inc., Gilbert, Minn., effective 12–17–53 to 12–16–54; 5 learners for normal labor turnover purposes (underwear).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Fonda Gage (Puerto Rico), Inc., Bo. Canas, Ponce, P. R., effective 11–30–53 to 3–31–54; 41 learners; grinding, beveling, and sanding, heat treating, rough lapping, finish lapping, etching, inspecting, millers, universal grinders; each 320 hours at 40 cents an hour, 220 hours at 45 cents an hour, 320 hours at 50 cents an hour; drill press operators, 320 hours at 45 cents an hour (steel and carbide gage blocks) (replacement certificate).

Pan-Am Textiles, Inc., Caguas, P. R., effective 12–1–53 to 4–16–54; 28 learners; boarding, 240 hours at 30 cents an hour; folding, 240 hours at 30 cents an hour, 240 hours at 35 cents an hour; pairing, 480 hours at 30 cents an hour, 480 hours at 35 cents an hour (full-fashioned hosiery) (supplemental certificate).

Puerto Rico Ball & Bearing Co., Inc., Playa De Ponce, P. R., effective 11–23–53 to 5–22–54; 8 learners; gaugers & inspectors, 160 hours at 45 cents an hour; grinders, lappers, and polishers, 160 hours at 45 cents an hour, 160 hours at 50 cents an hour (manufacture of one millimeter balls).

Sylvania Electric of Puerto Rico, Inc., Rio Piedras, P. R., effective 11–30–53 to 5–29–54; 4 learners; machinists, 320 hours at 40 cents an hour, 320 hours at 45 cents an hour, 320 hours at 50 cents an hour (machine parts for mica dies, radio tube industrial equipment and other general machine parts).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 7th day of December 1953.

MILTON BROOKE, *Authorized Representative of the Administrator.*

[F. R. Doc. 53-10434; Filed, Dec. 15, 1953; 8:47 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

OREGON

SMALL TRACT CLASSIFICATION ORDER NO. 2, AMENDED

DECEMBER 7, 1953.

On October 27, 1953, the Regional Administrator issued Small Tract Classification Order No. 2, affecting certain lands in the State of Oregon. The order was published in the FEDERAL REGISTER, Volume 18, No. 217, dated November 5, 1953. Paragraph 3 of the order provides that leases will be issued for a period of five years. It has since been determined that the leases may be issued for a period of three years, and the order is so amended.

W. G. GUERNSEY, *Regional Administrator.*

[F. R. Doc. 53-10433; Filed, Dec. 15, 1953; 8:46 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 5047 et al.]

AIR FREIGHT FORWARDER INVESTIGATION

NOTICE OF HEARING

In the matter of the renewal and/or amendment of Part 296 of the Economic Regulations of the Civil Aeronautics Board and an investigation of indirect air carriage of property.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 1 (2), 205 (a), 408, 416 and 1002 (b) of said act, and the applicable regulations thereunder, that a public hearing in the above-entitled proceeding is assigned to be held on January 27, 1954, at 10:00 a. m., e. s. t., in Conference Room B, Departmental Auditorium, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C., before Examiner Edward T. Stodola.

Without limiting the scope of the issues raised by the Board's order of investigation instituting this proceeding, the amendments thereto, and the various applications for authority to engage indirectly in the air transportation of property, particular attention will be di-

rected to the following matters and questions:

(1) To what extent, in what form, and for what periods does the public interest require the authorization of indirect air carriers of property in interstate commerce?

(2) To what extent, and in what form, does the public interest require that the Board relieve domestic indirect air carriers of property from the provisions of the act?

(3) Does the public interest require the renewal and/or amendment of Part 296 of the Economic Regulations or should there be a comprehensive regulation promulgated under section 1 (2) of the act encompassing all indirect air carriers of property?

(4) Does the public interest require a regulation providing for special exemption for agricultural and horticultural shippers and to shippers' associations?

(5) To what extent is there a need for the classification of indirect air carriers and to what extent is there a need for sub-classifications within such possible indirect air carrier classifications?

(6) To what extent should indirect air carrier operations be subjected to restrictions to prevent discriminatory and destructive practices?

(7) Are indirect air carriers performing any of the functions of direct air carriers for which consideration should be given by direct carriers in lawful charges for the carriage of property?

(8) Does the public interest require a limitation on the number of indirect air carriers?

(9) Does the public interest require a restriction of service by indirect air carriers to geographical areas, specific points, particular commodities, or types of direct air carriers?

(10) Will the control relationships raised by the applications of National Air Freight Forwarding Corporation, Docket Nos. 6218 and 6219; Universal Air Freight Corporation, Docket No. 6202; and Air Cargo, Inc., Docket Nos. 6224 and 6295 be consistent with the public interest?

For further details regarding this proceeding, interested parties are referred to Board Orders Nos. E–7141, E–7357, E–7526, E–7613, and E–7662; the Reports of Prehearing Conference in this matter served on May 29, 1953, and August 10, 1953, respectively; and other documents filed in the formal docket in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Notice is hereby further given that any person not a party of record desiring to be heard in this proceeding must file with the Board on or before January 27, 1954 a statement setting forth the matters of fact or of law which he desires to advance. Any person filing such a statement may participate in the hearing in accordance with § 302.14 of the Board's rules of practice in economic proceedings.

Dated at Washington, D. C., December 11, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-10456; Filed, Dec. 15, 1953; 8:52 a. m.]

[Docket No. 6346]

CHARLESTON-COLUMBUS CASE

NOTICE OF HEARING

In the matter of an investigation of the need for air service between Charleston, W. Va., and Columbus, Ohio.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 1001, and 1002 of the said act, that a hearing in the above-entitled proceeding will be held on January 6, 1954, at 10:00 a. m., e. s. t., in Hearing Room No. 2, Ohio Departments Building, 65 South Front Street, Columbus, Ohio, before Examiner William J. Madden.

Without limiting the scope of the issues involved in this proceeding, particular attention will be directed to the following matters and questions:

1. Whether the public convenience and necessity require air transport service between Charleston, W. Va., and Columbus, Ohio, and whether the certificates of public convenience and necessity held by Eastern Air Lines, Inc., and/or Piedmont Aviation, Inc., and/or Lake Central Airlines, Inc., should be amended so as to authorize such service.

2. Whether one or more of the following route revisions should be authorized in connection with providing air transport service between Charleston, W. Va., and Columbus, Ohio:

(a) Amendment of Eastern's route No. 6 so as to add thereto Columbus and Toledo, Ohio, as intermediate points between Charleston, W. Va., and Detroit, Mich., as proposed by said carrier in its application in Docket No. 4096.

(b) Amendment of Piedmont's route No. 87 so as to extend said route from Charleston, W. Va., to Columbus, Ohio, via the intermediate point Parkersburg, W. Va.-Marietta, Ohio, as proposed by said carrier in its application in Docket No. 6347.

(c) Amendment of Lake Central's route No. 88 so as to add thereto a segment extending between Charleston, W. Va., and Detroit, Mich., via Columbus, Lima and Toledo, Ohio, as proposed by said carrier in its application in Docket No. 6370.

3. Whether the applicants are fit, willing and able properly to perform the proposed air transportation and to conform to the provisions of the act and the rules, regulations and requirements of the Board thereunder.

For further details of the issues involved in this proceeding interested persons are referred to the applications mentioned above, the consolidation order (No. E–7931), the report of the prehearing conference, and other documents of record in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board on or before January 6, 1954, a statement setting forth the propositions of fact or law which he desires to advance.

Dated at Washington, D. C., December 11, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-10455; Filed, Dec. 15, 1953; 8:52 a. m.]

[Docket No. 6430]

BRITISH OVERSEAS AIRWAYS CORP.

NOTICE OF HEARING

In the matter of the application of British Overseas Airways Corporation for amendment of its foreign air carrier permit to include Bimini, Bahama Islands.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on December 18, 1953, at 10:00 a. m., e. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., December 11, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-10457; Filed, Dec. 15, 1953; 8:52 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10740]

ROBERT V. H. SUGDEN

ORDER CONTINUING HEARING

In the matter of Robert V. H Sugden, Yuma, Arizona; order to show cause why the license of Special Industrial Station KOG–285 should not be revoked; Docket No. 10740.

The Commission having under consideration a Motion for Continuance filed on November 27, 1953, by the Chief, Safety and Special Radio Services Bureau requesting a continuance of the hearing in the above matter scheduled for December 11, 1953; a Motion in Opposition to Motion for Continuance filed by respondent on December 2, 1953; and oral argument by counsel for both parties before the Examiner on December 7, 1953; and

It appearing that the Department of Justice requested the Commission to delay any action with respect to the above revocation proceeding against the license of Special Industrial Station KOG–285 until after the culmination of criminal proceedings presently pending in the State of Arizona against Robert V. H. Sugden, holder of said Special Industrial Station License; and

It further appearing that hearings in allied proceedings against the radiotelephone operator permits of Jean S. Sugden, Docket No. 10780, and Robert V. H. Sugden, Docket No. 10731, have been designated for hearing on June 1, 1954, by the Commission; and

It further appearing that in the interest of expediency and economy, hearings in the above three matters should be consolidated because of the interwoven evidence relating to each, and that counsel for the parties are agreeable to such consolidation for the purpose of taking testimony; and

It further appearing that pending final disposition of these matters, the parties will remain in status quo and respondents will be able to continue their radio activity;

*It is ordered*, This 9th day of December 1953, that the motion for continuance is granted and that the hearing scheduled for December 11, 1953, at 10:00 a. m., is continued until further order.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WM. P. MASSING,
*Acting Secretary.*

[F R. Doc. 53-10449; Filed, Dec. 15, 1953; 8:50 a. m.]

[Docket No. 10757]

UNITED BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of United Broadcasting Company, Ogden, Utah, for construction permit for a new television station; Docket No. 10757, File No. BPCT-1687.

On the unopposed petition of the United Broadcasting Company filed December 10, 1953, hearing in the above-entitled proceeding is continued from 10:00 a. m., December 11, 1953, to 10:00 a. m., January 11, 1954.

Dated: December 10, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F R. Doc. 53-10450; Filed, Dec. 15, 1953; 8:51 a. m.]

[Docket No. 10804]

NIAGARA FRONTIER AMUSEMENT CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Niagara Frontier Amusement Corporation, Buffalo, New York, for a construction permit for new television station; Docket No. 10804, File No. BPCT–1746.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of December 1953;

The Commission having under consideration the above-entitled application, requesting a construction permit for a new television broadcast station to operate on Channel 2 assigned to Buffalo-Niagara Falls, New York; and

It appearing that prior to November 2, 1953, the above-entitled application had been mutually exclusive with the applications of WGR Broadcasting Corporation (BPCT–329), The Niagara Falls Gazette Publishing Corporation (BPCT–376) and Victory Television Corporation (BPCT–1715); that pursuant to an agreement executed on November 2, 1953, by the aforementioned applicants or their principals, Niagara Frontier Amusement Corporation was to file an amendment to its television application including a copy of the agreement executed by the above parties; and that simultaneously with the filing of said amendment all of the aforementioned parties except Niagara Frontier Amusement Corporation would file with the Commission letters requesting the dismissal of their respective television applications for Channel 2 assigned to Buffalo-Niagara Falls, New York;

It further appearing that on November 3, 1953, Enterprise Transmission, Inc. filed its application for Channel 2 assigned to Buffalo-Niagara Falls, New York, and that as a result of said filing, the amended application of Niagara Frontier Amusement Corporation was not filed and the other mutually exclusive applications were not dismissed; and

It further appearing that on the basis of the Commission's investigation of the circumstances surrounding the filing of the application of Enterprise Transmission, Inc. to ascertain whether said application was in fact a filing in good faith, whether said application may have been filed for the purpose of delaying or hindering the granting of the application of Niagara Frontier Amusement Corporation, as amended, pursuant to the above-mentioned agreement, the Commission has been unable to conclude at this time that the application of Enterprise Transmission, Inc., was filed in good faith; and

It further appearing that on December 8, 1953, Enterprise Transmission, Inc. requested the dismissal of its pending application; that Niagara Frontier Amusement Corporation did amend its application in accordance with the above-mentioned agreement of November 2, 1953; and

It further appearing that the above-entitled applicant is legally, financially and technically qualified to construct, own and operate the proposed television broadcast station except with respect to the matters discussed herein, and that the said application raises a serious question as to whether the Enterprise Transmission, Inc., application was filed in good faith and as to whether the circumstances surrounding the dismissal of the application of Enterprise Transmission, Inc., directly or indirectly, constituted additional consideration for the dismissal of an application not filed in good faith, and as to whether the granting of the above-entitled application would not subvert the Commission's policy and efforts to discourage the filing of so-called "strike" applications (i. e., one filed by an applicant not having the bona fide intention of prosecuting the application, receiving a grant and constructing a station to serve the community); and

It further appearing, that upon due consideration of the above-entitled application and the amendments filed thereto, the Commission is unable to conclude that the public interest, convenience or necessity would be served by the granting of the above-entitled application; and

It further appearing, that a letter dated December 9, 1953, from Niagara Frontier Amusement Corporation through its attorneys waives "its rights under section 309 (b) of the Communications Act, as amended, to receive notice of the grounds and reasons for the inability of the Commission to make a finding that the granting of the application would serve the public interest, convenience and necessity";

*It is ordered*, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing to commence at 10:00 a. m. on the 8th day of January 1954 in Washington, D. C., upon the following issues:

1. To determine whether Enterprise Transmission, Inc. filed its application for Channel 2 assigned to Buffalo-Niagara Falls, New York, for the purpose of impeding, obstructing or delaying determination on any other application with which it may have been in conflict.

2. To determine whether the above-entitled applicant or any of the parties to its application have agreed to pay, directly or indirectly, consideration for the dismissal of the application of Enterprise Transmission, Inc.

3. To determine, in the light of the record made with respect to the above issues, whether the applicant's other qualifications warrant the granting of the above-entitled application in the public interest, convenience or necessity.

*It is further ordered*, That in the event that a grant is warranted on the basis of the record developed in the above hearing, such a grant shall be made subject to the following conditions:

(1) That no construction be commenced until the antenna site and structure are first approved by the Commission with respect to safety to air navigation.

(2) That this grant is without prejudice to any action the Commission may take with respect to any future application which is filed to effectuate the agreement made on November 2, 1953, between Niagara Falls Gazette Publishing Company, Victory Television Corporation, and Leo J. Fitzpatrick and I. R. Lounsberry (sole stockholders of WGR Broadcasting Corporation).

Released: December 10, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10452; Filed, Dec. 15, 1953; 8:51 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G–2106, G–2270, G–2283]

EL PASO NATURAL GAS CO. AND PERMIAN BASIN PIPELINE CO.

ORDER REOPENING AND CONSOLIDATING PROCEEDINGS, DENYING REQUEST FOR SHORTENED PROCEDURE AND FIXING DATE OF HEARING

In the matters of El Paso Natural Gas Company, Docket Nos. G–2106 and

G-2270; Permian Basin Pipeline Company, Docket No. G-2283.

The Commission by its order issued June 29, 1953, in Docket No. G-2106, authorized El Paso Natural Gas Company (El Paso) to construct and operate, among other facilities, approximately 112 miles of 30-inch and 24-inch transmission pipeline extending from the Spraberry Area of Texas to the Plains Compressor Station, which compressor station is to be located near El Paso's existing 24-inch Dumas pipeline. El Paso was also authorized to construct and operate compressor facilities and pipelines in the Spraberry Area to be used for the transportation of gas to the above-described pipeline extending to the Plains Compressor Station.

El Paso, on September 8, 1953, petitioned the Commission for a modification of its June 29, 1953, order in Docket No. G-2106 so as to delete from the authorized facilities the 112 mile Spraberry to Plains pipeline, and change authorizations in compressor station horsepower and interconnecting pipelines. The petition also seeks modification of the order so as to authorize El Paso to deliver Spraberry Area gas to the Permian Basin Pipeline Company (Permian), which company would transport the gas for El Paso's account to the Plains Compressor Station.

El Paso, on October 9, 1953, filed an application in Docket No. G-2270 for authorization to abandon approximately 11 miles of 12¾-inch pipeline, the need for which would be eliminated by the operations proposed in the petition to modify the Docket No. G-2106 order.

Permian filed an application in Docket No. G-2283 on October 16, 1953, seeking authority to construct and operate two additional 1,320 horsepower compressor units at its Spraberry Compressor Station and authority to transport the El Paso gas to the Plains Compressor Station.

Both El Paso and Permian have requested that their respective petition and applications be heard under the shortened procedure for non-contested proceedings provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32(b)). Questions as to the comparative economics of the operations as formerly and presently proposed, and of the necessity under presently proposed operations for certain facilities heretofore authorized, require that the dockets be heard under other than the shortened procedure.

The Commission finds:

(1) Good cause has not been shown for granting El Paso's request that the petition for modification of the Commission's June 29, 1953, order in Docket No. G-2106 and the application in Docket No. G-2270 and Permian's request that the application in G-2283 be heard under the shortened procedure as provided by the Commission's rules of practice and procedure, and said request should be denied as hereinafter ordered.

(2) It is appropriate for carrying out the provisions of the Natural Gas Act and good cause exists for reopening the proceedings in Docket No. G-2106 for purpose of hearing on the petition to modify the June 29, 1953, order therein.

(3) It is appropriate for carrying out the provisions of the Natural Gas Act and good cause exists for consolidating the above proceedings for purpose of hearing.

The Commission orders:

(A) El Paso's request that the petition for modification of the Commission's June 29, 1953, order in Docket No. G-2106 and application in Docket No. G-2270 and Permian's request that the application in Docket No. G-2283 be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) be and the same are hereby denied.

(B) The proceedings in Docket No. G-2106 be and the same are hereby reopened for the purpose of hearing on the petition to modify the Commission's June 29, 1953, order therein.

(C) The proceedings in Docket Nos. G-2106, G-2270 and G-2283 be and the same are hereby consolidated for purpose of hearing.

(D) Pursuant to authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held commencing on December 18, 1953, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in the consolidated proceedings.

(E) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: December 9, 1953.

Issued: December 10, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-10435; Filed, Dec. 15, 1953; 8:47 a. m.]

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[Docket Nos. IT-6087, IT-6089, IT-6090, E-6331]

BONNEVILLE PROJECT, COLUMBIA RIVER, OREGON-WASHINGTON

NOTICE OF REQUEST FOR CONFIRMATION AND APPROVAL OF RATE SCHEDULES

DECEMBER 9, 1953.

Notice is hereby given that the Assistant Secretary of the Interior, acting on behalf of the Bonneville Power Administration, has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Bonneville Act (50 Stat. 731), as amended, rates and charges contained in four twenty-year contracts with the following utility companies:

Mountain States Power Co.
Pacific Power and Light Co.
Portland General Electric Co.
The Washington Water Power Co.

These contracts terminate, as of August 31, 1953, the corresponding five-year contracts which were approved by the Commission on January 22, 1952, as to the rates and charges embodied therein.

The special rates contained in these contracts are similar to those contained in the contracts to be superseded, and consist of a special application of Bonneville's approved Rate Schedules C-4 and F-4, plus the following special charges as adjustments "for the diversity in the flow of electric energy at the points of delivery":

| | Per kw of billing demand per month cents |
|---|---|
| Mountain States Power Co | [1] 1.500 |
| Pacific Power & Light Co | [2] 0.845 |
| Portland General Electric Co | 1.185 |
| The Washington Water Power Co | 0.075 |

[1] Applies to customers Willamette Valley System only.

[2] Applies to customers Main System only.

In transmitting these contracts the Assistant Secretary of the Interior describes the principal differences between the four contracts and those to be superseded in the following terms:

The previous contracts were for a term of five years with provision for successive extensions of one year if agreement on matters requiring adjustment was reached. The enclosed contracts are for a definite term of twenty years. Pursuant to applicable law, a provision has been included in the twenty-year contracts whereby the Administrator may, upon five years' notice, withdraw from the amounts otherwise available to the utilities, energy which in his judgment may be needed to satisfy the requirements of public bodies, cooperatives, and Federal agencies.

Section 8, which provides for a Minimum Energy Supply Schedule and a Generator Schedule, has been added. This section, with Exhibit A of the contract, enlarges upon and puts in tabular form that which was stated by definition only in the previous contracts.

Another new section, Section 6 Provisions for the Preference of Domestic and Rural Consumers, provides that the Administrator will not furnish the utilities firm power for any new or expanded industrial loads exceeding 10,000 kilowatts. The section also provides that the Administrator, in making his estimates of public-agency requirements for purposes of establishing the minimum energy supply schedule, will not include firm power for service by any public agencies to industrial loads exceeding 10,000 kilowatts.

The allocation of available power, as provided under Section 17 of the enclosed contracts, differs to some extent from the schedule of priorities as provided for in Section 4 of the previous contracts. These new contracts provide that the available supply of power will be allocated as follows: first, to total requirements of public agencies and other preference customers; second, to amounts necessary for existing industrial contracts and other priority contracts; third, 500,000 kilowatts of firm power to private utilities; fourth, an additional 70,000 kilowatts of firm power to industrial consumers; and fifth, an additional 1,000,000 kilowatts of firm power to the private utilities. The first four priority amounts are the same as in the previous contracts but the fifth amount of 1,000,000 kilowatts replaces the indefinite quantity expressed in the previous contracts as "the amount of all new industrial loads added by all distributors." The "new industrial loads" referred to in the previous contracts were defined as loads of 2,500 kilowatts or more. No further priority is stipulated in the new contracts. Any energy in excess of the stipulated priorities which may in the future become available shall be allocated equitably between industries and the public utilities.

The letter of transmittal further states that the other provisions of the contracts parallel those in the contracts being superseded; that the special rates and charges for power sold are similar to those of the antecedent contracts; and that provisions have been made for application of the regular rates when the available supply of firm power is sufficient to enable the Administrator to supply the firm power requirements of the private utilities.

These contracts are on file with the Commission for public inspection. Any person desiring to comment or to make representations with respect thereto should submit the same on or before January 4, 1954, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-10436; Filed, Dec. 15, 1953; 8:47 a. m.]



## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2389]

DELAWARE POWER & LIGHT CO. AND EASTERN SHORE PUBLIC SERVICE CO. OF MARYLAND

SUPPLEMENTAL ORDER GRANTING EXTENSION OF TIME WITHIN WHICH TO CONSUMMATE SECURITY TRANSACTIONS BETWEEN PARENT AND SUBSIDIARY

DECEMBER 10, 1953.

The Commission having by order dated June 28, 1950, granted and permitted to become effective a joint application-declaration filed by Delaware Power & Light Company ("Delaware"), a registered holding company, and its wholly-owned subsidiary, the Eastern Shore Public Service Company of Maryland ("Eastern Shore"), pursuant to sections 6 (b), 10, 12 (d), and 12 (f) of the Public Utility Holding Company Act of 1935 ("Act"), regarding the proposed issuance and sale by Eastern Shore from time to time, but not later than December 31, 1951, of up to $3,000,000 principal amount of its 4% promissory notes and 30,000 shares of its common stock, and the acquisition thereof and their subsequent pledge under its mortgage by Delaware; and the Commission by orders dated December 6, 1951, and December 12, 1952, having granted an extension of time to December 31, 1953, within which to consummate the transactions; and

Eastern Shore and Delaware having filed a further amendment to said joint application-declaration requesting an additional extension of time to December 31, 1954, within which to consummate the remainder of the proposed transactions consisting of the unsold balance of $1,000,000 principal amount of notes and 10,000 shares of common stock; and the amendment further stating that an extension of time to December 31, 1954, within which the remaining portion of the securities may be issued and sold has been authorized by order of the Public Service Commission of Maryland dated November 23, 1953; and

The Commission having examined said amendment and having considered the record herein and deeming it appropriate in the public interest and in the interest of investors and consumers to grant the requested extension of time:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of said act, that the joint application-declaration, as further amended, be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-10441; Filed, Dec. 15, 1953; 8:49 a. m.]

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[File No. 70-2816]

DELAWARE POWER & LIGHT CO. AND EASTERN SHORE PUBLIC SERVICE CO. OF VIRGINIA

SUPPLEMENTAL ORDER GRANTING EXTENSION OF TIME WITHIN WHICH TO CONSUMMATE SECURITY TRANSACTIONS BETWEEN PARENT AND SUBSIDIARY

DECEMBER 10, 1953.

The Commission by order dated March 27, 1952, having granted and permitted to become effective a joint application-declaration filed with this Commission by Delaware Power & Light Company ("Delaware"), a registered holding company, and its wholly-owned subsidiary, Eastern Shore Public Service Company of Virginia ("Virginia"), pursuant to sections 6 (b), 10, 12 (d), and 12 (f) of the Public Utility Holding Company Act of 1935 ("Act"), regarding the proposed issuance and sale by Virginia, prior to December 31, 1953, of its 4 percent promissory notes not to exceed $700,000 principal amount and not in excess of 7,000 shares of its common capital stock, and the acquisition and subsequent pledge under its mortgage of the notes and stock by Delaware; and

Delaware and Virginia having filed an amendment to said joint application-declaration requesting an extension of time to December 31, 1954, within which to consummate the sale of said notes and common stock and the acquisition thereof; and said amendment having stated that the requested extension of time was authorized by the order of the State Corporation Commission of Virginia under date of November 13, 1953; and

The Commission having examined said amendment and having considered the record herein and deeming it appropriate in the public interest and in the interest of investors and consumers to grant the requested extension of time:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of said Act, that the joint application-declaration, as amended, be and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 53-10442; Filed, Dec. 15, 1953; 8:49 a. m.]

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## UNITED STATES TARIFF COMMISSION

[Investigation 9]

RYE

INVESTIGATION AND HEARING

*Investigation instituted.* By direction of the President, dated December 9, 1953, the United States Tariff Commission, on the 11th day of December 1953, instituted, and hereby gives notice of an investigation under section 22 of the Agricultural Adjustment Act, as amended, and Executive Order No. 7233 of November 23, 1935, for the purpose of determining whether rye, rye flour, and rye meal are being, or are practically certain to be, imported into the United States under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the price-support program for rye undertaken by the United States Department of Agriculture pursuant to sections 301 and 401 of the Agricultural Adjustment Act of 1949, as amended, or to reduce substantially the amount of products processed in the United States from domestic rye.

*Hearing.* All parties interested will be given opportunity to be present, to produce evidence, and to be heard at a public hearing to be held in the Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., beginning at 10 a. m. on the 12th day of January 1954.

*Request to appear at hearing.* Interested parties desiring to appear at the public hearing should notify the Secretary of the Commission in writing, at the Commission's offices in Washington, D. C., in advance of the hearing.

I hereby certify that the above investigation was instituted and hearing was ordered on the 11th day of December 1953.

Issued: December 11, 1953.

[SEAL] DON N. BENT, *Secretary.*

[F. R. Doc. 53-10447; Filed, Dec. 15, 1953; 8:50 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28732]

GRAIN FROM COLORADO, KANSAS, AND WYOMING TO TEXAS

APPLICATION FOR RELIEF

DECEMBER 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-

haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Grain and grain products, carloads.

From: Points in Colorado, Kansas, and Wyoming.

To: Points in Texas.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3941, supp. 70.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10408; Filed, Dec. 14, 1953; 8:48 a. m.]

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[4th Sec. Application 28733]

PETROLEUM PRODUCTS BETWEEN POINTS IN LOUISIANA

APPLICATION FOR RELIEF

DECEMBER 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for carriers parties to schedule listed below.

Commodities involved: Petroleum products including liquefied petroleum gas, in tank-car loads.

Between: Points in Louisiana.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: Lee Douglass, Agent, I. C. C. No. 779, supp. 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10409; Filed, Dec. 14, 1953; 8:48 a. m.]

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[4th Sec. Application 28734]

ANHYDROUS AMMONIA, FROM POINTS IN SOUTHWEST INCLUDING MILITARY, KANS., TO OKIE, ALA.

APPLICATION FOR RELIEF

DECEMBER 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Anhydrous ammonia, in tank-car loads.

From: Points in the southwest including Military, Kans.

To: Okie, Ala.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, supp. 131.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10410; Filed, Dec. 14, 1953; 8:48 a. m.]

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[4th Sec. Application 28737]

LUMBER FROM TENNESSEE RAILWAY STATIONS TO VIRGINIA

APPLICATION FOR RELIEF

DECEMBER 10, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Lumber and related articles, carloads.

From: Tennessee Central Railway stations, Hermitage to Westel, Tenn., inclusive, also Carthage and Crawford Branch stations.

To: Points in Virginia.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1230, supp. 42.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10413; Filed, Dec. 14, 1953; 8:49 a. m.]


# FEDERAL REGISTER

VOLUME 18 NUMBER 245

*Washington, Thursday, December 17, 1953*


## TITLE 7—AGRICULTURE

### Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

REQUIREMENTS AND QUOTAS FOR 1954

The heading of Part 811 is hereby revised to read as set forth above. This part, so revised, includes regulations with respect to quotas heretofore set forth in Part 813.

*Basis and purpose.* The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the "act"), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1954, and to establish, pursuant to section 202 of the act, sugar quotas for the supplying areas in terms of short tons of sugar, raw value (formerly Part 813), equal to the quantity determined by the Secretary of Agriculture to be needed in 1954.

The determination of sugar requirements set forth below is made pursuant to section 201 of the Sugar Act of 1948. The act requires that the Secretary of Agriculture make such determination for the calendar year 1954 during December of 1953. The determination has been based, insofar as required by section 201 of the act, on official statistics of the Department of Agriculture and statistics published by other agencies of the Federal Government.

Prior to the issuance of this regulation, notice was given (18 F. R. 6720) that the Secretary of Agriculture was preparing, among other things, to determine the sugar requirements and to establish quotas for the calendar year 1954 and that any interested person might present any data, views or arguments with respect thereto at a public hearing to be held in Washington, D. C., on November 16, 1953. In addition, the notice stated that any interested person might present any data, views or arguments with respect thereto in writing not later than November 27, 1953. In making this determination due consideration has been given to the data, views and arguments expressed at the hearing held on November 16, 1953, and to the data, views and arguments submitted in writing on or before November 27, 1953, in accordance with the Administrative Procedure Act (60 Stat. 237).

Since the Sugar Act of 1948 requires that the Secretary of Agriculture determine sugar requirements for the calendar year 1954 during the month of December 1953, and since the sugar quotas for some areas are relatively small, thereby making it possible for such areas to exceed their quotas within a few days after the beginning of the quota year, compliance with the 30-day effective date requirements of the Administrative Procedure Act is impracticable and contrary to the public interest. Accordingly, this regulation shall be effective on January 1, 1954.

Sec.
- 811.60 Sugar requirements, 1954.
- 811.61 Basic quotas for domestic areas.
- 811.62 Basic quotas for other areas.
- 811.63 [Reserved].
- 811.64 Proration of quota for foreign countries other than Cuba and the Republic of the Philippines.
- 811.65 Direct-consumption portion of quotas or prorations.
- 811.66 Liquid sugar quotas.
- 811.67 Restrictions on marketing and shipment.
- 811.68 Inapplicability of quota regulations.

AUTHORITY: §§ 811.60 to 811.68 issued under sec. 403, 61 Stat. 932, as amended; 7 U. S. C. Sup. 1153. Interpret or apply secs. 202, 204, 207, 208, 209, 210 and 212; 61 Stat. 924, 925, 927, 928, as amended, 929; 7 U. S. C. Sup. 1112, 1114, 1117, 1118, 1120, 1122.

§ 811.60 *Sugar requirements, 1954.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1954 is hereby determined to be 8,000,000 short tons, raw value.

§ 811.61 *Basic quotas for domestic areas.* There are hereby established, pursuant to subsection (a) of section 202 of the act, for domestic sugar producing

(Continued on next page)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

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areas for the calendar year 1954 the following quotas:

| Area: | *Quotas in terms of short tons, raw value* |
|---|---|
| Domestic beet sugar | 1,800,000 |
| Mainland cane sugar | 500,000 |
| Hawaii | 1,052,000 |
| Puerto Rico | 1,080,000 |
| Virgin Islands | 12,000 |

§ 811.62 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1954 the following quotas:

| Area: | *Quotas in terms of short tons, raw value* |
|---|---|
| Republic of the Philippines | 974,000 |
| Cuba | 2,478,720 |
| Other foreign countries | 103,280 |

§ 811.63 [Reserved.]

§ 811.64 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines*—(a) *Entries from unspecified countries.* The portion of any quota or deficit prorated in this section to unspecified countries may be filled by sugar or liquid sugar from any country other than those specified in this part but the quantity entered from any unspecified country shall not exceed one per centum of the total quota and deficits for foreign countries other than Cuba and the Republic of the Philippines prorated in this section.

(b) *Basic prorations.* The 1954 quota for foreign countries other than Cuba and the Republic of the Philippines is hereby prorated, pursuant to subsection (c) of section 202 of the act, among such countries as follows:

| Country: | *Proration in short tons, raw value* |
|---|---|
| Dominican Republic | 25,647 |
| El Salvador | 3,843 |
| Haiti | 2,402 |
| Mexico | 10,634 |
| Nicaragua | 7,269 |
| Peru | 48,241 |
| Unspecified countries | 5,164 |
| Total | 103,280 |

§ 811.65 *Direct-consumption portion of quotas or prorations*—(a) *Domestic areas.* Pursuant to subsections (a), (b) and (c) of section 207 of the act, the quotas established in § 811.61 for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

| Area: | *Direct-consumption sugar, short tons, raw value* |
|---|---|
| Hawaii | 29,616 |
| Puerto Rico | 126,033 |
| Virgin Islands | 0 |



(b) *Other areas.* (1) Pursuant to subsections (d), (e) and (h) of section 207 of the act, the quotas established in § 811.62 for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

| Area: | *Direct-consumption sugar, short tons, raw value* |
|---|---|
| Republic of the Philippines | 59,920 |
| Cuba | 375,000 |
| Other foreign countries | 35,115 |

(2) Notwithstanding the foregoing limitation, the following listed countries may enter within the limits of the prorations established in § 811.64 a minimum quantity of sugar for direct consumption equal to the quantities listed below for each such country:

| Country: | *Direct-consumption sugar, short tons, raw value* |
|---|---|
| Canada | 7,552 |
| China and Hong Kong | 42,987 |
| Colombia | 857 |
| Costa Rica | 2,163 |
| Dominican Republic | 2,400,958 |
| El Salvador | 4,041,686 |
| Haiti | 376,163 |
| Mexico | 1,276,612 |
| Nicaragua | 9,059,531 |
| Peru | 4,377,617 |
| United Kingdom | 144,490 |

§ 811.66 *Liquid sugar quotas.* There are hereby established, pursuant to section 208 of the act, for foreign countries for the calendar year 1954 quotas for liquid sugar as follows:

| Country: | *Liquid sugar, 72 percent total wine gallons, sugar content* |
|---|---|
| Cuba | 7,970,558 |
| Dominican Republic | 830,894 |
| British West Indies | 300,000 |
| Other foreign countries | 0 |

§ 811.67 *Restrictions on marketing and shipment.* Pursuant to section 209 of the act, all persons are hereby prohibited, during the calendar year 1954, from:

(a) Bringing or importing into the continental United States from the Territory of Hawaii, Puerto Rico, the Virgin Islands, or foreign countries, (1) any sugar or liquid sugar after the applicable quota, or the proration of any such quota, has been filled, or (2) any direct-consumption sugar after the direct-consumption portion of any such quota proration thereof has been filled.

(b) Shipping, transporting, or marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported, or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugar beets or sugarcane grown in either the domestic beet sugar area or the mainland cane sugar area after the quota for such area has been filled.

§ 811.68 *Inapplicability of quota regulations.* Pursuant to section 212 of the act, §§ 811.61 to 811.67 shall not apply to (a) the first ten short tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba and the Republic of the Philippines, in the calendar year 1954; (b) the first ten short tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba and the Republic of the Philippines in the calendar year 1954 for religious, sacramental, educational, or experimental purposes; (c) liquid sugar imported from any foreign country, other than Cuba and the Republic of the Philippines, in individual sealed containers not in excess of one and one-tenth gallons each; or (d) any sugar or liquid sugar imported, brought into, or produced or manufactured in the United States for the distillation of alcohol, or for livestock feed or for the production of livestock feed.

*Statement of bases and considerations.* Section 201 of the Sugar act of 1948 reads as follows:

> The Secretary shall determine for each calendar year, beginning with the calendar year 1948, the amount of sugar needed to meet the requirements of consumers in the continental United States; such determinations shall be made during the month of December in each year for the succeeding calendar year (in the case of the calendar year 1948, during the first ten days thereof) and at such other times during such calendar year as the Secretary may deem necessary to meet such requirements. In making such determinations the Secretary shall use as a basis the quantity of direct consumption sugar distributed for consumption, as indicated by official statistics of the Department of Agriculture, during the twelve-month period ending October 31 next preceding the calendar year for which the determination is being made, and shall make allowances for a deficiency or surplus in inventories of sugar, and for changes in consumption because of changes in population and demand conditions, as computed from statistics published by agencies of the Federal Government; and, in order that such determinations shall be made so as to protect the welfare of consumers and of those engaged in the domestic sugar industry by providing such supply of sugar as will be consumed at prices which will fairly and equitably maintain and protect the welfare of the domestic sugar industry, the Secretary, in making any such determination, in addition to the consumption, inventory, population, and demand factors above specified and the level and trend of consumer purchasing power, shall take into consideration the relationship between the prices at wholesale for refined sugar that would result from such determination and the general cost of living in the United States as compared with the relationship between prices at wholesale for refined sugar and the general cost of living in the United States obtaining during 1947 prior to the termination of price control of sugar as indicated by the Consumers' Price Index as published by the Bureau of Labor Statistics of the Department of Labor.

Distribution of sugar by refiners, importers, and processors during the twelve months ended October 31, 1953, amounted to 8,216,000 short tons, raw value. Apparently, actual consumption was substantially the same, although it may have been slightly higher. In the fourteen-month interval between the year ending October 31, 1953, and the calendar year 1954 population of the continental United States is expected to increase about 2 percent. Apparent consumption during the base period, when adjusted for such population increase, would indicate a consumption of nearly 8,400,000 short tons, raw value, in 1954.

Invisible inventories (those of wholesalers, retailers and industrial users) on September 30, 1953, the latest date for which data are available, were estimated by the Bureau of Census at 456,000 tons, essentially unchanged from the 468,000 tons estimated for September 30, 1952. Such inventories usually are reduced toward the end of the year. It is possible, however, that on January 1, 1954, such inventories will be larger than customary.

Trade reports indicate that in recent weeks beet processors have been making strenuous efforts to market sugar in 1953 for consumption in 1954 in an effort to reduce the quantity of 1953-crop sugar remaining to be marketed within the 1954 quota when supplies of beet sugar for the year as a whole are expected to be larger. Stocks of sugar held by refiners and importers on October 31 and supplies remaining to be imported after that date were 104,000 tons higher than on the corresponding date of a year ago. It is possible that distribution by refiners prior to the year-end will also include more than normal quantities to be consumed in 1954. If invisible inventories and deferred arrivals are abnormally large at the end of 1953, requirements from 1954 quota supplies may be correspondingly reduced.

Employment and the disposable incomes of consumers are not expected to change greatly in 1954. Domestic sugar prices were relatively steady during most of 1953, but declines have occurred in the prices of both raw and refined sugar in recent weeks.

The Sugar Act requires that consideration be given to a supply of sugar that will maintain the relationship between the Consumers' Price Index and the price of sugar that existed in 1947 under price control. At its 1953 peak the New York price of refined sugar failed by 1.19 cents per pound to equal that level. Recently, the difference between the actual price and the price indicated by the cost of living index has widened, especially in the Mississippi Valley States where selling pressures from the domestic areas are greatest.

In view of the weakness in prices in recent weeks and of the uncertainties as to the quantities of sugar that may be marketed in 1953 for consumption in 1954, it appears necessary to establish new quota supplies initially at 400,000 tons below the level of consumption now anticipated for 1954 in order to stabilize prices at the level contemplated by the Sugar Act. Accordingly, sugar requirements for 1954 are hereby established at 8,000,000 short tons, raw value.

It is hereby found and concluded that the determination made above will meet the requirements of the Sugar Act of 1948, as amended.

*Quotas.* The basic quotes established for domestic areas are in amounts specified in the act. Section 202 of the act provides that the quota for the Republic of the Philippines shall be 952,000 short tons "as specified in section 211 of the Philippine Trade Act of 1946." Quotas under the Sugar Act are established in terms of "short tons, raw value." On the basis of the average polarization of Philippine sugar brought into the continental United States during the five years 1948–52, the statutory quota of

952,000 short tons is equivalent to 974,000 short tons, raw value. The portion of this quota which may be imported as direct-consumption sugar, established as 56,000 short tons in subsection (d) of section 207 of the act, may be filled entirely with refined sugar and is, therefore, determined to be equivalent to 59,920 short tons, raw value.

The basic quotas for other foreign countries have been established by applying the statutory percentages to the difference between the consumption estimate and the sum of the quotas established for domestic areas and the Republic of the Philippines. In accordance with subsection (c) of section 202 of the act, ninety-five percent of the quota for foreign countries other than Cuba and the Republic of the Philippines has been prorated to those countries which entered more than two percent of the average importations within the quotas for the years 1948, 1949 and 1950 on the basis of the average quantity imported from each such country within the quotas for those years. The remaining five percent of the quota has not been prorated to specific countries and may be filled by countries not receiving specific prorations. The amounts of the quotas and prorations which may be filled by direct-consumption sugar are as specified in the act. The liquid sugar quotas equal to those specified in the act.

Done at Washington, D. C., this 14th day of December 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EZRA TAFT BENSON,
*Secretary of Agriculture.*

[F. R. Doc. 53-10487; Filed, Dec. 16, 1953; 8:52 a. m.]

## Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

### PART 984—HANDLING OF WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

#### CHANGES IN SALABLE, SURPLUS, AND WITHHOLDING PERCENTAGES

Upon the basis of the recommendation of the Walnut Control Board, the administrative agency for operations under the Marketing Agreement and Order (7 CFR, 1952 Rev., Part 984) effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and other available information, it is hereby found and determined that the existing regulation (18 F. R. 6397) fixing the salable, surplus, and withholding percentages for merchantable walnuts for the 1953–54 marketing year at 80 percent, 20 percent, and 25 percent, respectively, should be amended to provide for salable, surplus, and withholding percentages of 85 percent, 15 percent, and 18 percent, respectively. Therefore, it is hereby ordered that § 984.205 be, and it is hereby, amended to read as follows:

§ 984.205 *Salable, surplus, and withholding percentages for merchantable walnuts during the 1953–54 marketing year.* For merchantable walnuts, during the 1953–54 marketing year, the salable percentage shall be 85 percent, the surplus percentage shall be 15 percent, and the withholding percentage shall be 18 percent.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and to postpone the effective date of this section later than the date of its publication in the FEDERAL REGISTER. Substantial revisions have been made in the estimates of both the 1953 merchantable walnut production and trade demand for the 1953–54 marketing year since the existing percentages were fixed. On the basis of the relationship now found to exist between trade demand and the available supply, the aforesaid increase in the salable percentage, and the corresponding changes in the surplus and withholding percentages, will be necessary to make available sufficient walnuts to satisfy the trade demand. Under provisions of the order December 31, 1953, is the expiration date for bonds filed by handlers in postponement of their surplus obligations and is also the final date for settlement of their withholding obligations. It is desirable that the amended percentages be made effective upon publication of this section in the FEDERAL REGISTER so that the Board and handlers will have the maximum time in which to initiate and complete the actions necessary to settlement of the withholding obligations on the basis of the changed percentages by such final date. Therefore, good cause exists for not giving preliminary notice, engaging in rule making procedure, and postponing the effective date of this section later than the date of its publication in the FEDERAL REGISTER. (See section 4c of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.)

(Sec. 5, 48 Stat. 31, as amended; 7 U. S. C. and Sup. 608c).

Issued at Washington, D. C., this 11th day of December 1953, to become effective upon publication of this document in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
*Director*
*Fruit and Vegetable Branch.*

[F. R. Doc. 53-10486; Filed, Dec. 16, 1953; 8:52 a. m.]

## Chapter XI—Agricultural Conservation Program, Department of Agriculture

### PART 1104—AGRICULTURAL CONSERVATION; ALASKA

#### SUBPART—1954

Productive land is the main source of the food, clothing, and shelter for the American people. The conservation and improvement of this resource for sustained, productive use is an undertaking of vital concern to citizens of all walks of life.

The Agricultural Conservation Program is an important part, but only a part, of a coordinated effort to help landowners and operators attain soil conservation objectives. The total effort includes research, education, technical assistance, cost-sharing, and such indirect aids as credit.

The fundamental purpose of the Agricultural Conservation Program is to provide a means by which the public can share with landowners and operators the cost of carrying out needed conservation work over and above that which they would do with only their own resources. It is our sincere hope that the Agricultural Conservation Program will be carried out in such a manner that it will make a marked contribution toward attainment of conservation objectives.

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AUTHORITY: §§ 1104.300 to 1104.368 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; Pub. Law 156, 83d Cong.; 16 U. S. C. 590g–590q.

#### INTRODUCTION

§ 1104.300 *Introduction.* Through the 1954 Agricultural Conservation Program (referred to in this subpart as the 1954 program) administered by the Department of Agriculture, the Federal Government will share with farmers the cost of carrying out approved conservation practices in accordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made. Approved practices will be deemed to have been carried out during the program year if started after the beginning of the program year and the county committee determines that they are substantially completed by the end of the program year. However, no practice will be eligible for Federal cost-sharing until it has been completed in accordance with all applicable specifications and program provisions.

#### GENERAL PROGRAM PRINCIPLES

§ 1104.301 *General program principles.* The 1954 Agricultural Conservation Program for Alaska has been developed and is to be carried out on the basis of the following general principles:

(a) The program is confined to the conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit.

(b) The program is designed to encourage those conservation practices which provide the most enduring conservation benefits practicably attainable in 1954 on the lands where they are to be applied.

(c) Costs will be shared with a farmer only on satisfactorily performed conservation practices for which Federal cost-sharing was requested by the farmer before the conservation work was begun.

(d) Costs should be shared only on practices which it is believed farmers would not carry out to the needed extent without program assistance. Generally, practices that have become a part of regular farming operations on a particular farm should not be eligible for cost-sharing.

(e) The rates of cost-sharing are the minimum required to result in substantially increased performance of needed practices.

(f) The purpose of the program is to help achieve additional conservation on the land. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

(g) If the Federal Government shares the cost of the initial application of conservation practices which farmers otherwise would not perform but which are essential to the national interest, the farmers should assume responsibility for the upkeep and maintenance of those practices.

#### DISTRIBUTION AND CONTROL OF FUNDS

§ 1104.302 *Control of funds.* The State Committee will allocate the funds available for conservation practices among the counties within the State, taking into consideration, to the extent practicable, the conservation needs in the counties within the State. The county committee, in accordance with a method approved by the State Committee, will determine the extent to which Federal funds will be made available to share the cost of each approved practice on each farm, taking into consideration the county allocation, the conservation problems in the county and of the individual farm, and the conservation work for which requested Federal cost-sharing is considered by the county committee as most needed in 1954. The method approved shall provide for the issuance of notices of approval showing for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. The amount of the Federal cost-share shall not be increased after performance of the practice.

§ 1104.303 *Adjustments.* If the total estimated earnings under the program exceed the total funds available, the Federal cost-shares will be reduced equitably, except that obligations will be paid in full for land development services furnished through the program under a purchase order for carrying out the practice contained in § 1104.315.

§ 1104.304 *Allocation.* The amount of funds available for conservation practices under this program is $21,000. This amount does not include the amount set aside for administrative expenses and the amount required for size of cost-share adjustments.

#### SELECTION AND APPROVAL OF CONSERVATION PRACTICES

§ 1104.306 *Selection of practices.* (a) Practices included in the program are only those practices for which the Production and Marketing Administration, Soil Conservation Service, and Forest Service agree that the bearing by the Federal Government of a share of the cost is essential to permit accomplishment of needed conservation work which would not otherwise be carried out in the desired volume.

(b) Each farm operator shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance in adequate volume on his farm. The county committee, taking into consideration the farmer's request and any conservation plan developed by the farmer with the assistance of any State or Federal agency, shall direct the available funds for cost-sharing to those farms and to those practices where cost-sharing is considered most essential to the accomplishment of the basic conservation objective of the Department—the use of each acre of agricultural land within its capabilities and the treatment of each acre in accordance with its needs for protection and improvement.

§ 1104.307 *Adaptation of practices and rates of cost-sharing.* In order to encourage the performance of practices which are needed most, the county committee may designate from the practices listed in this subpart, those practices which will be applicable on designated groups of farms, and may approve rates of cost-sharing lower than those set out in this subpart.

§ 1104.308 *County committee approval.* Written approval will be given only where the farmer requests cost-sharing before he begins the conservation practice. Requests may be made by contacting a representative of the county committee. The farmer will be notified in writing of the number of units of each practice approved, the date by which performance of the practice is to be reported, and the amount of funds obligated for the practice. It is the responsibility of the farmer to report performance of each practice on or before the closing date shown on the notice of approval.

#### CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1104.310 *Conservation practices and maximum rates of cost-sharing.* (a) Costs will be shared at the rates specified and within the limitations set forth in this subpart for carrying out during the period September 1, 1953, through December 31, 1954, the conservation practices included in this subpart which are approved for a farm. However, no

cost may be shared under the 1954 program which will result in additional cost-sharing for practices completed under the provisions of the 1953 program. Cost-sharing will be in the form of cash as reimbursement for a part of the cost of performing the practices, or as services furnished for carrying out the land clearing practice.

(b) The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1104.311 to 1104.317. This responsibility shall include (1) a finding that the practice is needed and practical on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance (or application of the practice to the land).

(c) The Forest Service is responsible for the technical phases of the practice contained in § 1104.318. This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for forestry practices, and (3) working through State and county committees, determining performance in meeting these specifications.

(d) For those practices in this subpart which authorize Federal cost-sharing for minimum required applications of commercial fertilizer, the minimum required applications shall be the minimum amounts, which, based on Experiment Station recommendations and experience in the area, are determined by the county committee to be required for adequate performance of the practice on the area involved.

§ 1104.311 *Practice 1: Diversion ditches to divert excess water to protected outlets.* These ditches are for the purpose of removing excess water from snow melting in the spring. They should be constructed on a grade ranging from 0 at the upper end to not in excess of 1 percent at the lower end. Grades should be either uniform or gradually increasing from the upper end. In all cases the grades, size, and spacing of ditches must be staked by a qualified technician. Diversion ditches must be provided with an outlet channel.

*Maximum Federal cost-share.* 50 percent of the cost, but not in excess of $0.12 per cubic yard of material moved.

§ 1104.312 *Practice 2: Establishing permanent sod waterways to dispose of excess water without causing erosion.* This practice is essential to adequate water disposal. The waterway may be either an excavated ditch or a natural drainageway. In either case, more than natural runoff is carried in the outlet channel; therefore, protection is needed to avoid channel erosion and the formation of gullies. They must be planted long enough in advance to develop a protective cover in the channel. This will take one to two years before water is diverted into them. In all cases the outlet channels will be selected by a qualified technician. New channels must be staked, constructed according to lines and grades, and sod established. Seedings in established permanent sod waterways shall be at a rate of at least 15 pounds per acre and shall contain not less than 50 percent of adapted sod-forming perennial grasses with the balance in other grasses or adapted legumes.

*Maximum Federal cost-share.* (1) 50 percent of the cost of seeding or sodding and applying the minimum required application of commercial fertilizer, including nitrogen, but not in excess of $0.75 per 1,000 square feet for seeding or sodding.

(2) 50 percent of the cost, but not in excess of $0.12 per cubic yard of earth moved with dirt-moving equipment in shaping and filling.

§ 1104.313 *Practice 3: Establishing a permanent vegatative cover on steep slopes for control of erosion.* Costs will be shared for establishing on steep slopes, a permanent cover of adapted perennial grasses or a mixture of perennial grasses and perennial or biennial legumes. The seed of these crops must be distributed over the area sown to insure a good stand at maturity. The minimum seeding rate shall not be less than 12 pounds of seed per acre.

*Maximum Federal cost-share.* 50 percent of the cost of seeding and applying the minimum required application of commercial fertilizer, including nitrogen, but not in excess of $6 per acre for seeding.

§ 1104.314 *Practice 4: Initial establishment or improvement of permanent grass or grass-legume cover for soil or watershed protection.* Costs will be shared for the initial establishment or the initial improvement of a protective vegetative cover by seeding adapted varieties of perennial grasses or legumes on areas which will remain in such cover. The seed must be adapted to local conditions, and must be properly distributed over the area sown, a sufficient amount being used to insure a good stand at maturity. The county committee will establish seeding rates for each area.

*Maximum Federal cost-share.* 50 percent of the cost of the seed and the minimum required application of commercial fertilizer, including nitrogen, but not in excess of the following rates per pound for seed:

| | |
|---|---|
| (1) Smooth bromegrass | $0.75 |
| (2) Kentucky bluegrass | .40 |
| (3) Meadow fescue | .40 |
| (4) Meadow foxtail | .40 |
| (5) Timothy | .20 |
| (6) Alsike clover | .55 |
| (7) Russian red clover | .75 |
| (8) Siberian alfalfa | .75 |
| (9) Yellow blossom sweetclover | .40 |

§ 1104.315 *Practice 5: Clearing land to permit land-use adjustments needed in establishing soil conserving cropping systems.* (a) The conservation value of this practice is in getting sufficient cleared land on the farm so that good land management practices can be carried out on all parts of the farm. Clearing areas which will result in increased erosion will not qualify for cost-sharing. Methods of clearing which result in destruction of needed organic material are considered to be disqualifying practices. Removal of mineral soil will be considered evidence of excessive removal of organic material. Needed conservation practices must be applied to land cleared under previous programs in order to qualify an applicant for cost-sharing for additional land development under this program. Costs will not be shared for clearing more than 5 acres on any farm during the 1954 program year and approval will not be given for clearing in excess of 30 acres on any farm under all programs.

(b) Clearing and developing land for cultivation involves several distinctly different types of operation. To distinguish the work for which costs will be shared, it is determined that clearing will include those operations which require the use of special equipment not normally required in farming operations for crop and livestock production. In order to take advantage of methods of progressive clearing, grubbing, and burning, costs will be shared on these items of work in each, completed during the program year. This practice has two operations: (1) Clearing: Stripping, shearing, or otherwise removing native cover. (2) Breaking: Burning, removing roots, and preparing land for tillage.

*Maximum Federal cost-share.* 50 percent of the cost of each completed operation (clearing or breaking), but not in excess of a total cost of $40 an acre for both operations.

§ 1104.316 *Practice 6: Installation of facilities for sprinkler irrigation to provide vegetative cover needed for soil protection on rolling land.* Practice applicable where primary use is for permanent pasture on excessively sloping or rolling land. The installation must be in accordance with written plans approved by the Soil Conservation Service technician and the county committee. The practice is not applicable on land for which water is not available. The power unit must be of capacity adequate to supply uniform distribution. Nozzle openings shall be of a size to hold application rate within intake capacity of soils to be irrigated.

*Maximum Federal cost-share.* (1) 50 percent of the average cost of permanently installed pipe and fittings, but not in excess of $500 per farm.

(2) 50 percent of the average cost of portable pipe and fittings, but not in excess of $500 per farm.

§ 1104.317 *Practice 7: Constructing wells for livestock water to provide soil protection through the adoption of livestock farming systems and increased acreages of permanent vegetative cover.* In order to qualify for cost-sharing the farmer must show that the well is necessary for establishing livestock on the farm. Even though the well may be constructed at the headquarters to prevent freezing during the winter months, it is not to be used primarily for household utility. The well and pumping equipment must be large enough to provide the minimum amount of water for the particular livestock enterprise. Adequate storage facilities must be provided. Pumping equipment must be installed, except for artesian wells.

*Maximum Federal cost-share.* (1) $1 per linear foot of well with bore taking casings less than 4 inches in diameter, and all artesian wells.

(2) $2 per linear foot of well with bore taking casings 4 inches, but less than 6 inches in diameter.

(3) $3 per linear foot of well with bore taking casings 6 inches or more in diameter.

§ 1104.318 *Practice 8: Planting or interplanting forest trees or shrubs on farmland for forestry purposes, windbreaks, shelterbelts, or erosion control.* Planting must be protected from fire and grazing. If shrubs are used, those that benefit wildlife should be given preference wherever practicable.

*Maximum Federal cost-share.* 50 percent of the average cost of trees and planting, including land preparation.

FEDERAL COST-SHARES

§ 1104.326 *Division of Federal cost-shares.* (a) The Federal cost-share earned in carrying out practices with conservation services shall be credited to the person to whom the services are furnished. Cost-shares for practices performed with conservation services shall have priority over cost-shares for other practices. Cost-shares earned by carrying out other practices shall be paid to the person who carried out the practices. If more than one person contributed to the carrying out of such practices, the cost-share shall be divided in the proportion that the county committee determines the persons contributed to the carrying out of the practices. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the county committee that their contributions thereto were not in equal proportion. The furnishing of land will not be considered as a contribution to the carrying out of any practice.

(b) In case of death, incompetency, or disappearance of any person, any share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (Part 1108 of this chapter).

§ 1104.327 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may in such manner and at such time as is consistent with such legislation discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

| Amount of cost-share computed: | Increase in cost-share |
|---|---|
| $1 to $1.99 | $0.40 |
| $2 to $2.99 | .80 |
| $3 to $3.99 | 1.20 |
| $4 to $4.99 | 1.60 |
| $5 to $5.99 | 2.00 |
| $6 to $6.99 | 2.40 |
| $7 to $7.99 | 2.80 |



| Amount of cost-share computed—Con. | Increase in cost-share |
|---|---|
| $8 to $8.99 | $3.20 |
| $9 to $9.99 | 3.60 |
| $10 to $10.99 | 4.00 |
| $11 to $11.99 | 4.40 |
| $12 to $12.99 | 4.80 |
| $13 to $13.99 | 5.20 |
| $14 to $14.99 | 5.60 |
| $15 to $15.99 | 6.00 |
| $16 to $16.99 | 6.40 |
| $17 to $17.99 | 6.80 |
| $18 to $18.99 | 7.20 |
| $19 to $19.99 | 7.60 |
| $20 to $20.99 | 8.00 |
| $21 to $21.99 | 8.20 |
| $22 to $22.99 | 8.40 |
| $23 to $23.99 | 8.60 |
| $24 to $24.99 | 8.80 |
| $25 to $25.99 | 9.00 |
| $26 to $26.99 | 9.20 |
| $27 to $27.99 | 9.40 |
| $28 to $28.99 | 9.60 |
| $29 to $29.99 | 9.80 |
| $30 to $30.99 | 10.00 |
| $31 to $31.99 | 10.20 |
| $32 to $32.99 | 10.40 |
| $33 to $33.99 | 10.60 |
| $34 to $34.99 | 10.80 |
| $35 to $35.99 | 11.00 |
| $36 to $36.99 | 11.20 |
| $37 to $37.99 | 11.40 |
| $38 to $38.99 | 11.60 |
| $39 to $39.99 | 11.80 |
| $40 to $40.99 | 12.00 |
| $41 to $41.99 | 12.10 |
| $42 to $42.99 | 12.20 |
| $43 to $43.99 | 12.30 |
| $44 to $44.99 | 12.40 |
| $45 to $45.99 | 12.50 |
| $46 to $46.99 | 12.60 |
| $47 to $47.99 | 12.70 |
| $48 to $48.99 | 12.80 |
| $49 to $49.99 | 12.90 |
| $50 to $50.99 | 13.00 |
| $51 to $51.99 | 13.10 |
| $52 to $52.99 | 13.20 |
| $53 to $53.99 | 13.30 |
| $54 to $54.99 | 13.40 |
| $55 to $55.99 | 13.50 |
| $56 to $56.99 | 13.60 |
| $57 to $57.99 | 13.70 |
| $58 to $58.99 | 13.80 |
| $59 to $59.99 | 13.90 |
| $60 to $185.99 | 14.00 |
| $186 to $199.99 | (1) |
| $200 and over | (2) |

[1] Increase to $200.
[2] No increase.

§ 1104.328 *Federal cost-shares limited to $1,500.* The total of all Federal cost-shares under the 1954 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of $1,500. All or any part of any Federal cost-share which otherwise would be due any person under the 1954 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

CONSERVATION SERVICES

§ 1104.331 *Availability.* Part or all of the Federal cost-share for an approved practice may be in the form of services furnished through the program for use in carrying out the practice. Services may not be furnished to persons who are indebted to the Federal Government, as indicated by the register of indebtedness maintained in the office of the county committee, except in those cases where the agency to which the debt is owed waives its rights to setoff in order to permit the furnishing of materials and services.

§ 1104.332 *Cost to farmer.* The farmer shall pay that part of the cost of the material or service, as established under instructions issued by the Administrator, which is in excess of the Federal cost-share attributable to the use of the service.

§ 1104.333 *Discharge of responsibility for services.* The person to whom a service is furnished under the 1954 program will be relieved of responsibility for the service upon determination by the county committee that the service was used in performing the practice for which the service was furnished. If the person uses any service for any purpose other than that for which it was furnished, he shall be indebted to the Federal Government for that part of the cost of the service borne by the Federal Government and shall pay such amount to the Treasurer of the United States direct or by withholdings from Federal cost-shares otherwise due him under the program.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1104.336 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1954 program will be subject to the condition that the person with whom the costs are shared will maintain such practices in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1104.337 *Practices defeating purposes of programs.* If the State Committee finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1954 or any previous program, including, but not limited to, failure to maintain in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1954 program.

§ 1104.338 *Depriving others of Federal cost-share.* If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1954 program.

§ 1104.339 *Filing of false claims.* If the State Committee finds that any person has knowingly filed claim for payment of the Federal cost-share under the

program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-sharing under the program and shall refund all amounts that may have been paid to him under the program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1104.340 *Misuse of purchase orders.* If the State Committee finds that any person has knowingly used a purchase order issued to him for conservation services for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such person shall not be eligible for any Federal cost-sharing under the program and shall refund all amounts that may have been paid to him under the program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1104.341 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1104.342, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 1109 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1104.342 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1954 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1954. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the instructions in ACP–70–Insular Region.

§ 1104.343 *Compliance with regulatory measures.* Persons who carry out conservation practices under the 1954 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws or regulations.

§ 1104.344 *Practices carried out with State or Federal aid.* The Federal share of the cost for any practice shall not be reduced because it is carried out with services furnished through the program or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total Federal cost-share computed on the basis of the total number of units of the practice performed shall be reduced by the value of the aid, as determined by the county committee, in computing the amount of the Federal cost-share to be paid for performance of the practice. Services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

§ 1104.346 *Persons eligible to file application.* Any person who, as landlord, tenant, or sharecropper on a farm, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1104.347 *Time and manner of filing application and required information.* Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the county office. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the county office within the time fixed by the Administrator, which time shall not be later than December 31, 1955. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be given by mailing notice to the office of each county committee and making copies available to the press.

APPEALS

§ 1104.351 *Appeals.* Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-share with respect to the farm. The county committee shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the person is dissatisfied with the decision of the county committee, he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State Committee. The State Committee shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the State Committee, he may, within 15 days after its decision is forwarded to or made available to him, request the Administrator to review the decision of the State Committee. The decision of the Administrator shall be final. Written notice of any decision rendered under this section by the county or State committee shall also be issued to each other landlord, tenant, or sharecropper on the farm who may be adversely affected by the decision.

HANDBOOKS, BULLETINS, INSTRUCTIONS, AND FORMS

§ 1104.356 *Handbooks, bulletins, instructions, and forms.* The Administrator is authorized to make determinations and to prepare and issue handbooks, bulletins, instructions, and forms required in administering the 1954 program. Persons wishing to participate in the program should obtain all information needed from the county committee.

DEFINITIONS

§ 1104.361 *Definitions.* For the purposes of the 1954 program:

(a) "Secretary" means the Secretary of the United States Department of Agriculture or the officer of the Department acting in his stead pursuant to delegated authority.

(b) "Administrator" means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means Alaska.

(d) "State Committee" means the persons designated by the Secretary as the State Committee of the Production and Marketing Administration in Alaska.

(e) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of the Production and Marketing Administration county committees.

(f) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity (and, wherever applicable, a State, Territory, or Possession, or a political subdivision or agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(g) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Administrator, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with work stock, machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

(h) "Cropland" means farmland which in 1953 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes, or will constitute if tillage is continued, a wind-erosion hazard to the community.

(i) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.



(j) "Rangeland" means any land which produces or can produce forage suitable for grazing by range livestock without cultivation or general irrigation.

(k) "Program year" means September 1, 1953, through December 31, 1954.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1104.366 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148, 16 U. S. C. 590g–590q), and the Department of Agriculture Appropriation Act, 1954.

§ 1104.367 *Availability of funds.* (a) The provisions of the 1954 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1954 program will not be available for paying Federal cost-shares for which applications are filed in the county office after December 31, 1955.

§ 1104.368 *Applicability.* (a) The provisions of the 1954 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by Alaska or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit association; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, The Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

Done at Washington, D. C., this 11th day of December 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10474; Filed, Dec. 16, 1953; 8:49 a. m.]

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PART 1105—AGRICULTURAL CONSERVATION; HAWAII

SUBPART—1954

The United States Department of Agriculture offers every farmer in the Territory of Hawaii an opportunity to conserve and improve the productivity of his land through participation in the 1954 Agricultural Conservation Program.

Under this program part of the costs of the conservation practices is borne by the Government and this represents the Nation's interest in what happens to its basic land and water resources.

Costs will be shared on performance of recommended practices at approved rates to the extent of available funds. Developed under the provisions of the Soil Conservation and Domestic Allotment Act, the program is designed to meet local conservation needs.

Approved practices will be deemed to have been carried out during the program year if started after the beginning of the program year and the county committee determines that they are substantially completed by the end of the program year. However, no practice will be eligible for Federal cost-sharing until it has been completed in accordance with all applicable specifications and program provisions.

Information contained in this subpart outlines the general provisions of the 1954 Agricultural Conservation Program for Hawaii and general specifications and rates of Federal cost-sharing for practices.

GENERAL PROGRAM PRINCIPLES

The 1954 Hawaii Agricultural Conservation Program has been developed and is to be carried out on the basis of the following general principles:

1. The program is confined to the conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit in the Territory.

2. The program is designed to encourage those conservation practices which provide the most enduring conservation benefits practicably attainable in 1954 on the lands where they are to be applied.

3. Costs will be shared with a farmer or rancher only on satisfactorily performed conservation practices for which Federal cost-sharing was requested by the farmer or rancher before the conservation work was begun.

4. Costs will be shared only on practices which it is believed farmers would not carry out to the needed extent without program assistance. Generally, practices that have become a part of regular farming operations on a particular farm or ranch will not be eligible for cost-sharing.

5. The rates of cost-sharing in the program are the minimum considered necessary to result in substantially increased performance of needed practices within the limits prescribed.

6. The purpose of the program is to help achieve additional conservation on the land. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

7. If the Federal Government shares the cost of the initial application of conservation practices which farmers and ranchers otherwise would not perform but which are essential to the national interest, the farmers and ranchers should assume responsibility for the upkeep and maintenance of those practices.

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1105.311 Practice 1: Constructing continuous terraces and or diversion ditches to control the flow of runoff water and check soil erosion on sloping farmland.
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1105.313 Practice 3: Establishing a protective sod lining in waterways to dispose of excess water without causing erosion.
1105.314 Practice 4: Building erosion control dams or stone or vegetative barriers to prevent or heal the gullying of farmland and reduce runoff of water.
1105.315 Practice 5: Constructing permanent riprap or revetment of stone to control erosion of streambanks, gullies, dam faces, or watercourses.
1105.316 Practice 6: Initial planting of orchards on the contour to help prevent erosion.
1105.317 Practice 7: Initial establishment in the cropping system of leguminous crops for use as stubble mulch, cover, or green manure for protection of soil from erosion.
1105.318 Practice 8: Initial establishment in the cropping system of adapted nonlegumes for stubble mulch, cover, filter strip, or green manure for protection of soil from erosion.

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1105.319 Practice 9: Initial establishment of permanent pasture on severely eroded land or land so subject to erosion or with soils so shallow, alkaline, stony, or incapable of drainage, or so sandy or of such low inherent productive capacity, or where the average rainfall is so low, that for soil protection its use should be in permanent vegetative cover; or initial improvement of an established permanent grass or grass-legume cover for soil or watershed protection by seeding, sodding, or sprigging adapted perennial grasses or a mixture of perennial legumes or grasses.
1105.320 Practice 10: Applying ground limestone or its equivalent for initial treatment of cropland or pasture for correction of soil acidity and addition of needed calcium to permit best use of legumes and/or grasses for soil improvement and protection in accordance with Agricultural Extension Service recommendations where soil analysis shows the need.
1105.321 Practice 11: Controlling competitive shrubs to permit growth of adequate vegetative cover for soil protection on range or pasture lands by poisoning.
1105.322 Practice 12: Initial application of organic mulch material to any cropland or eroded pasture areas for soil protection and moisture conservation.
1105.323 Practice 13: Installation of pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.
1105.324 Practice 14: Construction of permanent artificial watersheds and or storage tanks for accumulating water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.
1105.325 Practice 15: Construction of permanent fences to obtain better distribution and control of livestock grazing on range or pasture land and to promote proper management for protection of established forage resources, or to protect farm woodland from grazing.
1105.326 Practice 16: Constructing or enlarging dams, pits, and ponds to impound surface water for irrigation.
1105.327 Practice 17: Reorganizing farm irrigation systems to conserve water and prevent erosion.
1105.328 Practice 18: Construction or enlargement of permanent open drainage systems to dispose of excess water.
1105.329 Practice 19: Planting, interplanting, or replanting forest trees or shrubs on farmland in windbreaks and farm woodlots or woodlands for erosion control, watershed protection, or forestry purposes.
1105.330 Practice 20: Installation of facilities for sprinkler irrigation of permanent pasture on sloping land for developing forage resources to encourage rotation grazing and better range management for protection of all grazing land in the farm against erosion.

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1105.341 Division of Federal cost-shares.
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1105.361 Persons eligible to file application.
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1105.365 Appeals.

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1105.366 State handbooks, bulletins, instructions, and forms.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

1105.371 Authority.
1105.372 Availability of funds.
1105.373 Applicability.

AUTHORITY: §§ 1105.300 to 1105.373 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; Pub. Law 156, 83d Cong.; 16 U. S. C. 590g–590q.

DEFINITIONS

§ 1105.300 *Definitions.* For the purposes of the 1954 program:

(a) "Secretary" means the Secretary of the United States Department of Agriculture or the officer of the Department acting in his stead pursuant to delegated authority.

(b) "Administrator" means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the Territory of Hawaii.

(d) "State Office" means the office of the Production and Marketing Administration in Honolulu, Territory of Hawaii.

(e) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, Territory, or Possession, or a political subdivision or agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(f) "Farm" or "ranch" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the State Office, in accordance with instructions issued by the Administrator, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with workstock, farm machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm or ranch shall be regarded as located in the county in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm or ranch is located.

(g) "Cropland" means farmland which in 1953 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes, or will constitute if tillage is continued, a wind-erosion hazard to the community.

(h) "Orchardland" means the acreage in planted fruit trees, nut trees, coffee trees, papaya trees, banana plants, or vineyards.

(i) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(j) "Rangeland" means land which produces, or can produce, forage suitable for grazing by range livestock without cultivation or general irrigation and is not suitable for any other agricultural use.

(k) "Merchantable timber" means any processed or unprocessed timber which is sold for cash by the producer.

(l) "Forest Service" means Division of Forestry, Territorial Board of Agricultural and Forestry.

CONTROL OF FUNDS

§ 1105.301 *Amount of Federal cost-shares.* The State Office will determine the extent to which program funds will be made available to share the cost of each approved practice on each farm or ranch, taking into consideration the available funds, the conservation problems of the individual farm or ranch and other farms, and the conservation work for which requested Federal cost-sharing is considered as most needed in 1954. The notice of approval shall show for each approved practice the number of units of the practice for which the Federal Government will share in the cost and the amount of the Federal cost-share for the performance of that number of units of the practice. The amount of the Federal cost-share shall not be increased after performance of the practice.

§ 1105.302 *Adjustments.* If the total estimated Federal cost-shares under the program exceed the total funds available, the Federal cost-shares will be reduced equitably.

§ 1105.303 *Allocation.* The amount of funds available for conservation practices under this program is $140,000. This amount does not include the amount set aside for administrative expenses and the amount required for size-of-cost-share adjustments in § 1105.342.



APPROVAL OF CONSERVATION PRACTICES

§ 1105.305 *Selection of practices.* (a) Practices included in the program are only those practices for which the Production and Marketing Administration, Soil Conservation Service, and Forest Service locally have agreed that the sharing by the Federal Government of a share of the cost is essential to permit accomplishment of needed conservation work which would not otherwise be carried out in the desired volume.

(b) Each farm or ranch operator shall be given an opportunity to request that the Federal Government share in the cost of those practices on which he considers he needs such assistance in order to permit their performance in adequate volume on his farm or ranch. The State Office, taking into consideration the farmer's or rancher's request and any conservation plan developed by the farmer or rancher with the assistance of any State or Federal agency, shall direct the available funds for cost-sharing to those farms and ranches and to those practices where cost-sharing is considered most essential to the accomplishment of the basic conservation objective of the Department—the use of each acre of agricultural land within its capabilities and the treatment of each acre in accordance with its needs for protection and improvement.

§ 1105.306 *Adaptation of practices.* In order to encourage the performance of conservation practices which are needed most, the State Office may designate from the practices listed in this subpart those practices which will be applicable on designated groups of farms or ranches.

§ 1105.307 *Pooling agreements.* Persons in any local area may agree in writing, with approval of the State Office, to perform designated amounts of practices which the State Office determines are necessary to conserve or improve the agricultural resources of the community. For purposes of cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms or ranches of the persons who performed the practices.

§ 1105.308 *Prior notice to State Office.* The State Office requires notification in advance of the farmer's or rancher's intentions to participate in the 1954 program and of his designation of practices to be used. Intentions (request for Federal cost-sharing) are to be filed on Form ACP-201, Request That Federal Government Share Costs of Needed Conservation Practices. This form may be filed with the Honolulu or Hilo office of the Production and Marketing Administration, or with authorized farm checkers, but must be submitted before April 1, 1954. Information must include a description of the practice(s) and extent of the performance anticipated for each practice.

§ 1105.309 *Program year and technical aid.* (a) Costs will be shared at the rates specified and within the limitations set forth in this subpart for carrying out during the period from January 1, 1954, to December 31, 1954, inclusive, the conservation practices included in this subpart which are approved for a farm or ranch, except that farmers or ranchers who before December 31, 1953, (1) complete all practices for which they will make claim for cost-shares under the 1953 program, or (2) have carried out practices to the maximum extent of their allowance under the 1953 program, may enroll and perform practices under the 1954 program any time after September 30, 1953. No costs will be shared under the 1954 program for any part of a practice carried out for cost-sharing under the 1953 program.

(b) The Soil Conservation Service is responsible for the technical phases of practices contained in §§ 1105.311 through 1105.315, 1105.324, 1105.326 through 1105.328, and 1105.330. This responsibility shall include (1) a finding that the practice is needed and practical on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance. In addition, the Soil Conservation Service is responsible for determining that the practices contained in §§ 1105.316, 1105.323, and 1105.325 are needed and practical on the farm. The State Conservationist of the Soil Conservation Service may utilize assistance from private, State, or Federal agencies in carrying out these assigned responsibilities.

(c) The Forest Service (Forestry Division, Territorial Board of Agriculture and Forestry) is responsible for the technical phases of the practice contained in § 1105.329. This responsibility shall include (1) providing necessary specialized technical advice and or assistance, (2) development of specifications for forestry practices, and (3) working through the State Office, determining compliance in meeting these specifications.

§ 1105.310 *Practice specifications and approval.* (a) Minimum specifications which practices must meet to be eligible for assistance are set forth in this subpart. Additional specifications may be secured from the State Office or the Soil Conservation Service Territorial Office in Honolulu.

(b) For those practices in this subpart which authorize Federal cost-sharing for minimum required applications of liming materials and commercial fertilizers, the minimum required application on which cost-sharing is authorized shall in each case be determined on the basis of the current soil test: *Provided, however,* That if the State Office determines that available facilities are inadequate to provide the necessary tests, the minimum required applications of these materials shall be those recommended for the area by the Agricultural Extension Service.

(c) Costs for practices contained in §§ 1105.313 and 1105.317 through 1105.319 may be shared even though a good stand is not established, if the State Office determines, in accordance with approved standards, that the practices were carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to weather or other conditions beyond the control of the farm or ranch operator. The State Office may require as a condition of cost-sharing in such cases that the area be reseeded, or that other needed protective measures be carried out.

(d) Costs will be shared only for those practices for which cost-sharing is requested by the farm or ranch operator before performance of the practice is started. For practices for which (1) approval was given under the 1953 Agricultural Conservation Program, (2) performance was started but not completed during the 1953 program year, and (3) the State Office believes the extension of the approval to the 1954 program is justified under the 1954 program regulations and provisions, the filing of the request for assistance under the 1953 program may be regarded as meeting the requirement of the 1954 program that a request for cost-sharing be filed before performance of the practice is started. To the extent practicable, notices of approved practices shall be issued before performance of the practices is started.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1105.311 *Practice 1: Constructing continuous terraces and/or diversion ditches to control the flow of runoff water and check soil erosion on sloping farmland.* Cost-sharing will be allowed, provided the structures are properly laid out, and constructed in accordance with specifications contained in SCS Technical Standards on file in the State Office. If the land terraced is planted to clean-tilled crops, the crop rows should follow contour lines and the land surface must be protected during the rainfall season by cover crops, heavy crop residues, or organic mulches. Diversion ditches should be used on slopes between 16 percent and 20 percent and bench-type terraces on land of 20 percent or more slope. No cost-sharing will be allowed for reconstructing old terraces.

*Maximum Federal cost-share.* (a) $2 per 100 linear feet of terrace constructed in clear soil.

(b) $4 per 100 linear feet of terrace constructed in very rocky soil or exposed rocky substratum.

(c) $8 per 100 linear feet for bench terraces.

(d) $0.10 per cubic yard of earth moved in diversion ditch construction.

§ 1105.312 *Practice 2: Constructing interception ditches and or outlet channels for disposing of, diverting, or collecting water to control erosion or for impounding livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grazing land management as a means of protecting established vegetative cover, and for irrigation.* This practice does not apply to infield surface water interception on farmlands. See § 1105.311 (practice 1) for infield interception of runoff waters. Channels having an erosive grade must be protected against erosion damage by adequate sod or other lining. Outlets must be protected to discharge water without gullying. The

amount of material moved in channel construction shall be that which is determined by direct measurement of ridge or berm material above normal ground level or that determined by prior and subsequent sectional surveys. Cost-sharing will be allowed only once and that for the year of construction. Specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

*Maximum Federal cost-share.* $0.10 per cubic yard of material moved.

§ 1105.313 *Practice 3: Establishing a protective sod lining in waterways to dispose of excess water without causing erosion.* This practice is to prevent erosion in permanent waterways and is applicable only to waterways built or reshaped in the program year for use in removing excess water from farmland that is contoured, terraced, and/or trash-mulched. Satisfactory sod lining (dense enough to prevent soil cutting) must be established before cost-sharing may be allowed for this practice. Maximum width of waterway for which cost-sharing will be approved is 50 feet. Detailed specifications on species, seeding rates, sprig spacings, soil preparation, and irrigation are contained in Soil Conservation Service Technical Standards on file in the State Office. Bermuda, Giant Bermuda, Kikuyu, or any other locally adapted species approved by the State Office may be used.

*Maximum Federal cost-share.* $0.75 per 1,000 square feet of surface established by shaping and seeding, sodding, or sprigging, plus 50 percent of the average cost at the farm of the minimum required application of approved liming materials and commercial fertilizers, including nitrogen, for the establishment of the cover.

§ 1105.314 *Practice 4: Building erosion control dams or stone or vegetative barriers to prevent or heal the gullying of farmland and reduce runoff of water.* Receipts or invoices showing purchase of pipe and or flume material, and receipts or records showing payment for labor will be required by inspectors as evidence of accomplishment under (d) and (f) of this section. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

*Maximum Federal cost-share.* (a) $0.14 per cubic yard of earth moved in the construction of the dams, wings, and walls.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of pipe and or flume material delivered to the farm.

(e) $1.50 per cubic yard of rock used, for rock or rock-and-brush dams.

(f) 50 percent of the cost of constructing stone barriers for diverting and spreading surface runoff.

(g) $0.25 per 100 linear feet for planting single line vegetative barriers to impede the flow of surface runoff.

(h) $1.50 per 1,000 square feet for planting suitable permanent massed vegetative barriers.

§ 1105.315 *Practice 5: Constructing permanent riprap or revetment of stone to control erosion of streambanks, gullies, dam faces, or watercourses.* Dams for purposes other than for impounding water for irrigation or for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management are not eligible. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

*Maximum Federal cost-share.* $0.50 per square yard of exposed riprap surface.

§ 1105.316 *Practice 6: Initial planting of orchards on the contour to help prevent erosion.* This practice is to conserve water and reduce erosion from irrigation or storm water with orchard rows running on nonerosive grades across the main slope. Cost-sharing will be allowed for planting orchards on the contour on land having more than 2 percent slope. The land must be protected during the rainfall season by cover crops, stubble mulch, or mulch and terraces or diversion ditches.

*Maximum Federal cost-share.* $5 per acre.

§ 1105.317 *Practice 7: Initial establishment in the cropping system of leguminous crops for use as stubble mulch, cover, or green manure for protection of soil from erosion.* In order to qualify, a good stand and a good growth of the leguminous crops must be grown and left on the land as cover or turned under for green manure during the program year. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. Receipts or invoices showing purchase of seed, or records of collecting, will be required by inspectors as evidence of seed used. In case of mixed seeding with acceptable nonlegumes (see § 1105.318, practice 8), the ratio of one-third of the required poundage of legume seed for unmixed plantings to two-thirds of the required poundage of nonlegume seed for unmixed plantings shall provide the basis for determining eligibility and cost-share. Federal cost-sharing will be limited to the acreage in excess of the normal acreage of such plantings which shall not be less than the average of all such plantings for the past three years. Any of the following crops or any other locally adapted crops approved by the State Office may be used.

| | *Minimum seeding rate (pounds per acre)* |
|---|---|
| (a) Pigeon peas | 30 |
| (b) Velvetbeans | 50 |
| (c) Field beans | 30 |
| (d) Purple vetch | 50 |
| (e) Clover | 5 |
| (f) Kudzu | 8 |
| (g) Crotalaria juncea | 10 |
| (h) Crotalaria spectabilis | 10 |
| (i) Cowpeas | 30 |

*Maximum Federal cost-share.* 50 percent of the cost of seed at the farm, but not in excess of $5 per acre of area planted.

§ 1105.318 *Practice 8: Initial establishment in the cropping system of adapted nonlegumes for stubble mulch, cover, filter strip, or green manure for protection of soil from erosion.* Para grass (Panicum purpurascens), molasses grass, Rhodes grass, feather fingergrass, acceptable small grains, and other nonlegumes determined by the State Office as suitable for this purpose, are eligible for cost-sharing. In order to qualify, a good stand and a good growth must be secured during the program year and be left on the land if for cover or turned under before year-end if for green manure. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. Acreage harvested for seed or hay is not eligible for Federal cost-sharing. Federal cost-sharing (except for seedings for filter strips) will be limited to the acreage in excess of the normal acreage of such plantings which shall not be less than the average of all such plantings for the past three years. Receipts or invoices showing purchases of seed, or records of collecting, will be required by inspectors as evidence of seed used. In case of mixed seeding with acceptable legumes, see § 1105.317 (practice 7) for ratio specifications.

*Maximum Federal cost-share.* 50 percent of the cost of seed at the farm, but not in excess of $5 per acre of area actually planted.

§ 1105.319 *Practice 9: Initial establishment of permanent pasture on severely eroded land or land so subject to erosion or with soils so shallow, alkaline, stony, or incapable of drainage, or so sandy or of such low inherent productive capacity, or where the average rainfall is so low, that for soil protection its use should be in permanent vegetative cover; or initial improvement of an established permanent grass or grass-legume cover for soil or watershed protection by seeding, sodding, or sprigging adapted perennial grasses or a mixture of perennial legumes or grasses.* All equipment used to prepare land for seeding shall operate across the slope as near to the contour as practicable. In areas where long slopes are to be broken out of native vegetation, the land preparation shall be done in contour strips and established to improved pasture before the intermediate strips shall be broken out. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office. The seed must be well distributed over the area sown to insure a good stand at maturity. Any locally adapted crops approved by the State Office may be used but must be seeded at not less than the minimum seeding rates per acre prescribed by the State Office. In order to meet minimum requirements, slips or stools of grasses may be planted in continuous rows. Grass and legume charts are available in the State Office. Costs will be shared only if a satisfactory stand of the seeded grass or legume-grass mixture is established within the program year unless natural circumstances recognized by the State Office as being beyond control of the farmer affect growth results adversely. No area seeded shall be grazed until grass and legume-grass mixtures are well established. If clearing is done, the land must have undergone no clearing operation within the past 25 years while under control of the present operator or within 10 years in the case of a recent change in ownership or tenancy, except where the State Office determines otherwise. Land cleared must be established in perennial grasses or a legume-grass mixture as soon as practicable and



within the program year. No cost will be shared where mechanical equipment is used on slopes above 35 percent nor will cost be shared for clearing a stand of merchantable timber (including timber for fence posts and charcoal for sale). No cost will be shared for land clearing if the land cleared would be suitable for cultivation of crops. Records of labor, equipment, and material used in the clearing operation and receipts or invoices showing purchase of seed or records of costs of collecting will be required as evidence of cost.

*Maximum Federal cost-share.* (a) Seeding after land preparation, 50 percent of the cost of seed, plus 50 percent of the average cost at the farm of the minimum required application of approved liming materials and commercial fertilizers, including nitrogen, for the establishment of the cover.

(b) Clearing operations not to exceed the lesser of $15 per acre or $1,000 per farm.

§ 1105.320 *Practice 10: Initial treatment of cropland or pasture for correction of soil acidity and addition of needed calcium to permit best use of legumes and or grasses for soil improvement and protection.* This practice is applicable to land which is devoted in 1954 to grasses or legumes or which will be devoted to grasses or legumes in the planned rotation for the farm. Treatment of land which is in pasture and which is to remain in pasture will be eligible for cost-sharing only if all measures needed to assure an improved vegetative cover which will provide adequate and extended soil protection are carried out. Any acreage on which cost-sharing is given under this practice under the 1954 program will not qualify for cost-sharing for liming in subsequent years. Liming material must contain at least 80 percent calcium carbonate equivalent and be fine enough to pass through a 20-mesh screen (unless the Agricultural Extension Service of the University of Hawaii recommends otherwise) and must be evenly applied to the land. Receipts or invoices showing the purchase of lime, properly dated and signed by the vendor, will be required as evidence by the farm inspector at the time of inspection.

*Maximum Federal cost-share.* 50 percent of the average cost of the minimum required application of liming material delivered to the farm.

§ 1105.321 *Practice 11: Controlling competitive shrubs to permit growth of adequate vegetative cover for soil protection on range or pasture lands by poisoning.* Sharing costs for poisoning will be repeated for each application but not in excess of 2 per year made according to accepted practices. Receipts or invoices showing purchase and analysis of poisons used will be required by inspectors as evidence. Competitive shrubs eligible under this practice are as follows:

Guava (Psidium guajava).
Opuuma (Pithecellobium dulce).
Eimex (Rumex spinosa).
Melastoma (Melastome malabathricum).
Firebush (Myrica faya).
Pepper tree (Schinus molle).
Cactus (Opuntia megaxantha).
Java plum (Eugenia cumini).
Hawaiian holly (Schinus terminthifolia).
Cat's claw (Caesalpinia Jayabo).
Aalii (Dodonaea viscosa).
Joee (Stachytarpheta cayennensis, Verbene bonariensis).
Lantana (Lantana camara).
Waiwi (Psisium cattleianum var. lucidum).
Pamakani (Eupatorium adenophorum).
Puakiawa (Styphelia tamelameiae).
Sacramento burr (Triumfetta bartramia).
Staghorn fern (Gleichenia linearis).

*Maximum Federal cost-share.* 50 percent of the average cost of State Office approved chemicals, but not in excess of $2 per acre per application.

§ 1105.322 *Practice 12: Initial application of organic mulch material to any cropland or eroded pasture areas for soil protection and moisture conservation.* Organic material must be of a fibrous nature and shredded, chopped, or crushed. Material such as sugarcane bagasse, cane leaf trash, pineapple trash, tree fern stumps, coarse grasses, coffee husks, sawdust, and wood shavings, as well as macadamia nut husks and shells, will be eligible. The mulch must be thick enough to completely cover the surface of soil areas treated. Receipts or invoices showing purchase of materials and cost of transportation will be required by inspectors as evidence of compliance.

*Maximum Federal cost-share.* (a) 50 percent of the cost of material at the farm, but not in excess of $25 ($50 in Kula, Makawao, and Olinda farming sections of Maui) per acre treated with materials secured from outside the farm.

(b) $2.50 per acre treated with material produced on the farm.

§ 1105.323 *Practice 13: Installation of pipelines for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* Receipts or invoices showing purchase of pipe used will be required to determine cost.

*Maximum Federal cost-share.* 50 percent of the average cost of pipe at the farm, except that the cost-share for pipe in excess of 2 inches in diameter may not exceed the cost which may be shared for 2-inch pipe.

§ 1105.324 *Practice 14: Construction of permanent artificial watersheds and/or storage tanks for accumulating water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* No cost will be shared if part of the water impounded or supplied is used for irrigation or domestic purposes. Receipts or invoices showing purchase of materials used will be required to determine cost. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

*Maximum Federal cost-share.* (a) 50 percent of the cost of material used, other than concrete and rubble masonry.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

§ 1105.325 *Practice 15: Construction of permanent fences to obtain better distribution and control of livestock grazing on range or pasture land and to promote proper management for protection of established forage resources, or to protect farm woodland from grazing.* No cost may be shared for the maintenance or repair of existing fences or for construction of boundary fences including road fences. Required fencing of forest reserve land is not eligible. Any fencing necessary to the working of cattle (including pens and corrals) is ineligible. Receipts or invoices showing purchase of materials will be required to determine cost.

*Maximum Federal cost-share.* (a) 50 percent of the average cost at the farm of posts, wire, poles, lumber, staples, or other similar fencing materials used.

(b) $0.10 per linear foot of rock wall, minimum dimensions of which shall be: Height, 4 feet; base width, 36 inches, top width, 24 inches.

§ 1105.326 *Practice 16: Constructing or enlarging dams, pits, and ponds to impound surface water for irrigation.* No cost-sharing will be given for material moved in cleaning or maintaining a reservoir. Receipts or invoices showing purchase of materials used will be required by inspectors as evidence of cost. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

*Maximum Federal cost-share.* (a) $0.14 per cubic yard of earth material moved.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of pipe and outlet gates.

(e) 50 percent of the average cost of seeding or sodding dams or filter strips.

(f) 50 percent of the average cost of materials, other than concrete and rubble masonry, used in permanent structures, including soil sealing.

§ 1105.327 *Practice 17: Reorganizing farm irrigation systems to conserve water and prevent erosion.* The reorganization (a change for the better in style or method of conveying water to and in the fields) must be carried out in accordance with a reorganization plan approved by the responsible technician. Receipts or invoices showing purchase of materials or equipment and records of labor employed will be required by inspectors as evidence of installation costs. No cost-sharing will be allowed for repairs or replacements of existing structures. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State Office.

*Maximum Federal cost-share.* (a) $0.10 per cubic yard of earth material moved in the construction or enlargement of permanent ditches, dikes, or laterals. No cost-sharing will be given for cleaning a ditch.

(b) Lining ditches or reservoirs:

(1) 50 percent of the average cost of approved material used, other than concrete and rubble masonry.

(2) $12 per cubic yard of concrete used.

(3) $7 per cubic yard of rubble masonry used.

(c) Constructing or installing permanent structures such as siphons, flumes, drop boxes or chutes, weirs, diversion gates, and permanently located pipe. No cost-sharing will be given for repairs or replacements of existing structures.

(1) 50 percent of the average cost of material used in permanent structures, other than concrete and rubble masonry but excluding forms.

(2) $12 per cubic yard of concrete used.

(3) $7 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of pipe and fittings used for sprinkler irrigation. No cost-sharing will be allowed for repairs or replacements of existing structures. Total cost-share for portable pipe and fittings under this item shall not exceed $500 per farm.

§ 1105.328 *Practice 18: Construction or enlargement of permanent open drainage systems to dispose of excess water.* No cost will be shared for material moved in cleaning or maintaining a ditch or for structures installed for crossings or other structures primarily for the convenience of the farm operator. Receipts or invoices showing purchase of seed or materials and records of labor employed and soil moved will be required by inspectors as evidence of construction work costs. Detailed specifications are contained in Soil Conservation Service Technical Standards on file in the State office.

*Maximum Federal cost-share.* (a) $0.10 per cubic yard of material moved.

(b) $12 per cubic yard of concrete used.

(c) $7 per cubic yard of rubble masonry used.

(d) 50 percent of the average cost of seed or planting materials for establishing suitable cover for protection against erosion on ditch banks and right-of-way plus 50 percent of the average cost at the farm of the minimum required application of approved liming materials and commercial fertilizers, including nitrogen, for the establishment of the cover.

§ 1105.329 *Practice 19: Planting, interplanting or replanting forest trees or shrubs on farmland in windbreaks and farm woodlots or woodlands for erosion control, watershed protection, or forestry purposes.* Plantings must be protected from fire and grazing. Fencing for protection of newly planted trees in farm woodlands under this practice against grazing is eligible for cost-sharing only if construction specifications in § 1105.325 (practice 15) are employed. Recommended species of trees are as follows:

Norfolk pine (Araucaria excelsa).
Beach ironwood (Casuarina equisetifolia).
She oak (Casuarina glauca).
Sugi (Cryptomeria japonica).
Portuguese cypress (Cupressus lusitanica).
Flooded gum (Eucalyptus saligna).
Swamp mahogany (Eucalyptus robusta).
Silk oak (Grevillea robusta).
Paper bark (Melaleuca leucadendron).
Bruchbox (Trustania conferta).

*Maximum Federal cost-share.* $2 per 100 trees or shrubs planted.

§ 1105.330 *Practice 20: Installation of facilities for sprinkler irrigation of permanent pasture on sloping land for developing forage resources to encourage rotation grazing and better range management for protection of all grazing land in the farm against erosion.* Installation of sprinkler irrigation facilities must be solely for irrigation of permanent pasture or area being established in permanent pasture on sloping land. The installation must be in accordance with a written plan approved by the responsible technician. Total cost-share for this practice and for portable pipe and fittings under practice 17 (§ 1105.327) shall not exceed $500 per farm.

*Maximum Federal cost-share.* 50 percent of the cost at the farm of all necessary pipes and fittings, but not in excess of $500 per farm.

FEDERAL COST-SHARES

§ 1105.341 *Division of Federal cost-shares*—(a) *Federal cost-shares.* The Federal cost-share attributable to the use of conservation materials or services shall be credited to the person to whom the materials or services are furnished. Other Federal cost-shares shall be credited to the person who carried out the practices by which such other Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the State Office determines they contributed to the carrying out of the practices. In making this determination, the State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage, and shall assume that each contributed equally unless it is established to the satisfaction of the State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended, (Part 1108 of this chapter).

§ 1105.342 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may in such manner and at such time as is consistent with such legislation discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71 but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

| Amount of cost-share computed: | Increase cost-share |
|---|---|
| $1 to $1.99 | $0.40 |
| $2 to $2.99 | .80 |
| $3 to $3.99 | 1.20 |
| $4 to $4.99 | 1.60 |
| $5 to $5.99 | 2.00 |
| $6 to $6.99 | 2.40 |
| $7 to $7.99 | 2.80 |
| $8 to $8.99 | 3.20 |
| $9 to $9.99 | 3.60 |
| $10 to $10.99 | 4.00 |
| $11 to $11.99 | 4.40 |
| $12 to $12.99 | 4.80 |
| $13 to $13.99 | 5.20 |
| $14 to $14.99 | 5.60 |
| $15 to $15.99 | 6.00 |
| $16 to $16.99 | 6.40 |
| $17 to $17.99 | $6.80 |
| $18 to $18.99 | 7.20 |
| $19 to $19.99 | 7.60 |
| $20 to $20.99 | 8.00 |
| $21 to $21.99 | 8.20 |
| $22 to $22.99 | 8.40 |
| $23 to $23.99 | 8.60 |
| $24 to $24.99 | 8.80 |
| $25 to $25.99 | 9.00 |
| $26 to $26.99 | 9.20 |
| $27 to $27.99 | 9.40 |
| $28 to $28.99 | 9.60 |
| $29 to $29.99 | 9.80 |
| $30 to $30.99 | 10.00 |
| $31 to $31.99 | 10.20 |
| $32 to $32.99 | 10.40 |
| $33 to $33.99 | 10.60 |
| $34 to $34.99 | 10.80 |
| $35 to $35.99 | 11.00 |
| $36 to $36.99 | 11.20 |
| $37 to $37.99 | 11.40 |
| $38 to $38.99 | 11.60 |
| $39 to $39.99 | 11.80 |
| $40 to $40.99 | 12.00 |
| $41 to $41.99 | 12.10 |
| $42 to $42.99 | 12.20 |
| $43 to $43.99 | 12.30 |
| $44 to $44.99 | 12.40 |
| $45 to $45.99 | 12.50 |
| $46 to $46.99 | 12.60 |
| $47 to $47.99 | 12.70 |
| $48 to $48.99 | 12.80 |
| $49 to $49.99 | 12.90 |
| $50 to $50.99 | 13.00 |
| $51 to $51.99 | 13.10 |
| $52 to $52.99 | [1] 12.20 |
| $53 to $53.99 | 13.30 |
| $54 to $54.99 | 13.40 |
| $55 to $55.99 | 13.50 |
| $56 to $56.99 | 13.60 |
| $57 to $57.99 | 13.70 |
| $58 to $58.99 | 13.80 |
| $59 to $59.99 | 13.90 |
| $60 to $185.99 | 14.00 |
| $186 to $199.99 | [2] |
| $200 and over | [2] |

[1] Increase to $200.
[2] No increase.

§ 1105.343 *Cost-shares limited to $1,500.* (a) The total of all Federal cost-shares under the 1954 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of $1,500.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1954 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade or which has the effect of evading the provisions of this section.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARES

§ 1105.351 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm or ranch under the 1954 program will be subject to the condition that the person with whom the costs are shared will maintain such practices in accordance with good farming practices as long as the land on which they are carried out is under his control.



§ 1105.352 *Practices defeating purposes of programs.* If the State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1954 or any previous program, including, but not limited to, failure to maintain in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1954 program.

§ 1105.353 *Depriving others of Federal cost-share.* If the State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1954 program.

§ 1105.354 *Filing of false claims.* If the State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-sharing under the program and shall refund all amounts that may have been paid to him under the program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1105.355 *Federal cost-shares computed and made without regard to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1105.356, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary (Part 1109 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1105.356 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1954 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1954. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the instructions in ACP–70.

§ 1105.357 *Practices carried out with State or Federal aid.* The Federal share of the cost for any practice shall not be reduced because it is carried out with materials or services furnished through the program or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total Federal cost-share computed on the basis of the total number of units of the practice performed shall be reduced by the value of the aid, as determined by the State Office, in computing the amount of the Federal cost-share to be paid for performance of the practice. Materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

§ 1105.358 *Compliance with regulatory measures.* Persons who carry out conservation practices for cost-sharing under the 1954 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws or regulations.

APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

§ 1105.361 *Persons eligible to file application.* Any person who, as landlord, tenant, or sharecropper on a farm or ranch, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1105.362 *Time and manner of filing application and information required.* (a) Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the State Office. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm or ranch which such person is operating or renting to another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the State Office before May 1, 1955. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information. Such notice shall be given by mailing notice to each farm checker and making copies available to the press.

(b) If an application for a farm is filed within the time prescribed, any producer on the farm who did not sign the application may subsequently apply for his share of the cost-share, provided he does so on or before December 31, 1955.

APPEALS

§ 1105.365 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm or ranch. The State Office shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the State Office, he may, within 15 days after the decision is forwarded to or made available to him, request the Administrator to review the decision of the State Office. The decision of the Administrator shall be final. Written notice of any decision rendered under this section by the State Office shall also be issued to each other producer on the farm who may be adversely affected by the decision.

STATE HANDBOOKS, BULLETINS, INSTRUCTIONS, AND FORMS

§ 1105.366 *State handbooks, bulletins, instructions, and forms.* The Administrator is authorized to make determinations and to prepare and issue State handbooks, bulletins, instructions, and forms required in administering the 1954 program. Copies of State handbooks, bulletins, instructions, and forms containing detailed information with respect to the 1954 program as it applied to farms and ranches in Hawaii will be available in the State Office of the Production and Marketing Administration at 303 Dillingham Building, Honolulu, or the Production and Marketing Administration Branch Office at Room 140 Federal Building, Hilo, T. H. Persons wishing to participate in the program should obtain from the State Office all information needed in order to comply with all provisions of the program.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1105.371 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q), and the Department of Agriculture Appropriation Act, 1954.

§ 1105.372 *Availability of funds.* (a) The provisions of the 1954 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1954 program will not be available for paying Federal cost-shares for which applications are filed in the State Office after December 31, 1955.

§ 1105.373 *Applicability.* (a) The provisions of the 1954 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Bureau of Land Management (includ-

ing lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior; (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it; and (4) farmlands the use of which the State Office determines will probably change within 2 years to nonagricultural use.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by the Territory of Hawaii or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

Done at Washington, D. C., this 11th day of December 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10473; Filed, Dec. 16, 1953; 8:48 a. m.]

## TITLE 32—NATIONAL DEFENSE

CHANGES IN CODIFICATION OF SUBTITLES A AND B

In order to conform Title 32 of the Code of Federal Regulations to the present organizational structure of the Department of Defense, the following changes are made in the codification of Subtitles A and B of that title:

1. The headnote "Chapter I—Munitions Board" together with the subchapter headnotes appearing thereunder are deleted, and the regulations therein are transferred to Subtitle A.

2. Chapter IV and the regulations therein are transferred to Subtitle A.

3. Chapter II—Research and Development Board and Chapter III—Joint Chiefs of Staff are vacated.

4. The headnote "Subtitle B—Department of Defense" is changed to read "Subtitle B—Military Departments" and is transferred to precede Chapter V—Department of the Army.

VAL HOCHE,
*Assistant Administrative Secretary.*

DECEMBER 4, 1953.

[F. R. Doc. 53-10475; Filed, Dec. 16, 1953; 8:49 a. m.]

### Chapter VI—Department of the Navy

Subchapter E—Claims

PART 750—NAVY GENERAL CLAIMS

MISCELLANEOUS AMENDMENTS

1. Section 750.3 (b) (7) is revised to read as follows:

(7) Any claim arising from the activities of the Panama Canal Company.

2. Section 750.3 (c) (3) is revised to read as follows:

(3) Any claim of military personnel or civilian employees of the Navy for damage to or loss, destruction, capture, or abandonment of personal property occurring incident to their service, which claim is cognizable under the act of May 29, 1945 (59 Stat. 225; 31 U. S. C. 222c), as amended by the act of July 3, 1952 (66 Stat. 322; 31 U. S. C. 222c), and the applicable Navy Personnel Claims Regulations (Part 751 of this subchapter).

3. Section 750.5 is revised to read as follows:

§ 750.5 *Claims in excess of $1,000.* The Navy does not have legal authorization to pay claims in excess of $1,000, with the exception of admiralty claims, even though they are otherwise cognizable under the provisions governing administrative settlement of Federal tort claims under Title 28, United States Code. The claimant's remedy in such cases is by civil action in the United States district court for the district where the claimant resides or wherein the act or omission complained of occurred, as set forth in the civil action provisions of 28 U. S. C. 1346 (b), and §§ 750.8 to 750.16.

4. Section 750.19 (b) (6) is revised to read as follows:

(6) Any claim of military personnel or civilian employees of the Navy for damage to or loss, destruction, capture, or abandonment of personal property occurring incident to their service, which claim is cognizable under the act of May 29, 1945 (59 Stat. 225; 31 U. S. C. 222c) as amended by the act of July 3, 1952 (66 Stat. 322; 31 U. S. C. 222c), and the applicable Navy Personnel Claims Regulations (Part 751 of this subchapter).

5. Section 750.31 (c) is revised to read as follows:

(c) Settlement of claims involving subrogation by reason of insurance or operation of law when the combined claims of both insured and insurer do not exceed $1,000, may be made separately with the subrogor or the subrogee for their respective interests when separate claims are submitted, or jointly with both when one claim has been filed in the names of both and signed by both, but only with the subrogee when the subrogor has received full compensation from him in cases of damage, loss, destruction, injury or death. Appropriate documentary evidence should be furnished by the subrogee in support of a subrogated claim.

6. Section 750.35 (d) is revised to read as follows:

(d) The regulations in this part in no way modify any other requirements of Navy Regulations; the Manual for Courts-Martial, United States, 1951; and the Naval Supplement to the Manual for Courts-Martial, United States, 1951, and the making of an investigation and report hereunder does not constitute or excuse compliance with any other provision of Navy Regulations; the Manual for Courts-Martial, United States, 1951; or the Naval Supplement to the Manual for Courts-Martial, United States, 1951.

7. Section 750.36 (b) is revised to read as follows:

(b) When an accident or incident occurs at a place where the naval service does not have an installation or a unit conveniently located for conducting an investigation, the commanding officer having immediate responsibility for making such investigation may request assistance from the commanding officer of any other organization of the Department of Defense. Such assistance may take the form of a complete investigation of the accident or incident, or it may cover only part of the investigation. Likewise, in the event that under similar circumstances the commanding officer or any other organization of the Department of Defense requests such assistance from the commanding officer of any naval installation or unit, the latter will comply with the request. If a complete investigation is requested, the report will be made in accordance with the regulations of the requested service. These investigations will normally be conducted without reimbursement for per diem, mileage or other expenses incurred by the investigating installation or unit.

8. Section 750.38 (a) (9) is revised to read as follows:

(9) To submit the complete investigative report to his commanding officer as promptly as the circumstances permit; and in the case of an incident involving any personal injury, or property damage estimated to be in excess of $1,000 to submit immediately a preliminary report, containing such information as is at that time available, to his commanding officer for forwarding to reach the Judge Advocate General within twenty days of the occurrence of the incident under investigation. In a case where not all of the required information is immediately available, as in an accident resulting in personal injuries requiring extended periods of hospitalization or medical care, the investigative report shall be submitted promptly containing all information available at the time of submission, and shall be completed by means of a supplementary report or reports submitted as soon as the previously omitted information becomes available.

9. Section 750.40 (b) is revised to read as follows:

(b) The commanding officer shall retain one copy of the investigative report in the files of the local activity and shall make that copy available to safety officers for use in accident prevention and to superior commands upon request. He shall promptly forward by endorsement, without regard to chain of command, the original and one copy of the report, together with all three copies of any claim filed, to the commandant of the naval district in which the incident occurs, attention District Legal Officer. In cases where the incidents occur outside the geographical limits of a naval district, the commanding officer shall promptly forward such reports to the Judge Advocate General of the Navy.



10. Section 750.40 (c) is hereby revoked.

11. Section 750.41 (b) is revised to read as follows:

(b) The District Legal Officer or other corresponding legal officer shall endorse the investigative report with his recommendations as to whether any claim or claims should be paid, and in what amount, stating the legal basis for his recommendations. In all cases where the combined liquidated and known potential claims of all possible claimants for property damage arising from one accident or incident do not exceed a total amount of $1,000, and there are no known possible claims in any amount for other personal injury or death, he shall submit the investigative report with his recommendations to the Commandant of the Naval District. The Commandant shall approve or disapprove the claims submitted to him as the law and facts may warrant. In exceptional and unusual cases the Commandant may refer the entire record, together with his recommendation, to the Judge Advocate General for appropriate action. Where there is a known possibility of a potential claim for either personal injury or death arising from any one accident or incident, all claims pertaining to the particular incident, including claims in any amount for property damage, must be forwarded to the Judge Advocate General for appropriate action.

10. Section 750.41 (c) is added to read as follows:

(c) In all cases where the action of approval or disapproval of a claim is not taken by the Commandant, the District Legal Officer shall keep one copy of the investigative report for his files and shall forward the original of the report, together with all related papers and all three copies of any claims filed, to the Judge Advocate General of the Navy.

11. Section 750.42 (a) (1) is revised to read as follows:

(1) Claims cognizable under the provisions governing administrative settlement of federal tort claims under Title 28, United States Code, and §§ 750.1 to 750.7 shall be approved or disapproved by the Judge Advocate General, the Assistant Judge Advocate General, the Director of the Applied Law Division of the Office of the Judge Advocate General, the Head, General Claims Branch, Applied Law Division of the Office of the Judge Advocate General, or the Commandant in and for each Naval District of the Naval Establishment, all of whom have been designated for that purpose. The Legal Officer, U. S. Naval Base, Newport, Rhode Island, and the Legal Officer, U. S. Naval Submarine Base, New London, Connecticut, are authorized to approve or disapprove such claims accruing to operators of fishing vessels for damage to nets, booms, lines, and other trawler impedimenta as a result of contact with naval ordnance (mines and torpedoes).

12. Section 750.42 (a) (2) is revised to read as follows:

(2) Claims cognizable under the act of December 28, 1945, and §§ 750.17 to 750.27 shall be approved or disapproved by the Secretary of the Navy, or, subject to appeal to the Secretary of the Navy, by the Judge Advocate General, the Assistant Judge Advocate General, the Director of the Applied Law Division of the Office of the Judge Advocate General, the Head, General Claims Branch, Applied Law Division of the Office of the Judge Advocate General, all of whom have been designated for that purpose.

13. Section 750.43 is revised to read as follows:

§ 750.43 *Notice and appeal.* Upon disapproval of a claim in whole or in part by the approving authority, the claimant will be notified in writing of the action taken and he will be advised in such notice of his right to appeal and that his appeal should be made to the Secretary of the Navy (Judge Advocate General) within thirty days after receipt of such notification, stating the grounds relied upon for such appeal. Such appeals, in cases of claims considered under the act of December 28, 1945, shall be decided by the Secretary of the Navy. In cases of claims considered under Title 28, United States Code, the appeal, except in cases originally processed and disapproved by the Judge Advocate General, may be decided either by the Secretary of the Navy or the Judge Advocate General. In cases originally processed and disapproved by the Judge Advocate General, the appeal shall be decided by the Secretary of the Navy.

14. Section 750.45 is revised to read as follows:

§ 750.45 *Payment of claims.* Claims approved by the Secretary of the Navy, the Judge Advocate General, the Assistant Judge Advocate General, the Director of the Applied Law Divison of the Office of the Judge Advocate General, or the Head, General Claims Branch, Applied Law Division of the Office of the Judge Advocate General as provided in § 750.42 shall be forwarded to the U. S. Navy Regional Accounts Office, Washington 25, D. C., for payment from appropriations designated for that purpose. Claims approved by the Legal Officer, U. S. Naval Base, Newport, Rhode Island, the Legal Officer, U. S. Naval Submarine Base, New London, Connecticut, or a Commandant as provided in § 750.42 shall be forwarded to such disbursing officer as may be designated by the Bureau of Supplies and Accounts for payment from appropriations designated for that purpose.

15. Section 750.46 (a) is revised to read as follows:

(a) Demands for the payment of all claims in favor of the United States shall be made only by the Judge Advocate General of the Navy or by such other officers as may be specifically designated by the Judge Advocate General for that purpose. Ordinarily, in cases where the Commandant of a Naval District determines that a valid claim exists in favor of the United States, the record together with his recommendations shall be forwarded to the Judge Advocate General for appropriate action.

16. Section 750.47 is hereby revised to read as follows:

§ 750.47 *Disclosure of information.* No military personnel or civilian employees of the Navy shall release copies of official papers or any other information which can be used as the basis of a claim against the United States, unless such release be properly authorized by competent authority and be made in the discharge of official duties. In particular, the contents of the investigative report shall not be disclosed to the claimant or his attorney or agent, nor shall the claimant be advised as to the recommendations made with regard to his claim. In cases where the claim and investigative report have been forwarded to the Judge Advocate General of the Navy for consideration, claimants who make inquiry as to the status of their claim should be advised that such information may be obtained from the Judge Advocate General.

(62 Stat. 982; 28 U. S. C. 2671-2680)

Dated: December 9, 1953.

THOMAS S. GATES, Jr.,
*Acting Secretary of the Navy.*

[F. R. Doc. 53-10460; Filed, Dec. 16, 1953; 8:45 a. m.]

## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

REVISION OF RATES OF POSTAGE ON CERTAIN FOURTH CLASS MAIL

Pursuant to the provision of the act of September 27, 1950 (64 Stat. 1050), this Department having requested the Interstate Commerce Commission as provided by section 207 of the act of February 28, 1925, as amended (39 U. S. C. 247), to consent to the establishment of such rate increases and other reformations as may be necessary to insure the receipt of revenue from fourth-class mail service sufficient to pay the cost of such service, and consent having been given by the Interstate Commerce Commission in its decision dated November 16, 1953, docket No. 31074, to increase postal rates on (1) catalogs and similar printed advertising matter in bound form weighing more than eight ounces but not exceeding ten pounds; and (2) controlled circulation publications weighing over eight ounces, *It is hereby ordered*, That effective February 1, 1954, Part 34, Classification and Rates of Postage (39 CFR Part 34), be amended as follows:

a. In § 34.64 *Publications issued regularly and circulated free or mainly free*, amend the caption to paragraph (a) to read "(a) *Postage rate.* (1)", and add a new subparagraph (2) to paragraph (a) to read as follows:

(2) The postage rate on controlled circulation publications weighing over eight ounces shall be eleven cents per pound or fraction thereof, computed on the entire bulk mailed at one time.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 207, 43 Stat. 1067, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 247)

b. Amend § 34.77 *Postage rates on individually addressed catalogs*, by striking out paragraph (b), and by amending paragraph (a) to read as follows:

(a) *Parcel-post zone basis.* On catalogs and similar printed advertising matter in bound form weighing more than eight ounces but not exceeding ten pounds the rate of postage based on the eight parcel-post zones shall be as follows:

| Zone | First pound (cents) | Additional half-pounds (cents) |
|---|---|---|
| Local | 12 | 0.75 |
| 1 and 2 | 13 | 1.5 |
| 3 | 14 | 2.0 |
| 4 | 15 | 2.5 |
| 5 | 17 | 3.25 |
| 6 | 18 | 4.0 |
| 7 | 19 | 5.0 |
| 8 | 20 | 6.0 |

The above rates provide for half-pound gradations and fractions of pounds less than one-half shall be considered a half pound.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 207, 43 Stat. 1067, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 247)

[SEAL] ROSS RIZLEY,
*Solicitor.*

[F. R. Doc. 53-10451; Filed, Dec. 16, 1953; 8:45 a. m.]

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PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

Part 127 is revised to read as set forth below.

Subpart A—Postal Union Mails


Sec.
127.1 Postage rates (surface only), limits of weight, and dimensions.

GENERAL INFORMATION AND INSTRUCTIONS REGARDING ARTICLES IN THE POSTAL UNION MAILS

127.2 Classifications.
127.3 Letters and letter packages.
127.4 Post cards.
127.5 Commercial papers.
127.6 Printed matter.
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127.11 Eight-ounce merchandise packages.
127.12 Combination packages.
127.13 Articles grouped together.
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127.16 Certificates of mailing.
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PROHIBITIONS AND RESTRICTIONS

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127.23 Diamonds.
127.24 Fountain pens.
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127.26 Window envelopes.
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ARTICLES FOR OTHER COUNTRIES

127.28 Address, etc.
127.29 Return card of senders.
127.30 Method of prepayment.
127.31 Optional and compulsory prepayment.
127.32 Matter entitled to admission in the international mails free of postage.
127.33 Postmarking and backstamping.
127.34 Rating and marking of short-paid articles.
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127.39 Liability to customs duty.
127.40 Prepayment of customs duties.
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127.42 Customs clearance charge (letters or letter packages).
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127.44 Articles bearing fraudulent or previously used postage stamps.
127.45 Articles without postage stamps affixed.
127.46 Rating and marking of short-paid articles.
127.47 Recall and change of address.
127.48 Forwarding.
127.49 Undeliverable articles, treatment and marking of.
127.50 Undeliverable articles, charges.
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127.54 Extent of service.
127.55 General information.

PROHIBITIONS AND RESTRICTIONS

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127.57 Licenses covering shipments of firearms or parts thereof, implements of war and other nonexplosive munitions of war.
127.58 Gold and gold certificates.
127.59 Diamonds.
127.60 Fountain pens.
127.61 Combustible liquids.
127.62 Eggs.
127.63 Tobacco seed and plants.
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127.65 Letters must not accompany parcels.
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PARCELS FOR OTHER COUNTRIES

127.67 Mailing of parcels.
127.68 Address, etc.
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127.70 Measurement.
127.71 Postmarking.
127.72 Packing.
127.73 Repacking of parcels in transit.
127.74 Sealing.
127.75 Customs declarations, Form 2966.
127.76 Dispatch notes, Form 2972.
127.77 Parcel post sticker, Form 2922.
127.78 Alternative disposition.
127.79 Group shipments.
127.80 Special handling of international parcel post packages.
127.81 Certificates of mailing.
127.82 Consular invoices, etc.
127.83 Unpaid and insufficiently prepaid parcel post packages.
127.84 Postmasters to use discretion in reporting short payment.
127.85 Recall and change of address.
127.86 Inquiries or complaints concerning ordinary articles (Postal Union and parcel post).
127.87 Prepayment of customs duties.
127.88 Export declarations and licenses.
127.89 Exportation of dried whole eggs.
127.90 Facsimile of customs declaration.
127.91 Facsimile of dispatch note.

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127.92 Parcels to be considered as fully prepaid.
127.93 Delivery of parcels addressed in care of banks or other organizations.
127.94 Delivery fee.
127.95 Customs clearance charge.
127.96 Storage (demurrage) charge.
127.97 Undeliverable parcels, return to origin.
127.98 Undeliverable parcels, forwarding.
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127.100 Undeliverable parcels, returned to United States.
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127.108 Customs charges, refunds.
127.109 Import duties.
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127.111 Articles unconditionally free of duty.
127.112 Gifts and trade samples.
127.113 Articles repatried abroad.
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127.117 Ports at which customs officers are stationed.

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127.118 Plants admitted without restriction.
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127.122 Inquiries or complaints concerning registered or insured mail and charges therefor.
127.123 Delivery of insured, registered, and c. o. d. mail.
127.124 Restricted delivery by addressee.
127.126 Parcels erroneously accepted as registered, insured, or c. o. d. mail addressed to other countries.
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127.128 Refund of postage.
127.129 Domestic regulations govern.

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127.131 Preparation for mailing; declaration of value.
127.132 Registry fees.
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127.139 Indemnity.

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127.140 Service available.
127.141 Preparation for mailing.
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127.143 Indication of insured value.
127.144 Marking and numbering.
127.145 Insurance receipts.
127.146 Forwarding or return to another country.
127.147 Insurance return receipts.
127.148 Indemnity.

SPECIAL PROVISIONS APPLICABLE TO INTERNATIONAL C. O. D. SERVICE

127.149 Service available.
127.150 Marking and numbering.
127.151 Registry receipts.
127.152 Return receipts.





Sec.
127.153 Makeup and dispatch.
127.154 Recording and handling.
127.155 Requests for change in amount of charges.
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127.158 Indemnity.

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127.161 Claims for indemnity.
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127.165 Indemnity for Americo-Spanish ordinary and registered parcel post.
127.166 Indemnity for other registered parcel post.
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127.169 Principal exceptions to indemnity.

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127.213 Barbados.
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127.218 Bolivia.
127.219 Brazil.
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127.221 British Guiana.
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127.223 Brunei.
127.224 Bulgaria.
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127.230 Chile.
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127.232 Colombia.
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127.234 Costa Rica.
127.235 Cuba (including Isle of Pines, West Indies).
127.236 Cyprus.
127.237 Czechoslovakia.
127.238 Dahomey.
127.239 Denmark.
127.240 Dominican Republic.
127.241 Ecuador.
127.242 Egypt.
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127.244 Estonia.
127.245 Ethiopia (Abyssinia).
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127.247 Faroe Islands.
127.248 Fiji Islands.
127.249 Finland.
127.250 France (including Saar Territory and Monaco).
127.251 French Cameroons.
127.252 French Equatorial Africa (Gabon, Moyen (Middle) Congo, Oubangui-Chari, and Tchad).
127.253 French Guiana.
127.254 French Guinea.
127.255 French India (Chandernagore, Karikal, Mahe, Pondichery and Yanaon).
127.256 French Oceania (Society Islands (Tahiti and Moorea), Marquesas Islands (Nukahiva and Hivaoa), the Tuamotou Group, Leeward Islands (French) (Nuahine, Raiatea, Tahaa, and Borabora), Gambier, Tubuai, and Rapa Island).
127.257 French Somaliland.
127.258 French Sudan.
127.259 French Togoland.
127.260 Gambia.
127.261 Germany.
127.262 Gibraltar.
127.263 Gilbert and Ellice Islands Colony (Fanning, Washington, Christmas, Ocean, Gilbert, and Ellice Islands).
127.264 Gold Coast Colony (including Ashanti, British Togoland, and Northern Territories).
127.265 Great Britain and Northern Ireland (England, Scotland, Wales and Channel Islands; also Northern Ireland).
127.266 Greece (including Crete and Dodecanese Islands (Astypalaia, Chalki, Kalymnos, Karpathos, Kassos, Kastellorizon, Kos Leipsos, Leros, Nissiros, Patmos, Rodos, Symi and Tilos)).
127.267 Greenland.
127.268 Guadeloupe (including the Islands of Desirade, Les Saintes, Marie Galante, Petite Terre St. Bartholomew (Barthelemy), and the French part of St. Martin).
127.269 Guatemala.
127.270 Haiti.
127.271 Honduras, Republic of.
127.272 Hong Kong (including Kowloon).
127.273 Hungary.
127.274 Iceland.
127.275 India (including the Andaman Islands, Bhutan, Nepal, and Tibet).
127.276 Indonesia (Alor Is., Amboina, Aru Is., Babar, Bali, Banda, Banka, Batjan, Bawean, Bengkalis, Billiton, Bintan, Borneo (Kalimantan), Buru, Buton, Celebes (Sulawesi), Ceram, Flores, Geser, Halmahaira, Java, (Djawa), Kai Is., Kalimantan (Borneo), Kangean, Karimun, Kisar, Kundur, Laut, Lombok, Madura, Morotai, Muna, Roti, Salajar, Salibabu, Sambu, Sangir Is., Saparua, Sapudi, Siantan, Siau, Singkep, Sula Is., Sulawesi (Celebes), Sumatra, Sumba, Sumbawa, Tanimbar Is., Tarakan, Tebingtinggi, Ternate, Timor (formerly Netherlands Timor), and Weh).
127.277 Iran.
127.278 Iraq.
127.279 Ireland (Eire).
127.280 Israel, State of.
127.281 Italy, including Republic of San Marino.
127.282 Ivory Coast.
127.283 Jamaica (including Cayman Islands).
127.284 Japan.
127.285 Jordan (Hashemite Kingdom) (Formerly Trans-Jordan) (including Central Arab Palestine).
127.286 Kenya and Uganda.
127.287 Korea, Republic of.
127.288 Labuan.
127.289 Laos.
127.290 Latvia.
127.291 Lebanon, Republic of.
127.292 Leeward Islands (Anguilla, Antigua, Barbuda, Montserrat, Nevis, Redonda, St. Christopher or St. Kitts and Virgin Islands (British)).
127.293 Liberia.
127.294 Libya (United Kingdom of). (Tripolitania and Cyrenaica.)
127.295 Lithuania.
127.296 Luxembourg (Grand Duchy).
127.297 Macao.
127.298 Madagascar and dependencies (Madagascar, Ste. Marie-De-Madagascar, Nossi-Be; Comoro Islands (Mayotte, Grand Comoro, Anjouan, and Moheli)).
127.299 Madeira Islands.
127.300 Malaya (the postal territory of Malaya includes the Federation of Malaya (Johore, Kedah, Kelantan, Malacca, Negri Sembilan, Pahang, Penang (including Province Wellesley), Perak, Perlis, Selangor, and Trengganu) and the Colony of Singapore (including the Christmas and Cocos (Keeling) Islands)).
127.301 Malta (including Gozo and Cumino Islands.
127.302 Martinique.
127.303 Mauritania.
127.304 Mauritius and dependencies (including Rodrigues).
127.305 Mexico.
127.306 Morocco (French Zone).
127.307 Morocco (Spanish Zone) (including the Spanish Post Office in the International Zone of Tangier).
127.308 Morocco, Tangier (International Zone).
127.309 Nauru Island.
127.310 Netherlands.
127.311 Netherlands New Guinea.
127.312 Netherlands West Indies (Aruba, Bonaire, Curacao, Saba, St. Eustatis, and the Netherlands Part of St. Martin).
127.313 New Caledonia and Dependencies (including Isle of Pines, Loyalty Islands, Huan Islands, Futuna and Alofi Islands and the Wallis Islands).
127.314 New Guinea, Mandated Territory (the mandated territory comprises the portion of the island of New Guinea formerly German, the Bismarck Archipelago (New Britain, New Ireland, New Hanover, Admiralty Islands), Buka, and Bougainville (Solomon Islands)).
127.315 New Hebrides (including the Banks and Torres Islands).
127.316 New Zealand (including Cook Islands (Rarotonga, Mangaia, Atiu, Aitutaki, Mitiaro, Mauke (or Parry) and Hervey or Manual) and Danger (Pukapuka), Manahiki, Palmerston (Avarua), Penrhyn (Tongareva), Rakaanga, Savage (Niue) and Suwarrow Islands).
127.317 Nicaragua.
127.318 Niger.
127.319 Nigeria.
127.320 North Borneo (State of).
127.321 Norway (including Spitzbergen).
127.322 Nyasaland Protectorate.
127.323 Pakistan.
127.324 Palestine (Western Arab Palestine (Gaza and Khan Yunis only)).
127.325 Panama, Republic of.
127.326 Papua (Territory of).
127.327 Paraguay.
127.328 Persian Gulf Ports (British Postal Agencies at Bahrain, Kuwait, Doha (Qatar), Dubai (including Sharja), and Muscat).
127.329 Peru.
127.330 Philippines, Republic of the.
127.331 Pitcairn Island.
127.332 Poland.
127.333 Portugal.
127.334 Portuguese East Africa (Mozambique).

Sec.
127.335 Portuguese India (Goa, Damão, and Diu).
127.336 Portuguese Timor.
127.337 Portuguese West Africa (Angola, Guinea, St. Thomas Island, and Prince Island).
127.338 Réunion (Bourbon) Island.
127.339 Rhodesia, Northern.
127.340 Rhodesia, Southern.
127.341 Rumania.
127.342 Ryukyu Islands (including Okinawa and the other islands of the Ryukyu Group south of 30° north latitude, including Kuchinoshima).
127.343 St. Helena.
127.344 St. Pierre and Miquelon.
127.345 Salvador, El.
127.346 Santa Cruz Islands.
127.347 Sarawak.
127.348 Saudi Arabia (Kingdom of).
127.349 Senegal.
127.350 Seychelles.
127.351 Sierra Leone.
127.352 Solomon Islands (except Bougainville and Buka).
127.353 Somalia (formerly Italian Somaliland).
127.354 Somaliland Protectorate.
127.355 South-West Africa (including Walvis Bay).
127.356 Spain (including Balearic Islands, Canary Islands, and the Spanish Offices in Northern Africa; Ceuta, Melilla, Alhucemas, Chafarinas or Zafarani Islands, and Peñon de Velez de la Gomera).
127.357 Spanish Guinea (Río Muni and the Islands of Fernando Poo, Annobon, Elobey, and Corisco).
127.358 Spanish West Africa (Spanish Sahara (Río de Oro, Sekia el Hamra and the Southern Protectorate of Morocco) and the Territory of Ifni).
127.359 Surinam.
127.360 Sweden.
127.361 Switzerland (including Liechtenstein).
127.362 Syria, Republic of.
127.363 Tanganyika Territory.
127.364 Thailand (formerly Siam).
127.365 Tonga (Friendly) Islands.
127.366 Trieste (Free Territory of).
127.367 Trinidad and Tobago.
127.368 Tristan Da Cunha.
127.369 Tunisia (Tunis).
127.370 Turkey.
127.371 Turks Island (including Caicos Islands).
127.372 Union of South Africa (Provinces of Cape of Good Hope, Natal (including Zululand and Amatongaland), Orange Free State and Transvaal; also British Bechuanland, Swaziland and Basutoland).
127.373 Union of Soviet Socialist Republics.
127.374 Upper Volta.
127.375 Uruguay.
127.376 Vatican City State.
127.377 Venezuela.
127.378 Viet-Nam (Annam, Cochin-China and Tonkin).
127.379 Western Samoa (British) (Savaii and Upolu Islands and the Tokelau (Union) Group (Atafu, Fakaofo and Nukunonu Islands)).
127.380 Windward Islands (Dominica, Grenada, The Grenadines, St. Lucia, and St. Vincent).
127.381 Yemen.
127.382 Yugoslavia.
127.383 Zanzibar and Pemba.

AUTHORITY: §§ 127.1 to 127.383 issued under R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372.

## Subpart A—Postal Union Mails

### § 127.1 *Postage rates (surface only), limits of weight, and dimensions.*

TABLE NO. 1

[Applicable to all countries except those mentioned under Table No. 2]

| Classifications | Rates | Weight limits | Dimensions |
|---|---|---|---|
| Letters and letter packages.[1] | 8 cents first ounce; 4 cents each additional ounce. | 4 pounds 6 ounces. | Length, breadth, and thickness combined, 36 inches; greatest length, 24 inches. When sent in the form of a roll the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches; however in the case of indivisible objects exchanged with the countries to which table No. 2, in § 127.1, applies, the length (40 inches maximum) plus twice the diameter may be as much as 48 inches. Minimum dimensions: It is recommended that envelopes measure not less than 4 inches in length and 2¾ inches in width. |
| Post cards | 4 cents single; 8 cents reply-paid | | Maximum: 6 by 4¼ inches. Minimum: 4 by 2¾ inches. |
| Printed matter | 2 cents first 2 ounces; 1½ cents each additional 2 ounces. | 6 pounds 9 ounces. Single volumes 11 pounds | Same as letters. |
| Raised print for the blind. | 1 cent per pound | 15 pounds 6 ounces. | Do. |
| Samples | 3 cents first 2 ounces; 2 cents each additional 2 ounces. | 18 ounces | Do. |
| Commercial papers | 3 cents first 2 ounces; 2 cents each additional 2 ounces. Minimum charge, 10 cents. | 4 pounds 6 ounces. | Do. |
| Small packets [2] | 3 cents first 2 ounces, 2 cents each additional 2 ounces. Minimum charge, 20 cents. | 2 pounds 3 ounces. | Do. |

[1] Merchandise is not acceptable in letter packages to all countries. (See § 127.2 (d) (1).)
[2] The service of small packets is not applicable to all countries. (See § 127.10 and relative country items in Subpart F.)

TABLE NO. 2

| Applicable to— | | | |
|---|---|---|---|
| Argentina. | Cuba. | Morocco (Spanish Zone). | Spain (including Balearic Islands, Canary Islands, and Spanish Offices in Northern Africa). |
| Bolivia. | Dominican Republic. | Nicaragua. | Spanish Guinea. |
| Brazil. | Ecuador. | Panama. | Spanish West Africa. |
| Canada. | Guatemala. | Paraguay. | Uruguay. |
| Chile. | Haiti. | Peru. | Venezuela. |
| Colombia. | Honduras (Republic of). | Philippines (Republic of). | |
| Costa Rica. | Mexico. | Salvador (El). | |

| Classifications | Rates | Weight limits | Dimensions |
|---|---|---|---|
| Letters and letter packages.[1] | Canada and Mexico: 3 cents per ounce. Other countries: 8 cents first ounce, 4 cents each additional ounce. | 4 pounds 6 ounces.[2] | Length, breadth, and thickness combined, 36 inches; greatest length, 24 inches. When sent in the form of a roll the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches; however, in the case of indivisible objects, the length may be 40 inches and the length plus twice the diameter may be as much as 48 inches. Minimum dimensions: It is recommended that envelopes measure not less than 4 inches in length and 2¾ inches in width. |
| Post cards | Canada and Mexico: 2 cents single, 4 cents reply-paid. Other countries: 4 cents single; 8 cents reply-paid. | | Maximum: 6 by 4¼ inches. Minimum: 4 by 2¾ inches. |
| Printed matter | 2 cents first 2 ounces, 1½ cents each additional 2 ounces. | 22 pounds [3] | Same as letters. |
| Raised print for the blind. | 1 cent per pound | 15 pounds 6 ounces | Do. |
| Samples | 3 cents first 2 ounces; 2 cents each additional 2 ounces. | 18 ounces [4] | Do. |
| Commercial papers | 3 cents first 2 ounces; 2 cents each additional 2 ounces. Minimum charge, 10 cents. | 4 pounds 6 ounces. | Do. |
| Small packets [5] | 3 cents first 2 ounces, 2 cents each additional 2 ounces. Minimum charge, 20 cents. | 2 pounds 3 ounces. | Do. |

[1] Merchandise is not acceptable in letter packages to all countries. (See § 127.2 (d) (1).)
[2] The weight limit of letter packages for Canada is 60 pounds.
[3] Daily newspapers issued and mailed as frequently as six times a week to bona fide subscribers in Canada by publishers or registered news agents are subject to the postage rates prescribed in § 2.140 of this chapter. Other second-class matter mailed to Canada by publishers or registered news agents: 1 cent for each 4 ounces or fraction thereof.
[4] The weight limit of printed matter in general to Canada is 6 pounds 9 ounces; to Panama and Peru, 11 pounds. Printed matter packages for the Philippines are limited to 4 pounds, except those addressed to cities and containing legal, medical, scientific or technical books which may weigh up to 22 pounds. A single volume at the printed matter rate to Canada, 11 pounds; to Cuba, Mexico, Panama, or El Salvador, 60 pounds.
[5] The service of small packets is not applicable to all countries. (See § 127.10 and relative country items in Subpart F.)

GENERAL INFORMATION AND INSTRUCTIONS REGARDING ARTICLES IN THE POSTAL UNION MAILS

§ 127.2 *Classifications.* (a) Articles in the Postal Union mails are classified in general as follows:

(1) Letters (including letter-packages) and post cards (sometimes termed "LC" mails).

(2) Other articles (sometimes termed "AO" mails), consisting of commercial papers, printed matter, samples of merchandise, and small packets.

(3) There is also a classification known as "8-ounce merchandise packages" which are mailable only to the countries specially mentioned in § 127.11.

(b) For information concerning international parcel post, see Subpart B of this part.

§ 127.3 *Letters and letter packages.* (a) Postage rates: For surface rates, see § 127.1; for air mail rates, see individual country items. Limit of weight: 4 pounds 6 ounces, except to Canada it is 60 pounds. Maximum dimensions: Length, breadth, and thickness combined, 36 inches; greatest length, 24 inches. When sent in the form of a roll the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches; however in the case of indivisible objects exchanged with the countries to which table No. 2, in § 127.1, applies, the length (40 inches maximum) plus twice the diameter may be as much as 48 inches. Minimum dimensions: It is recommended that envelopes measure not less than 4 inches in length and 2¾ inches in width.

(b) Envelopes of weak or unsubstantial paper should not be used. Mail is handled often and subjected to pressure and friction in the mail bags, hence if not inclosed in strong envelopes it may be damaged. It is recommended that stamped envelopes, on sale at all post offices, be used whenever practicable. (See § 127.26 concerning "window" envelopes.)

(c) Letters shall not contain any documents having the character of actual personal correspondence addressed to persons other than the addressee or persons residing with the latter.

(d) (1) Articles liable to customs duty (merchandise) may be forwarded in letters or letter packages (surface or air) provided such importation is not prohibited by the country of destination (see subparagraph (2) of this paragraph). The sender must complete and affix to the address side of such article the green (customs) label, Form 2976, referred to in § 127.17. If the sender knows that the contents of his package are not dutiable he may, if he prefers, omit Form 2976, in which case acceptance for mailing will be at his risk, and the Department will assume no responsibility with respect to the treatment that may be accorded the article by the foreign customs authorities. Omission of this form may, however, result in delayed delivery and possible penalties against the addressee, regardless of whether the contents are dutiable or not. Special restrictions exist with respect to certain countries. Consult the individual country items.

(2) The following countries will not accept dutiable articles sent in letters or letter packages:

| | |
|---|---|
| Azores (ordinary). | Latvia. |
| Bolivia. | Lithuania. |
| Brazil. | Madeira Islands (ordinary). |
| British Honduras. | Panama (ordinary). |
| China. | Peru (ordinary). |
| Colombia. | Ryukyu Islands. |
| Ecuador (ordinary). | Salvador (El). |
| Estonia. | Spanish Guinea. |
| Greece. | Spanish West Africa. |
| Guatemala (ordinary). | Union of Soviet Socialist Republics. |
| Italy (see note). | Uruguay (ordinary). |
| Japan. | Venezuela. |
| Korea. | |

NOTE: See country item "Italy" concerning conditions under which small quantities of certain medicines are admitted in letter packages for Italy.

(3) If a letter or package containing merchandise is offered for mailing to one of the countries named in subparagraph (2) of this paragraph it may be accepted only on condition that the sender knows that the contents are not dutiable in the country of destination, in which case Form 2976 may be omitted. The Department will assume no responsibility with respect to the treatment of these articles by the foreign customs authorities.

(4) The above instructions are applicable only to letters and letter packages (surface or air). Air mail packages prepared as "small packets" or any other Postal Union article, except letters or letter packages, even though such packages are subject to the air mail letter rate of postage, must be unsealed, even if registered, and must comply in other respects with §§ 127.5 to 127.13.

(e) It is recommended that senders add the words "Letter (lettre)" on the address side of letters and letter packages which, by reason of their volume or packing, may be mistaken for other articles.

§ 127.4 *Post cards.* (a) Postage rates: For surface rates, see § 127.1; for air mail rates, see individual country items. Maximum dimensions: 6 by 4¼ inches. Minimum dimensions: 4 by 2¾ inches.

(b) Post cards shall be made of cardboard or of paper strong enough not to hinder their handling. Folded sheets of paper whose two inner faces have been glued completely one over the other, so that there is no danger of other articles slipping inside, are treated as post cards. The present post card which must be of strong cardboard does not permit the making of good carbon copies as required by business concerns. By using the folded sheet of paper, satisfactory typewritten copies may be made, after which the sheet is folded in two parts, one being the face for the address and the other the back for the message. No writing is allowed on the inside of the two halves which must be firmly glued together and conform to the dimensions prescribed for post cards.

(c) They shall bear, at the top of the address side, the heading "Carte Postale" (post card), in French, or the equivalent of that heading in another language. That heading is not obligatory for post cards manufactured by private industry.

(d) Post cards shall be sent uninclosed, that is, without wrapper or envelope.

(e) The right half, at least, of the address side is reserved for the address of the addressee and the notations or labels relating to the service. The sender uses the back and the left half of the address side, subject to the provisions of paragraph (g) of this section.

(f) Postage stamps or postage-paid impressions must appear on the address side, in the upper right-hand corner of the card.

(g) It is forbidden to join or attach samples of merchandise or similar articles to post cards. However, illustrations, photographs, stamps of any kind, labels and clippings of any kind, of paper or other very thin material, as well as address labels or slips to be folded back, may be glued thereto, on condition that such articles are not of such a nature as to alter the character of the post cards and that they adhere completely to the card. These articles may be glued only on the back or left half of the address side of the card, except address labels or slips which may occupy the entire address side. As for stamps of any kind likely to be confused with postage stamps, they may be placed only on the back.

(h) Post cards which do not fulfill the conditions laid down for that class of articles are treated as letters, with the exception, however, of those on which the irregularity consists solely of the application of the stamps on the back. The latter are considered as unprepaid and are treated accordingly. See § 127.6 (e) (2), as to cards admitted as printed matter.

(i) Postal cards: Postal cards, bearing imprinted postage, issued by the Post Office Department are subject to the foregoing conditions.

(j) International reply-paid cards: (1) International reply-paid postal cards bearing the required endorsements and imprinted postage are available in two denominations (2 cents on each half for the countries named in table No. 2 in § 127.1, and 3 cents on each half for other countries), and shall be carried in stock at all post offices where there is a demand for such reply-paid postal cards. The United States domestic reply-paid postal card should not be used for other countries.

(2) Reply-paid post cards which are privately printed for use in the international mails shall have on the front, in the French language, as the heading of the first or message part the words "Carte postale avec réponse payée" (post cards with reply paid), and the words "Carte postale réponse" (reply post card) as the heading on the second or reply part. Each of the two parts must fulfill the other conditions laid down for a single card. Prepayment of the two halves shall be by means of United States postage stamps (2 or 3 cents, as may be required) affixed to each half.

(3) The two parts of a reply-paid card must be folded one part over the other, so that the fold forms the upper edge, and they may not be sealed in any manner. It is permissible for the sender to indicate his name and address on the address side of the reply half, either in writing, printing, or by affixing a label thereto. The address on the reply half shall be folded on the inside of the article. The sender may have printed on the back of the reply half a questionnaire to be filled in by the addressee; the latter may return the inquiry half attached to the reply portion, in which case, the address on the inquiry half shall be crossed out and folded on the inside of the card.

(4) The prepayment of the reply half by means of postage stamps of the country which has issued the cards is valid only if the two parts of the card with reply paid have arrived joined together from the country of origin and if the reply half is sent from the country where it arrived by mail and is addressed to the said country of origin. If these conditions are not fulfilled, it is treated as an unprepaid post card.

§ 127.5 *Commercial papers.* (Must not be sealed—must be endorsed "Commercial Papers.")

(a) Postage rates: Surface rate for all countries, 3 cents first 2 ounces, and 2 cents for each additional 2 ounces with a minimum charge of 10 cents; for air-mail rates, see individual country items. Limit of weight: 4 pounds 6 ounces. Maximum dimensions: Length, breadth, and thickness combined, 36 inches; greatest length 24 inches. When sent in the form of a roll, the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches; however, in the case of indivisible objects exchanged with the countries to which table No. 2, in § 127.1, applies, the length (40 inches maximum) plus twice the diameter may be as much as 48 inches. Minimum dimensions: It is recommended that envelopes measure not less than 4 inches in length and 2¾ inches in width.

(b) The following are considered as commercial papers on condition that they do not have the character of actual and personal correspondence: All papers and documents, wholly or partly written or drawn, such as out-of-date articles of correspondence (opened letters and post cards, even though they bear canceled postage stamps or postage paid impressions which have served to pay the original postage) which have already reached their original destination, and copies thereof; papers of legal procedure; documents of all kinds drawn up by ministerial officers; waybills or bills of lading; invoices; certain documents of insurance companies; copies of or extracts from documents under private seal written on stamped or unstamped paper; scores or sheets of music in manuscript; manuscripts of books or of newspapers sent separately; original and corrected exercises of students, but without any notes not relating directly to the execution of the work; all articles (even when they have the character of actual and personal correspondence) containing correspondence exchanged between students in schools: *Provided*, That such articles are sent through the intermediary of the heads of the schools concerned.

(c) These documents may be accompanied by reference slips or memorandums bearing the following or similar notations: Enumeration of the pieces composing the shipment, references to correspondence exchanged between the sender and the addressee, such as:

Enclosure to our letter of ——— addressed to ———. Our reference ———. Customer's reference ———.

(d) Commercial papers are subject to the provisions laid down for prints in regard to form and make-up.

(e) Articles sent under this classification must be endorsed "Commercial papers."

§ 127.6 *Printed matter.* Including second-class matter, except when mailed by publishers or registered news agents to Canada, as shown in footnote "3" under table No. 2, § 127.1. (Must not be sealed—must be endorsed "Printed Matter.")

(a) *Postage rates:* Surface rate for all countries, 2 cents first 2 ounces and 1½ cents for each additional 2 ounces or fraction; for air mail rates, see individual country items. No mailings to any country shall be accepted under § 34.66 of this chapter.

(b) *Limits of weight and dimensions:* The limit of weight is 6 pounds 9 ounces in general and 11 pounds for volumes of printed books sent singly, except in the case of certain countries, as shown in table No. 2, in § 127.1. Maximum dimensions: Length, breadth, and thickness combined, 36 inches; greatest length, 24 inches. When sent in the form of a roll the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches; however, in the case of indivisible objects exchanged with the countries to which table No. 2 applies, the length (40 inches maximum) plus twice the diameter may be as much as 48 inches. Minimum dimensions: It is recommended that envelopes measure not less than 4 inches in length and 2¾ inches in width.

(c) Prints may also be sent as parcel post, in which case the parcel post limits of weight and dimensions apply. See individual country items in Subpart F of this part.

(d) *Preparation for mailing:* (1) Prints for all countries (including second-class matter mailed by publishers or registered news agents to the countries to which table 2 in § 127.1 applies) must be placed either under wrapper, in rolls, between cardboard, in an open case, or in an unsealed envelope, provided, if need be, with easily removable fasteners offering no danger, or be fastened with a string which can be easily untied. Care should be exercised in all instances to see that articles of printed matter are not prepared in such a manner as to allow other articles to slip into them.

(2) Prints of the shape and consistency of a card and either folded (in such a way that they can not unfold during transportation) or unfolded may be forwarded without wrapper, envelope, or fastener.

(3) The right half, at least, of the address side of prints sent in the form of cards, including illustrated post cards, must be reserved for the address of the addressee and the service notes or labels. The postage stamps or postage-paid impressions must be placed on the address side, and insofar as possible on the right half of the cards.

(4) A package of newspapers or periodicals for transmission in international mails (except to the places to which domestic postage rates and conditions apply) at the rate of 2 cents for the first 2 ounces and 1½ cents for each additional 2 ounces or fraction thereof is restricted to a single (outside) address. Newspapers, periodicals, or other articles of printed matter addressed to several different subscribers or addressees must not be enclosed in the same package with postage stamps affixed only to the outside wrapper of the package. However, several newspapers, periodicals, or other articles of printed matter, without separate address, may be enclosed in the same package.

(5) Senders desiring that ordinary (unregistered) prints be returned if they prove to be undeliverable as addressed must place their return address on the package and a notation in a language known in the country of destination requesting its return.

(6) Prints which are dutiable in the country to which they are addressed should have a green (customs) label, Form 2976, affixed to the address side of the article. (§ 127.17.)

(e) The following are considered as printed papers: (1) Newspapers and periodicals, books, pamphlets, sheet music, visiting cards, address cards, printing proofs with or without the relative manuscript, engravings, photographs (unframed), and albums containing photographs, pictures, drawings, plans, maps, patterns to be cut out, calendars (except calendar pads with blank pages for memoranda), catalogs, prospectuses, advertisements, and printed, engraved, lithographed, or photographed notices of various kinds, and, in general all impressions or reproductions obtained upon paper, or material assimilable to paper, parchment, or cardboard, by means of printing, engraving, lithography, photography, or any other easily recognizable mechanical process, with the exception of the copying press, stamps with movable or immovable type, and the typewriter.

(2) Cards although bearing the title "Carte postale" (post card) or the equivalent of that title in any language are admitted at the rate for prints provided that they fulfill the general conditions applicable to prints. Those which do not fulfill these conditions are treated as post cards, or, if occasion arises, as letters, by application of the provisions of § 127.4.

(3) Reproductions of handwriting or typewriting obtained by means of the printing press, mimeograph, multigraph, or similar mechanical process may be accepted at the "prints" rate under the same conditions as are applicable to such matter in the domestic service. See § 34.69 of this chapter. These reproductions may receive the annotations authorized for prints. (See paragraphs (g) and (h) of this section.)

(f) The following may not be accepted at the printed matter rate: (1) Printed papers which bear any mark whatever capable of constituting a conventional language or, with the exceptions specifically authorized by paragraphs (g) and (h) of this section, those of which the text has been modified after printing.

(2) Stamps or forms of prepayment, canceled or not, including Internal Revenue strip stamps, and all printed papers representing a monetary value; articles of stationery when it appears clearly that the printed text is not the essential part of the article; framed photographs and certificates; photographic negatives and slides; films; phonograph records, and perforated papers intended to be used on automatic musical instruments; disc or wire recordings of correspondence, etc.

(3) Printed envelopes (except a single envelope included with a piece of printed matter and intended for enclosure of a reply), letterheads, billheads, calendar pads, and similar articles, as well as diaries (books), check books, greeting cards or folders, and the like, which, although containing some printed matter, such as dates, headings, etc., have blank spaces or pages in which entries are to be made in manuscript or on the typewriter, cannot be transmitted *in bulk* as printed matter. For check books to Great Britain and Northern Ireland, see relative country item.

(4) Typewritten matter, or carbon copies thereof, except as may be authorized by paragraphs (g), (h), and (i) of this section.

(g) It is permitted on the outside and inside of all printed articles: (1) To indicate, by hand or by a mechanical process, the name, title, profession, firm, and address of the sender and the addressee, as well as the date of mailing, the signature, telephone number and telephone exchange, telegraphic address and code, and current postal check or bank account of the sender, as well as an order or entry number relating exclusively to the article.

(2) To correct mistakes in printing.

(3) To strike out, underline, or encircle certain words or passages of the printed text, unless that is done for the purpose of constituting personal correspondence.

(h) It is also permitted to indicate or add by hand or by a mechanical process:

(1) On notices concerning the departure and arrival of ships and planes, the dates and time of such departures and arrivals, as well as the names of the ships, planes, ports of departure, call, and arrival.

(2) On travelers' announcements, the name of the traveler, the date, time, and name of the place through which he contemplates passing as well as the place where he is stopping.

(3) On order, subscription or offer blanks for publications, books, newspapers, engravings, and pieces of music: the publications and number of copies ordered or offered, the prices of such publications, as well as notations representing price factors, terms of payment, the edition, the names of the authors or publishers, the catalog number and the words "broché" (stitched or paper-bound), "cartonné" (boards) or "relié" (bound).

(4) On forms used in connection with loans from libraries, the titles of books, number of copies requested or sent, names of authors or publishers, catalog numbers, number of days permitted for reading, name of person desiring to consult the book, as well as other brief indications relating to the books in question.

(5) On illustrated cards, printed visiting cards, as well as on Christmas and New Year cards, good wishes, greetings, congratulations, thanks, condolences, or other forms of politeness expressed in five words or by means of five conventional initials at most.

(6) On printing proofs, such changes and additions as relate to the correction, form and printing, as well as notes such as "Ready for printing." "O. K. for printing," or any similar note relating to the preparation of the work. In case of lack of space, the additions may be made on separate sheets.

(7) On fashion plates, maps, etc., the colors.

(8) On current price lists, offers for advertisements, market and stock quotations, commercial circulars and prospectuses, figures and any other annotations representing price factors.

(9) On books, pamphlets, newspapers, photographs, engravings, sheet music, and, in general, on all printed, engraved, lithographed, or autographed literary or artistic productions, a dedication consisting of a simple tribute; and on photographs or engravings, a very concise explanatory legend as well as other summary information concerning the photograph or engraving itself.

(10) On passages cut from newspapers and periodicals, the name, the date, the number, and the address of the publication from which the article is taken.

(11) In addition to the indications afore mentioned, an order or entry number relating exclusively to the articles contained in the package may also be indicated.

(12) On notices of change of address, the old and the new addresses as well as the date of the change.

(i) It is permitted to attach: (1) The manuscript to corrected or uncorrected printing proofs.

(2) To the articles of the classes mentioned under paragraph (h) (9) of this section, an open invoice covering the article sent reduced to its essential terms.

(3) A card, envelope or wrapper bearing the address of the sender which may be prepaid for return by means of postage stamps of the country of destination of the article of printed matter.

(4) To fashion journals: cut-out patterns forming, according to the indications appearing thereon, a whole with the copy in which they are sent.

(j) Articles sent under this classification must be endorsed "Printed matter."

§ 127.7 *Books.*

NOTE: The special "book" rate formerly applicable to certain countries was discontinued effective October 31, 1953. The postage rates and conditions set forth in § 127.6 apply to books in the Postal Union mails.

§ 127.8 *Printed matter for the blind.* (Must not be sealed—must be endorsed "Printed matter for the blind".)

(a) Postage rates: Surface rate for all countries, 1 cent for each pound or fraction; for air mail rates, see individual country items. Limit of weight: 15 pounds 6 ounces. Dimensions: Same as other printed matter.

(b) Printing plates with characters for the use of the blind are treated as raised prints for use by the blind. The same applies to sound recordings and special paper intended only for the use of the blind, provided that they are sent by an officially recognized institution for the blind or addressed to such an institution.

(c) Articles sent under this classification must be endorsed "Printed matter for the blind."

§ 127.9 *Samples of merchandise.* (Must not be sealed—must be endorsed "Sample of merchandise".)

(a) Postage rates: Surface rate for all countries, 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction. For air mail rates, see individual country items. Limit of weight: 18 ounces. Maximum dimensions: Length, breadth, and thickness combined 36 inches; greatest length, 24 inches. When sent in the form of a roll the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches; however, in the case of indivisible objects exchanged with the countries to which table No. 2 in § 127.1, applies, the length (40 inches maximum) plus twice the diameter may be as much as 48 inches. Minimum dimensions: It is recommended that envelopes measure not less than 4 inches in length and 2¾ inches in width.

(b) (1) Samples of merchandise must be made up in such a way that they can be easily inspected. They shall be placed in bags, boxes, or wrappers which are unsealed or which have a removable fastener.

(2) No packing is required for articles consisting of a single piece, such as pieces of wood, metal, etc., which it is not customary to pack in commercial usage, on the condition that the address and the postage stamps be placed on a tag if necessary. However, the address must always be reproduced on the article itself, in the absence of which packing may be required.

(c) (1) Packages containing samples of merchandise shall not contain any article having a salable value. Goods sent as gifts or in execution of an order, no matter how small the quantity, are not transmissible at the postage rates and conditions applicable to samples of merchandise.

(2) Except as provided for in paragraph (f) of this section, samples of merchandise must not bear any notation or contain any document having the character of actual personal correspondence, nor contain any postage stamps, any canceled or uncanceled form of prepayment, or any paper representing a value.

(d) The following are admitted at the sample rate: Electrotypes, single cut-out patterns, matrices, keys sent singly, fresh cut flowers, articles of natural history (dried or preserved animals and plants, geological specimens, etc.), tubes of serum and vaccines, medicaments of urgent need difficult to obtain, and pathological objects rendered harmless by their mode of preparation and packing. These articles, except tubes of serum and vaccines, and medicaments of urgent need difficult to obtain, sent in the general interest by laboratories, or institutions officially recognized, must not be sent for commercial purposes. Their packing must be in accordance with the general regulations concerning samples of merchandise.

(e) Pairs of articles, such as gloves, shoes, socks, etc., but not such as suspenders or drawers, are not transmissible by mail to other countries at the postage rates and conditions applicable to "samples of merchandise", but one article of a pair may be so transmitted.

(f) It is permitted to indicate, by hand or by a mechanical process, on the outside or on the inside of packages of samples and, in the latter case, on the sample itself or on a special sheet relative thereto, the name, title, profession, firm and address of the sender and the addressee, as well as the date of mailing, the signature, telephone num-

ber and telephone exchange, telegraphic address and code, current postal check or bank account of the sender, a factory mark or trade mark, a brief indication concerning the manufacturer and the jobber of the merchandise or concerning the person to whom the sample is addressed, as well as order or entry numbers, prices and any other annotations representing price factors, particulars relative to weight, measurement and size, or to the quantity to be disposed of, and such as are necessary to determine the origin and character of the goods.

(g) Articles of glass or other fragile materials, articles containing liquids, oils, fatty substances, dry powders (whether dyes or not), as well as articles containing live bees, leeches, and silkworm eggs, parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized agencies, are admitted to conveyance as samples of merchandise, provided that they are packed in the following manner:

(1) Articles of glass or other fragile materials must be securely packed (in boxes of metal, wood, or strong corrugated cardboard), so as to avoid all danger to postal employees and the mails.

(2) Liquids, oils, and substances which easily liquefy must be enclosed in hermetically sealed receptacles. Each receptacle must be placed in a separate box of metal, strong wood or strong corrugated cardboard containing enough sawdust, cotton, or spongy material to absorb the liquid in the event of breakage of the receptacle. The cover of the box must be fastened in such a way that it cannot be easily detached.

(3) Fatty substances which do not easily liquefy, such as ointments, soft soap, resin, etc., as well as silkworm eggs, the transmission of which presents fewer difficulties, must be enclosed in an inside cover (box, canvas bag, parchment, etc.), which must itself be placed in a second box of wood, metal, or stout, thick leather.

(4) Dry powdered dyes such as aniline, etc., are not admitted unless enclosed in stout tin boxes, placed in turn inside wooden boxes, with sawdust between the two packings; dry noncoloring powders must be placed in boxes of metal, wood, or cardboard. These boxes themselves must be enclosed in a canvas bag or parchment.

(5) Live bees, leeches, silkworm eggs, and parasites shall be enclosed in boxes so constructed as to avoid all danger.

(6) Articles which would deteriorate if packed in accordance with the general rules, as well as samples placed in transparent containers permitting verification of their contents, may, as an exception, be admitted in a hermetically sealed container. The same applies to samples of industrial or vegetable products mailed under seal by the factory or sealed by the inspection authorities of the country of origin. In such a case the administration concerned may require the sender or the addressee to facilitate the verification of the contents either by opening certain articles indicated by them or in some other satisfactory manner.

(h) Articles sent under this classification must be endorsed "Sample of merchandise."

NOTE: Samples of merchandise may be dispatched by parcel post, unless the merchandise is prohibited by the country of destination or by parcel post generally. When dispatched by parcel post samples of merchandise are not restricted to the Postal Union limits of weight and size mentioned herein, but may be accepted up to the limits of weight and size set forth under the caption "Parcel Post" of the various country items in subpart F of this part.

If the international parcel post is employed by which to transmit samples, on the customs declarations used, it will not be sufficient to mark the word "Samples," but "Samples of cotton," "Samples of false jewelry," etc., as the case may be. Instead of "No value," in the proper column "No commercial value" may be written or stamped in, or there may be stated the value placed by the sender on the article as a sample, leaving the question of appraisal value to be determined by the customs authorities in the country of destination.

§ 127.10 *Small packets.* (Must not be sealed—must be endorsed "Small packet".)

(a) Postage rates: Surface rate for all countries accepting small packets, 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction, with a minimum charge of 20 cents per packet; for air mail rates, see individual country items. Limit of weight: 2 pounds 3 ounces. Dimensions: Length, breadth, and thickness combined, 36 inches; greatest length, 24 inches. When sent in the form of a roll the length (the maximum of which is 32 inches) plus twice the diameter is limited to 40 inches; however, in the case of indivisible objects exchanged with Argentina, Bolivia, Brazil, Costa Rica, Dominican Republic, Ecuador, Honduras (Republic of), Mexico, Nicaragua, Philippines, Salvador (El), Spain, and Venezuela, the length (40 inches maximum) plus twice the diameter may be as much as 48 inches.

(b) In general, "small packets" are subject to the provisions applicable to "samples of merchandise" with respect to preparation, and packing.

(c) "Small packets," whether or not they are subject to customs inspection, must bear the green (customs) label, Form 2976 referred to in § 127.17.

(d) It is permissible to enclose in "small packets" an open invoice reduced to its essential terms. While the full name and address of the addressee as well as that of the sender must appear on the outside of the packet, a simple copy thereof may also be included therein. Every small packet shall be clearly marked on the wrapper by the sender with the words "Petit paquet" (small packet).

(e) As in the case of commercial papers, printed matter and samples of merchandise, small packets may not contain any letter, note, or document having the character of actual personal correspondence, and they must not be sealed.

(f) Small packets may contain articles liable to customs duty and upon receipt in the country of destination will be subject to the customs regulations of such country. However, small packets (registered or unregistered) may not contain coins, bank notes, paper money, postage stamps canceled or uncanceled, or any values payable to the bearer; platinum, gold, or silver, manufactured or unmanufactured; precious stones, jewelry, or other precious articles.

(g) Small packets may be accepted when addressed for delivery in the following countries:

Aden.
Afghanistan.
Albania.
Algeria.
Argentina (see note).
Ascension.
Australia.
Austria.
Bahamas.
Barbados.
Belgian Congo.
Belgium.
Bermuda.
Brazil.
British Cameroons.
British Guiana.
British Honduras.
Brunei.
Cambodia.
Ceylon.
Corsica.
Costa Rica.
Cyprus.
Czechoslovakia.
Dahomey.
Denmark.
Dominican Republic.
Ecuador.
Ethiopia (Abyssinia).
Falkland Islands.
Fiji Islands.
France.
French Cameroons.
French Equatorial Africa.
French Guinea.
French India.
French Oceania.
French Somaliland.
French Sudan.
French Togoland.
Gambia.
Germany.
Gilbraltar.
Gold Coast Colony.
Great Britain and Northern Ireland.
Greece.
Guadeloupe.
Honduras (Republic of).
Hong Kong.
Hungary.
Indo-China.
Indonesia.
Iran.
Israel (State of).
Ivory Coast.
Jamaica (including Cayman Islands).
Japan.
Jordan (Hashemite Kingdom).
Kenya and Uganda.
Korea.
Laos.
Lebanon.
Leeward Islands.
Libya.
Luxembourg.
Malaya.
Malta.
Martinique.
Mauritania.
Mauritius and dependencies.
Mexico.
Morocco (French Zone).
Morocco, Tangier (International Zone), British and French Post Offices only.
Nauru Island.
Netherlands.
Netherlands New Guinea.
Netherlands West Indies.
New Caledonia and dependencies.
New Guinea, Mandated Territory.
New Hebrides.
New Zealand.
Nicaragua.
Niger.
Nigeria.
North Borneo (State of).
Norway.
Nyasaland Protectorate.
Palestine.
Papua (Territory of).
Philippines.
Poland.
Portuguese Timor.
Reunion (Bourbon) Island.
Rhodesia, Northern.
Rhodesia, Southern.
Rumania (see note).
Ryukyu Islands.
St. Helena.
St. Pierre and Miquelon.
Salvador (El) (registered).
Santa Cruz Islands.
Sarawak.
Saudi Arabia (Kingdom of).
Senegal.
Seychelles.
Sierra Leone.
Solomon Islands.
Somalia.
Somaliland Protectorate.
Spain (see note).
Surinam.
Sweden.
Switzerland (including Liechtenstein)
Syria.
Tanganyika Territory.
Thailand.
Tonga (Friendly) Islands.
Trinidad and Tobago.
Tunisia.
Turkey (see note).
Turks and Caicos Islands.
Venezuela.
Viet-Nam.
Windward Islands.
Yemen.
Yugoslavia.
Zanzibar and Pemba.



NOTE: For information concerning certain requirements and restrictions, see country items.

(h) Small packets should not be accepted for the following countries, which have expressed an unwillingness to accept such articles:

Anglo-Egyptian Sudan.
Azores.
Bechuanaland Protectorate.
Bulgaria.
Burma.
Canada.
Cape Verde Islands.
Chile.
China.
Colombia.
Cuba.
Egypt.
Eritrea.
Estonia.
Finland.
French Guiana.
Gilbert and Ellice Islands.
Guatemala.
Haiti.
Iceland.
India.
Iraq.
Ireland.
Italy.
Labuan.
Latvia.
Lithuania.
Macao.
Madagascar and dependencies.
Madeira Islands.
Morocco (Spanish Zone).
Morocco, Tangier (International Zone), Spanish Post Office.
Pakistan.
Panama.
Paraguay.
Persian Gulf Ports.
Peru.
Portugal.
Portuguese East Africa.
Portuguese India.
Portuguese West Africa.
Salvador (El) (ordinary).
South-West Africa.
Spanish Guinea.
Spanish West Africa.
Trieste (Free Territory).
Tristan da Cunha.
Union of South Africa.
Union of Soviet Socialist Republics.
Uruguay.
Vatican City State.

(i) Small packets will be accepted at the risk of the senders when addressed to those countries not mentioned in paragraphs (g) or (h) of this section.

§ 127.11 *Eight-ounce merchandise packages.* (Must not be sealed except as stated below.)

(a) Packages of merchandise weighing 8 ounces or less are accepted for the following countries:

Argentina.
Bolivia.
Brazil.
Canada.
Chile.
Colombia.
Costa Rica.
Cuba.
Dominican Republic.
Ecuador.
Guatemala.
Haiti.
Honduras (Republic of).
Mexico.
Morocco (Spanish Zone).
Nicaragua.
Panama.
Paraguay.
Peru.
Salvador (El).
Spain (including Balearic Islands, Canary Islands, and Spanish Offices in Northern Africa).
Spanish Guinea.
Spanish West Africa.
Uruguay.
Venezuela.

(b) Postage rates: Surface rates, 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction. For air mail rates, see individual country items.

(c) Limit of weight: 8 ounces.

(d) Dimensions: Same as for letter packages. (See § 127.3.)

(e) These packages are not parcel post, must not have customs declarations attached and generally must not be sealed. However, when addressed to Canada they may be sealed if marked "May be opened for postal inspection if necessary" and c. o. d. 8-ounce merchandise packages for Mexico may also be sealed.



§ 127.12 *Combination packages.* (a) "Combination packages," that is, packages made up of two parts, firmly attached together, both addressed for delivery to the same addressee, and consisting of (1) a sealed envelope containing a written or printed communication, fully prepaid at the letter rate of postage, and (2) an unsealed container, with samples of merchandise or printed matter enclosed fully prepaid at the appropriate rate of postage, are accepted for dispatch to the following countries:

Austria.
Bolivia.
Brazil.
British Guiana.
British Honduras.
Bulgaria.
Canada.
Colombia.
Denmark.
Dominican Republic.
Faroe Islands.
Greenland.
Haiti.
Honduras (Republic of).
Iceland.
Jamaica.
Mexico.
Nicaragua.
Norway.
Philippines.
Poland.
Rumania.
Salvador (El).
Sweden.
Turks Islands.

(b) "Combination packages" destined for delivery in any of the above-mentioned countries are acceptable for transmission in the ordinary (unregistered) mails only, with the exception of the Dominican Republic and Honduras (Republic of). "Combination packages" addressed for delivery in the Dominican Republic may be dispatched in either the ordinary or registered mails, while those destined for delivery in Honduras (Republic of) may be forwarded only in the registered mails.

§ 127.13 *Articles grouped together.* (a) It is permissible to include in a single package, commercial papers, samples of merchandise and prints (other than prints for the use of the blind) on condition that each article taken singly does not exceed the limits applicable to it in regard to weight and provided that:

(1) The total weight does not exceed 4 pounds 6 ounces per package if it consists solely of commercial papers and samples; that limit is raised to 6 pounds 9 ounces if the package also contains prints, but in such case the total weight of the commercial papers and samples must not exceed 4 pounds 6 ounces.

(2) The dimensions of the package does not exceed those of letters.

(3) The postage paid is at least the minimum rate for commercial papers if the package contains commercial papers, and at least the minimum charge for samples if it is composed of prints and samples.

(b) The provision for the transmission of composite packages or articles grouped together is applicable only to articles subject to the same rate of postage per unit of weight. When articles requiring different rates are detected, the entire package shall be charged with the rate of postage applicable to the class of articles contained therein for which the rate is highest. As an example, if a package contains printed matter and articles subject to the rate applicable to "small packets" the entire package will be subject to the higher rate of 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces, with a minimum charge of 20 cents, while if a package contains samples of merchandise together with papers constituting personal correspondence the entire package will be charged at the letter rate of postage to the country concerned.

§ 127.14 *International reply coupons.* (a) A "reply coupon" (price, 11 cents) may be purchased at any United States post office. Upon presentation at a post office in any country, except Korea, the coupon will entitle the person presenting it to receive (without charge) a postage stamp or stamps of that country of sufficient value to prepay an unregistered letter of the first unit of weight to be sent to this country by surface means. Upon the presentation of a sufficient number of international reply coupons, the stamp or stamps received in exchange may be used to prepay an unregistered letter to be sent to this country by air; in this case, the weight of the letter may not exceed 20 grams (about $\frac{3}{4}$ ounce).

(b) When sold, the reply coupons must be legibly postmarked in the circle at the left side of the front.

(c) International reply coupons of the Universal Postal Union, which are printed in blue ink and bear the caption "Coupon-Réponse International," issued in countries other than Canada and Mexico are exchangeable in postage stamps at the rate of 8 cents each. Canadian and Mexican international reply coupons are redeemable in postage stamps at the rate of 3 cents each. The United States stamp or stamps given in exchange may be used to prepay postage on a letter to be sent by surface means, or—provided a sufficient number of coupons are presented—by air mail. To be acceptable for exchange, reply coupons must bear the postmark of the selling post office. Exchanged coupons must be immediately postmarked to show the date of exchange. The period of exchange is not restricted.

(d) Americo-Spanish reply coupons, which are printed in green ink, and bear the caption "Cupón Respuesta Americoespañol," are not sold in this Service. However, those issued by other countries belonging to the Postal Union of the Americas and Spain are redeemable in accordance with the same rules and rates of exchange as are applicable to international reply coupons, except that when more than 10 Americo-Spanish coupons are offered by any one individual the letters on which the postage is being prepaid must also be presented.

(e) For further information regarding "reply coupons" see § 114.25 of this chapter.

§ 127.15 *Registration.* For information concerning the registry service see Subpart D of this part and individual country items, Subpart F of this part.

§ 127.16 *Certificates of mailing.* Certificates of mailing shall be furnished on request at the time of mailing for ordinary Postal Union articles, and as additional evidence of mailing for registered or insured Postal Union articles, under the same conditions and subject to the same charge as those for parcel post packages. (See § 127.81.)

§ 127.17 *Customs forms.* (1) Green (customs) label: The green (customs) label, Form 2976, is required to be affixed to the address side of each letter or letter package containing dutiable articles (merchandise), to prints which are dutiable in the country to which they are addressed, and to each small packet. (See §§ 127.3, 127.6, and 127.10.)

(2) The form is not, under any circumstances, to be employed on parcel post packages.

(3) Facsimiles of the old Form 2976 and the revised form are shown below:

*Old form*

CUSTOMS
(Douane)

May Be Officially Opened
(Peut être ouvert d'office)
2976 (C 1) 5-9110

*Revised form*

CUSTOMS—DOUANE
May be Officially Opened
(Peut être ouvert d'office)

Detach and discard this portion if a separate declaration (Form 2976-A) or an invoice is enclosed in the package.
Contents in detail
Nature de la marchandise .....
Net weight
Poids net .....
Value
Valeur .....
Form 2976 16—67823-1 GPO

(4) When the revised form is used in its entirety, there is no need to enclose a paper form of customs declaration in the package. However, if the sender prefers not to show the nature of the contents, etc., on the outside of the article, or if for any reason the use of the revised form in its entirety is not practicable, the upper part of the revised form (detached by cutting along the dotted line) may be affixed to the cover. Old Form 2976 may be used for this purpose until the supply is exhausted.

(b) (1) Paper form of customs declaration: The paper form of customs declaration (Form 2976–A) is available for completion and enclosure within the classes of articles mentioned in paragraph (a) of this article when the description of the contents of the article is not shown on Form 2976 or on an invoice enclosed within the article. The contents of the article must be indicated in detail on the form. Notations of a general character are not allowed.

(2) Form 2976–A is not, under any circumstances, to be used in mailing parcel post packages. Information concerning the card (tag) form of customs declaration (Form 2966) to be used in connection with parcel post packages will be found in § 127.75.

(3) Facsimile of Form 2976–A is shown below:

UNITED STATES POST OFFICE DEPARTMENT
*Administration des Postes des États-Unis d'Amérique*
Form 2976-A
C 2
PLACE OF ORIGIN
*Lieu d'expédition*
PLACE OF DESTINATION
*Lieu de destination*

CUSTOMS DECLARATION
*DÉCLARATION EN DOUANE*

| Number of packages and description of outer packing (package, box, bag, etc.) / Nombre et nature de l'emballage extérieur | | Statement of contents / Désignation du contenu | VALUE / VALEUR | WEIGHT / Poids | | Commercial Classification |
|---|---|---|---|---|---|---|
| NUMBER / Nombre | KIND / Espèce | | | Gross Ounces / Brut Onces | Net Ounces / Net Onces | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | U.S.$ | | | |

Country of origin or manufacture of the merchandise / Pays d'origine ou de fabrication de la marchandise

M ..... (Name of addressee) (Nom du destinataire)
..... (Street and number) (Rue et numéro)
..... (Place of destination) (Lieu de destination)
..... (Country of destination) (Pays de destination)
..... (Date) ....., 19.....
Sender: / L'expéditeur:

NOTE.—This form is to be enclosed in small packets and letter packages (not for parcel post) when the upper portion of the green customs label (Form 2976) is affixed to the wrapper.

§ 127.18 *Export declarations.* For information concerning postal export declarations which are required to be prepared on Department of Commerce Form 7525–V in connection with certain commercial shipments sent in the Postal Union mails or by parcel post by one business concern to another business concern between continental United States, its noncontiguous possessions, and other countries, see § 127.88.

§ 127.19 *Special delivery (exprès) service.* (a) Special delivery (exprès) service is now in force with the following countries:

Argentina.
Australia.
Austria.
Bahamas.
Belgium.
Brazil.
British Guiana.
British Honduras (Belize only).
Canada.
Chile.
China.
Corsica.
Costa Rica.
Cuba.
Cyprus.
Czechoslovakia.
Denmark.
Dominican Republic.
Ecuador.
Egypt.
Ethiopia.
Finland.
France.
Germany.
Gibraltar.
Gold Coast Colony.
Great Britain and Northern Island.
Guatemala.
Honduras (Republic of).
Hungary.
India.
Ireland.
Israel (State of).
Italy.
Japan.
Jordan (Hashemite Kingdom).
Kenya and Uganda.
Luxembourg.
Mexico.
Morocco (Spanish Zone).
Morocco, Tangier, (International Zone, British Post Office only).
Netherlands.
Norway.
Nyasaland Protectorate.
Panama.
Philippines.
Poland.
Portugal.
St. Pierre and Miquelon.
Salvador (El).
Somalia.
Spain.
Sweden.
Switzerland.
Tanganyika Territory.
Turkey.
Union of South Africa.
Yugoslavia.

(b) The special-delivery service applies to all Postal Union articles (ordinary and registered) addressed for delivery in the countries shown in the preceding list, except that in the case of Canada the special-delivery service applies only to letters or articles prepaid at the letter rate (ordinary and registered), and to India it applies only to unregistered letters, post cards, and printed matter (exclusive of printed matter for the blind). The special-delivery service does not apply to International Parcel Post. See § 127.80 concerning special handling service for parcel post.

(c) Delivery is effected in the various countries according to the special-delivery regulations in force in the country of destination. See country items for further information.

(d) An article intended for special delivery in any of the countries mentioned must be prepaid the appropriate special delivery fee, in addition to the regular postage, as follows:

| | Letters and letter packages | Post Cards | Other Postal Union articles |
|---|---|---|---|
| | Cents | Cents | Cents |
| Up to 2 pounds | 30 | 20 | 35 |
| Over 2 pounds up to 10 pounds | 35 | ..... | 45 |
| Over 10 pounds | 50 | ..... | 60 |

There should be affixed to the cover an "Exprès (special delivery)" label (Form 2977), or the cover must be marked boldly in red ink "Exprès" directly below but not on the stamps. The use of special delivery stamps for other than special delivery articles is not permissible.

(e) Insufficiently prepaid articles intended by the senders for special delivery in the said countries, posted in letter boxes and drops, should be marked by postmasters "Not in special-delivery mail" and dispatched onward to destination as ordinary mail matter whenever such articles can not be returned to the sender for the deficiency in fee without seriously delaying the dispatch thereof.



(f) Articles mailed in the said countries which are intended for special delivery in this service will be marked "Exprès" or have labels affixed bearing that word, and will be subject to the same conditions in their delivery as special-delivery articles in the domestic service, attention being invited especially in this connection to § 61.21, par. (b), Postal Laws and Regulations, concerning the holding at the post office, to be called for by the addressee, of special-delivery mail which is registered and is believed to contain large sums of money or securities that can not be delivered without unusual risk.

(g) An article mailed in another country with which special-delivery (exprès) service is in operation, and which bears the United States special-delivery stamp or stamps, if treated by the office of origin as a special-delivery article, is considered in the country of origin to be short paid the amount of the special-delivery fee applicable in such country, and is subject to the collection from the addressee of double the amount of short payment. However, on receipt in this country, the delivering postmaster will allow credit for any United States special-delivery stamps affixed. If the article is not treated by the country of origin as a special-delivery article, it shall be delivered by the ordinary means.

(h) When an article mailed in another country with which there is no special-delivery service bears a United States special-delivery stamp in addition to the regular postage, such article should be given special-delivery service in this country, although special-delivery service is not required to be given in the country of origin.

(i) See § 114.18 of this chapter.

§ 127.20 *Air mail service.* (a) (1) In general, the limits of weight and dimensions and other conditions (but not postage rates) prescribed for surface mails apply also to Postal Union articles to be dispatched by air mail. (See § 127.55 (b) concerning conditions applicable to international air parcel post.)

(2) The rates (which include the postage and the fee for air service) for articles in the Postal Union mails are shown in the subheading "Air mail service" under "Postal Union Mails" of each country item, in subpart F of this part.

(3) Post cards (single) for Canada and Mexico are conveyed by air at the rate of 4 cents each. Single post cards for other countries and double post cards for all countries must be prepaid at the regular air mail letter rate to the country concerned.

(4) Articles for transmission by air to other countries should have affixed in the upper left-hand corner of the envelope or cover, immediately below the return card of the sender, the blue "Par Avion By Air Mail" label (Form 2973). Envelopes bearing distinctive air mail markings may show the printed or rubber stamped endorsement "Par Avion/By Air Mail" in blue capital letters in lieu of Form 2978.

(5) The use of air mail stamps on other than air mail articles and parcels is not permissible. Neither should envelopes bearing distinctive air mail markings be used unless the articles actually are intended to be carried by air.

(6) Offices of mailing shall exercise every precaution to assure the detection of short-paid air mail articles before they are sent to the United States exchange office of dispatch.

(7) If the office of mailing observes an unregistered air mail Postal Union article to be insufficiently prepaid and the return address on the article is at the office of mailing, or if it bears a return address other than at the office of mailing and it weighs 4 ounces or less, it shall be returned to the sender (by air if practicable) for the necessary postage. If the article bears a return address other than at the office of mailing and weighs over 4 ounces it shall be sent by air to the United States exchange office of dispatch. If the article bears no return address, it shall be sent by air to the United States exchange office of dispatch, regardless of its weight, provided it bears at least 75 per cent of the required air mail postage; otherwise the air mail markings shall be canceled and the article endorsed "Not in Air Mail" and forwarded by surface means.

(8) If the office of mailing observes a registered air mail Postal Union article to be insufficiently prepaid and the return address on the article is at the office of mailing, the missing postage shall be supplied before the article is dispatched. If the article bears a return address other than at the office of mailing it shall be sent to the appropriate United States exchange office. When such insufficiently prepaid registered articles reach the exchange office they shall be treated as prescribed in § 127.31 (d).

(9) When air mail articles returned for additional postage are subsequently remailed, the stamps originally affixed will be accepted to the amount of their face value.

(10) The weight of the card prepared as the return receipt of a registered air mail article shall not be included with the weight of the article in determining the postage required.

(11) See § 127.83 regarding the treatment of shortpaid air parcel post packages.

(12) See § 127.3 (d) concerning the acceptance of air mail letters and letter packages containing articles liable to customs duty.

(b) Other articles: Articles in the Postal Union mails classified as commercial papers, printed matter, samples of merchandise, and small packets, as well as 8-ounce merchandise packages, combination packages and articles grouped together are transmissible by air provided they are prepared for mailing as prescribed for the class of article involved, as set forth in §§ 127.5 to 127.13, inclusive, and are prepaid at the appropriate air mail rate. This rate will be the letter rate unless a special "other articles" rate is in effect to the country concerned, in which case the latter rate will apply. In either case the rate is shown in the subcaption "Air mail service" under the country heading concerned.

(c) (1) Air letter sheets: Air letters, consisting of sheets which can be folded into the form of an envelope and sealed, are acceptable for dispatch by air mail at a uniform rate of 10 cents each to all countries.

(2) Air letter sheets with printed postage and air mail markings are sold at all post offices for 10 cents each. The sheets are obtainable by postmasters on requisition in the same manner as are supplies of other postage stamped paper.

(3) Air letter sheets manufactured by private individuals or concerns, if approved by the Department for such use, may also be accepted for mailing after 10 cents in postage has been affixed.

(4) All parts of air letter sheets may be used for the sender's message except the address side. No enclosures are permitted. Air letters may be sent under registration on payment of the required registry fee in addition to the fee for the air letter sheet.

PROHIBITIONS AND RESTRICTIONS

§ 127.21 *General list of prohibited articles.* (a) Any article without address or incorrectly, insufficiently, or illegibly addressed so that it cannot be transmitted to its destination.

(b) Any article addressed to go around the world or with the address side wholly or partly divided into several spaces intended for successive addresses.

(c) Any article which is insufficiently prepaid to entitle it to be dispatched or which does not conform to the weight limits and conditions applicable thereto. (See §§ 127.30 and 127.31.)

(d) Articles so damaged in transit that they cannot be forwarded to their destination and articles recovered after depredations in the mails, which shall be forwarded to the Department for disposition.

(e) Poisons, including narcotics (opium, morphine, cocaine, etc.), explosive and inflammable articles, and all other articles excluded from the domestic mails which, either from their nature or packing, are liable to soil or damage the mails or are injurious to health, life, or property. Certain articles, however, which, from their nature or form, are liable in themselves to destroy, deface, or injure the contents of the mail bags or the persons of those engaged in the Postal Service may be transmitted in the mails to other countries, if they are bona fide trade samples and exchangeable in the mails with said countries when enclosed in the form prescribed for such articles in domestic mails.

(f) Matches, including safety matches; live or dead animals, except: (1) live bees, leeches, and silkworms, (2) dead insects or reptiles when thoroughly dried, and (3) parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized agencies.

(g) Obscene, indecent, immoral, and libelous matter.

(h) Lottery matter and advertisements of any lottery.

(i) Fraudulent matter.

(j) Treasonable matter.

(k) Publications which violate copyrights granted by the United States.

(l) Intoxicating liquors.

(m) Tobacco seed and plants, except by permit granted by the Secretary of Agriculture. (See § 127.63.)

(n) Pistols, revolvers, and other firearms capable of being concealed on the person, with certain exceptions. (See § 36.12, of this chapter; also see § 127.57.)

(o) Samples, the number of which mailed to one addressee by the same sender shows the evident intention of avoiding the collection of customs duties due to the country of destination. Samples may not contain any article having a salable value, or sent as a gift or in execution of an order.

(p) Dutiable articles are prohibited except (1) they may be sent at the letter rate of postage to the countries mentioned in § 127.3, paragraph (d), and in small packets to the countries mentioned in § 127.10, paragraphs (g) and (i); also (2) dutiable printed matter may be sent in the prints mails, unless specially prohibited by the country of destination as shown under the country items.

(q) "Small packets," addressed to those countries which have expressed an unwillingness to accept them. (See § 127.10.)

(r) Articles, other than letters and post cards, which contain writing of the nature of personal correspondence unless they are fully prepaid at the rate of postage applicable to letters for the country of destination.

(s) Coins, bank notes, paper money, or any values payable to bearer; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry stones, jewelry or other precious articles are prohibited unless sent in the registered letter mail. However, these articles are absolutely prohibited even in the registered letter mail to some countries as shown under the special prohibitions of certain country items.

(t) If not specially prohibited by the country of destination, postage stamps or forms of prepayment of postage, canceled or uncanceled, or any paper representing a value may be sent under the rate and conditions applicable to letters, or under the rates and conditions applicable to 8-ounce merchandise packages to the countries mentioned in § 127.11; otherwise they are prohibited.

(u) The right is reserved to the Government of every country to refuse to convey over its territory, or to deliver, articles admitted at reduced rates in regard to which the laws, ordinances, or decrees which regulate the conditions of their publication or circulation in that country have not been complied with, or correspondence of any kind bearing conspicuously inscriptions, designs, etc., forbidden by the legal enactments or regulations in force in the country concerned.

§ 127.22 *Gold and gold certificates.* (a) Except as indicated in paragraph (b) of this section with respect to fabricated gold, the following shall not be accepted for mailing unless the exportation thereof has been licensed by the Treasury Department or an agency thereof and the postmaster at the place where offered for mailing has received specific instructions from the Post Office Department, Bureau of Transportation, Division of International Service, Washington 25, D. C., regarding the procedure to be followed in accepting the gold or gold certificates for mailing:

(1) When offered for mailing from the continental United States (that is the States of the United States, the District of Columbia, and the Territory of Alaska) to any destination (domestic or international) outside the continental United States:

Gold certificates or gold in any form.

(2) When offered for mailing from a place outside the continental United States but which is subject to the jurisdiction of the United States to another country:

Gold certificates or United States gold coin;

Gold in any other form than United States gold coin, if such gold is held or owned by a person who is a resident of, or who is domiciled in, the continental United States. Before accepting gold in any other form than United States gold coin, pursuant to this paragraph, the accepting clerk shall require the sender to place on the wrapper of the article or parcel, and on the shipper's export declaration, when required (see § 127.88), a statement that the gold contained therein is held or owned by a person who is not a resident of, or who is not domiciled in, the continental United States. If the gold offered for mailing is fabricated gold, the accepting clerk will be governed by the provisions of paragraph (b) of this section.

(b) Fabricated gold, as defined in paragraph (c) of this section may be accepted for mailing without being licensed by the Treasury Department and without specific instructions from the Post Office Department, Bureau of Transportation, Division of International Service. However, the shipper is required to endorse the wrapper of the package with the words "Fabricated Gold." The shipper's export declaration, when required (see § 127.88), shall contain, in addition to a specific description of the contents of the package, the following notation, "Fabricated gold as defined by § 54.4 of the Gold Regulations, being exported pursuant to the authorization contained in § 54.25 (b) (2) of such regulations."

(c) Fabricated gold is defined by the Treasury Department as processed or manufactured gold in any form (other than gold coin or scrap gold) which has a gold content the value of which does not exceed 80 percent of the total domestic value of the processed or manufactured gold and which has in good faith and not for the purpose of evading or enabling others to evade the provisions of the Gold Reserve Act of 1934, the Act of October 6, 1917, as amended, or the regulations of the Treasury Department, been processed or manufactured for some one or more specific and customary industrial, professional, or artistic uses. The basis by which prospective shippers may determine the value of the gold content and the total domestic value of an article of processed or manufactured gold is set out in paragraph (d) of this section. (Fabricated gold is to be distinguished from semiprocessed gold, which may be exported only pursuant to Treasury License, and which is defined to include gold articles of which more than 80 percent of the total domestic value is attributable to the gold content thereof.)

(d) While no obligation is imposed upon postal employees to attempt to determine whether an article is semiprocessed or fabricated gold, as defined in paragraph (c), interested patrons may be informed that to make such a determination the value of the gold content is computed at $35 per fine troy ounce of gold and the total domestic value is determined on the basis of the cost of the article to the owner and not the selling price. In the case of a manufacturer or processor, the allowable elements of such value are the cost of material in the article, labor performed on the article, and processing losses and overhead applicable to the manufacture or processing of such article. In the case of a dealer or other person who holds or disposes of gold without further processing, total domestic value includes only the net purchase price paid by such person and any transportation costs incurred in obtaining delivery of such article to his usual place of business.

(e) The acceptance in the Postal Union mails or parcel post for any country of any consignment of gold coin, gold bullion, or gold dust, having a value in excess of $100 is prohibited, even though a license has been granted to export such gold coin, gold bullion, or gold dust.

(f) Prospective shippers may obtain the forms on which to apply for licenses to export gold from the Bureau of the Mint, Treasury Department, Washington 25, D. C.

§ 127.23 *Diamonds.* (a) Loose diamonds in any form (except cut gem diamonds, i. e., diamonds cut to be set in jewelry) tendered for mailing to any country shall not be accepted unless they have been inspected by the U. S. Appraiser of Merchandise at New York, N. Y., and the unbroken seal of that official appears on each package or parcel. This requirement is not applicable to diamonds forming a part of industrial tools.

(b) The foregoing restriction is based on regulations of the Office of International Trade, Department of Commerce.

§ 127.24 *Fountain pens.* Under the prohibition against gold, silver, and other precious articles appearing in connection with the Postal Union mails and the parcel post service to certain countries, fountain pens with gold nibs or points, or fountain pens with gold nibs or points and gold bands, or fountain pens with gold nibs or points mounted with gold plate, will be regarded as not included in such prohibition, but will be accepted, at the sender's risk, for dispatch to such countries until the postal administrations concerned give notice that fountain pens with gold nibs or points are included in the category of gold, silver, and other precious articles.

§ 127.25 *Tobacco seed and plants.* See § 127.63.

§ 127.26 *"Window" envelopes.* (a) Envelopes which are entirely transparent or openpanel envelopes are unmailable. The window need not form an integral part of the envelope.

(b) The panel shall lie parallel to the longest dimension, so that the address of the addressee appears in the same direction and the application of the date stamp is not hindered. The transparency of the panel shall assure perfect legibility of the address, even by artificial light, and shall not interfere with the application of a written note. Panel envelopes whose vitrified part causes reflection of artificial light are excluded.

(c) Only the name and address of the addressee may appear through the panel, and the contents of the envelope must be folded in such a way that the address cannot be covered, even partly, as a result of slipping. The address shall be indicated legibly, in ink, in typewriting, or by printing, in dark colored letters. Addresses written in ordinary or indelible pencil are not permitted.

§ 127.27 *Nonpostage stamps.* (a) "Christmas" and charity or other stamps liable to be mistaken for postage stamps must not be affixed to the address side of mail articles. The same holds true for imprints of stamps which might be mistaken for postage-paid impressions. However, there is no objection to such stamps being affixed to the reverse side of letters or other mail matter.

(b) Unless the foregoing condition is complied with, articles bearing nonpostage stamps will not be dispatched from this country, but will be returned to the senders, if known; otherwise they will be sent to the proper dead letter branch.

ARTICLES FOR OTHER COUNTRIES

§ 127.28 *Address, etc.* (a) Senders shall be cautioned that in order that the routing of the article and its safe delivery to the addressee may be assured they shall:

(1) Address the article in legible roman letters placed on the right-hand side of the article, lengthwise, in such a way as to leave the necessary space for service labels and notation (postmark, etc.).

(2) Indicate the name and address of the addressee in a precise and complete manner, with the names of the locality and country of destination in capital letters and, in the case of articles for cities or towns, the house number and street address shall be shown.

(3) Fully and properly prepay postage thereon; postage stamps or postage-paid impressions shall be placed in the upper right-hand corner of the address side. Care should be used to see that postage stamps affixed to printed matter do not adhere also to the articles themselves, thus virtually sealing them and subjecting them to additional postage at double the letter rate on delivery.

(4) Prepare the articles securely, especially if they are for distant countries; envelopes or wrappers used must be of substantial paper and the size of the articles shall not be less than 4 inches in length by $2\frac{3}{4}$ inches in width.

(5) Add the word "Lettre" (letter) on the address side of letters which, because of their bulk or the way they are made up, might be mistaken for other articles.

(6) On articles sent at reduced rates, indicate the class to which they belong by notations such as "Papiers d'affaires" (commercial papers), "Imprimés" (prints), "Impressions à l'usage des aveugles" (prints for use of the blind), "Échantillon" (sample), "Petit paquet" (small packet).

(7) Avoid using wax on the covers as in the case of letters so sealed they often adhere to each other and the addresses of some are destroyed by the tearing of the covers in the attempt to separate the articles.

(8) On the address of articles sent to General Delivery indicate the name of the addressee. The use of initials, figures, simple given names, fictitious names or conventional marks of any kind is not permitted for such articles.

(b) Addresses in foreign languages: (1) The distribution of mail for foreign destinations requires on the part of postal employees at United States exchange offices a definite knowledge of the addresses of such mail, and articles addressed in Russian, Greek, Arabic, Hebrew, Japanese, or Chinese characters are not sufficiently addressed even though the country of destination is written in English. Articles addressed in the foreign languages mentioned or other foreign languages shall bear an interlined translation of the names of the post office, province, and country of destination in English, or in lieu thereof (if the English form of the names is not known) the foreign spelling of such names shall be shown in roman characters, print or script.

(2) Unless, however, the postmaster at the office of mailing is certain that an article of mail is not sufficiently addressed to permit of its correct distribution at the United States exchange post office, he will not transmit the article to the dead letter branch or return it to the sender, but will dispatch the article to the appropriate United States exchange post office, provided the name of the country of destination may be read, leaving to the employees of the exchange post office the question of the sufficiency of the address.

§ 127.29 *Return card of senders.* It is important that the return card of senders (name, street address, city, and State) be shown in the upper left-hand corner of the address side of articles for other countries in such a way as not to affect either the clarity of the address or the application of service labels or notations. Many countries confiscate certain ordinary (unregistered) articles if they cannot be delivered as addressed unless they bear the sender's return card.

§ 127.30 *Method of prepayment.* (a) Postage can be prepaid upon articles (other than the reply half of double post cards) by means of postage stamps of the country in which the articles are mailed or postage can be prepaid in money. In this latter case the indication of the amount paid must be shown by an impression of a stamping machine. Registration fees and insurance fees, as well as the postage, may be prepaid by means of stamping machines or by means of printed indicia in appropriate cases. Such impressions must be bright red in color and indicate the country of origin when the mail is for other countries in general. However, to Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras (Republic of), Mexico, Morocco (Spanish Zone), Nicaragua, Panama, Paraguay, Peru, Salvador (El), Spain (including Balearic and Canary Islands, the Spanish offices in Northern Africa, and Andorra), Spanish Guinea, Spanish West Africa, Uruguay, and Venezuela, articles of mail matter bearing any stamped impression acceptable under the domestic regulations are likewise accepted when addressed for delivery in any of said countries. No mailings to any country shall be accepted under § 34.66 of this chapter.

(b) In addition to allowing prepayment of postage to be made by means of stamping machines, prepayment in money of postage on printed matter may be indicated by means of impressions, printed or otherwise obtained.

(c) In the case of prepayment of postage on printed matter which is shown by means of printed indicia, the indication of the country of origin may be replaced by the name of the office of origin. These printed indicia on printed matter, which must show the amount of postage paid, may be black or any other color.

(d) Postage upon articles mailed on board ships on the high seas must be prepaid by means of postage stamps of the country under whose flag the ship sails (such articles are subject to the postage rates and conditions of that country). Postage upon articles mailed on board a ship while it is in a port of any country can be prepaid only by means of postage stamps of that country (such articles are subject to the postage rates and conditions of that country).

(e) The use of air-mail or special-delivery stamps on other than air-mail or special-delivery articles is not permissible.

§ 127.31 *Optional and compulsory prepayment.* (a) Except as noted in paragraph (b) of this section, senders must fully prepay postage on all articles in the Postal Union mails, including letter-packages and "business" letters evidently not being exchanged between branches of the same firm or corporation, and on both halves of reply-paid post cards.

(b) Exceptions: Unregistered surface letters in their usual and ordinary form, including "business" letters evidently being exchanged between branches of the same firm or corporation, and ordinary (unregistered) post cards (single), deposited in the mails unpaid or insufficiently prepaid shall be forwarded to the dispatching exchange office for treatment as prescribed in § 127.34. However, when a large number of letters or single post cards is mailed unprepaid or insufficiently prepaid by the same sender, they shall not be dispatched. (See § 127.48 concerning postage chargeable on certain forwarded articles, which postage need not be prepaid.)

(c) All ordinary (unregistered) surface articles in the Postal Union mails which are required to be fully prepaid before dispatch, but which are not so prepaid, must be returned to the senders

unless the name and address of the senders are not indicated, when they must be sent to the proper dead-letter branch for disposal. See § 127.20, concerning the treatment to be accorded unpaid or insufficiently prepaid ordinary (unregistered) air mail articles.

(d) It is the responsibility of the office of mailing to see that all registered articles (surface or air) in the Postal Union mails are fully prepaid before the articles are sent to the United States exchange office of dispatch. If an unpaid or short-paid registered article reaches the exchange office, the missing postage shall be supplied, and the exchange office shall forward the article to destination and send Form 2863 showing the amount of the deficiency to the office where the sender is located. If the exchange office is an air mail field without stamp credit, the missing postage is supplied by the local post office. Upon the receipt of Form 2863, the postmaster concerned shall immediately collect the amount of the deficiency from the sender and return the notice and the amount of the deficiency in uncanceled ordinary postage stamps to the exchange office or post office from which the notice was received. If the postmaster fails to remit the required postage the exchange office or post office which supplied the deficiency shall report the matter to the Post Office Department, Bureau of Transportation, Division of International Service, Washington 25, D. C.

(e) When articles returned to senders for postage are subsequently remailed the postage stamps originally affixed will be accepted to the amount of their face value.

(f) See § 127.83, concerning the treatment to be accorded unpaid or insufficiently prepaid parcel post packages (surface or air).

§ 127.32 *Matter entitled to admission in the international mails free of postage.* Correspondence (that is, all articles in the mails except parcel post) of the following types may be sent in the international mails by surface means free of postage:

(a) *Official correspondence of the postal service.* Official correspondence relative to the postal service exchanged between postal administrations; between these administrations and the International Bureau, Universal Postal Union, Bern, Switzerland, the International Office, Postal Union of the Americas and Spain, Montevideo, Uruguay, and the International Transfer Office, in the Republic of Panama; between post offices of Union countries, and between post offices and postal administrations.

(b) *Americo-Spanish diplomatic and consular mail.* (1) All correspondence (official and personal) of members of the diplomatic corps of Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras (Republic of), Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador (El), Spain, Uruguay, and Venezuela addressed for delivery in any of those countries.

(2) The official correspondence of consuls (or vice consuls acting as consuls) of the countries named in subparagraph (1) when (i) addressed for delivery in the country represented by the mailing consul, (ii) addressed to the embassy or legation of the consul's country located in any of the said countries, or (iii) addressed to a consul of any of the said countries located in one of those countries.

(3) The envelopes, labels, etc., to be used by members of the diplomatic corps of the Americo-Spanish countries for mailing correspondence free of postage must show in the upper left-hand corner of the address side the name of the ambassador or minister or the name of the embassy or legation, as the case may be, together with the post-office address, and in the upper right-hand corner the words "Diplomatic mail" over the word "Free." The envelopes, labels, etc., to be used by consulates of the said countries for mailing official correspondence free of postage must show in the upper left-hand corner of the address side over the words "Official correspondence" the name and address of the consul or consulate as the case may be, as well as the name of the country represented and in the upper right-hand corner the words "Consular mail" over the word "Free."

(4) Diplomatic and consular correspondence is subject to the weight limits and dimensions shown in Table No. 2 in § 127.1, according to its classification in the Postal Union mails.

(5) Under the provisions of the Convention of the Postal Union of the Americas and Spain the diplomatic and official consular correspondence of United States representatives, as well as that of the representatives of the other Americo-Spanish countries, is granted a similar franking privilege.

(6) See § 37.8 of this chapter, relative to freedom of postage granted in the United States domestic service to the correspondence of members of the diplomatic corps and consuls of the Americo-Spanish countries.

(c) *Free mailing privilege to certain Americo-Spanish countries.* Articles entitled to pass free of postage in the domestic mails of the United States are entitled to pass free of postage to Bolivia, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras (Republic of), Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador (El), Uruguay, and Venezuela. Such articles must not exceed the domestic weight limit of 4 pounds, except those exempted from that limit by law or regulation (see the Postal Laws and Regulations). In the latter case, the weight limits prescribed in Table No. 2, of § 127.1, for the class of article involved will apply.

NOTE: The free mailing privilege referred to in this paragraph does not apply to articles for Argentina, Brazil, and Spain, including the Spanish possessions.

(d) *Reply-paid postal cards.* The reply half of a double postal card bearing a postage stamp of the country which issued the double cards is to be considered as prepaid.

(e) *Return receipts.* Completed return receipts for registered or insured mail, as well as for certain ordinary parcels, shall be returned in the ordinary mail, without cover, and free of postage, to the sender.

(f) *Pan American Union mail.* Mail matter originating at the Pan American Union, bearing the card of the Union and weighing not more than 4 pounds 6 ounces when addressed to Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras (Republic of), Mexico, Morocco (Spanish Zone), Nicaragua, Panama, Paraguay, Peru, Salvador (El), Spain and Spanish possessions, Spanish Guinea, Spanish West Africa, Uruguay, and Venezuela is admitted to the mails free of postage.

(g) *Mail to and from prisoners of war and interned belligerents and civilians.* (1) All articles or correspondence and parcel post addressed to, or sent by, prisoners of war or belligerents received and interned in a neutral country, or the Bureaus of Information or the Central Agency of Information established for the benefit of such persons, are exempt from all postage charges. The same exemption from postage charges applies to articles of correspondence and parcel post sent by civilians interned in time of war, or sent to them from other countries. The mail mentioned in this subparagraph may not be registered or insured; if air mail service is desired, appropriate postage must be prepaid.

(2) The addresses on the articles and parcels mentioned in subparagraph (1) of this paragraph shall be typewritten if possible or hand printed. Such articles and parcels as well as the forms relating to them must bear one of the following notations: "Service des prisonniers de guerre" (Prisoners of War Service) or "Service des internés" (Internees Service) in the upper left corner of the address side, and in the upper right corner the words "Postage free" must be shown. In those cases where air mail postage is prepaid the postage stamps will be placed in the upper right corner of the envelope instead of the words "Postage Free." The sender's name and address shall always be placed on the back of the envelope. In addressing, sufficient space shall be left on the envelope for the inclusion of any necessary forwarding address. Also, the address shall be placed as near the lower edge of the envelope as possible so the postmark at the top will not obscure or obliterate it.

(3) See § 127.67, concerning parcel post for prisoners of war and detained or interned civilians.

(h) *Correspondence by air.* The freedom of postage referred to in the preceding paragraphs is not applicable to articles intended for transmission by air, except as stated in paragraph (a) of this section.

§ 127.33 *Postmarking and backstamping.* (a) Postal Union articles are to be postmarked.

(b) The impression of the date stamp of the office at which they arrive through error shall be placed on the back of missent letters (registered or not) and on the front of missent post cards. In the case of forwarded articles, the redispatching office applies its date stamp on the front of articles in the form of cards, on the back of letters and all other



classes of mail at the time of forwarding. Postmasters shall cause care to be taken not to deface by their own postmark, nor cover with postage-due stamps, any postmark already on an article.

§ 127.34 *Rating and marking of short-paid articles.* (a) The ascertainment and rating of deficient postage on correspondence for and from other countries, and the marking on the correspondence of the proper indications of such deficiency, is the work of the exchange post offices and not of the mailing or delivering post offices unless the latter are also exchange post offices. However, in case of obvious error on the part of the exchange office, the rating may be made at the delivery office and a report of the facts made to the Post Office Department, Bureau of Transportation, Division of International Service, Washington 25, D. C. The envelopes or wrappers of the articles involved are to be obtained where practicable and submitted with the report.

(b) Rating:

(1) Unpaid and insufficiently prepaid registered articles in the Postal Union mails exchanged with all other countries are subject to the collection of only the amount of the deficient postage. However, double the deficient postage is to be collected on unpaid and insufficiently prepaid ordinary (unregistered) articles in the Postal Union mails exchanged with all countries, except as provided in § 127.48, paragraphs (b) and (c), for certain classes of redirected articles.

(2) Articles, other than letters and post cards, which contain written communications are treated as letters and double the amount of deficient postage (at the rate for letters from the country of origin) is collected upon delivery.

(3) Packages of printed matter received from other countries, having articles of merchandise concealed therein, and packages mailed in other countries as "samples," when found to contain gifts or articles having a salable value other than that necessary in their character as bona fide samples of merchandise (see § 127.9), are treated as "small packets" when received from those countries listed in § 127.10 (h). Otherwise they are subject to the letter rate (from the country of origin) and postage due is collected accordingly.

(4) In the case of unpaid or short-paid articles returned to senders as undeliverable, the senders are charged with the amount of deficient postage which would have been collected from the addressees if the articles had been delivered. (See § 127.50 (b).)

(5) Marking: The dispatching exchange office of the country which dispatches to another an unpaid or short-paid article is required to mark, in the middle of the upper part of the address side, the capital letter "T" (including "tax" or postage due) and beside it, in very legible figures, the amount of postage due in postal gold francs and centimes. United States dispatching exchange offices will mark such articles on the basis of 3 gold centimes as the postal equivalent of 1 cent, United States currency.

(6) The United States exchange office which first receives a short-paid article from another country stamps it "Postage due __ cents" and with the initials—for instance, "NY", "SF", "NO", etc., as the case may be—or with the full name of the exchange office which so stamps it. The amount so indicated (except in case of obvious error) must be collected at the post office where the article is delivered and postage-due stamps of the same amount must be affixed to the article and canceled.

(7) When postage stamps or postage-paid impressions are used which are not valid for the prepayment of postage in the country of mailing, that fact is indicated by a zero (0) marked alongside them and a line in pencil drawn around them.

(8) Charges for postage due are in addition to any customs charges.

§ 127.35 *Return for correct or complete address.* Any article returned to sender from another country for rectification or completion of its address is not considered when mailed with a corrected or completed address as forwarded matter but as newly mailed, and consequently becomes liable to a new charge for postage.

§ 127.36 *Recall and change of address.* (a) The sender of any mail article addressed for delivery in another country may cause it to be withdrawn from the Postal Service, or have its address changed, provided (1) the article has not been dispatched from the United States, or (2) in case it has been dispatched from the United States and not delivered to the addressee, that (i) the legislation of the country of destination of the article allows such withdrawal or change of address, (ii) the article does not contain prohibited articles, and (iii) the customs examination does not reveal any irregularity.

(b) If the article has not been dispatched from the mailing post office the sender must apply to the postmaster, who will be governed by § 42.22 or § 59.68, of this chapter.

(c) If the article has been dispatched from the mailing office, but has not been dispatched from the United States, and can be intercepted at the United States exchange post office, it may, if unregistered, be returned to the sender upon compliance by him with requirements of §42.23 of this chapter; or, if registered, upon compliance with the requirements of § 59.68, of this chapter. To facilitate identification and return, the exchange office concerned shall be furnished available particulars, including description of the article, date of mailing, registration number, if registered, as well as means of transmission (by surface or air) from mailing office.

(d) If the article has been actually dispatched from the United States, the sender must apply at the post office at which the article was mailed, where he must identify himself and deposit with the postmaster a sum sufficient to cover all expenses to be incurred; and, in addition, the sender must furnish a facsimile of the address of the article, and must pay (by means of postage stamps affixed to his application, and canceled by the postmaster) a fee of 40 cents. If the request is to be sent by air mail or telegraph or cable, the sender must pay, in addition, the air mail rate or telegraph or cable charges; in this case the application shall be accompanied by postage in an amount sufficient to prepay the air mail rate or by a remittance to cover the telegraph or cable charges at the usual rate. When these formalities have been complied with, the postmaster at the mailing office is required to forward the application, together with particulars of dispatch (including the name of the United States exchange office to which the article was sent), accompanied by the facsimile of the address, to the Post Office Department, Bureau of Transportation, Division of International Service, Washington 25, D. C., who will request the postal administration concerned to comply with the sender's directions.

(e) A single form of application may be used for several articles (Postal Union or parcel post) mailed at the same time, at the same office, by the same sender, and to the same addressee, in which case the sender is required to pay only one fee or one fee plus the air mail or telegraph or cable charge, as the case may be.

(f) The legislation of Aden, Australia, Barbados, British Honduras, British Post Offices in Tangier (International Zone of Morocco) and Tetuan (Spanish Zone of Morocco), Brunei, Burma, Canada, Cyprus, Cyrenaica, Gambia, Gibraltar, Gilbert and Ellice Islands, Great Britain and Northern Ireland, India, Ireland, Malaya, Nauru Island, New Zealand, Nigeria, Pakistan, Persian Gulf Ports, Rhodesia (Northern), Rhodesia (Southern), St. Helena, Sarawak, Seychelles, Sierra Leone, Solomon Islands, Somalia, South-West Africa, Trinidad and Tobago, Union of South Africa, and the Windward Islands does not allow senders of Postal Union articles to withdraw them from the mails or to change their address; consequently, senders cannot prevent the delivery to the original addressees of articles already dispatched from the United States to any of the countries named, nor from these countries when addressed for delivery in the United States. See § 127.85 for list of countries whose legislation does not permit senders to recall or change the address of parcel post packages.

(g) Except as herein provided for, postmasters are not authorized without permission from the Department to return or change the address of articles for or from other countries; but they may, upon request, forward an article to the same addressee at another post office. Requests from postal administrations or postal officials of other countries to return articles to the sender or to change the address on articles, ordinary or registered, should be referred to the Department, and the articles should be held until instruction concerning them are received from the department. Such requests from private citizens in another country or in the United States shall be replied to by postmasters with the infor-

mation that the requests cannot be considered nor the articles held and the senders shall be advised to submit their applications to the postmaster at the mailing post office in the foreign country or in the United States, according to the place of mailing. However, a request for a simple correction of address (without changing the name or the title of the addressee) may be made of the office of destination directly by the sender and should be complied with by delivering offices in this country without the formalities otherwise herein required.

§ 127.37 *Forwarding.* See § 127.48.

§ 127.38 *Inquiries.* See § 127.86 concerning ordinary mail and § 127.122, concerning registered or insured mail.

§ 127.39 *Liability to customs duty.* (a) This Department has not been advised what articles are liable to customs duty in other countries.

(b) The question of whether or not an article sent by mail from one country to another is subject to customs duty in the country of destination can be decided only by the country to which the article is sent, and is not affected by any postal convention between said countries.

(c) This Department is not authorized to question the decision of foreign officials in such matters any more than foreign officials would be authorized to question the decision of United States officials respecting the liability to United States customs duty of an article received here in the mail from abroad.

(d) It is suggested that senders avail themselves of the facilities of the Office of International Trade, Department of Commerce, Washington 25, D. C., in order to obtain information concerning the customs regulations of other countries.

(e) See § 127.113, regarding articles sent abroad for repairs.

§ 127.40 *Prepayment of customs duties.* (a) Customs duties can be prepaid by mailers on advertising matter sent to Canada and the Union of South Africa. For further information see subcaption "Observations" of "Postal Union Mails" under the country headings of those countries.

(b) There is no arrangement whereby customs duties can be prepaid through the United States Post Office Department by the senders of other dutiable articles addressed for delivery abroad.

§ 127.41 *General foreign separating scheme.* (a) (1) Surface mails for foreign destinations and United States possessions shall be routed according to instructions published in the Postal Bulletin from time to time.

(2) Packages or sacks of mixed Postal Union mail, that is, mail containing articles for different countries, shall be labeled as follows: New York—Foreign; New Orleans—Foreign; Boston—Foreign; Trans-Pacific—Foreign; etc.

(3) However, when the quantity of mail destined for delivery in the same country warrants, such mail shall be made up separately for each country of destination and labeled to the appropriate United States dispatching exchange office, followed by the name of the country. For example: New York—Foreign—France, Trans-Pacific—Foreign—Philippines, etc.

(4) It is understood, of course, that mailing post offices, unless also dispatching exchange offices, are not authorized to dispatch closed mails to other countries, and that the contents of United States domestic sacks made up by mailing offices (not dispatching exchange offices, for the country of destination concerned) are to be included in the closed mails made up in foreign sacks by United States exchange offices authorized to dispatch closed mails to the appropriate foreign exchange offices.

New York is not the exchange office for Mexico (overland).

(b) Commercial papers: In dispatching packages of "commercial papers" post offices and railway post offices must inclose them in the pouches containing letters.

(c) Daily newspapers: Daily newspapers mailed by publishers or registered news agents shall be included in separate sacks labeled to the appropriate United States exchange office of dispatch followed by the words "—Foreign (Daily Newspapers)" and be given the same dispatch as letter mail.

(d) International parcel post: See § 127.55 (g), concerning the labeling of sacks of parcel post to exchange offices.

(e) New York "Bureau Separation" of letters and post cards and of newspaper (prints) mail: In post offices and railway post office, where the space available for distribution is limited, or if the quantity of letters and post cards or of newspapers (prints) addressed to other countries is too small to warrant the assorting of them into separate sacks for each country, packages of letters and post cards or sacks of newspapers (prints) for other countries which are dispatched through the New York exchange post office shall be made up in accordance with the following bureau system of distribution as employed at the New York post office:

Bureau 1a:
England.
South Wales.
Wales.

Bureau 1b:
Ireland.
Northern Ireland.
Scotland.

Bureau 2:
Germany.

Bureau 3a:
Denmark.
Finland.
Norway.
Sweden.

Bureau 3b:
Estonia.
Latvia.
Lithuania.
U. S. S. R.

Bureau 4:
France.
Switzerland.

Bureau 5:
Greece.
Israel.
Jordan (Hashemite Kingdom).
Lebanon.
Palestine.
Portugal.
Spain.
Syria.

Bureau 5—Con.
Turkey.

Bureau 6:
Albania.
Italy.
Sicily.
Trieste.

Bureau 7a:
Bulgaria.
Czechoslovakia.
Hungary.
Rumania.
Yugoslavia.

Bureau 7b:
Belgium.
Luxemburg.
Netherlands.
Poland.

Bureau 8a:
All of Africa.
Madeira.

Bureau 8b:
Azores.
Iceland.
India.
Iran (Persia).
Iraq
Pakistan.

Bureau 9a:
Canal Zone.
Central America.
Panama.

Bureau 9b:
Bolivia.
Chile.
Ecuador.
Peru.

Bureau 10a:
Argentina.
Brazil.
Paraguay.
Uruguay.

Bureau 10b:
Colombia.
Guianas (British and French).
Surinam.
Venezuela.

Bureau 11:
West Indies except Cuba and Puerto Rico.

Puerto Rico:
Puerto Rico Directs should also be made up when warranted.

New York Foreign:
All other destinations by sea from New York. Also any bureau for which there are less than 10 letters and post cards combined or less than 25 pieces of newspaper (prints) mail.

ARTICLES FROM OTHER COUNTRIES

§ 127.42 *Customs clearance charge (letters or letter packages).* (a) There shall be collected from the addressee of every letter or letter package (surface or air) received from abroad bearing the green (customs) label, or with the cover endorsed to indicate that the article may be opened for customs inspection, and also from the addressee of every letter or letter package (surface or air) which is subject to customs inspection even though not labeled or endorsed as indicated herein, a charge of 10 cents for each piece to cover customs clearance service.

(b) The customs clearance charge is collected whether or not the article proves, after customs inspection, to be dutiable, except when the letter or letter package is found to contain only written communications, canceled or uncanceled postage stamps, orders for merchandise, clippings from newspapers or periodicals, bank checks, bank notes, bills of exchange, values payable to the bearer, or any similar items that in the usual course of business would be enclosed in letters addressed to banking institutions, "commercial papers" (including shipping documents and nondutiable patent papers), photographs, calendars, Christmas or other greeting cards (when such clippings, photographs, calendars, and greeting cards are not sent for commercial purposes).

(c) Endorsements for the collection of the charge concerned by the office of delivery will be placed on such letters or letter packages by the exchange office of first receipt. Postage due stamps in the amount of 10 cents must be affixed to each letter or letter package subject to the customs clearance fee and canceled before delivery. This charge is canceled when the articles are forwarded to another country or returned to origin.

(d) If the addressee protests against the payment of the customs clearance fee, the post office of delivery is authorized to allow the opening by the addressee (or agent) in the presence of a postal employee, of letters or letter packages which have been subjected to customs treatment, for the purpose of ascertaining whether or not the letter or letter package contains only articles, as listed in the foregoing, which are not subject to the collection of the customs clearance fee.



§ 127.43 *Delivery fee and customs clearance charge (small packets).* There shall be collected from the addressee of every small packet received from abroad a charge of 15 cents. Postage-due stamps in the amount of 15 cents must be affixed to each small packet and canceled before delivery. This charge represents a fee of 5 cents for the delivery of small packets and a fee of 10 cents for the customs clearance of small packets, authorized by the Universal Postal Union Convention. Endorsements for the collection of the charge mentioned by the office of delivery will be placed on the small packets by the exchange office of first receipt, with indication by name or initials, of the exchange office. The charge will be canceled in the event that the articles are forwarded to another country or returned to origin.

§ 127.44 *Articles bearing fraudulent or previously used postage stamps.* (a) An article of foreign origin bearing fraudulent or previously used postage stamps, counterfeit impressions of stamping machines or printed indicia, and accompanied by form C 10 is not to be delivered unless the addressee or his representative pays the postage due and agrees to disclose the name and address of the sender and surrenders the envelope or cover concerned.

(b) The article shall be rated up in accordance with the instructions set forth in § 127.34. If delivery is effected postage-due stamps shall be attached and canceled, after which the envelope or cover shall be transmitted, with the name and address of the sender, to the Post Office Department, Bureau of Transportation, Division of International Service, Washington 25, D. C.

(c) If the addressee refuses to comply with these demands, the article shall be forwarded intact to the Post Office Department, Bureau of Transportation, Division of International Service, Washington 25, D. C., with a complete report in the matter.

§ 127.45 *Articles without postage stamps affixed.* Articles of foreign origin which do not have postage stamps affixed, but show the endorsement "Taxe percue," "Port paye," "T. P.," "P. P.," or a similar notation, with the postmark of the foreign office, should be treated at United States post offices as fully prepaid.

§ 127.46 *Rating and marking of short-paid articles.* See § 127.34.

§ 127.47 *Recall and change of address.* See § 127.36.

§ 127.48 *Forwarding.* (a) Postal Union articles addressed to persons who have filed a change of address are duly forwarded except in those cases where the envelope or wrapper bears a notation (in the language of the country of destination) prohibiting such action. However, forwarding from one country to another takes place only if the articles meet the conditions required for the new transportation.

(b) Except as stated in paragraph (c), articles in the Postal Union mails of foreign origin (surface and air) which are redirected are forwarded by surface means, without additional postage and, if registered, without additional registry fee.

(c) Exceptions:

(1) A surface article originating in a country which has adopted in its reciprocal relations with this country a lower rate than the ordinary Postal Union rate and which, on being forwarded, enters the service of a country to which a higher postage rate applies, is chargeable (but need not be prepaid on redirection) with the same postage, less the sum prepaid, as would have been charged had the article been addressed originally to the country to whch redirected. (The rating and marking of such articles is the duty of the exchange post offices. See § 127.34.) See paragraph (i) of § 34.63 of this chapter concerning second-class matter mailed in Canada by publishers or registered news agents.

(2) An article which is redirected to a third country or to the country of mailing may be forwarded by air, provided the addressee, or someone acting in his behalf, pays in advance to the forwarding office an amount sufficient to fully prepay the United States air mail postage to the new destination. In such cases, the required postage shall be affixed to the article, and the stamps canceled by the forwarding office.

(3) An air mail article which is redirected to an address in the United States will be forwarded by air without additional postage.

(d) Except as stated in paragraph (e) of this section, articles mailed in the United States and addressed for delivery in this country shall not be redirected to another country, but shall be marked with the reason for nondelivery and treated as undeliverable matter.

(e) Exceptions:

(1) Ordinary surface letters (except those which appear to contain merchandise) and post cards may be redirected and forwarded to other countries by surface means, and are chargeable (but need not be prepaid on redirection) with the same postage, less the sum originally prepaid, as would have been charged had the articles been addressed originally to the country to which redirected. Such articles will be rated and marked by the dispatching United States exchange office. The same treatment shall be accorded undeliverable ordinary official (penalty) letters which do not bear printed instructions forbidding their forwarding. Such articles, unless redirected to one of the countries named in § 127.32 (c), are regarded as being totally unpaid and will be rated and marked by the dispatching United States exchange office for collection from the addressee of the charge to which they would have been liable if they had been addressed originally to the country to which redirected.

(2) Ordinary air mail letters (except those which appear to contain merchandise) and post cards may be redirected and forwarded to other countries by surface means without charge of additional postage.

(3) Ordinary air mail and surface letters (except those which appear to contain merchandise) and post cards may be redirected and forwarded to other countries by air, provided the sender or addressee, or someone acting in his behalf, requests that such articles be forwarded by air mail and pays in advance to the forwarding office an amount sufficient to prepay the necessary additional air mail postage to the country concerned. In such cases, credit shall be allowed for the amount of United States postage originally prepaid on the articles.

(f) At the time of forwarding, the redispatching office applies its date stamp on the front of articles in the form of cards; on the back of letters and all other classes of mail.

(g) For information regarding the forwarding of parcel post packages see § 127.98.

§ 127.49 *Undeliverable articles, treatment and marking of.* (a) Undeliverable ordinary (unregistered) prints without value are not returned to origin unless the sender has requested their return by a notation placed on the article in a language known in the country of destination. Other ordinary articles and all registered articles must always be returned. Undeliverable second-class publications mailed from Canada are given the same treatment as undeliverable domestic matter of the second-class.

(b) Undeliverable air-mail articles shall be returned to origin by surface means.

(c) For detailed instructions regarding the treatment and marking of undeliverable articles see § 114.26, Postal Laws and Regulations.

§ 127.50 *Undeliverable articles, charges.* (a) Letters received from other countries to be returned to writers through the dead letter branch are subject to a fee of 5 cents for the return of letters to writers, and the amount to be charged will be indicated on official or penalty envelopes before dispatch to post offices from the dead letter branch.

(b) Upon any unpaid or short-paid article returned as undeliverable, the sender will be required to pay the sum which would have been collectible from the addressee if the article had been delivered, and in addition, when returned through the dead letter branch, the sender will be required to pay the fee of 5 cents for the return of letters to the writers, all of which charges shall be indicated on official or penalty envelopes before dispatch to post offices from the dead letter branch.

(c) There is no charge for return postage on undeliverable fully prepaid articles in the Postal Union mails, except as follows:

(1) "Eight-ounce merchandise packages" (see § 127.11) returned as undeliverable, upon which return postage has not been prepaid, are subject on delivery to the sender to a postage charge equal to the amount of postage originally prepaid, or in the case of such articles originally sent by air to a return charge of 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces or fraction.

(2) United States publications of the second-class mailed by publishers or

registered news agents at the rates prescribed in § 34.40 of this chapter are returned from Canada as undeliverable are subject on delivery to the senders to a charge at the rate of 2 cents for the first 2 ounces and 1 cent for each additional 2 ounces or fraction thereof.

(d) The special fee for delivery of "small packets" and the customs clearance charge applicable to letter packages and "small packets" in other countries are canceled when the articles are returned to the United States.

(e) See § 127.100, concerning charges collected on parcel post packages returned from other countries.

§ 127.51 *Inquiries.* See § 127.86 concerning ordinary mail and § 127.122 concerning registered or insured mail.

### Subpart B—International Parcel Post

§ 127.54 *Extent of service.* International parcel post service is maintained by direct or indirect service, that is, parcels are dispatched from the United States by surface vessels or by airplanes which land the parcel post mails at a port in the country of destination, or at a port in an intermediate country for onward dispatch from such intermediate country to the country of destination. In the latter case the parcels are subject to transit charges.

§ 127.55 *General information.* — (a) *Surface parcel post.* Surface parcels may be sent to the countries, colonies, and islands shown in Subpart F of this part, unless otherwise indicated. (See subheading "Parcel Post" under each country item.) Parcels addressed to any other destinations must not be dispatched from the United States, but returned to the sender.

(b) *Air parcel post.* (1) Parcels may be sent by air to those countries, colonies, and islands shown in Subpart F of this part, if air parcel post rates are listed under the subheading "Parcel Post" of the country item concerned.

(2) Air parcels are, in general, subject to the same limitations as to size and other conditions (but not postage rates) as are applicable to surface parcels.

(3) The same postal forms (customs declarations, dispatch note, international parcel-post sticker, etc.) as are required for surface parcels must be prepared in connection with air parcels, and in addition the blue par avion label (Form 2978) must be affixed to the address side of the package, and to the dispatch note if the country of destination requires a dispatch note.

(4) The parcels will be forwarded by international air mail service to the countries of destination. After arrival in the countries of destination the parcels will be handled by surface transportation unless otherwise indicated in the subcaption "Observations" under "Parcel Post" in Subpart F of this part.

(c) *Limits of weight.* (1) The weight limit of parcels varies to the different countries, as shown in the parcel post table under each country item.

(2) Interior post offices making up sacks of international parcel post labeled to United States dispatching exchange offices must not include more than 100 pounds of parcels in such sacks.

(3) The weight limit for sacks of parcel post made up at exchange offices for foreign countries is 40 kilograms (88 pounds) gross, except that to Belgium, Czechoslovakia, Portuguese East Africa (Mozambique) and Switzerland it is 50 kilograms (110 pounds) gross and to Barbados, British Guiana, Fiji Islands, Germany, and Gold Coast Colony it is 36 kilograms (80 pounds) gross.

(d) *Dimensions.* (1) General dimensions: Greatest length, 3½ feet; greatest length and girth combined, 6 feet.

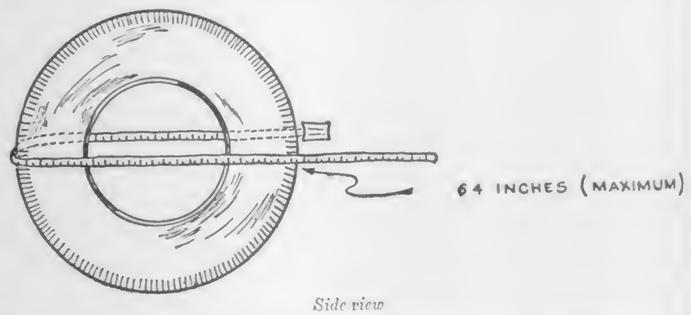
(2) In measuring a parcel the greatest distance in a straight line between its ends, but not around the parcel lengthwise, shall be taken as the length, while the distance around it at its thickest part shall be taken as the girth.

(3) Under the above maximum dimensions, a parcel not more than 3 feet 6 inches in length may measure as much as 2 feet 6 inches in girth, or around its thickest part. A shorter parcel may be thicker; thus, if it measures no more than 3 feet in length it may measure as much as 3 feet in girth, or around its thickest part. The most convenient mode of measuring is by means of a tape line 6 feet long, so much of the tape as is not used in measuring the length being the maximum girth permissible.

(4) In the case of tires of all kinds, coils of rope, hose, wire, etc., forming a parcel circular in shape, the usual method of measuring parcels by taking the greatest distance in one direction as the length, and the distance around the parcel at its thickest part as the girth is not adaptable to measuring parcels of this type.

(5) To determine whether a tire or other object circular in shape (regardless of whether there is an open space in the center) can be accommodated inside the mail sacks employed for the dispatch of parcel post to overseas foreign countries, the object, as prepared for mailing, shall be measured around its entire girth, in the direction of the diameter, as shown in the illustration. This measurement must not exceed 64 inches in order for the tire or other parcel circular in shape to be acceptable for mailing to overseas foreign countries.

(6) Measurement shall be taken as shown in the following illustration:




*Side view*

(7) Tires, coils of rope, hose, wire, etc., tendered for mailing to Canada and Mexico, need not conform to the aforementioned measurement as they may, if necessary, be forwarded to those countries outside of mail sacks. Such articles for Canada and Mexico will, however, be limited according to the maximum weight limit prescribed for parcel post packages, that is, 15 pounds in the case of Canada and 44 pounds in the case of Mexico.

(8) Exceptional dimensions: To some countries other dimensions than the general dimensions indicated are applicable. As a parcel must not exceed the maximum dimensions allowed to the country to which it is addressed, the individual country item shall be consulted.

(9) Parcels larger than the dimensions indicated must be rejected since they can not be placed in the mail bags used for dispatching parcel post to foreign countries.

(e) *Postage rates and fees.* (1) The international parcel post rates for surface parcels and for air parcels, where the latter service is available, are shown in tables under the various country items. The rates for surface parcels are indicated on the basis of each pound, a fraction of a pound being charged as a full pound. The air parcel rates are indicated on the basis of each 4 ounces, a fraction of 4 ounces being charged as a full 4 ounces.

(2) The weight of the customs declarations and other postal forms will not be included with that of the parcel in determining the amount of postage required.

(3) The rates indicated in the parcel post tables and, when applicable, the registration, insurance, c. o. d., and special handling fees, must be fully prepaid at the time of mailing by postage stamps affixed or by means of impressions of postage stamping machines. See § 127.83 concerning treatment accorded unpaid and insufficiently prepaid parcel post packages.

(4) For information concerning the postage rates applicable to parcel post packages addressed to Alaska, Canal Zone, and other possessions of the United States, see Part 34 of this chapter.

(f) *Registration and insurance.* Parcel post packages (surface or air) may be registered, insured, or sent c. o. d. if such services are in operation to the country concerned. See "Parcel Post" heading under the various country items, Subpart F of this part. Also, see Subpart D of this part.

(g) *Exchange offices.* (1) Parcels shall be sent from the office of mailing to or in the general direction of the appropriate exchange office, in accordance with instructions published in the Postal Bulletin from time to time.

(2) When there are five or more surface parcels for one country, the parcels shall be placed in a separate sack bearing labels reading "New York—Foreign—Parcel Post" or "Postal Concentration Center—New York—Foreign Parcel Post" followed by the name of the country, "France," "Switzerland," etc., or "Trans-Pacific—Foreign—Parcel Post—Japan," etc. Only parcels with customs declarations attached shall be placed in the parcel post sacks.

(h) *Observations.* Under the subheading "Observations" of each country item are shown the special restrictions and conditions applicable to the country concerned.

(i) *Supplies and needed information.* Postmasters' requisitions for the necessary blank forms and other supplies shall be addressed to their designated supply offices. Requests for information concerning the international parcel post service shall be addressed to the Post Office Department, Bureau of Transportation, Division of International Service, Washington 25, D. C.

(j) *U. S. A. gift parcels.* (1) Relief parcels are acceptable for surface transmission at reduced rates of postage to Ryukyu Islands. See caption "U. S. A. Gift Parcels" under the relative country item for postage rates and information as to permissible contents.

(2) The following interpretations apply with respect to permissible contents as shown under the country item:

(i) *Nonperishable food.* This includes canned, dried, or packaged foods of all kinds, as well as fruitcake, candy, or chewing gum properly packaged as nonperishable.

(ii) *Household supplies and utensils.* This includes dishes, pans, light bulbs, electrical or other household appliances, wallpaper, paint in mailable quantities, as well as other items of general household use, but not for business or professional use. Paints as well as other liquids must be packed in two receptacles, with the space between the inner and outer receptacles to be filled with sawdust, bran, or other absorbent material in sufficient quantity to absorb all the liquid content in case of breakage. Friction top containers must be soldered in four different places around the lid.

(iii) The following are not permitted in "U. S. A. Gift Parcels":

(a) Cigarettes and other forms of tobacco.

(b) School and office supplies.

(c) Bismuth nitrate, oxide, and subnitrate, in bulk. Quinidine alkaloid and quinidine salts and compounds. Radon. Radium salts and compounds. Chemicals containing artificial radioactive isotopes. Radium ore concentrates.

(iv) "U. S. A. Gift Parcels" may not contain any articles prohibited in parcels generally to the country of destination concerned.



(k) *Outside parcels.* Parcels properly prepared for mailing to foreign countries which under domestic regulations are required to be handled as "outside mail" (see § 35.11a, of this chapter), shall, when necessary, be stamped "outside mail" by the accepting employee. Such parcels shall be handled outside of mail sacks until they reach the appropriate United States dispatching exchange office.

#### Prohibitions and Restrictions

§ 127.56 *General list of prohibited articles.* The following articles are prohibited transmission in the parcel post mails to all countries:

(a) Articles which are excluded from the domestic mails of the United States. Although safety matches are admitted in the domestic mails, they are prohibited transmission in the international mails.

(b) Written communications of the nature of personal correspondence. (See § 127.65.)

(c) Enclosures which bear an address different from that appearing on the parcel itself. (See § 127.66.)

(d) Pistols, revolvers, and other firearms capable of being concealed on the person, with certain exceptions. (See § 36.12 of this chapter; also see § 127.57.)

(e) Live or dead animals, except live bees, leeches and silkworms, and dead insects or reptiles when thoroughly dried.

(f) Fruits and vegetables which easily decompose, and substances which exhale a bad odor.

(g) Lottery tickets or advertisements or circulars relative to lotteries.

(h) All obscene or immoral articles.

(i) Poisons, including narcotics (opium, morphine, cocaine, etc.).

(j) Explosive and inflammable articles and articles which, in any way, may damage or destroy the mails or injure the persons handling them. This includes inflammable liquids having a flash point by the Tagliabue open tester of 80° F. or lower; inflammable solids which are liable, under conditions incident to transportation, to cause fires through friction, through absorption of moisture, or through spontaneous chemical changes; oxidizing materials such as chlorates, permanganates, peroxides or nitrates, which yield oxygen readily to stimulate the combustion of organic matter; and poisonous articles or substances.

(k) Treasonable matter.

(l) Intoxicating liquors.

(m) Tobacco seed and plants, except by permit granted by the Secretary of Agriculture. (See § 127.63.)

(n) For special prohibitions regarding each country, see country item concerned in subpart F of this part.

§ 127.57 *Licenses covering shipments of firearms or parts thereof, implements of war and other nonexplosive munitions of war.* (a) Section 12 of the joint resolution approved by the President on November 4, 1939, provides that it shall be unlawful for any person to export, or attempt to export, from the United States to a foreign country, certain arms, ammunition, or implements of war without first having obtained a license therefor. Such licenses are issued by the Department of State (Munitions Division). Smooth-bore firearms, such as shotguns, and firearms of less than .22 caliber, are exempt from this licensing requirement.

(b) When the sender of a parcel presents a license from the Department of State authorizing the exportation of any mailable firearms or parts thereof, implements of war or other nonexplosive munitions of war, the accepting clerk shall compare the contents of the parcel as shown on the customs declaration with the commodities indicated on the license. If no inconsistency is noted the parcel may be accepted for mailing provided the contents are mailable under the provisions of §§ 36.12 and 36.18 of this chapter, and are not prohibited to the country concerned by the special prohibitions appearing under the relative country item in subpart F of this part. If the parcel is accepted for mailing the clerk shall place the endorsement "State Department export license No. ____" on the wrapper. When the entire amount authorized to be exported has been mailed the accepting clerk shall take up the license, endorse it "COMPLETED," postmark, and return it to the Munitions Division, Department of State, Washington 25, D. C. If the quantity of articles being mailed represents only a portion of the total amount authorized to be exported the sender shall be required to enter on the back of the license the amount being shipped. The license is then to be postmarked and handed back to the sender.

§ 127.58 *Gold and gold certificates.* See § 127.22.

§ 127.59 *Diamonds.* See § 127.23.

§ 127.60 *Fountain pens.* See § 127.24.

§ 127.61 *Combustible liquids.* (a) Combustible liquids having a flash point of 150° F. or lower but above 80° F. (Tag. open tester) may be sent to foreign countries generally in quantities not exceeding 1 quart in any one parcel, except that paints, varnishes, turpentine and similar substances may be sent in quantities of less than 1 gallon in any one parcel.

(b) Before accepting any parcel containing a combustible liquid for a foreign country, postmasters shall exercise particular care to see that it is packed as prescribed in § 127.72 (d), and that the country of destination does not prohibit liquids of the flash point mentioned.

(c) The wrapper of any parcel containing a combustible liquid must be endorsed by the mailer to indicate that the flash point is above 80° F.

§ 127.62 *Eggs.* Parcels containing eggs destined for foreign countries will be accepted for transmission in the parcel post mails when properly packed and conspicuously endorsed so as to assure their reaching destination without causing damage, in case of breakage, to accompanying parcels, except to such countries as prohibit the importation of eggs. See § 127.72 for packing requirements.

§ 127.63 *Tobacco seed and plants.* (a) Pursuant to the provisions of the

Tobacco Seed and Plant Exportation Act (Public, No. 543, 76th Cong.) it is unlawful to export any tobacco seed and/or live tobacco plants from the United States or any territory subject to the jurisdiction thereof to any foreign country, port, or place, unless such exportation and/or transportation is in pursuance of a written permit granted by the Secretary of Agriculture. Such permit shall be granted by the Secretary only upon application therefor and after proof satisfactory to him that such seeds or plants are to be used for experimental purposes as prescribed in the applicable regulation of the Secretary.

(b) The package or parcel must be marked "Tobacco seed and plant export permit No. ____." The permit is to be presented at the time of mailing of the package or parcel and postmarked at the mailing office and signed by the postmaster concerned or his authorized representative. The permit, after being properly executed, is to be retained by the postmaster and forwarded to the Tobacco Branch, Production and Marketing Administration, Department of Agriculture, Washington 25, D. C.

(c) A charge of 1 cent will be made for each permit presented by the sender and for each package or parcel represented if a single permit covers more than one parcel; that is, if a permit is issued for 10 parcels even though identical, the charge will be 10 cents. Postage stamps to cover the charge shall be affixed to the permit and canceled by the postmark of the office of mailing.

§ 127.64 *Motion-picture films.* (a) Unless otherwise indicated under the various country items, packages of motion-picture films will be accepted for dispatch to foreign countries by parcel post, even though ocean steamship transportation is involved, provided the films are packed in accordance with the regulations governing their transmission in the domestic mails (see § 35.16 of this chapter), and are within the limit of weight applicable to parcels for the country concerned.

(b) Parcels containing films requiring handling outside of mail sacks in the domestic service which are received at interior United States exchange offices preparing and dispatching parcel post to foreign countries will not be enclosed in sacks labeled abroad but will be sent to the appropriate coast or border exchange office as "outside mail."

§ 127.65 *Letters must not accompany parcels.* (a) A communication of the nature of personal correspondence must not be enclosed in or written on any parcel. However, a parcel may contain an open invoice, confined to the particulars which constitute an invoice, and also a simple copy of the address of the parcel, with mention of the address of the sender. If a written communication in the nature of personal correspondence be found in the parcel it shall be placed in the mails if separable, and if not separably attached the entire parcel must be rejected. (See § 127.34, as to rating and marking of short-paid articles.) In the event any such parcels are inadvertently forwarded to destination, the country of destination will collect upon the accompanying communication or communications double the letter rate of postage.

(b) If a parcel of foreign origin is found to contain a written communication, such communication is to be left in the parcel and the parcel forwarded to destination after the wrapper has been marked with the words "Written communication enclosed." The delivering post office will collect a charge equal to double the postage to which the letter would have been liable had it been mailed separately. The office which first discovers the irregularity is to forward a report thereof to the Post Office Department, Bureau of Transportation, Division of International Service, Washington 25, D. C.

(c) In the case of parcel post packages for Canada, however, a letter, and for Switzerland a letter or card, fully prepaid and bearing the same address as that of the parcel, may be tied or otherwise securely attached to the outside of the parcel in such manner as will prevent its separation therefrom or its interference with the address of the parcel. Stamps to cover postage on the parcel must be affixed to the wrapper of the parcel; stamps to pay postage on the letter must be affixed to the envelope thereof. Parcels to which such letters are attached are treated as parcel post. Senders in Canada and Switzerland are accorded the same privilege with respect to parcels addressed for delivery in the United States.

§ 127.66 *Parcels must not contain separately addressed packages.* A parcel must not contain packages addressed for delivery at an address different from that shown on the cover of the parcel. If any such enclosed packages be detected, they must be sent forward singly charged with new and distinct parcel post rates.

PARCELS FOR OTHER COUNTRIES

§ 127.67 *Mailing of parcels.* (a) A parcel must not be posted in a letter box, but must be taken into the post office and presented for mailing at the window designated for the acceptance of parcel post. Letters must not accompany parcels. (See § 127.65.) Parcels must not contain separately addressed packages. (See § 127.66.)

(b) Prisoners of war and interned civilians and belligerents: (1) See § 127.32 (g), concerning free postage for such parcels. These parcels shall not be subjected to special services and fees, such as registration or insurance. If the mailer desires, however, certificates of mailing may be given in the usual way and at the usual charge.

(2) See Postal Bulletin instructions concerning limits of weight, dimensions, and other conditions of mailing.

§ 127.68 *Address, etc.* The name and address of the sender and of the addressee must be legibly and correctly written in every case when possible on the parcel itself or on a label gummed thereto, and must also be written on a separate slip, which slip must be enclosed in the parcel. Parcels must not be accepted when addressed to a "care" in one country and the addressee (or person for whom intended) in another country or when addressed to or sent by initials, unless the initials are the adopted trade name of the senders or addressees. Addresses in ordinary pencil are not allowed, but copying ink or indelible pencil on a surface previously dampened may be used. Sufficient space must be left for the addition of necessary service notations as well as the affixing of stamps or labels.

§ 127.69 *Dimensions.* For information regarding the dimensions of parcel post packages for foreign countries see § 127.55 (d), also each individual country heading.

§ 127.70 *Measurement.* For method of measuring a parcel see § 127.55 (d).

§ 127.71 *Postmarking.* Parcel post packages shall be postmarked under the same conditions, so far as applicable, as are prescribed for articles in the Postal Union mails. The postmark must also be applied in the appropriate spaces on the customs declaration (Form 2966), as well as on the dispatch note (Form 2972) when the latter is required.

§ 127.72 *Packing.* (a) Every parcel shall be securely and substantially packed, regard being had to the nature of the contents and climatic conditions, the length of the journey, and the numerous handlings and risks of concussion to which parcels for foreign destinations are unavoidably subjected en route. Packages must be packed in canvas or similar material, double-faced corrugated cardboard boxes, solid fiber boxes or cases, thick cardboard boxes, or strong wooden boxes made of lumber at least a half-inch thick or plywood of at least three plies. Ordinary pasteboard containers are wholly inadequate. While it is permissible to use heavy wrapping paper or waterproof paper as the outside covering, for instance, of a carton, it shall not be used as the only covering of the contents. Boxes with lids screwed or nailed on and bags closed by means of sewing may be used provided they conform to other conditions prescribed. (See individual country items in Subpart F of this part regarding special packing requirements to certain countries.)

(b) Articles of china, crockery, or glass, and hats, radios, or other articles of a fragile or easily breakable nature shall be packed in a strong (preferably wooden) box; solid fiberboard or strong double-faced corrugated fiberboard boxes (not less than 200-pound test) enclosed in strong wooden crates are also preferred, especially in the case of overseas destinations. There shall be a space of at least 1½ inches between the article and the top, bottom, and sides of the box. This space may be utilized with excelsior or other effective cushioning material, or with air-cushioned corrugated riders.

(c) Umbrellas, canes, golf clubs, fishing rods or sections thereof, and similar articles shall be packed in strong boxes made of wood at least three-eighths of an inch thick and a liberal supply of cushioning material used if the handle of the article is brittle or fragile.

(d) (1) All mailable liquids and substances which easily liquefy must be packed in two receptacles. Between the first (bottle, flask, etc.) and the second (box of metal, strong wood, strong corrugated cardboard, strong fiberboard, or receptacle of equal strength) there shall be left a space to be filled with sawdust, bran, or other absorbent material in sufficient quantity to absorb all the liquid contents in the case of breakage. It is not considered that excelsior possesses the necessary absorbent quality to meet the special requirements cited for internal packing. In the case of Great Britain and Northern Ireland, Ireland, Leeward Islands, Malaya, and Windward Islands, the outer receptacle shall be of strong wood or metal.

(2) Metal containers closed with a screw-top cover must have sufficient screw threads to require at least one and one-half complete turns before the cover will come off and be provided with a washer so as to prevent possible leakage of the contents. Compression or friction top metal containers must be soldered in four different places, equally spaced.

(e) Mailable powders and dyes in powder form must be packed in metal containers securely sealed so that none of the contents will sift out and enclosed in substantial outer containers of double-faced corrugated cardboard, thick cardboard, fiberboard, or strong wood at least a half inch thick.

(f) (1) Eggs addressed for delivery in all other countries (except Canada and hatching eggs for Cuba) must be placed in a metal egg container, and each egg in the square pockets must be surrounded with paper, cotton, excelsior, straw, or other similar material, while the metal egg container in turn must be enclosed in an outer container of wood with sufficient excelsior, straw, or similar material provided in the space between the inner and outer containers.

(2) Eggs destined for delivery in Canada may be packed either in the manner prescribed above or in wooden, papier-mache, or other box of a rigid material with a well-fitting tightly adjusted lid. Each egg must be wrapped in newspaper or other protecting material and placed on end, the vacant space in the box to be filled with newspaper or other packing material so as to prevent the eggs from striking together or against the sides, top, or bottom of the box.

(3) Eggs destined for delivery in Cuba, intended for hatching purposes, may be transmitted outside of mail sacks when each egg is wrapped separately and surrounded with excelsior, wood-wool, or other similar material and packed in a basket (preferably with a handle) or other suitable container, lined with paper, fiberboard, or corrugated pasteboard. Such parcels shall be marked "Eggs for Hatching," "Keep From Heat or Cold," "Please Handle With Care," or other suitable words.

(4) Eggs addressed for delivery in Cuba, not intended for hatching purposes, shall be packed in the manner indicated in the preceding paragraph for transmission inside of mail sacks in regular course.

(g) No indemnity is paid for damage due primarily to inadequate packing or to the inherent nature of the contents of insured, registered, c. o. d., or ordinary parcels addressed to other countries, which, from their nature, cannot reasonably be expected to travel safely in the mails.

§ 127.73 *Repacking of parcels in transit.* (a) When it is necessary to rewrap or repack parcels before they reach the dispatching exchange office but no loss or damage has been sustained by the contents, the parcel shall be marked "Received in bad condition at_____" and dated. When the contents are found to have sustained loss or damage, the repacking office shall prepare and securely attach to the parcel a suitable report addressed to the exchange office giving the reason why repacking was necessary and setting forth the loss or damage. When a repacked parcel with such report reaches the dispatching exchange office, or when a parcel has to be repacked at the exchange office and loss or damage to the contents is observed, a bulletin of verification giving the foregoing particulars shall be sent to the foreign exchange office with the parcel.

(b) When damage to a parcel is the result of improper preparation for mailing, the repacking office should send a report to the office of mailing on Form 1833. The words "before it could be delivered" should be crossed out on the form before it is used in connection with parcels for foreign countries.

§ 127.74 *Sealing.* (a) Parcels addressed for delivery in the following countries *must* be securely closed by means of sealing with wax or otherwise:

Albania.
Andorra (Republic of).
Argentina.
Australia (Insured).
Azores (registered or insured).
Bahamas (Insured).
Barbados (Insured).
Belgian Congo.
Belgium (Insured).
Bolivia.
Brazil.
British Guiana (Insured).
Bulgaria.
Cape Verde Islands (registered or insured).
Ceylon.
Chile.
Colombia.
Corsica (Insured).
Costa Rica.
Cuba.
Czechoslovakia (Insured).
Denmark (Insured).
Dominican Republic.
Ecuador.
Eritrea.
Estonia.
Finland (Insured).
France (Insured).
French Cameroons.
French Equatorial Africa.
French Guiana.
Germany (Western zone and western sector of Berlin) (Insured).
Gibraltar (Insured).
Gold Coast Colony (Insured).
Great Britain and Northern Ireland (Insured).
Guatemala.
Haiti.
Honduras (Republic of).
Iceland (Insured).
Indo-China.
Iran.
Iraq.
Ireland (Insured).
Italy.
Japan (Insured).
Latvia.
Lebanon.
Leeward Islands (Insured).
Libya.
Lithuania.
Madeira Islands (registered or insured).
Mexico.
Morocco (French).
Morocco (Spanish Zone).
Morocco, Tangier (International Zone).
Netherlands (Insured).
Netherlands West Indies (Insured).
New Zealand (Insured).
Nicaragua.
Niger.
Norway (Insured).
Panama.
Paraguay.
Peru.
Portugal (registered or insured).
Portuguese East Africa (Mozambique) (Insured).
Portuguese India.
Portuguese Timor.
Portuguese West Africa (registered or insured).
Reunion (Bourbon) Island.
Ryukyu Islands (Insured).
Salvador (El).
Somalia.
Spain (including Balearic Islands, Canary Islands and Spanish offices in Northern Africa).
Spanish Guinea.
Surinam (Insured).
Sweden (Insured).
Switzerland (Insured).
Syria.
Trieste (Free Territory of).
Union of Soviet Socialist Republics.
Uruguay.
Venezuela.
Western Samoa (British) (Insured).
Windward Islands (Insured).
Yugoslavia (Insured).

(b) Unless otherwise indicated under the relative country items, parcels are considered as sealed if they are closed by means of nails, screws, wire or metal bands, gummed paper tape, sewing, or other efficacious means, provided they are secured in such a manner that it can be readily ascertained if the parcels have been tampered with or if any of the contents have been removed or lost en route. The manner of closure is to be such as not to hinder examination in the country of destination.

(c) Parcels for countries not mentioned in the list may be sealed at the option of the senders.

§ 127.75 *Customs declarations, Form 2966.* (a) Customs declarations in the required number (as shown in the parcel post table of each country) must be completed and affixed to parcel post packages for all foreign destinations.

(b) The sender must complete the customs declaration to show the name and address of the sender and addressee, the description of contents (including quantity and value), the alternative disposition instructions, description of the parcel, and the net weight of the contents, if the latter is known.

(c) It is the duty of the accepting clerk to complete the declaration to show the gross weight of the parcel, the insurance number and amount of insurance, where applicable, and to properly postmark the form.

(d) All customs declarations shall be prepared in ink or on the typewriter.

(e) The contents of parcels must be completely and accurately described in the English language, although an interlineation in another language is permitted if desired, and in some cases is required, as shown under the various country headings. In the case of parcels containing more than one article, or articles of different kinds, the exact quantity and value of each kind of article must be stated. It is not sufficient that customs declarations bear simply the words "coat", or "stockings", but the materials of which the articles are composed must be shown, as "fur coat", "silk stockings." Also, for instance, in the case of dried fruits the particular kinds, such as "figs", "raisins", "currants", etc., must be shown. General terms such as "worn clothing", "groceries", "presents", "merchandise", "samples", and the like, will not suffice.

(f) In case the customs declaration does not furnish enough space on which to give a complete list of the contents, there will be no objection to such list being placed on the wrapper of the parcel when reference to that fact is made on the declaration itself or an additional customs declaration may be used for the purpose.

(g) It is not sufficient that the tags be tied to the parcel and allowed to hang loose. In addition to being tied by means of a cord passed through the eyelets the tag must be bound to the parcel so that it lies flat thereon and cannot be used as a handle to lift the parcel while in transit.

(h) Accepting clerks are to use extreme care in seeing that these documents are properly completed before forwarding the parcels on to dispatching exchange offices.

(i) Facsimile of Form 2966 is shown in § 127.90.

(j) See § 127.79 concerning the preparation of customs declarations for parcels forwarded under the "group shipment" arrangement.

(k) See § 127.78 regarding instructions which must be given by senders at time of mailing concerning the alternative disposition to be made of the parcels in the event of nondelivery.

(l) See Subpart D of this part with respect to special information required to be shown on the customs declarations and or dispatch notes relating to insured or c. o. d. parcels, respectively, for certain countries.

(m) See § 127.17 regarding the paper form of customs declaration (Form 2976–A) required to be enclosed in small packets and packages of dutiable articles prepaid at the letter rate of postage.

(n) Postmasters will see to it that the use of the customs declaration (Form 2966) is restricted to parcel post packages exclusively.

§ 127.76 *Dispatch notes, Form 2972.* (a) A dispatch note must be completed and affixed to each parcel post package (except in the case of group shipments, when one copy of this form is sufficient for a group) addressed for delivery in the following countries:

Afghanistan.
Algeria.
Andorra.
Anglo-Egyptian Sudan.
Argentina.
Austria.
Belgian Congo.
Belgium.
Brazil.
British Guiana.
Burma.
Cape Verde Islands.
Ceylon.
Colombia.
Corsica.
Egypt.
Eritrea.
Estonia.
France.
Germany.
Greece.
Hungary.
Indo-China.
Iran.
Iraq.
Italy.
Jordan (Hashemite Kingdom).
Latvia.
Lebanon.
Libya.
Lithuania.
Luxembourg.
Madeira Islands.
Morocco (Spanish Zone).
Netherlands.
Pakistan.
Palestine.
Paraguay.
Persian Gulf Ports.
Portuguese East Africa (Mozambique)
Portuguese India.
Portuguese Timor.
Portuguese West Africa.
Reunion.
Rumania.
Salvador (El).
Saudi Arabia (Kingdom of).
Somalia.
Spain (including Balearic Islands, Canary Islands, and Spanish offices in Northern Africa).
Spanish Guinea.
Switzerland.
Syria.
Trieste (Free Territory of).
Tunisia.
Turkey.
Union of Soviet Socialist Republics.
Uruguay.
Venezuela.

(b) The sender must complete the dispatch note to show the names and addresses of the sender and addressee and the alternative disposition instructions.

(c) It is the duty of the accepting clerk to complete the dispatch note to show the weight of the parcel, amount of postage paid, number of customs declarations accompanying the parcel, the insurance number and amount of insurance, where applicable, and to properly postmark the form.

(d) Dispatch notes should be prepared in ink or on the typewriter.

(e) Accepting clerks are to use extreme care in seeing that these documents are properly completed before forwarding the parcels on to dispatching exchange offices.

(f) A facsimile of Form 2972 (dispatch note) is shown in § 127.91.

(g) See Subpart D of this part with respect to special information required to be shown on the dispatch notes and or customs declarations relating to insured or c. o. d. parcels, respectively, for certain countries.

(h) Postmasters will see to it that the use of the dispatch note (Form 2972) is restricted to parcel post packages exclusively.

§ 127.77 *Parcel post sticker, Form 2922.* (a) The yellow "International Parcel Post" sticker must be affixed by the sender to each parcel post package addressed for delivery in a foreign country, whether the parcel is forwarded under the "group shipment" arrangement with other parcels or as a single shipment. The sender must complete the "Instructions Given by Sender" section of the form, as set forth in § 127.78, and sign the form by handwriting or otherwise.

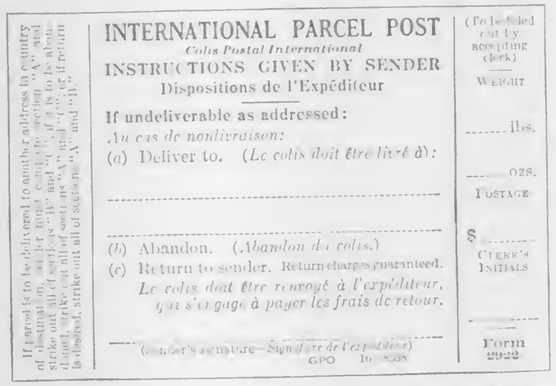
(b) The accepting clerk will complete the column at the right hand side of the sticker by filling in both the postage and the weight, and for identification purposes will initial the sticker in the space provided. The rate of postage charged on the parcel, which is to be indicated in the space marked "Postage," does not include registry, insurance, c. o. d. or special-handling fees.

(c) If the shape or size of the parcel makes it impracticable to affix the international parcel post sticker to the wrapper thereof the sticker may be affixed to a tag which shall in turn be securely attached to the parcel.

(d) This sticker should not be affixed to parcel post packages addressed for delivery in the United States possessions.

(e) Postmasters will see to it that the use of Form 2922 is restricted to parcel post packages exclusively.

(f) See facsimile of the international parcel post sticker below.




§ 127.78 *Alternative disposition.* (a) The sender of a parcel post package for any foreign country must give instructions at time of mailing that the parcel, if undeliverable as originally addressed, is to be either (1) tendered for delivery to a second addressee in the country of destination, (2) treated as abandoned, or (3) returned to the sender.

(b) The alternative disposition instructions must be given by means of endorsements on the customs declaration (Form 2966) and on the international parcel post sticker (Form 2922). Appropriate endorsement must also be made by the sender on the dispatch note (Form 2972) in the case of a parcel for a country which requires the dispatch note in addition to the customs declaration.

(c) Accepting employees will see to it that such of the printed instructions (a), (b), or (c), appearing on the forms mentioned, as are not employed in indicating the alternative disposition to be made of the parcel are obliterated by the mailer.

(d) Parcels dispatched from the mailing office which are not marked to indicate the alternative disposition to be made of them will, as an exceptional measure, be sent onward to the country of destination and in the event of nondelivery they will be returned to the senders at their expense.

(e) See §§ 127.97, 127.98, and 127.99 regarding the treatment to be accorded



parcel post packages received from foreign countries which prove to be undeliverable.

§ 127.79 *Group shipments.* (a) The "group shipment" of parcel post packages is an arrangement by which senders of parcel post packages for certain countries have the option of attaching a single customs declaration (Form 2966) (or a single set when more than one customs declaration is required) to only one parcel of a consignment mailed simultaneously by the same sender to the same addressee at one address. In those cases where a dispatch note is required a single copy of this form is sufficient for a group. (See country items in subpart F of this part.)

(b) The following is a list of the countries, colonies, or islands to which group shipments may be sent:

Afghanistan (limited to 3 parcels).
Anglo-Egyptian Sudan (limited to 3 parcels).
Argentina (limited to 3 ordinary parcels).
Australia.
Bahamas.
Barbados (ordinary).
Belgium (ordinary).
Bermuda.
British Cameroons.
British Guiana (limited to 3 ordinary parcels).
British Honduras.
Bulgaria.
Canada (ordinary).
Cape Verde Islands (limited to 3 parcels).
Ceylon (limited to 3 parcels).
Chile (limited to 3 ordinary parcels).
Colombia (limited to 3 ordinary parcels).
Denmark (including Faroe Islands and Greenland).
Dominican Republic (limited to 3 ordinary parcels).
Ecuador (limited to 3 ordinary parcels).
Egypt (limited to 3 parcels).
Fiji Islands.
French Guiana.
Gibraltar (ordinary).
Great Britain and Northern Ireland (ordinary).
Guadeloupe.
Guatemala (limited to 3 ordinary parcels).
Hong Kong.
Iceland.
Iran (limited to 3 parcels).
Iraq (limited to 3 parcels).
Japan (ordinary).
Jordan (Hashemite Kingdom) (limited to 3 parcels).
Luxemburg.
Madeira Islands (limited to 3 parcels).
Malaya.
Malta.
Mexico (limited to 3 ordinary parcels).
Netherlands.
Netherlands New Guinea (limited 3 to parcels).
Netherlands West Indies.
New Zealand (ordinary).
Nigeria.
North Borneo (State of).
Nyasaland Protectorate.
Palestine (limited to 3 parcels).
Paraguay (limited to 3 ordinary parcels).
Portuguese East Africa (Mozambique).
Portuguese India (limited to 3 parcels).
Portuguese Timor (limited to 3 parcels).
Portuguese West Africa (limited to 3 parcels).
Rumania (limited to 3 parcels).
Ryukyu Islands (ordinary).
St. Pierre and Miquelon.
Salvador (El) (limited to 3 ordinary parcels).
Saudi Arabia (Kingdom of) (limited to 3 parcels).
Somali Land Protectorate.
Surinam.
Switzerland (limited to 3 ordinary parcels).
Thailand.
Trinidad and Tobago.
Turkey (limited to 3 parcels).
Uruguay (limited to 3 ordinary parcels).
Venezuela (limited to 3 ordinary parcels).
Western Samoa (British) (ordinary).
Windward Islands (ordinary).
Yugoslavia (ordinary).

(c) Under the group shipment arrangement, each parcel must be clearly marked with a fractional number, the numerator of which will indicate, in Arabic figures, the number of the parcel, and the denominator the number of parcels comprising the shipment. For example, if a single shipment were composed of 12 parcels, each would be numbered, respectively, 1/12, 2/12, 3/12, etc.

(d) While a group shipment to certain countries is limited to 3 parcels, there may be any number of 3-parcel groups provided that in addition to the identification numbers 1/3, 2/3, and 3/3 each group is indicated by a letter A, B, C, etc. For example, when there are two groups of three parcels each, the parcels should be marked "A–1/3," "A–2/3," "A–3/3," "B–1/3," "B–2/3," and "B–3/3."

(e) The customs declaration (or set of declarations, where a set is required) must be securely attached to one of the parcels (preferably to parcel No. 1 of the group), in order to prevent its becoming lost while the parcel is en route.

(f) The total number of parcels comprised in a shipment must invariably be indicated on the customs declaration, and, in the case of group shipments for Canada the total value must also be shown. On parcels for Guadeloupe and Mexico, the customs declaration must also show, separately, the contents of each parcel opposite the proper reference. For example, for a shipment composed of five parcels: Contents of 1/5 ----——. Contents of 2/5 ----——, etc.

(g) The "group shipment" arrangement must not be used for mixed shipments. The parcels of a "group shipment" must be all ordinary, all registered, all insured, or all c. o. d., and the appropriate registry or insurance fee collected on each individual parcel.

(h) In the case of a "group shipment" consisting of all c. o. d. parcels, the c. o. d. charges on the parcels can not be added together and only one c. o. d. fee collected on the entire "group shipment"; instead, an appropriate c. o. d. fee must be collected on each individual c. o. d. parcel. Also, the wrapper of each c. o. d. parcel must be endorsed to show the c. o. d. fee paid.

§ 127.80 *Special handling of international parcel post packages.* (a) The "special-handling" service for domestic parcel post is available also for surface and air parcel post addressed to other countries.

(b) All "special-handling" parcel post packages for other countries must bear the words "Special handling" written or printed upon the wrappers, be sacked separately from other mails, and be given the same dispatch and handling through the United States as is provided for "special-handling" domestic parcel post packages.

(c) Sacks in the domestic service containing parcel post packages for other countries which are to be specially handled must bear the distinctive "special-handling" tags so that they may be readily recognized and given proper treatment.

(d) Care must be taken by the United States exchange offices to see that surface parcels received under the "special-handling" tags are forwarded by the same ship carrying letter mails for the countries concerned when practicable and are not withheld for dispatch on those ships which are, in some instances, given preference in the dispatch of parcel post mails.

(e) Special-handling surface parcels destined for other countries received at exchange offices will not be forwarded as letter mail, but will, when practicable, be transmitted as parcel post by the same dispatch as letter mails for the countries concerned.

(f) Parcels given special handling treatment are subject to the following fees, which are in addition to postage charges:

| | Cents |
|---|---|
| Up to 2 pounds | 15 |
| Over 2 pounds and up to 10 pounds | 20 |
| Over 10 pounds | 25 |

§ 127.81 *Certificates of mailing.* (a) The postmaster at the office of mailing shall upon request at the time of mailing furnish to the sender of an ordinary parcel post package a certificate of mailing. A charge of 1 cent shall be made for each certificate issued and for each parcel described if a single certificate covers more than one parcel. Certificates of mailing shall also be furnished as additional evidence of mailing for registered and insured parcels, subject to the same charge. The charges shall be collected by means of postage stamps affixed to the certificates and canceled by the postmark of the mailing office showing the date.

(b) Certificates of mailing shall be furnished on Form 3817 for individual parcels, and on firm mailing books or looseleaf forms for three or more parcels mailed at one time. These forms shall be filled out by the senders.

(c) Certificates of mailing shall also be furnished on request on Treasury Department (Internal Revenue) Forms P. T. 26, P. T. 27–A, or 550, certifying that the sender has waived the right to withdraw the parcels from the mails. Such certificates of mailing are likewise subject to a charge of 1 cent for each parcel described.

(d) See §§ 127.63 and 127.89, concerning certificates of mailing in connection with parcels containing tobacco seeds and or plants and dried whole eggs.

(e) Payment of the charge for a certificate of mailing does not insure a parcel against loss, rifling or damage, or provide for a receipt on delivery, but merely furnishes evidence of mailing.

(f) Certificates of mailing are also issued for articles in the Postal Union mails. (See § 127.16.)

§ 127.82 *Consular invoices, etc.* (a) Postmasters shall direct the attention of mailers to the necessity for the prepara-

tion of consular invoices or other legalized documents required in connection with parcel post packages addressed for delivery in Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, France, Guatemala, Macao, Nicaragua, Peru, Philippines, Portugal, Portuguese East Africa (Mozambique), Portuguese India, Portuguese Timor, Portuguese West Africa, Salvador (El), and Uruguay.

(b) Further information respecting the preparation of these documents will be found under each of the individual country items in Subpart F of this part referred to in the preceding paragraph.

§ 127.83 *Unpaid and insufficiently prepaid parcel post packages—(a) Treatment at offices of mailing.* When a parcel (ordinary, registered, insured, or collect-on-delivery), whether intended to be transported by surface means or by air, is observed at the office of mailing to be unpaid or insufficiently prepaid and the return address on the parcel is at the office of mailing, the parcel shall be promptly returned to the sender for the affixing of the necessary additional postage. When parcels returned for additional postage are again presented for mailing the postage stamps originally affixed shall be accepted to the amount of their face value. If the parcel bears a return address other than at the office of mailing it shall not be returned to the sender but shall be forwarded to the appropriate dispatching exchange office.

(b) *Treatment at exchange offices.* When an unpaid or insufficiently prepaid parcel (surface or air) is received at an exchange office for dispatch to a foreign country, such exchange office shall forward the parcel to its destination in the same manner as though fully prepaid (without affixing additional postage). The exchange office shall prepare a notice on Form 2918 concerning the deficiency in postage and send it to the postmaster at the office of mailing (or to the postmaster at the office where the sender is located if it is not the same as the office of mailing).

(c) *Collection of deficiency.* On receipt of the notice by the postmaster steps shall be taken to collect the amount of the deficiency from the sender. Postage due stamps in the amount involved shall be affixed to the back of the card and canceled, and the card then placed on file at the post office making the collection.

§ 127.84 *Postmasters to use discretion in reporting short payment.* Postmasters at exchange offices will use discretion in reporting cases of short payment in those instances where short-paid or unpaid parcels bear evidence, either by the presence of mucilage on the wrappers or blank spaces in the impressions of the canceling stamps, that the postage stamps might have become detached while the packages were in transit to the exchange offices.

§ 127.85 *Recall and change of address.* (a) The conditions outlined in § 127.36, with the exception of paragraph (f), concerning the recall and change of address of articles in the Postal Union mails likewise apply to international parcel post packages.

(b) Parcels for Aden, Barbados, British Honduras, Brunei, Burma, Canada, Cyprus, Gambia, Gilbert and Ellice Islands, Great Britain and Northern Ireland, India, Ireland, Malaya, Nauru, Nigeria, North Borneo, Pakistan, Rhodesia (Northern), Rhodesia (Southern), Sarawak, Seychelles, Solomon Islands, Trinidad and Tobago, and Windward Islands cannot be recalled after they have left this service nor can the addresses be changed, unless the parcels are undeliverable at the original address.

§ 127.86 *Inquiries or complaints concerning ordinary articles (Postal Union and parcel post).* (a) A charge of 13 cents shall be made for an inquiry or complaint concerning any ordinary Postal Union article or parcel post package addressed for delivery in a foreign country, unless the sender is able to show, as prescribed, prima facie loss or other irregularity through fault of the Postal Service.

(b) If the sender desires his inquiry to be sent by air mail or telegraph, he must pay, in addition to other fees and charges applicable, the postage for a one rate air mail letter to the country of destination, or the appropriate telegraph charge, as the case may be. If the sender also desires reply to his inquiry to be made by air mail or telegraph, he must pay double the air mail postage, or the telegraph charges both ways, as may be appropriate.

(c) Inquiries shall be accepted by postmasters even though the articles were mailed in a foreign country. The fee and the general procedure are the same as that concerning articles mailed in this country.

(d) The instructions regarding the acceptance of inquiries or complaints concerning registered or insured mail set forth in Subpart D of this part are also applicable to inquiries or complaints in connection with ordinary mail. (See §§ 118.3 (c) and 118.9 of this chapter, for proper handling of inquiries or complaints.)

§ 127.87 *Prepayment of customs duties.* Customs duties cannot be prepaid through the Post Office Department by the senders of dutiable parcels.

§ 127.88 *Export declarations and licenses.* (a) In order to enable the Department of Commerce to compile statistics of commercial exports by Postal Union mail or parcel post (surface or air), postmasters at first-, second-, and third-class offices will require business concerns sending merchandise valued at $25 and over to other business concerns—

(1) From continental United States, Alaska, Hawaii, Puerto Rico, or the Virgin Islands of the United States to any foreign country and to the Canal Zone;

(2) From continental United States to its noncontiguous territories or possessions* except Alaska and Hawaii; and

(3) From Puerto Rico or the Virgin Islands of the United States to continental United States;

to fill out a Shipper's Export Declaration on Department of Commerce Form 7525–V. The Shipper's Export Declaration is only required for goods mailed for commercial purposes and not for goods which involve no commercial consideration. (However, Commerce Form 7525–V must also be filed for shipments of all articles covered by a validated export license from the Office of International Trade, Department of Commerce, regardless of value or whether the sender or addressee is a business concern. See paragraphs (h) and (i) of this section.) The declaration need not be furnished for catalogs, instruction books (except technical data), and other advertising matter, or for magazines, newspapers, and periodicals, which are not regarded as merchandise.

(b) The following are the only items on the Shipper's Export Declaration (Commerce Form 7525–7) which are required to be filled in by the sender of a postal shipment (the numbers indicated correspond with those appearing on the form):

2. Name of post office where shipment is being mailed. (Insert in space on the form reading "from ---------- (U. S. port of export).")

3. Name and address of sender (exporter or forwarding agent). (If the shipment is being mailed by a forwarding agent, the name and address of the exporter, his principal, must also be shown.)

5. Name and address of addressee (ultimate consignee and intermediate consignee, if any).

8. Country of final destination.

10. Number of packages being mailed, description of merchandise and export license number and expiration date, or general license symbol.

13. Schedule B, commodity number.

14. Net quantity of merchandise, in schedule B units.

15. Value of merchandise.

(c) Only a single copy of the shipper's export declaration is required for mail shipments. A single export declaration may include any number of packages mailed by one sender the same day to one addressee. Export declarations need not be notarized.

(d) The description of contents and units of quantity must be in the detail required by schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States. Shippers may obtain copies of schedule B for a nominal charge from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., from Collectors of Customs, or from Department of Commerce Field Offices located in the principal cities of the United States. General descriptions such as dry goods, groceries, millinery, etc., are not sufficient. Quantities and values must be given in whole numbers only, omitting fractions of less than one-half and counting one-half and over as a whole.

(e) Completed declarations shall be postmarked in the lower left-hand corner and forwarded from the office of mailing to——

New York Office,
Foreign Trade Division,
Bureau of the Census,
Room 434, Customhouse,
New York 4, N. Y.

(f) Declarations shall be mailed daily from first-class post offices, and from second- and third-class offices whenever there is enough accumulated to fill an envelope but in any case not less frequently than once a week.

(g) Postmasters may obtain a free supply of Form 7525–V, for limited distribution to occasional shippers only, from the Foreign Trade Division, Bureau of the Census, Washington 25, D. C. Regular exporters may obtain copies of the Shippers' Export Declaration from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., from Collectors of Customs, or from Department of Commerce Field Offices at a cost of 50 cents per block of 100. They may be printed by private parties provided they conform to the official form in size, wording, color, quality (weight) of paper stock, and arrangement.

(h) (1) In accordance with the export control regulations of the Office of International Trade, Department of Commerce, exporters of merchandise requiring validated export licenses must place the number of the license on the wrapper of each parcel or package.

(2) If the entire amount authorized by a validated license is mailed at one time, the sender must surrender the license at the post office at the time of mailing. The accepting employee will verify the contents as declared by the sender and as shown on the license, and if no discrepancy is noted will accept the parcel for mailing, take the license from the mailer, endorse the license on the back with the word "completed," and apply a legible postmark showing the date and place of mailing. The license is to be transmitted under official cover to the Office of International Trade, Department of Commerce, Washington 25, D. C.

(3) If only a part of the licensed shipment is to be mailed, the exporter will deposit the validated license with a collector of customs, and surrender at the post office in lieu thereof an extra copy of the shipper's export declaration (Commerce Form 7525–V) bearing the number of the license and an authorization dated and signed by the Collector of Customs or his representative for the shipment of the goods listed on the declaration. The accepting employee will verify the contents as declared by the sender and as listed on the declaration, and if no discrepancy is noted will accept the parcel for mailing, take the declaration from the mailer, postmark it and send it to the Office of International Trade, Department of Commerce, Washington 25, D. C.

(i) Postmasters or other postal employees will not undertake to advise prospective mailers of articles and materials requiring an individual export license. Senders desiring information relative to export control requirements (including both general and individual licenses) are to be advised to communicate with any of the Department of Commerce field offices or directly with Office of International Trade, Department of Commerce, Washington 25, D. C. Questions relating to shipper's export declarations and commodity export classification are to be submitted directly by exporters to the Foreign Trade Division, Bureau of the Census, Washington 25, D. C., for decision. Questions by postmasters concerning the above are to be submitted to the Post Office Department, Bureau of Transportation, Division of International Service, if international mail is involved, or to the Bureau of Post Office Operations, Division of Mail Classification if domestic mail is involved.

§ 127.89 *Exportation of dried whole eggs.* (a) Dried whole eggs for export only are sold by the Commodity Credit Corporation, Department of Agriculture, under a program which requires that purchasers furnish definite proof of exportation.

(b) When dried whole eggs purchased under the above-mentioned program are offered for export by mail, an endorsement must be written or stamped on each package by the sender waiving any right to withdraw it from the mails, or have it returned. The endorsement must be properly completed and signed by the exporter or his authorized representative over his title. The parcel post forms accompanying such parcels should be completed by the senders to indicate that the parcels are to be abandoned in case of non-delivery.

(c) A certificate in the following form, prepared and completed by the sender, must be presented with the shipment:

CERTIFICATE OF MAILING DRIED WHOLE EGGS

I hereby certify that there has (have) been posted at this post office today by
---------- (Name of sender) (Number)
parcels containing a total of ------ pounds of dried whole eggs on which the sender has waived the right to withdraw same from the mails or have same returned.

Parcels addressed to:

(Names and addresses of addressees)

---------- Postmaster.

By ----------

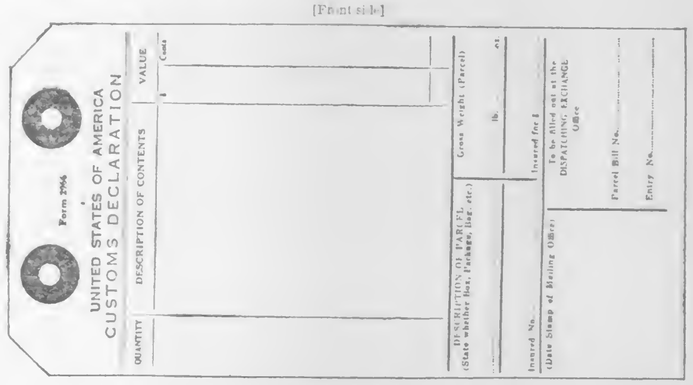
[Office stamp]

---------- (Date)

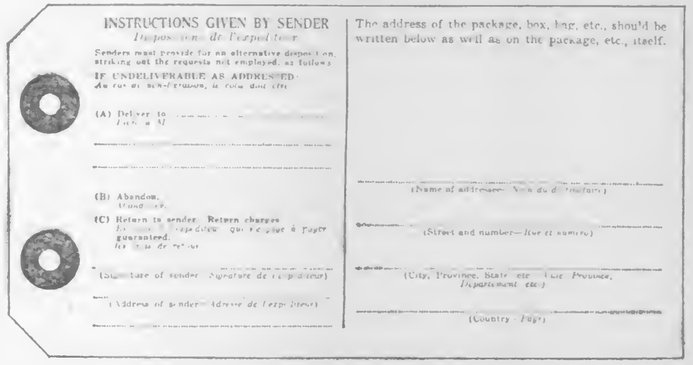
(d) A single certificate may cover any number of parcels mailed by the same sender even though addressed to different countries. A charge of 1 cent will be made for each certificate of mailing issued to the sender, or for each parcel represented where a single certificate covers more than one parcel; that is, if a certificate of mailing is issued for 10 parcels, even though identical, the charge will be 10 cents. Postage stamps to cover the charge for the certificate of mailing shall be affixed to the certificate and canceled by the postmark of the office of mailing. After postmarking, the certificate will be signed by the postmaster or his authorized representative and returned to the sender.

§ 127.90 *Facsimile of customs declaration.*

[Front side]



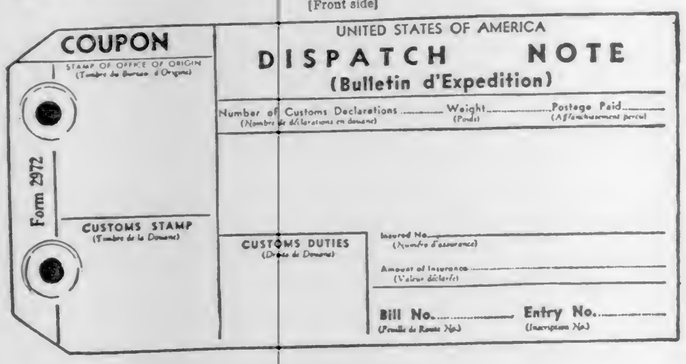

[Reverse side]



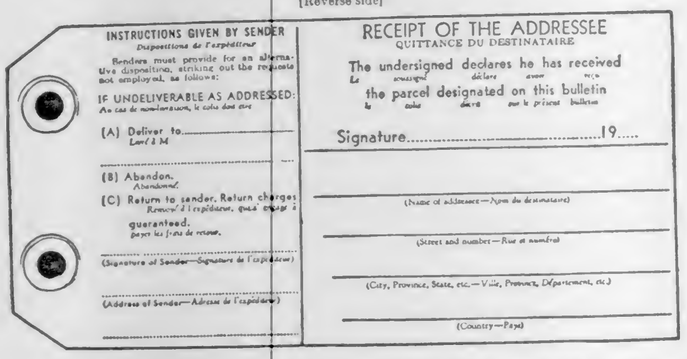

* Noncontiguous territories and possessions: Alaska, Puerto Rico, Virgin Islands of the United States, Hawaii, Guam, Samoa, Canton and Enderbury Islands, Johnston, Midway, Palmyra, and Wake Islands.

§ 127.91 *Facsimile of dispatch note.*

[Front side]




[Reverse side]




PARCELS FROM OTHER COUNTRIES

§ 127.92 *Parcels to be considered as fully prepaid.* As parcel post packages received from a number of countries are unaccompanied by postage stamps, the postage having been prepaid by means of cash, all parcels received from abroad will be considered as full prepaid unless definite information is known to the contrary.

§ 127.93 *Delivery of parcels addressed in care of banks or other organizations.* In the case of parcels addressed in care of banks or other organizations, the second addressee shall be advised concerning the arrival of the parcel, but he shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender; in the latter case, the sender shall take steps, through the administration of the country of origin of the parcel, for its delivery to the second addressee.

§ 127.94 *Delivery fee.* (a) Except as stated in the next paragraph, a delivery fee of 5 cents for each parcel from a foreign country is collectible on delivery to the addressee, either at the post office or his residence. The delivery fee is in addition to the postage prepaid and is intended to partly cover the cost for delivery of the parcel after its receipt in the United States. Postage-due stamps in the amount of 5 cents must be affixed to the parcel and canceled before delivery.

(b) Parcels addressed to members of the diplomatic and consular corps of Argentina, Bolivia, Brazil, Chile, Columbia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, (Republic of), Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador (El), Spain, Uruguay, and Venezuela will be exempt from payment of delivery fees, except in the case of parcels addressed to members of the consular corps of these countries which contain articles liable to the payment of customs duties. Also parcels from prisoners of war will be exempt from payment of the delivery fee.

(c) Endorsement for the collection of this fee by the office of delivery shall be placed on parcels by the exchange office of first receipt.

(d) The delivery fee is in addition to the customs clearance charge mentioned in § 127.95.

§ 127.95 *Customs clearance charge.* (a) Except as stated in the next paragraph, there will be collected from the addressee of every parcel post package received from abroad a charge of 10 cents to cover customs clearance. This charge is in addition to the delivery fee of 5 cents referred to in the preceding section and is collected whether or not the parcel proves, after customs examination, to be dutiable.

(b) Parcels addressed to members of the diplomatic and consular corps of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras (Republic of), Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador (El), Spain, Uruguay, and Venezuela will be exempt from the payment of customs clearance charges except in the case of parcels addressed to members of the consular corps of these countries which contain articles liable to the payment of customs duties. Also parcels from prisoners of war will be exempt from payment of the customs clearance fee.

(c) As in the case of the delivery fee of 5 cents collectible from the addressee on parcel post packages received from other countries, it shall be the duty of the exchange office of first receipt to endorse all parcels for the collection from the addressee by the post office of delivery of a charge of 10 cents for customs clearance. Postage-due stamps in the amount of 10 cents plus 5 cents for the delivery fee, or a total of 15 cents, must, before delivery, be affixed to the wrapper of the parcel and canceled.

(d) As stated, the exchange office of first receipt will endorse parcel post packages for the collection of the customs clearance charge of 10 cents, and, except in case of obvious error, collection of such charges should be made only when the parcel is so endorsed.

§ 127.96 *Storage (demurrage) charge.* (a) A storage (demurrage) charge of 5 cents per day shall be imposed on each ordinary, registered, insured, and collect-on-delivery parcel post package received from a foreign country, which the addressee fails to remove from the post office within 10 days (15 days in the case of collect-on-delivery parcels), after the first attempt to deliver or the first notice that the parcel is ready for delivery at the office of address, exclusive of the day delivery is first attempted or the issuance of the first notice that the parcel is ready for delivery, Sundays, holidays, and the actual day of delivery. When a collection is made of an amount due for storage the money received will be accounted for by the affixing of postage-due stamps to each parcel in the amount of the charge paid.

(b) Postmasters will use Form 2921 in giving notice to addressees with respect to parcels held, which form bears an announcement of the charge to be imposed in case the parcels are not called for within the time specified.

(c) In the case of parcel post packages returned as undeliverable or reforwarded to Anglo-Egyptian Sudan, Argentina, Barbados, Belgium, Bolivia, Brazil, Chile, Colombia, Costa Rica, Denmark (including Faroe Islands and Greenland), Egypt, Eritrea, Estonia, Greece, Iceland, Indonesia, Italy, Japan, Korea, Latvia, Libya, Lithuania, Mexico, Morocco (Spanish Zone), Netherlands, Netherlands New Guinea, Poland, Portugal, Portuguese East Africa (Mozambique), Rhodesia (Southern), Rumania, Ryukyu Islands, Somalia, Spain and possessions, Spanish Guinea, Switzerland, Trieste (Free Territory of), Turkey, Union of Soviet Socialist Republics, Uruguay, and Yugoslavia, postmasters at offices of address will mark all such undeliverable parcels to show the amount of the storage charges, if any, which were due thereon from the addressees, in order that record thereof may be made at the United States exchange office which dispatches the undeliverable parcels in question to the country of origin. In case no storage charges have accumulated on an undeliverable parcel returned to one of these countries, the parcel shall be marked before its return by the post office of address with the words "No storage charges due" or words of similar purport.



(d) Any storage charges imposed on undeliverable parcel post packages which are returned from the countries mentioned in the preceding paragraph will be collected from the senders in this country.

(e) The United States exchange offices dispatching the parcels to the countries of origin will enter these charges on the parcel bills accompanying the returned parcels. They will also submit to the department quarterly reports of the charges in question as the basis for the preparation of accounts against the aforementioned countries, which are the only countries requiring an accounting of the storage charges accumulated on undeliverable parcels returned to the United States.

(f) Storage (demurrage) charges, which have accrued on parcels from other countries at an office of address cannot be evaded by the forwarding of such parcels to any other office for delivery. The storage charges accumulating at one or more offices shall be rated up on forwarded parcels for collection at the office of delivery. Such forwarded parcels shall be endorsed "Collect---- storage charge." In order to avoid confusion, postmasters who deliver parcels which have been forwarded from one post office to another in this country on which storage charges have accumulated will collect the amounts involved and notify the postmasters at the offices at which the charges accrued that the collections have been made.

§ 127.97 *Undeliverable parcels, return to origin.* (a) Parcel post packages which cannot be delivered and are not marked by the sender to be otherwise disposed of must be endorsed to show the cause of nondelivery, such as "Non-réclamé (unclaimed), "Refusé" (refused), etc., and returned from the post office of destination to the United States exchange office from which they were received at the expiration of 30 days from the date of their receipt at the office of destination. Should such a parcel be refused by the addressee before the expiration of the period for its detention, or the fact is established that delivery cannot be effected as addressed, it shall immediately upon such refusal, or nondelivery, be appropriately endorsed and returned to the country of origin.

(b) In the case of undeliverable parcels from abroad which are accompanied by dispatch notes the reason for nondelivery must be indicated on the dispatch notes, as well as on the wrappers of the parcels themselves.

(c) Mail entry forms accompanying undeliverable dutiable parcels shall be marked with a statement of the facts and returned to the issuing collector of customs. (See § 116.17 (e) of this chapter.)

(d) Undeliverable air parcels shall be returned to origin by surface means.

§ 127.98 *Undeliverable parcels, forwarding.* (a) Parcel post packages from other countries bearing request for delivery to a second addressee in the event of nondelivery as originally addressed shall be held at the disposal of the first addressee for one-half the 30-day detention period, and at the disposal of the second addressee for the same length of time (15 days) when, if still undeliverable, the parcel shall, if not also marked for abandonment, be appropriately endorsed and returned to origin. However, should the parcel be refused by the first addressee, it shall immediately be tendered for delivery to the second addressee. If refused by the latter before the expiration of the period of detention, the parcel shall, if not marked for abandonment, be appropriately endorsed and returned to the country of origin forthwith.

(b) Parcels which are forwarded from one post office to another in this country, are subject to an additional charge for postage in accordance with the rates applicable in the United States domestic service, such charge to be collected from the addressee, unless prepaid. Air parcels are not entitled to be forwarded to another post office by air unless United States postage at the domestic air parcel post zone rate has been paid in advance. Parcels forwarded by surface means on which the domestic postage has not been prepaid shall be marked, when forwarded, "Collect ---- postage." See § 127.96 (f) as to marking of parcels on which storage charges have accumulated. The mail entry form covering a dutiable parcel which is redirected to another post office in the United States shall be enclosed in a properly readdressed penalty envelope and securely attached to the parcel involved. The postmaster at the forwarding office shall notify the customs officer who issued the entry of the action taken, the notification to be by letter giving the number and date of the mail entry, the name of the addressee, the new address of the addressee, the name of the new post office of delivery, and the date of forwarding. (See § 116.17 (f) of this chapter.)

(c) In the case of a parcel post package originating in a foreign country addressed for delivery in the United States which proves undeliverable owing to the addressee having removed to a third country or to the country of origin, the parcel shall be held at the office of original address and instructions as to what further disposal shall be made of it obtained from the Post Office Department, Bureau of Transportation, Division of International Service, Washington 25, D. C., in specific cases. A description of the contents, the weight of the parcel, and whether ordinary, registered, insured, or c. o. d. shall be stated.

(d) A parcel (fourth class) mailed in the United States for delivery at another post office in the United States, the addressee of which has removed to a foreign country, shall not be forwarded on to the addressee abroad but shall be considered as undeliverable and treated in the usual manner.

§ 127.99 *Undeliverable parcels, abandonment.* (a) Parcel post packages from abroad which have been endorsed by the sender for abandonment if undeliverable as addressed shall be treated as abandoned at the expiration of the prescribed 30-day retention period, unless the parcels are refused by the addressees, in which case they are to be treated as abandoned immediately upon being refused.

(b) Abandoned parcels, if dutiable, shall be sent to the collector of customs from whom they were received; if nondutiable, they shall be sent to the proper dead parcel post branch for disposition. In either case the parcel shall be endorsed "Abandoned."

§ 127.100 *Undeliverable parcels, returned to United States.* (a) An undeliverable parcel returned to the United States with contents in good condition, upon which the return postage has not been prepaid, is subject on delivery to the sender to a postage charge equal to the amount of postage originally prepaid on the parcel. Air parcel post packages returned from other countries will be subject to a postage charge at the surface parcel rate applicable to the original country of destination. The amount to be collected shall be marked on the parcel by the United States exchange post office which receives it back from abroad, and collected by the post office which delivers it to the sender. The amount collected will be accounted for by affixing to the wrapper of the parcel and canceling postage due stamps in the required amount.

(b) In the case of undeliverable parcels returned from certain countries the senders must pay, in addition to the amount equal to the postage originally prepaid, storage, customs clearance, and other postal charges assessed in the country of destination, including in some cases a charge for repacking a parcel, if necessary.

(c) Returned parcels which are reforwarded from one post office to another in this country will be subject to charges for such reforwarding, in addition to the charges marked thereon by the exchange office, in accordance with the rates applicable in the United States domestic service.

(d) Returned parcels which are refused by the senders shall be marked "Refused by sender" and disposed of as dead parcel post.

(e) If the sender has removed to a foreign country, the parcel shall be held at the office of mailing and instructions as to the disposal to be made of it obtained from the Post Office Department, Bureau of Transportation, Division of International Service, Washington 25, D. C.

§ 127.101 *Dispatch notes (Bulletins d'expédition).* (a) Dispatch notes accompanying parcel post packages from

other countries shall be permitted to remain with the parcels and delivered to the addressees, or, in case the parcels are undeliverable, shall be endorsed to show the cause of nondelivery and still be left attached to the relative parcels.

(b) Although these forms have a space provided for the addressee's acknowledgment of receipt, they do not require signature by the addressee. In this respect they are not to be confused with foreign return receipts which are designated "Return receipt" or "Avis de réception."

### Subpart C—Importations by Mail

#### Customs Treatment

§ 127.102 *Joint Regulations of Treasury and Post Office Departments.* All mail matter received from abroad, known or believed to contain dutiable articles, must be submitted to the Customs Service as required by the Joint Regulations adopted by the Secretary of the Treasury and the Postmaster General, appearing in Part 116 of this chapter. Postmasters shall read and comply with the instructions contained therein as they are liable under their official bonds when the improper treatment of dutiable matter results in the loss of customs revenue.

§ 127.103 *Scrutiny of international mail.* In order to avert instances of mishandling, all mail of foreign origin shall be carefully observed for evidence of customs examination. An article passed free of duty is readily recognized by the endorsement placed thereon by the Customs Service. When there is reason to believe that an article supposed or known to be dutiable has escaped examination, postmasters handling such matter in transit or for delivery shall forward it to the postmaster of the office where the nearest customs officer is stationed. See § 127.117.

§ 127.104 *Delivery and collection of duty.* (a) Articles not subject to customs duty will be stamped "Passed free of duty," or "Not dutiable" by the customs officer. Customs officers will issue mail entries to cover each dutiable shipment examined by them. The original mail entry and a duplicate thereof will be enclosed in a special mail entry envelope and affixed to the article.

(b) When delivery is effected the employee making the collection shall sign and deliver the duplicate of the mail entry to the addressee, and shall secure the addressee's signature on the original entry. The collection, with the mail entry and customs receipt Form 3437 must then be transmitted to the collector of customs who issued the entry. Postmasters may obtain supplies of the customs receipt Form 3437 by addressing a request to the Section of Forms, Customs Information Exchange, 201 Varick Street, New York 14, N. Y. The use of this form obviates the necessity of writing a letter of transmittal. Detailed instructions covering the remittance of customs charges will be found in § 116.17 of this chapter.

(c) Dutiable mail shall, so far as possible, be delivered by city, village, or rural carriers, who shall collect the duty upon delivery. If delivery cannot be made by carriers, after the first attempt, delivery notices on Form 2921 shall be immediately mailed to addressees.

(d) Addressees shall not be permitted to examine the contents of dutiable articles until the duty is paid. For information regarding the customs clearance fee and customs clearance and delivery fee applicable to Postal Union matter and parcel post, respectively, see §§ 127.42, 127.43, 127.94, and 127.95.

(e) In connection with requests for delivery of parcel post packages at the residence or place of business of the addressees after the customs duty thereon has been paid at the post office, attention is called to the circumstances that the Treasury Department has declined to refund the duty in such cases when the goods become lost between the post office and the addressee's residence or place of business, and that if there should be any loss there is no appropriation available from which the Post Office Department could make reimbursement for the amount of duty paid. This circumstance should invariably be brought to the attention of addressees or their representatives when request is made that parcels be delivered in this manner. The packages shall be marked to show that the customs duty has been paid thereon.

§ 127.105 *Undeliverable dutiable mail.* If delivery of a dutiable article is not effected and the undeliverable article is disposed of by sending to a United States exchange post office for return to the country of origin or for forwarding to another country, the original mail entry shall be marked with a statement of the facts and returned, together with the duplicate of the mail entry, to the issuing collector of customs. If, however, the article is redirected to another post office in the United States, the mail entry and the duplicate thereof shall be enclosed in a properly readdressed penalty envelope and securely attached to the article involved. The postmaster at the forwarding office shall notify the customs officer who issued the entry of the action taken, the notification to be by letter giving the number and date of the mail entry, the name of the addressee, the new address of the addressee, the name of the new post office of delivery, and the date of forwarding. (See § 116.17 (e) and (f) of this chapter.

§ 127.106 *Extraction of samples for advisory information.* Should a customs officer wish to obtain advisory information from a local trade expert covering merchandise imported in the Postal Union or parcel post mails, the package will be turned over by the Customs to the postmaster or his representative who will allow the extraction by the customs officer of a sample for that purpose. The customs officer will prepare Customs Form 6423, one copy for enclosure in the package and another for retention in the postmaster's files. Likewise, when a customs officer deems it advisable to obtain advisory information from the Customs Information Exchange, 201 Varick Street, New York 14, N. Y., the package will be turned over by the Customs to the postmaster for extraction of the sample by the customs officer as prescribed herein. Samples thus extracted shall be dispatched by the postmaster under official registration to the postmaster at New York, N. Y., for submission to the Customs Information Exchange. The customs officer will notify the Customs Information Exchange of the action taken. The postmaster at the office where a sample is removed from an ordinary or a registered package shall maintain such record as will fully show the particulars in case of inquiry or investigation.

§ 127.107 *Protests.* (a) When an addressee refuses to accept a dutiable package and protests against the payment of duty, or is dissatisfied with the rate or amount of duty assessed, the postmaster will comply with the provisions of § 116.18 (a), of this chapter, by requiring him to state his objection in writing and submit any available information or evidence substantiating his claim. The postmaster will hold the package and immediately communicate with the collector of customs who issued the mail entry, citing the number of the entry and forwarding the addressee's statement and the supporting evidence. If an addressee refuses a dutiable package and indicates he does not desire to have a protest filed with the collector, the postmaster shall proceed as prescribed in § 116.17 (e) of this chapter.

(b) An addressee, who is dissatisfied with the amount of duty assessed, may pay the charges, take delivery of the package, and subsequently file claim for a refund with the collector involved as set forth in § 127.108.

(c) Returning residents of the United States frequently mail to themselves or arrange for the mailing of personal effects and or merchandise acquired abroad. These articles are entered on the customs baggage declaration as "unaccompanied articles." If it is expected that the declared items will be contained in one shipment, the customs regulations provide that the declaration shall be prepared in duplicate, the copy being retained by the declarant for clearance purposes. When the payment of duty is protested under the above conditions, the postmaster shall secure the duplicate baggage declaration in the patron's possession and transmit it, together with the other information referred to in the preceding paragraph, to the collector who issued the mail entry. Should the addressee be unable to produce the duplicate baggage declaration, the postmaster shall obtain and furnish the collector, in lieu thereof, the addressee's statement as to the date and the port through which he reentered the country, together with any possible information regarding the name of the ship or the number of the aircraft, and the number borne by the declaration filed at the time of such arrival. The collector who issued the mail entry will communicate with the customs authorities at the port of entry relative to the matter of whether or not the package is entitled to free entry.

(d) If after considering the evidence submitted, the collector of customs notifies the postmaster that the payment of duty is waived, or if a dutiable package is conditionally free of duty upon execution of an accompanying affidavit for free entry as provided in paragraph (g) of § 116.17 of this chapter, the postmaster is requested to see that both the original and duplicate of the mail entry are returned to the issuing collector and that appropriate endorsement is made on his office record of dutiable mail.

(e) A parcel post package held at a post office pending the decision of the customs authorities is subject to storage charges as provided in § 127.96. Arrangements should be made with the addressee for the payment of the storage charges every 20 days (i. e., whenever the amount totals $1) in order to prevent the accumulation of such charges on parcel post packages held for the purpose mentioned.

§ 127.108 *Customs charges, refunds.* (a) Amounts collected on customs mail entry forms shall not be refunded by postmasters. When an addressee requests a refund of duty, the postmaster shall advise him to make application therefor to the collector of customs at the port of entry within 30 days from the date of entry. The postmaster shall suggest, if refund is claimed on account of damage, that the article be forwarded to the collector with the application. If the addressee wishes to abandon the article to the Government, he should include a statement to that effect in his application. In case the addressee also intends to file a claim for indemnity with the Post Office Department, he shall, before taking the above action, present the contents, container and complete wrapping to the postmaster for the inspection prescribed by the international indemnity application Form 2855.

(b) Refund of duties paid will be made by the Customs Service if merchandise covered by a mail entry representing 5 percent or more of the total value of all of the merchandise of the same class or kind entered in the invoice in which the item appears is abandoned and delivered within 30 days after the date of entry to the collector of customs where the entry was made.

(c) Refund of duties paid less 1 per centum will also be made by the Customs Service if merchandise covered by a mail entry and found not to conform to sample or specification is, within 30 days from the date of delivery, returned to customs custody for exportation. The postal charges incident to returning the merchandise to the sender must be borne by the addressee. (Sec. 313 (c), Tariff Act of 1930.)

§ 127.109 *Import duties.* It should be suggested to patrons desiring information concerning rates of duty on articles imported into the United States, or other customs procedure, that they communicate with the appropriate customs officer, located at various points throughout the country (see § 127.117), or with the Commissioner of Customs, Treasury Department, Washington 25, D. C. The publication United States Import Duties (1950) on sale by the Superintendent of Documents, Government Printing Office, Washington 25, D. C. (price, $2), may be of interest to persons regularly engaged in the importation of merchandise.



§ 127.110 *Prepayment of duty.* No provision is made for the prepayment abroad of customs duty on mail shipments addressed for delivery in the United States.

§ 127.111 *Articles unconditionaly free of duty.* The following classes of articles which are frequently imported in the mails are unconditionaly free of duty: Newspapers and periodicals (the term "periodicals" is to be understood to include only unbound or paper-covered publications issued within six months of the time of entry, devoted to current literature of the day or containing current literature as a predominant feature, and issued regularly at stated periods as weekly, monthly, or quarterly, and bearing the date of issue); books, engravings, photographs, etchings, bound or unbound, maps and charts imported for the use of the United States, and addressed to any department, bureau, or division of the Government; publications issued for their subscribers or exchanges by scientific or literary associations or academies; publications of individuals for gratuitous private circulation, not advertising matter; public documents issued by foreign governments; books, maps, music, engravings, photographs, etchings, lithographic prints, bound or unbound and charts which have been printed more than 20 years at the time of importation and not rebound wholly or in part in leather within such period; books and pamphlets printed wholly or chiefly in languages other than English; and books, pamphlets, and music, in raised print, used exclusively by or for the blind.

§ 127.112 *Gifts and trade samples.* All articles imported into the United States, whether sent as gifts or for other purposes, are subject to duty unless specifically exempted therefrom; furthermore, there is no authority for the free entry of samples generally, except that samples imported solely for use in taking orders for merchandise or for examination with a view to reproduction, and not intended for sale or for sale on approval, may be entered under bond for their exportation within 6 months from the date of importation, and this period may, upon application, be extended for a further period not to exceed 6 months (sec. 308 (3), Tariff Act of 1930). In accordance with the decision of the Secretary of the Treasury, effective June 1, 1917, unsealed packages, registered or unregistered, containing trade samples, whether dutiable or not, intended solely for use in soliciting orders for merchandise, may be imported in the Postal Union mails from other countries, subject to all customs duties and customs regulations in the same manner as though imported by parcel post, express, or freight. Packages containing trade samples must be plainly marked abroad with the words "trade samples" and, if sealed, they must also be marked or labeled in accordance with the instructions in § 127.114 relating to sealed articles generally.

§ 127.113 *Articles repaired abroad.* Articles sent abroad to be repaired or altered are subject to duty at their full value when returned to the United States unless certain customs regulations are complied with. These regulations include a requirement that the articles be submitted to customs officers for the issuance of a certificate of registration prior to shipment abroad. It is not sufficient that the articles be registered with the Postal Service.

§ 127.114 *Sealed articles.* All sealed articles (other than sealed parcel post packages), and "small packets" containing merchandise, shall on arrival in the United States bear an indorsement "May be opened for customs purposes prior to delivery to addressee" or words of similar purport, or the green adhesive label, C 1 (equivalent to our Form 2976), required by the Universal Postal Convention. If known to be dutiable, they shall also be marked "dutiable." Articles not so endorsed or labeled, which are found to contain merchandise free of internal-revenue tax and free of duty either because unconditionally free or because the aggregate value of the shipment is not more than $1 and the expense and inconvenience of collecting the duty accruing thereon would be disproportionate to the amount of such duty, may be delivered to the addressee without the collection of any fine. Except as provided in the preceding sentence, if the article is found to contain merchandise subject to duty (including conditionally free merchandise) or subject to internal-revenue tax the merchandise is subject to seizure and forfeiture as having been imported contrary to law. Such forfeiture may be mitigated to an amount equal to 10 percent of the loss of revenue which was or might have been sustained, provided there is no evidence indicating that failure to label or endorse the article was due to willful negligence or to an intent to defraud the revenue.

§ 127.115 *Invoices or statements of value.* (a) Commercial shipments by parcel post must be accompanied by a commercial invoice in addition to the postal form of declaration. There shall be enclosed in packages dispatched otherwise than by parcel post, and in sealed articles containing merchandise, an invoice in the case of commercial shipments, or a statement of value for merchandise not purchased nor consigned for sale, giving an accurate description and value of the merchandise for customs purposes. If impracticable to enclose such invoice or statement, it shall be securely attached to the article.

(b) When the aggregate value of a single shipment, regardless of the number of packages exceeds $100 a certified invoice (except as provided by section 8.15 of the Customs Regulations of 1943 as amended) must be procured by the sender. When the certified invoice is sent with the mail shipment, no other form of invoice or statement is required. Customs entry will be facilitated by sending the certified invoice with the mail shipment. This is not obligatory, however, as the American consul who certifies the invoice will forward a copy to the consignee, provided he is so requested by the sender and is furnished with an addressed envelope on which the postage is fully paid.

(c) Certified invoices are not required in connection with the entry of merchandise which, in accordance with sections 7.8, 7.9, 7.10, or 16.26 of the Customs Regulations of 1943, is admitted free of duty as being the growth or product of, or an actual importation into, Guam, Wake Island, Midway Islands, Kingman Reef, or American Samoa; as being the growth or product of the Virgin Islands of the United States or the Swan Islands; or as being "Philippine articles." Importations from the Canal Zone are treated in all respects as are importations from other countries. Importations may enter the area (land or water) of the Guantanamo Bay Naval Station without the payment of duty. Such importations are, however, subject to duty upon their subsequent entry into the United States.

§ 127.116 *Prohibited or restricted articles.* (a) Adulterated or misbranded drugs, foods, and other articles; articles capable of being marked, which are not marked with name of country of origin, as required by section 304 of the Tariff Act of 1930, as amended, or which are marked in a manner calculated to induce a false belief as to their origin, within the meaning of section 42 of the Trade Mark Act of 1946, and articles not marked in accordance with the provisions of paragraphs 354, 355, 357, 358, 359, 360, 361, 367, 368, and 1553 of the Tariff Act, and the regulations pursuant thereto; firearms capable of being concealed on the person; any matter urging treason or insurrection against the United States or forcible resistance to any law of the United States, or containing any threat to take the life of or inflict bodily harm upon any person in the United States; obscene articles, books, photographs, or printed matter, and all other obscene or immoral articles; articles and information for the prevention of conception or for causing unlawful abortion; matter relating to a lottery or gift enterprise (including tickets and advertising matter); marihuana, narcotic drugs (including opium, coca leaves, cocaine, isonipecaine, or derivatives thereof; intoxicating liquors or alcoholic preparations or compounds fit for use for beverage purposes (wines or beer having not more than 3.10 percent of alcohol by weight may be imported); articles from a country discriminating against the commerce of the United States; articles imported and sold through unfair competition; convict-made articles; counterfeits of coins, postage stamps and other Government securities; dangerous, caustic, or corrosive substances; dangerous or injurious articles; illustrations of foreign postage stamps, of canceled and uncanceled United States postage stamps, and of foreign revenue stamps, unless printed in black and white for philatelic purposes, and unless the illustrations of United States postage stamps (including postage stamps impressed upon stamped envelopes and postal cards) are less than three-fourths of the size or more than one and one-half times the size, in linear dimension of such stamp, and in the case of foreign revenue stamps unless the illustrations are from plates so defaced as to indicate that the illustrations are not adapted or intended for use as stamps; living disease organisms and vectors; honey bees (except from Canada); eggs of wild and game birds; gold and silver falsely stamped; hay or straw; hides; insect pests; white phosphorous matches; meat unfit for human consumption; merchandise bearing a mark or name copying or simulating a recorded trade-mark or trade name; milk and cream; migratory birds; noxious animals and birds; oleomargarine; pepper shells; wild animals and birds and parts thereof the exportation of which is prohibited from the foreign country; piratical copies of articles copyrighted in the United States; articles bearing false notices of copyright and copies of any books copyrighted in the United States which are not printed from type set or plates made in the United States or copies of American copyrighted books which are not printed and bound in the United States, except that 1,500 copies of a foreign book or periodical in the English language, which is covered by an ad interim copyright and bears a notice of copyright, may be imported under a permit issued by the Register of Copyrights.

(b) Birds of paradise, aigrettes, egret plumes, or so-called osprey plumes, and the feathers, quills, heads, wings, tails, skins or parts of skins of wild birds, either raw or manufactured and not for scientific or educational purposes. The prohibition does not apply to the feathers or plumes of ostriches or to the feathers or plumes of domestic fowls of any kind. It does apply to the plumage of all wild birds except live wild birds; whether imported separately or upon the bird itself. As the plumage of the following species may be obtained from either wild or domestic birds, such plumage may be admitted upon the presentation of a consular certificate or other satisfactory evidence that it was in fact taken from domesticated birds: Indian peacock, the rhea, the ringnecked or so-called Mongolian pheasant; mallard duck, and muscovy duck. Articles manufactured from prohibited plumage (except artificial flies used for fishing) are prohibited importation.

(c) Plants and plant products, including seeds and bulbs of all kinds, for or capable of propagation, may be imported into the United States only under the conditions set forth in the plant quarantine act, amendments thereto, and regulations thereunder. (See §§127.118, 127.119, and 127.120.)

(d) Viruses, serums, toxins, and other biological products covered by the act of July 1, 1902, may be imported only in accordance with the provisions of the act and the regulations thereunder.

(e) Gold, except as otherwise permitted by regulations issued pursuant to the Gold Reserve Act of 1934.

(f) The transportation in the Postal Union mails or parcel post from any other country into the United States of any consignment of gold coin, gold bullion, or gold dust, having a value in excess of $50, is prohibited. (See § 117.3 of this chapter.)

(g) Mail shipments of admissible arms, implements of war, and other nonexplosive munitions of war designated in the President's Proclamation No. 2776 of March 26, 1948, referred to in section 12 (i) of the Neutrality Act of 1939 (U. S. C. title 22, sec 452 (i)), or in any proclamation of the President hereafter made under the authority of said section 12 (i), shall be detained by customs until an import license from the Secretary of State has been submitted. Likewise, firearms, as that term is defined in the National Firearms Act (U. S. C. title 26, sec. 2733), as amended, shall be detained by customs until an application on U. S. Treasury Department Form 6 (Firearms), approved by the Commissioner of Internal Revenue has been submitted by the addressee.

(h) Tea is free of duty, but is subject to customs examination as to purity, quality, and fitness for consumption. Examination is not required, however, of samples of tea imported by mail from countries of production up to two pounds for use in soliciting orders and not for sale.

(i) No cigars or cheroots weighing more than 3 pounds per thousand shall be imported unless packed in boxes of 3, 5, 7, 10, 12, 13, 20, 25, 50, 100, 200, 250, or 500; nor cigarettes or small cigars weighing not more than 3 pounds per thousand unless in packages containing 5, 8, 10, 12, 15, 16, 20, 24, 40, 50, 80, or 100. Cigars, cheroots and cigarettes not contained in such packages at the time of importation may be repacked therein under customs supervision at the expense of the importer. (Sec. 111 (d), Customs Regulations of 1943.) At the option of the sender and upon compliance with section 9.8 (c) Customs Regulations of 1943, customs duty and internal revenue tax may be prepaid at Tampa or Miami, Fla., on mail shipments of cigars from Cuba not exceeding $100 in value.

§ 127.117 *Ports at which customs officers are stationed.*

Alabama:
Birmingham.
Mobile.
Alaska:
Cordova.
Craig.
Eagle.
Fairbanks.
Hyder.
Juneau.
Ketchikan.
Pelican.
Petersburg.
Sitka.
Skagway.
Wrangell.
Arizona:
Douglas.
Lukeville.
Naco.
Nogales.
San Luis.
Sasabe.
California:
Andrade.
Calexico.
Eureka.
Los Angeles.
Oakland.
Port San Luis.
San Diego.
San Francisco.
San Ysidro.
Tecate.
Colorado:
Denver.
Connecticut:
Bridgeport.
Hartford.
New Haven.
New London.
Delaware:
Wilmington.
District of Columbia:
Washington.
Florida:
Apalachicola.
Boca Grande.
Carrabelle.
Fernandina.
Jacksonville.
Key West.
Miami.
Panama City.
Pensacola.
Port Everglades.
Port St. Joe.
St. Augustine.
St. Petersburg.
Tampa.
West Palm Beach.
Georgia:
Atlanta.
Brunswick.
Savannah.
Hawaii:
Hilo.
Honolulu.
Kahului.
Port Allen.
Idaho:
Eastport.
Nebraska:
Omaha.
New Hampshire:
Portsmouth.
New Jersey:
Newark.
Perth Amboy.
New Mexico:
Columbus.
New York:
Albany.
Alexandria Bay.
Buffalo.
Cape Vincent.
Champlain.
Chateaugay.
Clayton.
Fort Covington.
Malone.
Massena.
Morristown.
New York.
Niagara Falls.
Ogdensburg.
Oswego.
Rochester.
Rooseveltown.
Rouses Point.
Sodus Point.
Syracuse.
Utica.
Waddington.
North Carolina:
Beaufort.
Durham.
Elizabeth City.
Elkin.
Morehead City.
Reidsville.
Wilmington.
Winston-Salem.
North Dakota:
Ambrose.
Antler.
Carbury.
Crosby.
Dunseith.
Fortuna.
Hannah.
Hansboro.
Maida.
Neche.
Noonan.
Northgate.
Pembina.
Portal.
Sarles.
Sherwood.
St. John.
Walhalla.
Westhope.
Ohio:
Akron.
Ashtabula.
Cincinnati.
Cleveland.
Columbus.
Conneaut.
Dayton.
Sandusky.
Toledo.
Oregon:
Astoria.
Coos Bay.
Newport.
Portland.
Pennsylvania:
Chester.
Erie.
Philadelphia.
Pittsburgh.
Puerto Rico:
Aguadilla.
Fajardo.
Guanica.
Humacao.
Jobos.
Mayaguez.
Ponce.
San Juan.
Rhode Island:
Newport.
Providence.
South Carolina:
Charleston.
Georgetown.
Tennessee:
Chattanooga.
Memphis.
Nashville.
Texas:
Beaumont.
Brownsville.
Corpus Christi.
Dallas.
Del Rio.
Eagle Pass.
El Paso.
Fabens.
Freeport.
Galveston.
Hidalgo.
Houston.
Laredo.
Orange.
Port Arthur.
Presidio.
Rio Grande City.
Roma.
Sabine.
San Antonio.
Ysleta.
Vermont:
Alburg.
Beecher Falls.
Burlington.
Derby Line.
Highgate Springs.
Island Pond.
Newport.
North Troy.
Richford.
St. Albans.
Virginia:
Alexandria.
Cape Charles.
Virginia—Con.
Newport News.
Norfolk.
Petersburg.
Reedville.
Richmond.
Virgin Islands:
Charlotte Amalie.
Christiansted.
Coral Bay.
Cruz Bay.
Frederiksted.
Washington:
Aberdeen.
Anacortes.
Bellingham.
Blaine.
Danville.
Everett.
Ferry.
Friday Harbor.
Laurier.
Longview.
Lyaden.
Metaline Falls.
Neah Bay.
Nighthawk.
Northport.
Olympia.
Orville.
Port Angeles.
Port Townsend.
Seattle.
South Bend.
Spokane.
Sumas.
Tacoma.
Wisconsin:
Ashland.
Green Bay.
Manitowoc.
Marinette.
Milwaukee.
Racine.
Sheboygan.
Superior.

PLANTS AND PLANT PRODUCTS

§ 127.118 *Plants admitted without restriction.* (a) Plants and plant products ordered by, intended for, and addressed to the Bureau of Entomology and Plant Quarantine, or the Division of Plant Exploration and Introduction, Bureau of Plant Industry, Soils, and Agricultural Engineering, of the United States Department of Agriculture, Washington 25, D. C.

(b) Plant products which may be shipped to private individuals without the issuance of a formal permit but subject to inspection and treatment when necessary are as follows:

(1) From all countries—Except as hereinafter shown in field, vegetable and flower seeds when free from soil; cut flowers except those of camellia, gardenia, cape jasmine, rhododendron, rose and lilac (from sources other than the Dominion of Canada); dried, cured, or processed fruits and vegetables, including cured figs, dates, and raisins, etc., dry beans, peas, etc., nuts, except green or unprocessed acorns and chestnuts; dried herbs and herbarium specimens of plants and plant products.

(2) From the Dominion of Canada—Fresh fruits, vegetables, including onions, onion sets, unprocessed acorns and chestnuts, and cut flowers produced in and mailed from this country, and all materials enterable without restrictions from all countries.

(c) Exceptions—The following material is not enterable without restrictions: Seeds of bamboo and other plants of the botanical tribe Bambusae, and seeds of the broad or fava bean, broomcorn, corn (maize), gram sorghums, Job's tears, Johnson grass, Lathyrus species, Napier grass, okra, pearl millet, teosinte, Sudan grass, sugar cane (true seeds), rice, sweet sorghums and the vetches (Vicia species) from all foreign countries; wheat and wheat products except fine white flour from Australia, China, India, Italy, Japan, Spain and the Union of South Africa and seeds of Chionachne, teosinte, Polytoca and Schlerachne from Australia, China, Formosa, India, Indo-China, Japan and adjacent islands, Malaya, Manchuria, New Zealand, Oceania, the Philippines, and Thailand.

§ 127.119 *Plants admitted under restriction.* (a) Parcels of plants and plant products not prohibited by quarantine when accompanied by official green and yellow special mail shipping tags addressed to the United States Department of Agriculture, Bureau of Entomology and Plant Quarantine. These tags will bear the address of that Bureau at one of the following stations: Hoboken, N. J., Washington, D. C., San Francisco, Calif., Seattle, Wash., Laredo, Tex., Miami, Fla., San Juan, P. R., or Honolulu, Hawaii. Because the tag constitutes the correct and necessary address it shall be affixed securely to the face of the parcel, and the name and address of the ultimate addressee shall not appear on the outside but shall be enclosed within the parcel. The tag also bears the number of the permit which has been issued for the entry of the shipment concerned. Upon arrival of such parcels in the United States they will be promptly dispatched to the designated office of the Bureau of Entomology and Plant Quarantine for inspection. If the contents are enterable under the corresponding import permit and are found to be, or can be rendered, apparently free from injurious insects and diseases, the parcel, after any necessary treatment of the contents, will be readdressed and forwarded under the original postage to the permittee.

(b) Parcels of plants or plant products which do not bear official mailing tags will be submitted to a plant quarantine inspector.

(c) Collectors of customs will permit plant quarantine inspectors to remove and destroy immediately plants and plant products deemed injurious to plant life. They will also permit plant quarantine inspectors to remove and destroy objectionable plants and plant products which constitute a portion of the contents of a parcel; subsequently the parcel will be forwarded to the addressee if, in the judgment of the plant quarantine inspector, no pest risk will attend this movement. When destruction is necessary the plant quarantine inspector will furnish the addressee with a memorandum describing the material seized and destroyed and giving the reasons therefor.

(d) Importation is authorized as samples of merchandise, small packets, and by parcel post of samples of shelled corn, Job's tears, and seeds of teosinte from countries other than those of south-

eastern Asia (including India, Indo-China, and China), Malayan Archipelago, Australia, New Zealand, Oceania, Republic of the Philippines, Taiwan (Formosa), Thailand, Japan, and adjacent islands; broomcorn (broomcorn and articles made of broomcorn from countries other than those of the Western Hemisphere are enterable only through approved northeastern ports during the five months' period beginning October 1 of any year) and seeds of broomcorn, sweet and grain sorghum, Sudan grass, Johnson grass, sugarcane (true seeds), pearl millet, and Napier grass from all countries and localities, and dried corn husks from the provinces of Canada, west of and including Manitoba, and from Mexico, Central America, South America, the West Indies, the Bahamas, and Bermuda. No special mail shipping tags are necessary for these shipments and upon arrival in the United States they will be referred to the nearest plant quarantine inspector for examination and if necessary, treatment. To facilitate prompt handling each such parcel should be endorsed "For plant quarantine examination."

(e) The importation is authorized as samples of merchandise, small packets, and by parcel post of samples of raw or unmanufactured ginned cotton, including all forms of cotton-mill waste, and cottonseed meal and cottonseed cake, when the parcels are securely wrapped to prevent leakage, and are conspicuously addressed to the United States Department of Agriculture, Bureau of Entomology and Plant Quarantine, at Hoboken, N. J., San Francisco, Calif., Miami, Fla., or Seattle, Wash., and, if from Mexico, at Nogales, Ariz., El Paso, Laredo, or Brownsville, Tex., with the name and address of the ultimate addressee indicated in the lower left-hand corner of the wrapper of the parcel. Parcels of these materials from Mexico observed at border exchange offices, if not addressed as indicated shall be forwarded to the United States Department of Agriculture, Bureau of Entomology and Plant Quarantine, as follows: West of Nogales, Ariz., to Nogales, Ariz; west of El Paso, Tex., to El Paso, Tex.; west of Laredo, Tex., to Laredo, Tex.; west of Brownsville, Tex., to Brownsville, Tex. Upon receipt of the parcels at the designated inspection offices of the Bureau of Entomology and Plant Quarantine they will be examined and fumigated, and forwarded to the ultimate addressee.

§ 127.120 *Prohibited plants and plant products.* (a) Except as indicated in §§ 127.118 and 127.119, importation by mail is prohibited from all countries and localities, of all plants, including cuttings, buds, scions, bulbs, roots, tubers, seeds, etc.; fruits and vegetables in the raw or unprocessed state; and other plant products.

(b) Plants and plant products as packing materials: Except in special cases where preparation, processing, or manufacturing are judged by an inspector of the United States Department of Agriculture to eliminate a risk of carrying injurious insects and diseases, the importation as packing material is prohibited of rice straw, hulls and chaff; cotton and cotton products; sugarcane, including bagasse; bamboo leaves and small shoots; leaves of plants; forest litter, soil with an appreciable admixture of vegetable matter not therein provided for by regulation; and all parts of corn and allied plants, except from Mexico and the countries of Central America, the West Indies, and South America.

### Subpart D—International Registry, Insurance, C. O. D., and Certain Ordinary Services

GENERAL INFORMATION AND INSTRUCTIONS

§ 127.121 *Packing.* (a) The responsibility of properly enclosing, packing, and sealing parcels for transmission in the international mails rests with the sender and the postal service will not assume liability for loss, rifling, or damage arising from defects which may not be observed at the time of posting. If a parcel tendered for mailing does not in the opinion of the accepting employee fulfill the prescribed packing requirements, it shall be refused. (See § 127.72, for information relative to the packing of parcels; also see individual country items in Subpart F of this part as regards sealing.)

(b) Postmasters and other postal employees shall not assist in the preparation of parcels or other mail matter addressed to other countries.

§ 127.122 *Inquiries or complaints concerning registered or insured mail and charges therefor.* (a) A charge of 13 cents shall be made for an inquiry or complaint in connection with registered or insured mail addressed to a foreign country unless the sender has failed to receive a return receipt for which he paid the required fee, or is able to show that a prima facie loss or other irregularity has occurred through fault of the Postal Service by (1) exhibiting a letter or other report from the addressee dated a reasonable time after the article involved would, in regular course, have been delivered, or (2) satisfactorily accounting for the failure to exhibit such letter or report. (See Part 118 of this chapter as to handling of inquiries or complaints.)

(b) The charge is collected only once for inquiries or requests for information concerning several articles mailed simultaneously by the same sender addressed to the same addressee.

(c) The fee shall be affixed by means of postage stamps to the inquiry form or complaint and canceled.

(d) If the sender desires his inquiry to be sent by air mail or telegraph, he must pay, in addition to other fees and charges applicable, the postage for a one rate air mail letter to the country of destination, or the appropriate telegraph charge, as the case may be. If the sender also desires reply to his inquiry to be made by air mail or telegraph, he must pay double the air mail postage, or the telegraph charges both ways, as may be appropriate.

(e) No charge shall be made for inquiries or complaints in connection with international c. o. d. mail, except the charges applicable for sending by air mail or telegraph, as the case may be, if the sender requests these services.

(f) Inquiries are accepted only within the period of one year, counting from the day following that of mailing of the article. However, simple requests for information presented after that period are complied with regarding articles mailed less than 2 years previously.

(g) See § 127.86 regarding inquiries concerning ordinary articles addressed for delivery in other countries.

§ 127.123 *Delivery of insured, registered, and c. o. d. mail.* Such mail to or from other countries shall be delivered in accordance with the domestic delivery regulations of the country of destination for articles of the same nature.

§ 127.124 *Restricted delivery by addressee.* (a) The addressee in this country may restrict delivery to himself, or to his order, of registered, insured, and collect-on-delivery mail of foreign origin upon payment of the additional fee of 20 cents prescribed in § 58.6 (b) of this chapter.

(b) See § 127.136 concerning arrangements by which senders may restrict the delivery of registered Postal Union articles.

§ 127.126 *Parcels erroneously accepted as registered, insured, or c. o. d. mail addressed to other countries.* Such parcels must be conspicuously endorsed "Returned, insured contrary to instructions", or "Returned, sent c. o. d. contrary to instructions," as may be proper, and returned to the mailing office. These irregularities shall be reported to the Post Office Department, Bureau of Transportation, Division of International Service, Washington 25, D. C.

§ 127.127 *Recovery of lost mail.* Offices of mailing and address shall keep a record of all mail matter reported lost, and, in the case of registered, registered c. o. d., or ordinary mail, if the article is found, immediately notify the Inspector in Charge of the Division in which the office is located. In the case of insured or insured c. o. d. mail, however, notification shall be sent to the Post Office Department, Bureau of Transportation, Division of International Service, Washington 25, D. C.

§ 127.128 *Refund of postage.* Requests for refund of postage and fees for which no service has been rendered will be handled as outlined in § 150.1102 of this chapter.

§ 127.129 *Domestic regulations govern.* In general the regulations covering domestic mail matter may be applied in matters not herein or otherwise specifically provided for.

SPECIAL PROVISIONS APPLICABLE TO INTERNATIONAL REGISTRY SERVICE

§ 127.130 *Service available.* Unless indicated to the contrary under the country items in Subpart F of this part, Postal Union articles of all classifications may be registered. Parcel post packages may be registered to those countries with which the registry service is in operation, as indicated in the parcel post tables of the various country items in Subpart F of this part.

§ 127.131 *Preparation for mailing; declaration of value.* (a) Mail bearing an address written in ordinary pencil or consisting of initials is not acceptable for registration. Articles, other than those in "window" envelopes, are acceptable for registration when addressed with indelible pencil.

(b) Letter packages presented for registration must be prepared in accordance with the requirements for domestic registered mail. Letters presented for registration which bear traces of opening and resealing shall be rejected, particularly, if additional sealing devices are used such as brown tape, paper strips or seals, wax seals, extra mucilage, etc.

(c) Postal Union articles presented for registration under the classifications of "commercial papers," "printed matter," "samples of merchandise" and "small packets," or as "8-ounce merchandise packages" (except as provided in § 127.11), must not be sealed.

(d) Parcel post packages intended for registration to countries permitting registration of parcel post MUST be sealed. (See § 127.74 and individual country items in Subpart F of this part.)

(e) The full value of mail accepted for registration to other countries shall be declared by the mailer at the time of mailing in accordance with the requirements for domestic registered mail.

§ 127.132 *Registry fees.* For Postal Union articles the registry fee is 40 cents for Americo-Spanish countries and 55 cents for all other countries. See country items in Subpart F of this part, caption "PARCEL POST," for fees applicable to registered parcel post packages.

§ 127.133 *Free registration.* Any matter which is entitled to freedom of postage in the international mails (see § 127.32) is also entitled to free registration, but without the right to indemnity.

§ 127.134 *Registry receipt.* (a) The usual registry receipt shall be issued for mail matter accepted for registration to other countries. The class of each article shall be noted on the registry receipt and on the mailing office record, in order to distinguish registered international parcel post from registered Postal Union mail. The following abbreviations will be used in recording mail accepted for registration.

| Classification | Abbreviation |
|---|---|
| Letters | L. |
| Post cards | P. C. |
| Commercial papers | Com. P. |
| Printed matter | Prints. |
| Samples of merchandise | Sample. |
| Small packets | S. P. |
| Parcel post | P. P. |

(b) In the case of parcels which are registered under the provisions of the Parcel Post Agreement of the Postal Union of the Americas and Spain (see § 127.159), there must be a notation on the receipt and its counterpart (mailing office record) showing the exact weight of the parcel and the total amount of postage paid, in addition to the registry number, amount of fee paid, date of mailing, and the names and addresses of sender and addressee.

(c) The registry receipt and office record covering an air mail article or air parcel shall be endorsed "Via air mail."





(d) When the sender restricts delivery to addressee only, as provided in § 127.136, the registry receipt and the mailing office record shall bear a notation to that effect.

§ 127.135 *Registry return receipts—* (a) *Requested at time of mailing.* (1) Fee 10 cents. Registered articles for which the sender requests a return receipt shall bear, on the address side, the conspicuous notation "Avis de reception" (return receipt) or the imprint of a stamp "A. R.", followed by the notation "PAR AVION" (by air mail) when the sender has requested the return of the receipt by air mail. The return of the completed return receipts by air mail will be limited to those receipts relating to articles transmitted to destination by air. See subparagraph (4) of this paragraph regarding marking of return receipt form.

(2) If the sender desires that his return receipt be sent back to him by air mail he must pay for this return, in addition to the return receipt fee stated in subparagraph (1) of this paragraph the air mail postage applicable to a one-rate air mail letter to the country of destination.

(3) Form 2865 shall be made up and fastened securely to the outside of the article. The form shall be supplied by all first-, second-, and third-class post offices, but in case of fourth-class offices it will be supplied by the United States exchange office of dispatch, unless the mailing office has been specially authorized otherwise. The domestic return receipt (Form 3811) may be used for registered articles addressed for delivery in Canada (but not to other countries) when no Form 2865 is available.

(4) When the return receipt is to be returned by air mail the form shall be marked in conspicuous characters on the address side "Renvoi Par Avion" (return by air mail) and must bear the blue Par Avion (by air mail) label, Form 2978.

(b) *Requested after mailing.* (1) Fee, 13 cents. Requests for return receipts made after mailing are accepted only within the period of one year from the day following that of mailing of the article or parcel.

(2) Except in the case of Canada, Form 542 (at first- and second-class offices) or 1510 (at third- and fourth-class offices) shall be executed and forwarded to the Inspector in Charge of the division in which the office of origin is located. Form 2865 (endorsed at the top "Request for advice of delivery made after mailing" or "Duplicate advice of delivery" as may be appropriate) shall be forwarded with Form 542 or 1510 sent from first-, second-, and third-class offices. Form 1510 shall also be endorsed to show whether the receipt was requested at or after the time the article was mailed.

(3) In the case of Canada, Form 1510 shall be executed at all offices and endorsed as indicated in subparagraph (2) of this paragraph; also, Form 2865 shall be attached (if Form 2865 is not available, domestic form of return receipt, Form 3811, may be used) and sent in the usual official penalty envelope to the proper Canadian District Post Office Inspector, as indicated in the list on page 133.

(c) *Completion of return receipts.* (1) Care shall be exercised to see that return receipts from other countries are duly signed by the addressee or his agent with ink or indelible pencil, if practicable. When registered mail is signed for by an authorized agent of the addressee the name of both the addressee and agent shall appear on the card. After completion by the office of destination, the receipts shall be postmarked and returned. The completed receipts are returned in the ordinary (unregistered) mail, by surface means unless they bear the notation 'Renvoi par avion" and a "Par Avion" label, in which case they must be returned at once by air mail. (See § 114.23 of this chapter.)

(2) Return receipts for registered articles delivered in other countries are completed in accordance with requirements of the country making delivery, which vary according to the country involved. The signature of the addressee is not required under any pretext in France. Complaints with respect to completion shall be transmitted, together with the relative receipt, to the Post Office Department, Bureau of Transportation, Division of International Service, Washington 25, D. C.

§ 127.136 *Restricted delivery by senders.* (a) Senders in this country may restrict the delivery of registered Postal Union articles addressed to the following countries on condition that the articles are accompanied with a return receipt and are endorsed by the sender in the manner indicated:

| Country | Endorsement required |
|---|---|
| Afghanistan | "A remettre en main propre." |
| Albania | "A remettre en main propre" or "Per t'u dorezuar ne dore vet." |
| Austria | "A remettre en main propre" or "Zu eigenen Handen." |
| Belgium | "A remettre en main propre" or the equivalent in the Flemish language. |
| Bulgaria | "Lichno." |
| China (Taiwan only) | "A remettre en main propre" or the equivalent in a language known at the place of destination. |
| Czechoslovakia | "A remettre en main propre." |
| Denmark | "Personlig." |
| Dominica (Windward Islands) | "To be delivered to the addressee in person." |
| Falkland Islands | "To be delivered to the addressee in person." |
| Finland | "A remettre en main propre." |
| French Somaliland | "A remettre en main propre." |
| Germany | "A remettre en main propre" or "Eigenhändig." |
| Greece | "A remettre en main propre" or "ΙΔΙΑΧΕΙΡΙΣΙΝ". |
| Hungary | "A remettre en main propre." |

| Country | Endorsement required |
|---|---|
| Ireland | "A remettre en main propre" or "Afhendist vidtakanda sjálfum." |
| Italy | "A remettre en main propre." |
| Lebanon | "A remettre en main propre." |
| Luxembourg | "A remettre en main propre." |
| Montserrat (Leeward Islands) | "To be delivered to the addressee in person." |
| Poland | "A remettre en main propre." |
| Portugal | "A remettre en main propre." |
| Rumania | "A remettre en main propre." |
| Sweden | "A remettre en main propre" or "Far utlämnas endast till adressaten personligen." |
| Switzerland | "A remettre en main propre." |
| Turkey | "Addolun kendine verilecek." |
| Union of Soviet Socialist Republics | "A remettre en main propre." |
| Uruguay | "A remettre en main propre." |

(b) The endorsements shown in the second column shall be placed above and near the address and must be underlined in red. The country of destination will make two attempts to effect delivery and if unsuccessful the article will be returned as undeliverable.

(c) Only the usual registry fee of 40 or 55 cents, plus the registry return receipt fee of 10 cents, is chargeable in connection with registered Postal Union articles of which the delivery has been restricted in accordance with the foregoing provisions.

(d) Registered Postal Union articles from other countries which are accompanied with a return receipt and bear the notation (underlined in red) "Deliver to addressee only," or a similar notation, shall be delivered only to the addressee. Two attempts must be made to deliver such articles. If delivery cannot be effected by the second attempt, the articles shall be returned to the sender as undeliverable.

§ 127.137 *Makeup and dispatch.* Registered mail shall be dispatched as directed by the Postal Laws and Regulations. See also the "General foreign separating scheme," § 127.41.

§ 127.138 *Preparation for dispatch to the New York, N. Y., exchange office.* To permit expeditious handling, registered mail proper for dispatch to other countries (except Canada or Mexico) via New York, N. Y., shall, when the quantity warrants, be dispatched in a single enclosure (a registered jacket, sack, or pouch) addressed direct to "New York-Foreign."

§ 127.139 *Indemnity.* See Subpart E of this part.

SPECIAL PROVISIONS APPLICABLE TO INTERNATIONAL INSURANCE SERVICE

§ 127.140 *Service available.* Insured parcel post service is in effect between the United States and the following countries:

Argentina.
Australia.
Azores.
Bahamas.
Barbados.
Belgium (surface only).
British Guiana.
Canada.
Cape Verde Islands.
Colombia.
Corsica.
Czechoslovakia.
Denmark (including Faroe Islands and Greenland).
Ecuador.
Finland.
France.
Germany (Western zone and western sector of Berlin).
Gibraltar.
Gold Coast Colony.
Great Britain and Northern Ireland.
Guatemala.
Iceland.
Ireland.
Italy.
Japan.
Leeward Islands.
Madeira Islands.
Netherlands.
Netherlands West Indies.
New Zealand.
Norway.
Portugal.
Portuguese East Africa (Mozambique).
Portuguese West Africa.
Ryukyu Islands.
Surinam.
Sweden.
Switzerland.
Western Samoa (British).
Windward Islands.
Yugoslavia.

§ 127.141 *Preparation for mailing.* (a) The general provisions for the preparation of ordinary parcels to other countries (see Subpart B of this part and individual country items in Subpart F) apply also to insured parcels.

(b) The condition of each parcel at the time of receipt, or dispatch, shall be carefully noted and appropriate action taken if the article is not in good condition or if other irregularities are noted.

(c) The labels or stamps on insured parcels must be so placed that they cannot serve to conceal injury to the cover. They must not be folded over two sides of the cover so as to hide the edge.

§ 127.142 *Limit of insurance.* (a) See the subcaption "Insurance" under the relative country items in Subpart F of this part for information as to limits of insurance applicable to the various countries.

(b) No parcel can be insured for more than the actual value of the contents or for more than the maximum amount of indemnity payable in connection with insured parcels for the country concerned. However, if desired by the sender a parcel may be insured for a portion of the value of the contents, in which case only the fee covering the amount of insurance desired shall be charged.

§ 127.143 *Indication of insured value.* (a) The sender of an insured parcel shall be required to indicate in United States currency (figures only) in the appropriate space on the customs declaration (Form 2966) the amount for which the parcel is insured. This will be the amount for which the sender elects to insure the parcel, which must not in any case exceed either the value of the contents or the maximum amount of indemnity payable in connection with insured parcels for the country concerned.

(b) In some cases, as shown in the subcaption "Insurance" under the relative country items in Subpart F of this part, it is necessary to mark the wrappers of the parcels to show the amount for which the parcels are insured. When the country of destination requires that the insured value be shown in gold francs, the conversion of United States currency into gold francs is made on the basis of 33 cents (approximately) equals 1 gold franc. The gold franc equivalent is determined by multiplying the amount in United States currency by 3. For example, $5.25 multiplied by 3 is equal to 15.75 gold francs.

(c) When the amount of the insured value is required to be shown both in arabic figures and in roman letters the information shall be hand printed or typewritten on a label and affixed to the parcel, and not written in ordinary script.

§ 127.144 *Marking and numbering.* (a) Each insured parcel shall be marked or labeled or stamped "Insured" in conspicuous place on the address side preferably to the left and directly beside the country of destination, or, beneath the country of destination. For this purpose the insurance stamp used in the domestic service shall be used as far as practicable, provided that the domestic "minimum fee" insurance stamp must not be used. Each insured parcel shall be given a number which must be clearly written or stamped immediately below the endorsement "Insured." Parcels marked "Insured" by other than the Postal Service, but not actually insured by the Postal Service, are not mailable.

(b) The customs declaration and the dispatch note, when a dispatch note is required, must also be marked or labeled or stamped "Insured" and bear the insurance number given the parcel.

(c) The postmarking stamp of the office of mailing must appear at all breaks (cut or torn edges) of any gummed paper strips used in the sealing of insured parcels.

(d) Parcels containing fragile or perishable articles must be so marked, i. e., "Fragile," "Perishable," "Glass," or "Eggs," as may be appropriate.

§ 127.145 *Insurance receipts.* Insured parcels may be numbered and recorded in the same series and forms (except Form 3813-B) as domestic insured mail. (Form 3813-P at all post offices of the first class and a great many offices of the second class and Form 3813-A at offices not using Form 3813-P.) The insurance receipt and office record covering an air mail article or air parcel shall be endorsed "Via air mail."

§ 127.146 *Forwarding or return to another country.* At the request of the sender or addressee, insured parcels addressed to foreign countries may be reforwarded or returned to another country, provided they can be reforwarded or returned as insured. If desired, senders may endorse their parcels "Do not forward to a third country", in which case the parcels will not be forwarded to another country.

§ 127.147 *Insurance return receipts.* Fee, 10 cents if requested at time of mailing; 13 cents if requested after mailing. Return receipts for insured parcels are furnished under the same conditions as apply to registry return receipts (see § 127.135). Such return receipts shall be stamped or marked "Insured." No return receipts are furnished in the case of insured parcels for Canada.



§ 127.148 *Indemnity.* See Subpart E of this part.

SPECIAL PROVISIONS APPLICABLE TO INTERNATIONAL C. O. D. SERVICE

§ 127.149 *Service available.* (a) C. o. d. service is in effect between the United States and Mexico.

(b) The c. o. d. service to Colombia is temporarily suspended.

(c) The c. o. d. service with Mexico applies to registered parcel post packages and to registered Postal Union printed matter, small packets, and 8-ounce merchandise packages. The c. o. d. service from Colombia applies to insured parcel post packages only.

§ 127.150 *Marking and numbering.* (a) No c. o. d. tag shall be used. Each c. o. d. parcel must bear on the address side and on the relative customs declaration the conspicuous impression of an official rubber stamp reading "c. o. d." In close proximity to such impression there must appear the number (only one original number which shall be the registration number) given the parcel. Where advisable, a separate series of numbers may be assigned for registered c. o. d. parcels and separate registration records may be maintained for such parcels. When the quantity of c. o. d. mail is limited, it may be numbered in the same series and recorded on the same forms as other registered parcels for the country concerned.

(b) C. o. d. parcels mailed in Colombia and Mexico are stamped "Reembolso."

(c) The postmarking stamp of the office of mailing must appear at all breaks (cut or torn edges) of any gummed paper strips used in the sealing of c. o. d. articles.

§ 127.151 *Registry receipts.* The usual registration receipt will be issued for c. o. d. registered parcels for other countries. In addition to the data ordinarily placed upon such receipts, there must be added a notation showing the amount of charges to be collected and the amount of the c. o. d. fee paid, exclusive of postage. The mailing office record must also show such charges and fee. Firm mailing records may be used when desired. The registration receipt and office record covering a c. o. d. air mail Postal Union article or air parcel shall be endorsed "Via air mail."

§ 127.152 *Return receipts.* Return receipts will not be furnished for registered c. o. d. parcels for Mexico.

§ 127.153 *Makeup and dispatch.* When the quantity or bulk of registered c. o. d. parcels for foreign countries available for dispatch from any United States post office, or railway post office to the United States exchange office from which they are due to be dispatched abroad is sufficient to warrant the use of a separate registry pouch or jacket, the bill should be headed to indicate that the articles described therein are c. o. d. pieces. When c. o. d. registered parcels are dispatched with other registered mail, the endorsement "c. o. d." must appear opposite the entry of each c. o. d. registered parcel.

§ 127.154 *Recording and handling.* (a) Except as may otherwise be provided, c. o. d. registered parcels for and from Mexico shall be recorded, dispatched and handled in transit between the offices of mailing and the authorized exchange offices in the same manner as other registered parcels exchanged with the country concerned.

(b) Insured collect-on-delivery parcels from Colombia shall be delivered and recorded at the post offices of address in the United States in the same manner and on the same records, so far as practicable, as domestic c. o. d. parcels, such records to show the date of receipt, c. o. d. number, office of mailing, including the name of the province, county, or district, as the case may be, if available, the amount of the c. o. d. charges to be collected on delivery, which may be indicated on the delivery office record in the following manner: "c. o. d., $_____" and disposition (including number and date of money order, if delivered, or date and to whom forwarded or returned).

(c) Collect-on-delivery registered parcels from Mexico shall be delivered and recorded at the post office of address in the same manner and on the same records, so far as practicable, as other registered parcels from the country concerned. Such records shall show the date of receipt, c. o. d. (registration) number, post office of mailing, including the name of the State, province, county, or district, if available, the amount of c. o. d. charges to be collected on delivery and disposition (including number and date of money order, if delivered, or date and to whom forwarded or returned).

(d) Extreme care shall be exercised to see that the correct amount of c. o. d. charges is recorded in the office record before a c. o. d. parcel is sent out for delivery, as the Postal Administration of the United States is responsible for any error in failing to collect the correct amount of c. o. d. charges stated on a parcel. Collection may be made from the employee responsible for error in failure to collect the amount stated on the parcel, if such collection is not made on delivery and subsequently cannot be made from the addressee. (See § 44.12 (b) of this chapter.)

§ 127.155 *Requests for change in amount of charges.* (a) Requests for an increase or reduction or cancellation of the c. o. d. charges must be made by senders, in writing to their local postmasters, a complete description of the particular c. o. d. parcel involved being given. In each instance the postmaster at the office of mailing shall make out a Form 3818 or a letter indicating the nature of the alteration of the c. o. d. charges, filling in all necessary particulars, and then transmit the Form 3818 or letter as outlined in § 127.305 (b) (7) (vi). Postage stamps in the amount of 15 cents must be affixed to the Form 3818 or letter and cancelled by the postmaster. The letter of authorization from the senders shall be filed by the postmaster at the office of mailing, with the mailing-office record.

(b) A fee of 15 cents is chargeable for a single request for an increase in or for total or partial cancellation of the c. o. d. charges on several c. o. d. parcels mailed simultaneously at the same office, by the same sender, and addressed to the same addressee. If request is to be made by telegraph or cable, as the case may be, an amount sufficient to prepay the telegram or cablegram at the usual rate must accompany the request.

(c) Requests for a reduction or cancellation of the c. o. d. charges on parcels from Colombia will be sent through the New York office. (See § 127.305 (b) (7) (viii), concerning the handling of requests for an increase or reduction or cancellation of c. o. d. charges on parcels from Mexico.) Postmasters receiving requests from the postmaster at New York for a reduction or cancellation of the amounts of the c. o. d. charges on c. o. d. parcels will promptly comply with such requests. If such requests are received direct from the foreign country, they should be referred to the postmaster at New York to have them verified. The c. o. d. parcels involved shall in the meantime be held for reply from New York.

§ 127.156 *Forwarding.* C. o. d. parcels may not be forwarded to a third country. They may, however, be forwarded within the country of destination or to the country of origin.

§ 127.157 *Delivery and accounting for charges.* (a) The delivering post office shall collect from the addressee of a collect-on-delivery parcel the full amount of the collect-on-delivery charges shown on the parcel, plus appropriate money-order fee. The full amount of the collect-on-delivery charges, without any deduction for any charges of any kind, shall be remitted to the sender by means of an international money order.

(b) Examination of the contents of a c. o. d. parcel by the addressee is prohibited until proper receipt therefor is obtained (on Form 3849b) and the c. o. d. charges and any other charges that may be due thereon have been collected even though the sender or addressee may make request that such action be permitted. The receipt shall be filed as a record of the transaction for future reference. Any postal employee permitting such preliminary examination by the addressee may be held personally responsible in case of financial loss to the sender resulting from such action.

(c) In the event of the receipt of a c. o. d. parcel from a country with which money order service is in effect, but c. o. d. service has not been inaugurated, the money order, drawn in favor of sender as usual, covering the c. o. d. charges borne by the parcel, shall be transmitted to the Post Office Department, Bureau of Transportation, Division of International Service, Washington 25, D. C., advising the full particulars of mailing of the parcel.

(d) In a case, however, in which there is neither money order nor c. o. d., service with the country concerned, or such services have been suspended, postmasters shall deposit the collected c. o. d. charges, plus appropriate money order fee, in their official checking account,

draw a check in favor of the Assistant Postmaster General, Bureau of Transportation, for the amount deposited and dispose of as indicated in the preceding paragraph.

(e) When c. o. d. parcels from other countries are returned by carriers undelivered or when they are delivered and the c. o. d. charges turned in by the carriers, the office record of the parcels must be checked in the carrier's presence and the entries so checked must be initialed by the post office employee who accepts and assumes custody of the c. o. d. charges or of the undelivered c. o. d. parcels.

§ 127.158 *Indemnity.* (a) When the c. o. d. charges are less than the value, the sender may pay a higher fee in order to obtain indemnity for loss, within the limit of indemnity allowable for the fee paid.

(b) For further information see Subpart E of this part.

ORDINARY AMERICO-SPANISH PARCEL POST

§ 127.159 *Special provisions applicable to ordinary Americo-Spanish parcel post.* (a) The following special provisions are applicable to ordinary parcel post (surface or air) for the Americo-Spanish countries listed below:

| | |
|---|---|
| Argentina. | Nicaragua. |
| Bolivia. | Panama. |
| Brazil. | Paraguay. |
| Chile. | Peru. |
| Colombia. | Salvador (El). |
| Costa Rica. | Spain, including Balearic Islands, Canary Islands, and Spanish offices in Northern Africa. |
| Dominican Republic. | |
| Ecuador. | |
| Guatemala. | |
| Haiti. | |
| Honduras (Rep of). | Spanish Guinea. |
| Mexico. | Uruguay. |
| Morocco (Spanish Zone). | Venezuela. |

(b) Postmasters shall issue a receipt on Form 2932 for each ordinary parcel (surface and air) accepted for mailing to any of the countries named in paragraph (a) of this article. These receipts will be subject to a charge of 1 cent for each parcel concerned. Postage stamps to cover the charge shall be affixed to the receipts and canceled by the postmark of the office of mailing.

(c) Each descriptive receipt shall show the date of mailing, exact weight of the parcel and total amount of postage paid, and shall be completed by the sender to show the name and address of the addressee. The receipt covering an air parcel shall be endorsed "via air mail."

(d) Firm mailing sheets may be utilized by carbon process where considerable quantities of ordinary parcels are mailed to the countries listed in paragraph (a) of this article. Extreme care shall be exercised to see that the receipt is altered, whenever necessary, to show that it is being used for an ordinary Americo-Spanish parcel.

(e) No return receipts are provided in connection with ordinary parcels addressed to the countries listed in paragraph (a) of this section, and aside from the issuance of receipts to the sender such parcels shall be treated the same as other ordinary international parcels.

(f) All inquiries, complaints, and claims for indemnity on account of the loss, rifling, damage, wrong delivery or delay in delivery of ordinary parcels exchanged with the countries listed in paragraph (a) of this section, shall be forwarded to the Inspector in Charge of the Division in which post offices of origin or destination are located, in accordance with the provisions of §§ 118.9 and 118.10 of this chapter. Claims for indemnity shall not be filed until there is sufficient evidence obtained to indicate a probable loss, rifling, or damage.

§ 127.160 *Indemnity.* See Subpart E of this part.

Subpart E—Indemnity

§ 127.161 *Claims for indemnity.* (a) Claims for indemnity on account of the loss, rifling, or damage of international registered (Postal Union or parcel post) or registered c. o. d. mail shall be filed on form 565.

(b) Form 2855 shall be used in connection with complaints of the loss, rifling, or damage of international insured, insured c. o. d., or Americo-Spanish ordinary parcel post mail and for nonreceipt or shortage of c. o. d. charges borne by all international c. o. d. parcels. Instructions as to the disposition of the form will be found on page 2 thereof.

(c) The report from the addressee on which the claim is based shall accompany the claim.

§ 127.162 *Duplicate claims.* Extreme care shall be exercised to prevent duplicate applications for indemnity which shall be executed and endorsed "Duplicate" only after it has been definitely established that the original has been lost or destroyed. The "Duplicate" shall also show the last-known disposition of the original, including the date.

§ 127.163 *Proof of value.* In the event of the loss, rifling, or damage of registered, insured, c. o. d., and ordinary parcels, the burden of satisfactorily establishing the value of the contents at the time of mailing or that the amount claimed, particularly in the case of heirlooms or antiques, is not in excess of the ordinary market value of similar articles rests, in the absence of a complete description of the contents, with the claimant. Sentimental values arising from associations of articles cannot properly be allowed.

§ 127.164 *Indemnity for Postal Union registered articles.* (a) Except as stated in § 127.169, the sender of a Postal Union registered article is entitled to indemnity as follows:

(1) Any amount claimed not exceeding $3.27 in the case of total loss (envelope or wrapper and total contents, as distinguished from loss of all or a portion of the contents) of such articles for Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras (Republic of), Mexico, Morocco (Spanish Zone), Nicaragua, Panama, Paraguay, Peru, Salvador (El), Spain (including Balearic and Canary Islands, and Spanish Officers in Northern Africa), Spanish Guinea, Spanish West Africa, Uruguay, and Venezuela.

(2) Any amount claimed not exceeding $8.17 for total loss of such articles for all other Postal Union countries except Canada.

(3) For actual value not exceeding $25 for total loss of such articles exchanged with Canada.

(b) In the case of damage or of partial or complete loss or rifling of the contents when the articles are mailed in this country and responsibility rests with the Postal Administration of the United States and when bulk billed for actual amount thereof in amount claimed but not exceeding $8.17, except that the maximum amount is $3.27 in the case of the countries listed in paragraph (a) (1) of this section.

(c) In addition, in the case of partial or complete loss or rifling of the contents of such articles for Great Britain and Northern Ireland and Switzerland (regardless of where it occurs), for the actual amount thereof not exceeding $8.17; for the intrinsic value, but not exceeding $8.17, in the case of damage while in the custody of the postal service to such extent as to destroy entirely the value of an article contained in a registered packet (unless the damage arose from the fault of the sender or from causes beyond control).

(d) In the event of loss, rifling, or damage, in cases in which money in cash, bank notes or values payable to bearer are prohibited transmission in the mails, limited indemnity may be specially paid under the conditions set forth in paragraph (b) of this section.

§ 127.165 *Indemnity for Americo-Spanish ordinary and registered parcel post.* (a) Except under the same conditions as stated in § 127.169, senders of ordinary and registered parcel post packages to Argentina (ordinary only), Bolivia, Brazil, Chile, Colombia (ordinary only), Costa Rica, Dominican Republic, Ecuador (ordinary only), Guatemala (ordinary only), Haiti, Honduras (Republic of), Mexico, Morocco (Spanish Zone), Nicaragua, Panama, Paraguay, Peru, Salvador (El), Spain (including Balearic and Canary Islands and the Spanish Offices in Northern Africa), Spanish Guinea, Uruguay, and Venezuela have the right to indemnity equivalent to the actual amount of the loss, rifling, or damage of such parcels but not exceeding the maximum amount for each weight unit, as follows:

| 2 lbs. | 7 lbs. | 11 lbs. | 22 lbs. | [illegible] lbs. | 44 |
|---|---|---|---|---|---|
| $3.27 | $4.90 | $8.17 | $13.07 | $17 | $32.87 |

[1] Up to 50 pounds for Panama.

(b) See §§ 127.166 and 127.167 and the relative country heading in Subpart F of this part concerning indemnity for registered or insured parcels for Ecuador.

(c) See § 127.167 and respective country headings in Subpart F of this part relative to indemnity for insured parcels for Argentina, Colombia, and Guatemala.

§ 127.166 *Indemnity for other registered parcel post.* (a) Except as stated in § 127.169 and under the country items of certain countries in connection with registered parcels, indemnity for actual value in amount claimed up to 50 gold francs ($16.33) may be paid for the loss, rifling or damage of registered parcel post packages exchanged with Cape Verde Islands and Portuguese West Africa and up to $10 for the total loss (wrapper and contents) of such parcels exchanged with Cuba.

(b) Under the same conditions, indemnity for actual value in amount claimed may be paid for the loss, rifling or damage of registered parcel post packages exchanged with Ecuador, and for the total loss of registered parcel post packages exchanged with Portugal (including Madeira and the Azores), provided that the indemnity in any case shall not exceed the amount prescribed for the registry fee paid at the time of mailing. (See country items in Subpart F of this part for scales of fees and limits of indemnity payable.)

(c) Except as stated in this section and in § 127.165, indemnity is not paid in connection with registered parcel post packages exchanged with any other country.

§ 127.167 *Indemnity for insured parcel post.* (a) Except as stated in § 127.169, as well as under the country items of certain countries, indemnity is paid for loss, rifling, or damage of insured parcels in the actual amount, based on actual value of contents of the parcel at the time and place of mailing, provided in any case that the indemnity shall not exceed the amount prescribed for the insurance fee paid at the time of mailing. (See § 127.140 for list of countries with which insured parcels are exchanged; also see country items in Subpart F of this part for scales of fees and limits of indemnity payable.)

(b) In the case of Canada, limited indemnity may specially be paid under the usual conditions for the loss, rifling or damage of the articles enumerated in paragraph (c), of the parcel post subcaption "Insurance" under the country item "Canada" in subpart F of this part.

(c) In the case of an insured parcel forwarded or returned to a third country, the rightful claimant shall be entitled to only such indemnity, if any, for any loss, rifling, or damage which occurs subsequent to the redispatch of the parcel in the country of original address, as the country in which the loss, rifling, or damage occurred is willing or obligated to pay under any agreement in force between the countries involved.

§ 127.168 *Indemnity for c. o. d. mail.* Under the same conditions that apply to registered parcels without c. o. d. charges, indemnity is paid for the loss of registered c. o. d. parcels exchanged with Mexico, or when delivery of a c. o. d. parcel has been effected but through the fault of the Postal Service the collect-on-delivery charges, as a whole or in part, have not been remitted to the sender.

§ 127.169 *Principal exceptions to indemnity.* No indemnity will be paid:

(a) For damage to Postal Union registered articles or partial or complete loss or rifling of the contents of Postal Union registered articles, except as stated in § 127.164, paragraphs (b) and (c) of this section.

(b) As a rule, in case of parcels which have been delivered without external trace of rifling or damage and accepted without reservation as to the condition of the contents.

(c) For the loss of Postal Union registered articles in the postal service of any country which had not, up to the date of mailing of the registered articles, adhered to the Universal Postal Union Convention, unless such country had specially agreed to make reimbursement for the loss.

(d) In case of loss or damage through "force majeure".

(e) When loss, rifling, or damage has been caused by the fault or negligence of the sender or the addressee or the representative of either.

(f) When an article or parcel cannot be accounted for in consequence of the destruction of service records through "force majeure."

(g) When the contents are prohibited, except as stated in §§ 127.164 (d) and 127.167 (b).

(h) In case the claimant, with intent to defraud, shall declare the contents of a parcel to be above their real value.

(i) For an article or parcel seized by the customs.

(j) In the case of parcels which contain matter of no intrinsic value or matter which did not conform to the stipulations of the conventions applicable, or which were not posted in the manner prescribed. However, in the event of loss, rifling, or damage in this country of mail matter erroneously accepted for insurance to other countries, or, on which postage was erroneously collected at other than parcel post rates, but otherwise properly accepted for mailing, limited indemnity may specially be paid under the conditions set forth in §§ 127.164, 127.165, 127.166, 127.167 (a), and 127.168.

(k) For indirect loss or loss of profits in the case of parcels.

(l) When no inquiry or application for indemnity has been made by claimant or his representative within a year commencing with the day following the posting of the article or parcel. In the case of insured mail with Canada, however, a claim or an initial inquiry, oral or written, must be made within six months from the date of mailing unless it is established to the satisfaction of the Post Office Department that the delay was unavoidable and not the fault of the claimant.

(m) For damage which proceeds from the inherent vice or quality of the contents, that is, its inability, due to its nature, to withstand the ordinary incidents of the contemplated carriage.

(n) In case of claim for damage, unless the parcel was adequately packed for the length of the journey and for the protection of the contents; also, unless the parcel was conspicuously endorsed to show the nature of the contents, such as "Fragile", "Glass", "Eggs" or "Perishable" as may be appropriate. (See relative country item in Subpart F of this part with respect to responsibility for parcels containing eggs exchanged with Great Britain and Northern Ireland.) Except in the case of Canada no indemnity is payable under any conditions in respect of parcels which contain perishable matter.

(o) In cases in which full compensation or reimbursement has otherwise been made by the Post Office Department or by any outside firm or corporation whatsoever except on a pro-rata basis as co-insurer.

(p) For the rifling or damage of registered or insured parcels exchanged with Portugal (including Madeira and the Azores), of registered parcels exchanged with Cuba, and of c. o. d. registered mail exchanged with Mexico.

Subpart F—Rates and Other Conditions Governing Mail to Individual Countries

§ 127.201 *Aden (Including Kamaran and Perim).*—(a) *Postal Union mails.*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1 in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Registered articles containing money, gold or silver (bullion), except coins obviously intended as ornaments, must not exceed a value of £5.

(ii) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post.*—(1) *Table of rates.*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.65 | 12 | $3.52 |
| 2 | .87 | 13 | 3.74 |
| 3 | 1.22 | 14 | 3.96 |
| 4 | 1.44 | 15 | 4.18 |
| 5 | 1.66 | 16 | 4.40 |
| 6 | 1.88 | 17 | 4.62 |
| 7 | 2.10 | 18 | 4.84 |
| 8 | 2.32 | 19 | 5.06 |
| 9 | 2.54 | 20 | 5.28 |
| 10 | 2.76 | 21 | 5.50 |
| 11 | 2.98 | 22 | 5.72 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions.*—(i) *For sanitary reasons.* Shaving brushes made in or exported from Japan.

(ii) *For protection of animals or plants.* (*a*) Mexican jumping beans (*Sebastiana palmeri* of the Euphorbiaceae family).

(*b*) Plants (other than fruits or vegetables for food) unless they have been disinfected or are accompanied by a special certificate from the Government stating that they are carriers of live parasitical insects and are being imported to introduce those insects.

(iii) *Arms, etc.* (*a*) Arms, parts thereof and material for their manufacture, and military supplies, including lead, sulphur, and saltpeter, unless imported by or on behalf of the Government of Aden.

(*b*) Imitation and toy pistols and revolvers.

(iv) *State monopolies, etc.* (*a*) Coin or bullion exceeding £5 in value.

(*b*) Counterfeit money.

(*c*) Quinine colored pink.

(*d*) All goods manufactured outside His Majesty's dominions and marked with the British Royal Arms, or bearing marks which could be mistaken for such arms.

(*e*) Yellow-fever virus.

(*f*) Fictitious stamps as defined in the Indian Penal Code.

(4) *For other reasons.* Articles made entirely or partially from celluloid, such as picture films. Noninflammable or "safety" films are admitted if contained in a strong metal box packed in a solid wooden or thick cardboard receptacle, labeled very clearly in red "Contains only noninflammable films" on the outside of each package.

(5) *Import restrictions.* Addressees in Aden are required to obtain import licenses for many types of merchandise. Such licenses are not required, however, for gift shipments.

§ 127.202 *Afghanistan*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1 in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* Coins, banknotes, paper money, or any values payable to the bearer.

The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.94 | 7 | $2.33 |
| 2 | 1.16 | 8 | 2.51 |
| 3 | 1.45 | 9 | 2.73 |
| 4 | 1.67 | 10 | 2.95 |
| 5 | 1.89 | 11 | 3.17 |
| 6 | 2.11 | | |

Weight limit: 11 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Limited to 3 parcels. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* The service extends to Kabul, Jallalabad, and Kandahar only. Commercial parcels must be accompanied by a copy of the relative invoice.

(5) *Prohibitions.* (i) Live plants; dry or liquid chemical dyes which, because of insufficient fixity, are not suitable for dyeing woolen carpets; European and Persian carpets and rugs; tapestry and laces; shawls made with threads of gold; precious fabrics made with threads of gold; caps; sheets and tablecloths of silk; small stars for ornaments; children's toys (except sporting goods); beads of wax and glass; bracelets of coral or metal (except gold or silver); false mirrors; earrings of celluloid, bronze, or glass; rosaries of celluloid, glass, or earthenware (except those coming from holy places); rings and links of metal (except gold or silver); talismans of metal; artificial hair, and plumes for the neck; ladies' collars and men's mufflers; ladies' handbags (except one for personal use); silk chemises and vests; chessboards.

(ii) Parcels containing liquids and articles of porcelain, etc., which may easily break during transportation, are not admitted, and the Postal Administration of Afghanistan will assume no responsibility for damages to such articles.

(6) *Import restrictions.* Addressees may be required to obtain import licenses in some cases.

§ 127.203 *Albania*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 15 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* The articles restricted as parcel post are restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges and surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $1.14 | 12 | $3.44 |
| 2 | 1.36 | 13 | 3.66 |
| 3 | 1.56 | 14 | 3.88 |
| 4 | 1.78 | 15 | 4.10 |
| 5 | 2.00 | 16 | 4.32 |
| 6 | 2.22 | 17 | 4.54 |
| 7 | 2.44 | 18 | 4.76 |
| 8 | 2.64 | 19 | 4.98 |
| 9 | 2.86 | 20 | 5.20 |
| 10 | 3.08 | 21 | 5.42 |
| 11 | 3.30 | 22 | 5.64 |

Weight limit: 22 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length 3½ feet. Greatest length and girth combined 6 feet.

(4) *Observations.* (i) The service extends to:

| | |
|---|---|
| Berat. | Leskovik. |
| Bilisht. | Libhove. |
| Delvine. | Librazh. |
| Dures (Durazzo). | Lushnje. |
| Elbasan. | Mallakaster |
| Fier. | Mied (Vaudejë). |
| Gjinkaster (Argirokastro). | Milot. |
| Himare. | Pazar (Shkoder). |
| Kavaje. | Peqin. |
| Kilsyne. | Permet. |
| Klos. | Peshkopi. |
| Kolonje. | Pogradec. |
| Konispol. | Puke. |
| Korce (Coritoza). | Santi Quaranta (Sarande). |
| Krue. | Shijak. |
| Krume. | Shkoder (Scutari). |
| Kucove. | Tepelene. |
| Kukes. | Tirana. |
| Kurvelesh. | Vlone (Valona). |
| Lesh (Alessio). | Wilson. |

(ii) Parcel post packages containing used clothing must be accompanied by a certificate issued by a competent authority attesting that the contents have been disinfected. The certificate is to be enclosed in the parcel and the wrapper thereof endorsed accordingly.

(5) *Prohibitions.* No list.

(6) *Import restrictions.* (i) The attention of senders should be called to the following requirements, which are to be met by addressees:

(ii) Medicines other than penicillin, streptomycin, and calcium gluconate are not delivered in Albania unless the addressee has a medical certificate stating that the medicines are needed for himself or his family. Penicillin, streptomycin, and calcium gluconate are delivered without such formality.

§ 127.204 *Algeria*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§127.130–139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles 48 cents for the first 2 ounces and 28 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* Same as France.



(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.63 | 23 | $6.10 |
| 2 | .85 | 24 | 6.32 |
| 3 | 1.19 | 25 | 6.54 |
| 4 | 1.41 | 26 | 6.76 |
| 5 | 1.63 | 27 | 6.98 |
| 6 | 1.85 | 28 | 7.20 |
| 7 | 2.07 | 29 | 7.42 |
| 8 | 2.29 | 30 | 7.64 |
| 9 | 2.51 | 31 | 7.86 |
| 10 | 2.73 | 32 | 8.08 |
| 11 | 2.95 | 33 | 8.30 |
| 12 | 3.41 | 34 | 8.78 |
| 13 | 3.63 | 35 | 9.00 |
| 14 | 3.85 | 36 | 9.22 |
| 15 | 4.07 | 37 | 9.44 |
| 16 | 4.29 | 38 | 9.66 |
| 17 | 4.51 | 39 | 9.88 |
| 18 | 4.73 | 40 | 10.10 |
| 19 | 4.95 | 41 | 10.32 |
| 20 | 5.17 | 42 | 10.54 |
| 21 | 5.39 | 43 | 10.76 |
| 22 | 5.61 | 44 | 10.98 |

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2072.
Parcel-post sticker: 1 Form 2922.
Sealing: [1] Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

[1] When parcels are sealed it is recommended to senders that they place a special uniform imprint in a conspicuous manner on all seals.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Same as France.

(4) *Observations.* Same as France.

(5) *Prohibitions.* Same as France, except that tobacco leaves or stems, manufactured tobaccos, cigars, cigarettes, chewing and smoking tobacco, and tobacco sauce (praiss), are admitted.

(6) *Import restrictions.* Addressees may be required to obtain import licenses in some cases.

§ 127.205 *Andorra (Republic of)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted at risk of sender. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter-packages, and post cards, 15 cents per half ounce. Air-letter sheets, 10 cents each. Other Postal Union articles, 45 cents for the first 2 ounces and 25 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* Same as Spain.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 9 | $2.21 |
| 2 | .67 | 10 | 2.43 |
| 3 | .89 | 11 | 2.65 |
| 4 | 1.11 | 12 | 2.87 |
| 5 | 1.33 | 13 | 3.09 |
| 6 | 1.55 | 14 | 3.31 |
| 7 | 1.77 | 15 | 3.53 |
| 8 | 1.99 | 16 | 3.75 |
| 17 | $3.97 | 31 | $7.05 |
| 18 | 4.19 | 32 | 7.27 |
| 19 | 4.41 | 33 | 7.49 |
| 20 | 4.63 | 34 | 7.71 |
| 21 | 4.85 | 35 | 7.93 |
| 22 | 5.07 | 36 | 8.15 |
| 23 | 5.29 | 37 | 8.37 |
| 24 | 5.51 | 38 | 8.59 |
| 25 | 5.73 | 39 | 8.81 |
| 26 | 5.95 | 40 | 9.03 |
| 27 | 6.17 | 41 | 9.25 |
| 28 | 6.39 | 42 | 9.47 |
| 29 | 6.61 | 43 | 9.69 |
| 30 | 6.83 | 44 | 9.91 |

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch not: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Same as France.

(4) *Observations.* Same as France. Every parcel for Andorra must be accompanied by a French export license which the addressee must obtain from the Office des Changes 8 rue de la Tour des Dames, Paris 9, France, and transmit to the sender before the parcel is mailed.

(5) *Prohibitions.* Same as France.

§ 127.206 *Anglo-Egyptian Sudan*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Bees, leeches, and silkworms, unless addressed to The Stack Medical Research Laboratories at Khartoum.

(ii) Live parasites and predators of harmful insects intended for the control of such insects, unless addressed to The Stack Medical Research Laboratories at Khartoum or The Agricultural Research Institute at Wad Medani.

(iii) Coin, jewelry, etc. The following are admitted: Banknotes, paper money, and values payable to the bearer.

(iv) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.91 | 12 | $3.20 |
| 2 | 1.13 | 13 | 3.42 |
| 3 | 1.28 | 14 | 3.64 |
| 4 | 1.50 | 15 | 3.86 |
| 5 | 1.72 | 16 | 4.08 |
| 6 | 1.94 | 17 | 4.30 |
| 7 | 2.16 | 18 | 4.52 |
| 8 | 2.32 | 19 | 4.74 |
| 9 | 2.54 | 20 | 4.96 |
| 10 | 2.76 | 21 | 5.18 |
| 11 | 2.98 | 22 | 5.40 |

Weight limit: 22 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Limited to 3 parcels. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96 relative to storage charges on returned parcels.

(5) *Observations.* (i) Parcels must not exceed £50 in value.

(ii) Parcels must be packed in wood, tin, canvas, linen, or similar material, and not merely in brown paper or cardboard, and be securely sealed with wax or lead, preferably lead. Parcels not packed in wooden or metal boxes must be covered with canvas, linen, or similar material, sewed up at the flaps and folds and secured with string sealed at the knots and ends. Wooden boxes must be of stout material well screwed or nailed together at the sides, top, and bottom. Light and bulky articles must be packed in strong wooden cases. Parcels containing bacon, ham, honey, cheese, cakes, puddings, fish, olives, butter, or other substances likely to cause damage by exuding, must, in addition to the outer packing described above, be inclosed in hermetically sealed tins and surrounded with some absorbent material such as sawdust.

(iii) The following details must be mentioned in the customs declarations accompanying parcels containing liquids composed of over 2 percent alcohol: (*a*) Nature of the liquid; (*b*) number of bottles or containers; (*c*) total volume of liquid in liters; (*d*) percentage of pure alcohol by volume, or total volume of pure alcohol in liters.

(iv) If this information is not furnished by the senders, the parcels will be appraised at the highest rate by the Sudan customs authorities.

(6) *Prohibitions.* (i) For sanitary reasons: Shaving brushes exported from Japan.

(ii) For the protection of animals or plants: Unseeded cotton.

(iii) (*a*) *Arms, etc.:* 303 rifles, 450 and 455 revolvers.

(*b*) Every parcel containing firearms, including bolts and triggers for firearms, must bear on the outside an indication that it contains firearms, or bolts or triggers for firearms.

(*c*) See also "Import Restrictions" following.

(iv) (*a*) For other reasons: Articles of gold, unless they bear a mark recognized by the Sudan Government.

(*b*) Current coins; counterfeit coins.

(*c*) False weights or measures.

(*d*) Cotton thread or yarn, for sale at retail, not bearing a label or mark clearly

indicating the length or weight in accordance with the weights and measures legal in the Sudan.

(7) *Import restrictions.* (i) The attention of senders should be called to the following requirements, which are to be met by addressees:

(ii) Addressees may be required to obtain import licenses in some cases.

(iii) Sulfur and certain drugs and poisons must comply with the regulations published by the Sudan Government.

(iv) Live plants (including bulbs), cotton seed, and seeded cotton require a permit issued by the Director of Agriculture, Khartoum. Cotton seed will be subject to fumigation before delivery to the addressee.

(v) Arms (other than those prohibited) require a permit issued by the Civil Secretary Khartoum, or by the Governor of the Province in which the addressee resides.

(vi) Saccharine, sugar (cane or beet) and candied sugar require a permit issued by the Sugar Control Section, Customs Department, Khartoum.

§ 127.207 *Argentina*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 2, in § 127.1. Small packets accepted. (See § 127.10.) Also see subcaption "Observations."

(2) *Registration.* Fee, 40 cents. (See §§ 127.130—127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles 58 cents for the first 2 ounces and 38 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. Dutiable articles (merchandise) dispatched in letters or packages prepaid at the letter rate of postage should bear a written notation stating that the green label, Form 2976 (C 1), was affixed at the time of mailing. (See § 127.3.)

(7) *Diplomatic and consular mail.* (See § 127.32.)

(8) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(9) *Observations.* (i) Any Postal Union articles (letters and letter packages, commercial papers, samples, printed matter, and small packets) which may be considered dutiable must bear the green label, Form 2976 (C 1). Such articles must also be accompanied by the paper form of customs declaration, Form 2976–A; except small packets, which must be accompanied by two copies of the customs declaration.

(ii) Articles containing catalogs, booklets, and printed matter for commercial advertising, not bearing the green label (C 1), will be delivered through the customs upon payment of duty applicable, but no fine will be imposed for the omission. Moreover, such articles, when the addressees have been duly notified but fail to respond, will be returned to origin. Other articles not prepared in the manner described in the preceding paragraph are subject to confiscation.

(iii) The following articles of printed matter are considered as dutiable in Argentina: Commercial prints; i. e., bills of exchange, checks, policies, stocks, postage stamps, letters of credit and other similar documents; invoices, credit notes, memoranda, stamped envelopes and stamped paper; lists, receipts, and other similar documents; lithographs and engravings; cardboard prints in colors or chromolithography for posting or other purposes, including bills of all kinds, calendars with or without pads; prints on bristol board, in card form or otherwise, for posting with or without inscriptions, with the exception of photographs; printed papers for posting and ordinary prints on cardboard, likewise for posting, as well as separate calendar pads; price lists and commercial catalogs relating exclusively to imported articles; engravings, chromos, engraved reproductions of oil paintings, and prints in general, in colors, on bristol board, paper, or cardboard, printed books, almanacs, and advertising posters.

(10) *Prohibitions.* (i) Money in cash, bank notes, or values payable to the bearer, jewels, precious stones or precious metals.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.48 | 23 | $5.98 |
| 2 | .73 | 24 | 6.23 |
| 3 | .98 | 25 | 6.48 |
| 4 | 1.23 | 26 | 6.73 |
| 5 | 1.48 | 27 | 6.98 |
| 6 | 1.73 | 28 | 7.23 |
| 7 | 1.98 | 29 | 7.48 |
| 8 | 2.23 | 30 | 7.73 |
| 9 | 2.48 | 31 | 7.98 |
| 10 | 2.73 | 32 | 8.23 |
| 11 | 2.98 | 33 | 8.48 |
| 12 | 3.23 | 34 | 8.73 |
| 13 | 3.48 | 35 | 8.98 |
| 14 | 3.73 | 36 | 9.23 |
| 15 | 3.98 | 37 | 9.48 |
| 16 | 4.23 | 38 | 9.73 |
| 17 | 4.48 | 39 | 9.98 |
| 18 | 4.73 | 40 | 10.23 |
| 19 | 4.98 | 41 | 10.48 |
| 20 | 5.23 | 42 | 10.73 |
| 21 | 5.48 | 43 | 10.98 |
| 22 | 5.73 | 44 | 11.23 |

(ii) *Air parcel rates.* (Rates: $1.51 first 4 oz.; $0.76 each additional 4 oz.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.51 | 5 | 4 | $16.71 |
| 0 | 8 | 2.27 | 5 | 8 | 17.47 |
| 0 | 12 | 3.03 | 5 | 12 | 18.23 |
| 1 | 0 | 3.79 | 6 | 0 | 18.99 |
| 1 | 4 | 4.55 | 6 | 4 | 19.75 |
| 1 | 8 | 5.31 | 6 | 8 | 20.51 |
| 1 | 12 | 6.07 | 6 | 12 | 21.27 |
| 2 | 0 | 6.83 | 7 | 0 | 22.03 |
| 2 | 4 | 7.59 | 7 | 4 | 22.79 |
| 2 | 8 | 8.35 | 7 | 8 | 23.55 |
| 2 | 12 | 9.11 | 7 | 12 | 24.31 |
| 3 | 0 | 9.87 | 8 | 0 | 25.07 |
| 3 | 4 | 10.63 | 8 | 4 | 25.83 |
| 3 | 8 | 11.39 | 8 | 8 | 26.59 |
| 3 | 12 | 12.15 | 8 | 12 | 27.35 |
| 4 | 0 | 12.91 | 9 | 0 | 28.11 |
| 4 | 4 | 13.67 | 9 | 4 | 28.87 |
| 4 | 8 | 14.43 | 9 | 8 | 29.63 |
| 4 | 12 | 15.19 | 9 | 12 | 30.39 |
| 5 | 0 | 15.95 | 10 | 0 | 31.15 |
| 10 | 4 | $31.91 | 27 | 4 | $83.59 |
| 10 | 8 | 32.67 | 27 | 8 | 84.35 |
| 10 | 12 | 33.43 | 27 | 12 | 85.11 |
| 11 | 0 | 34.19 | 28 | 0 | 85.87 |
| 11 | 4 | 34.95 | 28 | 4 | 86.63 |
| 11 | 8 | 35.71 | 28 | 8 | 87.39 |
| 11 | 12 | 36.47 | 28 | 12 | 88.15 |
| 12 | 0 | 37.23 | 29 | 0 | 88.91 |
| 12 | 4 | 37.99 | 29 | 4 | 89.67 |
| 12 | 8 | 38.75 | 29 | 8 | 90.43 |
| 12 | 12 | 39.51 | 29 | 12 | 91.19 |
| 13 | 0 | 40.27 | 30 | 0 | 91.95 |
| 13 | 4 | 41.03 | 30 | 4 | 92.71 |
| 13 | 8 | 41.79 | 30 | 8 | 93.47 |
| 13 | 12 | 42.55 | 30 | 12 | 94.23 |
| 14 | 0 | 43.31 | 31 | 0 | 94.99 |
| 14 | 4 | 44.07 | 31 | 4 | 95.75 |
| 14 | 8 | 44.83 | 31 | 8 | 96.51 |
| 14 | 12 | 45.59 | 31 | 12 | 97.27 |
| 15 | 0 | 46.35 | 32 | 0 | 98.03 |
| 15 | 4 | 47.11 | 32 | 4 | 98.79 |
| 15 | 8 | 47.87 | 32 | 8 | 99.55 |
| 15 | 12 | 48.63 | 32 | 12 | 100.31 |
| 16 | 0 | 49.39 | 33 | 0 | 101.07 |
| 16 | 4 | 50.15 | 33 | 4 | 101.83 |
| 16 | 8 | 50.91 | 33 | 8 | 102.59 |
| 16 | 12 | 51.67 | 33 | 12 | 103.35 |
| 17 | 0 | 52.43 | 34 | 0 | 104.11 |
| 17 | 4 | 53.19 | 34 | 4 | 104.87 |
| 17 | 8 | 53.95 | 34 | 8 | 105.63 |
| 17 | 12 | 54.71 | 34 | 12 | 106.39 |
| 18 | 0 | 55.47 | 35 | 0 | 107.15 |
| 18 | 4 | 56.23 | 35 | 4 | 107.91 |
| 18 | 8 | 56.99 | 35 | 8 | 108.67 |
| 18 | 12 | 57.75 | 35 | 12 | 109.43 |
| 19 | 0 | 58.51 | 36 | 0 | 110.19 |
| 19 | 4 | 59.27 | 36 | 4 | 110.95 |
| 19 | 8 | 60.03 | 36 | 8 | 111.71 |
| 19 | 12 | 60.79 | 36 | 12 | 112.47 |
| 20 | 0 | 61.55 | 37 | 0 | 113.23 |
| 20 | 4 | 62.31 | 37 | 4 | 113.99 |
| 20 | 8 | 63.07 | 37 | 8 | 114.75 |
| 20 | 12 | 63.83 | 37 | 12 | 115.51 |
| 21 | 0 | 64.59 | 38 | 0 | 116.27 |
| 21 | 4 | 65.35 | 38 | 4 | 117.03 |
| 21 | 8 | 66.11 | 38 | 8 | 117.79 |
| 21 | 12 | 66.87 | 38 | 12 | 118.55 |
| 22 | 0 | 67.63 | 39 | 0 | 119.31 |
| 22 | 4 | 68.39 | 39 | 4 | 120.07 |
| 22 | 8 | 69.15 | 39 | 8 | 120.83 |
| 22 | 12 | 69.91 | 39 | 12 | 121.59 |
| 23 | 0 | 70.67 | 40 | 0 | 122.35 |
| 23 | 4 | 71.43 | 40 | 4 | 123.11 |
| 23 | 8 | 72.19 | 40 | 8 | 123.87 |
| 23 | 12 | 72.95 | 40 | 12 | 124.63 |
| 24 | 0 | 73.71 | 41 | 0 | 125.39 |
| 24 | 4 | 74.47 | 41 | 4 | 126.15 |
| 24 | 8 | 75.23 | 41 | 8 | 126.91 |
| 24 | 12 | 75.99 | 41 | 12 | 127.67 |
| 25 | 0 | 76.75 | 42 | 0 | 128.43 |
| 25 | 4 | 77.51 | 42 | 4 | 129.19 |
| 25 | 8 | 78.27 | 42 | 8 | 129.95 |
| 25 | 12 | 79.03 | 42 | 12 | 130.71 |
| 26 | 0 | 79.79 | 43 | 0 | 131.47 |
| 26 | 4 | 80.55 | 43 | 4 | 132.23 |
| 26 | 8 | 81.31 | 43 | 8 | 132.99 |
| 26 | 12 | 82.07 | 43 | 12 | 133.75 |
| 27 | 0 | 82.83 | 44 | 0 | 134.51 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: Limited to 3 ordinary parcels. (See § 127.79.)[1]
Registration: No.
Insurance: Yes.
C. o. d.: No.
Consular Invoices: Yes. See subparagraph (7) of this paragraph.

[1] The relative customs declarations should indicate the number of parcels constituting the group (2 or 3) and the combined gross weight of the parcels comprised in the group, and bear the letter indicating the particular group in case there is more than one group, so that the parcels of each group and the relative customs declarations may be associated with one another by the dispatching exchange office to enable it to properly list the parcels.

(2) *Indemnity.* For ordinary parcels, see § 127.165. For insured parcels, see subcaption "Insurance."

(3) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels surface and air). (See § 127.159.)

(4) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth. Round (spherical) parcels must not exceed 19 inches in diameter.

(5) *Storage charges.* See § 127.96 relative to storage charges on returned parcels.

(6) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $165 | 60 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "INSURED" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in United States currency and in gold francs (figures only), as per the following example:

Insured Value
$120.00 (U. S.)
360 00 Gold Francs

(iii) The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972).

(iv) See § 127.143 (b), as to method of converting United States currency into gold francs.

(v) For general information concerning insurance service see §§ 127.140 to 127.148.

(7) *Observations.* (i) Postmasters will refuse to accept parcels unless packed in wooden boxes made of material at least a half inch in thickness, or enclosed in cloth, canvas, or other substantial material.

(ii) Customs declarations on parcels should bear the street addresses of the addressees and indicate the quantity and exact weight of each article enclosed in the parcel.

(iii) In the case of parcels addressed in care of banks or other organizations, the second addressee shall be advised concerning the arrival of the parcel, but he shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender; in the latter case, the sender shall take steps, through the administration of the country of origin of the parcel, for its delivery to the second addressee.

(iv) Ordinary and insured parcels from the United States are held at the disposal of the addressees for a period of 60 days, except that the period of retention will be extended to 90 days for articles addressed to General Delivery (Poste Restante) or those whose address has been changed by the senders, as well as in cases where the addressees are unable to complete the necessary formalities within 60 days and request in writing an extension of the period.

(v) Parcels containing used table or bed linen and used clothing of all kinds are prohibited importation unless such parcels are accompanied by a disinfection certificate issued by the competent authorities in this country and legalized by a consul of Argentina. Such certificates of disinfection may be obtained from the local board of health or from some firm with facilities for disinfecting the articles involved. Senders must endorse the wrappers of the parcels concerned to show that the certificate of disinfection is enclosed.

(vi) Consular invoices are required for used merchandise or merchandise intended for commercial purposes whose value exceeds 550 Argentine pesos (approximately $90).

(vii) Argentine consuls are located in the following cities:

| | |
|---|---|
| Boston, Mass. | New Orleans, La. |
| Chicago, Ill. | New York, N. Y. |
| Houston, Tex. | San Francisco, Calif. |

(vi) Samples of merchandise without value, and articles of printed matter when not subject to the payment of customs duties, if sent in the registered Postal Union mail, are free of certain charges in Argentina that otherwise accrue if they are sent by parcel post.

(vii) As information has been received that the Postal Administration of Argentina imposes a charge on each parcel-post package received in that service as represented by the relative customs declarations, postmasters shall suggest to mailers that they avail themselves of the "group-shipment" arrangement when transmitting parcels to that country, whenever it is practicable to do so.

(viii) Mailers shall also be advised that each parcel received in the Argentine service is subject to certain interior charges and they should, therefore, refrain from sending a number of small packages whenever it is possible to include the merchandise in packages up to the maximum weight limit.

(8) *Prohibitions.* (i) For the protection of animals or plants:

(*a*) Bees unless accompanied by an official sanitary certificate visaed by an Argentine consul.

(*b*) Furs and skins of chinchillas and vicuñas.

(*c*) Parasites and predators of injurious insects, unless intended for the control of those insects and exchanged between officially recognized institutions.

(*d*) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(ii) For other reasons: Bank notes, values payable to bearer, jewels, precious stones and other precious articles. Scientific, literary, and artistic works which violate the Argentine copyright law. Voltmeters unless previously authorized by the Bureau of Weights and Measures of the Ministry of Agriculture.

(iii) Following is a list of articles excluded from the mails in Argentina as dangerous:

Absorbent cotton.
Agave.
Antiformine.
Asphalt.
Banana oil.
Barite.
Barium dioxide.
Binder twine.
Bleck.
Burnt sugar.
Calcium carbide.
Camphine.
Camphor.
Celloidine.
Charcoal powdered.
Chemical and other products intended to bleach, improve or treat flour.
Cloth, gummed or impregnated with substances which easily decompose.
Cloth, packing.
Coal.
Coke.
Colodium.
Colophony.
Colors in cakes.
Cordages.
Cork shavings, tarred.
Cotton, absorbent.
Cotton-wool.
Creoline.
Dyes, liquid, containing naphtha or essence of turpentine.
Earth in casks.
Fats.
Fertilizers, mineral.
Fiber, vegetable.
Fibrous goods.
Glucose.
Glycerin.
Grease.
Guano.
Hemp.
Incense.
Inks containing sulphur.
Jute.
Kerosene.
Ligroin naphthas and similar products from petroleum or coal-tar.
Lime.
Liquid bitumen with naphtha base.
Liquid dyes containing naphtha or essence of turpentine.
Lycopodium.
Magnesium tapers.
Mani resin.
Mats, straw.
Mineral fertilizers.
Mineral oils.
Mineral pitch of tar.
Nitrate of potassium.
Nitrate of sodium.
Oakum.
Oilcloth.
Oil paintings.
Oils, mineral.
Packing cloth.
Paintings, oil.
Paraffin.
Petroleum residues.
Piassava.
Pitch, mineral or vegetable.
Potassium nitrate.
Powdered charcoal.
Pyridine in casks or boxes.
Rags.
Resin, mani.
Resins in general.
Ropes, tarred.
Rubber (caoutchouc), natural.
Salt in sacks.
Saltpeter.
Sealing wax.
Shavings of cork, tarred.
Sodium nitrate.
*Sostera marina.*
Stearine.
Straw mats.
Sugar, burnt.
Sulphur.
Sulphur wicks.
Talc in bags.
Tallow.
Tapers, magnesium.
Tannin, extracts of.
Tar, mineral or vegetable.
Tarred cork shavings.
Tobacco in bales.
Tow.
Turpentine.
Twine, binder.
Varnish.
Vegetable fiber.
Vegetable pitch of tar.
Washcloths.
Wax, sealing.
Wax in general.
Wicks, sulphur.
Worsted.
Xylol.

(9) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Addressees must obtain exchange permits in order to take delivery of commercial shipments in most cases, and of

gift parcels exceeding 100 pesos (about $7) in value.

(ii) A special import permit is required for narcotic medicines.

(iii) Biological products for veterinary medicine must be examined and approved by the Director General of Boviculture before delivery can be made.

(iv) Arms, munitions, war material, and chemicals used in manufacturing explosives require permission from the Director General of Arsenals for importation.

§ 127.208 *Ascension*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Air mail service.* Postage rate, 15 cents per half ounce. Air letter sheets, 10 cents each. By ordinary means from London. (See § 127.20.)

(5) *Special delivery.* No service.

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* Same as St. Helena.

(b) *Parcel post*—(1) *Table of rates*—(i) *surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.61 | 7 | $2.89 |
| 2 | .99 | 8 | 3.27 |
| 3 | 1.37 | 9 | 3.65 |
| 4 | 1.75 | 10 | 4.03 |
| 5 | 2.13 | 11 | 4.41 |
| 6 | 2.51 | | |

Weight limit: 11 pounds.
Customs declarations: 1 Form 2963.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* No parcel may exceed £50 in value.

(5) *Prohibitions and import restrictions.* Same as St. Helena.

§ 127.209 *Australia (States of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia; also Lord Howe Island, Thursday Island, and Norfolk Island)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1 in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See subpart E.

(4) *Special delivery.* Yes. Except in the capital cities, special delivery articles will be delivered by special messenger only if the addressee is located within 1½ miles of a post office at which a telegraph messenger is employed. For further information, see § 127.19.

(5) *Air mail service.* Postage rates: Letters, letter packages, and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 84 cents for the first 2 ounces and 63 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* Duty may be levied on catalogs, price lists, circulars, and all advertising matter introduced into the Commonwealth of Australia through the mail, whether at the letter rate of postage or otherwise. Interested patrons may be informed that particulars can be obtained from the Office of International Trade, Department of Commerce, Washington 25, D. C., or from any Field Office of that Department.

(8) *Prohibitions.* The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel Post.* (1) *Table of rates.*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.49 | 7 | $2.05 |
| 2 | .75 | 8 | 2.31 |
| 3 | 1.01 | 9 | 2.57 |
| 4 | 1.27 | 10 | 2.83 |
| 5 | 1.53 | 11 | 3.09 |
| 6 | 1.79 | | |

(ii) *Air parcel rates.* (Rates: $1.62 first 4 ounces; $1.27 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.62 | 5 | 12 | $29.56 |
| 0 | 8 | 2.89 | 6 | 0 | 30.83 |
| 0 | 12 | 4.16 | 6 | 4 | 32.10 |
| 1 | 0 | 5.43 | 6 | 8 | 33.37 |
| 1 | 4 | 6.70 | 6 | 12 | 34.64 |
| 1 | 8 | 7.97 | 7 | 0 | 35.91 |
| 1 | 12 | 9.24 | 7 | 4 | 37.18 |
| 2 | 0 | 10.51 | 7 | 8 | 38.45 |
| 2 | 4 | 11.78 | 7 | 12 | 39.72 |
| 2 | 8 | 13.05 | 8 | 0 | 40.99 |
| 2 | 12 | 14.32 | 8 | 4 | 42.26 |
| 3 | 0 | 15.59 | 8 | 8 | 43.53 |
| 3 | 4 | 16.86 | 8 | 12 | 44.80 |
| 3 | 8 | 18.13 | 9 | 0 | 46.07 |
| 3 | 12 | 19.40 | 9 | 4 | 47.34 |
| 4 | 0 | 20.67 | 9 | 8 | 48.61 |
| 4 | 4 | 21.94 | 9 | 12 | 49.88 |
| 4 | 8 | 23.21 | 10 | 0 | 51.15 |
| 4 | 12 | 24.48 | 10 | 4 | 52.42 |
| 5 | 0 | 25.75 | 10 | 8 | 53.69 |
| 5 | 4 | 27.02 | 10 | 12 | 54.96 |
| 5 | 8 | 28.29 | 11 | 0 | 56.23 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Yes. (See § 127.79.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (4) of this paragraph.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity, when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $165 | 60 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "Insured" and the insurance number, the amount for which the parcel is insured. This information shall be shown in United States currency, in arabic figures and in roman letters spelled out in full, as per the following example:

Insured Value
$75.00
Seventy-five Dollars

(iii) Parcels containing bank notes, currency notes, or any kind of securities payable to bearer; platinum, gold or silver (whether manufactured or unmanufactured); precious stones, jewelry, or other precious articles must not be accepted for mailing unless they are insured.

(iv) For general information concerning insurance service see §§ 127.140 to 127.148, inclusive.

(5) *Observations.* (i) When invoices describing merchandise sent in parcel post packages are not in conformity with the customs regulations, the Australian customs imposes an additional charge of 20 percent ad valorem, provided the goods imported are for commercial purposes.

(ii) When the goods imported are for personal use only, the charge is not made should the invoice not be entirely in accordance with the conditions required by the Australian customs.

(iii) It is not necessary for the invoices to accompany the parcels to which they relate.

(iv) Each dutiable parcel post package received in Australia is subject to a charge of 6 pence at time of delivery to the addressee. This charge is in addition to any customs duties which may be assessed on the parcel.

(6) *Prohibitions*—(i) *For reasons of public safety.* (a) Hop aromas, oil, flavors, and any articles of similar nature, capable of use in making beer, or for addition to beer.

(b) Leather or articles manufactured therefrom for human wear, containing barium compounds.

(c) All advertising matter relating to prohibited imports.

(d) Any literature advocating the overthrow by force of the Government or any other established government, or other treasonable activities.

(e) Oleomargarine, unless colored and marked as prescribed.

(ii) *For sanitary reasons.* (a) Medicines purporting to be remedies for drunkenness or addiction to alcohol, tobacco, or drugs.

(b) Electric or magnetic belts or other belts or appliances allegedly producing therapeutic effects through electrical, magnetic, or radio-active influences.

(c) Used bedding and flock.

(d) Vaccine or lymph from any country where foot-and-mouth disease has existed within six months prior to date of sending.



(e) Second-hand clothing for trade purposes.

(iii) *For the protection of animals or plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iv) *For other reasons.* (a) Counterfeit or imitation coins or banknotes.

(b) Invoices, blank or partly blank, capable of being filled out and used as genuine invoices.

(c) Official uniforms or badges (naval, military, police, etc.) or any article resembling them.

(d) Goods bearing or accompanied by a false guarantee.

(e) Goods bearing the name "Anzac" or any name resembling it.

(f) Goods produced wholly or partly in prisons or by convict labor.

(g) Radiohypnotic crystals, lucky stones, and similar articles.

(h) Tobacco, cigars, cigarettes, except as bona fide samples or for the personal use of the importer, subject to payment of duty.

(i) Reproductions of works protected by British copyrights, except by permission of the copyright owner.

(j) Goods bearing on themselves or their wrappings any words in a language other than that in ordinary use in the country of production, unless such words are qualified by a definite statement in English indicating the country of origin.

(k) Straw articles, such as mats or wrappings containing merchandise, must comply with the quarantine regulations.

(7) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Addressees must obtain import licenses to take delivery of commercial shipments generally, and of gift parcels exceeding £10 ($22.40) in value.

(ii) Meat, animal sausage casings, and other edible animal products must comply with the Australian quarantine regulations.

(iii) Vaccine and lymph must be tested at an authorized laboratory in Australia. Articles containing disease germs require the authorization of the Minister of Health on recommendation of the Director of Quarantine.

(iv) Horns and hoofs, except those forming part of sporting trophies, require permission of the Minister of Commerce and Customs for importation.

(v) Weapons and other articles of a dangerous nature require authorization in advance from the Secretary of Customs.

(vi) Synthetic organic dyes and all organic intermediates used in the preparation of such materials require the written consent of the Minister of Commerce and Customs.

(vii) Bran sacks weighing less than 20 ounces require the consent of the Minister of Commerce and Customs.

(viii) Used sacks of jute, second-hand carpets and similar used articles must be disinfected to the satisfaction of the quarantine officer.

(ix) Sugar (cane or beet), so-called golden sirup and molasses require the written consent of the Minister of Commerce and Customs.

§ 127.210 *Austria*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10).

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. Articles for special delivery in localities outside the post office town are subject to collection from the addressee of a fee which is calculated in accordance with the distance of the place of destination from the post office. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 45 cents for the first 2 ounces and 24 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Combination packages.* Accepted. (See § 127.12.)

(8) *Prohibitions.* The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges and surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.73 | 12 | $4.61 |
| 2 | .95 | 13 | 3.83 |
| 3 | 1.23 | 14 | 4.05 |
| 4 | 1.45 | 15 | 4.27 |
| 5 | 1.67 | 16 | 4.49 |
| 6 | 1.89 | 17 | 4.71 |
| 7 | 2.11 | 18 | 4.93 |
| 8 | 2.40 | 19 | 5.15 |
| 9 | 2.62 | 20 | 5.37 |
| 10 | 2.84 | 21 | 5.59 |
| 11 | 3.06 | 22 | 5.81 |

(ii) *Air parcel rates, including surcharges.* (Rates: $1.05 first 4 ounces; $0.49 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.05 | 6 | 12 | $13.79 |
| 0 | 8 | 1.54 | 7 | 0 | 14.28 |
| 0 | 12 | 2.03 | 7 | 4 | 14.77 |
| 1 | 0 | 2.52 | 7 | 8 | 15.26 |
| 1 | 4 | 3.01 | 7 | 12 | 15.75 |
| 1 | 8 | 3.50 | 8 | 0 | 16.24 |
| 1 | 12 | 3.99 | 8 | 4 | 16.73 |
| 2 | 0 | 4.48 | 8 | 8 | 17.22 |
| 2 | 4 | 4.97 | 8 | 12 | 17.71 |
| 2 | 8 | 5.46 | 9 | 0 | 18.20 |
| 2 | 12 | 5.95 | 9 | 4 | 18.69 |
| 3 | 0 | 6.44 | 9 | 8 | 19.18 |
| 3 | 4 | 6.93 | 9 | 12 | 19.67 |
| 3 | 8 | 7.42 | 10 | 0 | 20.16 |
| 3 | 12 | 7.91 | 10 | 4 | 20.65 |
| 4 | 0 | 8.40 | 10 | 8 | 21.14 |
| 4 | 4 | 8.89 | 10 | 12 | 21.63 |
| 4 | 8 | 9.38 | 11 | 0 | 22.12 |
| 4 | 12 | 9.87 | 11 | 4 | 22.61 |
| 5 | 0 | 10.36 | 11 | 8 | 23.10 |
| 5 | 4 | 10.85 | 11 | 12 | 23.59 |
| 5 | 8 | 11.34 | 12 | 0 | 24.08 |
| 5 | 12 | 11.83 | 12 | 4 | 24.57 |
| 6 | 0 | 12.32 | 12 | 8 | 25.06 |
| 6 | 4 | 12.81 | 12 | 12 | 25.55 |
| 6 | 8 | 13.30 | 13 | 0 | 26.04 |
| 6 | 12 | 13.79 | 13 | 4 | 26.53 |
| 7 | 0 | 14.28 | 13 | 8 | 27.02 |
| 7 | 4 | 14.77 | 13 | 12 | 27.51 |
| 7 | 8 | 15.26 | 14 | 0 | 28.00 |
| 7 | 12 | 15.75 | 14 | 4 | 28.49 |
| 8 | 0 | 16.24 | 14 | 8 | 28.98 |
| 8 | 4 | 16.73 | 14 | 12 | 29.47 |
| 8 | 8 | 17.22 | 15 | 0 | 29.96 |
| 8 | 12 | 17.71 | 15 | 4 | 30.45 |
| 9 | 0 | 18.20 | 15 | 8 | 30.94 |
| 9 | 4 | 18.69 | 15 | 12 | 31.43 |
| 9 | 8 | 19.18 | 16 | 0 | 31.92 |
| 9 | 12 | 19.67 | 16 | 4 | 32.41 |
| 10 | 0 | 20.16 | 16 | 8 | 32.90 |
| 10 | 4 | 20.65 | 16 | 12 | 33.39 |
| 10 | 8 | 21.14 | 17 | 0 | 33.88 |
| 10 | 12 | 21.63 | 17 | 4 | 34.37 |
| 11 | 0 | 22.12 | 17 | 8 | 34.86 |
| 11 | 4 | 22.61 | 17 | 12 | $35.35 |
| 11 | 8 | 23.10 | 18 | 0 | 35.84 |
| 11 | 12 | 23.59 | 18 | 4 | 36.33 |
| 12 | 0 | 24.08 | 18 | 8 | 36.82 |
| 12 | 4 | 24.57 | 18 | 12 | 37.31 |
| 12 | 8 | 25.06 | 19 | 0 | 37.80 |
| 12 | 12 | 25.55 | 19 | 4 | 38.29 |
| 13 | 0 | 26.04 | 19 | 8 | 38.78 |
| 13 | 4 | $26.53 | 19 | 12 | 39.27 |
| 13 | 8 | 27.02 | 20 | 0 | 39.76 |
| 13 | 12 | 27.51 | 20 | 4 | 40.25 |
| 14 | 0 | 28.00 | 20 | 8 | 40.74 |
| 14 | 4 | 28.49 | 20 | 12 | 41.23 |
| 14 | 8 | 28.98 | 21 | 0 | 41.72 |
| 14 | 12 | 29.47 | 21 | 4 | 42.21 |
| 15 | 0 | 29.96 | 21 | 8 | 42.70 |
| 15 | 4 | 30.45 | 21 | 12 | 43.19 |
| 15 | 8 | 30.94 | 22 | 0 | 43.68 |
| 15 | 12 | 31.43 | | | |
| 16 | 0 | 31.92 | | | |
| 16 | 4 | 32.41 | | | |
| 16 | 8 | 32.90 | | | |
| 16 | 12 | 33.39 | | | |
| 17 | 0 | 33.88 | | | |
| 17 | 4 | 34.37 | | | |
| 17 | 8 | 34.86 | | | |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Observations.* Foodstuffs may be only of such character as to be nonperishable.

Parcels should bear the full name of the addressee and the complete address, including the Land or Province, when known, city, street and number; also the apartment number if applicable.

(5) *Prohibitions.* (i) Firearms, bayonets, swords, and other arms of all kinds.

(ii) Seeds of leguminous cereals or those from which bread may be made.

(iii) Valid Austrian postage stamps.

(6) *Import restrictions.* (i) The addressee of each gift parcel exceeding 1,000 schillings in value must present either an import license or the written approval of the Austrian National Bank. No special clearance is needed for the delivery of gift parcels not exceeding 1,000 schillings in value. Import licenses are required for all commercial parcels.

(ii) Tobacco products in gift parcels are admitted at reduced rates of customs duty, provided that no person receives more than 200 cigarettes, 50 cigars, or 150 grams (5¼ ounces) of tobacco per month. Tobacco products exceeding 1,000 schillings in value require a special license.

(iii) Addressees in Austria are required to obtain permission from the Austrian National Bank to take delivery of postage stamps of other countries exceeding in value 100 schillings in the case of commercial shipments, or 1,000 schillings when sent as gifts.

§ 127.211 *Azores*—(a) *Postal Union mails*—(1) *Classifications, rates, weight*

*limits and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See § 127.10.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles 41 cents for the first 2 ounces and 20 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted, if registered. (See § 127.3.)

(7) *Prohibitions.* Same as Portugal.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 7 | $1.77 |
| 2 | .67 | 8 | 1.99 |
| 3 | .89 | 9 | 2.21 |
| 4 | 1.11 | 10 | 2.43 |
| 5 | 1.33 | 11 | 2.65 |
| 6 | 1.55 | | |

(ii) *Air parcel rates.* (Rates: $0.71 first 4 ounces; $0.44 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.71 | 5 | 12 | $10.39 |
| 0 | 8 | 1.15 | 6 | 0 | 10.83 |
| 0 | 12 | 1.59 | 6 | 4 | 11.27 |
| 1 | 0 | 2.03 | 6 | 8 | 11.71 |
| 1 | 4 | 2.47 | 6 | 12 | 12.15 |
| 1 | 8 | 2.91 | 7 | 0 | 12.59 |
| 1 | 12 | 3.35 | 7 | 4 | 13.03 |
| 2 | 0 | 3.79 | 7 | 8 | 13.47 |
| 2 | 4 | 4.23 | 7 | 12 | 13.91 |
| 2 | 8 | 4.67 | 8 | 0 | 14.35 |
| 2 | 12 | 5.11 | 8 | 4 | 14.79 |
| 3 | 0 | 5.55 | 8 | 8 | 15.23 |
| 3 | 4 | 5.99 | 8 | 12 | 15.67 |
| 3 | 8 | 6.43 | 9 | 0 | 16.11 |
| 3 | 12 | 6.87 | 9 | 4 | 16.55 |
| 4 | 0 | 7.31 | 9 | 8 | 16.99 |
| 4 | 4 | 7.75 | 9 | 12 | 17.43 |
| 4 | 8 | 8.19 | 10 | 0 | 17.87 |
| 4 | 12 | 8.63 | 10 | 4 | 18.31 |
| 5 | 0 | 9.07 | 10 | 8 | 18.75 |
| 5 | 4 | 9.51 | 10 | 12 | 19.19 |
| 5 | 8 | 9.95 | 11 | 0 | 19.63 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 11 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Registered or insured parcels must, and ordinary parcels may, be sealed.
Group shipments: No.
Registration: Yes. (See Portugal.)
Insurance: Yes. (See Portugal.)
C. o. d.: No.

(2) *Registration and insurance.* See Portugal.

(3) *Dimensions.* Greatest length 3½ feet. Greatest length and girth combined 6 feet.

(4) *Prohibitions and import restrictions.* Same as Portugal.

§ 127.212 *Bahamas*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Air mail service.* Postage rates: Letters, letter packages, and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 28 cents for the first 2 ounces and 7 cents for each additional 2 ounces. (See § 127.20.)

(5) *Special delivery.* Yes. (See § 127.19.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coin, gold, or silver bullion, precious stones, jewelry, and other precious articles.

(ii) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 12 | $2.87 |
| 2 | .67 | 13 | 3.09 |
| 3 | .89 | 14 | 3.31 |
| 4 | 1.11 | 15 | 3.53 |
| 5 | 1.33 | 16 | 3.75 |
| 6 | 1.55 | 17 | 3.97 |
| 7 | 1.77 | 18 | 4.19 |
| 8 | 1.99 | 19 | 4.41 |
| 9 | 2.21 | 20 | 4.63 |
| 10 | 2.43 | 21 | 4.85 |
| 11 | 2.65 | 22 | 5.07 |

(ii) *Air parcel rates.* (Rates: $0.83 first 4 ounces; $0.14 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.83 | 11 | 4 | $6.99 |
| 0 | 8 | .97 | 11 | 8 | 7.13 |
| 0 | 12 | 1.11 | 11 | 12 | 7.27 |
| 1 | 0 | 1.25 | 12 | 0 | 7.41 |
| 1 | 4 | 1.39 | 12 | 4 | 7.55 |
| 1 | 8 | 1.53 | 12 | 8 | 7.69 |
| 1 | 12 | 1.67 | 12 | 12 | 7.83 |
| 2 | 0 | 1.81 | 13 | 0 | 7.97 |
| 2 | 4 | 1.95 | 13 | 4 | 8.11 |
| 2 | 8 | 2.09 | 13 | 8 | 8.25 |
| 2 | 12 | 2.23 | 13 | 12 | 8.39 |
| 3 | 0 | 2.37 | 14 | 0 | 8.53 |
| 3 | 4 | 2.51 | 14 | 4 | 8.67 |
| 3 | 8 | 2.65 | 14 | 8 | 8.81 |
| 3 | 12 | 2.79 | 14 | 12 | 8.95 |
| 4 | 0 | 2.93 | 15 | 0 | 9.09 |
| 4 | 4 | 3.07 | 15 | 4 | 9.23 |
| 4 | 8 | 3.21 | 15 | 8 | 9.37 |
| 4 | 12 | 3.35 | 15 | 12 | 9.51 |
| 5 | 0 | 3.49 | 16 | 0 | 9.65 |
| 5 | 4 | 3.63 | 16 | 4 | 9.79 |
| 5 | 8 | 3.77 | 16 | 8 | 9.93 |
| 5 | 12 | 3.91 | 16 | 12 | 10.07 |
| 6 | 0 | 4.05 | 17 | 0 | 10.21 |
| 6 | 4 | 4.19 | 17 | 4 | 10.35 |
| 6 | 8 | 4.33 | 17 | 8 | 10.49 |
| 6 | 12 | 4.47 | 17 | 12 | 10.63 |
| 7 | 0 | 4.61 | 18 | 0 | 10.77 |
| 7 | 4 | 4.75 | 18 | 4 | 10.91 |
| 7 | 8 | 4.89 | 18 | 8 | 11.05 |
| 7 | 12 | 5.03 | 18 | 12 | 11.19 |
| 8 | 0 | 5.17 | 19 | 0 | 11.33 |
| 8 | 4 | 5.31 | 19 | 4 | 11.47 |
| 8 | 8 | 5.45 | 19 | 8 | 11.61 |
| 8 | 12 | 5.59 | 19 | 12 | 11.75 |
| 9 | 0 | 5.73 | 20 | 0 | 11.89 |
| 9 | 4 | 5.87 | 20 | 4 | 12.03 |
| 9 | 8 | 6.01 | 20 | 8 | 12.17 |
| 9 | 12 | 6.15 | 20 | 12 | 12.31 |
| 10 | 0 | 6.29 | 21 | 0 | 12.45 |
| 10 | 4 | 6.43 | 21 | 4 | 12.59 |
| 10 | 8 | 6.57 | 21 | 8 | 12.73 |
| 10 | 12 | 6.71 | 21 | 12 | 12.87 |
| 11 | 0 | 6.85 | 22 | 0 | 13.01 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Yes. (See § 127.79.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (4) of this paragraph.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity, when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $165 | 60 |

(ii) Each insured parcel shall have printed on the wrapper in close proximity to (preferably immediately below) the endorsement "INSURED" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in United States currency, in Arabic figures and in roman letters spelled out in full, as per the following example:

Insured Value
$37.50
Thirty-seven Dollars and Fifty Cents

(iii) The insurance of parcels which contain coin, bank notes, currency notes, or any kind of securities payable to bearer, platinum, gold or silver (whether manufactured or unmanufactured), precious stones, jewels, or other precious articles is obligatory.

(iv) For general information concerning insurance service, see §§ 127.140 to 127.148, inclusive.

(5) *Prohibitions.* (i) For reasons of public safety: Base or counterfeit coins.

(ii) For sanitary reasons: (a) Foods unfit for human consumption.

(b) Skimmed milk in tin cans.

(iii) For other reasons: Reprints not authorized under the copyright laws. Publications considered as seditious or otherwise objectionable.

(6) *Import restrictions.* Addressees may be required to obtain import licenses in most cases.

§ 127.213 *Barbados*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)



(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 38 cents for the first 2 ounces and 17 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Live animals.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 12 | $2.87 |
| 2 | .67 | 13 | 3.09 |
| 3 | .89 | 14 | 3.31 |
| 4 | 1.11 | 15 | 3.53 |
| 5 | 1.33 | 16 | 3.75 |
| 6 | 1.55 | 17 | 3.97 |
| 7 | 1.77 | 18 | 4.19 |
| 8 | 1.99 | 19 | 4.41 |
| 9 | 2.21 | 20 | 4.63 |
| 10 | 2.43 | 21 | 4.85 |
| 11 | 2.65 | 22 | 5.07 |

(ii) *Air parcel rates.* (Rates: $0.65 first 4 ounces; $0.35 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.65 | 11 | 4 | $16.05 |
| 0 | 8 | 1.00 | 11 | 8 | 16.40 |
| 0 | 12 | 1.35 | 11 | 12 | 16.75 |
| 1 | 0 | 1.70 | 12 | 0 | 17.10 |
| 1 | 4 | 2.05 | 12 | 4 | 17.45 |
| 1 | 8 | 2.40 | 12 | 8 | 17.80 |
| 1 | 12 | 2.75 | 12 | 12 | 18.15 |
| 2 | 0 | 3.10 | 13 | 0 | 18.50 |
| 2 | 4 | 3.45 | 13 | 4 | 18.85 |
| 2 | 8 | 3.80 | 13 | 8 | 19.20 |
| 2 | 12 | 4.15 | 13 | 12 | 19.55 |
| 3 | 0 | 4.50 | 14 | 0 | 19.90 |
| 3 | 4 | 4.85 | 14 | 4 | 20.25 |
| 3 | 8 | 5.20 | 14 | 8 | 20.60 |
| 3 | 12 | 5.55 | 14 | 12 | 20.95 |
| 4 | 0 | 5.90 | 15 | 0 | 21.30 |
| 4 | 4 | 6.25 | 15 | 4 | 21.65 |
| 4 | 8 | 6.60 | 15 | 8 | 22.00 |
| 4 | 12 | 6.95 | 15 | 12 | 22.35 |
| 5 | 0 | 7.30 | 16 | 0 | 22.70 |
| 5 | 4 | 7.65 | 16 | 4 | 23.05 |
| 5 | 8 | 8.00 | 16 | 8 | 23.40 |
| 5 | 12 | 8.35 | 16 | 12 | 23.75 |
| 6 | 0 | 8.70 | 17 | 0 | 24.10 |
| 6 | 4 | 9.05 | 17 | 4 | 24.45 |
| 6 | 8 | 9.40 | 17 | 8 | 24.80 |
| 6 | 12 | 9.75 | 17 | 12 | 25.15 |
| 7 | 0 | 10.10 | 18 | 0 | 25.50 |
| 7 | 4 | 10.45 | 18 | 4 | 25.85 |
| 7 | 8 | 10.80 | 18 | 8 | 26.20 |
| 7 | 12 | 11.15 | 18 | 12 | 26.55 |
| 8 | 0 | 11.50 | 19 | 0 | 26.90 |
| 8 | 4 | 11.85 | 19 | 4 | 27.25 |
| 8 | 8 | 12.20 | 19 | 8 | 27.60 |
| 8 | 12 | 12.55 | 19 | 12 | 27.95 |
| 9 | 0 | 12.90 | 20 | 0 | 28.30 |
| 9 | 4 | 13.25 | 20 | 4 | 28.65 |
| 9 | 8 | 13.60 | 20 | 8 | 29.00 |
| 9 | 12 | 13.95 | 20 | 12 | 29.35 |
| 10 | 0 | 14.30 | 21 | 0 | 29.70 |
| 10 | 4 | 14.65 | 21 | 4 | 30.05 |
| 10 | 8 | 15.00 | 21 | 8 | 30.40 |
| 10 | 12 | 15.35 | 21 | 12 | 30.75 |
| 11 | 0 | 15.70 | 22 | 0 | 31.10 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to ordinary parcels. (See § 127.79.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (5) of this paragraph.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96 relative to storage charges on returned parcels.

(5) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "Insured" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in United States currency, in arabic figures and in roman letters spelled out in full, as per the following example:

Insured Value
$53.00
Fifty-three Dollars

(iii) Parcels containing coin; platinum, gold, or silver, whether manufactured or unmanufactured; precious stones, jewelry, or other precious articles must not be accepted for mailing unless they are insured.

(iv) For general information concerning insurance service, see §§ 127.140 to 127.148, inclusive.

(6) *Observations.* (i) Dry coloring powders such as aniline blue, etc., may be accepted only when enclosed in stout metal boxes placed inside wooden boxes with sawdust between the two receptacles.

(ii) Every parcel containing precious stones, jewelry, or any article of gold, silver, or platinum exceeding $500 in value must be packed in a box measuring not less than 3 feet 6 inches in length and girth combined.

(7) *Prohibitions.* (i) Films, celluloid, etc.

(ii) Parasites and predators of injurious insects unless intended for control of such insects and exchanged between officially recognized institutions.

(8) *Import restrictions.* (i) The attention of senders should be called to the following requirements, which are to be met by the addressees: All importations of merchandise into Barbados are subject to license which must be obtained by the addressee before goods are ordered. Goods for which license was not obtained in advance are subject to confiscation upon arrival.

(ii) The only goods exempted from this requirement are (*a*) bona fide unsolicited gifts not exceeding $6.00 (U. S. currency) in value, and (*b*) goods granted exemption by the Licensing Authority of Barbados.

(iii) It is understood however that licenses are readily granted for bona fide unsolicited gifts not exceeding $37.50 (U. S. currency) in value.

(iv) Permission from the Governor is required for the importation of cottonseed and of arms except those for hunting.

§ 127.214 *Bechuanaland Protectorate*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.*—Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.*—See subpart E of this part.

(4) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(5) *Special delivery.* No service.

(6) *Air mail service.* Postage rates: Letters, letter packages, and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 68 cents for the first 2 ounces and 47 cents for each additional 2 ounces. (See § 127.20.)

(7) *Prohibitions.* No list.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

ALL PLACES EXCEPT GHANZI AND KASANE

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.57 | 7 | $2.61 |
| 2 | .91 | 8 | 2.95 |
| 3 | 1.25 | 9 | 3.29 |
| 4 | 1.59 | 10 | 3.63 |
| 5 | 1.93 | 11 | 3.97 |
| 6 | 2.27 | | |

GHANZI ONLY

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.63 | 7 | $3.03 |
| 2 | 1.03 | 8 | 3.43 |
| 3 | 1.43 | 9 | 3.83 |
| 4 | 1.83 | 10 | 4.23 |
| 5 | 2.23 | 11 | 4.63 |
| 6 | 2.63 | | |

KASANE ONLY

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.73 | 7 | $3.73 |
| 2 | 1.23 | 8 | 4.23 |
| 3 | 1.73 | 9 | 4.73 |
| 4 | 2.23 | 10 | 5.23 |
| 5 | 2.73 | 11 | 5.73 |
| 6 | 3.23 | | |

(ii) *Air parcel rates.* (Rates, $1.31 first 4 ounces; $0.94 each additional 4 ounces.)

ALL PLACES

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.31 | 2 | 8 | $9.77 |
| 0 | 8 | 2.25 | 2 | 12 | 10.71 |
| 0 | 12 | 3.19 | 3 | 0 | 11.65 |
| 1 | 0 | 4.13 | 3 | 4 | 12.59 |
| 1 | 4 | 5.07 | 3 | 8 | 13.53 |
| 1 | 8 | 6.01 | 3 | 12 | 14.47 |
| 1 | 12 | 6.95 | 4 | 0 | 15.41 |
| 2 | 0 | 7.89 | 4 | 4 | 16.35 |
| 2 | 4 | 8.83 | 4 | 8 | 17.29 |

ALL PLACES—Continued

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 4 | 12 | $18.23 | 8 | 0 | $30.45 |
| 5 | 0 | 19.17 | 8 | 4 | 31.39 |
| 5 | 4 | 20.11 | 8 | 8 | 32.33 |
| 5 | 8 | 21.05 | 8 | 12 | 33.27 |
| 5 | 12 | 21.99 | 9 | 0 | 34.21 |
| 6 | 0 | 22.93 | 9 | 4 | 35.15 |
| 6 | 4 | 23.87 | 9 | 8 | 36.09 |
| 6 | 8 | 24.81 | 9 | 12 | 37.03 |
| 6 | 12 | 25.75 | 10 | 0 | 37.97 |
| 7 | 0 | 26.69 | 10 | 4 | 38.91 |
| 7 | 4 | 27.63 | 10 | 8 | 39.85 |
| 7 | 8 | 28.57 | 10 | 12 | 40.79 |
| 7 | 12 | 29.51 | 11 | 0 | 41.73 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length 3½ feet. Greatest length and girth combined 6 feet.

(4) *Observations.* Limit of value, £50. The value shown on the customs declaration must be the current value of the finished article in the open market at the time of dispatch. In case of undervaluation the parcel is liable to confiscation. A charge of 6 pence for stamp duty, clearance, etc., is levied on every dutiable parcel.

(5) *Prohibitions.* (i) Specie; bullion; gold dust; nuggets; ostrich feathers, except when made up into stoles, boas, hats, etc.; eucalyptus, acacia, and coniferous plants; peach stones.

(ii) Precious stones, whether loose or set in articles of jewelry; bees; honey; old appliances, etc., for beekeeping; carbon papers (same as Great Britain).

(6) *Import restrictions.* (i) The attention of senders should be called to the following requirements, which are to be met by addressees:

(ii) Addressees may be required to obtain import permits in some cases.

(iii) A permit from the Colonial Government is required for the importation of firearms.

(iv) All plants, fruits, tubers, bulbs, etc., are subject to inspection and fumigation at the addressee's expense. Special permission is required for the importation of plants, cottonseed, beeswax, or foundation comb.

§ 127.215 *Belgian Congo*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half-ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 59 cents for the first 2 ounces and 38 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Articles of platinum, gold, or silver; jewels or other precious articles. Values payable to bearer exceeding five francs, in unregistered articles.

(ii) Coins and paper money. (Bank notes and values payable to bearer are admitted in registered articles.)

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.56 | 23 | $7.01 |
| 2 | .78 | 24 | 7.23 |
| 3 | 1.22 | 25 | 7.45 |
| 4 | 1.44 | 26 | 7.67 |
| 5 | 1.66 | 27 | 7.83 |
| 6 | 1.83 | 28 | 8.11 |
| 7 | 2.10 | 29 | 8.33 |
| 8 | 2.56 | 30 | 8.55 |
| 9 | 2.78 | 31 | 8.77 |
| 10 | 3.00 | 32 | 8.99 |
| 11 | 3.22 | 33 | 9.21 |
| 12 | 4.01 | 34 | 10.00 |
| 13 | 4.23 | 35 | 10.22 |
| 14 | 4.45 | 36 | 10.44 |
| 15 | 4.67 | 37 | 10.66 |
| 16 | 4.89 | 38 | 10.88 |
| 17 | 5.11 | 39 | 11.10 |
| 18 | 5.33 | 40 | 11.32 |
| 19 | 5.55 | 41 | 11.54 |
| 20 | 5.77 | 42 | 11.76 |
| 21 | 5.99 | 43 | 11.98 |
| 22 | 6.21 | 44 | 12.20 |

(ii) *Air parcel rates.* (Rates: $1.38 first 4 ounces; $0.79 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.38 | 10 | 12 | $34.56 |
| 0 | 8 | 2.17 | 11 | 0 | 35.35 |
| 0 | 12 | 2.96 | 11 | 4 | 36.14 |
| 1 | 0 | 3.75 | 11 | 8 | 36.93 |
| 1 | 4 | 4.54 | 11 | 12 | 37.72 |
| 1 | 8 | 5.33 | 12 | 0 | 38.51 |
| 1 | 12 | 6.12 | 12 | 4 | 39.30 |
| 2 | 0 | 6.91 | 12 | 8 | 40.09 |
| 2 | 4 | 7.70 | 12 | 12 | 40.88 |
| 2 | 8 | 8.49 | 13 | 0 | 41.67 |
| 2 | 12 | 9.28 | 13 | 4 | 42.46 |
| 3 | 0 | 10.07 | 13 | 8 | 43.25 |
| 3 | 4 | 10.86 | 13 | 12 | 44.04 |
| 3 | 8 | 11.65 | 14 | 0 | 44.83 |
| 3 | 12 | 12.44 | 14 | 4 | 45.62 |
| 4 | 0 | 13.23 | 14 | 8 | 46.41 |
| 4 | 4 | 14.02 | 14 | 12 | 47.20 |
| 4 | 8 | 14.81 | 15 | 0 | 47.99 |
| 4 | 12 | 15.60 | 15 | 4 | 48.78 |
| 5 | 0 | 16.39 | 15 | 8 | 49.57 |
| 5 | 4 | 17.18 | 15 | 12 | 50.36 |
| 5 | 8 | 17.97 | 16 | 0 | 51.15 |
| 5 | 12 | 18.76 | 16 | 4 | 51.94 |
| 6 | 0 | 19.55 | 16 | 8 | 52.73 |
| 6 | 4 | 20.34 | 16 | 12 | 53.52 |
| 6 | 8 | 21.13 | 17 | 0 | 54.31 |
| 6 | 12 | 21.92 | 17 | 4 | 55.10 |
| 7 | 0 | 22.71 | 17 | 8 | 55.89 |
| 7 | 4 | 23.50 | 17 | 12 | 56.68 |
| 7 | 8 | 24.29 | 18 | 0 | 57.47 |
| 7 | 12 | 25.08 | 18 | 4 | 58.26 |
| 8 | 0 | 25.87 | 18 | 8 | 59.05 |
| 8 | 4 | 26.66 | 18 | 12 | 59.84 |
| 8 | 8 | 27.45 | 19 | 0 | 60.63 |
| 8 | 12 | 28.24 | 19 | 4 | 61.42 |
| 9 | 0 | 29.03 | 19 | 8 | 62.21 |
| 9 | 4 | 29.82 | 19 | 12 | 63.00 |
| 9 | 8 | 30.61 | 20 | 0 | 63.79 |
| 9 | 12 | 31.40 | 20 | 4 | 64.58 |
| 10 | 0 | 32.19 | 20 | 8 | 65.37 |
| 10 | 4 | 32.98 | 20 | 12 | 66.16 |
| 10 | 8 | 33.77 | 21 | 0 | 66.95 |
| 21 | 4 | $67.74 | 32 | 12 | $100.03 |
| 21 | 8 | 68.53 | 33 | 0 | 104.67 |
| 21 | 12 | 69.32 | 33 | 4 | 105.66 |
| 22 | 0 | 70.11 | 33 | 8 | 106.45 |
| 22 | 4 | 70.90 | 33 | 12 | 107.24 |
| 22 | 8 | 71.69 | 34 | 0 | 108.03 |
| 22 | 12 | 72.48 | 34 | 4 | 108.82 |
| 23 | 0 | 73.27 | 34 | 8 | 109.61 |
| 23 | 4 | 74.06 | 34 | 12 | 110.40 |
| 23 | 8 | 74.85 | 35 | 0 | 111.19 |
| 23 | 12 | 75.64 | 35 | 4 | 111.98 |
| 24 | 0 | 76.43 | 35 | 8 | 112.77 |
| 24 | 4 | 77.22 | 35 | 12 | 113.56 |
| 24 | 8 | 78.01 | 36 | 0 | 114.35 |
| 24 | 12 | 78.80 | 36 | 4 | 115.14 |
| 25 | 0 | 79.59 | 36 | 8 | 115.93 |
| 25 | 4 | 80.38 | 36 | 12 | 116.72 |
| 25 | 8 | 81.17 | 37 | 0 | 117.51 |
| 25 | 12 | 81.96 | 37 | 4 | 118.30 |
| 26 | 0 | 82.75 | 37 | 8 | 119.09 |
| 26 | 4 | 83.54 | 37 | 12 | 119.88 |
| 26 | 8 | 84.33 | 38 | 0 | 120.67 |
| 26 | 12 | 85.12 | 38 | 4 | 121.46 |
| 27 | 0 | 85.91 | 38 | 8 | 122.25 |
| 27 | 4 | 86.70 | 38 | 12 | 123.04 |
| 27 | 8 | 87.49 | 39 | 0 | 123.83 |
| 27 | 12 | 88.28 | 39 | 4 | 124.62 |
| 28 | 0 | 89.07 | 39 | 8 | 125.41 |
| 28 | 4 | 89.86 | 39 | 12 | 126.20 |
| 28 | 8 | 90.65 | 40 | 0 | 126.99 |
| 28 | 12 | 91.44 | 40 | 4 | 127.78 |
| 29 | 0 | 92.23 | 40 | 8 | 128.57 |
| 29 | 4 | 93.02 | 40 | 12 | 129.36 |
| 29 | 8 | 93.81 | 41 | 0 | 130.15 |
| 29 | 12 | 94.60 | 41 | 4 | 130.94 |
| 30 | 0 | 95.39 | 41 | 8 | 131.73 |
| 30 | 4 | 96.18 | 41 | 12 | 132.52 |
| 30 | 8 | 96.97 | 42 | 0 | 133.31 |
| 30 | 12 | 97.76 | 42 | 4 | 134.10 |
| 31 | 0 | 98.55 | 42 | 8 | 134.89 |
| 31 | 4 | 99.34 | 42 | 12 | 135.68 |
| 31 | 8 | 100.13 | 43 | 0 | 136.47 |
| 31 | 12 | 100.92 | 43 | 4 | 137.26 |
| 32 | 0 | 101.71 | 43 | 8 | 138.05 |
| 32 | 4 | 102.50 | 43 | 12 | 138.84 |
| 32 | 8 | 103.29 | 44 | 0 | 139.63 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 3 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: Yes. Fee, 40 cents.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Registry service.* For general information see Subpart D of this part.

(4) *Dimensions.* Greatest length 3½ feet. Greatest length and girth combined 6 feet.

(5) *Observations.* (i) Parcels of merchandise intended for sale or commercial transactions must be accompanied by invoices.

(ii) A fee equivalent to the Belgian Congo domestic rate of postage is charged for the transmission of all parcels from the frontier office to that of destination.

(6) *Prohibitions.* (i) Jewelry, silverware and other precious articles in unregistered parcels.

(ii) Bees, leeches, and silkworms.

(iii) All plants and seeds, except vegetable and flower seeds, must be accompanied by a certificate of origin stating that the articles are free of disease.

(7) *Import restrictions.* (i) The attention of senders should be called to the following requirements, which are to be met by addressees:



(ii) Addressees must obtain import permits for all parcels except noncommercial shipments valued at $100 or less.

(iii) Permission from the Congo Government is required for importation of distilling apparatus; saccharine and products containing it; cottonseed; and medicines.

§ 127.216 *Belgium*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 42 cents for the first 2 ounces and 21 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* (i) The indication "Printed in U. S. A." must appear on articles of printed matter imported from the United States. This marking is obligatory, except in certain cases, notably articles whose weight does not exceed four ounces or which consist of only one article or one copy. As related to music, it may consist of several instrumental parts or even a complete orchestration.

(ii) Printed matter is generally dutiable in Belgium. However, the Belgian customs authorities exceptionally admit as regular the importation of printed matter up to 2 kilograms in weight, without Form 2976 (C 1) affixed. This concession, however, applies only to price lists, catalogs, and advertising matter of business firms, and any fees or charges which may be due on such matter must be paid.

(iii) Also, the green label, Form 2976 (C 1), is not required on free copies of newly published books mailed by the publishers to Belgian literary and scientific societies and journalists, provided the outer wrappers bear a dedication or the words "Press Service" or some other indication that the copies are being sent gratuitously under the conditions mentioned.

(iv) The green label is also not required on any shipment of printed matter on which the total of the revenue duties does not exceed 5 francs.

(8) *Prohibitions.* (i) Instruments of payment, Belgian and foreign securities and coupons thereof, unless sent in registered letters.

(ii) Articles bearing on the outside facsimiles of postage stamps, even when such facsimiles cannot be confused with authentic postage stamps.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 23 | $5.29 |
| 2 | .67 | 24 | 5.51 |
| 3 | .89 | 25 | 5.73 |
| 4 | 1.11 | 26 | 5.95 |
| 5 | 1.33 | 27 | 6.17 |
| 6 | 1.55 | 28 | 6.39 |
| 7 | 1.77 | 29 | 6.61 |
| 8 | 1.99 | 30 | 6.83 |
| 9 | 2.21 | 31 | 7.05 |
| 10 | 2.43 | 32 | 7.27 |
| 11 | 2.65 | 33 | 7.49 |
| 12 | 2.87 | 34 | 7.71 |
| 13 | 3.09 | 35 | 7.93 |
| 14 | 3.31 | 36 | 8.15 |
| 15 | 3.53 | 37 | 8.37 |
| 16 | 3.75 | 38 | 8.59 |
| 17 | 3.97 | 39 | 8.81 |
| 18 | 4.19 | 40 | 9.03 |
| 19 | 4.41 | 41 | 9.25 |
| 20 | 4.63 | 42 | 9.47 |
| 21 | 4.85 | 43 | 9.69 |
| 22 | 5.07 | 44 | 9.91 |

(ii) *Air parcel rates.* (Rates: $0.98 first 4 ounces; $0.43 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.98 | 14 | 8 | $25.49 |
| 0 | 8 | 1.41 | 14 | 12 | 25.92 |
| 0 | 13 | 1.84 | 15 | 0 | 26.35 |
| 1 | 0 | 2.27 | 15 | 4 | 26.78 |
| 1 | 4 | 2.70 | 15 | 8 | 27.21 |
| 1 | 8 | 3.13 | 15 | 12 | 27.64 |
| 1 | 12 | 3.56 | 16 | 0 | 28.07 |
| 2 | 0 | 3.99 | 16 | 4 | 28.50 |
| 2 | 4 | 4.42 | 16 | 8 | 28.93 |
| 2 | 8 | 4.85 | 16 | 12 | 29.36 |
| 2 | 12 | 5.28 | 17 | 0 | 29.79 |
| 3 | 0 | 5.71 | 17 | 4 | 30.22 |
| 3 | 4 | 6.14 | 17 | 8 | 30.65 |
| 3 | 8 | 6.57 | 17 | 12 | 31.08 |
| 3 | 12 | 7.00 | 18 | 0 | 31.51 |
| 4 | 0 | 7.43 | 18 | 4 | 31.94 |
| 4 | 4 | 7.86 | 18 | 8 | 32.37 |
| 4 | 8 | 8.29 | 18 | 12 | 32.80 |
| 4 | 12 | 8.72 | 19 | 0 | 33.23 |
| 5 | 0 | 9.15 | 19 | 4 | 33.66 |
| 5 | 4 | 9.58 | 19 | 8 | 34.09 |
| 5 | 8 | 10.01 | 19 | 12 | 34.52 |
| 5 | 12 | 10.44 | 20 | 0 | 34.95 |
| 6 | 0 | 10.87 | 20 | 4 | 35.38 |
| 6 | 4 | 11.30 | 20 | 8 | 35.81 |
| 6 | 8 | 11.73 | 20 | 12 | 36.24 |
| 6 | 12 | 12.16 | 21 | 0 | 36.67 |
| 7 | 0 | 12.59 | 21 | 4 | 37.10 |
| 7 | 4 | 13.02 | 21 | 8 | 37.53 |
| 7 | 8 | 13.45 | 21 | 12 | 37.96 |
| 7 | 12 | 13.88 | 22 | 0 | 38.39 |
| 8 | 0 | 14.31 | 22 | 4 | 38.82 |
| 8 | 4 | 14.74 | 22 | 8 | 39.25 |
| 8 | 8 | 15.17 | 22 | 12 | 39.68 |
| 8 | 12 | 15.60 | 23 | 0 | 40.11 |
| 9 | 0 | 16.03 | 23 | 4 | 40.54 |
| 9 | 4 | 16.46 | 23 | 8 | 40.97 |
| 9 | 8 | 16.89 | 23 | 12 | 41.40 |
| 9 | 12 | 17.32 | 24 | 0 | 41.83 |
| 10 | 0 | 17.75 | 24 | 4 | 42.26 |
| 10 | 4 | 18.18 | 24 | 8 | 42.69 |
| 10 | 8 | 18.61 | 24 | 12 | 43.12 |
| 10 | 12 | 19.04 | 25 | 0 | 43.55 |
| 11 | 0 | 19.47 | 25 | 4 | 43.98 |
| 11 | 4 | 19.90 | 25 | 8 | 44.41 |
| 11 | 8 | 20.33 | 25 | 12 | 44.84 |
| 11 | 12 | 20.76 | 26 | 0 | 45.27 |
| 12 | 0 | 21.19 | 26 | 4 | 45.70 |
| 12 | 4 | 21.62 | 26 | 8 | 46.13 |
| 12 | 8 | 22.05 | 26 | 12 | 46.56 |
| 12 | 12 | 22.48 | 27 | 0 | 46.99 |
| 13 | 0 | 22.91 | 27 | 4 | 47.42 |
| 13 | 4 | 23.34 | 27 | 8 | 47.85 |
| 13 | 8 | 23.77 | 27 | 12 | 48.28 |
| 13 | 12 | 24.20 | 28 | 0 | 48.71 |
| 14 | 0 | 24.63 | 28 | 4 | 49.14 |
| 14 | 4 | 25.06 | 28 | 8 | 49.57 |
| 28 | 12 | $50.00 | 36 | 8 | $63.33 |
| 29 | 0 | 50.43 | 36 | 12 | 63.76 |
| 29 | 4 | 50.86 | 37 | 0 | 64.19 |
| 29 | 8 | 51.29 | 37 | 4 | 64.62 |
| 29 | 12 | 51.72 | 37 | 8 | 65.05 |
| 30 | 0 | 52.15 | 37 | 12 | 65.48 |
| 30 | 4 | 52.58 | 38 | 0 | 65.91 |
| 30 | 8 | 53.01 | 38 | 4 | 66.34 |
| 30 | 12 | 53.44 | 38 | 8 | 66.77 |
| 31 | 0 | 53.87 | 38 | 12 | 67.20 |
| 31 | 4 | 54.30 | 39 | 0 | 67.63 |
| 31 | 8 | 54.73 | 39 | 4 | 68.06 |
| 31 | 12 | 55.16 | 39 | 8 | 68.49 |
| 32 | 0 | 55.59 | 39 | 12 | 68.92 |
| 32 | 4 | 56.02 | 40 | 0 | 69.35 |
| 32 | 8 | 56.45 | 40 | 4 | 69.78 |
| 32 | 12 | 56.88 | 40 | 8 | 70.21 |
| 33 | 0 | 57.31 | 40 | 12 | 70.64 |
| 33 | 4 | 57.74 | 41 | 0 | 71.07 |
| 33 | 8 | 58.17 | 41 | 4 | 71.50 |
| 33 | 12 | 58.60 | 41 | 8 | 71.93 |
| 34 | 0 | 59.03 | 41 | 12 | 72.36 |
| 34 | 4 | 59.46 | 42 | 0 | 72.79 |
| 34 | 8 | 59.89 | 42 | 4 | 73.22 |
| 34 | 12 | 60.32 | 42 | 8 | 73.65 |
| 35 | 0 | 60.75 | 42 | 12 | 74.08 |
| 35 | 4 | 61.18 | 43 | 0 | 74.51 |
| 35 | 8 | 61.61 | 43 | 4 | 74.94 |
| 35 | 12 | 62.04 | 43 | 8 | 75.37 |
| 36 | 0 | 62.47 | 43 | 12 | 75.80 |
| 36 | 4 | 62.90 | 44 | 0 | 76.23 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to ordinary parcels. (See § 127.79.)
Registration: No.
Insurance: Yes (surface parcels only).
C. o. d.; No.

(2) *Indemnity.* See subparagraph (5) of this paragraph.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96 relative to storage charges on returned parcels.

(5) *Insurance.* (i) Surface parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable, in addition to the insurance fees mentioned hereunder:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $165 | 60 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "Insured" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both

United States currency and in gold francs, as per the following example:

Insured Value
$25.75 (U. S.)
Twenty-five Dollars and Seventy-five Cents
77.25 Gold Francs
Seventy-seven Gold Francs and Twenty-five Centimes

(iii) The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972).

(iv) See § 127.143 (b), as to method of converting United States currency into gold francs.

(v) Parcels containing gold or silver, whether manufactured or unmanufactured; precious stones, jewelry or other precious articles must be insured.

(vi) For general information concerning insurance service see §§ 127.140 to 127.148, inclusive.

(6) *Observations.* (i) It frequently happens that the senders of merchandise liable to ad valorem import duties in Belgium mention the amount of the invoice in the value column of the customs declarations. However, in accordance with article 3 of the law of April 8, 1922, the value to be declared for the payment of duties may not be lower than the normal gross price of similar merchandise on the Belgian markets at the time of importation after making deduction of a sum proportional to the duties to which such products are liable upon introduction.

(ii) Used clothing, even when sent as a gift, is subject to customs duties in Belgium. Since the Belgian regulations do not permit cancellation of the duties, parcels containing used clothing cannot be returned to origin or abandoned if they should be unclaimed or refused by the addressees. Parcels containing used clothing must, therefore, not be accepted for mailing to Belgium unless the sender indicates an alternate addressee in that country to whom the parcel can be tendered for delivery in case it cannot be delivered as originally addressed.

(7) *Prohibitions*—(i) *For the protection of animals or plants.* (a) Indian berries, except when addressed to a pharmacist and accompanied by an invoice from the seller.

(b) Certain plants and plant products are prohibited from importation or admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(ii) *For other reasons.* (a) Bronze, copper and nickel coins not legal tender in Belgium, unless imported for collections.

(b) New or used postage stamps (admitted only for collections).

(c) Instruments of payment, including banknotes and currency, may not be sent by parcel post unless permission for the importation has been granted by the Belgo-Luxembourg Exchange Institute. If such permission has been granted and the sender elects to forward the articles by parcel post, the parcel must be insured; otherwise such articles must be sent by registered letter mail.

(8) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Addressees must obtain import licenses for most types of merchandise, except gifts under $50.

(ii) Bone meal and other powdered animal products must be imported through customs offices where veterinary health services are in operation.

(iii) White lead must comply with the regulations of the Ministry of Industry, Labor and Welfare. This also applies to all white-lead compounds for professional use, except colors in tubes weighing less than 500 grams.

(iv) Tuberculin for animals requires special authorization from the Ministry of Agriculture for importation.

(v) Special restrictions apply to the importation of all arms except hunting and sporting arms, side arms of war, arms for Government use, and arms for collections.

§ 127.217 *Bermuda*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 27 cents for the first 2 ounces and 6 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 12 | $2.87 |
| 2 | .67 | 13 | 3.09 |
| 3 | .89 | 14 | 3.31 |
| 4 | 1.11 | 15 | 3.53 |
| 5 | 1.33 | 16 | 3.75 |
| 6 | 1.55 | 17 | 3.97 |
| 7 | 1.77 | 18 | 4.19 |
| 8 | 1.99 | 19 | 4.41 |
| 9 | 2.21 | 20 | 4.63 |
| 10 | 2.43 | 21 | 4.85 |
| 11 | 2.65 | 22 | 5.07 |

(ii) *Air parcel rates.* (Rates: $0.76 first 4 ounces; $0.13 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.76 | 3 | 12 | $2.58 |
| 0 | 8 | .89 | 4 | 0 | 2.71 |
| 0 | 12 | 1.02 | 4 | 4 | 2.84 |
| 1 | 0 | 1.15 | 4 | 8 | 2.97 |
| 1 | 4 | 1.28 | 4 | 12 | 3.10 |
| 1 | 8 | 1.41 | 5 | 0 | 3.23 |
| 1 | 12 | 1.54 | 5 | 4 | 3.36 |
| 2 | 0 | 1.67 | 5 | 8 | 3.49 |
| 2 | 4 | 1.80 | 5 | 12 | 3.62 |
| 2 | 8 | 1.93 | 6 | 0 | 3.75 |
| 2 | 12 | 2.06 | 6 | 4 | 3.88 |
| 3 | 0 | 2.19 | 6 | 8 | 4.01 |
| 3 | 4 | 2.32 | 6 | 12 | 4.14 |
| 3 | 8 | 2.45 | 7 | 0 | 4.27 |
| 7 | 4 | $4.40 | 14 | 12 | $8.30 |
| 7 | 8 | 4.53 | 15 | 0 | 8.43 |
| 7 | 12 | 4.66 | 15 | 4 | 8.56 |
| 8 | 0 | 4.79 | 15 | 8 | 8.69 |
| 8 | 4 | 4.92 | 15 | 12 | 8.82 |
| 8 | 8 | 5.05 | 16 | 0 | 8.95 |
| 8 | 12 | 5.18 | 16 | 4 | 9.08 |
| 9 | 0 | 5.31 | 16 | 8 | 9.21 |
| 9 | 4 | 5.44 | 16 | 12 | 9.34 |
| 9 | 8 | 5.57 | 17 | 0 | 9.47 |
| 9 | 12 | 5.70 | 17 | 4 | 9.60 |
| 10 | 0 | 5.83 | 17 | 8 | 9.73 |
| 10 | 4 | 5.96 | 17 | 12 | 9.86 |
| 10 | 8 | 6.09 | 18 | 0 | 9.99 |
| 10 | 12 | 6.22 | 18 | 4 | 10.12 |
| 11 | 0 | 6.35 | 18 | 8 | 10.25 |
| 11 | 4 | 6.48 | 18 | 12 | 10.38 |
| 11 | 8 | 6.61 | 19 | 0 | 10.51 |
| 11 | 12 | 6.74 | 19 | 4 | 10.64 |
| 12 | 0 | 6.87 | 19 | 8 | 10.77 |
| 12 | 4 | 7.00 | 19 | 12 | 10.90 |
| 12 | 8 | 7.13 | 20 | 0 | 11.03 |
| 12 | 12 | 7.26 | 20 | 4 | 11.16 |
| 13 | 0 | 7.39 | 20 | 8 | 11.29 |
| 13 | 4 | 7.52 | 20 | 12 | 11.42 |
| 13 | 8 | 7.65 | 21 | 0 | 11.55 |
| 13 | 12 | 7.78 | 21 | 4 | 11.68 |
| 14 | 0 | 7.91 | 21 | 8 | 11.81 |
| 14 | 4 | 8.04 | 21 | 12 | 11.94 |
| 14 | 8 | 8.17 | 22 | 0 | 12.07 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Yes. (See § 127.70.)
Registration. Yes. Fee, 40 cents.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Registry service.* For general information see Subpart D of this part.

(4) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(5) *Observations.* (i) Invoices are required for parcels whose contents are intended for sale.

(ii) Plants are subject to inspection by the Director of Agriculture.

(6) *Prohibitions.* No list.

(7) *Import restrictions.* Addressees are required to obtain import licenses.

§ 127.218 *Bolivia*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 2, in § 127.1. Small packets accepted at risk of sender. (See § 127.10.)

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air Mail service.* Postage rates: Letters and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 40 cents for the first 2 ounces and 20 cents for each additional 2 ounces. (See § 127.20.)

(6) *Diplomatic and consular mail.* See § 127.32.

(7) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)



(8) *Combination packages.* Accepted. (See § 127.12.)

(9) *Freedom of postage for government correspondence.* See § 127.32 (c).

(10) *Prohibitions.* (i) Gold and silver coins. Plants. Automatic lighting appliances. Dutiable articles (merchandise) in letters and packages prepaid at letter rate.

(ii) Money in cash, bank notes, or values payable to the bearer.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges and surcharges.*

ALL PLACES EXCEPT COCHABAMBA, LA PAZ, ORURO, POTOSI, SUCRE, TUPIZA, UYUNI AND VILLAZON

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $1.10 | 23 | $8.72 |
| 2 | 1.32 | 24 | 8.94 |
| 3 | 2.03 | 25 | 9.16 |
| 4 | 2.25 | 26 | 9.38 |
| 5 | 2.47 | 27 | 9.60 |
| 6 | 2.69 | 28 | 9.82 |
| 7 | 2.91 | 29 | 10.04 |
| 8 | 3.62 | 30 | 10.26 |
| 9 | 3.84 | 31 | 10.48 |
| 10 | 4.06 | 32 | 10.70 |
| 11 | 4.28 | 33 | 10.92 |
| 12 | 5.65 | 34 | 11.79 |
| 13 | 5.87 | 35 | 12.01 |
| 14 | 6.09 | 36 | 12.23 |
| 15 | 6.31 | 37 | 12.45 |
| 16 | 6.53 | 38 | 12.67 |
| 17 | 6.75 | 39 | 12.89 |
| 18 | 6.97 | 40 | 13.11 |
| 19 | 7.19 | 41 | 13.33 |
| 20 | 7.41 | 42 | 13.55 |
| 21 | 7.63 | 43 | 13.77 |
| 22 | 7.85 | 44 | 13.99 |

COCHABAMBA, POTOSI, SUCRE, TUPIZA, UYUNI AND VILLAZON

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.94 | 23 | $6.76 |
| 2 | 1.16 | 24 | 6.98 |
| 3 | 1.54 | 25 | 7.20 |
| 4 | 1.76 | 26 | 7.42 |
| 5 | 1.98 | 27 | 7.64 |
| 6 | 2.20 | 28 | 7.86 |
| 7 | 2.42 | 29 | 8.08 |
| 8 | 2.81 | 30 | 8.30 |
| 9 | 3.03 | 31 | 8.52 |
| 10 | 3.25 | 32 | 8.74 |
| 11 | 3.47 | 33 | 8.96 |
| 12 | 4.01 | 34 | 9.51 |
| 13 | 4.23 | 35 | 9.73 |
| 14 | 4.45 | 36 | 9.95 |
| 15 | 4.67 | 37 | 10.17 |
| 16 | 4.89 | 38 | 10.39 |
| 17 | 5.11 | 39 | 10.61 |
| 18 | 5.33 | 40 | 10.83 |
| 19 | 5.55 | 41 | 11.05 |
| 20 | 5.77 | 42 | 11.27 |
| 21 | 5.99 | 43 | 11.49 |
| 22 | 6.21 | 44 | 11.71 |

LA PAZ AND ORURO

| Pound | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.73 | 23 | $6.35 |
| 2 | .95 | 24 | 6.57 |
| 3 | 1.22 | 25 | 6.79 |
| 4 | 1.44 | 26 | 7.01 |
| 5 | 1.66 | 27 | 7.23 |
| 6 | 1.88 | 28 | 7.45 |
| 7 | 2.10 | 29 | 7.67 |
| 8 | 2.40 | 30 | 7.89 |
| 9 | 2.62 | 31 | 8.11 |
| 10 | 2.84 | 32 | 8.33 |
| 11 | 3.06 | 33 | 8.55 |
| 12 | 3.61 | 34 | 9.10 |
| 13 | 3.83 | 35 | 9.32 |
| 14 | 4.05 | 36 | 9.54 |
| 15 | 4.27 | 37 | 9.76 |
| 16 | 4.49 | 38 | 9.98 |
| 17 | 4.71 | 39 | 10.20 |
| 18 | 4.93 | 40 | 10.42 |
| 19 | 5.15 | 41 | 10.64 |
| 20 | 5.37 | 42 | 10.86 |
| 21 | 5.59 | 43 | 11.08 |
| 22 | 5.81 | 44 | 11.30 |

(ii) *Air parcel rates, including surcharges—all places.* (Rates: $1.08 first 4 ounces; $0.40 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.08 | 21 | 12 | $35.48 |
| 0 | 8 | 1.48 | 22 | 0 | 35.88 |
| 0 | 12 | 1.88 | 22 | 4 | 36.28 |
| 1 | 0 | 2.28 | 22 | 8 | 36.68 |
| 1 | 4 | 2.68 | 22 | 12 | 37.08 |
| 1 | 8 | 3.08 | 23 | 0 | 37.48 |
| 1 | 12 | 3.48 | 23 | 4 | 37.88 |
| 2 | 0 | 3.88 | 23 | 8 | 38.28 |
| 2 | 4 | 4.28 | 23 | 12 | 38.68 |
| 2 | 8 | 4.68 | 24 | 0 | 39.08 |
| 2 | 12 | 5.08 | 24 | 4 | 39.48 |
| 3 | 0 | 5.48 | 24 | 8 | 39.88 |
| 3 | 4 | 5.88 | 24 | 12 | 40.28 |
| 3 | 8 | 6.28 | 25 | 0 | 40.68 |
| 3 | 12 | 6.68 | 25 | 4 | 41.08 |
| 4 | 0 | 7.08 | 25 | 8 | 41.48 |
| 4 | 4 | 7.48 | 25 | 12 | 41.88 |
| 4 | 8 | 7.88 | 26 | 0 | 42.28 |
| 4 | 12 | 8.28 | 26 | 4 | 42.68 |
| 5 | 0 | 8.68 | 26 | 8 | 43.08 |
| 5 | 4 | 9.08 | 26 | 12 | 43.48 |
| 5 | 8 | 9.48 | 27 | 0 | 43.88 |
| 5 | 12 | 9.88 | 27 | 4 | 44.28 |
| 6 | 0 | 10.28 | 27 | 8 | 44.68 |
| 6 | 4 | 10.68 | 27 | 12 | 45.08 |
| 6 | 8 | 11.08 | 28 | 0 | 45.48 |
| 6 | 12 | 11.48 | 28 | 4 | 45.88 |
| 7 | 0 | 11.88 | 28 | 8 | 46.28 |
| 7 | 4 | 12.28 | 28 | 12 | 46.68 |
| 7 | 8 | 12.68 | 29 | 0 | 47.08 |
| 7 | 12 | 13.03 | 29 | 4 | 47.48 |
| 8 | 0 | 13.48 | 29 | 8 | 47.88 |
| 8 | 4 | 13.88 | 29 | 12 | 48.28 |
| 8 | 8 | 14.28 | 30 | 0 | 48.68 |
| 8 | 12 | 14.68 | 30 | 4 | 49.08 |
| 9 | 0 | 15.08 | 30 | 8 | 49.48 |
| 9 | 4 | 15.48 | 30 | 12 | 49.88 |
| 9 | 8 | 15.88 | 31 | 0 | 50.28 |
| 9 | 12 | 16.28 | 31 | 4 | 50.68 |
| 10 | 0 | 16.68 | 31 | 8 | 51.08 |
| 10 | 4 | 17.08 | 31 | 12 | 51.48 |
| 10 | 8 | 17.48 | 32 | 0 | 51.88 |
| 10 | 12 | 17.88 | 32 | 4 | 52.28 |
| 11 | 0 | 18.28 | 32 | 8 | 52.68 |
| 11 | 4 | 18.68 | 32 | 12 | 53.08 |
| 11 | 8 | 19.08 | 33 | 0 | 53.48 |
| 11 | 12 | 19.48 | 33 | 4 | 53.88 |
| 12 | 0 | 19.88 | 33 | 8 | 54.28 |
| 12 | 4 | 20.28 | 33 | 12 | 54.68 |
| 12 | 8 | 20.68 | 34 | 0 | 55.08 |
| 12 | 12 | 21.08 | 34 | 4 | 55.48 |
| 13 | 0 | 21.48 | 34 | 8 | 55.88 |
| 13 | 4 | 21.88 | 34 | 12 | 56.28 |
| 13 | 8 | 22.28 | 35 | 0 | 56.68 |
| 13 | 12 | 22.68 | 35 | 4 | 57.08 |
| 14 | 0 | 23.08 | 35 | 8 | 57.48 |
| 14 | 4 | 23.48 | 35 | 12 | 57.88 |
| 14 | 8 | 23.88 | 36 | 0 | 58.28 |
| 14 | 12 | 24.28 | 36 | 4 | 58.68 |
| 15 | 0 | 24.68 | 36 | 8 | 59.08 |
| 15 | 4 | 25.08 | 36 | 12 | 59.48 |
| 15 | 8 | 25.48 | 37 | 0 | 59.88 |
| 15 | 12 | 25.88 | 37 | 4 | 60.28 |
| 16 | 0 | 26.28 | 37 | 8 | 60.68 |
| 16 | 4 | 26.68 | 37 | 12 | 61.08 |
| 16 | 8 | 27.08 | 38 | 0 | 61.48 |
| 16 | 12 | 27.48 | 38 | 4 | 61.88 |
| 17 | 0 | 27.88 | 38 | 8 | 62.28 |
| 17 | 4 | 28.28 | 38 | 12 | 62.68 |
| 17 | 8 | 28.68 | 39 | 0 | 63.08 |
| 17 | 12 | 29.08 | 39 | 4 | 63.48 |
| 18 | 0 | 29.48 | 39 | 8 | 63.88 |
| 18 | 4 | 29.88 | 39 | 12 | 64.28 |
| 18 | 8 | 30.28 | 40 | 0 | 64.68 |
| 18 | 12 | 30.68 | 40 | 4 | 65.08 |
| 19 | 0 | 31.08 | 40 | 8 | 65.48 |
| 19 | 4 | 31.48 | 40 | 12 | 65.88 |
| 19 | 8 | 31.88 | 41 | 0 | 66.28 |
| 19 | 12 | 32.28 | 41 | 4 | 66.68 |
| 20 | 0 | 32.68 | 41 | 8 | 67.08 |
| 20 | 4 | 33.08 | 41 | 12 | 67.48 |
| 20 | 8 | 33.48 | 42 | 0 | 67.88 |
| 20 | 12 | 33.88 | 42 | 4 | 68.28 |
| 21 | 0 | 34.28 | 42 | 8 | 68.68 |
| 21 | 4 | 34.68 | 42 | 12 | 69.08 |
| 21 | 8 | 35.08 | 43 | 0 | 69.48 |
| 43 | 4 | $69.88 | 43 | 12 | $70.68 |
| 43 | 8 | 70.28 | 44 | 0 | 71.08 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: Yes. Fee, 55 cents.
Insurance: No.
C. o. d.: No.
Consular invoice: Yes. (See subparagraph (7) of this paragraph.)

(2) *Indemnity.* See § 127.165.

(3) *Registry service.* For general information, see Subpart D of this part.

(4) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels (surface and air). (See § 127.159.)

(5) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(6) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(7) *Observations.* (i) Transportation of surface parcels to Bolivia involves not only a long sea transit but also a difficult overland trip from Arica, Chile. Parcels must not be accepted which are not substantially packed.

(ii) A commercial invoice is required for the clearance of all parcels, regardless of value. Parcels (including shipments of parcels sent at one time from the same sender to the same addressee) exceeding $36.50 in value require a consular invoice in quintuplicate in addition to two commercial invoices. A fine is imposed by the Bolivian Customs for failure to present a consular invoice when required.

(iii) Consular invoices may be obtained from the Bolivian Consulate General at New York, N. Y., or from the nearest consulate of Bolivia, at a cost of 75 cents per copy or $3.75 for the set of five. A six percent consular duty is collected in the customs house in Bolivia instead of by the consulates, except in the case of honorary consuls who collect one or two percent of the original 6 percent duty.

(iv) Commercial invoices relating to shipments valued at less than $5 are stamped with the Bolivian consular seal free of charge. Commercial invoices relating to shipments valued at $5 and up to $36.50 require consular certification.

(v) The consular or commercial invoices may be sent under separate cover to the addressees or forwarded with the parcels. If they are enclosed in the parcels the customs declarations shall be marked "Consular invoice inclosed" or "Commercial invoice inclosed," as the case may be. When the invoices relate to several parcels, the parcels shall be numbered 1, 2, 3, etc., and the invoice

enclosed in parcel No. 1, the customs declarations and covers of the remaining parcels being noted "Consular (and/or commercial) invoice in parcel No. 1."

(vi) The Bolivian Consulates General are located in New York, N. Y., and San Francisco, Calif. Honorary consuls are located in the following cities:

| | |
|---|---|
| Beverly Hills, Calif. | New Orleans, La. |
| Boston, Mass. | New York, N. Y. |
| Chicago, Ill. | Pittsburgh, Pa. |
| Dallas, Tex. | St. Louis, Mo. |
| Galveston, Tex. | San Francisco, Calif. |
| Key West, Fla. | San Leandro, Calif. |
| Los Angeles, Calif. | San Luis Obispo, Calif. |
| Miami, Fla. | |

(vii) Addressees in Bolivia are required to obtain import permits prior to receipt of the goods.

(viii) In the case of parcels addressed in care of banks or other organizations, the second addressee shall be advised concerning the arrival of the parcel, but he shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender; in the latter case, the sender shall take steps, through the administration of the country of origin of the parcel, for its delivery to the second addressee.

(8) *Prohibitions*—(i) *For sanitary reasons.* (*a*) Adulterated or harmful beverages or foodstuffs.

(*b*) Pharmaceutical and medicinal products of unknown composition or formula, and those prohibited by the health authorities.

(*c*) Used clothing and other effects unless accompanied by a certificate of disinfection issued by the competent authority of the country of origin and legalized by the Bolivian consular service.

(ii) *For the protection of plants.* (*a*) Plants, fruit, or seeds which may be declared injurious by the agricultural authorities.

(*b*) Trees and shrubs in baskets.

(iii) *Arms, etc.* The importation of arms is subject to the restrictions laid down by the Bolivian Government.

(iv) *For other reasons.* (*a*) Jewelry and other precious articles; money in cash, bank notes, or values payable to the bearer.

(*b*) Coins of silver, nickel, copper, or alloys of those metals.

(*c*) Counterfeit money, and machines or apparatus for making it.

(*d*) Advertisements in imitation of coins, banknotes, postage stamps or other official values, with the exception of numismatic and philatelic catalogs.

(*e*) Tobacco, leaf or manufactured.

(*f*) Cigarette paper and containers (packages) for cigarettes.

(*g*) Mechanical pocket lighters.

(*h*) Materials, machines, and apparatus serving for the manufacture of cigars, cigarettes, matches, and vestas.

(*i*) Nursing bottles with tubes of rubber or glass.

(*j*) Roulette wheels, gambling devices, boxes, and other machines, apparatus, or mechanical means used for games or lotteries.

(*k*) Labels, caps, corks, and similar articles with trade-marks of foreign beverages, if imported separately.

§ 127.219 *Brazil*—(a) *Postal union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 2, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* (i) Postage rates: Letters and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 55 cents for the first 2 ounces and 35 cents for each additional 2 ounces. (See § 127.20.)

(ii) Articles prepaid at the special "other articles" rate are given air transportation within Brazil if delivery can be expedited by so doing.

(6) *Diplomatic and consular mail.* See § 127.32.

(7) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(8) *Combination packages.* Accepted. (See § 127.12.)

(9) *Observations.* See "Observations" under paragraph (b) of this section concerning Brazilian invoice and import license requirements, which apply to importations into that country in the Postal Union mails.

(10) *Prohibitions.* (i) Dutiable articles (merchandise) in letters or packages prepaid at the letter rate, except that coins, banknotes, paper money, or any values payable to the bearer; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry or other precious articles are admitted in registered letters.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*[1]—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.78 | 23 | $5.94 |
| 2 | 1.00 | 24 | 6.16 |
| 3 | 1.22 | 25 | 6.38 |
| 4 | 1.44 | 26 | 6.60 |
| 5 | 1.66 | 27 | 6.82 |
| 6 | 1.88 | 28 | 7.04 |
| 7 | 2.10 | 29 | 7.26 |
| 8 | 2.40 | 30 | 7.48 |
| 9 | 2.62 | 31 | 7.70 |
| 10 | 2.84 | 32 | 7.92 |
| 11 | 3.06 | 33 | 8.14 |
| 12 | 3.28 | 34 | 8.53 |
| 13 | 3.50 | 35 | 8.75 |
| 14 | 3.72 | 36 | 8.97 |
| 15 | 3.94 | 37 | 9.19 |
| 16 | 4.16 | 38 | 9.41 |
| 17 | 4.38 | 39 | 9.63 |
| 18 | 4.60 | 40 | 9.85 |
| 19 | 4.82 | 41 | 10.07 |
| 20 | 5.04 | 42 | 10.29 |
| 21 | 5.26 | 43 | 10.51 |
| 22 | 5.48 | 44 | 10.73 |

(ii) *Air parcel rates.* (Rates: $1.48 first 4 ounces; $0.64 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.48 | 1 | 0 | $3.40 |
| 0 | 8 | 2.12 | 1 | 4 | 4.04 |
| 0 | 12 | 2.76 | 1 | 8 | 4.68 |

[1] See subparagraph (7) of this paragraph for list of post offices to which parcels may be sent.

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 1 | 12 | $5.32 | 23 | 0 | $59.72 |
| 2 | 0 | 5.96 | 23 | 4 | 60.36 |
| 2 | 4 | 6.60 | 23 | 8 | 61.00 |
| 2 | 8 | 7.24 | 23 | 12 | 61.64 |
| 2 | 12 | 7.88 | 24 | 0 | 62.28 |
| 3 | 0 | 8.52 | 24 | 4 | 62.92 |
| 3 | 4 | 9.16 | 24 | 8 | 63.56 |
| 3 | 8 | 9.80 | 24 | 12 | 64.20 |
| 3 | 12 | 10.44 | 25 | 0 | 64.84 |
| 4 | 0 | 11.08 | 25 | 4 | 65.48 |
| 4 | 4 | 11.72 | 25 | 8 | 66.12 |
| 4 | 8 | 12.36 | 25 | 12 | 66.76 |
| 4 | 12 | 13.00 | 26 | 0 | 67.40 |
| 5 | 0 | 13.64 | 26 | 4 | 68.04 |
| 5 | 4 | 14.28 | 26 | 8 | 68.68 |
| 5 | 8 | 14.92 | 26 | 12 | 69.32 |
| 5 | 12 | 15.56 | 27 | 0 | 69.96 |
| 6 | 0 | 16.20 | 27 | 4 | 70.60 |
| 6 | 4 | 16.84 | 27 | 8 | 71.24 |
| 6 | 8 | 17.48 | 27 | 12 | 71.88 |
| 6 | 12 | 18.12 | 28 | 0 | 72.52 |
| 7 | 0 | 18.76 | 28 | 4 | 73.16 |
| 7 | 4 | 19.40 | 28 | 8 | 73.80 |
| 7 | 8 | 20.04 | 28 | 12 | 74.44 |
| 7 | 12 | 20.68 | 29 | 0 | 75.08 |
| 8 | 0 | 21.32 | 29 | 4 | 75.72 |
| 8 | 4 | 21.96 | 29 | 8 | 76.36 |
| 8 | 8 | 22.60 | 29 | 12 | 77.00 |
| 8 | 12 | 23.24 | 30 | 0 | 77.64 |
| 9 | 0 | 23.88 | 30 | 4 | 78.23 |
| 9 | 4 | 24.52 | 30 | 8 | 78.92 |
| 9 | 8 | 25.16 | 30 | 12 | 79.56 |
| 9 | 12 | 25.80 | 31 | 0 | 80.20 |
| 10 | 0 | 26.44 | 31 | 4 | 80.84 |
| 10 | 4 | 27.08 | 31 | 8 | 81.48 |
| 10 | 8 | 27.72 | 31 | 12 | 82.12 |
| 10 | 12 | 28.36 | 32 | 0 | 82.76 |
| 11 | 0 | 29.00 | 32 | 4 | 83.40 |
| 11 | 4 | 29.64 | 32 | 8 | 84.04 |
| 11 | 8 | 30.28 | 32 | 12 | 84.68 |
| 11 | 12 | 30.92 | 33 | 0 | 85.32 |
| 12 | 0 | 31.56 | 33 | 4 | 85.96 |
| 12 | 4 | 32.20 | 33 | 8 | 86.60 |
| 12 | 8 | 32.84 | 33 | 12 | 87.24 |
| 12 | 12 | 33.48 | 34 | 0 | 87.88 |
| 13 | 0 | 34.12 | 34 | 4 | 88.52 |
| 13 | 4 | 34.76 | 34 | 8 | 89.16 |
| 13 | 8 | 35.40 | 34 | 12 | 89.80 |
| 13 | 12 | 36.04 | 35 | 0 | 90.44 |
| 14 | 0 | 36.68 | 35 | 4 | 91.08 |
| 14 | 4 | 37.32 | 35 | 8 | 91.72 |
| 14 | 8 | 37.96 | 35 | 12 | 92.36 |
| 14 | 12 | 38.60 | 36 | 0 | 93.00 |
| 15 | 0 | 39.24 | 36 | 4 | 93.64 |
| 15 | 4 | 39.88 | 36 | 8 | 94.28 |
| 15 | 8 | 40.52 | 36 | 12 | 94.92 |
| 15 | 12 | 41.16 | 37 | 0 | 95.56 |
| 16 | 0 | 41.80 | 37 | 4 | 93.20 |
| 16 | 4 | 42.44 | 37 | 8 | 95.84 |
| 16 | 8 | 43.08 | 37 | 12 | 97.48 |
| 16 | 12 | 43.72 | 38 | 0 | 98.12 |
| 17 | 0 | 44.36 | 38 | 4 | 98.76 |
| 17 | 4 | 45.00 | 38 | 8 | 99.40 |
| 17 | 8 | 45.64 | 38 | 12 | 100.04 |
| 17 | 12 | 46.28 | 39 | 0 | 100.68 |
| 18 | 0 | 46.92 | 39 | 4 | 101.32 |
| 18 | 4 | 47.56 | 39 | 8 | 101.96 |
| 18 | 8 | 48.20 | 39 | 12 | 102.60 |
| 18 | 12 | 48.84 | 40 | 0 | 103.24 |
| 19 | 0 | 49.48 | 40 | 4 | 103.88 |
| 19 | 4 | 50.12 | 40 | 8 | 104.52 |
| 19 | 8 | 50.76 | 40 | 12 | 105.16 |
| 19 | 12 | 51.40 | 41 | 0 | 105.80 |
| 20 | 0 | 52.04 | 41 | 4 | 106.44 |
| 20 | 4 | 52.68 | 41 | 8 | 107.08 |
| 20 | 8 | 53.32 | 41 | 12 | 107.72 |
| 20 | 12 | 53.96 | 42 | 0 | 108.36 |
| 21 | 0 | 54.60 | 42 | 4 | 109.00 |
| 21 | 4 | 55.24 | 42 | 8 | 109.64 |
| 21 | 8 | 55.88 | 42 | 12 | 110.28 |
| 21 | 12 | 56.52 | 43 | 0 | 110.92 |
| 22 | 0 | 57.16 | 43 | 4 | 111.56 |
| 22 | 4 | 57.80 | 43 | 8 | 112.20 |
| 22 | 8 | 58.44 | 43 | 12 | 112.84 |
| 22 | 12 | 59.08 | 44 | 0 | 113.48 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55(b).)



Weight limit: 22,[1] 44 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: Yes. Fee, 55 cents.
Insurance: No.
C. o. d.: No.
Consular invoice: Yes. (See subparagraph (6) of this paragraph.)

[1] Parcels exceeding 22 pounds accepted for the following offices only: Belem (Para), Belo Horizonte, Florianopolis, Fortaleza, Manaus, Niteroi, Porto Alegre, Recife (Pernambuco), Rio de Janeiro, Rio Grande (Rio Grande do Sul), Salvador (Bahia), Santos, and Sao Paulo.

(2) *Indemnity.* See § 127.165.

(3) *Registry service.* For general information, see Subpart D of this part.

(4) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels. (See § 127.159.)

(5) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(6) *Storage charges.* See § 127.96 relative to storage charges on returned parcels.

(7) *Observations.* (i) Parcels must not be addressed "Poste restante" (general delivery). Parcel post business is transacted only at the following post offices, and the name of one of these post offices must form part of the address of the parcel:

| | |
|---|---|
| Alegrete. | Curitiba. |
| Amparo. | Curvelo. |
| Antonina. | Diamantina. |
| Aracaju. | Florianopolis. |
| Araguari. | Formiga. |
| Araraquara. | Fortaleza. |
| Bage. | Franca. |
| Bahia (see Salvador). | Goiania. |
| Barbacena. | Guaratingueta. |
| Barra do Piral. | Ilheus. |
| Barra Mansa. | Ithjuba. |
| Barretos. | Itapetininga. |
| Bauru. | Itaqui. |
| Bededouro. | Itu. |
| Belem (Para). | Jaboticabal. |
| Belo Horizonte. | Jaguarao. |
| Blumenau. | Jau. |
| Botucatu. | Joao Pessoa. |
| Braganca. | Joinville. |
| Cacapava. | Juazeiro. |
| Cachoeira (Bahia). | Juiz de Fora. |
| Cachoeira (Rio Grande do Sul). | Jundiai. |
| Cachoeiro do Itapemirim. | Laguna. |
| Campanha. | Lavras. |
| Campina Grande. | Limeira. |
| Campinas. | Livramento. |
| Campo Grande. | Lorena. |
| Campos. | Macae. |
| Carangola. | Macelo. |
| Casa Branca. | Manaus. |
| Cataguazes. | Mococa. |
| Catanduva. | Mogy Mirim. |
| Caxambu. | Montes Claros. |
| Caxias. | Natal. |
| Corumba. | Niteroi. |
| Cruz Alta. | Nova Friburgo. |
| Cruzeiro. | Ouro Preto. |
| Cuiaba. | Para (see Belem). |
| | Paranagua. |
| | Parnaiba. |
| | Passo Fundo. |
| | Pelotas. |
| | Penedo. |
| | Pernambuco (see Recife). |
| | Petropolis. |
| | Pindamonhangaba. |
| | Pinhal. |
| | Piracicaba. |
| | Pirassununga. |
| | Pocos de Caldas. |
| | Ponta Grossa. |
| | Ponte Nova. |
| | Porto Alegre. |
| | Porto Uniao. |
| | Pouso Alegre. |
| | Recife (Pernambuco). |
| | Ribeirao Preto. |
| | Rio Branco (Acre). |
| | Rio Claro. |
| | Rio das Contas. |
| | Rio de Janeiro. |
| | Rio Grande (Rio Grande do Sul). |
| | Rio Preto. |
| | Salvador (Bahia). |
| | Santa Rita do Sapucai. |
| | Santa Maria |
| | Santos. |
| | Sao Carlos. |
| | Sao Felix. |
| | Sao Francisco do Sul. |
| | Sao Joao da Boa Vista. |
| | Sao Joao d'El Rey. |
| | Sao Jose dos Campos. |
| | Sao Jose do Rio Pardo. |
| | Sao Leopoldo. |
| | Sao Luiz (Maranhao). |
| | Sao Paulo. |
| | Sorocaba. |
| | Taquaritinga. |
| | Taubate. |
| | Teofilo Ottoni. |
| | Terezina. |
| | Tres Coracoes. |
| | Uba. |
| | Uberaba. |
| | Uberlandle. |
| | Uruguaiana. |
| | Valenca. |
| | Varginha. |
| | Visconde do Rio Branco. |
| | Vitoria. |

(ii) For shipments valued at more than $25, five copies of a Brazilian consular invoice must be prepared and submitted to a Brazilian consul for legalization, accompanied by four copies of a commercial invoice which must be certified as to the origin of the merchandise by a recognized chamber of commerce or other authorized organization. The original consular invoice and its fifth copy with the commercial invoice are returned after legalization by the consul to the mailer, who must send them by letter to the adressee in Brazil for his use in clearing the parcel through the customs. For all parcels except small sample shipments having no commercial value, a Brazilian import license is necessary. This license is usually obtained by the addressee from the Export-Import Bureau of the Bank of Brazil, and a copy is sent to the mailer who must submit it to the Brazilian consul with the invoices for legalization. The mailer, if he prefers, may request the license direct from the Export-Import Bureau. The import license number must be shown on the consular invoice.

(iii) For shipments valued at $25 or less, no consular invoice is necessary. Two copies of the commercial invoice, certified and legalized as described above, are required. Also an import license must be obtained for any shipment which may require dollar exchange for settlement, and the number of the license must be shown on the commercial invoice.

(iv) Gift shipments less than $25 in value may be sent without commercial invoices, and no consular legalization is then required, but the addressees in Brazil must still obtain import permits.

(v) A sample consular invoice form may be obtained at a Brazilian consulate, or such invoices may be purchased from stationers or printed by mailers, provided they conform to the prescribed form. Commercial invoices may be on an improvised form. Brazilian consulates are located in the following cities:

| | |
|---|---|
| Baltimore, Md. | Charleston, S. C. |
| Boston, Mass. | Chicago, Ill. |
| Dallas, Tex. | New York, N. Y. |
| Galveston, Tex. | Norfolk, Va. |
| Houston, Tex. | Philadelphia, Pa. |
| Jacksonville, Fla. | San Francisco, Calif. |
| Los Angeles, Calif. | San Juan, P. R. |
| Miami, Fla. | Seattle, Wash. |
| New Orleans, La. | |

(vi) In the case of parcels addressed in care of banks or other organizations, the second addressee shall be advised concerning the arrival of the parcel, but he shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender; in the latter case, the sender shall take steps, through the administration of the country of origin of the parcel, for its delivery to the second addressee.

(vii) A parcel destined for a person in care of a bank, organization, etc., shall bear the complete addresses of both addressees on the customs declarations and dispatch note, as well as on the parcel itself.

(viii) In order to avoid delays in the treatment of parcels by the customs in Brazil the customs declarations must show—

(*a*) Office of origin of the parcel;

(*b*) Complete addresses of sender and addressee;

(*c*) Exact designation of the merchandise, kind, quantity, value, gross, and net weight of each class of merchandise contained in the parcel. Generic or vague declarations such as "leather goods," "jewelry," "novelties," etc., are not allowed.

(ix) The customs declarations may be worded in Portuguese, French, Spanish, or English.

(8) *Prohibitions*—(i) *For reasons of public safety.* Poniards, stilettos, poniard blades; canes, umbrellas, or any other articles containing swords, daggers, or guns; handcuffs and blackjacks.

(ii) *For sanitary reasons.* (*a*) Pork grease, meats preserved or otherwise prepared, sausages, or any other alimentary product condemned by the National Analysis Laboratory.

(*b*) Any foodstuffs or medicines unfit for consumption or use.

(*c*) Secret remedies, as well as all foreign pharmaceutical products or specialties not bearing, in a conspicuous place on each bottle or box, a label with the date and number of the license issued by the National Department of Public Health. By "secret remedies" are meant those whose formulas are not listed in the official pharmacopeias as well as medicines not licensed by the National Department of Public Health.

(*d*) Coal-tar dyes except under permit issued by the competent authorities.

(iii) *For the protection of plants.* (a) The following are prohibited importation:

(*b*) Live plants or parts of live plants, and vine props, when they are affected by diseases, insects, or any evidently harmful parasites.

(*c*) Seeds and seedlings of coffee. Exceptions are made for ground coffee intended only for classification of the product in the Brazilian markets. However, in order to prevent frauds, shipments of ground coffee will be delivered

to addressees only after examination by the Serviço de Vigilancia Sanitaria Vegetal (phytopathological inspection service).

(*d*) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iv) *Arms, munitions, etc.* Regulation arms and munitions of Brazil and parts thereof. Air guns. Reducing tubes and silencers for firearms.

(v) *For other reasons.* (*a*) Articles violating the trade-mark or copyright laws.

(*b*) Any articles bearing a false indication of their origin.

(*c*) Labels, caps, or wrappers which may be used in the manufacture of beverages and other products of Brazil when intended to further the sale of such products with a false indication of foreign origin. An exception is made for shipments imported by branches of foreign establishments.

(9) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Addressees are required to obtain import permits for all parcels, regardless of value. (See subparagraph (7) of this paragraph.)

(ii) Saccharine and other artificial sweeteners require permission from the Brazilian Department of Public Health for importation. This also applies to essences for making artificial beverages.

(iii) Living parasites and predators of injurious insects, intended for control of such insects and exchanged between officially recognized institutions, may be imported with the previous authorization of the Ministry of Agriculture. The same Ministry may authorize the importation of harmful insects, bacteria cultures, fungi, or parasites for experimental purposes.

(iv) Firearms may be imported only with permission of the War Ministry.

§ 127.220 *British Cameroons*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* Same as Nigeria.

(*b*) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $1.05 | 5 | $1.93 |
| 2 | 1.27 | 6 | 2.15 |
| 3 | 1.49 | 7 | 2.37 |
| 4 | 1.71 | 8 | 3.19 |
| 9 | $3.41 | 16 | $5.55 |
| 10 | 3.63 | 17 | 5.77 |
| 11 | 3.85 | 18 | 5.99 |
| 12 | 4.67 | 19 | 6.21 |
| 13 | 4.89 | 20 | 6.43 |
| 14 | 5.11 | 21 | 6.65 |
| 15 | 5.33 | 22 | 6.87 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Yes.[1] (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

[1] Group shipments permitted to Buea, Dalami, and Victoria only.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* (i) The service extends to:

| | |
|---|---|
| Bafum. | Kentu. |
| Bafut. | Kote. |
| Bali. | Krana. |
| Bama. | Kumba. |
| Bamenda. | Mamfe. |
| Banti. | Matafe. |
| Bibundi. | Mora. |
| Birim. | Ossidinge. |
| Buea. | Rio-del-Rey. |
| Dalami. | Soppo. |
| Fontemdorf. | Tiko. |
| Gashaka. | Tinto. |
| Ido. | Victoria. |
| Johnn Albrechts Hohe. | Yiaji. |

(ii) Parcels must be strongly packed and must be inclosed in waterproof covers.

(5) *Prohibition and import restrictions.* Same as Nigeria.

§ 127.221 *British Guiana*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 40 cents for the first 2 ounces and 19 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Combination packages.* Accepted. (See § 127.12.)

(8) *Prohibitions.* (i) Coins, gold, silver, and other precious articles. Bees and silkworms.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(*b*) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 7 | $1.77 |
| 2 | .67 | 8 | 1.99 |
| 3 | .89 | 9 | 2.21 |
| 4 | 1.11 | 10 | 2.43 |
| 5 | 1.33 | 11 | 2.65 |
| 6 | 1.55 | 12 | 2.87 |
| 13 | $3.09 | 18 | $4.19 |
| 14 | 3.31 | 19 | 4.41 |
| 15 | 3.53 | 20 | 4.63 |
| 16 | 3.75 | 21 | 4.85 |
| 17 | 3.97 | 22 | 5.07 |

(ii) *Air parcel rates.* (Rates: $1.07 first 4 ounces; $0.39 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.07 | 11 | 4 | $18.23 |
| 0 | 8 | 1.46 | 11 | 8 | 18.62 |
| 0 | 12 | 1.85 | 11 | 12 | 19.01 |
| 1 | 0 | 2.24 | 12 | 0 | 19.40 |
| 1 | 4 | 2.63 | 12 | 4 | 19.79 |
| 1 | 8 | 3.02 | 12 | 8 | 20.18 |
| 1 | 12 | 3.41 | 12 | 12 | 20.57 |
| 2 | 0 | 3.80 | 13 | 0 | 20.96 |
| 2 | 4 | 4.19 | 13 | 4 | 21.35 |
| 2 | 8 | 4.58 | 13 | 8 | 21.74 |
| 2 | 12 | 4.97 | 13 | 12 | 22.13 |
| 3 | 0 | 5.36 | 14 | 0 | 22.52 |
| 3 | 4 | 5.75 | 14 | 4 | 22.91 |
| 3 | 8 | 6.14 | 14 | 8 | 23.30 |
| 3 | 12 | 6.53 | 14 | 12 | 23.69 |
| 4 | 0 | 6.92 | 15 | 0 | 24.08 |
| 4 | 4 | 7.31 | 15 | 4 | 24.47 |
| 4 | 8 | 7.70 | 15 | 8 | 24.86 |
| 4 | 12 | 8.09 | 15 | 12 | 25.25 |
| 5 | 0 | 8.48 | 16 | 0 | 25.61 |
| 5 | 4 | 8.87 | 16 | 4 | 26.03 |
| 5 | 8 | 9.26 | 16 | 8 | 26.42 |
| 5 | 12 | 9.65 | 16 | 12 | 26.81 |
| 6 | 0 | 10.04 | 17 | 0 | 27.20 |
| 6 | 4 | 10.43 | 17 | 4 | 27.59 |
| 6 | 8 | 10.82 | 17 | 8 | 27.98 |
| 6 | 12 | 11.21 | 17 | 12 | 28.37 |
| 7 | 0 | 11.60 | 18 | 0 | 28.76 |
| 7 | 4 | 11.99 | 18 | 4 | 29.15 |
| 7 | 8 | 12.38 | 18 | 8 | 29.54 |
| 7 | 12 | 12.77 | 18 | 12 | 29.93 |
| 8 | 0 | 13.16 | 19 | 0 | 30.32 |
| 8 | 4 | 13.55 | 19 | 4 | 30.71 |
| 8 | 8 | 13.94 | 19 | 8 | 31.10 |
| 8 | 12 | 14.33 | 19 | 12 | 31.49 |
| 9 | 0 | 14.72 | 20 | 0 | 31.88 |
| 9 | 4 | 15.11 | 20 | 4 | 32.27 |
| 9 | 8 | 15.50 | 20 | 8 | 32.66 |
| 9 | 12 | 15.89 | 20 | 12 | 33.05 |
| 10 | 0 | 16.28 | 21 | 0 | 33.44 |
| 10 | 4 | 16.67 | 21 | 4 | 33.83 |
| 10 | 8 | 17.06 | 21 | 8 | 34.22 |
| 10 | 12 | 17.45 | 21 | 12 | 34.61 |
| 11 | 0 | 17.84 | 22 | 0 | 35.00 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to 3 ordinary parcels. (See § 127.79.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (4) of this paragraph.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 inches and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of Indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $165 | 60 |

(ii) Each insured parcel shall have printed on the wrapper in close proximity to (preferably immediately below) the endorsement "INSURED" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs, as per the following example:

Insured Value
$25.75 (U. S.)
Twenty-five Dollars and Seventy-five Cents
77.25 Gold Francs
Seventy-seven Gold Francs and Twenty-five Centimes

(iii) The insured value shall also be shown in United States currency (figures only) in the appropriate space on the dispatch note (Form 2972).

(iv) See § 127.143 (b) as to method of converting United States currency into gold francs.

(v) Parcels containing coin; platinum, gold, or silver, whether manufactured or unmanufactured; precious stones, jewelry, or other precious articles must not be accepted for mailing unless they are insured.

(vi) For general information concerning insurance service, see §§ 127.140 to 127.148, inclusive.

(5) *Observations.* (i) Dry coloring powders such as aniline blue, etc., may be accepted only when enclosed in stout metal boxes placed inside wooden boxes with sawdust between the two receptacles.

(ii) Every parcel containing precious stones, jewelry, or any article of gold, silver, or platinum exceeding $500 in value must be packed in a box measuring not less than 3 feet 6 inches in length and girth combined.

(6) *Prohibitions.* (i) Parts of articles subject to customs duty, except by permission of the Governor.

(ii) False coin, counterfeit sterling coin, and British, colonial, or foreign coin under the legal fineness.

(iii) Clocks, watches, or other articles bearing any imitation of a British assay mark.

(iv) Any article of colonial or foreign manufacture bearing any name, address, or trade-mark violating the law on marks.

(7) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Addressees may be required to obtain import licenses in some cases. Unsolicited gifts not exceeding $28 (U. S. currency) in value are exempt from this requirement.

(ii) Arms are not delivered unless the addressee produces a police permit.

(iii) Tobacco products are admitted if the addressee declares that they are for personal use and not for sale or exchange; a moderate fee may be charged.



§ 127.222 *British Honduras*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes (Belize only). (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 30 cents for the first 2 ounces and 10 cents for each additional 2 ounces. (See § 127.20.)

(6) *Combination packages.* Accepted. (See § 127.12.)

(7) *Prohibitions.* (i) Coins; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles. Dutiable articles (merchandise) in letters and packages prepaid at letter rate.

(ii) Packets of illustrated post cards are not admitted as prints.

(iii) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(iv) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(*b*) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 12 | $2.87 |
| 2 | .67 | 13 | 3.09 |
| 3 | .89 | 14 | 3.31 |
| 4 | 1.11 | 15 | 3.53 |
| 5 | 1.33 | 16 | 3.75 |
| 6 | 1.55 | 17 | 3.97 |
| 7 | 1.77 | 18 | 4.19 |
| 8 | 1.99 | 19 | 4.41 |
| 9 | 2.21 | 20 | 4.63 |
| 10 | 2.43 | 21 | 4.85 |
| 11 | 2.65 | 22 | 5.07 |

(ii) *Air parcel rates.* (Rates. $0.80 first 4 ounces; $0.20 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.80 | 7 | 8 | $6.60 |
| 0 | 8 | 1.00 | 7 | 12 | 6.80 |
| 0 | 12 | 1.20 | 8 | 0 | 7.00 |
| 1 | 0 | 1.40 | 8 | 4 | 7.20 |
| 1 | 4 | 1.60 | 8 | 8 | 7.40 |
| 1 | 8 | 1.80 | 8 | 12 | 7.60 |
| 1 | 12 | 2.00 | 9 | 0 | 7.80 |
| 2 | 0 | 2.20 | 9 | 4 | 8.00 |
| 2 | 4 | 2.40 | 9 | 8 | 8.20 |
| 2 | 8 | 2.60 | 9 | 12 | 8.40 |
| 2 | 12 | 2.80 | 10 | 0 | 8.60 |
| 3 | 0 | 3.00 | 10 | 4 | 8.80 |
| 3 | 4 | 3.20 | 10 | 8 | 9.00 |
| 3 | 8 | 3.40 | 10 | 12 | 9.20 |
| 3 | 12 | 3.60 | 11 | 0 | 9.40 |
| 4 | 0 | 3.80 | 11 | 4 | 9.60 |
| 4 | 4 | 4.00 | 11 | 8 | 9.80 |
| 4 | 8 | 4.20 | 11 | 12 | 10.00 |
| 4 | 12 | 4.40 | 12 | 0 | 10.20 |
| 5 | 0 | 4.60 | 12 | 4 | 10.40 |
| 5 | 4 | 4.80 | 12 | 8 | 10.60 |
| 5 | 8 | 5.00 | 12 | 12 | 10.80 |
| 5 | 12 | 5.20 | 13 | 0 | 11.00 |
| 6 | 0 | 5.40 | 13 | 4 | 11.20 |
| 6 | 4 | 5.60 | 13 | 8 | 11.40 |
| 6 | 8 | 5.80 | 13 | 12 | 11.60 |
| 6 | 12 | 6.00 | 14 | 0 | 11.80 |
| 7 | 0 | 6.20 | 14 | 4 | 12.00 |
| 7 | 4 | 6.40 | 14 | 8 | 12.20 |
| 14 | 12 | $12.40 | 18 | 8 | $15.40 |
| 15 | 0 | 12.60 | 18 | 12 | 15.60 |
| 15 | 4 | 12.80 | 19 | 0 | 15.80 |
| 15 | 8 | 13.00 | 19 | 4 | 16.00 |
| 15 | 12 | 13.20 | 19 | 8 | 16.20 |
| 16 | 0 | 13.40 | 19 | 12 | 16.40 |
| 16 | 4 | 13.60 | 20 | 0 | 16.60 |
| 16 | 8 | 13.80 | 20 | 4 | 16.80 |
| 16 | 12 | 14.00 | 20 | 8 | 17.00 |
| 17 | 0 | 14.20 | 20 | 12 | 17.20 |
| 17 | 4 | 14.40 | 21 | 0 | 17.40 |
| 17 | 8 | 14.60 | 21 | 4 | 17.60 |
| 17 | 12 | 14.80 | 21 | 8 | 17.80 |
| 18 | 0 | 15.00 | 21 | 12 | 18.00 |
| 18 | 4 | 15.20 | 22 | 0 | 18.20 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Yes. (See § 127.79.)
Registration: Yes. Fee, 40 cents.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Registry service.* For general information, see Subpart D of this part.

(4) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(5) *Prohibitions.* (i) Bullion; coins, unless intended for ornament; tobacco packed with other merchandise; tobacco sweetened with the leaves of plants other than tobacco; saccharine and similar products, and products containing the same.

(ii) Japanese shaving brushes.

(iii) Arms and munitions.

(iv) Rags, soiled clothing, used bedding.

(6) *Import restrictions.* Addressees may be required to obtain import licenses in some cases.

§ 127.223 *Brunei*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130 to 127.139.)

(3) *Indemnity.* See Subpart E.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges and surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0 98 | 12 | $4.77 |
| 2 | 1 20 | 13 | 4.99 |
| 3 | 1.74 | 14 | 5.21 |
| 4 | 2 05 | 15 | 5.43 |
| 5 | 2 27 | 16 | 5.65 |
| 6 | 2 49 | 17 | 5.87 |
| 7 | 2 71 | 18 | 6.09 |
| 8 | 3 33 | 19 | 6.31 |
| 9 | 3 55 | 20 | 6.53 |
| 10 | 3 77 | 21 | 6.75 |
| 11 | 3 99 | 22 | 6.97 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions.* (i) Carbon paper (see Great Britain).

(ii) Inflammable motion-picture films.

(5) *Import restrictions.* The attention of sender should be called to the following requirements, which are to be met by addressees:

(i) Addressees may be required to obtain import licenses in some cases.

(ii) Arms and parts of arms require a permit from the chief police officer.

(iii) Plants require a permit from the British Resident, Brunei.

§ 127.224 *Bulgaria*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 15 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Combination packages.* Accepted. (See § 127.12.)

(8) *Observations.* See "Observations" under paragraph (b) of this section concerning Bulgarian import quotas, which also apply to merchandise in Postal Union mails.

(9) *Prohibitions.* (i) Coins, manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry, and other precious articles.

(ii) The importation of postage stamps is restricted in accordance with Bulgarian regulations. Persons desiring to send stamps should consult the addressees to assure compliance with those regulations.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.47 | 12 | $3.11 |
| 2 | .71 | 13 | 3.35 |
| 3 | .95 | 14 | 3.59 |
| 4 | 1.19 | 15 | 3.83 |
| 5 | 1.43 | 16 | 4.07 |
| 6 | 1.67 | 17 | 4 31 |
| 7 | 1.91 | 18 | 4.55 |
| 8 | 2.15 | 19 | 4.79 |
| 9 | 2.39 | 20 | 5.03 |
| 10 | 2 63 | 21 | 5 27 |
| 11 | 2.87 | 22 | 5.51 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: Yes. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions*—(i) *For sanitary reasons.* (a) Foodstuffs injurious to health.

(b) Worn clothing and footwear intended for sale. Worn clothing intended for personal use must be clean and must be accompanied by a certificate indicating that the articles have been subjected to disinfection.

(c) Spurred rye (*Secale cornutium.*)

(d) Saccharine.

(e) Human hair, unless accompanied by a certificate of disinfection.

(f) Medicinal tinctures and all poisonous medicines, unless addressed to pharmacists. The latter must present the required permit from the health authorities and the relative invoice to the customs on taking delivery.

(ii) *For the protection of animals or plants.* (a) Geranium oil.

(b) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iii) *Arms, etc.* War arms and their accessories; shot; bullets.

(iv) *State monopolies, etc.* (a) Foreign coins of silver, copper or nickel, and imitations of foreign coins intended to serve as ornaments.

(b) Quinine.

(c) Playing cards of all kinds and qualities, unless addressed to the Government.

(d) Cigarette paper, unless addressed to the Government.

(v) *For other reasons.* (a) All cooking utensils (forks, spoons, etc.) made of alloys containing more than 1 percent of lead.

(b) Faucets made of alloys containing more than 10 percent of lead.

(c) Foreign products which do not bear any trade-marks, or which bear the trade-mark of a Bulgarian manufacturer.

(d) Colored coffee.

(e) Flour products, such as vermicelli, macaroni, etc.

(f) Black pepper, cinnamon, cumin, and all kinds of powdered spices.

(g) Foreign merchandise bearing incorrect trade-marks.

(5) *Import restrictions.* (a) The attention of senders should be called to the fact that addressees in Bulgaria are required to obtain import licenses or special authorization to receive many types of merchandise, and import quotas are in effect for numerous articles. Therefore, senders should be cautioned to assure themselves in advance of mailing whether the addressees will be permitted to receive the articles which they desire to send.

(b) Manufactured tobacco products (except chewing tobacco and cigars not of Bulgarian manufacture) require a permit from the Ministry of Finance, and the amount of such products may not exceed one kilogram.

§ 127.225 *Burma*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.3. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 90 cents for the first 2 ounces and 70 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.) Articles which are prepaid at the letter rate and are known or thought to contain merchandise shall be returned to the senders if the necessary green labels are not affixed to the covers. On return the articles must be appropriately endorsed as to the reason for the return.

(7) *Prohibitions.* (i) Money, gold or silver (in bullion) exceeding 15 in value, except coins obviously intended as ornaments.

(ii) Articles made entirely or partially from celluloid, such as picture films. Noninflammable or "safety" films are admitted if contained in a strong metal box packed in a solid wooden or thick cardboard receptacle, labeled very clearly in red "Contains only noninflammable films" on the outside of each package.

(iii) The following are prohibited as printed matter if they are liable to customs duty: Works of art (including photographs), printed forms, account books, manuscript books, labels, advertising matter (except trade catalogs and circulars), picture books, almanacs, maps, old paper and old newspapers serving as packing paper, when sent as merchandise.

(iv) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.



(v) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges and surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0. 76 | 12 | $3. 96 |
| 2 | .98 | 13 | 4. 18 |
| 3 | 1. 48 | 14 | 4. 40 |
| 4 | 1. 70 | 15 | 4. 62 |
| 5 | 1. 92 | 16 | 4. 84 |
| 6 | 2. 14 | 17 | 5. 06 |
| 7 | 2. 36 | 18 | 5. 28 |
| 8 | 2. 79 | 19 | 5. 50 |
| 9 | 3. 01 | 20 | 5. 72 |
| 10 | 3. 23 | 21 | 5. 94 |
| 11 | 3. 45 | 22 | 6. 16 |

Weight limit: 22 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length 3½ feet. Greatest length and girth combined 6 feet.

(4) *Observation.* Parcel post packages addressed to box numbers and not bearing the actual address of the addressee will be returned to origin.

(5) *Prohibitions*—(i) *For reasons of public safety.* (a) Hypodermic syringes or needles for hypodermic injections, unless imported on behalf of the Government or addressed to practicing physicians.

(b) Shaving brushes made in or imported from Japan.

(ii) *For the protection of animals or plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iii) *Arms, munitions, etc.* (a) Arms, parts thereof, and material for their manufacture, munitions and military supplies (including lead, sulphur, and saltpeter), and appliances for discharging gas unless imported by or on behalf of the Government of Burma.

(b) Imitation and toy pistols or revolvers and nonexplosive components of artillery fuses.

(iv) *State monopolies, etc.* All goods manufactured outside Her Majesty's dominions and bearing the British Royal Arms or marks which could be mistaken for such arms; or bearing as a mark or label a portrait of any member of the Royal Family of England.

(6) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Wireless telegraph transmitting apparatus, and transmitting and receiving apparatus combined in a single unit, require a permit from the Director General of Posts and Telegraphs; receiving apparatus alone may be imported upon application to the customs authorities.

(ii) Addressees are required to obtain import licenses to take delivery of parcels, including those sent as gifts. It is recommended that senders inform the addressees of the contents of parcels prior to mailing, so that they may apply for the necessary import license.

§ 127.226 *Cambodia*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127 130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, or other precious articles.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.78 | 12 | $3 31 |
| 2 | 1. 00 | 13 | 3. 53 |
| 3 | 1. 22 | 14 | 3. 75 |
| 4 | 1. 44 | 15 | 3. 97 |
| 5 | 1. 66 | 16 | 4. 19 |
| 6 | 1. 88 | 17 | 4. 41 |
| 7 | 2 10 | 18 | 4. 63 |
| 8 | 2. 32 | 19 | 4. 85 |
| 9 | 2. 54 | 20 | 5. 07 |
| 10 | 2. 76 | 21 | 5 29 |
| 11 | 2. 98 | 22 | 5. 51 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions*—(i) *For reasons of public safety.* Prints of forms resembling bank notes, postage stamps, and other fiduciary value and all imitation of French or foreign coins. Coins not in circulation. Pistols shooting blank cartridges which have the appearance of automatic pistols. Nonexplosive components of artillery fuses.

(ii) *For sanitary reasons.* Unverified thermometers. Nursing bottles with tubes. Saccharine and similar products.

(iii) *For the protection of plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iv) *Arms, munitions, etc.* War arms and war material.

(v) *For other reasons*—(a) Products bearing false trademarks or false indications of origin. Boxes or cans of fish, vegetables, or prunes not bearing an indelible indication of their origin. Fish of foreign origin put up in boxes or cans weighing more than 1 kilogram. Works violating the copyright laws. Fancy honey. Certain compound medicines specially mentioned in the customs tariff. Weights and measures not of the metric system. Weights and measures of foreign origin.

(b) Generally, articles prohibited to France are likewise prohibited to Cambodia.

(c) A number of varieties of merchandise require special permission from the military authorities for importation. The list is too long to give in detail; however, senders should be advised in their own interest to ascertain before mailing whether their goods are admissible.

§ 127.227 *Canada (including Newfoundland and Labrador)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 2, in § 127.1. Small packets not accepted. Articles for places in the MacKenzie River District served only by air stage service are liable to a surcharge on delivery.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Registry return receipt.* Requested at time of mailing, 10 cents; after mailing, 13 cents. When a return receipt is requested for a registered article addressed for delivery in Canada (including registered mail dispatched in jacket envelopes), the mailing postmaster shall prepare and send the domestic form of return receipt (Form 3811) with the article unless he has Form 2865. (See § 127.135.)

(4) *Indemnity.* See subpart E.

(5) *Special delivery.* (i) Available only for letters or articles prepaid at the letter rate. The following fees are applicable.

| | Fee, cents |
|---|---|
| Up to 2 pounds | 20 |
| Over 2 but not over 10 pounds | 35 |
| Over 10 pounds | 50 |

See § 127.19.

(ii) The following is a list of Canadian post offices at which letters or articles paid at the letter rate of postage will be given the benefit of special delivery when received bearing United States special-delivery stamps or, in addition to the proper postage, United States postage stamps, in which latter case the envelope or cover must be marked "Exprès" directly below, but never on the stamps:

Amherst, Nova Scotia.
Arvida, Province of Quebec.
Barrie, Ontario.
Belleville, Ontario.
Brampton, Ontario.
Brandon, Manitoba.
Brantford, Ontario.
Brockville, Ontario.
Calgary, Alberta.
Campbellton, New Brunswick.
Cap-de-la-Madeleine, Province of Quebec.
Charlottetown, Prince Edward Island.
Chatham, Ontario.
Chicoutimi, Province of Quebec.

Chilliwack, British Columbia.
Cobourg, Ontario.
Collingwood, Ontario.
Corner Brook, Newfoundland.
Cornwall, Ontario.
Drummondville, Province of Quebec.
Dundas, Ontario.
Edmonton, Alberta.
Flin Flon, Manitoba.
Fort Erie, Ontario.
Fort Frances, Ontario.
Fort William, Ontario.
Fredericton, New Brunswick.
Galt, Ontario.
Glace Bay, Nova Scotia.
Granby, Province of Quebec.
Grand Falls, Newfoundland.
Grand Mere, Province of Quebec.
Guelph, Ontario.
Halifax, Nova Scotia.
Hamilton, Ontario.
Hull, Province of Quebec.
Joliette, Province of Quebec.
Jonquiere-Kenogami, Province of Quebec.
Kamloops, British Columbia.
Kelowna, British Columbia.
Kenora, Ontario.
Kentville, Nova Scotia.
Kingston, Ontario.
Kirkland Lake, Ontario.
Kitchener, Ontario.
Leamington, Ontario.
Lethbridge, Alberta.
Levis, Province of Quebec.
Lindsay, Ontario.
London, Ontario.
Magog, Province of Quebec.
Medicine Hat, Alberta.
Midland, Ontario.
Moncton, New Brunswick.
Montreal, Province of Quebec.
Moose Jaw, Saskatchewan.
Nanaimo, British Columbia.
Nelson, British Columbia.
New Glasgow, Nova Scotia.
New Westminister, British Columbia.
Niagara Falls, Ontario.
North Battleford, Saskatchewan.
Noranda, Province of Quebec.
North Bay, Ontario.
Oakville, Ontario.
Orillia, Ontario.
Oshawa, Ontario.
Ottawa, Ontario.
Owen Sound, Ontario.
Pembroke, Ontario.
Penticon, British Columbia.
Peterborough, Ontario.
Port Arthur, Ontario.
Portage la Prairie, Manitoba.
Port Alberni, British Columbia.
Port Colborne, Ontario.
Port Hope, Ontario.
Preston, Ontario.
Prince Albert, Saskatchewan.
Quebec, Province of Quebec.
Red Deer, Alberta.
Regina, Saskatchewan.
Rimouski, Province of Quebec.
Riviere-du-Loup, Province of Quebec.
Rouyn, Province of Quebec.
St. Catharines, Ontario.
St. Hyacinthe, Province of Quebec.
St. Jean, Province of Quebec.
St. Jerome, Province of Quebec.
Saint John, New Brunswick.
St. John's, Newfoundland.
St. Thomas, Ontario.
Sarnia, Ontario.
Saskatoon, Saskatchewan.
Sault Ste. Marie, Ontario.
Shawinigan Falls, Province of Quebec.
Sherbrooke, Province of Quebec.
Simcoe, Ontario.
Smith Falls, Ontario.
Sorel, Province of Quebec.
Stratford, Ontario.
Sudbury, Ontario.
Swift Current, Saskatchewan.
Sydney, Nova Scotia.
Thetford Mines, Province of Quebec.
Thorold, Ontario.
Timmins, Ontario.
Toronto, Ontario.
Trail, British Columbia.
Trenton, Ontario.
Trois-Rivieres, Province of Quebec.
Truro, Nova Scotia.
Valleyfield, Province of Quebec.
Vancouver, British Columbia.
Vernon, British Columbia.
Victoria, British Columbia.
Victoriaville, Province of Quebec.
Wallaceburg, Ontario.
Waterloo, Ontario.
Welland, Ontario.
Willowdale, Ontario.
Windsor, Ontario.
Winnipeg, Manitoba.
Woodstock, Ontario.
Yorkton, Saskatchewan.

(iii) The special delivery service in effect at the above-named offices is restricted to areas to which it can be provided with existing facilities.

(6) *Diplomatic and consular mail.* See § 127.32.

(7) *Freedom of postage for government correspondence.* See § 127.32 (c).

(8) *Air mail service.* Postage rates: Single post cards, 4 cents each; letters and other articles, 6 cents per ounce. (See § 127.20.) Queen bees, but not honey bees, may be sent by air mail. See "Prohibitions", paragraph (b) (6) of this section.

(9) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. The maximum weight limit of letter packages to the Yukon district and to members of the Canadian Armed Forces overseas addressed for delivery through the Canadian Army Post Office is 4 pounds 6 ounces. (See § 127.3.)

(10) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(11) *Combination packages.* Accepted. (See § 127.12.)

(12) *Insurance or registration.* (i) Printed matter designated as third or fourth class in the United States domestic mails, Postal Union printed matter, and 8-ounce merchandise packages may be registered or insured.

(ii) Insured packages of printed matter (except circulars and other miscellaneous printed matter) and 8-ounce packages of merchandise may be sealed if labeled or endorsed to show that they may be opened for postal or customs inspection. It is recommended that any insured packages of such matter of more than ordinary value be sealed as a protection to their contents.

(iii) Letters, commercial papers and samples of merchandise may be registered but not insured.

(13) *Observations.* (i) Mail for Canada must not be dispatched to New York in pouches or sacks bearing labels reading "New York—Foreign." Sacks containing printed matter and newspapers labeled to Canadian points must not exceed 66 pounds gross weight. Registered jacket envelopes shall be used in dispatching registered mail to post offices or railway post offices in Canada, a bill describing contents being enclosed in each jacket. Postmasters and railway mail employees of the Canadian postal service will make up registered jackets only for post offices where United States customs officers are located. Railway postal clerks receiving from Canada registered jackets addressed to them will treat the contents which are liable or supposed liable to customs duty in the manner required by §§ 116.1 to 116.26 of this chapter.

(ii) The invoices described in the "Observations" under paragraph (b) (6) of this section, must be prepared for merchandise forwarded in letter packages or in 8-ounce merchandise packages.

(iii) Printed matter, other than circulars and miscellaneous printed matter in packages weighing 8 ounces or less, but including books and catalogs having 24 pages or more, although such books or catalogs weigh 8 ounces or less, may be sealed, provided the sealed packages containing printed matter are marked or stamped "printed matter," and bear the name and address of the sender and the printed inscription "May be opened for postal and customs inspection." This does not apply to second-class matter, which must not be sealed.

(iv) There are admitted in the registered letter mails packages of bank notes put up in oblong packages tied only with a cord and then enclosed in an outer wrapper of strong woven material, linen-lined paper, or other heavy strong paper, tied with a cord and sealed at the point of closing.

(v) All printed matter imported into Canada is required to be marked with an acceptable indication of the country of origin, such as "Printed in U. S. A."

(vi) Wooden or fiber lead pencils and printed or lithographed matter of all kinds, including books, periodicals, magazines, and pictures, must be marked, stamped, branded or labeled in legible English or French words, in a conspicuous place that shall not be covered or obscured by any subsequent attachments or arrangements, so as to indicate the country of origin. Said marking, stamping, branding, or labeling shall be as nearly indelible and permanent as the nature of the goods will permit, except seals, tickets, and labels which are not capable of being marked legibly and each of which shall not exceed 1 inch in diameter, in which case the first package or covering shall be marked in compliance with the general regulations.

(vii) This exemption is held to apply only to printed or lithographed seals, tickets, and labels when imported in packages or coverings containing quantities of not more than 100 each.

(viii) Imported printed or lithographed matter, such as seals, tickets, or labels in strips, sheets, or rolls intended to be used in single units exceeding 1 inch in diameter, or perforated or otherwise prepared for ready separation into such single units, are required to be marked with an indication of the country of origin on each single unit.

(ix) Such printed matter in strips, sheets, or rolls when consisting of not more than 100 single units not exceeding 1 inch in diameter may be marked with the required indication of the country of origin on each strip, sheet, or roll.

(x) Decalcomania transfers are considered to be printed or lithographed matter for the purpose of these marking requirements, and marking on the carrier portion of either of each transfer or each sheet of transfers is regarded as satisfactory.

(xi) Blind-embossed or die-stamped indications of the country of origin on printed or lithographed matter imported into Canada will not be accepted as satisfactory compliance with the Canadian provisions for the marking of imported goods, with the exception of Christmas or greeting cards.

(xii) All such goods imported into Canada which do not comply with the requirements stated are subject to an additional duty of 10 percent ad valorem, and in addition such goods shall not be released from customs possession until they have been so marked, stamped, branded, or labeled under customs supervision at the expense of the importer.

(xiii) All classes of mail matter are accepted for transmission to the Yukon district as freely in winter as in summer; but during the winter season, October to May, parcel post will be forwarded by mail to White Horse, Yukon Territory, where arrangements can be made by addressees with the contractors of the White Horse-Dawson stage route for forwarding such matter by freight to points north of White Horse. Packages of merchandise to the maximum weight of 4 pounds 6 ounces prepaid at letter rate are transmissible at all times to the Yukon district as first-class matter. Such letter packages to be accompanied by Form 2976 (C 1).

(xiv) Advertising matter, whether imported by mail or otherwise, when in individual packages valued at not more than $1 each, addressed to different persons or firms in Canada, and when not imported for sale or in a manner designed to evade payment of customs duties, is admitted into Canada free of Canadian customs duty and without collection of the consumption or sales tax of 8 percent. The advertising matter covered by this exemption consists of advertising pamphlets, advertising show cards, illustrated advertising periodicals; price books, catalogs, and price lists; advertising almanacs and calendars, patent medicine or other advertising circulars, fly sheets or pamphlets; advertising chromos, chromotypes, oleographs or like work produced by any process other than hand painting or drawing, and having any advertisement or advertising matter printed, lithographed, or stamped thereon, or attached thereto, including advertising bills, folders, and posters, or other similar artistic work, lithographed, printed, or stamped on paper or cardboard for business or advertisement purposes, not otherwise provided for.

(xv) Bona fide trade catalogs and price lists, even though valued at more than $1 each, not designed to advertise the sale of goods by any person in Canada, are admitted free of duty when sent in single copies to merchants in Canada and for the merchant's own use and not for distribution.

(xvi) Advertising matter described above when in individual packages valued at more than $1 each and advertising matter regardless of value designed to advertise the sale of goods by any person in Canada, or specially designed to advertise professional or other services, communication, or transportation systems, hotels, summer resorts, exhibitions, or any other activity, rendered, operated, or carried on by any person in Canada, is dutiable at the rate of 10 cents per pound but not less than 25 per cent ad valorem. It is also subject to the consumption or sales tax of 8 percent on the duty-paid value unless mailed to Canada with duty fully prepaid by affixing customs-duty stamps on the reverse side of each piece according to the following scale of charges:

| | *Duty (cents)* |
|---|---|
| Up to and including 1 ounce | 2. |
| Over 1 ounce and not exceeding 3 ounces | 3 (but not less than 25%). |
| Over 3 ounces and not exceeding 5 ounces | 4 (but not less than 25%). |
| Over 5 ounces and not exceeding 7 ounces | 5 (but not less than 25%). |
| Over 7 ounces and not exceeding 9 ounces | 6 (but not less than 25%). |
| Over 9 ounces and not exceeding 11 ounces | 7 (but not less than 25%). |
| Over 11 ounces and not exceeding 13 ounces | 8 (but not less than 25%). |
| Over 13 ounces and not exceeding 15 ounces | 9 (but not less than 25%). |
| Over 15 ounces and not exceeding 16 ounces | 10 (but not less than 25%). |
| Each additional pound (see note A) | 10 (but not less than 25%). |

NOTE A: Customs duty on advertising matter weighing fractions of a pound in excess of a pound may be prepaid in accordance with the above-mentioned scale of charges.

(xvii) Canadian customs-duty stamps may be obtained in denominations of 1, 2, 5, and 10 cents from the Customs Division, Department of National Revenue, Ottawa, Ontario, Canada. Each request for stamps should be accompanied by a remittance (by money order) payable to the Receiver General of Canada.

(14) *Prohibitions.* (i) Reprints of Canadian or British works copyrighted in Canada. Counterfeit or base coins. Imitation postage stamps. Reproductions of Canadian postage stamps unless printed in publications in black and white only and with a defacing line drawn across each reproduction.

(ii) The articles prohibited or restricted by parcel post are likewise prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*[1]

| *Pounds* | *Rate* | *Pounds* | *Rate* |
|---|---|---|---|
| Over 8 oz. to 1 lb | $0.45 | 8 | $1.99 |
| 2 | .67 | 9 | 2.21 |
| 3 | .89 | 10 | 2.43 |
| 4 | 1.11 | 11 | 2.65 |
| 5 | 1.33 | 12 | 2.87 |
| 6 | 1.55 | 13 | 3.09 |
| 7 | 1.77 | 14 | 3.31 |
| | | 15 | 3.53 |

Weight limit: 15 pounds.[1]
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.[2]
Group shipments: Limited to ordinary parcels. (See § 127.79.)
Registration: No.
Insurance: Yes.[1]
C. o. d.: No.

[1] Parcels for members of the Canadian Armed Forces overseas addressed for delivery through the Canadian Army Post Office must not exceed 10 pounds in weight, and may not be insured.

[2] Insured parcels containing matter of more than ordinary value should be sealed as a protection to their contents.

NOTE: Packages weighing 8 ounces or less may not be accepted as parcel post. See "Observations" concerning acceptance of packages weighing 8 ounces or less.

There is no air parcel post service to Canada. In order to be sent to Canada by air, packages must be prepared as letter-packages or 8-ounce merchandise packages and be prepaid at the air mail letter rate of 6 cents per ounce.

[3] Parcels for places in the MacKenzie River District and in other parts of Canada served only by air-stage service are liable to a surcharge on delivery.

(2) *Indemnity.* See subparagraph (4) of this paragraph.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of indemnity: | *Fee, cents* |
|---|---|
| $0.01 to $5 | 5 |
| From $5.01 to $10 | 10 |
| From $10.01 to $25 | 15 |
| From $25.01 to $50 | 20 |
| From $50.01 to $100 | 30 |
| From $100.01 to $200 | 35 |

NOTE: The domestic "minimum fee" arrangement does not apply. Each insured parcel must bear an insurance number.

(ii) Insurance return receipt: Return receipts are not furnished for insured parcels addressed to Canada.

(iii) The following articles and those of similar character shall not be accepted for transmission as insured mail to Canada, but, when mailable, must be sent in registered letter packages: Precious stones, mounted or unmounted; all articles commonly known as jewelry used for personal adornment, such as rings, brooches, tie pins, chains, cuff links, dress sets, fobs, bracelets, rosary beads, lockets, necklaces, etc.; all articles of gold or other precious metals for personal use, such as cigarette holders, cigarette cases, vanity cases, cardcases, gold and silver pencils, lorgnettes, gold filled optical frames and mountings, mesh bags, watches, etc.; gold scrap, jeweler's filings, fountain pens, money packets (which are construed as including bank notes, coin, including coins not current, bullion, gold dust, bonds, and coupons payable to bearer, stocks, and other securities negotiable by bearer).

(iv) Parcels containing bees must not be accepted for insurance.

(v) Each parcel for Canada must bear as part of its address, the name of the Canadian Province in which the office of destination is located.

(vi) Claims involving damage or partial loss (rifling) of insured parcels mailed in the United States and addressed for delivery in Canada shall be filed on Form 2855 and sent direct by the postmasters to the proper District Post Office Inspector in Canada for completion and transmission to the Post Office Department, Bureau of Transportation,

Division of International Service, Washington 25, D. C., for adjustment and at the time the Form 2855 is filled out, in a case of partial loss a Form 1510 covering the parcel shall also be filled out, with a notation thereon showing the date Form 2855 was sent to Canada and the Form 1510 sent to the United States Inspector in Charge of the division in which the office of mailing is located.

(vii) Upon receipt of complaints relative to loss of insured mail, which should be accepted only after the sender has ascertained that the article was not received by the addressee, or has submitted other evidence reasonably indicating the nonreceipt of the insured parcel by the addressee, or after proper efforts without results have been made by the sender to determine whether the article has been received, a Form 2855 shall be filled out and sent to the proper Canadian District Post Office Inspector and at the same time a Form 1510 covering the article shall also be filled out, with a notation thereon showing the date Form 2855 was sent to Canada, and the Form 1510 sent to the United States Inspector in Charge of the division in which the office of mailing is located, in accordance with the following procedure:

(viii) If inquiry in the Canadian service shows that an insured parcel has been delivered intact, the Form 2855 endorsed to that effect will be returned to the postmaster in this country by the Canadian District Post Office Inspector; but if the parcel has been lost, rifled, or damaged, the latter official will secure the execution of the declaration of the addressee and forward the Form 2855 to the Post Office Department, Bureau of Transportation, Division of International Service, for consideration of the indemnity feature. If the Canadian official should inadvertently return to the postmaster a Form 2855 showing that a parcel has not been received by the addressee, or was received in a damaged or rifled condition, the postmaster shall forward the Form 2855 to the Post Office Department, Bureau of Transportation, Division of International Service, Washington 25, D. C., but if the form has not been properly completed, the postmaster will return it to the proper Canadian District Post Office Inspector for that purpose.

(ix) If information is not received within a reasonable time, in response to inquiry, showing what disposition has been made of the insured parcel, and the parcel has not been otherwise accounted for, the postmaster shall take the matter up with the Post Office Department, Bureau of Transportation, Division of International Service, Washington 25, D. C., giving the names and addresses of the sender and addressee of the parcel, its number, date of mailing, and date Form 2855 was sent to Canada. When a postmaster receives a reply to an inquiry concerning insured mail addressed to Canada, the complainant shall be appropriately advised.

(x) It is required that the Inspector in Charge of the Division of Post Office Inspectors, in which the mailing post office is located, shall be furnished a Form 1510 for the files of his office in connection with all insured parcels addressed to Canada which are alleged to have been lost or rifled, whether claim for indemnity is filed or not.

(xi) If information has been received indicating that no trace of an alleged lost insured parcel mailed in Canada can be found in the Canadian district in which it was mailed, the Canadian application form will be sent direct to the postmaster at office of address of the parcel in the United States, instead of an inquiry being made first. If the postmaster at office of address in the United States finds that the addressee has not received the insured parcel the Canadian indemnity form will be completed by the addition of the declaration of the postmaster and of the addressee, and promptly returned, with any necessary additional papers connected therewith, to the Canadian District Post Office Inspector from whom the form was received, or to such other official as he may direct.

(xii) When complaints are received concerning the rifling or damage of insured parcels mailed in Canada, postmasters shall obtain, if possible, the packing of the parcels for transmission to the Canadian Administration with the complaints; however, if the packing has been destroyed or otherwise disposed of, the complaints shall be indorsed accordingly.

(xiii) Claims involving damage or partial loss (rifling) of insured parcels originating either in Canada or in the United States will follow the same procedure as herein outlined, except that no preliminary inquiries of postmasters at offices of address will be necessary before instituting the claims.

(xiv) When a Form 2855 is to be sent to Canada, first determine in what Canadian Province the post office of address is located. The name of the Province involved should then be located in column 1 of the following list and opposite it, in column 2, will be found the address of the Canadian District Post Office Inspector having jurisdiction over that Province:

| Column 1<br>If the Canadian post office of address of the insured parcel is located in the Province of— | Column 2<br>Send Form 2855 to "District Post Office Inspector" located at— |
|---|---|
| Alberta | Calgary, Alberta, Canada. |
| British Columbia | Vancouver, British Columbia, Canada. |
| Mackenzie Territories | Edmonton, Alberta, Canada. |
| Manitoba | Winnipeg, Province of Manitoba, Canada. |
| New Brunswick | St. John, New Brunswick, Canada. |
| Newfoundland (including Labrador) | St. John's, Newfoundland, Canada. |
| Nova Scotia | Halifax, Nova Scotia, Canada. |
| Ontario | Toronto, Ontario, Canada. |
| Prince Edward Island | Saint John, New Brunswick, Canada. |
| Quebec | Montreal, Province of Quebec, Canada. |
| Saskatchewan | Saskatoon, Saskatchewan, Canada. |
| Yukon Territory | Vancouver, British Columbia, Canada. |

(xv) For general information concerning insurance service, see §§ 127.140 to 127.148, inclusive.

(5) *Observations.* (i) The parcel post service to Canada is limited to parcels weighing over 8 ounces and up to 15 pounds. Packages of merchandise weighing 8 ounces or less shall be forwarded as "Eight-Ounce Merchandise Packages" (see § 127.11) or in packages prepaid at the letter rate of postage.

(ii) Postmasters at exchange offices observing packages weighing 8 ounces or less, which were erroneously accepted for dispatch in the parcel post mails, will detach the customs declaration (Form 2966), obliterate the parcel-post sticker (Form 2922) and forward such packages in the Postal Union mails.

(iii) A letter fully prepaid and bearing the same address as that of the parcel may be tied to or otherwise securely attached to the outside of the parcel in such manner as to prevent its separation therefrom and not to interfere with the address of the parcel. Stamps to cover postage on the parcel must be affixed to the wrapper of the parcel. Stamps to pay postage on the letter must be affixed to the envelope thereof. Parcels to which such letters are attached are treated as parcel post.

(iv) For information concerning the manner in which eggs may be packed see § 127.72.

(v) The Canadian Customs laws require that properly certified invoices, in duplicate, be furnished for customs entry of merchandise imported into Canada. Senders must transmit these invoices under separate cover to the addressee.

(vi) Every such invoice shall contain a sufficient and correct description of the goods in proper commercial terms, and in respect of goods sold by the exporter shall show in one column the actual price at which the articles have been sold to the importer, and in a separate column the fair market value of each article as in condition packed ready for shipment at the time and place of shipment as provided for in the invoice forms, also the country of origin or the country of manufacture or production of each article.

(vii) When the value of goods for duty purposes is determined by the Minister of National Revenue, under the provisions of the Customs Act, by reason of the goods being exported or imported under unusual conditions, the value so determined shall be held to be the fair market value thereof.

(viii) Specimen approved invoice forms may be obtained upon application to the Department of National Revenue, Ottawa. It is permissible for exporters to use their own bill heads for invoice purposes, provided the forms are headed with the words "Selling Price to Purchaser in Canada", "Fair Market Value at Time and Place of Shipment (see clause 4 of the Certificate of Value hereon)", or "6" as required, and "Country of Manufacture or Production" or "Country of Origin", as in the specimen forms.

(ix) Certificates are to be signed by the exporter and must be written, printed or stamped on the front or back of the invoice, but not pasted thereon.

(x) Certificate of origin for entry of goods under treaty or intermediate tariffs is to be signed by the exporter in the country whence the goods are directly exported to Canada.

(xi) Packages are required to be legibly marked and numbered on the outside when of such a character as to enable such marks and the numbers to be placed thereon, and every invoice of goods is required to show the marks and numbers on the packages and the proper designation of the goods in such a manner as to indicate truly the quantities and values of the articles comprised in each exportation package.

(xii) If any package contains goods which are not included in the invoice of such package, the enclosure (to avoid seizure) shall be noted on the invoice covering the package containing the enclosure, thus—"3 parcels enclosed" (or as the case may be).

(xiii) In special cases where invoices cannot be obtained customs officers are permitted to use appraisal notes in lieu of invoices for small collection entries of goods being merchandise not for sale, valued at not more than $50 or, at certain specified ports, up to $100, in which case the articles would be appraised for duty purposes.

(6) *Prohibitions.* (i) Day-old poultry unless specially authorized by Postal Bulletin instructions.

(ii) Bees are prohibited to those offices in Canada which are not served by railway post offices. Therefore, mailers should ascertain from addressees in Canada in advance of mailing the manner in which the office of intended destination is served. Special-handling charges are applicable to honey bees in cages, but not to queen bees in small cages, alone or accompanied by a few workers, unless a considerable number of such cages are tied together for transportation outside of mail sacks. Shipments of bees are accepted only at the risk of senders.

(iii) Bees on combs and used or secondhand hives or bee supplies or prohibited. Bees not accompanied by combs must be accompanied by a declaration signed by the mailer that the food for the bees carried in the package is free from disease.

(iv) Uncooked pork, including ham, and all uncooked pork products.

(v) Automatic, semiautomatic, or auto-loading pistols, as well as revolvers and single-shot pistols, are prohibited. Military rifles require a permit from the Canadian customs for importation unless imported by reputable firms for sporting use only.

(vi) Commercial tags of metal. Prison-made goods. Plumage and skins of wild birds.

(vii) Articles so marked as to create the false impression that they were made in the United Kingdom.



(viii) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(ix) Biological products for veterinary use, including serums and vaccines, unless accompanied by a permit issued by the Veterinary Director General, Ministry of Agriculture of Canada.

(x) Eggs for hatching must be packed in new, clean containers and must be accompanied by a certificate issued by a veterinarian of the United States Bureau of Animal Industry, or one issued by a State veterinarian and endorsed by a veterinarian of that Bureau, stating that to the best of his knowledge the eggs come from a flock that is free from Newcastle disease, fowl pest, or fowl typhoid.

§ 127.223 *Cape Verde Islands*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins, bank notes, paper money, values payable to the bearer, manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry and other precious articles.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.68 | 12 | $3.56 |
| 2 | .90 | 13 | 3.78 |
| 3 | 1.18 | 14 | 4.00 |
| 4 | 1.40 | 15 | 4.22 |
| 5 | 1.62 | 16 | 4.44 |
| 6 | 1.84 | 17 | 4.66 |
| 7 | 2.06 | 18 | 4.88 |
| 8 | 2.35 | 19 | 5.10 |
| 9 | 2.57 | 20 | 5.32 |
| 10 | 2.79 | 21 | 5.54 |
| 11 | 3.01 | 22 | 5.76 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Registered or insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to 3 parcels. (See § 127.79.)
Registration: Yes. Fee, 40 cents.
Insurance: Yes. Fee, 20 cents.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (4) of this paragraph; also Subpart E of this part.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Registration and insurance.* (i) Parcel post packages may be registered or insured subject to indemnity for actual value not exceeding $16.33 for loss, rifling, or damage (except in cases of force majeure), when a fee of 20 cents for an insured and 40 cents for a registered parcel is prepaid in addition to the rate applicable.

(ii) The registration of all parcels containing coin, bullion, jewelry, or any other precious article is obligatory. If a parcel containing coin, bullion, jewelry, or any other precious article is mailed unregistered, it shall be placed under registration by the office which first observes the fact of its having been mailed unregistered and treated in accordance with the regulations of the country placing the matter under registration.

(iii) For general information concerning registration and insurance, see Subpart D of this part.

(5) *Prohibitions.* Plants, seeds, and all organs of plants infected or suspected of being infected by any disease.

(6) *Import restrictions.* Same as Portugal.

§ 127.229 *Ceylon*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 69 cents for the first 2 ounces and 49 cents for each additional 2 ounces. (See § 127.20.)

(5) *Special delivery.* No service.

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* Addressees must obtain import licenses in order to receive merchandise.

(8) *Prohibitions.* (i) Books originally copyrighted in the United Kingdom and reprinted in another country.

(ii) Parts of articles, i. e., any separate part of any article not accompanied by the remainder, if such article is subject to customs duty on its value.

(iii) Medicated articles containing more than 42 percent of proof spirit.

(iv) Parasites and predators of injurious insects, intended for the control of those insects, are admitted as samples only when mailed by an institution officially recognized in the country of origin to the Director of Agriculture or the Director of the Museum at Colombo.

(v) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.93 | 12 | $4.73 |
| 2 | 1.15 | 13 | 4.95 |
| 3 | 1.37 | 14 | 5.17 |
| 4 | 2.01 | 15 | 5.39 |
| 5 | 2.23 | 16 | 5.61 |
| 6 | 2.45 | 17 | 5.83 |
| 7 | 2.67 | 18 | 6.05 |
| 8 | 3.25 | 19 | 6.27 |
| 9 | 3.47 | 20 | 6.49 |
| 10 | 3.69 | 21 | 6.71 |
| 11 | 3.91 | 22 | 6.93 |

(ii) *Air parcel rates.* (Rates $1.75 first 4 ounces; $1 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.75 | 11 | 4 | $45.75 |
| 0 | 8 | 2.75 | 11 | 8 | 46.75 |
| 0 | 12 | 3.75 | 11 | 12 | 47.75 |
| 1 | 0 | 4.75 | 12 | 0 | 48.75 |
| 1 | 4 | 5.75 | 12 | 4 | 49.75 |
| 1 | 8 | 6.75 | 12 | 8 | 50.75 |
| 1 | 12 | 7.75 | 12 | 12 | 51.75 |
| 2 | 0 | 8.75 | 13 | 0 | 52.75 |
| 2 | 4 | 9.75 | 13 | 4 | 53.75 |
| 2 | 8 | 10.75 | 13 | 8 | 54.75 |
| 2 | 12 | 11.75 | 13 | 12 | 55.75 |
| 3 | 0 | 12.75 | 14 | 0 | 56.75 |
| 3 | 4 | 13.75 | 14 | 4 | 57.75 |
| 3 | 8 | 14.75 | 14 | 8 | 58.75 |
| 3 | 12 | 15.75 | 14 | 12 | 59.75 |
| 4 | 0 | 16.75 | 15 | 0 | 60.75 |
| 4 | 4 | 17.75 | 15 | 4 | 61.75 |
| 4 | 8 | 18.75 | 15 | 8 | 62.75 |
| 4 | 12 | 19.75 | 15 | 12 | 63.75 |
| 5 | 0 | 20.75 | 16 | 0 | 64.75 |
| 5 | 4 | 21.75 | 16 | 4 | 65.75 |
| 5 | 8 | 22.75 | 16 | 8 | 66.75 |
| 5 | 12 | 23.75 | 16 | 12 | 67.75 |
| 6 | 0 | 24.75 | 17 | 0 | 68.75 |
| 6 | 4 | 25.75 | 17 | 4 | 69.75 |
| 6 | 8 | 26.75 | 17 | 8 | 70.75 |
| 6 | 12 | 27.75 | 17 | 12 | 71.75 |
| 7 | 0 | 28.75 | 18 | 0 | 72.75 |
| 7 | 4 | 29.75 | 18 | 4 | 73.75 |
| 7 | 8 | 30.75 | 18 | 8 | 74.75 |
| 7 | 12 | 31.75 | 18 | 12 | 75.75 |
| 8 | 0 | 32.75 | 19 | 0 | 76.75 |
| 8 | 4 | 33.75 | 19 | 4 | 77.75 |
| 8 | 8 | 34.75 | 19 | 8 | 78.75 |
| 8 | 12 | 35.75 | 19 | 12 | 79.75 |
| 9 | 0 | 36.75 | 20 | 0 | 80.75 |
| 9 | 4 | 37.75 | 20 | 4 | 81.75 |
| 9 | 8 | 38.75 | 20 | 8 | 82.75 |
| 9 | 12 | 39.75 | 20 | 12 | 83.75 |
| 10 | 0 | 40.75 | 21 | 0 | 84.75 |
| 10 | 4 | 41.75 | 21 | 4 | 85.75 |
| 10 | 8 | 42.75 | 21 | 8 | 86.75 |
| 10 | 12 | 43.75 | 21 | 12 | 87.75 |
| 11 | 0 | 44.75 | 22 | 0 | 88.75 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: Limited to 3 parcels. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* The value of each kind of goods must be shown separately on the customs declaration in addition to the net weight or quantity. Delivery of parcels will be facilitated if senders enclose in each parcel an invoice of the contents and endorse the wrapper of the package "invoice enclosed."

(5) *Prohibitions.*—(i) *For sanitary reasons.* Shaving brushes from Japan.

(ii) *For the protection of animals or plants.* (a) Hides, skins, horns, hoofs, or any part of animals which the Governor may prohibit to prevent contagious disease.

(b) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iii) *For other reasons.* (a) Counterfeit coins or coins not of the standard weight or fineness.

(b) Cotton, silk, or other cloth bearing imitations of paper money, notes or securities.

(6) *Import restrictions.* Addressees must obtain import licenses.

§ 127.230 *Chile*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 2, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages, and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 48 cents for the first 2 ounces and 28 cents for each additional 2 ounces. (See § 127.20.)

(6) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(7) *Diplomatic and consular mail.* See § 127.32.

(8) *Freedom of postage for government correspondence.* See § 127.32 (c).

(9) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(10) *Prohibitions.* (i) Coins, bank notes, paper money, values payable to bearer; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewels, or other precious articles.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.70 | 12 | $3.12 |
| 2 | .92 | 13 | 3.34 |
| 3 | 1.14 | 14 | 3.56 |
| 4 | 1.36 | 15 | 3.78 |
| 5 | 1.58 | 16 | 4.00 |
| 6 | 1.80 | 17 | 4.22 |
| 7 | 2.02 | 18 | 4.44 |
| 8 | 2.24 | 19 | 4.66 |
| 9 | 2.46 | 20 | 4.88 |
| 10 | 2.68 | 21 | 5.10 |
| 11 | 2.90 | 22 | 5.32 |

(ii) *Air parcel rates, including surcharges.* (Rates: $1.31 first 4 ounces; $0.56 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.31 | 11 | 4 | $25.95 |
| 0 | 8 | 1.87 | 11 | 8 | 26.51 |
| 0 | 12 | 2.43 | 11 | 12 | 27.07 |
| 1 | 0 | 2.99 | 12 | 0 | 27.63 |
| 1 | 4 | 3.55 | 12 | 4 | 28.19 |
| 1 | 8 | 4.11 | 12 | 8 | 28.75 |
| 1 | 12 | 4.67 | 12 | 12 | 29.31 |
| 2 | 0 | 5.23 | 13 | 0 | 29.87 |
| 2 | 4 | 5.79 | 13 | 4 | 30.43 |
| 2 | 8 | 6.35 | 13 | 8 | 30.99 |
| 2 | 12 | 6.91 | 13 | 12 | 31.55 |
| 3 | 0 | 7.47 | 14 | 0 | 32.11 |
| 3 | 4 | 8.03 | 14 | 4 | 32.67 |
| 3 | 8 | 8.59 | 14 | 8 | 33.23 |
| 3 | 12 | 9.15 | 14 | 12 | 33.79 |
| 4 | 0 | 9.71 | 15 | 0 | 34.35 |
| 4 | 4 | 10.27 | 15 | 4 | 34.91 |
| 4 | 8 | 10.83 | 15 | 8 | 35.47 |
| 4 | 12 | 11.39 | 15 | 12 | 36.03 |
| 5 | 0 | 11.95 | 16 | 0 | 36.59 |
| 5 | 4 | 12.51 | 16 | 4 | 37.15 |
| 5 | 8 | 13.07 | 16 | 8 | 37.71 |
| 5 | 12 | 13.63 | 16 | 12 | 38.27 |
| 6 | 0 | 14.19 | 17 | 0 | 38.83 |
| 6 | 4 | 14.75 | 17 | 4 | 39.39 |
| 6 | 8 | 15.31 | 17 | 8 | 39.95 |
| 6 | 12 | 15.87 | 17 | 12 | 40.51 |
| 7 | 0 | 16.43 | 18 | 0 | 41.07 |
| 7 | 4 | 16.99 | 18 | 4 | 41.63 |
| 7 | 8 | 17.55 | 18 | 8 | 42.19 |
| 7 | 12 | 18.11 | 18 | 12 | 42.75 |
| 8 | 0 | 18.67 | 19 | 0 | 43.31 |
| 8 | 4 | 19.23 | 19 | 4 | 43.87 |
| 8 | 8 | 19.79 | 19 | 8 | 44.43 |
| 8 | 12 | 20.35 | 19 | 12 | 44.99 |
| 9 | 0 | 20.91 | 20 | 0 | 45.55 |
| 9 | 4 | 21.47 | 20 | 4 | 46.11 |
| 9 | 8 | 22.03 | 20 | 8 | 46.67 |
| 9 | 12 | 22.59 | 20 | 12 | 47.23 |
| 10 | 0 | 23.15 | 21 | 0 | 47.79 |
| 10 | 4 | 23.71 | 21 | 4 | 48.35 |
| 10 | 8 | 24.27 | 21 | 8 | 48.91 |
| 10 | 12 | 24.83 | 21 | 12 | 49.47 |
| 11 | 0 | 25.39 | 22 | 0 | 50.03 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: Limited to 3 ordinary parcels. (See § 127.79.)
Registration: Yes. Fee, 55 cents.
Insurance: No.
C. o. d.: No.
Consular invoice: Yes. (See subparagraph (7) of this paragraph.)

(2) *Indemnity.* See § 127.165.

(3) *Registry service.* For general information see Subpart E of this part.

(4) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels (surface and air). (See § 127.159.)

(5) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(6) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.



(7) *Observations.* (i) Parcel post shipments require five copies of the commercial invoice which must be submitted to a Chilean consulate for legalization. The invoices must bear a declaration of origin (in English or Spanish) in the following terms (notarization not required):

Under oath, we declare that we are the owners (or shippers) of the above mentioned merchandise; that the prices and other details are exact; that the said merchandise is a product of the soil or industry of _____

(Country of origin)

and that we accept the legal consequences which might arise through any inexactitude contained in this account.

(ii) Chilean consuls are located in the following cities:

| | |
|---|---|
| Baltimore, Md. | New York, N. Y. |
| Chicago, Ill. | Philadelphia, Pa. |
| Galveston, Texas. | San Diego, Calif. |
| Honolulu, Hawaii. | San Francisco, Calif. |
| Houston, Texas. | San Juan, Puerto Rico. |
| Los Angeles, Calif. | Seattle, Wash. |
| Miami, Fla. | Washington, D. C. |
| New Orleans, La. | |

(iii) Commercial shipments require import permits which the addressee must secure prior to receipt of the goods.

(iv) In the case of parcels addressed in care of banks or other organizations, the second addressee shall be advised concerning the arrival of the parcel, but he shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender; in the latter case, the sender shall take steps, through the administration of the country of origin of the parcel, for its delivery to the second addressee.

(8) *Prohibitions.* (i) Adulterated foodstuffs, even if not injurious to health.

(ii) Beverages and foods containing saccharine or similar substances.

(iii) Condensed milk containing any alkaline product; added fatty material; antiseptic, or less than 7 per cent of natural fat.

(iv) All drugs and pharmaceutical preparations unless the formula plainly is printed on their immediate wrapping.

(v) Saccharine and similar products unless intended for medical use. (See subparagraph (9) of this paragraph.)

(9) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Saccharine and similar products for medical use must be authorized by the Direction General of Health.

(ii) Plants and parts thereof, seeds, bulbs, and other plant material require a certificate from the Vegetable Sanitary Inspection Service.

(iii) War supplies and firearms (except hunting arms) must comply with the Chilean regulations.

§ 127.231 *China (including Taiwan (Formosa))*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1 in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. Registry service is available only to the island of Taiwan (Formosa). (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. Special delivery service in China is confined to the delivery radius of Chinese express or delivery offices. Special delivery service not available to Manchuria. (See § 127.19.)

(5) *Air mail service.* (i) Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(ii) Air mail articles addressed to the island of Taiwan (Formosa) are forwarded to destination by air, while those for the remainder of China are transported by air to Hong Kong for onward transmission by surface means.

(6) *Observations.* (i) Hong Kong is a British possession and articles destined for that place must not be accepted under the conditions applicable to China. (For information regarding Hong Kong, see relative country item.)

(ii) Macao is a Portuguese possession and articles destined for that place must not be accepted under the conditions applicable to China. (For information regarding Macao, see relative country item.)

(iii) The addresses of articles for China must be complete, including street and number if known, and written, when possible, in Chinese characters in addition to English.

(7) *Prohibitions.* (i) Coins; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, or other precious articles.

(ii) Dutiable articles (merchandise in letters and packages prepaid at letter rate.

(iii) To the mainland of China only: Currency, checks, securities, and other financial instruments, unless licensed by the United States Treasury Department.

(iv) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*[1]—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.53 | 23 | $7.13 |
| 2 | .83 | 24 | 7.43 |
| 3 | 1.13 | 25 | 7.73 |
| 4 | 1.43 | 26 | 8.03 |
| 5 | 1.73 | 27 | 8.33 |
| 6 | 2.03 | 28 | 8.63 |
| 7 | 2.33 | 29 | 8.93 |
| 8 | 2.63 | 30 | 9.23 |
| 9 | 2.93 | 31 | 9.53 |
| 10 | 3.23 | 32 | 9.83 |
| 11 | 3.53 | 33 | 10.13 |
| 12 | 3.83 | 34 | 10.43 |
| 13 | 4.13 | 35 | 10.73 |
| 14 | 4.43 | 36 | 11.03 |
| 15 | 4.73 | 37 | 11.33 |
| 16 | 5.03 | 38 | 11.63 |
| 17 | 5.33 | 39 | 11.93 |
| 18 | 5.63 | 40 | 12.23 |
| 19 | 5.93 | 41 | 12.53 |
| 20 | 6.23 | 42 | 12.83 |
| 21 | 6.53 | 43 | 13.13 |
| 22 | 6.83 | 44 | 13.43 |

[1] Parcel post service is available only to Taiwan (Formosa).

(ii) *Air parcel rates, including surcharges.* (Rates: $1.43 first 4 ounces; $1.08 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.43 | 11 | 4 | $48.95 |
| 0 | 8 | 2.51 | 11 | 8 | 50.03 |
| 0 | 12 | 3.59 | 11 | 12 | 51.11 |
| 1 | 0 | 4.67 | 12 | 0 | 52.19 |
| 1 | 4 | 5.75 | 12 | 4 | 53.27 |
| 1 | 8 | 6.83 | 12 | 8 | 54.35 |
| 1 | 12 | 7.91 | 12 | 12 | 55.43 |
| 2 | 0 | 8.99 | 13 | 0 | 56.51 |
| 2 | 4 | 10.07 | 13 | 4 | 57.59 |
| 2 | 8 | 11.15 | 13 | 8 | 58.67 |
| 2 | 12 | 12.23 | 13 | 12 | 59.75 |
| 3 | 0 | 13.31 | 14 | 0 | 60.83 |
| 3 | 4 | 14.39 | 14 | 4 | 61.91 |
| 3 | 8 | 15.47 | 14 | 8 | 62.99 |
| 3 | 12 | 16.55 | 14 | 12 | 64.07 |
| 4 | 0 | 17.63 | 15 | 0 | 65.15 |
| 4 | 4 | 18.71 | 15 | 4 | 66.23 |
| 4 | 8 | 19.79 | 15 | 8 | 67.31 |
| 4 | 12 | 20.87 | 15 | 12 | 68.39 |
| 5 | 0 | 21.95 | 16 | 0 | 69.47 |
| 5 | 4 | 23.03 | 16 | 4 | 70.55 |
| 5 | 8 | 24.11 | 16 | 8 | 71.63 |
| 5 | 12 | 25.19 | 16 | 12 | 72.71 |
| 6 | 0 | 26.27 | 17 | 0 | 73.79 |
| 6 | 4 | 27.35 | 17 | 4 | 74.87 |
| 6 | 8 | 28.43 | 17 | 8 | 75.95 |
| 6 | 12 | 29.51 | 17 | 12 | 77.03 |
| 7 | 0 | 30.59 | 18 | 0 | 78.11 |
| 7 | 4 | 31.67 | 18 | 4 | 79.19 |
| 7 | 8 | 32.75 | 18 | 8 | 80.27 |
| 7 | 12 | 33.83 | 18 | 12 | 81.35 |
| 8 | 0 | 34.91 | 19 | 0 | 82.43 |
| 8 | 4 | 35.99 | 19 | 4 | 83.51 |
| 8 | 8 | 37.07 | 19 | 8 | 84.59 |
| 8 | 12 | 38.15 | 19 | 12 | 85.67 |
| 9 | 0 | 39.23 | 20 | 0 | 86.75 |
| 9 | 4 | 40.31 | 20 | 4 | 87.83 |
| 9 | 8 | 41.39 | 20 | 8 | 88.91 |
| 9 | 12 | 42.47 | 20 | 12 | 89.99 |
| 10 | 0 | 43.55 | 21 | 0 | 91.07 |
| 10 | 4 | 44.63 | 21 | 4 | 92.15 |
| 10 | 8 | 45.71 | 21 | 8 | 93.23 |
| 10 | 12 | 46.79 | 21 | 12 | 94.31 |
| 11 | 0 | 47.87 | 22 | 0 | 95.39 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55(b).)

Weight limit: 22,[1] 44 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No. Service from China only.
Insurance: No.
C. o. d.: No.

[1] Parcels exceeding 22 pounds are accepted only for dispatch by surface means to Taipei, Chilung, and Kaohsiung, Taiwan.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined 7 feet; provided, however, that parcels exceeding 6 feet in combined length and girth are restricted to 2½ feet in length.

(4) *Observations.* Import licenses must be obtained by the addressee for all parcels except (i) samples without commercial value, and (ii) gifts not exceeding $25 in value, limited to articles for the addressee's personal use or for his household.

(5) *Prohibitions.* Tobacco, woolen, silk or artificial silk piece goods, cosmetics and luxury items.

§ 127.232 *Colombia*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 2, in § 127.1 Small packets not accepted.

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(6) *Combination packages.* Accepted. (See § 127.12.)

(7) *Air mail service.* Postage rates: Letters and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 39 cents for the first 2 ounces and 19 cents for each additional 2 ounces. (See § 127.20.)

(8) *Diplomatic and consular mail.* See § 127.32.

(9) *Freedom of postage for government correspondence.* See § 127.32 (c).

(10) *Observations.* (i) The Colombian authorities require that an import license be secured in advance by the addressees of samples of merchandise, printed matter, and 8-ounce merchandise packages. The only exceptions are single subscription or gift copies of books and periodicals, and small quantities of postage stamps exchanged by philatelists.

(ii) Packages will be returned from Colombia unless import licenses have been obtained when needed. Senders must endorse the wrappers. "Addressee has import license" or "Import license not required" as the case may be, before such packages are mailed.

(iii) Every commercial shipment of books or periodicals must be covered by a commercial invoice which may either accompany the shipment or be sent under separate cover to the addressee. The invoice must show the number of packages comprising the shipment and the value of the shipment in dollars or in the currency agreed on between the sender and addressee. The number of packages comprising the shipment must also be shown on each address label.

(iv) In the case of such shipments sent by registered mail or insured parcel post, the commercial invoices must show also each registered or insured number, the quantity of books or periodicals in each package, and the weight of the shipment.

(v) Each commercial invoice covering books or periodicals must bear the sender's declaration in the form given under paragraph (b) (7) of this section, and a copy must be sent direct to the International Section, Ministry of Posts and Telegraphs, Bogota, Colombia. If this is not done, or if the invoices are improperly prepared, the shipments may be returned from Colombia as undeliverable.

(11) *Prohibitions.* (i) Dutiable articles (merchandise) in letters and packages prepaid at letter rate. (However, such articles when wrongly accepted for mailing are delivered on payment of double duty if registered, and triple duty if ordinary. If refused by the addressees, they are seized by the customs.)

(ii) Money in cash, bank notes, or values payable to the bearer.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

ALL PLACES EXCEPT THOSE MENTIONED BELOW

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.78 | 23 | $9.22 |
| 2 | 1.00 | 24 | 9.44 |
| 3 | 1.87 | 25 | 9.66 |
| 4 | 2.09 | 26 | 9.88 |
| 5 | 2.31 | 27 | 10.10 |
| 6 | 2.53 | 28 | 10.32 |
| 7 | 2.75 | 29 | 10.54 |
| 8 | 3.63 | 30 | 10.76 |
| 9 | 3.85 | 31 | 10.98 |
| 10 | 4.07 | 32 | 11.20 |
| 11 | 4.29 | 33 | 11.42 |
| 12 | 5.49 | 34 | 12.94 |
| 13 | 5.71 | 35 | 13.16 |
| 14 | 5.93 | 36 | 13.38 |
| 15 | 6.15 | 37 | 13.60 |
| 16 | 6.37 | 38 | 13.82 |
| 17 | 6.59 | 39 | 14.04 |
| 18 | 6.81 | 40 | 14.26 |
| 19 | 7.03 | 41 | 14.48 |
| 20 | 7.25 | 42 | 14.70 |
| 21 | 7.47 | 43 | 14.92 |
| 22 | 7.69 | 44 | 15.14 |

PLACES IN THE DEPARTMENTS OF CAUCA AND VALLE (EXCEPT BUENAVENTURA)

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.78 | 23 | $7.09 |
| 2 | 1.00 | 24 | 7.31 |
| 3 | 1.78 | 25 | 7.53 |
| 4 | 2.00 | 26 | 7.75 |
| 5 | 2.22 | 27 | 7.97 |
| 6 | 2.44 | 28 | 8.19 |
| 7 | 2.66 | 29 | 8.41 |
| 8 | 3.14 | 30 | 8.63 |
| 9 | 3.36 | 31 | 8.85 |
| 10 | 3.58 | 32 | 9.07 |
| 11 | 3.80 | 33 | 9.29 |
| 12 | 4.35 | 34 | 9.84 |
| 13 | 4.57 | 35 | 10.06 |
| 14 | 4.79 | 36 | 10.28 |
| 15 | 5.01 | 37 | 10.50 |
| 16 | 5.23 | 38 | 10.72 |
| 17 | 5.45 | 39 | 10.94 |
| 18 | 5.67 | 40 | 11.16 |
| 19 | 5.89 | 41 | 11.33 |
| 20 | 6.11 | 42 | 11.60 |
| 21 | 6.33 | 43 | 11.82 |
| 22 | 6.55 | 44 | 12.04 |

CITIES OF BARRANQUILLA (ATLANTICO), BUENAVENTURA (VALLE), CARTAGENA (BOLIVAR), SANTA MARTA (MAGDALENA), AND TUMACO (NARINO) ONLY

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.78 | 23 | $5.62 |
| 2 | 1.00 | 24 | 5.84 |
| 3 | 1.22 | 25 | 6.06 |
| 4 | 1.44 | 26 | 6.28 |
| 5 | 1.66 | 27 | 6.50 |
| 6 | 1.88 | 28 | 6.72 |
| 7 | 2.10 | 29 | 6.94 |
| 8 | 2.32 | 30 | 7.16 |
| 9 | 2.54 | 31 | 7.38 |
| 10 | 2.76 | 32 | 7.60 |
| 11 | 2.98 | 33 | 7.82 |
| 12 | 3.20 | 34 | 8.04 |
| 13 | 3.42 | 35 | 8.26 |
| 14 | 3.64 | 36 | 8.48 |
| 15 | 3.86 | 37 | 8.70 |
| 16 | 4.08 | 38 | 8.92 |
| 17 | 4.30 | 39 | 9.14 |
| 18 | 4.52 | 40 | 9.36 |
| 19 | 4.74 | 41 | 9.58 |
| 20 | 4.96 | 42 | 9.80 |
| 21 | 5.18 | 43 | 10.02 |
| 22 | 5.40 | 44 | 10.24 |

(ii) *Air parcel rates, including surcharges.* (Rates: $1.21 first 4 ounces; $0.40 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.21 | 1 | 4 | $2.81 |
| 0 | 8 | 1.61 | 1 | 8 | 3.21 |
| 0 | 12 | 2.01 | 1 | 12 | 3.61 |
| 1 | 0 | 2.41 | 2 | 0 | 4.01 |
| 2 | 4 | $4.41 | 23 | 4 | $38.01 |
| 2 | 8 | 4.81 | 23 | 8 | 38.41 |
| 2 | 12 | 5.21 | 23 | 12 | 38.81 |
| 3 | 0 | 5.61 | 24 | 0 | 39.21 |
| 3 | 4 | 6.01 | 24 | 4 | 39.61 |
| 3 | 8 | 6.41 | 24 | 8 | 40.01 |
| 3 | 12 | 6.81 | 24 | 12 | 40.41 |
| 4 | 0 | 7.21 | 25 | 0 | 40.81 |
| 4 | 4 | 7.61 | 25 | 4 | 41.21 |
| 4 | 8 | 8.01 | 25 | 8 | 41.61 |
| 4 | 12 | 8.41 | 25 | 12 | 42.01 |
| 5 | 0 | 8.81 | 26 | 0 | 42.41 |
| 5 | 4 | 9.21 | 26 | 4 | 42.81 |
| 5 | 8 | 9.61 | 26 | 8 | 43.21 |
| 5 | 12 | 10.01 | 26 | 12 | 43.61 |
| 6 | 0 | 10.41 | 27 | 0 | 44.01 |
| 6 | 4 | 10.81 | 27 | 4 | 44.41 |
| 6 | 8 | 11.21 | 27 | 8 | 44.81 |
| 6 | 12 | 11.61 | 27 | 12 | 45.21 |
| 7 | 0 | 12.01 | 28 | 0 | 45.61 |
| 7 | 4 | 12.41 | 28 | 4 | 46.01 |
| 7 | 8 | 12.81 | 28 | 8 | 46.41 |
| 7 | 12 | 13.21 | 28 | 12 | 46.81 |
| 8 | 0 | 13.61 | 29 | 0 | 47.21 |
| 8 | 4 | 14.01 | 29 | 4 | 47.61 |
| 8 | 8 | 14.41 | 29 | 8 | 48.01 |
| 8 | 12 | 14.81 | 29 | 12 | 48.41 |
| 9 | 0 | 15.21 | 30 | 0 | 48.81 |
| 9 | 4 | 15.61 | 30 | 4 | 49.21 |
| 9 | 8 | 16.01 | 30 | 8 | 49.61 |
| 9 | 12 | 16.41 | 30 | 12 | 50.01 |
| 10 | 0 | 16.81 | 31 | 0 | 50.41 |
| 10 | 4 | 17.21 | 31 | 4 | 50.81 |
| 10 | 8 | 17.61 | 31 | 8 | 51.21 |
| 10 | 12 | 18.01 | 31 | 12 | 51.61 |
| 11 | 0 | 18.41 | 32 | 0 | 52.01 |
| 11 | 4 | 18.81 | 32 | 4 | 52.41 |
| 11 | 8 | 19.21 | 32 | 8 | 52.81 |
| 11 | 12 | 19.61 | 32 | 12 | 53.21 |
| 12 | 0 | 20.01 | 33 | 0 | 53.61 |
| 12 | 4 | 20.41 | 33 | 4 | 54.01 |
| 12 | 8 | 20.81 | 33 | 8 | 54.41 |
| 12 | 12 | 21.21 | 33 | 12 | 54.81 |
| 13 | 0 | 21.61 | 34 | 0 | 55.21 |
| 13 | 4 | 22.01 | 34 | 4 | 55.61 |
| 13 | 8 | 22.41 | 34 | 8 | 56.01 |
| 13 | 12 | 22.81 | 34 | 12 | 56.41 |
| 14 | 0 | 23.21 | 35 | 0 | 56.81 |
| 14 | 4 | 23.61 | 35 | 4 | 57.21 |
| 14 | 8 | 24.01 | 35 | 8 | 57.61 |
| 14 | 12 | 24.41 | 35 | 12 | 58.01 |
| 15 | 0 | 24.81 | 36 | 0 | 58.41 |
| 15 | 4 | 25.21 | 36 | 4 | 58.81 |
| 15 | 8 | 25.61 | 36 | 8 | 59.21 |
| 15 | 12 | 26.01 | 36 | 12 | 59.61 |
| 16 | 0 | 26.41 | 37 | 0 | 60.01 |
| 16 | 4 | 26.81 | 37 | 4 | 60.41 |
| 16 | 8 | 27.21 | 37 | 8 | 60.81 |
| 16 | 12 | 27.61 | 37 | 12 | 61.21 |
| 17 | 0 | 28.01 | 38 | 0 | 61.61 |
| 17 | 4 | 28.41 | 38 | 4 | 62.01 |
| 17 | 8 | 28.81 | 38 | 8 | 62.41 |
| 17 | 12 | 29.21 | 38 | 12 | 62.81 |
| 18 | 0 | 29.61 | 39 | 0 | 63.21 |
| 18 | 4 | 30.01 | 39 | 4 | 63.61 |
| 18 | 8 | 30.41 | 39 | 8 | 64.01 |
| 18 | 12 | 30.81 | 39 | 12 | 64.41 |
| 19 | 0 | 31.21 | 40 | 0 | 64.81 |
| 19 | 4 | 31.61 | 40 | 4 | 65.21 |
| 19 | 8 | 32.01 | 40 | 8 | 65.61 |
| 19 | 12 | 32.41 | 40 | 12 | 66.01 |
| 20 | 0 | 32.81 | 41 | 0 | 66.41 |
| 20 | 4 | 33.21 | 41 | 4 | 66.81 |
| 20 | 8 | 33.61 | 41 | 8 | 67.21 |
| 20 | 12 | 34.01 | 41 | 12 | 67.61 |
| 21 | 0 | 34.41 | 42 | 0 | 68.01 |
| 21 | 4 | 34.81 | 42 | 4 | 68.41 |
| 21 | 8 | 35.21 | 42 | 8 | 68.81 |
| 21 | 12 | 35.61 | 42 | 12 | 69.21 |
| 22 | 0 | 36.01 | 43 | 0 | 69.61 |
| 22 | 4 | 36.41 | 43 | 4 | 70.01 |
| 22 | 8 | 36.81 | 43 | 8 | 70.41 |
| 22 | 12 | 37.21 | 43 | 12 | 70.81 |
| 23 | 0 | 37.61 | 44 | 0 | 71.21 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972

Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: Limited to 3 ordinary parcels. (See § 127.79.)
Registration: No.
Insurance: Yes.
C. o. d.: No. Service from Colombia only.
Consular Invoice: Yes. (See subparagraph (7) of this paragraph.)

(2) *Indemnity.* For ordinary parcels, see § 127.165; for insured parcels, see subparagraph (6) of this paragraph.

(3) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels (surface and air). (See 127.159.)

(4) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(5) *Storage charges.* See § 127.96 relative to storage charges on returned parcels.

(6) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $165 | 60 |

(ii) Each insured parcel shall have printed on the wrapper in close proximity to (preferably immediately below) the endorsement "INSURED" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs, as per the following example:

Insured Value
$25.75 (U. S.)
Twenty-five Dollars and Seventy-five Cents
77.25 Gold Francs
Seventy-seven Gold Francs and Twenty-five Centimes

(iii) See § 127.143 (b), as to method of converting United States currency into gold francs.

(iv) Parcels containing coin, precious metals, jewelry, or other precious articles must not be accepted for mailing unless they are insured.

(v) For general information concerning insurance service, see §§ 127.140 to 127.148, inclusive.

(7) *Observations.* (i) Senders are required to indicate as a part of the addresses of all parcels the name of the department (State) is which the office of destination is located.

(ii) The conditions of transit in Colombia are exceptional; parcels must therefore be strongly packed to avoid damage.

(iii) Air parcels are given air transportation within Colombia if delivery can be expedited by so doing.

(iv) Every parcel for Colombia, regardless of value, must be accompanied by a commercial invoice, a copy of which must be sent under separate cover to the addressee (with the consular invoice when one is required).

(v) If the value of the parcel does not exceed 50 Colombian pesos (about $25.65), the sender must add to the commercial invoice a declaration of origin of the merchandise, in Spanish, reading as follows:

Certificamos bajo juramento que los precios de esta factura son los mismos que cargamos al cliente y que la mercancia a que se refiere esta misma factura es originaria de ---------- (County of origin). En fe de lo expuesto firmamos la presente declaración en ---------- (City, State), ---------- (Day) de ---------- (Month) de ---------- (Year).

---------- (Signature of Shipper)

(Translation: We certify under oath that the prices in this invoice are the same that we charge our customers, and that the merchandise in this same invoice comes from ---------- (Country of origin). In faith of which we sign the present declaration at ---------- (City, State), on ---------- (Date).)

(vi) The foregoing declaration of origin does not require consular legalization.

(vii) Commercial shipments of books or periodicals must be accompanied by commercial invoices as prescribed for such shipments in the Postal Union mails. (See paragraph (a) (10) of this section.)

(viii) Each parcel, or group of parcels mailed simultaneously by the same sender to the same addressee, exceeding 50 pesos (about $25.65) in value requires a consular invoice which should be forwarded under separate cover to the addressee.

(ix) Consular invoices may be obtained from the Colombian Consulates located in the following cities:

| | |
|---|---|
| Baltimore, Md. | New York, N. Y. |
| Boston, Mass. | Philadelphia, Pa. |
| Chicago, Ill. | Ponce, P. R. |
| Galveston, Tex. | San Antonio, Tex. |
| Houston, Tex. | San Francisco, Calif. |
| Los Angeles, Calif. | San Juan, P. R. |
| Mayaguez, P. R. | Tampa, Fla. |
| Miami, Fla. | Washington, D. C. |
| New Orleans, La. | |

(x) Colombian consular invoices covering parcels mailed from a place where there is no Colombian Consul may be legalized by the Consul of a friendly nation, or if no such official is available, by a notary public.

(xi) The addressees in Colombia are required to obtain import licenses in order to secure delivery of parcels. For a parcel exceeding 50 pesos in value the addressee is required to send a copy of the import license to the sender, who must submit it to the Colombian Consul when obtaining the consular invoice. If a sender receives a copy of a Colombian import license for a parcel whose value does not exceed 50 pesos, he must return it to the addressee in Colombia. Parcels will not be delivered unless import licenses have been issued for them. Senders must endorse the wrapper and customs declaration of each parcel "Addressee has import license."

(xii) Parcels mailed simultaneously by the same sender to the same addressee at one address and not mailed as a "group shipment" must, nevertheless, be marked in the following manner, in order that customs officials in Colombia may more readily ascertain the combined value of the parcels contained in a single mailing:

(xiii) Each parcel comprised in a single mailing must bear a fractional number, the numerator of which indicates the number of the parcel and the denominator the number of parcels comprised in the mailing. For example, if a single mailing were composed of 15 parcels the parcels would be numbered 1/15, 2/15, 3/15, etc. Each such parcel would be required to bear two customs declarations and one dispatch note.

(xiv) In case of a parcel addressed to a bank or other organization and intended for ultimate delivery to a second addressee, the exact name and address of such addressee must be clearly shown on the parcel (wrapper if possible, or on a tag or label attached thereto). The second addressee will be notified of the arrival of the parcel, but he may not claim delivery without the written authorization of the bank (or other organization) or of the sender; in the latter case, he must arrange for its delivery through this Department.

(8) *Prohibitions*—(i) A variety of articles are prohibited from importation into Colombia under the customs regulations of that country. The prohibited list, too long to be printed in its entirety, comprises practically all items of clothing, many items of food, tobacco products, soap, cosmetics, jewelry, pocket lighters, watches, umbrellas, fans, eyeglasses, brushes, toys and games, and various articles manufactured from cloth, wood, paper, cardboard, china and porcelain.

(ii) The foregoing is intended as a general guide only. Before accepting any parcels for Colombia, employees should recommend that the prospective mailers obtain assurance from the addressees that the articles can be admitted.

§ 127.233 *Corsica*—(a) *Postal Union Mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rate, 15 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* Same as France.

(8) *Prohibitions.* Same as France.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.63 | 7 | $2.07 |
| 2 | .85 | 8 | 2.29 |
| 3 | 1.19 | 9 | 2.51 |
| 4 | 1.41 | 10 | 2.73 |
| 5 | 1.63 | 11 | 2.95 |
| 6 | 1.85 | 12 | 3.41 |

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 13 | $3 63 | 29 | $7.42 |
| 14 | 3 85 | 30 | 7.64 |
| 15 | 4 07 | 31 | 7 86 |
| 16 | 4 29 | 32 | 8 08 |
| 17 | 4 51 | 33 | 8.30 |
| 18 | 4 73 | 34 | 8.78 |
| 19 | 4 95 | 35 | 9 00 |
| 20 | 5 17 | 36 | 9 22 |
| 21 | 5 39 | 37 | 9 44 |
| 22 | 5 61 | 38 | 9 66 |
| 23 | 5 10 | 39 | 9 88 |
| 24 | 6 32 | 40 | 10. 10 |
| 25 | 6. 54 | 41 | 10. 32 |
| 26 | 6 76 | 42 | 10 54 |
| 27 | 6 98 | 43 | 10 76 |
| 28 | 7. 20 | 44 | 10. 98 |

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.[1]
Group shipments: No.
Registration: No.
Insurance: Yes.
C. o. d.: No.

[1] When parcels are sealed it shall be recommended to senders that they place a special uniform imprint in a conspicuous manner on all seals.

(2) *Indemnity.* Same as France.
(3) *Dimensions.* Same as France.
(4) *Insurance.* Same as France.
(5) *Observations.* Same as France.
(6) *Prohibitions.* Same as France, except as regards tobacco, of which the importation is permitted.

§ 127.234 *Costa Rica*—(a) *Postal Union mails*—(1) *Classification, rates, weight limits, and dimensions.* See Table No. 2, in § 127.1. Small packets accepted. (See § 127.130.)

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 34 cents for the first 2 ounces and 14 cents for each additional 2 ounces. (See § 127.20.)

(6) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(7) *Diplomatic and consular mail.* See § 127.32.

(8) *Freedom of postage for government correspondence.* (See § 127.32 (c).)

(9) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(10) *Prohibitions.* No list.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0 45 | 16 | $3. 75 |
| 2 | .67 | 17 | 3. 97 |
| 3 | .89 | 18 | 4. 19 |
| 4 | 1. 11 | 19 | 4. 41 |
| 5 | 1. 33 | 20 | 4. 63 |
| 6 | 1 55 | 21 | 4 85 |
| 7 | 1. 77 | 22 | 5. 07 |
| 8 | 1. 99 | 23 | 5. 29 |
| 9 | 2 21 | 24 | 5. 51 |
| 10 | 2. 43 | 25 | 5. 73 |
| 11 | 2. 65 | 26 | 5. 95 |
| 12 | 2. 87 | 27 | 6. 17 |
| 13 | 3. 09 | 28 | 6. 39 |
| 14 | 3. 31 | 29 | 6. 61 |
| 15 | 3. 53 | 30 | 6. 83 |
| 31 | $7. 05 | 38 | $8. 59 |
| 32 | 7. 27 | 39 | 8. 81 |
| 33 | 7. 49 | 40 | 9. 03 |
| 34 | 7. 71 | 41 | 9. 25 |
| 35 | 7 93 | 42 | 9. 47 |
| 36 | 8 15 | 43 | 9. 69 |
| 37 | 8 37 | 44 | 9. 91 |

(ii) *Air parcel rates.* (Rates: $0.79 first 4 ounces; $0.29 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0 79 | 19 | 12 | $23 41 |
| 0 | 8 | 1. 08 | 20 | 0 | 23. 70 |
| 0 | 12 | 1 37 | 20 | 4 | 24 99 |
| 1 | 0 | 1. 66 | 20 | 8 | 24 28 |
| 1 | 4 | 1. 95 | 20 | 12 | 24 57 |
| 1 | 8 | 2 24 | 21 | 0 | 24 86 |
| 1 | 12 | 2. 53 | 21 | 4 | 25. 15 |
| 2 | 0 | 2. 82 | 21 | 8 | 25. 44 |
| 2 | 4 | 3. 11 | 21 | 12 | 25. 73 |
| 2 | 8 | 3 40 | 22 | 0 | 26 02 |
| 2 | 12 | 3 69 | 22 | 4 | 26. 31 |
| 3 | 0 | 3 98 | 22 | 8 | 26. 60 |
| 3 | 4 | 4. 27 | 22 | 12 | 26 89 |
| 3 | 8 | 4 56 | 23 | 0 | 27. 18 |
| 3 | 12 | 4 85 | 23 | 4 | 27 47 |
| 4 | 0 | 5 14 | 23 | 8 | 27 76 |
| 4 | 4 | 5. 43 | 23 | 12 | 28 05 |
| 4 | 8 | 5. 72 | 24 | 0 | 28 34 |
| 4 | 12 | 6 01 | 24 | 4 | 28 63 |
| 5 | 0 | 6 30 | 24 | 8 | 28. 92 |
| 5 | 4 | 6. 59 | 24 | 12 | 29. 21 |
| 5 | 8 | 6 88 | 25 | 0 | 29. 50 |
| 5 | 12 | 7 17 | 25 | 4 | 29. 79 |
| 6 | 0 | 7. 46 | 25 | 8 | 30. 08 |
| 6 | 4 | 7. 75 | 25 | 12 | 30. 37 |
| 6 | 8 | 8. 04 | 26 | 0 | 30. 66 |
| 6 | 12 | 8. 33 | 26 | 4 | 30. 95 |
| 7 | 0 | 8. 62 | 26 | 8 | 31. 24 |
| 7 | 4 | 8 91 | 26 | 12 | 31. 53 |
| 7 | 8 | 9 20 | 27 | 0 | 31 82 |
| 7 | 12 | 9 49 | 27 | 4 | 32. 11 |
| 8 | 0 | 9. 78 | 27 | 8 | 32. 40 |
| 8 | 4 | 10. 07 | 27 | 12 | 32. 69 |
| 8 | 8 | 10 36 | 28 | 0 | 32 98 |
| 8 | 12 | 10. 65 | 28 | 4 | 33 27 |
| 9 | 0 | 10. 94 | 28 | 8 | 33. 56 |
| 9 | 4 | 11 23 | 28 | 12 | 33. 85 |
| 9 | 8 | 11. 52 | 29 | 0 | 34. 14 |
| 9 | 12 | 11 81 | 29 | 4 | 34 43 |
| 10 | 0 | 12. 10 | 29 | 8 | 34. 72 |
| 10 | 4 | 12. 39 | 29 | 12 | 35. 01 |
| 10 | 8 | 12 68 | 30 | 0 | 35. 30 |
| 10 | 12 | 12. 97 | 30 | 4 | 35. 59 |
| 11 | 0 | 13. 26 | 30 | 8 | 35. 88 |
| 11 | 4 | 13 55 | 30 | 12 | 36. 17 |
| 11 | 8 | 13. 84 | 31 | 0 | 36. 46 |
| 11 | 12 | 14 13 | 31 | 4 | 36. 75 |
| 12 | 0 | 14 42 | 31 | 8 | 37. 04 |
| 12 | 4 | 14. 71 | 31 | 12 | 37 33 |
| 12 | 8 | 15. 00 | 32 | 0 | 37. 62 |
| 12 | 12 | 15. 29 | 32 | 4 | 37. 91 |
| 13 | 0 | 15. 58 | 32 | 8 | 38. 20 |
| 13 | 4 | 15. 87 | 32 | 12 | 38. 49 |
| 13 | 8 | 16 16 | 33 | 0 | 38. 78 |
| 13 | 12 | 16 45 | 33 | 4 | 39. 07 |
| 14 | 0 | 16. 74 | 33 | 8 | 39. 36 |
| 14 | 4 | 17. 03 | 33 | 12 | 39. 65 |
| 14 | 8 | 17. 32 | 34 | 0 | 39. 94 |
| 14 | 12 | 17. 61 | 34 | 4 | 40. 23 |
| 15 | 0 | 17. 90 | 34 | 8 | 40. 52 |
| 15 | 4 | 18. 19 | 34 | 12 | 40. 81 |
| 15 | 8 | 18. 48 | 35 | 0 | 41. 10 |
| 15 | 12 | 18. 77 | 35 | 4 | 41. 39 |
| 16 | 0 | 19 06 | 35 | 8 | 41. 68 |
| 16 | 4 | 19. 35 | 35 | 12 | 41. 97 |
| 16 | 8 | 19. 64 | 36 | 0 | 42. 26 |
| 16 | 12 | 19. 93 | 36 | 4 | 42. 55 |
| 17 | 0 | 20. 22 | 36 | 8 | 42. 84 |
| 17 | 4 | 20. 51 | 36 | 12 | 43. 13 |
| 17 | 8 | 20. 80 | 37 | 0 | 43. 42 |
| 17 | 12 | 21. 09 | 37 | 4 | 43. 71 |
| 18 | 0 | 21. 38 | 37 | 8 | 44. 00 |
| 18 | 4 | 21. 67 | 37 | 12 | 44. 29 |
| 18 | 8 | 21. 96 | 38 | 0 | 44. 58 |
| 18 | 12 | 22. 25 | 38 | 4 | 44. 87 |
| 19 | 0 | 22. 54 | 38 | 8 | 45. 16 |
| 19 | 4 | 22. 83 | 38 | 12 | 45. 45 |
| 19 | 8 | 23. 12 | 39 | 0 | 45. 74 |
| 39 | 4 | $46. 03 | 41 | 12 | $51. 3 |
| 39 | 8 | 46 32 | 42 | 0 | 51 20 |
| 39 | 12 | 46 61 | 42 | 4 | 51. 1 |
| 40 | 0 | 46. 90 | 42 | 8 | 51 |
| 40 | 4 | 47. 19 | 42 | 12 | 52. 0 |
| 40 | 8 | 47. 48 | 43 | 0 | 52 |
| 40 | 12 | 47. 77 | 43 | 4 | 52. 6 |
| 41 | 0 | 48. 06 | 43 | 8 | 52. 9 |
| 41 | 4 | 48 35 | 43 | 12 | 53. 2 |
| 41 | 8 | 48. 64 | 44 | 0 | 53. 5 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: Yes. Fee, 55 cents.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* See § 127.165.

(3) *Registry service.* For general information see Subpart D of this part.

(4) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels (surface and air). (See § 127 159.)

(5) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(6) *Storage charges.* See § 127.96 relative to storage charges on returned parcels.

(7) *Observations.* (i) It is necessary that three copies of a commercial invoice be prepared in Spanish (or in English with an interlinear Spanish translation) for parcels valued in excess of $25. These invoices may be enclosed in the parcel or sent under separate cover to the consignee, the latter procedure being preferred.

(ii) In the case of parcels addressed in care of banks or other organizations the second addressee shall be advised concerning the arrival of the parcel, but he shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender, in the latter case, the sender shall take steps, through the administration of the country of origin of the parcel, for its delivery to the second addressee.

(iii) Parcels from the United States are held at the disposal of addressees for a period of 90 days.

(8) *Prohibition.* No list.

§ 127.235 *Cuba (including Isle of Pines, West Indies)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 2, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 8 cents per half ounce. Other Postal Union articles, 28 cents for the first 2 ounces and 7 cents for each additional 2 ounces. (See § 127.20.)

(6) *Diplomatic and consular mail.* (See § 127.32.)

(7) *Freedom of postage for government correspondence.* (See § 127.32 (c).)

(8) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(9) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(10) *Observations.* Consular invoices as described under "Parcel post," are required for merchandise forwarded in packages prepaid at the letter rate of postage, and 8-ounce packages of merchandise.

(11) *Prohibitions.* The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| Over 8 oz. to 1 lb | $0.45 | 12 | $2 87 |
| 2 | .67 | 13 | 3. 09 |
| 3 | .89 | 14 | 3. 31 |
| 4 | 1. 11 | 15 | 3. 53 |
| 5 | 1. 33 | 16 | 3. 75 |
| 6 | 1. 55 | 17 | 3. 97 |
| 7 | 1. 77 | 18 | 4 19 |
| 8 | 1 99 | 19 | 4. 41 |
| 9 | 2 21 | 20 | 4 63 |
| 10 | 2 43 | 21 | 4 85 |
| 11 | 2. 65 | 22 | 5. 07 |

(ii) *Air parcel rates.* (Rates: $1.10 over 8 ounces to 12 ounces; $0.15 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| Over 8 oz. to— | | | 11 | 8 | $7 55 |
| 0 | 12 | $1 10 | 11 | 12 | 7. 70 |
| 1 | 0 | 1 25 | 12 | 0 | 7. 85 |
| 1 | 4 | 1. 40 | 12 | 4 | 8. 00 |
| 1 | 8 | 1 55 | 12 | 8 | 8 15 |
| 1 | 12 | 1. 70 | 12 | 12 | 8 30 |
| 2 | 0 | 1 85 | 13 | 0 | 8. 45 |
| 2 | 4 | 2 00 | 13 | 4 | 8. 60 |
| 2 | 8 | 2 15 | 13 | 8 | 8 75 |
| 2 | 12 | 2 30 | 13 | 12 | 8 90 |
| 3 | 0 | 2 45 | 14 | 0 | 9. 05 |
| 3 | 4 | 2 60 | 14 | 4 | 9 20 |
| 3 | 8 | 2. 75 | 14 | 8 | 9. 35 |
| 3 | 12 | 2 90 | 14 | 12 | 9. 50 |
| 4 | 0 | 3 05 | 15 | 0 | 9. 65 |
| 4 | 4 | 3 20 | 15 | 4 | 9 80 |
| 4 | 8 | 3. 35 | 15 | 8 | 9. 95 |
| 4 | 12 | 3. 50 | 15 | 12 | 10. 10 |
| 5 | 0 | 3 65 | 16 | 0 | 10. 25 |
| 5 | 4 | 3 80 | 16 | 4 | 10. 40 |
| 5 | 8 | 3. 95 | 16 | 8 | 10. 55 |
| 5 | 12 | 4 10 | 16 | 12 | 10. 70 |
| 6 | 0 | 4. 25 | 17 | 0 | 10. 85 |
| 6 | 4 | 4. 40 | 17 | 4 | 11. 00 |
| 6 | 8 | 4 55 | 17 | 8 | 11. 15 |
| 6 | 12 | 4 70 | 17 | 12 | 11. 30 |
| 7 | 0 | 4 85 | 18 | 0 | 11. 45 |
| 7 | 4 | 5. 00 | 18 | 4 | 11. 60 |
| 7 | 8 | 5 15 | 18 | 8 | 11. 75 |
| 7 | 12 | 5 30 | 18 | 12 | 11. 90 |
| 8 | 0 | 5. 45 | 19 | 0 | 12. 05 |
| 8 | 4 | 5. 60 | 19 | 4 | 12. 20 |
| 8 | 8 | 5. 75 | 19 | 8 | 12. 35 |
| 8 | 12 | 5 90 | 19 | 12 | 12. 50 |
| 9 | 0 | 6 05 | 20 | 0 | 12. 65 |
| 9 | 4 | 6. 20 | 20 | 4 | 12. 80 |
| 9 | 8 | 6. 35 | 20 | 8 | 12. 95 |
| 9 | 12 | 6 50 | 20 | 12 | 13. 10 |
| 10 | 0 | 6. 65 | 21 | 0 | 13. 25 |
| 10 | 4 | 6. 80 | 21 | 4 | 13. 40 |
| 10 | 8 | 6. 95 | 21 | 8 | 13. 55 |
| 10 | 12 | 7. 10 | 21 | 12 | 13. 70 |
| 11 | 0 | 7. 25 | 22 | 0 | 13. 85 |
| 11 | 4 | 7. 40 | | | |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: Yes. Fee, 55 cents.
Insurance: No.
C. o. d.: No.
Consular invoice: Yes. (See subparagraph (5) of this paragraph.)

NOTE: Packages weighing 8 ounces or less may not be accepted as parcel post. See subparagraph (5) of this paragraph concerning acceptance of packages weighing 8 ounces or less.

(2) *Indemnity.* See § 127.166.

(3) *Registry service.* For general information see Subpart D of this part.

(4) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(5) *Observations.* (i) The parcel post service to Cuba is limited to parcels weighing over 8 ounces and up to 22 pounds. Packages of merchandise weighing 8 ounces or less should be forwarded as "Eight-Ounce Merchandise Packages" (see § 127.11) or in packages prepaid at the letter rate of postage.

(ii) Postmasters at exchange offices observing packages weighing 8 ounces or less, which were erroneously accepted as parcel post, shall detach the customs declaration (Form 2966), obliterate the parcel-post sticker (Form 2922) and dispatch such packages in the Postal Union mails.

(iii) The senders of articles mailed at localities where Cuban consular representatives are stationed addressed for delivery in Cuba must present to such consular representatives, for consular certification, 1 original invoice and 5 copies. Only one set (6 copies) of invoices is necessary for one shipment sent at one time to the same addressee regardless of the number of packages comprising the shipment.

(iv) The consulate office retains all copies of the invoices except the original, which, after being visaed, is returned to the sender, who may either enclose such original invoice in the package, or transmit same under separate cover to the addressee. The Cuban Administration advises that the inclusion of the consular invoices in the packages to which they relate, particularly with respect to packages mailed by export firms, proves very advantageous in facilitating prompt delivery to the addressees, and suggests that senders enclose the invoices in the packages whenever it is practicable to do so. When the consular invoice is enclosed in the package the wrapper should be marked to show the series letter and number of the invoice enclosed: For example, "Consular invoice B 1020 enclosed." When the invoice relates to one or more packages sent at one time to the same addressee the wrappers of the other packages for which the invoice has been secured should likewise be marked with the series letter and number of such invoice.

(v) Cuban consuls are located in the following cities:

| | |
|---|---|
| Baltimore, Md. | Mobile, Ala. |
| Boston, Mass. | New Orleans, La. |
| Brooklyn, N. Y.[1] | New York, N. Y. |
| Chicago, Ill. | Norfolk, Va. |
| Cincinnati, Ohio. | Pensacola, Fla. |
| Detroit, Mich. | Philadelphia, Pa. |
| Galveston, Tex. | Portland, Oreg. |
| Jacksonville, Fla. | San Francisco, Calif. |
| Kansas City, Mo. | Savannah, Ga. |
| Key West, Fla. | San Juan, P. R. |
| Lake Charles, La. | St. Louis, Mo. |
| Los Angeles, Calif. | Tampa, Fla. |
| Louisville, Ky. | Washington, D. C. |
| Miami, Fla. | Winston-Salem, N. C. |

[1] As no Cuban consul is located in Brooklyn, N. Y., mailers in that city should forward invoices to New York, N. Y., for the necessary visa.

(vi) When there is no Cuban consul at the place where the parcel is mailed, no consular invoice is required. Instead, the sender must furnish a commercial invoice in triplicate and place on the back thereof the following statement: "No hay Oficina Consular de Cuba en la localidad donde reside el remitente de este bulto postal, ni en el lugar de la Oficina postal que se expide para Cuba" (There is no Cuban consular office in the place where the sender of this parcel resides, nor in the place where the post office sending it to Cuba is located), followed by the date and the sender's signature. One copy of the commercial invoice must be placed within the parcel, and two sent to the addressee for use in claiming the merchandise at destination.

(vii) A special invoice for fabrics is made necessary on account of the different rate of duty assessed on fabrics. Both forms of invoices are required in those instances where shipments consist of fabrics and other articles, unless such shipment does not represent a commercial transaction, in which case a small amount, approximately 3 yards of fabrics, may be entered on the ordinary invoice with other articles. Manufactured clothing is not considered as fabrics.

(viii) Consular invoices may either be prepared by senders or obtained from Cuban consulates or from firms dealing in this form of stationery. The invoices may be written in English or Spanish. When the invoices are not in Spanish the importer may be required to present to the Customs a translation of the invoice into Spanish. If the forms are prepared by the mailer, they must conform with the following information and dimensions, namely, the total dimensions of consular invoices shall be 14 by 9 inches. Invoices of one sheet shall have at the bottom of the page a blank space of not less than 3½ inches in height. On invoices of more than one sheet the blank space of 3½ inches (which is reserved for the official consular rubber stamp) shall be left blank on the last sheet only and directly following the shipper's declaration.

(ix) For information concerning the acceptance of eggs to Cuba, see § 127.72.

(6) *Prohibitions*—(i) *For the protection of plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(ii) *For other reasons.* Books and publications violating the copyright laws; also fraudulent copies or samples of copyrighted works, products or trademarks.

(7) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees: Arms of all kinds are delivered to addressees only by special authorization from the Ministry of War and Navy. This does not apply, however, to machetes for agricultural work and small-caliber rifles.

§ 127.236 *Cyprus*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. Delivery service limited to within the municipal limits of Famagusta, Kyrenia, Larnaca, Limassol, Nicosia, and Paphos. For further information see § 127.19.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins, bank notes, paper money, values payable to the bearer, manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry, and other precious articles.

(ii) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted as samples only under license from the Director of Agriculture.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel post rates, including transit charges and surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.81 | 12 | $3.27 |
| 2 | 1.03 | 13 | 3.49 |
| 3 | 1.18 | 14 | 3.71 |
| 4 | 1.40 | 15 | 3.93 |
| 5 | 1.62 | 16 | 4.15 |
| 6 | 1.84 | 17 | 4.37 |
| 7 | 2.06 | 18 | 4.59 |
| 8 | 2.22 | 19 | 4.81 |
| 9 | 2.44 | 20 | 5.03 |
| 10 | 2.66 | 21 | 5.25 |
| 11 | 2.88 | 22 | 5.47 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions.* (i) *For reasons of public safety.* Poniards, daggers.

(ii) *For sanitary reasons.* Worn clothing for sale or trade; hides and skins; shaving brushes made in Japan.

(iii) *For the protection of plants.* Trees and plants and all living parts thereof. Fruits and vegetables, raw, fresh, or dried.

(iv) *Arms, munitions, etc.* Side arms, repeating rifles, and air guns of a type declared by the Governor in Council to be dangerous. Imitation or toy pistols.

(v) *State monopolies.* Salt, other than table salt or rock salt.

(vi) *For other reasons.* Coins. Postcards of private manufacture having designs not previously approved by the Cyprus Post Office.

(5) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Import licenses are required for all commercial parcels, and for gift parcels exceeding $2.80 in value.

(ii) Saccharine requires previous authorization from the Director of Health for importation.

(iii) Firearms and parts thereof when not prohibited (see above) require permission from the Governor for importation.

(iv) Motion-picture films must be approved by the Council of Film Censors.

§ 127.237 *Czechoslovakia*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. Special delivery articles addressed for delivery beyond the free delivery zone of the post office of destination are subject to an additional charge to be collected from the addressee based on the distance traversed to effect delivery beyond the said zone. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 44 cents for the first 2 ounces and 23 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* See paragraph (b) (5) of this section for special requirements applicable to gift parcels, which also apply to gift shipments in the Postal Union mails.

(8) *Prohibitions.* (i) Postage stamps and stamped papers may be exchanged commercially only through Artia, S. A., ve Smeckách 30, Prague II. Gift shipments of postage stamps and stamped papers may be sent without previous permission up to the value of 60 gold francs (about $20). To receive a shipment exceeding that limit the addressee must have permission from the above-mentioned "Artia" or, if the value exceeds 600 gold francs (about $200), an import permit from the Ministry of Foreign Commerce.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.57 | 23 | $6.24 |
| 2 | .81 | 24 | 6.48 |
| 3 | 1.08 | 25 | 6.72 |
| 4 | 1.32 | 26 | 6.96 |
| 5 | 1.56 | 27 | 7.20 |
| 6 | 1.80 | 28 | 7.44 |
| 7 | 2.04 | 29 | 7.68 |
| 8 | 2.32 | 30 | 7.92 |
| 9 | 2.56 | 31 | 8.16 |
| 10 | 2.80 | 32 | 8.40 |
| 11 | 3.04 | 33 | 8.64 |
| 12 | 3.44 | 34 | 9.04 |
| 13 | 3.68 | 35 | 9.28 |
| 14 | 3.92 | 36 | 9.52 |
| 15 | 4.16 | 37 | 9.76 |
| 16 | 4.40 | 38 | 10.00 |
| 17 | 4.64 | 39 | 10.24 |
| 18 | 4.88 | 40 | 10.48 |
| 19 | 5.12 | 41 | 10.72 |
| 20 | 5.36 | 42 | 10.96 |
| 21 | 5.60 | 43 | 11.20 |
| 22 | 5.84 | 44 | 11.44 |

(ii) *Air parcel rates.* (Rate: $0.88 first 4 ounces; $0.48 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.88 | 12 | 0 | $23.44 |
| 0 | 8 | 1.36 | 12 | 4 | 23.92 |
| 0 | 12 | 1.84 | 12 | 8 | 24.40 |
| 1 | 0 | 2.32 | 12 | 12 | 24.88 |
| 1 | 4 | 2.80 | 13 | 0 | 25.36 |
| 1 | 8 | 3.28 | 13 | 4 | 25.84 |
| 1 | 12 | 3.76 | 13 | 8 | 26.32 |
| 2 | 0 | 4.24 | 13 | 12 | 26.80 |
| 2 | 4 | 4.72 | 14 | 0 | 27.28 |
| 2 | 8 | 5.20 | 14 | 4 | 27.76 |
| 2 | 12 | 5.68 | 14 | 8 | 28.24 |
| 3 | 0 | 6.16 | 14 | 12 | 28.72 |
| 3 | 4 | 6.64 | 15 | 0 | 29.20 |
| 3 | 8 | 7.12 | 15 | 4 | 29.68 |
| 3 | 12 | 7.60 | 15 | 8 | 30.16 |
| 4 | 0 | 8.08 | 15 | 12 | 30.64 |
| 4 | 4 | 8.56 | 16 | 0 | 31.12 |
| 4 | 8 | 9.04 | 16 | 4 | 31.60 |
| 4 | 12 | 9.52 | 16 | 8 | 32.08 |
| 5 | 0 | 10.00 | 16 | 12 | 32.56 |
| 5 | 4 | 10.48 | 17 | 0 | 33.04 |
| 5 | 8 | 10.96 | 17 | 4 | 33.52 |
| 5 | 12 | 11.44 | 17 | 8 | 34.00 |
| 6 | 0 | 11.92 | 17 | 12 | 34.48 |
| 6 | 4 | 12.40 | 18 | 0 | 34.96 |
| 6 | 8 | 12.88 | 18 | 4 | 35.44 |
| 6 | 12 | 13.36 | 18 | 8 | 35.92 |
| 7 | 0 | 13.84 | 18 | 12 | 36.40 |
| 7 | 4 | 14.32 | 19 | 0 | 36.88 |
| 7 | 8 | 14.80 | 19 | 4 | 37.36 |
| 7 | 12 | 15.28 | 19 | 8 | 37.84 |
| 8 | 0 | 15.76 | 19 | 12 | 38.32 |
| 8 | 4 | 16.24 | 20 | 0 | 38.80 |
| 8 | 8 | 16.72 | 20 | 4 | 39.28 |
| 8 | 12 | 17.20 | 20 | 8 | 39.76 |
| 9 | 0 | 17.68 | 20 | 12 | 40.24 |
| 9 | 4 | 18.16 | 21 | 0 | 40.72 |
| 9 | 8 | 18.64 | 21 | 4 | 41.20 |
| 9 | 12 | 19.12 | 21 | 8 | 41.68 |
| 10 | 0 | 19.60 | 21 | 12 | 42.16 |
| 10 | 4 | 20.08 | 22 | 0 | 42.64 |
| 10 | 8 | 20.56 | 22 | 4 | 43.12 |
| 10 | 12 | 21.04 | 22 | 8 | 43.60 |
| 11 | 0 | 21.52 | 22 | 12 | 44.08 |
| 11 | 4 | 22.00 | 23 | 0 | 44.56 |
| 11 | 8 | 22.48 | 23 | 4 | 45.04 |
| 11 | 12 | 22.96 | 23 | 8 | 45.52 |



| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 23 | 12 | $46.00 | 34 | 0 | $65.68 |
| 24 | 0 | 46.48 | 34 | 4 | 66.16 |
| 24 | 4 | 46.96 | 34 | 8 | 66.64 |
| 24 | 8 | 47.44 | 34 | 12 | 67.12 |
| 24 | 12 | 47.92 | 35 | 0 | 67.60 |
| 25 | 0 | 48.40 | 35 | 4 | 68.08 |
| 25 | 4 | 48.88 | 35 | 8 | 68.56 |
| 25 | 8 | 49.36 | 35 | 12 | 69.04 |
| 25 | 12 | 49.84 | 36 | 0 | 69.52 |
| 26 | 0 | 50.32 | 36 | 4 | 70.00 |
| 26 | 4 | 50.80 | 36 | 8 | 70.48 |
| 26 | 8 | 51.28 | 36 | 12 | 70.96 |
| 26 | 12 | 51.76 | 37 | 0 | 71.44 |
| 27 | 0 | 52.24 | 37 | 4 | 71.92 |
| 27 | 4 | 52.72 | 37 | 8 | 72.40 |
| 27 | 8 | 53.20 | 37 | 12 | 72.88 |
| 27 | 12 | 53.68 | 38 | 0 | 73.36 |
| 28 | 0 | 54.16 | 38 | 4 | 73.84 |
| 28 | 4 | 54.64 | 38 | 8 | 74.32 |
| 28 | 8 | 55.12 | 38 | 12 | 74.80 |
| 28 | 12 | 55.60 | 39 | 0 | 75.28 |
| 29 | 0 | 56.08 | 39 | 4 | 75.76 |
| 29 | 4 | 56.56 | 39 | 8 | 76.24 |
| 29 | 8 | 57.04 | 39 | 12 | 76.72 |
| 29 | 12 | 57.52 | 40 | 0 | 77.20 |
| 30 | 0 | 58.00 | 40 | 4 | 77.68 |
| 30 | 4 | 58.48 | 40 | 8 | 78.16 |
| 30 | 8 | 58.96 | 40 | 12 | 78.64 |
| 30 | 12 | 59.44 | 41 | 0 | 79.12 |
| 31 | 0 | 59.92 | 41 | 4 | 79.60 |
| 31 | 4 | 60.40 | 41 | 8 | 80.08 |
| 31 | 8 | 60.88 | 41 | 12 | 80.56 |
| 31 | 12 | 61.36 | 42 | 0 | 81.04 |
| 32 | 0 | 61.84 | 42 | 4 | 81.52 |
| 32 | 4 | 62.32 | 42 | 8 | 82.00 |
| 32 | 8 | 62.80 | 42 | 12 | 82.48 |
| 32 | 12 | 63.28 | 43 | 0 | 82.96 |
| 33 | 0 | 63.76 | 43 | 4 | 83.44 |
| 33 | 4 | 64.24 | 43 | 8 | 83.92 |
| 33 | 8 | 64.72 | 43 | 12 | 84.40 |
| 33 | 12 | 65.20 | 44 | 0 | 84.88 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: No.
Registration: No.
Insurance: Yes.
C. O. D.: No.

(2) *Indemnity.* See subparagraph (4) of this paragraph.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $200 | 60 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "Insured" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs, as per the following example:

Insured Value
$25.75 (U. S.)
Twenty-five Dollars and Seventy-five Cents
77.25 Gold Francs
Seventy-seven Gold Francs and Twenty-five Centimes

(iii) See § 127.143 (b), as to method of converting United States currency into gold francs.

(iv) Parcels containing coin, precious metals, jewelry, or other precious articles must be insured.

(v) For general information concerning insurance service, see §§ 127.140 to § 127.148, inclusive.

(5) *Observations.* (i) Gift parcels must comply with the following requirements; otherwise they will be treated as undeliverable by the Czechoslovak authorities.

(ii) Wearing apparel, including linen and footwear, must be accompanied by a certificate enclosed in the package stating that the articles have been disinfected. A notarized statement from a reliable dry-cleaning establishment or laundry that the articles have been cleaned should meet the requirements of the Czechoslovak authorities.

(iii) Preserved foods in tin cans or other hermetically sealed containers are not permitted.

(6) *Prohibitions*—(i) *For reasons of public safety.* Secret arms, i. e., poniards, firearms or swords concealed in canes, etc., may be imported only if accompanied by a certificate.

(ii) *For reasons of sanitary policy.* Colors and mastics containing lead may be imported when the packing bears a clear and distinct indication that they contain lead.

(iii) *For the protection of animals or plants.* (a) Meat products call for a veterinary certificate and a certificate of origin, except quantities up to 10 kilograms for the personal consumption of the addressee. Bacon and lard require a certificate of origin. Veterinary certificates and certificates of origin are required for honey, beeswax, and beekeeping equipment.

(b) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iv) *State monopolies.* German and Hungarian silver coins.

(7) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Import licenses are required for commercial shipments.

(ii) The importation of silkworms is permitted only by special permission of the Ministry of Agriculture.

(iii) Shipments of arms and their parts must be accompanied during their transportation over customs territory by a certificate issued by the State police.

(iv) Tobacco and its products require the permission of the Ministry of Finance for importation, with the exception of shipments for the Monopoly or small shipments for personal use of the addressee.

(v) Czechoslovak coins, paper money, securities and other paper values of any kind, as well as savings-bank booklets, and unmanufactured gold, silver, and platinum, may be imported only by authorization of the Czechoslovak National Bank at Praha.

(vi) Salt and artificial sweetening substances require the authorization of the Ministry of Finance.

(vii) Wireless telegraph and telephone apparatus require authorization of the Ministry of Commerce.

(viii) The restrictions on the exchange of postage stamps shown in paragraph (a) (8) of this section also apply in case of shipments by parcel post.

§ 127.238 *Dahomey*—(a) *Postal Union Mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank. Plasters and small silver ingots not bearing the stamp of an authorized assayer and an indication of their fineness.

(ii) Arabic books or prints are admitted conditionally, subject to special control. (Certificate of origin required.)

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.72 | 19 | $5.27 |
| 2 | .94 | 20 | 5.49 |
| 3 | 1.34 | 21 | 5.71 |
| 4 | 1.56 | 22 | 5.93 |
| 5 | 1.78 | 23 | 6.58 |
| 6 | 2.00 | 24 | 6.80 |
| 7 | 2.22 | 25 | 7.02 |
| 8 | 2.44 | 26 | 7.24 |
| 9 | 2.66 | 27 | 7.46 |
| 10 | 2.88 | 28 | 7.68 |
| 11 | 3.10 | 29 | 7.90 |
| 12 | 3.73 | 30 | 8.12 |
| 13 | 3.95 | 31 | 8.34 |
| 14 | 4.17 | 32 | 8.56 |
| 15 | 4.39 | 33 | 8.78 |
| 16 | 4.61 | 34 | 9.43 |
| 17 | 4.83 | 35 | 9.65 |
| 18 | 5.05 | 36 | 9.87 |

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 37 | $10.09 | 41 | $10.97 |
| 38 | 10.31 | 42 | 11.19 |
| 39 | 10.53 | 43 | 11.41 |
| 40 | 10.75 | 44 | 11.63 |

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

The following offices are authorized to participate in the parcel post service:

Abomey.
Abomey-Calavi.
Adjohon.
Allada.
Athieme.
Attogon.
Bassila.
Bimbereke.
Bohicon.
Bopa.
Cotonou.
Cové.
Dassa-Zoume.
Djougou.
Grand-Popo.
Kandi.
Natitingou.
Nikki.
Ouidah.
Parahoue.
Parakou.
Pobe.
Porto-Novo.
Sakete.
Savalou.
Save.
Segboroue.
Tchaourou.
Zagnanado.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions*—(i) *For sanitary reasons.* Essences for making imitation liquors.

(ii) *For the protection of plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iii) *For other reasons.* (*a*) Foreign products natural or manufactured, having markings, labels, or wrappings of any kind which may give the impression that they are of French origin. Foreign products from a place having the same name as a place in France must bear, in addition to the name of that place, the name of the country of origin and the word "Importe" (imported) very conspicuously.

(*b*) Preserved sardines, vegetables, and plums must bear on each container an indication of the country of origin in raised or sunken letters at least 4 millimeters (5/32 inch) high, in the middle of the lid and of the bottom, in a space not bearing any inscription. Cases and wrappers containing these products must bear adhering letters indicating the country of origin. Boxes of sardines must not in any case exceed 1 kilogram.

(*c*) Weights and measures not of the metric system.

(*d*) Counters of copper, nickel, or other metal, or similar articles which may be mistaken for coins in lawful use.

(*e*) Piasters and small silver ingots, in form other than bars, must bear a conspicuous indication of their weight and fineness and the stamp of an authorized assayer.

(5) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Import permits are required in many cases.

(ii) The following articles are subject to special regulations upon importation: Artificial mineral waters. Stills and other distilling apparatus. Saccharine and other sweetening substances whose use is restricted to therapeutics, pharmacy, and the preparation of nonalimentary products. Firearms not for official use; airguns; stilettos, swordcanes, brass knuckles, and other secret weapons. Coining apparatus.

(iii) Arabic books and prints are subject to special control.

§ 127.239 *Denmark*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 43 cents for the first 2 ounces and 23 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Combination packages.* Accepted. (See § 127.12.)

(8) *Prohibitions.* (i) Arms and munitions; materials for the manufacture of munitions.

(ii) Advertisements, etc., for the sale of articles on the "snowball" system.

(iii) Articles which, by their form, etc., resemble Danish or foreign coins or paper money, national or foreign stamps or other forms of prepayment, public securities, obligations payable to the bearer, stocks, or the relative coupons.

(iv) Danish and foreign coins, banknotes, stocks, bonds, and coupons may be imported only if the addressee possesses a permit issued by the National Bank of Denmark. No permit is necessary, however, in the case of foreign coins or banknotes which the addressee finds it necessary to import in order to effect the return of his foreign currency into Denmark.

(v) Foreign almanacs which do not bear the University almanac stamp. Almanacs sent singly for foreign advertising purposes may be admitted without bearing the said almanac stamp. It is recommended that senders of almanacs to Denmark address them to a single addressee. In such a case the almanacs are marked with the prescribed stamp by the customs service.

(vi) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates for Denmark, Faroe Islands and Greenland.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 23 | $5.29 |
| 2 | .67 | 24 | 5.51 |
| 3 | .89 | 25 | 5.73 |
| 4 | 1.11 | 26 | 5.95 |
| 5 | 1.33 | 27 | 6.17 |
| 6 | 1.55 | 28 | 6.39 |
| 7 | 1.77 | 29 | 6.61 |
| 8 | 1.99 | 30 | 6.83 |
| 9 | 2.21 | 31 | 7.05 |
| 10 | 2.43 | 32 | 7.27 |
| 11 | 2.65 | 33 | 7.49 |
| 12 | 2.87 | 34 | 7.71 |
| 13 | 3.09 | 35 | 7.93 |
| 14 | 3.31 | 36 | 8.15 |
| 15 | 3.53 | 37 | 8.37 |
| 16 | 3.75 | 38 | 8.59 |
| 17 | 3.97 | 39 | 8.81 |
| 18 | 4.19 | 40 | 9.03 |
| 19 | 4.41 | 41 | 9.25 |
| 20 | 4.63 | 42 | 9.47 |
| 21 | 4.85 | 43 | 9.69 |
| 22 | 5.07 | 44 | 9.91 |

(ii) *Air parcel rates, for Denmark and Faroe Islands only.* (Rates: $0.97 first 4 ounces; $0.47 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.97 | 14 | 8 | $27.76 |
| 0 | 8 | 1.44 | 14 | 12 | 28.23 |
| 0 | 12 | 1.91 | 15 | 0 | 28.70 |
| 1 | 0 | 2.38 | 15 | 4 | 29.17 |
| 1 | 4 | 2.85 | 15 | 8 | 29.64 |
| 1 | 8 | 3.32 | 15 | 12 | 30.11 |
| 1 | 12 | 3.79 | 16 | 0 | 30.58 |
| 2 | 0 | 4.26 | 16 | 4 | 31.05 |
| 2 | 4 | 4.73 | 16 | 8 | 31.52 |
| 2 | 8 | 5.20 | 16 | 12 | 31.99 |
| 2 | 12 | 5.67 | 17 | 0 | 32.46 |
| 3 | 0 | 6.14 | 17 | 4 | 32.93 |
| 3 | 4 | 6.61 | 17 | 8 | 33.40 |
| 3 | 8 | 7.08 | 17 | 12 | 33.87 |
| 3 | 12 | 7.55 | 18 | 0 | 34.34 |
| 4 | 0 | 8.02 | 18 | 4 | 34.81 |
| 4 | 4 | 8.49 | 18 | 8 | 35.28 |
| 4 | 8 | 8.96 | 18 | 12 | 35.75 |
| 4 | 12 | 9.43 | 19 | 0 | 36.22 |
| 5 | 0 | 9.90 | 19 | 4 | 36.69 |
| 5 | 4 | 10.37 | 19 | 8 | 37.16 |
| 5 | 8 | 10.84 | 19 | 12 | 37.63 |
| 5 | 12 | 11.31 | 20 | 0 | 38.10 |
| 6 | 0 | 11.78 | 20 | 4 | 38.57 |
| 6 | 4 | 12.25 | 20 | 8 | 39.04 |
| 6 | 8 | 12.72 | 20 | 12 | 39.51 |
| 6 | 12 | 13.19 | 21 | 0 | 39.98 |
| 7 | 0 | 13.66 | 21 | 4 | 40.45 |
| 7 | 4 | 14.13 | 21 | 8 | 40.92 |
| 7 | 8 | 14.60 | 21 | 12 | 41.39 |
| 7 | 12 | 15.07 | 22 | 0 | 41.86 |
| 8 | 0 | 15.54 | 22 | 4 | 42.33 |
| 8 | 4 | 16.01 | 22 | 8 | 42.80 |
| 8 | 8 | 16.48 | 22 | 12 | 43.27 |
| 8 | 12 | 16.95 | 23 | 0 | 43.74 |
| 9 | 0 | 17.42 | 23 | 4 | 44.21 |
| 9 | 4 | 17.89 | 23 | 8 | 44.68 |
| 9 | 8 | 18.36 | 23 | 12 | 45.15 |
| 9 | 12 | 18.83 | 24 | 0 | 45.63 |
| 10 | 0 | 19.30 | 24 | 4 | 46.09 |
| 10 | 4 | 19.77 | 24 | 8 | 46.56 |
| 10 | 8 | 20.24 | 24 | 12 | 47.03 |
| 10 | 12 | 20.71 | 25 | 0 | 47.50 |
| 11 | 0 | 21.18 | 25 | 4 | 47.97 |
| 11 | 4 | 21.65 | 25 | 8 | 48.44 |
| 11 | 8 | 22.12 | 25 | 12 | 48.91 |
| 11 | 12 | 22.59 | 26 | 0 | 49.38 |
| 12 | 0 | 23.06 | 26 | 4 | 49.85 |
| 12 | 4 | 23.53 | 26 | 8 | 50.32 |
| 12 | 8 | 24.00 | 26 | 12 | 50.79 |
| 12 | 12 | 24.47 | 27 | 0 | 51.26 |
| 13 | 0 | 24.94 | 27 | 4 | 51.73 |
| 13 | 4 | 25.41 | 27 | 8 | 52.20 |
| 13 | 8 | 25.88 | 27 | 12 | 52.67 |
| 13 | 12 | 26.35 | 28 | 0 | 53.14 |
| 14 | 0 | 26.82 | 28 | 4 | 53.61 |
| 14 | 4 | 27.29 | 28 | 8 | 54.08 |



| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 28 | 12 | $54.55 | 36 | 8 | $69.12 |
| 29 | 0 | 55.02 | 36 | 12 | 69.59 |
| 29 | 4 | 55.49 | 37 | 0 | 70.06 |
| 29 | 8 | 55.96 | 37 | 4 | 70.53 |
| 29 | 12 | 56.43 | 37 | 8 | 71.00 |
| 30 | 0 | 56.90 | 37 | 12 | 71.47 |
| 30 | 4 | 57.37 | 38 | 0 | 71.94 |
| 30 | 8 | 57.84 | 38 | 4 | 72.41 |
| 30 | 12 | 58.31 | 38 | 8 | 72.88 |
| 31 | 0 | 58.78 | 38 | 12 | 73.35 |
| 31 | 4 | 59.25 | 39 | 0 | 73.82 |
| 31 | 8 | 59.72 | 39 | 4 | 74.29 |
| 31 | 12 | 60.19 | 39 | 8 | 74.76 |
| 32 | 0 | 60.66 | 39 | 12 | 75.23 |
| 32 | 4 | 61.13 | 40 | 0 | 75.70 |
| 32 | 8 | 61.60 | 40 | 4 | 76.17 |
| 32 | 12 | 62.07 | 40 | 8 | 76.64 |
| 33 | 0 | 62.54 | 40 | 12 | 77.11 |
| 33 | 4 | 63.01 | 41 | 0 | 77.58 |
| 33 | 8 | 63.48 | 41 | 4 | 78.05 |
| 33 | 12 | 63.95 | 41 | 8 | 78.52 |
| 34 | 0 | 64.42 | 41 | 12 | 78.99 |
| 34 | 4 | 64.89 | 42 | 0 | 79.46 |
| 34 | 8 | 65.36 | 42 | 4 | 79.93 |
| 34 | 12 | 65.83 | 42 | 8 | 80.40 |
| 35 | 0 | 66.30 | 42 | 12 | 80.87 |
| 35 | 4 | 66.77 | 43 | 0 | 81.34 |
| 35 | 8 | 67.24 | 43 | 4 | 81.81 |
| 35 | 12 | 67.71 | 43 | 8 | 82.28 |
| 36 | 0 | 68.18 | 43 | 12 | 82.75 |
| 36 | 4 | 68.65 | 44 | 0 | 83.22 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Yes. (See § 127.79.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (5) of this paragraph.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $200 | 60 |
| From $200.01 to $300 | 65 |
| From $300.01 to $330 | 70 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "Insured" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in Arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs, as per the following example:

Insured Value
$225.55 (U. S.)
Two Hundred Twenty-five Dollars and Fifty-five Cents
676.65 Gold Francs
Six Hundred Seventy-six Gold Francs and Sixty-five Centimes

(iii) See § 127.143 (b), as to method of converting United States currency into gold francs.

(iv) The insurance of parcels containing coins, bank notes, currency notes, or any kind of securities payable to bearer, platinum, gold, or silver, whether manufactured or unmanufactured, precious stones, jewels, or other precious articles is obligatory.

(v) For general information concerning insurance service see §§ 127.140 to 127.148, inclusive.

(6) *Observations.* (i) In order to facilitate the clearance of parcels through the customs it is advisable that each package be accompanied by a duplicate invoice properly signed by the sender and containing as an inclosure a specification of the goods in question, particulars (date, etc.) of their sale, and conditions of payment.

(ii) An invoice indicating the nature, quantity, and value of the contents is required for every parcel addressed to the Faroe Islands (post offices of Klaksvig, Thorshavn, Trangisvaag, and Vaag). The invoice, or invoices in the case of parcels sent under the group shipment arrangement, is to be attached to the customs declaration.

(iii) A temporary ad valorem duty has been instituted for a class of article which principally comes under the heading of luxuries, notably those which are composed wholly or partly of silk and fur; precious articles; polished precious and semiprecious stones; all kinds of pearls and manufactured coral, gold, silver, and platinum articles, gold and silver watches; artificial flowers; fine feathers; umbrellas; polished glassware (except laboratory apparatus, incandescent light bulbs, and optical glasses); and laces.

(7) *Prohibitions.* (i) The articles mentioned in subdivision (i) to (iv) of paragraph (a) (8) of this section are also prohibited by parcel post. Almanacs, are admitted by parcel post.

(ii) For the protection of animals or plants: (*a*) Eggs of all kinds for hatching; honeycomb, natural or artificial; potatoes; live animals except parasites and predators of injurious insects.

(*b*) Certain plaints and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iii) For other reasons: (*a*) Coins, banknotes, and securities may be admitted under the restrictions stated for their importation in the Postal Union mails.

(*b*) Medicinal products reserved for pharmacies may be imported in amounts costing less than 100 crowns only by pharmacists, laboratories recognized by the State, or authorized dealers.

(*c*) Fine-cut tobacco in small packages to which cigarette papers are attached.

(*d*) Marks or seals similar to those prescribed by the Customs Administration as revenue stamps for cigarettes, etc., as well as stamps, plates, and similar contrivances required for producing those marks. Importation reserved exclusively for the Customs Administration.

(8) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Import permits are required in many cases.

(ii) Shoes made in part of pasteboard or artificial leather require special authorization from the Ministry of Commerce and Industry.

(iii) Certain restrictions apply to the importation of meat, butter, margarine, grease, and other agricultural products.

§ 127.240 *Dominican Republic*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 2 in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 31 cents for the first 2 ounces and 11 cents for each additional 2 ounces. (See § 127.20.)

(6) *Diplomatic and consular mail.* (See § 127.32.)

(7) *Freedom of postage for government correspondence.* (See § 127.32 (c).)

(8) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(9) *Combination packages.* Accepted. (See § 127.12.)

(10) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(11) *Prohibitions.* (i) Coins, manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles. (Banknotes and values payable to bearer are admitted in registered letters.)

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.58 | 11 | $2.78 |
| 2 | .80 | 12 | 3.00 |
| 3 | 1.02 | 13 | 3.22 |
| 4 | 1.24 | 14 | 3.44 |
| 5 | 1.46 | 15 | 3.66 |
| 6 | 1.68 | 16 | 3.88 |
| 7 | 1.90 | 17 | 4.10 |
| 8 | 2.12 | 18 | 4.32 |
| 9 | 2.34 | 19 | 4.54 |
| 10 | 2.56 | 20 | 4.76 |

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 21 | $4.98 | 33 | $7.62 |
| 22 | 5.20 | 34 | 7.84 |
| 23 | 5.42 | 35 | 8.06 |
| 24 | 5.64 | 36 | 8.28 |
| 25 | 5.86 | 37 | 8.50 |
| 26 | 6.08 | 38 | 8.72 |
| 27 | 6.30 | 39 | 8.94 |
| 28 | 6.52 | 40 | 9.16 |
| 29 | 6.74 | 41 | 9.38 |
| 30 | 6.96 | 42 | 9.60 |
| 31 | 7.18 | 43 | 9.82 |
| 32 | 7.40 | 44 | 10.04 |

(ii) *Air parcel rates, including surcharges.* (Rates: $0.86 first 4 ounces; $0.22 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.86 | 18 | 8 | $16.92 |
| 0 | 8 | 1.08 | 18 | 12 | 17.14 |
| 0 | 12 | 1.30 | 19 | 0 | 17.36 |
| 1 | 0 | 1.52 | 19 | 4 | 17.58 |
| 1 | 4 | 1.74 | 19 | 8 | 17.80 |
| 1 | 8 | 1.96 | 19 | 12 | 18.02 |
| 1 | 12 | 2.18 | 20 | 0 | 18.24 |
| 2 | 0 | 2.40 | 20 | 4 | 18.46 |
| 2 | 4 | 2.62 | 20 | 8 | 18.68 |
| 2 | 8 | 2.84 | 20 | 12 | 18.90 |
| 2 | 12 | 3.06 | 21 | 0 | 19.12 |
| 3 | 0 | 3.28 | 21 | 4 | 19.34 |
| 3 | 4 | 3.50 | 21 | 8 | 19.56 |
| 3 | 8 | 3.72 | 21 | 12 | 19.78 |
| 3 | 12 | 3.94 | 22 | 0 | 20.00 |
| 4 | 0 | 4.16 | 22 | 4 | 20.22 |
| 4 | 4 | 4.38 | 22 | 8 | 20.44 |
| 4 | 8 | 4.60 | 22 | 12 | 20.66 |
| 4 | 12 | 4.82 | 23 | 0 | 20.88 |
| 5 | 0 | 5.04 | 23 | 4 | 21.10 |
| 5 | 4 | 5.26 | 23 | 8 | 21.32 |
| 5 | 8 | 5.48 | 23 | 12 | 21.54 |
| 5 | 12 | 5.70 | 24 | 0 | 21.76 |
| 6 | 0 | 5.92 | 24 | 4 | 21.98 |
| 6 | 4 | 6.14 | 24 | 8 | 22.20 |
| 6 | 8 | 6.36 | 24 | 12 | 22.42 |
| 6 | 12 | 6.58 | 25 | 0 | 22.64 |
| 7 | 0 | 6.80 | 25 | 4 | 22.86 |
| 7 | 4 | 7.02 | 25 | 8 | 23.08 |
| 7 | 8 | 7.24 | 25 | 12 | 23.30 |
| 7 | 12 | 7.46 | 26 | 0 | 23.52 |
| 8 | 0 | 7.68 | 26 | 4 | 23.74 |
| 8 | 4 | 7.90 | 26 | 8 | 23.96 |
| 8 | 8 | 8.12 | 26 | 12 | 24.18 |
| 8 | 12 | 8.34 | 27 | 0 | 24.40 |
| 9 | 0 | 8.56 | 27 | 4 | 24.62 |
| 9 | 4 | 8.78 | 27 | 8 | 24.84 |
| 9 | 8 | 9.00 | 27 | 12 | 25.06 |
| 9 | 12 | 9.22 | 28 | 0 | 25.28 |
| 10 | 0 | 9.44 | 28 | 4 | 25.50 |
| 10 | 4 | 9.66 | 28 | 8 | 25.72 |
| 10 | 8 | 9.88 | 28 | 12 | 25.94 |
| 10 | 12 | 10.10 | 29 | 0 | 26.16 |
| 11 | 0 | 10.32 | 29 | 4 | 26.38 |
| 11 | 4 | 10.54 | 29 | 8 | 26.60 |
| 11 | 8 | 10.76 | 29 | 12 | 26.82 |
| 11 | 12 | 10.98 | 30 | 0 | 27.04 |
| 12 | 0 | 11.20 | 30 | 4 | 27.26 |
| 12 | 4 | 11.42 | 30 | 8 | 27.48 |
| 12 | 8 | 11.64 | 30 | 12 | 27.70 |
| 12 | 12 | 11.86 | 31 | 0 | 27.92 |
| 13 | 0 | 12.08 | 31 | 4 | 28.14 |
| 13 | 4 | 12.30 | 31 | 8 | 28.36 |
| 13 | 8 | 12.52 | 31 | 12 | 28.58 |
| 13 | 12 | 12.74 | 32 | 0 | 28.80 |
| 14 | 0 | 12.96 | 32 | 4 | 29.02 |
| 14 | 4 | 13.18 | 32 | 8 | 29.24 |
| 14 | 8 | 13.40 | 32 | 12 | 29.46 |
| 14 | 12 | 13.62 | 33 | 0 | 29.68 |
| 15 | 0 | 13.84 | 33 | 4 | 29.90 |
| 15 | 4 | 14.06 | 33 | 8 | 30.12 |
| 15 | 8 | 14.28 | 33 | 12 | 30.34 |
| 15 | 12 | 14.50 | 34 | 0 | 30.56 |
| 16 | 0 | 14.72 | 34 | 4 | 30.78 |
| 16 | 4 | 14.94 | 34 | 8 | 31.00 |
| 16 | 8 | 15.16 | 34 | 12 | 31.22 |
| 16 | 12 | 15.38 | 35 | 0 | 31.44 |
| 17 | 0 | 15.60 | 35 | 4 | 31.66 |
| 17 | 4 | 15.82 | 35 | 8 | 31.88 |
| 17 | 8 | 16.04 | 35 | 12 | 32.10 |
| 17 | 12 | 16.26 | 36 | 0 | 32.32 |
| 18 | 0 | 16.48 | 36 | 4 | 32.54 |
| 18 | 4 | 16.70 | 36 | 8 | 32.76 |

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 36 | 12 | $32.98 | 40 | 8 | $36.23 |
| 37 | 0 | 33.20 | 40 | 12 | 36.50 |
| 37 | 4 | 33.42 | 41 | 0 | 36.72 |
| 37 | 8 | 33.64 | 41 | 4 | 36.94 |
| 37 | 12 | 33.86 | 41 | 8 | 37.16 |
| 38 | 0 | 34.08 | 41 | 12 | 37.38 |
| 38 | 4 | 34.30 | 42 | 0 | 37.60 |
| 38 | 8 | 34.52 | 42 | 4 | 37.82 |
| 38 | 12 | 34.74 | 42 | 8 | 38.04 |
| 39 | 0 | 34.96 | 42 | 12 | 38.26 |
| 39 | 4 | 35.18 | 43 | 0 | 38.48 |
| 39 | 8 | 35.40 | 43 | 4 | 38.70 |
| 39 | 12 | 35.62 | 43 | 8 | 38.92 |
| 40 | 0 | 35.84 | 43 | 12 | 39.14 |
| 40 | 4 | 36.06 | 44 | 0 | 39.36 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: Limited to 3 ordinary parcels. (See § 127.79.)
Registration: Yes. Fee, 55 cents.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* See § 127.165.

(3) *Registry service.* For general information, see Subpart D of this part.

(4) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels (surface and air). (See § 127.159.)

(5) *Dimensions.* (i) Greatest combined length and girth, 6 feet. Greatest length, $3\frac{1}{2}$ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(ii) Parcels exceeding $100 in value must be accompanied by a consular invoice or by a commercial invoice legalized by a consul of the Dominican Republic, a chamber of commerce, or a notary.

(iii) Dominican consuls are located in the following cities:

| | |
|---|---|
| Aguadilla, P. R. | Newark, N. J. |
| Baltimore, Md. | New Orleans, La. |
| Boston, Mass. | New Rochelle, N. Y. |
| Buffalo, N. Y. | New York, N. Y. |
| Charlotte Amalie, V. I. | Norfolk, Va. |
| Chicago, Ill. | Orange, N. J. |
| Christiansted, V. I. | Philadelphia, Pa. |
| Cleveland, Ohio. | Phoenix, Ariz. |
| Denver, Colo. | Ponce, P. R. |
| Fort Worth, Tex. | Port Arthur, Tex. |
| Galveston, Tex. | Portland, Oreg. |
| Guanica, P. R. | Providence, R. I. |
| Houston, Tex. | Rochester, Minn. |
| Jacksonville, Fla. | San Antonio, Tex. |
| Lake Charles, La. | San Francisco, Calif. |
| Los Angeles, Calif. | San Juan, P. R. |
| Mayaguez, P. R. | Santa Barbara, Calif. |
| Miami, Fla. | Seattle, Wash. |
| Mobile, Ala. | Tampa, Fla. |
| | Washington, D. C. |

(6) *Observations.* In the case of parcels addressed in care of banks or other organizations, the second addressee shall be advised concerning the arrival of the parcel, but he shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender; in the latter case, the sender shall take steps, through the administration of the country of origin of the parcel, for its delivery to the second addressee.

(7) *Prohibitions.*—(i) *For the protection of animals or plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(ii) *Arms, etc.*—(a) Poniards, daggers, stilettos; sticks or fans with concealed blades or firearms.

(b) Firearms and war material, unless authorized by the Government.

(iii) *For other reasons.* (a) False coin and false paper money of any country, as well as dies or plates for making them.

(b) Roulette games and other gambling devices.

(c) Oils, etc., with a flash point lower than 150° F.

(8) *Import restrictions.* Addressees are required to obtain import licenses in many cases.

§ 127.241 *Ecuador*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 2, in § 127.1. Small packet accepted. (See § 127.10.)

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(5) *Special delivery.* Yes. Articles addressed for delivery within the carrier-delivery limits of the cities of Guayaquil and Quito will be given the benefit of special delivery service. (See § 127.19.)

(6) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 36 cents for the first 2 ounces and 16 cents for each additional 2 ounces. (See § 127.20.)

(7) *Diplomatic and consular mail.* (See § 127.32.)

(8) *Freedom of postage for government correspondence.* (See § 127.32(c).)

(9) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted, if registered. (See § 127.3.)

(10) *Observations.* See paragraph (b) (7) of this section concerning treatment accorded articles on which Ecuadoran customs duties are assessed which are refused by the addressee.

(11) *Prohibitions.* (i) Dutiable articles (merchandise) in letters and packages prepaid at letter rate unless registered.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.86 | 6 | $1.96 |
| 2 | 1.08 | 7 | 2.18 |
| 3 | 1.30 | 8 | 2.40 |
| 4 | 1.52 | 9 | 2.62 |
| 5 | 1.74 | 10 | 2.84 |



| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 11 | $3.06 | 28 | $6.80 |
| 12 | 3.28 | 29 | 7.02 |
| 13 | 3.50 | 30 | 7.24 |
| 14 | 3.72 | 31 | 7.46 |
| 15 | 3.94 | 32 | 7.68 |
| 16 | 4.16 | 33 | 7.90 |
| 17 | 4.38 | 34 | 8.12 |
| 18 | 4.60 | 35 | 8.34 |
| 19 | 4.82 | 36 | 8.56 |
| 20 | 5.04 | 37 | 8.78 |
| 21 | 5.26 | 38 | 9.00 |
| 22 | 5.48 | 39 | 9.22 |
| 23 | 5.70 | 40 | 9.44 |
| 24 | 5.92 | 41 | 9.66 |
| 25 | 6.14 | 42 | 9.88 |
| 26 | 6.36 | 43 | 10.10 |
| 27 | 6.58 | 44 | 10.32 |

(ii) *Air parcel rates, including surcharges.* (Rates: $1.24 first 4 ounces; $0.33 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.24 | 17 | 4 | $23.68 |
| 0 | 8 | 1.57 | 17 | 8 | 24.01 |
| 0 | 12 | 1.90 | 17 | 12 | 24.34 |
| 1 | 0 | 2.23 | 18 | 0 | 24.67 |
| 1 | 4 | 2.56 | 18 | 4 | 25.00 |
| 1 | 8 | 2.89 | 18 | 8 | 25.33 |
| 1 | 12 | 3.22 | 18 | 12 | 25.66 |
| 2 | 0 | 3.55 | 19 | 0 | 25.99 |
| 2 | 4 | 3.88 | 19 | 4 | 26.32 |
| 2 | 8 | 4.21 | 19 | 8 | 26.65 |
| 2 | 12 | 4.54 | 19 | 12 | 26.98 |
| 3 | 0 | 4.87 | 20 | 0 | 27.31 |
| 3 | 4 | 5.20 | 20 | 4 | 27.64 |
| 3 | 8 | 5.53 | 20 | 8 | 27.97 |
| 3 | 12 | 5.86 | 20 | 12 | 28.30 |
| 4 | 0 | 6.19 | 21 | 0 | 28.63 |
| 4 | 4 | 6.52 | 21 | 4 | 28.96 |
| 4 | 8 | 6.85 | 21 | 8 | 29.29 |
| 4 | 12 | 7.18 | 21 | 12 | 29.62 |
| 5 | 0 | 7.51 | 22 | 0 | 29.95 |
| 5 | 4 | 7.84 | 22 | 4 | 30.28 |
| 5 | 8 | 8.17 | 22 | 8 | 30.61 |
| 5 | 12 | 8.50 | 22 | 12 | 30.94 |
| 6 | 0 | 8.83 | 23 | 0 | 31.27 |
| 6 | 4 | 9.16 | 23 | 4 | 31.60 |
| 6 | 8 | 9.49 | 23 | 8 | 31.93 |
| 6 | 12 | 9.82 | 23 | 12 | 32.26 |
| 7 | 0 | 10.15 | 24 | 0 | 32.59 |
| 7 | 4 | 10.48 | 24 | 4 | 32.92 |
| 7 | 8 | 10.81 | 24 | 8 | 33.25 |
| 7 | 12 | 11.14 | 24 | 12 | 33.58 |
| 8 | 0 | 11.47 | 25 | 0 | 33.91 |
| 8 | 4 | 11.80 | 25 | 4 | 34.24 |
| 8 | 8 | 12.13 | 25 | 8 | 34.57 |
| 8 | 12 | 12.46 | 25 | 12 | 34.90 |
| 9 | 0 | 12.79 | 26 | 0 | 35.23 |
| 9 | 4 | 13.12 | 26 | 4 | 35.56 |
| 9 | 8 | 13.45 | 26 | 8 | 35.89 |
| 9 | 12 | 13.78 | 26 | 12 | 36.22 |
| 10 | 0 | 14.11 | 27 | 0 | 36.55 |
| 10 | 4 | 14.44 | 27 | 4 | 36.88 |
| 10 | 8 | 14.77 | 27 | 8 | 37.21 |
| 10 | 12 | 15.10 | 27 | 12 | 37.54 |
| 11 | 0 | 15.43 | 28 | 0 | 37.87 |
| 11 | 4 | 15.76 | 28 | 4 | 38.20 |
| 11 | 8 | 16.09 | 28 | 8 | 38.53 |
| 11 | 12 | 16.42 | 28 | 12 | 38.86 |
| 12 | 0 | 16.75 | 29 | 0 | 39.19 |
| 12 | 4 | 17.08 | 29 | 4 | 39.52 |
| 12 | 8 | 17.41 | 29 | 8 | 39.85 |
| 12 | 12 | 17.74 | 29 | 12 | 40.18 |
| 13 | 0 | 18.07 | 30 | 0 | 40.51 |
| 13 | 4 | 18.40 | 30 | 4 | 40.84 |
| 13 | 8 | 18.73 | 30 | 8 | 41.17 |
| 13 | 12 | 19.06 | 30 | 12 | 41.50 |
| 14 | 0 | 19.39 | 31 | 0 | 41.83 |
| 14 | 4 | 19.72 | 31 | 4 | 42.16 |
| 14 | 8 | 20.05 | 31 | 8 | 42.49 |
| 14 | 12 | 20.38 | 31 | 12 | 42.82 |
| 15 | 0 | 20.71 | 32 | 0 | 43.15 |
| 15 | 4 | 21.04 | 32 | 4 | 43.48 |
| 15 | 8 | 21.37 | 32 | 8 | 43.81 |
| 15 | 12 | 21.70 | 32 | 12 | 44.14 |
| 16 | 0 | 22.03 | 33 | 0 | 44.47 |
| 16 | 4 | 22.36 | 33 | 4 | 44.80 |
| 16 | 8 | 22.69 | 33 | 8 | 45.13 |
| 16 | 12 | 23.02 | 33 | 12 | 45.46 |
| 17 | 0 | 23.35 | 34 | 0 | 45.79 |
| 17 | 4 | 23.68 | 34 | 4 | 46.12 |
| 17 | 8 | 24.01 | 34 | 8 | 46.45 |
| 17 | 12 | 24.34 | 34 | 12 | 46.78 |
| 18 | 0 | 24.67 | 35 | 0 | 47.11 |
| 18 | 4 | 25.00 | 35 | 4 | 47.44 |
| 18 | 8 | 25.33 | 35 | 8 | 47.77 |
| 18 | 12 | 25.66 | 35 | 12 | 48.10 |
| 19 | 0 | 25.99 | 36 | 0 | 48.43 |
| 19 | 4 | 26.32 | 36 | 4 | 48.76 |
| 19 | 8 | 26.65 | 36 | 8 | 49.09 |
| 19 | 12 | 26.98 | 36 | 12 | 49.42 |
| 20 | 0 | 27.31 | 37 | 0 | 49.75 |
| 20 | 4 | 27.64 | 37 | 4 | 50.08 |
| 20 | 8 | 27.97 | 37 | 8 | 50.41 |
| 20 | 12 | 28.30 | 37 | 12 | 50.74 |
| 21 | 0 | 28.63 | 38 | 0 | 51.07 |
| 21 | 4 | 28.96 | 38 | 4 | 51.40 |
| 21 | 8 | 29.29 | 38 | 8 | 51.73 |
| 21 | 12 | 29.62 | 38 | 12 | 52.06 |
| 22 | 0 | 29.95 | 39 | 0 | 52.39 |
| 22 | 4 | 30.28 | 39 | 4 | 52.72 |
| 22 | 8 | 30.61 | 39 | 8 | 53.05 |
| 22 | 12 | 30.94 | 39 | 12 | 53.38 |
| 23 | 0 | 31.27 | 40 | 0 | 53.71 |
| 23 | 4 | 31.60 | 40 | 4 | 54.04 |
| 23 | 8 | 31.93 | 40 | 8 | 54.37 |
| 23 | 12 | 32.26 | 40 | 12 | 54.70 |
| 24 | 0 | 32.59 | 41 | 0 | 55.03 |
| 24 | 4 | 32.92 | 41 | 4 | 55.36 |
| 24 | 8 | 33.25 | 41 | 8 | 55.69 |
| 24 | 12 | 33.58 | 41 | 12 | 56.02 |
| 25 | 0 | 33.91 | 42 | 0 | 56.35 |
| 25 | 4 | 34.24 | 42 | 4 | 56.68 |
| 25 | 8 | 34.57 | 42 | 8 | 57.01 |
| 25 | 12 | 34.90 | 42 | 12 | 57.34 |
| 26 | 0 | 35.23 | 43 | 0 | 57.67 |
| 26 | 4 | 35.56 | 43 | 4 | 58.00 |
| 26 | 8 | 35.89 | 43 | 8 | 58.33 |
| 26 | 12 | 36.22 | 43 | 12 | 58.66 |
| 27 | 0 | 36.55 | 44 | 0 | 58.99 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: Limited to 3 ordinary parcels. (See § 127.79.)
Registration: Yes. (See subparagraph (6) of this paragraph.)
Insurance: Yes.
C. o. d.: No.
Consular invoice: Yes. (See subparagraph (7) of this paragraph.)

(2) *Indemnity.* For ordinary parcels, see § 127.165. For registered and insured parcels, see subparagraph (6) of this paragraph, also Subpart E of this part.

(3) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels (surface and air). (See § 127.159.)

(4) *Registry service.* For general information see Subpart D of this part.

(5) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, $3\frac{1}{2}$ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(6) *Registration and insurance.* (i) Parcel post packages may be registered or insured subject to the following limits of indemnity, for the loss, rifling, or damage (except in cases of force majeure), when prepaid at the postage rate applicable in addition to the fees mentioned hereunder:

REGISTERED PARCEL-POST PACKAGES

| Limit of indemnity: | Fee, cents |
|---|---|
| Up to $25 | 55 |
| From $25.01 to $50 | 65 |

INSURED PARCEL-POST PACKAGES

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |

(ii) Mailable parcel post packages containing coin, bullion, jewelry, or any other precious article must be registered.

(iii) For general information concerning registration and insurance, see Subpart D of this part.

(7) *Observations.* (i) Samples of merchandise without value and printed matter if sent by parcel post are subject to charges which must be paid by the addressees if delivery is effected.

(ii) When the value of a parcel post shipment arriving for one consignee in one mail from the same shipper, and shipped on the same date, exceeds $40.00, a consular invoice must be furnished in connection therewith.

(iii) Consuls of Ecuador are located in the following cities:

| | |
|---|---|
| Baltimore, Md. | Pasadena, Calif. |
| Chicago, Ill. | Philadelphia, Pa. |
| Cincinnati, Ohio. | San Diego, Calif. |
| Houston, Tex. | San Francisco, Calif. |
| Inglewood, Calif. | San Juan, P. R. |
| Kansas City, Kans. | San Luis Obispo, Calif. |
| Los Angeles, Calif. | Seattle, Wash. |
| Miami, Fla. | Stamford, Conn. |
| New Orleans, La. | Washington, D. C. |
| New York, N. Y. | |

(iv) Parcel post shipments mailed at places where no consul is stationed need not be accompanied by consular invoices, regardless of the value of the shipments. In such cases the consular fees will be collected from the addressees.

(v) The Ecuadoran authorities require that the addressees of commercial shipments by parcel post valued at $25 and over possess a copy of the shipper's export declaration (Commerce Department Form 7525–V), signed by the mailer and certified by the post office of mailing. This copy is in addition to the one required under the provisions of § 127.88. The additional copy prepared by the mailer for the purpose of fulfilling the requirements of the Ecuadoran authorities, after being postmarked in the lower left-hand corner, shall be returned to the mailer. When shipments exceeding $40 in value are mailed in cities where Ecuadoran consuls are located, the sender must present his copy of the export declaration, bearing the postmark of the office of mailing, to the said consul for legalization before sending it to the addressee.

(vi) A collection is made of a fourth of a centavo for each kilogram of gross weight of each package imported or exported.

(vii) Certificates of origin are required for the importation of plants. These are furnished by the agricultural authorities of Ecuador, and they should as a general rule be attached to the customs declarations. A copy shall be sent in the letter mails to the consignee or addressee.

(viii) In the case of parcels addressed in care of banks or other organizations, the second addressee shall be advised concerning the arrival of the parcel, but he shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender; in the latter case, the sender shall take steps, through the administration of the country of origin of the parcel, for its delivery to the second addressee.

(ix) After the arrival of parcels in Ecuador each addressee is contacted in order to ascertain whether he desires to accept the parcel. If the addressee refuses the parcel it is treated as undeliv-

erable and disposed of in accordance with the instructions of the sender, but if the addressee accepts the parcel it is then submitted for customs treatment. If, after customs duties have been assessed, the addressee should fail to pay those charges the parcel will not be released for return to the sender until the amount of duty assessed is paid.

(8) *Prohibitions.* (i) *For reasons of public safety.* (*a*) Uncanceled postage stamps in ordinary mail.

(*b*) Imitations of money or postage stamps, except numismatic and philatelic catalogs.

(ii) *For sanitary reasons.* (*a*) Pharmaceutical products and compound medicines whose formula is not known, and, in general, all those prohibited by the sanitary authorities.

(*b*) Beverages and foodstuffs which have been adulterated or which contain substances injurious to health, in accordance with the attestation of the sanitary authorities.

(*c*) Butter containing more than 10 per cent of stearine.

(*d*) Nursing bottles with rubber or glass tubes.

(iii) *For the protection of animals or plants.* Plants, fruits, and seeds which may contain germs or parasites declared harmful by the agricultural authorities. Bits and mouthpieces therefor made of copper or any alloy containing copper.

(iv) *Arms, etc.* (*a*) The Government alone has the right to introduce war arms of any kind, their accessories, or munitions, as well as machines, apparatus, and material used in warfare.

(*b*) Poniards; sticks, fans, and other articles containing hidden darts; razors, daggers, or firearms.

(v) *State monopolies, etc.* Leaf or manufactured tobacco and cigarette paper except for or by authorization of the Government. Unrefined salt.

(vi) *For other reasons.* (*a*) Roulette games, gambling paraphernalia, labels, imprints, or marks registered in Ecuador, unless imported by authorized manufacturers themselves.

(*b*) Leather shoes in general; cloth and rubber shoes.

(*c*) Preparations for obliterating ink and handwriting.

(*d*) All maps showing the territory of Ecuador with incorrect boundaries.

(*e*) So-called "Panama" hats and the straw used for making them; also straw called "Mocora," similar to that produced in Ecuador, and hats made therefrom.

(9) *Import restrictions.* Addressees must obtain import licenses in most cases.

§ 127.242 *Egypt*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages, and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 52 cents for the first 2 ounces and 31 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.) The addressees of articles prepaid at the letter rate, whether ordinary or registered, supposed to contain dutiable articles and received without the green label, Form 2976 (C 1), affixed, are summoned to witness their opening by the customs for disposal under the regulations. Requests for return of such articles to the senders are not complied with in any case.

(7) *Prohibitions.* (i) Bees and silkworms; also parasites and predators of injurious insects.

(ii) Tobacco, cigars, and cigarettes of any kind are not admitted as samples.

(iii) Coins; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, and other precious articles. Remittances of currency other than Egyptian are not delivered but the addressees are offered the equivalent in Egyptian money at the official rate.

(iv) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.66 | 12 | $2.95 |
| 2 | .88 | 13 | 3.17 |
| 3 | 1.04 | 14 | 3.39 |
| 4 | 1.26 | 15 | 3.61 |
| 5 | 1.48 | 16 | 3.83 |
| 6 | 1.70 | 17 | 4.05 |
| 7 | 1.92 | 18 | 4.27 |
| 8 | 2.07 | 19 | 4.49 |
| 9 | 2.29 | 20 | 4.71 |
| 10 | 2.51 | 21 | 4.93 |
| 11 | 2.73 | 22 | 5.15 |

(ii) *Air parcel rates, including surcharges.* (Rates: $1.35 first 4 ounces; $0.64 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.35 | 8 | 8 | $22.47 |
| 0 | 8 | 1.99 | 8 | 12 | 23.11 |
| 0 | 12 | 2.63 | 9 | 0 | 23.75 |
| 1 | 0 | 3.27 | 9 | 4 | 24.39 |
| 1 | 4 | 3.91 | 9 | 8 | 25.03 |
| 1 | 8 | 4.55 | 9 | 12 | 25.67 |
| 1 | 12 | 5.19 | 10 | 0 | 26.31 |
| 2 | 0 | 5.83 | 10 | 4 | 26.95 |
| 2 | 4 | 6.47 | 10 | 8 | 27.59 |
| 2 | 8 | 7.11 | 10 | 12 | 28.23 |
| 2 | 12 | 7.75 | 11 | 0 | 28.87 |
| 3 | 0 | 8.39 | 11 | 4 | 29.51 |
| 3 | 4 | 9.03 | 11 | 8 | 30.15 |
| 3 | 8 | 9.67 | 11 | 12 | 30.79 |
| 3 | 12 | 10.31 | 12 | 0 | 31.43 |
| 4 | 0 | 10.95 | 12 | 4 | 32.07 |
| 4 | 4 | 11.59 | 12 | 8 | 32.71 |
| 4 | 8 | 12.23 | 12 | 12 | 33.35 |
| 4 | 12 | 12.87 | 13 | 0 | 33.99 |
| 5 | 0 | 13.51 | 13 | 4 | 34.63 |
| 5 | 4 | 14.15 | 13 | 8 | 35.27 |
| 5 | 8 | 14.79 | 13 | 12 | 35.91 |
| 5 | 12 | 15.43 | 14 | 0 | 36.55 |
| 6 | 0 | 16.07 | 14 | 4 | 37.19 |
| 6 | 4 | 16.71 | 14 | 8 | 37.83 |
| 6 | 8 | 17.35 | 14 | 12 | 38.47 |
| 6 | 12 | 17.99 | 15 | 0 | 39.11 |
| 7 | 0 | 18.63 | 15 | 4 | 39.75 |
| 7 | 4 | 19.27 | 15 | 8 | 40.39 |
| 7 | 8 | 19.91 | 15 | 12 | 41.03 |
| 7 | 12 | 20.55 | 16 | 0 | 41.67 |
| 8 | 0 | 21.19 | 16 | 4 | 42.31 |
| 8 | 4 | 21.83 | 16 | 8 | 42.95 |
| 16 | 12 | $43.59 | 19 | 8 | $50.63 |
| 17 | 0 | 44.23 | 19 | 12 | 51.27 |
| 17 | 4 | 44.87 | 20 | 0 | 51.91 |
| 17 | 8 | 45.51 | 20 | 4 | 52.55 |
| 17 | 12 | 46.15 | 20 | 8 | 53.19 |
| 18 | 0 | 46.79 | 20 | 12 | 53.83 |
| 18 | 4 | 47.43 | 21 | 0 | 54.47 |
| 18 | 8 | 48.07 | 21 | 4 | 55.11 |
| 18 | 12 | 48.71 | 21 | 8 | 55.75 |
| 19 | 0 | 49.35 | 21 | 12 | 56.39 |
| 19 | 4 | 49.99 | 22 | 0 | 57.03 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Limited to 3 parcels. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Observations.* Senders of merchandise must enclose in their parcels a copy of the original invoice, as well as a detailed description of the contents, in order to facilitate customs operations and prompt delivery to the addressees. Should the invoice relate to several parcels of a group shipment it may be enclosed in one of the parcels and the other parcels of the consignment marked to indicate that fact.

(6) *Prohibitions*—(i) *For sanitary reasons.* (*a*) Leaves of wormwood, extracts of absinthine, and all preparations containing absinthe. Wormwood plants may be imported only in the form of medicinal products, by pharmacists.

(*b*) Tobacco seed, Sudanese tobacco, artificial and adulterated tobacco.

(*c*) Soap containing less than 40 per cent of fatty and resinous acids or more than 3 percent of free caustic alkali calculated as sodium oxide, or composed of substances whose use may be declared unlawful by decree of the Ministry of Commerce and Industry. This prohibition does not apply to powdered, liquid, soft, potash, mineral, and medical soaps, provided that the kind of soap is indicated on the product and on the wrapper.

(*d*) Gas masks not complying with the requirements of the Ministry of Public Health.

(*e*) Chalk for children's games must bear the conspicuous note "Poison" on the box, in Arabic and in another language; it must also be accompanied by directions for use (in two versions, one in Arabic and the other in another language), warning children not to put the chalk in their mouths.



(*f*) The importation of shaving brushes as well as of hair or bristles serving for the manufacture of shaving or other brushes, is prohibited unless they are accompanied by a certificate (for each shipment) from the competent authorities in the country of manufacture or exportation, attesting that they have been disinfected and are free of all anthrax microbes.

(*g*) The importation of bedding, clothes, etc., containing unworked down is permitted only after disinfection.

(ii) *For the protection of animals or plants.* (*a*) Cotton seed, cotton-plants and cotton-stalks, even when apparently incapable of germination; seeded or unseeded cotton, even when used as packing material. However, small samples of well-seeded cotton (not exceeding 2 kilograms) are admitted when addressed in care of the Entomological Section, Ministry of Agriculture, Alexandria Custom House.

(*b*) Grape vine leaves, even when used as packing material.

(*c*) Plants of Hibiscus esculentus (okra) and Hibiscus cannabinus (hemp-mallow), as well as all parts of such plants, their pods and seeds.

(*d*) Sacks, boxes, and other receptacles, as well as any other articles which have been used for packing any of the articles mentioned above under this subitem.

(*e*) Simple chemical fertilizers must be accompanied by a certificate of analysis issued by a laboratory in the country of origin officially recognized by the Government of that country. Compound chemical fertilizers also require the special authorization of the Ministry of Agriculture of Egypt. A certificate must accompany each shipment, showing the amount of fertilizer imported, the result of its analysis, and the names of sender and addressee. Fertilizers composed of two or more simple fertilizers are considered as compound fertilizers.

(iii) *Arms, etc.* 303-caliber rifles and ammunition therefor are absolutely prohibited.

(iv) *For other reasons.* (*a*) Articles of gold and silver containing less than 15 carats of fine gold or 600 1000 of fine silver, respectively, must be stamped with the figure indicating the proportion of fine metal which they contain. Those with a greater fineness must be marked with an official stamp recognized as valid by the Egyptian Government.

(*b*) Foreign gold or silver coins, other than the pound sterling and its subsidiary gold coins, are treated like any other articles of gold or silver. Foreign coins of silver, nickel, bronze, or copper which are legal tender in their respective countries are admitted only if clipped. The same applies to all coins (other than gold), medals, medallions, etc. (including Maria Theresa thalers), which resemble coins current in Egypt or other countries. The same also applies to pounds and half-pounds sterling from which part of the gold has been removed.

(*c*) Cotton thread and yarn of all kinds is admitted if each unit bears a clear indication of the length in yards or meters or the actual weight in kilograms, okas, or pounds.

(*d*) Cotton cloth, bleached or unbleached, dyed or undyed, or interwoven with colored threads, printed, plaited, ornamented, or figured, as well as tulles and gauzes for mosquito-nets, curtains, dressmaking, etc., is subject to the following conditions: (*1*) Each piece must be folded in uniform lengths of a meter or yard, or fractions (halves, thirds, or quarters) of a meter or yard; (*2*) each piece must be marked on the outside to show the exact number of meters or yards, or fractions of those units, which it contains. Such number must be followed by a plain indication of the unit employed.

(*e*) Electric lamps must bear the name of the country of manufacture in raised, sunken, or indelible letters.

(*f*) Boxes of manufactured tobacco must bear a specific band showing the name of the importer, applied as prescribed by the Customs.

(*g*) Compound medicaments and pharmaceutical specialties prepared for retail sale must have the selling price to the public marked on each unit.

(7) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Pharmaceutical specialties require the approval of the Ministry of Public Health.

(ii) The authorization of the Ministry of Agriculture is required for the importation of the following:

(iii) Fungicides and insecticides; bees; silkworms; parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized institutions.

(iv) The consent of the Ministry of Public Safety is required for the importation of the following:

(*a*) Arms and munitions, other than those of .303 caliber which are prohibited.

(*b*) Copies of the Koran and other Moslem religious books.

(v) The consent of the Ministry of Interior must be obtained for the importation of phonograph records of Arabic songs, and for exposed motion-picture films (developed or not) except those addressed to members of the Diplomatic Corps.

(vi) Sticks of wood intended for the manufacture of matches or match boxes may be imported only with the consent of the Customs.

(vii) Addressees must present import permits in order to receive parcels. If such permits are not presented, parcels are liable to confiscation or are subjected to a fine by the Egyptian customs authorities. Also, the Egyptian customs authorities require that a permit be obtained before undeliverable parcels will be returned to origin, and when a fine has been imposed it must be paid before the parcels will be released for return. Therefore, it should be recommended to the sender in each case that he ascertain in advance of mailing that the addressee possesses the necessary import permit.

§ 127.243 *Eritrea*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See § 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins, banknotes, paper money and values payable to bearer; gold, platinum and silver, manufactured or unmanufactured; precious stones, jewelry, and other precious articles.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.63 | 12 | $3.44 |
| 2 | .88 | 13 | 3.66 |
| 3 | 1.12 | 14 | 3.88 |
| 4 | 1.34 | 15 | 4.10 |
| 5 | 1.56 | 16 | 4.32 |
| 6 | 1.78 | 17 | 4.54 |
| 7 | 2.00 | 18 | 4.76 |
| 8 | 2.20 | 19 | 4.98 |
| 9 | 2.51 | 20 | 5.20 |
| 10 | 2.73 | 21 | 5.42 |
| 11 | 2.95 | 22 | 5.64 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth; parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96 relative to storage charges on returned parcels.

(5) *Prohibitions*—(i) *For reasons of public safety.* Printed matter, designs and emblems contrary to public order.

(ii) *For sanitary reasons.* (*a*) Medicines, serums, vaccines and opotherapic products, unless authorized by international agreement.

(*b*) Empty containers and labels with markings relating to medicines.

(iii) *For the protection of plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iv) *Arms, etc.* Arms and parts thereof are not admitted until the addressee

obtains a permit from the authorities in his locality.

(v) *State monopolies, etc.* Tobacco and cigarettes in commercial shipments may be imported only by licensees of the Tobacco Monopoly of Eritrea.

(6) *Import restrictions.* Addressees in Eritrea are required to obtain import licenses for all merchandise purchased for resale, for any shipment of one or more parcels with a total value exceeding 200 East African shillings, and for any shipment of one or more parcels containing textiles totaling more than 600 square meters.

§ 127.244 *Estonia.*

NOTE: The regulations mentioned hereinafter are as prescribed by the Soviet authorities who are, as a practical matter, in a position to refuse the entry into Estonia of mail unless such mail complies with the Soviet postal regulations.

(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters and post-cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 52 cents for the first 2 ounces and 31 cents for each additional 2 ounces. (See § 127.20.)

(6) *Observations.* Same as those governing mail service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U. S. S. R." must be included as part of the address of mail articles.

(7) *Prohibitions.* Same as those governing mail service with the Union of Soviet Socialist Republics.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.90 | 12 | $3.53 |
| 2 | 1.12 | 13 | 3.75 |
| 3 | 1.28 | 14 | 3.97 |
| 4 | 1.50 | 15 | 4.19 |
| 5 | 1.72 | 16 | 4.41 |
| 6 | 1.94 | 17 | 4.63 |
| 7 | 2.16 | 18 | 4.85 |
| 8 | 2.31 | 19 | 5.07 |
| 9 | 2.53 | 20 | 5.29 |
| 10 | 2.75 | 21 | 5.51 |
| 11 | 2.97 | 22 | 5.73 |

(ii) *Air parcel rates.* (Rates: $1.66 first 4 ounces; $0.63 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.66 | 4 | 4 | $11.74 |
| 0 | 8 | 2.29 | 4 | 8 | 12.37 |
| 0 | 12 | 2.92 | 4 | 12 | 13.00 |
| 1 | 0 | 3.55 | 5 | 0 | 13.63 |
| 1 | 4 | 4.18 | 5 | 4 | 14.26 |
| 1 | 8 | 4.81 | 5 | 8 | 14.89 |
| 1 | 12 | 5.44 | 5 | 12 | 15.52 |
| 2 | 0 | 6.07 | 6 | 0 | 16.15 |
| 2 | 4 | 6.70 | 6 | 4 | 16.78 |
| 2 | 8 | 7.33 | 6 | 8 | 17.41 |
| 2 | 12 | 7.96 | 6 | 12 | 18.04 |
| 3 | 0 | 8.59 | 7 | 0 | 18.67 |
| 3 | 4 | 9.22 | 7 | 4 | 19.30 |
| 3 | 8 | 9.85 | 7 | 8 | 19.93 |
| 3 | 12 | 10.48 | 7 | 12 | 20.56 |
| 4 | 0 | 11.11 | 8 | 0 | 21.19 |
| 4 | 4 | $21.82 | 15 | 4 | $39.46 |
| 4 | 8 | 22.45 | 15 | 8 | 40.09 |
| 4 | 12 | 23.08 | 15 | 12 | 40.72 |
| 5 | 0 | 23.71 | 16 | 0 | 41.35 |
| 5 | 4 | 24.34 | 16 | 4 | 41.98 |
| 5 | 8 | 24.97 | 16 | 8 | 42.61 |
| 5 | 12 | 25.60 | 16 | 12 | 43.24 |
| 6 | 0 | 26.23 | 17 | 0 | 43.87 |
| 6 | 4 | 26.86 | 17 | 4 | 44.50 |
| 6 | 8 | 27.49 | 17 | 8 | 45.13 |
| 6 | 12 | 28.12 | 17 | 12 | 45.76 |
| 7 | 0 | 28.75 | 18 | 0 | 46.39 |
| 7 | 4 | 29.38 | 18 | 4 | 47.02 |
| 7 | 8 | 30.01 | 18 | 8 | 47.65 |
| 7 | 12 | 30.64 | 18 | 12 | 48.28 |
| 8 | 0 | 31.27 | 19 | 0 | 48.91 |
| 8 | 4 | 31.90 | 19 | 4 | 49.54 |
| 8 | 8 | 32.53 | 19 | 8 | 50.17 |
| 8 | 12 | 33.16 | 19 | 12 | 50.80 |
| 9 | 0 | 33.79 | 20 | 0 | 51.43 |
| 9 | 4 | 34.42 | 20 | 4 | 52.06 |
| 9 | 8 | 35.05 | 20 | 8 | 52.69 |
| 9 | 12 | 35.68 | 20 | 12 | 53.32 |
| 10 | 0 | 36.31 | 21 | 0 | 53.95 |
| 10 | 4 | 36.94 | 21 | 4 | 54.58 |
| 10 | 8 | 37.57 | 21 | 8 | 55.21 |
| 10 | 12 | 38.20 | 21 | 12 | 55.84 |
| 11 | 0 | 38.83 | 22 | 0 | 56.47 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 3 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96 relative to storage charges on returned parcels.

(5) *Observations.* Same as those governing parcel post service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U. S. S. R." should be included as part of the address of parcels.

(6) *Prohibitions.* Same as those governing parcel post service with the Union of Soviet Socialist Republics.

§ 127.245 *Ethiopia (Abyssinia)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins, manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles. However, registered letters may contain bank notes, paper money, or values payable to bearer.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.73 | 23 | $6.71 |
| 2 | .95 | 24 | 6.93 |
| 3 | 1.41 | 25 | 7.15 |
| 4 | 1.63 | 26 | 7.37 |
| 5 | 1.85 | 27 | 7.59 |
| 6 | 2.07 | 28 | 7.81 |
| 7 | 2.29 | 29 | 8.03 |
| 8 | 2.64 | 30 | 8.25 |
| 9 | 2.86 | 31 | 8.47 |
| 10 | 3.08 | 32 | 8.69 |
| 11 | 3.30 | 33 | 8.91 |
| 12 | 3.92 | 34 | 9.51 |
| 13 | 4.14 | 35 | 9.73 |
| 14 | 4.36 | 36 | 9.95 |
| 15 | 4.58 | 37 | 10.17 |
| 16 | 4.80 | 38 | 10.39 |
| 17 | 5.02 | 39 | 10.61 |
| 18 | 5.24 | 40 | 10.83 |
| 19 | 5.46 | 41 | 11.05 |
| 20 | 5.68 | 42 | 11.27 |
| 21 | 5.90 | 43 | 11.49 |
| 22 | 6.12 | 44 | 11.71 |

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* (i) The service extends to Addis Ababa, Dessie, Dire Dawa, Djimma, Harrar and Lecemete only. Parcels are liable to a charge for delivery. All parcels must be very strongly packed, and those of which the contents are liable to be affected by dampness should be inclosed in two separate waterproof covers.

(ii) In order to facilitate customs clearance and delivery, senders must inclose in their parcels a copy of an invoice covering the contents. Such invoices must be attested by an appropriate authority of the country of origin (chamber of commerce, board of trade, etc.).

(iii) Motion-picture films must be packed in firmly soldered tin boxes, and celluloid articles must be placed in solid wooden boxes. Each such parcel and relative dispatch note must be plainly marked "Films" or "Celluloid."

(5) *Prohibitions*—(i) *For reasons of public safety.* Coins, banknotes, paper money, and values payable to bearer. Platinum, gold and silver, manufactured or not. Jewelry, precious stones, and other precious articles. False and counterfeit coins. Food colorings, essences having bases of tar and other minerals, or of poisonous vegetable substances.

(ii) *For sanitary reasons.* Used linen must be accompanied by a certificate of disinfection.



(iii) *For the protection of plants.* Fresh or dried seeds and fruits must be accompanied by a health certificate.

(6) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Arms are admitted only by permit issued by the Ministry of War.

(ii) Sea salt and rock salt, tobacco leaves and manufactured tobacco, lighters and flints therefor, require a permit from the monopoly authorities.

§ 127.246 *Falkland Islands (including South Georgia)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(6) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 58 cents for the first 2 ounces and 38 cents for each additional 2 ounces. Articles will receive air dispatch to Montevideo, Uruguay, and surface transmission from Montevideo to destination. (See § 127.20.)

(7) *Prohibitions.* (i) Same as Great Britain, except that parasites and predators of injurious insects are prohibited.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) Table of rates—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.80 | 12 | $3.42 |
| 2 | 1.02 | 13 | 3.64 |
| 3 | 1.24 | 14 | 3.86 |
| 4 | 1.46 | 15 | 4.08 |
| 5 | 1.68 | 16 | 4.30 |
| 6 | 1.90 | 17 | 4.52 |
| 7 | 2.12 | 18 | 4.74 |
| 8 | 2.34 | 19 | 4.96 |
| 9 | 2.56 | 20 | 5.18 |
| 10 | 2.78 | 21 | 5.40 |
| 11 | 3.00 | 22 | 5.62 |

(ii) *Air parcel rates, including transit charges.* (Rates: $1.26 first 4 ounces; $0.76 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.26 | 5 | 8 | $17.22 |
| 0 | 8 | 2.02 | 5 | 12 | 17.98 |
| 0 | 12 | 2.78 | 6 | 0 | 18.74 |
| 1 | 0 | 3.54 | 6 | 4 | 19.50 |
| 1 | 4 | 4.30 | 6 | 8 | 20.26 |
| 1 | 8 | 5.06 | 6 | 12 | 21.02 |
| 1 | 12 | 5.82 | 7 | 0 | 21.78 |
| 2 | 0 | 6.58 | 7 | 4 | 22.54 |
| 2 | 4 | 7.34 | 7 | 8 | 23.30 |
| 2 | 8 | 8.10 | 7 | 12 | 24.06 |
| 2 | 12 | 8.86 | 8 | 0 | 24.82 |
| 3 | 0 | 9.62 | 8 | 4 | 25.58 |
| 3 | 4 | 10.38 | 8 | 8 | 26.34 |
| 3 | 8 | 11.14 | 8 | 12 | 27.10 |
| 3 | 12 | 11.90 | 9 | 0 | 27.86 |
| 4 | 0 | 12.66 | 9 | 4 | 28.62 |
| 4 | 4 | 13.42 | 9 | 8 | 29.38 |
| 4 | 8 | 14.18 | 9 | 12 | 30.14 |
| 4 | 12 | 14.94 | 10 | 0 | 30.90 |
| 5 | 0 | 15.70 | 10 | 4 | 21.66 |
| 5 | 4 | 16.46 | 10 | 8 | 32.42 |
| 10 | 12 | $33.18 | 16 | 8 | $50.69 |
| 11 | 0 | 33.94 | 16 | 12 | 51.42 |
| 11 | 4 | 34.70 | 17 | 0 | 52.18 |
| 11 | 8 | 35.46 | 17 | 4 | 52.94 |
| 11 | 12 | 36.22 | 17 | 8 | 53.70 |
| 12 | 0 | 36.98 | 17 | 12 | 54.46 |
| 12 | 4 | 37.74 | 18 | 0 | 55.22 |
| 12 | 8 | 38.50 | 18 | 4 | 55.98 |
| 12 | 12 | 39.26 | 18 | 8 | 56.74 |
| 13 | 0 | 40.02 | 18 | 12 | 57.50 |
| 13 | 4 | 40.78 | 19 | 0 | 58.26 |
| 13 | 8 | 41.54 | 19 | 4 | 59.02 |
| 13 | 12 | 42.30 | 19 | 8 | 59.78 |
| 14 | 0 | 43.06 | 19 | 12 | 60.54 |
| 14 | 4 | 43.82 | 20 | 0 | 61.30 |
| 14 | 8 | 44.58 | 20 | 4 | 62.06 |
| 14 | 12 | 45.34 | 20 | 8 | 62.82 |
| 15 | 0 | 46.10 | 20 | 12 | 63.58 |
| 15 | 4 | 46.86 | 21 | 0 | 64.34 |
| 15 | 8 | 47.62 | 21 | 4 | 65.10 |
| 15 | 12 | 48.38 | 21 | 8 | 65.86 |
| 16 | 0 | 49.14 | 21 | 12 | 66.62 |
| 16 | 4 | 49.90 | 22 | 0 | 67.38 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* Air parcels will receive air dispatch to Montevideo, Uruguay, and surface transmission from Montevideo to destination.

(5) *Import restrictions.* Addressees must obtain import licenses in some cases.

§ 127.247 *Faroe Islands*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted at risk of sender. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 43 cents for the first 2 ounces and 23 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted at risk of sender. (See § 127.3.)

(7) *Combination packages.* Accepted. (See § 127.12.)

(8) *Prohibitions.* Coin, gold, silver, precious stones, jewelry, etc.; articles of correspondence marked on the outside with the declared value of contents.

(b) *Parcel Post.* See Denmark, § 127.239.

§ 127.248 *Fiji Island*—(a) *Postal Union mails.* (1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages, and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 70 cents for the first 2 ounces and 50 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* A clearance and accounting fee of 6d. is charged on all packets found to contain dutiable articles.

(8) *Prohibitions.* (i) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges and surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.66 | 12 | $4.21 |
| 2 | .88 | 13 | 4.43 |
| 3 | 1.04 | 14 | 4.65 |
| 4 | 1.50 | 15 | 4.87 |
| 5 | 1.72 | 16 | 5.09 |
| 6 | 1.94 | 17 | 5.31 |
| 7 | 2.16 | 18 | 5.53 |
| 8 | 2.72 | 19 | 5.75 |
| 9 | 2.94 | 20 | 5.97 |
| 10 | 3.16 | 21 | 6.19 |
| 11 | 3.38 | 22 | 6.41 |

(ii) *Air parcel rates, including surcharges.* (Rates: $1.67 first 4 ounces; $1.00 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.67 | 10 | 8 | $42.67 |
| 0 | 8 | 2.67 | 10 | 12 | 43.67 |
| 0 | 12 | 3.67 | 11 | 0 | 44.67 |
| 1 | 0 | 4.67 | 11 | 4 | 45.67 |
| 1 | 4 | 5.67 | 11 | 8 | 46.67 |
| 1 | 8 | 6.67 | 11 | 12 | 47.67 |
| 1 | 12 | 7.67 | 12 | 0 | 48.67 |
| 2 | 0 | 8.67 | 12 | 4 | 49.67 |
| 2 | 4 | 9.67 | 12 | 8 | 50.67 |
| 2 | 8 | 10.67 | 12 | 12 | 51.67 |
| 2 | 12 | 11.67 | 13 | 0 | 52.67 |
| 3 | 0 | 12.67 | 13 | 4 | 53.67 |
| 3 | 4 | 13.67 | 13 | 8 | 54.67 |
| 3 | 8 | 14.67 | 13 | 12 | 55.67 |
| 3 | 12 | 15.67 | 14 | 0 | 56.67 |
| 4 | 0 | 16.67 | 14 | 4 | 57.67 |
| 4 | 4 | 17.67 | 14 | 8 | 58.67 |
| 4 | 8 | 18.67 | 14 | 12 | 59.67 |
| 4 | 12 | 19.67 | 15 | 0 | 60.67 |
| 5 | 0 | 20.67 | 15 | 4 | 61.67 |
| 5 | 4 | 21.67 | 15 | 8 | 62.67 |
| 5 | 8 | 22.67 | 15 | 12 | 63.67 |
| 5 | 12 | 23.67 | 16 | 0 | 64.67 |
| 6 | 0 | 24.67 | 16 | 4 | 65.67 |
| 6 | 4 | 25.67 | 16 | 8 | 66.67 |
| 6 | 8 | 26.67 | 16 | 12 | 67.67 |
| 6 | 12 | 27.67 | 17 | 0 | 68.67 |
| 7 | 0 | 28.67 | 17 | 4 | 69.67 |
| 7 | 4 | 29.67 | 17 | 8 | 70.67 |
| 7 | 8 | 30.67 | 17 | 12 | 71.67 |
| 7 | 12 | 31.67 | 18 | 0 | 72.67 |
| 8 | 0 | 32.67 | 18 | 4 | 73.67 |
| 8 | 4 | 33.67 | 18 | 8 | 74.67 |
| 8 | 8 | 34.67 | 18 | 12 | 75.67 |
| 8 | 12 | 35.67 | 19 | 0 | 76.67 |
| 9 | 0 | 36.67 | 19 | 4 | 77.67 |
| 9 | 4 | 37.67 | 19 | 8 | 78.67 |
| 9 | 8 | 38.67 | 19 | 12 | 79.67 |
| 9 | 12 | 39.67 | 20 | 0 | 80.67 |
| 10 | 0 | 40.67 | 20 | 4 | 81.67 |
| 10 | 4 | 41.67 | 20 | 8 | 82.67 |

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 20 | 12 | $83.67 | 21 | 8 | $86.67 |
| 21 | 0 | 84.67 | 21 | 12 | 87.67 |
| 21 | 4 | 85.67 | 22 | 0 | 88.67 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Yes. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* The maximum weight limit of parcel post packages mailed in Fiji Islands is 11 pounds.

(5) *Prohibitions.* (i) Tobacco, cigars, cigarettes, and snuff in parcels exceeding 11 pounds or packed with other merchandise.

(ii) Dyes and coloring materials from places outside the British Empire.

(6) *Import restrictions.* Addressees must obtain import licenses in some cases.

§ 127.249 *Finland*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.) In Finland special delivery service is limited to cities.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 46 cents for the first 2 ounces and 25 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Articles of gold or silver are subject to inspection and must contain at least 585/1000 of fine gold or 813/1000 of fine silver. Importation without the inspection stamp is permitted for coins, medals and other foreign decorations, antiques, foreign contest prizes, gifts with engraved initials, and gold or silver articles intended for the addressee's personal use or that of his family, or those being shipped incidentally to change of residence.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union Mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.47 | 10 | $2.63 |
| 2 | .71 | 11 | 2.87 |
| 3 | .95 | 12 | 3.11 |
| 4 | 1.19 | 13 | 3.35 |
| 5 | 1.43 | 14 | 3.59 |
| 6 | 1.67 | 15 | 3.83 |
| 7 | 1.91 | 16 | 4.07 |
| 8 | 2.15 | 17 | 4.31 |
| 9 | 2.39 | 18 | 4.55 |
| 19 | $4.79 | 32 | $7.91 |
| 20 | 5.03 | 33 | 8.15 |
| 21 | 5.27 | 34 | 8.39 |
| 22 | 5.51 | 35 | 8.63 |
| 23 | 5.75 | 36 | 8.87 |
| 24 | 5.99 | 37 | 9.11 |
| 25 | 6.23 | 38 | 9.35 |
| 26 | 6.47 | 39 | 9.59 |
| 27 | 6.71 | 40 | 9.83 |
| 28 | 6.95 | 41 | 10.07 |
| 29 | 7.19 | 42 | 10.31 |
| 30 | 7.43 | 43 | 10.55 |
| 31 | 7.67 | 44 | 10.79 |

(ii) *Air parcel rates.* (Rates: $0.88 first 4 ounces; $0.51 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.88 | 18 | 4 | $37.60 |
| 0 | 8 | 1.39 | 18 | 8 | 38.11 |
| 0 | 12 | 1.90 | 18 | 12 | 38.62 |
| 1 | 0 | 2.41 | 19 | 0 | 39.13 |
| 1 | 4 | 2.92 | 19 | 4 | 39.64 |
| 1 | 8 | 3.43 | 19 | 8 | 40.15 |
| 1 | 12 | 3.94 | 19 | 12 | 40.66 |
| 2 | 0 | 4.45 | 20 | 0 | 41.17 |
| 2 | 4 | 4.96 | 20 | 4 | 41.68 |
| 2 | 8 | 5.47 | 20 | 8 | 42.19 |
| 2 | 12 | 5.98 | 20 | 12 | 42.70 |
| 3 | 0 | 6.49 | 21 | 0 | 43.21 |
| 3 | 4 | 7.00 | 21 | 4 | 43.72 |
| 3 | 8 | 7.51 | 21 | 8 | 44.23 |
| 3 | 12 | 8.02 | 21 | 12 | 44.74 |
| 4 | 0 | 8.53 | 22 | 0 | 45.25 |
| 4 | 4 | 9.04 | 22 | 4 | 45.76 |
| 4 | 8 | 9.55 | 22 | 8 | 46.27 |
| 4 | 12 | 10.06 | 22 | 12 | 46.78 |
| 5 | 0 | 10.57 | 23 | 0 | 47.29 |
| 5 | 4 | 11.08 | 23 | 4 | 47.80 |
| 5 | 8 | 11.59 | 23 | 8 | 48.31 |
| 5 | 12 | 12.10 | 23 | 12 | 48.82 |
| 6 | 0 | 12.61 | 24 | 0 | 49.33 |
| 6 | 4 | 13.12 | 24 | 4 | 49.84 |
| 6 | 8 | 13.63 | 24 | 8 | 50.35 |
| 6 | 12 | 14.14 | 24 | 12 | 50.86 |
| 7 | 0 | 14.65 | 25 | 0 | 51.37 |
| 7 | 4 | 15.16 | 25 | 4 | 51.88 |
| 7 | 8 | 15.67 | 25 | 8 | 52.39 |
| 7 | 12 | 16.18 | 25 | 12 | 52.90 |
| 8 | 0 | 16.69 | 26 | 0 | 53.41 |
| 8 | 4 | 17.20 | 26 | 4 | 53.92 |
| 8 | 8 | 17.71 | 26 | 8 | 54.43 |
| 8 | 12 | 18.22 | 26 | 12 | 54.94 |
| 9 | 0 | 18.73 | 27 | 0 | 55.45 |
| 9 | 4 | 19.24 | 27 | 4 | 55.96 |
| 9 | 8 | 19.75 | 27 | 8 | 56.47 |
| 9 | 12 | 20.26 | 27 | 12 | 56.98 |
| 10 | 0 | 20.77 | 28 | 0 | 57.49 |
| 10 | 4 | 21.28 | 28 | 4 | 58.00 |
| 10 | 8 | 21.79 | 28 | 8 | 58.51 |
| 10 | 12 | 22.30 | 28 | 12 | 59.02 |
| 11 | 0 | 22.81 | 29 | 0 | 59.53 |
| 11 | 4 | 23.32 | 29 | 4 | 60.04 |
| 11 | 8 | 23.83 | 29 | 8 | 60.55 |
| 11 | 12 | 24.34 | 29 | 12 | 61.06 |
| 12 | 0 | 24.85 | 30 | 0 | 61.57 |
| 12 | 4 | 25.36 | 30 | 4 | 62.08 |
| 12 | 8 | 25.87 | 30 | 8 | 62.59 |
| 12 | 12 | 26.38 | 30 | 12 | 63.10 |
| 13 | 0 | 26.89 | 31 | 0 | 63.61 |
| 13 | 4 | 27.40 | 31 | 4 | 64.12 |
| 13 | 8 | 27.91 | 31 | 8 | 64.63 |
| 13 | 12 | 28.42 | 31 | 12 | 65.14 |
| 14 | 0 | 28.93 | 32 | 0 | 65.65 |
| 14 | 4 | 29.44 | 32 | 4 | 66.16 |
| 14 | 8 | 29.95 | 32 | 8 | 66.67 |
| 14 | 12 | 30.46 | 32 | 12 | 67.18 |
| 15 | 0 | 30.97 | 33 | 0 | 67.69 |
| 15 | 4 | 31.48 | 33 | 4 | 68.20 |
| 15 | 8 | 31.99 | 33 | 8 | 68.71 |
| 15 | 12 | 32.50 | 33 | 12 | 69.22 |
| 16 | 0 | 33.01 | 34 | 0 | 69.73 |
| 16 | 4 | 33.52 | 34 | 4 | 70.24 |
| 16 | 8 | 34.03 | 34 | 8 | 70.75 |
| 16 | 12 | 34.54 | 34 | 12 | 71.26 |
| 17 | 0 | 35.05 | 35 | 0 | 71.77 |
| 17 | 4 | 35.56 | 35 | 4 | 72.28 |
| 17 | 8 | 36.07 | 35 | 8 | 72.79 |
| 17 | 12 | 36.58 | 35 | 12 | 73.30 |
| 18 | 0 | 37.09 | 36 | 0 | 73.81 |
| 36 | 4 | $74.32 | 40 | 4 | $82.48 |
| 36 | 8 | 74.83 | 40 | 8 | 82.99 |
| 36 | 12 | 75.34 | 40 | 12 | 83.50 |
| 37 | 0 | 75.85 | 41 | 0 | 84.01 |
| 37 | 4 | 76.36 | 41 | 4 | 84.52 |
| 37 | 8 | 76.87 | 41 | 8 | 85.03 |
| 37 | 12 | 77.38 | 41 | 12 | 85.54 |
| 38 | 0 | 77.89 | 42 | 0 | 86.05 |
| 38 | 4 | 78.40 | 42 | 4 | 86.56 |
| 38 | 8 | 78.91 | 42 | 8 | 87.07 |
| 38 | 12 | 79.42 | 42 | 12 | 87.58 |
| 39 | 0 | 79.93 | 43 | 0 | 88.09 |
| 39 | 4 | 80.44 | 43 | 4 | 88.60 |
| 39 | 8 | 80.95 | 43 | 8 | 89.11 |
| 39 | 12 | 81.46 | 43 | 12 | 89.62 |
| 40 | 0 | 81.97 | 44 | 0 | 90.13 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: No.
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (4) of this paragraph.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Insurance.* (i) Parcel post packages may be insured, subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "Insured" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs, as per the following example:

Insured Value
$25.75 (U. S.)
Twenty-five Dollars and Seventy-five Cents
77.25 Gold Francs
Seventy-seven Gold Francs and Twenty-five Centimes

(iii) See § 127.143 (b), as to method of converting United States currency into gold francs.

(iv) Parcels containing coin, bank notes, paper money, bullion jewelry, or other precious articles must be insured.

(v) For general information concerning insurance service, see §§ 127.140–127.148, inclusive.

(5) *Observations.* (i) The Finnish customs authorities permit the duty-free entry of gift parcels, regardless of weight and value, containing only used clothing, used table linen or used bed linen in quantities not exceeding the normal needs of the addressee and his family.

(ii) Gift parcels or groups of such parcels containing only the articles listed below are admitted duty free, provided no parcel or group exceeds 22 pounds in weight or 5,000 Finnish marks in value:

(a) Foodstuffs other than coffee, cocoa, tea, or candy.

(b) Coffee, cocoa, and candy up to 2 pounds, 3 ounces each, and tea up to 8¼ ounces.

(c) Tobacco up to 3½ ounces (100 cigarettes, 30 cigarillos, or 25 cigars).

(d) Small quantities of clothing (new as well as used), soap, leather goods, razor blades, and similar articles of small value, not to be sold or used in commerce or trade.

(iii) Articles exceeding the above limits will be charged with customs duty and possibly other charges in Finland.

(6) *Prohibitions*—(i) *For sanitary reasons.* Medicines and drugs, including any substances which may be classed as pharmaceuticals by the Finnish authorities, may not be sent by mail unless addressed to authorized manufacturers, dealers, scientists or public health officials for use or distribution in accordance with Finnish regulations. Such substances prepared in doses for use by patients must be clearly and correctly labeled showing the nature and quantity of the ingredients. If found unacceptable under the Finnish regulations, any such articles may be prohibited or confiscated by the authorities.

(ii) *For the protection of plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iii) *For other reasons.* (a) Chile saltpeter containing 1 percent or more of chlorates or perchlorates, taking into consideration the whole of both substances as perchlorate of potassium.

(b) The right to import crude tobacco is reserved exclusively for tobacco manufacturers.

(c) The importation of butter and cheese is admitted only with the authorization of the State Butter Control, and the merchandise must bear a stipulated trade-mark.

(d) Margarine and margarine cheese: To be admitted into the country, margarine must contain at least 82 percent of fat, but at most 10 percent of milk fat and 16 percent of water. Margarine cheese must contain fat other than milk fat, and bear the indication "Imported Margarine Cheese" and the name and address of the importer, and its surface must be colored bright red with a harmless coloring matter.

(7) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Import licenses are required in some cases.

(ii) The authorization of the Ministry of the Interior is required for the importation of meat and meat products, crude animal products, rags, firearms and munitions.

(iii) Almanacs and calendars in Finnish or Swedish, as well as various kinds of printed matter of which a calendar forms the essential part, may be imported only with the consent of the competent authorities (University of Helsinki).

(iv) Playing cards are subject to the stamp tax, and the stamp must be placed on the ace of diamonds.

§ 127.250 *France (including Saar Territory and Monaco)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 42 cents for the first 2 ounces and 21 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* (i) Periodicals, industrial, and other publications in which the number of pages used for advertisements exceeds the number of pages used for the text are chargeable for the advertisements, upon entry into France, the customs duty applicable to printed matter or lithographs, as the case may be. Individual copies addressed to subscribers are exempted from the entry duty and are delivered direct to the addressees.

(ii) All articles should bear, as a part of the address, the name of the department (Province), in which the office of destination is located. Although the French Administration has not made this provision compulsory, it is thought that this precaution will, in many instances, expedite the delivery of the article and postmasters should caution mailers to comply with this request in order to reduce the number of undeliverable articles to the minimum.

(8) *Prohibitions.* (i) Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank. Coins, unless imported by the Bank of France or other designated banks under special authorization.

(ii) Manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, or other precious articles are prohibited. However, gold or silver articles will be accepted in registered letters under the following conditions:

(a) All such registered letters must be directed to the addressees in care of the Bureau de la Garantie, 4 Rue Guenegaud, Paris, and must bear the green label, Form 2976 (C 1).

(b) The French postal authorities will assume only the ordinary responsibility provided by the international regulations in case of loss of registered articles.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 23 | $5.29 |
| 2 | .67 | 24 | 5.51 |
| 3 | .89 | 25 | 5.73 |
| 4 | 1.11 | 26 | 5.95 |
| 5 | 1.33 | 27 | 6.17 |
| 6 | 1.55 | 28 | 6.39 |
| 7 | 1.77 | 29 | 6.61 |
| 8 | 1.99 | 30 | 6.83 |
| 9 | 2.21 | 31 | 7.05 |
| 10 | 2.43 | 32 | 7.27 |
| 11 | 2.65 | 33 | 7.49 |
| 12 | 2.87 | 34 | 7.71 |
| 13 | 3.09 | 35 | 7.93 |
| 14 | 3.31 | 36 | 8.15 |
| 15 | 3.53 | 37 | 8.37 |
| 16 | 3.75 | 38 | 8.59 |
| 17 | 3.97 | 39 | 8.81 |
| 18 | 4.19 | 40 | 9.03 |
| 19 | 4.41 | 41 | 9.25 |
| 20 | 4.63 | 42 | 9.47 |
| 21 | 4.85 | 43 | 9.69 |
| 22 | 5.07 | 44 | 9.91 |

(ii) *Air parcel rates.* (Rates: $1.22 first 4 ounces; $0.44 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.22 | 13 | 4 | $24.10 |
| 0 | 8 | 1.66 | 13 | 8 | 24.54 |
| 0 | 12 | 2.10 | 13 | 12 | 24.98 |
| 1 | 0 | 2.54 | 14 | 0 | 25.42 |
| 1 | 4 | 2.98 | 14 | 4 | 25.86 |
| 1 | 8 | 3.42 | 14 | 8 | 26.30 |
| 1 | 12 | 3.86 | 14 | 12 | 26.74 |
| 2 | 0 | 4.30 | 15 | 0 | 27.18 |
| 2 | 4 | 4.74 | 15 | 4 | 27.62 |
| 2 | 8 | 5.18 | 15 | 8 | 28.06 |
| 2 | 12 | 5.62 | 15 | 12 | 28.50 |
| 3 | 0 | 6.06 | 16 | 0 | 28.94 |
| 3 | 4 | 6.50 | 16 | 4 | 29.38 |
| 3 | 8 | 6.94 | 16 | 8 | 29.82 |
| 3 | 12 | 7.38 | 16 | 12 | 30.26 |
| 4 | 0 | 7.82 | 17 | 0 | 30.70 |
| 4 | 4 | 8.26 | 17 | 4 | 31.14 |
| 4 | 8 | 8.70 | 17 | 8 | 31.58 |
| 4 | 12 | 9.14 | 17 | 12 | 32.02 |
| 5 | 0 | 9.58 | 18 | 0 | 32.46 |
| 5 | 4 | 10.02 | 18 | 4 | 32.90 |
| 5 | 8 | 10.46 | 18 | 8 | 33.34 |
| 5 | 12 | 10.90 | 18 | 12 | 33.78 |
| 6 | 0 | 11.34 | 19 | 0 | 34.22 |
| 6 | 4 | 11.78 | 19 | 4 | 34.66 |
| 6 | 8 | 12.22 | 19 | 8 | 35.10 |
| 6 | 12 | 12.66 | 19 | 12 | 35.54 |
| 7 | 0 | 13.10 | 20 | 0 | 35.98 |
| 7 | 4 | 13.54 | 20 | 4 | 36.42 |
| 7 | 8 | 13.98 | 20 | 8 | 36.86 |
| 7 | 12 | 14.42 | 20 | 12 | 37.30 |
| 8 | 0 | 14.86 | 21 | 0 | 37.74 |
| 8 | 4 | 15.30 | 21 | 4 | 38.18 |
| 8 | 8 | 15.74 | 21 | 8 | 38.62 |
| 8 | 12 | 16.18 | 21 | 12 | 39.06 |
| 9 | 0 | 16.62 | 22 | 0 | 39.50 |
| 9 | 4 | 17.06 | 22 | 4 | 39.94 |
| 9 | 8 | 17.50 | 22 | 8 | 40.38 |
| 9 | 12 | 17.94 | 22 | 12 | 40.82 |
| 10 | 0 | 18.38 | 23 | 0 | 41.26 |
| 10 | 4 | 18.82 | 23 | 4 | 41.70 |
| 10 | 8 | 19.26 | 23 | 8 | 42.14 |
| 10 | 12 | 19.70 | 23 | 12 | 42.58 |
| 11 | 0 | 20.14 | 24 | 0 | 43.02 |
| 11 | 4 | 20.58 | 24 | 4 | 43.46 |
| 11 | 8 | 21.02 | 24 | 8 | 43.90 |
| 11 | 12 | 21.46 | 24 | 12 | 44.34 |
| 12 | 0 | 21.90 | 25 | 0 | 44.78 |
| 12 | 4 | 22.34 | 25 | 4 | 45.22 |
| 12 | 8 | 22.78 | 25 | 8 | 45.66 |
| 12 | 12 | 23.22 | 25 | 12 | 46.10 |
| 13 | 0 | 23.66 | 26 | 0 | 46.54 |

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 26 | 4 | $46.98 | 35 | 4 | $62.82 |
| 26 | 8 | 47.42 | 35 | 8 | 63.26 |
| 26 | 12 | 47.86 | 35 | 12 | 63.70 |
| 27 | 0 | 48.30 | 36 | 0 | 64.14 |
| 27 | 4 | 48.74 | 36 | 4 | 64.58 |
| 27 | 8 | 49.18 | 36 | 8 | 65.02 |
| 27 | 12 | 49.62 | 36 | 12 | 65.46 |
| 28 | 0 | 50.06 | 37 | 0 | 65.90 |
| 28 | 4 | 50.50 | 37 | 4 | 66.34 |
| 28 | 8 | 50.94 | 37 | 8 | 66.78 |
| 28 | 12 | 51.38 | 37 | 12 | 67.22 |
| 29 | 0 | 51.82 | 38 | 0 | 67.66 |
| 29 | 4 | 52.26 | 38 | 4 | 68.10 |
| 29 | 8 | 52.70 | 38 | 8 | 68.54 |
| 29 | 12 | 53.14 | 38 | 12 | 68.98 |
| 30 | 0 | 53.58 | 39 | 0 | 69.42 |
| 30 | 4 | 54.02 | 39 | 4 | 69.86 |
| 30 | 8 | 54.46 | 39 | 8 | 70.30 |
| 30 | 12 | 54.90 | 39 | 12 | 70.74 |
| 31 | 0 | 55.34 | 40 | 0 | 71.18 |
| 31 | 4 | 55.78 | 40 | 4 | 71.62 |
| 31 | 8 | 56.22 | 40 | 8 | 72.06 |
| 31 | 12 | 56.66 | 40 | 12 | 72.50 |
| 32 | 0 | 57.10 | 41 | 0 | 72.94 |
| 32 | 4 | 57.54 | 41 | 4 | 73.38 |
| 32 | 8 | 57.98 | 41 | 8 | 73.82 |
| 32 | 12 | 58.42 | 41 | 12 | 74.26 |
| 33 | 0 | 58.86 | 42 | 0 | 74.70 |
| 33 | 4 | 59.30 | 42 | 4 | 75.14 |
| 33 | 8 | 59.74 | 42 | 8 | 75.58 |
| 33 | 12 | 60.18 | 42 | 12 | 76.02 |
| 34 | 0 | 60.62 | 43 | 0 | 76.46 |
| 34 | 4 | 61.06 | 43 | 4 | 76.90 |
| 34 | 8 | 61.50 | 43 | 8 | 77.34 |
| 34 | 12 | 61.94 | 43 | 12 | 77.78 |
| 35 | 0 | 62.38 | 44 | 0 | 78.22 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing:[1] Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: No.
Registration: No.
Insurance: Yes.
C. o. d.: No.

[1] When parcels are sealed it shall be recommended to senders that they place a special uniform imprint in conspicuous manner on seals.

(2) *Indemnity.* See subparagraph (4) of this paragraph.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $200 | 60 |
| From $200.01 to $300 | 65 |
| From $300.01 to $330 | 70 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "INSURED" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs. The amount in gold francs must be underscored with a heavy line, as per the following example:

Insured Value
$145.00 (U. S.)
One Hundred Forty-five Dollars
435 Gold Francs
Four Hundred Thirty-five Gold Francs

(iii) The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972). No erasure or correction is permitted in the amount of insurance shown on the dispatch note.

(iv) See § 127.143 (b), as to method of converting United States currency into gold francs.

(v) Parcels containing coin, gold or silver (whether manufactured or not), or any other precious article must be insured.

(vi) For general information concerning insurance service, see §§ 127.140–127.148, inclusive.

(5) *Observations.* (i) Parcels whose senders or addressees are designated by initials shall not be accepted. All parcels shall bear, as a part of the address, the name of the department (Province), in which the office of destination is located. Although the French Administration has not made this provision compulsory, it is thought that this precaution will, in many instances, expedite the delivery of the articles and postmasters shall caution mailers to comply with this request in order to reduce the number of undeliverable parcels to the minimum.

(ii) A number of articles addressed for delivery in France are subject to reduced rates of duty if accompanied by certificates of origin legalized by a French diplomatic or consular representative. If it is desired that the addressee receive the benefit of the minimum rate the certificate mentioned must be enclosed in the parcel and the wrapper marked, in close proximity to the address of the addressee, to show that the certificate is enclosed.

(iii) French consuls are located in the following cities:

| | |
|---|---|
| Anchorage, Alaska. | Minneapolis, Minn. |
| Atlanta, Ga. | Mobile, Ala. |
| Baltimore, Md. | New Orleans, La. |
| Birmingham, Ala. | New York, N. Y. |
| Boston, Mass. | Norfolk, Va. |
| Buffalo, N. Y. | Pittsburgh, Pa. |
| Charleston, S. C. | Philadelphia, Pa. |
| Charlotte Amalie, V. I. | Phoenix, Ariz. |
| | Ponce, P. R. |
| Chicago, Ill. | Portland, Oreg. |
| Cleveland, Ohio. | Providence, R. I. |
| Denver, Colo. | Reno, Nev. |
| Detroit, Mich. | San Francisco, Calif. |
| Galveston, Tex. | San Juan, P. R. |
| Honolulu, Hawaii. | Savannah, Ga. |
| Juneau, Alaska. | Seattle, Wash. |
| Los Angeles, Calif. | Tampa, Fla. |
| Mayaguez, P. R. | Washington, D. C. |
| Miami, Fla. | |

(iv) Parcels must not be fastened by means of wire, but use may be made of straps not having sharp edges, tightly fastened so that no sharp ends or corners are exposed.

(6) *Prohibitions.*—(i) *For reasons of public safety.* (a) Firearms, unless the addressee has obtained an import permit.

(b) Articles manufactured from celluloid, including motion-picture film (raw or exposed), celluloid bands and supports therefor, and photographic film, unless packed in double receptacles as follows:

(c) Inner packing: Articles manufactured from celluloid must be packed in boxes of tin, pasteboard or wood. Motion-picture film and celluloid bands or supports therefor must be packed in tin boxes, hermetically sealed. All space remaining in the boxes must be completely filled with packing material.

(d) Outer packing: The inner boxes must be placed together in an outer box of strong wood, the sides to be at least 10 millimeters (one-third inch) in thickness, dovetailed, and the top and bottom firmly screwed to the sides. Any portion of the outer box which may consist of more than one piece of wood must be tightly joined by tongues and grooves. This box must also contain sufficient packing material to completely surround and separate the various inner boxes and to hold them immovable.

(e) The above requirements do not apply to photographic film if closely packed with packing material sufficient in quantity to account for at least 60 percent of the total weight of the parcel.

(ii) *For reasons of sanitary policy.* (a) Penicillin.

(b) Commercial shipments of streptomycin, unless forwarded through the facilities of the "Groupement d Importation des Products Pharmaceutiques", whose representative in the United States is located at 44 Beaver Street, New York 4, N. Y.

(c) Noncommercial (gift) shipments of streptomycin may be mailed by individuals, provided the addressee in each case possesses an import license which may be issued by the French Ministry of Health upon the presentation of a certificate from the addressee's physician.

(d) Unnamed compound medicines not bearing, in conspicuous characters and in the French language, both on the container of the medicine itself and on its outside wrapper, the usual name and the dose of active substances (excluding chemical denominations and formulas), the name and address of the manufacturer, unless they appear in an official pharmacopœia.

(e) The importation of serums, vaccines, virus, toxins, and similar products is subject to authorization by the Government after they have been passed by the pharmacy faculty.

(f) Nursing bottles and nipples made with a product other than pure rubber.

(iii) *For the protection of animals or plants.* (a) Bees, honey, and beeswax must be accompanied by a certificate of origin and noninfection issued by a qualified official approved by the Government.

(b) Skins or carcasses of wild or domestic rodents are prohibited.

(c) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.



(iv) *State monopolies, etc.* (a) The importation of tobacco leaves and stems, manufactured tobaccos, cigars, cigarettes, chewing and smoking tobacco, is permitted only for the account of the Monopoly, with the exception stated below:

(b) Manufactured tobaccos or cigarettes, sent as gifts to individuals in France, may be imported up to the amount of 10 kilograms (22 pounds) per person per year, subject to normal customs duty. The wrapper of each parcel should be marked "À soumettre à la douane à l'arrivée" (to be submitted to customs on arrival). If the cigarettes or tobacco in any parcel exceeds 1 kilogram (2 pounds, 3 ounces), delivery cannot be made without special authority from the French Director of Indirect Taxes.

(c) Prepared wood for matches.

(v) *For other reasons.* (a) Goods bearing false marks of French manufacture.

(b) Coins and banknotes unless imported by the Bank of France or other designated banks under special authorization.

(c) All products bearing any sign or indication of such a nature as to lead one to believe that they were made in France or are of French origin (art. 15 of the General Customs Tariff of January 11, 1892).

(d) Books in the French language presented unstitched and unbound, i. e., in sheets.

(e) Merchandise not complying with the requirements of the law of April 20, 1932, relative to the indication of the origin in indelible and conspicuous Roman letters.

(f) However, for importations having no commercial character addressed to private individuals and manifestly intended for the personal use of the addressees (presents, small quantities, etc.), the indication of the origin is not required.

(g) Canned vegetables, prunes, and fish not bearing an indication of the country of origin by stamping, in plain raised or sunken letters at least 4 millimeters high, in the middle of the top or bottom and in a place not bearing any inscription (laws of July 11, 1906, and June 28, 1913).

(h) Artificial honey (law of July 15, 1921).

(i) Heavy oils and residues of petroleum and other mineral oils require previous authorization for importation.

(j) Candles, vegetable food fats, margarine, oleomargarine, olein, stearin, oleic acid, stearic acid (law of July 2, 1935, art. 15). However, edible vegetable oils and other foodstuffs of a fatty nature are admitted in gift parcels.

(k) Funeral urns.

(l) Pure powdered saccharine may be imported only by the French Government. Other artificial sweetening materials are prohibited.

(m) Negotiable securities and coupons must be imported through the Bank of France or other banks designated by the Ministry of Finances.

(7) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Certain articles imported into France for commercial purposes are subject to quota restrictions, and prospective mailers shall be instructed to ascertain whether or not the articles which they desire to send are admissible.

(ii) Prospective mailers of commercial parcels should be informed also that addressees in France must obtain import licenses in advance of the receipt of the goods. Senders should therefore inform the addressees in advance of mailing as to the nature of their shipments.

(iii) Exemption from the above requirement is granted only in the case of gift shipments mailed by individuals to individuals.

§ 127.251 *French Cameroons*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank. Coins; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry and other precious articles are prohibited.

(ii) The articles restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.49 | 12 | $3.35 |
| 2 | .75 | 13 | 3.61 |
| 3 | 1.01 | 14 | 3.87 |
| 4 | 1.27 | 15 | 4.13 |
| 5 | 1.53 | 16 | 4.39 |
| 6 | 1.79 | 17 | 4.65 |
| 7 | 2.05 | 18 | 4.91 |
| 8 | 2.31 | 19 | 5.17 |
| 9 | 2.57 | 20 | 5.43 |
| 10 | 2.83 | 21 | 5.69 |
| 11 | 3.09 | 22 | 5.95 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* Parcels addressed to places other than Duala are liable to a charge for delivery.

(5) *Import restrictions.* Addressees are required to obtain import licenses in some cases.

§ 127.252 *French Equatorial Africa (Gabon, Moyen (Middle) Congo, Oubangui-Chari, and Tchad)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 65 cents for the first 2 ounces and 45 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* Addressees must obtain import permits in order to receive merchandise.

(8) *Prohibitions.* (i) Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank. Coins; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry and other precious articles are prohibited.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.74 | 23 | $6.72 |
| 2 | .96 | 24 | 6.94 |
| 3 | 1.38 | 25 | 7.16 |
| 4 | 1.60 | 26 | 7.38 |
| 5 | 1.82 | 27 | 7.60 |
| 6 | 2.04 | 28 | 7.82 |
| 7 | 2.26 | 29 | 8.04 |
| 8 | 2.48 | 30 | 8.26 |
| 9 | 2.70 | 31 | 8.48 |
| 10 | 2.92 | 32 | 8.70 |
| 11 | 3.14 | 33 | 8.92 |
| 12 | 3.80 | 34 | 9.59 |
| 13 | 4.02 | 35 | 9.81 |
| 14 | 4.24 | 36 | 10.03 |
| 15 | 4.46 | 37 | 10.25 |
| 16 | 4.68 | 38 | 10.47 |
| 17 | 4.90 | 39 | 10.69 |
| 18 | 5.12 | 40 | 10.91 |
| 19 | 5.34 | 41 | 11.13 |
| 20 | 5.56 | 42 | 11.35 |
| 21 | 5.78 | 43 | 11.57 |
| 22 | 6.00 | 44 | 11.79 |

Weight limit: *22, 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

*The following offices, listed by territories, are authorized to participate in the parcel post service up to the weight limits indicated:

| | |
|---|---|
| Gabon: | Moyen (Middle) Congo—Con. |
| Cocobeach.[1] | Nola. |
| Fernand-Vaz.[1] | Ouesso.[1] |
| Lambarene.[1] | Point Kilometrique 102.[1] |
| Libreville.[1] | Pointe-Noire.[1] |
| Mayumba.[1] | Oubangui-Chari: |
| Moulla.[1] | Bambari. |
| N'Djole.[1] | Bangassou. |
| N'Gomo.[1] | Bangui. |
| Owendo.[1] | Bossangoa. |
| Oyem.[1] | Batangafo. |
| Port-Gentil.[1] | Birao. |
| Sam-Kita.[1] | Boali. |
| Sindara.[1] | Bouar. |
| Moyen (Middle) Congo: | Bouca. |
| Berberati. | Bozoum. |
| Brazzaville.[1] | Bria. |
| Carnot. | Damara. |
| Dolisie.[1] | Fort-Crampel. |
| Franceville. | Fort-Sibut. |
| Impfondo.[1] | M'Baiki. |
| Koulilou. | Mobaye. |
| Liranga. | Moundou. |
| Loudima.[1] | Moissala. |
| Madingou.[1] | N'Dele. |
| Mindouli.[1] | Zemio. |
| Mongoumba.[1] | Tchad: |
| Mossaka.[1] | Fort-Archambault. |
| M'Vouti.[1] | Fort-Lamy. |
| N'Dongou. | |

[1] Offices accepting parcels in excess of 22 pounds.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions.* It is forbidden to import any articles prohibited importation into France, with the exception of tobacco of any origin, which is admitted subject to payment of customs duties and other taxes.

(5) *Import restrictions.* Addressees must obtain import licenses in some cases.

§ 127.253 *French Guiana*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 42 cents for the first 2 ounces and 22 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank. Coins; manufactured or unmanufactured platinum, gold or silver; precious stones; jewelry and other precious articles are prohibited.

(ii) Other articles, same as France, except that tobacco is admitted subject to payment of customs duty and other charges.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.65 | 7 | $2.10 |
| 2 | .87 | 8 | 2.32 |
| 3 | 1.22 | 9 | 2.54 |
| 4 | 1.44 | 10 | 2.76 |
| 5 | 1.66 | 11 | 2.98 |
| 6 | 1.88 | | |

(ii) *Air parcel rates.* (Rates: $0.79 first 4 ounces; $0.44 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.79 | 5 | 12 | $10.47 |
| 0 | 8 | 1.23 | 6 | 0 | 10.91 |
| 0 | 12 | 1.67 | 6 | 4 | 11.35 |
| 1 | 0 | 2.11 | 6 | 8 | 11.79 |
| 1 | 4 | 2.55 | 6 | 12 | 12.23 |
| 1 | 8 | 2.99 | 7 | 0 | 12.67 |
| 1 | 12 | 3.43 | 7 | 4 | 13.11 |
| 2 | 0 | 3.87 | 7 | 8 | 13.55 |
| 2 | 4 | 4.31 | 7 | 12 | 13.99 |
| 2 | 8 | 4.75 | 8 | 0 | 14.43 |
| 2 | 12 | 5.19 | 8 | 4 | 14.87 |
| 3 | 0 | 5.63 | 8 | 8 | 15.31 |
| 3 | 4 | 6.07 | 8 | 12 | 15.75 |
| 3 | 8 | 6.51 | 9 | 0 | 16.19 |
| 3 | 12 | 6.95 | 9 | 4 | 16.63 |
| 4 | 0 | 7.39 | 9 | 8 | 17.07 |
| 4 | 4 | 7.83 | 9 | 12 | 17.51 |
| 4 | 8 | 8.27 | 10 | 0 | 17.95 |
| 4 | 12 | 8.71 | 10 | 4 | 18.39 |
| 5 | 0 | 9.15 | 10 | 8 | 18.83 |
| 5 | 4 | 9.59 | 10 | 12 | 19.27 |
| 5 | 8 | 10.03 | 11 | 0 | 19.71 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: Yes. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions.* Same as France.

(5) *Import restrictions.* Addressees must obtain import licenses in some cases.

§ 127.254 *French Guinea*—(a) *Postal Union Mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* Same as Dahomey.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.70 | 6 | $1.96 |
| 2 | .92 | 7 | 2.18 |
| 3 | 1.30 | 8 | 2.40 |
| 4 | 1.52 | 9 | 2.62 |
| 5 | 1.74 | 10 | 2.84 |
| 11 | $3.06 | 28 | $7.58 |
| 12 | 3.66 | 29 | 7.80 |
| 13 | 3.88 | 30 | 8.02 |
| 14 | 4.10 | 31 | 8.24 |
| 15 | 4.32 | 32 | 8.46 |
| 16 | 4.54 | 33 | 8.68 |
| 17 | 4.76 | 34 | 9.29 |
| 18 | 4.98 | 35 | 9.51 |
| 19 | 5.20 | 36 | 9.73 |
| 20 | 5.42 | 37 | 9.95 |
| 21 | 5.64 | 38 | 10.17 |
| 22 | 5.86 | 39 | 10.39 |
| 23 | 6.48 | 40 | 10.61 |
| 24 | 6.70 | 41 | 10.83 |
| 25 | 6.92 | 42 | 11.05 |
| 26 | 7.14 | 43 | 11.27 |
| 27 | 7.36 | 44 | 11.49 |

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* Parcels addressed to places other than Conakry are liable to a further charge on delivery.

(5) *Prohibitions.* For the protection of animals or plants:

(i) Live animals, except bees, which when packed so as to avoid all danger and to permit verification of the contents are admitted in the form of samples.

(ii) Plant material or any product susceptible of propagating the coffee-berry borer (Stephanodores Hampei). This prohibition applies to sacks, boxes, and packing used for the conveyance of such articles.

(6) *Import restrictions.* Addressees must obtain import licenses in some cases.

§ 127.255 *French India (Chandernagore, Karikal, Mahe, Pondichery and Yanaon)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 65 cents for the first 2 ounces and 45 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibition.* (i) Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank. Prints resembling banknotes, postage stamps, and other fiduciary values, imitation or invalid coins, and works violating the copyright laws, are prohibited.

(ii) In general, all articles prohibited importation into France.



(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.84 | 12 | $3.65 |
| 2 | 1.06 | 13 | 3.87 |
| 3 | 1.41 | 14 | 4.09 |
| 4 | 1.63 | 15 | 4.31 |
| 5 | 1.85 | 16 | 4.53 |
| 6 | 2.07 | 17 | 4.75 |
| 7 | 2.29 | 18 | 4.97 |
| 8 | 2.61 | 19 | 5.19 |
| 9 | 2.83 | 20 | 5.41 |
| 10 | 3.05 | 21 | 5.63 |
| 11 | 3.27 | 22 | 5.85 |

(ii) *Air parcel rates.* (Rates: $1.75 first 4 ounces; $0.90 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.75 | 11 | 4 | $41.35 |
| 0 | 8 | 2.65 | 11 | 8 | 42.25 |
| 0 | 12 | 3.55 | 11 | 12 | 43.15 |
| 1 | 0 | 4.45 | 12 | 0 | 44.05 |
| 1 | 4 | 5.35 | 12 | 4 | 44.95 |
| 1 | 8 | 6.25 | 12 | 8 | 45.85 |
| 1 | 12 | 7.15 | 12 | 12 | 46.75 |
| 2 | 0 | 8.05 | 13 | 0 | 47.65 |
| 2 | 4 | 8.95 | 13 | 4 | 48.55 |
| 2 | 8 | 9.85 | 13 | 8 | 49.45 |
| 2 | 12 | 10.75 | 13 | 12 | 50.35 |
| 3 | 0 | 11.65 | 14 | 0 | 51.25 |
| 3 | 4 | 12.55 | 14 | 4 | 52.15 |
| 3 | 8 | 13.45 | 14 | 8 | 53.05 |
| 3 | 12 | 14.35 | 14 | 12 | 53.95 |
| 4 | 0 | 15.25 | 15 | 0 | 54.85 |
| 4 | 4 | 16.15 | 15 | 4 | 55.75 |
| 4 | 8 | 17.05 | 15 | 8 | 56.65 |
| 4 | 12 | 17.95 | 15 | 12 | 57.55 |
| 5 | 0 | 18.85 | 16 | 0 | 58.45 |
| 5 | 4 | 19.75 | 16 | 4 | 59.35 |
| 5 | 8 | 20.65 | 16 | 8 | 60.25 |
| 5 | 12 | 21.55 | 16 | 12 | 61.15 |
| 6 | 0 | 22.45 | 17 | 0 | 62.05 |
| 6 | 4 | 23.35 | 17 | 4 | 62.95 |
| 6 | 8 | 24.25 | 17 | 8 | 63.85 |
| 6 | 12 | 25.15 | 17 | 12 | 64.75 |
| 7 | 0 | 26.05 | 18 | 0 | 65.65 |
| 7 | 4 | 26.95 | 18 | 4 | 66.55 |
| 7 | 8 | 27.85 | 18 | 8 | 67.45 |
| 7 | 12 | 28.75 | 18 | 12 | 68.35 |
| 8 | 0 | 29.65 | 19 | 0 | 69.25 |
| 8 | 4 | 30.55 | 19 | 4 | 70.15 |
| 8 | 8 | 31.45 | 19 | 8 | 71.05 |
| 8 | 12 | 32.35 | 19 | 12 | 71.95 |
| 9 | 0 | 33.25 | 20 | 0 | 72.85 |
| 9 | 4 | 34.15 | 20 | 4 | 73.75 |
| 9 | 8 | 35.05 | 20 | 8 | 74.65 |
| 9 | 12 | 35.95 | 20 | 12 | 75.55 |
| 10 | 0 | 36.85 | 21 | 0 | 76.45 |
| 10 | 4 | 37.75 | 21 | 4 | 77.35 |
| 10 | 8 | 38.65 | 21 | 8 | 78.25 |
| 10 | 12 | 39.55 | 21 | 12 | 79.15 |
| 11 | 0 | 40.45 | 22 | 0 | 80.05 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Import restrictions.* Addressees are required to obtain import licenses in some cases.

§ 127.256 *French Oceania (Society Islands (Tahiti and Moorea), Marquesas Islands (Nukahiva and Hivaoa), the Tuamotou Group, Leeward Islands (French) (Huahine, Raiatea, Tahaa, and Borabora), Gambier, Tubuai, and Rapa Islands)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank. Current coins and articles violating the patent or copyright laws are prohibited.

(ii) Clinical thermometers not bearing the stamp of the Conservatory of Arts and Sciences at Paris, France.

(iii) The articles restricted as parcel post are also restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.51 | 12 | $3.59 |
| 2 | .79 | 13 | 3.87 |
| 3 | 1.07 | 14 | 4.15 |
| 4 | 1.35 | 15 | 4.43 |
| 5 | 1.63 | 16 | 4.71 |
| 6 | 1.91 | 17 | 4.99 |
| 7 | 2.19 | 18 | 5.27 |
| 8 | 2.47 | 19 | 5.55 |
| 9 | 2.75 | 20 | 5.83 |
| 10 | 3.03 | 21 | 6.11 |
| 11 | 3.31 | 22 | 6.39 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* Parcels for places other than Djibouti must be claimed at Djibouti, and the name of that place should appear in the address.

(5) *Prohibitions.* The importation of arms is prohibited, except by authorization from the local authorities.

§ 127.258 *French Sudan*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French ex-

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank, or if imported by an authorized person.

(ii) Coins, gold or silver bullion, precious stones, jewelry, and other precious articles are prohibited.

(iii) Articles containing live parasites and predators of harmful insects unless intended for the control of those insects and addressed to institutions officially recognized and authorized by the local authorities.

(iv) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 12 | $2.87 |
| 2 | .67 | 13 | 3.09 |
| 3 | .89 | 14 | 3.31 |
| 4 | 1.11 | 15 | 3.53 |
| 5 | 1.33 | 16 | 3.75 |
| 6 | 1.55 | 17 | 3.97 |
| 7 | 1.77 | 18 | 4.19 |
| 8 | 1.99 | 19 | 4.41 |
| 9 | 2.21 | 20 | 4.63 |
| 10 | 2.43 | 21 | 4.85 |
| 11 | 2.65 | 22 | 5.07 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* Parcels for places other than Djibouti must be claimed at Djibouti, and the name of that place should appear in the address.

(5) *Prohibitions.* The importation of arms is prohibited, except by authorization from the local authorities.

§ 127.258 *French Sudan*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French ex-

change-control authorities, or if imported by a bank.

(ii) Coins, gold or silver bullion, precious stones, jewelry, and other precious articles are prohibited.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.70 | 23 | $6.48 |
| 2 | .92 | 24 | 6.70 |
| 3 | 1.30 | 25 | 6.92 |
| 4 | 1.52 | 26 | 7.14 |
| 5 | 1.74 | 27 | 7.36 |
| 6 | 1.96 | 28 | 7.58 |
| 7 | 2.18 | 29 | 7.80 |
| 8 | 2.40 | 30 | 8.02 |
| 9 | 2.62 | 31 | 8.24 |
| 10 | 2.84 | 32 | 8.46 |
| 11 | 3.06 | 33 | 8.68 |
| 12 | 3.66 | 34 | 9.29 |
| 13 | 3.88 | 35 | 9.51 |
| 14 | 4.10 | 36 | 9.73 |
| 15 | 4.32 | 37 | 9.95 |
| 16 | 4.54 | 38 | 10.17 |
| 17 | 4.76 | 39 | 10.39 |
| 18 | 4.98 | 40 | 10.61 |
| 19 | 5.20 | 41 | 10.83 |
| 20 | 5.42 | 42 | 11.05 |
| 21 | 5.64 | 43 | 11.27 |
| 22 | 5.86 | 44 | 11.49 |

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions.*—(i) *For reasons of public safety.* (a) The importation of arms of all kinds or munitions is subject to special formalities.

(b) Foreign products not bearing the mark of the country of origin.

(ii) *For the protection of animals or plants.* (a) Live bees.

(b) All products likely to propagate the "coffee berry borer" (*Stephanoderes hampei*).

(5) *Import restrictions.* Addressees must obtain import licenses in some cases.

§ 127.259 *French Togoland*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank.

(ii) Coins; manufactured or unmanufactured platinum, gold, and silver; precious stones, jewelry, and other precious articles are prohibited.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.72 | 23 | $6.59 |
| 2 | .94 | 24 | 6.81 |
| 3 | 1.34 | 25 | 7.03 |
| 4 | 1.56 | 26 | 7.25 |
| 5 | 1.78 | 27 | 7.47 |
| 6 | 2.00 | 28 | 7.69 |
| 7 | 2.22 | 29 | 7.91 |
| 8 | 2.44 | 30 | 8.13 |
| 9 | 2.66 | 31 | 8.35 |
| 10 | 2.88 | 32 | 8.57 |
| 11 | 3.10 | 33 | 8.79 |
| 12 | 3.73 | 34 | 9.45 |
| 13 | 3.95 | 35 | 9.67 |
| 14 | 4.17 | 36 | 9.98 |
| 15 | 4.39 | 37 | 10.11 |
| 16 | 4.61 | 38 | 10.33 |
| 17 | 4.83 | 39 | 10.55 |
| 18 | 5.05 | 40 | 10.77 |
| 19 | 5.27 | 41 | 10.99 |
| 20 | 5.49 | 42 | 11.21 |
| 21 | 5.71 | 43 | 11.43 |
| 22 | 5.93 | 44 | 11.65 |

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions*—(i) *For the protection of plants.* (a) Cotton plants or parts thereof; unginned cotton and cotton seeds; composts and packing; seeds or parts of plants susceptible of harboring the pink boll worm (hemp, currants, gooseberries, etc.), originating in Texas, Louisiana, New Mexico, and Hawaii.

(b) All products, plants and parts thereof, fresh or dried coffee beans, seeds (except with special authorization) and packings susceptible of propagating the coffee berry borer (*Hemileia Vestatrix*).

(ii) *For reasons of public safety.* (a) Newspapers, publications, and works which may endanger the security of the Territory.

(b) Poniards, knives in the form of poniards, styluses, bayonettes, sword-canes, loaded canes, brass knuckles, blackjacks, and all other arms for offense.

(iii) *For sanitary reasons.* (a) Saccharine and similar products.

(b) Medical thermometers not bearing the stamp of the Laboratory of Arts and Crafts.

(c) Retorts and other apparatus suitable for the distillation of alcohols.

(iv) *Arms, etc.* Arms, munitions, and war material. Hunting arms are admitted without previous authorization.

(v) *State monopolies, etc.* Weights and measures other than those of the decimal metric system. Tokens of copper, nickel, or any other metal, or any articles likely to be confused with current coins; piasters and all silver ingots other than those in the form of small bars which do not bear a conspicuous indication of their weight and fineness, as well as the hallmark of a sworn assayer. Foreign silver coins. Machines, apparatus, and instruments suitable for use in making coins.

(vi) *For other reasons.* Medicaments not bearing French labels.

(5) *Import restrictions.* Addressees must obtain import licenses in some cases.

§ 127.260 *Gambia*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins.

(ii) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.99 | 12 | $4.49 |
| 2 | 1.21 | 13 | 4.71 |
| 3 | 1.43 | 14 | 4.93 |
| 4 | 1.95 | 15 | 5.15 |
| 5 | 2.17 | 16 | 5.37 |
| 6 | 2.39 | 17 | 5.59 |
| 7 | 2.61 | 18 | 5.81 |
| 8 | 3.13 | 19 | 6.03 |
| 9 | 3.35 | 20 | 6.25 |
| 10 | 3.57 | 21 | 6.47 |
| 11 | 3.79 | 22 | 6.69 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* All parcels must be called for at a post office.

(5) *Prohibitions.* (i) Firearms and parts thereof other than sporting guns; air guns; shot and empty cartridges.

(ii) Coins. West African paper money.

(6) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Sporting guns require permission of the authorities for importation.



(ii) Plants and plant material require permission of the Director of Agriculture.

(iii) Import licenses may be required for other types of merchandise.

§ 127.261 *Germany*—(a) *Postal Union Mails*—(1) *Classification, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 43 cents for the first 2 ounces and 22 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* (i) Envelopes must not have innerlining nor carry any indication other than the address of the sender and addressee and necessary postal directions.

(ii) Mail for the American, British, or French zone may be addressed "Western Zone", instead of to the specific zone of occupation, provided the number of the postal addressing district is included as a part of the address of such mail. Mail for the Soviet Zone may be addressed "Eastern Zone", if desired.

(iii) Mail for Berlin may be addressed with the name of the specific sector of occupation, such as American, British, French, or Soviet Sector, or simply "Western Sector" or "Eastern Sector."

(iv) Box numbers may be used as part of the address provided the name of the box holder is shown.

(8) *Prohibitions.* (i) Invisible ink.

(ii) Canceled or uncanceled stamps, unless licensed by the government in Germany.

(iii) Illegible or incomprehensible designs.

(iv) Arms, munitions, and war materials of all kinds, as well as plans, models, and parts thereof; airplane parts; communication, electronic or fire-control instruments; military optical equipment, cryptographic equipment, and cipher codes; trigonometric and cartographic equipment; military maps, plans, instruction manuals and models; training films; also uniforms and insignia. Shotguns and other weapons for use in hunting are admitted if the addressee possesses an import permit.

(v) Post cards and envelopes bearing illustrations constituting pro-Fascist or subversive propaganda.

(vi) Commercial or business correspondence of a contractual nature relating to transactions contrary to the laws or regulations currently in force. Correspondence regarding German external assets, confined to communications of an informational or fact-finding nature, is permitted to the American, British, and French zones only.

(vii) The following are prohibited unless addressed to banks or sent through the intermediary of banks acting under general or specific authority issued by the government in Germany:

(a) Commercial documents having the nature of payment orders or credit obligations (checks, drafts, etc.);

(b) Securities (stocks, bonds, coupons, etc.);

(c) German or foreign banknotes;

(d) Ocean freight documents (manifests, bills of lading, etc.);

(e) Statements of account (bills payable, etc.).

(viii) Seeds and other plant material must be inspected and certified as free of disease, pests, or weeds. However, vegetable seeds up to $5 in value in gift parcels are admitted without inspection certificates.

(ix) The following are prohibited only to the Soviet zone, including the Soviet sector of Berlin:

(a) Codes, ciphers, signs or other forms of secret correspondence.

(b) Stenographic notes.

(c) Used, canceled, or censored envelopes as containers for correspondence.

(d) Photographic and microphotographic films.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 23 | $5.29 |
| 2 | .67 | 24 | 5.51 |
| 3 | .89 | 25 | 5.73 |
| 4 | 1.11 | 26 | 5.95 |
| 5 | 1.33 | 27 | 6.17 |
| 6 | 1.55 | 28 | 6.39 |
| 7 | 1.77 | 29 | 6.61 |
| 8 | 1.99 | 30 | 6.83 |
| 9 | 2.21 | 31 | 7.05 |
| 10 | 2.43 | 32 | 7.27 |
| 11 | 2.65 | 33 | 7.49 |
| 12 | 2.87 | 34 | 7.71 |
| 13 | 3.09 | 35 | 7.93 |
| 14 | 3.31 | 36 | 8.15 |
| 15 | 3.53 | 37 | 8.37 |
| 16 | 3.75 | 38 | 8.59 |
| 17 | 3.97 | 39 | 8.81 |
| 18 | 4.19 | 40 | 9.03 |
| 19 | 4.41 | 41 | 9.25 |
| 20 | 4.63 | 42 | 9.47 |
| 21 | 4.85 | 43 | 9.69 |
| 22 | 5.07 | 44 | 9.91 |

(ii) *Air parcel rates.* (Rates: $0.95 first 4 ounces; $0.45 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.95 | 7 | 0 | $13.10 |
| 0 | 8 | 1.40 | 7 | 4 | 13.55 |
| 0 | 12 | 1.85 | 7 | 8 | 14.00 |
| 1 | 0 | 2.30 | 7 | 12 | 14.45 |
| 1 | 4 | 2.75 | 8 | 0 | 14.90 |
| 1 | 8 | 3.20 | 8 | 4 | 15.35 |
| 1 | 12 | 3.65 | 8 | 8 | 15.80 |
| 2 | 0 | 4.10 | 8 | 12 | 16.25 |
| 2 | 4 | 4.55 | 9 | 0 | 16.70 |
| 2 | 8 | 5.00 | 9 | 4 | 17.15 |
| 2 | 12 | 5.45 | 9 | 8 | 17.60 |
| 3 | 0 | 5.90 | 9 | 12 | 18.05 |
| 3 | 4 | 6.35 | 10 | 0 | 18.50 |
| 3 | 8 | 6.80 | 10 | 4 | 18.95 |
| 3 | 12 | 7.25 | 10 | 8 | 19.40 |
| 4 | 0 | 7.70 | 10 | 12 | 19.85 |
| 4 | 4 | 8.15 | 11 | 0 | 20.30 |
| 4 | 8 | 8.60 | 11 | 4 | 20.75 |
| 4 | 12 | 9.05 | 11 | 8 | 21.20 |
| 5 | 0 | 9.50 | 11 | 12 | 21.65 |
| 5 | 4 | 9.95 | 12 | 0 | 22.10 |
| 5 | 8 | 10.40 | 12 | 4 | 22.55 |
| 5 | 12 | 10.85 | 12 | 8 | 23.00 |
| 6 | 0 | 11.30 | 12 | 12 | 23.45 |
| 6 | 4 | 11.75 | 13 | 0 | 23.90 |
| 6 | 8 | 12.20 | 13 | 4 | 24.35 |
| 6 | 12 | 12.65 | 13 | 8 | 24.80 |
| 13 | 12 | $25.25 | 29 | 0 | $52.70 |
| 14 | 0 | 25.70 | 29 | 4 | 53.15 |
| 14 | 4 | 26.15 | 29 | 8 | 53.60 |
| 14 | 8 | 26.60 | 29 | 12 | 54.05 |
| 14 | 12 | 27.05 | 30 | 0 | 54.50 |
| 15 | 0 | 27.50 | 30 | 4 | 54.95 |
| 15 | 4 | 27.95 | 30 | 8 | 55.40 |
| 15 | 8 | 28.40 | 30 | 12 | 55.85 |
| 15 | 12 | 28.85 | 31 | 0 | 56.30 |
| 16 | 0 | 29.30 | 31 | 4 | 56.75 |
| 16 | 4 | 29.75 | 31 | 8 | 57.20 |
| 16 | 8 | 30.20 | 31 | 12 | 57.65 |
| 16 | 12 | 30.65 | 32 | 0 | 58.10 |
| 17 | 0 | 31.10 | 32 | 4 | 58.55 |
| 17 | 4 | 31.55 | 32 | 8 | 59.00 |
| 17 | 8 | 32.00 | 32 | 12 | 59.45 |
| 17 | 12 | 32.45 | 33 | 0 | 59.90 |
| 18 | 0 | 32.90 | 33 | 4 | 60.35 |
| 18 | 4 | 33.35 | 33 | 8 | 60.80 |
| 18 | 8 | 33.80 | 33 | 12 | 61.25 |
| 18 | 12 | 34.25 | 34 | 0 | 61.70 |
| 19 | 0 | 34.70 | 34 | 4 | 62.15 |
| 19 | 4 | 35.15 | 34 | 8 | 62.60 |
| 19 | 8 | 35.60 | 34 | 12 | 63.05 |
| 19 | 12 | 36.05 | 35 | 0 | 63.50 |
| 20 | 0 | 36.50 | 35 | 4 | 63.95 |
| 20 | 4 | 36.95 | 35 | 8 | 64.40 |
| 20 | 8 | 37.40 | 35 | 12 | 64.85 |
| 20 | 12 | 37.85 | 36 | 0 | 65.30 |
| 21 | 0 | 38.30 | 36 | 4 | 65.75 |
| 21 | 4 | 38.75 | 36 | 8 | 66.20 |
| 21 | 8 | 39.20 | 36 | 12 | 66.65 |
| 21 | 12 | 39.65 | 37 | 0 | 67.10 |
| 22 | 0 | 40.10 | 37 | 4 | 67.55 |
| 22 | 4 | 40.55 | 37 | 8 | 68.00 |
| 22 | 8 | 41.00 | 37 | 12 | 68.45 |
| 22 | 12 | 41.45 | 38 | 0 | 68.90 |
| 23 | 0 | 41.90 | 38 | 4 | 69.35 |
| 23 | 4 | 42.35 | 38 | 8 | 69.80 |
| 23 | 8 | 42.80 | 38 | 12 | 70.25 |
| 23 | 12 | 43.25 | 39 | 0 | 70.70 |
| 24 | 0 | 43.70 | 39 | 4 | 71.15 |
| 24 | 4 | 44.15 | 39 | 8 | 71.60 |
| 24 | 8 | 44.60 | 39 | 12 | 72.05 |
| 24 | 12 | 45.05 | 40 | 0 | 72.50 |
| 25 | 0 | 45.50 | 40 | 4 | 72.95 |
| 25 | 4 | 45.95 | 40 | 8 | 73.40 |
| 25 | 8 | 46.40 | 40 | 12 | 73.85 |
| 25 | 12 | 46.85 | 41 | 0 | 74.30 |
| 26 | 0 | 47.30 | 41 | 4 | 74.75 |
| 26 | 4 | 47.75 | 41 | 8 | 75.20 |
| 26 | 8 | 48.20 | 41 | 12 | 75.65 |
| 26 | 12 | 48.65 | 42 | 0 | 76.10 |
| 27 | 0 | 49.10 | 42 | 4 | 76.55 |
| 27 | 4 | 49.55 | 42 | 8 | 77.00 |
| 27 | 8 | 50.00 | 42 | 12 | 77.45 |
| 27 | 12 | 50.45 | 43 | 0 | 77.90 |
| 28 | 0 | 50.90 | 43 | 4 | 78.35 |
| 28 | 4 | 51.35 | 43 | 8 | 78.80 |
| 28 | 8 | 51.80 | 43 | 12 | 79.25 |
| 28 | 12 | 52.25 | 44 | 0 | 79.70 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22,[1] 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: No.
Registration: No.
Insurance: Yes.[1]
C. o. d.: No.

[1] Parcels weighing in excess of 22 pounds, and insured parcels, may be accepted only for the American, British and French Zones (Western Zone) of Germany, including the corresponding sectors of Berlin. Service to the Soviet Zone, including the Soviet sector of Berlin, is limited to uninsured parcels not exceeding 22 pounds in weight.

(2) *Indemnity.* See subparagraph (4) of this paragraph.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Insurance.* (i) Parcel post packages may be insured to the Western zone and the Western sector of Berlin subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of Indemnity: | *Fee, cents* |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $200 | 60 |
| From $200.01 to $300 | 65 |
| From $300.01 to $330 | 70 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "INSURED" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs, as per the following example:

Insured Value
$25.75 (U. S.)
Twenty-five Dollars and Seventy-five Cents
77.25 Gold Francs
Seventy-seven Gold Francs and Twenty-five Centimes

(iii) The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972).

(iv) See § 127.143 (b) as to method of converting United States currency into gold francs.

(v) Parcels containing coin, bank notes, currency notes, or any kind of securities payable to bearer; platinum, gold, or silver (whether manufactured or unmanufactured); precious stones, jewelry, or other precious articles must be insured.

(vi) For general information concerning insurance service, see §§ 127.140 to 127.148, inclusive.

(5) *Observations*—(i) *All zones.* (*a*) Senders must indicate the zone or sector of occupation as part of the address of all parcels. Parcels for the American, British, and French zones may be addressed "Western zone" if desired, instead of to a specific zone of occupation, provided the number of the postal addressing district is included as a part of the address of such parcels. Parcels for the Soviet zone may be addressed "Eastern zone" if desired. The Western zone comprises postal addressing districts 13, 14, 16, 17, 20, 21, 22, 23, and 24. The Eastern zone comprises districts 2, 3, 10, 15, and 19. Parcels for Berlin may, if desired, be addressed "Western sector" or "Eastern sector."

(*b*) A delivery fee, based on the German domestic parcel post rates, is collected by the German postal service from addressees for delivery of parcels at their homes.

(*c*) Parcels sent as gifts and the relative customs declarations must be conspicuously marked "Gift Parcel" by the senders, who must itemize the contents and value on the customs declarations.

(ii) *Western Zones (including the Western Sector of Berlin).* (*a*) Addressees of gift parcels may receive duty free each month up to 33 pounds of foodstuffs, which may include 1 pound 1½ ounces of coffee, 2 pounds 3 ounces of powdered cocoa, and 2 pounds 3 ounces of chocolate. However, no parcel is admitted duty free if it contains only coffee, powdered cocoa, or chocolate, or any combination thereof, or if the value of such articles exceeds two-thirds of the total value of the contents. Furthermore, the weight of coffee may be only a small proportion of the total weight of the parcel.

(*b*) Exemption from duty is not granted for gift shipments of tea, luxury items, such as jewelry, new fur articles, radio equipment, photographic apparatus, perfumes, cosmetics, or any articles whose character and quantity are not in accord with the needs of the addressee and the members of his household.

(*c*) Gift parcels which prove to be undeliverable are turned over to authorized German relief organizations for distribution to the needy, unless the relative customs declaration and dispatch note bear instructions that the parcels are to be returned to the senders.

(*d*) Parcels sent for commercial purposes are admitted on condition that the contents are authorized on the basis of a general or specific import license issued by the German authorities. Each such parcel must have enclosed an invoice in duplicate showing the value of the contents, which must agree with the value on the customs declaration.

(iii) *Soviet Zone (including the Soviet Sector of Berlin).* Only gift parcels may be sent. The East German authorities require that each parcel may contain not more than 8¾ ounces of coffee, 8¾ ounces of either cocoa or chocolate, and/or 1¾ ounces of tobacco products. Parcels containing larger amounts may be confiscated by the East German customs authorities.

(6) *Prohibitions.* (i) The articles prohibited in the Postal Union mails are prohibited in either gift or commercial parcels.

(ii) Gift parcels to the Western zone may not contain any tobacco or tobacco products, cigarette papers, or saccharine.

(7) *Import restrictions.* Commercial parcels for the Western zone (including the Western sector of Berlin) require import licenses to be obtained by the addressees.

§ 127.262 *Gibraltar*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rate, 15 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Parasites and predators of injurious insects, intended for control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(ii) The articles restricted as parcel post are also restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| *Pounds* | *Rate* | *Pounds* | *Rate* |
|---|---|---|---|
| 1 | $0.45 | 12 | $2.87 |
| 2 | .67 | 13 | 3.09 |
| 3 | .89 | 14 | 3.31 |
| 4 | 1.11 | 15 | 3.53 |
| 5 | 1.33 | 16 | 3.75 |
| 6 | 1.55 | 17 | 3.97 |
| 7 | 1.77 | 18 | 4.19 |
| 8 | 1.99 | 19 | 4.41 |
| 9 | 2.21 | 20 | 4.63 |
| 10 | 2.43 | 21 | 4.85 |
| 11 | 2.65 | 22 | 5.07 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to ordinary parcels. (See § 127.79.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (4) of this paragraph.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of Indemnity: | *Fee, cents* |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "INSURED" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letter spelled out in full, in United States currency, as per the following example:

Insured Value
$45.00
Forty-Five Dollars

(iii) Parcels containing coin, bank notes, currency notes, or any kind of securities payable to bearer; platinum, gold, or silver (whether manufactured or unmanufactured); precious stones, jewelry, or other precious articles must be insured.

For general information concerning insurance service, see §§ 127.140 to 127.148, inclusive.

(5) *Import restrictions.* Arms and munitions require permit from the Governor of Gibraltar. Other types of merchandise may require import permits.

§ 127.263 *Gilbert and Ellice Islands Colony (Fanning, Washington, Christmas, Ocean, Gilbert, and Ellice Islands)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Ocean, Gilbert, and Ellice Islands only: Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.) Onward from Australia by ordinary means.

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Ingots.

(ii) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions are admitted in the form of samples only.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| *Pounds* | *Rate* | *Pounds* | *Rate* |
|---|---|---|---|
| 1 | $0.53 | 7 | $2.06 |
| 2 | .75 | 8 | 2.48 |
| 3 | .97 | 9 | 2.70 |
| 4 | 1.40 | 10 | 2.92 |
| 5 | 1.62 | 11 | 3.14 |
| 6 | 1.84 | | |

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. O. D.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions.* Shaving brushes made in Ceylon, China, East Indies, Japan, and the Philippines. Coal-tar derivatives capable of being used for dyes.

§ 127.264 *Gold Coast Colony (including Ashanti, British Togoland, and Northern Territories)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. Delivery service limited to within the municipal limits of the Gold Coast Colony. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 52 cents for the first 2 ounces and 31 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)



(7) *Prohibitions.* (i) Coins, bank-notes, and paper money, except as shown below.

(ii) The following are admitted in registered articles only: Values payable to bearer; watches, gold, silver, platinum, precious stones, and jewelry; bullion, not exceeding £5 in value; gold and silver coins for ornament not exceeding £5 in value; British West African currency notes exchanged between the managers of banks transacting business in the Gold Coast or adjacent British West African territories.

(iii) Motion-picture film.

(iv) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(v) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| *Pounds* | *Rate* | *Pounds* | *Rate* |
|---|---|---|---|
| 1 | $0.45 | 12 | $2.87 |
| 2 | .67 | 13 | 3.09 |
| 3 | .89 | 14 | 3.31 |
| 4 | 1.11 | 15 | 3.53 |
| 5 | 1.33 | 16 | 3.75 |
| 6 | 1.55 | 17 | 3.97 |
| 7 | 1.77 | 18 | 4.19 |
| 8 | 1.99 | 19 | 4.41 |
| 9 | 2.21 | 20 | 4.63 |
| 10 | 2.43 | 21 | 4.85 |
| 11 | 2.65 | 22 | 5.07 |

(ii) *Air parcel rates, including surcharges.* (Rates: $1.18 first 4 ounces; $0.64 each additional 4 ounces.)

| *Lb.* | *Oz.* | *Rate* | *Lb.* | *Oz.* | *Rate* |
|---|---|---|---|---|---|
| 0 | 4 | $1.18 | 11 | 4 | $29.34 |
| 0 | 8 | 1.62 | 11 | 8 | 29.93 |
| 0 | 12 | 2.46 | 11 | 12 | 30.62 |
| 1 | 0 | 3.10 | 12 | 0 | 31.26 |
| 1 | 4 | 3.74 | 12 | 4 | 31.90 |
| 1 | 8 | 4.38 | 12 | 8 | 32.54 |
| 1 | 12 | 5.02 | 12 | 12 | 33.18 |
| 2 | 0 | 5.66 | 13 | 0 | 33.82 |
| 2 | 4 | 6.30 | 13 | 4 | 34.46 |
| 2 | 8 | 6.94 | 13 | 8 | 35.10 |
| 2 | 12 | 7.58 | 13 | 12 | 35.74 |
| 3 | 0 | 8.22 | 14 | 0 | 36.38 |
| 3 | 4 | 8.86 | 14 | 4 | 37.02 |
| 3 | 8 | 9.50 | 14 | 8 | 37.66 |
| 3 | 12 | 10.14 | 14 | 12 | 38.30 |
| 4 | 0 | 10.78 | 15 | 0 | 38.94 |
| 4 | 4 | 11.42 | 15 | 4 | 39.58 |
| 4 | 8 | 12.06 | 15 | 8 | 40.22 |
| 4 | 12 | 12.70 | 15 | 12 | 40.86 |
| 5 | 0 | 13.34 | 16 | 0 | 41.50 |
| 5 | 4 | 13.98 | 16 | 4 | 42.14 |
| 5 | 8 | 14.62 | 16 | 8 | 42.78 |
| 5 | 12 | 15.26 | 16 | 12 | 43.42 |
| 6 | 0 | 15.90 | 17 | 0 | 44.06 |
| 6 | 4 | 16.54 | 17 | 4 | 44.70 |
| 6 | 8 | 17.18 | 17 | 8 | 45.34 |
| 6 | 12 | 17.82 | 17 | 12 | 45.98 |
| 7 | 0 | 18.46 | 18 | 0 | 46.62 |
| 7 | 4 | 19.10 | 18 | 4 | 47.26 |
| 7 | 8 | 19.74 | 18 | 8 | 47.90 |
| 7 | 12 | 20.38 | 18 | 12 | 48.54 |
| 8 | 0 | 21.02 | 19 | 0 | 49.18 |
| 8 | 4 | 21.66 | 19 | 4 | 49.82 |
| 8 | 8 | 22.30 | 19 | 8 | 50.46 |
| 8 | 12 | 22.94 | 19 | 12 | 51.10 |
| 9 | 0 | 23.58 | 20 | 0 | 51.74 |
| 9 | 4 | 24.22 | 20 | 4 | 52.38 |
| 9 | 8 | 24.86 | 20 | 8 | 53.02 |
| 9 | 12 | 25.50 | 20 | 12 | 53.66 |
| 10 | 0 | 26.14 | 21 | 0 | 54.30 |
| 10 | 4 | 26.78 | 21 | 4 | 54.94 |
| 10 | 8 | 27.42 | 21 | 8 | 55.58 |
| 10 | 12 | 28.06 | 21 | 12 | 56.22 |
| 11 | 0 | 28.70 | 22 | 0 | 56.86 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: No.
Registration: No.
Insurance: Yes (surface parcels only).
C. o. d.: No.

(2) *Indemnity.* See subparagraph (4) of this paragraph.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Insurance.* (i) Surface parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable, in addition to the insurance fees mentioned hereunder:

| Limit of Indemnity: | *Fee, cents* |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $80 | 55 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "INSURED" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs, as per the following example:

Insured Value
$72.50 (U. S.)
Seventy-two Dollars and Fifty Cents
217.50 Gold Francs
Two Hundred Seventeen Gold Francs and Fifty Centimes

(iii) See § 127.143 (b), as to method of converting United States currency into gold francs.

(iv) No alteration or erasure of the insurance indication on the customs declaration (Form 2966) is allowed; if an error is made a fresh customs declaration must be prepared.

(v) Parcels containing coin, platinum, gold, or silver, whether manufactured or unmanufactured, precious stones, jewels, or other precious articles must be insured.

(vi) For general information concerning insurance service, see §§ 127.140–127.148, inclusive.

(5) *Observations.* (i) Carbon paper must be described on the customs declaration as follows: Carbon paper coated with wax and containing no oxidizable oily or fatty substance.

(ii) Gold Coast Colony regulations forbid the importation of articles to be exchanged for native goods. All gift parcels must be clearly marked as gifts. Gift parcels should not exceed £10 ($28) in value, and an addressee may not receive more than one gift parcel from any one sender during a month.

(iii) Every parcel containing precious stones, jewelry, or any article of gold, silver, or platinum exceeding $400 in value shall be packed in a box measuring not less than 3 feet 6 inches in length and girth combined.

(6) *Prohibitions*—(i) *For reasons of public safety.* Uniforms, unless addressed to persons entitled to wear them.

(ii) *For the protection of animals or plants.* (*a*) Bees, leeches, and silkworms.

(*b*) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry

(iii) *Arms, etc.* (*a*) Firearms, airguns, empty cartridge cases, machines for making or filling cartridges, and other accessories.

(*b*) Brass knuckles.

(iv) *For other reasons.* (*a*) Paper money.

(*b*) Motion-picture films for public exhibition must be addressed to Accra.

(*c*) The following are admitted in insured parcels only:

(*1*) Bullion (limit of value £5); gold or silver coins for ornament (limit of value £5); gold, silver, platinum, precious stones, and jewelry; watches and clocks.

(*2*) Carbon paper, except carbon paper coated with wax and containing no oxidizable oily or fatty substance.

(7) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) The following articles are admitted only under license of the Governor: Saccharine and similar substances, or compounds thereof. Machines for duplicating keys. Handcuffs and metal tubing. Any weapon for discharging harmful gas or liquid, ammunition therefor or any other article containing such harmful substance.

(ii) Import permits are required for other types of merchandise in some cases.

§ 127.265 *Great Britain and Northern Ireland (England, Scotland, Wales and Channel Islands; also Northern Ireland).* (a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 41 cents for the first 2 ounces and 20 cents for each additional 2 ounces. (See § 127.20.)

(5) *Special delivery.* Yes. (See § 127.19.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.) Such articles not bearing the green label, Form 2976 (C 1), are subject to confiscation.

(7) *Observations.* (i) The importation into the United Kingdom of various kinds of merchandise is either entirely prohibited or permitted only under license previously obtained by the importer from the Import Licensing Department of the Board of Trade. Although such licenses are not required to accompany the parcels at time of mailing, it is suggested that exporters ascertain in advance that the importer has obtained the necessary license or is able to obtain it provided it is required. This restriction does not apply to gift shipments sent by a private sender to a private adressee nor to trade samples.

(ii) Mail articles for delivery in London, England, to secure delivery must include in all cases: 1. Name of addressee. 2. Number (or if there is no number, the name) of the house. If a house bears a name and also a number, the number should always be used, whether or not the name be added. 3. Name of street or road in which the house is located. 4. The words "London, England." 5. Initials of the postal district, followed by the number of the office of delivery; thus, "S. W. 4," "N. W. 8." In the case of articles for delivery in other parts of Great Britain and Northern Ireland, the name of the county is an essential part of the address.

(iii) It is recommended to senders that any article of printed matter with dutiable contents be plainly marked "c/o The Officer of Customs and Excise" in addition to bearing the full name and address of the addressee. A post-office fee of 6d. for clearance through the customs is charged on each package on which customs duty is levied. Delivery of packages containing books and other printed matter will be expedited if the titles and number of volumes, pamphlets, etc., of each title are shown on the outside wrapper.

(iv) Articles containing penicillin must have the wrappers marked by the senders "Addressee has import license", or similarly.

(v) The following is a list of names of the counties and principal towns in Northern Ireland:

| | |
|---|---|
| Antrim: | Londonderry: |
| Ballymena. | Coleraine. |
| Belfast. | Kilrea. |
| Carrickfergus. | Limavady. |
| Larne. | Magherafelt. |
| Lisburn. | Portstewart. |
| Portrush. | Armagh: |
| Tommebridge. | Lurgan. |
| Whitehead. | Portadown. |
| Down: | Tyrone: |
| Banbridge. | Cookstown. |
| Bangor. | Dungannon. |
| Downpatrick. | Moy. |
| Kilkeel. | Omagh. |
| Newcastle. | Strabane. |
| Newry. | Fermanagh: |
| Newtownards. | Enniskillen. |

(8) *Prohibitions.* (i) The permission of the British exchange control authorities is required for the importation of (*a*) paper money which is or has been legal tender in Great Britain and Northern Ireland; (*b*) British treasury notes; (*c*) all securities regardless of issue, whether canceled or not, and documents certifying to their destruction or cancellation, except sterling "Registered Certificates" relating to securities on which the interest or dividends are not payable by coupon.

(ii) Imitations of postage stamps. Articles bearing imitations of British, foreign, or colonial postage stamps, out of circulation or not.

(iv) Check books must be sent exclusively in the letter mails.

(v) Arms, parts of arms, munitions, and similar articles.

(vi) Liquids having a flash point of less than 200° F. However, paints, varnishes, turpentine, lacquer, and similar substances having a flash point between 90° and 200° F. will be accepted in quantities not exceeding one pint for transmission as "samples of merchandise" when packed in accordance with the regulations set forth in § 127.9 paragraph (g) (2). Such substances may be enclosed in friction top containers provided the top is soldered in four different places, equally spaced, if otherwise, packed in accordance with the regulations governing the transmission of liquids. An air space of at least 7½ percent of the total cubic content must be left in each container.

(vii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails, except the following: Coins, manufactured or unmanufactured platinum, gold and silver; precious stones, jewelry or other precious articles (but coins not intended for ornament and gold in ingots must not exceed £5 in value); circulars; liquids or substances for analysis or for medical examination and pathological specimens (in the form of samples); leeches and silkworms (in the form of samples); and clean rags (in the form of samples).

(viii) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(ix) The importation of dutiable articles into the United Kingdom by sample post is in general prohibited, and dutiable articles so imported are liable to forfeiture. The prohibition is relaxed, however, in the case of genuine trade samples which comply with the requirements of the British regulations.

(b) *Parcel post*[1]—(1) *Table of rates*—(i) *Surface parcel rates, including surcharge.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.46 | 12 | $2.99 |
| 2 | .69 | 13 | 3.22 |
| 3 | .92 | 14 | 3.45 |
| 4 | 1.15 | 15 | 3.68 |
| 5 | 1.38 | 16 | 3.91 |
| 6 | 1.61 | 17 | 4.14 |
| 7 | 1.84 | 18 | 4.37 |
| 8 | 2.07 | 19 | 4.60 |
| 9 | 2.30 | 20 | 4.83 |
| 10 | 2.53 | 21 | 5.06 |
| 11 | 2.76 | 22 | 5.29 |

(ii) *Air parcel rates.* (Rates $1.00 first 4 ounces; $0.41 each additional 4 ounces.

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.00 | 2 | 8 | $4.69 |
| 0 | 8 | 1.41 | 2 | 12 | 5.10 |
| 0 | 12 | 1.82 | 3 | 0 | 5.51 |
| 1 | 0 | 2.23 | 3 | 4 | 5.92 |
| 1 | 4 | 2.64 | 3 | 8 | 6.33 |
| 1 | 8 | 3.05 | 3 | 12 | 6.74 |
| 1 | 12 | 3.46 | 4 | 0 | 7.15 |
| 2 | 0 | 3.87 | 4 | 4 | 7.56 |
| 2 | 4 | 4.28 | 4 | 8 | 7.97 |

[1] See item "Ireland (Eire)" concerning parcels intended for that country.



| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 4 | 12 | $8.38 | 13 | 8 | $22.73 |
| 5 | 0 | 8.79 | 13 | 12 | 23.14 |
| 5 | 4 | 9.20 | 14 | 0 | 23.55 |
| 5 | 8 | 9.61 | 14 | 4 | 23.96 |
| 5 | 12 | 10.02 | 14 | 8 | 24.37 |
| 6 | 0 | 10.43 | 14 | 12 | 24.78 |
| 6 | 4 | 10.84 | 15 | 0 | 25.19 |
| 6 | 8 | 11.25 | 15 | 4 | 25.60 |
| 6 | 12 | 11.66 | 15 | 8 | 26.01 |
| 7 | 0 | 12.07 | 15 | 12 | 26.42 |
| 7 | 4 | 12.48 | 16 | 0 | 26.83 |
| 7 | 8 | 12.89 | 16 | 4 | 27.24 |
| 7 | 12 | 13.30 | 16 | 8 | 27.65 |
| 8 | 0 | 13.71 | 16 | 12 | 28.06 |
| 8 | 4 | 14.12 | 17 | 0 | 28.47 |
| 8 | 8 | 14.53 | 17 | 4 | 28.88 |
| 8 | 12 | 14.94 | 17 | 8 | 29.29 |
| 9 | 0 | 15.35 | 17 | 12 | 29.70 |
| 9 | 4 | 15.76 | 18 | 0 | 30.11 |
| 9 | 8 | 16.17 | 18 | 4 | 30.52 |
| 9 | 12 | 16.58 | 18 | 8 | 30.93 |
| 10 | 0 | 16.99 | 18 | 12 | 31.34 |
| 10 | 4 | 17.40 | 19 | 0 | 31.75 |
| 10 | 8 | 17.81 | 19 | 4 | 32.16 |
| 10 | 12 | 18.22 | 19 | 8 | 32.57 |
| 11 | 0 | 18.63 | 19 | 12 | 32.98 |
| 11 | 4 | 19.04 | 20 | 0 | 33.39 |
| 11 | 8 | 19.45 | 20 | 4 | 33.80 |
| 11 | 12 | 19.86 | 20 | 8 | 34.21 |
| 12 | 0 | 20.27 | 20 | 12 | 34.62 |
| 12 | 4 | 20.68 | 21 | 0 | 35.03 |
| 12 | 8 | 21.09 | 21 | 4 | 35.44 |
| 12 | 12 | 21.50 | 21 | 8 | 35.85 |
| 13 | 0 | 21.91 | 21 | 12 | 36.26 |
| 13 | 4 | 22.32 | 22 | 0 | 36.67 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declaration: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to ordinary parcels. (See § 127.79.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (4) of this paragraph.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the fees mentioned hereunder:

| Limit of indemnity: | Fees |
|---|---|
| Not over $10 | $0.20 |
| From $10.01 to $25 | .25 |
| From $25.01 to $40 | .35 |
| From $50.01 to $100 | .55 |

(ii) Only parcels mailed in continental United States (not including Alaska) may be insured for the following amounts:

| Limit of indemnity: | Fees |
|---|---|
| From $100.01 to $200 | $0.60 |
| From $200.01 to $300 | .65 |
| From $300.01 to $400 | .70 |
| From $400.01 to $500 | .75 |
| From $500.01 to $600 | .80 |
| From $600.01 to $700 | .85 |
| From $700.01 to $800 | .90 |
| From $800.01 to $900 | .95 |
| From $900.01 to $1,000 | 1.00 |

(iii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "INSURED" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in United States currency, in arabic figures and in roman letters spelled out in full, as per the following example:

Insured Value
$76.89
Seventy-six Dollars and Eighty-nine Cents

(iv) Every parcel containing coins, bullion, precious stones, and any article of gold, silver, or platinum must be insured.

(v) Parcels containing jewelry must not have a value in excess of $1,000 when mailed in continental United States (not including Alaska), or $100 when mailed in Alaska and other Territories and possessions of the United States. Any parcel containing jewelry or any other precious article exceeding $280 in value must be packed in a box measuring not less than 3 feet 6 inches in length and girth combined.

(vi) The final decision on all questions of compensation rests with the country in whose service the loss, rifling, or damage took place.

(vii) While parcels containing eggs, when properly packed, may be accepted for insurance to Great Britain and Northern Ireland, no indemnity is payable, in the event of damage, should it be determined that responsibility for the damage rests with the Postal Administration of Great Britain and Northern Ireland. Also regardless of where the damage occurred, no indemnity is payable for the damage to insured parcels, containing eggs, originating in Great Britain and Northern Ireland and addressed to this country.

(viii) For further information concerning insurance service, see §§ 127.130 to 127.139, inclusive.

(5) *Observations.* Parcel post packages are divided into two classes, namely, bona fide unsolicited gift parcels; and all other parcels. The following shall be observed in the acceptance of parcels under the two classes mentioned:

(i) Bona fide unsolicited gift parcels addressed to individuals: All such parcels must be endorsed by the senders with the words "Unsolicited Gift." A gift is not regarded by the British service as unsolicited if it is received as a result of a prior communication sent by the recipient to the donor. While parcels sent as gifts do not require a British import license, they may, nevertheless, be subject to customs duty and, in some cases, to the United Kingdom purchase tax, which the addressee must pay in order to obtain delivery of the parcel. Ordinary (uninsured) gift parcels containing exclusively food, soap, and or second-hand clothing will not be returned to the senders unless the latter have given instructions on the relative customs declaration (Form 2966) that the parcels are to be returned if they prove to be undeliverable as addressed.

(ii) All other parcels: All acceptable merchandise not sent as an unsolicited gift will be admitted into the United Kingdom only under a license which the importer must obtain from the Import Licensing Department of the Board of Trade. All parcels not coming within the requirements set forth in subdivision (i) of this subparagraph for "Unsolicited gift parcels" will be regarded as having been accepted with the understanding that the responsibility for previously determining that the articles sent will be admitted and for obtaining the required import license rests with the sender and addressee, and the Post Office Department will assume no responsibility arising from the failure or the inability of the addressee to produce the import license.

(iii) A fee for clearance through the customs is imposed on each parcel-post package received from abroad which is subject to customs charges. The amount of the fee is 1 shilling for each parcel on which the customs charges exceed 10 shillings and 6 pence for each parcel on which the customs charges do not exceed 10 shillings.

(iv) Particulars on customs declarations must be full and precise in all details, and in case of packages containing articles of different kinds, the exact quantity of each kind of article must be stated, with descriptions and individual weights. Delivery of parcels containing books and other printed matter will be expedited if the titles and number of volumes, pamphlets, etc., of each title are shown on the customs declaration.

(v) Carbon paper coated with wax and not containing any oxidizable oily or fatty substance must be described accordingly on the customs declaration.

(vi) Parcels containing goods liable to ad valorem duty should be accompanied by an invoice showing the contents in detail and the value of each article and the cover of the parcel should be marked on the address side "Invoice inclosed." When the invoice relates to more than one parcel the cover of each parcel should be marked "Invoice enclosed in parcel No. ---."

(vii) Parcels for delivery in London, England, to secure delivery should include in all cases: 1. Name of addressee. 2. Number (or if there is no number, the name) of the house. If a house bears a name and also a number, the number should always be used, whether or not the name be added. 3. Name of street or road in which the house is located. 4. The words "London, England." 5. Initials of the postal district, followed by the number of the office of delivery, thus: "S. W. 4", "N. W. 8." In the case of parcels for delivery in other parts of Great Britain and Northern Ireland, the name of the county is an essential part of the address.

(viii) Special customs and other provisions: The British Office does not accept responsibility for any parcel containing precious stones, jewelry, or any other article of gold or silver of a value higher than $280, sent *in transit* through that office or intended for delivery in Great Britain or Northern Ireland, unless it is inclosed in a box measuring not less than 3½ feet in length and girth combined.

(ix) Parcels containing penicillin must have the wrapper marked by the senders "Addressee has import license", or similarly.

(x) The outer receptacle of a parcel containing liquids must be of strong wood or metal.

(6) *Prohibitions*—(i) *For reasons of sanitary policy.* (*a*) Soiled clothing; rags; shaving brushes made in Japan; goat hair and goat wool.

(*b*) Meat, milk, cheese, butter, margarine, lard and other greases, unless packed in hermetically sealed tins plainly marked to show the nature of the contents.

(*c*) Advertisements concerning the treatment or prevention of venereal disease, unless addressed to physicians or pharmacists.

(ii) *For the protection of plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iii) *Arms, etc.* (*a*) Firearms (except shotguns with barrels at least 20 inches long) and other deadly weapons and parts thereof, including guns for throwing liquid or gas and munitions therefor; accessories for reducing the sound or flash of firearms.

(*b*) To Northern Ireland: Airguns, and shotguns with barrels 20 inches or more in length, in addition to the above.

(iv) *For other reasons.* (*a*) Articles violating the trademark or copyright laws.

(*b*) Oilskins and similar oiled goods, unless each parcel contains a certificate as follows: "Any oilskins or similar oiled goods in this parcel have been stoved at a temperature of 140° at least 8 hours and afterwards cured for at least a month before being packed."

(*c*) Carbon paper, unless wax-coated and not containing any oxidizable oily or fatty substance and so described on the customs declaration.

(*d*) Cut and pressed tobacco, and tobacco mixed with other substances. Practically all cigarettes manufactured in the United States are prohibited, except in unsolicited gift parcels addressed to individuals.

(*e*) Saccharine and similar substances.

(*f*) Concentrations of coffee, tea, chicory, or tobacco.

(*g*) Coins, precious stones, jewelry, and any articles of gold, silver, or platinum, unless insured. Coins of a value higher than £5 (except with a declaration that they are for ornament), gold in ingots of a value higher than £5, and silver in ingots or partially worked of a value higher than £50, even if insured.

(*h*) Advertisements of fortune tellers.

(*i*) Liquids with flash point lower than 200° F. As an exception, paints, varnishes, turpentine, lacquer and similar substances with flash point between 90° and 200° may be accepted in quantities not exceeding one pint when packed as prescribed in § 127.72 (d), with an air space of at least 7½ percent of the total cubic content left in each container; the wrapper must be marked by the sender indicating that the flash point is not lower than 90° F.

(7) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Vaccines, serums, antitoxins, salvarsan and its derivatives, insulin, tuberculin, pituitary extract for injections, and sterilized surgical sutures for human use, require authorization from the competent authority.

(ii) Foods or beverages to which any preservative or other substance has been added must comply with the British regulations for importation.

(iii) The following require permission from the British Board of Trade:

(*a*) Synthetic organic dyes and coloring materials, except bona fide trade samples.

(*b*) Preparations of snuff and tobacco stalks.

(*c*) Processed milk, unless sent as an unsolicited gift.

(*d*) Bird plumage, except of birds commonly used as food and certain other species.

(*e*) Other types of merchandise may require import licenses (see subparagraph (5) of this paragraph).

§ 127.266 *Greece (including Crete and Dodecanese Islands (Astypalaia, Chalki, Kalymnos, Karpathos, Kassos, Kastellorizon, Kos, Leipsos, Leros, Nissiros, Patmos, Rodos, Symi and Tilos))*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters and post cards, 15 cents per half-ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 48 cents for the first 2 ounces and 28 cents for each additional 2 ounces. (See § 127.20.)

(6) *Prohibitions.* (i) Dutiable articles (merchandise) in letters and packages prepaid at letter rate.

(ii) Notes of the Hellenic Bank. Coins; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, and other precious articles.

(iii) Tobacco, cigarettes, cigars, saccharine, and its products.

(iv) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges for parcels exceeding 2 pounds.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 12 | $3.12 |
| 2 | .67 | 13 | 3.34 |
| 3 | 1.14 | 14 | 3.56 |
| 4 | 1.36 | 15 | 3.78 |
| 5 | 1.58 | 16 | 4.00 |
| 6 | 1.80 | 17 | 4.22 |
| 7 | 2.02 | 18 | 4.44 |
| 8 | 2.24 | 19 | 4.66 |
| 9 | 2.46 | 20 | 4.88 |
| 10 | 2.68 | 21 | 5.10 |
| 11 | 2.90 | 22 | 5.32 |

(ii) *Air parcel rates, including surcharges.* (Rates: $1.07 first 4 ounces; $0.57 each additional 4 ounces)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.07 | 11 | 4 | $26.15 |
| 0 | 8 | 1.64 | 11 | 8 | 26.72 |
| 0 | 12 | 2.21 | 11 | 12 | 27.29 |
| 1 | 0 | 2.78 | 12 | 0 | 27.86 |
| 1 | 4 | 3.35 | 12 | 4 | 28.43 |
| 1 | 8 | 3.92 | 12 | 8 | 29.00 |
| 1 | 12 | 4.49 | 12 | 12 | 29.57 |
| 2 | 0 | 5.06 | 13 | 0 | 30.14 |
| 2 | 4 | 5.63 | 13 | 4 | 30.71 |
| 2 | 8 | 6.20 | 13 | 8 | 31.28 |
| 2 | 12 | 6.77 | 13 | 12 | 31.85 |
| 3 | 0 | 7.34 | 14 | 0 | 32.42 |
| 3 | 4 | 7.91 | 14 | 4 | 32.99 |
| 3 | 8 | 8.48 | 14 | 8 | 33.56 |
| 3 | 12 | 9.05 | 14 | 12 | 34.13 |
| 4 | 0 | 9.62 | 15 | 0 | 34.70 |
| 4 | 4 | 10.19 | 15 | 4 | 35.27 |
| 4 | 8 | 10.76 | 15 | 8 | 35.84 |
| 4 | 12 | 11.33 | 15 | 12 | 36.41 |
| 5 | 0 | 11.90 | 16 | 0 | 36.98 |
| 5 | 4 | 12.47 | 16 | 4 | 37.55 |
| 5 | 8 | 13.04 | 16 | 8 | 38.12 |
| 5 | 12 | 13.61 | 16 | 12 | 38.69 |
| 6 | 0 | 14.18 | 17 | 0 | 39.26 |
| 6 | 4 | 14.75 | 17 | 4 | 39.83 |
| 6 | 8 | 15.32 | 17 | 8 | 40.40 |
| 6 | 12 | 15.89 | 17 | 12 | 40.97 |
| 7 | 0 | 16.46 | 18 | 0 | 41.54 |
| 7 | 4 | 17.03 | 18 | 4 | 42.11 |
| 7 | 8 | 17.60 | 18 | 8 | 42.68 |
| 7 | 12 | 18.17 | 18 | 12 | 43.25 |
| 8 | 0 | 18.74 | 19 | 0 | 43.82 |
| 8 | 4 | 19.31 | 19 | 4 | 44.39 |
| 8 | 8 | 19.88 | 19 | 8 | 44.96 |
| 8 | 12 | 20.45 | 19 | 12 | 45.53 |
| 9 | 0 | 21.02 | 20 | 0 | 46.10 |
| 9 | 4 | 21.59 | 20 | 4 | 46.67 |
| 9 | 8 | 22.16 | 20 | 8 | 47.24 |
| 9 | 12 | 22.73 | 20 | 12 | 47.81 |
| 10 | 0 | 23.30 | 21 | 0 | 48.38 |
| 10 | 4 | 23.87 | 21 | 4 | 48.95 |
| 10 | 8 | 24.44 | 21 | 8 | 49.52 |
| 10 | 12 | 25.01 | 21 | 12 | 50.09 |
| 11 | 0 | 25.58 | 22 | 0 | 50.66 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Observations.* (i) Customs declarations must show a detailed description of the contents of the parcels including the exact gross and net weight, and the quantity and value of each kind of merchandise, and, if practicable, be worded in the Greek or French language as well as in English.

(ii) Exemption from duty is granted for limited amounts of food, clothing and certain other articles sent as gifts for the personal use of the addressee or his family. Interested patrons may obtain further information from the Office of International Trade, Department of Commerce, Washington 25, D. C., or from any field office of that Department.

(iii) It is indispensable that senders enclose a copy of commercial invoices in parcels. The absence of the invoice may result in delay in delivery of parcels, difficulties in customs treatment, or even prejudice against the addressees.

(6) *Prohibitions*—(i) *For sanitary reasons.* (*a*) Fresh meat, preserved meat, rawhides, wool, other products and waste from cattle or sheep, unless accompanied by a certificate of origin showing that the place of origin free from trichina.

(*b*) Used clothing, bedding, rags, etc., for commercial purposes. Used clothing for personal use, unless cleaned.

(*c*) Cans of condensed milk, unless provided with a label in the Greek language indicating the directions for its use.

(*d*) Snuff.

(ii) *For the protection of plants.* (*a*) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(*b*) Parasites and predators of injurious insects, unless intended for the control of those insects and exchanged between officially recognized institutions.

(iii) *Arms, etc.* Firearms, swords, and any other articles containing them.

(iv) *State monopolies.* (*a*) Salt; playing cards; amusement devices; petroleum; saccharine.

(*b*) Leaf tobacco for cigars and cigarette papers, unless imported by or for tobacco manufacturers, under special authorization of the Ministry of Finance.

(*c*) Aluminum sheets for tobacco manufacturing.

(7) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Certain pharmaceutical specialties require special authorization of the Greek authorities.

(ii) Hunting arms and other commercial arms require special permission from the police authorities.

(iii) Obligations, public securities and paper values of all kinds require special authorization from the Ministries of Finance and of National Economy.

(iv) Parcels sent for commercial purposes in many cases require authorization from the Greek Ministry of Commerce for delivery. The same is true of parcels sent as gifts if the value of the contents exceeds $30. It is recommended that senders of such parcels ascertain in advance from the addressees whether they will be allowed to receive them.

§ 127.267 *Greenland*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted at risk of sender. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Air mail service.* No service available.

(5) *Special delivery.* No service.

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Combination packages.* Accepted. (See § 127.12.)

(8) *Prohibitions.* (i) Coin, gold, silver, precious stones, jewelry, etc.

(ii) Articles of correspondence marked on the outside with the declared value of contents.

(b) *Parcel post.* (See Denmark.)

§ 127.268 *Guadeloupe (including the Island of Desirade, Les Saintes, Marie Galante, Petite Terre, St. Bartholomew (Barthelemy), and the French part of St. Martin)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 34 cents for the first 2 ounces and 14 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 7 | $1.77 |
| 2 | .67 | 8 | 1.99 |
| 3 | .89 | 9 | 2.21 |
| 4 | 1.11 | 10 | 2.43 |
| 5 | 1.33 | 11 | 2.65 |
| 6 | 1.55 | | |

(ii) *Air parcel post.* (Rates: $0.65 first 4 ounces; $0.20 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.65 | 3 | 12 | $3.45 |
| 0 | 8 | .85 | 4 | 0 | 3.65 |
| 0 | 12 | 1.05 | 4 | 4 | 3.85 |
| 1 | 0 | 1.25 | 4 | 8 | 4.05 |
| 1 | 4 | 1.45 | 4 | 12 | 4.25 |
| 1 | 8 | 1.65 | 5 | 0 | 4.45 |
| 1 | 12 | 1.85 | 5 | 4 | 4.65 |
| 2 | 0 | 2.05 | 5 | 8 | 4.85 |
| 2 | 4 | 2.25 | 5 | 12 | 5.05 |
| 2 | 8 | 2.45 | 6 | 0 | 5.25 |
| 2 | 12 | 2.65 | 6 | 4 | 5.45 |
| 3 | 0 | 2.85 | 6 | 8 | 5.65 |
| 3 | 4 | 3.05 | 6 | 12 | 5.85 |
| 3 | 8 | 3.25 | 7 | 0 | 6.05 |
| 7 | 4 | 6.25 | 9 | 4 | 7.85 |
| 7 | 8 | 6.45 | 9 | 8 | 8.05 |
| 7 | 12 | 6.65 | 9 | 12 | 8.25 |
| 8 | 0 | 6.85 | 10 | 0 | 8.45 |
| 8 | 4 | 7.05 | 10 | 4 | 8.65 |
| 8 | 8 | 7.25 | 10 | 8 | 8.85 |
| 8 | 12 | 7.45 | 10 | 12 | 9.05 |
| 9 | 0 | 7.65 | 11 | 0 | 9.25 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Yes. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions.* No list.

(5) *Import restrictions.* Addressees may be required to obtain import licenses in some cases.

§ 127.269 *Guatemala*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 2, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.).

(6) *Diplomatic and consular mail.* See § 127.32.

(7) *Freedom of postage for government correspondence.* See § 127.32 (c).

(8) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 33 cents for the first 2 ounces and 12 cents for each additional 2 ounces. (See § 127.20.)

(9) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted, if registered. (See § 127.3.)

(10) *Observations.* See paragraph (b) (6) of this section for requirements as to commercial invoices and certificates of origin, which also apply to merchandise sent in the Postal Union mails.

(11) *Prohibitions.* (i) Money in cash, bank notes, and values payable to the bearer. Such money in cash, bank notes, and values payable to the bearer found in ordinary or registered letters for Guatemala are invariably confiscated upon their receipt in that country, and the Guatemalan Postal Administration has declined to release the articles in question for delivery to the addressees or for return to the mailers.

(ii) Dutiable articles in letters and packages prepaid at the letter rate, unless registered.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.70 | 23 | $5.54 |
| 2 | .92 | 24 | 5.76 |
| 3 | 1.14 | 25 | 5.98 |
| 4 | 1.36 | 26 | 6.20 |
| 5 | 1.58 | 27 | 6.42 |
| 6 | 1.80 | 28 | 6.64 |
| 7 | 2.02 | 29 | 6.86 |
| 8 | 2.24 | 30 | 7.08 |
| 9 | 2.46 | 31 | 7.30 |
| 10 | 2.68 | 32 | 7.52 |
| 11 | 2.90 | 33 | 7.74 |
| 12 | 3.12 | 34 | 7.96 |
| 13 | 3.34 | 35 | 8.18 |
| 14 | 3.56 | 36 | 8.40 |
| 15 | 3.78 | 37 | 8.62 |
| 16 | 4.00 | 38 | 8.84 |
| 17 | 4.22 | 39 | 9.06 |
| 18 | 4.44 | 40 | 9.28 |
| 19 | 4.66 | 41 | 9.50 |
| 20 | 4.88 | 42 | 9.72 |
| 21 | 5.10 | 43 | 9.94 |
| 22 | 5.32 | 44 | 10.16 |

(ii) *Air parcel rates, including surcharges.* (Rates: $1.01 first 4 ounces; $0.25 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.01 | 14 | 12 | $15.51 |
| 0 | 8 | 1.26 | 15 | 0 | 15.76 |
| 0 | 12 | 1.51 | 15 | 4 | 16.01 |
| 1 | 0 | 1.76 | 15 | 8 | 16.26 |
| 1 | 4 | 2.01 | 15 | 12 | 16.51 |
| 1 | 8 | 2.26 | 16 | 0 | 16.76 |
| 1 | 12 | 2.51 | 16 | 4 | 17.01 |
| 2 | 0 | 2.76 | 16 | 8 | 17.26 |
| 2 | 4 | 3.01 | 16 | 12 | 17.51 |
| 2 | 8 | 3.26 | 17 | 0 | 17.76 |
| 2 | 12 | 3.51 | 17 | 4 | 18.01 |
| 3 | 0 | 3.76 | 17 | 8 | 18.26 |
| 3 | 4 | 4.01 | 17 | 12 | 18.51 |
| 3 | 8 | 4.26 | 18 | 0 | 18.76 |
| 3 | 12 | 4.51 | 18 | 4 | 19.01 |
| 4 | 0 | 4.76 | 18 | 8 | 19.26 |
| 4 | 4 | 5.01 | 18 | 12 | 19.51 |
| 4 | 8 | 5.26 | 19 | 0 | 19.76 |
| 4 | 12 | 5.51 | 19 | 4 | 20.01 |
| 5 | 0 | 5.76 | 19 | 8 | 20.26 |
| 5 | 4 | 6.01 | 19 | 12 | 20.51 |
| 5 | 8 | 6.26 | 20 | 0 | 20.76 |
| 5 | 12 | 6.51 | 20 | 4 | 21.01 |
| 6 | 0 | 6.76 | 20 | 8 | 21.26 |
| 6 | 4 | 7.01 | 20 | 12 | 21.51 |
| 6 | 8 | 7.26 | 21 | 0 | 21.76 |
| 6 | 12 | 7.51 | 21 | 4 | 22.01 |
| 7 | 0 | 7.76 | 21 | 8 | 22.26 |
| 7 | 4 | 8.01 | 21 | 12 | 22.51 |
| 7 | 8 | 8.26 | 22 | 0 | 22.76 |
| 7 | 12 | 8.51 | 22 | 4 | 23.01 |
| 8 | 0 | 8.76 | 22 | 8 | 23.26 |
| 8 | 4 | 9.01 | 22 | 12 | 23.51 |
| 8 | 8 | 9.26 | 23 | 0 | 23.76 |
| 8 | 12 | 9.51 | 23 | 4 | 24.01 |
| 9 | 0 | 9.76 | 23 | 8 | 24.26 |
| 9 | 4 | 10.01 | 23 | 12 | 24.51 |
| 9 | 8 | 10.26 | 24 | 0 | 24.76 |
| 9 | 12 | 10.51 | 24 | 4 | 25.01 |
| 10 | 0 | 10.76 | 24 | 8 | 25.26 |
| 10 | 4 | 11.01 | 24 | 12 | 25.51 |
| 10 | 8 | 11.26 | 25 | 0 | 25.76 |
| 10 | 12 | 11.51 | 25 | 4 | 26.01 |
| 11 | 0 | 11.76 | 25 | 8 | 26.26 |
| 11 | 4 | 12.01 | 25 | 12 | 26.51 |
| 11 | 8 | 12.26 | 26 | 0 | 26.76 |
| 11 | 12 | 12.51 | 26 | 4 | 27.01 |
| 12 | 0 | 12.76 | 26 | 8 | 27.26 |
| 12 | 4 | 13.01 | 26 | 12 | 27.51 |
| 12 | 8 | 13.26 | 27 | 0 | 27.76 |
| 12 | 12 | 13.51 | 27 | 4 | 28.01 |
| 13 | 0 | 13.76 | 27 | 8 | 28.26 |
| 13 | 4 | 14.01 | 27 | 12 | 28.51 |
| 13 | 8 | 14.26 | 28 | 0 | 28.76 |
| 13 | 12 | 14.51 | 28 | 4 | 29.01 |
| 14 | 0 | 14.76 | 28 | 8 | 29.26 |
| 14 | 4 | 15.01 | 28 | 12 | 29.51 |
| 14 | 8 | 15.26 | 29 | 0 | 29.76 |
| 29 | 4 | $30.01 | 36 | 12 | $37.51 |
| 29 | 8 | 30.26 | 37 | 0 | 37.76 |
| 29 | 12 | 30.51 | 37 | 4 | 38.01 |
| 30 | 0 | 30.76 | 37 | 8 | 38.26 |
| 30 | 4 | 31.01 | 37 | 12 | 38.51 |
| 30 | 8 | 31.26 | 38 | 0 | 38.76 |
| 30 | 12 | 31.51 | 38 | 4 | 39.01 |
| 31 | 0 | 31.76 | 38 | 8 | 39.26 |
| 31 | 4 | 32.01 | 38 | 12 | 39.51 |
| 31 | 8 | 32.26 | 39 | 0 | 39.76 |
| 31 | 12 | 32.51 | 39 | 4 | 40.01 |
| 32 | 0 | 32.76 | 39 | 8 | 40.26 |
| 32 | 4 | 33.01 | 39 | 12 | 40.51 |
| 32 | 8 | 33.26 | 40 | 0 | 40.76 |
| 32 | 12 | 33.51 | 40 | 4 | 41.01 |
| 33 | 0 | 33.76 | 40 | 8 | 41.26 |
| 33 | 4 | 34.01 | 40 | 12 | 41.51 |
| 33 | 8 | 34.26 | 41 | 0 | 41.76 |
| 33 | 12 | 34.51 | 41 | 4 | 42.01 |
| 34 | 0 | 34.76 | 41 | 8 | 42.26 |
| 34 | 4 | 35.01 | 41 | 12 | 42.51 |
| 34 | 8 | 35.26 | 42 | 0 | 42.76 |
| 34 | 12 | 35.51 | 42 | 4 | 43.01 |
| 35 | 0 | 35.76 | 42 | 8 | 43.26 |
| 35 | 4 | 36.01 | 42 | 12 | 43.51 |
| 35 | 8 | 36.26 | 43 | 0 | 43.76 |
| 35 | 12 | 36.51 | 43 | 4 | 44.01 |
| 36 | 0 | 36.76 | 43 | 8 | 44.26 |
| 36 | 4 | 37.01 | 43 | 12 | 44.51 |
| 36 | 8 | 37.26 | 44 | 0 | 44.76 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: Limited to 3 ordinary parcels. (See § 127.79.)
Registration: No.
Insurance: Yes.
C. o. d.: No.
Consular Invoice: Yes. (See subparagraph (6) of this paragraph.)

(2) *Indemnity.* For ordinary parcels, see § 127.165. For insured parcels, see subparagraph (5) of this paragraph.

(3) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels (surface and air). (See § 127.159.)

(4) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(5) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the fees mentioned hereunder:

| Limits of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "INSURED" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in United States currency, in arabic figures and in roman letters spelled out in full, as per the following example:

Insured Value
$75.55
Seventy-five Dollars and Fifty-five Cents.

(iii) Parcels containing coin, precious metals, jewelry, or other precious articles must be insured.

(iv) For general information concerning insurance service see §§ 127.140 to 127.148, inclusive.

(6) *Observations.* (i) The customs laws of Guatemala require that a certificate of origin be furnished for every importation except in the case of merchandise not exceeding $50 in value. Nevertheless, if the articles are subject to restrictions, quotas, or special charges, the certificate is required regardless of their value.

(ii) Commercial invoices must be furnished for all merchandise imported into that country.

(iii) Both certificate of origin and commercial invoice must be visaed by a Guatemalan Consul or diplomatic representative. Senders must present to the nearest Guatemalan Consul five copies of the commercial invoice covering their parcels. The certificate of origin, and the original invoice which is returned after certification shall not be enclosed in the parcel, but forwarded under separate cover to the addressee. The remaining copies are retained by the Consul.

(iv) Consular fees are collected at the point of destination of the parcels in Guatemala. It is understood that in cases where parcels of value are received in Guatemala without the certified invoices and the addressees are unable to produce such invoices the parcels will be delivered, but the addressees will be required to pay the usual import duties plus a fine of 50 percent of the duties.

(v) The invoices must indicate (1) name and address of shipper; (2) name and address of consignee; (3) date of the invoice; (4) marks, countermarks, and numbers; (5) number and kind of package; (6) contents of merchandise in detail; (7) weights in kilograms—legal, net and gross; (8) value of merchandise; (9) expenses, such as postage, commissions, etc.; (10) declaration that all the prices and particulars are true and correct. The invoices must be signed in ink.

(vi) Guatemalan Consuls are located in the following cities:

| | |
|---|---|
| Baltimore, Md. | Mobile, Ala. |
| Boston, Mass. | New Orleans, La. |
| Brownsville, Tex. | New York, N. Y. |
| Chicago, Ill. | Philadelphia, Pa. |
| Corpus Christi, Tex. | Portland, Oreg. |
| Dallas, Tex. | Sacramento, Calif. |
| Detroit, Mich. | Seattle, Wash. |
| El Paso, Tex. | St. Louis, Mo. |
| Fort Worth, Tex. | St. Paul, Minn. |
| Galveston, Tex. | St. Petersburg, Fla. |
| Houston, Tex. | San Antonio, Tex. |
| Jacksonville, Fla. | San Francisco, Calif. |
| Laredo, Tex. | San Juan, P. R. |
| Los Angeles, Calif. | Tampa, Fla. |
| Miami, Fla. | |

(vii) In the case of parcels addressed in care of banks or other organizations, the second addressee shall be advised concerning the arrival of the parcel, but he shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender; in the latter case, the sender shall take steps, through the administration of the country of origin of the parcel, for its delivery to the second addressee.

(7) *Prohibitions*—(i) *For reasons of public safety.* Machines and apparatus for setting off explosives, except for mining and railway enterprises, etc., and by permit from the Ministry of War.

(ii) *For sanitary reasons.* Nursing bottles and their accessories with glass tubes.

(iii) *For the protection of animals or plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iv) *Arms, etc.* Arms in general, except certain arms for hunting.

(v) *For other reasons.* (*a*) Potassium nitrate (saltpeter) in quantities exceeding 10 kilograms; empty used sacks.

(*b*) Cigarette paper.

(*c*) Confetti of varied colors in the same container.

(*d*) Guatemalan coins.

(*e*) Copper, bronze, or nickel coins, except antique coins.

(*f*) Military supplies of all kinds.

§ 127.270 *Haiti*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 2, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Diplomatic and consular mail.* See § 127.32.

(6) *Freedom of postage for government correspondence.* See § 127.32 (c).

(7) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 31 cents for the first 2 ounces and 10 cents for each additional 2 ounces. (See § 127.20.)

(8) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(9) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(10) *Combination packages.* Accepted. (See § 127.12.)

(11) *Observations.* In order for international reply coupons to be exchanged in Haiti, the reply coupons and the articles of correspondence to be prepaid must be presented at the same time.

(12) *Prohibitions.* (i) Jewels.

(ii) Bank notes and coins. Remittances in cash when sent from banks in the United States to their respective branches in Haiti, and values payable to bearer to any addressees, are accepted at the risk of the senders.

(iii) Articles of a seditious character.



(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.61 | 23 | $5.53 |
| 2 | .83 | 24 | 5.75 |
| 3 | 1.05 | 25 | 5.97 |
| 4 | 1.27 | 26 | 6.19 |
| 5 | 1.49 | 27 | 6.41 |
| 6 | 1.71 | 28 | 6.63 |
| 7 | 1.93 | 29 | 6.85 |
| 8 | 2.15 | 30 | 7.07 |
| 9 | 2.37 | 31 | 7.29 |
| 10 | 2.59 | 32 | 7.51 |
| 11 | 2.81 | 33 | 7.73 |
| 12 | 3.03 | 34 | 8.04 |
| 13 | 3.25 | 35 | 8.26 |
| 14 | 3.47 | 36 | 8.48 |
| 15 | 3.69 | 37 | 8.70 |
| 16 | 3.91 | 38 | 8.92 |
| 17 | 4.13 | 39 | 9.14 |
| 18 | 4.35 | 40 | 9.36 |
| 19 | 4.57 | 41 | 9.58 |
| 20 | 4.79 | 42 | 9.80 |
| 21 | 5.01 | 43 | 10.02 |
| 22 | 5.23 | 44 | 10.24 |

(ii) *Air parcel rates, including surcharges.* (Rates: $0.72 first 4 ounces; $0.21 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.72 | 14 | 12 | $12.90 |
| 0 | 8 | .93 | 15 | 0 | 13.11 |
| 0 | 12 | 1.14 | 15 | 4 | 13.32 |
| 1 | 0 | 1.35 | 15 | 8 | 13.53 |
| 1 | 4 | 1.56 | 15 | 12 | 13.74 |
| 1 | 8 | 1.77 | 16 | 0 | 13.95 |
| 1 | 12 | 1.98 | 16 | 4 | 14.16 |
| 2 | 0 | 2.19 | 16 | 8 | 14.37 |
| 2 | 4 | 2.40 | 16 | 12 | 14.58 |
| 2 | 8 | 2.61 | 17 | 0 | 14.79 |
| 2 | 12 | 2.82 | 17 | 4 | 15.00 |
| 3 | 0 | 3.03 | 17 | 8 | 15.21 |
| 3 | 4 | 3.24 | 17 | 12 | 15.42 |
| 3 | 8 | 3.45 | 18 | 0 | 15.63 |
| 3 | 12 | 3.66 | 18 | 4 | 15.84 |
| 4 | 0 | 3.87 | 18 | 8 | 16.05 |
| 4 | 4 | 4.08 | 18 | 12 | 16.26 |
| 4 | 8 | 4.29 | 19 | 0 | 16.47 |
| 4 | 12 | 4.50 | 19 | 4 | 16.68 |
| 5 | 0 | 4.71 | 19 | 8 | 16.89 |
| 5 | 4 | 4.92 | 19 | 12 | 17.10 |
| 5 | 8 | 5.13 | 20 | 0 | 17.31 |
| 5 | 12 | 5.34 | 20 | 4 | 17.52 |
| 6 | 0 | 5.55 | 20 | 8 | 17.73 |
| 6 | 4 | 5.76 | 20 | 12 | 17.94 |
| 6 | 8 | 5.97 | 21 | 0 | 18.15 |
| 6 | 12 | 6.18 | 21 | 4 | 18.36 |
| 7 | 0 | 6.39 | 21 | 8 | 18.57 |
| 7 | 4 | 6.60 | 21 | 12 | 18.78 |
| 7 | 8 | 6.81 | 22 | 0 | 18.99 |
| 7 | 12 | 7.02 | 22 | 4 | 19.20 |
| 8 | 0 | 7.23 | 22 | 8 | 19.41 |
| 8 | 4 | 7.44 | 22 | 12 | 19.62 |
| 8 | 8 | 7.65 | 23 | 0 | 19.83 |
| 8 | 12 | 7.86 | 23 | 4 | 20.04 |
| 9 | 0 | 8.07 | 23 | 8 | 20.25 |
| 9 | 4 | 8.28 | 23 | 12 | 20.46 |
| 9 | 8 | 8.49 | 24 | 0 | 20.67 |
| 9 | 12 | 8.70 | 24 | 4 | 20.88 |
| 10 | 0 | 8.91 | 24 | 8 | 21.09 |
| 10 | 4 | 9.12 | 24 | 12 | 21.30 |
| 10 | 8 | 9.33 | 25 | 0 | 21.51 |
| 10 | 12 | 9.54 | 25 | 4 | 21.72 |
| 11 | 0 | 9.75 | 25 | 8 | 21.93 |
| 11 | 4 | 9.96 | 25 | 12 | 22.14 |
| 11 | 8 | 10.17 | 26 | 0 | 22.35 |
| 11 | 12 | 10.38 | 26 | 4 | 22.56 |
| 12 | 0 | 10.59 | 26 | 8 | 22.77 |
| 12 | 4 | 10.80 | 26 | 12 | 22.98 |
| 12 | 8 | 11.01 | 27 | 0 | 23.19 |
| 12 | 12 | 11.22 | 27 | 4 | 23.40 |
| 13 | 0 | 11.43 | 27 | 8 | 23.61 |
| 13 | 4 | 11.64 | 27 | 12 | 23.82 |
| 13 | 8 | 11.85 | 28 | 0 | 24.03 |
| 13 | 12 | 12.06 | 28 | 4 | 24.24 |
| 14 | 0 | 12.27 | 28 | 8 | 24.45 |
| 14 | 4 | 12.48 | 28 | 12 | 24.66 |
| 14 | 8 | 12.69 | 29 | 0 | 24.87 |
| 29 | 4 | $25.08 | 36 | 12 | $31.38 |
| 29 | 8 | 25.29 | 37 | 0 | 31.59 |
| 29 | 12 | 25.50 | 37 | 4 | 31.80 |
| 30 | 0 | 25.71 | 37 | 8 | 32.01 |
| 30 | 4 | 25.92 | 37 | 12 | 32.22 |
| 30 | 8 | 26.13 | 38 | 0 | 32.43 |
| 30 | 12 | 26.34 | 38 | 4 | 32.64 |
| 31 | 0 | 26.55 | 38 | 8 | 32.85 |
| 31 | 4 | 26.76 | 38 | 12 | 33.06 |
| 31 | 8 | 26.97 | 39 | 0 | 33.27 |
| 31 | 12 | 27.18 | 39 | 4 | 33.48 |
| 32 | 0 | 27.39 | 39 | 8 | 33.69 |
| 32 | 4 | 27.60 | 39 | 12 | 33.90 |
| 32 | 8 | 27.81 | 40 | 0 | 34.11 |
| 32 | 12 | 28.02 | 40 | 4 | 34.32 |
| 33 | 0 | 28.23 | 40 | 8 | 34.53 |
| 33 | 4 | 28.44 | 40 | 12 | 34.74 |
| 33 | 8 | 28.65 | 41 | 0 | 34.95 |
| 33 | 12 | 28.86 | 41 | 4 | 35.16 |
| 34 | 0 | 29.07 | 41 | 8 | 35.37 |
| 34 | 4 | 29.28 | 41 | 12 | 35.58 |
| 34 | 8 | 29.49 | 42 | 0 | 35.79 |
| 34 | 12 | 29.70 | 42 | 4 | 36.00 |
| 35 | 0 | 29.91 | 42 | 8 | 36.21 |
| 35 | 4 | 30.12 | 42 | 12 | 36.42 |
| 35 | 8 | 30.33 | 43 | 0 | 36.63 |
| 35 | 12 | 30.54 | 43 | 4 | 36.84 |
| 36 | 0 | 30.75 | 43 | 8 | 37.05 |
| 36 | 4 | 30.96 | 43 | 12 | 37.26 |
| 36 | 8 | 31.17 | 44 | 0 | 37.47 |

Each air parcel must have affixed the blue Par Avion label (Form 2978.) (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: Yes. Fee, 55 cents.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* See § 127.165.

(3) *Registry service.* For general information see Subpart D of this part.

(4) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels (surface and air). (See § 127.159.)

(5) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(6) *Prohibitions.* No list.

§ 127.271 *Honduras (Republic of)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 2, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 34 cents for the first 2 ounces and 14 cents for each additional 2 ounces. (See § 127.20.)

(6) *Diplomatic and consular mail.* See § 127.32.

(7) *Freedom of postage for government correspondence.* See § 127.32 (c).

(8) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(9) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(10) *Combination packages.* Accepted. (See § 127.12.)

(11) *Prohibitions.* (i) Coin, bank notes, paper money, or values payable to bearer; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 23 | $5.29 |
| 2 | .67 | 24 | 5.51 |
| 3 | .89 | 25 | 5.73 |
| 4 | 1.11 | 26 | 5.95 |
| 5 | 1.33 | 27 | 6.17 |
| 6 | 1.55 | 28 | 6.39 |
| 7 | 1.77 | 29 | 6.61 |
| 8 | 1.99 | 30 | 6.83 |
| 9 | 2.21 | 31 | 7.05 |
| 10 | 2.43 | 32 | 7.27 |
| 11 | 2.65 | 33 | 7.49 |
| 12 | 2.87 | 34 | 7.71 |
| 13 | 3.09 | 35 | 7.93 |
| 14 | 3.31 | 36 | 8.15 |
| 15 | 3.53 | 37 | 8.37 |
| 16 | 3.75 | 38 | 8.59 |
| 17 | 3.97 | 39 | 8.81 |
| 18 | 4.19 | 40 | 9.03 |
| 19 | 4.41 | 41 | 9.25 |
| 20 | 4.63 | 42 | 9.47 |
| 21 | 4.85 | 43 | 9.69 |
| 22 | 5.07 | 44 | 9.91 |

(ii) *Air parcel rates.* (Rates: $0.78 first 4 ounces; $0.28 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.78 | 10 | 8 | $12.26 |
| 0 | 8 | 1.06 | 10 | 12 | 12.54 |
| 0 | 12 | 1.34 | 11 | 0 | 12.82 |
| 1 | 0 | 1.62 | 11 | 4 | 13.10 |
| 1 | 4 | 1.90 | 11 | 8 | 13.38 |
| 1 | 8 | 2.18 | 11 | 12 | 13.66 |
| 1 | 12 | 2.46 | 12 | 0 | 13.94 |
| 2 | 0 | 2.74 | 12 | 4 | 14.22 |
| 2 | 4 | 3.02 | 12 | 8 | 14.50 |
| 2 | 8 | 3.30 | 12 | 12 | 14.78 |
| 2 | 12 | 3.58 | 13 | 0 | 15.06 |
| 3 | 0 | 3.86 | 13 | 4 | 15.34 |
| 3 | 4 | 4.14 | 13 | 8 | 15.62 |
| 3 | 8 | 4.42 | 13 | 12 | 15.90 |
| 3 | 12 | 4.70 | 14 | 0 | 16.18 |
| 4 | 0 | 4.98 | 14 | 4 | 16.46 |
| 4 | 4 | 5.26 | 14 | 8 | 16.74 |
| 4 | 8 | 5.54 | 14 | 12 | 17.02 |
| 4 | 12 | 5.82 | 15 | 0 | 17.30 |
| 5 | 0 | 6.10 | 15 | 4 | 17.58 |
| 5 | 4 | 6.38 | 15 | 8 | 17.86 |
| 5 | 8 | 6.66 | 15 | 12 | 18.14 |
| 5 | 12 | 6.94 | 16 | 0 | 18.42 |
| 6 | 0 | 7.22 | 16 | 4 | 18.70 |
| 6 | 4 | 7.50 | 16 | 8 | 18.98 |
| 6 | 8 | 7.78 | 16 | 12 | 19.26 |
| 6 | 12 | 8.06 | 17 | 0 | 19.54 |
| 7 | 0 | 8.34 | 17 | 4 | 19.82 |
| 7 | 4 | 8.62 | 17 | 8 | 20.10 |
| 7 | 8 | 8.90 | 17 | 12 | 20.38 |
| 7 | 12 | 9.18 | 18 | 0 | 20.66 |
| 8 | 0 | 9.46 | 18 | 4 | 20.94 |
| 8 | 4 | 9.74 | 18 | 8 | 21.22 |
| 8 | 8 | 10.02 | 18 | 12 | 21.50 |
| 8 | 12 | 10.30 | 19 | 0 | 21.78 |
| 9 | 0 | 10.58 | 19 | 4 | 22.06 |
| 9 | 4 | 10.86 | 19 | 8 | 22.34 |
| 9 | 8 | 11.14 | 19 | 12 | 22.62 |
| 9 | 12 | 11.42 | 20 | 0 | 22.90 |
| 10 | 0 | 11.70 | 20 | 4 | 23.18 |
| 10 | 4 | 11.98 | 20 | 8 | 23.46 |
| 20 | 12 | $23.74 | 32 | 8 | $36.90 |
| 21 | 0 | 24.02 | 32 | 12 | 37.18 |
| 21 | 4 | 24.30 | 33 | 0 | 37.46 |
| 21 | 8 | 24.58 | 33 | 4 | 37.74 |
| 21 | 12 | 24.86 | 33 | 8 | 38.02 |
| 22 | 0 | 25.14 | 33 | 12 | 38.30 |
| 22 | 4 | 25.42 | 34 | 0 | 38.58 |
| 22 | 8 | 25.70 | 34 | 4 | 38.86 |
| 22 | 12 | 25.98 | 34 | 8 | 39.14 |
| 23 | 0 | 26.26 | 34 | 12 | 39.42 |
| 23 | 4 | 26.54 | 35 | 0 | 39.70 |
| 23 | 8 | 26.82 | 35 | 4 | 39.98 |
| 23 | 12 | 27.10 | 35 | 8 | 40.26 |
| 24 | 0 | 27.38 | 35 | 12 | 40.54 |
| 24 | 4 | 27.66 | 36 | 0 | 40.82 |
| 24 | 8 | 27.94 | 36 | 4 | 41.10 |
| 24 | 12 | 28.22 | 36 | 8 | 41.38 |
| 25 | 0 | 28.50 | 36 | 12 | 41.66 |
| 25 | 4 | 28.78 | 37 | 0 | 41.94 |
| 25 | 8 | 29.06 | 37 | 4 | 42.22 |
| 25 | 12 | 29.34 | 37 | 8 | 42.50 |
| 26 | 0 | 29.62 | 37 | 12 | 42.78 |
| 26 | 4 | 29.90 | 38 | 0 | 43.06 |
| 26 | 8 | 30.18 | 38 | 4 | 43.34 |
| 26 | 12 | 30.46 | 38 | 8 | 43.62 |
| 27 | 0 | 30.74 | 38 | 12 | 43.90 |
| 27 | 4 | 31.02 | 39 | 0 | 44.18 |
| 27 | 8 | 31.30 | 39 | 4 | 44.46 |
| 27 | 12 | 31.58 | 39 | 8 | 44.74 |
| 28 | 0 | 31.86 | 39 | 12 | 45.02 |
| 28 | 4 | 32.14 | 40 | 0 | 45.30 |
| 28 | 8 | 32.42 | 40 | 4 | 45.58 |
| 28 | 12 | 32.70 | 40 | 8 | 45.86 |
| 29 | 0 | 32.98 | 40 | 12 | 46.14 |
| 29 | 4 | 33.26 | 41 | 0 | 46.42 |
| 29 | 8 | 33.54 | 41 | 4 | 46.70 |
| 29 | 12 | 33.82 | 41 | 8 | 46.98 |
| 30 | 0 | 34.10 | 41 | 12 | 47.26 |
| 30 | 4 | 34.38 | 42 | 0 | 47.54 |
| 30 | 8 | 34.66 | 42 | 4 | 47.82 |
| 30 | 12 | 34.94 | 42 | 8 | 48.10 |
| 31 | 0 | 35.22 | 42 | 12 | 48.38 |
| 31 | 4 | 35.50 | 43 | 0 | 48.66 |
| 31 | 8 | 35.78 | 43 | 4 | 48.94 |
| 31 | 12 | 36.06 | 43 | 8 | 49.22 |
| 32 | 0 | 36.34 | 43 | 12 | 49.50 |
| 32 | 4 | 36.62 | 44 | 0 | 49.78 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55, (b).)

Weight limit: 22,[1] 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: Yes. Fee, 55 cents.
Insurance: No.
C. o. d.: No.

[1] Parcels exceeding 22 pounds accepted for Amapala, Comayagua, La Ceiba, Olanchito, Progreso, Puerto Castilla, Puerto Cortez, San Pedro Sula, Tegucigalpa, and Tela.

(2) *Indemnity.* See § 127.165.

(3) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels (surface and air). (See § 127.159.)

(4) *Registry service.* For general information see subpart D of this part.

(5) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(6) *Observations.* (i) Parcel post packages addressed to banks or commercial firms, and intended for delivery to second addressee, should bear an indication of the name and address of the second addressee, as well as the name and address of the consignee.

(ii) In the case of parcels addressed in care of banks or other organizations, the second addressee shall be advised concerning the arrival of the parcel, but he shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender; in the latter case, the sender shall take steps, through the administration of the country of origin of the parcel, for its delivery to the second addressee.

(iii) Parcels containing used clothing must be accompanied by a certificate of disinfection from the local board of health or from a firm with facilities for disinfecting the articles. Senders are to endorse the wrappers of such parcels to show that the certificate of disinfection is enclosed.

(iv) Parcels from the United States are held at the disposal of addressees for a period of 90 days.

(v) To facilitate the handling at destination, the senders of commercial parcels sent by air to Honduras should forward a copy of the relative commercial invoices by air mail to the Direction General of Posts at Tegucigalpa.

(7) *Prohibitions.* (i) Firearms and parts thereof, munitions, and war material.

(ii) Coins, bank-notes, paper money, bills of exchange payable to bearer; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry or other precious articles; unless registered.

§ 127.272 *Hong Kong (including Kowloon)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates; Letters, letter packages, and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 90 cents for the first 2 ounces and 70 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* Hong Kong is a British colony and articles for that place should be addressed to "Hong Kong" and not to "Hong Kong, China" as country of destination.

(8) *Prohibitions.* (i) Coin, gold, silver, precious stones, and jewelry.

(ii) Articles bearing any unauthorized indication that they relate to Her Majesty's service.

(iii) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(iv) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.



(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 12 | $2.87 |
| 2 | .67 | 13 | 3.09 |
| 3 | .89 | 14 | 3.31 |
| 4 | 1.11 | 15 | 3.53 |
| 5 | 1.33 | 16 | 3.75 |
| 6 | 1.55 | 17 | 3.97 |
| 7 | 1.77 | 18 | 4.19 |
| 8 | 1.99 | 19 | 4.41 |
| 9 | 2.21 | 20 | 4.63 |
| 10 | 2.43 | 21 | 4.85 |
| 11 | 2.65 | 22 | 5.07 |

(ii) *Air parcel rates.* (Rates: $1.74 first 4 ounces; $1.39 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.74 | 11 | 4 | $62.90 |
| 0 | 8 | 3.13 | 11 | 8 | 64.29 |
| 0 | 12 | 4.52 | 11 | 12 | 65.68 |
| 1 | 0 | 5.91 | 12 | 0 | 67.07 |
| 1 | 4 | 7.30 | 12 | 4 | 68.46 |
| 1 | 8 | 8.69 | 12 | 8 | 69.85 |
| 1 | 12 | 10.08 | 12 | 12 | 71.24 |
| 2 | 0 | 11.47 | 13 | 0 | 72.63 |
| 2 | 4 | 12.86 | 13 | 4 | 74.02 |
| 2 | 8 | 14.25 | 13 | 8 | 75.41 |
| 2 | 12 | 15.64 | 13 | 12 | 76.80 |
| 3 | 0 | 17.03 | 14 | 0 | 78.19 |
| 3 | 4 | 18.42 | 14 | 4 | 79.58 |
| 3 | 8 | 19.81 | 14 | 8 | 80.97 |
| 3 | 12 | 21.20 | 14 | 12 | 82.36 |
| 4 | 0 | 22.59 | 15 | 0 | 83.75 |
| 4 | 4 | 23.98 | 15 | 4 | 85.14 |
| 4 | 8 | 25.37 | 15 | 8 | 86.53 |
| 4 | 12 | 26.76 | 15 | 12 | 87.92 |
| 5 | 0 | 28.15 | 16 | 0 | 89.31 |
| 5 | 4 | 29.54 | 16 | 4 | 90.70 |
| 5 | 8 | 30.93 | 16 | 8 | 92.09 |
| 5 | 12 | 32.32 | 16 | 12 | 93.48 |
| 6 | 0 | 33.71 | 17 | 0 | 94.87 |
| 6 | 4 | 35.10 | 17 | 4 | 96.26 |
| 6 | 8 | 36.49 | 17 | 8 | 97.65 |
| 6 | 12 | 37.88 | 17 | 12 | 99.04 |
| 7 | 0 | 39.27 | 18 | 0 | 100.43 |
| 7 | 4 | 40.66 | 18 | 4 | 101.82 |
| 7 | 8 | 42.05 | 18 | 8 | 103.21 |
| 7 | 12 | 43.44 | 18 | 12 | 104.60 |
| 8 | 0 | 44.83 | 19 | 0 | 105.99 |
| 8 | 4 | 46.22 | 19 | 4 | 107.38 |
| 8 | 8 | 47.61 | 19 | 8 | 108.77 |
| 8 | 12 | 49.00 | 19 | 12 | 110.16 |
| 9 | 0 | 50.39 | 20 | 0 | 111.55 |
| 9 | 4 | 51.78 | 20 | 4 | 112.94 |
| 9 | 8 | 53.17 | 20 | 8 | 114.33 |
| 9 | 12 | 54.56 | 20 | 12 | 115.72 |
| 10 | 0 | 55.95 | 21 | 0 | 117.11 |
| 10 | 4 | 57.34 | 21 | 4 | 118.50 |
| 10 | 8 | 58.73 | 21 | 8 | 119.89 |
| 10 | 12 | 60.12 | 21 | 12 | 121.28 |
| 11 | 0 | 61.51 | 22 | 0 | 122.67 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Yes. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* (i) Hong Kong is a British colony and parcels for that place should be addressed to "Hong Kong" and not to "Hong Kong, China" as country of destination.

(ii) Liquids, greases, powders, and dyes in powder form, in lead-sealed metal containers, properly boxed and wrapped so as to afford the utmost protection to the accompanying mail matter, are admissible.

(5) *Prohibitions.* Coins and ingots of gold and silver.

(6) *Import restrictions.* Addressees are required to obtain import permits for many types of merchandise.

§ 127.273 *Hungary*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Air mail service.* Postage rate, 15 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(5) *Special delivery.* Yes. Where the domicile of the addressee is located outside of the local radius, a special fee is collected at the time of delivery. (See § 127.19.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* See paragraph (b) (4) of this section concerning Hungarian gift parcel requirements, which apply also to merchandise sent in the regular mails.

(8) *Prohibitions.* (i) Mail articles sent under cover to post offices for cancellation and onward transmission.

(ii) Articles sealed with insurance labels or bearing any other sign indicating that they have been insured by any insurance company.

(iii) Stocks, mortgage deeds, Government bonds, deposit receipts, Government drafts, and Treasury bonds, whether of domestic or foreign issue, are prohibited without the special permission of the National Bank of Hungary. This provision also applies to coupons of the said securities, with the exception of dividend and interest coupons which have fallen due at the time of importation.

(iv) Tobacco and tobacco products are generally prohibited in the Postal Union mails. However, articles containing such merchandise not exceeding 300 grams sent as gifts are delivered to the addressees on payment of the license fee and customs duty. Articles over 300 grams in weight are liable to confiscation.

(v) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges and surcharge.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.51 | 8 | $2.47 |
| 2 | .79 | 9 | 2.75 |
| 3 | 1.07 | 10 | 3.03 |
| 4 | 1.35 | 11 | 3.31 |
| 5 | 1.63 | 12 | 3.59 |
| 6 | 1.91 | 13 | 3.87 |
| 7 | 2.19 | 14 | 4.15 |
| 15 | $4.43 | 30 | $8.63 |
| 16 | 4.71 | 31 | 8.91 |
| 17 | 4.99 | 32 | 9.19 |
| 18 | 5.27 | 33 | 9.47 |
| 19 | 5.55 | 34 | 9.75 |
| 20 | 5.83 | 35 | 10.03 |
| 21 | 6.11 | 36 | 10.31 |
| 22 | 6.39 | 37 | 10.59 |
| 23 | 6.67 | 38 | 10.87 |
| 24 | 6.95 | 39 | 11.15 |
| 25 | 7.23 | 40 | 11.43 |
| 26 | 7.51 | 41 | 11.71 |
| 27 | 7.79 | 42 | 11.99 |
| 28 | 8.07 | 43 | 12.27 |
| 29 | 8.35 | 44 | 12.55 |

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No. Service from Hungary only.
C. o. d.: No.

NOTE: Gift parcels are limited to 22 pounds in weight. See subparagraph (4) of this paragraph.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Observations.* To be admitted to Hungary as gift shipments, parcels must comply with the following requirements:

(i) No gift parcel may exceed 22 pounds in weight. Only one such parcel may be received each month by any addressee The contents must be entirely for the personal use of the addressee and members of his family who reside with him, and may not exceed their actual needs. No addressee may receive gift parcels totaling more than 88 pounds per year.

(ii) Preserved food in tin cans or other hermetically sealed containers may not be sent. Clothing must be disinfected before mailing, and a certificate from the firm which did the work must be placed in the parcel. A notarized statement from a reliable dry-cleaning establishment or laundry should meet the requirements of the Hungarian authorities. The wrapper must be marked by the sender in French or Hungarian to show that the certificate is enclosed. A suggested endorsement in French is "Certificat de désinfection ci-inclus."

(iii) Gift parcels of medicine, except those containing narcotics, are free of duty (a) if addressed to charitable institutions, or (b) if addressed to individuals who can prove to the authorities that they are without means, that they or their families have need of the medicine, and that it is being sent as a gift.

(iv) Other gift parcels are subject to customs duty which must be paid by the addressees. Contents are limited to the articles shown in the following list, and no addressee may receive amounts in excess of the quotas shown:





sion. The Postal Administration of

| Item No. | Description of articles | Yearly quotas |
|---|---|---|
| 1 | Coffee | 3 pounds 5 ounces. |
| 2 | Tea | 14 ounces. |
| 3 | Cocoa | 4 pounds 6 ounces. |
| 4 | Chocolate (filled or not) | 6 pounds 9 ounces. |
| 5 | Spices, each kind | 3½ ounces. |
| 6 | Cheese | 4 pounds 6 ounces. |
| 7 | Candy | 6 pounds 9 ounces. |
| 8 | Biscuits, cakes, food pastes | 8 pounds 13 ounces. |
| 9 | Rice | 6 pounds 9 ounces. |
| 10 | Food for infants | 11 pounds. |
| 11 | Milk powder | 5 pounds 8 ounces. |
| 12 | Fruits, fresh and dried (including tropical fruits) | 11 pounds. |
| 13 | Meat (smoked meat, ham, bacon, sausages, etc.) | 11 pounds. |
| 14 | Men's and women's coats, overcoats, raincoats, used or new, each kind | 1 unit(s). |
| 15 | Men's suits | 2 unit(s). |
| 16 | Women's suits | 1 unit(s). |
| 17 | Women's dresses, blouses and skirts, each kind | 2 unit(s). |
| 18 | Work clothing (overalls) | 1 unit(s). |
| 19 | Children's dresses | 2 unit(s). |
| 20 | Clothing and articles for infants (including rubber) | 6 unit(s). |
| 21 | Sweaters and knit goods | 2 unit(s). |
| 22 | Hats and caps | 1 unit(s). |
| 23 | Shawls and scarves | 2 unit(s). |
| 24 | Gloves | 1 pair(s). |
| 25 | Stockings and socks (including 1 pair of nylon) | 4 pair(s). |
| 26 | Footwear for men, women or children sandals | 2 pair(s). |
| 27 | Rubbers, rubber boots | 1 pair(s). |
| 28 | Underwear for men, women and children, each kind and type | 3 unit(s). |
| 29 | Neckties | 3 unit(s). |
| 30 | Handkerchiefs | 6 unit(s). |
| 31 | Face towels | 3 unit(s). |
| 32 | Bed linen, each kind | 1 unit(s). |
| 33 | Woolen cloth | 3½ yards. |
| 34 | Cotton, linen, hemp cloth | 6½ yards. |
| 35 | Rayon cloth | 4½ yards. |
| 36 | Wool thread | 1 yard. |
| 37 | Leather goods | 2 items. |
| 38 | Cosmetics, powders, creams, mouth washes | 10½ ounces. |
| 39 | Toilet water | 1 pound 11½ ounces. |
| 40 | Perfumes | 7 ounces. |
| 41 | Rouge, including container | 2 items. |
| 42 | Toilet soap, laundry soap and lye | 4 pounds 6 ounces. |
| 43 | Razor blades | 25 items. |
| 44 | Lighters, razor, eyeglasses, each kind | 1 item. |
| 45 | Brushes, toothbrushes, combs, each kind | 2 items. |
| 46 | Children's toys, each kind | 2 items. |
| 47 | Articles of stationery, fountain pens, and automatic pencils, each kind | 1 set. |
| 48 | Cigarettes or other tobacco products | 1 pound 11½ ounces. |

(5) *Prohibitions*—(i) *For the protection of plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(ii) *Arms, etc.* All war arms, munitions, and war material. Other firearms, as well as cutting and pointed weapons, unless accompanied by a permit from the Minister of the Interior or the police authorities designated by him.

(iii) *State monopolies, etc.* Imitations of the labels and tubes used for packing and containing State tobacco products and for making cigarettes. Imitation or toy cigarettes.

(6) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) The permission of the financial authorities is required for the importation of tobacco and its products, saccharine and other artificial sweetening substances, and medicines including those for veterinary use.

(ii) Addressees are required to obtain import permits for all commercial shipments.

§ 127.274 *Iceland*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 37 cents for the first 2 ounces and 16 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter date.* Accepted. (See § 127.3.)

(7) *Combination packages.* Accepted. (See § 127.12.)

(8) *Prohibitions.* (i) Bees and silkworms.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.61 | 23 | $8.04 |
| 2 | .83 | 24 | 6.26 |
| 3 | 1.05 | 25 | 6.48 |
| 4 | 1.27 | 26 | 6.70 |
| 5 | 1.49 | 27 | 6.92 |
| 6 | 1.71 | 28 | 7.14 |
| 7 | 1.93 | 29 | 7.36 |
| 8 | 2.24 | 30 | 7.58 |
| 9 | 2.46 | 31 | 7.80 |
| 10 | 2.68 | 32 | 8.02 |
| 11 | 2.90 | 33 | 8.24 |
| 12 | 3.20 | 34 | 8.61 |
| 13 | 3.42 | 35 | 8.83 |
| 14 | 3.64 | 36 | 9.05 |
| 15 | 3.86 | 37 | 9.27 |
| 16 | 4.08 | 38 | 9.49 |
| 17 | 4.30 | 39 | 9.71 |
| 18 | 4.52 | 40 | 9.93 |
| 19 | 4.74 | 41 | 10.15 |
| 20 | 4.96 | 42 | 10.37 |
| 21 | 5.18 | 43 | 10.59 |
| 22 | 5.40 | 44 | 10.81 |

(ii) *Air parcel rates.* (Rates: $0.89 first 4 ounces; $0.33 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.89 | 5 | 12 | $8.15 |
| 0 | 8 | 1.22 | 6 | 0 | 8.48 |
| 0 | 12 | 1.55 | 6 | 4 | 8.81 |
| 1 | 0 | 1.88 | 6 | 8 | 9.14 |
| 1 | 4 | 2.21 | 6 | 12 | 9.47 |
| 1 | 8 | 2.54 | 7 | 0 | 9.80 |
| 1 | 12 | 2.87 | 7 | 4 | 10.13 |
| 2 | 0 | 3.20 | 7 | 8 | 10.46 |
| 2 | 4 | 3.53 | 7 | 12 | 10.79 |
| 2 | 8 | 3.86 | 8 | 0 | 11.12 |
| 2 | 12 | 4.19 | 8 | 4 | 11.45 |
| 3 | 0 | 4.52 | 8 | 8 | 11.78 |
| 3 | 4 | 4.85 | 8 | 12 | 12.11 |
| 3 | 8 | 5.18 | 9 | 0 | 12.44 |
| 3 | 12 | 5.51 | 9 | 4 | 12.77 |
| 4 | 0 | 5.84 | 9 | 8 | 13.10 |
| 4 | 4 | 6.17 | 9 | 12 | 13.43 |
| 4 | 8 | 6.50 | 10 | 0 | 13.76 |
| 4 | 12 | 6.83 | 10 | 4 | 14.09 |
| 5 | 0 | 7.16 | 10 | 8 | 14.42 |
| 5 | 4 | 7.49 | 10 | 12 | 14.75 |
| 5 | 8 | 7.82 | 11 | 0 | 15.08 |
| 11 | 4 | $15.41 | 27 | 12 | $37.19 |
| 11 | 8 | 15.74 | 28 | 0 | 37.52 |
| 11 | 12 | 16.07 | 28 | 4 | 37.85 |
| 12 | 0 | 16.40 | 28 | 8 | 38.18 |
| 12 | 4 | 16.73 | 28 | 12 | 38.51 |
| 12 | 8 | 17.06 | 29 | 0 | 38.84 |
| 12 | 12 | 17.39 | 29 | 4 | 39.17 |
| 13 | 0 | 17.72 | 29 | 8 | 39.50 |
| 13 | 4 | 18.05 | 29 | 12 | 39.83 |
| 13 | 8 | 18.38 | 30 | 0 | 40.16 |
| 13 | 12 | 18.71 | 30 | 4 | 40.49 |
| 14 | 0 | 19.04 | 30 | 8 | 40.82 |
| 14 | 4 | 19.37 | 30 | 12 | 41.15 |
| 14 | 8 | 19.70 | 31 | 0 | 41.48 |
| 14 | 12 | 20.03 | 31 | 4 | 41.81 |
| 15 | 0 | 20.36 | 31 | 8 | 42.14 |
| 15 | 4 | 20.69 | 31 | 12 | 42.47 |
| 15 | 8 | 21.02 | 32 | 0 | 42.80 |
| 15 | 12 | 21.35 | 32 | 4 | 43.13 |
| 16 | 0 | 21.68 | 32 | 8 | 43.46 |
| 16 | 4 | 22.01 | 32 | 12 | 43.79 |
| 16 | 8 | 22.34 | 33 | 0 | 44.12 |
| 16 | 12 | 22.67 | 33 | 4 | 44.45 |
| 17 | 0 | 23.00 | 33 | 8 | 44.78 |
| 17 | 4 | 23.33 | 33 | 12 | 45.11 |
| 17 | 8 | 23.66 | 34 | 0 | 45.44 |
| 17 | 12 | 23.99 | 34 | 4 | 45.77 |
| 18 | 0 | 24.32 | 34 | 8 | 46.10 |
| 18 | 4 | 24.65 | 34 | 12 | 46.43 |
| 18 | 8 | 24.98 | 35 | 0 | 46.76 |
| 18 | 12 | 25.31 | 35 | 4 | 47.09 |
| 19 | 0 | 25.64 | 35 | 8 | 47.42 |
| 19 | 4 | 25.97 | 35 | 12 | 47.75 |
| 19 | 8 | 26.30 | 36 | 0 | 48.08 |
| 19 | 12 | 26.63 | 36 | 4 | 48.41 |
| 20 | 0 | 26.96 | 36 | 8 | 48.74 |
| 20 | 4 | 27.29 | 36 | 12 | 49.07 |
| 20 | 8 | 27.62 | 37 | 0 | 49.40 |
| 20 | 12 | 27.95 | 37 | 4 | 49.73 |
| 21 | 0 | 28.28 | 37 | 8 | 50.06 |
| 21 | 4 | 28.61 | 37 | 12 | 50.39 |
| 21 | 8 | 28.94 | 38 | 0 | 50.72 |
| 21 | 12 | 29.27 | 38 | 4 | 51.05 |
| 22 | 0 | 29.60 | 38 | 8 | 51.38 |
| 22 | 4 | 29.93 | 38 | 12 | 51.71 |
| 22 | 8 | 30.26 | 39 | 0 | 52.04 |
| 22 | 12 | 30.59 | 30 | 4 | 52.37 |
| 23 | 0 | 30.92 | 39 | 8 | 52.70 |
| 23 | 4 | 31.25 | 39 | 12 | 53.03 |
| 23 | 8 | 31.58 | 40 | 0 | 53.36 |
| 23 | 12 | 31.91 | 40 | 4 | 53.69 |
| 24 | 0 | 32.24 | 40 | 8 | 54.02 |
| 24 | 4 | 32.57 | 40 | 12 | 54.35 |
| 24 | 8 | 32.90 | 41 | 0 | 54.68 |
| 24 | 12 | 33.23 | 41 | 4 | 55.01 |
| 25 | 0 | 33.56 | 41 | 8 | 55.34 |
| 25 | 4 | 33.89 | 41 | 12 | 55.67 |
| 25 | 8 | 34.22 | 42 | 0 | 56.00 |
| 25 | 12 | 34.55 | 42 | 4 | 56.33 |
| 26 | 0 | 34.88 | 42 | 8 | 56.66 |
| 26 | 4 | 35.21 | 42 | 12 | 56.99 |
| 26 | 8 | 35.54 | 43 | 0 | 57.32 |
| 26 | 12 | 35.87 | 43 | 4 | 57.65 |
| 27 | 0 | 36.20 | 43 | 8 | 57.98 |
| 27 | 4 | 36.53 | 43 | 12 | 58.31 |
| 27 | 8 | 36.86 | 44 | 0 | 58.64 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Yes. (See § 127.79.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (5) of this paragraph.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96 relative to storage charges on returned parcels.

(5) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $200 | 60 |
| From $200.01 to $300 | 65 |
| From $300.01 to $330 | 70 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "Insured" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters, spelled out in full, in both United States currency and in gold francs, as per the following example:

Insured Value
$275.50 (U. S.)
Two Hundred Seventy-five Dollars and Fifty Cents
826.50 Gold Francs
Eight Hundred Twenty-six Gold Francs and Fifty Centimes

(iii) See § 127.143 (b), as to method of converting United States currency into gold francs.

(iv) Parcels containing coins, bank notes, currency notes, or any kind of securities payable to bearer; platinum, gold, or silver, whether manufactured or unmanufactured; precious stones, jewelry, or other precious articles must be insured.

(v) For general information concerning insurance service see §§ 127.140 to 127.148, inclusive.

(6) *Observations.* (i) All merchandise imported by mail, except books, newspapers, and periodicals, shall be accompanied by an invoice and the accompanying customs declaration appropriately endorsed to indicate this fact, or else sent directly to the addressee so as to be received by him before he can receive the shipment mentioned in that invoice.

(ii) The invoice should contain an exact designation of the contents of the parcel, with indication of the true delivery price, and should bear the attestation of the sender himself or of a person authorized by the law of the country of origin to sign his firm name. Failure to observe these formalities will entail the return of the articles in question to origin, followed by return charges, unless the addressee consents to pay, in addition to the customs duty, a fine which varies from 10 to 1,000 crowns, depending on the importance of the violation.

(iii) Parcels destined for Iceland are subject on delivery to a small additional postal charge.

(7) *Prohibitions*—(i) *For sanitary reasons.* Used clothing, linens, rags, bedding, and wadding; wool-flock, waste paper, hair, untanned hides.

(ii) *For the protection of plants.* (a) Potatoes from districts infected with the potato-wart disease (Synchytrium endobioticum).

(b) Every shipment of potatoes must therefore be accompanied by a certificate of origin, as well as an official certificate of health particularly stating whether there has been any case of potato-wart disease within 5 kilometers of the place where the potatoes were grown within the past 5 years and whether the packing is new and uncontaminated.

(iii) *State monopolies.* (a) Monopolized medicinal products, unless addressed to pharmacies or the Department of Commerce.

(b) Wireless receivers and their accessories, parts, or batteries.

(c) Icelandic coins or bank notes or obligations stated in money or payable in Icelandic money. However, these restrictions do not apply to money orders, checks, or other remittances stated in Icelandic money and payable at official banking institutions.

(8) *Import restrictions.* Addressees are required to obtain import permits in some cases.

§ 127.275 *India (including the Andaman Islands, Bhutan, Nepal, and Tibet)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. Service applicable only to unregistered letters, post cards, and printed matter. (See § 127.19.)

(5) *Air mail service.* Postage rate: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 64 cents for the first 2 ounces and 44 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* (i) Accepted. (See § 127.3.)

(ii) Dutiable letter packages received unaccompanied by the green label, Form 2976 (C 1), or paper customs declaration, Form 2976–A, are subject to a heavy fine in addition to the customs duty.

(7) *Observations.* (i) Addressees in India are required to obtain import licenses in many cases in order to take delivery of commercial shipments.

(ii) The Postal Administration of India advises that customs duties will be assessed on articles transmitted in the sample mails to that country, unless such samples are devoid of all value and unfit for consumption or any other use except as samples for purposes of inspection. Also, the quantity composing the shipment should be less than the unit ordinarily sold at retail.

(iii) Articles for Tibet may be accepted only if they are addressed in care of an agent of the sender or of the addressee at Gyantse, in Tibet, to whom they will be delivered and who shall be responsible for their onward transmission. The Postal Administration of India advises that it cannot in any case whatsoever accept any responsibility for the articles after their delivery at Gyantse. Regulations and conditions applicable to mail destined to India apply also to articles for Tibet.

(8) *Prohibitions.* (i) Bank notes and paper money, except with the permission of the Reserve Bank of India.

(ii) Works of art (including photographs), forms ruled or printed, account and manuscript books, labels, advertising matter (except trade catalogs and circulars), almanacs in sheets or in cards, and other cards, including waste paper and old newspaper for packing, are not admitted as printed papers when sent as merchandise, inasmuch as they are liable to customs duty.

(iii) Diamonds and other precious stones, unless legally reimported by registered mail in accordance with Indian laws.

(iv) Noninflammable motion-picture films or "safety" films are admitted in letter packages when enclosed in a strong metal box and the latter is packed in a strong wooden or thick pasteboard container. A label printed in red letters or written very clearly by hand in red ink bearing the note "Contains only noninflammable films" must be placed on the outside of each package. Any article received in India containing noninflammable or "safety" films not prepared in the manner outlined above is liable to destruction. However, celluloid and articles made wholly or partly of celluloid, such as inflammable motion-picture and photographic films, are prohibited importation.

(v) All plants (except sugarcane for planting, intended for cultivation under the personal supervision of the Government expert at Coimbatore); American cotton; seeds of flax, cotton, and *bersim* (Egyptian clover).

(vi) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.70 | 12 | $3.36 |
| 2 | .92 | 13 | 3.58 |
| 3 | 1.20 | 14 | 3.80 |
| 4 | 1.42 | 15 | 4.02 |
| 5 | 1.64 | 16 | 4.24 |
| 6 | 1.86 | 17 | 4.46 |
| 7 | 2.08 | 18 | 4.68 |
| 8 | 2.24 | 19 | 4.90 |
| 9 | 2.46 | 20 | 5.12 |
| 10 | 2.68 | 21 | 5.34 |
| 11 | 2.90 | 22 | 5.56 |

(ii) *Air parcel rates, including surcharges.* (Rates: $1.70 first 4 ounces; $0.96 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.70 | 3 | 4 | $13.22 |
| 0 | 8 | 2.66 | 3 | 8 | 14.18 |
| 0 | 12 | 3.62 | 3 | 12 | 15.14 |
| 1 | 0 | 4.58 | 4 | 0 | 16.10 |
| 1 | 4 | 5.54 | 4 | 4 | 17.06 |
| 1 | 8 | 6.50 | 4 | 8 | 18.02 |
| 1 | 12 | 7.46 | 4 | 12 | 18.98 |
| 2 | 0 | 8.42 | 5 | 0 | 19.94 |
| 2 | 4 | 9.38 | 5 | 4 | 20.90 |
| 2 | 8 | 10.34 | 5 | 8 | 21.86 |
| 2 | 12 | 11.30 | 5 | 12 | 22.82 |
| 3 | 0 | 12.26 | 6 | 0 | 23.78 |

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 6 | 4 | $24 74 | 14 | 4 | $55.46 |
| 6 | 8 | 25 70 | 14 | 8 | 56.42 |
| 6 | 12 | 26 66 | 14 | 12 | 57.38 |
| 7 | 0 | 27 62 | 15 | 0 | 58.34 |
| 7 | 4 | 28 58 | 15 | 4 | 59.30 |
| 7 | 8 | 29 54 | 15 | 8 | 60.26 |
| 7 | 12 | 30 50 | 15 | 12 | 61.22 |
| 8 | 0 | 31 46 | 16 | 0 | 62.18 |
| 8 | 4 | 32 42 | 16 | 4 | 63.14 |
| 8 | 8 | 33 38 | 16 | 8 | 64.10 |
| 8 | 12 | 34 34 | 16 | 12 | 65.06 |
| 9 | 0 | 35 30 | 17 | 0 | 66.02 |
| 9 | 4 | 36 26 | 17 | 4 | 66.98 |
| 9 | 8 | 37 22 | 17 | 8 | 67.94 |
| 9 | 12 | 38 18 | 17 | 12 | 68 90 |
| 10 | 0 | 39 14 | 18 | 0 | 69.86 |
| 10 | 4 | 40 10 | 18 | 4 | 70 82 |
| 10 | 8 | 41 06 | 18 | 8 | 71.78 |
| 10 | 12 | 42 02 | 18 | 12 | 72.74 |
| 11 | 0 | 42 98 | 19 | 0 | 73 70 |
| 11 | 4 | 43 94 | 19 | 4 | 74.66 |
| 11 | 8 | 44 90 | 19 | 8 | 75.62 |
| 11 | 12 | 45 86 | 19 | 12 | 76 58 |
| 12 | 0 | 46 82 | 20 | 0 | 77 54 |
| 12 | 4 | 47 78 | 20 | 4 | 78 50 |
| 12 | 8 | 48 74 | 20 | 8 | 79 46 |
| 12 | 12 | 49 70 | 20 | 12 | 80 42 |
| 13 | 0 | 50 66 | 21 | 0 | 81.38 |
| 13 | 4 | 51 62 | 21 | 4 | 82.34 |
| 13 | 8 | 52.58 | 21 | 8 | 83.30 |
| 13 | 12 | 53.54 | 21 | 12 | 84.26 |
| 14 | 0 | 54 50 | 22 | 0 | 85.22 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 11[1] 22 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

[1] The weight limit of parcels for Tibet is 11 pounds.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length 3½ feet. Greatest length and girth combined 6 feet.

(4) *Observations.* (i) All parcels must be very strongly packed.

(ii) Parcel post packages addressed to box numbers and not bearing the actual address of the addressee will be returned to origin.

(iii) The customs treatment of commercial shipments in India will be facilitated if senders will enclose a copy of the relative invoice in each parcel.

(iv) Customs duty is levied in India on the full value of the article sent, including postage, insurance, commission, etc., and an addition of 4 percent to the declared value is made by the Indian customs authorities in assessing the duty unless such extra charges are shown in detail on the customs declarations, or unless it is made clear in the declarations that the charges have been included in the declared value.

(v) If books and photographs are enclosed in a parcel with other articles, their value should be shown separately in the customs declaration.

(vi) The net weight of the contents of parcels of tobacco, cigars, and cigarettes, and, in the case of cigars and cigarettes, particulars of the brands, and the number and net weight of the cigars or cigarettes of each brand should be clearly indicated on the customs declaration.

(vii) The senders of parcels must indicate clearly on the relative customs declarations the nature of the material of which the articles contained therein are made (e. g., silk stockings, silver-plated cutlery, etc.).

(viii) An incorrect declaration of the value of the contents may result in the confiscation of the parcel by the Indian customs authorities and the imposition of a heavy fine upon the addressee.

(ix) For information regarding parcels for Tibet, see paragraph (a) (7) of this section.

(5) *Prohibitions*—(i) *For reasons of public safety.* (*a*) All liquids with flash point below 200° F.

(*b*) All literature, documents, or other articles advocating the overthrow of the Government of India or any other established government, or other treasonable activities.

(ii) *For sanitary reasons.* Shaving brushes made in or exported from Japan.

(iii) *For the protection of animals or plants.* (*a*) Unginned cotton.

(*b*) Mexican jumping beans (Sebastiana palmeri of the Euphorbiaceae family).

(*c*) Insects (this includes live insects and their eggs) must be accompanied by a certificate of freedom from disease, and an importing permit.

(*d*) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iv) *Arms, etc.* (*a*) Arms, munitions, and military stores, except for the Indian Government.

(*b*) Silent revolvers and pistols; imitation or toy revolvers and pistols.

(*c*) Appliances (including pistols, pistol pencils, etc.) for discharging gas, except on behalf of the Government.

(v) *State monopolies, etc.* To the States of Cochin and Travancore: Tobacco (manufactured or unmanufactured) unless addressed to wholesalers or licensed importers.

(vi) *For other reasons.* (*a*) Banknotes and paper money, except with the permission of the Reserve Bank of India.

(*b*) Articles of gold or silver, diamonds and other precious stones. Any goods bearing a counterfeit trade-mark.

(*c*) Piece goods, such as are ordinarily sold by the yard or piece, manufactured outside of India.

(*d*) Saccharine.

(6) *Import restrictions.* Addressees are required to obtain import licenses in many cases for commercial shipments.

§ 127.276 *Indonesia (Alor Island, Amboina, Aru Island, Babar, Bali, Banda, Banka, Batjan, Bawean, Bengkalis, Billiton, Bintan, Borneo (Kalimantan), Buru, Buton, Celebes (Sulawesi), Ceram, Flores, Geser, Halmahaira, Java (Djawa), Kai Island, Kalimantan (Borneo), Kangean, Karimun, Kisar, Kundur, Laut, Lombok, Madura, Morotai, Muna, Roti, Salajar, Salibabu, Sambu, Sangir Island, Saparua, Sapudi, Siantan, Siau, Singkep, Sula Island, Sulawesi (Celebes), Sumatra, Sumba, Sumbawa, Tanimbar Island, Tarakan, Tebingtinggi, Ternate, Timor (formerly Netherlands Timor), and Weh.*)—(a) *Postal Union mails*—(1) *Classifications, rates weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* Addressees in Indonesia are required to obtain special authorization to take delivery of the following:

(i) All articles classified in Indonesia as foreign exchange. This includes currency, securities, bonds, and coupons, as well as gold and other precious metals in any form.

(ii) Gift shipments exceeding 300 rupiah (about $25) in value.

(iii) Gift shipments containing articles which the Indonesian authorities consider as luxuries.

(8) *Prohibitions.* (i) Cocoa leaves, dried, undried or powdered.

(ii) Parasites and predators of harmful insects intended for the control of such insects are admitted only if addressed to the Chief of the Phytopathological Institute at Bogor.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.61 | 7 | $1 93 |
| 2 | .83 | 8 | 2.15 |
| 3 | 1.05 | 9 | 2 37 |
| 4 | 1.27 | 10 | 2.59 |
| 5 | 1.49 | 11 | 2 81 |
| 6 | 1.71 | | |

(ii) *Air parcel rates, including surcharges.* (Rates: $1.75 first 4 ounces; $1.00 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.75 | 5 | 12 | $23 75 |
| 0 | 8 | 2.75 | 6 | 0 | 24 75 |
| 0 | 12 | 3.75 | 6 | 4 | 25.75 |
| 1 | 0 | 4 75 | 6 | 8 | 26 75 |
| 1 | 4 | 5.75 | 6 | 12 | 27 75 |
| 1 | 8 | 6.75 | 7 | 0 | 28 75 |
| 1 | 12 | 7.75 | 7 | 4 | 29 75 |
| 2 | 0 | 8.75 | 7 | 8 | 30.75 |
| 2 | 4 | 9.75 | 7 | 12 | 31 75 |
| 2 | 8 | 10 75 | 8 | 0 | 32 75 |
| 2 | 12 | 11.75 | 8 | 4 | 33 75 |
| 3 | 0 | 12 75 | 8 | 8 | 34 75 |
| 3 | 4 | 13 75 | 8 | 12 | 35 75 |
| 3 | 8 | 14 75 | 9 | 0 | 36 75 |
| 3 | 12 | 15.75 | 9 | 4 | 37 75 |
| 4 | 0 | 16 75 | 9 | 8 | 38 75 |
| 4 | 4 | 17.75 | 9 | 12 | 39 75 |
| 4 | 8 | 18.75 | 10 | 0 | 40 75 |
| 4 | 12 | 19.75 | 10 | 4 | 41 75 |
| 5 | 0 | 20.75 | 10 | 8 | 42 75 |
| 5 | 4 | 21.75 | 10 | 12 | 43 75 |
| 5 | 8 | 22.75 | 11 | 0 | 44 75 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 11 pounds.
Customs declarations: 3 Form 2966.



Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

NOTE: Parcel post service from Indonesia to the United States is suspended.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Observations.* (i) Service is restricted to gift parcels. Before parcels are accepted for mailing, senders shall be required to mark them to show they are gifts. Such parcels are generally free of duty provided that (a) the value does not exceed 20 gold francs ($6.67), (b) the wrapper and customs declaration are marked "Gift Parcel—For personal use of the addressee," and (c) the parcel does not contain more than 200 cigarettes, 50 cigars, 1 pound 1½ ounces of chopped tobacco, or the same weight of assorted tobacco products.

(ii) The customs declarations must show both the gross weight of the whole parcel and the net weight of each item.

(6) *Prohibitions*—(i) *For reasons of public safety.* Cocoa leaves, dried, undried, or powdered.

(ii) *For the protection of plants.* (*a*) See paragraph (a) of this section for conditions of importation of parasites and predators of harmful insects.

(*b*) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iii) *For other reasons.* Publications advocating unlawful or treasonable activities. Counterfeit money. Articles violating the trademark laws. Amulets. Sarongs and all manufactured articles bearing batik designs.

(7) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by the addressees:

(i) Import licenses are required for all gift parcels exceeding 300 rupiahs (about $25) in value, and for those which contain any articles which may be considered by the Indonesian authorities as luxury items.

(ii) Special authorization is required for the following: Arms and parts thereof; dry white lead which must be for scientific or medical use; motion-picture films which must be inspected and approved by an official commission at Djakarta; antibiotic drugs.

§ 127.277 *Iran*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* (i) It is necessary that addressees in Iran obtain an import permit from the Department of Commerce of Iran before receiving merchandise through the mail.

(ii) Addresses must be written in a precise and complete manner in Latin (English) characters lengthwise on the articles, leaving space for service notations or labels, so that the dispatch of articles and their delivery to addressees may be effected without research.

(iii) Small packets and letter-packages containing articles liable to customs duty are subject to collection from the addressees of the Iranian domestic parcel post rate.

(8) *Prohibitions.* (i) Coins; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, and other precious articles.

(ii) Currency of all kinds, all paper values, etc.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0 45 | 23 | $5 29 |
| 2 | .67 | 24 | 5 51 |
| 3 | .89 | 25 | 5 73 |
| 4 | 1 11 | 26 | 5 95 |
| 5 | 1 33 | 27 | 6 17 |
| 6 | 1 55 | 28 | 6 39 |
| 7 | 1 77 | 29 | 6 61 |
| 8 | 1 99 | 30 | 6 83 |
| 9 | 2 21 | 31 | 7 05 |
| 10 | 2 43 | 32 | 7 27 |
| 11 | 2 65 | 33 | 7 49 |
| 12 | 2 87 | 34 | 7 71 |
| 13 | 3 09 | 35 | 7 93 |
| 14 | 3 31 | 36 | 8 15 |
| 15 | 3 53 | 37 | 8 37 |
| 16 | 3 75 | 38 | 8 59 |
| 17 | 3 97 | 39 | 8 81 |
| 18 | 4 19 | 40 | 9 03 |
| 19 | 4 41 | 41 | 9 25 |
| 20 | 4 63 | 42 | 9 47 |
| 21 | 4 85 | 43 | 9 69 |
| 22 | 5 07 | 44 | 9 91 |

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: Limited to 3 parcels. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* (i) Postage covers conveyance only to Iranian frontier offices; additional charges for conveyance into the interior are levied by the Iranian Administration.

(ii) Addressees must obtain and produce to the customs authorities a permit, issued by the Iranian Department of Commerce to import the goods contained in a parcel. The license must be obtained before the arrival of the goods. Only gifts not exceeding $15 in value are exempt from this requirement.

(iii) All parcels must be packed in wood, tin, canvas, linen, or similar material, and not merely in paper or cardboard, and must be sealed with a distinctive seal.

(5) *Prohibitions.* (i) Firearms of all kinds.

(ii) The importation of a wide range of general merchandise is prohibited or subject to import quotas, and senders are advised in their own interests to ascertain before mailing whether their goods are admissible.

§ 127.278 *Iraq*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 56 cents for the first 2 ounces and 35 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* See subparagraph (4) of paragraph (b) of this section concerning import licenses.

(8) *Prohibitions.* (i) Colored post cards sent as prints.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0. 66 | 23 | $6 27 |
| 2 | .88 | 24 | 6. 49 |
| 3 | 1. 20 | 25 | 6. 71 |
| 4 | 1. 42 | 26 | 6. 93 |
| 5 | 1 64 | 27 | 7. 15 |
| 6 | 1. 86 | 28 | 7. 37 |
| 7 | 2. 08 | 29 | 7. 59 |
| 8 | 2. 40 | 30 | 7 81 |
| 9 | 2. 62 | 31 | 8 03 |
| 10 | 2. 84 | 32 | 8 25 |
| 11 | 3. 06 | 33 | 8. 47 |
| 12 | 3. 29 | 34 | 8. 85 |
| 13 | 3. 61 | 35 | 9 07 |
| 14 | 3 83 | 36 | 9 29 |
| 15 | 4. 05 | 37 | 9. 51 |
| 16 | 4. 27 | 38 | 9. 73 |
| 17 | 4. 49 | 39 | 9. 95 |
| 18 | 4. 71 | 40 | 10. 17 |
| 19 | 4 93 | 41 | 10. 39 |
| 20 | 5. 15 | 42 | 10. 61 |
| 21 | 5. 37 | 43 | 10 83 |
| 22 | 5. 59 | 44 | 11. 05 |

(ii) *Air parcel rates, including surcharges.* (Rates: $1.47 first 4 ounces; $0.72 each additional 4 ounces.).

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.47 | 21 | 8 | $62.67 |
| 0 | 8 | 2.19 | 21 | 12 | 63.39 |
| 0 | 12 | 2.91 | 22 | 0 | 64.11 |
| 1 | 0 | 3.63 | 22 | 4 | 64.83 |
| 1 | 4 | 4.35 | 22 | 8 | 65.55 |
| 1 | 8 | 5.07 | 22 | 12 | 66.27 |
| 1 | 12 | 5.79 | 23 | 0 | 66.99 |
| 2 | 0 | 6.51 | 23 | 4 | 67.71 |
| 2 | 4 | 7.23 | 23 | 8 | 68.43 |
| 2 | 8 | 7.95 | 23 | 12 | 69.15 |
| 2 | 12 | 8.67 | 24 | 0 | 69.87 |
| 3 | 0 | 9.39 | 24 | 4 | 70.59 |
| 3 | 4 | 10.11 | 24 | 8 | 71.31 |
| 3 | 8 | 10.83 | 24 | 12 | 72.03 |
| 3 | 12 | 11.55 | 25 | 0 | 72.75 |
| 4 | 0 | 12.27 | 25 | 4 | 73.47 |
| 4 | 4 | 12.99 | 25 | 8 | 74.19 |
| 4 | 8 | 13.71 | 25 | 12 | 74.91 |
| 4 | 12 | 14.43 | 26 | 0 | 75.63 |
| 5 | 0 | 15.15 | 26 | 4 | 76.35 |
| 5 | 4 | 15.87 | 26 | 8 | 77.07 |
| 5 | 8 | 16.59 | 26 | 12 | 77.79 |
| 5 | 12 | 17.31 | 27 | 0 | 78.51 |
| 6 | 0 | 18.03 | 27 | 4 | 79.23 |
| 6 | 4 | 18.75 | 27 | 8 | 79.95 |
| 6 | 8 | 19.47 | 27 | 12 | 80.67 |
| 6 | 12 | 20.19 | 28 | 0 | 81.39 |
| 7 | 0 | 20.91 | 28 | 4 | 82.11 |
| 7 | 4 | 21.63 | 28 | 8 | 82.83 |
| 7 | 8 | 22.35 | 28 | 12 | 83.55 |
| 7 | 12 | 23.07 | 29 | 0 | 84.27 |
| 8 | 0 | 23.79 | 29 | 4 | 84.99 |
| 8 | 4 | 24.51 | 29 | 8 | 85.71 |
| 8 | 8 | 25.23 | 29 | 12 | 86.43 |
| 8 | 12 | 25.95 | 30 | 0 | 87.15 |
| 9 | 0 | 26.67 | 30 | 4 | 87.87 |
| 9 | 4 | 27.39 | 30 | 8 | 88.59 |
| 9 | 8 | 28.11 | 30 | 12 | 89.31 |
| 9 | 12 | 28.83 | 31 | 0 | 90.03 |
| 10 | 0 | 29.55 | 31 | 4 | 90.75 |
| 10 | 4 | 30.27 | 31 | 8 | 91.47 |
| 10 | 8 | 30.99 | 31 | 12 | 92.19 |
| 10 | 12 | 31.71 | 32 | 0 | 92.91 |
| 11 | 0 | 32.43 | 32 | 4 | 93.63 |
| 11 | 4 | 33.15 | 32 | 8 | 94.35 |
| 11 | 8 | 33.87 | 32 | 12 | 95.07 |
| 11 | 12 | 34.59 | 33 | 0 | 95.79 |
| 12 | 0 | 35.31 | 33 | 4 | 96.51 |
| 12 | 4 | 36.03 | 33 | 8 | 97.23 |
| 12 | 8 | 36.75 | 33 | 12 | 97.95 |
| 12 | 12 | 37.47 | 34 | 0 | 98.67 |
| 13 | 0 | 38.19 | 34 | 4 | 99.39 |
| 13 | 4 | 38.91 | 34 | 8 | 100.11 |
| 13 | 8 | 39.63 | 34 | 12 | 100.83 |
| 13 | 12 | 40.35 | 35 | 0 | 101.55 |
| 14 | 0 | 41.07 | 35 | 4 | 102.27 |
| 14 | 4 | 41.79 | 35 | 8 | 102.99 |
| 14 | 8 | 42.51 | 35 | 12 | 103.71 |
| 14 | 12 | 43.23 | 36 | 0 | 104.43 |
| 15 | 0 | 43.95 | 36 | 4 | 105.15 |
| 15 | 4 | 44.67 | 36 | 8 | 105.87 |
| 15 | 8 | 45.39 | 36 | 12 | 106.59 |
| 15 | 12 | 46.11 | 37 | 0 | 107.31 |
| 16 | 0 | 46.83 | 37 | 4 | 108.03 |
| 16 | 4 | 47.55 | 37 | 8 | 108.75 |
| 16 | 8 | 48.27 | 37 | 12 | 109.47 |
| 16 | 12 | 48.99 | 38 | 0 | 110.19 |
| 17 | 0 | 49.71 | 38 | 4 | 110.91 |
| 17 | 4 | 50.43 | 38 | 8 | 111.63 |
| 17 | 8 | 51.15 | 38 | 12 | 112.35 |
| 17 | 12 | 51.87 | 39 | 0 | 113.07 |
| 18 | 0 | 52.59 | 39 | 4 | 113.79 |
| 18 | 4 | 53.31 | 39 | 8 | 114.51 |
| 18 | 8 | 54.03 | 39 | 12 | 115.23 |
| 18 | 12 | 54.75 | 40 | 0 | 115.95 |
| 19 | 0 | 55.47 | 40 | 4 | 116.67 |
| 19 | 4 | 56.19 | 40 | 8 | 117.39 |
| 19 | 8 | 56.91 | 40 | 12 | 118.11 |
| 19 | 12 | 57.63 | 41 | 0 | 118.83 |
| 20 | 0 | 58.35 | 41 | 4 | 119.55 |
| 20 | 4 | 59.07 | 41 | 8 | 120.27 |
| 20 | 8 | 59.79 | 41 | 12 | 120.99 |
| 20 | 12 | 60.51 | 42 | 0 | 121.71 |
| 21 | 0 | 61.23 | 42 | 4 | 122.43 |
| 21 | 4 | 61.95 | 42 | 8 | 123.15 |
| 42 | 12 | $123.87 | 43 | 8 | $126.03 |
| 43 | 0 | 124.59 | 43 | 12 | 126.75 |
| 43 | 4 | 125.31 | 44 | 0 | 127.47 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: Limited to 3 parcels.
(See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length 3½ feet. Greatest length and girth combined 6 feet.

(4) *Observations.* (i) All parcels must be very strongly packed.

(ii) The net weight of the contents of parcels of tobacco, cigars, and cigarettes, and, in the case of cigars and cigarettes, particulars of the brands, and the numbers and net weight of the cigars or cigarettes of each brand, should be clearly indicated on the customs declaration.

(5) *Prohibitions*—(i) *For reasons of public safety.* Newspapers, paintings, and other articles constituting means for pernicious propaganda.

(ii) *For sanitary reasons.* (*a*) Tubes of serum are not admitted unless destined for laboratories or institutions officially recognized by the Department of Public Health and not sent for commercial purposes.

(*b*) Shaving brushes manufactured in Japan.

(*c*) Condensed milk not fulfilling the following conditions: (*1*) It must be free from any foreign substance other than pure sugar, and (*2*) it must not contain less than 31 per cent of solid parts of milk, at least 9 per cent of which must be fatty parts of milk.

(*d*) Tea unless it meets the standard prescribed by the Department of Public Health.

(*e*) Rubber pacifiers for the amusement of babies and all kinds of rubber balloons used by children for amusement.

(iii) *For the protection of animals or plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iv) *Arms, munitions, etc.* Arms of all kinds, including air guns, parts of arms and munitions, with the exception of hunting rifles and their accessories.

(v) *State monopolies, etc.* (*a*) Counterfeit or imitation coins.

(*b*) Cloth bearing designs in imitation of paper money, bank notes, or any public Government securities.

(*c*) Salt (unrefined) except by special authorization by an officer of the Customs and Excise Department at the place of importation.

(vi) *For other reasons.* (*a*) Unmanufactured tobacco.

(*b*) Goods bearing a counterfeit trademark or a false trade description.

(*c*) Paper money (may be sent only in registered letters).

(*d*) Platinum, coins, manufactured or unmanufactured gold or silver; precious stones, jewelry, and other precious articles.

(*e*) Celluloid and other articles made wholly or partly of celluloid, such as motion picture or photographic films must be packed in a strong wooden box bearing a label with the word "Celluloid" in conspicuous characters.

(6) *Import restrictions.* For parcels and other postal articles containing goods the value of which is more than 1 Iraqui dinar (about $2.80), the addressee must obtain a special import license from the Ministry of Supply, Import Department, Baghdad.

§ 127.279 *Ireland (Eire).* (See item "Great Britain and Northern Ireland" concerning England, Scotland, Wales, Channel Islands and Northern Ireland.)

(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See subpart E of this part.

(4) *Special delivery.* Yes. Articles sent from this country for special delivery in Ireland at a distance over 1 mile from the post office of destination are subject to the collection from the addressee of 6 pence for each additional mile or part of a mile, after the first mile. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 39 cents for the first 2 ounces and 18 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* (i) The names of the counties in Ireland are as follows: Carlow, Cavan, Clare, Cork, Donegal, Dublin, Galway, Kerry, Kildare, Kilkenny, Leitrim, Laioghis, Limerick, Longford, Louth, Mayo, Meath, Monaghan, Offaly Roscommon, Sligo, Tipperary, Waterford, Westmeath, Wexford, and Wicklow.

(ii) The names of the county and the delivering office must form a part of the address of all mail articles.

(8) *Prohibitions.* (i) The articles prohibited or restricted as parcel post are likewise prohibited or restricted in the Postal Union mails, except that the restrictions relating to money, precious stones, etc., do not apply to the Postal Union mails; and that oiled or varnished cloth or similar substances are prohibited unconditionally.

(ii) Banknotes of Great Britain and Northern Ireland, unless authorized by the Minister of Finance, Dublin.

(iii) The following are prohibited except as samples: Live bees, leeches, and silkworms; liquids and substances for analysis or medical examination; and pathological specimens.



(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 7 | $1.77 |
| 2 | .67 | 8 | 1.99 |
| 3 | .89 | 9 | 2.21 |
| 4 | 1.11 | 10 | 2.43 |
| 5 | 1.33 | 11 | 2.65 |
| 6 | 1.55 | | |

(ii) *Air parcel rates.* (Rates: $0.97 first 4 ounces; $0.37 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.97 | 5 | 12 | $9.11 |
| 0 | 8 | 1.34 | 6 | 0 | 9.48 |
| 0 | 12 | 1.71 | 6 | 4 | 9.85 |
| 1 | 0 | 2.08 | 6 | 8 | 10.22 |
| 1 | 4 | 2.45 | 6 | 12 | 10.59 |
| 1 | 8 | 2.82 | 7 | 0 | 10.96 |
| 1 | 12 | 3.19 | 7 | 4 | 11.33 |
| 2 | 0 | 3.56 | 7 | 8 | 11.70 |
| 2 | 4 | 3.93 | 7 | 12 | 12.07 |
| 2 | 8 | 4.30 | 8 | 0 | 12.44 |
| 2 | 12 | 4.67 | 8 | 4 | 12.81 |
| 3 | 0 | 5.04 | 8 | 8 | 13.18 |
| 3 | 4 | 5.41 | 8 | 12 | 13.55 |
| 3 | 8 | 5.78 | 9 | 0 | 13.92 |
| 3 | 12 | 6.15 | 9 | 4 | 14.29 |
| 4 | 0 | 6.52 | 9 | 8 | 14.66 |
| 4 | 4 | 6.89 | 9 | 12 | 15.03 |
| 4 | 8 | 7.26 | 10 | 0 | 15.40 |
| 4 | 12 | 7.63 | 10 | 4 | 15.77 |
| 5 | 0 | 8.00 | 10 | 8 | 16.14 |
| 5 | 4 | 8.37 | 10 | 12 | 16.51 |
| 5 | 8 | 8.74 | 11 | 0 | 16.88 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See §127.55 (b).)

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: No.
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (4) of this paragraph.

(3) *Dimensions.* Greatest length 3½ feet. Greatest length and girth combined 6 feet.

(4) *Insurance.* (i) Parcel post packages may be insured, subject to the following limits of indemnity when prepaid at the postage rate applicable plus the insurance fees mentioned hereunder:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "Insured" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs, as per the following example:

Insured Value
$25.75 (U. S.)
Twenty-five Dollars and Seventy-five Cents
77.25 Gold Francs
Seventy-seven Gold Francs and Twenty-five Centimes

(iii) See § 127.143 (b), as to method of converting United States currency into gold francs.

(iv) Parcels containing coin, bullion, valuable jewelry, or any other precious article must be insured.

(v) For general information concerning insurance, see §§ 127.140 to 127.148, inclusive.

(5) *Observations.* (i) The names of the county and the delivering office must form a part of the address of all mail articles. See paragraph (a) (7) of this section for names of counties comprising Ireland.

(ii) Customs declarations must be drawn up clearly and precisely and, if practicable, in accordance with the classification of the Official Import List of Ireland. They should bear the authentic signature of the sender.

(iii) The declaration must show as regards each article enclosed in the parcel: (*a*) The value, (*b*) the gross weight, (*c*) the net weight, and (*d*) the name of the country of origin. When the contents are composed of different kinds of articles, the exact quantity and value of each kind must be stated, as well as a description of the material of which the articles are composed; the number and size of each internal container being likewise given. As regards books, the following particulars are required: (*a*) The language in which the book is written, (*b*) whether it is a novel or otherwise, (*c*) the nature of the binding (leather, imitation leather, etc.), and (*d*) whether the book is newly published or has been in use already.

(iv) In the case of articles liable to customs duty which are eligible for preference, the preferential tariff will not be applied unless the customs declaration is inscribed in bold characters: "Preference claimed—Certificate of origin enclosed." Otherwise, the full customs duties will be applied to the articles.

(v) The same applies to goods imported under permit, unless the declaration is clearly marked "Imported under license," and unless the relative license is produced at the time of customs examination. In such cases the license should be procured before the goods are imported.

(vi) Parcels containing goods which are liable to ad valorem duty on importation into Ireland (e. g., boots or shoes, articles of personal clothing, other articles of personal, domestic or household use made of woven material, woven or knitted piece goods, clocks or watches, automobile parts or accessories, etc.) must, if exported on sale, be accompanied in all cases by the invoice or, if the original invoice has been forwarded separately to the addressee of the parcel, by a true copy thereof. Private parcels containing such goods of a value of £5 or over must be accompanied by any documentary evidence available.

(vii) When invoices are enclosed in parcels, the fact should be mentioned on the customs declaration.

(viii) Cinematograph films must be well packed in a tin case enclosed in a strong wooden box, and if the lid or bottom or any of the sides of the box are composed of more than one piece of wood, they must be tongued and grooved. A lining of suitable material must be placed between the upper edges of the box and lid, and the lid must be firmly screwed down. A white label bearing the word "Films" in plain black letters must be affixed to the packet.

(ix) Parcels containing articles of gold or silver, jewelry, or any other precious object exceeding £100 in value shall be packed in a box measuring not less than 3 feet 6 inches in length and girth combined.

(x) The outer receptacle of a parcel containing liquids must be of strong wood or metal.

(6) *Prohibitions—For sanitary reasons.* (*a*) Shaving brushes from Japan.

(*b*) Circulars or advertisements relating to the prevention or treatment of venereal disease, unless addressed to physicians or pharmacists.

(*c*) Margarine, skimmed milk, and other diluted or adulterated foodstuffs, unless suitably labeled.

(ii) *For the protection of animals and plants.* (*a*) Plumage. Hay and straw, including all straw articles.

(*b*) Sealskins of the genera Callorhinus alascanus, Callorhinus insinus, and Callorhinus kurilensis, unless accompanied by a certificate issued by the competent authorities of the country of origin.

(*c*) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iii) *State monopolies, etc.* Coins, other than gold or silver, minted in a foreign country.

(iv) *For other reasons.* (*a*) Coins exceeding £5 in value unless declared to be for ornament. Gold bullion over £5 in value. Silver bullion over £20 in value.

(*b*) Articles violating the trademark or copyright laws. Goods made in prisons.

(*c*) Tobacco, cigars or cigarettes packed with other articles. Extracts, essences, or concentrations of tobacco, coffee, tea, or chicory. Tobacco cut and compressed, sweetened or adulterated. See also "Import restrictions" below.

(*d*) Oiled or varnished cloth or similar articles, unless accompanied by a certificate as follows: "The oilcloth or similar articles in this parcel have been stoved at a temperature of 140° F. until completely dried, and then cured for at least a month before packing."

(*e*) Carbon paper, except for typewriter carbon paper which must be described on the customs declaration as follows: "Typewriter carbon paper coated with wax and containing no oxidizable or fatty substance."

(*f*) Saccharine and similar substances, unless sent in 11-lb. parcels containing no other merchandise.

(7) *Import restrictions.* The attention of senders should be called to the following requirements which must be met by addressees:

(i) Pork including bacon and ham; beef and mutton in any form; eggs and meat of poultry; butter and cheese; pre-

served unsweetened fruits and berries; and corn flakes require a permit from the Ministry of Agriculture at Dublin.

(ii) Tobacco in any form not prohibited, and exhausted or adulterated tea, require a license from the Revenue Commissioners at Dublin.

(iii) Certain drugs, vaccines, serums, biological products for injection, and surgical sutures for human use require an import license from the Department of Health at Dublin.

(iv) Firearms and deadly weapons and parts thereof, toy pistols and toy revolvers require a license from the Department of Justice at Dublin.

(v) A variety of agricultural supplies and other merchandise require import permits from the Ministry of Agriculture or the Ministry of Commerce and Industry at Dublin. The lists are too long to give in detail, and it is recommended that senders ascertain from addressees in advance of mailing whether the articles which they desire to mail will be admitted.

(vi) Addressees must obtain "Duty Free" licenses for all commercial parcels and for gift parcels exceeding £5 (about $14) in value.

§ 127.280 *Israel, State of*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 52 cents for the first 2 ounces and 31 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* (i) A part of the city of Jerusalem is under the control of the State of Israel and a part (old city) under the control of the Hashemite Kingdom of Jordan. Articles for that part of Jerusalem under Israeli control should show "Israel" or "State of Israel" as the country of destination.

(ii) See paragraph (b) (4) of this section concerning import license requirements which are also applicable to goods sent in the Postal Union mails.

(8) *Prohibitions.* (i) Israeli currency. Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted as samples only, provided that the importer has secured a permit from the Director of Agriculture and Forests at Jerusalem at least 7 days before the date of importation.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.66 | 12 | $3.69 |
| 2 | .88 | 13 | 3.91 |
| 3 | 1.28 | 14 | 4.13 |
| 4 | 1.50 | 15 | 4.35 |
| 5 | 1.72 | 16 | 4.57 |
| 6 | 1.94 | 17 | 4.79 |
| 7 | 2.16 | 18 | 5.01 |
| 8 | 2.64 | 19 | 5.23 |
| 9 | 2.86 | 20 | 5.45 |
| 10 | 3.08 | 21 | 5.67 |
| 11 | 3.30 | 22 | 5.89 |

(ii) *Air parcel rates.* (Rates $1.42 first 4 ounces; $0.67 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.42 | 11 | 4 | $30.90 |
| 0 | 8 | 2.09 | 11 | 8 | 31.57 |
| 0 | 12 | 2.76 | 11 | 12 | 32.24 |
| 1 | 0 | 3.43 | 12 | 0 | 32.91 |
| 1 | 4 | 4.10 | 12 | 4 | 33.58 |
| 1 | 8 | 4.77 | 12 | 8 | 34.25 |
| 1 | 12 | 5.44 | 12 | 12 | 34.92 |
| 2 | 0 | 6.11 | 13 | 0 | 35.59 |
| 2 | 4 | 6.78 | 13 | 4 | 36.26 |
| 2 | 8 | 7.45 | 13 | 8 | 36.93 |
| 2 | 12 | 8.12 | 13 | 12 | 37.60 |
| 3 | 0 | 8.79 | 14 | 0 | 38.27 |
| 3 | 4 | 9.46 | 14 | 4 | 38.94 |
| 3 | 8 | 10.13 | 14 | 8 | 39.61 |
| 3 | 12 | 10.80 | 14 | 12 | 40.28 |
| 4 | 0 | 11.47 | 15 | 0 | 40.95 |
| 4 | 4 | 12.14 | 15 | 4 | 41.62 |
| 4 | 8 | 12.81 | 15 | 8 | 42.29 |
| 4 | 12 | 13.48 | 15 | 12 | 42.96 |
| 5 | 0 | 14.15 | 16 | 0 | 43.63 |
| 5 | 4 | 14.82 | 16 | 4 | 44.30 |
| 5 | 8 | 15.49 | 16 | 8 | 44.97 |
| 5 | 12 | 16.16 | 16 | 12 | 45.64 |
| 6 | 0 | 16.83 | 17 | 0 | 46.31 |
| 6 | 4 | 17.50 | 17 | 4 | 46.98 |
| 6 | 8 | 18.17 | 17 | 8 | 47.65 |
| 6 | 12 | 18.84 | 17 | 12 | 48.32 |
| 7 | 0 | 19.51 | 18 | 0 | 48.99 |
| 7 | 4 | 20.18 | 18 | 4 | 49.66 |
| 7 | 8 | 20.85 | 18 | 8 | 50.33 |
| 7 | 12 | 21.52 | 18 | 12 | 51.00 |
| 8 | 0 | 22.19 | 19 | 0 | 51.67 |
| 8 | 4 | 22.86 | 19 | 4 | 52.34 |
| 8 | 8 | 23.53 | 19 | 8 | 53.01 |
| 8 | 12 | 24.20 | 19 | 12 | 53.68 |
| 9 | 0 | 24.87 | 20 | 0 | 54.35 |
| 9 | 4 | 25.54 | 20 | 4 | 55.02 |
| 9 | 8 | 26.21 | 20 | 8 | 55.69 |
| 9 | 12 | 26.88 | 20 | 12 | 56.36 |
| 10 | 0 | 27.55 | 21 | 0 | 57.03 |
| 10 | 4 | 28.22 | 21 | 4 | 57.70 |
| 10 | 8 | 28.89 | 21 | 8 | 58.37 |
| 10 | 12 | 29.56 | 21 | 12 | 59.04 |
| 11 | 0 | 30.23 | 22 | 0 | 59.71 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* (i) Addressees in Israel are required to possess import licenses in order to take delivery of all parcels except the following:

(a) Bona fide gift parcels containing food for the personal consumption of the addressee.

(b) Parcels containing bona fide gifts other than food or postage stamps, provided the contents do not exceed £40 (about $112) in value and are for the addressee's personal use, and not more than one parcel or group of parcels is received by one family within 3 months.

(c) Parcels containing the property of persons who have settled in Israel or the property of tourists, if declared to the customs authorities by the owners and granted exemption from customs duty.

(ii) Parcels which do not fall within one of those categories require import licenses to be obtained by the addressees in Israel. It is the responsibility of the mailer in each case to ascertain that the addressee has obtained or can obtain the import license if required.

(iii) Customs duty can be prepaid on gift parcels by senders in certain cases. Interested patrons may be referred to the Consulate General of Israel, 11 East Seventieth Street, New York 21, N. Y., or to the Consulate of Israel, 208 West Eighth Street, Los Angeles, Calif.

(5) *Prohibitions*—(i) *For reasons of public safety.* Printed matter of a seditious character or prohibited by censorship regulations.

(ii) *For sanitary reasons.* (a) Shaving brushes made in Japan, China, or Korea.

(b) Harmful coloring materials for foodstuffs.

(c) Advertisements relating to the treatment of venereal disease, unless addressed to physicians or pharmacists for professional use.

(d) Essences and extracts of oils for manufacturing imitation or adulterated foodstuffs, unless addressed to a firm under excise control or a licensed pharmacist under permit from the Director of Medical Services, Jerusalem.

(e) Pharmaceutical preparations unless properly labeled. Such preparations sent as gifts must be adequately labeled to permit verification of the contents. Commercial shipments must be labeled in accordance with the Israeli pharmaceutical regulations. See also subparagraph (6) of this paragraph.

(iii) *For the protection of animals or plants.* (a) Used hives or equipment for beekeeping.

(b) Plants, fruits and seeds, unless authorized by the Director of Agriculture and Forests at Jerusalem.

(iv) *Arms, etc.* Daggers, unless imported as antiques.

(v) *For other reasons.* Israeli currency. Blank invoices and other papers which generally relate to delivery of merchandise.

(6) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) See subparagraph (4) of this paragraph for information as to import licenses which must be obtained for certain shipments.

(ii) Firearms require a special license.

(iii) Pharmaceutical preparations sent as gifts require a medical certificate showing that the addressee has need of the medicine. Such preparations sent as commercial shipments require a license from the Ministry of Health, Jerusalem.

(iv) Veterinary vaccines and serums require permission from the Chief of the Veterinary Department, Jerusalem.

(v) A special license from the Director of Commerce and Industry at Jerusalem is required for wheat, flour, semolina, cigarette paper, distilling apparatus, salt, and unrefined oil.

§ 127.281 *Italy, including Republic of San Marino*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Dutiable articles (merchandise) prepaid at letter rate.* (i) Prohibited except for packages containing only small quantities of streptomycin and penicillin sent at gifts. The medicine must be prepared to be used directly for personal treatment, and will be admitted on condition that the addressees submit to the customs office the regulation permit from the Italian health authorities.

(ii) Before accepting such packages for mailing the senders must be required to place the following endorsement on the wrapper, immediately below the green label (Form 2976), if practicable: "Contents: Streptomycin (and/or Penicillin) Gift."

(iii) For further information see § 127.3.

(6) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 45 cents for the first 2 ounces and 24 cents for each additional 2 ounces. (See § 127.20.)

(7) *Observations.* (i) Packages containing books, music, magazines or periodicals mailed as printed matter must be accompanied by a paper form of customs declaration, Form 2976–A, even in those cases in which the articles concerned are admitted free of duty. The declaration is required as evidence of the arrival of the printed matter in Italy, in order that the addressee may obtain from the Bank of Italy the currency necessary to pay for the printed matter in question and permission to send the relative amount out of Italy. However, when the addressees are not required to pay for the merchandise, and therefore need not send currency out of Italy, the customs declarations are not necessary.

(ii) Dutiable prints are admitted provided such articles, whether ordinary or registered, are accompanied by the green label, Form 2976 (C 1).

(iii) In order for international reply coupons to be exchanged in Italy, the reply coupons and the articles of correspondence to be prepaid must be presented at the same time.

(iv) Articles, other than letters, weighing more than 500 grams (18 ounces), are liable in Italy to a charge to be collected from the addressee upon delivery, when the addressee agrees to pay such charge. This small optional delivery fee is levied against the respective addressees in order to facilitate delivery of articles containing manuscripts, prints, or samples exceeding the weight above mentioned.

(8) *Prohibitions.* (i) Dutiable articles (merchandise) prepaid at the letter rate, except that small quantities of streptomycin and penicillin sent as gifts will be admitted under the conditions stated in the subcaption "Dutiable articles (merchandise) prepaid at letter rate".

(ii) Coins, bank notes, paper money, checks, bonds, and other values; gold and silver bullion, precious stones, jewelry and other precious articles. The term "checks" is understood to mean only personal checks on United States banks payable in Italy. Bank drafts drawn by United States banks on Italian banks in favor of Italian payees are understood to be admitted.

(iii) Articles for collections and artistic objects.

(iv) The importation of postage stamps is restricted in accordance with the Italian regulations. Mailers should consult the addressees to assure compliance with those regulations.

(v) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(vi) There is shown below a list of those articles admissible as samples of merchandise:

NOTE: The limits of weight apply not only to each article, but also to the whole of such articles sent at the same time by one and the same sender to one and the same addressee.

Up to 50 grams:
- Needles, except those used for surgery.
- Pen-points, except those of gold or imitation gold for fountain pens.
- Pencils of all kinds.

Up to 60 grams:
- Pins.
- Egrets prepared for medicaments.
- Worked sponges.

Up to 75 grams:
- Cinnamon, pure or mixed with other spices.
- Cloves.
- Pepper and pimiento, pure or mixed with other spices.

Up to 100 grams:
- Natural coffee.
- Cacao seeds, broken, ground, or in paste.
- Chocolate.
- Condensed or concentrated milk.
- Candied fruits.
- Sugarplums and conserves, in sugar and honey.
- Sugar and glucose, in pieces or in powder.
- Biscuits.
- Straw, including worked straw.
- Thread of hemp, cotton, jute, wool or linen, if each packet contains threads from several skeins or bobbins, balls, and rolls.
- Buttons of all kinds (except those of precious metal or any other material garnished with precious metal, or mother-of-pearl worked in any manner) in quantities which differ from one another.
- Worked mother-of-pearl (except that prepared for making buttons).
- Perforated enamel or glass beads for crowns, necklaces, ornaments, etc.
- Brushes, other than shaving-brushes with handles of ivory, tortoise-shell, or precious metal, and other fine-bristle brushes.

Up to 100 grams—Continued
- Combs and hairpins, except those of ivory, tortoise-shell, or precious metal, or those wholly or partly garnished with precious metal.
- Lenses for goggles, provided their commercial value has been eliminated by means of cross-hairs entirely covering the surface.
- Small articles of common metals and their alloys, gilded, silvered or burnished, as well as articles entirely of nickel, bronze or aluminum.
- Gloves which the mailer has rendered useless by cutting off the thumbs and little fingers.
- Penholders.
- Electric wire.
- Musical strings.
- Worked celluloid, cellophane, and similar products. (Such articles whose mercantile value has been nullified by the senders by means of perforations are admitted up to the weight of 350 grams.)
- Worked ebonite.
- Ruber or gutta-percha in sheets, prepared in any manner (except rubber gloves and infants' rubber nipples and teething rings, which are prohibited).
- Colors in small cakes or paste, enclosed in small tubes and placed in boxes (except aniline colors).
- Varnishes of all kinds.
- Boxes of colors.
- Night-lamps, with boxes and accessories.

Up to 150 grams:
- Worked bone and horn. (Such articles whose mercantile value has been nullified by the senders by means of perforations are admitted up to the weight of 350 grams.)
- Small articles of wood (toys and other articles of wood).

Up to 200 grams:
- Lactated flour and other similar flours prepared for nutrition.
- Electric cords.
- Nuts, herb products, and medicinal plants.
- Canary grass, soapwort, sumac.
- Small dry oranges, and dry orange skins.
- Beans, lentils, chickpeas.
- Carob seeds and flour made therefrom.
- Sulphur.

Up to 250 grams:
- Thread of hemp, cotton, jute, wool or linen, if each packet contains only one skein.
- Dyed silk thread, including that "filled with white."

Up to 350 grams:
- Raw silk thread, including that which is simply bleached.
- Lace, braid, embroidery, galloon, ribbon, fringe, lamp wick, cord and small cord of any textile material, including that mixed with metal threads, if sent in separate pieces not measuring more than 20 centimeters in length.
- Tissues of any textile material, whether or not mixed with metal threads, provided the length does not exceed 40 centimeters.

(vii) It is not permissible to import, in one and the same packet, various merchandise when the weight of the packet exceeds one or the other of the maximum weights authorized, even if each article does not exceed the maximum fixed by the present list.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.53 | 9 | $2.29 |
| 2 | .75 | 10 | 2.51 |
| 3 | .97 | 11 | 2.73 |
| 4 | 1.19 | 12 | 2.95 |
| 5 | 1.41 | 13 | 3.17 |
| 6 | 1.63 | 14 | 3.39 |
| 7 | 1.85 | 15 | 3.61 |
| 8 | 2.07 | 16 | 3.83 |

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 17 | $4.05 | 31 | $7.13 |
| 18 | 4.27 | 32 | 7.35 |
| 19 | 4.49 | 33 | 7.57 |
| 20 | 4.71 | 34 | 7.79 |
| 21 | 4.93 | 35 | 8.01 |
| 22 | 5.15 | 36 | 8.23 |
| 23 | 5.37 | 37 | 8.45 |
| 24 | 5.59 | 38 | 8.67 |
| 25 | 5.81 | 39 | 8.89 |
| 26 | 6.03 | 40 | 9.11 |
| 27 | 6.25 | 41 | 9.33 |
| 28 | 6.47 | 42 | 9.55 |
| 29 | 6.69 | 43 | 9.77 |
| 30 | 6.91 | 44 | 9.99 |

(ii) *Air parcel rates.* (Rates: $1.08 first 4 ounces; $0.50 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.08 | 18 | 0 | $36.58 |
| 0 | 8 | 1.58 | 18 | 4 | 37.08 |
| 0 | 12 | 2.08 | 18 | 8 | 37.58 |
| 1 | 0 | 2.58 | 18 | 12 | 38.08 |
| 1 | 4 | 3.08 | 19 | 0 | 38.58 |
| 1 | 8 | 3.58 | 19 | 4 | 39.08 |
| 1 | 12 | 4.08 | 19 | 8 | 39.58 |
| 2 | 0 | 4.58 | 19 | 12 | 40.08 |
| 2 | 4 | 5.08 | 20 | 0 | 40.58 |
| 2 | 8 | 5.58 | 20 | 4 | 41.08 |
| 2 | 12 | 6.08 | 20 | 8 | 41.58 |
| 3 | 0 | 6.58 | 20 | 12 | 42.08 |
| 3 | 4 | 7.08 | 21 | 0 | 42.58 |
| 3 | 8 | 7.58 | 21 | 4 | 43.08 |
| 3 | 12 | 8.08 | 21 | 8 | 43.58 |
| 4 | 0 | 8.58 | 21 | 12 | 44.08 |
| 4 | 4 | 9.08 | 22 | 0 | 44.58 |
| 4 | 8 | 9.58 | 22 | 4 | 45.08 |
| 4 | 12 | 10.08 | 22 | 8 | 45.58 |
| 5 | 0 | 10.58 | 22 | 12 | 46.08 |
| 5 | 4 | 11.08 | 23 | 0 | 46.58 |
| 5 | 8 | 11.58 | 23 | 4 | 47.08 |
| 5 | 12 | 12.08 | 23 | 8 | 47.58 |
| 6 | 0 | 12.58 | 23 | 12 | 48.08 |
| 6 | 4 | 13.08 | 24 | 0 | 48.58 |
| 6 | 8 | 13.58 | 24 | 4 | 49.08 |
| 6 | 12 | 14.08 | 24 | 8 | 49.58 |
| 7 | 0 | 14.58 | 24 | 12 | 50.08 |
| 7 | 4 | 15.08 | 25 | 0 | 50.58 |
| 7 | 8 | 15.58 | 25 | 4 | 51.08 |
| 7 | 12 | 16.08 | 25 | 8 | 51.58 |
| 8 | 0 | 16.58 | 25 | 12 | 52.08 |
| 8 | 4 | 17.08 | 26 | 0 | 52.58 |
| 8 | 8 | 17.58 | 26 | 4 | 53.08 |
| 8 | 12 | 18.08 | 26 | 8 | 53.58 |
| 9 | 0 | 18.58 | 26 | 12 | 54.08 |
| 9 | 4 | 19.08 | 27 | 0 | 54.58 |
| 9 | 8 | 19.58 | 27 | 4 | 55.08 |
| 9 | 12 | 20.08 | 27 | 8 | 55.58 |
| 10 | 0 | 20.58 | 27 | 12 | 56.08 |
| 10 | 4 | 21.08 | 28 | 0 | 56.58 |
| 10 | 8 | 21.58 | 28 | 4 | 57.08 |
| 10 | 12 | 22.08 | 28 | 8 | 57.58 |
| 11 | 0 | 22.58 | 28 | 12 | 58.08 |
| 11 | 4 | 23.08 | 29 | 0 | 58.58 |
| 11 | 8 | 23.58 | 29 | 4 | 59.08 |
| 11 | 12 | 24.08 | 29 | 8 | 59.58 |
| 12 | 0 | 24.58 | 29 | 12 | 60.08 |
| 12 | 4 | 25.08 | 30 | 0 | 60.58 |
| 12 | 8 | 25.58 | 30 | 4 | 61.08 |
| 12 | 12 | 26.08 | 30 | 8 | 61.58 |
| 13 | 0 | 26.58 | 30 | 12 | 62.08 |
| 13 | 4 | 27.08 | 31 | 0 | 62.58 |
| 13 | 8 | 27.58 | 31 | 4 | 63.08 |
| 13 | 12 | 28.08 | 31 | 8 | 63.58 |
| 14 | 0 | 28.58 | 31 | 12 | 64.08 |
| 14 | 4 | 29.08 | 32 | 0 | 64.58 |
| 14 | 8 | 29.58 | 32 | 4 | 65.08 |
| 14 | 12 | 30.08 | 32 | 8 | 65.58 |
| 15 | 0 | 30.58 | 32 | 12 | 66.08 |
| 15 | 4 | 31.08 | 33 | 0 | 66.58 |
| 15 | 8 | 31.58 | 33 | 4 | 67.08 |
| 15 | 12 | 32.08 | 33 | 8 | 67.58 |
| 16 | 0 | 32.58 | 33 | 12 | 68.08 |
| 16 | 4 | 33.08 | 34 | 0 | 68.58 |
| 16 | 8 | 33.58 | 34 | 4 | 69.08 |
| 16 | 12 | 34.08 | 34 | 8 | 69.58 |
| 17 | 0 | 34.58 | 34 | 12 | 70.08 |
| 17 | 4 | 35.08 | 35 | 0 | 70.58 |
| 17 | 8 | 35.58 | 35 | 4 | 71.08 |
| 17 | 12 | 36.08 | 35 | 8 | 71.58 |

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 35 | 12 | $72.08 | 40 | 0 | $80.58 |
| 36 | 0 | 72.58 | 40 | 4 | 81.08 |
| 36 | 4 | 73.08 | 40 | 8 | 81.58 |
| 36 | 8 | 73.58 | 40 | 12 | 82.08 |
| 36 | 12 | 74.08 | 41 | 0 | 82.58 |
| 37 | 0 | 74.58 | 41 | 4 | 83.08 |
| 37 | 4 | 75.08 | 41 | 8 | 83.58 |
| 37 | 8 | 75.58 | 41 | 12 | 84.08 |
| 37 | 12 | 76.08 | 42 | 0 | 84.58 |
| 38 | 0 | 76.58 | 42 | 4 | 85.08 |
| 38 | 4 | 77.08 | 42 | 8 | 85.58 |
| 38 | 8 | 77.58 | 42 | 12 | 86.08 |
| 38 | 12 | 78.08 | 43 | 0 | 86.58 |
| 39 | 0 | 78.58 | 43 | 4 | 87.08 |
| 39 | 4 | 79.08 | 43 | 8 | 87.58 |
| 39 | 8 | 79.58 | 43 | 12 | 88.08 |
| 39 | 12 | 80.08 | 44 | 0 | 88.58 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: Yes.
C. O. D.: No.

(2) *Indemnity.* See subparagraph (5) of this paragraph.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "Insured" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs, as per the following example:

Insured Value
$25.75 (U. S.)
Twenty-five Dollars and Seventy-five Cents
77.25 Gold Francs
Seventy-seven Gold Francs and Twenty-five Centimes

(iii) See § 127.143 (b), as to method of converting United States currency into gold francs.

(iv) Parcels containing coin, bullion, jewelry, or any other precious article must be insured.

(v) For general information concerning insurance service, see §§ 127.130–127.139, inclusive.

(6) *Observations.* (i) Commercial parcels must be accompanied by a copy of the relative commercial invoice dated and signed by the sender.

(ii) Air parcels are given air dispatch within Italy if delivery can be expedited by so doing.

(7) *Prohibitions*—(i) *For reason of sanitary policy.* (*a*) Medicines and drugs, including serums and vaccines, not authorized by the Italian Ministry of the Interior. Accepting postal employees are not expected to know what medicines have been authorized by the Italian authorities, and any mailable medicines, etc., are to be accepted with the understanding that final decision as to the admissibility of the articles rests with the Italian authorities.

(*b*) Nursing bottles, parts thereof, and baby pacifiers must have an indelible mark applied by the manufacturer. Nursing bottles with long tubes, and pacifiers with cavities inside are prohibited, as are any similar articles of vulcanized rubber containing harmful substances.

(*c*) The containers of canned or preserved fish products must be indelibly marked describing the contents.

(ii) *For the protection of animals or plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iii) *State monopolies, etc.* (*a*) Playing cards addressed to San Marino.

(*b*) Saccharine and its products, unless addressed to duly authorized pharmacists.

(*c*) Tobacco in any form; cigarette lighters and lighter fluids.

(*d*) Bank notes or paper money.

(iv) *For other reasons.* (*a*) Weights, measures, and instruments for weighing and measuring not meeting the required standards.

(*b*) Radio receiving sets, unless imported as household goods of persons returning permanently to Italy.

(8) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Postage stamps can be imported only in compliance with the Italian regulations.

(ii) Arms or parts thereof require permission of the authorities.

(iii) Salt and other products containing more than 25 percent of sodium chloride require special authorization.

(iv) Addressees may be required to obtain import permits in some cases.

§ 127.282 *Ivory Coast*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart F of this part.

(4) *Special delivery.* No service.



(5) *Air mail service.* Postage rate, 25 cents per one half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* Same as Dahomey.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 23 | $5.29 |
| 2 | .67 | 24 | 5.51 |
| 3 | .89 | 25 | 5.73 |
| 4 | 1.11 | 26 | 5.95 |
| 5 | 1.33 | 27 | 6.17 |
| 6 | 1.55 | 28 | 6.39 |
| 7 | 1.77 | 29 | 6.61 |
| 8 | 1.99 | 30 | 6.83 |
| 9 | 2.21 | 31 | 7.05 |
| 10 | 2.43 | 32 | 7.27 |
| 11 | 2.65 | 33 | 7.49 |
| 12 | 2.87 | 34 | 7.71 |
| 13 | 3.09 | 35 | 7.93 |
| 14 | 3.31 | 36 | 8.15 |
| 15 | 3.53 | 37 | 8.37 |
| 16 | 3.75 | 38 | 8.59 |
| 17 | 3.97 | 39 | 8.81 |
| 18 | 4.19 | 40 | 9.03 |
| 19 | 4.41 | 41 | 9.25 |
| 20 | 4.63 | 42 | 9.47 |
| 21 | 4.85 | 43 | 9.69 |
| 22 | 5.07 | 44 | 9.91 |

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions and import restrictions.* Same as Dahomey.

§ 127.283 *Jamaica (Including Cayman Islands)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 30 cents for the first 2 ounces and 10 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Combination packages.* Accepted. (See § 127.12.)

(8) *Prohibitions.* (i) Parasites and predators of injurious insects, intended for control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 12 | $2.87 |
| 2 | .67 | 13 | 3.09 |
| 3 | .89 | 14 | 3.31 |
| 4 | 1.11 | 15 | 3.53 |
| 5 | 1.33 | 16 | 3.75 |
| 6 | 1.55 | 17 | 3.97 |
| 7 | 1.77 | 18 | 4.19 |
| 8 | 1.99 | 19 | 4.41 |
| 9 | 2.21 | 20 | 4.63 |
| 10 | 2.43 | 21 | 4.85 |
| 11 | 2.65 | 22 | 5.07 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: Yes. Fee, 40 cents.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Registry service.* For general information see Subpart D of this part.

(5) *Prohibitions*—(i) *For sanitary reasons.* Shaving brushes manufactured in or exported from eastern or southeastern Asia, India, Ceylon, the East Indies, or the Philippines.

(ii) *For the protection of animals or plants.* (*a*) Bees (except queens by permission of the Director of Agriculture), honey, and material already used by bee raisers.

(*b*) Citrus fruits, coconuts in their husks.

(*c*) Cotton, including cotton lint, cottonseed, any part of the cotton plant or of any plant of the species and varieties of *Gossypium.*

(iii) *For other reasons.* (*a*) Coffee.

(*b*) Medicaments of all kinds, unless the formula or composition is clearly printed in English or French on the container; also medicaments intended for the internal or external treatment of venereal disease if accompanied by any printed directions for use.

(6) *Import restrictions.* Addressees are required to obtain import licenses in some cases.

§ 127.284 *Japan*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery. Yes.* (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 65 cents for the first 2 ounces and 45 cents for each additional 2 ounces. (See § 127.20.)

(6) *Prohibitions.* (i) Dutiable articles (merchandise), except postage stamps, in letters and packages prepaid at the letter rate. Letters or letter packages containing stamps must bear the green label, Form 2976 (C1), and the endorsement "Contains postage stamps" directly below the label. Form 2976–A should be enclosed.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.48 | 12 | $3.23 |
| 2 | .73 | 13 | 3.48 |
| 3 | .98 | 14 | 3.73 |
| 4 | 1.23 | 15 | 3.98 |
| 5 | 1.48 | 16 | 4.23 |
| 6 | 1.73 | 17 | 4.48 |
| 7 | 1.98 | 18 | 4.73 |
| 8 | 2.23 | 19 | 4.98 |
| 9 | 2.48 | 20 | 5.23 |
| 10 | 2.73 | 21 | 5.48 |
| 11 | 2.98 | 22 | 5.73 |

(ii) *Air parcel rates.* (Rates: $1.27 first 4 ounces; $0.91 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.27 | 11 | 4 | $41.31 |
| 0 | 8 | 2.18 | 11 | 8 | 42.22 |
| 0 | 12 | 3.09 | 11 | 12 | 43.13 |
| 1 | 0 | 4.00 | 12 | 0 | 44.04 |
| 1 | 4 | 4.91 | 12 | 4 | 44.95 |
| 1 | 8 | 5.82 | 12 | 8 | 45.86 |
| 1 | 12 | 6.73 | 12 | 12 | 46.77 |
| 2 | 0 | 7.64 | 13 | 0 | 47.68 |
| 2 | 4 | 8.55 | 13 | 4 | 48.59 |
| 2 | 8 | 9.46 | 13 | 8 | 49.50 |
| 2 | 12 | 10.37 | 13 | 12 | 50.41 |
| 3 | 0 | 11.28 | 14 | 0 | 51.32 |
| 3 | 4 | 12.19 | 14 | 4 | 52.23 |
| 3 | 8 | 13.10 | 14 | 8 | 53.14 |
| 3 | 12 | 14.01 | 14 | 12 | 54.05 |
| 4 | 0 | 14.92 | 15 | 0 | 54.96 |
| 4 | 4 | 15.83 | 15 | 4 | 55.87 |
| 4 | 8 | 16.74 | 15 | 8 | 56.78 |
| 4 | 12 | 17.65 | 15 | 12 | 57.69 |
| 5 | 0 | 18.56 | 16 | 0 | 58.60 |
| 5 | 4 | 19.47 | 16 | 4 | 59.51 |
| 5 | 8 | 20.38 | 16 | 8 | 60.42 |
| 5 | 12 | 21.29 | 16 | 12 | 61.33 |
| 6 | 0 | 22.20 | 17 | 0 | 62.24 |
| 6 | 4 | 23.11 | 17 | 4 | 63.15 |
| 6 | 8 | 24.02 | 17 | 8 | 64.06 |
| 6 | 12 | 24.93 | 17 | 12 | 64.97 |
| 7 | 0 | 25.84 | 18 | 0 | 65.88 |
| 7 | 4 | 26.75 | 18 | 4 | 66.79 |
| 7 | 8 | 27.66 | 18 | 8 | 67.70 |
| 7 | 12 | 28.57 | 18 | 12 | 68.61 |
| 8 | 0 | 29.48 | 19 | 0 | 69.52 |
| 8 | 4 | 30.39 | 19 | 4 | 70.43 |
| 8 | 8 | 31.30 | 19 | 8 | 71.34 |
| 8 | 12 | 32.21 | 19 | 12 | 72.25 |
| 9 | 0 | 33.12 | 20 | 0 | 73.16 |
| 9 | 4 | 34.03 | 20 | 4 | 74.07 |
| 9 | 8 | 34.94 | 20 | 8 | 74.98 |
| 9 | 12 | 35.85 | 20 | 12 | 75.89 |
| 10 | 0 | 36.76 | 21 | 0 | 76.80 |
| 10 | 4 | 37.67 | 21 | 4 | 77.71 |
| 10 | 8 | 38.58 | 21 | 8 | 78.62 |
| 10 | 12 | 39.49 | 21 | 12 | 79.53 |
| 11 | 0 | 40.40 | 22 | 0 | 80.44 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to ordinary parcels. (See § 127.79.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (5) of this paragraph.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length

3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96 relative to storage charges on returned parcels.

(5) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $165 | 60 |

(ii) Each insured parcel shall have printed on the wrapper in close proximity to (preferably immediately below) the endorsement "INSURED" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs, as per the following example:

Insured Value
$25.75 (U. S.)
Twenty-five Dollars and Seventy-five Cents
77.25 Gold Francs
Seventy-seven Gold Francs and Twenty-five Centimes

(iii) See § 127.143 (b), as to method of converting United States currency into gold francs.

(iv) Parcels containing coin, bullion, valuable jewelry or any other precious article must be insured.

(v) For general information concerning insurance service, see §§ 127.140 to 127.148, inclusive.

(6) *Observations.* (i) Gift parcels addressed to individuals are free of customs duty and taxes, provided (a) the parcel is plainly marked "Gift", (b) the contents consist solely of bona fide gifts for the addressee and his family, and (c) the value is estimated by the Japanese customs authorities at not more than 1,500 yen (about $4.20) and the duty if collected would not exceed 300 yen. In addition, it is understood that, as a concession, food and clothing are exempt from duty up to a value of about $10.00. Gift parcels sent to charitable institutions for relief purposes are likewise admitted free of duty.

(ii) See subparagraph (8) of this paragraph with respect to parcels not sent as gifts.

(iii) Human ashes may be accepted if presented for mailing by a licensed crematory or licensed mortuary. The ashes must be packed in a sealed metal container enclosed in a substantial outer container. There must be enclosed within the outer container, but outside the metal container, a certified copy of the death certificate and a statement or certificate executed by the crematory or mortuary to the effect that the ashes are those of the person named in the death certificate.

(7) *Prohibitions.* (i) Weapons of all kinds.

(ii) Articles violating Japanese patents, copyrights, or trademarks rights.

(iii) Soil or plants accompanied by soil. Insects or bacteria harmful to plants. Skins of sea otters or fur seals.

(iv) Walnuts in the shell.

(v) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(8) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by the addressees:

(i) Import licenses are required for all commercial parcels, except for (a) trade samples declared as such; (b) personal or household articles, professional articles and tools of trade declared to be for the addressee's personal use; and (c) scientific research material declared as such.

(ii) Addressees must comply with the applicable Japanese regulations in order to take delivery of the following:

(iii) Banknotes, currency, checks and other instruments of payment. Securities and documents embodying tangible assets.

(iv) Precious stones and precious metals other than personal jewelry. National treasures of any country and important art objects.

(v) Manufactured tobacco in excess of 200 cigarettes, 50 cigars, or 250 grams (8¾ ounces) of smoking or chewing tobacco or snuff. Tobacco leaves and seeds. Apparatus or papers for tobacco manufacture.

(vi) Rice, barley, rye or wheat (except when sent as food in gift parcels).

(vii) Silkworm eggs. Camphor and crude camphorated oil in any form. Hemp (except ripe stalks and seeds without germinating power and products thereof).

§ 127.285 *Jordan (Hashemite Kingdom) (formerly Trans-Jordan) (including Central Arab Palestine)—(a) Postal Union mails—(1) Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.) No service to Central Arab Palestine.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* (i) Central Arab Palestine includes the following post offices:

| | |
|---|---|
| Babelsahira. | Jericho. |
| Beit Jala. | Jerusalem (old city). |
| Beit Sahour. | Nablus. |
| Bethlehem. | Qalqilia. |
| Hebron. | Ramallah. |
| Jenin. | Tulkarem. |

(ii) Mail for those places should show "Jordan" or "Hashemite Kingdom of the Jordan" as country of address.

(8) *Prohibitions.* The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel post—(1) Table of rates—(i) Surface parcel rates including transit charges and surcharges for Central Arab Palestine.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $1.01 | 12 | $4.50 |
| 2 | 1.23 | 13 | 4.72 |
| 3 | 1.58 | 14 | 4.94 |
| 4 | 1.80 | 15 | 5.16 |
| 5 | 2.02 | 16 | 5.38 |
| 6 | 2.24 | 17 | 5.60 |
| 7 | 2.46 | 18 | 5.82 |
| 8 | 2.81 | 19 | 6.04 |
| 9 | 3.03 | 20 | 6.26 |
| 10 | 3.25 | 21 | 6.48 |
| 11 | 3.47 | 22 | 6.70 |

(ii) *For all other places.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.73 | 12 | $3.61 |
| 2 | .95 | 13 | 3.83 |
| 3 | 1.24 | 14 | 4.05 |
| 4 | 1.46 | 15 | 4.27 |
| 5 | 1.68 | 16 | 4.49 |
| 6 | 1.90 | 17 | 4.71 |
| 7 | 2.12 | 18 | 4.93 |
| 8 | 2.40 | 19 | 5.15 |
| 9 | 2.62 | 20 | 5.37 |
| 10 | 2.84 | 21 | 5.59 |
| 11 | 3.06 | 22 | 5.81 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Limited to 3 parcels. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* Parcels must be packed in strong wood, tin, canvas, linen, or similar material.

(5) *Prohibitions.* (i) Arms, except sporting guns which are admitted under restrictions; essences and oils for use in making adulterated or imitated beverages.

(ii) Advertisements concerning treatment of venereal diseases or medicinal preparations intended to serve as preventives against those diseases.

(iii) Bees and silkworms, live plants unless accompanied by a certificate from the competent authorities of the country of origin attesting that they have been examined and found free from disease.

§ 127.286 *Kenya and Uganda—(a) Postal Union mails—(1) Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.



(4) *Special delivery.* Yes. Special delivery service is confined to Eldoret, Entebbe, Jinja, Kampala, Kisumu, Kitale, Lamu, Mbale, Mombasa, Nairobi, Nakuru, and Nyeri. (See § 127.19.)

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Manufactured or unmanufactured platinum, gold, or silver; coins; precious stones, jewelry, and other precious articles. However, sporting prizes such as gold or silver medals or spoons are admitted in registered letters.

(ii) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post—(1) Table of rates—(i) Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.49 | 7 | $1.87 |
| 2 | 0.71 | 8 | 2.14 |
| 3 | 0.99 | 9 | 2.36 |
| 4 | 1.21 | 10 | 2.58 |
| 5 | 1.43 | 11 | 2.80 |
| 6 | 1.65 | | |

Weight limit: 11 pounds
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* (i) Parcels must be very strongly packed. Waterproof covers must be used for parcels intended for places beyond the services of the Uganda Railway.

(ii) Merchandise for resale by dealers may be imported only under license granted by the Commissioner of Customs at Mombasa.

(5) *Prohibitions—(i) For sanitary reasons.* (a) Shaving brushes from Japan.

(b) Condensed milk containing less than 9 per cent milk fat.

(c) Used clothing, bedding, blankets, and other similar articles imported for sale or for disposal unless accompanied by a certificate of disinfection.

(ii) *For the protection of plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iii) *Arms, etc.* (a) Gas pistols and other pistols of similar type; safety, toy, or alarm pistols which are capable of being converted into lethal weapons.

(b) Silent and automatic rifles.

(iv) *State monopolies, etc.* Articles which, without authorization, bear the royal coat of arms or monogram, or other arms or monograms resembling them.

(v) *For other reasons.* Manufactured articles violating the trade-mark laws.

(6) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Special permission is required for the importation of the following:

(ii) All arms and parts thereof, which are retained by the customs authorities until the addressee has complied with the regulations relative thereto.

(iii) Unworked gold, silver, or platinum.

(iv) Addressees may be required to obtain import licenses for other types of merchandise in some cases.

§ 127.287 *Korea (Republic of)—(a) Postal Union mails—(1) Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air-mail service.* Postage rates: Letters and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 70 cents for the first 2 ounces and 49 cents for each additional 2 ounces. (See § 127.20.)

(6) *Observations.* (i) Articles addressed for delivery in Korea may be in any of the following languages: Korean, English, Russian, French, Spanish, Chinese or Japanese. Mail should bear the name of the addressee, street, district, town and province in Korea. The address should be shown also in Korean characters, if known.

(ii) Service is available only to the provinces comprising the Republic of Korea. See paragraph (b) (5) of this section.

(iii) International reply coupons are not accepted in Korea.

(7) *Prohibitions.* (i) Dutiable articles (merchandise) prepaid at the letter rate; dutiable articles sent as samples.

(ii) The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel post—(1) Table of rates—(i) Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.48 | 12 | $3.23 |
| 2 | 0.73 | 13 | 3.48 |
| 3 | 0.98 | 14 | 3.73 |
| 4 | 1.23 | 15 | 3.98 |
| 5 | 1.48 | 16 | 4.23 |
| 6 | 1.73 | 17 | 4.48 |
| 7 | 1.98 | 18 | 4.73 |
| 8 | 2.23 | 19 | 4.98 |
| 9 | 2.48 | 20 | 5.23 |
| 10 | 2.73 | 21 | 5.48 |
| 11 | 2.98 | 22 | 5.73 |

(ii) *Air Parcel rates.* (Rates: $1.37 first 4 ounces; $1.01 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.37 | 11 | 4 | $45.81 |
| 0 | 8 | 2.38 | 11 | 8 | 46.82 |
| 0 | 12 | 3.39 | 11 | 12 | 47.83 |
| 1 | 0 | 4.40 | 12 | 0 | 48.84 |
| 1 | 4 | 5.41 | 12 | 4 | 49.85 |
| 1 | 8 | 6.42 | 12 | 8 | 50.86 |
| 1 | 12 | 7.43 | 12 | 12 | 51.87 |
| 2 | 0 | 8.44 | 13 | 0 | 52.88 |
| 2 | 4 | 9.45 | 13 | 4 | 53.89 |
| 2 | 8 | 10.46 | 13 | 8 | 54.90 |
| 2 | 12 | 11.47 | 13 | 12 | 55.91 |
| 3 | 0 | 12.48 | 14 | 0 | 56.92 |
| 3 | 4 | 13.49 | 14 | 4 | 57.93 |
| 3 | 8 | 14.50 | 14 | 8 | 58.94 |
| 3 | 12 | 15.51 | 14 | 12 | 59.95 |
| 4 | 0 | 16.52 | 15 | 0 | 60.96 |
| 4 | 4 | 17.53 | 15 | 4 | 61.97 |
| 4 | 8 | 18.54 | 15 | 8 | 62.98 |
| 4 | 12 | 19.55 | 15 | 12 | 63.99 |
| 5 | 0 | 20.56 | 16 | 0 | 65.00 |
| 5 | 4 | 21.57 | 16 | 4 | 66.01 |
| 5 | 8 | 22.58 | 16 | 8 | 67.02 |
| 5 | 12 | 23.59 | 16 | 12 | 68.03 |
| 6 | 0 | 24.60 | 17 | 0 | 69.04 |
| 6 | 4 | 25.61 | 17 | 4 | 70.05 |
| 6 | 8 | 26.62 | 17 | 8 | 71.06 |
| 6 | 12 | 27.63 | 17 | 12 | 72.07 |
| 7 | 0 | 28.64 | 18 | 0 | 73.08 |
| 7 | 4 | 29.65 | 18 | 4 | 74.09 |
| 7 | 8 | 30.66 | 18 | 8 | 75.10 |
| 7 | 12 | 31.67 | 18 | 12 | 76.11 |
| 8 | 0 | 32.68 | 19 | 0 | 77.12 |
| 8 | 4 | 33.69 | 19 | 4 | 78.13 |
| 8 | 8 | 34.70 | 19 | 8 | 79.14 |
| 8 | 12 | 35.71 | 19 | 12 | 80.15 |
| 9 | 0 | 36.72 | 20 | 0 | 81.16 |
| 9 | 4 | 37.73 | 20 | 4 | 82.17 |
| 9 | 8 | 38.74 | 20 | 8 | 83.18 |
| 9 | 12 | 39.75 | 20 | 12 | 84.19 |
| 10 | 0 | 40.76 | 21 | 0 | 85.20 |
| 10 | 4 | 41.77 | 21 | 4 | 86.21 |
| 10 | 8 | 42.78 | 21 | 8 | 87.22 |
| 10 | 12 | 43.79 | 21 | 12 | 88.23 |
| 11 | 0 | 44.80 | 22 | 0 | 89.24 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Observations.* (i) Parcel post service is available only to the provinces comprising the Republic of Korea, i. e., provinces south of the thirty-eighth parallel of latitude.

(ii) The following is a list of the provinces comprising the Republic of Korea:

Cheju-do.
Cholla-namdo.

Cholla-pukto.
Ch'ungch'ong-namdo.
Ch'ungch'ong-pukto.
*Hwanghae-do.[1]
*Kangwon-do.[1]
*Kyonggi-do.[1]
Kyongsang-namdo.
Kyongsang-pukto.

(iii) Parcels must bear the name of the addressee, street, district, town, and province in Korea. The address must be shown also in Korean characters, if known.

(6) *Prohibitions.* (i) Manufactured or unmanufactured gold, silver, platinum, and other precious metals; bank notes, bonds; counterfeit coins or imitations of coins; imitation stamps.

(ii) Revolvers; scales; opium pipes; documents or books prejudicial to peace and public order.

(iii) Cigarettes; machines or tools used in the manufacture of tobacco.

(iv) Salt; ginseng; plants, seeds; silkworms.

(7) *Import restrictions.* Addressees may be required to obtain import licenses in some cases.

§ 127.288 *Labuan*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins, manufactured or unmanufactured platinum, gold, or silver jewelry, and other precious articles. However, unmounted precious stones are admitted in the registered letter mails.

(ii) Articles bearing unauthorized markings indicating that they concern Her Majesty's service.

(iii) Articles marked on the outside with the value of the contents.

(iv) Unvulcanized rubber.

(v) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(vi) No plant material for propagation may be imported by air mail.

(vii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

[1] The provinces marked with the asterisk (*) are divided by the thirty-eighth parallel of latitude, and it is the responsibility of the mailers to determine that the post offices to which their parcels are addressed are located south of the thirty-eighth parallel. Parcels addressed to offices north of the thirty-eighth parallel will not be forwarded to destination but will be treated as undeliverable.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges and surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.78 | 12 | $4.18 |
| 2 | 1.00 | 13 | 4.40 |
| 3 | 1.54 | 14 | 4.62 |
| 4 | 1.76 | 15 | 4.84 |
| 5 | 1.98 | 16 | 5.06 |
| 6 | 2.20 | 17 | 5.28 |
| 7 | 2.42 | 18 | 5.50 |
| 8 | 2.97 | 19 | 5.72 |
| 9 | 3.19 | 20 | 5.94 |
| 10 | 3.41 | 21 | 6.16 |
| 11 | 3.63 | 22 | 6.38 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions*—(i) *For reasons of public safety.* Prints of forms resembling bank notes, postage stamps, and other fiduciary value and all imitation of French or foreign coins. Coins not in circulation. Pistols shooting blank cartridges which have the appearance of automatic pistols. Nonexplosive components of artillery fuses.

(ii) *For sanitary reasons.* Unverified thermometers. Nursing bottles with tubes. Saccharine and similar products.

(iii) *For the protection of plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iv) *Arms, munitions, etc.* War arms and war material.

(v) *For other reasons.* (a) Products bearing false trademarks or false indications of origin. Boxes or cans of fish, vegetables, or prunes not bearing an indelible indication of their origin. Fish of foreign origin put up in boxes or cans weighing more than 1 kilogram. Works violating the copyright laws. Fancy honey. Certain compound medicines specially mentioned in the customs tariff. Weights and measures not of the metric system. Weights and measure of foreign origin.

(b) Generally, articles prohibited to France are likewise prohibited to Laos.

(c) A number of varieties of merchandise require special permission from the military authorities for importation. The list is too long to give in detail; however, senders should be advised in their own interest to ascertain before mailing whether their goods are admissible.

§ 127.290 *Latvia.*

NOTE: The regulations mentioned below are as prescribed by the Soviet authorities who are, as a practical matter, in a position to refuse the entry into Latvia of mail unless such mail complies with the Soviet postal regulations.

(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Air mail service.* Postage rates: Letters and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 52 cents for the first 2 ounces and 31 cents for each additional 2 ounces. (See § 127.20.)

(5) *Special delivery.* No service.

(6) *Observations.* Same as those governing mail service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U. S. S. R." must be included as part of the address of mail articles.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.78 | 12 | $3.31 |
| 2 | 1.00 | 13 | 3.53 |
| 3 | 1.22 | 14 | 3.75 |
| 4 | 1.44 | 15 | 3.97 |
| 5 | 1.66 | 16 | 4.19 |
| 6 | 1.83 | 17 | 4.41 |
| 7 | 2.10 | 18 | 4.63 |
| 8 | 2.32 | 19 | 4.85 |
| 9 | 2.54 | 20 | 5.07 |
| 10 | 2.76 | 21 | 5.29 |
| 11 | 2.98 | 22 | 5.51 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.



(3) *Dimensions.* Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Observations.* Same as those governing parcel post service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U. S. S. R." should be included as part of the address of parcels.

(6) *Prohibitions.* Same as those governing parcel post service with the Union of Soviet Socialist Republics.

§ 127.291 *Lebanon (Republic of)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 52 cents for the first 2 ounces and 31 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* (i) The importation of merchandise is subject to the obtaining by the addressee of an import permit. Such previous authorization is not required for (a) mail articles of slight importance (whose value does not exceed $2.50) or those having no salable value, and (b) parcel post packages mailed by private individuals and having no commercial character, except in the case of a number of parcels mailed by the same sender to the same addressee.

(ii) Articles must be carefully addressed to show the exact place of destination but not the names of other places nearby. The office of destination must be written legibly in Arabic characters, as far as possible, as well as in English or French.

(8) *Prohibitions.* The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.90 | 12 | $3.53 |
| 2 | 1.12 | 13 | 3.75 |
| 3 | 1.28 | 14 | 3.97 |
| 4 | 1.50 | 15 | 4.19 |
| 5 | 1.72 | 16 | 4.41 |
| 6 | 1.94 | 17 | 4.63 |
| 7 | 2.16 | 18 | 4.85 |
| 8 | 2.31 | 19 | 5.07 |
| 9 | 2.53 | 20 | 5.29 |
| 10 | 2.75 | 21 | 5.51 |
| 11 | 2.97 | 22 | 5.73 |

(ii) *Air parcel rates.* (Rates: $1.66 first 4 ounces; $0.63 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.66 | 11 | 4 | $29.38 |
| 0 | 8 | 2.29 | 11 | 8 | 30.01 |
| 0 | 12 | 2.92 | 11 | 12 | 30.64 |
| 1 | 0 | 3.55 | 12 | 0 | 31.27 |
| 1 | 4 | 4.18 | 12 | 4 | 31.90 |
| 1 | 8 | 4.81 | 12 | 8 | 32.53 |
| 1 | 12 | 5.44 | 12 | 12 | 33.16 |
| 2 | 0 | 6.07 | 13 | 0 | 33.79 |
| 2 | 4 | 6.70 | 13 | 4 | 34.42 |
| 2 | 8 | 7.33 | 13 | 8 | 35.05 |
| 2 | 12 | 7.96 | 13 | 12 | 35.68 |
| 3 | 0 | 8.59 | 14 | 0 | 36.31 |
| 3 | 4 | 9.22 | 14 | 4 | 36.94 |
| 3 | 8 | 9.85 | 14 | 8 | 37.57 |
| 3 | 12 | 10.48 | 14 | 12 | 38.20 |
| 4 | 0 | 11.11 | 15 | 0 | 38.83 |
| 4 | 4 | 11.74 | 15 | 4 | 39.46 |
| 4 | 8 | 12.37 | 15 | 8 | 40.09 |
| 4 | 12 | 13.00 | 15 | 12 | 40.72 |
| 5 | 0 | 13.63 | 16 | 0 | 41.35 |
| 5 | 4 | 14.26 | 16 | 4 | 41.98 |
| 5 | 8 | 14.89 | 16 | 8 | 42.61 |
| 5 | 12 | 15.52 | 16 | 12 | 43.24 |
| 6 | 0 | 16.15 | 17 | 0 | 43.87 |
| 6 | 4 | 16.78 | 17 | 4 | 44.50 |
| 6 | 8 | 17.41 | 17 | 8 | 45.13 |
| 6 | 12 | 18.04 | 17 | 12 | 45.76 |
| 7 | 0 | 18.67 | 18 | 0 | 46.39 |
| 7 | 4 | 19.30 | 18 | 4 | 47.02 |
| 7 | 8 | 19.93 | 18 | 8 | 47.65 |
| 7 | 12 | 20.56 | 18 | 12 | 48.28 |
| 8 | 0 | 21.19 | 19 | 0 | 48.91 |
| 8 | 4 | 21.82 | 19 | 4 | 49.54 |
| 8 | 8 | 22.45 | 19 | 8 | 50.17 |
| 8 | 12 | 23.08 | 19 | 12 | 50.80 |
| 9 | 0 | 23.71 | 20 | 0 | 51.43 |
| 9 | 4 | 24.34 | 20 | 4 | 52.06 |
| 9 | 8 | 24.97 | 20 | 8 | 52.69 |
| 9 | 12 | 25.60 | 20 | 12 | 53.32 |
| 10 | 0 | 26.23 | 21 | 0 | 53.95 |
| 10 | 4 | 26.86 | 21 | 4 | 54.58 |
| 10 | 8 | 27.49 | 21 | 8 | 55.21 |
| 10 | 12 | 28.12 | 21 | 12 | 55.84 |
| 11 | 0 | 28.75 | 22 | 0 | 56.47 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 3 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Observations.* Same as those governing parcel post service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U. S. S. R." should be included as part of the address of parcels.

(6) *Prohibitions.* Same as those governing parcel post service with the Union of Soviet Socialist Republics.

§ 127.291 *Lebanon (Republic of)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 52 cents for the first 2 ounces and 31 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* (i) The importation of merchandise is subject to the obtaining by the addressee of an import permit. Such previous authorization is not required for (a) mail articles of slight importance (whose value does not exceed $2.50) or those having no salable value, and (b) parcel post packages mailed by private individuals and having no commercial character, except in the case of a number of parcels mailed by the same sender to the same addressee.

(ii) Articles must be carefully addressed to show the exact place of destination but not the names of other places nearby. The office of destination must be written legibly in Arabic characters, as far as possible, as well as in English or French.

(8) *Prohibitions.* The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.53 | 18 | $4.27 |
| 2 | .75 | 19 | 4.49 |
| 3 | .97 | 20 | 4.71 |
| 4 | 1.19 | 21 | 4.93 |
| 5 | 1.41 | 22 | 5.15 |
| 6 | 1.63 | 23 | 5.37 |
| 7 | 1.85 | 24 | 5.59 |
| 8 | 2.07 | 25 | 5.81 |
| 9 | 2.29 | 26 | 6.03 |
| 10 | 2.51 | 27 | 6.25 |
| 11 | 2.73 | 28 | 6.47 |
| 12 | 2.95 | 29 | 6.69 |
| 13 | 3.17 | 30 | 6.91 |
| 14 | 3.39 | 31 | 7.13 |
| 15 | 3.61 | 32 | 7.35 |
| 16 | 3.83 | 33 | 7.57 |
| 17 | 4.05 | 34 | 7.79 |
| 35 | $8.01 | 40 | $9.11 |
| 36 | 8.23 | 41 | 9.33 |
| 37 | 8.45 | 42 | 9.55 |
| 38 | 8.67 | 43 | 9.77 |
| 39 | 8.89 | 44 | 9.99 |

(ii) *Air parcel rates.* (Rates: $1.22 first 4 ounces; $0.64 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.22 | 20 | 0 | $51.78 |
| 0 | 8 | 1.86 | 20 | 4 | 52.42 |
| 0 | 12 | 2.50 | 20 | 8 | 53.06 |
| 1 | 0 | 3.14 | 20 | 12 | 53.70 |
| 1 | 4 | 3.78 | 21 | 0 | 54.34 |
| 1 | 8 | 4.42 | 21 | 4 | 54.98 |
| 1 | 12 | 5.06 | 21 | 8 | 55.62 |
| 2 | 0 | 5.70 | 21 | 12 | 56.26 |
| 2 | 4 | 6.34 | 22 | 0 | 56.90 |
| 2 | 8 | 6.98 | 22 | 4 | 57.54 |
| 2 | 12 | 7.62 | 22 | 8 | 58.18 |
| 3 | 0 | 8.26 | 22 | 12 | 58.82 |
| 3 | 4 | 8.90 | 23 | 0 | 59.46 |
| 3 | 8 | 9.54 | 23 | 4 | 60.10 |
| 3 | 12 | 10.18 | 23 | 8 | 60.74 |
| 4 | 0 | 10.82 | 23 | 12 | 61.38 |
| 4 | 4 | 11.46 | 24 | 0 | 62.02 |
| 4 | 8 | 12.10 | 24 | 4 | 62.66 |
| 4 | 12 | 12.74 | 24 | 8 | 63.30 |
| 5 | 0 | 13.38 | 24 | 12 | 63.94 |
| 5 | 4 | 14.02 | 25 | 0 | 64.58 |
| 5 | 8 | 14.66 | 25 | 4 | 65.22 |
| 5 | 12 | 15.30 | 25 | 8 | 65.86 |
| 6 | 0 | 15.94 | 25 | 12 | 66.50 |
| 6 | 4 | 16.58 | 26 | 0 | 67.14 |
| 6 | 8 | 17.22 | 26 | 4 | 67.78 |
| 6 | 12 | 17.86 | 26 | 8 | 68.42 |
| 7 | 0 | 18.50 | 26 | 12 | 69.06 |
| 7 | 4 | 19.14 | 27 | 0 | 69.70 |
| 7 | 8 | 19.78 | 27 | 4 | 70.34 |
| 7 | 12 | 20.42 | 27 | 8 | 70.98 |
| 8 | 0 | 21.06 | 27 | 12 | 71.62 |
| 8 | 4 | 21.70 | 28 | 0 | 72.26 |
| 8 | 8 | 22.34 | 28 | 4 | 72.90 |
| 8 | 12 | 22.98 | 28 | 8 | 73.54 |
| 9 | 0 | 23.62 | 28 | 12 | 74.18 |
| 9 | 4 | 24.26 | 29 | 0 | 74.82 |
| 9 | 8 | 24.90 | 29 | 4 | 75.46 |
| 9 | 12 | 25.54 | 29 | 8 | 76.10 |
| 10 | 0 | 26.18 | 29 | 12 | 76.74 |
| 10 | 4 | 26.82 | 30 | 0 | 77.38 |
| 10 | 8 | 27.46 | 30 | 4 | 78.02 |
| 10 | 12 | 28.10 | 30 | 8 | 78.66 |
| 11 | 0 | 28.74 | 30 | 12 | 79.30 |
| 11 | 4 | 29.38 | 31 | 0 | 79.94 |
| 11 | 8 | 30.02 | 31 | 4 | 80.58 |
| 11 | 12 | 30.66 | 31 | 8 | 81.22 |
| 12 | 0 | 31.30 | 31 | 12 | 81.86 |
| 12 | 4 | 31.94 | 32 | 0 | 82.50 |
| 12 | 8 | 32.58 | 32 | 4 | 83.14 |
| 12 | 12 | 33.22 | 32 | 8 | 83.78 |
| 13 | 0 | 33.86 | 32 | 12 | 84.42 |
| 13 | 4 | 34.50 | 33 | 0 | 85.06 |
| 13 | 8 | 35.14 | 33 | 4 | 85.70 |
| 13 | 12 | 35.78 | 33 | 8 | 86.34 |
| 14 | 0 | 36.42 | 33 | 12 | 86.98 |
| 14 | 4 | 37.06 | 34 | 0 | 87.62 |
| 14 | 8 | 37.70 | 34 | 4 | 88.26 |
| 14 | 12 | 38.34 | 34 | 8 | 88.90 |
| 15 | 0 | 38.98 | 34 | 12 | 89.54 |
| 15 | 4 | 39.62 | 35 | 0 | 90.18 |
| 15 | 8 | 40.26 | 35 | 4 | 90.82 |
| 15 | 12 | 40.90 | 35 | 8 | 91.46 |
| 16 | 0 | 41.54 | 35 | 12 | 92.10 |
| 16 | 4 | 42.18 | 36 | 0 | 92.74 |
| 16 | 8 | 42.82 | 36 | 4 | 93.38 |
| 16 | 12 | 43.46 | 36 | 8 | 94.02 |
| 17 | 0 | 44.10 | 36 | 12 | 94.66 |
| 17 | 4 | 44.74 | 37 | 0 | 95.30 |
| 17 | 8 | 45.38 | 37 | 4 | 95.94 |
| 17 | 12 | 46.02 | 37 | 8 | 96.58 |
| 18 | 0 | 46.66 | 37 | 12 | 97.22 |
| 18 | 4 | 47.30 | 38 | 0 | 97.86 |
| 18 | 8 | 47.94 | 38 | 4 | 98.50 |
| 18 | 12 | 48.58 | 38 | 8 | 99.14 |
| 19 | 0 | 49.22 | 38 | 12 | 99.78 |
| 19 | 4 | 49.86 | 39 | 0 | 100.42 |
| 19 | 8 | 50.50 | 39 | 4 | 101.06 |
| 19 | 12 | 51.14 | 39 | 8 | 101.70 |

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 39 | 12 | $102.34 | 42 | 0 | $108.10 |
| 40 | 0 | 102.98 | 42 | 4 | 108.74 |
| 40 | 4 | 103.62 | 42 | 8 | 109.38 |
| 40 | 8 | 104.26 | 42 | 12 | 110.02 |
| 40 | 12 | 104.90 | 43 | 0 | 110.66 |
| 41 | 0 | 105.54 | 43 | 4 | 111.30 |
| 41 | 4 | 106.18 | 43 | 8 | 111.94 |
| 41 | 8 | 106.82 | 43 | 12 | 112.58 |
| 41 | 12 | 107.46 | 44 | 0 | 113.22 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: [1] 11, 44 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

[1] Parcels exceeding 11 pounds in weight are not accepted to the following offices:

| | |
|---|---|
| Ain-Zhalta. | Koubayat. |
| Baino. | Maaser-el-Chouf. |
| Falougha. | Ras-Baalbeck. |
| Hermel. | Souk-el-Gharb. |

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* (i) The importation of merchandise is subject to the obtaining by the addressee of an import permit. Such previous authorization is not required for (1) mail articles of slight importance (whose value does not exceed $2.50) or those having no salable value, and (2) parcel post packages mailed by private individuals and having no commercial character, except in the case of a number of parcels mailed by the same sender to the same addressee.

(ii) Commercial shipments require certificate of origin and commercial invoice, which must be sent under separate cover to the addressee. If the value of the shipment is $20 or more, the documents must be visaed by a consular officer of Lebanon or certified by a Chamber of Commerce or similar organization. Neither of these documents is required for gift shipments.

(iii) Articles must be carefully addressed to show the exact place of destination but not the names of other places nearby. The office of destination must be written legibly in Arabic characters, as far as possible, as well as in English or French.

(5) *Prohibitions*—(i) *For sanitary reasons.* Artificial butters and adulterated or harmful products.

(ii) *Arms, etc.* Arms, except sporting guns (see "Import restrictions" below).

(iii) *State monopolies, etc.* (a) Cigarette papers in tubes and boxes of cigarette paper intended, by their marks and inscriptions, for the manufacture or packing of cigarettes.

(b) Machines for manufacturing tobacco or cigarettes (knives, choppers, etc.).

(c) Salt.

(iv) *For other reasons.* (a) Radio-sending equipment.

(b) Essences, essential oils, and all chemical products derived therefrom intended or suitable for use in the manufacture of false or imitated alcoholic beverages; essences and aromas for the manufacture of mineral waters, ices, and pastries.

(c) False trade-marks, trade names, or indications of origin.

(6) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Import permits are required for commercial shipments.

(ii) Special permission is required for the importation of the following:

(iii) Certain vegetable and fish oils, unless denatured for soap making.

(iv) Sporting guns.

(v) Cigarettes, cigars, leaf tobacco, and tumbeki.

(vi) Phonograph records of religious character.

(vii) Radio apparatus.

(viii) Foreign silver coins.

(ix) Printed labels of wines or liquors of French origin.

§ 127.292 *Leeward Islands (Anguilla, Antigua, Barbuda, Montserrat, Nevis, Redonda, St. Christopher or St. Kitts and Virgin Islands (British))*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* (i) All places except Antigua: Postage rate, 10 cents per half ounce. Air letter sheets, 10 cents each.

(ii) Antigua only: Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 33 cents for the first 2 ounces and 13 cents for each additional 2 ounces.

(iii) For further information see § 127.20.

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* Addresses in Antigua and Barbuda must obtain import licenses in order to receive merchandise.

(8) *Prohibitions.* (i) Coins. (Admitted into Montserrat only.)

(ii) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

ALL ISLANDS EXCEPT MONTSERRAT

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 12 | $2.87 |
| 2 | .67 | 13 | 3.09 |
| 3 | .89 | 14 | 3.31 |
| 4 | 1.11 | 15 | 3.53 |
| 5 | 1.33 | 16 | 3.75 |
| 6 | 1.55 | 17 | 3.97 |
| 7 | 1.77 | 18 | 4.19 |
| 8 | 1.99 | 19 | 4.41 |
| 9 | 2.21 | 20 | 4.63 |
| 10 | 2.43 | 21 | 4.85 |
| 11 | 2.65 | 22 | 5.07 |

MONTSERRAT ONLY

(Rates include surcharges)

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.48 | 12 | $3.23 |
| 2 | .73 | 13 | 3.48 |
| 3 | .98 | 14 | 3.73 |
| 4 | 1.23 | 15 | 3.98 |
| 5 | 1.48 | 16 | 4.23 |
| 6 | 1.73 | 17 | 4.48 |
| 7 | 1.98 | 18 | 4.73 |
| 8 | 2.23 | 19 | 4.98 |
| 9 | 2.48 | 20 | 5.23 |
| 10 | 2.73 | 21 | 5.48 |
| 11 | 2.98 | 22 | 5.73 |

(ii) *Air parcel rates.* (Rates: $0.50 first 4 ounces; $0.20 each additional 4 ounces.)

ANTIGUA ONLY

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.50 | 11 | 4 | $9.30 |
| 0 | 8 | .70 | 11 | 8 | 9.50 |
| 0 | 12 | .90 | 11 | 12 | 9.70 |
| 1 | 0 | 1.10 | 12 | 0 | 9.90 |
| 1 | 4 | 1.30 | 12 | 4 | 10.10 |
| 1 | 8 | 1.50 | 12 | 8 | 10.30 |
| 1 | 12 | 1.70 | 12 | 12 | 10.50 |
| 2 | 0 | 1.90 | 13 | 0 | 10.70 |
| 2 | 4 | 2.10 | 13 | 4 | 10.90 |
| 2 | 8 | 2.30 | 13 | 8 | 11.10 |
| 2 | 12 | 2.50 | 13 | 12 | 11.30 |
| 3 | 0 | 2.70 | 14 | 0 | 11.50 |
| 3 | 4 | 2.90 | 14 | 4 | 11.70 |
| 3 | 8 | 3.10 | 14 | 8 | 11.90 |
| 3 | 12 | 3.30 | 14 | 12 | 12.10 |
| 4 | 0 | 3.50 | 15 | 0 | 12.30 |
| 4 | 4 | 3.70 | 15 | 4 | 12.50 |
| 4 | 8 | 3.90 | 15 | 8 | 12.70 |
| 4 | 12 | 4.10 | 15 | 12 | 12.90 |
| 5 | 0 | 4.30 | 16 | 0 | 13.10 |
| 5 | 4 | 4.50 | 16 | 4 | 13.30 |
| 5 | 8 | 4.70 | 16 | 8 | 13.50 |
| 5 | 12 | 4.90 | 16 | 12 | 13.70 |
| 6 | 0 | 5.10 | 17 | 0 | 13.90 |
| 6 | 4 | 5.30 | 17 | 4 | 14.10 |
| 6 | 8 | 5.50 | 17 | 8 | 14.30 |
| 6 | 12 | 5.70 | 17 | 12 | 14.50 |
| 7 | 0 | 5.90 | 18 | 0 | 14.70 |
| 7 | 4 | 6.10 | 18 | 4 | 14.90 |
| 7 | 8 | 6.30 | 18 | 8 | 15.10 |
| 7 | 12 | 6.50 | 18 | 12 | 15.30 |
| 8 | 0 | 6.70 | 19 | 0 | 15.50 |
| 8 | 4 | 6.90 | 19 | 4 | 15.70 |
| 8 | 8 | 7.10 | 19 | 8 | 15.90 |
| 8 | 12 | 7.30 | 19 | 12 | 16.10 |
| 9 | 0 | 7.50 | 20 | 0 | 16.30 |
| 9 | 4 | 7.70 | 20 | 4 | 16.50 |
| 9 | 8 | 7.90 | 20 | 8 | 16.70 |
| 9 | 12 | 8.10 | 20 | 12 | 16.90 |
| 10 | 0 | 8.30 | 21 | 0 | 17.10 |
| 10 | 4 | 8.50 | 21 | 4 | 17.30 |
| 10 | 8 | 8.70 | 21 | 8 | 17.50 |
| 10 | 12 | 8.90 | 21 | 12 | 17.70 |
| 11 | 0 | 9.10 | 22 | 0 | 17.90 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: No.
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (4) of this paragraph.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity, when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "Insured" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in United States currency (figures only), as per the following example:

Insured Value
$35.50

(iii) Parcels which contain coin, bullion, jewelry, or any other precious article must be insured.

(iv) For general information concerning insurance service see §§ 127.14 to 127.148.

(5) *Observations.* (i) Used clothing is admitted, but may be subjected to fumigation at the expense of the addressee.

(ii) A charge of 3d. is levied on every parcel imported into Antigua.

(iii) A parcel containing jewelry or any other precious article exceeding $500 in value must be packed in a box measuring not less than 2 feet 6 inches in length and girth combined.

(iv) The outer receptacle of a parcel containing liquid must be of strong wood or metal.

(6) *Prohibitions*—(i) *For the protection of plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(ii) *Arms, munitions, etc.* Admitted only under permit from the Governor.

(7) *Import restrictions.* Addressees must obtain import licenses in some cases.

§ 127.293 *Liberia*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted at risk of sender. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 48 cents for the first 2 ounces and 27 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted at risk of sender. (See § 127.3.)

(7) *Prohibitions.* Platinum, gold, and silver, manufactured or unmanufactured; precious stones, jewelry, and other precious articles.



(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 12 | $2.87 |
| 2 | .67 | 13 | 3.09 |
| 3 | .89 | 14 | 3.31 |
| 4 | 1.11 | 15 | 3.53 |
| 5 | 1.33 | 16 | 3.75 |
| 6 | 1.55 | 17 | 3.97 |
| 7 | 1.77 | 18 | 4.19 |
| 8 | 1.99 | 19 | 4.41 |
| 9 | 2.21 | 20 | 4.63 |
| 10 | 2.43 | 21 | 4.85 |
| 11 | 2.65 | 22 | 5.07 |

(ii) *Air parcel rates.* (Rates: $0.86 first 4 ounces; $0.56 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.86 | 11 | 4 | $25.50 |
| 0 | 8 | 1.42 | 11 | 8 | 26.06 |
| 0 | 12 | 1.98 | 11 | 12 | 26.62 |
| 1 | 0 | 2.51 | 12 | 0 | 27.18 |
| 1 | 4 | 3.10 | 12 | 4 | 27.74 |
| 1 | 8 | 3.66 | 12 | 8 | 28.30 |
| 1 | 12 | 4.22 | 12 | 12 | 28.86 |
| 2 | 0 | 4.78 | 13 | 0 | 29.42 |
| 2 | 4 | 5.34 | 13 | 4 | 29.98 |
| 2 | 8 | 5.90 | 13 | 8 | 30.54 |
| 2 | 12 | 6.46 | 13 | 12 | 31.10 |
| 3 | 0 | 7.02 | 14 | 0 | 31.66 |
| 3 | 4 | 7.58 | 14 | 4 | 32.22 |
| 3 | 8 | 8.14 | 14 | 8 | 32.78 |
| 3 | 12 | 8.70 | 14 | 12 | 33.34 |
| 4 | 0 | 9.26 | 15 | 0 | 33.90 |
| 4 | 4 | 9.82 | 15 | 4 | 34.46 |
| 4 | 8 | 10.38 | 15 | 8 | 35.02 |
| 4 | 12 | 10.94 | 15 | 12 | 35.58 |
| 5 | 0 | 11.50 | 16 | 0 | 36.14 |
| 5 | 4 | 12.06 | 16 | 4 | 36.70 |
| 5 | 8 | 12.62 | 16 | 8 | 37.26 |
| 5 | 12 | 13.18 | 16 | 12 | 37.82 |
| 6 | 0 | 13.74 | 17 | 0 | 38.08 |
| 6 | 4 | 14.30 | 17 | 4 | 38.94 |
| 6 | 8 | 14.86 | 17 | 8 | 39.50 |
| 6 | 12 | 15.42 | 17 | 12 | 40.06 |
| 7 | 0 | 15.98 | 18 | 0 | 40.62 |
| 7 | 4 | 16.54 | 18 | 4 | 41.18 |
| 7 | 8 | 17.10 | 18 | 8 | 41.74 |
| 7 | 12 | 17.66 | 18 | 12 | 42.30 |
| 8 | 0 | 18.22 | 19 | 0 | 42.86 |
| 8 | 4 | 18.78 | 19 | 4 | 43.42 |
| 8 | 8 | 19.34 | 19 | 8 | 43.98 |
| 8 | 12 | 19.90 | 19 | 12 | 44.54 |
| 9 | 0 | 20.46 | 20 | 0 | 45.10 |
| 9 | 4 | 21.02 | 20 | 4 | 45.66 |
| 9 | 8 | 21.58 | 20 | 8 | 46.22 |
| 9 | 12 | 22.14 | 20 | 12 | 46.78 |
| 10 | 0 | 22.70 | 21 | 0 | 47.34 |
| 10 | 4 | 23.26 | 21 | 4 | 47.90 |
| 10 | 8 | 23.82 | 21 | 8 | 48.46 |
| 10 | 12 | 24.38 | 21 | 12 | 49.02 |
| 11 | 0 | 24.94 | 22 | 0 | 49.58 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: Yes. Fee, 40 cents.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Registry service.* For general information see Subpart D of this part.

(4) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(5) *Prohibitions.* False money.

(6) *Import restrictions.* Addressees are required to obtain import licenses for arms and for rice.

§ 127.294 *Libya (United Kingdom of) (Tripolitania and Cyrenaica)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 15 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* No list.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.68 | 12 | $3.82 |
| 2 | .90 | 13 | 4.04 |
| 3 | 1.27 | 14 | 4.26 |
| 4 | 1.49 | 15 | 4.48 |
| 5 | 1.71 | 16 | 4.70 |
| 6 | 1.93 | 17 | 4.92 |
| 7 | 2.15 | 18 | 5.14 |
| 8 | 2.50 | 19 | 5.36 |
| 9 | 2.72 | 20 | 5.59 |
| 10 | 2.94 | 21 | 5.80 |
| 11 | 3.16 | 22 | 6.02 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96 relative to storage charges on returned parcels.

(5) *Observations.* Each commercial parcel must be accompanied by an invoice in duplicate, dated and signed by the sender.

(6) *Prohibitions.* (i) Arms (other than sporting guns).

(ii) Currency.

(iii) Printed matter contrary to public order.

(iv) Tobacco in any form unless addressed to the Tobacco Monopoly.

(7) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by the addressees:

(i) Import licenses must be obtained in many cases for parcels exceeding £5 in value.

(ii) Special authorization is required for the importation of the following:

(iii) Plants and plant material, including seeds.

(iv) Saccharine. Salt.

(v) Serums, vaccines, and similar substances.

(vi) Sporting guns.

(vii) Weights and measures.

§ 127.295 *Lithuania.*

NOTE: The regulations mentioned below are as prescribed by the Soviet authorities who are, as a practical matter, in a position to refuse the entry into Lithuania of mail unless such mail complies with the Soviet postal regulations.

(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 52 cents for the first 2 ounces and 31 cents for each additional 2 ounces. (See § 127.20.)

(6) *Observations.* Same as those governing mail service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U. S. S. R." should be included as part of the address of mail articles.

(7) *Prohibitions.* Same as those governing mail service with the Union of Soviet Socialist Republics.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.90 | 12 | $3.53 |
| 2 | 1.12 | 13 | 3.75 |
| 3 | 1.28 | 14 | 3.97 |
| 4 | 1.50 | 15 | 4.19 |
| 5 | 1.72 | 16 | 4.41 |
| 6 | 1.94 | 17 | 4.63 |
| 7 | 2.16 | 18 | 4.85 |
| 8 | 2.31 | 19 | 5.07 |
| 9 | 2.53 | 20 | 5.29 |
| 10 | 2.75 | 21 | 5.51 |
| 11 | 2.97 | 22 | 5.73 |

(ii) *Air parcel rates.* (Rates: $1.66 first 4 ounces; $0.63 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.66 | 7 | 4 | $19.30 |
| 0 | 8 | 2.29 | 7 | 8 | 19.93 |
| 0 | 12 | 2.92 | 7 | 12 | 20.56 |
| 1 | 0 | 3.55 | 8 | 0 | 21.19 |
| 1 | 4 | 4.18 | 8 | 4 | 21.82 |
| 1 | 8 | 4.81 | 8 | 8 | 22.45 |
| 1 | 12 | 5.44 | 8 | 12 | 23.08 |
| 2 | 0 | 6.07 | 9 | 0 | 23.71 |
| 2 | 4 | 6.70 | 9 | 4 | 24.34 |
| 2 | 8 | 7.33 | 9 | 8 | 24.97 |
| 2 | 12 | 7.96 | 9 | 12 | 25.60 |
| 3 | 0 | 8.59 | 10 | 0 | 26.23 |
| 3 | 4 | 9.22 | 10 | 4 | 26.86 |
| 3 | 8 | 9.85 | 10 | 8 | 27.49 |
| 3 | 12 | 10.48 | 10 | 12 | 28.12 |
| 4 | 0 | 11.11 | 11 | 0 | 28.75 |
| 4 | 4 | 11.74 | 11 | 4 | 29.38 |
| 4 | 8 | 12.37 | 11 | 8 | 30.01 |
| 4 | 12 | 13.00 | 11 | 12 | 30.64 |
| 5 | 0 | 13.63 | 12 | 0 | 31.27 |
| 5 | 4 | 14.26 | 12 | 4 | 31.90 |
| 5 | 8 | 14.89 | 12 | 8 | 32.53 |
| 5 | 12 | 15.52 | 12 | 12 | 33.16 |
| 6 | 0 | 16.15 | 13 | 0 | 33.79 |
| 6 | 4 | 16.78 | 13 | 4 | 34.42 |
| 6 | 8 | 17.41 | 13 | 8 | 35.05 |
| 6 | 12 | 18.04 | 13 | 12 | 35.68 |
| 7 | 0 | 18.67 | 14 | 0 | 36.31 |
| 14 | 4 | $36.94 | 18 | 4 | $47.02 |
| 14 | 8 | 37.57 | 18 | 8 | 47.65 |
| 14 | 12 | 38.20 | 18 | 12 | 48.28 |
| 15 | 0 | 38.83 | 19 | 0 | 48.91 |
| 15 | 4 | 39.46 | 19 | 4 | 49.54 |
| 15 | 8 | 40.09 | 19 | 8 | 50.17 |
| 15 | 12 | 40.72 | 19 | 12 | 50.80 |
| 16 | 0 | 41.35 | 20 | 0 | 51.43 |
| 16 | 4 | 41.98 | 20 | 4 | 52.06 |
| 16 | 8 | 42.61 | 20 | 8 | 52.69 |
| 16 | 12 | 43.24 | 20 | 12 | 53.32 |
| 17 | 0 | 43.87 | 21 | 0 | 53.95 |
| 17 | 4 | 44.50 | 21 | 4 | 54.58 |
| 17 | 8 | 45.13 | 21 | 8 | 55.21 |
| 17 | 12 | 45.76 | 21 | 12 | 55.84 |
| 18 | 0 | 46.39 | 22 | 0 | 56.47 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 3 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Observations.* Same as those governing parcel post service with the Union of Soviet Socialist Republics. To facilitate distribution and delivery, "Union of Soviet Socialist Republics" or "U. S. S. R." should be included as part of the address of parcels.

(6) *Prohibitions.* Same as those governing parcel post service with the Union of Soviet Socialist Republics.

§ 127.296 *Luxembourg (Grand Duchy)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 42 cents for the first 2 ounces and 21 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges for parcels exceeding 11 pounds.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 23 | $5.44 |
| 2 | .67 | 24 | 5.66 |
| 3 | .89 | 25 | 5.88 |
| 4 | 1.11 | 26 | 6.10 |
| 5 | 1.33 | 27 | 6.32 |
| 6 | 1.55 | 28 | 6.54 |
| 7 | 1.77 | 29 | 6.76 |
| 8 | 1.99 | 30 | 6.98 |
| 9 | 2.21 | 31 | 7.20 |
| 10 | 2.43 | 32 | 7.42 |
| 11 | 2.65 | 33 | 7.64 |
| 12 | 2.92 | 34 | 7.73 |
| 13 | 3.14 | 35 | 8.01 |
| 14 | 3.36 | 36 | 8.23 |
| 15 | 3.58 | 37 | 8.45 |
| 16 | 3.80 | 38 | 8.67 |
| 17 | 4.02 | 39 | 8.89 |
| 18 | 4.24 | 40 | 9.11 |
| 19 | 4.46 | 41 | 9.33 |
| 20 | 4.68 | 42 | 9.55 |
| 21 | 4.90 | 43 | 9.77 |
| 22 | 5.12 | 44 | 9.99 |

(ii) *Air parcel rates.* (Rates: $0.98 first 4 ounces; $0.43 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.98 | 15 | 4 | $26.78 |
| 0 | 8 | 1.41 | 15 | 8 | 27.21 |
| 0 | 12 | 1.84 | 15 | 12 | 27.64 |
| 1 | 0 | 2.27 | 16 | 0 | 28.07 |
| 1 | 4 | 2.70 | 16 | 4 | 28.50 |
| 1 | 8 | 3.13 | 16 | 8 | 28.93 |
| 1 | 12 | 3.56 | 16 | 12 | 29.36 |
| 2 | 0 | 3.99 | 17 | 0 | 29.79 |
| 2 | 4 | 4.42 | 17 | 4 | 30.22 |
| 2 | 8 | 4.85 | 17 | 8 | 30.65 |
| 2 | 12 | 5.28 | 17 | 12 | 31.08 |
| 3 | 0 | 5.71 | 18 | 0 | 31.51 |
| 3 | 4 | 6.14 | 18 | 4 | 31.94 |
| 3 | 8 | 6.57 | 18 | 8 | 32.37 |
| 3 | 12 | 7.00 | 18 | 12 | 32.80 |
| 4 | 0 | 7.43 | 19 | 0 | 33.23 |
| 4 | 4 | 7.86 | 19 | 4 | 33.66 |
| 4 | 8 | 8.29 | 19 | 8 | 34.09 |
| 4 | 12 | 8.72 | 19 | 12 | 31.52 |
| 5 | 0 | 9.15 | 20 | 0 | 34.95 |
| 5 | 4 | 9.58 | 20 | 4 | 35.38 |
| 5 | 8 | 10.01 | 20 | 8 | 35.81 |
| 5 | 12 | 10.44 | 20 | 12 | 36.24 |
| 6 | 0 | 10.87 | 21 | 0 | 36.67 |
| 6 | 4 | 11.30 | 21 | 4 | 37.10 |
| 6 | 8 | 11.73 | 21 | 8 | 37.53 |
| 6 | 12 | 12.16 | 21 | 12 | 37.96 |
| 7 | 0 | 12.59 | 22 | 0 | 38.39 |
| 7 | 4 | 13.02 | 22 | 4 | 38.82 |
| 7 | 8 | 13.45 | 22 | 8 | 39.25 |
| 7 | 12 | 13.88 | 22 | 12 | 39.68 |
| 8 | 0 | 14.31 | 23 | 0 | 40.11 |
| 8 | 4 | 14.74 | 23 | 4 | 40.54 |
| 8 | 8 | 15.17 | 23 | 8 | 40.97 |
| 8 | 12 | 15.60 | 23 | 12 | 41.40 |
| 9 | 0 | 16.03 | 24 | 0 | 41.83 |
| 9 | 4 | 16.46 | 24 | 4 | 42.26 |
| 9 | 8 | 16.89 | 24 | 8 | 42.69 |
| 9 | 12 | 17.32 | 24 | 12 | 43.12 |
| 10 | 0 | 17.75 | 25 | 0 | 43.55 |
| 10 | 4 | 18.18 | 25 | 4 | 43.98 |
| 10 | 8 | 18.61 | 25 | 8 | 44.41 |
| 10 | 12 | 19.04 | 25 | 12 | 44.84 |
| 11 | 0 | 19.47 | 26 | 0 | 45.27 |
| 11 | 4 | 19.90 | 26 | 4 | 45.70 |
| 11 | 8 | 20.33 | 26 | 8 | 46.13 |
| 11 | 12 | 20.76 | 26 | 12 | 46.56 |
| 12 | 0 | 21.19 | 27 | 0 | 46.99 |
| 12 | 4 | 21.62 | 27 | 4 | 47.42 |
| 12 | 8 | 22.05 | 27 | 8 | 47.85 |
| 12 | 12 | 22.48 | 27 | 12 | 48.28 |
| 13 | 0 | 22.91 | 28 | 0 | 48.71 |
| 13 | 4 | 23.34 | 28 | 4 | 49.14 |
| 13 | 8 | 23.77 | 28 | 8 | 49.57 |
| 13 | 12 | 24.20 | 28 | 12 | 50.00 |
| 14 | 0 | 24.63 | 29 | 0 | 50.43 |
| 14 | 4 | 25.06 | 29 | 4 | 50.86 |
| 14 | 8 | 25.49 | 29 | 8 | 51.29 |
| 14 | 12 | 25.92 | 29 | 12 | 51.72 |
| 15 | 0 | 26.35 | 30 | 0 | 52.15 |



| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 30 | 4 | $52.58 | 37 | 4 | $64.62 |
| 30 | 8 | 53.01 | 37 | 8 | 65.05 |
| 30 | 12 | 53.44 | 37 | 12 | 65.48 |
| 31 | 0 | 53.87 | 38 | 0 | 65.91 |
| 31 | 4 | 54.30 | 38 | 4 | 66.34 |
| 31 | 8 | 54.73 | 38 | 8 | 66.77 |
| 31 | 12 | 55.16 | 38 | 12 | 67.20 |
| 32 | 0 | 55.59 | 39 | 0 | 67.63 |
| 32 | 4 | 56.02 | 39 | 4 | 68.06 |
| 32 | 8 | 56.45 | 39 | 8 | 68.49 |
| 32 | 12 | 56.88 | 39 | 12 | 68.92 |
| 33 | 0 | 57.31 | 40 | 0 | 69.35 |
| 33 | 4 | 57.74 | 40 | 4 | 69.78 |
| 33 | 8 | 58.17 | 40 | 8 | 70.21 |
| 33 | 12 | 58.60 | 40 | 12 | 70.64 |
| 34 | 0 | 59.03 | 41 | 0 | 71.07 |
| 34 | 4 | 59.46 | 41 | 4 | 71.50 |
| 34 | 8 | 59.89 | 41 | 8 | 71.93 |
| 34 | 12 | 60.32 | 41 | 12 | 72.36 |
| 35 | 0 | 60.75 | 42 | 0 | 72.79 |
| 35 | 4 | 61.18 | 42 | 4 | 73.22 |
| 35 | 8 | 61.61 | 42 | 8 | 73.65 |
| 35 | 12 | 62.04 | 42 | 12 | 74.08 |
| 36 | 0 | 62.47 | 43 | 0 | 74.51 |
| 36 | 4 | 62.90 | 43 | 4 | 74.94 |
| 36 | 8 | 63.33 | 43 | 8 | 75.37 |
| 36 | 12 | 63.76 | 43 | 12 | 75.80 |
| 37 | 0 | 64.19 | 44 | 0 | 76.23 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Yes. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Observations.* (i) For the clearance of parcels addressed to Luxembourg, the Customs Service demands the production of the invoice relating to the articles. The sender of parcels addressed to Luxembourg must therefore attach the said invoice to his article if he wishes the clearance to be made with due celerity.

(ii) Senders of parcels for or from Luxembourg who request their parcels to be returned must transmit with their request an amount sufficient to prepay postage.

(5) *Prohibitions*—(i) *For reasons of public safety.* (a) Articles whose exterior or contents if visible contain expressions which are harmful or contrary to public order. Imitations of bank notes or other fiduciary values (postage stamps, etc.). Anonymous printed pamphlets, without indication of the name of the printer.

(b) Air guns, daggers, sword canes, loaded canes, and other hidden or secret defensive weapons.

(ii) *For sanitary reasons.* (a) Preparations containing opium or its derivatives require previous authorization from the Director General of Public Health. The parcels must bear the conspicuous and legible names and addresses of the addressee and sender, and, in conspicuous letters, the names of the substances or preparations; the label must also bear, on a red background, a death's head with the note "Poison—Gift."

(b) White lead in powder, lumps, or cakes, intended for painting. (See "Import restrictions" below.)

(iii) *For the protection of plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iv) *For other reasons.* Saccharine and similar sweetening substances, unless addressed to pharmacists for medical purposes by Government authorization.

(6) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Import licenses are required for most types of merchandise, except gifts under $50 in value.

(ii) White lead for purposes other than painting is subject to regulations fixed by the Director General of Finance.

(iii) Government authorization is required for fertilizers and other nitrogenous products.

§ 127.297 *Macao*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* Macao is a Portuguese colony and articles for that place should be addressed to "Macao" and not to "Macao, China" as country of destination.

(8) *Prohibitions.* (i) Coins, bank notes, paper money, values payable to the bearer; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.78 | 12 | $3.31 |
| 2 | 1.00 | 13 | 3.53 |
| 3 | 1.22 | 14 | 3.75 |
| 4 | 1.44 | 15 | 3.97 |
| 5 | 1.66 | 16 | 4.19 |
| 6 | 1.88 | 17 | 4.41 |
| 7 | 2.10 | 18 | 4.63 |
| 8 | 2.32 | 19 | 4.85 |
| 9 | 2.54 | 20 | 5.07 |
| 10 | 2.76 | 21 | 5.29 |
| 11 | 2.98 | 22 | 5.51 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.
Consular invoice: Yes. (See subparagraph (4) of this paragraph.)

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Observations.* (i) Senders of parcels valued over $20.00 mailed at those places at which a Portuguese consul is located must furnish a consular invoice signed by the sender and visaed by the Portuguese consul. A consular invoice is also required for a number of parcels mailed the same day at the same office by the same sender to the same addressee, if the total value of the merchandise is more than $20.00.

(ii) The invoices may be sent enclosed in the parcels to which they relate or they may be sent direct to the addressees in sealed envelopes, preferably registered. When sent direct to the addressees, an explanatory note must be placed on the wrappers of the parcels indicating that the invoice has been sent under separate cover.

(iii) For a list of the Portuguese consuls, see Portugal.

(iv) Macao is a Portuguese colony and parcels for that place should be addressed to "Macao" and not to "Macao, China" as country of destination.

(5) *Prohibitions.* Plants, seeds, and all organs of plants affected or suspected of being affected by any disease.

(6) *Import restrictions.* (i) Addressees are required to obtain import licenses in some cases.

(ii) Arms require permission of the military authorities.

§ 127.298 *Madagascar and dependencies (Madagascar, Ste. Marie-De-Madagascar, Nossi-Be; Comoro Islands (Mayotte, Grand Comoro, Anjouan, and Moheli))*— (a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-

control authorities, or if imported by a bank.

(ii) Coins; manufactured or unmanufactured platinum, gold, and silver; jewels and other precious articles.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.82 | 7 | $2.28 |
| 2 | 1.04 | 8 | 2.64 |
| 3 | 1.40 | 9 | 2.86 |
| 4 | 1.62 | 10 | 3.08 |
| 5 | 1.84 | 11 | 3.30 |
| 6 | 2.06 | | |

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length 3½ feet. Greatest length and girth combined 6 feet.

(4) *Prohibitions.* (i) *Saccharine.* Compound medicines not appearing in an official pharmacopoeia.

(ii) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iii) Playing cards. Tobacco sauce (praiss). Articles violating the copyright laws. Products bearing any indication leading to the belief that they are of French origin. Preserved fish, vegetables, and plums not bearing on each receptacle a stamp showing their origin. Boxes of preserved sardines weighing more than 1 kilogram.

(5) *Import restrictions.* (i) Addressees must obtain import licenses in some cases.

(ii) Arms require permission of the local authorities.

§ 127.299 *Madeira Islands*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air-letter sheets, 10 cents each. Other Postal Union articles, 44 cents for the first 2 ounces and 24 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted, if registered. (See § 127.3.)

(7) *Prohibitions.* Same as Portugal, except that dutiable articles (merchandise) in unregistered letters and packages prepaid at letter rate are prohibited.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.93 | 12 | $4.25 |
| 2 | 1.15 | 13 | 4.47 |
| 3 | 1.37 | 14 | 4.69 |
| 4 | 1.89 | 15 | 4.91 |
| 5 | 2.11 | 16 | 5.13 |
| 6 | 2.33 | 17 | 5.35 |
| 7 | 2.55 | 18 | 5.57 |
| 8 | 2.95 | 19 | 5.79 |
| 9 | 3.17 | 20 | 6.01 |
| 10 | 3.39 | 21 | 6.23 |
| 11 | 3.61 | 22 | 6.45 |

(ii) *Air parcel rates.* (Rates $0.75 first 4 ounces; $0.50 each additional 4 ounces.

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.75 | 11 | 4 | $22.75 |
| 0 | 8 | 1.25 | 11 | 8 | 23.25 |
| 0 | 12 | 1.75 | 11 | 12 | 23.75 |
| 1 | 0 | 2.25 | 12 | 0 | 24.25 |
| 1 | 4 | 2.75 | 12 | 4 | 24.75 |
| 1 | 8 | 3.25 | 12 | 8 | 25.25 |
| 1 | 12 | 3.75 | 12 | 12 | 25.75 |
| 2 | 0 | 4.25 | 13 | 0 | 26.25 |
| 2 | 4 | 4.75 | 13 | 4 | 26.75 |
| 2 | 8 | 5.25 | 13 | 8 | 27.25 |
| 2 | 12 | 5.75 | 13 | 12 | 27.75 |
| 3 | 0 | 6.25 | 14 | 0 | 28.25 |
| 3 | 4 | 6.75 | 14 | 4 | 28.75 |
| 3 | 8 | 7.25 | 14 | 8 | 29.25 |
| 3 | 12 | 7.75 | 14 | 12 | 29.75 |
| 4 | 0 | 8.25 | 15 | 0 | 30.25 |
| 4 | 4 | 8.75 | 15 | 4 | 30.75 |
| 4 | 8 | 9.25 | 15 | 8 | 31.25 |
| 4 | 12 | 9.75 | 15 | 12 | 31.75 |
| 5 | 0 | 10.25 | 16 | 0 | 32.25 |
| 5 | 4 | 10.75 | 16 | 4 | 32.75 |
| 5 | 8 | 11.25 | 16 | 8 | 33.25 |
| 5 | 12 | 11.75 | 16 | 12 | 33.75 |
| 6 | 0 | 12.25 | 17 | 0 | 34.25 |
| 6 | 4 | 12.75 | 17 | 4 | 34.75 |
| 6 | 8 | 13.25 | 17 | 8 | 35.25 |
| 6 | 12 | 13.75 | 17 | 12 | 35.75 |
| 7 | 0 | 14.25 | 18 | 0 | 36.25 |
| 7 | 4 | 14.75 | 18 | 4 | 36.75 |
| 7 | 8 | 15.25 | 18 | 8 | 37.25 |
| 7 | 12 | 15.75 | 18 | 12 | 37.75 |
| 8 | 0 | 16.25 | 19 | 0 | 38.25 |
| 8 | 4 | 16.75 | 19 | 4 | 38.75 |
| 8 | 8 | 17.25 | 19 | 8 | 39.25 |
| 8 | 12 | 17.75 | 19 | 12 | 39.75 |
| 9 | 0 | 18.25 | 20 | 0 | 40.25 |
| 9 | 4 | 18.75 | 20 | 4 | 40.75 |
| 9 | 8 | 19.25 | 20 | 8 | 41.25 |
| 9 | 12 | 19.75 | 20 | 12 | 41.75 |
| 10 | 0 | 20.25 | 21 | 0 | 42.25 |
| 10 | 4 | 20.75 | 21 | 4 | 42.75 |
| 10 | 8 | 21.25 | 21 | 8 | 43.25 |
| 10 | 12 | 21.75 | 21 | 12 | 43.75 |
| 11 | 0 | 22.25 | 22 | 0 | 44.25 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Registered or insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to 3 parcels. (See § 127.79.)
Registration: Yes. (See Portugal.)
Insurance: Yes. (See Portugal.)
C. o. d.: No.

(2) *Registration and insurance.* See Portugal.

(3) *Dimensions.* Greatest length 3½ feet. Greatest length and girth combined 6 feet.

(4) *Prohibitions and import restrictions.* Same as Portugal.

§ 127.300 *Malaya (The postal territory of Malaya includes the Federation of Malaya (Johore, Kedah, Kelantan, Malacca, Negri Sembilan, Pahang Penang (including Province Wellesley), Perak, Perlis, Selangor, and Trengganu) and the Colony of Singapore (including the Christmas and Cocos (Keeling) Islands)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1 in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 90 cents for the first 2 ounces and 70 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Banknotes and paper money exceeding 100 Malayan dollars in value; coins, manufactured or unmanufactured platinum, gold or silver, jewelry, and other precious articles. However, unmounted precious stones are admitted in the registered letter mails to Singapore only, upon special authorization obtained in advance from the Controller of Posts of Malaya at Kuala Lumpur.

(ii) Articles bearing unauthorized markings indicating that the articles concern the Government service. (This does not apply to Trengganu.)

(iii) Articles marked on the outside with the value of the contents.

(iv) Parasites and predators of injurious insects intended for the control of those insects and exchanged between officially recognized institutions are admitted in the form of samples only.

(v) No plant material for propagation may be imported by air mail.

(vi) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.88 | 12 | $4.11 |
| 2 | 1.10 | 13 | 4.33 |
| 3 | 1.45 | 14 | 4.55 |
| 4 | 1.76 | 15 | 4.77 |
| 5 | 1.98 | 16 | 4.99 |
| 6 | 2.20 | 17 | 5.21 |
| 7 | 2.42 | 18 | 5.43 |
| 8 | 2.84 | 19 | 5.65 |
| 9 | 3.06 | 20 | 5.87 |
| 10 | 3.28 | 21 | 6.09 |
| 11 | 3.50 | 22 | 6.31 |

(ii) *Air parcel rates.* (Rates: $1.75 first 4 ounces; $1.00 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.75 | 2 | 4 | $9.75 |
| 0 | 8 | 2.75 | 2 | 8 | 10.75 |
| 0 | 12 | 3.75 | 2 | 12 | 11.75 |
| 1 | 0 | 4.75 | 3 | 0 | 12.75 |
| 1 | 4 | 5.75 | 3 | 4 | 13.75 |
| 1 | 8 | 6.75 | 3 | 8 | 14.75 |
| 1 | 12 | 7.75 | 3 | 12 | 15.75 |
| 2 | 0 | 8.75 | 4 | 0 | 16.75 |



| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 4 | 4 | $17.75 | 13 | 4 | $53.75 |
| 4 | 8 | 18.75 | 13 | 8 | 54.75 |
| 4 | 12 | 19.75 | 13 | 12 | 55.75 |
| 5 | 0 | 20.75 | 14 | 0 | 56.75 |
| 5 | 4 | 21.75 | 14 | 4 | 57.75 |
| 5 | 8 | 22.75 | 14 | 8 | 58.75 |
| 5 | 12 | 23.75 | 14 | 12 | 59.75 |
| 6 | 0 | 24.75 | 15 | 0 | 60.75 |
| 6 | 4 | 25.75 | 15 | 4 | 61.75 |
| 6 | 8 | 26.75 | 15 | 8 | 62.75 |
| 6 | 12 | 27.75 | 15 | 12 | 63.75 |
| 7 | 0 | 28.75 | 16 | 0 | 64.75 |
| 7 | 4 | 29.75 | 16 | 4 | 65.75 |
| 7 | 8 | 30.75 | 16 | 8 | 66.75 |
| 7 | 12 | 31.75 | 16 | 12 | 67.75 |
| 8 | 0 | 32.75 | 17 | 0 | 68.75 |
| 8 | 4 | 33.75 | 17 | 4 | 69.75 |
| 8 | 8 | 34.75 | 17 | 8 | 70.75 |
| 8 | 12 | 35.75 | 17 | 12 | 71.75 |
| 9 | 0 | 36.75 | 18 | 0 | 72.75 |
| 9 | 4 | 37.75 | 18 | 4 | 73.75 |
| 9 | 8 | 38.75 | 18 | 8 | 74.75 |
| 9 | 12 | 39.75 | 18 | 12 | 75.75 |
| 10 | 0 | 40.75 | 19 | 0 | 76.75 |
| 10 | 4 | 41.75 | 19 | 4 | 77.75 |
| 10 | 8 | 42.75 | 19 | 8 | 78.75 |
| 10 | 12 | 43.75 | 19 | 12 | 79.75 |
| 11 | 0 | 44.75 | 20 | 0 | 80.75 |
| 11 | 4 | 45.75 | 20 | 4 | 81.75 |
| 11 | 8 | 46.75 | 20 | 8 | 82.75 |
| 11 | 12 | 47.75 | 20 | 12 | 83.75 |
| 12 | 0 | 48.75 | 21 | 0 | 84.75 |
| 12 | 4 | 49.75 | 21 | 4 | 85.75 |
| 12 | 8 | 50.75 | 21 | 8 | 86.75 |
| 12 | 12 | 51.75 | 21 | 12 | 87.75 |
| 13 | 0 | 52.75 | 22 | 0 | 88.75 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Yes. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* The outer receptacle of a parcel containing liquids must be of strong wood or metal.

(5) *Prohibitions*—(i) *For sanitary reasons.* Hypodermic syringes, unless addressed to the Director of Medical Services of Malaya, to a doctor in the British naval, military or air forces, or to a doctor, veterinary surgeon, analyst or pharmacist attached to the Government.

(ii) *Arms, etc.* Firearms, including gas guns, and any component parts of such weapons.

(iii) *For the protection of plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iv) *For other reasons.* (a) Coins or ingots of a value higher than $50, except coins manifestly intended for ornaments.

(b) Base or counterfeit coins.

(c) Unvulcanized rubber, except samples of rubber which do not exceed 7 pounds avoirdupois.

(d) Articles infringing the trade-mark or copyright laws.

(e) Bank notes, currency notes, and negotiable instruments payable to bearer (such articles are, however, admitted in registered letters).

(6) *Import restrictions.* Addressees must obtain import licenses for all parcels in the Federation of Malaya and for all parcels except unsolicited gifts in the Colony of Singapore.

§ 127.301 *Malta (including Gozo and Cumino Islands)*—(a) *Postal Union Mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 15 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges and transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.68 | 12 | $3.47 |
| 2 | .90 | 13 | 3.69 |
| 3 | 1.23 | 14 | 3.91 |
| 4 | 1.45 | 15 | 4.13 |
| 5 | 1.67 | 16 | 4.35 |
| 6 | 1.89 | 17 | 4.57 |
| 7 | 2.11 | 18 | 4.79 |
| 8 | 2.42 | 19 | 5.01 |
| 9 | 2.64 | 20 | 5.23 |
| 10 | 2.86 | 21 | 5.45 |
| 11 | 3.08 | 22 | 5.67 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Yes. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* Parcels for Malta are delivered at post offices only.

(5) *Prohibitions.* (i) Japanese shaving brushes.

(ii) Plants and parts thereof.

(6) *Import restrictions.* Addressees are required to obtain import licenses for all parcels except bona fide gifts for personal use, not exceeding one per month for any addressee.

§ 127.302 *Martinique*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 35 cents for the first 2 ounces and 15 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* (i) Accepted. (See § 127.3.)

(ii) The importation of dutiable articles (merchandise) into Martinique in letters or letter packages is subject to the obtaining of an authorization delivered prior to the mailing at the request of the importers, by the chief of the customs service.

(7) *Prohibitions.* (i) Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 7 | $1.77 |
| 2 | .67 | 8 | 1.93 |
| 3 | .69 | 9 | 2.21 |
| 4 | 1.11 | 10 | 2.43 |
| 5 | 1.33 | 11 | 2.65 |
| 6 | 1.55 | | |

(ii) *Air parcel rates.* (Rates $0.65 first 4 ounces; $0.25 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.65 | 5 | 12 | $6.15 |
| 0 | 8 | .90 | 6 | 0 | 6.40 |
| 0 | 12 | 1.15 | 6 | 4 | 6.65 |
| 1 | 0 | 1.40 | 6 | 8 | 6.90 |
| 1 | 4 | 1.65 | 6 | 12 | 7.15 |
| 1 | 8 | 1.90 | 7 | 0 | 7.40 |
| 1 | 12 | 2.15 | 7 | 4 | 7.65 |
| 2 | 0 | 2.40 | 7 | 8 | 7.90 |
| 2 | 4 | 2.65 | 7 | 12 | 8.15 |
| 2 | 8 | 2.90 | 8 | 0 | 8.40 |
| 2 | 12 | 3.15 | 8 | 4 | 8.65 |
| 3 | 0 | 3.40 | 8 | 8 | 8.90 |
| 3 | 4 | 3.65 | 8 | 12 | 9.15 |
| 3 | 8 | 3.90 | 9 | 0 | 9.40 |
| 3 | 12 | 4.15 | 9 | 4 | 9.65 |
| 4 | 0 | 4.40 | 9 | 8 | 9.90 |
| 4 | 4 | 4.65 | 9 | 12 | 10.15 |
| 4 | 8 | 4.90 | 10 | 0 | 10.40 |
| 4 | 12 | 5.15 | 10 | 4 | 10.65 |
| 5 | 0 | 5.40 | 10 | 8 | 10.90 |
| 5 | 4 | 5.65 | 10 | 12 | 11.15 |
| 5 | 8 | 5.90 | 11 | 0 | 11.40 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 11 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length 3½ feet. Greatest length and girth combined 6 feet.

(4) *Import restrictions.* Addressees are required to obtain import licenses in some cases.

§ 127.303 *Mauritania*—(a) *Postal Union mails—(1) Classifications, rates, weight limits and dimensions.* See Table No. 1 in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* (i) Accepted. (See § 127.3.)

(ii) The importation of dutiable articles (merchandise) into Mauritania in letters or letter packages is subject to the obtaining of an authorization delivered to the addressee prior to the mailing at the request of the importers, by the chief of the customs service.

(7) *Prohibitions.* Same as Senegal.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.70 | 23 | $6.48 |
| 2 | .92 | 24 | 6.70 |
| 3 | 1.30 | 25 | 6.92 |
| 4 | 1.52 | 26 | 7.14 |
| 5 | 1.74 | 27 | 7.36 |
| 6 | 1.96 | 28 | 7.58 |
| 7 | 2.18 | 29 | 7.80 |
| 8 | 2.40 | 30 | 8.02 |
| 9 | 2.62 | 31 | 8.24 |
| 10 | 2.84 | 32 | 8.46 |
| 11 | 3.06 | 33 | 8.68 |
| 12 | 3.66 | 34 | 9.29 |
| 13 | 3.88 | 35 | 9.51 |
| 14 | 4.10 | 36 | 9.73 |
| 15 | 4.32 | 37 | 9.95 |
| 16 | 4.54 | 38 | 10.17 |
| 17 | 4.76 | 39 | 10.39 |
| 18 | 4.98 | 40 | 10.61 |
| 19 | 5.20 | 41 | 10.83 |
| 20 | 5.42 | 42 | 11.05 |
| 21 | 5.64 | 43 | 11.27 |
| 22 | 5.86 | 44 | 11.49 |

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* (i) The service extends to—

| | |
|---|---|
| Aioun-El-Atrouss. | Mederdra. |
| Akjoujt. | Moudjeria. |
| Aleg. | Nema. |
| Atar. | Nouakchott. |
| Boghe. | Port Etienne. |
| Boutlimit. | Rosso. |
| Chinguetti. | Selibaby. |
| Kaedi. | Tidjikja. |
| Kiffa. | Timbedra. |
| M'Bout. | |

(ii) Parcels for other places may be accepted but must be claimed at one of these offices, of which the name must appear in the address. All parcels are liable to charges for delivery.

(5) *Prohibitions and import restrictions.* Same as Senegal.

§ 127.304 *Mauritius and dependencies (including Rodrigues)*—(a) *Postal Union mails—(1) Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins, bank notes, paper money, values payable to the bearer; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, an dother precious articles.

(ii) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.65 | 7 | $3.17 |
| 2 | 1.07 | 8 | 3.59 |
| 3 | 1.49 | 9 | 4.01 |
| 4 | 1.91 | 10 | 4.43 |
| 5 | 2.33 | 11 | 4.85 |
| 6 | 2.75 | | |

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions.* (i) Used clothing intended for sale.

(ii) Shaving brushes manufactured in Japan or exported from that country.

(iii) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iv) Any article bearing a fictitious name. Books infringing the copyright laws.

(v) Articles bearing counterfeit trademarks.

(vi) Dyes coming from countries other than those of the British Empire.

(vii) Turtle oil (except by authorization from the collector of customs).

(viii) Films, celluloid, etc., are admitted under the same conditions as to Great Britain.

(5) *Import restrictions.* Addressees are required to obtain import licenses in some cases.

§ 127.305 *Mexico*—(a) *Postal Union mails—(1) Classifications, rates, weight limits and dimensions.* See Table No. 2, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Diplomatic and consular mail.* See § 127.32.

(5) *Freedom of postage for government correspondence.* See § 127.32 (c).

(6) *Special delivery.* Yes. (See § 127.19.)

(7) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(8) *Air mail service.* Postage rates: Single post cards, 4 cents each. Letters, double post cards, and letter packages, 6 cents per ounce. Other Postal Union articles, 30 cents for the first 2 ounces and 9 cents for each additional 2 ounces. (See § 127.20.)

(9) *C. o. d. service.* For information concerning collect-on-delivery service for registered 8-ounce packages of merchandise, small packets, and printed matter, see Parcel Post.

(10) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(11) *Combination packages.* Accepted. (See § 127.12.)

(12) *Observations.* Advertising matter, yearbooks, and directories are liable to customs duties.

(13) *Prohibitions.* (i) Coins, bank notes, and values payable to bearer.

(ii) Persons desiring to transmit medicinal products, toilet preparations, and cosmetics in the mails to Mexico must submit specimens of such articles to the Mexican Department of Public Health for registration, accompanied by a statement of the formula of their composition in the Spanish language. After registration by the Department of Public Health of Mexico, medicinal products may be forwarded to that country provided they bear an indication of their formula in Spanish as well as the registration number, while toilet preparations and cosmetics will be accepted provided they bear an indication of the number under which registered.

(iii) Works reprinted abroad in violation of the Mexican copyright laws.

(iv) Books relating to magic.

(v) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 11 | $2.65 |
| 2 | .67 | 12 | 2.87 |
| 3 | .89 | 13 | 3.09 |
| 4 | 1.11 | 14 | 3.31 |
| 5 | 1.33 | 15 | 3.53 |
| 6 | 1.55 | 16 | 3.75 |
| 7 | 1.77 | 17 | 3.97 |
| 8 | 1.99 | 18 | 4.19 |
| 9 | 2.21 | 19 | 4.41 |
| 10 | 2.43 | 20 | 4.63 |



| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 21 | $4.85 | 33 | $7.49 |
| 22 | 5.07 | 34 | 7.71 |
| 23 | 5.29 | 35 | 7.93 |
| 24 | 5.51 | 36 | 8.15 |
| 25 | 5.73 | 37 | 8.37 |
| 26 | 5.95 | 38 | 8.59 |
| 27 | 6.17 | 39 | 8.81 |
| 28 | 6.39 | 40 | 9.03 |
| 29 | 6.61 | 41 | 9.25 |
| 30 | 6.83 | 42 | 9.47 |
| 31 | 7.05 | 43 | 9.69 |
| 32 | 7.27 | 44 | 9.91 |

(ii) *Air parcel rates.* (Rates: $0.64 first 4 ounces; $0.18 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.64 | 18 | 8 | $13.78 |
| 0 | 8 | .82 | 18 | 12 | 13.96 |
| 0 | 12 | 1.00 | 19 | 0 | 14.14 |
| 1 | 0 | 1.18 | 19 | 4 | 14.32 |
| 1 | 4 | 1.36 | 19 | 8 | 14.50 |
| 1 | 8 | 1.54 | 19 | 12 | 14.68 |
| 1 | 12 | 1.72 | 20 | 0 | 14.86 |
| 2 | 0 | 1.90 | 20 | 4 | 15.04 |
| 2 | 4 | 2.08 | 20 | 8 | 15.22 |
| 2 | 8 | 2.26 | 20 | 12 | 15.40 |
| 2 | 12 | 2.44 | 21 | 0 | 15.58 |
| 3 | 0 | 2.62 | 21 | 4 | 15.76 |
| 3 | 4 | 2.80 | 21 | 8 | 15.94 |
| 3 | 8 | 2.98 | 21 | 12 | 16.12 |
| 3 | 12 | 3.16 | 22 | 0 | 16.30 |
| 4 | 0 | 3.34 | 22 | 4 | 16.48 |
| 4 | 4 | 3.52 | 22 | 8 | 16.66 |
| 4 | 8 | 3.70 | 22 | 12 | 16.84 |
| 4 | 12 | 3.88 | 23 | 0 | 17.02 |
| 5 | 0 | 4.06 | 23 | 4 | 17.20 |
| 5 | 4 | 4.24 | 23 | 8 | 17.38 |
| 5 | 8 | 4.42 | 23 | 12 | 17.56 |
| 5 | 12 | 4.60 | 24 | 0 | 17.74 |
| 6 | 0 | 4.78 | 24 | 4 | 17.92 |
| 6 | 4 | 4.96 | 24 | 8 | 18.10 |
| 6 | 8 | 5.14 | 24 | 12 | 18.28 |
| 6 | 12 | 5.32 | 25 | 0 | 18.46 |
| 7 | 0 | 5.50 | 25 | 4 | 18.64 |
| 7 | 4 | 5.68 | 25 | 8 | 18.82 |
| 7 | 8 | 5.86 | 25 | 12 | 19.00 |
| 7 | 12 | 6.04 | 26 | 0 | 19.18 |
| 8 | 0 | 6.22 | 26 | 4 | 19.36 |
| 8 | 4 | 6.40 | 26 | 8 | 19.54 |
| 8 | 8 | 6.58 | 26 | 12 | 19.72 |
| 8 | 12 | 6.76 | 27 | 0 | 19.90 |
| 9 | 0 | 6.94 | 27 | 4 | 20.08 |
| 9 | 4 | 7.12 | 27 | 8 | 20.26 |
| 9 | 8 | 7.30 | 27 | 12 | 20.44 |
| 9 | 12 | 7.48 | 28 | 0 | 20.62 |
| 10 | 0 | 7.66 | 28 | 4 | 20.80 |
| 10 | 4 | 7.84 | 28 | 8 | 20.98 |
| 10 | 8 | 8.02 | 28 | 12 | 21.16 |
| 10 | 12 | 8.20 | 29 | 0 | 21.34 |
| 11 | 0 | 8.38 | 29 | 4 | 21.52 |
| 11 | 4 | 8.56 | 29 | 8 | 21.70 |
| 11 | 8 | 8.74 | 29 | 12 | 21.88 |
| 11 | 12 | 8.92 | 30 | 0 | 22.06 |
| 12 | 0 | 9.10 | 30 | 4 | 22.24 |
| 12 | 4 | 9.28 | 30 | 8 | 22.42 |
| 12 | 8 | 9.46 | 30 | 12 | 22.60 |
| 12 | 12 | 9.64 | 31 | 0 | 22.78 |
| 13 | 0 | 9.82 | 31 | 4 | 22.96 |
| 13 | 4 | 10.00 | 31 | 8 | 23.14 |
| 13 | 8 | 10.18 | 31 | 12 | 23.32 |
| 13 | 12 | 10.36 | 32 | 0 | 23.50 |
| 14 | 0 | 10.54 | 32 | 4 | 23.68 |
| 14 | 4 | 10.72 | 32 | 8 | 23.86 |
| 14 | 8 | 10.90 | 32 | 12 | 24.04 |
| 14 | 12 | 11.08 | 33 | 0 | 24.22 |
| 15 | 0 | 11.26 | 33 | 4 | 24.40 |
| 15 | 4 | 11.44 | 33 | 8 | 24.58 |
| 15 | 8 | 11.62 | 33 | 12 | 24.76 |
| 15 | 12 | 11.80 | 34 | 0 | 24.94 |
| 16 | 0 | 11.98 | 34 | 4 | 25.12 |
| 16 | 4 | 12.16 | 34 | 8 | 25.30 |
| 16 | 8 | 12.34 | 34 | 12 | 25.48 |
| 16 | 12 | 12.52 | 35 | 0 | 25.66 |
| 17 | 0 | 12.70 | 35 | 4 | 25.84 |
| 17 | 4 | 12.88 | 35 | 8 | 26.02 |
| 17 | 8 | 13.06 | 35 | 12 | 26.20 |
| 17 | 12 | 13.24 | 36 | 0 | 26.38 |
| 18 | 0 | 13.42 | 36 | 4 | 26.56 |
| 18 | 4 | 13.60 | 36 | 8 | 26.74 |
| 36 | 12 | $26.92 | 40 | 8 | $29.62 |
| 37 | 0 | 27.10 | 40 | 12 | 29.80 |
| 37 | 4 | 27.28 | 41 | 0 | 29.98 |
| 37 | 8 | 27.46 | 41 | 4 | 30.16 |
| 37 | 12 | 27.64 | 41 | 8 | 30.34 |
| 38 | 0 | 27.82 | 41 | 12 | 30.52 |
| 38 | 4 | 28.00 | 42 | 0 | 30.70 |
| 38 | 8 | 28.18 | 42 | 4 | 30.88 |
| 38 | 12 | 28.36 | 42 | 8 | 31.06 |
| 39 | 0 | 28.54 | 42 | 12 | 31.24 |
| 39 | 4 | 28.72 | 43 | 0 | 31.42 |
| 39 | 8 | 28.90 | 43 | 4 | 31.60 |
| 39 | 12 | 29.08 | 43 | 8 | 31.78 |
| 40 | 0 | 29.26 | 43 | 12 | 31.96 |
| 40 | 4 | 29.44 | 44 | 0 | 32.14 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: Limited to 3 ordinary parcels. (See § 127.79.)
Registration: Yes. Fee, 55 cents.
Insurance: No.
C. o. d.: Yes. (Until Jan. 31, 1954, only.)

(2) *Indemnity.* See § 127.165.

(3) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels (surface and air). (See § 127.159.)

(4) *Registry service.* For general information see Subpart D of this part.

(5) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(6) *Storage charges.* See § 127.96 relative to storage charges on returned parcels.

(7) *Collect-on-delivery service.* (i) Registered parcel post packages, printed matter, 8-ounce packages of merchandise, and small packets may be sent collect-on-delivery from any money-order post office in the United States.

(ii) Collect-on-delivery shipments shall in all cases be registered and based upon bona fide orders for the contents of the parcel or in conformity with agreement between the senders and addressees. It is not permissible to use the c. o. d. service as a collection agency.

(iii) The amount to be collected on parcels sent to Mexico must be shown on the parcels in pesos and centavos, the centavos to be in even centavos—for instance, 2 pesos 50 centavos, not 2 pesos 49 centavos. "Pesos" and "centavos" must be written out in full. On parcels received from Mexico the c. o. d. amount will be shown in dollars and cents.

(iv) The c. o. d. fees (which cover registration are as follows:

| | Fee |
|---|---|
| For collection of a maximum of 100 pesos and an indemnity up to $10 | $0.80 |
| For collection of a maximum of 500 pesos and an indemnity up to $50 | 1.10 |
| For collection of a maximum of 1,000 pesos and an indemnity up to $100 | 1.20 |

NOTE. No indemnity payable for rifling or damage.

(v) While postal employees may acquaint the public upon request with the information published by the Department from time to time regarding the rate of conversion of the Mexican peso, it should be made clear to the public that due to the frequent fluctuations in the conversion rate no responsibility will be assumed by the Postal Service for any quotations furnished and that the fluctuations in the rate of conversion should be taken into consideration by the senders when computing the c. o. d. charges to be collected on delivery so as to insure the receipt of the full amount desired. It should also be made clear that the responsibility of properly indorsing on registered c. o. d. parcels to Mexico the amount in pesos and centavos to be collected rests with the sender and that no indemnity is payable to cover any shortage in the remittance received when such remittance represents the equivalent of the pesos and centavos indorsed on the parcel by the sender. The question of the shortage is then one for adjustment between the sender and the addressee of the c. o. d. parcel involved.

(vi) Form 3818 or a letter (see § 127.155) indicating the nature of any alteration or cancellation of the c. o. d. charges requested by the sender on c. o. d. parcels sent to Mexico shall be sent direct to the postmaster at the United States exchange office from which the parcel concerned was due to be dispatched in a direct mail to Mexico.

(vii) If the United States exchange office of dispatch is not definitely known to the postmaster at the office of mailing, the Form 3818 or letter, in order not to delay the matter, should be sent to the postmaster at Laredo or El Paso, Tex., according to whichever of these two offices can be reached more quickly from the office of mailing. In general, El Paso is reached more quickly from places in western United States and Laredo from other places.

(viii) Requests for alteration or cancellation of c. o. d. charges in connection with c. o. d. parcels sent from Mexico to this country will be sent by the proper Mexican exchange office to one of the United States exchange offices listed in paragraph (j), which in turn will transmit the request to the United States office of destination. Postmasters receiving requests from one of the United States exchange offices referred to for changes in or cancellation of the amounts of c. o. d. charges on c. o. d. articles mailed in Mexico will promptly comply with such requests. (The requests should be filed at the office of destination as a record.) However, such requests which may be erroneously sent from any Mexican post office direct to the office of destination in this country should be sent to the Post Office Department, Bureau of Transportation, Division of International Service, Washington 25, D. C., to have them verified, and the c. o. d. parcels involved held for further instructions.

(ix) The postmarking stamp of the office of mailing must appear at all breaks (cut or torn ends) of the gummed-paper strips employed in the sealing of registered c. o. d. parcel post packages.

(x) The following is a complete list of all the offices in this country and Mexico through which c. o. d. articles may now be exchanged:

Brownsville, Tex., and Matamoros, Tam.
Calexico, Calif., and Mexicali, B. Cfa.
Chicago, Ill., and Alvaro Obregon, Tab.
Chicago, Ill., and Mexico, D. F.
Chicago, Ill., and Nuevo Laredo, Tam.
Chicago, Ill., and Progreso, Yuc.
Chicago, Ill., and Veracruz, Ver.
Eagle Pass, Tex., and Piedras Negras, Coah.
El Paso, Tex., and Ciudad Juarez, Chih.
El Paso, Tex., and Mexico, D. F.
Laredo, Tex., and Mexico, D. F.
Laredo, Tex., and Nuevo Laredo, Tam.
Laredo, Tex., and Tampico, Tam.
Los Angeles, Calif., and Mexico, D. F.
New Orleans, La., and Campeche, Cam.
New Orleans, La., and Alvaro Obregon, Tab.
New Orleans, La., and Progreso, Yuc.
New Orleans, La., and Veracruz, Ver.
New York, N. Y., and Campeche, Cam.
New York, N. Y., and Mexico, D. F.
New York, N. Y., and Nuevo Laredo, Tam.
New York, N. Y., and Progreso, Yuc.
New York, N. Y., and Tampico, Tam.
New York, N. Y., and Veracruz, Ver.
Nogales, Ariz., and Nogales, Son.
Philadelphia, Pa., and Mexico, D. F.
Philadelphia, Pa., and Nuevo Laredo, Tam.
Rio Grande City, Tex., and Ciudad Camargo, Tam.
St. Louis, Mo., and Mexico, D. F.
St. Louis, Mo., and Nuevo Laredo, Tam.
San Antonio, Tex., and Nuevo Laredo, Tam.
San Diego, Calif., and Ensenada, B. Cfa.
San Diego, Calif., and Tijuana, B. Cfa.

(xi) Senders' return receipts will not be furnished for collect-on-delivery parcels for Mexico.

(xii) For further information concerning collect-on-delivery service see Subpart D of this part.

(8) *Observations.* (i) Packages, except packages of moving-picture films, automobile tires, coils of rope, hose, wire, etc., and packages of newspapers from news dealers especially marked to go as "outside pieces," shall not be accepted for transmission to Mexico when their bulk will prevent their inclosure in mail sacks at the United States exchange post office of dispatch. Automobile tires, up to a weight limit of 44 pounds each, may be accepted for places in Mexico reached by railroad from the United States. The Mexico office will not accept responsibility for any damage that may occur to packages of automobile tires when their transmission is outside of mail sacks. Packages such as herein described will be accepted outside of mail sacks when they originate in Mexico and are destined for the United States.

(ii) Air parcels are given air transportation within Mexico if delivery can be expedited by so doing.

(iii) The Postal Administration of Mexico has requested that it be recommended to senders of parcels destined for that country which are directed to the ultimate addressee through the intermediary of a first addressee (bank or other organization) that the names and addresses of both addressees be indicated on the wrappers of the parcels as well as on the customs declarations.

(iv) The Mexican Administration has established a system of advising the second addressee of the arrival of such a parcel at the office of destination. This advice of arrival, which bears a notation that the parcel will not be delivered except upon written authorization from the first addressee, is sent only once. It is sent at the same time as the advice is sent to the first addressee. The Mexican Administration states that, in practice, it has been found that banking institutions are sometimes negligent in advising their client (a second addressee) of the arrival of his merchandise, and that the sending of an advice of arrival to the second addressee serves to notify him that the parcel is on hand.

(v) These instructions contemplate that both addresses appearing on a parcel shall be addressed to a single office. Therefore, parcels should not be accepted for mailing if directed to a first addressee at a certain office and to a second addressee at another office.

(vi) For information concerning customs duties on advertising matter, yearbooks, and directories, see subcaption "Observations" under Postal Union Mails.

(vii) The Mexican domestic rate of postage will be charged on each parcel post package which is forwarded from one office to another office in that country when it bears an indication that the mailer desires it tendered for delivery at an alternative address. In the event the parcel can not be delivered at the alternative address indicated, it will be returned to origin rated for the collection of the forwarding charges. These charges, in addition to others which may have accrued on the parcel, will be collected from the mailer at time of return.

(viii) Mail shall be dispatched according to special instructions issued to cover designated post offices in a particular State. At United States exchange post offices concerned parcel post packages for Mexico shall not be inclosed in the same sacks with regular mail articles. New York is not the exchange office for Mexico (overland).

(ix) Insecticides, fungicides, and germicides shall be prepared for mailing to Mexico as follows:

(x) Each receptacle shall be plainly marked with the word "Poison" and the label or printed name of the manufacturer.

(xi) The inner boxes or tubes containing the materials must be of metal, wood, glass, or fiber, and the outer container must be of metal or fiberboard, securely fastened and sealed.

(xii) For liquids, the inner container must not only be surrounded by sufficient absorbent material, but must also be enveloped in padding material. Wood shavings cannot be considered as absorbent. The inner packing for insecticides, fungicides and germicides in solid or powder form must likewise be surrounded by packing material.

(xiii) A large variety of items, when the value exceeds 100 Mexican pesos, require import licenses which the addressees must obtain prior to the receipt of the goods. This applies to gifts as well as commercial shipments. Senders should therefore be advised to ascertain in advance of mailing whether their parcels will be admissible. Information as to what articles require import permits, and as to rates of Mexican customs duty, may be obtained from the American Republics Division, Office of International Trade, Department of Commerce, Washington 25, D. C., or from any field office of that Department.

(xiv) Each parcel exceeding 1,000 pesos in value must be accompanied by a commercial invoice in triplicate.

(9) *Prohibitions.*—(i) *For sanitary reasons.* Pacifiers for the amusement of babies. For medicines, cosmetics, and toilet articles, see "Postal Union mails."

(ii) *For the protection of plants.* (a) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(b) Parasites and predators of injurious insects, unless intended for the control of those insects and exchanged between officially recognized institutions.

(iii) *Arms, etc.* Pistols, hunting and target arms, require a certificate from the Mexican consul at the place of shipment. Pistols and other instruments for the projection of tear gas are prohibited.

(iv) *For other reasons.* (a) Works violating the Mexican copyright laws.

(b) Bank notes, coins of all kinds, and values payable to bearer. As an exception, the Bank of Mexico and the banks associated therewith are authorized to import bank notes exclusively for the purpose of exchange.

(c) Uncanceled postage stamps unless mailed under registration.

(d) Cigars and cigarettes, unless they bear Mexican revenue stamps applied by the manufacturers.

(10) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by the addressees:

(i) Meat or other animal products in cans, except in quantities less than 11 pounds, require an inspection certificate from the Ministry of Agriculture and Fomento.

(ii) Arms require special permission from the Secretariat of War and Navy.

(iii) See subparagraph (8) of this paragraph concerning import permits required for certain items exceeding 100 pesos in value.

§ 127.306 *Morocco (French Zone).*

NOTE: See "Morocco, Tangier (International Zone)" for service to French Post Office in Tangier).

(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee 55 cents. (See §§ 127.130—127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 47 cents for the first 2 ounces and 27 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank. Manufactured or unmanufactured platinum, gold, or silver; jewelry, or other precious articles.

(ii) Coins may be imported only by the State Bank of Morocco and banking establishments approved by the French Protectorate.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 23 | $5.29 |
| 2 | .67 | 24 | 5.51 |
| 3 | .89 | 25 | 5.73 |
| 4 | 1.11 | 26 | 5.95 |
| 5 | 1.33 | 27 | 6.17 |
| 6 | 1.55 | 28 | 6.39 |
| 7 | 1.77 | 29 | 6.61 |
| 8 | 1.99 | 30 | 6.83 |
| 9 | 2.21 | 31 | 7.05 |
| 10 | 2.43 | 32 | 7.27 |
| 11 | 2.65 | 33 | 7.49 |
| 12 | 2.87 | 34 | 7.71 |
| 13 | 3.09 | 35 | 7.93 |
| 14 | 3.31 | 36 | 8.15 |
| 15 | 3.53 | 37 | 8.37 |
| 16 | 3.75 | 38 | 8.59 |
| 17 | 3.97 | 39 | 8.81 |
| 18 | 4.19 | 40 | 9.03 |
| 19 | 4.41 | 41 | 9.25 |
| 20 | 4.63 | 42 | 9.47 |
| 21 | 4.85 | 43 | 9.69 |
| 22 | 5.07 | 44 | 9.91 |

(ii) *Air parcel rates.* (Rates: $1.19 first 4 ounces; $0.54 each additional 4 ounces)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.19 | 9 | 0 | $20.09 |
| 0 | 8 | 1.73 | 9 | 4 | 20.63 |
| 0 | 12 | 2.27 | 9 | 8 | 21.17 |
| 1 | 0 | 2.81 | 9 | 12 | 21.71 |
| 1 | 4 | 3.35 | 10 | 0 | 22.25 |
| 1 | 8 | 3.89 | 10 | 4 | 22.79 |
| 1 | 12 | 4.43 | 10 | 8 | 23.33 |
| 2 | 0 | 4.97 | 10 | 12 | 23.87 |
| 2 | 4 | 5.51 | 11 | 0 | 24.41 |
| 2 | 8 | 6.05 | 11 | 4 | 24.95 |
| 2 | 12 | 6.59 | 11 | 8 | 25.49 |
| 3 | 0 | 7.13 | 11 | 12 | 26.03 |
| 3 | 4 | 7.67 | 12 | 0 | 26.57 |
| 3 | 8 | 8.21 | 12 | 4 | 27.11 |
| 3 | 12 | 8.75 | 12 | 8 | 27.65 |
| 4 | 0 | 9.29 | 12 | 12 | 28.19 |
| 4 | 4 | 9.83 | 13 | 0 | 28.73 |
| 4 | 8 | 10.37 | 13 | 4 | 29.27 |
| 4 | 12 | 10.91 | 13 | 8 | 29.81 |
| 5 | 0 | 11.45 | 13 | 12 | 30.35 |
| 5 | 4 | 11.99 | 14 | 0 | 30.89 |
| 5 | 8 | 12.53 | 14 | 4 | 31.43 |
| 5 | 12 | 13.07 | 14 | 8 | 31.97 |
| 6 | 0 | 13.61 | 14 | 12 | 32.51 |
| 6 | 4 | 14.15 | 15 | 0 | 33.05 |
| 6 | 8 | 14.69 | 15 | 4 | 33.59 |
| 6 | 12 | 15.23 | 15 | 8 | 34.13 |
| 7 | 0 | 15.77 | 15 | 12 | 34.67 |
| 7 | 4 | 16.31 | 16 | 0 | 35.21 |
| 7 | 8 | 16.85 | 16 | 4 | 35.75 |
| 7 | 12 | 17.39 | 16 | 8 | 36.29 |
| 8 | 0 | 17.93 | 16 | 12 | 36.83 |
| 8 | 4 | 18.47 | 17 | 0 | 37.37 |
| 8 | 8 | 19.01 | 17 | 4 | 37.91 |
| 8 | 12 | 19.55 | 17 | 8 | 38.45 |



| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 17 | 12 | $38.99 | 31 | 0 | $67.61 |
| 18 | 0 | 39.53 | 31 | 4 | 68.15 |
| 18 | 4 | 40.07 | 31 | 8 | 68.69 |
| 18 | 8 | 40.61 | 31 | 12 | 69.23 |
| 18 | 12 | 41.15 | 32 | 0 | 69.77 |
| 19 | 0 | 41.69 | 32 | 4 | 70.31 |
| 19 | 4 | 42.23 | 32 | 8 | 70.85 |
| 19 | 8 | 42.77 | 32 | 12 | 71.39 |
| 19 | 12 | 43.31 | 33 | 0 | 71.93 |
| 20 | 0 | 43.85 | 33 | 4 | 72.47 |
| 20 | 4 | 44.39 | 33 | 8 | 73.01 |
| 20 | 8 | 44.93 | 33 | 12 | 73.55 |
| 20 | 12 | 45.47 | 34 | 0 | 74.09 |
| 21 | 0 | 46.01 | 34 | 4 | 74.63 |
| 21 | 4 | 46.55 | 34 | 8 | 75.17 |
| 21 | 8 | 47.09 | 34 | 12 | 75.71 |
| 21 | 12 | 47.63 | 35 | 0 | 76.25 |
| 22 | 0 | 48.17 | 35 | 4 | 76.79 |
| 22 | 4 | 48.71 | 35 | 8 | 77.33 |
| 22 | 8 | 49.25 | 35 | 12 | 77.87 |
| 22 | 12 | 49.79 | 36 | 0 | 78.41 |
| 23 | 0 | 50.34 | 36 | 4 | 78.95 |
| 23 | 4 | 50.87 | 36 | 8 | 79.49 |
| 23 | 8 | 51.41 | 36 | 12 | 80.03 |
| 23 | 12 | 51.95 | 37 | 0 | 80.57 |
| 24 | 0 | 52.49 | 37 | 4 | 81.11 |
| 24 | 4 | 53.03 | 37 | 8 | 81.65 |
| 24 | 8 | 53.57 | 37 | 12 | 82.19 |
| 24 | 12 | 54.11 | 38 | 0 | 82.73 |
| 25 | 0 | 54.65 | 38 | 4 | 83.27 |
| 25 | 4 | 55.19 | 38 | 8 | 83.81 |
| 25 | 8 | 55.73 | 38 | 12 | 84.35 |
| 25 | 12 | 56.27 | 39 | 0 | 84.89 |
| 26 | 0 | 56.81 | 39 | 4 | 85.43 |
| 26 | 4 | 57.35 | 39 | 8 | 85.97 |
| 26 | 8 | 57.89 | 39 | 12 | 86.51 |
| 26 | 12 | 58.43 | 40 | 0 | 87.05 |
| 27 | 0 | 58.97 | 40 | 4 | 87.59 |
| 27 | 4 | 59.51 | 40 | 8 | 88.13 |
| 27 | 8 | 60.05 | 40 | 12 | 88.67 |
| 27 | 12 | 60.59 | 41 | 0 | 89.21 |
| 28 | 0 | 61.13 | 41 | 4 | 89.75 |
| 28 | 4 | 61.67 | 41 | 8 | 90.29 |
| 28 | 8 | 62.21 | 41 | 12 | 90.83 |
| 28 | 12 | 62.75 | 42 | 0 | 91.37 |
| 29 | 0 | 63.29 | 42 | 4 | 91.91 |
| 29 | 4 | 63.83 | 42 | 8 | 92.45 |
| 29 | 8 | 64.37 | 42 | 12 | 92.99 |
| 29 | 12 | 64.91 | 43 | 0 | 93.53 |
| 30 | 0 | 65.45 | 43 | 4 | 94.07 |
| 30 | 4 | 65.99 | 43 | 8 | 94.61 |
| 30 | 8 | 66.53 | 43 | 12 | 95.15 |
| 30 | 12 | 67.07 | 44 | 0 | 95.69 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* The instructions set forth under the subcaption "Observations" of France—Parcel Post, in connection with the acceptance of commercial parcels for France, also apply with respect to commercial parcels for French Morocco.

(5) *Prohibitions*—(i) *For reasons of public safety.* Arms, except hunting and de luxe arms unless addressed to sellers of arms or for strictly personal use by private individuals.

(ii) *For sanitary reasons.* Adulterated foods and drinks; harmful or adulterated medicines; substances intended for the alteration or adulteration of wines. Java peas or Burmese beans containing more than 0.02 per cent of hydrocyanic acid. Nursing bottles and their parts, nipples and pacifiers made of other substances than pure rubber vulcanized otherwise than by heat, and not bearing the trade-mark of the maker or seller and the special note "Pure Rubber."

(iii) *For the protection of animals or plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iv) *Arms, etc.* War arms and their parts, except for the Ministry of War.

(v) *State monopolies.* Leaf tobacco in the course of manufacture, and kiff, except for the tobacco monopoly. However, tobacco required for reasons of health or habit may, exceptionally, be imported by private individuals for their personal use, subject to previous authorization.

(vi) *For other reasons.* (a) Articles bearing false indications or any indication resembling national Moroccan decorations.

(b) Coins and bank notes may be imported only by the State Bank of Morocco and banking establishments approved by the French Protectorate.

(c) Motion-picture films must be accompanied by a declaration as to the titles and subject matter of the films.

(6) *Import restrictions.* Addressees are required to obtain import permits in some cases.

§ 127.307 *Morocco (Spanish Zone) (including the Spanish Post Office in the International Zone of Tangier).*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 2, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. Special delivery service is confined to offices of Alcazarquivir, Arcila, Larache, Nador, Targuist, Tetuan, Villa Alhucemas, and Xauen. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 45 cents for the first 2 ounces and 25 cents for each additional 2 ounces. (See § 127.20.)

(6) *Diplomatic and consular mail.* (See § 127.32.)

(7) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(8) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(9) *Observations.* (i) The words "British Post Office" must be included in the address of articles intended for delivery through the British Post Office at Tetuan.

(ii) Articles intended for delivery through the Spanish Post Office in

the International Zone of Tangier, while subject to the rates and conditions for Spanish Morocco, must be addressed "Spanish Post Office, Tangier, Morocco."

(10) *Prohibitions.* (i) Articles bearing religious inscriptions or reproducing the portrait of the Sultan of Morocco or the Khalife of the Spanish Protectorate.

(ii) Coins, bank notes, paper money, gold and silver bullion, precious stones, jewelry, and other precious articles. Money in cash and values payable to the bearer.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges and surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.71 | 23 | $6.12 |
| 2 | .93 | 24 | 6.34 |
| 3 | 1.18 | 25 | 6.56 |
| 4 | 1.40 | 26 | 6.78 |
| 5 | 1.62 | 27 | 7.00 |
| 6 | 1.84 | 28 | 7.22 |
| 7 | 2.06 | 29 | 7.44 |
| 8 | 2.32 | 30 | 7.66 |
| 9 | 2.54 | 31 | 7.88 |
| 10 | 2.76 | 32 | 8.10 |
| 11 | 2.98 | 33 | 8.32 |
| 12 | 3.44 | 34 | 8.78 |
| 13 | 3.66 | 35 | 9.00 |
| 14 | 3.88 | 36 | 9.22 |
| 15 | 4.10 | 37 | 9.44 |
| 16 | 4.32 | 38 | 9.66 |
| 17 | 4.54 | 39 | 9.88 |
| 18 | 4.76 | 40 | 10.10 |
| 19 | 4.98 | 41 | 10.32 |
| 20 | 5.20 | 42 | 10.54 |
| 21 | 5.42 | 43 | 10.76 |
| 22 | 5.64 | 44 | 10.98 |

(ii) *Air parcel rates.* (Rates: $1.25 first 4 ounces; $0.50 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.25 | 5 | 12 | $12.25 |
| 0 | 8 | 1.75 | 6 | 0 | 12.75 |
| 0 | 12 | 2.25 | 6 | 4 | 13.25 |
| 1 | 0 | 2.75 | 6 | 8 | 13.75 |
| 1 | 4 | 3.25 | 6 | 12 | 14.25 |
| 1 | 8 | 3.75 | 7 | 0 | 14.75 |
| 1 | 12 | 4.25 | 7 | 4 | 15.25 |
| 2 | 0 | 4.75 | 7 | 8 | 15.75 |
| 2 | 4 | 5.25 | 7 | 12 | 16.25 |
| 2 | 8 | 5.75 | 8 | 0 | 16.75 |
| 2 | 12 | 6.25 | 8 | 4 | 17.25 |
| 3 | 0 | 6.75 | 8 | 8 | 17.75 |
| 3 | 4 | 7.25 | 8 | 12 | 18.25 |
| 3 | 8 | 7.75 | 9 | 0 | 18.75 |
| 3 | 12 | 8.25 | 9 | 4 | 19.25 |
| 4 | 0 | 8.75 | 9 | 8 | 19.75 |
| 4 | 4 | 9.25 | 9 | 12 | 20.25 |
| 4 | 8 | 9.75 | 10 | 0 | 20.75 |
| 4 | 12 | 10.25 | 10 | 4 | 21.25 |
| 5 | 0 | 10.75 | 10 | 8 | 21.75 |
| 5 | 4 | 11.25 | 10 | 12 | 22.25 |
| 5 | 8 | 11.75 | 11 | 0 | 22.75 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: [1]11, 44 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: Yes. Fee, 55 cents.
Insurance: No.
C. o. d.: No.

[1] Air parcels are limited to 11 pounds in weight.

(2) *Indemnity.* See § 127.165.

(3) *Registry service.* For general information see Subpart D of this part.

(4) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels, (surface and air). (§ 127.159.)

(5) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(6) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(7) *Observations.* (i) Parcels intended for delivery through the Spanish Post Office in the International Zone of Tangier, while subject to the rates and conditions for Spanish Morocco, must be addressed "Spanish Post Office, Tangier, Morocco."

(ii) The words "British Post Office" must be included in the address of parcels intended for delivery through the British Post Office at Tetuan.

(iii) The customs declarations must be completed in English with an interlineation in either French or Spanish. The gross weight of the entire parcel and the net weight of its contents must be given. Packages and the customs declarations which accompany them should bear a complete local address; that is, the name of the street and the number of the house or other designation of the exact address at which the addressees may be found. This information is desired by the Spanish customs authorities in order to adjust customs and transportation charges.

(iv) In the case of parcels addressed in care of banks or other organizations, the second addressee shall be advised concerning the arrival of the parcel, but he shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender; in the latter case, the sender shall take steps, through the administration of the country of origin of the parcel, for its delivery to the second addressee.

(v) For information concerning parcel post service to Spanish offices in Northern Africa (Ceuta, Melilla, Alhucemas, Chaferinas, and Penon de Velez de la Gomera), see § 127.356 (b).

(8) *Prohibitions.* War arms and parts of arms, except hunting and de luxe arms; uncharged munitions of all kinds; saltpeter, sulphur, and all other materials for making munitions.

(9) *Import restrictions.* Addressees are required to obtain import permits in some cases.

§ 127.303 *Morocco, Tangier (International Zone).*

NOTE: The information hereunder applies only to the British and French Post Offices in Tangier. See the country heading "Morocco (Spanish Zone)" in regard to the Spanish Post Office in Tangier.

(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted for British and French Post Offices only. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes, through British Post Office only. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 45 cents for the first 2 ounces and 25 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* The words "British Post Office" or "French Post Office" may be included in the addresses of articles if the senders desire to indicate whether delivery is to be made through the British or French Post Office in Tangier.

(8) *Prohibitions.* Tobacco, cigarettes, cigars, and kiff, except by previous authorization of the Tobacco Monopoly.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges and surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.71 | 23 | $6.12 |
| 2 | .93 | 24 | 6.34 |
| 3 | 1.18 | 25 | 6.56 |
| 4 | 1.40 | 26 | 6.78 |
| 5 | 1.62 | 27 | 7.00 |
| 6 | 1.84 | 28 | 7.22 |
| 7 | 2.06 | 29 | 7.44 |
| 8 | 2.32 | 30 | 7.66 |
| 9 | 2.54 | 31 | 7.88 |
| 10 | 2.76 | 32 | 8.10 |
| 11 | 2.98 | 33 | 8.32 |
| 12 | 3.44 | 34 | 8.78 |
| 13 | 3.66 | 35 | 9.00 |
| 14 | 3.88 | 36 | 9.22 |
| 15 | 4.10 | 37 | 9.44 |
| 16 | 4.32 | 38 | 9.66 |
| 17 | 4.54 | 39 | 9.88 |
| 18 | 4.76 | 40 | 10.10 |
| 19 | 4.98 | 41 | 10.32 |
| 20 | 5.20 | 42 | 10.54 |
| 21 | 5.42 | 43 | 10.76 |
| 22 | 5.64 | 44 | 10.98 |

(ii) *Air parcel rates.* (Rates: $1.19 first 4 ounces; $0.54 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.19 | 7 | 4 | $16.31 |
| 0 | 8 | 1.73 | 7 | 8 | 16.85 |
| 0 | 12 | 2.27 | 7 | 12 | 17.39 |
| 1 | 0 | 2.81 | 8 | 0 | 17.93 |
| 1 | 4 | 3.35 | 8 | 4 | 18.47 |
| 1 | 8 | 3.89 | 8 | 8 | 19.01 |
| 1 | 12 | 4.43 | 8 | 12 | 19.55 |
| 2 | 0 | 4.97 | 9 | 0 | 20.09 |
| 2 | 4 | 5.51 | 9 | 4 | 20.63 |
| 2 | 8 | 6.05 | 9 | 8 | 21.17 |
| 2 | 12 | 6.59 | 9 | 12 | 21.71 |
| 3 | 0 | 7.13 | 10 | 0 | 22.25 |
| 3 | 4 | 7.67 | 10 | 4 | 22.79 |
| 3 | 8 | 8.21 | 10 | 8 | 23.33 |
| 3 | 12 | 8.75 | 10 | 12 | 23.87 |
| 4 | 0 | 9.29 | 11 | 0 | 24.41 |
| 4 | 4 | 9.83 | 11 | 4 | 24.95 |
| 4 | 8 | 10.37 | 11 | 8 | 25.49 |
| 4 | 12 | 10.91 | 11 | 12 | 26.03 |
| 5 | 0 | 11.45 | 12 | 0 | 26.57 |
| 5 | 4 | 11.99 | 12 | 4 | 27.11 |
| 5 | 8 | 12.53 | 12 | 8 | 27.65 |
| 5 | 12 | 13.07 | 12 | 12 | 28.19 |
| 6 | 0 | 13.61 | 13 | 0 | 28.73 |
| 6 | 4 | 14.15 | 13 | 4 | 29.27 |
| 6 | 8 | 14.69 | 13 | 8 | 29.81 |
| 6 | 12 | 15.23 | 13 | 12 | 30.35 |
| 7 | 0 | 15.77 | 14 | 0 | 30.89 |



| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 14 | 4 | $31.43 | 29 | 4 | $63.83 |
| 14 | 8 | 31.97 | 29 | 8 | 64.37 |
| 14 | 12 | 32.51 | 29 | 12 | 64.91 |
| 15 | 0 | 33.05 | 30 | 0 | 65.45 |
| 15 | 4 | 33.59 | 30 | 4 | 65.99 |
| 15 | 8 | 34.13 | 30 | 8 | 66.53 |
| 15 | 12 | 34.67 | 30 | 12 | 67.07 |
| 16 | 0 | 35.21 | 31 | 0 | 67.61 |
| 16 | 4 | 35.75 | 31 | 4 | 68.15 |
| 16 | 8 | 36.29 | 31 | 8 | 68.69 |
| 16 | 12 | 36.83 | 31 | 12 | 69.23 |
| 17 | 0 | 37.37 | 32 | 0 | 69.77 |
| 17 | 4 | 37.91 | 32 | 4 | 70.31 |
| 17 | 8 | 38.45 | 32 | 8 | 70.85 |
| 17 | 12 | 38.99 | 32 | 12 | 71.39 |
| 18 | 0 | 39.53 | 33 | 0 | 71.93 |
| 18 | 4 | 40.07 | 33 | 4 | 72.47 |
| 18 | 8 | 40.61 | 33 | 8 | 73.01 |
| 18 | 12 | 41.15 | 33 | 12 | 73.55 |
| 19 | 0 | 41.69 | 34 | 0 | 74.09 |
| 19 | 4 | 42.23 | 34 | 4 | 74.63 |
| 19 | 8 | 42.77 | 34 | 8 | 75.17 |
| 19 | 12 | 43.31 | 34 | 12 | 75.71 |
| 20 | 0 | 43.85 | 35 | 0 | 76.25 |
| 20 | 4 | 44.39 | 35 | 4 | 76.79 |
| 20 | 8 | 44.93 | 35 | 8 | 77.33 |
| 20 | 12 | 45.47 | 35 | 12 | 77.87 |
| 21 | 0 | 46.01 | 36 | 0 | 78.41 |
| 21 | 4 | 46.55 | 36 | 4 | 78.95 |
| 21 | 8 | 47.09 | 36 | 8 | 79.49 |
| 21 | 12 | 47.63 | 36 | 12 | 80.03 |
| 22 | 0 | 48.17 | 37 | 0 | 80.57 |
| 22 | 4 | 48.71 | 37 | 4 | 81.11 |
| 22 | 8 | 49.25 | 37 | 8 | 81.65 |
| 22 | 12 | 49.79 | 37 | 12 | 82.19 |
| 23 | 0 | 50.33 | 38 | 0 | 82.73 |
| 23 | 4 | 50.87 | 38 | 4 | 83.27 |
| 23 | 8 | 51.41 | 38 | 8 | 83.81 |
| 23 | 12 | 51.95 | 38 | 12 | 84.35 |
| 24 | 0 | 52.49 | 39 | 0 | 84.89 |
| 24 | 4 | 53.03 | 39 | 4 | 85.43 |
| 24 | 8 | 53.57 | 39 | 8 | 85.97 |
| 24 | 12 | 54.11 | 39 | 12 | 86.51 |
| 25 | 0 | 54.65 | 40 | 0 | 87.05 |
| 25 | 4 | 55.19 | 40 | 4 | 87.59 |
| 25 | 8 | 55.73 | 40 | 8 | 88.13 |
| 25 | 12 | 56.27 | 40 | 12 | 88.67 |
| 26 | 0 | 56.81 | 41 | 0 | 89.21 |
| 26 | 4 | 57.35 | 41 | 4 | 89.75 |
| 26 | 8 | 57.89 | 41 | 8 | 90.29 |
| 26 | 12 | 58.43 | 41 | 12 | 90.83 |
| 27 | 0 | 58.97 | 42 | 0 | 91.37 |
| 27 | 4 | 59.51 | 42 | 4 | 91.91 |
| 27 | 8 | 60.05 | 42 | 8 | 92.45 |
| 27 | 12 | 60.59 | 42 | 12 | 92.99 |
| 28 | 0 | 61.13 | 43 | 0 | 93.53 |
| 28 | 4 | 61.67 | 43 | 4 | 94.07 |
| 28 | 8 | 62.21 | 43 | 8 | 94.61 |
| 28 | 12 | 62.75 | 43 | 12 | 95.15 |
| 29 | 0 | 63.29 | 44 | 0 | 95.69 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* The words "British Post Office" or "French Post Office" may be included in the addresses of parcels if the senders desire to indicate whether delivery is to be made through the British or French Post Office in Tangier.

(5) *Prohibitions.* Tobacco, cigarettes, cigars, and kiff, except by previous authorization of the Tobacco Monopoly.

§ 127.309 *Nauru Island*—(a) *Postal Union Mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. By ordinary means from Australia. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* Same as Australia.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.53 | 7 | $2.06 |
| 2 | .75 | 8 | 2.48 |
| 3 | .97 | 9 | 2.70 |
| 4 | 1.40 | 10 | 2.92 |
| 5 | 1.62 | 11 | 3.14 |
| 6 | 1.84 | | |

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions and import restrictions.* Same as Australia.

§ 127.310 *Netherlands*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. Articles sent from this country for special delivery in the Netherlands, at a distance beyond the limits of local distribution at the post office of address, are subject to collection from the addressee of a fee of 40 cents for each delivery. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 42 cents for the first 2 ounces and 21 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* (i) See paragraph (b) (6) of this section, concerning authorization required to be obtained by the addressee for the importation of paper money, gold, other precious metals or diamonds, manufactured or not; art treasures; postage stamps; instruments of payment, valid or not; paper values; and public credit documents and securities.

(ii) Circulars secured with gummed stickers are admitted at the postage rate applicable to printed matter.

(8) *Prohibitions.* The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 23 | $5.29 |
| 2 | .67 | 24 | 5.51 |
| 3 | .89 | 25 | 5.73 |
| 4 | 1.11 | 26 | 5.95 |
| 5 | 1.33 | 27 | 6.17 |
| 6 | 1.55 | 28 | 6.39 |
| 7 | 1.77 | 29 | 6.61 |
| 8 | 1.99 | 30 | 6.83 |
| 9 | 2.21 | 31 | 7.05 |
| 10 | 2.43 | 32 | 7.27 |
| 11 | 2.65 | 33 | 7.49 |
| 12 | 2.87 | 34 | 7.71 |
| 13 | 3.09 | 35 | 7.93 |
| 14 | 3.31 | 36 | 8.15 |
| 15 | 3.53 | 37 | 8.37 |
| 16 | 3.75 | 38 | 8.59 |
| 17 | 3.97 | 39 | 8.81 |
| 18 | 4.19 | 40 | 9.03 |
| 19 | 4.41 | 41 | 9.25 |
| 20 | 4.63 | 42 | 9.47 |
| 21 | 4.85 | 43 | 9.69 |
| 22 | 5.07 | 44 | 9.91 |

(ii) *Air parcel rates.* (Rates: $0.89 first four ounces; $0.44 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.89 | 13 | 4 | $23.77 |
| 0 | 8 | 1.33 | 13 | 8 | 24.21 |
| 0 | 12 | 1.77 | 13 | 12 | 24.65 |
| 1 | 0 | 2.21 | 14 | 0 | 25.09 |
| 1 | 4 | 2.65 | 14 | 4 | 25.53 |
| 1 | 8 | 3.09 | 14 | 8 | 25.97 |
| 1 | 12 | 3.53 | 14 | 12 | 26.41 |
| 2 | 0 | 3.97 | 15 | 0 | 26.85 |
| 2 | 4 | 4.41 | 15 | 4 | 27.29 |
| 2 | 8 | 4.85 | 15 | 8 | 27.73 |
| 2 | 12 | 5.29 | 15 | 12 | 28.17 |
| 3 | 0 | 5.73 | 16 | 0 | 28.61 |
| 3 | 4 | 6.17 | 16 | 4 | 29.05 |
| 3 | 8 | 6.61 | 16 | 8 | 29.49 |
| 3 | 12 | 7.05 | 16 | 12 | 29.93 |
| 4 | 0 | 7.49 | 17 | 0 | 30.37 |
| 4 | 4 | 7.93 | 17 | 4 | 30.81 |
| 4 | 8 | 8.37 | 17 | 8 | 31.25 |
| 4 | 12 | 8.81 | 17 | 12 | 31.69 |
| 5 | 0 | 9.25 | 18 | 0 | 32.13 |
| 5 | 4 | 9.69 | 18 | 4 | 32.57 |
| 5 | 8 | 10.13 | 18 | 8 | 33.01 |
| 5 | 12 | 10.57 | 18 | 12 | 33.45 |
| 6 | 0 | 11.01 | 19 | 0 | 33.89 |
| 6 | 4 | 11.45 | 19 | 4 | 34.33 |
| 6 | 8 | 11.89 | 19 | 8 | 34.77 |
| 6 | 12 | 12.33 | 19 | 12 | 35.21 |
| 7 | 0 | 12.77 | 20 | 0 | 35.65 |
| 7 | 4 | 13.21 | 20 | 4 | 36.09 |
| 7 | 8 | 13.65 | 20 | 8 | 36.53 |
| 7 | 12 | 14.09 | 20 | 12 | 36.97 |
| 8 | 0 | 14.53 | 21 | 0 | 37.41 |
| 8 | 4 | 14.97 | 21 | 4 | 37.85 |
| 8 | 8 | 15.41 | 21 | 8 | 38.29 |
| 8 | 12 | 15.85 | 21 | 12 | 38.73 |
| 9 | 0 | 16.29 | 22 | 0 | 39.17 |
| 9 | 4 | 16.73 | 22 | 4 | 39.61 |
| 9 | 8 | 17.17 | 22 | 8 | 40.05 |
| 9 | 12 | 17.61 | 22 | 12 | 40.49 |
| 10 | 0 | 18.05 | 23 | 0 | 40.93 |
| 10 | 4 | 18.49 | 23 | 4 | 41.37 |
| 10 | 8 | 18.93 | 23 | 8 | 41.81 |
| 10 | 12 | 19.37 | 23 | 12 | 42.25 |
| 11 | 0 | 19.81 | 24 | 0 | 42.69 |
| 11 | 4 | 20.25 | 24 | 4 | 43.13 |
| 11 | 8 | 20.69 | 24 | 8 | 43.57 |
| 11 | 12 | 21.13 | 24 | 12 | 44.01 |
| 12 | 0 | 21.57 | 25 | 0 | 44.45 |
| 12 | 4 | 22.01 | 25 | 4 | 44.89 |
| 12 | 8 | 22.45 | 25 | 8 | 45.33 |
| 12 | 12 | 22.89 | 25 | 12 | 45.77 |
| 13 | 0 | 23.33 | 26 | 0 | 46.21 |

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 26 | 4 | $46.65 | 35 | 4 | $62.49 |
| 26 | 8 | 47.09 | 35 | 8 | 62.93 |
| 26 | 12 | 47.53 | 35 | 12 | 63.37 |
| 27 | 0 | 47.97 | 36 | 0 | 63.81 |
| 27 | 4 | 48.41 | 36 | 4 | 64.25 |
| 27 | 8 | 48.85 | 36 | 8 | 64.69 |
| 27 | 12 | 49.29 | 36 | 12 | 65.13 |
| 28 | 0 | 49.73 | 37 | 0 | 65.57 |
| 28 | 4 | 50.17 | 37 | 4 | 66.01 |
| 28 | 8 | 50.61 | 37 | 8 | 66.45 |
| 28 | 12 | 51.05 | 37 | 12 | 66.89 |
| 29 | 0 | 51.49 | 38 | 0 | 67.33 |
| 29 | 4 | 51.93 | 38 | 4 | 67.77 |
| 29 | 8 | 52.37 | 38 | 8 | 68.21 |
| 29 | 12 | 52.81 | 38 | 12 | 68.65 |
| 30 | 0 | 53.25 | 39 | 0 | 69.09 |
| 30 | 4 | 53.69 | 39 | 4 | 69.53 |
| 30 | 8 | 54.13 | 39 | 8 | 69.97 |
| 30 | 12 | 54.57 | 39 | 12 | 70.41 |
| 31 | 0 | 55.01 | 40 | 0 | 70.85 |
| 31 | 4 | 55.45 | 40 | 4 | 71.29 |
| 31 | 8 | 55.89 | 40 | 8 | 71.73 |
| 31 | 12 | 56.33 | 40 | 12 | 72.17 |
| 32 | 0 | 56.77 | 41 | 0 | 72.61 |
| 32 | 4 | 57.21 | 41 | 4 | 73.05 |
| 32 | 8 | 57.65 | 41 | 8 | 73.49 |
| 32 | 12 | 58.09 | 41 | 12 | 73.93 |
| 33 | 0 | 58.53 | 42 | 0 | 74.37 |
| 33 | 4 | 58.97 | 42 | 4 | 74.81 |
| 33 | 8 | 59.41 | 42 | 8 | 75.25 |
| 33 | 12 | 59.85 | 42 | 12 | 75.69 |
| 34 | 0 | 60.29 | 43 | 0 | 76.13 |
| 34 | 4 | 60.73 | 43 | 4 | 76.57 |
| 34 | 8 | 61.17 | 43 | 8 | 77.01 |
| 34 | 12 | 61.61 | 43 | 12 | 77.45 |
| 35 | 0 | 62.05 | 44 | 0 | 77.89 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 3 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Yes. (See § 127.79.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (5) of this paragraph.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, $3\frac{1}{2}$ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of Indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $165 | 60 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "INSURED" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs, as per the following example:

Insured value
$25.75 (U. S.)
Twenty-five Dollars and Seventy-five Cents
77.29 Gold Francs
Seventy-seven Gold Francs and Twenty-five Centimes

(iii) The insured value shall also be shown in United States currency (figures only) in the appropriate space on the dispatch note (Form 2972).

(iv) See § 127.143 (b), as to method of converting United States currency into gold francs.

(v) Parcels containing coin, bullion, jewelry, or any other precious article must be insured.

(vi) For general information concerning insurance service, see §§127.140 to 127.148, inclusive.

(6) *Observations.* (i) In the Netherlands parcels are charged 5 cents a day for storage, beginning the second day after first presentation; the minimum storage charge is 10 cents; the maximum, 1 florin (100 cents).

(ii) A delivery charge of 20 cents is collected each time a parcel is presented at the residence of the addressee after one unsuccessful presentation.

(iii) Gift parcels may not contain more than 1,000 cigarettes, which amount represents the monthly quota that individuals in the Netherlands are allowed to receive. Larger quantities of cigarettes, or excessive amounts of other tobacco products addressed to any person, are liable to confiscation by the Netherlands customs authorities.

(7) *Prohibitions*—(i) *The following are admitted conditionally.* (a) Dried milk products (powdered, in cubes), on condition that the outer wrapping or the container or wrapper in which such products are inclosed bears the note "In Nederland ingevoerd" (Imported into the Netherlands) in conspicuous characters 2 centimeters high when the package contains more than 1 kilogram of such merchandise and one-half centimeter high for a quantity up to 1 kilogram. The articles must also be accompanied by a certificate of origin conforming to the model prescribed by the Minister of Finance, issued by a Netherlands consul in the country of origin. (These provisions do not apply to dried milk products colored light rose or mixed with at least 10 percent of bran.) These restrictions do not apply in the case of small quantities of dried milk products sent in gift parcels.

(b) Serums and vaccines must comply with the Netherlands' legal requirements. In case of official control in the country of origin, they should also bear the mark required in that country.

(ii) *For the protection of plants:* (a) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(b) Parasites and predators of injurious insects, unless intended for the control of those insects and exchanged between officially recognized institutions.

(iii) *Arms, etc.* Firearms and their parts unless accompanied by an import permit.

(iv) *For other reasons.* (a) Counterfeit works of art; pirated literary and scientific works.

(b) German or Belgian coins, except up to the amount of 40 marks or 50 francs in silver and 10 marks or $12\frac{1}{2}$ francs in nonprecious metal.

(c) Netherlands coins and banknotes.

(8) *Import restrictions.* (i) Commercial shipments of merchandise are admitted only if an import permit has been obtained by the addressee from the Netherlands authorities. This permit is not required for gift shipments sent for relief purposes.

(ii) Authorization from the 'Nederlandsche Bank" is required to be obtained by the addressee for the importation of gold, other precious metals or diamonds, manufactured or not; art treasures; postage stamps; instruments of payment, valid or not (including checks) paper values; and public credit documents and securities. It is understood that the term "paper values" includes paper money. Prospective senders should be advised that, unless the addressee possesses the necessary authorization, which should be secured before the articles are mailed, the articles may be confiscated by the Netherlands customs authorities.

§ 127.311 *Netherlands New Guinea*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1 in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* Currency in dollars. Cocoa leaves, dried, undried, or powdered. The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges and surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.87 | 7 | $2.31 |
| 2 | 1.09 | 8 | 2.63 |
| 3 | 1.43 | 9 | 2.85 |
| 4 | 1.65 | 10 | 3.07 |
| 5 | 1.87 | 11 | 3.29 |
| 6 | 2.09 | | |

Weight limit: 11 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Limited to 3 parcels. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.



(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, $3\frac{1}{2}$ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Observations.* (i) Service is restricted to gift parcels.

(ii) Inaccurate information on the customs declarations may result in the confiscation of the parcels by the customs.

(6) *Prohibitions.* (i) Publications advocating unlawful or treasonable activities, Amulets.

(ii) Currency in dollars. Articles violating the trademark laws. Counterfeit money. Dry white lead, unless for scientific or medical use (see below).

(iii) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(7) *Import restrictions.* (i) Special permission from the Netherlands New Guinea authorities is required for the importation of arms or parts thereof, narcotic medicines, and dry white lead for medical or scientific use.

(ii) Motion-picture films must be inspected and approved by an official commission at Hollandia.

§ 127.312 *Netherlands West Indies (Aruba, Bonaire, Curacao, Saba, St. Eustatis, and the Netherlands Part of St. Martin)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 38 cents for the first 2 ounces and 18 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 5 | $1.33 |
| 2 | .67 | 6 | 1.55 |
| 3 | .89 | 7 | 1.77 |
| 4 | 1.11 | 8 | 1.99 |
| 9 | 2.21 | 27 | 6.17 |
| 10 | 2.43 | 28 | 6.39 |
| 11 | 2.65 | 29 | 6.61 |
| 12 | 2.87 | 30 | 6.83 |
| 13 | 3.09 | 31 | 7.05 |
| 14 | 3.31 | 32 | 7.27 |
| 15 | 3.53 | 33 | 7.49 |
| 16 | 3.75 | 34 | 7.71 |
| 17 | 3.97 | 35 | 7.93 |
| 18 | 4.19 | 36 | 8.15 |
| 19 | 4.41 | 37 | 8.37 |
| 20 | 4.63 | 38 | 8.59 |
| 21 | 4.85 | 39 | 8.81 |
| 22 | 5.07 | 40 | 9.03 |
| 23 | 5.29 | 41 | 9.25 |
| 24 | 5.51 | 42 | 9.47 |
| 25 | 5.73 | 43 | 9.69 |
| 26 | 5.95 | 44 | 9.91 |

(ii) *Air parcel rates.* (Rates: $0.72 first 4 ounces; $0.36 each additional 4 ounces)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.72 | 17 | 0 | $24.84 |
| 0 | 8 | 1.03 | 17 | 4 | 25.20 |
| 0 | 12 | 1.44 | 17 | 8 | 25.56 |
| 1 | 0 | 1.80 | 17 | 12 | 25.92 |
| 1 | 4 | 2.16 | 18 | 0 | 26.28 |
| 1 | 8 | 2.52 | 18 | 4 | 26.64 |
| 1 | 12 | 2.88 | 18 | 8 | 27.00 |
| 2 | 0 | 3.24 | 18 | 12 | 27.36 |
| 2 | 4 | 3.60 | 19 | 0 | 27.72 |
| 2 | 8 | 3.96 | 19 | 4 | 28.08 |
| 2 | 12 | 4.32 | 19 | 8 | 28.44 |
| 3 | 0 | 4.68 | 19 | 12 | 28.80 |
| 3 | 4 | 5.04 | 20 | 0 | 29.16 |
| 3 | 8 | 5.40 | 20 | 4 | 29.52 |
| 3 | 12 | 5.76 | 20 | 8 | 29.88 |
| 4 | 0 | 6.12 | 20 | 12 | 30.24 |
| 4 | 4 | 6.48 | 21 | 0 | 30.60 |
| 4 | 8 | 6.84 | 21 | 4 | 30.96 |
| 4 | 12 | 7.20 | 21 | 8 | 31.32 |
| 5 | 0 | 7.56 | 21 | 12 | 31.68 |
| 5 | 4 | 7.92 | 22 | 0 | 32.04 |
| 5 | 8 | 8.28 | 22 | 4 | 32.40 |
| 5 | 12 | 8.64 | 22 | 8 | 32.76 |
| 6 | 0 | 9.00 | 22 | 12 | 33.12 |
| 6 | 4 | 9.36 | 23 | 0 | 33.48 |
| 6 | 8 | 9.72 | 23 | 4 | 33.84 |
| 6 | 12 | 10.08 | 23 | 8 | 34.20 |
| 7 | 0 | 10.44 | 23 | 12 | 34.56 |
| 7 | 4 | 10.80 | 24 | 0 | 34.92 |
| 7 | 8 | 11.16 | 24 | 4 | 35.28 |
| 7 | 12 | 11.52 | 24 | 8 | 35.64 |
| 8 | 0 | 11.88 | 24 | 12 | 36.00 |
| 8 | 4 | 12.24 | 25 | 0 | 36.36 |
| 8 | 8 | 12.60 | 25 | 4 | 36.72 |
| 8 | 12 | 12.96 | 25 | 8 | 37.08 |
| 9 | 0 | 13.32 | 25 | 12 | 37.44 |
| 9 | 4 | 13.68 | 26 | 0 | 37.80 |
| 9 | 8 | 14.04 | 26 | 4 | 38.16 |
| 9 | 12 | 14.40 | 26 | 8 | 38.52 |
| 10 | 0 | 14.76 | 26 | 12 | 38.88 |
| 10 | 4 | 15.12 | 27 | 0 | 39.24 |
| 10 | 8 | 15.48 | 27 | 4 | 39.60 |
| 10 | 12 | 15.84 | 27 | 8 | 39.96 |
| 11 | 0 | 16.20 | 27 | 12 | 40.32 |
| 11 | 4 | 16.56 | 28 | 0 | 40.68 |
| 11 | 8 | 16.92 | 28 | 4 | 41.04 |
| 11 | 12 | 17.28 | 28 | 8 | 41.40 |
| 12 | 0 | 17.64 | 28 | 12 | 41.76 |
| 12 | 4 | 18.00 | 29 | 0 | 42.12 |
| 12 | 8 | 18.36 | 29 | 4 | 42.48 |
| 12 | 12 | 18.72 | 29 | 8 | 42.84 |
| 13 | 0 | 19.08 | 29 | 12 | 43.20 |
| 13 | 4 | 19.44 | 30 | 0 | 43.56 |
| 13 | 8 | 19.80 | 30 | 4 | 43.92 |
| 13 | 12 | 20.16 | 30 | 8 | 44.28 |
| 14 | 0 | 20.52 | 30 | 12 | 44.64 |
| 14 | 4 | 20.88 | 31 | 0 | 45.00 |
| 14 | 8 | 21.24 | 31 | 4 | 45.36 |
| 14 | 12 | 21.60 | 31 | 8 | 45.72 |
| 15 | 0 | 21.96 | 31 | 12 | 46.08 |
| 15 | 4 | 22.32 | 32 | 0 | 46.44 |
| 15 | 8 | 22.68 | 32 | 4 | 46.80 |
| 15 | 12 | 23.04 | 32 | 8 | 47.16 |
| 16 | 0 | 23.40 | 32 | 12 | 47.52 |
| 16 | 4 | 23.76 | 33 | 0 | 47.88 |
| 16 | 8 | 24.12 | 33 | 4 | 48.24 |
| 16 | 12 | 24.48 | 33 | 8 | 48.60 |
| 33 | 12 | $48.96 | 39 | 0 | $56.52 |
| 34 | 0 | 49.32 | 39 | 4 | 56.88 |
| 34 | 4 | 49.64 | 39 | 8 | 57.24 |
| 34 | 8 | 50.03 | 39 | 12 | 57.60 |
| 34 | 12 | 50.40 | 40 | 0 | 57.96 |
| 35 | 0 | 50.76 | 40 | 4 | 58.32 |
| 35 | 4 | 51.12 | 40 | 8 | 58.68 |
| 35 | 8 | 51.48 | 40 | 12 | 59.04 |
| 35 | 12 | 51.84 | 41 | 0 | 59.40 |
| 36 | 0 | 52.20 | 41 | 4 | 59.76 |
| 36 | 4 | 52.56 | 41 | 8 | 60.12 |
| 36 | 8 | 52.92 | 41 | 12 | 60.48 |
| 36 | 12 | 53.28 | 42 | 0 | 60.84 |
| 37 | 0 | 53.64 | 42 | 4 | 61.20 |
| 37 | 4 | 54.00 | 42 | 8 | 61.56 |
| 37 | 8 | 54.36 | 42 | 12 | 61.92 |
| 37 | 12 | 54.72 | 43 | 0 | 62.28 |
| 38 | 0 | 55.03 | 43 | 4 | 62.64 |
| 38 | 4 | 55.41 | 43 | 8 | 63.00 |
| 38 | 8 | 55.80 | 43 | 12 | 63.36 |
| 38 | 12 | 56.16 | 44 | 0 | 63.72 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Yes. (See § 127.79.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (4) of this paragraph.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, $3\frac{1}{2}$ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of Indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $165 | 60 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "INSURED" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs, as per the following example:

Insured Value
$25.75 (U. S.)
Twenty-five Dollars and Seventy-five Cents
77.25 Gold Francs
Seventy-seven Gold Francs and Twenty-five Centimes

(ii) See § 127.143 (b), as to method of converting United States currency into gold francs.

(iii) Parcels containing coin, bullion, jewelry, or any other precious article must be insured.

(iv) For general information concerning insurance service, see §§ 127.140 to 127.148, inclusive.

(5) *Observations.* Air parcels are given air transportation within the Netherlands West Indies if delivery can be expedited by so doing.

(6) *Prohibitions.* Munitions and war material. Arms, except by special permission. Books and prints violating the copyright laws. Copper, bronze, or nickel coins, and plates of those metals intended for the striking of coins, except when imported for the Colonial Government.

§ 127.313 *New Caledonia and dependencies (including Isle of Pines, Loyalty Islands, Huan Islands, Futuna and Alofi Islands and the Wallis Islands)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank.

(ii) The only coins admitted are those which are no longer in circulation.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.53 | 23 | $6.01 |
| 2 | .75 | 24 | 6.23 |
| 3 | .97 | 25 | 6.45 |
| 4 | 1.27 | 26 | 6.67 |
| 5 | 1.49 | 27 | 6.89 |
| 6 | 1.71 | 28 | 7.11 |
| 7 | 1.93 | 29 | 7.33 |
| 8 | 2.23 | 30 | 7.55 |
| 9 | 2.45 | 31 | 7.77 |
| 10 | 2.67 | 32 | 7.99 |
| 11 | 2.89 | 33 | 8.21 |
| 12 | 3.35 | 34 | 8.67 |
| 13 | 3.57 | 35 | 8.89 |
| 14 | 3.79 | 36 | 9.11 |
| 15 | 4.01 | 37 | 9.33 |
| 16 | 4.23 | 38 | 9.55 |
| 17 | 4.45 | 39 | 9.77 |
| 18 | 4.67 | 40 | 9.99 |
| 19 | 4.89 | 41 | 10.21 |
| 20 | 5.11 | 42 | 10.43 |
| 21 | 5.33 | 43 | 10.65 |
| 22 | 5.55 | 44 | 10.87 |

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* (i) Parcels may be accepted for any place in New Caledonia and dependencies, but delivery is confined to Noumea.

(ii) An invoice or a descriptive list must be prepared and attached to the customs declaration.

(iii) The invoice or list must indicate the value of each article contained in the parcel.

(5) *Prohibitions.* Saccharine and similar substances. Plants and vegetables, seeds and cuttings of all kinds. Firearms not intended for Government use. Airguns, other than toys. Tobacco leaves or manufactured tobacco. Articles violating the copyright or trademark laws. Weights and measures not of the decimal system. Pieces of metal resembling valid coins. Coining apparatus.

(6) *Import restrictions.* Addressees are required to obtain import licenses in some cases.

§ 127.314 *New Guinea, Mandated Territory (the mandated territory comprises the portion of the island of New Guinea formerly German, the Bismarck Archipelago (New Britain, New Ireland, New Hanover, Admiralty Islands), Buka, and Bougainville (Solomon Islands))*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* (See subpart E of this part.)

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.53 | 7 | $2.06 |
| 2 | .75 | 8 | 2.43 |
| 3 | .97 | 9 | 2.70 |
| 4 | 1.40 | 10 | 2.92 |
| 5 | 1.62 | 11 | 3.14 |
| 6 | 1.84 | | |

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions—(i) For the protection of plants.* (a) Banana suckers and seeds.

(b) All parts of the coconut palm except manufactured copra.

(ii) *For other reasons.* (a) Works violating the copyright laws.

(b) Merchandise manufactured or prepared wholly or partly in prisons.

(c) Tea, exhausted or adulterated.

(d) Oleomargarine and similar substances, unless colored and marked in accordance with regulations.

(e) All merchandise bearing or accompanied by a false statement as to guarantee or a false commercial description.

(f) Blank or partially blank invoice forms which can be filled in and used as original invoices.

§ 127.315 *New Hebrides (including the Banks and Torres Islands)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. By ordinary means from Australia. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* Same as France.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.58 | 7 | $2.18 |
| 2 | .80 | 8 | 2.71 |
| 3 | 1.30 | 9 | 2.93 |
| 4 | 1.52 | 10 | 3.15 |
| 5 | 1.74 | 11 | 3.37 |
| 6 | 1.96 | | |

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions and import restrictions.* Same as France.

§ 127.316 *New Zealand (including Cook Islands (Rarotonga, Mangaia, Atiu, Aitutaki, Mitiaro, Mauke (or Parry) and Hervey or Manuai) and Danger (Pukapuka), Manahiki, Palmerston (Avarua), Penrhyn (Tongareva), Rakaanga, Sarage, Niue, and Suwarrow Islands*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages, and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 79 cents for the first 2 ounces and 59 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 12 | $2.87 |
| 2 | .67 | 13 | 3.09 |
| 3 | .89 | 14 | 3.31 |
| 4 | 1.11 | 15 | 3.53 |
| 5 | 1.33 | 16 | 3.75 |
| 6 | 1.55 | 17 | 3.97 |
| 7 | 1.77 | 18 | 4.19 |
| 8 | 1.99 | 19 | 4.41 |
| 9 | 2.21 | 20 | 4.63 |
| 10 | 2.43 | 21 | 4.85 |
| 11 | 2.65 | 22 | 5.07 |

(ii) *Air parcel rates.* (Rates: $1.82 first 4 ounces; $1.17 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.82 | 11 | 4 | $53.39 |
| 0 | 8 | 2.99 | 11 | 8 | 54.47 |
| 0 | 12 | 4.16 | 11 | 12 | 55.64 |
| 1 | 0 | 5.33 | 12 | 0 | 56.81 |
| 1 | 4 | 6.50 | 12 | 4 | 57.98 |
| 1 | 8 | 7.67 | 12 | 8 | 59.15 |
| 1 | 12 | 8.84 | 12 | 12 | 60.32 |
| 2 | 0 | 10.01 | 13 | 0 | 61.49 |
| 2 | 4 | 11.18 | 13 | 4 | 62.66 |
| 2 | 8 | 12.35 | 13 | 8 | 63.83 |
| 2 | 12 | 13.52 | 13 | 12 | 65.00 |
| 3 | 0 | 14.69 | 14 | 0 | 66.17 |
| 3 | 4 | 15.86 | 14 | 4 | 67.34 |
| 3 | 8 | 17.03 | 14 | 8 | 68.51 |
| 3 | 12 | 18.20 | 14 | 12 | 69.68 |
| 4 | 0 | 19.37 | 15 | 0 | 70.85 |
| 4 | 4 | 20.54 | 15 | 4 | 72.02 |
| 4 | 8 | 21.71 | 15 | 8 | 73.19 |
| 4 | 12 | 22.88 | 15 | 12 | 74.36 |
| 5 | 0 | 24.05 | 16 | 0 | 75.53 |
| 5 | 4 | 25.22 | 16 | 4 | 76.70 |
| 5 | 8 | 26.39 | 16 | 8 | 77.87 |
| 5 | 12 | 27.56 | 16 | 12 | 79.04 |
| 6 | 0 | 28.73 | 17 | 0 | 80.21 |
| 6 | 4 | 29.90 | 17 | 4 | 81.38 |
| 6 | 8 | 31.07 | 17 | 8 | 82.55 |
| 6 | 12 | 32.24 | 17 | 12 | 83.72 |
| 7 | 0 | 33.41 | 18 | 0 | 84.89 |
| 7 | 4 | 34.58 | 18 | 4 | 86.06 |
| 7 | 8 | 35.75 | 18 | 8 | 87.23 |
| 7 | 12 | 36.92 | 18 | 12 | 88.40 |
| 8 | 0 | 38.09 | 19 | 0 | 89.57 |
| 8 | 4 | 39.26 | 19 | 4 | 90.74 |
| 8 | 8 | 40.43 | 19 | 8 | 91.91 |
| 8 | 12 | 41.60 | 19 | 12 | 93.08 |
| 9 | 0 | 42.77 | 20 | 0 | 94.25 |
| 9 | 4 | 43.94 | 20 | 4 | 95.42 |
| 9 | 8 | 45.11 | 20 | 8 | 96.59 |
| 9 | 12 | 46.28 | 20 | 12 | 97.76 |
| 10 | 0 | 47.45 | 21 | 0 | 98.93 |
| 10 | 4 | 48.62 | 21 | 4 | 100.10 |
| 10 | 8 | 49.79 | 21 | 8 | 101.27 |
| 10 | 12 | 50.96 | 21 | 12 | 102.44 |
| 11 | 0 | 52.13 | 22 | 0 | 103.61 |

Each air parcel must have affixed the blue Par Avion label (Form 2973). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to ordinary parcels. (See § 127.79.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (4) of this paragraph.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $165 | 60 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "INSURED", and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs, as per the following example:

Insured Value
$25.75 (U. S.)
Twenty-five Dollars and Seventy-five Cents
77.25 Gold Francs
Seventy-seven Gold Francs and Twenty-five Centimes

(iii) See § 127.143 (b) as to method of converting United States currency into gold francs.

(iv) Parcels containing coin, platinum, gold, or silver (whether manufactured or unmanufactured) precious stones, jewels, or other precious articles must be insured.

(v) Insured parcels for the Cook Islands and other islands mentioned under New Zealand are subject to the following restrictions: In the case of parcels for Savage (Niue) and Rarotonga, the insurance is effective until delivery. In the case of all the other islands, insurance is effective only as far as Rarotonga and no indemnity will be paid for loss, rifling, or damage occurring to parcels for these other islands after they leave Rarotonga.

(vi) For general information concerning insurance service, see §§ 127.140 to 127.148, inclusive.

(5) *Observations*—(i) Each commercial shipment must be covered by a commercial invoice showing the current domestic price of the goods (that is, what the price would be if sold in the United States) and the selling price to the purchaser in New Zealand. The invoice must include a certificate as to the value of the goods, prepared in prescribed form and signed by the shipper. Printed blanks for the invoice and certificate can be purchased from printing firms specializing in such supplies.

(ii) The completed invoice must be sent to the addressee by letter mail. It is desirable to send one copy by air mail and another by the ordinary means.

(6) *Prohibitions*—(i) *For reasons of sanitary policy.* (a) Rags, except new clean material which has not been used.

(b) Used clothing, except for the personal use of the addressee. Such articles are submitted to disinfection in New Zealand at the expense of the addressee.

(ii) *For the protection of plants.* All plants, bulbs, fruit, etc., received from places beyond the Dominion are subject to restrictions on admission, and in some cases are refused admission altogether. Full information on the subject may be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iii) *Arms.* Firearms, except by an authorized merchant or pursuant to a permit issued by a police superintendent or inspector in New Zealand.

(iv) *For other reasons.* (a) Goods manufactured or produced wholly or in part by prison labor.

(b) With the exception of such appliances as are necessary to serve as containers for bees imported with the consent of the Minister of Agriculture, no appliances which have been used in connection with bees are admitted into the Dominion.

(7) *Import restrictions.* Addressees in New Zealand are required to obtain import licenses for all parcels except bona fide gifts not exceeding £10 ($28.20) in value.

§ 127.317 *Nicaragua*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 2, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 35 cents for the first 2 ounces and 14 cents for each additional 2 ounces. (See § 127.20.)

(6) *Diplomatic and consular mail.* See § 127.32.

(7) *Freedom of postage for government correspondence.* See § 127.32 (c).

(8) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(9) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(10) *Combination packages.* Accepted. (See § 127.12.)

(11) *Prohibitions.* (i) Coins, banknotes, platinum, gold, and silver.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 7 | $1.77 |
| 2 | .67 | 8 | 1.99 |
| 3 | .89 | 9 | 2.21 |
| 4 | 1.11 | 10 | 2.43 |
| 5 | 1.33 | 11 | 2.65 |
| 6 | 1.55 | 12 | 2.87 |

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 13 | $3.09 | 29 | $6.61 |
| 14 | 3.31 | 30 | 6.83 |
| 15 | 3.53 | 31 | 7.05 |
| 16 | 3.75 | 32 | 7.27 |
| 17 | 3.97 | 33 | 7.49 |
| 18 | 4.19 | 34 | 7.71 |
| 19 | 4.41 | 35 | 7.93 |
| 20 | 4.63 | 36 | 8.15 |
| 21 | 4.85 | 37 | 8.37 |
| 22 | 5.07 | 38 | 8.59 |
| 23 | 5.29 | 39 | 8.81 |
| 24 | 5.51 | 40 | 9.03 |
| 25 | 5.73 | 41 | 9.25 |
| 26 | 5.95 | 42 | 9.47 |
| 27 | 6.17 | 43 | 9.69 |
| 28 | 6.39 | 44 | 9.91 |

(ii) *Air parcel rates.* (Rates: $0.80 first 4 ounces; $0.29 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.80 | 17 | 8 | $20.81 |
| 0 | 8 | 1.09 | 17 | 12 | 21.10 |
| 0 | 12 | 1.38 | 18 | 0 | 21.39 |
| 1 | 0 | 1.67 | 18 | 4 | 21.68 |
| 1 | 4 | 1.96 | 18 | 8 | 21.97 |
| 1 | 8 | 2.25 | 18 | 12 | 22.26 |
| 1 | 12 | 2.54 | 19 | 0 | 22.55 |
| 2 | 0 | 2.83 | 19 | 4 | 22.84 |
| 2 | 4 | 3.12 | 19 | 8 | 23.13 |
| 2 | 8 | 3.41 | 19 | 12 | 23.42 |
| 2 | 12 | 3.70 | 20 | 0 | 23.71 |
| 3 | 0 | 3.99 | 20 | 4 | 24.00 |
| 3 | 4 | 4.28 | 20 | 8 | 24.29 |
| 3 | 8 | 4.57 | 20 | 12 | 24.58 |
| 3 | 12 | 4.86 | 21 | 0 | 24.87 |
| 4 | 0 | 5.15 | 21 | 4 | 25.16 |
| 4 | 4 | 5.44 | 21 | 8 | 25.45 |
| 4 | 8 | 5.73 | 21 | 12 | 25.74 |
| 4 | 12 | 6.02 | 22 | 0 | 26.03 |
| 5 | 0 | 6.31 | 22 | 4 | 26.32 |
| 5 | 4 | 6.60 | 22 | 8 | 26.61 |
| 5 | 8 | 6.89 | 22 | 12 | 26.90 |
| 5 | 12 | 7.18 | 23 | 0 | 27.19 |
| 6 | 0 | 7.47 | 23 | 4 | 27.48 |
| 6 | 4 | 7.76 | 23 | 8 | 27.77 |
| 6 | 8 | 8.05 | 23 | 12 | 28.06 |
| 6 | 12 | 8.34 | 24 | 0 | 28.35 |
| 7 | 0 | 8.63 | 24 | 4 | 28.64 |
| 7 | 4 | 8.92 | 24 | 8 | 28.93 |
| 7 | 8 | 9.21 | 24 | 12 | 29.22 |
| 7 | 12 | 9.50 | 25 | 0 | 29.51 |
| 8 | 0 | 9.79 | 25 | 4 | 29.80 |
| 8 | 4 | 10.08 | 25 | 8 | 30.09 |
| 8 | 8 | 10.37 | 25 | 12 | 30.38 |
| 8 | 12 | 10.66 | 26 | 0 | 30.67 |
| 9 | 0 | 10.95 | 26 | 4 | 30.96 |
| 9 | 4 | 11.24 | 26 | 8 | 31.25 |
| 9 | 8 | 11.53 | 26 | 12 | 31.54 |
| 9 | 12 | 11.82 | 27 | 0 | 31.83 |
| 10 | 0 | 12.11 | 27 | 4 | 32.12 |
| 10 | 4 | 12.40 | 27 | 8 | 32.41 |
| 10 | 8 | 12.69 | 27 | 12 | 32.70 |
| 10 | 12 | 12.98 | 28 | 0 | 32.99 |
| 11 | 0 | 13.27 | 28 | 4 | 33.28 |
| 11 | 4 | 13.56 | 28 | 8 | 33.57 |
| 11 | 8 | 13.85 | 28 | 12 | 33.86 |
| 11 | 12 | 14.14 | 29 | 0 | 34.15 |
| 12 | 0 | 14.43 | 29 | 4 | 34.44 |
| 12 | 4 | 14.72 | 29 | 8 | 34.73 |
| 12 | 8 | 15.01 | 29 | 12 | 35.02 |
| 12 | 12 | 15.30 | 30 | 0 | 35.31 |
| 13 | 0 | 15.59 | 30 | 4 | 35.60 |
| 13 | 4 | 15.88 | 30 | 8 | 35.89 |
| 13 | 8 | 16.17 | 30 | 12 | 36.18 |
| 13 | 12 | 16.46 | 31 | 0 | 36.47 |
| 14 | 0 | 16.75 | 31 | 4 | 36.76 |
| 14 | 4 | 17.04 | 31 | 8 | 37.05 |
| 14 | 8 | 17.33 | 31 | 12 | 37.34 |
| 14 | 12 | 17.62 | 32 | 0 | 37.63 |
| 15 | 0 | 17.91 | 32 | 4 | 37.92 |
| 15 | 4 | 18.20 | 32 | 8 | 38.21 |
| 15 | 8 | 18.49 | 32 | 12 | 38.50 |
| 15 | 12 | 18.78 | 33 | 0 | 38.79 |
| 16 | 0 | 19.07 | 33 | 4 | 39.08 |
| 16 | 4 | 19.36 | 33 | 8 | 39.37 |
| 16 | 8 | 19.65 | 33 | 12 | 39.66 |
| 16 | 12 | 19.94 | 34 | 0 | 39.95 |
| 17 | 0 | 20.23 | 34 | 4 | 40.24 |
| 17 | 4 | 20.52 | 34 | 8 | 40.53 |
| 17 | 8 | 20.81 | 34 | 12 | 40.82 |
| 17 | 12 | 21.10 | 35 | 0 | 41.11 |
| 18 | 0 | 21.39 | 35 | 4 | 41.40 |
| 18 | 4 | 21.68 | 35 | 8 | 41.69 |
| 18 | 8 | 21.97 | 35 | 12 | 41.98 |
| 18 | 12 | 22.26 | 36 | 0 | 42.27 |
| 19 | 0 | 22.55 | 36 | 4 | 42.56 |
| 19 | 4 | 22.84 | 36 | 8 | 42.85 |
| 19 | 8 | 23.13 | 36 | 12 | 43.14 |
| 19 | 12 | 23.42 | 37 | 0 | 43.43 |
| 20 | 0 | 23.71 | 37 | 4 | 43.72 |
| 20 | 4 | 24.00 | 37 | 8 | 44.01 |
| 20 | 8 | 24.29 | 37 | 12 | 44.30 |
| 20 | 12 | 24.58 | 38 | 0 | 44.59 |
| 21 | 0 | 24.87 | 38 | 4 | 44.88 |
| 21 | 4 | 25.16 | 38 | 8 | 45.17 |
| 21 | 8 | 25.45 | 38 | 12 | 45.46 |
| 21 | 12 | 25.74 | 39 | 0 | 45.75 |
| 22 | 0 | 26.03 | 39 | 4 | 46.04 |
| 22 | 4 | 26.32 | | | |
| 22 | 8 | 26.61 | | | |
| 22 | 12 | 26.90 | | | |
| 23 | 0 | 27.19 | | | |
| 23 | 4 | 27.48 | | | |
| 23 | 8 | 27.77 | | | |
| 23 | 12 | 28.06 | | | |
| 24 | 0 | 28.35 | | | |
| 24 | 4 | 28.64 | | | |
| 24 | 8 | 28.93 | | | |
| 24 | 12 | 29.22 | | | |
| 25 | 0 | 29.51 | | | |
| 25 | 4 | 29.80 | | | |
| 25 | 8 | 30.09 | | | |
| 25 | 12 | 30.38 | | | |
| 26 | 0 | 30.67 | | | |
| 26 | 4 | 30.96 | | | |
| 26 | 8 | 31.25 | | | |
| 26 | 12 | 31.54 | | | |
| 27 | 0 | 31.83 | | | |
| 27 | 4 | 32.12 | | | |
| 27 | 8 | 32.41 | | | |
| 27 | 12 | 32.70 | | | |
| 28 | 0 | 32.99 | | | |
| 28 | 4 | 33.28 | | | |
| 28 | 8 | 33.57 | | | |
| 28 | 12 | 33.86 | | | |
| 29 | 0 | 34.15 | | | |
| 29 | 4 | 34.44 | | | |
| 29 | 8 | 34.73 | | | |
| 29 | 12 | 35.02 | | | |
| 30 | 0 | 35.31 | | | |
| 30 | 4 | 35.60 | | | |
| 30 | 8 | 35.89 | | | |
| 30 | 12 | 36.18 | | | |
| 31 | 0 | 36.47 | | | |
| 31 | 4 | 36.76 | | | |
| 31 | 8 | 37.05 | | | |
| 31 | 12 | 37.34 | | | |
| 32 | 0 | 37.63 | | | |
| 32 | 4 | 37.92 | | | |
| 32 | 8 | 38.21 | | | |
| 32 | 12 | 38.50 | | | |
| 33 | 0 | 38.79 | | | |
| 33 | 4 | 39.08 | | | |
| 33 | 8 | 39.37 | | | |
| 33 | 12 | 39.66 | | | |
| 34 | 0 | 39.95 | | | |
| 34 | 4 | 40.24 | | | |
| 34 | 8 | 40.53 | | | |
| 34 | 12 | 40.82 | | | |
| 35 | 0 | 41.11 | | | |
| 35 | 4 | 41.40 | | | |
| 35 | 8 | 41.69 | | | |
| 35 | 12 | 41.98 | | | |
| 36 | 0 | 42.27 | | | |
| 36 | 4 | 42.56 | | | |
| 36 | 8 | 42.85 | | | |
| 36 | 12 | 43.14 | | | |
| 37 | 0 | 43.43 | | | |
| 37 | 4 | 43.72 | | | |
| 37 | 8 | 44.01 | | | |
| 37 | 12 | 44.30 | | | |
| 38 | 0 | 44.59 | | | |
| 38 | 4 | 44.88 | | | |
| 38 | 8 | 45.17 | | | |
| 38 | 12 | 45.46 | | | |
| 39 | 0 | 45.75 | | | |
| 39 | 4 | 46.04 | | | |
| 39 | 8 | 46.33 | | | |
| 39 | 12 | 46.62 | | | |
| 40 | 0 | 46.91 | | | |
| 40 | 4 | 47.20 | | | |
| 40 | 8 | 47.49 | | | |
| 40 | 12 | 47.78 | | | |
| 41 | 0 | 48.07 | | | |
| 41 | 4 | 48.36 | | | |
| 41 | 8 | 48.65 | | | |
| 41 | 12 | 48.94 | | | |
| 42 | 0 | 49.23 | | | |
| 42 | 4 | 49.52 | | | |
| 42 | 8 | 49.81 | | | |
| 42 | 12 | 50.10 | | | |
| 43 | 0 | 50.39 | | | |
| 43 | 4 | 50.68 | | | |
| 43 | 8 | 50.97 | | | |
| 43 | 12 | 51.26 | | | |
| 44 | 0 | 51.55 | | | |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: Yes. Fee, 55 cents.
Insurance: No.
C. o. d.: No.
Consular invoice: Yes. (See subparagraph (6) of this paragraph.)

(2) *Indemnity.* See § 127.165.

(3) *Registry service.* For general information see Subpart D of this part.

(4) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels (surface and air). (See § 127.159.)

(5) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(6) *Observations.* (i) Mailers of parcel post packages addressed for delivery in Nicaragua must transmit three copies of the relative commercial invoice prepared in Spanish to the nearest Nicaraguan consul for legalization. After legalization, the original invoice should be included in one of the packages of the shipment, while another copy should be forwarded, under separate cover, to the addressee. The parcel containing the invoice must be indorsed to indicate that fact. The third copy will be retained by the consul.

(ii) Legalized invoices are not required for shipments when the value of the contents is less than $10 but for convenience a commercial invoice, not legalized, should be included in one of the packages.

(iii) Nicaraguan consuls are located in the following cities:

| | |
|---|---|
| Austin, Tex. | Larchmont, N. Y. |
| Boston, Mass. | Long Beach, Calif. |
| Brownsville, Tex. | Los Angeles, Calif. |
| Chicago, Ill. | Miami, Fla. |
| Cleveland, Ohio. | New Orleans, La. |
| Corpus Christi, Tex. | New York, N. Y. |
| Dallas, Tex. | Oakland, Calif. |
| Fort Worth, Tex. | Pensacola, Fla. |
| Houston, Tex. | Philadelphia, Pa. |
| Lansing, Mich. | Sacramento, Calif. |
| Saint Louis, Mo. | Seattle, Wash. |
| San Antonio, Tex. | South Bend, Ind. |
| San Francisco, Calif. | Tampa, Fla. |
| San Juan, P. R. | Washington, D. C. |

(iv) In the case of parcels addressed in care of banks or other organizations, the second addressee shall be advised concerning the arrival of the parcel, but shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender; in the latter case, the sender shall take steps through the administration of the country of origin of the parcel for its delivery to the second addressee.

(7) *Prohibitions.*—(i) *For reasons of public safety.* Communistic and other subversive publications.

(ii) *For sanitary reasons.* (*a*) Pharmaceutical specialities not registered in Nicaragua; pharmaceutical preparations or secret remedies of unknown composition whose formulas have not been made public.

(*b*) Hypodermic outfits, unless imported through the intermediary of the Executive Power.

(iii) *Arms, etc.* (*a*) Bullets of iron or lead.

(*b*) Firearms except with the permission of the Government.

(*c*) Machines and apparatus for setting off explosives, unless addressed to mining enterprises, railroads, etc.

(iv) *For other reasons.* (*a*) Lighters.

(*b*) Telegraph apparatus.

(*c*) Police whistles.

(*d*) Apparatus for making false money.

(*e*) Distilling apparatus.

(8) *Import restrictions.* Addressees are required to obtain import licenses in some cases.

§ 127.318 *Niger*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank. Coins; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles are not admitted.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.72 | 4 | $1.56 |
| 2 | .94 | 5 | 1.78 |
| 3 | 1.34 | 6 | 2.00 |
| 7 | 2.22 | 26 | 7.24 |
| 8 | 2.44 | 27 | 7.46 |
| 9 | 2.66 | 28 | 7.68 |
| 10 | 2.88 | 29 | 7.90 |
| 11 | 3.10 | 30 | 8.12 |
| 12 | 3.73 | 31 | 8.34 |
| 13 | 3.95 | 32 | 8.56 |
| 14 | 4.17 | 33 | 8.78 |
| 15 | 4.39 | 34 | 9.43 |
| 16 | 4.61 | 35 | 9.65 |
| 17 | 4.83 | 36 | 9.87 |
| 18 | 5.05 | 37 | 10.09 |
| 19 | 5.27 | 38 | 10.31 |
| 20 | 5.49 | 39 | 10.53 |
| 21 | 5.71 | 40 | 10.75 |
| 22 | 5.93 | 41 | 10.97 |
| 23 | 6.58 | 42 | 11.19 |
| 24 | 6.80 | 43 | 11.41 |
| 25 | 7.02 | 44 | 11.63 |

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

Parcels are accepted for all places but they must be claimed at the nearest of the following offices of which the name must appear in the address:

| | |
|---|---|
| Agadez. | Maradi. |
| Bilma. | N'Guigmi. |
| Birni-Konni. | Niamey. |
| Dogondoutchi. | Say. |
| Dosso. | Tahoua. |
| Filingue. | Tanout. |
| Gaya. | Tera. |
| Goure. | Tessaoua. |
| Madaoua. | Tillabery. |
| Magaria. | Zinder. |
| Maine-Soroa. | |

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* (i) As there is no customs service in Niger, parcels for that colony are cleared at Cotonou (Dahomey).

(ii) It is recommended that senders attach a certified invoice to the customs declaration in order to facilitate clearance.

(5) *Prohibitions.*—(i) *For reasons of public safety.* The importation of arms of any kind or munitions therefor is subject to authorization by the local authorities.

(ii) *For the protection of animals or plants.* (*a*) Bees, leeches, and silkworms.

(*b*) All products likely to propagate the "coffee berry borer" (Stephanoderes hampei).

(6) *Import restrictions.* Addressees are required to obtain import licenses in some cases.

§ 127.319 *Nigeria*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 54 cents for the first 2 ounces and 34 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins; unmanufactured platinum, gold, or silver.

(ii) Manufactured gold, platinum, silver, jewelry, and precious stones, if the value is more than £5.

(iii) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(iv) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $1.05 | 12 | $4.67 |
| 2 | 1.27 | 13 | 4.89 |
| 3 | 1.49 | 14 | 5.11 |
| 4 | 1.95 | 15 | 5.33 |
| 5 | 2.17 | 16 | 5.55 |
| 6 | 2.39 | 17 | 5.77 |
| 7 | 2.61 | 18 | 5.99 |
| 8 | 3.19 | 19 | 6.21 |
| 9 | 3.41 | 20 | 6.43 |
| 10 | 3.63 | 21 | 6.65 |
| 11 | 3.85 | 22 | 6.87 |

(ii) *Air parcel rates.* (Rates: $1.25 first 4 ounces; $0.65 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.25 | 11 | 4 | $29.85 |
| 0 | 8 | 1.90 | 11 | 8 | 30.50 |
| 0 | 12 | 2.55 | 11 | 12 | 31.15 |
| 1 | 0 | 3.20 | 12 | 0 | 31.80 |
| 1 | 4 | 3.85 | 12 | 4 | 32.45 |
| 1 | 8 | 4.50 | 12 | 8 | 33.10 |
| 1 | 12 | 5.15 | 12 | 12 | 33.75 |
| 2 | 0 | 5.80 | 13 | 0 | 34.40 |
| 2 | 4 | 6.45 | 13 | 4 | 35.05 |
| 2 | 8 | 7.10 | 13 | 8 | 35.70 |
| 2 | 12 | 7.75 | 13 | 12 | 36.35 |
| 3 | 0 | 8.40 | 14 | 0 | 37.00 |
| 3 | 4 | 9.05 | 14 | 4 | 37.65 |
| 3 | 8 | 9.70 | 14 | 8 | 38.30 |
| 3 | 12 | 10.35 | 14 | 12 | 38.95 |
| 4 | 0 | 11.00 | 15 | 0 | 39.60 |
| 4 | 4 | 11.65 | 15 | 4 | 40.25 |
| 4 | 8 | 12.30 | 15 | 8 | 40.90 |
| 4 | 12 | 12.95 | 15 | 12 | 41.55 |
| 5 | 0 | 13.60 | 16 | 0 | 42.20 |
| 5 | 4 | 14.25 | 16 | 4 | 42.85 |
| 5 | 8 | 14.90 | 16 | 8 | 43.50 |
| 5 | 12 | 15.55 | 16 | 12 | 44.15 |
| 6 | 0 | 16.20 | 17 | 0 | 44.80 |
| 6 | 4 | 16.85 | 17 | 4 | 45.45 |
| 6 | 8 | 17.50 | 17 | 8 | 46.10 |
| 6 | 12 | 18.15 | 17 | 12 | 46.75 |
| 7 | 0 | 18.80 | 18 | 0 | 47.40 |
| 7 | 4 | 19.45 | 18 | 4 | 48.05 |
| 7 | 8 | 20.10 | 18 | 8 | 48.70 |
| 7 | 12 | 20.75 | 18 | 12 | 49.35 |
| 8 | 0 | 21.40 | 19 | 0 | 50.00 |
| 8 | 4 | 22.05 | 19 | 4 | 50.65 |
| 8 | 8 | 22.70 | 19 | 8 | 51.30 |
| 8 | 12 | 23.35 | 19 | 12 | 51.95 |
| 9 | 0 | 24.00 | 20 | 0 | 52.60 |
| 9 | 4 | 24.65 | 20 | 4 | 53.25 |
| 9 | 8 | 25.30 | 20 | 8 | 53.90 |
| 9 | 12 | 25.95 | 20 | 12 | 54.55 |
| 10 | 0 | 26.60 | 21 | 0 | 55.20 |
| 10 | 4 | 27.25 | 21 | 4 | 55.85 |
| 10 | 8 | 27.90 | 21 | 8 | 56.50 |
| 10 | 12 | 28.55 | 21 | 12 | 57.15 |
| 11 | 0 | 29.20 | 22 | 0 | 57.80 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 11,[1] 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Yes. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

[1] Parcel post packages exceeding 11 pounds in weight may be accepted for the following offices:

| | |
|---|---|
| Aba. | Imo River. |
| Abakaliki. | Itu. |
| Abeokuta. | Jebba. |
| Ado-Ekiti. | Jos. |
| Afikpo. | Kabba. |
| Agbor. | Kaduna. |
| Agege. | Kaduna Junction. |
| Agenebode. | Kafanchan. |
| Akassa. | Kano. |
| Akure. | Katsina. |
| Apapa. | Kaura Namoda. |
| Asaba. | Koko. |
| Awka. | Kwale. |
| Badagry. | Lagos. |
| Bansara. | Lokoja. |
| Barakin Ladi. | Maiduguri. |
| Baro. | Makurdi. |
| Bauchi. | Mallam Madurl. |
| Benin City. | Minna. |
| Bida. | Nembe. |
| Bonny. | Nguru. |
| Brass. | Obubra. |
| Bukuru. | Offa. |
| Burutu. | Ogbomosho. |
| Calabar. | Obetim. |
| Damaturu. | Okigwi. |
| Degema. | Okitipupa. |
| Duchi-Wal. | Okrika. |
| Ebute Metta. | Ondo. |
| Ede. | Onitsha. |
| Ejinrin. | Opobo. |
| Enugu. | Oron. |
| Epe. | Oshogbo. |
| Forcados. | Oturkpo. |
| Funtua. | Owerri. |
| Gusau. | Owo. |
| Ibadan. | Oyo. |
| Ibara. | Port Harcourt. |
| Idah. | Potiskum. |
| Ife. | Sapele. |
| Ifon. | Sokoto. |
| Ijebu Ode. | Umuahia. |
| Ikom. | Uyo. |
| Ikotekpene. | Uzuakoli. |
| Ilaro. | Warri. |
| Ilesha. | Zaria. |
| Ilorin. | |

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* (i) Parcels must be strongly packed. Waterproof covers must be used for parcels intended for places beyond the service of the Nigerian Railway.

(ii) Parcel post packages containing cotton or rayon textiles exceeding £1 in value must be accompanied by certified invoices giving a full description of the contents and their value and indicate the country of origin.

(iii) Nigerian regulations forbid the importation of articles to be exchanged for native goods.

(5) *Prohibitions.* (i) Uniforms, unless addressed to persons authorized to wear them.

(ii) Bees and silkworms.

(iii) Firearms.

(iv) Cottonseed, cocoa beans, maize, and other grains.

(v) Coins.

(6) *Import restrictions.* Addressees are required to obtain import licenses in some cases.

§ 127.320 *North Borneo (State of)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, and other precious articles. Advertisements of fortune tellers, of gambling enterprises, or of remedies for venereal diseases.

(ii) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted as samples only under license from the Director of Agriculture, provided that each shipment is accompanied by a certificate issued by competent authority in the country of origin to the effect that the contents are as stated by the sender.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges and surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.98 | 12 | $4.77 |
| 2 | 1.20 | 13 | 4.99 |
| 3 | 1.74 | 14 | 5.21 |
| 4 | 2.05 | 15 | 5.43 |
| 5 | 2.27 | 16 | 5.65 |
| 6 | 2.49 | 17 | 5.87 |
| 7 | 2.71 | 18 | 6.09 |
| 8 | 3.33 | 19 | 6.31 |
| 9 | 3.55 | 20 | 6.53 |
| 10 | 3.77 | 21 | 6.75 |
| 11 | 3.99 | 22 | 6.97 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Yes. (§ 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions.* (i) Firearms are admitted only if accompanied by a license issued by the chief police officer of North Borneo.

(ii) Plants and seeds are admitted if accompanied by a certificate from the United States Department of Agriculture stating that they are free from pests or diseases, or if permission to import them has been obtained from the Director of Agriculture of North Borneo.

(iii) Carbon papers (same as Great Britain).

(5) *Import restrictions.* Addressees are required to obtain import licenses in some cases.

§ 127.321 *Norway (including Spitzbergen)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 43 cents for the first 2 ounces and 23 cents for each additional 2 ounces. (See § 127.20.)

(5) *Special delivery.* Yes. In Norway special delivery service is limited to first-class offices. For further information see § 127.19.

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Combination packages.* Accepted. (See § 127.12.)

(8) *Prohibitions.* The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.47 | 23 | $5.75 |
| 2 | 0.71 | 24 | 5.99 |
| 3 | 0.95 | 25 | 6.23 |
| 4 | 1.19 | 26 | 6.47 |
| 5 | 1.43 | 27 | 6.71 |
| 6 | 1.67 | 28 | 6.95 |
| 7 | 1.91 | 29 | 7.19 |
| 8 | 2.15 | 30 | 7.43 |
| 9 | 2.39 | 31 | 7.67 |
| 10 | 2.63 | 32 | 7.91 |
| 11 | 2.87 | 33 | 8.15 |
| 12 | 3.11 | 34 | 8.39 |
| 13 | 3.35 | 35 | 8.63 |
| 14 | 3.59 | 36 | 8.87 |
| 15 | 3.83 | 37 | 9.11 |
| 16 | 4.07 | 38 | 9.35 |
| 17 | 4.31 | 39 | 9.59 |
| 18 | 4.55 | 40 | 9.83 |
| 19 | 4.79 | 41 | 10.07 |
| 20 | 5.03 | 42 | 10.31 |
| 21 | 5.27 | 43 | 10.55 |
| 22 | 5.51 | 44 | 10.79 |

(ii) *Air parcel rates.* (Rates: $1.02 first 4 ounces; $0.47 each additional 4 ounces.

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.02 | 5 | 12 | $11.36 |
| 0 | 8 | 1.49 | 6 | 0 | 11.83 |
| 0 | 12 | 1.96 | 6 | 4 | 12.30 |
| 1 | 0 | 2.43 | 6 | 8 | 12.77 |
| 1 | 4 | 2.90 | 6 | 12 | 13.24 |
| 1 | 8 | 3.37 | 7 | 0 | 13.71 |
| 1 | 12 | 3.84 | 7 | 4 | 14.18 |
| 2 | 0 | 4.31 | 7 | 8 | 14.65 |
| 2 | 4 | 4.78 | 7 | 12 | 15.12 |
| 2 | 8 | 5.25 | 8 | 0 | 15.59 |
| 2 | 12 | 5.72 | 8 | 4 | 16.06 |
| 3 | 0 | 6.19 | 8 | 8 | 16.53 |
| 3 | 4 | 6.66 | 8 | 12 | 17.00 |
| 3 | 8 | 7.13 | 9 | 0 | 17.47 |
| 3 | 12 | 7.60 | 9 | 4 | 17.94 |
| 4 | 0 | 8.07 | 9 | 8 | 18.41 |
| 4 | 4 | 8.54 | 9 | 12 | 18.88 |
| 4 | 8 | 9.01 | 10 | 0 | 19.35 |
| 4 | 12 | 9.48 | 10 | 4 | 19.82 |
| 5 | 0 | 9.95 | 10 | 8 | 20.29 |
| 5 | 4 | 10.42 | 10 | 12 | 20.76 |
| 5 | 8 | 10.89 | 11 | 0 | 21.23 |

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 11 | 4 | $21.70 | 27 | 12 | $55.23 |
| 11 | 8 | 22.17 | 28 | 0 | 56.19 |
| 11 | 12 | 22.64 | 28 | 4 | 53.66 |
| 12 | 0 | 23.11 | 28 | 8 | 54.13 |
| 12 | 4 | 23.58 | 28 | 12 | 54.60 |
| 12 | 8 | 24.05 | 29 | 0 | 55.07 |
| 12 | 12 | 24.52 | 29 | 4 | 55.54 |
| 13 | 0 | 24.99 | 29 | 8 | 56.01 |
| 13 | 4 | 25.46 | 29 | 12 | 56.48 |
| 13 | 8 | 25.93 | 30 | 0 | 56.95 |
| 13 | 12 | 26.40 | 30 | 4 | 57.42 |
| 14 | 0 | 26.87 | 30 | 8 | 57.89 |
| 14 | 4 | 27.34 | 30 | 12 | 58.36 |
| 14 | 8 | 27.81 | 31 | 0 | 58.83 |
| 14 | 12 | 28.28 | 31 | 4 | 59.30 |
| 15 | 0 | 28.75 | 31 | 8 | 59.77 |
| 15 | 4 | 29.22 | 31 | 12 | 60.24 |
| 15 | 8 | 29.69 | 32 | 0 | 60.71 |
| 15 | 12 | 30.16 | 32 | 4 | 61.18 |
| 16 | 0 | 30.63 | 32 | 8 | 61.65 |
| 16 | 4 | 31.10 | 32 | 12 | 62.12 |
| 16 | 8 | 31.57 | 33 | 0 | 62.59 |
| 16 | 12 | 32.04 | 33 | 4 | 63.06 |
| 17 | 0 | 32.51 | 33 | 8 | 63.53 |
| 17 | 4 | 32.98 | 33 | 12 | 64.00 |
| 17 | 8 | 33.45 | 34 | 0 | 64.47 |
| 17 | 12 | 33.92 | 34 | 4 | 64.94 |
| 18 | 0 | 34.39 | 34 | 8 | 65.41 |
| 18 | 4 | 34.86 | 34 | 12 | 65.88 |
| 18 | 8 | 35.33 | 35 | 0 | 66.35 |
| 18 | 12 | 35.80 | 35 | 4 | 66.82 |
| 19 | 0 | 36.27 | 35 | 8 | 67.29 |
| 19 | 4 | 36.74 | 35 | 12 | 67.76 |
| 19 | 8 | 37.21 | 36 | 0 | 68.23 |
| 19 | 12 | 37.68 | 36 | 4 | 68.70 |
| 20 | 0 | 38.15 | 36 | 8 | 69.17 |
| 20 | 4 | 38.62 | 36 | 12 | 69.64 |
| 20 | 8 | 39.09 | 37 | 0 | 70.11 |
| 20 | 12 | 39.56 | 37 | 4 | 70.58 |
| 21 | 0 | 40.03 | 37 | 8 | 71.05 |
| 21 | 4 | 40.50 | 37 | 12 | 71.52 |
| 21 | 8 | 40.97 | 38 | 0 | 71.99 |
| 21 | 12 | 41.44 | 38 | 4 | 72.46 |
| 22 | 0 | 41.91 | 38 | 8 | 72.93 |
| 22 | 4 | 42.38 | 38 | 12 | 73.40 |
| 22 | 8 | 42.85 | 39 | 0 | 73.87 |
| 22 | 12 | 43.32 | 39 | 4 | 74.34 |
| 23 | 0 | 43.79 | 39 | 8 | 74.81 |
| 23 | 4 | 44.26 | 39 | 12 | 75.28 |
| 23 | 8 | 44.73 | 40 | 0 | 75.75 |
| 23 | 12 | 45.20 | 40 | 4 | 76.22 |
| 24 | 0 | 45.67 | 40 | 8 | 76.69 |
| 24 | 4 | 46.14 | 40 | 12 | 77.16 |
| 24 | 8 | 46.61 | 41 | 0 | 77.63 |
| 24 | 12 | 47.08 | 41 | 4 | 78.10 |
| 25 | 0 | 47.55 | 41 | 8 | 78.57 |
| 25 | 4 | 48.02 | 41 | 12 | 79.04 |
| 25 | 8 | 48.49 | 42 | 0 | 79.51 |
| 25 | 12 | 48.96 | 42 | 4 | 79.98 |
| 26 | 0 | 49.43 | 42 | 8 | 80.45 |
| 26 | 4 | 49.90 | 42 | 12 | 80.92 |
| 26 | 8 | 50.37 | 43 | 0 | 81.39 |
| 26 | 12 | 50.84 | 43 | 4 | 81.86 |
| 27 | 0 | 51.31 | 43 | 8 | 82.33 |
| 27 | 4 | 51.78 | 43 | 12 | 82.80 |
| 27 | 8 | 52.25 | 44 | 0 | 83.27 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: No.
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (4) of this paragraph.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable, in addition to the insurance fees mentioned hereunder:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $200 | 60 |
| From $200.01 to $300 | 65 |
| From $300.01 to $330 | 70 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "INSURED" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs, as per the following example:

Insured Value
$25.75 (U. S.)
Twenty-five Dollars and Seventy-five Cents
77.25 Gold Francs
Seventy-seven Gold Francs and Twenty-five Centimes

(iii) See § 127.143 (b), as to method of converting United States currency into gold francs.

(iv) Parcels which contain coin, banknotes, paper money, bullion, jewelry, or other precious articles must be insured.

(v) For general information concerning insurance service, see §§ 127.140 to 127.148, inclusive.

(5) *Prohibitions*—(i) *For sanitary reasons.* (a) Merchandise coming under the pharmacy monopoly unless addressed to authorized persons and institutions.

(b) Used sacks.

(c) Sausages, pastes, and other similar foodstuffs may be imported only in the form of parcels not weighing more than 5 kilograms.

(ii) *State monopolies, etc.* Mixed stock tonics and mixed artificial fertilizers.

(iii) *For other reasons.* Advertisements of prohibited remedies or merchandise included in the pharmacy monopoly.

(6) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Addressees in Norway must obtain import licenses for gift parcels exceeding 200 kroner (approximately $28) in value. License-free gift parcels may not contain more than 4 pounds 6 ounces of coffee, or 22 pounds of sugar.

(ii) Special permission is required for the importation of arms and parts thereof; almanacs and calendars; hair washes containing alcohol, unless denatured; butter; radio apparatus.

(iii) Norwegian currency and Norwegian securities require authorization from the National Bank of Norway.

§ 127.322 *Nyasaland Protectorate*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.



(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins, banknotes (except those sent by and addressed to a bank), paper money; unmanufactured platinum, gold, or silver.

(ii) Seeds, roots, and plants are admitted only in the form of samples, parcel post, or registered letters, on production by the addressee of a permit issued by the Department of Agriculture of Nyasaland Protectorate. Seeds (to the exclusion of other parts) of garden plants, vegetables, and ornamental shrubs are, however, admitted without the aforesaid permit.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.70 | 7 | $3.52 |
| 2 | 1.17 | 8 | 3.99 |
| 3 | 1.64 | 9 | 4.46 |
| 4 | 2.11 | 10 | 4.93 |
| 5 | 2.58 | 11 | 5.40 |
| 6 | 3.05 | | |

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Yes. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* Limit of value, £50.

(5) *Prohibitions.* (i) Seeds, roots, and plants, except with the permission of the Department of Agriculture of Nyasaland Protectorate. Seeds (to the exclusion of other parts) of garden plants, vegetables, and ornamental shrubs are, however, admitted without the aforesaid permission.

(ii) Coins, banknotes (except those sent by and addressed to a bank), and paper money.

(6) *Import restrictions.* Addressees must obtain import licenses in some cases.

§ 127.323 *Pakistan*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles 63 cents for the first 2 ounces and 43 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* (i) Accepted. (See § 127.3.)

(ii) Dutiable letter packages received unaccompanied by the green label, Form 2976 (C 1), or paper customs declaration, Form 2976–A, are subject to a heavy fine in addition to the customs duty.

(7) *Observations.* See paragraph (b) (4) of this section.

(8) *Prohibitions.* The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges and surcharges*—(a) *Western Pakistan.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.70 | 12 | $3.36 |
| 2 | .92 | 13 | 3.58 |
| 3 | 1.20 | 14 | 3.80 |
| 4 | 1.42 | 15 | 4.02 |
| 5 | 1.64 | 16 | 4.24 |
| 6 | 1.86 | 17 | 4.46 |
| 7 | 2.08 | 18 | 4.68 |
| 8 | 2.24 | 19 | 4.90 |
| 9 | 2.46 | 20 | 5.12 |
| 10 | 2.68 | 21 | 5.34 |
| 11 | 2.90 | 22 | 5.56 |

(b) *Eastern Pakistan.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $1.02 | 12 | $3.85 |
| 2 | 1.24 | 13 | 4.07 |
| 3 | 1.54 | 14 | 4.29 |
| 4 | 1.76 | 15 | 4.51 |
| 5 | 1.98 | 16 | 4.73 |
| 6 | 2.20 | 17 | 4.95 |
| 7 | 2.42 | 18 | 5.17 |
| 8 | 2.59 | 19 | 5.39 |
| 9 | 2.81 | 20 | 5.61 |
| 10 | 3.03 | 21 | 5.83 |
| 11 | 3.25 | 22 | 6.05 |

(ii) *Air parcel rates, all places.* (Rates: $1.63 first 4 ounces; $0.84 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.63 | 9 | 12 | $33.55 |
| 0 | 8 | 2.47 | 10 | 0 | 34.39 |
| 0 | 12 | 3.31 | 10 | 4 | 35.23 |
| 1 | 0 | 4.15 | 10 | 8 | 36.07 |
| 1 | 4 | 4.99 | 10 | 12 | 36.91 |
| 1 | 8 | 5.83 | 11 | 0 | 37.75 |
| 1 | 12 | 6.67 | 11 | 4 | 38.59 |
| 2 | 0 | 7.51 | 11 | 8 | 39.43 |
| 2 | 4 | 8.35 | 11 | 12 | 40.27 |
| 2 | 8 | 9.19 | 12 | 0 | 41.11 |
| 2 | 12 | 10.03 | 12 | 4 | 41.95 |
| 3 | 0 | 10.87 | 12 | 8 | 42.79 |
| 3 | 4 | 11.71 | 12 | 12 | 43.63 |
| 3 | 8 | 12.55 | 13 | 0 | 44.47 |
| 3 | 12 | 13.39 | 13 | 4 | 45.31 |
| 4 | 0 | 14.23 | 13 | 8 | 46.15 |
| 4 | 4 | 15.07 | 13 | 12 | 46.99 |
| 4 | 8 | 15.91 | 14 | 0 | 47.83 |
| 4 | 12 | 16.75 | 14 | 4 | 48.67 |
| 5 | 0 | 17.59 | 14 | 8 | 49.51 |
| 5 | 4 | 18.43 | 14 | 12 | 50.35 |
| 5 | 8 | 19.27 | 15 | 0 | 51.19 |
| 5 | 12 | 20.11 | 15 | 4 | 52.03 |
| 6 | 0 | 20.95 | 15 | 8 | 52.87 |
| 6 | 4 | 21.79 | 15 | 12 | 53.71 |
| 6 | 8 | 22.63 | 16 | 0 | 54.55 |
| 6 | 12 | 23.47 | 16 | 4 | 55.39 |
| 7 | 0 | 24.31 | 16 | 8 | 56.23 |
| 7 | 4 | 25.15 | 16 | 12 | 57.07 |
| 7 | 8 | 25.99 | 17 | 0 | 57.91 |
| 7 | 12 | 26.83 | 17 | 4 | 58.75 |
| 8 | 0 | 27.67 | 17 | 8 | 59.59 |
| 8 | 4 | 28.51 | 17 | 12 | 60.43 |
| 8 | 8 | 29.35 | 18 | 0 | 61.27 |
| 8 | 12 | 30.19 | 18 | 4 | 62.11 |
| 9 | 0 | 31.03 | 18 | 8 | 62.95 |
| 9 | 4 | 31.87 | 18 | 12 | 63.79 |
| 9 | 8 | 32.71 | 19 | 0 | 64.63 |

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 19 | 4 | $65.47 | 20 | 12 | $70.51 |
| 19 | 8 | 66.31 | 21 | 0 | 71.35 |
| 19 | 12 | 67.15 | 21 | 4 | 72.19 |
| 20 | 0 | 67.99 | 21 | 8 | 73.03 |
| 20 | 4 | 68.83 | 21 | 12 | 73.87 |
| 20 | 8 | 69.67 | 22 | 0 | 74.71 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* (i) The territories comprising the Dominion of Pakistan are as follows:

WESTERN PART

1. The entire Province of Sind.
2. The entire Province of Baluchistan.
3. The entire Province called "North West Frontier Province."
4. The Gilgit District of the State of Kashmir.
5. The following districts of the Province of Punjab:

| | |
|---|---|
| Attock. | Lyallpur. |
| Bahwalpur State. | Mianwali. |
| Campbellpur. | Montgomery. |
| Dera Ghazi Khan. | Multan. |
| Gujranwala. | Muzaffargarh. |
| Gujrat. | Rawalpindi. |
| Jhang. | Shahpur. |
| Jhelum. | Sheikupura. |
| Lahore. | Sialkot. |

EASTERN PART

1. The district of Sylhet in Assam.
2. The following districts of the Province of Bengal:

| | |
|---|---|
| Bakergunge. | Kuhlna. |
| Bogra. | Mymensingh. |
| Chittagong. | Noakhali. |
| Dacca. | Pabna. |
| Dinajpur. | Rangpur. |
| Faridpur. | Rajshahi. |
| Jessore. | Tipperah. |

(ii) Whenever practicable, the address of mail matter shall include the name of the province or district in which the post office of destination is located.

(5) *Prohibitions.* (i) Arms, including toy or imitation pistols, and appliances including pens, pencils, etc., for discharging gas, unless sent for the use of the Pakistan Government.

(ii) Coins of copper or bronze not issued by Pakistan or an acceding State. Counterfeit or imitation currency. Fictitious stamps.

(iii) Articles violating the trade-mark laws.

(iv) Certain plants and plant products are prohibited or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(v) Liquids with a flash point below 200°.

(vi) Piece goods ordinarily sold by the yard or by the piece, manufactured outside of Pakistan.

(vii) Skins and feathers of all birds not native to Pakistan, except the ostrich, unless imported as natural-history specimens.

(6) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Special permission is required for the importation of the following: Unmanufactured silver; wireless telegraph apparatus; yellow-fever virus.

(ii) Import licenses may be required for other types of merchandise in some cases.

§ 127.324 *Palestine (Western Arab Palestine (Gaza and Khan Yunis only)).*

NOTE 1: See Jordan (Hashemite Kingdom), concerning service available to Central Arab Palestine.

NOTE 2: See Israel, State of, concerning service available to that country.

(a) *Postal Union mails—(1) Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. See § 127.10.)

(2) *Registration.* No service.

(3) *Indemnity.* No provision.

(4) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(5) *Special delivery.* No service.

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* Western Arab Palestine includes the post offices of Gaza and Khan Yunis.

(8) *Prohibitions.* No list.

(b) *Parcel post—(1) Table of rates—(i) Surface parcel rates, including transit charges and surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $1.01 | 7 | $2.46 |
| 2 | 1.23 | 8 | 2.81 |
| 3 | 1.58 | 9 | 3.03 |
| 4 | 1.80 | 10 | 3.25 |
| 5 | 2.02 | 11 | 3.47 |
| 6 | 2.24 | | |

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Limited to 3 parcels. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions.* No list.

§ 127.325 *Panama (Republic of)*—(a) *Postal union mails—(1) Classifications, rates, weight limits and dimensions.* See Table No. 2 in § 127.1 Small packets not accepted.

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 33 cents for the first 2 ounces and 13 cents for each additional 2 ounces. (See § 127.20.)

(6) *Diplomatic and consular mail.* See § 127.32.

(7) *Freedom of postage for government correspondence.* See § 127.32 (c).

(8) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted, if registered. (See § 127.3.)

(9) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(10) *Observations.* Articles intended for delivery in the Republic of Panama must include the name of that Republic and not "Canal Zone" in the address.

(11) *Prohibitions.* (i) Articles of gold or silver, jewelry, and other precious articles.

(ii) Banknotes or other valuables unless sent by registered mail in safety envelopes or wrappers, or in packages duly protected so that violation of the envelopes or wrappers will be quickly noticed.

(iii) Dutiable articles (merchandise) in letters and packages prepaid at the letter rate, unless registered.

(iv) Publications violating the copyright laws.

(b) *Parcel post—(1) Table of rates—(i) Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.70 | 36 | $8.40 |
| 2 | .92 | 37 | 8.62 |
| 3 | 1.14 | 38 | 8.84 |
| 4 | 1.36 | 39 | 9.06 |
| 5 | 1.58 | 40 | 9.28 |
| 6 | 1.80 | 41 | 9.50 |
| 7 | 2.02 | 42 | 9.72 |
| 8 | 2.24 | 43 | 9.94 |
| 9 | 2.46 | 44 | 10.16 |
| 10 | 2.68 | 45 | 10.38 |
| 11 | 2.90 | 46 | 10.60 |
| 12 | 3.12 | 47 | 10.82 |
| 13 | 3.34 | 48 | 11.04 |
| 14 | 3.56 | 49 | 11.26 |
| 15 | 3.78 | 50 | 11.48 |
| 16 | 4.00 | 51 | 11.70 |
| 17 | 4.22 | 52 | 11.92 |
| 18 | 4.44 | 53 | 12.14 |
| 19 | 4.66 | 54 | 12.36 |
| 20 | 4.88 | 55 | 12.58 |
| 21 | 5.10 | 56 | 12.80 |
| 22 | 5.32 | 57 | 13.02 |
| 23 | 5.54 | 58 | 13.24 |
| 24 | 5.76 | 59 | 13.45 |
| 25 | 5.98 | 60 | 13.69 |
| 26 | 6.20 | 61 | 13.90 |
| 27 | 6.42 | 62 | 14.12 |
| 28 | 6.64 | 63 | 14.34 |
| 29 | 6.86 | 64 | 14.56 |
| 30 | 7.08 | 65 | 14.78 |
| 31 | 7.30 | 66 | 15.00 |
| 32 | 7.52 | 67 | 15.22 |
| 33 | 7.74 | 68 | 15.44 |
| 34 | 7.96 | 69 | 15.66 |
| 35 | 8.18 | 70 | 15.88 |

(ii) *Air parcel rates.* (Rates: $0.91 first 4 ounces; $0.21 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.91 | 2 | 8 | $2.80 |
| 0 | 8 | 1.12 | 2 | 12 | 3.01 |
| 0 | 12 | 1.33 | 3 | 0 | 3.22 |
| 1 | 0 | 1.54 | 3 | 4 | 3.43 |
| 1 | 4 | 1.75 | 3 | 8 | 3.64 |
| 1 | 8 | 1.96 | 3 | 12 | 3.85 |
| 1 | 12 | 2.17 | 4 | 0 | 4.06 |
| 2 | 0 | 2.38 | 4 | 4 | 4.27 |
| 2 | 4 | 2.59 | 4 | 8 | 4.48 |



| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 4 | 12 | $4.69 | 24 | 8 | $21.28 |
| 5 | 0 | 4.90 | 24 | 12 | 21.49 |
| 5 | 4 | 5.11 | 25 | 0 | 21.70 |
| 5 | 8 | 5.32 | 25 | 4 | 21.91 |
| 5 | 12 | 5.53 | 25 | 8 | 22.12 |
| 6 | 0 | 5.74 | 25 | 12 | 22.33 |
| 6 | 4 | 5.95 | 26 | 0 | 22.54 |
| 6 | 8 | 6.16 | 26 | 4 | 22.75 |
| 6 | 12 | 6.37 | 26 | 8 | 22.96 |
| 7 | 0 | 6.58 | 26 | 12 | 23.17 |
| 7 | 4 | 6.79 | 27 | 0 | 23.38 |
| 7 | 8 | 7.00 | 27 | 4 | 23.59 |
| 7 | 12 | 7.21 | 27 | 8 | 23.80 |
| 8 | 0 | 7.42 | 27 | 12 | 24.01 |
| 8 | 4 | 7.63 | 28 | 0 | 24.22 |
| 8 | 8 | 7.84 | 28 | 4 | 24.43 |
| 8 | 12 | 8.05 | 28 | 8 | 24.64 |
| 9 | 0 | 8.26 | 28 | 12 | 24.85 |
| 9 | 4 | 8.47 | 29 | 0 | 25.06 |
| 9 | 8 | 8.68 | 29 | 4 | 25.27 |
| 9 | 12 | 8.89 | 29 | 8 | 25.48 |
| 10 | 0 | 9.10 | 29 | 12 | 25.69 |
| 10 | 4 | 9.31 | 30 | 0 | 25.90 |
| 10 | 8 | 9.52 | 30 | 4 | 26.11 |
| 10 | 12 | 9.73 | 30 | 8 | 26.32 |
| 11 | 0 | 9.94 | 30 | 12 | 26.53 |
| 11 | 4 | 10.15 | 31 | 0 | 26.74 |
| 11 | 8 | 10.36 | 31 | 4 | 26.95 |
| 11 | 12 | 10.57 | 31 | 8 | 27.16 |
| 12 | 0 | 10.78 | 31 | 12 | 27.37 |
| 12 | 4 | 10.99 | 32 | 0 | 27.58 |
| 12 | 8 | 11.20 | 32 | 4 | 27.79 |
| 12 | 12 | 11.41 | 32 | 8 | 28.00 |
| 13 | 0 | 11.62 | 32 | 12 | 28.21 |
| 13 | 4 | 11.83 | 33 | 0 | 28.42 |
| 13 | 8 | 12.04 | 33 | 4 | 28.63 |
| 13 | 12 | 12.25 | 33 | 8 | 28.84 |
| 14 | 0 | 12.46 | 33 | 12 | 29.05 |
| 14 | 4 | 12.67 | 34 | 0 | 29.26 |
| 14 | 8 | 12.88 | 34 | 4 | 29.47 |
| 14 | 12 | 13.09 | 34 | 8 | 29.68 |
| 15 | 0 | 13.30 | 34 | 12 | 29.89 |
| 15 | 4 | 13.51 | 35 | 0 | 30.10 |
| 15 | 8 | 13.72 | 35 | 4 | 30.31 |
| 15 | 12 | 13.93 | 35 | 8 | 30.52 |
| 16 | 0 | 14.14 | 35 | 12 | 30.73 |
| 16 | 4 | 14.35 | 36 | 0 | 30.94 |
| 16 | 8 | 14.56 | 36 | 4 | 31.15 |
| 16 | 12 | 14.77 | 36 | 8 | 31.36 |
| 17 | 0 | 14.98 | 36 | 12 | 31.57 |
| 17 | 4 | 15.19 | 37 | 0 | 31.78 |
| 17 | 8 | 15.40 | 37 | 4 | 31.99 |
| 17 | 12 | 15.61 | 37 | 8 | 32.20 |
| 18 | 0 | 15.82 | 37 | 12 | 32.41 |
| 18 | 4 | 16.03 | 38 | 0 | 32.62 |
| 18 | 8 | 16.24 | 38 | 4 | 32.83 |
| 18 | 12 | 16.45 | 38 | 8 | 33.04 |
| 19 | 0 | 16.66 | 38 | 12 | 33.25 |
| 19 | 4 | 16.87 | 39 | 0 | 33.46 |
| 19 | 8 | 17.08 | 39 | 4 | 33.67 |
| 19 | 12 | 17.29 | 39 | 8 | 33.88 |
| 20 | 0 | 17.50 | 39 | 12 | 34.09 |
| 20 | 4 | 17.71 | 40 | 0 | 34.30 |
| 20 | 8 | 17.92 | 40 | 4 | 34.51 |
| 20 | 12 | 18.13 | 40 | 8 | 34.72 |
| 21 | 0 | 18.34 | 40 | 12 | 34.93 |
| 21 | 4 | 18.55 | 41 | 0 | 35.14 |
| 21 | 8 | 18.76 | 41 | 4 | 35.35 |
| 21 | 12 | 18.97 | 41 | 8 | 35.56 |
| 22 | 0 | 19.18 | 41 | 12 | 35.77 |
| 22 | 4 | 19.39 | 42 | 0 | 35.98 |
| 22 | 8 | 19.60 | 42 | 4 | 36.19 |
| 22 | 12 | 19.81 | 42 | 8 | 36.40 |
| 23 | 0 | 20.02 | 42 | 12 | 36.61 |
| 23 | 4 | 20.23 | 43 | 0 | 36.82 |
| 23 | 8 | 20.44 | 43 | 4 | 37.03 |
| 23 | 12 | 20.65 | 43 | 8 | 37.24 |
| 24 | 0 | 20.86 | 43 | 12 | 37.45 |
| 24 | 4 | 21.07 | 44 | 0 | 37.66 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44.1 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: Yes. Fee, 55 cents.
Insurance: No.
C. o. d.: No.

[1] Air parcels are limited to 44 pounds in weight.

(2) *Indemnity.* See § 127.165.

(3) *Registry service.* For general information see Subpart D of this part.

(4) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels, (surface and air). (See § 127.159.)

(5) *Dimensions.* Greatest combined length and girth, 7 feet, on condition that parcels exceeding 6 feet in combined length and girth shall not exceed 2½ feet in length. Greatest length permissible, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(6) *Observations.* (i) For shipments of a commercial nature, the sender must prepare four copies of a commercial invoice and send them to the addressee under separate cover. Each copy must bear the following declaration in Spanish, signed by the sender: "Conste bajo la gravedad del juramento, con la firma puesta al pie de esta declaración, que todos y cada uno de los datos expresados en esta factura son exactos y verdaderos, y que la suma total declarada es la misma en que se han vendido las mercaderías." (It is declared, under oath, by the signature at the end of this declaration, that each and every one of the statements made in this invoice is correct and true, and that the total amount declared therein is that for which the goods were sold.)

(ii) In the case of parcels addressed in care of banks or other organizations, the second addressee shall be advised concerning the arrival of the parcel, but he shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender; in the latter case, the sender shall take steps, through the administration of the country of origin of the parcel, for its delivery to the second addressee.

(iii) Fatty, liquid, or easily liquefiable substances are admitted at the risk of the sender. (Owing to climatic conditions in Panama care must be exercised to see that these articles are packed according to instructions governing their admission to the international parcel post mails.)

§ 127.326 *Papua (Territory of)*—(a) *Postal Union mails—(1) Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* All imported goods which bear any name or trade-mark that might lead the purchaser or receiver to assume they are British products, must bear an indication of origin.

(8) *Prohibitions.* Same as Australia.

(b) *Parcel post—(1) Table of rates—(i) Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.53 | 7 | $2.06 |
| 2 | .75 | 8 | 2.48 |
| 3 | .97 | 9 | 2.70 |
| 4 | 1.40 | 10 | 2.92 |
| 5 | 1.62 | 11 | 3.14 |
| 6 | 1.84 | | |

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions and import restrictions.* (i) Same as Australia.

(ii) All imported goods which bear any name or trade-mark that might lead the purchaser or receiver to assume they are British products, must bear an indication of origin.

§ 127.327 *Paraguay*—(a) *Postal Union mails—(1) Classifications, rates, weight limits and dimensions.* See Table No. 2, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 50 cents for the first 2 ounces and 30 cents for each additional 2 ounces. (See § 127.20.)

(5) *Special delivery.* No service.

(6) *Diplomatic and consular mail.* See § 127.32.

(7) *Freedom of postage for government correspondence.* See § 127.32 (c).

(8) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(9) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(10) *Prohibitions.* (i) Bank notes, paper money, and values payable to bearer.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post—(1) Table of rates—(i) Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.53 | 11 | $2.81 |
| 2 | .75 | 12 | 3.20 |
| 3 | 1.02 | 13 | 3.42 |
| 4 | 1.24 | 14 | 3.64 |
| 5 | 1.46 | 15 | 3.86 |
| 6 | 1.68 | 16 | 4.08 |
| 7 | 1.90 | 17 | 4.30 |
| 8 | 2.15 | 18 | 4.52 |
| 9 | 2.37 | 19 | 4.74 |
| 10 | 2.59 | 20 | 4.96 |

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 21 | $5.18 | 33 | $7.98 |
| 22 | 5.40 | 34 | 8.36 |
| 23 | 5.78 | 35 | 8.58 |
| 24 | 6.00 | 36 | 8.80 |
| 25 | 6.22 | 37 | 9.02 |
| 26 | 6.44 | 38 | 9.24 |
| 27 | 6.66 | 39 | 9.46 |
| 28 | 6.88 | 40 | 9.68 |
| 29 | 7.10 | 41 | 9.90 |
| 30 | 7.32 | 42 | 10.12 |
| 31 | 7.54 | 43 | 10.34 |
| 32 | 7.76 | 44 | 10.56 |

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group Shipments: Limited to 3 ordinary parcels. (See § 127.79.)
Registration: Yes. Fee, 55 cents.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* See § 127.165.

(3) *Registry service.* For general information see Subpart D of this part.

(4) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels. (See § 127.159)

(5) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(6) *Observations.* In the case of parcels addressed in care of banks or other organizations, the second addressee shall be advised concerning the arrival of the parcel, but he shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender; in the latter case, the sender shall take steps, through the administration of the country of origin of the parcel, for its delivery to the second addressee.

(7) *Prohibitions.* (i) *For reasons of public safety.* False or counterfeit money. Edible coloring essences with bases of tar or other mineral.

(ii) *For sanitary reasons.* Used linen unless accompanied by a certificate of disinfection.

(iii) *For the protection of plants.* Seeds and fruits (fresh or otherwise), unless accompanied by a satisfactory sanitary certificate.

(iv) *Arms, etc.* War arms except with permission from the Minister of War for importation.

(v) *For other reasons.* Dry powdered dyes unless packed in strong tin boxes, placed in turn in wooden boxes with sawdust between. In the case of aniline, the wooden box must have walls at least 1 centimeter thick.

(8) *Import restrictions.* Addressees are required to obtain import licenses for all parcels, regardless of value.

§ 127.328 *Persian Gulf Ports—(British Postal Agencies at Bahrain, Kuwait, Doha (Qatar), Dubai (including Sharja), and Muscat)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* (i) Bahrein only: Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 60 cents for the first 2 ounces and 40 cents for each additional 2 ounces.

(ii) All other places: Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Bees, leeches, silkworms, and parasites and predators of injurious insects intended for the control of such insects and exchanged between officially recognized institutions, are admitted as samples only.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.46 | 12 | $2.99 |
| 2 | .69 | 13 | 3.22 |
| 3 | .92 | 14 | 3.45 |
| 4 | 1.15 | 15 | 3.68 |
| 5 | 1.38 | 16 | 3.91 |
| 6 | 1.61 | 17 | 4.14 |
| 7 | 1.87 | 18 | 4.37 |
| 8 | 2.07 | 19 | 4.60 |
| 9 | 2.30 | 20 | 4.83 |
| 10 | 2.53 | 21 | 5.06 |
| 11 | 2.76 | 22 | 5.29 |

(ii) *Air parcel rates (Bahrein only).* (Rates: $1.35 first 4 ounces; $0.75 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.35 | 10 | 0 | $30.60 |
| 0 | 8 | 2.10 | 10 | 4 | 31.35 |
| 0 | 12 | 2.85 | 10 | 8 | 32.10 |
| 1 | 0 | 3.60 | 10 | 12 | 32.85 |
| 1 | 4 | 4.35 | 11 | 0 | 33.60 |
| 1 | 8 | 5.10 | 11 | 4 | 34.35 |
| 1 | 12 | 5.85 | 11 | 8 | 35.10 |
| 2 | 0 | 6.60 | 11 | 12 | 35.85 |
| 2 | 4 | 7.35 | 12 | 0 | 36.60 |
| 2 | 8 | 8.10 | 12 | 4 | 37.35 |
| 2 | 12 | 8.85 | 12 | 8 | 38.10 |
| 3 | 0 | 9.60 | 12 | 12 | 38.85 |
| 3 | 4 | 10.35 | 13 | 0 | 39.60 |
| 3 | 8 | 11.10 | 13 | 4 | 40.35 |
| 3 | 12 | 11.85 | 13 | 8 | 41.10 |
| 4 | 0 | 12.60 | 13 | 12 | 41.85 |
| 4 | 4 | 13.35 | 14 | 0 | 42.60 |
| 4 | 8 | 14.10 | 14 | 4 | 43.35 |
| 4 | 12 | 14.85 | 14 | 8 | 44.10 |
| 5 | 0 | 15.60 | 14 | 12 | 44.85 |
| 5 | 4 | 16.35 | 15 | 0 | 45.60 |
| 5 | 8 | 17.10 | 15 | 4 | 46.35 |
| 5 | 12 | 17.85 | 15 | 8 | 47.10 |
| 6 | 0 | 18.60 | 15 | 12 | 47.85 |
| 6 | 4 | 19.35 | 16 | 0 | 48.60 |
| 6 | 8 | 20.10 | 16 | 4 | 49.35 |
| 6 | 12 | 20.85 | 16 | 8 | 50.10 |
| 7 | 0 | 21.60 | 16 | 12 | 50.85 |
| 7 | 4 | 22.35 | 17 | 0 | 51.60 |
| 7 | 8 | 23.10 | 17 | 4 | 52.35 |
| 7 | 12 | 23.85 | 17 | 8 | 53.10 |
| 8 | 0 | 24.60 | 17 | 12 | 53.85 |
| 8 | 4 | 25.35 | 18 | 0 | 54.60 |
| 8 | 8 | 26.10 | 18 | 4 | 55.35 |
| 8 | 12 | 26.85 | 18 | 8 | 56.10 |
| 9 | 0 | 27.60 | 18 | 12 | 56.85 |
| 9 | 4 | 28.35 | 19 | 0 | 57.60 |
| 9 | 8 | 29.10 | 19 | 4 | 58.35 |
| 9 | 12 | 29.85 | 19 | 8 | 59.10 |
| 19 | 12 | $59.85 | 21 | 0 | $63.60 |
| 20 | 0 | 60.60 | 21 | 4 | 64.35 |
| 20 | 4 | 61.35 | 21 | 8 | 65.10 |
| 20 | 8 | 62.10 | 21 | 12 | 65.85 |
| 20 | 12 | 62.85 | 22 | 0 | 66.60 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions.* (i) Arms and parts thereof. Counterfeit coins and banknotes. Fictitious postage stamps and instruments or materials for making them. Cultivated, imitation, artificial, or bleached pearls.

(ii) Coins and gold ingots exceeding £5 ($14) in value, except coins declared to be intended as ornaments. Silver ingots or partially worked silver exceeding £20 ($56) in value.

(iii) Carbon paper, oilskins, and similar goods are subject to the conditions applicable to such articles for Great Britain.

§ 127.329 *Peru*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 2, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 45 cents for the first 2 ounces and 25 cents for each additional 2 ounces. (See § 127.20.)

(6) *Diplomatic and consular mail.* See § 127.32 (c).

(7) *Freedom of postage for government correspondence.* See § 127.32.

(8) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted, if registered. (See § 127.3.)

(9) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(10) *Prohibitions.* (i) Money in cash, bank notes, and values payable to the bearer. Dutiable articles (merchandise) in letters and packages prepaid at letter rate, unless registered.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.86 | 6 | $1.95 |
| 2 | 1.08 | 7 | 2.13 |
| 3 | 1.30 | 8 | 2.41 |
| 4 | 1.52 | 9 | 2.62 |
| 5 | 1.74 | 10 | 2.84 |



| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 11 | $3.06 | 28 | $6.80 |
| 12 | 3.28 | 29 | 7.02 |
| 13 | 3.50 | 30 | 7.24 |
| 14 | 3.72 | 31 | 7.46 |
| 15 | 3.94 | 32 | 7.68 |
| 16 | 4.16 | 33 | 7.90 |
| 17 | 4.38 | 34 | 8.12 |
| 18 | 4.60 | 35 | 8.34 |
| 19 | 4.82 | 36 | 8.56 |
| 20 | 5.04 | 37 | 8.78 |
| 21 | 5.26 | 38 | 9.00 |
| 22 | 5.48 | 39 | 9.22 |
| 23 | 5.70 | 40 | 9.44 |
| 24 | 5.92 | 41 | 9.66 |
| 25 | 6.14 | 42 | 9.88 |
| 26 | 6.36 | 43 | 10.10 |
| 27 | 6.58 | 44 | 10.32 |

(ii) *Air parcel rates.* (Rates: $1.23 first 4 ounces; $0.37 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.23 | 17 | 4 | $26.39 |
| 0 | 8 | 1.60 | 17 | 8 | 26.76 |
| 0 | 12 | 1.97 | 17 | 12 | 27.13 |
| 1 | 0 | 2.34 | 18 | 0 | 27.50 |
| 1 | 4 | 2.71 | 18 | 4 | 27.87 |
| 1 | 8 | 3.08 | 18 | 8 | 28.24 |
| 1 | 12 | 3.45 | 18 | 12 | 28.61 |
| 2 | 0 | 3.82 | 19 | 0 | 28.98 |
| 2 | 4 | 4.19 | 19 | 4 | 29.35 |
| 2 | 8 | 4.56 | 19 | 8 | 29.72 |
| 2 | 12 | 4.93 | 19 | 12 | 30.09 |
| 3 | 0 | 5.30 | 20 | 0 | 30.46 |
| 3 | 4 | 5.67 | 20 | 4 | 30.83 |
| 3 | 8 | 6.04 | 20 | 8 | 31.20 |
| 3 | 12 | 6.41 | 20 | 12 | 31.57 |
| 4 | 0 | 6.78 | 21 | 0 | 31.94 |
| 4 | 4 | 7.15 | 21 | 4 | 32.31 |
| 4 | 8 | 7.52 | 21 | 8 | 32.68 |
| 4 | 12 | 7.89 | 21 | 12 | 33.05 |
| 5 | 0 | 8.26 | 22 | 0 | 33.42 |
| 5 | 4 | 8.63 | 22 | 4 | 33.79 |
| 5 | 8 | 9.00 | 22 | 8 | 34.16 |
| 5 | 12 | 9.37 | 22 | 12 | 34.53 |
| 6 | 0 | 9.74 | 23 | 0 | 34.90 |
| 6 | 4 | 10.11 | 23 | 4 | 35.27 |
| 6 | 8 | 10.48 | 23 | 8 | 35.64 |
| 6 | 12 | 10.85 | 23 | 12 | 36.01 |
| 7 | 0 | 11.22 | 24 | 0 | 36.38 |
| 7 | 4 | 11.59 | 24 | 4 | 36.75 |
| 7 | 8 | 11.96 | 24 | 8 | 37.12 |
| 7 | 12 | 12.33 | 24 | 12 | 37.49 |
| 8 | 0 | 12.70 | 25 | 0 | 37.86 |
| 8 | 4 | 13.07 | 25 | 4 | 38.23 |
| 8 | 8 | 13.44 | 25 | 8 | 38.60 |
| 8 | 12 | 13.81 | 25 | 12 | 38.97 |
| 9 | 0 | 14.18 | 26 | 0 | 39.34 |
| 9 | 4 | 14.55 | 26 | 4 | 39.71 |
| 9 | 8 | 14.92 | 26 | 8 | 40.08 |
| 9 | 12 | 15.29 | 26 | 12 | 40.45 |
| 10 | 0 | 15.66 | 27 | 0 | 40.82 |
| 10 | 4 | 16.03 | 27 | 4 | 41.19 |
| 10 | 8 | 16.40 | 27 | 8 | 41.56 |
| 10 | 12 | 16.77 | 27 | 12 | 41.93 |
| 11 | 0 | 17.14 | 28 | 0 | 42.30 |
| 11 | 4 | 17.51 | 28 | 4 | 42.67 |
| 11 | 8 | 17.88 | 28 | 8 | 43.04 |
| 11 | 12 | 18.25 | 28 | 12 | 43.41 |
| 12 | 0 | 18.62 | 29 | 0 | 43.78 |
| 12 | 4 | 18.99 | 29 | 4 | 44.15 |
| 12 | 8 | 19.36 | 29 | 8 | 44.52 |
| 12 | 12 | 19.73 | 29 | 12 | 44.89 |
| 13 | 0 | 20.10 | 30 | 0 | 45.26 |
| 13 | 4 | 20.47 | 30 | 4 | 45.63 |
| 13 | 8 | 20.84 | 30 | 8 | 46.00 |
| 13 | 12 | 21.21 | 30 | 12 | 46.37 |
| 14 | 0 | 21.58 | 31 | 0 | 46.74 |
| 14 | 4 | 21.95 | 31 | 4 | 47.11 |
| 14 | 8 | 22.32 | 31 | 8 | 47.48 |
| 14 | 12 | 22.69 | 31 | 12 | 47.85 |
| 15 | 0 | 23.06 | 32 | 0 | 48.22 |
| 15 | 4 | 23.43 | 32 | 4 | 48.59 |
| 15 | 8 | 23.80 | 32 | 8 | 48.96 |
| 15 | 12 | 24.17 | 32 | 12 | 49.33 |
| 16 | 0 | 24.54 | 33 | 0 | 49.70 |
| 16 | 4 | 24.91 | 33 | 4 | 50.07 |
| 16 | 8 | 25.28 | 33 | 8 | 50.44 |
| 16 | 12 | 25.65 | 33 | 12 | 50.81 |
| 17 | 0 | 26.02 | 34 | 0 | 51.18 |
| 34 | 4 | $51.55 | 39 | 4 | $58.95 |
| 34 | 8 | 51.92 | 39 | 8 | 59.32 |
| 34 | 12 | 52.29 | 39 | 12 | 59.69 |
| 35 | 0 | 52.66 | 40 | 0 | 60.06 |
| 35 | 4 | 53.03 | 40 | 4 | 60.43 |
| 35 | 8 | 53.40 | 40 | 8 | 60.80 |
| 35 | 12 | 53.77 | 40 | 12 | 61.17 |
| 36 | 0 | 54.14 | 41 | 0 | 61.54 |
| 36 | 4 | 51.51 | 41 | 4 | 61.91 |
| 36 | 8 | 54.88 | 41 | 8 | 62.28 |
| 36 | 12 | 55.25 | 41 | 12 | 62.65 |
| 37 | 0 | 55.62 | 42 | 0 | 63.02 |
| 37 | 4 | 55.99 | 42 | 4 | 63.39 |
| 37 | 8 | 56.36 | 42 | 8 | 63.76 |
| 37 | 12 | 56.73 | 42 | 12 | 64.13 |
| 38 | 0 | 57.10 | 43 | 0 | 64.50 |
| 38 | 4 | 57.47 | 43 | 4 | 64.87 |
| 38 | 8 | 57.84 | 43 | 8 | 65.24 |
| 38 | 12 | 58.21 | 43 | 12 | 65.61 |
| 39 | 0 | 58.58 | 44 | 0 | 65.98 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: Yes. Fee, 55 cents.
Insurance: No.
C. o. d.: No.
Consular invoice: Yes. (See subparagraph (6) of this paragraph.)

(2) *Indemnity.* See § 127.165.

(3) *Registry service.* For general information see subpart D of this part.

(4) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels (surface and air). (See § 127.159.)

(5) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(6) *Observations.* (i) A consular invoice must be furnished for parcels valued at $49 or over mailed in cities where a Peruvian Consul is located. Parcels valued at less than $49, regardless of whether there is a Peruvian Consul at the place of origin, need not be accompanied by consular invoices. In such cases the consular fees are collected from the addressees at the time of delivery. Parcels not accompanied by consular invoices must be accompanied by commercial invoices. The invoices in question may be enclosed in the parcels to which they relate, or the invoices may be sent under separate cover direct to the addressee, at the option of the sender.

(ii) Parcels containing used clothing must be accompanied by a certificate of disinfection issued by a competent authority (for example, local Board of Health) or by a firm with facilities for disinfecting the articles involved. The certificate must be legalized by a Peruvian consulate. Senders shall endorse the wrappers of parcels containing used clothing to show that the certificate of disinfection is enclosed.

(iii) Peruvian consuls are located in the following cities:

| | |
|---|---|
| Boston, Mass. | New Orleans, La. |
| Chicago, Ill. | New York, N. Y. |
| Cleveland, Ohio | Philadelphia, Pa. |
| Dallas, Texas | Portland, Oreg. |
| Detroit, Mich. | St. Louis, Mo. |
| Honolulu, T. H. | San Francisco, Calif. |
| Houston, Tex. | San Juan, P. R. |
| Los Angeles, Calif. | Seattle, Wash. |
| Mayaguez, P. R. | Washington, D. C. |
| Miami, Fla. | |

(iv) In the case of parcels addressed in care of banks or other organizations, the second addressee shall be advised concerning the arrival of the parcel, but he shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender; in the latter case, the sender shall take steps, through the administration of the country of origin of the parcel, for its delivery to the second addressee.

(7) *Prohibitions*—(i) *For sanitary reasons.* (a) Food products which are adulterated or sent under false declarations.

(b) Glass nursing bottles with rubber or glass tubes.

(c) Certain products, such as flour and milk for children and invalids, unless registered with the Director of Public Health, or specially authorized by him for importation.

(ii) *For the protection of plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iii) *Arms, etc.* War material. Firearms and accessories therefor may be imported on condition that the addressee obtains a permit from the Peruvian authorities.

(iv) *State monopolies, etc.* Cooking salt. Playing cards. Tobacco, cigars or cigarettes, unless addressed to the Estanco del Tobaco (Tobacco Monopoly). Cigarettes for medical use only may be imported after a license has been secured from the Direccion General de Hacienda (Treasury Department of Peru).

(v) *For other reasons.* (a) Saccharine and similar products, and substances containing them, unless specially authorized for medical use by the Director of Public Health.

(b) Pharmaceutical specialties and cosmetics, such as powders, dentifrices, rouge, hair dyes, depilatories, etc., unless registered with the Director of Public Health or specially authorized by him for importation.

(c) Maps and all geographic material showing the boundaries of Peru incorrectly.

§ 127.330 *Philippines (Republic of the)*—(a) *Postal Union Mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 2, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages, and post cards, 25 cents per half ounce, except that when mailed in Guam the rate is 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 81 cents for the first 2 ounces and 60 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Combination packages.* Accepted. (See § 127.12.)

(8) *Observations.* See paragraph (b) (4) of this section concerning certificate of origin and consular invoice required in certain cases for packages containing merchandise.

(9) *Prohibitions.* The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 23 | $5.29 |
| 2 | .67 | 24 | 5.51 |
| 3 | .89 | 25 | 5.73 |
| 4 | 1.11 | 26 | 5.95 |
| 5 | 1.33 | 27 | 6.17 |
| 6 | 1.55 | 28 | 6.39 |
| 7 | 1.77 | 29 | 6.61 |
| 8 | 1.99 | 30 | 6.83 |
| 9 | 2.21 | 31 | 7.05 |
| 10 | 2.43 | 32 | 7.27 |
| 11 | 2.65 | 33 | 7.49 |
| 12 | 2.87 | 34 | 7.71 |
| 13 | 3.09 | 35 | 7.93 |
| 14 | 3.31 | 36 | 8.15 |
| 15 | 3.53 | 37 | 8.37 |
| 16 | 3.75 | 38 | 8.59 |
| 17 | 3.97 | 39 | 8.81 |
| 18 | 4.19 | 40 | 9.03 |
| 19 | 4.41 | 41 | 9.25 |
| 20 | 4.63 | 42 | 9.47 |
| 21 | 4.85 | 43 | 9.69 |
| 22 | 5.07 | 44 | 9.91 |

(ii) *Air parcel rates.* (Rates: $1.81 first 4 ounces; $1.26 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.81 | 7 | 0 | $35.83 |
| 0 | 8 | 3.07 | 7 | 4 | 37.09 |
| 0 | 12 | 4.33 | 7 | 8 | 38.35 |
| 1 | 0 | 5.59 | 7 | 12 | 39.61 |
| 1 | 4 | 6.85 | 8 | 0 | 40.87 |
| 1 | 8 | 8.11 | 8 | 4 | 42.13 |
| 1 | 12 | 9.37 | 8 | 8 | 43.39 |
| 2 | 0 | 10.63 | 8 | 12 | 44.65 |
| 2 | 4 | 11.89 | 9 | 0 | 45.91 |
| 2 | 8 | 13.15 | 9 | 4 | 47.17 |
| 2 | 12 | 14.41 | 9 | 8 | 48.43 |
| 3 | 0 | 15.67 | 9 | 12 | 49.69 |
| 3 | 4 | 16.93 | 10 | 0 | 50.95 |
| 3 | 8 | 18.19 | 10 | 4 | 52.21 |
| 3 | 12 | 19.45 | 10 | 8 | 53.47 |
| 4 | 0 | 20.71 | 10 | 12 | 54.73 |
| 4 | 4 | 21.97 | 11 | 0 | 55.99 |
| 4 | 8 | 23.23 | 11 | 4 | 57.25 |
| 4 | 12 | 24.49 | 11 | 8 | 58.51 |
| 5 | 0 | 25.75 | 11 | 12 | 59.77 |
| 5 | 4 | 27.01 | 12 | 0 | 61.03 |
| 5 | 8 | 28.27 | 12 | 4 | 62.29 |
| 5 | 12 | 29.53 | 12 | 8 | 63.55 |
| 6 | 0 | 30.79 | 12 | 12 | 64.81 |
| 6 | 4 | 32.05 | 13 | 0 | 66.07 |
| 6 | 8 | 33.31 | 13 | 4 | 67.33 |
| 6 | 12 | 34.57 | 13 | 8 | 68.59 |

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 13 | 12 | $69.85 | 29 | 0 | $146.71 |
| 14 | 0 | 71.11 | 29 | 4 | 147.97 |
| 14 | 4 | 72.37 | 29 | 8 | 149.23 |
| 14 | 8 | 73.63 | 29 | 12 | 150.49 |
| 14 | 12 | 74.89 | 30 | 0 | 151.75 |
| 15 | 0 | 76.15 | 30 | 4 | 153.01 |
| 15 | 4 | 77.41 | 30 | 8 | 154.27 |
| 15 | 8 | 78.67 | 30 | 12 | 155.53 |
| 15 | 12 | 79.93 | 31 | 0 | 156.79 |
| 16 | 0 | 81.19 | 31 | 4 | 158.05 |
| 16 | 4 | 82.45 | 31 | 8 | 159.31 |
| 16 | 8 | 83.71 | 31 | 12 | 160.57 |
| 16 | 12 | 84.97 | 32 | 0 | 161.83 |
| 17 | 0 | 86.23 | 32 | 4 | 163.09 |
| 17 | 4 | 87.49 | 32 | 8 | 164.35 |
| 17 | 8 | 88.75 | 32 | 12 | 165.61 |
| 17 | 12 | 90.01 | 33 | 0 | 166.87 |
| 18 | 0 | 91.27 | 33 | 4 | 168.13 |
| 18 | 4 | 92.53 | 33 | 8 | 169.39 |
| 18 | 8 | 93.79 | 33 | 12 | 170.65 |
| 18 | 12 | 95.05 | 34 | 0 | 171.91 |
| 19 | 0 | 96.31 | 34 | 4 | 173.17 |
| 19 | 4 | 97.57 | 34 | 8 | 174.43 |
| 19 | 8 | 98.83 | 34 | 12 | 175.69 |
| 19 | 12 | 100.09 | 35 | 0 | 176.95 |
| 20 | 0 | 101.35 | 35 | 4 | 178.21 |
| 20 | 4 | 102.61 | 35 | 8 | 179.47 |
| 20 | 8 | 103.87 | 35 | 12 | 180.73 |
| 20 | 12 | 105.13 | 36 | 0 | 181.99 |
| 21 | 0 | 106.39 | 36 | 4 | 183.25 |
| 21 | 4 | 107.65 | 36 | 8 | 184.51 |
| 21 | 8 | 108.91 | 36 | 12 | 185.77 |
| 21 | 12 | 110.17 | 37 | 0 | 187.03 |
| 22 | 0 | 111.43 | 37 | 4 | 188.29 |
| 22 | 4 | 112.69 | 37 | 8 | 189.55 |
| 22 | 8 | 113.95 | 37 | 12 | 190.81 |
| 22 | 12 | 115.21 | 38 | 0 | 192.07 |
| 23 | 0 | 116.47 | 38 | 4 | 193.33 |
| 23 | 4 | 117.73 | 38 | 8 | 194.59 |
| 23 | 8 | 118.99 | 38 | 12 | 195.85 |
| 23 | 12 | 120.25 | 39 | 0 | 197.11 |
| 24 | 0 | 121.51 | 39 | 4 | 198.37 |
| 24 | 4 | 122.77 | 39 | 8 | 199.63 |
| 24 | 8 | 124.03 | 39 | 12 | 200.89 |
| 24 | 12 | 125.29 | 40 | 0 | 202.15 |
| 25 | 0 | 126.55 | 40 | 4 | 203.41 |
| 25 | 4 | 127.81 | 40 | 8 | 204.67 |
| 25 | 8 | 129.07 | 40 | 12 | 205.93 |
| 25 | 12 | 130.33 | 41 | 0 | 207.19 |
| 26 | 0 | 131.59 | 41 | 4 | 208.45 |
| 26 | 4 | 132.85 | 41 | 8 | 209.71 |
| 26 | 8 | 134.11 | 41 | 12 | 210.97 |
| 26 | 12 | 135.37 | 42 | 0 | 212.23 |
| 27 | 0 | 136.63 | 42 | 4 | 213.49 |
| 27 | 4 | 137.89 | 42 | 8 | 214.75 |
| 27 | 8 | 139.15 | 42 | 12 | 216.01 |
| 27 | 12 | 140.41 | 43 | 0 | 217.27 |
| 28 | 0 | 141.67 | 43 | 4 | 218.53 |
| 28 | 4 | 142.93 | 43 | 8 | 219.79 |
| 28 | 8 | 144.19 | 43 | 12 | 221.05 |
| 28 | 12 | 145.45 | 44 | 0 | 222.31 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b)).

Weight limit: 11, 22, 44[1] pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.
Consular invoice: Yes (See subparagraph (4) of this paragraph.)

[1] Parcels up to 44 pounds in weight may be accepted for all offices in the Philippines, except as indicated. Parcels for the following offices are limited to 22 pounds in weight:

| Post Office | Province |
|---|---|
| Aborlan | Palawan. |
| Abra de Ilog | Mindoro. |
| Agdangan | Quezon. |
| Agoo | La Union. |
| Agutaya | Palawan. |
| Alabat | Quezon. |
| Allen | Samar. |
| Almagro | Samar. |
| Alonero | Quezon. |
| Amadeo | Cavite. |
| Anahawan | Leyte. |
| Anao | Tarlac. |
| Anda | Pangasinan. |
| Angeles | Pampanga. |
| Apalit | Pampanga. |
| Aringay | La Union. |
| Baao | Camarines Sur. |
| Babatngon | Leyte. |
| Bacuit | Palawan. |
| Baganga | Davao. |
| Bailen | Cavite. |
| Balabac | Palawan. |
| Balangiga | Samar. |
| Baleno | Masbate. |
| Bamban | Tarlac. |
| Banayoyo | Ilocos Sur. |
| Bantay | Ilocos Sur. |
| Bantayan | Cebu. |
| Basey | Samar. |
| Bato | Camarines Sur. |
| Bato | Leyte. |
| Bauang | La Union. |
| Bautista | Pangasinan. |
| Bayambang | Pangasinan. |
| Bigaa | Bulacan. |
| Biliran | Leyte. |
| Binan | Laguna. |
| Bishig | Surigao. |
| Bobon | Samar. |
| Bocaue | Bulacan. |
| Bongao | Sulu. |
| Brooke's Point | Palawan. |
| Buenavista | Iloilo. |
| Buhi | Camarines Sur. |
| Bulacan | Bulacan. |
| Buluan | Cotabato. |
| Bunawan | Agusan. |
| Burdaos | Quezon. |
| Burgos | Ilocos Sur. |
| Caba | La Union. |
| Caballian | Leyte. |
| Cabucgayan | Leyte. |
| Cabusao | Camarines Sur. |
| Cabuyao | Laguna. |
| Cagayan de Sulu | Sulu. |
| Caibiran | Leyte. |
| Cajidiocan | Romblon. |
| Calamba | Laguna. |
| Calasiao | Pangasinan. |
| Calauag | Quezon. |
| Calubian | Leyte. |
| Calumpit | Bulacan. |
| Camalig | Albay. |
| Candaba | Pampanga. |
| Candelaria | Quezon. |
| Caoayan | Ilocos Sur. |
| Capas | Tarlac. |
| Capul | Samar. |
| Caraga | Davao. |
| Caramay | Palawan. |
| Caramoan | Camarines Sur. |
| Carmona | Cavite. |
| Casiguran | Quezon. |
| Catanauan | Quezon. |
| Catarman | Misamis Oriental. |
| Catarman | Samar. |
| Cateel | Davao. |
| Catubig | Samar. |
| College | Laguna. |
| Concepcion | Iloilo. |
| Concepcion | Romblon. |
| Concepcion | Tarlac. |
| Corcuera | Romblon. |
| Cordova | Cebu. |
| Coron | Palawan. |
| Cuartero | Capiz. |
| Cullion | Palawan. |
| Cuyapo | Nueva Ecija. |
| Cuyo | Palawan. |
| Dao | Capiz. |
| Dapa | Surigao. |
| Dapitan | Zamboanga. |
| Daraga | Albay. |
| Dasmarinas | Cavite. |
| Del Gallego | Camarines Sur. |
| Dinegat | Surigao. |
| Duenas | Iloilo. |
| Dulawan | Cotabato. |



| Post Office | Province |
|---|---|
| Dumalag | Capiz. |
| Dumarao | Capiz. |
| Enrique Villaneuva | Negros Oriental. |
| Esperanza | Agusan. |
| Fort Stotsenburg | Pampanga. |
| Gapan | Nueva Ecija. |
| General Luna | Quezon. |
| General Luna | Surigao. |
| Gerona | Tarlac. |
| Glan | Cotabato. |
| Governor Generoso | Davao. |
| Guiguinto | Bulacan. |
| Guinayangan | Quezon. |
| Guinobatan | Albay. |
| Gumaca | Quezon. |
| Hilongos | Leyte. |
| Hinatuan | Surigao. |
| Hindang | Leyte. |
| Hinunangan | Leyte. |
| Hinundayan | Leyte. |
| Hondagua | Quezon. |
| Imus | Cavite. |
| Inopacan | Leyte. |
| Iriga | Camarines Sur. |
| Isabel | Leyte. |
| Itbayat | Batanes. |
| Jaen | Nueva Ecija. |
| Jaro | Iloilo. |
| Jones | Romblon. |
| Jordan | Iloilo. |
| Jovellar | Albay. |
| Kabasalan | Zamboanga. |
| Kauayan | Leyte. |
| Kiamba | Cotabato. |
| Labangan | Zamboanga. |
| Labason | Zamboanga. |
| Lacaang | Samar. |
| Larena | Negros Oriental. |
| Lavezares | Samar. |
| Lazi | Negros Oriental. |
| Lebak | Cotabato. |
| Lianga | Surigao. |
| Libagon | Leyte. |
| Libmanan | Camarines Sur. |
| Libon | Albay. |
| Ligao | Albay. |
| Liloan | Leyte. |
| Lopez | Quezon. |
| Loreto | Surigao. |
| Los Banos | Laguna. |
| Lubang | Mindoro. |
| Lucena | Iloilo. |
| Lumbatan | Lanao. |
| Lupi | Camarines Sur. |
| Lupon | Davao. |
| Mabalacat | Pampanga. |
| Macalelon | Quezon. |
| Madridejos | Cebu. |
| Magalang | Pampanga. |
| Mandiwang | Romblon. |
| Mahinog | Misamis Oriental. |
| Malangas | Zamboanga. |
| Malasiqui | Pangasinan. |
| Malita | Davao. |
| Mambajao | Misamis Oriental. |
| Manay | Davao. |
| Mangaldan | Pangasinan. |
| Manito | Albay. |
| Mansalay | Mindoro. |
| Mapandan | Pangasinan. |
| Marabut | Samar. |
| Margosatubig | Zamboanga. |
| Maria | Negros Oriental. |
| Marilao | Bulacan. |
| Maripipi | Leyte. |
| Matl | Davao. |
| Mayantoc | Tarlac. |
| Merida | Leyte. |
| Meycauayan | Bulacan. |
| Minalin | Pamganga. |
| Moncada | Tarlac. |
| Mondragon | Samar. |
| Muntinlupa | Rizal. |
| Naubukel | Ilocos Sur. |
| Nampicuan | Nueva Ecija. |
| Natividad | Pangasinan. |
| Naval | Leyte. |
| Noveleta | Cavite. |
| Neuva Valencia | Iloilo. |
| Numancia | Surigao. |
| Oas | Albay. |
| Opon | Cebu. |
| Padre Burgos | Quezon. |
| Pagbilao | Quezon. |
| Palapag | Samar. |
| Palompon | Leyte. |
| Pambujan | Samar. |
| Pamplona | Camarines Sur. |
| Paniqui | Tarlac. |
| Panitan | Capiz. |
| Pantukan | Davao. |
| Papaya | Nueva Ecija. |
| Passi | Iloilo. |
| Pateros | Rizal. |
| Pavia | Iloilo. |
| Penaranda | Nueva Ecija. |
| Pilar | Cebu. |
| Pili | Camarines Sur. |
| Pinabacdao | Samar. |
| Pitego | Quezon. |
| Plaridel | Bulacan. |
| Polangui | Albay. |
| Polillo | Quezon. |
| Porac | Pampanga. |
| Poro | Cebu. |
| Pototan | Iloilo. |
| Puerto Galera | Mindoro. |
| Pulilan | Bulacan. |
| Pura | Tarlac. |
| Quezon | Quezon. |
| Ragay | Camarines Sur. |
| Ramos | Tarlac. |
| Rapu-Rapu | Albay. |
| Rosales | Pangasinan. |
| Roxas | Mindoro. |
| Sabtang | Batanes. |
| Sagay | Misamis Oriental. |
| Samal | Davao. |
| San Antonio | Nueva Ecija. |
| San Antonio | Samar. |
| San Carlos | Pangasinan. |
| San Fabian | Pangasinan. |
| San Fernando | Masbate. |
| San Fernando | Romblon. |
| San Francisco del Monte | Rizal. |
| San Isidro | Leyte. |
| San Jacinto | Masbate. |
| San Jose | Mindoro. |
| San Jose | Samar. |
| San Juan | Negros Oriental. |
| San Leonardo | Nueva Ecija. |
| San Luis | Pampanga. |
| San Manuel | Tarlac. |
| San Miguel | Tarlac. |
| San Narciso | Quezon. |
| San Nicolas | Pangasinan. |
| San Simon | Pampanga. |
| San Pascual | Masbate. |
| San Pedro | Laguna. |
| San Teodoro | Mindoro. |
| San Vincente | Ilocos Sur. |
| Santa Barbara | Iloilo. |
| Santa Catalina | Ilocos Sur. |
| Santa Fe | Cebu. |
| Santa Fe | Romblon. |
| Santa Rita | Pampanga. |
| Santa Rita | Samar. |
| Santa Rosa | Laguna. |
| Santo Nino | Samar. |
| Santo Tomas | La Union. |
| Sexmoan | Pampanga. |
| Siasi | Sulu. |
| Siocon | Zamboanga. |
| Sipocot | Camarines Sur. |
| Siquijor | Negros Oriental. |
| Sitangkai | Sulu. |
| Sogod | Leyte. |
| Suyo | Ilocos Sur. |
| Tagig | Rizal. |
| Tagkawayan | Quezon. |
| Tago | Surigao. |
| Talacogon | Agusan. |
| Talalora | Samar. |
| Talisay | Cebu. |
| Tamparan | Lanao. |
| Tandag | Surigao. |
| Tanza | Cavite. |
| Tilik | Mindoro. |
| Trinidad | Davao. |
| Tumbao | Cotabato. |
| Unisan | Quezon. |
| Urbiztondo | Pangasinan. |
| Villaba | Leyte. |
| Villareal | Samar. |
| Zumarraga | Samar. |

Parcels for the following offices are limited to 11 pounds in weight:

| Post Office | Province |
|---|---|
| Alilem | Ilocos Sur. |
| Allacapan | Cagayan. |
| Angaki | Ilocos Sur. |
| Aurora | Quezon. |
| Baco | Mindoro. |
| Bagulin | La Union. |
| Balbalan | Mountain Province. |
| Baras | Catanduanes. |
| Barbasa | Antique. |
| Barlig | Mountain Province. |
| Bugasong | Antique. |
| Buguey | Cagayan. |
| Bulalacao | Mindoro. |
| Cagayancillo | Palawan. |
| Calayan | Cagayan. |
| Caluya | Antique. |
| Camaligan | Camarines Sur. |
| Capalonga | Camarines Norte. |
| Caramoran | Catanduanes. |
| Concepcion | Ilocos Sur. |
| Culasi | Antique. |
| Dingle | Iloilo. |
| Dumaran | Palawan. |
| Famy | Laguna. |
| Gainza | Camarines Sur. |
| Gamay | Samar. |
| Garchitorena | Camarines Sur. |
| General Nakar | Quezon. |
| Giporlos | Samar. |
| Ivana | Batanes. |
| Jabonga | Agusan. |
| Jasaan | Misamis Oriental. |
| Kabayan | Mountain Province. |
| Kabugao | Mountain Province. |
| Kapangan | Mountain Province. |
| Langiden | Abra. |
| Las Navas | Samar. |
| Laua-an | Antique. |
| Lemery | Iloilo. |
| Leyte | Leyte. |
| Libacao | Capiz. |
| Lidlidda | Ilocos Sur. |
| Lingig | Surigao. |
| Linugos | Misamis Oriental. |
| Lobo | Batangas. |
| Looc | Mindoro. |
| Loreto | Agusan. |
| Luba | Abra. |
| Madalag | Capiz. |
| Magallanes | Cavite. |
| Mahatao | Batanes. |
| Mamburao | Mindoro. |
| Manabo | Abra. |
| Mandaon | Masbate. |
| Maria Aurora | Quezon. |
| Mataasnakahoy | Batangas. |
| Mayoyao | Mountain Province. |
| Mulanay | Quezon. |
| Natonin | Mountain Province. |
| Nueva Era | Ilocos Norte. |
| Nuling | Cotabato. |
| Palanan | Isabela. |
| Paluan | Mindoro. |
| Pandan | Catanduanes. |
| Panganiban | Catanduanes. |
| Pantabangan | Nueva Ecija. |
| Patnongon | Antique. |
| Penablanca | Cagayan. |
| Perez | Quezon. |
| Pinappagan | Nueva Vizcaya. |
| Pintuyan | Leyte. |
| Placer | Masbate. |
| Prosperidad | Agusan. |
| Quinapandan | Samar. |
| Rizal | Cagayan. |
| Sablayan | Mindoro. |
| Sallapadan | Abra. |
| San Emilio | Ilocos Sur. |
| San Francisco | Cebu. |
| San Jacinto | Bohol. |
| San Luis | Batangas. |
| San Mateo | Isabela. |

| Post Office | Province |
|---|---|
| San Pablo | Isabela. |
| San Policarpo | Samar. |
| San Quintin | Abra. |
| Santol | La Union. |
| Santo Tomas | Isabela. |
| Saug | Davao. |
| Sigay | Ilocos Sur. |
| Siruma | Camarines Sur. |
| Suggon | Ilocos Sur. |
| Talugtug | Nueva Ecija. |
| Tarangnan | Samar. |
| Taytay | Palawan. |
| Tibiao | Antique. |
| Tinambac | Camarines Sur. |
| Tinambacan | Samar. |
| Tubay | Agusan. |
| Tudela | Cebu. |
| Upi Agricultural High School | Cotabato. |
| Uyugan | Batanes. |
| Valderrama | Antique. |
| Victoria | Laguna. |
| Viga | Catanduanes. |

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Observations.* (i) A certificate of origin is required in all cases where the value of the contents of a parcel is over $10. If the value exceeds $100, a consular invoice is necessary, in addition to the certificate of origin. If the value is $10 or less, only the regular postal customs declaration form is required.

(ii) One of the following three types of certificate of origin must be stamped, typed, or otherwise permanently attached to the invoice:

TYPE 1—CERTIFICATE FOR WHOLLY UNITED STATES ARTICLES

I hereby declare under oath (acting in the capacity indicated below) that the articles covered by this certificate of United States origin are wholly of the growth, product or manufacture of the United States. No foreign materials other than those of the Philippines were used at any stage in the manufacture or production of such articles.

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Manufacturer, seller, or exporter
(Capacity of declarant should be stated)

TYPE 2—CERTIFICATE FOR UNITED STATES ARTICLES CONTAINING FOREIGN MATERIALS VALUED NOT EXCEEDING 20 PERCENT OF THE VALUE OF SUCH ARTICLES IMPORTED INTO THE PHILIPPINES

I, acting in the capacity indicated below, hereby declare under oath that there were used in the manufacture or production of the articles coverd by this certificate of

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(Number of units in terms of pounds, yards, or other applicable units and description)
foreign materials other than those of the Philippines which were valued by the United States Customs officers at the time of importation into the United States for the purpose of the United States Customs law at ---------- plus,
(State unit value)
if not included in such value, ----------, the cost per unit of bringing such materials to the United States.

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Manufacturer, seller, or exporter
(Capacity of declarant should be stated)

TYPE 3—CERTIFICATE OF UNITED STATES ARTICLES CONTAINING FOREIGN MATERIALS WHEN IT IS IMPRACTICABLE TO ASCERTAIN THE EXACT NUMBER OF UNITS AND VALUE OF FOREIGN MATERIALS

I, the undesigned, do hereby solemnly and truly declare that the above-described articles are the products of the United States. There were used in their production materials imported into the United States from foreign countries (except the Philippines) the aggregate value of which at the time of importation into the United States does not exceed twenty percent (20%) of the value of the articles imported into the Philippines.

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Manufacturer, seller, or exporter
(Capacity of declarant should be stated)

(iii) The certificate of origin must be subscribed and sworn to by the sender or by his duly authorized agent, before a Philippine consular officer or before any person authorized by law to administer oaths. If sworn and subscribed to before a Philippine consular officer, the original and four copies of the invoice and certificate of origin must be presented to the consular officer. The latter retains one of the copies and forwards two other copies to his home government. The original copy of the document is to be forwarded by the sender of the parcel direct to the addressee, or enclosed in the parcel to which it relates.

(iv) In cases where the consular invoice is required, five copies of the consular invoice must be presented to the consular officer for certification. The original consular invoice, after certification, is to be forwarded by the sender of the parcel direct to the addressee, or enclosed in the parcel to which it relates.

(v) When a shipment exceeding $100 in value consists of more than one parcel, a single consular invoice may cover the entire shipment, provided the number of parcels involved is shown on the invoice. The consular invoice should accompany the first parcel or be sent direct to the addressee, and when the other parcels comprising the shipment are mailed, the sender must mark the wrappers to indicate the number, date, and place of issue of the covering consular invoice.

(vi) The forms prescribed by the Philippine Government (FA Form No. 48, certificate of origin, and FA Form No. 49, consular invoice) if not available at Philippine consulates, may be obtained from commercial printers.

(vii) Philippine consular officers are located in the following cities:

| | |
|---|---|
| Agaña, Guam. | New York, N. Y. |
| Chicago, Ill. | San Francisco, Calif. |
| Honolulu, Hawaii. | Seattle, Wash. |
| Los Angeles, Calif. | Washington, D. C. |
| New Orleans, La. | |

(viii) The Philippine authorities recommend that articles such as watches, rings, and other valuable jewelry be forwarded in registered letter packages.

(5) *Prohibitions.* (i) Counterfeit or mutiliated coins. False or fraudulent banknotes or securities.

(ii) Gambling devices.

(iii) Publications violating the Philippine copyright laws.

(iv) Oplum pipes and parts thereof.

(v) Firearms of all kinds, unless authorized by the Philippine authorities.

(vi) Articles bearing on the wrappers any numbered stamps other than lawful postage stamps.

(vii) Living plant material unless licensed by the Philippine Bureau of Plant Industry, packed in accordance with the regulations of that Bureau, and accompanied by a certificate of inspection issued by competent authorities in the United States.

(viii) Any of the following articles, unless sent as gifts:

(*a*) Canned or preserved bacon, ham, or poultry meat. Lard and substitutes therefor. Oleomargarine. Canned anchovies. Canned beets, cabbage, carrots, cauliflower, and corn. Vegetable juices other than tomato. Pineapple juice. Jams, jellies, and marmalades. Yeast. Peanut butter. Shelled and roasted peanuts. Peanut oil and other edible oils. Pepper, paprika, and saffron. Sugar, molasses, syrup, chocolate candy. Vinegar.

(*b*) Shoes with leather tops. Shoes with rubber soles. Collars, cuffs, polo shirts. Cotton bed coverings.

(*c*) Cigars. Straw manufactures. Jute cordage. Brooms. Mother-of-pearl.

(6) *Import restrictions.* Addressees are required to obtain import licenses in some cases.

§ 127.331 *Pitcairn Island*—(*a*) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted at risk of sender. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted at risk of sender. (See § 127.3.)

(7) *Prohibitions.* No list.

(*b*) *Parcel post*—(1) *Table of rates.* Surface parcel rates.

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 7 | $1.77 |
| 2 | .67 | 8 | 1.99 |
| 3 | .89 | 9 | 2.21 |
| 4 | 1.11 | 10 | 2.43 |
| 5 | 1.33 | 11 | 2.65 |
| 6 | 1.55 | | |

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions.* No list.



§ 127.332 *Poland*—(*a*) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 46 cents for the first 2 ounces and 25 cents for each additional 2 ounces. (See § 127.20.)

(6) *Combination packages.* Accepted. (See § 127.12.)

(7) *Dutiable articles (merchandise) prepared at letter rate.* Accepted. (See § 127.3.)

(8) *Prohibitions.* The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(*b*) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.53 | 23 | $5.37 |
| 2 | .75 | 24 | 5.59 |
| 3 | .97 | 25 | 5.81 |
| 4 | 1.19 | 26 | 6.03 |
| 5 | 1.41 | 27 | 6.25 |
| 6 | 1.63 | 28 | 6.47 |
| 7 | 1.85 | 29 | 6.69 |
| 8 | 2.07 | 30 | 6.91 |
| 9 | 2.29 | 31 | 7.13 |
| 10 | 2.51 | 32 | 7.35 |
| 11 | 2.73 | 33 | 7.57 |
| 12 | 2.95 | 34 | 7.79 |
| 13 | 3.17 | 35 | 8.01 |
| 14 | 3.39 | 36 | 8.23 |
| 15 | 3.61 | 37 | 8.45 |
| 16 | 3.83 | 38 | 8.67 |
| 17 | 4.05 | 39 | 8.89 |
| 18 | 4.27 | 40 | 9.11 |
| 19 | 4.49 | 41 | 9.33 |
| 20 | 4.71 | 42 | 9.55 |
| 21 | 4.93 | 43 | 9.77 |
| 22 | 5.15 | 44 | 9.99 |

(ii) *Air parcel rates.* (Rates: $1.06 first 4 ounces; $0.52 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.06 | 7 | 8 | $16.14 |
| 0 | 8 | 1.58 | 7 | 12 | 16.66 |
| 0 | 12 | 2.10 | 8 | 0 | 17.18 |
| 1 | 0 | 2.62 | 8 | 4 | 17.70 |
| 1 | 4 | 3.14 | 8 | 8 | 18.22 |
| 1 | 8 | 3.66 | 8 | 12 | 18.74 |
| 1 | 12 | 4.18 | 9 | 0 | 19.26 |
| 2 | 0 | 4.70 | 9 | 4 | 19.78 |
| 2 | 4 | 5.22 | 9 | 8 | 20.30 |
| 2 | 8 | 5.74 | 9 | 12 | 20.82 |
| 2 | 12 | 6.26 | 10 | 0 | 21.34 |
| 3 | 0 | 6.78 | 10 | 4 | 21.86 |
| 3 | 4 | 7.30 | 10 | 8 | 22.38 |
| 3 | 8 | 7.82 | 10 | 12 | 22.90 |
| 3 | 12 | 8.34 | 11 | 0 | 23.42 |
| 4 | 0 | 8.86 | 11 | 4 | 23.94 |
| 4 | 4 | 9.38 | 11 | 8 | 24.46 |
| 4 | 8 | 9.90 | 11 | 12 | 24.98 |
| 4 | 12 | 10.42 | 12 | 0 | 25.50 |
| 5 | 0 | 10.94 | 12 | 4 | 26.02 |
| 5 | 4 | 11.46 | 12 | 8 | 26.54 |
| 5 | 8 | 11.98 | 12 | 12 | 27.06 |
| 5 | 12 | 12.50 | 13 | 0 | 27.58 |
| 6 | 0 | 13.02 | 13 | 4 | 28.10 |
| 6 | 4 | 13.54 | 13 | 8 | 28.62 |
| 6 | 8 | 14.06 | 13 | 12 | 29.14 |
| 6 | 12 | 14.58 | 14 | 0 | 29.66 |
| 7 | 0 | 15.10 | 14 | 4 | 30.18 |
| 7 | 4 | 15.62 | 14 | 8 | 30.70 |
| 7 | 8 | 16.14 | 14 | 12 | 31.22 |
| 7 | 12 | 16.66 | 15 | 0 | 31.74 |
| 8 | 0 | 17.18 | 15 | 4 | 32.26 |
| 8 | 4 | 17.70 | 15 | 8 | 32.78 |
| 8 | 8 | 18.22 | 15 | 12 | 33.30 |
| 8 | 12 | 18.74 | 16 | 0 | 33.82 |
| 9 | 0 | 19.26 | 16 | 4 | 34.34 |
| 9 | 4 | 19.78 | 16 | 8 | 34.86 |
| 9 | 8 | 20.30 | 16 | 12 | 35.38 |
| 9 | 12 | 20.82 | 17 | 0 | 35.90 |
| 10 | 0 | 21.34 | 17 | 4 | 36.42 |
| 10 | 4 | 21.86 | 17 | 8 | 36.94 |
| 10 | 8 | 22.38 | 17 | 12 | 37.46 |
| 10 | 12 | 22.90 | 18 | 0 | 37.98 |
| 11 | 0 | 23.42 | 18 | 4 | 38.50 |
| 11 | 4 | 23.94 | 18 | 8 | 39.02 |
| 11 | 8 | 24.46 | 18 | 12 | 39.54 |
| 11 | 12 | 24.98 | 19 | 0 | 40.06 |
| 12 | 0 | 25.50 | 19 | 4 | 40.58 |
| 12 | 4 | 26.02 | 19 | 8 | 41.10 |
| 12 | 8 | 26.54 | 19 | 12 | 41.62 |
| 12 | 12 | 27.06 | 20 | 0 | 42.14 |
| 13 | 0 | 27.58 | 20 | 4 | 42.66 |
| 13 | 4 | 28.10 | 20 | 8 | 43.18 |
| 13 | 8 | 28.62 | 20 | 12 | 43.70 |
| 13 | 12 | 29.14 | 21 | 0 | 44.22 |
| 14 | 0 | 29.66 | 21 | 4 | 44.74 |
| 14 | 4 | 30.18 | 21 | 8 | 45.26 |
| 14 | 8 | 30.70 | 21 | 12 | 45.78 |
| 14 | 12 | $31.22 | 22 | 0 | 46.30 |
| 15 | 0 | 31.74 | 22 | 4 | 46.82 |
| 15 | 4 | 32.26 | 22 | 8 | 47.34 |
| 15 | 8 | 32.78 | 22 | 12 | 47.86 |
| 15 | 12 | 33.30 | 23 | 0 | 48.38 |
| 16 | 0 | 33.82 | 23 | 4 | 48.90 |
| 16 | 4 | 34.34 | 23 | 8 | 49.42 |
| 16 | 8 | 34.86 | 23 | 12 | 49.94 |
| 16 | 12 | 35.38 | 24 | 0 | 50.46 |
| 17 | 0 | 35.90 | 24 | 4 | 50.98 |
| 17 | 4 | 36.42 | 24 | 8 | 51.50 |
| 17 | 8 | 36.94 | 24 | 12 | 52.02 |
| 17 | 12 | 37.46 | 25 | 0 | 52.54 |
| 18 | 0 | 37.98 | 25 | 4 | 53.06 |
| 18 | 4 | 38.50 | 25 | 8 | 53.58 |
| 18 | 8 | 39.02 | 25 | 12 | 54.10 |
| 18 | 12 | 39.54 | 26 | 0 | 54.62 |
| 19 | 0 | 40.06 | 26 | 4 | 55.14 |
| 19 | 4 | 40.58 | 26 | 8 | 55.66 |
| 19 | 8 | 41.10 | 26 | 12 | 56.18 |
| 19 | 12 | 41.62 | 27 | 0 | 56.70 |
| 20 | 0 | 42.14 | 27 | 4 | 57.22 |
| 20 | 4 | 42.66 | 27 | 8 | 57.74 |
| 20 | 8 | 43.18 | 27 | 12 | 58.26 |
| 20 | 12 | 43.70 | 28 | 0 | 58.78 |
| 21 | 0 | 44.22 | 28 | 4 | 59.30 |
| 21 | 4 | 44.74 | 28 | 8 | 59.82 |
| 21 | 8 | 45.26 | 28 | 12 | 60.34 |
| 21 | 12 | 45.78 | 29 | 0 | 60.86 |
| 22 | 0 | 46.30 | 29 | 4 | 61.38 |
| 22 | 4 | 46.82 | 29 | 8 | $61.90 |
| 22 | 8 | 47.34 | 29 | 12 | 62.42 |
| 22 | 12 | 47.86 | 30 | 0 | 62.94 |
| 23 | 0 | 48.38 | 30 | 4 | 63.46 |
| 23 | 4 | 48.90 | 30 | 8 | 63.98 |
| 23 | 8 | 49.42 | 30 | 12 | 64.50 |
| 23 | 12 | 49.94 | 31 | 0 | 65.02 |
| 24 | 0 | 50.46 | 31 | 4 | 65.54 |
| 24 | 4 | 50.98 | 31 | 8 | 66.06 |
| 24 | 8 | 51.50 | 31 | 12 | 66.58 |
| 24 | 12 | 52.02 | 32 | 0 | 67.10 |
| 25 | 0 | 52.54 | 32 | 4 | 67.62 |
| 25 | 4 | 53.06 | 32 | 8 | 68.14 |
| 25 | 8 | 53.58 | 32 | 12 | 68.66 |
| 25 | 12 | 54.10 | 33 | 0 | 69.18 |
| 26 | 0 | 54.62 | 33 | 4 | 69.70 |
| 26 | 4 | 55.14 | 33 | 8 | 70.22 |
| 26 | 8 | 55.66 | 33 | 12 | 70.74 |
| 26 | 12 | 56.18 | 34 | 0 | 71.26 |
| 27 | 0 | 56.70 | 34 | 4 | 71.78 |
| 27 | 4 | 57.22 | 34 | 8 | 72.30 |
| 27 | 8 | 57.74 | 34 | 12 | 72.82 |
| 27 | 12 | 58.26 | 35 | 0 | 73.34 |
| 28 | 0 | 58.78 | 35 | 4 | 73.86 |
| 28 | 4 | 59.30 | 35 | 8 | 74.38 |
| 28 | 8 | 59.82 | 35 | 12 | 74.90 |
| 28 | 12 | 60.34 | 36 | 0 | 75.42 |
| 29 | 0 | 60.86 | 36 | 4 | 75.94 |
| 29 | 4 | 61.38 | 36 | 8 | 76.46 |
| 29 | 8 | $61.90 | 36 | 12 | 76.98 |
| 29 | 12 | 62.42 | 37 | 0 | 77.50 |
| 30 | 0 | 62.94 | 37 | 4 | 78.02 |
| 30 | 4 | 63.46 | 37 | 8 | 78.54 |
| 30 | 8 | 63.98 | 37 | 12 | 79.06 |
| 30 | 12 | 64.50 | 38 | 0 | 79.58 |
| 31 | 0 | 65.02 | 38 | 4 | 80.10 |
| 31 | 4 | 65.54 | 38 | 8 | 80.62 |
| 31 | 8 | 66.06 | 38 | 12 | 81.14 |
| 31 | 12 | 66.58 | 39 | 0 | 81.66 |
| 32 | 0 | 67.10 | 39 | 4 | 82.18 |
| 32 | 4 | 67.62 | 39 | 8 | 82.70 |
| 32 | 8 | 68.14 | 39 | 12 | 83.22 |
| 32 | 12 | 68.66 | 40 | 0 | 83.74 |
| 33 | 0 | 69.18 | 40 | 4 | 84.26 |
| 33 | 4 | 69.70 | 40 | 8 | 84.78 |
| 33 | 8 | 70.22 | 40 | 12 | 85.30 |
| 33 | 12 | 70.74 | 41 | 0 | 85.82 |
| 34 | 0 | 71.26 | 41 | 4 | 86.34 |
| 34 | 4 | 71.78 | 41 | 8 | 86.86 |
| 34 | 8 | 72.30 | 41 | 12 | 87.38 |
| 34 | 12 | 72.82 | 42 | 0 | 87.90 |
| 35 | 0 | 73.34 | 42 | 4 | 88.42 |
| 35 | 4 | 73.86 | 42 | 8 | 88.94 |
| 35 | 8 | 74.38 | 42 | 12 | 89.46 |
| 35 | 12 | 74.90 | 43 | 0 | 89.98 |
| 36 | 0 | 75.42 | 43 | 4 | 90.50 |
| 36 | 4 | 75.94 | 43 | 8 | 91.02 |
| 36 | 8 | 76.46 | 43 | 12 | 91.54 |
| 36 | 12 | 76.98 | 44 | 0 | 92.06 |
| 37 | 0 | 77.50 | | | |
| 37 | 4 | 78.02 | | | |
| 37 | 8 | 78.54 | | | |
| 37 | 12 | 79.06 | | | |
| 38 | 0 | 79.58 | | | |
| 38 | 4 | 80.10 | | | |
| 38 | 8 | 80.62 | | | |
| 38 | 12 | 81.14 | | | |
| 39 | 0 | 81.66 | | | |
| 39 | 4 | 82.18 | | | |
| 39 | 8 | 82.70 | | | |
| 39 | 12 | 83.22 | | | |
| 40 | 0 | 83.74 | | | |
| 40 | 4 | 84.26 | | | |
| 40 | 8 | 84.78 | | | |
| 40 | 12 | 85.30 | | | |
| 41 | 0 | 85.82 | | | |
| 41 | 4 | 86.34 | | | |
| 41 | 8 | 86.86 | | | |
| 41 | 12 | 87.38 | | | |
| 42 | 0 | 87.90 | | | |
| 42 | 4 | 88.42 | | | |
| 42 | 8 | 88.94 | | | |
| 42 | 12 | 89.46 | | | |
| 43 | 0 | 89.98 | | | |
| 43 | 4 | 90.50 | | | |
| 43 | 8 | 91.02 | | | |
| 43 | 12 | 91.54 | | | |
| 44 | 0 | 92.06 | | | |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Observations.* It is particularly necessary that parcels for Poland be securely packed and carefully wrapped, and that the alternative disposition desired by the senders in case of nondelivery be properly indicated.

(6) *Prohibitions*—(i) *For reasons of public safety.* Military arms and war material.

(ii) *For sanitary reasons.* (*a*) Substitutes for saffron.

(*b*) Wallpaper, printed paper, fabrics, and other articles dyed with colors based on arsenic.

(*c*) Colors based on aniline containing arsenic (fuchsine and other names), in lumps, powder, or paste (not in crystals).

(*d*) Beans of the *Phaseolus lunatus* and *Rangoon* species, as well as all species of poisonous beans.

(iii) *For the protection of plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau, located at principal ports of entry.

(iv) *State monopolies, etc.* (*a*) Articles coming under the State monopolies may be imported only by the monopoly Administrations.

(*b*) Unmanufactured gold and unmanufactured platinum; Polish money of legal tender which is not being legally reimported; postage stamps exceeding 100 grams in weight; and current Polish postage stamps unless import license has been secured in advance by the addressee.

(v) *For other reasons.* (*a*) Fishberries (Berries of Cocculus [Anamirta] indicus).

(*b*) Tokens, counters, and other articles in imitation of coins. Counterfeit paper money or securities.

(*c*) All kinds of labels, caps, corks, empty containers, etc., bearing the firm name of foreign producers, imported without the goods.

(*d*) Saccharine and similar substances unless addressed to factories or wholesale drug stores under special permits.

(7) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Gift parcels are subject in Poland to fees and taxes on certain items of merchandise, and addressees must obtain import licenses if specified quotas are exceeded. Interested mailers may obtain information as to the charges assessed on various articles, quota restrictions, and other Polish regulations from the Office of International Trade, Department of Commerce, Washington 25, D. C., or from any field office of that Department.

(ii) The permission of the Polish Currency Commission is required for the importation of negotiable securities, dividend coupons of such securities, and paper money.

§ 127.333 *Portugal*—(*a*) *Postal Union mails*—(1) *Classifications, rates, weight*

*limits and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 41 cents for the first 2 ounces and 20 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* Articles containing serums and vaccines must be conspicuously labeled to show the nature of the contents in order that they may be given preferred treatment.

(8) *Prohibitions.* The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 12 | $2.87 |
| 2 | .67 | 13 | 3.09 |
| 3 | .89 | 14 | 3.31 |
| 4 | 1.11 | 15 | 3.53 |
| 5 | 1.33 | 16 | 3.75 |
| 6 | 1.55 | 17 | 3.97 |
| 7 | 1.77 | 18 | 4.19 |
| 8 | 1.99 | 19 | 4.41 |
| 9 | 2.21 | 20 | 4.63 |
| 10 | 2.43 | 21 | 4.85 |
| 11 | 2.65 | 22 | 5.07 |

(ii) *Air parcel rates.* (Rates: $0.71 first 4 ounces; $0.44 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.71 | 10 | 4 | $18.31 |
| 0 | 8 | 1.15 | 10 | 8 | 18.75 |
| 0 | 12 | 1.59 | 10 | 12 | 19.19 |
| 1 | 0 | 2.03 | 11 | 0 | 19.63 |
| 1 | 4 | 2.47 | 11 | 4 | 20.07 |
| 1 | 8 | 2.91 | 11 | 8 | 20.51 |
| 1 | 12 | 3.35 | 11 | 12 | 20.95 |
| 2 | 0 | 3.79 | 12 | 0 | 21.39 |
| 2 | 4 | 4.23 | 12 | 4 | 21.83 |
| 2 | 8 | 4.67 | 12 | 8 | 22.27 |
| 2 | 12 | 5.11 | 12 | 12 | 22.71 |
| 3 | 0 | 5.55 | 13 | 0 | 23.15 |
| 3 | 4 | 5.99 | 13 | 4 | 23.59 |
| 3 | 8 | 6.43 | 13 | 8 | 24.03 |
| 3 | 12 | 6.87 | 13 | 12 | 24.47 |
| 4 | 0 | 7.31 | 14 | 0 | 24.91 |
| 4 | 4 | 7.75 | 14 | 4 | 25.35 |
| 4 | 8 | 8.19 | 14 | 8 | 25.79 |
| 4 | 12 | 8.63 | 14 | 12 | 26.23 |
| 5 | 0 | 9.07 | 15 | 0 | 26.67 |
| 5 | 4 | 9.51 | 15 | 4 | 27.11 |
| 5 | 8 | 9.95 | 15 | 8 | 27.55 |
| 5 | 12 | 10.39 | 15 | 12 | 27.99 |
| 6 | 0 | 10.83 | 16 | 0 | 28.43 |
| 6 | 4 | 11.27 | 16 | 4 | 28.87 |
| 6 | 8 | 11.71 | 16 | 8 | 29.31 |
| 6 | 12 | 12.15 | 16 | 12 | 29.75 |
| 7 | 0 | 12.59 | 17 | 0 | 30.19 |
| 7 | 4 | 13.03 | 17 | 4 | 30.63 |
| 7 | 8 | 13.47 | 17 | 8 | 31.07 |
| 7 | 12 | 13.91 | 17 | 12 | 31.51 |
| 8 | 0 | 14.35 | 18 | 0 | 31.95 |
| 8 | 4 | 14.79 | 18 | 4 | 32.39 |
| 8 | 8 | 15.23 | 18 | 8 | 32.83 |
| 8 | 12 | 15.67 | 18 | 12 | 33.27 |
| 9 | 0 | 16.11 | 19 | 0 | 33.71 |
| 9 | 4 | 16.55 | 19 | 4 | 34.15 |
| 9 | 8 | 16.99 | 19 | 8 | 34.59 |
| 9 | 12 | 17.43 | 19 | 12 | 35.03 |
| 10 | 0 | 17.87 | 20 | 0 | 35.47 |

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 20 | 4 | $35.91 | 21 | 4 | $37.67 |
| 20 | 8 | 36.35 | 21 | 8 | 38.11 |
| 20 | 12 | 36.79 | 21 | 12 | 38.55 |
| 21 | 0 | 37.23 | 22 | 0 | 38.99 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 11,[1] 22 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Registered or insured parcels must, and ordinary parcels may, be sealed.
Group shipments: No.
Registration: Yes. (See subparagraph (6) of this paragraph.)
Insurance: Yes.
C. o. d.: No.
Consular invoice: Yes. (See subparagraph (5) of this paragraph.)

[1] Parcels exceeding 11 pounds accepted for Lisbon only.

(2) *Indemnity.* See subparagraph (6) of this paragraph; also Subpart E of this part.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Observations.* (i) Articles containing serums and vaccines must be conspicuously labeled to show the nature of the contents in order that they may be given preferred treatment.

(ii) Senders of parcels valued over 550 escudos mailed at these places at which a Portuguese consul is located must furnish a consular invoice signed by the sender and visaed by the Portuguese consul. A consular invoice is also required for a number of parcels mailed the same day at the same office by the same sender to the same addressee, if the total value of the merchandise is more than 550 escudos.

(iii) The invoices may be sent enclosed in the parcels to which they relate or they may be sent direct to the addressees in sealed envelopes, preferably registered. When sent direct to the addressees, an explanatory note must be placed on the wrappers of the parcels indicating that the invoice has been sent under separate cover.

(iv) Portuguese consuls are located in the following cities:

| | |
|---|---|
| Baltimore, Md. | New Bedford, Mass. |
| Boston, Mass. | New York, N. Y. |
| Fall River, Mass. | Philadelphia, Pa. |
| Honolulu, Hawaii. | Providence, R. I. |
| Houston, Tex. | San Francisco, Calif. |
| Los Angeles, Calif. | |

Consular invoices are not required for shipments mailed at localities where no Portuguese consular representative is located.

(v) Parcels containing crude celluloid, motion picture films, or other articles of celluloid must be designated, both on the customs declaration and on the parcel itself, by a label bearing the word "Celluloid" in conspicuous black letters.

(6) *Registration and insurance.* (i) Parcels may be registered or insured, subject to the following limits of indemnity in case of total loss only (cover and contents), when prepaid at the postage rate applicable in addition to the registry or insurance fees mentioned hereunder:

REGISTERED PARCEL-POST PACKAGES

| Limit of indemnity: | Fee, cents |
|---|---|
| Up to $25 | 55 |
| From $25.01 to $50 | 65 |

INSURED PARCEL-POST PACKAGES

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |

(ii) Parcels containing coin, bullion, jewelry, or any other precious article or paper payable to bearer, must be registered.

(iii) For general information concerning registration and insurance, see Subpart D.

(7) *Prohibitions*—(i) *For sanitary reasons.* (*a*) Serums, vaccines, and other similar products unless addressed to authorized firms and laboratories; the wrappers and labels should in all cases bear clear, complete information, in the Portuguese language, concerning the name and composition of the medicine.

(*b*) Saccharine and similar substances without indication of their contents.

(ii) *For the protection of animals or plants.* (*a*) Traps and decoys of all kinds for hunting.

(*b*) Parasites and predators of injurious insects, unless intended for the control of those insects and exchanged between officially recognized institutions.

(*c*) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iii) *State monopolies, etc.* Even though duly prepaid, articles may not contain or bear on the outside stamps which resemble Portuguese postage stamps.

(iv) *For other reasons.* (*a*) Foreign products violating the copyright or trade-mark laws.

(*b*) Motion-picture films, or other articles of celluloid must be packed in tin boxes, duly soldered, protected by strong wooden boxes, tied and sealed in accordance with regulations. Every parcel must be designated, both on the customs declarations and on the parcel itself by a label bearing the note "Celluloid" in conspicuous black letters.

(*c*) Tinder. Tobacco, prepared or unprepared. Essences for making wines.

(*d*) In uninsured parcels. Gold, silver, jewels, precious stones; coins, current or obsolete; postage stamps, revenue stamps, and uncanceled prepayment forms of all kinds; bank notes; any values payable to bearer.

(8) *Import restrictions.* (i) Addressees are required to obtain import permits for parcels regarded by the Portuguese authorities as commercial shipments.

(ii) Medicaments and foodstuffs injurious to the public health, and medicaments whose composition is not known or has not been duly registered, or those whose labels do not show the names of the active ingredients, require the



authorization of the Director General of Health.

§ 127.334 *Portuguese East Africa (Mozambique)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1., in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 69 cents for the first 2 ounces and 49 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins, banknotes, paper money, values payable to the bearer; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, and other precious articles.

(ii) The articles restricted as parcel post are restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.53 | 12 | $2.95 |
| 2 | .75 | 13 | 3.17 |
| 3 | 1.04 | 14 | 3.39 |
| 4 | 1.26 | 15 | 3.61 |
| 5 | 1.48 | 16 | 3.83 |
| 6 | 1.70 | 17 | 4.05 |
| 7 | 1.92 | 18 | 4.27 |
| 8 | 2.07 | 19 | 4.49 |
| 9 | 2.29 | 20 | 4.71 |
| 10 | 2.51 | 21 | 4.93 |
| 11 | 2.73 | 22 | 5.15 |

(ii) *Air parcel rates.* (Rates: $1.63 first 4 ounces; $1 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.63 | 8 | 12 | $35.63 |
| 0 | 8 | 2.63 | 9 | 0 | 36.63 |
| 0 | 12 | 3.63 | 9 | 4 | 37.63 |
| 1 | 0 | 4.63 | 9 | 8 | 38.63 |
| 1 | 4 | 5.63 | 9 | 12 | 39.63 |
| 1 | 8 | 6.63 | 10 | 0 | 40.63 |
| 1 | 12 | 7.63 | 10 | 4 | 41.63 |
| 2 | 0 | 8.63 | 10 | 8 | 42.63 |
| 2 | 4 | 9.63 | 10 | 12 | 43.63 |
| 2 | 8 | 10.63 | 11 | 0 | 44.63 |
| 2 | 12 | 11.63 | 11 | 4 | 45.63 |
| 3 | 0 | 12.63 | 11 | 8 | 46.63 |
| 3 | 4 | 13.63 | 11 | 12 | 47.63 |
| 3 | 8 | 14.63 | 12 | 0 | 48.63 |
| 3 | 12 | 15.63 | 12 | 4 | 49.63 |
| 4 | 0 | 16.63 | 12 | 8 | 50.63 |
| 4 | 4 | 17.63 | 12 | 12 | 51.63 |
| 4 | 8 | 18.63 | 13 | 0 | 52.63 |
| 4 | 12 | 19.63 | 13 | 4 | 53.63 |
| 5 | 0 | 20.63 | 13 | 8 | 54.63 |
| 5 | 4 | 21.63 | 13 | 12 | 55.63 |
| 5 | 8 | 22.63 | 14 | 0 | 56.63 |
| 5 | 12 | 23.63 | 14 | 4 | 57.63 |
| 6 | 0 | 24.63 | 14 | 8 | 58.63 |
| 6 | 4 | 25.63 | 14 | 12 | 59.63 |
| 6 | 8 | 26.63 | 15 | 0 | 60.63 |
| 6 | 12 | 27.63 | 15 | 4 | 61.63 |
| 7 | 0 | 28.63 | 15 | 8 | 62.63 |
| 7 | 4 | 29.63 | 15 | 12 | 63.63 |
| 7 | 8 | 30.63 | 16 | 0 | 64.63 |
| 7 | 12 | 31.63 | 16 | 4 | 65.63 |
| 8 | 0 | 32.63 | 16 | 8 | 66.63 |
| 8 | 4 | 33.63 | 16 | 12 | 67.63 |
| 8 | 8 | 34.63 | 17 | 0 | 68.63 |

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 17 | 4 | $69.63 | 19 | 12 | $79.63 |
| 17 | 8 | 70.63 | 20 | 0 | 80.63 |
| 17 | 12 | 71.63 | 20 | 4 | 81.63 |
| 18 | 0 | 72.63 | 20 | 8 | 82.63 |
| 18 | 4 | 73.63 | 20 | 12 | 83.63 |
| 18 | 8 | 74.63 | 21 | 0 | 84.63 |
| 18 | 12 | 75.63 | 21 | 4 | 85.63 |
| 19 | 0 | 76.63 | 21 | 8 | 86.63 |
| 19 | 4 | 77.63 | 21 | 12 | 87.63 |
| 19 | 8 | 78.63 | 22 | 0 | 88.63 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Yes. (See § 127.79.)
Registration: No.
Insurance: Yes.
C. o. d.: No.
Consular invoice: Yes. (See subparagraph (6) of this paragraph.)

(2) *Indemnity.* See subparagraph (5) of this paragraph.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder.

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "Insured" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs. The amount in gold francs must be underscored with a heavy line, as per the following example:

Insured Value
$25.75 (U. S.)
Twenty-five Dollars and Seventy-five Cents
77.25 Gold Francs
Seventy-seven Gold Francs and Twenty-five Centimes

(iii) See § 127.143 (b), as to method of converting United States currency into gold francs.

(iv) Parcels containing coin, bank notes, currency notes in circulation, or any kind of securities payable to bearer; platinum, gold, or silver (whether manufactured or unmanufactured); precious stones, jewelry, or other precious articles must not be accepted for mailing unless they are insured.

(v) For general information concerning insurance service see §§ 127.140 to 127.148, inclusive.

(6) *Observations.* (i) Parcels may be accepted for any place, but are delivered from the following offices only and addressees of parcels for other places must claim them at one of these places:

| | |
|---|---|
| Antonio. | Macequece. |
| Beira. | Marromeu. |
| Bella Vista (Maputo). | Messuril. |
| Catembe. | Mozambique. |
| Chai-Chai. | Mutarara |
| Chibuto. | Porto Amelia. |
| Chinde. | Quelimane. |
| Ennes (Angoche). | Sena. |
| Ibo. | Tete. |
| Inhambane. | Villa Luiza (Marracuene). |
| Lourenço Marques. | |

(ii) No packing is required for ordinary parcels consisting of a single article, such as a piece of wood, metal, etc., which is not usually packed by the trade.

(iii) Senders of parcels valued over 550 escudos mailed at those places at which a Portuguese consul is located must furnish a consular invoice signed by the sender and visaed by the Portuguese consul. A consular invoice is also required for a number of parcels mailed the same day at the same office by the same sender to the same addressee, if the total value of the merchandise is more than 550 escudos.

(iv) The invoices may be sent enclosed in the parcels to which they relate or they may be sent direct to the addressees in sealed envelopes, preferably registered. When sent direct to the addressees, an explanatory note must be placed on the wrappers of the parcels indicating that the invoice has been sent under separate cover.

(v) For a list of the Portuguese consuls, see Portugal.

(vi) Air parcels are given air dispatch within Portuguese East Africa if delivery can be expedited by so doing.

(7) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees.

(i) Addressees are required to obtain import licenses for parcels regarded by the customs authorities as commercial shipments.

(ii) Arms, munitions, and war material require the authorization of the military authorities.

(iii) Pharmaceutical specialties require the approval of the health delegates of the districts, acting on the advice of the inspectors of the pharmaceutical monopoly.

§ 127.335 *Portuguese India (Goa, Damao, and Diu)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 65 cents for the first

2 ounces and 45 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins, bank notes, paper money, values payable to the bearer.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges and surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.86 | 7 | $2.21 |
| 2 | 1.08 | 8 | 2.43 |
| 3 | 1.33 | 9 | 2.65 |
| 4 | 1.55 | 10 | 2.87 |
| 5 | 1.77 | 11 | 3.09 |
| 6 | 1.99 | | |

(ii) *Air parcel rates.* (Rates: $1.83 first 4 ounces; $0.88 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.83 | 5 | 12 | $21.19 |
| 0 | 8 | 2.71 | 6 | 0 | 22.07 |
| 0 | 12 | 3.59 | 6 | 4 | 22.95 |
| 1 | 0 | 4.47 | 6 | 8 | 23.83 |
| 1 | 4 | 5.35 | 6 | 12 | 24.71 |
| 1 | 8 | 6.23 | 7 | 0 | 25.59 |
| 1 | 12 | 7.11 | 7 | 4 | 26.47 |
| 2 | 0 | 7.99 | 7 | 8 | 27.35 |
| 2 | 4 | 8.87 | 7 | 12 | 28.23 |
| 2 | 8 | 9.75 | 8 | 0 | 29.11 |
| 2 | 12 | 10.63 | 8 | 4 | 29.99 |
| 3 | 0 | 11.51 | 8 | 8 | 30.87 |
| 3 | 4 | 12.39 | 8 | 12 | 31.75 |
| 3 | 8 | 13.27 | 9 | 0 | 32.63 |
| 3 | 12 | 14.15 | 9 | 4 | 33.51 |
| 4 | 0 | 15.03 | 9 | 8 | 34.39 |
| 4 | 4 | 15.91 | 9 | 12 | 35.27 |
| 4 | 8 | 16.79 | 10 | 0 | 36.15 |
| 4 | 12 | 17.67 | 10 | 4 | 37.03 |
| 5 | 0 | 18.55 | 10 | 8 | 37.91 |
| 5 | 4 | 19.43 | 10 | 12 | 38.79 |
| 5 | 8 | 20.31 | 11 | 0 | 39.67 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: Limited to 3 parcels. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.
Consular invoice: Yes. (See subparagraph (4) of this paragraph.)

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* (i) Senders of parcels valued over 550 escudos mailed at those places at which a Portuguese consul is located must furnish a consular invoice signed by the sender and visaed by the Portuguese consul. A consular invoice is also required for a number of parcels mailed the same day at the same office by the same sender to the same addressee, if the total value of the merchandise is more than 550 escudos.

(ii) The invoices may be sent enclosed in the parcels to which they relate or they may be sent direct to the addressees in sealed envelopes, preferably registered. When sent direct to the addressees, an explanatory note must be placed on the wrappers of the parcels indicating that the invoice has been sent under separate cover.

(iii) For a list of the Portuguese consuls see Portugal.

(iv) Air parcels are conveyed by air to Bombay and by surface means from Bombay to Nova Goa.

(5) *Prohibitions.* Articles of gold or silver, diamonds, and other precious stones.

(6) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Addressees are required to obtain import permits for parcels regarded by the customs authorities as commercial shipments.

(ii) Arms, munitions, and war material require the authorization of the military authorities.

§ 127.336 *Portuguese Timor*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets 10 cents each. By ordinary means from Indonesia. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins, bank notes, paper money, valuables payable to the bearer; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, and other precious articles.

(ii) The articles restricted as parcel post are restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges and surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.74 | 12 | $3.64 |
| 2 | .96 | 13 | 3.86 |
| 3 | 1.25 | 14 | 4.08 |
| 4 | 1.47 | 15 | 4.30 |
| 5 | 1.69 | 16 | 4.52 |
| 6 | 1.91 | 17 | 4.74 |
| 7 | 2.13 | 18 | 4.96 |
| 8 | 2.43 | 19 | 5.18 |
| 9 | 2.65 | 20 | 5.40 |
| 10 | 2.87 | 21 | 5.62 |
| 11 | 3.09 | 22 | 5.84 |

Weight limit: 22 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: Limited to 3 parcels. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.
Consular invoice: Yes. (See subparagraph (4) of this paragraph.)

(2) *Indemnity.* No provision.

(3) *Dimensions.* Parcels must not exceed 2 feet in length, breadth, or depth, and 4 feet in length and girth combined.

(4) *Observations.* (i) Parcels may be accepted for any place, but are delivered only from the offices listed below. Parcels for other places are sent to Dilly and the name of that office must be added to the addresses of such parcels.

| | |
|---|---|
| Alleu. | Lautem. |
| Balibo. | Liquica. |
| Baucau. | Manatuto. |
| Bobanaro. | Okussi. |
| Dilly. | Same. |
| Foho-Rém. | Suro. |
| Hato-Lia. | Viqueque. |

(ii) Senders of parcels valued over 550 escudos mailed at those places at which a Portuguese consul is located must furnish a consular invoice signed by the sender and visaed by the Portuguese consul. A consular invoice is also required for a number of parcels mailed the same day at the same office by the same sender to the same addressee, if the total value of the merchandise is more than 550 escudos.

(iii) The invoices may be sent enclosed in the parcels to which they relate or they may be sent direct to the addressees in sealed envelopes, preferably registered. When sent direct to the addressees, an explanatory note must be placed on the wrappers of the parcels indicating that the invoice has been sent under separate cover.

(iv) For a list of the Portuguese consuls see Portugal.

(5) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Addressees are required to obtain import permits for parcels regarded by the customs authorities as commercial shipments.

(ii) Arms, munitions, and war material require the authorization of the military authorities.

§ 127.337 *Portuguese West Africa (Angola, Guinea, St. Thomas Island, and Prince Island)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service*—(i) *All places except Angola.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each.

(ii) *Angola only.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 63 cents for the first 2 ounces and 43 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins, bank notes, paper money, values payable to the bearer; manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry, and other precious articles.

(ii) The articles restricted as parcel post are restricted in the Postal Union mails.



(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges for Angola and Guinea.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.53 | 12 | $2.95 |
| 2 | .75 | 13 | 3.17 |
| 3 | .97 | 14 | 3.39 |
| 4 | 1.19 | 15 | 3.61 |
| 5 | 1.41 | 16 | 3.83 |
| 6 | 1.63 | 17 | 4.05 |
| 7 | 1.85 | 18 | 4.27 |
| 8 | 2.07 | 19 | 4.49 |
| 9 | 2.29 | 20 | 4.71 |
| 10 | 2.51 | 21 | 4.93 |
| 11 | 2.73 | 22 | 5.15 |

(ii) *Surface parcel rates, including surcharges and transit charges, for Saint Thomas Island and Prince Island.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.71 | 12 | $3.53 |
| 2 | .93 | 13 | 3.75 |
| 3 | 1.21 | 14 | 3.97 |
| 4 | 1.43 | 15 | 4.19 |
| 5 | 1.65 | 16 | 4.41 |
| 6 | 1.87 | 17 | 4.63 |
| 7 | 2.09 | 18 | 4.85 |
| 8 | 2.37 | 19 | 5.07 |
| 9 | 2.59 | 20 | 5.29 |
| 10 | 2.81 | 21 | 5.51 |
| 11 | 3.03 | 22 | 5.73 |

(iii) *Air parcel rates (applicable to Angola only).* (Rates: $1.45 first 4 ounces; $0.83 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.45 | 11 | 4 | $37.97 |
| 0 | 8 | 2.28 | 11 | 8 | 38.80 |
| 0 | 12 | 3.11 | 11 | 12 | 39.63 |
| 1 | 0 | 3.94 | 12 | 0 | 40.46 |
| 1 | 4 | 4.77 | 12 | 4 | 41.29 |
| 1 | 8 | 5.60 | 12 | 8 | 42.12 |
| 1 | 12 | 6.43 | 12 | 12 | 42.95 |
| 2 | 0 | 7.26 | 13 | 0 | 43.78 |
| 2 | 4 | 8.09 | 13 | 4 | 44.61 |
| 2 | 8 | 8.92 | 13 | 8 | 45.44 |
| 2 | 12 | 9.75 | 13 | 12 | 46.27 |
| 3 | 0 | 10.58 | 14 | 0 | 47.10 |
| 3 | 4 | 11.41 | 14 | 4 | 47.93 |
| 3 | 8 | 12.24 | 14 | 8 | 48.76 |
| 3 | 12 | 13.07 | 14 | 12 | 49.59 |
| 4 | 0 | 13.99 | 15 | 0 | 50.42 |
| 4 | 4 | 14.73 | 15 | 4 | 51.25 |
| 4 | 8 | 15.56 | 15 | 8 | 52.08 |
| 4 | 12 | 16.39 | 15 | 12 | 52.91 |
| 5 | 0 | 17.22 | 16 | 0 | 53.74 |
| 5 | 4 | 18.05 | 16 | 4 | 54.57 |
| 5 | 8 | 18.88 | 16 | 8 | 55.40 |
| 5 | 12 | 19.71 | 16 | 12 | 56.23 |
| 6 | 0 | 20.54 | 17 | 0 | 57.06 |
| 6 | 4 | 21.37 | 17 | 4 | 57.89 |
| 6 | 8 | 22.20 | 17 | 8 | 58.72 |
| 6 | 12 | 23.03 | 17 | 12 | 59.55 |
| 7 | 0 | 23.86 | 18 | 0 | 60.38 |
| 7 | 4 | 24.69 | 18 | 4 | 61.21 |
| 7 | 8 | 25.52 | 18 | 8 | 62.04 |
| 7 | 12 | 26.35 | 18 | 12 | 62.87 |
| 8 | 0 | 27.18 | 19 | 0 | 63.70 |
| 8 | 4 | 28.01 | 19 | 4 | 64.53 |
| 8 | 8 | 28.84 | 19 | 8 | 65.36 |
| 8 | 12 | 29.67 | 19 | 12 | 66.19 |
| 9 | 0 | 30.50 | 20 | 0 | 67.02 |
| 9 | 4 | 31.33 | 20 | 4 | 67.85 |
| 9 | 8 | 32.16 | 20 | 8 | 68.68 |
| 9 | 12 | 32.99 | 20 | 12 | 69.51 |
| 10 | 0 | 33.82 | 21 | 0 | 70.34 |
| 10 | 4 | 34.65 | 21 | 4 | 71.17 |
| 10 | 8 | 35.48 | 21 | 8 | 72.00 |
| 10 | 12 | 36.31 | 21 | 12 | 72.83 |
| 11 | 0 | 37.14 | 22 | 0 | 73.66 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Registered or insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to 3 parcels. (See § 127.79.)
Registration: Yes. Fee, 55 cents.
Insurance: Yes. Fee, 20 cents.
C. o. d.: No.
Consular invoice: Yes. (See subparagraph (5) of this paragraph.)

(2) *Indemnity.* See subparagraph (4) of this paragraph; also Subpart E of this part.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Registration and insurance.* (i) Parcel post packages may be registered or insured subject to indemnity for actual value not exceeding $16.33 for loss, rifling, or damage (except in cases of force majeure), when a fee of 20 cents for an insured and 55 cents for a registered parcel is prepaid in addition to the rate applicable.

(ii) Parcels containing coin, bullion, jewelry, or any other precious article must be registered.

(iii) For general information concerning registration and insurance, see Subpart D of this part.

(5) *Observations.* (i) Senders of parcels valued over 550 escudos mailed at those places at which a Portuguese consul is located must furnish a consular invoice signed by the sender and visaed by the Portuguese consul. A consular invoice is also required for a number of parcels mailed the same day at the same office by the same sender to the same addressee, if the total value of the merchandise is more than 550 escudos.

(ii) The invoices may be sent enclosed in the parcels to which they relate or they may be sent direct to the addressees in sealed envelopes, preferably registered. When sent direct to the addressees, an explanatory note must be placed on the wrappers of the parcels indicating that the invoice has been sent under separate cover.

(iii) For a list of the Portuguese consuls, see Portugal.

(iv) Special provisions concerning Angola: Whoever intends to prepare, import, or sell pharmaceutical specialties must write to the Department of Health and Hygiene at Loanda, the capital of Angola, requesting the respective authorization submitting samples for analysis and investigation, if the nature of the product requires it. The shipment must be accompanied by a description of the nature and use of the product. Once known, the preparatory process will be submitted to the council of health and hygiene for an opinion as to whether or not the authorization should be granted.

(v) Air parcels are given air dispatch within Angola if delivery can be expedited by so doing.

(6) *Import restriction.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Addressees are required to obtain import permits for parcels regarded by the customs authorities as commercial shipments.

(ii) Arms, munitions, and war material require the authorization of the military authorities.

§ 127.338 *Réunion (Bourbon) Island*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Same as France, except that 22 pounds of cigars and 11 pounds of other manufactured tobaccos may be imported by any person per year for private use.

(ii) Coins, gold, or silver bullion, precious stones, jewelry, and other precious articles.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.81 | 23 | $7.04 |
| 2 | 1.03 | 24 | 7.26 |
| 3 | 1.40 | 25 | 7.48 |
| 4 | 1.62 | 26 | 7.70 |
| 5 | 1.84 | 27 | 7.92 |
| 6 | 2.06 | 28 | 8.14 |
| 7 | 2.28 | 29 | 8.36 |
| 8 | 2.64 | 30 | 8.58 |
| 9 | 2.86 | 31 | 8.80 |
| 10 | 3.08 | 32 | 9.02 |
| 11 | 3.30 | 33 | 9.24 |
| 12 | 4.03 | 34 | 10.03 |
| 13 | 4.25 | 35 | 10.25 |
| 14 | 4.47 | 36 | 10.47 |
| 15 | 4.69 | 37 | 10.69 |
| 16 | 4.91 | 38 | 10.91 |
| 17 | 5.13 | 39 | 11.13 |
| 18 | 5.35 | 40 | 11.35 |
| 19 | 5.57 | 41 | 11.57 |
| 20 | 5.79 | 42 | 11.79 |
| 21 | 6.01 | 43 | 12.01 |
| 22 | 6.23 | 44 | 12.23 |

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions and import restrictions.* Same as France, except that 22 pounds of cigars and 11 pounds of other manufactured tobaccos may be imported by any person per year for private use.

§ 127.339 *Rhodesia, Northern*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Same as parcel post; except that coins, banknotes, paper money, negotiable values payable to the bearer; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, and other precious articles are admitted in registered letters.

(ii) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(b) *Parcel post—(1) Table of rates—(i) Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.73 | 7 | $3.73 |
| 2 | 1.23 | 8 | 4.23 |
| 3 | 1.73 | 9 | 4.73 |
| 4 | 2.23 | 10 | 5.23 |
| 5 | 2.73 | 11 | 5.73 |
| 6 | 3.23 | | |

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* (i) A clearance and accounting fee of 6 pence is charged on all dutiable parcels where the duty payable thereon is 10 shillings or less. Where the duty payable exceeds 10 shillings a fee of 1 shilling is levied.

(ii) Parcels must be strongly packed, and must have an outer wrapper of waterproof paper or canvas. Cardboard boxes must not be used.

(iii) The net weight of any cigarettes, cigars, or tobacco must be shown on the customs declaration.

(iv) Limit of value, £50. The value shown on the customs declaration must be the current value of the finished articles in the open market at the time of dispatch. In case of undervaluation, the parcel is liable to confiscation.

(5) *Prohibitions—(i) For sanitary reasons.* (a) Cheese other than unadulterated milk cheese or cream cheese.

(b) Skimmed or separated milk—condensed, dried, or preserved.

(c) Advertisements concerning the treatment of venereal diseases, unless addressed to practicing physicians or duly qualified druggists, for the needs of their profession.

(d) Vaccines, serums and similar substances, unless labeled with the name and address of the manufacturer and either the date of manufacture or the date after which the preparation is not to be used.

(ii) *For the protection of plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iii) *For other reasons.* (a) Coins, banknotes, negotiable values payable to the bearer; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles.

(b) Base or counterfeit coins.

(c) Articles violating the trademark or copyright laws.

(d) Goods made in prisons or penitentiaries.

(e) Tobacco in powder form, fragments of tobacco stems, and tobacco in any form made with the aid of such fragments.

(6) *Import restrictions.* Addressees are required to obtain import licenses in some cases.

§ 127.340 *Rhodesia, Southern*—(a) *Postal Union mails—(1) Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Parasites and predators of injurious insects intended for the control of those insects are admitted *as samples only* if mailed by an institution officially recognized in the country of origin to the Department of Agriculture at Salisbury.

(ii) See paragraph (b) (6) of this section concerning merchandise prohibited importation or admitted only if a permit has been granted the prospective importer by the Rhodesian Department of Commerce and Industries.

(b) *Parcel post—(1) Table of rates—(i) Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.65 | 7 | $3.17 |
| 2 | 1.07 | 8 | 3.59 |
| 3 | 1.49 | 9 | 4.01 |
| 4 | 1.91 | 10 | 4.43 |
| 5 | 2.33 | 11 | 4.85 |
| 6 | 2.75 | | |

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Observations.* (i) A fee of 6 pence or 1 shilling (according to value) for customs clearance, etc., is levied on every dutiable parcel entering Southern Rhodesia.

(ii) Limit of value, £50. The value shown on the customs declaration must be the current value of the finished articles in the open market at the time of dispatch. In case of undervaluation, the parcel is liable to confiscation.

(6) *Prohibitions and import restrictions.* (i) The importation for commercial purposes of many types of merchandise, including books, magazines and other printed matter, is either prohibited or admitted only if a permit has been granted to the prospective addressee by the Rhodesian Division of Trade and Industrial Development. Only the following classes of shipments may be imported without permits:

(a) Bona fide gifts not exceeding £5.5s ($14.70) in value.

(b) Gift or commercial shipments of educational, scientific and religious publications up to a total value of £10 ($28) per person per year.

(c) Used personal effects of persons who have settled in Southern Rhodesia.

(d) Samples and advertising matter up to £5.5s ($14.70) of declared value.

(ii) Every shipment coming within one of the above categories must be plainly marked on the wrapper and on the customs declaration to indicate its character. Other shipments are not to be accepted unless the sender is assured that the addressee possesses the necessary authority for importation, and the sender shall then mark the wrapper "Importation into Southern Rhodesia authorized." Goods which are not in the exempted categories and whose importation has not been authorized are liable to confiscation.

§ 127.341 *Rumania*—(a) *Postal Union mails—(1) Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted, see "Observations." (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 15 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.) Rumania requires that two copies of the paper form of customs declaration (Form 2976–A), in addition to a commercial invoice, be properly completed and enclosed in each package. Articles subject to customs treatment prepaid at the letter rate of postage and not bearing the green label Form 2976 (C 1), will be treated in accordance with the customs laws, which consider such irregularities as contraventions for which fines are imposed. If the fine is not paid, the articles are confiscated and not returned to the senders.

(7) *Combination packages.* Accepted. (See § 127.12.)

(8) *Observations.* (i) Rumania requires that two copies of the paper form of customs declaration (Form 2976–A), in addition to a commercial invoice, be properly completed and enclosed in each small packet.

(ii) See paragraph (b) (5) of this section for restrictions on gift parcels, which also apply to gift packages in the Postal Union mails.

(9) *Prohibitions.* (i) Coins; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles.

(ii) Bank notes, paper money, and other paper values issued in countries other than Rumania.

(iii) Advertisements, coupons, and other articles relating to business done in accordance with the "snowball" system.

(iv) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post—(1) Table of rates—(i) Surface parcel rates, including transit charges and surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.73 | 12 | $3.61 |
| 2 | .95 | 13 | 3.83 |
| 3 | 1.23 | 14 | 4.05 |
| 4 | 1.45 | 15 | 4.27 |
| 5 | 1.67 | 16 | 4.49 |
| 6 | 1.89 | 17 | 4.71 |
| 7 | 2.11 | 18 | 4.93 |
| 8 | 2.40 | 19 | 5.15 |
| 9 | 2.62 | 20 | 5.37 |
| 10 | 2.84 | 21 | 5.59 |
| 11 | 3.06 | 22 | 5.81 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Limited to 3 parcels. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Observations.* The following restrictions are imposed by the Rumanian authorities with respect to gift parcels:

(i) No gift parcel may exceed 4 pounds 6 ounces in gross weight, and only one such parcel may be received by one addressee per month.

(ii) Each parcel must be mailed by an individual, as the Rumanian authorities will not admit gift parcels mailed by or on behalf of commercial firms or organizations of any kind.



(iii) Each parcel must contain a detailed list of its contents, in addition to the postal customs declaration.

(iv) The contents of gift parcels, which must be for the addressee's personal use, are limited to the items and the quantities of each shown in the following lists:

| | |
|---|---|
| *(a) Clothing, etc.* | |
| Scarfs, towels, neckties, waterproof garments, blouses, dresses, suits, overcoats, hats, sweaters. | 1 of each. |
| Undergarments, handkerchiefs | 2 of each. |
| Gloves, stockings, footwear | 1 pair of each. |
| Sewing thread | 100 grams (3½ ounces). |
| Woolen yarn | 450 grams (15¾ ounces). |
| Cotton, linen or hempen cloth | 3 meters (9 feet 9 inches). |
| Woolen cloth | 3 meters (9 feet 9 inches). |
| Cloth of natural or artificial silk, nylon, etc | 3 meters (9 feet 9 inches). |
| *(b) Miscellaneous* | |
| Toilet water | 250 grams (8¾ ounces). |
| Perfumes | 50 grams (1¾ ounces). |
| Toilet articles, brushes, combs, cosmetics, etc | 100 grams (3½ ounces). |
| Razors, scissors, hairclippers | 1 article. |
| Watches, eyeglasses, eyeglass lenses, leather articles, musical instruments. | 1 of each. |
| Fountain pens and mechanical pencils | 1 article. |
| Medical and optical instruments, household appliances | 2 articles. |
| Razor blades | 10 blades. |

(v) Articles sent in gift parcels are subject to customs duty in Rumania. A parcel may be returned to origin if the addressee fails to pay the duty, if the parcel does not comply with the above requirements, or if it contains articles of used clothing not accompanied by a certificate of disinfection.

(vi) Rumania collects from addressee for delivery a fee not exceeding 15 centimes (gold) for each 5 kilograms (11 pounds) or fraction of weight, in addition to a fixed charge of 50 centimes (gold) for submission of each parcel to the Customs.

(vii) Parcel post packages containing merchandise, except for those places shown below, must be accompanied by a commercial invoice. If several parcels are sent to the same addressee, the invoice should be included in one parcel only; in the other parcels should be inserted a note giving the name of the sender and the contents of the parcel.

(viii) When parcels are destined for the cities of Arad, Bacau, Botosani, Braila, Brasov, Bucuresti, Cernauti, Cetatea Alba, Chisinau, Cluj, Constanta, Craiova, Focsani, Galati, Giurgiu, Iasi, Oradea, Ploesti, Satu-Mare, Sibiu, Targu-Mures, Timisoara, and Turnu-Severin; one copy of the invoice should be placed inside the parcel and the other forwarded under separate cover to the addressee.

(ix) The customs declarations must be completed, indicating in detail the contents of the parcel; that is, the number of articles, the quality, the proportion of the materials composing each article of merchandise, the exact weight as well as the number of threads to a centimeter and to a square meter of fabrics, the fineness and kind of metals composing the articles or their garnishments. Customs declarations must also contain the gross and the net weight in grams of the parcel. It is necessary whenever possible to inclose in each parcel copy of the open invoice of the contents as well as the complete copy of the addresses of the sender and addressee.

(x) Attention is directed to the fact that articles for Rumania are often incorrectly addressed, use being made of obsolete place-names (for example, the old names Hermanstadt, Nagyvarad, and Kolosvary are used instead of the present designations Sibiu, Oradea, and Cluj respectively), and delay in delivery may be occasioned thereby.

(xi) Parcels containing used clothing must be accompanied by a certificate of disinfection.

(6) *Prohibition.* (i) *For sanitary reasons.* All foods or drinks which do not fulfill the conditions laid down by the Rumanian regulations.

(ii) *For the protection of plants.* Trees and shrubs, as well as the different parts or organs thereof can be imported only if accompanied by a certificate establishing that the place of origin is not infested by phylloxera or black rot.

(iii) *Arms, etc.* War arms and their parts and ammunition therefor (except those intended for the State).

(iv) *For other reasons.* (a) Coins which are not legal tender in Rumania (with the exception of antique coins).

(b) Articles of gold or silver which are not of the required fineness.

(7) *Import restrictions.*—The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Import licenses are required for many types of commodities.

(ii) Special permission of the Rumanian State Monopolies is required for the importation of tobacco in any form, cigarette papers, lighters, playing cards, and salt.

(iii) Articles containing money are subject to the control of the National Bank of Rumania, and remittances can be delivered to addressees only upon proper authorization from that Bank.

(iv) Measuring instruments and standards require special permission of the Ministry of Industry and Commerce.

(v) Compound medicines and pharmaceutical specialties, as well as mineral waters, require authorization of the Chief Sanitary Council of Rumania.

(vi) Saccharine and similar products require authorization from the Director of Customs of Rumania.

(vii) Arms (other than prohibited war arms) require authorization from the Council of Ministers.

(viii) See subparagraph (5) of this paragraph for special restrictions on gift parcels.

(ix) Machines for prepaying postage on mail matter require the approval of the Director General of Posts of Rumania.

(x) Used military clothing.

§ 127.342 *Ryukyu Islands (including Okinawa and the other islands of the Ryukyu Group south of 30° north latitude, including Kuchinoshima).*

NOTE: Ryukyu (Nansei) Islands north of 30° north latitude (excluding Kuchinoshima) are subject to postage rates and conditions applicable to Japan.

(a) *Postal Union mails—(1) classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Observations.* Articles should be addressed in English, but it will be permissible for the address to be shown also in any other language provided those addressed in another language bear an interlined translation in English of the name of the post office, island where located, and the words "Ryukyu Islands."

(7) *Prohibitions.* Dutiable articles (merchandise) prepaid at letter rate.

(b) *Parcel post—(1) Table of rates—(i) Surface parcel rates including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.50 | 12 | $3.47 |
| 2 | .77 | 13 | 3.74 |
| 3 | 1.04 | 14 | 4.01 |
| 4 | 1.31 | 15 | 4.28 |
| 5 | 1.58 | 16 | 4.55 |
| 6 | 1.85 | 17 | 4.82 |
| 7 | 2.12 | 18 | 5.09 |
| 8 | 2.39 | 19 | 5.36 |
| 9 | 2.66 | 20 | 5.63 |
| 10 | 2.93 | 21 | 5.90 |
| 11 | 3.20 | 22 | 6.17 |

(ii) *Air parcel rates.* (Rates: $1.27 first 4 ounces; $0.91 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.27 | 4 | 12 | $17.65 |
| 0 | 8 | 2.18 | 5 | 0 | 18.56 |
| 0 | 12 | 3.09 | 5 | 4 | 19.47 |
| 1 | 0 | 4.00 | 5 | 8 | 20.38 |
| 1 | 4 | 4.91 | 5 | 12 | 21.29 |
| 1 | 8 | 5.82 | 6 | 0 | 22.20 |
| 1 | 12 | 6.73 | 6 | 4 | 23.11 |
| 2 | 0 | 7.64 | 6 | 8 | 24.02 |
| 2 | 4 | 8.55 | 6 | 12 | 24.93 |
| 2 | 8 | 9.46 | 7 | 0 | 25.84 |
| 2 | 12 | 10.37 | 7 | 4 | 26.75 |
| 3 | 0 | 11.28 | 7 | 8 | 27.66 |
| 3 | 4 | 12.19 | 7 | 12 | 28.57 |
| 3 | 8 | 13.10 | 8 | 0 | 29.48 |
| 3 | 12 | 14.01 | 8 | 4 | 30.39 |
| 4 | 0 | 14.92 | 8 | 8 | 31.30 |
| 4 | 4 | 15.83 | 8 | 12 | 32.21 |
| 4 | 8 | 16.74 | 9 | 0 | 33.12 |
| 4 | 12 | 17.65 | 9 | 4 | 34.03 |
| 5 | 0 | 18.56 | 9 | 8 | 34.94 |
| 5 | 4 | 19.47 | 9 | 12 | 35.85 |
| 5 | 8 | 20.38 | 10 | 0 | 36.76 |
| 5 | 12 | 21.29 | 10 | 4 | 37.67 |
| 6 | 0 | 22.20 | 10 | 8 | 38.58 |
| 6 | 4 | 23.11 | 10 | 12 | 39.49 |
| 6 | 8 | 24.02 | 11 | 0 | 40.40 |
| 6 | 12 | 24.93 | 11 | 4 | 41.31 |
| 7 | 0 | 25.84 | 11 | 8 | 42.22 |
| 7 | 4 | 26.75 | 11 | 12 | 43.13 |
| 7 | 8 | 27.66 | 12 | 0 | 44.04 |
| 7 | 12 | 28.57 | 12 | 4 | 44.95 |
| 8 | 0 | 29.48 | 12 | 8 | 45.86 |
| 8 | 4 | 30.39 | 12 | 12 | 46.77 |
| 8 | 8 | 31.30 | 13 | 0 | 47.68 |
| 8 | 12 | 32.21 | 13 | 4 | 48.59 |
| 9 | 0 | 33.12 | 13 | 8 | 49.50 |
| 9 | 4 | 34.03 | 13 | 12 | 50.41 |
| 9 | 8 | 34.94 | 14 | 0 | 51.32 |
| 9 | 12 | 35.85 | 14 | 4 | 52.23 |
| 10 | 0 | 36.76 | 14 | 8 | 53.14 |
| 10 | 4 | 37.67 | 14 | 12 | 54.05 |
| 10 | 8 | 38.58 | 15 | 0 | 54.96 |
| 10 | 12 | 39.49 | 15 | 4 | 55.87 |
| 11 | 0 | 40.40 | 15 | 8 | 56.78 |
| 11 | 4 | 41.31 | 15 | 12 | $57.60 |
| 11 | 8 | 42.22 | 16 | 0 | 58.60 |
| 11 | 12 | 43.13 | 16 | 4 | 59.51 |
| 12 | 0 | 44.04 | 16 | 8 | 60.42 |
| 12 | 4 | 44.95 | 16 | 12 | 61.33 |
| 12 | 8 | 45.86 | 17 | 0 | 62.24 |
| 12 | 12 | 46.77 | 17 | 4 | 63.15 |
| 13 | 0 | 47.68 | 17 | 8 | 64.06 |
| 13 | 4 | 48.59 | 17 | 12 | 64.97 |
| 13 | 8 | 49.50 | 18 | 0 | 65.88 |
| 13 | 12 | 50.41 | 18 | 4 | 66.79 |
| 14 | 0 | 51.32 | 18 | 8 | 67.70 |
| 14 | 4 | 52.23 | 18 | 12 | 68.61 |
| 14 | 8 | 53.14 | 19 | 0 | 69.52 |
| 14 | 12 | 54.05 | 19 | 4 | 70.43 |
| 15 | 0 | 54.96 | 19 | 8 | 71.34 |
| 15 | 4 | 55.87 | 19 | 12 | 72.25 |
| 15 | 8 | 56.78 | 20 | 0 | 73.16 |
| | | | 20 | 4 | 74.07 |
| | | | 20 | 8 | 74.98 |
| | | | 20 | 12 | 75.89 |
| | | | 21 | 0 | 76.80 |
| | | | 21 | 4 | 77.71 |
| | | | 21 | 8 | 78.62 |
| | | | 21 | 12 | 79.53 |
| | | | 22 | 0 | 80.44 |

Each air parcel must have affixed the blue Par Avion label (Form 2978.) (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to ordinary parcels. (See § 127.79.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (5) of this paragraph.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $165 | 60 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "Insured" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs, as per the following example:

Insured Value
$25.75 (U. S.)
Twenty-five Dollars and Seventy-five Cents
77.25 Gold Francs
Seventy-Seven Gold Francs and Twenty-Five Centimes

(iii) See § 127.143 (b), as to method of converting United States currency into gold francs.

(iv) Parcels containing coin, bullion, valuable jewelry, or any other precious article must be insured.

(v) For general information concerning insurance service, see §§ 127.140 to 127.148, inclusive.

(6) *Observations.* (i) When the contents of parcels consist of precious metals, articles of metal, or heavy goods, they must be packed in stout metal boxes or in wooden cases constructed of lumber at least a half inch thick or plywood of at least three plies.

(ii) Gift parcels. The[y] are limited at present to "U. S. A. Gift Parcels." (See paragraph (c) of this section.)

(7) *Prohibitions.* Any matter advocating or urging treason or insurrection.

(c) *U. S. A. gift parcels—(1) Postage rates (surface only).*

[Rates include transit charges]

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.46 | 12 | $2.99 |
| 2 | .69 | 13 | 3.22 |
| 3 | .92 | 14 | 3.45 |
| 4 | 1.15 | 15 | 3.68 |
| 5 | 1.38 | 16 | 3.91 |
| 6 | 1.61 | 17 | 4.14 |
| 7 | 1.84 | 18 | 4.37 |
| 8 | 2.07 | 19 | 4.60 |
| 9 | 2.30 | 20 | 4.83 |
| 10 | 2.53 | 21 | 5.06 |
| 11 | 2.76 | 22 | 5.29 |

NOTE: The weight limit and other tabulated information following the parcel post rate tables are also applicable to "U. S. A. Gift Parcels."

(2) *Observations.* In addition to the conditions applicable to parcels generally, as set forth in paragraph (b) of this section, the following special requirements imposed by the Department of the Army must be met in order for parcels to be accepted at the reduced postage rate as "U. S. A. Gift Parcels":

(i) Each parcel must be mailed as a gift by an individual sender to an individual addressee for the personal use of himself or his immediate family. The items which may be included in "U. S. A. Gift Parcels" are limited to nonperishable food, clothing and clothes-making materials, shoes, and shoe-making materials, mailable medical and health supplies, and household supplies and utensils, if permitted under existing postal regulations.

(ii) Vegetable seeds may be included provided the total domestic retail value of such vegetable seeds does not exceed $5.

(iii) When a relief parcel is presented for mailing under these regulations the words "U. S. A. Gift Parcel" shall be conspicuously endorsed by the mailer on the address side of the parcel and on the customs declaration. The use of the words "U. S. A. Gift Parcel" will be a certification by the mailer that the provisions of the Army regulations have been met.

(iv) Also see § 127.55 (j).

§ 127.343 *St. Helena—(a) Postal Union mails—(1) Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages, and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 68 cents for the first 2 ounces and 47 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post—(1) Table of rates—(i) Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.61 | 7 | $2.89 |
| 2 | .99 | 8 | 3.27 |
| 3 | 1.37 | 9 | 3.65 |
| 4 | 1.75 | 10 | 4.03 |
| 5 | 2.13 | 11 | 4.41 |
| 6 | 2.51 | | |

(ii) *Air parcel rates.* (Rates: $1.31 first 4 ounces; $0.94 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.31 | 5 | 12 | $21.99 |
| 0 | 8 | 2.25 | 6 | 0 | 22.93 |
| 0 | 12 | 3.19 | 6 | 4 | 23.87 |
| 1 | 0 | 4.13 | 6 | 8 | 24.81 |
| 1 | 4 | 5.07 | 6 | 12 | 25.75 |
| 1 | 8 | 6.01 | 7 | 0 | 26.69 |
| 1 | 12 | 6.95 | 7 | 4 | 27.63 |
| 2 | 0 | 7.89 | 7 | 8 | 28.57 |
| 2 | 4 | 8.83 | 7 | 12 | 29.51 |
| 2 | 8 | 9.77 | 8 | 0 | 30.45 |
| 2 | 12 | 10.71 | 8 | 4 | 31.39 |
| 3 | 0 | 11.65 | 8 | 8 | 32.33 |
| 3 | 4 | 12.59 | 8 | 12 | 33.27 |
| 3 | 8 | 13.53 | 9 | 0 | 34.21 |
| 3 | 12 | 14.47 | 9 | 4 | 35.15 |
| 4 | 0 | 15.41 | 9 | 8 | 36.09 |
| 4 | 4 | 16.35 | 9 | 12 | 37.03 |
| 4 | 8 | 17.29 | 10 | 0 | 37.97 |
| 4 | 12 | 18.23 | 10 | 4 | 38.91 |
| 5 | 0 | 19.17 | 10 | 8 | 39.85 |
| 5 | 4 | 20.11 | 10 | 12 | 40.79 |
| 5 | 8 | 21.05 | 11 | 0 | 41.73 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* No parcel may exceed £50 in value.

(5) *Prohibitions.* (i) Bees, leeches and silkworms.



(ii) Plants as follows: Lilies (Lilium spp.), narcissus, jonquil, etc. Narcissus spp.), and hyacinth (Hyacinthus spp.)

(iii) Potatoes require permission of the agricultural authorities.

(6) *Import restrictions.* Addressees may be required to obtain import licenses in some cases.

§ 127.344 *St. Pierre and Miquelon—(a) Postal Union mails—(1) Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rate, 8 cents per ounce. By ordinary means from Canada. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank.

(b) *Parcel post—(1) Table of rates—(i) Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 12 | $2.87 |
| 2 | .67 | 13 | 3.09 |
| 3 | .89 | 14 | 3.31 |
| 4 | 1.11 | 15 | 3.53 |
| 5 | 1.33 | 16 | 3.75 |
| 6 | 1.55 | 17 | 3.97 |
| 7 | 1.77 | 18 | 4.19 |
| 8 | 1.99 | 19 | 4.41 |
| 9 | 2.21 | 20 | 4.63 |
| 10 | 2.43 | 21 | 4.85 |
| 11 | 2.65 | 22 | 5.07 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Yes. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions.* No list.

§ 127.345 *Salvador (El)—(a) Postal Union mails—(1) Classifications, rates, weight limits and dimensions.* See Table No. 2, in § 127.1. Small packets accepted if registered. (See § 127.10.)

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 33 cents for the first 2 ounces and 13 cents for each additional 2 ounces. (See § 127.20.)

(6) *Diplomatic and consular mail.* See § 127.32.

(7) *Freedom of postage for government correspondence.* See § 127.32, paragraph (c).

(8) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(9) *Combination packages.* Accepted. (See § 127.12.)

(10) *Observations.* See paragraph (b) (6) of this section as to requirements for certificate of origin.

(11) *Prohibitions.* (i) Dutiable articles (merchandise) in the form of letters or samples.

(ii) Coins, bank notes, and values payable to the bearer.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post—(1) Table of rates—(i) Surface parcel rates including transit charges and surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.86 | 23 | $6.52 |
| 2 | 1.08 | 24 | 6.74 |
| 3 | 1.40 | 25 | 6.96 |
| 4 | 1.62 | 26 | 7.13 |
| 5 | 1.84 | 27 | 7.40 |
| 6 | 2.06 | 28 | 7.62 |
| 7 | 2.28 | 29 | 7.84 |
| 8 | 2.56 | 30 | 8.06 |
| 9 | 2.78 | 31 | 8.28 |
| 10 | 3.00 | 32 | 8.50 |
| 11 | 3.22 | 33 | 8.72 |
| 12 | 3.77 | 34 | 9.26 |
| 13 | 3.99 | 35 | 9.48 |
| 14 | 4.21 | 36 | 9.70 |
| 15 | 4.43 | 37 | 9.92 |
| 16 | 4.65 | 38 | 10.14 |
| 17 | 4.87 | 39 | 10.36 |
| 18 | 5.09 | 40 | 10.58 |
| 19 | 5.31 | 41 | 10.80 |
| 20 | 5.53 | 42 | 11.02 |
| 21 | 5.75 | 43 | 11.24 |
| 22 | 5.97 | 44 | 11.46 |

(ii) *Air parcel rates, including surcharges.* (Rates: $1.02 first 4 ounces; $0.26 each additional 4 ounces).

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.02 | 9 | 12 | $10.90 |
| 0 | 8 | 1.28 | 10 | 0 | 11.16 |
| 0 | 12 | 1.54 | 10 | 4 | 11.42 |
| 1 | 0 | 1.80 | 10 | 8 | 11.68 |
| 1 | 4 | 2.06 | 10 | 12 | 11.94 |
| 1 | 8 | 2.32 | 11 | 0 | 12.20 |
| 1 | 12 | 2.58 | 11 | 4 | 12.46 |
| 2 | 0 | 2.84 | 11 | 8 | 12.72 |
| 2 | 4 | 3.10 | 11 | 12 | 12.98 |
| 2 | 8 | 3.36 | 12 | 0 | 13.24 |
| 2 | 12 | 3.62 | 12 | 4 | 13.50 |
| 3 | 0 | 3.88 | 12 | 8 | 13.76 |
| 3 | 4 | 4.14 | 12 | 12 | 14.02 |
| 3 | 8 | 4.40 | 13 | 0 | 14.28 |
| 3 | 12 | 4.66 | 13 | 4 | 14.54 |
| 4 | 0 | 4.92 | 13 | 8 | 14.80 |
| 4 | 4 | 5.18 | 13 | 12 | 15.06 |
| 4 | 8 | 5.44 | 14 | 0 | 15.32 |
| 4 | 12 | 5.70 | 14 | 4 | 15.58 |
| 5 | 0 | 5.96 | 14 | 8 | 15.84 |
| 5 | 4 | 6.22 | 14 | 12 | 16.10 |
| 5 | 8 | 6.48 | 15 | 0 | 16.36 |
| 5 | 12 | 6.74 | 15 | 4 | 16.62 |
| 6 | 0 | 7.00 | 15 | 8 | 16.88 |
| 6 | 4 | 7.26 | 15 | 12 | 17.14 |
| 6 | 8 | 7.52 | 16 | 0 | 17.40 |
| 6 | 12 | 7.78 | 16 | 4 | 17.66 |
| 7 | 0 | 8.04 | 16 | 8 | 17.92 |
| 7 | 4 | 8.30 | 16 | 12 | 18.18 |
| 7 | 8 | 8.56 | 17 | 0 | 18.44 |
| 7 | 12 | 8.82 | 17 | 4 | 18.70 |
| 8 | 0 | 9.08 | 17 | 8 | 18.96 |
| 8 | 4 | 9.34 | 17 | 12 | 19.22 |
| 8 | 8 | 9.60 | 18 | 0 | 19.48 |
| 8 | 12 | 9.86 | 18 | 4 | 19.74 |
| 9 | 0 | 10.12 | 18 | 8 | 20.00 |
| 9 | 4 | 10.38 | 18 | 12 | 20.26 |
| 9 | 8 | 10.64 | 19 | 0 | 20.52 |

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 19 | 4 | $20.78 | 31 | 12 | $33.78 |
| 19 | 8 | 21.04 | 32 | 0 | 34.04 |
| 19 | 12 | 21.30 | 32 | 4 | 34.30 |
| 20 | 0 | 21.56 | 32 | 8 | 34.56 |
| 20 | 4 | 21.82 | 32 | 12 | 34.82 |
| 20 | 8 | 22.08 | 33 | 0 | 35.08 |
| 20 | 12 | 22.34 | 33 | 4 | 35.34 |
| 21 | 0 | 22.60 | 33 | 8 | 35.60 |
| 21 | 4 | 22.86 | 33 | 12 | 35.86 |
| 21 | 8 | 23.12 | 34 | 0 | 36.12 |
| 21 | 12 | 23.38 | 34 | 4 | 36.38 |
| 22 | 0 | 23.64 | 34 | 8 | 36.64 |
| 22 | 4 | 23.90 | 34 | 12 | 36.90 |
| 22 | 8 | 24.16 | 35 | 0 | 37.16 |
| 22 | 12 | 24.42 | 35 | 4 | 37.42 |
| 23 | 0 | 24.68 | 35 | 8 | 37.68 |
| 23 | 4 | 24.94 | 35 | 12 | 37.94 |
| 23 | 8 | 25.20 | 36 | 0 | 38.20 |
| 23 | 12 | 25.46 | 36 | 4 | 38.46 |
| 24 | 0 | 25.72 | 36 | 8 | 38.72 |
| 24 | 4 | 25.98 | 36 | 12 | 38.98 |
| 24 | 8 | 26.24 | 37 | 0 | 39.24 |
| 24 | 12 | 26.50 | 37 | 4 | 39.50 |
| 25 | 0 | 26.76 | 37 | 8 | 39.76 |
| 25 | 4 | 27.02 | 37 | 12 | 40.02 |
| 25 | 8 | 27.28 | 38 | 0 | 40.28 |
| 25 | 12 | 27.54 | 38 | 4 | 40.54 |
| 26 | 0 | 27.80 | 38 | 8 | 40.80 |
| 26 | 4 | 28.06 | 38 | 12 | 41.06 |
| 26 | 8 | 28.32 | 39 | 0 | 41.32 |
| 26 | 12 | 28.58 | 39 | 4 | 41.58 |
| 27 | 0 | 28.84 | 39 | 8 | 41.84 |
| 27 | 4 | 29.10 | 39 | 12 | 42.10 |
| 27 | 8 | 29.36 | 40 | 0 | 42.36 |
| 27 | 12 | 29.62 | 40 | 4 | 42.62 |
| 28 | 0 | 29.88 | 40 | 8 | 42.88 |
| 28 | 4 | 30.14 | 40 | 12 | 43.14 |
| 28 | 8 | 30.40 | 41 | 0 | 43.40 |
| 28 | 12 | 30.66 | 41 | 4 | 43.66 |
| 29 | 0 | 30.92 | 41 | 8 | 43.92 |
| 29 | 4 | 31.18 | 41 | 12 | 44.18 |
| 29 | 8 | 31.44 | 42 | 0 | 44.44 |
| 29 | 12 | 31.70 | 42 | 4 | 44.70 |
| 30 | 0 | 31.96 | 42 | 8 | 44.96 |
| 30 | 4 | 32.22 | 42 | 12 | 45.22 |
| 30 | 8 | 32.48 | 43 | 0 | 45.48 |
| 30 | 12 | 32.74 | 43 | 4 | 45.74 |
| 31 | 0 | 33.00 | 43 | 8 | 46.00 |
| 31 | 4 | 33.26 | 43 | 12 | 46.26 |
| 31 | 8 | 33.52 | 44 | 0 | 46.52 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55(b).)

Weight limit: 44 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: Limited to 3 ordinary parcels. (See § 127.79.)
Registration: Yes. Fee, 55 cents.
Insurance: No.
C. o. d.: No.
Consular invoice: Yes. (See paragraph (6) of this paragraph.)

(2) *Indemnity.* See § 127.165.

(3) *Registry service.* For general information see Subpart D of this part.

(4) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels (surface and air). (See § 127.159.)

(5) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(6) *Observations.* (i) Parcels exceeding $50 in value require commercial invoices, visaed by a Salvadoran consular officer. These invoices are not to be enclosed in the parcel, but must be sent to the addressee by letter.

(ii) Certificates of origin are required only if exemption from or modification of customs duty is claimed under a trade agreement.

(iii) Salvadoran consuls are located in the following cities:

| | |
|---|---|
| Baltimore, Md. | New York, N. Y. |
| Berkeley, Calif. | Philadelphia, Pa. |
| Charlotte Amalie, V. I. | Portland, Ore. |
| | Reno, Nev. |
| Chicago, Ill. | Rochester, N. Y. |
| Dallas, Tex. | St. Louis, Mo. |
| Hollywood, Calif. | St. Petersburg, Fla. |
| Houston, Tex. | San Antonio, Tex |
| Los Angeles, Calif. | San Francisco, Calif. |
| Madison, Wis. | San Mateo, Calif. |
| Miami, Fla. | San Juan, P. R. |
| Mobile, Ala. | Tampa, Fla. |
| New Orleans, La. | |

(iv) The class of merchandise contained in the parcels must be written in Spanish and in conformity with the nomenclature of the customs tariff.

(v) In the case of parcels addressed in care of banks or other organizations, the second addressee shall be advised concerning the arrival of the parcel, but he shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender; in the latter case, the sender shall take steps, through the administration of the country of origin of the parcel, for its delivery to the second addressee.

(7) *Prohibitions.* (i) Flour in used sacks; coffee seeds and plants; cigarette paper; containers for foreign pharmaceutical products; labels for Salvadoran wines; imitation money; sugar-making equipment; silver coins less than 0.900 fine, except collectors' coins and coins of El Salvador or the United States; nickel coins.

(ii) Sanitary certificates are required for parcels containing seeds or other plant material; flour; lard or olive oil.

(8) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) The permission of the Salvadoran Government is required for firearms and war material; saltpeter; sugar; molasses; and distilling apparatus.

§ 127.346 *Santa Cruz Islands*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* Same as Australia.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel post rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.61 | 7 | $2.15 |
| 2 | .83 | 8 | 2.55 |
| 3 | 1.05 | 9 | 2.77 |
| 4 | 1.49 | 10 | 2.99 |
| 5 | 1.71 | 11 | 3.21 |
| 6 | 1.93 | | |

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions and import restrictions.* Same as Australia.

§ 127.347 *Sarawak*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins, manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry, and other precious articles. (However, banknotes, paper money, and values payable to the bearer are admitted, if registered.)

(ii) Papers and books of a seditious nature.

(iii) Articles bearing on their covers words, marks, or designs of a threatening or offensive character, as well as articles (other than articles bearing Form 2976) bearing on their covers an indication of the nature and value of the contents.

(iv) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(v) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges and surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.98 | 12 | $4.77 |
| 2 | 1.20 | 13 | 4.99 |
| 3 | 1.74 | 14 | 5.21 |
| 4 | 2.05 | 15 | 5.43 |
| 5 | 2.27 | 16 | 5.65 |
| 6 | 2.49 | 17 | 5.87 |
| 7 | 2.71 | 18 | 6.09 |
| 8 | 3.33 | 19 | 6.31 |
| 9 | 3.55 | 20 | 6.53 |
| 10 | 3.77 | 21 | 6.75 |
| 11 | 3.99 | 22 | 6.97 |



Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No Provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions.* (i) Firearms, except by permit. Coin or bullion exceeding $50 in value, with the exception of coin obviously intended to serve as ornaments. Base or counterfeit coin.

(ii) Bank notes, currency notes, and negotiable instruments payable to bearer.

(5) *Import restrictions.* Addressees may be required to obtain import licenses in some cases.

§ 127.348 *Saudi Arabia (Kingdom of)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets 10 each. Other Postal Union articles, 60 cents for the first 2 ounces and 40 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Samples containing articles liable to customs duty or samples having a salable value.

(ii) Coins, gold or silver bullion, precious stones, jewelry, and other precious articles.

(iii) Registered articles whose value exceeds 25 gold francs (equivalent to $8.17, the maximum indemnity payable for the loss of Postal Union registered mail). Bank notes and paper money up to 25 gold francs ($8.17) in value are admitted only at the risk of the sender, and must be registered.

(iv) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.69 | 12 | $3.39 |
| 2 | .91 | 13 | 3.61 |
| 3 | 1.13 | 14 | 3.83 |
| 4 | 1.35 | 15 | 4.05 |
| 5 | 1.57 | 16 | 4.27 |
| 6 | 1.79 | 17 | 4.49 |
| 7 | 2.01 | 18 | 4.71 |
| 8 | 2.23 | 19 | 4.93 |
| 9 | 2.45 | 20 | 5.15 |
| 10 | 2.67 | 21 | 5.37 |
| 11 | 2.89 | 22 | 5.59 |

(ii) *Air parcel rates.* (Rates: $1.60 first 4 ounces; $0.80 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.60 | 0 | 12 | $3.20 |
| 0 | 8 | 2.40 | 1 | 0 | 4.00 |
| 1 | 4 | 4.80 | 11 | 12 | 38.40 |
| 1 | 8 | 5.60 | 12 | 0 | 39.20 |
| 1 | 12 | 6.40 | 12 | 4 | 40.00 |
| 2 | 0 | 7.20 | 12 | 8 | 40.80 |
| 2 | 4 | 8.00 | 12 | 12 | 41.60 |
| 2 | 8 | 8.80 | 13 | 0 | 42.40 |
| 2 | 12 | 9.60 | 13 | 4 | 43.20 |
| 3 | 0 | 10.40 | 13 | 8 | 44.00 |
| 3 | 4 | 11.20 | 13 | 12 | 44.80 |
| 3 | 8 | 12.00 | 14 | 0 | 45.60 |
| 3 | 12 | 12.80 | 14 | 4 | 46.40 |
| 4 | 0 | 13.60 | 14 | 8 | 47.20 |
| 4 | 4 | 14.40 | 14 | 12 | 48.00 |
| 4 | 8 | 15.20 | 15 | 0 | 48.80 |
| 4 | 12 | 16.00 | 15 | 4 | 49.60 |
| 5 | 0 | 16.80 | 15 | 8 | 50.40 |
| 5 | 4 | 17.60 | 15 | 12 | 51.20 |
| 5 | 8 | 18.40 | 16 | 0 | 52.00 |
| 5 | 12 | 19.20 | 16 | 4 | 52.80 |
| 6 | 0 | 20.00 | 16 | 8 | 53.60 |
| 6 | 4 | 20.80 | 16 | 12 | 54.40 |
| 6 | 8 | 21.60 | 17 | 0 | 55.20 |
| 6 | 12 | 22.40 | 17 | 4 | 56.00 |
| 7 | 0 | 23.20 | 17 | 8 | 56.80 |
| 7 | 4 | 24.00 | 17 | 12 | 57.60 |
| 7 | 8 | 24.80 | 18 | 0 | 58.40 |
| 7 | 12 | 25.60 | 18 | 4 | 59.20 |
| 8 | 0 | 26.40 | 18 | 8 | 60.00 |
| 8 | 4 | 27.20 | 18 | 12 | 60.80 |
| 8 | 8 | 28.00 | 19 | 0 | 61.60 |
| 8 | 12 | 28.80 | 19 | 4 | 62.40 |
| 9 | 0 | 29.60 | 19 | 8 | 63.20 |
| 9 | 4 | 30.40 | 19 | 12 | 64.00 |
| 9 | 8 | 31.20 | 20 | 0 | 64.80 |
| 9 | 12 | 32.00 | 20 | 4 | 65.60 |
| 10 | 0 | 32.80 | 20 | 8 | 66.40 |
| 10 | 4 | 33.60 | 20 | 12 | 67.20 |
| 10 | 8 | 34.40 | 21 | 0 | 68.00 |
| 10 | 12 | 35.20 | 21 | 4 | 68.80 |
| 11 | 0 | 36.00 | 21 | 8 | 69.60 |
| 11 | 4 | 36.80 | 21 | 12 | 70.40 |
| 11 | 8 | 37.60 | 22 | 0 | 71.20 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Limited to 3 parcels. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* Parcel post service (surface and air) extends to the following places only:

| | |
|---|---|
| Al Gaba. | Khobar. |
| Al Lith. | Mecca. |
| Al Wejh. | Medina. |
| Daha. | Qunfidha. |
| Dammam. | Rabigh. |
| Dhahran. | Rastanurra. |
| Hassa. | Riyadh. |
| Jiddah. | Umm Lej. |
| Jizam. | Yenbo. |
| Katif. | |

(5) *Prohibitions.* (i) Arms, munitions and war material.

(ii) Books and prints contrary to the Islamic faith.

§ 127.349 *Senegal*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 44 cents for the first 2 ounces and 23 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Paper money and other instruments of payment, letters of credit, securities, or deeds, may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank.

(ii) The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.70 | 23 | $6.48 |
| 2 | .92 | 24 | 6.70 |
| 3 | 1.30 | 25 | 6.92 |
| 4 | 1.52 | 26 | 7.14 |
| 5 | 1.74 | 27 | 7.36 |
| 6 | 1.96 | 28 | 7.58 |
| 7 | 2.18 | 29 | 7.80 |
| 8 | 2.40 | 30 | 8.02 |
| 9 | 2.62 | 31 | 8.24 |
| 10 | 2.84 | 32 | 8.46 |
| 11 | 3.06 | 33 | 8.68 |
| 12 | 3.66 | 34 | 9.29 |
| 13 | 3.88 | 35 | 9.51 |
| 14 | 4.10 | 36 | 9.73 |
| 15 | 4.32 | 37 | 9.95 |
| 16 | 4.54 | 38 | 10.17 |
| 17 | 4.76 | 39 | 10.39 |
| 18 | 4.98 | 40 | 10.61 |
| 19 | 5.20 | 41 | 10.83 |
| 20 | 5.42 | 42 | 11.05 |
| 21 | 5.64 | 43 | 11.27 |
| 22 | 5.86 | 44 | 11.49 |

(ii) *Air parcel rates.* (Rates: $0.90 first 4 ounces; $0.50 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.90 | 8 | 12 | $17.90 |
| 0 | 8 | 1.40 | 9 | 0 | 18.40 |
| 0 | 12 | 1.90 | 9 | 4 | 18.90 |
| 1 | 0 | 2.40 | 9 | 8 | 19.40 |
| 1 | 4 | 2.90 | 9 | 12 | 19.90 |
| 1 | 8 | 3.40 | 10 | 0 | 20.40 |
| 1 | 12 | 3.90 | 10 | 4 | 20.90 |
| 2 | 0 | 4.40 | 10 | 8 | 21.40 |
| 2 | 4 | 4.90 | 10 | 12 | 21.90 |
| 2 | 8 | 5.40 | 11 | 0 | 22.40 |
| 2 | 12 | 5.90 | 11 | 4 | 22.90 |
| 3 | 0 | 6.40 | 11 | 8 | 23.40 |
| 3 | 4 | 6.90 | 11 | 12 | 23.90 |
| 3 | 8 | 7.40 | 12 | 0 | 24.40 |
| 3 | 12 | 7.90 | 12 | 4 | 24.90 |
| 4 | 0 | 8.40 | 12 | 8 | 25.40 |
| 4 | 4 | 8.90 | 12 | 12 | 25.90 |
| 4 | 8 | 9.40 | 13 | 0 | 26.40 |
| 4 | 12 | 9.90 | 13 | 4 | 26.90 |
| 5 | 0 | 10.40 | 13 | 8 | 27.40 |
| 5 | 4 | 10.90 | 13 | 12 | 27.90 |
| 5 | 8 | 11.40 | 14 | 0 | 28.40 |
| 5 | 12 | 11.90 | 14 | 4 | 28.90 |
| 6 | 0 | 12.40 | 14 | 8 | 29.40 |
| 6 | 4 | 12.90 | 14 | 12 | 29.90 |
| 6 | 8 | 13.40 | 15 | 0 | 30.40 |
| 6 | 12 | 13.90 | 15 | 4 | 30.90 |
| 7 | 0 | 14.40 | 15 | 8 | 31.40 |
| 7 | 4 | 14.90 | 15 | 12 | 31.90 |
| 7 | 8 | 15.40 | 16 | 0 | 32.40 |
| 7 | 12 | 15.90 | 16 | 4 | 32.90 |
| 8 | 0 | 16.40 | 16 | 8 | 33.40 |
| 8 | 4 | 16.90 | 16 | 12 | 33.90 |
| 8 | 8 | 17.40 | 17 | 0 | 34.40 |

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 17 | 4 | $34.90 | 30 | 12 | $61.90 |
| 17 | 8 | 35.40 | 31 | 0 | 62.40 |
| 17 | 12 | 35.90 | 31 | 4 | 62.90 |
| 18 | 0 | 36.40 | 31 | 8 | 63.40 |
| 18 | 4 | 36.90 | 31 | 12 | 63.90 |
| 18 | 8 | 37.40 | 32 | 0 | 64.40 |
| 18 | 12 | 37.90 | 32 | 4 | 64.90 |
| 19 | 0 | 38.40 | 32 | 8 | 65.40 |
| 19 | 4 | 38.90 | 32 | 12 | 65.90 |
| 19 | 8 | 39.40 | 33 | 0 | 66.40 |
| 19 | 12 | 39.90 | 33 | 4 | 66.90 |
| 20 | 0 | 40.40 | 33 | 8 | 67.40 |
| 20 | 4 | 40.90 | 33 | 12 | 67.90 |
| 20 | 8 | 41.40 | 34 | 0 | 68.40 |
| 20 | 12 | 41.90 | 34 | 4 | 68.90 |
| 21 | 0 | 42.40 | 34 | 8 | 69.40 |
| 21 | 4 | 42.90 | 34 | 12 | 69.90 |
| 21 | 8 | 43.40 | 35 | 0 | 70.40 |
| 21 | 12 | 43.90 | 35 | 4 | 70.90 |
| 22 | 0 | 44.40 | 35 | 8 | 71.40 |
| 22 | 4 | 44.90 | 35 | 12 | 71.90 |
| 22 | 8 | 45.40 | 36 | 0 | 72.40 |
| 22 | 12 | 45.90 | 36 | 4 | 72.90 |
| 23 | 0 | 46.40 | 36 | 8 | 73.40 |
| 23 | 4 | 46.90 | 36 | 12 | 73.90 |
| 23 | 8 | 47.40 | 37 | 0 | 74.40 |
| 23 | 12 | 47.90 | 37 | 4 | 74.90 |
| 24 | 0 | 48.40 | 37 | 8 | 75.40 |
| 24 | 4 | 48.90 | 37 | 12 | 75.90 |
| 24 | 8 | 49.40 | 38 | 0 | 76.40 |
| 24 | 12 | 49.90 | 38 | 4 | 76.90 |
| 25 | 0 | 50.40 | 38 | 8 | 77.40 |
| 25 | 4 | 50.90 | 38 | 12 | 77.90 |
| 25 | 8 | 51.40 | 39 | 0 | 78.40 |
| 25 | 12 | 51.90 | 39 | 4 | 78.90 |
| 26 | 0 | 52.40 | 39 | 8 | 79.40 |
| 26 | 4 | 52.90 | 39 | 12 | 79.90 |
| 26 | 8 | 53.40 | 40 | 0 | 80.40 |
| 26 | 12 | 53.90 | 40 | 4 | 80.90 |
| 27 | 0 | 54.40 | 40 | 8 | 81.40 |
| 27 | 4 | 54.90 | 40 | 12 | 81.90 |
| 27 | 8 | 55.40 | 41 | 0 | 82.40 |
| 27 | 12 | 55.90 | 41 | 4 | 82.90 |
| 28 | 0 | 56.40 | 41 | 8 | 83.40 |
| 28 | 4 | 56.90 | 41 | 12 | 83.90 |
| 28 | 8 | 57.40 | 42 | 0 | 84.40 |
| 28 | 12 | 57.90 | 42 | 4 | 84.90 |
| 29 | 0 | 58.40 | 42 | 8 | 85.40 |
| 29 | 4 | 58.90 | 42 | 12 | 85.90 |
| 29 | 8 | 59.40 | 43 | 0 | 86.40 |
| 29 | 12 | 59.90 | 43 | 4 | 86.90 |
| 30 | 0 | 60.40 | 43 | 8 | 87.40 |
| 30 | 4 | 60.90 | 43 | 12 | 87.90 |
| 30 | 8 | 61.40 | 44 | 0 | 88.40 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(iii) The following offices are authorized to participate in the parcel post service:

| | |
|---|---|
| Bakel. | Kaolack. |
| Bambay. | Kebemer. |
| Bignona. | Kedougou. |
| Birkelane. | Kelle. |
| Cascas. | Khombole. |
| Coki. | Kidira. |
| Dagana. | Kolda. |
| Dahra. | Koungheul. |
| Dakar. | Linguere. |
| Diouloulou. | Louga. |
| Diourbel. | Marsassoum. |
| Fatick. | Matam. |
| Foundiougne. | M'Bake. |
| Goree. | M'Bour. |
| Gossas. | N'Dande. |
| Gueoul. | N'Doulo. |
| Guinguineo. | Pire. |
| Joal. | Podor. |
| Kaffrine. | Richard-Toll. |
| Kanel. | Rufisque. |
| Saint-Louis. | Thies. |
| Sakal. | Thiogne. |
| Salde. | Tiaroye. |
| Sebikotane. | Tivaouane. |
| Sedhiou. | Velingara. |
| Sokone. | Ziguinchor. |
| Tambacounda. | |

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions.*—(i) *For reasons of public safety.* Treasonable newspapers, periodicals, or books.

(ii) *For sanitary reasons.* Pure or compounded essences for use in manufacturing imitation liquors are subject to special regulations.

(iii) *For the protection of plants.* Same prohibitions and restrictions as for *Dahomey*, with the addition that all products capable of propagating the coffee berry borer (*Stephanoderes hampei*) are prohibited.

(iv) *Arms, etc.* (a) Special authorization is required to import the following: Firearms and shot unless addressed to the government forces; raw materials for powder and munitions; air guns; daggers, sword-canes, brass knuckles, blackjacks, and similar weapons.

(b) Nonexplosive components of artillery fuses.

(v) *For other reasons.* Same as for Dahomey.

(5) *Import restrictions.* Addressees may be required to obtain import licenses in some cases.

§ 127.350 *Seychelles*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Parasites and predators of injurious insects, intended for control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(ii) The articles prohibited as parcel post are also prohibited in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.75 | 7 | $3.03 |
| 2 | 1.09 | 8 | 3.61 |
| 3 | 1.43 | 9 | 3.95 |
| 4 | 2.01 | 10 | 4.29 |
| 5 | 2.35 | 11 | 4.63 |
| 6 | 2.69 | | |

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions.* Cast-off clothing for sale.

§ 127.351 *Sierra Leone*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins, manufactured or unmanufactured platinum, gold, and silver; precious stones, jewels, or other precious articles.

(ii) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.69 | 12 | $3.59 |
| 2 | .91 | 13 | 3.81 |
| 3 | 1.13 | 14 | 4.03 |
| 4 | 1.47 | 15 | 4.25 |
| 5 | 1.69 | 16 | 4.47 |
| 6 | 1.91 | 17 | 4.69 |
| 7 | 2.13 | 18 | 4.91 |
| 8 | 2.47 | 19 | 5.13 |
| 9 | 2.69 | 20 | 5.35 |
| 10 | 2.91 | 21 | 5.57 |
| 11 | 3.13 | 22 | 5.79 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966
Dispatch note: No.
Parcel-post sticker: 1 Form 2922
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combinded, 6 feet.

(4) *Observations.* (i) All parcels must be called for at the post office.

(ii) Every parcel containing goods liable to ad valorem duties and imported into Sierra Leone for sale or commercial exchange should be accompanied by an invoice showing quantity, description, and purchase price, together with a declaration that the price shown is the actual price paid. The declaration should be signed and witnessed.

(5) *Prohibitions.* Distilling apparatus; arms and munitions except under license from the Governor; base or counterfeit coins; works infringing the copyright laws; uniforms except for official use.

(6) *Import restrictions.* Addressees may be required to obtain import licenses in some cases.



§ 127.352 *Solomon Islands (except Bougainville and Buka).*

NOTE: See "New Guinea—Mandated Territory" concerning Bougainville and Buka.

(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. Onward from Australia by ordinary means. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Parasites and predators of injurious insects intended for the control of those insects are admitted as samples only under permit issued in advance by the Resident Commissioner.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.53 | 7 | $2.06 |
| 2 | .75 | 8 | 2.48 |
| 3 | .97 | 9 | 2.70 |
| 4 | 1.40 | 10 | 2.92 |
| 5 | 1.62 | 11 | 3.14 |
| 6 | 1.84 | | |

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions.* Used or second-hand clothing, bedding, and other fabrics, except for personal use.

(5) *Import restrictions.* Addressees may be required to obtain import licenses in some cases.

§ 127.353 *Somalia (formerly Italian Somaliland)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. The service is available only in the cities of Mogadishu, Merca, Kismayu, Isha Baidoa and Bender Kassim. Special delivery articles are delivered free up to 1 mile from the office of destination. A charge of 50 cents (East African currency) is made for each additional mile or part of a mile. (See § 127.19.)

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins, banknotes paper money, and values payable to bearer; gold, platinum and silver, manufactured or unmanufactured; precious stones, jewelry and other precious articles.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.68 | 12 | $3.59 |
| 2 | .90 | 13 | 3.81 |
| 3 | 1.27 | 14 | 4.03 |
| 4 | 1.49 | 15 | 4.25 |
| 5 | 1.71 | 16 | 4.47 |
| 6 | 1.93 | 17 | 4.69 |
| 7 | 2.15 | 18 | 4.91 |
| 8 | 2.48 | 19 | 5.13 |
| 9 | 2.70 | 20 | 5.35 |
| 10 | 2.92 | 21 | 5.57 |
| 11 | 3.14 | 22 | 5.79 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Prohibitions.* (i) *For reasons of public safety.* Printed matter, designs and emblems contrary to public order.

(ii) *For sanitary reasons.* (a) Foreign medical specialties, serums, vaccines, etc., unless addressed to recognized medical institutions or registered pharmacies.

(b) Empty containers and labels with markings relating to medicines.

(iii) *For the protection of plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iv) *Arms, etc.* Arms and parts thereof are not admitted until the addressee obtains a permit from the authorities in his locality.

(v) *State monopolies, etc.* (a) Saccharine and its products, unless addressed to authorized pharmacies.

(b) Sea salt and rock salt, and unmanufactured tobacco (leaves and stems) unless addressed to the Minister of Finances. Manufactured tobacco addressed to individuals for personal use is admitted with permission of the customs authorities.

§ 127.354 *Somaliland protectorate*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry, and other precious articles.

(ii) Packages of illustrated post cards are not admitted as prints.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.68 | 12 | $4.01 |
| 2 | .90 | 13 | 4.23 |
| 3 | 1.42 | 14 | 4.45 |
| 4 | 1.64 | 15 | 4.67 |
| 5 | 1.86 | 16 | 4.89 |
| 6 | 2.08 | 17 | 5.11 |
| 7 | 2.30 | 18 | 5.33 |
| 8 | 2.81 | 19 | 5.55 |
| 9 | 3.03 | 20 | 5.77 |
| 10 | 3.25 | 21 | 5.99 |
| 11 | 3.47 | 22 | 6.21 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group Shipments: Yes. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* Parcels are accepted for any place; but delivery is confined to Berbera, Borama, Burao, Erigavo, Hargeisa, Sheikh, and Zeilah.

(5) *Prohibitions.* Arms of all kinds, parts of arms, military stores, except for Government service or under Government license.

(6) *Import restrictions.* Addressees may be required to obtain import licenses in some cases.

§ 127.355 *South-West Africa (including Walvis Bay)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight*

*limits and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* Same as Union of South Africa.

(b) *Parcel post*—(1) *Table of rates.*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.57 | 7 | $2.61 |
| 2 | .91 | 8 | 2.95 |
| 3 | 1.25 | 9 | 3.29 |
| 4 | 1.59 | 10 | 3.63 |
| 5 | 1.93 | 11 | 3.97 |
| 6 | 2.27 | | |

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* Limit of value, £50. The value shown on the customs declaration must be the current value of the finished articles in the open market at the time of dispatch. In case of undervaluation, the parcel is liable to confiscation.

(5) *Prohibitions and import restrictions.* Same as Union of South Africa.

§ 127.356 *Spain (including Balearic Islands, Canary Islands, and the Spanish Offices in Northern Africa: Ceuta, Melilla, Alhucemas, Chaferinas or Zafarani Islands, and Penon de Velez de la Gomera).*

NOTE: For Morocco (Spanish Zone), Spanish Guinea, and Spanish West Africa, see relative country items.

(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 2, in § 127.1. Small packets are accepted for Spain only. (See § 127.10.) Small packets not accepted for Balearic Islands, Canary Islands, and the Spanish Offices in Northern Africa.

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 45 cents for the first 2 ounces and 25 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Diplomatic and consular mail.* See § 127.32.

(8) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(9) *Observations.* (i) Periodicals, newspapers, and books generally require an import permit to be secured by the addressee in Spain. However, this requirement is waived in the case of single shipments addressed to individuals.

(ii) The customs handling of printed matter in Spain will be facilitated if a green customs label (Form 2976) is affixed to each package.

(iii) It is understood that periodicals in the Spanish language are often subjected to high duties and extensive examination by the Spanish authorities.

(10) *Prohibitions.* The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates.* (i) *Surface parcel rates, including surcharges.* Spain.

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.70 | 23 | $5.70 |
| 2 | .92 | 24 | 5.92 |
| 3 | 1.14 | 25 | 6.14 |
| 4 | 1.36 | 26 | 6.36 |
| 5 | 1.58 | 27 | 6.58 |
| 6 | 1.80 | 28 | 6.80 |
| 7 | 2.02 | 29 | 7.02 |
| 8 | 2.24 | 30 | 7.24 |
| 9 | 2.46 | 31 | 7.46 |
| 10 | 2.68 | 32 | 7.68 |
| 11 | 2.90 | 33 | 7.90 |
| 12 | 3.12 | 34 | 8.12 |
| 13 | 3.34 | 35 | 8.34 |
| 14 | 3.56 | 36 | 8.56 |
| 15 | 3.78 | 37 | 8.78 |
| 16 | 4.00 | 38 | 9.00 |
| 17 | 4.22 | 39 | 9.22 |
| 18 | 4.44 | 40 | 9.44 |
| 19 | 4.66 | 41 | 9.66 |
| 20 | 4.88 | 42 | 9.88 |
| 21 | 5.10 | 43 | 10.10 |
| 22 | 5.32 | 44 | 10.32 |

(ii) *Surface parcel rates, including transit charges and surcharges.* (a) Balearic Island and Spanish Offices in Northern Africa.

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.78 | 23 | $5.94 |
| 2 | 1.00 | 24 | 6.16 |
| 3 | 1.22 | 25 | 6.38 |
| 4 | 1.44 | 26 | 6.60 |
| 5 | 1.66 | 27 | 6.82 |
| 6 | 1.88 | 28 | 7.04 |
| 7 | 2.10 | 29 | 7.26 |
| 8 | 2.32 | 30 | 7.48 |
| 9 | 2.54 | 31 | 7.70 |
| 10 | 2.76 | 32 | 7.92 |
| 11 | 2.98 | 33 | 8.14 |
| 12 | 3.28 | 34 | 8.45 |
| 13 | 3.50 | 35 | 6.67 |
| 14 | 3.72 | 36 | 8.89 |
| 15 | 3.94 | 37 | 9.11 |
| 16 | 4.16 | 38 | 9.33 |
| 17 | 4.38 | 39 | 9.55 |
| 18 | 4.60 | 40 | 9.77 |
| 19 | 4.82 | 41 | 9.99 |
| 20 | 5.04 | 42 | 10.21 |
| 21 | 5.26 | 43 | 10.43 |
| 22 | 5.48 | 44 | 10.65 |

NOTE: The Spanish Offices in Northern Africa are: Ceuta, Melilla, Alhucemas, Chaferinas or Zafarani Islands and Penon de Velez de la Gomera.

(b) Canary Islands.[1]

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.83 | 23 | $6.19 |
| 2 | 1.05 | 24 | 6.41 |
| 3 | 1.30 | 25 | 6.63 |
| 4 | 1.52 | 26 | 6.85 |
| 5 | 1.74 | 27 | 7.07 |
| 6 | 1.96 | 28 | 7.29 |
| 7 | 2.18 | 29 | 7.51 |
| 8 | 2.43 | 30 | 7.73 |
| 9 | 2.65 | 31 | 7.95 |
| 10 | 2.87 | 32 | 8.17 |
| 11 | 3.09 | 33 | 8.39 |
| 12 | 3.44 | 34 | 8.77 |
| 13 | 3.66 | 35 | 8.99 |
| 14 | 3.88 | 36 | 9.21 |
| 15 | 4.10 | 37 | 9.43 |
| 16 | 4.32 | 38 | 9.65 |
| 17 | 4.54 | 39 | 9.87 |
| 18 | 4.76 | 40 | 10.09 |
| 19 | 4.98 | 41 | 10.31 |
| 20 | 5.20 | 42 | 10.53 |
| 21 | 5.42 | 43 | 10.75 |
| 22 | 5.64 | 44 | 10.97 |

[1] The following-named offices in the Canary Islands are authorized to participate in the parcel-post service and the name of one of these places must form a part of the address on the parcel:

| | |
|---|---|
| Agaete. | Realejo Alto. |
| Arucas. | San Bartolome de Tirajana. |
| Arrecife. | San Sebastian de la Gomera. |
| El Paso. | Santa Brigida. |
| Galdar. | Santa Cruz de la Palma. |
| Garachico. | Santa Cruz de Tenerife (Guia de Isora, Granadilla, Tazacorte, and Hermigua). |
| Guia de Gran Canaria. | Silos (Los). |
| Guimar. | Tacoronte. |
| Gran Tarajal. | Telde. |
| Haria. | Terror. |
| Icod. | Valverde. |
| La Laguna. | |
| La Orotava. | |
| Las Palmas. | |
| Los Llonos. | |
| Puerto de Cabras. | |
| Puerto de la Cruz. | |
| Puerto de la Luz. | |

(iii) *Air parcel rates, including transit charges and/or surcharges.* Spain, Balearic Island, Canary Islands, and Spanish offices in Northern Africa.

(Rates: $1.25 first 4 ounces; $0.50 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.25 | 5 | 12 | $12.25 |
| 0 | 8 | 1.75 | 6 | 0 | 12.75 |
| 0 | 12 | 2.25 | 6 | 4 | 13.25 |
| 1 | 0 | 2.75 | 6 | 8 | 13.75 |
| 1 | 4 | 3.25 | 6 | 12 | 14.25 |
| 1 | 8 | 3.75 | 7 | 0 | 14.75 |
| 1 | 12 | 4.25 | 7 | 4 | 15.25 |
| 2 | 0 | 4.75 | 7 | 8 | 15.75 |
| 2 | 4 | 5.25 | 7 | 12 | 16.25 |
| 2 | 8 | 5.75 | 8 | 0 | 16.75 |
| 2 | 12 | 6.25 | 8 | 4 | 17.25 |
| 3 | 0 | 6.75 | 8 | 8 | 17.75 |
| 3 | 4 | 7.25 | 8 | 12 | 18.25 |
| 3 | 8 | 7.75 | 9 | 0 | 18.75 |
| 3 | 12 | 8.25 | 9 | 4 | 19.25 |
| 4 | 0 | 8.75 | 9 | 8 | 19.75 |
| 4 | 4 | 9.25 | 9 | 12 | 20.25 |
| 4 | 8 | 9.75 | 10 | 0 | 20.75 |
| 4 | 12 | 10.25 | 10 | 4 | 21.25 |
| 5 | 0 | 10.75 | 10 | 8 | 21.75 |
| 5 | 4 | 11.25 | 10 | 12 | 23.25 |
| 5 | 8 | 11.75 | 11 | 0 | 22.75 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See 127.55 (b).)

Weight limit: [2] 11, 44 pounds.
Customs declarations: Spain, 3 Form 2966; Possessions, 2 Form 2966.

[2] Air parcels are limited to 11 pounds in weight.



Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: Yes. Fee, 55 cents.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* See § 127.165.

(3) *Registry service.* For general information see Subpart D of this part.

(4) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels (surface and air). (See § 127.159.)

(5) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(6) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(7) *Observations.* (i) The customs declarations must be completed in English with an interlineation in either French or Spanish. The gross weight of the entire parcel and the net weight of its contents must be given. Packages and the customs declarations which accompany them must bear a complete local address; that is, the name of the street and the number of the house or other designation of the exact address at which the addressees may be found. Packages not thus fully addressed, especially in the larger cities of Spain, are likely to be delayed in delivery. This information is desired by the Spanish customs authorities in order to adjust customs and transportation charges.

(ii) In the case of parcels addressed in care of banks or other organizations, the second addressee shall be advised concerning the arrival of the parcel, but he shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender; in the latter case, the sender shall take steps, through the administration of the country of origin of the parcel, for its delivery to the second addressee.

(iii) In connection with packages to be sent by air parcel post, the attention of senders should be called to the following conditions:

(a) The addressees must provide themselves in advance with the corresponding import permit issued by the Ministry of Commerce of Spain.

(b) Addressees must provide themselves in advance with the required health permit or other corresponding permit issued by the Direction General of Health, or other authority concerned, when the parcels contain medicines or other similar products.

(c) In the case of merchandise to be paid for by the addressee, the latter must be in possession of the equivalent in currency of the country of origin of the merchandise, allotted by the Spanish Institute for Foreign Exchange.

(d) If addressees fail to present the import permit, health permit, or other permits as may be required according to the nature of the contents, the parcels will be treated as undeliverable 15 days after their arrival in Spain.

(e) The United States Post Office Department assumes no responsibility on account of failure or inability of the addressees to take delivery of the parcels.

(8) *Prohibitions.* (i) Coins, unless specially authorized. Rosaries and other religious articles. Flints for lighters. Reproductions of official Spanish Navy hydrographic charts. Revolutionary propaganda and other objectionable printed matter.

(ii) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iii) Imitation saffron. Ground red pepper mixed with other substances.

(iv) Coffee which has been given any treatment other than blending and roasting. Coffee substitutes or adulterants if described as coffee.

(v) Saccharine. Sugar mixed with glucose.

(vi) Articles violating the copyright or trade-mark laws. Playing cards.

(9) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Special regulations must be complied with in the importation of the articles named below:

(a) Books, periodicals and magazines are subject to the restrictions set forth in paragraph (a) (9) of this section except that Form 2976 is not to be affixed to parcel-post packages.

(b) Medicines, including serums and vaccines.

(c) Jewelry and precious stones.

(d) Meat and other animal products.

(e) Foreign non-Spanish government bonds, as well as stock certificates or other obligations of foreign corporations.

(f) Tobacco, including seed and juice.

(g) Arms.

§ 127.357 *Spanish Guinea (Rio Muni and the Islands of Fernando Po, Annobon, Elobey, and Corisco).*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 2, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Diplomatic and consular mail.* See § 127.32.

(7) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(8) *Observations.* The customs handling of printed matter will be facilitated if a green customs label (Form 2976) is affixed to each package.

(9) *Prohibitions.* (i) Dutiable articles in letters and packages prepaid at the letter rate. Coins, banknotes, paper money, values payable to the bearer; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, and other precious articles.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges and surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.99 | 23 | $6.87 |
| 2 | 1.21 | 24 | 7.09 |
| 3 | 1.50 | 25 | 7.31 |
| 4 | 1.72 | 26 | 7.53 |
| 5 | 1.94 | 27 | 7.75 |
| 6 | 2.16 | 28 | 7.97 |
| 7 | 2.38 | 29 | 8.19 |
| 8 | 2.73 | 30 | 8.41 |
| 9 | 2.95 | 31 | 8.63 |
| 10 | 3.17 | 32 | 8.85 |
| 11 | 3.39 | 33 | 9.07 |
| 12 | 4.03 | 34 | 9.77 |
| 13 | 4.25 | 35 | 9.99 |
| 14 | 4.47 | 36 | 10.21 |
| 15 | 4.69 | 37 | 10.43 |
| 16 | 4.91 | 38 | 10.65 |
| 17 | 5.13 | 39 | 10.87 |
| 18 | 5.35 | 40 | 11.09 |
| 19 | 5.57 | 41 | 11.31 |
| 20 | 5.79 | 42 | 11.53 |
| 21 | 6.01 | 43 | 11.75 |
| 22 | 6.23 | 44 | 11.97 |

Weight limit: 44 pounds.
Customs declarations: 3 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: Yes. Fee, 55 cents.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* See § 127.165.

(3) *Registry service.* For general information see Subpart D of this part.

(4) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels. (See § 127.159.)

(5) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(6) *Storage charges.* See § 127.96 relative to storage charges on returned parcels.

(7) *Observations.* In the case of parcels addressed in care of banks or other organizations, the second addressee shall be advised concerning the arrival of the parcel, but he shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender; in the latter case, the sender shall take steps, through the administration of the country of origin of the parcel, for its delivery to the second addressee. Customs declarations must be completed in English with an interlineation in either Spanish or French. The gross weight of the entire parcel and the net weight of its contents must be given. Packages and customs declara-

tions which accompany them must bear a complete local address; that is, the name of the street and the number of the house or other designation of the exact address at which the addressees may be found. This information is desired by the Spanish customs authorities in order to adjust customs and transportation charges.

(8) *Prohibitions and import restrictions.* Same as Spain.

§ 127.358 *Spanish West Africa (Spanish Sahara (Rio de Oro, Seki a el Hamra and the Southern Protectorate of Morocco) and the Territory of Ifni)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 2, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Diplomatic and consular mail.* See § 127.32.

(7) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(8) *Prohibitions.* (i) Dutiable articles in letters and packages prepaid at the letter rate.

(ii) Coins, banknotes, paper money, values payable to the bearer; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles.

(iii) The articles prohibited or restricted as parcel post to Spain are also prohibited or restricted in the Postal Union mails to Spanish West Africa.

(b) *Parcel post.* (No service.)

§ 127.359 *Surinam*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 41 cents for the first 2 ounces and 20 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 10 | $2.43 |
| 2 | .67 | 11 | 2.65 |
| 3 | .89 | 12 | 2.87 |
| 4 | 1.11 | 13 | 3.09 |
| 5 | 1.33 | 14 | 3.31 |
| 6 | 1.55 | 15 | 3.53 |
| 7 | 1.77 | 16 | 3.75 |
| 8 | 1.99 | 17 | 3.97 |
| 9 | 2.21 | 18 | 4.19 |
| 19 | 4.41 | 32 | 7.27 |
| 20 | 4.63 | 33 | 7.49 |
| 21 | 4.85 | 34 | 7.71 |
| 22 | 5.07 | 35 | 7.93 |
| 23 | 5.29 | 36 | 8.15 |
| 24 | 5.51 | 37 | 8.37 |
| 25 | 5.73 | 38 | 8.59 |
| 26 | 5.95 | 39 | 8.81 |
| 27 | 6.17 | 40 | 9.03 |
| 28 | 6.39 | 41 | 9.25 |
| 29 | 6.61 | 42 | 9.47 |
| 30 | 6.83 | 43 | 9.69 |
| 31 | 7.05 | 44 | 9.91 |

(ii) *Air parcel rates.* (Rates: $0.92 first 4 ounces; $0.41 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.92 | 18 | 4 | $30.44 |
| 0 | 8 | 1.33 | 18 | 8 | 30.85 |
| 0 | 12 | 1.74 | 18 | 12 | 31.26 |
| 1 | 0 | 2.15 | 19 | 0 | 31.67 |
| 1 | 4 | 2.56 | 19 | 4 | 32.08 |
| 1 | 8 | 2.97 | 19 | 8 | 32.49 |
| 1 | 12 | 3.38 | 19 | 12 | 32.90 |
| 2 | 0 | 3.79 | 20 | 0 | 33.31 |
| 2 | 4 | 4.20 | 20 | 4 | 33.72 |
| 2 | 8 | 4.61 | 20 | 8 | 34.13 |
| 2 | 12 | 5.02 | 20 | 12 | 34.54 |
| 3 | 0 | 5.43 | 21 | 0 | 34.95 |
| 3 | 4 | 5.84 | 21 | 4 | 35.36 |
| 3 | 8 | 6.25 | 21 | 8 | 35.77 |
| 3 | 12 | 6.66 | 21 | 12 | 36.18 |
| 4 | 0 | 7.07 | 22 | 0 | 36.59 |
| 4 | 4 | 7.48 | 22 | 4 | 37.00 |
| 4 | 8 | 7.89 | 22 | 8 | 37.41 |
| 4 | 12 | 8.30 | 22 | 12 | 37.82 |
| 5 | 0 | 8.71 | 23 | 0 | 38.23 |
| 5 | 4 | 9.12 | 23 | 4 | 38.64 |
| 5 | 8 | 9.53 | 23 | 8 | 39.05 |
| 5 | 12 | 9.94 | 23 | 12 | 39.46 |
| 6 | 0 | 10.35 | 24 | 0 | 39.87 |
| 6 | 4 | 10.76 | 24 | 4 | 40.23 |
| 6 | 8 | 11.17 | 24 | 8 | 40.69 |
| 6 | 12 | 11.58 | 24 | 12 | 41.10 |
| 7 | 0 | 11.99 | 25 | 0 | 41.51 |
| 7 | 4 | 12.40 | 25 | 4 | 41.92 |
| 7 | 8 | 12.81 | 25 | 8 | 42.33 |
| 7 | 12 | 13.22 | 25 | 12 | 42.74 |
| 8 | 0 | 13.63 | 26 | 0 | 43.15 |
| 8 | 4 | 14.04 | 26 | 4 | 43.56 |
| 8 | 8 | 14.45 | 26 | 8 | 43.97 |
| 8 | 12 | 14.86 | 26 | 12 | 44.38 |
| 9 | 0 | 15.27 | 27 | 0 | 44.79 |
| 9 | 4 | 15.68 | 27 | 4 | 45.20 |
| 9 | 8 | 16.09 | 27 | 8 | 45.61 |
| 9 | 12 | 16.50 | 27 | 12 | 46.02 |
| 10 | 0 | 16.91 | 28 | 0 | 46.43 |
| 10 | 4 | 17.32 | 28 | 4 | 46.84 |
| 10 | 8 | 17.73 | 28 | 8 | 47.25 |
| 10 | 12 | 18.14 | 28 | 12 | 47.66 |
| 11 | 0 | 18.55 | 29 | 0 | 48.07 |
| 11 | 4 | 18.96 | 29 | 4 | 48.48 |
| 11 | 8 | 19.37 | 29 | 8 | 48.89 |
| 11 | 12 | 19.78 | 29 | 12 | 49.30 |
| 12 | 0 | 20.19 | 30 | 0 | 49.71 |
| 12 | 4 | 20.60 | 30 | 4 | 50.12 |
| 12 | 8 | 21.01 | 30 | 8 | 50.53 |
| 12 | 12 | 21.42 | 30 | 12 | 50.94 |
| 13 | 0 | 21.83 | 31 | 0 | 51.35 |
| 13 | 4 | 22.24 | 31 | 4 | 51.76 |
| 13 | 8 | 22.65 | 31 | 8 | 52.17 |
| 13 | 12 | 23.06 | 31 | 12 | 52.58 |
| 14 | 0 | 23.47 | 32 | 0 | 52.99 |
| 14 | 4 | 23.88 | 32 | 4 | 53.40 |
| 14 | 8 | 24.29 | 32 | 8 | 53.81 |
| 14 | 12 | 24.70 | 32 | 12 | 54.22 |
| 15 | 0 | 25.11 | 33 | 0 | 54.63 |
| 15 | 4 | 25.52 | 33 | 4 | 55.04 |
| 15 | 8 | 25.93 | 33 | 8 | 55.45 |
| 15 | 12 | 26.34 | 33 | 12 | 55.86 |
| 16 | 0 | 26.75 | 34 | 0 | 56.27 |
| 16 | 4 | 27.16 | 34 | 4 | 56.68 |
| 16 | 8 | 27.57 | 34 | 8 | 57.09 |
| 16 | 12 | 27.98 | 34 | 12 | 57.50 |
| 17 | 0 | 28.39 | 35 | 0 | 57.91 |
| 17 | 4 | 28.80 | 35 | 4 | 58.32 |
| 17 | 8 | 29.21 | 35 | 8 | 58.73 |
| 17 | 12 | 29.62 | 35 | 12 | 59.14 |
| 18 | 0 | 30.03 | 36 | 0 | 59.55 |
| 36 | 4 | $59.96 | 40 | 4 | $60.52 |
| 36 | 8 | 60.37 | 40 | 8 | 60.93 |
| 36 | 12 | 60.78 | 40 | 12 | 61.34 |
| 37 | 0 | 61.19 | 41 | 0 | 61.75 |
| 37 | 4 | 61.60 | 41 | 4 | 62.16 |
| 37 | 8 | 62.01 | 41 | 8 | 62.57 |
| 37 | 12 | 62.42 | 41 | 12 | 62.98 |
| 38 | 0 | 62.83 | 42 | 0 | 63.39 |
| 38 | 4 | 63.24 | 42 | 4 | 63.80 |
| 38 | 8 | 63.65 | 42 | 8 | 64.21 |
| 38 | 12 | 64.06 | 42 | 12 | 64.62 |
| 39 | 0 | 64.47 | 43 | 0 | 65.03 |
| 39 | 4 | 64.88 | 43 | 4 | 65.44 |
| 39 | 8 | 65.29 | 43 | 8 | 65.85 |
| 39 | 12 | 65.70 | 43 | 12 | 66.26 |
| 40 | 0 | 66.11 | 44 | 0 | 66.67 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Yes. (See § 127.75.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (4) of this paragraph.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable, in addition to the insurance fees mentioned hereunder:

| Limit of Indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |

(ii) Parcels containing coin, bullion, jewelry, or any other precious article must be insured.

(iii) For general information concerning insurance, see §§ 127.140 to 127.148, inclusive.

(5) *Prohibitions.* Plants of sugarcane, of coffee, of coconut, and of cotton, as well as parts thereof, except by Government permit and when consigned to the Government.

(6) *Import restrictions.* Addressees may be required to obtain import licenses in some cases.

§ 127.360 *Sweden*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130—127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. The obligation of delivery by special messenger is limited to places served by city carriers. In other localities delivery is effected by special messenger, if possible; otherwise the addressee is notified by telephone or in some other way of the arrival of the articles so he may call at the post office for them. For further information concerning special delivery service see § 127.19.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 45 cents for the first two ounces and 24 cents for each additional two ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Combination packages.* Accepted. (See § 127.12.)

(8) *Prohibitions.* (i) Swedish banknotes and coins, except by authorization of the National Bank of Sweden.

(ii) Securities, either Swedish or foreign, except through the intermediary of the National Bank of Sweden or certain specially authorized commercial banks.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharge.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.47 | 23 | $5.75 |
| 2 | .71 | 24 | 5.99 |
| 3 | .95 | 25 | 6.23 |
| 4 | 1.19 | 26 | 6.47 |
| 5 | 1.43 | 27 | 6.71 |
| 6 | 1.67 | 28 | 6.95 |
| 7 | 1.91 | 29 | 7.19 |
| 8 | 2.15 | 30 | 7.43 |
| 9 | 2.39 | 31 | 7.67 |
| 10 | 2.63 | 32 | 7.91 |
| 11 | 2.87 | 33 | 8.15 |
| 12 | 3.11 | 34 | 8.39 |
| 13 | 3.35 | 35 | 8.63 |
| 14 | 3.59 | 36 | 8.87 |
| 15 | 3.83 | 37 | 9.11 |
| 16 | 4.07 | 38 | 9.35 |
| 17 | 4.31 | 39 | 9.59 |
| 18 | 4.55 | 40 | 9.83 |
| 19 | 4.79 | 41 | 10.07 |
| 20 | 5.03 | 42 | 10.31 |
| 21 | 5.27 | 43 | 10.55 |
| 22 | 5.51 | 44 | 10.79 |

(ii) *Air parcel rates.* (Rates: $0.85 first 4 ounces; $0.49 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.85 | 7 | 4 | $14.57 |
| 0 | 8 | 1.34 | 7 | 8 | 15.06 |
| 0 | 12 | 1.83 | 7 | 12 | 15.55 |
| 1 | 0 | 2.32 | 8 | 0 | 16.04 |
| 1 | 4 | 2.81 | 8 | 4 | 16.53 |
| 1 | 8 | 3.30 | 8 | 8 | 17.02 |
| 1 | 12 | 3.79 | 8 | 12 | 17.51 |
| 2 | 0 | 4.28 | 9 | 0 | 18.00 |
| 2 | 4 | 4.77 | 9 | 4 | 18.49 |
| 2 | 8 | 5.26 | 9 | 8 | 18.98 |
| 2 | 12 | 5.75 | 9 | 12 | 19.47 |
| 3 | 0 | 6.24 | 10 | 0 | 19.96 |
| 3 | 4 | 6.73 | 10 | 4 | 20.45 |
| 3 | 8 | 7.22 | 10 | 8 | 20.94 |
| 3 | 12 | 7.71 | 10 | 12 | 21.43 |
| 4 | 0 | 8.20 | 11 | 0 | 21.92 |
| 4 | 4 | 8.69 | 11 | 4 | 22.41 |
| 4 | 8 | 9.18 | 11 | 8 | 22.90 |
| 4 | 12 | 9.67 | 11 | 12 | 23.39 |
| 5 | 0 | 10.16 | 12 | 0 | 23.88 |
| 5 | 4 | 10.65 | 12 | 4 | 24.37 |
| 5 | 8 | 11.14 | 12 | 8 | 24.86 |
| 5 | 12 | 11.63 | 12 | 12 | 25.35 |
| 6 | 0 | 12.12 | 13 | 0 | 25.84 |
| 6 | 4 | 12.61 | 13 | 4 | 26.33 |
| 6 | 8 | 13.10 | 13 | 8 | 26.82 |
| 6 | 12 | 13.59 | 13 | 12 | 27.31 |
| 7 | 0 | 14.08 | 14 | 0 | 27.80 |
| 14 | 4 | $28.29 | 29 | 4 | $57.69 |
| 14 | 8 | 28.78 | 29 | 8 | 58.18 |
| 14 | 12 | 29.27 | 29 | 12 | 58.67 |
| 15 | 0 | 29.76 | 30 | 0 | 59.16 |
| 15 | 4 | 30.25 | 30 | 4 | 59.65 |
| 15 | 8 | 30.74 | 30 | 8 | 60.14 |
| 15 | 12 | 31.23 | 30 | 12 | 60.63 |
| 16 | 0 | 31.72 | 31 | 0 | 61.12 |
| 16 | 4 | 32.21 | 31 | 4 | 61.61 |
| 16 | 8 | 32.70 | 31 | 8 | 62.10 |
| 16 | 12 | 33.19 | 31 | 12 | 62.59 |
| 17 | 0 | 33.68 | 32 | 0 | 63.08 |
| 17 | 4 | 34.17 | 32 | 4 | 63.57 |
| 17 | 8 | 34.66 | 32 | 8 | 64.06 |
| 17 | 12 | 35.15 | 32 | 12 | 64.55 |
| 18 | 0 | 35.64 | 33 | 0 | 65.04 |
| 18 | 4 | 36.13 | 33 | 4 | 65.53 |
| 18 | 8 | 36.62 | 33 | 8 | 66.02 |
| 18 | 12 | 37.11 | 33 | 12 | 66.51 |
| 19 | 0 | 37.60 | 34 | 0 | 67.00 |
| 19 | 4 | 38.09 | 34 | 4 | 67.49 |
| 19 | 8 | 38.58 | 34 | 8 | 67.98 |
| 19 | 12 | 39.07 | 34 | 12 | 68.47 |
| 20 | 0 | 39.56 | 35 | 0 | 68.96 |
| 20 | 4 | 40.05 | 35 | 4 | 69.45 |
| 20 | 8 | 40.54 | 35 | 8 | 69.94 |
| 20 | 12 | 41.03 | 35 | 12 | 70.43 |
| 21 | 0 | 41.52 | 36 | 0 | 70.92 |
| 21 | 4 | 42.01 | 36 | 4 | 71.41 |
| 21 | 8 | 42.50 | 36 | 8 | 71.90 |
| 21 | 12 | 42.99 | 36 | 12 | 72.39 |
| 22 | 0 | 43.48 | 37 | 0 | 72.88 |
| 22 | 4 | 43.97 | 37 | 4 | 73.37 |
| 22 | 8 | 44.46 | 37 | 8 | 73.86 |
| 22 | 12 | 44.95 | 37 | 12 | 74.35 |
| 23 | 0 | 45.44 | 38 | 0 | 74.84 |
| 23 | 4 | 45.93 | 38 | 4 | 75.33 |
| 23 | 8 | 46.42 | 38 | 8 | 75.82 |
| 23 | 12 | 46.91 | 38 | 12 | 76.31 |
| 24 | 0 | 47.40 | 39 | 0 | 76.80 |
| 24 | 4 | 47.89 | 39 | 4 | 77.29 |
| 24 | 8 | 48.38 | 39 | 8 | 77.78 |
| 24 | 12 | 48.87 | 39 | 12 | 78.27 |
| 25 | 0 | 49.36 | 40 | 0 | 78.76 |
| 25 | 4 | 49.85 | 40 | 4 | 79.25 |
| 25 | 8 | 50.34 | 40 | 8 | 79.74 |
| 25 | 12 | 50.83 | 40 | 12 | 80.23 |
| 26 | 0 | 51.32 | 41 | 0 | 80.72 |
| 26 | 4 | 51.81 | 41 | 4 | 81.21 |
| 26 | 8 | 52.30 | 41 | 8 | 81.70 |
| 26 | 12 | 52.79 | 41 | 12 | 82.19 |
| 27 | 0 | 53.28 | 42 | 0 | 82.68 |
| 27 | 4 | 53.77 | 42 | 4 | 83.17 |
| 27 | 8 | 54.26 | 42 | 8 | 83.66 |
| 27 | 12 | 54.75 | 42 | 12 | 84.15 |
| 28 | 0 | 55.24 | 43 | 0 | 84.64 |
| 28 | 4 | 55.73 | 43 | 4 | 85.13 |
| 28 | 8 | 56.22 | 43 | 8 | 85.62 |
| 28 | 12 | 56.71 | 43 | 12 | 86.11 |
| 29 | 0 | 57.20 | 44 | 0 | 86.60 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: No.
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (4) of this paragraph.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet 7 inches, provided that parcels exceeding 6 feet in combined length and girth shall not exceed 30 inches in length.

(4) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $200 | 60 |
| From $200.01 to $300 | 65 |
| From $300.01 to $350 | 70 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "Insured" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs, as per the following example:

Insured Value
$25.75 (U. S.)
Twenty-five Dollars and Seventy-five Cents
77.25 Gold Francs
Seventy-seven Gold Francs and Twenty-five Centimes

(iii) See § 127.143 (b), as to method of converting United States currency into gold francs.

(iv) Parcels containing coin, bank notes, paper money, bullion, jewelry, or other precious articles must be insured.

(v) For general information concerning insurance service, see §§ 127.140 to 127.148, inclusive.

(5) *Prohibitions*—(i) *For sanitary reasons.* Shaving brushes, unless accompanied by a certificate of origin attested by the Swedish consular authority at the place of origin or by the competent authorities of the country of origin that the brushes are not of Japanese manufacture or exported from that country.

(ii) *For the protection of animals or plants.* (a) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(b) Parasites and predators of injurious insects, unless intended for the control of those insects and exchanged between officially recognized institutions.

(iii) *Arms, etc.* Firearms of all kinds, cartridge holders, and bullets, except by special authorization or on behalf of the Government.

(iv) *State monopolies, etc.* (a) Pharmaceutical drugs, including bacteriological preparations, unless imported by managers of pharmacies, government institutions, or specially authorized manufacturers or wholesalers.

(b) Saccharine and other artificial sweetening substances, unless imported by managers of pharmacies, or specially authorized scientists and manufacturers.

(c) Perfumes and other alcoholic preparations, unless specially authorized by the Alcohol Control Administration. Eau de Cologne and hair lotions for resale must be accompanied by a statement from the manufacturer that they have been denatured by means of dry extract of colocynth (at least 0.3 gram of extract per liter). The statement may be entered on the invoice.

(d) Tobacco in any form, unless addressed to the Tobacco Monopoly. However, manufactured tobacco may be imported for the Royal Family and by envoys accredited to the Swedish Court for personal use, and by authorized tobacco dealers. Machines, tools, and paper for tobacco manufacture require government authorization to be imported.

(e) As an exception to the foregoing, tobacco manufactures not exceeding 35 ounces in any one parcel may be sent as gifts to individuals for their personal use.

(v) *For other reasons.* (a) Merchandise intended for sale bearing a designation making it appear to have been produced or manufactured in Sweden.

(b) Articles of gold and silver unless they are made from metal of a certain fineness.

(c) Banknotes, coins, and securities are restricted as indicated under paragraph (a) of this section.

(6) *Import restrictions.* Merchandise may be imported only under license issued by the Swedish authorities. Exemption is granted for gift parcels containing food and clothing not exceeding 100 crowns in value for each commodity. Coffee is limited to 6 lbs. 9 oz. in one parcel.

§ 127.361 *Switzerland (including Liechtenstein)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 121.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages, and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 43 cents for the first 2 ounces and 22 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* (i) Articles enclosing prints are subject to customs duties amounting to from 5 centimes up to 5 francs per kilogram, according to the nature of the contents.

(ii) All packages of printed matter and of samples of merchandise whose weight, nature, or other characteristics give rise to the supposition that they are subject to customs examination [for information concerning Swiss Customs Regulations it is suggested that the senders avail themselves of the facilities of the Office of International Trade, Department of Commerce, Washington 25, D. C.] are required to have affixed to the wrappers thereof a green customs label, Form 2976 (C 1). (See § 127.17.)

(8) *Prohibitions.* The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.48 | 23 | $5.98 |
| 2 | .73 | 24 | 6.23 |
| 3 | .98 | 25 | 6.48 |
| 4 | 1.23 | 26 | 6.73 |
| 5 | 1.48 | 27 | 6.98 |
| 6 | 1.73 | 28 | 7.23 |
| 7 | 1.98 | 29 | 7.48 |
| 8 | 2.23 | 30 | 7.73 |
| 9 | 2.48 | 31 | 7.98 |
| 10 | 2.73 | 32 | 8.23 |
| 11 | 2.98 | 33 | 8.48 |
| 12 | 3.23 | 34 | 8.73 |
| 13 | 3.48 | 35 | 8.98 |
| 14 | 3.73 | 36 | 9.23 |
| 15 | 3.98 | 37 | 9.48 |
| 16 | 4.23 | 38 | 9.73 |
| 17 | 4.48 | 39 | 9.98 |
| 18 | 4.73 | 40 | 10.23 |
| 19 | 4.98 | 41 | 10.48 |
| 20 | 5.23 | 42 | 10.73 |
| 21 | 5.48 | 43 | 10.98 |
| 22 | 5.73 | 44 | 11.23 |

(ii) *Air parcel rates.* (Rates: $0.92 first 4 ounces; $0.46 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $0.92 | 14 | 8 | $27.14 |
| 0 | 8 | 1.38 | 14 | 12 | 27.60 |
| 0 | 12 | 1.84 | 15 | 0 | 28.06 |
| 1 | 0 | 2.30 | 15 | 4 | 28.52 |
| 1 | 4 | 2.76 | 15 | 8 | 28.98 |
| 1 | 8 | 3.22 | 15 | 12 | 29.44 |
| 1 | 12 | 3.68 | 16 | 0 | 29.90 |
| 2 | 0 | 4.14 | 16 | 4 | 30.36 |
| 2 | 4 | 4.60 | 16 | 8 | 30.82 |
| 2 | 8 | 5.06 | 16 | 12 | 31.28 |
| 2 | 12 | 5.52 | 17 | 0 | 31.74 |
| 3 | 0 | 5.98 | 17 | 4 | 32.20 |
| 3 | 4 | 6.44 | 17 | 8 | 32.66 |
| 3 | 8 | 6.90 | 17 | 12 | 33.12 |
| 3 | 12 | 7.36 | 18 | 0 | 33.58 |
| 4 | 0 | 7.82 | 18 | 4 | 34.04 |
| 4 | 4 | 8.28 | 18 | 8 | 34.50 |
| 4 | 8 | 8.74 | 18 | 12 | 34.96 |
| 4 | 12 | 9.20 | 19 | 0 | 35.42 |
| 5 | 0 | 9.66 | 19 | 4 | 35.88 |
| 5 | 4 | 10.12 | 19 | 8 | 36.34 |
| 5 | 8 | 10.58 | 19 | 12 | 36.80 |
| 5 | 12 | 11.04 | 20 | 0 | 37.26 |
| 6 | 0 | 11.50 | 20 | 4 | 37.72 |
| 6 | 4 | 11.96 | 20 | 8 | 38.18 |
| 6 | 8 | 12.42 | 20 | 12 | 38.64 |
| 6 | 12 | 12.88 | 21 | 0 | 39.10 |
| 7 | 0 | 13.34 | 21 | 4 | 39.56 |
| 7 | 4 | 13.80 | 21 | 8 | 40.02 |
| 7 | 8 | 14.26 | 21 | 12 | 40.48 |
| 7 | 12 | 14.72 | 22 | 0 | 40.94 |
| 8 | 0 | 15.18 | 22 | 4 | 41.40 |
| 8 | 4 | 15.64 | 22 | 8 | 41.86 |
| 8 | 8 | 16.10 | 22 | 12 | 42.32 |
| 8 | 12 | 16.56 | 23 | 0 | 42.78 |
| 9 | 0 | 17.02 | 23 | 4 | 43.24 |
| 9 | 4 | 17.48 | 23 | 8 | 43.70 |
| 9 | 8 | 17.94 | 23 | 12 | 44.16 |
| 9 | 12 | 18.40 | 24 | 0 | 44.62 |
| 10 | 0 | 18.86 | 24 | 4 | 45.08 |
| 10 | 4 | 19.32 | 24 | 8 | 45.54 |
| 10 | 8 | 19.78 | 24 | 12 | 46.00 |
| 10 | 12 | 20.24 | 25 | 0 | 46.46 |
| 11 | 0 | 20.70 | 25 | 4 | 46.92 |
| 11 | 4 | 21.16 | 25 | 8 | 47.38 |
| 11 | 8 | 21.62 | 25 | 12 | 47.84 |
| 11 | 12 | 22.08 | 26 | 0 | 48.30 |
| 12 | 0 | 22.54 | 26 | 4 | 48.76 |
| 12 | 4 | 23.00 | 26 | 8 | 49.22 |
| 12 | 8 | 23.46 | 26 | 12 | 49.68 |
| 12 | 12 | 23.92 | 27 | 0 | 50.14 |
| 13 | 0 | 24.38 | 27 | 4 | 50.60 |
| 13 | 4 | 24.84 | 27 | 8 | 51.06 |
| 13 | 8 | 25.30 | 27 | 12 | 51.52 |
| 13 | 12 | 25.76 | 28 | 0 | 51.98 |
| 14 | 0 | 26.22 | 28 | 4 | 52.44 |
| 14 | 4 | 26.68 | 28 | 8 | 52.90 |
| 28 | 12 | $53.36 | 36 | 8 | $67.62 |
| 29 | 0 | 53.82 | 36 | 12 | 68.08 |
| 29 | 4 | 54.28 | 37 | 0 | 68.54 |
| 29 | 8 | 54.74 | 37 | 4 | 69.00 |
| 29 | 12 | 55.20 | 37 | 8 | 69.46 |
| 30 | 0 | 55.66 | 37 | 12 | 69.92 |
| 30 | 4 | 56.12 | 38 | 0 | 70.38 |
| 30 | 8 | 56.58 | 38 | 4 | 70.84 |
| 30 | 12 | 57.04 | 38 | 8 | 71.30 |
| 31 | 0 | 57.50 | 38 | 12 | 71.76 |
| 31 | 4 | 57.96 | 39 | 0 | 72.22 |
| 31 | 8 | 58.42 | 39 | 4 | 72.68 |
| 31 | 12 | 58.88 | 39 | 8 | 73.14 |
| 32 | 0 | 59.34 | 39 | 12 | 73.60 |
| 32 | 4 | 59.80 | 40 | 0 | 74.06 |
| 32 | 8 | 60.26 | 40 | 4 | 74.52 |
| 32 | 12 | 60.72 | 40 | 8 | 74.98 |
| 33 | 0 | 61.18 | 40 | 12 | 75.44 |
| 33 | 4 | 61.64 | 41 | 0 | 75.90 |
| 33 | 8 | 62.10 | 41 | 4 | 76.36 |
| 33 | 12 | 62.56 | 41 | 8 | 76.82 |
| 34 | 0 | 63.02 | 41 | 12 | 77.28 |
| 34 | 4 | 63.48 | 42 | 0 | 77.74 |
| 34 | 8 | 63.94 | 42 | 4 | 78.20 |
| 34 | 12 | 64.40 | 42 | 8 | 78.66 |
| 35 | 0 | 64.86 | 42 | 12 | 79.12 |
| 35 | 4 | 65.32 | 43 | 0 | 79.58 |
| 35 | 8 | 65.78 | 43 | 4 | 80.04 |
| 35 | 12 | 66.24 | 43 | 8 | 80.50 |
| 36 | 0 | 66.70 | 43 | 12 | 80.96 |
| 36 | 4 | 67.16 | 44 | 0 | 81.42 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55(b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to 3 ordinary parcels. (See § 127.79.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (5) of this paragraph.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, $3\frac{1}{2}$ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of Indemnity: | Fee cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $200 | 60 |
| From $200.01 to $300 | 65 |
| From $300.01 to $330 | 70 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "INSURED" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs, as per the following example:

Insured Value
$25.75 (U. S.)
Twenty-five Dollars and Seventy-five Cents
77.25 Gold Francs
Seventy-seven Gold Francs and Twenty-five Centimes

(iii) The same indications shall also be shown in the appropriate space on the dispatch note (Form 2972).

(iv) See § 127.143 (b), as to method of converting United States currency into gold francs.

(v) Parcels containing coin, bullion, jewelry or any other precious article must be insured. Parcels containing the articles mentioned, as well as those containing banknotes or other paper values, must be sealed with wax or lead seals, or with gummed paper tape bearing a distinctive mark or imprint of the sender.

(vi) For general information concerning insurance service, see §§ 127.140 to 127.148, inclusive.

(6) *Observations.* A letter or card fully prepaid and bearing the same address as that of the parcel may be tied to or otherwise securely attached to the outside of the parcel in such manner as to prevent its separation therefrom and not to interfere with the address of the parcel. Stamps to cover postage on the parcel must be affixed to the wrapper of the parcel. Stamps to pay postage on the letter must be affixed to the envelope thereof; or, in case of a post card, to the address side of the card, preferably the upper right-hand portion. Parcels to which such letters or cards are attached are treated as parcel post.

(7) *Prohibitions*—(i) *For sanitary reasons.* All shipments, regardless of weight, containing meat, or meat preparations, must be accompanied by a "certificate of origin and inspection of meats" and comply with other requirements of the Swiss regulations governing the importation of such products.

(ii) *For the protection of animals or plants.* (a) Parasites and predators of injurious insects, unless intended for the control of those insects and exchanged between officially recognized institutions.

(b) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iii) *For other reasons.* (a) Horoscopes sent by persons or firms engaged in that kind of business.

(b) Articles of precious metal and alloys of such metals, must conform to the regulations of the Swiss Government with respect to indications of fineness.

(8) *Import restrictions.* Certain merchandise is subject to import permits or quotas. As it would not be practicable to reproduce the list, senders should be informed that information can be obtained by them or by the addressees from the competent Swiss authorities.





§ 127.362 *Syria (Republic of)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 52 cents for the first 2 ounces and 31 cents for each additional 2 ounces. (See §127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* (i) The importation of merchandise is subject to the obtaining by the addressee of an import permit. Such previous authorization is not required for (a) mail articles of slight importance (whose value does not exceed $2.50) or those having no salable value, and (b) parcel post packages mailed by private individuals and having no commercial character, except in the case of a number of parcels mailed by the same sender to the same addressee.

(ii) Articles for Syria must be carefully addressed to show the exact place of destination but not the names of other places nearby. The office of destination should be written legibly in Arabic characters, as far as possible, as well as in English or French.

The territory of Latakia is included in Syria.

(8) *Prohibitions.* The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges and surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.63 | 23 | $5.86 |
| 2 | .85 | 24 | 6.03 |
| 3 | 1.10 | 25 | 6.30 |
| 4 | 1.32 | 26 | 6.52 |
| 5 | 1.54 | 27 | 6.74 |
| 6 | 1.76 | 28 | 6.96 |
| 7 | 1.98 | 29 | 7.18 |
| 8 | 2.23 | 30 | 7.40 |
| 9 | 2.45 | 31 | 7.62 |
| 10 | 2.67 | 32 | 7.84 |
| 11 | 2.89 | 33 | 8.06 |
| 12 | 3.28 | 34 | 8.45 |
| 13 | 3.50 | 35 | 8.67 |
| 14 | 3.72 | 36 | 8.89 |
| 15 | 3.94 | 37 | 9.11 |
| 16 | 4.16 | 38 | 9.33 |
| 17 | 4.38 | 39 | 9.55 |
| 18 | 4.60 | 40 | 9.77 |
| 19 | 4.82 | 41 | 9.99 |
| 20 | 5.04 | 42 | 10.21 |
| 21 | 5.26 | 43 | 10.43 |
| 22 | 5.48 | 44 | 10.65 |

(ii) *Air parcel rates.* (Rates: $1.22 first 4 ounces; $0.64 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.22 | 1 | 0 | $3.14 |
| 0 | 8 | 1.86 | 1 | 4 | 3.78 |
| 0 | 12 | 2.50 | 1 | 8 | 4.42 |
| 1 | 12 | $5.06 | 23 | 0 | $59.46 |
| 2 | 0 | 5.70 | 23 | 4 | 60.10 |
| 2 | 4 | 6.34 | 23 | 8 | 60.74 |
| 2 | 8 | 6.98 | 23 | 12 | 61.38 |
| 2 | 12 | 7.62 | 24 | 0 | 62.02 |
| 3 | 0 | 8.26 | 24 | 4 | 62.66 |
| 3 | 4 | 8.90 | 24 | 8 | 63.30 |
| 3 | 8 | 9.54 | 24 | 12 | 63.94 |
| 3 | 12 | 10.18 | 25 | 0 | 64.58 |
| 4 | 0 | 10.82 | 25 | 4 | 65.22 |
| 4 | 4 | 11.46 | 25 | 8 | 65.86 |
| 4 | 8 | 12.10 | 25 | 12 | 66.50 |
| 4 | 12 | 12.74 | 26 | 0 | 67.14 |
| 5 | 0 | 13.38 | 26 | 4 | 67.78 |
| 5 | 4 | 14.02 | 26 | 8 | 68.42 |
| 5 | 8 | 14.66 | 26 | 12 | 69.06 |
| 5 | 12 | 15.30 | 27 | 0 | 69.70 |
| 6 | 0 | 15.94 | 27 | 4 | 70.34 |
| 6 | 4 | 16.58 | 27 | 8 | 70.98 |
| 6 | 8 | 17.22 | 27 | 12 | 71.62 |
| 6 | 12 | 17.86 | 28 | 0 | 72.26 |
| 7 | 0 | 18.50 | 28 | 4 | 72.90 |
| 7 | 4 | 19.14 | 28 | 8 | 73.54 |
| 7 | 8 | 19.78 | 28 | 12 | 74.18 |
| 7 | 12 | 20.42 | 29 | 0 | 74.82 |
| 8 | 0 | 21.06 | 29 | 4 | 75.46 |
| 8 | 4 | 21.70 | 29 | 8 | 76.10 |
| 8 | 8 | 22.34 | 29 | 12 | 76.74 |
| 8 | 12 | 22.98 | 30 | 0 | 77.38 |
| 9 | 0 | 23.62 | 30 | 4 | 78.02 |
| 9 | 4 | 24.26 | 30 | 8 | 78.66 |
| 9 | 8 | 24.90 | 30 | 12 | 79.30 |
| 9 | 12 | 25.54 | 31 | 0 | 79.94 |
| 10 | 0 | 26.18 | 31 | 4 | 80.58 |
| 10 | 4 | 26.82 | 31 | 8 | 81.22 |
| 10 | 8 | 27.46 | 31 | 12 | 81.86 |
| 10 | 12 | 28.10 | 32 | 0 | 82.50 |
| 11 | 0 | 28.74 | 32 | 4 | 83.14 |
| 11 | 4 | 29.38 | 32 | 8 | 83.78 |
| 11 | 8 | 30.02 | 32 | 12 | 84.42 |
| 11 | 12 | 30.66 | 33 | 0 | 85.06 |
| 12 | 0 | 31.30 | 33 | 4 | 85.70 |
| 12 | 4 | 31.94 | 33 | 8 | 86.34 |
| 12 | 8 | 32.58 | 33 | 12 | 86.98 |
| 12 | 12 | 33.22 | 34 | 0 | 87.62 |
| 13 | 0 | 33.86 | 34 | 4 | 88.26 |
| 13 | 4 | 34.50 | 34 | 8 | 88.90 |
| 13 | 8 | 35.14 | 34 | 12 | 89.54 |
| 13 | 12 | 35.78 | 35 | 0 | 90.18 |
| 14 | 0 | 36.42 | 35 | 4 | 90.82 |
| 14 | 4 | 37.06 | 35 | 8 | 91.46 |
| 14 | 8 | 37.70 | 35 | 12 | 92.10 |
| 14 | 12 | 38.34 | 36 | 0 | 92.74 |
| 15 | 0 | 38.98 | 36 | 4 | 93.38 |
| 15 | 4 | 39.62 | 36 | 8 | 94.02 |
| 15 | 8 | 40.26 | 36 | 12 | 94.66 |
| 15 | 12 | 40.90 | 37 | 0 | 95.30 |
| 16 | 0 | 41.54 | 37 | 4 | 95.94 |
| 16 | 4 | 42.18 | 37 | 8 | 96.58 |
| 16 | 8 | 42.82 | 37 | 12 | 97.22 |
| 16 | 12 | 43.46 | 38 | 0 | 97.86 |
| 17 | 0 | 44.10 | 38 | 4 | 98.50 |
| 17 | 4 | 44.74 | 38 | 8 | 99.14 |
| 17 | 8 | 45.38 | 38 | 12 | 99.78 |
| 17 | 12 | 46.02 | 39 | 0 | 100.42 |
| 18 | 0 | 46.66 | 39 | 4 | 101.06 |
| 18 | 4 | 47.30 | 39 | 8 | 101.70 |
| 18 | 8 | 47.94 | 39 | 12 | 102.34 |
| 18 | 12 | 48.58 | 40 | 0 | 102.98 |
| 19 | 0 | 49.22 | 40 | 4 | 103.62 |
| 19 | 4 | 49.86 | 40 | 8 | 104.26 |
| 19 | 8 | 50.50 | 40 | 12 | 104.90 |
| 19 | 12 | 51.14 | 41 | 0 | 105.54 |
| 20 | 0 | 51.78 | 41 | 4 | 106.18 |
| 20 | 4 | 52.42 | 41 | 8 | 106.82 |
| 20 | 8 | 53.06 | 41 | 12 | 107.46 |
| 20 | 12 | 53.70 | 42 | 0 | 108.10 |
| 21 | 0 | 54.34 | 42 | 4 | 108.74 |
| 21 | 4 | 54.98 | 42 | 8 | 109.38 |
| 21 | 8 | 55.62 | 42 | 12 | 110.02 |
| 21 | 12 | 56.26 | 43 | 0 | 110.66 |
| 22 | 0 | 56.90 | 43 | 4 | 111.30 |
| 22 | 4 | 57.54 | 43 | 8 | 111.94 |
| 22 | 8 | 58.18 | 43 | 12 | 112.58 |
| 22 | 12 | 58.82 | 44 | 0 | 113.22 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit:[1] 11, 22, 44 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

[1] Parcels addressed to Chahba and Salkhad are limited to 11 pounds in weight, and parcels for Tel-Ablad and Yabroud to 22 pounds. To other places in Syria the weight limit is 44 pounds.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations*—(i) Commercial shipments require certificate of origin and commercial invoice, which must be sent under separate cover to the addressee. If the value of the shipment is $20 or more, the documents must be visaed by a Syrian consular officer or certified by a Chamber of Commerce or similar organization. Neither of these documents is required for gift shipments.

(ii) Articles for Syria must be carefully addressed to show the exact place of destination but not the names of other places nearby. The office of destination should be written legibly in Arabic characters, as far as possible, as well as in English or French.

(5) *Prohibitions*—(i) *For sanitary reasons.* Artificial butters and adulterated or harmful products.

(ii) *Arms, etc.* Arms, except sporting guns. (See "Import Restrictions" subparagraph (6) of this paragraph.)

(iii) *State monopolies, etc.* (*a*) Cigarette papers in tubes and boxes of cigarette paper intended, by their marks and inscriptions, for the manufacture or packing of cigarettes.

(*b*) Machines for manufacturing tobacco or cigarettes (knives, choppers, etc.).

(*c*) Salt.

(iv) *For other reasons.* (*a*) Radio-sending equipment.

(*b*) Essences, essential oils, and all chemical products derived therefrom intended or suitable for use in the manufacture of false or imitated alcoholic beverages; essences and aromas for the manufacture of mineral waters, ices, and pastries.

(*c*) False trade-marks, trade names, or indications of origin.

(6) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) The importation of merchandise is subject to the obtaining by the addressee of an import permit. Such previous authorization is not required for mail articles of slight importance (whose value does not exceed $2.50) or those having no salable value, and parcel-post packages mailed by private individuals and having no commercial character, except in the case of a number of parcels mailed by the same sender to the same addressee.

(ii) Special permission is required for the importation of the following:

(*a*) Certain vegetable and fish oils, unless denatured for soap making.

(*b*) Sporting guns.

(*c*) Cigarettes, cigars, leaf tobacco and tumbeki.

(*d*) Phonograph records of a religious character.

(*e*) Radio apparatus.

(*f*) Foreign silver coins.

(*g*) Printed labels of wines or liquors of French origin.

§ 127.363 *Tanganyika Territory*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* (See § 127.19.)

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Manufactured or unmanufactured platinum, gold, or silver; coins. However, sporting prizes such as gold or silver medals or spoons are admitted in registered letters.

(ii) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.49 | 7 | $1.87 |
| 2 | .71 | 8 | 2.14 |
| 3 | .99 | 9 | 2.36 |
| 4 | 1.21 | 10 | 2.58 |
| 5 | 1.43 | 11 | 2.80 |
| 6 | 1.65 | | |

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* (i) Parcels must be strongly packed.

(ii) Merchandise for resale by dealers may be imported only under license granted by the Commissioner of Customs at Dar-es-Salaam.

(5) *Prohibitions*—(i) *For sanitary reasons.* (*a*) Shaving brushes from Japan.

(*b*) Condensed milk containing less than 9 per cent milk fat.

(*c*) Second-hand clothing, woolen covers, and other similar articles imported for sale, unless disinfected.

(ii) *For the protection of animals or plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iii) *Arms, etc.* All kinds of safety toy, or alarm pistols which are capable of being converted into, or have the appearance of lethal weapons.

(iv) *State monopolies, etc.* Any article marked without the authority of Her Majesty with the Royal Arms or monogram, or with imitations thereof.

(v) *For other reasons.* Base or counterfeit coins. Articles falsely marked to indicate British manufacture.

(6) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Special permission is required for the importation of the following:

(ii) Military or civil accouterments or uniforms, or clothing resembling such uniforms.

(iii) Distilling apparatus or accessories.

(iv) Firearms.

(v) Addressees may be required to obtain import permits for other types of merchandise in some cases.

§ 127.364 *Thailand (formerly Siam)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages, and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 95 cents for the first 2 ounces and 75 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* The articles prohibited or restricted as parcel post are prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.69 | 12 | $3.11 |
| 2 | .91 | 13 | 3.33 |
| 3 | 1.20 | 14 | 3.55 |
| 4 | 1.42 | 15 | 3.77 |
| 5 | 1.64 | 16 | 3.99 |
| 6 | 1.86 | 17 | 4.21 |
| 7 | 2.08 | 18 | 4.43 |
| 8 | 2.23 | 19 | 4.65 |
| 9 | 2.45 | 20 | 4.87 |
| 10 | 2.67 | 21 | 5.09 |
| 11 | 2.89 | 22 | 5.31 |

(ii) *Air parcel rates, including surcharges.* (Rates: $2.29 first 4 ounces; $1.50 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $2.29 | 2 | 0 | $12.79 |
| 0 | 8 | 3.79 | 2 | 4 | 14.29 |
| 0 | 12 | 5.29 | 2 | 8 | 15.79 |
| 1 | 0 | 6.79 | 2 | 12 | 17.29 |
| 1 | 4 | 8.29 | 3 | 0 | 18.79 |
| 1 | 8 | 9.79 | 3 | 4 | 20.29 |
| 1 | 12 | 11.29 | 3 | 8 | 21.79 |



| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 3 | 12 | $23.29 | 13 | 0 | $78.79 |
| 4 | 0 | 24.79 | 13 | 4 | 80.29 |
| 4 | 4 | 26.29 | 13 | 8 | 81.79 |
| 4 | 8 | 27.79 | 13 | 12 | 83.29 |
| 4 | 12 | 29.29 | 14 | 0 | 84.79 |
| 5 | 0 | 30.79 | 14 | 4 | 86.29 |
| 5 | 4 | 32.29 | 14 | 8 | 87.79 |
| 5 | 8 | 33.79 | 14 | 12 | 89.29 |
| 5 | 12 | 35.29 | 15 | 0 | 90.79 |
| 6 | 0 | 36.79 | 15 | 4 | 92.29 |
| 6 | 4 | 38.29 | 15 | 8 | 93.79 |
| 6 | 8 | 39.79 | 15 | 12 | 95.29 |
| 6 | 12 | 41.29 | 16 | 0 | 96.79 |
| 7 | 0 | 42.79 | 16 | 4 | 98.29 |
| 7 | 4 | 44.29 | 16 | 8 | 99.79 |
| 7 | 8 | 45.79 | 16 | 12 | 101.29 |
| 7 | 12 | 47.29 | 17 | 0 | 102.79 |
| 8 | 0 | 48.79 | 17 | 4 | 104.29 |
| 8 | 4 | 50.29 | 17 | 8 | 105.79 |
| 8 | 8 | 51.79 | 17 | 12 | 107.29 |
| 8 | 12 | 53.29 | 18 | 0 | 108.79 |
| 9 | 0 | 54.79 | 18 | 4 | 110.29 |
| 9 | 4 | 56.29 | 18 | 8 | 111.79 |
| 9 | 8 | 57.79 | 18 | 12 | 113.29 |
| 9 | 12 | 59.29 | 19 | 0 | 114.79 |
| 10 | 0 | 60.79 | 19 | 4 | 116.29 |
| 10 | 4 | 62.29 | 19 | 8 | 117.79 |
| 10 | 8 | 63.79 | 19 | 12 | 119.29 |
| 10 | 12 | 65.29 | 20 | 0 | 120.79 |
| 11 | 0 | 66.79 | 20 | 4 | 122.29 |
| 11 | 4 | 68.29 | 20 | 8 | 123.79 |
| 11 | 8 | 69.79 | 20 | 12 | 125.29 |
| 11 | 12 | 71.29 | 21 | 0 | 126.79 |
| 12 | 0 | 72.79 | 21 | 4 | 128.29 |
| 12 | 4 | 74.29 | 21 | 8 | 129.79 |
| 12 | 8 | 75.79 | 21 | 12 | 131.29 |
| 12 | 12 | 77.29 | 22 | 0 | 132.79 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Yes. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest, length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Prohibitions.* Firearms, air guns, and their accessories, except by special authorization from the Government; toy air guns for children, as well as firearms and air guns kept exclusively as curios, may be imported without formalities.

§ 127.365 *Tonga (Friendly) Islands*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. By ordinary means beyond Fiji. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.77 | 7 | $2.35 |
| 2 | .99 | 8 | 2.85 |
| 3 | 1.21 | 9 | 3.07 |
| 4 | 1.69 | 10 | 3.29 |
| 5 | 1.91 | 11 | 3.51 |
| 6 | 2.13 | | |

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions.*—(i) *For reasons of public safety.* Seditious articles.

(ii) *For the protection of plants.* Plant matter, when permitted by local law, requires a certificate issued by the United States Department of Agriculture. Produce and merchandise from Samoa are not admitted.

(iii) *For other reasons.* Tobacco, cigars, cigarettes, and snuff are admitted when not packed with other goods.

(5) *Import restrictions.* Addressees may be required to obtain import permits in some case.

§ 127.366 *Trieste (Free Territory of)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted under the same conditions as to Italy.

(6) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 45 cents for the first 2 ounces and 24 cents for each additional 2 ounces. (See § 127.20.)

(7) *Observations.* Same as Italy.

(8) *Prohibitions.* Same as Italy.

(b) *Parcel post*—(1) *Table of rates.* (i) *Surface parcel rates, including surcharge.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.53 | 12 | $2.95 |
| 2 | .75 | 13 | 3.17 |
| 3 | .97 | 14 | 3.39 |
| 4 | 1.19 | 15 | 3.61 |
| 5 | 1.41 | 16 | 3.83 |
| 6 | 1.63 | 17 | 4.05 |
| 7 | 1.85 | 18 | 4.27 |
| 8 | 2.07 | 19 | 4.49 |
| 9 | 2.29 | 20 | 4.71 |
| 10 | 2.51 | 21 | 4.93 |
| 11 | 2.73 | 22 | 5.15 |

(ii) *Air parcel rates.* (Rates: $1.08 first 4 ounces; $0.50 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.08 | 11 | 4 | $23.08 |
| 0 | 8 | 1.58 | 11 | 8 | 23.58 |
| 0 | 12 | 2.08 | 11 | 12 | 24.08 |
| 1 | 0 | 2.58 | 12 | 0 | 24.58 |
| 1 | 4 | 3.08 | 12 | 4 | 25.08 |
| 1 | 8 | 3.58 | 12 | 8 | 25.58 |
| 1 | 12 | 4.08 | 12 | 12 | 26.08 |
| 2 | 0 | 4.58 | 13 | 0 | 26.58 |
| 2 | 4 | 5.08 | 13 | 4 | 27.08 |
| 2 | 8 | 5.58 | 13 | 8 | 27.58 |
| 2 | 12 | 6.08 | 13 | 12 | 28.08 |
| 3 | 0 | 6.58 | 14 | 0 | 28.58 |
| 3 | 4 | 7.08 | 14 | 4 | 29.08 |
| 3 | 8 | 7.58 | 14 | 8 | 29.58 |
| 3 | 12 | 8.08 | 14 | 12 | 30.08 |
| 4 | 0 | 8.58 | 15 | 0 | 30.58 |
| 4 | 4 | 9.08 | 15 | 4 | 31.08 |
| 4 | 8 | 9.58 | 15 | 8 | 31.58 |
| 4 | 12 | 10.08 | 15 | 12 | 32.08 |
| 5 | 0 | 10.58 | 16 | 0 | 32.58 |
| 5 | 4 | 11.08 | 16 | 4 | 33.08 |
| 5 | 8 | 11.58 | 16 | 8 | 33.58 |
| 5 | 12 | 12.08 | 16 | 12 | 34.08 |
| 6 | 0 | 12.58 | 17 | 0 | 34.58 |
| 6 | 4 | 13.08 | 17 | 4 | 35.08 |
| 6 | 8 | 13.58 | 17 | 8 | 35.58 |
| 6 | 12 | 14.08 | 17 | 12 | 36.08 |
| 7 | 0 | 14.58 | 18 | 0 | 36.58 |
| 7 | 4 | 15.08 | 18 | 4 | 37.08 |
| 7 | 8 | 15.58 | 18 | 8 | 37.58 |
| 7 | 12 | 16.08 | 18 | 12 | 38.08 |
| 8 | 0 | 16.58 | 19 | 0 | 38.58 |
| 8 | 4 | 17.08 | 19 | 4 | 39.08 |
| 8 | 8 | 17.58 | 19 | 8 | 39.58 |
| 8 | 12 | 18.08 | 19 | 12 | 40.08 |
| 9 | 0 | 18.58 | 20 | 0 | 40.58 |
| 9 | 4 | 19.08 | 20 | 4 | 41.08 |
| 9 | 8 | 19.58 | 20 | 8 | 41.58 |
| 9 | 12 | 20.08 | 20 | 12 | 42.08 |
| 10 | 0 | 20.58 | 21 | 0 | 42.58 |
| 10 | 4 | 21.08 | 21 | 4 | 43.08 |
| 10 | 8 | 21.58 | 21 | 8 | 43.58 |
| 10 | 12 | 22.08 | 21 | 12 | 44.08 |
| 11 | 0 | 22.58 | 22 | 0 | 44.58 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55(b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Observations.* Air parcels are given air transportation to Italy and are forwarded to Trieste by surface means.

(6) *Prohibitions and import restrictions.* Same as Italy.

§ 127.367 *Trinidad and Tobago*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* (See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 38 cents for the first 2 ounces and 17 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Articles violating the trade-mark or copyright laws.

(ii) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 12 | $2.87 |
| 2 | .67 | 13 | 8.09 |
| 3 | .89 | 14 | 3.31 |
| 4 | 1.11 | 15 | 3.53 |
| 5 | 1.33 | 16 | 3.75 |
| 6 | 1.55 | 17 | 3.97 |
| 7 | 1.77 | 18 | 4.19 |
| 8 | 1.99 | 19 | 4.41 |
| 9 | 2.21 | 20 | 4.63 |
| 10 | 2.43 | 21 | 4.85 |
| 11 | 2.65 | 22 | 5.07 |

(ii) *Air parcel rates.* (Rates: $1.03 first 4 ounces; $0.35 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.03 | 11 | 4 | $16.43 |
| 0 | 8 | 1.38 | 11 | 8 | 16.78 |
| 0 | 12 | 1.73 | 11 | 12 | 17.13 |
| 1 | 0 | 2.08 | 12 | 0 | 17.48 |
| 1 | 4 | 2.43 | 12 | 4 | 17.83 |
| 1 | 8 | 2.78 | 12 | 8 | 18.18 |
| 1 | 12 | 3.13 | 12 | 12 | 18.53 |
| 2 | 0 | 3.48 | 13 | 0 | 18.88 |
| 2 | 4 | 3.83 | 13 | 4 | 19.23 |
| 2 | 8 | 4.18 | 13 | 8 | 19.58 |
| 2 | 12 | 4.53 | 13 | 12 | 19.93 |
| 3 | 0 | 4.88 | 14 | 0 | 20.28 |
| 3 | 4 | 5.23 | 14 | 4 | 20.63 |
| 3 | 8 | 5.58 | 14 | 8 | 20.98 |
| 3 | 12 | 5.93 | 14 | 12 | 21.33 |
| 4 | 0 | 6.28 | 15 | 0 | 21.68 |
| 4 | 4 | 6.63 | 15 | 4 | 22.03 |
| 4 | 8 | 6.98 | 15 | 8 | 22.38 |
| 4 | 12 | 7.33 | 15 | 12 | 22.73 |
| 5 | 0 | 7.68 | 16 | 0 | 23.08 |
| 5 | 4 | 8.03 | 16 | 4 | 23.43 |
| 5 | 8 | 8.38 | 16 | 8 | 23.78 |
| 5 | 12 | 8.73 | 16 | 12 | 24.13 |
| 6 | 0 | 9.08 | 17 | 0 | 24.48 |
| 6 | 4 | 9.43 | 17 | 4 | 24.83 |
| 6 | 8 | 9.78 | 17 | 8 | 25.18 |
| 6 | 12 | 10.13 | 17 | 12 | 25.53 |
| 7 | 0 | 10.48 | 18 | 0 | 25.88 |
| 7 | 4 | 10.83 | 18 | 4 | 26.23 |
| 7 | 8 | 11.18 | 18 | 8 | 26.58 |
| 7 | 12 | 11.53 | 18 | 12 | 26.93 |
| 8 | 0 | 11.88 | 19 | 0 | 27.28 |
| 8 | 4 | 12.23 | 19 | 4 | 27.63 |
| 8 | 8 | 12.58 | 19 | 8 | 27.98 |
| 8 | 12 | 12.93 | 19 | 12 | 28.33 |
| 9 | 0 | 13.28 | 20 | 0 | 28.68 |
| 9 | 4 | 13.63 | 20 | 4 | 29.03 |
| 9 | 8 | 13.98 | 20 | 8 | 29.38 |
| 9 | 12 | 14.33 | 20 | 12 | 29.73 |
| 10 | 0 | 14.68 | 21 | 0 | 30.08 |
| 10 | 4 | 15.03 | 21 | 4 | 30.43 |
| 10 | 8 | 15.38 | 21 | 8 | 30.78 |
| 10 | 12 | 15.73 | 21 | 12 | 31.13 |
| 11 | 0 | 16.08 | 22 | 0 | 31.48 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Yes. (See § 127.79.)
Registration: Yes. Fee, 40 cents.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Registry service.* For general information see Subpart D.

(4) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(5) *Prohibitions*—(i) *For the protection of plants.* Raw coffee, whether hulled or not. Earth and packings containing earth. Plants, seeds, cuttings, or other parts of citrus, sugarcane, coffee, bananas, cacao, coconut, and hevea (rubber), except by previous permission from the Director of Agriculture. Unrefined sugar.

(ii) *Arms, etc.* Arms are admitted with the permission of the inspector general of police. Disguised firearms.

(iii) *For other reasons.* (a) Base or counterfeit coin of any country; and coin which does not have the regulation weight and fineness.

(b) Bulk shipments of Christmas cards intended for sale in Trinidad.

(c) Saccharine requires the permission of the Surgeon General.

(6) *Import restrictions.* Addressees may be required to obtain import restrictions in some cases.

§ 127.368 *Tristan da Cunha*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages, and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 68 cents for the first 2 ounces and 47 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted at risk of sender. (See § 127.3.)

(7) *Prohibitions.* Same as St. Helena.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.57 | 7 | $2.61 |
| 2 | .91 | 8 | 2.95 |
| 3 | 1.25 | 9 | 3.29 |
| 4 | 1.59 | 10 | 3.63 |
| 5 | 1.93 | 11 | 3.97 |
| 6 | 2.27 | | |

(ii) *Air parcel rates.* (Rates: $1.31 first 4 ounces; $0.94 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.31 | 1 | 12 | $6.95 |
| 0 | 8 | 2.25 | 2 | 0 | 7.89 |
| 0 | 12 | 3.19 | 2 | 4 | 8.83 |
| 1 | 0 | 4.13 | 2 | 8 | 9.77 |
| 1 | 4 | 5.07 | 2 | 12 | 10.71 |
| 1 | 8 | 6.01 | 3 | 0 | 11.65 |

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 3 | 4 | $12.59 | 7 | 4 | $27.63 |
| 3 | 8 | 13.53 | 7 | 8 | 28.57 |
| 3 | 12 | 14.47 | 7 | 12 | 29.51 |
| 4 | 0 | 15.41 | 8 | 0 | 30.45 |
| 4 | 4 | 16.35 | 8 | 4 | 31.39 |
| 4 | 8 | 17.29 | 8 | 8 | 32.33 |
| 4 | 12 | 18.23 | 8 | 12 | 33.27 |
| 5 | 0 | 19.17 | 9 | 0 | 34.21 |
| 5 | 4 | 20.11 | 9 | 4 | 35.15 |
| 5 | 8 | 21.05 | 9 | 8 | 36.09 |
| 5 | 12 | 21.99 | 9 | 12 | 37.03 |
| 6 | 0 | 22.93 | 10 | 0 | 37.97 |
| 6 | 4 | 23.87 | 10 | 4 | 38.91 |
| 6 | 8 | 24.81 | 10 | 8 | 39.85 |
| 6 | 12 | 25.75 | 10 | 12 | 40.79 |
| 7 | 0 | 26.69 | 11 | 0 | 41.73 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* The parcels are forwarded to the Union of South Africa and thence to Tristan da Cunha as opportunity offers.

(5) *Prohibitions and import restrictions.* Same as St. Helena.

§ 127.369 *Tunisia (Tunis)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 47 cents for the first 2 ounces and 26 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Paper money and other instruments of payment, letters of credit, securities, or deeds may be imported by mail only if accompanied by a permit issued by the French exchange-control authorities, or if imported by a bank.

(ii) Coins, manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.53 | 8 | $2.07 |
| 2 | .75 | 9 | 2.29 |
| 3 | .97 | 10 | 2.51 |
| 4 | 1.19 | 11 | 2.73 |
| 5 | 1.41 | 12 | 2.95 |
| 6 | 1.63 | 13 | 3.17 |
| 7 | 1.85 | 14 | 3.39 |



| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 15 | $3.61 | 30 | $6.91 |
| 16 | 3.83 | 31 | 7.13 |
| 17 | 4.05 | 32 | 7.35 |
| 18 | 4.27 | 33 | 7.57 |
| 19 | 4.49 | 34 | 7.79 |
| 20 | 4.71 | 35 | 8.01 |
| 21 | 4.93 | 36 | 8.23 |
| 22 | 5.15 | 37 | 8.45 |
| 23 | 5.37 | 38 | 8.67 |
| 24 | 5.59 | 39 | 8.89 |
| 25 | 5.81 | 40 | 9.11 |
| 26 | 6.03 | 41 | 9.33 |
| 27 | 6.25 | 42 | 9.55 |
| 28 | 6.47 | 43 | 9.77 |
| 29 | 6.69 | 44 | 9.99 |

(ii) *Air parcel rates.* (Rates: $1.11 first 4 ounces; $0.54 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.11 | 17 | 12 | $38.91 |
| 0 | 8 | 1.65 | 18 | 0 | 39.45 |
| 0 | 12 | 2.19 | 18 | 4 | 39.99 |
| 1 | 0 | 2.73 | 18 | 8 | 40.53 |
| 1 | 4 | 3.27 | 18 | 12 | 41.07 |
| 1 | 8 | 3.81 | 19 | 0 | 41.61 |
| 1 | 12 | 4.35 | 19 | 4 | 42.15 |
| 2 | 0 | 4.89 | 19 | 8 | 42.69 |
| 2 | 4 | 5.43 | 19 | 12 | 43.23 |
| 2 | 8 | 5.97 | 20 | 0 | 43.77 |
| 2 | 12 | 6.51 | 20 | 4 | 44.31 |
| 3 | 0 | 7.05 | 20 | 8 | 44.85 |
| 3 | 4 | 7.59 | 20 | 12 | 45.39 |
| 3 | 8 | 8.13 | 21 | 0 | 45.93 |
| 3 | 12 | 8.67 | 21 | 4 | 46.47 |
| 4 | 0 | 9.21 | 21 | 8 | 47.01 |
| 4 | 4 | 9.75 | 21 | 12 | 47.55 |
| 4 | 8 | 10.29 | 22 | 0 | 48.09 |
| 4 | 12 | 10.83 | 22 | 4 | 48.63 |
| 5 | 0 | 11.37 | 22 | 8 | 49.17 |
| 5 | 4 | 11.91 | 22 | 12 | 49.71 |
| 5 | 8 | 12.45 | 23 | 0 | 50.25 |
| 5 | 12 | 12.99 | 23 | 4 | 50.79 |
| 6 | 0 | 13.53 | 23 | 8 | 51.33 |
| 6 | 4 | 14.07 | 23 | 12 | 51.87 |
| 6 | 8 | 14.61 | 24 | 0 | 52.41 |
| 6 | 12 | 15.15 | 24 | 4 | 52.95 |
| 7 | 0 | 15.69 | 24 | 8 | 53.49 |
| 7 | 4 | 16.23 | 24 | 12 | 54.03 |
| 7 | 8 | 16.77 | 25 | 0 | 54.57 |
| 7 | 12 | 17.31 | 25 | 4 | 55.11 |
| 8 | 0 | 17.85 | 25 | 8 | 55.65 |
| 8 | 4 | 18.39 | 25 | 12 | 56.19 |
| 8 | 8 | 18.93 | 26 | 0 | 56.73 |
| 8 | 12 | 19.47 | 26 | 4 | 57.27 |
| 9 | 0 | 20.01 | 26 | 8 | 57.81 |
| 9 | 4 | 20.55 | 26 | 12 | 58.35 |
| 9 | 8 | 21.09 | 27 | 0 | 58.89 |
| 9 | 12 | 21.63 | 27 | 4 | 59.43 |
| 10 | 0 | 22.17 | 27 | 8 | 59.97 |
| 10 | 4 | 22.71 | 27 | 12 | 60.51 |
| 10 | 8 | 23.25 | 28 | 0 | 61.05 |
| 10 | 12 | 23.79 | 28 | 4 | 61.59 |
| 11 | 0 | 24.33 | 28 | 8 | 62.13 |
| 11 | 4 | 24.87 | 28 | 12 | 62.67 |
| 11 | 8 | 25.41 | 29 | 0 | 63.21 |
| 11 | 12 | 25.95 | 29 | 4 | 63.75 |
| 12 | 0 | 26.49 | 29 | 8 | 64.29 |
| 12 | 4 | 27.03 | 29 | 12 | 64.83 |
| 12 | 8 | 27.57 | 30 | 0 | 65.37 |
| 12 | 12 | 28.11 | 30 | 4 | 65.91 |
| 13 | 0 | 28.65 | 30 | 8 | 66.45 |
| 13 | 4 | 29.19 | 30 | 12 | 66.99 |
| 13 | 8 | 29.73 | 31 | 0 | 67.53 |
| 13 | 12 | 30.27 | 31 | 4 | 68.07 |
| 14 | 0 | 30.81 | 31 | 8 | 68.61 |
| 14 | 4 | 31.35 | 31 | 12 | 69.15 |
| 14 | 8 | 31.89 | 32 | 0 | 69.69 |
| 14 | 12 | 32.43 | 32 | 4 | 70.23 |
| 15 | 0 | 32.97 | 32 | 8 | 70.77 |
| 15 | 4 | 33.51 | 32 | 12 | 71.31 |
| 15 | 8 | 34.05 | 33 | 0 | 71.85 |
| 15 | 12 | 34.59 | 33 | 4 | 72.39 |
| 16 | 0 | 35.13 | 33 | 8 | 72.93 |
| 16 | 4 | 35.67 | 33 | 12 | 73.47 |
| 16 | 8 | 36.21 | 34 | 0 | 74.01 |
| 16 | 12 | 36.75 | 34 | 4 | 74.55 |
| 17 | 0 | 37.29 | 34 | 8 | 75.09 |
| 17 | 4 | 37.83 | 34 | 12 | 75.63 |
| 17 | 8 | 38.37 | 35 | 0 | 76.17 |

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 35 | 4 | $76.71 | 39 | 12 | $86.43 |
| 35 | 8 | 77.25 | 40 | 0 | 86.97 |
| 35 | 12 | 77.79 | 40 | 4 | 87.51 |
| 36 | 0 | 78.33 | 40 | 8 | 88.05 |
| 36 | 4 | 78.87 | 40 | 12 | 88.59 |
| 36 | 8 | 79.41 | 41 | 0 | 89.13 |
| 36 | 12 | 79.95 | 41 | 4 | 89.67 |
| 37 | 0 | 80.49 | 41 | 8 | 90.21 |
| 37 | 4 | 81.03 | 41 | 12 | 90.75 |
| 37 | 8 | 81.57 | 42 | 0 | 91.29 |
| 37 | 12 | 82.11 | 42 | 4 | 91.83 |
| 38 | 0 | 82.65 | 42 | 8 | 92.37 |
| 38 | 4 | 83.19 | 42 | 12 | 92.91 |
| 38 | 8 | 83.73 | 43 | 0 | 93.45 |
| 38 | 12 | 84.27 | 43 | 4 | 93.99 |
| 39 | 0 | 84.81 | 43 | 8 | 94.53 |
| 39 | 4 | 85.35 | 43 | 12 | 95.07 |
| 39 | 8 | 85.89 | 44 | 0 | 95.61 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* (i) Plants, seeds, bulbs, and other parts of plants intended for propagation are subject to inspection and disinfection, and are destroyed if such is seen to be necessary.

(ii) A delivery fee of 43 centimes (gold) is charged on parcels up to a weight limit of 33 pounds in the urban zone and 64 centimes (gold) in the suburban zone, and 47 centimes (gold) for parcels up to a weight limit of 44 pounds in the urban zone and 68 centimes (gold) in the suburban zone, which charges must be borne by the addressee.

(5) *Prohibitions*—(i) *For reasons of public safety.* Saccharine and similar products, except in very small amounts imported as remedies by pharmacists or physicians.

(ii) *For sanitary reasons.* Nursing bottles, nipples, and pacifiers which are not made of pure rubber and marked accordingly, and vulcanized by heat.

(iii) *For the protection of animals or plants.* Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iv) *Arms, etc.* Arms of all kinds, except that hunting and commercial arms may be imported with authorization of the Director of Public Safety.

(v) *State monopolies, etc.* (a) Playing cards.

(b) Tobacco. Manufactured tobaccos, cigars and cigarettes for the personal use of importers are admitted up to 10 kilograms per year per addressee.

(vi) *For other reasons.* (a) Salt for private use.

(b) Counterfeit money, base coins, and copper coins.

(6) *Import restrictions.* (i) Annual quotas are fixed by decree covering the importation of pure or mixed cotton fabrics, plain or twilled, and ticking, damasks and figured fabrics, clothing, lingerie and clothing accessories, with or without handwork.

(ii) Addressees may be required to obtain import licenses in some cases.

§ 127.370 *Turkey*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.) The special conditions set forth under "Dutiable articles merchandise) prepaid at letter rate" are also applicable to small packets.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 49 cents for the first 2 ounces and 28 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* (i) Accepted under the following conditions:

(a) Articles whose introduction is not subject to any import quota restriction (mail articles containing such objects are freely admitted to importation).

(b) Articles exempt from the import quota, but whose importation is subject to the authorization of the competent authorities (mail articles containing such objects are admitted provided the import permit is obtained in time).

(c) It is incumbent upon senders to obtain information in advance concerning the two classes of articles above mentioned.

(ii) Articles containing objects whose entry is prohibited or subject to restriction through the import quota decrees will be returned to origin.

(iii) As to articles containing the objects mentioned under subdivision (i) (b) of this subparagraph, they must either be accompanied by import permits or else the said permits must be presented at the post office by the addressees within a period of 3 days from the notice of arrival of the articles. Absence of the permit in question will likewise give rise to return to origin.

(iv) If the import permit is furnished by the sender, such permit must be enclosed within the article and the fact of the insertion indicated on the cover of the article by the note "Permis d'importation inséré" (importation permit enclosed). (See § 127.3.)

(v) Revenue and charity stamps, and canceled or uncanceled postage stamps, are subject to customs duty in Turkey, and letters or letter packages containing them must have Form 2976 (C 1) affixed.

(7) *Observations.* (i) Articles must be addressed in Turkish or French with an interlineation in English.

(ii) Calendars of all sorts, paper or cardboard patterns used in sewing, fashion publications and photographs

(except professional periodical publications containing information on sewing handicrafts) must have Form 2976 (C 1) affixed when mailed to Turkey.

(8) *Prohibitions.* (i) Samples of tea, coffee, flour, rice, and cereals sent in the "samples" mails are restricted to 100 grams (approximately 3½ ounces) net weight. Samples of dyes of all kinds are restricted to 25 grams (approximately 1 ounce) net weight. Sample packages in general are not admitted if the amount of the customs duty on such samples exceeds 15 kurus. Coins; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles. (However, registered letters may contain paper money.)

(ii) Stocks, bonds, and coupons, unless addressed to the Central Bank of the Turkish Republic, require the authorization from the Ministry of Finance.

(iii) Turkish money, as well as checks and drafts expressed in Turkish money, require authorization from the Ministry of Finance.

(iv) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.47 | 23 | $5.75 |
| 2 | .71 | 24 | 5 99 |
| 3 | .95 | 25 | 6 23 |
| 4 | 1.19 | 26 | 6.47 |
| 5 | 1 43 | 27 | 6.71 |
| 6 | 1 67 | 28 | 6.95 |
| 7 | 1.91 | 29 | 7 19 |
| 8 | 2.15 | 30 | 7 43 |
| 9 | 2 39 | 31 | 7.67 |
| 10 | 2 63 | 32 | 7 91 |
| 11 | 2 87 | 33 | 8.15 |
| 12 | 3 11 | 34 | 8 39 |
| 13 | 3 35 | 35 | 8 63 |
| 14 | 3 59 | 36 | 8 87 |
| 15 | 3 83 | 37 | 9. 11 |
| 16 | 4 07 | 38 | 9 35 |
| 17 | 4 31 | 39 | 9. 59 |
| 18 | 4. 55 | 40 | 9 83 |
| 19 | 4 79 | 41 | 10. 07 |
| 20 | 5 03 | 42 | 10 31 |
| 21 | 5 27 | 43 | 10. 55 |
| 22 | 5 51 | 44 | 10. 79 |

(ii) *Air parcel rates, including surcharges.* (Rates: $1.15 first 4 ounces; $0.57 each additional 4 ounces.)

| Lb | Oz. | Rate | Lb | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1 15 | 6 | 12 | $15. 97 |
| 0 | 8 | 1. 72 | 7 | 0 | 16. 54 |
| 0 | 12 | 2. 29 | 7 | 4 | 17 11 |
| 1 | 0 | 2 86 | 7 | 8 | 17. 68 |
| 1 | 4 | 3 43 | 7 | 12 | 18. 25 |
| 1 | 8 | 4 00 | 8 | 0 | 18. 82 |
| 1 | 12 | 4. 57 | 8 | 4 | 19. 39 |
| 2 | 0 | 5. 14 | 8 | 8 | 19. 96 |
| 2 | 4 | 5 71 | 8 | 12 | 20. 53 |
| 2 | 8 | 6. 28 | 9 | 0 | 21. 10 |
| 2 | 12 | 6. 85 | 9 | 4 | 21. 67 |
| 3 | 0 | 7 42 | 9 | 8 | 22. 24 |
| 3 | 4 | 7 99 | 9 | 12 | 22. 81 |
| 3 | 8 | 8. 56 | 10 | 0 | 23. 38 |
| 3 | 12 | 9 13 | 10 | 4 | 23. 95 |
| 4 | 0 | 9 70 | 10 | 8 | 24. 52 |
| 4 | 4 | 10. 27 | 10 | 12 | 25. 09 |
| 4 | 8 | 10. 84 | 11 | 0 | 25. 66 |
| 4 | 12 | 11 41 | 11 | 4 | 26. 23 |
| 5 | 0 | 11 98 | 11 | 8 | 26 80 |
| 5 | 4 | 12. 55 | 11 | 12 | 27. 37 |
| 5 | 8 | 13 12 | 12 | 0 | 27. 94 |
| 5 | 12 | 13. 69 | 12 | 4 | 28. 51 |
| 6 | 0 | 14 26 | 12 | 8 | 29. 08 |
| 6 | 4 | 14. 83 | 12 | 12 | 29. 65 |
| 6 | 8 | 15. 40 | 13 | 0 | 30. 22 |
| 13 | 4 | $30. 79 | 28 | 12 | $66. 13 |
| 13 | 8 | 31. 36 | 29 | 0 | 66. 70 |
| 13 | 12 | 31. 93 | 29 | 4 | 67. 27 |
| 14 | 0 | 32. 50 | 29 | 8 | 67. 84 |
| 14 | 4 | 33. 07 | 29 | 12 | 68. 41 |
| 14 | 8 | 33. 64 | 30 | 0 | 68. 98 |
| 14 | 12 | 34. 21 | 30 | 4 | 69. 55 |
| 15 | 0 | 34. 78 | 30 | 8 | 70. 12 |
| 15 | 4 | 35. 35 | 30 | 12 | 70. 69 |
| 15 | 8 | 35 92 | 31 | 0 | 71 26 |
| 15 | 12 | 36 49 | 31 | 4 | 71. 83 |
| 16 | 0 | 37 06 | 31 | 8 | 72. 40 |
| 16 | 4 | 37 63 | 31 | 12 | 72. 97 |
| 16 | 8 | 38. 20 | 32 | 0 | 73 54 |
| 16 | 12 | 38. 77 | 32 | 4 | 74. 11 |
| 17 | 0 | 39 34 | 32 | 8 | 74. 68 |
| 17 | 4 | 39 91 | 32 | 12 | 75. 25 |
| 17 | 8 | 40. 48 | 33 | 0 | 75. 82 |
| 17 | 12 | 41. 05 | 33 | 4 | 76. 39 |
| 18 | 0 | 41 62 | 33 | 8 | 73. 96 |
| 18 | 4 | 42. 19 | 33 | 12 | 77. 53 |
| 18 | 8 | 42. 76 | 34 | 0 | 78. 10 |
| 18 | 12 | 43 33 | 34 | 4 | 78. 67 |
| 19 | 0 | 43 90 | 34 | 8 | 79. 24 |
| 19 | 4 | 44 47 | 34 | 12 | 79. 81 |
| 19 | 8 | 45 04 | 35 | 0 | 80. 38 |
| 19 | 12 | 45. 61 | 35 | 4 | 80. 95 |
| 20 | 0 | 46. 18 | 35 | 8 | 81. 52 |
| 20 | 4 | 46. 75 | 35 | 12 | 82 09 |
| 20 | 8 | 47 32 | 36 | 0 | 82. 66 |
| 20 | 12 | 47 89 | 36 | 4 | 83. 23 |
| 21 | 0 | 48 46 | 36 | 8 | 83. 80 |
| 21 | 4 | 49. 03 | 36 | 12 | 84. 37 |
| 21 | 8 | 49 60 | 37 | 0 | 84. 94 |
| 21 | 12 | 50. 17 | 37 | 4 | 85. 51 |
| 22 | 0 | 50 74 | 37 | 8 | 86. 08 |
| 22 | 4 | 51 31 | 37 | 12 | 86. 65 |
| 22 | 8 | 51. 88 | 38 | 0 | 87. 22 |
| 22 | 12 | 52. 45 | 38 | 4 | 87. 79 |
| 23 | 0 | 53. 02 | 38 | 8 | 88. 36 |
| 23 | 4 | 53 59 | 38 | 12 | 88. 93 |
| 23 | 8 | 54 16 | 39 | 0 | 89. 50 |
| 23 | 12 | 54. 73 | 39 | 4 | 90 07 |
| 24 | 0 | 55 30 | 39 | 8 | 90. 64 |
| 24 | 4 | 55. 87 | 39 | 12 | 91. 21 |
| 24 | 8 | 56 44 | 40 | 0 | 91. 78 |
| 24 | 12 | 57.01 | 40 | 4 | 92. 35 |
| 25 | 0 | 57. 58 | 40 | 8 | 92. 92 |
| 25 | 4 | 58 15 | 40 | 12 | 93. 49 |
| 25 | 8 | 58. 72 | 41 | 0 | 94 06 |
| 25 | 12 | 59 29 | 41 | 4 | 94. 63 |
| 26 | 0 | 59 86 | 41 | 8 | 95. 20 |
| 26 | 4 | 60. 43 | 41 | 12 | 95. 77 |
| 26 | 8 | 61. 00 | 42 | 0 | 96. 34 |
| 26 | 12 | 61. 57 | 42 | 4 | 96. 91 |
| 27 | 0 | 62. 14 | 42 | 8 | 97. 48 |
| 27 | 4 | 62. 71 | 42 | 12 | 98. 05 |
| 27 | 8 | 63. 28 | 43 | 0 | 98. 62 |
| 27 | 12 | 63. 85 | 43 | 4 | 99. 19 |
| 28 | 0 | 64. 42 | 43 | 8 | 99. 76 |
| 28 | 4 | 64. 99 | 43 | 12 | 100 33 |
| 28 | 8 | 65. 56 | 44 | 0 | 100. 90 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-pos. sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: Limited to 3 parcels. (See § 127.79.)
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Observations.* (i) Parcel post packages may be addressed only to the following offices in Turkey:

| | |
|---|---|
| Adana. | Izmit. |
| Adapazarı. | Kadiköy. |
| Afyon Karahisar. | Kanya. |
| Akhisar. | Karabuk. |
| Alpullu. | Kalis. |
| Amasya. | Kirklareli. |
| Ankara (Angora). | Kusadasi. |
| Antakya (Antioch). | Kutahya. |
| Antalya (Adalia). | Malatya. |
| Aydin. | Manisa. |
| Ayvalik. | Maras. |
| Balikesir (Carassi). | Mardin. |
| Bandirma (Pandermа). | Mersin. |
| Bergama. | Merzifon. |
| Beyoglu. | Milas. |
| Biga. | Mudanya. |
| Bilecik (Biledjik). | Mugla. |
| Bitlis. | Mustafakemalpasa. |
| Bodrum. | Nigde. |
| Bursa (Broussa). | Niksar. |
| Ceyhan. | Odemis. |
| Cizre. | Ordu. |
| Çorum. | Osmaniye. |
| Denizli. | Salihli. |
| Derince (Kocaeli). | Samsun. |
| Diyarbekir. | Sebin Karahisar. |
| Dortyol. | Silifke. |
| Edirne. | Silifke (Içel). |
| Elâziz. | Sivas. |
| Erbaa. | Siverek. |
| Eregli. | Tarsus. |
| Eskisehir. | Tekirdağ. |
| Galata. | Tokat. |
| Gazi Antep. | Trabzon (Freidzond). |
| Gelibolu. | Urfa. |
| Gemlik. | Usak. |
| Giresun (Kerasond). | Üsküdar |
| Inebolu. | Uzunköprü. |
| Iskenderon (Alexandrette). | Van. |
| Istanbul. | Zile. |
| Izmir (Smyrna). | Zonguldak. |

(ii) The value and net weight of each kind of article or goods must be shown on the customs declarations, also the country of origin of the merchandise.

(iii) Each parcel for Turkey must have enclosed a combined certificate of origin and consular invoice, which must be certified by a chamber of commerce or other trade organization or by a notary public, and be legalized by a Turkish consul.

(6) *Prohibitions*—(i) *For reasons of public safety.* Post cards of private manufacture bearing the legend "Poste de la Republique Turque"; newspapers, periodicals and other publications prohibited by a Government decree; paper, envelopes, and other stationery bearing pictures of members of the former Ottoman dynasty.

(ii) *For sanitary reasons.* (a) Used bedding, linens, clothing, carpets, empty sacks, etc., not accompanied by a certificate of origin attesting their disinfection; rags and waste.

(b) Adulterated or harmful foodstuffs.

(c) Saccharine and similar substances, except in small quantities for scientific and medical use.

(d) Shaving brushes from Japan.

(e) Quinine, its derivatives and salts, as well as other medicaments for fever, neosalvarsan and similar compounds of arsenobenzol, salts of bismuth and mercury used for the treatment of syphilis and their compounds and preparations, may be imported only by the Red Crescent Association.

(f) Clinical thermometers must be accompanied by a certificate of inspection from the authorities of the country of origin.

(iii) *For the protection of animals or plants.* (a) Indian berries or fish berries (Anamirta cocculus indicus).

(b) All animal substances which are not accompanied by a certificate of origin, legalized by an official veterinary, attesting the nonexistence of diseases at the place of origin.

(c) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(d) Parasites and predators of injurious insects, unless intended for the control of those insects and exchanged between officially recognized institutions.

(iv) *Arms, munitions, etc.* (a) Saltpeter, empty cartridges (except those for hunting arms).

(b) Arms and munitions of war and their accessories.

(c) Secret and prohibited arms (pontards, bayonets, sword canes, air rifles, and air pistols, etc.).

(d) Gas masks for either war or industrial use, and all other material for protection against gas, may be imported only by the Red Crescent Association.

(v) *State monopolies, etc.* (a) Salt.

(b) The following may be imported only by the Monopoly Administration: Tobacco and its products; cigarette paper and apparatus for making cigarettes; tobacco seed; tea; playing cards other than children's games.

(vi) *For other reasons.* (a) Military goods (other than those imported by the Government).

(b) Containers bearing names or trade-marks of foreign firms.

(c) Merchandise bearing false trademarks.

(d) Tokens having the form of coins.

(e) Tablets of acetylsalicylic acid (American brands). Tablets of colored quinine.

(f) Packets of iodoform gauze which are not enclosed in sealed bottles.

(g) Silver coins and all foreign specie coins (except gold coins and ancient coins for collections), obsolete paper money, imitations of Turkish or foreign money for ornament.

(h) Calculating machines, unless imported by the Government.

(i) Apparatus for exploding mines.

(j) Mirrors and other heliostat accessories, unless imported by the Government.

(k) Illegal measuring devices.

(l) Glasses magnifying more than eight times, unless ordered by the Government.

(7) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by addressees:

(i) Import licenses must be obtained for many types of merchandise, and others are subject to import quotas.

(ii) The permission of the competent Turkish authorities is required for the importation of the following:

(iii) Pharmaceutical specialties, except small quantities for medical or veterinary use or samples for physicians.

(iv) Mineral waters. Antiques. Silkworm eggs.

§ 127.371 *Turks Island (including Caicos Islands)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 10 cents per half ounce. Air letter sheets, 10 cents each. By ordinary means from Jamaica. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Combination packages.* Accepted. (See § 127.12.)

(8) *Prohibitions.* (i) Parasites and predators of injurious insects intended for the control of those insects and exchanged between officially recognized institutions are admitted in the form of samples only.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 12 | $2. 87 |
| 2 | .67 | 13 | 3. 09 |
| 3 | .89 | 14 | 3. 31 |
| 4 | 1. 11 | 15 | 3 53 |
| 5 | 1. 33 | 16 | 3. 75 |
| 6 | 1. 55 | 17 | 3. 97 |
| 7 | 1. 77 | 18 | 4 19 |
| 8 | 1. 99 | 19 | 4 41 |
| 9 | 2. 21 | 20 | 4 63 |
| 10 | 2. 43 | 21 | 4. 85 |
| 11 | 2. 65 | 22 | 5. 07 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: Yes. Fee, 40 cents.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Registry service.* For general information see Subpart D.

(4) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(5) *Prohibitions.* Firearms, except under permit. Bees, leeches, and silkworms.

(6) *Import restrictions.* Addressees are required to obtain import licenses in some cases.

§ 127.372 *Union of South Africa—(Provinces of Cape of Good Hope, Natal [including Zululand and Amatongaland], Orange Free State and Transvaal; also British Bechuanaland, Swaziland and Basutoland)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. Special delivery articles are delivered only from head and branch offices where telegraph messengers are located. Free delivery is effected to any point within 1 mile of the special-delivery office; beyond that distance there is collected a charge of 6 pence per mile or fraction thereof, in addition to the cost of any conveyance necessary. For further information concerning special-delivery service, see § 127.19.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 25 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 68 cents for the first 2 ounces and 47 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* (i) See paragraph (b) (4) of this section for information as to the South African import-license requirements and the markings required for various types of shipments. Advertising catalogs, price lists, and trade publications or firms or persons having no established place of business in the Union of South Africa and no permanent agent holding stocks in South Africa are admitted free of duty. Therefore, under such circumstances, single catalogs or price lists of foreign firms sent through the post addressed to importers, merchants, manufacturers, public libraries, and similar institutions, are not dutiable.

(ii) All other advertising matter, including that addressed to private individuals, is subject to customs charges. Senders may, if they so desire prepay such charges by affixing to the packets customs-duty stamps of the Union of South Africa, obtainable from the official representative of the Department of Customs of the Union of South Africa, 44 Whitehall Street, New York 4, N. Y.

(iii) Remittances by money order or postal order are not accepted by the Department of Customs, Union of South Africa, in prepayment of customs duty. It is possible, however, to forward to the addressee direct an international postal money order covering the estimated amount of the duty and other charges.

(8) *Prohibitions.* (i) Magazines and periodical publications of the sensational variety, such as "western," "detective," "romance," "confession," or "comics."

(ii) Back numbers of any magazines or periodicals mailed more than 2 months from date of issue.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails, except that diamonds and other precious stones and coins are admitted in the registered letter mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0 47 | 7 | $1 91 |
| 2 | .71 | 8 | 2 15 |
| 3 | .95 | 9 | 2 39 |
| 4 | 1 19 | 10 | 2 63 |
| 5 | 1 43 | 11 | 2 87 |
| 6 | 1 67 | | |

(ii) *Air parcel rates.* (Rates: $1.31 first 4 ounces; $0.94 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1 31 | 5 | 12 | $21 99 |
| 0 | 8 | 2 25 | 6 | 0 | 22 93 |
| 0 | 12 | 3 19 | 6 | 4 | 23 87 |
| 1 | 0 | 4 13 | 6 | 8 | 24 81 |
| 1 | 4 | 5 07 | 6 | 12 | 25 75 |
| 1 | 8 | 6 01 | 7 | 0 | 26 69 |
| 1 | 12 | 6 95 | 7 | 4 | 27 63 |
| 2 | 0 | 7 89 | 7 | 8 | 28 57 |
| 2 | 4 | 8 83 | 7 | 12 | 29 51 |
| 2 | 8 | 9 77 | 8 | 0 | 30 45 |
| 2 | 12 | 10 71 | 8 | 4 | 31 39 |
| 3 | 0 | 11 65 | 8 | 8 | 32 33 |
| 3 | 4 | 12 59 | 8 | 12 | 33 27 |
| 3 | 8 | 13 53 | 9 | 0 | 34 21 |
| 3 | 12 | 14 47 | 9 | 4 | 35 15 |
| 4 | 0 | 15 41 | 9 | 8 | 36 09 |
| 4 | 4 | 16 35 | 9 | 12 | 37 03 |
| 4 | 8 | 17 29 | 10 | 0 | 37 97 |
| 4 | 12 | 18 23 | 10 | 4 | 38 91 |
| 5 | 0 | 19 17 | 10 | 8 | 39 85 |
| 5 | 4 | 20 11 | 10 | 12 | 40 79 |
| 5 | 8 | 21 05 | 11 | 0 | 41 73 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* (i) The South African Government requires that import permits be obtained by the addressees to take delivery of all shipments except those in the following categories which are exempt from import control:

(*a*) Bona fide gifts not exceeding £5 (about $14) in value.

(*b*) Medicines and therapeutic devices for the addressee's personal use, not exceeding £5 in value.

(*c*) Books, newspapers, catalogues, printed music and periodicals (other than those of the sensational or "comic" variety which are prohibited) sent to firms or private individuals for their own use.

(*d*) Samples having no commercial value.

(*e*) Articles being returned to South Africa after repairs costing £5 or less.

(*f*) Articles originating in South Africa being returned for repair or for replacement due to defect.

(*g*) Articles authorized under South African quota regulations.

(*h*) Used household or personal effects of persons who have arrived in South Africa.

(ii) Before mailing any parcel post or regular mail package whose contents do not conform to one of the above categories, the sender should ascertain whether the addressee will be permitted to receive it. The sender must mark the wrapper of each parcel or package "Addressee has import permit," or, if the contents are in one of the exempted categories, "Exempt from import control."

(iii) Commercial shipments of printed matter require separate import permits to be obtained by the addressees for the portions classified as (*a*) scientific, educational and technical, (*b*) nonfiction, and (*c*) fiction. It is desirable that mailers of such shipments prepare separate invoices in respect of each classification, each invoice to show the total number of parcels in the shipment, and the invoice number to be marked on each package.

(iv) The value shown on the customs declaration must be the current value of the finished articles in the open market at the time of dispatch. In case of undervaluation the parcel is liable to confiscation.

(5) *Prohibitions*—(i) *For sanitary reasons.* Serums, vaccines, and cultures of pathogenic microorganisms capable of communicating diseases to man may be imported only under permit from the Ministry of Public Health. Mallein and tuberculin for veterinary use may be imported only under permit from the chief veterinary surgeon of the Government. The bottle or receptacle intended to contain the serum, lymph, or other substances to be used in the preventive treatment of human diseases must bear a label showing the name and address of the manufacturer, and the date of manufacture or date after which the use of the preparation is not recommended.

(ii) *For the protection of animals or plants.* (*a*) Honey, confections sweetened with honey, syrups, malt and medicaments mixed with honey; flypaper and other substances containing honey for catching flies.

(*b*) Used beehives and other containers for bees, honey or beeswax.

(*c*) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iii) *Arms, etc.* Munitions and fuses for firearms.

(iv) *For other reasons.* (*a*) Diamonds and precious stones; coins; gold dust or nuggets.

(*b*) Eau de Cologne, to Basutoland.

(*c*) Cheddar, Gouda, Edam, Chedlet, Cheshire, Little Wilts, Pont du Salud, Kraft, and similar cheeses, except by previous permission from the Minister of Agriculture.

(*d*) Flour; rice.

(*e*) Magazines and periodical publications of the sensational variety, such as "western," "detective," "romance," "confession," or "comics."

(*f*) Back numbers of all magazines or periodicals mailed more than two months from date of issue.

(6) *Import restrictions.* The attention of senders should be called to the following requirements, which are to be met by the addressees:

(i) Addressees are required to obtain import licenses for many types of merchandise. (See subparagraph (4) of this paragraph.)

(ii) Permits issued by the Commissioner of Police at Pretoria are required for the delivery of knives having cutting edges 4 inches or more in length; pocket knives whose blades can be fixed when opened; imitation firearms; devices for discharging gas or liquid; rubber batons.

§ 127.373 *Union of Soviet Socialist Republics—a. Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) Registration. Fee, 55 cents. (See §§ 127.130–127.139.)

(3) Indemnity. See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 52 cents for the first 2 ounces and 31 cents for each additional 2 ounces. (See § 127.20.)

(6) *Observations.* (i) The postal administration of the Union of Soviet Socialist Republics has advised that a large number of newspapers from abroad arrive in that country without address, due to the fact that the wrappers are generally made of paper not strong enough to withstand the long voyage and repeated handlings, and must therefore be sent to the dead letter office by that service; and has requested that publishers use only very strong paper for making address wrappers and that the address be reproduced on the article itself, in order to insure its delivery in case the wrapper is torn off en route.

(ii) The following regulations govern the admission of "prints" containing literary publications and fashion journals addressed to private individuals:

(*a*) Fashion journals sent simply to state enterprises engaged in garment making or the sale of clothing, or to private individuals, are admitted without hindrance, provided that the regulations in force relative to printed matter are observed.

(*b*) Printed articles containing fashion journals addressed to private persons are to be delivered to the addressees only if the respective licenses are presented, regardless of the sender (private person or firm). If such licenses are not submitted, the articles in question will be returned to origin.

(*c*) Articles of printed matter and any other articles containing periodical or nonperiodical literature, sent by bookstores or other firms to individuals are admitted without a license only if they contain a single copy of each publication (book, magazine, or newspaper).

(iii) Packages containing seeds, plants, and parts of plants intended for propagation are subject, after their arrival in the Union of Soviet Socialist Republics, to an examination by the Quarantine Inspection Service which shall decide whether or not such shipments are admissible. Shipments which do not conform to the regulations will either be returned to the country of origin or destroyed.

(iv) Duty-prepaid packages not exceeding 18 ounces in weight containing medicines may be imported in letter packages (surface or air) and will be delivered on condition that the prescription of the treating physician in the Union of Soviet Socialist Republics is presented by the addressee at time of delivery. Only the quantities of medicines mentioned in the prescription will be delivered.

(v) The import duties must be prepaid by the senders through the facilities of one of the several firms in the United States authorized by the appropriate Soviet agency to accept prepayment of Soviet customs duties. Interested patrons shall be advised to communicate with the Eastern European Branch, Office of International Trade, Department of Commerce, Washington 25, D. C., or with any field office of the Department of Commerce.

(*b*) When the import duties have been paid to one of the authorized firms, the mailer of the package must place the following endorsement on the wrapper: "Soviet Import Duties Paid. License No. ....." The placing of this endorsement on the wrappers of letter-packages weighing not more than 18 ounces and containing mailable medicines may be regarded as authority for accepting the packages for mailing to the Union of Soviet Socialist Republics, even though merchandise is normally prohibited transmission to the Union of Soviet Socialist Republics in letter-packages. These packages may be accepted for transmission by surface or air mail and may be registered on payment of the registry fee of 55 cents in addition to the postage. Such packages must bear the green customs label. (See § 127.17.)

(7) *Prohibitions.* (i) Dutiable articles (merchandise) in letters and packages prepaid at letter rate, except for duty-prepaid packages of medicine mailed as prescribed under subparagraph (6) of this paragraph.

(ii) Values payable to bearer, coins, manufactured or unmanufactured platinum, gold or silver, precious stones, jewelry, and other precious articles.

(iii) Paper money of the Union of Soviet Socialist Republics.

(iv) Checks, drafts, foreign obligations, stocks, and coupons, except in accordance with the regulations of the State Bank of the Union of Soviet Socialist Republics.

(v) Bank notes and currency of the former Polish Bank and former Government of Poland.

(vi) Printed matter which may injure the Union of Soviet Socialist Republics economically or politically.

(vii) Printed matter to which marks have been added to emphasize certain words or sentences, or to correct errors in printing.

(viii) Postage stamps, canceled or not; philatelic collections; obsolete bonds or bills of exchange addressed to private individuals. Match-box labels for collectors, if more than one of a kind is sent, without a permit from the Ministry of Foreign Trade.

(ix) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

UNION OF SOVIET SOCIALIST REPUBLICS IN EUROPE

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0 99 | 12 | $3 53 |
| 2 | 1 12 | 13 | 3 75 |
| 3 | 1 28 | 14 | 3 97 |
| 4 | 1 50 | 15 | 4 19 |
| 5 | 1 72 | 16 | 4 41 |
| 6 | 1 94 | 17 | 4 63 |
| 7 | 2 16 | 18 | 4 85 |
| 8 | 2 31 | 19 | 5 07 |
| 9 | 2 53 | 20 | 5 29 |
| 10 | 2 75 | 21 | 5 51 |
| 11 | 2 97 | 22 | 5 73 |

UNION OF SOVIET SOCIALIST REPUBLICS IN ASIA

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $1 56 | 12 | $4 83 |
| 2 | 1 78 | 13 | 5 05 |
| 3 | 1 94 | 14 | 5 27 |
| 4 | 2 16 | 15 | 5 49 |
| 5 | 2 38 | 16 | 5 71 |
| 6 | 2 60 | 17 | 5 93 |
| 7 | 2 82 | 18 | 6 15 |
| 8 | 2 97 | 19 | 6 37 |
| 9 | 3 19 | 20 | 6 59 |
| 10 | 3 41 | 21 | 6 81 |
| 11 | 3 63 | 22 | 7 03 |

(ii) *Air parcel rates.* (Rates: $1.66 first 4 ounces; $0.63 each additional 4 ounces.

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1 66 | 11 | 4 | $29 38 |
| 0 | 8 | 2 29 | 11 | 8 | 30 01 |
| 0 | 12 | 2 92 | 11 | 12 | 30 64 |
| 1 | 0 | 3 55 | 12 | 0 | 31 27 |
| 1 | 4 | 4 18 | 12 | 4 | 31 90 |
| 1 | 8 | 4 81 | 12 | 8 | 32 53 |
| 1 | 12 | 5 44 | 12 | 12 | 33 16 |
| 2 | 0 | 6 07 | 13 | 0 | 33 79 |
| 2 | 4 | 6 70 | 13 | 4 | 34 42 |
| 2 | 8 | 7 33 | 13 | 8 | 35 05 |
| 2 | 12 | 7 96 | 13 | 12 | 35 68 |
| 3 | 0 | 8 59 | 14 | 0 | 36 31 |
| 3 | 4 | 9 22 | 14 | 4 | 36 94 |
| 3 | 8 | 9 85 | 14 | 8 | 37 57 |
| 3 | 12 | 10 48 | 14 | 12 | 38 20 |
| 4 | 0 | 11 11 | 15 | 0 | 38 83 |
| 4 | 4 | 11 74 | 15 | 4 | 39 46 |
| 4 | 8 | 12 37 | 15 | 8 | 40 09 |
| 4 | 12 | 13 00 | 15 | 12 | 40 72 |
| 5 | 0 | 13 63 | 16 | 0 | 41 35 |
| 5 | 4 | 14 26 | 16 | 4 | 41 98 |
| 5 | 8 | 14 89 | 16 | 8 | 42 61 |
| 5 | 12 | 15 52 | 16 | 12 | 43 24 |
| 6 | 0 | 16 15 | 17 | 0 | 43 87 |
| 6 | 4 | 16 78 | 17 | 4 | 44 50 |
| 6 | 8 | 17 41 | 17 | 8 | 45 13 |
| 6 | 12 | 18 04 | 17 | 12 | 45 76 |
| 7 | 0 | 18 67 | 18 | 0 | 46 39 |
| 7 | 4 | 19 30 | 18 | 4 | 47 02 |
| 7 | 8 | 19 93 | 18 | 8 | 47 65 |
| 7 | 12 | 20 56 | 18 | 12 | 48 28 |
| 8 | 0 | 21 19 | 19 | 0 | 48 91 |
| 8 | 4 | 21 82 | 19 | 4 | 49 54 |
| 8 | 8 | 22 45 | 19 | 8 | 50 17 |
| 8 | 12 | 23 08 | 19 | 12 | 50 80 |
| 9 | 0 | 23 71 | 20 | 0 | 51 43 |
| 9 | 4 | 24 34 | 20 | 4 | 52 06 |
| 9 | 8 | 24 97 | 20 | 8 | 52 69 |
| 9 | 12 | 25 60 | 20 | 12 | 53 32 |
| 10 | 0 | 26 23 | 21 | 0 | 53 95 |
| 10 | 4 | 26 86 | 21 | 4 | 54 58 |
| 10 | 8 | 27 49 | 21 | 8 | 55 21 |
| 10 | 12 | 28 12 | 21 | 12 | 55 84 |
| 11 | 0 | 28 75 | 22 | 0 | 56 47 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 22 pounds.
Customs declarations: 3 Form 2966.
Dispatch Note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Observations.* (i) Parcels containing used clothing and used shoes are admitted only on the condition that the articles are fit for use and are accompanied by certificates from a commercial firm attesting that the said articles have been subjected to disinfection. The certificates must be dated and the relative articles should be mailed as soon after such date as possible. The wrapper of each such parcel must be endorsed to indicate that the certificate of disinfection is enclosed. Parcels not accompanied with disinfection certificates will be returned to origin.

(ii) Parcels, even though containing used clothing, are delivered to the addressee only upon the payment of the customs duties levied thereon.

(iii) The customs declaration accompanying a parcel for personal use shall contain, besides the usual information, a note indicating that the parcel is absolutely intended for the personal use of the addressee and has no commercial value for the sender.

(iv) In case of discovery, in parcels for personal use and parcels of merchandise, or articles concealed against customs inspection, or not indicated in the customs declarations, not only the said articles, but the entire parcel in which they are found, will be confiscated. Prohibited articles listed on the customs declaration are returned to origin; those not listed are confiscated.

(v) Parcels must not be closed by means of metal bands or metal straps.

(6) *Prohibitions and import restrictions.* (i) All parcel post packages, regardless of weight, if they contain articles with a mercantile value, are delivered to the addressees only upon the presentation of permits issued by the Ministry of Foreign Trade or its branches.

(ii) Parcel post packages not forwarded for commercial purposes, and containing only such articles as shown in the following list in quantities not exceeding those indicated therein, are admitted importation without production of a permit from the Ministry of Foreign Trade:

LIST OF ARTICLES ALLOWED TO ENTER WITHOUT A PERMIT WHEN INTENDED FOR PERSONAL USE—Continued

| List of articles | Gross weight limit or total number of articles per year |
|---|---|
| Office and art supplies | 1 dozen pencils, 6 small brushes, 1 pound stationery. |
| Oil | 6½ pounds. |
| Optical, physical and medical supplies (prostheses, artificial eyes, surgical corsets, hearing aids, etc.), when prescribed. | 1 article or set. |
| Peas and beans | 11 pounds. |
| Purses, bags and brief cases | 1 of each. |
| Razor blades | 2 dozen. |
| Razors and hair clippers | 1 of each. |
| Rice | 11 pounds. |
| Rubbers, felt boots and snow boots | 1 pair of each. |
| Salt (bath and table) | 11 pounds. |
| Samples of products and materials without salable value, addressed to State and cooperative institutions. | 22 pounds. |
| Seeds, except cotton, mallow, hemp and weed seeds | 1 pound. |
| Smoked food products | 11 pounds. |
| Soap, including toilet soaps | Do. |
| Spectacles and nose glasses | 1 pair of either. |
| Spices; vanilla, pepper, cinnamon, cloves, saffron, etc | 3½ ounces. |
| Starch and dextrine | 11 pounds. |
| Sugar | Do. |
| Tableware; china, porcelain and glass | Do. |
| Tea | 3½ ounces. |
| Thermos bottle | One. |
| Thread | 7 ounces. |
| Tobacco (cut) and its products | 2 pounds. |
| Toys | 2 articles or sets. |
| Umbrellas and canes | 1 article. |
| Vegetables, dried | 11 pounds. |
| Vermicelli and macaroni | Do. |
| Vinegar, except for cosmetic purposes | Do. |

Parcels not coming within the exemptions above referred to will be admitted only upon production of the permit of importation delivered by the Ministry of Foreign Trade, or for want thereof, they will be returned to their origin.

(iii) Parcel post packages meeting the provisions above mentioned are delivered to the addressee upon payment of the customs duties. Each parcel containing such articles in quantities exceeding those specified, is also admitted but charged with five times the amount of duties for the excess besides the ordinary customs charges.

(iv) If the addressee abuses the facilities granted to receive parcels for personal use by receiving parcels for commercial value, he will be prosecuted by the civil courts.

(v) Articles considered as parcels intended for commercial trade are:

(a) Those sent by an individual to a commercial firm;

(b) Those sent by a commercial firm to an individual; and

(c) Parcels having the character of a collective shipment even when intended for several persons when each of these addressees, taken as an individual, is not to receive articles in excess of those provided for above for his or her personal use.

(vi) Parcels addressed to State institutions or cooperative associations require an importation permit unless they contain samples without commercial value. No such permit is required for parcels addressed to scientific institutions of higher learning and containing books or apparatus and instruments presented to it for inspection and study.

(vii) Articles of military equipment (including portions of machine guns, etc.; playing cards of all kinds, ammunition for



berries (Baccae cocculi indici); double-bottomed containers and other receptacles with secret compartments; labels and all sorts of envelopes and packing materials, such as bottles, etc., bearing foreign trade-marks, sent apart from the goods for which intended; blue vitriol of all kinds.

(viii) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(ix) All parcels containing meat and any meat products, as well as smoked meat, sausages, and other mixtures of meat prepared by means of heat, must be accompanied by a veterinary certificate containing the following information:

(a) Nature of contents.

(b) Weight.

(c) Names and addresses of sender and addressee.

(d) A statement that the contents come from animals subjected to veterinary inspection and which were healthy at the time of butchering; that they contain no antiseptic substance; and that they are prepared and shipped in accordance with the requirements of alimentary hygiene.

(e) Signature of official veterinarian, confirmed by an official seal.

NOTE: Parcels received without veterinary certificate may be destroyed.

(x) The articles which are prohibited or restricted in the Postal Union mails are also prohibited or restricted by parcel post.

§ 127.374 *Upper Volta*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.120–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* Same as Dahomey.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 19 | $4.41 |
| 2 | .67 | 20 | 4.63 |
| 3 | .89 | 21 | 4.85 |
| 4 | 1.11 | 22 | 5.07 |
| 5 | 1.33 | 23 | 5.29 |
| 6 | 1.55 | 24 | 5.51 |
| 7 | 1.77 | 25 | 5.73 |
| 8 | 1.99 | 26 | 5.95 |
| 9 | 2.21 | 27 | 6.17 |
| 10 | 2.43 | 28 | 6.39 |
| 11 | 2.65 | 29 | 6.61 |
| 12 | 2.87 | 30 | 6.83 |
| 13 | 3.09 | 31 | 7.05 |
| 14 | 3.31 | 32 | 7.27 |
| 15 | 3.53 | 33 | 7.49 |
| 16 | 3.75 | 34 | 7.71 |
| 17 | 3.97 | 35 | 7.93 |
| 18 | 4.19 | 36 | 8.15 |
| 19 | 4.41 | 37 | 8.37 |
| 20 | 4.63 | 38 | 8.59 |
| 21 | 4.85 | 39 | 8.81 |
| 22 | 5.07 | 40 | 9.03 |
| 23 | 5.29 | 41 | 9.25 |
| 24 | 5.51 | 42 | 9.47 |
| 25 | 5.73 | 43 | 9.69 |
| 26 | 5.95 | 44 | 9.91 |

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions and import restrictions.* Same as Dahomey.

§ 127.375 *Uruguay*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 2, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 58 cents for the first 2 ounces and 38 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted if registered. Such articles not bearing the green label, Form 2976 (C 1), are subject to confiscation. (See § 127.3.)

(7) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(8) *Diplomatic and consular mail.* See § 127.32.

(9) *Freedom of postage for government correspondence.* See § 127.32 (c).

(10) *Prohibitions.* (i) Articles of gold or silver, precious stones, jewelry, or other precious articles.

(ii) Packets containing more than five copies of post cards of private manufacture, visiting cards, stamps, or other colored engravings, such articles being liable to customs duty.

(iii) Dutiable articles (merchandise) in letters and packages prepaid at the letter rate, unless registered.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

MONTEVIDEO ONLY

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 23 | $5.29 |
| 2 | .67 | 24 | 5.51 |
| 3 | .89 | 25 | 5.73 |
| 4 | 1.11 | 26 | 5.95 |
| 5 | 1.33 | 27 | 6.17 |
| 6 | 1.55 | 28 | 6.39 |
| 7 | 1.77 | 29 | 6.61 |
| 8 | 1.99 | 30 | 6.83 |
| 9 | 2.21 | 31 | 7.05 |
| 10 | 2.43 | 32 | 7.27 |
| 11 | 2.65 | 33 | 7.49 |
| 12 | 2.87 | 34 | 7.71 |
| 13 | 3.09 | 35 | 7.93 |
| 14 | 3.31 | 36 | 8.15 |
| 15 | 3.53 | 37 | 8.37 |
| 16 | 3.75 | 38 | 8.59 |
| 17 | 3.97 | 39 | 8.81 |
| 18 | 4.19 | 40 | 9.03 |
| 19 | 4.41 | 41 | 9.25 |
| 20 | 4.63 | 42 | 9.47 |
| 21 | 4.85 | 43 | 9.69 |
| 22 | 5.07 | 44 | 9.91 |

ALL OTHER PLACES

(Rates including surcharges)

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.70 | 23 | $5.54 |
| 2 | .92 | 24 | 5.76 |
| 3 | 1.14 | 25 | 5.98 |
| 4 | 1.36 | 26 | 6.20 |
| 5 | 1.58 | 27 | 6.42 |
| 6 | 1.80 | 28 | 6.64 |
| 7 | 2.02 | 29 | 6.86 |
| 8 | 2.24 | 30 | 7.08 |
| 9 | 2.46 | 31 | 7.30 |
| 10 | 2.68 | 32 | 7.52 |
| 11 | 2.90 | 33 | 7.74 |
| 12 | 3.12 | 34 | 7.96 |
| 13 | 3.34 | 35 | 8.18 |
| 14 | 3.56 | 36 | 8.40 |
| 15 | 3.78 | 37 | 8.62 |
| 16 | 4.00 | 38 | 8.84 |
| 17 | 4.22 | 39 | 9.06 |
| 18 | 4.44 | 40 | 9.28 |
| 19 | 4.66 | 41 | 9.50 |
| 20 | 4.88 | 42 | 9.72 |
| 21 | 5.10 | 43 | 9.94 |
| 22 | 5.32 | 44 | 10.16 |

(ii) *Air parcel rates, including surcharges—all places.* (Rates: $1.26 first 4 ounces; $0.76 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.26 | 15 | 8 | $47.62 |
| 0 | 8 | 2.02 | 15 | 12 | 48.38 |
| 0 | 12 | 2.78 | 16 | 0 | 49.14 |
| 1 | 0 | 3.54 | 16 | 4 | 49.90 |
| 1 | 4 | 4.30 | 16 | 8 | 50.66 |
| 1 | 8 | 5.06 | 16 | 12 | 51.42 |
| 1 | 12 | 5.82 | 17 | 0 | 52.18 |
| 2 | 0 | 6.58 | 17 | 4 | 52.94 |
| 2 | 4 | 7.34 | 17 | 8 | 53.70 |
| 2 | 8 | 8.10 | 17 | 12 | 54.46 |
| 2 | 12 | 8.86 | 18 | 0 | 55.22 |
| 3 | 0 | 9.62 | 18 | 4 | 55.98 |
| 3 | 4 | 10.38 | 18 | 8 | 56.74 |
| 3 | 8 | 11.14 | 18 | 12 | 57.50 |
| 3 | 12 | 11.90 | 19 | 0 | 58.26 |
| 4 | 0 | 12.66 | 19 | 4 | 59.02 |
| 4 | 4 | 13.42 | 19 | 8 | 59.78 |
| 4 | 8 | 14.18 | 19 | 12 | 60.54 |
| 4 | 12 | 14.94 | 20 | 0 | 61.30 |
| 5 | 0 | 15.70 | 20 | 4 | 62.06 |
| 5 | 4 | 16.46 | 20 | 8 | 62.82 |
| 5 | 8 | 17.22 | 20 | 12 | 63.58 |
| 5 | 12 | 17.98 | 21 | 0 | 64.34 |
| 6 | 0 | 18.74 | 21 | 4 | 65.10 |
| 6 | 4 | 19.50 | 21 | 8 | 65.86 |
| 6 | 8 | 20.26 | 21 | 12 | 66.62 |
| 6 | 12 | 21.02 | 22 | 0 | 67.38 |
| 7 | 0 | 21.78 | 22 | 4 | 68.14 |
| 7 | 4 | 22.54 | 22 | 8 | 68.90 |
| 7 | 8 | 23.30 | 22 | 12 | 69.66 |
| 7 | 12 | 24.06 | 23 | 0 | 70.42 |
| 8 | 0 | 24.82 | 23 | 4 | 71.18 |
| 8 | 4 | 25.58 | 23 | 8 | 71.94 |
| 8 | 8 | 26.34 | 23 | 12 | 72.70 |
| 8 | 12 | 27.10 | 24 | 0 | 73.46 |
| 9 | 0 | 27.86 | 24 | 4 | 74.22 |
| 9 | 4 | 28.62 | 24 | 8 | 74.98 |
| 9 | 8 | 29.38 | 24 | 12 | 75.74 |
| 9 | 12 | 30.14 | 25 | 0 | 76.50 |
| 10 | 0 | 30.90 | 25 | 4 | 77.26 |
| 10 | 4 | 31.66 | 25 | 8 | 78.02 |
| 10 | 8 | 32.42 | 25 | 12 | 78.78 |
| 10 | 12 | 33.18 | 26 | 0 | 79.54 |
| 11 | 0 | 33.94 | 26 | 4 | 80.30 |
| 11 | 4 | 34.70 | 26 | 8 | 81.06 |
| 11 | 8 | 35.46 | 26 | 12 | 81.82 |
| 11 | 12 | 36.22 | 27 | 0 | 82.58 |
| 12 | 0 | 36.98 | 27 | 4 | 83.34 |
| 12 | 4 | 37.74 | 27 | 8 | 84.10 |
| 12 | 8 | 38.50 | 27 | 12 | 84.86 |
| 12 | 12 | 39.26 | 28 | 0 | 85.62 |
| 13 | 0 | 40.02 | 28 | 4 | 86.38 |
| 13 | 4 | 40.78 | 28 | 8 | 87.14 |
| 13 | 8 | 41.54 | 28 | 12 | 87.90 |
| 13 | 12 | 42.30 | 29 | 0 | 88.66 |
| 14 | 0 | 43.06 | 29 | 4 | 89.42 |
| 14 | 4 | 43.82 | 29 | 8 | 90.18 |
| 14 | 8 | 44.58 | 29 | 12 | 90.94 |
| 14 | 12 | 45.34 | 30 | 0 | 91.70 |
| 15 | 0 | 46.10 | 30 | 4 | 92.46 |
| 15 | 4 | 46.86 | 30 | 8 | 93.22 |

| Lb | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 30 | 12 | $93.98 | 37 | 8 | $114.50 |
| 31 | 0 | 94.74 | 37 | 12 | 115.26 |
| 31 | 4 | 95.50 | 38 | 0 | 116.02 |
| 31 | 8 | 96.26 | 38 | 4 | 116.78 |
| 31 | 12 | 97.02 | 38 | 8 | 117.54 |
| 32 | 0 | 97.78 | 38 | 12 | 118.30 |
| 32 | 4 | 98.54 | 39 | 0 | 119.06 |
| 32 | 8 | 99.30 | 39 | 4 | 119.82 |
| 32 | 12 | 100.06 | 39 | 8 | 120.58 |
| 33 | 0 | 100.82 | 39 | 12 | 121.34 |
| 33 | 4 | 101.53 | 40 | 0 | 122.10 |
| 33 | 8 | 102.34 | 40 | 4 | 122.86 |
| 33 | 12 | 103.10 | 40 | 8 | 123.62 |
| 34 | 0 | 103.86 | 40 | 12 | 124.38 |
| 34 | 4 | 104.62 | 41 | 0 | 125.14 |
| 34 | 8 | 105.38 | 41 | 4 | 125.90 |
| 34 | 12 | 106.14 | 41 | 8 | 126.66 |
| 35 | 0 | 106.90 | 41 | 12 | 127.42 |
| 35 | 4 | 107.66 | 42 | 0 | 128.18 |
| 35 | 8 | 108.42 | 42 | 4 | 128.94 |
| 35 | 12 | 109.18 | 42 | 8 | 129.70 |
| 36 | 0 | 109.94 | 42 | 12 | 130.46 |
| 36 | 4 | 110.70 | 43 | 0 | 131.22 |
| 36 | 8 | 111.46 | 43 | 4 | 131.98 |
| 36 | 12 | 112.22 | 43 | 8 | 132.74 |
| 37 | 0 | 112.98 | 43 | 12 | 133.50 |
| 37 | 4 | 113.74 | 44 | 0 | 134.26 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: Limited to 3 ordinary parcels. (See § 127.79.)
Registration: Yes. Fee, 55 cents.
Insurance: No.
C. o. d.: No.
Consular invoice: Yes. (See subparagraph (7) of this paragraph.)

(2) *Indemnity.* See § 127.165.

(3) *Registry service.* For general information see Subpart D.

(4) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels (surface and air). (See § 127.159.)

(5) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(6) *Storage charges.* See § 127.96 relative to storage charges on returned parcels.

(7) *Observations.* (i) Parcel post shipments exceeding 100 Uruguayan pesos (about $55) in value, mailed in cities where Uruguayan consuls are stationed, require a combined form of consular invoice and certificate of origin, four copies of which must be submitted to the Uruguayan consul for legalization, accompanied by a copy of the shipper's commercial invoice. For shipments mailed from places where no Uruguayan consuls are stationed, the foregoing formality is not required; however, a copy of the commercial invoice must then be enclosed in the parcel. Shipments not exceeding 100 Uruguayan pesos in value may be mailed from any post office without the above formality. Uruguayan consuls are stationed in the following cities:

| | |
|---|---|
| Baltimore, Md. | New Orleans, La. |
| Boston, Mass. | New York, N. Y. |
| Buffalo, N. Y. | Norfolk, Va. |
| Chicago, Ill. | Philadelphia, Pa. |
| Charleston, S. C. | Portland, Oreg. |
| Cleveland, Ohio. | San Francisco, Calif. |
| Galveston, Tex. | San Juan, P. R. |
| Jacksonville, Fla. | Seattle, Wash. |
| Los Angeles, Calif. | Tallahassee, Fla. |
| Miami, Fla. | Washington, D. C. |

(ii) In the case of parcels addressed in care of banks or other organizations, the second addressee shall be advised concerning the arrival of the parcel, but he shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender. In the latter case, the sender shall take steps, through the administration of the country of origin of the parcel, for its delivery to the second addressee.

(iii) Addressees in Uruguay must obtain import permits for all parcels, regardless of value. As such permits are sometimes denied, senders should be advised to inform the addressees in advance of mailing as to the contents of parcels to be sent, and await confirmation that import permit has been issued before mailing.

(8) *Prohibitions.* (i) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(ii) It is forbidden to import gold or silver coins, except old coins intended for collections, which may be imported up to the maximum number of 10 in each parcel.

(iii) Firearms, war arms.

§ 127.376 *Vatican City State*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets not accepted.

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 45 cents for the first 2 ounces and 24 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins, bank notes, and paper money; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, and other precious articles.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.53 | 13 | $3.17 |
| 2 | .75 | 14 | 3.39 |
| 3 | .97 | 15 | 3.61 |
| 4 | 1.19 | 16 | 3.83 |
| 5 | 1.41 | 17 | 4.05 |
| 6 | 1.63 | 18 | 4.27 |
| 7 | 1.85 | 19 | 4.49 |
| 8 | 2.07 | 20 | 4.71 |
| 9 | 2.29 | 21 | 4.93 |
| 10 | 2.51 | 22 | 5.15 |
| 11 | 2.73 | 23 | 5.37 |
| 12 | 2.95 | 24 | 5.59 |
| 25 | $5.81 | 35 | $8.01 |
| 26 | 6.03 | 36 | 8.23 |
| 27 | 6.25 | 37 | 8.45 |
| 28 | 6.47 | 38 | 8.67 |
| 29 | 6.69 | 39 | 8.89 |
| 30 | 6.91 | 40 | 9.11 |
| 31 | 7.13 | 41 | 9.33 |
| 32 | 7.35 | 42 | 9.55 |
| 33 | 7.57 | 43 | 9.77 |
| 34 | 7.79 | 44 | 9.99 |

(ii) *Air parcel rates.* (Rates: $1.08 first 4 ounces; $0.50 each additional 4 ounces.)

| Lb. | Oz. | Rate | Lb | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.08 | 18 | 12 | $38.08 |
| 0 | 8 | 1.58 | 19 | 0 | 38.58 |
| 0 | 12 | 2.08 | 19 | 4 | 39.08 |
| 1 | 0 | 2.58 | 19 | 8 | 39.58 |
| 1 | 4 | 3.08 | 19 | 12 | 40.08 |
| 1 | 8 | 3.58 | 20 | 0 | 40.58 |
| 1 | 12 | 4.08 | 20 | 4 | 41.08 |
| 2 | 0 | 4.58 | 20 | 8 | 41.58 |
| 2 | 4 | 5.08 | 20 | 12 | 42.08 |
| 2 | 8 | 5.58 | 21 | 0 | 42.58 |
| 2 | 12 | 6.08 | 21 | 4 | 43.08 |
| 3 | 0 | 6.58 | 21 | 8 | 43.58 |
| 3 | 4 | 7.08 | 21 | 12 | 44.08 |
| 3 | 8 | 7.58 | 22 | 0 | 44.58 |
| 3 | 12 | 8.08 | 22 | 4 | 45.08 |
| 4 | 0 | 8.58 | 22 | 8 | 45.58 |
| 4 | 4 | 9.08 | 22 | 12 | 46.08 |
| 4 | 8 | 9.58 | 23 | 0 | 46.58 |
| 4 | 12 | 10.08 | 23 | 4 | 47.08 |
| 5 | 0 | 10.58 | 23 | 8 | 47.58 |
| 5 | 4 | 11.08 | 23 | 12 | 48.08 |
| 5 | 8 | 11.58 | 24 | 0 | 48.58 |
| 5 | 12 | 12.08 | 24 | 4 | 49.08 |
| 6 | 0 | 12.58 | 24 | 8 | 49.58 |
| 6 | 4 | 13.08 | 24 | 12 | 50.08 |
| 6 | 8 | 13.58 | 25 | 0 | 50.58 |
| 6 | 12 | 14.08 | 25 | 4 | 51.08 |
| 7 | 0 | 14.58 | 25 | 8 | 51.58 |
| 7 | 4 | 15.08 | 25 | 12 | 52.08 |
| 7 | 8 | 15.53 | 26 | 0 | 52.58 |
| 7 | 12 | 16.08 | 26 | 4 | 53.08 |
| 8 | 0 | 16.58 | 26 | 8 | 53.58 |
| 8 | 4 | 17.08 | 26 | 12 | 54.08 |
| 8 | 8 | 17.58 | 27 | 0 | 54.58 |
| 8 | 12 | 18.08 | 27 | 4 | 55.08 |
| 9 | 0 | 18.58 | 27 | 8 | 55.58 |
| 9 | 4 | 19.08 | 27 | 12 | 56.08 |
| 9 | 8 | 19.58 | 28 | 0 | 56.58 |
| 9 | 12 | 20.08 | 28 | 4 | 57.08 |
| 10 | 0 | 20.58 | 28 | 8 | 57.58 |
| 10 | 4 | 21.08 | 28 | 12 | 58.08 |
| 10 | 8 | 21.58 | 29 | 0 | 58.58 |
| 10 | 12 | 22.08 | 29 | 4 | 59.08 |
| 11 | 0 | 22.58 | 29 | 8 | 59.58 |
| 11 | 4 | 23.08 | 29 | 12 | 60.08 |
| 11 | 8 | 23.58 | 30 | 0 | 60.58 |
| 11 | 12 | 24.08 | 30 | 4 | 61.08 |
| 12 | 0 | 24.58 | 30 | 8 | 61.58 |
| 12 | 4 | 25.08 | 30 | 12 | 62.08 |
| 12 | 8 | 25.58 | 31 | 0 | 62.58 |
| 12 | 12 | 26.08 | 31 | 4 | 63.08 |
| 13 | 0 | 26.58 | 31 | 8 | 63.58 |
| 13 | 4 | 27.08 | 31 | 12 | 64.08 |
| 13 | 8 | 27.58 | 32 | 0 | 64.58 |
| 13 | 12 | 28.08 | 32 | 4 | 65.08 |
| 14 | 0 | 28.58 | 32 | 8 | 65.58 |
| 14 | 4 | 29.08 | 32 | 12 | 66.08 |
| 14 | 8 | 29.58 | 33 | 0 | 66.58 |
| 14 | 12 | 30.08 | 33 | 4 | 67.08 |
| 15 | 0 | 30.58 | 33 | 8 | 67.58 |
| 15 | 4 | 31.08 | 33 | 12 | 68.08 |
| 15 | 8 | 31.58 | 34 | 0 | 68.58 |
| 15 | 12 | 32.08 | 34 | 4 | 69.08 |
| 16 | 0 | 32.58 | 34 | 8 | 69.58 |
| 16 | 4 | 33.08 | 34 | 12 | 70.08 |
| 16 | 8 | 33.58 | 35 | 0 | 70.58 |
| 16 | 12 | 34.08 | 35 | 4 | 71.08 |
| 17 | 0 | 34.58 | 35 | 8 | 71.58 |
| 17 | 4 | 35.08 | 35 | 12 | 72.08 |
| 17 | 8 | 35.58 | 36 | 0 | 72.58 |
| 17 | 12 | 36.08 | 36 | 4 | 73.08 |
| 18 | 0 | 36.58 | 36 | 8 | 73.58 |
| 18 | 4 | 37.08 | 36 | 12 | 74.08 |
| 18 | 8 | 37.58 | 37 | 0 | 74.58 |



| Lb | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 37 | 4 | $75.08 | 40 | 12 | $82.08 |
| 37 | 8 | 75.58 | 41 | 0 | 82.58 |
| 37 | 12 | 76.08 | 41 | 4 | 83.08 |
| 38 | 0 | 76.58 | 41 | 8 | 83.58 |
| 38 | 4 | 77.08 | 41 | 12 | 84.08 |
| 38 | 8 | 77.58 | 42 | 0 | 84.58 |
| 38 | 12 | 78.08 | 42 | 4 | 85.08 |
| 39 | 0 | 78.58 | 42 | 8 | 85.58 |
| 39 | 4 | 79.08 | 42 | 12 | 86.08 |
| 39 | 8 | 79.58 | 43 | 0 | 86.58 |
| 39 | 12 | 80.08 | 43 | 4 | 87.08 |
| 40 | 0 | 80.58 | 43 | 8 | 87.58 |
| 40 | 4 | 81.08 | 43 | 12 | 88.08 |
| 40 | 8 | 81.58 | 44 | 0 | 88.58 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55(b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Prohibitions*—(i) *For reasons of public safety.* Books, newspapers, prints, etc., contrary to public order, morals, or religion.

(ii) *For sanitary reasons.* Articles unfit for consumption.

(iii) *For the protection of plants.* Plants and plant products which may bring in diseases.

§ 127.377 *Venezuela*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 2, in § 127.1. Small packets accepted. (See § 127.10).

(2) *Registration.* Fee, 40 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rates: Letters and post cards, 10 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 38 cents for the first 2 ounces and 18 cents for each additional 2 ounces. (See § 127.20.)

(6) *Diplomatic and consular mail.* See § 127.32.

(7) *Freedom of postage for government correspondence.* See § 127.32 (c).

(8) *Eight-ounce merchandise packages.* Accepted. (See § 127.11.)

(9) *Observations.* (i) Packages containing dutiable printed matter to be sent in the prints mails to Venezuela must have affixed to the wrapper a green customs label (Form 2976–C 1) and be accompanied by the paper form of customs declaration (Form 2976–A) prepared in quadruplicate.

(ii) The customs declaration must be written in Spanish or with an interlinear translation in Spanish and show for each package the number thereof, if any, its classification (such as almanacs and calendars, advertisements with designs not disfigured, advertisements, not otherwise specified, and pamphlets for commercial advertisements), and its net and gross weight; and for each of the articles contained in the package which may be subject to import duties in Venezuela, its net weight, value, and the character of the merchandise in accordance with its exact terminology as used in the Venezuelan customs tariff, as well as the other information required by the customs declaration. A single set of customs declarations may cover as many as 10 packages of prints sent to the same addressee.

(iii) Advertising catalogs are admitted free of duty; all other advertising matter is dutiable.

(iv) It is necessary that a certificate of origin be furnished for merchandise destined for delivery in Venezuela.

(10) *Prohibitions.* (i) Coins, unless sent for collections in which event the customs declaration shall be marked "Objetos para fines numismáticos" (Articles for numismatic purposes).

(ii) Banknotes, paper money, or any instruments of value payable to bearer; manufactured or unmanufactured platinum, gold or silver; precious stones, jewelry, or other precious articles.

(iii) Dutiable articles in letters and packages prepaid at the letter rate.

(iv) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges and surcharges for all places in the State of Bolivar, and for the following places sent via Ciudad Bolivar.*

Atures (Amazonas Territory).
Achaguas (Apure).
Arichuna (Apure).
Apurito (Apure).
Boca del Pao (Anzoategui).
Bruzual (Apure).
Cantaura (Anzoategui).
Coporito (Delta Amacuro Terr.).
El Amparo (Apure).
Elorza (Apure).
El Yagual (Apure).
El Tigre (Anzoategui).
Guasdualito (Apure).
Los Castillos de Guayana (Delta Amacuro Terr.).
Mapire (Anzoategui).
San Fernando de Atabapo (Delta Amacuro Terr.).
San Fernando (Apure).
San Rafael de Atamaica (Apure).
Santa Catalina (Apure).
Santa Cruz de Orinoco (Anzoategui).
Soledad (Anzoategui).
Tucupita (Delta Amacuro Terr.).
Tabasca (Monagas).
Uracoa (Monagas).

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.88 | 15 | $4.24 |
| 2 | 1.12 | 16 | 4.48 |
| 3 | 1.36 | 17 | 4.72 |
| 4 | 1.60 | 18 | 4.96 |
| 5 | 1.84 | 19 | 5.20 |
| 6 | 2.08 | 20 | 5.44 |
| 7 | 2.32 | 21 | 5.68 |
| 8 | 2.56 | 22 | 5.92 |
| 9 | 2.80 | 23 | 6.98 |
| 10 | 3.04 | 24 | 7.22 |
| 11 | 3.28 | 25 | 7.46 |
| 12 | 3.52 | 26 | 7.70 |
| 13 | 3.76 | 27 | 7.94 |
| 14 | 4.00 | 28 | 8.18 |
| 29 | $8.42 | 37 | $10.74 |
| 30 | 8.66 | 38 | 10.98 |
| 31 | 8.90 | 39 | 11.22 |
| 32 | 9.14 | 40 | 11.46 |
| 33 | 9.38 | 41 | 11.70 |
| 34 | 10.02 | 42 | 11.94 |
| 35 | 10.26 | 43 | 12.18 |
| 36 | 10.50 | 44 | 12.42 |

(ii) *Surface parcel rates, including surcharges for all other places.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.86 | 23 | $6.52 |
| 2 | 1.08 | 24 | 6.74 |
| 3 | 1.30 | 25 | 6.96 |
| 4 | 1.52 | 26 | 7.18 |
| 5 | 1.74 | 27 | 7.40 |
| 6 | 1.96 | 28 | 7.62 |
| 7 | 2.18 | 29 | 7.84 |
| 8 | 2.40 | 30 | 8.06 |
| 9 | 2.62 | 31 | 8.28 |
| 10 | 2.84 | 32 | 8.50 |
| 11 | 3.06 | 33 | 8.72 |
| 12 | 3.28 | 34 | 9.34 |
| 13 | 3.50 | 35 | 9.56 |
| 14 | 3.72 | 36 | 9.78 |
| 15 | 3.94 | 37 | 10.00 |
| 16 | 4.16 | 38 | 10.22 |
| 17 | 4.38 | 39 | 10.44 |
| 18 | 4.60 | 40 | 10.66 |
| 19 | 4.82 | 41 | 10.88 |
| 20 | 5.04 | 42 | 11.10 |
| 21 | 5.26 | 43 | 11.32 |
| 22 | 5.48 | 44 | 11.54 |

(iii) *Air parcel rates, including surcharges—all places.* (Rates: $1.27 first 4 ounces $0.36 each additional 4 ounces.

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 0 | 4 | $1.27 | 13 | 0 | $19.63 |
| 0 | 8 | 1.63 | 13 | 4 | 19.99 |
| 0 | 12 | 1.99 | 13 | 8 | 20.35 |
| 1 | 0 | 2.35 | 13 | 12 | 20.71 |
| 1 | 4 | 2.71 | 14 | 0 | 21.07 |
| 1 | 8 | 3.07 | 14 | 4 | 21.43 |
| 1 | 12 | 3.43 | 14 | 8 | 21.79 |
| 2 | 0 | 3.79 | 14 | 12 | 22.15 |
| 2 | 4 | 4.15 | 15 | 0 | 22.51 |
| 2 | 8 | 4.51 | 15 | 4 | 22.87 |
| 2 | 12 | 4.87 | 15 | 8 | 23.23 |
| 3 | 0 | 5.23 | 15 | 12 | 23.59 |
| 3 | 4 | 5.59 | 16 | 0 | 23.95 |
| 3 | 8 | 5.95 | 16 | 4 | 24.31 |
| 3 | 12 | 6.31 | 16 | 8 | 24.67 |
| 4 | 0 | 6.67 | 16 | 12 | 25.03 |
| 4 | 4 | 7.03 | 17 | 0 | 25.39 |
| 4 | 8 | 7.39 | 17 | 4 | 25.75 |
| 4 | 12 | 7.75 | 17 | 8 | 26.11 |
| 5 | 0 | 8.11 | 17 | 12 | 26.47 |
| 5 | 4 | 8.47 | 18 | 0 | 26.83 |
| 5 | 8 | 8.83 | 18 | 4 | 27.19 |
| 5 | 12 | 9.19 | 18 | 8 | 27.55 |
| 6 | 0 | 9.55 | 18 | 12 | 27.91 |
| 6 | 4 | 9.91 | 19 | 0 | 28.27 |
| 6 | 8 | 10.27 | 19 | 4 | 28.63 |
| 6 | 12 | 10.63 | 19 | 8 | 28.99 |
| 7 | 0 | 10.99 | 19 | 12 | 29.35 |
| 7 | 4 | 11.35 | 20 | 0 | 29.71 |
| 7 | 8 | 11.71 | 20 | 4 | 30.07 |
| 7 | 12 | 12.07 | 20 | 8 | 30.43 |
| 8 | 0 | 12.43 | 20 | 12 | 30.79 |
| 8 | 4 | 12.79 | 21 | 0 | 31.15 |
| 8 | 8 | 13.15 | 21 | 4 | 31.51 |
| 8 | 12 | 13.51 | 21 | 8 | 31.87 |
| 9 | 0 | 13.87 | 21 | 12 | 32.23 |
| 9 | 4 | 14.23 | 22 | 0 | 32.59 |
| 9 | 8 | 14.59 | 22 | 4 | 32.95 |
| 9 | 12 | 14.95 | 22 | 8 | 33.31 |
| 10 | 0 | 15.31 | 22 | 12 | 33.67 |
| 10 | 4 | 15.67 | 23 | 0 | 34.03 |
| 10 | 8 | 16.03 | 23 | 4 | 34.39 |
| 10 | 12 | 16.39 | 23 | 8 | 34.75 |
| 11 | 0 | 16.75 | 23 | 12 | 35.11 |
| 11 | 4 | 17.11 | 24 | 0 | 35.47 |
| 11 | 8 | 17.47 | 24 | 4 | 35.83 |
| 11 | 12 | 17.83 | 24 | 8 | 36.19 |
| 12 | 0 | 18.19 | 24 | 12 | 36.55 |
| 12 | 4 | 18.55 | 25 | 0 | 36.91 |
| 12 | 8 | 18.91 | 25 | 4 | 37.27 |
| 12 | 12 | 19.27 | 25 | 8 | 37.63 |

| Lb. | Oz. | Rate | Lb. | Oz. | Rate |
|---|---|---|---|---|---|
| 25 | 12 | $37.99 | 35 | 0 | $51.31 |
| 26 | 0 | 38.35 | 35 | 4 | 51.67 |
| 26 | 4 | 38.71 | 35 | 8 | 52.03 |
| 26 | 8 | 39.07 | 35 | 12 | 52.39 |
| 26 | 12 | 39.43 | 36 | 0 | 52.75 |
| 27 | 0 | 39.79 | 36 | 4 | 53.11 |
| 27 | 4 | 40.15 | 36 | 8 | 53.47 |
| 27 | 8 | 40.51 | 36 | 12 | 53.83 |
| 27 | 12 | 40.87 | 37 | 0 | 54.19 |
| 28 | 0 | 41.23 | 37 | 4 | 54.55 |
| 28 | 4 | 41.59 | 37 | 8 | 54.91 |
| 28 | 8 | 41.95 | 37 | 12 | 55.27 |
| 28 | 12 | 42.31 | 38 | 0 | 55.63 |
| 29 | 0 | 42.67 | 38 | 4 | 55.99 |
| 29 | 4 | 43.03 | 38 | 8 | 56.35 |
| 29 | 8 | 43.39 | 38 | 12 | 56.71 |
| 29 | 12 | 43.75 | 39 | 0 | 57.07 |
| 30 | 0 | 44.11 | 39 | 4 | 57.43 |
| 30 | 4 | 44.47 | 39 | 8 | 57.79 |
| 30 | 8 | 44.83 | 39 | 12 | 58.15 |
| 30 | 12 | 45.19 | 40 | 0 | 58.51 |
| 31 | 0 | 45.55 | 40 | 4 | 58.87 |
| 31 | 4 | 45.91 | 40 | 8 | 59.23 |
| 31 | 8 | 46.27 | 40 | 12 | 59.59 |
| 31 | 12 | 46.63 | 41 | 0 | 59.95 |
| 32 | 0 | 46.99 | 41 | 4 | 60.31 |
| 32 | 4 | 47.35 | 41 | 8 | 60.67 |
| 32 | 8 | 47.71 | 41 | 12 | 61.03 |
| 32 | 12 | 48.07 | 42 | 0 | 61.39 |
| 33 | 0 | 48.43 | 42 | 4 | 61.75 |
| 33 | 4 | 48.79 | 42 | 8 | 62.11 |
| 33 | 8 | 49.15 | 42 | 12 | 62.47 |
| 33 | 12 | 49.51 | 43 | 0 | 62.83 |
| 34 | 0 | 49.87 | 43 | 4 | 63.19 |
| 34 | 4 | 50.23 | 43 | 8 | 63.55 |
| 34 | 8 | 50.59 | 43 | 12 | 63.91 |
| 34 | 12 | 50.95 | 44 | 0 | 64.27 |

Each air parcel and the relative dispatch note must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 4 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: Limited to 3 ordinary parcels. (See § 127.79.)
Registration: Yes. Fee, 55 cents.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* See § 127.165.

(3) *Registry service.* For general information see Subpart D.

(4) *Receipts for ordinary parcels.* Receipts are to be issued for ordinary parcels (surface and air). (See § 127.159.)

(5) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(6) *Observations.* (i) Senders are required to indicate as a part of the address of all parcels the name of the State or Territory in which the office of destination is located. Customs declarations must be completed to show the exact nature, net weight, and value of each kind of article contained in the parcel, and the gross weight of the parcel. The indication of the net and gross weights must be in the metric system, although it is permissible for such weights to be shown in the avoirdupois system followed by the equivalents in the metric system. (Net weight includes the weight of the merchandise plus the immediate container or wrapper or the board or spool to which the goods are affixed.) Unless a separate certificate of origin is furnished, it is necessary that the origin of the merchandise be shown on the customs declaration. A brief statement such as "Product of U. S. A." is sufficient for this purpose.

(ii) The merchandise should be described according to the classifications of the Venezuelan customs tariff, or simply by the usual commercial designation, including in the latter case the material of which the articles are made and the use or purpose of the articles.

(iii) Fines are imposed when the net weights vary more than 3 percent from those stated on the customs declarations, or when the customs declarations are not complete or do not show the proper classification of the merchandise. However, importers have the privilege of appealing to the Ministry of the Treasury with regard to any fine which may be assessed against them by the customs.

(iv) Parcels containing gold, silver, or other precious articles must be marked "Objetos Preciosos" in letters 1 centimeter (0.39 of an inch) in height.

(v) Importers of parcels may import, by the same ship and for their own account, any number of parcels which suits their convenience.

(vi) In the case of parcels addressed in care of banks or other organizations, the second addressee shall be advised concerning the arrival of the parcel, but he shall not have authority to claim delivery except upon written authorization from the first addressee or from the sender; in the latter case, the sender shall take steps, through the administration of the country of origin of the parcel, for its delivery to the second addressee.

(vii) After the arrival of parcels in Venezuela each addressee is contacted in order to ascertain whether he desires to accept the parcel. If the addressee refuses the parcel it is treated as undeliverable and disposed of in accordance with the instructions of the sender, but if the addressee accepts the parcel it is then submitted for customs treatment. After customs treatment the addressee must either take delivery of the parcel or surrender it to the Venezuelan Customs authorities, since parcels which have been accepted by the addressees cannot be considered as abandoned for purposes of retransmission.

(viii) Air parcels are given air transportation within Venezuela if delivery can be expedited by so doing.

(7) *Prohibitions*—(i) *For sanitary reasons.* (*a*) Impure acetic acid.

(*b*) Pharmaceutical specialties not authorized by the Minister of Health, Agriculture, and Boviculture.

(*c*) Tomatoes, tomato sauce, and foods containing tomato sauce in metal containers.

(*d*) Frozen, dried, and salted meats except frozen birds and sea food.

(*e*) Certificates of origin are required for meat, fish, and preserved foodstuffs.

(*f*) Saccharin and similar substances, except in small amounts if a permit is obtained in advance from the Minister of Health, Agriculture, and Boviculture.

(ii) *For the protection of plants.* Certificates of origin are required for sugarcane seed.

(iii) *Arms, etc.* (*a*) Guns which are not considered as hunting arms; those which are repeater or have rifled barrels for single bullets; revolvers and pistols of all kinds and calibers, small rifles, pistol canes, poniards, daggers, and swords; knives and cutlasses not for domestic, industrial, or agricultural use.

(*b*) Import permits are required for hunting arms and material.

(*c*) War material may be imported only by the National Government.

(iv) *For other reasons.* (*a*) Sea salt; rock salt.

(*b*) Books, magazines, pamphlets, periodicals, and printed matter of all kinds dealing with communist propaganda.

(*c*) Cigarette papers.

(*d*) Apparatus for making money.

(*e*) Copper, nickel, and silver coins may be imported only by collectors with the permission of the Venezuelan Ministry of Finance.

(*f*) Apparatus and equipment destined for telegraphic, telephonic or radiotelegraphic uses, except by special permission obtained in advance by the importer from the Ministry of Fomento.

(*g*) Imitations of official stamps.

§ 127.378 *Viet-Nam (Annam, Cochin-China and Tonkin)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits, and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. Registry service is limited to the offices of Bang-Hoi, Banmethout, Dalat, Diring, Nhatrang, Phanrang, Phantiet, Tourcham, Hue, and Tourane in Annam, and to Campha-Port, Campha-Mine, Hanoi-Haiphong, Hongay, Langson, Moncay, and Quangyen in Tonkin. (See §§ 127.130-127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins; manufactured or unmanufactured platinum, gold, or silver; precious stones, jewelry, or other precious articles.

(ii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.78 | 12 | $3.31 |
| 2 | 1.00 | 13 | 3.53 |
| 3 | 1.22 | 14 | 3.75 |
| 4 | 1.44 | 15 | 3.97 |
| 5 | 1.66 | 16 | 4.19 |
| 6 | 1.88 | 17 | 4.41 |
| 7 | 2.10 | 18 | 4.63 |
| 8 | 2.32 | 19 | 4.85 |
| 9 | 2.54 | 20 | 5.07 |
| 10 | 2.76 | 21 | 5.29 |
| 11 | 2.98 | 22 | 5.51 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Compulsory.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.



(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Prohibitions.* (i) For reasons of public safety: Prints of forms resembling bank notes, postage stamps, and other fiduciary value and all imitation of French or foreign coins. Coins not in circulation. Pistols shooting blank cartridges which have the appearance of automatic pistols. Nonexplosive components of artillery fuses.

(ii) For sanitary reasons: Unverified thermometers. Nursing bottles with tubes. Saccharine and similar products.

(iii) For the protection of plants: Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(iv) Arms, munitions, etc.: War arms and war materials.

(v) For other reasons: Products bearing false trademarks or false indications of origin. Boxes or cans of fish, vegetables, or prunes not bearing an indelible indication of their origin. Fish of foreign origin put up in boxes or cans weighing more than 1 kilogram. Works violating the copyright laws. Fancy honey. Certain compound medicines specially mentioned in the customs tariff. Weights and measures not of the metric system. Weights and measure of foreign origin.

(vi) Generally, all articles prohibited to France are likewise prohibited to Viet-Nam.

(vii) A number of varieties of merchandise require special authorization from the Viet-Nam authorities for importation. The list is too long to give in detail; however, senders should be advised in their own interest to ascertain before mailing whether their goods are admissible.

§ 127.379 *Western Samoa (British) Savaii and Upolu Islands and the Tokelau (Union) Group (Atafu, Fakaofo and Nukunonu Islands)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted at risk of sender. (See § 127.10.)

(2) *Registration.* Fee 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. By ordinary means from New Zealand. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted at risk of sender. (See § 127.3.)

(7) *Observations.* All imported goods sold, offered for sale, or distributed as advertising matter, which bear any name or trade-mark that might lead the purchaser or receiver to assume they are British products must bear an indication of origin.

(8) *Prohibitions.* Air guns and pistols in addition to other arms, except by authorization of the government.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 7 | $1.77 |
| 2 | .67 | 8 | 1.99 |
| 3 | .89 | 9 | 2.21 |
| 4 | 1.11 | 10 | 2.43 |
| 5 | 1.33 | 11 | 2.65 |
| 6 | 1.55 | | |

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to ordinary parcels. (See § 127.79.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (4) of this paragraph.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 and not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $165 | 60 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "Insured" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs, as per the following example:

Insured Value
$25.75 (U. S.)
Twenty-five Dollars and Seventy-five Cents
77.25 Gold Francs
Seventy-seven Gold Francs and Twenty-five Centimes

(iii) See § 127.143 (b), as to method of converting United States currency into gold francs.

(iv) Parcels containing coin, platinum, gold, or silver (whether manufactured or unmanufactured), precious stones, jewels, or other precious articles must be insured.

(v) In the case of parcels for the Tokelau (or Union) Group, indemnity is effective only as far as Apia, Western Samoa, and no indemnity will be paid for loss, rifling, or damage occurring to such parcels after they leave Apia.

(vi) For general information concerning insurance service, see §§ 127.140 to 127.148.

(5) *Observations.* All imported goods sold, offered for sale, or distributed as advertising matter, which bear any name or trade-mark that might lead the purchaser or receiver to assume they are British products must bear an indication of origin.

(6) *Prohibitions.* Same as New Zealand.

(7) *Import restrictions.* Addressees may be required to obtain import licenses in some cases.

§ 127.380 *Windward Islands (Dominica, Grenada, The Grenadines, St. Lucia, and St. Vincent)*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1. in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 10 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See (See § 127.3.)

(7) *Observations.* Addressees in Dominica and Saint Vincent must obtain import licenses in order to receive merchandise.

(8) *Prohibitions.* The articles prohibited or restricted to the various islands as parcel post are also prohibited or restricted in the Postal Union mails.

(i) *Dominica, Grenada and Grenadines.* (*a*) False or counterfeit money. Fictitious postage stamps. Coins.

(*b*) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(ii) *St. Lucia.* Coins. Bees and silkworms. Articles violating the copyright laws. Articles bearing false trade-marks. Shaving brushes from Japan. Tobacco extracts, essences, or other concentrations or mixtures with tobacco base. Detached stems from tobacco leaves, manufactured or not, and powder therefrom, unless mixed with substances which render them unsuitable for any use except industry and horticulture.

(iii) *St. Vincent.* (*a*) Coins. Tobacco and cigarettes in parcels weighing over 11 pounds. Cigars in quantities greater than 3 pounds. (Smaller amounts may be imported for personal use, but not for sale.)

(*b*) Parasites and predators of injurious insects, intended for the control of those insects, and exchanged between officially recognized institutions, are admitted in the form of samples only.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $0.45 | 12 | $2.87 |
| 2 | .67 | 13 | 3.09 |
| 3 | .89 | 14 | 3.31 |
| 4 | 1.11 | 15 | 3.53 |
| 5 | 1.33 | 16 | 3.75 |
| 6 | 1.55 | 17 | 3.97 |
| 7 | 1.77 | 18 | 4.19 |
| 8 | 1.99 | 19 | 4.41 |
| 9 | 2.21 | 20 | 4.63 |
| 10 | 2.43 | 21 | 4.85 |
| 11 | 2.65 | 22 | 5.07 |

Weight limit: 22 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to ordinary parcels. (See § 127.79.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (4) of this paragraph.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the fees mentioned hereunder:

| Limit of Indemnity: | *Fee, cents* |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "INSURED" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in United States currency (figures only), as per the following example:

Insured Value
$35.50

(iii) Parcels which contain coin, bullion, jewelry, or any other precious article must be insured.

(iv) For general information concerning insurance service, see §§ 127.140 to 127.143.

(5) *Observations.* (i) The outer receptacle of a parcel containing liquids must be of strong wood or metal.

(ii) Every parcel containing jewelry or any other precious articles exceeding $500 in value must be packed in a box measuring not less than 2 feet 6 inches in length and girth combined.

(6) *Prohibitions.* (i) Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that Bureau located at principal ports of entry.

(ii) The following specific prohibitions apply to the various islands indicated:

(*a*) *Grenada and Grenadines.* (*1*) Shaving brushes from Japan.

(*2*) Articles of gold and silver of foreign manufacture bearing imitations of British assay marks, and such articles whose fineness is lower than that indicated by the marks.

(*3*) Goods of foreign manufacture bearing a name or trade-mark of a manufacturer or merchant in the United Kingdom which are not accompanied by an exact indication of the country of origin.

(*b*) *St. Lucia.* Solid rubber tires for automobiles; lemenone and similar oils.

(*c*) *St. Vincent.* Firearms are admitted only if the importer has obtained a license.

(*c*) *Dominica.* Arms require a permit from the Governor for importation.

(*7*) *Import restrictions.* Addresses may be required to obtain import licenses in some cases.

§ 127.381 *Yemen*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage rate, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* Books, prints, and cards contrary to the Islamic faith.

(b) *Parcel post.* No service.

§ 127.382 *Yugoslavia*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee, 55 cents. (See §§ 127.130–127.139.)

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* Yes. (See § 127.19.)

(5) *Air mail service.* Postage rates: Letters, letter packages, and post cards, 15 cents per half ounce. Air letter sheets, 10 cents each. Other Postal Union articles, 43 cents for the first 2 ounces and 22 cents for each additional 2 ounces. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Observations.* (i) Postal Union articles containing merchandise sent for commercial purposes must be accompanied by the original invoice in the same manner as indicated for parcel post in paragraph (b) (6) of this section.

(ii) The Postal Administration of Yugoslavia suggests that specimens, 12 centimeters long and 12 centimeters wide, of the fabrics used in made-up garments accompany each shipment in order that the rate of customs duties applicable to the particular material may be assessed at the time of delivery, otherwise the maximum rate will be imposed in the event that the addressee refuses to permit the customs officials to cut a piece for examination purposes.

(iii) Books, newspapers, and other printed matter for distribution in Yugoslavia are admitted when addressed to distributors authorized by the Yugoslav Ministry of Internal Affairs. Small individual shipments are exempt from that requirement.

(iv) Printed matter whose contents may be contrary to national interest or public morals in Yugoslavia may be confiscated by court action, and repeatedly offending publications may be permanently prohibited from importation.

(v) Gold, silver, and platinum watchcases are to be submitted to analysis and stamping only if they are complete, whether mounted or not. If parcels received from abroad do not contain complete cases, but only detached pieces, such parcels will be delivered to the addressees only after the arrival of the other parts so as to permit of the complete stamping of the cases, after which the analysis and stamping of the metal will be undertaken. If within a reasonable period the other pieces of the watchcases do not arrive, the incomplete parts having already arrived will be returned to the sender.

(8) *Prohibitions.* (i) Advertisements and articles relating to the "snowball" system of selling.

(ii) Various tokens which by their dimensions and color, resemble money of the State.

(iii) Emigration advertisements.

(iv) The importation of postage stamps is restricted in accordance with Yugoslav regulations. Persons desiring to send stamps should consult the addressees to assure compliance with those regulations.

(v) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including surcharges.*

| *Pounds* | *Rate* | *Pounds* | *Rate* |
|---|---|---|---|
| 1 | $0.47 | 23 | $5.75 |
| 2 | .71 | 24 | 5 99 |
| 3 | .95 | 25 | 6 23 |
| 4 | 1.19 | 26 | 6 47 |
| 5 | 1.43 | 27 | 6 71 |
| 6 | 1.67 | 28 | 6.95 |
| 7 | 1.91 | 29 | 7 19 |
| 8 | 2.15 | 30 | 7 43 |
| 9 | 2.39 | 31 | 7.67 |
| 10 | 2 63 | 32 | 7 91 |
| 11 | 2.87 | 33 | 8 15 |
| 12 | 3.11 | 34 | 8 39 |
| 13 | 3.35 | 35 | 8 63 |
| 14 | 3.59 | 36 | 8 87 |
| 15 | 3.83 | 37 | 9 11 |
| 16 | 4.07 | 38 | 9.35 |
| 17 | 4.31 | 39 | 9.59 |
| 18 | 4.55 | 40 | 9 83 |
| 19 | 4.79 | 41 | 10 07 |
| 20 | 5.03 | 42 | 10.31 |
| 21 | 5.27 | 43 | 10 55 |
| 22 | 5.51 | 44 | 10.79 |

(ii) *Air parcel rates.* (Rate: $0.87 first 4 ounces; $0.52 each additional 4 ounces.)

| *Lb.* | *Oz.* | *Rate* | *Lb.* | *Oz.* | *Rate* |
|---|---|---|---|---|---|
| 0 | 4 | $0.87 | 5 | 12 | $12.31 |
| 0 | 8 | 1.39 | 6 | 0 | 12.83 |
| 0 | 12 | 1.91 | 6 | 4 | 13.35 |
| 1 | 0 | 2.43 | 6 | 8 | 13.87 |
| 1 | 4 | 2.95 | 6 | 12 | 14 39 |
| 1 | 8 | 3.47 | 7 | 0 | 14 91 |
| 1 | 12 | 3.99 | 7 | 4 | 15 43 |
| 2 | 0 | 4.51 | 7 | 8 | 15.95 |
| 2 | 4 | 5.03 | 7 | 12 | 16.47 |
| 2 | 8 | 5.55 | 8 | 0 | 16.99 |
| 2 | 12 | 6.07 | 8 | 4 | 17.51 |
| 3 | 0 | 6.59 | 8 | 8 | 18.03 |
| 3 | 4 | 7.11 | 8 | 12 | 18.55 |
| 3 | 8 | 7.63 | 9 | 0 | 19.07 |
| 3 | 12 | 8.15 | 9 | 4 | 19 59 |
| 4 | 0 | 8.67 | 9 | 8 | 20 11 |
| 4 | 4 | 9.19 | 9 | 12 | 20.63 |
| 4 | 8 | 9.71 | 10 | 0 | 21.15 |
| 4 | 12 | 10.23 | 10 | 4 | 21.67 |
| 5 | 0 | 10.75 | 10 | 8 | 22.19 |
| 5 | 4 | 11.27 | 10 | 12 | 22 71 |
| 5 | 8 | 11.79 | 11 | 0 | 23.23 |



| *Lb.* | *Oz.* | *Rate* | *Lb.* | *Oz.* | *Rate* |
|---|---|---|---|---|---|
| 11 | 4 | $23 75 | 27 | 12 | $58 07 |
| 11 | 8 | 24 27 | 28 | 0 | 58 59 |
| 11 | 12 | 24 79 | 28 | 4 | 59 11 |
| 11 | 12 | 25 31 | 28 | 8 | 59 63 |
| 12 | 0 | 25 83 | 28 | 12 | 60 15 |
| 12 | 4 | 26 35 | 29 | 0 | 60 67 |
| 12 | 8 | 26 87 | 29 | 4 | 61 19 |
| 12 | 12 | 27 39 | 29 | 8 | 61 71 |
| 13 | 0 | 27 91 | 29 | 12 | 62 23 |
| 13 | 4 | 28 43 | 30 | 0 | 62 75 |
| 13 | 8 | 28 95 | 30 | 4 | 63 27 |
| 13 | 12 | 29 47 | 30 | 8 | 63 79 |
| 14 | 0 | 29 99 | 30 | 12 | 64 31 |
| 14 | 4 | 30 51 | 31 | 0 | 64 83 |
| 14 | 8 | 31 03 | 31 | 4 | 65 35 |
| 14 | 12 | 31 55 | 31 | 8 | 65 87 |
| 15 | 0 | 32 07 | 31 | 12 | 66 39 |
| 15 | 4 | 32 59 | 32 | 0 | 66 91 |
| 15 | 8 | 33 11 | 32 | 4 | 67 43 |
| 15 | 12 | 33 63 | 32 | 8 | 67 95 |
| 15 | 0 | 34 15 | 32 | 12 | 68 47 |
| 15 | 4 | 34 67 | 33 | 0 | 68 99 |
| 15 | 8 | 35 19 | 33 | 4 | 69 51 |
| 16 | 12 | 35 71 | 33 | 8 | 70 03 |
| 17 | 0 | 36 23 | 33 | 12 | 70 55 |
| 17 | 4 | 36 75 | 34 | 0 | 71 07 |
| 17 | 8 | 37 27 | 34 | 4 | 71 59 |
| 17 | 12 | 37 79 | 34 | 8 | 72 11 |
| 18 | 0 | 38 31 | 34 | 12 | 72 63 |
| 18 | 4 | 38 83 | 35 | 0 | 73 15 |
| 18 | 8 | 39 35 | 35 | 4 | 73 67 |
| 18 | 12 | 39 87 | 35 | 8 | 74 19 |
| 19 | 0 | 40 39 | 35 | 12 | 74 71 |
| 19 | 4 | 40 91 | 36 | 0 | 75 23 |
| 19 | 8 | 41 43 | 36 | 4 | 75 75 |
| 19 | 12 | 41 95 | 36 | 8 | 76 27 |
| 20 | 0 | 42 47 | 36 | 12 | 76 79 |
| 20 | 4 | 42 99 | 37 | 0 | 77 31 |
| 20 | 8 | 43 51 | 37 | 4 | 77 83 |
| 20 | 12 | 44 03 | 37 | 8 | 78 35 |
| 21 | 0 | 44 55 | 37 | 12 | 78 87 |
| 21 | 4 | 45 07 | 38 | 0 | 79 39 |
| 21 | 8 | 45 59 | 38 | 4 | 79 91 |
| 21 | 12 | 46 11 | 38 | 8 | 80 43 |
| 22 | 0 | 46 63 | 38 | 12 | 80 95 |
| 22 | 4 | 47 15 | 39 | 0 | 81 47 |
| 22 | 8 | 47 67 | 39 | 4 | 81 99 |
| 22 | 12 | 48 19 | 39 | 8 | 82 51 |
| 23 | 0 | 48 71 | 39 | 12 | 83 03 |
| 23 | 4 | 49 23 | 40 | 0 | 83 55 |
| 23 | 8 | 49 75 | 40 | 4 | 84 07 |
| 23 | 12 | 50 27 | 40 | 8 | 84 59 |
| 24 | 0 | 50 79 | 40 | 12 | 85 11 |
| 24 | 4 | 51 31 | 41 | 0 | 85 63 |
| 24 | 8 | 51 83 | 41 | 4 | 86 15 |
| 24 | 12 | 52 35 | 41 | 8 | 86 67 |
| 25 | 0 | 52 87 | 41 | 12 | 87 19 |
| 25 | 4 | 53 39 | 42 | 0 | 87 71 |
| 25 | 8 | 53 91 | 42 | 4 | 88 23 |
| 25 | 12 | 54 43 | 42 | 8 | 88 75 |
| 26 | 0 | 54 95 | 42 | 12 | 89 27 |
| 26 | 4 | 55 47 | 43 | 0 | 89 79 |
| 26 | 8 | 55 99 | 43 | 4 | 90 31 |
| 26 | 12 | 56 51 | 43 | 8 | 90 83 |
| 27 | 0 | 57 03 | 43 | 12 | 91 35 |
| 27 | 4 | 57 55 | 44 | 0 | 91 87 |

Each air parcel must have affixed the blue Par Avion label (Form 2978). (See § 127.55 (b).)

Weight limit: 44 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Insured parcels must, and ordinary parcels may, be sealed.
Group shipments: Limited to ordinary parcels. (See § 127.79.)
Registration: No.
Insurance: Yes.
C. o. d.: No.

(2) *Indemnity.* See subparagraph (5) of this paragraph.

(3) *Dimensions.* Greatest combined length and girth, 6 feet. Greatest length, 3½ feet, except that parcels may measure up to 4 feet in length, on condition that parcels over 42 and not over 44 inches in length do not exceed 24 inches in girth, parcels over 44 but not over 46 inches in length do not exceed 20 inches in girth, and parcels over 46 inches and up to 4 feet in length do not exceed 16 inches in girth.

(4) *Storage charges.* See § 127.96, relative to storage charges on returned parcels.

(5) *Insurance.* (i) Parcel post packages may be insured subject to the following limits of indemnity when prepaid at the postage rate applicable in addition to the insurance fees mentioned hereunder:

| Limit of Indemnity: | *Fee, cents* |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $105 | 60 |

(ii) Each insured parcel shall have printed on the wrapper, in close proximity to (preferably immediately below) the endorsement "INSURED" and the insurance number, the amount for which the parcel is insured. This indication shall be shown in arabic figures and in roman letters spelled out in full, in both United States currency and in gold francs, as per the following example:

Insured Value
$25.75 (U. S.)
Twenty-five Dollars and Seventy-five Cents
77.25 Gold Francs
Seventy-seven Gold Francs and Twenty-five Centimes

(iii) See § 127.143 (b), as to method of converting United States currency into gold francs.

(iv) Parcels containing coin, bank notes, currency notes or any kind of securities payable to bearer; platinum, gold, or silver, whether manufactured or not; precious stones, jewelry, or other precious articles must be insured.

(v) For general information concerning insurance service, see §§ 127.140–127.148, inclusive.

(6) *Observations*—(i) Gift parcels to be admitted free in Yugoslavia may not exceed 11 pounds in weight or 10,000 dinars (about $33) in value, and the contents must consist solely of articles designated as duty free by the Yugoslav authorities. Interested mailers can obtain further information from the Office of International Trade, Department of Commerce, Washington 25, D. C., or any field office of that Department. Gift parcels even when duty free are subject to a delivery fee of 200 dinars in Yugoslavia. It is suggested that gift parcels be marked "Gift (Poklon)."

(ii) Parcels containing merchandise sent for commercial purposes, for which the senders are to receive payment, must be accompanied by the original invoice. Packages not accompanied by the original invoice will be cleared through the customs in Yugoslavia and delivered to the addressees, but the latter will be unable to make payment to the sender for the merchandise involved, since the Yugoslav authorities will grant the means for payment only if packages are accompanied by the original invoice. Senders should endorse the wrappers of such packages to indicate that the original invoice is enclosed.

(iii) It shall be recommended to senders that, in order to facilitate customs handling, a copy of the ordinary invoice, signed by the senders, be transmitted to the addressees by letter mail, giving notice of the mailing of the parcels. The invoice copy is submitted by the addressees to the customs authorities and serves as a basis for collecting the import duties.

(iv) Certificates of origin shall be furnished for parcels addressed for delivery in Yugoslavia. However, in lieu thereof, it is permissible for senders to indicate on the customs declarations of their parcels the country of origin of the merchandise contained therein, the said indication taking the place of the certificate of origin so far as the Yugoslav customs authorities are concerned.

(v) Parcels not accompanied by certificates of origin or whose customs declarations do not bear an indication of the country of origin of the merchandise contained in the parcel will be assessed with duty at the maximum rate.

(vi) The Postal Administration of Yugoslavia suggests that specimens, 12 centimeters long and 12 centimeters wide, of the fabrics used in made-up garments accompany each shipment in order that the rate of customs duties applicable to the particular material may be assessed at the time of delivery, otherwise the maximum rate will be imposed in the event that the addressee refuses to permit the customs official to cut a piece for examination purposes.

(vii) Gold, silver, and platinum watchcases are to be submitted to analysis and stamping only if they are complete, whether mounted or not. If parcels received from abroad do not contain complete cases, but only detached pieces, such parcels will be delivered to the addressees only after the arrival of the other parts so as to permit of the complete stamping of the cases, after which the analysis and stamping of the metal will be undertaken. If within a reasonable period, the other pieces of the watchcases do not arrive, the incomplete parts having already arrived will be returned to the sender.

(7) *Prohibitions*—(i) *For reasons of public safety.* (*a*) Newspapers, magazines, pamphlets, books, and other prints in general whose circulation is prohibited.

(*b*) Hunting arms, but not those in use in the Army; empty cartridges and projectiles for those arms.

(*c*) Wireless and telegraph and telephone apparatus.

(*d*) Lithographic copies of plans, except those on the scale of 1: 25,000 and below.

(ii) *For reasons of sanitary policy.* (*a*) Concentrated acetic acid having a strength of over 15 per cent.

(*b*) Grains and fruits.

(*c*) Serums and vaccines for veterinary use.

(*d*) Adulterated and dangerous foodstuffs.

(iii) *For the protection of plants or animals.* (*a*) Poisonous herbs for fishing.

(*b*) The exotic nut "acajou" (cashew nut).

(c) Special authorization is required for the importation of silkworm eggs; grapevines, plants and cuttings, with or without roots; enological preparations and means for combating diseases of grapevines and fruit trees; meats.

(iv) *Arms, munitions, etc.* (a) All kinds of firearms used in the Army and their detached parts.

(b) Playing cards made of metal.

(c) Foreign military uniforms.

(v) *State monopolies, etc.* (a) All articles placed under the regime of the monopoly. Tobacco seed and plants destined for reproduction or transplanting.

(b) Valid dinars. If found in the mails they will be confiscated and deposited in blocked accounts in the National Bank of Yugoslavia, which will credit the confiscated sums to the interested parties only after a certain delay.

(vi) *For other reasons.* (a) Foreign merchandise in general bearing any marks indicating Yugoslav origin.

(b) Samples of medicines, unless addressed to national or provincial hospitals, university clinics, or national medical institutions.

(8) *Import restrictions.* Commercial shipments may be received only by licensed importing firms in Yugoslavia.

§ 127.383 *Zanzibar and Pemba*—(a) *Postal Union mails*—(1) *Classifications, rates, weight limits and dimensions.* See Table No. 1, in § 127.1. Small packets accepted. (See § 127.10.)

(2) *Registration.* Fee 55 cents. (See §§ 127.130–127.139.

(3) *Indemnity.* See Subpart E of this part.

(4) *Special delivery.* No service.

(5) *Air mail service.* Postage, 25 cents per half ounce. Air letter sheets, 10 cents each. (See § 127.20.)

(6) *Dutiable articles (merchandise) prepaid at letter rate.* Accepted. (See § 127.3.)

(7) *Prohibitions.* (i) Coins, manufactured and unmanufactured platinum, gold and silver, precious stones, jewelry, and other precious articles.

(ii) Parasites and predators of injurious insects, intended for the control of those insects and exchanged between officially recognized institutions, are admitted in the form of samples only.

(iii) The articles prohibited or restricted as parcel post are also prohibited or restricted in the Postal Union mails.

(b) *Parcel post*—(1) *Table of rates*—(i) *Surface parcel rates, including transit charges and surcharges.*

| Pounds | Rate | Pounds | Rate |
|---|---|---|---|
| 1 | $1 01 | 7 | $2 75 |
| 2 | 1 23 | 8 | 3 30 |
| 3 | 1 52 | 9 | 3 52 |
| 4 | 2 09 | 10 | 3 74 |
| 5 | 2 31 | 11 | 3 96 |
| 6 | 2 53 | | |

Weight limit: 11 pounds.
Customs declarations: 1 Form 2966.
Dispatch note: No.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: No.
Registration: No.
Insurance: No.
C. o. d.: No.

(2) *Indemnity.* No provision.

(3) *Dimensions.* Greatest length, 3½ feet. Greatest length and girth combined, 6 feet.

(4) *Observations.* Parcels may be accepted for any place in the Zanzibar Protectorate, including Pemba; but delivery is confined to the town of Zanzibar and to Chaki-Chaki and Weti in the island of Pemba; and the addressees of parcels for other places in the Protectorate must arrange accordingly.

(5) *Prohibitions*—(i) *For sanitary reasons.* (a) Shaving brushes, tooth brushes, and other brushes for body use, manufactured in or exported from Japan.

(b) Condensed milk containing less than nine percent of butter fat.

(c) Exhausted tea.

(ii) *Arms, etc.* All arms or parts of arms, except under permit of the British Resident or person authorized by him.

(iii) *For other reasons.* (a) Manufactured articles bearing names, addresses, trademarks or names of places intended to give the false impression that they are British products.

(b) Any coins not of the legal standard of weight or fineness.

(c) Imitation paper money or coins.

(6) *Import restrictions.* Addressees may be required to obtain import licenses in some cases.

[SEAL] ROSS RIZLEY,
*Solicitor.*

[F. R. Doc. 53-10472; Filed, Dec. 16, 1953; 8:45 a. m.]

## TITLE 12—BANKS AND BANKING

### Chapter II—Federal Reserve System

#### Subchapter A—Board of Governors of the Federal Reserve System

[Reg. F]

#### PART 206—TRUST POWERS OF NATIONAL BANKS

#### INTERNAL AUDITS OF TRUST DEPARTMENT

§ 206.111 *Internal audits of trust department.* (a) The Board of Governors has been requested for an interpretation of the language contained in § 206.8 that a committee of directors shall "at least once during each period of twelve months" make or have made an audit of the trust department of each national bank.

(b) The specific question is whether this provision means that such audits must be made at intervals of not more than twelve months or may be made at least once during each calendar year.

(c) The language "at least once during each period of twelve months" also appears in paragraph (c) of § 206.6 relating to the review of trust assets by trust investment committees, and in paragraph (c) (3) of § 206.17 relating to audits of common trust funds. It is the Board's opinion that the correct interpretation of this language in each instance is that not more than twelve months shall elapse without the required action being taken.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interpret or apply secs. 2–4, 24 Stat. 18, 19, sec. 1, 40 Stat. 1043, as amended, sec. 1, 44 Stat. 1225, as amended, sec. 11 (k), 38 Stat. 261, as amended, 53 Stat. 68, as amended. 12 U. S. C. 30-33, 34 (a), 248 (k), 26 U. S. C. 169)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
*Secretary.*

[F. R. Doc. 53-10465; Filed Dec. 16, 1953; 8:46 a. m.]

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans' Administration

#### PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

#### SUBPART A—TITLE III; LOAN GUARANTY

#### PROVISIONAL REGULATIONS

Immediately below § 36.4324 add the centerhead "Provisional Regulations" and insert new § 36.4901.

§ 36.4901 *Suspension of lenders from loan guaranty activities—Notice of suspension.* (1) Whenever the regional manager is of the opinion from available facts and evidence, that any lender or holder should be suspended from making or acquiring loans guaranteed or insured by the Veterans' Administration he shall submit such facts and evidence, together with his recommendations, to the Deputy Administrator for Veterans Benefits (hereinafter referred to as the Deputy Administrator) and await instructions before proceeding further.

(2) If the Deputy Administrator concurs in the manager's recommendation that a lender or holder be suspended and so advises the manager, formal notice of such suspension, in form approved by the chief attorney, shall be given by letter signed by the manager, which shall be dispatched to the lender or holder concerned by registered mail. The notice will advise the lender or holder in substance of the facts and circumstances which have resulted in the suspension action. This advice will be in the form of a specification of the section or sections of the act or regulations which have been violated by the lender or holder and shall set forth certain of those instances or cases wherein the acts of omission or commission by the lender are considered to be in violation of the act or regulations or both. A complete listing of all such cases known to the Veterans' Administration will not be necessary if there are many. The letter transmitting the suspension notice will inform the lender or holder that on and after a date designated to coincide with the probable date of receipt of the notice, it will be barred from obtaining the guaranty or insurance on loans except as to those types of cases which may otherwise be provided for in the notice of suspension, e. g., loans as to which the Veterans' Administration has issued Certificates of Commitment and which are determined to be eligible for guaranty (or insurance), in all respects. Loans upon which the Veterans' Administration has issued Certificates of Commitment prior to the effective date of the suspension may and ordinarily should be approved by the Veterans' Administration for guaranty or insurance after the date of the suspension if the loan is otherwise entitled to evidence of guaranty or insurance under Veterans' Administration Regulations. The lender or holder will also be advised that it is barred from acquiring loans by assignment or otherwise after the date of suspension unless acceptable evidence is produced that such acquisition was pursuant to a prior contract to take such loans and the suspension would thereby be prejudicial to a veteran or to an original lender; and that if a claim should arise on any loan acquired contrary to the foregoing notice, the Administrator would be precluded, in the absence of release of such suspension, from paying the claim or any part thereof. The notice will also advise the lender or holder of his right then or thereafter to request a hearing. A copy of the notice of suspension will be forwarded to the Deputy Administrator.

(3) The suspension of a firm, company, corporation, partnership, or other institution will be effective as to its agents, representatives, or correspondents when acting for or on behalf of the suspended lender or holder.

(b) *Application for hearing.* (1) The lender or holder may, after receipt of the notice of suspension, apply for a hearing at which it shall be afforded full opportunity to introduce evidence showing why such suspension should be terminated or modified. Upon receipt of a request for a hearing the manager will advise the Deputy Administrator of such request, the date thereof, and ask that a hearing board be appointed, or set forth his contrary recommendations, stating such facts as may bear upon the proper action for the central office to take in the circumstances. Upon receipt of the request for appointment of a hearing board the Deputy Administrator will appoint the members of the hearing board from available Veterans' Administration officers, selected preferably from offices other than that from which the suspension originated, and will advise the manager concerned of the names of the members and a period of time during which they will be available for such service. The manager will arrange a date, agreeable to the lender or holder involved and falling within the period during which the hearing board members will be available. The Deputy Administrator will be advised of the date finally established for the hearing and the place where such hearing will be conducted, and will arrange to have the members of the board available at the specified time and place. The lender or holder will be officially advised by the manager of the time and place for the hearing, said notice to be given at least 10 days prior to the date set for the hearing. The hearing date established by the manager will be within 60 days of the receipt of the lender or holder's request for such hearing, except that the manager shall postpone the hearing beyond such 60-day period for any of the following reasons:

(i) The lender or holder requests postponement and presents a reasonable basis for such request;



(ii) The Veterans' Administration requires additional time to conclude its investigation of all pertinent activities of the lender or holder in connection with the charges.

(2) In cases which have been or shall have been referred to a United States Attorney or the Department of Justice for consideration of criminal prosecution or in cases in which criminal prosecution has been initiated but has not been concluded, the manager will not fix a time and place for a hearing until advised by the chief attorney or the General Counsel whether the United States Attorney or the Department of Justice, as the case may be, has any objection to a hearing in the particular case. In the event that an objection to a hearing is made by the United States Attorney, the chief attorney will report the facts to the General Counsel who will consider the matter and render such advice as he considers appropriate under the circumstances of the particular case.

(c) *Hearing board.* One member of the board will be designated chairman of the board by the Deputy Administrator, which member shall have the authority to administer oaths or affirmations. The hearing board shall receive evidence of the charges made against the lender or holder. In this regard it is incumbent upon the manager to make known to the chief attorney all of the facts and circumstances which constituted the basis of his suspension of the lender or holder to the end that those facts and circumstances are introduced into the record by means of a stipulation between the lender or holder and the Veterans' Administration or by direct testimony. The lender or holder shall have the right to appear and participate in such hearing in person or by counsel or other representative of his choice and to introduce such evidence on his behalf as may be proper. Such hearing may be open or closed to the public, in line with the preference of the suspended person, unless it is determined by a majority of the members of the hearing board that the public interest requires the contrary. Representatives of any other agency or department of the Government that may be interested shall be allowed to attend. A transcript of evidence adduced before such board will be made and upon request of the lender or holder concerned a copy thereof shall be furnished to such party. Upon the conclusion of the hearing and the receipt of such other evidence as the board deems appropriate, the board will make findings of fact and recommendations to the Deputy Administrator as to the appropriate action to be taken in the case; that is, the hearing board will determine and recommend whether the suspension as originally imposed by the notice of suspension should be confirmed, reduced, lengthened, or terminated, and what terms and conditions, if any, should be imposed for the termination of the suspension. The board shall notify the lender or holder in writing of the board's findings of fact and its recommendations to the Deputy Administrator and the lender or holder will have 14 days from the date of such notification in which to file with the Deputy Administrator a brief of either, or both, facts and law.

(d) *Review and decision.* Upon receipt of the transcript of the hearing and the recommendations of the hearing board, and the brief of the lender or holder if one is filed, the Deputy Administrator will cause the same to be reviewed and on the basis of such review shall make a determination in the case; i. e., whether the suspension as originally imposed upon the lender or holder is confirmed, reduced, lengthened, or terminated, and what terms and conditions, if any, are imposed for the termination of the suspension. Notice of such decision shall be given to such lender or holder by registered mail addressed to the lender or holder at his usual place of business or addressed to his attorney of record. The lender or holder shall have the right to appeal such decision within 30 days from the date thereof. Such appeal shall be addressed to the Administrator of Veterans Affairs and may be in letter form, accompanied by such supporting brief of facts and law as the lender or holder may desire to submit, except that facts not brought out in the hearing shall not be considered. Upon receipt of the lender's or holder's appeal the Administrator of Veterans Affairs shall request the Deputy Administrator to deliver to him the entire file on the case and on the basis of such file, together with such brief as the lender or holder may have submitted, shall consider the soundness of the decision rendered by the Deputy Administrator and the Administrator shall proceed to render a final decision. Advice of such decision will be furnished the lender or holder by registered mail.

(Sec. 504, 58 Stat. 293, as amended, 38 U. S. C. 694d)

This regulation is effective December 17, 1953.

[SEAL] H. V. STIRLING,
*Deputy Administrator.*

[F. R. Doc. 53-10552; Filed, Dec. 16, 1953; 8:52 a. m.]

## TITLE 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of Foreign Commerce, Department of Commerce

#### Subchapter B—Export Regulations

[6th General Rev. of Export Regs., Amdt. 76[1]]

#### PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

#### PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

#### PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

#### PART 384—GENERAL ORDERS

#### MISCELLANEOUS AMENDMENTS

1. Section 370.1 *Definitions* is amended in the following particulars:

[1] This amendment was published in Current Export Bulletin No. 720, dated December 10, 1953, and in the reprint pages, dated December 10, 1953.

a. The unnumbered introductory sentence is amended to read as follows: "When used in the export regulation:".

b. Paragraph (c) *Export control law* is amended to read as follows:

(c) *Export control law and export regulations.* (1) "Export control law" means Export Control Act of 1949, as amended, and includes section 6 of the act of July 2, 1940, 54 Stat. 714, as amended.

(2) "Export regulations" refers to and means the regulations set forth in Parts 368 to 399, inclusive, of this chapter.

c. In paragraph (j) *General license* the words "in the export regulations" are substituted for the words "in Parts 370 to 399, inclusive".

2. Section 373.71 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended to read as follows:

TIME SCHEDULE FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES

| Dept. of Commerce Schedule B No. | Commodity | Submission dates | |
|---|---|---|---|
| | | Fourth quarter, 1953 | First quarter, 1954 |
| 61910 | Selenium powder | Sept. 14–Sept. 28, 1953 | Nov. 30–Dec. 14, 1953 |
| 61920 | Selenium metal | | |
| 85770 | Selenium salts of organic compounds | | |
| 85780 | Selenium salts and compounds, including selenium dioxide | Sept. 14–Sept. 28, 1953 | Dec. 16–Dec. 31, 1953 |
| 85790 | Selenium-containing pigments | | |

[1] Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any times. (See § 372.3 (a) of this subchapter.) Export applications for commodities requiring a validated license which moving in transit through the United States may be submitted at any time and are not subject to specified filing dates (see § 372.4 of this subchapter).

3. In § 380.2 *Amendments or alterations of licenses* paragraph (f) (3) *Amendment requests on which field offices may not take action,* subdivisions (v) and (vi) are renumbered (iii) and (iv), respectively.

4. Section 384.8 *Orders modifying validity of certain export licenses* paragraph (e) *Extension of validity period of licenses outstanding on April 9, 1953* is deleted.

This amendment shall become effective as of December 10, 1953, except for Item 3 which shall become effective as of December 3, 1953.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
*Director,*
*Bureau of Foreign Commerce.*

[F. R. Doc. 53-10477; Filed, Dec. 16, 1953; 8:50 a. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 211—SCOPE OF OPERATING AUTHORITY: ROUTES

USE OF TURNER TURNPIKE (AN OKLAHOMA TOLL HIGHWAY) BY COMMON AND CONTRACT MOTOR CARRIERS AUTHORIZED TO OPERATE OVER PARALLEL HIGHWAY (U. S. 66)

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 7th day of December A. D. 1953.

It appearing, that the order of the Commission, Division 5, dated January 7, 1953, authorizing the use of Turner Turnpike as an alternate route by common and contract motor carriers holding authority from this Commission to operate over U. S. Highway 66 between Tulsa and Oklahoma City, Okla., through inadvertence was designated as § 211.6, and so appeared at page 321 of the January 15, 1953, issue of the FEDERAL REGISTER (18 F. R. 321), rather than § 211.7 as was intended; therefore,

*It is ordered,* That the referred-to order of January 7, 1953, be, and it is hereby, redesignated as § 211.7.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 552, as amended; 553, as amended; 49 U. S. C. 308, 309)

By the Commission, Division 5.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10468; Filed, Dec. 16, 1953; 8:47 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

[ 7 CFR Part 927 ]

[Docket No. AO-71-A-28]

HANDLING OF MILK IN NEW YORK METROPOLITAN MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT, AND TO PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was conducted at Elmira, New York on March 10–13, April 20–24, and April 28–May 1; at Malone, New York on March 18; at Ogdensburg, New York on March 19; at Watertown, New York on March 20; and at New York City on May 5 and 6, all in 1953, pursuant to notices thereof issued on January 8, 1953 (18 F. R. 256), and February 27, 1953 (18 F. R. 1249).

The material issues presented on the record of the hearing relate to:

1. Provisions of the order applicable to milk and milk products entering the marketing area either from unrevealed sources or from sources not fully subject to the pricing and equalization provisions of the order.

2. The pricing and pooling of milk received on bulk farm tank pickup routes.

3. Definition of a plant and related duties of the market administrator.

4. Verification of the payment of minimum class prices to cooperative associations.

5. Extension of time allowed for establishing that cream has not entered the marketing area.

6. Elimination of requirement for submission of a signed statement of non-pool plant operators in connection with handler reports of utilization.

7. Procedure for assignment of pool and non-pool milk.

8. The territory within which milk and cream may be classified at plants other than those from which it is shipped.

9. Skim milk to which the fluid skim differential should be applied and the amount of the differential.

10. The classification and pricing of milk for fluid use outside the marketing area.

11. Revision of provisions for the designation of plants at which the handling of milk is fully subject to the pricing and equalization provisions of the order.

12. The revision of transportation and location differentials applicable both to minimum class prices paid by handlers and to the uniform price paid to producers.

The findings and conclusions hereinafter set forth relate only to the above listed issues numbered 1 through 10 and are based upon the evidence in the record of the hearing. Findings and conclusions concerning the remaining issues (numbered 11 and 12), and also concerning a portion of Issue No. 10, are deferred pending further consideration.

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on September 15, 1953, filed with the Hearing Clerk, United States Department of Agriculture his recommended decision and opportunity to file written exceptions thereto, which was published in the FEDERAL REGISTER on September 18, 1953 (18 F. R. 5595). Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. Certain of the findings and conclusions contained in the recommended decision have been modified after consideration of the exceptions filed.

*Rulings.* To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions filed to the recommended decision, such exceptions are overruled. Rulings contained in the recommended decision upon proposed findings and conclusions submitted by interested persons are affirmed except as modified by the findings and conclusions set forth herein. To the extent that findings and conclusions proposed by interested persons and not ruled upon in the recommended decision are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

On May 14 and 19, 1953, public announcements were made by officials of the United States Department of Agriculture and the New York State Department of Agriculture and Markets to the effect that a committee was being appointed to study and make recommendations with respect to current problems in the New York milkshed, including the subject matter of Issues 11 and 12. The announcements also stated that judgment was being deferred temporarily on the procedure to be followed on the problem of pricing milk sold outside the marketing area (Issue No. 10).

Interested parties thereafter filed motions requesting that the issues which had been referred to the committee be severed from the remaining issues considered at the hearing; that no action be taken with respect to such severed issues until the committee had reported; that the hearing be reopened following such report; and that the briefing time with respect to such issues be extended accordingly. The motions also requested similar handling of Issue No. 10 pending further clarification of the procedure to be followed concerning such issue.

On May 28, 1953 (18 F. R. 3174) the Presiding Officer granted an indefinite extension of time to file briefs on the issues referred to the committee (Issues 11 and 12) but denied an extension of briefing time with respect to the issue dealing with the pricing of milk sold outside the marketing area (Issue No. 10). All other requests in the motions were referred by the Presiding Officer to the Secretary and were thereafter referred by the Secretary to the Assistant Administrator.

On September 21, 1953 that portion of Issue No. 10 on which decision is being deferred at this time was referred for study and recommendations to the same milkshed committee, above mentioned, to which the subject matter of Issues 11 and 12 was previously referred.

As indicated elsewhere in this decision, Issues 11 and 12 have been severed from the remaining issues and decision thereon is being deferred. Ruling on the applications to reopen the hearing and for further proceedings with respect to these issues likewise is being deferred at this time.

The motions for reopening and for further proceedings as to Issue No. 10 are denied insofar as they pertain to that portion of Issue No. 10 on which proposed findings and conclusions are being made at this time. As stated elsewhere herein, decision is being deferred at this time with respect to the remainder of Issue No. 10 and rulings on such motions likewise are deferred insofar as they relate to the deferred portion of this issue.

*Findings and conclusions.* The following findings and conclusions on the issues decided herein are based on the evidence introduced at the hearing and the record thereof:

*Issue No. 1.* The order should continue to provide for payments by handlers into the producer settlement fund on milk from non-pool and unrevealed sources when such milk enters the marketing area or is received at a pool plant outside the marketing area as milk or in milk products classified in Class I–A and Class II and as skim milk which is subject to the fluid skim differential. Present provisions of the order (§ 927.78), however, should be amended for purposes of clarification and to change the rates of such payments as indicated herein.

If the non-pool milk originates at a plant where it is not classified and paid for at minimum class prices pursuant to another Federal order, the rate of payment should be the difference between the class price of use under the New York order, as adjusted for the location of the plant of origin, and (1) the Class III price if such plant of origin is within or nearer than the 421–425 mile zone, or (2) the Midwestern condensery price if the plant of origin is more distant from the market. However, if the volume of pool milk used for butter and cheese exceeds 15 percent of the volume of pool milk in Classes I–A and II the minimum price established for pool milk used for butter and cheese should be used instead of the price for other Class III milk.

If the non-pool milk originated at a plant where it was priced and paid for under another Federal milk marketing order, the rate of payment should be the plus difference, if any, between the class price of use under the New York order, as adjusted for the location of the plant of origin, and the class price paid for it under the other order. However, if the other Federal order permits deductions of the payments to the New York pool from the handler's obligation under the other order, the payments should be computed at the same rate as if the milk originated at a plant not subject to another order.

If the volume of Class III milk in the New York pool for the month is less than 15 percent of the volume of Class I–A and Class II milk, no payments on non-pool milk from non-pool sources should be required.

The present order provisions with respect to payments on milk and milk products as to which the handler fails to establish the plant of origin (unrevealed source) should also be revised and separately stated. The payments on such milk should continue to be computed at the full class price for the class of use.

The need for a provision in the order under which payments are required on milk and certain milk products from non-pool sources (hereinafter referred to as "compensation payments") arises directly from the fact that under the pooling structure of the order, as effective since 1945, some milk and milk products not primarily produced for the marketing area and therefore not pooled under the order may be distributed in the marketing area as Class I and Class II milk (principally fluid milk and cream) without being subject to minimum class prices and pooling at source. In contrast, pooled milk necessarily is subject to minimum class prices and pooling at its source, namely the pool plants subject to the order. Classified pricing of pool milk requires that in order to secure an adequate supply of milk meeting the requirements of the market the minimum class prices for fluid uses in the marketing area must be fixed at levels higher than prices for surplus classifications and the average utilization value of all pool milk. Non-pool milk thus has an advantage over pool milk when distributed as Class I–A and Class II milk because it has not been subject to such high level classified pricing at its source. This disparity between pool and non-pool milk must, in some manner and by some device, be neutralized or compensated for if the integrity of the classified price structure for pool milk under the order is to be maintained and the declared purposes of the act achieved with respect to the New York marketing area.

Non-pool milk which originates at a plant not subject to a market-wide equalization pooling plan has a substantial advantage over pool milk in addition to the price advantage. The handler who receives pool milk from producers and uses or sells it for Class I–A purposes is charged the Class I–A price but is not permitted to pay that full price to his own producers. Instead he must pay a substantial part of it into the equalization fund under the order for distribution through the pool to all pool producers. A non-pool plant operator is not so burdened and limited for he can pay his own farmers the full Class I–A price or any part of it as he believes necessary to retain his supply of milk or outbid pool plant competitors for milk. Unless this condition is dealt with, the non-pool dealer can always outbid a similarly located pool plant competitor for milk supplies without cost to himself.

The pool plant competitor obviously cannot afford to pay his own producers the full Class I–A price and also pay equalization to the pool on the same milk. This condition results in disorderly marketing in the milkshed by placing otherwise similarly situated handlers in an unequal cost position for milk sold for fluid purposes in the marketing area.

It is, of course, apparent that if the order were to price and pool all milk received from all farmers at any plant from which any milk or milk products enter the marketing area for Class I–A and Class II use these disparities would not exist because all such milk would then be pool milk and would be subject to pricing and pooling under the order. Drafting of the order in such manner, however, has been found from experience not to be feasible or practical, and an order so drafted did not and could not now effectively accomplish the declared purposes of the act.

Market-wide equalization of producer returns is an essential and indispensable provision of an order regulating the handling of milk for the New York market. Orderly marketing of milk in the market is virtually inconceivable in the absence of provisions for a market-wide pool under which the price required to be paid to producers is based on the utilization of milk by all handlers receiving milk from producers. Without market-wide pooling the inevitable scramble of each handler and producer for his share of the fluid market would render the order ineffective. Minimum class prices at a level necessary to insure an adequate supply of pure and wholesome milk for the market could not be maintained.

Factors primarily associated with the size and complexity of the market preclude the uniformity in utilization among individual handlers which in the absence of market-wide pooling would have to prevail in order to obtain a workable degree of uniformity in prices paid to producers. The milk supply for the market originates on approximately 50,000 farms scattered over a vast production area (milkshed) extending more than 400 miles from the marketing area. Practically all of the milk is delivered from the farms to approximately 400 country plants outside the marketing area. Only about 200 producers deliver their milk directly to plants located in the marketing area. Accordingly, most of the milk consumed in the marketing area is shipped in bulk by tank car or tank truck from country plants to pasteurizing and bottling plants in the marketing area.

These country plants are located generally throughout most of the State of New York, in 23 counties of Pennsylvania, in 4 counties of New Jersey, in 3 counties of Vermont, and 1 county of Massachusetts. The greater part of the milk received at these plants is from farms located within a radius of 10 or 15 miles from the country plant. Although new technological developments are now making it possible for milk to be hauled long distances from farm to plant, it is expected that most producers will continue for some time to deliver their milk to a local plant. Producers, therefore, in general have a limited choice of handlers to whom they may sell their milk and little assurance of how their milk will be utilized by the handler to whom it is delivered.

There are approximately 130 different handlers engaged in the operation of country plants at which milk is received from producers. Only about 50 of these handlers operate or are directly connected with a milk distribution operation in the marketing area. Milk supplied to the marketing area by the balance of the handlers operating country plants is marketed by other handlers engaged in marketing area distribution.

There is a great deal of specialization in the handling of milk at country plants. More than 275 plants are equipped only for the receiving of milk from farmers, cooling the milk, and shipping it to other plants. Such shipments may be made either to milk distributors in the marketing area, milk distributors in other areas, or to manufacturing plants. There are more than 100 country plants which are equipped for separating milk into cream and manufacturing skim milk or for manufacturing whole milk, in addition to being equipped for receiving milk from farmers and shipping it as fluid milk. Some of these manufacturing plants are operated by handlers who have other fluid receiving plants and marketing area distribution facilities. Other manufacturing plants, although operated by handlers who are principally in the business of manufacturing milk, constitute a reserve supply available to the marketing area whenever such milk is needed.

Scattered throughout the area in which these country plants are located are many other plants. These consist of plants for local markets such as Syracuse, Utica, Binghamton, Lancaster, Harrisburg, and many others, country plants supplying the metropolitan area of Northern New Jersey, country plants for Philadelphia, country plants for New England, and a few cheese factories and other manufacturing plants which do not normally supply milk to fluid markets. Also, there are many plants located nearer the New York market than the most distant New York country plant but which are located outside of the territory from which the New York market normally draws its supply. These are plants which regularly supply markets in New England, Philadelphia, Baltimore, and Washington, D. C., together with a few plants not approved for fluid distribution but at which milk received from farmers is utilized in manufactured dairy products.

A considerable number of the plants now in the New York pool are plants which withdrew from the pool during the middle 1940's to supply other fluid markets during a period of relatively short supplies of milk in the Northeast in relation to fluid requirements, but which have returned to the New York pool during the past four years as production increased generally in the Northeast in relation to fluid sales. Other plants have entered the pool during the past three or four years which have no previous history of supplying milk for the New York market. The volume of pool milk in relation to marketing area sales of fluid milk and fluid cream has increased materially since 1948. Abundant supplies from sources not presently designated as pool plants remain, however, which are qualified and eligible for sale in the marketing area and which could readily come into the marketing area in amounts which are substantial. Many of the plants now engaged principally in supplying other markets in or surrounding the milkshed are approved by marketing area health authorities as sources of milk for the marketing area, and many more could readily obtain such approval.

On the distribution end there are about 160 dealers in New York City licensed for the distribution of milk on wholesale and retail routes or to subdealers. A large proportion of these dealers, about 123, have no facilities of their own for receiving milk directly from producers at country plants. These dealers purchase their milk from other dealers who do operate country plants. Some of them obtain their supply or a considerable proportion of it by making contracts with country dealers, such contracts frequently being yearly contracts. Other milk dealers make no long term commitments for milk or make long term commitments for only a part of their requirements and rely on buying milk on a day to day or week to week basis. Sales of this latter type are generally known in the market as "spot sales." Buyers of spot milk naturally buy their milk at the lowest price at which it is obtainable at the time they are making their purchases. Dealers who depend on spot milk for all or a major part of their supply, however, do not provide the only market for spot milk in the marketing area. Many of the dealers engaged in marketing area distribution also operate manufacturing facilities in the country. When spot milk becomes available in the city at low prices, those dealers are willing to buy such spot milk to supply their city distributing business and will divert their regular milk to their country manufacturing facilities. Thus, there is always a large market for spot milk in the marketing area if the price is sufficiently low. The market price for spot milk varies considerably from week to week and month to month. Such variation during the same year has ranged from a price insufficient to cover the class price for the milk plus the cost of transportation to the marketing area to a price yielding a margin for the selling handler of 75 cents a hundredweight over the class price plus transportation.

The order contains provisions (definitions of "pool plant" and "producer") identifying the milk which is within the scope of the pricing and equalization provisions of the order. Such provisions contain the standards and requirements which must be met if the milk is to be considered to be producer milk and therefore priced and pooled under the order. One of the basic purposes of such provisions is to include in the market-wide pool all of the milk and yet only



that milk which is primarily produced for and at all times is available for use in the marketing area. Any plant wherever located may become a pool plant and consequently fully subject to the pricing and equalization provisions of the order by meeting the specified performance requirements. Conditions are specified in the order under which a plant may be expressly designated as a pool plant. A plant may also become eligible for participation in the pool on the basis of shipment to the marketing area of prescribed proportions of its receipts from farmers. Continuing eligibility for pool participation is made contingent upon shipping fluid milk to the marketing area when it is needed to meet marketing area requirements.

Prior to 1945 all milk received from farmers at all plants approved by marketing area health authorities as sources of fluid milk for the marketing area was included in the pool and was therefore class priced at its source under the order. Under that plan there was no problem of unpriced milk, because all milk which was lawfully distributed in the marketing area for fluid purposes as well as all other milk at the plant from which it originated automatically was in the pool and subject to classified pricing at its source. Because of serious weaknesses which developed under this loose plan of pooling, the order was amended in 1945 to limit the pool, insofar as possible, to milk which was primarily associated with the New York fluid market either as regular or reserve supplies and to exclude from the pool milk which was primarily associated with some other fluid market or manufacturing outlet even though it had the health approval of one of the marketing area health authorities. This necessarily left out of the pool, and not subject to class pricing at source, quantities of non-pool milk which could enter the marketing area for fluid use because of its health approval.

The performance standards contained in the order for pool participation recognize and are intended to offset insofar as possible certain inherent weaknesses or disadvantages of market-wide equalization. It was in recognition of such disadvantages that the present pool plant provisions were adopted in 1945. Market-wide equalization largely eliminates the economic incentive which many handlers receiving milk from producers otherwise have for supplying the market with fluid milk since the utilization of the handler's milk is not reflected directly in the price which he pays to his producers. The price received by producers depends upon the utilization of milk by all handlers rather than on the utilization made by a single handler. Market-wide equalization has the further disadvantage of tending to encourage participation in the pool by handlers and producers whose milk otherwise would be and historically has been utilized for manufacturing purposes. Pool participation in such instances is not for the purpose of actually furnishing milk for the marketing area but solely for the purpose of qualifying for equalization payments from the pool as a means of maintaining or increasing their supplies of milk for manufacturing purposes by increasing the return to the farmers delivering their milk to such a plant but at no extra cost to themselves. Such handlers may at times ship milk to the marketing area if such shipments are required as a condition for maintenance of eligibility to receive equalization payments from the pool.

Market-wide equalization also creates a situation under which dealers primarily engaged in furnishing milk for fluid markets outside the marketing area are encouraged to operate in such a way that their reserve supply of fluid milk and their milk supply for other uses becomes subject to the marketing order with market-wide equalization. Such a handler operating a number of country plants attempts to qualify for pool participation only those plants with low fluid utilization while at the same time leaving unregulated the plants from which he obtains his fluid milk requirements. Market-wide pools are also susceptible of being loaded with seasonal surpluses accomplished by qualifying plants for pool participation during the season of high production when the milk is not needed for fluid milk outside the marketing area and by withdrawing plants from the pool during seasons of the year when the milk is utilized for fluid purposes in other markets. It is inconsistent with the basic purposes of the act and the order to consider that a farmer is a producer for whom the minimum class prices should apply if his milk is not available when needed by consumers in the marketing area. Such farmers include those whose milk is not available because it is primarily associated with some other fluid market as a regular or reserve supply for that market and is actually so utilized at times when it is needed in the marketing area. Similarly a farmer should not be a producer under the order if his milk is delivered to a handler utilizing the milk primarily for manufacturing purposes but which is caused by the handler to be approved by marketing area health authorities or to be shipped in token amounts to the marketing area only as a means of claiming equalization payments from the pool on large quantities of milk which the handler continues to utilize for manufacturing purposes even though needed for fluid uses in the marketing area.

When provision is made for market-wide equalization of payments to producers it is essential that the benefits of such equalization accrue only to those farmers who are engaged in the production of a supply of milk which is primarily produced for and always available for use when needed in the marketing area. Otherwise, the money paid by consumers for fluid milk would in part be distributed among farmers delivering milk to plants which do not constitute a part of the regular and dependable supply of milk for the market. Such distribution of the returns from the sale of milk in the marketing area would not be in the best interest of either consumers or producers since the money which is intended to provide producers with an incentive to produce an adequate and dependable supply of pure and wholesome milk for the marketing area would be dissipated through distribution to farmers only incidentally engaged in the business of supplying the marketing area with milk.

At the hearing in this proceeding consideration was given to a number of proposed amendments to the present requirements for participation in the pool. There was no proposal, however, or suggestion made that changes should be made which would result in extending the pool to include all milk received at all plants from which any milk may be disposed of in the marketing area. On the contrary, each of the hearing proposals were to tighten existing pool plant requirements so as to obtain greater assurance that only milk which is produced primarily for the marketing area is to be included in the pool. Such changes, if effected, would intensify the problem of non-pool milk in the marketing area for it would further expand the volume of milk that potentially could enter the area without being subject to pricing and pooling under the order. Although findings and conclusions concerning such proposed modifications to the pooling provisions are being deferred at this time, it is concluded that such proposals would in no way minimize the need for including in the order provisions for payments on non-pool milk.

Having defined producers and pooled milk as heretofore and herein found to be necessary, in a way which does not include all milk which may enter the marketing area, it automatically and inevitably follows that an opportunity exists for the sale of unpriced and unpooled milk in the marketing area since the minimum class prices and pooling established under the order pursuant to sections 8c (5) (A) and (B) of the Agricultural Marketing Agreement Act of 1937, as amended, are applicable only to milk received from producers as defined in the order. Such minimum class prices and pooling do not and cannot apply to milk received from farmers who are not pool milk producers. If that milk which is available and eligible for sale in the marketing area from farmers who are not producers and which consequently is unpriced and unpooled under the order is not regulated in some manner, however, the minimum class pricing and equalization provisions of the order would be rendered ineffective. In the absence of some suitable form of regulation of such unpriced milk there is always an artificial economic incentive for milk from non-producer sources to enter the marketing area and displace milk from producers. Such non-producer milk would be milk which would not have entered the marketing area in the absence of a class price plan but would be induced to come in for use in the relatively high valued fluid outlets solely because of the competitive advantage created for it by the classified pricing and pooling of producers' milk. The exclusion of such milk from the marketing area is not authorized or desirable. The only alternative method or device which has been suggested or proposed for deal-

ing with the situation is to impose a suitable charge on such unpriced milk in an amount sufficient to neutralize, compensate for and eliminate the artificial economic advantage for non-pool milk which necessarily is created by the classified pricing and pooling of pool milk under the order.

It is concluded that provisions in the order for imposing such a charge (compensation payments) on non-pool milk are not only incidental to the provisions establishing class prices and market-wide equalization but are necessary to effectuate such provisions, and are not inconsistent with the terms and conditions specified in sections 8c (5) and 8c (7) of the act. It is further concluded that the rates of payment herein specified are those which are necessary and appropriate to accomplish the purpose indicated.

Having determined that a suitable charge on non-pool milk is needed to place pool and non-pool milk used for fluid uses in the marketing area on substantially similar competitive positions at source, a proper rate of charge or a formula for ascertaining such a rate must be established which will be adequate to accomplish the desired purposes and yet not penalize the non-pool milk. If the charge is to be susceptible of effective administration and not subject to abuse and manipulation, it should, if possible, be based on factors which are readily computable or ascertainable, not within the control of individual handlers, well known to all handlers who might be affected by the charge, and uniform in application to all handlers similarly situated. Analysis of the economic factors concerning the relationship of pool and non-pool milk which enters the market for fluid purposes indicates that it is possible to establish a formula which meets these standards, and which closely approximates the theoretically desirable rate which would be sufficient to offset the artificial advantages in favor of non-pool milk which are created by the basic provisions of the order itself.

A proper compensatory formula should adequately evaluate the difference between the class price, at source, which would be charged for pool milk used for marketing area fluid uses (the minuend) and the cost or value, also at source, of the non-pool milk thus used (the subtrahend). The difference should represent the advantage which non-pool milk has over pool milk because of its freedom from classified pricing and equalization at source.

No problem is presented as to the minuend. It clearly and necessarily always must be the Class I–A or the Class II price, depending on the actual use classification of the non-pool milk. That is the class price required to be paid for pool milk at source. The class price should be adjusted, however, for butterfat content and location of the originating plant, just as if that originating plant had been a pool plant.

The establishment of a proper subtrahend presents greater difficulty and requires careful analysis of the different economic factors which apply at source, to non-pool milk from various sources and at different times. It is apparent that no single subtrahend is suitable for all non-pool milk from all sources at all times.

As stated earlier herein, all milk which is established to be primarily associated with the New York milk marketing area under the standards prescribed by the order is included in the New York pool. Conversely, the non-pool milk which enters the marketing area for fluid use originates from plants which are not sufficiently associated with the New York market to have their milk in the pool. Such plants have their primary interests in other fluid markets or specialized manufacturing uses and frequently have more milk than is required for these primary purposes. It is this surplus milk at non-pool plants which can be "dumped" into the New York market for fluid use, provided only that the plant and the milk has marketing area health approval. The operator of such a non-pool plant has a choice of using the excess milk for surplus uses (ordinarily in the manufacture of various milk products) or of sending it to the New York marketing area for fluid uses. In making this decision he will compare the respective net returns to him for this surplus milk and will naturally select the fluid alternative, for it will yield the greater return. In the absence of classified pricing, his cost, at source, for the excess milk remains exactly the same whether he uses it for surplus disposition or for fluid use. The pool plant operator on the other hand has no such advantage for he pays a higher classified price, at source, if he sells the milk in the market area for fluid use (Class I–A or II) than if he disposes of it for surplus manufacturing uses (Class III).

If this artificial advantage in favor of surplus non-pool milk at the plant of origin is to be effectively removed, as it must be, the milk must be treated and evaluated for what it actually is, namely, surplus milk in the milkshed. If New York marketing area disposition were not available for this surplus, the non-pool handler could derive from it only its surplus value. This surplus value is its true value or "opportunity cost" and such surplus value should be used as the subtrahand in the formula for compensation payments on non-pool milk from plants not subject to a Federal order.

The Class III price under the New York order is the class price which is payable, at source, for pool milk under the New York order when used for most surplus uses. It is expressly designed to fix a proper classified value, at source, for surplus milk. The Class III price closely approximates the amount paid in the Northeast to farmers not under the New York order for so much of their milk as is used for general manufacture.

It is therefore a dependable indicator of the value of surplus milk at source. If a non-pool handler, for his own reasons, chooses to pay more than its true market value, at source, for surplus milk which he sends to the New York area, the pool should not underwrite this unnecessary cost, particularly since the premium can be used to outbid pool handlers for milk, as previously shown.

At times, however, when supplies of milk are exceptionally high in the Northeast, the only available alternative outlets for surplus milk, both pool and non-pool, are in the manufacture of butter and cheese. The quantity of milk in the New York pool used in butter and cheese exceeds 15 percent of the quantity in Class I–A and II only when other manufacturing outlets in the Northeast are not generally available for surplus milk. Under these conditions the subtrahend should be the class price established by the order for pool milk used for butter and cheese. Such amount more nearly represents the price paid to farmers in the Northeast for nonpool milk used for butter and cheese.

The only area outside of the Northeast from which there appears to be a probability that unregulated non-pool milk might enter the marketing area is from the Midwest. Here the alternative outlets for milk are the same products as in the Northeast. However, the best indicator or measure of the price paid to the farmer for milk so used in the Midwest as a whole is the Midwestern condensary price. This should be used as the subtrahend in the compensation payment formula applicable to milk originating at such plants.

There is likely to be a general shortage of milk in the Northeast whenever the reserve supply of milk in the New York pool (milk in Class III) is less than 15 percent of the volume of milk utilized in Class I–A and Class II. Should such a shortage develop, some individual handlers in the marketing area might at times during the month experience some difficulty in readily obtaining pool milk to cover their full fluid needs. Moreover, at such times, because of the general shortage of milk, alternative outlets in other fluid markets probably would exist for non-pool milk and the order would not be the means of providing artificial economic advantage for such milk to displace producer milk for fluid uses in the marketing area. Accordingly, there should be no payments on non-pool milk whenever the quantity of pool milk in Class III is less than 15 percent of the total volume of milk classified in Class I–A and Class II.

Milk disposed of in the marketing area for Class I–A or Class II use from plants at which the handling of milk is regulated by another Federal order would be milk for which a minimum class price is fixed under such other order. The price advantage which such milk would have over pool milk priced under the New York order would be the amount by which the class price under the other order is less than the New York order class price at the plant where the milk is received from farmers. Consequently, this amount is the appropriate rate of compensation payment in instances where the other order also provides for market-wide equalization of prices to producers or where the class price established for such milk under the other order reflects its value for manufacturing the same as for surplus milk otherwise disposed of by the non-pool handler. However, in instances where the other order, as in the case of Order No. 61 regulating the handling of milk in Philadelphia, makes no provision for market-wide equalization and prices such milk at the full Class I or New York Class I–A price, it is essential that provision be made for the economic benefit of such fluid sale to accrue to New York pool producers and for the value of the milk for manufacturing to be returned to producers delivering to the handler under the other order. This result can and should be accomplished by collecting into the New York pool from the handler under the other order the difference between the established class price for milk used for manufacturing and the established class price for milk used for fluid purposes in the New York market. In order that the combined application of the two orders does not result in a total charge for milk disposed of by the other order handler which is greater than the price (Class I–A) required to be paid by a New York pool handler, the payment required to be made by him into the New York pool should be further contingent upon provision having been made in the other order for deducting the amount of such payment from the amount he otherwise would be required to pay to his own producers. Such a provision is necessary to eliminate the incentive which otherwise would prevail for handlers under other orders without market-wide equalization to dump their surplus into the New York pool. This is not merely a potential problem. Plant operators with milk approved for sale both in Philadelphia and in New York already have employed the practice of making token shipments of milk to Philadelphia, thus qualifying the milk for regulation under the Philadelphia order, and of simultaneously making much larger shipments to New York but in amounts insufficient to qualify the plant for full regulation under the New York order. Such a handler has been required by provisions of the Philadelphia order to pay the full Class I–A price for such milk. Such a sale has the same undesirable effects on New York pool producers as previously indicated with respect to fluid sales in the market from completely unregulated plants. The purposes of market-wide equalization under the New York order are defeated by such a practice. Provision for market-wide equalization can be maintained only if sufficient safeguards are provided to prevent distribution of the returns from fluid sales in the market to farmers other than those for whom the minimum class prices are established under the order.

Under the terms of this decision and of the companion decision for Philadelphia issued December 9, 1953, payments to the New York pool on Class I–A and Class II milk originating at Philadelphia order plants will be the difference between the Class I–A or Class II price and the applicable surplus price. The economic considerations involved with respect to milk for which minimum class prices are established by state agencies are substantially the same as in the case of milk from plants subject to the Philadelphia order and other Federal orders not providing for market-wide equalization. Accordingly, the amount of the payment into the New York pool should be the same except that, as to state regulated milk, the payment into the pool of the difference between the Class I–A or Class II and the applicable surplus price should not be contingent upon provision having been made in the state regulation for deducting the amount of such payment from the amount otherwise required to be paid to farmers under the state regulation. With respect to milk for which a state agency fixes producer prices the burden of adjusting prices so as to avoid a total charge on the handler higher than the Class I–A price must be assumed by the state agency. Such an adjustment is outside the jurisdiction of the Secretary. The only apparent alternative of restricting the amount of payment into the pool to the difference between the Class I–A price and the class price fixed by the state would result in failure of the provision to accomplish one of its basic purposes, since the originating plant would still retain the economic advantage associated with payment of the fluid value to its own farmers, without equalization to any pool, and there would be no assurance that returns from the sale of milk in the marketing area would go to producers relied upon to supply the market. Furthermore, the degree to which class prices fixed by state agencies are enforced, particularly as to interstate shipments, varies from occasional spot checking in some states to more complete audits in other states. Under these circumstances the state fixed prices could not be relied upon as actually having been paid to farmers.

Methods of computing a rate of compensation payment on non-pool milk other than the method herein found to be appropriate were explored and analyzed. Such other methods of computation involved use, as a rate of compensation payment, of the amount by which the class price (Class I–A or II) exceeds (1) the price paid by the receiving handler in the marketing area f. o. b. the market for non-pool milk, (2) the price actually paid to farmers by the handler of the non-pool milk, or (3) the uniform price payable to producers under the order. All of such other methods are rejected as being unsatisfactory and unacceptable, however, because the rates of compensation payment so calculated do not eliminate the artificial economic advantage afforded unpriced incidental supplies of milk over fully regulated producer milk.

The act requires that prices fixed under the order for milk purchased from producers or associations of producers be uniform as to all handlers, subject only to usual adjustments, such as those for butterfat content and location of the milk. The only prices fixed under the order are those for producer milk. Class prices for pool milk under the order are for raw milk, at source, as received from farmers.

No valid comparison can be made of prices to farmers with the necessarily higher prices of milk or milk products at any later point in the marketing process. The prices between dealers must necessarily reflect, in addition to such initial farm level cost or price, subsequent handling costs, such as those incurred in receiving, weighing, testing, cooling, hauling between plants, processing, and selling, as well as profits. Consequently, the compensatory charges do not purport to assure that the cost or price of non-pool milk or milk products, as bought and sold from dealer to dealer, will be no higher than the minimum class prices for raw, unassembled pool milk, f. o. b. initial plant. A handler selling pool milk or milk products could not sell it at levels as low as the minimum class price without loss to himself. Compensatory charges at a rate which would assure a total maximum cost to a handler of only the minimum class price for non-pool milk and milk products received from a non-pool plant would clearly discriminate against pool milk and milk products.

The price actually paid to farmers by the first handler of non-pool milk also is not a suitable or adequate measure for purposes of the compensation payment formula. Such a subtrahend would fail to recognize the true nature of non-pool sales in the marketing area, namely, that they represent the surplus of non-pool plants, and must be treated as such if the payments are to be adequate. Moreover, even if the full Class I–A price were paid to farmers for all milk at the plant of origin the non-pool plant would nevertheless have a marked advantage over an immediately adjacent pool plant which must pay equalization payments into the pool on its Class I–A sales. Without extra cost to himself, the non-pool plant operator can pay as much as the full Class I–A price to his own farmers, whereas the pool plant operator cannot do so because he must pay part of the Class I–A price to the equalization fund for distribution to all producers in the pool. The non-pool plant can thus actually outbid the pool plant for milk by paying more to its own farmers without extra cost to itself. This is particularly true where the non-pool milk originates from a plant which primarily serves other fluid markets and which can send its entire surplus into the New York market for fluid use, thus resulting in 100 percent fluid use of all milk in the non-pool plant. This unfair competitive advantage compels the operator of the pool plant to pay a further premium if he is to retain his milk supply, thus disturbing the price relationships established by the order, creating an unfair initial cost disparity in favor of the non-pool plant and promoting disorderly marketing in the milkshed.

It is also administratively impossible in most cases to determine what was the actual rate of payment to farmers for that part of the non-pool milk at the plant of origin which came into the marketing area as distinguished from the price paid for that part which was disposed of elsewhere, or for other than fluid purposes. Milk at such plants is usually not subject to use classification and audit and is purchased from farmers and paid for it without regard to its utilization. It is not realistic to assume that the purchase price for each use is actually the same.

When non-pool milk originates from a plant which is not subject to pricing and equalization under another Federal







order, the Class I–A price is the appropriate subtrahend. Such a subtrahend would fail to recognize the true nature of non-pool sales in the marketing area, namely, that they represent the surplus of non-pool plants, and must be treated as such if the payments are to be adequate. Moreover, even if the full Class I–A price were paid to farmers for all milk at the plant of origin the non-pool plant would nevertheless have a marked advantage over an immediately adjacent pool plant which must pay equalization payments into the pool on its Class I–A sales. Without extra cost to himself, the non-pool plant operator can pay as much as the full Class I–A price to his own farmers, whereas the pool plant operator cannot do so because he must pay part of the Class I–A price to the equalization fund for distribution to all producers in the pool. The non-pool plant can thus actually outbid the pool plant for milk by paying more to its own farmers without extra cost to itself. This is particularly true where the non-pool milk originates from a plant which primarily serves other fluid markets and which can send its entire surplus into the New York market for fluid use, thus resulting in 100 percent fluid use of all milk in the non-pool plant. This unfair competitive advantage compels the operator of the pool plant to pay a further premium if he is to retain his milk supply, thus disturbing the price relationships established by the order, creating an unfair initial cost disparity in favor of the non-pool plant and promoting disorderly marketing in the milkshed.

It is also administratively impossible in most cases to determine what was the actual rate of payment to farmers for that part of the non-pool milk at the plant of origin which came into the marketing area as distinguished from the price paid for that part which was disposed of elsewhere, or for other than fluid purposes. Milk at such plants is usually not subject to use classification and audit and is purchased from farmers and paid for it without regard to its utilization. It is not realistic to assume that the purchase price for each use is actually the same.

When non-pool milk originates from a plant which is not subject to pricing and equalization under another Federal order, the Class I–A price is the appropriate subtrahend. Such a subtrahend would fail to recognize the true nature of non-pool sales in the marketing area, namely, that they represent the surplus of non-pool plants, and must be treated as such if the payments are to be adequate. Moreover, even if the full Class I–A price were paid to farmers for all milk at the plant of origin the non-pool plant would nevertheless have a marked advantage over an immediately adjacent pool plant which must pay equalization payments into the pool on its Class I–A sales. Without extra cost to himself, the non-pool plant operator can pay as much as the full Class I–A price to his own farmers, whereas the pool plant operator cannot do so because he must pay part of the Class I–A price to the equalization fund for distribution to all producers in the pool. The non-pool plant can thus actually outbid the pool plant for milk by paying more to its own farmers without extra cost to itself. This is particularly true where the non-pool milk originates from a plant which primarily serves other fluid markets and which can send its entire surplus into the New York market for fluid use, thus resulting in 100 percent fluid use of all milk in the non-pool plant. This unfair competitive advantage compels the operator of the pool plant to pay a further premium if he is to retain his milk supply, thus disturbing the price relationships established by the order, creating an unfair initial cost disparity in favor of the non-pool plant and promoting disorderly marketing in the milkshed.

It is also administratively impossible in most cases to determine what was the actual rate of payment to farmers for that part of the non-pool milk at the plant of origin which came into the marketing area as distinguished from the price paid for that part which was disposed of elsewhere, or for other than fluid purposes. Milk at such plants is usually not subject to use classification and audit and is purchased from farmers and paid for it without regard to its utilization. It is not realistic to assume that the purchase price for each use is actually the same.

When non-pool milk originates from a plant which is not subject to pricing and equalization under another Federal

order, it is also administratively not feasible to determine what were the exact prices actually paid to farmers for their milk. The various payment plans which might be and are used in paying farmers for non-pool milk would make the determination of pay rates to each farmer an extremely difficult task. Unregulated milk dealers may use varying rates of butter-fat differentials, different types of payment plans, varying premium payments, make varying deductions from all or part of the farmers for various kinds of service and so on. Payments to non-pool farmers also are not subject to audit by the market administrator and are subject to manipulation by an interested handler. Stated prices can be illusory because they may readily be inflated and the excess then neutralized by offsetting overcharges for hauling the milk and for all kinds of supplies and services customarily provided to the farmer. In some cases actual cash rebates might be made but not recorded. If a use classification plan of some kind is employed the farmer may be paid too much for the surplus milk which enters the marketing area and too little for other milk which is used elsewhere. If the non-pool milk originates from the plant of a cooperative it is frequently impossible to ascertain the rate of payment for the milk sold as distinguished from membership profits or losses on operations and plant investment, and frequently a part of the proceeds for milk are distributed to members as a lump sum "dividend" at the end of the year, or may be held back for reinvestment in the cooperative enterprise.

For these many reasons the use, as the subtrahend, of the price actually paid to farmers for non-pool milk is neither administratively practicable nor is it adequate for purposes of the compensation payment formula.

The use of the uniform price under the New York order as the subtrahend for unregulated milk also is not suitable or adequate. As previously shown, the milk in question is actually surplus milk with a surplus value. If the uniform price were used as the subtrahend it would only partially reduce the advantage in favor of non-pool milk, but would still leave outstanding so much of the advantage as is represented by the difference between the blend price and the surplus value of the milk.

Compensation payments at the rates herein found to be essential should be made on milk classified in Class I–A and Class II since it is milk in these classes for which minimum producer prices higher than those for milk otherwise utilized are established. Milk utilized for fluid cream in the marketing area (Class II) is required by marketing area health authorities to come exclusively from plants approved by them for shipment of fluid milk and other Class I–A products to the marketing area. This situation is recognized under the order by fixing a minimum Class II price considerably higher than the minimum price established for milk used as cream elsewhere. Although the class price for milk used for cream in the marketing area is lower than for milk in Class I–A, it is enough higher than the value at the producer level for surplus utilization outside the marketing area to provide an incentive for non-pool handlers to utilize their surplus non-pool milk for this purpose in the absence of compensation payments.

Non-pool milk so utilized would displace and force into Class III an equivalent amount of producer milk, thus precluding distribution of the returns from sales in the marketing area to those producers relied upon to produce an adequate supply of milk and cream for use in the marketing area.

Non-pool milk may occasionally be received at a country pool plant and be there classified as Class I–A or Class II milk. Such transactions present substantially the same problems as a direct marketing area receipt and should similarly be made subject to compensation payments.

The considerations which require that compensation payments be made on Class I–A and II non-pool milk distributed in the marketing area apply with equal force to non-pool skim milk which is used or distributed in such manner as to have been subject to the fluid skim differential had it been from pool sources. Since this differential is itself the difference between skim milk for fluid use and skim milk for manufacture, the full differential should be applied on such non-pool skim milk.

In addition to milk from known non-pool sources, suitable payments must also be required on milk for which the source is not established. Such milk, in the absence of evidence to the contrary, must be presumed to be milk for which no payment has been made, at source, either to producers or to non-pool farmers. Consequently, the rate of payment which must be required on such milk is the full amount of the minimum price established for producer milk in the class in which it is utilized.

The payments on non-pool milk and on milk from unestablished sources should be added to the producer settlement fund and distributed to producers as a part of the uniform price which pool handlers are required to pay to producers. As previously indicated in this decision, it is not the primary purpose of compensation payments to compensate pool producers for a lost sale. However, when non-pool milk is distributed in the marketing area as Class I–A or II milk an equivalent quantity of pool milk is displaced from these classes and falls into the lowest valued surplus class utilizations then in the pool, usually that for butter and cheese. The compensation payments do not purport to restore to the pool the full amount of such displacement loss. Thus, the amount of the charge on milk from unregulated non-pool sources is ordinarily only the difference between the Class I–A or II price and the Class III price—rather than the price for butter and cheese. Likewise, when the non-pool milk is from a source at which the milk is adequately priced and pooled under another Federal order, the charge is only the difference between the fluid class prices under the two others and not the much greater charge which would have to be obtained if the displacement loss to the pool were to be fully recovered (Class I–A minus butter—cheese).

The fact that this displacement loss to the pool does occur whenever non-pool milk is used in Class I–A or II does, however, provide an additional reason for imposing some charge on the non-pool milk and clearly justifies the addition of such payments to the common pool as partial compensation for the displacement loss suffered by the pool. It is highly important that this displacement loss to the pool be compensated for to the fullest extent possible, consistent with the primary reasons for compensation payments previously stated in this decision. A fundamental purpose of the order is to fix a schedule of prices for pool milk which will (1) insure that a sufficient and dependable supply of quality milk will be available for Class I–A and Class II needs of the market, and (2) be in the public interest. To the extent that such sales are displaced through the disposition of surplus milk from unpriced sources, producers lose income from sales in the market which they are expected to supply. Producers would not realize the income from the sale of their milk which the order is designed to provide at the class prices established. Such loss of income unless otherwise compensated for would necessitate higher class prices, at the ultimate expense of consumers. Otherwise, the maintenance of an adequate supply of milk for the market would be jeopardized. The addition of compensation payments to the producer settlement fund is an appropriate method of compensating, insofar as possible, producers relied upon to supply the market for a loss of income which they would otherwise incur. Such disposition of the funds does not constitute a means of returning more to producers than contemplated at the class prices established under the order since no compensation payments are required to be made when supplies of producer milk are not sufficient to meet market requirements in uses to which compensation payments apply. An additional reason for adding compensation payments to the producer settlement fund is that no alternative disposition of such funds is suitable, feasible, or authorized under the act.

There remains the question of proper incidence of the payments. If the operator of the non-pool plant is the same person who distributes the milk in the marketing area, he clearly should make the payment. Where the source is not established, the charge necessarily must be imposed on the order handler in whose possession it is found. However, much of the non-pool milk on which payments are required is handled by more than one handler, and it is necessary that provision be made in the order specifically identifying the handler on whom the obligation to make the payment is imposed. From the standpoint of the economics involved, the incidence of the charge makes no difference since the amount of the payment is the same regardless of who makes it. From the standpoint of administration and enforcement, however, it is much easier and simpler for the payment to be made by the regulated handler operating the pool plant outside the marketing area or by the handler operating a plant in the marketing area, depending upon whether the non-pool milk is first received at a pool plant or is received directly from a country non-pool plant at a plant in the marketing area.

It is these handlers with whom the market administrator regularly deals. Such handlers would be expected to know and understand the terms and provisions of the order. It is these handlers who would be responsible for distributing the milk or milk products in the regulated market. Making the operator of the pool plant responsible for compensation payments also results in minimizing such payments since producer milk is first assigned to Class I–A and Class II milk at the plant. Where milk is shipped directly from a non-pool plant to a plant in the marketing area, it is the handler operating the plant in the marketing area who should make the payment.

The purchasing handler, being in direct contact with the order and aware of its provisions, can readily protect himself against double payment by deducting the known compensatory charge from the price he otherwise would pay for non-pool milk; and it is contemplated that a reasonable person will do so in the circumstances. This procedure will result in his paying, for the non-pool milk, its market value as surplus and paying to the pool the difference between its fluid and its surplus values. The non-pool source will thereby receive the true value of the non-pool milk, namely, its surplus value, thus achieving the purpose of the compensation charges. A marketing area handler who pays more than its full value for the non-pool milk, or who fails to take into consideration the charge to the pool has paid too much to the non-pool seller of the milk. His position is no different than if he had paid too much, i. e., more than other handlers, for pool milk similarly purchased, because of poor business judgment or other reasons.

It might appear that the charge should more properly be imposed at source because it is intended to prevent undue advantages for non-pool milk at that level of marketing. Such a plan would present serious administrative and practical difficulties. The non-pool plant (source) operator might not be aware that a compensation payment is required until long after the sale has been consummated. He might not even know at the time of the sale, particularly if made through a broker, that his milk was being moved to the New York market for distribution. In some cases the milk or milk product may be resold several times before entering the New York market, so that the first plant operator would have no control over its disposition. In such circumstances it would be unequitable to charge the originating handler. Moreover, if enforcement proceedings were to be required, it would be more convenient and logical to bring the action in the area of the regulated market where the problem arose. Where distribution is made on wholesale or retail routes in the marketing area from the non-pool plant without going to a plant in the marketing area, there is, of course, no alternative to imposing the charge on the operator of the non-pool plant.

The compensation payments herein provided will not prohibit the marketing of milk nor limit the marketing of milk products from any production area of the United States. The rates of payment required are uniform rates subject only to adjustment resulting from application of the same transportation differentials used in adjusting minimum producer prices to reflect distance from the market of the plant at which the milk is received from farmers.

The quantity of milk and milk products which may be sold in any regulated market is dependent to a considerable extent upon the price fixed under the order for the particular class of utilization. Such influence should not be construed, however, as a limitation of the type precluded under the act. No price can be fixed without influencing, to some extent, the quantity of milk and milk products which may be sold from either regulated or unregulated sources. No quantitative limitations are imposed under the order on the amounts of unpriced milk which may be disposed of in the marketing area nor do they prohibit such use or any other use of unpriced non-pool milk or milk products. The compensation payment herewith provided will not discriminate against producers by areas, nor deprive suppliers of unpriced milk of a high priced market which they would otherwise enjoy. Rather the payments tend to maintain the natural economic advantages accruing to specific plants and farmers by reason of such economic factors as location, quality of milk and efficiency of operation. Without such payments regulated milk would be at a distinct competitive disadvantage compared to unpriced milk similarly located. Without such charges the order would tend to limit and reduce the marketing area sales of pool milk which in the absence of regulation for the market would be thus sold and utilized. The balancing compensatory charge removes the artificial advantage created which otherwise exists for non-pool milk. The net effect is to preserve insofar as possible the balance which would prevail with respect to milk from various sources in the absence of an order.

It is necessary in seeking an overall solution to problems of this nature to adopt provisions which will be reasonable and be liberal as possible, and at the same time will still guarantee the integrity of regulation. Commerce in milk is entirely at the option of handlers. They are free to complete only those transactions which are most favorable to themselves. Order provisions must recognize this fact. They must recognize, also, that the varying conditions under which milk transactions occur give rise to great complexity in the regulatory problem and that, at times, individuals may be inconvenienced or even suffer hardship by reason of provisions necessarily adopted for the common good of the public and the industry at large.

*Issue No. 2.* Consideration was given at the hearing to changes which should be made in the order relative to the pricing and pooling of milk which is assembled from farms by transferring the milk in bulk directly from a farm tank to a tank truck, such milk commonly, and herein, referred to as bulk tank pickup milk.

There is at present only a relatively small volume of bulk tank pickup milk in the New York milkshed. At the time of the hearing there was only one tank pickup route in operation, a 350 can tank which in April 1953 was picking up about 310 cans of milk from 17 farms located in counties of Columbus, Dutchess, Rensselaer, and Ulster. This truck was traveling a round trip distance of about 400 miles daily including the pickup from farms and delivery to a plant in the marketing area. While additional bulk tank pickup routes were reported to be in the process of formation or under consideration, it appears that the current development of such groups is largely on an experimental basis. The proposed amendments contained in the recommended decision relative to bulk tank pickup milk were designed primarily for the purposes of (1) pricing bulk tank pickup milk on a f. o. b. farm basis, and (2) to provide a means of determining the time and circumstances under which such milk would be considered to be pool milk and when it would be considered to be nonpool milk. Numerous exceptions were filed to the findings and conclusions contained in the recommended decision and to the proposed effectuating amendments largely on the basis that various aspects of the problem were not sufficiently explored at the hearing. After consideration of such exceptions, it is concluded that the proposed amendments concerning bulk tank pickup milk should be abandoned pending further consideration at another hearing. No serious problems appear to exist or to be in prospect immediately resulting from failure to adopt such amendments at this time.

*Issue No. 3.* The order should be amended to clarify and eliminate the possibility of misunderstanding with reference to the definition of a plant and related duties and functions of the market administrator. It was indicated that the present provisions are susceptible of different interpretations. The changes proposed (proposals Nos. 21, 22, and 23) were for the purpose of making it clear that application of the plant definition by the market administrator is not contingent upon first having notified the handler of his determination as to what constitutes a plant and its equipment except in instances where there is a revision by the market administrator of a prior determination of which the handler has been notified, and that the order imposes no duty upon the market administrator to notify handlers of his determinations under the plant definition except upon receipt of written request therefor received from a handler. The accompanying amendments hereinafter set forth to §§ 927.8, 927.18 (j) and 927.54 are designed to accomplish those purposes.

There was considerable discussion on the record of the prospect of administrative complications and potential controversy concerning that part of proposal No. 22 under which § 927.18 (j) would be expanded to make the duties imposed on the market administrator apply to written requests received from persons other than handlers. In view of these potential difficulties and because there was no showing of the necessity for such a requirement, it is concluded that the order should not be amended to impose specific duties on the market administrator with respect to inquiries received from persons other than handlers. Failure to include such a specific provision, however, does not preclude persons other than handlers from obtaining such information as is available concerning determinations which have been made as to whether or not a plant exists at a specified location.

*Issue No. 4.* Proposal No. 31 of the notice of hearing was to deal with the administrative problems experienced in determining compliance with existing provisions of the order (§ 927.40) under which handlers are required to pay minimum class prices for milk received from cooperative associations of producers. It was demonstrated that the proposal was confined to only one aspect or fragment of the problem involved. The proposed procedure for determining whether or not minimum class prices had been paid would apply only to transactions covered by a written contract. It was also indicated that adoption of the proposal might readily create additional administrative problems including the interpretation of inter-handler contracts and whether or not the market administrator would become involved in enforcement of contracted obligations between handlers to pay items other than class prices.

An alternate proposal, made for the first time at the hearing, was to eliminate from the order the second sentence of § 927.40 under which a time limit is established for the payment of minimum class prices to a cooperative association which is also a handler. It appears that the effect of this proposal would merely be to eliminate the currently specified time in which payment must be made, a result more limited than the intended purpose of the proposal. The record indicates considerable uncertainty as to the extent, if any, to which the requirement for payment by handlers for minimum class prices to cooperatives would be changed by adoption of the proposal, and also some question as to whether the alternate proposal is within the scope of the hearing notice. Accordingly, it is concluded that neither the proposal contained in the notice nor the alternate proposal made at the hearing should be adopted.

*Issue No. 5.* Section 927.77 should be amended by adding a new paragraph (c) to permit handlers to obtain a refund of the difference between the Class II and Class III prices, applicable for the month in which the milk is received from producers, when such milk is held in the form of cream longer than the period for establishing classification if claim for such refund is filed by the handler together with evidence of disposition of the cream outside the marketing area in a manner under which it would have been eligible for classification in Class III pursuant to § 927.37 (c) (1) (3) (5) or (6) had such disposition been made during the period for establishing classification. Such opportunity for refund, however, should not apply to cream utilized in the marketing area since to do so would tend to render inoperative the procedures and safeguards now associated with the verification of claimed uses of cream in the marketing area. Provisions of the order for the classification in Class III of cream stored in licensed cold storage warehouses appear to provide ample and appropriate opportunity for classification in Class III of cream held beyond the period for establishing classification for use in the marketing area.

It is concluded that the ultimate charge to the handler for such milk at the Class III price should be effectuated by the process of making a refund rather than by reclassification, thus avoiding a complete reapplication of the accounting procedure relative to assignment of classifications between handlers and between pool and non-pool milk. Reclassification would involve unnecessary administrative complications. Such opportunity for refund should be applicable to cream utilized in butter outside the marketing area but this provision for refund is not intended to qualify such cream for the butter-cheese adjustment, and does not so qualify it since the butter-cheese adjustment continues to be applicable only to milk classified as Class III pursuant to § 927.37 (e) (6).

It is further concluded that it is not necessary to impose the same time limit for the filing of such claims for refund as is imposed in connection with claims for storage cream payments. Storage cream payments are contingent upon evidence of use in a particular product or form, whereas in this instance it is necessary only for the market administrator to determine that the cream was finally disposed of outside the marketing area. Accordingly, under the recommended amendment, the time for filing claims for refund would be limited only as set forth in § 927.85.

*Issue No. 6.* The order should be amended by deleting from paragraph (c) of § 927.50 the requirement for submission of a signed statement of the operator of a non-pool plant at which disposition of milk is claimed by the reporting handler as the basis of classification. Such requirement no longer serves any essential purpose.

*Issue No. 7.* Section 927.35 of the order (accounting procedure) should be amended virtually as set forth in hearing notice proposal No. 28. The words "which is classified as Class I–B or I–C" appearing in the proposed paragraph (b) of proposal No. 28, however, should not be included in the amended provision since to include such language would constitute a change not shown to be justified. Inclusion of these words in the proposal was shown to be inadvertent.

Under existing provisions of § 927.35 (b) and (c) the procedure for assignment of whole milk receipts to classifications of whole milk shipments at plants where there are receipts both from pool and non-pool sources has been unduly complicated in many instances. Adoption of the proposal to provide for proration of whole milk receipts against whole milk disposition in terms of pounds of whole milk before receipts of whole milk are prorated to other products will constitute a less complicated procedure for arriving at the same result as at present, and will tend to facilitate the mechanics involved in interhandler settlements for milk.

*Issue No. 8.* No amendment should be made in § 927.38 (e) of the order for the purpose of limiting the territory within which milk and cream may be classified at plants other than those from which the milk or cream is shipped. The evidence indicates that the present provision has tended to facilitate the economical disposition of pool milk for other than fluid purposes, and provides no basis for restricting the extent to which milk and cream may now be classified at plants in the territory surrounding the milkshed.

*Issue No. 9.* Evidence in the record does not justify any change in the fluid skim differential either with reference to the skim milk to which the differential should be applied or as to the amount of the differential. The proposal contained in the notice of hearing was to make the fluid skim differential at the present rate applicable not only to skim milk disposed of in the marketing area in the form of milk, fluid skim milk, and cultured milk drinks but also to skim milk utilized in such forms outside the marketing area. Modifications of the hearing notice proposal were presented at the hearing including a proposal not to apply the fluid skim differential to skim milk disposed of to food processing plants within the marketing area or under some circumstances to skim milk not shown to have been disposed of outside the marketing area for other than fluid purposes. The evidence submitted concerning these various proposals was little more than exploratory in nature and does not constitute an adequate basis for determining precisely what changes, if any, should be made in the amount or application of the fluid skim differential. Several exceptions were filed to the failure to recommend amendment of the order to make the fluid skim differential applicable to skim milk for certain fluid uses outside the marketing area. In the interest of clarification, it is pointed out that failure to make such amendment is due to the absence in the record of sufficient evidence rather than on a conclusion that the evidence definitely shows such amendment to be without merit. Acordingly, the exceptions are denied.

Companion proposals relating to the plant with which classification of skim milk would be determined for purposes of application of the fluid skim differential were also contained in the hearing notice but their adoption is unnecessary unless the fluid skim differential is applied to



fluid skim utilization outside the marketing area.

*Issue No. 10.* The issue considered at the hearing was what changes, if any, should be made in the classification and pricing of all or certain portions of the milk utilized in fluid form (fluid milk, concentrated fluid milk, fluid milk products, and cultured or flavored milk drinks) outside the defined marketing area. Such milk sold in other Federally regulated markets is now classified in Class I–B and priced the same as milk for fluid use within the marketing area (Class I–A). Milk sold outside the defined marketing area and outside other Federally regulated markets is now classified in Class I-C and priced at 20 cents over the blend or uniform price.

Although technically within the scope of the hearing, the classification and pricing of milk now classified in Class I-B was given only superficial and incidental consideration at the hearing. Accordingly, it is concluded that no change should be made in such provisions. Primary consideration was given at the hearing to the classification and pricing of milk which is now classified in Class I-C. For purposes of this decision and for reasons hereinafter set forth, the milk now classified in Class I-C is divided into three separate categories as follows:

(1) Milk disposed of within the State of New York outside the marketing area;

(2) Milk disposed of in Northern New Jersey; and

(3) Milk disposed of in other areas.

It is concluded that as to the milk in categories 1 and 2, a decision on changes in the classification and pricing provisions of the order should be deferred pending further consideration, and as to milk in category 3, the minimum price established under the order should be changed to the price established for Class I–A milk. This price change should be accomplished by revision of the Class I-B definition to include such milk.

The principal markets where Class I–C milk is now sold have long relied for a substantial part of their fluid milk requirements upon sources of supply which, upon issuance of the order in 1938, became regulated under the order. Instead of including such markets in the defined marketing area under the order as originally promulgated, special pricing provisions were adopted recognizing the historic dependence both of such markets and the defined marketing area, upon a common source of supply. When the order was first made effective in 1938, milk now classified as I–C milk was unpriced. Beginning on March 1, 1941, such milk was priced at 20 cents over the price established for milk used for fluid cream in the marketing area (Class II–A). Since July 1, 1941, the price established for Class I–C milk has been the uniform price plus 20 cents.

The pricing of milk sold outside the marketing area, as defined, is a problem which not only was considered during promulgation of the original order in 1938, but which has been considered on several later occasions at public hearings on proposals to amend the order. The problem as presented at this hearing, insofar as the pricing of milk disposed of in Upstate New York and Northern New Jersey is concerned, is one which cannot properly be decided independent of other issues on which public hearings have been held. Such other issues include revisions of transportation and location differentials and the question of whether minimum producer prices should be established under Federal regulation for all milk produced for Northern New Jersey. These are issues on which public hearings have been held but on which decision has been deferred pending further consideration. Since these issues are directly associated with the pricing of I-C milk in Upstate New York and Northern New Jersey, a decision on that question likewise is being deferred.

For the past 4 years, the Class I-C price has been lower than the Class I-A price by amounts ranging (on an annual average basis) from 66 cents (in 1952) to 93 cents (in 1949). The differences were smaller prior to 1949. By months in 1952 the Class I-A price exceeded the Class I-C price by varying amounts ranging from 54 cents in February to 84 cents in March. During the last 5 years the Class I-C price has averaged $1.33 higher than the Class III price and 63 cents higher than the Class II price.

Ever since the order has been in effect substantial quantities of milk have been utilized in Class I–C. The annual volumes of Class I–C milk have varied some from year to year ranging since 1942 from a low of 372 million pounds (in 1948) to 528 million pounds (in 1952). Prior to 1948, the years of highest volume were 1946 with 500 million pounds and 1948 with 508 million pounds. Annual percentages of pool milk used in Class I–C have ranged from about 6 percent in 1942 and 1949 to about 9 percent in 1943 and 1946. During the past 3 years the percentages have been 7.0, 7.6, and 7.4, respectively.

Substantial volumes of Class I–C milk are sold in each month during the year. Highest volume months usually are July and August while lowest volume months usually are April and May. In 1952 the volume varied from about 27 million pounds in May to 62 million pounds in July.

The various categories (as herein set forth) of Class I–C milk are distinguished by differences in the competitive factors and marketing conditions related to sale of such milk in the various markets where it is sold. Such differences were recognized by many of the principal witnesses who testified at the hearing. By far the largest market for Class I–C milk is, and always has been, Northern New Jersey. Sales of Class I–C milk in Northern New Jersey have constituted over 40 percent of the total consistently over the 15-year period in which the order has been in effect. Such sales were 44 and 47 percent, respectively, of total Class I–C sales in 1951 and 1952. Next to Northern New Jersey, the largest proportion of Class I–C sales is in the State of New York, with such sales accounting for about 35 percent of the total. About 20 percent of all Class I–C sales are in the six New York counties nearest the marketing area. The balance of the Class I–C sales (aggregating about 18 percent of the total in 1952) are in other areas, principally southern New England and Pennsylvania. Some Class I–C sales were made in 1952, however, in areas farther South, including Washington, D. C., North and South Carolina and Florida.

In the markets of Upstate New York, where over a third of the Class I–C milk is sold, virtually all competition is with milk from unregulated sources. For other milk sold in such markets there are no minimum producer prices established by either State or Federal regulation. Minimum producer prices are established under marketing orders of the State of New York for the Rochester and Niagara Frontier marketing areas but no Class I–C milk is sold in such areas. Dealers in Upstate New York markets pay producers for milk on the basis of the uniform price established under the New York order. Most of these markets are located in the area from which the New York metropolitan milk marketing area draws its milk supply. Abundant supplies of non-pool milk are available for these markets at prices approximating, and closely related to, the New York uniform price. Dealers in most Upstate New York markets are at liberty either to purchase milk from nearby pool plants (Class I–C) or from completely unregulated sources. Premiums in amounts not to exceed 20 cents per hundredweight over the uniform price appear to be sufficient to induce farmers to transfer directly from pool plants to local unregulated dealers as a means of augmenting short season supplies from local farmers from whom the dealer regularly buys milk or to expand regular volume in the local market.

In some Upstate New York markets Class I–C milk constitutes a relatively small proportion of the total fluid sales in the market. In others, however, particularly in the six New York counties nearest the marketing area where about 55 percent of the total I–C milk sold in Upstate New York was sold in 1952, the volume of Class I–C milk constitutes a substantial proportion (ranging up to 70 percent) of the total fluid milk requirements.

The conditions in Northern New Jersey also differ materially from most of the other markets in which Class I–C milk is sold. The fluid milk consumed in Northern New Jersey is obtained from three types of sources: (1) Milk from farmers located within the State of New Jersey and for which minimum producer prices are established by the New Jersey Office of Milk Industry; (2) milk from plants and farmers located outside the State of New Jersey and for which no minimum prices to producers are established either by State or Federal regulation; and (3) milk from various New York order pool plants which is classified and priced under the order at the Class I–C price.

About 50 percent of the milk sold for fluid use in Northern New Jersey now comes from New Jersey producers. During the period 1940–1951 the volume supplied by New Jersey producers increased about 20 percent. Total sales of fluid milk in Northern New Jersey increased about 44 percent during the same

period, however, with the result that the proportion of the total supplied by New Jersey producers declined from over 61 percent in 1940 to about 50 percent in 1951.

About 60 percent of the remainder of the Northern New Jersey fluid supply (about 30 percent of the total) is obtained from plants or farmers outside the State of New Jersey and for which no minimum producer prices are established by either State or Federal agencies. The plants are scattered throughout a large part of the territory in which New York pool plants are located. Substantially all of the milk received from farmers at such non-pool plants is used as fluid milk primarily in Northern New Jersey but in some instances for fluid use elsewhere. The farmers delivering milk to such plants, however, usually are paid a price approximating the New York uniform price rather than a price reflecting its high fluid utilization. During the period from 1940 to 1951 the volume of this milk from unregulated sources outside the State of New Jersey which comes into Northern New Jersey for fluid use has increased 277 percent. Such unregulated milk as a proportion of the total Northern New Jersey supply has increased from about 11 percent in 1940 to about 30 percent in 1951.

The balance of the fluid milk consumed in Northern New Jersey comes from New York pool plants (I–C). Milk from this source constitutes about 40 percent of that part of the supply which comes from outside the State of New Jersey and about 20 percent of the total volume of fluid milk consumed in Northern New Jersey. During the period 1940–1951 the volume of I–C milk sold in Northern New Jersey increased about 5 percent. As a proportion of the total, however, the volume of I–C milk declined from about 29 percent in 1940 to approximately 20 percent in 1951. Class I–C milk as now priced has lost ground in relation to other sources of supply for Northern New Jersey particularly in relation to milk from unregulated sources purchased from farmers at a price approximating the New York order uniform price but for which no official minimum producer price is established.

Opponents of proposals to increase the Class I–C price contend that such action would not result in a higher return for milk to New York pool producers or to other farmers and that it would contribute nothing toward more orderly marketing in the markets in which I–C milk is sold. The arguments appear to be particularly pertinent insofar as Northern New Jersey is concerned.

The remainder of the Class I–C milk (other than for Upstate New York and Northern New Jersey) is sold primarily in markets where much larger proportions of the competing supplies of milk are subject to minimum producer prices established either by a State agency or under another Federal order. Class I prices established by State agencies in New England and Pennsylvania are usually as high as the New York Class I–A price, and the price established under other Federal orders for milk sold in the markets where I–C milk is sold is generally the same as for milk for fluid use in the marketing area defined in such other orders.

Only about 18 percent of the total volume of Class I–C milk in 1952 was sold in markets outside of Upstate New York and Northern New Jersey. Such sales were less than 1.5 percent of the total receipts from producers in 1952, but nevertheless constituted a rather substantial proportion of the total sales in some of the markets where Class I–C milk was sold. Next to Northern New Jersey and Upstate New York, Connecticut was the most important outlet for I–C milk in 1952. While milk so utilized constituted less than 0.7 percent of the volume of New York pool milk, it amounted to between 5 and 10 percent of the fluid milk sales in Connecticut. Approximately 75 percent of the milk supply for Connecticut came from farmers in Connecticut and thus was fully subject to minimum producer prices established by the State of Connecticut. Another 10 to 12 percent of the supply was received by Connecticut dealers directly from farmers located outside the state but for which payment was made on a basis comparable to that applicable within the state. Unlike Northern New Jersey and Upstate New York Class I–C milk sold in Connecticut is not sold in competition with major portions of the supply purchased at prices substantially below the Class I–A price.

While data in the record does not afford a basis for precise calculation of the relative volumes of various sources of milk in other markets where Class I–C milk is sold, it is apparent that nowhere else in the Northeast are there volumes of unregulated milk comparable to those sold in Upstate New York and Northern New Jersey. Substantial proportions of the supply for most other areas in the Northeast, including New England and Pennsylvania, come from sources which are subject to regulation either by State agencies or under other Federal marketing orders.

The pricing of milk at the Class I–A level which is now classified in Class I–C and disposed of outside New York and Northern New Jersey will not necessarily protect such outside markets from the competition of out-of-state milk. Supplies of milk may be available which are not subject to State or Federal regulation. The Class I–A price established under the New York order applies only to milk received from producers as defined in the order.

Testimony was presented at the hearing concerning a proposal to establish a price of Class I–C milk in the short production months somewhat higher than the Class I–A price. This proposal was a part of an integrated plan designed either to compensate the New York pool for the cost of carrying the surplus for outside markets or to encourage milk to leave the New York pool and to carry with it the associated surplus. The amount of added return to the New York pool on the small part of the Class I–C milk which is sold in the areas outside of New York and Northern New Jersey would not materially affect the total returns under the New York pool. Since no decision is being made at this time with respect to the other parts of the integrated plan, prices for fluid milk sold in those areas outside of New York and Northern New Jersey should not at this time be set at a level higher than for Class I–A milk.

Exceptions were filed to the failure to make provision in the recommended decision for an opportunity for handlers to withdraw plants from the pool in the event of a change in the pricing of Class I–C milk. Proposals to make such provision were considered at the hearing. Decision heretofore made by handlers as to whether they desired to have one or more of their plants designated as pool plants necessarily have been made on the basis of the Class I–C pricing provision currently in effect. The price for such milk is one of the major considerations in such decision. It appears only fair and reasonable therefore that, with the change in the Class I–C price herein provided, there be opportunity for handlers to withdraw plants from the pool coincident with the change in the Class I–C price. Accordingly, it is concluded that § 927.24 (a) should be amended to provide for cancellation of pool designations effective either as of February 1, 1954 or March 1, 1954 upon application submitted to the market administrator prior to the requested effective date of cancellation.

*General findings.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area" and "Order Amending the Order, as Amended Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area" which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.



*Order of the Secretary Directing That a Referendum Be Conducted; Determination of a Representative Period; and Designation of an Agent To Conduct Such Referendum*

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608 (c) (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, and as hereby proposed to be further amended, regulating the handling of milk in the New York metropolitan milk marketing area) who, during the month of July 1953, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order, as amended, and as hereby proposed to be further amended, to determine whether such producers favor the issuance of the order amending the order, as amended, which is a part of this decision.

The month of July 1953 is hereby determined to be a representative period for the conduct of such referendum.

C. J. Blanford is hereby designated as agent of the Secretary to conduct such referendum, and except as set forth herein, such referendum shall be conducted in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), and shall be completed on or before January 22, 1954.

As a means of effectuating certain policies jointly adopted by the Secretary and the Commissioner of Agriculture and Markets of the State of New York in a memorandum of cooperation dated August 26, 1938, the above designated agent of the Secretary shall, at the same time he transmits his report to the Secretary, also transmit a similar report to the Commissioner of Agriculture and Markets of the State of New York.

The above designated agent of the Secretary shall not be required to transmit with his report to the Secretary a copy of each statement concerning the referendum as it appeared in each newspaper, but he shall transmit with his report a copy of the release which he presented to newspapers generally distributed in the area along with a summary of the numbers and types of newspapers to which it was presented.

The time within which the complete detailed report of the above designated agent shall be transmitted to the Secretary is hereby extended to five days after the close of the referendum, but a preliminary report based on the information then available shall be transmitted to the Secretary within two days after the close of the referendum.

*It is hereby ordered*, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 14th day of December 1953.

[SEAL] JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

*Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area*

§ 927.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof, the handling of milk in the New York metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby further amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

1. Amend § 927.8 by deleting the words "pursuant to § 927.18 (j)."

2. Amend § 927.18 (j) to read as follows:

(j) Promptly notify a handler, upon receipt of the handler's written request therefor, of his determination: as to whether one or more plants exist at a specified location, as to whether any specified item constitutes a part of the handler's plant, or as to which plant a specified item is a part in the event that the particular premises in question constitutes more than one plant: *Provided*, That, if the request of the handler is for revision or affirmation of a previous determination, there is set forth in the request a statement of what the handler believes to be the changed conditions which make a new determination necessary. If a handler has been notified in writing of a determination with respect to an establishment operated by him, any revision of such determination shall not be effective prior to the date on which such handler is notified of the revised determination.

3. Amend § 927.24 (a) by adding the following immediately preceding the first proviso: "and in addition, the designation shall be cancelled effective either on the first day of February or on the first day of March 1954 upon application submitted by the handler to the market administrator prior to the requested effective date of cancellation."

4. Amend § 927.31 by changing the last sentence thereof to read: "The burden rests upon the handler who receives in the marketing area or at a pool plant, or distributes in the marketing area, milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, fluid cream products, or fluid skim milk to establish the source of all of his milk and milk products, and in the absence of such proof such milk and the milk equivalent of such enumerated products shall be subject to the provisions of § 927.79."

5. Amend § 927.35 by renumbering paragraph (c) as paragraph (e) and by substituting for paragraph (b) the following:

(b) After the assignments prescribed in paragraph (a) of this section, the remaining whole milk received at a plant from producers or from pool plants and in like form from dairy farmers not producers or from non-pool plants shall be assigned pro rata to the total classification of all milk on hand at or leaving such plant as whole milk.

(c) After the assignments prescribed in paragraphs (a) and (b) of this section, the then remaining milk or cream received from producers or from pool plants and the milk or cream received from dairy farmers not producers or from non-pool plants shall be assigned pro rata to the total remaining classification of such products received in like form.

(d) After the assignment of skim milk prescribed in paragraph (a) of this section, skim milk received from non-pool plants shall be assigned to the remaining skim milk subject to the fluid skim differential.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

6. Amend § 927.37 (b) to read as follows:

(b) Class I–B milk shall be all milk, except as provided in subparagraphs (3) and (5) of paragraph (e) of this section, the butterfat from which leaves the plant in the form of milk, concentrated fluid milk, fluid milk products, or of cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and which is delivered to a plant or a purchaser outside of the State of New York and outside of Northern New Jersey, but which at no time (1) is received, other than directly from producers, at a plant in the marketing area, or (2) otherwise enters the marketing area except as an incident to its transportation and delivery to a point outside of the marketing area: *Provided*, That use aboard a ship or other carrier shall not constitute such delivery.

7. Amend § 927.37 (c) to read as follows:

(c) Class I–C milk shall be all milk, except as provided in subparagraphs (3) and (5) of paragraph (e) of this section, the butterfat from which leaves the plant in the form of milk, concentrated fluid milk, fluid milk products, or as cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and which is delivered to a plant or a purchaser in the State of New York or Northern New Jersey, but which at no time (1) is received, other than directly from producers, at a plant in the marketing area, or (2) otherwise enters the marketing area except as an incident to its transportation and delivery to a point outside of the marketing area: *Provided*, That use aboard a ship or other carrier shall not constitute such delivery.

8. Amend § 927.42 by changing (1) that portion preceding the schedule to read as follows:

§ 927.42 *Transportation differentials.* The market administrator shall determine and publicly announce a freight zone for each pool plant and he shall determine the freight zone for each plant at which milk or milk products subject to the provisions of § 927.78 or § 927.79 is received from dairy farmers or is first found. Such freight zone shall be based on the shorter of (a) the railroad mileage distances from the railroad shipping point nearest the plant to New York City railroad terminals, and (b) the shortest highway mileage from the plant to Columbus Circle, New York City, as computed (without using supplements issued thereto, from Mileage Guide No. 5 issued on July 20, 1949, effective August 21, 1949, by the Household Goods Carrier's Bureau, Agent, Washington, D. C. The freight zone for plants located in the marketing area shall be the 1–10 mile zone. The class prices set forth in § 927.40 and the fluid skim differential set forth in § 927.44 shall be plus or minus the amount set forth in the following schedule:

and (2) by changing the last freight zone in the schedule from "491–500" to "491 and over."

9. Amend § 927.50 as follows:

a. Add references to "§ 927.79" wherever reference is now made to "§ 927.78."

b. Delete from paragraph (c) the following: "such disposition to be covered by a signed statement of the plant operator if such other plant is not a pool plant."

10. Amend § 927.46 to change the time for announcing the average of prices paid in the preceding month by Midwestern condenseries from not later than the 25th day of each month to the 5th day of each month by making subparagraph (8) of paragraph (a) subparagraph (10) of paragraph (b) and renumbering subparagraph (9) in (a) to (8).

11. Amend § 927.54 by adding in paragraph (d) thereof a reference to "§ 927.32", and by adding a new paragraph (e) as follows:

(e) Make inspection of buildings and their surroundings, facilities, and equipment for verification purposes and to ascertain what constitutes a plant.

12. Amend § 927.61 by adding to paragraph (c) thereof "and § 927.79."

13. Amend § 927.77 by changing the title thereof to "Cream payments" and by adding a new paragraph (c) as follows:

(c) With respect to Class II milk the butterfat from which is on hand at the plant in the form of cream, or having left the plant in the form of cream had not been delivered to a plant or purchaser by the end of the period for establishing classification, but subsequent to the end of the period for establishing classification such cream is so handled that it would have been classified at a plant outside the marketing area in Class III pursuant to § 927.37 (e) (1) (3) (5) or (6) had such handling occurred during the period for establishing classification, the handler who received the milk from producers may claim a refund by filing a report giving the facts with respect to such handling. On the basis of verification of such report, the market administrator shall make payment out of the producer settlement fund to such handler or issue credit against any balance due from such handler to the producer settlement fund in an amount equal to the difference between the Class II and Class III prices applicable for the month when the milk was received from producers.

14. Delete § 927.78 and substitute in lieu thereof the following:

§ 927.78 *Payments on milk received from dairy farmers at non-pool plants.* Payments shall be made by handlers to producers, through the producer settlement fund, for milk and milk products under conditions, in amounts and by the handler pursuant to paragraphs (a) through (d) of this section: *Provided*, That for any month in which the volume of Class III milk used in the computation of the uniform price is less than 15 percent of the combined volume of the Class I–A and Class II milk used in such computation, the payments set forth in this section shall not be required.

(a) Payments shall be made for milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, fluid cream products, and skim milk, which milk or milk product meets each of the following conditions:

(1) It was derived from milk received at a non-pool plant from dairy farmers other than the plant operator.

(2) It was shipped to, received in or distributed in the marketing area, or was received at a pool plant outside the marketing area.

(3) The milk or milk equivalent of the butterfat is classified as Class I–A or Class II, or the skim milk would be subject to the fluid skim differential if it were derived from pool milk.

(b) The amounts of payment for the products set forth in paragraph (a) of this section shall be as follows:

(1) If the milk or the milk equivalent of the butterfat, or the skim milk is classified and paid for under another order issued pursuant to the act, the amount of payment on such products, except skim milk, shall be any plus amount obtained by subtracting the value of the milk or the milk equivalent of the butterfat at the class price or prices under such order from the value computed in accordance with the classification and pricing set forth in this subpart: *Provided*, That the payment shall be at the rates set forth in subparagraph (2) of this paragraph if the other order permits the deduction of such payment from the amount otherwise due for such milk pursuant to such other order. The amount of payments on skim milk shall be an amount computed pursuant to § 927.44 adjusted for the location of the plant.

(2) If the milk or milk product is derived from milk received from dairy farmers at a non-pool plant in the 421–425 mile zone, or in some other zone nearer the marketing area, the handling of which is not regulated by an order issued pursuant to the act or is regulated by another order as specified in the proviso of subparagraph (1) of this paragraph, the amount of payment, except as otherwise specified in subparagraph (4) of this paragraph, shall be the difference between its classified value at the Class I–A or the Class II price, depending upon its classification, and its value at the Class III price, such class prices to be adjusted for butterfat test and the location of the plant at which the non-pool milk was originally received from farmers: *Provided*, That for concentrated fluid milk, cream, fluid cream products, and cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent butterfat, the payment shall be computed on the milk equivalent thereof as so classified. The amount of the payment on skim milk (either as skim milk or in cultured milk drinks) shall be the amount computed pursuant to § 927.44 as similarly adjusted for location.

(3) If the milk or milk product is derived from milk received from dairy farmers at a non-pool plant farther from the marketing area than the 421–425 mile zone, the handling of which is not regulated by another order issued pursuant to the act, or is regulated by another order as specified in the proviso of subparagraph (1) of this paragraph, the amount of payments shall be the difference between the value of its milk equivalent at the Class I–A or Class II price, depending upon its classification, and the value of such milk at the Midwestern condensery price announced pursuant to § 927.46 (6) (10), such class prices to be adjusted for the location of the plant at which the non-pool milk was originally received from dairy farmers: *Provided*, That for milk, fluid milk products and cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, the payment shall be the difference between the value of such milk or milk product at the Class I–A price for milk containing 3.5 percent butterfat, adjusted for location of the plant, and the condensery price. The amount of the payment on skim milk (either as skim milk or in cultured milk drinks) shall be the amount computed pursuant to § 927.44 similarly adjusted for location.

(4) For any month in which the volume of milk subject to the butter-cheese adjustment used in the computation of the uniform price is more than 15 percent of the combined volume of the Class I–A and Class II milk used in such computation, the payment required by subparagraph (2) of this paragraph shall be increased by the value of the milk or milk equivalent at the rate of the butter-cheese adjustment at the plant where the milk was received from dairy farmers.

(5) In computing the milk equivalent value of milk or milk products as specified in this paragraph, such value shall be computed on the basis of milk containing 3.5 percent of butterfat.

(c) Payment for any milk or milk product pursuant to this section shall be made, on behalf of the handler receiving the milk from dairy farmers, by the appropriate handler as set forth in subparagraphs (1) through (3) of this paragraph: *Provided*, That if the milk is received from a handler under another order issued pursuant to the act, which order provides that the payment to the producer settlement fund may be deducted from the handler's obligation under the other order, the payment shall be made by the handler subject to the other order regardless of the provisions of subparagraphs (1) through (3) of this paragraph:

(1) By the handler first receiving the milk or milk product at a pool plant outside the marketing area.

(2) By the handler operating the plant where the milk or milk product is first received in the marketing area if the milk or milk product is not received at a pool plant outside the marketing area.

(3) By the handler operating the plant from which the milk or milk product was moved into the marketing area if such milk or milk product is neither received at a pool plant outside the marketing area nor at a plant in the marketing area.

(d) The amount due pursuant to this section shall be entered on the handler's account as a debit immediately after the filing of the report pursuant to § 927.50, or if the handler fails to file such report, such amount shall be entered on the handler's account in accordance with § 927.75.





15. Add a new § 927.79 as follows:

§ 927.79 *Payments on milk or milk products the source of which is not established.* Payments shall be made by handlers to producers through the producer settlement fund, for milk and milk products under conditions, in amounts and by the handler pursuant to paragraphs (a) through (d) of this section.

(a) Payments shall be made for milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, fluid cream products, and skim milk which milk or milk product meets each of the following conditions:

(1) It was derived from milk for which the farm source is not established.

(2) It was shipped to, received in or distributed in the marketing area, or was received at a pool plant.

(3) If first found at a non-pool plant, the milk or milk equivalent of the butterfat is classified as Class I–A or Class II, or the skim milk is subject to the fluid skim differential.

(b) The amounts of payment for the product set forth in paragraph (a) of this section shall be as follows:

(1) For milk, concentrated fluid milk, fluid milk products, or cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, the value of such milk, fluid milk products, cultured or flavored milk drinks or the milk equivalent of such concentrated fluid milk at the class price at the plant where first found.

(2) For cream, fluid cream products, or cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat, the value of the milk equivalent of such product at a rate per hundredweight computed pursuant to § 927.40 (e) (1) adjusted by the differentials set forth in column C in the table in § 927.42 for the zone of the plant at which first found.

(3) For skim milk in a form subject to the fluid skim milk differential, the value at a rate per hundredweight computed as follows: Divide the amount computed pursuant to § 927.40 (e) (2) by 0.9125, add an amount computed pursuant to § 927.44 and adjust the result by the differentials set forth in column B in the table in § 927.42 for the zone of the plant where first found.

(4) For skim milk in a form not subject to the fluid skim milk differential, the value at a rate per hundredweight computed as follows: Divide the amount computed pursuant to § 927.40 (e) (2) by 0.9125.

(5) In computing the milk equivalent value of products as specified in this paragraph, such value shall be computed on the basis of milk containing 3.5 percent of butterfat.

(c) Payment for any milk or milk product pursuant to this section shall be made, on behalf of the handler receiving the milk from dairy farmers, by the appropriate handler as set forth in subparagraphs (1) through (3) of this paragraph:

(1) By the handler first receiving the milk or milk product at a pool plant outside the marketing area.

(2) By the handler operating the plant where the milk or milk product is first received in the marketing area if the milk or milk product is not received at a pool plant outside the marketing area.

(3) By the handler operating the plant from which the milk or milk product was moved into the marketing area if such milk or milk product is neither received at a pool plant outside the marketing area nor at a plant in the marketing area.

(d) The amount due pursuant to this section shall be entered on the handler's account as a debit immediately after the filing of the report pursuant to § 927.50, or if the handler fails to file such report, such amount shall be entered on the handler's account in accordance with § 927.75.

[F. R. Doc. 53-10485; Filed, Dec. 16, 1953; 8:51 a. m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

### [ 29 CFR Part 779 ]

RETAIL OR SERVICE ESTABLISHMENT AND RELATED EXEMPTIONS

APPLICATION OF CERTAIN EXEMPTIONS TO FEED DEALERS

Retail or service establishment and related exemptions under section 13 (a) (2), (3), and (4) of the Fair Labor Standards Act of 1938, as amended.

Notice is hereby given that the Administrator of the Wage and Hour Division of the United States Department of Labor, proposes to amend Interpretative Bulletin, Part 779 (29 CFR Part 779) by the addition of a new § 779.31 to read as follows:

§ 779.31 *Application of the 13 (a) (2) and 13 (a) (4) exemptions to feed dealers.* (a) It is the purpose of this section to show generally how the principles governing the application of the 13 (a) (2) and the 13 (a) (4) exemptions apply to feed dealers' establishments, particularly where the establishment is engaged in performing certain processing operations on the feed it sells.

(b) In applying the tests of the 13 (a) (2) exemption all sales of feed to feeders will be considered to be retail sales except sales of a carload quantity or more of feed and sales made at a wholesale price, that is, at a price comparable to the prevailing price to dealers for resale. The custom grinding and mixing of feed (including the addition of supplements) for feeders from the grain they themselves bring in will be regarded as the performance of a retail service, and not the making or processing of goods under section 13 (a) (4), and the revenue derived therefrom will be included with the retail receipts of the establishment. Where the establishment meets the tests of the 13 (a) (2) exemption (see § 779.6) all employees employed by the establishment, except any employees who are engaged in the making or processing of feed, will be exempt. The status of employees who are engaged in the making or processing of feed must be determined under section 13 (a) (4), discussed in paragraph (c) of this section.

(c) Employees employed in the grinding and mixing of feed for sale (as distinguished from the grinding and mixing services discussed in paragraph (b) of this section) are engaged in the making or processing of goods and are therefore not exempt under section 13 (a) (2). In order for these employees to be exempt, the establishment by which they are employed must meet the tests of the 13 (a) (4) exemption (see § 779.18). One of the requirements of that exemption is that the establishment must be recognized as a retail establishment in the particular industry. The typical small feed mill engaged in selling goods to farmers appears to be recognized as retail in the industry. There are, of course, large mills which are essentially factories which are not so recognized. As an enforcement policy an establishment will be considered to have met this requirement (1) if less than 50 percent of its sales are composed of feed manufactured at the establishment; (2) if its sales of feeds manufactured at the establishment constitute more than 50 percent of the total sales of the establishment but do not exceed 2,000 tons a year. In determining the applicability of the exemption, computation of the sales of feed manufactured will be made on the basis of the annual (12 calendar months) period which immediately precedes the current calendar quarter in the same manner as set forth in § 779.17 for the period of time for the computation of sales.

Prior to the final adoption of the proposed amendment set forth above consideration will be given to any views, arguments or date pertaining thereto which are submitted in writing to the Administrator, Wage and Hour Division, United States Department of Labor, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

(52 Stat. 1060, as amended, 29 U. S. C. 1001 et seq.)

Signed at Washington, D. C., this 14th day of December 1953.

WM. R. MCCOMB,
*Administrator,*
*Wage and Hour Division.*

[F. R. Doc. 53-10481; Filed, Dec. 16, 1953; 8:51 a. m.]

# NOTICES

## POST OFFICE DEPARTMENT

### ORDERS RELATING TO THE TRANSFER OF CERTAIN ACTIVITIES AND FUNCTIONS, AND DELEGATIONS OF AUTHORITY

The following orders affecting the organization of the Post Office Department and relating to delegations of final authority with respect to matters affecting the public are, for the convenience of interested persons and in compliance with section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002), consolidated for publication at one time (for order delegating authority with respect to leases, see 18 F. R. 1187):

[Order No. 55064]

DELEGATION OF AUTHORITY TO CERTAIN OFFICERS OF THE POST OFFICE DEPARTMENT

MARCH 5, 1953.

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949, authority is hereby delegated as follows:

(1) To the Assistant Postmaster General, Bureau of the Post Office Operations, to take final action in his own name with respect to all transactions relating to personnel of the field postal service and contractors paid from appropriation allotments of the Bureau of Post Office Operations, including the certification of all necessary Personnel forms, postmasters' salary transactions, and related journals, including journals relating to the appointment of postmasters and acting postmasters, the establishment and discontinuance of post offices, and change of sites;

(2) To the Assistant Postmaster General, Bureau of Transportation, to take final action in his own name with respect to the handling of matters relating to the transportation of mail by railroads, star routes, mail-messenger routes, powerboat and steamship routes, electric and cable-car service, side service, and foreign and domestic air-mail service paid from appropriation allotments of the Bureau of transportation, and the certification of all related orders and journals, including the certification of travel allowances to transportation clerks and journals relating thereto; and

(3) To the Solicitor, to take final action in his own name with respect to the consideration, settlement, and certification of all claims of postmasters for losses by fire, burglary, theft, or other unavoidable casualty.

[Order No. 55112]

PERMITS TO MAIL DISEASED TISSUES; DELEGATION OF AUTHORITY

APRIL 14, 1953.

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949 (63 Stat. 1066), authority is hereby delegated to the Solicitor of the Post Office Department to issue in his name the permits to receive, by mail, specimens of diseased tissues as provided for in § 35.17, Postal Laws and Regulations of 1948.

[Order No. 55140]

TRANSFER OF CERTAIN ACTIVITIES AND FUNCTIONS FROM CHIEF CLERK AND DIRECTOR OF PERSONNEL, POST OFFICE DEPARTMENT, TO BUREAU OF FACILITIES

MAY 1, 1953.

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949, responsibility for the following activities and functions are transferred from the Chief Clerk and Director of Personnel, Post Office Department, to the Bureau of Facilities, effective May 1, 1953:

1. The board of inspection which receives and inspects all supplies delivered at Washington, D. C.

2. All procurement and furnishing of supplies and equipment, as well as control of surplus property, as are performed by the Chief Clerk and Director of Personnel.

3. Assignment and control of space in the Departmental Building at Washington, D. C.

[Order No. 55141]

TRANSFER OF CERTAIN ACTIVITIES AND FUNCTIONS FROM BUREAU OF FACILITIES TO BUREAU OF TRANSPORTATION

MAY 1, 1953.

Pursuant to authority of section 1 (b) of Reoganization Plan No. 3 of 1949, responsibility for the preparation of advertisements inviting proposals for the transportation of the mails in cities by means of screen wagon service, and the drafting of orders awarding such service, including the preparation of contracts therefor, is transferred from the Bureau of Facilities to the Bureau of Transportation, effective May 1, 1953.

[Order No. 55142]

TRANSFER OF CERTAIN ACTIVITIES AND FUNCTIONS FROM BUREAU OF FACILITIES TO BUREAU OF POST OFFICE OPERATIONS

MAY 1, 1953.

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949, responsibility for the following activities and functions, and control of the necessary funds allotted for the operation of these activities and functions, are transferred from the Bureau of Facilities to the Bureau of Post Office Operations, effective May 1, 1953:

1. Operation of Government-owned vehicles and all personnel engaged in such operation (chief dispatchers, dispatchers, route supervisors, and driver-mechanics, and such substitute garagemen-drivers as are not fully engaged in vehicle maintenance work), including appointment and disciplining of such personnel.

2. Administration and operation of the pneumatic tube service, and all personnel employed in such service, including appointment and disciplining of such personnel.

3. Administration and operation of Government-owned post office buildings, and all custodial personnel, including appointment and disciplining of such personnel.

4. Cleaning of leased and rented quarters at first- and second-class post offices (job cleaners).

[Order No. 55143]

TRANSFER OF CERTAIN ACTIVITIES AND FUNCTIONS FROM BUREAU OF TRANSPORTATION TO BUREAU OF POST OFFICE OPERATIONS

MAY 1, 1953.

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949, responsibility for the following activities and functions are transferred from the Bureau of Transportation to the Bureau of Post Office Operations, effective May 1, 1953:

1. Preparation of instructions regarding the admissibility to the mails of matter liable to damage the mails or injure personnel, regarding the preparation and packing of such matter if admissible, and regarding the packing of other parcel post matter in the proper manner to withstand ordinary handling in transit.

[Order No. 55151]

DELEGATION OF AUTHORITY TO AUTHENTICATE COPIES OF DEPARTMENTAL DOCUMENTS

MAY 11, 1953.

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949 (63 Stat. 1066), authority is hereby delegated to the head of each bureau and office of the Department to (1) execute in his own name, and (2) affix the Seal of the Post Office Department to, all certificates necessary to authenticate copies or transcripts of any books, records, papers, or other documents under his custody and control, including certificates as to the authenticity of signatures of officers and employees under his jurisdiction, which the Post Office Department and Field Postal Service may be requested to provide.

[Order No. 55157]

SECURITY PROGRAM OF THE POST OFFICE DEPARTMENT DELEGATION OF AUTHORITY

MAY 18, 1953.

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949 (63 Stat. 1066), Executive Order No. 10450 (18 F. R. 2489), and the act of August 26, 1950, 64 Stat. 476, I do hereby—

1. Appoint the Chief Post Office Inspector as the Personnel Security Officer, and the Solicitor as the legal officer for personnel security matters, for the Post Office Department and Field Postal Service; and

2. Delegate to the Chief Post Office Inspector and to the Solicitor, acting jointly, authority to take such final action (including the promulgation of regulations) in their own names as may be necessary to effectuate the purposes of the act of August 26, 1950, 64 Stat. 476, and Executive Order No. 10450 and instructions of the President. The Chief Post Office Inspector and the Solicitor each is hereby authorized to delegate the authority vested in him by this order to any officer or employee under his jurisdiction as he may designate.

[Order No. 55159]

REORGANIZATION OF BUREAU OF FINANCE

MAY 20, 1953.

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949, the following changes will become effective as of the date of this order:

1. The responsibility and authority for the study and analysis of the postal rate structure (not including transportation rates), which were assigned to the Administrative Assistant to the Postmaster General under § 1.9 (e), Postal Laws and Regulations, 1948, as amended by Order No. 43339, dated June 9, 1950, are transferred to the Assistant Postmaster General, Bureau of Finance.

2. There shall be in the Bureau of Finance a Division of Postal Rates, a Division of Philately, a Division of Postal Funds, a Division of Money Orders, a Division of Postal Savings, and the positions of Executive Director and Administrative Aide. Each Division shall be under the supervision of a Director. The Directors of the said Divisions, the Executive Director, the Administrative Aide, and the other personnel of the Bureau of Finance, shall perform such duties as are assigned by the Assistant Postmaster General in charge of the Bureau.

3. The Division of Letter and Miscellaneous Mail, the Division of Newspaper and Periodical Mail, and the Division of Registered, Insured, and C. O. D. Mails, and all functions thereof except those pertaining to postal rates, are transferred from the jurisdiction of the Assistant Postmaster General, Bureau of Finance, to the Assistant Postmaster General, Bureau of Post Office Operations.

4. All postal rate functions now performed by the Divisions transferred to the Bureau of Post Office Operations by paragraph 3 hereof are transferred to the Division of Postal Rates, Bureau of Finance.

5. All functions pertaining to the Philatelic Agency, the Philatelic Exhibition Room, and philatelic matters, now assigned to the Division of Stamps and Philately, Bureau of Finance, are transferred to the Division of Philately, Bureau of Finance; and all remaining functions of the Division of Stamps and Philately are transferred to the Division of Postal Funds, Bureau of Finance.

6. All functions now assigned to the Division of Postal Finance, Bureau of Finance, are transferred to the Division of Postal Funds, Bureau of Finance.

[Order No. 55208]

REORGANIZATION OF BUREAU OF ACCOUNTS AND CHANGE OF NAME TO BUREAU OF THE CONTROLLER

JUNE 12, 1953.

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949, the following changes will become effective as of the date of this order:

1. The name of the Bureau of Accounts is changed to Bureau of the Controller. The position of comptroller is replaced by the position of controller.

2. The controller shall perform such duties as are assigned by the Postmaster General.

3. There shall be in the Bureau of the Controller, in addition to the controller, two assistant controllers, the administrative assistant to the controller, a Division of Accounting, a Division of Budget, a Division of Cost Analysis, a Division of Systems and Procedures, a Division of Internal Audit, and 12 regional accounting offices. Each division shall be under the supervision of a director.

4. All functions pertaining to budget, appropriation, financial and accounting matters now assigned to the Division of Budget and Planning, Office of the Administrative Assistant to the Postmaster General, are transferred to the Bureau of the Controller.

5. All accounting research functions now assigned to the Division of Research, Office of Administrative Assistant to the Postmaster General, are transferred to the Bureau of the Controller.

6. All functions assigned to the Division of Cost Ascertainment, Bureau of Accounts, are transferred to the Division of Cost Analysis, Bureau of the Controller.

7. All functions assigned to the Division of Accounts, Bureau of Accounts, are transferred to the Division of Accounting, Bureau of the Controller.

[Order No. 55239]

REMISSION OF FINES, PENALTIES, FORFEITURES, CLAIMS; DELEGATION OF AUTHORITY

JUNE 26, 1953.

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949 (63 Stat. 1066), authority is hereby delegated to the Controller (including any officer acting as such), to take final action, in his own name, with respect to all matters covered by § 18.52 of the Postal Laws and Regulations of 1948 (5 U. S. C. 383, 384).

[Order No. 55244]

CONTRACTS FOR ENVELOPES; DELEGATION OF AUTHORITY

JULY 1, 1953.

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949 (63 Stat. 1066), authority is hereby delegated to the Assistant Postmaster General, Bureau of Facilities (including any officer acting as such), to take final action, in his own name, with respect to all matters pertaining to contracts for all envelopes (including stamped envelopes, and envelopes for the departments and independent establishments of the Government).

[Order No. 55380]

ESTABLISHMENT OF BUREAU OF PERSONNEL; TRANSFER OF CERTAIN PERSONNEL, ACTIVITIES AND FUNDS FROM CHIEF CLERK AND DIRECTOR OF PERSONNEL TO BUREAU OF PERSONNEL; CHANGE OF NAME OF OFFICE OF CHIEF CLERK AND DIRECTOR OF PERSONNEL TO OFFICE OF CHIEF CLERK

SEPTEMBER 24, 1953.

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949 and

P. L. 140, the following changes will become effective as of the date of this order.

1. There is established the Bureau of Personnel under the Assistant Postmaster General, Bureau of Personnel. This Bureau will be responsible for providing specialized staff advice, service, control, and leadership in personnel administration throughout the Postal Establishment.

2. Until the Assistant Postmaster General, Bureau of Personnel, is designated, the Deputy Postmaster General, in addition to his regular duties, shall direct the Bureau of Personnel.

3. There shall be in the Bureau of Personnel a Personnel Planning and Practices Division, a Departmental Personnel Division, and Employee Organizations Division and a Field Coordination Division.

4. The Departmental Personnel Division of the Bureau of Personnel shall be activated immediately. The Departmental Personnel Division shall be responsible for administration of personnel functions affecting the departmental service, including Employment and Placement; Classification and Awards; Training and Development; Employee Relations; and Processing and Records.

5. All personnel, functions and records of the Classification Division, Placement Office, Personnel Division and such other personnel and functions of the Office of the Chief Clerk and Director of Personnel as may be designated by the Deputy Postmaster General are transferred to the Departmental Personnel Division of the Bureau of Personnel.

6. The Office of the Chief Clerk and Director of Personnel shall hereafter be designated the Office of the Chief Clerk. The position of Chief Clerk and Director of Personnel is redesignated as Chief Clerk.

7. The Office of the Chief Clerk shall be attached to the Office of the Postmaster General and shall retain supervision of such personnel, and control of such functions and records as are not transferred by this Order to the Bureau of Personnel.

[Order No. 55424]

ESTABLISHMENT OF THE OFFICE OF THE CHIEF INDUSTRIAL ENGINEER; TRANSFER OF CERTAIN PERSONNEL, ACTIVITIES AND FUNDS FROM THE OFFICE OF ADMINISTRATIVE ASSISTANT TO THE POSTMASTER GENERAL TO THE OFFICE OF THE CHIEF INDUSTRIAL ENGINEER

NOVEMBER 3, 1953.

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949, the following changes will become effective as of November 1, 1953:

1. There is established within the Post Office Department the Office of the Chief Industrial Engineer. Operating under the direction of the Assistant Postmaster General, Bureau of Post Office Operations, the Office of the Chief Industrial Engineer shall be responsible to the Postmaster General for providing throughout the Postal Establishment staff industrial engineering advice and services, and for conducting equipment and work methods research and development programs.

2. There shall be a Chief Industrial Engineer who shall direct the Office of the Chief Industrial Engineer. Until further notice, there shall be under the Chief Industrial Engineer four Directors to provide supervision over the following Divisions: Development; Procedures; Training and Instruction; and Drafting, Statistical and Clerical. Each division shall be under the supervision of one of the Directors.

3. All personnel, functions, and records of the Office of Administrative Assistant to the Postmaster General pertaining to equipment research and development, work procedures and methods, work performance standards, layout, work simplification, flow charts, technical evaluation of suggestions, drafting, reports and statistics related to the foregoing, and writing of standard practice instructions and manuals are transferred to the Office of the Chief Industrial Engineer.

4. Funds for the payment of salaries and travel of personnel transferred in accordance with this order, and for other fiscal requirements now included in Allotment Account No. 102, are ordered to be transferred from the Office of Administrative Assistant to the Postmaster General to the Office of the Chief Industrial Engineer.

[Order No. 55423]

DECENTRALIZATION OF POST OFFICE OPERATIONS, EMBRACING THE STATES OF OHIO, KENTUCKY, AND INDIANA, AND THE ESTABLISHMENT OF THE REGIONAL HEADQUARTERS AT CINCINNATI, OHIO

NOVEMBER 10, 1953.

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949, the following changes will become effective on November 24, 1953:

1. On the effective date there will be established a regional headquarters at Cincinnati, Ohio, under a Regional Operations Manager. Geographically this region will embrace the States of Ohio, Kentucky, and Indiana (excluding Lake County). The Regional Operations Manager will be responsible to the Assistant Postmaster General, Bureau of Post Office Operations, for the direction of post office operations in this region. The Regional Operations Manager will also be subject to all policies affecting regional operations prescribed by the Department in Washington. Functions, such as those listed below, which were formerly discharged by the Bureau of Post Office Operations in Washington, will now be discharged by the Regional Headquarters.

A. Personnel functions, including such items as recruitment, selection and placement of personnel; training activities; labor relations; safety and health programs; classification of positions; awards and efficiency rating systems; review and disposition of disciplinary actions; and liaison with the Civil Service Commission in the region.

B. Service functions, including recommendations to the Department for the establishment or discontinuance of post offices, classified stations and branches; approval of requests for allowances of funds; maintenance of high standards of service in all post offices; and effective control of costs.

C. Postal engineering functions, including administration of cost reduction programs; improvement in work methods; endorsement of requests for capital expenditures; maintenance of work standards; layout of facilities; provision of work simplification methods and training; and development of systems and procedures, other than accounting and fiscal procedures.

D. Budget functions, including preparation of estimates; review of overall utilization of funds; approval of contracts from the standpoint of availability of funds; and conduct of cost analysis studies.

E. Public information functions, including encouragement of public cooperation and participation in improving postal methods; and maintaining good relations with federal, state, and municipal officials.

2. Decentralization at this time is limited to Bureau of Post Office Operations activities. Other bureaus and offices will be unaffected by this order, but all concerned are expected to coordinate and cooperate with this new regional organization. Decentralization of other Departmental functions and the placing of activities already decentralized into the regional organization will be carried forward as soon as possible. Orders effectuating these changes will be issued from time to time.

Previous orders or instructions concerning the routing of communications from postmasters to the Bureau of Post Office Operations in Washington are hereby superseded. All communications with respect to the functions set forth in this order will be directed to the appropriate district manager.

3. The region will be divided into nine Districts. District headquarters cities, and the counties included in each District, are as follows:

DISTRICT OFFICE

*Cincinnati, Ohio*

Indiana Counties: Dearborn, Franklin, Ohio, Ripley, Switzerland, Union.

Kentucky Counties: Boone, Bracken, Campbell, Carroll, Fleming, Gallatin, Grant, Greenup, Harrison, Kenton, Lewis, Mason, Owen, Pendleton, Robertson.

Ohio Counties: Adams, Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Miami, Montgomery, Pike, Preble, Scioto, Shelby, Warren.

*Cleveland, Ohio*

Ohio Counties: Ashtabula, Ashland, Carroll, Columbiana, Crawford, Cuyahoga, Erie, Geauga, Holmes, Huron, Lake, Lorain, Mahoning, Medina, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas, Wayne.

*Columbus, Ohio*

Ohio Counties: Athens, Belmont, Coshocton, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Knox, Lawrence, Licking, Madison, Marion, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Ross, Union, Vinton, Washington.



*Toledo, Ohio*

Ohio Counties: Allen, Auglaize, Defiance, Fulton, Hancock, Hardin, Henry, Logan, Lucas, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, Wyandot.

*Evansville, Ind.*

Indiana Counties: Dubois, Gibson, Pike, Posey, Spencer, Vanderburgh, Warrick.

Kentucky Counties: Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, McCracken, McLean, Marshall, Muhlenberg, Ohio, Trigg, Union, Webster.

*Fort Wayne, Ind.*

Indiana Counties: Adams, Allen, Blackford, Cass, De Kalb, Elkhart, Fulton, Huntington, Jay, Kosciusko, Lagrange, La Porte, Marshall, Miami, Noble, Porter, Pulaski, Saint Joseph, Starke, Steuben, Wabash, Wells, Whitley.

*Indianapolis, Ind.*

Indiana Counties: Bartholomew, Benton, Boone, Brown, Carroll, Clay, Clinton, Daviess, Decatur, Delaware, Fayette, Fountain, Grant, Greene, Hamilton, Hancock, Hendricks, Henry, Howard, Jackson, Jasper, Jennings, Johnson, Knox, Lawrence, Madison, Marion, Martin, Monroe, Montgomery, Morgan, Newton, Owen, Parke, Putnam, Randolph, Rush, Shelby, Sullivan, Tippecanoe, Tipton, Vermillion, Vigo, Warren, Wayne, White.

*Lexington, Ky.*

Kentucky Counties: Bath, Bell, Bourbon, Breathitt, Boyd, Boyle, Carter, Clark, Clay, Elliott, Estill, Fayette, Floyd, Garnard, Harlan, Jackson, Jessamine, Johnson, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lincoln, Madison, Magoffin, Martin, Menifee, Mercer, Montgomery, Morgan, Nicholas, Owsley, Perry, Pike, Powell, Rockcastle, Rowan, Scott, Whitley, Wolfe, Woodford.

*Louisville, Ky.*

Kentucky Counties: Adair, Allen, Anderson, Barren, Breckinridge, Bullitt, Butler, Casey, Clinton, Cumberland, Franklin, Edmonson, Grayson, Green, Hardin, Hart, Henry, Jefferson, Larue, Logan, McCreary, Marion, Meade, Metcalfe, Monroe, Nelson, Oldham, Pulaski, Russell, Shelby, Simpson, Spencer, Taylor, Trimble, Todd, Warren, Washington, Wayne.

Indiana Counties: Clark, Crawford, Floyd, Harrison, Jefferson, Orange, Perry, Scott, Washington.

4. District Managers will be designated in a separate announcement. They will act for and be responsible to the Regional Operations Manager on post office matters within their Districts. Each District Manager will be responsible for functions delegated to him by the Regional Operations Manager, including such things as: Making major operating decisions within his District; recommending action on all supervisory appointments; recommending action on requests for funds; advising Regional Operations Manager on District matters and conditions, and carrying out regional policies in the District; interpreting departmental and regional policies and recommending changes; coordinating with other bureaus and government agencies in the District; taking necessary actions on complaints; directing the control of expenditures in the District; and maintaining essential personnel records.

[Order No. 55441]

ESTABLISHMENT OF POSITIONS OF EXECUTIVE ASSISTANT TO THE DEPUTY POSTMASTER GENERAL AND ADMINISTRATIVE ASSISTANT TO THE DEPUTY POSTMASTER GENERAL; TRANSFER OF CERTAIN FUNCTIONS, PERSONNEL AND FUNDS TO THESE OFFICES AND TO THE BUREAU OF PERSONNEL AND THE BUREAU OF THE CONTROLLER; ABOLITION OF OFFICE OF THE ADMINISTRATIVE ASSISTANT TO THE POSTMASTER GENERAL AND OF THE OFFICE OF THE CHIEF CLERK

NOVEMBER 18, 1953.

Pursuant to the authority of sections 1 (a) and 1 (b) of Reorganization Plan No. 3 of 1949, the following changes in the organization of the Post Office Department will take effect on November 18, 1953.

1. There is established and attached to the Office of the Postmaster General an Executive Assistant to the Deputy Postmaster General. He shall be responsible to the Deputy Postmaster General and have the following duties and responsibilities:

(a) He shall represent the Deputy Postmaster General on matters of staff coordination, planning, and reporting;

(b) He shall be responsible for the control and release of all official regulations, manuals, reports and bulletins of the Post Office Department; and

(c) He shall perform such other and further duties as the Deputy Postmaster General may prescribe.

The Executive Assistant to the Postmaster General shall have such staff and clerical assistance as the Deputy Postmaster General directs.

2. There is established and attached to the Office of the Postmaster General an Administrative Assistant to the Deputy Postmaster General. He shall be responsible to the Deputy Postmaster General and shall have responsibility for the following duties and functions in addition to such other duties and functions as may hereafter in this or in subsequent orders be assigned to him:

(a) Supply and other office services for the Post Office Department in Washington, D. C.;

(b) Civilian Defense activities within the postal establishment;

(c) Mail distribution, messenger service, for the Post Office Department in Washington, D. C.;

(d) Space control, utilization, parking privileges, building maintenance and all matters in connection with the operation of the Post Office Department Building in Washington, D. C.

All personnel currently engaged in mail distribution, messenger service and office supply functions in the bureaus and offices of the Post Office Department shall be transferred to the Administrative Assistant to the Deputy Postmaster General, together with appropriate equipment and funds. Where a full-time messenger or supply clerk is needed in any bureau or office such personnel will be detailed by the Administrative Assistant to the Deputy Postmaster General.

The Hearing Examiners and their staff are hereby transferred to the administrative direction of the Administrative Assistant to the Deputy Postmaster General who shall operate under such delegations of authority as may separately be issued.

Administration of post office libraries for the Department, other than the Law Library, is assigned to the Administrative Assistant to the Deputy Postmaster General. All personnel currently engaged in such functions in the Bureau of the Chief Post Office Inspector shall be transferred to the Administrative Assistant to the Deputy Postmaster General, together with appropriate equipment and funds.

The Administrative Assistant to the Deputy Postmaster General is hereby designated to act as—

(a) Records Disposal Officer and as liaison with the General Services Administration with respect to matters arising under the Federal Records Act of 1950;

(b) Liaison Officer with the General Services Administration on matters affecting the Post Office Department building in Washington, D. C.;

(c) Liaison Officer with Government Services, Inc., on all matters affecting the cafeteria and dining rooms in the Post Office Department building in Washington, D. C.

All previous designations for the performance of these functions are rescinded.

The Administrative Assistant to the Deputy Postmaster General shall have such administrative, technical and clerical assistance as the Deputy Postmaster General shall direct. Such assistance shall be organized into a Division of Headquarters Services and a Division of Special Assignments. Each Division shall be headed by a Director who shall be responsible to the Administrative Assistant to the Deputy Postmaster General.

3. The Office of Administrative Assistant to the Postmaster General is abolished. The functions of that office are transferred as follows:

(a) The study and analysis of mail transportation rates to the Assistant Postmaster General, Bureau of Transportation;

(b) All other duties, not previously transferred to the Bureau of Finance, the Bureau of Personnel, the Bureau of the Controller or the Office of the Chief Industrial Engineer, to the Administrative Assistant to the Deputy Postmaster General together with personnel and funds currently assigned and allocated therefor.

4. The Office of the Chief Clerk is abolished. The functions and duties of that office are transferred as follows:

(a) The functions of the Safety Division and the Health Unit to the Bureau of Personnel;

(b) The functions of the Budget Control Section, the Forms Control Clerk and responsibility for recording and disseminating communications from the Comptroller General, to the Bureau of the Controller;

(c) All other functions of the Office of the Chief Clerk to the Administrative Assistant to the Deputy Postmaster General.

Personnel, records, equipment and funds of the Office of the Chief Clerk shall be reassigned or reallocated as mutually agreed upon by the Controller, Assistant Postmaster General, Bureau of Personnel and Administrative Assistant to the Deputy Postmaster General or upon failure of agreement as the Deputy Postmaster General shall direct.

The personnel statistical reports heretofore prepared by the Budget Control and Payroll Sections of the Office of the Chief Clerk will be prepared in the Bureau of the Controller for the Bureau of Personnel until such time as the heads of those Bureaus shall mutually agree to the transfer of responsibility therefor, together with appropriate personnel, records, equipment and funds.

5. The Assistant Postmaster General, Bureau of Personnel, is designated (with power to redelegate within the Bureau of Personnel) Fair Employment Officer and Chairman of the Grievance Board of the Post Office Department. Previous designations are rescinded.

[Order No. 55458]

DELEGATION OF AUTHORITY WITH RESPECT TO MAINTENANCE, OPERATION, PROTECTION, MANAGEMENT, AND DISPOSAL OF POST OFFICE SITES AND ADDITIONS THERETO

DECEMBER 3, 1953.

The functions and authority delegated to the Postmaster General under date of November 6, 1953, by the Administrator of General Services (18 F. R. 7259), are hereby delegated to the Assistant Postmaster General, Bureau of Facilities (including the person acting as such officer), and to such officers or employees under his jurisdiction as he shall designate.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z–15, 369)

[SEAL] ROSS RIZLEY, *Solicitor.*

[F. R. Doc. 53-10471; Filed, Dec. 16, 1953; 8:48 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY

DECEMBER 10, 1953.

Notice is given that the plat of original survey of the following described lands, accepted March 8, 1951 will be officially filed in the Land Office, Fairbanks, Alaska, effective at 10:00 a. m. on the 35th day after the date of this notice:

COPPER RIVER MERIDIAN

T. 18 N., R. 13 E.,
Sections 18, 19, and 20.

The area described contains 1,884.68 acres.

Of the land described Sections 18 and 19 and Lots 5 and 6 and the SW¼ of Section 20 are withdrawn by Public Land Order No. 386 of July 31, 1947, "for classification and survey". (Tok Junction Reserve.)

The lands are located at or near Tok Junction and are traversed by the Alaska Highway. The terrain is quite level and covered with small birch, spruce, and alder, suitable only for fuel. The land is covered by a heavy blanket of moss, and the soil consists of silt loam underlain in the gravel.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the Homestead or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, home or headquarter site under the act of May 26, 1934 (48 Stat. 809, 48 U. S. C. 461), by qualified veterans of World War II and other qualified persons entitled to preference under the act of Sept. 27, 1944 (58 Stat. 747, 43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) applications under any applicable public land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under the paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statement in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Fairbanks, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65 and 166 of Title 43 of the Code of Federal Regulations and applications under the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Part 257 of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office.

CHESTER W. MCNALLY, *Acting Manager.*

[F. R. Doc. 53-10476; Filed, Dec. 16, 1953; 8:49 a. m.]

## DEPARTMENT OF COMMERCE

### Bureau of Foreign Commerce

DEUTSCHE NOVOCILLIN G. M. B. H. ET AL.

ORDER REVOKING LICENSES AND TEMPORARILY DENYING EXPORT PRIVILEGES

In the matter of Deutsche Novocillin G. m. b. H., Kurt Heinz Bendixen, Bendixen Company, Landbergerstrasse 336, Munich 42, Germany; and Funcke & Company G. m. b. H. Chemische Fabrik, Helmut Funcke, Thiemann Str. 1-11, Berlin, Germany; Respondents.

Pursuant to the provisions of § 382.11 (b) of the Export Control Regulations (15 CFR Part 382), the Director of the Investigation Staff of the Bureau of Foreign Commerce, United States Department of Commerce, filed with Compliance Commissioner Paul M. Greene, an ex parte application dated November 23, 1953, requesting that the above-named persons and firms be temporarily suspended from all United States export privileges pending the determination and disposition of administrative compliance proceedings now being formulated against said persons and firms, or any of them, on the ground that such temporary suspension is necessary to protect the public interest until administrative proceedings are completed.

The Director of the Investigation Staff alleges in said application that Deutsche Novocillin G. m. b. H., through its owner-director, Kurt Heinz Bendixen, has violated the Export Control Law and regulations by having knowingly made false representations to and concealed material facts from United States Government officials abroad for the purpose of causing exportations of $341,000 worth of dihydrostreptomycin sulphate from the United States; that such misrepresentations and concealments were made with relation to two proposed export transactions in which applications for export licenses were submitted in October and December 1952 accompanied by end-use and destination statements in which Deutsche Novocillin was designated as the processor of the dihydrostreptomycin; that during the period October 1952 through May 1953 Deutsche Novocillin unlawfully diverted and transshipped to unauthorized countries nine separate shipments of United States antibiotics worth $80,000, contrary to the terms and provisions of export licenses issued in reliance upon the representations and certifications of the company, and in contravention of the destination control notice on each of the shipping documents relating to said shipments; and that there is reason to believe that Deutsche Novocillin has diverted other shipments of United States origin antibiotics to unauthorized countries whose interests are inimical to the United States and that Bendixen has sought to hamper the investigation of these transactions by his uncooperative and evasive attitude toward United States investigative officers.

The Compliance Commissioner has reviewed the evidentiary material presented in support of the application and, in addition to having reached the conclusion that the allegations in the application are sustained by the evidence, has concluded further that unless the export transactions of the named persons and firms are temporarily suspended pending final administrative determination of the charges now being formulated, irreparable injury may be done to the integrity of the export control system and to the security of the United States.

The Compliance Commissioner has, accordingly, recommended that the application be granted and that an order issue against the persons and firms designated (all of whom are related to Bendixen by ownership or control), temporarily denying them all export privileges until the administrative compliance proceedings are finally concluded. He has based this recommendation also upon his finding that Bendixen and the other firms and persons named herein have been, and may continue to be, associated in various transactions involving United States origin antibiotics and other commodities with firms in Holland known to have engaged in transshipments of United States commodities in wilful, deliberate violation of United States Export Control Law and regulations, for which such firms have been denied all United States export privileges for the duration of export controls (18 F. R. 7179).

The Compliance Commissioner has also pointed out that Bendixen has refused, without justification, to disclose pertinent information to United States investigative officers about his participation in previously licensed antibiotics transactions which there is reason to believe have been diverted to unfriendly countries. By this attitude of noncooperation Bendixen hampers and impedes the investigation and thus would not appear to be entitled to participate in future export transactions, especially where evidence already in the possession of Bureau of Foreign Commerce shows that the commodities involved in nine previously licensed transactions did not go to their authorized declared destinations. The serious question as to Bendixen's trustworthiness in export transactions thus emphasizes the need for a temporary order of the kind sought herein.

It appears from the foregoing, and from the fact that Deutsche Novocillin G. m. b. H. has appeared as a party to applications for export licenses and may be a party to further exportations of commodities from the United States, that it would be contrary to the public interest to permit the company, and the others named herein, to participate in exportations from the United States until the charges now under formulation have been determined; that there is reasonable cause to believe from the foregoing that said persons and firms may have made, or caused to be made, to the Bureau of Foreign Commerce material misrepresentations as to the ultimate destination of other exportations of commodities from the United States, and that such commodities may likewise be diverted to unauthorized destinations contrary to United States Export Control Law and regulations unless said persons and firms are prohibited from export privileges and from participating in exportations from the United States. It accordingly appears that the temporary suspension of their export privileges as hereinbelow provided is fair and reasonable, and in accord with the evidence presented, and is necessary to protect the public interest pending the ultimate determination of the Administrative compliance proceedings now in preparation.

Now, therefore, it is ordered as follows:

(1) All outstanding validated export licenses in which Deutsche Novocillin G. m. b. H., Bendixen Company, Kurt Heinz Bendixen, Funcke & Company G. m. b. H. Chemische Fabrik, and Helmut Funcke (hereinafter referred to as Respondents), or any of them, appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be forthwith returned to the Bureau of Foreign Commerce for cancellation, and delivery of any shipment of commodities from the United States which may be now or during the term of this order, or any amendment or extension thereof, intended for said Respondents, or any of them, pursuant to validated export licenses, or under general license, are prohibited.

(2) Respondents, their successors or assigns, directors, officers, associates, partners, representatives, agents, and/or employees are hereby denied the privileges of exporting, receiving, or otherwise participating in any manner, directly or indirectly, in any exportation of any commodity, or of technical data, from the United States to any destination, including Canada, and of participating, directly or indirectly, in the financing, forwarding, transporting, or other servicing of such exports.

(3) Such denial of export privileges shall apply not only to the named Respondents and those persons or firms which may be connected with them as set forth in paragraph (2) above, but also to any person, firm, corporation, or business organization with which they, or any of them, may be now or hereafter related by ownership, control position of responsibility, or other connection in the conduct of trade involving exports of commodities from the United States, or the receiving of such exports.

(4) This order shall be effective from the date of its issuance and shall remain in effect until the administrative compliance proceedings now under formulation against said Respondents, or any of them, shall be ultimately determined and disposed of, except in so far as their order may be hereafter extended, amended, or modified in accordance with the provisions of the export control regulations.

(5) A certified true copy of this order shall be served upon the named Respondents, and each of them, service by mail being deemed sufficient.

(6) In accordance with the provisions of § 382.11 (c) of the export control regulations, the Respondents may at any time move to vacate or modify this temporary suspension order by filing an appropriate motion therefor with the Compliance Commissioner and may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at the earliest possible date.

Dated: December 14, 1953.

JOHN C. BORTON, *Director, Office of Export Supply.*

[F. R. Doc. 53-10479; Filed, Dec. 16, 1953; 8:50 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-1277, G-1335, G-1407, G-1411, G-1620, G-1633, G-1650, G-1747, G-1800]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

ORDER MODIFYING, SUPPLEMENTING, AND AFFIRMING AS MODIFIED AND SUPPLEMENTED, INITIAL DECISION OF PRESIDING EXAMINER, REOPENING AND CONSOLIDATING PROCEEDINGS, ORDER TO SHOW CAUSE AND FIXING DATE OF HEARING

In the matters of Transcontinental Gas Pipe Line Corporation, Docket Nos. G-1277, G-1650; Atlantic Seaboard Corporation, Docket Nos. G-1621, G-1747; the Manufacturers Light and Heat Company, Docket No. G-1633; United Fuel Gas Company, Docket No. G-1800; and in the matters of Carolina Natural Gas Corporation, Docket No. G-1335; Public Service Company of North Carolina, Inc., Docket No. G-1407; Trancontinental Gas Pipe Line Corporation, Docket No. G-1411.

The matters of Docket Nos. G-1277 (Reopened), G-1650, G-1621, G-1633, G-1747, and G-1800 are before the Commission for its disposition on appeal from the Presiding Examiner's decision and accompanying orders of November 28, 1952, as a result of exceptions filed by various parties, and the Commission's rules of practice and procedure. By such decision and orders, among other things, the Presiding Examiner, subject to review by the Commission on appeal or on its own motion as provided by its rules of practice and procedure, issued certificates of public convenience and

necessity to Transcontinental Gas Pipe Line Corporation (Transcontinental), Docket Nos. G–1277 and G–1650, Atlantic Seaboard Corporation (Atlantic), Docket No. G–1621, the Manufacturers Light and Heat Company (Manufacturers), Docket No. G–1633, and United Fuel Gas Company (United Fuel), Docket No. G–1800.

Several interveners, in connection with their appeal from the Examiner's Decision, moved from oral argument concerning the matters and issues which were the subject matter of their appeal. In addition, Long Island Lighting Company requested in its motion for oral argument that it be afforded an opportunity to file a brief in support thereof.

Subsequent to the appeals filed by the various interveners, the Public Service Electric and Gas Company on July 8, 1953 filed a petition in Docket No. G–1277 (Reopened) to reopen said proceeding for the purpose of taking additional evidence reflecting, according to said petition, material changes in gas requirements and economic conditions, and to permit oral argument, if the Commission deemed it necessary, in support of its petition. The petition was opposed by various interveners.

The matters of our order issued June 7, 1951, in Docket Nos. G–1335, G–1407, G–1411 and our previous order in Docket No. G–1277, issued April 28, 1950, are before us on our own motion due to the fact that the evidence of record in Docket No. G–1277 (Reopened) has strikingly illustrated the inability of Transcontinental's present system adequately to provide full gas service in its present market area.

The Commission by its order issued April 28, 1950, at Docket No. G–1277, authorized Transcontinental to supply natural gas to the following communities, among others, and in the volumes set forth in the following tabulation:

| | *Mcf per day* |
|---|---|
| Maplesville, Ala | 101 |
| Ashland, Ala | 280 |
| Lineville, Ala | 244 |
| Morganza, La | 125 |

The allocations above referred to were based in part upon the several communities executing service agreements with reference to the supply of natural gas from Transcontinental within 6 months from the date of the tender thereof,[1] or forfeit their right to receive service. An examination of the Commission's files discloses that the above-named communities, with the exception of Maplesville, have not executed service agreements as provided by our order of April 28, 1950, nor have any of them ever purchased gas from Transcontinental.

By our order issued June 7, 1951, Carolina Natural Gas Corporation (Carolina Natural) at Docket No. G–1335 was authorized to construct and operate facilities for the purpose of supplying natural gas in various communities in North Carolina. By said order, it was provided that Carolina Natural report to the Commission in writing, under oath, the commencement dates of construction of the facilities authorized and further, that it report the completion dates of the construction, together with the dates of commencement of the operations thereof. From the information at hand, including the testimony submitted during the course of the proceedings at Docket No. G–1277 (Reopened), it is clear that no such reports have ever been filed, nor construction commenced as authorized at Docket No. G–1335, although over two years have elapsed.

The Commission's order of June 7, 1951, also authorized the Public Service Company of North Carolina, Inc. (Public Service), at Docket No. G–1407, to construct and operate facilities for the supplying of natural gas to various communities in North Carolina, including Shelby and Kings Mountain. The authorization to Public Service, by said order, was granted upon the condition that Public Service should receive from the cities it proposed to serve in North Carolina such authorization as may be required for the construction and operation of the distribution systems necessary to render service in the various communities. The order further provided that evidence of such authorization be filed with the Commission within 6 months from the date of the issuance of said order (June 7, 1951) unless extended by further order of the Commission. And, further, that in the event Public Service failed to obtain such authorization, its allocation of gas from Transcontinental in Docket No. G–1411 was subject to being reduced in proportion to the requirements of the communities for which authorization was not received.

The certificate issued to Transcontinental in Docket No. G–1411 was conditioned to require it to supply natural gas to Carolina Natural and Public Service as shown in the tabulation below:

| | *Mcf per day* |
|---|---|
| Carolina Natural [1] | 3,235 |
| Public Service [2] | 16,385 |

[1] The volume of 3,235 Mcf included service to Lexington, N. C.

[2] The volume of 16,385 Mcf included service to Shelby and Kings Mountain, N. C.

In the circumstances, in view of the market demands on Transcontinental's pipe-line system and the limited volume of gas presently available thereon and the failure of the above-named communities and companies to take full delivery of the volumes of natural gas made available to them by our orders of April 28, 1950, at Docket No. G–1277, and June 7, 1951, at Docket No. G–1411, it is desirable and in the public interest that Transcontinental show cause why the said orders referred to should not be modified as to the allocations contained therein. Similarly good cause exists and it is in the public interest to require Carolina Natural to show cause why its certificate of public convenience and necessity, issued June 7, 1951, at Docket No. G–1335, should not be vacated, and to require Public Service to show cause why its certificate of public convenience and necessity, also issued June 7, 1951, in Docket No. G–1407, should not be modified so as to delete therefrom its authorization to supply natural gas for ultimate distribution in the communities of Shelby and Kings Mountain, North Carolina.

The evidence of record in Docket No. G–1277 (Reopened) supports the conclusion that there is not only a need for natural gas on the part of existing customers, but also that public convenience and necessity require the allocation of natural gas from Transcontinental's system for ultimate distribution in various new communities. Nevertheless, the evidence is insufficient to support the conclusion of the Examiner that the proposed projects of the following named interveners are either economically or financially feasible:

Belton, S. C.
Greenwood, S. C.
Woodruff, S. C.
Fort Hill Natural Gas Authority, S. C.
Kings Mountain, N. C.
Shelby, N. C.

On the basis of the present record it is, therefore, concluded that the above-named interveners should be afforded further opportunity to establish the economic and financial feasibility of their projects.

The Examiner, however, concludes that the communities of Greer and Fountain Inn, South Carolina, and also Bogart, Georgia, have not sufficiently discharged their burden of proof as to the feasibility of their proposed projects, and therefore that public convenience and necessity do not require that natural gas be allocated or reserved for the benefit of the aforementioned intervening communities. We cannot subscribe to this view inasmuch as it is clear, from an examination of the record, that there has been some showing as to the need for natural gas as well as the potential economic and financial feasibility of the minimum projects submitted by Greer, Fountain Inn, and Bogart. In the light of the showing made by the aforementioned communities, they should be afforded further opportunity to establish the economic and financial feasibility of their projects.

The evidence of record clearly shows, as the Examiner concluded, that the communities of Simpsonville, South Carolina, Comer, Danielsville, Statham, Stockbridge, Dacula, and Flowery Branch, Georgia, have not demonstrated that the projects proposed by them are economically feasible or that public convenience and necessity require that Transcontinental provide natural gas service to them, and we so find.

The Presiding Examiner further concluded that an allocation of additional volumes of natural gas to Public Service Company of North Carolina, Inc., Carolina Natural Gas Corporation and Carolina Central Gas Company had not been justified, and that public convenience and necessity do not require the allocation of any further volumes of gas to any of them at this time. We affirm that conclusion.

We have reached a point in the consideration of the matters and issues involved in these proceedings where there must be a definite finality. Accordingly we will reserve 16,953 Mcf of natural gas which will be available to the interveners named below in the amounts set opposite each, upon the full and proper showing by them, at a further hearing as hereinafter provided, that public convenience and necessity require that Transcontinental make specified volumes of gas available to them and that their respective projects are economically and financially feasible.

| | *Mcf per day* |
|---|---|
| Kings Mountain | 1,374 |
| Shelby | 2,156 |
| Greer | 1,707 |
| Belton | 744 |
| Greenwood | 5,471 |
| Fort Hill Natural Gas Authority | 3,801 |
| Fountain Inn | 429 |
| Woodruff | 1,080 |
| Bogart | 191 |
| Total | 16,953 |

The total volume of gas with which we are concerned in these proceedings is made up of 64,000 Mcf in Docket No. G–1277 (Reopened) and 5,019 Mcf as follows:

Docket No. G–1277 (initial proceeding):

| | *Mcf per day* |
|---|---|
| Maplesville, Ala | 101 |
| Ashland, Ala | 280 |
| Lineville, Ala | 244 |
| Morganza, La | 125 |
| | 750 |

Docket No. G–1411:

| | |
|---|---|
| Shelby, N. C | 718 |
| Kings Mountain, N. C | 316 |
| Carolina Natural Gas Co | 3,235 |
| | 4,269 |
| Total | 5,019 |

Reserving for future determination the allocation of 16,953 Mcf, required to provide service in the areas respecting which rehearing is to be provided, there remains 47,047 Mcf for allocation and disposal to the following customers of Transcontinental upon a firm basis. Upon full consideration of the record herein, the volume of 47,047 Mcf is allocated as follows:

| | *Mcf per day* |
|---|---|
| The United Gas Improvement Co | 1,322 |
| South Jersey Gas Co | 1,189 |
| Consolidated Edison Co. of New York, Inc | 9,846 |
| The Brooklyn Union Gas Co | 9,582 |
| Long Island Lighting Co | 529 |
| Elizabethtown Consolidated Gas Co | 661 |
| Public Service Electric and Gas Co | 3,502 |
| Philadelphia Electric Co | 2,973 |
| | 29,604 |
| Delaware Power & Light Co. (commencing Apr. 1, 1954) | 10,900 |
| The City of Danville, Va | 752 |
| South Carolina Gas Co | 257 |
| Georgia Gas Co | 748 |
| Atlanta Gas Light Co | 1,278 |
| City of Lexington, N. C | 3,508 |
| | 6,543 |
| Total | 47,047 |

From the allocation listed above Philadelphia Electric Company shall make available to United States Steel Company the firm daily requirements of its Fairless Works up to a maximum of 2,643 Mcf per day. Our order will so provide.

It is fully recognized that no substantial portion of the 16,953 Mcf of natural gas reserved for future allocation will be required by the communities for which it has been tentatively reserved until after the hearing herein provided, the allocation thereof by further order of the Commission to the various interveners named above, and the construction of required facilities to utilize such gas. We will therefore require Transcontinental to deliver such volumes of natural gas on a temporary firm basis to the following customers:

| | *Mcf per day temporary firm basis* |
|---|---|
| Consolidated Edison Co. of New York, Inc | 5,475 |
| The Brooklyn Union Gas Co | 5,329 |
| Elizabethtown Consolidated Gas Co | 367 |
| South Jersey Gas Co | 662 |
| The United Gas Improvement Co | 736 |
| Philadelphia Electric Co | 1,541 |
| Long Island Lighting Co | 294 |
| Public Service Electric & Gas Co | 1,949 |
| Delaware Power & Light Co. (Commencing April 1, 1954) | 600 |
| Total | 16,953 |

From the allocation listed above Philadelphia Electric Company shall make available to United States Steel Company on a temporary firm basis the additional firm daily requirements of its Fairless Works in excess of 2,643 Mcf per day up to a maximum of 1,357 Mcf of such additional requirements. Our order will so provide.

In this regard we wish to make it abundantly clear in connection with the delivery of the volumes of natural gas on a temporary firm basis to the above-named customers of Transcontinental in the amount specified, that if, in the future, any portion of the 16,953 Mcf set forth above remains after final allocation, as may be provided by further order of the Commission, the first 600 Mcf of such volume is to be allocated by Transcontinental to Delaware Power & Light Company and the remaining capacity is to be allocated to the present firm customers north of Danville, Virginia (exclusive of Delaware Power & Light Company), in the proportion which the total available bears to the total of firm gas allocated herein (29,604 Mcf) to such customers.

It is apparent that during the winter of 1953–1954 and until April 1, 1954, an additional volume of natural gas will be available on Trancontinental's system arising from volumes previously allocated but which the distributors, to whom the allocation was made, will not be able to utilize. This quantity, including 5,019 Mcf hereinbefore set forth, with an allowance for required system flexibility, will be approximately 8,000 Mcf per day. Because Philadelphia Electric Company wil continue service to Delaware Power & Light Company throughout the forthcoming winter heating season, we will allocate 4,000 Mcf per day on a temporary firm basis to Philadelphia Electric Company until April 1, 1954, as representing the approximate volume of natural gas which will be received from Transcontinental and used as a natural-gas component for service by Philadelphia Electric Company to Delaware Power & Light Company. Therefore, to the quantity of 8,000 Mcf set forth above, there will be added 6,900 Mcf of the amount herein allocated to Delaware Power & Light Company on a firm basis, which that company cannot utilize in the areas which it presently serves until April 1, 1954. We will therefore allocate such total quantity of 18,900 Mcf of natural gas on a temporary firm basis until April 1, 1954 to the companies listed below in the amounts shown.

| | *Mcf per day 1953–1954 temporary firm basis* |
|---|---|
| Consolidated Edison Co. of New York, Inc | 5,509 |
| The Brooklyn Union Gas Co | 5,361 |
| Elizabethtown Consolidated Gas Co | 370 |
| South Jersey Gas Co | 665 |
| The United Gas Improvement Co | 740 |
| Philadelphia Electric Co | 4,000 |
| Long Island Lighting Co | 296 |
| Public Service Electric & Gas Co | 1,959 |
| Total | 18,900 |

The delivery of natural gas to Transcontinental's existing customers on a temporary firm basis shall be made under appropriate rate schedules satisfactory to the Commission. Our order will so provide.

The Presiding Examiner's conclusion and order in Docket No. G–1747 is supported by the record, no exceptions have been filed in connection therewith, and it is accordingly affirmed as hereinafter ordered.

The Commission is not persuaded by the requests for oral argument, either in support of the exceptions filed or the reopening of the proceeding for the purposes outlined in the petition filed by the Public Service Electric and Gas Company, as to the need thereof or any further briefs, in connection with the proceeding at Docket No. G–1277 (Reopened), et al. Accordingly, such requests will be denied.

In addition to the findings specifically set forth above, the Commission further finds:

(1) It is desirable and in the public interest that the initial decision of the Presiding Examiner, filed November 28, 1952, at Docket No. G–1277, et al., be modified to conform to the views of the Commission expressed above.

(2) To the extent that the exceptions above referred to are inconsistent with the Commission's order herein, they should be denied.

(3) The related issues at Docket Nos. G–1277, G–1335, G–1407, and G–1411 require that the said proceedings be consolidated and reopened for further hearing as herein provided.

Upon consideration of the record in these proceedings, the initial decision of the Presiding Examiner and the exceptions and motions filed herein, the Commission orders:

(A) The initial decision of the Presiding Examiner issued November 28, 1952, in these proceedings as hereinafter modified and supplemented shall become ef-

[1] Opinion No. 191 and accompanying order issued in the matter of Transcontinental Gas Pipe Line Corporation, Docket No. G–1277.

fective as the decision of the Commission as of the date of the issuance of this order.

(B) The said initial decision be and it is hereby modified in the following respects:

(i) Ordering paragraph (A) appearing at page 140 of the decision is hereby modified to read as follows:

(A) The authorization heretofore issued to Transcontinental in Docket No. G–1277 be and it is hereby amended to authorize Transcontinental, upon the terms and conditions of this order, to make the following deliveries and sales of natural gas in addition to those authorized by the Commission's order issued April 28, 1950, and November 8, 1950:

| | Firm Mcf per day | Temporary firm Mcf per day |
|---|---|---|
| Consolidated Edison Co. of New York, Inc. | 9,886 | 5,475 |
| The Brooklyn Union Gas Co. | 9,582 | 5,929 |
| Elizabethtown Consolidated Gas Co. | 661 | 367 |
| South Jersey Gas Co. | 1,189 | 662 |
| The United Gas Improvement Co. | 1,322 | 736 |
| Philadelphia Electric Co. | 2,973 | 1,541 |
| Long Island Lighting Co. | 529 | 294 |
| Public Service Electric & Gas Co. | 3,502 | 1,949 |
| The City of Danville, Va. | 792 | - |
| Total | 30,356 | 16,953 |

From the firm allocation listed above Philadelphia Electric Company is hereby required to make available to United States Steel Company the firm daily requirements of its Fairless Works up to a maximum of 2,643 Mcf per day. From the temporary firm allocation listed above Philadelphia Electric Company is hereby required to make available to United States Steel Company on a temporary firm basis the additional firm daily requirements of its Fairless Works in excess of 2,643 Mcf per day up to a maximum of 1,357 Mcf of such additional requirements; provided that the volume so made available by Philadelphia Electric Company to United States Steel Company on a temporary firm basis shall be reduced in direct proportion to any reduction in the temporary firm allocation to Philadelphia Electric Company. If all or any part of the said temporary firm allocation shall be made available to Philadelphia Electric Company on a firm basis, Philadelphia Electric Company shall make available on a firm basis to United States Steel Company for its Fairless Works a proportionate share thereof.

(ii) Ordering paragraph (B) appearing at page 140 of the decision is hereby modified to read as follows:

(B) The permission herein granted is conditioned to require Transcontinental to make the following deliveries and sales of natural gas on a firm basis in addition to those presently authorized by the Commission's orders issued April 28, 1950, and August 2, 1950, as the case may be, in Docket No. G–1277:

| | Mcf per day |
|---|---|
| South Carolina Gas Co. | 257 |
| Georgia Gas Co. | 748 |
| Atlanta Gas Light Co. | 1,278 |

(iii) Ordering paragraphs (C) (1), (C) (2), and (C) (3) appearing at pages 140, 141, and 142 of the decision be and the same are hereby deleted and in lieu thereof a new paragraph (C) is substituted reading as follows:

(C) The authorization herein granted is further conditioned to require Transcontinental to reserve 16,953 Mcf on a firm basis for possible future allocation to the interveners named below: *Provided*, That such interveners shall, at a public hearing, at a time herein designated submit proof satisfactory to the Commission of the economic feasibility of their individual projects, of their ability to finance such projects and that public convenience and necessity require that Transcontinental make the following specified volumes of gas available to them:

| | Mcf per day |
|---|---|
| City of Kings Mountain | 1,374 |
| City of Shelby | 2,156 |
| City of Greer | 1,707 |
| City of Belton | 744 |
| City of Greenwood | 5,471 |
| Fort Hill Natural Gas Authority | 3,801 |
| Town of Fountain Inn | 429 |
| Town of Woodruff | 1,080 |
| Town of Bogart | 191 |
| Total | 16,953 |

(iv) Paragraph (D) (1) appearing at page 142 of the decision is hereby modified to read as follows:

(D) (1) The authorization herein granted is further conditioned to require Transcontinental to make available to Delaware Power & Light Company 10,900 Mcf of natural gas per day on a firm basis commencing April 1, 1954; to make available to said company, from any capacity, which may remain, in the future, after final allocation as may be provided by further order of the Commission, the first 600 Mcf of such capacity on a firm basis; to make available to Delaware Power & Light Company up to 600 Mcf per day on a temporary firm basis commencing April 1, 1954, and to tender to said company within 45 days of the date upon which this decision becomes final, a service agreement under which such volumes of gas are to be delivered to Delaware Power & Light Company for ultimate distribution in the area presently served by said company, subject, however, to the condition that Delaware Power & Light Company shall make application to the Commission within 30 days of the date this decision becomes final, for such certificate authority as it may require, if any, under the Natural Gas Act and the rules and regulations of the Commission.

(v) The decision is further supplemented by adding a new paragraph designated as (D) (3), reading as follows:

(D) (3) The authorization herein granted is further conditioned to require Transcontinental to make available to the City of Lexington, North Carolina, 3,508 Mcf of natural gas per day and to tender thereto within 45 days of the date of final order herein, a service agreement for such service, provided, however, that the firm allocation of natural gas to the City of Lexington shall become null and void unless the City shall commence taking deliveries of natural gas from Transcontinental within 8 months of the date of the issuance of our order herein.

(vi) Paragraph (E) appearing on page 143 of the decision is hereby modified to read as follows:

(E) The authorization herein granted is further conditioned to require that Philadelphia Electric Company shall make application to the Commission within 30 days of the date this decision becomes final, unless such time is extended by the Commission for good cause shown, for such authority as may be necessary under the Natural Gas Act and the rules and regulations of the Commission to enable Philadelphia Electric to effect the transportation and sale to United States Steel Company as ordered in Paragraph (B) (i) hereof.

(vii) Paragraphs (G) and (H), appearing at pages 143 and 144 of the decision, in view of our action herein taken in related dockets, are deleted and paragraph (I) be and the same is hereby designated as paragraph (G), and is modified to read as follows:

(G) The authorization heretofore issued to Transcontinental in Docket No. G–1277 be and it is hereby further amended, under the conditions set forth in paragraphs (C) and (D) of this order, to authorize Transcontinental to construct and operate such metering and regulating stations, valves and nipples, as shall be necessary to make the firm deliveries of natural gas herein authorized.

(viii) The decision is further supplemented by adding a new paragraph (H) reading as follows:

(H) The authorization herein granted is further conditioned to require Transcontinental to make available the 8,000 Mcf per day heretofore referred to, plus the 10,900 Mcf per day to be made available on a firm basis commencing April 1, 1954, to Delaware Power & Light Company, or a total of 18,900 Mcf per day, during the winter of 1953–1954 up to and including April 1, 1954, to the following companies on a temporary firm basis in the volumes set forth in the tabulation below:

| | Mcf per day 1953–1954 Temporary firm basis |
|---|---|
| Consolidated Edison Co. of New York, Inc. | 5,509 |
| The Brooklyn Union Gas Co. | 5,361 |
| Elizabethtown Consolidated Gas Co. | 370 |
| South Jersey Gas Co. | 665 |
| The United Gas Improvement Co. | 740 |
| Philadelphia Electric Co. | 4,000 |
| Long Island Lighting Co. | 295 |
| Public Service Electric & Gas Co. | 1,959 |
| Total | 18,900 |

(ix) The decision is further supplemented by adding a new paragraph (I) reading as follows:

(I) Any portion of the 16,953 Mcf per day reserved in paragraph (B) (iii) of this order which is not allocated to the nine intervenors named in said paragraph (B) (iii) by the final decision of the Commission in the further proceedings provided for in paragraph (C) of this order shall be made available by Transcontinental, on a firm basis, as follows:

The first 600 Mcf per day of such volume shall be made available by Transcontinental to Delaware Power & Light Company, and the remainder shall be made available by Transcontinental to its present firm customers listed in paragraph (B) (i) of this order, exclusive of the City of Danville, Virginia, in the proportion which the firm gas allocated to each of them in said paragraph (B) (i) bears to the total of 29,604 Mcf and shall so advise the Commission by filing revised service agreements before delivery of such natural gas is undertaken.

*Docket Nos. G–1650, G–1621, G–1633, and G–1800*

Docket No. G–1650:

(x) Paragraph (A) appearing at page 145 of the decision is modified to read as follows:

(A) A certificate of public convenience and necessity be and the same is hereby issued subject to the following terms and conditions authorizing Transcontinental to operate at its interconnection with Manufacturers at Dowingtown, Pennsylvania, and its interconnections with Seaboard at Elliott City, Maryland, certain facilities hereinbefore described and more fully described in paragraphs (B), (C), and (D) of Transcontinental's supplement to application filed June 8, 1951, and to make deliveries of natural gas subject to the jurisdiction of the Commission to Manufacturers as set forth in Transcontinental's application filed May 7, 1951, and to make deliveries of natural gas to United Fuel as set forth in Transcontinental's second supplement to application filed September 11, 1951: *Provided, however*, That such deliveries shall be made pursuant to Transcontinental's new Rate Schedule E and its new Rate Schedule EX accepted for filing and permitted to become effective as of October 1, 1952, in substitution for Transcontinental's previous Rate Schedule EM–1, EX–1 and E, by the Commission's order issued November 25, 1952, In the Matter of Transcontinental Gas Pipe Line Corporation, Docket No. G–1710.

Docket No. G–1621:

(xi) Paragraph (A) appearing at page 146 of the decision is modified to read as follows:

(A) A certificate of public convenience and necessity be and the same is hereby issued subject to the following terms and conditions authorizing Seaboard:

(a) To operate at its interconnection with Transcontinental at Rockville, Maryland, and Ellicott City, Maryland, certain facilities hereinbefore described and as more fully described in Paragraph (C) of Seaboard's application filed February 26, 1951, and to receive from and to deliver to Transcontinental natural gas subject to the jurisdiction of the Commission for the account of United Fuel.

Docket No. G–1633:

(xii) Paragraph (A) appearing at page 147 of the decision is modified to read as follows:

(A) A certificate of public convenience and necessity be and the same is hereby issued, subject to the following terms and conditions, authorizing Manufacturers to operate at its interconnection with Transcontinental at a point south of Manufacturers' Eagle Compressor Station (Downingtown, Pennsylvania), certain of its facilities hereinbefore described, and more fully described in paragraph (3) of Manufacturers' application filed March 9, 1951, and to make deliveries of natural gas, subject to the jurisdiction of the Commission, to Transcontinental.

Docket No. G–1800:

(xiii) The authorization appearing at page 148 of the decision is modified to read as follows:

(b) A certificate of public convenience and necessity be and the same is hereby issued subject to the following terms and conditions authorizing United Fuel to deliver natural gas to Transcontinental on an exchange basis in the manner hereinbefore described and more fully set forth in United Fuel's application filed October 2, 1951, provided United Fuel shall file, within 30 days after this decision becomes final, an appropriate exchange gas rate schedule and service agreement entered into by and between Transcontinental and United Fuel and consistent with Transcontinental's Rate Schedule EX accepted for filing and permitted to become effective as of October 1, 1952.

(C) In view of our action herein, the above-entitled proceedings at Docket Nos. G–1277, G–1335, G–1407, and G–1411 are hereby reopened and consolidated for the purpose of hearing but limited to the specific purposes hereinafter set forth:

(i) To afford Transcontinental and interveners, Maplesville, Ashland, Lineville, Alabama, and Morganza, Louisiana, an opportunity to show cause why the authorization contained in the Commission's order issued April 28, 1950, in Docket No. G–1277, to supply natural gas to the interveners of Maplesville, Ashland, Lineville, Alabama, and to Morganza, Louisiana, should not be rescinded.

(ii) In addition, Transcontinental and Carolina Natural shall be further afforded an opportunity to show cause why its authorization contained in the Commission's order issued June 7, 1951, in Docket No. G–1411, whereby Transcontinental was authorized to sell and deliver certain volumes of natural gas to the Carolina Natural Gas Corporation should not be rescinded to the extent of such deliveries thereby authorized to Carolina Natural and also to afford the Transcontinental and Public Service an opportunity to show cause why its authorization to supply natural gas to the Public Service Company of North Carolina, Inc., should not be reduced in proportion to the volumes of gas which Public Service originally proposed to sell and deliver to Shelby and Kings Mountain, North Carolina, for ultimate distribution in said communities.

(iii) To afford Carolina Natural Gas Corporation an opportunity to show cause why its certificate of public convenience and necessity, issued June 7, 1951, at Docket No. G–1335, should not be vacated.

(iv) To afford Public Service Company of North Carolina, Inc., an opportunity to show cause by its certificate of public convenience and necessity, issued June 7, 1951, at Docket No. G–1407, should not be modified to the extent of deleting therefrom authorization to provide natural gas service to the communities of Kings Mountain and Shelby, North Carolina.

(v) The proceedings heretofore designated as Docket No. G–1277 (Reopened), are reopened to afford the interveners, Kings Mountain and Shelby, North Carolina, Belton, Greenwood (System), Woodruff, Greer, Fountain Inn, South Carolina, and the Fort Hill Natural Gas Authority which proposes to supply gas to several communities in South Carolina; and Bogart, Georgia, an opportunity to submit further evidence as to the economic and financial feasibility of their proposed projects.

(D) The records in these consolidated proceedings be and they hereby are remanded to the Presiding Examiner heretofore designated as the Presiding Examiner in Docket No. G–1277 (Reopened), for the limited and sole purpose of hearing and taking of additional evidence on the matters described in paragraph (C) above, and for the rendering of an appropriate decision thereon unless the Commission should otherwise provide by subsequent order.

(E) Transcontinental is hereby authorized to make the additional firm deliveries set forth in paragraphs (B) (i) and (B) (ii) under its Rate Schedules CD–2, G–1 or G–2, whichever may be applicable, pending the execution, filing and aceptance by the Commission of new service agreements reflecting such additional firm deliveries. The new service agreements shall be filed within 30 days from the issuance of this order and when accepted by the Commission, shall be effective as of the date of issuance of this order.

(F) Transcontinental shall submit rate schedules and service agreements satisfactory to the Commission within 30 days from the date of the issuance of our order herein relating to its authorized sales of natural gas on a temporary firm basis.

(G) Exceptions filed with respect to the Presiding Examiner's Decision, which are inconsistent with our action herein, are denied. Therefore the request for oral argument in connection with such exceptions, filing of further briefs and the petition filed by Public Service Electric and Gas Company for reopening the proceeding at Docket No. G–1277 (Reopened), et al. are denied.

(H) Each and every reference to the Allentown-Bethlehem Gas Company, The Harrisburg Gas Company and the Philadelphia Gas Works Company shall

be deemed to be referring to the United Gas Improvement Company.[4]

(I) Pursuant to the authority contained in and by virtue of the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held commencing on February 8, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues referred to in paragraph (C) above.

(J) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: December 9, 1953.

Issued: December 11, 1953.

By the Commission.[5]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-10461; Filed, Dec. 16, 1953; 8:45 a. m.]

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[Docket Nos. G-2258, G-2259]

UNITED GAS PIPE LINE CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

United Gas Pipe Line Company (Applicant) filed applications on September 24, 1953, and supplements thereto on October 9, 1953, for certificates of public convenience and necessity to construct and operate facilities to enable it to sell natural gas to United Gas Corporation, an affiliate, for resale by the latter in five Mississippi (Docket No. G-2258) and five Louisiana communities (Docket No. G-2259), all as more fully described in the applications on file with the Commission and open to public inspection.

Applicant has requested that its applications be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)) for non-contested proceedings.

Notice of the filing of such applications has been given, including publication in the FEDERAL REGISTER on October 20, 1953 (18 F. R. 6653-54).

The Commission finds:

(1) Good cause exists to consolidate the above-entitled applications for the purpose of hearing and disposition.

(2) These proceedings are proper ones for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure.

The Commission orders:

(A) The proceedings in Docket Nos. G-2258 and G-2259 be and the same hereby are consolidated for purposes of hearing and disposition.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a public hearing be held on December 29, 1953, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of such rules of practice and procedure.

Adopted: December 9, 1953.

Issued: December 11, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-10462; Filed, Dec. 16, 1953; 8:46 a. m.]

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[Docket No. G-2272]

BLACKSTONE VALLEY GAS AND ELECTRIC CO.

ORDER FIXING DATE OF HEARING

Blackstone Valley Gas and Electric Company (Applicant), a Rhode Island corporation having its principal place of business in Pawtucket, Rhode Island, filed, on October 12, 1953, an application, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the use, maintenance and operation of certain existing facilities for the purpose of transporting, delivering and selling natural gas to Blackstone Gas Company at several points on the Rhode Island-Massachusetts state border for resale within the town of Blackstone, Massachusetts.

The application, made in accordance with the Commission's Opinion No. 259 and accompanying order issued August 6, 1953, in Docket Nos. G-1568, et al., and setting forth in detail a description of the use and operation of the facilities involved, is on file with the Commission and open to public inspection.

It further appears that Northeastern Gas Transmission Company will be ready to serve Applicant with natural gas on or about December 16, 1953.

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on November 3, 1953 (18 F. R. 6948-49).

(2) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on December 22, 1953, at 9:30 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: December 9, 1953.

Issued: December 11, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-10463; Filed, Dec. 16, 1953; 8:46 a. m.]

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[Docket No. G-2324]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION

DECEMBER 10, 1953.

Take notice that Panhandle Eastern Pipe Line Company (Applicant), a Delaware corporation, address 1221 Baltimore Avenue, Kansas City 5, Missouri, filed on December 2, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of certain transmission pipeline facilities hereinafter described.

Applicant proposes to construct and operate two additional 330 horsepower compressor engines at its Bartonville, Illinois, Compressor Station. These additional compressor engines are stated to enable Panhandle to increase its deliveries of gas to Central Illinois Public Service Company at Canton, Illinois, from 4,520 Mcf per day to 8,000 Mcf per day, while at the same time insuring deliveries of 13,400 Mcf of gas per day to Illinois Power Company at Galesburg, Illinois. No increase in the aggregate contract demand of Central Illinois Public Service Company is presented inasmuch as it is proposed that deliveries to Central Illinois Public Service Company at Mattoon, Illinois be reduced from 9,000 Mcf to 5,520 Mcf per day.

The estimated cost of the proposed facilities is $170,000, and Applicant proposes to finance the project out of cash on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 31st day of December 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-10464; Filed, Dec. 16, 1953; 8:46 a. m.]

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[4] The Commission, by its order issued April 21, 1953, substituted the United Gas Improvement Company as intervener for the Allentown-Bethlehem Gas Company, the Harrisburg Gas Company and the Philadelphia Gas Works Company, which were merged with and into the United Gas Improvement Company on December 31, 1952.

[5] Commissioner Draper dissented and stated that he favors affirming the Examiner's decision.



## SECURITIES AND EXCHANGE COMMISSION

[File No. 31-561]

TENNESSEE NATURAL GAS LINES, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

DECEMBER 11, 1953.

Notice is hereby given that Tennessee Natural Gas Lines, Inc. ("Tennessee Lines") has filed an application with this Commission, pursuant to section 3 (a) (1) of the Public Utility Holding Company Act of 1935 ("act"), requesting that it be granted an exemption on behalf of itself and its public-utility subsidiary, Nashville Gas Company ("Nashville Gas"), from the provisions of the act.

Notice is further given that any interested person may, not later than December 28, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues, if any, of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after such date, said application, as filed or as amended, may be granted, or the Commission may take such other action as it deems appropriate.

All interested persons are referred to the application on file at the office of this Commission for a statement of the facts contained therein.

Tennessee Lines is organized under the laws of Tennessee and is engaged in the purchase, transmission and sale of natural gas to Nashville Gas for retail distribution in the City of Nashville and environs, and to the plant of E. I. DuPont de Nemours in the vicinity of Nashville. Its operations are wholly within the State of Tennessee. Nashville Gas is organized under the laws of Tennessee and is engaged in the sale and distribution of natural gas in the City of Nashville and environs, wholly within the State of Tennessee.

As of December 31, 1952, the total consolidated assets of the system aggregated $11,070,621. For the 12 months ended December 31, 1952, the consolidated revenues aggregated $5,251,303 and the consolidated net income amounted to $478,417.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10466; Filed, Dec. 16, 1953; 8:47 a. m.]

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[File No. 70-3163]

ELECTRIC BOND AND SHARE CO.

ORDER REGARDING SALE BY PARENT OF SECURITIES OF SUBSIDIARY

DECEMBER 11, 1953.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, having filed a declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-44 (a) promulgated thereunder with respect to a proposed transaction which is summarized as follows:

Bond and Share heretofore filed with the Commission its Final Comprehensive Plan as finally amended July 7, 1953 (the "Plan") under section 11 (e) of the act. The Plan was approved by orders of the Commission dated February 20, 1953, and July 15, 1953, and by order of the United States District Court for the Southern District of New York dated July 16, 1953.

The Plan proposed, among other things, that Bond and Share would dispose of certain of its holdings of common stock of United Gas Corporation ("United Gas"), a public-utility subsidiary, by capital distribution, dividend distributions and rights offerings to the Bond and Share stockholders. Provision was also made that the remainder of the shares of United Gas stock to be disposed of under the Plan should be disposed of by Bond and Share in such manner and on such terms as it deemed appropriate within two years after the effective date of the Plan which was July 16, 1953. Bond and Share now holds 1,765,053 shares of United Gas common stock (being approximately 13.7 percent of the outstanding shares of such stock).

By the present declaration, Bond and Share proposed to sell 100,000 shares of United Gas common stock for cash upon the basis of a negotiated private sale to a person or persons who would acquire such shares for investment and not for distribution under circumstances which would not involve any "public offering" as contemplated by the Securities Act of 1933.

Bond and Share having filed an amendment reciting that it proposes to accept an offer of Merrill Lynch, Pierce, Fenner & Beane, as broker, for the purchase of 10,000 shares of the common stock at a price of $28.25 per share and having requested withdrawal of its declaration with respect to the balance of the 100,000 shares of United originally proposed to be sold;

Declarant having requested that the Commission exempt the proposed sale of 10,000 shares of United Gas stock from the provisions of Rule U-50 promulgated under the act on the basis of a finding contemplated by subsection (a) (5) of such rule;

Said amendment having further recited that Bond and Share has agreed to pay a commission of 40 cents per share, or $4,000, to Merrill Lynch, Pierce, Fenner & Beane, and that its other expenses, including attorneys' fees, have not yet been determined;

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, that compliance with the competitive bidding requirements of Rule U-50 is not necessary or appropriate in the public interest or for the protection of investors or consumers to assure the maintenance of competitive conditions, the receipt of adequate consideration or the reasonableness of any fees or commissions to be paid, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration, as amended, be permitted to become effective, subject to the terms and conditions prescribed in Rule U-24 and to the further condition that jurisdiction is reserved over all fees and expenses relating to said sale other than the commission as aforesaid;

*It is ordered,* Pursuant to Rule U-24 and the applicable provisions of the act that said declaration, as amended, be and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the further condition that jurisdiction is reserved over all fees and expenses relating to said sale other than the commission thereon.

*It is further ordered and recited,* That the sale and transfer by Bond and Share of 10,000 shares of common stock of United Gas is necessary or appropriate to the integration or simplification of the holding company system of which Bond and Share is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the act, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10467; Filed, Dec. 16, 1953; 8:47 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28738]

POTATOES FROM MAINE AND NEW BRUNSWICK TO ANACOSTIA, D. C.

APPLICATION FOR RELIEF

DECEMBER 11, 1953.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to schedule listed below.

Commodities involved: Potatoes, carloads.

From: Points in Maine and New Brunswick.

To: Anacostia, D. C.

Grounds for relief: Competition with rail carriers, circuitous routes, and additional destination.

Schedules filed containing proposed rates: I. N. Doe, Agent, I. C. C. No. 611, supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10437; Filed, Dec. 15, 1953; 8:48 a. m.]

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[4th Sec. Application 28739]

PETROLEUM PRODUCTS FROM NEW JERSEY TO THE SOUTH

APPLICATION FOR RELIEF

DECEMBER 11, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to schedule listed below.

Commodities involved: Petroleum products.

From: Weehawken, North Bergen, Edgewater, and Vreeland Ave. (Paterson), N. J.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuity, to maintain grouping and additional origins.

Schedules filed containing proposed rates: C. W. Boin, Agent, I. C. C. No. A-599, supp. 152.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10438; Filed, Dec. 15, 1953; 8:48 a. m.]

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[4th Sec. Application 28740]

ANIMAL OR POULTRY FEED BETWEEN POINTS IN FLORIDA, AND FROM SAVANNAH AND PORT WENTWORTH, GA., TO FLORIDA

APPLICATION FOR RELIEF

DECEMBER 11, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyles, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Animal or poultry feed, carloads and less-than-carloads.

From: Points in Florida, Savannah, and Port Wentworth, Ga.

To: Points in Florida.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1308, supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10439; Filed, Dec. 15, 1953; 8:48 a. m.]

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[4th Sec. Application 28741]

METHANOL FROM OHIO AND WEST VIRGINIA TO CHICAGO, ILL.

APPLICATION FOR RELIEF

DECEMBER 14, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to his tariff I. C. C. No. 4175.

Commodities involved: Methanol (methyl alcohol), in tank-car carloads.

From: South Point, Ohio, Morgantown, W. Va., and Charleston, W. Va., and points grouped therewith.

To: Chicago, Ill.

Grounds for relief: Competition with rail carriers, circuity, competition with water carriers, and market competition.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10469; Filed, Dec. 16, 1953; 8:47 a. m.]

# FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES

VOLUME 18 — 1934 — NUMBER 246

*Washington, Friday, December 18, 1953*


## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10509

[illegible] AN EMERGENCY BOARD TO IN[illegible] OF A DISPUTE BETWEEN THE [illegible] EXPRESS AGENCY, INC. [illegible] OF ITS EMPLOYEES

WHEREAS a dispute exists between the Railway Express Agency, Inc., and certain of its employees represented by the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employes, a labor organization; and

WHEREAS this dispute has not been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (44 Stat. 577; 45 U.S.C. 160), I hereby create a board of three members to be appointed by me to investigate the said dispute. No member of the said board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board shall have made its report to the President (except by agreement), neither the Railway Express Agency, Inc., nor any of its employees, in the craft or class of which the said dispute arose,

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*December 16, 1953.*

[F. R. Doc. 53-10596; Filed, Dec. 17, 1953, 10:56 a. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART [illegible]—EXCEPTIONS FROM THE COMPETITIVE SERVICE

EXCEPTED SERVICE

[illegible] of subparagraph (4) added [illegible] 108 [illegible]

[illegible] Department of Justice . . .
[illegible] and National [illegible]
[illegible] of District [illegible]

[illegible] 10 U.S.C. [illegible] 3 CFR [illegible]

UNITED STATES CIVIL SERVICE COMMISSION,
WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 53-10597; Filed, Dec. 17, 1953, 8:49 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

[illegible] 11]

PART 1464—TOBACCO

SUBPART—1953 [illegible] LOAN PROGRAM

Sections 1464.[illegible] and 1464.517 published October 21, 1953 (18 F. R. 6605), are amended as follows:

Insert the following sentence at the end of the last sentence of footnote 2: "The advance rate on any lot of tobacco graded B2M through B7M and marked with the special factor 'MOIST' and 'DAMP' will be supported at the advance rate minus $9.00 and $12.00 per hundred pounds, respectively."

(sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. Supp. 714b. Interprets or applies sec. 5, 62 Stat. 1072; secs. 101, 401, 63 Stat. 1051, as

(Continued on p. 8473)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

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Issued this 14th day of December 1953.

[SEAL] HOWARD H. GORDON,
*President,*
*Commodity Credit Corporation.*

[F. R. Doc. 53-10563; Filed, Dec. 17, 1953, 8:48 a. m.]

## TITLE 7—AGRICULTURE

### Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[Amdt. 1]

### PART 713—COUNTY AND COMMUNITY COMMITTEES

SUBPART—SELECTION AND FUNCTIONS OF PRODUCTION AND MARKETING ADMINISTRATION COUNTY AND COMMUNITY COMMITTEES

LEAVE

By virtue of the authority vested in the Secretary of Agriculture by the Soil Conservation and Domestic Allotment Act, as amended, the regulations pertaining to the Selection and Functions of Production and Marketing Administration County and Community Committees, as published in 18 F. R. 1699, are hereby amended by changing § 713.32, effective January 1, 1954, to read as follows:

§ 713.32 *Leave.* All employees of a county office who have a regular tour of duty established in advance, except temporary employees, shall be granted annual and sick leave with pay. A temporary employee, for the purposes of this section, is defined as one who serves during a continuous period of less than 90 days, on either a full-time or a part-time basis. Leave with pay shall not be granted to members of county or community committees. The county committee shall provide for the maintenance in the county office of accurate employment and leave records, and shall make such records available, upon request, to the PMA State Committee or the PMA Administrator or any representative of such committee or officer.

(a) *Annual leave.* Leave of absence with pay shall not be granted until earned and shall be earned at the rate of one and one quarter days for each 20 days of service rendered. An employee may be credited on January 1 with any unused leave which may have been earned by him during the preceding year, provided that in no case shall the amount of leave so credited exceed 12 days. The amount of leave so credited may be used by the employee in addition to the leave earned by him during the year.

(b) *Sick leave.* Leave of absence with pay because of illness shall be earned at the rate of one day for each 20 days of service rendered. Leave of absence with pay because of illness may at the discretion of the county committee be granted prior to its having been earned in an amount not to exceed 12 days during any one calendar year. Any leave which has been advanced shall be deducted from sick leave which may be earned at a later date. An employee may be credited on January 1 with any unused sick leave which may have been earned by him during preceding years, provided that in no case shall the amount to leave so credited exceed 36 days.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies 49 Stat. 1148, as amended; 16 U. S. C. 590h)

Done at Washington, D. C., this 15th day of December 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 53-10538; Filed, Dec. 17, 1953; 8:56 a. m.]

### PART 727—MARYLAND TOBACCO

PROCLAMATION OF THE RESULTS OF MARKETING QUOTA REFERENDUM

§ 727.503 *Basis and purpose.* Sections 727.503 and 727.504 are issued to announce the results of the Maryland tobacco marketing quota referendum for the marketing year beginning October 1, 1954, and for the three-year period beginning October 1, 1954. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed a national marketing quota for Maryland tobacco for the 1954–55 marketing year (18 F. R. 6446). The Secretary announced (18 F. R. 6502) that a referendum would be held on October 29, 1953, to determine whether Maryland tobacco producers were in favor of or opposed to marketing quotas for the marketing year beginning October 1, 1954, and to determine whether Maryland tobacco producers were in favor of or opposed to marketing quotas for the three-year period beginning October 1, 1954. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that with respect

to this proclamation, application of the notice and procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary.

§ 727.504 *Proclamation of the results of the Maryland tobacco marketing quota referendum for the marketing year beginning October 1, 1954, and for the three-year period beginning October 1, 1954.* In a referendum of farmers engaged in the production of the 1953 crop of Maryland tobacco held on October 29, 1953, 5,171 farmers voted. Of those voting, 2,655 or 51.3 percent favored quotas for a period of three years beginning October 1, 1954; 659 or 12.8 percent favored quotas for only the one year beginning October 1, 1954; and 1,857 or 35.9 percent were opposed to quotas. Since more than one-third of the farmers voting opposed quotas, the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1954, proclaimed on October 7, 1953 (18 F. R. 6446) becomes ineffective. Therefore, marketing quotas will not be in effect on Maryland tobacco for the marketing year beginning October 1, 1954.

(Sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interpret or apply Sec. 312, 52 Stat. 46, as amended; 7 U. S. C. 1312)

Done at Washington, D. C., this 15th day of December 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 53-10539; Filed, Dec. 17, 1953; 8:56 a. m.]

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PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

PROCLAMATION OF THE RESULTS OF MARKETING QUOTA REFERENDA

Sec.
723.504 Basis and purpose.
723.505 Proclamation of the results of the cigar-filler tobacco marketing quota referendum for the marketing year beginning October 1, 1954, and for the three-year period beginning October 1, 1954.
723.506 Proclamation of the results of the cigar-filler and cigar-binder tobacco marketing quota referendum for the marketing year beginning October 1, 1954, and for the three-year period beginning October 1, 1954.

AUTHORITY: §§ 723.504 to 723.506 issued under sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interpret or apply sec. 312, 52 Stat. 46, as amended; 7 U. S. C. 1312.

§ 723.504 *Basis and purpose.* Sections 723.504 to 723.506 are issued to announce the results of the cigar-filler tobacco and cigar-filler and cigar-binder tobacco marketing quota referenda for the marketing year beginning October 1, 1954, and for the three-year period beginning October 1, 1954. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed a national marketing quota for cigar-filler tobacco and for cigar-filler and cigar-binder tobacco for the 1954-55 marketing year (18 F. R. 6443). The Secretary announced (18 F. R. 6502) that referenda would be held on October 29, 1953, to determine whether cigar-filler tobacco producers and cigar-filler and cigar-binder tobacco producers were in favor of or opposed to marketing quotas for the marketing year beginning October 1, 1954, and to determine whether cigar-filler tobacco producers and cigar-filler and cigar-binder tobacco producers were in favor of or opposed to marketing quotas for the three-year period beginning October 1, 1954. Since the only purpose of this proclamation is to announce the results of the referenda, it is hereby found and determined that with respect to this proclamation, application of the notice and procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary.

§ 723.505 *Proclamation of the results of the cigar-filler tobacco marketing quota referendum for the marketing year beginning October 1, 1954, and for the three-year period beginning October 1, 1954.* In a referendum of farmers engaged in the production of the 1953 crop of cigar-filler tobacco held on October 29, 1953, 1,479 farmers voted. Of those voting, 258 or 17.4 percent favored quotas for a period of three years beginning October 1, 1954; 103 or 7.0 percent favored quotas for only the one year beginning October 1, 1954; and 1,118 or 75.6 percent were opposed to quotas. Since more than one-third of the farmers voting opposed quotas, the national marketing quota for cigar-filler tobacco for the marketing year beginning October 1, 1954, proclaimed on October 7, 1953 (18 F. R. 6443), becomes ineffective. Therefore, marketing quotas will not be in effect on cigar-filler tobacco for the marketing year beginning October 1, 1954.

§ 723.506 *Proclamation of the results of the cigar-filler and cigar-binder tobacco marketing quota referendum for the marketing year beginning October 1, 1954, and for the three-year period beginning October 1, 1954.* In a referendum of farmers engaged in the production of the 1953 crop of cigar-filler and cigar-binder tobacco held on October 29, 1953, 3,896 farmers voted. Of those voting, 3,000 or 77.0 percent favored quotas for a period of three years beginning October 1, 1954; 492 or 12.6 percent favored quotas for only the one year beginning October 1, 1954; and 404 or 10.4 percent were opposed to quotas. Therefore, the national marketing quota of 74,600,000 pounds proclaimed on October 7, 1953 (18 F. R. 6443), for cigar-filler and cigar-binder tobacco for the 1954-55 marketing year will be in effect for such year and marketing quotas on cigar-filler and cigar-binder tobacco will be in effect for three marketing years beginning October 1, 1954.

Done at Washington, D. C., this 15th day of December 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 53-10540; Filed, Dec. 17, 1953; 8:57 a. m.]

## Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Det. 861.7]

PART 861—SUGAR BEETS: CALIFORNIA, SOUTHWESTERN ARIZONA, SOUTHERN OREGON AND WESTERN NEVADA: 1954 CROP

FAIR AND REASONABLE WAGE RATES

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Oakland, California, on October 6, 1953, the following determination is hereby issued.

§ 861.7 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1954 crop of sugar beets in California, southwestern Arizona, southern Oregon and western Nevada*—(a) *Requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production, cultivation, or harvesting of the 1954 crop of sugar beets in California, southwestern Arizona, southern Oregon and western Nevada if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm, or part of the farm covered by a separate labor agreement, shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer but, after the beginning of work on the 1954 crop of sugar beets or the date of issuance of this determination, whichever is later, not less than the following:

(i) *When employed on a time basis.* (*a*) For thinning, hoeing, or weeding; 70 cents per hour.

(*b*) For pulling, topping or loading; 75 cents per hour.

(*c*) For the operations specified above performed by workers certified by the local County Production and Marketing Administration Committee to be handicapped because of age or physical or mental deficiency, or by workers between 14 and 16 years of age, the above rates may be reduced by not more than one-third. Maximum employment per day for workers between 14 and 16 years of age, without deduction from Sugar Act payments to the producer, is 8 hours.

(*d*) For operating mechanical equipment, irrigating and all other operations in the production, cultivation, or harvesting of sugar beets for which a rate is not specified herein, the rate shall be as agreed upon between the producer and laborer.

(ii) *When employed on a piecework basis.* For work performed on a piecework basis the rate shall be as agreed upon between the producer and the laborer: *Provided*, That for the operations of thinning, hoeing, weeding, pulling, topping or loading, the average hourly rate of earnings for each worker for the time involved on each separate unit of work for which a piecework rate is agreed upon shall be not less than the applicable hourly rate provided under subdivision (i) of this subparagraph.

(2) *Perquisites.* In addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a house, garden plot, and similar items.

(b) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined herein through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the local County Production and Marketing Administration Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed information and wage claim forms are available at the offices of the local County PMA Committees. Upon receipt of a wage claim the County PMA Committee shall thereupon notify the producer against whom the claim is made concerning the representation made by the laborer, and, after making such investigation as it deems necessary, notify the producer and laborer in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement an appeal may be made to the State Committee of the Production and Marketing Administration in which is located the farm where the work was performed. The address of the State Committee will be furnished by the office of the local County Committee. Upon receipt of the appeal the State Committee shall likewise consider the facts and notify the producer and laborer in writing of its recommendation for settlement of the claim. If the recommendation of the State Committee is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement of the respective committee, otherwise such recommended settlement will be applied in making payment under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates which a producer must pay, as a minimum, for work performed by persons employed on the farm in the production, cultivation, or harvesting of the 1954 crop of sugar beets in California, southwestern Arizona, southern Oregon and western Nevada, as one of the conditions for payment under the act.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates, it is required under the act that a public hearing be held, that investigations be made and that consideration be given to (1) the standards formerly established by the Secretary of Agriculture under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among various sugar producing areas.

A public hearing was held in Oakland, California, October 6, 1953, at which interested persons presented testimony with respect to fair and reasonable wage rates for the production, cultivation or harvesting of the 1954 crop of sugar beets in California, southwestern Arizona, southern Oregon and western Nevada. In addition, investigations have been made of conditions affecting wage rates in this region. In this determination the primary factors which have been considered are (1) cost of living; (2) prices of sugar and by-products; (3) income from sugar beets; and (4) cost of production. Other economic influences also have been considered.

(c) *1954 wage determination.* The 1954 wage determination continues unchanged the wage rates and other provisions of the 1953 determination.

At the public hearing a representative of the sugar beet growers' association recommended (1) no change in wage rates for the 1954 crop; (2) the continuance of the provision permitting the payment of a reduced rate to workers 14 to 16 years of age and, under certain conditions, to handicapped workers; and (3) through a supplementary brief that the wage determination not include specifications suggested in the notice of hearing with respect to compensable working time or the furnishing of equipment necessary to perform work assignments. A representative of a sugar beet harvesting machine operators' association at the hearing and by supplemental brief recommended the inclusion in the wage determination of specific rates for custom harvesting machine operators who, as a condition of their employment, furnish necessary machinery and equipment. There was no direct testimony by workers or their representatives.

In this determination, consideration has been given to recommendations made at the public hearing, to data reflecting the returns, costs and profits of sugar beet producers and to other factors customarily considered in wage determinations. An examination of the several factors does not indicate a basis for altering the wage rate structure of the prior wage determination. Provisions for compensable working time and the furnishing to workers of tools and apparel necessary to work assignments are not included in this determination since there has been no evidence or testimony introduced which indicates a current need for either of these provisions in this region. The recommendation for the specific inclusion of machine harvester contractors has not been accepted because it is considered that persons furnishing to one or more growers heavy equipment, such as harvesting machines, on a fee or price basis are independent contractors and not wage earners furnishing principally their personal services as employees.

After consideration of all factors, the wage rates and other provisions in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 15th day of December 1953.

[SEAL] JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 53-10541; Filed, Dec. 17, 1953; 8:57 a. m.]

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## Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Tangerine Reg. 142]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.654 *Tangerine Regulation 142*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than December 18, 1953. Shipments of tangerines grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and, unless sooner terminated, will so continue until December 21, 1953; the recommendation and supporting information for regulation subsequent to December 17, 1953, and in the manner herein provided, was promptly submitted to the Department after an open meeting of the Grow-

ers Administrative Committee on December 15; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) Tangerine Regulation 141 (7 CFR 933.651; 18 F. R. 7583) is hereby terminated as of the effective time of this section.

(2) During the period beginning at 12:01 a. m., e. s. t., December 18, 1953, and ending at 12:01 a. m., e. s. t., January 4, 1954, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than $2^{5}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of tangerines, smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(3) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1," shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (51.1810–1836) (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 16th day of December 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-10554; Filed, Dec. 17, 1953; 8:57 a. m.]

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[Lemon Reg. 515]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

*Correction*

In Federal Register Document 53-10425, published at page 8172 of the issue for Saturday, December 12, 1953, § 953.626 should have been designated "§ 953.622".

## TITLE 8—ALIENS AND NATIONALITY

### Chapter II—Office of Alien Property, Department of Justice

PART 502—RULES OF PROCEDURE FOR CLAIMS

REFERENCES TO "CHIEF OF CLAIMS SECTION"

Part 502 contains certain rules which require amendment to conform to the current organization of the Office of Alien Property. Since no additional requirements are imposed, it is hereby found that notice, hearing and suspension of applicability are unnecessary.

The Claims Branch of the Office of Alien Property has been redesignated as the Claims Section of that office. The Claims Section is under the supervision of the Chief of the Claims Section whose functions are the same as those of the former Chief of the Claims Branch. Accordingly:

Sections 502.2 (j) and (n), 502.3, 502.6 (b), 502.7 (a), 502.21 (a), 502.25 (a), (c) and (i), 502.26 (b), 502.29, 502.102 (a), (d) and (e), 502.201 (a) and (d), and 502.202 (b), (c), and (d) are hereby amended by deleting reference therein to the "Chief of the Claims Branch" and substituting therefor reference to the "Chief of the Claims Section."

(40 Stat. 411, 55 Stat. 839, 60 Stat. 50, 925, 64 Stat. 1079, 50 U. S. C. App. and Sup. 1–40; 60 Stat. 418, 64 Stat. 1116, 22 U. S. C. and Sup. 1382; E. O. 8389, April 10, 1940, 5 F. R. 1400, as amended, 3 CFR, 1943 Cum. Supp.; E. O. 9142, April 21, 1942, 7 F. R. 2985, 3 CFR, 1943 Cum. Supp.; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, 1943 Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9725, May 16, 1946, 11 F. R. 5381, 3 CFR, 1946, Supp.; E. O. 9788, October 14, 1946, 11 F. R. 11981, 3 CFR, 1946 Supp.; E. O. 9818, January 1, 1947, 12 F. R. 133, 3 CFR, 1947 Supp.; E. O. 9921, January 10, 1948, 13 F. R. 171, 3 CFR, 1948 Supp.; E. O. 9989, August 20, 1948, 13 F. R. 4981, 3 CFR, 1948 Supp.; Proc. 2914, December 16, 1950, 15 F. R. 9029, 3 CFR, 1950 Supp.; E. O. 10244, May 17, 1951, 16 F. R. 4639, 3 CFR, 1951 Supp.; E. O. 10254, June 15, 1951, 16 F. R. 5829, 3 CFR, 1951 Supp.; E. O. 10348, April 26, 1952, 17 F. R. 3769, 3 CFR, 1952 Supp.)

Executed at Washington, D. C., on December 11, 1953.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 53-10525; Filed, Dec. 17, 1953; 8:51 a. m.]

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## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146; 18 F. R. 6773) are amended as indicated below:

Section 146.1 *Definitions and interpretations* is amended as follows:

1. The following new paragraph, numbered (b–1), is inserted after the second sentence in paragraph (b):

(b–1) Each of the antibiotic substances produced by hydrogenation of streptomycin and each of the same substances produced by any other means is a kind of dihydrostreptomycin.

2. The third sentence in paragraph (b), beginning "Wherever the term 'dihydrostreptomycin' appears * * *" is transposed to the new paragraph (b–1), and becomes the second sentence in that paragraph.

3. The following new paragraph, numbered (c–1), is inserted following paragraph (c):

(c–1) Each of the several antibiotic substances produced by the hydrogenation of chlortetracycline and each of the same substances produced by any other means is a kind of tetracycline.

4. The following new paragraph, numbered (j–1), is inserted after paragraph (j):

(j–1) The term "tetracycline master standard" means a specific lot of crystalline tetracycline hydrochloride which is designated by the Commissioner as the standard of comparison in determining the potency of the tetracycline working standard.

5. Paragraph (n) is amended by inserting after the third sentence the following new sentence: "The term 'microgram' applied to tetracycline means the tetracycline activity (potency) contained in 1.0 microgram of the tetracycline master standard."

6. Paragraph (o) is amended by inserting the following new clause following the clause beginning "the term 'chlortetracycline working standard' means * * *": "the term 'tetracycline working standard' means a specific lot of a homogeneous preparation of one or more tetracycline salts;".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: December 14, 1953.

[SEAL] OVETA CULP HOBBY,
*Secretary.*

[F. R. Doc. 53-10519; Filed, Dec. 17, 1953; 8:51 a. m.]



PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PROCAINE PENICILLIN IN OIL

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146; 18 F. R. 6773) are amended as indicated below:

Section 146.45 *Procaine penicillin in oil* is amended as follows:

1. Paragraph (a) *Standards of identity* * * * is amended by deleting the period at the end of the second sentence and adding the words "or adrenocorticotropic hormone (ACTH)."

2a. In paragraph (c) *Labeling*, subparagraph (1) (v) is amended by inserting the words "or adrenocorticotropic hormone" between the words "nitrofurazone" and "is used".

b. Paragraph (c) (2) is amended by renumbering subdivision (ii) as (iii) and inserting the following new subdivision (ii) between subdivision (i) and renumbered subdivision (iii):

(ii) If it is intended solely for veterinary use and contains adrenocorticotropic hormone, the statement "Caution: Federal law restricts this drug to sale by or on the order of a licensed veterinarian."

c. Paragraph (c) (3) is amended to read:

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled:

(i) If it contains adrenocorticotropic hormone, adequate directions and warnings for its use by veterinarians licensed by law to administer such drug.

(ii) If it does not contain adrenocorticotropic hormone, adequate directions and warnings for the veterinary use of such drug by the laity.

Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: December 14, 1953.

[SEAL] OVETA CULP HOBBY,
*Secretary.*

[F. R. Doc. 53-10521; Filed, Dec. 17, 1953; 8:51 a. m.]

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## TITLE 22—FOREIGN RELATIONS

### Chapter I—Department of State

[Departmental Reg. 108.205]

PART 97—OCEAN SHIPMENT OF SUPPLIES BY VOLUNTARY NON-RELIEF AGENCIES

PART 98—REGISTRATION OF AGENCIES FOR VOLUNTARY FOREIGN AID

WITHDRAWAL

The following parts in Chapter I, Title 22, Code of Federal Regulations, are withdrawn from publication:

Part 97—Ocean Shipment of Supplies by Voluntary Non-Relief Agencies which was superseded by regulations prescribed in 22 CFR 202 (18 F. R. 5382) by the Director, Foreign Operations Administration.

Part 98—Registration of Agencies for Voluntary Foreign Aid which was superseded by regulations prescribed in 22 CFR 203 (18 F. R. 5383) by the Director, Foreign Operations Administration.

Dated: December 14, 1953.

For the Secretary of State.

EDWARD T. WAILES,
*Assistant Secretary.*

[F. R. Doc. 53-10523; Filed, Dec. 17, 1953; 8:52 a. m.]

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## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

Subchapter S—Rights-of-Way

[Circular 1866]

PART 244—RIGHTS-OF-WAY OTHER THAN FOR RAILROAD PURPOSES AND FOR LOGGING ROADS ON THE OREGON AND CALIFORNIA AND COOS BAY REVESTED LANDS

SUBPART I—RIGHTS-OF-WAY THROUGH PUBLIC LANDS AND RESERVATIONS FOR OIL AND NATURAL GAS PIPELINES AND PUMPING PLANT SITES UNDER THE MINERAL LEASING ACT

STATUTORY AUTHORITY; COMMON CARRIER STIPULATION

By the act of August 12, 1953 (67 Stat. 557, Pub. Law 253, 83d Cong.), section 28 of the act of February 25, 1920, as amended (41 Stat. 449, 49 U. S. C. 678; 30 U. S. C. 185), was further amended so as to except certain natural gas pipeline rights-of-way from the operation of the common carrier provisions of that section. In order to show such amendment, §§ 244.60 and 244.62 are amended to read as follows:

§ 244.60 *Statutory authority.* (a) Section 28 of the act of February 25, 1920 (41 Stat. 449), as amended by the acts of August 21, 1935 and August 12, 1953 (49 Stat. 678; 67 Stat. 557; 30 U. S. C. 185), authorizes the Secretary to grant rights-of-way through public lands, including the forest reserves of the United States, for pipeline purposes for the transportation of oil or natural gas to any applicant possessing the qualifications provided in section 1 of the act (41 Stat. 437; 30 U. S. C. 22, 48, 181) to the extent of the ground occupied by the said pipeline and 25 feet on each side of the same under such regulations and conditions as to survey, location, application, and use as may be prescribed by him, and upon the express conditions that such pipeline, if for oil, or for natural gas and not excepted from the common carrier provisions of section 28 of the act of February 25, 1920, as amended, as stated in paragraph (b) of this section, shall be constructed, operated and maintained as a common carrier and that every pipeline holder shall accept, convey, transport, or purchase without discrimination oil or natural gas produced from Government lands in the vicinity of the pipeline in such proportionate amount as the Secretary of the Interior may, after a full hearing, with due notice thereof to the interested parties, and a proper finding of facts, determine to be reasonable.[1]

(b) The amendatory act of August 12, 1953, cited in paragraph (a) of this section provides that the common carrier provisions of section 28 of the act of February 25, 1920, shall not apply to any natural gas pipeline operated by any person subject to regulation under the Natural Gas Act (52 Stat. 821; 15 U. S. C. 717w) or by any public utility subject to regulation by a State or municipal regulatory agency having jurisdiction to regulate the rates and charges for the sale of natural gas to consumers within the State or municipality.

§ 244.62 *Common carrier stipulation.* Each application for a pipeline right-of-way, if for oil, or for natural gas and the pipeline has not been excepted from the common carrier provisions of section 28 of the act of February 25, 1920, as amended, as stated in § 244.60 (b), must include the following stipulation:

The applicant agrees to operate the pipeline as a common carrier in accordance with the provisions of the Mineral Leasing Act, and, within 30 days after the request of the Secretary of the Interior, to file rate schedule and tariff for the transportation of oil or gas, as the case may be, as such common carrier with any regulatory agency having jurisdiction over such transportation, as the Secretary may prescribe.

(R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201. Interpret or apply sec. 28, 41 Stat. 449, 67 Stat. 557; 30 U. S. C. 185)

DOUGLAS MCKAY,
*Secretary of the Interior.*

DECEMBER 11, 1953.

[F. R. Doc. 53-10490; Filed, Dec. 17, 1953; 8:45 a. m.]

[1] By opinion of the Attorney General of January 3, 1941 (40 Op. Atty. Gen. 9), and departmental decision, Chiles P. Plummer, A-23988, February 24, 1945, this statute was construed as not applying to purchased or acquired lands as they are not considered public lands within the meaning of the act.

# TITLE 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

### Subchapter C—Miscellaneous Excise Taxes

[Regulations 19]

### PART 195—PRODUCTION OF VINEGAR BY THE VAPORIZING PROCESS

*Preamble.* 1. These regulations, Regulations 19, "Production of Vinegar by the Vaporizing Process" (26 CFR Part 195), are a republication of Regulations 19, 1940 edition (26 CFR Part 195), as amended to date by approved Treasury decisions.

2. These regulations, except for the addition of several new definitions and the revision of several sections to conform with the delegation of authority made in IR-Mimeograph No. 232, dated July 6, 1953, consist only of previously approved material but the text has been rearranged and renumbered to conform to the Federal Register Regulations (13 F. R. 5929).

3. This republication of these regulations shall not affect or limit any act done or any liability previously incurred, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the date of republication, nor shall this republication release, acquit, affect, or limit any offense committed in violation of these regulations prior to republication, or any penalty, liability or forfeiture incurred prior to such date.

4. It is found that compliance with notice and public rule making procedure of section 4 (a) and the effective date limitations of section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1001 et seq.) is unnecessary in connection with the republication of the regulations in this part for the reason that the changes made relate merely to form and not substance.


Sec.
195.0 Statutory provisions.
195.0–1 Departmental regulations.
195.0–2 Registry of stills.
195.0–3 Notice of manufacture of and permit to set up still.
195.0–4 Entry and examination of distillery.
195.0–5 Distillers and rectifiers to furnish facilities and give assistance for examination of premises.
195.0–6 Installation of meters, tanks, and other apparatus.
195.0–7 Officer's authority to break up grounds or walls.
195.0–8 Mash, wort, and vinegar; vinegar factories.
195.0–9 Vinegar factories operated prior to March 1, 1879.
195.0–10 Transfer and delegation of powers.
195.0–11 Rules and regulations.
195.0–12 Issue of instructions, regulations, and forms.

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195.1 Production of vinegar by the vaporizing process.
195.2 Instruments and papers.

Subpart B—Definitions

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195.6 Assistant Regional Commissioner.
195.7 Commissioner.
195.8 Distilling materials.
195.9 District Director.
195.10 Gallon.
195.11 Including.
195.12 Inclusive language.
195.13 I. R. C.
195.14 Person, proprietor, vinegar maker.
195.15 Proof.
195.16 Proof gallon.
195.17 Secretary.
195.18 U. S. C.
195.19 Vinegar factory.

Subpart C—Location and Use

195.30 Restrictions.
195.31 Use of premises.

Subpart D—Construction

195.35 Buildings or rooms.
195.36 Means of ingress or egress.
195.37 Doors, windows, and other openings.
195.38 Distilling department.

Subpart E—Sign

195.45 Posting of sign.

Subpart F—Equipment

195.50 Fermenting material storage tanks.
195.51 Mash tubs and fermenters.
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195.60 Low wine receiving tanks.
195.61 Low wine storage tanks.
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195.63 Colors for pipe lines.
195.64 Details of construction and equipment not specified.
195.65 Vinegar factories heretofore established.

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195.76 Description of premises.
195.77 Description of distilling department.
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195.81 Corporate documents.
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195.85 Registry of stills, Form 26.
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195.96 Preparation.
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195.99 Floor plan of distilling department.
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195.110 General requirement.

CHANGE IN INDIVIDUAL, FIRM, OR CORPORATE NAME

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CHANGE IN PROPRIETORSHIP, SUSPENSION

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AUTHORITY: §§ 195.1 to 195.292 issued under 53 Stat. 375; 26 U. S. C. 3176. Other statutory provisions interpreted or applied are cited to the text in parentheses.

§ 195.0 *Statutory provisions.* The provisions of law having more common application to the production of vinegar by the vaporizing process are contained in §§ 195.0–1 to 195.0–12.

§ 195.0–1 *Departmental regulations.*

5 U. S. C. 22 DEPARTMENTAL REGULATIONS. The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

§ 195.0–2 *Registry of stills.*

26 U. S. C. 2810 REGISTRY OF STILLS.

(a) *Requirement.* Every person having in his possession or custody, or under his control, any still or distilling apparatus set up, shall register the same with the collector of the district in which it is, by subscribing and filing with him duplicate statements, in writing, setting forth the particular place where such still or distilling apparatus is set up, the kind of still and its cubic contents, the owner thereof, his place of residence, and the purpose for which said still or distilling apparatus has been or is intended to be used; one of which statements shall be retained and preserved by the collector, and the other transmitted by him to the Commissioner. Stills and distilling apparatus shall be registered immediately upon their being set up.

Every still or distilling apparatus not so registered, together with all personal property in the possession or custody, or under the control of such person, and found in the building, or in any yard or inclosure connected with the building in which the same may be set up, shall be forfeited.

And every person having in his possession or custody, or under his control, any still or distilling apparatus set up which is not so registered, shall pay a penalty of $500, and shall be fined not less than $100, nor more than $1,000, and imprisoned for not less than one month, nor more than two years.

* * * * *

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 195.0–3 *Notice of manufacture of and permit to set up still.*

26 U. S. C. 2818 NOTICE OF MANUFACTURE OF AND PERMIT TO SET UP STILL.

(a) *Requirement.* Any person who manufactures any still, boiler, or other vessel to be used for the purpose of distilling, shall, before the same is removed from the place of manufacture, notify in writing the collector of the district in which such still, boiler, or other vessel is to be used or set up, by whom it is to be used, its capacity, and the time when the same is to be removed from the place of manufacture; and no such still, boiler, or other vessel shall be set up without the permit in writing of the said collector for that purpose; and

(b) *Penalty for setting up still without permit.* Any person who sets up any such still, boiler, or other vessel, without first obtaining a permit from the said collector of the district in which such still, boiler, or other vessel is intended to be used, or who fails to give such notice, shall pay in either case the sum of $500, and shall forfeit the distilling apparatus thus removed or set up in violation of law.

(c) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 195.0–4 *Entry and examination of distillery.*

26 U. S. C. 2827 ENTRY AND EXAMINATION OF DISTILLERY.

(a) *Power of revenue officers.* It shall be lawful for any revenue officer at all times, as well by night as by day, to enter into any distillery or building or place used for the business of distilling, or used in connection therewith for storage or other purposes, and to examine, gauge, measure, and take an account of every still or other vessel or utensil of any kind, and of all low-wines, and of the quantity and gravity of all mash, wort, or beer, and of all yeast, or other compositions for exciting or producing fermentation in any mash or beer, of all spirits and of all materials for making or distilling spirits, which may be in any such distillery or premises, or in possession of the distiller.

And whenever any internal revenue officer, or any person called by him to his aid, is hindered, obstructed, or prevented by any distiller or by any workman, or other person acting for such distiller, or in his employ, from entering into any such distillery or building or place as aforesaid; or any such officer is by the distiller, or his workman, or any person in his employ, prevented or hindered from, or opposed, or obstructed, or molested in the performance of his duty under the internal revenue laws, in any respect, the distiller shall forfeit the sum of not exceeding $1,000.

And whenever any officer, having demanded admittance into a distillery or distillery premises, and having declared his name and office, is not admitted into such distillery or premises by the distiller or other person having charge thereof, it shall be lawful for such officer at all times, as well by night as by day, to break open by force any of the doors or windows, or to break through any of the walls of such distillery or premises necessary to be broken open or through, to enable him to enter the said distillery or premises; and the distiller shall forfeit the sum of not exceeding $1,000.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 195.0–5 *Distillers and rectifiers to furnish facilities and give assistance for examination of premises.*

26 U. S. C. 2828 DISTILLERS AND RECTIFIERS TO FURNISH FACILITIES AND GIVE ASSISTANCE FOR EXAMINATION OF PREMISES.

(a) *Power of revenue officers.* On the demand of any internal revenue officer or agent, every distiller or rectifier shall furnish strong, safe, and convenient ladders of sufficient length to enable the officer or agent to examine and gauge any vessel or utensil in such distillery or premises; and shall, at all times when required, supply all assistance, lights, ladders, tools, staging, or other things necessary for inspecting the premises, stock, tools, and apparatus belonging to such person, and shall open all doors, and open for examination all boxes, packages, and all casks, barrels, and other vessels not under the control of the revenue officer in charge, under a penalty of $500 for every refusal or neglect so to do.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 195.0–6 *Installation of meters, tanks, and other apparatus.*

26 U. S. C. 2829 INSTALLATION OF METERS, TANKS, AND OTHER APPARATUS.

(a) *Power of the Commissioner.* The Commissioner, with the approval of the Secretary, is authorized to require at distilleries, breweries, rectifying houses, and wherever else in his judgment such action may be deemed advisable, the installation of meters, tanks, pipes, or any other apparatus for the purpose of protecting the revenue, and such

meters, tanks, and pipes and all necessary labor incident thereto shall be at the expense of the person on whose premises the installation is required. Any such person refusing or neglecting to install such apparatus when so required by the Commissioner shall not be permitted to conduct business on such premises.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 195.0–7 *Officer's authority to break up grounds or walls.*

26 U. S. C. 2830 OFFICER'S AUTHORITY TO BREAK UP GROUNDS OR WALLS.

(a) *Power of revenue agent.* It shall be lawful for any revenue officer, and any person acting in his aid, to break up the ground on any part of a distillery, or premises of a distiller or rectifier, or any ground adjoining or near to such distillery or premises, or any wall or partition thereof, or belonging thereto, or other place, to search for any pipe, cock, private conveyance, or utensil; and, upon finding any such pipe or conveyance leading therefrom or thereto, to break up any ground, house, wall, or other place through or into which such pipe or other conveyance leads, and to break or cut away such pipe or other conveyance, and turn any cock, or to examine whether such pipe or other conveyance conveys or conceals any mash, wort, or beer, or other liquor, which may be used for the distillation of low-wines or spirits, from the sight or view of the officer, so as to prevent or hinder him from taking a true account thereof.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 195.0–8 *Mash, wort, and vinegar; vinegar factories.*

26 U. S. C. 2834 MASH, WORT, AND VINEGAR; VINEGAR FACTORIES.

No mash, wort, or wash, fit for distillation or for the production of spirits or alcohol, shall be made or fermented in any building or on any premises other than a distillery duly authorized according to law; and no mash, wort, or wash so made and fermented shall be sold or removed from any distillery before being distilled; and no person, other than an authorized distiller, shall, by distillation, or by any other process, separate the alcoholic spirits from any fermented mash, wort, or wash; and no person shall use spirits or alcohol in manufacturing vinegar or any other article, or in any process of manufacture whatever, unless the spirits or alcohol so used shall have been produced in an authorized distillery and (except in the case of vinegar) the tax thereon paid. Every person who violates any provision of this section shall be fined for each offense not less than $500 nor more than $5,000, and be imprisoned not less than six months nor more than two years. Nothing in this section shall be construed to apply to fermented liquors, or to fermented liquids used for the manufacture of vinegar exclusively. But no worm, goose-neck, pipe, conductor, or contrivance of any description whatsoever whereby vapor might in any manner be conveyed away and converted into distilled spirits, shall be used or employed or be fastened to or connected with any vaporizing apparatus used for the manufacture of vinegar; nor shall any worm be permitted on or near the premises where such vaporizing process is carried on.

Nor shall any vinegar factory, for the manufacture of vinegar as aforesaid, be permitted, except as provided in section 2835, within six hundred feet of any distillery or rectifying house. But it shall be lawful for manufacturers of vinegar to separate, by a vaporizing process, the alcoholic property from the mash produced by them, and condense the same by introducing it into the water of other liquid used in making vinegar.

No person, however, shall remove, or cause to be removed, from any vinegar factory or place where vinegar is made, any vinegar or other fluid or material containing a greater proportion than 2 per centum of proof spirits. Any violation of this provision shall incur a forfeiture of the vinegar, fluid, or material containing such proof spirits, and shall subject the person or persons guilty of removing the same to the punishment provided for any violation of this section.

And sections 2827, 2828, and 2830 shall apply to all premises whereon vinegar is manufactured, to all manufacturers of vinegar and their workmen or other persons employed by them.

§ 195.0–9 *Vinegar factories operated prior to March 1, 1879.*

26 U. S. C. 2835 VINEGAR FACTORIES OPERATED PRIOR TO MARCH 1, 1879.

(a) *Regulations.* Any vinegar factory for the manufacture of vinegar, established and operated as a vinegar factory prior to March 1, 1879, may be operated for the manufacture of vinegar by the use of alcoholic vapor within such distance less than six hundred feet of any distillery or rectifying house under such regulations as the Commissioner may prescribe with the approval of the Secretary.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 195.0–10 *Transfer and delegation of powers.*

26 U. S. C. 3170 TRANSFER AND DELEGATION OF POWERS.

The Secretary is authorized to confer and impose upon the Commissioner and any of his assistants, agents, or employees, and upon any other officer, employee, or agent of the Treasury Department, any of the rights, privileges, powers, duties, and protection conferred or imposed upon the Secretary, or any officer or employee of the Treasury Department, or by any law now or hereafter in force relating to the taxation, exportation, transportation, manufacture, possession, or use of, or traffic in, distilled spirits, wine, fermented liquors, or denatured alcohol.

§ 195.0–11 *Rules and regulations.*

26 U. S. C. 3176 RULES AND REGULATIONS.

(a) *Power of Commissioner.* The Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

(b) *Transfer of duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

§ 195.0–12 *Issue of instructions, regulations, and forms.*

26 U. S. C. 4041 ISSUE OF INSTRUCTIONS, REGULATIONS, AND FORMS.

(a) *In general.* The Secretary shall prescribe forms of entries, oaths, bonds, and other papers, and rules and regulations, not inconsistent with law, to be used under and in the execution and enforcement of the various provisions of the internal revenue laws; and he shall give such directions to collectors and prescribe such rules and forms to be observed by them as may be necessary for the proper execution of the law.

### Subpart A—Scope of Regulations

§ 195.1 *Production of vinegar by the vaporizing process.* These regulations, Regulations 19, "Production of Vinegar by the Vaporizing Process" (26 CFR Part 195), contain the procedural and substantive requirements relative to the production of vinegar by the vaporizing process. The regulations cover requirements governing the location, construction, equipment, qualifying documents, and changes in premises, equipment and proprietorship; action by Assistant Regional Commissioner and Commissioner; plant operations; and records and reports of operations at vinegar plants.

§ 195.2 *Instruments and papers.* The terms, conditions, and instructions contained in instruments and papers required to be furnished by law or regulations are hereby made a part as fully and to the same extent as if incorporated in this part.

(53 Stat. 495; 26 U. S. C. 4041)

### Subpart B—Definitions

§ 195.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 195.6 *Assistant Regional Commissioner.* "Assistant Regional Commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax.

§ 195.7 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 195.8 *Distilling materials.* "Distilling materials" shall mean the fermented mash of grain, molasses, or other materials produced for distillation.

§ 195.9 *District Director.* "District Director" shall mean the District Director of Internal Revenue.

§ 195.10 *Gallon.* "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

§ 195.11 *Including.* The term "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

§ 195.12 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include females, a trust or estate, associations, copartnerships, and corporations.

§ 195.13 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code.

§ 195.14 *Person, proprietor, vinegar maker.* "Person," "proprietor," or "vinegar maker," shall include natural persons, associations, copartnerships, and corporations.

§ 195.15 *Proof.* "Proof" shall mean the ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

§ 195.16 *Proof gallon.* "Proof gallon" shall mean the alcoholic equivalent of a United States gallon at 60 degrees Fahrenheit, containing 50 percent of ethyl alcohol by volume.

§ 195.17 *Secretary.* "Secretary" shall mean Secretary of the Treasury.

§ 195.18 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 195.19 *Vinegar factory.* "Vinegar factory" shall mean a vinegar factory using the vaporizing process in the manufacture of vinegar, established or operated under this part, and as described in the notice, Form 27–F.



### Subpart C—Location and Use

§ 195.30 *Restrictions.* Vinegar factories producing vinegar by the vaporizing process may not be located on board of any vessel or boat, or in any building or on any premises where beer, lager beer, ale, porter, or other fermented liquors, or ether, are manufactured or produced, or sugars or sirups are refined, or where any liquors of any description are stored or retailed, or where any other business is carried on, or within 600 feet in a direct line of a registered distillery, fruit distillery, industrial alcohol plant, or rectifying plant. If the vinegar factory is in the same building in which is located a taxpaid bottling house, or in which denatured alcohol is produced, stored, or used, there must be no means of communication within the building between the vinegar factory and such premises.

§ 195.31 *Use of premises.* The premises of a vinegar factory using the vaporizing process shall be used exclusively for the manufacture of vinegar by the use of an alcoholic vapor separated from a fermented mash on such premises. The production at vinegar factories of low wines exceeding 30 degrees in proof will not be permitted.

### Subpart D—Construction

§ 195.35 *Buildings or rooms.* The vinegar factory must be so constructed and equipped as to be suitable for the production of vinegar by the use of the vaporizing process, and must be completely separated from contiguous buildings or rooms, which are not used in conjunction with the vinegar factory, by solid, unbroken, partitions or floors of substantial construction. Such partitions shall extend from the ground to the roof, or from the floor to the ceiling if a room is used: *Provided*, That necessary openings for the passage of approved water, steam, fuel, or similar lines may be permitted in the walls or partitions.

§ 195.36 *Means of ingress or egress.* Except as provided in § 195.35, the doors and other openings must lead into the yard connected with the vinegar factory or a public street: *Provided*, That where a room or floor is used, the door may open into an elevator shaft, or a common passageway partitioned off from other businesses, leading either directly or through another elevator shaft or similar passageway to the street or yard. Where the door of the vinegar factory opens into a common passageway, as provided above, the partitions forming the common passageway shall be substantially constructed of solid materials or expanded metal or woven wire of not less than 9 gauge nor more than 2-inch mesh, and shall extend from the floor to the ceiling or roof, but doors may be permitted therein. Common passageways must be used exclusively as means of communication.

§ 195.37 *Doors, windows, and other openings.* The doors, windows, or other openings in the room or building comprising the distilling department must be so arranged and constructed that they may be securely fastened. No door, window, or other opening will be permitted in the walls or floors leading into another room or building which is not a part of the vinegar factory.

§ 195.38 *Distilling department.* A room or rooms must be provided in which will be located the stills and low wine tanks. Such room or rooms shall be known as the distilling department and shall be used exclusively for the production and storage of low wines. A sign must be posted over the door to the distilling department bearing the words "Distilling Department," and if more than one room is used, such rooms shall be given alphabetical designations, as "A," "B," "C," etc.

### Subpart E—Sign

§ 195.45 *Posting of sign.* The proprietor shall place and keep conspicuously on the outside and at the front of the vinegar factory or over the front entrance thereto, where it can be plainly seen, a sign exhibiting, in plain and legible letters, not less than 3 inches in height and of a proper and proportionate width, the name of the proprietor and the words "Vinegar Factory No. ——," followed by the registry number assigned by the Commissioner.

### Subpart F—Equipment

§ 195.50 *Fermenting material storage tanks.* Each fermenting material storage tank shall have plainly and legibly painted thereon the words "Fermenting Material Storage Tank," followed by its serial number and capacity in gallons.

(53 Stat. 318; 26 U. S. C. 2829)

§ 195.51 *Mash tubs and fermenters.* Mash tubs and fermenters shall be located in the distilling department or in a separate room or building and must be so placed as to be accessible to examination by Government officers. Each such mash tub or fermenter must have painted thereon its designated use, as "Mash Tub" or "Fermenter," followed by its serial number and capacity in gallons.

(53 Stat. 318; 26 U. S. C. 2829)

§ 195.52 *Mash tub coils.* A closed coil cannot be maintained in a mash tub on the premises of a vinegar factory using the vaporizing process except under the following conditions: If a coil is employed for the conveyance of water for the purpose of cooling the mash, the upper portion of the coil must be open, with flanges projecting upward, so as to prevent overflow making the upper ring of the coil, in effect, an open trough; or the coil within the tub may be closed on condition that the pipe is left open for a distance of several feet immediately after it leaves the tub and is properly protected by flanges so as to form, in effect, an open trough several feet in length.

(53 Stat. 318; 26 U. S. C. 2829)

§ 195.53 *Stills.* The stills must have a clear space of not less than 1 foot around them. Every still must be numbered, commencing with number 1, and shall have painted thereon the word "Still," followed by its serial number and spirit-producing capacity in proof gallons in 24 hours, computed in accordance with the rules set forth in Subpart U of this part. Where the still is insulated or the manufacturer's serial number is otherwise obscured, such number will likewise be painted on the covering of the still. No reflux line, worm, gooseneck, pipe, conductor, or contrivance of any description whatever whereby vapor might in any manner be conveyed away and converted into distilled spirits, shall be used or employed or be fastened to or connected with any vaporizing apparatus used for the manufacture of vinegar.

(53 Stat. 318, 319; 26 U. S. C. 2829, 2834)

§ 195.54 *Pipes for conveying vapor.* The alcoholic vapor which the vinegar maker is authorized to separate from the mash shall be conducted to the liquid receiving it by the shortest and most direct line practicable. The pipes used for this purpose must be constructed of metal and exposed to view throughout their entire lengths and must not be surrounded with water.

(53 Stat. 318; 26 U. S. C. 2829)

§ 195.55 *Presence of worm forbidden.* The law specifically provides that no worm shall be permitted on or near premises used for the manufacture of vinegar by the vaporizing process.

(53 Stat. 319; 26 U. S. C. 2834)

§ 195.56 *Spray tanks or condensers.* The spray tanks or condensers must be so constructed that the alcoholic vapor cannot be condensed by itself and so become distilled spirits. Spray tanks are to be so constructed that the vapors will be conveyed into the water or other liquid used in making vinegar for condensation. The alcoholic vapor must be mingled with the water or other liquid used in the manufacture of vinegar. The spray tank or condenser shall be so constructed that the water or other liquid used in the manufacture of vinegar is sprayed through the top of the tank to condense the alcoholic vapors, or a constant level of water of such liquid must be maintained in the tank or condenser at all times so that the end of the vapor pipe will be completely immersed therein. The vapors must not be condensed before or without infusion into such water or other liquid.

(53 Stat. 318, 319; 26 U. S. C. 2829, 2834)

§ 195.57 *Closed condensers.* Closed or covered condensers may be used only where the alcoholic vapor is condensed simply by being introduced into the water or other liquid used in the production of vinegar without the use of artificial means for cooling the liquid. The condensers in such cases must be provided with a manhole which will permit ready examination of the whole interior of the condensing vessel.

(53 Stat. 318, 319; 26 U. S. C. 2829, 2834)

§ 195.58 *Artificial means of condensing vapors.* Where artificial means are employed for condensing alcoholic vapor at vinegar factories, the condensing ves-

sels shall be open and uncovered and the condensing apparatus shall be simple in construction.

(53 Stat. 318, 319; 26 U. S. C. 2829, 2834)

§ 195.59 *Contrivance for cooling liquid.* No contrivance may be used for cooling the liquid which receives the vapors to such a degree that a small or limited quantity of water or liquid would be enabled to receive and condense an unlimited quantity of alcohol.

(53 Stat. 318, 319; 26 U. S. C. 2829, 2834)

§ 195.60 *Low wine receiving tanks.* The proprietor must provide one or more low wine receiving tanks which shall be equipped with a suitable measuring device whereby the actual contents will be correctly indicated. The tanks must be so constructed as to permit examination of every part thereof, and so arranged as to leave an open space of not less than 3 feet between the top and the roof or floor above. All openings in tanks and other distilling apparatus and equipment, which are not absolutely necessary, and which can be permanently closed without interference with operations, shall be closed by brazing, welding, or otherwise securely fastening and sealing. Each such tank shall have painted thereon the words "Low Wine Receiving Tank," followed by its serial number and capacity in gallons. The pipe lines connecting the tanks with stills or other apparatus must be constructed in accordance with § 195.62. The receiving tanks must be located in the distilling department.

(53 Stat. 318; 26 U. S. C. 2829)

§ 195.61 *Low wine storage tanks.* If it is desired to store low wines prior to the use thereof in the manufacture of vinegar, storage tanks for such purpose must be provided in the distilling department. Each such tank shall be constructed and equipped as provided in § 195.60 for receiving tanks, and shall have painted thereon the words "Low Wine Storage Tank," followed by its serial number and capacity in gallons.

(53 Stat. 318; 26 U. S. C. 2829)

§ 195.62 *Pipe lines.* The distilling apparatus and equipment must be closed and continuous (except as otherwise provided in this part), and commencing with the still in which the vapors rise and continuing with securely closed pipes to the low wine receiving tanks in which the product is deposited. All such pipe lines must be of a fixed and permanent character, constructed of metal, and so arranged as to be exposed to view throughout their entire lengths. All valves, unions, flanges, and other detachable connections in the pipe lines of the distilling equipment from the point where the vapors rise in the still to the receiving tanks and from the receiving tanks to storage tanks (if provided) must be so secured by brazing, welding, fastening, and sealing as to effectually prevent disconnection and access to the low wines.

(53 Stat. 318; 26 U. S. C. 2829)

§ 195.63 *Colors for pipe lines.* The pipe lines connected with the stills and low wine tanks used for conveying the following substances shall be kept painted in the colors indicated:

| | |
|---|---|
| Black | Low wines. |
| Blue | Vapor. |
| Red | Mash, beer, or other distilling material. |
| Brown | Spent beer or slop. |
| White | Water. |
| Aluminum | Steam. |

These colors are intended for such pipe lines only, and are prescribed for the purpose of distinguishing such pipe lines from each other and from all other pipe lines on the premises which are painted but for which colors are not prescribed. The painting of one of the pipe lines indicated above in a color other than prescribed for it, or the painting in one of the prescribed colors, or a color similar thereto, of a pipe line for which a color is not prescribed is prohibited. Pipe lines for which colors are not prescribed may be painted in other colors or in sections of not more than 3 feet in contrasting colors.

(53 Stat. 318; 26 U. S. C. 2829)

§ 195.64 *Details of construction and equipment not specified.* Where details of construction and equipment are not covered by this part, such construction and equipment must afford adequate supervision and control. The Commissioner may approve details of construction and equipment in lieu of those specified in this part where it is shown that it is impracticable to conform to the prescribed specifications, and the proposed construction and equipment will afford adequate supervision and control. Where it is proposed to substitute construction and equipment for that for which specifications are prescribed, approval of the Commissioner should be first obtained.

(53 Stat. 318, 319; 26 U. S. C. 2829, 2834)

§ 195.65 *Vinegar factories heretofore established.* Vinegar factories heretofore established may continue to operate if the equipment and method used for condensing the alcoholic vapors from the stills conform to that prescribed in this part, and the other construction and equipment afford adequate security and protection to the revenue. The Commissioner or Assistant Regional Commissioner may at any time require the proprietor to make changes in construction and equipment conforming to the provisions of this part, if deemed necessary to safeguard the revenue or to permit more economical and efficient supervision and control by Government officers. All vinegar factories hereafter established, and changes in existing vinegar factories, must be in conformity with this part.

(53 Stat. 318, 319; 26 U. S. C. 2829, 2834)

### Subpart G—Qualifying Documents

§ 195.75 *Notice, Form 27–F.* Every person desiring to establish a vinegar factory must, before engaging in the business, file notice on Form 27–F, in triplicate, with the Assistant Regional Commissioner. Except as provided in section 195.80, in the case of amended and supplemental notices, all of the information indicated by the lines of the form and instructions printed thereon, or issued in respect thereto, and as required by this part, shall be furnished. Notices on Form 27–F must be signed in accordance with the instructions printed on the form and sworn to before an officer authorized to administer oaths. Such notices must be numbered serially, commencing with number 1 and continuing in regular sequence for all notices thereafter filed, whether amended or supplemental.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.76 *Description of premises.* The notice, Form 27–F, shall contain a complete description of the building constituting the vinegar factory, including the height, width, and length, the materials of which constructed, and the number of stories.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.77 *Description of distilling department.* All rooms comprising the distilling department of the vinegar factory shall be described on Form 27–F. The description shall include the designated name of each room which shall be according to its use, such as, still room, fermenting room, etc., and the dimensions thereof. If more than one room is used for the same purpose, the same shall include an alphabetical designation to distinguish them, as "Still Room A," "Still Room B," etc.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.78 *Description of apparatus and equipment.* There must be described on Form 27–F in the space provided therefor the number of fermenting material storage tanks (if any), mash tubs, fermenters, stills, spray tanks, condensers, low wine receiving tanks, and low wine storage tanks which shall be listed separately as to serial number and capacity in gallons. All other regular and permanent equipment must be described on Form 27–F.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.79 *Capacity.* The kind of fermenting materials to be used, the maximum quantity of low wines, in proof gallons, that can be produced in 24 hours, and the proof at which the low wines will be produced, must be stated on Form 27–F.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.80 *Amended and supplemental notices.* Amended and supplemental notices on Form 27–F may be executed in skeleton form, except as to the items amended or supplemented. All other items which are correctly set forth in prior notices, and in which there has been no change since the last preceding notice, may be incorporated in the amended or supplemental notice by reference to the respective notice previously filed. Such incorporation by reference shall be made by entering for each such item in the space provided therefor the statement, "No change since filing Form 27–F, Serial No. ---------" (the number being inserted), and the date of such form.

(53 Stat. 495; 26 U. S. C. 4041)



§ 195.81 *Corporate documents.* There must be submitted with, and made a part of, the original or initial notice on Form 27–F, given by a corporation to engage in the business of manufacturing vinegar by the vaporizing process, properly certified copies, in triplicate, of the following documents:

(a) Extracts of the minutes of meetings of the board of directors authorizing certain officers or other persons to sign for the corporation.

(b) List of the names and addresses of the officers and directors.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.82 *Power of attorney, Form 1534.* If the notice or other qualifying documents are signed by an attorney in fact for an individual, partnership, association, or corporation, or by one of the members for a copartnership or association, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 195.81, such notice or other qualifying documents must be supported by a duly authenticated copy of the power of attorney conferring authority upon the person signing the document to execute the same. Such powers of attorney will be executed on Form 1534, in triplicate, and submitted to the Assistant Regional Commissioner.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.83 *Execution of power of attorney.* Where the principal giving the power of attorney is an individual, it must be executed by him in person, and not by an agent. In the case of a copartnership or association, powers of attorney authorizing one or more of the members, or another person, to execute documents on behalf of the copartnership or association must be executed by all of the members constituting the copartnership or association. However, if one or more members less than the whole number constituting the copartnership or association have been delegated the authority to appoint agents or attorneys in fact, the power of attorney may be executed by such member or members, provided it is supported by a duly authenticated copy, in triplicate, of the document conferring authority upon the member or members to execute the same. Where, in the case of a corporation, powers of attorney are executed by an officer thereof, such documents must be supported by triplicate copies of the authorization of such officer so to do, certified by the secretary or assistant secretary of the corporation, under the corporate seal, if any, to be true copies.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.84 *Duration of power of attorney.* Powers of attorney authorizing the execution of documents on behalf of a person engaged in, or intending to engage in, the business of a vinegar maker shall continue in effect until written notice, in triplicate, of the revocation of such authority is received by the Assistant Regional Commissioner, unless terminated by operation of law.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.85 *Registry of stills, Form 26.* Every person having in his possession or custody, or under his control, any still or distilling apparatus set up must register the same with the Assistant Regional Commissioner for the region in which the still is located, on Form 26, immediately it is set up. The Form 26 shall be executed in triplicate in accordance with the headings of the various columns and lines, and the instructions printed thereon or issued in respect thereto and as required by this part.

(53 Stat. 308 as amended; 26 U. S. C. 2810)

§ 195.86 *Plat and plans.* Every person intending to engage in the business of manufacturing vinegar by the use of the vaporizing process must submit to the Assistant Regional Commissioner with his notice, Form 27–F, an accurate plat of the vinegar factory premises and accurate plans of the distilling apparatus and equipment, in triplicate, conforming to the requirements of Subpart H of this part.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.87 *Additional information.* The Commissioner or the Assistant Regional Commissioner may at any time, in his discretion, require the proprietor to furnish such additional information as he may deem necessary.

(53 Stat. 495; 26 U. S. C. 4041)

### Subpart H—Plats and Plans

§ 195.95 *Plat and plans required.* Every person intending to engage in the business of manufacturing vinegar by the use of the vaporizing process must, as provided in § 195.86, file an accurate plat of the vinegar factory premises, and accurate plans of the distilling apparatus and equipment, in triplicate, with the Assistant Regional Commissioner.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.96 *Preparation.* Each sheet of the plat and plan shall bear a distinctive title, and the complete name and address of the proprietor, enabling ready identification. Each sheet of the original plat and plans shall be numbered, the first being designated number 1 and the other sheets numbered in consecutive order. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "Ditto Process" or by blue or brown line lithoprint, if such reproductions are clear and distinct.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.97 *Depiction of premises.* Plats must show the outer boundaries of the vinegar factory premises, in feet and inches, in a color contrasting with those used for other drawings on the plat, and must contain an accurate depiction of the building or buildings comprising the premises. The depiction of the premises should agree with the description in the notice, Form 27–F. If two or more buildings are to be used, they must be shown in their relative positions and the designated name or use of each indicated. Where two or more buildings are used for the same purpose, the name of each such building shall include an alphabetical designation, beginning with "A". All first floor openings of each building on the premises will be shown on the plat. If the vinegar factory consists of a room or a floor of a building, an outline of the building, the precise location and dimensions of the room or floor, and the means of ingress from and egress to a public street or yard shall be shown.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.98 *Contiguous premises.* The plat must show the relative location of any distillery, internal revenue bonded warehouse, industrial alcohol plant, industrial alcohol bonded warehouse or denaturing plant, rectifying plant, or taxpaid bottling house, or other premises on which beer, lager beer, ale, porter, or other fermented liquors, or ether or denatured alcohol are manufactured or produced, stored, used, or sold, contiguous to the vinegar factory premises, and all pipe lines and other connections, if any, between them, and the distance they are from each other. The outlines of such contiguous premises and the vinegar factory premises must be shown in contrasting colors.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.99 *Floor plan of distilling department.* A floor plan of the distilling department shall be submitted, showing the location of all apparatus and equipment and pipe lines therein. The serial number and capacity of each still and tank shall be indicated on the plan.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.100 *Elevational plans of distilling equipment.* Vertical, sectional, or elevational plans of the distilling apparatus and equipment shall be submitted, and such plans shall clearly depict the construction of all equipment and all pipe lines and other connections of the distilling equipment and the location of valves, flanges (except as provided in § 195.102), measuring devices, etc. The plans must be so drawn that all such pipe lines may be traced from beginning to end.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.101 *Pipe lines and colors.* The fixed pipe lines connected with the stills and low wine tanks must be shown on the plans in the colors in which they are required to be painted, as follows:

| | |
|---|---|
| Black | Low wines. |
| Blue | Vapor. |
| Brown | Spent beer and slop. |
| Red | Distilling material. |
| White | Water. |
| Aluminum | Steam. |

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.102 *Location of valves, flanges, etc.* All valves, flanges, and other connections and pipe lines in the distilling equipment must be properly indicated on the plans: *Provided*, That where flanges, unions, or other connections in pipe lines are brazed, welded, or otherwise permanently secured in such a manner as to constitute a continuous single pipe line, the location of such flanges, unions, or other connections, and the manner of se-

curing the same, need not be shown on the plans.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.103 *Direction of flow.* The direction of the flow of the distilling material, vapor, low wines, etc., through pipe lines connected with the stills and low wine tanks must be indicated on the plans by arrows.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.104 *Certificate of accuracy.* Every sheet of every plat and plan, whether original, supplemental, or superseding, shall bear a certificate of accuracy dated and signed by the draftsman, proprietor, and Assistant Regional Commissioner. The certificate shall be placed in the lower right hand corner of each sheet and shall be in the following form:

------ region, ----------, 19----.

It is hereby certified that this is an accurate ---------- sheet No.
(Original, supplemental, or superseding)
------ of the ---------- of Vinegar
(Plat or plan)
Factory No. ------, of ----------
(Name of proprietor)
----------
(Street and number) (City and State)
in this region.

----------
(Draftsman)

----------
(Proprietor)

----------
(Assistant Regional Commissioner)

Date of Assistant Regional Commissioner's approval.

----------, 19----.
(Date)

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.105 *Supplemental, superseding, and additional plats and plans.* The sheets of superseding plats or plans shall bear the same numbers as the sheets superseded. The sheets of supplemental plats or plans shall bear the same numbers as the sheets supplemented, and will be further identified by letter designations, as "1–A," "5–B," etc. Additional sheets of plans, filed to cover extensions of the vinegar factory premises, will be given the next number in sequence to the last sheet of the plan on file. Additional sheets of plats, filed to cover extensions of the vinegar factory premises, will be given the same number as the last sheet of the plat on file, further identified by an additional number, as 1–1, 2–1, etc.

(53 Stat. 495; 26 U. S. C. 4041)

**Subpart I—Requirements Governing Changes in Name, Proprietorship, Control, Location, Premises and Equipment**

§ 195.110 *General requirement.* Notice in writing must be given, in the form prescribed in this subpart, to the Assistant Regional Commissioner in case of any change in the location, form, capacity, ownership, agency, superintendency, or in the persons interested in the business of the vinegar factory.

(53 Stat. 495; 26 U. S. C. 4041)

CHANGE IN INDIVIDUAL, FIRM, OR CORPORATE NAME

§ 195.111 *Amended notice, Form 27–F.* Where there is a change in the individual, firm, or corporate name, the proprietor must submit to the Assistant Regional Commissioner an amended notice on Form 27–F, in triplicate, covering the new name, which notice must be approved before operations may be commenced under the new name.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.112 *Sign.* Where there is a change in the individual, firm, or corporate name, the proprietor must change the vinegar factory sign to conform to the provisions of § 195.45.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.113 *Records.* Where there is a change in the individual, firm, or corporate name, the proprietor must keep records and submit reports covering operations under the new name as provided in Subpart M of this part.

(53 Stat. 495; 26 U. S. C. 4041)

CHANGE IN PROPRIETORSHIP, SUSPENSION

§ 195.114 *General.* Where there is to be a change in the proprietorship of the vinegar factory, the outgoing proprietor must, preparatory to transfer of the business to the successor, comply with the requirements of §§ 195.115–195.118.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.115 *Notice, Form 27–F.* If the outgoing proprietor is to discontinue permanently the business of manufacturing vinegar by the vaporizing process, he must file with the Assistant Regional Commissioner Form 27–F, in triplicate, stating thereon the purpose to be "Discontinuance of business," and giving the date of the discontinuance.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.116 *Registry of stills.* Where there is to be a change in proprietorship, the outgoing proprietor must register the stills "Not for use" on Form 26, in triplicate, in accordance with § 195.210.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.117 *Notice of suspension.* Where there is to be a change in proprietorship, the outgoing proprietor must file with the Assistant Regional Commissioner a written notice, in triplicate, in accordance with Subpart N of this part.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.118 *Records.* Where there is to be a change in proprietorship, the outgoing proprietor must make appropriate entries in the vinegar factory records and submit reports in accordance with the provisions of Subpart P of this part.

(53 Stat. 495; 26 U. S. C. 4041)

CHANGE IN PROPRIETORSHIP, QUALIFICATION OF SUCCESSOR

§ 195.119 *General.* Where there is a change in proprietorship, and the successor intends to continue the operation of the premises as a vinegar factory, he must comply with the requirements of §§ 195.120–195.124.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.120 *Nonfiduciary successor.* If the change in proprietorship is brought about by any means, except by the appointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the successor must qualify in the same manner as the proprietor of a new vinegar factory, except that he may adopt the plat and plans of his predecessor as provided in § 195.122.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.121 *Fiduciary.* If the successor is an administrator, executor, receiver, trustee, assignee, or other fiduciary, and intends to produce low wines, or to possess or dispose of low wines on hand in the vinegar factory, he must comply with the provisions of Subpart G of this part to the extent that such provisions are applicable, except that in lieu of filing a new plat and plans, the fiduciary may adopt the plat and plans of such predecessor in accordance with § 195.122. The fiduciary must also furnish certified copies, in triplicate, of the order of the court or other pertinent documents showing his qualification as such fiduciary. The effective date of the qualifying documents filed by a fiduciary must be the same as the date of the court order, or the date specified therein, for him to assume control.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.122 *Adoption of plat and plans.* The plat and plans of the vinegar factory may be adopted by a successor where they correctly describe and depict the premises and the buildings, apparatus, and equipment thereon, to be taken over by the successor. The adoption by a successor of the plat and plans of his predecessor shall be in the form of a certificate, in triplicate, in which shall be set forth the name of the predecessor, the address and number of the vinegar factory, a description of the vinegar factory premises, the number of each sheet comprising each plat and plan covered by such certificate, and a statement that the vinegar factory premises, and the buildings, apparatus, and equipment thereon, are correctly described and depicted on such plat and plans.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.123 *Sign.* The successor, if other than a fiduciary temporarily operating the vinegar factory, must change the vinegar factory sign to conform to the requirements of § 195.45.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.124 *Materials and low wines.* If distilling materials and low wines are received by transfer from the predecessor, the successor must comply with the requirements of Subpart P of this part.

(53 Stat. 495; 26 U. S. C. 4041)

OTHER CHANGES IN PROPRIETORSHIP OR CONTROL

§ 195.125 *Changes in partnership.* The withdrawal of one or more members of a partnership or the taking in of a new partner, whether active or silent, shall constitute a change in proprietorship. Likewise, the death, bankruptcy or adjudicated insolvency of one or more of the copartners results in a dissolution of the partnership and, consequently, a change in proprietorship. Where such a change in proprietorship of the vinegar factory occurs, the successor must qualify in the same manner as a new proprietor of a vinegar factory, except that the successor may adopt the plat and plans of the predecessor as provided in § 195.122.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.126 *Changes in stockholders, officers, and directors of corporation.* The sale or transfer of the capital stock of a corporation operating a vinegar factory does not constitute a change in the proprietorship of the vinegar factory. However, where the sale or transfer of capital stock results in a change in the control or management of the business, or where there is a change in the officers or directors, the proprietor must give notice thereof, in triplicate, to the Assistant Regional Commissioner. Mere changes in stockholders of corporations not constituting a change in control need not be so reported.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.127 *Reincorporation.* Where a corporation operating a vinegar factory is reorganized and a new charter or certificate of incorporation is secured, the new corporation must qualify in the same manner as a new proprietor of the vinegar factory, except that the new corporation may adopt the plat and plans of the predecessor as provided in § 195.122.

CHANGES IN LOCATION, PREMISES, AND EQUIPMENT

§ 195.128 *Change in location.* Where there is a change in the location of the vinegar factory, the proprietor must comply with all applicable provisions of Subparts C–H of this part.

§ 195.129 *Changes in premises.* Where the vinegar factory premises are to be extended or curtailed, the proprietor must file with the Assistant Regional Commissioner an amended notice, Form 27–F, and an amended plat of the premises as extended or curtailed. If the plans are affected by the extension or curtailment, they must also be amended.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.130 *Changes in equipment.* Where changes are to be made in the apparatus and equipment of the distilling department, the proprietor shall first secure approval thereof by the Assistant Regional Commissioner pursuant to application, in triplicate, setting forth specifically the proposed changes: *Provided*, That emergency repairs may be made without prior approval of the Assistant Regional Commissioner. Where such emergency repairs are made, the proprietor shall file immediately a report thereof, in triplicate, with the Assistant Regional Commissioner. Upon completion of changes in equipment, the proprietor must file an amended notice and amended plans, except that in the case of minor changes, such as general repairs, changes in pipe lines, or the addition or removal of a tank, an amended notice and amended plans need not be filed immediately: *Provided further*, That the Commissioner or the Assistant Regional Commissioner may, at any time, in his discretion, require the filing of an amended notice and amended plans covering such minor changes. Where an amended notice and amended plans are not filed immediately upon completion of minor changes in equipment, the proprietor must include such changes in the next amended notice and plans filed by him.

(53 Stat. 495; 26 U. S. C. 4041)

**Subpart J—Action by Assistant Regional Commissioner**

ORIGINAL ESTABLISHMENT

§ 195.140 *Examination of qualifying documents.* Upon receipt of notice, plat, plans, and other documents required by this part of persons now engaged, or intending to engage, in the business of manufacturing vinegar by the vaporizing process, the Assistant Regional Commissioner will examine the same to determine whether they have been properly executed, and whether they reflect compliance with the requirements of the law and this part. Where any required document has not been filed, or where errors or discrepancies are found in those filed, or where the documents filed do not reflect compliance with this part, action thereon will be held in abeyance until the omission, or error, or discrepancy, has been rectified, and there has been full compliance with all requirements.

§ 195.141 *Inspection of premises.* When the required documents have been filed in proper form, the Assistant Regional Commissioner will assign an inspector to examine the premises, building, apparatus, and equipment, and determine whether they conform with the description thereof in the notice, plat and plans, and whether the apparatus and equipment and measures of protection afforded meet the requirements of the law and this part. The inspector will observe particularly the manner in which the rooms or buildings on the premises are separated from other premises, means of communication, ingress and egress, and the construction of the distilling apparatus and equipment. Where the inspection discloses minor irregularities in the qualifying documents or in the construction, the inspector will, at the time of their discovery, direct the attention of the proprietor to the same in order that the proprietor may correct the defects before completion of the inspection. Upon completion of the inspection, a report thereof will be submitted to the Assistant Regional Commissioner.

§ 195.142 *Report of inspection.* The report of the inspection shall describe separately all irregularities and discrepancies found during the course of the inspection, and shall include a complete statement describing all unusual or special conditions. Where irregularities are corrected during the inspection, the report will indicate the corrections so made. The report need not describe in detail each description as set forth in the notice, plat, and plans. The description of buildings and equipment in the report should be general and brief. However, construction, equipment, signs, etc., which are not in conformity with this part, will be completely described. If there are any pipe lines or other connections or openings between the vinegar factory premises and other premises, the same shall be described in detail. There shall be further embodied in the report a statement as to whether or not another business is being conducted, or is intended to be conducted, on the vinegar factory premises or in buildings thereon.

§ 195.143 *Inaccurate documents.* Where the Assistant Regional Commissioner's examination, or the inspector's report, discloses discrepancies in the qualifying documents, the inaccurate or incomplete documents will be returned to the proprietor for correction.

§ 195.144 *Defective construction.* Where it is found that the construction of the distilling apparatus and equipment does not conform to the requirements of the law and this part, the Assistant Regional Commissioner will inform the proprietor concerning the defects, and further action will be held in abeyance pending correction thereof.

§ 195.145 *Approval of qualifying documents.* If the Assistant Regional Commissioner finds, upon examination of the inspection report and the qualifying documents, that the person seeking to qualify as proprietor of the vinegar factory has complied in all respects with the requirements of the law and this part, he will note his recommendation for approval on all copies of the notice, and his approval on all copies of the plat and plans, and will forward all copies of the notice, and the original copy of the plat, plans, and other documents, together with a copy of all inspection reports, to the Commissioner for final action.

§ 195.146 *Disapproval of qualifying documents.* If the Assistant Regional Commissioner finds that the applicant has not complied in all respects with the requirements of the law and this part, or that the situation of the vinegar factory is such as would enable the proprietor to defraud the United States, he will not recommend approval of the notice, or approve the plat and plans, and will forward to the Commissioner for final action such copies of the qualifying documents as are required to be so forwarded by the preceding section in the case of recommendation of approval, together with a copy of all inspection reports. Where a notice is not recommended for approval, the Assistant Regional Commissioner will furnish the Commissioner with a full statement of the reasons therefor.

§ 195.147 *Disposition of qualifying documents.* Where the notice, Form 27–F, is approved by the Commissioner, the Assistant Regional Commissioner will, upon receipt of approved copies thereof from the Commissioner, as provided in Subpart K of this part, forward one copy of the notice, plat, plans, and other qualifying documents to the proprietor and will retain one copy of such qualifying documents for the file of the proprietor. If the notice is disapproved, the Assistant Regional Commissioner will, upon receipt from the Commissioner of the disapproved copies thereof and

other qualifying documents submitted therewith, return all copies of the qualifying documents to the proprietor, with advice as to the reasons for disapproval.

CHANGES SUBSEQUENT TO ESTABLISHMENT

§ 195.148 *Procedure applicable.* The provisions of §§ 195.140–195.147 respecting the action required of Assistant Regional Commissioners in connection with the establishment of vinegar factories will be followed, to the extent applicable, where there is a change in the individual, firm, or corporate name of the proprietor, or where there is a change in the proprietorship, location, premises, distilling apparatus and equipment, of the vinegar factory, or where operations are permanently discontinued.

§ 195.149 *Applications and reports covering changes.* Where an application covering changes in the distilling apparatus or equipment is approved by the Assistant Regional Commissioner, he will retain one copy of the application and forward one copy to the proprietor and one copy to the Commissioner. Similar disposition will be made of reports received from the proprietor covering emergency repairs of the apparatus and equipment in the distilling department.

**Subpart K—Action by Commissioner**

ORIGINAL ESTABLISHMENT

§ 195.155 *Examination of qualifying documents.* The Commissioner will review the notice, plat, plans, and other qualifying documents upon their receipt from the Assistant Regional Commissioner. If the Commissioner approves the vinegar factory construction and equipment, and the notice, plat, plans, and other qualifying documents, he will assign a registry number to the vinegar factory, in accordance with § 195.156, note his approval on all copies of the notice, retain the original copy of the notice, and plat, plans, and other qualifying documents, and will return two copies of the approved notice to the Assistant Regional Commissioner with advice as to his action on the qualifying documents. If the Commissioner disapproves the notice, he will note his disapproval thereon and will return all copies thereof to the Assistant Regional Commissioner, accompanied by the other qualifying documents submitted therewith, and a statement of the reasons for disapproval of the notice.

§ 195.156 *Registry numbers.* Vinegar factories will be numbered serially in the order of their establishment. A separate series will be used for each State. Registry numbers heretofore assigned will be retained and new vinegar factories will be assigned numbers in sequence thereto. Registry numbers previously assigned to discontinued vinegar factories will not be reassigned to other vinegar factories. In the case of a successor taking over the vinegar factory, the same registry number will be retained. In the case of a change in location of the vinegar factory within the same State, the same registry number may be retained.

CHANGES SUBSEQUENT TO ORIGINAL ESTABLISHMENT

§ 195.157 *Procedure applicable.* The provisions of §§ 195.155–195.156 respecting the action of the Commissioner in connection with the establishment of vinegar factories will be followed, to the extent applicable, where there is a change in the individual, firm, or corporate name, or where there is a change in the proprietorship, location, premises, or distilling apparatus and equipment, of the vinegar factory.

**Subpart L—Plant Operation**

GENERAL

§ 195.165 *Compliance with requirements of law and this part.* Under no circumstances will a person conduct any operations in connection with the production of low wines to be used in the manufacture of vinegar until compliance with all the requirements of law and this part, and the required notice, Form 27–F, and supporting documents have been approved in accordance with the provisions of this part.

§ 195.166 *Inspection of premises and records.* All persons manufacturing vinegar by use of the vaporizing process shall permit any internal revenue officer to inspect at any reasonable hour the premises, equipment, stocks and records, as required by law and this part.

COMMENCEMENT OF OPERATIONS

§ 195.167 *Fermenting and distilling materials.* Low wines may be produced at a vinegar factory using the vaporizing process under the provisions of this part from any kind of raw materials suitable for the production of low wines. Fermenting and distilling materials must be weighed or, in the case of liquids, weighed or measured, when brought upon the premises, and when used. The receipt and use of the materials will be recorded by the proprietor on Form 1623.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.168 *Removal of fermenting material from premises.* If fermenting material is stored on the premises, and it is desired to remove the same, or any portion thereof, from the premises for any purpose whatsoever, the proprietor will enter on Form 1623 the kind and quantity to be removed, and the reasons therefor.

(53 Stat. 495; 26 U. S. C. 4041)

MASHING AND FERMENTING

§ 195.169 *Production of mash.* Proprietors at vinegar factories may, under the provisions of law, produce on such premises fermented mash or fermented liquors to be used for the manufacture of vinegar exclusively. The proprietor may mash molasses, grain, or other fermentable material, in any quantity, proportion, or strength that he may desire.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.170 *Quantity of mash and beer determined.* The proprietor will determine the number of gallons of mash in each fermenter at the time of filling, and the quantity of beer in each fermenter after fermentation is complete, and will enter the same on Form 1623.

(53 Stat. 495; 26 U. S. C. 4041)

DISTILLATION

§ 195.171 *Production of low wines.* All processes of distillation shall be conducted in the distilling department of the vinegar factory. The alcoholic vapor separated from the mash produced must be condensed by introducing the vapor into the water or other liquid used in making vinegar. The vapor must not be condensed before or without infusion into such water or other liquid. Under no circumstances will the low wines be used as a condensing medium.

(53 Stat. 319; 26 U. S. C. 2834)

§ 195.172 *Conversion of vapor into distilled spirits forbidden.* No worm, gooseneck, pipe, reflux line, conductor, or contrivance of any description whatever, whereby vapor might in any manner be conveyed away and converted into distilled spirits, shall be used or employed, or be fastened to, or connected with, any vaporizing apparatus used for the manufacture of vinegar. The alcoholic vapor shall not be conducted in any manner, or by any contrivance, into a receptacle where it could be condensed by itself or with a small or limited quantity of water and so become distilled spirits.

(53 Stat. 319; 26 U. S. C. 2834)

§ 195.173 *Test of condensing material.* The water or other liquid used as the recipient of the alcoholic vapor should be frequently tested to see that the proof of the liquid is not raised above 30 degrees.

§ 195.174 *Deposit of low wines in receiving tanks.* All low wines produced shall be promptly conveyed to the receiving tanks. The receiving tanks must be so arranged that each day's production may be ascertained, and the amount shall be recorded daily on Form 1623, as indicated by the headings of the columns and the instructions printed on the form. Where the production of more than one day is run into the same tank the operation must be so conducted that the production of a full day or more may be measured. The quantity noted as the production of a particular date must be the quantity actually produced on that date.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.175 *Gauge prior to removal.* The low wines may be transferred by pipe line from the receiving tanks to low wine storage tanks, or direct to the vinegar factory proper for use in the manufacture of vinegar: *Provided*, That the quantity thus removed or used is first accurately ascertained, and recorded on Form 1623.

(53 Stat. 495; 26 U. S. C. 4041)

LOSSES

§ 195.176 *In receiving or storage tanks.* The quantity of low wines lost in receiving or storage tanks must be determined and reported monthly. The extent of the losses for each month shall be established by comparison of the



quantity shown by inventory with the amount carried in the receiving or storage tank accounts as remaining therein at the end of the month. The actual quantity in the tanks must be ascertained.

§ 195.177 *Allowance for loss.* Where the loss of low wines during any calendar month does not exceed 1 percent of the aggregate quantity of low wines on hand the 1st of the month and produced during the month, application for the allowance of such loss will not be required to be filed by the proprietor, provided there are no circumstances indicating that the low wines lost, or any part thereof, were unlawfully used or were unlawfully removed. Where such loss exceeds 1 percent, application under oath for remission of tax on the total losses during the month shall be filed by the proprietor with the Assistant Regional Commissioner. Such allowance of 1 percent shall apply to the losses for each month, which must be determined separately.

§ 195.178 *Losses not cumulative.* The allowance of 1 percent during any one month on account of losses of low wines in receiving and storage tanks shall not be cumulative.

§ 195.179 *Time for filing application.* Application for allowance on account of losses must be made within 10 days after the end of the month during which the losses occurred for which allowance is requested. Each application for allowance of losses must set out all the material facts relating to the loss, and must state particularly the nature and cause thereof; i. e., whether by leakage, evaporation, theft, casualty, or other unavoidable cause, as well as the extent of the loss. The application must be accompanied by affidavits of persons having personal knowledge of the facts.

§ 195.180 *Tax must be paid on illegally diverted low wines.* The internal revenue tax must be paid on all low wines diverted to illegal uses on the premises of the vinegar factory and on all low wines removed therefrom contrary to law or this part.

REMOVAL AND TESTING OF VINEGAR

§ 195.181 *Removal.* No person shall remove, or cause to be removed, from any vinegar factory any vinegar or other fluid or material containing a greater proportion than 2 percent of proof spirits.

(53 Stat. 319; 26 U. S. C. 2834)

§ 195.182 *Test of vinegar.* The vinegar removed from vinegar factories should be tested from time to time to ascertain if it contains any greater proportion of proof spirits than is permitted by law.

**Subpart M—Proprietor's Records and Reports**

§ 195.190 *General.* The proprietor of every vinegar factory shall keep monthly records and render reports on Form 1623 as provided in § 195.193. Entries shall be made as indicated by the headings of the various columns and lines of the form, and in accordance with the instructions printed thereon or issued in respect thereto, and as required by this part. The entries shall be made before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, as authorized in this section, appropriate memoranda shall be maintained for the purpose of making the entries correctly. At the close of the month, but in no case later than the fifth day of the succeeding month, the proprietor shall prepare and forward two copies of Form 1623 to the Assistant Regional Commissioner.

(53 Stat. 495; 26 U. S. C. 4041)

DERIVATION: T. D. 5722.

§ 195.191 *Execution.* The monthly report, Form 1623, must be subscribed and sworn to before an officer authorized to administer oaths by the proprietor or his authorized agent at the vinegar factory. Where the reports are signed by an agent, proper power of attorney authorizing the agent to execute the reports for the proprietor must be filed, in triplicate, with the Assistant Regional Commissioner.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.192 *Permanent record.* One copy of Form 1623 will be retained by the proprietor as a permanent record, in bound form, and such bound record shall be kept on the premises available for inspection by Government officers at all reasonable hours.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.193 *Monthly report, Form 1623.* The kind and quantity of materials received, and fermented or mashed, each day will be entered separately on the Form 1623, and the saccharine content of molasses mashed must be entered when the same is available. The quantity of low wines produced, and the quantity used in the manufacture of vinegar daily, will be entered on the Form 1623. The quantity of vinegar produced, and the quantity removed from the vinegar factory, must also be reported daily. The summaries of the form will be completed at the end of the month, and the losses and other information as required by the headings and lines of the summaries will be correctly indicated on the form.

(53 Stat. 495; 26 U. S. C. 4041)

**Subpart N—Suspension and Resumption of Operations**

§ 195.200 *Suspension.* Any proprietor of a vinegar factory desiring to suspend operations in connection with the production and use of low wines for an indefinite period, or for a definite period exceeding 15 days, shall give notice to such effect, in triplicate, to the Assistant Regional Commissioner, stating when he will suspend operations. The giving of such notice will not be required where operations are temporarily suspended. The proprietor will fix in the notice the time when all fermented distilling material will be distilled and all low wines will be used.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.201 *Registry of stills, Form 26.* When operations are suspended, the stills used for the production of low wines must be registered on Form 26, in triplicate, "Not for use" in accordance with the provisions of § 195.210.

(53 Stat. 308, as amended, 495; 26 U. S. C. 2810, 4041)

§ 195.202 *Resumption.* No proprietor of a vinegar factory may carry on the business of distilling low wines after the time stated in his notice of suspension until he shall have given another notice, in triplicate, to the Assistant Regional Commissioner, stating the time when he will resume work. The stills must be registered "For use" in conformity with § 195.210.

**Subpart O—Registry of Stills "for Use" and "Not for Use"**

§ 195.210 *Registry on Form 26.* Every person having in his possession or custody or under his control any still set up, must register the same with the Assistant Regional Commissioner for the region in which it is located. The registry must be made on Form 26, in triplicate, immediately the still is set up. When the proprietor intends to use the still, he must register it "For use" and when he intends to discontinue the use of the still he must register it "Not for use." This registry will be made on Form 26, in triplicate, with the Assistant Regional Commissioner, as in the case of original registry. The Assistant Regional Commissioner will, upon approval of the form, retain one copy, forward the original copy to the Commissioner, and return the remaining copy to the proprietor. The proprietor will retain his copy on the premises available for inspection by Government officers.

(53 Stat. 308, as amended; 26 U. S. C. 2810)

§ 195.211 *Alternate use of stills.* Where the proprietor has two or more stills, and intends to discontinue the use of one or more of them, and to continue the use of one or more stills, he must immediately register as "Not for use" the still or stills he does not intend to use. It will not be necessary to register the still or stills "Not for use" because of temporary suspension.

(53 Stat. 308, as amended; 26 U. S. C. 2810)

**Subpart P—Change of Persons Interested in Business**

§ 195.220 *Completion of operations required.* When a succession, or actual change, in the person or persons operating the vinegar factory shall take place, other than a change brought about by operation of law, as by the appointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the business of producing and using low wines must be completely finished by the person or persons who have been carrying on the business, and the operations suspended before the business shall be undertaken or begun by the successor, unless by agreement of the predecessor and the successor it shall be arranged to transfer from the former to the latter at midnight on a certain day all low wines and all materials to be used in the manufacture of low wines in the vinegar factory at that hour; and provided that in either case the notice and other qualifying documents of the successor prescribed by this part have been approved,

to take effect on the day next succeeding that at the close of which the transfer is made. Such documents should, therefore, be submitted to the Assistant Regional Commissioner in sufficient time to permit such approval for the date desired. The successor shall not commence operations until all documents required for his qualification have been approved by the Commissioner.

§ 195.221 *Requirements as to predecessor.* In accordance with the provisions of Subpart Q of this part the predecessor must file Form 27–F, notice of suspension, and Form 26, registering the stills "Not for use" in his name, and there shall be stated the name of the successor in proprietorship in accordance with the instructions printed on the forms.

[53 Stat. 308, as amended; 26 U. S. C. 2810)

§ 195.222 *Reports and records.* The predecessor shall enter on his record, Form 1623, all fermenting or distilling materials, materials in process and low wines, transferred to his successor, who shall in turn enter such items on his record, Form 1623, as received from his predecessor. The predecessor will make appropriate notation on all forms and records required to be kept by him showing the change in proprietorship of the vinegar factory and the date thereof.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.223 *Succession by fiduciary.* Where a change in proprietorship is brought about by operation of law, the administrator, executor, receiver, trustee, assignee, or other fiduciary, may not commence or complete operations until the required qualifying documents have been filed and approved. In the case of such change, the fiduciary will make appropriate notation on Form 1623 of his succession, and the date thereof.

(53 Stat. 495; 26 U. S. C. 4041)

### Subpart Q—Discontinuance of Business

§ 195.230 *Discontinuance.* Upon permanent discontinuance of business, and prior to the filing of Form 27–F, Form 26, and notice of suspension, as prescribed in §§ 195.200–195.201, all distilling materials, low wines, and vinegar must have been disposed of. All fermenting and distilling materials, low wines, and vinegar must be accounted for on Form 1623, which must be submitted to the Assistant Regional Commissioner, in triplicate, and be marked "Final report, permanent discontinuance of business."

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.231 *Notice, Form 27–F.* When all distilling materials, low wines, and vinegar have been lawfully disposed of, the proprietor shall file Form 27–F, in triplicate, with the Assistant Regional Commissioner, stating the purpose of the filing thereof to be "Permanent discontinuance of business." The Assistant Regional Commissioner will forward the original of the Form 27–F to the Commissioner.

(53 Stat. 495; 26 U. S. C. 4041)

§ 195.232 *Registry of stills, Form 26.* All distilling apparatus must be registered on Form 26 "Not for use" with an explanatory note that the proprietor is permanently discontinuing business. Some essential portion of the distilling apparatus shall be removed to a safe place of storage pending the final dismantling and disposition of the apparatus.

(53 Stat. 308, as amended; 26 U. S. C. 2810)

### Subpart R—General Provisions Relating to Vinegar Factories

§ 195.240 *Production of mash, wort, or wash.* No mash, wort, or wash fit for distillation or for the production of spirits or alcohol shall be made or fermented in any building or on any premises other than a distillery or industrial alcohol plant duly authorized according to law, except for the manufacture of fermented liquors or for the manufacture of vinegar.

(53 Stat. 319; 26 U. S. C. 2834)

§ 195.241 *Sale or removal of mash, wort, or wash; distillation.* No mash, wort, or wash made and fermented in any distillery, industrial alcohol plant, or vinegar factory shall be sold or removed therefrom before being distilled; and no person other than an authorized distiller or proprietor of an industrial alcohol plant shall by distillation or by any other process separate the alcoholic spirits from any fermented mash, wort, or wash, except for the manufacture of vinegar.

(53 Stat. 319; 26 U. S. C. 2834)

§ 195.242 *Inspection of records and premises.* All records and reports kept and filed under the provisions of this part and all liquid or property to which such records or reports relate shall be subject to inspection at any reasonable hour by any official or officer of the Internal Revenue Service.

§ 195.243 *Samples may be taken by officers.* Officers of the Internal Revenue Service may take samples of low wines and vinegar, or of products manufactured with vinegar, whether at the place of manufacture or on trucks or other conveyances leaving the place of manufacture.

### Subpart S—Instructions Concerning Government Officers

#### Inspection of Vinegar Factories

§ 195.250 *Entry of vinegar factory or premises used in connection therewith.* Under the law, any internal revenue officer may at all times, as well by night as by day, enter any vinegar factory or building or place used for the business of distilling or used in connection therewith for storage or other purposes, and, if not admitted upon demand, having declared his name and office, he may break open any doors or windows or break through any of the walls of such premises necessary to be broken to enable him to enter.

(53 Stat. 317; 26 U. S. C. 2827)

§ 195.251 *Authority to break up grounds or walls.* Under the law, any internal revenue officer, and any persons acting in his aid, may break up the ground on any part of the vinegar factory or premises of a vinegar maker, or any wall or partition thereof or belonging thereto, or other place, to search for any pipe, cock, private conveyance, or utensil, and upon finding any pipe or conveyance leading from or to the vinegar factory premises, to break up any ground, house, wall, or other place through or into which such pipe or conveyance leads, and to break or cut away such pipe or other conveyance.

(53 Stat. 316; 26 U. S. C. 2830)

§ 195.252 *Proprietors to furnish assistance.* Under the law, on demand of any internal revenue officer, every vinegar maker shall furnish convenient ladders to enable the officer to examine any vessel or utensil in his vinegar factory, and shall furnish all assistance, lights, tools, or other things necessary for inspecting the premises and apparatus, and shall open all doors, boxes, packages, and all casks, barrels, tanks, and other vessels.

(53 Stat. 317; 26 U. S. C. 2828)

§ 195.253 *Officers to keep themselves informed.* Inspectors must inform themselves fully of the limitations and requirements of the internal revenue laws and this part. They should familiarize themselves with the theory and practice of fermentation and distillation, the making of such simple chemical determinations as are requisite for a check of the yield of low wines at vinegar factories, the proper use of instruments, the gauging and testing of low wines and vinegar, the records that proprietors are required to keep, and the reports they are required to render.

§ 195.254 *Frequency of inspection.* Assistant Regional Commissioners will cause the premises of vinegar factories to be inspected at irregular and unexpected intervals, in accordance with the prevailing inspection policy as determined by the Commissioner from time to time.

§ 195.255 *Scope of inspection.* The scope of the inspection will likewise be in accordance with the prevailing inspection policy as determined by the Commissioner from time to time. It is not intended that all of the following provisions respecting points to be covered shall necessarily apply in the case of each inspection. Such provisions are set forth for the guidance of the inspectors when within the scope of the inspection required by their assignments.

§ 195.256 *Examination of records.* The inspectors will see that the records of the proprietor are properly kept, but will not audit such records, or take an inventory, unless conditions indicate the necessity for a complete inspection. When a record is checked the inspector will note such fact on the margin thereof with the date of checking and his initials so that other officers on subsequent visits need not verify the record for the period covered by such inspection.

§ 195.257 *Examination of distilling equipment.* The inspectors will ascertain whether the distilling equipment in vinegar factories conforms to the plans and will trace the equipment, including



pipe lines, to determine whether the flow of alcoholic vapor and low wines conform to the requirements of this part, and whether the low wines on storage are adequately protected against diversion. The inspector will require correction of any unsafe condition discovered by him.

§ 195.258 *Materials.* The inspectors should inquire into the kind and quantities of distilling materials used, and any abnormal differences between the actual yield and the normal yield of low wines therefrom.

§ 195.259 *Test of low wines and vinegar.* The inspecting officer will examine the process of manufacture, test the low wines in the spray tank or condenser to see to what proof it is raised, and the proof of the low wines in the receiving tanks and storage tanks. He will also determine the proof at which the low wines are acetified. The inspector shall also test vinegar and other fluids or materials to be removed from the vinegar factory premises to determine that such material does not contain a greater proportion than 2 percent of proof spirits, which is the maximum proportion permitted by law.

§ 195.260 *Storage of low wines.* The means of storing the low wines and the security thereof should be ascertained by inspectors. When low wines are stored in storage tanks the officer should ascertain the contents of the tanks and compare the same with the quantity carried in the records as on hand in the tanks. Any deficiency found should be thoroughly inquired into at the time. The proprietor should be called upon for an explanation of any shortage, unless the inspectors deem it advisable to inquire further into the matter before advising him of their discovery of the shortage.

§ 195.261 *Additional inquiries.* The inspectors will make such further inquiries as may be necessary to determine whether the mode of operations followed by the proprietor, particularly in respect to the receipt, storage, and use of fermenting or distilling materials, the distilling process employed, the transfer of low wines to receiving tanks, and from such tanks to storage tanks, and to the vinegar factory proper to be used in the manufacture of vinegar, is in conformity with the intendment of the law and this part.

§ 195.262 *Inspection reports.* Inspectors will promptly render reports of their inspection to Assistant Regional Commissioners. They will call the attention of the proprietor to any condition or mode of operation which is unsatisfactory or irregular, and will describe fully the unsatisfactory or irregular condition or mode of operation in their reports, and state what steps have been taken or ought to be taken to remedy the same. Any unusual conditions discovered in the course of inspection should be noted by the inspectors and covered fully by their reports. Any cases of irregular removal of low wines, or other unlawful acts coming to the knowledge of inspectors, should be immediately reported to the Assistant Regional Commissioner.

### Subpart T—Instructions to Assistant Regional Commissioners

#### Losses

§ 195.270 *Investigation by Assistant Regional Commissioners.* Where large losses of low wines are reported by the proprietors of vinegar factories, the Assistant Regional Commissioner will immediately make such investigation and require such evidence to be submitted as he may deem necessary, and will allow or disallow the loss in accordance with existing law and regulations.

§ 195.271 *Examination of reports of proprietors.* Upon receipt of a report rendered by a proprietor of a vinegar factory for the month the Assistant Regional Commissioner will examine such report to determine whether the proprietor has accounted for all the low wines produced by him during the month. If the Assistant Regional Commissioner finds that the proprietor apparently has not accounted for all the low wines produced by him, he shall make such investigation as he may deem necessary and determine, from all the evidence he can obtain, the quantity of low wines actually produced by the proprietor.

§ 195.272 *Use of materials not reported.* If the Assistant Regional Commissioner should find that the proprietor has received on his premises materials which have not been accounted for, or has used materials which have not been reported as used, and has produced low wines which have not been reported, the quantity of low wines produced and not reported should be determined from all the evidence that can be obtained, including evidence of the normal actual yield of low wines from such materials at the particular vinegar factory.

§ 195.273 *Determining low wines produced.* If it is determined that all materials received have been accounted for and all materials used have been reported, but that the proprietor has not accounted for all the low wines produced, the quantity actually produced should be determined from all the evidence that can be obtained. The evidence that low wines have been produced from materials reported used and that have not been accounted for by the proprietor should be direct and positive. The fraudulent removal of low wines will not be assumed from the mere fact that the quantity of low wines reported is not equal to the number of gallons which the materials reported used will ordinarily produce.

§ 195.274 *Notice to proprietor.* If it is determined that the proprietor has not accounted for all the low wines produced by him, the Assistant Regional Commissioner will, unless the interests of the Government require an immediate assessment, notify the proprietor of the proposed assessment and afford him an opportunity to submit within 30 days, or such further time as the Assistant Regional Commissioner may consider reasonable, evidence showing why the proposed assessment should not be made.

§ 195.275 *Nature of evidence.* The evidence submitted by the proprietor should be in the form of affidavits and certified documents.

§ 195.276 *Consideration of response.* If the proprietor responds to the notice and submits evidence bearing on the merits of the proposed assessment, the Assistant Regional Commissioner will give due consideration thereto and make such further investigation as he may deem advisable. If, after consideration of all the facts, the Assistant Regional Commissioner finds that the tax is due, an assessment will be made in accordance with prescribed procedure.

§ 195.277 *Evidence of loss.* Where the proprietor claims, pursuant to notice of proposed assessment, that the low wines produced and not accounted for were actually lost, without any fraud or collusion on his part, and were not illegally used or removed from the premises, he will submit evidence in support thereof.

§ 195.278 *Proprietor's failure to respond.* If the proprietor fails to respond to the notice of proposed assessment within the time specified, an assessment will be made for the amount found due in accordance with the prescribed procedure.

§ 195.279 *Examination of evidence.* When such evidence of loss is received by the Assistant Regional Commissioner, he will carefully examine the same to see that all the required information has been furnished, and will cause such investigation to be made, or require such additional evidence to be submitted, as he may deem necessary. Upon completion of his investigation, if any, the Assistant Regional Commissioner will allow or disallow the loss in accordance with existing law and regulations.

§ 195.280 *Assistant Regional Commissioner's credit for losses.* Upon receipt of Forms 1623 the Assistant Regional Commissioner will take credit on his Form 1624 for the quantity of low wines reported lost in receiving and storage tanks within the 1 percent allowance provided for in this part. Losses in excess of the authorized allowance will be reported as unaccounted for on the first and last of the month on Form 1624 until it is determined what disposition has been made of the low wines, or until the loss is tax-paid or is allowed.

#### Audit of Reports

§ 195.281 *Audit of reports of vinegar manufacturers.* The Assistant Regional Commissioner will, after audit and not later than the last day of the month succeeding that for which the reports are rendered, forward one copy of Form 1623 to the Commissioner and retain the remaining copy.

#### Assistant Regional Commissioner's Report

§ 195.282 *Assistant Regional Commissioner's report, Form 1624.* Assistant Regional Commissioners will prepare Form 1624, in duplicate, from the monthly returns rendered in their regions on Form 1623. A separate report

will be made for each State in the region. Entries shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions printed on the form, and as set forth in this part. One copy will be retained by the Assistant Regional Commissioner for his files and the other copy will be forwarded to the Commissioner not later than the last day of the month succeeding that for which the form is rendered.

**Subpart U—Rules for Computing Capacity of Stills**

§ 195.290 *Pot or kettle stills.* The estimated maximum quantity in proof gallons of distilled spirits capable of being produced every 24 hours, which is required to be shown on the proprietor's notice, will be computed as follows for pot or kettle stills:

The working capacity of pot or kettle stills will be determined by multiplying 80 percent of the cubic capacity of the still by the maximum number of boilings that can be made in 24 hours and then multiplying this result by the percent of alcohol by volume contained in the highest yielding material to be used in distillation. This result will represent the quantity of wine gallons of absolute alcohol that can be distilled in 24 hours. This quantity, when multiplied by 2, will represent the number of proof gallons. For example, if a pot still having a cubic capacity of 2,000 gallons is used, and such still can be charged three times in eight hours, and the highest percentage of alcohol by volume in the distilling material to be used is 8 percent, the spirit-producing capacity of the still will be computed as follows: $2{,}000\times0.8\times9\times0.08\times2=2{,}304$ proof gallons. (The quantity that can be distilled in 24 hours.)

§ 195.291 *Charge chamber stills.* The estimated maximum quantity in proof gallons of distilled spirits capable of being produced every 24 hours, which is required to be shown on the proprietor's notice, will be computed as follows for charge chamber stills:

Where a charge chamber still is used, the estimated maximum quantity of distilled spirits in proof gallons capable of being produced will be determined by multiplying 80 percent of the cubic capacity of the top or charge chamber of the still by the number of times the same can be filled and emptied in 24 hours. This result will represent the total number of gallons of distilling material that can be distilled in 24 hours, which quantity will be multiplied by the percent of alcohol by volume contained in the highest yielding material to be used. The result of such computation will represent the number of wine gallons of absolute alcohol that can be distilled in 24 hours. This quantity, when multiplied by 2, will represent the number of proof gallons. For example, if a charge still is used having a charge chamber of a cubic capacity of 600 gallons which can be charged three times in one hour, and the highest percentage of alcohol by volume in the distilling material to be used is 8 percent, the spirit-producing capacity will be computed as follows: $600\times0.8\times3\times24\times0.08\times2=5{,}529.6$ proof gallons. (The quantity that can be distilled in 24 hours.)

§ 195.292 *Continuous stills.* The estimated maximum quantity in proof gallons of distilled spirits capable of being produced every 24 hours, which is required to be shown on the proprietor's notice, will be computed as follows for continuous stills:

If continuous stills are used, the maximum spirit-producing capacity in proof gallons of such stills will be computed on the area of the column in square feet. The first step will be to determine the inside diameter of the still at its base and the diameter will then be divided by 2 to ascertain the radius. The diameter may be determined (1) by accurately measuring the inside width of the still with a rod or tape, or (2) by measuring the outside circumference of the still and dividing the same by 3.1416 and deducting from the quotient twice the thickness of the sides of the still. The radius (in feet) will be squared and then multiplied by 3.1416 (Pi) to ascertain the area of the column in square feet. The area in square feet will be multiplied by the factor, 40 (the number of gallons of 100 proof spirits that can be distilled in one hour per square foot of plate area), and the result will represent the total number of gallons of 100 proof spirits that can be distilled in one hour. This quantity will be multiplied by 24 to determine the number of gallons of 100 proof spirits that can be distilled in one day. For example, if a continuous still having a diameter of 4 feet is used, the spirit-producing capacity will be computed as follows: $2\times2\times3.1416\times40\times24=12{,}063.74$ proof gallons. (The quantity that can be produced in 24 hours.)

*Effect.* These regulations shall be effective as of December 1, 1953.

[SEAL] T. COLEMAN ANDREWS,
*Commissioner of Internal Revenue.*

Approved: December 14, 1953.

M. B. FOLSOM,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-10518; Filed, Dec. 17, 1953; 8:51 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

**Subchapter A—Aid of Civil Authorities and Public Relations**

PART 502—RELIEF ASSISTANCE

MISCELLANEOUS AMENDMENTS

1. In § 502.2, the opening statement and paragraph (b) are rescinded and the following substituted therefor:

§ 502.2 *Responsibility of armed forces.* Over a number of years, the Army among the military services has been employed most often by the President to render aid to the States and local Governments in disasters and similar emergencies which have assumed such proportions as to be beyond the capabilities of local authorities. However, the capabilities of the Navy and the Air Force have similarly been utilized in rendering disaster assistance and, in some instances, they are more appropriately organized and equipped for particular types of operations. The Department of the Army has primary responsibility among the services for provision of disaster relief, with the Navy and the Air Force having collateral responsibility. The Department of the Army is also charged with the responsibility for coordination of disaster relief activities of the military services.

* * * * *

(b) *Corps of Engineers.* (1) The prevention and control of floods is by statute the responsibility of the Corps of Engineers. When a flood of dangerous proportions is foreseen, district engineers will keep the Department of the Army and army commanders informed of developments, including the Corps of Engineers statutory flood fighting activities as conditions warrant. The closest cooperation between district and division engineers, continental army commanders, the Red Cross, and other relief agencies is necessary to mitigate the results of disastrous floods. Efforts incident to the repair, restoration, and maintenance of flood control works and rescue of flood victims are performed by the Corps of Engineers. Army assistance in the relief of human suffering is the responsibility of the continental army commander.

(2) Whenever, in connection with flood disasters, assistance beyond the statutory authority of the Corps of Engineers is requested of the Corps of Engineers by the Federal agency designated to coordinate Federal relief activities (§ 502.1 (a)), the continental army commander concerned will be informed by the division or district engineer and his concurrence will be obtained before such assistance is furnished. Request for an allotment of funds required therefor, will be made simultaneously by the division or district engineer to the army commander, who will make the allotment provided such funds are available. In any case where funds from military appropriations cannot be made available by the army commander and where the Federal agency designated to coordinate Federal relief activities certifies that funds therefor are available under the provisions of the act of September 30, 1950, the Corps of Engineers may provide the requested assistance using any available civil funds pending reimbursement.

2. In § 502.3, paragraph (a) (1) is amended to read as follows:

§ 502.3 *Department of the Army policies.* (a) * * *

(1) The overruling demands of humanity compel immediate action to prevent starvation and extreme suffering, in which event continental army commanders will use personnel, supplies, and equipment under their control within their own discretion, and notify the Department of the Army, and

* * * * *

[C1, AR 500-60, December 4, 1953] (R. S. 161; 5 U. S. C. 22)

[SEAL] WM. E. BERGIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 53-10524; Filed, Dec. 17, 1953; 8:52 a. m.]



## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

PART 10—PUBLIC SAFETY RADIO SERVICES

REVISION OF RULES

Pursuant to authority contained in sections 4 (i), 5 (d) (1), and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1952, as amended, the following editorial changes are made in Part 10, "Rules Governing Public Safety Radio Services;"

1. The table of contents is amended to reflect the revision of the text.

2. Amend § 10.3 to read as follows:

§ 10.3 *Organization and applicability of rules.* The rules in this part are divided into eleven subparts, of which Subparts A through E, inclusive, contain general rules which apply to every station authorized under this part, while Subparts F through K, inclusive, are specific and apply only to the stations authorized under the particular subject.

3. Amend last sentence of § 10.6 to read as follows: "Requests for authority to transfer or assign a station authorization may be submitted in accordance with § 10.55 (b) or (d), whichever is applicable."

4. Amend § 10.7 by changing the title to "Cooperative arrangements."

5. Amend last sentence of § 10.68 to read as follows: "If authorized, such international communication must be conducted in accordance with Article 5 of the Inter-American Radio Agreement—Washington, D. C., 1949 (see Appendix A)."

6. Amend §§ 10.255 (g), 10.305 (f), 10.355 (d), 10.405 (e), and 10.462 (e), to delete the frequency band entry of 454.05 to 455.95 Mc, and substitute therefor, for base and mobile stations, subject to limitation 1, the following frequencies:

| | | | |
|---|---|---|---|
| 453.05 | 453.55 | 458.05 | 458.55 |
| 453.15 | 453.65 | 458.15 | 458.65 |
| 453.25 | 453.75 | 458.25 | 458.75 |
| 453.35 | 453.85 | 458.35 | 458.85 |
| 453.45 | 453.95 | 458.45 | 458.95 |

7. Amend § 10.355 (d) to delete limitation note 8 opposite the frequencies 171.475 and 172.275 Mc and to add limitation note 15 to these same frequencies.

8. Amend § 10.355 (e) to add limitation note 15 to read as follows:

15. In addition to agencies responsible for forest fire prevention, detection and suppression this frequency may be assigned to conservation agencies which do not have forest fire responsibilities: *Provided,* That such assignment is necessary to permit mobile relay operation by such agencies: *And provided,* That such operation will cause no harmful interference to any U. S. Government station.

9. Amend Section 10.404 (c) to read as follows:

§ 10.404 *Station limitations.* * * *

(c) Each operator of a station in the Highway Maintenance Radio Service when employing a frequency shared with the Special Emergency Radio Service and designated by limitation note 6 in § 10.405 (e) shall listen on the licensed frequency of the station prior to transmitting and shall not transmit until it has been reasonably determined that harmful interference will not be caused to any authorized communication in progress on the frequency.

10. Amend Appendix A to delete Article 7 Inter-American Radio Agreement—Santiago, Chile 1940. Substitute therefor Article 5 Inter-American Radio Agreement—Washington, D. C., 1949.

In view of the fact that the amendments adopted herein are editorial in nature, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary.

It is noted that since Part 10 was last published in the FEDERAL REGISTER (April 27, 1949) a large number of amendments have been made to these provisions. Accordingly, for administrative convenience, *It is ordered,* This 14th day of December 1953, that effective December 18, 1953, Part 10, "Rules Governing Public Safety Radio Services," is revised to include the foregoing editorial changes, and all outstanding amendments adopted as of this date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

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Appendix A—Article 5, Inter-American Radio Agreement (Washington, 1949).

AUTHORITY: §§ 10.1 to 10.505 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended, sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155.

SUBPART A—GENERAL INFORMATION

§ 10.1 *Basis and purpose.* (a) The basis for this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party. This part is issued pursuant to authority contained in Title III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate radio transmissions and to issue licenses for radio stations.

(b) This part is designed to provide a service of radiocommunication essential either to the discharge of non-federal governmental functions relating to the public safety or the alleviation of an emergency endangering life or property.

§ 10.2 *Definitions.* For the purpose of this part the following definitions shall be applicable. (For other definitions, refer to Part 2 of this chapter.)

(a) *Public Safety Radio Services.* Any service of radiocommunication, essential either to the discharge of non-federal governmental functions relating to public safety responsibilities or to the alleviation of an emergency endangering life or property, the radio transmitting facilities of which are defined as fixed, land, or mobile stations.

(b) *Police Radio Service.* A Public Safety service of radiocommunication essential to official police activities.

(c) *Fire Radio Service.* A Public Safety service of radiocommunication essential to official fire activities.

(d) *Forestry-Conservation Radio Service.* A Public Safety service of radiocommunication essential to official forestry-conservation activities.

(e) *Highway Maintenance Radio Service.* A Public Safety service of radiocommunication essential to official highway maintenance activities.

(f) *Special Emergency Radio Service.* A Public Safety service of radiocommunication essential to the alleviation of an emergency endangering life or property

(g) *Radio service.* An administrative subdivision of the field of radiocommunication. In an engineering sense the subdivisions may be made according to the method of operation, as, for example, mobile service and fixed service. In a regulatory sense, the subdivisions may be descriptive of particular groups of licensees, as, for example, the groups and subgroups of persons licensed under this part.

(h) *Fixed service.* A service of radiocommunication between specified fixed points.

(i) *Mobile service.* A service of radiocommunication between mobile and land stations, or between mobile stations.

(j) *Fixed stations.* A station in the fixed service.

(k) *Operational fixed station.* A fixed station, not open to public correspondence, operated by and for the sole use of those agencies operating their own radiocommunication facilities in the Public Safety, Industrial, Land Transportation, Marine, or Aviation Service.

(l) *Control station.* An operational fixed station the transmissions of which are used to control, automatically, the emissions or operation of another radio station at a specified location.

(m) *Repeater station.* An operational fixed station established for the automatic retransmission of radiocommunications received from one or more mobile stations and directed to a specified location.

(n) *Fixed relay station.* An operational fixed station established for the automatic retransmission of radiocommunications received from either one or more fixed stations or from a combination of fixed and mobile stations and directed to a specified location.

(o) *Zone station.* A fixed station in the police radio service using radiotelegraphy (A1 emission) for communication with other similar stations in the same zone and with an interzone station.

(p) *Interzone station.* A fixed station in the police radio service using radiotelegraphy (A1 emission) for communication with zone stations within the zone and with interzone stations in other zones.

(q) *Land station.* A station in the mobile service not intended for operation while in motion. (Of the various types of land stations, only the base station is pertinent to this part and will be used interchangeably with land station.)

(r) *Base station. See* "Land Station."

(s) *Mobile station.* A station in the mobile service intended to be used while in motion or during halts at unspecified points.

(t) *Mobile relay station.* A base station established for the automatic retransmission of mobile service communications which originate on the transmitting frequency of the mobile stations and which are retransmitted on the receiving frequency of the mobile stations.

(u) *Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service or obstructs or repeatedly interrupts a radio service operating in accordance with the regulations in this part. (For purposes of this definition only, a safety service is any radio service whose operation is directly related, whether permanently or temporarily, to the safety of human life and the safeguarding of property.)

(v) *Landing area.* A landing area means any locality, either of land or water, including airports and intermediate landing fields, which is used, or approved for use,[1] for the landing and take-off of aircraft whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

(w) *Station authorization.* Any construction permit, license, or special temporary authorization issued by the Commission.

(x) *Carrier frequency.* The frequency of the carrier.

(y) *Assigned frequency.* The frequency appearing on a station authorization, from which the carrier frequency may deviate by an amount not to exceed that permitted by the frequency tolerance.

(z) *Authorized bandwidth.* The frequency band, specified in kilocycles and centered on the carrier frequency, containing those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power.

(aa) *Antenna structures.* The term "antenna structures" includes the radiating system and its supporting structures.

§ 10.3 *Organization and applicability of rules.* The rules in this part are divided into eleven subjarts, of which Subparts A through E, inclusive, contain general rules which apply to every station authorized under this part, while Subparts F through K, inclusive, are specific and apply only to the stations authorized under the particular subject.

§ 10.4 *General limitation on use.* The radio facilities authorized under this part shall not be used to carry program material of any kind for use in connection with radio broadcasting and shall not be used to render a communications common carrier service except for stations in the Special Emergency Radio Service while being used to bridge gaps in common carrier wire facilities.

§ 10.5 *General citizenship restrictions.* A station license shall not be granted to or held by:

(a) Any alien or the representative of any alien;

(b) Any foreign government or the representative thereof;

(c) Any corporation organized under the laws of any foreign government;

(d) Any corporation of which any officer or director is an alien;

(e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representative thereof; or any corporation organized under the laws of a foreign country;

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license; or

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representative thereof; or any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by refusal or revocation of such license.

[1] Consideration to aeronautical facilities not in existence at the time of the filing of the application for radio facilities will be given only when proposed airport construction or improvement plans are on file with the CAA as of the filing date of the application for such radio facilities.



§ 10.6 *General restrictions on transfer and assignment of station authorization.* A station authorization; the frequencies authorized to be used by the grantee of such authorization; and the rights therein granted by such authorization shall not be transferred, assigned, or in any manner either voluntarily or involuntarily disposed of, or indirectly by transfer of control of any corporation holding such authorization to any person, unless the Commission shall, after securing full information, decide that said transfer is in the public interest, and shall give its consent in writing. Requests for authority to assign or transfer control of a station authorization may be submitted in accordance with § 10.55 (b) or (d), whichever is applicable.

§ 10.7 *Cooperative arrangements.* Arrangements may be made between two or more persons for the cooptrative use of radio station facilities provided all persons sharing in the use of a station are eligible to hold licenses to operate the particular type of station shared. Such cooperative arrangements shall be governed by the following.

(a) *Agreements relating to control.* (1) A group of persons eligible for a license in the same public safety radio service may share the use of a base station or a base and mobile station licensed to one member of the group provided there is on file with the Commission, and maintained with the records of the station, a copy of the agreement, under which such shared operation shall take place. Such agreement should provide that the licensee of the station shall be in control of the operation of the station and that all use of its facilities shall take place only under the direction and supervision of an employee of the licensee.

(2) Subscribers to such service may either obtain a separate license to cover the mobile transmitters which they use or the mobile transmitters may be included in the license of the base station from which service is rendered. In the latter case the coordinated service agreement should specifically cover use of such mobile units and indicate that the licensee would be in control of such units.

(b) *Contributions to operating costs.* Coordinated service may be rendered without cost to subscribers or contributions to capital and operating expenses may be accepted by the licensee. Such contributions must be on a cost-sharing basis and pro-rated on an equitable basis among all persons who are parties to the cooperative arrangement. Records which reflect the cost of the service and its non-profit, cost-sharing nature shall be maintained by the base station licensee and held available for inspection by a Commission representative.

(c) Each application for a mobile station proposing to receive coordinated service shall be accompanied by a letter from the licensee of the base station concerned indicating that the proposed coordinated service will be rendered.

§ 10.8 *Frequency coordination procedures.* (a) Except for application in the Special Emergency Radio Service, each application requesting assignment of a frequency not previously authorized for use by the applicant shall be accompanied by information in the form required by either paragraph (b) or (c) of this section.

(b) (1) A statement under oath that all existing licensees in the same service located within a radius of 75 miles of the proposed station and operating on frequencies within the band proposed to be used by the applicant have been notified of the applicant's intention to request the particular frequency; and

(2) A report based on a field study covering an area within a radius of 75 miles of the proposed station, indicating the probable interference to existing stations operating in the same service in the band requested.

(c) In lieu of the statement and report described in paragraph (b) of this section, the applicant may submit a statement from a frequency advisory committee commenting upon the frequency requested and giving the opinion of the committee regarding the probable interference to existing stations. The frequency advisory committee must be so organized that it is representative of all persons involved who are eligible for radio facilities in the service concerned in the area the committee purports to represent and for which recommendations are made. The functions of such committees are purely advisory in character and their comments and recommendations are not binding upon the Commission.

SUBPART B—APPLICATIONS, AUTHORIZATIONS AND NOTIFICATIONS

§ 10.51 *Station authorization required.* No radio transmitter shall be operated in the Public Safety Radio Services except under and in accordance with a proper station authorization granted by the Federal Communications Commission.

§ 10.52 *Procedure for obtaining a radio station authorization and for commencement of operation.* (a) Persons desiring to install and operate radio transmitting equipment should first submit an application for a radio station authorization in accordance with § 10.55 (a).

(b) When construction permit only has been issued for a base, fixed or mobile station and installation has been completed in accordance with the terms of the construction permit and the applicable rules of the Commission, the permittee shall proceed further as follows:

(1) Notify the Engineer-in-Charge of the local radio district of the date on which the transmitter will first be tested in such manner as to produce radiation, giving name of the permittee, station location, call sign, and frequencies on which tests are to be conducted. This notification shall be made in writing at least two days in advance of the test date. FCC Form 456 may be used for this purpose. No reply from the radio district office is necessary before the tests are begun.

(2) After testing, but on or before the date when the station is first used for operational purposes, mail to the Commission in Washington, D. C., an application on FCC Form 400 for license or modification of license, as appropriate in the particular case. The station may thereafter be used as though licensed, pending Commission action on the license application.

(c) When a construction permit and license for a new base, fixed or mobile station are issued simultaneously the licensee shall notify the Engineer-in-Charge of the local radio district of the date on which the transmitter will be placed in operation, giving name of licensee, station location, call sign, and operating frequencies. This notification shall be made in writing on or before the day on which operation is commenced. FCC Form 456 may be used for this purpose.

(d) When a construction permit and modification of license for a base, fixed or mobile station are issued simultaneously, operation may be commenced without notification to the Engineer-in-Charge of the local radio district, except where operation on a new or different frequency results by reason of such modification, in which event the notification procedure set forth in paragraph (c) of this section must be observed.

§ 10.53 *Filing of applications.* (a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Public Safety Radio Services are discussed in § 10.55, and may be obtained from the Washington, D. C., office of the Commission, or from any of its engineering field offices. Concerning matters where no standard form is applicable, the procedure outlined in § 10.56 should be followed.

(b) Any application for radio station authorization and all correspondence relating thereto shall be submitted to the Commission's office at Washington 25, D. C., directed to the attention of the Secretary. An application for commercial radio operator permit or license may be submitted to any of the Commission's engineering field offices, or to the Commission's office at Washington 25, D. C.

(c) Unless otherwise specified, an application shall be filed at least sixty days prior to the date on which it is desired that Commission action thereon be completed. In particular, applications involving the installation of new equipment shall be filed at least sixty days prior to the contemplated installation.

(d) Failure on the part of the applicant to provide all the information required by the application form or to supply the necessary exhibits or supplementary statements may constitute a defect in the application.

(e) Applications involving operation at temporary locations:

(1) When a base station or a fixed station is to remain at a single location for

less than one year, the location is considered to be temporary. An application for authority to operate at temporary locations shall specify the general geographic area within which the operation will be confined. The area specified may be a city, a county or counties, a state or states, "Gulf Coast area," "Eastern U. S.", etc.

(2) When a base station or fixed station authorized to operate at temporary locations remains at a single location for more than one year, an application for modification of the station authorization to specify the permanent location shall be filed within thirty days after expiration of the one year period.

§ 10.54 *Who may sign applications.* (a) One copy of each application for an authorization shall be signed under oath or affirmation in accordance with the following:

(1) Applications filed on behalf of eligible governmental entities such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the law of the jurisdiction.

(2) Applications filed on behalf of applicants other than governmental entities shall be signed by the individual, or any one of the partners if the applicant be a partnership, or by an officer if the applicant be a corporation, or by a member who is an officer if the applicant be an unincorporated association.

§ 10.55 *Standard forms to be used.* (a) A separate application shall be submitted on FCC Form 400 for the following:

(1) New station authorization for a base or fixed station.

(2) New station authorization for any required number of mobile units (including hand-carried or pack-carried units) to be operated in the same service.

NOTE: An application for mobile units may be combined with an application for a single base station in those cases where the mobile units will operate with that base station in a single radio communication system.

(3) License for any class of station upon completion of construction or installation in accordance with the terms and conditions set forth in the construction permit.

(4) Modification of combined construction permit and station license for changes outlined in § 10.65 (a).

(5) Modification of construction permit.

(6) Modification of station license.

Any of the foregoing applications will, upon approval and authentication by the Commission, be returned to the applicant as a specifically designated type of authorization.

(b) When the holder of a station authorization desires to assign to another person the privilege to construct or use a radio station, he shall submit to the Commission a notarized letter setting forth his desire to assign all right, title, and interest in and to such authorization, stating the file number and expiration date of his authorization and the call sign and location of station. This letter shall also include a statement that the assignor will submit his current station authorization for cancellation upon completion of the assignment. Enclosed with this letter shall be an application for Assignment of Authorization on FCC Form 400 prepared by and in the name of the person to whom the station is being assigned.

(c) A separate application may be submitted on FCC Form 400–A for certain changes to authorized stations as specified in § 10.65 (b).

(d) A separate application shall be submitted on FCC Form 703 whenever it is proposed to change, as by transfer of stock-ownership, the control of a corporate permittee or licensee.

(e) An application not submitted on a standard form prescribed by the Commission is considered to be an informal application. Each informal application shall be submitted in duplicate, normally in letter form, and with the original signed under oath or affirmation. Each application shall be clear and complete within itself as to the facts presented and the action desired.

(f) FCC Form 456 "Notification of Completion of Radio Station Construction" may be used to advise the Engineer-in-Charge of the local district office that construction of the station is complete and that operational tests will begin.

(g) Application for renewal of station license shall be submitted on FCC Form 405–A. Unless otherwise directed by the Commission, each application for renewal of station license shall be filed during the last 60 days of the license term. In any case in which the licensee has, in accordance with the Commission's rules made timely and sufficient application for renewal of license, no license with reference to any activity of a continuing nature shall expire until such application shall have been finally determined.

§ 10.56 *Request for special temporary authority.* (a) In circumstances requiring immediate or temporary use of facilities, request may be made for special temporary authority to install and operate new equipment or to operate licensed equipment in a manner different from that authorized in the station license. Any such request may be in letter form, submitted in duplicate, and signed under oath: *Provided,* That in cases of emergency involving danger to life or property or due to damage to equipment, such request may be made by telephone or telegraph, and in the event that the Commission finds that such an emergency exists temporary authorization may be granted for the duration of the emergency. Any such request shall be clear and complete within itself as to the facts presented and the action desired.

(b) Special temporary authority may also be requested for the purpose of conducting a field survey to determine necessary data in connection with the filing of formal applications for installation of a radio system under this part. In this case, the authority, if issued, will be for developmental operation only and the applicable sections of Subpart E hereof shall also apply to the grant.

(c) Request for special temporary authority shall contain the following information:

(1) Name, address, and citizenship status of applicant.

(2) Need for special action, including a description of any emergency or damage to equipment.

(3) Type of operation to be conducted.

(4) Purpose of operation.

(5) Time and date of operation desired.

(6) Class of station and nature of service.

(7) Location of station.

(8) Equipment to be used, specifying manufacturer, model number and number of units.

(9) Frequency(s) desired.

(10) Plate power input to final radio frequency stage.

(11) Type of emission.

(12) Description of antenna to be used, including height.

(d) Except in emergencies involving safety of life or property or due to damage to equipment, request for special temporary authority shall be submitted to the Commission at least ten days prior to the date of proposed operation, or it must be accompanied by a statement of reasons for the delay in submitting such request.

§ 10.57 [Reserved].

§ 10.58 *Supplementary information to be submitted with application.* Each application for station authorization shall be accompanied by such supplemental information listed below as may be required:

(a) Statement with respect to frequency selection and coordination:

(1) Any statements or showings, required by the applicable subpart of these rules, in connection with the use of the frequency requested.

(2) Evidence of frequency coordination as required by § 10.8.

(b) Statements justifying the need when more frequencies are desired than are normally assigned to a single applicant under the applicable subpart of this part.

(c) Statement describing the type of emission to be used if it cannot be described as "8A3" or "40F3" pursuant to Subpart C of this part.

(d) Description of the antenna system, on FCC Form 401–A in triplicate in all cases when:

(1) The antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level: *Provided, however,* That FCC Form 401–A is not required when the antenna is mounted on top of an existing man-made structure and does not increase the over-all height of such man-made structure by more than 20 feet; or

(2) The antenna structure proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area: *Provided, however,* That FCC Form 401–A is not required when the antenna does not exceed 20 feet above the ground or is mounted on top of an existing man-made structure or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet.

(e) A functional system diagram and a detailed description of the manner in which the interrelated stations will operate when the station is, or will be, part of a system involving two or more stations at different fixed locations, in accordance with the instructions accompanying Form 400.

(f) Copies of all agreements and statements which may be required under § 10.7 if operation is desired in connection with any cooperative use of the proposed radio communication facilities.

(g) Statements required by the rules in this part in connection with developmental operations. See §§ 10.202, 10.203, 10.207.

(h) Description of any equipment, proposed to be used, which does not appear on the Commission's List of Equipment Acceptable for Licensing and designated for use in the Public Safety, Industrial and Land Transportation Radio Services.

(i) Any statements or other data required under special circumstances as set forth in the applicable subpart of this part, or required upon request by the Commission.

§ 10.59 [Reserved].

§ 10.60 *Partial grant.* Where the Commission, without a hearing, grants an application in part, or with any privileges, terms or conditions other than those requested, the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from date on which grant is made, or from its effective date if a later date is specified, file with the Commission a written request, rejecting the grant as made. Upon receipt of such request, the Commission will vacate its original action upon the application and set the application for hearing in the same manner as other applications are set for hearing.

§ 10.61 *Defective applications.* (a) An application which is not prepared in accordance with the Commission's Rules or other requirements will be considered defective.

(b) If an applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) When an application is considered to be incomplete or defective, the Secretary of the Commission will return it to the applicant, unless the Commission may otherwise direct.

§ 10.62 *Amendment or dismissal of applications.* Any application may be amended or dismissed without prejudice upon request of the applicant prior to the time the application is granted or designated for hearing. Each amendment to, or request for dismissal of an application shall be signed, authenticated, and submitted in the same manner and with the same number of copies as required for the original application. All related correspondence or other material which is to be considered as a part of an application already filed shall be submitted in the form of an amendment to the application concerned.

§ 10.63 *Construction period.* (a) Each radio station construction permit issued by the Commission will specify the date of grant as the earliest date of commencement of construction and installation, and a maximum of eight months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission in any particular case.

(b) In cases where the station is not ready for operational use on or before the expiration date of the construction permit, application for extension of time to construct shall be filed on FCC Form 400–A.

§ 10.64 *License term.* (a) For all stations in the Public Safety Radio Services, except those engaged in developmental operation, the license period shall be as follows:

(1) Each station license will be issued for a term of from one to five years from the effective date of grant, the term varying as may be necessary to permit the orderly scheduling of renewal applications.

(2) Each station license normally will be renewed, upon proper application, for a term of four years from the effective date of renewal.

(b) Authorization for stations engaged in developmental operation will be made upon a temporary basis for a specific period of time, but in no event to extend beyond one year from date of grant.

§ 10.65 *Changes in authorized stations.* Authority for certain changes in authorized stations must be obtained from the Commission before these changes are made, while other changes do not require prior Commission approval. The following paragraphs describe the conditions under which prior Commission approval is or is not necessary.

(a) Proposed changes which will result in operation inconsistent with any of the terms of the current authorization require that an application for modification of construction permit and/or license be submitted to the Commission and, except as set forth in paragraph (b) of this section, shall be on Form 400 and shall be accompanied by exhibits and supplementary statements as required by § 10.58.

(b) Any of the following changes to authorized stations may be made upon approval by the Commission of a "Request for Amendment of Radio Station Authorization" submitted on FCC Form 400–A.

(1) Change in presently authorized location of transmitter control point.

(2) Addition or deletion of control point(s) for presently authorized transmitter.

(3) Reduction in antenna height. If painting and/or lighting of the antenna supporting structure is required, FCC Form 401–A must also be submitted.

(4) A reduction in the over-all number of transmitters authorized for mobile use.

(5) An increase in the over-all number of transmitters authorized for mobile use. This form may be used only when adding mobile transmitters which are included in the Commission's "List of Equipment Acceptable for Licensing" and designated for use in the Public Safety, Industrial, and Land Transportation Radio Services.

(6) An extension of the time limit specified in a construction permit.

(c) Proposed changes which will not depart from any of the terms of the outstanding authorization for the station involved may be made without prior Commission approval. Included in such changes is the substitution of various makes of transmitting equipment at any station provided the particular equipment to be installed is included in the Commission's "List of Equipment Acceptable for Licensing" and designated for use in the Public Safety, Industrial, and Land Transportation Radio Services and provided the substitute equipment employs the same type of emission and does not exceed the power limitations as set forth in the station authorization.

§ 10.66 *Discontinuance of station operation.* In case of discontinuance of operation for a period of one year or more of a base or fixed station in these services, or in case of discontinuance for a period of one year or more of operation of all transmitter units listed in the license for a mobile station in these services, the licensee shall forward the station license to the Washington, D. C., office of the Commission for cancellation. A copy of the request for cancellation of the license shall be forwarded to the Commission's Engineer in Charge of the district in which the station is located.

§ 10.67 [Reserved].

§ 10.68 *International police radio communication.* Police radio licensees which are located in close proximity to the borders of the United States may be authorized to communicate internationally. Request for such authority shall be submitted in duplicate and be signed under oath. The request shall include information as to the station with which communication will be conducted, frequency, power, emission, etc., that will be used. If authorized, such international communication must be conducted in accordance with Article 5 of the Inter-American Radio Agreement, Washington, D. C., 1949 (see Appendix A).

### SUBPART C—TECHNICAL STANDARDS

§ 10.101 *Frequencies.* (a) The frequencies available for assignment are listed in the applicable subpart of this part. All applicants for, and licensees of, stations in these services shall cooperate in the selection and use of the designated frequencies to minimize interference and to make effective use of the frequencies assigned. Frequencies listed in this part will not be assigned exclusively to any one applicant. The use of any frequency may be restricted to one or more specified geographical areas.

(b) Frequencies assigned to government radio stations under Executive Or-

der of the President may be authorized for use of stations in these services upon appropriate showing by the applicant that such assignment is necessary for inter-communication with government stations or required for coordination with activities of Federal Government, and where the Commission finds, after consultation with the appropriate government agency or agencies, that such assignment is necessary.

§ 10.102 *Frequency stability.* (a) A permittee or licensee in these services shall maintain the carrier frequency of each authorized transmitter within the following percentage of the assigned frequency, except as provided in paragraphs (b) and (c) of this section:

| Frequency range: | Frequency tolerance (percent) |
|---|---|
| Below 50 Mc | 0.01 |
| 50–220 Mc | .005 |
| Above 220 Mc | (1) |

[1] To be specified in the authorization.

(b) Licensees of mobile units using amplitude modulation may, until July 1, 1950, maintain the carrier frequency of such units within the following percentage of the assigned frequency in lieu of the requirements of paragraph (a) of this section:

| Frequency range: | Frequency tolerance (percent) |
|---|---|
| Below 30 Mc | 0.02 |
| 30–40 Mc | .03 |

(c) For transmitters authorized to operate with a maximum plate power input to the final radio frequency stage of 3 watts or less, the frequency may be maintained as shown in the table below in lieu of the requirements in paragraph (a) of this section:

| Frequency range: | Frequency tolerance (percent) |
|---|---|
| Below 50 Mc | 0.02 |
| 50–220 Mc | .01 |
| Above 220 Mc | (1) |

[1] To be specified in the authorization.

§ 10.103 *Types of emission.* (a) Except as provided in paragraphs (c) and (d) of this section, stations in these services will be authorized to use only A3 or F3 emission for radiotelephony. The authorization to use A3 or F3 emission will be construed to include the use of tone signals or signaling devices whose sole function is to establish and maintain communication between stations.

(b) The use of F3 emission in these services will be authorized only on frequencies above 30 Mc.

(c) Zone and interzone stations will be authorized to use only A1 emission.

(d) Other types of emission not described in paragraphs (a) or (c) of this section may be authorized upon a satisfactory showing of need therefor. An application requesting such authorization shall fully describe the emission desired, shall indicate the bandwidth required for satisfactory communication, and shall state the purpose for which such emission is required. For information regarding the classification of emissions and the calculation of the bandwidth, reference should be made to Part 2 of this subchapter.

§ 10.104 *Emission limitations.* (a) Each authorization issued to a station operating in these services will show, as the prefix to the emission classification, a figure specifying the maximum authorized bandwidth in kilocycles to be occupied by the emission. The specified band shall contain those frequencies upon which a total of 99 percent of the radiated power appears, extended to include any discrete frequency upon which the power is at least 0.25 percent of the total radiated power. Any radiation in excess of the limits specified in paragraph (c) of this section is considered to be an unauthorized emission.

(b) The emission prefix figures referred to in paragraph (a) of this section for the types of emission covered by § 10.103 (a) and (c) are listed in the table below:

| Type of emission: | Authorized bandwidth (kc) |
|---|---|
| A1 | 0.1 |
| A3 | 8 |
| F3 | 40 |

(c) For purpose of demonstrating compliance with paragraph (a) of this section, the following limits apply:

(1) Any emission appearing on any frequency removed from the carrier frequency by at least 50 percent, but not more than 100 percent, of the maximum authorized bandwidth shall be attenuated not less than 25 db below the unmodulated carrier.

(2) Any spurious or harmonic emission appearing on any frequency removed from the carrier frequency by at least 100 percent of the maximum authorized bandwidth shall be attenuated below the unmodulated carrier by not less than the amount indicated in the following table:

| Maximum authorized plate power input to the final radio frequency stage: | Attenuation (db) |
|---|---|
| 3 watts or less | 40 |
| Over 3 watts and including 25 watts | 50 |
| Over 25 watts and including 150 watts | 60 |
| Over 150 watts and including 600 watts | 70 |
| Over 600 watts | 80 |

(d) When an unauthorized emission results in harmful interference, the Commission may, in its discretion, require appropriate technical changes in equipment to alleviate the interference.

§ 10.105 *Modulation requirements.* (a) When amplitude modulation is used for telephony, the modulation percentage shall be sufficient to provide efficient communication and shall be normally maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(b) When phase or frequency modulation is used for telephony, the deviation arising from modulation shall not exceed plus or minus 15 kc from the unmodulated carrier.

(c) Each transmitter first authorized or installed after July 1, 1950, shall be provided with a device which will automatically prevent modulation in excess of that specified in paragraphs (a) and (b) of this section which may be caused by greater than normal audio level: *Provided, however,* That this requirement shall not be applicable to transmitters authorized to operate as mobile stations with a maximum plate power input to the final radio frequency stage of 3 watts or less.

§ 10.106 *Power and antenna height.* (a) The power which may be used by a station in these services shall be no more than the minimum required for satisfactory technical operation commensurate with the size of the area to be served and local conditions which affect radio transmission and reception. In cases of harmful interference, the Commission may order a change in power or antenna height, or both.

(b) Except where the maximum power that may be used on a particular frequency is specifically designated in connection with the use of such frequency, plate power input to the final radio frequency stage in excess of the following tabulation will not be authorized:

| Frequency range: | Maximum plate power input to the final radio frequency stage (watts) |
|---|---|
| 1.6 to 3 Mc | 2,000 |
| 3 to 25 Mc | 1,000 |
| 25 to 100 Mc | 500 |
| 100 to 450 Mc | 600 |
| Above 450 Mc | (1) |

[1] In accordance with developmental authorization.

§ 10.107 *Transmitter control requirements.* (a) Each transmitter shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

(b) A control point is an operating position which must meet all of the following conditions:

(1) The position must be under the control and supervision of the licensee;

(2) It is a position at which the monitoring facilities required by this section are installed; and

(3) It is a position at which an operator responsible for the operation of the transmitter is stationed.

(c) Each station which is not authorized for unattended operation shall be provided with a control point, the location of which will be specified in the license. Unattended stations may be provided with a control point if authorized by the Commission. In urban areas the location will be specified "same as transmitter" unless the control point is at a street address different from that of the transmitter. In rural areas the location will be specified "same as transmitter" unless the control point is more than 500 feet from the transmitter, in which case the approximate location will be specified in distance and direction from the transmitter in terms of feet and geographical quadrant, respectively. It will be assumed that the location of the control point is the same as the location of the transmitter unless the application includes a request for a different location described in appropriate terms as indicated in this paragraph. Authority must be obtained from the Commission for the installation of additional control points.



(d) A dispatch point is a position from which messages may be transmitted under the supervision of a control point operator. Dispatch points may be installed without authorization.

(e) At each control point the following facilities shall be installed:

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating; or, in lieu thereof, a pilot lamp or meter which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to produce radiation: *Provided however,* That the provisions of this subparagraph shall not apply to hand-carried or pack-carried transmitters or to transmitters installed on motorcycles.

(2) Equipment to permit the operator to aurally monitor all transmissions originating at dispatch points under his supervision;

(3) Facilities which will permit the operator either to disconnect the dispatch point circuits from the transmitter or to render the transmitter inoperative from any dispatch point under his supervision; and

(4) Facilities which will permit the operator to turn the transmitter carrier on and off at will.

§ 10.108 *Transmitter measurements.* (a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter, authorized to operate with a plate input power to the final radio frequency stage in excess of 3 watts, is maintained within the tolerance prescribed in this part. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect the carrier frequency or the stability thereof;

(3) At intervals not to exceed six months, for transmitters employing crystal-controlled oscillators;

(4) At intervals not to exceed one month, for transmitters not employing crystal-controlled oscillators.

(b) The licensee of each station shall employ a suitable procedure to determine that the plate power input to the final radio frequency stage of each base station or fixed station transmitter, authorized to operate with a plate input power to the final radio frequency stage in excess of 3 watts, does not exceed the maximum figure specified on the current station authorization. Where the transmitter is so constructed that a direct measurement of plate current in the final radio frequency stage is not practicable, the plate input power may be determined from a measurement of the cathode current in the final radio frequency stage. When the plate input to the final radio frequency stage is determined from a measurement of the cathode current, the required entry shall indicate clearly the quantities that were measured, the measured values thereof, and the method of determining the plate power input from the measured values. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may increase the transmitter power input;

(3) At intervals not to exceed six months.

(c) The licensee of each station shall employ a suitable proccdure to determine that the modulation of each transmitter, authorized to operate with a plate input power to the final radio frequency stage in excess of 3 watts, does not exceed the limits specified in this part. This determination shall be made and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed;

(2) When any change is made in the transmitter which may affect the modulation characteristics;

(3) At intervals not to exceed six months.

(d) The determinations required by paragraphs (a), (b) and (c) of this section may, at the option of the licensee, be made by any qualified engineering measurement service, in which case, the required record entries shall show the name and address of the engineering measurement service as well as the name of the person making the measurements.

(e) In the case of mobile transmitters, the determinations required by paragraphs (a) and (c) of this section may be made at a test or service bench; provided, the measurements are made under load conditions equivalent to actual operating conditions, and provided further, that after installation the transmitter is given a routine check to determine that it is capable of being satisfactorily received by an appropriate receiver.

§ 10.109 [Reserved].

SUBPART D—OPERATING REQUIREMENTS

§ 10.151 *Operating procedure.* (a) All communications, regardless of their nature, shall be restricted to the minimum practical transmission time.

(b) Continuous radiation of an unmodulated carrier is prohibited except when required for test purposes.

(c) Zone and interzone stations shall employ the standard operating procedure prescribed by the Commission. Copies of such procedure are available for distribution to persons having a legitimate need therefor. Requests for copies should be addressed to the Secretary, Federal Communications Commission, Washington, 25, D. C.

(d) The Commission expects each licensee to take reasonable precautions to prevent unnecessary interference. If harmful interference develops, the Commission may require any or all stations to monitor the transmitting frequency prior to transmission.

(e) Tests may be conducted by any licensed station as required for proper station and system maintenance, but such tests shall be kept to a minimum and precautions shall be taken to avoid interference to other stations.

§ 10.152 *Station identification.* (a) The required identification for stations in these services shall be the assigned call signal.

(b) Nothing in this section shall be construed as prohibiting the transmission of additional station or unit identifiers which may be necessary for systems operation: *Provided, however,* Such additional identifiers shall not be composed of letters or letters and digits arranged in a manner which could be confused with an assigned radio station call signal.

(c) Except as indicated in paragraphs (d), (e), and (f) of this section, each station in these services shall transmit the required identification at the end of each transmission or exchange of transmissions, or once each thirty minutes of the operating period, as the licensee may prefer.

(d) A mobile station authorized to the licensee of the associated base station and which transmits only on the transmitting frequency of the associated base station is not required to transmit any identification.

(e) A mobile station which is either separately licensed to a different licensee, transmits on any frequency other than the transmitting frequency of the associated base station, or which has no associated base station shall transmit the required identification at the end of each transmission or exchange of transmissions, or once each thirty minutes of the operating period, as the licensee may prefer. Where election is made to transmit the required identification at thirty-minute intervals, a single mobile unit in each general geographic area may be assigned the responsibility for such transmission and thereby eliminate any necessity for every unit of the mobile station to transmit the required identification. For the purpose of this paragraph, the term "each general geographic area" means an area not smaller than a single city or county and not larger than a single district of a State where the district is administratively established for the service in which the radio system operates.

(f) Stations which are entirely automatic in their operation will be considered for exemption from the requirements of paragraph (c) of this section.

§ 10.153 *Suspension of transmission required.* The radiations of the transmitter shall be suspended immediately upon detection or notification of a deviation from the technical requirements of the station authorization until such deviation is corrected, except for transmissions concerning the immediate safety of life or property, in which case the transmissions shall be suspended as soon as the emergency is terminated.

§ 10.154 *Mobile installations in vehicles not under the continuous control of the licensee.* A mobile radio station licensed in these services may not be installed or maintained in a vehicle, aircraft, or vessel, which is not at all times controlled exclusively by the licensee, unless precautions have been taken to eliminate effectively the possibility of the licensed transmitter being operated during the period that the vehicle, aircraft, or vessel is not under the control of the licensee.

§ 10.155 *Operator requirements.* (a) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment: *Provided, however,* That only persons holding a first or second class commercial radiotelegraph operator license shall perform such functions at radiotelegraph stations transmitting by any type of the Morse Code.

(b) Except under the circumstances specified in paragraph (a) of this section, only a person holding a commercial radiotelegraph operator license or permit of any class issued by the Commission shall operate a station during the course of normal rendition of service when transmitting radiotelegraphy by any type of the Morse Code.

(c) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraph (g) through (j) of this section, an unlicensed person may operate a mobile station during the course of normal rendition of service when transmitting on frequencies above 25 Mc. after being authorized to do so by the station licensee.

(d) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) through (j) of this section, only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a mobile station during the course of normal rendition of service when transmitting on frequencies below 25 Mc.: *Provided, however,* That an unlicensed person, after being authorized to do so by the station licensee, may operate such a mobile station during the course of normal rendition of service when transmitting on frequencies below 25 Mc. while it is associated with and under the operational control of a base station of the same station licensee.

(e) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) through (j) of this section, base stations and fixed stations shall be operated in accordance with the following when transmitting during the course of normal rendition of service:

(1) From a control point, only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a base station or fixed station.

(2) From a dispatch point, an unlicensed person may operate a base station or fixed station after being authorized to do so by the station licensee: *Provided, however,* That such operation shall be under the direct supervision and responsibility of a person who holds a commercial radio operator license or permit of any class issued by the Commission, and who is on duty at a control point meeting the requirements of Subpart C of this part.

(f) Except under the circumstances specified in paragraph (a) of this section, and except as limited by paragraphs (g) through (j) of this section, no person, whether or not a licensed operator, is required to be in attendance at a station when transmitting during the course of normal rendition of service and when either:

(1) Transmitting for telemetering purposes or

(2) Retransmitting by self-actuating means a radio signal received from another radio station or stations.

(g) The provisions of this section authorizing certain unlicensed persons to operate certain stations when transmitting during the course of normal rendition of service, shall be applicable only to stations in the domestic service except that the provisions of paragraph (e) (2) of this section shall be applicable to stations in either the domestic or international service. For the purposes of this section, a station in the domestic service is one which is located within the United States, its territories or possessions and which, when communicating with other stations, is in communication exclusively with one or more other United States stations which are also located in the United States, its territories or possessions; a station in the international service is one which is not in the domestic service as just defined.

(h) The provisions of this section authorizing certain unlicensed persons to operate mobile stations shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them (including all transmitter units thereof), or for the proper functioning and operation of those stations (including all transmitter units thereof) in accordance with the terms of the licenses of those stations.

(i) Notwithstanding any other provisions of this section, unless the transmitter is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, such transmitter shall be operated by a person holding a first or second class commercial radio operator license (either radiotelephone or radiotelegraph as may be appropriate for the type of emission being used), issued by the Commission.

(j) Any reference in this section to a commercial radio operator license or permit of any class issued by the Commission shall not be construed to include Aircraft Radiotelephone Operator Authorizations.

§ 10.156 *Posting of operator license.* (a) The original license of each base or fixed station operator, other than an operator exclusively performing service and maintenance duties, shall be posted or kept immediately available at the place where he is on duty as an operator: *Provided, however,* That if an operator who is on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from such document of the diploma form) or holds a valid license verification card (FCC Form 758–F) attesting to the existence of any other valid commercial radio operator license, he may have such permit or verification card, as the case may be, in his personal possession.

(b) Whenever a licensed operator is required for a mobile station, the original license of each such operator, other than an operator exclusively performing service and maintenance duties, shall be kept in his personal possession whenever he performs the duties of an operator at such station: *Provided,* That in lieu of an original license of the diploma form (as distinguished from such document of the card form) he may have in his personal possession a valid verification card attesting to its existence.

(c) The original license of every station operator who exclusively performs service and maintenance duties at that station shall be posted at the transmitter involved whenever the transmitter is in actual operation while service or maintenance work is being performed by him or under his immediate supervision and responsibility: *Provided,* That in lieu of posting his license, he may have on his person either his license or a valid verification card.

§ 10.157 *Transmitter identification card and posting of station license.* (a) The current authorization for each mobile station shall be retained as a permanent part of the station record, but need not be posted. An executed Transmitter Identification Card (FCC Form 452–C) shall be affixed to each mobile transmitter or associated control equipment. When the transmitter is not in view of and readily accessible to the operator, it is preferred that the Identification Card be affixed to the control equipment at the transmitter operating position. The following information shall be entered on the card by the permittee or licensee:

(1) Name of permittee or licensee;

(2) Station call signal assigned by the Commission;

(3) Exact location or locations of the transmitter records;

(4) Frequency or frequencies on which the transmitter to which attached is adjusted to operate; and

(5) Signature of the permittee or licensee, or a designated official thereof.

(b) The current authorization for each base or fixed station at a fixed location shall be posted at the principal control point of that station. At all other control points listed on the station authorization, a photocopy of the authorization shall be posted. In addition, an executed Transmitter Identification Card (FCC Form 452–C) shall be affixed to each transmitter operated at a fixed location, when such transmitter is not in view of, and readily accessible to, the operator at the principal control position.

(c) The current authorization for each base or fixed station authorized to operate at temporary locations, shall be either posted at the control point of the station or retained in an envelope or other container affixed to the transmitting apparatus, either inside or outside of the transmitter cabinet.

(d) In lieu of the Transmitter Identification Card, FCC Form 452–C, Revised, as required by paragraphs (a) and (b) of this section, a permittee or licensee may at his option employ a plate of metal or other substantial material which shall bear the title "Radio Transmitter Identification," and shall clearly display all the information required to be shown on the FCC Form 452–C, Revised, with the exception of the signature.



§ 10.158 *Inspection of stations.* All stations and records of stations in these services shall be made available for inspection at any time while the station is in operation or shall be made available for inspection upon reasonable request of an authorized representative of the Commission.

§ 10.159 *Inspection and maintenance of tower marking and associated control equipment.* The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, and/or Part 17[1] of this chapter shall comply with the provisions of this section in the operation and maintenance of such tower marking as follows:

(a) Shall make an observation of the tower lights at least once each 24 hours either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or alternatively,

(b) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights and to provide indication of such failure to the licensee.

(c) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of Civil Aeronautics Administration any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(d) Shall inspect at intervals not to exceed three months all automatic or mechanical control devices, indicators and alarm systems associated with the tower lighting to insure that such apparatus is functioning properly.

(e) Shall exhibit all lighting from sunset to sunrise unless otherwise specified.

(f) Shall maintain a supply of spare bulbs sufficient for immediate replacement purposes at all times.

(g) Shall clean and repaint all towers as often as necessary to maintain good visibility.

[1] Section 303 (q) of the Communications Act of 1934, as amended, and Part 17 of this chapter contain, respectively, the Commission's authority and basic rules concerning the construction, marking or lighting of antenna towers or their supporting structures. Reference should be made to Part 17 for prescribed procedures and standards with respect to the Commission's consideration of proposed antenna structures.

§ 10.160 *Answers to notices of violations.* Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such 3-day period, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. The reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

§ 10.161 *Content of station records.* Each licensee of a station in these services shall maintain records in accordance with the following:

(a) For all stations, the results and dates of the transmitter measurements required by these rules and the name of the person or persons making the measurements.

(b) For all stations, when service or maintenance duties are performed, the responsible operator shall sign and date an entry in the station record giving:

(1) Pertinent details of all duties performed by him or under his supervision;

(2) His name and address, and

(3) The class, serial number and expiration date of his license; *Provided,* That the information called for by subparagraphs (2) and (3) of this paragraph, so long as it remains the same, need be entered only once in the station record at any station where the responsible operator is regularly employed on a full time basis and at which his license is properly posted.

(c) For all base and fixed stations, the name or names of persons responsible for the operation of the transmitting equipment each day, together with the period of their duty. Each such person shall sign, not initial, the record both when coming on and when going off duty.

(d) For stations in the special emergency service a record showing the nature and time of each communication: *Provided, however,* That such stations, when operated by communications common carriers for line break bridging purposes, need merely record the hours of operation and the purpose for which used.

(e) For stations whose antenna or antenna supporting structure is required to be illuminated, a record in accordance with the following:

(1) The time the tower lights are turned on and off each day if manually controlled.

(2) The time the daily check of proper operation of the tower lights was made.

(3) In the event of any observed or otherwise known failure of a tower light:

(i) Nature of such failure.

(ii) Date and time the failure was observed, or otherwise noted.

(iii) Date, time and nature of the adjustments, repairs, or replacements that were made.

(iv) Identification of Airways Communication Station (CAA) notified of the failure of any code or rotating beacon light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Airways Communication Station (CAA) that the required illumination was resumed.

(4) Upon the completion of the periodic inspection required at least once each three months:

(i) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(ii) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

§ 10.162 *Form of station records.* (a) The records shall be kept in an orderly manner and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the record.

(b) Each entry in the records shall be signed by a person qualified to do so having actual knowledge of the facts to be recorded.

(c) No record or portion thereof shall be erased, obliterated, or willfully destroyed within the required retention period. Any necessary correction may be made only by the persons originating the entry who shall strike out the erroneous portion, initial the correction made and indicate the date of the correction.

§ 10.163 *Retention of station records.* Records required to be kept by this part shall be retained by the licensee for a period of at least one year.

§ 10.164 *Emergency operation of mobile stations at fixed locations.* During an emergency requiring a local communication center, any authorized mobile transmitter may be operated temporarily as a base station at a fixed location for a period not to exceed ten days. If operation for a longer period is required, such operation must be specifically authorized.

§ 10.165 *Communication with other stations.* In those cases which require cooperation or coordination of activities, stations in the Public Safety Radio Services may communicate with stations in other services and with U. S. Government stations.

SUBPART E—DEVELOPMENTAL OPERATION

§ 10.201 *Eligibility.* An authorization for developmental operation in any of the services under this part will be issued only to those persons who are eligible to operate stations in such service on a regular basis.

§ 10.202 *Showing required.* (a) Except as provided in paragraph (b) of this section, each application for developmental operation shall be accompanied by a showing that:

(1) The applicant has an organized plan of development leading to a specific objective;

(2) A point has been reached in the program where actual transmission by radio is essential to the further progress thereof;

(3) The program has reasonable promise of substantial contribution to the expansion or extension of the radio art, or is along lines not already investigated;

(4) The program will be conducted by qualified personnel;

(5) The applicant is legally and financially qualified, and possesses adequate technical facilities for conduct of the program as proposed; and

(6) The public interest, convenience, or necessity will be served by the proposed operation.

(b) The provisions of paragraph (a) of this section do not apply when an application is made for developmental operation solely for the reason that the frequency requested is restricted to such developmental use.

§ 10.203 *Limitations on use.* Stations used for developmental operation shall be constructed and used in such a manner as to conform with all of the technical and operating requirements of Subparts C and D of this part, unless deviation therefrom is specifically provided for in the station authorization.

§ 10.204 *Frequencies available for assignment.* Stations engaged in developmental operation may be authorized to use a frequency, or frequencies, available for the service in which they propose to operate. The number of channels assigned will depend upon the specific requirements of the developmental program itself, and the number of frequencies available in the particular area where the station will be operated.

§ 10.205 *Interference.* All developmental operation shall be subject to the condition that no harmful interference is caused to the operation of stations licensed on a regular basis under any part of the Commission's rules.

§ 10.206 *Special provisions.* (a) The developmental program as described by the applicant in the application for authorization shall be substantially followed unless the Commission shall otherwise direct.

(b) Where some phases of the developmental program are not covered by general rules of the Commission and the rules in this part, the Commission may specify supplemental or additional requirements or conditions in each case, as deemed necessary in the public interest, convenience, or necessity.

(c) The Commission may, from time to time, require a station engaged in developmental work to conduct special tests which are reasonable and desirable to the authorized developmental program.

§ 10.207 *Change or cancellation of authorization without hearing.* Every application for authority to engage in developmental operation shall be accompanied by a statement signed by the applicant in which it is agreed that any authorization issued pursuant thereto will be accepted with the express understanding of the applicant that it is subject to change in any of its terms or to cancellation in its entirety at any time, upon reasonable notice but without a hearing, if, in the opinion of the Commission, circumstances should so require.

§ 10.208 *Report of operation.* A report on the results of the developmental program shall be filed with and made a part of each application for renewal of authorization, or in cases where no renewal is requested, such report shall be filed within 60 days of the expiration of such authorization. Matters which the applicant does not wish to disclose publicly may be so labeled; they will be used solely for the Commission's information, and will not be publicly disclosed without permission of the applicant. The report shall include comprehensive and detailed information on the following:

(a) The final objective.
(b) Results of operation to date.
(c) Analysis of the results obtained.
(d) Copies of any published reports.
(e) Need for continuation of the program.
(f) Number of hours of operation on each frequency.

SUBPART F—POLICE RADIO SERVICE

§ 10.251 *Eligibility.* (a) Authorizations for stations in the Police Radio Service will be issued only to states, territories, possessions and other governmental subdivisions including counties, cities, towns and similar governmental entities.

(b) The eligibility set forth in paragraph (a) of this section includes governmental institutions in those cases where such institution is authorized by law to provide its own police protection.

§ 10.252 *Permissible communications.* (a) Stations in the Police Radio Service are primarily authorized to transmit:

(1) Communications directly relating to public safety and the protection of life or property.

(2) Communications essential to official police activities.

(b) Stations in the Police Radio Service are secondarily authorized to transmit communications essential to other official activities of the licensee pertaining to the public safety.

§ 10.253 *Points of communication.* (a) Police base stations are primarily authorized to intercommunicate with police mobile stations. Police mobile stations are primarily authorized to intercommunicate with base and other police mobile stations.

(b) Police base and mobile stations are secondarily authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations provided that no harmful interference will be caused to the service of any station transmitting to a point of communication for which that station is primarily authorized.

(c) Police fixed stations are authorized to intercommunicate with other fixed stations in the Public Safety Radio Services and to transmit to receivers at fixed locations.

(d) Police zone and interzone stations are authorized to intercommunicate in accordance with the operating procedure prescribed by the Commission. Copies of such procedure are available for distribution to persons having a legitimate need therefor. Requests for copies should be addressed to the Secretary, Federal Communications Commission, Washington, D. C.

§ 10.254 *Station limitations.* (a) Mobile relay stations in the Police Radio Service will be authorized only on frequencies above 152 Mc. and only where a showing of need can be made in accordance with either or both of the following conditions:

(1) Where a police radio system cannot function satisfactorily without communication between mobile units over a distance in excess of that which can be obtained by direct car-to-car communication.

(2) Where an integrated system of radiocommunication is desirable between two or more police licensees and where by the use of a mobile relay station, the integrated system provides an actual reduction in the number of frequencies needed in the area as compared to the number of frequencies which would be required if the same number of licensees operate separate systems.

(b) Subject to the provisions of § 10.154, communication units of a licensed police mobile station may be installed in any vehicle which in an emergency would require cooperation or coordination with police activities. This provision includes fire department vehicles, ambulances, emergency units of public utilities, lifeguard emergency units and rural school buses.

(c) Authorizations for interzone stations in the Police Radio Service will not be issued for more than one station within a zone. A zone is normally considered to be a single state. Any request for the rezoning of any state for the purpose of providing more than one interzone station shall be accompanied by a showing of need based either upon the volume of traffic or upon the necessity for more expeditious handling of traffic. In either event such a request shall be accompanied by comments thereon from all zone stations affected.

§ 10.255 *Frequencies available to the Police Radio Service.* (a) The frequencies or bands of frequencies listed herein are available for assignment to stations in the Police Radio Service subject to the conditions and limitations of this section.

(b) The frequencies listed in this section for mobile stations may be authorized for use at base stations only after coordination with other licensees in the area is effected and subject to the condition that no harmful interference will be caused to the service of any mobile station using the particular frequency. Evidence of the required coordination shall be submitted with any request for such use.

(c) Normally only one base and one mobile station frequency will be assigned to a licensee for mobile service operations. Additional frequencies may be assigned provided the request therefor is adequately supported by a satisfactory showing of need.



(d) The amount of separation between assignable frequencies listed in this section does not necessarily indicate the amount of frequency separation required for systems operation; accordingly, grants of adjacent channel assignments in all bands shall be in the discretion of the Commission.

(e) In addition to the frequencies assigned for mobile service operation, one base station frequency above 152 Mc. may be assigned as a common frequency to all licensees in a particular area to permit intersystem communication between base stations or mobile stations or both. This frequency use will not be authorized in any area where all available frequencies are required for independent systems.

(f) Control and repeater stations in the Police Radio Service may be authorized on a temporary basis to operate on frequencies available for base and mobile stations above 152 Mc., provided an adequate showing is made why such operations cannot be conducted on frequencies allocated to the Operational Fixed Service. Such operation on base or mobile frequencies will not be authorized initially nor renewed for periods in excess of one year. Any such authorization shall be subject to immediate termination if harmful interference is caused to the Mobile Service, or if the particular frequency is required for mobile service operations in the area concerned.

(g) The following tabulation indicates the frequency or bands of frequencies, the class of station(s) to which they are normally available and the specific assignment limitations, which are developed in paragraph (h) of this section.

| Frequency or band | Class of station(s) | Limitations |
|---|---|---|
| *Kc.* | | |
| 1610 | Base and mobile | 6, 7, 12, 13 |
| 1618 | do | 6, 7, 12, 13 |
| 1626 | do | 6, 7, 12, 13 |
| 1634 | do | 6, 7, 12, 13 |
| 1642 | do | 6, 7, 12, 13 |
| 1650 | do | 7, 12, 13 |
| 1658 | do | 7, 12, 13 |
| 1666 | do | 7, 12, 13 |
| 1674 | do | 7, 12, 13 |
| 1682 | do | 7, 12, 13 |
| 1690 | do | 6, 7, 12, 13 |
| 1698 | do | 6, 7, 12, 13 |
| 1706 | do | 6, 7, 12, 13 |
| 1714 | do | 7, 12, 13 |
| 1722 | do | 7, 12, 13 |
| 1730 | do | 7, 12, 13 |
| 2050 | do | 6, 7, 12 |
| 2090 | do | 6, 7, 12 |
| 2250 | do | 7, 12 |
| 2290 | do | 6, 7, 12 |
| 2490 | do | 7, 12 |
| 2414 | do | 7, 12 |
| 2422 | do | 7, 12 |
| 2430 | do | 7, 12 |
| 2442 | do | 7, 12 |
| 2450 | do | 7, 12 |
| 2458 | do | 7, 12 |
| 2466 | do | 7, 12 |
| 2474 | do | 7, 12 |
| 2482 | do | 7, 12 |
| 2490 | do | 7, 12, 13 |
| 2944 | Zone and interzone | 9, 12 |
| 2968 | do | 9, 12 |
| 2912 | do | 9, 12 |
| 5107 | do | 9, 12, 15 |
| 5140 | do | 9, 12 |
| 5197 | do | 9, 10, 12 |
| 7480 | do | 9, 11, 12, 14 |
| 7805 | do | 9, 11, 12 |
| 7935 | do | 9, 11, 12 |
| *Mc.* | | |
| 37.02 | Mobile | |
| 37.06 | Base and mobile | |
| 37.10 | do | |
| 37.14 | do | |
| 37.18 | do | |
| 37.22 | do | |
| 37.26 | Base and mobile | |
| 37.30 | do | |
| 37.34 | Mobile | |
| 37.38 | do | |
| 37.42 | do | |
| 39.02 | Base and mobile | |
| 39.06 | do | |
| 39.10 | do | |
| 39.14 | do | |
| 39.18 | do | |
| 39.22 | do | |
| 39.26 | Mobile | |
| 39.30 | do | |
| 39.34 | do | |
| 39.38 | do | |
| 39.42 | Base and mobile | |
| 39.46 | do | |
| 39.50 | do | |
| 39.54 | do | |
| 39.58 | do | |
| 39.62 | do | |
| 39.66 | Mobile | |
| 39.70 | do | |
| 39.74 | do | |
| 39.78 | do | |
| 39.82 | Base and mobile | |
| 39.86 | do | |
| 39.90 | do | |
| 39.94 | do | |
| 39.98 | do | 7, 8, 11 |
| 42.02 | do | 7, 8, 11 |
| 42.06 | do | 7, 8, 11 |
| 42.10 | do | 7, 8, 11 |
| 42.14 | do | 7, 8 |
| 42.18 | Mobile | 7, 8 |
| 42.22 | do | 7, 8 |
| 42.26 | do | 7, 8 |
| 42.30 | do | 7, 8, 11 |
| 42.34 | Base and mobile | 7, 8, 11 |
| 42.38 | do | 7, 8, 11 |
| 42.42 | do | 7, 8, 11 |
| 42.46 | do | 7, 8, 11 |
| 42.50 | do | 7, 8, 11 |
| 42.54 | do | 7, 8, 11 |
| 42.58 | do | 7, 8, 11 |
| 42.62 | do | 7, 8, 11 |
| 42.66 | Mobile | 7, 8 |
| 42.70 | do | 7, 8 |
| 42.74 | do | 7, 8 |
| 42.78 | do | 7, 8 |
| 42.82 | Base and mobile | 7, 8, 11 |
| 42.86 | do | 7, 8, 13 |
| 42.90 | do | 7, 8, 13 |
| 42.94 | do | 7, 8, 13 |
| 44.02 | do | 7, 8, 13 |
| 44.06 | do | 7, 8, 13 |
| 44.70 | do | 7, 8, 13 |
| 44.74 | do | 7, 8, 13 |
| 44.78 | Mobile | 7, 8 |
| 44.82 | do | 7, 8 |
| 44.86 | do | 7, 8 |
| 44.90 | do | 7, 8 |
| 44.94 | Base and mobile | 7, 8, 13 |
| 44.98 | do | 7, 8, 13 |
| 45.02 | do | 7, 8, 13 |
| 45.06 | do | |
| 45.10 | do | |
| 45.14 | do | |
| 45.18 | do | |
| 45.22 | do | |
| 45.26 | Mobile | |
| 45.30 | do | |
| 45.34 | do | |
| 45.38 | do | |
| 45.42 | Base and mobile | |
| 45.46 | do | |
| 45.50 | do | |
| 45.54 | do | |
| 45.58 | do | |
| 45.62 | do | |
| 45.66 | do | |
| 45.70 | do | |
| 45.74 | Mobile | |
| 45.78 | do | |
| 45.82 | do | |
| 45.86 | do | |
| 45.90 | Base and mobile | |
| 45.94 | do | |
| 45.98 | do | |
| 46.02 | do | |
| 72.02 to 74.58 | Operational fixed | 3 |
| 75.42 to 75.98 | do | 3 |
| 154.65 | Mobile | |
| 154.71 | do | |
| 154.77 | do | |
| 154.83 | do | |
| 154.89 | do | |
| 154.95 | do | |
| 155.01 | Base and mobile | |
| 155.07 | do | |
| 155.13 | do | |
| 155.19 | do | |
| 155.25 | do | |
| 155.31 | do | |
| 155.37 | do | |
| 155.43 | do | |
| 155.49 | do | |
| 155.55 | do | |
| 155.61 | do | |
| 155.67 | Base and mobile | |
| 155.73 | do | |
| 155.79 | do | |
| 155.85 | Mobile | |
| 155.91 | do | |
| 155.97 | do | |
| 156.01 | do | |
| 156.09 | do | |
| 156.15 | do | |
| 156.21 | Base and mobile | |
| 156.27 | do | 5 |
| 156.33 | do | 5 |
| 156.39 | do | 5 |
| 156.45 | do | 5 |
| 156.51 | do | 5 |
| 156.57 | do | 5 |
| 156.63 | do | 5 |
| 156.69 | do | 5 |
| 156.75 | do | 5 |
| 156.81 | do | |
| 156.87 | do | |
| 156.93 | do | |
| 156.99 | Mobile | |
| 157.05 | do | |
| 157.11 | do | |
| 157.17 | do | |
| 157.23 | Base and mobile | |
| 157.29 | do | |
| 157.35 | do | |
| 157.41 | do | |
| 157.47 | do | |
| 157.53 | do | |
| 157.59 | do | |
| 157.65 | do | |
| 157.71 | Mobile | |
| 157.77 | do | |
| 157.83 | do | |
| 157.89 | do | |
| 157.95 | do | |
| 158.01 | Base and mobile | |
| 158.07 | do | |
| 158.13 | do | |
| 158.19 | do | |
| 158.25 | do | |
| 158.31 | do | |
| 158.37 | do | |
| 158.43 | do | |
| 158.49 | do | |
| 158.55 | do | |
| 158.61 | do | |
| 158.67 | Base and mobile | |
| 158.73 | do | |
| 158.79 | do | |
| 158.85 | Mobile | |
| 158.91 | do | |
| 158.97 | do | |
| 159.01 | do | |
| 159.09 | do | |
| 159.15 | do | |
| 159.21 | Base and mobile | |
| 159.51 to 161.79 | do | 1 |
| 452.05 | do | 1 |
| 454.15 | do | 1 |
| 452.25 | do | 1 |
| 453.35 | do | 1 |
| 453.45 | do | 1 |
| 453.55 | do | 1 |
| 453.65 | do | 1 |
| 453.75 | do | 1 |
| 453.85 | do | 1 |
| 453.95 | do | 1 |
| 454.05 | do | 1 |
| 454.95 | do | 1 |
| 455.05 | do | 1 |
| 455.15 | do | 1 |
| 455.25 | do | 1 |
| 455.35 | do | 1 |
| 455.45 | do | 1 |
| 455.55 | do | 1 |
| 455.65 | do | 1 |
| 455.75 | do | 1 |
| 455.85 | do | 1 |
| 455.95 | do | 1 |
| 800-940 | Operational fixed | 1, 2 |
| 952 to 960 | do | 1 |
| 1850 to 1990 | do | 1 |
| 2110 to 2200 | do | 1 |
| 2450 to 2700 | Base and mobile and operational fixed. | 1, 2 |
| 2500 to 2700 | Operational fixed | 1 |
| 3500 to 3700 | Base and mobile | 1 |
| 6425 to 6575 | do | 1 |
| 6575 to 6875 | Operational fixed | 1 |
| 9800 to 9900 | do | 1 |
| 11700 to 12200 | Base and mobile | 1 |
| 12200 to 12700 | Operational fixed | 1, 2 |
| 18000 to 18600 | do | 1 |
| 26000 to 30000 | do | 1 |

(h) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (g) of this section:

(1) Limited to developmental operation only with the assigned frequency and particulars of operation specified in each authorization.

(2) Subject to no protection from interference due to the operation of industrial, scientific, and medical devices in this band.

(3) Assignable frequencies spaced by 40 kc. beginning with the frequencies 72.02 and 75.42 Mc. and ending with the frequencies 74.58 and 75.98 Mc. respectively, are available on a shared basis to operational fixed stations in the Police Radio Service on the condition that no harmful interference will be caused to the reception of television stations on Channels 4 or 5.

(4) Assignable frequencies spaced by 60 kc, beginning with the frequency 159.51 Mc. and ending with the frequency 161.79 Mc., are available on a shared basis to base and mobile stations in the Police Radio Service upon an adequate showing of need and upon the condition that no harmful interference will be

caused to the service of any existing or future station operating in the Railroad Radio Service.

(5) The use of this frequency may be authorized to base and mobile stations in the Police Radio Service on the condition that no harmful interference will be caused to the Maritime Mobile Service. Police operations at points within 150 miles of coastal areas and navigable gulfs, bays, rivers and lakes may be authorized only after a factual finding indicates that, on an engineering basis, no harmful interference will be caused to the Maritime Mobile Service.

(6) The use of this frequency is subject to the condition that no harmful interference will be caused to the service of any Canadian station.

(7) This frequency is available for assignment only in accordance with a geographical assignment plan.

(8) This frequency is reserved primarily for assignment to state police licensees. Assignment to other police licensees will be made only where the frequency is required for coordinated operation with the state police system to which the frequency is assigned. Any request for such assignment must be supported by a statement from the state police system concerned indicating that the assignment is necessary for coordination of police activities.

(9) This frequency is available for assignment to zone and interzone stations in the Police Radio Service for use with type A1 emission only and a maximum plate input power of 1000 watts to the final radio frequency stage of the transmitter.

(10) This frequency is authorized for use as a calling frequency; however, the transmission of operating signals or a single short radio telegram is permissible provided no harmful interference will be caused to any calling signals.

(11) This frequency may be used only during that period of time between 2 hours after local sunrise and 2 hours before local sunset.

(12) This frequency may be subject to change when the Atlantic City table of frequency allocations below 27.50 Mc. comes into force.

(13) Subject to the restrictions contained in paragraph (a) of § 10.106, base stations operating on this frequency and rendering service to state police mobile units may be authorized to use a maximum plate input power to the final radio frequency stage in excess of the maximum indicated in paragraph (b) of § 10.106 but, not in excess of 10,000 watts: *Provided*, That such operation will cause no harmful interference to the service of other stations.

(14) This frequency may be assigned to fixed stations in the Police Radio Service in Alaska for point to point radiotelephone communication, using type A3 emission and a maximum plate input power of 1000 watts to the final radio frequency stage of the transmitter.

(15) This frequency may be assigned to fixed stations in the Police Radio Service in Alaska for point-to-point radiotelephone communications, using type A3 emission with a maximum plate input power of 1,000 watts to the final radio frequency stage of the transmitter, subject to the condition that no harmful interference is caused to the service of any police station employing type A1 emission on this frequency including any operations conducted in accordance with outstanding regional agreements and further subject to the condition that no harmful interference is caused to the service of any station, which in the discretion of the Commission may have priority on the frequency with which interference results.

SUBPART G—FIRE RADIO SERVICE

§ 10.301 *Eligibility.* (a) Authorizations for stations in the Fire Radio Service will be issued only to states, territories, possessions and other governmental subdivisions including counties, cities, towns and similar governmental entities, and persons or organizations charged with specific fire protection activities.

(b) Applications from persons or organizations other than governmental subdivisions must be accompanied by a statement from the governmental subdivision having legal jurisdiction over the area to be served, supporting the request.

§ 10.302 *Permissible communications.* Stations in the Fire Radio Service are authorized to transmit:

(a) Communications directly relating to public safety and the protection of life or property.

(b) Communications essential to official Fire Department activities.

§ 10.303 *Points of communication.* (a) Fire base stations are primarily authorized to intercommunicate with fire mobile stations. Fire mobile stations are primarily authorized to intercommunicate with base and other fire mobile stations.

(b) Fire base and mobile stations are secondarily authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations provided that no harmful interference will be caused to the service of any station transmitting to a point of communication for which that station is primarily authorized.

(c) Fire fixed stations are authorized to intercommunicate with other fixed stations in the Public Safety Radio Services and to transmit to receivers at fixed locations.

§ 10.304 *Station limitations.* (a) Mobile relay stations in the Fire Radio Service will be authorized only on frequencies above 152 Mc. and only where a showing of need can be made in accordance with either or both of the following conditions:

(1) Where a fire radio system cannot function satisfactorily without communication between mobile units over a distance in excess of that which can be obtained by direct car-to-car communication.

(2) Where an integrated system of radiocommunication is desirable between two or more fire licensees and where, by the use of a mobile relay station, the integrated system provides an actual reduction in the number of frequencies needed in the area as compared to the number of frequencies which would be required if the same number of licensees operate separate systems.

(b) Subject to the provisions of § 10.154 communication units of a licensed fire mobile station may be installed in emergency vehicles, other than fire department vehicles, which may be alerted during a fire emergency. This provision includes emergency units of public utilities and water departments.

§ 10.305 *Frequencies available to the Fire Radio Service.* (a) The frequencies or bands of frequencies listed in this section are available for assignment to stations in the Fire Radio Service subject to the conditions and limitations of this section.

(b) The frequencies listed in this section for mobile stations may be authorized for use at base stations only after coordination with other licensees in the area is effected and subject to the condition that no harmful interference will be caused to the service of any mobile station using the particular frequency. Evidence of the required coordination shall be submitted with any request for such use.

(c) Normally, only one base and one mobile station frequency will be assigned to a licensee for mobile service operations. Additional frequencies may be assigned provided the request therefor is adequately supported by a satisfactory showing of need.

(d) The amount of separation between assignable frequencies listed in this section does not necessarily indicate the amount of frequency separation required for systems operation; accordingly, grants of adjacent channel assignments in all bands shall be in the discretion of the Commission.

(e) Control and repeater stations in the Fire Radio Service may be authorized on a temporary basis to operate on frequencies available for base and mobile stations above 152 Mc., provided an adequate showing is made why such operation cannot be conducted on frequencies allocated to the Operational Fixed Service. Such operation on base or mobile frequencies will not be authorized initially nor renewed for periods in excess of one year. Any such authorization shall be subject to immediate termination if harmful interference is caused to the Mobile Service or if the particular frequency is required for mobile service operations in the area concerned.

(f) The following tabulation indicates the frequency or bands of frequencies, the class of station(s) to which they are normally available, and the specific assignment limitations, which are developed in paragraph (g) of this section:

| Frequency or band | Class of station(s) | Limitations |
|---|---|---|
| *Kc.* | | |
| 1630 | Base and mobile | 7 |
| *Mc.* | | |
| 33.42 | Mobile and fixed | 6 |
| 33.46 | Mobile | |
| 33.50 | do | |
| 33.54 | do | |
| 33.58 | do | |
| 33.62 | do | |
| 33.66 | do | |
| 33.70 | Base and mobile | |
| 33.74 | do | |
| 33.78 | do | |
| 33.82 | do | |
| 33.86 | do | |
| 33.90 | do | |
| 33.94 | do | |



| Frequency or band | Class of station(s) | Limitations |
|---|---|---|
| *Mc.* | | |
| 33.98 | Base and mobile | |
| 46.06 | do | |
| 46.10 | do | |
| 46.14 | do | |
| 46.18 | do | |
| 46.22 | Mobile | |
| 46.26 | do | |
| 46.30 | Mobile and fixed | 6 |
| 46.34 | Mobile | |
| 46.38 | Base and mobile | |
| 46.42 | do | |
| 46.46 | do | |
| 46.50 | do | |
| 72.02 to 74.58 | Operational fixed | 3 |
| 72.42 to 75.98 | do | 3 |
| 153.77 | Mobile | |
| 153.83 | Mobile and fixed | 6 |
| 153.89 | Mobile | |
| 153.95 | do | |
| 154.01 | do | |
| 154.07 | do | |
| 154.13 | Base and mobile | |
| 154.19 | do | |
| 154.25 | do | |
| 154.31 | do | |
| 154.37 | do | |
| 154.43 | do | |
| 159.51 to 161.79 | do | 4 |
| 162.27 | do | 5 |
| 162.15 | do | 1 |
| 453.05 | do | 1 |
| 453.15 | do | 1 |
| 453.25 | do | 1 |
| 453.35 | do | 1 |
| 453.45 | do | 1 |
| 453.55 | do | 1 |
| 453.65 | do | 1 |
| 453.75 | do | 1 |
| 453.85 | do | 1 |
| 453.95 | do | 1 |
| 454.05 | do | 1 |
| 454.15 | do | 1 |
| 454.25 | do | 1 |
| 454.35 | do | 1 |
| 454.45 | do | 1 |
| 454.55 | do | 1 |
| 454.65 | do | 1 |
| 454.75 | do | 1 |
| 454.85 | do | 1 |
| 454.95 | do | 1 |
| 890–940 | Operational fixed | 1, 2 |
| 902 to 928 | do | 1 |
| 928 to 1850 | do | 1 |
| 2110 to 2290 | do | 1 |
| 2450 to 2700 | Base and mobile and operational fixed | 1, 2 |
| 2500 to 2700 | Operational fixed | 1 |
| 2500 to 2700 | Base and mobile | 1 |
| 6425 to 6575 | do | 1 |
| 6575 to 6875 | Operational fixed | 1 |
| 6875 to 6925 | do | 1 |
| 11700 to 12200 | Base and mobile | 1 |
| 12200 to 12700 | Operational fixed | 1 |
| 14000 to 15000 | do | 1, 2 |
| 26000 to 30000 | do | 1 |

(g) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (f) of this section:

(1) Limited to developmental operation only with the assigned frequency and particulars of operation specified in each authorization.

(2) Subject to no protection from interference due to the operation of industrial, scientific, and medical devices in this band.

(3) Assignable frequencies spaced by 40 kc. beginning with the frequencies 72.02 and 75.42 Mc. and ending with frequencies 74.58 and 75.98 Mc., respectively, are available on a shared basis to operational fixed stations in the Fire Radio Service on the condition that no harmful interference will be caused to the reception of television stations on Channels 4 or 5.

(4) Assignable frequencies spaced by 60 kc., beginning with the frequency 159.51 Mc. and ending with the frequency 161.79 Mc., are available on a shared basis to base and mobile stations in the Fire Radio Service, upon an adequate showing of need and upon the condition that no harmful interference will be caused to the service of any existing or future station in the Railroad Radio Service.

(5) This frequency may be assigned to stations in the Fire Radio Service, only at points within 150 miles of New York, N. Y.

(6) The maximum plate power input to the final radio frequency stage of any transmitter authorized to operate on this frequency shall not exceed 3 watts.

(7) This frequency may be subject to change when the Atlantic City table of frequency allocations below 27.50 Mc. comes into force.

SUBPART H—FORESTRY-CONSERVATION RADIO SERVICE

§ 10.351 *Eligibility.* (a) Authorizations for stations in the Forestry-Conservation Radio Service will be issued only to states, territories, possessions and other governmental subdivisions including counties, cities, towns and similar governmental entities and persons or organizations charged with specific forestry-conservation activities.

(b) Applications from persons or organizations other than governmental subdivisions must be accompanied by a statement from the governmental subdivision having legal jurisdiction over the area to be served, supporting the request.

§ 10.352 *Permissible communications.* Stations in the Forestry-Conservation Radio Service are authorized to transmit:

(a) Communications directly relating to public safety and the protection of life or property including communications essential to the prevention, detection and suppression of forest fires.

(b) Communications essential to official forestry-conservation activities.

§ 10.353 *Points of communication.* (a) Forestry-Conservation base stations are primarily authorized to intercommunicate with forestry-conservation mobile stations. Forestry-conservation mobile stations are primarily authorized to intercommunicate with base and other forestry-conservation mobile stations.

(b) Forestry-Conservation base and mobile stations are secondarily authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations provided that no harmful interference will be caused to the service of any station transmitting to a point of communication for which that station is primarily authorized.

(c) Forestry-Conservation fixed stations are authorized to intercommunicate with other fixed stations in the Public Safety Radio Services and to transmit to receivers at fixed locations.

§ 10.354 *Station limitations.* (a) Mobile relay stations in the Forestry-Conservation Radio Service will be authorized only on frequencies above 152 megacycles and only where a showing of need can be made in accordance with either or both of the following conditions:

(1) Where a forestry-conservation radio system cannot function satisfactorily without communication between mobile units over a distance in excess of that which can be obtained by direct car-to-car communication.

(2) Where an integrated system of radiocommunication is desirable between two or more forestry-conservation licensees and where by the use of a mobile relay station, the integrated system provides an actual reduction in the number of frequencies needed in the area as compared to the number of frequencies which would be required if the same number of licensees operate separate systems.

(b) Subject to the provisions of § 10.154 communications units of a licensed forestry-conservation mobile station may be installed in vehicles of forestry cooperators, or other persons having a direct responsibility in the prevention, detection and suppression of forest fires.

§ 10.355 *Frequencies available to the Forestry-Conservation Radio Service.* (a) The frequencies or bands of frequencies listed in this section are available for assignment to stations in the Forestry-Conservation Radio Service subject to the conditions and limitations of this section.

(b) The amount of separation between assignable frequencies listed in this section does not necessarily indicate the amount of frequency separation required for systems operation; accordingly, grants of adjacent channel assignments in all bands shall be in the discretion of the Commission.

(c) Control and repeater stations in the Forestry-Conservation Radio Service may be authorized on a temporary basis to operate on frequencies available for base and mobile stations above 152 Mc., provided an adequate showing is made why such operation cannot be conducted on frequencies allocated to the Operational Fixed Service. Such operation on base or mobile frequencies will not be authorized initially nor renewed for periods in excess of one year. Any such authorization shall be subject to immediate termination if harmful interference is caused to the Mobile Service or if the particular frequency is required for mobile service operations in the area concerned.

(d) The following tabulation indicates the frequency or bands of frequencies, the class of stations to which they are normally available, and the specific assignment limitations, which are developed in paragraph (e) of this section:

| Frequency or band | Class of station(s) | Limitations |
|---|---|---|
| *Kc.* | | |
| 2212 | Base and mobile | 6, 12 |
| 2228 | do | 6, 12 |
| 2236 | do | 6, 12 |
| 2244 | do | 6, 12 |
| *Mc.* | | |
| 30.86 | do | 11 |
| 30.90 | do | 11 |
| 30.94 | do | 11 |
| 30.98 | do | 7, 9, 10, 11 |
| 31.02 | do | 7, 9, 10, 11 |
| 31.06 | do | 7, 9, 10, 11 |
| 31.10 | do | 7, 9, 10, 11 |
| 31.14 | do | 7, 9, 10 |
| 31.18 | do | 7, 9, 10 |
| 31.22 | do | 7, 9, 10 |
| 31.26 | do | 7, 9, 10 |
| 31.30 | do | 7, 9, 10 |
| 31.34 | do | 7, 9, 10 |
| 31.38 | do | 7, 9, 10 |
| 31.42 | do | 7, 9, 10 |
| 31.46 | do | 7, 9, 10 |
| 31.50 | do | 7, 9, 10 |
| 31.54 | do | 7, 9, 10 |
| 31.58 | do | 7, 9, 10 |
| 31.62 | do | 7, 9, 10 |
| 31.66 | do | 7, 9, 10 |



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| Frequency or band | Class of station(s) | Limitations |
|---|---|---|
| *Mc.* | | |
| 31.70 | Base and mobile | 7, 9, 10 |
| 31.74 | do | 7, 9, 10 |
| 31.78 | do | 7, 9, 10 |
| 31.82 | do | 7, 9, 10 |
| 31.86 | do | 7, 9, 10 |
| 31.90 | do | 7, 9, 10 |
| 31.94 | do | 7, 9, 10 |
| 31.98 | do | 7, 9, 10 |
| 46.94 | do | |
| 46.98 | do | |
| 46.02 | do | |
| 46.06 | do | |
| 46.70 | do | |
| 46.74 | do | |
| 46.78 | do | |
| 46.82 | do | |
| 72.42 to 74.58 | Operational fixed | 3 |
| 75.42 to 75.98 | do | 3 |
| 156.87 | Base and mobile | 5 |
| 159.93 | do | 5 |
| 159.27 | do | |
| 159.33 | do | |
| 159.39 | do | |
| 159.45 | do | |
| 159.51 to 161.79 | do | 4 |
| 170.425 | do | 8, 10, 14 |
| 170.475 | do | 8, 10, 13 |
| 170.575 | do | 8, 10, 14 |
| 171.425 | do | 8, 10, 13 |
| 171.475 | do | 10, 14, 15 |
| 171.575 | do | 8, 10, 13 |
| 172.225 | do | 8, 10, 14 |
| 172.275 | do | 10, 13, 15 |
| 172.377 | do | 8, 10, 14 |
| 453.05 | do | 1 |
| 453.15 | do | 1 |
| 453.25 | do | 1 |
| 453.35 | do | 1 |
| 453.45 | do | 1 |
| 453.55 | do | 1 |
| 453.65 | do | 1 |
| 453.75 | do | 1 |
| 453.85 | do | 1 |
| 453.95 | do | 1 |
| 458.05 | do | 1 |
| 458.15 | do | 1 |
| 458.25 | do | 1 |
| 458.35 | do | 1 |
| 458.45 | do | 1 |
| 458.55 | do | 1 |
| 458.65 | do | 1 |
| 458.75 | do | 1 |
| 458.85 | do | 1 |
| 458.95 | do | 1 |
| 890 to 940 | Operational fixed | 1, 2 |
| 952 to 960 | do | 1 |
| 1850 to 1990 | do | 1 |
| 2110 to 2200 | do | 1 |
| 2450 to 2500 | Base and mobile and operational fixed. | 1, 2 |
| 2500 to 2700 | Operational fixed | 1 |
| 3500 to 3700 | Base and mobile | 1 |
| 6425 to 6575 | do | 1 |
| 6575 to 6875 | Operational fixed | 1 |
| 9800 to 9900 | do | 1 |
| 11700 to 12200 | Base and mobile | 1 |
| 12200 to 12700 | Operational fixed | 1 |
| 16000 to 18000 | do | 1, 2 |
| 26000 to 30000 | do | 1 |

(e) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (d) of this section:

1. Limited to developmental operation only with the assigned frequency and particulars of operation specified in each authorization.

2. Subject to no protection from interference due to the operation of industrial scientific, and medical devices in this band.

3. Assignable frequencies spaced by 40 kc. beginning with the frequencies 72.02 and 75.42 Mc. and ending with the frequencies 74.58 and 75.98 Mc. respectively, are available on a shared basis to operational fixed stations in the Forestry-Conservation Radio Service on the condition that no harmful interference will be caused to the reception of television stations on Channels 4 or 5.

4. Assignable frequencies spaced by 60 kc. beginning with the frequency 159.51 Mc. and ending with the frequency 161.79 Mc. are available on a shared basis to base and mobile stations in the Forestry-Conservation Radio Service upon an adequate showing of need and upon the condition that no harmful interference will be caused to the service of any existing or future station operating in the Railroad Radio Service.

5. The use of this frequency may be authorized to base and mobile stations in the Forestry Conservation Radio Service on the condition that no harmful interference will be caused to the Maritime Mobile Service. Forestry-Conservation operations at points within 150 miles of coastal areas and navigable gulfs, bays, rivers and lakes may be authorized only after a factual finding indicates that, on an engineering basis, no harmful interference will be caused to the Maritime Mobile Service.

6. The use of this freuency is subject to the condition that no harmful interference will be caused to the service of any Canadian station.

7. This frequency is available for assignment only in accordance with a geographical assignment plan.

8. This frequency will be assigned only to licensees directly responsible for the prevention, detection, and suppression of forest fires, subject to the condition that no harmful interference will be caused to the service of any U. S. Government station.

9. This frequency may be used for conservation activities upon the condition that no harmful interference will be caused to the service of any station using the frequency for forest fire prevention, detection and suppression.

10. This frequency is reserved primarily for assignment to state licensees. Assignments to other licensees will be made only where the frequency is required for coordinated operation with the state system to which the frequency is assigned. Any request for such assignment must be supported by a statement from the state system concerned, indicating that the assignment is necessary for coordination of activities.

11. This frequency is shared with the Urban Transit Radio Service.

12. This frequency may be subject to change when the Atlantic City table of frequency allocations below 27.50 Mc. comes into force.

13. This frequency will be assigned for use only in areas east of the Mississippi River.

14. This frequency will be assigned for use only in areas west of the Mississippi River.

15. In addition to agencies responsible for forest fire prevention, detection and suppression, this frequency may be assigned to conservation agencies which do not have forest fire responsibilities: *Provided*, That such assignment is necessary to permit mobile relay operation by such agencies: *And provided*, That such operation will cause no harmful interference to any U. S. Government station.

SUBPART I—HIGHWAY MAINTENANCE RADIO SERVICE

§ 10.401 *Eligibility.* Authorizations for stations in the Highway Maintenance Radio Service will be issued only to states, territories, possessions, and other governmental subdivisions including counties, cities, towns and similar governmental entities.

§ 10.402 *Permissible communications.* Stations in the Highway Maintenance Radio Service are authorized to transmit:

(a) Communications directly relating to public safety and the protection of life or property.

(b) Communications essential to official activities directly relating to the maintenance, supervision and operation of public highways.

§ 10.403 *Points of communication.* (a) Highway Maintenance base stations are primarily authorized to intercommunicate with Highway Maintenance mobile stations. Highway Maintenance mobile stations are primarily authorized to intercommunicate with base and other Highway Maintenance mobile stations.

(b) Highway Maintenance base and mobile stations are secondarily authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations provided that no harmful interference will be caused to the service of any station transmitting to a point of communication for which that station is primarily authorized.

(c) Highway Maintenance fixed stations are authorized to intercommunicate with other fixed stations in the Public Safety Radio Services and to transmit to receivers at fixed locations.

§ 10.404 *Station limitations.* (a) Mobile relay stations in the Highway Maintenance Radio Service will be authorized only on frequencies above 152 megacycles and only where a showing of need can be made in accordance with either or both of the following conditions:

(1) Where a Highway Maintenance radio system cannot function satisfactorily without communication between mobile units over a distance in excess of that which can be obtained by direct car-to-car communication.

(2) Where an integrated system of radio-communication is desirable between two or more Highway Maintenance licensees and where by the use of a mobile relay station, the integrated system provides an actual reduction in the number of frequencies needed in the area as compared to the number of frequencies which would be required if the same number of licensees operate separate systems.

(b) Subject to the provisions of § 10.154, communication units of a licensed Highway Maintenance mobile station may be installed in vehicles of contractors or other persons having a direct responsibility for maintenance, supervision or operation of public highways.

(c) Each operator of a station in the Highway Maintenance Radio Service when employing a frequency shared with the Special Emergency Radio Service and designated by limitation note 6 in § 10.405 (e) shall listen on the licensed frequency of the station prior to transmitting and shall not transmit until it has been reasonably determined that harmful interference will not be caused to any authorized communication in progress on the frequency.

§ 10.405 *Frequencies available to the Highway Maintenance Radio Service.* (a) The frequencies or bands of frequencies listed in this section are available for assignment to stations in the Highway Maintenance Radio Service subject to the conditions and limitations of this section.

(b) The amount of separation between assignable frequencies listed in this section does not necessarily indicate the amount of frequency separation required for systems operation; accordingly, grants of adjacent channel assignments in all bands shall be in the discretion of the Commission.

(c) Normally, not more than two frequencies will be assigned to a licensee for mobile service operations. Additional frequencies may be assigned provided the request therefor is adequately supported by a satisfactory showing of need.

(d) Control and repeater stations in the Highway Maintenance Radio Service may be authorized on a temporary basis to operate on frequencies available for base and mobile stations above 152 Mc., provided an adequate showing is made why such operation cannot be conducted on frequencies allocated to the Operational Fixed Service. Such operation on base or mobile frequencies will not be authorized initially, nor renewed for periods in excess of one year. Any such authorization shall be subject to immediate termination if harmful interference is caused to the mobile service or if the particular frequency is required for mobile service operations in the area concerned.

(e) The following tabulation indicates the frequency or bands of frequencies, the class of station(s) to which they are normally available, and the specific assignment limitations, which are developed in paragraph (f) of this section:



| Frequency or band | Class of station(s) | Limitations |
|---|---|---|
| *Mc.* | | |
| 33.02 | Base and mobile | 6 |
| 33.06 | do | 6 |
| 33.10 | do | 6 |
| 37.90 | do | 6 |
| 37.94 | do | 6 |
| 37.98 | do | 6 |
| 46.88 | do | 7, 8 |
| 46.90 | do | 7, 8 |
| 46.94 | do | 7, 8 |
| 46.98 | do | 7, 8 |
| 47.02 | do | 7, 8 |
| 47.06 | do | 7, 8 |
| 47.10 | do | 7, 8 |
| 47.14 | do | 7, 8 |
| 47.18 | do | 7, 8 |
| 47.22 | do | 7, 8 |
| 47.26 | do | 7, 8 |
| 47.30 | do | 7, 8 |
| 47.34 | do | 7, 8 |
| 47.38 | do | 7, 8 |
| 72.02 to 74.58 | Operational fixed | 3 |
| 75.42 to 75.98 | do | 3 |
| 156.99 | Base and mobile | 5 |
| 157.05 | do | 9 |
| 157.11 | do | 9 |
| 157.29 | do | 5 |
| 157.35 | do | 5 |
| 157.11 | do | 5 |
| 159.51 to 161.79 | do | 4 |
| 453.05 | do | 1 |
| 453.15 | do | 1 |
| 453.25 | do | 1 |
| 453.35 | do | 1 |
| 453.45 | do | 1 |
| 453.55 | do | 1 |
| 453.65 | do | 1 |
| 453.75 | do | 1 |
| 453.85 | do | 1 |
| 453.95 | do | 1 |
| 458.05 | do | 1 |
| 458.15 | do | 1 |
| 458.25 | do | 1 |
| 458.35 | do | 1 |
| 458.45 | do | 1 |
| 458.55 | do | 1 |
| 458.65 | do | 1 |
| 458.75 | do | 1 |
| 458.85 | do | 1 |
| 458.95 | do | 1 |
| 890-940 | Operational fixed | 1, 2 |
| 952 to 960 | do | 1 |
| 1850 to 1990 | do | 1 |
| 2110 to 2200 | do | 1 |
| 2450 to 2500 | Base and mobile and operational fixed. | 1, 2 |
| 2500 to 2700 | Operational fixed | 1 |
| 3500 to 3700 | Base and mobile | 1 |
| 6425 to 6575 | do | 1 |
| 6575 to 6875 | Operational fixed | 1 |
| 9800 to 9900 | do | 1 |
| 11700 to 12200 | Base and mobile | 1 |
| 12200 to 12700 | Operational fixed | 1 |
| 16000 to 18000 | do | 1, 2 |
| 26000 to 30000 | do | 1 |

(f) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (e) of this section:

(1) Limited to developmental operation only with the assigned frequency and particulars of operation specified in each authorization.

(2) Subject to no protection from interference due to the operation of industrial, scientific, and medical devices in this band.

(3) Assignable frequencies spaced by 40 kc beginning with the frequencies 72.02 and 75.42 Mc, and ending with the frequencies 74.58 and 75.98 Mc, respectively, are available on a shared basis to operational fixed stations in the Highway Maintenance Radio Service on the condition that no harmful interference will be caused to the reception of television stations on Channels 4 or 5.

(4) Assignable frequencies spaced by 60 kc, beginning with the frequency 159.51 Mc. and ending with the frequency 161.79 Mc. are available on a shared basis to base and mobile stations in the Highway Maintenance Radio Service upon an adequate showing of need and upon the condition that no harmful interference will be caused to the service of any existing or future station operating in the Railroad Radio Service.

(5) The use of this frequency may be authorized to base and mobile stations in the Highway Maintenance Radio Service on the condition that no harmful interference will be caused to the Maritime Mobile Service. Highway Maintenance operations at points within 150 miles of coastal areas and navigable gulfs, bays, rivers and lakes may be authorized only after a factual finding indicates that, on an engineering basis, no harmful interference will be caused to the Maritime Mobile Service.

(6) This frequency is shared with the Special Emergency Radio Service.

(7) This frequency will be assigned only in accordance with a geographical assignment plan.

(8) This frequency is reserved primarily for assignment to Highway Maintenance systems operated by states. The use of this frequency by other Highway Maintenance licensees will be authorized only where such use is necessary to coordinate activities with the particular state to which the frequency is assigned. Any request for such use must be supported by a statement from the state concerned.

(9) This frequency will not be assigned to stations in the Highway Maintenance Radio Service after April 28, 1952. Highway Maintenance stations licensed to use this frequency prior to April 28, 1952, may continue such use provided that no harmful interference is caused to any government or non-government radio operation.

SUBPART J—SPECIAL EMERGENCY RADIO SERVICE

§ 10.451 *Availability of service.* Special Emergency Radio Service is available only to the extent and for the purposes described in succeeding sections of this subpart. The eligibility requirements, classes of stations available to each eligible group, permissible communications in accordance with eligibility, and other applicable conditions of use are set forth as separate sections of this subpart.

§ 10.452 *Disaster relief organizations*—(a) *Eligibility.* Organizations established for disaster relief purposes and which have an emergency communications plan involving the use of radio are eligible in this service.

(b) *Eligibility showing.* The initial application from a disaster relief organization shall be accompanied by a copy of the charter or other authority under which the organization was established and a copy of the communications plan with a full explanation as to how the requested radio facilities would be used under such plan and integrated into any other communication facilities which normally would be available to assist in the alleviation of the emergency condition.

(c) *Class and number of stations available.* Disaster relief organizations may be authorized to operate an unlimited number of base, mobile and fixed stations.

(d) *Permissible communications.* Except for transmissions which are necessary for drills and tests as permitted by § 10.151 (e), stations licensed to disaster relief organizations may be used only for the transmission of communications relating to the safety of life or property, the establishment and maintenance of temporary relief facilities, and the alleviation of the emergency situation during periods of actual or impending emergency, or disaster, and until substantially normal conditions are restored.

§ 10.453 *Physicians and veterinarians*—(a) *Eligibility.* Physicians and veterinarians are eligible in this service: *Provided*, That the applicant can qualify under the following conditions:

(1) The applicant is a physician or veterinarian having a regular practice in a rural area.

(2) For the purpose of this part a rural area is considered to be any area outside of the established or accepted boundaries of towns or communities having a population in excess of 2,500 inhabitants.

(b) *Eligibility showing.* The initial application from a physician or veterinarian shall be accompanied by a statement in sufficient detail to permit a ready determination of the applicant's eligibility. Any subsequent application may refer to information previously filed if there has been no change in the status of the applicant's eligibility. In the event changes have occurred which affect the original eligibility statements, a new showing must accompany the application. The initial eligibility showing must contain as a minimum the information indicated below:

(1) A physician or veterinarian desiring to establish eligibility based on a rural area practice shall describe the radio communication facilities desired and the rural area to be served.

(c) *Class and number of stations available.* Each physician or veterinarian normally may be authorized to operate not more than one base station and two mobile units. Additional base stations or mobile units will be authorized only in exceptional circumstances when the applicant can show a specific need therefor.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e), stations licensed to physicians or veterinarians may be used only for the transmission of messages pertaining to the safety of life or property and urgent messages relating to the medical duties of the licensee.

§ 10.454 *Ambulance operators and rescue organizations*—(a) *Eligibility.* Persons or organizations operating an emergency ambulance service or rescue squad are eligible in this service.

(b) *Eligibility showing.* The initial application from a person or organization operating an ambulance service or rescue squad shall be accompanied by a statement describing the radio communication facilities desired and indicating how they would be used to enhance the safety of human life in the service being rendered. The statements also shall indicate the number of vehicles actually engaged in the emergency operation.

(c) *Class and number of stations available.* Each ambulance operator or rescue squad normally may be authorized to operate not more than one base station and a number of mobile units, excluding mobile units of the hand or pack carried type, not in excess of the number of vehicles actually engaged in the emergency operation. Mobile units of the hand carried or pack carried type may be authorized to an extent not to exceed two such units for each radio equipped ambulance or rescue squad vehicle. Additional base stations or mobile units will be authorized only in exceptional circumstances when the applicant can show a specific need therefor.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e), stations licensed to ambulance operators or rescue squads may be used only for the transmission of messages pertaining to the safety of life or property and urgent messages necessary for the rendition of an efficient ambulance or emergency rescue service.

§ 10.455 *Beach patrols*—(a) *Eligibility.* Persons or organizations operating beach patrols having responsibility for life-saving activities are eligible in this service.

(b) *Eligibility showing.* The initial application from a person or organization operating a beach patrol shall be accompanied by a statement describing the radio communication facilities desired and the area served by the beach patrol. The statement shall also clearly indicate the proposed method of operation and the number and classes of stations required.

(c) *Class and number of stations available.* Eligibles in this category will be authorized to operate base, mobile, and fixed stations in the stated area served by the beach patrol. The number of such stations requested shall be fully justified in the eligibility showing.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e) stations licensed to persons or organizations operating beach patrols may be used only for the transmission of messages pertaining to the safety of life or property.

§ 10.456 *School buses*—(a) *Eligibility.* Persons or organizations operating school buses having regular routes into rural areas are eligible in this service.

(b) *Eligibility showing.* The initial application from a person or organization operating a school bus service shall be accompanied by a statement describing the radio communication facilities desired. The statement shall also indicate the school or schools being served and describe the area in which the service is operated. If the applicant is not a government sub-division the statement shall indicate the authority under which the school buses are being operated and the tenure of any contractual agreement in effect.

(c) *Class and number of stations available.* Each school bus operator normally may be authorized to operate not more than one base station and a number of mobile units not in excess of the total of the number of buses and maintenance vehicles regularly engaged in the school bus operation. Additional base stations or mobile units will be authorized only in exceptional circumstances when the applicant can show a specific need therefor.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e), stations licensed to school bus operators may be used only for the transmission of messages pertaining to the safety of life or property or urgent messages relating to buses which have become inoperative on regular runs.

§ 10.457 *Communication standby facilities*—(a) *Eligibility.* Persons or organizations operating communication circuits are eligible for standby radio facilities in this service: *Provided,* That the applicant can qualify under either of the following conditions:

(1) The applicant is a communications common carrier.

(2) The applicant is a person or organization operating communications circuits which normally carry essential communications of such a nature that any disruption thereof will endanger life or public property.

(b) *Eligibility showing.* The initial application from an eligible in this category proposing to operate a radio standby facility for other normal communication circuits shall be accompanied by a statement describing the radio communication facilities desired and the proposed method of operation. When appropriate, the statement shall include a description of the messages normally being carried and explain how a disruption thereof will endanger life or public property.

(c) *Class and number of stations available.* Eligibles in this category may be authorized to operate an unlimited number of fixed stations as standby radio facilities. Any such fixed station may be licensed for operation either at a specified location or at any temporary location within a specified area. In the latter case the area of desired operation must be specified by the applicant.

(d) *Permissible communications.* Except for test transmission as permitted by § 10.151 (e), stations licensed for communication circuit standby facilities may be used only during periods when the normal circuits are inoperative due to circumstances beyond the control of the user. During such periods the radio facilities may be used to transmit any communication which would normally be carried by the regular circuits.

§ 10.458 *Establishments in isolated areas*—(a) *Eligibility.* Persons or organizations maintaining establishments in isolated areas where public communication facilities are not available and where the use of radio is the only feasible means of establishing communication with a center of population, or other point from which emergency assistance might be obtained if needed, are eligible in this service.

(b) *Eligibility showing.* The initial application requesting a station authorization for an establishment in an isolated area shall be accompanied by a statement describing the radio communication facilities desired, the applicant's need therefor, and the proposed method of operation, including the location, class of station and name of licensee of the station with which communication is requested. The statement shall also describe the status of public communication facilities in the area of the applicant's establishment and indicate the results of any attempts the applicant may have made to obtain public communication service. In the event radio communications service is to be furnished the proposed station by another station which is not licensed to the applicant, a statement shall be submitted from the licensee of the station involved indicating that the proposed service will be rendered.

(c) *Class and number of stations available.* Persons or organizations in this category may be authorized to operate not more than one fixed station at any isolated establishment and in addition not more than one fixed station in a center of population.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e), stations licensed for use at establishments in isolated areas may be used only during an actual or impending emergency endangering life, health or property for the transmission of essential communications arising from the emergency. The transmission of routine or non-emergency communications is strictly prohibited.

(e) *Communication service rendered and received.* (1) The licensee of a fixed station at an establishment in an isolated area shall make the communication facilities of such station available at no charge to any person desiring the transmission of any communication permitted by paragraph (d) of this section.

(2) For the purpose of providing the communications link desired the licensee of a fixed station at an establishment in an isolated area either may be the licensee of a similar station at another location or may obtain communication service under a mutual agreement from the licensee of any station in the Public Safety Radio Services or any other station which is authorized to communicate with the special emergency fixed station.



§ 10.459 *Emergency repair of public communications facilities.* (a) Communications common carriers are eligible in this service for radio facilities to be used in effecting expeditious repairs to interruptions of public communications facilities where such interruptions have resulted in disabling intercity circuits or service to a multiplicity of subscribers in a general area.

(b) *Eligibility showing.* The initial application from a communications common carrier under the provisions of this section shall be accompanied by a statement describing the radio communication facilities desired and the proposed method of use under such emergency conditions as the applicant expects to arise. The statement shall also clearly indicate the number and classes of stations required in the proposed operation.

(c) *Class and number of stations available.* Eligibles in this category may be authorized to operate base, mobile and fixed stations. The number of such stations requested shall be fully justified in the eligibility showing.

(d) *Permissible communications.* Except for test transmissions as permitted by § 10.151 (e) stations authorized under the eligibility provisions of this section may be used only, when no other means of communication is readily available, for the transmission of messages relating to the safety of life and property and messages which are necessary for the efficient restoration of the public communication facilities which have been disrupted.

§ 10.460 *Points of communication.* (a) Special emergency base stations are primarily authorized to intercommunicate with special emergency mobile stations. Special emergency mobile stations are primarily authorized to intercommunicate with base and other special emergency mobile stations.

(b) Special emergency base and mobile stations are secondarily authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations: *Provided,* That no harmful interference will be caused to the service of any station transmitting to a point of communication for which that station is primarily authorized.

(c) Special emergency fixed stations are authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations. Such stations are also authorized to intercommunicate with any other station which is authorized to communicate with the special emergency fixed station.

§ 10.461 *Station limitations.* (a) Mobile relay stations will not be authorized in the Special Emergency Radio Service.

(b) Except for fixed stations operating on frequencies assigned under the provisions of limitation note 10 of § 10.462 (f), each operator of a station in the Special Emergency Radio Service shall listen on the licensed frequency of the station prior to transmitting and shall not transmit until it has been reasonably determined that harmful interference will not be caused to any authorized communication in progress on the frequency.

(c) Where a radio station authorization in the Special Emergency Radio Service is held by a person or organization engaging in activities beyond the scope of those indicated in the eligibility provisions of this service the operation of such station shall be strictly confined to those activities on which the eligibility was established except for messages relating to the safety of life.

§ 10.462 *Frequencies available to the Special Emergency Radio Service.* (a) The frequencies or bands of frequencies listed herein are available for assignment to stations in the Special Emergency Radio Service subject to the conditions and limitations of this section.

(b) The amount of separation between assignable frequencies listed in this section does not necessarily indicate the amount of frequency separation required for systems operation; accordingly, grants of adjacent channel assignments in all bands shall be in the discretion of the Commission.

(c) The operation of mobile systems in the Special Emergency Radio Service will be restricted to the use of only one frequency per system.

(d) Frequencies indicated normally for base and mobile stations in the Special Emergency Radio Service will be authorized to fixed stations also subject to the condition that harmful interference will not be caused to the mobile service.

(e) The following tabulation indicates the frequency or bands of frequencies, the class of station(s) to which they are normally available, and the specific assignment limitations, which are developed in paragraph (f) of this section:

| Frequency or band | Class of station(s) | Limitations |
|---|---|---|
| *Kc.* | | |
| 2726 | Base and mobile | 10 |
| 3201 | do | 9 |
| 2000 to 3000 | Fixed | 9 |
| *Mc.* | | |
| 33.02 | Base and mobile | 6 |
| 33.06 | do | 6 |
| 33.10 | do | 6 |
| 37.90 | do | 6 |
| 37.94 | do | 6 |
| 37.98 | do | 7 |
| 47.42 | do | |
| 47.46 | do | |
| 47.50 | do | |
| 47.54 | do | |
| 47.58 | do | |
| 47.62 | do | |
| 47.66 | do | |
| 72.02 to 74.58 | Operational fixed | 3 |
| 75.42 to 75.98 | do | |
| 157.47 | Base and mobile | 5, 8 |
| 159.51 to 161.79 | do | 4 |
| 161.85 | do | 5, 8 |
| 161.91 | do | 5, 8 |
| 161.97 | do | 5, 8 |
| 453.05 | do | 1 |
| 453.15 | do | 1 |
| 453.25 | do | 1 |
| 453.35 | do | 1 |
| 453.45 | do | 1 |
| 453.55 | do | 1 |
| 453.65 | do | 1 |
| 453.75 | do | 1 |
| 453.85 | do | 1 |
| 453.95 | do | 1 |
| 458.05 | do | 1 |
| 458.15 | do | 1 |
| 458.25 | do | 1 |
| 458.35 | do | 1 |
| 458.45 | do | 1 |
| 458.55 | do | 1 |
| 458.65 | do | 1 |
| 458.75 | do | 1 |
| 458.85 | do | 1 |
| 458.95 | do | 1 |
| 460 to 940 | Operational fixed | 1, 2 |
| 952 to 960 | do | 1 |
| 1850 to 1900 | do | 1 |
| 2110 to 2200 | do | 1 |
| 2450 to 2500 | Base and mobile and operational fixed. | 1, 2 |
| 2500 to 2700 | Operational fixed | 1 |
| 3500 to 3700 | Base and mobile | 1 |
| 6425 to 6575 | do | 1 |
| 6575 to 6875 | Operational fixed | 1 |
| 8800 to 9000 | do | 1 |
| 11,700 to 12,200 | Base and mobile | 1 |
| 12,200 to 12,700 | Operational fixed | 1 |
| 16,000 to 18,000 | do | 1, 2 |
| 26,000 to 30,000 | do | 1 |

(f) Explanation of assignment limitations appearing in the frequency tabulation of paragraph (e) of this section:

(1) Limited to developmental operation only with assigned frequency and particulars of operation specified in each authorization.

(2) Subject to no protection from interference due to the operation of industrial, scientific and medical devices in this band.

(3) Assignable frequencies spaced by 40 kc beginning with the frequencies 72.02 and 75.42 Mc and ending with the frequencies 74.58 and 75.98 Mc, respectively, are available on a shared basis to operational fixed stations in the Special Emergency Radio Service on the condition that no harmful interference will be caused to the reception of television stations on Channels 4 or 5.

(4) Assignable frequencies spaced by 60 kc beginning with the frequency 159.51 Mc and ending with the frequency 161.79 Mc are available on a shared basis to base and mobile stations in the Special Emergency Radio Service upon an adequate showing of need and upon the condition that no harmful interference will be caused to the service of any existing or future station operating in the Railroad Radio Service.

(5) The use of this frequency may be authorized to base and mobile stations in the Special Emergency Radio Service on the condition that no harmful interference will be caused to the Maritime Mobile Service. Special emergency operations at points within 150 miles of coastal areas and navigable gulfs, bays, rivers, and lakes may be authorized only after a factual finding indicates that, on an engineering basis, no harmful interference will be caused to the Maritime Mobile Service.

(6) This frequency is shared with the Highway Maintenance Radio Service.

(7) This frequency is reserved for assignment only to National organizations established for disaster relief purposes.

(8) This frequency will not be assigned to stations in the Special Emergency Radio Service at any point within 150 miles of Chicago, Illinois.

(9) Appropriate frequencies in the band 2000–3000 kilocycles which are designated in Part 8 of this chapter as available to Public Ship Stations for telephone communication with Public Coast Stations may be assigned on a secondary basis to special emergency fixed stations for communication with Public Coast Stations only, provided such stations are located in the United

States and the following conditions are met:

(i) That such fixed station is established pursuant to the eligibility provisions of § 10.458 and that the isolated area involved is an island or other location not more than 300 statute miles removed from the desired point of communication and isolated from that point by water.

(ii) That evidence is submitted showing that an arrangement has been made with the coast station licensee for the handling of emergency communications permitted by § 7.302 (b) of this chapter and § 10.458 (d).

(iii) That operation of the special emergency fixed station shall at no time conflict with any provision of Part 8 of this chapter and further, that such operation in general shall conform to the practices employed by Public Ship Stations for radiotelephone communication with the same Public Coast Station.

(10) This frequency is shared with the State Guard Radio Service.

### SUBPART K—STATE GUARD RADIO SERVICE

§ 10.501 *Eligibility.* (a) Authorizations for stations in the State Guard Radio Service will be issued only to the official state guard or comparable organization of a state, territory, possession, or the District of Columbia and only where such organization has been duly created by law and is completely subject to the control of the Governor, or highest official of the creating governmental entity.

(b) To facilitate a determination of eligibility, the first application from each organization for a new station in the State Guard Radio Service shall be accompanied by a statement citing the statute, executive order, or other legal authority under which the guard was created and definitely indicating whether or not the guard is under the absolute authority of the Governor or highest official of the governmental entity.

§ 10.502 *Permissible communications.* (a) Stations in the State Guard Radio Service are primarily authorized to transmit emergency communications directly relating to public safety and the protection of life and property.

(b) Stations in the State Guard Radio Service are secondarily authorized to transmit essential nonemergency communications necessary for training and maintaining an efficient organization: *Provided,* That all communications authorized by this paragraph shall be kept to an absolute minimum and shall cause no harmful interference to stations in other services or to other stations in the State Guard Radio Service when such stations are transmitting communications authorized by paragraph (a) of this section.

(c) The transmission of nonessential communications is strictly prohibited.

§ 10.503 *Points of communication.* (a) State guard base, mobile and fixed stations are primarily authorized to intercommunicate with all other state guard stations authorized to the same licensee.

(b) State guard base, mobile and fixed stations are secondarily authorized to intercommunicate with other stations in the Public Safety Radio Services and to transmit to receivers at fixed locations: *Provided,* That no harmful interference will be caused to the service of any station transmitting to a point of communication for which that station is primarily authorized.

§ 10.504 *Station limitations.* (a) Mobile relay stations will not be authorized in the State Guard Radio Service.

(b) Each operator of a station in the State Guard Radio Service shall listen on the licensed frequency of the station prior to transmitting and shall not transmit until it has been reasonably determined that harmful interference will not be caused to any authorized communication in progress on the frequency.

§ 10.505 *Frequencies available to the State Guard Radio Service.* (a) The frequency 2726 kilocycles is available for assignment to base and mobile stations in the State Guard Radio Service for use on a shared basis with stations in the Special Emergency Radio Service.

(b) In instances where circumstances in a particular state appear to warrant the use of a second frequency in the band 2505–3500 kilocycles and where a frequency can be made available through appropriate arrangements, with Government agencies if necessary, for restricted area use on a shared basis with other assignments such additional frequency may be assigned. The maximum power input, emission and hours of operation authorized for use on any frequency assigned under the provisions of this paragraph will be determined on the basis of the technical conditions involved in using the selected frequency in the particular area.

(c) The frequencies indicated in paragraphs (a) and (b) of this section will also be assigned to fixed stations in the State Guard Radio Service subject to the condition that harmful interference will not be caused to the mobile service.

APPENDIX A—ARTICLE 5, INTER-AMERICAN RADIO AGREEMENT (WASHINGTON 1949)

ARTICLE 5. *Police radio stations.* When the American countries authorize their police radio stations to exchange emergency information by radio with similar stations of another country, the following rules shall be applied:

(a) Only police radio stations located close to the boundaries of contiguous countries shall be allowed to exchange this information.

(b) In general, only important police messages shall be handled, such as those which would lose their value because of slowness and time limitations if sent on other communication systems.

(c) Frequencies used for radiotelephone communications with mobile police units shall not be used for radiotelegraph communications.

(d) Radiotelephone communications shall be conducted only on frequencies assigned for radiotelephony.

(e) Radiotelegraph communications shall be conducted on the following frequencies:

| | |
|---|---|
| 2804 kc. calling | 5195 kc.[1] day calling |
| 2808 kc. working | 5135 kc.[1] day working |
| 2812 kc. working | 5140 kc.[1] day working |

(f) The characteristics of police radio stations authorized to exchange information shall be notified to the International Telecommunication Union, Geneva, Switzerland.

(g) The abbreviations contained in Appendix 9 of the Atlantic City Radio Regulations shall be used to the greatest possible extent. Service indications are as follows: "P", priority, for messages that are to be sent immediately, regardless of the number of other messages on file. If no service indication is given, the messages are to be transmitted in the order of receipt.

(h) The message shall contain the preamble, address, text, and signature, as follows:

*Preamble.* The preamble of the message shall consist of the following: the serial number preceded by the letters "NR"; service indications, as appropriate; the group count according to standard cable count system; the letters "CK" followed by numerals indicating the number of words contained in the text of the message; office and country of origin (not abbreviations); day, month, and hour of filing:

*Address.* The address must be as complete as possible and shall include the name of the addressee with any supplementary particulars necessary for immediate delivery of the message;

*Text.* The text may be either in plain language or code;

*Signature.* The signature shall include the name and title of the person originating the message.

[F. R. Doc. 53-10480; Filed, Dec. 17, 1953; 8:45 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

#### Subchapter B—Trade Practice Conference Rules

[File No. 21-441]

#### PART 218—PHOTOENGRAVING INDUSTRY OF THE SOUTHEASTERN STATES (VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA, GEORGIA, FLORIDA, TENNESSEE, ALABAMA, AND MISSISSIPPI)

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

*It is now ordered,* That the trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of December 18, 1953.

*Statement by the Commission.* Trade practice rules for the Photoengraving Industry of the Southeastern States (Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, and Mississippi), as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

[1] Since the frequencies 5195, 5135, and 5140 kc/s are outside the regional bands, their assignment for this purpose must be confirmed by the Provisional Frequency Board and the Special Administrative Radio Conference.



The rules are directed to the maintenance of free and fair competition in the industry and to the elimination and prevention of unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses. To this end they afford helpful guidance to all members of the industry.

The industry for which such trade practice rules are established is composed of persons, firms, corporations, and organizations engaged in the business of photoengraving, including the production of art work, halftones, line etchings, process color plates, and plate work and illustrations used by printers. The products of this industry, which are used in the printing of newspapers, books, periodicals, and other types of publications, as well as in the production of advertising, letterheads, and related matter, have made possible a major part of modern printing and depiction, both in color and in black and white. The annual gross sales of the industry in this area is in excess of $5,000,000.

Proceedings leading to the establishment of rules were instituted upon application made on behalf of industry members. A general industry conference was held under Commission auspices in Atlanta, Georgia, at which proposals for rules were submitted for consideration of the Commission. Thereafter, a draft of proposed rules was released by the Commission and public hearing thereon was held in Washington, D. C., at which all interested or affected parties were afforded opportunity to present their views, suggestions, or objections regarding the rules.

Following such hearing, and upon consideration of the entire matter, final action was taken by the Commission whereby it approved the trade practice rules as hereinafter appearing.

Such rules become operative thirty (30) days from the date of promulgation.

*The rules.* The rules in this part promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

*General statement.* The unfair trade practices embraced in the rules in this part are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.


218.0 Definitions: The industry and its products defined.
218.1 Enticing away employees of competitors.
218.2 Defamation of competitors or false disparagement of their products.
218.3 Imitation or simulation of trade-marks, trade names, etc.
218.4 Prohibited discrimination.
218.5 Inducing breach of contract.
218.6 Misrepresentation of products (general).
218.7 Coercing the purchase of one product as a prerequisite to the purchase of other products.
218.8 Fictitious prices.
218.9 Use of the word "free", etc.
218.10 Substitution of products.
218.11 Commercial bribery.
218.12 Procurement of competitors' confidential information.
218.13 Misrepresentation as to character of business.
218.14 Misbranding of products.
218.15 False invoicing.
218.16 Selling below cost.
218.17 Prohibited forms of trade restraints (unlawful price fixing, etc.).


AUTHORITY: §§ 218.0 to 218.17 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 218.0 *Definitions: The industry and its products defined.* Industry membership in the area covered by the rules consists of persons, firms, corporations, and organizations engaged in the business of photoengraving, including the production of art work, halftones, line etchings, process color plates, and plate work and illustrations used by printers. Products of the industry are used in the printing of newspapers, books, periodicals, and other types of publications, and in the production of advertising, letterheads, and related matter.

§ 218.1 *Enticing away employees of competitors.* Knowingly enticing away employees or sales representatives of competitors under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition is an unfair trade practice: *Provided,* That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose of injuring, destroying, or preventing competition. [Rule 1]

§ 218.2 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, services, or conditions of employment, is an unfair trade practice. [Rule 2]

§ 218.3 *Imitation or simulation of trade-marks, trade names, etc.* The imitation or simulation of trade-marks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 3]

§ 218.4 *Prohibited discrimination*[1]—(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price, differential, where such rebate, refund, discount, credit, or other form of price differential effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however*—

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing contained in this paragraph shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other

[1] As used in § 218.4, the term "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

intermediary therein where such intermediary is action in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

NOTE: In complaint proceedings charging discrimination in price or services or facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing herein contained shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor. See section 2–b, Clayton Act.

[Rule 4]

§ 218.5 *Inducing breach of contract.* (a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper for an industry member to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 5]

§ 218.6 *Misrepresentation of products (general).* Making, or causing or permitting to be made or published, any false, misleading, or deceptive statements or representations, by way of advertisement or otherwise, concerning the cost, grade, quality, quantity, substance, character, nature, origin, size, or preparation of any product of the industry, or in any other material respect, is an unfair trade practice. [Rule 6]

§ 218.7 *Coercing the purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 7]

§ 218.8 *Fictitious prices.* It is an unfair trade practice to sell or offer for sale industry products at prices purported to be reduced from what are in fact fictitious prices, or to sell or offer for sale such products at a purported reduction in price when such purported reduction is in fact fictitious or is otherwise misleading or deceptive. [Rule 8]

§ 218.9 *Use of the word "free".* In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to use the word "free," or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosure:

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free," will not be regarded as compliance.

[Rule 9]

§ 218.10 *Substitution of products.* The practice of shipping or delivering products which do not conform to the samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without the consent of the purchasers to such substitutions and with the capacity and tendency or effect of deceiving or misleading purchasers, prospective purchasers, or the consuming public, is an unfair trade practice. [Rule 10]

§ 218.11 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 11]

§ 218.12 *Procurement of competitors' confidential information.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as substantially to injure competition or unreasonably restrain trade. [Rule 12]

§ 218.13 *Misrepresentation as to character of business.* For any person, firm, or corporation to represent or hold himself or itself out as being a photoengraver when not engaged in the manufacture of photoengravings, or in any other manner to misrepresent the character, extent, or type of his or its business, is an unfair trade practice. [Rule 13]

§ 218.14 *Misbranding of products.* The false or deceptive marking or branding of the products of the industry with regard to the grade, quality, quantity, use, size, material, content, origin, preparation, manufacture, or distribution of such products, or in any other material respect, is an unfair trade practice. [Rule 14]

§ 218.15 *False invoicing.* Withholding from or inserting in invoices or order tickets any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or order tickets, with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the consuming public, is unfair trade practice. [Rule 15]

§ 218.16 *Selling below cost.* (a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the intent or purpose, and where the effect may be, to injure, suppress, or stifle competition or tend to create a monopoly in the production or sale of such products, is an unfair trade practice.

(b) As used in this section the term "cost" means the total cost to the seller, including the costs of acquisition, processing, preparation for marketing, sale, and delivery. All elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this section. The costs referred to in the section are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise.

(c) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect may be to injure, destroy, or prevent competition, or tend to create a monopoly. [Rule 16]

§ 218.17 *Prohibited forms of trade restraints (unlawful price fixing, etc.).*[1] It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 17]

[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.





Issued: December 15, 1953.

Promulgated by the Federal Trade Commission December 18, 1953.

[SEAL] ALEX. AKERMAN, Jr., *Secretary.*

[1. R. Doc. 53–10534; Filed, Dec. 17, 1953; 8:55 a. m.]

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

#### Subchapter D—Federal Savings and Loan Insurance Corporation

[No. 6645]

PART 163—OPERATIONS

WITHDRAWABLE SHARES NOT TO BE ISSUED WITHOUT APPROVAL WHILE DEPOSITS ARE OUTSTANDING

DECEMBER 15, 1953.

Resolved That, pursuant to Part 108 of the General Regulations of the Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the Rules and Regulations for Insurance of Accounts (24 CFR 167.1), notice and public procedure having been duly afforded (18 F. R. 6739), § 163.1 of the Rules and Regulations for Insurance of Accounts (24 CFR 163.1) is amended, effective December 18, 1953, by inserting immediately preceding the last sentence of such section the following sentence: "Except with the written approval of the Corporation, no insured institution may issue or have outstanding any class of insured account having preference, either as to time or amount in the event of liquidation, over any other class of insured account: *Provided* that, where there may be a change from one type of account to another, a reasonable time, to be determined by the Corporation, may be allowed to effect such change."

so that said section, as amended, will read as follows:

§ 163.1 *Forms of certificates and passbooks; approval of forms of investment contracts and bylaws; furnishing members with copy of charter and bylaws.* At the time of the application for insurance, every applicant (except a Federal savings and loan association) shall submit to the Corporation for approval copies of all savings account, share, membership, stock and deposit certificates, passbooks, and other forms of investment contracts proposed to be issued by the applicant as an insured institution; it shall also submit for such approval its charter, constitution, and bylaws, and all amendments thereto, affecting its securities and investment contracts. No insured institution (except a Federal savings and loan association) shall issue any form of savings account, share, stock, membership or deposit certificate, passbook, or other investment contract which has not been approved in writing by the Corporation. No insured institution except a Federal savings and loan association shall amend its charter, constitution, or bylaws affecting its securities or investment contracts, without the prior written approval of the Corporation. Except with the written approval of the Corporation, no insured institution may issue or have outstanding any class of insured account having preference, either as to time or amount in the event of liquidation, over any other class of insured account: *Provided* that, where there may be a change from one type of account to another, a reasonable time, to be determined by the Corporation, may be allowed to effect such change. Each insured institution shall cause a true copy of its charter and bylaws and all amendments thereto to be available to members at all times in each office of the institution, and shall upon request deliver to any member a copy of such charter, constitution, bylaws, and amendments.

(Sec. 402, 48 Stat. 1256; 12 U. S. C. 1725)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 53–10533; Filed, Dec. 17, 1953; 8:54 a. m.]

## TITLE 46—SHIPPING

### Chapter I—Coast Guard, Department of the Treasury

#### Subchapter C—Uninspected Vessels

[CGFR 53–55]

PART 25—REQUIREMENTS

SUBPART 25.30—FIRE EXTINGUISHING EQUIPMENT

FIRE EXTINGUISHING EQUIPMENT REQUIRED FOR MOTORBOATS

A notice regarding the proposed change in the regulations regarding fire extinguishing equipment for motorboats was published in the FEDERAL REGISTER dated September 9, 1953, 18 F. R. 5432, as Item VI on the agenda to be considered by the Merchant Marine Council, and a public hearing was held on September 29, 1953, in Washington, D. C. An oral comment favoring the proposed action was received at the public hearing. The amendment to 46 CFR 25.30–20 will require all outboard motorboats not carrying passengers for hire to carry hand-portable fire extinguishers, except for outboard motorboats of the rowboat or canoe type which are less than 26 feet in length. At present many motorboats are being built with cabins and other enclosed spaces and such motorboats are propelled by outboard motors. In addition, many of these motorboats are carrying portable auxiliary gasoline tanks as part of the outboard motor accessories. This requirement is considered necessary in the interests of promoting safety of life because of the fire and explosion hazards which may be present on board these motorboats.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order

No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate the rules and regulations in accordance with the statutes cited with the regulations below, the following amendment to the text of § 25.30–20 (a) (1) is prescribed, but no change shall be made in Table 25.30–20 (a) (1), which amendment shall become effective thirty days after the date of publication of this document in the FEDERAL REGISTER:

§ 25.30–20 *Fire extinguishing equipment required*—(a) *Motorboats.* (1) All motorboats shall carry at least the minimum number of hand-portable fire extinguishers set forth in Table 25.30–20 (a) (1), except that motorboats less than 26 feet in length of open construction, propelled by outboard motors, not carrying passengers for hire need not carry such portable fire extinguishers.

(R. S. 4405, as amended, 4462, as amended, sec. 17, 54 Stat. 166, as amended; 46 U. S. C. 375, 416, 526p. Interprets or applies sec. 2, 54 Stat. 1028, as amended; 46 U. S. C. 463a)

Dated: December 14, 1953.

[SEAL] MERLIN O'NEILL,
*Vice Admiral, U. S. Coast Guard, Commandant.*

[F. R. Doc. 53–10517; Filed, Dec. 17, 1953; 8:51 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Bureau of Federal Credit Unions, Social Security Administration

[ 45 CFR Parts 301, 310 ]

ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS; VOLUNTARY LIQUIDATION OF FEDERAL CREDIT UNIONS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procdure Act, approved June 11, 1946 (60 Stat. 238, 5 U. S. C. 1003) that the regulations set forth in tentative form below are proposed to be prescribed by the Director of the Bureau of Federal Credit Unions with approval of the Commissioner of Social Security and the Secretary of Health, Education, and Welfare in lieu of §§ 301.7 and 301.8 and Part 310 of the present regulations of the Bureau of Federal Credit Unions (45 CFR 301.7, 16 F. R. 5175; 45 CFR 301.8, 15 F. R. 2760; and 45 CFR Part 310, 13 F. R. 7364). The proposed regulations are designed to amend the existing regulations concerning examination fees and voluntary liquidation.

Prior to the official adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Director of the Bureau of Federal Credit Unions, Department of Health, Education, and Welfare, Washington 25, D. C., within a period of fifteen days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under authority contained in section 16 (a) of the Federal Credit Union Act, as amended.

(48 Stat. 1221, 12 U. S. C. 1766, and section 2 of the Act of June 29, 1948 (62 Stat. 1091))

Dated: November 24, 1953.

[SEAL] J. DEANE GANNON,
*Director, Bureau of Federal Credit Unions.*

Approved:

Dated: December 9, 1953.

JOHN W. TRAMBURG,
*Commissioner of Social Security.*

Approved:

Dated: December 14, 1953.

O. C. HOBBY,
*Secretary of Health, Education and Welfare.*

In Part 301—Organization and Operation of Federal Credit Unions, §§ 301.7 and 301.8 are hereby amended to read as follows:

§ 301.7 *Fee for examination.* (a) Each Federal credit union shall pay the Bureau of Federal Credit Unions a fee for each examination in accordance with the schedule of fees fixed from time to time by the Director.

(b) In establishing such fees, the Director shall consider the anticipated aggregate cost of the examination program including supervision, salaries, travel and all other items which affect the cost of the examination program.

(c) The fee for examinations of Federal credit unions with assets of less than $25,000 shall not exceed 50 cents per hundred dollars of assets as of the effective date of the examination. The Director may establish a minimum fee for examination which shall not exceed $25.00. The Director may waive the fee for an examination within twelve months after the date a charter is approved if the payment would, in the opinion of the Director, cause a hardship.

(d) Each Federal credit union shall be notified at least 30 days prior to the effective date of any schedule of fees fixed pursuant to this section. Upon receipt of such notification interested persons may submit written data, views, or arguments for consideration by the Director, and the Director may, after consideration, make such revisions in the proposed schedule or such change in the effective date as he deems appropriate. Each Federal credit union shall be notified of such revision or change not less than 15 days prior to the final effective date.

(e) The check in payment of the examination fee shall be made payable to the Treasurer of the United States and the check shall be delivered to the examiner at the completion of the examination.

§ 301.8 *Fee for examination of Federal credit unions in liquidation.* Federal credit unions in liquidation may be examined prior to or following completion of liquidation. A fee assessed in accordance with the most recent schedule of examination fees prescribed by the Director of the Bureau of Federal Credit Unions as provided in § 301.7 shall be paid for each such examination.

Part 310—Voluntary Liquidation of Federal Credit Unions is hereby amended to read as follows:

Sec.
310.1 Approval of liquidation.
310.2 Notice of liquidation to Bureau of Federal Credit Unions.
310.3 Transaction of business during liquidation.
310.4 Notice of liquidation to members.
310.5 Notice of liquidation to creditors.
310.6 Report at commencement of liquidation.
310.7 Reports during period of liquidation.
310.8 Examinations of Federal credit unions in voluntary liquidation.
310.9 Responsibility for conduct of voluntary liquidations.
310.10 Completion of liquidation.
310.11 Distribution of assets.
310.12 Final report.
310.13 Retention of records.
310.14 Cancellation of charter.
310.15 Further instructions and information.

§ 310.1 *Approval of liquidation.* A Federal credit union may go into voluntary liquidation on approval of a majority of its members in writing or by a vote in favor of such liquidation by a majority of the members of the credit union at a regular meeting of the members or at a special meeting called for that purpose. Where authorization for liquidation is to be obtained at a meeting of members, notice in writing shall be given to each member at least seven days before such meeting and the minutes of the meeting shall show the number of members present and the number that voted for and against liquidation. If approval by a majority of all members is not obtained at the meeting of members, authorization for voluntary liquidation shall be obtained by having a majority of members sign a statement in substantially the following form:

We the undersigned members of the ---- ---- Federal Credit Union, Charter No. ----, hereby request the dissolution of our credit union.

§ 310.2 *Notice to Bureau of Federal Credit Unions.* When the board of directors of a Federal credit union decides to submit the question of liquidation to the members, the president shall notify within 10 days the Regional Representative of the Bureau of Federal Credit Unions by letter in which the reasons for the proposed liquidation are set forth in detail. The president of the Federal credit union shall notify the Regional Representative of the Bureau of Federal Credit Unions within 10 days after the vote is taken as to whether the members approved or disapproved the proposed liquidation.

§ 310.3 *Transaction of business during liquidation.* Immediately on decision by the board of directors of a Federal credit union to seek approval of members for liquidation, payments on shares, withdrawal of shares, and granting of loans shall be suspended pending action by members on the proposal to liquidate, and on approval by members of such proposal, payments on shares, withdrawal of shares, and the making of loans shall be permanently discontinued.

§ 310.4 *Notice to members of liquidation.* When voluntary liquidation of a Federal credit union has been decided upon, a notice of such decision shall be handed to each member or mailed to his last known address together with a request that the member furnish his passbook or confirm in writing the shares held by him in the Federal credit union and the loans owed by him to the Federal credit union.

§ 310.5 *Notice of liquidation to creditors.* On approval of the members of a Federal credit union of a proposal to liquidate, the board of directors of the Federal credit union shall immediately cause to be prepared and mailed to all creditors a notice of liquidation and to present claims to the Federal credit union within ninety days.

§ 310.6 *Report at commencement of liquidation.* At the commencement of voluntary liquidation of a Federal credit union, the treasurer or agent conducting the liquidation shall file with the Regional Representative of the Bureau of Federal Credit Unions a financial and statistical report on form FCU 109 rev.

§ 310.7 *Reports during period of liquidation.* Federal credit unions in the process of voluntary liquidation shall forward to the Regional Representative of the Bureau of Federal Credit Unions a copy of the monthly financial and statistical report on form FCU 109 rev. for June 30 and December 31 within 10 days after the close of the month to which the reports apply. Additional reports, as determined by the Regional Representative of the Bureau of Federal Credit Unions to be necessary, shall be furnished promptly on request.

§ 310.8 *Examinations of Federal credit unions in voluntary liquidation.* When deemed advisable by the Regional Representative of the Bureau of Federal Credit Unions, an examination of the books and records of a Federal credit union may be made prior to, during, or following completion of voluntary liquidation. A fee for each such examination shall be assessed at the rate currently in effect for examinations of operating Federal credit unions.



§ 310.9 *Responsibility for conduct of voluntary liquidation.* The board of directors of a Federal credit union in voluntary liquidation shall be responsible for conserving the assets, for expediting the liquidation, and for equitably distributing the assets to members at the completion of liquidation. The board of directors shall determine that all persons handling or having access to funds of the Federal credit union are adequately covered by surety bond. The board of directors shall appoint a custodian for the Federal credit union's records that are to be retained for 5 years after the charter is canceled. The board of directors may appoint a liquidating agent and delegate part or all of these responsibilities to him and may authorize reasonable compensation for his services; any such liquidating agent shall be bonded for the faithful performance of his duties. The supervisory committee shall be responsible for making periodic audits of the credit union's records, at least quarterly, during the period of liquidation.

§ 310.10 *Completion of liquidation.* As soon as all assets of the Federal credit union have been converted to cash or found to be worthless and all loans and debts owing to it have been collected or found to be uncollectible and all obligations of the Federal credit union have been paid, with the exception of amounts due its members, the books shall be closed and the pro rata distribution to members computed. The amount of gain or loss shall be entered in each member's share account and should be entered in his passbook or statement of account.

§ 310.11 *Distribution of assets.* Checks shall then be drawn for the amounts to be distributed to each member who has surrendered his passbook or statement of account or has given a written confirmation of his balance. The checks shall be mailed to such members at their last known address or handed to them in person. The passbooks on hand shall be retained with the credit union records. The Regional Representative of the Bureau of Federal Credit Unions shall be notified promptly of the date final distribution of assets to the members is instituted.

§ 310.12 *Final report.* Within 120 days after the final distribution to members is instituted, the Federal credit union shall furnish to the regional office of the Bureau of Federal Credit Unions the following:

(a) A schedule of unpaid claims, if any, due members who failed to surrender their passbooks or confirm their balances in writing during liquidation or due members or creditors who failed to cash final distribution checks within the time limit which shall be prepared on form FCU 61d or its equivalent; this schedule shall be accompanied by a certified check or money order payable to the Treasurer of the United States in the exact amount of the total unpaid claims. The Bureau of Federal Credit Unions will deposit said funds in a special account with the Chief Disbursing Office of the Treasury of the United States where they will be held for the account of the Director of the Bureau of Federal Credit Unions as trustee for the individuals named on said schedule. Such individuals, or any persons making claims on their behalf, may submit to the Bureau their claim in writing for such funds.

(b) A copy of a schedule showing the name, book number, share balance at the commencement of liquidation, pro rata share of gain or loss, and the amount distributed to each member.

(c) A summary report on liquidation in duplicate on form FCU 61f.

(d) The Certificate of Dissolution and Liquidation on form FCU 61e signed under oath by the board of directors or agent who conducted the liquidation and made the final distribution of assets to the members.

(e) The name and address of the custodian of the Federal credit union's records.

(f) The charter of the Federal credit union.

§ 310.13 *Retention of records.* All records of the liquidated credit union necessary to establish that creditors were paid and that members' shareholdings were equitably distributed shall be retained by a custodian appointed by the board of directors of said Federal credit union for a period of 5 years following the date of cancellation of the charter.

§ 310.14 *Cancellation of charter.* On proof that distribution of assets has been made to members and within one year after receipt of the Certificate of Dissolution and Liquidation (form FCU 61e), the Director of the Bureau of Federal Credit Unions shall cancel the charter of the Federal credit union concerned.

§ 310.15 *Further instructions and information.* Further detailed instructions and information pertaining to voluntary liquidations may be obtained from the Washington or regional offices of the Bureau of Federal Credit Unions.

[F. R. Doc. 53–10520; Filed, Dec. 17, 1953; 8:51 a. m.]

# NOTICES

## DEPARTMENT OF DEFENSE

### Office of the Secretary

SETTLEMENT OF CLAIMS ARISING FROM ACTIVITIES OF MILITARY ASSISTANCE ADVISORY GROUPS

By virtue of the authority vested in me as Secretary of Defense, I hereby direct that claims against the United States, except claims cognizable by foreign governments under the provisions of existing treaties and agreements, which have arisen since January 30, 1953, or may hereafter arise from the activities of Military Assistance Advisory Groups, or of the military personnel or civilian employees thereof which are otherwise cognizable under such acts, shall be settled in accordance with the provisions of the Foreign Claims Act (act of January 2, 1942, 55 Stat., 880), as amended, or of the act of July 3, 1943 (57 Stat. 372), as amended, and the regulations of the responsible department implementing such acts. Foreign Claims Commissions of the Department

of the Army, Navy, or Air Force, shall be responsible for the processing and settlement of such claims arising in foreign countries in which they respectively have been made responsible for the processing of claims under the NATO Status of Forces Agreement or other pertinent treaties or agreements in areas in which they have the predominant interest.

C. E. WILSON,
*Secretary of Defense.*

DECEMBER 14, 1953.

[F. R. Doc. 53-10488; Filed, Dec. 17, 1953; 8:45 a. m.]

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

SHOSHONE AND ARAPAHOE TRIBES OF WYOMING

FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Wind River Reservation was duly adopted by the Shoshone and Arapahoe Tribes of Wyoming, which tribes have jurisdiction over the area of Indian country included in the resolution:

Whereas, Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488, and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Shoshone and Arapahoe Tribes: *Provided*, That such introduction, sale or possession is in conformity with the laws of Wyoming.

Be it further resolved that any tribal laws, resolutions or ordinance heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

FRED G. AANDAHL,
*Assistant Secretary of the Interior.*

DECEMBER 14, 1953.

[F. R. Doc. 53-10491; Filed, Dec. 17, 1953; 8:46 a. m.]

QUARTZ VALLEY INDIAN COMMUNITY OF CALIFORNIA

FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Quartz Valley Reservation was duly adopted by the Quartz Valley Indian Community of California which has jurisdiction over the area of Indian country included in the resolution:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Quartz Valley Community Council: *Provided*, That such introduction, sale or possession is in conformity with the laws of California.

Be it further resolved that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

FRED G. AANDAHL,
*Assistant Secretary of the Interior.*

DECEMBER 14, 1953.

[F. R. Doc. 53-10492; Filed, Dec. 17, 1953; 8:46 a. m.]

UPPER LAKE POMO INDIAN COMMUNITY OF CALIFORNIA

FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Upper Lake Pomo Reservation was duly adopted by the Upper Lake Pomo Indian Community of California which has jurisdiction over the area of Indian country included in the resolution:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, Be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Upper Lake Pomo Indian Community: *Provided*, That such introduction, sale or possession is in conformity with the laws of California.

Be it further resolved that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

FRED G. AANDAHL,
*Assistant Secretary of the Interior.*

DECEMBER 14, 1953.

[F. R. Doc. 53-10493; Filed, Dec. 17, 1953; 8:46 a. m.]

## DEPARTMENT OF LABOR

### Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214, as amended, 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops, wage rates and the effective and expiration dates of the certificates are set forth below. In each case, the wage rates are established at rates not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or at wage rates stipulated in the certificate, whichever is higher.

Association for the Help of Retarded Children, Inc., 724 Nostrand Street, Brooklyn, 16, New York, at a rate of not less than 10 cents per hour. Certificate is effective October 12, 1953 and expires September 30, 1954.

Goodwill Industries of New York Inc., 317-325 East 118th Street, New York, New York; at a rate of not less than 35 cents per hour. Certificate is effective November 1, 1953 and expires October 31, 1954.

Goodwill Industries of New York, Inc., 123 East 124th Street, New York, New York; at a rate of not less than 35 cents per hour. Certificate is effective November 1, 1953 and expires October 31, 1954.

The Nassau County Branch of the Goodwill Industries of New York, Inc., Greenvale, Long Island, New York; at a rate of not less than 35 cents per hour. Certificate is effective November 1, 1953 and expires October 31, 1954.

The Baltimore League for Crippled Children and Adults, Inc., 827 St Paul Street, Baltimore, Maryland; at a rate of not less than 20 cents per hour for a training period of 120 hours and 40 cents thereafter. Certificate is effective November 1, 1953 and expires October 31, 1954.

Goodwill Industries of Wilmington, Inc., 214-216 Walnut Street, Wilmington, Delaware; at a rate of not less than 25 cents per hour for a training period of 120 hours and 45 cents thereafter. Certificate is effective November 1, 1953 and expires October 31, 1954.



The Volunteers of America, Room 1208, 1211 Chestnut Street, Philadelphia 7, Pennsylvania; at a rate of not less than 40 cents per hour. Certificate is effective November 1, 1953 and expires October 31, 1954.

Cleveland Rehabilitation Center, 2239 East 55th Street, Cleveland, Ohio; at a rate of not less than 2 cents per hour for a training period of 160 hours and 10 cents thereafter. Certificate is effective October 12, 1953 and expires September 30, 1954.

Cleveland Society for the Blind, 2275 East 55th Street, Cleveland, Ohio; at a rate of not less than 10 cents per hour for a training period of 120 hours in the Contract Shop and 20 cents thereafter and at a rate of not less than 10 cents per hour for a training period of 120 hours, in the Serving and Broom Departments and 40 cents thereafter. Certificate is effective October 1, 1953, and expires September 30, 1954.

Flint Goodwill Industries, Inc., 2410 North Saginaw Street, Flint 5, Michigan; at a rate of not less than 25 cents per hour for a training period of 40 hours and 35 cents thereafter. Certificate is effective October 8, 1953, and expires September 30, 1954.

Michigan Veterans Facility, Soldiers' Home, 3000 Monroe Avenue, Grand Rapids 5, Michigan; at a rate of not less than 19 cents per hour. Certificate is effective October 1, 1953, and expires September 30, 1954.

Volunteers of America, 377-379 West Broad Street, Columbus 8, Ohio; at a rate of not less than 15 cents per hour for a training period of 40 hours and 30 cents thereafter. Certificate is effective October 5, 1953, and expires September 30, 1954.

Gary Goodwill Industries, Inc., 1224 Broadway, Gary, Indiana; at a rate of not less than 50 cents per hour. Certificate is effective November 1, 1953 and expires October 31, 1954.

Goodwill Industries of Fort Wayne, Inc., 112 East Columbia Street, Fort Wayne, Indiana; at a rate of not less than 40 cents per hour for a training period of 160 hours and 45 cents thereafter. Certificate is effective November 1, 1953 and expires October 31, 1954.

Minnesota Homecrafters, Inc., 1324 East First Street, Duluth, Minnesota; at a rate of not less than 10 cents per hour for a training period of 160 hours and 20 cents thereafter. Certificate is effective November 1, 1953 and expires October 31, 1954.

Minnesota Homecrafters, Inc., 3938 Minnehaha Avenue, Minneapolis, Minnesota; at a rate of not less than 10 cents per hour for a training period of 160 hours and 20 cents thereafter. Certificate is effective November 1, 1953 and expires October 31, 1954.

The Volunteers of America, Peoria Post, 823 South Jefferson Avenue, Peoria 6, Illinois; at a rate of not less than 50 cents per hour. Certificate is effective October 12, 1953, and expires September 30, 1954.

Wisconsin Workshop for the Blind, 2385 North Lake Drive, Milwaukee 11, Wisconsin; at a rate of not less than 35 cents per hour for a training period of 160 hours in the Cocoa Mat Shop and 50 cents thereafter. Certificate is effective October 1, 1953, and expires September 30, 1954.

Adult Training Center of the New Mexico School for the Blind, 408 Pennsylvania Avenue, Alamogordo, New Mexico; at a rate of not less than 40 cents per hour for a training period of 160 hours and 50 cents thereafter. Certificate is effective October 1, 1953, and expires September 30, 1954.

Goodwill Industries of San Antonio, Inc., 3822 Pleasanton Road, San Antonio 4, Texas; at a rate of not less than 40 cents per hour for a training period of 160 hours and 50 cents thereafter. Certificate is effective October 1, 1953 and expires September 30, 1954.

Goodwill Industries of Santa Clara County, Inc., 351 Lincoln Avenue, San Jose 25, California; at a rate of not less than 65 cents per hour. Certificate is effective October 20, 1953 and expires October 15, 1954.

The Volunteers of America, 2323 Kern Street, Fresno 1, California; at a rate of not less than 50 cents per hour for a training period of 80 hours and 65 cents thereafter. Certificate is effective October 1, 1953 and expires September 30, 1954.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 14th day of December 1953.

JACOB I. BELLOW,
*Assistant Chief of Field Operations.*

[F. R. Doc. 53-10494; Filed, Dec. 17, 1953; 8:46 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8873, 10766]

RADIO DIABLO, INC. AND KXOB, INC.

ORDER CONTINUING HEARING

In re applications of Radio Diablo, Inc., Stockton, California, Docket No. 8873, File No. BPCT-368; KXOB, Inc., Stockton, California, Docket No. 10766, File No. BPCT-1091; for construction permits for new television stations.

The Commission having under consideration a joint petition of the parties in the above matter for a continuance of the hearing presently scheduled for December 24, 1953; and

It appearing that counsel for the Chief of the Broadcast Bureau has no objection to the requested continuance; and that all the parties hereto have consented to a waiver of § 1.745 of the Commission's rules of practice and procedure so the matter may be considered immediately.

*It is ordered*, This 11th day of December 1953, that the joint petition of the parties to this proceeding for continuance of the above matter now scheduled for December 24, 1953, is granted, and the hearing is continued to 10:00 a. m., Monday, January 11, 1954, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10526; Filed, Dec. 17, 1953; 8:53 a. m.]

[Docket Nos. 8936, 10795, 10796]

LOYOLA UNIVERSITY ET AL.

ORDER CONTINUING HEARING

In re applications of Loyola University, New Orleans, Louisiana, Docket No. 8936, File No. BPCT-359; the Times-Picayune Publishing Company, New Orleans, Louisiana, Docket No. 10795, File No. BPCT-648; James A. Noe, Harry Allsman, Raymond F. Hufft, and James A. Noe, Jr., d/b as James A. Noe and Company, New Orleans, Louisiana, Docket No. 10796, File No. BPCT-1588; for construction permits for new television stations.

The Commission having under consideration a motion filed December 8, 1953, by James A. Noe and Company, requesting (1) that the hearing in the above-entitled proceeding, presently scheduled to commence December 31, 1953, be continued to January 4, 1954; and (2) that the date for the exchange of certain information among the applicants be continued until December 21, 1953, fifteen days prior to the proposed commencement of hearing; and

It further appearing that counsel for the other two applicants in the above-entitled proceeding and counsel for the Broadcast Bureau have agreed to a grant of such motion; and good cause has been shown for the grant thereof;

*It is ordered*, This 11th day of December 1953, that the motion for continuance be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to January 4, 1954, and the date for exchange of information is continued to December 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10527; Filed, Dec. 17, 1953; 8:53 a. m.]

[Docket Nos. 8959, 10641]

RADIO WISCONSIN, INC. AND BADGER TELEVISION CO., INC.

ORDER RE ISSUES

In re applications of Radio Wisconsin, Incorporated, Madison, Wisconsin, Docket No. 8959, File No. BPCT–410; Badger Television Company, Inc., Madison, Wisconsin, Docket No. 10641, File No. BPCT–1472; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of December 1953;

The Commission having under consideration a petition filed December 4, 1953, by Radio Wisconsin, Inc., seeking expeditious consideration of subject petitioner's "Supplemental Petition to Revise Hearing Issues and for Alternative Relief" filed November 16, 1953; and

It appearing that subject petitioner's supplemental petition filed November 16, 1953, requests as an alternative to the relief sought in said petition that the Commission modify its order of designation released August 14, 1953, to include an issue giving the Examiner discretionary authority to determine whether the funds available to Badger Television Company give reasonable assurance that the proposals set forth in said company's application will be effectuated; and

It further appearing that no objections to that part of the petition for alternative relief have been raised, provided the requested enlargement of the hearing issue also permits the Examiner to inquire into the issue of the sufficiency of the funds available to Radio Wisconsin, Inc.; and

It further appearing that the instant proceeding was designated for hearing on August 14, 1953; and

It further appearing that the question of whether or not the available funds of Radio Wisconsin, Inc., and Badger Television Company will be sufficient to effectuate their proposals, and hence whether or not the issues should be broadened to permit the receipt of evidence on this question, is a matter best left to the discretion of the Examiner after his receipt of allegations sufficiently particularized and material so that, if proved, they would establish significant differences between the competing proposals, all as set out in our Memorandum Opinion and Order In re South Central Broadcasting Corporation, et al., released October 7, 1953, Docket Nos. 10461–10464;

*It is ordered*, That the above-described petition of Radio Wisconsin, Inc., filed December 4, 1953, is granted to the extent that it requests enlargement of the issues in this proceeding by the Examiner upon sufficient allegations of fact made in support of said enlargement, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in their applications will be effectuated.

Released: December 14, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53–10528; Filed, Dec. 17, 1953; 8:53 a. m.]

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[Docket Nos. 10507, 10508]

HILLTOP MANAGEMENT CORP. AND NORTHERN ALLEGHENY BROADCASTING CO.

MEMORANDUM OPINION AND ORDER STAYING HEARING

In re applications of Hilltop Management Corporation, Kane, Pennsylvania, Docket No. 10507, File No. BP–8577; Northern Allegheny Broadcasting Co., Kane, Pennsylvania, Docket No. 10508, File No. BP–8671; for construction permits.

1. The Commission has under consideration a petition filed November 17, 1953, by Northern Allegheny Broadcasting Co. for review of certain of the Hearing Examiner's rulings in the above-entitled proceeding and for an order by the Commission staying the hearing scheduled to commence November 18, 1953.

2. Briefly stated, the circumstances which generated the request now under consideration are pertinently as follows: Each of the above-named parties applied for identical broadcast facilities in the same community and their applications were designated for hearing to begin November 18, 1953. Northern Allegheny on November 4, 1953, petitioned for leave to amend its application to another frequency and for removal from the hearing docket. On November 16, 1953, Northern Allegheny supplemented its November 4 petition to urge that both applications be removed from hearing upon acceptance of its amendment to specify another frequency. Northern Allegheny explains that it was prompted to file its supplemental petition by the allegedly surprise informal advice from the Examiner, several days before the scheduled hearing date, that retention of the Hilltop application in hearing was contemplated. The November 16 pleading urging that both applications be removed from hearing was coupled with a further petition by Northern Allegheny asking that the Examiner continue the November 18 scheduled hearing date for a reasonable period of time to permit resolution of the substantive question. On November 17 oral argument on these matters was held before the Examiner who ruled that the Northern Allegheny application be removed from hearing, that the Hilltop application be retained in hearing, and that the hearing go forward on November 18, as scheduled. From these rulings Northern Allegheny on the same day took its subject appeal.

3. At the outset, it should be noted that we are here addressing ourselves only to the Northern Allegheny request that the Examiner's refusal to continue the hearing be reviewed and a stay order issued, leaving for treatment at another place the merits of the substantive question. It is Northern Allegheny's position that the proposal of the Examiner to go forward on the next day with the scheduled hearing and, under the circumstances of the case, to issue an initial decision shortly thereafter, effectively abates the significance of its appeal. With this view we are in agreement. We do not interfere with the exercise of an Examiner's discretion on such matters as continuances, unless it appears in a given case that the action was arbitrary. In view of the provisions of paragraph (g) of Commission rule 1.373 [1] and under the circumstances of this case, it is our judgment that we should restrain the scheduled hearing to save the full significance of the substantive question.

4. *Accordingly, it is ordered*, This 18th day of November 1953, that the hearing on the above-entitled applications scheduled to commence November 18, 1953, is stayed until further notice from the Commission.

Released: December 8, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53–10529; Filed, Dec. 17, 1953; 8:53 a. m.]

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[Docket Nos. 10525, 10526]

LORAIN JOURNAL CO. AND ELYRIA-LORAIN BROADCASTING CO.

ORDER RE ISSUES

In re applications of the Lorain Journal Company, Lorain, Ohio, Docket No. 10525, File No. BPCT–1116; Elyria-Lorain Broadcasting Company, Elyria, Ohio, Docket No. 10526, File No. BPCT–1124; for construction permits for new televison broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of December 1953;

The Commission having under consideration a petition filed on July 31, 1953, by Elyria-Lorain Broadcasting Company requesting that the financial and technical issues concerning the petitioner be deleted from the Commission's order of May 27, 1953, released June 1, 1953, designating the above-entitled applications for hearing; an opposition to the petition and motion to strike filed by The Lorain Journal Company on August 14, 1953; and a reply by the Chief of the Commission's Broadcast Bureau filed on August 10, 1953;

It appearing that in its order of May 27, 1953, the Commission designated the application of Elyria for hearing on financial and technical issues [1] as well as the standard comparative issues; and

It further appearing that by an amendment to its application, accepted on June 29, 1953, Elyria-Lorain showed the following changes: (1) Letters from the two banks which had made loan commitments to petitioner stating that each knew of the existence of the other's commitment; (2) a $42,500 increase in capital; (3) a letter from the equipment manufacturer deferring payments on equipment by an additional $25,000, thereby reducing cash requirements for equipment by $25,000; and (4) the selection of a new antenna site to alleviate the re-radiation problem to an existing AM station; and

It further appearing that Lorain Journal contends that in spite of Elyria's amended application it is not financially qualified, and that Elyria has not, in any event, shown "good cause" to permit late filing of its petition; and

It further appearing that Elyria by its amended application has made a prima facie showing it is financially qualified to construct, own and operate its proposed television broadcast station; and

It further appearing that the public interest will be served by permitting the Examiner on his own motion or on petition by one of the parties to the proceedings, to admit evidence designed to controvert the fact that available funds will be sufficient to effectuate the proposals of the applicants, In re South Central Broadcasting Co. (9 RR 1035); and

It further appearing that Elyria's new antenna site will resolve the re-radiation problem originally raised; and

It further appearing that Elyria-Lorain Broadcasting Company is financially qualified to the extent indicated herein and is technically qualified to construct, own and operate a television broadcast station; and

It further appearing that a grant of Elyria's petition would not be unfair to the competing applicant and that Elyria has made a convincing showing why it was not possible to file its motion within 15 days after the issues were published in the FEDERAL REGISTER as required by § 1.389 of the Commission's rules and regulations;

*It is ordered*, That the request for deletion of issues by Elyria-Lorain Broadcasting Co. is granted and that the motion to strike by the Lorain Journal Company is denied.

*It is further ordered*, That the Commission's order of May 27, 1953, released June 1, 1953, designating for hearing the above described applications is modified by the deletion of the issues with respect to the financial and technical qualifications of Elyria-Lorain Broadcasting Co.

*It is further ordered*, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 14, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53 10530; Filed, Dec. 17, 1953; 8:53 a. m.]

[1] Section 1.373 (g) reads in pertinent part as follows: "Frequently, when two cases are designated for hearing because they are mutually exclusive, one of the applicants amends and removes the conflict. Where this occurs the appropriate procedure is to petition for leave to amend and remove from the hearing docket. Such motions will be considered promptly and if it appears that the conflict which caused the case originally to be set for hearing has been removed and there is no other obvious conflict, the two cases will be removed from the hearing docket and placed back in their proper position (as determined by the file numbers) in the processing line."

[1] The financial and technical issues were based on the following questions raised in the Commission's "McFarland" letter of April 23, 1953:

(a) Whether the two banks which were going to loan $100,000 each to the petitioner knew of the existence of the other's commitment.

(b) Whether the sum of $240,000 cash available would be sufficient to meet cash requirements during the first year of approximately $251,091.

(c) Whether their proposed antenna site, which was 2,521 feet from the WEOL (AM) antenna structure, would affect the operation of WEOL.

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[Docket Nos. 10799, 10800, 10801]

HAMPTON ROADS BROADCASTING CORP. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Hampton Roads Broadcasting Corporation, Newport News, Virginia, Docket No. 10799, File No. BPCT–502; Beachview Broadcasting Corporation, Norfolk, Virginia, Docket No. 10800, File No. BPCT–1605; Portsmouth Radio Corporation, Portsmouth, Virginia, Docket No. 10801, File No. BPCT–1750; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of December 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 10 assigned to Norfolk-Portsmouth-Newport News, Virginia; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that Portsmouth Radio Corporation proposes an antenna of 1,000 feet above average terrain; that because of said antenna height, it may be necessary to specify special appropriate hazard markings; and that a grant, if made, of the aforementioned application should be subject to the following condition: "That the obstruction markings shall be in accordance with such hazard markings as the Commission may find necessary and appropriate."

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Hampton Roads Broadcasting Corporation is technically qualified to construct, own and operate a television broadcast station except as to those matters specified in the issues below; that Beachview Broadcasting Corporation is legally and financially qualified to construct, own and operate a television broadcast station and is technically so qualified except as to the matter referred to in issue "6" below; and that Portsmouth Radio Corporation is legally, financially and technically qualified to construct, own and operate a television broadcast station.

*It is ordered*, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 8th of January 1954 in Washington, D. C., upon the following issues:

1. To determine whether Hampton Roads Broadcasting Corporation is authorized under its articles of incorporation to construct, own and operate its proposed television broadcast station.

2. To determine whether Hampton Roads Broadcasting Corporation is financially qualified to construct, own and operate its proposed television broadcast station.

3. To determine, in accordance with § 3.684 of the Commission's rules, the antenna height above average terrain proposed by Hampton Roads Broadcasting Corporation in its above-entitled application.

4. To determine whether the transmitter type specified by Hampton Roads Broadcasting Corporation in its above-entitled application is appropriate for operation on Channel 10.

5. To determine the power gain and power distribution of the antenna system proposed by Hampton Roads Broadcasting Corporation in its above-entitled application, and the effect thereof on the calculated effective radiated power.

6. To determine whether the installation of the station proposed by Beachview Broadcasting Corporation in its above-entitled application would constitute a hazard to air navigation.

7. To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in the light of the record made with respect to the significant differences among the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own

and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

*It is further ordered*, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 14, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10531; Filed, Dec. 17, 1953; 8:54 a. m.]

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[Docket No. 10803]

VERI-TRIM PRODUCTS CO.

ORDER SCHEDULING MATTER FOR HEARING

In the matter of Cease and Desist Order to be directed to Arthur Cohen and Allen S. Finkelstein, tr/as Veri-Trim Products Company, 990 Myrtle Avenue, Brooklyn, N. Y.

The Commission having under consideration the issuance of an order pursuant to section 312 (b) of the Communications Act of 1934, as amended, to Arthur Cohen and Allen S. Finkelstein, tr/as, Veri-Trim Products Company (hereinafter referred to as Veri-Trim Products Company) to cease and desist from violating Part 18 of the Commission's rules by operating electronic heating equipment which (1) is the source of interference to authorized radio services, and (2) is not certified or licensed in accordance with the Commission's rules;

It appearing that Veri-Trim Products Company operates in its plant at 990 Myrtle Avenue, Brooklyn, N. Y., certain industrial heating equipment operating on approximately 30 Mc which is subject to the requirements of §§ 18.1, 18.2 (c), 18.3, 18.4, 18.21, 18.22, 18.23, 18.24 and 18.41 through 18.49 of the Commission's rules; and

It further appearing that the aforementioned equipment causes interference to an authorized radio communication system operated by the United States Army in the vicinity of New York, N. Y.; and

It further appearing that the aforementioned equipment has not been certified by a duly qualified engineer or the manufacturer of the equipment as required by § 18.22 of the Commission's rules, nor has the equipment been licensed pursuant to § 18.41 of the Commission's rules; and

It further appearing that the above facts have been called to the attention of the Veri-Trim Products Company by the Commission both orally and in writing, and that the company has been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements but such demonstration has not been made and such compliance has not been accomplished;

*It is ordered*, This 11th day of December 1953, pursuant to section 312 (c) of the Communications Act of 1934, as amended, and pursuant to the Commission's order of September 30, 1953, delegating authority to the Chief, Field Engineering and Monitoring Bureau to issue orders to show cause why cease and desist orders should not be issued with respect to Industrial, Scientific, and Medical Equipment, that the Veri-Trim Products Company be and is hereby directed to show cause why there should not be issued an order commanding it to cease and desist from violating the provisions of Part 18 of the Commission's rules by operating industrial heating equipment without the certification or license required by Part 18 of the Commission's rules, and by operating such equipment in a manner which causes interference to authorized radio services; and

*It is further ordered*, That a hearing in this matter be held in New York, N. Y., at 10:00 a. m. on the 20th day of January 1954, in order to determine whether said cease and desist order should be issued and that Veri-Trim Products Company is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

*It is further ordered*, Pursuant to § 1.402 of the rules, that said Veri-Trim Products Company is directed to file with the Commission within thirty days of the receipt of this order a written appearance in triplicate, stating that the Company will appear and present evidence on the matter specified in this order if the Company desires to avail itself of its opportunity to appear before the Commission. If said Veri-Trim Products Company does not desire to appear before the Commission and give evidence on the matter specified herein, it shall, within thirty days of the receipt of this order, file with the Commission, in triplicate, a written waiver of hearing. Such waiver may be accompanied by a statement of reasons why Veri-Trim Products Company believes that a cease and desist order should not be issued, and

*It is further ordered*, That failure of said Veri-Trim Products Company timely to respond to this order or failure to appear at the hearing designated herein will be deemed a waiver of hearing.

Released: December 14, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10532; Filed, Dec. 17, 1953; 8:54 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-2110, G-2329]

AMERE GAS UTILITIES CO.

ORDER PERMITTING CERTAIN TARIFF SHEETS TO TAKE EFFECT BY SUBSTITUTION AND SUSPENDING CERTAIN OTHER TARIFF SHEETS

On November 16, 1953, Amere Gas Utilities Company (Amere) tendered for filing its Second Revised Sheets Nos. 4 and 6 to its FPC Gas Tariff, First Revised Volume No. 1, proposing increases in its demand-commodity and transportation components of its Rate Schedule CDS-1 applicable to sales of gas to Bluefield Gas Company (Bluefield), its only resale customer.

On November 18, 1953, Amere tendered in substitution of its filing of November 16 its Second Revised Sheets Nos. 4 and 6 and Third Revised Sheet No. 4. The tendered filings make no substantive change from the tender of November 16, 1953, but are submitted so that the increase in the transportation component of the rate, which is claimed to be based upon presently experienced increased costs, might be considered separately from the proposed increase in the demand and commodity components which are based upon anticipated increased costs.

The substituted Second Revised Sheet No. 4 provides for an increase in the transportation component from 3 cents to 5 cents per Mcf and would result in an increase of $4,183 per year. The proposed 5 cents per Mcf charge is based on an allocation of costs for the lateral serving Bluefield during the 12-month period which ended September 30, 1953. Amere proposes that its Second Revised Sheet No. 4 become effective December 17, 1953. Such Second Revised Sheet would replace First Revised Sheet No. 4 now in effect under bond in Docket No. G-2110.

Amere requests that its Second Revised Sheet No. 6 and Third Revised Sheet No. 4, providing for changes in the demand and commodity components, and reflecting a revised heat content adjustment, which would result in a net increase of $2,237 per year, to become effective on such date as the Commission may determine, but in any event not later than March 1, 1954. This proposed increase is in addition to the proposed increase of $32,662 in effect under bond in Docket No. G-2110, which the Commission found has not been shown to be justified and may be unjust or unreasonable, or otherwise unlawful. Likewise, the rates and charges provided in Amere's Second Revised Sheet No. 6 and Third Revised Sheet No. 4, as filed on November 18, 1953, have not been shown to be justified and may be unjust or unreasonable, or otherwise unlawful.

Amere states that the proposed Second Revised Sheet No. 6 and Third Revised Sheet No. 4 reflect a proposed increase in rates from Atlantic Seaboard Corporation now under suspension in Docket No. G-2275, pursuant to Commission orders issued October 13 and 26, 1953.

On December 7, 1953, Bluefield filed protests and objections to the proposed increase in rates. A protest has also been received from the Public Service Commission of West Virginia.

The Commission finds:

(1) Good cause exists to permit the aforesaid Second Revised Sheet No. 4 to Amere's FPC Gas Tariff, First Revised Volume No. 1, to take effect as of December 17, 1953, as hereinafter ordered.

(2) It is necessary and proper in the public interest, and in aid of the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of Amere's FPC Gas Tariff, First Revised Volume No. 1 as proposed to be amended by Second Revised Sheet No. 6 and Third Revised Sheet No. 4, and that such sheets be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Amere's Second Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1, tendered for filing on November 18, 1953, is hereby permitted to take effect as of December 17, 1953. Said Second Revised Sheet No. 4 shall be substituted for Amere's First Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1, and shall be subject to review in the proceedings in Docket No. G-2110 and the terms and conditions of the bond posted pursuant to the order issued July 16, 1953.

(B) Pursuant to the authority contained in section 4 of the Natural Gas Act, a public hearing be held in Docket No. G-2329 upon a date to be fixed by further order of the Commission concerning the lawfulness of the rates, charges and classifications contained in Amere's FPC Gas Tariff, First Revised Volume No. 1, as amended by Second Revised Sheet No. 6 and Third Revised Sheet No. 4.

(C) Pending hearing and decision in Docket No. G-2329, Amere's Second Revised Sheet No. 6 and Third Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1, be and the same are hereby suspended, and the use thereof is deferred until March 1, 1954, and until such further time thereafter as said proposed tariff sheets may be made effective in the manner prescribed by the Natural Gas Act.

(D) Interested State commissions may participate as provided by §§1.8 and 1.37 (f) [18 CFR 1.8 and 1.37 (f)] of the Commission's rules of practice and procedure.

Adopted: December 9, 1953.

Issued: December 14, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10495; Filed, Dec. 17, 1953; 8:47 a. m.]

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[Docket No. G-2141]

SOUTHERN NATURAL GAS CO.

ORDER FIXING DATE FOR RESUMPTION OF HEARING

On December 1, 1953, the hearing in this proceeding was recessed to reconvene on January 5, 1954. Staff Counsel had requested, on the record, a recess until February 8, 1954, alleging, among other matters, prior commitments of the Staff in other proceedings. The parties to the proceeding indicated that they did not object to Staff Counsel's request.

On December 4, 1953, Staff Counsel filed a motion for postponement of the hearing from January 5, 1954, to February 8, 1954, for the reasons above stated.

The Commission finds: Good cause exists for reconvening of the hearing in this proceeding as hereinafter ordered and it is desirable that all parties be notified as soon as practicable of the postponement granted herein.

The Commission orders: The public hearing in this proceeding be resumed on February 15, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C.

Adopted: December 9, 1953.

Issued: December 14, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10496; Filed, Dec. 17, 1953; 8:47 a. m.]

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[Docket Nos. G-2290, G-2304, G-2325]

TENNESSEE GAS TRANSMISSION CO. ET AL.

NOTICE OF APPLICATIONS

DECEMBER 14, 1953

In the matters of Tennessee Gas Transmission Company, Docket No. G-2290; The Manufacturers Light and Heat Company, Docket No. G-2304; The Ohio Fuel Gas Company, Docket No. G-2325.

Take notice that on October 21, 1953, Tennessee Gas Transmission Company (Tennessee), a Delaware corporation, address, Houston, Texas, filed an application in Docket No. G-2290, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the delivery of up to 15,300 Mcf (at 14.73 p. s. i. a.) of natural gas per day to The Ohio Fuel Gas Company (Ohio Fuel Gas) for the account of The Manufacturers Light and Heat Company (Manufacturers), at a new delivery point to be located in Guernsey County, Ohio, and authorizing the construction and operation at said new delivery point of metering and regulating facilities required for such delivery. The estimated cost of the proposed facilities is $16,500, which Tennessee proposes to pay for from cash on hand.

On November 9, 1953, Manufacturers, a Pennsylvania corporation, address, Pittsburgh, Pennsylvania, filed an application in Docket No. G-2304, requesting authorization pursuant to section 7 of the Natural Gas Act to release and assign to its affiliate, Ohio Fuel Gas, the right to purchase up to 15,300 Mcf (at 14.73 p. s. i. a.) of natural gas per day from The Chicago Corporation, and to have said gas transported and delivered by Tennessee to Ohio Fuel Gas at said new delivery point to be constructed by Tennessee, as hereinbefore described. On December 3, 1953, Manufacturers filed an amendment to said application in which it is stated that Manufacturers proposes to transfer to Ohio Fuel Gas all Manufacturers' right, title and interest in the gas proposed to be delivered into the facilities of Ohio Fuel Gas by Tennessee simultaneously with such delivery so that full title thereto shall then be in Ohio Fuel Gas, and as part of its FPC Gas Tariff, Manufacturers proposes to file a letter agreement with Ohio Fuel Gas providing for release and assignment to Ohio Fuel Gas of Manufacturers' title to such volumes of gas. No new facilities are proposed to be constructed by Manufacturers in connection with said proposal.

On December 3, 1953, Ohio Fuel Gas, an Ohio corporation, address, Columbus, Ohio, filed an application in Docket No. G-2325, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the construction and operation of (1) approximately 1.3 miles of $10^{3}/_{4}$ inch natural-gas transmission pipe line connecting an existing 26-inch transmission pipe line of Tennessee with Applicants $12^{3}/_{4}$ inch Line O-389 in Cambridge Township, Guernsey County, Ohio, and (2) facilities required in connection with the expansion of underground storage by the conversion of a natural gas producing pool to storage service in Guernsey and Coshocton Counties, Ohio, said facilities including approximately 3.3 miles of $8^{5}/_{8}$ inch connecting line, 24.1 miles of $3^{1}/_{2}$ inch and $12^{3}/_{4}$ inch project piping, together with measurement facilities, auxiliary equipment, valves and incidental facilities.

Ohio Fuel Gas proposes, by means of said facilities, to receive into its system up to 15,300 Mcf (at 14.73 p. s. i. a.) of natural gas per day from the facilities of Tennessee in accordance with the proposals set forth in the applications filed in Docket Nos. G-2290 and G-2304, hereinbefore described. Ohio Fuel Gas proposes to utilize said gas (1) to protect service in Applicant's retail markets in eastern Ohio, in the areas of Coshocton, Zanesville, and Cambridge, Ohio, during current and future winter periods, by maintaining sufficient capacity to avoid pressure drops at town border stations, particularly at Cambridge, and (2) to activate and operate a storage pool in Guernsey and Coshocton Counties, in Ohio, designated as Guernsey 8-A, which project heretofore was denied by the Commission in its order issued on February 6, 1953 in Docket No. G-1985, because of the dependency of such project upon facilities and operations for which no applications had been filed by Manufacturers and Tennessee. The facilities for which authorization was denied by the Commission's order are the same facilities at those for which certification is sought herein.

The estimated total overall capital cost of the facilities proposed by Ohio Fuel Gas is $564,200. Ohio Fuel Gas proposes to pay for such cost with funds to be provided by its parent, The Columbia Gas System, Inc., which will purchase the notes and common stock of Ohio Fuel

Gas as funds are required to meet construction costs.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 6th day of January 1954. The applications are on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10497; Filed, Dec. 17, 1953; 8:47 a. m.]

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[Project No. 2075]

WASHINGTON WATER POWER CO.

NOTICE OF ORDER AMENDING PRELIMINARY PERMIT

DECEMBER 14, 1953.

Notice is hereby given that on October 20, 1953, the Federal Power Commission issued its order adopted October 15, 1953, amending preliminary permit in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10498; Filed, Dec. 17, 1953; 8:47 a. m.]

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[Project No. 2107]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER ISSUING LICENSE (MAJOR)

DECEMBER 14, 1953.

Notice is hereby given that on October 26, 1953, the Federal Power Commission issued its order adopted October 21, 1953, issuing license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10499; Filed, Dec. 17, 1953; 8:48 a. m.]

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[Project No. 2146]

ALABAMA POWER CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

DECEMBER 14, 1953.

Public notice is hereby given that Alabama Power Company, of Birmingham, Alabama, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for preliminary permit for proposed Project No. 2146 to be located on the Coosa River in Elmore, Shelby, Talladega, St. Clair, Calhoun, Etowah and Cherokee Counties, Alabama, and in Floyd County, Georgia, and affecting lands of the United States occupied by navigation locks and dams and by Alabama Ordnance Works near Childersberg, Alabama. The proposed project would include several dams in Coosa River to develop about 200 feet of undeveloped power head of which about 35 feet of head is below the existing Jordan Dam and the balance is in the 180-mile reach of the river between the existing Lay Reservoir and Rome, Georgia. The initial proposed installation of generating facilities would have a capacity of about 321,000 horsepower and would produce about 1,155 million kwh annually. The energy would be utilized through the applicant's transmission system in Alabama and through interconnections with utilities operating in Georgia, Florida and Mississippi and with the Tennessee Valley Authority. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before January 25, 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10516; Filed, Dec. 17, 1953; 8:51 a. m.]

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## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES AT FIXED PRICES

DECEMBER 1953 DOMESTIC AND EXPORT PRICE LISTS

Pursuant to the Pricing Policy of Commodity Credit Corporation issued March 22, 1950, as amended January 9, 1953 (15 F. R. 1593, 18 F. R. 176) and subject to the conditions stated therein, the following commodities are available for sale in the quantities and at the prices stated:

DECEMBER 1953 EXPORT PRICE LIST

| Commodity and approximate quantity available (subject to prior sale) | Export price list |
|---|---|
| Cottonseed oil, refined, 796,000,000 pounds.[1] | Bid basis f. o. b. tankcars or tankwagons at points of storage locations. Available New Orleans CSS Commodity Office. (A recent sale was made by CCC to a new export outlet at 12.5 cents per pound, basis p. b. s. y. ex tank at storage location.) |
| Cottonseed oil, crude, 15,000,000 pounds.[1] | Bid basis f. o. b. tankcars or tankwagons at producer's mills. Available New Orleans CSS Commodity office. |
| Linseed oil, raw, 143,300,000 pounds.[1] | Bid basis f. o. b. tankcars at points of storage locations. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis CSS Commodity offices. (A recent large export sale was made by CCC at 8.5 cents per pound, basis ex Lank at storage location.) |
| Olive oil, edible, 202,825 gallons [1]--- | Bid basis in 50/55 gallon drums f. o. b. points of storage locations. Available Portland CSS Commodity office. |
| Peanuts, shelled, bagged (for crushing). | Bid basis, f. a. s. vessel at specified ports, subject to terms and conditions of USDA Announcement FO-29-53. Peanuts may be 1953 crop peanuts acquired by calling loans, as well as CCC stocks from previous crops. (These peanuts are also available as farmer's stock for export on bid basis, f. o. b. points of storage locations subject to the terms and conditions of USDA Announcements CCC Peanut Forms 34 and 40.) Available Fats and Oils Branch, CSS, USDA, Washington 25, D. C., and New Orleans CSS Commodity office. |
| Baby lima beans, bagged, 1950 and 1951 crops, 68,918 hundredweight | U. S. No. 1 Grade, $4 per 100 pounds, basis f. a. s. San Francisco Bay area. For other grades, adjust by market differentials. Available Portland CSS Commodity office. |
| Wheat, bulk---------- | As stated in USDA press release of November 19, 1953, wheat will be made available at export prices as wheat or flour under separate announcement. Available Chicago, Minneapolis, Kansas City, New Orleans, Dallas, and Portland CSS Commodity offices. |
| Corn, bulk, 50,000,000 bushels[1]--- | Market price on date of sale at point of delivery, provided delivery takes place within 15 days unless otherwise agreed upon. |

[1] These same lots also are available at domestic sales prices announced today.

DECEMBER 1953 DOMESTIC PRICE LIST

| Commodity and approximate quantity available (subject to prior sale) | Domestic sales price |
|---|---|
| Nonfat dry milk solids, in carload lots only, 345,000,000 pounds, spray; 75,000,000 pounds, roller. | Spray process, U. S. Extra Grade, 17 cents per pound. Roller process, U. S. Extra Grade, 15 cents per pound. Prices apply "in store" at location of stocks in any State ("in store" means at the processor's plant or in storage at warehouse, but with any prepaid storage and outhandling charges for the benefit of the buyer). |
| Salted creamery butter (in carload lots only), 250,000,000 pounds. | U. S. Grade A and higher: All States except those listed below, 68.75 cents per pound New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic Ocean and Gulf of Mexico, 69.50 cents per pound. California, Oregon, and Washington, 69.75 cents per pound. U. S. Grade B: 2 cents per pound less than Grade A prices. Prices apply "in store" at location of stocks in those States where butter is stored ("in store" means at the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.) |
| Cheddar cheese, cheddar and twin styles (standard moisture basis, in carload lots only), 200,000,000 pounds. | U. S. Grade A and higher: All States except those listed below, 39 cents per pound: New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico, 40 cents per pound. U. S. Grade B: 1 cent per pound less than Grade A prices. Prices apply "in store" at location of stocks in those States where cheese is stored. All prices are subject to usual adjustment for moisture content. ("In store" means at the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer). |
| Cottonseed oil, refined, 796,000,000 pounds.[1] | Market price but not less than the minimum grade price, with appropriate adjustments for refining, location and quality f. o. b. tankcars or tankwagons at points of storage locations. Available New Orleans CSS Commodity office. Price will not be reduced during period ending August 31, 1954. |
| Cottonseed oil, crude, 15,000,000 pounds.[1] | Market price but not less than 15 cents per pound, prime, Valley basis, f. o. b. tankcars or tankwagons at producer's mills subject to premiums or discounts comparable to Bulletin 3 of the 1953 crop cottonseed price support program. Available New Orleans CSS Commodity office. Price will not be reduced during period ending August 31, 1954. |

[1] These same lots also are available at export sales prices announced today.



DECEMBER 1953 DOMESTIC PRICE LIST—Continued

| Commodity and approximate quantity available (subject to prior sale) | Domestic sales price |
|---|---|
| Slender wheatgrass seed (uncertified), bagged, 280 hundredweight. | Market price on date of sale, but not less than equivalent of the 1953 price support level for Idaused. Price will not be reduced during period ending July 31, 1954. Available Chicago, Dallas, New Orleans, Portland, and Minneapolis CSS Commodity offices. |
| Primar slender wheatgrass seed (certified), bagged, 297 hundredweight. | Market price or $24.98 per gallon in 55-gallon drums, whichever is higher, f. o. b. points of storage locations. Available Portland CSS Commodity office. |
| Alfalfa seed, northern, bagged, 176,768 hundredweight. | Bid basis, f. o. b. points of storage locations, subject to terms and conditions of Announcement FO-29-53. In addition, farmer's stock peanuts are also available as farmer's stock for export on bid basis, f. o. b. points of storage locations subject to the terms and conditions of USDA Announcements CCC Peanut Forms 34 and 40. Available New Orleans CSS Commodity office. |
| Alfalfa seed, central, bagged, 36,436 hundredweight. | On all beans, for areas other than those shown below, adjust price upward or downward by an amount equal to the price support level differential between areas. Where no price support level differential has been announced for the type of beans listed will apply. For other types of beans, adjust by market differentials. Prices are f. o. b. point of production. Amount of paid-in freight to be added, as applicable. |
| Alfalfa seed, southern, bagged, 4,470 hundredweight. | $12.74 per 100 pounds for U. S. No. 1 basis California points of production. Available Portland CSS Commodity office. |
| Alfalfa seed (certified), bagged, Ranger, 8,245 hundredweight; Ladak, 9,196 hundredweight; Grimm, 7,688 hundredweight; Buffalo, 43,692 hundredweight; Atlantic, 6,155 hundredweight; Hardigan, 1,823 hundredweight; Indian, 1,180 hundredweight. | On all seeds except lading: Offers will not be accepted for less than the minimum carlot weight as prescribed by railroad carrier's tariff governing the point of storage, however, if quantity available at any location is less than carlot, offers will be accepted for such lesser quantity. |
| Alfalfa seed (certified), bagged, Atlantic, 6,155 hundredweight. | $6.25 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Portland, Dallas, Chicago, and Minneapolis CSS Commodity offices. |
| Red clover seed (uncertified), bagged, 110,400 hundredweight. | $36.75 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Portland, Chicago, Kansas City, Minneapolis, and New Orleans CSS Commodity offices. |
| Red clover seed (certified), bagged, Cumberland, 1,000 hundredweight; Midland, 625 hundredweight. | $36.75 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Portland, Kansas City, and Minneapolis CSS Commodity offices. |
| Red clover seed (Kenland certified), bagged, 140 hundredweight. | $43 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Portland CSS Commodity office. |
| White clover seed, bagged, 1,000 hundredweight. | $83.50 per 100 pounds, f. o. b. area of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available New Orleans CSS Commodity office. |
| Ladino clover seed, bagged (certified), 144,810 hundredweight. | $65 per 100 pounds, basis f. o. b. point of production, plus any paid-in freight, as applicable, $60 in lots of 60,000 pounds, or more. Available Portland and Minneapolis, and Kansas City, CSS Commodity offices. |
| Crimson clover seed, bagged, 1,040 hundredweight. | $18 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Available Portland and New Orleans CSS Commodity offices. |
| Biennial sweet clover seed, bagged, 25,960 hundredweight. | $9.45 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Kansas City, Minneapolis, Chicago, and Portland CSS Commodity offices. |
| Alsike clover seed, bagged, 19,220 hundredweight. | $27 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Portland, Kansas City, and Chicago CSS Commodity offices. |
| Smooth bromegrass seed (uncertified), bagged, 770 hundredweight. | $15.75 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Portland CSS Commodity office. |
| Smooth bromegrass seed (Manchar certified), bagged, 345 hundredweight. | $22.50 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Portland CSS Commodity Office. |
| Mountain bromegrass seed (Bromar certified), bagged, 530 hundredweight. | $21 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Portland CSS Commodity office. |
| Hairy vetch seed, bagged, 199,800 hundredweight. | $1 plus 1953 support price per 100 pounds, f. o. b. point of production plus any $1 plus in freight as applicable basis current freight rate at time of sale. Available Portland and New Orleans CSS Commodity offices. |
| Birdsfoot trefoil seed, bagged, 826 hundredweight. | $78.75 per 100 pounds, f. o. b. point of production, plus any paid-in freight as applicable basis current freight rate at time of sale. Price will not be reduced during period ending June 30, 1954. Available Portland CSS Commodity office. |

[1] These same lots also are available at export sales prices announced today.

[1] The above prices will not be applicable to sales made in connection with drought relief programs carried out in disaster areas.

(Sec. 407, 63 Stat. 1051)

Issued: December 14, 1953.

[SEAL] HOWARD H. GORDON,
*President, Commodity Credit Corporation.*

[F. R. Doc. 53-10504; Filed, Dec. 17, 1953; 8:49 a. m.]

## GENERAL SERVICES ADMINISTRATION

PRESIDENT, VIRGIN ISLANDS CORP.

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF DISTILLERY PROPERTY LOCATED IN ST. CROIX, VIRGIN ISLANDS

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, (hereinafter referred to as "the act") I hereby authorize the President of the Virgin Islands Corporation, a wholly owned Government corporation created by the act of June 30, 1949 (63 Stat. 350, 48 U. S. C., sec. 1407 et seq.) to determine that the distillery property located on the Island of St. Croix, owned by the Corporation, is not required for the needs and responsibilities of Federal agencies, and to dispose of such property by negotiated sale, or lease with option to purchase upon such terms as may be deemed advantageous to the United States.

2. Prior to such determination and disposal of the property, the President of the Virgin Islands Corporation shall take such steps as may be appropriate to determine whether any Federal agency has need therefor, and, if so, shall transfer the property to such agency upon such terms as to reimbursement as may be prescribed in accordance with the provisions of section 202 (a) of the act, as amended by section 1 (f) of Public Law 522, 82d Congress.

3. The President of the Virgin Islands Corporation shall submit to the appropriate Committees of Congress an explanatory statement of the type required by section 203 (e) of the act, as amended by section 1 (i) of Public Law 522, 82d Congress, at least thirty (30) days prior to the consummation of any sale or lease negotiated hereunder. A copy of each such statement shall be furnished to this Administration.

4. This delegation of authority shall be effective as of the date hereof.

EDMUND F. MANSURE,
*Administrator.*

DECEMBER 11, 1953.

[F. R. Doc. 53-10502; Filed, Dec. 17, 1953; 8:48 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3164]

NEW YORK STATE NATURAL GAS CORP.

ORDER DISMISSING APPLICATION

DECEMBER 14, 1953.

New York State Natural Gas Corporation ("New York Natural"), a nonutility subsidiary of Consolidated Natural Gas Company, a registered holding company, having filed an application pursuant to section 10 of the Public Utility Holding Company Act of 1935 requesting approval of its proposed acquisition from The Manufacturers Light and Heat Company, a non-affiliated public-utility company, for a cash consideration of $63,150.73, of certain properties to be incorporated into and to become a part of New York Natural's Oakford Storage Area, in Westmoreland County, Pennsylvania; and

The Commission having considered the application and having entered its Memorandum Opinion herein concluding that it has no jurisdiction over the proposed acquisition and that no application in connection therewith is required:

*It is ordered*, That said application be, and hereby is, dismissed for lack of jurisdiction.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53-10500; Filed, Dec. 17, 1953; 8:48 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 6434]

TRANS-PACIFIC AIRLINES, LTD.

NOTICE OF PREHEARING CONFERENCE

In the matter of Trans-Pacific Airlines, Ltd., for extension of its certificate of public convenience and necessity for Route No. 99.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is hereby assigned to be held on January 12, 1954, at 10:00 a. m., e. s. t., in Room 2070, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before an Examiner of the Board.

Dated at Washington, D. C., December 15, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-10536; Filed, Dec. 17, 1953; 8:56 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28742]

GROUND LIMESTONE FROM ILLINOIS AND MISSOURI TO SOUTHERN POINTS

APPLICATION FOR RELIEF

DECEMBER 15, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Limestone, ground, carloads.

From: Marblehead and Quincy, Ill., Hannibal, White Bear and Louisiana, Mo.

To: Specified points in Florida, Kentucky, North Carolina, Tennessee and Virginia.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 784, supp. 7.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10505; Filed, Dec. 17, 1953; 8:49 a. m.]

[4th Sec. Application 28743]

CLASS AND COMMODITY RATES FROM AND TO VINSON, TEXAS, AND BETWEEN SOUTHWESTERN, SOUTHERN, OFFICIAL, WESTERN TRUNK-LINE, ILLINOIS TERRITORIES AND ADJACENT POINTS

APPLICATION FOR RELIEF

DECEMBER 15, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Class and commodity rates.

Between: Vinson, Texas, on the one hand and points in southwestern, southern, official, western trunk-line and Illinois territories, and adjacent points, on the other.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3912, supp. 230; F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 293.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10506; Filed, Dec. 17, 1953; 8:49 a. m.]



[4th Sec. Application 28744]

VERMICULITE FROM FRANKLIN, N. C., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

DECEMBER 15, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Vermiculite, in carloads.

From: Franklin, N. C.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1346, supp. 32.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10507; Filed, Dec. 17, 1953; 8:49 a. m.]

[4th Sec. Application 28745]

MOTOR-RAIL RATES IN THE EAST; SUBSTITUTED SERVICE

APPLICATION FOR RELIEF

DECEMBER 15, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The New York, New Haven and Hartford Railroad Company and Schuster's Express, Inc.

Commodities involved: Semi-trailers, loaded or empty, on flat cars.

Between: Boston, Mass., Hartford and New Haven, Conn., Springfield and Worcester, Mass., on the one hand, and Harlem River, N. Y., Elizabeth and Edgewater, N. J., on the other.

Grounds for relief: Competition with motor carriers.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R Doc. 53-10508; Filed, Dec. 17, 1953; 8:50 a. m.]

[4th Sec. Application 28746]

ALUMINUM BILLETS FROM LA FAYETTE, IND., TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

DECEMBER 15, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedules listed in appendix A of the application pursuant to fourth-section order No. 17220.

Commodities involved: Aluminum billets, blooms, ingots, pigs or slabs, carloads.

From: La Fayette, Ind.

To: St. Louis, Mo.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10509; Filed, Dec. 17, 1953; 8:50 a. m.]

[4th Sec. Application 28747]

GUMS AND RESINS FROM CHARLESTON, W. VA., GROUP TO DETROIT, MICH., AND TOLEDO, OHIO

APPLICATION FOR RELIEF

DECEMBER 15, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedules listed in the application, pursuant to fourth-section order No. 17220.

Commodities involved: Gums or resins, synthetic, carloads.

From: Charleston, W. Va., and points grouped therewith.

To: Detroit, Mich., and Toledo, Ohio.

Grounds for relief: Competition with rail carriers and circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10510; Filed, Dec. 17, 1953; 8:50 a. m.]

[4th Sec. Application 28748]

LIQUEFIED CHLORINE GAS FROM PERKINS, W. VA., TO POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

DECEMBER 15, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: H. R. Hinsch, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Liquefied chlorine gas, in tank-car loads.

From: Perkins, W. Va.

To: Specified points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: H. R. Hinsch, Alternate Agent, I. C. C. No. 4510, supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10511; Filed, Dec. 17, 1953; 8:50 a. m.]

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[4th Sec. Application 28749]

PETROLEUM COKE FROM PORT ARTHUR, TEXAS, TO THE SOUTH

APPLICATION FOR RELIEF

DECEMBER 15, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Petroleum coke, carloads.

From: Port Arthur and West Port Arthur, Texas.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 4085.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10512; Filed, Dec. 17, 1953; 8:50 a. m.]

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[4th Sec. Application 28750]

MILL CINDER AND MILL SCALE FROM ATLANTA, GA., GROUP TO GADSDEN AND ORD., ALABAMA CITY, AND ATTALLA, ALA.

APPLICATION FOR RELIEF

DECEMBER 15, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Alabama Great Southern Railroad Company, Louisville and Nashville Railroad Company, and the Southern Railway Company.

Commodities involved: Mill cinder and mill scale, carloads.

From: Atlanta, Ga., and points taking same rates.

To: Gadsden and Ord, Alabama City, and Attalla, Ala.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1258, supp. 53.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10513; Filed, Dec. 17, 1953; 8:50 a. m.]

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[4th Sec. Application 28751]

ANIMAL OR POULTRY FEED FROM CHICAGO AND ROCKFORD, ILL., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

DECEMBER 15, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedules listed below.

Commodities involved: Feed, animal or poultry, viz.: meat or fish, with or without cereal or vegetable ingredients, carloads.

From: Chicago and Rockford, Ill.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 784, supp. 8; R. G. Raasch, Agent, I. C. C. No. 776, supp. 22.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10514; Filed, Dec. 17, 1953; 8:51 a. m.]

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[4th Sec. Application 28752]

SOAP AND RELATED ARTICLES FROM ST. LOUIS, MO., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

DECEMBER 15, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1062, pursuant to fourth-section order No. 16101.

Commodities involved: Soaps, cleaning, scouring or washing compounds, carloads.

From: St. Louis, Mo.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10515; Filed, Dec. 17, 1953; 8:51 a. m.]

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[Drought Order 51, Amdt. 1]

UTAH AND WYOMING

ORDER AMENDING ORDER TO INCLUDE PROVISION FOR TRANSPORTATION AND RETURN OF LIVESTOCK

In the matter of relief under section 22 of the Interstate Commerce Act.

Upon consideration of a request by the Under Secretary of Agriculture dated December 11, 1953, to include the movement of livestock within the terms of the order:

*It is ordered*, That the order of December 3, 1953, be, and it is hereby, amended to include within its provisions, the transportation of livestock from Utah and Wyoming and the subsequent return of the livestock to those states.

*It is further ordered*, That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Division of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N. Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Ill., the Traffic Vice-President of the Association of American Railroads, Washington, D. C., and to the President of the American Short Line Railroad Association, Washington, D. C.

Dated at Washington, D. C., this 14th day of December 1953.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10535; Filed, Dec. 17, 1953; 8:56 a. m.]

# FEDERAL REGISTER

VOLUME 18 NUMBER 247

*Washington, Saturday, December 19, 1953*


## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10510

ESTABLISHING A SEAL FOR THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

WHEREAS the Secretary of Health, Education, and Welfare has adopted and has recommended that I approve a seal of office for the Department of Health, Education, and Welfare, the design of which accompanies and is hereby made a part of this order, and which is described in heraldic terms as follows:

SHIELD: Argent an open book with sanguine binding charged overall with a staff of Aesculapius paleways within an annulet of chain all proper.

CREST: On a wreath argent and sanguine an American bald eagle displayed and wings partially inverted proper.

Below the shield a white scroll inscribed with the motto "SPES ANCHORA VITAE" in black letters, all on a circular sanguine background within a white band, inner edge white, outer edge sanguine, and inscribed "DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE U. S. A.";

AND WHEREAS it appears that such seal is of suitable design and appropriate for adoption as the official seal of the Department of Health, Education, and Welfare:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such seal as the official seal of the Department of Health, Education, and Welfare.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*December 17, 1953.*




[F. R. Doc. 53-10615; Filed, Dec. 18, 1953; 10:02 a. m.]

## RULES AND REGULATIONS

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### Subchapter A—General Rules and Regulations

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

FORM PRESCRIBED FOR SMALL STEAM RAILWAYS AND SWITCHING AND TERMINAL COMPANIES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 18th day of November A. D. 1953.

The matter of annual reports from steam railway companies and switching and terminal companies of Class III being under consideration, and it appearing that the changes in existing regulations to be effectuated by this order are only minor changes with respect to the data to be furnished, and that public rule-making procedures are unnecessary.

*It is ordered*, That the order of January 12, 1953, in the matter of annual reports from steam railway companies, and switching and terminal companies, of Class III (49 CFR 120.12) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1953, and subsequent years, as follows:

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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§ 120.12 *Form prescribed for small steam railways and switching and terminal companies.* All steam railway companies and switching and terminal companies of Class III subject to the provisions of section 20, Part I of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1953, and for each succeeding year until further order, in accordance with Annual Report Form C (Small Steam Roads and Switching and Terminal Companies)[1] which is hereby approved and made a part of this section. The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the one to which it relates.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904. Interprets or applies sec. 20, 24 Stat. 386, as amended, 54 Stat. 944; 49 U. S. C. 20, 913)

NOTE: Budget Bureau No. 60–RO99.10.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10558; Filed, Dec. 18, 1953; 8:50 a. m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

FORM PRESCRIBED FOR CARRIERS BY PIPE LINE

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 18th day of November A. D. 1953.

The matter of annual reports from carriers by pipe line being under consideration, and it appearing that the changes in existing regulations to be effectuated by this order are only minor changes with respect to the data to be furnished, and that public rule-making procedures are unnecessary;

*It is ordered*, That the order dated December 10, 1952, in the matter of annual reports from carriers by pipe line (49 CFR 120.61) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1953, and subsequent years, as follows:

§ 120.61 *Form prescribed for carriers by pipe line.* All carriers by pipe line subject to the provisions of section 20, part I of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1953, and for each succeeding year until further order, in accordance with Annual Report Form P (Carriers by Pipe Line),[1] which is hereby approved and made a part of this section. The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the one to which it relates.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904. Interprets or applies sec. 20, 24 Stat. 386, as amended, 54 Stat. 944; 49 U. S. C. 20, 913)

NOTE: Budget Bureau No. 60–R108.10.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10557; Filed, Dec. 18, 1953; 8:50 a. m.]

[1] Filed as part of the original document.

Subchapter C—Carriers by Water

PART 301—REPORTS

ANNUAL REPORT FORM PRESCRIBED FOR CARRIERS BY INLAND AND COASTAL WATERWAYS OF CLASS A AND CLASS B

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 10th day of December A. D. 1953.

The matter of annual reports from carriers by water being under consideration, and it appearing that the changes in existing regulations to be effectuated by this order are only minor changes with respect to the data to be furnished, and that public rule-making procedures are unnecessary;

*It is ordered*, That the order dated December 10, 1952, In the matter of annual reports from carriers by water of Class A and of Class B (49 CFR 301.10) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1953, and subsequent years, as follows:

§ 301.10 *Annual report form prescribed for carriers by inland and coastal waterways of Class A and Class B.* All Inland and Coastal Waterways of Class A and Class B (49 CFR 126.2) subject to the provisions of section 313, Part III of the Interstate Commerce Act, are hereby required to file annual reports for the year ended December 31, 1953, and for each succeeding year until further order, in accordance with Annual Report Form K–A (Inland and Coastal Waterways of Class A and Class B),[1] which is hereby approved and made a part of this section. The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the one to which it relates.

(54 Stat. 933; 49 U. S. C. 904. Interprets or applies 54 Stat. 944; 49 U. S. C. 913)

NOTE: Budget Bureau No. 60–R105.10.

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10556; Filed, Dec. 18, 1953; 8:49 a. m.]

## TITLE 7—AGRICULTURE

### Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION, AND STANDARDS)

SUBPART—U. S. STANDARDS FOR BRUSSELS SPROUTS[2]

On October 31, 1953, a notice of proposed rule making was published in the FEDERAL REGISTER (F. R. Doc. 53-9224, 18 F. R. 6887) regarding proposed

[2] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.

United States Standards for Brussels Sprouts.

A period of thirty days was allowed for submitting written data, views and arguments for consideration in connection with the proposed standards. After consideration of all relevant matters presented including the proposals set forth in the aforesaid notice of rule making the following United States Standards for Brussels Sprouts are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

GRADES

Sec.
51.2250 U. S. No. 1.
51.2251 U. S. No. 2.

UNCLASSIFIED

51.2252 Unclassified.

APPLICATION OF TOLERANCES

51.2253 Application of tolerances.
51.2254 Basis for calculating percentages.

DEFINITIONS

51.2255 Well colored.
51.2256 Firm.
51.2257 Seedstems.
51.2258 Damage.
51.2259 Diameter.
51.2260 Fairly well colored.
51.2261 Fairly firm.
51.2262 Serious damage.

AUTHORITY: §§ 51.2250 to 51.2262 issued under sec. 205, 60 Stat. 1090, Pub. Law 156, 83d Cong.; 7 U. S. C. 1621.

GRADES

§ 51.2250 *U. S. No. 1.* U. S. No. 1 consists of Brussels sprouts which are well colored, firm, not withered or burst, which are free from soft decay and seedstems, and free from damage caused by discoloration, dirt or other foreign material, freezing, disease, insects, or mechanical or other means.

(a) Unless otherwise specified, the diameter of each Brussels sprout shall be not less than one inch, and the length shall be not more than 2¾ inches.

(b) In order to allow for variations incident to proper grading and handling, other than for size, not more than a total of 10 percent, by weight, of the Brussels sprouts in any lot may fail to meet the requirements of the grade: *Provided,* That not more than one-fifth of this amount, or 2 percent, shall be allowed for soft decay. In addition, not more than a total of 5 percent, by weight, of the Brussels sprouts in any lot may be smaller than the specified minimum diameter, and not more than 10 percent may be longer than the specified maximum length.

§ 51.2251 *U. S. No. 2.* U. S. No. 2 consists of Brussels sprouts which are fairly well colored, fairly firm, not withered or burst, which are free from soft decay and seedstems, and free from damage caused by insects, and free from serious damage caused by discoloration, dirt or other foreign material, freezing, disease or mechanical or other means.

(a) Unless otherwise specified, the diameter of each Brussels sprout shall be not less than one inch, and the length shall be not more than 2¾ inches.

(b) In order to allow for variations incident to proper grading and handling, other than for size, not more than a total of 10 percent, by weight, of the Brussels sprouts in any lot may fail to meet the requirements of the grade: *Provided,* That not more than one-fifth of this amount, or 2 percent, shall be allowed for soft decay. In addition, not more than a total of 5 percent, by weight, of the Brussels sprouts in any lot may be smaller than the specified minimum diameter, and not more than 10 percent may be longer than the specified maximum length.

UNCLASSIFIED

§ 51.2252 *Unclassified.* Unclassified consists of Brussels sprouts which have not been classified in accordance with the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.2253 *Application of tolerances.* (a) The contents of individual packages in the lot based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package.

§ 51.2254 *Basis for calculating percentages.* Percentages shall be calculated on the basis of weight or an equivalent basis.

DEFINITIONS

§ 51.2255 *Well colored.* "Well colored" means that the Brussels sprout has a light green or a darker shade of green color characteristic of well-grown Brussels sprouts.

§ 51.2256 *Firm.* "Firm" means that the Brussels sprout is of reasonable solidity and is fairly compact but may yield slightly to moderate pressure.

§ 51.2257 *Seedstems.* "Seedstems" means Brussels sprouts which have seedstalks showing or in which the formation of seedstalks has plainly begun.

§ 51.2258 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the Brussels sprout. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Discoloration when the appearance is materially affected by discolored leaves or parts of leaves; and.

(b) Insects when there is more than slight aphis infestation within the compact portion of the head, or when the outer leaves are badly infected by them; or when slugs, worms or worm frass are present, or when the appearance is materially affected by slug or worm injury.

§ 51.2259 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line running from the stem to the apex of the Brussels sprout.

§ 51.2260 *Fairly well colored.* "Fairly well colored" means that the Brussels sprout shall not be lighter than yellowish-green color.

§ 51.2261 *Fairly firm.* "Fairly firm" means that the Brussels sprout is not soft or puffy and is of reasonable weight for its size but may have considerable open spaces between the leaves in the lower portion of the head.

§ 51.2262 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the Brussels sprout.

*Effective time.* The United States Standards for Brussels Sprouts contained in this section shall become effective thirty days after the date of publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 15th day of December 1953.

[SEAL] GEORGE A. DICE,
*Deputy Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 53-10551; Filed, Dec. 18, 1953; 8:48 a. m.]

## Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

### PART 420—MULTIPLE CROP INSURANCE

### SUBPART—REGULATIONS FOR THE 1950 AND SUCCEEDING CROP YEARS

The following riders for the 1953 and succeeding crop years are hereby published pursuant to § 420.34, as amended, of the above-identified regulations (14 F. R. 5303, 6787; 15 F. R. 2485, 4161, 9033; 16 F. R. 579, 4300; 17 F. R. 2110, 2385, 5082, 5933, 8206, 10537; 18 F. R. 440, 3634, 4418, 6992). Any riders for these counties which have been published previously, except riders for the 1954 and succeeding crop years (14 F. R. 7827; 15 F. R. 2622, 3077, 9271; 16 F. R. 4829, 12111, 12765; 17 F. R. 3265, 3671, 11257, 11379; 18 F. R. 151, 6282, 7222), are hereby superseded for the 1953 and succeeding crop years.



A Rider No. 1 to the Multiple Crop Insurance Policy for each of the following counties:

Georgia—§ 420.59.
Colquitt—§ 420.59–1.
Illinois—§ 420.61.
Johnson—§ 420.61–3.
Iowa—§ 420.63.
Emmet—§ 420.63–1.
Iowa—§ 420.63.
Humboldt—§ 420.63–2.
Iowa—§ 420.63.
Delaware—§ 420.63–3.
Iowa—§ 420.63.
Howard—§ 420.63–4.
Iowa—§ 420.63.
Ida—§ 420.63–5.
Iowa—§ 420.63.
Kossuth—§ 420.63–6.
Iowa—§ 420.63.
Tama—§ 420.63–7.
Iowa—§ 420.63.
Union—§ 420.63–8.
Iowa—§ 420.63.
Warren—§ 420.63–9.
Iowa—§ 420.63.
Winnebago—§ 420.63–10.
Iowa—§ 420.63.
Worth—§ 420.63–11.
Louisiana—§ 420.66.
St. Landry—§ 420.66–2.
Minnesota—§ 420.71.
Faribault—§ 420.71–11.
New York—§ 420.80.
Steuben—§ 420.80–2.
North Dakota—§ 420.82.
Barnes—§ 420.82–1.
North Dakota—§ 420.82.
Ransom—§ 420.82–2.
North Dakota—§ 420.82.
Sargent—§ 420.82–3.
North Dakota—§ 420.82.
Dickey—§ 420.82–4.
North Dakota—§ 420.82.
La Moure—§ 420.82–6.
North Dakota—§ 420.82.
Steele—§ 420.82–7.
North Dakota—§ 420.82.
Richland—§ 420.82–8.
North Dakota—§ 420.82.
Grand Forks—§ 420.82–9.
Oregon—§ 420.85.
Deschutes [1]—§ 420.85–4.
Oregon—§ 420.85.
Polk [1]—§ 420.85–5.
South Dakota—§ 420.89.
Hanson—§ 420.89–9.
South Dakota—§ 420.89.
Kingsbury—§ 420.89–10.
Tennessee—§ 420.90.
Henry—§ 420.90–1.
Tennessee—§ 420.90.
Lincoln—§ 420.90–2.
Tennessee—§ 420.90.
Dyer—§ 420.90–4.
Tennessee—§ 420.90.
Obion—§ 420.90–5.
Tennessee—§ 420.90.
Weakley—§ 420.90–6.
Tennessee—§ 420.90.
Warren [1]—§ 420.90–7.
Tennessee—§ 420.90.
Coffee—§ 420.90–8.
Wyoming—§ 420.98.
Fremont [1]—§ 420.98–3.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; U. S. C. 1506, 1516)

[SEAL] C. S. LAIDLAW,
*Manager, Federal Crop Insurance Corporation.*

### § 420.59 *Georgia.*

### § 420.59–1 *Colquitt County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Colquitt County, Ga., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(b) Peanuts, Spanish and runner planted for harvest as nuts (excluding acreage of less than one acre on an insurance unit).

(c) Tobacco, type 14.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), or weighing of the tobacco for casing, (b) any portion of the cotton crop upon picking, the peanut crop upon threshing, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than October 31 unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of peanuts which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop except cotton. | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop except cotton. | Acreage not planted to a substitute crop. | The appraised production or the actual production. |
| 3. Cotton | Acreage released by the Corporation because of damage occurring prior to laying by the crop. | That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price. |
| 4. Cotton | Acreage on which the crop is laid by and not harvested. | That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price. |
| 5. Cotton | Acreage harvested | Production, including an appraisal of production left in the field after harvest. |
| 6. Each insured crop | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the pound equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 7. Each insured crop | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of pounds harvested. |
| 8. Each insured crop | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of pounds by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in pounds for cotton, peanuts and tobacco.

[1] Riders for these counties herein published are superseded by riders for the 1954 and succeeding crop years (18 F. R. 6282, 7222).

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 15.

8. *Definitions.* "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.61 *Illinois.*

§ 420.61–3 *Johnson County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Johnson County, Ill., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom, corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans.

(c) Winter wheat planted for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the applicable cancellation date. However, any production of corn, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop... | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop... | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Each insured crop... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested. |
| 5. Each insured crop... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for all crops.



sured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.63 *Iowa.*

§ 420.63–1 *Emmet County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Emmet County, Iowa, Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true-type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Flax planted for harvest as seed.

(c) Oats planted for harvest as grain.

(d) Soybeans planted for harvest as beans.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of corn, flax, oats or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced in the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop... | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop... | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Each insured crop... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested. |
| 5. Each insured crop... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Definitions.* Notwithstanding the provisions of Section 13 of the policy, in any case where a share tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit except in cases where a combination unit is in effect for the crop year.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.63–2 *Humboldt County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Humboldt County, Iowa, Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the

Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop.... | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop.... | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Each insured crop.... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop.... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested. |
| 5. Each insured crop.... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Definitions.* Notwithstanding the provisions of Section 13 of the policy, in any case where a share tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit except in cases where a combination unit is in effect for the crop year.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.63–3 *Delaware County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Delaware County, Iowa, Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.



5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop.... | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop.... | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Each insured crop.... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop.... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested. |
| 5. Each insured crop.... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Definitions.* Notwithstanding the provisions of Section 13 of the policy, in any case where a share tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit except in cases where a combination unit is in effect for the crop year.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.63–4 *Howard County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Howard County, Iowa, Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop... | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop... | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Each insured crop... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested. |
| 5. Each insured crop... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Definitions.* Notwithstanding the provisions of Section 13 of the policy, in any case where a share tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit except in cases where a combination unit is in effect for the crop year.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.63-5 *Ida County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Ida County, Iowa, Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop... | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop... | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Each insured crop... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested. |
| 5. Each insured crop... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Definitions.* Notwithstanding the provisions of Section 13 of the policy, in any case where a share tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit except in cases where a combination unit is in effect for the crop year.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.63-6 *Kossuth County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Kossuth County, Iowa, Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured



Interest date: October 31.
Cancellation date: February 28.

8. *Definitions.* Notwithstanding the provisions of Section 13 of the policy, in any case where a share tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit except in cases where a combination unit is in effect for the crop year.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years

of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.63–7 *Tama County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Tama County, Iowa, Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop... | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop... | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Each insured crop... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested. |
| 5. Each insured crop... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Definitions.* Notwithstanding the provisions of Section 13 of the policy, in any case where a share tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit except in cases where a combination unit is in effect for the crop year.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.63–8 *Union County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Union County, Iowa, Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop... | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop... | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Each insured crop... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested. |
| 5. Each insured crop... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Definitions.* Notwithstanding the provisions of Section 13 of the policy, in any case where a share tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit except in cases where a combination unit is in effect for the crop year.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.63–9 *Warren County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Warren County, Iowa, Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all in-

sured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop... | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop... | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Each insured crop... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested. |
| 5. Each insured crop... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Definitions.* Notwithstanding the provisions of Section 13 of the policy, in any case where a share tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit except in cases where a combination unit is in effect for the crop year.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.63–10 *Winnebago County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Winnebago County, Iowa, Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) the end of the normal harvest period for such crop or (11) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of corn, oats, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.



PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop... | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop... | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Each insured crop... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested. |
| 5. Each insured crop... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such unit(s) forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Definitions.* Notwithstanding the provisions of Section 13 of the policy, in any case where a share tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit except in cases where a combination unit is in effect for the crop year.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.63–11 *Worth County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Worth County, Iowa, Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Definitions.* Notwithstanding the provisions of Section 13 of the policy, in any case where a share tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit except in cases where a combination unit is in effect for the crop year.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.66 *Louisiana.*

§ 420.66–2 *St. Landry Parish.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in St. Landry Parish, La., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(b) Rice planted for harvest.

(c) Sugarcane, including acreage harvested for seed, and excluding (i) acreage of less than one acre on an insurance unit and (ii) acreage on which three successive crops have been harvested from one planting.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the cotton crop upon picking, the rice crop upon threshing, the sugarcane crop upon cutting, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10 (January 31 following the normal time of harvest for sugarcane) unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of rice which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop except cotton. | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of pounds or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop except cotton. | Acreage not planted to a substitute crop. | The appraised production or the actual production. |
| 3. Cotton | Acreage released by the Corporation because of damage occurring prior to laying by the crop. | That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price. |
| 4. Cotton | Acreage on which the crop is laid by and not harvested. | That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price. |
| 5. Cotton | Acreage harvested | Production, including an appraisal of production left in the field after harvest. |
| 6. Each insured crop | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 7. Each insured crop | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of pounds or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds, or tons harvested. |
| 8. Each insured crop | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of pounds or tons by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in pounds for cotton and rice, and tons (rounded to tenths), for sugarcane. If any part of the sugarcane production from the insurance unit is processed for sugar, the total number of tons of sugarcane shall be adjusted to standard sugarcane (as determined in accordance with regulations issued by the U. S. Department of Agriculture for the crop year involved.)

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Definitions.* (a) "County" means Parish in Louisiana.



(b) "Flood" as a cause of loss insured against shall not include damage caused by the use or overflow of the Atchafalaya River Spillway.

(c) For all purposes under the contract sugarcane for harvest within the crop year shall be considered to have been planted as follows: (1) the first crop from seed, on the date the planting operation is actually accomplished, and (2) second and third year crops on November 1 preceding the calendar year in which the crop is normally harvested.

(d) In addition to the causes of loss not insured against as stated in Section 8 of the policy, the contract also will not cover loss of the rice crop due to a shortage of irrigation water where the acreage planted to rice is in excess of the acreage which could be irrigated properly with the irrigation facilities available and with a supply of irrigation water which reasonably could be expected.

(e) In addition to the provisions of Section 13 of the policy, any share of an insured crop paid or to be paid for irrigation water shall be considered for the purpose of determining insurance units only as a part of the share of the insured.

(f) "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.71 *Minnesota.*

§ 420.71–11 *Faribault County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Faribault County, Minn., Beginning With the 1953 Crop Year)

1 *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Soybeans planted for harvest as beans.

(f) Mixtures of insurable small grains and mixtures of flax and insurable small grains planted for harvest as grain or seed.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Determining coverage(s) and premium(s) for mixtures.* (a) If a mixture of insurable crops is planted the coverage of the predominant crop shall apply.

(b) For the purpose of determining the premium, any acreage of a mixture of insurable crops shall be considered as acreage of the predominant crop.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn, flax, oats or soybeans, which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

6. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

7. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. In determining production on acreage where a mixture of flax and an insurable small grain is insured, the production of each commodity shall be determined and handled separately. In determining production on acreage where a mixture of insurable small grains (excluding flax) is insured, all production shall be counted as the predominant small grain on a weight basis. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage would be from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Each insured crop | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested. |
| 5. Each insured crop | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.80 *New York.*

§ 420.80–2 *Steuben County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Steuben County, N. Y., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for grain or silage but not including sweet corn, popcorn, broom corn, or corn planted for the development of hybrid seed corn.

(b) Dry edible beans (pea, medium white, red kidney, and white marrow).

(c) Oats (spring only) planted for harvest as grain.

(d) Potatoes (excluding acreage of less than one acre on an insurance unit) commonly known as Irish potatoes.

(e) Winter wheat planted for harvest as grain. (Insurance on wheat to attach the first crop year of the contract only if the application is filed on or before December 15 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for silage), the potato crop upon digging, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn (as set forth below), oats, potatoes, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. In order for corn to be so evaluated for poor quality it must be a variety of corn adapted to the production of corn for grain and must be harvested as grain. In order to provide quality protection on dry edible beans, production of beans shall be determined on the basis of sound whole beans.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation for the crop year is less than the premium computed for the planted acreage for the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Production of corn shall be counted as grain, except that production for any corn harvested for silage and the appraised production for any true type silage corn and corn planted thick for silage but not harvested as silage shall be counted as corn silage. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop... | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds, or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop... | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest. |
| 3. Each insured crop... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds, or tons harvested. |
| 5. Each insured crop... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production and allowances shall be in bushels for oats and wheat, pounds for beans and potatoes, and in bushels for corn grain or in tons (rounded to tenths) for corn silage.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.82 *North Dakota.*

§ 420.82–1 *Barnes County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Barnes County, N. Dak., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Rye (winter only) planted for harvest as grain.

(f) Spring wheat planted for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) October 31, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of barley, corn, flax, oats, rye, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. However, with respect to any acreage of corn which is not or will not be harvested as corn for grain, the production shall be the appraised production of corn for grain, or the appraised or actual production of ensilage, whichever has the higher total value (on the basis of the price per bushel for corn as provided under section 4 above, or the value per ton for ensilage as determined by the Corporation): Provided however that, if the appraised or actual production of corn which was or could have been used for ensilage is one ton or more per acre, the value of such production shall not be less than $3.00 per acre.

Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop... | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop... | Acreage not planted to a substitute crop. | The appraised production or the actual production including an appraisal of corn left in the field after harvest. |
| 3. Each insured crop... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels harvested. |
| 5. Each insured crop... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production for uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production is considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.



§ 420.82–2 *Ransom County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Ransom County, N. Dak., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Rye (winter only) planted for harvest as grain.

(f) Spring wheat planted for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) October 31, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of barley, corn, flax, oats, rye, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the pre-

mium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. However, with respect to any acreage of corn which is not or will not be harvested as corn for grain, the production shall be the appraised production of corn for grain, or the appraised or actual production of ensilage, whichever has the higher total value (on the basis of the price per bushel for corn as provided under section 4 above, or the value per ton for ensilage as determined by the Corporation): Provided however that, if the appraised or actual production of corn which was or could have been used for ensilage is one ton or more per acre, the value of such production shall not be less than $3.00 per acre.

Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such corp or (ii) October 31, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the country actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of barley, corn, flax, oats, rye, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. However, with respect to any acreage of corn which is not or will not be harvested as corn for grain, the production shall be the appraised production of corn for grain, or the appraised or actual production of ensilage, whichever has the higher total value (on the basis of the price per bushel for corn as provided under section 4 above, or the value per ton for ensilage as determined by the Corporation): Provided however that, if the appraised or actual production of corn which was or could have been used for ensilage is one ton or more per acre, the value of such production shall not be less than $3.00 per acre.

Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop... | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop... | Acreage not planted to a substitute crop. | The appraised production or the actual production including an appraisal of corn left in the field after harvest. |
| 3. Each insured crop... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels harvested. |
| 5. Each insured crop... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production for uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.82-3 *Sargent County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Sargent County, N. Dak., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Rye (winter only) planted for harvest as grain.

(f) Spring wheat planted for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier.



PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop... | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop... | Acreage not planted to a substitute crop. | The appraised production or the actual production including an appraisal of corn left in the field after harvest. |
| 3. Each insured crop... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels harvested. |
| 5. Each insured crop... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.82-4 *Dickey County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Dickey County, N. Dak., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvested as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Rye (winter only) planted for harvest as grain.

(f) Spring wheat planted for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or

PRODUCTION SCHEDULE—Continued

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 5. Each insured crop... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production for uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.82–6 *La Moure County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in La Moure County, N. Dak., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Rye (winter only) planted for harvest as grain.

(f) Spring wheat planted for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) October 31, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn, flax, oats, rye, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop... | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop... | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest. |
| 3. Each insured crop... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested. |
| 5. Each insured crop... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.



7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.82–7 *Steele County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Steele County, N. Dak., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Flax planted for harvest as seed.

(c) Oats planted for harvest as grain.

(d) Rye (winter only) planted for harvest as grain.

(e) Spring wheat planted for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of all insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) October 31, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn, flax, oats, rye, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop... | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop... | Acreage not planted to a substitute crop. | The appraised production or the actual production. |
| 3. Each insured crop... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested. |
| 5. Each insured crop... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*
Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.82–8 *Richland County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Richland County, N. Dak., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Rye (winter only) planted for harvest as grain.

(f) Soybeans planted for harvest as beans.

(g) Spring wheat planted for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) October 31, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn, flax, oats, rye, soybeans, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the

total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. However, with respect to any acreage of corn which is not or will not be harvested as corn for grain, the production shall be the appraised production of corn for grain or the appraised or actual production of ensilage, whichever has the higher total value (on the basis of the price per bushel for corn as provided under section 4 above, or the value per ton for ensilage as determined by the Corporation): Provided however that, if the appraised or actual production of corn which was or could have been used for ensilage is one ton or more per acre, the value of such production shall not be less than $3.00 per acre. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop... | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop... | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest. |
| 3. Each insured crop... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested. |
| 5. Each insured crop... | Acreage with reduced yield due partially to cause(s) not insured against partially to cause(s) insured against. | Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.82–9 *Grand Forks County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Grand Forks, N. Dak. Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.
(b) Flax planted for harvest as seed.
(c) Oats planted for harvest as grain.
(d) Rye (winter only) planted for harvest as grain.
(e) Spring wheat planted for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of all insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) October 31, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, flax, oats, rye, or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production |
|---|---|---|
| 1. Each insured crop... | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop... | Acreage not planted to a substitute crop. | The appraised production or the actual production |
| 3. Each insured crop... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop. |

[1] Production shall be in bushels for all crops.



PRODUCTION SCHEDULE—Continued

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 4. Each insured crop... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested. |
| 5. Each insured crop... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.85 *Oregon.*

## § 420.85–4 *Deschutes County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Deschutes County, Oreg., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Alfalfa hay.
(b) Barley planted for harvest as grain.
(c) Oats planted for harvest as grain.
(d) Potatoes (excluding acreage of less than one acre on an insurance unit) commonly known as Irish potatoes.
(e) Alsike clover planted for harvest as seed. (Insurance on alsike clover to attach only for the first crop year after such acreage is planted.)
(f) Wheat planted for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop except alfalfa and alsike clover in which case insurance shall attach on December 16 (preceding harvest) provided there is a stand on that date sufficient that farmers in the area generally would leave the crop for harvest the following harvest season. Insurance shall cease with respect to any portion of the alfalfa crop upon baling or stacking, the potato crop upon digging, all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, oats, potatoes or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop... | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop... | Acreage not planted to a substitute crop. | The appraised production or the actual production. |
| 3. Each insured crop... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels, pounds or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds or tons harvested. |
| 5. Each insured crop... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels, pounds or tons by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production and allowances shall be in bushels for barley, oats and wheat, in pounds for potatoes and alsike clover seed, and in tons (rounded to tenths) for alfalfa.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Irrigated acreage.* (a) In addition to the provisions of section 4 of the policy the following provisions shall apply: (1) The acreage of insured crops which shall be insured in any year shall not exceed that acreage which can be irrigated adequately with the facilities available and with a supply of irrigation water which reasonably could be expected, taking into consideration the amount of water required to irrigate the acreage of all irrigated crops on the farm. (2) Insurance shall not attach with respect to acreage planted to insurable crops (i) the first year after being leveled or (ii) the first year such acreage is irrigated.

(b) In addition to the causes of loss insured against as shown on the first page of the policy, the contract shall cover loss due to failure of the water supply from natural causes that could not be foreseen and prevented by the insured.

(c) In addition to the causes of loss not insured against as shown in section 8 of the policy, the contract shall not cover loss caused by (1) failure properly to apply ir-

rigation water to any insurable crop in accordance with good farming practices, as determined by the Corporation and (2) shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which reasonably could be expected.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

9. *Definitions.* Notwithstanding the provisions of section 24 (d) "crop year" with respect to alfalfa and alsike clover means each 12-month period beginning with the first day of the insurance period and shall be designated by reference to the calendar year in which the crop is normally harvested.

For all purposes under the contract alfalfa and alsike clover for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.85–5 *Polk County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Polk County, Oreg., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Alfalfa hay.
(b) Barley planted for harvest as grain.
(c) Clover hay including any mixture containing a predominance of clover.
(d) Common, Willamette and hairy vetch planted in the fall for harvest as seed.
(e) Vetch hay and mixtures of oats or wheat with vetch and/or Austrian winter peas, planted for hay.
(f) Oats planted for harvest as grain.
(g) Wheat planted for harvest as grain.

* * * * *

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop except alfalfa and clover hay in which cases insurance shall attach on November 1 (preceding harvest) provided there is a stand at that time sufficient that farmers in the area generally would leave the applicable crop for harvest the following harvest season. Insurance shall cease with respect to any portion of the hay crops upon baling or stacking, and all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, oats, vetch or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where vetch for seed is planted with an insured small grain crop, the production of each commodity shall be determined and counted separately. Where any small grain is planted with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop... | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop... | Acreage not planted to a substitute crop. | The appraised production or the actual production. |
| 3. Each insured crop... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels, pounds or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds or tons harvested. |
| 5. Each insured crop... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels, pounds or tons by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for barley, oats and wheat, in pounds for vetch, and tons (rounded to tenths) for hay.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(a) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: September 30.

8. *Definitions.* Notwithstanding the provisions of section 24 (d) "crop year" with respect to alfalfa hay and clover hay means the period beginning with the first day of the insurance period and ending upon harvest and shall be designated by reference to the calendar year in which the crop is normally harvested. For all purposes under the contract, alfalfa hay and clover hay for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.89 *South Dakota.*

§ 420.89–9 *Hanson County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Hanson County, S. Dak., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.
(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.
(c) Flax planted for harvest as seed.
(d) Oats planted for harvest as grain.
(e) Rye (winter only) planted for harvest as grain.
(f) Soybeans planted for harvest as beans.
(g) Spring wheat planted for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn, flax, oats, rye, soybeans or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report, is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.



PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop... | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop... | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Each insured crop... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels by which production for such acreage has been reduced but not less than the product of (1 such acreage and (2) the applicable bushel equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels harvested |
| 5. Each insured crop... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for all crops.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.89–10 *Kingsbury County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Kingsbury County, S. Dak., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.
(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.
(c) Flax planted for harvest as seed.
(d) Oats planted for harvest as grain.
(e) Rye (winter only) planted for harvest as grain.
(f) Soybeans planted for harvest as beans.
(g) Spring wheat planted for harvest as grain.

2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn, flax, oats, rye, soybeans or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report, is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the

(b) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop except cotton. | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price. |
| 2. Each insured crop except cotton. | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Cotton | Acreage released by the Corporation and planted to a substitute crop because of failure to establish a stand prior to laying by the crop. | That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price. |

[1] Production shall be in bushels for corn and sweetpotatoes, and pounds for cotton and tobacco.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Definitions.* "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.90–2 *Lincoln County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Lincoln County, Tenn., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Alfalfa hay.

(b) Lespedeza (annual only) for hay, including volunteer annual lespedeza.

(c) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(d) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(e) Tobacco, type 31.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop except alfalfa in which case insurance shall attach on November 1 (preceding harvest), and volunteer annual lespedeza in which case insurance shall attach on May 1 (preceding harvest), provided in either case there is a stand on the applicable date sufficient that farmers in the area generally would leave the crop for harvest the following harvest season. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), or weighing of the tobacco for casing, (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the hay crop upon baling or stacking, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than February 28 following harvest unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 10, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Predetermined price for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. The predetermined prices for the 1953 crop year are on file in the county office and for any subsequent crop year shall be on file in the county office at least 15 days prior to the cancellation date. However, any production of corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price. |
| 2. Each insured crop | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Cotton | Acreage released by the Corporation and planted to a substitute crop because of failure to establish a stand prior to laying by the crop. | That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price. |
| 4. Each insured crop | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested. |
| 5. Each insured crop | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against. |
| 6. Cotton | Acreage on which the crop is laid by and not harvested. | That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price. |
| 7. Cotton | Acreage harvested | Production, including an appraisal of production left in the field after harvest. |
| 8. Each insured crop | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 9. Each insured crop | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested. |
| 10. Each insured crop | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for corn and sweetpotatoes, and pounds for cotton and tobacco.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop except cotton. | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds, or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop except cotton. | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Cotton | Acreage released by the Corporation because of damage occurring prior to laying by the crop. | That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price. |
| 4. Cotton | Acreage on which the crop is laid by and not harvested. | That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price. |
| 5. Cotton | Acreage harvested | Production, including an appraisal of production left in the field after harvest. |
| 6. Each insured crop | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 7. Each insured crop | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound, or ton equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels, pounds, or tons harvested. |
| 8. Each insured crop | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for corn, pounds for cotton and tobacco, and in tons (rounded to tenths) for hay.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corpocation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Definitions.* (a) For all purposes under the contract alfalfa and volunteer lespedeza hay for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

(b) "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

9. *Reduction of premium based on good experience.* The insured's annual premium for any year may be reduced 25 percent if he has had seven consecutive years of insured crop(s) under a Federal Crop Insurance contract without a loss for which an indemnity was paid. Credit for consecutive years of good experience under any other existing Federal Crop Insurance contract will not be transferred to the multiple crop contract if the insured is eligible to receive a premium discount based on consecutive years of good experience or based on an accumulated balance of premiums over indemnities under such existing contract. Nothing in this paragraph shall create in the insured any right to a reduced premium.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.90–4 *Dyer County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Dyer County, Tenn., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Soybeans planted for harvest as beans excluding soybeans interplanted in the same row with corn.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, all other insured crops upon threshing, or with respect to any portion of any insured crop upon removal from the field, whichever is earlier. However in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 31, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Any production of soybeans interplanted in the same row with corn shall not be counted as production.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.



PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop except cotton. | Acreagere leased by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop except cotton. | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Cotton | Acreage released by the Corporation because of damage occurring prior to laying by the crop. | That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price. |
| 4. Cotton | Acreage on which the crop is laid by and not harvested. | That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price. |
| 5. Cotton | Acreage harvested | Production, including an appraisal of production left in the field after harvest. |
| 6. Each insured crop | Acreage put to another use with the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 7. Each insured crop | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested. |
| 8. Each insured crop | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for corn and soybeans and in pounds for cotton.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production for uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Definitions.* "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.90–5 *Obion County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Obion County, Tenn., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Oats (Fall only) planted for harvest as grain.

(d) Soybeans planted for harvest as beans, excluding soybeans interplanted in the same row with corn.

(e) Strawberries, excluding acreage of less than two-tenths acre on an insurance unit.

(f) Tobacco, types 23 and 35.

(g) Wheat planted for harvest as grain.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop except strawberries on which insurance shall attach on March 1 of each year provided the strawberries were planted by June 1 of the prior year and there is a sufficient stand of plants on March 1 to expect a normal crop to be produced. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), or weighing of the tobacco for casing, (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton and strawberry crops upon picking, all other insured crops upon threshing, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than March 31 following harvest unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 31, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn, oats, soybeans or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. Any production of soybeans interplanted in the same row with corn shall not be counted as production.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop except cotton. | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels, crates or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop except cotton. | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Cotton | Acreage released by the Corporation because of damage occurring prior to laying by the crop. | That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price. |
| 4. Cotton | Acreage on which the crop is laid by and not harvested. | That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price. |
| 5. Cotton | Acreage harvested | Production, including an appraisal of production left in the field after harvest. |
| 6. Each insured crop | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, crate or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 7. Each insured crop | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels, crates or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, crate or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, crates or pounds harvested. |
| 8. Each insured crop | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels, crates or pounds by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for corn, oats, soybeans and wheat, in crates (24 quarts) for strawberries and in pounds for cotton, and tobacco.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: January 31.

8. *Definitions.* (a) For all purposes under the contract strawberries for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

(b) "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.90–6 *Weakley County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Weakley County, Tenn., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Lespedeza (annual and sericea) for hay, including volunteer annual lespedeza.

(d) Soybeans planted for harvest as beans, excluding soybeans interplanted in the same row with corn.

interplanted in the same row with corn.

(e) Strawberries, excluding acreage of less than two-tenths acre on an insurance unit.

(f) Sweet potatoes, excluding acreage of less than one acre on an insurance unit.

(g) Tobacco, types 23 and 35.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop, except (a) sericea and volunteer annual lespedeza on which insurance shall attach on May 1 provided there is a stand at that time sufficient that farmers in the area generally would leave it for harvest the following harvest season and further provided in the case of sericea lespedeza that the crop was planted not later than May 1 of the previous crop year, and (b) strawberries on which insurance shall attach on March 1 of each year provided the strawberries were planted by June 1 of the prior year and there is a sufficient stand of plants on March 1 to expect a normal crop to be produced. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), or weighing of the tobacco for casing, (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the hay crop upon baling or stacking, the sweet potato crop upon digging, the strawberry crop upon picking, the soybean crop upon threshing, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than March 31 following harvest unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 31, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the



acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Any production of soybeans interplanted in the same row with corn shall not be counted as production.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop except cotton. | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels, crates, pounds or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop except cotton. | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Cotton | Acreage released by the Corporation because of damage occurring prior to laying by the crop. | That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price. |
| 4. Cotton | Acreage on which the crop is laid by and not harvested. | That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price. |
| 5. Cotton | Acreage harvested | Production, including an appraisal of production left in the field after harvest. |
| 6. Each insured crop | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, crate, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 7. Each insured crop | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels, crates, pounds or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, crate, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, crates, pounds or tons harvested. |
| 8. Each insured crop | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels, crates, pounds or tons by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for corn, soybeans, and sweetpotatoes, in crates (24 quart) for strawberries in pounds for cotton and tobacco and in tons (rounded to tenths) for hay.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: January 31.

8. *Definitions.* For all purposes under the contract sericea and volunteer lespedeza and strawberries for harvest within the crop year shall be considered to have been planted as of the beginning of the insurance period for that crop year.

"Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.90–7 *Warren County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Warren County, Tenn., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Oats (fall only) planted for harvest as grain. (Insurance on oats to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

(d) Soybeans planted for harvest as beans, excluding soybeans interplanted in the same row with corn.

(e) Tobacco, type 31.

(f) Wheat planted for harvest as grain. (Insurance on wheat to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), or weighing of the tobacco for casing, (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, all other insured crops upon threshing, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than February 28 following harvest unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 31, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn, oats, soybeans or wheat which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed

for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. Any production of soybeans interplanted in the same row with corn shall not be counted as production.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop except cotton. | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop except cotton. | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Cotton | Acreage released by the Corporation because of damage occurring prior to laying by the crop. | That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price. |
| 4. Cotton | Acreage on which the crop is laid by and not harvested. | That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price. |
| 5. Cotton | Acreage harvested | Production, including an appraisal of production left in the field after harvest. |
| 6. Each insured crop | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 7. Each insured crop | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested. |
| 8. Each insured crop | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels or pounds by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for corn, oats, soybeans and wheat, and in pounds for cotton and tobacco.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: August 31.

8. *Definitions.* "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.90–8 *Coffee County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Coffee County, Tenn., Beginning With the 1953 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Potatoes (excluding acreage of less than one acre on an insurance unit) commonly known as Irish potatoes.

(d) Soybeans planted for harvest as beans, excluding soybeans interplanted in the same row with corn.

(c) Tobacco, type 31.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop, except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), or weighing of the tobacco for casing, (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the soybean crop upon threshing, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than February 28 following harvest unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (1) the end of the normal harvest period for such crop or (ii) December 31, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Production against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn, potatoes or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage.



which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation. In order to provide quality protection on dry edible beans, production of beans shall be determined on the basis of sound whole beans.

5. *Released crop.* Notwithstanding any other provision of the policy any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the insurable acreage (exclusive of any acreage to which insurance did not attach) planted to each insured crop by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, the amount of loss so determined shall be reduced if the premium computed for the insurance unit on the basis of the acreage and interest approved by the Corporation on the acreage report is less than the premium computed for the planted acreage on the insurance unit. This reduction shall be made on the basis of the ratio of the premium computed for the acreage and interest as approved by the Corporation on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels, pounds or tons determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |

[1] Production and allowances shall be in bushels for barley, oats and wheat, pounds for beans, tons (rounded to tenths) for corn silage.

The total production for each insured crop on the insurance unit shall include all production determined in accordance with the production schedule below. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop except cotton. | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of the number of bushels or pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were not planted to a substitute crop, and (2) dividing the result thus obtained by the predetermined price for the crop. |
| 2. Each insured crop except cotton. | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Cotton | Acreage released by the Corporation because of damage occurring prior to laying by the crop. | That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price. |
| 4. Cotton | Acreage on which the crop is laid by and not harvested. | That portion of the appraised production for such acreage which is in excess of the number of pounds determined by (1) subtracting the total coverage for such acreage from what the total coverage for such acreage would be if it were harvested and (2) dividing the result thus obtained by the predetermined price. |
| 5. Cotton | Acreage harvested | Production, including an appraisal of production left in the field after harvest. |
| 6. Each insured crop | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel or pound equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 7. Each insured crop | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels or pounds by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel or pound equivalent of the coverage per acre, on the basis of the predetermined price for the crop, minus the number of bushels or pounds harvested. |
| 8. Each insured crop | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels, or pounds by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for corn, and soybeans, and in pounds for cotton, potatoes and tobacco.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: February 28.

8. *Definitions.* "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined

PRODUCTION SCHEDULE—Continued

| Crop | Average classification | Total production [1] |
|---|---|---|
| 2. Each insured crop... | Acreage not planted to a substitute crop. | The appraised production or the actual production. |
| 3. Each insured crop... | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the product of (1) such acreage and (2) the bushel, pound or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop. |
| 4. Each insured crop... | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced but not less than the product of (1) such acreage and (2) the applicable bushel, pound, or ton equivalent of the coverage per acre on the basis of the predetermined price for the crop, minus the number of bushels, pounds, or tons harvested. |
| 5. Each insured crop... | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels, pounds, or tons by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production and allowances shall be in bushels for barley, oats and wheat, pounds for beans, tons (rounded to tenths) for corn silage.

(b) If production from two or more insurance units is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, the Corporation may allocate the commingled production between the units involved in any manner it deems appropriate or void the insurance on the insurance units involved and declare the premium(s) for such units forfeited by the insured. If production from uninsured acreage and insured acreage is commingled and the insured fails to establish and maintain separate acreage and production records satisfactory to the Corporation, all such production which is commingled shall be considered to have been produced on the insured acreage or the Corporation may void the insurance on the insurance unit(s) involved and declare the premium(s) for such unit(s) forfeited by the insured.

7. *Irrigated acreage.* (a) In addition to the provisions of section 4 of the policy, the following provisions shall apply: (1) The acreage of insured crops in any year shall not exceed that acreage which can be irrigated adequately with the facilities available and with a supply of irrigation water which reasonably could be expected, taking into consideration the amount of water required to irrigate the acreage of all irrigated crops on the farm. (2) Insurance shall not attach with respect to acreage planted to insurable crops (i) the first year after being leveled or (ii) the first year such acreage is irrigated.

(b) In addition to the causes of loss insured against as shown on the first page of the policy the contract shall cover loss due to failure of the water supply from natural causes that could not be foreseen and prevented by the insured.

(c) In addition to the causes of loss not insured against as shown in section 8 of the policy, the contract shall not cover loss caused by (1) failure properly to apply irrigation water to any insurable crop in accordance with good farming practices, as determined by the Corporation, and (2) shortage of irrigation water on any farm where the Corporation determines that the total acreage of all irrigated crops on the farm is in excess of that which could be irrigated properly with the facilities available and with the supply of irrigation water which reasonably could be expected.

8. *Date table.*

Discount date: June 30.
Maturity date: July 31.
Interest date: October 31.
Cancellation date: August 31.

Approved: Beginning with the 1953 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

[F. R. Doc. 53-10262; Filed, Dec. 18, 1953; 8:45 a. m.]

## Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

### Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 812]

### PART 812—SUGAR REQUIREMENTS AND QUOTAS; HAWAII AND PUERTO RICO

CALENDAR YEAR 1954

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318; 7 U. S. C., Sup. 1100) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001), these regulations are hereby made, prescribed, and published to be in force and effect for the calendar year 1954 or until amended or superseded by regulations hereafter made during the calendar year 1954.

*Basis and purpose.* The determinations and the sugar quotas set forth below have been made and established pursuant to section 203 of the Sugar Act of 1948, as amended (hereinafter called the "act"). The act provides for the Secretary of Agriculture to make such determinations and establish such quotas for the calendar year 1954 during December 1953. The determinations of the sugar requirements have been based, insofar as required by section 201 of the act, on official statistics of the Department of Agriculture and statistics published by other agencies of the Federal Government. The purpose of such determinations is to provide the amounts of sugar needed to meet the requirements of consumers in the Territory of Hawaii and in Puerto Rico for the calendar year 1954. The determinations provide the basis for the establishment of sugar quotas for such year for local consumption therein pursuant to section 203 of the act.

Prior to the issuance of these regulations, notice was given (18 F. R. 6720) that the Secretary of Agriculture was preparing, among other things, to determine the requirements and quotas for the calendar year 1954 for local consumption in Hawaii and in Puerto Rico and that any interested person might present any data, views or arguments with respect thereto in writing not later than November 27, 1953. Due consideration has been given to the data, views and arguments submitted, in accordance with the Administrative Procedure Act (60 Stat. 237).

Since the act provides that the Secretary of Agriculture determine sugar requirements and establish quotas for local consumption in Hawaii and in Puerto Rico during December 1953, to be applicable for the calendar year 1954, it is impracticable and not in the public interest to comply with the 30-day effective date requirements of the Administrative Procedure Act. Accordingly, these regulations shall be effective January 1, 1954.

§ 812.11 *Sugar requirements and quotas*—(a) *Sugar requirements.* It is hereby determined, pursuant to section 203 of the act, that the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii for the calendar year 1954 is 40,000 short tons of sugar, raw value, and that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1954 is 100,000 short tons, raw value.

(b) *Local consumption quotas.* There are hereby established, pursuant to section 203 of the act, for local consumption in the Territory of Hawaii and in Puerto Rico, for the calendar year 1954 the following quotas:

| Area: | Quotas in terms of short tons, raw value |
|---|---|
| Hawaii | 40,000 |
| Puerto Rico | 100,000 |

§ 812.12 *Restrictions on marketing.* For the calendar year 1954, all persons are hereby forbidden, pursuant to section 209 of the act, from marketing in the Territory of Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1954 has been filled.

*Statement of bases and considerations.* Pursuant to section 203 of the act, it has been determined that those provisions of section 201 of the act which shall apply to the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the quantities of sugar distributed for local consumption in Hawaii and in Puerto Rico during the twelve-month period ended October 31, 1953 (2) deficiencies or surpluses in inventories of sugar and (3) changes in consumption because of changes in population and demand conditions.

The quantities of sugar distributed for consumption in Hawaii and Puerto Rico, including that which was lost in refining after charge to the local quotas, during such twelve-month period were approximately 42,000 short tons of sugar, raw value, and 96,000 short tons of sugar, raw value, respectively.

No official estimate of population for either of these areas for 1953 or 1954 is available. The estimate of the population of Hawaii for 1952 is 2 percent larger than for 1951, and for Puerto Rico, 0.3 percent larger.

In Hawaii, distribution of sugar for local consumption in recent years has not followed an increasing trend related to population increases because of the changes in industrial use. The 42,000 tons marketed during the period ended October 31, 1953 is larger than the quantity marketed in 4 out of the 5 previous comparable periods. Distribution during those five periods averaged 39,000 tons. The relatively high rate of distribution prior to October 31, 1953, together with the 6,000 tons of the 1953 local consumption quota remaining to be marketed after October 31 will probably result in some refined sugar stocks charged to the 1953 quota available for use in 1954. Thus it appears that new quota supplies of 40,000 short tons, raw value, will be adequate for local consumption in Hawaii in 1954.

In Puerto Rico the 96,000 tons distributed in the twelve-month period ended October 31, 1953, is less than the quantity distributed in any of the previous 5 comparable periods. Distribution during those five periods averaged 101,000 tons. The comparatively low rate of distribution during the twelve-month period ended October 31, 1953 indicates that the "invisible" stocks (stocks held by wholesalers, retailers and industrial users) were considerably reduced by October 31. On that date refiners in the island had approximately 18,000 tons of 1953 quota sugar on hand. This quantity, while sufficient to meet consumption requirements for the balance of 1953 and early 1954, is 5,000 tons less than the quantity distributed during November 1952–January 1953. It therefore appears that "invisible" inventories will not be excessive on January 1, 1954 and that a quota of 100,000 short tons, raw value, for local consumption in Puerto Rico in 1954 will provide a supply of sugar that will be consumed at fair prices.

In accordance with the above, the quotas for local consumption in Hawaii and Puerto Rico for 1954 have been established at 40,000 and 100,000 short tons, raw value, respectively.

(Sec. 403, 61 Stat. 932, 7 U. S. C. Sup., 1153. Interpret or apply secs. 201, 203, 209, 210, 61 Stat. 923, 925, 928; 7 U. S. C. Sup., 1111, 1113, 1119, 1120)

Done at Washington, D. C., this 15th day of December 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] E. T. BENSON,
*Secretary of Agriculture.*

[F. R. Doc. 53-10555; Filed, Dec. 18, 1953; 8:49 a. m.]

[Sugar Reg. 811]

### PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

REQUIREMENTS AND QUOTAS FOR 1954

*Correction*

In Federal Register Document 53-10487, published at page 8257 of the issue for Thursday, December 17, 1953, the following changes are made:

1. In § 811.65 (b) (2) the headnote of the list should read: *"Direct-consumption sugar, tons, raw value".*



2. In § 811.66 the headnote of the list should read: *"Liquid sugar, wine gallons, 72 percent total sugar content".*

## Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 9, Amdt. 1]

### PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

*Findings.* 1. Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

*Order, as amended.* The provisions in paragraph (b) (1) (i) of § 914.309 (Navel Orange Regulation 9, 18 F. R. 8171) are amended to read as follows:

(i) District 1, 500 carloads.

(Sec 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 15th day of December 1953.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-10553; Filed, Dec. 18, 1953; 8:49 a. m.]

[Navel Orange Reg. 10]

### PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.310 *Navel Orange Regulation 10*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on December 17, 1953, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 20, 1953, and ending at 12:01 a. m., P. s. t., December 27, 1953, is hereby fixed as follows:

(i) District 1: 400 carloads;
(ii) District 2: 52.21 carloads;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handled," "handler," "carloads," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 18th day of December 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Dec. 20, to 12:01 a. m., P. s. t., Dec. 27, 1953]

NAVEL ORANGES

PRORATE DISTRICT NO. 1

| Handler | Prorate base (percent) |
|---|---|
| Total | 100.0000 |
| A. F. G. Lindsay | 1.6888 |
| A. F. G. Porterville | 2.2293 |
| Ivanhoe Cooperative Association | .6841 |
| Anderson Packing Co | 1.1809 |
| Euclid Avenue Orange Association | .5357 |
| Lindsay Mutual Groves | 1.4820 |
| Martin Ranch | 1.4232 |
| Orange Cove Orange Growers | 2.6464 |
| Woodlake Packing House | 1.8273 |
| Dofflemyer & Son, W. Todd | .5049 |
| Earlibest Orange Association | 1.7438 |
| Elderwood Citrus Association | .7157 |
| Exeter Citrus Association | 3.3574 |
| Exeter Orange Growers Association | 1.5560 |
| Exeter Orchards Association | 1.3940 |
| Hillside Packing Association | 1.3701 |
| Ivanhoe Mutual Orange Association | 1.3179 |
| Klink Citrus Association | 4.0380 |
| Lemon Cove Citrus Association | .8408 |
| Lindsay Citrus Growers Association | 2.3246 |
| Lindsay Cooperative Association | 1.3935 |
| Lindsay Fruit Association | 2.3186 |
| Lindsay Orange Growers Association | .7985 |
| Naranjo Packing House Co | 1.4219 |
| Orange Cove Citrus Association | 3.7212 |
| Orange Packing Co | 1.0358 |
| Orosi Foothill Citrus Association | 1.4024 |
| Paloma Citrus Fruit Association | .7907 |
| Rocky Hill Citrus Association | 1.6454 |
| Sanger Citrus Association | 3.7099 |
| Sequoia Citrus Association | .8065 |
| Stark Packing Co | 2.9634 |
| Visalia Citrus Association | 2.6201 |
| Waddell & Son | 2.4481 |
| Baird Neece Corp | 1.9319 |
| Beattie Association, D. A | .4865 |
| Grand View Heights Citrus Association | 3.1490 |
| Magnolia Citrus Association | 2.8011 |
| Porterville Citrus Association, The | 1.6647 |
| Randolph Marketing Co | 1.9252 |
| Richgrove-Jasmine Citrus Association | 1.3406 |
| Strathmore Cooperative Citrus Association | 1.0294 |
| Strathmore District Orange Association | 1.6984 |
| Strathmore Packing House Co | 2.1770 |
| Sunflower Citrus Growers | 3.1031 |
| Sunland Packing House Co | 2.8236 |
| Terra Bella Citrus Association | 1.3047 |
| Tule River Citrus Association | .8548 |
| Baker Ranch Packing House | .4464 |
| Batkins, Jr., Fred A | .0582 |
| California Citrus Groves, Inc., Ltd | 2.7235 |
| Darby, Fred J | .0241 |
| Dubendorf, John | .1303 |
| Evans Brothers Packing Co | .2237 |
| Far West Produce Distributors | .0624 |

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 1—continued

| Handler | Prorate base (percent) |
|---|---|
| Foothill Packing Co | .3202 |
| Friesen, Lawrence | .0080 |
| Haas & Ferry | .1944 |
| Harding & Leggett | 1.7635 |
| Independent Growers, Inc | 1.1213 |
| Lo Bue Bros | .7208 |
| Maas, W. A | .1188 |
| Marks, W. & M | .4293 |
| McNees, Hubert K | .0000 |
| Morin, Carl W | .0208 |
| Nickel, Edward | .0034 |
| Orange Belt Fruit Distributors | .5838 |
| Paramount Citrus Association, Inc | 1.9529 |
| Reimers, Don H | .5470 |
| Riverside Fruit Co | .0944 |
| Sequoia Cider Mill | .0171 |
| Stephens & Cain | .5544 |
| Tashjian, John | .1144 |
| Zaninovich Bros., Inc | 1.5395 |

PRORATE DISTRICT NO. 2

| | |
|---|---|
| Total | 100.0000 |
| A. F. G. Corona | .5813 |
| A. F. G. Fullerton | .0207 |
| A. F. G. Orange | .0178 |
| A. F. G. Riverside | 1.3433 |
| A. F. G. Santa Paula | .0474 |
| Eadington Fruit Co | .7321 |
| Signal Fruit Association | 1.2220 |
| Anaheim Cooperative Orange Association | .0320 |
| Bryn Mawr Mutual Orange Association | .4900 |
| Chula Vista Mutual Lemon Association | .1068 |
| Daniels, Inc., Ward | .3351 |
| Euclid Avenue Orange Association | 3.0802 |
| Foothill Citrus Union, Inc | .3816 |
| Garden Grove Citrus Association | .0167 |
| Index Mutual Association | .0108 |
| La Verne Cooperative Citrus Association | 3.0028 |
| Olive Hillside Groves, Inc | .0082 |
| Redlands Foothill Groves | 2.6371 |
| Redlands Mutual Orange Association | 1.3698 |
| Azusa Citrus Association | .8387 |
| Covina Citrus Association | 2.0612 |
| Glendora Citrus Association | 1.6448 |
| Valencia Heights Orchard Association | .2197 |
| Gold Buckle Association | 4.6495 |
| La Verne Orange Association | 4.7271 |
| Anaheim Valencia Orange Association | .0121 |
| Fullerton Mutual Orange Association | .4257 |
| La Habra Citrus Association | .0865 |
| Yorba Linda Citrus Association | .0810 |
| El Cajon Valley Citrus Association | .1575 |
| Escondido Orange Association | .6317 |
| Citrus Fruit Growers | .4569 |
| Cucamonga Mesa Growers | .8796 |
| Etiwanda Citrus Fruit Association | .1348 |
| Upland Citrus Association | 2.1316 |
| Upland Heights Orange Association | 1.1990 |
| Consolidated Orange Growers | .0211 |
| Garden Grove Citrus Association | .0204 |
| Goldenwest Citrus Association | .1758 |
| Olive Heights Citrus Association | .0601 |
| Santiago Orange Growers Association | .0763 |
| Villa Park Orchards Association | .0380 |
| Bradford Bros., Inc | .2029 |
| Placentia Mutual Orange Association | .1656 |
| Placentia Orange Growers Association | .2270 |
| Yorba Orange Growers Association | .0488 |
| Corona Citrus Association | 1.1638 |
| Jameson Co | .5982 |
| Orange Heights Orange Association | 4.0528 |

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

| Handler | Prorate base (percent) |
|---|---|
| Crafton Orange Growers Association | 1.8594 |
| East Highlands Citrus Association | .5407 |
| Redlands Heights Groves | 1.0009 |
| Redlands Orangedale Association | 1.2074 |
| Rialto Fontana Citrus Association | .2671 |
| Bryn Mawr Fruit Growers Association | 1.3407 |
| Mission Citrus Association | .9483 |
| Redlands Cooperative Fruit Association | 2.1216 |
| Redlands Orange Growers Association | 1.7322 |
| Redlands Select Groves | .5312 |
| Rialto Orange Co | .4570 |
| Southern Citrus Growers | 1.0429 |
| United Citrus Growers | 1.1017 |
| Arlington Heights Citrus Co | 1.6105 |
| Blue Banner, Inc | 2.5895 |
| Brown Estate, L. V. W | 2.2769 |
| Gavilan Citrus Association | 2.1988 |
| McDermont Fruit Co | 1.8467 |
| Monte Vista Citrus Association | 1.5519 |
| National Orange Co | 1.5376 |
| Riverside Highgrove Citrus Association | 2.0743 |
| Victoria Avenue Citrus Association | 3.3189 |
| Claremont Citrus Association | .6467 |
| College Heights Orange & Lemon Association | 2.1496 |
| Indian Hill Citrus Association | 1.0713 |
| Walnut Fruit Growers | .6304 |
| West Ontario Citrus Association | .8407 |
| Escondido Cooperative Citrus Association | .1067 |
| Camarillo Citrus Association | .0041 |
| Fillmore Citrus Association | 1.0781 |
| Mupu Citrus Association | .0049 |
| Ojai Orange Association | 1.0340 |
| Piru Citrus Association | 1.1975 |
| Rancho Sespe | .0013 |
| San Fernando Fruit Growers Association | .4530 |
| Santa Paula Orange Association | .0925 |
| Ventura County Citrus Association | .0413 |
| North Whittier Heights | .1329 |
| Placentia Cooperative Orange Association | .2715 |
| Sierra Madre-Lamanda Citrus Association | .0761 |
| A. J. Packing Co | .1574 |
| Babijuice Corp. of California | .0442 |
| Bryant, Foster | .0000 |
| Cherokee Citrus Co., Inc | 1.1407 |
| Dunning, Vera Hueck | .1899 |
| Evans Bros. Packing Co | 1.3013 |
| Far West Produce Distributors | .0481 |
| Gold Banner Association | 2.4897 |
| Granada Packing House | .1349 |
| Holland, M. J | .0213 |
| Orange Belt Fruit Distributors | .7277 |
| Panno Fruit Co., Carlo | .0517 |
| Paramount Citrus Association | .1095 |
| Placentia Orchards Association | .0795 |
| Riverside Fruit Co | .4177 |
| Wall, E. T | 2.1944 |
| Western Fruit Growers, Inc | 5.2879 |

[F. R. Doc. 53-10622; Filed, Dec. 18, 1953; 11:10 a. m.]

[Grapefruit Reg. 190]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.652 *Grapefruit Regulation 190*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than December 21, 1953. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 21, 1953, the recommendation and supporting information for continued regulation subsequent to December 20 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 15; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., December 21, 1953, and ending at 12:01 a. m., e. s. t., January 4, 1954, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any pink seeded grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any seedless grapefruit, grown in the State of Florida, which do not grade at least U. S. No. 2;



(iv) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vi) Any pink seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any white seedless grapefruit, grown in the State of Florida, that grade U. S. No. 2 or U. S. No. 2 Bright which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(viii) Any white seedless grapefruit, grown in the State of Florida, that grade U. S. No. 1 Russet, U. S. No. 1, U. S. No. 1 Bronze, U. S. No. 1 Golden, U. S. No. 1 Bright or U. S. Fancy which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 1 Golden," "U. S. No. 1 Bright," "U. S. Fancy," "U. S. No. 2," "U. S. No. 2 Bright," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 16th day of December 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-10574; Filed, Dec. 18, 1953; 8:53 a. m.]

[Orange Reg. 246]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.653 *Orange Regulation 246*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than December 21, 1953. Shipments of all oranges except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 21, 1953; the recommendation and supporting information for continued regulation subsequent to December 20 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 15; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., December 21, 1953, and ending at 12:01 a. m., e. s. t., January 4, 1954, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than $2^{10}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in ac-

cordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida oranges (§ 51.1140 of this title): *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2^{10}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2^{14}/_{16}$ inches in diameter and smaller.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 1 Russet" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§§ 51.1140 to 51.1186 of this title).

(3) Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 244 (§ 933.647; 18 F. R. 7380).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 16th day of December 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-10575; Filed, Dec. 18, 1953; 8:54 a. m.]

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[Lemon Reg. 516]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 953.623 *Lemon Regulation 516*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on December 16, 1953, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 20, 1953, and ending at 12:01 a. m., P. s. t., December 27, 1953, is hereby fixed as follows:

(i) District 1: 25 carloads;
(ii) District 2: 160 carloads;
(iii) District 3: 15 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 515 (18 F. R. 8172) and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 17th day of December 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-10600; Filed, Dec. 18, 1953; 8:55 a. m.]

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[Grapefruit Reg. 93]

## PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA, AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

### LIMITATION OF SHIPMENTS

§ 955.354 *Grapefruit Regulation 93*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California, and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than December 20, 1953. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 18, 1953, and will so continue until December 20, 1953; the recommendation and supporting information for continued regulation subsequent to December 19, 1953, was promptly submitted to the Department after an open meeting of the Administrative Committee on December 10; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., December 20, 1953, and ending at 12:01 a. m., P. s. t., January 24, 1954, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit are at least fairly well colored, and otherwise grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than $3^{11}/_{16}$ inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than $3^{6}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), §§51.925 to 51.955 of this title: *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than $3^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $4^{2}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than $3^{3}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3^{13}/_{16}$ inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2" and "fairly well colored" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 15th day of December 1953.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-10552; Filed, Dec. 18, 1953; 8:48 a. m.]

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[959.309, Amdt. 3]

## PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

### LIMITATION OF SHIPMENTS

*Findings.* (1) Pursuant to Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said marketing agreement and amended order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any preparation on the part of handlers which cannot be completed by the effective date, and (iv) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

*Order as amended.* The provisions of § 959.309 (b) (4) and (5) (FEDERAL REGISTER, August 29, October 22, November 10, and December 5, 1953; 18 F. R. 5163, 6697, 7055, 7844), are hereby amended to read as follows:

(4) The limitations set forth in subparagraph (1) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) Grading or storing in the production area, (ii) seed, (iii) canning or freezing, (iv) dehydration, or manufacture or conversion into starch, flour, and alcohol within the production area, (v) charity, and (vi) livestock feed within the production area.

(5) Each handler making shipments of potatoes pursuant to subparagraph (4) of this paragraph shall (except for shipments of potatoes for grading or storing in the production area, and shipments of potatoes for livestock feed within the production area) (i) file an application with the committee pursuant to § 959.130 for permission to make such shipments, (ii) pay assessments on such shipments pursuant to § 959.41, and (iii) have such shipments (except shipments of seed potatoes) inspected pursuant to § 959.60, and for each shipment made pursuant to subdivisions (iii), (iv), and (v) of subparagraph (4) of this paragraph shall furnish a record of shipment applicable thereto to the committee: *Provided*, That each application to ship potatoes made pursuant to subdivisions (iii), (iv), and (v) of subparagraph (4) of this paragraph shall be accompanied by the applicant handler's certification and buyer's certification that the potatoes to be shipped are to be used for the purpose stated in the application; *And provided further*, That each handler agrees in his application to furnish a copy of the bill of lading on each such shipment and to bill each such shipment directly to the applicable processor.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 17th day of December 1953, to become effective 12:01 a. m., P. s. t., December 21, 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch.*

[F. R. Doc. 53-10601; Filed, Dec. 18, 1953; 8:55 a. m.]

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# TITLE 14—CIVIL AVIATION

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 68]

## PART 608—DANGER AREAS

### ALTERATIONS

The danger area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.61, the Fairbanks, Alaska, area (D-345), published on July 16, 1949, in 14 F. R. 4298, is amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 64°45'00" N., long. 147°30'00" W.; SE along the S. bank of the Tanana River to lat. 64°43'40" N., long. 147°24'18" W.; ENE. to lat. 64°43'50" N., long. 147°21'14" W.; ESE. to lat. 64°43'00" N., long. 147°17'33" W.; SSE. to lat. 64°37'16" N., long. 147°13'14" W.; SE. along the S. bank of the Tanana River to lat. 64°20'00" N., long. 146°53'00" W.; due W. to the N. bank of Wood River at lat. 64°20'00" N., long. 147°55'00" W.; NW. along the N. bank of Wood River to lat. 64°34'00" N., long. 148°23'00" W.; NE. to lat. 64°45'00" N., long. 147°30'00" W., point of beginning."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on December 15, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-10580; Filed, Dec. 17, 1953; 5:09 p. m.]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| BELMAR, N. J.<br>Monmouth County Airport, 180'<br>SBMRLZ (Lakehurst NAS NEL LFR).<br>Procedure No. 1<br>November 20, 1953 | Int NE course NEL LFR and E course MWA VAR (final). | 242—10 | 1,000 | E side NE course:<br>062° outbound.<br>242° inbound.<br>1,500' within 10 miles NE of Asbury Park FM (NA beyond 10 miles). | 1,000 (over Asbury Park FM). | 258—5.1 (from Asbury Park FM). | T-dn<br>C-dn<br>A-dn | 300-1<br>600-2<br>1,000-2 | NA<br>NA<br>NA | Within 3 miles after passing Asbury Park FM, turn left, climb to 1,500' on NE (outbound) course. Deviation from criteria authorized in item 5. Procedure turn conducted to the E to avoid traffic on Red 3. |
| CONCORD, N. H.<br>Municipal, 345'<br>BMRLZ-DTV CON<br>Procedure No. 1<br>December 28, 1953 | ---------- | ---------- | ---------- | E side SE course:<br>164° outbound.<br>344° inbound.<br>2,000' within 10 miles. | 1,400 | 332—2.2 | T-dn<br>C-dn<br>A-dn | 300-1<br>500-1<br>800-2 | 300-1<br>600-1½<br>800-2 | Within 2.2 miles, climb to 5,000' on NW course. This procedure not approved for ADF approach. Deviation from criteria authorized in item 5. #Standard obstruction clearance not provided over 1,410' obstruction approximately 8 miles E of Concord LFR. |
| DES MOINES, IOWA<br>Des Moines, 957'<br>SBRAZ-VOR, DSM<br>Procedure No. 1<br>December 25, 1953 | Martindale FM (final)<br>Des Moines VOR | 005—11.0<br>353—4.0 | 1,600<br>2,100 | E side course:<br>185 outbound.<br>005 inbound.<br>2,100' within 15 miles.<br>2,200' within 25 miles. | 1,600 | 313—2.2 | T-dn<br>C-dn<br>S-dn 35<br>A-dn | 300-1<br>500-1<br>500-1<br>800-2 | 300-1<br>500-1½<br>500-1<br>800-2 | Within 2.2 miles, immediately turn left, climb to 2,600' on W course or when directed by ATC, immediately turn left, climb to 2,600' 253° ADF fix/6 from DSM LFR.<br>CAUTION: 1,560' MSL TV tower located 3.2 miles NNE of airport.<br>#When TV tower not visible on N, NW, E, and W takeoffs, climb to 2,100' MSL prior to turning toward tower. Deviation from standard criteria authorized in straight-in minima. |
| DETROIT, MICH.<br>Detroit City, 626'<br>SBRAZ-T Windsor<br>Procedure No. 1<br>November 30, 1953 | Romulus VOR<br>Detroit "R" Fac. | 088—28.0<br>138—7.0 | 2,300<br>2,300 | E side SE course:<br>142 outbound.<br>322 inbound.<br>1,900' within 25 miles. | 1,700 | 329—9.0 | T-dn*<br>C-dn<br>A-dn | 500-1<br>1,000-2<br>1,000-2 | 500-1<br>1,000-2<br>1,000-2 | Over Windsor LFR climb to 2,300' on NW course.<br>*300-1 Runway 33 only.<br>NOTE: Detroit RBN located 2.6 miles SE of Detroit City Airport. |
| DETROIT, MICH.<br>Detroit City, 626'<br>SBRAZ-T Windsor LFR "QG"<br>Procedure No. 2, from Warren Int #<br>November 30, 1953 | From Detroit VOR to Warren Int.#<br>From Pontiac Int to Warren Int# (final). | 060—23.0<br>149—11.0 | 2,700<br>2,000 | W side NW course:<br>329 outbound.<br>149 inbound.<br>2,700' within 25 miles of Warren Int# | Minimum altitude over Warren Int# 2,000 | From Warren Int# to Airport 149—5.2 | T-dn*<br>C-dn<br>A-dn | 500-1<br>700-1<br>800-2 | 500-1<br>700-1½<br>800-2 | Within 5.2 miles after passing Warren Int #, climb straight ahead to 2,300' to Windsor LFR, or if directed by ATC make left climbing turn, climb to 2,300' and proceed out NW course Windsor LFR to Warren Int.#<br>*Take-off 300-1, Runway 33 only.<br>#Warren Intersection—Int NW course Windsor LFR and E. course Salem VAR or bearing 240° to Detroit VOR. |

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| GRAND RAPIDS, MICH.<br>Kent County airport, 692'<br>SBMRLZ-VDT-GRR<br>Procedure No. 1<br>December 20, 1953 | Alaska FM final | 303—10 | 1,500 | E side SE course:<br>123 outbound.<br>303 inbound.<br>2,000' within 25 miles. | 1,500 | 303—2.0 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1<br>500-1<br>500-1½<br>800-2 | 300-1<br>500-1½<br>500-1½<br>800-2 | Within 2.0 miles climb to 1,900' within 25 miles.<br>CAUTION: 912' MSL stack located 0.5 mile WSW airport. 930' MSL tower located 2.0 miles S of airport. |
| MADISON, WIS.<br>Truax Field, 859'<br>BMRLZ-VDT-MSN<br>Procedure No. 1 | ---------- | ---------- | ---------- | N side E course:<br>094 outbound.<br>274 inbound.<br>2,100' within 15 miles. | 1,600 | 314—2.6 | T-dn<br>C-dn<br>S-dn 31<br>A-dn | 300-1<br>600-1<br>500-1<br>800-2 | 300-1<br>600-1½<br>500-1<br>800-2 | Within 2.6 miles, climb to 2,500' on N course within 25 miles of MSN-LFR. ADF procedure not authorized. |
| MILLVILLE, N. J.<br>Millville Airport, 87'<br>SBRAZ-DTV MIV<br>Procedure No. 1<br>December 1, 1953 | ---------- | ---------- | ---------- | W side NW course:<br>337° outbound.<br>157° inbound.<br>1,600' within 10 miles.<br>*NA beyond 10 miles. | 1,100 | 144—4.3 | T-dn<br>C-dn<br>A-dn | 300-1<br>500-1<br>800-2 | 300-1<br>500-1½<br>800-2 | Within 4.3 miles, climb to 1,500' (or higher altitude when directed by ATC) on SE course within 25 miles.<br>*Procedure turn beyond 10 miles not authorized due to operations at New Castle County Airport.<br>NOTE: Night operations authorized on E-W and NW-SE runways only. |
| MUSKEGON, MICH.<br>Muskegon County, 628'<br>SBMRLZ-VDT<br>MKG<br>Procedure No. 1<br>December 20, 1953 | ---------- | ---------- | ---------- | E side SE course:<br>137 outbound.<br>317 inbound.<br>1,800' within 10 miles.<br>1,900' within 25 miles. | 1,300 | 317—2.4 | T-dn<br>C-dn<br>S-dn 32<br>A-dn | 300-1<br>500-1<br>500-1<br>800-2 | 300-1<br>500-1½<br>500-1<br>800-2 | Within 2.4 miles climb to 2,000' on NW course MKG-LFR. |
| PENDLETON, OREG.<br>Pendleton, 1,493'<br>SBRAZ-VDT<br>PDT<br>Procedure No. 1<br>December 23, 1953 | PDT VOR<br>Cabbage Hill FM<br>Athena Int. (final)<br>PDT LOM (final) | 072—7.0<br>301—12.0<br>236—14.0<br>236—3.0 | 4,000<br>4,800<br>2,400<br>2,000 | N side of E course:<br>056° outbound.<br>236° inbound.<br>3,000' within 10 miles.<br>4,500' within 15 miles.<br>20 and 25 miles NA due to high terrain. | 2,400 | 258—2.0 | T-dn<br>C-dn<br>S-dn<br>Rwy 25<br>A-dn | 300-1<br>500-1<br>500-1<br>800-2 | 300-1<br>500-1½<br>500-1<br>800-2 | Within 2.0 miles, climb to 4,000' on W course within 25 miles of PDT LFR.<br>*Descent to 2,000' authorized (final) after passing PDT LOM. If PDT LOM not received, maintain 2,400' until reaching PDT LFR.<br>*Straight-in landing minimums applicable only if PDT LOM received. |
| SEATTLE, WASH.<br>Seattle-Tacoma International 416'<br>SBRAZ—VDTXP<br>SEA<br>Procedure No. 1<br>December 24, 1953 | Monroe Int<br>Hobart FM<br>TCM LFR<br>TCM-LFR to SEA-LOM<br>SEA-LOM<br>Kitsap Int<br>Harbor Island FM (final) | 186—26.0<br>269—15.0<br>356—33.0<br>356—25.0<br>356—4.0<br>117—22.0<br>117—8.0 | 3,000<br>4,000<br>3,000<br>2,000<br>2,000<br>2,000<br>1,200 | W side of course:<br>297° outbound.<br>117° inbound.<br>2,000' within 10 miles.<br>15, 20, and 25 miles NA. | 1,200 | 194—4.0 | T-dn<br>C-dn<br>A-dn | 300-1<br>500-1<br>800-2 | 300-1<br>500-1½<br>800-2 | Within 4.0 miles, cling to 2,000' on S course within 25 miles of SEA LFR.<br>CAUTION: Radio towers 606' 7 miles SW and 787' 5 miles E of SEA LFR. |

**2. The automatic direction finding procedures prescribed in § 609.9 are amended to read in part:**

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outboun and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished. |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| DES MOINES, IOWA<br>Des Moines, 957'<br>LOM-DS<br>Procedure No. 1<br>December 25, 1953 | Des Moines LFR | 101—3.5 | 2,300 | E side of course:<br>124 outbound.<br>304 inbound.<br>2,300' within 25 miles. | 2,300 | 304—4.7 | T-dn<br>C-dn<br>S-dn<br>31<br>A-dn | 300–1#<br>500–1<br>500–1<br><br>1,000–2<br>BCOB | 300–1#<br>500–1½<br>500–1<br><br>1,000–2<br>BCOB | Within 4.7 miles, climb to 2,600' on outbound course of 304 within 25 miles or when directed by ATC turn left climb to 2,600' on W course of DSM-LFR.<br>CAUTION: 1,560' MSL TV tower located 3.2 miles NNE of airport.<br>#When TV tower not visible on N, NW, E, and # takeoffs, climb to 2,100' MSL prior to turning toward tower.<br>Deviation from standard criteria authorized in straight-in minima. |
| | Des Moines VOR | 040—4.5 | 2,300 | | | | | | | |
| | Martindale FM | 026—10 | 2,300 | | | | | | | |
| | ILS LMM | 124—4.5 | 2,300 | | | | | | | |
| | Int. 258° course to DSM-VOR-304° course to LOM. | 304—3.5 | 2,300 | | | | | | | |
| DETROIT, MICH.<br>Detroit City, 626'<br>MH DET<br>Procedure No. 1<br>November 30, 1953 | Romulus VOR | 089—26.0 | 2,300 | E side of course:<br>149 outbound.<br>329 inbound.<br>1,900' within 25 miles. | 1,620 | 329—2.6 | T-dn*<br>C-dn<br>A-dn | 500–1<br>700–1<br>1,000–2<br>BCOB | 500–1<br>700–1½<br>1,000–2<br>BCOB | Within 2.6 miles, climb to 2,300' on track 329° within 25 miles.<br>*300–1 Runway 33 only. |
| | Romulus LFR | 068—24.0 | 2,300 | | | | | | | |
| | Windsor LFR final | 329—6.5 | 1,620 | | | | | | | |
| | Warren Int. or Int. 60° course from RML-VOR and 149° bearing to DET-"MH." | 149—9.0 | 2,000 | | | | | | | |
| FLINT, MICH.<br>Bishop Field, 781'<br>LOM-FN<br>Procedure No. 2<br>April 20, 1951 | PROCEDURE CANCELED EFFECTIVE DECEMBER 20, 1953. | | | | | | | | | |
| GLEN FALLS, N. Y.<br>Warren County Airport, 328'<br>MH GFL<br>Procedure No. 1<br>November 20, 1953 | Albany LFR | 28—39 | 3,000 | E side course:<br>190° outbound.<br>010° inbound.<br>2,500' within 10 miles. | 1,300 | MH on airport GFL FM to airport 010—2.0 | T-d<br>T-n<br>C-d<br>C-n<br>A-du | 500–1<br>500–2<br>1,000–1<br>1,000–2<br>1,000–2<br>BCOB | 500–1<br>500–2<br>1,000–1½<br>1,000–2<br>1,000–2<br>BCOB | Within 0.0 mile after passing GFL MH make right climbing turn immediately to 3,000' on track of 190° M within 10 miles of GFL MH.<br>*Straight-in approach authorized via Int. 56° course from Saratoga Springs FM and 10° course to GFL MH. Descend to final approach altitude after establishing 10° course to GFL MH within 10 miles. Distance Saratoga Springs FM to Int. 10° course to GFL Rbn 5 miles. |
| | Saratoga Springs FM | 23—17 | *2,500 | | | | | | | |
| MORRISTOWN, N. J.<br>Morristown Airport, 187'<br>Chatham MHW CAT<br>Procedure No. 1<br>December 27, 1953 | ---------- | ---------- | ---------- | W side courses:*<br>238° outbound.<br>058° inbound.<br>2,000' within 10 miles.<br>NA beyond 10 miles. | 1,200 | 023—3.6 | T-dn<br>C-dn<br>S-dn<br>4<br>A-dn | 300–1<br>800–1<br>800–1<br><br>1,000–2<br>BCOB | 300–1<br>800–1½<br>800–1½<br><br>1,000–2<br>BCOB | Within 3.6 miles, climb to 1,000' on course of 023°, then make a right climbing turn, return to Chatham Rbn at 2,000'.<br>*Procedure turn W to avoid traffic on Amber 7. |
| PELLSTON, MICH.<br>Emmet County, 720'<br>BMH TV<br>PLN<br>Procedure No. 1<br>December 20, 1953 | ---------- | ---------- | ---------- | N side of track:<br>135 outbound.<br>315 inbound.<br>2,200 within 25 miles. | 1,520 | 0.0 mile at airport. | T-dn<br>C-dn<br>A-dn | 500–1<br>800–1<br>1,000–2<br>BCOB | 500–1<br>800–1½<br>1,000–2<br>BCOB | Within 0.0 mile climb to 2,500' on course of 315° within 25 miles.<br>*E/W runway limited to DC-3 or smaller operation. |





ADF STANDARD INSTRUMENT APPROACH PROCEDURE

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished. |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| PENDLETON, OREG.<br>Pendleton, 1,493'<br>LOM-PD<br>Procedure No. 1<br>December 23, 1953 | PDT-VOR | 069—10.0 | 4,000 | NW side of NE course:<br>040° outbound.<br>220° inbound.<br>3,000' within 10 miles.<br>4,000' within 15 miles.<br>20 and 25 miles NA. | 2,400 | 249—4.7 | T-dn<br>C-dn<br>S-dn<br>Rwy 25<br>A-dn | 300–1<br>500–1<br>500–1<br><br>800–2 | 300–1<br>500–1½<br>500–1<br><br>800–2 | Within 4.7 miles, climb to 4,000' on W course. PDT-LFR or on 233° outbound course from PDT-VOR within 25 miles of respective stations. |
| | PDT-LFR | 062—3.0 | 4,000 | | | | | | | |
| | Athena INT | 234—11.0 | 4,000 | | | | | | | |
| | Cabbage Hill FM | 294—10.0 | 4,800 | | | | | | | |
| | Int. S course, ALW LFR and 040° outbound bearing from LOM. | 220—15.0 | 4,000 | | | | | | | |

**3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:**

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Transition to ILS: From— | Transition to ILS: To— | Transition to ILS: Course and distance | Transition to ILS: Minimum altitudes (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope intercept-ion inbound (ft.) | Altitude of glide slope and distance to approach end of runway at—: Outer marker | Altitude of glide slope and distance to approach end of runway at—: Middle marker | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| DENVER, COLO.<br>Stapleton Airfield 5, 325'<br>ILS-DEN<br>Procedure No. 1<br>December 6, 1953 | Denver LFR | LOM | 098—9.0 | 7,000 | N side E course:<br>7,000' within 5 miles.<br>076 outbound.<br>256 inbound. | 7,000 | 6,930—6.3 | 5,583—0.7 | T-Dn<br>D-Dn<br>S-Dn<br>26L<br>A-Dn | 300–1<br>500–1<br>400–¾<br><br>800–2 | 300–1<br>500–1½<br>400–¾<br><br>800–2 | Turn right, climb to 6,300' on N course Denver LFR within 20 miles.<br>CAUTION: 5,918' MSL radio tower 4.7 miles ESE airport. |
| | Denver VOR | LOM | 162—7.0 | 7,000 | | | | | | | | |
| | Aurora "H" | LOM | 050—9.0 | 7,000 | | | | | | | | |
| | Dupont Int | LOM | 122—11.0 | 7,000 | | | | | | | | |
| | Watkins FM | E course ILS | 192—9.0 | 7,000 | | | | | | | | |
| | Int E course ILS and S course Denver LFR. | LOM | 076—8.0 | 7,000 | | | | | | | | |
| FLINT, MICH.<br>Bishop Field, 781'<br>ILS-FNP<br>LOW-FW<br>LOM-FN<br>Procedure No. 1<br>Combination ILS & ADF<br>December 20, 1953 | Int. N course RML LFR and 180 bearing to LOM. | LOM | 180—19 | 2,000 | S side of W course:<br>271 outbound.<br>091 inbound.<br>2,000' within 10 miles.<br>2,100' within 25 miles. | 1,900 | 1,880—4.7 | 964—0.71 | T-dn<br>C-dn<br>S-dn | 300–1<br>500–1 | 300–1<br>500–1½ | Within 4.7 miles, climb to 2,300' on course of 118 within 25 miles of LOM. No approach lights. |
| | Int. NW course QG-LFR and W course ZR-LFR. | LOW | 299—27 | 2,300 | | | | | 9<br>ILS | 400–¾ | 400–¾ | |
| | Int. N course RML LFR and E course LAN-LFR. | LOM | 331—25 | 2,300 | | | | | ADF | 400–1 | 400–1 | |
| | Lansing LFR | LOM | 072—38 | 2,300 | | | | | A-dn<br>ILS | 800–2 | 800–2 | |
| | | | | | | | | | A-dn<br>ADF | 1,000–2<br>BCOB | 1,000–2<br>BCOB | |

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Transition to ILS: From— | Transition to ILS: To— | Transition to ILS: Course and distance | Transition to ILS: Minimum altitudes (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes, limiting distances | Minimum altitude at glide slope intercept. inbound (ft.) | Altitude of glide slope and distance to approach end of runway at—: Outer marker | Altitude of glide slope and distance to approach end of runway at—: Middle marker | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| GRAND RAPIDS, MICH.<br>Kent County Airport, 692'<br>ILS-GRR<br>LOM-GR<br>Procedure No. 1<br>Combination ILS-ADF<br>December 20, 1953 | Wayland (Int.) | LOM | 054—5.0 | 2,200 | E side of S course: 176 outbound. 356 inbound. 2,200' within 20 miles. 2,400' within 25 miles. | 2,200 | 2,170—5.7 | 906—0.75 | T-dn | 300-1 | 300-1 | 5.7 miles after passing LOM (ADF) climb to 2,200' on N course ILS within 25 miles, or when directed by ATC make right climbing turn, climb to 2,200' on SE course. GRR-LFR to Alaska FM. No approach lights.<br>CAUTION: 930' MSL tower located 2.0 miles S of airport on ILS course. |
| | Clarksville Int. | LOM | 264—22.0 | 2,200 | | | | | C-dn | 500-1 | 500-1½ | |
| | GRR-LFR | LOM | 135—6.0 | 2,200 | | | | | C-dn | 500-1½ | 500-1½ | |
| | Hastings (Int.) | LOM | 290—23.0 | 2,200 | | | | | S-dn 36-R | | | |
| | Lansing VOR | LOM | 278—49.0 | 2,200 | | | | | ILS | 400-¾ | 400-¾ | |
| | Alaska FM | LOM | 269—10.0 | 2,200 | | | | | ADF | 500-1 | 500-1 | |
| | Int. NW course GRR-LFR and N course ILS | LOM | 176—7.0 | 2,200 | | | | | A-dn ILS | 800-2 | 800-2 | |
| | | | | | | | | | A-dn ADF | 1,000-2 BCOB | 1,000-2 BCOB | |
| MADISON, WIS.<br>Truax Field, 859'<br>ILS-MSN<br>LOM-MS<br>Procedure No. 1<br>Combination ILS and ADF<br>November 30, 1953 | Madison LFR | LOM | 218—4.0 | 2,400 | East side of course: 178 outbound. 358 inbound. 2,400' within 25 miles. | 2,400 | 1,917—4.4 | 1,058—0.7 | T-dn | 300-1 | 300-1 | Within 4.4 miles after passing LOM (ADF) climb to 2,500' on N course ILS or on 358 course from LOM within 25 miles. |
| | Int. W. course MSN LFR and BRG. 111 to LOM. | LOM | 111—15.0 | 2,400 | | | | | C-dn | 600-1½ | 600-1½ | |
| | Int. E. course MSN LFR and bearing 257 to LOM. | LOM | 257—13.0 | 2,400 | | | | | S-dn 36 | | | |
| | Int. 308 course from JVL-VOR and S course ILS-final. | LOM | 358—17.0 | 2,400 | | | | | ILS | 400-¾ | 400-¾ | |
| | Mendota Int. | LOM | 118—8.0 | 2,400 | | | | | ADF | 600-1 | 600-1 | |
| | | | | | | | | | A-dn ILS | 800-2 | 800-2 | |
| | | | | | | | | | ADF | 1,000-2 BCOB | 1,000-2 BCOB | |
| PENDLETON, OREG.<br>Pendleton 1,493'<br>ILS-1PDT<br>Procedure No. 1<br>December 23, 1953 | PDT-VOR | LOM | 069—10.0 | 4,000 | North side of course: 069° outbound. 249° inbound. 3,000' within 5 miles of LOM. 4,500' within 10 miles of LOM. 15, 20 and 25 miles NA. | 2,750 | 2,750—4.7 | 1,725—0.7 | T-Dn | 300-1 | 300-1 | Climb to 4,000' on W course of PDT LFR or on 238° outbound course on PDT-VOR within 25 miles of respective stations.<br>*After intercepting glide path at 4,500' descent to cross the outer marker inbound at 2,750' is authorized.<br>NOTE: No approach lights installed. |
| | PDT-LFR | LOM | 062—3.0 | 4,000 | | | | | C-Dn | 500-1 | 500-1½ | |
| | Athena Int. | LOM | 234—11.0 | 4,000 | | | | | S-Dn | 400-¾ | 400-¾ | |
| | Cabbage Hill FM | LOM | 291—10.0 | 4,800 | | | | | RWY 25 A-Dn | 800-2 | 800-2 | |
| | Athena Int. to Int. S course ALW, LFR and E course ILS. | | 182—3.5 | 4,500 | | | | | | | | |
| | Int. S course ALW, LFR and E course ILS (final). | LOM | 249—10.0 | *4,500 | | | | | | | | |
| PITTSBURGH, PA.<br>Allegheny County Airport, 1,252'<br>ILS PIT<br>RBN MKP<br>Procedure No. 1<br>Combination ILS & ADF<br>December 8, 1953 | Pittsburgh Range | ILS OM | 91—8 | 2,600 | N side E course: 95 outbound. 275 inbound. 2,600' within 10 miles. | ILS 2,600* ADF 2,600' over MKP Rbn. | 2,510—4.7 | 1,490—0.7 | T-dn | 300-1 | 300-1 | Climb to 2,500' proceeding to Cecil Rbn.<br>*Approaches may also be conducted fr om McKeesport Rbn. Glide path altitude on final approach over McKeesport 3,000'. |
| | McKeesport Rbn | ILS OM | 275—1.5 | 2,600 | | | | | C-dn | 500-1 | 500-1½ | |
| | Int SE course PIT and NE course MGW. | McKeesport Rbn. | 322—17 | 2,500 | | | | | S-dn 28 | | | |
| | New Alexandria FM | McKeesport Rbn. | 263—23 | 2,600 | | | | | ILS | 400-¾ | 400-¾ | |
| | | | | | | | | | ADF | 500-1 | 500-1 | |
| | | | | | | | | | A-dn ILS | 800-2 | 800-2 | |
| | | | | | | | | | ADF | 1,000-2 BCOB | 1,000-2 BCOB | |



ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Transition to ILS: From— | Transition to ILS: To— | Transition to ILS: Course and distance | Transition to ILS: Minimum altitudes (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope intercept. inbound (ft.) | Altitude of glide slope and distance to approach end of runway at—: Outer marker | Altitude of glide slope and distance to approach end of runway at—: Middle marker | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| SEATTLE, WASH.<br>Seattle-Tacoma International, 410'<br>ILS SEA<br>LOM SE<br>Procedure No. 1<br>Combination ILC-ADF<br>December 24, 1953 | SEA LFR | LOM | 175—9.0 | 2,000 | E side of S course: 158° outbound. 338° inbound. 2,000' within 9 miles, 10, 15 20 and 25 miles NA. | ILS 1,700 ADF 1,600 | 1,590—4.7 | 585—0.6 | T-dn | 300-1 | 300-1 | Within 4.7 miles after passing LOM (ADF) climb to 2,000' on NW course SEA LFR or on 338° outbound course from SEA VOR within 25 miles of respective stations.<br>CAUTION: Terrain and trees 500' MSL located immediately N of airport. 720' tower located 9½ miles S of LOM. |
| | SEA VOR | LOM | 158—5.0 | 2,000 | | | | | C-dn | 500-1 | 500-1½ | |
| | Vashon Int. | LOM | 068—9.0 | 2,000 | | | | | S-dn Rwy 34 | | | |
| | Hobart FM | LOM | 237—17.0 | 4,000 | | | | | ILS | 400-¾ | 400-¾ | |
| | TCM LFR | LOM | 359—25.0 | 2,000 | | | | | ADF | 500-1 | 500-1 | |
| | TCM LFR to Int. S course ILS (338° bearing to LOM for ADF) and 185° bearing to TCM LFR. | | 005—17.0 | 2,000 | | | | | A-dn | 800-2 | 800-2 | |
| | Int. S course ILS (338° bearing to LOM for ADF) and 185° bearing to TCM LFR (final). | LOM | 338—9.0 | ILS 1,700 ADF 1,600 | | | | | | | | |
| WHEELING, W. VA.<br>Ohio County Airport, 1,195'<br>ILS HLG<br>MHW at OM HLG<br>Procedure No. 1<br>Combination ILS and ADF<br>November 28, 1953 | Old Concord Int. (Int. 44° bearing to PIT LFR and NW course MGW LFR. | LOM | 292—19 | 2,600 | E side course: 210° outbound. 030° inbound. 2,600' within 10 miles. | 2,100 over LOM | No glide slope 4.6 | 0.72 | T-dn | 300-1 | 300-1 | Within 4.6 miles, make climbing left turn, return to LOM climbing to 2,600' or higher altitude if directed by ATC.<br>NOTE: Night operations on Runway 9/27 and take-offs on Runway 9 not authorized for air carrier aircraft over 12,500 pounds gross weight. Procedure not premised on use of glide slope. |
| | HLG VOR | LOM | 215—11.5 | 2,600 | | | | | C-dn | 600-1 | 700-1½ | |
| | | | | | | | | | S-dn 3 | | | |
| | | | | | | | | | ILS | 500-1 | 500-1 | |
| | | | | | | | | | ADF | 500-1 | 500-1 | |
| | | | | | | | | | A-dn ILS | 800-2 | 800-2 | |
| | | | | | | | | | ADF | 1,000-2 (BCOB) | 1,000-2 (BCOB) | |

**4. The very high frequency omnirange procedures prescribed in § 609.15 are amended to read in part:**

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| DULUTH, MINN.<br>Duluth, 1,430'<br>BVOR-DLH<br>Procedure No. 1<br>December 25, 1953 | Duluth LFR | 012—1.2 | 2,500 | E side of course: 192 outbound. 012 inbound. 2,500' within 25 miles. | 2,000 | 012—2.5 | T-dn | 300-1 | 300-1 | Within 2.5 miles, climb to 2,500' on course of 012 within 15 miles DLH-VOR.<br>CAUTION: 1,790' tower 4.3 miles E of Duluth VOR. |
| | | | | | | | C-d | 500-1 | 500-1½ | |
| | | | | | | | C-n | 500-1½ | 500-1½ | |
| | | | | | | | S-dn 3 | 500-1 | 500-1 | |
| | | | | | | | A-dn | 800-2 | 800-2 | |

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance, facility to airport | Minimum altitude over facility on final approach course (ft.) | Ceiling and visibility minimums | | | Procedure turn (—) side of final approach course (relation to course); altitudes; limiting distances | If visual contact not established at authorized landing minimums, after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|
| | | | | Condition | Type aircraft | | | |
| | | | | | 75 m. p. h. or less | More than 75 m. p. h. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| EAU CLAIRE, WIS. Municipal, 867' Nov. 15, 1952 VOR-PFP No. 1 Procedure No. 1 December 28, 1953 | | | | | | | | |
| | | | 1,780 | 2,400 | 150—2.2 | 170—4.5 | | |
| | | | | 1,400-1 | 300-1 | 300-1 | | |
| | | | | 1,600-1½ | 600-1 | 500-1½ | | |
| | | | | 1,600-2 | 800-2 | 800-2 | | |
| | | | | 1,400-1 | 300-1 | 300-1 | | |
| | | | | 1,600-1½ | 600-1 | 500-1½ | | |
| | | | | 1,600-2 | 800-2 | 800-2 | | |
| | | | | 1,400-1 | 300-1 | 300-1 | | |
| | | | | 1,600-1½ | 600-1 | 500-1 | | |
| | | | | 1,600-2 | 800-2 | 800-2 | | |
| | | | | 1,400-1 | 300-1 | 300-1 | | |
| | | | | 1,600-1½ | 600-1 | 500-1½ | | |
| | | | | 1,600-2 | 800-2 | 800-2 | | |
| | | | | 1,400-1 | 300-1 | 300-1 | | |
| | | | | 1,600-1½ | 600-1 | 500-1½ | | |
| | | | | 1,600-2 | 800-2 | 800-2 | | |
| PENDLETON, OREG. Pendleton, 1,063' Nov. 15, 1952 VOR-PFP No. 1 Procedure No. 1 December 25, 1953 | | | | | | | | |
| | PDT-LFR | 202—7.0 | 4,000 | | | | N side of W course: 29° outbound, 209° inbound. 3,500' within 25 miles of PDT-VOR. Procedure turn north for more favorable terrain. | Within 4.5 miles, execute climbing left turn, climb to 4,000' on 253° outbound course within 25 miles of PDT-VOR. |
| | PDT-LOM | 249—10.0 | 1,900 | | | | | |
| | Int. S course ALW-LFR and 061° outbound course from PDT-VOR. | 241—21.0 | 4,000 | | | | | |
| | Cabbage Hill FM | 286—17.0 | 1,800 | | | | | |
| | SEA LFR | 101—4.7 | 2,000 | | | | S side of S course: 158° outbound, 338° inbound. 2,000' within 14 miles, 15, 20 and 25 miles N.A. | Within 10.0 mile, climb to 2,000' on 338° outbound course within 25 miles of SEA VOR. Descent to landing minimums authorized after passing SEA LOM; SEA LOM not received, maintain 2,000' on 338° outbound course to intercept localizer course. CAUTION: 600' terrain and trees located immediately N of airport. 725' tower located 11 miles S of airport. |
| | Harbor Island FM | 114—10.0 | 2,000 | | | | | |
| | Hiobart FM | 296—16.0 | 4,000 | | | | | |
| | Nel LFR | 161—23.0 | 2,000 | | | | | |
| | Tom LFR | 053—20.0 | 3,000 | | | | | |
| | Vashon Int | 065—8.0 | 2,000 | | | | | |
| | Int. NW course SEA LFR and 338° outbound course from SEA VOR. | 158—7.0 | 2,000 | | | | | |
| | TCM LFR to Int. 158° outbound course from SEA VOR and 065° outbound BRG from TOM LFR. | 065—17.0 | 2,000 | | | | | |
| | Int. 158° outbound course from SEA VOR and 065° outbound bearing from TCM LFR (final). | 338—4.0 | 1,600 | | | | | |
| SEATTLE, WASH. Seattle-Tacoma International, 449' Nov. 15, 1952 VOR SEA (Voice and Code) Procedure No. 1 December 24, 1953 | Inter- | | | | | | | |
| | SEA LOM | SEA LOM to airport, 338—4.7. | 1,600 (over SEA LOM) | 1,400-1 | 300-1 | 300-1 | | |
| | | | | 1,600-1½ | 500-1 | 500-1 | | |
| | | | | 1,600-2 | 800-1 | 800-2 | | |
| | | SEA VOR located on airport. | | | | | | |

These procedures shall become effective on the dates indicated in column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE, *Administrator of Civil Aeronautics.*

[F. R. Doc. 53-10448; Filed, Dec. 17, 1953; 8:45 a. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

FORMS FOR REGISTRATION STATEMENTS

The Securities and Exchange Commission has heretofore published for comments and suggestions a proposed revision of Form S-5 (17 CFR 239.15) under the Securities Act of 1933. This form is used for registration of securities under that act by open-end management investment companies which are registered under the Investment Company Act of 1940 on Form N-8B-1 (17 CFR 274.11). All comments and suggestions received have been carefully considered, and the Commission has determined that the proposed revision should be adopted with certain modifications.

A registration statement on Form S-5 (17 CFR 239.15) consists largely of certain of the information and documents which would be required by Form N-8B-1 (17 CFR 274.11) if a registration statement under the 1940 Act were currently being filed on that form. The purpose of the revision is to bring this form into line with the revision of Form N-8B-1. It also permits the use in the prospectus of more concise financial data than has heretofore been required. It is believed that the revision of these forms will simplify registration under both acts and will result in shorter and simpler prospectuses for open-end management investment companies.

The revised Form S-5 (17 CFR 239.15) may be used by any open-end management investment company even though its registration statement under the 1940 Act was filed on Form N-8B-1 (17 CFR 274.11) prior to the revision of that form. In such cases, registrants need only furnish in their registration statement on Form S-5 (17 CFR 239.15) the information and documents specified in that form which would be required if they were currently filing a registration statement under the 1940 Act on the revised Form N-8B-1 (17 CFR 274.11).

The revised Form S-5[1] (17 CFR 239.15) is adopted pursuant to the Securities Act of 1933, particularly sections 7, 10 and 19 (a) thereof. It shall become effective immediately upon publication December 15, 1953, provided that any registration statement filed on Form S-5 (17 CFR 239.15) prior to January 15, 1954, may at the option of the registrant be filed on such form as in effect immediately prior to such effective date.

(Sec. 19, 48 Stat. 85, as amended; 15 U. S. C. 77s)

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

DECEMBER 10, 1953.

[F. R. Doc. 53-10547; Filed, Dec. 18, 1953; 8:47 a. m.]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

PREPARATION AND FILING OF REGISTRATION STATEMENTS AND REPORTS

The Securities and Exchange Commission has heretofore published for comments and suggestions certain proposed amendments to its general rules and regulations under the Investment Company Act of 1940. All comments and suggestions received have been carefully considered and the Commission has determined that the amendments should be adopted with certain modifications. The text of the amended rules is set forth below.

The amended rules relate to the preparation and filing of registration statements and reports pursuant to section 8 and 30 (a) of the act. They incorporate into the general rules and regulations certain definitions and other general requirements which have heretofore been contained in the various forms for registration statements and reports. These rules with appropriate changes are in large part patterned after the registration and reporting rules under the Securities Act of 1933 and the Securities Exchange Act of 1934. They replace all existing rules under section 8 of the act.

These amended rules are adopted pursuant to the Investment Company Act of 1940, particularly sections 8, 30 (a) and 38 (a) thereof. They shall become effective immediately upon publication December 15, 1953, provided that any registration statement or report filed prior to January 15, 1954, may, at the option of the company filing such statement or report, comply with such amended rules or with the corresponding rules and regulations as in effect immediately prior to such effective date.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

DECEMBER 10, 1953.

[1] Filed as part of the original document.





§ 270.8b-1 *Scope of §§ 270.8b-1 to 270.8c-1.* The rules contained in §§ 270.8b-1 to 270.8c-1 shall govern all registration statements pursuant to section 8 of the act, including notifications of registration pursuant to section 8 (a), and all reports pursuant to section 30 (a) or (b) of the act, including all amendments to such statements and reports, except that any provision in a form covering the same subject matter as any such rule shall be controlling.

§ 270.8b-2 *Definitions.* Unless the context otherwise requires, the following terms, when used in the rules contained in §§ 270.8b-1 to 270.8c-1, in the rules under section 30 (a) or (b) of the act or in the forms for registration statements and reports pursuant to section 8 or 30 (a) or (b) of the act, shall have the respective meanings indicated in this section:

*Amount.* The term "amount", when used in regard to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares, and the number of units if relating to any other kind of security.

*Certified.* The term "certified", when used in regard to financial statements, means certified by an independent public or independent certified public accountant or accountants.

*Charter.* The term "charter" includes articles of incorporation, declaration of trust, articles of association or partnership, or any similar instrument, as amended, effecting (either with or without filing with any governmental agency) the organization or creation of an incorporated or unincorporated person.

*Employee.* The term "employee" does not include a director, trustee, officer or member of the advisory board.

*Fiscal year.* The term "fiscal year" means the annual accounting period or, if no closing date has been adopted, the calendar year ending on December 31.

*Investment income.* The term "investment income" means the aggregate of net operating income or loss from real estate and gross income from interest, dividends and all other sources, exclusive of profit or loss on sales of securities or other properties.

*Material.* The term "material", when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which an average prudent investor ought reasonably to be informed before buying or selling any security of the particular company.

*Parent.* A "parent" of a specified person is an affiliated person who controls the specified person directly or indirectly through one or more intermediaries.

*Previously filed or reported.* The terms "previously filed" and "previously reported" mean previously filed with, or reported in, a registration statement under section 8 of the act or in a report under section 30 (a) or (b) of the act.

*Share.* The term "share" means a share of stock in a corporation or unit of interest in an unincorporated person.

*Significant subsidiary.* The term "significant subsidiary" means a subsidiary meeting any one of the following conditions:

(1) The value of the investments in and advances to the subsidiary by its parent and the parent's other subsidiaries, if any, exceed 10 percent of the value of the assets of the parent or, if a consolidated balance sheet is filed, the value of the assets of the parent and its consolidated subsidiaries.

(2) The total investment income of the subsidiary or, in the case of a non-investment company subsidiary, the net income exceeds 10 percent of the total investment income of the parent or, if consolidated statements are filed, 10 percent of the total investment income of the parent and its consolidated subsidiaries.

(3) The subsidiary is the parent of one or more subsidiaries and, together with such subsidiaries would, if considered in the aggregate, constitute a significant subsidiary.

*Subsidiary.* A "subsidiary" of a specified person is an affiliated person who is controlled by the specified person, directly or indirectly, through one or more intermediaries.

*Totally-held subsidiary.* The term "totally-held subsidiary" means a subsidiary (1) substantially all of whose outstanding securities are owned by its parent and/or the parent's other totally-held subsidiaries, and (2) which is not indebted to any person other than its parent and/or the parent's other totally-held subsidiaries in an amount which is material in relation to the particular subsidiary, excepting indebtedness incurred in the ordinary course of business which is not over-due and which matures within one year from the date of its creation, whether evidenced by securities or not.

§ 270.8b-3 *Title of securities.* Wherever the title of securities is required to be stated, there shall be given such information as will indicate the type and general character of the securities, including the following:

(a) In the case of shares, the par or stated value, if any; the rate of dividends, if fixed, and whether cumulative or non-cumulative; a brief indication of the preference, if any; and if convertible, a statement to that effect.

(b) In the case of funded debt, the rate of interest; the date of maturity, or if the issue matures serially, a brief indication of the serial maturities, such as "maturing serially from 1950 to 1960"; if the payment of principal or interest is contingent, an appropriate indication of such contingency; a brief indication of the priority of the issue; and if convertible, a statement to that effect.

(c) In the case of any other kind of security, appropriate information of comparable character.

§ 270.8b-4 *Interpretation of requirements.* Unless the context clearly shows otherwise—

(a) The forms require information only as to the company filing the registration statement or report.

(b) Whenever any fixed period of time in the past is indicated, such period shall be computed from the date of filing.

(c) Whenever words relate to the future, they have reference solely to present intention.

(d) Any words indicating the holder of a position or office include persons, by whatever titles designated, whose duties are those ordinarily performed by holders of such positions or offices.

§ 270.8b–10 *Requirements as to proper form.* Every registration statement or report shall be prepared in accordance with the form prescribed therefor by the Commission, as in effect on the date of filing. Any such statement or report shall be deemed to be filed on the proper form unless objection to the form is made by the Commission within thirty days after the date of filing.

§ 270.8b–11 *Number of copies; signatures; binding.* (a) Three complete copies of each registration statement or report, including exhibits and all other papers and documents filed as a part thereof, shall be filed with the Commission.

(b) At least one copy of the registration statement or report shall be manually signed in the manner prescribed by the appropriate form. If the registration statement or report is typewritten, one of the signed copies filed with the Commission shall be the original "ribbon" copy. Unsigned copies shall be conformed. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power of attorney or other authority shall also be filed with the registration statement or report.

(c) Each copy of a registration statement or report filed with the Commission shall be bound in one or more parts, without stiff covers. The bindings shall be made on the left-hand side and in such manner as to leave the reading matter legible.

§ 270.8b–12 *Requirements as to paper, printing and language.* (a) Registration statements and reports shall be filed on good quality unglazed, white paper, 8½ x 13 inches in size, insofar as practicable. However, tables, charts, maps, and financial statements may be on larger paper if folded to that size.

(b) The registration statement or report and, insofar as practicable, all papers and documents filed as a part threeof, shall be printed, lithographed, mimeographed, or typewritten. However, the registration statement or report or any portion thereof may be prepared by any similar process which, in the opinion of the Commission, produces copies suitable for a permanent record. Irrespective of the process used, all copies of any such material shall be clear, easily readable and suitable for repeated photo-copying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

(c) The body of all printed registration statements and reports shall be in roman type at least as large as ten-point modern type. However, to the extent necessary for convenient presentation, financial statements and other statistical or tabular data and the notes thereto may be in roman type at least as large as eight-point modern type. All type shall be leaded at least two points.

(c) Registration statements and reports shall be in the English language. If any exhibit or other paper or document filed with a registration statement or report is in a foreign language, it shall be accompanied by a translation into the English language.

§ 270.8b–13 *Preparation of registration statement or report.* The registration statement or report shall contain the numbers and captions of all items of the appropriate form, but the text of the items may be omitted provided the answers thereto are so prepared as to indicate to the reader the coverage of the items without the necessity of his referring to the text of the items or instructions thereto. However, where any item requires information to be given in tabular form, it shall be given in substantially the tabular form specified in the item. All instructions, whether appearing under the items of the form or elsewhere therein, are to be omitted from the registration statement or report. Unless expressly provided otherwise, if any item is inapplicable or the answer thereto is in the negative, an appropriate statement to that effect shall be made.

§ 270.8b–14 *Riders; inserts.* Riders shall not be used. If the registration statement or report is typed on a printed form, and the space provided for the answer to any given item is insufficient, reference shall be made in such space to a full insert page or pages on which the item number and caption and the complete answer are given.

§ 270.8b–15 *Amendments.* All amendments shall be filed under cover of the facing sheet of the appropriate form, shall be clearly identified as amendments, and shall comply with all pertinent requirements applicable to registration statements and reports. Amendments shall be filed separately for each separate registration or report amended.

§ 270.8b–20 *Additional information.* In addition to the information expressly required to be included in a registration statement or report, there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

§ 270.8b–21. *Information unknown or not available.* Information required need be given only insofar as it is known or reasonably available to the registrant. If any required information is unknown and not reasonably available to the registrant, either because the obtaining thereof would involve unreasonable effort or expense, or because it rests peculiarly within the knowledge of another person not affiliated with the registrant, the information may be omitted subject to the following conditions:

(a) The registrant shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense, together with the sources thereof.

(b) The registrant shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information.

§ 270.8b–22 *Disclaimer of control.* If the existence of control is open to reasonable doubt in any instance, the registrant may disclaim the existence of control and any admission thereof; in such case, however, the registrant shall state the material facts pertinent to the possible existence of control.

§ 270.8b–23 *Incorporation by reference.* (a) Matter contained in any part of a registration statement or report, other than exhibits, may be incorporated by reference in answer or partial answer to any item of the statement or report. Matter contained in an exhibit may be so incorporated to the extent permitted in § 270.8b–24 (Rule N-8B–24).

(b) Any financial statement filed with the Commission pursuant to any act administered by the Commission may be incorporated by reference in a registration statement or report, filed with the Commission by the same or any other person, if it substantially conforms to the requirements of the form on which the statement or report is filed.

(c) Material incorporated by reference shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the registration statement or report where the information is required. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear or confusing.

§ 270.8b–24 *Summaries or outlines of documents.* Where an item requires a summary or outline of the provisions of any document, only a brief statement shall be made, in succinct and condensed form, as to the most important provisions of the document. In addition to such statement, the summary or outline may incorporate by reference particular items, sections, or paragraphs of any exhibit and may be qualified in its entirety by such reference. Matter contained in an exhibit may be incorporated by reference in answer to an item only to the extent permitted by this section.

§ 270.8b–25 *Extension of time for furnishing information.* If it is impractical to furnish any required information, document or report at the time it is required to be filed, there may be filed with the Commission as a separate document an application (a) identifying the information, document or report in question, (b) stating why the filing thereof at the time required is impracticable, and (c) requesting an extension of time for filing the information, document or report to a specified date not more than 60 days after the date it would otherwise have to be filed. The application shall be deemed granted unless the Commission, within 10 days after receipt thereof, shall enter an order denying the application. Section 270.0–5 (Rule N-5) shall not apply to such applications.



§ 270.8b–30 *Additional exhibits.* A company may file such exhibits as it may desire, in addition to those required by the appropriate form. Such exhibits shall be so marked as to indicate clearly the subject matters to which they refer.

§ 270.8b–31 *Omission of substantially identical documents.* In any case where two or more indentures, contracts, franchises, or other documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, the dates of execution, or other details, copies of only one of such documents need be filed, with a schedule identifying the other documents omitted and setting forth the material details in which such documents differ from the documents filed. The Commission may at any time in its discretion require the filing of copies of any documents so omitted.

§ 270.8b–32 *Incorporation of exhibits by reference.* (a) Any document or part thereof filed with the Commission pursuant to any act administered by the Commission may be incorporated by reference as an exhibit to any registration statement or report filed with the Commission by the same or any other person.

(b) If any modification has occurred in the text of any document incorporated by reference since the filing thereof, a statement containing the text of such modification and the date thereof shall be filed with the reference.

§ 270.8c–1 *Previously filed material.* A company which has securities registered under the Securities Act of 1933 may, in filing a registration statement under the Investment Company Act of 1940, incorporate by reference any information, financial statement or exhibit contained in (a) its most recent currently effective registration statement under the Securities Act of 1933, (b) the most recent prospectus filed under that act, or (c) any report filed pursuant to section 15 (d) of the Securities Exchange Act of 1934, provided a copy of such registration statement, prospectus or report is filed with each copy of the registration statement under the Investment Company Act of 1940.

(Sec. 38, 54 Stat. 841; 15 U. S. C. 80a–37. Interpret or apply secs. 8, 30, 54 Stat. 803, 841; 15 U. S. C. 80a–8, 80a–29)

[F. R. Doc. 53–10549; Filed, Dec. 18, 1953; 8:47 a. m.]

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PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

REGISTRATION STATEMENT OF MANAGEMENT INVESTMENT COMPANY

The Securities and Exchange Commission has heretofore published for comments and suggestions a proposed revision of Form N-8B–1 (17 CFR 274.11) under the Investment Company Act of 1940. This form is prescribed for registration statements filed under the act by all management investment companies except those which issue periodic payment plan certificates. All comments and suggestions received have been carefully considered, and the Commission has determined that the revised form should be adopted, with certain modifications.

This is the first general revision of this form since it was adopted in 1941. The revision reflects the experience gained over the intervening years and takes into consideration the fact that the form is now used chiefly by newly organized management investment companies. Much of the historical information relating to the operation of companies which were in existence at the time of the adoption of the Investment Company Act is no longer of importance and, hence, the requirements for the furnishing of such information have been omitted. The resulting form is considerably simplified and should result in less work in the preparation of registration statements thereon.

Management investment companies which have previously filed a registration statement on Form II-8B–1 (17 CFR 274.11) are not required to refile on the revised form. However, any such company will be permitted, at its option, to file a statement on the revised form in lieu of its next annual report on Form N-30A–1 (17 CFR 274.101). Any company which elects to file such a statement may, of course, incorporate by reference any required financial statements or exhibits previously filed so that the work involved will thereby be considerably reduced.

The revised Form N-8B–1[1] (17 CFR 274.11) is adopted pursuant to the Investment Company Act of 1940, particularly sections 8 and 38 (a) thereof. It shall become effective immediately upon publication December 15, 1953, provided that any registration statement filed on Form N-8B–1 (17 CFR 274.11) prior to January 15, 1954, may at the option of the registrant be filed on such form as in effect immediately prior to such effective date.

(Sec. 38, 54 Stat. 841; 15 U. S. C. 80a–37)

By the Commission.

NELLYE A. THORSEN,
*Assistant Secretary.*

DECEMBER 10, 1953.

[F. R. Doc. 53–10548; Filed, Dec. 18, 1953; 8:47 a. m.]

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## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF STATE; DEPARTMENT OF COMMERCE

Effective upon publication in the FEDERAL REGISTER, subparagraphs (12) and (13) are added to paragraph (b), subparagraph (4) is added to paragraph (i), subparagraph (4) is added to paragraph (l) of § 6.302, and subparagraph (20) is added to § 6.312 (a), as set out below.

§ 6.302 *Department of State.* • • •

(b) *Bureau of Security, Consular Affairs and Personnel.* • • •

(12) Assistant Administrator, Refugee Relief.

(13) Assistant to the Chief, Special Candidates Staff.

• • • • • •

(i) *Bureau of United Nations Affairs.* • • •

(4) Special Assistant to the Assistant Secretary.

• • • • • •

(l) *Bureau of Inter-American Affairs.* • • •

(4) Special Assistant to the Assistant Secretary.

§ 6.312 *Department of Commerce*—(a) *Office of the Secretary.* • • •

(20) One Executive Director, Foreign-Trade Zones Operations.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 53–10578; Filed, Dec. 18, 1953; 8:55 a. m.]

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## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 5, Grain Sorghums]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 18 F. R. 1969, 4787, 4990, 5725, and 7377, and containing the specific requirements for the 1953-crop Grain Sorghums Price Support Program are hereby amended as follows:

Section 601.133 (c) (1) is amended by adding to the list of basic county support rates, "Kentucky—all counties $2.60 per 100 pounds."

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. Sup. 714; 7 U. S. C. Sup. 1447, 1421)

Issued this 15th day of December 1953.

[SEAL] HOWARD H. GORDON,
*President,*
*Commodity Credit Corporation.*

[F. R. Doc. 53–10573; Filed, Dec. 18, 1953; 8:53 a. m.]

[1] Filed as part of the original document.

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 62 (AGE–7), Amdt. 2]

AGE–7—AUTHORITY OF GENERAL AGENTS TO PROVIDE FOR AMERICAN MERCHANT MARINE LIBRARY SERVICE

PERIOD OF AGREEMENT

It is hereby ordered that section 4 *Period of the agreement* of NSA Order No. 62 (AGE–7) published in the FEDERAL REGISTER issue of March 13, 1952 (17 F. R. 2182) as amended (18 F. R. 157) is further amended as follows:

By deleting the first sentence of said section 4 and substituting therefor the following: "The agreement shall be in effect for the calendar years 1951, 1952, 1953 and 1954."

(Sec. 204, 49 Stat. 1987 as amended; 46 U. S. C. 1114)

Approved: December 7, 1953.

[SEAL] C. H. MCGUIRE,
*Director, National Shipping Authority and Government Aid.*

[F. R. Doc. 53–10564; Filed, Dec. 18, 1953; 8:52 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 10591]

PART 3—RADIO BROADCAST SERVICES

STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING STANDARD BROADCAST STATIONS

*Correction*

In Federal Register Document 53–10318, appearing at page 8137 of the issue for Friday, December 11, 1953, the following change should be made: In section 4, A, (3) the word "prevent" should read "present".

## TITLE 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[6th Gen. Rev. of Export Regs., Amdt. P. L. 64 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

1. The following commodities are added to the Positive List:

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar value limits | Validated license required |
|---|---|---|---|---|---|
| | Electrical apparatus, n. e. c., and parts, n. e. c. (specify by name): | | | | |
| 709998 | Thermistors [1] | No. | RARA | 10 | RO |
| | Industrial manufacturing and service-industries machines, n. e. c., and specially fabricated parts, n. e. c. (specify by name): | | | | |
| 775998 | Assembling jigs, and fixtures and accessories therefor, for military equipment (report jigs and fixtures for machine tools under 744383). [1] | ---------- | GIEQ | None | RO |

[1] These commodities may be exported under Foreign Distribution (FD), license (see Part 378 of this subchapter), and, effective January 25, 1954, are subject to the IC/DV requirements (see § 373.2 of this subchapter).

[2] These commodities may be exported under the Periodic Requirements licensing procedure (see Part 376 of this subchapter), and, effective January 25, 1954, are subject to the IC/DV requirements (see § 373.2 of this subchapter).

This part of the amendment shall become effective as of 12:01 a. m., December 17, 1953.

2. The following commodities are deleted from the Positive List:

| Dept. of Commerce Schedule B No. | Commodity |
|---|---|
| | Logs, bolts, and hewn timber: |
| 401700 | Port Orford cedar logs (including Lawson's cypress). |

This part of the amendment shall become effective as of December 10, 1953.

3. The revised entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a single Schedule B number, the entry to be superseded is identified by a numerical reference enclosed in parentheses following the commodity description in the revised entry.

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar value limits | Validated license required |
|---|---|---|---|---|---|
| | Platinum and allied metals: | | | | |
| 692205 | Wire of platinum, rhodium platinum, or iridium platinum of a thickness of 0.5 mm or less.[22] | T. oz. | MINL | 25 | RO |
| 709909 | Parts, n. e. c., specially fabricated for electronic and cathode-ray tubes, n. e. c., including commercial, industrial, and radio and television transmitting tubes (specify by name). (3) [18] | ---------- | RARA 51 | 100 | RO |
| 709909 | Parts, n. e. c., specially fabricated for radio and television receiving tubes (specify by name). (3) [1] | ---------- | RARA 51 | 10 | RO |
| | Power-driven metalworking machine tools (non-portable), and parts: | | | | |
| 740005 | Engine lathes, except bench and light duty types (specify types).[13] | No. | TOOL | 500 | RO |
| 740315 | Automatic screw (bar) machines [13] | No. | TOOL | 500 | RO |
| 740607 | Pipe- and/or nipple-threading machines [13] | No. | TOOL | 500 | RO |
| 740607 | Tapping machines, vertical multiple spindle, adjustable joint.[13] | No. | TOOL | 500 | RO |
| 740700 | Knee- and column-type milling machines (specify type).[13] | No. | TOOL | 500 | RO |
| 746010 | Portable machine tools so designed that they must be attached to the work they operate.[13] | ---------- | TOOL | 250 | R |
| 766970 | Industrial process indicating (measuring), recording and/or controlling instruments, n. e. c., and specially fabricated parts, n. e. c. (for measuring and/or controlling temperatures, pressures, level, flow, humidity, moisture, motion, rotation, gas analysis, chemical properties, and variables) (specify by name): pH (hydrogen-ion) meters and pH control apparatus, continuous measuring types; and specially fabricated parts, n. e. c. (report noncontinuous pH meters in 919080). (3) [1] | ---------- | GIEQ | 100 | RO |
| | Pipe valves, except automatic control or regulating: | | | | |
| 774450★ | Iron or steel: Valves and cocks fitted with bellows seal, and having pressure parts fabricated of or wholly lined with nickel, monel, stainless steel, or aluminum (give full specifications). (1 and 2) [1] | No. | GIEQ 5 | 50 | RO |
| 774450 | Other valves and cocks with either of the following characteristics: (a) having pressure parts fabricated of or wholly lined with corrosion-resistant materials as definied in the "General Notes to Appendix A;" (b) designed for working pressures of 300 or more psig (give full specifications). (1 and 2) [1] [9] [11] | No. | GIEQ 5 | 50 | RO |
| 774465★ | Brass, bronze, or other nonferrous metals: Valves and cocks fitted with bellows seal, and having pressure parts fabricated of or wholly lined with nickel, monel, stainless steel, or aluminum (give full specifications). (1 and 2) [1] | No. | GIEQ 5 | 50 | RO |
| 774465 | Other valves and cocks with either of the following characteristics: (a) having pressure parts fabricated of or wholly lined with corrosion-resistant materials as defined in the "General Notes to Appendix A;" (b) designed for working pressures of 300 or more psig (give full specifications). (1 and 2) [1] [9] [11] | No. | GIEQ 5 | 50 | RO |

See footnotes at end of table.

[1] This amendment was published in Current Export Bulletin No. 720, dated December 10, 1953.



| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar value limits | Validated license required |
|---|---|---|---|---|---|
| | Pipe valves, except automatic control or regulating—Con. | | | | |
| 774480 | Nonmetal valves: Nonmetal valves and cocks (specify material, whether or not fitted with bellows seal, and working pressure).[1] [7] [10] [11] [14] | No. | GIEQ 5 | 50 | RO |
| | Automatic control or regulating valves, n. e. c. (any pipe valve having a mechanism partially integral, i. e., directly attached by adaptors and bolts, or wholly integral, for automatically regulating or controlling its operation): | | | | |
| 774490★ | Automatic control valves having pressure parts fabricated of or wholly lined with corrosion-resistant materials as defined in the "General Notes to Appendix A" (give full specifications).[14] | No. | GIEQ 5 | 50 | RO |
| 774490 | Other automatic control valves, except the following when their pressure parts are not fabricated of or wholly lined with corrosion-resistant materials as defined in the "General Notes to Appendix A": (a) check, nonreturn and float valves, (b) pressure relief valves designed for a working pressure of less than 300 psig, and (c) valves specially fabricated for milking machines, household refrigerators, and home freezers (specify size, working pressure, method of automatic control, i. e., hydraulic, pneumatic, mechanical, electrical, or otherwise actuated (give full description), whether pressure parts are fabricated of or wholly lined with corrosion-resistant materials).[7] [10] [11] | No. | GIEQ 5 | 50 | RO |
| 774498 | Parts, n. e. c., specially fabricated for pipe valves included on the Positive List under Schedule B Nos. 774450 through 774490 (state Schedule B number of valve for which parts are intended, valve size, type, working pressure, and whether parts are for a valve having pressure parts fabricated of or wholly lined with corrosion-resistant materials as defined in the General Notes to Appendix A").[10] | ---------- | GIEQ 5 | 50 | RO |
| | Medicinal chemicals, including U. S. P. and N. F., bulk (dosage forms excluded except as indicated): | | | | |
| 513078 | Compounds or mixtures containing antibiotics and/or sulfonamide drugs, bulk, parenteral, oral, and powder dosage forms (excludes other topical forms and suppositories), except compounds or mixtures containing the following antibiotics, singly or in combination with one another: bacitracin, neomycin, polymixin and tyrothricin, but including all compounds or mixtures containing sulfonamide drugs.[23] | ---------- | DRUG | 100 | RO |
| 513010 | Antibiotic feed supplements (containing not less than 100,000 Oxford units of penicillin per pound, or not less than 1/10 gram of any other antibiotic per pound), except feed supplements containing the following antibiotics, singly or in combination with one another: bacitracin, neomycin, polymixin and tyrothricin (report prepared feeds containing less than 100,000 Oxford units of penicillin per pound, or less than 1/10 gram of any other antibiotic per pound, in 117500, 117700, or 119900, according to type of feed).[26] | ---------- | DRUG | 100 | RO |
| | Other industrial chemicals: | | | | |
| 530900 | Molybdenum salts and compounds, n. e. c. (report molybdenum oxide, molybdenum trioxide and molybdic acid, except chemically pure grade, in 664550; report chemically pure grade in 529070). (21) [14] | Lb. | SALT 64 | 25 | RO |
| 582250 | Chemical pigments: Carbon black, furnace [27] | Lb. | PLAT 72 | 100 | RO |
| | Microscopes, and specially fabricated accessories and parts, n. e. c.: | | | | |
| 914080 | Other microscopes, except diamondscopes (report microprojectors and metallographs in 919066). (3) [1] [19] | No. | SATE | 200 | R |
| 914090 | Specially fabricated parts and accessories, n. e. c., for other microscopes, except microscope slides. (3) [14] | ---------- | SATE | 50 | R |
| | Research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c.: | | | | |
| 919080 | Parts, n. e. c., specially fabricated for noncontinuous pH meters (including parts for titrimeters and aquameters). (20) [1] [14] | ---------- | SATE | 100 | RO |

★ The commodities described in this Positive List entry are excepted from the provisions of General In-Transit License GIT. See § 371.9 (c) of this subchapter.

[1] The G.L.V. dollar-value limit is increased.

[7] The letter "A" is added in the column headed "Commodity Lists", indicating that the commodity is subject to the IC/DV procedure (see § 373.2 of this subchapter), effective January 25, 1954.

[9] The letter "A" is deleted in the column headed "Commodity Lists", indicating that the commodity is no longer subject to the IC/DV procedure (see § 373.2 of this subchapter).

[10] The letter "B" is deleted in the column headed "Commodity Lists", indicating that the commodity is no longer subject to DL restrictions (see § 374.2 of this subchapter), and is no longer excepted from the Time Limit licensing procedure (see Part 377 of this subchapter).

[11] The letter "D" is added in the column headed "Commodity Lists", indicating that the commodity may be exported under the Periodic Requirements licensing procedure (see Part 376 of this subchapter).

[13] The letter "F" is added in the column headed "Commodity Lists", indicating that the commodity may be exported under the Foreign Distribution licensing procedure (see Part 378 of this subchapter).

[14] The letter "F" is deleted in the column headed "Commodity Lists", indicating that the commodity may no longer be exported under the Foreign Distribution licensing procedure (see Part 378 of this subchapter), effective January 9, 1954.

[18] The commodity description is revised without substantive change.

[19] The unit of quantity is changed.

[21] The commodity is no longer excepted from the provisions of General In-Transit License GIT (see § 371.9 (c) of this subchapter).

[22] The effect of this revision is to delete all other forms of platinum and alloys, including scrap.

[24] The requirement to specify working pressure is added.

[26] The effect of this revision is to remove compounds or mixtures containing bacitracin, neomycin, polymixin, and tyrothricin.

[26] The effect of this revision is to remove antibiotic feed supplements containing bacitracin, neomycin, polymixin, and tyrothricin.

[27] The requirement to specify grade is removed for licensing purposes.

This part of the amendment shall become effective as of December 10, 1953, unless otherwise indicated in the footnotes.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in Item 1 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., December 17, 1953, may be exported under the previous general license provisions up to and including January 9, 1954. Any such shipment not laden aboard the exporting carrier on or before January 9, 1954, requires a validated license for export.

(Sec. 3, 63 Stat. 7; 65 Stat. 43; 67 Stat. 62; 50 U. S. C. App. Sup. 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
*Director, Bureau of Foreign Commerce.*

[F. R. Doc. 53–10478; Filed, Dec. 18, 1953; 8:45 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of the Treasury

Subchapter A—General

[CGFR 53–38]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

PHYSICAL EXAMINATIONS AND STANDARDS

By virtue of the authority contained in the act of July 9, 1952 (66 Stat. 481), the following amendments are hereby prescribed and shall become effective upon publication in the FEDERAL REGISTER.

1. Section 8.1401 is amended to read as follows:

§ 8.1401 *Physical standards*—(a) *Officers.* The standards for appointment and retention of Reserve officers and for the enlistment of officer candidates shall be the same as those prescribed for officers of the Regular Coast Guard.

(b) *Enlisted personnel.* The standards for enlistment, reenlistment, and retention of Reserve enlisted personnel other than officer candidates shall be the same as those prescribed for enlisted personnel of the Naval Reserve.

2. Section 8.1402 is amended to read as follows:

§ 8.1402 *Waiver of physical defects.* (a) Physical defects not considered to be sufficiently serious to interfere with the performance of general or special duties to which a Reservist or an applicant for membership in the Reserve is likely to be assigned may be waived by the Commandant. Once such defects have been waived either prior or subsequent to the effective date of this amendment, additional waivers shall not be required for the same defects provided that the degree thereof has not materially increased, and if a Reservist is

otherwise physically qualified, such defects shall not prevent him from being reenlisted or promoted.

(b) In determining the physical qualifications of a Reservist or an applicant for membership in the Reserve, due consideration shall be given to an individual's age, prior military service, educational background, civilian occupational skill, and the character of the duty to which the member may be assigned in the event he should be ordered to active duty pursuant to law.

(c) A Reservist or applicant for membership in the Reserve who has been found not physically qualified may submit a request for waiver of physical defects to the Commandant via official channels. In each such case, the District Commander shall make recommendations in the premises.

(d) A Reservist who is granted a waiver under this section may be placed in a limited duty status category in the discretion of the Commandant.

3. Section 8.1403 is amended to read as follows:

§ 8.1403 *Persons authorized to conduct physical examinations.* (a) Physical examinations of Reservists and of applicants for appointment or enlistment shall, if practicable, be conducted by a board of at least two medical officers of the U. S. Public Health Service. If impracticable to assemble such a board, physical examinations shall be conducted by one medical officer of the U. S. Public Health Service. If such a medical officer is unavailable, physical examinations may be conducted by one medical officer of any component of the Armed Forces. In special cases, physical examinations may be conducted by a medical officer of the Veterans' Administration or by a reputable civilian physician.

(b) A Reservist whose duties involve flying shall be given a flight physical examination commensurate with the type of duty to be performed by medical officers of the U. S. Public Health Service who have qualified as flight surgeons or aviation medical examiners or by medical officers of any branch of the Armed Forces including the Reserve components thereof, who are authorized to conduct such examinations.

(c) All reports of physical examinations of Reservists shall be reviewed by the Chief Medical Officer, together with the medical history of the Reservist on file at Headquarters.

4. Section 8.1405 is amended to read as follows:

§ 8.1405 *Persons required to take physical examinations.* (a) All applicants for appointment or enlistment in the Reserve are required to take a physical examination prior to becoming a member thereof and must be found physically qualified or must have physical defects waived.

(b) All Reservists are required to take a physical examination at the times specified in § 8.1406.

5. Section 8.1406 is amended to read as follows:

§ 8.1406 *When physical examinations are required.* (a) Except for members of the Retired Reserve and members whose names are carried on a retired list, all Reservists not on active duty shall be required to take a physical examination only at the following times:

(1) *Quadrennially.* At least once during each 4 year period, a physical examination must be accomplished. Such 4 year period shall be considered as having commenced on the day following the date upon which the last complete physical examination was conducted. District Commanders will ascertain when Reservists under their jurisdiction will become due for quadrennial physical examination. They will notify Reservists concerned at least 60 days in advance of the dates on which they will become due for such examination.

(2) *Upon notification of promotion.* This subparagraph applies only to Reserve officers. In the event the officer concerned has taken and passed a complete physical examination approved by the Commandant within one year prior to notification, the Commandant may waive physical examination and require instead submission of the certificate of physical condition provided for in § 8.1408.

(3) *Prior to or upon reporting for active duty in excess of 7 days.* This physical examination will not be accomplished prior to 30 days in advance of the reporting date.

(4) *Upon release from active duty in excess of 7 days.*

(5) *Upon reenlistment or extension of enlistment.* The District Commander concerned may waive this requirement. However, in such cases, a physical examination shall be accomplished as soon after reenlistment or extension of enlistment as is practicable and in any event must be accomplished within the 4 year period prescribed in subparagraph (1) of this paragraph.

(6) *Annually or biannually for pilots.* A Reserve pilot authorized to perform duty involving actual control of aircraft shall have satisfactorily passed a flight physical examination within 12 months immediately preceding the actual control of aircraft if he is a member of an organized unit under the jurisdiction of the Chief of Naval Air Reserve Training, or is a member of an organized unit training at a Coast Guard Air Station; otherwise the interval between flight physical examinations shall be 6 months.

(7) *When indicated under § 8.1404 (a).*

(8) *Upon special notification.* Special examinations and examinations by boards of medical survey may be ordered by the Commandant as required or at the request of a Reservist to determine his physical fitness.

(b) Reservists on active duty shall undergo physical examinations in accordance with requirements for personnel of the Regular Coast Guard.

6. A new § 8.1407 is hereby added as follows:

§ 8.1407 *Completeness of physical examinations.* (a) Except as provided in paragraph (b) of this section, all physical examinations of Reservists shall be complete in every respect and required reports shall be submitted to the Commandant.

(b) Physical examinations conducted pursuant to paragraphs (a) (3) and (4) of § 8.1406 need not be extensive provided the period of active duty is not in excess of 30 days and provided the Reservist is found qualified for duty and release therefrom. They shall, however, be sufficient for the medical examiner to determine whether or not the individual is physically qualified to perform duties assigned, and is or is not free from infectious or contagious disease. Each Reservist so examined shall be required to execute a certificate of physical condition at the time each examination is conducted. The results of these examinations need only be entered upon the Reservist's orders and no other report will be required if he is found to be physically qualified. In the event that a Reservist is found not physically qualified or if injury, sickness, or disease was incurred while performing active duty, a complete physical examination shall be accomplished and required reports shall be submitted.

(c) A Reservist whose duties involve flying shall be given a physical examination commensurate with the type of flying duties to be performed.

7. A new § 8.1408 is hereby added as follows:

§ 8.1408 *Certificate of physical condition.* Except for members of the Retired Reserve and members whose names are carried on a retired list, each Reservist not on active duty is required to submit a certificate of physical condition annually in such form and at such time as the Commandant shall determine.

8. A new § 8.1409 is hereby added as follows:

§ 8.1409 *Reports and records of physical examinations.* (a) The results of every complete physical examination shall be entered in the individual's health record and will become a part of his medical history.

(b) Except as provided for in § 8.1407 (b), the results of every physical examination shall be reported to the Commandant on such forms and in such manner as he may require.

(c) A report of physical examination for appointment or enlistment shall accompany each candidate's application.

9. A new § 8.1410 is hereby added as follows:

§ 8.1410 *Disposition of Reservists found not physically qualified.* (a) If, as a result of any physical examination, a Reservist is found not physically qualified and if the defects can be corrected by medical treatment, such Reservist shall be afforded a reasonable length of time, not above one year, in which to have the defects satisfactorily corrected. During the period granted for correction of such defects, the Commandant may restrict such Reservist from engaging in such training activities as he may deem to be in the best interests of the service.



(b) If, as a result of any physical examination, a Reservist is found not physically qualified and if the defects cannot be corrected by medical treatment and are not waived, or if, being correctible, the defects are not corrected within the time allowed, such Reservist shall be afforded an opportunity to request transfer to the Retired Reserve or a retired list, if qualified. If he is found to be qualified and he elects transfer to the Retired Reserve or a retired list, he shall be so transferred. If he is not so transferred, the Commandant may institute proceedings to effect discharge.

(c) The report of physical examination in cases under paragraphs (a) and (b) of this section shall be accompanied by recommendation of the District Commander.

(d) Notwithstanding any other provisions of the regulations in this part, a Reserve officer who has been or may hereafter be honorably discharged solely by reason of being found not physically qualified for active service and whose physical condition did not result from his own misconduct may be reappointed within one year from the date of discharge in the same rank or grade in which discharged and with the same date of rank as that previously held provided that the defects which disqualified such officer have been corrected satisfactorily or waived by the Commandant.

10. A new § 8.1411 is hereby added as follows:

§ 8.1411 *Failure to appear for physical examination or to submit information concerning physical condition.* (a) Except as provided in paragraph (b) of this section, failure of Reservists to appear for a physical examination or failure to submit information concerning their physical condition when required may result, in the discretion of the Commandant, in the institution of proceedings to effect discharge.

(b) A Reservist having an unfulfilled service obligation pursuant to section 4 (d) (1) or 4 (d) (3) of the Universal Military Training and Service Act, as amended, and who fails to appear for a physical examination or who fails to submit needed information concerning his physical condition when required, after every reasonable attempt has been made to accomplish the same, may be involuntarily ordered to active duty or active duty for training by the Commandant pursuant to section 233 (c) of the act of July 9, 1952 (66 Stat. 490) during which tour of duty a physical examination shall be accomplished or the needed information secured.

11. A new § 8.1412 is hereby added as follows:

§ 8.1412 *Immunization.* When directed by the Commandant, Reservists shall be immunized against certain diseases in accordance with established practices of the Regular Coast Guard except as may be necessary to adapt the same to the Reserve.

12. A new § 8.1413 is hereby added as follows:

§ 8.1413 *Temporary members of the Reserve.* The provisions of §§ 8.1401 to 8.1413, inclusive, shall not apply to temporary members of the Reserve. The physical examinations and standards for such members shall be as prescribed by the Commandant.

(Sec. 251, 66 Stat. 495)

[SEAL] H. CHAPMAN ROSE,
*Acting Secretary of the Treasury.*

NOVEMBER 2, 1953.

Concurred in: December 1, 1953.

THOMAS S. GATES, JR.,
*Acting Secretary of the Navy.*

[F. R. Doc. 53-10567; Filed, Dec. 18, 1953; 8:52 a. m.]

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[CGFR 53-39]

## PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

### ASSIGNMENT TO RETIRED RESERVE

By virtue of the authority contained in the act of July 9, 1952 (66 Stat. 481), the following amendment is hereby prescribed and shall become effective upon publication in the FEDERAL REGISTER.

A new § 8.4406 is hereby added as follows:

§ 8.4406 *Assignment to Retired Reserve.* (a) Except as provided by paragraph (e) of this section, the following members of the Coast Guard Reserve shall, upon their application, be placed in or transferred to the Retired Reserve by the Commandant and their names shall be placed upon a Coast Guard Reserve Retired List established by § 8.1106 (c):

(1) Reservists who have completed a total of twenty years of honorable service in any component of the Armed Forces or Armed Forces without component including those Reserve components enumerated in section 306 (c) of Title III of the act of June 29, 1948, as amended (62 Stat. 1087).

(2) Reservists who have been found physically disqualified for active duty as a result of a service-connected disability regardless of total years of service and regardless of age. This subparagraph shall be liberally applied and shall be extended to all cases in which there is any reasonable relationship between military service and disability.

(3) Reservists who have been retired or granted retired pay under any provision of law.

(4) Reservists who have attained the age of 62 years regardless of length of service unless retained until age 64 pursuant to law.

(b) Except as provided by paragraph (e) of this section, the following members of the Coast Guard Reserve may, upon their application, be placed in or transferred to the Retired Reserve by the Commandant and if so transferred, their names shall be placed upon a Coast Guard Reserve Retired List established by § 8.1106 (c):

(1) Reservists who, having attained the age of 37 years, have completed a minimum of eight years of satisfactory federal service as defined in section 302 (b) of Title III of the act of June 29, 1948, as amended (62 Stat. 1087).

(2) Reservists who, having attained the age of 37 years, have completed a minimum of eight years of satisfactory federal service as defined in section 306 (b) of Title III of the act of June 29, 1948 as amended (62 Stat. 1087), provided they have served honorably on active duty in time of war or national emergency for at least six months.

(3) Reservists who have been found physically disqualified for active duty or Reserve officers who have attained the years in age and grade as indicated in the following table:

| | |
|---|---|
| Commander | 58 |
| Lieutenant Commander | 52 |
| Lieutenant | 46 |
| Lieutenant (junior grade) | 40 |
| Ensign | 40 |
| Commissioned warrant officer | 40 |
| Warrant officer | 40 |

Provided they meet one of the following requirements:

(i) Honorable service on active duty between April 6, 1917 and November 11, 1918, or between September 9, 1940 and December 31, 1946, or between December 16, 1950 and a terminal date to be fixed by the Commandant.

(ii) At least ten years of honorable service.

(iii) Hold a combat award.

(iv) Have qualifications that could usefully be employed on active duty in a capacity consistent with the physical disability.

(v) Have other extraordinary considerations which would justify transfer to the Retired Reserve.

(c) Notwithstanding any other provisions of the regulations in this part, the following former members of the Coast Guard Reserve may, upon their application and upon the recommendation of the Commandant, be reappointed or reenlisted in the same rank or rate with the date of rank or rate in which they were previously separated: *Provided,* That simultaneously with the submission of such application they apply for and are found to be qualified for immediate placement in the Retired Reserve. To be found qualified for such placement, they must meet one of the conditions prescribed in paragraphs (a) and (b) of this section as of the date of their last separation from the Reserve. The names of persons so reappointed or reenlisted shall be placed upon a Coast Guard Reserve Retired List established by § 8.1106 (c):

(1) Former members who, because of their failure to meet the prescribed physical standards in effect at the time of separation, were involuntarily separated or not offered reenlistment or reappointment.

(2) Former members whose separation was effected by reason of attainment of the statutory age limit in effect at the time of separation.

(d) Upon placement in or transfer to the Retired Reserve, a Reservist's name shall be placed on a Coast Guard Reserve Retired List in his permanent grade, or in the highest temporary grade in which

he served satisfactorily as determined by the Commandant, unless entitled to be retired in a higher grade according to law.

(e) A member may be discharged in lieu of placement in or transfer to the Retired Reserve even though he meets one or more of the requirements contained in this section if the Commandant determines, upon the recommendation of a board of officers convened pursuant to section 249 of the act of July 9, 1952 (66 Stat. 495), that his separation from the Coast Guard Reserve is desirable and warranted based upon his entire record of service.

(f) Placement in or transfer to the Retired Reserve is a permanent change in status and of itself does not entitle the Reservist to receive retired pay. Once assigned to the Retired Reserve, personnel are not eligible for reassignment to the Ready or Standby Reserve and their retired status may be changed only by resignation, discharge, or dismissal.

(Sec. 251, 66 Stat. 495)

[SEAL] H. CHAPMAN ROSE,
*Acting Secretary of the Treasury.*

Concurred in: December 1, 1953.

THOMAS S. GATES, JR.,
*Acting Secretary of the Navy.*

NOVEMBER 2, 1953.

[F. R. Doc. 53-10568; Filed, Dec. 18, 1953; 8:52 a. m.

## TITLE 46—SHIPPING

### Chapter I—Coast Guard, Department of the Treasury

[CGFR 53-56]

Subchapter P—Manning of Vessels

PART 157—MANNING REQUIREMENTS

Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

MANNING OF VESSELS; SPECIFICATION FOR BUOYANT APPARATUS AND LIFE FLOATS

A notice regarding proposed regulations regarding enforcement of Officers' Competency Certificates Convention, 1936, manning of vessels, and proposed changes in the specification for buoyant apparatus and life floats was published in the FEDERAL REGISTER dated September 9, 1953, 18 F. R. 5432, 5435, as Items III, XXVII, and XXVIII on the agenda to be considered by the Merchant Marine Council, and a public hearing was held by the Merchant Marine Council on September 29, 1953, in Washington, D. C. No comments were received proposing changes in the proposed regulations.

The new regulations designated 46 CFR Subpart 157.18, containing §§ 157.18-1 to 157.18-15, inclusive, provide that every master or person in charge of a vessel subject to R. S. 4438a, as amended (46 U. S. C. 224a), or the Officers' Competency Certificates Convention, 1936, shall file with the Collector of Customs a complete list of the officers employed aboard the vessel upon application for final clearance for a foreign port or for an applicaton for a permit to touch and trade. A vessel subject to other provisions of the shipping laws which submits a crew list on Form CG-710A will not have to submit a separate list setting forth the identification of the officers. The new regulations also describe the vessels subject to these requirements, authorize the Collector of Customs or the Coast Guard District Commander to detain any vessel which he has reason to believe is not in compliance with R. S. 4438a, as amended (46 U. S. C. 224a), or the Officers' Competency Certificates Convention, 1936, and sets forth the procedures for an appeal to the Commandant, United States Coast Guard, whose decision in each case is final in effect. These regulations are based on Item III of the agenda.

The amendment to 46 CFR 157.30-30 clarifies the requirements for licensed operators of motorboats carrying passengers for hire and deletes reference to R. S. 4426, as amended (46 U. S. C. 404). This regulation requires a licensed motorboat operator for every motorboat carrying passengers for hire. This amendment is based on Item XXVII of the agenda.

The amendment to 46 CFR 160.010-7 (e) permits the use of beam loading tests as an alternate to the drop test for balsa wood buoyant apparatus of the peripheral body type. The drop test will still be required in all cases for pre-approval samples and samples from production lots of buoyant apparatus made from materials other than balsa wood. The amendments to 46 CFR 160.027-1 (a) (2), 160.027-4 (a) revise references to military specifications and bring up to date editorially the specification for life floats. The amendment to 46 CFR 160.027-7 (e) permits the use of beam loading tests as an alternate to the drop test for balsa wood life floats. The drop tests will still be required in all cases of pre-approval samples and samples from production lots of life floats made from materials other than balsa wood. These amendments are based on Item XXVIII of the agenda.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate rules and regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective thirty days after publication of this document in the FEDERAL REGISTER.

1. Part 157 is amended by adding a new Subpart 157.18, consisting of §§ 157.18-1 to 157.18-15, inclusive, reading as follows:

SUBPART 157.18—OFFICERS' COMPETENCY CERTIFICATES CONVENTION, 1936

Sec.
157.18-1 Vessels subject to requirements of this subpart.
157.18-5 Detention of vessel.
157.18-10 Right of appeal.
157.18-15 Filing lists of officers with Collector of Customs.

AUTHORITY: §§ 157.18-1 to 157.18-15 issued under R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4438a, as amended; 46 U. S. C. 224a; E. O. 10402, Oct. 30, 1952, 17 F. R. 9917; 3 CFR, 1952 Supp.

§ 157.18-1 *Vessels subject to requirements of this subpart.* (a) Paragraph (1) of R. S. 4438a, as amended (46 U. S. C. 224a), states:

(1) That the Officers' Competency Certificates Convention, 1936 (International Labor Organization Draft Convention Numbered 53, "concerning the minimum requirement of professional capacity for masters and officers on board merchant ships"), as ratified by the President on September 1, 1938, with understandings appended, and this section shall apply to all vessels, however propelled, navigating on the high seas, which are registered, enrolled and licensed, or licensed under the laws of the United States, whether permanently, temporarily, or provisionally, including yachts enrolled and licensed, or licensed, with the exception of—

(a) Ships of war;

(b) Government vessels, or vessels in the service of a public authority, which are not engaged in trade;

(c) Wooden ships of primitive build, such as dhows and junks;

(d) Unrigged vessels;

(e) All vessels of less than two hundred gross tons.

(b) All vessels subject to R. S. 4438a, as amended (46 U. S. C. 224a) are subject to the requirements of this subpart.

(c) Foreign vessels to which the Officers' Competency Certificates Convention, 1936, applies are subject to the requirements in this subpart when within the jurisdiction of the United States.

§ 157.18-5 *Detention of vessel.* (a) The Collector of Customs, or the Coast Guard District Commander, by written order served upon the master or person in charge of a vessel, may detain any vessel which he has reason to believe is not in compliance with the requirements of R. S. 4438a, as amended (46 U. S. C. 224a), until he is satisfied that all officers employed aboard such vessel, who are required to be licensed, either by the Coast Guard (in the case of a vessel of the United States), or by the Officers' Competency Certificates Convention, 1936 (in the case of a vessel of a foreign nation which is signatory to such Convention) are in possession of the required licenses. If a vessel is detained by a written order of a Coast Guard District Commander, he should give immediate notice of such detention to the Collector of Customs from whose port the vessel will either clear or secure a permit to touch and trade in order that clearance or the issuance of a permit to touch and trade may be withheld.

(b) In the case of detention of a foreign vessel to which Officers' Competency Certificates Convention, 1936, applies, the Collector of Customs or the Coast Guard District Commander ordering such detention should immediately notify the Consul of the country in which the offending vessel is registered.

§ 157.18-10 *Right of appeal.* Whenever a vessel is detained, the master may appeal, within five days to the Commandant, U. S. Coast Guard, who may, after investigation, affirm, set aside, or modify the order of detention.

§ 157.18-15 *Filing lists of officers with Collector of Customs.* The master of any vessel of the United States subject to the provisions of R. S. 4438a, as amended (46 U. S. C. 224a), and any foreign vessel belonging to a nation signatory to the Officers' Competency Certificates Convention, 1936, shall, upon application for final clearance for foreign port or upon application for a permit to touch and trade, file with the Collector of Customs a complete list of the officers employed aboard the vessel and the service number and description of license held by each officer.

2. Section 157.30-30 is amended to read as follows:

§ 157.30-30 *Licensed operators for motorboats.* (a) Every motorboat, as defined by the Motorboat Act of April 25, 1940, as amended (54 Stat. 163, 165, 166; 46 U. S. C. 526, 526f, 526p), while carrying passengers for hire, whether the motorboat is certificated or not, shall be operated or navigated by a person duly licensed for such service by the Coast Guard.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply 54 Stat. 165, 166, as amended; 46 U. S. C. 526f, 526p; E. O. 10402, Oct. 30, 1952, 17 F. R. 9917, 3 CFR 1952 Supp.)

3. Section 160.010-7 (e) is amended to read as follows:

§ 160.010-7 *Methods of sampling, inspections and tests.* • • •

(e) *Strength test.* Drop or launch the complete sample buoyant apparatus into still water from a height of 60 feet. Test all air compartments, if any, in accordance with paragraph (f) of this section. There shall be no damage affecting the serviceability of the apparatus for the purpose intended. Upon application from the manufacturer, consideration will be given to the use of a beam loading test in lieu of the drop test for samples from production lots of balsa wood buoyant apparatus of the peripheral-body type.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4488, 4491, as amended, 49 Stat. 1544, 54 Stat. 346, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 404, 474, 489, 1333; 50 U. S. C. App. 1275; E. O. 10402, Oct. 30, 1952, 17 F. R. 9917, 3 CFR 1952 Supp.)

4. Section 160.027-1 (a) (2) is amended to read as follows:

§ 160.027-1 *Applicable specifications and plans*—(a) *Specifications.* • • •

(2) *Military specification.*

MIL-F-16143A—Floats, life (Balsa Wood).

5. Section 160.027-4 (a) is amended to read as follows:

§ 160.027-4 *Balsa wood body life floats.* (a) Life floats having a balsa wood buoyant body shall be constructed as illustrated by Coast Guard Drawing 160.027-4; or in cases where the dimensions of the body section are suitably increased to provide at least 40 pounds per person buoyancy, they may be constructed as illustrated by Navy Department, Bureau of Ships, Drawings S8200-860050 and S8200-860051 and in accordance with the provisions of section 3 of Specification MIL-F-16143A.

6. Section 160.027-7 (e) is amended to read as follows:

§ 160.027-7 *Methods of sampling, inspections, and tests.* • • •

(e) *Strength test.* Drop or launch the complete sample life float into still water from a height of 60 feet twice, once flat and once endwise. Test all air compartments, if any, in accordance with paragraph (f) of this section. There shall be no damage to the body of the float, or other damage affecting the serviceability of the float for the purpose intended. On samples from production lots of balsa wood body type life floats beam loading tests in accordance with paragraph 4.5.3.2 of Specification MIL-F-16143A will be acceptable as an alternate to the drop tests described in this paragraph.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4488, 4491, as amended, 49 Stat. 1544, 54 Stat. 346, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391a, 404, 474, 481, 489, 1333; 50 U. S. C. App. 1275; E. O. 10402, Oct. 30, 1952, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Dated: December 15, 1953.

[SEAL] MERLIN O'NEILL,
*Vice Admiral, U. S. Coast Guard, Commandant.*

[F. R. Doc. 53-10570; Filed, Dec. 18, 1953; 8:52 a. m.]



# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR Parts 29, 39 ]

INCOME TAX; TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 1941 AND DECEMBER 31, 1951, RESPECTIVELY

PERSONAL HOLDING COMPANIES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 62 and 3791 of the Internal Revenue Code (53 Stat. 32, 467; 26 U. S. C. 62, 3791).

[SEAL] O. GORDON DELK,
*Acting Commissioner of Internal Revenue.*

Regulations 111 and 118 are hereby amended by striking therefrom § 29.505-2 (26 CFR 29.505-2) and § 39.505-2 (26 CFR 39.505-2), respectively, constituting an illustration of the computation of subchapter A net income, undistributed subchapter A net income, and surtax, in the case of a personal holding company.

[F. R. Doc. 53-10571; Filed, Dec. 18, 1953; 8:53 a. m.]

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

### [ 7 CFR Part 51 ]

SHELLED ENGLISH WALNUTS (JUGLANS REGIA)[1]

U. S. STANDARDS

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Shelled English Walnuts (Juglans regia) under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953) to supersede United States Standards for Shelled English Walnuts (Juglans regia) effective September 30, 1939.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t., on the thirtieth day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

GENERAL

Sec.
51.2275 General.

GRADES

51.2276 U. S. No. 1.
51.2277 U. S. Commercial.

UNCLASSIFIED

51.2278 Unclassified.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

TOLERANCES FOR GRADE DEFECTS

Sec.
51.2279 Tolerances for grade defects.

COLOR REQUIREMENTS

51.2280 Color classifications.
51.2281 Tolerances for color.
51.2282 Off color.

SIZE REQUIREMENTS

51.2283 Size classifications.
51.2284 Tolerances for size.

APPLICATION OF TOLERANCES

51.2285 Application of tolerances.

DEFINITIONS

51.2286 Well dried.
51.2287 Clean.
51.2288 Shell.
51.2289 Insect injury.
51.2290 Rancidity.
51.2291 Damage.
51.2292 Serious damage.
51.2293 Very serious damage.
51.2294 Half kernel.
51.2295 Three-fourths half kernel.

GENERAL

§ 51.2275 *General.* The walnut color chart[2] to which reference is made in §§ 51.2280 and 51.2281 has been prepared by the United States Department of Agriculture as a part of these standards.

GRADES

§ 51.2276 *U. S. No. 1.* U. S. No. 1 consists of portions of walnut kernels which are well dried, clean, free from shell, foreign material, insect injury, decay, rancidity, and free from damage caused by shriveling, mold, discoloration of the meat or other means. (See § 51.2279.)

(a) Color shall be specified in connection with this grade in terms of one of the color classifications. (See §§ 51.2275, 51.2280 and 51.2281.)

(b) Size shall be specified in connection with this grade in terms of one of the size classifications. (See §§ 51.2283 and 51.2284.)

§ 51.2277 *U. S. Commercial.* U. S. Commercial consists of portions of walnut kernels which meet the requirements of U. S. No. 1 grade, except for increased tolerances. (See § 51.2279.)

(a) Color of walnuts in this grade shall be not darker than "amber" classification, and color need not be specified. However, color may be specified in connection with the grade in terms of one of the color classifications. (See §§ 51.2275, 51.2280 and 51.2281.)

(b) Size shall be specified in connection with this grade in terms of one of the size classifications. (See §§ 51.2283 and 51.2284.)

[2] The walnut color chart was filed with these United States Standards for Shelled English Walnuts and is available for inspection in the Division of the Federal Register or in the Fruit and Vegetable Division, United States Department of Agriculture, South Building, Washington 25, D. C.



UNCLASSIFIED

§ 51.2278 *Unclassified.* Unclassified consists of portions of walnut kernels which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES FOR GRADE DEFECTS

§ 51.2279 *Tolerances for grade defects.* (a) All percentages shall be calculated on the basis of weight.

(b) In order to allow for variations, other than for color and size, incident to proper grading and handling, tolerances shall be permitted for the respective grades as indicated in Table I:

TABLE I

| Grade | Tolerances for grade defects | | | |
|---|---|---|---|---|
| | Total defects | Serious damage | Very serious damage | Shell and foreign material |
| | *Percent* | *Percent* | *Percent* | *Percent* |
| U. S. No. 1 | 5 | 2 (Included in 5 percent total defects.) | 1 (Included in 2 percent serious damage.) | 0.05 (Included in 1 percent very serious damage.) |
| U. S. Commercial | 8 | 4 (Included in 8 percent total defects.) | 2 (Included in 4 percent serious damage.) | .05 (Included in 2 percent very serious damage.) |

COLOR REQUIREMENTS

§ 51.2280 *Color classifications.* The following classifications are provided to describe the color of any lot: "Extra Light", "Light", "Light Amber" or "Amber". The portions of kernels in the lot shall not be darker than the darkest shades of color permitted in the specified classification as shown on the color chart.

§ 51.2281 *Tolerances for color.* (a) All percentages shall be calculated on the basis of weight.

(b) In order to allow for variations incident to proper grading and handling, tolerances shall be permitted for the respective color classifications as indicated in Table II:

TABLE II

| Color classification | Tolerances for color | | | |
|---|---|---|---|---|
| | Darker than extra light[1] | Darker than light[1] | Darker than light amber[1] | Darker than amber[1] |
| | *Percent* | *Percent* | *Percent* | *Percent* |
| Extra light | 15 | (Included in 15 percent darker than extra light) 15 | 2 (Included in 15 percent darker than light) 2 | (Included in 15 percent darker than light amber.) 15 |
| Light | | | | |
| Light amber | | | | |
| Amber | | | | |

[1] See illustration of this term on color chart.

§ 51.2282 *Off color.* The term "off color" is not a color classification, but shall be applied to any lot which fails to meet the requirements of the "Amber" classification.

SIZE REQUIREMENTS

§ 51.2283 *Size classifications.* The following classifications are provided to describe the size of any lot: "Halves", "Halves and Pieces", "Pieces" or "Small Pieces". The size of portions of kernels in the lot shall conform to the requirements of the specified classification as defined below:

(a) *Halves.* Lot consists of 85 percent or more, by weight, half kernels, and the remainder three-fourths half kernels. (See § 51.2284.)

(b) *Halves and pieces.* Lot consists of 20 percent or more, by weight, half kernels, and the remainder portions of kernels that cannot pass through a sieve with $^{24}/_{64}$ inch round openings. When a lot exceeds this minimum requirement, the actual percentage of halves may be specified. (See § 51.2284.)

(c) *Pieces.* Lot consists of portions of kernels that cannot pass through a sieve with $^{24}/_{64}$ inch round openings. (See § 51.2284.)

(d) *Small pieces.* Lot consists of portions of kernels that pass through a sieve with $^{24}/_{64}$ inch round openings, but that cannot pass through a sieve with $^{8}/_{64}$ inch round openings. When desired, the actual size ranges within such size ranges may be specified. (See § 51.2284.)

§ 51.2284 *Tolerances for size.* (a) All percentages shall be calculated on the basis of weight.

(b) In order to allow for variations incident to proper sizing and handling, tolerances shall be permitted for the respective size classifications as indicated in Table III.



TABLE III

| Size classification | Tolerances for size | | | | |
|---|---|---|---|---|---|
| | Smaller than three-fourths halves | Will not pass through $^{24}/_{64}$ inch round hole | Pass through $^{24}/_{64}$ inch round hole | Pass through $^{16}/_{64}$ inch round hole | Pass through $^{8}/_{64}$ inch round hole |
| | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* |
| Halves | 5 | | | 1 (Included in 5 percent) | |
| Halves and pieces[1] | | | 18 | 3 (Included in 18 percent.) | 1 (Included in 3 percent.) |
| Pieces | | | 25 | 5 (Included in 25 percent.) | 1 (Included in 5 percent.) |
| Small pieces[2] | | 10 | | | 2 |

[1] No part of any tolerance shall be used to reduce the percentage of halves required or specified in a lot of "halves and pieces".
[2] The tolerances of 10 percent and 2 percent for "small pieces" classification shall apply, respectively, to any smaller maximum or any larger minimum sizes specified.

APPLICATION OF TOLERANCES

§ 51.2285 *Application of tolerances.* All tolerances for the standards shall be applied to the entire lot, and a composite sample shall be taken for determining the grade. However, any container or group of containers in which the walnuts are found to be substantially inferior to those in the majority of the containers shall be considered as a separate lot.

DEFINITIONS

§ 51.2286 *Well dried.* "Well dried" means that the portion of kernel is firm and crisp, not pliable or leathery.

§ 51.2287 *Clean.* "Clean" means that the appearance of the individual portion of kernel, or of the lot as a whole, is not materially affected by adhering dust, dirt or other foreign material.

§ 51.2288 *Shell.* "Shell" means the outer shell and/or the woody partition from between the halves of the kernel, and any fragments of either.

§ 51.2289 *Insect injury.* "Insect injury" means that the insect, web, frass or other evidence of insects is present on the portion of kernel.

§ 51.2290 *Rancidity.* "Rancidity" means that the portion of kernel is noticeably rancid to the taste. Rancidity should not be confused with a slightly astringent flavor of the pellicle (skin) or with staleness (the stage at which the flavor is flat but not objectionable).

§ 51.2291 *Damage.* "Damage" means any defect, other than color, or any combination of defects which materially affects the appearance, or the edible or shipping quality of the individual portion of kernel, or of the lot as a whole. Any one of the following shall be considered as damage:

(a) Shriveling when more than one-eighth of the portion of kernel is severely shriveled, or a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance, except that kernels which are thin in in cross-section but which are otherwise normally developed shall not be considered as shriveled;

(b) Mold when plainly visible;

(c) Discoloration of the meat when more than one-eighth of the meat of the portion of kernel is severely discolored, or a greater area of the meat is affected by lesser degrees of discoloration producing an equally objectionable appearance;

(d) Not well dried; and

(e) Not clean.

§ 51.2292 *Serious damage.* "Serious damage" means any defect, other than color, or any combination of defects which seriously affects the appearance, or the edible or shipping quality of the individual portion of kernel or of the lot as a whole. Any one of the following shall be considered as serious damage:

(a) Shriveling when more than one-fourth of the kernel is severely shriveled, or a greater area is affected by lesser degrees of shriveling producing an equally objectionable appearance;

(b) Mold when plainly visible on more than one-eighth of the surface of the kernel in the aggregate; and

(c) Discoloration of the meat when more than one-fourth of the meat of the portion of kernel is severely discolored, or a greater area of the meat is affected by lesser degrees of discoloration producing an equally objectionable appearance.

§ 51.2293 *Very serious damage.* "Very serious damage" means any defect, other than color, or any combination of defects which very seriously affects the appearance, or the edible or shipping quality of the individual portion of kernel or of the lot as a whole. Any one of the following shall be considered as very serious damage:

(a) Shriveling when more than 50 percent of the portion of kernel is severely shriveled;

(b) Mold when plainly visible on more than one-fourth of the surface of the portion of kernel in the aggregate;

(c) Discoloration of the meat when more than 50 percent of the meat of the portion of kernel is severely discolored;

(d) Insect injury;

(e) Rancidity or decay; and

(f) Shell, or any foreign material.

§ 51.2294 *Half kernel.* "Half kernel" means the separated half of a kernel with not more than one-eighth broken off.

§ 51.2295 *Three-fourths half kernel.* "Three-fourths half kernel" means a portion of a half of a kernel which has more than one-eighth but not more than one-fourth broken off.

Done at Washington, D. C., this 15th day of December 1953.

[SEAL] GEORGE A. DICE,
*Deputy Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 53-10550; Filed, Dec. 18, 1953; 8:48 a. m.]

## [ 7 CFR Part 728 ]

WHEAT

NOTICE OF FORMULATION OF REGULATIONS RELATING TO DETERMINATION OF COUNTY NORMAL YIELDS

Pursuant to the authority contained in the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is preparing to formulate regulations for determining county normal yields of wheat for the 1954 crop. Section 301 (b) (13) of the act provides for the determination of county normal yields by taking the average yield per acre of wheat for the county during the ten calendar years immediately preceding the year in which such normal yield is determined and adjusting such average yield for abnormal weather conditions and trends in yields. Provision is also made that if for any year of the ten-year period the data are not available or there is no actual yield an appraised yield for such year shall be determined in accordance with regulations issued by the Secretary of Agriculture.

Prior to the issuance of regulations for determining county normal yields, including the appraising of the yields for years for which data are not available or in which there was no actual yield, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Grain Branch, Commodity Stabilization Service (formerly Production and Marketing Administration), United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than seven days after the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C., this 17th day of December 1953.

[SEAL] HOWARD H. GORDON,
*Administrator.*

[F. R. Doc. 53-10602; Filed, Dec. 18, 1953; 8:55 a. m.]

## [ 7 CFR Part 949 ]

[Docket No. AO-232-A-2]

HANDLING OF MILK IN SAN ANTONIO, TEXAS, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing pro-

ceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at San Antonio, Texas, on August 26, 1952, November 5, 1952, and May 21, 1953 (18 F. R. 2860).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on August 20, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on August 26, 1953 (18 F. R. 5088).

Within the period reserved for exceptions the producers' association and certain handlers filed exceptions to certain of the findings, conclusions and actions recommended by the Assistant Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. Certain of the exceptions referred to situations associated with anticipated conditions. If experience proves any of the provisions herein decided upon to be inadequate to accomplish their intended purposes it will be necessary to review the conditions effective in the market at a subsequent hearing.

To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

The material issues of record are concerned with the following:

1. The establishment of standards which a plant must meet in order to be recognized as a pool plant fully subject to the order.
2. The need for provisions relative to unpriced milk.
3. The extension of the marketing area.
4. The need for price incentives to encourage more uniform production.
5. Miscellaneous changes.

*Findings and conclusions.* The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof:

1. *Basis of pooling.* A market-wide pooling system, such as is in effect in the San Antonio market for distributing market proceeds from producer milk, is characterized by provisions which require equalization of returns from all sales of regulated milk in the marketing area. Each handler is required to pay for producer milk at the prices applicable to the class in which he uses such milk. Through the equalization process all producers who supply milk to regulated handlers are paid the same minimum blend or uniform price, with proper adjustment for differences in the butterfat tests for milk. A two-fold purpose is served by this method of distributing returns to producers. There is an equal sharing of the higher returns for the total market Class I sales and of the lower returns realized from the disposition of reserve or Class II milk. The uniform price which represents the blend value of all producer milk received and disposed of for all purposes in the market, therefore, depends upon which handlers are included in the pool and the utilization such handlers make of milk received from producers.

Equalization is carried out through a pooling process by which handlers pay for their milk at class prices in accordance with its use. Money so collected is redistributed among handlers to enable them to make uniform payments to producers from whom they have received milk. Involved in the equalization of sales and redistribution of funds is the question as to the appropriate scope of pooling. Since the production of high quality milk required by consumers involves extra care and expense, it is important that the amount of milk produced under Grade A standards be no more than the minimum necessary to supply the market. To encourage more than enough production of such milk would represent an economic waste, since the expenditures incurred in producing Grade A milk not essential to the market supply would result in no value to consumers.

One of the problems, then, under the market-wide pool is to determine the standards for identifying the plants which constitute an essential and regular part of the market supply, so as to assure the sharing of Class I sales among only those producers who furnish their milk to such plants. Class I prices must first be set as nearly as possible at the minimum levels which will encourage the necessary amount of milk production and the resulting returns should be distributed in such a way as to assure the market of the maximum supply of quality milk which can be obtained at these prices. In order to do this, provision should be made that equalization of market sales should be made only to plants meeting reasonable performance standards with respect to supplying their milk to the market.

Under the present provisions of the order, any person who operates a milk plant, which is approved by the appropriate health authority of the marketing area for the processing of Grade A milk, and from which Grade A milk is disposed of on retail or wholesale routes in the marketing area, is a handler. All handlers, except producer-handlers, who so distribute any quantity of Class I milk are subject to full regulation under the order, and must be and are included in the market-wide pool. If minimum producer prices which a handler must pay are to be fixed, then his sales and producer payments must be equalized with all other handlers for whom such prices are fixed.

Since the market-wide pool results in the payment of producers on the average utilization for the market, the individual handler is relieved of any responsibility for maintaining a high Class I utilization in order to support his pay rates to producers. Whatever utilization of milk a handler may have, his rate of pay to producers will be the same as that of all other handlers in the market. Under the present order, it is possible for any approved plant to make distribution of a small quantity of milk in the marketing area and share in the market-wide pool. Thus, the market-wide pool provides both opportunity and incentive for any distributor, wherever located, to sell a token quantity of milk in the San Antonio market if such distributor had a relatively low percentage utilization as Class I milk in relation to the market average. He would then draw money from the equalization fund of the pool, thereby reducing the price received by regular market producers. This is commonly called "riding the pool." Without some performance standards, such plants may enter the market whenever it is advantageous to do so for the sole purpose of "riding the pool." Such dissipation of returns from the sale of Class I milk would not be in the interest of either producers, handlers, or consumers in the San Antonio market.

Plants selling primarily to other markets or plants shipping milk on an opportunity basis to any market where supplies happen to be short do not represent reliable sources of milk upon which the San Antonio market may depend. If such plants were allowed to sell a token quantity of milk in the San Antonio marketing area whenever their Class I sales were low and then withdraw when their Class I sales were high as compared with receipts, the result would be that the in-and-out handler would be able to gain advantage in paying producers. The San Antonio market would have no compensating gain from the payment of equalization to such a handler. Such a distribution of equalization payments would, in fact, reduce the blend prices to producers regularly supplying the market and thereby have an adverse effect on the milk supplies upon which the market depends. This could result in the need for higher Class I prices than would otherwise be required.

Performance standards should be such that any distributor who has a substantial function in the supplying of milk to the market would pool his sales and share in the market-wide equalization. On the other hand, distributors only casually or incidentally associated with the market should not be subject to complete regulation, nor should they be permitted or required to equalize their sales with all handlers in the San Antonio market. If distributors are to be permitted to share on a pro rata basis the Class I utilization of the entire market because of token shipments without being genuinely associated with the market, then the money paid by users of Class I milk would be subject to dissipation without accomplishing the intended purpose. This might very well happen under the present order since the only qualifications such a plant would be required to meet would be compliance with health department standards of any of the various authorities having jurisdiction in the marketing area. The mere circumstances of having health department approval is not sufficient justification for equalizing sales of such a distributor with the market. Health authorities should not be placed in a position of determining which plants



should share in equalization. There is no reason to assume that a health department would refuse an application for approval because it had determined that the milk from the applicant's plant was not entitled to pool with the market or that such standards as might be applied by the health authority for this purpose would be appropriate to effectuate the declared policy of the act.

For these reasons, provision should be made in the order that a distributor must dispose of not less than 15 percent of his total receipts of approved milk from dairy farmers on retail or wholesale routes in the marketing area in order to be included in the market-wide pool and share in the equalization of market sales. The performance standard herein provided is designed to accomplish the objective as set forth above. On the basis of evidence available, it appears that it should accomplish such objective. If actual operating experience proves it inadequate, the standard should be revised on the basis of such experience. Such a standard should apply uniformly to all milk distributors. Any plant, regardless of its location, should have equal opportunity to comply with the standard and thereby participate in the market-wide pool and have its producers share in Class I sales of the market. Any producer who meets the appropriate health department requirements should be permitted under the order to sell his milk to plants meeting the standard of qualification. Whether or not distributors or producers choose to supply the San Antonio market will depend on the economic circumstances with which they are confronted, such as prices, transportation costs, and alternative outlets.

Evidence in the record indicates that the plants included in the pool under the order during May 1953 may be considered as associated with the market and entitled to pool. A very large percentage of the Class I sales of regulated handlers now goes to outlets in the marketing area. Although the record does not show the exact portion of Class I sales in the marketing area of each handler now included in the pool, it is possible that some handlers may need to watch their operations to insure continued eligibility to pool. It is concluded that to require a handler to dispose of 15 percent of his receipts from approved dairy farmers as Class I sales in the marketing area is the minimum which should be established to achieve the objectives of such a provision and that such a requirement is necessary and reasonable. In order to allow plant operators time for making any adjustments which may be necessary as a result of such an amendment to the order, provision is made that if plants regulated under the order during May 1953 make application to the market administrator for designation as pool plants, such designation will be made for a six-month period after the effective date of any amendment issued pursuant to this decision, provided that such plant continues to distribute Class I milk in the marketing area.

2. *Provisions relative to unpriced milk.* A large volume of milk is customarily purchased by San Antonio handlers from sources other than producers. Such milk comes from plants scattered throughout a wide area. Although much of this milk is assigned to Class I use, it is not priced under the San Antonio order. Aside from the provision of the order requiring prior allocation of producer milk to Class I, the purchase and sale of such milk is not affected by the order program. The handler may obtain such milk whenever and wherever he can. The price he pays and the utilization he makes of the milk are not regulated in any way by the order.

Experience has proven, however, that the operations of handlers in the San Antonio market in obtaining and selling unpriced milk for Class I purposes have, at times, jeopardized the effectiveness of the classification and pricing program of the order. The volume of milk which handlers have accepted from producers has been less each month since the inception of the order than the total Class I disposition. In April 1953, which was the month of lowest imports shown on the record, approximately 6 percent of Class I sales were allocated to other source milk. In spite of this fact, the record discloses that handlers refused, during at least part of the month of April, to accept some of the milk produced by their regular producers or milk offered for sale by other potential producers. Some producers were required to keep part of their milk at home during part of this period and dispose of it as best they could. Some of the producers who had milk refused were informed that the handler to whom they delivered had enough milk for his Class I needs and any increased production above a base period average would not be accepted. The cooperative association of producers, as well as producers themselves, tried unsuccessfully to place this milk with other handlers in the market.

The record discloses, also, that handlers have largely discontinued a long-standing practice of seeking new producers and assisting them in undertaking the production of graded milk. One handler representative testified that it would be possible to secure a substantial number of new producers if conditions were such that it was feasible to take on such producers. Failure to develop new producers could soon result in serious reductions in the flow of producer milk. There is a normal turnover among producers which represents a substantial proportion of the total production.

Evidence in the record indicates that the major reason why producer milk was refused by at least some handlers and why new production was not encouraged even though the market was short was the fact that surplus milk was temporarily available from other fluid markets at a cost less than that for Class I producer milk. Handlers purchasing this other source milk on a short term basis at a saving compared to producer Class I milk are able to underbid handlers using producer milk for contract sales, and to jeopardize generally the position of producer prices and all Class I sales in the market.

The record evidence indicates that a large share, if not all, of the supplemental milk obtained by handlers during several weeks prior to the hearing was seasonal surplus milk from other markets. The evidence indicates that such milk will not be available to the San Antonio market when seasonal shortages again occur. It indicates, also, that the alternative outlet for such milk, if not sold to San Antonio handlers, would be to manufacture Class II products.

The purchase and sale of such milk in the San Antonio market is disrupting the orderly marketing of milk. It is interfering also with the stated purpose of the act, namely, to fix prices which will insure a sufficient quantity of pure and wholesome milk.

The prices fixed under the order clearly cannot be effective in encouraging a production of milk which is appropriate to the needs of the market if handlers can circumvent these prices by purchasing surplus milk from other markets for Class I use. To raise the Class I price would provide additional incentive for handlers to obtain such milk and encourage them to refuse producer milk whenever low priced milk was available from other sources. To lower the Class I price would reduce blend prices and discourage production of milk for the market.

If some handlers purchase unpriced milk for Class I use at a lesser cost than producer milk, then those handlers using producer milk will be placed temporarily at a competitive disadvantage. This tends to be disruptive to the orderly marketing of milk and, in the San Antonio market, has given handlers the incentive to curtail their purchases of producer milk.

It is a well recognized fact that a minimum amount of milk in excess of actual Class I disposition is necessary to operate a fluid milk business. Because of a seasonal fluctuation in production not matched by seasonal changes in consumption, this excess is particularly large in certain months of the year. This excess or reserve milk is surplus to the fluid operation, and can only be marketed in manufactured form in competition with products made from ungraded milk produced in the major low cost dairying areas of the United States. Thus, such reserve milk yields a considerably lower return than is necessary to sustain graded milk production in the San Antonio milkshed. Likewise, it yields a lower price than would be necessary to purchase graded milk on a regular basis in other supply areas and pay the cost of transporting such a bulky and perishable product to San Antonio.

The existence of this reserve Grade A milk, which must be marketed at a lower price, is the primary cause of the instability which affects fluid milk markets. If a handler were able to use milk he purchased at Class II prices for Class I use, he would stand to gain advantage, but in so doing he demoralizes the Class I market price.

One of the paramount reasons why regulation of prices is considered necessary in the San Antonio market is to insure that the position of handlers paying producers a Class I price for fluid milk will not be undermined by others using the market's excess or surplus

producer milk for Class I use. It is equally important that the Class I market be protected from the use of seasonal excess milk from other markets as well as from its own surplus. The order provisions as they now stand permit a handler to curtail purchases of producer milk to their own advantage and secure low cost seasonal supplies from elsewhere for Class I use. These seasonal supplies are easily and cheaply acquired during the months of flush production when surrounding markets are receiving milk greatly in excess of their current fluid needs. If adjacent milksheds try to dump their seasonal surplus on each other's Class I markets, the result would soon be market chaos, particularly in the spring months. Class I prices would be demoralized and the rate of milk production would suffer. The result would be a shortage of milk in both markets at any time in the year when general shortages and high prices prevailed. Such marketing conditions would be contrary to the stated purpose of the act. It is necessary, therefore, in order to insure the effectiveness of the classified pricing program of the order and to promote orderly marketing, that some measure be taken to remove the incentive which handlers have to acquire unpriced milk (milk not paid for in accordance with its utilization) and undermine the Class I pricing structure of the order.

One possible alternative would be to extend price regulation in accordance with order provisions to all milk dealers who supplied milk either directly or indirectly to the San Antonio market. This alternative is both economically and administratively unacceptable in such an order program. It would open the San Antonio market pool to anyone who supplied even a token quantity of milk to handlers serving the marketing area. The objections to such distribution of pooled funds was discussed earlier in connection with the recommendations for standards of pool participation for distributing plants.

Such regulation would have the further disadvantage of being cumbersome, expensive, difficult to enforce, and it would interfere with the acquisition of needed supplemental milk supplies for the San Antonio market. The record discloses that needed supplemental milk is obtained by San Antonio handlers from numerous and widely scattered points. It would not be possible or desirable to limit the number of plants or area from which milk might be purchased. However, in order to bring such plants under regulation, it would be necessary to set up a complete new set of transfer and allocation rules, perhaps with individual tailoring according to the various plant locations, markets and supplies. It would be necessary to follow milk from these plants to its various destinations and uses to determine classification. Also, it would be necessary to ascertain sources of supply other than receipts directly from farmers and determine what priority should be given such supplies in the allocation of Class I milk. In the case of a plant which made an incidental shipment of milk, perhaps at the end of the month, or in the case of such items as storage cream, additional complications would be involved. Earlier inventories as well as sales would have to be ascertained and classified. Classification might depend upon transactions made in the past concerning which adequate records were not kept. Producer prices would be fixed for milk already purchased and sold. Required record keeping and auditing problems would be greatly multiplied with the extension of regulation.

Such extension of regulation would undoubtedly interfere with the acquisition of needed supplemental milk supplies for the San Antonio market. Potential suppliers might be reluctant to sell milk to San Antonio handlers if such sale would mean that they would be subject to producer price fixing and complete regulations provided for the San Antonio market. Also, the terms of the order, such as pooling and equalization, might work to the disadvantage of such a supplier selling primarily to an unregulated Class I market.

If a supply plant became primarily associated with the San Antonio market, there would be need to extend full regulation to such plant. However, there is no evidence of such association of any plant at this time.

It is concluded that it is not feasible to price all milk which may enter the market and that provision is necessary in the order which will insure against the displacement of producer milk by such unpriced milk for the purpose of cost advantage. There is no choice as to what type of provision can be used for this purpose. The only alternative is to levy a charge against unpriced milk used in Class I to the extent it is required for the removal of any advantage there may be in using such milk instead of regulated producer milk.

Several problems are involved in establishing rules for any charge or payment designed to bring about the removal of the advantage of using unregulated milk. The rate of a compensation payment for this purpose must not be so low that it will permit a handler to have temporary or p e r m a n e n t advantage through sale of unpriced milk as Class I in the marketing area. It should not be so high that it will penalize suppliers of unpriced milk who offer milk needed by the market and who are not in a position of gaining an unfair advantage by such sale of milk. The payment must be provided for in a manner which is administratively feasible and which does not bring about unjustified administrative inconvenience or expense.

Several methods were described on the hearing record for determining what rate of payment would be appropriate. One of these is to ascertain the actual cost to the regulated handler of milk which he purchases from unregulated plants and charge as a compensation payment any amount by which the Class I price exceeded the cost of the unregulated milk used in Class I. Such a scheme is not sound from the standpoint of administrative feasibility and it would not necessarily remove the advantage in using unregulated milk even though it were feasible. Rates at which milk sales are billed may not represent actual cost to the purchaser. In the case of a firm which owns or controls pool plants under the San Antonio order as well as unregulated plants, the rate of payment from one plant to another, if any were made, would have little or no significance. If such a provision were to be adopted, the billing rate might be deliberately set in each instance at a level which would avoid any payments without regard to the value of the milk. There are a number of firms which control plants under the San Antonio order as well as unregulated plants.

A handler having no unregulated plants would no doubt find it possible to arrange a billing price on purchased milk which would avoid any compensatory payments. If a handler had the choice of paying money to the market-wide pool or to a person from whom he was buying milk, he would probably choose the latter. A kick-back arrangement or offsetting purchase and sale might readily be arranged, perhaps through a third party. Since the billing price for milk would be a self-serving figure for both parties to the transaction, it would be virtually impossible to ascertain that it represented the true cost to the purchaser.

If the stated purchase price were a true cost, it would still not fulfill the purpose of removing the advantage to unregulated milk to base compensation payments on the difference between such price and the Class I price. The record discloses that sales of priced milk between regulated handlers ordinarily take place at the class price plus a handling charge. This handling charge varies according to circumstances, but represents a payment to the receiver of the milk to offset his purchasing and receiving costs, such as receiving, weighing, testing and cooling the milk, and other costs of doing business. The cost of receiving the milk in bulk form is somewhat less than receiving it from producers. Thus, in order to remove the advantage to unregulated milk, it would be necessary to provide that the cost of bulk unregulated milk be somewhat more than the Class I price. It would be exceedingly difficult to determine what this excess rate should be, particularly in the case of products such as skim milk and cream, where the allocation of additional processing costs among more than one end product is involved. Furthermore, the marketing agreement act does not give the Secretary express authority to enforce prices other than producer prices. This scheme for removing the advantage in using unregulated milk is rejected for these reasons.

Another suggested method is to determine the price actually paid dairy farmers by the unregulated milk dealer who first received the milk, and base the compensation payment thereon. This method has several shortcomings. The various payment plans which are used in paying farmers for milk would make the determination of pay rates to individual farmers a next to impossible task. For example, unregulated milk dealers may use varying rates of butterfat differentials, different types of base rating plans, or payments based on volume of deliveries. Various devices such as these for paying farmers often make it impossible to determine actual rate of payment per hundredweight of milk. Stated prices are often illusory, since the cost of the milk itself may be modified by unrealistic charges for various items of supplies and services. Whatever payment plan an unregulated milk dealer may use is a matter of his own choice and it can be changed readily. Calculation of compensation payments according to this suggestion would give any affected dealer special incentive to resort to these or other special payment plans for purposes of evading payments.

The further problem of establishing the rate of payment to be required would by itself preclude use of the actual cost of the milk purchased from farmers by unregulated handlers as a basis for calculating the payment to be required. If a payment were to be required on the unregulated milk based on the difference between prices paid farmers and some other price, the unregulated handler could avoid payments by increasing his prices to farmers. This would give an unregulated handler the advantage over regulated handlers in that a regulated handler has no choice as to what he is required to pay producers nor how this money is to be distributed. Likewise, it would enable unregulated suppliers to dispose of Class I milk in the marketing area with no obligation to equalize such sales with other suppliers of the market.

Even though the rate of payment to producers for all milk might be known, it would still be impossible to ascertain the rate of payment on that portion of the milk disposed of in the marketing area. Since milk marketed outside the marketing area would represent most of the total supply in the unregulated plant, it would be necessary to determine payment for milk marketed to the various outlets. As pointed out subsequently in this decision, all handlers have both surplus as well as Class I milk in their plants and it is not realistic to assume that the purchase price for milk for each use is the same.

It has been suggested that in order to overcome this objection the plant of the unregulated handler be subject to audit and that the rate of compensation payment be based on the difference between the average utilization value at order prices in the unregulated plant and the average rate of payment to producers. This method would not recover the entire advantage of selling surplus milk as Class I in the marketing area. This method has not only the disadvantages associated with other schemes based on actual pay rates to producers, but it would involve, in the case of the San Antonio market, an extremely complicated and administratively impracticable system of accounting and determination in such plants. The unregulated plants from which the San Antonio handlers obtain supplemental milk are numerous and widely scattered. Determination of utilization value in these plants would involve the same complications and administrative expense and difficulties as discussed earlier which would be involved in complete regulation of such plants. To make the detailed accounting necessary to establish classification, such unregulated dealers would need to maintain the same detailed records as wholly regulated handlers.

An alternative method for determining the rate of compensation payments would be to base the rate of payment on the difference between blend prices prevailing in an area and the Class I price. This method has been suggested because it is assumed that unregulated handlers will be forced by competition to pay farmers approximately average blend prices. This assumption is not valid to the degree that a payment based on the difference between such prices could be expected to insure that unregulated milk would not be used to displace regulated milk for cost reasons at all times throughout the year. Unregulated plants, as well as regulated plants, have some surplus milk at all times and particularly during the seasons of flush production. As a result, prices paid farmers are, in fact, blend prices made up of returns from the sale of milk in Class I outlets, as well as sales to the surplus market. If an unregulated plant were in a position to sell its surplus milk for Class I use in the marketing area and maintain its own Class I outlets, it would have a competitive advantage over regulated handlers who found it necessary to dispose of part of their milk as surplus.

In the absence of a compensation payment, the unregulated plants located anywhere in the potential supplemental supply area might sell milk for Class I use in other markets at substantial handling charges whenever fluid milk tended to be in short supply, and then dispose of milk for Class I use in the San Antonio market to maintain the blend price during the season of flush production when Class I sales elsewhere were difficult to make. A plant which could thus keep its disposition of milk largely as Class I and avoid qualification as a pool plant would be in a position to pay its farmers at a higher rate than that received by producers under the order, or it could retain the extra return as profit. In either case, however, pool milk would be at a disadvantage relative to unregulated milk.

Since none of these suggestions presents an acceptable approach to the problem of compensation payments, it is necessary to resort to a different procedure. The only sound method of dealing with this problem is one based on a recognition of the economics involved as they affect producers and handlers. This approach resolves itself primarily into a question of market values for milk.

Handlers under the order seeking to purchase unregulated milk will naturally resort to the lowest cost source from which suitable milk is available. In fixing the rate of compensation payment, it is necessary, therefore, to determine what the lowest cost source may be and to base the payment on the difference between the cost of such milk and the cost of milk priced under the order for similar use. The record shows that milk supplies are invariably larger in surrounding markets in spring and summer than in fall and winter, and that because of relatively constant sales of fluid milk, the excess increased production must be marketed largely as manufactured products. This outlet represents the opportunity cost of the surplus milk since it is the highest price at which the milk can otherwise be sold. It is this opportunity cost or value of such milk which would be effective in determining the price at which the unregulated plant would sell such milk. The minimum asking price of the unregulated supplier of such milk would be expected to be only the return which he would realize if the milk were disposed of for surplus use.

Since considerable volumes of Grade A milk must be disposed of as surplus by various unregulated plants from which the market may obtain milk, it is evident that handlers under the San Antonio order could obtain such milk at prices reflecting its value as surplus milk. In short, the actual value of this milk is not the blend price paid to dairy farmers but rather the price which can be obtained for it in the market when disposed of as surplus milk.

Therefore, for the months of February through July, during which period surplus milk is likely to be available in substantial volumes to the San Antonio market from non-pool sources, the compensation payment on unpriced other source milk and other source milk products used for Class I should be based on the difference between the minimum price of producer milk used for surplus and the applicable Class I price under the San Antonio order. The Class II price established by the order is a fair and economic measure of the value of milk in surplus uses whether received from producers at regulated plants or from other farmers at non-regulated plants. In calculating the payments on other source milk both the Class I and surplus values must relate to and be fixed as of the point where the milk is received from farmers at the first receiving plant, so as to be properly comparable with minimum class prices which always attach to producer milk at that level of marketing. No allowance should be made for subsequent handling costs and profits in this farm level comparison between producer and other source milk because such costs and profits attach at stages of marketing subsequent to the basing point to which minimum class prices for producer milk refer. They are in no way regulated by the order with respect to producer milk. Neither the act nor the order contemplates, authorizes or provides for the regulation of subsequent handling charges or profits or the establishment of uniform resale prices between handlers, whether the milk be from producers or other sources.

During the months of August through January, when milk supplies tend to be shorter, it is concluded that other source fluid milk will not be available to handlers in the San Antonio market at surplus prices. Evidence in the record indicates that the supply of excess milk available in January and August is much less than during the season of flush production. It is concluded that during these two months the compensation payment should be based on the difference between the Class I and the blend prices under the order. Generally speaking, during these two months the relationship between the supply of milk in the San

Antonio supply area and the demand for such milk will tend to fluctuate considerably from year to year according to production conditions. It is concluded that these fluctuations will tend to be similar in San Antonio and surrounding milksheds. Thus, the rate of compensation payment based on the difference between Class I and blend prices will adjust itself automatically in these months according to changes in demand for and prices of outside supplies. If supplies of producer milk are relatively plentiful, unpriced milk can be expected to be cheaper, and therefore, the rate of compensation payment should be somewhat higher. On the other hand, as milk supplies in the area tend to be short, it is to be expected that the cost of unregulated milk will increase. Under these circumstances, the rate of compensation payment will be correspondingly less. If producer milk were all assigned to Class I in August or January no compensation payment would be required during such month.

During the remaining months of the year (September through December), no compensation charge should be provided. Evidence in the record indicates that the cost to San Antonio handlers of milk from unpriced sources will be at such levels that there will be no incentive to use such milk to displace producer milk for reasons of cost advantage for this period.

By choosing a rate of compensation payment which reflects the cost of the cheapest milk which may be expected to be available, any advantage to individual handlers relative to others, in obtaining such cheap milk and substituting it for producer milk in Class I, is removed insofar as administratively possible and no handler is given the clear opportunity to gain an unfair advantage which otherwise would exist. Although the unfair advantage of obtaining other source milk is removed by the particular rate of payment herein provided, nevertheless, if other source milk is to be purchased, the incentive for purchasing the cheapest of such milk remains; for the lower the price which a handler pays for other source milk, the lower will be his total cost of purchasing such milk. This follows from the fact that the measure of the compensation payment is an objective one and does not depend upon the particular price which the handler paid for the other source milk.

As pointed out heretofore in connection with material issue number 1, the process of market-wide pooling creates an unnatural incentive for milk to come into the market to gain certain advantages. Such milk would not be associated with the market in the absence of regulation.

The act requires that prices fixed under the order for milk purchased from producers or associations of producers be uniform as to all handlers, subject only to usual adjustments, such as those for butterfat content and location of the milk. The only prices fixed under the order are those for producer milk, and it is hereby determined that they are uniform as required by the act. Class prices for pool milk under the order are for raw milk as received from farmers, f. o. b. the loading platform at the plant where first received.

No valid comparison can be made of prices to farmers with the necessarily higher prices of milk or milk products at any later point in the marketing process. The prices between dealers must necessarily reflect, in addition to such initial farm level cost or price, subsequent handling costs, such as those incurred in receiving, weighing, testing, cooling, hauling between plants, processing, and selling, as well as profits. Consequently, the compensatory charges do not purport to assure that the cost or price of non-pool milk or milk products, as bought and sold from dealer to dealer, will be no higher than the minimum class prices for raw, unassembled pool milk, f. o. b. initial plant. A handler selling pool milk or milk products could not well sell it at levels as low as the minimum class price without loss to himself. Compensatory charges at a rate which would assure a total maximum cost to a handler of only the minimum class price for non-pool milk and milk products received from a non-pool plant would clearly discriminate against pool milk and milk products.

It is concluded that the compensation payments herein provided are not only incidental, but necessary to sustain the classification and pricing of milk according to its use in the market, and that the rates of payment specified are those which are necessary and appropriate to accomplish this purpose.

Testimony in the hearing record concerning availability of milk supplies to San Antonio handlers indicates that the rate of payment recommended here will tend to equalize the competitive position of priced and unpriced milk, and will avoid displacement of producer milk for reasons of cost. However, if experience proves that milk is available to handlers during the fall and winter months at prices lower than those anticipated, or that such payments otherwise interfere with the purposes of the order, then it will be necessary to reconsider the rate of compensation payment on the basis of that experience.

In addition to that other source milk which enters the marketing area through pool plants, some non-pool milk may be distributed within the marketing area from plants which are non-pool plants and the milk from such plants will be non-pool milk. The compensation charges applicable to other source milk disposed of in the marketing area from distributing plants which are non-pool plants should be the same as those applicable to other source milk distributed from pool plants discussed above. It would not be possible to stabilize the market under the classified pricing program if non-pool plants were allowed to distribute unpriced milk in the marketing area without such payments. Such milk should be classified and priced the same through the classification pricing program as unpriced milk distributed through any other channels.

Handlers distributing such unpriced milk in the marketing area from non-pool distributing plants have the same opportunity to buy milk at the opportunity cost level as do the operators of pool plants who purchase other source milk. Such milk may be purchased and distributed in the marketing area. In addition, however, the operator of the non-pool plant in all probability has surplus milk in his own plant which he would want to dispose of on any basis which would yield a higher return than the surplus value. It would be particularly easy to dispose of such milk for Class I use in the marketing area by bidding for large contracts such as hospitals, defense establishments or large institutions. With surplus outlets as the alternative, and no compensation payments to make, the non-pool handlers would have considerable incentive or margin to underbid the seller of priced milk for such sales. A non-pool plant might also use such price advantage in selling his surplus milk to Class I outlets for the purpose of establishing a regular trade on retail or wholesale routes to homes and stores in the marketing area. The non-pool plant might sell up to 15 percent of its milk into the marketing area as Class I without becoming subject to regulation. To allow a non-pool plant to use its surplus milk in this manner for establishing a regular trade in the marketing area without compensation payments would mean that such plant would have a marked competitive advantage over regulated handlers selling priced milk. Such conditions could readily lead to disorderly marketing conditions.

It is considered inappropriate also that a plant distributing a small share of its milk in the marketing area should be subject to full regulation because of that small share of its milk so marketed. Such regulation might place a plant of this kind at a competitive disadvantage with respect to its unregulated competition. In some cases, a non-pool plant may be disposing of a larger share of its milk as Class I than the average utilization for the market. In such cases, the compensation payments herein provided might cost the handler less than the equalization payments such plant would pay if fully regulated as a pool plant. In these instances the sale of small quantities of milk in the marketing area would be more likely to take place under the compensation payment provisions herein provided than if full regulation were extended to all plants.

The rate of compensation payment provided for non-pool plants making distribution directly in the marketing area should be the same as that for pool plants which obtain and use unpriced milk in Class I. The administrative feasibility of any other method of levying compensation payments is substantially the same as that described in the case of unpriced milk distributed in the marketing area by pool plants.

Testimony in the record indicates that no compensation payments should be required on milk classified and priced as Class I under another Federal milk marketing order. The minimum prices for Class I milk under other Federal orders where San Antonio handlers might obtain supplemental supplies approximate or exceed the San Antonio Class I prices, with seasonal adjustment as recommended herein and as adjusted for location of the supplying plants. Since handlers under other Federal orders must pay for producer milk on a utilization basis, they would not be in a position to unload any surplus producer milk into the San Antonio market for Class I use at less than Class I prices. In order that such handlers would not be able to sell any other source milk which they may have to the San Antonio market, provision should be made in the order that the exemption from compensation payment applies only if the Class I producer milk is equal to the total Class I sales of such handler. No distinction should be made with respect to the application of such payments to milk from handlers regulated under other Federal milk marketing orders whether the milk is distributed by the handler from the other order or by a San Antonio handler.

No compensatory payment should be required on milk custom bottled in a non-pool plant. Handlers may transfer bulk milk to non-pool plants for packaging. This packaged milk may be returned to the handler for Class I distribution in the marketing area. Such milk is included in the gross receipts and sales of the pool plant handler upon receipt and transfer in bulk. It is again accounted for when received and disposed of in packaged form. Inasmuch as receipts of milk from non-pool plants are considered as other source milk, it is possible that producer milk transferred to a non-pool plant for custom packaging would become subject to a compensatory payment when this milk is returned in packaged form. Similarly other source milk which is transferred as Class I milk for packaging could be subjected to compensatory payments twice. Provision should be made to preclude this by allocating the packaged milk received from non-pool plants from the gross Class I utilization to the extent that an equivalent amount of bulk milk is transferred to such non-pool plant by the handler and such transfer is classified as Class I milk.

Any funds collected under the compensatory payment provisions should be added to the producer-settlement fund. It is the purpose of the order to insure that a sufficient and dependable supply of quality milk will be available for Class I needs of the market. To the extent that Class I sales are displaced through the disposition of surplus milk from unpriced sources, producers stand to lose income from the sale of milk to the market which they are expected to supply. This loss of income would mean that the prices contemplated under the order would not be realized by producers. As a result, production might suffer, in which case consumers would stand to lose because of the disappearance of milk supplies from the regular and dependable sources which have assumed an obligation of supplying them milk to the market on a year-round basis. Otherwise, Class I prices would have to be increased to offset the loss of income to producers. There is no alternative source of dependable milk supplies which would cost consumers less over a period of time than the milk supplied by regular producers: Thus, there is justification for returning to producers the difference between the value of such milk at its opportunity cost, which would otherwise be its value to the seller, and the Class I price. There is no other alternative disposition of funds from compensation payments under the authority of the act other than that herein provided. In order that the money accruing under this provision should provide the maximum benefit, it is concluded that it should be added to the producer-settlement fund and disbursed to producers through the uniform price during the months of September through December as a further incentive for uniform production. This is the period when local production tends to be lowest and when handlers' requirements for high cost other source milk are at a maximum.

The use of compensation payments was questioned on the hearing record on the basis that they might foster unrealistic class prices. This is not the case. Class prices held in excess of the necessary level for any reason would be self-liquidating under the terms of the order. If base prices were set above the level necessary to encourage appropriate rates of milk production, the supply of milk would increase. Higher prices could be expected to attract additional milk to the market in the form of greater production by old producers or by the addition of new producers and new plants to the pool. The provisions of the order do not preclude any producer from selling his milk to a pool plant. Any plant which cares to do so is eligible to distribute or sell milk in the market and qualify as a pool plant fully subject to the provisions of the order, and assume the responsibility of serving the market.

The increased supplies of milk which so resulted would have the effect of decreasing prices to producers. This would come about since any increase in Class II milk would reduce the blend price, and since the supply-demand provision of the order would automatically decrease the Class I price as producers' milk supplies increased relative to Class I sales. The compensation payment will not discourage association of dependable milk supplies with the market, but, as pointed out heretofore, might be a means to facilitate such association in the case of handlers largely in the fluid milk business.

It is necessary that the order specify the handler obligated to make the compensation payments. If the unpriced milk is distributed in the marketing area from a non-pool plant, the operator of such plant should make the payment. In the case of supplemental milk received at pool plants from unpriced sources, either the buying or selling plant might be assessed. From the standpoint of the economics involved, it would make no difference, since the amount of payment would be the same in both cases.

From the standpoint of administration and enforcement, it would be much easier and simpler for the regulated plant to make the payment. It is the regulated handler with whom the market administrator regularly deals. Such handler would be expected to know and understand the terms and provisions of the order. He is the handler who would be responsible for distributing the milk in the regulated market. Whether or not a compensation payment would be required would depend upon the application of the allocation provisions of the order to the plant of the receiving handler.

The seller, on the other hand, would not be aware until later whether a compensation payment would be required, and might not even know at the time of the sale, particularly if the sale took place through a broker, whether his milk would be moved to a regulated market for disposition. If enforcement proceedings were to be required, it would be more convenient and logical to bring the case to trial in the area of the regulated market where the problem arose.

The compensation payments herein provided will not prohibit the marketing of milk nor limit the marketing of milk products from any production area of the United States. The rate of payment required is uniform except for adjustment by transportation differentials to any plant, regardless of whether it is located in the marketing area or at any distance from the marketing area. The transportation differential herein provided for this purpose is designed to reflect the cost of hauling bulk milk in tank truck lots and is based on the evidence in the hearing record.

The quantity of milk and milk products which may be sold in any regulated market is dependent to a considerable extent upon the price fixed under the order for the particular class of utilization. Such influence should not be construed, however, as a limitation of the type precluded under the act. No price can be fixed without influencing, to some extent, the quantity of milk and milk products which may be sold from either regulated or unregulated sources. No quantitative limitations are imposed under the order on the amounts of unpriced milk which may be disposed of in the marketing area nor do they prohibit such use or any other use of unpriced nonpool milk or milk products. The compensation payment herewith provided will not discriminate against producers by areas, but will provide for equalization of competitive prices by type of transaction with respect to relationship between regulated and unregulated milk.

The payment will not deprive suppliers of unpriced milk of a high priced market which they would otherwise enjoy. The alternative sale value of the unpriced milk is recognized, and this value is returned to these sources when sale is made to the San Antonio market. If marketing facilities and outlets are such that it is advantageous for unpriced sources to dispose of their surplus milk to the San Antonio Class I market, they may be expected to and undoubtedly will do so, and the return they receive will be a full surplus value for such milk.

The compensation payment herewith provided has as its primary purpose the elimination of economic incentives for handlers to use unpriced milk to displace minimum priced milk in Class I sales. The rate of payment found to be appropriate for this purpose is one which recognizes general competitive conditions in

the purchase and sale of regulated and unregulated milk.

It is recognized, however, that general competitive conditions do not prevail in all cases. Each handler is situated differently and each individual transaction is made under different circumstances. It is not possible, however, to adjust prices or payments to individual circumstances or transactions. Such an individual approach would not be administratively or economically feasible. Compensatory payments must therefore be applied at a definite and certain rate applicable to all handlers similarly situated. No single rate of payment can be determined, however, which would result in complete equality of cost to all handlers. Consequently, instances will undoubtedly arise which will appear to indicate that the objectives of the compensatory payment are not being achieved in particular cases. In some cases, the payments required may seem harsh.

It is necessary in seeking an overall solution to problems of this nature to adopt provisions which will be reasonable and as liberal as possible, and at the same time will still guarantee the integrity of regulation. To provide inadequate payments would leave the door open to practices which would render the program ineffective. Commerce in milk is entirely at the option of handlers. They are free to complete only those transactions which are most favorable to themselves. Order provisions must recognize this fact. They must recognize, also, that the varying conditions under which milk transactions occur give rise to great complexity and some doubtful circumstances. Where marginal problems arise, they must be resolved in favor of producers under the order, otherwise the advantage may go to unregulated milk and to dealers and farmers who are not required to abide by any rules of procedure or price making.

3. *Extension of the marketing area.* The proposal to extend the marketing area to include the counties of Comal, Guadalupe, and Hayes should be denied.

The present San Antonio marketing area is composed of all territory within Bexar County. Testimony for the extension of the marketing area was presented on behalf of two handlers whose plants are located in the Comal and Guadalupe counties. Proponents presented no testimony supporting the inclusion of Hayes County. The record indicates that practically all of the milk received by handlers, whose plants are located within the present marketing area, is disposed of in Bexar County. Although the record does not show the proportion of total sales which are made within the present marketing area by the proponents, the testimony indicates that such sales are not a substantial proportion of their fluid sales and represent a very small proportion of total sales in the marketing area. In addition to the proponents, there is only one San Antonio handler who disposes of Class I milk in the proposed extended area. The primarily fluid milk outlets for the proponents are in the city of Austin and in the three proposed counties. A substantial portion of the fluid milk disposed of in these counties is made by six other distributors who are not now subject to the regulation and who are primarily engaged in supplying the Austin market and adjacent territories. Thus, to extend the marketing area would have the result of bringing six additional plants under full or partial regulation which are in no way associated with the San Antonio market. The problem, complained of by proponents, of fringe area competition, thus would be increased several-fold by the extension of the marketing area.

The record indicates that there are substantial differences between the Austin and San Antonio markets with respect to the factors surrounding the production, procurement and distribution of milk.

The purpose of defining marketing area, along with other definitions, is to establish the scope of the regulation. In other words, these definitions determine what persons and what milk is to be subject to the pricing and pooling provisions of the order. As discussed elsewhere in this decision, the regulation should apply to milk which is substantially and regularly associated with the San Antonio market. To extend the marketing area as proposed would bring under regulation handlers and milk of producers which are not closely associated with San Antonio. It is concluded, therefore, that no change should be made in the definition of marketing area at this time.

There may be some objection on the part of proponents to provisions of the order in that prices now are fixed for all producer milk in their plants, even though their Class I disposition is almost entirely to unregulated markets in competition with handlers not subject to price fixing. Provisions found necessary earlier in this decision provide that prices will not be fixed for proponent handlers if this is the case. They will be exempted from full regulation and their Class I sales in the marketing area will be treated the same as Class I milk from any other unpriced source.

4. *Uniform production incentives.* One of the important problems in a fluid milk market is to achieve a proper balance between the seasonal flow of milk from producers and the requirements for such milk in fluid uses. Production of milk tends to increase during the spring pasture season and decline during the fall and winter months, while sales of fluid milk and fluid milk products tend to be fairly stable throughout the year. If a market is adequately supplied during the short production season, burdensome surpluses may prevail during the flush production season. It is essential, therefore, that producers be encouraged to furnish a reasonably uniform quantity of milk from month to month.

Receipts of milk from San Antonio producers have been somewhat more uniform than in many fluid milk markets. The record shows that if the present pattern of production is to be maintained or improved, a greater incentive is needed for uniform production than is now provided by the order. It is important that a safeguard be provided now rather than to wait until such time that uneven production presents a serious marketing problem.

It was proposed by certain handlers that a base rating plan be adopted to distribute to producers the market proceeds of milk. A detailed method of applying such a plan was not proposed at the hearing. However, testimony with respect to a proposed plan considered at the promulgation hearing was incorporated in the record. As indicated in the decision resulting from that hearing, with the year-round deficits of supply, which still prevail in the San Antonio market, it is evident that under the proposed base plan, the uniform price for base milk and for milk in excess of base would be practically the same. The influence of a base rating plan on the seasonal pattern of production depends upon the effect of lower prices for excess milk in reducing the incentive to make deliveries in months of surplus production and the value of a large base in encouraging production in months of normally short production. Since these influences can operate only when the price received for excess milk is lower than that for base milk this plan would be ineffective in the San Antonio market under present conditions.

In view of this situation, an incentive for more uniform production can be best achieved through seasonal variation in the Class I price. A small degree of seasonality has resulted from the application of the supply-demand adjustment under the present Class I pricing formula. Producers testified at the hearing that it was necessary to increase the amount of the seasonal differences in the Class I price. The record evidence supports a decrease in the Class I price during the months of April, May and June, and a corresponding increase in the Class I price during the months of September, October, and November. These appear to be the months of highest and lowest production, respectively, in relation to Class I sales. It was suggested on the record that adjustments of 40 or 50 cents be made. It is concluded that the use of 50 cents or a total difference of $1.00 between the two periods is the minimum which should be adopted. This difference plus the seasonality of prices injected by the supply-demand arrangement should offer a necessary incentive to promote uniform production in this market.

This seasonality in Class I prices will promote a closer relationship among the Class I prices in the San Antonio market and other competing markets particularly during the season of the year when milk supplies in this region are most plentiful and competition for Class I sales from other areas tends to be greatest.

5. *Miscellaneous changes.* (a) The definitions of producer and handler should be modified so as to include in the pool any milk sold by producer-handlers and milk caused to be diverted by cooperative associations from pool plants to nonpool plants.

The present definition of a producer-handler includes a person who operates an approved plant and sells milk of his own production on routes or plant stores within the marketing area, but who receives no milk from other producers. The production and sales of producer-handlers are not pooled. Any milk which a producer-handler disposes of to another handler is considered other source milk. Under the allocation provisions of the order such milk, which is delivered in bottles or packages and disposed of by the handler under the label of the producer-handler, is assigned to Class I milk and bulk milk is assigned to the lowest priced available utilization in the receiving handlers' plant.

The record shows that there is at present only one such producer-handler in the San Antonio market. He operates an approved plant at his farm located in Bexar County for the bottling of milk for distribution in the marketing area. Approximately two-thirds of his total production is bottled and delivered to other handlers for distribution by them. A plant store is operated at the farm from which sales of bottled milk are also made. The balance of his milk is disposed of in bulk form also to a regulated handler. This producer-handler proposed that the definition of producer be changed so that his milk would be considered as producer milk. He testified that he desired to have his production and sales of both bottled and bulk milk pooled along with all producers in the market. It is concluded that inasmuch as the proponents entire production is regularly disposed of in the marketing area and the major portion of which is supplied to other handlers, the request to permit such pooling is reasonable. This result may best be accomplished by considering this type of an operation as a pool plant under the order. Own-production of a handler is considered as producer milk under the order. Because sales of milk are made directly to consumers, it is necessary that such persons be identified as handlers in order that they will be subject to the necessary record keeping, reporting and auditing requirements of the order. Milk disposed of to other handlers will be subject to the inter-handler transfer provisions of the order. Administrative assessment charges should apply to own-production of handlers. The record shows that there are no other persons operating as producer-handlers in the marketing area, therefore, there is no necessity for retaining the producer-handler definition and all references to a producer-handler should be deleted from the order. In the event a producer-handler, as identified heretofore, should enter the market, he would become a handler under the order.

Situations have arisen in the market where handlers have temporarily refused to accept all of the milk production of their regular producers. Inasmuch as other outlets were not available in the market, individual producers had to dispose of the milk refused, by separating the cream and using the skim milk for feed or else dumping it. Such milk which is not received at a pool plant cannot share in the market-wide pool. One of the functions of a market-wide pool is to spread the financial burden of carrying temporary or seasonal reserve supplies equally among all producers. The producers' association proposed that a cooperative association should be recognized as a pool-handler with respect to milk of its members which is diverted by it to a non-pool plant. Proponents stated that if the association were to be recognized as a pool-handler, with respect to diverted milk, it would be possible for the association to arrange for assembling any excess milk of its members and disposing of it to other outlets. It could thereby perform a useful service to its members and the market. Such milk would then be pooled and return to producers the market-wide uniform price. The monetary returns of the cutback producer would be maintained on a par with other producers. This would assist him in maintaining his dairy enterprise and supply milk to the market when it is later urgently needed for Class I uses. Appropriate changes should be made in the definitions of producer and handler so that a cooperative will be considered as a pool-handler with respect to milk diverted from a pool plant to a nonpool plant for its account. The producers of such milk will thereby be enabled to share in the market-wide pool on their total milk deliveries.

(b) Minor changes shauld be made in the provisions relating to the announcement of Class I and Class II prices.

The market administrator is required to announce Class I prices on or before the 10th of the month based on data which are available on the 28th day of the preceding month. The record shows that by the first few days of the month more current figures for certain items included in the formula are available, but which he is precluded from using under the present order language. The use of figures available through the 5th of the month, therefore, will make possible the use of more current data in establishing the Class I price and the order should be amended accordingly. Over a period of time the use of this later date will not affect the cost of Class I milk or returns to producers. Also, 2 of the 18 condenseries specified in § 949.51 of the Class I pricing provisions of the order should be deleted since such plants are no longer operating. Official notice is hereby taken of the fact that such plants have discontinued operations. Interested parties may take exception to such official notice if they so desire.

The present order provides for rounding of the Class I price to the nearest full cent. No such provision has been made for Class II prices. The market administrator is announcing the Class II price based on the nearest full cent and the order should be clarified accordingly.

(c) It was proposed that methods employed in classifying and accounting for inventories be changed. Presently, plus or minus variations in inventory between the beginning of the month and the end of the month are classified as Class II milk. Because other source milk is received during most delivery periods by some handlers, it has been necessary for the market administrator to maintain separate inventory accounts for producer milk and other source milk for such handlers. This has been necessary in order to determine reclassification charges on producer milk which is assigned as inventory to Class II milk and later disposed of as Class I milk.

Most of the milk which is carried in inventory by handlers in this market will be disposed of as Class I milk. Therefore, the amount of milk which would be subject to reclassification would be reduced to a minimum by classifying inventory as Class I milk. Classification of inventory variations as Class I milk would also simplify the accounting procedure. Any reclassification of milk from inventory allocated to Class II milk would be made through the regular monthly classification procedure.

In accordance with the proposal to clarify the accounting procedure, inventories of bulk milk and cream and other products included in Class I milk which are on hand at the end of each month should be classified as Class I milk. The beginning inventory should be considered as a current month milk receipt and subtracted from Class I milk in the allocation provisions. These changes will eliminate negative inventory variation figures which have caused some confusion. Over a period of time, the proposed changes will have very minor, if any, effect on the cost of milk to handlers or the returns to producers.

The total gross Class I sales will be increased by classifiying ending inventory as Class I milk. Therefor, in calculating the supply-demand utilization percentage pursuant to § 949.51 (f), the ending inventory as defined in § 949.41 (a) (2) should be excluded.

(d) The provisions of the order dealing with inter-handler transfers of milk, skim milk, and cream, should be changed so that producer milk is not displaced in available Class I usage by other source milk. The order now provides that inter-handler transfers cannot be classified as Class II milk if this results in producer milk being allocated to Class II milk and other source milk to Class I milk in the plant of the transferee handler. It is possible, however, under some circumstances, that a transfer of milk as Class I milk will result in producer milk being classified as Class II milk in the transferring handlers' plant at the same time other source milk is allocated to Class I milk in the transferee handlers' plant. This may happen when the transferring plant receives other source milk in excess of its utilization of Class II milk while the transferee handler buys other source milk in a lesser quantity than his net Class II utilization after subtraction of Class II milk from other pool plants. One of the purposes of the order is to allocate producer milk to the highest priced available classification. The transfer provisions should be changed to provide that if either or both pool plants have received other source milk, the skim milk or butterfat so transferred shall be classified so as to allocate the greatest possible Class I utilization to producer milk at both plants.

(e) The order is silent, with respect to the allocation of products other than

milk, skim milk or cream received by a handler from a pool plant. Such transfers may be in the form of Class I products other than milk, skim milk or cream or products included in Class II milk. It is concluded that skim milk and butterfat in such products received from other handlers should be classified in conformance with the regular classification provisions of the order and subtracted from the respective class utilizations as the second step in the allocation procedure.

(f) Under the reporting provisions of the order, handlers are not required to report other source milk receipts of Class II products which are disposed of in the same form as received without further processing and packaging. Experience in this market has shown that the reporting of such receipts facilitates the checking of handlers' monthly reports and the auditing program of the market administrator. Handlers have cooperated in furnishing this information. It is concluded that the order should be changed to require handlers to report total receipts of products disposed of in the form received.

(g) It was proposed that the order be clarified with respect to classification of skim milk and butterfat used to produce products other than dairy products by handlers or by processors to whom handlers may dispose of milk. The record shows that ungraded milk may be used by the processors of soup, candy and most other manufactured food products. It is concluded, therefore, that provision should be made to classify skim milk and butterfat transferred or disposed of in bulk to wholesale manufacturers of such products as Class II milk. Skim milk and butterfat used by handlers for products not classified in Class I milk likewise should be Class II.

(h) A proposal was made to include dumped skim milk in Class II milk. Under the present order dumped skim milk is considered along with shrinkage as milk not specifically accounted for as Class II milk. Plant loss in excess of 2 percent of receipts of producers, is classified as Class I milk. The testimony shows that very few handlers have dumped skim milk and the necessity for dumping such milk has been very infrequent. Skim milk may be disposed of for livestock feed and classified as Class II milk. Other changes recommended herein provide additional outlets for skim milk at a Class II milk classification. The verification by the market administrator of the quantities of any skim milk which may be dumped presents an administrative problem. In view of these facts, it is concluded that the proposal for including dumped skim milk in Class II milk should be denied.

(i) It was proposed that shrinkage of producer milk should be prorated to Class I milk and Class II milk in accordance with the amount of producer milk, other than shrinkage, which is classified in each class. The record testimony is inconclusive with respect to a need for changing the present method of assigning to Class II milk actual shrinkage up to 2 percent of total producer milk receipts.

(j) The adoption of the several amendments decided upon herein require additions and numerous conforming changes throughout the order. For that reason the entire order should be redrafted and reissued.

*General findings.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Order of the Secretary Directing That a Referendum Be Conducted: Determination of a Representative Period: and Designation of an Agent To Conduct Such Referendum*

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order as amended, regulating the handling of milk in the San Antonio, Texas, marketing area) who, during the month of September 1953, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order as amended, to determine whether such producers favor the issuance of the order amending the order, as amended, which is filed herewith.

The month of September 1953 is hereby determined to be the representative period for the conduct of such referendum.

Orville A. Jamison is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 15th day from the date this decision is filed.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

*It is hereby ordered*, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as amended, and as hereby proposed to be further amended by the attached order, which will be published with this decision.

The decision filed at Washington, D. C., this 16th day of December 1953.

[SEAL] JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

*Order,*[1] *as Amended, Regulating the Handling of Milk in the San Antonio, Texas, Marketing Area*


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AUTHORITY: §§ 949.1 to 949.101 issued under Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 949.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to a tentative marketing agreement and to the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the said order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof the handling of milk in the San Antonio, Texas, marketing area shall be in conformity to and in compliance with the terms and conditions of this order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended, as set forth below:

DEFINITIONS

§ 949.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended, by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 949.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 949.3 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 949.4 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association (a) to have its entire activities under the control of its members, (b) to have full authority in the sale of milk of its members, and (c) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act."

§ 949.5 *San Antonio, Texas, marketing area.* "San Antonio, Texas, marketing area" hereinafter called the "marketing area" means all the territory including all municipal corporations and all Federal military reservations, facilities and installations located within the boundaries of Bexar County, Texas.

§ 949.6 *Approved plant.* "Approved plant" means any milk plant (a) which is approved by the appropriate health authority of the marketing area for the processing of Grade A milk and from which Class I milk is delivered (including delivery by a vendor, or sale from a plant or plant store) in the marketing area other than to any milk processing plant, or (b) which is supplying Class I milk to a federal institution or base in the marketing area.

§ 949.7 *Pool plant.* "Pool plant" means an approved plant from which the volume of skim milk and butterfat distributed as Class I milk to retail or wholesale outlets (including sales through plant stores) in the marketing area during the delivery period is 15 percent or more of the receipts of milk at such plant during the month from pool plants and from dairy farmers conforming to the requirements of § 949.10 (a) or (b): *Provided*, That, in any event, a plant which was an approved plant during the month of May 1953 shall, upon written application to the market administrator on or before the 10th day after the effective date of this subpart, be designated as a pool plant during each month of the six month period following the effective date hereof, in which Class I milk is disposed of from such plant to retail or wholesale outlets in the marketing area, and such plant has been a pool plant in each of the preceding month(s) of such period.

§ 949.8 *Non-pool plant.* "Non-pool plant" means any milk receiving, manufacturing, or distributing plant other than a pool plant.

§ 949.9 *Handler.* "Handler" means a person in his capacity as the operator of an approved plant(s), or a cooperative association with respect to producer milk diverted for the account of such association pursuant to § 949.10. Milk so diverted shall be deemed to have been received at a pool plant.

§ 949.10 *Producer.* "Producer" means any person who produces milk received directly from the farm at a pool plant or diverted from a pool plant to a non-pool plant for the account of a cooperative association, which milk is (a) produced under a permit or rating for the production of milk to be disposed of for consumption as Grade A milk issued by the appropriate health authority having jurisdiction in the marketing area, or by another health authority whose certification is accepted by such health authority, or (b) is acceptable to an agency of the Federal Government for fluid consumption in its institutions or bases. This definition shall not include any such person with respect to milk received by a handler partially exempt from this subpart pursuant to § 949.60.

§ 949.11 *Producer milk.* "Producer milk" means any skim milk or butterfat contained in milk received directly at the pool plant from producers, or diverted by a cooperative association in accordance with the provisions of § 949.10.

§ 949.12 *Other source milk.* "Other source milk" means all receipts of skim milk or butterfat other than that contained in (a) producer milk, (b) receipts from pool plants, or (c) Class II products disposed of in the form in which received without further processing or packaging by the handler.

MARKET ADMINISTRATOR

§ 949.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by and shall be subject to removal at the discretion of, the Secretary.

§ 949.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 949.22 *Duties.* The market administrator shall:

(a) Within 30 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 949.87 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 949.86) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts has not:

(1) Made reports pursuant to §§ 949.30 to 949.31 inclusive, or

(2) Made payments pursuant to §§ 949.60, 949.61 and §§ 949.80 to 949.87, inclusive.

(i) On or before the twelfth day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be assigned to each class in the proportion that the total producer milk in each class is of the total receipts of producer milk by such handler.

(j) Notify handlers and make announcement by such other means as he deems appropriate of prices as follows:

(1) On or before the tenth day of each month the Class I price for such month computed pursuant to § 949.51 and the Class I butterfat differential computed pursuant to § 949.54;

(2) On or before the fifth day of each month the Class II price for the preceding month computed pursuant to § 949.53 and the Class II butterfat differential computed pursuant to § 949.54; and

(3) On or before the twelfth day of each month for the preceding month the uniform price computed pursuant to § 949.71, and the butterfat differential to producers computed pursuant to § 949.81.

(k) Prepare and publish such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS, AND FACILITIES

§ 949.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants as follows:

(a) The quantities of skim milk and butterfat contained in producer milk;

(b) The quantities of skim milk and butterfat contained in (or represented by) receipts from pool plants;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) The quantities of skim milk and butterfat contained in receipts of Class II products disposed of in the form in which received without further processing or packaging by the handler;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(f) Such other information with respect to the receipt and utilization of skim milk and butterfat as the market administrator may prescribe.

§ 949.31 *Reports of payments to producers.* On or before the 20th day after the end of each month, each handler who received milk from producers shall submit to the market administrator his producer payroll for the month, which shall show for each producer;

(a) His total deliveries of milk.

(b) The average butterfat content of such milk, and

(c) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

§ 949.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all skim milk and butterfat received from any source;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and other milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and other milk products on hand at the beginning and end of each month.

§ 949.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon determination of the litigation or where the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 949.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month at a pool plant in the form of producer milk, other source milk, or receipts from other pool plants shall be classified by the market administrator pursuant to the provisions of §§ 949.41 to 949.46, inclusive.

§ 949.41 *Classes of utilization.* Subject to the conditions set forth in §§ 949.43 and 949.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk; (2) contained in inventories of products designated as Class I pursuant to subparagraph (1) of this paragraph on hand at the end of the month, and (3) all other skim milk and butterfat not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those designated as Class I in paragraph (a) of this section;

(2) Disposed of for livestock feed;

(3) In shrinkage up to 2 percent of receipts from producers; and

(4) In shrinkage of other source milk.

§ 949.42 *Shrinkage.* The market administrator shall allocate shrinkage to a handler's receipts at pool plants as follows:

(a) Compute the total shrinkage of skim milk and butterfat; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and other source milk.

§ 949.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of (whether in original or other form) as Class I milk.

§ 949.44 *Transfers.* Skim milk or butterfat transferred from a pool plant in the form of milk, skim milk, or cream shall be classified:

(a) As Class I milk, if transferred to the pool plant of another handler, unless utilization as Class II milk is mutually reported in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transfer occurred, and the amount of skim milk or butterfat so assigned to Class II does not exceed the amount of skim milk or butterfat, respectively, remaining in Class II utilization by the transferee handler after the subtraction of other source milk pursuant to § 949.46: *Provided*, That the skim milk and butterfat so transferred shall be classified so as to result in a maximum assignment of producer milk to Class I milk.

(b) As Class I milk, if transferred or diverted to a non-pool plant except as:

(1) The transferring or diverting handler claims utilization as Class II milk;

(2) The operator of the non-pool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and

(3) The Class I utilization of skim milk and butterfat respectively at such plant is less than the total of skim milk and butterfat so transferred plus receipts at such plant of skim milk and butterfat in milk from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such non-pool plant.

(c) As Class II milk if transferred subject to verification by the market administrator to a wholesale food manufacturing establishment which has no Class I disposition of skim milk or butterfat.

§ 949.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 949.46 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations for each handler for each month shall be the pounds of skim milk in such class allocated to producer milk received by such handler during such month.

(1) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in Class I products which were on hand at the beginning of the month;

(2) Subtract from the pounds of skim milk in each class the pounds of skim milk received from pool plants of other handlers in a form other than milk, skim milk, or cream according to its classification pursuant to § 949.41;

(3) Subtract from the pounds of skim milk remaining in Class II milk the plant shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 949.41 (b) (3);

(4) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk received from a non-pool plant in the form of packaged fluid milk which is not in excess of the volume of skim milk transferred in the form of bulk milk to such plant by such handler and classified as Class I milk;

(5) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which were not subject to the Class I pricing provisions of another order issued pursuant to the act, less the skim milk subtracted pursuant to subparagraph 4 of this paragraph: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk in Class I;

(6) Subtract from the pounds of skim milk remaining in Class II the pounds of skim milk in other source milk which were subject to the Class I pricing provisions of another order issued pursuant to the act: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk in Class I;

(7) Subtract the pounds of skim milk in milk, skim milk, or cream received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 949.44 (a);

(8) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (3) of this paragraph and if the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with the lowest price class.

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the same manner prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content in Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 949.50 *Minimum prices.* Subject to the appropriate butterfat differential computed pursuant to § 949.54 each handler shall pay in the manner set forth in §§ 949.70 through 949.85 for milk received at his pool plant from producers at no less than the prices per hundredweight set forth in §§ 949.51 and 949.53.

§ 949.51 *Class I milk.* The Class I price shall be an amount calculated as follows:

(a) Multiply the formula index computed pursuant to § 949.52 by $5.99, and divide by 100.

(b) Adjust the price calculated pursuant to paragraph (a) of this section so that it does not exceed the price calculated pursuant to paragraph (e) of this section by less than $2.00 or more than $3.00.

(c) For the months of April through June subtract and for the months of September through November add 50 cents.

(d) To the foregoing price add 3 cents for each percentage point which the utilization percentage calculated pursuant to paragraph (f) of this section is less than 100 or subtract 3 cents for each percentage point which such utilization percentage is more than 110 provided that in no case shall more than 60 cents be added to or subtracted from the price because of the provisions of this paragraph. The resulting amount rounded to the nearest full cent shall be the Class I price.

(e) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the preceding month at the following plants or places for which prices have been reported to the market administrator or to the United States Department of Agriculture, divided by 3.5 and multiplied by 4.0:

*Present Operator and Location*

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(f) The percentage calculated from receipts and utilization for the first and second preceding months as follows shall be known as the utilization percentage:

(1) From the total gross pounds of Class I milk determined pursuant to § 949.40 for all pool plants subtract the following:

(i) Inventories as defined in § 949.41 (a) (2);

(ii) The pounds of skim milk and butterfat subtracted pursuant to § 949.46 (a) (4) and the corresponding step of (b);

(iii) The pounds of skim milk and butterfat subtracted pursuant to § 949.46 (a) (7) and the corresponding step of (b);

(2) Add the Class I milk disposed of in the marketing area by non-pool plants, except those partially exempted from the provisions of this part pursuant to § 949.60.

(3) Divide the total pounds of producer milk received during such period by

the total net Class I sales determined pursuant to this paragraph and multiply by 100. Round the result to the nearest whole percentage point.

§ 949.52 *Formula index.* Based on the latest data published not later than the 5th day of each month, the market administrator shall calculate a formula index for the current month as follows:

(a) Divide the monthly wholesale price index for all commodities as announced by the Bureau of Labor Statistics, U. S. Department of Labor, by the average of such index for the years 1948 through 1950 and multiply by 100.

(b) Divide by 3.586 the average of the three latest monthly indexes of retail sales of non-durable goods as announced by the Department of Business of the University of Texas, Austin, Texas.

(c) Compute a labor-feed index as follows:

(1) Divide by 0.0485 the daily farm wage rate without board or room for the State of Texas as reported by the U. S. Department of Agriculture and multiply by 0.3;

(2) Divide by 0.03971 the average price paid per hundredweight for all mixed dairy feed in the State of Texas as reported by the U. S. Department of Agriculture and multiply by 0.7;

(3) Add together the amounts determined pursuant to subparagraphs (1) and (2) of this paragraph.

(d) Add the amounts determined pursuant to paragraphs (a), (b), and (c) of this section, divide by 3 and round to the nearest one-tenth.

§ 949.53 *Class II milk.* The prices for Class II milk shall be determined according to the following computations:

(a) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. Department of Agriculture during the month, subtract 3 cents, add 20 percent thereof and multiply by 4.0;

(b) From the average of the carlot prices per pound of nonfat dry milk solids for human consumption, spray process, f. o. b. manufacturing plants in the Chicago area as reported by the U. S. Department of Agriculture for the period from the 26th day of the preceding month through the 25th day of the current month, subtract 5 cents, multiply by 8.16; and

(c) Add together the amounts computed pursuant to paragraphs (a) and (b) of this section and round to the nearest full cent.

§ 949.54 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 949.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to §§ 949.51 and 949.53 for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the United States Department of Agriculture during the appropriate month by the applicable factor listed below:

(a) *Class I milk.* Multiply such price for the preceding month by 0.125;

(b) *Class II milk.* Multiply such price for the current month by 0.120.

§ 949.55 *Use of equivalent factors in formulas.* If for any reason a price, index, or wage rate, specified in this part for use in computing class prices and for other purposes is not reported or published in the manner described in this part, the market administrator shall use a price, index, or wage rate, determined by the Secretary to be equivalent to or comparable with the factor specified.

APPLICATION OF PROVISIONS

§ 949.60 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by a milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall, with respect to the total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) The handler shall pay on or before the 13th day after the end of the month to the market administrator for deposit into the producer-settlement fund an amount determined as follows:

(1) Compute the total skim milk and butterfat disposed of by such handler during the month as Class I milk on retail or wholesale routes (including sales through vendors) in the marketing area;

(2) From such handler's total Class I sales, pursuant to the order regulating the pricing of milk at such handler's plant, subtract the total quantity of skim milk and butterfat received from producers pursuant to such order and allocated to Class I milk;

(3) Multiply the hundredweight computed pursuant to subparagraph (1) or (2) of this paragraph, whichever is less, by the rate determined pursuant to § 949.65.

§ 949.61 *Handlers operating non-pool plants.* None of the provisions from §§ 949.44 through 949.55, inclusive, or from §§ 949.70 through 949.84, inclusive, shall apply in the case of a handler in his capacity as the operator of a non-pool plant, except that such handler shall, on or before the 13th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund pursuant to § 949.82 an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month, by the rate determined pursuant to § 949.65.

UNPRICED MILK

§ 949.65 *Rate of payment on unpriced milk.* The rate of payment per hundredweight to be made by handlers on unpriced Class I milk shall be any plus amount calculated as follows:

(a) During the months of February through July:

(1) Subtract the Class II price, adjusted by the Class II butterfat differential, from the Class I price, adjusted by the Class I butterfat differential;

(2) From such difference subtract 10 cents and an amount calculated by multiplying 0.16 cent by the miles (shortest highway distance) from the edge of the marketing area to the plant at which the unpriced milk originates.

(b) During the months of January and August, subtract from the Class I price, adjusted by the Class I butterfat differential, the uniform price to producers, adjusted by the Class I differential.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

§ 949.70 *Computation of value of milk for each handler.* For each month the market administrator shall compute the value of milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 949.46 by the applicable Class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 949.46 (a) (8) and (b) by the applicable class price, and

(c) For the months of January through August add an amount computed by multiplying the hundredweight of other source skim milk and butterfat subtracted from Class I milk pursuant to § 949.46 (a) (5) and (b) by the rate computed pursuant to § 949.65, applicable at the nearest plants from which an equivalent amount of such other source milk was received.

§ 949.71 *Computation of uniform price for pool milk.* For each month the market administrator shall compute the uniform price for all milk received from producers as follows:

(a) Combine into one total the amounts computed pursuant to § 949.70 (a) and (b) for all handlers who made the reports prescribed in § 949.30 and who are not in default of payments required pursuant to §§ 949.80 and 949.83;

(b) Add an amount representing not less than one-half of the unobligated cash balance in the producer-settlement fund account pursuant to § 949.82 (a);

(c) Add during each of the months of September through December an amount equivalent to one-fourth of the total in payments to the producer-settlement fund for the immediately preceding months of January through August pursuant to § 949.82 (b);

(d) Subtract if the average butterfat content of the producer milk of handlers included in the computations pursuant to paragraph (a) of this section is



greater than 4.0 percent, or add if such average is less than 4 percent, an amount computed by multiplying the amount by which such average butterfat content varies from 4.0 percent by the butterfat differential computed pursuant to § 949.81 and multiply the resulting amount by the hundredweight of such milk;

(e) Divide by the total hundredweight of producer milk of handlers included in the computation pursuant to paragraph (a) of this section;

(f) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price per hundredweight for all milk of 4.0 percent butterfat content received from producers.

PAYMENT FOR MILK

§ 949.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the last day of each month to each producer for milk received during the first 15 days of such month at not less than the price per hundredweight for Class II milk for the preceding month.

(b) On or before the 15th day after the end of the month during which the milk was received, to each producer at not less than the uniform price per hundredweight computed for such month pursuant to § 949.71 subject to the following adjustments: (1) The butterfat differential pursuant to § 949.81, (2) the payment made pursuant to paragraph (a) of this section, (3) marketing service deductions pursuant to § 949.86, and (4) proper deductions authorized by the producers: *Provided,* That if by such date such handler has not received full payment pursuant to § 949.84, he may reduce his total payment to all producers pro rata by not more than the amount of reduction in payments from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance due from the market administrator.

(c) In making the payments to producers pursuant to paragraph (b) of this section each handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(1) The month for which payment is made and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk received from such producer;

(3) The minimum rate or rates at which payment to such producer is required;

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and

(6) The net amount of payment to such producer.

§ 949.81 *Producer butterfat differential.* In making payments pursuant to § 949.80 there shall be added to the uniform price for each one-tenth of one percent that the average butterfat content of such milk is above 4.0 percent not less than, or there may be deducted from the uniform price for each one-tenth of one percent that the average butterfat content of such milk is below 4.0 percent not more than, an amount computed as follows: Multiply by 1.1 the simple average computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month, divide the result by 10 and round to the nearest one-tenth of a cent.

§ 949.82 *Producer-settlement fund.* The market administrator shall establish a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers, pursuant to §§ 949.60, 949.61, 949.83, and 949.85 and out of which he shall make all payments, pursuant to §§ 949.84 and 949.85. This fund shall be maintained by the market administrator in two separate accounts as follows:

(a) Payments made by handlers pursuant to §§ 949.83 and 949.85 less the amounts determined pursuant to § 949.70 (c).

(b) The payments required pursuant to §§ 949.60, 949.61, and the amounts determined pursuant to § 949.70 (c).

§ 949.83 *Payments to the producer-settlement funds.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount of money if any, by which the value of the milk received by such handler from producers as determined pursuant to § 949.70 is greater than the value of such milk calculated at the uniform price adjusted by the producer butterfat differential.

§ 949.84 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 949.70 is less than the value of such milk calculated at the uniform price adjusted by the producer butterfat differential. During each of the months of September through December one-fourth of the amount established pursuant to § 949.82 (b) for the immediately preceding months of January through August shall be applied by the market administrators to such payments.

§ 949.85 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's books, reports, records, or accounts discloses errors resulting in money due:

(a) The market administrator from such handler;

(b) Such handler from the market administrator; or

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred.

§ 949.86 *Marketing services*—(a) *Marketing service deduction.* Except as set forth in paragraph (b) of this section each handler, in making payments to producers (other than himself) shall make a deduction of six cents per hundredweight of milk or such lesser deduction as the Secretary from time to time may prescribe. Such deductions shall be paid by the handler to the market administrator on or before the 15th day after the end of the month. Such moneys shall be expended by the market administrator for verification of weights and tests of milk received from such producers and in providing market information to such producers.

(b) *Marketing service deduction with respect to producers who are members of or are marketing through a cooperative association.* In the case of each producer who is a member of, or who has given written authorization for the rendering of marketing services and the taking of a deduction therefor to a cooperative association, which the Secretary as determined is performing the services described in paragraph (a) of this section, such handler, in lieu of the deduction specified under paragraph (a) of this section, shall deduct from the payments to such producer the amount per hundredweight specified by such association which is not in excess of the rate authorized by such producer and shall pay such deduction to the cooperative association entitled to receive it on or before the 15th day after the end of the month during which such milk was received.

§ 949.87 *Payment of administration expense.* As his pro rata share of the expense of administration of this part each handler shall pay to the market administrator on or before the 15th day after the end of the month for such month 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to skim milk and butterfat (a) received from producers, (b) received at a pool plant as other source milk and allocated to Class I milk, or (c) distributed as Class I milk in the marketing area from a non-pool plant.

§ 949.88 *Termination of obligation.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and pay-

able. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The delivery period during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the agreement (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 949.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 949.91.

§ 949.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 949.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 949.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 949.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 949.101 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the applications of such provisions and the remaining provisions of this part to other persons or circumstances, shall not be affected thereby.

[F. R. Doc. 53-10577; Filed, Dec. 18, 1953; 8:55 a. m.]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Parts 40, 41, 42, 60 ]

AMENDMENT OF CIVIL AIR REGULATIONS TO PERMIT USE OF NAUTICAL UNITS IN CONTROL OF AIR TRAFFIC AND TO REQUIRE THEIR USE IN AIR CARRIER OPERATIONS

EXTENSION OF TIME FOR FILING COMMENTS

On November 27, 1953, the Board circulated Draft Release No. 53-30 and published as a notice of proposed rule making in the FEDERAL REGISTER on December 2, 1953 (18 F. R. 7659) proposed amendments to the Civil Air Regulations to permit the use of nautical units in the control of air traffic and to require their use in air carrier operations. Reference is made to the notice published December 2, 1953, and Draft Release No. 53-30 for a full explanation of the purpose and background of the proposed rules.

In the notice published December 2, 1953, the Board indicated that it would give consideration to all comment submitted before January 4, 1954, before taking final action on the proposed rule. Meanwhile, interested persons have requested additional time for the submission of comment in order to permit further analysis of the effect of the proposed rule.

In view of the foregoing, the time for submission of comment on the proposed rule is being extended and written comment submitted prior to February 1, 1954, will be considered by the Board before taking final action on the proposed rule. Comments should be submitted in duplicate addressed to the Civil Aeronautics Board, attention of the Bureau of Safety Regulation, Washington 25, D. C. and will be available after February 3, 1954, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated: December 16, 1953, at Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-10572; Filed, Dec. 18, 1953; 8:53 a. m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 135 ]

[Docket No. FDC-60]

COLOR CERTIFICATION

NOTICE OF HEARING TO AMEND REGULATIONS

In the matter of amending §§ 135.3 and 135.11 of the color certification regulations:

Upon the initiative of the Secretary of Health, Education, and Welfare and in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 406 (b), 504, 604, 701, 52 Stat. 1049, 1052, 1055; 21 U. S. C. 346 (b), 354, 364, 371; 67 Stat. 18), notice is hereby given that a public hearing will be held commencing at 10 o'clock in the morning of January 19, 1954, in Room G-747A, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington, D. C., for the purpose of receiving evidence upon the basis of which to amend the regulations for the certification of coal-tar colors (21 CFR Part 135, as amended 21 CFR, 1952 Supp.) in the following respects:

1. It is proposed to amend § 135.3 *List of straight colors and specifications for their certification for use in foods, drugs, and cosmetics* by deleting the names of the following straight colors and the respective specifications therefor:

FD&C Red No. 32.
FD&C Orange No. 1.
FD&C Orange No. 2.

2. It is proposed to amend § 135.11 (d) (2) to read as follows:

§ 135.11 *Labeling.* • • •

(d) No batch of a mixture shall be certified under this part if:

• • • • • •



(2) The name of such mixture is the same as or simulates the name of a previously certified batch of a mixture containing a different substance, or a different percentage of a pure dye; but this provision shall not apply if:

(i) The person who requests certification of such batch is the owner of such name and has given 3 months' written notice to the Food and Drug Administration specifying the change to be made in the composition of such mixture; or

(ii) Such change results from removal of a color from the listings in §§ 135.3, 135.4, or § 135.5.

At the hearing, evidence will be restricted to testimony and exhibits relevant and material to these proposals. The hearing will be conducted in accordance with the rules of practice provided therefor. Mr. Leonard D. Hardy is hereby designated as presiding officer to conduct the hearing in the place of the Secretary, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the entire record of the proceedings to the Secretary for initial decision. The proposed amendment for consideration at the hearing is subject to adoption, rejection, or modification by the Secretary as the evidence adduced at the hearing may require.

Dated: December 15, 1953.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 53-10563; Filed, Dec. 18, 1953; 8:51 a. m.]

## HOUSING AND HOME FINANCE AGENCY

### Home Loan Bank Board

### [ 24 CFR Part 145 ]

[No. 26672]

FEDERAL SAVINGS AND LOAN SYSTEM OPERATIONS

APPROVAL OF BRANCH OFFICES AND AGENCIES

DECEMBER 15, 1953.

Resolved that, pursuant to § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1) and Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108), it is hereby proposed to amend §§ 145.14 and 145.15 of the rules and regulations for the Federal Savings and Loan System (24 CFR 145.14, 145.15) as follows:

1. Section 145.14 to read as follows:

§ 145.14 *Branch offices*—(a) *Establishment.* No Federal association may establish or maintain a branch office without the prior written approval of the Board. Each application by a Federal association for permission to establish or maintain a branch office shall state the need for such branch office; the functions to be performed; the personnel and office facilities to be provided and the estimated annual volume of business, income, and expenses of such branch office. No application for the establishment by a Federal association of a branch office will be approved unless in the judgment of the Board a necessity exists for such branch in the community to be served, nor unless there is a reasonable probability of its usefulness and success, nor unless the same can be established without undue injury to properly conducted existing local thrift and home-financing institutions. No application to establish a branch office will be approved by the Board where the location of such branch office, or the number of branches which the applicant would have if such application were approved, would not be permitted by law or practice in the State, district, or Territory in which the home office of the applicant is located with respect to branches or branch offices of any one or more types of financial institutions located in such State, district, or Territory, authorized to provide savings, thrift, or home-financing facilities to the public: *Provided*, That the Board may approve, for a Federal association, as branch offices, any or all existing offices of two or more associations involved in any merger into such Federal association where any one or more types of financial institutions located in the State, district, or Territory, authorized to provide savings, thrift, or home-financing facilities to the public, could be permitted to do the same: *And provided further*, That, for the purpose of determining practice in any State, district, or Territory within the meaning of this section the operation of chain, group or affiliated financial institutions shall be regarded as the operation of branch offices, and the term branch office, for the purposes of this section, shall include any office of a financial institution at which savings may be received. The approval of the establishment or maintenance of a branch office shall not in any manner enlarge the lending powers of any Federal association as provided by law and the rules and regulations in this part.

(b) *Operation.* Any business of a Federal association, except the approval of loans, may be transacted at a branch office, as authorized by its board of directors. A detailed record of all transactions of any branch office of a Federal association shall be maintained at such office and such control records as may be necessary for the proper conduct of such association's business shall be furnished by such branch office to its home office.

2. The proviso at the end of the first sentence of § 145.15 to read as follows: "*Provided*, That no loans may be approved and no savings account business may be transacted at any agency of a Federal association which is authorized to be established or maintained after."

3. The following provisions to be substituted for the third sentence of § 145.15: "A Federal association may, without approval by the Board, establish or maintain any agency, the functions of which are limited to the servicing of loans and contracts, or to the management or sale of real estate owned, or to any combination of such functions, if such agency is located within its regular lending area, as defined in § 145.6-6, or located elsewhere, provided (a) the association has received express authority from the Federal Savings and Loan Insurance Corporation to originate loans in such locality on the security of improved real estate other than insured or guaranteed loans or (b) the agency is an institution which is insured by the Federal Savings and Loan Insurance Corporation or by the Federal Deposit Insurance Corporation. A Federal association may, without prior approval by the Board, establish or maintain temporary or incidental agencies for individual transactions or for special temporary purposes."

Resolved further, that a hearing will be held on February 1, 1954, at 10 o'clock in the forenoon in Room 827, Federal Home Loan Bank Board Building, 101 Indiana Avenue, NW., Washington, D. C., before the Home Loan Bank Board, a member thereof, or a Hearing Officer designated by the Board, for the purpose of receiving evidence, oral views and arguments on said proposed amendments of the rules and regulations for the Federal Savings and Loan System, if written notice of intention to appear at said hearing is received by the Secretary to the Home Loan Bank Board at least five days before said date. If no such written notice of intention to appear has been received by the Secretary to the Board at least five days before the date set for the hearing, the hearing will be dispensed with. Whether or not a hearing is held, written data, views or arguments on said proposed amendments which are received by the Secretary to the Home Loan Bank Board on or before January 27, 1954, or prior to the conclusion of the hearing, if held, will be considered by the Home Loan Bank Board in connection with its consideration of the proposed amendments of the said rules and regulations.

(Sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464 and Supp.)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 53-10565; Filed, Dec. 18, 1953; 8:52 a. m.]

### [ 24 CFR Parts 161, 163 ]

[No. 6656]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION OPERATIONS

DEFINITION OF TERM "PRINCIPAL OFFICE"; ADVERTISING BY BRANCH OFFICES

DECEMBER 15, 1953.

Resolved that, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for Insurance of Accounts (24 CFR 167.1), it is hereby proposed that the rules and regulations for Insurance of Accounts (24 CFR, Chapter I, Subchapter D) be amended in the following particulars:

a. A new § 161.7 (24 CFR 161.7) immediately following § 161.6 be added, reading as follows:

§ 161.7 *Principal office.* The term "principal office" means the home office

of an institution established as such in conformity with the laws under which the insured institution is organized.

b. Section 163.27 (24 CFR 163.27) be amended to read as follows:

§ 163.27 *Advertising must be accurate.* No insured institution shall use advertising (whether printed, radio, display, or of any other nature) or make any representation which is inaccurate in any particular or which in any way misrepresents its services, contracts, investments, or financial condition. When an insured institution is operating a branch office or offices outside of the municipality in which its principal office is located, all advertising of, or by, any such branch office, shall state clearly the location of the principal office of such insured institution.

Resolved further, that a hearing will be held on February 1, 1954 at 10 o'clock in the forenoon in Room 827, Federal Home Loan Bank Board Building, 101 Indiana Avenue, NW., Washington, D. C., before the Home Loan Bank Board, a member thereof, or a Hearing Officer designated by the Board, for the purpose of receiving evidence, oral views and arguments on said proposed amendments of the rules and regulations for Insurance of Accounts, if written notice of intention to appear at said hearing is received by the Secretary to the Home Loan Bank Board at least five days before said date. If no such written notice of intention to appear has been received by the Secretary to the Board at least five days before the date set for the hearing, the hearing will be dispensed with. Whether or not a hearing is held, written data, views or arguments on said proposed amendments which are received by the Secretary to the Home Loan Bank Board on or before January 27, 1954, or prior to the conclusion of the hearing, if held, will be considered by the Home Loan Bank Board in connection with its consideration of the proposed amendments of the said rules and regulations.

(Sec. 402, 48 Stat. 1256; 12 U. S. C. 1725)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 53-10566; Filed, Dec. 17, 1953; 8:52 a. m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

UPLAND COTTON AND EXTRA LONG STAPLE COTTON

NOTICE OF REDELEGATION OF FINAL AUTHORITY OF STATE PRODUCTION AND MARKETING ADMINISTRATION COMMITTEES

Section 722.529 (b) of the "Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1954 Crop of Upland Cotton to States, Counties, and Farms" (18 F. R. 7527) and § 722.1127 (b) of the "Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1954 Crop of Extra Long Staple Cotton to States, Counties, and Farms" (18 F. R. 7883), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1376), provide that any authority delegated to a State Production and Marketing Administration Committee by such regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)) which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by State Production and Marketing Administration Committees of authority vested in such committees by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the persons to whom the authority has been redelegated:

ALABAMA

Section 722.517 (b)—B. L. Collins, State Administrative Officer.

Section 722.529 (a)—B. L. Collins, State Administrative Officer; and the following ASC Farmer Fieldmen: Gerald Fowler, H. H. Edmondson, Curtis A. Hicks and M. H. Lane.

ARKANSAS

Section 722.517 (b)—N. A. McGhee, Acting State Administrative Officer; M. E. Finn, Assistant Chief, Administrative Division; and Rex A. Owens, Program Specialist (Production Adjustment).

Section 722.529 (a)—N. A. McGhee, Acting State Administrative Officer; M. E. Finn, Assistant Chief, Administrative Division; Rex A. Owens, Program Specialist (Production Adjustment); the following ASC Farmer Fieldmen: Hoyte N. Rowland, Coy E. Scifres, Burle E. McMahen, and Maurice J. Mills; and the following County ASC Auditors: Walter W. Sumner, Robert E. Golden, Joe A. Parr and Erle W. Collier.

CALIFORNIA

Sections 722.529 (a) and 722.1127 (a)—J. T. Moody, Program Specialist; and Wesley Schlotzhauer, Program Specialist.

FLORIDA

Sections 722.529 (a) and 722.1127 (a)—R. S. Dennis, State Administrative Officer; O. P. McArthur, Program Specialist; and to the following ASC Farmer Fieldmen: F. M. Vickery, Jr., A. E. Raines, A. E. Dunscombe, Guy Cox and R. O. Bell.

GEORGIA

Sections 722.529 (a) and 722.1127 (a)—T. R. Breedlove, Chairman, State Committee; W. H. Booth, Member, State Committee; C. F. Fleming, Administrative Assistant to State Committee; R. H. Patat, Chief, Audit and Statistical Division; and the following ASC Farmer Fieldmen: E. R. Leake, P. M. Hardman, J. B. Bilderback, P. M. Mix, W. B. Suddeth, Robert E. Bolton, G. W. Rountree, and William M. Phillips.

ILLINOIS

Sections 722.516, 722.517 and 722.529 (a)—Winstead R. Davie, ASC Farmer Fieldman; and Arnold A. Allan, Program Specialist.

KENTUCKY

Sections 722.516 and 722.517—Clarence L. Miller, Chairman, State Committee; James R. Rash, Jr., Member, State Committee; Walker R. Reynolds, Member, State Committee; W. L. Rouse, State Administrative Officer; Roger Karrick, Program Specialist; and Homer Yonts, Program Specialist.

Section 722.529 (a)—Clarence L. Miller, Chairman, State Committee; James R. Rash, Jr., Member, State Committee; Walker R. Reynolds, Member, State Committee; W. L. Rouse, State Administrative Officer; Roger Karrick, Program Specialist; Homer Yonts, Program Specialist; Kenneth Grogan, ASC Farmer Fieldman and Carlos Thompson, ASC Farmer Fieldman.

LOUISIANA

Section 722.529 (a)—C. E. Slack, State Administrative Officer; J. R. Bath, Program Specialist; R. W. May, Administrative Assistant; Leyton Hawthorne, Administrative Assistant; R. C. Smith, County ASC Auditor; and the following ASC Farmer Fieldmen: H. F. Spencer, Don L. Rockett, L. L. Sanders and C. J. Clayton.

MISSISSIPPI

Sections 722.517 (d) (3) (ii) and 722.518—State Administrative Officer.

Section 722.528—State Administrative Officer; Chief, Program Division; and Administrative Assistant for Marketing Quotas.

Section 722.529 (a)—State Administrative Officer; Chief, Program Division; Administrative Assistant for Marketing Quotas; all ASC Farmer Fieldmen; and all County ASC Auditors.

MISSOURI

Sections 722.516, 722.517 and 722.529 (a)—Harry E. Campbell, Member, State Committee; Claude Bowles, Program Specialist; and Elmer Kinkade, ASC Farmer Fieldman.

NEW MEXICO

Sections 722.517 (b) and 722.1117 (b)—Donald W. Vance, Administrative Assistant; and W. C. Hutchins, Jr., Administrative Assistant.

Sections 722.529 (a) and 722.1127 (a)—Donald W. Vance, Administrative Assistant; W. C. Hutchins, Jr., Administrative Assistant; and the following ASC Farmer Fieldmen: Samuel G. Cotton, Clarence E. Habiger, and Rolland D. Lloyd.

NEVADA

Sections 722.517 (b) and 722.529 (a)—Ervin H. Christensen, Administrative Assistant.

NORTH CAROLINA

Section 722.516 (c) (3)—H. D. Godfrey, State Administrative Officer.

Section 722.529 (a)—A. P. Hassell, Jr., Chief, Administrative Division; all of the ASC Farmer Fieldmen.

OKLAHOMA

Section 722.529 (a)—H. P. Moffitt, State Administrative Officer; Fred E. Percy, Chief of Programs Division; Samuel A. Shelby, Program Specialist; and the following ASC Farmer Fieldmen: Russell D. Cocanougher, Orth L. Costley, Lee I. Garrett, Roger P. Bush, Jr., S. L. Clifton and Byron Daniel.

PUERTO RICO

Sections 722.1116 and 722.1117—G. Laguarda, Director Caribbean Area ASC Office.

TENNESSEE

Section 722.517 (b)—Joe D. Ramsey, Program Specialist; John E. Hudson, Assistant Program Specialist.

Section 722.529 (a)—Joe D. Ramsey, Program Specialist; John E. Hudson, Assistant Program Specialist; the following ASC Farmer Fieldmen: James G. Barrett, Clarence W. Baumgardner, Foster E. Bradshaw, John R. Collier, Levie W. Dickerson, Alvis A. Johnson and Ray E. Wilkinson.

TEXAS

Sections 722.517 (b) and 722.1117 (b)—A Committee consisting of Ralph T. Price, State Administrative Officer; Edwin F. Rollins, Program Specialist; and Henry H. Marshall, Administrative Officer.

Sections 722.529 (a) and 722.1127 (a)—Henry H. Marshall, Administrative Officer; Charles H. Galloway, Administrative Assistant; Paul H. Johnson, Program Specialist; Edwin F. Rollins, Program Specialist; and the following ASC Farmer Fieldmen: Wartham H. Seale, Dale Carter, Ward M. Taylor, Thomas E. Rattan, Allan J. McMillan, John W. Gamble, R. C. Flatt, Irvin H. Lloyd, W. I. Chenault, Ralph Griffin, V. M. Dziewas and Robert F. Spreen.

VIRGINIA

Section 722.528—W. T. Powers, State Administrative Officer; J. S. Shackleton, Jr., Program Specialist; J. Parker Lambeth, Jr., Marketing Quota Specialist.

Section 722.529 (a)—W. T. Powers, State Administrative Officer; J. S. Shackleton, Jr., Program Specialist; J. Parker Lambeth, Jr., Marketing Quota Specialist; and the following ASC Farmer Fieldmen: L. E. Beale, Jr., L. L. Snead, Thomas W. Ragsdale.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 342–347, 361–368, 373–374, 52 Stat. 38, 56–59, 62–65; 7 U. S. C. 1301, 1342–1347, 1361–1368, 1373–1374)

Issued at Washington, D. C., this 15th day of December 1953.

[SEAL] HOWARD H. GORDON, *Administrator.*

[F. R. Doc. 53-10576; Filed, Dec. 18, 1953; 8:54 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-1277, G-2015, G-2114]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

NOTICE OF ORDER MODIFYING AND AFFIRMING AS MODIFIED PRESIDING EXAMINER'S DECISION

DECEMBER 15, 1953.

In the matters of Transcontinental Gas Pipe Line Corporation, Docket No. G-1277; Mid-Georgia Natural Gas Co., Docket No. G-2015; City of Covington, Georgia, Docket No. G-2114.

Notice is hereby given that on December 11, 1953, the Federal Power Commission issued its order adopted December 10, 1953, modifying and affirming as modified the Presiding Examiner's Decision issued October 26, 1953, in the above-entitled matters.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-10559; Filed, Dec. 18, 1953; 8:50 a. m.]

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[Docket No. G-1888]

NEVADA NATURAL GAS PIPE LINE CO.

NOTICE OF EXTENSION OF TIME

DECEMBER 14, 1953.

Upon consideration of the request of the Nevada Natural Gas Pipe Line Co., filed November 30, 1953, for an extension of time for completing the construction and operation of the facilities authorized by the Commission's order issued June 23, 1952, in the above-designated matter;

Notice is hereby given that an extension of time is granted to and including April 30, 1954, in which Nevada Natural Gas Pipe Line Company shall complete the construction of the facilities authorized by said order. Paragraph (K) of said order is amended accordingly.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-10560; Filed, Dec. 18, 1953; 8:51 a. m.]

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[Docket No. G-1995]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF ORDER REVERSING OPINION AND ORDER AND ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 15, 1953.

Notice is hereby given that on December 14, 1953, the Federal Power Commission issued its order adopted December 9, 1953, reversing Opinion No. 250 and order issued on May 11, 1953 (18 F. R. 2869), and issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-10561; Filed, Dec. 18, 1953; 8:51 a. m.]

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[Docket No. G-2083]

NATURAL GAS PIPELINE COMPANY OF AMERICA

NOTICE OF ORDER TERMINATING PROCEEDING

DECEMBER 15, 1953.

Notice is hereby given that on December 14, 1953, the Federal Power Commission issued its order adopted December 9, 1953, terminating proceeding in the above-entitled matter.

LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-10562; Filed, Dec. 18, 1953; 8:51 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Doc. 16, Region II]

CALIFORNIA

RESTORATION ORDER UNDER FEDERAL POWER ACT

DECEMBER 14, 1953.

Pursuant to the following listed determinations of the Federal Power Commission and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under the public land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and as to DA-666, DA-732 and DA-791 subject to the stipulation that, if and when the lands are required wholly or in part for purposes of power development, any structures, machinery or improvements placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with the power development without expense to the United States or its permittees or licensees, including with respect to DA-732 such relocation and reconstruction of California State Highway No. 65 as may be made necessary by reason of such power development; as to DA-765 subject to the stipulation that:

(a) The right of the United States, its permittees or licensees to use the land for power purposes shall be specifically reserved;

(b) That no use shall be made by others which will in any way interfere or be inconsistent with the use of the land by the United States, its permittees or licensees for power purposes;

(c) That any structures, machinery or improvements placed thereon shall be found to interfere with power development shall be removed or relocated as may be necessary to eliminate interference with such development without expense to the United States, its permittees or licensees;

(d) And that the United States, its permittes or licensees shall not be held liable for any damage to structures, machinery or improvements placed thereon resulting from the construction, operation or maintenance of hydroelectric facilities authorized by the United States;

And as to DA-789 subject to the stipulation that:

(a) If and when the lands are required, wholly or in part, for any purpose or purposes incident to power development, including the location of roads, power lines and conduits under or across said land, that all structures, machinery

or improvements placed thereon, which shall be found to interfere with such development, shall be removed or relocated so as to eliminate interference with power development, without cost or expense to the United States or its permittees or licensees; and

(b) That the United States or its permittees or licensees shall not be subject to any suit or claim for damages to any mining operations, structures, machinery or improvements placed thereon resulting from the construction, operation or maintenance of any power development authorized by the United States;

And as to DA–803 subject to the stipulation that the United States or its licensees or permittees shall not be liable for any damages resulting from the operation and maintenance of the canal or conduit on the lands described in the determination.

| Determination No. | Dates and types of withdrawal | Type of restoration | Description of lands |
|---|---|---|---|
| DA–661—California | Reservoir-site reserve No. 17 of June 8, 1926; powersite classification No. 266 of Mar. 8, 1932; powersite reserve No. 710 of Apr. 22, 1929. | Under applicable public land laws. | California: T. 1 S., R. 15 E., M. D. M., sec. 27, that part of the NE¼SW¼ lying northeast of a diagonal line drawn from the northwest corner to the southeast corner. |
| DA–666—California | In secs. 1, 2 and 12 powersite reserve No. 655 of Sept. 25, 1917; in sec. 11 power-site classification No. 45 of July 7, 1922. | For mining purposes only. | California: T. 27 S., R. 32 E., M. D. M., sec. 1, SW¼SW¼; sec. 2, S½SE¼; sec. 11, N½NE¼, NE¼NW¼; sec. 12, NW¼NW¼. Sec. 11 in Sequoia National Forest. |
| DA–732—California | Power-site reserve No. 416 of Jan. 24, 1914; in sec. 15 NE¼SE¼ first form reclamation withdrawal of Jan. 15, 1942. | Under applicable public land laws. | California: T. 8 N., R. 10 E., M. D. M., sec. 15, N½SE¼; sec. 22, S½NW¼ (sec. 15 NE¼SE¼ in reclamation withdrawal). |
| DA–743—California | Power-site reserve No. 201 of Aug. 30, 1911; first form reclamation withdrawal of Feb. 19, 1932. | None | California: T. 14 N., R. 9 E., M. D. M., sec. 1, lot 4 (in reclamation withdrawal). |
| DA–765—California | Power-site reserve No. 87 of July 2, 1910; project No. 137 of June 26, 1925, as amended; project No. 525 of Aug. 6, 1924, project No. 707 of Mar. 26, 1927. | Under applicable public land laws. | California: T. 7 N., R. 13 E., M. D. M., sec. 33, NW¼. |
| DA–769—California | Power-site reserve No. 87 of July 2, 1910. | do | California: T. 6 N., R. 13 E., M. D. M., sec. 17, NE¼NE¼SE¼. |
| DA–770 and DA–770—California. | do | do | California: T. 6 N., R. 13 E., M. D. M., sec. 9, NW¼SW¼. |
| DA–771—California | Power-site reserve No. 261 of May 2, 1912. | do | California: T. 6 N., R. 13 E., M. D. M., sec. 2, lot 16. |
| DA–789—California | Power-site classification No. 183 of July 9, 1927, project No. 187 of Mar. 14, 1924. | For mining purposes only. | California: T. 19 N., R. 8 E., M. D. M., sec. 8, S½NE¼, E½SE¼, S½SW¼NE¼; sec. 9, S½NW¼NW¼, SW¼NW¼. |
| DA–791—California | Power-site reserve No. 115 of Sept. 21, 1925. | do | California: T. 6 N., R. 6 E., H. M., sec. 23, S½NE¼, SE¼, NE¼; sec. 24, N½SE¼, SE¼NE¼. In Six Rivers National Forest. |
| DA–803—California | Power-site reserve No. 655 of Sept. 25, 1917; project No. 382 of Apr. 10, 1922. | Under applicable public land laws. | California: T. 27 S., R. 33 E., M. D. M., sec. 6, SE¼NE¼, NE¼SE¼, S½SE¼. |

The character of the above described lands, other than that within national forests, is rough and mountainous nonagricultural land which is primarily suitable for grazing or hunting purposes, except as to DA–661 which contains some evidence of being mineral in character, and as to DA–803 which may be suitable for airport purposes. It is unlikely that any of the above described lands will be classified as suitable for homestead, desert-land or small tract use.

The lands described shall be subject to application by the State of California for a period of ninety days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways, as provided by section 24 of the Federal Power Act as amended.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m. P. s. t. on the 91st day after the date of publication. At that time the said lands shall become subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

L. T. HOFFMAN,
*Regional Administrator.*

[F. R. Doc. 53–10542; Filed, Dec. 18, 1953; 8:45 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3125]

UNION ELECTRIC COMPANY OF MISSOURI

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

DECEMBER 15, 1953.

Union Electric Company of Missouri ("Union"), a registered holding company and also a subsidiary company of The North American Company, likewise a registered holding company, having filed an application-declaration pursuant to sections 6, 7 and 10 of the Public Utility Holding Company Act of 1935, and Rule U-50 and Rule U-62 promulgated thereunder, regarding certain proposed transactions, which are summarized as follows:

Union proposes to acquire the common stock of Missouri Edison Company ("Missouri Edison") from the holders thereof by offering in exchange therefor 7/10ths of one share of Union common stock of $10 par value for each share of Missouri Edison common stock of $5 par value, except that no fractional shares of Union's common stock will be issued to stockholders of Missouri Edison. The maximum number of shares of Union's common stock which would be issuable upon such exchange is 87,500. In lieu of fractional shares to which Missouri Edison stockholders would otherwise be entitled by virtue of the exchange, Union will issue to The Boatmen's National Bank of St. Louis, as agent for Missouri Edison stockholders who make the exchange, such number of full shares of Union common stock of $10 par value as shall equal the total of the fractional shares which would otherwise be issued to the Missouri Edison stockholders. The Boatmen's National Bank of St. Louis will then sell such full shares in the open market and distribute the proceeds to the Missouri Edison stockholders in proportion to their respective fractional interests in the full shares.

The consummation of the exchange is subject to certain conditions which are embodied in an agreement between Union and Missouri Edison including, among others, the condition that there shall have been deposited for exchange at least 85 percent of the 125,000 shares of Missouri Edison common stock and that Union shall have listed the additional shares of its common stock on the New York Stock Exchange, and registered the same under the Securities Exchange Act of 1934. Union requests exemption from the competitive bidding requirements of Rule U-50. Union also proposes to send certain solicitation material to the stockholders of Missouri Edison relating to the exchange.

A public hearing having been held after appropriate notice, the Commission having examined the record herein and having made and filed its findings and opinion herein:

*It is ordered*, That said application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24 and subject also to the following additional term and condition:

That jurisdiction be, and hereby is, generally reserved to the Commission to determine the retainability, indirectly by Union and directly by Missouri Edison, of Missouri Edison's gas utility system, and to entertain such further proceedings, make such supplemental findings and take such further action as the Commission may deem appropriate in connection therewith to effectuate the provisions of section 11 (b) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53–10546; Filed, Dec. 18, 1953; 8:46 a. m.]



[File No. 70–3152]

NORTH CONTINENT UTILITIES CORP.

ORDER REGARDING PROPOSED LIQUIDATION AND DISSOLUTION OF REGISTERED HOLDING COMPANY AND PAYMENT OF LIQUIDATING DIVIDEND

DECEMBER 15, 1953.

An application-declaration having been filed with this Commission, pursuant to sections 11 and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-24 and U-46 promulgated thereunder, by North Continent Utilities Corporation ("North Continent"), a registered holding company, with respect to proposed transactions which are summarized as follows:

The Commission has heretofore directed North Continent in proceedings under section 11 (b) of the act to liquidate and dissolve (North Continent Utilities Corporation, File Nos. 54–74 and 59–69).

Pursuant to prior authorization of the Commission under Rule U-44 (c), North Continent, under date of October 20, 1953, entered into a contract with Alberta Consolidated Gas Utilities Limited, a non-affiliate, whereby the latter agreed to purchase North Continent's entire interest in Great Northern Gas Company, Limited, at a price of $533,639, plus an amount equal to interest on certain notes and advances from August 1, 1953, to the closing date. The sale was consummated on November 30, 1953. North Continent now has as its sole asset approximately $659,000 in cash and current receivables. Pursuant to section 275 of the General Corporation Law of Delaware, the Board of Directors has adopted a resolution to the effect that it is advisable and to the best interests of the Corporation to dissolve the Corporation, and has called a special meeting of stockholders to be held on December 15, 1953 to vote on the question of dissolution. Proxy solicitation material for said meeting has been mailed to stockholders pursuant to authorization of the Commission by order dated November 17, 1953.

The Board of Directors has also tentatively approved a Plan of Liquidation and Dissolution, said Plan providing in substance for (1) an initial liquidating dividend of $8.50 per share, payable immediately to all holders of capital stock of the corporation upon surrender of their respective certificates for cancellation, and (2) a further liquidating dividend or dividends until all available assets shall have been distributed to stockholders. The application-declaration states that at the present time it is impossible to state definitely in what amounts, or at what times, such further liquidating dividend or dividends may be distributed, and that after payment of the initial liquidating dividend of $8.50 per share the Corporation will have on hand approximately $110,000, which (together with such further assets as may accrue to the Corporation in connection with expiration of rights of holders of old securities of the Corporation under the Supplemental Plan of 1950) is considered by the Board of Directors to be an ample reserve for all present or future liabilities, including taxes for the current year, any possible deficiency assessments of taxes for prior years, fees and expenses in connection with the aforementioned sale of Great Northern Gas Company, Limited, and fees and expenses of all types which may be incurred in completing the dissolution program. As and when it can be determined definitely that the aforesaid items will not exhaust the entire reserved amount, the balance will be available to be paid out in a further liquidating dividend or dividends.

Fees and expenses in connection with the proposed transactions (including the sale by North Continent of its interest in Great Northern Gas Company, Limited) are estimated at $27,000, including legal fees of $15,000 to Dallstream, Schiff, Stern & Hardin, counsel for North Continent.

Applicant-declarant requests that the application-declaration be granted and permitted to become effective forthwith upon issuance.

Due notice having been given of the filing of the application-declaration, and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary; and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration be granted and permitted to become effective forthwith, without the imposition of terms and conditions other than those prescribed in Rule U-24:

*It is ordered*, Pursuant to the applicable provisions of the act, that said application-declaration be granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53–10545; Filed, Dec. 18, 1953; 8:46 a. m.]

[File No. 70–3165]

APPALACHIAN ELECTRIC POWER CO.

NOTICE OF FILING REGARDING SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING

DECEMBER 15, 1953.

Notice is hereby given that Appalachian Electric Power Company ("Appalachian"), a public-utility subsidiary of American Gas and Electric Company, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicant has designated section 6 (b) of the act and Rules U-42 (b) (2) and U-50 thereunder as applicable to the proposed transactions which are summarized as follows:

Appalachian proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $20,000,000 principal amount of its first mortgage bonds, -- percent series due 1983. The bonds are to be issued under an indenture dated as of December 1, 1940, as heretofore supplemented, between Appalachian and Bankers Trust Company as Trustee, and an indenture supplemental to said indenture to be dated as of December 1, 1953. The price of the bonds shall be not less than 100 percent or more than 102¾ percent of the principal amount thereof and the interest rate (which shall be a multiple of ⅛ of 1 percent) will be determined by competitive bidding.

The proceeds from the sale of Appalachian's first mortgage bonds will be applied, in part, to the prepayment, without premium, of all notes payable to banks at the time outstanding. The amount of such notes presently outstanding is $17,000,000 and it is expected that not to exceed $2,000,000 principal amount of additional notes payable to banks will be issued prior to the time of the issuance of the bonds, making an aggregate amount of not to exceed $19,000,000 of such notes to be repaid. The balance of the proceeds from the sale of the said bonds will be added to Appalachian's treasury funds and will be applied to the payment of the costs of extensions, additions and improvements to its properties.

Appalachian is organized and doing business in the State of Virginia and also does business in the States of Tennessee and West Virginia. Appalachian represents that the sale of its bonds will be expressly authorized by the Virginia State Corporation Commission and by the Tennessee Railroad and Public Utilities Commission. Copies of the orders of those State Commissions are to be supplied by amendment.

The expenses to be incurred in connection with the issue and sale of its bonds, including legal fees of counsel for the company in the amount of $20,250 and legal fees of counsel for the underwriters of $7,500, are estimated by Appalachian to amount to $121,065.

Appalachian requests that the period for inviting bids be shortened to not less than six days. Appalachian also requests that the Commission's order herein be issued on or before January 4, 1954, waives the 30-day waiting period and requests that the Commission's order become effective upon issuance.

Notice is further given that any interested person may, not later than December 29, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53–10544; Filed, Dec. 18, 1953; 8:46 a. m.]

[File No. 70-3167]

CITIES SERVICE CO. ET AL.

NOTICE OF FILING REGARDING SALE BY PARENT OF SUBSIDIARY'S COMMON STOCK, REQUEST FOR EXEMPTION FROM COMPETITIVE BIDDING, AND REQUEST FOR RECITALS

DECEMBER 14, 1953.

In the matter of Cities Service Company, The Gas Service Company, Gas Advisers, Inc.; File No. 70-3167.

Notice is hereby given that Cities Service Company ("Cities"), a registered holding company, The Gas Service Company ("Gas Service"), a wholly-owned public utility subsidiary of Cities, and Gas Advisers, Inc. ("Gas Advisers"), a mutual service company owned by various subsidiaries in the Cities system which are served by said service company, have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicants-declarants have designated sections 11 (b), 12 (c), 12 (d), and 12 (f) and Rules U-42, U-43, U-44 and U-50 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than December 28, 1953, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after December 28, 1953, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Cities proposes to sell to selected underwriters for public offering 1,500,000 shares of common stock of $10 par value each of Gas Service.

Subject to, and on the date of, consummation by Cities of the sale of said 1,500,000 shares of common stock, Gas Service proposes to sell and Gas Advisers proposes to purchase for retirement the 270 shares of its capital stock ($100 par value per share) now owned by Gas Service for a purchase price of $27,000, and concurrently therewith the service contract dated January 1, 1938 between Gas Service and Gas Advisers will be terminated.

Cities requests that the Commission issue an order exempting from Rule U-50 its proposed sale of 1,500,000 shares of common stock of Gas Service and alleges (among other things), as reasons for such request, that the stock of Gas Service has been owned in its entirety by Cities since the formation of Gas Service and that there is not now nor has there ever been any market in it and no familiarity therewith on the part of prospective investors; and that the size of the offering is such as to preclude the possibility of having many bidders, to increase the hazards of an unsuccessful effort, and to require an intensive and nation-wide effort to develop investor interest.

The application-declaration states that Cities will use the net proceeds from the sale of its holdings of common stock of Gas Service, estimated by Cities at approximately $33,000,000, to purchase additional common stock of its wholly-owned subsidiary, Empire Gas and Fuel Company.

It is requested that the Commission's order herein make the necessary findings and contain the recitals required by Supplement R and section 1808 (f) of the Internal Revenue Code, as amended, and that the Commission's order become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10543; Filed, Dec. 18, 1953; 8:45 a. m.]

FEDERAL REGISTER

VOLUME 18 NUMBER 248

Washington, Tuesday, December 22, 1953

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 4]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

MISCELLANEOUS INTERPRETATIONS AND POLICIES

On October 17, 1953, the Administrator of Civil Aeronautics published in 18 F. R. 6610-6622, interpretations to define and policies to implement various sections of new Part 40. The purpose of this supplement is to revise or delete some of these interpretations and policies in response to comments received from interested persons.

1. Section 40.18-4 as published on October 17, 1953 in 18 F. R. 6610, is revised to read:

§ 40.18-4 *Policies, procedures and limitations governing issuance and amendment of Operations Specifications, Aircraft Maintenance (CAA policies which apply to § 40.18 (a))*—(a) *General.* The Administrator will issue and amend Operations Specifications, Aircraft Maintenance, in accordance with the following policies, procedures, and limitations. The criteria set forth in this section will be followed by the Administrator in fixing time limitations for the performance of overhaul, inspections and checks, or in permitting or requiring revisions thereto. The basic principle followed by the Administrator will be that the inspections, checks, maintenance or overhaul be performed at times well within the expected or proven service life of each component of the aircraft. In determining what the expected or proven service life of an aircraft or any of its components might be, the Administrator will consider the following factors: (1) Geographical area or areas of operation; (2) engine operating powers, procedures, etc.; (3) number of landings, long haul versus short haul, etc.; (4) maintenance organization and inspection procedures; (5) other operators' service experience records; (6) manufacturers' recommendations; (7) service history, particularly of known or evident trends toward malfunctioning. Special reliance will be placed on service experience, including the information obtained from such tests, inspections, or measurements as have been performed in accumulating such service experience.

(b) *Procedure for establishing new or revised time limitations.* (1) Time limitations may be established in terms of hours of operation, multiples of engine overhaul periods or multiples of inspection periods. Time limitations for components on which deterioration is not necessarily a function of operating hours, such as electronic units, pitot tubes and emergency flotation equipment may be established in terms of calendar months. Certain items may be maintained on an on condition overhaul basis.

(2) On condition overhaul is applicable to components on which a determination of airworthiness may be made by visual inspection, measurements, tests, or other means without a teardown inspection or overhaul.

(c) *Airframe initial time limitations.* The initial time limitations for overhauls, inspections, or checks of airframes may be established on a recurrent fixed time basis or by adoption of a structural inspection specification covering procedures such as pattern inspections, block overhauls, or progressive inspections. Regardless of the basis upon which the time limitations are established, the same basic standards will be applicable. The maintenance program must specify checks, inspections and overhauls to be performed and times at which they will be performed.

(d) *Appliances; initial time limitations.* Initial time limitations for inspections, bench checks, major inspections or overhaul, as applicable, to the appliance involved, should not be greater than those limitations applicable to the same or similar appliances used in existing aircraft operated by the air carrier. When the usage or installation of such appliances differ to a substantial extent from the previous usage or installation, the time limitations shall be adjusted to reflect the extent of such difference. When new usage or installation is involved, conservative time limitations should be established until service experience shows that more liberal time limits can be used. In those cases where an appliance has a subcomponent

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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which is subject to wear with time in service, the air carrier will establish maintenance procedures for periodic inspection of such subcomponent to insure its continued airworthiness.

(e) *Powerplants; initial time limitations.* (1) The initial overhaul time limitations for any engine which has never been used in air carrier service will tentatively be established at 1000 hours. However, the Operations Specifications will require sample overhaul of a representative number of engines, but not less than three, to be accomplished at each increment of 100 hours, beginning at 800 hours, unless such new model engine incorporates certain unconventional features not previously employed in air carrier operations, in which case, the initial overhaul period will be established by the Administrator. Satisfactory teardown inspection will be necessary before increasing the fleet overhaul period to the next higher increment. This sample overhaul procedure and evaluation of service experience will provide the operator with necessary information to substantiate the basic 1,000 hour overhaul.

(2) The initial time limitations for overhaul of an engine model which has received substantial air carrier service experience, but not by the applicant, will tentatively be established at 1,000 hours. An engine model will not be considered as having substantial air carrier service experience unless it has been satisfactorily operated by another carrier on an approved 1,000 hour or higher overhaul period. However, the Operations Specifications will require that the basic 1,000 hour overhaul period be substantiated on the same basis as outlined for a new engine except that sample overhauls of a representative number of engines will be accomplished in increments of 100 hour periods beginning at 900 hours. The initial time limitations for overhaul of accessories which are a part of the power package, including propellers, will be established at the overhaul period fixed for the engine itself, unless service experience permits or requires higher or lower overhaul periods.

(f) *Revision of time limitations; general.* The inspection and overhaul time limitations applicable to airframes, powerplants, propellers, and appliances will be revised on the basis of service experience. Increases in such time limitations may be made when the record of service experience for the previous 90 days indicates that such increase will not adversely affect the continuous condition of airworthiness. When the service records indicate that any component or subcomponent consistently requires repair, adjustment or other maintenance because of damage, wear, or deterioration, within the current time limitations, the air carrier will be responsible for intiating corrective action.

(1) *Airframe; revision of time limitations.* The increases of time limitations for overhaul (or major inspection in case of pattern system, etc.) of airframes will be based on evaluation of all pertinent service records and examination of at least one aircraft, of the model involved, that has been overhauled at the currently approved time limitations. When a pattern or block overhaul type of maintenance system is used, it will be permissible to reschedule individual items in another block or pattern, if performance and condition of the specific item warrants such an increase.

(2) *Powerplants and associated mechanical appliances; revision of time limitations.* Increases in engine overhaul periods will not be approved in increments greater than 100 hours. Increases in time limitations above the 1,000 hour basic engine overhaul period will be considered on the basis of satisfactory operation of a specified number of engines of the same type or model. The operator may make application for a supplemental amendment to the currently approved time limitation indicating the desired time limitations and the particular engines to be operated to the new time limitations. This supplemental amendment will be applicable to 3 to 5 engines as deemed necessary by the assigned CAA agent, in order to determine the ability of the engine to operate satisfactorily at the desired new overhaul period. The engines so operated will be identified on the supplemental amendment by make, model, and serial number. Upon satisfactory completion of the 100 hours additional operation, and satisfactory disassembly and inspection of the engines and related components listed on the supplemental specification, the air carrier may then submit an application for an amendment in the routine manner, requesting a 100 hour extension of the overhaul period on the entire fleet of engines and related components of the same type and model in their operation. Experience may justify a request for the operation of some engine accessories to double or triple the approved engine overhaul limitations. Such amendments may be submitted if previous satisfactory service and overhaul experience, including the service to be performed at each engine change period, can justify the increase as not adversely affecting the continuous condition of airworthiness of the component involved. Installation of engines being operated in accordance with provisions of a supplemental specification will be limited to one per twin engine aircraft and two per four engine aircraft installed on opposite sides.

(3) *Appliances, general; revision of time limitations.* Increases in established times for inspections, bench tests or overhaul periods will be based on consideration of the following factors: (1) geographical area or areas of operation; (2) number of landings, long haul versus short haul; (3) maintenance organization and inspection procedures; (4) manufacturers' recommendations; (5) service history, particularly of known or evident trends toward malfunctioning. When electrical/electronic appliances are overhauled on an on condition basis, special consideration will be given to the continued airworthiness of mechanical components of such equipment.

(4) *Emergency equipment.* The inspection periods for first aid kits, flotation equipment and other emergency equipment will assure the continued serviceability and immediate readiness of such equipment for its intended emergency purposes. Major inspection periods will be established for the purpose of determining that all components of the emergency equipment are complete and airworthy and may be expected to remain in this condition until the next major inspection or actual use under emergency conditions. Routine inspection periods will be established to assure that such equipment (or any component thereof) is installed or stored properly, has not been tampered with, damaged, or had articles removed since the last inspection. All inspection periods will be adjusted in accordance with service experience and pertinent operating conditions.

2. Sections 40.19–1 and 40.19–2 as published on October 17, 1953 in 18 F. R. 6612–6613 are revised to read:

§ 40.19–1 *Content of Operations Specifications, Aircraft Maintenance (CAA policies which apply to § 40.19 (e)).* The Administrator will issue Operations Specifications, Aircraft Maintenance, which have the following minimum contents:

(a) (1) The Operations Specifications, Aircraft Maintenance, will contain a listing of the components of airframes, engines, propellers, and appliances, and the time limitations for checks, inspections and overhauls applicable to each listed component. The list of components will be complete and inclusive except that sub-components which are subject to check, inspection and overhaul at the same time limitations as the components to which they are related may be omitted from the listing (e. g. that form commonly called the "short form"). When this is done, the Operations Specifications will bear a statement to the effect that parts and sub-components not listed will be checked, inspected, and overhauled at the same time limitations specified for the component or assembly to which such components are related.

(2) When coded identifications or titles, such as "operation #1, #2, #3, etc." or "line check, intermediate check, base inspection, etc.," are used in connection with specified time limitations in the Operations Specifications, a brief description of such terms will be included which identifies the operation concerned.

(b) If the carrier proposes Operations Specifications, Aircraft Maintenance, which would permit for all or any part of an aircraft a block overhaul system, a sampling inspection and overhaul system, or any other maintenance system which either (1) does not prescribe a fixed period for overhaul, inspection or check of each component of an aircraft, or (2) includes alternative standards and procedures under which the air carrier may be given authority to establish and adjust such time limitations, the air carrier will fully define and describe the manner in which such a special maintenance program will be performed.

(c) Operations Specifications identified as Operations Specifications, Aircraft Maintenance—General, will contain conditions uniformly applicable to all Operations Specifications, Aircraft Maintenance.

§ 40.19–2 *Content of Operations Specifications, Aircraft Weight and Balance Control (CAA policies which apply to § 40.19 (f)).* The Operations Specifications, Aircraft Weight and Balance Control, as submitted by an air carrier, will contain an accurate description of the procedures used to maintain control of weight and balance of all aircraft operated under the terms of the operating certificate which will insure that the aircraft, under all operating conditions, is loaded within the gross weight and center of gravity limitations. This description should include procedures used for determining weight of passengers, weight of baggage, periodic aircraft weighing, type of loading devices, and identification of aircraft concerned.

3. Section 40.23–1 as published on October 17, 1953 in 18 F. R. 6615 is deleted.

4. Section 40.37–1 as published on October 17, 1953 in 18 F. R. 6616 is revised to read:

§ 40.37–1 *Servicing and maintenance facilities (CAA policies which apply to § 40.37).*—(a) *General.* In demonstrating or proving to the satisfaction of the Administrator that housing, facilities, equipment and materials are adequate, the air carrier may be guided by Civil Aeronautics Manual 52, § 52.21 and §§ 52.30 through 52.36 of this chapter, insofar as applicable to his aircraft and maintenance system.

(b) *Facilities provided by other agencies.* The air carrier will show that agencies contracting to perform major overhauls, repairs, or alterations for the air carrier are those specified under § 18.10 (b), (d), or (e) of this chapter.

5. Section 40.51–1 is adopted to read:

§ 40.51–1 *Contents of manual; methods and procedures for maintaining weight and balance control (CAA policies which apply to § 40.51 (a) (19)).*—(a) *General.* (1) The air carrier may utilize any loading schedule, procedure, or means by which the air carrier can show that the aircraft is properly loaded and will not exceed authorized weight and balance limitations during operation.

(2) By whatever method used, the air carrier should account for all probable loading conditions which may be experienced in service and show that the loading schedule will provide satisfactory loading. Loading schedules may be applied to individual aircraft or to a complete fleet. Unless otherwise authorized, a copy of pertinent loading data should be carried in each aircraft. When an air carrier operates several types or models of aircraft, the loading schedule, which may be index type, tabular type or a mechanical computer, will be identified with the type or model of aircraft for which it is designed.

(b) *Loading provisions.* All seats, compartments, and other loading stations will be properly marked, and the identification used will correspond with the instructions established for computing the weight and balance of the aircraft. When the loading schedule provides blocking off of seats or compart-

ments in order to remain within the center of gravity limits, effective means will be provided to assure that such seats or compartments are not occupied during operations specified. Cargo compartments will be placarded showing the maximum weight of each compartment, and such placcards will be readily legible to the loading personnel. Instructions will be prepared for crew members, cargo handlers, and other personnel concerned, giving complete information necessary regarding distribution of passengers, cargo, fuel and other items. Information relative to maximum capacities and other pertinent limitations affecting the weight or balance of the aircraft will be included in these instructions. When it is possible by adverse distribution of passengers to exceed the approved CG limits of the aircraft, special instructions will be issued to the appropriate crew members so that the load distribution can be maintained within the approved limitations.

(c) *Terms, descriptions, and general standards.* For the purpose of weight and balance control, the following terms, descriptions, and general standards will apply. Deviations from these standards by the individual operator due to the nature of his operation will be acceptable.

(1) *Empty weight.* The empty weight of an aircraft is considered to be the maximum gross weight less the following:

(i) All fuel and oil, excepting system fuel and oil.[1]

(ii) Drainable anti-detonant injector and de-icing fluids.

(iii) Crew and baggage.

(iv) Passengers and cargo (revenue and non-revenue).

(v) Removable passenger service equipment, food, magazines, etc., including drainable washing and drinking water.

(vi) Emergency equipment (overwater, tropical, frigid).

(vii) Other equipment, variable for flights.

(viii) Flight spares (spark plugs, wheel, cylinder, etc.).

(2) *Operating weight.* The basic operating weight established by the air carrier for a particular model aircraft will include the following standard items of the operator in addition to the empty weight of the aircraft unless otherwise specified:

(i) Normal oil quantity.

(ii) Anti-detonant injector and deicing (winter) fluids.

(iii) Crew and baggage.

(iv) Passenger service equipment, including washing and drinking water, magazines, etc.

(v) Emergency equipment, if required, for all flights.

(vi) All other items of equipment considered standard by the air carrier concerned.

(3) *Aircraft, zero fuel weight.* The zero fuel weight of an aircraft is the maximum weight authorized for such aircraft without fuel. The weight of fuel carried in the fuselage, or equivalent locations, will be deducted from such maximum. When zero fuel weight limitations or equivalent restrictions are specified, proper provision for loading will be made by the operator so that such structural limitations are not exceeded.

(d) *Aircraft weights.* Aircraft weight and balance control, will contain provisions for determining aircraft weights in accordance with the following procedures:

(1) *Individual aircraft weights and changes.* The loading schedule may utilize the individual weight of the aircraft in computing pertinent gross weight and balance. The individual weight and balance of each aircraft will be re-established at the specified reweighing periods. It also will be reestablished whenever the accumulated changes to the operating weight exceed plus or minus one-half of one percent of the maximum landing weight or the cumulative change in CG position exceeds one-half of one percent of the MAC.

(2) *Fleet weights, establishment and changes.* For a fleet or group of aircraft, of the same model and configuration, an average operating fleet weight may be utilized if the operating weights and CG positions are within the limits established in this paragraph. The fleet weight will be calculated on the following basis:

(i) An operator's empty fleet weight will be determined by weighing aircraft according to the following table:

For fleet of 1 to 3, weigh all aircraft.
For fleet of 4 to 9, weigh 3 aircraft plus at least 50 percent of the number over 3.
For fleet of over 9, weigh 6 aircraft plus at least 10 percent of the number over 9.

(ii) In choosing the aircraft to be weighed, the aircraft in the fleet having the highest time since last weighing should be selected. When the average empty weight and CG position has been determined for aircraft weighed and the basic operating fleet weight (winter and summer, if applicable) established, necessary data should be computed for aircraft not weighed but which are considered eligible under such fleet weight. If the basic operating weight of any aircraft weighed or the calculated basic operating weight of any of the remaining aircraft in the fleet varies by an amount more than plus or minus one-half of one percent of the maximum landing weight from the established basic operating fleet weight or the CG position varies more than plus or minus one-half of one percent of the MAC from the fleet weight CG, that airplane will be omitted from that group and operated on its actual or calculated operating weight and CG position. If it falls within the limits of another fleet or group, it may then become part of that operating fleet weight. In cases where the aircraft is within the operating fleet weight tolerance but the CG position varies in excess of the tolerance allowed, the aircraft may still be utilized under the applicable operating fleet weight but with an individual CG position.

(iii) Re-establishment of the operator's empty fleet weight or the operating fleet weight and corresponding CG positions may be accomplished between weighing periods by calculation based on the current empty weight of the aircraft previously weighed for fleet weight purposes. Weighing for re-establishment of all fleet weights will be conducted on a two-year basis unless shorter periods are desired by the air carrier.

(3) *Establishing initial weight before use in air carrier service.* Prior to being used in air carrier service, each aircraft will be weighed and the empty weight and center of gravity location established. New production transport category aircraft delivered to air carriers normally are weighed at the factory and are eligible for air carrier operations without reweighing if the weight and balance records have been adjusted for alterations or modifications to the aircraft. Aircraft transferred from one air carrier to another need not be weighed prior to utilization by the latter unless more than twenty-four calendar months have elapsed since last weighing.

(4) *Periodic weighing; aircraft using individual weights.* Aircraft operated under a loading schedule utilizing individual aircraft weights in computing the gross weight will be weighed at intervals of twenty-four calendar months. An air carrier may, however, apply for extension of this weighing period for a particular model aircraft, when pertinent records and actual routine weighing during the preceding twenty-four months of air carrier operation show that weight and balance records maintained are sufficiently accurate to indicate aircraft weights within the established limitations. Such application should be limited to increases in increments of twelve months and must be substantiated in each instance with at least two aircraft weighings. Increases may not be granted which exceed a time which is equivalent to the aircraft overhaul period.

(5) *Periodic weighing, aircraft using "fleet weights."* Aircraft operating under fleet weights should be weighed in accordance with procedures outlined for the establishment of fleet weights. Since each fleet weight will be re-established every two years and a specified number of aircraft weighed at such periods, no additional weighing is considered necessary. A rotation program should, however, be incorporated so all aircraft in the fleet will be reweighed periodically.

(6) *Weighing procedure.* Normal precautions, consistent with good practices in the weighing procedure, such as checking for completeness of the aircraft and equipment, determining that fluids are properly accounted for, and that weighing is accomplished in an enclosed building preventing the effect of the wind, will prevail. Any acceptable scales may be used for weighings provided the are properly calibrated, zeroed and used in accordance with the manufacturer's instructions. Each scale should have been calibrated, either by the manufacturer or by a civil Department of Weights and Measures, within one year prior to weighing any aircraft for this purpose unless the air carrier can show evidence which warrants a longer period between calibrations.

(e) *Passenger weights.* The air carrier may elect to use either the actual passenger weight or the average passenger weight to comput passenger loads over any route, except in those cases where non-standard weight passenger groups are carried. Both methods may be used interchangeably provided only one method is used for any flight from originating to terminating point of the particular trip or flight involved, except as indicated in subparagraph (3) of this paragraph. Provisions will be incorporated in the load manifest to clearly indicate to personnel concerned whether actual or average passenger weights are to be used in computing the passenger load.

(1) *Actual passenger weight.* Actual passenger weight may be determined by scale weighing of each passenger prior to boarding the aircraft, and such weight is to include minor articles carried on board by the passenger. If such articles are not weighed, the estimated weight is to be accounted for. The actual passenger weight may also be determined by asking each passenger his weight and adding thereto a pre-determined constant to provide for hand-carried articles and also to cover possible seasonal affect upon passenger weight due to variance in clothing weight. This constant may be approved for an air carrier on the basis of a detailed study conducted by the operator over the particular routes involved and during the extreme seasons when applicable.

(2) *Average passenger weight.* (i) An average weight of 160 pounds (summer) may be used for each adult passenger during the calendar period of May 1 through October 31.

(ii) An average weight of 165 pounds (winter) may be used for each adult passenger during the calendar period through April 30.

(iii) An average weight of 80 pounds may be used for children between the ages of 3 and 12. Children above 12 years of age are classified as adults for the purpose of weight and balance computations. Children less than 3 years old are considered "babes in arms."

(iv) The average passenger weight includes minor items normally carried by a passenger.

(3) *Non-standard weight groups of passengers.* The average passenger weight method will not be used in the case of flights carrying large groups of passengers whose average weight obviously does not conform with the normal standard weight. Actual weights will be used when a passenger load consists to a large extent of athletic squads or other special group which is smaller or larger than the U. S. average. Where such a group forms only a part of the total passenger load, the actual weights may be used for such group and average weights used for the balance of the passenger load. In such instances, a notation will be made on the load manifest, indicating number of persons in the special group and identifying the group (i. e., football squad, Blank Nationals, etc.).

(f) *Crew weight.* The actual weight of crew members may be used or the following approved average weights may be utilized:

(1) Male cabin attendants 150 pounds; female cabin attendants 130 pounds.

(2) All other crew members 170 pounds.

(g) *Passenger and crew baggage.* Procedures should be provided so that all baggage, including that carried on board by the passengers, is properly accounted for. If desired by the air carrier, a standard crew baggage weight may be used.

(h) *Center of gravity travel during flight.* The air carrier will show that the procedures fully account for the extreme variations in center of gravity travel during flight caused by all or any combination of the following variables:

(1) The movement of a number of passengers and cabin attendants equal to the placarded capacity of the lounges or lavatories from their normal position in the aircraft cabin to such lounge or lavatory. If the capacity of such compartment is one, the movement of either one passenger or one cabin attendant, whichever most adversely affects the CG condition will be considered. When the capacity of the lavatory or lounge is two or more, the movement of that number of passengers or cabin attendants from positions evenly distributed throughout the aircraft may be used. Where seats are blocked off, the movement of passengers and/or cabin attendants evenly distributed throughout only the actual loaded section of the aircraft will be used. The extreme movements of the cabin attendants carrying out their assigned duties within the cabin will be considered. The various conditions will be combined in such a manner that the most adverse effect on the CG will be obtained and so accounted for in the development of the loading schedule to assure the aircraft being loaded within the approved limits at all times during flight.

(2) *Landing gear retraction.* Possible change in CG position due to landing gear retraction will be investigated and results accounted for.

(3) *Fuel.* The effect on the CG travel of the aircraft during flight due to fuel used down to the required reserve fuel or to an acceptable minimum reserve fuel established by the air carrier will be accounted for.

(i) *Fuel allowance for taxiing and run-up.* The weight and balance system may provide for a weight allowance of 3 pounds of fuel for each 100 horsepower (maximum continuous) available to the aircraft from all of its engines to be added to the maximum gross weight of the aircraft to compensate for fuel used during run-up and taxiing.

(j) *Records.* The weight and balance system will include methods by which the air carrier will maintain a complete, current and continuous record of the weight and center of gravity of each aircraft. Such records should reflect all alterations and changes affecting either the weight or balance of the aircraft, and will include a complete and current equipment list. When fleet weights are used, pertinent computations should also be available in individual aircraft files.

(k) *Weight of fluids.* The weight of all fluids used in aircraft may be established on the basis of actual weight, a standard volume conversion or a volume conversion utilizing appropriate temperature correction factors to accurately determine the weight by computation of the quantity of fluid on board.

6. Section 40.51–2 as published on October 17, 1953 in 18 F. R. 6616 is deleted.

7. Section 40.63–1 as published on October 17, 1953 in 18 F. R. 6617 is revised to read:

§ 40.63–1 *Matcrially altered in design (CAA interpretations which apply to § 40.63 (b) (1).* A type of airplane will be considered to be materially altered in design when the alterations include, but are not necessarily limited to:

(a) Installation of powerplants other than the powerplants of a type similar to those with which the aircraft is certificated.

(b) Major alteration to the aircraft or its components which materially affects the flight characteristics.

8. Section 40.116–1 as published on October 17, 1953 in 18 F. R. 6617 is deleted.

9. Section 40.153–1 as published on October 17, 1953 in 18 F. R. 6617 is amended by substituting the word "will" for "must" in the last sentence thereof.

10. Section 40.170–1 is adopted to read:

§ 40.170–1 *Approval of aircraft instruments and equipment for all operations (CAA interpretations which apply to § 40.170 (a)).* Instruments and equipment specified in §§ 40.171, 40.172, and §§ 40.230 through 40.232 must be approved in accordance with one or more of the following methods:

(a) Instruments and equipment which are accepted as part of the aircraft on original certification.

(b) Instruments and equipment manufactured in accordance with (TSO) Technical Standard Orders and installed in accordance with approved repair and alteration procedures or on original aircraft certification.

(c) Instruments and equipment manufactured in accordance with a (CAATC) Type Certificate and installed on original aircraft certification or subsequent repair and alteration approval.

(d) Instruments and equipment approved by the Administrator in accordance with standard repair and alteration procedure.

11. Section 40–170–2 as published on October 17, 1953 in 18 F. R. 6617 is revised to read:

§ 40.170–2 *Determination of operable condition of radio equipment (CAA interpretations which apply to § 40.170 (b)).* Radio equipment specified in

[1] System fuel and oil is that amount required to fill both systems and the tanks, where applicable, up to the tank outlets to the engines. When oil is used for propeller feathering, such oil is included as system oil.

§§ 40.230 through 40.232 which is of such complex nature that it cannot be accurately checked for operable condition prior to take-off, except by special ramp or shop performance check procedures, may be deemed to have been determined operable if equipment in this category is comprehensively checked for satisfactory operational performance during the last comprehensive performance check specified in the Operations Specifications, Aircraft Maintenance (other than preflight or daily), of the air carrier using such equipment coupled with frequent in-flight checks by pilots during regular operations.

12. Sections 40.173–1 through 40.173–4 as published on October 17, 1953, in 18 F. R. 6617–6618 are deleted and a new § 40.173–1 is adopted to read:

§ 40.173–1 *Hand fire extinguishers for crew, passenger, and cargo compartments (CAA interpretations which apply to § 40.173 (d)).* Approved extinguishers are extinguishers which have been approved by the Administrator or by the Underwriters Laboratories (UL), the Factory Mutual Laboratories (FML), or any other agency which may be deemed qualified by the Administrator in accordance with § 4b.18 of this chapter.

13. Sections 40.175–1 and 40.175–2 as published on October 17, 1953 in 18 F. R. 6618 are deleted and a new § 40.175–1 is adopted to read:

§ 40.175–1 *Power supply requirements for operation of instruments (CAA interpretations which apply to § 40.175 (c)).* (a) Instruments and equipment using an external power source are interpreted to mean all instruments and equipment which derive their operative or motive power from an external source such as radios, air driven instruments, electric gyro instruments, etc., as contrasted with spring driven clocks or magnetic compasses which have a self-contained power source.

(b) The requirement that all airplanes have installed "a power supply and distribution system capable of producing and distributing the load for all required instruments and equipment using and external power source in the event of failure of any one power source or component of the power distribution system" is interpreted to mean that an alternate power source or sources and power distribution system or systems will be necessary to assure that all required instruments and equipment, using an external power source, receive their essential operative or motive power regardless of failure of any one power source or component of a power distribution system.

14. Section 40.178–1 as published on October 17, 1953 in 18 F. R. 6618 is deleted.

15. Section 40.206–1 as published on October 17, 1953 in 18 F. R. 6618 is deleted.

16. Section 40.230–1 as published on October 17, 1953 in 18 F. R. 6618 is revised to read:

§ 40.230–1 *Independent radio systems (CAA interpretations which apply to § 40.230).* Radio systems are independent where each such system is separate and complete, and the function of any part of the whole of one system is not dependent on the continued functioning of any component of the other, and in event of failure in one system, the other system is capable of continued independent operation.

17. Sections 40.241–1 and 40.241–2 as published on October 17, 1953 in 18 F. R. 6618–6619 are deleted and a new § 40.241–1 is adopted to read:

§ 40.241–1 *Persons directly in charge of inspection, maintenance, overhaul, or repair of airframes, engines, propellers, or appliances (CAA interpretations which apply to § 40.241 (b)).* The individual "directly in charge" is interpreted to mean each individual assigned by the carrier or other person performing maintenance, to a position in which he is responsible for the work of a shop or station which performs inspections, maintenance, repairs, alterations, or other functions affecting aircraft airworthiness. Such individuals need not necessarily physically observe and direct each worker constantly, but must be available for consultation and decision on matters requiring instruction or decision from higher authority than that of the individuals performing the work.

18. Sections 40.261–1 and 40.307–1 as published on October 17, 1953 in 18 F. R. 6619 are deleted.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 608, 52 Stat. 1007, 1010, 1011; 49 U. S. C. 551, 554, 555, 558)

This supplement shall become effective January 1, 1954.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53–10581; Filed, Dec. 21, 1953; 8:46 a. m.]

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### Subchapter B—Economic Regulations

[Reg. ER–194]

### PART 241—FILING OF REPORTS BY CERTIFICATED AIR CARRIERS AND UNIFORM ACCOUNTING REQUIREMENTS

Adopted by direction of the Civil Aeronautics Board at its office in Washington, D. C., on the 17th day of December 1953.

Pursuant to authority delegated by the Civil Aeronautics Board to the Office of Carrier Accounts and Statistics this amendment to Part 241 of the Economic Regulations (14 CFR Part 241) is being adopted for the purpose of requiring certificated air carriers to separate in their accounts and on their CAB Form 41 reports the service and subsidy elements of mail payments. This separation will give Congress and the public continuing information as to the amount of subsidy paid to the carriers and is in line with the President's Reorganization Plan No. 10, effective October 1, 1953, which transfers to the Board the function of paying the subsidy portion of air mail compensation under the Civil Aeronautics Act.

Notice of this proposed change was published in the FEDERAL REGISTER on October 29, 1953, in Draft Release No. 66. Moreover, all air carriers affected by this change informally received identical notification of the change through distribution of a memorandum addressed to the chief accounting officers of all scheduled air carriers from the Chief, Accounting and Statistics Division of the Bureau of Air Operations.

Interested persons have been afforded an opportunity to participate in the making of this rule and due consideration has been given to all relevant matters submitted and arguments presented.

In consideration of the foregoing, the Board hereby amends Part 241 of the Economic Regulations as follows, effective January 21, 1954:

1. By deleting the instructions and item list under § 241.3102 *Mail; United States* and insertion of two paragraphs to read:

(a) This account shall include income from the carriage of United States mail accruing under service mail rates established by the Civil Aeronautics Board.

(b) Fines and penalties imposed by the United States Government in connection with the carriage of mail shall be charged to Account 7193, "Other Non-Operating Expenses".

2. By inserting between § 241.3109 *Other transportation,* and § 241.4100 *Incidental revenues; net* of the following new center heading and section:

FEDERAL SUBSIDY

§ 241.3900 *Federal subsidy.*[1] (a) This account shall include elements of compensation fixed pursuant to section 406 (b) of the Civil Aeronautics Act which exceed amounts accruing under service mail rates established by the Civil Aeronautics Board for the carriage of United States mail.

(b) Fines and penalties imposed by the United States Government shall be charged to Account 7193, "Other Non-Operating Expenses".

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply sec. 407, 52 Stat. 1000; 49 U. S. C. 487.)

NOTE: The record keeping and reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Office of Carrier Accounts and Statistics.

[SEAL] WARNER H. HORD,
*Chief, Office of Carrier Accounts and Statistics.*

[F. R. Doc. 53–10598; Filed, Dec. 21, 1953; 8:50 a. m.]

[1] A sample copy of Schedule B of CAB Form 41 incorporating this new account was filed as part of the original document.



## TITLE 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

#### Subchapter C—Miscellaneous Excise Taxes

[Regulations 29]

### PART 197—DRAWBACK OF TAX ON DISTILLED SPIRITS USED IN THE MANUFACTURE OF NONBEVERAGE PRODUCTS

*Preamble.* 1. These regulations, "Regulations 29, Drawback of Tax on Distilled Spirits Used in the Manufacture of Nonbeverage Products," (26 CFR Part 197) are a republication of Regulations 29, 1942 edition (26 CFR Part 197), as amended to date by approved Treasury decisions.

2. These regulations, except for the revision of several sections to conform with the delegation of authority made in IR-Mimeograph No. 232, dated July 6, 1953, consist only of previously approved material but the text has been rearranged and renumbered to conform to the Federal Register Regulations (13 F. R. 5929).

3. This republication of these regulations shall not affect or limit any act done or any liability previously incurred, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the date of republication, nor shall this republication release, acquit, affect, or limit any offense committed in violation of these regulations prior to republication, or any penalty, liability or forfeiture incurred prior to such date.

4. It is found that compliance with the notice and public rule-making procedure of section 4 (a) and the effective date limitations of section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1001, et seq.) is unnecessary in connection with the republication of the regulations in this part for the reason that the changes made relate merely to form and not to substance.


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AUTHORITY: §§ 197.1 to 197.132 issued under 53 Stat. 467; 26 U. S. C. 3791. Interpret or apply 53 Stat. 388 as amended, 394, 396, 399, 495; 26 U. S. C. 3250, 3270, 3280, 3304, 4041. Other statutory provisions interpreted or applied are cited to text in parenthesis.

§ 197.0 *Statutory provisions.* The provisions of law having more common application to drawback of tax on distilled spirits used in the manufacture of nonbeverage products are contained in §§ 197.0–1 and 197.0–2.

§ 197.0–1 *Tax.*

26 U. S. C. 3250 TAX.

* * * * * *

(l) *Manufacturers or producers of designated nonbeverage products*—(1) *In general.* Any person using distilled spirits produced in a domestic registered distillery or industrial alcohol plant and fully taxpaid in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes, upon payment of a special tax per annum, shall be eligible for drawback at the time when such distilled spirits are used in the manufacture of such products and as hereinafter provided for.

(2) Such special tax per annum shall be graduated in amount as follows: (a) for total annual withdrawals not exceeding 25 proof gallons, $25 per annum; (b) for total annual withdrawals not exceeding 50 proof gallons, $50 per annum; (c) for total annual withdrawals of 50 proof gallons or more, $100 per annum.

(3) *Requirements.* Such person shall register annually with the Commissioner; keep such books and records as may be necessary to establish the fact that distilled spirits purchased by him and fully taxpaid were used in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts which were unfit for use for beverage purposes; and shall be subject to such rules and regulations in relation thereto as the Commissioner, with the approval of the Secretary, shall prescribe to secure the Treasury of the United States against frauds.

(4) *Investigative powers of Commissioner.* The Commissioner, for the purpose of ascertaining the correctness of any claim filed under this subsection is authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be alleged in the claim, and may require the attendance of the person filing the claim or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to any matter covered by the claim, with power to administer oaths to such person or persons.

(5) *Drawback.* In the case of distilled spirits tax-paid and used as provided in this subsection, a drawback shall be allowed—

(A) At the rate of $6 on each proof gallon upon which tax is paid at a rate of $9 per proof gallon prior to the effective date of section 462 of the Revenue Act of 1951.

(B) At the rate of $9.50 on each proof gallon upon which tax is paid at a rate of

$10.50 per proof gallon on and after the effective date of section 462 of the Revenue Act of 1951, and

(C) At the rate of $8 on each proof gallon upon which tax is paid at a rate of $9 per proof gallon after March 31, 1954.

Such drawback shall be due and payable quarterly upon filing of a proper claim with the Secretary; except that, where any person entitled to such drawback shall elect in writing to file monthly claims therefor, such drawback shall be due and payable monthly upon filing of a proper claim with the Secretary: *Provided, however,* That the Secretary may require persons electing to file monthly drawback claims to file with him a bond or other security in such amount and with such conditions as he shall by regulations prescribe. Any such election may be revoked upon filing of notice thereof with the Secretary. No claim under this subsection shall be allowed unless filed with the Secretary within the three months next succeeding the quarter in which the distilled spirits covered by the claim were used as provided in this subsection.

§ 197.0–2 *Registration.*

26 U. S. C. 3270 REGISTRATION.

(a) *Requirements.* Every person engaged in any trade or business on which a special tax is imposed by law shall register with the collector of the district his name or style, place of residence, trade or business, and the place where such trade or business is to be carried on. In case of a firm or company, the names of the several persons constituting the same, and the places of residence, shall be so registered.

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### Subpart A—Scope of Regulations

§ 197.1 *Drawback of tax on spirits used in nonbeverage products.* These regulations, "Regulations 29, Drawback of Tax on Distilled Spirits Used in the Manufacture of Nonbeverage Products" (26 CFR Part 197), contain the procedural and substantive requirements relative to obtaining drawback of internal revenue tax on distilled spirits used in the manufacture of certain nonbeverage products. The regulations cover the allowance of drawback of internal revenue tax on fully tax-paid domestic distilled spirits used in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts, which are unfit for beverage purposes; the payment of special (occupational) taxes in order to be eligible to claim drawback; claims; formulas and samples; losses; and records and reports of distilled spirits received and used in the manufacture of nonbeverage products.

### Subpart B—Definitions

§ 197.10 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meaning ascribed in this subpart.

§ 197.11 *Domestic distilled spirits and distilled spirits.* "Domestic distilled spirits" and "distilled spirits" shall mean that substance known as ethyl alcohol produced at industrial alcohol plants operated under Regulations 3 (26 CFR Part 182), and those substances known as whisky, brandy, rum, or other spirits, produced at registered distilleries or fruit distilleries operated under Regulations 4 (26 CFR Part 183) and 5 (26 CFR Part 184).

§ 197.12 *Filed.* A claim for drawback shall be deemed to have been "filed" when it is delivered to the office of the proper Assistant Regional Commissioner, Alcohol and Tobacco Tax, and by that office received.

§ 197.13 *Fully taxpaid.* Distilled spirits shall be deemed to have been "fully taxpaid" when the internal revenue tax imposed and levied in respect thereto has been paid at the rates provided by law.

§ 197.14 *Intermediate products.* "Intermediate products" shall mean products containing distilled spirits which are not subject to drawback until used in a nonbeverage product eligible for drawback.

§ 197.15 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code.

§ 197.16 *Nonbeverage products.* The term "nonbeverage products" refers to medicines, medicinal preparations, food products, flavors, or flavoring extracts, in the manufacture or production of which fully tax-paid distilled spirits are used, and which are unfit for use for beverage purposes.

§ 197.17 *Time.* The "time" at which distilled spirits shall be deemed to have been used is when the product contains the ingredients called for by an approved formula, or formulas prescribed by the United States Pharmacopoeia, the National Formulary, or the Homeopathic Pharmacopea of the United States, as the case may be.

§ 197.18 *Total annual withdrawals.* The term "total annual withdrawals" shall mean the total quantity of distilled spirits (proof gallons), which are used in the manufacture or production of nonbeverage products during a year.

§ 197.19 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 197.20 *Used.* Distilled spirits shall be deemed to have been "used" in the manufacture of a product designated in 26 U. S. C. 3250 (1), when such spirits are either consumed in such manufacture or are incorporated in the product: *Provided,* That spirits lost by causes such as spillage, leakage, breakage or theft, prior to or during the process of manufacture, shall not be deemed to be consumed in such manufacture.

§ 197.21 *Year.* "Year" shall mean the period which begins July 1 and ends on the following June 30.

### Subpart C—Special Tax

§ 197.25 *Payment and rates of special tax.* Each person who uses distilled spirits in the manufacture or production of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes, in order to be eligible to claim the drawback on the distilled spirits so used, must pay special tax at the rate of $25 per annum for total annual withdrawals not exceeding 25 proof gallons of distilled spirits; $50 per annum for total annual withdrawals not exceeding 50 proof gallons; or $100 per annum for total annual withdrawals of more than 50 proof gallons. Where a claim is filed in the first quarter of a year, covering distilled spirits used during the last quarter of the preceding year, and special tax has not been paid for the preceding year, special tax for such preceding year must be paid in the appropriate amount prior to or at the time of filing the claim. Special tax, based upon estimated withdrawals, may be paid in advance of actual withdrawals. Adjustments of the special tax where improperly paid will be made in accordance with §§ 197.55 and 197.56. The manufacturer is not required to pay the special tax if he does not claim drawback on the distilled spirits used by him.

§ 197.26 *Special tax for each place.* A separate special tax must be paid for each place at which distilled spirits are used in the manufacture or production of nonbeverage products if a claim is filed for drawback of tax on distilled spirits so used at each such place.

§ 197.27 *Date special tax due.* The special tax must be paid prior to the filing of the first claim for drawback during any fiscal year commencing July 1 and ending with June 30 following. Notwithstanding the month of the fiscal year in which the claim is filed, the full annual special tax of $25, $50, or $100, as the case may be, must be paid.

§ 197.28 *Filing of return and payment of special tax.* Persons intending to file claims for drawback shall file returns on Form 11 with remittances, with the district director of internal revenue for the district in which the place of manufacture is located. The remittance must be in the form of cash, United States post office money order, or certified check. Uncertified checks will not be accepted by the district director.

### Execution of Form 11

§ 197.29 *General.* Special-tax returns, Form 11, may be procured from any district director or collection officer and shall disclose, in the spaces provided, the following:

(a) The true name of the taxpayer, which may be followed by the words "trading as" and any trade name under which the business is conducted.

(b) The exact location of the place of business, as by name and number of building or street, and where these do not exist, by some particularization in addition to the post office address.

(c) The kind of business carried on.

(d) Except in the case of a corporation, the true names of all persons having a proprietary interest in the business. While it is not necessary that the names of all persons having a proprietory interest in the business appear on the special-tax stamp, the names must be disclosed on the return, Form 11.

§ 197.30 *Signature.* The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by a member of the firm; and the return of a corporation shall be signed by an officer thereof. In each case, the person signing the return shall designate his capacity, as "individual owner," "member of firm," or, in the case of corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a bankrupt, insolvent, deceased person, etc., will indicate the fiduciary capacity in which they act. Returns signed and sworn to by persons as agents will not be accepted unless they file with the district director a power of attorney authorizing them so to act.

§ 197.31 *Oaths or affirmations.* Form 11 must be sworn to before a notary public or other official authorized to administer oaths: *Provided,* That if the form officially prescribed for such return contains therein a provision for verification by a written declaration that such return is made under penalties of perjury, such return shall be verified by the execution of such declaration, and such declaration so executed shall be in lieu of the oath required herein for verification.

(63 Stat. 667; 26 U. S. C. 3809)

### Subpart D—Special-Tax Stamps

§ 197.40 *Issuance of stamps.* Upon receipt of a return on Form 11, properly executed, together with proper remittance, the district director of internal revenue will issue a special-tax stamp designated "Manufacturer of Nonbeverage Products." District directors and collection officers may not issue the special-tax stamp before the tax is fully paid. Such special-tax stamp may not be sold or otherwise transferred to another person.

§ 197.41 *Posting of stamps.* A special-tax payer shall conspicuously display his special-tax stamp in the place of business for which the special tax was paid. If such stamp is lost or accidentally destroyed, the taxpayer should immediately notify the district director of internal revenue from whom the stamp was purchased, who will issue to the taxpayer a "Certificate in Lieu of Lost or Destroyed Special Tax Stamp," which must be kept in the same manner as the stamp.

(53 Stat. 394; 26 U. S. C. 3273)

§ 197.42 *Corrections of errors on stamps.* On receipt of a special-tax stamp, the taxpayer will examine it to insure that the name and address are correctly stated thereon. If an error has been made, the stamp should be returned to the district director of internal revenue, with a statement showing the nature of the error and setting forth the proper name or address. The district director of internal revenue, on receipt of such stamp and statement, will compare the data with that on Form 11, and if an error on the part of the district director of internal revenue has been made, he will make the necessary correction and return the stamp to the taxpayer. If the Form 11 agrees with the data on the stamp, the district director of internal revenue will require the taxpayer to file a new Form 11, designated "Amended Return," disclosing the proper name and address, and, on receipt of the amended Form 11, will amend his Record 10 accordingly, attach the amended Form 11 to the original Form 11, make the proper correction on the stamp, and return it to the taxpayer.





### Change in Location

§ 197.43 *General.* A special-tax payer who, during the fiscal year for which special tax was paid, removes his place of manufacture to a place other than that specified in his special-tax stamp, must register the change with the district director of internal revenue from whom the special-tax stamp was purchased, within 90 days after he moves into the new premises, by executing a new return on Form 11, designated as "Amended Return," setting forth the time when and the place to which such removal was made, and shall surrender the special-tax stamp to the district director of internal revenue for indorsement of the change in location.

(53 Stat. 396; 26 U. S. C. 3280)

§ 197.44 *Removal in same internal revenue district.* When a special-tax payer removes his place of manufacture to another address within the same internal revenue district, the district director will enter on his Record 10 the new address and the date of removal into the new premises, and will note the change on the face of the special-tax stamp, stating clearly thereon the new location, and will return the special-tax stamp to the taxpayer.

§ 197.45 *Removal to another internal revenue district.* When a taxpayer removes his place of manufacture to a location within an internal revenue district other than that in which the special-tax stamp was issued, the district director who issued the special-tax stamp will enter on his Record 10 the new address and date of removal into the new premises, stating clearly the new location where the business is to be carried on, and will transmit the stamp to the district director of the district to which the taxpayer removed. The district director of that district will make entry on his Record 10, as in the case of a new registrant, and note the taxpayer's new address and the district director's name, title, and district, and the date of removal on the special-tax stamp, which will be returned to the taxpayer.

§ 197.46 *Failure of registration.* A person who removes his place of manufacture and fails to register such removal with the district director, as required by § 197.43, must pay a new special tax for the new location if a claim for drawback is filed by him during the fiscal year for which the original special tax was paid.

§ 197.47 *Certificates in lieu of lost stamps.* The provisions of §§ 197.43–197.46 shall apply to certificates issued in lieu of lost or destroyed special-tax stamps.

### Change in Control

§ 197.48 *General.* Certain persons other than the special-tax payer may, without paying additional special tax, be eligible to the same privileges granted by law to the taxpayer during the remainder of the fiscal year for which the special tax was paid. To secure such right, such person or persons must file with the district director from whom the special-tax stamp was purchased, within 90 days after the date on which the successor or successors assume control, a return on Form 11, showing the basis of the succession.

§ 197.49 *Persons eligible.* Under the conditions indicated in § 197.48, persons such as those listed below have the right of succession:

Death: The widow or child, or executor, administrator, or other legal representative of the taxpayer.

Husband and wife: A husband or wife succeeding to the business of his or her spouse (living).

Insolvency: A receiver or trustee in bankruptcy, or an assignee for benefit of creditors.

Withdrawal from firm: The partner or partners remaining after death or withdrawal of a member.

§ 197.50 *Failure of registration.* A person so succeeding, who fails to register such succession with the district director, as required by § 197.48, must pay a new special tax if a claim for drawback is filed by him during the fiscal year for which the original special tax was paid.

§ 197.51 *Certificates in lieu of lost stamps.* The provisions of §§ 197.48–197.50 shall apply to certificates issued in lieu of lost or destroyed special-tax stamps.

### Change in Name or Style

§ 197.52 *General.* A special-tax payer does not incur liability to additional special tax by reason of a mere change in the trade name or style under which such business is conducted, nor by reason of a change in management which involves no change in the proprietorship of the business.

§ 197.53 *Change in capital stock.* Additional special tax is not required by reason of a change of name or increase in the capital stock of a corporation if the laws of the State of incorporation provide for such changes without creating a new corporation.

§ 197.54 *Sale of stock.* No additional special tax is required by reason of the sale or transfer of all or a controlling interest in the capital stock of a corporation.

### Adjustment of Special Tax Rate

§ 197.55 *Change to higher rate.* A manufacturer of nonbeverage products who pays a special tax of $25 per annum and has filed or intends to file a claim or claims for drawback covering distilled spirits in excess of 25 proof gallons used during the year for which the special tax was paid, must pay special tax of $50 or $100, as the case may be, and obtain a stamp therefor. The manufacturer may thereupon submit the special-tax stamp of $25 to the district director of internal revenue to whom the special tax was paid with a claim on Form 843 for refund of the value thereof. Similar procedure will govern in the case of a manufacturer of nonbeverage products who pays special tax of $50 and has filed or intends to file claim for drawback covering distilled spirits used in excess of 50 proof gallons.

§ 197.56 *Change to lower rate.* A manufacturer of nonbeverage products who pays special tax of $100 or $50 per annum, as the case may be, and, during the year for which the special tax was paid, files claim or claims for drawback covering the use of not more than 50 or 25 proof gallons of distilled spirits, as the case may be, may file a claim on Form 843 for refund of the difference between the special tax paid and the special tax due. The special-tax stamp shall be attached to the claim.

§ 197.57 *Refund of special tax.* Refund of special tax may be made if it is established that the taxpayer did not file a claim for drawback for the period covered by the special-tax stamp. Where claim for drawback was filed, refund of special tax may be made if it is established that no drawback was allowed or paid for the period covered by the stamp.

CLAIMS FOR REFUND OF SPECIAL TAX

§ 197.58 *General.* Claims for refund of the special tax alleged to have been erroneously or improperly paid shall be filed on Form 843 (original only) with the district director of internal revenue to whom the special tax was paid. The claim must set forth in detail and state each ground upon which it is made, and facts sufficient to apprise the Assistant Regional Commissioner of the exact basis thereof. The special-tax stamp shall be attached to the claim.

(53 Stat. 399; 26 U. S. C. 3304)

§ 197.59 *Limitation.* No claim for refund of the special tax shall be allowed unlesss presented within four years next after the payment of such tax.

(53 Stat. 399; 26 U. S. C. 3304)

**Subpart E—Bonds and Consents of Sureties**

§ 197.65 *General.* Every person required to file a bond or consent of surety under the provisions of this part shall prepare and execute it on the prescribed form, in triplicate, in accordance with the provisions in this part and the instructions printed on the form, and shall submit it to the Assistant Regional Commissioner. The bonds required by the provisions in this part shall be given with surety or collateral security. The surety may be individual or corporate. The surety may not have any interest, either direct or indirect, in the business of the principal on the bond.

§ 197.66 *Corporate surety.* Bonds may be given with corporate surety authorized by the Secretary of the Treasury to become surety on Federal bonds, subject to the limitations prescribed by the Secretary in Treasury Department Form 356, Commissioner of Accounts, Surety Bonds Branch, which is issued annually, and subject to such amendatory circulars as may be issued from time to time. A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and the sureties: *Provided*, That each corporate surety may limit its liability in terms upon the face of the bond in a definite, specified amount, which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary, as set forth in Treasury Department Form 356. When the sureties so limit their liability, the aggregate of such limited liabilities must equal the required penal sum of the bond.

§ 197.67 *Powers of attorney.* Powers of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of corporate sureties are required to be filed with, and passed upon by, the Commissioner of Accounts, Surety Bonds Branch, Treasury Department. Such powers and other evidence of appointment need not be filed with, or submitted to, Assistant Regional Commissioners. Powers of attorney or other evidence of appointment of agents and officers to execute bonds on behalf of the principal, must be filed on Form 1534, in triplicate, with the Assistant Regional Commissioner with whom the bond is filed.

§ 197.68 *Individual sureties.* Bonds may be given with individual sureties of which there must be not less than two, each of whom must qualify by executing Form 33 (AT), in triplicate. Individual sureties must be citizens of the United States and reside in the State in which the business of the principal is to be conducted. No person will be accepted as an individual surety in a State in which he is not authorized to become a surety.

§ 197.69 *Ownership of real property.* Each individual surety must own unencumbered real property, in fee simple, the appraised value of which, over and above any exemptions from execution allowed by the laws of the State, is equal to the penal sum of the bond. Such real property must be located within the State where the business of the principal is to be conducted. The real property must be described in the surety's affidavit, Form 33 (AT), with all of the formalities required in conveyances of real estate by the laws of the State in which it is situated.

§ 197.70 *Execution of Form 33 (AT).* The surety's affidavit on Form 33 (AT) shall contain all of the information required by this part and the instructions printed on the form. The form shall be subscribed and sworn to before an officer duly authorized to administer oaths, and one copy thereof shall be attached to each copy of the bond to which it relates.

§ 197.71 *Certificate of title.* There must be submitted with the surety's affidavit, Form 33 (AT), a certificate of title, in triplicate, showing that the surety has a fee simple title free of encumbrances to the realty described in the form: *Provided*, That where recognized by the laws of the State in which the realty is located, there may be submitted, in lieu of a certificate of title, a document of comparable validity, such as a certified copy of a title insurance policy or a certificate of search and finding executed by an authorized attorney.

§ 197.72 *Appraisal.* There will also be submitted with Form 33 (AT) an appraisal, in triplicate, by two or more competent persons, designated by the Assistant Regional Commissioner for the purpose, showing separately the value of the land and buildings, and a full and clear statement of the method employed by them in determining their valuation. The appraisal shall be at the expense of the principal on the bond, unless it is made by Government officers.

§ 197.73 *Investigation.* The Assistant Regional Commissioner must cause an investigation to be made of all the facts stated in the surety's affidavit on Form 33 (AT) and supporting documents, and shall forward one copy of the report of such investigation to the Commissioner with the bond and accompanying Form 33 (AT).

§ 197.74 *Requalification.* The Commissioner or Assistant Regional Commissioner may at any time require the requalification of individual sureties on Form 33 (AT).

§ 197.75 *Deposit of collateral.* Except as provided in this section, bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by principals as collateral security in lieu of individual or corporate sureties. Assistant Regional Commissioners on receiving such bonds or notes, or other obligations, pledged and deposited by principals as collateral security in lieu of surety, shall deposit such securities as required by Department Circular No. 154, revised (31 CFR Part 225). United States Savings, Defense Savings, and War Savings Bonds issued under the authority of section 22 of the Second Liberty Bond Act, as amended, and other bonds and notes of the United States, which are nontransferable or the hypothecation of which will not be recognized by the Treasury Department, may not be pledged and deposited as security in lieu of corporate or individual sureties.

(Sec. 1126, 44 Stat. 122 as amended, sec. 7, 49 Stat. 22; 6 U. S. C. 15)

§ 197.76 *Consents of surety.* Consents of surety to a change in the terms of a bond must be executed on Form 1533, in as many copies as are required of the bond which they affect, by the principal and all sureties with the same formality and proof of authority to execute as are required for the execution of bonds. Form 1533 will be used by obligors on collateral bonds as well as those on surety bonds. The Form 1533 must properly identify the bond affected thereby and state specifically and precisely what is covered by the extended terms thereof. If the surety is a corporation, the consent may be executed by an agent or attorney in fact duly authorized so to do by power of attorney filed by the surety with the appropriate Assistant Regional Commissioner, or the consent may be executed by the home office officials of such corporate surety; except that, in cases where the saving of time is an element, the consent may be executed by an agent or attorney in fact where the home office officials, by specific direction, order its execution. A copy of such specific direction should be attached to each copy of such consent.

§ 197.77 *Approval required.* No person using distilled spirits in the manufacture of nonbeverage products may file monthly claim for drawback under the provisions of this part until bond on Form 1730 has been approved by the Assistant Regional Commissioner.

§ 197.78 *Authority to approve.* Assistant Regional Commissioners are authorized to approve all bonds and consents of surety required by this part.

§ 197.79 *Additional or strengthening bonds.* In all cases where the penal sum of a bond on file and in effect is not sufficient, computed as prescribed by this part, the principal may give an additional or strengthening bond in a sufficient penal sum, provided the surety thereon is the same as on the bond already on file and in effect; otherwise a new bond covering the entire liability will be required. Such additional or strengthening bonds, being filed to increase the bond liability of the principal and the surety, shall not be construed in any sense to be substitute bonds, and the Assistant Regional Commissioner will refuse to approve an additional or strengthening bond where any notation is made thereon which may be construed as a release of any former bond or as limiting the amount of either bond to less than its full penal sum. Additional or strengthening bonds must show the current date of execution and the effective date in the blank spaces provided therefor. Such bonds must have marked thereon, by the obligors at the time of execution, "Additional Bond," or "Strengthening Bond," as the case may be.

§ 197.80 *New or superseding bonds.* The principal on any bond filed pursuant to this part may, at any time, substitute a new bond therefor. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing or liquidating the business of the principal, must execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. When, in the opinion of the Commissioner or the Assistant Regional Commissioner, the interests of the Government demand it or in any case where the security of the bond becomes impaired in whole or in part for any reason whatever, the principal will be required to give a new bond. A new bond shall be required immediately in case of death, removal from the State, or insolvency of an individual surety, or the insolvency of a corporate surety. Where a bond is found to be not acceptable or for any reason becomes invalid or of no effect, the principal shall be required to file immediately a new and satisfactory bond. Superseding bonds must show the current date of execution and the date they are to be effective, and each such bond shall have marked thereon, by the obligors at the time of execution, "Superseding Bond." Where a new bond is submitted by the principal to supersede a bond or bonds then in effect, and such superseding bond has been approved, the superseded bond shall be released as to transactions occurring wholly subsequent to the effective date of the superseding bond and notice of termination of the superseded bond may be issued as provided in § 197.85.

§ 197.81 *Account with drawback bond.* The Assistant Regional Commissioner will keep an account with each bond governing the allowance of drawback on a monthly basis. The principal will be charged with the amount of drawback allowed on each monthly claim. Credit will be given on the account with the bond in the amount equal to the drawback found by audit and investigation to be allowable, under the provisions of this part.

TERMINATION OF BONDS

§ 197.82 *General.* Continuing bonds on Form 1730 will be terminated by the Assistant Regional Commissioner as to liability on drawback allowed after a specified future date (a) pursuant to a notice by the surety as provided in § 197.83, (b) following approval of a superseding bond, as provided in § 197.80, or (c) following notification by the principal of his intent to discontinue the filing of claims on a monthly basis: *Provided*, That the bond will not be terminated until all outstanding liability thereunder has been discharged. Upon termination, the Assistant Regional Commissioner will mark the bond "canceled" followed by the date of cancellation, and will issue a notice of termination, Form 1490, or a notice of release, Form 1491, as provided in § 197.86.

§ 197.83 *Application of surety for release from bond.* A surety on any bond required by this part may at any time, in writing, notify the Assistant Regional Commissioner in whose office the bond is on file, and the principal, that he desires to be relieved of liability under the bond at a date not less than 60 days after the date of the notification. One copy of the notice must be delivered to the principal and two copies shall be delivered to the Assistant Regional Commissioner. If the notice is given by an agent of the surety it must be accompanied by a power of attorney authorizing the agent to give such notice, or by a verified statement that such power of attorney is on file with the Treasury Department. The surety must also file with the Assistant Regional Commissioner an acknowledgment or other proof of service of such notice on the principal.

§ 197.84 *Extent of release of surety from liability under bond.* If the notice required by § 197.83 is not withdrawn thereafter in writing, the rights of the principal as supported by the said bond shall be terminated on the date named in the notice, and the surety will be relieved from liability for drawback allowed subsequent to the date named. Liability for drawback allowed prior to the date named in the surety's notice will continue until the claims for such drawback have been properly verified by the Assistant Regional Commissioner according to law and this part. Where the principal files a valid superseding bond, the surety on the bond superseded will be relieved from liability for drawback allowed wholly subsequent to the effective date of the superseding bond.

§ 197.85 *Action by Assistant Regional Commissioner.* When an application by the surety for release from bond is filed with the Assistant Regional Commissioner, or when a superseding bond has been approved, or when the principal has discontinued filing claims on a monthly basis, the Assistant Regional Commissioner will make a complete examination of records to determine whether there is any liability then due and payable, or chargeable, outstanding against the bond. If it is found that liabilities chargeable against the bond have not been paid or credited or otherwise settled, no further action will be taken until all such liabilities have been settled. If the Assistant Regional Commissioner finds that the bond may be properly terminated, he will issue notice of termination in accordance with the provisions of § 197.86.

§ 197.86 *Notice of termination.* Upon determining that the bond on Form 1730 may be terminated, the Assistant Regional Commissioner will execute a notice of termination, Form 1490, where a superseding bond has been approved, or a notice of release, Form 1491, where the principal has discontinued filing monthly claims, or where the surety has made application for release from bond as provided in § 197.83. The notice of termination or the notice of release shall be prepared in quadruplicate where there is but one surety, and in quintuplicate where there are two sureties. The Assistant Regional Commissioner will forward the original of the notice to the Commissioner, together with a copy of the surety's application, if any, furnish one copy to each obligor, and retain one copy of the notice and the surety's application, if any, on file with the bond to which it relates.

§ 197.87 *Release of collateral.* The release of collateral pledged and deposited to support bonds required by this part will be in accordance with the provisions of Department Circular No. 154, revised (31 CFR Part 225), subject to the conditions governing issuance of notices on Forms 1490 and 1491 of the termination of such bonds. When the Assistant Regional Commissioner determines that there is no outstanding liability against the bond, and has satisfied himself that the interests of the Government will not be jeopardized, the security may be released and returned to the principal.

(44 Stat. 122 as amended; 6 U. S. C. 15)

**Subpart F—Formulas and Samples**

§ 197.95 *Products requiring formulas.* Manufacturers intending to file drawback claims are required to file quantitative formulas for all preparations except those covered by § 197.96. Such formulas should be sent direct to the Director, Alcohol and Tobacco Tax Division, Washington 25, D. C., on Form 1678, in triplicate, before or at the time of manufacture of the products. Upon receipt by the Director, Alcohol and Tobacco Tax Division, the formulas will be examined and if found to be medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes they will be

approved. If the formulas do not meet the requirements of the law for drawback products, they will be disapproved. No drawback will be allowed on distilled spirits used in a disapproved product, unless such product is later used in the manufacture of an approved nonbeverage product. The formulas should be serially numbered, commencing with number one and continuing thereafter in numerical sequence. Amended or revised formulas will be considered as new formulas and serially numbered accordingly. One copy of each formula will be retained by the Director, Alcohol and Tobacco Tax Division, one copy returned to the manufacturer, and one copy will be sent to the Assistant Regional Commissioner for filing. The formulas returned to manufacturers shall be filed in serial order by the manufacturer and made available for examination by internal revenue officers in the investigation of drawback claims. The copies sent to Assistant Regional Commissioners shall likewise be filed in serial order, available for examination by drawback audit clerks and laboratory chemists. In the case of food products, such as preserved fruits, cakes, buns, soups, etc., it will be sufficient if the formulas therefor show the quantity of proof gallons of distilled spirits used in the production of a given quantity of finished product.

§ 197.96 *Products not requiring formulas.* Quantitative formulas need not be submitted if the products are medicinal preparations, tinctures, or fluid extracts produced under formulas prescribed by the United States Pharmacopoeia, The National Formulary, or the Homeopathic Pharmacopoeia of the United States, and such products are identified in the supporting data by name and followed by the letters "U. S. P.," "N. F.," or "H. P. U. S.," as the case may be.

§ 197.97 *Statement of process.* The Assistant Regional Commissioner, at his discretion, may at any time require any person claiming drawback under the regulations in this part to file a statement of process in addition to that required by Form 1678 and such other data as he may deem necessary for consideration of such person's claim for drawback. When such additional data are required, the statement of process should be submitted with copies of the commercial labels used on the finished products.

§ 197.98 *Samples.* The Commissioner, or Assistant Regional Commissioner, at his discretion, may also at any time require any person claiming drawback under the regulations in this part to submit a sample of each nonbeverage product for examination. Where the applicant proposes to use a mixture of oil or other ingredients, the composition of which is unkown to him, a 1-ounce sample should be submitted with the sample of finished product when so required by the Commissioner, or Assistant Regional Commissioner, as the case may be.

### Subpart G—Claims for Drawback

§ 197.105 *Drawback.* Drawback at the rate specified by law on each proof gallon of distilled spirits used in the manufacture of medicines, medicinal preparations, food products, flavors, or flavoring extracts which are unfit for beverage purposes will be allowed to any person who has become eligible for such drawback and upon the filing of a claim therefor as provided in this subpart.

§ 197.106 *Claims.* The claim for drawback shall be filed on Form 843 (original only) with the Assistant Regional Commissioner, for the region in which the place of manufacture is located, and shall pertain only to distilled spirits used in the manufacture or production of nonbeverage products during any one quarter of the year, and only one claim may be filed for each quarter: *Provided*, That where the manufacturer has notified the Assistant Regional Commissioner, in writing, of his intention to file claims on a monthly basis, in lieu of a quarterly basis, and has filed a bond in compliance with the provisions of § 197.107, claims may be filed monthly in lieu of quarterly: *Provided further*, That any such election for the filing of monthly claims may be revoked upon filing of notice thereof, in writing, with the Assistant Regional Commissioner.

§ 197.107 *Bond, Form 1730.* Every person desiring to file claims for drawback on a monthly basis shall, upon filing his notice of such intention as provided in § 197.106, execute a bond on Form 1730, in triplicate, in conformity with the provisions of §§ 197.65–197.80, and file the same with the Assistant Regional Commissioner. The penal sum of the bond must be sufficient to cover the amount of drawback which will, during any quarterly period, constitute a charge against the bond: *Provided*, That the penal sum of any bond shall not exceed $200,000 nor be less than $1,000. The bond shall be a continuing one, and the liability thereof subject to increase as successive monthly claims are allowed thereunder and to decrease as the verifications of such monthly claims are made. When the limit of liability under a bond given in less than the maximum penal sum has been reached, no further drawback on monthly claims will be allowed unless prior charges against the bond have been decreased, or a new, or additional, bond in sufficient penal sum is furnished.

§ 197.108 *Date of filing claim.* Quarterly claims for drawback must be filed with the Assistant Regional Commissioner within the three months next succeeding the quarter in which the distilled spirits covered by the claim were used in the manufacture of nonbeverage products. Monthly claims for drawback may be filed at any time after the end of the month in which the distilled spirits covered by the claim were used in the manufacture of nonbeverage products, but must be filed not later than the close of the third month succeeding the quarter in which such spirits were used.

§ 197.109 *Information to be shown by the claim.* The claim must set forth the following:

(a) That the special tax has been paid.

(b) That the distilled spirits on which drawback is claimed were fully taxpaid and were produced in a domestic registered distillery or an industrial alcohol plant.

(c) That the distilled spirits on which the drawback is claimed were used in the manufacture or production of nonbeverage products.

(d) That the nonbeverage products were manufactured in compliance with (1) quantitative formulas filed with the Commissioner on Form 1678 prior to or at the time of manufacture, or (2) formulas prescribed by the United States Pharmacopoeia, the National Formulary, or the Homeopathic Pharmacopoeia of the United States.

(e) That the data submitted in support of the claim are correct.

#### Supporting Data

§ 197.110 *General.* Each claim will be accompanied by statements of supporting data as provided by §§ 197.111–197.119.

§ 197.111 *Identification of special tax-payment.* Each claim will be accompanied by a statement showing, with respect to payment of special tax: (a) Serial number of special tax stamp, (b) denomination, (c) fiscal year for which issued, (d) date of issuance, and (e) internal revenue district where issued.

§ 197.112 *Distilled spirits received in tank cars.* Each claim covering the receipt of distilled spirits in tank cars will be accompanied by a statement showing date of receipt, the name and address of the vendor, whether taxpayment was evidenced by a certificate of taxpayment, Form 1595, or a wholesale liquor dealer's stamp, the serial number of the certificate of taxpayment (Form 1595), or the wholesale liquor dealer's stamp, the date of issuance of the certificate or wholesale liquor dealer's stamp, and the name of the producer, kind, quantity, and proof of the spirits. (When a tank car or tank truck is emptied, the certificate of taxpayment, Form 1595, or the wholesale liquor dealer's stamp, as the case may be, affixed thereto shall be scalped by cutting out all of that portion of the certificate or stamp within the borders and the cut-out portion of the certificate or stamp shall be immediately forwarded to the Assistant Regional Commissioner. If the tank car or tank truck is received without the certificate or stamp attached thereto, the vendee shall note such fact on the bill of lading, if any, or on Form 1440 or 1520, as the case may be, and immediately notify the Assistant Regional Commissioner who will cause such inquiry to be made respecting the shipment and receipt of the conveyance as he may deem appropriate.)

§ 197.113 *Distilled spirits received in containers.* Each claim covering the receipt of distilled spirits in containers, such as barrels, drums, cans, or cases, bearing taxpaid or wholesale liquor dealer's stamps will be accompanied by a statement showing the date of receipt, the name and address of the vendor, the serial number of the taxpaid or wholesale liquor dealer's stamp affixed to the container, the date of issuance appearing on the stamp, the serial number, if any, of the container, and the name of the producer, kind, quantity, and proof of the spirits. (When the package is emptied, the stamp shall be scalped and attached to the next claim filed for drawback on the spirits which were in such package. The scalped stamp will be retained by the Assistant Regional Commissioner with the claims record of the claimant.)

§ 197.114 *Distilled spirits received in bottles.* Each claim covering the receipt of distilled spirits in bottles will be accompanied by a statement showing the date of receipt, the name and address of the vendor, the serial number of the strip stamp affixed over the mouth and neck of the bottle, and the name of the bottler, kind, quantity, and proof of the spirits.

§ 197.115 *Use of distilled spirits.* Each claim covering the use of distilled spirits in the manufacture of nonbeverage products will be accompanied by a statement showing the name, description, and formula number, if any, of each nonbeverage product in the manufacture of which distilled spirits were used, the alcoholic content by volume of each such product, the number of proof gallons and kind of distilled spirits used in manufacture thereof, and the quantity produced.

§ 197.116 *Distilled spirits account.* Each claim will be accompanied by a statement showing in proof gallons the quantity of all distilled spirits on hand at the beginning of the period, quantity in process beginning of the period, quantity received during the period, quantity used during the period in the manufacture of nonbeverage products subject to drawback, quantity used in the manufacture of intermediate products, quantity otherwise used not subject to drawback, quantity in process at the end of the period, and the quantity remaining on hand at the end of the period. Distilled spirits in process will include distilled spirits represented in unfinished nonbeverage products, mixtures, menstruums, etc. Any discrepancy between the amount of distilled spirits on hand at the end of the period as disclosed by actual inventory and the amount shown by the manufacturer's records must be reported in the summary with an explanation of the cause thereof.

§ 197.117 *Account of distilled spirits recovered in the manufacture of products eligible for drawback.* Each claim will be accompanied by a summary statement showing in proof gallons the quantity of all recovered distilled spirits on hand at the beginning of the period, quantity in process beginning of the period, quantity recovered during the period, quantity used not subject to drawback, quantity in process at the end of the period, and the quantity remaining on hand at the end of the period. Any discrepancy between the amount of recovered distilled spirits on hand at the end of the period as disclosed by actual inventory and the amount shown by the manufacturer's records must be reported in the summary with an explanation of the cause thereof. Distilled spirits recovered from dregs or marc of percolation, or extraction, of products eligible for drawback may be reused in the manufacture of medicines or flavoring extracts of the kind in which originally used. Such recovered distilled spirits are not eligible for drawback and may be reused only in the manufacture of nonbeverage products. They may not be used in the manufacture of intermediate products.

§ 197.118 *Account of distilled spirits recovered in the manufacture of intermediate products.* Each claim will be accompanied by a summary statement showing in proof gallons the quantity of all recovered distilled spirits on hand at the beginning of the period, quantity in process beginning of the period, quantity recovered during the period, quantity used during the period in the manufacture of nonbeverage products subject to drawback, quantity otherwise used, and the quantity remaining on hand at the end of the period. Any discrepancy between the amount of recovered distilled spirits on hand at the end of the period as disclosed by actual inventory and the amount shown by the manufacturer's records must be reported in the summary with an explanation of the cause thereof. Any distilled spirits recovered from the dregs or marc of percolation, or extraction, of intermediate products as defined in § 197.14 are eligible for drawback of tax only when used in the manufacture of a nonbeverage product.

§ 197.119 *Account of intermediate products.* Each claim will be accompanied by a statement showing the quantity in wine gallons of each intermediate product and the quantity of distilled spirits (proof gallons) used therein on hand at the beginning of the period, produced during the period, and on hand at the end of the period, and showing the quantity in wine gallons of each intermediate product and the quantity of the distilled spirits contained therein (proof gallons) used during the period in eligible products, used during the period in other intermediate products, and otherwise disposed of during the period. Any discrepancy between the amount of intermediate products on hand at the end of the period as disclosed by actual inventory and the amount shown by the manufacturer's records must be reported in the statement with an explanation of the cause thereof. Only the distilled spirits remaining in an intermediate product at the time of its use in the manufacture of an approved nonbeverage product, are eligible for drawback.

#### Action on Claims

§ 197.120 *Action on quarterly claims.* The Assistant Regional Commissioner will date-stamp the claim and, after recording, will examine the claim for the purpose of determining whether it is properly executed and that all supporting data have been submitted and will conduct such inquiries and investigations as may be necessary to verify that drawback is allowable on the distilled spirits covered by the claim. After completion of such verification he will allow or disallow the claim in accordance with his findings and existing law and regulations.

§ 197.121 *Action on monthly claims.* The Assistant Regional Commissioner will date-stamp the claim and, after recording, will examine the claim for the purpose of determining whether it is properly executed and that all required supporting data have been submitted. Where a bond in the maximum penal sum or, if less than such maximum, in a sufficient penal sum, is on file, the Assistant Regional Commissioner will verify that the amount of drawback claimed is correctly calculated, based on the quantity of distilled spirits stated to have been used by the manufacturer, and, without investigation, allow or disallow the claim (including the final claim for any quarter) in accordance with existing law and regulations. Where the bond on file is not in a sufficient penal sum, action on the claim will be withheld pending completion of an investigation subsequent to the end of the quarterly period. When the final claim for a quarter is received, the Assistant Regional Commissioner will conduct such investigation as may be necessary to verify, as to each claim filed for the quarter, that the drawback allowed, or claimed where bond was insufficient, was proper: *Provided*, That where the total charges outstanding against the manufacturer's bond are less than the penal sum of such bond, the Assistant Regional Commissioner may, at his discretion, conduct such investigation at less frequent intervals. Upon completion of verification the Assistant Regional Commissioner will credit the manufacturer's bond in an amount equal to the drawback on the spirits found to have been lawfully used.

### Subpart H—Records

§ 197.130 *Nature of records.* Every person intending to claim drawback on distilled spirits used in the manufacture or production of nonbeverage products must keep a permanent record showing the following data:

(a) The quantity, proof, and kind of distilled spirits received.

(b) Name and address of the person from whom the spirits were received.

(c) Kind of container and serial number thereof, serial number of certificate of tax payment, or wholesale liquor dealer's stamp (if tank car), serial number of taxpaid distilled spirits stamp, or wholesale liquor dealer's stamp (if barrel, drum, can, or case), or serial number of strip stamp (if bottle).

(d) Date on which received.

(e) Number of proof gallons and kind of distilled spirits used in the manufacture of each product, and the date of use.

(f) Name of each product in the manufacture of which distilled spirits were used.

(g) Quantity of each product produced and the alcohol content thereof.

(h) Name and address of the purchaser.

(i) Quantity of each product sold to each purchaser.

(j) Date of sale of product to each purchaser.

§ 197.131 *Exception.* The manufacturer need not keep the records required by paragraphs (h), (i), and (j) of § 197.130 where the nonbeverage product

contains less than 3 percent of distilled spirits by volume, nor shall such records be required where nonbeverage products are sold by the producer direct to the consumer in retail quantities. The Assistant Regional Commissioner may at any time require the keeping of such records upon at least 5 days' notice to the taxpayer.

§ 197.132 *Form of record.* No particular form of record is prescribed, but the data required to be shown shall be readily ascertainable from the records kept by the manufacturer. Such records shall be kept complete and current at all times, and shall be retained by the manufacturer on the place covered by the special-tax stamp, and shall be open to inspection by Government officers during regular business hours. Such records shall be retained by the manufacturer for a period of not less than 3 years.

*Effect.* These regulations shall be effective December 1, 1953.

[SEAL] JUSTIN F. WINKLE,
*Acting Commissioner of Internal Revenue.*

Approved: December 17, 1953.

M. B. FOLSOM,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-10630; Filed, Dec. 21, 1953; 8:49 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

BISCAYNE BAY, FLORIDA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.172 establishing and governing navigation and use of a seaplane restricted area is hereby amended to include an adjacent seaplane operating area in Biscayne Bay, Miami, Florida, as follows:

§ 207.172 *Biscayne Bay, Fla.; seaplane restricted and operating areas, Coast Guard Air Station, Miami, Fla.*—(a) *The seaplane restricted area*—(1) *The area.* The waters of Biscayne Bay in the vicinity of Dinner Key Channel within an irregular area described as follows: Beginning at the intersection of the easterly extension of the line of the north wall of the Coast Guard hangar and the sheet steel bulkhead; thence 13° 33', along the bulkhead, 160 feet; thence 51° 00', 128 feet; thence 141° 00', 390 feet; thence 74° 02', 257 feet; thence 136° 53', 186 feet; thence 74° 02', 945 feet; thence 151° 49', 1,041 feet; thence 214° 07', 250 feet; thence 124° 08', 2,680 feet; thence 214° 07', 600 feet; thence 304° 08', 2,680 feet; thence 214° 07', 290 feet; thence 304° 08', 1,615 feet, to the sheet steel bulkhead, thence 341° 48', along the bulkhead, 701 feet; and thence 13° 33', along the bulkhead, 166 feet, to the point of beginning.

NOTE: All bearings are referred to true meridian.

(2) *The regulations.* (i) Watercraft shall not anchor or moor within the restricted area. Fishing in the area is prohibited.

(ii) Watercraft shall use the area to the minimum extent practicable, and only for the purpose of passing through as expeditiously as possible. No watercraft shall use the channel from one-half hour after sundown to one-half hour before sunrise except in the case of an emergency involving danger to life or property.

(iii) Watercraft in the area shall give seaplanes the right-of-way at all times. All watercraft shall promptly clear the area when seaplanes are observed approaching the area or when warned by the siren of a crash boat, and shall remain clear of the area while seaplanes are operating in the area.

(iv) The enforcing agency will send out a crash boat or boats to warn watercraft in or near the area of impending operations within the area. Each crash boat will sound a siren to attract the attention of watercraft, and the crew will display a sign reading "Plane Approaching: Clear Channel at Once".

(v) The enforcing agency will post at each end of the area a large sign reading "Danger! Coast Guard Planes Have Right-of-Way in This Channel. Use Channels to South If Practicable. Clear Channel Promptly When Planes Are Observed Approaching Or When Warned By Siren of Crash Boat."

(b) *The seaplane operating area*—(1) *The area.* Beginning at Dinner Key Seaplane Channel Lighted Buoy 2A marking the entrance to the seaplane restricted area, thence 105° for approximately 4,350 feet to Dinner Key Seaplane Channel Approach Light 2; thence 54° for approximately 9,900 feet to Miami South Channel Entrance Range Front Light; thence 178° for approximately 4,350 feet to Miami South Channel Entrance Range Rear Light; thence 182° for approximately 12,750 feet to Southwest Point Daybeacon 26; thence 270° for approximately 13,500 feet to a position in Biscayne Bay at latitude 25°41'-24", longitude 80°13'30"; thence 30° for approximately 9,900 feet to Dinner Key Channel Daybeacon 2; thence 313° for approximately 4,920 feet to Dinner Key Seaplane Channel Lighted Buoy 1 marking the southernmost portion of the entrance to the seaplane restricted area; thence 34° for approximately 600 feet to the point of beginning.

NOTE: All bearings are referred to true meridian.

(2) *The regulations.* (i) Watercraft may navigate, anchor, or moor within the operating area. Fishing will be permitted.

(ii) Watercraft utilizing the area during hours from sunset to sunrise, or during periods of low visibility, shall comply strictly with existing regulations of the Rules of the Road applicable to Inland Waters and Motorboat regulations pertaining to required lighting while underway or at anchor.

(iii) Watercraft within the operating area must recognize the fact that the maneuverability of aircraft on the surface is relatively limited as compared to that of vessels or vehicles specifically designed for surface operations. Therefore, it is essential that occupants of all watercraft shall, when in the seaplane operating area, exercise due vigilance and be alert for the presence of aircraft either taxiing on the surface, or approaching for landings and takeoffs within the area.

(iv) Seaplane landings and takeoffs will be covered by the presence of a station crash boat whenever possible. Under unusual and infrequent circumstances seaplanes may be limited to a particular heading or portion of the operating area, and watercraft in that vicinity may be requested by the crash boat to yield right-of-way to the aircraft for the particular maneuver involved. Under such unusual conditions watercraft shall comply with the request made by the crash boat for the mutual safety of boats and aircraft.

(c) Notices covering the regulations in this section will be posted at the nearby marina and wharves and at boat basins in Miami and adjoining towns.

(d) The regulations in this section shall be enforced by the Commanding Officer, United States Coast Guard Air Station, Miami, Florida, and such agencies as he may designate.

[Regs., Dec. 2, 1953, 800.2121 (Biscayne Bay, Fla.)-ENGWO] (40 Stat. 266; 33 U. S. C. 1)

[SEAL] WM. E. BERGIN,
*Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 53-10579; Filed, Dec. 21, 1953; 8:45 a. m.]

## TITLE 46—SHIPPING

### Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Merchant Marine Officers and Seamen

[CGFR 53-58]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

SUBPART 10.05—PROFESSIONAL REQUIREMENTS FOR DECK OFFICERS' LICENSES (INSPECTED VESSELS)

SUBPART 10.20—MOTORBOAT OPERATORS' LICENSES

EXAMINATION SUBJECTS FOR DECK OFFICERS OF OCEAN OR COASTWISE STEAM OR MOTOR VESSELS AND EXPERIENCE REQUIREMENTS FOR APPLICANTS FOR MOTORBOAT OPERATORS' LICENSES

A notice regarding proposed changes in the regulations regarding licensing of officers and motorboat operators was published in the FEDERAL REGISTER dated September 9, 1953, 18 F. R. 5432, as Items IV and V on the agenda to be considered by the Merchant Marine Council, and a public hearing was held by the Merchant Marine Council on September 29, 1953, in Washington, D. C. All comments submitted were considered and were rejected because a change was not considered necessary or the application of the regulation was already described in the regulations.



The amendment to the table 10.05-45 (b) in 46 CFR 10.05-45 (b) describes the examination subjects given to candidates for deck licenses for prospective deck officers of ocean or coastwise steam or motor vessels. This table sets forth the various subjects covered by the various examinations given by the Coast Guard. This amendment is based on Item IV of the agenda.

The amendment to 46 CFR 10.20-3 (a) regarding general requirements of an applicant for a motorboat operator's license is revised to require an applicant to show evidence of satisfactory service of at least one year's experience in the operation of motorboats. This requirement is considered necessary in promoting safety of life at sea. This amendment is based on Item V of the agenda.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective on and after thirty days after the date of publication of this document in the FEDERAL REGISTER:

1. Section 10.05-45 (b) is amended by revising table 10.05-45 (b) to read as follows:

TABLE 10.05-45 (b)—SUBJECTS FOR DECK OFFICERS OF OCEAN OR COASTWISE STEAM OR MOTOR VESSELS

| Subjects | Master | | | Chief mate | | Second mate | | Third mate | |
|---|---|---|---|---|---|---|---|---|---|
| | Ocean | Coastwise | Yachts | Ocean | Coastwise | Ocean | Coastwise | Ocean | Coastwise |
| 1. Latitude by Polaris | X | X | ------ | X | ------ | X | ------ | ------ | ------ |
| 2. Latitude by meridian altitude method | | | | | | Sun or star | Sun | Sun | Sun |
| 3. Fix or running fix | Any body | Sun or star | Any body | Any body | Sun or star | Sun or star | Sun | Sun | ------ |
| 4. Star identification (any method) | X | X | X | X | X | X | X | X | X |
| 5. Chart navigation | X | X | X | X | X | X | X | X | X |
| 6. Compass deviation | Any body | Sun or star | Sun | Sun or star | Sun or star | Sun or star | Sun | Sun | Sun |
| 7. Traverse sailing | | | X | | X | X | X | ------ | ------ |
| 8. Middle latitude sailing | | X | X | | X | X | | | |
| 9. Mercator sailing | X | | | | | | | | |
| 10. Great Circle sailing | X | | | | | | | | |
| 11. Piloting | X | X | X | X | X | X | X | X | X |
| 12. Aids to navigation | X | X | X | X | X | X | X | X | X |
| 13. Speed by revolutions | X | X | | X | | | | | |
| 14. Fuel conservation | X | | | | | | | | |
| 15. Instruments and accessories | X | X | X | X | X | X | X | X | X |
| 16. Magnetism, deviation and compass compensation | X | X | X | X | | | | | |
| 17. Chart construction | X | X | | | | | | | |
| 18. Tides and currents | X | X | | X | X | X | X | X | X |
| 19. Ocean winds, weather and currents | X | X | X | X | | X | | X | ------ |
| 20. Nautical astronomy and navigation definitions | X | | | | X | | X | | ------ |
| 21. International and inland rules of the road | X | X | X | X | X | X | X | X | X |
| 22. Signaling by international code flags, flashing light and semaphore; lifesaving, storm and special signals | X | X | ------ | X | X | X | X | X | X |
| 23. Stability and ship construction | X | X | | | | | | | |
| 24. Steamship | X | X | X | X | X | X | X | X | X |
| 25. Cargo stowage and handling | | X | | X | X | X | X | X | ------ |
| 26. Change in draft due to density | | X | | X | | | | | |
| 27. Determination of area and volume | | | | | X | X | | | |
| 28. Lifesaving apparatus and fire fighting equipment | X | X | X | X | X | X | X | X | X |
| 29. Ship sanitation | X | X | | X | | | | | |
| 30. Rules and regulations for inspection of merchant vessels | X | X | X | X | X | X | X | X | X |
| 31. Laws governing marine inspection | X | X | | X | X | | | | |
| 32. Ship's business | X | X | | | | | | | |
| 33. Such further examination of a non-mathematical character as the officer in charge, marine inspection, may consider necessary to establish the applicant's proficiency | X | X | X | X | X | X | X | X | X |

2. Section 10.20-3 (a) is amended to read as follows:

§ 10.20-3 *General requirements.* (a) Any person who has attained the age of 18 years and is qualified in all other respects, shall be considered eligible for a motorboat operator's license and may be examined by the Coast Guard.

(1) An applicant for a license as a motorboat operator shall submit satisfactory documentary evidence of at least one year's experience in the operation of motorboats.

(R. S. 4405, as amended, 4462, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 375, 416, 367, 526p, 50 U. S. C. App. 1275)

Dated: December 15, 1953.

[SEAL] MERLIN O'NEILL,
*Vice Admiral, U. S. Coast Guard, Commandant.*

[F. R. Doc. 53-10569; Filed, Dec. 21, 1953; 8:52 a. m.]

## TITLE 44—PUBLIC PROPERTY AND WORKS

### Chapter I—General Services Administration

Subchapter C—Real Property Management

PART 100—PUBLIC BUILDINGS AND GROUNDS

These rules and regulations are promulgated pursuant to Public Law No. 566, 80th Congress, approved June 1, 1948 (40 U. S. C. Sec. 318) and the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended.

AUTHORITY: §§ 100.1 to 100.12 issued under sec. 2, 62 Stat. 281, as amended; 40 U. S. C. 318a.

§ 100.1 *Applicability.* The rules and regulations in this part shall apply to all Federal property under the charge and control of General Services Administration and to all persons entering in or on such property. Unless otherwise stated in this part Federal property under the charge and control of the General Services Administration is referred to as "property".

§ 100.2 *Recording presence.* When requested, persons entering or leaving buildings during periods when such buildings are closed to the public shall sign the building register and/or display authorized identification document.

§ 100.3 *Preservation of property.* The injury, abuse, or damage, in any way whatsoever, to any property or part thereof, including signs, regulations, decorations or other facility or equipment, or to any tree, or other plant life is prohibited.

§ 100.4 *Conformity with signs and emergency directions.* Persons in and on property shall comply with "No Smoking" and other official signs of a prohibitory nature, and at the time of a fire alarm or other emergency signal shall comply with the directions of building police and other authorized individuals.

§ 100.5 *Nuisances.* The use of loud, abusive, or otherwise improper language, unwarranted loitering, sleeping or assembly, the creation of any hazard to persons or things, improper disposal of rubbish, spitting, prurient prying, the commission of any obscene of indecent act, or any other unseemly or disorderly conduct on property, and throwing articles of all kinds from buildings and climbing upon any part of buildings, is prohibited.

§ 100.6 *Gambling.* Participating in games for money or property, or the operation of gambling devices, the conduct of a lottery or pool, or the selling or purchasing of numbers tickets is prohibited.

§ 100.7 *Intoxicating beverages and narcotics.* Entering property or the operating of a motor vehicle thereon, by a person under the influence of intoxicating beverages or narcotic drug, or the consumption of such beverages or the use

of such drugs in or on property is prohibited.

§ 100.8 *Soliciting and vending.* The soliciting of alms and contributions, commercial soliciting and vending of all kinds, the display or distribution of commercial advertising, or the collecting of private debts, in or on property, is prohibited unless prior permission is obtained.

§ 100.9 *Photography.* Taking photographs for commercial or publication purposes within property is prohibited unless prior permission is obtained.

§ 100.10 *Dogs and other animals.* Bringing a dog (except a seeing-eye dog), or other animal upon property is prohibited, unless prior permission is obtained.

§ 100.11 *Vehicular and pedestrian traffic.* (a) Drivers of all vehicles in or on property shall drive in a careful and safe manner at all times and shall comply with the signals and directions of police officers and all posted traffic signs; (b) the blocking of entrances, driveways, walks, loading platforms or fire hydrants in or on property is prohibited; (c) except in emergencies, parking in or on property is not allowed without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons or continuously in excess of 18 hours without permission, or contrary to the direction of posted signs is prohibited. This section may be supplemented from time to time by the issuance and posting of specific traffic directives as may be required and when so issued and posted such directives shall have the same force and effect as if made a part hereof.

§ 100.12 *Penalties; other laws.* Whoever shall be found guilty of violating the rules and regulations in this part shall be fined not more than $50.00 or imprisoned not more than 30 days, or both. Nothing contained in these rules and regulations shall be construed to abrogate any other Federal laws or regulations, or any State and local laws and regulations, applicable to an area in which property is situated.

Approved: December 1, 1953.

EDMUND F. MANSURE,
*Administrator of General Services.*

[F. R. Doc. 53-10679; Filed, Dec. 21, 1953; 2:31 p. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

#### Subchapter C—Management of Wildlife Conservation Areas

REVOCATION OF REGULATIONS

*Basis and purpose.* Public hunting and fishing on certain national wildlife refuges having been authorized by administrative action pursuant to §§ 18.11 and 18.12 of this subchapter, the following existing regulations no longer are required and are hereby revoked effective upon publication of this document in the FEDERAL REGISTER:

PART 31—PACIFIC REGION

SUBPART—COLD SPRINGS NATIONAL WILDLIFE REFUGE, OREGON

FISHING

§ 31.51 *Fishing permitted* (4 F. R. 4436).
§ 31.52 *Waters open to fishing* (4 F. R. 4436).
§ 31.53 *State fishing laws* (4 F. R. 4436).
§ 31.54 *Fishing permits* (4 F. R. 4436).
§ 31.55 *Routes of travel* (4 F. R. 4436).
§ 31.56 *Use of motorboats prohibited* (4 F. R. 4436).

SUBPART—MALHEUR NATIONAL WILDLIFE REFUGE, OREGON

HUNTING

§ 31.207 *Hunting permitted* (13 F. R. 6287).
§ 31.208 *Area open to hunting* (13 F. R. 6287).
§ 31.209 *Entry* (13 F. R. 6287).
§ 31.210 *Permits* (13 F. R. 6287).
§ 31.211 *Dogs* (13 F. R. 6287).
§ 31.212 *Boats* (13 F. R. 6287).
§ 31.213 *State cooperation* (13 F. R. 6287).

PART 32—SOUTHWESTERN REGION

SUBPART—SAN ANDRES NATIONAL WILDLIFE REFUGE, NEW MEXICO

DEER HUNTING

§ 32.151 *Deer hunting permitted* (7 F. R. 6407).
§ 32.152 *Joint survey* (7 F. R. 6407).
§ 32.153 *Area open to hunting* (7 F. R. 6407).
§ 32.154 *State laws and regulations* (7 F. R. 6407).
§ 32.155 *Disorderly conduct; intoxication* (7 F. R. 6407).
§ 32.156 *Entry upon refuge; civil liability* (7 F. R. 6407).
§ 32.157 *Limitation on firearms and bullets* (7 F. R. 6407).
§ 32.158 *Penalties* (7 F. R. 6407).
§ 32.159 *State cooperation in management of the shooting area* (7 F. R. 6407).

PART 33—CENTRAL REGION

SUBPART—VALENTINE NATIONAL WILDLIFE REFUGE, NEBRASKA

FISHING

§ 33.341 *Fishing permitted* (15 F. R. 1843).
§ 33.342 *Entry upon refuge* (12 F. R. 5396).
§ 33.343 *State fishing laws* (12 F. R. 5396).
§ 33.344 *Use of boats* (12 F. R. 5396).
§ 33.345 *Temporary restrictions* (12 F. R. 5396).
§ 33.346 *State cooperation* (12 F. R. 5396).

PART 34—SOUTHEASTERN REGION

SUBPART—ST. MARKS NATIONAL WILDLIFE REFUGE, FLORIDA

FISHING

§ 34.181 *Fishing permitted* (11 F. R. 6341).
§ 34.182 *Entry* (11 F. R. 6341).
§ 34.183 *State fishing laws* (11 F. R. 6341).
§ 34.184 *Use of boats* (11 F. R. 6341).
§ 34.185 *Temporary restrictions* (11 F. R. 6341).

PART 35—NORTHEASTERN REGION

SUBPART—BRIGANTINE NATIONAL WILDLIFE REFUGE, NEW JERSEY

HUNTING

§ 35.21 *Hunting permitted* (17 F. R. 8123).
§ 35.22 *Public shooting area* (17 F. R. 8123).
§ 35.23 *Entry* (17 F. R. 8123).
§ 35.24 *Hunting licenses and permits* (17 F. R. 8123).
§ 35.25 *Dogs* (17 F. R. 8123).
§ 35.26 *State cooperation* (17 F. R. 8123).

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Dated: December 15, 1953.

O. H. JOHNSON,
*Acting Director.*

[F. R. Doc. 53-10582; Filed, Dec. 21, 1953; 8:46 a. m.]

## PROPOSED RULE MAKING

### CIVIL AERONAUTICS BOARD

#### Office of Carrier Accounts and Statistics

[ 14 CFR Part 241 ]

[Economic Regs. Draft Release No. 67]

FILING OF REPORTS BY CERTIFICATED AIR CARRIERS AND UNIFORM ACCOUNTING REQUIREMENTS

NOTICE OF PROPOSED RULE-MAKING

DECEMBER 17, 1953.

Pursuant to authority delegated by the Civil Aeronautics Board to the Office of Carrier Accounts and Statistics notice is hereby given that the Office has under consideration an amendment to Part 241 of the Economic Regulations (14 CFR Part 241) for the purpose of modifying the present reporting requirements for certificated air carriers.

The objective is to terminate the requirement for detailed reporting of domestic coach service on Schedule C–2, "Coach, Tourist, and Low Fare Off-Peak Services", after December 1953. With discontinuance of the detailed report, however, it is proposed that an additional sheet of Schedule C–1, containing overall flight and traffic data on a monthly basis for the domestic coach services would be required beginning with January 1954. It is intended to continue the special report on Schedule C–2 for international tourist services since the development and accumulated experience with the international low fare services generally are not as great as with the domestic coach services so that there is a continuing need for the more detailed information. It is also planned to effect changes in the accounting and reporting instructions related to (1) the filing period for the Interim Financial and Operating Report (2) the number of copies of Schedule C–1 to be filed and (3) accounting for estimated liability arising out of pending wage and salary negotiations. These changes are all proposed to be effective with reports for January 1954.

The changes proposed by the Office of Carrier Accounts and Statistics are as follows:

1. By deleting the following sentence from § 241.2110: "Accruals for estimated liability arising out of pending wage and salary negotiations shall not be included in this account but in account 2340, 'Other Deferred Credits' ".

2. By deleting the following sentence from § 241.2340 (b): "Estimated liability arising out of pending wage and salary negotiations shall be included in this account if the carrier elects to reflect this item in its accounts".

3. By changing from "2" to "3" the number of copies of Schedule C–1 to be filed as specified under the list of Schedules contained in Instruction No. 3 of § 241.7–1.

4. By changing the title "C–2 Coach, Tourist and Low Fare Off-Peak Services" under the list of Schedules contained in Instruction No. 3 of § 241.7–1 to read: "C–2 Coach and Tourist Services".

5. By amending Instruction No. 8 of § 241.7–1 to read:

8. Where the reporting carrier operates separate and distinct air transport divisions, regardless of whether conducted under certificates of public convenience and necessity issued by the Civil Aeronautics Board or on a nonscheduled basis, for which it maintains separate records and books of account, and where the reporting carrier conducts both domestic and international operations, the carrier shall file separate Schedules B, B–1 through B–10, C, and C–1 for each such division and operation. Where the carrier conducts international operations it shall also file Schedule C–2 for the international operation or for each separate division performing international operations. Separate filing of additional schedules may be required or exemptions, in full or in part, from the above separate filing may be granted by the Civil Aeronautics Board after examination of the Board's needs in this respect. Where separate reports are submitted in accordance with the above, an additional Schedule B shall be filed showing the profit and loss for the "System". At the option of the carrier additional Schedules C and C–1 may be filed for the "System", presenting data covering "All Services" only.

6. By changing the number of days for filing the Interim Financial and Operating Report from "30" to "40" under "Postmarked within the following number of days" in Instruction No. 10 of § 241.7–1.



7. By adding after the present language of Schedule B–1 of § 241.7–2 an additional paragraph reading:

Passenger revenue: There shall be reported on this schedule the amount of passenger revenue applicable to "Coach and Tourist Service" (as identified for separate reporting on Schedules C and C–1), except that for each operation for which a report is made on Schedule C–2, "Coach and Tourist Services", the reporting of coach and tourist passenger revenue on this schedule is not required. The amount of coach and tourist revenue reported on this schedule may be estimated provided that this fact is indicated on each report.

8. By adding after the first paragraph of the present language of Schedule C–1 Monthly Flight and Traffic Statistics of § 241.7–2 an additional paragraph reading:

In addition, for each operation in which coach and tourist service is performed but not reported on Schedule C–2 "Coach and Tourist Services", an additional page of this schedule shall be filed covering the coach and tourist service. Items 8 through 28 shall be completed on this page of the schedule. Item 8 need be completed in total only on this page, no breakdown being required by type of aircraft. Item 11, number of revenue passengers carried, shall be an unduplicated count of revenue passengers carried in the coach and tourist service, including coach and tourist passengers part of whose trip was at regular fare. Transfer, lay-over, and reduced-fare passengers shall be included or excluded in the same manner as prescribed for line 11 under "Item, Definitions and Instructions".

9. By amending the present second paragraph under Schedule C–1, Monthly Flight and Traffic Statistics of § 241.7–2 to read:

In those instances where a carrier performs only scheduled service, the flight and traffic statistics for all services and scheduled service may be reported on a single sheet of this schedule. The words "Total Scheduled" should be inserted in the heading opposite "Service" with a footnote indicating that the statistics are also "Total—All Services".

10. By amending the first sentence of the item beginning "Line 11, Number of revenue passengers carried," of § 241.7–2 to read: "This item shall be reported only on those pages of Schedule C and C–1 covering 'All Services', 'Total Scheduled Services', and 'Total Nonscheduled Services' and on the page of Schedule C–1 covering 'Coach and Tourist Service'."

11. By changing the heading of Schedule C–2, Coach, Tourist and Low Fare Off-Peak Services, of § 241.7–2 to read: "Schedule C–2, Coach and Tourist Services".

12. By amending the first paragraph of Schedule C–2 of § 241.7–2 to read:

This schedule is designed for reporting data covering international coach and tourist services and similar differential fare services which are conducted separately from other services and need be submitted only for operations having such tourist and differential fare services. This schedule is not to be used for reporting other reduced fare traffic such as seasonal and excursion fare traffic which is carried in regular services. A report is to be made on this schedule for each calendar month.

13. By striking the second paragraph of Schedule C–2 of § 241.7–2.

14. By amending the present fifth and sixth paragraphs of Schedule C–2 of § 241.7–2 to read:

Columns (5) through (8)—Distribution by Flights: Insert flight numbers in column headings. Use one column for all coach and tourist flights scheduled to serve the same "terminal points" in both directions. Include data applicable to extra section flights in the same column used for the scheduled flights to which related.

Lines 11 through 20—Revenue Passenger Miles: For any passengers carried on flights covered by this report at other than coach and tourist fares (when such other fares are applicable to traffic on the flight) give in a footnote or attached statement the revenue passenger miles identifying also the class of fare and points between which carried.

This amendment is proposed under the authority of sections 205 (a) and 407 of the Civil Aeronautics Act, as amended, (52 Stat. 984, 1000; 49 U. S. C. 425, 487).

Interested persons may participate in the proposed rule-making through the submission of written data, views or arguments pertaining thereto, in triplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All revelant matter in communications received on or before January 18, 1954, will be considered by the Office before taking final action on the proposed rule.

By the Office of Carrier Accounts and Statistics.

[SEAL] WARNER H. HORD,
*Chief, Office of Carrier Accounts and Statistics.*

[F. R. Doc. 53-10599; Filed, Dec. 21, 1953; 8:50 a. m.]

## NOTICES

### DEPARTMENT OF THE INTERIOR

#### Office of the Secretary

STANDING ROCK SIOUX TRIBE

FEDERAL INDIAN LIQUOR LAWS

Pursuant to the act of August 15, 1953 (Pub. Law 277, 83d Cong., 1st Sess.), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Standing Rock Sioux Indian Reservation was duly adopted by the Standing Rock Sioux Tribe which has jurisdiction over the area of Indian country included in the resolution:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of title 18, United States Code, commonly referred to as the Federal Indian liquor laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Standing Rock Sioux Indian Reservation: *Provided,* That such introduction, sale or pos-

session is in conformity with the laws of the respective states of North and South Dakota.

Be it further resolved that any tribal laws, resolutions or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

ORME LEWIS,
*Assistant Secretary of the Interior.*

DECEMBER 16, 1953.

[F. R. Doc. 53-10583; Filed, Dec. 21, 1953; 8:47 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3161]

NEW ENGLAND GAS AND ELECTRIC ASSN. AND ALGONQUIN GAS TRANSMISSION CO.

NOTICE REGARDING PROPOSED ISSUE AND SALE OF NOTES BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT AND BORROWING FROM BANKS BY SUBSIDIARY AND PARENT

DECEMBER 15, 1953.

Notice is hereby given that a joint application-declaration and amendments thereto have been filed with this Commission by New England Gas and Electric Association ("Negas"), a registered holding company, and its nonutility subsidiary, Algonquin Gas Transmission Company ("Algonquin"), designating sections 6 (a), 7, 9 (a), and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-23, U-43, and U-50 thereunder, as applicable to the proposed transactions which are summarized as follows:

Algonquin proposes to incur a bank loan of $2,000,000, at 4½ percent per annum, to be evidenced by an unsecured note maturing in 16 equal quarterly payments commencing January 1, 1955. Algonquin also proposes to issue and sell $5,150,000 principal amount of 25-year unsecured notes at the principal amount thereof to three of its stockholders who own in the aggregate 99.3 percent of Algonquin's common stock. Such notes are to be issuable in denominations of not less than $500,000 and will be dated December 30, 1953, will be due December 30, 1978, and will bear cumulative interest at the rate of 6 percent per annum for the first five years and at the rate of 5 percent per annum thereafter, payable only if earned in accordance with the definition of that term contained in an agreement among Algonquin and its bondholders. The proposed 25-year notes are to be subordinate to all bonds and other notes of Algonquin and will be exchangeable for debentures bearing the same terms and conditions.

Algonquin's said stockholders have agreed, subject to necessary regulatory approval, to subscribe to the proposed 25-year notes as follows:

| | |
|---|---|
| Eastern Gas & Fuel Associates | $1,910,650 |
| New England Gas & Electric Association | 1,787,050 |
| Texas Eastern Transmission Corp. | 1,452,300 |
| Total | 5,150,000 |

In connection with this financing, Algonquin has entered into an agreement with its bond holders regarding the proposed amendment of the sinking fund requirements under Algonquin's First Mortgage and Deed of Trust dated as of March 1, 1951, so as to defer the commencement of regular sinking fund payments from July 1, 1954, to July 1, 1955, and to eliminate the provision for a contingent sinking fund of $3,000,000.

Algonquin states that it must raise funds on or before December 30, 1953, to provide adequate working capital, to retire its short-term bank loans and to raise funds to pay certain claims assigned to Texas Eastern Transmission Corporation and various other claims incurred in connection with the completion of its pipe line system. Such required funds are estimated to aggregate about $7,150,000.

Negas proposes to finance its investment of $1,787,050 in the proposed 25-year notes of Algonquin by borrowing $1,500,000 from banks, to be evidenced by notes maturing October 21, 1955, and by using treasury funds for the balance. The interest rate on such notes has not yet been determined. According to Negas it is expected that its presently outstanding bank indebtedness due October 21, 1955, and aggregating $2,000,000, and the proposed additional loan of $1,500,000 will be retired at or prior to maturity from the proceeds of an offering or offerings of its common shares.

Negas and Algonquin request that the Commission's order herein be entered as soon as possible and become effective upon issuance.

Negas and Algonquin represent that no State or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 28, 1953, at 1:00 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said joint amended application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date said joint application-declaration, as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rules U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53-10588; Filed, Dec. 21, 1953; 8:48 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. E-6499]

DELAWARE POWER & LIGHT CO. ET AL.

NOTICE OF ORDER TERMINATING PROCEEDINGS

DECEMBER 16, 1953.

In the matter of Delaware Power & Light Company, The Eastern Shore Public Service Company of Maryland, Eastern Shore Public Service Company of Virginia, Docket No. E-6499.

Notice is hereby given that on December 14, 1953, the Federal Power Commission issued its order adopted December 9, 1953, terminating proceedings in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10584; Filed, Dec. 21, 1953; 8:47 a. m.]

[Docket Nos. G-1473, G-1649, G-1693, G-1727, G-1737]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

NOTICE OF ORDER FURTHER AMENDING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DECEMBER 16, 1953.

In the matters of Texas Eastern Transmission Corporation, Docket No. G-1693; Alabama-Tennessee Natural Gas Company, Docket No. G-1473; Tennessee Gas Company, Docket No. G-1649; Shippensburg Gas Company, Docket No. G-1727; Consumers Gas Company, Docket No. G-1737.

Notice is hereby given that on December 14, 1953, the Federal Power Commission issued its order adopted December 9, 1953, in the above-entitled matters, further amending order accompanying Opinion No. 231 of July 3, 1952 (17 F. R. 6287), issuing certificate of public convenience and necessity to Texas Eastern Transmission Corporation, Docket No. G-1693, by extending to May 1, 1954, the period of reservation of gas for the City of Oran, Missouri.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10585; Filed, Dec. 21, 1953; 8:47 a. m.]

[Docket No. G-1697]

NATURAL GAS PIPELINE CO. OF AMERICA

NOTICE OF ORDER MODIFYING AND AFFIRMING AS MODIFIED INITIAL DECISION

DECEMBER 16, 1953.

Notice is hereby given that on December 14, 1953, the Federal Power Commission issued its order adopted December 9, 1953, modifying and affirming as modified initial decision of the Presiding Examiner in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10586; Filed, Dec. 21, 1953; 8:47 a. m.]



[Docket Nos. G-2241, G-2293]

TEXAS GAS TRANSMISSION CORP., AND ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF FINDINGS AND ORDERS

DECEMBER 16, 1953.

In the matters of Texas Gas Transmission Corp., Docket No. G-2241, Algonquin Gas Transmission Co., Docket No. G-2293.

Notice is hereby given that on December 14, 1953, the Federal Power Commission issued its orders adopted December 9, 1953, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10587; Filed, Dec. 21, 1953; 8:47 a. m.]

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 10]

NEW HAMPSHIRE

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about November 7 and November 8, 1953, because of the combined disastrous effect of a gale, snow, and the tides, damage resulted to residences and business property located in certain coastal areas in the State of New Hampshire; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the SBA Regional Office below indicated from persons or firms where property situated in the coastal areas of the following county (hereinafter referred to as "the disaster area") suffered damage or other destruction as a result of the catastrophe above referred to:

County of Rockingham: Small Business Administration Regional Office, 40 Broad Street, Boston, Mass.

2. Special field offices will not be established to receive and process such applications.

3. No disaster loan application from any resident or firm situated in the disaster area will be accepted under the authority of this order subsequent to June 30, 1954.

Dated: December 17, 1953.

WENDELL B. BARNES,
*Acting Administrator.*

[F. R. Doc. 53-10595; Filed, Dec. 21, 1953; 8:49 a. m.]

[Declaration of Disaster Area 11]

MAINE

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about November 6 and November 7, 1953, because of the combined disastrous effect of a gale, snow and the tides, damage resulted to residences and business property located in certain coastal areas in the State of Maine; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953;

Now, therefore, as Acting Administrator of the Small Business Administration, I hereby determine that

1. Applications for disaster loans under the provisions of section 207 (b) of the Small Business Act of 1953 may be received and considered by the SBA Regional Office below indicated from persons or firms where property situated in the coastal areas of the following counties (hereinafter referred to as "the disaster areas") suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of York, Cumberland, Sagadahoc: Small Business Administration Regional Office, 40 Broad Street, Boston, Mass.

2. Special field offices will not be established to receive and process such applications.

3. No disaster loan application from any resident or firm situated in the disaster areas will be accepted under the authority of this order subsequent to June 30, 1954.

Dated: December 17, 1953.

WENDELL B. BARNES,
*Acting Administrator.*

[F. R. Doc. 53-10597; Filed, Dec. 21, 1953; 8:50 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28753]

PAPER BOXES FROM NEWTON, N. C., TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

DECEMBER 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Paper boxes, carloads.

From: Newton, N. C.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1349, supp. 29.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10590; Filed, Dec. 21, 1953; 8:48 a. m.]

[4th Sec. Application 28754]

VERMICULITE, BROKEN, CRUSHED, OR GROUND, BETWEEN POINTS IN SOUTHERN TERRITORY

APPLICATION FOR RELIEF

DECEMBER 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Vermiculite, broken, crushed or ground, carloads.

Between: Points in southern territory including adjacent points in Virginia.

Grounds for relief: Rail competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1315, supp. 37.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hear-

ing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10591; Filed, Dec. 21, 1953; 8:48 a. m.]

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[4th Sec. Application 28755]

LIVESTOCK FROM ST. LOUIS AND EAST ST. LOUIS, TO THE SOUTH

APPLICATION FOR RELIEF

DECEMBER 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Livestock, carloads.

From: St. Louis, Mo., East St. Louis, Ill., and certain intermediate points in Illinois and Indiana.

To: Points in southern territory.

Grounds for reilief: Rail competition, circuity, to maintain grouping, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1087, supp. 58.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10592; Filed, Dec. 21, 1953; 8:49 a. m.]

[4th Sec. Application 28756]

GRAIN FROM SOUTHERN POINTS TO MOBILE, ALA., AND NEW ORLEANS, LA., FOR EXPORT

APPLICATION FOR RELIEF

DECEMBER 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Barley, corn, oats, rye, soybeans and wheat, in bulk, carloads.

From: Specified points in southern territory.

To: Mobile, Ala., and New Orleans, La., for export.

Grounds for relief: Rail competition, circuity, competition with motor carriers, and to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1325, supp. 25.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10593; Filed, Dec. 21, 1953; 8:49 a. m.]

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[4th Sec. Application 28757]

NEWSPRINT PAPER FROM VIRGINIA, SOUTH ATLANTIC AND GULF PORTS AND OTHER POINTS TAKING SAME RATES TO MOULTRIE, GA.

APPLICATION FOR RELIEF

DECEMBER 17, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Newsprint paper, carload.

From: Virginia, south Atlantic and Gulf ports and points taking same rates (import traffic).

To: Moultrie, Ga.

Grounds for relief: Rail competition, circuity, to maintain grouping, and to maintain port rate relations and additional destination.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1369, supp. 24.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10594; Filed, Dec. 21, 1953; 8:49 a. m.]

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BUREAU OF ACCOUNTS, COST FINDING AND VALUATION

CONSOLIDATION OF BUREAU OF ACCOUNTS AND COST FINDING AND BUREAU OF VALUATION

DECEMBER 17, 1953.

The Interstate Commerce Commission announces the consolidation of its Bureau of Accounts and Cost Finding, and its Bureau of Valuation, effective January 1, 1954.

The name of the new Bureau will be Bureau of Accounts, Cost Finding and Valuation.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10589; Filed, Dec. 21, 1953; 8:48 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

# FEDERAL REGISTER

VOLUME 18 NUMBER 249

*Washington, Wednesday, December 23, 1953*

## TITLE 7—AGRICULTURE

### Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING, AND CERTIFICATION)

REVISION OF FEES FOR REVIEW GRADING OF COTTONSEED

On November 6, 1953, a notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 7014) regarding the amendment of § 61.46 of the regulations governing cottonseed sold or offered for sale for crushing purposes (7 CFR Part 61) to increase the fees for the review of the grading of any lot of cottonseed. Under the amendment, the fee for the review of the grading of any lot of cottonseed would be increased from $6.00 to $9.00. Of each such fee collected, $1.00 would be covered into the Treasury of the United States and $4.00 disbursed to each of the two licensed chemists designated to make reanalyses of the seed. This change is made because the operating expenses of licensed chemists in connection with the performance of their duties incident to review gradings have increased substantially since June 1943, the effective date of the $6.00 fee.

After consideration of all relevant matters presented, including the proposal set forth in said notice, § 61.46 is hereby amended to read as follows, pursuant to authority contained in the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953):

§ 61.46 *Fees for review of grading of cottonseed.* For the review of the grading of any lot of cottonseed, the fee shall be $9.00. Remittance to cover such fee, in the form of a certified check, draft, or money order payable to the Treasurer of the United States, shall accompany each application for review. Of each such fee collected, $1.00 shall be covered into the Treasury and $4.00 disbursed to each of the two licensed chemists designated to make reanalyses of such seed.

(Pub. Law 156, 83d Cong.)

Done at Washington, D. C., this 18th day of December 1953, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON, *Assistant Administrator.*

[F. R. Doc. 53-10641; Filed, Dec. 22, 1953; 8:51 a. m.]

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### Chapter XI—Agricultural Conservation Program, Department of Agriculture

PART 1102—AGRICULTURAL CONSERVATION; PUERTO RICO

SUBPART—1954

*Foreword.* Productive land is the main source of the food, clothing, and shelter for the American people. The conservation and improvement of this resource for sustained, productive use is an undertaking of vital concern to citizens of all walks of life.

The Agricultural Conservation Program is an important part, but only a part, of a coordinated effort to help landowners and operators attain soil conservation objectives. The total effort includes research, education, technical assistance, cost-sharing, and such indirect aids as credit.

The fundamental purpose of the Agricultural Conservation Program is to provide a means by which the public can share with landowners and operators the cost of carrying out needed conservation work over and above that which they would do with only their own resources. It is our sincere hope that the Agricultural Conservation Program will be carried out in such a manner that it will make a marked contribution toward attainment of conservation objectives.

*General program principles.* The 1954 Agricultural Conservation Program for Puerto Rico has been developed and is to be carried out on the basis of the following general principles:

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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1. The program is confined to the conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit.

2. The program is designed to encourage those conservation practices which provide the most enduring conservation benefits practicably attainable in 1954 on the lands where they are to be applied.

3. Costs will be shared with a farmer only on satisfactorily performed conservation practices for which Federal cost-sharing was requested by the farmer before the conservation work was begun.

4. Costs should be shared only on practices which it is believed farmers would not carry out to the needed extent without program assistance. Generally, practices that have become a part of regular farming operations on a particular farm should not be eligible for cost-sharing.

5. The rates of cost-sharing are the minimum required to result in substantially increased performance of needed practices.

6. The purpose of the program is to help achieve additional conservation on the land. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

7. If the Federal Government shares the cost of the initial application of conservation practices which farmers otherwise would not perform but which are essential to the national interest, the farmers should assume responsibility for the upkeep and maintenance of those practices.

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AUTHORITY: §§ 1102.400 to 1102.473 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; Pub. Law 156, 83d Cong.; 16 U. S. C. 590g-590q.

INTRODUCTION

§ 1102.400 *Introduction.* Through the 1954 Agricultural Conservation Program for Puerto Rico (referred to in this subpart as the 1954 program), administered by the Department of Agriculture, the Federal Government will share with farmers of Puerto Rico the cost of carrying out approved conservation practices in acordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made. Approved practices will be deemed to have been carried out during the program year if started after the beginning of the program year and the ASC State Office determines that they were substantially completed by the end of the program year. However, no practice will be eligible for Federal cost-sharing until it has been completed in accordance with all applicable specifications and program provisions. The 1954 program was developed by the ASC State Office, the Director of the Soil Conservation Service for the Caribbean Area, the Forest Serv-

ice official having jurisdiction of farm forestry in Puerto Rico, the Director of the Agricultural Extension Service, and representatives of the Department of Agriculture and Commerce of the Commonwealth of Puerto Rico.

CONTROL OF FUNDS

§ 1102.401 *Maximum Federal cost-share.* The maximum Federal cost-share for a farm shall be equal to the total of the cost-shares for all practices approved for the farm and carried out in accordance with the specifications for such practices.

§ 1102.402 *Adjustments.* If the total estimated earnings under the program exceed the total funds available, the Federal cost-shares will be reduced equitably, except that cost-sharing will be allowed in full for fertilizer furnished under purchase orders for carrying out the practices contained in §§ 1102.421 and 1102.424.

§ 1102.403 *Allocation.* The amount of funds available for conservation practices under this program is $633,000. This amount does not include the amount set aside for administrative expenses and the amount required for increases in small Federal cost-shares in § 1102.432.

SELECTION OF PRACTICES AND RESPONSIBILITY FOR TECHNICAL PHASES

§ 1102.406 *Selection of practices.* (a) This subpart contains a general description of the conservation practices in the 1954 program, the applicable specifications, and the rates of Federal cost-sharing for each practice. The practices included in this subpart are those for which the ASC State Office, the Soil Conservation Service, and the Forest Service agree that the bearing by the Federal Government of a share of the cost is essential to permit accomplishment of needed conservation work which would not otherwise be carried out in the desired volume.

(b) Each farm operator shall be given an opportunity to request that the Federal Government share in the cost of these practices on which he considers he needs such assistance in order to permit their performance in adequate volume on his farm. Costs will be shared only for those practices for which cost-sharing is requested before performance of the practice is started. Any person who wishes to participate in the 1954 program must file a Cert. Form No. 39–54–P. R., Declaration of Intention, Request for Inspection and Certification of Conservation Needs, on or before September 15, 1954. In cases of hardship, such date may be extended by the ASC State Office. These forms may be obtained and filed at any of the ASC district offices, offices of the Soil Conservation Service (SCS), offices of the Extension Service and Farmers Home Administration. Prior approval of the ASC State Office is required for the practices contained in §§ 1102.411–1102.423 Such approval shall be conditioned upon carrying out the practices under the supervision of persons who have been designated to be responsible for the practices and must be obtained before performance of the practices is started unless otherwise approved by the ASC State Office.

§ 1102.407 *Responsibility for technical phases.* (a) The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1102.411–1102.416, 1102.420, and 1102.422. This responsibility shall include (1) a finding that the practice is needed and practical on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance (or application of the practice to the land).

(b) The Forest Service is responsible for the technical phases of the practice contained in § 1102.419. This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practice, and (3) working through the ASC State Office, determining compliance in meeting these specifications.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1102.411 *Practice 1: Establishing water disposal areas to dispose of excess water without causing erosion, by constructing protected outlet channels or establishing permanent grasses or legumes in either natural waterways or in other predetermined locations for carrying runoff water from ditches or terrace systems.* Either type of outlet must be vegetated with the sod-forming grasses listed in § 1102.416 (practice 6), prior to use with companion practices, such as terraces or hillside and/or diversion ditches. When natural waterways are not used, the constructed channels shall be of sufficient size to carry all runoff water at nonscouring velocity from the fields. The cross section of the constructed channel shall not average less than 3.5 square feet.

*Maximum Federal cost-share.* (1) $0.75 per 1,000 square feet when established by shaping and seeding.

(2) $3.25 per 1,000 square feet when established by shaping and sodding.

(3) $0.12 per cubic yard of earth moved when a channel is constructed and vegetation established.

§ 1102.412 *Practice 2: Constructing continuous terraces to detain or control the flow of water and check erosion on sloping land.* In order to qualify for Federal cost-sharing, a channel or Nicholas type terrace shall be constructed on land having a slope of from 2 to 12 percent. The water-carrying cross-sectional area of the channel after settling may vary from 6 square feet on land of 12 percent slope to 8 square feet on land of 2 percent slope. Necessary outlets or waterways, in accordance with the specifications in § 1102.411 (practice 1), must be provided before the terraces are constructed. The vertical distance between terraces on the various slopes shall be as follows:

| Average slope of land in feet per 100 feet: | *Vertical spacing between terraces* |
|---|---|
| 1 | 1 foot 0 inch |
| 2 | 2 feet 0 inch |
| 3 | 2 feet 6 inches |
| 4 | 3 feet 0 inch |
| 5 | 3 feet 6 inches |
| 6 | 4 feet 0 inch |
| 7 | 4 feet 4 inches |
| 8 | 4 feet 8 inches |
| 9 | 5 feet 0 inch |
| 10 | 5 feet 4 inches |
| 11 | 5 feet 8 inches |
| 12 | 6 feet 0 inch |

*Maximum Federal cost-share.* $1.25 per 100 linear feet.

§ 1102.413 *Practice 3: Establishing field diversion ditches to intercept runoff and divert excess water to protected outlets, on land of 10 percent or more slope in coffee groves or planted to intertilled crops, except sugarcane, or for the protection of cultivated fields against the inflow of runoff water from uncultivated areas.* In order to qualify for Federal cost-sharing, field diversion ditches must be constructed in those locations adjacent to lands having a slope of 10 percent or more to prevent the overflow of runoff water from uncultivated areas into the land to be protected. The field diversion ditch shall be of sufficient size and so designed as to carry all runoff water at nonscouring velocity. No Federal cost-sharing will be allowed for this practice unless water disposal areas, constructed in accordance with the specifications in § 1102.411 (practice 1), have been provided.

*Maximum Federal cost-share.* $0.12 per cubic yard of earth moved.

§ 1102.414 *Practice 4: Constructing or enlarging permanent open farm drainage systems to dispose of excess water.* Federal cost-sharing will be allowed for the construction or enlargement of permanent open farm drainage systems. Ditches must be provided with adequate outlets and so constructed as to provide an effective drainage for the area to be drained. No Federal cost-sharing will be allowed for permanent open farm drainage ditches constructed on sugarcane land, except where such drainage is carried out as a community undertaking under a pooling agreement approved by the ASC State Office. No Federal cost-sharing will be allowed for cleaning or maintaining a ditch or for structures installed for crossings or other structures primarily for the convenience of the farm operator.

*Maximum Federal cost-share.* $0.12 per cubic yard of earth moved.

§ 1102.415 *Practice 5: Establishing an adequate system of hillside ditches to intercept runoff and divert excess water to protected outlets on land of 12 percent up to 45 percent slope planted in intertilled crops, except sugarcane, and in orchards.* The vertical interval between the ditches must not exceed 9 feet. The grade and cross section of the ditch must be such as to carry all water at a nonscouring velocity. The minimum cross section of the ditch shall be 12 inches wide and 12 inches deep, with a side slope of 1:1 on the lower side of the ditch. Necessary outlets or waterways, in accordance with the specifications in § 1102.411 (practice 1), must be provided before the hillside ditches are constructed. No Federal cost-sharing will be allowed for cleaning or maintaining a ditch.

*Maximum Federal cost-share.* $0.70 per 100 linear feet.

§ 1102.416 *Practice 6: Constructing ditches with either rock or vegetative barrier protection to intercept runoff or divert excess water to protected outlets on land having a slope of from 12 to 45 percent planted to intertilled crops, except sugarcane, and in orchards.* (a) Federal cost-sharing will be allowed when the ditches and barriers are constructed and planted in accordance with the following specifications:

(1) The vertical interval between the ditches must not exceed 9 feet.

(2) The grade and cross section of the ditch must be such as to carry all water at a nonscouring velocity.

(3) Necessary outlets or waterways, in accordance with the specifications in § 1102.411 (practice 1), must be provided before the hillside ditches are constructed.

(4) The barrier must be placed at least 6 inches above the upper edge of the ditch.

(5) Any of the following varieties of grasses may be used:

(i) Tall stiff-stemmed grasses: Elephant, Merker, Guatemala, Guinea, Patchouli.

(ii) Sod-forming grasses: Bersuda, St. Augustine, Sour Paspalum, Carpet.

(iii) Any other adapted grasses or legumes approved by the ASC State Office which, when planted singly or in combination, will act as a barrier.

(b) The minimum cross section of the ditch shall be 12 inches wide and 12 inches deep, with a slope of 1:1 on the lower side of the ditch.

(c) No Federal cost-sharing will be allowed for cleaning or maintaining a ditch.

*Maximum Federal cost-share.* $1 per 100 linear feet.

§ 1102.417 *Practice 7: Initial establishment of contour stripcropping on nonterraced land to protect soil from water erosion by planting alternate strips of clean-tilled crops and noncultivated grasses or legumes which will prevent soil washing.* Contour lines must be established and all cultural operations performed as nearly as practicable on the contour. The spacing and width of the strips must be in accordance with the recommendations of the Soil Conservation Service. No Federal cost-sharing will be allowed under this practice on the same area on which cost-sharing was given for stripcropping under previous programs.

*Maximum Federal cost-share.* $3 per acre.

§ 1102.418 *Practice 8: Planting fruit trees on farmland for erosion control in gullies.* Trees must be planted on the contour and protected from fire and grazing. Federal cost-sharing will be allowed for not more than 200 fruit trees planted on a farm. A permanent cover of grass, legumes, or mulch must be maintained under the trees.

*Maximum Federal cost-share.* $0.10 per tree.



§ 1102.419 *Practice 9: Planting adapted trees or shrubs on farmland for erosion control, watershed protection, or forestry purposes.* All plantings must be protected from fire and grazing.

*Maximum Federal cost-share.* $2 per 100 trees or shrubs.

§ 1102.420 *Practice 10: Constructing, enlarging, or sealing dams, pits, or ponds for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* No Federal cost-sharing will be allowed for cleaning or maintaining an existing structure, or for repairs or maintenance of a dam, pond, or pit. Ponds or pits for livestock water may be approved only when needed to obtain proper distribution of livestock and prevent overgrazing.

*Maximum Federal cost-share.* (1) $0.12 per cubic yard of earth moved in the construction of an earth dam.

(2) $10 per cubic yard of concrete used in the construction of a dam or in lining any part of an excavated pond or pit when the permeability of the soil makes such lining desirable.

(3) $0.12 per cubic yard of earth moved in the excavation of a pond or pit.

§ 1102.421 *Practice 11: Initial establishment of improved permanent pasture for erosion control by seeding, sodding, or sprigging perennial legumes or self-reseeding annuals or perennial grasses or a mixture of legumes and perennial grasses or other approved forage plants.* (a) The varieties of grasses or legumes planted must be well adapted to the conditions of the particular area planted. Plantings of tropical kudzu must be carried out on not less than one-half acre to qualify for cost-sharing.

(b) The land must be properly prepared by plowing, and harrowing if necessary, and furrowing on contour lines, and sufficient clump divisions, sprigs, cuttings, or seeds must be used to secure a good ground cover at maturity.

(c) When the pasture is established by using seed, the rates of seeding should not be less than 12 pounds per acre, except for tropical kudzu where the rate of seeding should be not less than 5 pounds per acre. When pasture is established by using slips or cuttings, the distance between the rows must not be more than 3 feet. On land of 2 percent or more slope, the planting and all cultivating must be as near as practicable along contour lines.

(d) Fertilizer must be applied to plantings established under rate of cost-sharing (1), in the minimum amounts determined by soil test or experience in the area to be essential to the successful establishment of the vegetative cover, and cost-sharing will be limited to the minimum amounts so determined. Receipts or invoices showing the purchase and analysis of fertilizer applied (except for fertilizer furnished through the Agricultural Conservation Program as provided in § 1102.424 (practice 14)), properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection.

(e) Federal cost-sharing for carrying out this practice is limited to farms located within "Zone 1," comprising the municipalities of Aibonito, Barranquitas, Coamo, Comerio, and Orocovis. No Federal cost-sharing will be allowed for any operation for which the Commonwealth Government of Puerto Rico shares in the cost under any other program.

*Maximum Federal cost-share.* (1) $12 per acre for planting Malojilla, Malojillo, molasses grass, elephant grass, Merker grass, Roselawn St. Augustine, Guinea grass, Pangola, Guatemala grass, tropical kudzu, or similar approved grasses or legumes (except where 40 percent or more of the area is planted in tropical kudzu).

(2) $15 per acre for planting tropical kudzu as such or in combination with any approved grasses, where at least 40 percent of the area is planted in tropical kudzu.

(3) $0.10 per pound of nitrogen (N) applied, not to exceed 160 pounds per acre.

(4) $0.07 per pound of available phosphate ($P_2O_5$) applied, not to exceed 120 pounds per acre.

§ 1102.422 *Practice 12: Initial improvement of established permanent pastures of the varieties referred to in § 1102.421 (practice 11), by planting strips of tropical kudzu or other legumes approved by the Department of Agriculture and Commerce of the Commonwealth Government of Puerto Rico and the ASC State Office for soil or watershed protection.* The legumes must occupy at least 40 percent of the total area planted. On land of 2 percent or more slope, the strips should follow as near as practicable along contour lines. The rate of cost-sharing applies to the total area occupied by the tropical kudzu or approved legumes and the established pasture. The planting of tropical kudzu or other approved legumes must be carried out on not less than one-half acre to qualify for cost-sharing. No Federal cost-sharing will be allowed under this practice if the Commonwealth Government of Puerto Rico shares in the cost under any other program. Federal cost-sharing for carrying out this practice is limited to farms located within "Zone 1," comprising the municipalities of Aibonito, Barranquitas, Coamo, Comerio, and Orocovis.

*Maximum Federal cost-share.* $10 per acre.

§ 1102.423 *Practice 13: Constructing wells for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* The wells should be drilled in an area of the farm where the providing of water will contribute to a better distribution of grazing. The necessary pumping equipment must be installed, except in connection with artesian wells. Adequate drinking troughs for animals must be installed. No Federal cost-sharing will be allowed for wells drilled at or for the use of farm headquarters or unless water is obtained. No Federal cost-sharing will be allowed if the Commonwealth Government of Puerto Rico shares in the cost under any other program. Federal cost-sharing for carrying out this practice is limited to farms located within "Zone 1," comprising the municipalities of Aibonito, Bar-

ranquitas, Coamo, Comerio, and Orocovis.

*Maximum Federal cost-share.* (1) $1 per linear foot of well for wells having a bore taking a casing of less than 4 inches in diameter, and artesian wells.

(2) $2 per linear foot of well for wells having a bore taking a casing of 4 inches or more, but less than 6 inches, in diameter, excluding artesian wells.

(3) $3 per linear foot of well for wells having a bore taking a casing of 6 inches or more in diameter, excluding artesian wells.

§ 1102.424 *Practice 14: Improving the woodland protection which coffee groves provide for steep slopes, by applying to coffee trees, on land terraced or covered with catch pits under the 1954 Agricultural Conservation Program or in previous years, fertilizer of grades containing not less than 10 units of available N and not less than 10 units of available $P_2O_5$.* (a) When the fertilizer applied on any farm does not meet such minimum requirements, lower grades may be accepted if recommended and approved by the Advisory Committee for the respective community after proper investigation, and if approved by the ASC State Office.

(1) The maximum number of pounds of coffee fertilizer for which Federal cost-sharing will be allowed shall be the product of (i) 600 and (ii) the actual number of acres terraced (or covered with catch pits) as of the end of the 1954 program year, not in excess of the greater of 30 percent of the coffee bearing acres on the farm or 10 acres.

(2) To qualify for Federal cost-sharing, the coffee trees on the area where the fertilizer is applied must have been properly thinned, the forest litter properly maintained, and old or nonproductive coffee trees removed; all in accordance with specifications approved by the ASC State Office.

(3) No Federal cost-sharing will be allowed under this practice for the application of fertilizer for which the Commonwealth Government of Puerto Rico shares in the cost under any other program.

(4) Receipts or invoices showing the purchase and analysis of fertilizer applied (except for fertilizer furnished through the Agricultural Conservation Program as provided in paragraphs (b) through (f) of this section), properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection.

(b) In order to facilitate the financing of the purchase of fertilizer for §§ 1102.421 and 1102.424 (practices 11 and 14), the fertilizer may be furnished on purchase orders to persons for carrying out these practices. Fertilizer may not be furnished to persons who are indebted to the Federal Government as indicated by the register of indebtedness, except in those cases where the agency to which the debt is owed notifies the ASC State Office that it waives its right to setoff in order to permit the furnishing of fertilizer. Purchase orders may be obtained by filing an application for such orders. Applications are available at the ASC district offices, local offices of the Extension Service, local offices of the Department of Agriculture and Commerce of the Commonwealth Government of Puerto Rico, offices of the Soil Conservation Service, and district offices of the Farmers Home Administration.

(c) Title to any fertilizer furnished through the Agricultural Conservation Program shall vest in the Federal Government until the fertilizer is applied or all charges for same are satisfied.

(d) The farmer shall pay that part of the cost of the fertilizer, as established under instructions issued by the Administrator, ACPS, which is in excess of the Federal cost-share attributable to the use of the fertilizer. The Federal cost-share increase on the amount of the Federal cost-share attributable to the use of the fertilizer may be advanced as a credit against that part of the cost of the fertilizer required to be paid by the farmer.

(e) The person to whom fertilizer is furnished under the 1954 program will be relieved of responsibility for the fertilizer upon determination by the ASC State Office that the fertilizer was used in performing the practice for which it was furnished. If the person uses any fertilizer for any purpose other than that for which it was furnished, he shall be indebted to the Federal Government for that part of the cost of the fertilizer borne by the Federal Government and shall pay such amount to the Treasurer of the United States direct or by withholdings from Federal cost-shares otherwise due him under the program.

(f) Any person to whom fertilizer is furnished shall be responsible to the Federal Government for any damage to the fertilizer, unless he shows that the damage was caused by circumstances beyond his control. If the fertilizer is abandoned or not used during the program year, it may, in accordance with instructions issued by the Administrator, ACPS, be transferred to another person or otherwise disposed of at the expense of the person who abandoned or failed to use the fertilizer, or be retained by the person for use in a subsequent program year.

*Maximum Federal cost-share.* The lesser of $40 or 80 percent of the fair price per ton for the grade of fertilizer used, as determined by the ASC State Office.

§ 1102.425 *Practice 15: Constructing and maintaining throughout 1954, individual terraces around coffee trees in order to properly improve the woodland protection afforded by such trees to steep slopes.* Individual terraces around coffee trees should be constructed as nearly level as possible within the 1954 designated parcel. Using the tree as an axis, the excavated area should have a radius of at least 3 feet on land having a slope of not more than 45 percent and of at least 2 feet on steeper slopes. The excavated soil should be used to fill in the slope below the tree. No cost-sharing will be allowed for the construction of terraces on land having a slope of 2 percent or less or if the terraces constructed are not properly maintained throughout 1954. Cost-sharing will not be allowed for more than 450 terraces per acre, nor will cost-sharing be allowed if less than 300 terraces have been constructed per acre. Federal cost-sharing will not be allowed for this practice if the Commonwealth Government of Puerto Rico shares in the cost under any other program.

*Maximum Federal cost-share.* $2 per 100 terraces.

§ 1102.426 *Practice 16: Constructing and maintaining throughout 1954, individual catch pits on the upper side of the coffee trees in order to properly improve the woodland protection afforded by such trees to steep slopes.* Catch pits must be from 30 to 42 inches long, 12 to 15 inches wide, and not less than 8 inches deep. No cost-sharing will be allowed for the construction of catch pits on land having a slope of 2 percent or less, or if the catch pits constructed are not properly maintained throughout 1954. Catch pits must be constructed outside the maximum limit of the area covered by the branches of the coffee trees, but always at the upper side of the tree, on the contour, and within the 1954 designated parcel. Where the nature of the soil and other local conditions make adherence to the foregoing specifications neither practicable nor desirable, such changes may be made as are recommended by the Advisory Committee for the community and approved by the ASC State Office. In such case the applicable cost-share per 100 catch pits shall be that recommended by the said Advisory Committee and approved by the ASC State Office, but in no event more than $1.75 per 100 catch pits. No cost-sharing will be allowed for more than 450 catch pits per acre nor will cost-sharing be allowed if less than 300 catch pits have been constructed per acre. No cost-sharing will be allowed for this practice if the Commonwealth Government of Puerto Rico has shared in the cost under any other program.

*Maximum Federal cost-share.* $1.75 per 100 catch pits.

### Federal Cost Shares

§ 1102.431 *Division of Federal cost-shares*—(a) *Federal cost-shares.* The Federal cost-share attributable to carrying out the practices contained in §§ 1102.421 and 1102.424 with fertilizer furnished under a purchase order shall be credited to the person to whom the fertilizer is furnished and it shall have priority over payment for other practices. Other Federal cost-shares shall be credited to the person who carried out the practices by which such other Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the ASC State Office determines they contributed to the carrying out of the practices. In making this determination, the ASC State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage and shall assume that each contributed equally unless it is established to the satisfaction of the ASC State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (part 1108 of this chapter).

§ 1102.432 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm shall be increased as follows: *Provided, however,* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may in such manner and at such time as is consistent with such legislation discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

| Amount of cost-share computed: | *Increase in cost-share* |
|---|---|
| $1 to $1.99 | $0.40 |
| $2 to $2.99 | .80 |
| $3 to $3.99 | 1.20 |
| $4 to $4.99 | 1.60 |
| $5 to $5.99 | 2.00 |
| $6 to $6.99 | 2.40 |
| $7 to $7.99 | 2.80 |
| $8 to $8.99 | 3.20 |
| $9 to $9.99 | 3.60 |
| $10 to $10.99 | 4.00 |
| $11 to $11.99 | 4.40 |
| $12 to $12.99 | 4.80 |
| $13 to $13.99 | 5.20 |
| $14 to $14.99 | 5.60 |
| $15 to $15.99 | 6.00 |
| $16 to $16.99 | 6.40 |
| $17 to $17.99 | 6.80 |
| $18 to $18.99 | 7.20 |
| $19 to $19.99 | 7.60 |
| $20 to $20.99 | 8.00 |
| $21 to $21.99 | 8.20 |
| $22 to $22.99 | 8.40 |
| $23 to $23.99 | 8.60 |
| $24 to $24.99 | 8.80 |
| $25 to $25.99 | 9.00 |
| $26 to $26.99 | 9.20 |
| $27 to $27.99 | 9.40 |
| $28 to $28.99 | 9.60 |
| $29 to $29.99 | 9.80 |
| $30 to $30.99 | 10.00 |
| $31 to $31.99 | 10.20 |
| $32 to $32.99 | 10.40 |
| $33 to $33.99 | 10.60 |
| $34 to $34.99 | 10.80 |
| $35 to $35.99 | 11.00 |
| $36 to $36.99 | 11.20 |
| $37 to $37.99 | 11.40 |
| $38 to $38.99 | 11.60 |
| $39 to $39.99 | 11.80 |
| $40 to $40.99 | 12.00 |
| $41 to $41.99 | 12.10 |
| $42 to $42.99 | 12.20 |
| $43 to $43.99 | 12.30 |
| $44 to $44.99 | 12.40 |
| $45 to $45.99 | 12.50 |
| $46 to $46.99 | 12.60 |
| $47 to $47.99 | 12.70 |
| $48 to $48.99 | 12.80 |
| $49 to $49.99 | 12.90 |
| $50 to $50.99 | 13.00 |
| $51 to $51.99 | 13.10 |
| $52 to $52.99 | 13.20 |
| $53 to $53.99 | 13.30 |
| $54 to $54.99 | 13.40 |
| $55 to $55.99 | 13.50 |
| $56 to $56.99 | $13.60 |
| $57 to $57.99 | 13.70 |
| $58 to $58.99 | 13.80 |
| $59 to $59.99 | 13.90 |
| $60 to $185.99 | 14.00 |
| $186 to $199.99 | (1) |
| $200 and over | (2) |

[1] Increase to $200.
[2] No increase.

§ 1102.433 *Federal cost-shares limited to $1,500.* (a) The total of all Federal cost-shares under the 1954 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of $1,500.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1954 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

### General Provisions Relating to Federal Cost-Sharing

§ 1102.436 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1954 program will be subject to the condition that the person with whom the costs are shared will maintain such practices in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1102.437 *Practices defeating purposes of programs.* If the ASC State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1954 or any previous program, including, but not limited to, failure to maintain in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1954 program.

§ 1102.438 *Depriving others of Federal cost-share.* If the ASC State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1954 program.

§ 1102.439 *Filing of false claims.* If the ASC State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-sharing under the program and shall refund all amounts that may have been paid to him under the program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1102.440 *Misuse of purchase orders.* If the ASC State Office finds that any person has knowingly used a purchase order issued to him for conservation materials or services for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such person shall not be eligible for any Federal cost-sharing under the program and shall refund all amounts that may have been paid to him under the program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1102.441 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1102.442, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1102.442 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1954 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1954. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the instructions in ACP–70–Insular Region.

§ 1102.443 *Pooling agreements.* Farmers in any local area may agree in writing, with the approval of the ASC State Office, to perform designated amounts of practices which will conserve or improve the agricultural resources of the community. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms of the persons who performed the practices.

§ 1102.444 *Compliance with regulatory measures.* Persons who carry out conservation practices under the 1954 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws or regulations.

§ 1102.445 *Practices carried out with State or Federal aid.* The Federal share of the cost for any practice shall not be reduced because it is carried out with materials or services furnished through the program or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total Federal cost-share computed on the basis of the total number of units of the practice performed shall be reduced by the value of the aid, as determined by the ASC State Office, in computing the amount of the Federal cost-share to be paid for performance of the practice. Materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

§ 1102.451 *Persons eligible to file application.* Any person who, as landlord, tenant, or sharecropper on a farm, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1102.452 *Time and manner of filing application and information required.* Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the ASC district offices not later than February 28, 1955, except that the ASC State Office may accept an application filed after February 28, 1955, but not later than December 31, 1955, in any case where the failure to timely file was not the fault of the applicant. If an application for a farm is filed within the time prescribed, any person on the farm who did not sign the application may subsequently file an application, provided he does so on or before December 31, 1955. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the district office within the time fixed by the Administrator, ACPS, which time shall be not later than December 31, 1955. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be given by mailing notice to the ASC district offices and making copies available to the press.

APPEALS

§ 1102.456 *Appeals.* Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the ASC State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm. The ASC State Office shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the ASC State Office, he may, within 15 days after its decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the ASC State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the ASC State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm who may be adversely affected by the decision.

BULLETINS, INSTRUCTIONS, AND FORMS

§ 1102.461 *Bulletins, instructions, and forms.* The Administrator, ACPS, is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1954 program as it applies to Puerto Rico, and forms will be available in the State and district ASC offices. Producers wishing to participate in the program should obtain all information needed from the offices mentioned herein.

DEFINITIONS

§ 1102.466 *Definitions.* For the purposes of the 1954 program:

(a) "Secretary" means the Secretary of the United States Department of Agriculture or the officer of the Department acting in his stead pursuant to delegated authority.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the Commonwealth of Puerto Rico.

(d) "ASC State Office" means the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico.

(e) "Advisory Committee" means the persons, technicians, or others designated by the ASC State Office and the Department of Agriculture and Commerce of the Commonwealth Government of Puerto Rico to form a committee for the community.

(f) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, wherever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(g) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the ASC State Office, in accordance with instructions issued by the Administrator, ACPS, determines is operated by the same person as part of the same unit in producing livestock or with respect to the rotation of crops, and with work stock, machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the municipality in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the municipality in which the major portion of the farm is located.

(h) "Coffee farm" means the same as "farm," except that it shall contain at least 0.5 acre of coffee in production in any one contiguous area.

(i) "Sugarcane farm" means any farm that has sugarcane growing in 1954.

(j) "Cropland" means farmland which in 1953 was tilled or was in regular crop rotation, excluding (1) bearing orchards (except the acreage of cropland therein), and (2) plowable noncrop open pasture.

(k) "Orchards" means the acreage in planted fruit trees, nut trees, coffee trees, vanilla plants, and banana plants.

(l) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(m) "Rangeland" means nonirrigated land growing, without cultivation, native perennial grasses and forage plants primarily, and used for grazing by domestic livestock.

(n) "Designated parcel" means the acreage, designated under the 1954 program by the producer and accepted by the ASC State Office, within the coffee bearing area of a farm on which prescribed practices are to be carried out. Such acreage cannot exceed the larger of 4 acres or 12 percent of the total coffee bearing area of a farm.

(o) "Program year" means the period from January 1, 1954, through December 31, 1954.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1102.471 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q), and the Department of Agriculture Appropriation Act, 1954.

§ 1102.472 *Availability of funds.* (a) The provisions of the 1954 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1954 program will not be available for paying Federal cost-shares for which applications are filed in the ASC district offices after December 31, 1955.

§ 1102.473 *Applicability.* (a) The provisions of the 1954 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPS; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

Done at Washington, D. C., this 17th day of December, 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10621; Filed, Dec. 22, 1953; 8:47 a. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Bureau of Animal Industry, Department of Agriculture

#### Subchapter F—Animal Breeds

[BAI Order 385, Amdt. 1]

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

DOGS

On October 31, 1953, a notice of rule making was published in the FEDERAL REGISTER (18 F. R. 6887) regarding the proposed recognition by the Secretary of Agriculture of the book of record of purebred dogs entitled "Teckel Stammbuch", and the amendment of § 151.10 of the regulations governing the recognition of breeds and books of record of purebred animals (9 CFR 151.10 as amended).

After due consideration of all relevant material presented in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by section 201, paragraph 1606 of the Tariff Act of 1930, as amended (19 U. S. C. and Supp., sec. 1201, par. 1606), hereby recognizes the said book of record, and hereby amends said § 151.10 by adding to the table in paragraph (a) of said section relating to dogs the following book of record:



Dogs

| Name of breed | Book of record | By whom published |
|---|---|---|
| Dachshund | Teckel Stammbuch. | Deutscher Teckelklub, E. V., Duisburg, Rhineland, Moselstrasse 7, Germany, Joseph Chateau, stud bookkeeper. |

Under a proviso in paragraph (a) of said § 151.10 no dog registered in the above book of record shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the Dachshund breed issued by the sponsoring Association is submitted for such animal.

(Par. 1606, 46 Stat. 673; 19 U. S. C. 1201, par. 1606)

The foregoing amendment shall become effective on the 22d day of January 1954.

Done at Washington, D. C., this 17th day of December 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10639; Filed, Dec. 22, 1953; 8:50 a. m.]

## TITLE 25—INDIANS

### Chapter I—Bureau of Indian Affairs, Department of the Interior

#### Subchapter I—Irrigation Projects; Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

JOINT WORKS

Section 130.69a (1) (2) is revised to read as follows:

§ 130.69a *Joint works.* • • •

(1) • • • (2) The project engineer has determined that for the present, joint works will need approximately two-thirds of the available office space at Coolidge. The Indian unit has set up its office at Sacaton and makes that location the headquarters for its operation and maintenance activities on Indian lands and, therefore, no longer occupies any of the office space at Coolidge. The district, therefore, is permitted to use one-third of said office space until such time as the project engineer finds that the requirements of joint works for such office space increase or decrease. The occupancy of the office building at Coolidge or any other project building occupied by the district and/or the Indian unit shall be by mutual agreement of the project engineer, the district engineer and the engineer in charge of the Indian unit. Payment shall be made by the Indian unit or by the district for the cost of operating and maintaining space occupied in the office building at Coolidge or in such other project buildings as may be occupied by either unit for its exclusive use. Until the requirements of joint works increase the district may continue to occupy the approximate east one-third of the office building for which occupancy the district shall pay such sum per month from August 1, 1952 as has been or may be agreed upon in writing between the district and the project engineer. The use of such space, which shall include the right to use part of the basement space, and garage referred to in an agreement between the project engineer and the district engineer of August 25, 1952, approved by the Area Director on December 19, 1952, shall continue, subject to the paramount need for such space for joint works operations, and the judgment of the project engineer in this regard shall be final unless otherwise determined by the Secretary of the Interior. The monthly payments received shall be deposited in the joint works account of the project and applied as provided in the said agreement.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

DOUGLAS MCKAY,
*Secretary of the Interior.*

DECEMBER 17, 1953.

[F. R. Doc. 53-10605; Filed, Dec. 22, 1953; 8:45 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

BAYOU BIENVENUE AND BAYOU BLACK, LOUISIANA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 governing the operation of certain drawbridges where constant attendance of draw tenders is not required over navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets is amended, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(i) Waterways discharging into the Gulf of Mexico east of the Mississippi River. • • •

(22-a) Bayou Bienvenue, La.; Louisiana Department of Highways bridge near Chalmette. At least 24 hours' advance notice required.

• • • • • •

(j) Waterways discharging into the Gulf of Mexico west of the Mississippi River. • • •

(4–a) Bayou Black, La.; Louisiana Department of Highways bridge near Gibson. At least 24 hours' advance notice required.

• • • • • •

[Regs. December 7, 1953, 823.01–ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 53-10628; Filed, Dec. 22, 1953; 8:48 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 55]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Transition to ILS | | | | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope intercept-ion inbound (ft.) | Altitude of glide slope and distance to approach end of runway at— | | Ceiling and visibility minimums | | | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | From— | To— | Course and distance | Minimum altitudes (ft.) | | | Outer marker | Middle marker | Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| POCATELLO, IDAHO<br>Phillips Field, 4,448'<br>ILS-PIH<br>LOM-PI<br>Procedure No. 1<br>Combination ILS and ADF<br>December 20, 1953 | PIH VOR | LOM | 029—9 | 7,000 | NW side of NE course:<br>027° outbound.<br>207° inbound.<br>7,000' within 15 miles of PIH LOM.<br>20 and 25 miles NA. | ILS 7,000<br>ADF over LOM 6,300 | 5610—4.3 | 4660—0.7 | T-dn | 300-1 | 300-1 | Climb to 6,500' on W course PIH LFR or on 234° outbound course from PIH VOR within 25 miles of respective stations.<br>Alternate missed approach; when directed by ATC, turn right, climb to 7,500' on N course PIH LFR or on 335° outbound course from PIH VOR within 25 miles of respective stations.<br>NOTE: No approach lights installed. 6,100' MSL terrain located 9 miles E of LOM; 5,000' MSL terrain located 3 miles SE of airport. |
| | PIH LFR | LOM | 024—6 | 7,000 | | | | | C-d<br>ILS<br>ADF | 500-1<br>600-1 | 600-1½<br>800-1½ | |
| | Int. NE course ILS and S course IDA LFR | LOM | 207—5 | 7,000 | | | | | C-n<br>ILS<br>ADF | 500-2<br>600-2 | 600-2<br>800-2 | |
| | Int. NE course ILS (027° bearing from LOM for ADF) and S course IDA LFR. | LOM | 207—5 | 7,000 | | | | | S-dn<br>Rwy 21<br>ILS | 400-¾ | 400-¾ | |
| | | | | | | | | | A-dn | 800-2 | 800-2 | |
| YOUNGSTOWN, OHIO<br>Youngstown Airport, 1,196'<br>ILS-YNG<br>LOM-YN<br>Procedure No. 1<br>Combination ILS and ADF<br>Effective with commissioning of ILS on or about December 16, 1953 | Int. 56° course to Youngstown VOR and 100° bearing to LOM. | LOM | 100—14 | 2,600 | N side SE course.:<br>139 outbound.<br>319 inbound.<br>2,600' within 10 miles. | ILS 2,600<br>ADF 2,100' over LOM | 2580—5.4 | 1375—0.7 | T-dn | 300-1 | 300-1 | Within 5.4 miles after passing LOM (ADF), climb to 2,500' on NW course ILS or on bearing 319° from LOM, make right turn and proceed to Youngstown LFR. |
| | Int. E course Youngstown LFR or 286° course to Youngstown VOR and bearing 236° to Youngstown LOM. | LOM | 236—10 | 2,600 | | | | | C-dn | 500-1 | 500-1½ | |
| | | | | | | | | | S-dn<br>32<br>ILS | 400-¾ | 400-¾ | |
| | Youngstown VOR | LOM | 161—10 | 2,600 | | | | | ADF | 500-1 | 500-1 | |
| | Youngstown LFR | LOM | 158—9 | 2,600 | | | | | A-dn | 800-2 | 800-2 | |
| | Int. S course Youngstown LFR and bearing 050° to Youngstown LOM. | LOM | 50—5 | 2,600 | | | | | | | | |

2. The very high frequency omnirange procedures prescribed in § 609.15 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| DES MOINES, IOWA<br>Des Moines, 957'<br>BVOR-DSM<br>Procedure No. 1<br>December 20, 1953 | Des Moines LFR | 173—4.0 | 2,100 | East side of course:<br>168 outbound.<br>348 inbound.<br>2,100' within 15 miles.<br>2,200' within 25 miles. | 1,600 | 348—6.2 | T-dn<br>C-dn<br>S-dn<br>35<br>A-dn | 300-1<br>500-1<br>500-3<br>800-2 | 500-1<br>500-1½<br>500-1<br>300-2 | Within 6.2 miles, immediately turn left, climb to 2,600' on outbound course of 320 within 25 miles or when directed by ATC immediately turn left climb to 2,400' on outbound course of 253 within 25 miles.<br>CAUTION: 1,360' MSL TV tower located 3.2 miles NNE of airport.<br>When TV tower not visible on N, NW, E, and W takeoffs, climb to 2,100' MSL prior to turning toward tower. |
| | Martindale FM (final) | 009—5.0 | 1,600 | | | | | | | |
| POCATELLO, IDAHO<br>Phillips Field, 4,448'<br>BVOR-PIH<br>Procedure No. 1<br>December 20, 1953 | PIH LFR | 213—4.0 | 6,500 | N side of course:<br>250° outbound.<br>070° inbound.<br>6,000' within 25 miles of PIH VOR.<br>Procedure turn N for more favorable terrain. | 5,400 | 031—3.6 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1<br>500-1<br>500-2<br>800-2 | 300-1<br>600-1½<br>600-2<br>800-2 | Within 3.6 miles execute climbing left turn, climb to 6,500' on the 234° radial from PIH VOR, within 25 miles. Alternate missed approach procedure when directed by ATC: Execute climbing left turn to intercept and climb to 7,500' on the 335° radial from PIH VOR within 25 miles.<br>CAUTION: 5,000' MSL terrain located 3 miles SE of airport and 6 miles SW of PIH VOR. |
| | PIH LOM | 209—9.0 | 6,500 | | | | | | | |

3. The very high frequency omnirange procedures prescribed in § 609.15 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; Procedure No. (TVOR); effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance from int. runway center line extended and final course to approach end of runway | Ceiling and visibility minimums | | | If visual contact not established at TVOR, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| ROCHESTER, N. Y.<br>Monroe County Airport, 590'<br>BVOR-DTV<br>117.8 mc, ROC<br>Procedure No. TVOR-1<br>Effective date: July 15, 1953 | Rochester LFR | 303—3.0 | 1,900 | E side course:<br>180 outbound.<br>360 inbound.<br>1,900' within 10 miles (NA beyond 10 miles). | 1,200 | 007—0.35 | T-dn<br>C-dn<br>S-dn<br>1<br>A-dn | 300-1<br>600-1<br>600-1<br>800-2 | 300-1<br>600-1.5<br>600-1<br>800-2 | Climb to 2,000' on course of 360° within 25 miles of VOR.<br>NOTE: Take-offs on Runway 12 and landings on Runway 30 not authorized. |
| Procedure No. TVOR-10<br>Effective date: July 15, 1953 | Rochester LFR | 303—3.0 | 1,900 | S side course:<br>287 outbound.<br>107 inbound.<br>1,900' within 10 miles (NA beyond 10 miles). | 1,100 | 096—0.43 | T-dn<br>C-dn<br>S-dn<br>10<br>A-dn | 300-1<br>500-1<br>500-1<br>800-2 | 300-1<br>600-1.5<br>500-1<br>800-2 | Climb to 2,000' on course of 107° within 25 miles of VOR, as or directed by ATC.<br>NOTE: Take-offs on Runway 12 and landings on Runway 30 not authorized. |

TVOR STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

| City and State; airport name, elevation; facility; class and identification; Procedure No. (TVOR); effective date | Initial approach to facility from— | Course and distance | Minimum altitude over facility (feet) | Ceiling and visibility minimums: Type aircraft: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established at TVOR, or if Landing not accomplished | Minimum altitude over facility (feet) | Course and distance from int. runway center line extended and final course to approach end of runway | Ceiling and visibility minimums: Type aircraft: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | | | | 11 | 6 | 7 | 8 | 9 | 10 | 5 |
| TOLEDO, OHIO<br>Toledo Airport, 622'<br>TVOR–DTW<br>Lucas County | Waterville VOR | 049—11.0 | 1,900 | | | | | | | | | | E side course:<br>215 outbound.<br>035 inbound.<br>1,400' within 10 miles (NA beyond 10 miles). |
| Procedure No. TVOR-4<br>Effective date: April 23, 1953 | Genoa Rbn. | 317—4.5 | 1,800 | | | | | | | | | | |
| | Toledo LFR | 342—9.0 | 1,900 | | | | Make right climbing turn to 1,800' on course of 142° within 15 miles of TVOR. | 1,800 | 129—0.29 | T-dn<br>C-dn<br>S-dn<br>A-dn | 300–1<br>500–1.5<br>500–1.5<br>800–2 | 300–1<br>500–1.5<br>500–1.5<br>800–2 | |
| | Maumee Int.* (final) | 129—4.5 | 1,200# | | | | | | | | | | |
| Procedure No. TVOR-14<br>Effective date: April 24, 1953 | Waterville VOR | 049—11.0 | 1,900 | | | | Climb to 1,800' on course of 142° within 15 miles of TVOR.<br>*Niamee Int: Int. 129° course to Toledo LVOR and 245° course to Waterville VOR.<br>#If Niamee Int. not identified on final, descent below 1,500' not authorized. | 1,200# | 129—0.29 | T-dn<br>C-dn<br>S-dn<br>14<br>A-dn | 300–1<br>#600–1<br>#600–1<br>#800–2 | 300–1<br>#600–1<br>#600–1<br>#800–2 | W side course:<br>309 outbound.<br>129 inbound.<br>2,100' within 10 miles (NA beyond 10 miles). |
| | Genoa Rbn. | 317—4.5 | 1,800 | | | | | | | | | | |
| | Toledo LFR | 342—9.0 | 1,900 | | | | | | | | | | |
| | Maumee Int.* (final) | 129—4.5 | 1,200# | | | | | | | | | | |
| Procedure No. TVOR-32<br>Effective date: April 25, 1953 | Waterville VOR | 049—11.0 | 1,900 | | | | Climb to 2,100' on course of 309° within 20 miles of TVOR.<br>*Genoa Int: Int. 322° course to Toledo LVOR and 249° course to Waterville VOR and/or 060° course to Genoa Rbn. | 1,800 | 322—0.25 | T-dn<br>C-dn<br>C-n<br>S-dn<br>A dn | 300–1<br>500–1.5<br>500–1.5<br>500–1.5<br>800–2 | 300–1<br>500–1.5<br>500–1.5<br>500–1.5<br>800–2 | E side course:<br>142 outbound.<br>322 inbound.<br>1,800' within 10 miles (NA beyond 10 miles). |
| | Genoa Rbn. | 317—4.5 | 1,800 | | | | | | | | | | |
| | Toledo LFR | 342—9.0 | 1,900 | | | | | | | | | | |
| | Genoa Int.* (final) | 322—4.5 | 1,100 | | | | | | | | | | |
| WASHINGTON, D. C.<br>Washington National Airport<br>Procedure No. TVOR-33<br>Effective date: August 24, 1953 | Springfield Rbn. | 072—12.0 | 1,800 | | | | Climb to 1,800' on course of 327° within 10 miles of TVOR.<br>*If Int. NE course Washington LFR not identified on final, descent below 700' not authorized.<br>#Procedure turn W to avoid Andrews AFB traffic.<br>CAUTION: 555' monument, 1.8 miles N of airport. | 1,800 | 330—0.65 | T-dn<br>C-dn*<br>S-dn*<br>33<br>A-dn | 300–1<br>600–1<br>600–1<br>800–2 | 300–1<br>600–1<br>600–1<br>800–2 | W side course: #<br>160 outbound.<br>340 inbound.<br>1,600' within 10 miles (NA beyond 10 miles). |
| | Herndon VOR | 124—25.0 | 1,800 | | | | | | | | | | |
| | Andrews LFR | 327—15.0 | 1,500 | | | | | | | | | | |
| | Washington LFR | 002—6.0 | 1,500 | | | | | | | | | | |
| | Abram Riverdale Rbn. | 224—6.0 | 1,600 | | | | | | | | | | |
| | Int. NE course Washington LFR (final). | 340—4.0 | *600 | | | | | | | | | | |
| | Radar terminal area transition altitude. | All directions (within 25 miles). | 1,800 | | | | | | | | | | |
| | Radar terminal area transition altitude (final). | 340 (within 10 miles). | *700 | | | | | | | | | | |
| Procedure No. TVOR-36<br>Effective date: August 24, 1953 | Springfield Rbn. | 072—12.0 | 1,800 | | | | Climb to 1,800' on course of 327° within 10 miles of TVOR.<br>*If Int. NW course Washington LFR not identified on final, descent below 800' not authorized.<br>#Procedure turn W to avoid Andrews AFB traffic.<br>CAUTION: 555' monument, 1.8 miles N of airport. | 1,800 | 003—0.46 | T-dn<br>C-dn*<br>S-dn*<br>36<br>A-dn* | 300–1<br>600–1<br>500–1<br>800–2 | 300–1<br>600–1<br>500–1<br>800–2 | W side course: #<br>187 outbound.<br>007 inbound.<br>1,500' within 10 miles (NA beyond 10 miles). |
| | Herndon VOR | 124—25.0 | 1,800 | | | | | | | | | | |
| | Andrews LFR | 327—15.0 | 1,500 | | | | | | | | | | |
| | Washington LFR | 002—6.0 | 1,500 | | | | | | | | | | |
| | Abram Riverdale Rbn. | 234—6.0 | 1,600 | | | | | | | | | | |
| | Int. NW course Washington LFR (final). | 007—6.0 | *500 | | | | | | | | | | |
| | Radar terminal area transition altitude. | All directions (within 25 miles). | 1,800 | | | | | | | | | | |
| | Radar terminal area transition altitude (final). | 007 (within 10 miles) | *800 | | | | | | | | | | |

These procedures shall become effective on the dates indicated in Column 1 of the procedures.



(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53 10604; Filed, Dec. 22, 1953; 8:45 a. m.]

# TITLE 32—NATIONAL DEFENSE

## Chapter IV—Joint Regulations of the Armed Forces

### Subchapter B—Transportation by Aircraft

PART 416—MOVEMENT OF TRAFFIC ON MILITARY AIR TRANSPORT SERVICE SCHEDULED AIRCRAFT

PART 417—MOVEMENT OF TRAFFIC ON OTHER THAN MILITARY AIR TRANSPORT SERVICE SCHEDULED AIRCRAFT

The following Parts 416 and 417 supersede Parts 416 and 417 (15 F. R. 483; 32 CFR 416; 417).

PART 416—MOVEMENT OF TRAFFIC ON MILITARY AIR TRANSPORT SERVICE SCHEDULED AIRCRAFT

Sec.
416.1 Purpose and scope.
416.2 Definitions.
416.3 Uniform.
416.4 Responsibilities.
416.5 Policy.
416.6 Categories.
416.7 Additional authorization.
416.8 Revenue traffic charges.
416.9 Air movement designator requirements.
416.10 Special requirements.
416.11 Baggage allowances.
416.12 Diversion to commercial carriers.

AUTHORITY: §§ 416.1 to 416.12 issued under E. O. 9886, Aug. 22, 1947, 12 F. R. 5689; 3 CFR, 1947 Supp.

DERIVATION: Army Regulations 96-25; OPNAV Instruction 4630.12, Air Force Regulation 76-15, Sept. 8, 1953.

§ 416.1 *Purpose and scope.* This part prescribes the responsibilities and policies for the movement of traffic on scheduled Military Air Transport Service aircraft. It applies to all agencies utilizing or controlling space on Military Air Transport Service aircraft.

§ 416.2 *Definitions*—(a) *Traffic.* Cargo, mail, passengers, and passengers' baggage.

(b) *Revenue traffic.* Traffic for which reimbursement to, or accounting by, the Department of Defense is required.

(c) *Nonrevenue traffic.* Traffic transported in the primary or official interest of the Department of Defense.

(d) *Baggage.* All equipment, clothing, except one overcoat or raincoat, and items of any other kind carried by or accompanying a passenger and not documented as cargo.

(e) *Air movement designator.* A combination of code letters and numbers assigned by the issuing agency as a medium of identification and for the establishment of precedence of movement of traffic.

(f) *Military Air Transport Service aircraft.* As used in this part, only those aircraft of the Military Air Transport Service organization operated for the purpose of performing transport functions (excludes subordinate nontransport services of Military Air Transport Service, such as Air Weather Service, Air Rescue Service, and so forth).

§ 416.3 *Uniform.* Military personnel of the armed services will be in uniform when traveling on military aircraft unless civilian clothing is specifically authorized in competent orders.

§ 416.4 *Responsibilities.* The Military Air Transport Service, under the command and direction of the Chief of Staff, United States Air Force, is responsible for air transportation for the Department of Defense as directed by the Secretary of Defense. The Director of Transportation, Headquarters, United States Air Force is responsible for monitoring traffic management aspects of the Military Air Transport Service.

§ 416.5 *Policy.* In addition to the competent authorities of the Army, Navy, Air Force, Marine Corps, and Coast Guard listed in paragraph (a) of this section, certain orders issued by Canadian authorities will be honored for the purpose of providing military air transportation in accordance with specific directives governing reciprocal transportation between Canada and the United States. This eligibility listing is not to be construed as indicating the relative order of movement. The following is the only traffic authorized to be carried on transport aircraft operated by the Military Air Transport Service:

(a) That traffic which is directed or authorized by written orders issued by competent authorities of the Departments of the Army, the Navy, and the Air Force authorizing air transportation without reimbursement therefor when the traffic is primarily of official concern to the Department of Defense. The determination of whether traffic is primarily of official concern to the Department of Defense is a responsibility of the Secretaries of Defense, Army, Navy, or Air Force, or by delegation of authority to those agencies authorized to establish priority of movement via military air by current Departments of the Army, Navy, and Air Force directives. The priority of traffic movement shall be determined by the Department concerned in accordance with the classification of military necessity established by the individual Departments. Assigned air movement designator will be included in all orders, movement directives, or shipping documents for all traffic to or from the continental United States or between areas outside the continental United States.

(b) That traffic which is directed or authorized by competent authorities of the Departments of the Army, the Navy, or the Air Force, with reimbursement therefor, in accordance with the provisions of applicable law, when the traffic is of official concern to the executive departments or agencies, or to the legislative or judicial branches of the Government. Requests for transportation in this category should be directed to the Chief of Staff, United States Air Force, with procurement authority chargeable or a clear indication of the method by which reimbursement is to be accomplished.

(c) That traffic which is certified by the interested Department or agency as being in the national interest may be furnished air transportation to or from places outside the continental United States with reimbursement therefor. In cases covered by this section, it will be within the purview of the Secretaries of the Army, Navy, or Air Force to refuse to authorize the transportation if deemed advisable. As a matter of general policy, the aviation organizations of the armed services will not be placed in a position of competing with United States commercial air transportation.

§ 416.6 *Categories.* Categories of traffic eligible for transportation via aircraft of the Military Air Transport Service will be limited to traffic moving under competent Army, Navy, or Air Force orders, or movement authorities directing or authorizing air transportation subject to the conditions set forth in paragraphs (a) through (e) of this section:

(a) *Personnel, space requirement, nonrevenue*—(1) *Category 1.* Military personnel of the Department of Defense, including United States Coast Guard, on active duty when traveling under competent permanent change of station, temporary duty, or emergency leave orders, including all foreign military personnel, sponsored by the Secretaries of Defense, Army, Navy, or Air Force.

(2) *Category 2.* Civilian employees of the Department of Defense when traveling under competent permanent change of station orders or properly executed transportation agreements, temporary duty, or emergency leave orders including all civilians specifically sponsored by the Secretaries of Defense, Army, Navy, or Air Force.

(3) *Category 3.* Civilian personnel of Government contractors and technical advisors to military authorities, when engaged in activities of the Department of Defense which require such air travel. Such transportation may be furnished when specified in the contract or determined to be in the best interest of the Department of Defense.

(4) *Category 4.* Members of Congress and other Federal officials when the travel is in the primary interest of the Department of Defense and when authorized by the Secretary of Defense or one of the military departments.

(5) *Category 5.* Military personnel of the National Guard and Reserve Components when traveling on matters of official concern to the Department of Defense.

(6) *Category 6.* Dependents of military and civilian personnel of the Department of Defense traveling pursuant to competent permanent change of station orders or other competent travel authorizations, including such dependents when traveling to and from the continental United States or between oversea areas for medical reasons.

(7) *Category 7.* American Red Cross personnel when serving with the Department of Defense in oversea areas, provided that they are in uniform and such travel is in the performance of Red Cross duties incident to change of station or temporary duty. Emergency leave travel is authorized between oversea areas and zone of interior aerial ports.

Military air travel will not be authorized within the zone of interior.

(8) *Category 8.* Dependents of military and civilian personnel of the Department of Defense stationed overseas when traveling to or from the United States for the purpose of attending school (limited to one roundtrip each school year).

(9) *Category 9.* Commissioned officers of the Public Health Service detailed for duty with the Army, Navy, Air Force, Marine Corps, or Coast Guard, or when traveling in connection with matters primarily of official concern to the Department of Defense.

(10) *Category 10.* British, Canadian, and Australian exchange officers on duty with the Army, Navy, Air Force, or Marine Corps while in a duty status, upon presentation of orders issued by competent authority.

(11) *Category 11.* Dependents of officials of the other executive departments or agencies, of the judicial branch, or of the legislative branch when accompanied by their principals when authorized by the Secretary of Defense.

(12) *Category 12.* Military personnel dependents in a patient status in the continental United States whose movement from one military hospital to another within the continental United States has been authorized, or who are initially admitted to a military hospital. When so determined by the hospital commander originating the movement of minor dependents (patients), an adult dependent member of the immediate family may be designated as an attendant and is authorized transportation.

(13) *Category 13.* Any person in case of an emergency involving catastrophe or possible loss of life when other means of suitable transportation are not available, feasible, or adequate.

(14) *Category 14.* Any other individual not listed in this paragraph when traveling on competent orders authorizing military air transportation in connection with matters primarily of official concern to the Department of Defense.

NOTE: The following are limiting conditions governing travel of certain categories of personnel:

(a) Dependents who are beyond the 188th day of pregnancy will not be accepted for air transportation.

(b) Infants under six weeks of age will not be accepted for air transportation.

(c) Children under 12 years of age will not be accepted for air transportation unless accompanied by parent or other responsible adult designated by the parent.

(b) *Personnel, space requirement, revenue*—(1) *Category 15.* Persons traveling in the interest of other governmental departments or agencies, with reimbursement by the department or agency concerned.

(2) *Category 16.* Civilian employees of the Department of Defense in areas outside the continental United States who are recruited from outside the duty area on the basis of a signed employment agreement providing for return transportation and who are separated at an oversea area under circumstances that do not convey eligibility for return transportation at Government expense for the purpose of repatriation to the aerial port which is within the country from which originally recruited and which is most conveniently situated to the oversea command location when military sea transportation service is not available. The direct cost of such travel is to be paid for by the individual or withheld from the money due the individual by the Government. Traffic in this category will be granted the lowest class of priority.

(3) *Category 17.* Civilian personnel or Government contractors and technical advisors to military authorities when engaged in activities of the Department of Defense in areas outside the continental United States who default in their contracts and whose tour of duty is terminated for the convenience of the Government, for the purpose of repatriation to the continental United States when Military Sea Transport Service is not available.

(4) *Category 18.* Nongovernmental passengers upon certification of the head of the interested Executive department or agency that the furnishing of such transportation is in the national interest, and that transportation by commercial means is not available or adequate.

(5) *Category 19.* Officials of the other executive departments or agencies, of the judicial branch, or of the legislative branch, and their dependents, on a nonsponsored trip when authorized by the Secretary of Defense.

(6) *Category 20.* Civilian personnel of Department of Defense agencies operating on nonappropriated funds.

(c) *Personnel, space available, nonrevenue.* The term "space available basis," means space that is surplus after all space requirement traffic has been accommodated and which would otherwise be unused.

(1) *Category 21.* Military personnel of the Department of Defense, U. S. Coast Guard, and foreign exchange officers, including British, Canadian, and Australians on duty with the Department of Defense when traveling in connection with sick or ordinary leave.

(2) *Category 22.* Persons holding the Congressional Medal of Honor, on space available basis within the continental United States, upon presentation of proper identification. These persons will sign a certificate that the travel is not for personal gain, in accordance with Part 417 of this title.

NOTE: Whenever travel is performed in one direction on a permissive basis, that is military personnel on leave, military and civilian personnel under emergency leave or accompanied travel of dependents, there is no guarantee of space on any return flight and the Government will be under no obligation to return the individual to point of origin or to any other destination.

(d) *Cargo-nonrevenue.* (1) Cargo of the Department of Defense.

(2) Mail of the Department of Defense and of military personnel and personal mail of those civilians authorized to use military postal facilities.

(3) Cargo carried as a matter primarily of official concern to the Department of Defense.

(4) Cargo of the American Red Cross for use of the Department of Defense.

(5) Any cargo in case of catastrophe, the lack of which would cause loss of life, when other means of transportation are not available, feasible, or adequate.

(e) *Cargo-revenue.* (1) Cargo moving in the interest of other governmental departments or agencies, with reimbursement from the department or agency concerned.

(2) Nongovernmental cargo upon certification of the head of the interested executive department or agency that the furnishing of such transportation is in the national interest, and that transportation by commercial means is not available or adequate.

(3) Cargo of Department of Defense agencies operating on nonappropriated funds.

§ 416.7 *Additional authorization.* (a) Requests for transportation of traffic not covered by this part will be referred to the Chief of Staff United States Army; Chief of Naval Operations, or the Director of Transportation, Headquarters United States Air Force, depending upon the department involved.

(b) All requests for Military Air Transport Service special missions not involving aircraft of the United States Air Force Special Air Mission Fleet will be submitted through appropriate channels to the Director of Transportation, Headquarters United States Air Force.

(c) The general policy of the Department of Defense is to prohibit travel of dependents on other than competent orders when the transportation is in connection with permanent change of station assignment of the principal. However, under extenuating circumstances in individual cases, certain exceptions may be authorized by the Secretary of Defense; Secretaries of the Departments; Chairman of the Joint Chiefs of Staff; Chief of Staff, United States Army; Chief of Naval Operations; Chief of Staff, United States Air Force, and Commandant of the Marine Corps, to allow travel on a space-available basis.

§ 416.8 *Revenue traffic charges.* (a) Charges will be assessed for the transportation of traffic qualifying under § 416.6 (b) and (e). Rates to be charged will be determined by the Chief of Staff, United States Air Force. Such charges will be reasonable and, except as provided in paragraph (b) of this section, not less than the current commercial rates, including taxes. Responsibility for collection of such charges will rest with the Chief of Staff, United States Air Force.

(b) Reimbursement by the Government agency concerned for traffic authorized under § 416.5 will be on the basis of the cost thereof as determined by the Chief of Staff, United States Air Force, in accordance with section 601 of the Economy Act of 30 June 1932, as amended (47 Stat. 417, as amended; 31 U. S. C. 686).

§ 416.9 *Air movement designator requirements.* All traffic (passengers and cargo) authorized in this part is subject to the establishment of an air movement designator in accordance with established procedures.



(a) Traffic scheduled for movement to an aerial port of embarkation for shipment to points outside the continental United States will not be forwarded to the aerial port of embarkation unless the traffic has been assigned an air movement designator and appropriately cleared.

(b) *Limitation.* In the establishment of air movement designators, traffic referred to in § 416.6 (a) and (d) will, at all times, be accorded primary consideration. Traffic, the transportation of which is authorized under § 416.6 (b) and (c), will not be carried if it can reasonably be handled by United States civil air carriers, nor will such traffic be carried on any given route if in the opinion of the Departments of the Army, Navy, or Air Force, United States civil air carriers are adequate to handle such traffic.

§ 416.10 *Special requirements.* (a) All traffic to be moved on Military Air Transport Service aircraft must meet carrier acceptability requirements with respect to packing, marking, and documentation. Appropriate records will be maintained to provide essential information concerning diversions, intransit data, and receipt and delivery of traffic.

(b) Military Air Transport Service will be responsible but not accountable for all traffic carried, with responsibility beginning at the station where traffic is accepted and ending upon delivery at the carrier destination airport.

(c) The Chief of Staff, United States Air Force or the Commander, Military Air Transport Service may effect emergency changes in the transport operations and the diversion of traffic already en route, with notice to the shipping agency as to alternate means of transportation utilized, when such becomes necessary. Any diversion of traffic at aerial ports of embarkation will be the responsibility of the appropriate air traffic coordinating officer.

§ 416.11 *Baggage allowances*—(a) *Normal baggage allowance.* The normal baggage allowance for all pasengers, except those covered by paragraph (c) of this section, traveling on Military Air Transport Service aircraft will be limited to 65 pounds of baggage.

(b) *Excess baggage allowance.* An excess baggage allowance may be granted by agencies authorized to establish air movement designators. Excess allowances, when authorized, will be included in individual's orders.

(c) *Baggage allowance exceptions.* (1) A baggage allowance of 100 pounds may be authorized for dependent females and dependent children (male and female) who are traveling to oversea destinations. Any authorized excess baggage will be indicated in the individual's orders.

(2) Military, naval, and air attaches and mission personnel are authorized a baggage allowance of 100 pounds while traveling to oversea destination. Any authorized excess baggage will be indicated in the individual's orders.

(3) Personnel evacuated as patients by air from an oversea area or within the continental United States are authorized 100 pounds of baggage.

(d) *Baggage not covered by this part.* This part limits only the baggage which may be carried by passengers on Military Air Transport Service aircraft, as provided in this section, and does not limit or increase the baggage which may be transported by other means of transportation on change of station, as prescribed by existing directives.

§ 416.12 *Diversion to commercial carriers.* Diversion of cargo from Military Air Transport Service aircraft and forwarding by commercial carrier to consignee will be in accordance with existing directives.

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## PART 417—MOVEMENT OF TRAFFIC ON OTHER THAN MILITARY AIR TRANSPORT SERVICE SCHEDULED AIRCRAFT

Sec.


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AUTHORITY: §§ 417.1 to 417.13 issued under E. O. 9886, Aug. 22, 1947, 12 F. R. 5689; 3 CFR, 1947 Supp.

DERIVATION: Army Regulations 96-20, OPNAV Instruction 4630.10, Air Force Regulation 76-6, June 11, 1953.

§ 417.1 *Purpose and scope.* This part establishes the policy for the authorization of traffic on aircraft of the Department of Defense other than scheduled aircraft operated by the Military Air Transport Service under the provisions of Part 416 of this title.

§ 417.2 *Definitions*—(a) *Traffic.* Cargo, mail, passengers, and passengers' baggage.

(b) *Revenue traffic.* Traffic for which reimbursement to, or accounting by, the Department of Defense is required.

(c) *Nonrevenue traffic.* Traffic transported in the primary official interest of the Department of Defense.

(d) *Competent authority.* An official bearing the title of commanding officer or higher authority in the chain of command of the Army, Navy, Air Force, Marine Corps, Coast Guard (when assigned to the operational control of the Navy), the Reserve components of the aforementioned organizations and the National Guard.

§ 417.3 *Uniform.* Proper uniform will be worn under all normal conditions. Civilian clothes may be worn in exceptional circumstances when authorized by competent authority.

§ 417.4 *Authorization.* Competent authorities listed in § 417.2 (d) may authorize traffic of the following categories transported on military aircraft without reimbursement. Any traffic transported under the provisions of this part will be properly identified.

(a) Military personnel of the United States (including midshipmen, Army, Navy, Air Force, and Coast Guard cadets) in active Federal Service, while in a duty status or while in a leave status on a space available basis. Orders directing permanent change of station or temporary duty travel, or authorizing leave, will constitute authority.

(b) Military personnel of the National Guard and members of the Reserve components and retired military personnel whose names appear on the published retired list of the Army, Navy, Air Force, Marine Corps, or Coast Guard: Upon presentation of orders issued by competent authority or presentation of proper identification on a space-available basis within the zone of the interior after all priority requirements have been satisfied. The certificate required by § 417.12 must be executed. Proper identification for the services is as follows:

| Service | Reserve | Retired |
|---|---|---|
| Army | NME 2A (Reserve) Form DD2A (Reserve) | Form DD2A (Retired). |
| Navy | Form DD2N (Inactive) | Form DD2N (Inactive) |
| Marines | NavMc 178 PD. | Form DD2MC |
| Coast Guard | Form DD2CG (Inactive) | Form DD2CG (Retired) |
| Air Force | Form DD2AF (Reserve). | Form DD2AF (Retired). |

(c) State National Guard officials, including State governors, Lieutenant governors, and adjutants general when the travel within the zone of interior is connected directly with the National Guard activities. Other persons as specified by the above when prior approval has been obtained from the Chief of Staff, Army; Chief of Naval Operations; or Chief of Staff, United States Air Force.

NOTE: Provisions governing passengers in National Guard aircraft will be promulgated by the Chief, National Guard Bureau.

(d) Reserve Officer's Training Corps students of the Army, Navy, and Air Force, as follows:

(1) Summer camps: Reserve Officer's Training Corps students of the Army, Navy, and Air Force at summer camps or on active training duty on authorized flights upon approval of Reserve Officer's Training Corps camp commander or upon presentation of orders from competent authority.

(2) During school year, provided that:

(i) Aircraft is on an authorized local flight.

(ii) Students are undergoing formal Reserve Officer's Training Corps and academic training during a regular school term and the flight is in connection with this training.

(iii) Students are in proper uniform.

(e) Civil Air Patrol personnel, as follows:

(1) Civil Air Patrol senior members are authorized to be carried as passengers in military aircraft when engaged in the performance of official Civil Air Patrol duties, upon presentation of orders authorized by the National Commander, Civil Air Patrol, and provided

that such transportation does not interfere with normal military activities.

(2) Civil Air Patrol cadets participating in Civil Air Patrol activities when authorized by the National Commander, Civil Air Patrol. Normally, flights will be of local orientation type not involving special hazard, and will be accomplished to permit Civil Air Patrol cadets to travel as passengers on routine training flights without additional expense to the Government.

(f) Properly registered (senior) explorers of the Boy Scouts of America participating in scout activities on local orientation flights, provided that:

(1) Multiengine aircraft is used.

(2) Each explorer presents, through his local scout executive, a completed Boy Scouts of America Form O–1518, Recognition and Approval for Senior Explorers Orientation Flights, which includes a statement of parents' or guardian's consent.

(3) Prior approval is obtained from the Chief of Naval Operations for Navy aircraft.

(g) Persons holding the Congressional Medal of Honor, on space-available basis within the zone of interior upon presentation of proper identification and valid authorization card issued by either the Departments of the Army, Navy, or Air Force. (The certificate required by § 417.12 must be executed.)

(h) Red Cross personnel and personnel of other nationally recognized welfare agencies when serving with the armed services in the field, provided that they are in uniform and when such flights are in the performance of their official duties.

(i) Commissioned officers of the Public Health Service detailed for duty with the Army, Navy, Air Force, or Coast Guard, while in a duty status.

(j) Any person in case of an emergency involving catastrophe or possible loss of life, or in an emergency when other means of suitable transportation are not available, feasible, or adequate.

(k) Any person deputized to participate in fighting forest fires or engaged in disaster relief activities upon request of the responsible Federal or State agency.

(l) Any person when the travel is necessary for the preservation of peace, order, and safety of the Nation when such travel is requested by the responsible Federal or State officials.

(m) Civilian employees of the Department of Defense, of other Government agencies, of Government contractors, and technical advisers to military authorities when engaged in activities for the Department of Defense and traveling on official orders.

(n) Certain Canadian military personnel and civilian employees of the Canadian Defense establishment when traveling on official Canadian orders in accordance with Joint Canadian-United States Reciprocal Agreement on air transportation.

(o) British, Canadian, and Australian exchange officers on duty with the Army, Navy, or Air Force while in a duty status, upon presentation of orders issued by competent authority. These officers may be authorized space-available transportation while in a leave status, upon presentation of proper identification.

(p) Cargo and mail:

(1) Cargo and mail of the Department of Defense.

(2) Cargo of the American Red Cross for use by the Department of Defense.

(3) Any cargo in case of catastrophe, lack of which would cause loss of life when other means of transportation are not available, feasible, or adequate.

§ 417.5 *Transportation of dependents.* The general policy of the Department of Defense is to prohibit travel of dependents in military aircraft unless the travel is performed in connection with permanent change of station assignment of the principal. However, under extenuating circumstances in individual cases certain exceptions may be authorized by the Secretary of Defense, Secretaries of the Military departments, Chairman of the Joint Chiefs of Staff, Chief of Staff, United States Army; Chief of Naval Operations; Chief of Staff, United States Air Force; and the Commandant of the Marine Corps to allow accompanying travel of dependents on a space-available basis.

§ 417.6 *Service attachés and mission chiefs (including MDAP and other specialized military missions).* Attachés and military mission chiefs are authorized to permit personnel of the following categories to ride as passengers in attaché or mission aircraft on a space-available nonreimbursable basis within their sphere of accreditation:

(a) Individuals listed in, and under the conditions of, § 417.4.

(b) United States ambassadors and ministers, or in their absence chargé d'affaires, and members of their staffs designated by the ambassador, minister, or chargé d'affaires for the conduct of urgent Government business, except for normal permanent change of stations of such personnel.

(c) Distinguished nationals and members of the armed forces of foreign countries.

(d) Accompanying travel of dependents of attache, mission, or military commission personnel.

(e) *Use of attache aircraft by members of the Congress.* In those instances where Congressional committees or members thereof find it necessary while abroad to request travel in Air Force or Navy aircraft allocated to the attaches or military missions, such trips may be authorized if commercial facilities are not available, if such use of the attache or mission aircraft will not interfere in any way with the normally assigned mission of the aircraft, and provided that the purpose of the trip is specifically indicated by the chairman of the committee or subcommittee or member as being essential to the mission of the committee, subcommittee, or member. Immediately after such flights the attache will report to the Chief of Naval Operations or the Chief of Staff, United States Air Force, as appropriate, the following information:

(1) Explanation of circumstances which made the flight desirable.

(2) Dates of departure and return.

(3) List of passengers, with justification for presence of each.

(4) Destination of passengers.

(5) Stops en route and reasons therefor.

(f) Prior approval for travel outside the sphere of accreditation for all passengers not included in § 417.4 must be obtained from the Chief of Staff, United States Army; Chief of Naval Operations; or Chief of Staff, United States Air Force.

§ 417.7 *Additional authorizations.* (a) Within the limitations imposed by public law and joint regulations, the Chief of Staff, United States Army; Chief of Naval Operations; Chief of Staff, United States Air Force, or the commander of any oversea echelon reporting direct to the Departments of the Army, Navy, or Air Force may authorize the following transportation without reimbursement: Any traffic, when the transportation is primarily of official concern to the Department of Defense. While nothing contained herein is intended to infringe upon the prerogatives of theater commanders, no such transportation will be authorized unless it is of direct concern to the Department of Defense and is required for the accomplishment of a military mission.

(b) The Secretary of Defense will act on all requests for nonreimbursable transportation received from the following Federal officials: (Requests received by subordinate commands for transportation of officials or accompanying travel of dependents will be forwarded to the appropriate military department for action.)

(1) Officials of other executive departments or agencies or the judicial branch.

(2) Officials of the legislative branch, except as provided in § 417.6 (e).

NOTE: Members of Congress who hold valid Reserve status in the Army, Navy, Air Force, Marine Corps, or Coast Guard may continue to utilize air transportation in accordance with the provisions of § 417.4.

(c) Commands listed in § 417.11 may authorize nonreimbursable travel for:

(1) Representatives of information media (that is, press, radio, news, and so forth) on assignments to cover military events upon approval from the department concerned. (In addition, these representatives may be furnished transportation in the event of spot news stories of transcendent National interest for which commercial or charter facilities cannot be obtained.)

(2) Inspection personnel of the Civil Aeronautics Administration when engaged in the examination of rated pilot personnel of the armed services for civil pilot certificates or ratings.

(d) Cases arising at Army, Navy, or Air Force installations not covered by this part will be referred to the Chief of Staff, United States Army; Chief of Naval Operations; or Director of Transportation, Headquarters United States Air Force, Washington 25, D. C., depending on the installation involved, with complete information for decision.

§ 417.8 *Travel with reimbursement.* In cases not covered by other authority in this part, the Departments of the Army, the Navy, and the Air Force may provide air transportation with reimbursement therefor, and subject to other restrictions, in accordance with the provisions of applicable law, when the traffic is of official concern to the executive departments or agencies, or to the legislative or judicial branches of the Government. Requests for transportation in this category should be directed to the departments concerned with procurement authority chargeable or a clear indication of the method by which reimbursement is to be accomplished.

§ 417.9 *Authority for certain non-Governmental transportation.* To facilitate Department of Defense operations at home and abroad, non-Governmental passengers and cargo not within the scope of the foregoing provisions may be furnished air transportation by the Departments of the Army, the Navy, or the Air Force to or from places outside the continental United States, with reimbursement therefor, at not less than current commercial rates (including taxes) on certification by the head of the interested executive department or agency that the furnishing of such transportation is in the National interest. In cases covered in this section it will be within the purview of the Secretary of the Army, the Navy, or the Air Force to refuse to authorize the transportation, if considered advisable.

§ 417.10 *General policy on non-Governmental transportation.* As a general policy, the aviation organizations of the armed forces shall not be placed in a position of competing with United States commercial transportation. Therefore, in no case will air transportation under the provisions of §§ 417.8 and 417.9 be provided on any given route, if, in the opinion of the Departments of the Army, Navy, or Air Force, United States civil air carriers adequate to handle the traffic are in operation on the route.

§ 417.11 *Delegation of authority.* The following commands may authorize nonreimbursable travel for the individuals listed in § 417.7 (c).

Department of the Army: Chief of Staff, United States Army; Commanding Generals, Oversea Commands; Commanding Generals, Continental Armies and Military District of Washington; Chief, Army Field Forces.

Department of the Navy: Chief of Naval Operations; Commanders-in-Chief of Fleets; Commandant, U. S. Marine Corps; Commanding Generals, Fleet Marine Forces; Commanding Generals, Air Fleet Marine Forces; Commander, Air Force, Atlantic Fleet; Commander, Air Force, Pacific Fleet; Chief of Naval Air Training; Commanders, Sea Frontiers; Commandants, Naval Districts and River Commands; Commandant, Coast Guard (when assigned Navy for operational control); Naval Force Commanders.

Department of the Air Force: Chief of Staff, United States Air Force; Commanders, Major Air Commands, Zone of Interior and Overseas, Commander, Civil Air Patrol, United States Air Force.

Delegation of this authority below these listed commands is not authorized.

§ 417.12 *Certification.* In all cases when transportation is authorized in accordance with § 417.4 (b), (g), and (h), the following certificate will be accomplished for each individual.

I, ----------, hereby certify that my request for, and acceptance of, transportation via military aircraft is not for personal gain nor will the business conducted in connection with this trip result in any form of remuneration to the undersigned.

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Witnessed:

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§ 417.13 *Release from claim for injury or death.* Personnel specified in § 417.4 (d), (e), (f), and (k), § 417.6 (c) and § 417.7 (c) (1), will be required to sign the release form specified below, unless otherwise exempt when physically or mentally unable or in an emergency under the provisions of this part.

RELEASE

----------
(Place)

----------
(Date)

Know All Men By These Presents: Whereby, I ---------- am about to take a flight or flights as a passenger in certain Army, Navy, and or Air Force aircraft on ----------; and whereas I am doing so entirely upon my own initiative, risk, and responsibility; now, therefore, in consideration of the permission extended to me by the United States, through its officers and agents to take said flight or flights, I do hereby, for myself, my heirs, executors, and administrators, remiss, release and forever discharge the Government of the United States and all its officers, agents, and employees, acting officially or otherwise, from any and all claims, demands, actions, or causes of action, on account of my death or on account of any injury to me or my property which may occur from any cause during said flight or flights or continuances thereof, as well as all ground and flight operations incident thereto.

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(Signature)

----------
(Witness)

----------
(Witness)

----------
(Name of person to be notified in emergency)

----------
(Address of person to be notified in emergency)

WM. E. BERGEN,
*Major General, U. S. Army,*
*The Adjutant General.*
FRANK T. WATKINS,
*Rear Admiral, U. S. Navy,*
*Deputy Chief of Naval*
*Operations (Administration).*
K. E. THIEBAUD,
*Colonel, U. S. Air Force,*
*Air Adjutant General.*

[F. R. Doc. 53-10603; Filed, Dec. 22, 1953; 8:45 a. m.]





## TITLE 36—PARKS, FORESTS, AND MEMORIALS

### Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

DEATH VALLEY NATIONAL MONUMENT

Section 20.26, entitled *Death Valley National Monument*, is amended to read as follows:

§ 20.26 *Death Valley National Monument*—(a) *Mining.* Mining in Death Valley National Monument is subject to the following regulations, which are prescribed to govern the surface use of claims therein:

(1) The claim shall be occupied and used exclusively for mineral exploration and development and for no other purpose except that upon written permission of an authorized officer or employee of the National Park Service the surface of the claim may be used for other specified purposes, the use to be on such conditions and for such period as may be prescribed when permission is granted.

(2) The owner of the claim and all persons holding under him shall conform to all rules and regulations governing occupancy of the lands within the National Monument.

(3) The use and occupancy of the surface of mining claims as prescribed in subparagraphs (1) and (2) of this paragraph shall apply to all such claims located after the date of the act of June 13, 1933 (48 Stat. 139; 16 U. S. C. 447), within the limits of the National Monument as fixed by Proclamation No. 2028 of February 11, 1933, and enlarged by Proclamation No. 2228 of March 26, 1937, and to all mining claims on lands hereafter included in the National Monument, located after such inclusion, so long as such claims are within the boundaries of said Monument.

(4) Prospectors or miners shall not open or construct roads or vehicle trails without first obtaining written permission from an authorized officer or employee of the National Park Service. Applications for permits shall be accompanied by a map or sketch showing the location of the mining property to be served and the location of the proposed road or vehicle trail. The permit may be conditioned upon the permittee's maintaining the road or trail in a passable condition as long as it is used by the permittee or his successors.

(5) From and after the date of publication of this section, no construction, development, or dumping upon any location or entry, lying wholly or partly within the areas set forth in subdivisions (i) to (iii) of this subparagraph, shall be undertaken until the plans for such construction, development, and dumping, insofar as the surface is affected thereby, shall have been first submitted to and approved in writing by an authorized officer or employee of the National Park Service: *Provided*, That bona fide locations, entries, and patents to which vested rights under the mining laws of the United States exist as of the date of publication of this section, shall not be affected by this subparagraph:

(i) All land within 200 feet of the center line of any public road.

(ii) All land within the smallest legal subdivision of the public land surveys, containing a spring or water hole, or within one quarter of a mile thereof on unsurveyed public land.

(iii) All land within any site developed or approved for development by the National Park Service as a residential, administrative, or public campground site. Such sites shall include all land within

the exterior boundaries thereof as conspicuously posted or, if not so posted, all land within 1,000 feet of any federally owned buildings, water and sewer systems, road loops, and camp tables and fireplaces set at designated camp sites.

(b) *Use of water.* No works or water system of any kind for the diversion, impoundment, appropriation, transmission, or other use of water shall be constructed on or across Monument lands, including mining claims, without a permit approved by an authorized officer or employee of the National Park Service. Application for such permit shall be accompanied by plans of the proposed construction. The permit shall contain the following conditions: (1) No diversion and use of the water shall conflict with the paramount general public need for such water; (2) such water systems shall include taps or spigots at points to be prescribed by the Superintendent, for the convenience of the public; and (3) all appropriations of water, in compliance with the State water laws, shall be made for public use in the name of the United States and in accordance with instructions to be supplied by an authorized officer or employee of the National Park Service.

(c) *Permits.* Application for any permit required by this section shall be made through the Superintendent of the Monument.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3 Interprets or applies sec. 3, 48 Stat. 139; 16 U. S. C. 447)

Issued this 17th day of December 1953.

DOUGLAS MCKAY,
*Secretary of the Interior.*

[F. R. Doc. 53-10607; Filed, Dec. 22, 1953; 8:45 a. m.]

## Chapter II—Forest Service, Department of Agriculture

### PART 231—GRAZING

#### GRAZING PREFERENCES

By virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 551), as amended by the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), and the act of April 24, 1950 (64 Stat. 85, 16 U. S. C. 580), Regulation G-4 of the regulations governing the occupancy, use, protection, and administration of the National Forests, which constitutes § 231.4, Chapter II, Title 36, Code of Federal Regulations, is hereby amended to read as follows:

§ 231.4 *Grazing preferences.* (a) The Chief of the Forest Service is hereby authorized to prescribe the conditions under which grazing preferences in the use of the national-forest range may be established and recognized, including:

(1) Establishment of base property and livestock-ownership standards required of grazing-preference holders.

(2) Waiver and transfer of grazing preferences in connection with change of ownership of base property or permitted livestock.

(3) Approval of nonuse of grazing preferences for specified periods.

(4) Establishment of upper limits, for each National Forest or portion thereof, governing size of grazing preferences.

(b) A grazing preference is not a property right. Preferences in the use of national-forest range are approved for the exclusive use and benefit of the persons to whom allowed.

(Sec. 1, 30 Stat. 35, as amended; 16 U. S. C. 551. Interprets or applies sec. 1, 33 Stat. 628, 64 Stat. 85; 16 U. S. C. 472)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, D. C., this 18th day of December 1953.

[SEAL] EZRA TAFT BENSON,
*Secretary of Agriculture.*

[F. R. Doc. 53-10640; Filed, Dec. 22, 1953, 8:51 a. m.]

# TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans' Administration

### PART 5—CENTRAL COMMITTEE ON WAIVERS AND FORFEITURES AND FIELD COMMITTEES ON WAIVERS

#### MISCELLANEOUS AMENDMENTS

1. In § 5.0, paragraphs (b) and (c) are amended to read as follows:

§ 5.0 *Overpayments that may be considered.* * * *

(b) In any case where a subsistence allowance overpayment that was made to a veteran for any period beginning on or after July 13, 1950, has not been recovered or waived, these committees have jurisdiction under section 7, Public Law 610, 81st Congress, to determine, after a hearing, whether the overpayment was the result of willful or negligent failure of a school to report to the Veterans' Administration, as required by applicable regulation or contract, unauthorized or excessive absences from a course in which the veteran has enrolled or the discontinuance or interruption of a course by the veteran, and to determine the school's liability for such overpayment. As to the liability of the school, a field committee on waivers may make a determination irrespective of amount, but the procedure and principles set forth in § 21.113 of this chapter are for application. In any case referred under said section 7, the committee on waivers will assume jurisdiction over both the school and the veteran and in making a final determination may (1) waive recovery if it finds that relief should be afforded to the veteran pursuant to existing regulations; or (2) determine whether there is negligence and liability as to the school (a finding that the school is not liable will require recovery from the veteran unless the overpayment is waived as to him); or (3) hold both liable if it finds that the veteran is not entitled to relief, and that there was willful or negligent failure on the part of the school. A waiver as to the veteran will automatically preclude recovery from the school. In the event a hearing is not requested, the action of the committee will be based upon the record. Hearings will be held by regional committees on waivers when requested irrespective of the amount involved.

(c) In any case where the provisions of section 266 of the Veterans' Readjustment Assistance Act of 1952 (Public Law 550, 82d Congress) are applicable, the liability of the educational institution or training establishment will be determined according to the provisions of § 21.2304 of this chapter. These committees have jurisdiction to consider all overpayments of education and training allowance and are authorized to determine under section 271 of said statute whether recovery of the overpayment or any part thereof may be waived as to the veteran. The finance activity in submitting such cases for consideration and the committee on waivers or the central committee on waivers and forfeitures in its decision will be guided by established procedure and policy in regard to overpayments. As to the liability of the educational institution or training establishment, a field committee on waivers may make a determination irrespective of amount, subject to the procedure and principles prescribed by § 21.2304 of this chapter.

* * * * *

2. Section 5.2 is revised to read as follows:

§ 5.2 *Scope of decisions.* The jurisdiction of committees on waivers, including the central committee on waivers and forfeitures, is limited to consideration of waiver or nonwaiver and to questions of liability on the part of educational institutions or training establishments as provided in § 5.0 (b) and (c). A decision of nonwaiver by a committee leaves to the finance or accounting officers the manner of recovery or collection. It is within the discretion of such committees to waive recovery as to certain persons and decline to waive recovery as to certain other persons whose claims are based on the same veteran's service. It is also within the discretion of the committees to waive or decline to waive recovery from specific benefits or sources, except that a committee shall not waive recovery out of insurance of an indebtedness secured thereby, i. e., an insurance overpayment or illegal payment made to the insured, although in appropriate cases it is proper to waive recovery of any or all of such indebtedness out of benefits other than insurance benefits then or thereafter payable to the insured.

3. In § 5.10, paragraphs (b) (3) and (e) are amended to read as follows:

§ 5.10 *Central committee on waivers and forfeitures.* * * *

(b) * * *

(3) All cases in which there is a provision for an administrative review pursuant to § 5.13 (a) or (b).

* * * * *

(e) A decision by the central committee, rendered by the concurrence of three members, including the chairman or alternate chairman, shall be final but, except as to the determinations specified in § 5.13 (b), shall be subject to an appeal to the Board of Veterans Appeals in accordance with existing appeals regulations and procedure. The central committee shall render a final decision on any request for an administrative review of a determination that an educational institution or training establishment is liable under section 7, Public Law 610, 81st Congress or section 266, Public Law 550, 82d Congress, for an overpayment of subsistence allowance or educational and training allowance; and any such decision shall be valid if it is concurred in and signed by any two members of the specially constituted review section that is designated in § 5.13 (b).

* * * * *

4. Sections 5.12 and 5.13 are revised to read as follows:

§ 5.12 *Jurisdiction of committees in field offices.* (a) Where the amount involved is not more than $500 and the case is properly before the committee under applicable Veterans' Administration regulations and administrative issues a district or regional committee on waivers has authority to render a decision on an overpayment or other indebtedness. Such decision is final, subject however to the right of the committee to reverse or modify its own decisions upon the receipt of new and material evidence or upon a showing of clear and unmistakable error; and subject further to the administrative review jurisdiction of the central committee on waivers and forfeitures when a request for administrative review is duly filed and except as to determinations under paragraph (c) of this section to an appeal to the Board of Veterans Appeals by a veteran or his dependent, or one so claiming, pursuant to established appeal procedure. No committee on waivers is authorized to reverse or modify a decision rendered by a committee on waivers of another field office or by the central committee on waivers and forfeitures.

(b) Except as to the cases referred to in paragraph (c) of this section, where the amount of the overpayment or other indebtedness is more than $500, it shall be referred by the committee on waivers to the central committee on waivers and forfeitures, without rendering a decision, but such committee on waivers shall furnish a brief setting for a complete statement of facts, and its recommendations as to the decision, with reasons supporting the recommendations.

(c) Determinations as to the liability of educational institutions or training establishments under section 7, Public Law 610, 81st Congress or section 266, Public Law 550, 82d Congress, shall be made by the field committees on waivers where the question has been properly submitted, regardless of whether the amount of the overpayment is more than $500, but where the amount is more than $2,500 there must be an administrative review as prescribed by §§ 21.113 and 21.2304 of this chapter.

§ 5.13 *Administrative reviews.* The central committee on waivers and forfeitures has authority to make administrative reviews of decisions of committees on waivers.

(a) Except as provided in paragraph (b) of this section a request for an administrative review of a decision of a committee on waivers may be made by (1) the claimant, his guardian, his agent duly authorized over the claimant's signature, or (2) on the part of the Veterans' Administration, by the manager of the district or regional office. The request must be in writing and, unless the committee extends the time, shall be presented within 60 days from receipt of notice of the field committee's action. An additional period of 30 days may be granted when, in the committee's judgment, exceptional circumstances justify. A decision rendered upon administrative review by the central committee on waivers and forfeitures shall be subject to the right of any Deputy Administrator or Assistant Deputy Administrator concerned or the General Counsel to appeal to the Administrator of Veterans Affairs within 1 year from the date thereof with decisions to be made by the Board of Veterans Appeals.

(b) The central committee on waivers and forfeitures has authority to act for the Administrator of Veterans Affairs in making administrative reviews of determinations by a committee on waivers that an educational institution or training establishment is, or is not, liable under section 7, Public Law 610, 81st Congress, or section 266, Public Law 550, 82d Congress for an overpayment to a veteran or to a dependent of a veteran.

(1) There is established in the central committee on waivers and forfeitures a specially constituted review section which will be comprised of three members, one of whom is to be designated by the chairman, central committee on waivers and forfeitures, one by the Assistant Deputy Administrator for Vocational Rehabilitation and Education, and one by the General Counsel. This section will function under the jurisdiction of the chairman of the central committee on waivers and forfeitures who will preside over the meetings of said section or will designate one member to preside in his stead, to be known as an alternate chairman. An administrative review decision under this paragraph will be valid if it is concurred in and signed by any two members of the review section. The section that is constituted in this paragraph will have jurisdiction to conduct administrative reviews of the decisions of the regional committee on waivers in:

(i) Any case in which the decision of the regional committee is not unanimous.

(ii) Any case in which a request for administrative review is filed by the school or training establishment and received by the Veterans' Administration regional office within 60 days from the date notice of the decision is mailed to the school or training establishment, or within 90 days if the committee considers that this extension of time is warranted. Such request shall be in writing setting forth fully all of the contentions and errors relied upon. A hearing, if requested, will be granted by the regional committees but no expenses of claimant or his witnesses, if any, are payable by the Veterans' Administration.

(iii) Any case in which an administrative review is requested by the regional manager of the office concerned or by the Assistant Deputy Administrator for Vocational Rehabilitation and Education within the time limits specified in subdivision (ii) of this subparagraph.

(iv) Any case in which the central committee on waivers and forfeitures determines on its own motion that an administrative review is warranted.

(v) Any case involving over $2,500.

(2) The review section will notify the Veterans' Administration regional office of original jurisdiction and the school or training establishment of its decision. The decision of the review section will serve as authority for the finance activity to institute collection proceedings, if appropriate, or to discontinue collection proceedings instituted on the basis of the original decision of the regional committee on waivers in any case where the review section of the central committee reverses a finding made by the regional committee that the school or training establishment was liable.

(3) The review section may review and modify its decision upon submission of new and material evidence. The regional committee will forward such evidence with its recommendation as to the effect, if any, thereof.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 28, 504, 43 Stat. 615, 629, as amended, sec. 4, 46 Stat. 529, as amended, secs. 11, 15, 48 Stat. 10, 11, sec. 9, 50 Stat. 662, sec. 1, 53 Stat. 1252, secs. 1, 609, 54 Stat. 1193, 1013, secs. 1, 4, 57 Stat. 554, 555, sec. 1500, 58 Stat. 300, sec. 1, 60 Stat. 908, sec. 9, 65 Stat. 35, Vet. Reg. 1 (a), Part VIII, as amended, secs. 270, 271, 66 Stat. 681; 38 U. S. C. 33, 36, 453, 507a, 510, 555, 697, 715, 717 note, 727, 728, 739, 809, 858, ch. 12 note)

This regulation is effective December 23, 1953.

[SEAL] H. V. STIRLING,
*Deputy Administrator.*

[F. R. Doc. 53-10644; Filed, Dec. 22, 1953; 8:52 a. m.]

### PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

### PART 8—NATIONAL SERVICE LIFE INSURANCE

#### REENTRANCE ON ACTIVE SERVICE FOR PURPOSES OF PREMIUM WAIVER

1. In Part 6, paragraph (f) of § 6.185 is amended to read as follows:

§ 6.185 *Premium waiver on United States Government life insurance under section 622 of the National Service Life Insurance Act, as amended.* * * *

(f) If an insured reenters active service during the 120-day period following separation from active service and premiums on his United States Government life insurance are being waived under this section on the date of reentry, such reentrance for the purposes of premium waiver under section 622 shall be deemed to be a continuation of the previous active service. In such cases the waiver of premiums under this section will continue during the insured's continuous active service following reentry and 120 days thereafter unless otherwise termi-

nated in accordance with the provisions of this section.

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, 65 Stat. 35; 38 U. S. C. 11a, 426, 707, 855. Interprets or applies secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

2. In Part 8, paragraph (f) of § 8.113 is amended to read as follows:

§ 8.113 *Premium waiver under section 622 of the National Service Life Insurance Act, as amended.* * * *

(f) If an insured reenters active service during the 120-day period following separation from active service and premiums on his National Service life insurance are being waived under this section on the date of reentry, such reentrance for the purposes of premium waiver under section 622 shall be deemed to be a continuation of the previous active service. In such cases the waiver of premiums under this section will continue during the insured's continuous active service following reentry and 120 days thereafter unless otherwise terminated in accordance with the provisions of this section.

* * * * *

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 808, 855. Interprets or applies sec. 602, 54 Stat. 1003, as amended; 38 U. S. C. 802)

This regulation is effective December 23, 1953.

[SEAL] H. V. HIGLEY,
*Administrator of Veterans Affairs.*

[F. R. Doc. 53-10642; Filed, Dec. 22, 1953; 8:52 a. m.]

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## PART 21—VOCATIONAL REHABILITATION AND EDUCATION

### SUBPART A—EDUCATIONAL BENEFITS

OVERPAYMENTS OF SUBSISTENCE ALLOWANCE AND OTHER BENEFITS; REPAYMENT OF VALUE OF TRAINING SUPPLIES

1. Section 21.113 is revised to read as follows:

§ 21.113 *Overpayments of subsistence allowance and other benefits—(a) Bar against further education or training on account of outstanding overpayments.* Where a veteran has failed to make arrangements with the finance activity to restore or refund an outstanding overpayment of benefits made under Veterans' Administration laws, and due the Government, the educational benefits activity may not thereafter reenter the veteran into training. In any such instance, the educational benefits activity will be responsible for giving proper notification to the veteran and the institution.

(b) *Liability of institution on account of outstanding overpayments to veterans pursuant to section 7, Public Law 610, 81st Congress (This does not cover damages for breach of contract).* (1) Section 7, Public Law 610, 81st Congress, provides:

Paragraph 5 of Part VIII, Veterans Regulation Numbered 1 (a), as amended, is hereby amended by inserting "(a)" immediately after "5", and adding a new subparagraph (b) as follows:

(b) In any case where it is found that an overpayment to a veteran of subsistence allowance (which overpayment has not been recovered or waived) is proved in a hearing before the committee on waivers of the appropriate Veterans' Administration regional office to be the result of willful or negligent failure of the school to report, as required by applicable regulation or contract, to the Veterans' Administration unauthorized or excessive absences from a course, or discontinuance or interruption of a course by the veteran, the amount of such overpayment shall, at the discretion of the Administrator, constitute a liability of the school for such failure to report, and may be recovered by an off-set from amounts otherwise due the school or in other appropriate action: *Provided*, That any amount so collected shall be reimbursed if the overpayment is received from the veteran. This amendment shall be construed as applying only to matters arising after the effective date of this amendment, and shall not preclude the imposition of any civil or criminal action under any other statute.

(2) Question of waiver, or nonwaiver, as to veterans is governed by existing Veterans' Administration Regulations and instructions concerning waiver of overpayments. A school may be found liable or not liable for an overpayment of subsistence allowance. However, there is no authority to waive the liability of a school.

(3) Overpayments to a veteran (if not waived as to, or recovered from him), as set forth in subparagraph (1) of this paragraph, shall constitute a liability of the school if it is found that they were caused by failure to report, which was due to:

(i) Willfulness on the part of an official or employee of the institution; or

(ii) The result of collusion of an official or an employee of the institution and the veteran; or

(iii) Negligence on the part of the institution in failing to make report; or

(iv) Failure of the school to establish proper procedures to detect unauthorized or excessive absences from a course, or the discontinuance or interruption of a course by the veteran.

(4) Liability of the school for overpayments to veterans will not be established if it be found that notwithstanding they were caused by failure to report, there were adequate reasons or mitigating circumstances showing absence of negligence such as:

(i) The institution has an operating procedure that is adequate for reporting to the Veterans' Administration timely and pertinent information notwithstanding which isolated instances occur of failure to submit a notice promptly.

(ii) Notification to the Veterans' Administration was executed and signed by an official of the school, but the report was delayed through inadvertent failure of an employee to place it in the mails or to otherwise properly forward it to the Veterans' Administration.

(iii) The failure to report was due to a mere clerical or human error.

(iv) There had occurred no prior overpayment resulting from failure of the school to promptly submit a required report and it is shown that the school had not received a copy of the governing regulations or other notice in writing (in addition to the notice given by provisions of the contract or the statute) of its responsibility to make prompt reports.

(5) The determination as to liability will be made after notice to the school of intent to apply the liability provisions of section 7, Public Law 610, or, if the school files written request for a hearing within 30 days of receipt of such notice, after such formal hearing has been afforded.

(6) There is hereby delegated to the committee on waivers of the regional office of jurisdiction the authority to determine the existence or nonexistence of liability under the criteria set forth in this paragraph, subject to the provisions of paragraph (e) of this section.

(c) *Reimbursement to institution.* In any case wherein an overpayment of subsistence allowance has not been waived or recovered from the veteran and has been fully recovered from the school, any future recovery from the veteran is to be refunded to the school. If such a veteran subsequently makes arrangement with the finance officer to restore the amount of overpayment to the Veterans' Administration, for example, a veteran who wishes to reenter a course of education or training, any amount so recovered will be reimbursed to the school.

(d) *Responsibility of the educational benefits section.* The educational benefits section will be responsible for determining whether there is prima facie evidence to indicate that an overpayment of subsistence allowance is the result of willful or negligent failure on the part of the school to report to the Veterans' Administration unauthorized or excessive absences from the course, or discontinuance or interruption of a course by the veteran. Only those cases in which adequate prima facie evidence is of record will be referred to the finance division and the committee on waivers for possible recovery action against the school.

(e) *Administrative review.* (1) There is established in the central committee on waivers and forfeitures a specially constituted review section which will be comprised of three members, one of whom is to be designated by the chairman, central committee on waivers and forfeitures, one by the Assistant Deputy Administrator for Vocational Rehabilitation and Education, and one by the General Counsel. This section will function under the jurisdiction of the chairman of the central committee on waivers and forfeitures who will designate one member to preside over the meetings of said section to be known as an alternate chairman. An administrative review decision under this paragraph will be valid if it is concurred in and signed by any two members of the review section. The review section that is constituted in this section will have jurisdiction to conduct administrative reviews of the decisions of the regional committee on waivers in:

(i) Any case in which the decision of the regional committee is not unanimous.

(ii) Any case in which a request for administrative review is filed by the school and received by the Veterans' Administration regional office within 60 days from the date notice of the decision holding the school liable for the overpayment is mailed to the school, or within 90 days, if the committee considers that this extension of time is warranted. Such request shall be in writing setting forth fully all of the contentions and errors relied upon. A hearing, if requested, will be granted by the regional committee but no expenses of claimant or his witnesses, if any, are payable by the Veterans' Administration.

(iii) Any case in which an administrative review is requested by the regional manager of the office concerned or by the Assistant Deputy Administrator for Vocational Rehabilitation and Education, within the time limits specified in subdivision (ii) of this subparagraph.

(iv) Any case in which the Central Committee on Waivers and Forfeitures determines on its own motion that an administrative review is warranted.

(v) Any case involving an amount in excess of $2,500.

(2) The review section will notify the Veterans' Administration regional office of jurisdiction and the school of its decision. The decision of the review section will serve as authority for the finance activity to institute collection proceedings, if appropriate, or to discontinue collection proceedings instituted on the basis of the original decision of the regional Committee on Waivers, in any case where the review section of the central committee reverses a finding made by the regional committee that the school was liable.

(3) The review section may review and modify its decision upon submission of new and material evidence, provided such evidence is forwarded by the school to the Veterans' Administration regional office within 30 days of the date on which notice of the review section's decision was mailed to the school. The regional committee will forward such evidence with its recommendation as to the effect, if any, thereof.

(f) *Contractual liability.* Nothing in the statute or the regulations of this section changes any liability arising under contracts during any period prior to July 13, 1950.

(g) *Contracts between a State or political subdivision of a State and the Veterans' Administration.* Notwithstanding the criteria contained in paragraphs (a) through (f) of this section for determination of liability of an institution it is provided by Public Law 149, 83d Congress, that under any contract between a State, or any political subdivision of a State, and the Veterans' Administration providing for the furnishing of instruction in a course of institutional on-farm or other training under Part VIII of Veterans Regulation 1 (a), as amended (Public Law 346, 78th Congress, as amended, 38 U. S. C. ch. 12), liability by reason of payments of subsistence allowance which were illegal because of failure of the veteran or the course to comply with the applicable statutory, regulatory, or contractual requirements shall not be applied to the contracting State, or political subdivision, unless the Veterans' Administration, after investigation, finds that an employee or representative of such State, or political subdivision, conspired with the veteran by, or was guilty of fraud or gross negligence in, falsely reporting to the Veterans' Administration that the veteran was in a proper course of training, failing to report unauthorized or excessive absences from, or interruption of discontinuance of, his course of training, or not discovering the failure of the veteran to comply with the applicable statutory, regulatory, or contractual requirements and not promptly terminating the course of training of the veteran. The provisions of this proviso shall be effective as of July 13, 1950, but shall not require repayment of any funds heretofore properly recovered by agreement of the parties to any such contract, and shall not be applicable to any other liabilities or agreements pursuant to such contract.

2. In § 21.114, paragraph (a) is amended to read as follows:

§ 21.114 *Repayment of value of training supplies; Part VIII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12).* (a) Supplies furnished a trainee are deemed released to him and should not be marked to indicate ownership by the United States. A trainee will not be required to repay the value of consumable supplies nor will he be required to pay the reasonable value of nonconsumable supplies in the event he fails to complete his course of education or training if he has turned them in to a school which effects recovery of nonconsumable supplies through contractual arrangements with the Veterans' Administration. In all other cases a trainee will not be required to pay the reasonable value of nonconsumable supplies in the event he fails to complete his course of education or training unless it be determined that his failure to do so was because of fault on his part and, in making such determination, the trainee will be given the benefit of any reasonable doubt. Determination of the presence or absence of fault will be made by the educational benefits representative, and the findings will be filed in the R&E folder.

* * * * *

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective December 23, 1953.

[SEAL] H. V. STIRLING,
*Deputy Administrator.*

[F. R. Doc. 53-10643; Filed, Dec. 22, 1953; 8:52 a. m.]



## PART 21—VOCATIONAL REHABILITATION AND EDUCATION

### SUBPART E—VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952

CONDITIONS GOVERNING PAYMENT OF EDUCATION AND TRAINING ALLOWANCE; LIABILITY OF EDUCATIONAL INSTITUTION OR TRAINING ESTABLISHMENT FOR OVERPAYMENTS

1. In § 21.2051, a new paragraph (b) (1) is added as follows:

§ 21.2051 *Conditions governing payment of education and training allowance.* * * *

(b) * * *

(1) Where the vacation period of the school extends beyond the end of a month, a veteran enrolled in such a school may be permitted to complete his monthly certification of training on the last day of scheduled attendance in that month certifying as to attendance through such date and to submit the form to the school prior to departure for the vacation. In such a case the certification to cover attendance in a nonaccredited course will show the succeeding days in that month as days of nonattendance and the certification covering an accredited course will be deemed to show the veteran to have been enrolled in and pursuing his course to the end of the month, except that in the event training is not resumed after the vacation period interruption will be effective as of the last date of actual attendance. (See § 21.2056 (b) (9).) The same principles will apply in the case of a veteran who completes his final examinations and departs from the school prior to the official closing date of the school term.

* * * * *

2. Section 21.2304 is revised to read as follows:

§ 21.2304 *Liability of educational institution or training establishment on account of overpayments of education and training allowances, section 266, Public Law 550, 82d Congress—(a) Conditions governing determinations of liability of an institution or training establishment for overpayments of education and training allowances to veterans.* (1) Section 266 of Public Law 550, 82d Congress, provides:

In any case where it is found by the Administrator that an overpayment has been made to a veteran as the result of (1) the willful or negligent failure of the educational institution or training establishment to report, as required by this title and applicable regulations to the Veterans' Administration excessive absences from a course, or discontinuance or interruption of a course by the veteran or (2) false certification by the educational institution or training establishment, the amount of such overpayment shall constitute a liability of such institution or establishment, and may be recovered in the same manner as any other debt due the United States: *Provided*, That any amount so collected shall be reimbursed if the overpayment is recovered from the veteran. This provision shall not preclude the imposition of any civil or criminal action under this or any other statute.

(2) Question of waiver, or nonwaiver, as to veterans is governed by existing

Veterans' Administration regulations and instructions concerning waiver of overpayments. A school or training establishment may be found liable or not liable for an overpayment of education and training allowance. However, there is no authority to waive the liability of a school or training establishment. Waiver as to the veteran will not relieve the school or training establishment of liability, but recovery in whole or in part from the veteran will limit such liability accordingly.

(3) Overpayments to a veteran (if not recovered from him), as set forth in subparagraph (1) of this paragraph, shall constitute a liability of the school or training establishment if it is found that they were caused by a false certification by the school or training establishment. Liability resulting from a false certification is not contingent upon willfulness or negligence but simply upon a finding that the overpayment to the veteran resulted from a certification which is contrary to fact.

(4) Liability other than for the submission of a false certification by the school or training establishment shall be imposed for overpayments to a veteran, as set forth in subparagraph (1) of this paragraph, if it is found that they were caused by failure to report excessive absences from a course or the discontinuance or interruption of a course which failure was due to:

(i) Willfulness on the part of an official or employee of the school or training establishment; or

(ii) The result of collusion of an official or an employee of the school or training establishment and the veteran; or

(iii) Negligence on the part of the school or training establishment in failing to make report; or

(iv) Failure of the school or training establishment to establish proper procedures to detect unauthorized or excessive absences from a course, or the discontinuance or interruption of a course by the veteran.

(5) In cases comprehended by subparagraph (4) of this paragraph, the school or training establishment will not be held to have been negligent in failing to report where there exist adequate reasons or mitigating circumstances showing absence of negligence, such as:

(i) The school or training establishment has an operating procedure that is adequate for reporting to the Veterans' Administration timely and pertinent information notwithstanding which isolated instances occur of failure to submit a notice promptly.

(ii) Notification to the Veterans' Administration of a change in a veteran's training status was executed and signed by an official of the school or training establishment, but the report was delayed through inadvertent failure of an employee to place it in the mails or to otherwise properly forward it to the Veterans' Administration.

(iii) There had occurred no prior overpayment resulting from failure of the school or training establishment to promptly submit a required report and it is shown that the school or training establishment had not received a copy of the governing regulations or other notice in writing (in addition to the notice given by the statute) of its responsibility to make prompt reports.

(iv) The failure was due to a mere clerical or human error.

(6) The determination as to whether a school or training establishment is liable will be made after notice to the school or training establishment of intent to apply the liability provisions of section 266, Public Law 550, or, if the school or training establishment files written request for a hearing within 30 days of receipt of such notice, after such formal hearing has been afforded.

(7) Subject to the conditions of paragraph (d) (1) (v) of this section, the committee on waivers of the regional office of jurisdiction is delegated the authority to determine the existence or nonexistence of liability under the criteria set forth in subparagraphs (3) through (6) of this paragraph.

(b) *Reimbursement to school or training establishment.* In any case wherein an overpayment of education and training allowance has not been recovered from the veteran and has been recovered from the school or training establishment, the amount of any such future recovery from the veteran is to be refunded to the school or training establishment. If a veteran subsequently makes arrangement with the finance officer to restore the amount of overpayment to the Veterans' Administration, for example, a veteran who wishes to reenter a course of education or training, any amount so recovered will be reimbursed to the school or training establishment.

(c) *Responsibility of the educational benefits section.* The educational benefits section will be responsible for determining whether there is prima facie evidence that an overpayment of education and training allowance is the result of a false certification by the school or training establishment, or where such is not present for determining whether there is prima facie evidence to indicate that it is the result of willful or negligent failure on the part of the school or training establishment to report to the Veterans' Administration unauthorized or excessive absences from the course, or discontinuance or interruption of a course by the veteran. Where an affirmative finding is made under either condition the case will be referred to the finance division for notification to the school or training establishment, as provided by paragraph (a) (6) of this section, and referral to the regional committee on waivers for determination of liability of the school or training establishment.

(d) *Administrative review.* (1) There is established in the central committee on waivers and forfeitures a specially constituted review section which will be comprised of three members, one of whom is to be designated by the chairman, central committee on waivers and forfeitures, one by the Assistant Deputy Administrator for Vocational Rehabilitation and Education, and one by the General Counsel. This section will function under the jurisdiction of the chairman of the central committee on waivers and forfeitures who will designate one member to preside over the meetings of said section, to be known as an alternate chairman. An administrative review decision under this paragraph will be valid if it is concurred in and signed by any two members of the review section. The section that is constituted in this paragraph will have jurisdiction to conduct administrative reviews of the decisions of the regional committee on waivers in:

(i) Any case in which the decision of the regional committee is not unanimous.

(ii) Any case in which a request for administrative review is filed by the school or training establishment and received by the Veterans' Administration regional office within 60 days from the date notice of the decision is mailed to the school or training establishment, or within 90 days, if the committee considers that this extension of time is warranted. Such request shall be in writing setting forth fully all of the contentions and errors relied upon. A hearing, if requested, will be granted by the regional committee but no expenses of claimant or his witnesses, if any, are payable by the Veterans' Administration.

(iii) Any case in which an administrative review is requested by the regional manager of the office concerned or by the Assistant Deputy Administrator for Vocational Rehabilitation and Education within the time limits specified in subdivision (ii) of this subparagraph.

(iv) Any case in which the central committee on waivers and forfeitures determines on its own motion that an administrative review is warranted.

(v) Any case involving over $2,500.

(2) The review section will notify the Veterans' Administration regional office of original jurisdiction and the school or training establishment of its decision. The decision of the review section will serve as authority for the finance activity to institute collection proceedings, if appropriate, or to discontinue collection proceedings instituted on the basis of the original decision of the regional Committee on Waivers, in any case where the review section of the central committee reverses a finding made by the regional committee that the school or training establishment was liable.

(3) The review section may review and modify its decision upon submission of new and material evidence, provided such evidence is forwarded by the school or training establishment to the Veterans' Administration regional office within 30 days of the date on which notice of the review section's decision was mailed to the school or training establishment. The regional committee will forward such evidence with its recommendation as to the effect, if any, thereof.

(Sec. 261, 66 Stat. 663)

This regulation is effective December 23, 1953.

[SEAL] H. V. STIRLING,
*Deputy Administrator.*

[F. R. Doc. 53-10645; Filed, Dec. 22, 1953; 8:52 a. m.]



## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 10637]

PART 3—RADIO BROADCAST SERVICES

COLOR TELEVISION TRANSMISSIONS

In the matter of amendment of the Commission's Rules Governing Color Television Transmissions. By the Commission: Commissioners Webster, Sterling and Lee concurring with separate statements; Commissioner Hennock present but not voting.

1 *Preliminary statement.*

1. On August 7, 1953, the Commission issued a Notice (FCC 53-1015) instituting rule-making proceedings looking toward the adoption of new signal specifications for color television transmissions to replace the present rules and standards. Petitions requesting such action had been filed by the Radio Corporation of America (RCA) and the National Broadcasting Company, Inc. (NBC), jointly; the National Television System Committee (NTSC);[1] the Philco Corporation; Sylvania Electric Products, Inc.; the General Electric Company; and Motorola, Inc. All of the above petitioners urged the adoption of color television signal specifications advanced by the NTSC.

2. In accordance with the Commission's Notice formal comments supporting the adoption of the proposed new signal specifications for color television transmissions were filed by Columbia Broadcasting System, Inc. (CBS); Hazeltine Corporation; Admiral Corporation; Westinghouse Radio Stations, Inc.; and Harry R. Lubcke. In addition, the Commission accepted as comments in the proceeding the petitions referred to above; and NTSC filed additional material in support of the adoption of new rules.

3. Oppositions to the adoption of the signal specifications as proposed were filed by Paramount Television Productions, Inc.; Chromatic Television Laboratories, Inc.; American Television, Inc.; and Marshall Soghoian and S. L. Cooke, Jr.,[2] Richmond, Virginia.

4. We believe that a brief review of prior Commission proceedings and activity relating to color television will be helpful.

5. The Commission has concerned itself with the development of a commercially practicable color television system in formal proceedings since 1940.[3] In addition, the Commission and the industry have conducted studies, investigations, and experimentation in the field of color television. Finally, on October 10, 1950, the Commission adopted Rules and Engineering Standards for color television based upon the "field sequential" system of color television, one of the systems proposed in the hearing in Docket 8736. The Commission found that of the systems then before it only this system produced an acceptable color picture and that neither of the other two systems in that hearing satisfied the Commission's minimum requirements.

6. The field sequential system which the Commission standardized was, however, an incompatible system in the sense that existing receivers could not receive color transmissions in monochrome without adaptation. The Commission recognized the practical difficulties involved in commercializing an incompatible color system and indicated that had a satisfactory compatible system been ready at that time it would certainly have been desirable to adopt it.

7. A number of circumstances, not necessary to detail here, combined to prevent the commercial development of color television on the field sequential standards. The limited amount of commercial color broadcasting on these standards was short-lived, and color television broadcast equipment for the field sequential system has never been produced in quantity and is not now being produced, nor are color transmissions in accordance with the field sequential standards being broadcast or contemplated.

8. When the Commission adopted rules for color television in 1950, it recognized the need for further research and experimentation in this field. In a Public Notice (FCC 51-592) of June 11, 1951, the Commission pointed out that "In a field as relatively new as radio in general and television, in particular, there is always room for genuine programs of experimentation." In that Notice, the Commission stated, however, that in the interests of orderly procedure and stability, the following steps would be required of the proponents of new color systems:

(a) An appropriate petition must be filed requesting rule making proceedings with respect to color television standards.

(b) Representative receiver apparatus must be delivered to the Commission's laboratory at Laurel, Maryland.

(c) A signal must be put on the air in Washington, D. C., for the purpose of demonstrating the system.[4]

(d) The above tests must show to the Commission's satisfaction that the proposed system has a reasonable prospect of satisfying all of the criteria for a color television system set forth in the reports. These criteria are as follows:

(1) It must be capable of operating within a 6-megacycle channel allocation structure.

(2) It must be capable of producing a color picture which has a high quality of color fidelity, has adequate apparent definition, has good picture texture, and is not marred by such defects as misregistration, line crawl, jitter or unduly prominent dot or other structure.

(3) The color picture must be sufficiently bright so as to permit an adequate contrast range and so as to be capable of being viewed under nomal home conditions without objectionable flicker.

(4) It must be capable of operating through receiver apparatus that is simple to operate in the home, does not have critical registration or color controls, and is cheap enough in price to be available to the great mass of the American purchasing public.

(5) It must be capable of operating through apparatus at the station that is technically within the competence of the type of trained personnel hired by a station owner who does not have an extensive research or engineering staff at his disposal and the costs of purchase, operation, and maintenance of such equipment must not be so high as unduly to restrict the class of persons who can afford to operate a television station.

(6) It must not be unduly susceptible to interference as compared with the present monochrome system.

(7) It must be capable of transmitting color programs over inter-city relay facilities presently in existence or which may be developed in the foreseeable future.

9. In the early part of 1950 the NTSC, among other undertakings, commenced studies looking toward the development of a commercially practicable system of color television. The signal specifications now proposed for adoption are the product of a program of study and experimentation lasting for a period of more than two years. The NTSC during this period considered and evaluated several sets of signal specifications which employed various alternative techniques and values. On January 13, 1953, the NTSC adopted the specifications now proposed in this proceeding for field testing purposes. Numerous tests and demonstrations have been conducted to determine whether the signal specifications under consideration satisfy the Commission's criteria for a color television sys-

[1] The NTSC is an association of engineers and scientists interested in the development of television and its members include representatives of many of the companies engaged in the manufacture of television equipment.

[2] Marshall Soghoian and S. L. Cooke, Jr., and Otto Luther, New Preston, Connecticut, proposed alternative color television systems. In a Memorandum Opinion and Order (FCC 53-1325), adopted October 7, 1953, the Commission dismissed these comments insofar as they proposed new color systems on the ground that the proposed color systems did not meet the specified requirements for receiving consideration by the Commission in these proceedings. (The requirements referred to are set forth below in par. 8.)

[3] 1940 (Docket No. 5806); 1944-45 (Docket No. 6651); 1946-47 (Docket No. 7896); 1949-50 (Docket No. 8736 et al.).

[4] Waiver of this requirement was requested. In the Notice of Proposed Rule Making (FCC 53-1015) issued in these proceedings the Commission determined that it was not necessary that a signal be put on the air in Washington prior to the institution of rule making. The Commission stated, however, that it would determine at a later date whether during the course of the proceeding a signal on the air in Washington will be required. It is now our view in light of all the circumstances, and particularly the demonstration held in these proceedings and the broadcast of several color programs in Washington and elsewhere that no useful purpose would be served by requiring petitioners to put a signal on the air in Washington for evaluation in these proceedings.

tem.[3] Subsequent to the adoption of the proposed signal specifications for field testing, shake-down tests were first held to determine whether the specifications merited formal testing. Thereafter, formal tests were held and the data obtained in such tests have been submitted to the Commission in this proceeding.

10. The Commission was kept advised of the progress of the NTSC in this field by means of various reports submitted to the Commission and by attendance at tests and demonstrations. Following a conference with the parties to this proceeding the Commission ordered a demonstration of the color television signal specifications proposed in this proceeding to be held in New York City under the auspices of the NTSC. Programs were transmitted over Stations WNBT (National Broadcasting Company, Inc.), WCBS-TV (Columbia Broadcasting System, Inc.) and KE2XDR (Allan B. DuMont Laboratories, Inc.). The program material consisted of representative indoor and outdoor scenes and color slides and covered a wide range of hue and chroma including strongly contrasting color patterns.

11. Proponents of the new signal specifications for color television, which are urged in place of the present rules governing color transmission, contend that the new signal specifications meet or are capable of meeting all of the Commission's criteria for a satisfactory color system, and that these specifications, in addition, are compatible with the Commission's present rules and standards for monochrome transmission. Thus, RCA-NBC states that all of the criteria are met by the proposed color specifications. Substantially the same position is advanced by Sylvania, Motorola, Admiral, Westinghouse Radio Stations, and by Harry R. Lubcke. NTSC states that the new color specifications meet Commission's criteria (1), (2), (3), (6), and (7); that transmitters and receivers of a number of manufacturers have been successfully demonstrated; but no comment is directed to the possibilities of producing low-cost receiving and transmitting equipment (criteria (4) and (5)). Philco alleges that the new signal specifications meet the Commission's technical criteria but that inexpensive receivers are not now available and the Commission should waive criterion (4). Philco concludes that adoption of these signal specifications will give a strong impetus to the scientists and engineers "to develop a satisfactory color receiving tube, capable of economical mass production, and hence color receivers that will be within the price range of the great mass of the American people." CBS maintains that the new signal specifications do not meet criteria (4) and (5), but that basic changes in circumstances warrant "less rigid application" of the criteria now than in 1950 and 1951, and that adoption of the new specifications will provide a tremendous challenge to the industry to meet the criteria sometime in the future. The views advanced by General Electric were generally similar to those of CBS.

12. Oppositions to the new color specifications have been advanced by Paramount Television Productions, Inc.; Chromatic Television Laboratories, Inc.; American Television, Inc. and Marshall Soghoian and S. L. Cooke, Jr. These oppositions, in common, contend that little basis now exists for a reasonable assurance that receivers under the proposed color specifications will be "cheap enough in price to be available to the great mass of the American purchasing public" and that the Commission should not adopt the proposed color specifications until such assurance is possible.

II. *Evaluation of proposed signal specifications.*

13. The Commission has before it for consideration proposed new signal specifications for color television to replace its present rules and standards governing color television. The standardization of signal specifications for the utilization of radio frequencies is always a grave undertaking with important consequences to the public and the electronics industry. Such standardization for color television is particularly important in view of the emergence of the television service as a powerful medium of mass communications. The ultimate question presented is whether the proposed signal specifications provide a reasonable basis for the development of a color television system in the public interest. In order to aid in the resolution of that question we have in our earlier considerations of the problem formulated certain criteria to serve as guide lines in the evaluation of proposed signal specifications.[4] In the discussion that follows the proposed signal specifications are evaluated in the light of the Commission's criteria based upon the evidence in the record and the observations of the Commission at the demonstrations and at the Commission's laboratory.[5]

14. *Operation within a 6-megacycle channel structure.* The Commission's first criterion for evaluating signal specifications for the transmission of color television is that it must be capable of operating within a 6 megacycle channel allocation structure.[6] The signal specifications now under consideration meet this objective. Within the same bandwidth that had been allocated to monochrome alone, the proposed system has succeeded in adding color information, while maintaining compatibility with present monochrome standards. This has been achieved by "interlacing" the color information with the luminance signal when portrayed on a picture tube in either color or monochrome;[7] and by taking advantage of the relative insensitivity of the eye to changes in hue and saturation in small areas.

15. To "interlace" the color information, a color subcarrier within the 6 megacycle channel is used. The location of this subcarrier is critical in that it must be selected so as[8] to minimize color information visible on monochrome receivers in order to maintain to the greatest extent possible the quality of the monochrome picture. In addition, the location of the subcarrier must be well removed from the picture carrier and sufficiently removed from the sound carrier to avoid interference. The objectives with respect to the location of the subcarrier, although not fully attained, have been met to a satisfactory degree.

16. The second technique relied upon in the NTSC system relates to the demonstrated fact that the eye is much less sensitive to changes in hue and saturation in small areas than it is to changes in brightness. The corollary is that as the size of the viewed object is reduced, the eye becomes progressively color blind so that ability to distinguish hue deteriorates. It follows that the color components of a picture can be transmitted over a narrow band of frequencies since resolution of fine detail is a function of bandwidth. In the NTSC system faithful colors are transmitted over a 0.6 Mc bandwidth while the monochrome or luminance signal is transmitted over a 4.2 Mc bandwidth. In between is a twilight zone where adulterated colors are transmitted. Thus, faithful colors appear in the coarse areas of the picture, adulterated colors in the medium fine detail and only monochrome in the finest detail of the picture. The saving of frequencies resulting from the use of this technique is obtained at a cost in terms of the adverse impact on picture quality, but as indicated below, the overall result meets minimum standards of acceptability.

17. *Quality of the color television picture.* The Commission's second and third criteria relate to the quality of the color television picture in terms of specific characteristics. In the light of the data of record concerning the tests and demonstrations conducted by proponents, and the observations of the Commission at the demonstration in these proceedings and at the Commission's laboratory we are of the view that the color television pictures transmitted are satisfactory and that the signal specifications merit standardization on this score. We have reached this conclusion despite some apparent deficiencies of the color pictures as viewed on presently available receivers. None of the deficiencies present is sufficiently grave, however, to interfere seriously with the overall enjoyment which may be derived from viewing the color pictures. Although the color reproduction is not completely faithful, it is sufficiently accurate to be a pleasing reproduction. The loss in resolution, as compared to monochrome, is offset by the greater realism resulting from the addition of color information. The brightness level on present color equipment, while lower than on monochrome receivers, is nevertheless within the range of acceptability for home viewing.

18. *Receiver apparatus.* The Commission's fourth criterion relates to receiver apparatus and is a two-fold objective. First, the receiver apparatus must be simple to operate in the home and must not have critical registration or color controls, and second, it must be cheap enough in price to be available to the great mass of the American purchasing public.

19. Our evaluation of the receiver apparatus with relation to the first of the foregoing objectives is based on our examination of the receivers furnished by 13 manufacturers for use in the demonstration held in these proceedings and the receivers offered by three manufacturers to the Commission's laboratory and on our consideration of the data submitted in the proceedings. The inherent complexity of the proposed signal specifications is, in large part, reflected in the receiver. The color tube, and the attendant circuitry, is of complicated and intricate design and will impose a substantially greater burden in the servicing and maintenance of the color received as compared with monochrome receivers. The viewer controls on the front panel of the receiver apparatus are relatively simple to operate in light of the complexity of the equipment, and color controls do not appear to be critical. The reception of color television transmissions on color receivers demonstrated and examined does require a finer adjustment of the tuner control than is necessary on a monochrome receiver, for by moving this control too far in either direction, a considerable change can be effected in the color balance of the picture. This necessity for finer tuning, however, does not add significantly to the complexity of operation; and such adjustment would appear to be well within the competence of the normal home viewer. In addition to the controls required for monochrome reception, all of the receivers have an additional "chroma" control which requires adjustment by the viewer. The chroma control, which is not critical, determines the saturation of the colors. At one extreme position, the colors are fully saturated, while at the other extreme position, the colors are washed out. Some of the receivers also have a hue control installed on the front panel of the receiver for adjustment by the viewer. The hue control permits the hue of the picture to be adjusted to the personal taste of the viewer.

20. The data in the record with respect to the estimated price of the receiver is meager. The cost of the tri-color kinescope and the complexity of the attendant convergence circuitry, deflection yoke, and high voltage supply in the receiver, comprise major elements in the price of the color television receiver. RCA-NBC has furnished estimates of receivers based on the use of a 16-inch envelope tri-color tube which has a measured viewing surface of 8½ inches by 11 inches, the equivalent of a 12½ inch monochrome tube.[10] The estimated cost of the 16-inch envelope tube to receiver manufacturers is between $175 and $200. The estimated introductory price of the first color receiver will be between $800, and $1,000. We do not believe that the data in the record are sufficient to support the conclusion that the presently available receiver apparatus is "cheap enough in price to be available to the great mass of the American people" as contemplated in our criteria. However, several manufacturers have expressed their conviction that when color television reaches the mass production stage, substantial reduction in the price of color receivers will follow, as was the case of the monochrome receiver.

21. *Broadcast station apparatus.* The Commission's fifth criterion pertains to apparatus at the broadcast station and, like the criterion relating to receiver apparatus, also is expressed as a two-fold objective. First, the station apparatus must be technically within the competence of the type of trained personnel hired by a station owner who does not have an extensive research or engineering staff at his disposal, and, second, the costs of purchase, operation, and maintenance of such equipment must not be so high as unduly to restrict the class of persons who can afford to operate a television station.

22. Upon the basis of our examination of the data in the record and of our observations, we are of the view that the color signal specifications proposed by petitioners are capable of operating through station apparatus technically within the competence of the type of trained personnel hired by a station owner lacking an extensive research or engineering staff. Clearly, the operation and maintenance of color equipment at the station is more complicated than that employed with monochrome; and in the initial stages, additional training of technical personnel will be required. Nevertheless, it appears that extensive testing of the proposed signal specifications has been satisfactorily carried on by personnel recruited from monochrome operations, and that training of personnel for color operation can be accomplished without undue difficulty.

At a demonstration held in this proceeding, color programs were originated by NBC, DuMont, and CBS. These organizations do, of course, have available to them research and engineering staffs that would not be available to the great majority of other broadcasters. And, for that reason, these organizations may not be considered typical or representative of broadcasters generally for this purpose. At the same time, however, the successful participation of NBC, DuMont, and CBS in the demonstration is somewhat persuasive that color transmissions in accordance with the proposed signal specifications can be accomplished by other broadcasters after adequate training of their technical staffs.

23. With respect to the cost of purchase of color broadcasting equipment, approximate estimated cost figures and production plans have been submitted by RCA-NBC. Such data has been furnished for the following types of television broadcast transmissions: (1) network color programs; (2) color slide programs; (3) color film programs; and (4) local live programs in color. The estimated total price for the required equipment for these transmissions is $187,850. The contemplated equipment for the various types of transmissions, which it is explained will be produced on a custom basis at first, together with the approximate prices for each type of transmission are set out below:

(1) *Network operation only.* The equipment needed to supplement the monochrome facilities of an existing station to enable network programs to be transmitted in color, consist of the following: Color stabilizing amplifiers, tricolor monitor, phase equalizers, miscel-

[3] In order to conduct the field testing of the NTSC signal specifications for color television, Panel 16 was established. The responsibility for insuring "by actual observations during field tests that the proposed standards would result in a signal which will satisfactorily operate color receivers and provide the public with service which, in color, is comparable in performance to that established by the monochrome standards" was delegated to this Panel. At the conclusion of its field test program Panel 16 was composed of 109 engineers. The group averaged from 15 to 20 years' experience and included among its members 18 Fellows and 30 Senior Members of the IRE. The Panel was in existence for more than 2 years and a total of 126 engineers were in some way officially connected with it; and many other persons actively participated in its work as receiver operators, unofficial observers, or in some other capacity. In addition, RCA-NBC held several tests to obtain (1) an engineering evaluation of the proposed specifications by trained technical personnel; and (2) reaction of public opinion with respect to the color picture (conducted by Opinion Research Corporation).

[4] Criteria are set forth above, paragraph 8.

[5] A description of color television transmissions in accordance with the proposed signal specifications is attached hereto in Appendix A.

[6] The amount of picture detail which can be conveyed and the resulting quality of the television picture, is delimited by the bandwidth allocated for the transmission of the video signal. Each time the scanning beam traverses from a light element of the picture to a dark element and returns, a complete cycle of video electrical energy is generated. For technical reasons the 6 mc channel assigned to a television station can only accommodate approximately a 4 mc video bandwidth. If the sole objective to be served were a high quality picture, it would certainly be desirable to increase the video bandwidth to permit transmission of greater picture detail. However, spectrum space is severely limited and the bandwidth of television stations must be determined with a view to the desired number of television stations and the needs of other services.

[7] Color is perceived as a conscious sensation in terms of three major attributes: brightness, hue and saturation. Brightness is a measure of the light intensity radiated or reflected from objects, i. e., their physical "luminance", and is the only attribute exhibited by both colored and non-colored objects. Hue is the most characteristic attribute of color and determines whether the color is red or green or yellow, etc. Finally, saturation distinguishes strong colors from pale colors of the same hue, as red and pink. Saturation may be considered as related to physical "purity" or freedom from dilution with white. It is common knowledge that sunlight is a mixture composed of all the various colors of the rainbow such as red, orange, yellow, green, blue, indigo and violet. It has been found that it is not necessary to mix all the colors of the spectrum to form white light. Three colors properly selected and mixed in proper proportions will form white and most other colors. However, it is not possible to produce colors which are outside the spectrum area included by the primaries. For example, if the three primaries are red, green and blue, it is not possible to produce saturated violet since it is outside the spectrum area included between red and blue. Likewise, if a diluted red or orange were selected as one of the primaries, it would not be possible to obtain a saturated red.

[8] No estimates have been furnished on the price of receivers with larger tubes.

laneous parts, extra side-band filter, and test equipment. The approximate total cost for this equipment would be $24,500.

(2) *Color slides.* The additional equipment required to permit stations to transmit color slides would be the following: Color slide camera, color frequency standard, burst flag generator, colorplexer, modification kit for sync generator, and miscellaneous parts and test equipment. The approximate total cost for this equipment would be $43,250.

(3) *Color film.* The additional equipment required by a station already equipped for Stage 2 to broadcast color motion pictures would be the following: 16 mm film chain and miscellaneous equipment. The approximate total cost for such additional equipment would be $50,600.

(4) *Live pick-up.* The additional equipment required by a station already equipped for either Stage 2 or 3 in order to broadcast simple live programs with one camera would be the following: Three-tube color camera and associated control and miscellaneous equipment. The approximate total cost of such equipment would be $69,500. This figure, it should be understood, is based on the utilization of one camera, which is minimum equipment. Generally, two or more cameras are required for the origination of live broadcasts. In addition, price quotations have not been furnished for remote pick-up equipment.

24. The data in the record is meager relating to the cost of the above equipment and the costs figures submitted, it should be emphasized, represent only estimates on the basis of present conditions. This data indicates that the costs entailed in originating live color programs with present equipment will substantially increase the station's costs above that necessary for monochrome transmissions. However, it is our view that once commercial production designs are finalized and the production level for such equipment is increased, substantial reductions in the costs of such equipment will be feasible. We believe, also, upon our consideration of the evidence in the record, that the future holds promise for the development of cheaper apparatus.

25. Operation and maintenance of color television equipment at the transmitter and the studio concededly will be more complicated than that necessary at a comparable monochrome station. It appears that additional equipment and personnel will be required for the operation and maintenance of the transmitter since it will be necessary to maintain a more careful alignment of the transmitter than is generally required for monochrome transmissions. In addition, where live programs in color are originated by the station, additional personnel will be required to be assigned to each color television camera as video control technicians, and one or more additional persons might be required at the studio for other purposes.

26. *Interference characteristics.* The Commission's sixth criterion is that the color system must not be unduly susceptible to interference as compared with the present monochrome system. It is apparent from the tests that have been conducted that susceptibility to interference is related to the signal specifications, but, in addition, it is influenced by equipment design particularly in regard to adjacent channel interference. The significance of the test data submitted to the Commission was limited by the fact that only one type of receiver with a limited range of signal conditions was included, and a question is raised as to the applicability of the data to over all performance of all types of receivers which may be produced.

27. With respect to the important factor of co-channel station interference, there is no substantial difference between color and monochrome reception. Similarly, with respect to lower adjacent channel interference, impulse and random noise, no significant differences appear to exist between color and monochrome reception. With respect to the interference resulting from multipath it appears that receivers of better design suffer only a negligible increase in interference as compared with monochrome reception.

28. In certain respects, however, the more intensive use of the television channel due to the addition of the chrominance information renders the system more vulnerable to interference and increases the possibility of causing interference to other services. Particularly, color receivers are more vulnerable to interference which falls in the region of the subcarrier. Such interference to the color receiver could originate from the additional sideband energy radiated by a color television transmitter on the upper adjacent channel; or, it could be caused by some other continuous wave source of radio energy. In the first case, the transmitter manufacturer must expend every effort to confine the radiations within the limits of the authorized channel. In the second case, the receiver manufacturers must utilize the methods known to the art for reducing this interference susceptibility, even though such methods may involve additional manufacturing costs.

29. A further interference problem is presented by the radiation from the 3.579545 Mc. subcarrier oscillator in color receivers. The frequency of this oscillator and several of its harmonics fall in the amateur bands. Here too, receiver manufacturers must make full use of shielding, traps and any other known methods to minimize the radiation. The ultimate answer to whether the additional interference susceptibilty of color receivers will be a serious impediment to the establishment of a successful color television system will be furnished in the performance record of receiver manufacturers and the manufacturers of transmitters and other electronic equipment.

30. *Transmissions over intercity relay facilities.* The Commission's seventh criterion is that the signal specifications must be capable of transmitting color television programs over inter-city relay facilities presently in existence or which may be developed in the near future.

31. It is our view, based on the data in the record and the observations of the Commission at the demonstration in these proceedings and at the Commission's laboratory that satisfactory color television pictures can be transmitted over existing inter-city relay facilities. Moreover, it appears that improved systems of inter-city relay facilities now under development will provide for the transmission of a more satisfactory color television picture in accordance with the signal specifications under consideration.

32. Long distance televison transmissions are generally provided by use of the microwave relay system and the coaxial cable system. Existing microwave circuits have a bandwidth of somewhat more than 4 Mc and require no special equipment to transmit color pictures using the proposed signal specifications. The bandwidth of the coaxial cable surrently in use, however, is limited nominally to 2.7 Mc. Since all the color information in the proposed signal specifications is transmitted on the 3.58 Mc subcarrier, special provision must be made for confining the color signal within the 2.7 mc bandwidth. This is accomplished by the use of cable conversion equipment which heterodynes the color information down to a frequency band within the cable pass band for transmission at the sending end of the circuit and restores it to the original frequency band at the receiving end. The resulting signal is limited to a bandwidth of 2 Mc for the luminance channel and 0.3 Mc for the color signal.

33. Color television pictures transmitted in accordance with the proposed signal specifications over the microwave system currently in use results in negligible observable degradation and provides a highly acceptable color intercity transmission service. Transmissions over the coaxial cable system currently in use results in appreciable degradation. Although the degradation is appreciable it is our view that the over-all quality of the pictures presently meets minimum standards for acceptability. Moreover, although it appears likely that the coaxial cable currently will continue to be used for a number of years to provide network service in some areas, it appears that commercial and audience pressure may result in replacing this equipment with improved cable carrier and improved microwave equipment. The Bell Telephone Laboratories, Inc., which participated in the activity of the NTSC, stated that it has under development improved systems of inter-city television transmission to provide for the satisfactory transmission of a color signal in accordance with the proposed signal specifications.

34. *Compatibility.* The term compatibility in its usual sense refers to the satisfactory reception of black and white pictures from signals broadcast in color on monochrome receivers without alteration. There is, however, another aspect of compatibility, sometimes referred to as "reverse compatibility", which relates to the satisfactory reception of monochrome signals on color receivers without alteration.

35. The first aspect of compatibility is a factor of critical importance in view of the fact that there are at the present time more than 27 million sets in the hands of the public. No change is required in existing monochrome receivers for the reception of a black and white picture from color transmissions on the proposed signal specifications. It appears, however, that the black and white pictures suffer some degradation. At distances from the receiver where the line structure is evident there is also a dot structure visible. Beyond this critical distance there appears to be no significant deterioration in the picture. It appears, that the degree of degradation is not substantial, and we do not believe it will interfere seriously with the public's viewing of color programming in black and white.

36. With regard to the second aspect of compatibility (i. e. reverse compatibility) no test data has been submitted. A number of parties commented favorably on the ability of present color receivers in this respect but the statements were of a general nature unsupported by data. Our own observation indicates that the monochrome picture suffers a noticeable loss of definition when received on a color set.

37. *Convertibility.* The term convertibility has been used to describe the changes necessary to enable existing receivers to receive color transmissions in color. No practical converter has been demonstrated nor does it appear that proponents of the proposed signal specifications have any current plans for the production of converters.

III. *Conclusions.*

38. *Field sequential system.* In our consideration of specifications for the broadcast of color television in the 1949-50 proceedings in Docket 8736 *et al.*, we concluded that of the three systems under consideration only the field sequential system met minimum standards of acceptability. These signal specifications were, however, incompatible in the sense that receivers outstanding in the hands of the public could not receive color transmissions in monochrome without adaptation. The limited amount of commercial color broadcasting on these standards were short-lived, and color television broadcast equipment for the field sequential system has never been produced in quantity and is not now being produced, nor are color transmissions in accordance with the field sequential standards being broadcast or contemplated. Three years have passed since that decision, and there are now more than 27 million television receivers in the hands of the public, all of which are incompatible with our present color television standards. That circumstance serves to nullify those rules and standards completely. We have concluded, therefore, that our present rules for the transmission of color television should be deleted.

39. *Proposed signal specifications.* The proponents of the color television signal specifications proposed in this proceeding have been of the view that a color television system in order to prove successful must be compatible. With this premise in mind, petitioners have cooperated in an industry-wide, intensive program of study, research and experimentation, lasting over a period of more than two years, in an effort to evolve and formulate satisfactory compatible color television signal specifications. To this end, petitioners have expended millions of dollars and have employed thousands of man-hours of the most highly skilled engineers and scientists in the electronics and related fields.

40. The accomplishment of a compatible color television system within a 6 Mc bandwidth is a tribute to the skill and ingenuity of the electronics industry. The proposed color television signal specifications produce a reasonably satisfactory picture with a good overall picture quality. The quality of the picture is not appreciably marred by such defects as misregistration, line crawl, jitter or unduly prominent dot structure. The picture is sufficiently bright to permit a satisfactory contrast range under favorable ambient light conditions and is capable of being viewed in the home without objectionable flicker. Color pictures can be transmitted satisfactorily over existing intercity relay facilities and improvements in intercity relay facilities may be reasonably anticipated.

41. It has long been recognized that compromises are necessary when an attempt is made to compress within a 6 Mc channel as much information as is required in a color television system. The achievement of a compatible system within a 6 Mc channel has been accomplished only by the utilization of extremely complicated and intricate equipment. It relies on a system of circuitry involving the most advanced techniques in optics, mechanics, and electronics. The complexity and intricacy of the equipment and circuitry is reflected in the following:

First, the cost of apparatus is high. The estimated retail price of the receiver is in the luxury range of $800 to $1,000. The heart of the receiver problem lies in the color tube and its associated circuitry. The current estimated cost to a receiver manufacturer of a color tube with a viewing surface which approximates that of a 12-inch monochrome tube, is between $175 and $200. This figure alone exceeds the entire cost of several popular models of monochrome receivers. Similarly, the costs to television broadcasters for transmitting equipment, and particularly for the origination of color programs, are substantially higher than the cost of monochrome transmissions.

Second, the maintenance and operation of a compatible color receiving and transmitting apparatus in a 6 Mc bandwidth will inherently result in greater costs than monochrome alone. Because the proposed signal specifications rely on complicated techniques and because the "system load" is, in large part, shared by the receiver, it is reasonable to anticipate that receiver failures and service adjustments will be more frequent. Similar difficulties may also be anticipated at the studio and transmitter.

Third, the additional susceptibility of the color receiver to interference and the possibility of causing interference to other services from the radiation of the subcarrier in the receiver, must be given close attention by the receiver manufacturer. Also, the transmitter manufacturer, in order to reduce interference, must take steps to eliminate, so far as possible, all unnecessary radiation. In this connection, it is noted that the industry has recently established committees, which have begun work toward these ends.

42. In the comments filed in this proceeding a number of parties urging adoption of the proposed signal specifications have requested that we waive or relax certain of our criteria. It is our view, in light of the changed circumstances, that a rigorous or inflexible application of our criteria would not be warranted and that, accordingly, these requests should be granted. It was our view that any new system would have to sustain the burden of establishing that any improvement which would result from its adoption must be substantial enough to justify the resulting dislocation to receivers then in the hands of the public. There are no color receivers in the hands of the public designed to receive transmissions in accordance with those standards. And no question is presented with respect to dislocation or harm because of investment in apparatus. We believe, therefore, that the change in circumstances warrants a shift in emphasis and that we are justified in relying on the representations of petitioners that certain of the inadequacies as presently exist are a function of "equipment limitations" and are not necessarily inherent "system limitations."

43. We are persuaded to this view on the basis of the following factors:

First, included among the NTSC and the other parties to this proceeding are the major electronics manufacturing organizations. Among these parties there is overwhelming support for the proposed specifications. There is virtual unanimity that these specifications are fundamentally capable of producing satisfactory color television pictures. There is also substantial agreement that the proposed specifications have a potential for growth.

Second, although the major effort has, up to this point, been directed to the development of the system, approval of the proposed signal specifications will furnish an incentive and stimulus to manufacturing and research organizations to devote their efforts to the equipment problems. The success of color hinges on mass receiver circulation, and every effort must be made to bring the price down to the level of the mass purchaser. Every effort must also be made to design equipment to minimize the additional interference susceptibility of operations under the proposed specifications. History has demonstrated that American industry is capable of devising practical and economical equipment on a mass production basis. We have the assurance of the industry that the enormous engineering and production ingenuity at their command will be focused on these remaining problems.

Third, the proposed signal specifications are broad enough to permit considerable latitude to competing companies in the future development of more economical and efficient equipment without obsoleting equipment in the hands of the public. Thirteen manufacturers demonstrated receivers in the proceeding employing several types of picture

tubes. Thus, the proposed color specifications afford an opportunity and challenge to the industry to implement these specifications with the necessary equipment innovations.

Fourth, the signal specifications proposed are compatible, and a compatible system will afford the consumer a greater degree of freedom than would an incompatible system in choosing whether or not to purchase a color receiver at a given price, since the public will, in any event, continue to receive the program material in monochrome.

44. Upon a careful consideration of the complete record in this proceeding, we are of the view that the signal specifications proposed by petitioners provide a reasonable basis for the development of a color television service in the public interest. We have therefore concluded that the present rules and standards for the broadcast of color television based on the field sequential signal specifications should be deleted and that the signal specifications in this proceeding should be adopted in lieu thereof at this time.

45. Authority for the adoption of the amendments is contained in section 303 (b), (e), and (g) of the Communications Act of 1934, as amended.

46. In view of the foregoing, *It is ordered*, That, effective 30 days after publication in the FEDERAL REGISTER, Subpart E of Part 3 of the Commission's Rules Governing Television Broadcast Stations, is amended as set out in Appendix B attached hereto.

(Sec. 303: 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: December 17, 1953.

Released: December 17, 1953.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] WM. P. MASSING,
*Acting Secretary.*

CONCURRING STATEMENT OF COMMISSIONER E. M. WEBSTER

The adoption of standards for color television is an important milestone on the road to expansion of our broadcast industry. As a member of the Commission and one of the guardians of the public interest I have strong feelings that the adoption of such standards cannot be taken lightly.

Consideration of the color standards proposed by the National Television System Committee indicates to me that those standards, and any system based thereon, involve certain problems among which are included such matters as:

1. Estimated high cost of color receivers and station equipment.
2. Complexity of receivers.
3. Degradation of color transmissions as received on monochrome sets.
4. Degradation of monochrome transmissions as received on color sets.
5. Susceptibility of color receivers to interference.

It would serve no useful purpose for me to elaborate upon such problems here as the Commission's Report and Order adequately discusses these and other problems. However, I believe that the public should be forewarned that in view of the subjective nature of the evaluation of any color television demonstration it is not likely that unanimity will prevail with respect to the adequacy of present color pictures and that some viewers may find the results somewhat less satisfactory than expected.

The adoption of these standards creates certain receiver problems which must be recognized. Accordingly, the receiver manufacturers are obligated to the public to incorporate in color receivers refinements beyond those in present monochrome receivers necessary to adequately suppress aggravated receiver radiation and to overcome the greater susceptibility to interference, particularly in the region of the color sub-carrier.

While the current system designed around the NTSC standards may fall short of the established criteria in some respects, as for example the estimated cost of color receivers, I believe that compatibility is sufficiently important to warrant a reasonable flexibility in the application of the criteria. Furthermore, in my opinion those features which may be believed to be inadequacies in the current state of development are equipment problems, not inherent limitations imposed by the standards, and future improvement can be expected.

Accordingly, I concur with the Commission in its decision adopting the color television standards proposed by the National Television System Committee.

ADDITIONAL CONCURRING VIEWS OF COMMISSIONER GEO. E. STERLING

I have participated in this proceeding and the final results with confidence that a foundation is being laid that will provide the people of this nation a fine compatible color television system, capable of improvement without obsolescence of black and white receivers and color receivers built to receive the programs broadcast in accordance with the signal specifications embraced in the standards.

History is replete with the initial high cost and complexity of products designed for public consumption, resulting from the birth of a new industry, for example: the automobile. This, too, has been the experience in the radio and television industry. With respect to the complexities and cost of equipment, considering the competition in the manufacturing industry coupled with the public enthusiasm and acceptance of the television broadcasting service, I am certain that both larger screen and cheaper color receivers with controls having the ease of adjustments of current monochrome receivers will be made available to the public within the next two or three years, the time necessary to establish a color television broadcasting service of any consequence. In the meantime, the public can buy black and white television receivers now on the market and which will continue for the next three or four years to represent the greatest percent of production of TV receivers, confident that when programs are broadcast in color they may view them in black and white. In the meantime, the manufacturing industry will move ahead affirmatively to build color receivers within the price range of the great mass of the American people.

The Commission has, in this decision, pointed out with considerable emphasis the necessity of properly shielding and filtering receivers so that color programs will not be degraded by interference from radio frequency sources as well as preventing interference to the important amateur radio service, considering the public service it renders in several respects. It is my hope that industry will continue to give this subject high priority as they proceed to build equipment for public consumption.

COMMISSIONER LEE CONCURRING

DECEMBER 18, 1953.

I concur completely with the Commission's decision in this case. The defects and imperfections of this new medium are carefully pointed out and this is as it should be. The factual situation has been given to the public. It is patently apparent that color television will not be available to most of us for some time to come but this was also true in the early days of black and white television.

For my own part, I would like to say that I consider this decision a milestone in the fast moving electronics industry. The American standard of living rises again. I would like to pay my own tribute to the Industry and the able and ingenious men comprising it who have made this new miracle possible.

The defects and shortcomings that may now exist will evaporate in the coming months as Industry takes on mass production. The first automobile had many defects. An aeroplane going on the assembly line immediately takes on some aspects of being outmoded as experience teaches us new improvements and better methods of production. We would never learn the new short-cuts if we kept the basic idea on the drawing board.

Our economy will get a tremendous boost from this development.

I am delighted at long last to have had a small part in putting the show on the road.

APPENDIX A—DESCRIPTION OF COLOR TELEVISION TRANSMISSIONS IN ACCORDANCE WITH PROPOSED SIGNAL SPECIFICATIONS

I. *Introduction.*

1. Following is a description of color television transmissions in accordance with the proposed signal specifications under consideration. In attempting to simplify the description so that it might be intelligible to the lay reader it has been necessary from time to time to use non-technical terms. This may have resulted in some technical inaccuracies. However, engineers will find full data and descriptions in the record.

II. *General.*

2. There is much similarity in the composition of television pictures and magazine or newspaper pictures. Printed pictures are composed of small dots and in the case of black and white pictures these dots are black and of varying size to give the impression of various shades of gray. The presence of the dot structure is not apparent to the eye under normal conditions because the distance between the viewer and the picture is such that the eye can no longer distinguish the individual dots and sees the combined effect as a single image. The sharpness of the picture is determined by the number of dots which compose the picture. The monochrome television picture, however, is composed of lines with varying degrees of grayness throughout their length to correspond to the brightness of the original object at that point. The sharpness of such an image is determined to a large extent by the rapidity with which variations in brightness can occur along the line either from black to white, or from white to black. For a given system there is a maximum rapidity with which the line can change from black to white and back again to black, which change would result in a white dot. The width of this dot determines the number of such dots which could be reproduced in a particular line and thus the number of such dots per line is a measure of the sharpness of images which can be reproduced. The television picture differs from the printed picture in that the number of equivalent dots in television is independent of the size of the television screen where as the printed picture normally uses a fixed number of dots per inch of picture dimension. In order to create the illusion of motion it is necessary to transmit a series of still pictures in rapid succession. This principle for creating the illusion of motion is the same for both motion pictures and television, and depends upon the well known phenomenon of persistence of vision.

3. In television the tools employed for reproducing a picture are the camera, transmitter, and receiver. The function of the camera in a television system is to transform light energy into electrical energy. In principle, the television camera is not unlike a photographic camera. However, in place of film, in back of the television camera, there is substituted an electrical plate which is sensitive to light. This plate is composed of thousands of separate light sensitive cells. When the light comes through the lens of the camera, it forms an image of the scene on the plate. The individual cells of the plate store up energy in proportion to the light which falls upon them. Thus, the cells in the bright parts of the image are filled with considerable energy while the darker parts are filled with less energy. In order to release this stored energy to the transmitter, an electron beam is caused to scan the image from left to right and top to bottom. The beam can be thought of as an electron gun which successively punctures the individual cells thus releasing the stored energy to the transmitter. The transmitter provides a vehicle for transporting the camera signals to the receiver. This is done by generating a radio frequency signal in a part of the spectrum which has previously been determined to have the desired properties with regard to propagation, available bandwidth, etc. The camera signals including the image signals and certain other electrical pulses needed to maintain synchronism between transmitter and receiver are then superimposed on this radio frequency carrier. At the receiver a scanning beam similar to that at the camera is directed against the face of a viewing screen. The receiver scanning beam travels from left to right across each of the lines of the picture in exact synchronism with the beam at the camera. Therefore, the amount of electrical energy released at the camera at any instant will affect the beam at the receiver at that identical point in the picture. Thus, the picture is recomposed.

III. *The Commission's standards.*

4. When the monochrome television standards were adopted, the Commission allocated 6 Mc (6 million cycles per second) for each television channel, nearly all of which is utilized for transmitting the video portion of the composite video-sound signals. The Commission's rules for monochrome require that thirty complete pictures each comprising 525 lines be transmitted each second. In a 4 Mc video bandwidth 4 million pairs of elemental light and dark areas can be transmitted each second, or 8 million separate distinguishable elements. The number of elements is a limiting factor in determining the sharpness or resolution of the television picture and these may be arranged vertically or horizontally in an infinite variety of combinations. If it is decided, and the Commission's rules so provide, that it is necessary to scan 30 pictures each second in order to maintain continuity of motion and prevent flicker, 266,666 elements (i. e., 8 million divided by 30) are available for each "still" picture. Since the Commission's standards provide for 525 lines of vertical resolution, the horizontal resolution is fixed at 505 elements (i. e., 266,666 divided by 525). It should be noted that since the picture is 4 units wide for each 3 units of height the horizontal elements are thus about 40% wider than the vertical elements. In practice, the values of the number of lines and elements are reduced due to the time required for sending the synchronizing signals, limitation or equipment, and other factors.

IV. *Operation under proposed signal specifications.*

A. *The camera.* Since most colors can be duplicated by the mixture of proper amounts of three properly selected primary colors, it follows that a color television system can be based on the transmission and reception of images in the three primary colors.

5. The first step in the transmission and reception of images in the three primary colors is accomplished in the television camera. The camera generates three different signals from the information in the picture. These may be the signals corresponding to the red, green and blue components in the picture but other combinations of three such independent sets of information could be used.

6. One method that has been used is the equivalent of three monochrome cameras. These cameras are operated from a single set of controls so that the view televised by each camera is identical. In front of each camera lens there is placed a red, a blue and a green filter, respectively. Thus, while the view in front of each camera is identical, the scene reaching the light sensitive plate of each camera contains only the components passed by the red, blue or green filters. Hence, this camera produces an image in each of the primary colors, and changes the optical images into their equivalent electrical energy.

B. *The transmitting system.*

7. The three components obtained from the camera are electrically processed in such a manner as to obtain a brightness signal and two color-minus-brightness signals, namely red-minus-brightness and blue-minus-brightness. The brightness signal is channeled into one circuit with the other two signals being dealt with in a separate circuit.

(1) *The brightness component.*

8. The brightness circuit of the color transmitter is similar to the conventional monochrome transmitter. Both have the same function of transmitting the relative brightness of the picture in monochrome. Thus, the two systems may be considered compatible, since a receiver performing satisfactorily on the monochrome system will also receive the brightness or monochrome signals transmitted in the color system. Since the eye is most sensitive to green, less sensitive to red, and least sensitive to blue, the brightness is obtained by mixing signals in that order of proportion. The specific values of the mixture are 59 percent green, 30 percent red, and 11 percent blue.[1] Such a mixture will produce a picture on monochrome receivers, in shades of gray. In the color system, this mixture accomplishes the primary objective of transmitting with correct intensity the brightness signal which is one of the two components of the color picture image.

(2) *The chroma component.*

9. The color-minus-brightness signals are derived by subtracting the electrical value of the brightness signal from the electrical value of the color signals. The result is called the "color minus brightness" signal or "color difference" signal.[2]

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[1] See attached concurring statements of Commissioners Webster, Sterling and Lee.

[1] Mathematically, this is written:

$$E_Y' = 0.59E_G' + 0.30E_R' + 0.11E_B'$$

where:

$E_Y'$ = brightness signal.
$E_G'$ = electrical signal corresponding to the green components of the picture.
$E_R'$ = electrical signal corresponding to the red components of the picture.
$E_B'$ = electrical signal corresponding to the blue components of the picture.

[2] The brightness signal is not separated from the chroma signal until after the color image has been transformed by the camera from an optical quantity to its electrical equivalent. The reason for this is that the electrical quantity "color-minus-brightness" has no physical equivalent since the eye responds only to chroma accompanied by brightness. Chroma minus brightness would be invisible. The subtractions and additions necessary to compose the brightness and chroma signals are accomplished in a matrix unit which a computing machine for units of electricity. Mathematically, the color minus brightness signal of the blue signal is written:

$$E_B' - E_Y'$$

Thus, the chroma circuits of the transmitter must process two signals, red minus brightness ($E_R'-E_Y'$), and blue minus brightness ($E_B'-E_Y'$). Only two signals are necessary since the similar relation for the green signal ($E_G'-E_Y'$) can be recovered at the receiver from a mathematical relationship between the other two.[3] The two signals transmitted are the red minus brightness and blue minus brightness. This still presents somewhat of a problem since the two signals must be transmitted in the same circuits without interaction. The method used is to modulate[4] the two signals on a selected subcarrier in a manner designed to prevent interaction. The frequency of the subcarrier is carefully selected to reduce the visibility of interaction between the chroma information and the brightness signal on the received picture.[5]

[3] $E_Y' = 0.59E_G' + 0.30E_R' + 0.11E_B'$.
$0.59E_G' = E_Y' - 0.30E_R' - 0.11E_B'$.
$E_G' = 1.7E_Y' - 0.51E_R' - 0.19E_B'$.
$E_G' - E_Y' = 0.7E_Y' - 0.51E_R' - 0.19E_B'$.
$= 0.51E_Y' - 0.51E_R' + 0.19E_Y' - 0.19E_B'$.
$= -0.51(E_R' - E_Y') - 0.19(E_B' - E_Y')$.

[4] The term modulation is used a number of times in the text of the decision. For those unfamiliar with this fundamental process the following may be helpful. A radio transmitter generates a "carrier frequency" on the frequency assigned to the station. (This carrier might be considered as a replacement for the wire in a telephone system.) The intelligence to be transmitted, whether it is sound, picture or facsimile, is imposed upon this carrier by the process of modulation. For radio and television the intelligence or modulation, always a lower frequency than the carrier, is imposed upon the higher frequency for more efficient transportation to the receiver. When the desired intelligence modulates a carrier wave there results a composite signal which has the propagation characteristics of the carrier wave but also contains the original intelligence in one form or another. At the receiver the demodulation process results in recovery of the original intelligence and elimination of the carrier wave which has served its purpose. This is accomplished in a demodulator (detector) and there are a number of ways of performing the demodulation. One way is to generate in the receiver another frequency which is exactly equivalent to the transmitter carrier frequency. When these two identical carriers (frequencies) are placed in the same receiver circuit (demodulator) they have the effect of cancelling each other leaving the original intelligence. This is the system used in the recovery of the color signals described above. (The system of modulation described above is known as amplitude modulation because the modulation varies the amplitude of the carrier.) Other systems based on the same broad principles are called frequency modulation and phase modulation. In the latter cases, the modulation varies the frequency or phase characteristics of the carrier rather than the amplitude; however, the objective of the modulation is the same.

[5] A sine wave subcarrier can carry two sets of information by splitting the sine wave into two components in quadrature and amplitude modulating each component with one set of information.

[6] The line frequency is chosen as 1/286 times the frequency difference between the sound and picture carriers (4.5 mc/sec) or 15,734.26 cycles second. Since there are 525 lines per frame the frame frequency becomes 29.97 cycles per second and the field frequency 59.94 cycles per second. The subcarrier frequency is chosen as an odd multiple of one half the line frequency which in this case was chosen as 455/2 of the line frequency or 3.579545 mc/sec. It will be noted that the line, field and frame frequencies are very close to the nominal values used for monochrome, namely, 15,750, 60, and 30 cycles/sec.; thus existing monochrome sets will be able to respond to such scanning rates. The above combination will result in the beat note between the quiescent sound carrier and the color subcarrier being an odd multiple of one half the line frequency. It has been determined that such a relationship results in a minimum visibility, on the received picture, of such interaction as well as a minimum visibility of the subcarrier itself due to a similar relationship of its frequency to that of the line scanning rate.

10. The relative location of the subcarrier within the channel is also an important consideration. If the subcarrier is placed too near the picture carrier there may be interference between the two. On the other hand, if the subcarrier is placed too near the edge of the channel it will restrict the width of the sidebands and limit the information which can be carried. The NTSC has compromised on a subcarrier frequency which is 3.579545 megacycles above the video carrier. Since this frequency is approximately 0.6 Mc from the edge of the pass band (see fig. 3, App. B), if the blue and red chroma signals were transmitted they would be limited to 0.6 Mc. Resolution being a function of bandwidth, this would limit the resolution of color to very coarse detail. This limitation to a 0.6 Mc bandwidth applies only when two sets of information such as the two color difference signals must be modulated on a single subcarrier. The reason for this is that in the quadrature method of modulating the subcarrier, both upper and lower sidebands of each color difference signal must be equal. It is, however, possible to send one set of information by using a single sideband. Thus, it would be possible to send two sets of information up to 0.6 Mc and continue to a higher modulating frequency with a single set of information, e. g. a single color difference signal, using only one sideband. This is the method used in the NTSC system with the result that coarse color detail in the scene being televised which produces signals of frequency less than 0.6 Mc is reproduced in approximately the original color. (The third color difference signal is recreated at the receiver.) Semi-fine color detail in the scene being televised which produces signals of frequencies greater than 0.6 Mc and less than 1.5 Mc is reproduced in hues which are contaminated. (With only one color difference signal being transmitted the primaries cannot properly combine at the receiver.) Very fine color detail in the scene being televised which produces signals of frequency greater than 1.5 Mc is reproduced in monochrome. The NTSC has made a variation in the method of sending the red minus brightness and blue minus brightness signals. Instead of sending the blue minus brightness and the red minus brightness over the subcarrier, each of these signals is mixed with the other so that the blue minus brightness contains some red and the red minus brightness contains some blue.[7] Corresponding changes are also made in the receiver circuits so that as long as both color mixture signals are received, i. e. in the modulation range 0–0.6 Mc, the circuits could unscramble the mixture and deliver the red minus brightness, blue minus brightness, and green minus brightness to the viewing tube. Thus, there results no change in the coarse detail of the picture. However, when only one color mixture signal is transmitted, i. e., a 0.6 Mc to 1.5 Mc modulation, the receiver circuits unable to function as above produce a contaminated color varying from orange to cyan depending upon the actual color being televised. This contaminated color produces less noticeable distortion in the semi-fine detail of the picture than when a single pure color is transmitted. The luminosity of the picture is approximately uniform throughout its range from orange to cyan, thus further reducing the apparency of its color distortion. This distortion in fine detail is sometimes called edge distortion, the reason being that fine detail only occurs at the edge of an object where it contrasts with the background, or, with other objects or with part of the same object. Thus, while the eye is relatively insensitive to the color in these edges, nevertheless, if the color is intense or sharply different from the adjoining area, some distortion will be apparent. The NTSC system overcomes this difficulty by using a blended color which does not call attention to the transition.

(3) *Synchronization.*

11. The NTSC color system requires no change in the black and white synchronizing standards except that additional synchronizing information, referred to as the "color burst", is added. In order to demodulate the color subcarrier the receiver must generate a subcarrier of its own of exactly the same phase and frequency. It is, in fact, so important that the received subcarrier be identical with the transmitted subcarrier that it is necessary to send along a sample of the transmitter subcarrier which can be used as a reference by the receiver. It is rather a problem of just where to put this reference "burst" so that it won't be in the way of the luminance signal, the chrominance signals or the other synchronizing pulses. The place selected was the so-called "back porch" (blanking interval) following the horizontal synchronizing pulse. This is the short period during which the picture is blanked out to prevent visible retrace while the scanning beam is returning across the picture to its starting point. Only a few cycles (9 cycles of 3.579545 megacycles) of the reference burst (derived from the color subcarrier)[8] are transmitted.

[7] The amplitude of these two orthogonal components of the chrominance signals can be expressed in terms of color difference signals as follows:

$E_Q' = 0.41(E_B' - E_Y') + 0.48(E_R' - E_Y')$
$E_I' = -0.27(E_B' - E_Y') + 0.74(E_R' - E_Y')$

Where:
$E_Q'$ = narrow-band component of the color signal.
$E_I'$ = wide-band component of the color signal.

(4) *The combined signal.*

12. Prior to transmission over the air the various signals mentioned above are combined into a composite signal. This signal includes the synchronizing signals, the brightness signal, and the chroma information on the subcarrier.[9]

C. *The receiver.*

13. The following description of receivers now known is included to indicate how the signal can be used to produce a color picture.

14. The composite color signal arriving at the receiver antenna consists of a brightness component and a chroma component.

(1) *Brightness component.*

15. If the signal is received on a monochrome television set the brightness component will pass through the receiver circuits and appear on the viewing tube as a monochrome picture. The interference from the chroma component of the incoming signal will be reduced on the monochrome receiver because of the interlacing principle previously described.[9] If the composite color signal is received on a color set the brightness component will be processed by the receiver brightness circuits and appear at the viewing tube ready to be combined with the chroma component.

(2) *Chroma component.*

16. When the composite color signal is received on a color receiver the chroma component must be separated by means of special filters before it can be processed.[9] The output of these filters is fed to the chroma demodulator which recovers the original color difference signals.[11] The two color difference signals thus derived are fed into a matrixing unit from which is recovered the third color difference signal (green minus brightness). In the case of the three gun type of color tube, the three color minus brightness signals are routed to the three respective electron beams of the color tube where they are combined with the brightness signal. The result—color minus brightness plus brightness equals color, i. e., the original primary color is restored and projected on the viewing tube.

[8] The complete color signal has the following composition:

$E_M' = E_Y' + E_Q' \sin(\omega t + 33°) + E_I' \cos(\omega t + 33°)$

or

$E_M' = E_Y' + 0.493(E_B' - E_Y') \sin \omega t + 0.877(E_R' - E_Y') \cos \omega t$

where the angular frequency $w$ is 2 pi times the frequency of the chrominance subcarrier.

The second equation above is only valid for color difference frequencies below 500 kilocycles since the $E_Q'$ signal is removed for frequencies above that range.

[9] The color subcarrier frequency selection for minimum visibility of the color information on the luminance channel is sometimes called frequency interlacing.

[10] The chroma signal is removed from the composite signal at about the third video amplifier and then fed through a 1.8 Mc to 4.3 Mc bandpass filter. This filters out the video carrier frequency and low frequency components leaving the color subcarrier and sidebands along with the high frequency components of the luminance signal. The modulations of the two color difference signals on the subcarrier remain independent only when the modulated waves each consist of like upper and lower sidebands. When the sidebands are not equal, the modulations $E_Q'$ and $E_I'$ cross talk on each other and the color is contaminated. Since the receiver response falls off for the higher video frequencies, compensation is necessary to make the upper sideband equal the lower sideband in the region 0 to 0.6 Mc from the subcarrier. This compensation consists usually of peaking coils with a peak of about 6 db in the 4.0 Mc region and is inserted in the circuit to the demodulator grids.



APPENDIX B

1. Section 3.681 is amended to read as follows:

§ 3.681 *Definitions.*

*Amplitude modulation (AM).* A system of modulation in which the envelope of the transmitted wave contains a component similar to the wave form of the signal to be transmitted.

*Antenna height above average terrain.* The average of the antenna heights above the terrain from two to ten miles from the antenna for the eight directions spaced evenly for each 45 degrees of azimuth starting with True North. (In general, a different antenna height will be determined in each direction from the antenna. The average of these various heights is considered the antenna height above the average terrain. In some cases less than 8 directions may be used. See § 3.684 (d)).

*Antenna power gain.* The square of the ratio of the root-mean-square free space field intensity produced at one mile in the horizontal plane, in millivolts per meter for one kilowatt antenna input power to 137.6 mv/m. This ratio should be expressed in decibels (db). (If specified for a particular direction, antenna power gain is based on the field strength in that direction only.)

*Aspect ratio.* The ratio of picture width to picture height as transmitted.

*Aural transmitter.* The radio equipment for the transmission of the aural signal only.

*Aural center frequency.* (1) The average frequency of the emitted wave when modulated by a sinusoidal signal; (2) the frequency of the emitted wave without modulation.

*Blanking level.* The level of the signal during the blanking interval, except the interval during the scanning synchronizing pulse and the chrominance subcarrier synchronizing burst.

*Chrominance.* The colorimetric difference between any color and a reference color of equal luminance, the reference color having a specific chromaticity.

*Chrominance subcarrier.* The carrier which is modulated by the chrominance information.

[11] The local oscillator supplies two signals having exactly the same frequency as the subcarrier. These two signals are placed in quadrature with each other in the same phase relationship as the two quadrature components of the subcarrier. Each quadrature component demodulates the respective color signal with which it is in phase.

*Color transmission.* The transmission of color television signals which can be reproduced with different values of hue, saturation, and luminance.

*Effective radiated power.* The product of the antenna input power and the antenna power gain. This product should be expressed in kilowatts and in decibels above one kilowatt (dbk). (If specified for a particular direction, effective radiated power is based on the antenna power gain in that direction only. The licensed effective radiated power is based on the average antenna power gain for each horizontal plane direction.)

*Field.* Scanning through the picture area once in the chosen scanning pattern. In the line interlaced scanning pattern of two to one, the scanning of the alternate lines of the picture area once.

*Frame.* Scanning all of the picture area once. In the line interlaced scanning pattern of two to one, a frame consists of two fields.

*Free space field intensity.* The field intensity that would exist at a point in the absence of waves reflected from the earth or other reflecting objects.

*Frequency modulation (FM).* A system of modulation where the instantaneous radio frequency varies in proportion to the instantaneous amplitude of the modulating signal (amplitude of modulating signal to be measured after pre-emphasis, if used) and the instantaneous radio frequency is independent of the frequency of the modulating signal.

*Frequency swing.* The instantaneous departure of the frequency of the emitted wave from the center frequency resulting from modulation.

*Interlaced scanning.* A scanning process in which successively scanned lines are spaced an integral number of line widths, and in which the adjacent lines are scanned during successive cycles of the field frequency.

*Luminance.* Luminous flux emitted, reflected, or transmitted per unit solid angle per unit projected area of the source.

*Monochrome transmission.* The transmission of television signals which can be reproduced in gradations of a single color only.

*Negative transmission.* Where a decrease in initial light intensity causes an increase in the transmitted power.

*Peak power.* The power over a radio frequency cycle corresponding in amplitude to synchronizing peaks.

*Percentage modulation.* As applied to frequency modulation, the ratio of the actual frequency swing to the frequency swing defined as 100 percent modulation, expressed in percentage. For the aural transmitter of television broadcast stations, a frequency swing of ±25 kilocycles is defined as 100 percent modulation.

*Polarization.* The direction of the electric field as radiated from the transmitting antenna.

*Reference black level.* The level corresponding to the specified maximum excursion of the luminance signal in the black direction.

*Reference white level of the luminance signal.* The level corresponding to the

specified maximum excursion of the luminance signal in the white direction.

*Scanning.* The process of analyzing successively, according to a predetermined method, the light values of picture elements constituting the total picture area.

*Scanning line.* A single continuous narrow strip of the picture area containing highlights, shadows, and half-tones, determined by the process of scanning.

*Standard television signal.* A signal which conforms to the television transmission standards.

*Synchronization.* The maintenance of one operation in step with another.

*Television broadcast band.* The frequencies in the band extending from 54 to 890 megacycles which are assignable to television broadcast stations. These frequencies are 54 to 72 megacycles (channels 2 through 4), 76 to 88 megacycles (channels 5 and 6), 174 to 216 megacycles (channels 7 through 13), and 470 to 890 megacycles (channels 14 through 83).

*Television broadcast station.* A station in the television broadcast band transmitting simultaneous visual and aural signals intended to be received by the general public.

*Television channel.* A band of frequencies 6 megacycles wide in the television broadcast band and designated either by number or by the extreme lower and upper frequencies.

*Television transmission standards.* The standards which determine the characteristics of a television signal as radiated by a television broadcast station.

*Television transmitter.* The radio transmitter or transmitters for the transmission of both visual and aural signals.

*Vestigial sideband transmission.* A system of transmission wherein one of the generated sidebands is partially attenuated at the transmitter and radiated only in part.

*Visual carrier frequency.* The frequency of the carrier which is modulated by the picture information.

*Visual transmitter.* The radio equipment for the transmission of the visual signal only.

*Visual transmitter power.* The peak power output when transmitting a standard television signal.

2. Section 3.682 is amended as follows:

Delete paragraph (a) and substitute the following:

§ 3.682 *Transmission standards and changes*—(a) *Transmission standards.* (1) The width of the television broadcast channel shall be six megacycles per second.

(2) The visual carrier frequency shall be nominally 1.25 mc above the lower boundary of the channel.

(3) The aural center frequency shall be 4.5 mc higher than the visual carrier frequency.

(4) The visual transmission amplitude characteristic shall be in accordance with the chart designated as Appendix III, Figure 3.

(5) The chrominance subcarrier frequency shall be 3.579545 mc ± 10 cycles per second with a maximum rate of change not to exceed one tenth cycle per second per second.

(6) For monochrome and color transmissions the number of scanning lines per frame shall be 525, interlaced two to one in successive fields. The horizontal scanning frequency shall be $\frac{2}{455}$ times the chrominance subcarrier frequency; this corresponds nominally to 15,750 cycles per second (with an actual value of 15,734.264 ± 0.044 cycles per second). The vertical scanning frequency is $\frac{2}{525}$ times the horizontal scanning frequency; this corresponds nominally to 60 cycles per second (the actual value is 59.94 cycles per second). For monochrome transmissions only, the nominal values of line and field frequencies may be used.

(7) The aspect ratio of the transmitted television picture shall be 4 units horizontally to 3 units vertically.

(8) During active scanning intervals, the scene shall be scanned from left to right horizontally and from top to bottom vertically, at uniform velocities.

(9) A carrier shall be modulated within a single television channel for both picture and synchronizing signals. For monochrome transmission, the two signals comprise different modulation ranges in amplitude, in accordance with the charts designated as Appendix III, Figures 3 and 4 (b). For color transmission, the two signals comprise different modulation ranges in amplitude except where the chrominance penetrates the synchronizing region and the burst penetrates the picture region, in accordance with the the charts designated as Appendix III, Figures 3 and 4 (a).

(10) A decrease in initial light intensity shall cause an increase in radiated power (negative transmission).

(11) The reference black level shall be represented by a definite carrier level, independent of light and shade in the picture.

(12) The blanking level shall be transmitted at 75±2.5 percent of the peak carrier level.

(13) The reference white level of the luminance signal shall be 12.5±2.5 percent of the peak carrier level.

(14) The signals radiated shall have horizontal polarization.

(15) An effective radiated power of the aural transmitter not less than 50 percent nor more than 70 percent of the peak radiated power of the visual transmitter shall be employed.

(16) The peak-to-peak variation of transmitter output within one frame of video signal due to all causes, including hum, noise, and low-frequency response, measured at both scanning synchronizing peak and blanking level, shall not exceed 5 percent of the average scanning synchronizing peak signal amplitude.[20]

(17) The reference black level shall be separated from the blanking level by the setup interval, which shall be 7.5±2.5 percent of the video range from blanking level to the reference white level.

(18) For monochrome transmission, the transmitter output shall vary in substantially inverse logarithmic relation to the brightness of the subject. No tolerances are set at this time.[20]

(19) The color picture signal shall correspond to a luminance component transmitted as amplitude modulation of the picture carrier and a simultaneous pair of chrominance components transmitted as the amplitude modulation sidebands of a pair of suppressed subcarriers in quadrature.

(20) Equation of complete color signal.

(i) The color picture signal has the following composition:

$$E_M = E_Y' + \{E_Q' \sin(\omega t + 33^\circ) \pm E_I' \cos(\omega t + 33^\circ)\}$$

Where:

$E_Q' = 0.41(E_B' - E_Y') + 0.48(E_R' - E_Y')$.
$E_I' = -0.27(E_B' - E_Y') + 0.74(E_R' - E_Y')$.
$E_Y' = 0.30E_R' + 0.59E_G' + 0.11E_B'$.

For color-difference frequencies below 500 kc (see (iii) below), the signal can be represented by:

$$E_M = E_Y' + \left\{\frac{1}{1.14}\left[\frac{1}{1.78}(E_B' - E_Y')\sin\omega t + (E_R' - E_Y')\cos\omega t\right]\right\}$$

(ii) The symbols in (i) have the following significance:

$E_M$ is the total video voltage, corresponding to the scanning of a particular picture element, applied to the modulator of the picture transmitter.

$E_Y'$ is the gamma-corrected voltage of the monochrome (black-and-white) portion of the color picture signal, corresponding to the given picture element.[21]

$E_Q'$ and $E_I'$ are the amplitudes of two orthogonal components of the chrominance signal corresponding respectively to narrow-band and wide-band axes.

$E_R'$, $E_G'$, and $E_B'$ are the gamma-corrected voltages corresponding to red, green, and blue signals during the scanning of the given picture element.

$\omega$ is the angular frequency and is $2\pi$ times the frequency of the chrominance subcarrier.

The portion of each expression between brackets in (i) represents the chrominance subcarrier signal which carries the chrominance information.

The phase reference in the $E_M$ equation in (i) is the phase of the burst (180°), as shown in Figure 4 (c). The burst corresponds to amplitude modulation of a continuous sine wave.

(iii) The equivalent bandwidth assigned prior to modulation to the color difference signals $E_Q'$ and $E_I'$ are as follows:

Q-channel bandwidth:
- At 400 kc less than 2 db down.
- At 500 kc less than 6 db down.
- At 600 kc at least 6 db down.

I-channel bandwidth:
- At 1.3 mc less than 2 db down.
- At 3.6 mc at least 20 db down.

(iv) The gamma corrected voltages $E_R'$, $E_G'$, and $E_B'$ are suitable for a color picture tube having primary colors with the following chromaticities in the CIE system of specification:

| | $x$ | $y$ |
|---|---|---|
| Red (R) | 0.67 | 0.33 |
| Green (G) | 0.21 | 0.71 |
| Blue (B) | 0.14 | 0.08 |

and having a transfer gradient (gamma exponent) of 2.2[22] associated with each primary color. The voltages $E_R'$, $E_G'$, and $E_B'$ may be respectively of the form $E_{R1/\gamma}$, $E_{G1/\gamma}$, and $E_{B1/\gamma}$ although other forms may be used with advances in the state of the art.

(v) The radiated chrominance subcarrier shall vanish on the reference white of the scene.[22a]

(vi) $E_Y'$, $E_Q'$, $E_I'$, and the components of these signals shall match each other in time to 0.05 $\mu$secs.

(vii) The angles of the subcarrier measured with respect to the burst phase, when reproducing saturated primaries and their complements at 75 percent of full amplitude, shall be within ±10° and their amplitudes shall be within ± 20 percent of the values specified above. The ratios of the measured amplitudes of the subcarrier to the luminance signal for the same saturated primaries and their complements shall fall between the limits of 0.8 and 1.2 of the values specified for their ratios. Closer tolerances may prove to be practicable and desirable with advance in the art.

3. Section 3.687 is amended as follows:

A. Delete paragraph (a) and substitute the following:

§ 3.687 *Transmitters and associated equipment*—(a) *Visual transmitter.* (1) For monochrome transmission only, the overall attenuation characteristics of the transmitter, measured in the antenna transmission line after the vestigial sideband filter (if used), shall not be greater than the following amounts below the ideal demodulated curve. (See Appendix III, Figure 7.)

2 db at 0.5 mc.
2 db at 1.25 mc.
3 db at 2.0 mc.
6 db at 3.0 mc.
12 db at 3.5 mc.

The curve shall be substantially smooth between these specified points, exclusive of the region from 0.75 to 1.25 mc.[23]

(2) For color transmission, the standard given by § 3.687 (a) (1) applies except as modified by the following: A sine wave of 3.58 mc introduced at those terminals of the transmitter which are normally fed the composite color picture signal shall produce a radiated signal having an amplitude (as measured with a diode on the R. F. transmission line supplying power to the antenna), which is down 6 ± 2 db with respect to a signal produced by a sine wave of 200 kc. In addition, the amplitude of the signal shall not vary by more than ± 2 db between the modulating frequencies of 2.1 and 4.18 mc.

(3) The field strength or voltage of the lower sideband, as radiated or dissipated and measured as described in subparagraph (4) of this paragraph, shall not be greater than −20 db for a modulating frequency of 1.25 mc or greater and in addition, for color, shall not be greater than −42 db for a modulating frequency of 3.579545 mc (the color subcarrier frequency). For both monochrome and color, the field strength or voltage of the upper sideband as radiated or dissipated and measured as described in subparagraph (4) of this paragraph shall not be greater than −20 db for a modulating frequency of 4.75 mc or greater.[25, 25a]

(4) The attenuation charactertistics of a visual transmitter shall be measured by application of a modulating signal to the transmitter input terminals in place of the normal composite television video signal. The signal applied shall be a composite signal composed of a synchronizing signal[26] to establish peak output voltage plus a variable frequency sine wave voltage occupying the interval between synchronizing pulses. The axis of the sine wave in the composite signal observed in the output monitor shall be maintained at an amplitude 0.5 of the voltage at synchronizing peaks. The amplitude of the sine wave input shall be held at a constant value. This constant value should be such that at no modulating frequency does the maximum excursion of the sine wave, observed in the composite output signal monitor, exceed the value 0.75 of peak output voltage. The amplitude of the 200 kilocycle sideband shall be measured and designated zero db as a basis for comparison. The modulation signal frequency shall then be varied over the desired range and the field strength or signal voltage of the corresponding sidebands measured. As an alternate method of measuring, in those cases in which the automatic d-c insertion can be replaced by manual control, the above characteristic may be taken by the use of a video sweep generator and without the use of pedestal synchronizing pulses. The d-c level shall be set for midcharacteristic operation.

(5) A sine wave, introduced at those terminals of the transmitter which are normally fed the composite color picture signal, shall produce a radiated signal having an envelope delay, relative to the average envelope delay between 0.05 and 0.20 mc, of zero microseconds up to a frequency of 3.0 mc; and then linearly decreasing to 4.18 mc so as to be equal to −0.17 $\mu$secs at 3.58 mc. The tolerance on the envelope delay shall be ± 0.05 $\mu$secs at 3.58 mc. The tolerance shall increase linearly to ± 0.1 $\mu$sec down to 2.1 mc, and remain at ± 0.1 $\mu$sec down to 0.2 mc.[26a] The tolerance shall also increase linearly to ± 0.1 $\mu$sec at 4.18 mc.

(6) The radio frequency signal, as radiated, shall have an envelope as would be produced by a modulating signal in conformity with Appendix III, Figure 4 (a) or (b), as modified by vestigial sideband operation specified by Appendix III, Figure 3.

(7) The time interval between the leading edges of successive horizontal pulses shall vary less than one half of one percent of the average interval. However, for color transmissions, § 3.682 (a) (5) and § 3.682 (a) (6) shall be controlling.

(8) The rate of change of the frequency of recurrence of the leading edges of the horizontal synchronizing signals shall be not greater than 0.15 percent per second, the frequency to be determined by an averaging process carried out over a period of not less than 20, nor more than 100 lines, such lines not to include any portion of the blanking interval. However, for color transmissions, § 3.682 (a) (5) and § 3.682 (a) (6) shall be controlling.

[20] These items are subject to change but are considered the best practice under the present state of the art. They will not be enforced pending a further determination thereof.

[21] Forming of the high frequency portion of the monochrome signal in a different manner is permissible and may in fact be desirable in order to improve the sharpness on saturated colors.

[22] At the present state of the art it is considered inadvisable to set a tolerance on the value of gamma and correspondingly this portion of the specification will not be enforced.

[22a] The numerical values of the signal specification assume that this condition will be reproduced as CIE Illuminant C ($x$=0.310, $y$=0.316).

[23] Output measurement shall be made with the transmitter operating into a dummy load of pure resistance and the demodulated voltage measured across this load. The ideal demodulated curve is that shown in Appendix III, Figure 7.

[25] Field strength measurements are desired. It is anticipated that these may not yield data which are consistent enough to prove compliance with the attenuation standards prescribed above. In that case, measurements with a dummy load of pure resistance, together with data on the antenna characteristics, shall be taken in place of over-all field measurements.

[25a] Television stations shall have until July 1, 1954, for compliance with the requirements of this subparagraph with respect to attenuation of the upper sidebands.

[26] The "synchronizing signal" referred to in this section means either a standard synchronizing wave form or any pulse that will properly set the peak.

[26a] Tolerances for the interval of 0.0 to 0.2 mc are not specified at the present time.

(9) Sufficient monitoring equipment shall be employed to determine whether the visual signal complies with the requirements of this subpart.

(10) For color transmission the transfer characteristic (that is the relationship between the transmitter RF output and video signal input) shall be substantially linear between the reference black and reference white levels.

B. Delete paragraph (c) (1) of § 3.687 and substitute the following:

(c) *Requirements applicable to both visual and aural transmitters.* (1) Automatic means shall be provided in the visual transmitter to maintain the carrier frequency within one kilocycle of the authorized frequency; automatic means shall be provided in the aural transmitter to maintain the carrier frequency within four kilocycles of the assigned aural carrier frequency or, alternatively, 4.5 megacycles above the actual visual carrier frequency within 5 kilocycles. For color transmission the aural carrier shall be maintained 4.5 megacycles above the visual carrier within ±1 kilocycle. When required by § 3.606, the visual and aural carrier frequencies are to be offset in frequency by 10 kilocycles (plus or minus, as indicated) from the normal carrier frequencies.

IV. Appendix III to Subpart E is amended as follows: Delete Figures 3, 4, and 7 and add the attached Figures 3, 4 (a), 4 (b), 4 (c), and 7.

IDEALIZED PICTURE TRANSMISSION AMPLITUDE CHARACTERISTIC

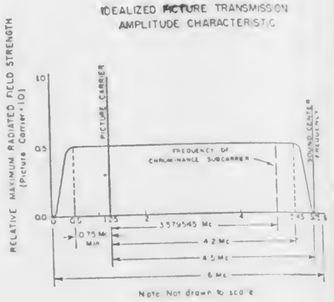
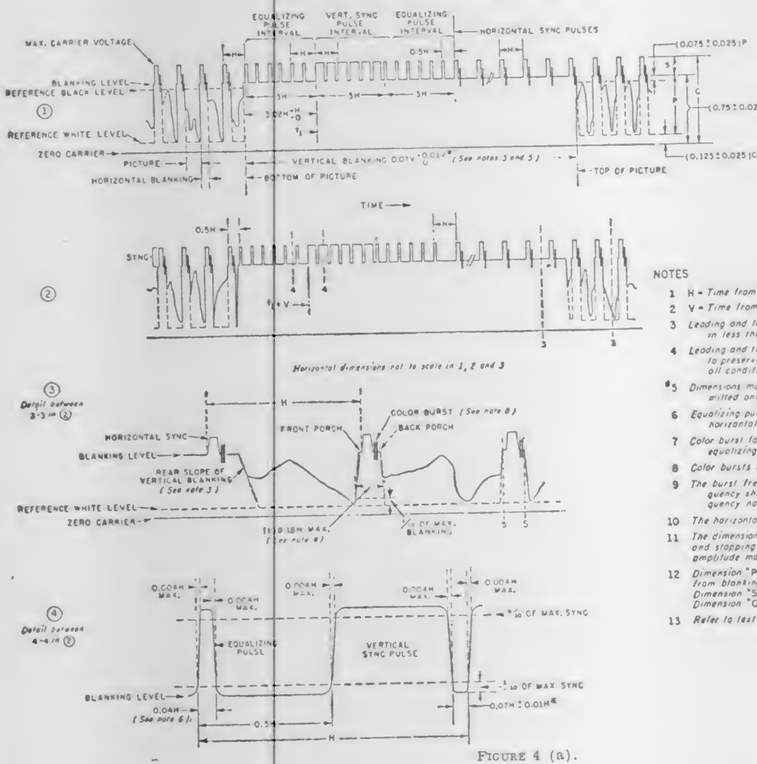



FIGURE 3.

TELEVISION SYNCHRONIZING WAVEFORM
FOR COLOR TRANSMISSION



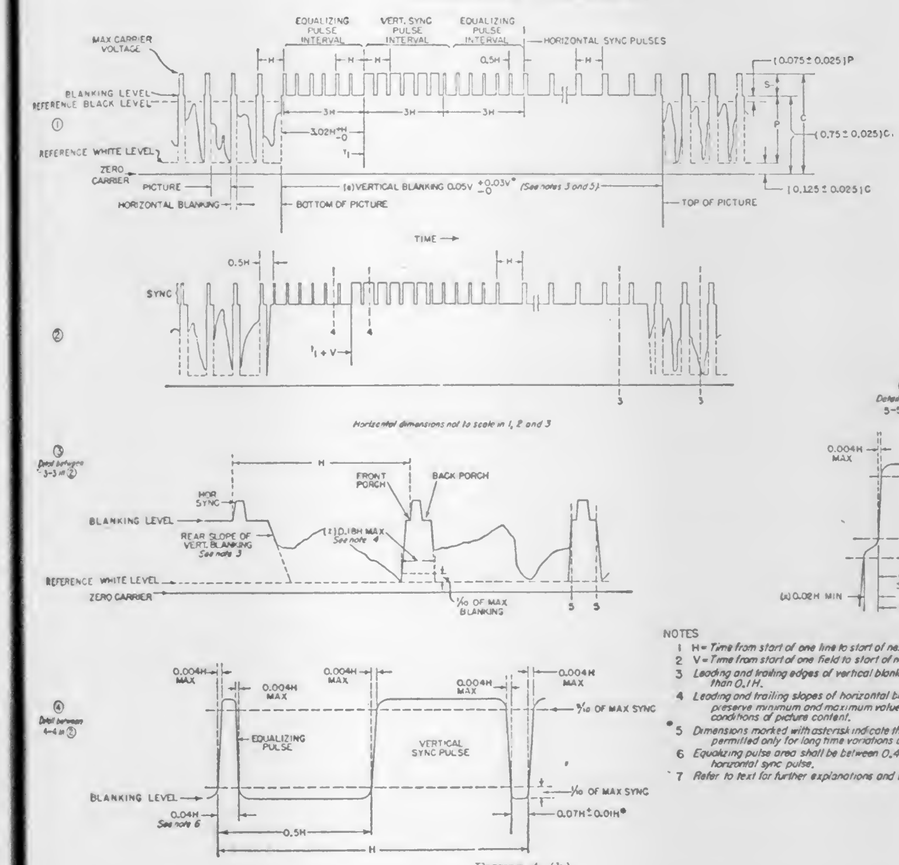

NOTES

1 H = Time from start of one line to start of next line.
2 V = Time from start of one field to start of next field.
3 Leading and trailing edges of vertical blanking should be complete in less than 0.1H.
4 Leading and trailing slopes of horizontal blanking must be steep enough to preserve minimum and maximum values of (x+y) and (z) under all conditions of picture content.
*5 Dimensions marked with asterisk indicate that tolerances given are permitted only for long time variations and not for successive cycles.
6 Equalizing pulse area shall be between 0.45 and 0.5 of area of a horizontal sync pulse.
7 Color burst follows each horizontal pulse, but is omitted following the equalizing pulses and during the broad vertical pulses
8 Color bursts to be omitted during monochrome transmission.
9 The burst frequency shall be 3.579545 mc. The tolerance on the frequency shall be ±10 cycles with a maximum rate of change of frequency not to exceed 1/10 cycle per second per second.
10 The horizontal scanning frequency shall be $\frac{2}{455}$ times the burst frequency.
11 The dimensions specified for the burst determine the times of starting and stopping the burst, but not its phase. The color burst consists of amplitude modulation of a continuous sine wave.
12 Dimension "P" represents the peak excursion of the luminance signal from blanking level, but does not include the chrominance signal. Dimension "S" is the sync amplitude above blanking level. Dimension "C" is the peak carrier amplitude.
13 Refer to text for further explanations and tolerances.

FIGURE 4 (a).



TELEVISION SYNCHRONIZING WAVEFORM
FOR MONOCHROME TRANSMISSION ONLY




NOTES

1 H = Time from start of one line to start of next line.
2 V = Time from start of one field to start of next field.
3 Leading and trailing edges of vertical blanking should be complete in less than 0.1H.
4 Leading and trailing slopes of horizontal blanking must be steep enough to preserve minimum and maximum values of (x+y) and (z) under all conditions of picture content.
*5 Dimensions marked with asterisk indicate that tolerances given are permitted only for long time variations and not for successive cycles.
6 Equalizing pulse area shall be between 0.45 and 0.5 of area of a horizontal sync pulse.
7 Refer to text for further explanations and tolerances.

FIGURE 4 (b).

ASSUMED IDEAL DETECTOR OUTPUT

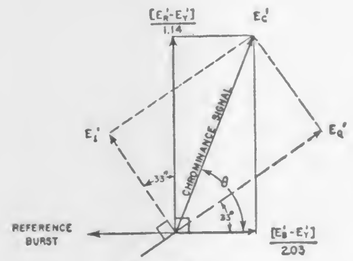



FIGURE 4 (c).

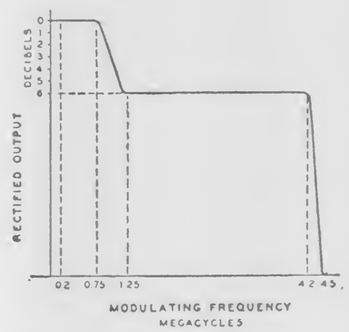



FIGURE 7.

[F. R. Doc. 53-10629; Filed, Dec. 22, 1953; 8:45 a. m.]

PART 3—RADIO BROADCAST SERVICE

INTERIM COLOR TELEVISION BROADCASTS

DECEMBER 18, 1953.

On December 17, 1953, the Commission issued a Report and Order adopting new signal specifications for color television.[1] In accordance with the Administrative Procedures Act, the new rules will go into effect 30 days after publication in the FEDERAL REGISTER.

In the meantime, it is anticipated that the Commission will receive requests to operate under the new standards in order to obtain operating experience. In the past, it has been necessary to secure special temporary authority from the Commission to broadcast programs utilizing the new color standards. Henceforth, pending finalization of the color order, any TV broadcast station may, without further authorization, broadcast either commercial or sustaining programs utilizing the new standards provided that the Commission is notified by wire in advance of the date and periods of the broadcasts.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10665; Filed, Dec. 22, 1953; 8:53 a. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

PART 122—MONTHLY OPERATING REPORTS

MONTHLY REPORTS OF OPERATING STATISTICS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 21st day of October A. D. 1953.

The matter of monthly reports of operating statistics of Class I steam railways being under consideration:

*It is ordered*, That the order dated October 19, 1949, in the matter of monthly reports of operating statistics of class I steam railways (49 CFR 122.3), be, and it is hereby modified with respect to the forms of monthly reports, effective January 1, 1954, as follows:

§ 122.3 *Operating statistics.* Commencing with the month of January 1954, and monthly thereafter until further order, each and every class I steam railway, including class I switching and terminal companies, subject to the provisions of section 20, part I of the Interstate Commerce Act, is hereby required to file monthly reports of operating statistics in accordance with forms of reports and notes of instructions thereon designated:

Form OS-A—Freight Train Performance.
Form OS-B—Passenger Train Performance.
Form OS-C—Yard Service Performance.
Form OS-D—Revenue Traffic.
Form OS-E—Fuel and Power Statistics.
Form OS-F—Motive Power and Car Equipment.

which forms are attached hereto and made a part of this section:[1] *Provided however*, That class I switching and terminal companies are not required to submit reports on forms designated Forms OS-A, OS-B, and OS-D. Such monthly reports shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before the dates indicated in the notice on each form.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20)

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10620; Filed, Dec. 22, 1953; 8:47 a. m.]

# NOTICES

## DEPARTMENT OF THE TREASURY

### Foreign Assets Control

FIRECRACKERS

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM TAIWAN (FORMOSA); AVAILABLE CERTIFICATIONS

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following additional commodity:

Firecrackers.

[SEAL] ELTING ARNOLD,
*Acting Director,*
*Foreign Assets Control.*

[F. R. Doc. 53-10627; Filed, Dec. 22, 1953; 8:48 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[No. 16 (R-IV)]

UTAH

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

DECEMBER 11, 1953.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315g), the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 6 S., R. 6 W.
Sec. 12, $N\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}$.
Sec. 13, $NW\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$, $N\frac{1}{2}S\frac{1}{2}$, $SW\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}SE\frac{1}{4}$.
Sec. 14, $SE\frac{1}{4}$.
Sec. 23, $NE\frac{1}{4}$.
Sec. 24, $S\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$.
Sec. 25, $N\frac{1}{2}SW\frac{1}{4}$.
Sec. 26, $N\frac{1}{2}SE\frac{1}{4}$.

The area described contains 1200 acres.

These tracts are primarily valuable for grazing, and it is unlikely that any will be classified for disposal under the homestead, desert-land, or small tract laws.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the days specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph, either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office at Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, 312 Federal Building, Salt Lake City, Utah.

H. BYRON MOCK,
*Regional Administrator.*

[F. R. Doc. 53-10606; Filed Dec. 22, 1953; 8:45 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-1915]

SOUTH GEORGIA NATURAL GAS CO.

ORDER GRANTING MOTION FOR POSTPONEMENT OF HEARING

South Georgia Natural Gas Company (Applicant) filed a motion on December 7, 1953, for continuance of hearing and extension of date for serving copies of testimony and exhibits in the above proceeding.

By its order issued November 13, 1953, the Commission reopened these proceedings to convene on January 18, 1954, and directed Applicant to serve its testimony and exhibits upon the parties and the Staff no later than January 5, 1954. The Applicant in its motion requests the Commission to continue those dates to March 29 and March 15, 1954, respectively.

The Applicant now states that it requires additional time to prepare its exhibits on engineering studies and market surveys so as to bring them up to date to reflect changed conditions, and, further, that its attorneys are so continuously occupied in other proceedings now long pending that the testimony proposed to be offered at the reopened proceeding cannot be properly prepared by the date now provided by the order issued November 13, 1953.

The Applicant also alleges that it has been informed that its proposed municipal wholesale customers require additional time to make further studies.

No objections have been filed in opposition to the granting of the motion.

The Commission finds: Good cause exists for postponement of hearing in this proceeding as hereinafter ordered.

The Commission orders:

(A) The hearing in this proceeding, reopened by our order issued November 13, 1953, be convened on March 29, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

(B) The Applicant, on or before March 15, 1954, shall serve upon all parties copies of the testimony and exhibits it proposes to offer at the reopened hearing, including five (5) copies upon Commission Staff Counsel.

(C) In all other respects the order issued November 13, 1953, in this matter shall remain in full force and effect.

Adopted: December 16, 1953.

Issued: December 18, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10626; Filed, Dec. 22, 1953; 8:48 a. m.]

[Docket No. G-2316]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF AMENDED APPLICATION

DECEMBER 17, 1953.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware corporation, address Commerce Building, Houston, Texas, filed on December 11, 1953, a first amended application to its application for a certificate of public convenience and necessity filed on November 18, 1953, notice of which was published in the FEDERAL REGISTER on December 12, 1953 (18 F. R. 8192).

Applicant seeks authorization to transport for the account of Equitable Gas Company (Equitable) up to approximately 24,400 Mcf of natural gas per day, such gas to be purchased by Equitable in the Flour Bluffs Field of Nueces County, Texas. Applicant now proposes to utilize unallocated design day sales capacity of its authorized system in order to transport the gas rather than to construct and operate 28,000 horsepower of additional compressor units as proposed in the original application. It does, however, still propose the construction and operation of approximately fifty miles of $10\frac{3}{4}$-inch pipeline extending from the Flour Bluffs Field to Applicant's Compressor Station Number 1 in Texas.

The estimated cost of the proposed facilities is $1,575,000, and Applicant proposes no separate financing in connection with this project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of January, 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10608; Filed, Dec. 22, 1953; 8:45 a. m.]

[Docket No. G-2230]

UNITED NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

United Natural Gas Company (Applicant), a Pennsylvania corporation with its principal office in Oil City, Pennsylvania, filed an application with the Federal Power Commission on August 17, 1953, and supplements thereto on September 14, and October 26, 1953, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the operation of facilities and the sale of natural gas subject to the jurisdiction of the Commission as described in the application and supplements thereto on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on September 4, 1953 (18 F. R. 5375).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on January 11, 1954, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: December 16, 1953.

Issued: December 17, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10609; Filed, Dec. 22, 1953; 8:45 a. m.]

[1] See F. R. Doc. 53-10629, *supra*.

[1] Filed as part of original document.

[Docket No. G-2335]

OLIN INTERSTATE CORP.

NOTICE OF APPLICATION

DECEMBER 17, 1953.

On December 14, 1953, Olin Interstate Corporation (Applicant), a Delaware corporation with its executive office at 570 Lexington Avenue, New York 22, New York, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the acquisition and operation of all the facilities of Interstate Natural Gas Company, Incorporated (Interstate Natural), a Delaware corporation with its principal office in the Ouchita National Bank Building, Monroe, Louisiana.

The application states, among other things, that Applicant is a wholly owned subsidiary of Olin Industries, Inc.; that Applicant owns more than 99 percent of the outstanding capital stock of Interstate Natural; and, that all of the facilities, properties, contracts and other assets of Interstate Natural are proposed to be acquired by means of a corporate merger if the applied for authorization is granted by this Commission. It is proposed that Applicant shall be the corporation surviving the merger; that its name be changed to "Olin Gas Transmission Corporation"; and, that the facilities acquired from Interstate Natural shall, after the merger, be used and operated "in the same manner as used and operated by Interstate Natural." Applicant also states "no changes are expected to occur other than would occur in any event were such merger not to take place."

The application also states, among other things, that Interstate Natural is a "natural-gas company" under the Natural Gas Act, subject to the jurisdiction of the Commission; that its business, commencing in 1926 and at the present time, has been and is the production, purchase, transportation, and sale of natural gas, both in interstate commerce and intrastate commerce; that its properties are located in the States of Louisiana and Mississippi; that the depreciated original cost of such properties recorded on the books of Interstate Natural as of September 30, 1953, amounted ot $16,310,288; that its net income for the calendar year 1952 was $2,996,414 and for the first nine months of 1953, $2,190,293; and, that as of September 30, 1953, Interstate Natural's capital structure consisted of $16,020,612 capital stock and earned surplus with no outstanding debt.

The application states that Applicant was incorporated in June 1953, and thereafter issued 952,953 shares of capital stock, par value $1.00 per share, to Olin Industries, Inc., in exchange for, among other things, 70,000 shares of capital stock of Interstate Natural; that Applicant has acquired 873,486 shares of Interstate Natural stock at a price of $45 per share, leaving 9,467 shares of Interstate Natural stock outstanding not owned by Applicant; that incident to the merger, Applicant proposes to cancel the capital stock of Interstate Natural owned by it and to issue the stockholders holding the 9,467 shares 6 percent 5-year bonds upon the basis of $45 per share for each share of such capital stock; and, that upon the basis of the foregoing Applicant will have paid for all the capital stock of Interstate Natural, cash and bonds, totaling $42,882,885. The purchase of such stock has been financed principally through the issue and sale to The Prudential Insurance Company of America of $31,300,000 of 4½ percent notes, due July 1, 1955, guaranteed by Olin Industries, Inc. Prior to the maturity of such notes, Applicant proposes to exchange such notes for 18-year 4½ percent notes secured by a mortgage on the physical properties and guaranteed by Olin Oil & Gas Corporation.

Applicant proposes to record the facilities to be acquired from Interstate Natural at $65,526,412, the original cost of which as recorded on the books of Interstate Natural amounted to $40,872,205 as of September 30, 1953. The applicant proposes to record such original cost on its books and also to record an acquisition adjustment (Account 100.5) in the amount of $24,654,207. Applicant alleges that this acquisition adjustment is applicable to the physical properties to be acquired, and that such adjustment is proper based upon reproduction cost and other valuation studies submitted as a part of the application. The application includes a proposed plan to amortize such acquisition adjustment over varying periods, ranging from 4 to 33⅓ years, in the future.

Applicant alleges that, if authorization is granted for the proposed acquisition, it proposes to claim the cost of acquiring Interstate Natural as the basis for future income tax computation and liability and that this "should result in lower Federal income taxes"; that there is "no expectation" of any change of rates for gas sold by Interstate Natural for resale; and, that "no harmful effect will result to any customer" and no change is anticipated in the operation of the facilities or in the sales of natural gas which are subject to the Commission's juridiction.

Applicant requests that the intermediate decision procedure be omitted and waives oral hearing and opportunity to filing exceptions to the decision of the Commission, and requests that the application be disposed of pursuant to the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of January, 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10625; Filed, Dec. 22, 1953; 8:48 a. m.]

[Docket No. G-2336]

ALABAMA-TENNESSEE NATURAL GAS CO.

ORDER SUSPENDING PROPOSED NEW TARIFF SHEETS

The Commission, by order issued September 24, 1953, at Docket No. G-2253, suspended and deferred the use of Alabama-Tennessee Natural Gas Company's (Alabama-Tennessee) proposed Sixth Revised Sheet No. 4 and Third Revised Sheet No. 7-A to its FPC Gas Tariff, Original Volume No. 1, until March 1, 1954, and until such further time thereafter as said proposed tariff sheets might be made effective in the manner prescribed by the Natural Gas Act, and ordered that a public hearing concerning the lawfulness of Alabama-Tennessee's proposed tariff sheets be held on February 24, 1954.

On November 17, 1953, Alabama-Tennessee filed Fourth Revised Sheet No. 7-A, Second Revised Sheet No. 7-B, and Original Sheets Nos. 7-C,[1] 7-D, 7-E, and 7-F to its FPC Gas Tariff, Original Volume No. 1, proposing to change its general service Rate Schedule G-1 and small general service Rate Schedule SG-1 by instituting a penalty of $10.00 per Mcf of gas taken without prior approval in excess of 1 percent over the contracted maximum daily delivery obligation. A penalty of $1.00 per Mcf of gas is proposed for unauthorized over-runs of up to 1 percent of the maximum contractual obligation.[2]

The proposed penalty provision is alleged to be modeled after the provision in the tariff of Tennessee Gas Transmission Company, Alabama-Tennessee's supplier. It is further alleged that such penalty provision is a "necessary policing measure to become operative at times when deliveries reach full capacity to assure that each resale customer will receive the quantity of gas to which he is entitled under his service agreement * * *"

The penalty provision would apply only to resale customers and may, therefore, result in discrimination against such customers. Furthermore, discrimination between customers to whom the penalty provision would apply may result from the fact that no basis is stated upon which Alabama-Tennessee's approval for over-runs is to be given nor how a buyer may qualify for such approval.

Six customer-companies have protested the proposed penalty provision and have requested that the proposal be suspended and the matter set for hearing.

The proposed penalty provision has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential.

[1] Alabama-Tennessee requests that Original Sheet No. 7-C be substituted for Third Revised Sheet No. 7-A.

[2] At Docket No. G-2096 a substantially similar penalty provision was proposed by Alabama-Tennessee. The filing proposing such provision was suspended by order of the Commission and subsequently eliminated as a part of the settlement of the proceedings in said Docket No. G-2096 and Docket No. G-2070.



The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing, as hereinafter ordered, pursuant to the authority contained in section 4 of that act, concerning the lawfulness of the rates, charges, classifications, and services, or any of them, contained in Alabama-Tennessee's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Fourth Revised Sheet No. 7-A, Second Revised Sheet No. 7-B, and Original Sheets Nos. 7-C, 7-D, 7-E, and 7-F thereto, and that said tariff sheets be suspended as hereinafter provided, and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I), a public hearing be held, commencing on January 18, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications, and services or any of them, contained in the aforesaid Alabama-Tennessee Natural Gas Company's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Fourth Revised Sheet No. 7-A, Second Revised Sheet No. 7-B, and Original Sheets Nos. 7-C, 7-D, 7-E, and 7-F.

(B) Pending such hearing and decision thereon, Alabama-Tennessee's proposed Fourth Revised Sheet No. 7-A, Second Revised Sheet No. 7-B, and Original Sheets Nos. 7-C, 7-D, 7-E, and 7-F be and the same are hereby suspended and the use thereof deferred until May 17, 1954, and until such further time thereafter as said proposed sheets may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: December 16, 1953.

Issued: December 17, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10610; Filed, Dec. 22, 1953; 8:46 a. m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

FLORIDA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN FLOOD AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of December 9, 1953, to be in the area affected by the major disaster occasioned by floods determined by the President on October 22, 1953, pursuant to Public Law 875, 81st Congress:

FLORIDA

| | |
|---|---|
| Orange. | Sumter. |
| Osceola. | Volusia. |
| Polk. | |

Done this 17th day of December 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10623; Filed, Dec. 22, 1953; 8:47 a. m.]

NORTH CAROLINA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional county is determined as of December 10, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on September 16, 1953, pursuant to Public Law 875, 81st Congress:

NORTH CAROLINA

Iredell.

Done this 17th day of December 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10624; Filed, Dec. 22, 1953; 8:48 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28758]

BLACKSTRAP MOLASSES FROM GULF PORTS TO SOUTHERN POINTS

APPLICATION FOR RELIEF

DECEMBER 18, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Blackstrap molasses, distillery molasses residuum and citrus pomace final syrup, carloads.

From: Gulfport, Miss., Mobile, Ala., and New Orleans, La.

To: Specified points in Georgia, North Carolina, and South Carolina.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 395, supp. 119.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10616; Filed, Dec. 22, 1953; 8:46 a. m.]

[4th Sec. Application 28759]

VOLCANIC SCORIA FROM ANTONITO AND MESITA, COLO., TO POINTS IN ILLINOIS AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

DECEMBER 18, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to his tariff I. C. C. No. A-3560.

Commodities involved: Volcanic scoria, ash or slag, carloads.

From: Antonito and Mesita, Colo.

To: Points in Illinois and western trunk-line territories.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional commodity.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10617; Filed, Dec. 22, 1953; 8:46 a. m.]

[4th Sec. Application 28760]

PIG IRON FROM KEOKUK, IOWA, TO SAGINAW, MICH.

APPLICATION FOR RELIEF

DECEMBER 18, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Pig iron, in carloads.

From: Keokuk, Iowa.

To: Saginaw, Mich.

Grounds for relief: Competition with rail carriers, and market competition.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3894, supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10618; Filed, Dec. 22, 1953; 8:47 a. m.]

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[4th Sec. Application 28761]

CANNED OR PRESERVED FOODSTUFFS BETWEEN JACKSON, MISS., AND PACIFIC COAST TERRITORY

APPLICATION FOR RELIEF

DECEMBER 18, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to his tariffs I. C. C. Nos. 1552 and 1559.

Commodities involved: Canned or preserved foodstuffs, carloads.

Between: Jackson, Miss., and Pacific Coast territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10619; Filed, Dec. 22, 1953; 8:47 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3149]

NARRAGANSETT ELECTRIC CO.

SUPPLEMENTAL ORDER REGARDING SALE OF PREFERRED STOCK

DECEMBER 17, 1953.

The Commission, by order dated December 3, 1953, having granted and permitted to become effective the application-declaration of The Narragansett Electric Company ("Narragansett"), a public-utility subsidiary company of New England Electric System, a registered holding company, proposing the issuance and sale by Narragansett of 150,000 shares, -- Percent Series, $50 par value cumulative preferred stock, subject to reservations of jurisdiction with respect to the results of competitive bidding under Rule U-50 and all fees and expenses to be paid in connection with the proposed transaction; and

Narragansett having on December 17, 1953, filed a further amendment to its application-declaration herein setting forth the action taken by it to comply with the requirements of Rule U-50, and stating that, pursuant to the invitation for competitive bids, the following bids have been received:

| Group headed by— | Annual dividend rate (per cent) | Price to Company (dollars per share) | Annual cost to Company (per cent) |
|---|---|---|---|
| Kidder, Peabody & Co. and Stone & Webster Securities Corp.. | 4.64 | 50.20 | 4.6215 |
| Blyth & Co., Inc. and Harriman Ripley & Co., Inc. | 4.64 | 50.14 | 4.6270 |
| Lehman Bros. and Goldman, Sachs & Co. — | 4.72 | 50.6499 | 4.6594 |
| Union Securities Corp. and Smith, Barney & Co.... | 4.72 | 50.5739 | 4.6664 |
| White, Weld & Co..... | 4.72 | 50.4077 | 4.6818 |

[1] Exclusive of accrued dividends from Dec. 16, 1953.

The amendment having further stated that Narragansett has accepted the bid of the group headed by Kidder, Peabody & Co. and Stone & Webster Securities Corporation, as set forth above, and that the preferred stock will be reoffered to the public at a price of $51.125 per share, plus accrued dividends from December 16, 1953, resulting in an underwriting spread of $0.925 per share or an aggregate of $138,750; and

The record having been completed with respect to the fees and expenses incurred or to be incurred in connection with the proposed transactions, and it appearing that such fees and expenses are estimated as follows:

| | |
|---|---|
| Fee for registration of the preferred stock under the Securities Act of 1933 | $780 |
| Federal original issue stamp tax | 8,250 |
| Rhode Island fee re increase in capital stock | 7,500 |
| Services of New England Power Service Co. (an affiliated service company) performed at cost | 18,000 |
| Printing costs of the registration statement, prospectus, exhibits and other related documents | 12,000 |
| Printing of the preferred stock certificates in definitive form | 1,000 |
| Services of Lybrand, Ross Bros. & Montgomery, independent public accountants | 1,100 |
| Services of Edwards & Angell, counsel | 4,020 |
| Services of the transfer agent and registrar with reference to the registration and issue of preferred stock certificates | 2,000 |
| Mailing costs, advertising public invitation for bids, filing fees and qualification under Blue Sky Laws, and miscellaneous (including provision for reimbursement of out-of-pocket expenses in connection with the services described above) | 3,970 |

It also appearing that the fee and expenses of Milbank, Tweed, Hope & Hadley, counsel for the purchasers of the new preferred stock, which are to be paid by said purchasers, are estimated at $6,500 and $500, respectively; and

The Commission having examined the record in the light of said amendment, and observing no basis for imposing terms and conditions with respect to the price to be received for said preferred stock, the dividend rate and the underwriters' spread and it appearing to the Commission that the above fees and expenses are not unreasonable if they do not exceed the amounts estimated, and it appearing that jurisdiction heretofore reserved over the results of competitive bidding and over all fees and expenses should be released:

*It is ordered*, That jurisdiction heretofore reserved to consider the results of competitive bidding with respect to the issuance and sale of the new preferred stock and over all fees and expenses to be paid in connection with the proposed sale of said stock, including the fee and expenses of counsel for the purchasers of the new preferred stock, be, and the same hereby is, released and that such application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10612; Filed, Dec. 22, 1953; 8:46 a. m.]



[File No. 70-3166]

ELECTRIC BOND AND SHARE CO.

ORDER AUTHORIZING SALE BY PARENT AT COMPETITIVE BIDDING OF SECURITIES OF SUBSIDIARY

DECEMBER 17, 1953.

Electric Bond and Share Company ("Bond and Share"), a registered holding company, having filed an application-declaration pursuant to sections 9, 10 and 12 (d) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-44 (a) and U-50 promulgated thereunder with respect to the following proposed transactions:

Bond and Share heretofore filed with the Commission its Final Comprehensive Plan as finally amended July 7, 1953 (the "Plan"), under section 11 (e) of the act. The Plan was approved by orders of the Commission dated February 20, 1953, and July 15, 1953, and by order of the United States District Court for the Southern District of New York dated July 16, 1953.

The Plan proposed, among other things, that Bond and Share would dispose of certain of its holdings of common stock of United Gas Corporation ("United Gas") by capital distribution, dividend distributions and rights offerings to the Bond and Share stockholders. Provision was also made that the remainder of the shares of United Gas stock to be disposed of under the Plan should be disposed of by Bond and Share in such manner and on such terms as it deemed appropriate within two years after the effective date of the Plan which was July 16, 1953. Bond and Share now holds 1,755,053 shares of United Gas common stock (being approximately 13.5 percent of the outstanding shares of such stock).

Bond and Share now proposes to sell at public offering after receiving competitive bids 100,000 shares of its present holdings of United Gas common stock plus such additional shares not exceeding 15,000 as Bond and Share may acquire during the course of stabilizing operations to be effected by Bond and Share in connection with the proposed sale. Bond and Share presently proposes to publish its notice of public invitation for bids not later than December 18, 1953 and to receive bids not earlier than 3:45 p. m., on December 21, 1953. Bond and Share proposes to comply with the provisions of Rule U-50 of the Commission with the exception that it requests that the Commission reduce the 10-day period provided by sub-division (b) of that rule to the extent necessary to permit Bond and Share to carry out the time schedule just described respecting the publication of its invitation for bids and the receipt of bids.

Bond and Share requests permission from the Commission to purchase not more than 15,000 shares of United Gas common stock for the purpose of stabilizing the market for that stock on the New York Stock Exchange. It is contemplated that such stabilizing purchases may commence immediately upon the issuance of the order of the Commission relating to this application-declaration and that such purchases will be effected at a price (exclusive of a commission) not in excess of the last preceding sale price of the United Gas common stock on the New York Stock Exchange. It is further contemplated that such stabilizing purchases may continue up to the receipt by Bond and Share of bids for the shares of United Gas common stock herein proposed to be sold. As above indicated all shares of such stock purchased for stabilizing purposes will be sold by Bond and Share together with the 100,000 shares of United Gas stock proposed to be sold as herein provided.

Bond and Share requests that the Commission's order with respect to the foregoing transactions recite that such transactions are necessary or appropriate to the integration or simplification of the holding company system of which Bond and Share is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

Due notice having been given of the filing of the application-declaration, and a hearing not having been requested or ordered by the Commission, and the Commission finding with respect to said application-declaration that the applicable standards of the act and the rules are satisfied and that it is not necessary to impose any terms or conditions other than those set forth below, and that the 10-day period as provided for in Rule U-50 may be shortened to the extent requested, and the Commission deeming it appropriate that said application-declaration be granted and permitted to become effective forthwith, subject to the reservation of jurisdiction hereinafter provided:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration be, and it hereby is, granted and permitted to become effective forthwith, subject to the conditions prescribed in Rule U-24 and to the following additional terms and conditions:

(1) That the proposed sale by Bond and Share of the common stock of United Gas shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been issued in the light of the record so completed, which order may contain such further terms or conditions as may then be deemed appropriate;

(2) That jurisdiction be reserved with respect to the fees and expenses incurred or to be incurred by Bond and Share in connection with the proposed sale of stock;

(3) That jurisdiction be reserved to make, to the extent appropriate, further orders, findings and recitals pursuant to Supplement R and section 1808 (f) of the Internal Revenue Code, as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10611; Filed, Dec. 22, 1953; 8:46 a. m.]



[File No. 812-850]

INVESTORS DIVERSIFIED SERVICES, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER APPROVING INCENTIVE PAY PLAN

DECEMBER 17, 1953.

Notice is hereby given that Investors Diversified Services, Inc., of Minneapolis, Minnesota, ("IDS"), a registered face-amount certificate company, has filed an application pursuant to section 17 (d) of the Investment Company Act of 1940 and Rule N-17D-1 of the rules and regulations promulgated thereunder for an order of the Commission permitting it to effect an incentive pay plan for the benefit of its district managers, sales representatives and divisional office secretaries who are directly and indirectly offering for sale and selling face-amount certificates and other securities for which applicant is the underwriter, under which proposed payments are to be made on or about October 1, 1954, based on business done during the year 1953. The proposed plan is similar in purpose, terms and conditions to like plans in effect for the year 1952 and previous years.

IDS, which is controlled by Alleghany Corporation, a holding company, is also registered with the Commission as a broker under the provisions of the Securities Exchange Act of 1934. It is the underwriter and distributor of securities issued by three wholly owned face-amount certificate companies; Investors Syndicate Title & Guaranty Co., Investors Syndicate of Canada, Ltd., and Investors Syndicate of America, Inc., the latter a registered face-amount certificate company under the act, and of securities issued by Investors Mutual, Inc., Investors Stock Fund, Inc., and Investors Selective Fund, Inc. registered open-end investment companies; and Investors Mutual of Canada, Ltd., an open-end investment company, all of which were organized and promoted by IDS.

The purpose of the proposed incentive pay plan is to reward the employees of IDS for their ability in obtaining what the applicant refers to as "quality business." For the most part, the plan gives weight to sales made that are not liquidated or delinquent. The performance of individuals is proposed to be measured against the national performance of IDS and incentive payments are proposed to be made to each individual who qualifies under the terms of the plan with respect to period of employment and the sale of a certain minimum amount of securities.

Rule N-17D-1, promulgated under section 17 (d) of the act, provides, among other things, that it shall be unlawful, with certain exceptions not applicable here, for any affiliated person of a registered investment company or of any company controlled by any such registered company to participate in, or effect any transaction in connection with any bonus, profit-sharing or pension plan in which any such registered or controlled company is a participant unless an application regarding such plan has been granted by the Commission.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said

application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than January 5, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10613; Filed, Dec. 22, 1953; 8:46 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

CLEMENTE ALDOBRANDINI AND FERDINANDO ALDOBRANDINI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Clemente Aldobrandini, and Ferdinando Aldobrandini, Rome, Italy, Claim No. 39732; $247.77 in the Treasury of the United States; one-half (½) thereof to each claimant.

Executed at Washington, D. C., on December 16, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 53-10631; Filed, Dec. 22, 1953; 8:50 a. m.]

MRS. WILLIAM ASPENWALL BRADLEY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Mrs. William Aspenwall Bradley (Mrs. Jenny Serruys Bradley) 18, Quai de Bethune, Paris 4°, France, Claim No. 43125; $121.76 in the Treasury of the United States. All right, title and interest and claim of whatsoever nature arising out of an agency interest in a publication contract dated October 29, 1941, between Jules Romains and Alfred A. Knopf, Inc. covering royalties on the novel, A NEW DAY, and a supplementary letter dated November 5, 1941, between the same parties, defining and reaffirming the claimant's agency interest, to the extent owned by Mrs. William A. Bradley immediately prior to the vesting thereof by Vesting Order 3918, effective July 19, 1944.

Executed at Washington, D. C., on December 16, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 53-10632; Filed, Dec. 22, 1953; 8:50 a. m.]

LUEDER FICKEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Lueder Ficken, (23) Loehnhorst, Post-Bremen—St. Magnus, Germany, Claim No. 40980; $900.57 in the Treasury of the United States.

Executed at Washington, D. C., on December 16, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 53-10633; Filed, Dec. 22, 1953; 8:50 a. m.]

JACOB KOMPANEIZEFF

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Jacob Kompaneizeff (known as Jacques Companeez), 59, rue Spontini, Paris 16, France, Claim No. 43835; $1,455.98 in the Treasury of the United States. All right, title, interest and claim of whatsoever kind or nature in and to every copyright claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue, relating to "Eight Hundred Convicts March on Caraibo," as listed in Exhibit A to Vesting Order No. 3552 (9 F. R. 6464, June 13, 1944), to the extent owned by Jacob Kompaneizeff (known as Jacques Companeez) immediately prior to the vesting thereof by Vesting Order 3552.

Executed at Washington, D. C., on December 16, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 53-10634; Filed, Dec. 22, 1953; 8:50 a. m.]

OLAV TRYGVE THEODORSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Olav Trygve Theodorsen, Oslo, Norway, Claim No. 36834; Property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943) relating to United States Letters Patent No. 2,100,415.

Executed at Washington, D. C., on December 16, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 53-10636; Filed, Dec. 22, 1953; 8:50 a. m.]



ANFINN REFSDAL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Anfinn Refsdal, Lilleaker per Oslo, Norway, Claim No. 37389, Property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943) relating to United States Letters Patent No. 2,183,171.

Executed at Washington, D. C., on December 16, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 53-10637; Filed, Dec. 22, 1953; 8:50 a. m.]

ELISA VIALE OLIVA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Elisa Viale Oliva, Bice Viale Carisio and Giorgio Viale, Genoa, Italy, Claim No. 39728; Alfonso Bandettini di Poggio, Ubaldo Bandettini di Poggio and Adolfo Bandettini di Poggio, Genoa, Italy, Claim No. 40646; $629.16 in the Treasury of the United States; to Elisa Viale Oliva, Bice Viale Carisio, Giorgio Viale, Alfonso Bandettini di Poggio, Ubaldo Bandettini di Poggio and Adolfo Bandettini di Poggio.

Stock in the De Nobili Cigar Company, a New York corporation, consisting of 126 shares, third preferred capital stock, par value $25, Certificate No. 230, and 71 shares, common capital stock, par value $50 per share, Certificate No. 181, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City:

90 shares, third preferred capital stock and 50 shares, common capital stock to Elisa Viale Oliva, Bice Viale Carisio and Giorgio Viale;

36 shares, third preferred capital stock and 21 shares, common capital stock to Alfonso Bandettini di Poggio, Ubaldo Bandettini di Poggio and Adolfo Bandettini di Poggio in equal shares.

Executed at Washington, D. C., on December 16, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 53-10635; Filed, Dec. 22, 1953; 8:50 a. m.]

JOHN MONTAGU ORCZY-BARSTOW

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

John Montagu Orczy-Barstow, 21-A Porchester Terrace, London, W. 2, England, Claim No. 57965; $3,038.65 in the Treasury of the United States. All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and

# FEDERAL REGISTER

VOLUME 18 NUMBER 250

*Washington, Thursday, December 24, 1953*


## TITLE 7—AGRICULTURE

### Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

HANDLING OF MILK IN CERTAIN MARKETING AREAS

ORDER TERMINATING SPECIFIED TERMS OF CERTAIN ORDERS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of certain orders and orders as amended, as specified below, regulating the handling of milk in respective marketing areas, hereinafter referred to as the "orders", it is hereby found and determined that:

(a) The terms "Borden Co., Greenville, Wisconsin"; "Borden Co., Black Creek, Wisconsin" and "Carnation Co., Jefferson, Wisconsin" where they appear in the lists of plants (headed "Present Operator and Location", "Company(ies) and Location(s)" or "Concern and Location") and included in the following orders appearing in Title 7 of the Code of Federal Regulations, do not tend to effectuate the declared policy of the act:

Chicago, Part 941; Cincinnati, Part 965; Cleveland, Part 975; Columbus, Part 974; Dayton-Springfield, Part 971; Detroit, Part 924; Fort Smith, Part 976; Kansas City, Part 913; Knoxville, Part 988; Lima, Part 995; Louisville, Part 946; Memphis, Part 918; Milwaukee, Part 907; Minneapolis-St. Paul, Part 973; Muskegon, Part 985; Nashville, Part 978; Neosho Valley, Part 928; North Texas, Part 943; Oklahoma City, Part 905; Paducah, Part 977; Puget Sound, Part 925; Rockford-Freeport, Part 991; St. Louis, Part 903; San Antonio, Part 949; South Bend-La Porte, Part 967; Springfield, Part 921; Stark County, Part 963; Toledo, Part 930; Tri-State, Part 972; Tulsa-Muskogee, Part 906; and Wichita, Part 988.

(b) Notice of proposed rule making, public procedure thereon, and 30 days prior notice of the effective date hereof are impracticable, unnecessary and contrary to the public interest in that (1) the operators of said plants are not now reporting and in the future will not report prices at the said plants and for this reason prices at the said plants are not being used in any of the computations affecting the specified orders; (2) the continuance of these designations no longer serves any useful purpose; (3) the essential purpose of this termination order is to give to all interested persons notice that prices at said plants are no longer being used in any computations set forth in any of the specified orders; (4) this termination order has no material effect upon any person and does not require of any person substantial or extensive preparation prior to its effective date

*It is therefore ordered*, That the terms "Borden Co., Greenville, Wisconsin"; "Borden Co., Black Creek, Wisconsin" and "Carnation Co., Jefferson, Wisconsin" where they appear in the lists of plants (headed "Present Operator and Location", "Company(ies) and Location(s)" or "Concern and Location") and included in the specified provisions of the following orders, appearing in Title 7 of the Code of Federal Regulations, be and they hereby are terminated:

| *Orders* | *Specified provisions* |
|---|---|
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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

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Done at Washington, D. C., this 18th day of December 1953 to be effective immediately.

[SEAL] JOHN H. DAVIS,
*Assistant Secretary.*

[F. R. Doc. 53-10670; Filed, Dec. 23, 1953; 8:49 a. m.]

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PART 913—MILK IN THE GREATER KANSAS CITY MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING HANDLING

§ 913.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order

and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Greater Kansas City marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Greater Kansas City marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (August 1953) were engaged in the production of milk for sale in the said marketing area.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof the handling of milk in the Greater Kansas City marketing area shall be in conformity to and compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 913.10 and substitute therefor the following:

§ 913.10 *Pool plant.* "Pool plant" means an approved plant other than the plant of a producer-handler:

(a) During any delivery period within which an amount of milk equal to 15 percent of more of such plant's receipts of milk from dairy farmers who meet the specifications (other than delivery to a pool plant) of § 913.7 is disposed of from such plant as Class I milk on routes operated in the marketing area;

(b) During any delivery period of September, October, November, December, January, or February within which an amount of milk equal to 30 percent or more of such plant's receipts of milk from dairy farmers who meet the specifications (other than delivery to a pool plant) of § 913.7 is transferred in bulk to a plant described in paragraph (a) of this section. Any such plant which is a pool plant in each of the delivery periods of September, October, November, December, January, and February shall be a pool plant for each of the following months of March, April, May, June, July, and August, regardless of the quantity of milk then disposed of to other pool plants, if a written request for pool plant status for such six months' period is received from the operator of such plant by the market administrator before March 1; or

(c) (1) During any delivery period within which such plant is operated by a cooperative association, and 75 percent or more of the milk delivered during the delivery period by producers who are members of such association is received at the pool plants of other handlers.

(2) If a handler operates more than one approved plant, the percentage requirements of this definition shall apply to the combined receipts and disposition of such multiple plant operation except that no plant which was not an approved plant during each of the preceding delivery periods of September through February shall be a pool plant as a part of such multiple plant operation during any of the delivery periods of March through August unless such multiple plant operation qualified under paragraph (a of this section for pool plant status for such delivery period.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 18th day of December 1953 to be effective on and after the 1st day of February 1954.

[SEAL] JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 53-10671; Filed, Dec. 23, 1953; 8:50 a. m.]

## PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

### DETERMINATION OF EQUIVALENT OF PRICES PAID AT CERTAIN MIDWESTERN CONDENSERIES

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and to the applicable provisions of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area (7 CFR Part 927), hereinafter referred to as the "order", it is hereby found and determined as follows:

1. Prices are no longer being reported for the condenseries formerly operated by the Borden Company at Greenville and Black Creek, Wisconsin, and by the Carnation Company at Jefferson, Wisconsin.

2. In accordance with § 927.45 it is hereby determined that the average of the prices paid by the remaining midwestern condenseries, as reported by the United States Department of Agriculture, are equivalent to and comparable with the prices heretofore announced by the market administrator for the 18 condenseries pursuant to § 927.46 (a) (8).

3. Notice of proposed rule making, public procedure thereon, and 30 days prior notice of the effective date hereof are impracticable, unnecessary and contrary to the public interest in that (1) the operators of said plants are not now reporting and in the future will not report prices at the said plants and for this reason prices at the said plants are not being used in any of the computations affecting the order; (2) the essential purpose of this determination is to give to all interested persons notice that prices at said plants are no longer being used in any computations set forth in the order; (3) this determination has no material effect upon any person and does not require of any person substantial or extensive preparation prior to its effective date.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 18th day of December 1953, to become effective immediately.

[SEAL] JOHN H. DAVIS,
*Assistant Secretary.*

[F. R. Doc. 53-10672; Filed, Dec. 23, 1953; 8:50 a. m.]

## PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

### APPROVAL OF PROPOSED BUDGET OF EXPENSES AND RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget of expenses and rate of assessment, to be made effective under Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California, was published in the FEDERAL REGISTER (18 F. R. 7323) on November 19, 1953. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented including the budget of expenses and rate of assessment set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the Oregon-California Potato Committee, established pursuant to said marketing agreement and amended order, the following rules and regulations are hereby approved.

§ 959.206 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 59, as amended (§§ 959.1 to 959.88), to enable such committee to carry out its functions pursuant to the provisions of the aforesaid marketing agreement and amended order during the fiscal year ending June 30, 1954, will amount to $14,400.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-fourth of one cent ($0.0025) per hundredweight handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114 and Order No. 59, as amended (§§ 959.1 to 959.88).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 18th day of December 1953, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 53-10674; Filed, Dec. 23, 1953; 8:50 a. m.]

[Docket No. AO-160-A-14-R01]

## PART 961—MILK IN THE PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

### ORDER AMENDING THE ORDER, AS AMENDED, REGULATING HANDLING

§ 961.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held at Philadelphia, Pennsylvania, on August 12–13, 1952, January 28, 1953, February 24–27, 1953, and March 5–6, 1953, upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, as amended, and as hereby further amended, and all the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than January 1, 1954, this order amending the order, as amended. This action is necessary in the public interest to reflect current marketing conditions. Accordingly, any delay in the effective date of this order beyond the aforesaid date, will seriously impair orderly marketing of milk in the Philadelphia, Pennsylvania, marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held on dates set forth under paragraph (a) of this section, a recommended decision having been issued on August 20, 1953, and the decision of the Secretary on December 8, 1953. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (See sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended, which is marketed within the Philadelphia, Pennsylvania, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period (October 1953) were engaged in the production of milk for sale in the said marketing area.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 961.6 (c) and substitute:

(c) Any other plant from which milk is supplied to a pasteurizing or bottling plant described in paragraph (b) of this section: *Provided*, That any such other plant shall not be included in this definition during any month in which there is shipped from the plant only Class II milk as defined in § 961.31 or during any of the months of October, November, December, and January in which shipments are made from the plant on less than 11 days, or during any other month in which shipments allocated to Class I are not more than 25,000 pounds, to such pasteurizing and bottling plant or to a plant or plants supplying such pasteurizing or bottling plant.

2. In § 961.43 delete the 2d proviso and substitute: "*And provided further*, That for Class I milk disposed of in an area where the handling of milk is regulated by another order of the Secretary the price effective under such other order shall apply, except that for Class I milk disposed of in the New York metropolitan milk marketing area, the price shall be the Class I–A price pursuant to the New York order less such payment as is required on such milk pursuant to the New York order."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 18th day of December 1953, to be effective on and after the 1st day of January 1954.

[SEAL] JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 53-10673; Filed, Dec. 23, 1953; 8:50 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

### Subchapter A—Civil Air Regulations

[Supplement 3]

### PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

MISCELLANEOUS CAA RULES

On April 13, 1953, the Civil Aeronautics Board adopted a revision of Part 40 containing major changes in the certification and operation rules applicable to domestic scheduled interstate air carriers. On October 21, 1953, the Administrator of Civil Aeronautics published in 18 F. R. 6670, rules which he proposed to adopted for the purpose of implementing the Board's revised Part 40. Interested persons were afforded an opportunity to submit written data, views, or arguments. Consideration has been given to all relevant matter presented.

This supplement sets forth the rules which the Administrator is adopting to implement revised Part 40. In the interest of safety in air commerce, the supplement is made effective on the effective date of revised Part 40. Compliance with the effective date provision of section 4 of the Administrative Procedure Act would be impracticable, and therefore is not required.

The following rules are hereby adopted:

§ 40.12–1 *Application for air carrier operating certificate (CAA rules which apply to § 40.12)*—(a) *General.* (1) The holder of a certificate of convenience and necessity shall apply to the appropriate regional administrator for an air carrier operating certificate at least 30 days prior to the date proposed for beginning scheduled interstate air transportation within the continental limits of the United States. The application shall be prepared in loose-leaf form, on white paper approximately 8'' x 10½'' in size, and using one side of the sheet only. The application shall be executed by a duly authorized officer or employee of the applicant having knowledge of the matters set forth therein, and shall have attached thereto two copies of the appropriate written authority issued to such officer or employee by the applicant.

(2) Two copies of the application, and of subsequent amendments thereto, shall be filed with the Regional Administrator having jurisdiction over the area in which the principal office of the air carrier is located. When any facility or service directly affecting the operation of the air carrier concerned is furnished by other than the applicant or the Federal Government, at least two copies of the contract or working agreement concerning such facilities or service shall be submitted with the application. In this connection, if formal contracts covering such facilities or service have not been completed, letters showing agreement between the contracting parties will be accepted until copies of the formal contract are obtainable.

(b) *Format of application.* The application shall be in the form of a letter and shall contain the information outlined below:

To: Regional Administrator, Civil Aeronautics Administration.

In accordance with section 604 of the Civil Aeronautics Act of 1938, as amended, and the Civil Air Regulations, application is hereby made for an Air Carrier Operating Certificate.

Give exact name and full post office address of applicant.

Give the name, title, and post office address of the official or employee to whom correspondence in regard to the application is to be addressed.

SECTION I. *Operations.* A. State whether the type of service proposed is for the carriage of passengers, goods, or mail, or a particular combination thereof. If the type of service is not the same for each route or portion thereof, specify the type of service for each route or portion of a route.

B. State whether the type of operation proposed is day or night, visual flight rules, instrument or over-the-top, or a particular combination thereof. If the type of operation is not the same for each route or route segment, specify the type of operation for each route or route segment.

SEC. II. *Schedule.* A. Submit a proposed schedule plan (or plans if seasonal changes or differences in equipment are involved) indicating the following:

1. Block to block time and mileage between scheduled stops.
2. Ground time at each intermediate and terminal stop.

B. Specify the basis upon which the proposed schedule has been computed, indicating the following:

1. Cruising speed and altitude.
2. Percentage of horsepower.
3. Direction and velocity of prevailing winds.

SEC. III. *Route.* A. Submit a map suitable for aerial navigation on which are shown the exact geographical track of the proposed routes, and information with respect to terminal and intermediate stops, available landing areas, and radio navigational facilities. This material will be indicated in a manner that will facilitate identification. The applicant may use any method that will clearly distinguish the information, such as different colors, different types of lines, etc. For example, if different colors are used, the identification will be accomplished as follows:

1. Airway routes: Black.
2. Direct routes: Green.
3. Terminal and regular intermediate stops: Orange circle.
4. Alternate landing fields or areas: Purple circle.
5. Other available landing fields or areas; Yellow circle.
6. Indicate the location and normal operating range of all radio navigational facilities to be used in connection with the proposed operation.

B. *Airports.* Furnish the following information with regard to each regular, alternate, refueling, and provisional airport to be used in the conduct of the proposed operation.

1. Name of airport.
2. Location (by coordinates, and by name of nearest city or town, and direction and distance thereto).
3. Class of airport or landing area (municipal, commercial, military, private or marked auxiliary).
4. Altitude above sea level.
5. Dimensions in linear feet of landing space available.
6. If hard-surfaced runways are provided, give number, direction, length and width of each and indicate type of surfacing.
7. Obstructions (list adjacent obstructions, giving height and location, or attach appropriate C. G. A. L. charts if available).
8. Airport lighting (include beacon, auxiliary beacon, boundary lights, floodlights, etc., and any emergency lighting equipment; and by whom operated).
9. List refueling facilities available.
10. Is airport control tower provided and by whom?
11. Itemize radio navigational facilities provided and indicate the operating agency.
12. Does runway gradient exceed 2 percent? If so, state gradient.
13. What provisions are made for protection of passengers during loading and unloading at scheduled stop airports?
14. Prevailing winds?
15. Where necessary, are adequate snow removal facilities available?

C. *Weather reporting.* 1. Outline the weather service proposed to be used for dispatching over each route; the source, if other than a United States Weather Bureau Station; list in detail the location and agency in control of stations furnishing reports for each service; the frequency and method of collection and dissemination of weather information. Outline available terminal and route forecasting services, the type of maps and the intervals at which they are made each day.

2. Where it has been determined that additional weather reporting services will be required of the U. S. Weather Bureau for the type of operation involved, the air carrier will apply in writing to the appropriate Weather Bureau Regional Office. The request for the weather reporting services considered essential should be made coincidental with this application to the Civil Aeronautics Administration.

3. For operations within the continental limits of the United States, if other than a U. S. Weather Bureau Station, show proof of U. S. Weather Bureau approval of the service and specify the meteorological facilities available, the number of personnel and the duties of each, such as the making of weather maps, forecasts, observations, etc.

D. *Airway lighting.* List in detail all airway lighting on the routes other than those airway lighting facilities owned and operated by the Civil Aeronautics Administration if application includes request for night VFR operation.

SEC. IV. *Radio facilities—A. Communications.* List company radio ground communication facilities installed, proposed to be installed, and those available to, but not owned by applicant, for each route. The expected communication coverage of all MF and HF ground facilities should be provided in map form. In the case of VHF, the expected coverage at exemplary altitudes should be outlined. Aircraft reporting and general change points, and frequencies should be specified either on the maps or as an attachment. (If owned by other than applicant, attach 2 certified copies of operating agreement.) List the following details for each station:

*Transmitters.* List the following information in regard to each transmitter:

1. Make and model number.
2. Remotely or locally controlled.
3. Types of emission and antenna power for each type of emission.
4. Number of frequency channels provided and actual frequencies in kilocycles proposed to be used.
5. Method of frequency change (quick shift or manual tuning).
6. Primary power source, voltage, phase, etc., and whether commercial source or locally generated.
7. Auxiliary power source.
8. Functional purpose of transmitter. If transmitter is used for more than one function, list in order of primary and secondary functions as—

a. Radiotelephone plane to ground primary purpose and radiotelephone point to point secondary purpose, or



b. Radiotelephone point to point primary purpose and standby radiotelephone plane to ground secondary purpose, etc.

*Receivers.* 1. List each receiver by type of model number and state its primary function, i. e., plane-to-ground guard, point-to-point C. W. or point-to-point radiotelephony.

2. List frequency range of each receiver and state which frequencies in each receiver are crystal controlled, if any.

3. Describe receiver installation to show number of receivers locally controlled and number remotely controlled.

B *Radio navigational facilities.* List each ground radio navigational facility, other than those operated by the United States Government, to be used in the conduct of the proposed operations (if privately owned ground radio navigational facilities are to be used and are owned by other than the applicant, attach two certified copies of the operating agreement pertaining to the use of such facilities). List the following information with respect to each facility:

1. Type of facility, i. e., ILS, GCA, Non-Directional Radio Beacon LF and VHF Radio Ranges, Loran, etc.
2. Estimated effective range (in miles).
3. Coordinates and location with respect to field or landing area.
4. Power supply, i. e., commercial or locally generated.
5. Auxiliary power supply.
6. Operating frequency or frequencies.

C. *Aircraft radio equipment.* List and describe the aircraft radio equipment installed in each aircraft by:

1. Type number.
2. Manufacturer.
3. Frequency range.
4. Operating frequencies.
5. Emergency power supply.
6. Antenna system.

SEC. V. *Weather minimums.* A. Submit in detail the proposed ceiling and visibility limitations for take-off for instrument flight and let-down-through at each regular, alternate, refueling, and provisional airport. Differentiate between daylight and darkness in the listing, and where more than one type of aircraft is to be utilized, and a differential of limitations exists, indicate proposed limitations for each type of aircraft.

B. Submit for each proposed scheduled stop and alternate airport a detailed flight procedure for instrument approach and let-down-through and where specific procedures are necessary because of terrain or traffic conditions, submit a detailed flight procedure for take-off and climb (such procedure should be set up on the basis of the ceiling and visibility minimums proposed.)

C. The above information may be submitted on Forms ACA-511 of the air carrier's proposed operations specifications.

SEC. VI. *Aircraft.* A. List the following information, as applicable, for each aircraft to be used in the proposed operations:

1. The name of the manufacturer.
2. Certification basis and category.
3. Manufacturer's model number.
4. Name of the manufacturer and type number of engines.
5. Name of manufacturer and type number of propellers.
6. N registration number and aircraft designation.
7. Type of service in which aircraft will be used (carriage of persons, property, mail, or combination thereof).
8. Will aircraft be used in regular or reserve service?
9. What type of operation (day, night, visual flight rules, instrument (over-the-top)) will be conducted with this aircraft?
10. List each route or portion thereof over which this aircraft is to be operated and the maximum gross weight proposed for each route or portion thereof.
11. What is the service ceiling of each type aircraft with one engine inoperative?
12. List and describe installation and location of all lifesaving equipment and emergency supplies carried aboard each aircraft, such as life rafts, life preservers, portable emergency transmitters, Very pistols, and emergency rations. (If the same equipment is not carried during all seasons of the year, and on all routes, list and explain the difference.)

SEC. VII. *Maintenance: Aircraft, engines, and accessories.* A. Furnish an organization chart indicating the authority and the duties of the maintenance and inspection personnel employed by the applicant and/or any other person with whom arrangements have been made for the performance of maintenance and inspection functions.

B. Furnish a schedule of overhauls, inspections and checks and the time limitations for such functions which will be performed on each type of aircraft to include the airframes, powerplants, propellers and appliances. The schedule should be sufficiently detailed to indicate all of the overhauls, inspections and checks which will be performed on all components of each type of air carrier aircraft. The schedule should be listed under the following general headings:

1. Aircraft components:
   a. Wings.
   b. Fuselage.
   c. Empennage.
   d. Landing gear.
   e. Wheels and brakes.
   f. Center section (when applicable).
   g. Nacelles.
   h. Control System.
   i. Hydraulic system.
   j. Accessories (aircraft).
   k. Fuel and oil system (aft of firewall).
   l. Fuel tanks.
   m. Cabin pressurizing and heating systems.
2. Engine components:
   a. Engine.
   b. Accessories (engine).
   c. Propellers.
   d. Fuel and oil system (forward of firewall).
   e. Oil tanks.
3. Instruments:
   a. Flight instruments.
   b. Aircraft and engine instruments.

(If any of the components listed are overhauled on an "on condition" overhaul basis, describe the procedures used to control the continued airworthiness of such components.)

When maintenance functions are performed by outside agencies, copies of the maintenance agreement regarding the extent of such services to be furnished should be attached to the application, as provided for in subparagraph (a) (2) of this section. The agreement should specify that services furnished should conform to the standards approved for the operator, the air carrier operations specifications, aircraft maintenance, and complies with all requirements of the Civil Air Regulations.

C. Indicate and define the type of maintenance operations (overhauls, inspections, and checks) that will be accomplished at each terminal, intermediate and overnight stop, relative to the following:

1. Disassembly and overhaul of aircraft components, engines, propellers, instruments, and accessories (aircraft and engine).
2. Periodic inspection and check of aircraft components, engine, propellers, instruments, and accessories (aircraft and engine).
3. Routine inspection of aircraft components, engines, propellers, instruments, and accessories (aircraft and engine).
4. Spare part and component replacements at intermediate and overnight stops.
5. Refueling.

D. Indicate the number of certificated, non-certificate airmen (repairmen/mechanics), and helpers, etc. including their company designation (foreman, inspectors, crew chiefs, etc.), located at the main overhaul base and each terminal and intermediate stop.

E. Indicate the distribution of the following items of spare equipment:

1. Aircraft (list quantity, make, and model).
2. Engines (list quantity, make, and model).
3. Propellers (list quantity, make, and model).
4. Instruments (list quantity, make, and model).

F. For each terminal, and intermediate stop at which refueling operation will be performed, describe the following:

1. Number, type (elevated or underground), and capacity of each fuel and oil storage tank.
2. List octane ratings of fuels available.
3. List S. A. E. rating or viscosity of oil available.
4. List facilities and methods for the detection and prevention of fuel contamination.
5. Outline method and procedure with reference to recording water checks.
6. Type of covered container used to convey oil from storage tank to aircraft.
7. Outline method and procedure of grounding aircraft in protection of fire.

G. For each terminal and intermediate stop, describe the following facilities:

1. Hangars and/or work docks provided for the protection from the elements for aircraft and personnel performing maintenance operations:
   a. Number, size, and type.
   b. Dimensions and number of square feet available for aircraft storage.
   c. Dimensions and number of square feet available for shop space.
   d. Dimensions of hangar doors and/or capacity of work docks.
   e. Number of largest sized aircraft of applicant which may be housed.
2. Equipment for ground handling of aircraft, as may be required for the proposed operation.
3. Tools, fixtures, test equipment, and other necessary shop apparatus necessary for the maintenance operations performed.

SEC. VIII. *Maintenance: Electrical and electronic equipment.* A. Briefly, describe the functional operation of the electrical/electronic maintenance organization, indicating the number and scope of responsibility of supervisory personnel and the number and distribution of qualified mechanics and inspectors. Indicate the number, company designation (foreman, inspectors, lead men, etc.), and location of all certificated airmen (certificated repairmen or certificated mechanics) who are directly in charge of electrical electronic maintenance activities.

B. Indicate the following with respect to aircraft radio equipment maintenance procedures:

1. Overhaul or bench check periods of aircraft radio equipment and station at which accomplished.
2. Periodic inspection and check periods of aircraft radio equipment and stations at which accomplished.
3. Equipment replacement at intermediate and overnight stops.

C. Indicate whether overhaul, periodic inspection, and routine inspection of aircraft electrical equipment are under the jurisdiction of the radio maintenance department or other department such as aircraft, engine, or accessories maintenance department.

D. Indicate the following with respect to aircraft electrical equipment procedures:

1. Overhaul or bench check periods of aircraft electrical equipment and stations at which accomplished.
2. Periodic inspection and check periods of aircraft electrical equipment and stations at which accomplished.
3. Routine inspection periods of aircraft electrical equipment and stations at which accomplished.

E. Indicate the distribution of the following items of spare equipment:

1. Radio equipment (list quantity, make, and model).
2. Electrical equipment (list quantity, make, and model).
3. Other electronic equipment (list quantity, make, and model).

F. If "on condition" overhaul of electrical/electronic is utilized, describe the bench check or major inspection procedures used to control performance tolerances and fixed period overhaul of components subject to wear and deterioration as a function of time in service.

(c) *Operations specifications.* The operations specifications proposed by the carrier as required by § 40.18 applicable to the intended operation shall be attached to the letter of application in paragraph (b) of this section for an air carrier operating certificate. (See § 40.18–1.)

§ 40.18–1 *Original issuance and amendment of operations specifications (CAA rules which apply to § 40.18 (a))*—(a) *Original issuance of operations specifications.* The air carrier's original application for the issuance of operations specifications shall be included with its letter of application for an air carrier operating certificate (see § 40.12–1). Details concerning appropriate forms, number of copies, etc., will be furnished either by the local CAA Air Carrier District Office or by the CAA Regional Office having jurisdiction over the area in which the air carrier will establish its principal operations base.

(b) *Amendment of operations specifications.* Applications to amend operations specifications shall be submitted by the air carrier to the appropriate local Aviation Safety Agent at least 15 days prior to the proposed effective date of such amendment, unless the Aviation Safety Agent approves a shorter filing period. The information required by § 40.12–1 in connection with the original application for an air carrier operating certificate shall, insofar as applicable, be furnished in support of an application to amend an air carrier's operations specifications.

§ 40.18–2 *Form of application for issuance of initial or revised Operations Specifications, Aircraft Maintenance (CAA rules which apply to § 40.18 (a)).* (a) Applications by the air carrier for new or amended Operations Specifications, Aircraft Maintenance, shall be made on Operations Specifications Form ACA–1014 or equivalent.

(b) Those pages of the Operations Specifications, Aircraft Maintenance, which contain the list of aircraft components, inspections, checks and overhauls, and time limitations therefor, shall be prepared by the air carrier on a Form ACA–1014 or equivalent. Such pages shall be prepared to permit insertion in a suitable loose-leaf binder. Each page shall be consecutively numbered and identified as an Operations Specification, Aircraft Maintenance.

(c) The air carrier shall list the aircraft components and the overhauls, inspections, checks, and time limitations therefor, either on separate pages in the Operations Specifications, Aircraft Maintenance, or together on the same pages. If listed separately, the overhauls, inspections, and checks shall be appropriately and thoroughly identified, by number and/or nomenclature, to include any applicable abbreviations. The list of individual aircraft components shall show proper reference to the overhauls, inspections, or checks by means of the applicable number, nomenclature, or abbreviation thereof. When so listed, it shall mean that such components are overhauled, inspected, or checked at the times identified in the Operations Specifications.

(d) Four copies of the application[1] and attachments shall be submitted to the assigned agents, the first copy of the application bearing the signature of a duly authorized representative of the air carrier. Approval or disapproval shall be indicated on the first and second copies of the application and attachments which will be returned to the air carrier. The air carrier shall, in turn, indicate receipt in the space provided on the second copy and return it to the assigned agent.

§ 40.18–3 *Form of application for issuance of initial or revised Operations Specifications, Aircraft Weight and Balance Control (CAA rules which apply to § 40.18 (a)).* (a) Applications by the air carrier for new or amended Operations Specifications, Aircraft Weight and Balance Control,[2] shall be made on Operations Specifications Form ACA–1014 or equivalent.

(b) Four copies of the application shall be submitted, the first copy of the application bearing the signature of a duly authorized representative of the air carrier. Approval or disapproval of the carrier's application shall be indicated on the first and second copies of the application which will be returned to the air carrier. The air carrier shall, in turn, indicate receipt in space provided on the second copy and return it to the assigned agent.

§ 40.70–1 *Deviations (CAA rules which apply to § 40.70 (a)).* An application for any deviation shall include all supporting data and shall be forwarded to the CAA Aviation Safety District Office charged with the over-all inspection of the air carrier's operations.

§ 40.90–1 *Performance data (CAA rules which apply to § 40.90).* Performance data published by the Administrator to determine performance requirements in relation to the airports to be used and the areas to be traversed are set forth in figures 1 through 10[3] and paragraph (b) of this section. For the purpose of determining performance data, figures 1, 3, and 6, "paved runway" shall mean paved with asphalt or concrete. Figures 2, 4, and 7 shall be used for all other runway surfaces, except in individual cases where the Administrator finds that a particular runway surface justifies the use of the paved runway data or a specific correction factor. Data based on flight tests conducted under the supervision of CAA Aircraft Engineering Division and approved by the Administrator may be used in lieu of the published data. An application for any deviation shall include all supporting data and shall be forwarded to the CAA Aviation Safety District Office charged with the over-all inspection of the air carriers' operations.

[1] Application for initial time limitations applicable to new aircraft, engines, propellers or appliances, not previously used in air carrier service may require Washington concurrence prior to final issuance by the CAA regional office, and therefore should be submitted as soon as possible, but not later than 15 days prior to the date that the aircraft or component is to be placed into service.

[2] The Operations Specifications, Aircraft Weight and Balance Control may combine weight control procedures common to more than one aircraft or they may separate weight and balance procedures specifically adapted to a particular aircraft type and model.

[3] The charts are presented in graph form for selected values. Other values may be determined by interpolation or extrapolation, provided the operating and structural limitations are not exceeded. The following examples are given to explain the use of figures 1 through 10:

*Example 1.* Figure 8 is used in the following manner: (a) Determine the wind velocity and wind angle relative to the runway. (In the example illustrated in figure 8, for Runway 27, and a wind from WNW at 25 m. p. h., the relative wind angle is 22°.)

(b) Enter the chart with the above information at point A.

(c) Enter chart at point B using the existing effective runway length and project a line horizontally.

(d) Project a vertical line from point A to intersect line from point B.

(e) At point C, the intersection of these two lines, read the effective runway length available for zero wind. This figure, after being corrected for runway gradient, is used with the appropriate take-off or landing chart to determine the maximum permissible gross weight. It should be noted that a reverse of this procedure will furnish information on the actual runway required if the zero wind runway required is known for a given gross weight.

(f) By projecting a line horizontally from point A to point D, the crosswind component can be determined.

*Example 2.* Operating conditions for take-off:

Aircraft = DC–3 S1C3G.
Airport = Elevation = 4,000'.
Effective runway length = 3,300 feet (paved).
Runway gradient = +1.2 percent.

The equivalent runway length due to gradient =

$$S=\frac{SG}{\left[1+\left(\frac{S_G 92 \sin a}{V_2^2}\right)\right]}$$

$$=1+\frac{3{,}300}{\frac{(3{,}300\times 32.2\times 2\times .012)}{(98\times 1.467)^2}}$$

$$=2{,}938 \text{ feet.}$$

Due to the positive, or uphill, gradient effect, the zero gradient runway length is 2,938 feet. This figure, versus the airport elevation is used with figure 3 to determine the allowable gross weight for take-off. It will be noted that this runway length/airport elevation combination is outside the range of values plotted on the chart. Therefore, under a zero wind condition, operations from the runway in question would be impracticable due to the weight restriction.

If a 25 m. p. h. headwind component exists, the use of figure 8 indicates a zero wind runway length of 3,800 feet. This figure is predicated on $1.05V_{mc}$=92 m. p. h. Since figure 10 indicates $1.05V_{mc}$(92 m. p. h. TIAS) = 97.6 m. p. h. TAS (use 98) at an elevation of 4,000 feet, the distance of 3,800 feet must be multiplied by a correction factor from figure 9. The factor in this example, (25 m. p. h. headwind component and $1.05V_{mc}$=98 m. p. h. TAS), is 1.018 giving a corrected zero wind runway distance of 3,800 feet × 1.018 = 3,868 feet. By referring to figure 3, it is found that this zero wind runway length will permit a take-off at a weight of 24,200 pounds.

If the take-off was to be made in the opposite direction, the benefit of the downhill gradient on the accelerate distance would result in a zero gradient runway length of 3,770 feet. This would permit a take-off at a weight of 24,200 pounds, with zero wind. Figure 3 indicates that 3,970 feet of runway is required to permit take-off at a maximum gross weight of 25,200 pounds. Figure 8 indicates that a headwind component of 3 m. p. h. will give the desired zero wind runway length of 3,970 feet to permit take-off at the maximum gross weight.

*Example 3.* Operating conditions for landing: Same as in example 2, except that § 40.93 does not require consideration of gradient in detailing the landing limitations.

Referring to figure 6, we find that a 3,300-foot paved runway at an elevation of 4,000 feet, permits a landing gross weight of 22,600 pounds, in a zero wind condition. If a 25 m. p. h. headwind component is forecast, we find by reference to figure 8 that the zero wind runway length becomes 4,300 feet. In this example, the distance of 4,300 feet is predicated on $1.3V_{s_0}$=92 m. p. h. Therefore, by reference, figure 10, $1.3V_{s_0}$ is found to be 98 m. p. h. at 4,000 feet and by reference to figure 9, it is found that the correction factor is 1.018, resulting in a zero wind runway length of 4,300 × 1.018 = 4,377 feet. Figure 6 indicates that this zero wind runway length will permit landing at the maximum gross weight.





§ 40.91–1 *Take-off limitations (CAA rules which apply to § 40.91).* (a) Figures 1, 2, 3, 4, 8, 9, and 10 shall be used in determining take-off limitations.

(b) If the gradient of the runway exceeds ½ percent, the effect of the total gradient shall be accounted for. The effect of gradient may be calculated from the following formula, or other methods by which the effects of gradient can be accurately computed:

$$S_G=S\left[\frac{1}{1-\left(\frac{2Sg\sin a}{V_2^2}\right)}\right]$$

Where:
$S_G$ = length of ground run with gradient (required or available).
$S$ = length of ground run without gradient (required or available).
$g$ = acceleration of gravity = 32.2 (ft/sec²).
$V_2$ = climb out speed, feet per second, true air speed.
$a$ = angle of grade with horizontal, uphill +, downhill −.

Where runways with gradient are of such length that the gross weight would be reduced, the following equation will be more useful in determining the zero gradient runway length to be used in determining the permissible gross weight from figures 1, 2, 3, and 4:

$$S=\frac{S_G}{1+\left(\frac{S_G g^2\sin a}{V_2^3}\right)}$$

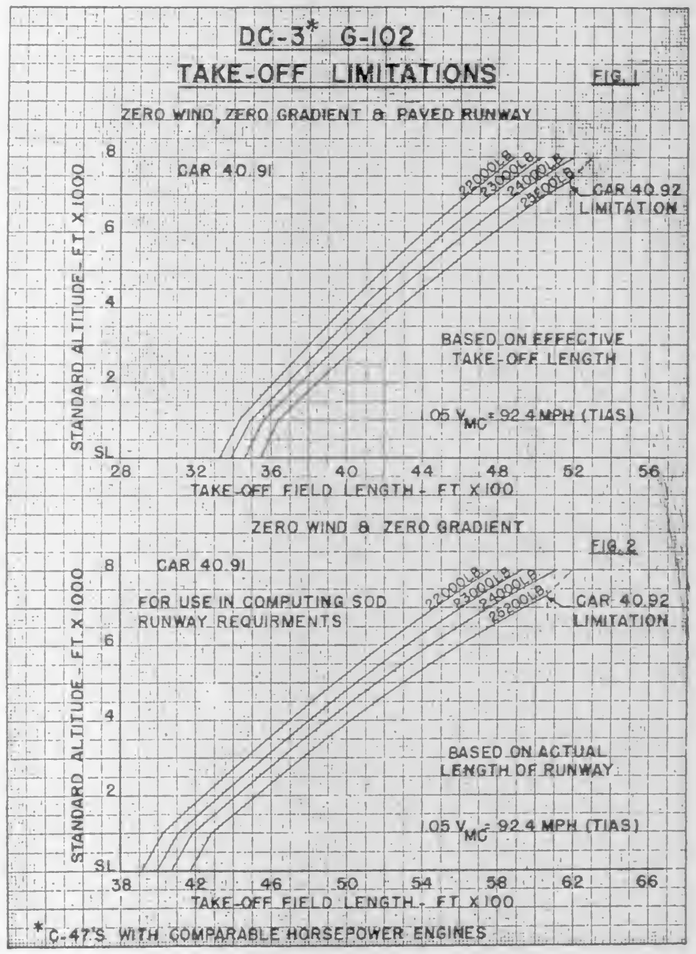
(c) The maximum allowable take-off weight from sod runways shall be the lesser gross weight as determined by application of the effective length to the appropriate take-off table (fig. 1 or 3) and by application of the actual runway length to the corresponding take-off table (fig. 2 or 4). Figures 1 and 3 are used to determine the maximum allowable gross weight which will permit the aircraft to take off within the effective runway length, while figures 2 and 4 are used to determine the maximum allowable gross weight which will permit the particular aircraft to be accelerated and brought to a full stop within the actual length of available runway.

§ 40.92–1 *En route limitations (CAA rules which apply to § 40.92).* Figure 5 shall be used in determining the en route limitations. An application for approval of "drift-down" procedures shall include all supporting data. The application will be forwarded to the CAA Aviation Safety District Office charged with the over-all inspection of the air carrier operations.

§ 40.93–1 *Landing distance limitations (CAA rules which apply to § 40.93).* (a) Figures 6, 8, 9, and 10 shall be used in determining landing distance limitations on paved runways.

(b) Figures 7, 8, 9, and 10 shall be used in determining landing distance limitations on sod runways.

§ 40.205–1 *Requirement of protective breathing equipment in nonpressurized cabin airplanes (CAA rules which apply to § 40.205 (b)).* Protective breathing



## DC-3* SIC3G, G-202A
## TAKE-OFF LIMITATIONS

FIG. 3

ZERO WIND, ZERO GRADIENT & PAVED RUNWAY

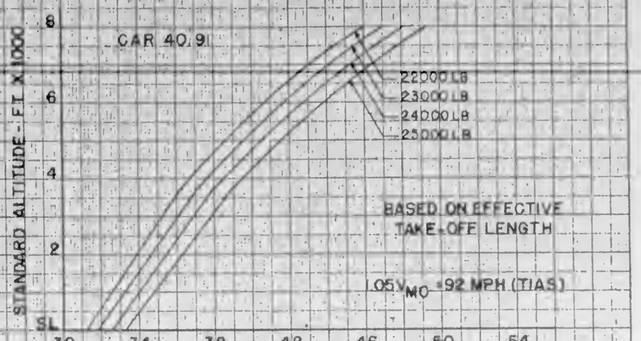
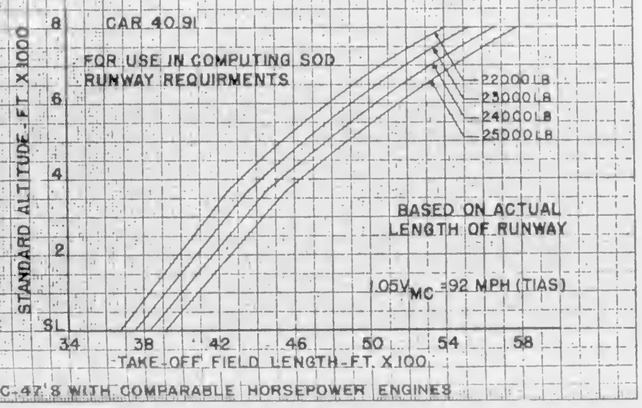



FIG. 4

ZERO WIND & ZERO GRADIENT

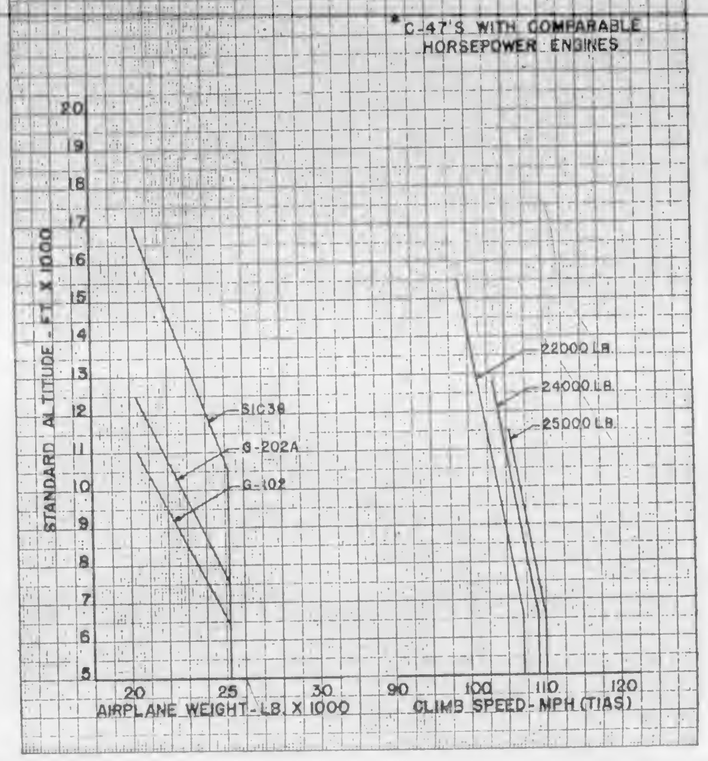



*C-47'S WITH COMPARABLE HORSEPOWER ENGINES

## DC-3* SIC3G, G-202A, G-102
## ENROUTE LIMITATIONS - ONE ENGINE INOPERATIVE
## TERRAIN CLEARANCE
## CAR 40.92

FIG. 5

*C-47'S WITH COMPARABLE HORSEPOWER ENGINES






## DC-3* SIC3G, G-202A, G-102
## LANDING LIMITATIONS

FIG. 6

ZERO WIND, ZERO GRADIENT & PAVED RUNWAY

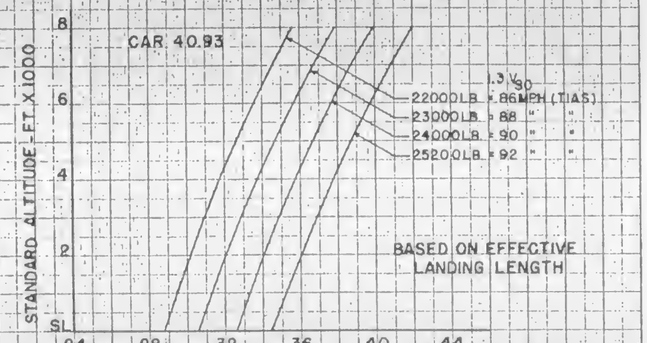
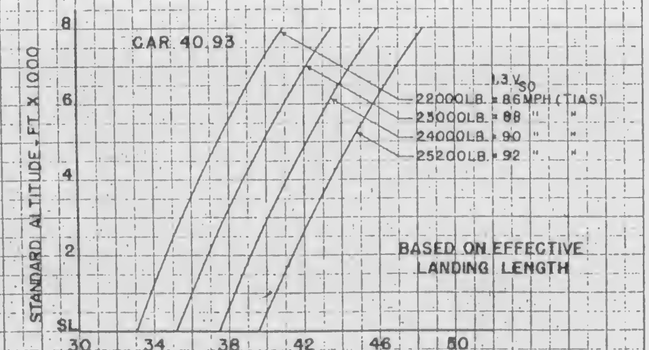



FIG. 7

ZERO WIND, ZERO GRADIENT & SOD RUNWAY

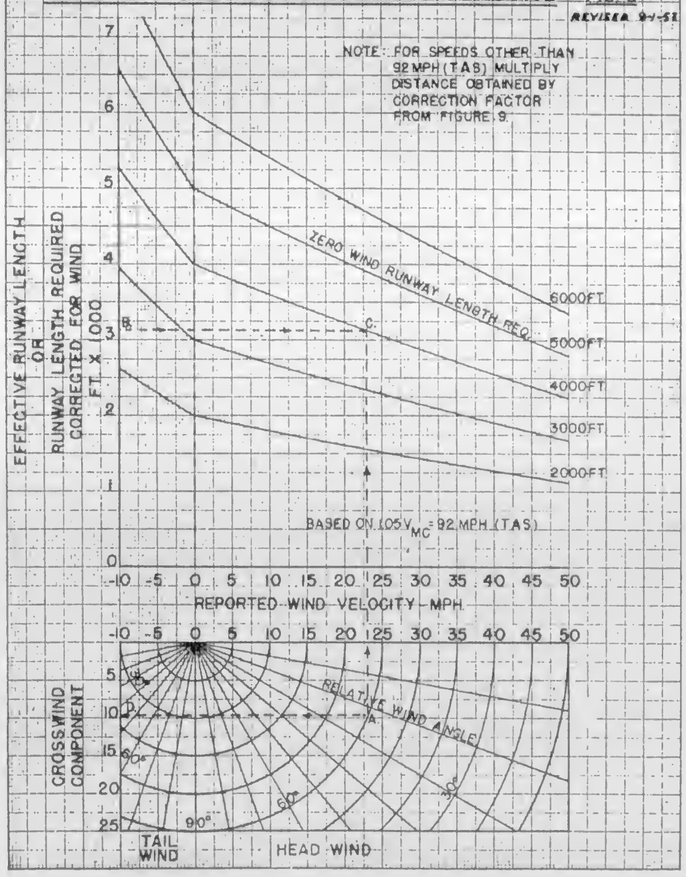


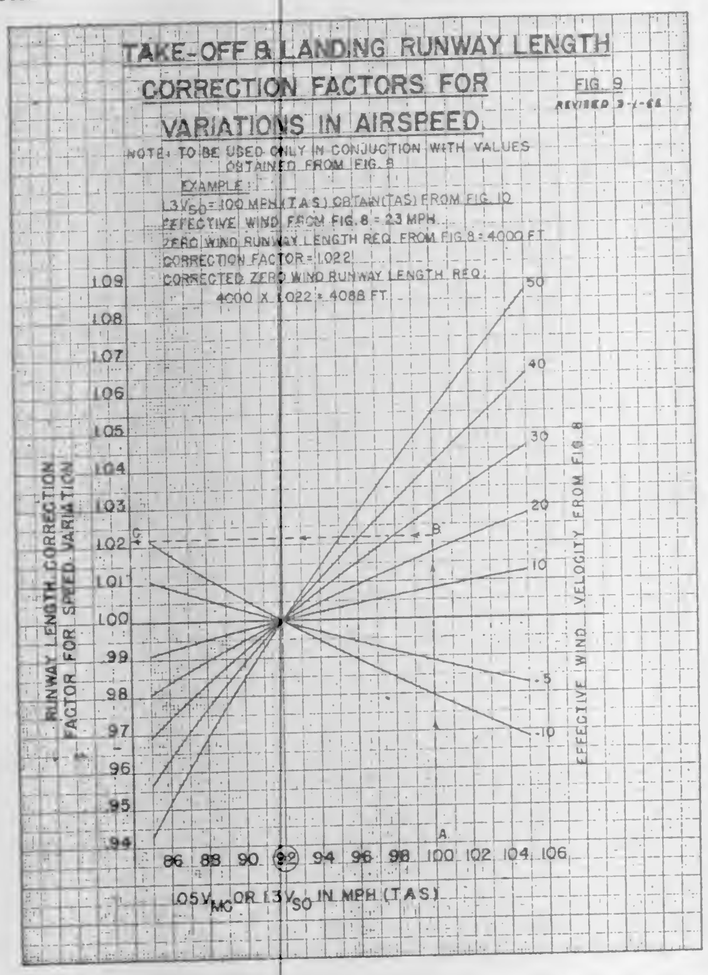

*C-47'S WITH COMPARABLE HORSEPOWER ENGINES

## WIND ACCOUNTABILITY CHART FOR
## TAKE-OFF & LANDING RUNWAY LENGTHS

FIG. 8

REVISED 9-1-53






equipment for the flight crew shall be required in nonpressurized cabin airplanes having built-in carbon dioxide fire extinguisher systems in fuselage compartments (for example, cargo or combustion heater compartments); except that protective breathing equipment will not be required where:

(a) Not more than five pounds of carbon dioxide will be discharged into any one such compartment in accordance with established fire control procedures, or

(b) The carbon dioxide concentration at the flight crew stations has been determined in accordance with § 4b.484–1 and found to be less than 3 percent by volume (corrected to standard sea-level conditions).

§ 40.302–1 *Pilot check—proficiency requirements (CAA rules which apply to § 40.302 (b)).* The following items are required by the Administrator to determine the proficiency of the pilot-in-command:

(a) *Equipment examination (oral or written).* (1) The equipment examination shall be pertinent to the type of aircraft to be flown by the pilot-in-command and may be given (i) in the air carrier's ground school, (ii) during a routine line check under the supervision of an authorized company check pilot, or (iii) during the proficiency check.

(2) The examination shall at least contain questions relative to engine power settings, airplane placard speeds, critical engine failure speeds, control systems, fuel and lubrication systems, propeller and supercharger operations, hydraulic systems, electric systems, anticing, heating and ventilating, and pressurization system (if pressurized). A record should be maintained in the pilot's file which will indicate the date, condition under which equipment examination was given, and grade received.

(b) *Taxiing, sailing, or docking.* Attention shall be directed to the manner in which the pilot-in-command conducts taxiing, sailing, or docking with reference to the taxi instruction as issued by airport traffic control or other traffic control agency, and taxi instruction which may be published in the air carrier's operations manual, and general regard for the safety of the air carrier's and other equipment which may be affected by taxiing, sailing, or docking operation.

(c) *Run-up.* Attention to detail in the use of cockpit check list and cockpit procedure shall be observed on all proficiency flights.

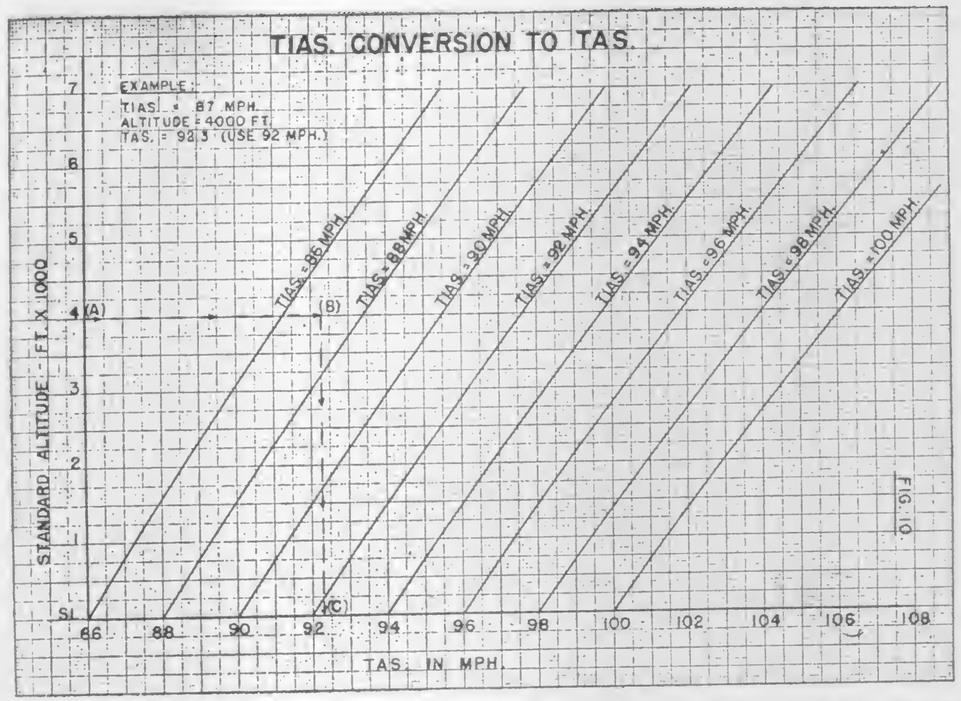
(d) *Take-off.* For those air carriers authorized take-off minimums of less than 300–1, the pilot being examined shall whenever practicable execute a take-off solely by reference to instruments, or at the option of the check pilot, a contact take-off may be made following which instrument conditions shall be simulated at or before reaching 100 feet with the subsequent climb conducted solely by reference to instruments. The check pilot shall observe the pilot's ability to maintain a constant heading during the take-off run, his proficiency in handling power, flap and gear operation during the critical period between take-off (off ground) and reaching five hundred feet. Should it become necessary for the check pilot to give assistance after becoming airborne, the maneuver shall be considered as unsatisfactory.

(e) *Climbs and climbing turns.* Climbs and climbing turns shall be performed in accordance with the airspeeds and power settings as prescribed by the air carrier or those set forth in the "Airplane Flight Manual." The use of proper climb speeds and designated rates of climb shall be considered in determining the satisfactory performance of this phase of the proficiency flight.

(f) *Steep turns.* Except as provided hereinafter, steep turns shall consist of at least forty-five degrees of bank. The turns shall be at least 180° of duration, (but need not be more than 360°). Smooth control application, and ability to maneuver aircraft within prescribed limits, shall be the primary basis for judging performance. When information is available on the relation of increase of stall speeds vs. increase in angle of bank, such information shall be reviewed and discussed. As a guide, the tolerance of 100 feet plus or minus a given altitude shall be considered as acceptable deviation in the performance of steep turns. Consideration may be given to factors other than pilot proficiency which might make compliance with the above tolerances impractical. For example, where the range of vision from the safety observer's position is obstructed in certain types of aircraft while in a steep left turn, the degree of left bank in such instances may be reduced to not less than thirty degrees.

(g) *Maneuvers (minimum speeds).* Maneuvers at minimum speeds shall be accomplished while using the prescribed flap settings as set forth in the Airplane Flight Manual. In addition, attention shall be directed to airplane performance as related to use of flaps vs. clean






configuration while operating at minimum speeds. Attention shall be directed toward the pilot's ability to recognize and hold minimum controllable airspeed to maintain altitude and heading, and to avoid unintentional approaches to stalls.

(h) *Approach to stalls.* Approach to stalls shall be demonstrated from straight flight and turns, with and without power. An approach to stall shall be executed in landing or approach configuration. The extent to which the approach to stall will be carried and the method of recovery utilized shall be dictated by (1) the type of aircraft being flown, (2) its reaction to stall conditions, and (3) the limitation established by the air carrier. Performance shall be judged on ability to recognize the approaching stall, prompt action in initiating recovery, and prompt execution of proper recovery procedure for the particular make and model of aircraft involved.

(i) *Propeller feathering.* Propeller feathering or the assimilation thereof shall be accomplished in accordance with instructions set forth by the air carrier and be exercised at sufficient altitude to insure adequate safety for the performance of the operation. The pilot's ability to maintain altitude, directional control, and satisfactory airspeed shall be the desired prerequisites in accomplishing this maneuver. The manner in which the pilot manages his cockpit during propeller feathering shall also be noted.

(j) *Maneuvers (one or more engines out).* When performing maneuvers (one or more engines out) the aircraft shall be maneuvered with a loss of fifty percent of its power units, such loss to be concentrated on one side of the aircraft. The loss of these power units may be simulated either by retarding throttles or by following approved feathering procedures. The pilot-in-command shall be required to maintain headings and altitude and to make moderate turns both toward and away from the dead engine or engines. Proficiency shall be judged on the basis of the pilot's ability to maintain engine-out airspeed, heading and altitude; to trim the airplane; and to adjust necessary power settings.

(k) *Rapid descent and pull-out.* This maneuver shall consist of the following steps: While the aircraft is in the appropriate holding configuration and being flown at a predetermined altitude, it will be assumed that the aircraft has arrived at a navigational fix and is cleared to descend immediately to a lower altitude. (The lower altitude shall be one which permits a descend of at least 1,000 feet.) Upon reaching the lower altitude, the aircraft shall be recovered from the rapid descent and flown on a predetermined heading and altitude for a predetermined period of time. At the end of the time interval, an emergency pull-out shall be executed which will involve a change of direction of at least 180°. Performance shall be judged on the basis of ability to establish a rapid descent at constant airspeed, stopping the descent at the minimum altitude specified without going below it, holding heading and altitude, and smooth pull-up and climb.

(l) *Ability to tune radio.*[1]

(m) *Orientation.*[1]

(n) *Beam bracketing.*[1]

(o) *Cone identification.*[1]

(p) *Loop orientation.*[1]

(q) *Approach procedures.* An approach procedure shall be made in the aircraft on the let-down aid for which the lowest minimums on a system-wide basis are authorized and include, where possible, holding patterns and air traffic control instructions which might be used by the pilot in day-to-day operations. If at the time of the proficiency flight the let-down aid affording the lowest minimums is not in operation at the point the check is given, the landing aid which affords the next lowest minimums on a system-wide basis shall be used. Where a particular air carrier is authorized landing minimums based on instrument landing systems and ground control approach, the predominant landing aid on a system-wide basis shall be utilized. In some cases a particular air carrier may be authorized its lowest landing minimums on a let-down aid

[1] Paragraphs (l), (m), (n), (o), and (p) of this section shall be accomplished in a satisfactory manner either during (1) a routine line check under the supervision of an authorized company check pilot, (2) in a simulated or synthetic trainer, or (3) during the proficiency flight. A record shall be maintained in the pilot's file which shall indicate the date, method utilized, and grade received in the performance of these items.

which is not installed and operating at locations where the air carrier's pilots are based. It shall be the responsibility of the air carrier in this case to conduct proficiency flights at locations where such an aid is installed and operating. All other approaches which a particular operator may be authorized to use, such as ADF, LF/MR range, VOR, and VAR shall be made and may be conducted in a simulator or other approved type trainer. A record shall be maintained in the pilot's file which will indicate the date that these approaches were performed and the grade received. If these approaches (ADF, LF/MR range, VOR, and VAR) are not performed in a simulator or other approved type trainer, they shall be accomplished on the proficiency flight.

(r) *Missed approach procedures.* (See paragraph (s) of this section.)

(s) *Traffic control procedures.* Missed approach procedures and traffic control procedures shall be accomplished in a manner satisfactory to the authorized check pilot. The degree of satisfactory or unsatisfactory performance shall be predicated on the pilot's ability to (1) maneuver the aircraft while performing these procedures, (2) follow instructions either verbal or written which may be pertinent to the accomplishment of these procedures. Paragraphs (r) and (s) of this section may be accomplished while performing paragraph (q).

(t) *Cross-wind landing.* A cross-wind landing shall be performed when practicable. Traffic conditions and wind velocities will dictate as to whether a cross-wind landing is practicable. Performance shall be judged on the technique used in correcting for drift on final approach, judgment in the use of flaps, and directional control during roll-out.

(u) *Landing under circling approach conditions.* Landing under circling approach conditions shall necessitate a path of flight around the landing area which will require not more than a 180° turn but not less than a 90° turn. The pilot shall be judged on the basis of altitude and airspeed control and his ability to maneuver under the minimum ceiling and visibility conditions prescribed.

(v) *Take-offs and landing (with engine(s) failures).* If it is consistent with safety, traffic patterns, local rules and laws, a simulated engine failure shall be experienced during take-off. The simulated failure shall occur at any time after the aircraft has passed the $V_1$ speed pertinent to the particular take-off and when practicable before reaching 300 feet. When performing the landing, the aircraft shall be maneuvered to a landing while utilizing 50 percent of the available power units. The simulated loss of power shall be concentrated on one side of the aircraft. The pilot's ability to satisfactorily perform this maneuver shall be evaluated in the manner stated under paragraph (i) of this section.

(w) *Judgment.* The pilot shall demonstrate judgment commensurate with experience required of a pilot-in-command of air carrier aircraft.

(x) *Emergency procedures.* The emergency procedures shall be applicable to the type of aircraft being flown and in accordance with the emergency procedures prescribed by the air carrier. A record shall be maintained in the pilot's file which will list the emergency procedures accomplished, date performed, and grade received.

(y) *Additional training.* If performance of any of the above items is unsatisfactory in the judgment of the check pilot he may, at his discretion, give additional training to the pilot during the course of the proficiency check. If after such training, the pilot being checked is still unable to demonstrate satisfactory performance to the check pilot, he shall not be used in scheduled operation until such time as he shall have demonstrated proficiency.

§ 40.406–1 *Take-off and landing weather minimums (CAA rule which applies to § 40.406 (b)).* (a) Whenever the latest weather report, furnished by the U. S. Weather Bureau or a source approved by the Weather Bureau contains a visibility value specified as a runway visibility for a particular runway of an airport, such visibility shall be used for straight-in instrument approach and landing or take-off for that runway only. The terminal visibility as reported in the main body of such weather report shall be used for instrument approach and landing or take-off for all other runways.

(b) The ceiling value reported in the main body of such weather report shall constitute the ceiling for both circling and straight-in instrument approach and landing or take-off for all runways.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 608, 52 Stat. 1007, 1010, 1011; 49 U. S. C. 551, 554, 555, 558, 559)

This supplement shall become effective January 1, 1954.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53–10489; Filed, Dec. 23, 1953, 8:45 a. m.]

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 53]

### PART 610—MINIMUM EN ROUTE IFR ALTITUDES

#### MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administration Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows:

1. Section 610.13 *Green civil airway No. 3* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Cleveland, Ohio (LFR) | Parkman (INT), Ohio | 2,300 |
| Parkman (INT), Ohio | Youngstown, Ohio (LFR) | 2,500 |
| Brecksville, Ohio (FM) | Parkman (INT), Ohio (eastbound only) | 2,700 |

2. Section 610.14 *Green civil airway No. 4* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Columbia, Mo. (LFR) | St. Peters (INT), Mo | 2,000 |

3. Section 610.220 *Red civil airway No. 20* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Cleveland, Ohio (LFR) | Akron, Ohio (LFR) | 2,000 |
| North Royalton, Ohio (FM) | Akron, Ohio (LFR) (southeast-bound) | 2,000 |
| Lansing, Mich. (LFR) | Flint, Mich. (LF/RBN). | 2,300 |

4. Section 610.231 *Red civil airway No. 31* is amended to eliminate:

| From— | To— | Minimum altitude |
|---|---|---|
| Stanton, Minn. (LF/RBN). | Red Wing (INT), Minn. | 2,400 |

5. Section 610.231 *Red civil Airway No. 31* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Stanton, Minn. (LF/RBN). | LaCrosse, Wis. (LFR) | 2,600 |

6. Section 610.281 *Red civil airway No. 81* is amended to eliminate:

| From— | To— | Minimum altitude |
|---|---|---|
| Cadillac, Mich. (LF/RBN). | Lansing, Mich. (LFR). | 2,700 |

7. Section 610.303 *Red civil airway No. 103* is added to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Skilak [1] (INT), Alaska | Middleton Island, Alaska (LF/RBN). | 9,000 |

[1] 6,100′—Minimum crossing altitude at Skilak (INT), southeast-bound.



8. Section 610.306 *Red civil airway No. 106* is added to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Scott Bluff, Nebr. (LFR). | North Platte, Nebr. (LFR). | 5,800 |

9. Section 610.307 *Red civil airway No. 107* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Stanton, Minn. (LF/RBN). | Red Wing (INT), Minn. | 2,400 |

10. Section 610.603 *Blue civil airway No. 3* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| White Pond (INT), Mich. | Cadillac, Mich. (LF/RBN). | 3,200 |

11. Section 610.611 *Blue civil airway No. 11* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Cleveland, Ohio (LFR). | Perry, Ohio (LF/RBN). | 2,500 |

12. Section 610.638 *Blue civil airway No. 38* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Gustavus, [1] Alaska (LFR). | Haines, Alaska (LF/RBN). | 9,400 |
| Haines, Alaska (LF/RBN). | Whitehorse, [2] Canada (LFR). | 10,300 |

[1] 7,000′—Minimum crossing altitude at Gustavus (LFR), Northeast-bound.
[2] For that airspace over U. S. territory.

13. Section 610.662 *Blue civil airway No. 62* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Salem, Mich. (VAR). | Dunham Lake (INT), Mich. | 2,700 |
| Dunham Lake (INT), Mich. | Flint, Mich. (LF/RBN). | 2,300 |

14. Section 610.1001 *Direct routes; United States* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Newton (INT), Kans. | North Fork, Kans. (LF/RBN). | 3,000 |
| Hutchinson, Kans. (LF/RBN). | Newton (INT), Kans. | 3,000 |

15. Section 610.6002 *VOR civil airway No. 2* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Lansing, Mich. (VOR) via N. alter. | Howell [1] (INT), Mich. via N. alter. | 2,900 |
| Howell [1] (INT), Mich. via N. alter. | Detroit, Mich. (VOR) via N. alter. | 2,500 |

[1] 2,500′ Minimum crossing altitude at Howell (INT), westbound.

16. Section 610.6006 *VOR civil airway No. 6* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Cleveland, Ohio (VOR). | Chagrin Falls (INT), Ohio. | 2,900 |
| Chagrin Falls (INT), Ohio. | Youngstown, Ohio (VOR). | 2,500 |
| Cleveland, Ohio (VOR), via N. alter. | Youngstown, Ohio (VOR), via N. alter. | 2,600 |

17. Section 610.6033 *VOR civil airway No. 33* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Philipsburg, Pa. (VOR). | Bradford, Pa. (VOR). | 4,000 |
| Bradford, Pa. (VOR). | Buffalo, N. Y. (VOR) | 4,500 |

18. Section 610.6034 *VOR civil airway No. 34* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Rochester, N. Y. (VOR). | Bellona (INT), N. Y. | 3,000 |
| Bellona (INT), N. Y. | Binghamton, N. Y. (VOR). | 3,500 |

19. Section 610.6040 *VOR civil airway No. 40* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Flint (INT), Mich. | Milford [1] (INT), Mich | 2,300 |
| Milford [1] (INT), Mich. | Detroit, Mich. (VOR). | 2,500 |

[1] 4,000′—Minimum reception altitude.

20. Section 610.6043 *VOR civil airway No. 43* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Columbus, Ohio (VOR). | Tiverton (INT), Ohio (Int. 152° mag. rad. Mansfield, Ohio (VOR), and 53° mag. rad. Columbus, Ohio (VOR)). | 2,500 |
| Tiverton (INT), Ohio | Fredricksburg (INT), Ohio. | [1] 4,200 |
| Fredricksburg (INT), Ohio. | Canton (INT), Ohio (Int. 135° mag. rad. Cleveland, Ohio (VOR) and 296° mag. rad. Youngstown, Ohio (VOR)). | [1] 5,000 |
| Canton (INT), Ohio | Youngstown, Ohio (VOR). | 2,500 |

[1] 2,500′—Minimum terrain clearance altitude.

21. Section 610.6045 *VOR civil airway No. 45* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Waterville, Ohio (VOR). | Henrietta [1] (INT), Mich. | 2,300 |
| Henrietta (INT), Mich. | Lansing, Mich. (VOR). | 2,300 |

[1] 3,000′—Minimum reception altitude.

22. Section 610.6072 *VOR civil airway No. 72* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Bradford, Pa. (VOR). | Elmira, N. Y. (VOR). | 4,500 |

23. Section 610.6084 *VOR civil airway No. 84* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Lansing, Mich. (VOR). | Flint (INT), Mich. | 2,400 |

24. Section 610.6090 *VOR civil airway No. 90* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Lansing, Mich. (VOR). | Howell (INT), Mich | 2,900 |
| Howell (INT), Mich. | Milford [1] (INT), Mich | [2] 4,000 |

[1] 4,000′—Minimum reception altitude.
[2] 2,500′—Minimum terrain clearance altitude.

25. Section 610.6116 *VOR civil airway No. 116* is amended to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Erie, Pa. (VOR) | Bradford, Pa. (VOR). | 4,000 |
| Bradford, Pa. (VOR). | Stonyfork (INT), Pa. | 4,500 |
| Stonyfork (INT), Pa. | Wilkes-Barre, Pa. (VOR). | [1] 5,000 |

[1] 4,500′—Minimum terrain clearance altitude.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective December 29, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53–10694; Filed, Dec. 23, 1953; 8:52 a. m.]

# TITLE 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53399]

### MISCELLANEOUS AMENDMENTS TO CHAPTER

To eliminate obsolete material, correct discrepancies, clarify certain provisions, and for other reasons specially indicated,

the Customs Regulations are amended as follows:

Except as otherwise specially indicated, the authorities for the respective amendments are those cited in 19 CFR Chapter I for the respective sections that are being amended.

PART 3—DOCUMENTATION OF VESSELS

1. The citation of authority for § 3.2 is amended to read "R. S. 161, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, R. S. 4132, as amended, sec. 22, 41 Stat. 997, R. S. 4136, as amended, 4214, as amended, secs. 2, 9, 39 Stat. 729, as amended, 730, as amended, sec. 27, 41 Stat. 999, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3, 11, 13, 14, 103, 802, 803, 883."

2. Section 3.19 (a) (1) is amended to read as follows:

(1) In the case of an individual, a native-born, derivative, or naturalized citizen of the United States;

3. Section 3.28 is amended by inserting "and new" after "Rebuilt" in the heading, by deleting paragraphs (a) and (c), by redesignating paragraph (b) as (a), and by adding the following new paragraphs:

(b) When application is made by a vessel owner to a collector of customs to note the place and date of rebuild of a vessel on its marine document or to document as a new vessel a vessel constructed in whole or in part from an old vessel, the applicant shall submit through the collector to the Commissioner of Customs a certificate of specifications outlining the work performed on the vessel and describing the extent to which old materials used were taken up, refitted, and reset, or the extent to which parts of the old hull in its intact condition were used or built upon. The application shall be accompanied by accurate sketches or blueprints illustrating the extent of the work performed when such sketches or blueprints are available. If the application is to have the vessel declared to be a new vessel, such application shall be accompanied by a certificate of the builder on customs Form 1261. The Commissioner of Customs shall decide whether the vessel is to be considered repaired, rebuilt, or new.[1]

(c) A rebuilt vessel shall retain its name and official number and the date and place of rebuild shall be noted on its marine document. Upon a finding under this section that a vessel is new, an application shall be submitted for the award of an official number and all other requirements applicable in the case of any new vessel shall be met before a marine document is issued.

4. In order to eliminate the requirement for the filing of an authenticated copy of the certificate of death of the owner of any interest in a vessel in a case in which there is an administration of the estate establishing the fact of the owner's death, § 3.32 is amended by revising paragraph (c) to read as follows:

(c) When the owner of the whole or any part of such a vessel dies and there is an administration of his estate, an authenticated copy of the letters of appointment of the personal representative of the deceased owner shall be filed with the collector of customs before a new document is granted to that personal representative or to any of his successors in interest. In such a case, before a new document for a vessel is granted to one who acquires an interest therein as the beneficiary under a will, to the person succeeding to the interest of the deceased owner in case of intestacy, or to any successor in interest of either of them, an authenticated copy of the decree of distribution shall be filed with the collector of customs. The filing of an authenticated copy of the certificate of death or of the will of the deceased owner shall not be required.

and by deleting "(c) or" from paragraph (e) thereof.

5. Section 3.33 (d) is amended by adding at the end thereof the following: "A mortgage, whether ordinary or preferred, may, but need not necessarily, recite in full the last marine document of the vessel; if such marine document is not recited, the vessel shall be described by rig, name, official number, and gross tonnage."

6. The citation of authority for § 3.34 is amended to read "R. S. 161, sec. 2, 23 Stat. 118, as amended, R. S. 4159, 4160, sec. 30, subsecs. C, H, W, 41 Stat. 1000, 1002, 1006, as amended, sec. 2, 43 Stat. 948; 5 U. S. C. 22, 46 U. S. C. 2, 29, 30, 921, 926, 983, 1012."

7. Section 3.42 (b) is amended by changing the period at the end of the first sentence to a comma and adding: "together with a duly authenticated translation of any such evidence that may be written in a foreign language."

and by deleting the period at the end of the third sentence and adding: "but no approval of a foreign government shall be required."

8. Section 3.43 (c) is amended by changing the period at the end of the first sentence to a comma and adding: "together with a duly authenticated translation of any such document that may be written in a foreign language."

(R. S. 161, 251, sec. 624, 46 Stat. 759, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3)

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

1. Since the inspection of vehicles is not within the purview of Part 4, § 4.1 (a) is amended by deleting the words "or vehicle" from each of the three places in which these words appear.

2. Note 19, appended to § 4.9 (a), is amended by substituting "Secretary of the Treasury" for "Secretary of Commerce [Commissioner of Customs]".

3. Section 4.14 is amended by inserting the following new sentence after the first sentence of paragraph (a): "Although an entry may not be required for certain items, as stated in paragraph (b) (1), such items must nevertheless be reported on customs Form 3415."

by inserting "as amended," after "Revised Statutes," in both places in which the term appears in the first sentence of paragraph (e) and in paragraph (g), and by inserting ", as amended," after "Statutes" in the first sentence of paragraph (k).

4. Section 4.20 (c) is amended by deleting footnote reference "43" following "Foreign vessels:" in the table and by changing footnote references "44" in the last two columns of the table to "43".

5. Footnote 43, appended to § 4.20 (c), is deleted and footnote 44, appended to the same section, is renumbered 43.

6. Section 4.21 (b) is amended by substituting "A vessel shall not be liable to the payment of tonnage tax or light money merely because—" for the language preceding the numbered subparagraphs; by deleting subparagraph (4); by renumbering subparagraphs (5) through (17) as (4) through (16), respectively; by revising renumbered subparagraph (4) to read:

(4) It is a vessel of war or other vessel which is owned by, or under the complete control and management of the United States or the government of a foreign country, and which is not carrying passengers or merchandise in trade or, if in ballast, which is not arriving from a foreign port during the usual course of its employment as a vessel engaged in trade.

by substituting "It is a" for "A" in renumbered subparagraph (5), by substituting "It is engaged" for "Engaged" in renumbered subparagraphs (6), (7), and (8), and by changing footnote reference "44a" in renumbered subparagraph (13) to "44".

7. Footnote 44a, appended to § 4.21 (b), is renumbered 44.

8. In order to avoid unnecessary correspondence in connection with applications for refund of tonnage tax payments and to help insure that payments rightfully due the Government are not avoided because a refund of a previous payment has been approved, and to delete matter pertaining only to internal management, § 4.24 of this part is amended by inserting the following sentence after the first sentence of paragraph (b): "The application shall include a certificate by the owner or by the owner's agent that payment of tonnage tax at the applicable rate has been or will be made for each entry of the vessel on a voyage on which that rate is applicable before the end of the current tonnage year, exclusive of any payment which has been refunded or which may be refunded as a result of such application."

and by deleting the second and third sentences of paragraph (d).

9. Section 4.63 (a) is amended to read as follows:

(a) No vessel shall be cleared for a foreign port unless there has been filed with the collector a manifest on customs Form 1374 covering the complete lading of the vessel, together with such export declarations as are required by pertinent regulations of the Bureau of the Census, Department of Commerce, or unless the vessel is cleared on the basis of a pro forma manifest (customs Form 1375) as provided for in § 4.75 of this part.

10. Since a certificate is to be accepted in lieu of the affidavit heretofore prescribed in certain cases, § 4.72 (b) is amended by substituting "a certificate" for "an affidavit".

11. Section 4.75 is amended to read as follows:

§ 4.75 *Incomplete manifest; incomplete export declarations; bond.* (a) If a master desiring to clear his vessel for a foreign port does not have available for filing with the collector a complete cargo manifest [106] or all required shippers' export declarations,[107] the collector may accept in lieu thereof a pro forma manifest on customs Form 1375 if there is on file in his office a bond on customs Form 7567 or 7569 executed by the vessel owner or some other person as attorney in fact of the vessel owner.

(b) Not later than the fourth business day after clearance [108] from each port in the vessel's itinerary, except the final port, the master, or the vessel's agent on behalf of the master, shall deliver to the collector at each such port a complete manifest (customs Form 1374) of the cargo laden at such port together with duplicate copies of all required shippers' export declarations for such cargo. If the vessel is cleared at the final port of departure from the United States on the basis of the pro forma manifest prescribed in paragraph (a) of this section, there shall be filed with the collector for that port within 4 business days after clearance therefrom a complete manifest of all cargo on board, together with duplicate copies of all required shippers' export declarations for cargo laden at that port. That portion of the manifest covering cargo laden at any prior port may consist of a certified copy of the final manifest filed at such port. It shall be the responsibility of the vessel's agent at each such prior port to deliver a copy of the manifest covering cargo laden at that port to the collector at the final port within 4 business days after the vessel's clearance from such final port. The oath of the master or agent on customs Forms 1374 and 1375 shall be properly executed before acceptance.

(c) During any period covered by a finding by the President under section 1 of the act of June 15, 1917, as amended (50 U. S. C. 191), that the security of the United States is endangered by reason of actual or threatened war, or invasion, or insurrection, or subversive activity, or of disturbances or threatened disturbances of the international relations of the United States, no vessel shall be cleared for a foreign port until a complete outward foreign manifest and all required export declarations have been filed with the collector, unless clearance in accordance with paragraphs (a) and (b) of this section is authorized by the Commissioner of Customs.

(R. S. 161, 4197, as amended, 4200, as amended, sec. 2, 23 Stat. 118, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 91, 92)

12. A new footnote is appended to § 4.75 (b) to read as follows:

[106] The statutory grace period of 4 days for filing the complete manifest and missing export declarations begins to run on the first day (exclusive of any day on which the customhouse is not open for marine business) following the date on which clearance is granted.





13. The citation of authority for § 4.83 is amended to read "R. S. 161, sec. 2, 23 Stat. 118, as amended, R. S. 2793, as amended, 4197, as amended, 4200, as amended, 4318, as amended, 32 Stat. 172, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 91, 92, 95, 111, 123, 258."

(R. S. 161, 251, sec. 624, 46 Stat. 759, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3)

PART 7—CUSTOMS RELATIONS WITH INSULAR POSSESSIONS AND GUANTANAMO BAY NAVAL STATION

1. In view of Executive Order 10264 (16 F. R. 6417) and section 27 of the Organic Act of Guam, approved August 1, 1950 (48 U. S. C. 1421–1424b), footnote 14, appended to § 7.8, is amended to read as follows:

"Guam, Wake Island, Midway Islands, Kingman Reef, and American Samoa are American territory, but not within the customs territory of the United States. Importations into those islands are not governed by the Tariff Act of 1930 or these customs regulations. The customs administration of American Samoa is under the jurisdiction of the Department of the Interior (Office of Territories). The customs administration of Wake Island is under the jurisdiction of the Department of Commerce (Civil Aeronautics Administration). The customs administration of Midway Islands and Kingman Reef is under the jurisdiction of the Department of the Navy. The customs administration of Guam is under the Government of Guam.

2. Footnote 15, appended to § 7.9, is amended by adding the following immediately before the closing quotation mark: "In determining whether such a Virgin Islands article contains foreign material to the value of more than 20 per centum, no material shall be considered foreign which, at the time the Virgin Islands article is entered, or withdrawn from warehouse, for consumption, may be imported into the continental United States free of duty generally."

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

1. Section 8.39 (a), as amended by T. D. 53336, is further amended by inserting "10.60 (b) or" between "section" and "18.16 (a)" in the first clause of the first sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. Section 10.31 (c) is amended by deleting the next to the last sentence.

2. Section 10.39 (a) is amended by inserting "as amended," after "1930," in the second sentence, by substituting "the purpose of importation" for "experimental purposes" in the same sentence, and by substituting "use" for "experiment" in the same sentence.

3. Section 10.40 is amended by deleting "the collector shall place such cash deposit in his deposit fund account and" from paragraph (a) and by substituting "Bureau" for "Commissioner of Customs" in the last sentence of paragraph (b).

4. Section 10.42 (g) is amended by substituting "paragraph" for "subsection" in the second sentence.

5. Section 10.48 (b) (1) is amended by substituting "foreign service" for "consular".

6. Section 10.50 is amended by substituting "foreign service" for "consular".

7. In view of the amendment of section 484 (f), Tariff Act of 1930, by section 3 (b), Customs Simplification Act of 1953, § 10.53 (e) is amended by deleting the last two sentences and substituting therefor the following: "However, such furniture may be entered at any port for transportation in bond to one of the ports named herein, or to any authorized place of deposit outside one of those ports, for examination and release, as contemplated by section 484 (f), Tariff Act of 1930, as amended, if the port of entry designated in the transportation entry is one at which furniture may be entered for consumption and there is a compliance with the procedure prescribed by § 18.11 (c) of this chapter."

8. Section 10.58 (a) (2) is amended by deleting "certifying".

9. Section 10.59 (a) is amended by deleting "from bonded warehouses".

10. Section 10.65 (c) (5) is amended by substituting "declaration" for "affidavit".

11. Section 10.66 (a) (2) is amended by substituting "foreign service" for "consular".

12. Section 10.67 (a) (2) is amended by substituting "foreign service" for "consular".

13. Section 10.73 is amended by deleting "(a)" from the beginning of the first paragraph, by substituting "General Agreement on Tariffs and Trade" for "Canadian Trade Agreement" in the first sentence of the first paragraph, by deleting "certifying" from the second and third sentences of the first paragraph, by transferring the citation of authority to the end of the first paragraph, and by deleting paragraph (b).

14. Footnote 67, appended to § 10.73, is revised to read as follows:

[67] Item 701, General Agreement on Tariffs and Trade (T. D. 51802):

| Tariff Act of 1930, paragraph | Description of products | Rate of duty |
|---|---|---|
| 701 | Cattle weighing less than 200 pounds each or 700 pounds or more each ..... *Provided*, That not more than 200,000 head of cattle weighing less than 200 pounds each entered in the 12-month period beginning Apr. 1 in any year, and not more than 400,000 head of cattle weighing 700 pounds or more each (other than cows imported specially for dairy purposes) entered in any such period, but not more than 120,000 head of such cattle weighing 700 pounds or more each entered in any 3-month period beginning Apr. 1, July 1, Oct. 1, or Jan. 1 within any such 12-month period, shall be dutiable at 1½ cents per pound, and any of the foregoing cattle not subject to that rate of duty shall be dutiable at .. (Second proviso obsolete.) | 1½¢ per lb.<br>2½¢ per lb. |

15. Section 10.75 is amended by substituting "1607 (b)" for "1607" in both places in which the latter number appears.

16. Note 69, appended to § 10.75, is amended by substituting "(b) Wild" for "* * * wild" at the beginning of the quoted matter and by substituting "1607 (b)" for "1607" and "1607 (b)" for "1682" in the parenthetical matter.

17. Section 10.78 (b) is amended by inserting "Tariff Act of 1930," after "1730 (a),".

18. Section 10.79 is amended by substituting "of" for the "by" following "3295," in the first sentence of paragraph (a) and by deleting "authorized to administer oaths" from the second sentence of paragraph (b).

19. As customs Form 7506–A has been abolished, § 10.80 is amended by substituting "7506" for "7506–A" in the last sentence.

20. Section 10.84 (c) is amended by substituting "lower rate" for "rate of 10 percent ad valorem" in the first sentence.

21. Section 10.89 is amended by inserting "as modified," after "1930," and inserting "(or 0.8 cent, if exposed in Cuba)" after "foot" in paragraph (a) and by substituting "appropriate rate" for "rate of 1 cent per linear foot" in paragraph (c).

22. Section 10.90 (c) is amended by substituting "$250" for "$100" in the second sentence.

23. As the matter now in § 10.93 (c) is covered by § 10.94 (a) (1), § 10.93 is amended by transferring the citation of authority to the end of paragraph (b) and deleting the remainder of paragraph (c).

24. Section 10.94 is amended by inserting "bonded" before "wool" in the first sentence of paragraph (a), by substituting "subparagraph" for "paragraph" in paragraph (a) (3), and by deleting "of 1942" from the first paragraph of the form of certificate in paragraph (e).

25. Section 10.103 is amended by substituting "section" for "sections" in the first clause and by inserting "or other free list provision" after "1628".

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

1. Section 11.8 is amended by deleting "not" and substituting "in accordance with" for "except as provided for in" in paragraph (h) and by inserting "or transfer to customs territory" immediately after "withdrawal" in paragraph (l).

2. Section 11.9 (a) is amended by substituting "No" for "Any" at the beginning of the first sentence and by deleting "not" from that sentence.

3. Section 11.13 is amended by deleting footnote reference "15" at the end of paragraph (b) and by substituting "section 294, 1124, or 1125, title 15," for "the law set forth in footnote 14 or 15" in paragraph (d).

4. The contents of footnote 15 are added at the beginning of footnote 14 and footnote 15 is deleted.

5. Section 11.14 is amended by inserting the following immediately before the footnote reference "16" at the end of paragraph (a): "The prohibition does not apply to articles to which a copying or simulating mark has been applied, if such mark is removed or completely obliterated before importation. See § 11.17 (b)."

by changing the period at the end of paragraph (b) to a comma and adding "or by a related company as defined in section 45 of the Trade-Mark Act of 1946,[15]", and by revising the citation of authority to read "R. S. 161, secs. 42, 45, 60 Stat. 440, 443, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 15 U. S. C. 1124, 1127, 19 U. S. C. 1624.".

6. Footnote 17, appended to § 11.15 (a), is deleted and the following new footnote is appended to § 11.14 (b):

[15] The term "related company" means any person, partnership, association, or corporation which legitimately controls, or is controlled by, the registrant or applicant for registration in respect to the nature and quality of the goods in connection with which the mark is used. See 15 U. S. C. 1127.

7. Section 11.15 is amended to read as follows:

§ 11.15 *Trade-marks; recording;*[16] *change of ownership; renewal.* (a) To record a trade-mark with the Treasury Department, an application, which may be in the form of a letter, shall be addressed to the Commissioner of Customs, Washington 25, D. C., stating the name, residence, and citizenship of the owner or owners (if a partnership, the citizenship of each partner; if a corporation or association, the country or State within which it was organized or created), the name of the locality in which the goods are manufactured, and the name and address of each related company or foreign person, partnership, association, or corporation using the trade-mark while acting as the principal or agent of the trade-mark owner. The application shall be accompanied by one certified copy of the original certificate of registration issued by the Commissioner of Patents in accordance with the Trade-Mark Act of February 20, 1905, or section 7 of the Trade-Mark Act of July 5, 1946, to which shall be attached one printed Patent Office facsimile of the statement and drawing covering the trade-mark; such of the documents mentioned in paragraph (b) or (c) of this section as may be required to show the ownership of the applicant, or renewal of the trade-mark; 500 uncertified facsimiles of the statement and drawing covering the trade-mark (which may be reproduced privately from a Patent Office facsimile) for distribution to all collectors of customs and appraisers of merchandise; and the fee of $25 prescribed by § 24.12 of this chapter. Checks or money orders in payment of the fee shall be made payable to the Head, Fiscal Section, Bureau of Customs.

(b) If ownership of a registered trade-mark is claimed by an applicant by virtue of an assignment of such trade-mark, there shall be transmitted with the application for recording, in addition to the documents and information specified in paragraph (a) of this section, a certified abstract of title from the records of the United States Patent Office showing the ownership of the applicant and a statement as to whether or not the mark has been reassigned without recordation of the reassignment. Similar documentary evidence shall accompany an application for recording if the commercial name of the applicant has been changed subsequent to the registration of the trade-mark.

(c) If the application for recording is presented after the expiration of the period for which the certificate of registration or a renewal thereof was issued, the application shall be accompanied by a certified copy of a certificate of renewal from the United States Patent Office showing that the registration is in force. In order to continue to receive the protection of the trade-mark statutes with respect to imported merchandise, such a certified copy of each subsequent certificate of renewal shall be promptly filed with the Treasury Department.

(R. S. 161, sec. 42, 60 Stat. 440, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 15 U. S. C. 1124, 19 U. S. C. 1624)

8. Section 11.16 is amended by substituting "Commissioner" for "Bureau" in the first sentence of paragraph (a); by deleting the last "and" in that sentence; by deleting the footnote reference "17" and changing the period at the end of that sentence to a comma and adding "and the name and address of each related company or foreign person, partnership, association, or corporation using the trade name while acting as the principal or agent of the trade name owner."; by inserting "not associated with or related to the applicant but" after "two other persons" in the second sentence of paragraph (a); and by revising the citation of authority to read "R. S. 161, sec. 42, 60 Stat. 440, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 15 U. S. C. 1124, 19 U. S. C. 1624.".

9. Footnote 17, appended to § 11.16 (a), is deleted.

10. Section 11.17 is amended by deleting "of foreign manufacture which bears a trade-mark entitled to the protection of section 526, Tariff Act of 1930," and merchandise" from paragraph (a) and by revising the citation of authority to read "R. S. 161, sec. 42, 60 Stat. 440, secs. 618, 624, 46 Stat. 757, 759; 5 U. S. C. 22, 15 U. S. C. 1124, 19 U. S. C. 1618, 1624.".

11. Footnote 18, appended to § 11.17 (a), is deleted.

12. Section 11.18 is amended by deleting "16," from the citation of authority.

13. Section 11.19 is amended by deleting "(61 Stat. 652)" from paragraph (a), by deleting paragraph (e), and by revising paragraph (d) to read as follows:

(d) In the case of copyrighted works other than those specified in paragraph (b) of this section, application for recordation shall be made to the Commissioner of Customs, Washington 25, D. C. Such application shall be accompanied by one certified copy of the certificate of registration issued by the Copyright Office pursuant to the provisions of section 209 of the Copyright Act, 500 photographic or other adequate likenesses of the copyrighted work for distribution to all collectors of customs and appraisers of merchandise, and the fee of $25 prescribed by § 24.12 of this chapter. Checks or money orders in payment of the fee shall be made payable to the Head, Fiscal Section, Bureau of Customs.

(Sec. 1, 61 Stat. 652, 17 U. S. C., Sup., 109)

14. Section 11.21 is amended by substituting "section 1 of the act of July 30, 1947, as amended," for "section 16, Title 17, United States Code, as amended by the act of June 3, 1949 (Pub. Law No. 84, 81st Cong.)," in the first sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 12—SPECIAL CLASSES OF MERCHANDISE

1. Section 12.1 is amended by deleting the last sentence from paragraph (a) and the last sentence from paragraph (c).

2. Section 12.3 is amended by substituting "Department of Health, Education, and Welfare" for "Federal Security Agency".

3. Section 12.7 is amended by deleting "from Federal Security Agency" from the heading and by substituting "Department of Health, Education, and Welfare" for "Federal Security Agency" in the first sentence of paragraph (a) and in the first sentence of paragraph (b).

4. Section 12.11 (b) is amended by substituting "under an entry for immediate transportation" for "I. T." and "certified" for "consular".

5. Section 12.18 is amended by inserting "such" after "container of" in the first sentence.

6. Section 12.26 (b) (4) is amended by substituting "Department of Health, Education, and Welfare" for "Federal Security Agency" in the first sentence.

7. Section 12.28 (b) is amended by deleting "of Customs".

8. Section 12.33 is amended by deleting "regulations of Federal Security Agency;" from the heading, by substituting "certified" for "consular" in paragraph (c), and by substituting "Department of Health, Education, and Welfare" for "Federal Security Agency" in paragraph (c).

9. Section 12.35 (b) is amended by substituting "carrier" for "vessel" in the first sentence.

10. Section 12.37 (a) is amended by substituting "(27 U. S. C. 203)" for "(Sec. 3, 49 Stat. 878)".

11. Section 12.40 is amended by substituting "described" for "included" in paragraph (b) and by substituting "an action" for "in action" in paragraph (d).

12. Section 12.48 is amended by inserting "any token, disk, or device in the likeness or similitude of any coin of the United States or of a foreign country;" after "Code," in paragraph (a); by inserting footnote reference "31" after "securities of the United States" in paragraph (a); by deleting the footnote reference "31" at the end of paragraph (a); by deleting "489 or" from both places in the first sentence of paragraph (c); and by deleting "illustrations of coins or medals, or" from the first sentence of paragraph (c).

13. Footnote 31, appended to § 12.48 (a), is amended to read as follows:

[31] The term "obligations or other security of the United States" includes all bonds, certificates of indebtedness, national bank currency, Federal Reserve notes, Federal Reserve bank notes, coupons, United States notes, Treasury notes, gold certificates, silver certificates, fractional notes, certificates of deposit, bills, checks, or drafts for money, drawn by or upon authorized officers of the United States, stamps and other representatives of value, of whatever denomination, issued under any act of Congress, and canceled United States stamps. (18 U. S. C. 8.)

14. Footnote 32, appended to § 12.48 (c), is amended by deleting the first paragraph.

15. Section 12.50 is amended as follows:

a. Paragraph (c) is amended to read as follows:

(c) Merchandise entered for warehouse for which a withdrawal for consumption has been made in the manner stated in § 8.4 (g) of this chapter prior to the opening of any quota period may not be accorded any quota benefit which may become effective after the time of such withdrawal, even though the permit of delivery for the withdrawn merchandise is not delivered to the customs warehouse officer until after the effective date of the quota benefit.

b. Paragraph (d) is amended by inserting "or withdrawals, or both," after "entries" in the first clause of the first sentence; by deleting "warehouse" from the second clause of the first sentence; by substituting "or" for "and" in the last clause of the first sentence; by inserting the following new sentence after the second sentence: "No importer shall be permitted to present entries or withdrawals for a quantity in excess of the quota quantity."

and by substituting "withdrawals for consumption" for "warehouse withdrawals" in the next sentence.

c. Paragraph (e) is amended by inserting "or withdrawal" after "entry".

d. Paragraph (f) is amended by inserting "or withdrawals" after "entries" in both places in which the latter term appears.

16. Section 12.51 (a) is amended by substituting "$250" for "$100" in the second sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 13—EXAMINATION AND MEASUREMENT OF CERTAIN PRODUCTS

1. To eliminate an unnecessary administrative requirement of an oath, § 13.3 is amended by substituting "a certificate" for "an affidavit".

2. To correct an inadvertence, § 13.4 (a), as amended by T. D. 53336, is further amended by inserting a footnote reference "4" immediately after "human consumption" in the first place in which that term appears.

3. Section 13.11 (a) (3) is amended by inserting "in whose name the entry is filed or" after "actual owner".

4. Section 13.13 (c) is amended by substituting "provisions of" for "authority vested in the collector and the appraiser by" in the first sentence and by substituting "the collector or the appraiser" for "officer" in the same sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 14—APPRAISEMENT

1. Section 14.5 (1) is amended by deleting "not previously imported".

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 15—RELIEF FROM DUTIES ON MERCHANDISE LOST, STOLEN, DESTROYED, INJURED, ABANDONED, OR SHORT-SHIPPED

1. Section 15.7 (a) is amended by substituting "report" for "return".

2. Section 15.8 (b) is amended by deleting "paragraph 813 and".

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 16—LIQUIDATION OF DUTIES

1. Section 16.4 is amended by substituting "subparagraph" for "paragraph" in paragraph (d) (4) and by substituting "or" for "and" and deleting "of Customs" in paragraph (e).

2. To eliminate an unnecessary administrative requirement of an oath, § 16.6 (c) is amended by substituting "a certificate" for "an affidavit" in the last subparagraph.

3. Section 16.8 is deleted.

4. Section 16.10 is amended by deleting "; duress entries" from the heading.

5. Section 16.10a (c) is amended by substituting "paragraph" for "subsection" and "315 (d)" for "315" in the first sentence.

6. Section 16.14 (b) is amended by substituting "the collector" for "collectors".

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 17—PROTESTS AND REAPPRAISEMENTS

1. Section 17.4 (c) is amended by substituting "§ 24.36 of this chapter" for "Part 24".

2. Section 17.5 is amended by deleting "following decisions of the courts" from the heading; by revising paragraph (a) to read as follows:

(a) Each stipulation, whether following a decision of the Customs Court or the Court of Customs and Patent Appeals or embracing an agreed statement of facts, which is to be certified by a customs employee, shall be presented in triplicate to the office of the Assistant Attorney General, Civil Division, Customs Section, 201 Varick Street, New York 14, N. Y., from which it will be forwarded for certification to the appraiser or collector for the district in which the related protest or appeal for reappraisement was filed. The said Customs Section will forward with the stipulation the pertinent entry papers and other documents.

by deleting the last sentence of paragraph (c); by transferring the citation of authority for the section to the end of paragraph (e); and by deleting paragraph (f).

3. Section 17.11 (a) is amended by substituting "The complaint" for "Complaint" in the last sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

1. Section 18.1 (a) is amended by changing the period at the end of the last sentence to a comma and adding "as amended (49 U. S. C. 1002 (a) (5).".

2. Section 18.8 (c) is amended by substituting "the required" for "such".

3. Section 18.10 is amended by inserting "or rewarehouse" after "Warehouse" in paragraph (a) (3), by deleting "bonded" from the second sentence of paragraph (b), and by inserting "under subparagraphs (3), (4), or (5) of paragraph (a) of this section" after "shipments" in the second sentence of paragraph (b).

4. Section 18.12 (a) is amended by inserting "an" after "under" in the first clause of the first sentence.

5. Section 18.13 is amended by substituting "carrier" for "vessel" in the first sentence of paragraph (a), by inserting "in paragraph (c) of this section" after "described" in the same sentence, and by inserting "first" after "actual" and ", unless such place is the final destination" after the last "States" in the second sentence of paragraph (e).

6. Section 18.25 (c) is amended by substituting "New York Office, Foreign Trade Division, Bureau of the Census" for "Section of Customs Statistics".

7. Section 18.30 (a) is amended by inserting a period after "required" and deleting the remainder of the paragraph.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

1. Section 19.1 (a) is amended by deleting the second sentence from subparagraph (1).

2. Section 19.2 (d) is amended by changing the period at the end of the second sentence to a comma and adding "as amended by T. D. 52403.".

3. Section 19.5 is amended by inserting "(5 U. S. C. 921)" immediately before the period at the end of the first sentence of paragraph (b); by substituting "(5 U. S. C. 911, 922)" for "by the Federal Employees Pay Act of 1946" and "(19 U. S. C. 267, 1451)" for "(the act of February 13, 1911, as amended, and section 451 of the Tariff Act of 1930, as amended)" in the second sentence; and by revising the citation of authority to read as follows: "Secs. 201, 301, 302, 604, 59 Stat. 296, 298, as amended, 303, 304, as amended, sec. 603, 63 Stat. 965, as amended, secs. 203, 204, 65 Stat. 679, as amended, 681, sec. 5, 36 Stat. 901, as amended, secs. 451, 555, 556, 624, 46 Stat. 715, as amended, 743, 759; 5 U. S. C. 911, 921, 922, 944, 1113, 2062, 2063, 19 U. S. C. 267, 1451, 1555, 1556, 1624."

4. Section 19.13 (c) is amended by changing the comma to a period and deleting the remainder of the sentence.

5. Section 19.14 (c) is amended by substituting "customs warehouse officer" for "storekeeper" in the text preceding the form and in the second part of the form.

6. Section 19.17 is amended by deleting paragraphs (b), (c), and (f); by redesignating paragraphs (d), (e), (g), (h), and (i) as (b) through (f), respectively; and by inserting ", as amended by T. D. 52403," after "50267" in the second sentence of redesignated paragraph (e).

7. Section 19.18 is amended by substituting "lead, tin, or copper" for "lead and tin, copper" in the last sentence.

8. Section 19.22 is amended by inserting "which have been lost and are attributable to the exported product" immediately before the period at the end of the first sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 20—DISPOSITION OF UNCLAIMED AND ABANDONED MERCHANDISE

1. Section 20.4 is amended by substituting "General Services Administration" for "Division of Procurement" and by revising the citation of authority to read "R. S. 161, 251, sec. 492, 46 Stat. 727, 53 Stat. 245, 304; 5 U. S. C. 22, 19 U. S. C. 66, 1492, 26 U. S. C. 2190, 2805.".

2. Section 20.6 (g) is amended by changing the comma following "1930" in the first sentence to a period and deleting the remainder of the sentence (not including the footnote reference "9").

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 22—DRAWBACK

1. Section 22.5 (a) is amended by inserting "as amended," after "1930," in the text preceding the subparagraphs.

2. Section 22.6 (b) (4) is amended by inserting "refined" after "All" in the second sentence.

3. In order to provide for the extension of a prescribed period for the completion of a drawback claim when failure to complete the claim within the prescribed period is occasioned by action of a responsible customs officer, § 22.13 (a) is amended by substituting ", unless it is established that failure to complete the claim within 3 years was occasioned by action of a responsible customs officer" for "for any cause" in the last sentence.

4. Section 22.18 (g) is amended by substituting "imported" for "important" in the last sentence.

5. Section 22.28 (b) is amended by substituting "a temporary importation" for "6-months'".

6. In view of the amendment of section 313 (c), Tariff Act of 1930, by section 12 (b), Customs Simplification Act of 1953, and to simplify administrative procedure, § 22.32 is amended by revising the caption to read "Drawback entry."; by substituting "a drawback entry in triplicate on customs Form 7539" for "an application in duplicate on customs Form 7537" in the first sentence of paragraph (a); by substituting "drawback entry" for "application" in the second sentence of paragraph (a); by substituting "Each drawback entry covering" for "All applications for the exportation of" in the first sentence of paragraph (b); by inserting "import" after "named in the" and substituting "drawback entry" for "application" in the first sentence of paragraph (b); by substituting "drawback entry" for "application" in the second sentence of paragraph (b); by inserting the following new sentence before the last sentence in paragraph (b): "If the merchandise was shipped to the importer without his consent, a clear statement of that fact shall be submitted, together with all information in the possession of the importer as to the reason for the shipment."

and by inserting "or circumstances" immediately after "specifications" in the last sentence of paragraph (b).

7. For the reasons last indicated, § 22.33 is amended as follows:

a. The first sentence of paragraph (a) is deleted and the following is substituted therefor: "Upon receipt of the drawback entry, the collector shall assign a number thereto, by appropriate notation on all copies, approve the place of deposit of the merchandise specified by the person making the entry or designate another place if that one is not deemed suitable, and return the original to the entrant for presentation with the merchandise to the customs officer at the place of deposit. If the merchandise is to be exported otherwise than by mail, one copy of the entry shall be returned to the entrant for resubmission to the collector in accordance with paragraph (e) of this section."

b. Paragraph (a) is further amended by substituting "after" for "from" in the present second sentence and by substituting "drawback shall be denied" for "the application shall be disapproved" in the last sentence.

c. Paragraph (c) is amended by deleting the first two sentences and substituting therefor the following: "The drawback entry, fully executed in triplicate on customs Form 7539, shall accompany or be mailed simultaneously with the parcel, unless such form is not available to the exporter, or unless the information necessary to complete the entry is not available at the time of mailing, in either of which cases the merchandise may be submitted without the entry to the postmaster for delivery to the collector of customs. When the returned merchandise is received by the collector without the related drawback entry, he shall immediately furnish the exporter with the proper number of copies of Form 7539 for prompt execution and return."

d. Paragraph (e) is amended by substituting "entrant" for "applicant" in the first sentence and "entry" for "application" in both places in the same sentence; by deleting the second sentence and substituting therefor the following: "If the entry has been approved and the merchandise is to be exported otherwise than by mail, the importer or whoever shall have been designated by the importer in writing shall file with the collector, at least 6 hours before lading of the merchandise, a copy of the entry with the name of the exporting carrier and the place of lading shown thereon and the exporter's declaration thereon fully executed. The export procedure and liquidation of the entry shall be the same, so far as applicable, as in the case of an exportation of merchandise from continuous customs custody with benefit of drawback."

and by substituting "drawback is denied, the entrant" for "the application has been disapproved, the applicant" in the last sentence.

8. Section 22.34 is amended by substituting "drawback entry" for "application for exportation" in the second sentence.

9. Section 22.35 is amended by substituting "drawback entry" for "application of the importer" and by inserting ", or of shipment without the consent of the consignee," after "specifications".

10. The foregoing amendments of §§ 22.32 to 22.35 contemplate the use of a revised customs Form 7539, which will be in effect a consolidation of the present customs Forms 7537 and 7539. Customs Form 7537 is therefore abolished, but the stocks of the present Forms 7537 and 7539 shall be used, the two forms in conjunction to be substituted for the Form 7539 prescribed in these amendments, until such stocks are exhausted.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

1. Footnote 1, appended to § 23.1 (a), is amended by deleting the last paragraph.

2. Section 23.10 is amended by substituting "Administration" for "Commission" in the heading and by substituting "Maritime Administration" for "United States Maritime Commission" in paragraph (a).

3. Section 23.12 is amended by substituting "such section 606" for "this section" in paragraph (b), by deleting paragraph (e) and redesignating paragraph (f) as (e), and by deleting "by the appraiser" from the first sentence of redesignated paragraph (e).

4. Footnote 23, appended to § 23.12 (a), is amended by adding the following new paragraph:

The function of determining the domestic value of seized property under section 606, Tariff Act of 1930, in any case where the aggregate value of the seizure is not over $250 has been transferred from the appraiser to the collector. (T. D. 53322.)

5. Section 23.25 (a) is amended by substituting "6.13 (a)" for "6.10e (a)" in subparagraph (3) and by inserting "imported" after "When" in subparagraph (4).

6. Section 23.26 (a) is amended by inserting "it has received due notice that" after "until" in the first sentence, by inserting a period after "bank" in that sentence and deleting the remainder of the sentence (not including the footnote reference "41"), and by changing the semicolon in the last sentence to a period and deleting the remainder of that sentence.

7. Section 23.32 is amended by revising the heading and paragraph (a) to read as follows:



§ 23.32 *Pollution of coastal and navigable waters.* (a) When any customs officer has reason to believe that any refuse matter is being or has been deposited in navigable waters in violation of section 13 of the act of March 3, 1899 (33 U. S. C. 407) or that oil is being or has been discharged into or upon the coastal navigable waters of the United States in violation of the Oil Pollution Act of 1924 (33 U. S. C. 431–437),[**] he shall promptly furnish to the collector a full report of the incident, together with the names of the witnesses, and, when practicable, a sample of the material discharged from the vessel in question.

and by revising the citation of authority to read "R. S. 161, sec. 13, 30 Stat. 1152, sec. 7, 43 Stat. 605; 5 U. S. C. 22, 33 U. S. C. 407, 436.".

8. A new footnote is appended to § 23.32 (a), to read as follows:

[**] See Appendix VII, Customs Regulations.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

1. Section 24.3 is amended by redesignating paragraph (c) as (d) and inserting a new paragraph (c) to read as follows:

(c) When an importer desires a receipt for duties or taxes paid on a formal or appraisement entry, he shall prepare and present with the entry a copy of customs Form 5101 for such purpose.

2. Section 24.9 is deleted.

3. Section 24.11 (a) (2) is amended by substituting "25.4(31)" for "25.4 (32)".

4. Section 24.17 (a) (6) is amended by substituting "25.4 (31)" for "25.4 (32)".

5. Section 24.31 (b) (3) is amended by substituting "(section 481 (c), Title 40, United States Code)" for "(sec. 201 (c), Pub. Law 152, 81st Cong.)".

6. Section 24.36 (b) is amended by substituting "a transferee provided for in section 557 (b), Tariff Act of 1930, as amended," for "the transferee" in the third sentence, by inserting a period after "such transferee" in the same sentence, and by deleting the remainder of that sentence.

7. Section 24.70 is amended by substituting "section 61f–61k, title 5, United States Code" for "Public Law 636, approved August 3, 1950" in the first sentence of paragraph (a), by changing the last comma in the second sentence of paragraph (c) to a period and deleting the remainder of that sentence, and by deleting the parenthetical matter following the second sentence of paragraph (c).

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 25—CUSTOMS BONDS

1. Section 25.3 (a) is amended by substituting "Bureau" for "Commissioner of Customs" in the text preceding the numbered subdivisions and by inserting "as amended by T. D. 52403," after "50267," in subparagraph (4).

2. Section 25.4 is amended by substituting "This" for "The penalty on this" in the second sentence of redesignated subparagraph (26) of paragraph (a), by substituting "This" for "The penalty of this" in the second sentence of redesignated subparagraph (27) of paragraph (a), by substituting "amount of" for "penalty named in" in the first sentence of paragraph (b), by substituting "amount" for "penal sum" in the second sentence of paragraph (b), and by substituting "amount" for "penalty" in the third sentence of paragraph (b).

3. Section 25.12 (b) is amended by substituting "amount" for "penal sum" in the first sentence.

4. Section 25.14 is amended by substituting "amount" for "penalty" in the first sentence.

5. Section 25.16 (c) is amended by inserting "Saturday," before and a comma after "Sunday" in the last sentence.

6. Section 25.17 (f) is amended by substituting "Bureau" for "Commissioner of Customs" in the first sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

PART 26—DISCLOSURE OF INFORMATION

1. Section 26.2 is amended by substituting "and hypothecations pertaining to vessels of the United States" for "hypothecations" in paragraph (a) (11) and by substituting "16 F. R. 6964" for "19 CFR 100.4" in paragraph (c).

2. Section 26.7 (c) is amended by inserting ", as amended" after "1917" and by deleting "as amended by Public Law No. 679, 81st Congress,".

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

Approved: December 17, 1953.

H. CHAPMAN ROSE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-10685; Filed, Dec. 23, 1953; 8:51 a. m.]

[T. D. 53398]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

PART 14—APPRAISEMENT

MISCELLANEOUS AMENDMENTS

If the designations which, under section 499 of the Tariff Act of 1930, as amended, a collector is required to make of packages or quantities of imported merchandise are to serve as an effective control, such designations must be made before the merchandise is examined and released.

However, perishable and other merchandise for which an immediate delivery permit may be issued in order that it may be released prior to formal entry under section 448 (b) of the tariff act often arrives at night, or on Saturday, Sunday, or a holiday, when the officer authorized to designate packages or quantities for examination is not on duty. It is impracticable in such cases to make

such designations after the arrival of the merchandise but before its examination and release under an immediate delivery permit.

It is therefore necessary to authorize the designation of examination packages to be made under proper safeguards before the arrival of the merchandise which is to be released under an immediate delivery permit, and to include a requirement for the furnishing to the examining officer of a document containing data which will enable him to make a proper examination of the importation and to identify it with the special delivery permit. It is also deemed necessary to make certain minor changes in the regulations in order to prevent abuse of the immediate delivery permit procedure. Accordingly, the Customs Regulations are hereby amended as follows:

1. Section 8.5 (d) is amended by changing the period before the parenthetical matter to a comma and adding "except as provided for in § 8.59 (c), relating to merchandise released under immediate delivery permits."

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

2. Section 8.22 is amended by adding the following sentence before the parenthetical matter: "As to the designation for examination of merchandise to be released under immediate delivery permits, see § 8.59 (c)."

(Sec. 499, 46 Stat. 728, secs. 15, 16, 52 Stat. 1084, sec. 624, 46 Stat. 759; 19 U. S. C. 1499, 1624)

3. Section 8.59 is amended as follows:

a. Paragraph (a) is amended by deleting the last sentence. This deletion will not establish any new privilege since the effective rate of duty for goods released under an immediate delivery permit is the rate in effect when the entry covering the goods is finally accepted.

b. Paragraph (b) is amended by adding the following sentence: "No special permits shall be issued with respect to merchandise subject to quota except for arrivals after official hours or on a Saturday, Sunday, or holiday."

c. Paragraph (c) as amended, is further amended by inserting the following matter after the first sentence: "Designations and orders for examination of merchandise to be released under immediate delivery permits may be made before the arrival of the merchandise by the collector, the assistant collector, a deputy collector, or a customs officer officially acting as one of the foregoing. Such designations and orders shall be made in the space provided therefor on the special permit, customs Form 3461, when possible, and the designations may be by minimum percentages of packages or quantities which shall be examined, unless the collector shall be of the opinion that the proper protection of the revenue requires packages to be otherwise designated for examination. Information as to particular packages designated for examination, when less than the total number of packages in the shipment, shall not be given or be accessible to anyone, other than the customs officers necessarily concerned, prior to the arrival of the merchandise within the limits of the port."

d. Paragraph (h), as amended, is further amended by inserting in the first sentence "(1 day in the case of merchandise subject to a quota)" after "2 days".

e. Paragraph (i) is amended by inserting after "release" the words "of merchandise not subject to a quota".

f. Paragraphs (j) and (k) are redesignated (k) and (l), respectively, and a new paragraph (j) is added, reading as follows:

(j) When timely entry has not been made for merchandise, other than merchandise subject to a quota, released under a special permit, and the importer files an application for relief from liquidated damages assessed, the collector may cancel such liquidated damages upon the payment of $10, if he is satisfied that the delay in filing the entry was not due to willful negligence and was occasioned by circumstances reasonably beyond the control of the parties.

g. Redesignated paragraph (k) is amended by adding the following: "Examination and release of merchandise under the special delivery provisions of this section shall not be made unless there is first furnished to the examining officer an invoice, waybill, or other satisfactory document setting forth an adequate description of the merchandise and the quantities thereof, together with the values or approximate values thereof when the latter information is needed in connection with the examination. If an annual special delivery permit is involved, the invoice or other document so presented to the examining officer shall also have shown thereon, when possible, the special delivery permit number, to facilitate the identification of the importation with the permit."

(R. S. 161, sec. 448 (b), 46 Stat. 714, sec. 499, 46 Stat. 728, secs. 15, 16 (a), 52 Stat. 1084, sec. 623, 46 Stat. 759, sec. 30, 52 Stat. 1089, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1448, 1499, 1623, 1624)

4. To conform with the foregoing amendments to Part 8 of the regulations, § 14.1 (a), is amended to read as follows:

(a) The designation of packages or quantities of merchandise for examination shall be deemed an order of appraisement for the purposes of section 488, Tariff Act of 1930.

(Sec. 488, 46 Stat. 725, sec. 624, 46 Stat. 759; 19 U. S. C. 1488, 1624)

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

Approved: December 17, 1953.

H. CHAPMAN ROSE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-10684; Filed, Dec. 23, 1953; 8:51 a. m.]

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[T. D. 53400]

## PART 22—DRAWBACK

### CERTIFICATE

To eliminate matters of internal procedure, § 22.25 (c) of the Customs Regulations (19 CFR 22.25 (c)) is amended to read as follows:

(c) If a certification as to any portion of the alcohol described in a certificate on internal revenue Form 646 should be required for the liquidation of drawback entries filed at another port, the collector, on written application of the person who requested its issuance, shall transmit an extract from the certificate for use at such port. The extract shall be made on customs Form 4541 and shall show the Internal Revenue Service certificate number on the original certificate. (Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U. S. C. 1313, 1624.)

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 313, 46 Stat. 693, as amended; 19 U. S. C. 1313)

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

Approved: December 17, 1953.

H. CHAPMAN ROSE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-10686; Filed, Dec. 23, 1953; 8:51 a. m.]

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# TITLE 20—EMPLOYEES' BENEFITS

## Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, as amended]

## PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950——)

### COORDINATION OF RAILROAD RETIREMENT PROGRAM WITH OLD-AGE AND SURVIVORS INSURANCE PROGRAM; BENEFITS IN CASE OF VETERANS

Regulations No. 4 (20 CFR, Cum. Supp., 404.1 et seq.) are amended as follows:

1. Section 404.206 (d) is amended to read as follows:

§ 404.206 *Wages and self-employment income used in determining average monthly wage.* * * *

(d) All wages deemed paid to an individual by reason of his service in the active military or naval service of the United States after September 15, 1940, and prior to July 1, 1955, provided such wages are otherwise creditable under the provisions of Subpart N of this part.

2. Section 404.213 (b) is amended to read as follows:

§ 404.213 *Recomputation of benefits for survivors.* * * *

(b) *Recomputation to include railroad compensation of earnings after individual's entitlement.* A survivor entitled to monthly benefits or a lump-sum death payment on the basis of the wages and self-employment income of an individual who died after August 1950 and who had been entitled to an old-age insurance benefit at the time of death, may secure recomputation of the decedent's primary insurance amount without filing application therefor provided:

(1) The decedent would have been entitled to a recomputation under § 404.212 (b) had he filed application therefor in the month of death, or

(2) The decedent during his lifetime was paid compensation under the Railroad Retirement Act (see Subpart O of this part) and his old-age insurance benefits had not been recalculated pursuant to the provisions of § 404.216.

3. There is inserted immediately after § 404.215 a new section, designated as § 404.216, which reads as follows:

§ 404.216 *Recalculation of benefits of an individual entitled to old-age insurance benefits to include compensation for railroad services.* Any individual who is entitled to old-age insurance benefits under section 202 (a) for months after October 1951 and whose benefits do not include the compensation received by him for his service in the railroad industry may have his benefits recalculated to include such compensation, provided such compensation may otherwise be treated as wages under the provisions of Subpart O of this part. No application is necessary for such recalculation. Such recalculation shall be made in the same manner as such individual's monthly benefits under section 202 (a) were last computed; any increase in such benefit amount due to such recalculation shall be effective for and after November 1951.

4. Section 404.304 is amended to read as follows:

§ 404.304 *Old-age insurance benefits; duration of benefits.* An individual is entitled to an old-age insurance benefit for each month beginning with the first month after August 1950 in which all of the conditions of entitlement are satisfied. The last month for which such individual is entitled to such benefit is the month preceding the month in which he dies. (See § 404.1405 for circumstances under which old-age insurance benefits may be terminated prior to the death of the individual.)

5. The following material is added as an appendix to Subpart G:

APPENDIX

1. *Applications filed with the Railroad Retirement Board.* Notwithstanding the provisions of § 403.701 of this chapter (Regulations No. 3) restricting the place for filing an application, which have been incorporated into this part by § 404.601, any application filed with the Railroad Retirement Board on or after August 1951 on its prescribed forms by an individual who at the time of filing such application had less than 10 years of service in the railroad industry (as defined in § 404.1403), by his spouse, or by or on behalf of his child, shall be deemed to be an application for benefits under title II of the act and shall be deemed filed with the Administration on the date as of which the Railroad Retirement Board certifies that such application is deemed filed with that agency.

2. *Time of filing applications for lump-sum death payment in case of serviceman dying outside the continental United States.* Where an individual, on the basis of whose wages and self-employment income a lump-sum death payment under section 202 (i) is claimed, died outside the forty-eight States or the District of Columbia after August 1950 and prior to July 1955, while he was in the active military or naval service of the United States, and where he is returned to any of such States, the District of Columbia, Alaska, Hawaii, Puerto Rico, or the Virgin Islands for interment or reinterment, the application for such lump-sum death payment may, notwithstanding the 2-year filing requirement of section 202 (i) (see § 404.338 (b)), be filed prior to the expiration of 2 years after the date of such interment or reinterment, but only if such application is filed by or on behalf of the person equitably entitled to the lump-sum death payment (see § 404.340).

6. Section 404.701 (e) is amended to read as follows:

§ 404.701 *Evidence as to right to receive monthly benefits and lump-sum death payments.* * * *

(e) *Evidence filed with Railroad Retirement Board.* When applications are made for annuities and lump sums under the Railroad Retirement Act (see Subpart O of this part), which under certain circumstances are also applications for benefits and lump-sum death payments under title II of the act, evidence developed and received by the Railroad Retirement Board in support of claims under the Railroad Retirement Act which are later transferred to the Administration may be used in determining entitlement to or eligibility for such benefits or lump-sum death payments payable under title II. Where a claim which has been completely adjudicated by the Railroad Retirement Board is transferred from that agency to the Administration, the Administration may, after examination, adopt as its initial determination any determination made by the Railroad Retirement Board (except as to compensation or periods of service—see section 5 (k) (3) of the Railroad Retirement Act), or, in light of the sufficiency of the supporting evidence or of new evidence which is introduced, may make such determination as shall be proper.

7. Section 404.806 (i) is amended to read as follows:

§ 404.806 *Revision of records of earnings after expiration of time limitation.* * * *

(i) To enter items of compensation for railroad service which constitute remuneration for employment pursuant to the provisions of Subpart O of this part, such entries to be in accordance with certified reports of records made by the Railroad Retirement Board pursuant to section 5 (k) (3) of the Railroad Retirement Act; or

8. Section 404.1001 (t) is amended to read as follows:

§ 404.1001 *General definitions and use of terms.* * * *

(t) "Railroad Retirement Act" means the Railroad Retirement Act of 1937 (50 Stat. 307), as amended by the following acts: Act of July 31, 1946 (60 Stat. 722), act of June 23, 1948 (62 Stat. 576), act of October 30, 1951 (65 Stat. 683).

9. Section 404.1017 is amended to read as follows:

§ 404.1017 *Railroad industry; employees and employee representatives under section 1532 of the Internal Revenue Code.* Except as particularly set forth in Subpart O of this part, services performed by an individual as an "employee" or as an "employee representative," as those terms are defined in section 1532 of subchapter B of chapter 9 of the Internal Revenue Code, are excepted from employment.

10. Section 404.1351 is amended to read as follows:

§ 404.1351 *Effect of section 217 (c) of the act.* Any veteran who served in the active military or naval service of the United States on or after July 25, 1947, and prior to July 1, 1955, will be deemed to have been paid wages (in addition to the wages, if any, actually paid to him) of $160 for each month during any part of which he rendered such service. Such wages will be credited to the account of such veteran for the purposes of determining entitlement to and the amount of any monthly benefit or lump-sum death payment payable under section 202 of the act on the basis of the wages and self-employment income of such veteran. Such crediting is subject to the limitations of the succeeding sections of this part.

11. Section 404.1353 is amended to read as follows:

§ 404.1353 *Meaning of "Federal benefit."* For the purposes of § 404.1352 and §§ 404.1354 to 404.1356, inclusive, a "Federal benefit" means any benefit (other than a lump-sum payment which is not a commutation of or substitute for periodic payments) under the civil service, railroad retirement, military or other Federal program which provides for retirement on account of age, length of service, or disability, or for survivors insurance, where the amount of such benefit is based, in whole or in part, upon active military or naval service during the period beginning with July 25, 1947, and ending prior to July 1, 1955, and such benefit is determined by any agency or wholly owned instrumentality of the United States (other than the Veterans' Administration) to be payable by it under any other law of the United States or under a system established by such agency or instrumentality.

12. Section 404.1355 is amended to read as follows:

§ 404.1355 *Effect of notice of determination that a "Federal benefit" is payable.* If the Administration has been notified by a department, agency, or wholly owned instrumentality of the United States that a "Federal benefit" (see § 404.1353) has been determined by it to be payable (even though later terminated) to anyone (including dependents or survivors) on the basis of the active service during the period beginning with July 25, 1947, and ending prior to July 1, 1955, of a veteran, any benefits or a lump sum payable under title II with respect to the wages and self-employment income of such veteran shall be determined without regard to the provisions in § 404.1351 for the crediting of wages granted under such section. If, prior to the receipt of such notification, the Administration has made a determination and pursuant to such deter-

mination has certified a benefit for payment to the veteran, his dependents or survivors, or has certified for payment a lump-sum death payment, as provided by § 404.1354, the Administration, upon the receipt of such notification, shall certify no further benefits for payment or shall recompute the amount of any further benefits as may otherwise be payable under title II, and shall also determine the existence and amount of any erroneous payment (see § 404.1356).

13. Section 404.1359 is amended to read as follows:

§ 404.1359 *Definition of the term "veteran"*—(a) *Included individuals.* The term "veteran," as used in §§ 404.1351 to 404.1358, inclusive, and §§ 404.1360 to 404.1362, inclusive, includes any individual who was in the active service of any of the armed forces of the United States, including the Army, Air Force, Navy, Marine Corps, and the Coast Guard or any of the components thereof on or after July 25, 1947, and prior to July 1, 1955, and including also any member of the commissioned corps of the United States Public Health Service in the active service of the Public Health Service on or after July 25, 1947, and prior to July 4, 1952, and who, if discharged or released from such active service, was so separated under conditions other than dishonorable (see § 404.1361) after service of at least 90 days or by reason of a disability or injury incurred or aggravated in service in line of duty.

(b) *Excluded individuals.* The term "veteran," as used in §§ 404.1351 to 404.1358, inclusive, and §§ 404.1360 to 404.1362, inclusive, does not include, among others, any individual who died in the active service if his death was inflicted as a punishment for a military or naval offense, other than by an enemy of the United States. Neither does it include a member of any of the units designated in the second sentence of § 404.1321 (b) insofar as such units were in existence during the period beginning with July 25, 1947, and ending prior to July 1, 1955.

14. Section 404.1360 is amended to read as follows:

§ 404.1360 *Active service of 90 days; defined.* Active service of 90 days means one or more periods totalling at least 90 days (whether or not consecutive) which are served in the period beginning with July 25, 1947, and ending prior to July 1, 1955. Where 90 days were not served wholly within such period, but such service began prior to July 25, 1947, and concluded on or after that date or began prior to July 1, 1955, and concluded on or after that date, the requirement of active service of 90 days is met only if such service of 90 days was continuous. Active service of 90 days is not necessary in the case of a veteran who was in the active service during the period referred to in the preceding sentence and who was separated therefrom by reason of a disability or injury incurred or aggravated in service in line of duty.

15. Subpart O is amended to read as follows:

SUBPART O—INTERRELATIONSHIP OF OLD-AGE AND SURVIVORS INSURANCE PROGRAM WITH THE RAILROAD RETIREMENT PROGRAM

§ 404.1401 *General relationship of Railroad Retirement Act with the old-age and survivors insurance program of the act.* The Railroad Retirement Act sets up a system of benefits for railroad employees, their dependents and survivors, and has in many respects been integrated with the Social Security Act to provide a coordinated system of retirement and survivor benefits payable on the basis of an individual's work in the railroad industry and in employment and self-employment covered by the Social Security Act. With respect to the coordination of the two programs the Railroad Retirement Act distinguishes between "career" railroaders and those individuals who may be considered "casual" railroad workers, the line of demarcation being 10 years of service in the railroad industry, including service prior to 1937. It transfers to the old-age and survivors insurance system individuals who at the time of retirement or death have less than 10 years of service in the railroad industry. Any compensation paid to such individuals for such service becomes wages under the Social Security Act so that whatever benefits are payable to them, their dependents, or their survivors come from the old-age and survivors insurance trust fund under the conditions set forth in title II of the Social Security Act. Those with 10 or more years of railroad service remain under the Railroad Retirement Act, except that under certain circumstances survivors of such workers may be shifted to the old-age and survivors insurance system.

§ 404.1402 *When services in the railroad industry are covered.* Services performed by an individual in the railroad industry which would, but for the provisions of this section, be excepted from "employment" by reason of § 404.1017 shall be considered to be in "employment" as defined in section 210 of the act in the following situations:

(a) For the purpose of determining entitlement to or the amount of any monthly benefit or lump-sum death payment on the basis of the wages and self-employment income of an individual whose years of service in the railroad industry are less than 10;

(b) For the purpose of determining entitlement to or the amount of any survivor monthly benefit or any lump-sum death payment on the basis of wages and self-employment income of an individual whose years of service in the railroad industry at the time of death were 10 or more (see § 404.1406 for circumstances under which no payment may be made even though services are in "employment");

(c) For the purpose of applying the provisions of section 203 of the act (see Subpart E of this part).

§ 404.1403 *Definition of "years of service."* The term "years of service" as used in this subpart has the same meaning as assigned to it by section 1 (f) of the Railroad Retirement Act.

§ 404.1404 *Effective date of coverage of railroad services under the act.* The provisions of paragraphs (a) and (b) of § 404.1402, insofar as they relate to survivor monthly benefits and lump-sum death payments, are effective:

(a) In the case of monthly benefits, for months after December 1946, and

(b) In the case of lump-sum death payments, with respect to deaths after 1946.

The remaining provisions of such section are effective November 1, 1951.

§ 404.1405 *When the provisions of § 404.1402 do not apply*—(a) *Awards by the Railroad Retirement Board prior to October 30, 1951.* The provisions of § 404.1402 (a) shall not apply with respect to the wages and self-employment income of an individual if, prior to October 30, 1951, the Railroad Retirement Board has awarded under the Railroad Retirement Act a retirement annuity to such individual or a survivor annuity with respect to the death of such individual and such retirement or survivor annuity, as the case may be, was payable at the time an application for benefits is filed under the act on the basis of the wages and self-employment income of such individual. A pension payable under section 6 of the Railroad Retirement Act or an annuity paid in a lump sum equal to its commuted value under section 3 (i) of the Railroad Retirement Act in effect prior to the act of October 30, 1951, is not a "retirement or survivor annuity" for the purpose of this paragraph.

(b) *Individual continues to work in railroad industry after establishing entitlement to benefits under section 202 (a).* An individual's service in the railroad industry used, pursuant to the provisions of § 404.1402, to establish entitlement to or to determine the amount of, his old-age insurance benefits under section 202 (a) shall not be deemed to be in "employment" as defined in section 210 of the act, if he renders service in the railroad industry after the effective date of such benefits and his years of service attributable thereto when added to his years of service prior to such effective date are 10 or more. Such benefits and any benefits payable to the spouse or child of such individual under sections 202 (b), (c), or (d) of the act on the basis of his wages and self-employment income shall be terminated with the month preceding the month in which such individual acquires his tenth year of service. If, however, an insured status (see Subpart B of this part) exists without the use of compensation, such benefits shall, in lieu of termination, be recalculated without using such compensation and the recalculated benefits shall be payable with the month in which the tenth year of service was acquired. Any monthly benefits paid prior to such month shall not be deemed erroneous by reason of the use of such compensation.

§ 404.1406 *Eligibility to railroad retirement benefits as a bar to payment of social security benefits.* Notwithstanding the fact that, pursuant to the preceding provisions of this subpart, services rendered by an individual in the railroad industry are in employment, no lump-sum death payment or survivor monthly benefits shall be paid (except as provided in § 404.1407) under the regulations in this part on the basis of such individual's wages and self-employment income if any person, upon filing application therefor, would be entitled to an annuity under section 5 of the Railroad Retirement Act or a lump-sum payment under section 5 (f) (1) of such act with respect to the death of such individual.



§ 404.1407 *When railroad retirement benefits do not bar payment for social security benefits.* The provisions of § 404.1406 shall not operate if:

(a) The survivor is, or upon filing application, would be entitled to a monthly benefit with respect to the death of an insured individual for a month prior to January 1947, if such monthly benefit is greater in amount than the survivor annuity payable to such survivor after 1946 under the Railroad Retirement Act; or

(b) The residual lump-sum payment provided by section 5 (f) (2) of the Railroad Retirement Act with respect to the death of an insured individual is paid by the Railroad Retirement Board in accordance with the provisions of said section 5 (f) (2) and pursuant to an irrevocable election filed with board by the widow or parent of such individual to waive all annuities to which such widow or parent might otherwise become entitled, but only to the extent that widow's or parent's benefits may be payable under the regulation of this part to such widow or parent, as the case may be, solely on the basis of the wages and self-employment income of such deceased individual and without regard to any compensation which may be treated as wages pursuant to § 404.1408.

§ 404.1408 *Compensation to be treated as wages.* Where, pursuant to the preceding provisions of this subpart, services rendered by an individual in the railroad industry are considered to be in "employment" as defined in section 210 of the act, any compensation received by such individual for such service shall be treated as wages, provided the provisions of § 404.1406 do not operate to bar the payment of benefits under title II of the act; except that where war-service wages for any month are credited to the wage record of the World War II veteran (see § 404.1321 (a)) under § 404.1305 or where wages are credited to a veteran as defined in § 404.1359, under § 404.1351, compensation is attributable as having been paid during such month on account of military service creditable under section 4 of the Railroad Retirement Act. As used in this part, the term "compensation" shall have the meaning assigned to it by section 1 (h) of the Railroad Retirement Act.

§ 404.1409 *Purposes of using compensation.* Compensation which is treated as wages under § 404.1408 shall be used, together with wages (see Subpart K of this part) and self-employment income (see Subpart K of this part), for purposes of determining an individual's insured status (see Subpart B of this part), computing such individual's primary insurance amount (see Subpart C of this part), and applying the deduction provisions of section 203 of the act (see Subpart E of this part).

§ 404.1410 *Presumption on basis of certified compensation record.* Where the Railroad Retirement Board certifies to the Administration a report of record of compensation, which is treated as wages under § 404.1408, and periods of service which does not identify the months or quarters in which such compensation was paid, the sum of the compensation quarters of coverage (see § 404.1412) will be presumed, in the absence of evidence to the contrary, to represent an equivalent number of quarters of coverage (see §§ 404.103 and 404.104). No more than four quarters of coverage shall be credited to an individual in a single calendar year. However, if such individual also had self-employment income for a taxable year and the sum of such income and wages (including compensation which is treated as wages under § 404.1408) paid to him during such taxable year equals $3,600, each quarter any part of which falls in such year shall be a quarter of coverage.

§ 404.1411 *Allocation of compensation to months of service.* If by means of the presumption under § 404.1410:

(a) An individual does not have an insured status (see Subpart B of this part) on the basis of the quarters of coverage with which he is credited; or

(b) A deceased individual's average monthly wage (see § 404.205) may be affected because he attained age 22 after 1936, the Administration will request the Railroad Retirement Board to furnish a report of the months in which such individual rendered services for compensation which is treated as wages under § 404.1408 if it appears that identification of such months may result in an insured status or if it will affect such average monthly wage.

§ 404.1412 *Compensation quarter of coverage.* As used in this subpart, a compensation quarter of coverage is any quarter of coverage computed with respect to compensation paid to an individual for railroad employment after 1936 in accordance with the provisions for determining such quarters of coverage as contained in section 5 ( ) (4) of the Railroad Retirement Act.

(Sec. 205, 49 Stat. 624, as amended, sec. 1102, 49 Stat. 647, sec. 218, 64 Stat. 514; 42 U. S. C. 405, 418, 1302)

[SEAL] JOHN W. TRAMBURG,
*Commissioner of Social Security.*

Approved: December 18, 1953.

OVETA CULP HOBBY,
*Secretary.*

[F. R. Doc. 53-10667; Filed, Dec. 23, 1953; 8:49 a. m.]

# TITLE 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141—TESTS AND METHODS OF ASSAY FOR ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

BACITRACIN-NEOMYCIN-POLYMYXIN TABLETS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371; 67 Stat. 18), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR, 1952 Supp., Part 146) are amended as indicated below:

1. Part 141 is amended by adding the following new section:

§ 141.421 *Bacitracin-neomycin-polymyxin tablets*—(a) *Potency*—(1) *Bacitracin content.* Proceed as directed in § 141.403 (a). Its content of bacitracin is satisfactory if it contains not less than 85 percent of the number of units per tablet that it is represented to contain.

(2) *Neomycin content.* Proceed as directed in § 141.410 (a) (1) (ii). Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams of activity per tablet that it is represented to contain.

(3) *Polymyxin content.* Proceed as directed in § 141.112 (a) (1) (ii), except calculate from the quantity of neomycin found (using the method prescribed in subparagraph (2) of this paragraph) the quantity of neomycin that would be present when the sample is diluted to contain 100 units of polymyxin (labeled potency) per milliliter. Prepare the polymyxin standard curve by adding this calculated quantity of neomycin to each concentration of polymyxin used for the curve. Use this standard curve to calculate the polymyxin content of the sample. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units per tablet that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141.5 (a).

2. Part 146 is amended by adding the following new section:

§ 146.421 *Bacitracin-neomycin-polymyxin tablets.* (a) Bacitracin-neomycin-polymyxin tablets conform to all requirements and are subject to all procedures prescribed by § 146.412 for bacitracin-polymyxin tablets, except that:

(1) Each tablet contains not less than 6 milligrams of neomycin. The neomycin used conforms to the requirements prescribed therefor by § 146.410 (a) (2).

(2) In lieu of the labeling prescribed for bacitracin-polymyxin tablets by

§ 146.412 (a) (3), each package shall bear on the outside wrapper or container and the immediate container the number of units of bacitracin, the number of units of polymyxin B, and the number of milligrams of neomycin in each tablet of the batch.

(3) In addition to complying with the requirements of § 146.412 (a) (4), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless it was previously submitted) the results and the date of the latest tests and assays of the neomycin used in making the batch for potency, toxicity, moisture, and pH. He shall also submit in connection with his request a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the neomycin used in making such batch.

(b) The fee for the services rendered with respect to each immediate container in the sample of neomycin submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: December 18, 1953.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 53-10666; Filed, Dec. 23, 1953; 8:49 a. m.]

## TITLE 22—FOREIGN RELATIONS

### Chapter V—United States Information Agency

PART 502—CERTAIN MEASURES TO FACILITATE THE CIRCULATION ABROAD OF AMERICAN-MADE VISUAL AND AUDITORY EDUCATIONAL MATERIALS

Sec.


502.1 Background and purpose of the Attestation program.
502.2 Functions of the Committee on Attestation.
502.3 Criteria.
502.4 Interpretation of criteria.
502.5 Classes of materials.
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502.7 Application of criteria.
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502.9 Certification not required for exportation of materials from the United States or for importation into other countries.
502.10 Certain governments recognizing certificates or finding them helpful in establishing educational character of imported materials.
502.11 Simplified procedure for duty-free return to a United States exporter of films and filmstrips made in the United States and exported temporarily on a rental or loan basis.
502.12 Motion picture and filmstrip catalogue.
502.13 Explanation of UNESCO film coupon.
502.14 Inquiries.


AUTHORITY: §§ 502.1 to 502.14 issued under R. S. 161; 5 U. S. C. 22.

§ 502.1 *Background and function of the Attestation program.* (a) On August 1, 1953, the Attestation program was transferred from the Department of State to the U. S. Information Agency, in accordance with Reorganization Plan No. 8.

(b) This program facilitates the circulation abroad of eligible American visual and auditory materials by certification of their international educational character. Certificates issued in consequence of this program are recognized by certain other governments, which accord duty free entry and other privileges to materials covered by them.

(c) Following a policy established in 1938 of assisting in every appropriate way the circulation abroad of American visual and auditory materials, the Department of State in 1942 undertook to certify eligible materials, which had previously suffered a disadvantage abroad for lack of a certification program, and in 1946 established an interdepartmental Committee on Attestation to review material submitted and to recommend eligible materials for certification.

(d) Set forth in §§ 502.3 through 502.7 are the criteria employed by the Committee on Attestation in recommending to the U. S. Information Agency (hereinafter referred to as the Agency) whether materials submitted may appropriately be certified as of international educational character.

§ 502.2 *Functions of the Committee on Attestation.* The Committee on Attestation (hereinafter referred to as the Committee) exercises the following responsibilities in regard to facilitating the circulation abroad of American visual and auditory materials:

(a) The review of motion pictures, kinescopes, filmstrips, slides, wall charts, posters, maps, models, and sound recordings upon request of owners of the rights to reproduce such materials.

(b) The evaluation of such materials from the standpoint of their international application and educational purpose and effect.

(c) The formulation with respect to each subject of a position of the U. S. Information Agency consistent with accepted criteria of evaluation.

(d) The attestation of materials by the issuance of a certificate signed by the Attestation Officer.

§ 502.3 *Criteria.* The Agency acting through the Committee applies the criteria set forth in the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character (adopted at the Third Session, General Conference of UNESCO, Beirut, 1948):

ARTICLE I. Visual and auditory materials shall be deemed to be of an educational, scientific or cultural character:

(a) When their primary purpose or effect is to instruct or inform through the development of a subject or aspect of a subject, or when their content is such as to maintain, increase or diffuse knowledge and augment international understanding and good will;

(b) When the materials are representative, authentic, and accurate; and

(c) When the technical quality is such that it does not interfere with the use made of the material.

§ 502.4 *Interpretation of criteria.* (a) The Agency does not certify materials the primary purpose or effect of which is to amuse or entertain.

(b) The Agency does not certify materials the primary purpose of which is to inform concerning current events (newsreels, newscasts, other forms of "spot news").

(c) The Agency does not certify materials which by special pleading attempt to influence opinion, conviction or policy (religious, economic, or political propaganda), to inculcate any dogma, to constitute a ritual or denominational service.

(d) The Agency does not certify materials the purpose or effect of which is to stimulate the use of a patented process or product, to advertise a particular organization or individual, or to raise funds. The Agency considers that an incidental appeal does not invalidate the educational character of material when such appeal is for service or help in noncompetitive, voluntary, cooperative participation in public services and does not involve contributions of money or marketable commodities.

(e) The Agency does not regard as augmenting international understanding or good will and cannot attest any material which may be perceived to lend itself to misinterpretation or misrepresentation of the United States or other countries, their peoples or institutions.

(f) The Agency does not knowingly certify any materials which have not in fact already been produced at the time of application.

§ 502.5 *Classes of material.* (a) The Committee may be called upon to review the following classes of visual and auditory materials.

(b) Films, filmstrips and microfilm in either negative form, exposed and developed; or positive form, printed and developed; and teletranscriptions and kinescopes.

(c) Sound recordings of all types and forms.

(d) Glass slides; models, static and moving; wall charts, maps and posters.

(e) Recorded music, although not specifically mentioned in the Agreement, may be considered for certification, the Agency recognizing that certain music recordings have as their primary purpose or effect "to instruct or inform" and do otherwise conform to the above requirements. In considering recorded music for which certification is requested, the Committee may be guided by evidence in the recordings or in collateral submitted material, such as teaching guides, etc., which support the educational or informational purpose or effect of the recordings.

§ 502.6 *Consultation.* (a) The Committee in appraising materials submitted will consider their purpose or effect in relation to their intended educational level. When advisable the Committee will seek professional advice from appropriate officers of government or of national organizations with professional competence in the fields concerned.

(b) In determining matters of policy which the Committee believes require examination by a committee or broader composition, or require consultation with a number of national organizations, these matters may be referred to the Interdepartmental Committee on Visual and Auditory Materials for Distribution Abroad, or for advice to the Joint Advisory Review Committee.

(c) The Committee may in its discretion request any officer of the Federal Government to participate in its decisions with respect to submitted material, provided that the material under consideration is within the area of special competence or responsibility of that officer.

§ 502.7 *Application of criteria.* (a) The Committee has as its general approach to attestation the facilitation, in so far as appropriate, of circulation abroad of American-owned visual and auditory materials. However, the Committee will exercise its judgment in determining whether the content of the material is of sufficient substance to maintain, increase or diffuse knowledge of the subject it covers, at the intended educational level.

(b) The Committee will avoid the certification of classes of materials which it believes this country would be unwilling to admit free of duty under the terms of the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character.

§ 502.8 *Method of requesting certification.* Application for certification of the international educational character of visual and auditory material must be made to the Agency by the American owner of the right to reproduce it. Application is made on Forms IAP 1, IAP 2, IAP 3, IAP 4, and DSP 47. A form should be executed for each subject or series it is desired to have considered for certification. As a part of the application, the following should also be submitted.

(a) *Notarized document.* Notarized document in evidence of applicant's ownership of the right to reproduce the material. One such affidavit may cover all the titles for which application is made at a given time, provided they are mentioned in it.

(b) *Description of content of productions.* Action will be facilitated if narrations, captions, advertising leaflets, catalogues, etc., are furnished.

(c) *Examples of production.* Examples of productions if the Agency has not had the opportunity of seeing the material concerned. Screening print of film, representative selections of slides, filmstrips, recordings, maps, wall charts or posters, should be transmitted carriage prepaid. Such material will be returned promptly.

§ 502.9 *Certification not required for exportation of materials from the United States or for importation into other countries.* This Agency's attestation of the international educational character of material is not required for its distribution abroad. Lack of a certificate does not prevent any producer from exporting uncertified material as he may see fit. Its certificates may, however, procure for attested materials exemptions from customs duties and some other taxes, when filed in connection with their entry into certain foreign countries, Canada among them.

§ 502.10 *Certain governments recognizing certificates or finding them helpful in establishing the educational character of imported materials.* (a) The following are among the governments reported as recognizing the certificates outright or finding them helpful in making local determination of the educational character of materials covered:

Australia, Bermuda, Canada, Ceylon, Columbia, Costa Rica, Dominican Republic, Dutch Guiana, Formosa, Gibraltar, Gold Coast, Guatemala, Israel, Liberia, Malta, New Zealand, Nicaragua, Nigeria, Panama, South Rhodesia, Tunisia, Turkey, Uruguay.

(b) Certain countries also have signed and ratified the Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cultural Character which provides for the recognition of certified visual and auditory materials.

(1) This agreement has been ratified by the following countries:

Cambodia, Canada, El Salvador, Iraq, Norway, Pakistan, Philippines, Syria, Yugoslavia.

(2) In addition the following countries have signed but have not yet ratified:

Afghanistan, Brazil, Denmark, Dominican Republic, Ecuador, Greece, Haiti, Iran, Lebanon, Netherlands, United States of America, Uruguay.

(3) One more ratification is required to bring the Agreement into effect among those countries that have ratified.

§ 502.11 *Simplified procedure for the duty free return to a United States Exporter of films and filmstrips made in the United States and exported temporarily on a rental or loan basis.* Bureau of Customs Circular Letter No. 2859 dated September 8, 1953, outlines a simplified procedure for the return of films made in the United States and not exceeding $250 in value, when returned to the sender in this country through postal channels from loan or rental abroad, and the means by which they may be permitted duty-free entry. The procedure permits the customs clearance of such shipments merely upon the enclosure therewith of customs Form 3311, signed by the United States exporter (who must also be the importer) and including the following statement under "Remarks": "It is requested that all other forms required by section 10.1 of the regulations be waived. These films contain no obscene or immoral matter, nor any matter advocating or urging treason or insurrection against the United States or forcible resistance to any law of the United States, nor any threat to take the life of or inflict bodily harm upon any person in the United States."

§ 502.12 *Motion picture and filmstrip catalogue.* For circulation abroad, the Agency compiles and publishes a catalogue entitled *United States Educational, Scientific and Cultural Motion Pictures and Filmstrips Suitable and Available for Use Abroad.* It is the purpose of this catalogue to facilitate the circulation abroad of available American-made films and filmstrips approved by an advisory board of American visual education specialists, by listing and describing the materials and indicating from whom and on what terms prints may be obtained.

(a) *Classes of films and filmstrips to be considered for listing.* Educational, scientific and cultural motion pictures and filmstrips, approved by the Board of Advisers, which the owners of the reproduction rights are willing to make available by sale (on receipt of acceptable purchase order from abroad), or on loan or by gift to legitimately interested reputable organizations abroad. Films and filmstrips depicting life in other countries are customarily not included.

(b) *Submittal of information.* Catalogues or lists, or other printed matter, descriptive of available materials should be submitted to the Agency by the owner of reproduction rights. After study of this information and consultation with advisers, forms will be sent to the owners of reproduction rights, requesting any additional data needed concerning films and filmstrips considered to be within the categories of materials which may properly be included in the catalogue. From the information obtained, draft entries will be prepared for approval by the aforesaid owners.

(c) *Distribution.* Copies of the catalogue are distributed abroad through United States Information Centers and are presented to outstanding educational, scientific and cultural institutions abroad. They are not intended for domestic circulation (within the United States).

(d) *Orders and inquiries from abroad.* All inquiries about materials listed in the catalogue should be addressed to the owners of the reproduction rights whose names, addresses and conditions of sale, loan or gift of materials are given in the catalogue. No correspondence or orders are transmitted through the Agency.

§ 502.13 *Explanation of the UNESCO film coupon.* Producers and distributors of educational films encountering currency difficulties in arranging for sales of films, filmstrips and projection equipment abroad, may find assistance in overcoming these difficulties through the UNESCO Coupon. The coupon permits institutions and individuals in "soft currency" countries to buy films and filmstrips and related materials for educational, scientific and cultural purposes from suppliers in "hard currency" countries. In the case of the United States, producers may redeem coupons received in payment for their materials at the UNESCO Liaison Office, United Nations Building, New York City, or the UNESCO Coupon Office, 19 Avenue Kleber, Paris. UNESCO redeems the full amount of the coupons in U. S. dollars, less five percent for handling charges with the approval of the dis-

tributors. Folders describing the UNESCO Coupon are available.

§ 502.14 *Inquiries.* Requests for application forms and further information about facilitating the circulation abroad of American visual and auditory materials by the means outlined above, may be obtained from:

U. S. Information Agency, attention: (COA-REV), Washington 25, D. C.

Issued: December 17, 1953.

ABBOTT WASHBURN,
*Acting Director.*

[F. R. Doc. 53-10614; Filed, Dec. 23, 1953; 8:45 a. m.]

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter B—Property Improvement Loans

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

INSURANCE RESERVE

Section 201.12 (e) is hereby amended to read as follows:

(e) *Adjustment of 1950 reserve.* The amount of the 1950 insurance reserve to the credit of each insured shall be adjusted on January 1, 1953, and on the first day of each semiannual period thereafter by deducting therefrom an amount equivalent to one-fifth of the amount of such insurance reserve on the records of the Commissioner as of the date of such adjustment: *Provided*, That no such adjustment shall reduce the insurance reserve of any insured to an amount less than $5,000.00: *And provided further*, That no such adjustment shall be made in the insurance reserve of any financial institution until the first day of January or the first day of July next following the expiration of a period of 30 months after the issuance of a Contract of Insurance to such institution by the Commissioner, and no such adjustment shall be made in the insurance reserve of any financial institution after the termination of the Contract of Insurance issued to such institution by the Commissioner, or after the termination of the Commissioner's authority to insure against losses pursuant to section 2 of Title I of the National Housing Act.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup., 1703)

Issued at Washington, D. C., December 18, 1953.

[SEAL] GUY T. O. HOLLYDAY,
*Federal Housing Commissioner.*

[F. R. Doc. 53-10659; Filed, Dec. 23, 1953; 8:47 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 562—RESERVE OFFICERS' TRAINING CORPS

TRANSPORTATION

In § 562.66, paragraph (a) (2) (i) is amended to read as follows:

§ 562.66 *Transportation*—(a) *Transportation authority.* * * *

(2) In exceptional circumstances, continental army and oversea commanders may:

(i) Authorize a student to proceed to the camp designated for his unit from his legal residence when the distance from such residence to the camp is greater than from the institution to the camp. This authorization will be given only to students whose institutions close so early in the year as to make it impracticable for them to proceed direct from the institution to the camp, and will apply only when both school and legal residence are located within continental limits of United States; territorial limits of Hawaii; territorial limits of Alaska; or territorial limits of Puerto Rico. When army or oversea commanders deem it necessary to order ROTC students to camp within the United States when both the legal residence and institution attended are situated in Puerto Rico, Alaska, or Hawaii, transocean travel by Government transportation (air or water) on a space required basis will be secured for students. If such transportation is not available, the army or oversea commanders will request Department of the Army approval for travel by commercial carrier and provision for any additional funds required. If orders are issued while he is at the institution, he shall be returned to the institution.

* * * * *

[C3, SR 145-30-1, December 4, 1953] (R. S. 161; 5 U. S. C. 22. Interpret or apply 39 Stat. 191, as amended, sec. 34, 44 Stat. 778; 10 U. S. C. 354, 381-388, 441)

[SEAL] WM. E. BERGIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 53-10683; Filed, Dec. 23, 1953; 8:51 a. m.]

### Chapter XI—Division of Liquidation, Department of Commerce

[Supp. Order 189, Amdt. 7]

PART 1305—ADMINISTRATION

PRESERVATION OF RECORDS

DECEMBER 17, 1953.

Pursuant to the Emergency Price Control Act of 1942, as amended, Executive Orders Nos. 9809, 9841, and 9842, and Department of Commerce Order 75, as amended, it is hereby ordered that section 1 of Supplementary Order 189 issued by the Administrator, Office of Price Administration, on October 23, 1946 (11 F. R. 12568), as amended on November 12, 1946 (11 F. R. 13442), November 6, 1947 (12 F. R. 7327), February 20, 1948 (13 F. R. 1262), June 30, 1949 (14 F. R. 3707), December 27, 1951 (17 F. R. 18), and December 11, 1952 (18 F. R. 33), be, and it is hereby, further amended by changing the date January 1, 1954, wherever it occurs in subsection (a) of the said section 1, to January 1, 1955.

(56 Stat. 23, as amended; 50 U. S. C. App. 901 et seq.; E. O. 9809, Dec. 12, 1946, 3 CFR, 1946 Supp.; E. O. 9841, April 23, 1947, 3 CFR, 1947 Supp.; E. O. 9842, April 23, 1947, 3 CFR, 1947 Supp.)

This amendment shall become effective January 1, 1954.

TRUE D. MORSE,
*Acting Secretary of Agriculture.*
KENTON R. CRAVENS,
*Administrator,*
*Reconstruction Finance Corporation.*
LEO NIELSEN,
*Secretary,*
*Reconstruction Finance Corporation.*
[SEAL] SINCLAIR WEEKS,
*Secretary of Commerce.*

Approved:

HERBERT BROWNELL, Jr.,
*Attorney General,*
*Department of Justice.*

[F. R. Doc. 53-10701; Filed, Dec. 22, 1953; 12:36 p. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

ATLANTIC OCEAN AND CONNECTING WATERS IN VICINITY OF MYRTLE ISLAND, VIRGINIA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.48 establishing and governing the use and navigation of a danger zone in the waters of the Atlantic Ocean, South Bay and connecting waters, is hereby modified to include an additional water area, as follows:

§ 204.48 *Atlantic Ocean and connecting waters in vicinity of Myrtle Island, Va.; Air Force practice bombing, rocket firing, and gunnery range*—(a) *The danger zone.* The waters of the Atlantic Ocean and connecting waters within an area described as follows: Beginning at latitude 37°12'18", longitude 75°46'00"; thence southwesterly to latitude 37°08'21", longitude 75°50'00"; thence northwesterly along the arc of a circle having a radius of three nautical miles and centered at latitude 37°11'16", longitude 75°49'29", to latitude 37°10'14", longitude 75°52'57"; thence northeasterly to latitude 37°14'30", longitude 75°48'32"; thence southeasterly to 37°13'38", longitude 75°46'18"; and thence southeasterly to the point of beginning.



(b) *The regulations.* (1) No vessel shall enter or remain in the danger zone except during intervals specified and publicized from time to time in local newspapers or by radio announcement.

(2) This section shall be enforced by the Commanding General, Tactical Air Command, Langley Air Force Base, Virginia, and such agencies as he may designate.

[Regs., December 2, 1953, 800.2121-ENGWO] (40 Stat. 266, 892; 33 U. S. C. 1, 3)

[SEAL] WM. E. BERGIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 53-10682; Filed, Dec. 23, 1953; 8:51 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1868]

PART 234—RECLAMATION OF ARID LANDS IN NEVADA

DEVELOPMENT AND UTILIZATION OF SUBTERRANEAN WATERS FOR IRRIGATION PURPOSES

Section 234.11 is amended to read as follows:

§ 234.11 *Disposal of permit lands, after patent.* On the issuance of patent, the remaining area within the limits of the land embraced in the permit will thereafter be subject to classification and disposition under section 7 of the act of June 28, 1934 (48 Stat. 1272), as amended by the act of June 26, 1936 (49 Stat. 1976; 43 USC 315f).

(Sec. 9, 41 Stat. 295; 43 U. S. C. 360)

DOUGLAS MCKAY,
*Secretary of the Interior.*

DECEMBER 17, 1953.

[F. R. Doc. 53-10653; Filed, Dec. 23, 1953; 8:46 a. m.]

## TITLE 44—PUBLIC PROPERTY AND WORKS

### Chapter I—General Services Administration

Subchapter C—Real Property Management

PART 100—PUBLIC BUILDINGS AND GROUNDS

SUBPART A—GENERAL REGULATIONS

EDITORIAL NOTE: The regulations in §§ 100.1-100.12 (18 F. R. 8621) are assigned to Subpart A—General Regulations of this part.

PART 100—PUBLIC BUILDINGS AND GROUNDS

SUBPART B—SUPPLEMENTAL REGULATIONS

PENTAGON AREA TRAFFIC AND PARKING REGULATIONS

Sec.
100.21 Vehicular parking.
100.22 Pedestrian traffic.
100.23 Penalties.

AUTHORITY: §§ 100.21 to 100.23 issued under sec. 2, 62 Stat. 281, as amended; 40 U. S. C. 318a.

§ 100.21 *Vehicular parking.* The regulations in this section for the Pentagon area are applicable 7:30 a. m. to 6:00 p. m. on regular work days, Monday through Saturday, 7:30 a. m. to 1:00 p. m. on holidays, except that in addition, directions by police officers on duty will apply at all times.

(a) No person shall operate or park a motor vehicle in the parking areas of or on the roads adjacent to the Pentagon contrary to these regulations or to the directions of police officers on duty or to the directions of posted signs.

(b) Park only in assigned section or space. Parking permit must be conspicuously displayed inside front windshield. When and if assigned section is filled, park in unreserved parking section in the North Parking Area, and report the situation to your parking control office. Motorcycles, motor bicycles, motor scooters, and all similar type motor vehicles shall be parked in Lane 19 only and no parking permit will be required.

(c) Bona fide occupants of the Pentagon who have no parking assignment within the reserved section shall park in the unreserved section.

(d) Newly assigned personnel shall park in the unreserved section. Application for a permanent parking permit shall be presented to departmental parking control officer.

(e) Personnel assigned to the Pentagon on temporary duty shall park in the unreserved section.

(f) Vehicles shall be parked well inside the marked parking spaces. Parking in areas other than designated parking spaces and parking in parking lanes at tree wells or in such a manner as to block or partially block such lanes is prohibited at all times.

(g) No vehicle shall be parked or operated in bus lanes except as follows:

(1) Authorized transit busses in Lanes "A" and "B".

(2) Authorized official shuttle busses in Lane "C".

(3) Taxis in Lane "C".

(4) Commercial and official vehicles authorized to make delivery to concessionaires and post office while loading and unloading at specially designated platforms in Lane "C".

(h) No vehicle shall be parked in interior roads except as follows:

(1) Commercial vehicles, either official or private, while unloading and loading authorized supplies.

(2) Official cars transporting prisoners under guard.

(3) Other specially authorized vehicles.

(i) Visitors shall park only in visitors' space as follows:

(1) South Parking—Three-hour parking only.[1] Special spaces designated by posted signs.

(2) North Parking—Unreserved section.

(3) Mall and River Terraces—Designated parking spaces. At the Mall and River Terraces a number of parking spaces are reserved for the exclusive use of Congressional, diplomatic, official, and press representatives. Spaces are also available for certain other visitors not to exceed a two-hour limit,' and parking shall be requested of the guard on duty.

§ 100.22 *Pedestrian traffic.* Pedestrians shall not walk in roadways in and immediately outside the bus terminals, walk on the curb alongside stairways in bus lanes, or walk in other areas prohibited by the direction of posted signs.

§ 100.23 *Penalties.* Whoever shall be found guilty of violating these regulations shall be fined not more than $50.00 or imprisoned for not more than thirty days, or both.

Approved: December 1, 1953.

WILLIAM A. MILLER,
*Regional Director.*

[F. R. Doc. 53-10711; Filed, Dec. 23, 1953; 8:52 a. m.]

PART 100—PUBLIC BUILDINGS AND GROUNDS

SUBPART B—SUPPLEMENTAL REGULATIONS

SUITLAND RESERVATION TRAFFIC AND PARKING REGULATIONS

Sec.
100.25 Vehicular parking.
100.26 Pedestrian traffic.
100.27 Penalties.

AUTHORITY: §§ 100.25 to 100.27 issued under sec. 2, 62 Stat. 281, as amended; 40 U. S. C. 318a.

§ 100.25 *Vehicular parking.* The regulations in this section for the Suitland Reservation are applicable 7:30 a. m. to 5:30 p. m., on regular work days, Monday through Friday, except that in addition, directions by police officers on duty will apply at all times:

(a) No person shall operate or park a motor vehicle on the grounds or roadways of the Suitland Reservation contrary to these regulations or to the directions of police officers on duty or to the directions of posted signs.

(b) Park only in assigned section or space. Parking permits must be conspicuously displayed inside front windshield. When and if assigned space is filled, park in unreserved area and report the situation to your parking control officer. Motorcycles, motor bicycles, motor scooters, and all similar type motor vehicles shall be parked in Area "A" and no parking permits will be required.

(c) Newly assigned personnel shall park in Visitor's Area. Application for a permanent parking permit shall be presented to parking control officers.

(d) Vehicles shall be parked well inside the marked parking spaces.

(e) Visitors shall park only in Visitor's Area. Only non-occupants on official business to the Suitland Reservation are recognized as bona fide visitors.

(f) Vehicles entering the area for the purpose of loading or unloading passengers, will do so only at places designated as loading places or at the direction of police officers on duty.

[1] Only non-occupants of the Pentagon are recognized as bona fide visitors.

(g) The operation of vehicles will be permitted only on recognized roadways or parking areas.

(h) The riding of horses will be permitted only on bridle paths.

§ 100.26 *Pedestrian traffic.* Pedestrians shall not walk in areas prohibited by direction of posted signs or contrary to directions of police officers on duty.

§ 100.27 *Penalties.* Whoever shall be found guilty of violating these regulations shall be fined not more than $50.00 or imprisoned for not more than thirty days, or both.

Approved: December 1, 1953.

WILLIAM A. MILLER,
*Regional Director.*

[F. R. Doc. 53-10713; Filed, Dec. 23, 1953; 8:52 a. m.]

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PART 100—PUBLIC BUILDINGS AND GROUND

SUBPART B—SUPPLEMENTAL REGULATIONS

BUREAU OF YARDS AND DOCKS ANNEX AREA TRAFFIC AND PARKING REGULATIONS

Sec.
100.31 Vehicular parking.
100.32 Pedestrian traffic.
100.33 Penalties.

AUTHORITY: §§ 100.31 to 100.33 issued under sec. 2, 62 Stat. 281, as amended; 40 U. S. C. 318a.

§ 100.31 *Vehicular parking.* The regulations in this section for the Bureau of Yards and Docks Annex Area are applicable 7:30 a. m. to 5:00 p. m., on regular work days, Monday through Friday, except that in addition, directions by police officers on duty will apply at all times.

(a) No person shall operate or park a motor vehicle in the parking areas of or on the roads adjacent to the Bureau of Yards and Docks Annex contrary to these regulations or to the directions of police officers on duty or to the directions of posted signs.

(b) Park only in assigned section or space. Parking permits must be conspicuously displayed inside the front windshield. When and if assigned space is filled, park in Area "C" and report the situation to your parking supervisors. Motorcycles, motor bicycles, motor scooters, and all similar type motor vehicles shall be parked in Visitor's Area or "C" Area and no parking permits will be required.

(c) Newly assigned and temporarily employed personnel shall park in "C" Area. Application for a permanent parking permit shall be presented to parking supervisor.

(d) In Area "A", Area "C", and Visitor's Area park well inside the marked parking spaces.

(e) Visitors shall park only in Visitor's Area. Only non-occupants on official business at the Bureau of Yards and Docks Annex, are recognized as bona fide visitors.

(f) Taxis shall park in the established taxi stands (limited to three vehicles) located on the access road in front of the building. Parking of all other vehicles is prohibited within these three spaces.

§ 100.32 *Pedestrian traffic.* Pedestrians shall not walk in areas prohibited by direction of posted signs or contrary to directions of police officers on duty.

§ 100.33 *Penalties.* Whoever shall be found guilty of violating these regulations shall be fined not more than $50.00 or imprisoned for not more than thirty days, or both.

Approved: December 1, 1953.

WILLIAM A. MILLER,
*Regional Director.*

[F. R. Doc. 53-10712; Filed, Dec. 23, 1953; 8:52 a. m.]

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PART 100—BUILDINGS AND GROUNDS

SUBPART B—SUPPLEMENTAL REGULATIONS

USE OF DEPARTMENTAL AUDITORIUM AND ADJACENT CONFERENCE ROOMS

§ 100.35 *Use of Departmental Auditorium and adjacent conference rooms.* This section governs the use of the Departmental Auditorium and adjacent conference rooms, Constitution Avenue between Twelfth and Fourteenth Streets NW., Washington, D. C.

(a) The Departmental Auditorium and Conference Rooms A, B, and C adjacent thereto shall be available for assignment to:

(1) Agencies of the Federal Government and the government of the District of Columbia, for official use.

(2) Officially recognized agencies, clubs, or educational units of the Federal Government or the government of the District of Columbia.

The foregoing shall not be construed to include sponsored meetings, meetings of a political, sectarian, fraternal, or similar nature, or meetings held for the purpose of promotion of commercial enterprises or commodities.

(b) Application for the use of the Auditorium or Conference Rooms should be submitted at least one week in advance. It should be addressed as follows and include the information outlined below:

General Services Administration, Region 3, Attention: Triangle Area Manager, Room 1408, New Post Office Building, Twelfth Street and Pennsylvania Avenue NW., Washington 25, D. C.

a. Name of agency in whose behalf the application is submitted.

b. Date of requested assignment, and hours proposed for its commencement and termination.

c. Nature of the contemplated program.

d. Approximate number of persons expected to attend.

e. Whether motion pictures or lantern slides are to be exhibited, stating (1) size of film, 35 or 16 mm; (2) size of lantern slide.

(c) No program shall continue beyond midnight.

(d) If the projection of motion pictures or lantern slides is a part of the program, competent operators will be furnished under the supervision of the General Services Administration.

(e) Music racks, ushers, and attendants for checking wraps, if needed, must be furnished by and at the expense of the permittee.

(f) No admission fee shall be charged, no indirect assessment shall be made for admission, and no collection shall be taken. Commercial advertising or the sale of articles of any character will not be permitted.

(g) The serving of refreshments is prohibited.

(h) A sample of any literature or folders to be distributed or posted shall be forwarded for review when formal request is made for either the Auditorium or Conference Rooms.

(i) All persons attending meetings will be required to go directly to the Auditorium or Conference Rooms and to leave by the most direct exit. They shall be provided with tickets or other identification, except when the general public is invited. No one will be admitted to other parts of the building unless in the possession of a properly signed pass.

(j) All persons attending meetings will be subject to the "Rules and Regulations Governing Public Buildings and Grounds," promulgated by the Administrator of General Services.

(k) Smoking is prohibited within the Auditorium.

(Sec. 2, 62 Stat. 281, as amended; 40 U. S. C. 318a)

Approved: December 1, 1953.

WILLIAM A. MILLER,
*Regional Director.*

[F. R. Doc. 53-10714; Filed, Dec. 23, 1953; 8:52 a. m.]

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## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### Subchapter A—General Rules and Regulations

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

RAILWAY LESSOR COMPANY ANNUAL REPORT FORM E

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 14th day of December A. D. 1953.

The Matter of Annual Reports from Lessors to Steam Railways being under consideration, and it appearing that the changes in existing regulations to be effectuated by this order are only minor changes with respect to the data to be furnished, and that public rule-making procedures are unnecessary;

*It is ordered*, That the order of December 10, 1952, In the Matter of Annual Reports from Lessors to Steam Railway Companies (49 CFR 120.14) be, and it is hereby modified with respect to annual reports for the year ended December 31, 1953, and subsequent years, as follows:

§ 120.14 *Form prescribed for lessors to steam railways.* All lessors to steam railway companies, subject to the provisions of section 20, Part I of the Interstate Commerce Act, shall file under oath an annual report for the year ended December 31, 1953, and for each succeeding year until further order, in accordance with Annual Report Form E[1] (Railway Lessor Companies) which is hereby approved and made a part of this section. The annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the one to which it relates.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904. Interprets or applies sec. 20, 24 Stat. 386, as amended, 54 Stat. 944; 49 U. S. C. 20, 913)

By the Commission, Division 1.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10678; Filed, Dec. 23, 1953; 8:50 a. m.]

[1] Filed as part of the original document.



# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Bureau of Entomology and Plant Quarantine

[7 CFR Part 301]

PINK BOLLWORM

PROPOSED EXTENSION OF REGULATED AREA TO ARKANSAS

Notice is hereby given in accordance with section 8 of the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 318, as amended; 7 U. S. C. 161), that the Secretary of Agriculture has information that the pink bollworm (Pectinophora gossypiella Saund.), a dangerous insect not heretofore widely prevalent or distributed within or throughout the United States, but which previously has been found to exist in certain parts of Arizona, Louisiana, New Mexico, Oklahoma, and Texas, has recently been discovered in certain parts of the State of Arkansas.

It is therefore proposed under the authority of said section 8 of the Plant Quarantine Act to amend the Pink Bollworm Quarantine (7 CFR 301.52; 18 F. R. 6348) to quarantine the State of Arkansas because of pink bollworm and to amend the regulations supplemental to said quarantine (7 CFR and Supp. 301.52-1 et seq., as amended, 18 F. R. 6348 and 7339) to designate as regulated areas the Arkansas counties of Hempstead and Miller and possibly the counties of Columbia, Howard, Lafayette, Little River, Nevada, and Sevier. Prohibitions and restrictions as prescribed in said regulations would thus be made applicable to the movement from such regulated areas in the State of Arkansas into or through any other State, Territory, or District of the United States of the following:

(a) Okra and kenaf, including all parts of the plants; (b) cotton and wild cotton, including all parts of both cotton and wild cotton plants, seed cotton, cotton lint, linters, lint waste products derived from the milling of cottonseed, nonlint oil mill trash, gin waste, gin trash, and all other forms of unmanufactured cotton fiber, cottonseed, cottonseed hulls, cottonseed cake, and cottonseed meal; (c) bagging and other containers and wrappers for cotton and cotton products; (d) railway cars, boats, and other means of transportation which have been used in conveying regulated cotton or cotton products or which are fouled therewith; and (e) when contaminated with live pink bollworms or regulated cotton or cotton products, any commodities, including farm products, farm household goods, and farm equipment.

A public hearing will be held before a representative of the Agricultural Research Service in Room 304, Federal Building, Memphis, Tennessee, at 10 a. m., January 14, 1954, at which hearing any interested party may appear and be heard, either in person or by attorney, on the aforesaid proposals. Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Administrator of the Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., on or before January 14, 1954, or with the presiding officer at the hearing.

Done at Washington, D. C., this 18th day of December 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10669; Filed, Dec. 23, 1953; 8:49 a. m.]

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## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 63]

[Docket No. 10816]

EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 63 of the Commission's rules and regulations governing extension of lines and discontinuance of service by carriers; Docket No. 10816.

1. American Communications Association, a union representing certain employees of The Western Union Telegraph Company, has filed a petition with the Commission alleging that the Commission's current rules fail to require any sort of effective notice to the public of applications filed by communications common carriers, pursuant to section 214 of the Communications Act of 1934, as amended, for authority to close branch telegraph offices. The union further alleges that a hearing is necessary in cases where objection is made to applications for authority to close or reduce the hours of service at telegraph offices in order to provide, in a form most useful to the Commission, the facts upon which the public convenience and interest best can be judged.

2. The petitioner requests, therefore, that the folowing changes be made in Part 63 of the Commission's rules and regulations:

1. Section 63.90 (a) to be amended to add thereto the following sentence: "When the office affected shall have window space fronting on a public street, said public notice shall be posted in such window."

2. Section 63.90 (b) to be amended to strike therefrom all matters appearing after the words "of the community affected."

3. Section 63.90 to be amended to add thereto a new paragraph after paragraph (b), to be numbered paragraph (c) and to read as follows:

(c) Immediately upon the filing of an application or informal request (except a request under § 63.67, § 63.68 or § 63.69) affecting a telegraph office or a branch office, the applicant shall mail or deliver by messenger a notification containing information similar to that specified in paragraph (a) of this section to each telegraph user served by messenger callbox circuit, or tieline terminating at the office or branch office affected, and to each person to whom a telegram is delivered by messenger from said office or branch office during the 20 days following the making of such application.

4. A new section to be added to Part 63 of the rules to be numbered § 63.100 and to provide as follows:

Whenever an application is filed to discontinue, reduce or impair telegraph service, pursuant to § 63.62 and wherever, within twenty days of the filing of the application, posting of the notice as required by § 63.90 (a), or mail or delivery of the notice as provided in § 63.90 (c) (whichever shall be later), objection to the proposed action by the carrier shall be received by the Commission, the Commission shall, on ten days notice to the carrier, to the objecting person or persons and to the Public Service Commission of the state in which any discontinuance, reduction or impairment is proposed, hold a hearing upon the said application, pursuant to § 1.802 et seq. of this chapter.

3. This notice of proposed rule making is being issued to afford interested parties an opportunity to present their views to the Commission concerning the proposal advanced by American Communications Association.

4. The proposed amendments are issued pursuant to the authority of sec-

tions 4 (i) and 214 of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendments should not be adopted should file with the Commission on or before February 1, 1954, a written statement or brief setting forth his comments. Persons desiring to support the amendments may also file comments by the same date. Comments or briefs in reply to the original comments or briefs may be filed within 10 days from the last day for filing said original briefs or comments. An original and 14 copies of each brief or written statement should be filed as required by § 1.764 of the Commission's rules and regulations.

Adopted: December 17, 1953.
Released: December 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10687; Filed, Dec. 23, 1953; 8:51 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Alaska Road Commission

[Public Order 4]

KENAI, ALASKA

ABANDONMENT OF ROAD AND DOCK

DECEMBER 15, 1953.

Pursuant to authority vested in me by the Secretary of the Interior by Department of the Interior Order No. 2448, dated July 19, 1948, approved by the President July 20, 1948, I find it to be in the public interest and hereby declare the abandonment of that certain temporary finger dock adjacent to real property owned by Kenai Packers, together with that area known as the tank farm site, also that certain road located in Lots 1, 2, and 6 in Section 5, T5N, R11W, Seward Meridian, beginning at its junction with the Kenai Spur of the Sterling Highway, thence traversing the lots mentioned above to its terminus near the aforementioned temporary finger dock.

A complete file on this matter is located in the Real Estate records of the Alaska Road Commission, Department of the Interior, Juneau, Alaska.

M. W. BALES,
*Chief, Administrative Division, Alaska Road Commission.*

[F. R. Doc. 53-10680; Filed, Dec. 23, 1953; 8:51 a. m.]

### Bureau of Land Management

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO 44, WYOMING NO. 8, ENLARGED

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U. S. C. 300), as amended by the act of January 29, 1929 (45 Stat. 1144; 43 U. S. C. 300), and in section 7 of the act of June 28, 1934 (48 Stat. 1272), as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315f), and pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.22 (a) (1) of Order No. 427, dated August 16, 1950 (15 F. R. 5639), it is ordered as follows:

The following described public land in Wyoming is hereby classified as necessary and suitable for stock driveway and stock watering purposes and, excepting any mineral deposits therein, is withdrawn from all disposal under the public land laws and reserved, subject to valid existing rights, for the use of the general public as an addition to Stock Driveway Withdrawal No. 44, Wyoming No. 8:

SIXTH PRINCIPAL MERIDIAN

T. 52 N., R. 102 W.,
Sec. 1: Lots 3 and 4.

The area described aggregates 52.36 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

W. B. WALLACE,
*Regional Administrator.*

[F. R. Doc. 53-10647; Filed, Dec. 23, 1953; 8:45 a. m.]

WYOMING

NOTICE FOR FILING OBJECTIONS TO ENLARGEMENT OF STOCK DRIVEWAY WITHDRAWAL NO. 44, WYOMING NO. 8

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

W. B. WALLACE,
*Regional Administrator.*

[F. R. Doc. 53-10648; Filed, Dec. 23, 1953; 8:45 a. m.]

[Montana 02275]

MONTANA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

In exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

MONTANA PRINCIPAL MERIDIAN

T. 24 N., R. 36 E.,
Sec. 34: SE¼; 35: SW¼.
T. 24 N., R. 39 E.,
Sec. 8: S½NE¼; 9: SW¼NW¼.

The area described aggregates 440 acres.

This land is rolling to broken. The soils are clay in the rough breaks and sandy and gravelly on the ridges. The vegetative covering consists chiefly of threadleaf sedge, needle and thread grass, and bluestem wheatgrass. The lands are classified as primarily suited for grazing purposes.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as suitable or valuable for such type of application, or shall be classified upon consideration of application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office at Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to Montana Land Office, Billings, Montana.

W. B. WALLACE,
*Regional Administrator.*

[F. R. Doc. 53-10649; Filed, Dec. 23, 1953; 8:45 a. m.]





[Great Falls 087188]

MONTANA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

MONTANA PRINCIPAL MERIDIAN

T. 29 N., R. 33 E.
Sec. 15: W½NE¼, NW¼SE¼, NE¼SW¼.

The area described aggregates 160 acres.

The topography of the land is rolling to rough, and the vegetative covering consists principally of sagebrush, western wheatgrass and grama grass. The soil is heavy clay, which, together with the rough topography, precludes cultivation of the land. The land is primarily suitable for grazing purposes.

No applications for these lands may be allowed under the homestead, small tract, desert land, or other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. It is unlikely that the lands will be classified for homestead, small tract, or desert land use.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day, shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the land office at Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to Manager, Land Office, Billings, Montana.

W. B. WALLACE,
*Regional Administrator.*

[F. R. Doc. 53-10650; Filed, Dec. 23, 1953; 8:45 a. m.]

[Wyoming 06062]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. sec. 315g), the following described lands have been reconveyed to the United States:

SIXTH PRINCIPAL MERIDIAN

T. 29 N., R. 68 W.,
Sec. 24: N½S½, SE¼SE¼.

The area described aggregates 200 acres.

These lands are rolling to rough in topography, and the soils are stony to sandy loam. The vegetative covering consists chiefly of grass with scattered pine and juniper.

This land was acquired by the Federal Government through exchange for use and development by the Bureau of Reclamation to benefit a Federal land program. This restoration is therefore not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting preference rights to veterans of World War II and others.

W. B. WALLACE,
*Regional Administrator.*

[F. R. Doc. 53-10651; Filed, Dec. 23, 1953; 8:45 a. m.]

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WYOMING

AIR NAVIGATION SITE WITHDRAWAL NO. 211, REDUCED

In accordance with the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 728; 49 U. S. C. 214), and pursuant to section 2.22 (a) of the Delegation Order No. 427 of August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Departmental order of September 27, 1935, withdrawing certain lands in Wyoming for use by the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked so far as it affects the following described lands, and the lands are hereby opened to disposition under the applicable public land laws, subject to valid existing rights:

SIXTH PRINCIPAL MERIDIAN

T. 21 N., R. 116 W.,
Sec. 10: Lots 1, 2, 3, 8, 9, 10, 11, NE¼NE¼.
Sec. 11: Lot 14.

The area described aggregates 226.58 acres.

The topography of the land is rough to mountainous, which precludes sustained crop production. The land is primarily suitable for grazing purposes. It will not be subject to occupancy or disposition under the homestead, desert land, small tract, or any other nonmineral public land laws until it has been classified.

This order shall become effective immediately as to administration of grazing on this land by the Bureau of Land Management, but shall not otherwise become effective to change the status of such land until 10:00 a. m. on the 35th day after the date hereof. At that time the said land shall become subject to valid existing rights, the provisions of existing withdrawals, the requirements of the applicable law, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Information showing the period during which and the conditions under which veterans and others may file applications for this land may be obtained on request from the Manager, Cheyenne Land and Survey Office, Bureau of Land Management, Cheyenne, Wyoming.

W. B. WALLACE,
*Regional Administrator.*

[F. R. Doc. 53-10652; Filed, Dec. 23, 1953; 8:45 a. m.]

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MONTANA

RESTORATION ORDER UNDER FEDERAL POWER ACT; POWER PROJECT NO. 653

Pursuant to determination DA–114, Montana, of the Federal Power Commission issued July 10, 1953, and in accordance with Order No. 427, section 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950 (15 F. R. 5641), it is ordered as follows:

Subject to valid existing rights (and the provisions of existing withdrawals) the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to the status of public domain under the public land laws as provided by law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and subject to the reservation and stipulation of the right of the United States, its permittees or licensees to use the land for power purposes, that no use shall be made by others which will in any way interfere or be inconsistent with the use of the land by the United States, its permittees, or licensees for power purposes; that any structures, machinery, or improvements placed thereon which shall be found to interfere with power development shall be removed or relocated as may be necessary to eliminate interference with such development, without expense to the United States, its permittees or licensees and that the United States, its permittees or licensees shall not be held liable for any damage to structures, machinery, or improvements placed thereon resulting from construction, operation, or maintenance of hydroelectric power facilities authorized by the United States.

MONTANA PRINCIPAL MERIDIAN

T. 2 S., R. 3 W.
Sec. 18: that portion of Lot 3 within the right-of-way location in Project No. 653.

The area described aggregates a fractional part of one (1) acre.

The land is rolling to steep in topography, and lies in the canyon of South Boulder River within the Deerlodge National Forest. None of the land is suitable for agricultural use.

No applications for these lands may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Applications filed involving any or all of these lands must describe the land in accordance with the most recent approved plat of survey.

The land described shall be subject to application by the State of Montana for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for a right of way for public highways or a source of materials for the construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended and the stipulations herein provided.

This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after date of the publication of this order in the FEDERAL REGISTER. At that time, the land shall be subject to application, petition, location and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (50 Stat. 747; 43 U. S. C. 279–284) as amended.

W. B. WALLACE,
*Regional Administrator.*

[F. R. Doc. 53-10646; Filed, Dec. 23, 1953; 8:45 a. m.]

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## DEPARTMENT OF LABOR

### Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Angelica Uniform Co., Eminence, Mo., effective 12-9-53 to 6-8-54; 35 learners for expansion purposes (women's service apparel).

Anvil Brand, Inc., 146 South Hamilton Street, High Point, N. C., effective 12-13-53 to 12-12-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees).



Calloway Manufacturing Co., Murray, Ky., effective 12-10-53 to 12-9-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work trousers and jackets).

Feldt Manufacturing Co., Inc., P. O. Box 51, Temple, Tex., effective 12-22-53 to 12-21-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (shirts).

Indiana Rayon Corp., Greenfield, Ind., effective 12-11-53 to 6-10-54; 15 learners for expansion purposes (knitted polo shirts) (replacement certificate).

Junior Form Lingerie Corp., 428 Morris Avenue, Boswell, Pa., effective 12-10-53 to 6-9-54, 10 learners for expansion purposes (slips).

Junior Form Lingerie Corp., Atkinson Way, Boswell, Pa., effective 12-10-53 to 6-9-54, 10 learners for expansion purposes (slips).

Kinston Shirt Co., Kinston, N. C., effective 12-11-53 to 12-10-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's shirts and pajamas).

Kleeson Co., Moundsville, W. Va., effective 12-18-53 to 12-17-54; 10 learners for normal labor turnover purposes (work pants and semidress pants).

National Pants Co., Macon, Miss., effective 12-9-53 to 12-8-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' pants).

Over The Top, Inc., Picayune, Miss., effective 12-20-53 to 12-19-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' shirts and dungarees).

Princess Peggy, Inc., Items Division, Belleville, Ill., effective 12-7-53 to 12-6-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton dresses).

Top Notch Manufacturing Co., Inc., 400 South Kansas Street, El Paso, Tex., effective 12-29-53 to 12-28-54; 10 percent of the total number of factory production workers for normal labor turnover purposes (overalls).

The Warner Bros. Co., Moultrie, Ga., effective 12-10-53 to 5-9-54; 25 learners for expansion purposes (corsets and brassieres).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952, 17 F. R. 8633).

The S. Frieder & Sons Co., Mill Street and Gardner Avenue, Wilkes-Barre, Pa., effective 12-31-53 to 12-30-54; 10 percent of the total number of factory production workers engaged in each occupation listed below: cigar machine operating, 320 hours; machine stripping, 160 hours; packing cigars retailing for more than 6 cents, 320 hours; cigars retailing for 6 cents or less, 160 hours; each 65 cents an hour.

Glove Industry Learner Regulations (29 CFR 522.220 to 522.231, as amended July 13, 1953, 18 F. R. 3292).

Ideal Glove Co., Inc., Maben, Miss., effective 12-15-53 to 6-14-54; 25 learners for expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as amended November 19, 1951, 16 F. R. 10733).

Boyd Lee Hosiery Mills, Inc., 54B Seventh Street SE., Hickory, N. C., effective 12-11-53 to 12-10-54; 5 learners for normal labor turnover purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F. R. 12866).

Ellwood Knitting Mills, Inc., 911 Lawrence Avenue, Ellwood City, Pa., effective 12-11-53 to 12-10-54; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' knitted outerwear).

Indiana Rayon Corp., Greenfield, Ind., effective 12-11-53 to 6-10-54; 15 learners for expansion purposes (polo shirts).

Taylor Manufacturing Co., Greensburg Road, Campbellsville, Ky., effective 12-10-53 to 6-9-54; 50 learners for expansion purposes (men's and boys' knit underwear).

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260, as amended March 17, 1952, 17 F. R. 1500).

B. E. Cole Co., Beal and Lynn Streets, Norway, Maine, effective 12-15-53 to 12-14-54; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

Francine Shoe Co., Norway, Maine, effective 12-15-53 to 12-14-54; 10 percent of the number of productive factory workers in the plant for normal labor turnover purposes.

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning period and the learner wage rates are indicated, respectively.

Rosanne Optical Manufacturing Co., Inc., 430 Carpenter Road, Hato Rey, P. R., effective 12-8-53 to 3-22-54; 30 learners; all productive factory operations in the power molding, assembly, and polishing departments, 200 hours at 35 cents an hour (plastic optical frames) (supplemental certificate).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 14th day of December 1953.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 53-10654; Filed, Dec. 23, 1953; 8:46 a. m.]

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CITRUS FRUIT INDUSTRY IN FLORIDA

NOTICE OF PUBLIC HEARING TO DETERMINE WHETHER INDUSTRY IS OF A SEASONAL NATURE

A petition has been filed by the Florida Council of Citrus Workers Unions, A. F. of L., for revocation of the seasonal industry determinations under section 7 (b) (3) of the Fair Labor Standards Act which apply to the handling, packing, storing, preparing in their raw or natural state, first processing or canning of perishable or seasonal fresh fruits or vegetables (5 F. R. 3167) and to the dehydration of citrus pulp and waste in the States of Florida and Texas (8 F. R. 3811), to the extent that they apply to citrus fruit operations in Florida.

Notice is hereby given pursuant to § 526.6 of the regulations, of a public hearing to be held at the Chamber of Commerce Auditorium, Tampa, Florida, on February 10, 1954, at 10:00 a. m. before an authorized representative of the Administrator, for the purpose of receiving evidence and hearing arguments on the following questions:

1. Whether the handling, packing, storing, preparing in their raw or natural state, first processing or canning of citrus fruit in the State of Florida, or any of these operations separately, constitute a branch or branches of an industry separable from the industry performing such operations on perishable or seasonal fresh fruits or vegetables generally.

2. Whether such citrus operations in Florida, if separable from operations on other fresh fruits and vegetables, constitute a branch or branches of an industry separable from citrus operations in other parts of the United States.

3. Whether operations performed on any particular kind of citrus fruit constitute a branch of an industry separable from operations performed on other kinds.

4. Whether the dehydrating of citrus pulp in the State of Florida is separable from the dehydrating operations in Texas.

5. Whether the handling, packing, storing, preparing in their raw or natural state, first processing or canning of citrus fruit, or any particular kind of citrus fruit, or the dehydration of citrus pulp and waste, or any one or more of these operations in the State of Florida if separable as an industry or as a branch or branches of an industry, are of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526, as amended.

Any interested person may appear at the hearing to offer evidence provided that not later than February 3, 1954, such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D. C., a notice of intention to appear which should contain the following information:

1. The name and address of the person appearing.

2. If he is appearing in a representative capacity, the names and addresses of the persons or organizations which he is representing.

3. Whether he is appearing in support of or in opposition to the application for exemption.

Such notice may be mailed to the Administrator and shall be considered filed upon receipt. Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of hearing or may be filed with the presiding officer at the hearing.

(52 Stat. 1060, as amended, 29 U. S. C., and Sup., 201 et seq.)

Signed at Washington, D. C., this 21st day of December 1953.

WM. R. MCCOMB,
*Administrator,*
*Wage and Hour Division.*

[F. R. Doc. 53-10668; Filed, Dec. 23, 1953; 8:49 a. m.]

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

[Notice 1, Amdt.]

ENTRY OF SUGAR INTO THE CONTINENTAL UNITED STATES EX-QUOTA

ENTRY FOR REFINING AND RETURN TO CUSTOMS' CUSTODY

The notice issued on December 2, 1953 (18 F. R. 7898) is hereby amended by changing the period at the end thereof to a comma and adding the following: "except that the sugar not returned to Customs' custody may be held in inventory by the processor (principal under the bond) at its refinery or any other location at the close of business on December 31, 1953."

Issued at Washington, D. C., this 18th day of December 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10675; Filed, Dec. 23, 1953; 8:50 a. m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

KOKUSAI LINE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. Section 814.

(1) Agreement No. 7843-1, between the carriers comprising the Kokusai Line joint service and Waterman Steamship Corporation, modifies transshipment agreement No. 7843 by removing Korea, Manchuria (Manchukuo), Siberia, China, and Kwantung from the geographical scope thereof. Agreement No. 7843 presently covers the trade from Japan, Korea, Formosa, Manchuria (Manchukuo), Siberia, China, Hong Kong, Siam, Indo-China, Hong Kong, Siam, Indo-China, Kwantung, and Philippine Islands to Puerto Rico, with transshipment at U. S. Pacific Coast ports.

(2) Agreement No. 7934 between the American President Lines, Ltd., and Alcoa Steamship Company, Inc., covers the transportation of cargo under through bills of lading from Japan, China (including Hong Kong), Federation of Malaya, Colony of Singapore, and Indonesia to Puerto Rico, with transshipment at New York.

(3) Agreement No. 7943 between Pope & Talbot, Inc., Pacific Argentine Brazil Line, Inc., and Pacific Far East Line, Inc., covers the transportation of cargo under through bills of lading from Puerto Rico to Japan, China, Hong Kong or Philippine Islands, with transshipment at Los Angeles or San Francisco.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to any of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 21, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 53-10695; Filed, Dec. 23, 1953; 8:52 a. m.]

## DEPARTMENT OF DEFENSE

### Department of the Navy

[No. 15]

CERTAIN NAVAL VESSELS

NAVIGATIONAL LIGHT WAIVERS

Whereas, sections 360 and 143a, Title 33, United States Code, provide that any requirements as to number, position, range of visibility, or arc of visibility of navigation lights, required to be displayed by naval vessels under acts of Congress, as enumerated in said sections 360 and 143a, Title 33, United States Code, shall not apply to any vessels of the Navy where the Secretary of the Navy shall find and certify that, by reason of special construction, it is not possible with respect to such vessels or class of vessels to comply with statutory requirements as to the number, position, range of visibility, or arc of visibility of navigation lights; and

Whereas, a study of the arrangement and position of the navigation lights of certain naval vessels, as hereinafter listed in the attached tabulation which is made a part hereof, has been made in the Navy Department, and, as a result of such study, it has been determined that because of their construction, it is not possible for these naval vessels to comply with the requirements of the statutes enumerated in said sections 360 and 143a, Title 33, United States Code:

Now, therefore, I, Robert B. Anderson, Secretary of the Navy, as a result of the aforesaid study do hereby find and certify that these vessels are naval vessels of special construction and that on such vessels with respect to the position of those certain navigation lights listed, it is not possible to comply with the requirements of the statutes enumerated in sections 360 and 143a, Title 33, United States Code.

Further, I do find and certify that it is feasible to locate the aforesaid navigation lights where listed;

And, further, I direct that the aforesaid lights, if such lights are installed, shall be located in the manner described;

And, further, I certify that such locations constitute compliance as closely with the applicable statutes as I hereby find to be feasible.

I withdraw herewith any previous certifications issued by me prior to the effective date of this certificate.

I do specify that the effective date of this certificate is January 1, 1954.

Dated at Washington, D. C., this 19th day of December A. D. 1953.

R. B. ANDERSON
*Secretary of the Navy.*

TABLE 1

| Vessel type and class | Approximate height of the forward 20-point white light in feet above the hull | Approximate height of the after 20-point white light in feet above the hull | Approximate vertical separation in feet between the two 20-point white lights | Approximate horizontal separation in feet between the two 20-point white lights |
|---|---|---|---|---|
| ADG-8 | 40 | 55 | 15 | 20 |
| AG-127 | 37 | 47 | 28 | 36 |
| AG-128 (EAG-128) | 68 | 100 | 32 | 41 |
| AG-154 | 32 | 47 | 15 | 19 |
| AGB-1, 3, and 4 | 35 | 58 | 23 | 29 |
| AGS (all) | 25 | 40 | 17 | 23 |
| AKS-37 | 6 | 40 | 34 | 24 |
| AM (185-foot ships) | 25 | 40 | 15 | 20 |
| AM (221-foot ships) | 23 | 40 | 17 | 22 |
| AM (172-foot ships) | 23 | 48 | 25 | 32 |
| AMCU-11 only | 19 | 35 | 16 | 21 |
| AMCU-15 (except 24 and 37) | 16 | 31 | 15 | 18 |
| AMCU-24 and 37 only | 16 | 31 | 15 | 18 |
| AN-78 | 15 | 38 | 19 | 24 |
| APB-35 | 26 | 58 | 32 | 40 |
| APB-41-44 only | 5 | 40 | 35 | 46 |
| APB-45-50 only | 5 | 56 | 51 | 67 |
| APD-37 | 25 | 43 | 18 | 23 |
| APD-87 | 27 | 50 | 23 | 30 |
| ARSD-1 | 10 | 38 | 28 | 36 |
| ARST-1 | 5 | 56 | 51 | 67 |
| AV M-1 | 41 | 70 | 29 | 45 |
| BB-43 only | 68 | 117 | 49 | 63 |
| BB-45 only | 50 | 99 | 49 | 63 |
| BB-55 only | 53 | 77 | 24 | 31 |
| BB-57 only | 51 | 79 | 28 | 37 |
| CA-68 | 66 | 180 | 21 | 27 |
| CA-139 | 50 | 80 | 30 | 40 |
| CL-144 | 55 | 77 | 22 | 29 |
| DD-421 | 28 | 43 | 15 | 19 |
| DD-423 | 28 | 43 | 15 | 19 |
| DD-437 | 28 | 43 | 15 | 19 |
| DD-448 (high director) | 25 | 40 | 15 | 21 |
| DD-448 (low director) | 25 | 40 | 15 | 20 |
| DD-692 | 25 | 40 | 15 | 19 |
| DD-710 | 25 | 40 | 15 | 19 |
| DDE-445 | 25 | 40 | 15 | 20 |
| DDE-719, 764 and 825 | 25 | 40 | 15 | 20 |
| DDR-711 | 30 | 45 | 15 | 20 |
| DE-99, 129, 152, 198, and 644 | 22 | 37 | 15 | 19 |
| DE-224, 339, and 535 | 22 | 37 | 15 | 19 |
| DE-532 | 20 | 50 | 30 | 40 |
| DE-1006 | 46 | 70 | 24 | 31 |
| DEC | 22 | 37 | 15 | 19 |
| DER | 22 | 37 | 15 | 19 |
| DL-1 | 43 | 62 | 19 | 25 |
| DL-2 | 40 | 80 | 40 | 50 |
| DM | 26 | 46 | 20 | 26 |
| DMS (all) | 25 | 55 | 30 | 40 |
| EAG (see AG). | | | | |
| EDD-828 | 25 | 40 | 15 | 19 |
| IFS-1 | 23 | 38 | 15 | 19 |
| LSM (all except 445 and 446) | 22 | 43 | 21 | 30 |
| LSM-445 and 446 only | 25 | 43 | 18 | 25 |
| LSMR (all) | 15 | 35 | 20 | 28 |
| LSSL (all) | 9 | 24 | 15 | 20 |
| LST-491, and 642 | 5 | 40 | 35 | 46 |
| LST-1153 | 1 | 52 | 51 | 67 |
| LST-1156 | 1 | 56 | 55 | 72 |
| PC (all) | 10 | 25 | 15 | 19 |
| PCC (all) | 11 | 26 | 15 | 19 |
| PCE (all) | 29 | 44 | 15 | 19 |
| PCEC (all) | 29 | 44 | 15 | 19 |
| PCER (all) | 29 | 44 | 15 | 19 |
| PGM-31 | 3 | 22 | 19 | 25 |
| YG-16, 21 and 22 | 15 | 28 | 13 | 17 |

NOTE: The two, 20-point white lights listed in above table are located in a line with and over the keel.



TABLE 2

| Vessel type and class | Approximate height of the forward 20-point white light in feet above the hull | Approximate height of the after 20-point white light in feet above the hull | Approximate vertical separation in feet between the two, 20-point white lights | Approximate horizontal separation in feet between the two, 20-point white lights | Approximate horizontal distance of the two, 20-point white lights to the left of the keel line in feet when viewed from ahead. (This distance is measured perpendicularly from the keel line to the two white lights) | Approximate vertical distance of the forward anchor lights in feet below the uppermost continuous deck. (Two lights at same level.) These lights are located forward and on either side of the vessel | Approximate vertical distance of the after anchor lights in feet below the uppermost continuous deck. (Two lights at same level.) These lights are located aft and on either side of the vessel |
|---|---|---|---|---|---|---|---|
| VA-9 | 40 | 58 | 18 | 33 | 39 | 4 | 27 |
| VA-31 | 48 | 64 | 16 | 30 | 39 | 5 | 19 |
| VA-41 | 79 | 96 | 17 | 26 | 62 | 4 | 12 |
| VE-9 | 58 | 73 | 15 | 17 | 43 | 3 | 18 |
| VE-26 | 58 | 73 | 15 | 17 | 43 | 3 | 18 |
| VE-55 | 42 | 63 | 21 | 24 | 45 | 4 | 24 |
| VE-105 | 58 | 73 | 15 | 17 | 43 | 3 | 18 |
| CVL-22 | 41 | 56 | 15 | 15 | 42 | 5 | 24 |
| VL-20 | 28 | 43 | 15 | 25 | 42 | 3 | 20 |
| VL-48 | 50 | 65 | 15 | 16 | 42 | 2 | 27 |
| VS | 35 | 65 | 30 | 44 | 43 | 3 | 30 |

TABLE 3

| Vessel type and class | Minimum height of the 20-point white light in feet above the hull | Approximate horizontal distance of the 20-point white light to the left of the keel line in feet when viewed from ahead. (This distance is measured perpendicularly from the keel line to the white light) |
|---|---|---|
| LCI-351 | 33 | 11 |
| LCI-427 | 33 | 11 |
| LCI-1065 | 35 | 0 |

NOTE: One, 20-point white light is carried in the after part of each of the above vessels.

TABLE 4

| Vessel type and class | Approximate height of the 20-point white light in feet above the hull (when towing this light is the upper towing light) | Approximate height of the lower towing light in feet above the hull |
|---|---|---|
| | *Feet* | *Feet* |
| PT-809 only | 15 | 11 |
| PT-810 only | 15 | 11 |
| PT-811 only | 11 | 7 |
| PT-812 only | 16 | 12 |

NOTE: The above described lights are located in a line with and over the keel.

TABLE 5

| Vessel type and class | Approximate height of the forward 20-point white light in feet above the hull | Approximate height of the after 20-point white light in feet above the hull | Approximate vertical separation in feet between the two, 20-point white lights | Approximate horizontal separation in feet between the two, 20-point white lights |
|---|---|---|---|---|
| CA-122 | 74 | 95 | 21 | 75 |
| CLAA-53, 54, and 95-98 only | 62 | 78 | 16 | 78 |
| CLAA-119-121 only | 76 | 92 | 16 | 50 |

NOTE: (a) The arc of visibility of the after, 20-point white light may be obstructed by as much as one point when viewed from ahead.
(b) The two, 20-point white lights are located in line with and over the keel.

TABLE 6

ALL U. S. SUBMARINES

(a) One, 20-point white light carried in the forward part of the vessel located over the keel and at a height of not less than 15 feet above the hull.

(b) The second, 20-point white light is not installed.

(c) Side lights are visible simultaneously across both bows at close ranges.

(d) Not-under-command lights are not installed.

(e) A 12-point white light showing to the stern is not located at the stern. It is located not less than 30 feet nor more than 60 feet forward of the stern.

(f) The forward anchor light is carried at a height not less than 6 feet above the hull, and the after anchor light is carried at a height of not less than 5 feet lower than the forward anchor light.

[F. R. Doc. 53-10681; Filed, Dec. 23, 1953; 8:51 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-2294]

ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF APPLICATION TO AMEND APPLICATION FOR CERTIFICATE

Take notice that Algonquin Gas Transmission Company (Applicant), a Delaware corporation, with its principal place of business in Boston, Massachusetts, filed, on December 7, 1953, an application to amend its application for a certificate of public convenience and necessity filed October 26, 1953, in Docket No. G-2294, pursuant to section 7 of the Natural Gas Act.

By the application to amend Applicant proposes to reduce the authorization for construction sought in the original application by one 4" main line tap at the metering station, Stony Point, New York, formerly proposed in the application of Rockland Light and Power Company, Docket No. G-2295. Said application in Docket No. G-2295 having been withdrawn, the 4" main line tap is unnecessary.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of January 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10655; Filed, Dec. 23, 1953; 8:46 a. m.]

[Docket No. G-2317]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

DECEMBER 17, 1953.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at El Paso, Texas, filed on November 18, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of 6.5 miles of $2^3/_8$-inch O. D. pipeline, together with regulating and metering equipment to supply natural gas to Arizona Public Service Company for ultimate distribution in the communities of Wenden and Salome, Arizona.

The total cost of the facilities is estimated to be $56,672, which Applicant proposes to finance out of funds on hand.

The application recites that the third year requirements of the above named communities are: Wenden 5,677 Mcf annually and 45 Mcf on a peak day, and Salome 14,314 Mcf annually and 114 Mcf on a peak day.

The Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of January 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10656; Filed, Dec. 23, 1953; 8:46 a. m.]

[Docket No. G-2326]

PENNSYLVANIA GAS CO.

NOTICE OF APPLICATION

DECEMBER 17, 1953.

Take notice that Pennsylvania Gas Company (Applicant), a Pennsylvania Corporation, with its principal place of business in the Borough of Warren, Pennsylvania, filed, on December 7, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following natural-gas facilities:

(1) 12.5 miles of 6-inch transmission line from a point on its existing transmission system in Venango Township, Pennsylvania, to a point approximately 4,000 feet west of the western borough limits of the Borough of North East in Erie County, Pennsylvania.

(2) Four new gas engine driven compressor units at 440 H. P. each to replace two 1,200 H. P. steam-driven units at Roystone Compressing Station, Sheffield Township, Warren County, Pennsylvania.

The transmission line is proposed to be used to augment present and supply future demands of Applicant's retail and

wholesale customers as well as to facilitate uninterrupted service during a period of highway construction necessitating removal and relay of Applicant's existing line. The new compressor units are proposed to replace two old steam-driven units outmoded due to age and design.

The estimated over-all cost of the proposed facilities is $545,000 which Applicant proposes to finance with funds available from current operations. Additional financing may be necessary to complete the total 1954 construction program, however, this financing is proposed to be secured through the issuance and sale of common capital stock, or the incurring of long-term funded debt, or both.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of January 1954.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10657; Filed, Dec. 23, 1953; 8:47 a. m.]

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[Docket No. G-2267]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION

DECEMBER 18, 1953.

Take notice that on October 6, 1953, Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation, having its principal place of business at Houston, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 2,160 feet of 12-inch natural gas lateral pipeline extending from a point on its Marcus Hook lateral in Pennsylvania to the Delaware-Pennsylvania state line, together with a meter and regulator station at or near the point of interconnection of the proposed 12-inch lateral with Applicant's Marcus Hook lateral. The estimated total over-all capital cost of the facilities herein described is $58,764 which cost will be paid for by the Delaware Power & Light Company (Delaware). Thus no new financing will be necessary for the construction of the proposed facilities by Applicant.

The application recites that Applicant proposes to deliver directly to Delaware the volumes of natural gas requested by the latter as set forth on Schedule M of Exhibit No. 40 RE in Docket No. G-1277 (Reopened), or the volumes of natural gas ultimately allocated to Delaware by the Commission and acceptable to said company for direct deliveries from Applicant. Schedule M of Exhibit 40 RE, sets forth Delaware's estimates of its natural gas requirements in Mcf for the first 5 years of straight natural gas operations as follows:

| | Peak day | Annual |
|---|---|---|
| First year | 13,800 | 2,549,000 |
| Second year | 17,200 | 2,947,700 |
| Third year | 20,600 | 3,371,600 |
| Fourth year | 24,500 | 3,786,800 |
| Fifth year | 28,100 | 4,201,100 |

The Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of January 1954.

The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10658; Filed, Dec. 23, 1953; 8:47 a. m.]

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## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8809, 10788, 10789, 10790]

ST. LOUIS TELECAST, INC. ET AL.

ORDER CONTINUING HEARING

In re applications of St. Louis Telecast, Inc., St. Louis, Missouri, Docket No. 8809, File No. BPCT-294; St. Louis Amusement Company, St. Louis, Missouri, Docket No. 10788, File No. BPCT-745; Columbia Broadcasting System, Inc., St. Louis, Missouri, Docket No. 10789, File No. BPCT-1565; 220 Television, Inc., St. Louis, Missouri, Docket No. 10790, File No. BPCT-1778; for construction permits for new television stations.

On December 3, 1953, St. Louis Telecast, Inc., filed a motion to continue the above proceedings for 30 days from the presently scheduled hearing date, December 31, 1953. On December 9, 1953, Columbia Broadcasting System, Inc., filed an opposition to that motion and on the same date 220 Television, Inc., filed a partial opposition. Oral argument was held on the motion on December 16, 1953, at the conclusion of which all participants agreed to a continuance to January 14, 1954.

*Accordingly, it is ordered,* This 17th day of December 1953 that hearing in the above-entitled proceeding is continued from December 31, 1953, to January 14, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10688; Filed, Dec. 23, 1953; 8:51 a. m.]

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[Docket Nos. 8945, 10805]

RICHMOND NEWSPAPERS, INC., AND RICHMOND TELEVISION CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Richmond Newspapers, Incorporated, Richmond, Virginia, Docket No. 8945, File No. BPCT-321; Richmond Television Corporation, Richmond, Virginia, Docket No. 10805, File No. BPCT-1622; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of December 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 12 in Richmond, Virginia; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

*It is ordered,* That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m., on the 15th day of January 1954 in Washington, D. C., to determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

*It is further ordered,* That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: December 18, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10689; Filed, Dec. 23, 1953; 8:51 a. m.]

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[Docket Nos. 8954, 9015, 10703, 10794]

WISCONSIN BROADCASTING SYSTEM, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Wisconsin Broadcasting System, Inc., Milwaukee, Wisconsin, Docket No. 8954, File No. BPCT-377; Milwaukee Broadcasting Company, Milwaukee Wisconsin, Docket No. 9015, File No. BPCT-472; Milwaukee Area Telecasting Corporation, Milwaukee, Wisconsin, Docket No. 10703, File No. BPCT-1578; Kolero Telecasting Corporation, Milwaukee, Wisconsin, Docket No. 10794, File No. BPCT-1796; for television construction permits (Channel 12).

Pursuant to the understanding arrived at, at the Pre-Hearing Conference of December 14, 1953: *It is ordered,* This 14th day of December 1953, that the Hearing Conference under § 1.841, now scheduled for Thursday, December 31, 1953, is continued to Monday, January 4, 1954, beginning at 10:00 a. m., in the offices of the Commission, Washington, D. C., and that the time for the exchange of information under the Commission's "McFarland letter" shall be December 21, 1953, 5:00 p. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10690; Filed, Dec. 23, 1953; 8:52 a. m.]

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[Docket Nos. 9030, 10758, 10759]

QUEEN CITY BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Queen Broadcasting Company, Seattle, Washington, Docket No. 9030, File No. BPCT-453; KXA, Inc., Seattle, Washington, Docket No. 10758, File No. BPCT-902; Puget Sound Broadcasting Company, Inc., Seattle, Washington, Docket No. 10759, File No. BPCT-1592; for construction permits for new television stations.

On joint petition of all parties to this proceeding filed on December 17, 1953 and with the concurrence of counsel for the Chief of the Broadcast Bureau: *It is ordered,* This 17th day of December 1953 that hearing in the above-entitled proceeding is continued from December 18, 1953, to January 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10691; Filed, Dec. 23, 1953; 8:52 a. m.]

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[Docket No. 10450]

FRANKLIN COUNTY BROADCASTING CO.

ORDER CONTINUING HEARING

In the matter of Leslie P. Ware tr/as Franklin County Broadcasting Company, Washington, Missouri, Docket No. 10450, File No. BP-8241; for construction permit for standard broadcast station.

It appearing that the hearing on the above-entitled application is now scheduled for December 22, 1953; that the application of Belleville Broadcasting Company, Inc., Belleville, Illinois (File No. BP-6480) is mutually exclusive with the above-entitled application of Leslie P. Ware; trading as Franklin County Broadcasting Company, Inc., Washington, Missouri; and that a "McFarland letter" to that effect was sent that applicant on December 2, 1953; that in view of the state of the mutually exclusive application of Belleville Broadcasting Company, Inc., it would be impracticable to proceed with the hearing conference on the above-entitled application prior to action by the Commission on the Belleville Broadcasting Company, Inc. application;

*Therefore, it is ordered,* This 16th day of December 1953, that the hearing on the above-entitled application be continued to 10 o'clock a. m., Thursday, January 21, 1954, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10692; Filed, Dec. 23, 1953; 8:52 a. m.]

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SCHEDULED TRANSMISSION AND RECEPTION OF MARINE WEATHER BULLETINS FOR GREAT LAKES REGION

CHANGE IN POLICY

DECEMBER 21, 1953.

The Federal Communications Commission, in coordination with the Department of Transport, Canadian Government, hereby announces a change in policy in reference to the use of certain radio channels for the scheduled transmission of Government weather information to ships navigating the Great Lakes, beginning with the 1954 season of navigation.

Standard operating procedure approved for several years and through the 1953 season of Great Lakes navigation has made use of not less than three separate radiotelephone shore-to-ship channels in the 2500-2600 kc frequency band for the scheduled transmission of Government weather information to all ships on the Great Lakes. Because of the generally expressed need for more radio channel time in this frequency band, as well as others, for commercial ship-shore telephone messages, it has become evident that all practicable measures capable of conserving the use of these radio frequencies should be taken. To this end, the International Joint Conference—1953—of the Dominion Marine Association and the Lake Carriers' Association unanimously adopted on January 22, 1953, a resolution recommending that their respective governments take appropriate coordinated action wherein all Great Lakes scheduled marine weather transmissions from shore stations in the frequency band 2000-3000 kc would, beginning March 15, 1954, be confined to a single radiotelephone channel in this band, namely 2514 kc which has been customarily identified by U. S. stations as "Channel 39" and by Canadian stations as "Range 3". Subsequently, this resolution was concurred in by the International Shipmasters Association (Great Lakes).

In consideration of this resolution and other known factors relative to the need for conservative use of the radio spectrum, the Commission hereby informs all interested persons that, in granting authority for coast stations in the Great Lakes region to transmit by telephony (after March 15, 1954) marine weather information in accordance with an approved schedule, as contemplated by § 7.185 of the Commission's rules, the Commission will expect any person who may request approval of the use of any radio-channel in the 2000-3000 kc band for this purpose, other than the channel utilizing the carrier frequency 2514 kc, to show, before February 15, 1954, why the desired service cannot be effectively provided in this band on the 2514 kc channel only.

The Commission therefore, recommends that shipping interests, station licensees and others concerned take such measures as may be necessary to assure, after March 15, 1954, reception of the desired Great Lakes weather information on the 2514 kc channel in place of any other channel in the band 2000-3000 kc heretofore used for this weather service.

Adopted: December 18, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10693; Filed, Dec. 23, 1953; 8:52 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3237]

ADOLF GOBEL, INC.

ORDER SUMMARILY SUSPENDING TRADING

In the matter of trading on the American Stock Exchange in the $1.00 par value Common Stock of Adolf Gobel, Inc., File No. 1-3237.

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of December A. D. 1953.

The Commission by order adopted March 13, 1953, pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, having summarily suspended trading in the $1.00 par value common stock of Adolf Gobel, Inc. on the American Stock Exchange for a period of ten days from that date, and subsequently having entered additional orders further suspending such trading in order to pre-

vent fraudulent, deceptive or manipulative acts or practices; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on that Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the Securities Exchange Act of 1934 and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

*It is ordered*, Pursuant to section 19 (a) (4) of the Securities Exchange Act of 1934, that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, effective at the opening of the trading session on said Exchange on December 21, 1953, for a period of ten days.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53-10664; Filed, Dec. 23, 1953; 8:48 a. m.]

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[File No. 70-3150]

CENTRAL AND SOUTH WEST CORP.

ORDER PERMITTING DECLARATION REGARDING ISSUANCE OF NOTES TO BECOME EFFECTIVE

DECEMBER 18, 1953.

Central and South West Corporation ("Central"), a registered holding company, having filed a declaration pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions, which are summarized as follows:

Pursuant to two loan agreements, the one between Central and The First National Bank of Chicago, Bankers Trust Company, The Chase National Bank of the City of New York, Harris Trust and Savings Bank, and Equitable Security Trust Company, and the other between Central and John Hancock Mutual Life Insurance Company, Central proposes to borrow up to an aggregate amount not exceeding $12,750,000, of which not exceeding $10,000,000 will be borrowed from said banks from time to time, from December 31, 1953, to December 31, 1954, and of which $2,750,000 will be borrowed from said insurance company on December 31, 1953. Each loan will be evidenced by a promissory note or notes of Central maturing December 31, 1955, and bearing interest from the date thereof until maturity at the rate of 3½ percent per annum, payable semiannually June 30 and December 31 of each year, and after maturity at the rate of 6 percent per annum. Under the loan agreements between Central and said banks and said insurance company, each of the notes (but in the case of notes payable to said banks, only those notes outstanding on December 1, 1955) may be renewed by a new note or notes dated December 31, 1955, maturing December 31, 1957, and bearing interest until maturity at an annual rate equal to ½ of 1 percent above the prime rate then in effect at the First National Bank of Chicago, but not less than 3½ percent or more than 3¾ percent per annum, and after maturity at the rate of 6 percent per annum.

Under the loan agreement with said banks, Central may prepay at any time, or from time to time, any of such notes, in whole or in part, without premium, unless prepayment is made from the proceeds of any bank borrowings (other than from said banks), in which event Central shall pay a premium of ½ of 1 percent of the amount of any prepayment made on or prior to December 31, 1956, and of ¼ of 1 percent of any prepayment made thereafter. Said agreement further provides for the payment of a commitment fee computed from December 31, 1953, to December 31, 1954, at the rate of ½ of 1 percent per annum on the daily average unused amount of the commitment of each said bank, Central having the right to terminate on five days written notice the unused amount of the commitment of said banks. Under the loan agreement with the insurance company, Central may prepay, without premium, at any time, or from time to time, the insurance company note, in whole or in part, except where such prepayment is made directly or indirectly from the proceeds of any loan from any bank or insurance company (other than said insurance company), in which event the company shall pay at the same time a premium equal to ½ of 1 percent of the amount of the prepayment made on or prior to December 31, 1956, and equal to ¼ of 1 percent of the amount of the prepayment if made thereafter. Any such "loan" shall not include the purchase of debentures and other securities of Central payable five years or more from the date thereof, or serially during said period. Both loan agreements provide that if a prepayment is made, 78 percent of such prepayment shall be made under the agreement with said banks, and 22 percent under the agreement with said insurance company.

The entire proceeds of the bank loans will be invested by Central in common stock of one or more of its subsidiaries and will be used by such subsidiaries to finance, in part, their immediate construction programs. The note to the insurance company will be delivered in full payment and discharge of the 3 percent notes of Central now outstanding in the aggregate principal amount of $2,750,000 payable to said insurance company which mature January 1, 1954, to July 1, 1959. The declaration states that it is contemplated that the proposed notes will be paid at or before their maturity, or their extended maturity, through the issuance and sale by Central of such securities as may be appropriate and approved by the Commission. By amendment to the declaration, Central agrees that such securities will meet the requirements of section 7 (c) (1) of the act or that it will demonstrate that such securities are for necessary and urgent corporate purposes and that the requirements of section 7 (c) (1) would impose an unreasonable financial burden upon Central and are not necessary or appropriate in the public interest or for the protection of investors or consumers.

Central requests authority to renew on December 31, 1955, the notes to be issued under the bank loan agreement and the note to be issued under the insurance company agreement by the issuance of the renewal notes described above. The declaration as amended states that should the Commission prefer to withhold action at this time with respect to the renewal notes, Central requests the Commission to retain jurisdiction with respect thereto.

The declaration states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Fees and expenses are estimated at $4,500, including legal fees not to exceed $1,500 to be paid to counsel for the insurance company.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commisison; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration be permited to become effective forthwith, except that, jurisdiction should be reserved over the renewal of the notes maturing December 31, 1955, as alternatively proposed in the declaration as amended:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and to the reservation of jurisdiction hereinafter set forth; and

*It is further ordered*, That jurisdiction be, and the same hereby is, reserved over the renewal of the notes maturing December 31, 1955, as alternatively proposed in the declaration as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53-10660; Filed, Dec. 27, 1953; 8:47 a. m.]

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[File No. 70-3154]

CENTRAL AND SOUTH WEST CORP. ET AL.

ORDER REGARDING ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARIES AND ACQUISITION THEREOF BY PARENT

DECEMBER 18, 1953.

In the matter of Central and South West Corporation, Central Power and Light Company, Public Service Company of Oklahoma, Southwestern Gas and Electric Company; File No. 70-3154.



Central and South West Corporation ("Central"), a registered holding company, and its public-utility subsidiaries, Central Power and Light Company ("Power and Light"), Public Service Company of Oklahoma ("Public Service"), and Southwestern Gas and Electric Company ("Southwestern"), all of whose common stocks are owned by Central, having filed a joint application-declaration pursuant to sections 6 (a), 7, 9, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 of the rules and regulations promulgated thereunder with this Commission with respect to proposed transactions which are summarized as follows:

A. Power and Light proposes:

(1) By amendment to its Articles of Incorporation to increase the number of authorized shares of its common stock ($10 par value) from 2,397,300 shares to 2,697,300 shares.

(2) On or about January 4, 1954, to issue, sell and deliver 300,000 shares of its common stock ($10 par value) to Central for the sum of $3,000,000, payable in cash upon delivery of the shares.

B. Public Service proposes:

(1) On or before December 31, 1953, to issue and deliver 300,000 additional shares of its common stock ($10 par value) to Central and to transfer on its books from "Earned Surplus" to "Stated Capital" in respect of its common stock, the sum of $10 for each of said additional shares, or a total of $3,000,000.

(2) On or before December 31, 1953, to issue, sell and deliver 300,000 shares of its common stock ($10 par value) to Central for the sum of $3,000,000, payable in cash upon delivery of the shares.

C. Southwestern proposes:

(1) On or before December 31, 1953, to issue, sell and deliver 100,000 shares of its common stock ($10 par value) to Central for the sum of $1,000,000, payable in cash upon delivery of the shares.

D. Central proposes:

(1) To purchase and pay for in cash, at par, the 300,000 shares of common stock of Power and Light on the terms stated in paragraph A (2).

(2) To acquire the 300,000 shares of common stock of Public Service to be issued as stated in paragraph B (1).

(3) To purchase and pay for in cash, at par, the 300,000 shares of common stock of Public Service on the terms stated in paragraph B (2) above.

(4) To purchase and pay for in cash, at par, the 100,000 shares of common stock of Southwestern on the terms stated in paragraph C (1) above.

The joint application-declaration recites that the proposed issue and sale of the additional common shares by Power and Light, Public Service and Southwestern to Ceneral is necessary to finance, in part, the construction programs of the respective companies. The purchase of the shares by Central will be made out of funds received from the sale of 606,084 shares of its common stock as authorized by this Commission (File No. 70-3004).

The joint application-declaration states that no Federal or State commission, other than this Commission and the Corporation Commission of the State of Oklahoma, has jurisdiction over any of the proposed transactions. The Corporation Commission of the State of Oklahoma has authorized the actions proposed to be taken by Public Service. The filing indicates that no attorneys' fees are to be paid and that other fees and expenses are estimated at $28,000, which include Federal Stamp Taxes of $11,000 and state taxes and fees and miscellaneous expenses of $17,000.

Due notice having been given of the filing of the joint application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said joint application-declaration be granted and permitted to become effective:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of said act, that said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53-10663; Filed, Dec. 23, 1953; 8:48 a. m.]

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[File No. 70-3159]

DUVAL SULPHUR & POTASH CO. AND UNITED GAS CORP.

ORDER REGARDING ISSUANCE OF COMMON STOCK DIVIDEND BY SUBSIDIARY AND ACQUISITION OF ITS PRO-RATA SHARES BY PARENT COMPANY

DECEMBER 18, 1953.

Duval Sulphur & Potash Company ("Duval"), a non-utility subsidiary of United Gas Corporation ("United") which in turn is a public-utility subsidiary of Electric Bond and Share Company, a registered holding company, and United having filed a joint application with this Commission pursuant to sections 6 (b), 9 and 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to proposed transactions, which are summarized as follows:

The authorized Capital Stock of Duval consists of 1,000,000 shares, no par value, of which 875,000 shares are issued and outstanding. United owns 653,724 shares (74.71 percent) of Duval's outstanding Capital Stock, the balance thereof being held by the public generally. In addition to its regular cash dividend, Duval proposes the payment of a stock dividend to the holders of its Capital Stock. On November 19, 1953, the Board of Directors of Duval, subject to obtaining appropriate authorization under the Act, declared a dividend on Duval's Capital Stock, no par value, at the rate of one share of Duval's Capital Stock for each seven shares of such stock held. The record date and payment date for such dividend are December 10, 1953, and December 31, 1953, respectively. No fractional shares of Capital Stock will be issued. Dividend Scrip Certificates representing fractional shares of Capital Stock of Duval will be delivered which may be combined with other Dividend Scrip Certificates representing in the aggregate one or more full shares of Capital Stock of Duval and may be exchanged for such share or shares during a period which expires on December 31, 1954.

Prior to the close of business on December 31, 1954, Manufacturers Trust Company, 45 Beaver Street, New York 15, New York, Transfer and Dividend Disbursing Agent for Duval, will act as the agent of holders of Dividend Scrip Certificates who may desire (a) to purchase additional Dividend Scrip Certificates so that their holdings will aggregate one full share of Capital Stock of Duval, or (b) to sell their Dividend Scrip Certificates. Such purchases and sales will be based on market prices for full shares on the American Stock Exchange. Dividend Scrip Certificate holders will not be charged for such services. As soon as practicable after December 31, 1954, all shares of Capital Stock represented by Dividend Scrip Certificates then outstanding will be sold, and holders of Dividend Scrip Certificates will, until December 31, 1955, be entitled to surrender said certificates for their pro rata share of the cash net proceeds of such sale. After December 31, 1955, Dividend Scrip Certificates will be void.

Dividend Scrip Certificates do not confer upon the holder any voting or other rights of a stockholder, nor shall any of the shares of Capital Stock represented by Dividend Scrip Certificates be voted.

In connection with the payment of the stock dividend, the Board of Directors fixed the amount to be transferred from "Earned Surplus" (which at September 30, 1953, was $7,116,422.59) to "Capital Stock" on Duval's books at $26.75 for each share of additional Capital Stock to be issued (being the closing price on November 18, 1953, for Duval's Capital Stock on the American Stock Exchange, to which such stock is admitted to unlisted trading privileges), or a total of $3,343,750 for the entire 125,000 shares to be issued.

In connection with the transactions proposed, United will be entitled to receive 93,389 shares and a Dividend Scrip Certificate entitling it to receive one-seventh of a share of Duval's Capital Stock. United's investment in Duval is carried on its books at $4,679,352. Upon consummation, the transaction will be reflected by an increase in the number of shares of Capital Stock of Duval owned by United from 653,724 shares to 747,113 shares with no change in the dollar investment, except to the extent that the dollar investment would be increased by the cost of United's exercise of its privilege to purchase additional Dividend Scrip Certificates sufficient to aggregate one full share of the Capital Stock of Duval.

Applicants estimate that fees and expenses incurred in connection with the proposed transactions will amount to

$7,575, including $2,175 fees and expenses of Manufacturers Trust Company as agent in behalf of holders of Dividend Scrip Certificates. Applicants state that legal services in respect of the proposed transactions are covered by annual retainer of Duval's counsel.

Due notice having been given of the filing of the application and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted effective forthwith without the imposition of terms and conditions, other than those contained in Rule U-24:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and it hereby is, granted, to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10662; Filed, Dec. 23, 1953; 8:48 a. m.]

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[File No. 812-860]

E. I. DU PONT DE NEMOURS AND CO.

NOTICE OF FILING OF APPLICATION REQUESTING ORDER EXEMPTING CERTAIN TRANSACTIONS BETWEEN AFFILIATES

DECEMBER 18, 1953.

Notice is hereby given that E. I. du Pont de Nemours and Company ("Du Pont"), Wilmington, Delaware, which is controlled by Christiana Securities Corporation, a registered closed-end, non-diversified investment company, which in turn is controlled by Delaware Realty and Investment Company, also a registered closed-end, non-diversified investment company, has filed an application, and an amendment thereto, pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the prohibitions contained in section 17 (a) of the act the transaction described below whereby Du Pont proposes to purchase from Imperial Chemical Industries Limited ("ICI"), a corporation of the United Kingdom, 28,735 shares of the common stock of Canadian Industries Limited ("CIL"), a Canadian company. The amendment to the application states that ICI proposes to transfer the 28,735 shares of CIL stock to a newly organized wholly owned subsidiary, Imperial Chemical Industries of Canada, Limited, just prior to the sale of the stock to Du Pont.

CIL is primarily a chemical manufacturing concern, producing in Canada such products as agricultural and industrial chemicals, ammunition, cellophane, explosives, "Fabrikoid," nylon, paint, varnish, and polythene. It also resells in Canada various chemical and related products of Du Pont, ICI and other companies. CIL has 7,059,081 shares of common stock outstanding, of which 2,981,390 shares or 42.24 percent are owned by ICI, 2,923,920 shares or 41.42 percent are owned by Du Pont, with the balance of 1,153,771 shares or 16.34 percent being publicly owned. The purchase of the CIL stock by Du Pont from ICI, which would result in Du Pont and ICI each owning the same number of shares of CIL, is proposed as a preliminary step in an over-all plan for compliance with a judgment of the United States District Court for the Southern District of New York entered on July 30, 1952, in United States of America v. Imperial Chemical Industries Limited, E. I. du Pont de Nemours and Company et al. (Civil Action 24-13) directing that Du Pont and ICI terminate their joint interests in CIL and other jointly-owned companies. The judgment requires that such termination be by sale of the shares of the jointly-owned companies by one or both of the above-named parties or by segregation or physical division of the plants and properties of said jointly-owned companies. It is stated that in the course of developing such a plan Canadian legal counsel advised that presentation thereof to shareholders under Canadian corporation law would be greatly simplified and its execution would be facilitated if ICI and Du Pont each owned the same number of shares of CIL.

Du Pont proposes to pay ICI in Canadian dollars $833,315 ($29 per share) for the 28,735 shares of CIL stock. ICI would be entitled to receive the 1953 year-end dividend on the said shares usually declared in December and paid in January. The common stock of CIL is admitted to unlisted trading on the Canadian and Toronto Stock Exchanges. The price of the stock on the Canadian Stock Exchange has ranged during 1953 from a low of 32 in September to a high of 42 in February. At the time the transaction was entered into the CIL stock was selling at 32. The closing price of the stock on December 9, 1953, was 37½.

The application states that price of $29 per share offered by Du Pont and accepted by ICI took into account (1) the large block of stock involved in relation to the small number of shares traded daily on the Canadian exchange, (2) a fair estimate of the earning power of CIL for this purpose of $1.75 per share and (3) a price earnings ratio of 16–17 times the estimated earnings of $1.75 per share. For the four years 1950 through 1953 (including an estimate for the year 1953), earnings have averaged $1.65 per share, and during the same period dividends paid per annum have amounted to $1.00 per share.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company, including an affiliate of such a person, from selling any security or other property to such registered company or to any company controlled by such registered company, subject to certain exceptions, unless the Commission upon application pursuant to section 17 (b) of the act, grants an exemption from the provisions of section 17 (a) of the act and finds that the terms of the proposed transaction, including the consideration, are reasonable and fair and do not involve overreaching on the part of anyone concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act and is consistent with the general purposes of the act.

Notice is further given that any interested person may, not later than December 30, 1953, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10661; Filed, Dec. 23, 1953; 8:47 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28762]

CRUDE SULPHUR FROM TEXAS AND LOUISIANA TO VIRGINIA

APPLICATION FOR RELIEF

DECEMBER 21, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Sulphur (brimstone), crude, carloads.

From: Points in Texas and Louisiana.

To: Bellwood, Norfolk, Hopewell and Richmond, Va., and other Virginia points.

Grounds for relief: Rail competition, circuity, and competition with water carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3862, supp. 203.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10676; Filed, Dec. 23, 1953; 8:49 a. m.]

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[4th Sec. Application 28763]

GRAIN, GRAIN PRODUCTS AND CEREAL FOOD PREPARATIONS FROM CINCINNATI, OHIO AND LOUISVILLE, KY. TO TENNESSEE AND MISSISSIPPI

APPLICATION FOR RELIEF

DECEMBER 21, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: The Southern Railway Company for itself and on behalf of the Cincinnati, New Orleans & Texas Pacific Railway Company.

Commodities involved: Grain and grain products, and cereal food preparations, carloads.

From: Cincinnati, Ohio and Louisville, Ky.

To: Memphis, Tenn., and other points in Tennessee and to Corinth, Miss.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1353, supp. 19; C. A. Spaninger, Agent, I. C. C. No. 1062, supp. 125.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10677; Filed, Dec. 23, 1953; 8:49 a. m.]

# FEDERAL REGISTER

VOLUME 18 NUMBER 251

*Washington, Friday, December 25, 1953*


## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 571—WHEAT

SUBPART A—WHEAT AND WHEAT-FLOUR EXPORT PROGRAM—INTERNATIONAL WHEAT AGREEMENT

GENERAL CONDITIONS OF ELIGIBILITY

The Terms and Conditions of 1953–54 Commodity Credit Corporation Wheat and Wheat-Flour Export Program (18 F.R. 5189) issued on August 24, 1953, are amended as follows:

Section 571.430 is amended to include the following additional paragraph:

(d) Neither wheat exported pursuant to Announcement GR 261 nor flour exported pursuant to Announcement GR 262 shall be eligible for export payment under this subpart.

(Sec. 2, 63 Stat. 945, 946, 67 Stat. 358, sec. 104, 64 Stat. 198; 7 U. S. C. Sup. 1641, 1642)

Issued this 21st day of December 1953.

[SEAL] HOWARD H. GORDON,
*President,*
*Commodity Credit Corporation.*

[F. R. Doc. 53-10700; Filed, Dec. 24, 1953; 8:46 a. m.]

## TITLE 7—AGRICULTURE

### Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 721—CORN

PROCLAMATION OF COMMERCIAL CORN-PRODUCING AREA FOR 1954

§ 721.501 *Basis and purpose.* (a) This document is issued to proclaim the commercial corn-producing area for 1954 pursuant to sections 301 (b) (4) and 327 of the Agricultural Adjustment Act of 1938, as amended, and is contingent upon the proclamation of an acreage allotment for corn for 1954 for the commercial corn-producing area by the Secretary of Agriculture pursuant to section 328 of the Agricultural Adjustment Act of 1938, as amended. Prior to preparing the proclamation herein, public notice (18 F. R. 6456) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to this proclamation which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) In making the determinations contained in § 721.502, the corn acreage estimates of the Agricultural Marketing Service (formerly Bureau of Agricultural Economics) and the statistics of the Bureau of the Census relating to numbers of farms and acreage of farmland were used, adjusted where necessary to reflect the difference in the definition of "farm" used by the Commodity Stabilization Service and the Agricultural Conservation Program Service from that of the Bureau of the Census. It is hereby found and determined that the statistics of the Agricultural Marketing Service (formerly Bureau of Agricultural Economics) and the Bureau of the Census, as so adjusted and supplemented by Agricultural Conservation Program Service data, constitute the latest and most reliable statistics of the Federal Government.

§ 721.502 *Commercial corn-producing area for the year 1954.* The commercial corn-producing area for the year 1954 comprises the following counties:

ARKANSAS

Clay.
Craighead.
Greene.
Mississippi.

DELAWARE

Kent.
New Castle.
Sussex.

ILLINOIS

All counties except Williamson.

INDIANA

All counties except:

Brown.
Crawford.
Switzerland.

IOWA

All counties.

KANSAS

Anderson.
Atchison.
Brown.
Clay.
Cloud.
Crawford.
Doniphan.
Douglas.
Franklin.
Jackson.
Jefferson.
Jewell.
Johnson.
Leavenworth.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

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KANSAS—Continued

Marshall. Miami. Mitchell. Nemaha. Norton. Osage. Phillips. Pottawatomie. Republic. Riley. Shawnee. Smith. Wabaunsee. Washington.

KENTUCKY

Allen. Ballard. Barren. Boyle. Bracken. Bullitt. Butler. Caldwell. Calloway. Carlisle. Carroll. Christian. Crittenden. Daviess. Fulton. Graves. Green. Hancock. Hardin. Hart. Henderson. Hickman. Hopkins. Jefferson. Larue. Livingston. Logan. Lyon. McCracken. McLean. Marion. Meade. Nelson. Oldham. Simpson. Spencer. Taylor. Todd. Trigg. Union. Warren. Washington. Webster.

MARYLAND

Caroline. Carroll. Cecil. Dorchester. Frederick. Harford. Kent. Montgomery. Queen Annes. Somerset. Talbot. Washington. Wicomico. Worcester.

MICHIGAN

Allegan. Barry. Berrien. Branch. Calhoun. Cass. Clinton. Eaton. Genesee. Gratiot. Hillsdale. Ingham. Ionia. Isabella. Jackson. Kalamazoo. Kent. Lenawee. Livingston. Midland. Monroe. Montcalm. Oakland. Saginaw. St. Joseph Shiawassee. Van Buren. Washtenaw. Wayne.

MINNESOTA

Anoka. Benton. Big Stone. Blue Earth. Brown. Carver. Chippewa. Chisago. Cottonwood. Dakota. Dodge. Douglas. Faribault. Fillmore. Freeborn. Goodhue. Grant. Hennepin. Houston. Jackson. Kandiyohi. Lac qui Parle. Le Sueur. Lincoln. Lyon. McLeod. Martin. Meeker. Morrison. Mower. Murray. Nicollet. Nobles. Olmsted. Otter Tail. Pipestone. Pope. Redwood. Renville. Rice. Rock. Scott. Sherburne. Sibley. Stearns. Steele. Stevens. Swift. Todd. Traverse. Wabasha. Waseca. Washington. Watonwan. Wilkin. Winona. Wright. Yellow Medicine.

MISSOURI

Adair. Andrew. Atchison. Audrain. Barton. Bates. Benton. Bollinger. Boone. Buchanan. Caldwell. Callaway. Cape Girardeau. Carroll. Cass. Chariton. Clark. Clay. Clinton. Cole. Cooper. Daviess. De Kalb. Dunklin. Franklin. Gasconade. Gentry. Grundy. Harrison. Henry. Holt. Howard. Jackson. Jefferson. Johnson. Knox. Lafayette. Lewis. Lincoln. Linn. Livingston. Macon. Marion. Mercer. Mississippi. Moniteau. Monroe. Montgomery. Morgan. New Madrid. Nodaway. Perry. Pettis. Pike. Platte. Putnam. Ralls. Randolph. Ray. St. Charles. St. Clair. St. Louis. Ste. Genevieve. Saline. Schuyler. Scotland. Scott. Shelby. Stoddard. Sullivan. Vernon. Warren. Wayne. Worth.

NEBRASKA

Adams. Antelope. Boone. Boyd. Buffalo. Burt. Butler. Cass. Cedar. Clay. Colfax. Cuming. Custer. Dakota. Dawson. Dixon. Dodge. Douglas. Fillmore. Franklin. Frontier. Furnas. Gage. Garfield. Gosper. Greeley. Hall. Hamilton. Harlan. Holt. Howard. Jefferson. Johnson. Kearney. Knox. Lancaster. Lincoln. Madison. Merrick. Nance Nemaha. Nuckolls. Otoe. Pawnee. Phelps. Platte. Polk. Redwillow. Richardson. Saline Sarpy. Saunders. Seward. Sherman. Stanton. Thayer. Thurston. Valley. Washington. Wayne. Webster. York. Pierce.

NEW JERSEY

Cumberland. Gloucester. Hunterdon. Mercer. Salem. Somerset. Warren.

NORTH CAROLINA

Beaufort. Camden. Chowan. Craven. Currituck. Duplin. Edgecombe. Gates. Greene. Halifax. Hertford. Johnston. Jones. Lenoir. Martin. Nash. Northampton. Onslow. Pasquotank. Perquimans. Pitt. Tyrrell. Washington. Wayne. Wilson.

NORTH DAKOTA

Richland.

OHIO

Adams. Allen. Ashland. Athens. Auglaize. Brown. Butler. Champaign. Clark. Clermont. Clinton. Coshocton. Crawford. Darke. Defiance. Delaware. Erie. Fairfield. Fayette. Franklin. Fulton. Greene. Hamilton. Hancock. Hardin. Henry. Highland. Hocking. Holmes. Huron. Jackson. Knox. Lawrence. Licking. Logan. Lorain. Lucas. Madison. Marion. Medina. Mercer. Miami. Montgomery. Morgan. Morrow. Muskingum. Ottawa. Paulding. Perry. Pickaway. Pike. Preble. Putnam. Richland. Ross. Sandusky. Scioto. Seneca. Shelby. Stark. Tuscarawas. Union. Van Wert. Vinton. Warren. Wayne. Williams. Wood. Wyandot.

PENNSYLVANIA

Adams. Berks. Blair. Bucks. Carbon. Centre. Chester. Clinton. Columbia. Cumberland. Dauphin. Delaware. Franklin. Fulton. Huntingdon. Juniata. Lancaster. Lebanon. Lehigh. Lycoming. Mifflin. Montgomery. Montour. Northampton. Northumberland. Perry. Schuylkill. Snyder. Union. York.

SOUTH DAKOTA

Aurora. Beadle. Bon Homme. Brookings. Brule. Buffalo. Charles Mix. Clark. Clay. Codington. Davison. Day. Deuel. Douglas. Grant. Gregory. Hamlin. Hand. Hanson. Hutchinson. Jerauld. Kingsbury. Lake. Lincoln. Lyman. McCook. Miner. Minnehaha. Moody. Roberts. Sanborn. Spink. Tripp. Turner. Union. Yankton.

TENNESSEE

Cheatham. Crockett. Dyer. Gibson. Haywood. Henry. Lake. Lauderdale. Montgomery. Obion. Robertson. Stewart. Sumner. Tipton. Weakley.

VIRGINIA

| | |
|---|---|
| Accomack. | Princess Anne. |
| Isle of Wight. | Southampton. |
| Nansemond. | Surry. |
| Norfolk. | Sussex. |
| Northampton. | |

WEST VIRGINIA

| | |
|---|---|
| Berkeley. | Jefferson. |

WISCONSIN

| | |
|---|---|
| Adams. | Lafayette. |
| Buffalo. | Marquette. |
| Columbia. | Monroe. |
| Crawford. | Pepin. |
| Dane. | Pierce. |
| Dodge. | Polk. |
| Dunn. | Racine. |
| Eau Claire. | Richland. |
| Fond du Lac. | Rock. |
| Grant. | St. Croix. |
| Green. | Sauk. |
| Green Lake. | Trempealeau. |
| Iowa. | Vernon. |
| Jackson. | Walworth. |
| Jefferson. | Waukesha. |
| Juneau. | Waushara. |
| Kenosha. | Winnebago. |
| La Crosse. | |

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 327, 52 Stat. 38, 51, as amended; 7 U. S. C. 1301, 1327)

Done at Washington, D. C., this 22d day of December 1953.

[SEAL] EZRA TAFT BENSON,
*Secretary of Agriculture.*

[F. R. Doc. 53-10698; Filed, Dec. 24, 1953; 8:45 a. m.]

## Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 11]

### PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.311 *Navel Orange Regulation 11*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time



when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on December 22, 1953, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 27, 1953, and ending at 12:01 a. m., P. s. t., January 3, 1954, is hereby fixed as follows:

(i) District 1: 800 carloads;
(ii) District 2: 82.22 carloads;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handled," "handler," "carloads," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 23d day of December 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Dec. 27 to 12:01 a. m., P. s. t., Jan. 3, 1954]

NAVEL ORANGES

PRORATE DISTRICT NO. 1

| Handler | Prorate base (percent) |
|---|---|
| Total | 100.0000 |
| A. F. G. Lindsay | 1.6534 |
| A. F. G. Porterville | 2.1873 |
| Ivanhoe Cooperative Association | .6668 |

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 1—continued

| Handler | Prorate base (percent) |
|---|---|
| Anderson Packing Co | 1.1263 |
| Euclid Avenue Orange Association | .4643 |
| Lindsay Mutual Groves | 1.4694 |
| Martin Ranch | 1.3871 |
| Orange Cove Orange Growers | 2.7554 |
| Woodlake Packing House | 1.7747 |
| Dofflemyer & Son, W. Todd | .4921 |
| Earlibest Orange Association | 1.6996 |
| Elderwood Citrus Association | .7624 |
| Exeter Citrus Association | 3.2723 |
| Exeter Orange Growers Association | 1.5591 |
| Exeter Orchards Association | 1.5149 |
| Hillside Packing Association | 1.3354 |
| Ivanhoe Mutual Orange Association | 1.3054 |
| Klink Citrus Association | 3.9357 |
| Lemon Cove Citrus Association | .8195 |
| Lindsay Citrus Growers Association | 2.2657 |
| Lindsay Cooperative Association | 1.3582 |
| Lindsay Fruit Association | 2.2398 |
| Lindsay Orange Growers Association | .7783 |
| Naranjo Packing House | 1.4020 |
| Orange Cove Citrus Association | 4.0706 |
| Orange Packing Co | 1.0136 |
| Orosi Foothill Citrus Association | 1.4787 |
| Paloma Citrus Fruit Association | .7707 |
| Rocky Hill Citrus Association | 1.5713 |
| Sanger Citrus Association | 3.6942 |
| Sequoia Citrus Association | .8696 |
| Stark Packing Co | 2.9193 |
| Visalia Citrus Association | 2.4224 |
| Waddell & Son | 2.3861 |
| Baird Neece Corp | 1.8830 |
| Beattie Association, D. A | .4741 |
| Grand View Heights Citrus Association | 3.0692 |
| Magnolia Citrus Association | 2.7610 |
| Porterville Citrus Association, The | 1.6225 |
| Randolph Marketing Co | 1.8764 |
| Richgrove-Jasmine Citrus Association | 1.3218 |
| Strathmore Cooperative Citrus Association | .9577 |
| Strathmore District, Orange Association | 1.6553 |
| Strathmore Packing House Co | 2.1218 |
| Sunflower Citrus Growers | 3.1390 |
| Sunland Packing House Co | 2.7521 |
| Terra Bella Citrus Association | 1.2717 |
| Tule River Citrus Association | .8331 |
| Baker Ranch Packing House | .4351 |
| Batkins, Jr., Fred A | .0566 |
| California Citrus Groves, Inc., Ltd | 2.6545 |
| Darby, Fred J | .0235 |
| Dubendorf, John | .1775 |
| Evans Bros | .2181 |
| Far West Produce Distributors | .0608 |
| Foothill Packing Co | .3121 |
| Friesen, Lawrence | .0078 |
| Haas & Ferry | .1895 |
| Harding & Leggett | 1.9451 |
| Independent Growers, Inc | 1.2530 |
| Lo Bue Bros | .7025 |
| Maas, W. A | .1157 |
| Marks, W. & M | .4185 |
| Morin, Carl W | .0203 |
| Nickel, Edward | .0033 |
| Orange Belt Fruit Distributors, Inc | .7191 |
| Paramount Citrus Association, Inc | 2.1806 |
| Reimers, Don H | .5332 |
| Riverside Fruit Co | .1544 |
| Sequoia Cider Mill | .0167 |
| Stephens & Cain | .5443 |
| Tashjian, John | .0000 |
| Zaninovich Bros., Inc | 1.7770 |

PRORATE DISTRICT NO. 2

| | |
|---|---|
| Total | 100.0000 |
| A. F. G. Corona | .5732 |
| A. F. G. Fullerton | .6205 |



PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

| Handler | Prorate base (percent) |
|---|---|
| A. F. G. Orange | 0.0177 |
| A. F. G. Riverside | 1.4290 |
| A. F. G. Santa Paula | .0469 |
| Badington Fruit Co | .7265 |
| Signal Fruit Association | 1.2126 |
| Anaheim Cooperative Orange Association | .0317 |
| Bryn Mawr Mutual Orange Association | .4862 |
| Chula Vista Mutual Lemon Association | .1060 |
| Daniels, Inc., Ward | .3325 |
| Euclid Avenue Orange Association | 3.0564 |
| Foothill Citrus Union, Inc | .3787 |
| Garden Grove Citrus Association | .0163 |
| Index Mutual Association | .0106 |
| La Verne Cooperative Citrus Association | 2.9797 |
| Olive Hillside Groves, Inc | .0081 |
| Redlands Foothill Groves | 2.8326 |
| Redlands Mutual Orange Association | 1.3693 |
| Azusa Citrus Association | .8322 |
| Covina Citrus Association | 2.0452 |
| Glendora Citrus Association | 1.6322 |
| Valencia Heights Orchard Association | .2180 |
| Gold Buckle Association | 4.6125 |
| La Verne Orange Association | 4.6906 |
| Anaheim Valencia Orange Association | .0121 |
| Fullerton Mutual Orange Association | .4223 |
| La Habra Citrus Association | .0359 |
| Yorba Linda Citrus Association | .0803 |
| El Cajon Valley Citrus Association | .1563 |
| Escondido Orange Association | .6268 |
| Citrus Fruit Growers | .4534 |
| Cucamonga Mesa Growers | .8728 |
| Etiwanda Citrus Fruit Association | .1333 |
| Upland Citrus Association | 3.2974 |
| Upland Heights Orange Association | .0000 |
| Consolidated Orange Growers | .0210 |
| Garden Grove Citrus Association | .0202 |
| Goldenwest Citrus Association | .1745 |
| Olive Heights Citrus Association | .0596 |
| Santiago Orange Growers Association | .0757 |
| Villa Park Orchards Association | .0377 |
| Bradford Bros., Inc | .2014 |
| Placentia Mutual Orange Association | .1642 |
| Placentia Orange Growers Association | .2253 |
| Yorba Orange Growers Association | .1642 |
| Corona Citrus Association | 1.1546 |
| Jameson Co | .5830 |
| Orange Heights Orange Association | 4.0214 |
| Crafton Orange Growers Association | 1.8451 |
| East Highlands Citrus Association | .5365 |
| Redlands Heights Groves | .9415 |
| Redlands Orangedale Association | 1.1544 |
| Rialto Fontana Citrus Association | .2126 |
| Bryn Mawr Fruit Growers Association | 1.2675 |
| Mission Citrus Association | .9409 |
| Redlands Cooperative Fruit Association | 2.2168 |
| Redlands Orange Growers Association | 1.5415 |
| Redlands Select Groves | .5271 |
| Rialto Orange Co | .4534 |
| Southern Citrus Growers | 1.2010 |
| United Citrus Growers | 1.0932 |
| Arlington Heights Citrus Co | 1.6726 |
| Blue Banner, Inc | 2.5695 |
| Brown Estate, L. V. W | 2.2594 |
| Gavilan Citrus Association | 2.1627 |
| McDermont Fruit Co | 1.8324 |
| Monte Vista Citrus Association | 1.8326 |
| National Orange Co | 1.6041 |
| Riverside Highgrove Citrus Association | 1.9609 |
| Victoria Avenue Citrus Association | 3.3686 |
| Claremont Citrus Association | .6418 |
| College Heights Orange and Lemon Association | 2.1330 |
| Indian Hill Citrus Association | 1.0629 |
| Walnut Fruit Growers | .6256 |
| West Ontario Citrus Association | .8342 |
| Escondido Cooperative Citrus Association | .1058 |
| Camarillo Citrus Association | .0042 |
| Fillmore Citrus Association | 1.0697 |
| Mupu Citrus Association | .0048 |
| Ojai Orange Association | 1.0261 |
| Piru Citrus Association | 1.1882 |
| Rancho Sespe | .0013 |
| San Fernando Fruit Growers Association | .4504 |
| Santa Paula Orange Association | .0918 |
| Ventura County Citrus Association | .0410 |
| East Whittier Citrus Association | .0041 |
| North Whittier Heights | .1312 |
| Placentia Cooperative Orange Association | .2695 |
| Sierra Madre-Lamanda Citrus Association | .0755 |
| A. J. Packing Co | .1562 |
| Babijuice Corp. of California | .0439 |
| Cherokee Citrus Co., Inc | 1.1318 |
| Dunning, Vera Hueck | .1796 |
| Evans Bros. Packing Co | 1.3903 |
| Far West Produce Distributors | .0485 |
| Gold Banner Association | 2.4788 |
| Gold Seal Producers, Inc | .0719 |
| Granada Packing House | .1339 |
| Holland, M. J | .0215 |
| Orange Belt Fruit Distributors | .7221 |
| Panno Fruit Co., Carlo | .0513 |
| Paramount Citrus Association | .1086 |
| Placentia Orchards Association | .0790 |
| Riverside Fruit Co | .4144 |
| Spire, Frank S | .0131 |
| Wall, E. T | 2.1775 |
| Western Fruit Growers, Inc | 5.2471 |

[F. R. Doc. 53-10752; Filed, Dec. 24, 1953; 8:51 a. m.]

[Lemon Reg. 517]

### PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.624 *Lemon Regulation 517*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on December 21, 1953 such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 27, 1953, and ending at 12:01 a. m., P. s. t., January 3, 1954, is hereby fixed as follows:

(i) District 1: 40 carloads;
(ii) District 2: 195 carloads;
(iii) District 3: 15 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 22d day of December, 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

PRORATE BASE SCHEDULE

DISTRICT NO. 1

[Storage date: Dec. 20, 1953]

[12:01 a. m. Dec. 27, 1953, to 12:01 a. m. Jan. 10, 1954]

| Handler | Prorate base (percent) |
|---|---|
| Total | 100.000 |
| Klink Citrus Association | 25.677 |
| Lemon Cove Association | 20.144 |
| Tulare County Lemon and Grapefruit Association | 45.000 |
| Harding & Leggett | 3.698 |
| Paramount Citrus Association | 2.171 |
| Zaninovich Bros., Inc. | 3.310 |

DISTRICT NO. 2

| | |
|---|---|
| Total | 100.000 |
| American Fruit Growers, Inc., Corona | .347 |
| American Fruit Growers, Inc., Fullerton | .467 |
| American Fruit Growers, Inc., Upland | .902 |
| Buenaventura Lemon Co. | 1.096 |
| Consolidated Lemon Co. | .543 |
| Ventura Pacific Co. | 2.743 |
| Chula Vista Mutual Lemon Association | .389 |
| Euclid Lemon Association | .999 |
| Index Mutual Association | .105 |
| La Verne Cooperative Citrus Association | 1.369 |
| Ventura Coastal Lemon Co. | 3.017 |
| Ventura Processors | 2.120 |
| Glendora Lemon Growers Association | 1.476 |
| La Verne Lemon Association | .590 |
| La Habra Citrus Association | .407 |
| Yorba Linda Citrus Association | .272 |
| Escondido Lemon Association | 2.452 |
| Cucamonga Mesa Growers | 2.107 |
| Etiwanda Citrus Fruit Association | 1.175 |
| San Dimas Lemon Association | 2.051 |
| Upland Lemon Growers Association | 7.586 |
| Central Lemon Association | .427 |
| Irvine Citrus Association, The | .489 |
| Placentia Mutual Orange Association | .640 |
| Corona Citrus Association | .189 |
| Corona Foothill Lemon Co. | 1.767 |
| Jameson Co. | .756 |
| Arlington Heights Citrus Co. | .705 |
| College Heights Orange & Lemon Association | 4.747 |
| Chula Vista Citrus Association, The | .531 |
| Escondido Cooperative Citrus Association | .124 |
| Fallbrook Citrus Association | 1.245 |
| Lemon Grove Citrus Association | .136 |
| Carpinteria Lemon Association | 3.154 |
| Carpinteria Mutual Citrus Association | 4.284 |
| Goleta Lemon Association | 4.360 |
| Johnston Fruit Co. | 5.820 |
| Briggs Lemon Association | 1.760 |
| Fillmore Lemon Association | .793 |
| Oxnard Citrus Association | 4.797 |
| Rancho Sespe | .360 |
| San Fernando Heights Lemon Association | 2.353 |
| Santa Clara Lemon Association | 4.848 |
| Santa Paula Citrus Fruit Association | 1.454 |
| Saticoy Lemon Association | 4.781 |

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

| Handler | Prorate base (percent) |
|---|---|
| Seaboard Lemon Association | 5.307 |
| Somis Lemon Association | 3.711 |
| Ventura Citrus Association | 1.198 |
| Ventura County Citrus Association | .406 |
| Limoneira Co. | 2.692 |
| Teague-McKevett Association | .601 |
| East Whittier Citrus Association | .086 |
| Murphy Ranch Co. | .180 |
| North Whittier Heights Citrus Association | .163 |
| Sierra Madre-Lamanda Citrus Association | .676 |
| Dunning Ranch | .000 |
| Far West Produce Distributors | .077 |
| Huarte, Joseph D. | .006 |
| Paramount Citrus Association, Inc. | 1.958 |
| Santa Rosa Lemon Co. | .141 |

DISTRICT NO. 3

| | |
|---|---|
| Total | 100.000 |
| Consolidated Citrus Growers | 2.317 |
| Phoenix Citrus Packing Co. | 5.665 |
| Pioneer Fruit Co. | 6.939 |
| Arizona Citrus Growers | 43.834 |
| Desert Citrus Growers Co. | 11.790 |
| Tempeco Groves | 10.246 |
| Arlington Heights Citrus Co. | 5.531 |
| James Macchiaroli Fruit Co. | 1.454 |
| Morris Bros. Fruit Co. | 10.734 |
| Mutual Citrus Products Co. | .000 |
| Sunny Valley Citrus Packing Co. | 1.490 |
| Valley Citrus Packing Co. | .000 |

[F. R. Doc. 53-10723; Filed, Dec. 24, 1953; 8:49 a. m.]

[957.310 Amdt. 4]

## PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

*Findings.* 1. Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provision of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, and (iv) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

*Order as amended.* The provisions of § 959.310 (b) (1) (FEDERAL REGISTER, June 13, July 23, and August 4 and 12, 1953; 18 F. R. 3380, 4280, 4552, 4761) are hereby amended to read as follows:

(b) *Order.* (1) During the period December 28, 1953, to May 31, 1954, both dates inclusive, no handler shall ship (i) potatoes of the Russet Burbank or Netted Gem varieties unless such potatoes meet the requirements of the U. S. No. 1, or better grade, size A, 2 inch or 4 ounce minimum, (ii) any other grades of Russet Burbank or Netted Gem varieties of potatoes, up to but not including U. S. No. 1 grade, unless such potatoes meet the requirements of U. S. No. 2, or better grade, 8 ounce minimum weight, or (iii) potatoes of any other varieties unless such potatoes meet the requirements of the U. S. No. 2, or better grade, 2 inch minimum diameter or 4 ounces minimum weight, as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (§ 51.366 of this title), including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 22d day of December 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch.*

[F. R. Doc. 53-10726; Filed, Dec. 24, 1953; 8:50 a. m.]

[959.309 Amdt. 4]

## PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

LIMITATION OF SHIPMENTS

*Findings.* 1. Pursuant to Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said marketing agreement and amended order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any preparation on the part of handlers which cannot be completed by the effective date, and (iv) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

*Order as amended.* The provisions of § 959.309 (b) (1), (3), (4) and (5), FEDERAL REGISTER, August 29, October 22, November 10, and December 5 and 19, 1953; 18 F. R. 5163, 6697, 7055, 7844, 8567) are hereby amended to read as follows:

(b) *Order.* (1) During the period December 28, 1953 to June 30, 1954, both dates inclusive, no handler shall ship (i) potatoes of the Russet Burbank or Netted Gem varieties unless such potatoes meet the requirements of the U. S. No. 1, or better grade, 2 inches minimum diameter or 4 ounces minimum weight, (ii) any other grades of Russet Burbank or Netted Gem varieties of potatoes, up to but not including the U. S. No. 1 grade, unless such potatoes meet the requirements of the U. S. No. 2, or better grade, 8 ounces minimum weight, or (iii) potatoes of any other varieties unless such potatoes meet the requirements of the U. S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight, as such terms, grades, and sizes are defined in the U. S. Standards for potatoes (§ 51.366 of this title), including the tolerances set forth therein.

(3) During the period December 28, 1953 to June 30, 1954, both dates inclusive, no handler shall ship potatoes for dehydration, or manufacture or conversion into starch, flour, or alcohol unless such potatoes meet the requirements of the U. S. No. 2, or better grade, 1½ inches minimum diameter, as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (§ 51.366 of this title), including the tolerances set forth therein.

(4) The limitations set forth in subparagraph (1) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) Grading or storing in the production area, (ii) seed, (iii) canning or freezing, (iv) charity, and (v) livestock feed within the production area.

(5) Each handler making shipments of potatoes pursuant to subparagraphs (3) and (4) of this paragraph shall (except for shipments of potatoes for grading or storing in the production area, and shipments of potatoes for livestock feed within the production area) (i) file an application with the committee pursuant to § 959.130 for permission to make such shipments, (ii) pay assessments on such shipments pursuant to § 959.41, and (iii) have such shipments (except shipments of seed potatoes) inspected pursuant to § 959.60, and for each shipment made pursuant to subparagraph (3) and subdivisions (iii) and (iv) of subparagraph (4) of this paragraph shall furnish a record of shipment applicable thereto to the committee: *Provided*, That each application to ship potatoes made pursuant to subparagraph (3) and subdivisions (iii) and (iv) of subparagraph (4) of this paragraph shall be accompanied by the applicant handler's certification and buyer's certification that the potatoes to be shipped are to be used for the purpose stated in the application: *And provided further*, That each handler agrees in his application to furnish a copy of the bill of lading on each such shipment and to bill each such shipment directly to the applicable processor.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 605c)

Done at Washington, D. C., this 22d day of December 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch.*

[F. R. Doc. 53-10727; Filed, Dec. 24, 1953; 8:50 a. m.]

[Docket No. AO-166-A17]

## PART 965—MILK IN THE CINCINNATI, OHIO, MARKETING AREA

SUBPART—ORDER REGULATING HANDLING

Sec.

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AUTHORITY: §§ 965.0 to 965.91 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 965.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order,

as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended and as hereby further amended, which is marketed within the Cincinnati, Ohio, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (August 1953), were engaged in the production of milk for sale in the said marketing area.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 965.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 *et seq.*).

§ 965.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 965.3 *Cincinnati, Ohio, marketing area.* "Cincinnati, Ohio, marketing area," hereinafter called the "marketing area," means the city of Cincinnati, Ohio, and the territory geographically included within the boundary lines of Hamilton County, Ohio.

§ 965.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 965.5 *Route.* "Route" means a delivery (including a sale from a store) of milk, flavored milk drinks, or cream in fluid form to a wholesale or retail stop(s) other than to a milk processing plant(s).

§ 965.6 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in preparation or processing of milk all or a portion of which is disposed of on routes operating wholly or partially in the marketing area.

§ 965.7 *Pool plant.* "Pool plant" means:

(a) A fluid milk plant as described in § 965.6 located in the marketing area;

(b) A fluid milk plant located outside the marketing area and disposing of not less than 10 percent of its entire route disposition of Class I milk on routes operating wholly or partially within the marketing area; or

(c) A plant, receiving milk from dairy farms, which the market administrator determines has moved to a plant(s) described under paragraph (a) or (b) of this section an amount of milk equal to not less than one percent of the total Class I utilization of plants described in paragraphs (a) and (b) of this section during the second month preceding such movement as specified in the following schedule:

| Months milk is moved: | *Months plant is pool plant* |
|---|---|
| One of the months of October and November. | November. |
| Two of the months of October, November, and December. | December. |
| Three of the months of October, November, December, and January. | January through October. |

*Provided,* That upon written request to the market administrator by the operator of a plant which is a pool plant pursuant to this paragraph for the discontinuance of such plant as a pool plant, such plant shall cease to be a pool plant in the first month, following such request, during which no milk is moved to a plant described in paragraph (a) or (b) of this section and shall not become a pool plant until such plant again meets the requirements for a pool plant pursuant to this paragraph.

§ 965.8 *Producer.* "Producer" means any person operating a dairy farm, producing milk under a dairy farm permit issued by an appropriate health authority, which is received at a "pool plant" described in § 965.7 or diverted from a pool plant by a cooperative association: *Provided,* That any producer whose milk has been approved as "Grade A milk" by an appropriate health authority for any month, or portion thereof, shall be a "Grade A producer" for such month, and any producer whose milk has not been so approved shall be a "Grade B producer."

§ 965.9 *Handler.* "Handler" means (a) any person who: (1) Operates a pool plant; or (2) operates a nonpool plant and either directly or indirectly disposes of Class I or Class II milk, on a route extending into the marketing area; or (b) any cooperative association with respect to the milk of any producer(s) whose milk has been received previously at a pool plant described in § 965.7 which milk has been caused to be diverted by a cooperative association, to a plant from which no milk is disposed of in the marketing area, if payment therefor has been collected by such association, and such milk shall be deemed to have been received from producers by such cooperative association.

§ 965.10 *Producer milk.* "Producer milk" means milk produced by one or more producers under the conditions set forth in § 965.8.

§ 965.11 *Emergency milk.* "Emergency milk" means milk or skim milk other than producer milk in excess of the milk and skim milk, respectively, used in Class III milk and Class IV milk received by a handler under a permit to receive such milk or skim milk issued to him by an appropriate health authority during months when receipts of producer milk or skim milk of the individual handler are less than 120 percent of such handler's Class I utilization of milk or skim milk, respectively.

MARKET ADMINISTRATOR

§ 965.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 965.21 *Powers.* The market administrator shall have the power to:

(a) Administer the terms and provisions of this subpart;

(b) Report to the Secretary complaints of violations of the provisions of this subpart;

(c) Make rules and regulations to effectuate the terms and provisions of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 965.22 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Within 45 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;



(c) Pay, out of the funds provided by § 965.74, the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not made reports pursuant to § 965.30 or has not made payments pursuant to §§ 965.70 and 965.72;

(f) Promptly verify the information contained in the reports submitted by handlers;

(g) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times; and

(h) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month, the minimum class prices computed pursuant to § 965.51 and the butterfat differentials computed pursuant to § 965.52; and

(2) On or before the 20th day after the end of such month the uniform prices computed pursuant to § 965.64, and the producer butterfat differential.

REPORTS, RECORDS AND FACILITIES

§ 965.30 *Reports of handlers to market administrator.* Each handler, under his own signature or under that of a person certified by such handler to the market administrator as being authorized to sign the reports required by this section, shall report to the market administrator, in detail and on forms prescribed by the market administrator as follows:

(a) On or before the 10th day after the end of each month, each handler who receives milk from producers shall report with respect to all milk, skim milk, cream and milk products received by him during the month:

(1) The receipts at each plant from producers, from his own production, and from other handlers;

(2) The receipts of emergency milk, the date or dates upon which such milk was received during the month, the plant from which such milk was shipped, the price per hundredweight paid or to be paid for such milk;

(3) The receipts from any other source together with the butterfat content;

(4) The utilization of all receipts during the month;

(5) The name and address of each new producer; and

(6) His producer payroll, which shall show for each producer the total receipts of milk with the average butterfat test thereof, the amount of the advance payment to such producer made pursuant to § 965.70 and the deductions and charges made by the handler.

(b) Each handler who receives no milk from producers shall make reports to the market administrator at such times and in such manner as the market administrator may request.

§ 965.31 *Verification of handler reports.* Each handler shall make available to the market administrator or to his agent, or to such other person as the Secretary may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to § 965.30, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.

§ 965.32 *Reports of market administrators to cooperative associations.* On or before the 13th day after the end of each month, the market administrator shall report to each cooperative association the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them under § 965.73 (b), to each handler to whom the cooperative association sells milk. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were used in each class.

§ 965.33 *Records and facilities.* Each handler required to make reports to the market administrator shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as in the opinion of the market administrator are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other contents, of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 965.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 965.40 *Basis of classification.* Milk received by each handler, including milk produced by him, shall be classified by the market administrator in the classes set forth in § 965.41 subject to the provisions of §§ 965.42, 965.43 and 965.44.

§ 965.41 *Classes of utilization.* The classes of utilization of milk and butterfat shall be as follows:

(a) Class I milk shall be (1) all milk and skim milk disposed of in the form of milk and milk drinks; (2) all milk and skim milk used to produce concentrated milk (excluding those products commonly known as evaporated milk and condensed milk) for fluid consumption; (3) all milk and skim milk disposed of in the form of any product containing less than 8.0 percent of butterfat not specified in Class II milk, Class III milk, or Class IV milk; or (4) all shrinkage of butterfat in receipts of butterfat from producers and emergency milk in excess of 2.5 percent of such receipts.

(b) Class II milk shall be all milk and skim milk disposed of as buttermilk, cream for consumption as cream, and any product containing 8.0 percent or more of butterfat not specified in Class I milk, Class III milk or Class IV milk.

(c) Class III milk shall be all milk (1) disposed of as plain or sweetened, condensed or evaporated milk, spray or roller powder, margarine, animal feed, all cheese, commercially manufactured candy, eggnog, and whipped cream and whipped cream substitutes; (2) used to produce ice cream, ice cream mix and frozen desserts; (3) dumped or spilled; and (4) in inventory variations; and all butterfat in shrinkage up to 2.5 percent of total receipts of butterfat in producer milk and in emergency milk and in shrinkage of butterfat in milk other than producer milk or emergency milk.

(d) Class IV milk shall be all milk disposed of as butter.

§ 965.42 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification as required in §§ 965.41 and 965.43, the burden rests upon the handler to account for all milk and milk products received by him and to prove to the market administrator that such milk, or milk products, should not be classified as Class I milk.

(b) Any milk or milk product classified in one class shall be reclassified if such milk or milk product is later used or disposed of by any handler in another class, in accordance with such later use or disposition.

§ 965.43 *Transfers.* (a) Milk and skim milk transferred from a pool plant to another pool plant shall be Class I milk, and cream so transferred shall be Class II milk, unless another class use is indicated in writing to the market administrator by the operators of both plants on or before the 10th day after the end of the month within which such transfer was made: *Provided,* That if either or both plants have received milk other than producer milk or emergency milk, the milk, skim milk or cream so transferred shall be classified at both

plants so as to allocate the highest possible utilization to producer milk.

(b) Milk or skim milk transferred from a pool plant to a plant other than a pool plant shall be classified as Class I milk and cream so transferred shall be Class II milk: *Provided*, That if the operator of the pool plant on or before the 10th day after the end of the month furnishes to the market administrator a statement, which is signed by the operators of both plants, that such milk, skim milk, or cream was used in a lower class, such milk, skim milk, or cream shall be classified accordingly; subject to verification by the market administrator: *And provided further*, That in making such verification for months other than April, May, June, July, and August, the market administrator will assign milk, skim milk, or cream so transferred to the highest use classification in the plant or the receiver.

§ 965.44 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of butterfat in producer milk and in milk other than producer milk.

§ 965.45 *Computation of milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for obvious errors the report submitted by each handler and compute the total pounds of milk and butterfat, respectively, in Class I milk, Class II milk, Class III milk, and Class IV milk for such handler.

§ 965.46 *Allocation of milk and butterfat classified.* The pounds of milk and butterfat remaining in each class after making the following computations shall be the pounds of milk and butterfat, respectively, in such class allocated to producer milk:

(a) The pounds of milk in Class III shall be decreased by any excess of utilization of all classes over total receipts and shall be increased by any excess of total receipts over total utilization of all classes.

(b) Subtract from the pounds of butterfat in Class III the pounds of producer butterfat in plant shrinkage which is not in excess of 2.5 percent of all butterfat received from producers and in emergency milk.

(c) Subtract from the remaining pounds of milk and butterfat, respectively, in each class, the pounds of milk and butterfat, respectively, received from other handlers, in the classes transferred pursuant to § 965.43.

(d) Subtract from the remaining pounds of milk and butterfat, respectively, in series beginning with the lowest-priced use available, the pounds of milk and butterfat, respectively, except emergency milk, received other than producer milk.

(e) Add to the Class III butterfat the pounds of butterfat subtracted pursuant to paragraph (b) of this section.

(f) Subtract pro rata out of the remaining pounds of milk and butterfat, respectively, in each class, the total pounds of emergency milk and butterfat.

(g) If the pounds of butterfat remaining in all classes exceed the pounds of butterfat received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced class.

MINIMUM PRICES

§ 965.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in computing the minimum prices for Class I milk and Class II milk shall be the higher of the prices computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic (or field) prices per hundredweight ascertained to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator or to the United States Department of Agriculture:

*Company and Location*

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply by 3.5 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month for which payment is to be made, and add 20 percent thereof;

(2) From the simple average as computed by the market administrator of the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents and multiply the result by 8.2.

§ 965.51 *Class prices.* Each handler shall pay, at the time and in the manner set forth in § 965.72, not less than the following prices per hundredweight, on the basis of milk of 3.5 percent butterfat content, for the respective quantities of milk in each class computed pursuant to § 965.46:

(a) The price for Class I milk shall be the basic formula price, plus $1.05 for the months of April through July and $1.35 for the months of August through March, plus or minus "a supply-demand adjustment" computed as follows:

(1) Divide the total gross volume of Class I milk (less interhandler transfers) in the second and third months preceding by total receipts of producer milk for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage.

(2) Compute a "net utilization percentage" by subtracting from the utilization percentage as computed in subparagraph (1) of this paragraph, the Class I utilization percentage shown below:

| Month for which the price is being computed: | *Class I utilization percentage* |
|---|---|
| January | 73 |
| February | 75 |
| March | 74 |
| April | 70 |
| May | 63 |
| June | 56 |
| July | 47 |
| August | 44 |
| September | 45 |
| October | 47 |
| November | 54 |
| December | 64 |

(3) Determine the amount of the supply-demand adjustment as follows:

| If net utilization percentage is— | Supply-demand adjustment for specified months is— | | |
|---|---|---|---|
| | Jan., Feb., Mar., Aug., and Sept. | Apr., May, June, July | Oct., Nov., and Dec. |
| | *Cents* | *Cents* | *Cents* |
| +12 or over | +38 | +25 | +38 |
| +9 or +10 | +28 | +19 | +28 |
| +6 or +7 | +20 | +13 | +20 |
| +3 or +4 | +10 | +7 | +10 |
| +1 or −1 | 0 | 0 | 0 |
| −3 or −4 | −10 | −14 | −10 |
| −6 or −7 | −20 | −26 | −20 |
| −9 or −10 | −28 | −38 | −28 |
| −12 or −13 | −38 | −50 | −38 |
| −15 or −16 | −38 | −50 | −38 |
| −18 or −19 | −38 | −50 | −38 |
| −21 or −22 | −38 | −50 | −38 |
| −24 or under | −38 | −50 | −38 |

When the difference from the base period Class I utilization percentage does not fall within the tabulated brackets the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month: *Provided*, That the Class I differential adjusted pursuant to this subparagraph for the month of July shall not be more than such adjusted differential for the immediately preceding month of June and for each of the months of August and September the Class I differential adjusted pursuant to this subparagraph shall not be more than such adjusted differential for the immediately preceding month of June plus 30 cents; and the Class I differential adjusted pursuant to this subparagraph for each of the months of December, January and February shall not be less than the adjusted differential for the immediately preceding month of November.

(b) The price for Class II milk shall be the price for Class I milk minus $0.45.

(c) The price for Class III milk during each of the months of March through September shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph; and the price for Class III milk during each of the months of October through February, shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph, plus 30 cents.

(1) The price as computed pursuant to § 965.50 (b);

(2) The simple average, as computed by the market administrator, of the basic or field prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

M and R Dietetic Laboratories, Inc., Chillicothe, Ohio.
Carnation Milk Co., Hillsboro, Ohio.
Nestles Milk Products, Inc., Greenville, Ohio.
Nestles Milk Products, Inc., (Osgood Milk Co.) Osgood, Indiana.
Carnation Milk Co., Maysville, Ky.

(d) The price for Class IV milk shall be the price of Class III milk less 17.5 cents.

§ 965.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent, there shall be added to or subtracted from, as the case may be, from the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential calculated by the market administrator as follows: For Class I, Class II and Class III, determine the percent of the alternate basic formula price as computed pursuant to § 965.50 (b) represented by the sum computed pursuant to § 965.50 (b) (1), apply the percentage so determined to the respective Class I, Class II and Class III prices for 3.5 percent milk computed pursuant to § 965.51 (a), (b), and (c) and divide by 35, the resulting sum (to the nearest hundredth of a cent) shall be the handler butterfat differential for each class, respectively. The handler butterfat differential for Class IV milk shall be such differential for Class III milk less 0.5 cent.

DETERMINATION OF UNIFORM PRICES

§ 965.60 *Computation of value of milk for each handler.* The value of the milk received from producers during each month by each handler shall be a sum of money computed by the market administrator by multiplying the hundredweight of milk in each class by the applicable class prices, subject to the butterfat differential provided in § 965.52 and adding any amount resulting from the following computation: Multiply the pounds of butterfat subtracted pursuant to § 965.46 (g) by the price for the applicable class adjusted by the applicable butterfat differential.

§ 965.61 *Computation of obligation to the producer-settlement fund for handlers operating a fluid milk plant which is not a pool plant.* For each month, the obligation to the producer-settlement fund for each handler operating a fluid milk plant which is not a pool plant shall be computed by the market administrator by multiplying by the difference between the Class I and the Class III prices, the hundredweight of milk disposed of as Class I milk by such handler on routes operating within the marketing area less the hundredweight of Class I milk purchased by such handler during the month from a pool plant. On or before the 13th day after the end of each month, the market administrator shall notify each such handler of the amount so computed for him subject to adjustment pursuant to § 965.62 and on or before the 17th day after the end of each month each such handler shall make payment to the market administrator.

§ 965.62 *Correction of errors.* If, in the verification of reports submitted by a handler, the market administrator discovers errors in such reports which result in payment due the producer-settlement fund or the handler for any previous month, there shall be added or subtracted as the case may be, the amount necessary to correct such errors.

§ 965.63 *Notification to handler of the value of his milk.* On or before the thirteenth day after the end of each month, the market administrator shall notify each handler of the value of milk computed for him in accordance with § 965.60 and of any adjustments pursuant to § 965.62.

§ 965.64 *Computation of uniform prices for Grade A producers and Grade B producers*—(a) *Computation of uniform price for Grade A producers.* For each month, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade A producers as follows:

(1) Add together the values of milk as computed pursuant to § 965.60 for handlers other than those in arrears in payment (other than in payment for any amount pursuant to § 965.62) to the producer-settlement fund as required by § 965.72 for the preceding month;

(2) Subtract, if the weighted average butterfat test of all milk received from producers by handlers whose milk is represented in the sum computed under subparagraph (1) of this paragraph, is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by the difference of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by 50 cents if the average price of butter, described under § 965.50 (b) (1), was more than 40 cents but not more than 50 cents, such amount (50 cents) to be increased or decreased, as the case may be, by 10 cents for each 10-cent range in such price of butter above or below the range "more than 40 cents but not more than 50 cents";

(3) Add the unobligated balance in the producer-settlement fund;

(4) Add an amount computed by multiplying the total hundredweight of milk received from Grade B producers by $0.40;

(5) Divide by the total hundredweight of milk of all producers represented in the sum computed pursuant to subparagraph (1) of this paragraph; and

(6) Subtract from the figure obtained in subparagraph (5) of this paragraph not less than 4 cents or more than 5 cents per hundredweight for the purpose of retaining a cash balance to provide against errors in reports and in payments by handlers. The result shall be known as the uniform price per hundredweight for such month for milk (on the basis of 3.5 percent of butterfat) received from Grade A producers.

(b) Computation of uniform price for Grade B producers. For each delivery period, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade B producers as follows: From the uniform price computed pursuant to paragraph (a) (6) of this section subtract 40 cents. The result shall be known as the uniform price per hundredweight for such month for milk (on the basis of 3.5 percent of butterfat) received from Grade B producers.

PAYMENT FOR MILK

§ 965.70 *Payments to producers.* On or before the 5th day after the end of each month, each handler shall pay, with respect to all milk received during the month, $1.00 per hundredweight of milk to each producer: *Provided*, That in the event the total amount of deductions and charges authorized by any producer against payments due such producer for the month next preceding is greater than the payment computed for such producer pursuant to § 965.73 (a) with respect to the milk received from such producer during such preceding month, the handler may deduct from the payment required by this section a sum equal to the difference between such amounts.

§ 965.71 *Producer-settlement fund.* The market administrator shall maintain a separate fund, known as the producer-settlement fund, in which he shall deposit all payments made pursuant to §§ 965.61 and 965.72 and from which he shall make all payments pursuant to § 965.73.

§ 965.72 *Payment to producer-settlement fund.* On or before the 17th day after the end of each month, each handler shall pay to the market administrator the amount of money which represents the value of milk for such month of which he is notified pursuant to § 965.63 less the amount paid out to each producer in accordance with § 965.70, and less the amount of the deductions and charges authorized by such producer which are itemized on the handler's producer payroll: *Provided*, That in the calculation of the total amount of such deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in accordance with § 965.70 (inclusive of the

deductions and charges authorized by § 965.70) will not exceed the total value of the milk received from such producer.

§ 965.73 *Payments from producer-settlement fund.* (a) For each month the market administrator shall compute the payment due each producer for milk received during such month from such producer by a handler who made the payments for such month pursuant to § 965.72 by multiplying the hundredweight of such milk by the uniform price computed pursuant to § 965.64 adjusted to the butterfat test of such milk by adding or subtracting, respectively, for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent one-tenth of the rate provided in § 965.64 (a) (2) and subtracting any charges and deductions made pursuant to § 965.72.

(b) On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.75, to each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to paragraph (a) of this section, for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments. On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.75, direct to each producer who has not authorized a cooperative association to receive payments for such producer, the amount of the payment calculated for such producer pursuant to paragraph (a) of this section.

§ 965.74 *Expense of administration.* As his pro rata share of the expense incurred in the maintenance and functioning of the office of the market administrator and in the performance of the duties of the market administrator, each handler shall pay to the market administrator, on or before the 17th day after the end of each month, 2 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe, with respect to all milk received from producers and produced by him during the month: *Provided*, That any cooperative association which has handled milk during the month under the conditions set forth in § 965.9, shall pay such pro rata share of expense of administration on only that quantity of milk so handled.

§ 965.75 *Marketing services.* (a) The market administrator shall deduct an amount not exceeding 6 cents per hundredweight (the exact amount to be determined by the market administrator) from the payments made pursuant to § 965.73 (b), with respect to the milk of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," for the purpose of performing the services set forth in paragraph (b) of this section.

(b) The moneys received by the market administrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information to, and for the verification of weights, samples, and tests of milk of, producers for whom a cooperative association, as described in paragraph (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to review of the Secretary.

§ 965.77 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 965.80 *Effective time.* The provisions of this subpart, or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 965.81 *Suspension or termination.* Any or all provisions of this subpart, or amendments to this subpart, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 965.82 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under this subpart, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such person as the Secretary may designate, shall continue in such capacity until removed by the Secretary; account from time to time for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator or such other person to such person as the Secretary shall direct and execute, if so directed by the Secretary, such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 965.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.



MISCELLANEOUS PROVISIONS

§ 965.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 965.91 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 22d day of December to be effective on and after the 1st day of February 1954.

[SEAL] JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 53-10724; Filed, Dec. 24, 1953; 8:49 a. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 14]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

DESIGNATION OF AREAS IN WHICH SWINE ARE AFFECTED WITH VESICULAR EXANTHEMA

Pursuant to the authority conferred upon the Administrator of the Agricultural Research Administration by § 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637), § 76.27a of said Subpart B (18 F. R. 3829, as amended) is hereby amended to read as follows:

§ 76.27a *Designation of areas in which swine are affected with vesicular exanthema.* The following areas are hereby designated as areas in which swine are affected with vesicular exanthema:

The State of California;

The Town of Manchester in Hartford County, in Connecticut;

That area in Fulton County lying south and west of State Highways Nos. 139 and 154 and west of U. S. Highway No. 29 excluding Fort McPherson, in Georgia;

Androscoggin, Cumberland, Kennebec, and York Counties, in Maine;

That area consisting of Hampden, Worcester, Middlesex, Essex, Suffolk, Norfolk, Bristol and Plymouth Counties, in Massachusetts;

Atlantic, Bergen, Camden, Gloucester, Hudson, Hunterdon, and Morris Counties, that area consisting of Union, Middlesex, Monmouth, and Ocean Counties, that area in Lower Township in Cape May County lying east of U. S. Highway No. 9, that area in Dennis Township in Cape May County bounded by the Belleplain State Forest on the south and east and State Highway No. 550 on the north and west and State Highway Spur No. 550 on the west, and all of Burlington County except Delran, Washington, Shamong, Tabernacle, and Bass River Townships, in New Jersey;

Poughkeepsie Township, in Dutchess County, and that area in Clarkstown Township lying north of New York State Route No. 59, in Rockland County, in New York;

Bucks and Delaware Counties, in Pennsylvania;

That area in Atascosa County lying west of State Highway No. 346 and north of State Highway No. 173, and that area in Bell County lying north of U. S. Highway No. 190 and west of State Highways No. 36 and No. 317, in Texas.

*Effective date.* The foregoing amendment shall become effective upon issuance.

Section 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637), quarantines the areas so designated.

The amendment designates the following as an area in which swine are affected with vesicular exanthema in addition to the areas heretofore designated:

That area in Fulton County lying south and west of State Highways Nos. 139 and 154 and west of U. S. Highway No. 29 excluding Fort McPherson, in Georgia.

Hereafter, the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended), apply to this area.

The amendment excludes from the areas heretofore designated as areas in which swine are affected with vesicular exanthema:

Delran, Washington, Shamong, Tabernacle, and Bass River Townships, in Burlington County, in New Jersey;

Anderson, Calhoun, Charleston, Greenwood, and Orangeburg Counties, in South Carolina.

The Administrator of the Agricultural Research Administration has determined that swine in these areas are not now affected with the disease, and that the quarantine of such areas is no longer required to prevent the dissemination thereof. Accordingly, these areas are no longer quarantined under said § 76.27, and the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended), no longer apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas contained in said Subpart B, as amended, apply thereto.

The effect of the amendment is to impose certain further restrictions necessary to prevent the spread of vesicular exanthema, a contagious, infectious, and communicable disease of swine, and to relieve certain restrictions presently imposed. The amendment must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies secs. 4, 5, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 18th day of December 1953.

[SEAL] M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Administration.*

[F. R. Doc. 53-10699; Filed, Dec. 24, 1953; 8:46 a. m.]

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter C—Federal Savings and Loan System

[No. 6704]

PART 143—INCORPORATION, ORGANIZATION AND CONVERSION

PART 144—CHARTER AND BYLAWS

PART 145—OPERATIONS

AMENDMENTS: PROVIDING FOR A REVISED FORM OF CHARTER K

DECEMBER 18, 1953.

Resolved, that pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), notice and public procedure having been duly afforded (17 F. R. 5255) the rules and regulations for the Federal Savings and Loan System, are hereby amended, effective December 25, 1953, as hereinafter set forth:

a. Amend §143.5 by striking the phrase "in the form of Charter N" from the last sentence thereof.

b. Amend the last sentence of paragraph (c) of §143.11 to read as follows: "Upon approval by the Board of a formal application for conversion into a Federal association, the Board will issue a Charter, as provided in §144.1 of this subchapter; conversion into a Federal association is completed upon the issuance of such charter and upon compliance with all relevant requirements of law, if any, which expressly provide for such conversion."

c. Amend the provisions preceding the first colon in § 144.1 to read as follows:

§ 144.1 *Issuance of charter—(a) Charter N.* Except as provided in paragraph (b) of this section and in § 144.2, the following form of charter, which shall be known as Charter N, will be issued on and after the effective date of the rules and regulations in this subchapter, upon approval by the Board of any petition for a charter for a Federal association pursuant to the provisions of subsections (a) or (i) of section 5 of Home Owners' Loan Act of 1933, as amended.

d. Amend § 144.1 by adding a new paragraph (b) at the end thereof, as follows:

(b) *Charter K (rev.).* If expressly requested in the Petition for Charter, or in the Application for Conversion into a Federal Association, the Board, in lieu of Charter N, will issue a Charter K (rev.), reading as follows:

CHAPTER K (REV.)

1. *Corporate title.* The full corporate title of the Federal association hereby chartered is ---------- Federal Savings and Loan Association ----------.

2. *Office.* The home office shall be located at ----------, in the County of ----------, State of ----------.

3. *Objects and powers.* The objects of the association are to promote thrift by providing a convenient and safe method for people to save and invest money and to provide for the sound and economical financing of homes; and, in the accomplishment of such objects, it shall have perpetual succession and power: (1) To act as fiscal agent of the United States when designated for that purpose by the Secretary of the Treasury, under such regulations as he may prescribe, and shall perform all such reasonable duties as fiscal agent of the United States as he may require and to act as agent for any other instrumentality of the United States when designated for that purpose by any such instrumentality; (2) To sue and be sued, complain and defend in any court of law or equity; (3) To have a corporate seal, affixed by imprint, facsimile or otherwise; (4) To appoint officers and agents as its business shall require, and allow them suitable compensation; (5) To adopt bylaws not inconsistent with the Constitution or laws of the United States and rules and regulations adopted thereunder and this charter; (6) To raise its capital, which shall be unlimited, by accepting payments on savings accounts representing share interests in the association; (7) To borrow money; (8) To lend and otherwise invest its funds; (9) To wind up and dissolve, merge, consolidate, convert, or reorganize; (10) To purchase, hold, and convey real and personal estate consistent with its objects, purposes, and powers; (11) To mortgage or lease any real and personal estate and take such property by gift, devise, or bequest; and (12) To exercise all powers conferred by law. In addition to the foregoing powers expressly enumerated, this association shall have power to do all things reasonably incident to the accomplishment of its express objects and the performance of its express powers. It shall exercise its powers in conformity with all laws of the United States as they now are, or as they may hereafter be amended, and with all rules and regulations which are not in conflict with this charter now or hereafter made thereunder.

4. *Members.* All holders of the association's savings accounts and all borrowers therefrom are members. In the consideration of all questions requiring action by the members of the association, each holder of a savings account shall be permitted to cast one vote for each $100, or fraction thereof, of the withdrawal value of his account. A borrowing member shall be permitted, as a borrower, to cast one vote, and to cast the number of votes to which he may be entitled as the holder of a savings account. No member, however, shall cast more than 50 votes. Voting may be by proxy. Any number of members present at a regular or special meeting of the members shall constitute a quorum. A majority of all votes cast at any meeting of members shall determine any question. The members who shall be entitled to vote at any meeting of the members shall be those owning savings accounts and borrowing members of record on the books of the association at the end of the calendar month next preceding the date of such meeting. The number of votes which each member shall be entitled to cast at any meeting of the members shall be determined from the books of the association as of the end of the calendar month next preceding the date of such meeting. Those who were members at the end of the calendar month next preceding the date of a meeting of members but who shall have ceased to be members prior to such meeting shall not be entitled to vote thereat. All savings accounts shall be nonassessable.

5. *Directors.* The association shall be under the direction of a board of directors of not less than 5 nor more than 15, as fixed in the association's bylaws or, in the absence of any such bylaw provision, as from time to time expressly determined by resolution of the association's members. Each director of the association shall be a member of the association, and a director shall cease to be a director when he ceases to be a member. Directors of the association shall be elected by its members by ballot: *Provided*, That in the event of a vacancy in the directorate, including vacancies created by an increase in the number of directors, the board of directors may fill such vacancy, if the members of the association fail so to do, by electing a director to serve until the next annual meeting of the members. Directors shall be elected for periods of 3 years and until their successors are elected and qualified, but provision shall be made for the election of approximately one-third of the board of directors each year.

6. *Withdrawals.* The association shall have the right to pay the withdrawal value of its savings accounts at any time upon application therefor and to pay the holders thereof the withdrawal value thereof. Upon receipt of a written request from any holder of a savings account of the association for the withdrawal from such account of all or any part of the withdrawal value thereof, the association shall within 30 days pay the amount requested: *Provided*, That if the association is unable to pay all withdrawals requested at the end of 30 days from the date of such requests, it shall then proceed in the following manner while any withdrawal request remains unpaid for more than 30 days:

Withdrawal requests shall be paid in the order received and if any holder of a savings account or accounts has requested the withdrawal of more than $1,000, he shall be paid $1,000 in order when reached and his withdrawal request shall be charged with such amount as paid and shall be renumbered and placed at the end of the list of withdrawal requests, and thereafter, upon again being reached, shall be paid a like amount, but not exceeding the withdrawal value of his savings account, and until such withdrawal request shall have been paid in full, shall continue to be so paid, renumbered, and replaced at the end of the withdrawal requests on file: *Provided*, That when any such request is reached for payment, the association shall so advise the holder of such savings account by registered mail to his last address as recorded on the books of the association and, unless such holder shall apply in person or in writing for the payment of such withdrawal request within 30 days from the date of the mailing of such notice, no payment on account of such withdrawal request shall be made and such request shall be cancelled: *And provided further*, That the board of directors shall have absolute right to pay on an equitable basis an amount not exceeding $200 to any holder of a savings account or accounts in any calendar month and without regard to any other provision of this section.

When the association is unable to pay all withdrawal requests within a period not exceeding 30 days from the date of receipt of written request therefor it shall allot to the payment of such requests and remainder of the association's receipts from all sources after deducting from total receipts appropriate amounts for expenses, required payments on indebtedness, earnings distributable in cash to holders of savings accounts, and a fund for general corporate purposes equivalent to not more than 20 percent of the association's receipts from holders of its savings accounts and from its borrowers. Holders of savings accounts for which application for withdrawal has been made shall remain holders of savings accounts until paid and shall not become creditors.

7. *Redemption.* At any time sufficient funds are on hand, the association shall have the right to redeem, by lot or otherwise as the board of directors may determine, all or any part of any of its savings accounts on June 30 or December 31, by giving 30 days' notice of such redemption by registered mail addressed to the holder of each such savings account at his last address as recorded on the books of the association. The association may not redeem any of its savings accounts when there is an impairment of its capital or when it has any request for withdrawal which has been on file and unpaid for more than 30 days. The redemption price of each savings account redeemed shall be the full value thereof, as determined by the board of directors, but in no event shall the redemption price be less than the withdrawal amount of such savings account. If a savings account which is redeemed is entitled to participate in any reserve for bonus, the amount in such reserve for bonus which is properly allocable to such savings account shall be paid as part of the redemption price thereof. If any notice of redemption shall have been duly given, and if the funds necessary for such redemption shall have been set aside so as to be and to continue to be available for that purpose, earnings upon such account shall cease to accrue from and after the date specified as the redemption date and all rights with respect to each such account shall forthwith, after such redemption date, terminate, except only the right of the holder of record of such savings account to receive the redemption price thereof without earnings.

8. *Loans and investments.* The association may make any loan or investment authorized by statute and the rules and regulations made by the Home Loan Bank Board and in effect on August 15, 1949; it may make such additional loans and investments as may thereafter be authorized by amendments of the said rules and regulations.

9. *Power to borrow.* The association may borrow money in an aggregate amount not exceeding one-half of its capital; the amount which may be borrowed from sources other than a Federal home loan bank shall not exceed one-tenth of such capital. Notwithstanding the foregoing limitations, the association may, with prior approval by the Home Loan Bank Board, borrow from a Federal home loan bank or from any Federal agency or instrumentality without limitation, upon such terms and conditions as may be required by such bank or agency. The association may pledge and otherwise encumber any of its assets to secure its debts.

10. *Reserves, surplus, and distribution of earnings.* The association shall maintain general reserves for the sole purpose of meeting losses; such reserves shall include the reserve required for insurance of accounts. Any losses may be charged against general reserves. If and whenever the general reserves of the association are not equal to at least 10 percent of its capital, it shall, as of June 30 and December 31 of each year, credit to such reserves an amount equivalent to at least 5 percent of its net earnings for the 6 months' period, or such amount as may be required by the Federal Savings and Loan Insurance Corporation, whichever is greater, until such reserves are equal to at least 10 percent of the association's capital. As of June 30 and December 31 of each year, after payment or provision for payment of all expenses, credits to general reserves and such credits to surplus as the board of directors may determine, and provision for bonus on savings accounts as authorized by regulations made by the Home Loan Bank Board, the board of directors of the association shall cause the remainder of the net earnings of the association for the 6 months' period to be distributed promptly on its savings accounts, ratably, as declared by the board of directors, to the withdrawal value thereof; in lieu of or in addition to such net earnings, any of the association's surplus funds may be likewise distributed. Such net earnings shall be credited to savings accounts or paid, as directed by the owner. All holders of savings accounts shall participate at the same rate and on the same basis in the distribution of earnings: *Provided*, That the association is not required to distribute earnings on short-term savings accounts or on accounts of $10 or less. Except as provided above, earnings shall be declared on all savings accounts of record at the close of each such 6 months' period, on the withdrawal value of each such account at the beginning of the said 6 months' period, plus the payments made thereon during such period (less amounts withdrawn, and, for purposes of participation in earnings, deducted from the latest previous payments), computed at the declared rate for the time invested, determined as provided below. The date of investment shall be the date of actual receipt of such payments by the association, unless the board of directors fixes a date, not later than the tenth of the month, for determining the date of investment of payments on savings accounts or designated classes thereof. Payments, affected by such determination date, received by the association on or before such determination date, shall receive earnings as if invested on the first of such month. Payments, affected by such determination date, received subsequent to such determination date, shall receive earnings as if invested on the first of the next succeeding month. Notwithstanding any other provision of its charter, the association may distribute net earnings on its savings accounts on such other basis and in accordance with such other terms and conditions as may from time to time be authorized by regulations made by the Home Loan Bank Board. All holders of savings accounts of the association shall be entitled to equal distribution of assets, pro rata to the value of their savings accounts, in the event of voluntary or involuntary liquidation, dissolution, or winding up of the association.

11. *Amendment of charter.* No amendment, addition, alteration, change, or repeal of this charter shall be made unless such proposal is made by the board of directors of the association, and submitted to and approved by the Home Loan Bank Board, and is thereafter submitted to and approved by the members at a legal meeting. Any amendment, addition, alteration, change, or repeal so acted upon and approved shall be effective, if filed with and approved by the Home Loan Bank Board, as of the date of the final approval of, or as fixed by, the members.

HOME LOAN BANK BOARD,
By ----------
(Chairman)

Attest:

----------
(Secretary)

e. Amend § 144.3 to read as follows:

§ 144.3 *Adoption of Charter N.* A Federal association that has a Charter E or a Charter K may amend such charter in its entirety to read in the form of Charter N or Charter K (rev.), by majority vote of such association's members present at any duly called regular or special meeting of members: *Provided*, That, in the case of a Federal association that has a Charter K, the board of directors of such association shall first have proposed such amendment, and the provisions of this section shall be deemed to be the approval by the Board of such proposal. Upon receipt of the following petition from a Federal association that has amended its charter as provided in this section, the Board will issue to such Federal association, as requested by it a Charter N or a Charter K (rev.) in the same name and showing the same location of home office as is prescribed in such association's present charter, unless the Board when petitioned approves a change in such name or location:

HOME LOAN BANK BOARD,
*Washington, D. C.*

The undersigned, pursuant to § 144.3 of the rules and regulations for the Federal Savings and Loan System, respectfully petitions the Board to issue an amended charter in the form of Charter (insert "N" or "K (rev.)", as voted by the members), to the undersigned, fixing the name and home office of the undersigned which its present charter prescribes.

The undersigned, by its secretary, hereby certifies that the members at a meeting duly called and held adopted the following resolution:

*Be it resolved*, That the present charter of this association be amended to read in the form of Charter (insert "N" or "K (rev.)", as voted by the members) as set forth in § 144.1 of the rules and regulations for the Federal Savings and Loan System, prescribing the present name and home office fixed by the present charter of this association.

In witness whereof, the Secretary of the undersigned has hereunto affixed his hand and the seal of the undersigned this ---- day of ----------, 19----.

FEDERAL SAVINGS AND LOAN ASSOCIATION,
[CORPORATE SEAL] By ----------

f. Amend the language preceding the first colon in § 144.5 to read as follows:

§ 144.5 *Prescribed form.* A Federal association that has a Charter N or Charter K (rev.) shall operate under the following prescribed bylaws, unless and until such bylaws are amended in accordance with the procedure therein set forth.

g. Amend the second sentence of § 145.1 to read as follows: "The savings accounts of a Federal association that has a Charter E or a Charter K and which amends such charter to read in the form of Charter N or Charter K (rev.) shall continue to have the same rights and privileges and to be subject to the same duties and liabilities as were provided in the charter in effect at the time such savings accounts were created, until exchanged for a savings account issued under the provisions of Charter N or Charter K (rev.)."

h. Amend § 145.1–1 by inserting, immediately after the phrase "Charter N", the following additional language: "or Charter K (rev.)".

i. Amend the first and second sentences of paragraph (b) of § 145.2 by inserting in each such sentence after the phrase "Charter N", the following additional language: "or Charter K (rev.)".

Resolved further that, as the foregoing amendments in effect relieve a restriction and as they should take effect immediately in order to enable Federal savings and loan associations desiring to do so, to take advantage of the provisions thereof at their annual meetings of members to be held in January of 1954, it is determined that the effective date thereof should not be deferred and such amendments shall take effect upon publication in the FEDERAL REGISTER.

(Sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464)

By the Home Loan Bank Board

[SEAL] J. FRANCIS MOORE,
*Secretary.*

[F. R. Doc. 53 10722; Filed, Dec. 24, 1953; 8:48 a. m.]



## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

In Part 127, International Postal Service: Postage Rates, Service Available and Instructions for Mailing, make the following changes:

a. In § 127.4 *Post cards* make the following changes:

1. Amend paragraph (j) (1) to read as follows:

(1) International reply-paid postal cards bearing the required endorsements and postage are available in two denominations (2 cents on each half for Canada and Mexico, and 4 cents on each half for other countries), and shall be carried in stock at all post offices where there is a demand for such reply-paid postal cards. The United States domestic reply-paid postal card should not be used for other countries.

2. In paragraph (j), amend the last sentence of subparagraph (2) to read as follows: "Prepayment of the two halves shall be by means of United States postage stamps (2 cents for Canada and Mexico and 4 cents for other countries) affixed to each half."

b. In § 127.284 *Japan* make the following changes:

1. Amend paragraph (b) (7) to read as follows:

(b) *Parcel post.* • • •

(7) *Prohibitions*—(i) *For reasons of health.* Hemp and its seeds, except ripe stems and dead seeds, and products thereof. Medicines containing amphetamine or its salts.

(ii) *For the protection of animals and plants.* Walnuts in the shell.

Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that

Bureau located at principal ports of entry. The following must be accompanied by official inspection certificates showing that they are free from domestic animals' infectious disease: Meat, bones, skin, hair, feathers, horns, or hoofs of hoofed animals, rabbits, or poultry; poultry eggs for hatching; honey bees.

(iii) *State monopolies.* Salt, camphor, camphor oil, tobacco leaves and seeds, and apparatus and papers for tobacco manufacture, unless addressed to the Japanese monopoly authorities or agents thereof. The same applies to manufactured tobacco, except that individuals in Japan may receive for their personal use up to 200 cigarettes, 50 cigars, and 250 grams (8¾ ounces) of smoking or chewing tobacco or snuff.

(iv) *For other reasons.* (*a*) Articles violating Japanese patents, copyrights or trademark rights.

(*b*) Counterfeit or altered currency, postage or revenue stamps or securities; postage stamps from which cancellation marks have been removed.

(*c*) Firearms (except shotguns for hunting) and swords, unless addressed to the Japanese government or agents thereof. See subparagraph (8) of this paragraph concerning shotguns for hunting.

2. Amend paragraph (b) (8) to read as follows:

(8) *Import restrictions; the attention of senders should be called to the following requirements, which are to be met by the addressees.* (i) Import licenses are required for all commercial parcels, except for (*a*) trade samples declared as such; (*b*) personal or household articles, professional articles and tools of trade declared to be for the addressee's personal use; and (*c*) scientific research material declared as such.

(ii) Addressees must comply with the applicable Japanese regulations in order to take delivery of the following:

(*a*) Banknotes, currency, checks and other instruments of payment. Securities and documents embodying tangible assets.

(*b*) Articles made from precious metals.

(*c*) Shotguns for hunting.

(*d*) Rice, barley, rye, or wheat (except when sent as food in gift parcels).

(*e*) Silkworm eggs.

c. In § 127.300 *Malaya (the postal territory of Malaya includes the Federation of Malaya (Johore, Kedah, Kelantan, Malacca, Negri Sembilan, Pahang Penang (including Province Wellesley), Perak, Perlis, Selangor, and Trengganu) and the Colony of Singapore (including the Christmas and Cocas (Keeling) Islands))* make the following changes:

1. In paragraph (a) (7) amend subdivision (i) by striking out the following: ", upon special authorization obtained in advance from the Controller of Posts of Malaya at Kuala Lumpur."

2. In subdivision (ii) of paragraph (a) (7) delete the following: "(This does not apply to Trengganu.)"

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] LOUIS J. DOYLE, *Acting Solicitor.*

[F. R. Doc. 53-10697; Filed, Dec. 24, 1953; 8:45 a. m.]

## TITLE 46—SHIPPING

### Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

#### Subchapter G—Emergency Operations

[WSA Function Series General Orders 5, 26, 32, 40, 52, 54, Revocation]

PART 301—GENERAL REGULATIONS

PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE MARITIME COMMISSION

PART 304—LABOR

REVOCATION OF CERTAIN SECTIONS

1. General Order 52 (§§ 301.80 to 301.83, inclusive; 10 F. R. 10127) is hereby revoked.

2. General Order 54 (§§ 301.101 to 301.104, inclusive; 10 F. R. 13275) is hereby revoked.

3. General Order 26, Supplement 1, Supplement 1 amended, and Supplement 2 thereto (§§ 303.24 to 303.30, inclusive; 9 F. R. 11769, 7 F. R. 10724, 9978, 9344), are hereby revoked.

4. General Order 5, Supplement 2, Revised, and Amendment 1 thereto (§ 304.8; 9 F. R. 7086, 8 F. R. 10829) are hereby revoked.

5. General Order 32 (§§ 304.20 to 304.29, inclusive; 8 F. R. 5414) is hereby revoked.

6. General Order 40 and Supplement 2 thereto (§§ 304.41 to 304.49, inclusive; 10 F. R. 14210, 8 F. R. 17487) are hereby revoked.

*Effective date.* This order shall be effective on the date of publication in the FEDERAL REGISTER.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: December 21, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*
LOUIS S. ROTHSCHILD, *Maritime Administrator.*

[F. R. Doc. 53-10730; Filed, Dec. 24, 1953; 8:50 a. m.]

[WSA Function Series General Orders 35, 44, 2d Revision, 46, 51, Revocation]

PART 301—GENERAL REGULATIONS

PART 304—LABOR

REVOCATION OF CERTAIN SECTIONS

1. General Order 35 (§§ 301.35 to 301.44, inclusive; 8 F. R. 13070) is hereby revoked.

2. General Order 51 (§§ 301.45 to 301.50, inclusive; 10 F. R. 10033) is hereby revoked.

3. General Order 46 (§§ 301.61 to 301.67, inclusive; 9 F. R. 11808) is hereby revoked.

4. General Order 44, Second Revision (§§ 304.75 to 304.80, inclusive; 12 F. R. 3744), is hereby revoked.

*Effective date.* This order shall become effective on June 30, 1954.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: December 21, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*
LOUIS S. ROTHSCHILD, *Maritime Administrator.*

[F. R. Doc. 53-10728; Filed, Dec. 24, 1953; 8:50 a. m.]

[WSA Function Series General Orders Revised 12, 21, 28, 42, 45, and 56, Revocation]

PART 306—GENERAL AGENTS AND AGENTS

REVOCATION OF CERTAIN SECTIONS

1. Revised General Order 12 (§§ 306.1 to 306.28, inclusive, 306.36 to 306.42, inclusive, 306.50 to 306.60, inclusive, and 306.66 to 306.69c, inclusive; 9 F. R. 5831 to 5837) is hereby revoked.

2. General Order 21 and Supplements 1, 2, 3, 4, 5, and 6 thereto (§§ 306.43 to 306.49, inclusive, and 306.70; 7 F. R. 7561, 10300, 8 F. R. 1291, 8552, 17512, and 9 F. R. 1182, 14392), are hereby revoked.

3. General Order 28 and Supplement 2 thereto (§§ 306.61 to 306.65, inclusive; 8 F. R. 446, 2605), are hereby revoked.

4. General Order 42 (§§ 306.111 to 306.115, inclusive; 9 F. R. 4110) is hereby revoked.

5. General Order 45, and Supplements 3, 4, 8, 10, and 11 thereto (§§ 306.122 to 306.125, inclusive; 9 F. R. 7086, 10 F. R. 2042, 4932, 12965, 11 F. R. 890, 2088), are hereby revoked.

6. General Order 56 and Supplements 1, 2, and 3 thereto (§§ 306.171 to 306.175, inclusive, 306.180 to 306.183, inclusive, 306.185 to 306.188, inclusive, 306.190 to 306.192, inclusive, 306.195 to 306.198, inclusive, and 306.200 to 306.205, inclusive; 11 F. R. 1474, 1475, 1476, 1477, 1478, 7720, 7721, 10298, and 10299, 12 F. R. 1683, 1684, and 1724) are hereby revoked.

*Effective date.* This order shall be effective on the date of publication in the FEDERAL REGISTER.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: December 21, 1953.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS, *Secretary.*
LOUIS S. ROTHSCHILD, *Maritime Administrator.*

[F. R. Doc. 53-10729; Filed, Dec. 24, 1953; 8:50 a. m.]



## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

TABLE OF FORMS AND REFERENCES

In the matter of amendment of the table of forms in Part 1 of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission having under consideration the desirability of making certain editorial changes in Part 1 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1952, as amended;

*It is ordered*, This 21st day of December 1953, that, effective immediately, the "Table showing forms currently in effect and where they are referred to in Part 1 of the rules and regulations," appearing in Part 1 immediately following the Table of Contents, is amended to read as set forth in the Appendix below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended, sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: December 22, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING, *Acting Secretary.*

Table showing forms currently in effect and where they are referred to in Part 1 of the rules and regulations.

| Form No.: | Section |
|---|---|
| 301 | 1.311 (a), 1.319 (b) (1), 1.371 [10]. |
| 301-A | 1.309. |
| 302 | 1.317 (b) (1), 1.318 (b) (1), 1.328. |
| 303 | 1.320 (c) (1). |
| 308 | 1.327. |
| 309 | 1.311 (b). |
| 310 | 1.317 (b) (2). |
| 311 | 1.320 (c) (2). |
| 312 | 1.319 (b) (2). |
| 313 | 1.311 (c), 1.317 (b) (3), 1.319 (b) (3), 1.320 (c) (3). |
| 314 | 1.321 (a). |
| 315 | 1.321 (a). |
| 316 | 1.321 (a) and (b), 1.343 (a) (2).[5] |
| 317 | 1.325 (b). |
| 318 | 1.311 (b) and (d). |
| 321 | 1.314 (c). |
| 323 | 1.343 (a) and (b). |
| 324 | 1.341 (a). |
| 336 | 1.347, 1.557 (a). |
| 337 | 1.347, 1.557 (a). |
| 338-A | 1.560. |
| 338-B | 1.560. |
| 340 | 1.311 (e), 1.319 (b) (4). |
| 341 | 1.317 (b) (4), 1.318 (b) (2). |
| 342 | 1.320 (c) (4). |
| 400 | 1.312 (a), 1.317 (b) (5), 1.319 (b) (5), 1.322 (b) (1). |
| 400-A | 1.312 (b), 1.314 (b), 1.319 (b) (6). |
| 401 | 1.312 (c). |
| 401-A | 1.312 (d). |
| 403 | 1.317 (b) (6), 1.319 (b) (7). |
| 404 | 1.318 (b) (3). |
| 404-A | 1.318 (b) (4), 1.319 (b) (8). |
| 405 | 1.320 (c) (5). |
| 405-A | 1.320 (c) (6). |
| 408 | 1.324 (c) (1). |
| 410 | 1.310. |
| 433-B | 1.324 (d). |
| 480 | 1.312 (e). |
| 481 | 1.318 (b) (5). |
| 482 | 1.335. |
| 501 | 1.318 (b) (6), 1.319 (b) (9). |
| 501-A | 1.318 (b) (7), 1.319 (b) (10). |
| 505 | 1.318 (b) (8), 1.319 (b) (11). |
| 525 | 1.318 (b) (9), 1.319 (b) (12). |
| 602 | 1.318 (b) (10), 1.319 (b) (13). |
| 610 | 1.318 (b) (11), 1.319 (b) (14). |
| 701 | 1.314 (b). |
| 702 | 1.322 (b) (2). |
| 703 | 1.322 (b) (3). |
| 753-1 | 1.329 (a). |
| 756 | 1.329 (a). |
| 756-A | 1.329 (a). |
| 759 | 1.329 (c). |
| 786 | 1.713 (a). |
| 801 | 1.330 (a). |
| 808 | 1.330 (b). |
| 820 | 1.331 (a). |
| 901 | 1.545. |
| 903 | 1.545. |
| 905 | 1.545. |
| H | 1.544 (a) (1). |
| L | 1.544 (a) (3). |
| M | 1.544 (a) (2). |
| O | 1.544 (a) (3). |
| R | 1.544 (a) (4). |
| Circular No. 1 | 1.544 (a) (5). |
| Circular No. 2 | 1.544 (a) (6). |
| Circular No. 3 | 1.544 (a) (7). |

No. 251——3

[F. R. Doc. 53-10721; Filed, Dec. 24, 1953; 8:48 a. m.]

[Docket No. S. 10107, 10746]

PART 1—PRACTICE AND PROCEDURE

ANNUAL FINANCIAL REPORT, BROADCAST LICENSEES AND PERMITTEES

In the matter of Amendment of Annual Report Form 324 and deletion of Annual Report Form 324-A; applicable to Standard Broadcast, FM, Television and International Stations; amendment of Schedules 10-A and 10-B (Employees and Their Compensation) of Annual Report Form 324; applicable to Standard Broadcast, FM, Television and International Stations.

1. On November 5, 1953, the Commission adopted a notice of proposed rule making (18 F. R. 7250) in the above-entitled matter. The period in which interested parties were afforded an opportunity to submit written comments has expired. Numerous comments were received supporting the proposed revisions and deletions, and no comments were received opposing the changes. The Commission, therefore, is adopting the proposed revisions and excisions, with minor editorial changes.

2. *It is ordered, therefore*, That, effective 30 days after publication in the FEDERAL REGISTER, pursuant to authority under section 4 (i), 303 (r), and 308 (b) of the Communications Act of 1934, as amended, F. C. C. Form 324, Annual Financial Report of Networks and Licensees of Broadcast Stations, is amended accordingly. Section 1.341 (a) of the Commission's rules and regulations is also amended as set forth below.

3. *It is further ordered*, That Annual Financial Report Form 324-A, Summary Estimates of Station Broadcast Revenues and Expenses, is hereby deleted, and accordingly, § 1.341 (b) of the rules is deleted.

4. *It is further ordered*, That each network and licensee of broadcast stations and each permittee whose station was operated during 1953 shall prepare and file its annual financial report to the Commission for the year 1953 on or before April 1, 1954 and for each calendar year thereafter in the form and manner herein prescribed.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 303, 308, 48 Stat. 1082, 1085; 47 U. S. C. 303, 308.)

Adopted: December 18, 1953.

Released: December 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING, *Acting Secretary.*

1. Amend § 1.341 (a) to read, as follows:

§ 1.341 *Financial report, broadcast licensees and permittees.* Each licensee of a broadcast station (standard, FM, television and international) and each permittee of a broadcast station engaged in interim operation shall file with the Commission on or before April 1 of each year on Form 324 broadcast revenue and expense statements for the preceding calendar year together with a statement as to investment in tangible broadcast property as of December 31 of such calendar year.

2. Delete § 1.341 (b).

[F. R. Doc. 53-10720; Filed, Dec. 24, 1953; 8:48 a. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

[S. O. 869, Amdt. 10]

PART 95—CAR SERVICE

USE OF REFRIGERATOR CARS FOR CERTAIN COMMODITIES PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of December A. D. 1953.

Upon further consideration of Service Order No. 869 (15 F. R. 8824, 9109; 16 F. R. 2040, 3619, 10994; 17 F. R. 2765, 8582; 18 F. R. 1858, 3733, 6214), and good

cause appearing therefor: It is ordered, that:

Section 95.869 *Use of Refrigerator Cars for Certain Commodities Prohibited*, of Service Order No. 869 be, and it is hereby amended by substituting the following paragraph (f) hereof for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., May 31, 1954, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., December 31, 1953; and that a copy of this order and direction shall be served upon the State railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10710; Filed, Dec. 24, 1953; 8:47 a. m.]

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[S. O. 873, Amdt. 8]

PART 95—CAR SERVICE

CONTROL OF TANK CARS, APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of December A. D. 1953.

Upon further consideration of the provisions of Service Order No. 873 (16 F. R. 1131, 7359; 17 F. R. 482, 6558; 18 F. R. 473, 2235, 3733, 6214), and good cause appearing therefor: It is ordered, that:

Section 95.873 *Control of tank cars; appointment of agent*, of Service Order No. 873 be, and it is hereby, amended by substituting the following paragraph (e) hereof for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., May 31, 1954, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., December 31, 1953; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10709; Filed, Dec. 24, 1953; 8:47 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### [ 50 CFR Parts 46, 161–165 ]

ALASKA WILDLIFE PROTECTION

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237, 239), notice is hereby given:

(a) That under authority contained in section 9 of the Alaska Game Law of July 1, 1943, as amended (57 Stat. 301), the Secretary of the Interior proposes to adopt amendments to the regulations under the statute which will specify open seasons, means of taking, bag and possession limits, the closing or reopening of areas, and the issuance of permits to insure proper conservation and utilization of the wildlife resources of the Territory. In addition, some amendments may be adopted for the purpose of clarifying the application of the regulations and to facilitate administration of the act.

(b) That under authority of section 8 and subdivisions D and M of section 10 of the Alaska Game Law of July 1, 1943, as amended (57 Stat. 301), the Alaska Game Commission intends to consider the advisability of amending the regulations of the Alaska Game Commission respecting poisons, licenses, the qualification of guides, and the establishment of fur management areas.

The regulations referred to in paragraphs (a) and (b) above are to be effective beginning July 1, 1954.

Interested persons are hereby notified that at a hearing of the Alaska Game Commission to be held in Juneau, Alaska, on February 15, 1954, the said proposed regulations will be considered, and any such person may present his views, data or arguments with respect thereto. Such interested persons are also hereby given an opportunity to participate in preparing the regulations for issuance as set forth by submitting their views, data, or arguments in writing to John L. Farley, Director, Fish and Wildlife Service, Washington 25, D. C. To assure full consideration of such communications, they must be received in the Fish and Wildlife Service not later than February 20, 1954.

Dated: December 18, 1953.

ORME LEWIS, *Assistant Secretary of the Interior.*

[F. R. Doc. 53-10696; Filed, Dec. 24, 1953; 8:45 a. m.]

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## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

### [ 7 CFR Part 51 ]

U. S. STANDARDS FOR POTATOES [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of revised United States Standards for Potatoes under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953) to supersede the existing United States Standards for Potatoes (14 F. R. 1955, 2161, as recodified in 18 F. R. 7129), effective June 1, 1949.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t. on the sixtieth day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES


Sec.
51.1540 U. S. Extra No. 1.
51.1541 U. S. No. 1.
51.1542 U. S. Commercial.
51.1543 U. S. No. 2.


UNCLASSIFIED


51.1544 Unclassified.


TOLERANCES FOR DEFECTS


51.1545 Tolerances for defects.
51.1546 U. S. Extra No. 1 Grade.
51.1547 U. S. No. 1 and U. S. No. 2 Grades.
51.1548 U. S. Commercial Grade.


SIZE CLASSIFICATION


51.1549 Size classification.


TOLERANCES FOR SIZE


51.1550 Tolerances for size.


SKINNING CLASSIFICATION


Sec.
51.1551 Skinning classification.


APPLICATION OF TOLERANCES


51.1552 Application of tolerances.


DEFINITIONS


51.1553 Fairly well matured.
51.1554 Fairly well shaped.
51.1555 Fairly clean.
51.1556 Soft rot or wet breakdown.
51.1557 Damage.
51.1558 Internal discoloration.
51.1559 Diameter.
51.1560 Seriously misshapen.
51.1561 Serious damage.


GRADES

§ 51.1540 *U. S. Extra No. 1.* U. S. Extra No. 1 consists of potatoes of one variety or similar varietal characteristics which are fairly well matured, fairly well shaped, fairly clean, and not frozen; which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, and soft rot or wet breakdown, and free from damage caused by sunburn, second growth, growth cracks, air cracks, hollow heart, internal discoloration, external discoloration, cuts, shriveling, sprouting, scab, dry rot, rhizoctonia, other disease, wireworm, other insects, dried stems, or mechanical or other means. (See §§ 51.1545, 51.1546 and 51.1551)

(a) Unless otherwise specified, size of potatoes (see §§ 51.1549 and 51.1550) shall be as follows:

(1) For round or intermediate shaped varieties, such as Irish Cobbler, Katahdin, Bliss Triumph, Green Mountain or other similar varieties, each potato shall have a diameter of not less than 2 inches, nor more than 4 inches and not less than 60 percent of the potatoes in the lot shall be 2¼ inches or larger, of which not less than one-half, or 30 percent, shall be 2¾ inches, or larger in diameter.

(2) For long varieties such as Burbank, Russet Burbank, Early Ohio, White Rose, or other similar varieties, each potato shall have either a diameter of not less than 2 inches or a weight of not less than 4 ounces and not less than 60 percent of the potatoes in the lot shall be 6 ounces or larger, of which not less than one-half, or 30 percent, shall be 10 ounces or more in weight.

§ 51.1541 *U. S. No. 1.* U. S. No. 1 consists of potatoes of one variety or similar varietal characteristics which are fairly well shaped, fairly clean, and not frozen; which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, and soft rot or wet breakdown, and free from damage caused by sunburn, second growth, growth cracks, air cracks, hollow heart, internal discoloration, external discoloration, cuts, shriveling, sprouting, scab, dry rot, rhizoctonia, other disease, wireworm, other insects, dried stems, or mechanical or other means. (See §§ 51.1545, 51.1547 and 51.1551.)

(a) Unless otherwise specified, for round or intermediate shaped varieties each potato shall have a diameter of not less than 2 inches, nor more than 4 inches; for long varieties each potato shall have either a diameter of not less than 2 inches or a weight of not less than 4 ounces. (See §§ 51.1549 and 51.1550.)

§ 51.1542 *U. S. Commercial.* U. S. Commercial consists of potatoes which meet the requirements for U. S. No. 1 grade except for maximum size and which are free from serious damage caused by dirt, russet scab, rhizoctonia, and except for the increased tolerance for defects. (See §§ 51.1545, 51.1548 and 51.1551.)

(a) Unless otherwise specified, for round or intermediate shaped varieties each potato shall have a diameter of not less than 2 inches; for long varieties, each potato shall have either a diameter of not less than 2 inches or a weight of not less than 4 ounces. (See §§ 51.1549 and 51.1550.)

§ 51.1543 *U. S. No. 2.* U. S. No. 2 consists of potatoes of one variety or similar varietal characteristics which are not seriously misshapen or frozen; which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, and soft rot or wet breakdown, and from serious damage caused by dirt or other foreign matter, sunburn, second growth, growth cracks, air cracks, hollow heart, internal discoloration, external discoloration, cuts, shriveling, scab, dry rot, other disease, wireworm, and other insects, or mechanical or other means. (See §§ 51.1545, 51.1547 and 51.1551.)

(a) Unless otherwise specified, for round or intermediate shaped varieties each potato shall have a diameter of not less than 2 inches; for long varieties, each potato shall have either a diameter of not less than 2 inches or a weight of not less than 4 ounces. (See §§ 51.1549 and 51.1550.)

UNCLASSIFIED

§ 51.1544 *Unclassified.* Unclassified consists of potatoes which have not been classified in accordance with any of the foregoing grades. The term "Unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES FOR DEFECTS

§ 51.1545 *Tolerances for defects.* In order to allow for variations, other than size, incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.1546 through 51.1548 are provided as specified.

§ 51.1546 *U. S. Extra No. 1 Grade.* Not more than a total of 4 percent, by weight, of the potatoes in any lot may fail to meet the requirements of this grade, but not more than 3 percent shall be allowed for potatoes affected by southern bacterial wilt, ring rot, or late blight, and including therein not more than 1 percent for potatoes which are frozen, or affected by soft rot or wet breakdown.

§ 51.1547 *U. S. No. 1 and U. S. No. 2 Grades.* Not more than a total of 6 percent, by weight, of the potatoes in any lot may fail to meet the requirements of the grade, but not more than 3 percent shall be allowed for potatoes affected by southern bacterial wilt, ring rot, or late blight, and including therein not more than 1 percent for potatoes which are frozen, or affected by soft rot or wet breakdown.

§ 51.1548 *U. S. Commercial Grade.* Not more than a total of 20 percent, by weight, of the potatoes in any lot may fail to meet the requirements of this grade, but not more than 6 percent may fail to meet the requirements of U. S. No. 2 grade: *Provided*, That not more than one-half of this amount, or 3 percent, shall be allowed for potatoes affected by southern bacterial wilt, ring rot, or late blight and including therein not more than 1 percent for potatoes which are frozen, or affected by soft rot or wet breakdown.

SIZE CLASSIFICATION

§ 51.1549. *Size classification.* (a) When the potatoes are designated as "U. S. No. 1", "U. S. Commercial", or "U. S. No. 2", it is understood that the potatoes meet the minimum size specified in the grade, but that no definite percentage of the potatoes is required to be larger than this minimum size.

(b) When potatoes meet the requirements of Size A as described below the size classification may be specified in connection with any of the U. S. Grades except U. S. Extra No. 1 as "U. S. No. 1, Size A", "U S. Commercial, Size A", or "U. S. No. 2, Size A" in accordance with the facts. When Size A is used in connection with the grade, it is not permissible to specify any smaller sizes than those specified under this designation.

(c) When the potatoes meet the requirements of Size B or Size C as described below, the size classification may be specified only in connection with U. S. No. 1 or U. S. Commercial grades as "U. S. No. 1, Size B", "U. S. Commercial, Size C" etc., in accordance with the facts. When Size B or Size C is used in connection with these grades, it is not permissible to specify any smaller sizes than those specified under these designations.

(d) Size A: (1) For round or intermediate shaped varieties such as Irish Cobbler, Katahdin, Bliss Triumph, Green Mountain, or other similar varieties, the diameter of each potato shall be not less than 2 inches and not less than 60 percent of the potatoes in the lot shall be 2¼ inches or larger but not larger than 4 inches in diameter.

(2) For long varieties such as Burbank, Russet Burbank, Early Ohio, White Rose, or other similar varieties, each potato shall have either a diameter of not less than 2 inches or a weight of not less than 4 ounces and not less than 40 percent of the potatoes in the lot shall be 6 ounces or more in weight.

(e) Size B: For all varieties the size shall be from 1½ inches to not more than 2¼ inches in diameter.

(f) Size C: For all varieties the size shall be from 1 inch to not more than 1½ inches in diameter.

(g) Other sizes: When size A is not used in connection with U. S. No. 1, U. S. Commercial or U. S. No. 2 Grades and Size B and Size C are not used in con-

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

nection with U. S. No. 1 or U. S. Commercial Grades, it is permissible to specify any other minimum size, such as "1½ inches minimum", "2 inches minimum", or both a minimum and a maximum size as "2 inches to 3 inches", "6 to 10 ounces"; or to specify a certain percentage over a certain size as "25 percent or more 2¼ inches and larger", "50 percent or more 5 ounces and larger".

TOLERANCES FOR SIZE

§ 51.1550 *Tolerances for size.* (a) In order to allow for variations incident to proper sizing, not more than 3 percent of the potatoes in any lot may fail to meet the specified minimum size, except that when potatoes are packed to meet a minimum size of 2¼ inches or more in diameter, or 6 ounces or more in weight, not more than 5 percent of the potatoes in the lot may fail to meet the specified minimum size. In addition, not more than 10 percent may fail to meet any specified maximum size.

(b) When a percentage of the potatoes is specified to be of a certain size and larger, no part of any tolerance shall be used to reduce such a percentage for the lot as a whole, but individual containers may have not more than 15 percent less than the percentage required or specified: *Provided*, That the entire lot averages within the percentage specified. For example, a lot specified as 25 percent 2½ inches and larger may have containers with not less than 10 percent 2½ inches and larger if the lot as a whole averages 25 percent 2½ inches and larger.

SKINNING CLASSIFICATION

§ 51.1551 *Skinning classification.* (a) The following optional skinning classifications are provided as a basis for classifying lots of potatoes as to the degree of skinning:

(1) "Practically no skinning" means that not more than 5 percent of the potatoes in any lot have more than one-tenth of the skin missing or "feathered".

(2) "Slightly skinned" means that not more than 10 percent of the potatoes in any lot have more than one-fourth of the skin missing or "feathered".

(3) "Moderately skinned" means that not more than 10 percent of the potatoes in any lot have more than one-half of the skin missing or "feathered".

(4) "Badly skinned" means that more than 10 percent of the potatoes in any lot have more than one-half of the skin missing or "feathered".

APPLICATION OF TOLERANCES

§ 51.1552 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(1) For packages which contain more than 15 pounds, and a tolerance of 10 percent or more is provided (as in the case of over-size, where a tolerance of 10 percent is provided) individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 15 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size potato shall be permitted in a package.

(2) For packages which contain 15 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one potato which is frozen or affected by soft rot or wet breakdown may be permitted in any package.

DEFINITIONS

§ 51.1553 *Fairly well matured.* "Fairly well matured" means that the potatoes meet the requirements of "slightly skinned" as defined under "Skinning Classification." (See § 51.1551 (a) (2).)

§ 51.1554 *Fairly well shaped.* "Fairly well shaped" means that the appearance of the individual potato or the general appearance of the potatoes in the container is not materially affected by pointed, dumbbell-shaped or otherwise ill-formed potatoes.

§ 51.1555 *Fairly clean.* "Fairly clean" means that, from the viewpoint of general appearance, the potatoes in the container are reasonably free from dirt or other foreign matter and that individual potatoes are not materially caked with dirt or materially stained.

§ 51.1556 *Soft rot or wet breakdown.* "Soft rot or wet breakdown" means any soft, mushy, or leaky condition of the tissue such as slimy soft rot, leak, or wet breakdown following freezing injury or sunscald.

§ 51.1557 *Damage.* "Damage" means any defect which materially affects the edible or shipping quality, or the appearance of the individual potato or the general appearance of the potatoes in the container, or which cannot be removed without a loss of more than 5 percent of the total weight of the potato including peel covering defective area. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Second growth or growth cracks which have developed to such an extent as to materially affect the appearance of the individual potato or the general appearance of the potatoes in the container;

(b) Air cracks which are deep, or shallow air cracks which materially affect the appearance of the individual potato or the general appearance of the potatoes in the container;

(c) External discoloration when skinned areas on individual potatoes are materially affected by dark discoloration, or when the general appearance of the lot is materially affected by discoloration;

(d) Shriveling when the potato is more than moderately shriveled, spongy or flabby;

(e) External sprouting when more than 10 percent of the potatoes have sprouts over three-fourths of an inch long, or have clusters of sprouts which affect the appearance to a greater extent than single sprouts three-fourths of an inch long;

(f) Internal sprouting when the sprouts cannot be removed without a loss of more than 5 percent of the total weight of the potato including peel covering defective area;

(g) Surface scab which covers an area of more than 5 percent of the surface of the potato in the aggregate;

(h) Pitted scab which affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than 5 percent of the total weight of the potato including peel covering defective area;

(i) Rhizoctonia when the general appearance of the potatoes in the container is materially affected or when individual potatoes are badly affected;

(j) Wireworm, grass root or similar injury when any hole, on potatoes ranging in weight from 6 to 8 ounces, is longer than ¾ inch or when the aggregate length of all holes is more than 1¼ inches. Smaller potatoes shall have lesser amounts, and larger potatoes may have greater amounts: *Provided*, That the removal of the injury by proper trimming does not cause the appearance of such potatoes to be affected to a greater extent than that caused by the proper trimming of such injury permitted on a 6 to 8 ounce potato; and,

(k) Dried stems when more than 25 percent of the potatoes have pliable, dried stems over 2½ inches in length and not over ⅛ inch in diameter. Correspondingly lesser amounts shall be permitted for stiff, dried stems over ⅛ inch in diameter.

§ 51.1558 *Internal discoloration.* "Internal discoloration" means discoloration such as is caused by net necrosis or any other type of necrosis, stem-end browning, internal brown spot, or other similar types of discoloration not visible externally, except blackheart.

§ 51.1559 *Diameter.* "Diameter" means the greatest dimension at right angles to the longitudinal axis. The long axis shall be used without regard to the position of the stem (rhizome).

§ 51.1560 *Seriously misshapen.* "Seriously misshapen" means that the appearance of the individual potato or the general appearance of the potatoes in the container is seriously affected by pointed, dumbbell-shaped, or otherwise badly deformed potatoes.

§ 51.1561 *Serious damage.* "Serious damage" means any defect which seriously affects the edible or shipping quality, or the appearance of the individual potato or the general appearance of the potatoes in the container, or which cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering defective area. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:



(a) Dirt when the general appearance of the potatoes in the container is seriously affected by tubers badly caked with dirt, or other foreign matter which seriously affects the appearance of the potatoes;

(b) External discoloration when skinned areas on individual potatoes are seriously affected by very dark discoloration, or when the general appearance of the lot is seriously affected by discoloration;

(c) Fairly smooth cuts such as are made by the digger or by a knife to remove injury when both ends are clipped, or in the case of round varieties when more than an estimated one-fourth of the potato is cut away, and in the case of long varieties when the length of the remaining portion of the clipped potato is less than 1½ times the diameter of the clipped end or when the remaining portion weighs less than 6 ounces. Irregular types of cuts which seriously affect the appearance of the individual potato, or which cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering defective area;

(d) Shriveling when the potato is excessively shriveled, spongy, or flabby;

(e) Surface scab which covers an area of more than 50 percent of the surface of the potato in the aggregate;

(f) Pitted scab which affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than 10 percent of the total weight of the potato including peel covering defective area; and,

(g) Wireworm, grass root or similar injury when any hole, on potatoes ranging in weight from 6 to 8 ounces, is longer than 1¼ inches or when the aggregate length of all holes is more than 2 inches. Smaller potatoes shall have lesser amounts and larger potatoes may have greater amounts: *Provided*, That the removal of the injury by proper trimming does not cause the appearance of such potatoes to be affected to a greater extent than that caused by the proper trimming of such injury permitted on a 6 to 8 ounce potato.

Done at Washington, D. C., this 22d day of December 1953.

[SEAL] ROY W. LENNARTSON,
*Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 53-10725; Filed, Dec. 24, 1953; 8:49 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 3 ]

[Docket No. 10817]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, rules governing television broadcast stations; Docket No. 10817.

1. The Commission has before it for consideration the petition of WITH-TV, Inc., Baltimore, Maryland, filed October 30, 1953, requesting that § 3.606 of the Commission's rules be amended to add the assignment of Channel 72 to Baltimore.

2. Petitioner presently holds a permit to construct a television station on Channel 60 in Baltimore, which was granted on December 17, 1952. On August 7, 1953 the date for completion of construction for petitioner's station was extended to December 31, 1953. Petitioner represents that while it is "ready, able and willing" to proceed with the construction of its station on Channel 60 as soon as the equipment on order becomes available, certain "economic problems" would be encountered in the employment of Channel 60 in Baltimore. It is explained that the area surrounding Baltimore is relatively flat and near sea level with the exception of certain sectors north and west of the city where a considerable rise in ground elevation occurs. In light of the assignment of Channel 46 in Chambersburg, Pennsylvania, the more highly elevated areas cannot be employed as transmitter sites for Channel 60 at Baltimore. This results from the fact that channels spaced 14 apart must maintain separations of at least 60 miles to protect against sound image interference, and the distance between the site of Station WCHA-TV in Chambersburg on Channel 46 and the center of Baltimore is only 60.2 miles. In order to meet the minimum spacing requirements, therefore, petitioner would be required to locate its site, as it has in its present authorization, in a flat area close to sea level. Furthermore, it is explained that the spacing requirements on Channel 60 preclude the use of petitioner's present FM site and tower.

3. In view of the foregoing, petitioner requests that the Table of Television Channel Assignments contained in § 3.606 of the rules be amended to assign Channel 72 to Baltimore for which it proposes to apply. Such assignment, petitioner contends, would mean "substantial economies which are important to UHF stations in the initial stage at least." The assignment of Channel 72 in Baltimore would meet all minimum spacing requirements and can be accomplished without changing assignments in any other communities. No close separations would be involved, and the more highly elevated areas north and west of the city could be employed as sites.

4. Six channels are presently assigned to Baltimore, a city with a population of some 950,000 persons. These are Channels 2, 11 and 13 which have been in operation for some time; Channel 18 for which an application is pending; Channel 24 reserved for education; and Channel 60. The assignment of Channel 72 to Baltimore as requested by petitioner would represent a 7th channel. We believe, however, that six channels for this community constitutes a fair and equitable assignment of the available television facilities. We do not think that the assignment of a 7th channel to Baltimore is warranted. See our Memorandum Opinions and Orders denying requests for additional assignments to Cleveland, St. Louis, and Los Angeles (FCC 53-1172) (FCC 53-838). We are impressed, however, that the assignment of Channel 72 in Baltimore would represent a distinct improvement over the assignment of Channel 60 in light of the severely limited transmitter sites available with the employment of Channel 60. We believe that the assignment of Channel 72 in place of Channel 60 would effect a more efficient utilization of the spectrum and would serve the public interest, convenience and necessity. The Commission, therefore, is hereby giving notice that it proposes to amend § 3.606 by substituting Channel 72 in Baltimore in place of Channel 60, as follows:

| City | Delete | Add |
|---|---|---|
| Baltimore, Md. | 60- | 72- |

5. Station WITH-TV presently holds an authorization for Channel 60. Accordingly, pursuant to sections 303 (f) and 316 of the Communications Act of 1934, as amended, WITH-TV, Inc. is hereby afforded an opportunity to Show Cause in this proceeding why its authorization should not be modified to specify Channel 72 in lieu of Channel 60.

6. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form proposed, may file with the Commission on or before January 18, 1954 a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. WITH-TV, Inc. shall make any reply it wishes to submit to the Show Cause Order in this proceeding by this date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. An original and 14 copies of all statements, briefs or comments shall be filed.

7. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), 307 (b) and 316 of the Communications Act of 1934, as amended.

Adopted: December 18, 1953.

Released: December 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10719; Filed, Dec. 24, 1953; 8:48 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[ 17 CFR Parts 240, 249 ]

REGISTRATION OF BROKERS AND DEALERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Form BD as the form of application for registration as a broker or dealer, as the form to amend such an application, and as a form of supplemental report by a registered broker or dealer. The proposal also contemplates the rescission of

Forms 3–M, 4–M, 5–M and 6–M (17 CFR 249.503, 249.504, 249.505, 249.506) now used in connection with broker-dealer registration, and the revision of applicable rules. The action would be taken pursuant to the Securities Exchange Act of 1934, particularly sections 15 (b), 17 (a) and 23 (a) thereof.

The above proposals are being considered by the Commission in connection with its comprehensive review of its rules, regulations, forms and procedures in order to eliminate duplication and to simplify its requirements wherever practicable without prejudice to the public interest or the protection of investors.

Under existing requirements the principal form of application for registration as a broker or dealer is Form 3–M. This is a 12-page application requesting a considerable amount of information which is not necessary to determine whether the registrant is eligible for registration under the provisions of section 15 (b) of the act, even though the information may have served other administrative purposes at one time or another. In substance, section 15 (b) provides that the Commission shall deny or revoke the registration of any broker or dealer if it finds that such denial or revocation is in the public interest and that such broker or dealer, or any person directly or indirectly controlling or controlled by such broker or dealer (A) has wilfully made any false or misleading statement in an application for registration, in any document supplemental thereto, or in any proceeding with respect to registration; or (B) has been convicted within 10 years of any felony or misdemeanor involving the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer; or (C) is permanently or temporarily enjoined from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security; or (D) has wilfully violated any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, or any rule or regulation under either of said acts.

Form BD, a much shorter form requesting much less information than Form 3–M, was prepared on the theory that the application for registration should generally be limited to the information necessary to determine whether or not the registrant, or any person controlling or controlled by the registrant, is subject to a disqualification within the meaning of section 15 (b) of the act. As will be seen from the copy of the form attached hereto, it would require information concerning: the identity of the registrant; his or its principal place of business; the form of organization; the predecessor, if registrant is succeeding to the business of another broker-dealer; the names of partners, officers and directors, and holders of 10 percent or more of any class of equity security issued by a corporate registrant; the names of other persons directly or indirectly controlling the business of the registrant; the broker-dealer connections of the persons named above for the past 10 years; and specific information with respect to whether the registrant or any person controlling or controlled by the registrant is subject to one of the disqualifications mentioned in section 15 (b) of the act.

Comparison of Form 3–M with proposed Form BD will indicate that approximately 20 categories of information previously required to be furnished in Form 3–M would no longer be required under Form BD. These categories of information include: The address of branch offices and the name of the manager of each such office; the number of salesmen, traders, customers' men and other employees; whether registrant transacts business as a broker; whether registrant transacts business as a dealer; whether registrant carries margin accounts for customers; whether registrant holds customers' securities in safekeeping; whether registrant transacts business through the medium of a member of a national securities exchange; whether registrant is engaged in the sale of oil and gas securities; whether registrant is engaged in business as an investment adviser; and various other items of information which administrative experience has indicated are not essential in connection with determining the eligibility of the registrant for registration.

*The ways in which Form BD would be used.* Form BD would be used for the following purposes:

1. *As an application for registration of a broker-dealer.* Where the application is filed by the broker-dealer on its own behalf category A on page 1 of the form would be checked. The instructions under category A provide that if (1) the broker-dealer filing an application on its own behalf is a partnership succeeding to and continuing the business of another broker-dealer partnership registered when the application is filed and (2) the predecessor partnership has filed its application (or supplement) on Form BD—then the registrant need furnish only such information as is necessary to bring the information previously filed by the predecessor up to date. This is intended to cover the situation where, under applicable law, the predecessor partnership is dissolved by reason of the death, withdrawal or admission of one or more partners, and the successor partnership continues the business. Form 4–M, a short form of registration, has been available in these situations, and these provisions in the instructions to Form BD make an even shorter form available in such situations.

Where the application is filed by the predecessor on behalf of a broker-dealer successor to be formed or organized category B on page 1 of the form would be checked. (Section 15 (b) of the act provides that an application for registration of a broker-dealer to be formed or organized may be filed by the predecessor, but that such registration shall terminate on the 45th day after the effective date unless prior thereto the successor adopts the application as its own in accordance with such rules and regulations as the Commission may prescribe. These rules are discussed below.)

2. *To amend an application for registration.* When the form is used for this purpose category C would be checked. The instructions specifically state that when the form is used for his purpose only the corrected information should be furnished.

3. *As a supplement to an application for registration filed on any other form.* There are now approximately 4,000 registered broker-dealers, most of whom have furnished the information required by Form 3–M. Under existing rules this information must be kept current by amendment. It was felt that when the new simplified form is adopted all brokers and dealers (those previously registered and those who become registered on the new form) should be subject to the same simplified requirements with respect to amendments. It appears that the fairest and most practical way to accomplish this is to provide that all brokers and dealers whose application has been filed on any form other than Form BD shall file, as a "supplement" to such application, the information required by Form BD, so that thereafter amendments to keep the information current need apply only to the information in Form BD. This supplement could be filed anytime within six months, except that if any information in the old application becomes inaccurate before the expiration of the six-month period the supplement would be filed at that time. This last provision is to make certain that important information is not withheld for six months. Once a broker-dealer has filed such a supplement, he will be relieved of the burden of amending many items of information in his old application; thereafter he need keep current only the limited information in Form BD. This approach also eliminates the need for Form 6–M, the form now used for amending an application for registration.

As mentioned above, the proposal contemplates the rescission of Forms 3–M, 4–M, 5–M and 6–M. Form 5–M is now designated as the form to be used by a broker or dealer in adopting as its own an application for registration previously filed on its behalf by a broker or dealer to which it is the successor. Under the proposed revisions the required "adoption" would not have to be filed on any specific form; a letter submitted by the successor firm adopting the application filed by a predecessor would be adequate. In this connection, it should be noted that proposed Rule X–15B–3, set out below, provides that any statement adopting such an application shall constitute a representation to the Commission that the information contained in the application, and in any supplements and amendments thereto, is true and correct.

The proposal contemplates that the following rules would be adopted as "amendments" to the existing rules of the same number.

§ 240.15b–1 *Application for registration of broker or dealer.* An application for registration of a broker-dealer filed pursuant to section 15 (b) on or after (February 1, 1954) shall be filed on Form BD in accordance with the instructions contained therein.

§ 240.15b–2 *Supplements and amendments to applications.* (a) Every broker or dealer whose application for registration is effective on or before (February 1, 1954), or is pending on that date, shall file a supplement to such application on Form BD not later than (August 1, 1954): *Provided, however,* That if any information in such application is or becomes inaccurate for any reason prior to (August 1, 1954), such supplement shall be filed when such information is or becomes inaccurate.

(b) If the information contained in any application for registration of a broker or dealer, or in any supplement or amendment thereto, is or becomes inaccurate for any reason, such broker or dealer shall promptly file an amendment on Form BD correcting such information: *Provided, however,* That if the application for registration was filed on any form other than Form BD and the supplement required by paragraph (a) of this section has been filed, amendments need be filed only to keep current the information in the supplement.

§ 240.15b–3 *Adoption of application filed by predecessor.* Registration of a broker or dealer pursuant to an application filed on behalf of such broker or dealer by a predecessor shall terminate on the 45th day after the effective date thereof unless the successor shall adopt the application as its own by filing a statement adopting such application on or before such date. Any statement adopting such an application shall constitute a representation to the Commission that the information contained in such application, and in the supplements and amendments thereto, is true and correct.

§ 240.15b–4 *Registration of successor to partnership.* (a) In the event that a partnership registered as a broker or dealer shall have been dissolved by the death, withdrawal, or admission of one or more partners and another broker or dealer shall become the successor to and continue the business of such predecessor partnership, the registration of such predecessor partnership shall be deemed to remain effective as the registration of the successor broker or dealer for a period of 60 days after such succession: *Provided,* That an application for registration on Form BD is filed by the successor within 30 days after such succession.

(b) A Form BD, filed by a successor partnership continuing the business of a predecessor partnership dissolved by the death, withdrawal, or admission of one or more partners, shall be deemed to be an application for registration even though designated an amendment if the Form BD is filed to reflect the change of partners and to furnish required information concerning any new partners.

Most of the above sections will be understood from the preceding discussion. Some further explanation should be made with respect to § 240.15b–4, however. The present § 240.15b–4 provides a temporary exemption from registration for a successor partnership continuing the business of a predecessor partnership. This section was found to be inadequate in some situations, particularly where there was a partnership of two partners, one of the partners died, and the surviving partner wanted to carry on the business. In this situation, since the successor is not a partnership, the present § 240.15b–4 provides no temporary exemption. Under paragraph (a) of the proposed revision the temporary exemption would be available to any broker-dealer successor continuing the business of a registered partnership which has been dissolved by the death, withdrawal or admission of one or more partners. Paragraph (b) of this section was intended to take care of the following situations: sometimes it is difficult to determine under applicable local law whether the death, withdrawal or admission of a partner effects a dissolution of the old partnership or sometimes a change of partners technically effects a dissolution but the firm inadvertently files an amendment to report the change when it should file a new application. Paragraph (b) of the section should eliminate the effect of such mistakes. Under the proposed rule, if the form is filed to reflect the change of partners and to furnish the information required concerning any new partners, the firm will have the same protection whether the form is designated as an amendment or an application.

The substance of §§ 240.15b–5, 240.15b–6 and 240.15b–7 would not appear to need any modification by reason of these proposals, except that § 240.15b–5 would be amended to reflect the adoption of Form BD. Paragraph (a) of § 240.15b–8, which requires the filing of a financial statement by a broker-dealer filing an application for registration on Form 3–M, would be revised to conform its requirements to the adoption of the new form and to require the statement of financial condition to be filed in duplicate; and paragraph (c) of the rule, which was intended to cover applications pending at the time that § 240.15b–8 was adopted, would be deleted from the rule.

All interested persons are invited to submit data, views, and comments on these proposals in writing to the Secretary, Securities and Exchange Commission, at its principal offices, 425 Second Street NW., Washington 25, D. C., on or before January 8, 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 22, 1953.

[F. R. Doc. 53–10741; Filed, Dec. 24, 1953; 8:51 a. m.]



# NOTICES

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10767–10770]

TELEPHONE ANSWERING SERVICE ET AL.

ORDER CONTINUING HEARING

In re applications of Mrs. Pearl Forester, d/b as Telephone Answering Service, Dallas, Texas, docket No. 10767, File No. 180–C2–P–53; Radio Paging, Dallas, Texas, Docket No. 10768, File No. 363–C2–P–53; George A. Smith, Dallas, Texas, Docket No. 10769, File No. 607–C2–P–53; O. B. English, d/b as Radio Communications Co., Fort Worth, Texas, Docket No. 10770, File No. 927–C2–P–53; construction permits for one-way signaling base station in the Domestic Public Land Mobile Radio Service.

Whereas, request has been made by Frank B. Salisbury, attorney for Radio Paging, one of the applicants above-named, that the hearing on the applications herein scheduled by the Commission for January 4, 1954, be continued to January 6, 1954, and counsel for all other applicants above-named and the Commission having concurred therein:

*It is ordered,* That the hearing on the above-entitled applications scheduled for January 4, 1954, be continued to January 6, 1954, at 10:00 a. m. in the offices of the Commission, Washington, D. C. The session on that day will consist of a conference to discuss the matters mentioned and to take such action as is prescribed in § 1.841 of the rules. Testimony will not be received on January 6 and it will therefore not be necessary for witnesses to be present.

Dated: December 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING, *Acting Secretary.*

[F. R. Doc. 53–10718; Filed, Dec. 24, 1953; 8:48 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

LUCIEN PSICHARI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Mr. Lucien Psichari, 1, rue de Longpont, Neuilly-Sur-Seine, France, Claim No. 41882; all right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatso-

ever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue relating to the work Les Dieux Ont Soif (Roman), by Anatole France, as listed in Exhibit A of Vesting Order No. 500A-1 (9 F. R., 7871, July 14, 1944), to the extent owned by Lucien Psichari immediately prior to the vesting thereof by Vesting Order No. 500A-1.

Executed at Washington, D. C., on December 21, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 53-10716; Filed, Dec. 24, 1953; 8:48 a. m.]

## GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS RELATING TO INDIAN AFFAIRS

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Secretary of the Interior to negotiate, without advertising, under section 302 (c) (9) of the act, contracts for social and welfare services required to carry out program responsibilities of the Bureau of Indian Affairs.

2. This authority shall be exercised in accordance with applicable limitations and requirements in the act, particularly sections 304 and 307.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration.

4. The authority herein delegated may be redelegated to any officer, official, or employee of the Department of the Interior.

5. This delegation of authority shall be effective as of the date hereof.

Dated: December 18, 1953.

EDMUND F. MANSURE,
*Administrator.*

[F. R. Doc. 53-10715; Filed, Dec. 24, 1953; 8:48 a. m.]

SECRETARY OF STATE

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF REALTY IN PHILIPPINE ISLANDS

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, I hereby authorize the Secretary of State, with respect to certain lands and buildings of the former Juanita del Monte Zirka property located in the Municipality of Bayambang, Province of Pangasinan, Philippine Islands, more specifically described in a deed of April 8, 1941 to the United States from Tomas B. Cayabyab, recorded in the Office of the Registrar of Deeds for the Province of Pangasinan, to determine whether such real property is required by any Federal agency and, if not, to dispose thereof by negotiated sale or otherwise.

2. The Secretary of State may redelegate this authority to any officer or employee of the Department of State.

3. This delegation of authority is effective immediately.

Dated: December 21, 1953.

EDMUND F. MANSURE,
*Administrator.*

[F. R. Doc. 53-10758; Filed, Dec. 23, 1953; 3:08 p. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3160]

UNITED GAS CORP. AND UNION PRODUCING CO.

ORDER REGARDING LOAN BY PARENT COMPANY TO SUBSIDIARY

DECEMBER 21, 1953.

United Gas Corporation ("United"), a public-utility subsidiary of Electric Bond and Share Company, a registered holding company, and its non-utility subsidiary, Union Producing Company ("Union"), having filed a joint application with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act"), particularly sections 6 (b), 9 and 10 thereof with respect to transactions proposed therein which are summarized as follows:

United proposes to lend to Union, its wholly owned subsidiary, and the latter proposes to borrow from United, not to exceed an aggregate amount of $2,000,000 during a period following the date of the entry of the Commission's order herein to the end of 1954 in such installments and at such times as funds may be required and requested from United. The proceeds from the loan will be used by Union to increase its working capital.

The proposed loan will be evidenced by unsecured promissory notes issued by Union to United or order, from time to time, payable on or before six years from the date of issue of such notes, bearing interest at the rate of 5 percent per annum, payable semi-annually on July 1 and January 1 of each year.

Union has presently issued and outstanding $15,000,000 principal amount of its promissory notes consisting of $7,000,000 principal amount of 3 percent Notes, $4,000,000 principal amount of 4 percent Notes, and $4,000,000 principal amount of 5 percent Notes, all such notes being payable on or before six (6) years from dates of issue. All of said notes are owned by United, and $12,000,000 principal amount of such notes are pledged with the Guaranty Trust Company of New York, the Corporate Trustee, under United's Mortgage and Deed of Trust, dated as of October 1, 1944, in favor of Guaranty Trust Company of New York and Henry A. Theis (Herbert E. Twyeffort, Successor Trustee), Trustees, as supplemented. The additional promissory notes of Union to be acquired from time to time by United in connection with the transactions proposed herein, will, upon acquisition by United, be pledged with the Corporate Trustee under its Mortgage and Deed of Trust.

Due notice having been given of the filing of the application and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted effective forthwith without the imposition of terms and conditions, other than those contained in Rule U-24:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and it hereby is, granted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53-10702; Filed, Dec. 24, 1953; 8:46 a. m.]

[File No. 70-3157]

QUINCY ELECTRIC LIGHT AND POWER CO., ET AL.

ORDER AUTHORIZING ISSUANCE AND SALE OF SHORT-TERM UNSECURED PROMISSORY NOTES TO PARENT COMPANY

DECEMBER 22, 1953.

In the matter of Quincy Electric Light and Power Company, Suburban Electric Company, New England Electric System; File No. 70-3157.

New England Electric System ("NEES"), a registered holding company, and its subsidiary public utility companies, Quincy Electric Light and Power Company ("Quincy") and Suburban Electric Company ("Suburban"), having filed with this Commission a joint application-declaration pursuant to sections 7, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43, promulgated thereunder, with respect to the following proposed transactions:

Quincy presently has outstanding unsecured promissory notes payable to NEES in the principal amount of $1,080,000 and notes payable to banks in the principal amount of $200,000. Suburban presently has outstanding $3,800,000 principal amount of unsecured promissory notes payable to banks.

Quincy and Suburban propose to issue to NEES, from time to time but not later than December 31, 1953, unsecured promissory notes in the respective aggregate principal amounts of $1,280,000 and $2,500,000. Each of said notes will mature April 1, 1954, and may be prepaid in whole or in part without payment of a premium. The proceeds derived from such notes will be used by Quincy and Suburban to prepay a like principal



amount of note indebtedness to NEES and to banks. The interest rate on such notes will be at the prime interest rate being paid by Quincy and Suburban on the notes prepaid until their maturity date and thereafter at the prime interest rate at the time of issuance. The notes to be prepaid bear interest at 3¼ percent which, according to the application-declaration, is also the present prime interest rate.

The application-declaration states that incidental services in connection with the proposed note issues will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $150 for each applicant-declarant, or an aggregate of $450.

The application-declaration further states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein become effective forthwith upon issuance.

Due notice having been given of the filing of the application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application-declaration be granted and permitted to become effective forthwith:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of said act, that said application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53-10742; Filed, Dec. 24, 1953; 8:51 a. m.]

[File No. 70-3158]

WHEELING ELECTRIC CO.

ORDER REGARDING PROPOSED ISSUE AND SALE OF SHORT-TERM NOTES

DECEMBER 22, 1953.

Wheeling Electric Company ("Wheeling"), a public utility subsidiary of American Gas and Electric Company, a registered holding company, having filed a declaration with this Commission pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act"), with respect to a proposed transaction which is summarized as follows:

The proposed transaction covers the establishment of a line of credit with a banking institution and the proposed borrowing under such line of credit of an amount not to exceed $1,000,000 outstanding at any one time, from time to time, prior to December 31, 1954, from such banking institution and the issuance and delivery of notes evidencing such borrowings by Wheeling.

The notes to be issued by Wheeling in evidence of such borrowings will be dated as of the date of such borrowings in each case and will in no event mature in more than 270 days after the date of issuance.

Of the $1,000,000 proposed to be borrowed, Wheeling has already borrowed $400,000 from the said banking institution and has issued its note in evidence thereof. This borrowing, in the amount of $400,000, was made on October 6, 1953, and was exempted from the provisions of section 6 (a) by the first sentence of section 6 (b) of the act.

It is expected that the next borrowing, in the amount of $100,000 will be made on or about January 1, 1954. The note evidencing such borrowing of $100,000 will bear interest from the date thereof at the then current prime credit rate which is currently 3¼ percent per annum.

Subsequent borrowings will be made from time to time prior to December 31, 1954, in amounts depending upon Wheeling's cash requirements and not to exceed $1,000,000 outstanding at any one time under the said line of credit. Such subsequent borrowings will bear interest from the respective dates thereof at the then current prime credit rate.

Wheeling may prepay the notes from time to time, in whole or in part, without premium.

No finders' fees or commissions are to be paid by Wheeling in connection with the proposed transactions, and it is estimated that miscellaneous expenses to be incurred by Wheeling will not exceed the nominal amount of $250.00.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration be permitted to become effective forthwith:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53-10744; Filed, Dec. 24, 1953; 8:51 a. m.]

[File No. 70-3166]

ELECTRIC BOND AND SHARE CO.

SUPPLEMENTAL ORDER REGARDING THE SALE BY PARENT OF SECURITIES OF SUBSIDIARY

DECEMBER 21, 1953.

The Commission by order dated December 17, 1953, having granted and permitted to become effective an application-declaration, as amended, filed by Electric Bond and Share Company ("Bond and Share"), a registered holding company, regarding, among other things, the sale at public offering, after receiving competitive bids, of 100,000 shares of its present holdings of common stock of United Gas Corporation ("United Gas") plus such additional shares not exceeding 15,000 as Bond and Share should acquire during the course of stabilizing operations to be effected by Bond and Share, subject to the reservation of jurisdiction with respect to (1) the results of the competitive bidding; (2) the fees and expenses in connection with said transactions; and (3) the making, to the extent appropriate, of further orders, findings and recitals pursuant to Supplement R and section 1808 (f) of the Internal Revenue Code, as amended; and

A further amendment having been filed on December 21, 1953, setting forth the action taken by Bond and Share to comply with the requirements of Rule U-50, stating that 1,300 shares of common stock of United Gas were acquired through stabilization operations, that 101,300 shares of common stock were offered at competitive bidding, and that pursuant to the invitation for competitive bids, the following bids for the common stock have been received:

| Bidding group headed by— | *Price per share to Bond and Share* |
|---|---|
| Blyth & Co | $28.095 |
| Kidder, Peabody & Co | 28.086 |
| Merrill Lynch, Pierce, Fenner & Beane | 28.086 |
| Goldman, Sachs & Co | 28.08 |
| The First Boston Corp | 27.896 |
| Lehman Bros | 27.808 |

The amendment having further stated that Bond and Share has accepted the bid of Blyth & Co. for the common stock of United Gas as set forth above and that said common stock will be offered to the public at a price of $28.625 per share, resulting in an underwriters' spread of $0.53 per share; and

The application-declaration, as amended, having estimated the fees and expenses of Bond and Share relating to said transaction to be as follows:

| | *Estimate* |
|---|---|
| Filing fee—Securities and Exchange Commission | $345 |
| Fees of counsel: | |
| Reid & Priest, New York City | 3,500 |
| Simpson, Thatcher & Bartlett, New York City | 3,500 |
| Baker, Botts, Andrews & Parish, Houston, Tex | 3,000 |
| Auditors' fees | 1,500 |
| Printing, including registration statement, prospectus, etc | 9,500 |
| Report of Ralph E. Davis, independent engineer | 5,000 |
| Miscellaneous | 6,655 |
| Total estimated fees and expenses | 33,000 |

and the fees of Milbank, Tweed, Hope & Hadley, New York City, independent counsel for the successful purchasers to be $3,500; and

The Commission having examined said application-declaration, as amended, and having considered the record herein, and finding no reason for the imposition of terms and conditions with respect to the results of the competitive bidding, and deeming it appropriate to make the re-

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quested recitals pursuant to Supplement R and section 1808 (f) of the Internal Revenue Code, as amended:

*It is ordered*, That the jurisdiction heretofore reserved with respect to matters to be determined as a result of competitive bidding for the sale of said common stock of United Gas and with respect to the fees and expenses relating to said sale of common stock be, and hereby is, released, and that said application-declaration, as amended, in respect of the issuance and sale of said common stock by Bond and Share be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U–24.

*It is further ordered and recited*, That the sale and transfer by Bond and Share of 101,300 shares of common stock of United Gas is necessary or appropriate to the integration or simplification of the holding company system of which Bond and Share is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the act, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53–10743; Filed, Dec. 24, 1953; 8:51 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28764]

FERTILIZER COMPOUNDS FROM JACKSONVILLE, ARK., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

DECEMBER 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer compounds and related articles, carloads.

From: Jacksonville, Ark.

To: Southern territory.

Grounds for relief: Rail competition, circuity, market competition, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, supp. 133.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53–10703; Filed, Dec. 24, 1953; 8:46 a. m.]

[4th Sec. Application 28765]

PHOSPHATIC FEED SUPPLEMENTS FROM SOUTHERN TERRITORY TO CENTRAL VERMONT RAILWAY STATIONS

APPLICATION FOR RELIEF

DECEMBER 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1395.

Commodities involved: Phosphatic feed supplements, carloads.

From: Points in southern territory.

To: Stations on Central Vermont Railway.

Grounds for relief: Rail competition, circuity, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53–10704; Filed, Dec. 24, 1953; 8:47 a. m.]

[4th Sec. Application 28766]

WOODEN BUILDING MATERIAL FROM CENTER, TEX., TO THE SOUTH

APPLICATION FOR RELIEF

DECEMBER 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Building material, viz: doors, sash, frames, and related articles, carloads.

From: Center, Texas.

To: Points in southern territory.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates; F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 300.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53–10705; Filed, Dec. 24, 1953; 8:47 a. m.]

[4th Sec. Application 28767]

FURNITURE FROM SHREVEPORT, LA., TO COLORADO AND WYOMING

APPLICATION FOR RELIEF

DECEMBER 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Furniture and furniture parts, carloads.

From: Shreveport, La.

To: Colorado Springs, Denver, Greeley, Pueblo and Trinidad, Colo., and Cheyenne, Wyo.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3886, supp. 103.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved



in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53–10706; Filed, Dec. 24, 1953; 8:47 a. m.]

[4th Sec. Application 28768]

SULPHURIC ACID FROM SOUTHERN TERRITORY TO POINTS IN GEORGIA

APPLICATION FOR RELIEF

DECEMBER 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., for carriers parties to schedules listed below.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Specified points in southern territory.

To: Clyattville, Eskay, Tifton, Valdosta and South Valdosta, Ga.

Grounds for relief: Rail competition, circuity, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1357, supp. 24 Louisville and Nashville Railroad Company, I. C. C. No. A–16749, supp. 32.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53–10707; Filed, Dec. 24, 1953; 8:47 a. m.]

[4th Sec. Application 28769]

MERCHANDISE IN MIXED CARLOADS FROM WINSTON-SALEM, N. C., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

DECEMBER 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise in mixed carloads.

From: Winston-Salem, N. C.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers, circuity, competition with motor carriers, and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1305, supp. 39.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53–10708; Filed, Dec. 24, 1953; 8:47 a. m.]

# FEDERAL REGISTER

VOLUME 18 NUMBER 252

*Washington, Tuesday, December 29, 1953*


## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 41-10]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

ELIMINATION OF REQUIREMENT FOR CERTIFICATION IN TRANSPORT CATEGORY AFTER DECEMBER 31, 1953, AND ESTABLISHMENT OF NONTRANSPORT CATEGORY OPERATING LIMITATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of December 1953.

This amendment to Part 41 of the Civil Air Regulations eliminates the requirement for certification in the transport category after December 31, 1953, and establishes nontransport category operating limitations to become effective on July 1, 1954.

Section 41.26 (c) of Part 41 currently states that after December 31, 1953, all aircraft operating under this part shall comply with the transport category certification requirements of either Part 4a or 4b and with the operating limitations prescribed in this part for transport category airplanes. This requirement was intended to remove from the scheduled air transportation such aircraft types as the Douglas DC–3 and Lockheed L–18 after this date unless recertificated in the transport category. This provision was also contained in Part 40 of the Civil Air Regulations. In view of the safety record of the DC–3 and L–18 and their continued use in scheduled passenger operation, the Board, in revised Part 40, permitted the continued operation of these airplanes but required that they comply with certain performance operating limitations based on the nontransport category performance limitations that presently appear in Part 42.

In view of the action taken with respect to these airplanes in revised Part 40, this regulation permits operation of nontransport category airplanes under Part 41 after December 31, 1953, but at the same time prescribes the same performance operating limitations that are prescribed in revised Part 40. Since it is estimated that the affected air carriers will require about six months to implement these operating limitations for these aircraft, the operating limitations will not become effective until July 1, 1954. This will permit continued operation of these aircraft under present conditions until that date.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this regulation imposes no immediate additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR, Part 41, as amended) effective immediately:

1. By amending § 41.26 (b) (1) to read as follows:

(1) Retain their present airworthiness certification status and meet the requirements of § 41.36 except that until July 1, 1954, these aircraft may be operated in accordance with such operating limitations as the Administrator finds will provide a safe relation between the performance of the aircraft and the dimensions of airports and terrain; or

2. By deleting § 41.26 (c).

3. By adding new §§ 41.36, 41.36a, 41.36b, 41.36c, and 41.36d to read as follows:

§ 41.36 *Nontransport category airplane operating limitations.* In operating any nontransport category airplane in passenger service on or after July 1, 1954, the provisions of §§ 41.36a through 41.36d shall be complied with, unless deviations therefrom are specifically authorized by the Administrator on the ground that the special circumstances of a particular case make a literal observance of the requirements unnecessary for safety. Prior to that date such airplanes shall be operated either in accordance with §§ 41.36a through 41.36d or in accordance with such operating limitations as the Administrator determines will provide a safe relation between the performance of the airplanes and the airports to be used and the areas to be tra-

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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versed. Performance data published or approved by the Administrator for each such nontransport category airplane shall be used in determining compliance with the provisions of §§ 41.36a through 41.36d.

§ 41.36a *Take-off limitations.* No take-off shall be made at a weight in excess of that which will permit the airplane to be brought to a safe stop within the effective length of the runway from any point during the take-off up to the time of attaining 105 percent of minimum control speed or 115 percent of the power-off stalling speed in the take-off configuration, whichever is the greater. In applying the requirements of this section:

(a) It may be assumed that take-off power is used on all engines during the acceleration;

(b) Account may be taken of not more than 50 percent of the reported wind component along the take-off path if opposite to the direction of take-off, and account shall be taken of not less than 150 percent of the reported wind component if in the direction of the take-off;

(c) Account shall be taken of the average runway gradient when the average gradient is greater than ½ percent. The average runway gradient is the difference between the elevations of the end points of the runway divided by the total length;

(d) It shall be assumed that the airplane is operating in the standard atmosphere.

§ 41.36b *En route limitations; one engine inoperative.* (a) No take-off shall be made at a weight in excess of that which will permit the airplane to climb at a rate of at least 50 feet per minute with the critical engine inoperative at an altitude of at least 1,000 feet above the elevation of the highest obstacle within 5 miles on either side of the intended track or at an altitude of 5,000 feet, whichever is the higher: *Provided*, That in the alternative an air carrier may utilize a procedure whereby the airplane is operated at an altitude such that, in event of an engine failure, the airplane can clear the obstacles within 5 miles on either side of the intended track by 1,000 feet, if the air carrier can demonstrate to the satisfaction of the Administrator that such a procedure can be used without impairing the safety of operation. If such a procedure is utilized, the rate of descent for the appropriate weight and altitude shall be assumed to be 50 feet per minute greater than indicated by the performance information published or approved by the Administrator. Before approving such a procedure, the Administrator shall take into account, for the particular route, route segment, or areas concerned, the reliability of wind and weather forecasting, the location and types of aids to navigation, the prevailing weather conditions, particularly the frequency and amount of turbulence normally encountered, terrain features, air traffic control problems, and all other operational factors which affect the safety of an operation utilizing such a procedure.

(b) In applying the requirements of paragraph (a) of this section, it shall be assumed that:

(1) The critical engine is inoperative;

(2) The propeller of the inoperative engine is in the minimum drag position;

(3) The wing flaps and landing gear are in the most favorable positions;

(4) The operative engine or engines are operating at the maximum continuous power available;

(5) The airplane is operating in the standard atmosphere;

(6) The weight of the airplane is progressively reduced by the weight of the anticipated consumption of fuel and oil.

§ 41.36c *Landing distance limitations; airport of intended destination.* No take-off shall be made at a weight in excess of that which, allowing for the anticipated weight reduction due to consumption of fuel and oil, will permit the airplane to be brought to a stop within 60 percent of the effective length of the most suitable runway at the airport of intended destination.

(a) This weight shall in no instance be greater than that permissible if the landing were to be made:

(1) On the runway with the greatest effective length in still air, and

(2) On the runway required by the probable wind, taking into account not more than 50 percent of the probable headwind component and not less than 150 percent of the probable tailwind component.

(b) In applying the requirements of this section it shall be assumed that:

(1) The airplane passes directly over the intersection of the obstruction clearance plane and the runway at a height of 50 feet in a steady gliding approach at a true indicated air speed of at least 1.3 $V_{s_0}$;

(2) The landing is made in such a manner that it does not require any exceptional degree of skill on the part of the pilot;

(3) The airplane is operating in the standard atmosphere.

§ 41.36d *Landing distance limitations; alternate airports.* No airport shall be designated as an alternate airport in a dispatch release unless the airplane at the weight anticipated at the time of arrival at such airport can comply with the requirements of § 41.36c: *Provided*, That the airplane can be brought to rest within 70 percent of the effective length of the runway.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–604, 52 Stat. 1007–1010; 49 U. S. C. 551–554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-10783; Filed, Dec. 28, 1953; 8:50 a. m.]

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[Reg. SR-356A]

## PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

### SPECIAL CIVIL AIR REGULATION; LANDING WEIGHTS FOR NONTRANSPORT CATEGORY AIRPLANES IN SCHEDULED OVERSEAS AND FOREIGN PASSENGER OPERATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of December 1953.

This Special Civil Air Regulation extends the provisions of Special Civil Air Regulation SR–356 until July 1, 1954.

Certain airplanes certificated as a basic type prior to June 30, 1942, and currently used in scheduled air carrier passenger operations have at various times since original certification been allowed increases in their maximum certificated take-off and landing weights. The increases have been allowed under the provisions of later adopted airworthiness requirements based upon different and more realistic safety criteria where the airplanes have been shown to comply with such requirements for particular operations.

However, these developments have not followed a consistent pattern, and prior to the adoption of SR–356 in 1950, airplanes of the same basic type were operated at differing maximum landing weights. For example, the usual maximum landing weight for a Douglas DC–3 (not certificated in the transport cate-

gory) operated in scheduled passenger service is 24,400 pounds when operated in accordance with limitations established in the air carrier's operations specifications, whereas the maximum landing weight for a comparable airplane used by an irregular air carrier or commercial operator is 25,000 pounds subject, however, to operating limitations provided for in Part 42 of the Civil Air Regulations.[1]

The Board was asked by certain scheduled air carriers to permit operation of the DC–3 and the Lockheed Model 18 as nontransport category airplanes at the landing weights authorized for these same airplanes in irregular passenger service. The Board authorized the use of these higher weights for nontransport category airplanes by SR–356 on the condition that they be operated in accordance with the operating limitations established for such airplanes in Part 42.

Revised Part 40, effective January 1, 1954, prescribes operating rules for scheduled air carriers engaged in the carriage of passengers in interstate commerce which require these carriers to operate their nontransport category airplanes in accordance with requirements that are similar to those currently prescribed in Part 42 for such airplanes. An amendment to Part 41, which will be issued concurrently with this regulation proposes that the nontransport category performance operating limitations for these airplanes be incorporated in Part 41 as of July 1, 1954, thus applying these rules to scheduled carriers carrying passengers in overseas and foreign air transportation. In view of the fact that these airplanese will be able to receive the same landing weights currently authorized by SR–356 when operating in accordance with the requirements in revised Part 40 and those proposed for Part 41, it is not necessary to extend this regulation with respect to operations under Part 40, or to extend it with respect to Part 41 after June 30, 1954. Accordingly, this regulation only extends the provisions of SR–356 with respect to those operations under Part 41, scheduled service in overseas and foreign air transportation, until July 1, 1954. After that date SR–356 will not be necessary and it is not intended that elimination of this rule operate to affect the weights of aircraft previously established under SR–356.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

[1] The DC–3 is also eligible and is being operated at a maximum certificated takeoff weight of 26,200 pounds and a maximum certificated landing weight of 26,000 pounds in accordance with transport category performance rules. The DC–3 when used for the carriage of cargo only is eligible and is being operated at maximum certificated take-off and landing weights as high as 26,900 pounds. Furthermore, corresponding military versions of the DC–3 have been operated at maximum weights in excess of 30,000 pounds.

In consideration of the foregoing the Civil Aeronautics Board makes and promulgates the following Special Civil Air Regulation, effective January 1, 1954.

Contrary provisions of the Civil Air Regulations notwithstanding, an airplane type certificated prior to June 30, 1942, may be used for the carriage of persons in scheduled overseas and foreign air transportation at a maximum landing weight not exceeding its maximum certificated take-off weight for passenger service: *Provided*, That such landing weight does not exceed the weight for which the structure has been substantiated in accordance with the structural requirements upon which the original certification was based: *Provided further*, That the airplane is operated in accordance with the operating limitations prescribed in Part 42 of the Civil Air Regulations as heretofore or hereafter amended, for aircraft not certificated in the transport category: *And provided further*, That if an air carrier elects to operate aircraft under the provisions of this Special Civil Air Regulation it shall be required that all of its aircraft of the same or related types be operated thereunder.

This Special Civil Air Regulation shall supersede Special Civil Air Regulation SR–356 and terminate on June 30, 1954, unless sooner rescinded or superseded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53–10786; Filed, Dec. 28, 1953; 8:50 a. m.]

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[Reg. SR–391B]

## PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SPECIAL CIVIL AIR REGULATION; EXTENSION OF DATE FOR APPLICATION OF TRANSPORT CATEGORY PERFORMANCE REQUIREMENTS TO C–46 TYPE AIRPLANE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of December 1953.

Special Civil Air Regulation SR–391 permits operators of C–46 type aircraft used in the carriage of passengers to operate at a maximum certificated takeoff weight of 44,300 pounds except for those airplanes having a certain type propeller which are allowed an additional 1,000 pounds. Special Civil Air Regulation SR–391 permits such operation only until January 1, 1954.

For the past several years it has been anticipated that after December 31, 1953, all airplanes used in irregular passenger operation shall comply with the transport category requirements of Parts 4a or 4b and with transport category operating limitations. This provision, which was identical to provisions in Parts 40 and 41 of the Civil Air Regulations, was intended to require nontransport category airplanes, principally the Douglas DC–3, the Lockheed L–18, and the Curtiss C–46, to comply with stricter requirements than those now in effect for passenger operations pursuant to Part 42. In the case of the C–46, these operations are further limited by Special Civil Air Regulation SR–391 which temporarily establishes a maximum certificated weight for this airplane of 44,300 pounds with an additional 1,000 pounds for those airplanes having certain type propellers.

Tests are currently being conducted with the C–46, incorporating certain modifications which are designed to improve performance and the general safety of operation. These tests are being conducted by the Aircraft Engineering Foundation, representing the C–46 operators, which has requested that the Board extend the present applicable regulations until June 30, 1954. It is stated that these tests will be completed soon and that the results will be presented to the Civil Aeronautics Administration for appraisal in the early part of 1954. In consideration of the foregoing, SR–391 is being extended to not later than March 31, 1954; which, in view of the ample notice which has been given for consideration by the industry of the factors involved in the continued use of nontransport category airplanes in passenger operations, should constitute sufficient time for presentation to and consideration by the Board of the necessary data derived from the tests.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all the relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Special Civil Air Regulation SR–391, effective immediately:

By amending paragraph 1 of Special Civil Air Regulation SR–391 by deleting the date "January 1, 1954" and inserting in lieu thereof the date "April 1, 1954".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53–10787; Filed, Dec. 28, 1953; 8:50 a. m.]

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[Civil Air Reg., Amdt. 42–19]

## PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

EXTENSION OF DATE FOR REQUIREMENT OF APPROVED TYPE RADIO EQUIPMENT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of December 1953.

This amendment to Part 42 of the Civil Air Regulations extends the date by which approved type radio equipment must be installed in airplanes used in operations conducted under Part 42.

Part 42 requires that after December 31, 1953, radio equipment used in large airplanes operated under this part shall be of an approved type. This requirement was adopted in August 1951, and thus allowed two years for the type certification of equipment then being used by many carriers operating under this part. Although the Civil Aeronautics Administration and industry groups have been working on the type certification of this equipment for some time, it is not expected that this will be completed until early in 1954. The Board has been requested, therefore, to extend the date by which the requirement for approved radio equipment must be met. In view of the fact that an extension of the date by which nontransport category airplanes must comply with transport category requirements is being granted until March 31, 1954, the Board has determined that the requirement that large airplanes operating under Part 42 be equipped with approved type radio equipment should also be extended to that date. This will permit sufficient time for the type certification of the equipment used by many operators conducting operations under this part.

Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) effective immediately:

By amending § 42.23 by deleting the date "December 31, 1953" and inserting in lieu thereof the date "March 31, 1954".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53–10784; Filed, Dec. 28, 1953; 8:50 a. m.]

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[Civil Air Regs., Amdt. 42–20]

## PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

EXTENSION OF DATE REQUIRING NONTRANSPORT CATEGORY AIRPLANES USED IN PASSENGER OPERATIONS TO COMPLY WITH STANDARDS OTHER THAN THOSE CURRENTLY IN EFFECT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of December 1953.

This amendment to Part 42 of the Civil Air Regulations extends the date by which nontransport category airplanes must comply with transport category rules.

Section 42.15 (c) for the past several years has stated that after December 31, 1953, all airplanes used in irregular passenger operation shall comply with the transport category requirements of Parts 4a or 4b and with transport category operating limitations. This provision, which was identical to provisions in Parts 40 and 41 of the Civil Air Regulations, was intended to require nontransport category airplanes, principally the Douglas DC–3, the Lockheed L–18, and the Curtiss C–46, to comply with stricter requirements than those now in effect for passenger operations pursuant to Part 42. In the case of the C–46, these operations are further limited by Special Civil Air Regulation SR–391, which temporarily establishes a maximum certificated weight for this airplane of 44,300 pounds with an additional 1,000 pounds for those airplanes having certain type propellers.

Tests are currently being conducted with the C–46, incorporating certain modifications which are designed to improve performance and the general safety of operation. These tests are being conducted by the Aircraft Engineering Foundation, representing the C–46 operators, who have requested that the Board extend the present applicable regulations until June 30, 1954. It is stated that these tests will be completed soon and that the results will be presented to the Civil Aeronautics Administration for appraisal in the early part of 1954. In consideration of the foregoing, the compliance date in Part 42 is being extended to not later than March 31, 1954; which, in view of the ample notice which has been given for consideration by the industry of the factors involved in the continued use of nontransport category airplanes in passenger operations, should constitute sufficient time for presentation to and consideration by the Board of the necessary data derived from the tests.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all the relevant matter presented. Since this amendment imposes no additional burden on any person, it may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) effective immediately:

By amending § 42.15 (c) by deleting the date "December 31, 1953" and inserting in lieu thereof the date "March 31, 1954".

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 604; 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53–10785; Filed, Dec. 28, 1953; 8:50 a. m.]

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[Reg. No. PR–23]

## PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

REDESIGNATION OF THE OFFICE OF ENFORCEMENT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 22d day of December 1953.

Effective November 23, 1953, the Office of Enforcement of the Civil Aeronautics Board was redesignated and renamed the Office of Compliance. Accordingly, it is appropriate to amend the rules of practice of the Civil Aeronautics Board to reflect this change by referring therein to the "Office of Compliance" and "Compliance Attorney" rather than "Office of Enforcement" and "Enforcement Attorney".

Since this amendment is not a substantive rule but one of agency organization and procedure, notice and public procedure hereon are unnecessary and the amendment may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR 302) as follows:

1. By substituting the term "Office of Compliance" for "Office of Enforcement" in §§ 302.201, 302.203, 302.205, 302.206 (a), (b) and (c), and § 302.215.

2. By substituting the term "Compliance Attorney" for "Enforcement Attorney" in §§ 302.9, 302.28, 302.30, 302.205 and 302.210.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interpret or apply § 1001; 52 Stat. 1017; 49 U. S. C. 641)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53–10782; Filed, Dec. 28, 1953; 8:50 a. m.]

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# TITLE 7—AGRICULTURE

## Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

[Sugar Reg. 811]

## PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

REQUIREMENTS AND QUOTAS FOR 1954

*Correction*

In Federal Register Document 53–10487, published at page 8257 of the issue for Thursday, December 17, 1953, the following change is made:

In § 811.65 (b) (2) the headnote of the list (corrected erroneously at 18 F. R. 8563) should read: "*Direct-consumption sugar, pounds, raw value*".

# TITLE 20—EMPLOYEES' BENEFITS

## Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regulations 4, further amended]

## PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950——)

WAGE REPORTS AND CONTRIBUTION RETURNS

Section 404.1250 of Regulations No. 4, as amended (20 CFR, 1952 Supp., 404.1250), is amended by adding a new paragraph (c) to read:

§ 404.1250 *Wage reports and contribution returns.* * * *

(c) *Filing of wage reports and contribution returns with directors of internal revenue.* (1) Where a State or any of its political subdivisions has in its employ individuals performing services for the State or a political subdivision of the State as members of a coverage group included under an agreement and such

individuals also regularly perform services identical in nature in the employ of employers who are subject to the provisions of subchapter A or E of chapter 9 of the Internal Revenue Code with respect to the wages paid by such employers for such services to such individuals, and where, with the approval of the Internal Revenue Service, the payment of the taxes and the filing of information returns required of employers under subchapter A or E of chapter 9 of the Internal Revenue Code are made for all such employers by an agent appointed by them, such State may, with respect to such individuals, elect to permit the agent of such employers to file tax and information returns with, and to make payment thereon to, a director of internal revenue in the manner and according to the conditions prescribed in regulations of the Internal Revenue Service relating to the employees' tax and the employers' tax under subchapter A or E of chapter 9 of the Internal Revenue Code.

(2) Where the Secretary has been furnished with written evidence to the effect that a State has made such an election and that the Commissioner of Internal Revenue has agreed to permit a director of internal revenue to accept and receive such contribution and information returns and payment of contributions, the filing of such tax and information returns with, and the payment of such contributions to, the director shall be deemed to be compliance with the requirements imposed upon the State by paragraph (a) of this section, except that nothing contained in this paragraph shall relieve any such State of its obligations and responsibilities under its agreement and the regulations in this subpart relative to its liability for the payments required under its agreement.

(Sec. 205, 49 Stat. 624, as amended, sec. 1102, 49 Stat. 647, sec. 218, 64 Stat. 514; 42 U. S. C. 405, 418, 1302. Interprets or applies sec. 218, 64 Stat. 514, 42 U. S. C. 418)

Dated: December 21, 1953.

[SEAL] JOHN W. TRAMBURG,
*Commissioner of Social Security.*

Approved: December 22, 1953.

NELSON A. ROCKEFELLER,
*Acting Secretary.*

[F. R. Doc. 53-10759; Filed, Dec. 23, 1953; 8:48 a. m.]

## TITLE 22—FOREIGN RELATIONS

### Chapter I—Department of State

[Dept. Reg. 108.206]

PART 44—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE REFUGEE RELIEF ACT OF 1953

AMENDMENTS TO REFUGEE REGULATIONS

Part 44, Chapter I, Title 22 of the Code of Federal Regulations, is hereby amended as follows:

1. Paragraph (a) *Submission of assurances*, of § 44.3, *Assurance of employment, housing, and against becoming a public charge*, is amended to read as follows:

(a) *Submission of assurances.* The assurance required by section 7 (a) of the act relating to employment, housing, and against becoming a public charge shall be given in writing by a responsible citizen or citizens of the United States. The assurance shall be (1) in such form and content as shall be prescribed by the Administrator; (2) accompanied by such documentary evidence as may be required by written instructions attached thereto; and (3) forwarded in triplicate to the Director of the Visa Office, Department of State, Washington 25, D. C. An assurance shall be the personal obligation of the individual citizen or citizens signing it. Several citizens may give individual assurances to cover the members of a family. Assurances which do not specifically identify the prospective employment and housing accommodation shall be considered blanket assurances and shall not be considered as meeting the requirements of section 7 of the act. The following assurance forms shall be used exclusively and may be obtained from the Visa Office of the Department of State, from any District Office of the Immigration and Naturalization Service, or from any voluntary or other recognized agency which performs services in connection with the immigration, settlement, or welfare of aliens:

Form DSR 1—Assurance by an individual sponsor for named alien.

Form DSR 2—Assurance by more than one sponsor for named alien.

Form DSR 3—Assurance by an individual sponsor for alien nominated by agent.

Form DSR 4—Assurance by more than one sponsor for alien nominated by agent.

2. Paragraph (f) *Procedure in case of unknown alien*, of § 44.3, *Assurance of employment, housing, and against becoming a public charge*, is amended to read as follows:

(f) *Procedure in case of unknown alien.* A United States citizen who desires to sponsor an unknown alien shall execute Form DSR–3 (Form DSR–4 if more than one sponsor) in an original and four copies and, in his discretion, may designate therein an individual or public or private agency or organization as his agent for the purpose of nominating the alien beneficiary of the assurance in accordance with its specifications. The original and three signed copies of the assurance shall be transmitted by the sponsor to the designated agent. At such time as an alien beneficiary has been nominated and the "Statement by Agent", annexed to the assurance form, has been properly completed by the agent, including the name of the nominated alien, the original and two signed copies of the assurance shall be forwarded to the Director of the Visa Office, Department of State, Washington 25, D. C. The assurance shall be accompanied by such documentary evidence as the attached instructions may require.

3. Paragraph (a) *Assurance of adoption and proper care*, of § 44.4, *Eligible orphans*, is amended to read as follows:

(a) *Assurance of adoption and proper care.* The assurance of adoption and proper care required by section 5 (b) of the act in the case of an orphan to be adopted in the United States shall be given in writing jointly by the adoptive United States citizen and spouse, and forwarded in triplicate (original and two signed copies) to the Director of the Visa Office, Department of State, Washington 25, D. C. Form DSR–5 shall be used in the case of an orphan known to the adoptive parents. Form DSR–6 shall be used in the case of an orphan to be selected by a designated agency. An assurance of adoption and proper care shall provide such information and be accompanied by such documentary evidence as may be required to satisfy the Administrator and the consular officer that (1) proper care will be provided the orphan in conformity with standards established by an appropriate public agency of the State in which the orphan will reside, (2) appropriate proceedings for the adoption of such orphan in the United States will be initiated and completed as soon as possible in accordance with the applicable State law, (3) no legal obstacle to a lawful adoption is known or believed to exist under the laws of the State of prospective adoption, (4) permission to bring the orphan into the State of prospective adoption has been obtained from the appropriate State agency, if such permission is necessary, (5) the orphan has been irrevocably released in writing for emigration and adoption in accordance with the law governing the relinquishment of a child for adoption in the country of the orphan's residence and the release is deemed acceptable to the court of prospective adoption, (6) a satisfactory investigation of the proposed adoptive home and parents has been made by a local child-care agency recognized by the State in which the orphan will reside, which investigation shall be compatible with the requirements, procedures and practices of the appropriate State welfare agency, (7) a satisfactory investigation in the country of the orphan's residence has been made by a qualified welfare agency concerning the orphan's mental and physical health, family background and other pertinent matters, and (8) arrangements have been made with an appropriate local agency or any other local child-care agency for the supervision of the orphan pending his legal adoption, and, in the event the adoption petition is denied by the court, for the assumption by such agency of responsibility for the care and resettlement of the orphan.

4. Paragraph (b) *Affidavit by social welfare agency*, of § 44.4 *Eligible orphans*, is amended to read as follows:

(b) *Statement by social welfare agency.* Every assurance of adoption and proper care given for an eligible orphan shall be a named assurance and shall be accompanied by a statement signed by a responsible officer of a national or other social welfare agency, recognized for such purpose by the Administrator, attesting to the authenticity and bona fides of the assurance, which statement shall be considered by the Administrator as a confirmation that the requirements and conditions, specified in paragraph (a) of this section, have been satisfied. The United States citizen and spouse who execute an assurance of adoption and proper care shall designate therein a recognized social welfare agency to provide the necessary statement. It shall be incumbent upon such agency to report to the appropriate State Department of Welfare whenever an eligible orphan is to be placed within the State, and to indicate in the report what local agency will assume responsibility for the supervision of the orphan pending his or her legal adoption.

5. Paragraph (c) *Procedure in case of unknown orphan*, of § 44.4, *Eligible orphans*, is amended to read as follows:

(c) *Procedure in case of unknown orphan.* In the case of an orphan who is not known to the adoptive parents, the United States citizen and spouse shall execute Form DSR–6 in an original and four copies and shall authorize therein the designated social welfare agency to act as their agent in the selection of an eligible orphan in accordance with the specifications of the assurance. The original of the assurance and three signed copies thereof shall be transmitted by the adoptive parents to the designated agency. At such time as an eligible orphan has been selected and the required statement has been executed by a responsible officer of the designated agency, the complete file in the case, including the original and two signed copies of the assurance, shall be forwarded to the Director of the Visa Office, Department of State, Washington 25, D. C.

6. Paragraph (e) *Procedure in case of orphan adopted abroad*, of § 44.4, *Eligible orphans*, is amended to read as follows:

(e) *Procedure in case of orphan adopted abroad.* In the case of an orphan who has been adopted abroad, the adoptive United States citizen and spouse shall execute Form DSR–5 only to the extent required in such form, and if residing abroad, may submit the original and one signed copy thereof directly to the consular officer to whom an application for an immigrant visa will be made in behalf of such orphan. In the event the adoptive parents of an orphan adopted abroad are residing in the United States, the executed Form DSR–5 shall be submitted in triplicate (original and two signed copies) to the Director of the Visa Office, Department of State, Washington 25, D. C.

(Sec. 4, 63 Stat. 111; 5 U. S. C. 151c)

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

Dated: December 21, 1953.

SCOTT MCLEOD,
*Administrator, Bureau of Security, Consular Affairs, and Personnel.*

[F. R. Doc. 53-10755; Filed, Dec. 28, 1953; 8:47 a. m.]



## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter XXI—Defense Rental Areas Division, Office of Defense Mobilization

[Rent Reg. 1, Amdt. 170 to Schedule A]

[Rent Reg. 2, Amdt. 168 to Schedule A]

RR 1—HOUSING
RR 2—ROOMS
SCHEDULE A—DEFENSE-RENTAL AREAS

TEXAS

Effective December 29, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that the item of Schedule A indicated below reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 23d day of December 1953.

GLENWOOD J. SHERRARD,
*Director,*
*Defense Rental Areas Division.*

(312) [Revoked and decontrolled.]

These amendments decontrol the following Defense-Rental Area, on the initiative of the Director, Defense Rental Areas Division, Office of Defense Mobilization, under section 204 (c) of the act: Del Rio (Texas) Defense-Rental Area.

* * * * *

[F. R. Doc. 53-10731; Filed, Dec. 28, 1953; 8:45 a. m.]

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[Rent Reg. 3, Amdt. 160 to Schedule A]

[Rent Reg. 4, Amdt. 104 to Schedule A]

RR 3—HOTELS
RR 4—MOTOR COURTS
SCHEDULE A—DEFENSE-RENTAL AREAS

TEXAS

Effective December 29, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that the item of Schedule A indicated below reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 23d day of December 1953.

GLENWOOD J. SHERRARD,
*Director,*
*Defense Rental Areas Division.*

(312) [Revoked and decontrolled.]

These amendments decontrol the following Defense-Rental Area, on the initiative of the Director, Defense Rental Areas Division, Office of Defense Mobilization, under section 204 (c) of the act: Del Rio (Texas) Defense-Rental Area.

* * * * *

[F. R. Doc. 53-10732; Filed, Dec. 28, 1953; 8:45 a. m.]

## TITLE 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regulations 20]

PART 194—WHOLESALE AND RETAIL DEALERS IN LIQUORS

*Preamble.* 1. These regulations "Regulations 20, Wholesale and Retail Dealers in Liquors" (26 CFR, Part 194), are a republication of Regulations 20, 1940 edition (26 CFR, Part 194), as amended to date by approved Treasury decisions.

2. These regulations, except for the revision of one section to conform with the delegation of authority made in IR-Mimeograph No. 232, dated July 6, 1953, consist only of previously approved material but the text has been rearranged and renumbered to conform to the Federal Register Regulations (13 F. R. 5929).

3. This republication of these regulations shall not affect or limit any act done or any liability previously incurred, or any suit, action or proceeding had or commenced in any civil, administrative, or criminal cause and proceeding prior to the date of republication, nor shall this republication release, acquit, affect, or limit any offense committed in violation of these regulations prior to republication, or any penalty, liability or forfeiture incurred prior to such date.

4. It is found that compliance with the notice and public rule-making procedure of section 4 (a) and the effective date limitations of section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1001, et seq.) is unnecessary in connection with the republication of the regulations in this part for the reason that the changes made relate merely to form and not substance.

Sec.


194.0 Statutory provisions.
194.0–1 Departmental regulations.
194.0–2 Stamps for containers of distilled spirits.
194.0–3 Signs of distillers, rectifiers, and wholesale liquor dealers.
194.0–4 Books of rectifiers and wholesale dealers.
194.0–5 Exemption of States from provisions of section 2857.
194.0–6 Limitation on purchases by rectifiers and dealers.
194.0–7 Regulation of traffic in containers of distilled spirits.
194.0–8 Exemption of industrial alcohol plants and warehouses from certain laws.
194.0–9 Taxability of denatured alcohol or articles produced, transferred, used, or sold in violation of law or regulations.
194.0–10 Penalties and forfeitures.
194.0–11 Tax.
194.0–12 Casual sales.
194.0–13 Retail liquor dealers' records.
194.0–14 Penalties and forfeitures for nonpayment of special tax.
194.0–15 Definitions.
194.0–16 Liability in case of business in more than one location.
194.0–17 Registration.
194.0–18 Payment of tax.
194.0–19 Returns.
194.0–20 Stamps.
194.0–21 Penalties relating to posting of special tax stamp.
194.0–22 List of special-taxpayers for public inspection.
194.0–23 Application of State laws.
194.0–24 Liability of partners.
194.0–25 Liability in case of business in more than one location.
194.0–26 Liability in case of different businesses of same ownership and location.
194.0–27 Liability in case of death or change of location.
194.0–28 Establishment and alteration.
194.0–29 Redemption of stamps.
194.0–30 Period of limitation upon refunds and credits.
194.0–31 Entry of premises for examination of taxable objects.

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194.0–32 Returns executed by Commissioner or Collector.
194.0–33 Extension of time for filing returns.
194.0–34 Payment by check and money orders.
194.0–35 Receipts for taxes.
194.0–36 Authority to make abatements, credits, and refunds.
194.0–37 Rules and regulations.
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194.2 Territorial extent.

Subpart B—Definitions

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194.6 Assistant Regional Commissioner.
194.7 Commissioner.
194.8 District Director.
194.9 Fiscal year.
194.10 Gallon.
194.11 I. R. C.
194.12 Person.
194.13 U. S. C.

Subpart C—Special Taxes

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194.32 Wholesale sales by retail dealers in malt liquors.
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194.193 Sales of entire stock by retail liquor dealer in liquidation.
194.194 Sales of entire stock by retail malt liquor dealer in liquidation.
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Authority: §§ 194.1 to 194.261 issued under 53 Stat. 375, 467; 26 U. S. C. 3176, 3791. Other statutory provisions interpreted or applied are cited to the text in parenthesis.

§ 194.0 *Statutory provisions.* The provisions of law having more common application to wholesale and retail dealers in liquors are contained in §§ 194.0–1 to 194.0–41.

§ 194.0–1 *Departmental regulations.*

5 U. S. C. 22. Departmental regulations.

The head of each department is authorized to prescribe regulations, not inconsistent with law, for the government of his department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers and property appertaining to it.

§ 194.0–2 *Stamps for containers of distilled spirits.*

26 U. S. C. 2803. Stamps for containers of distilled spirits.

(a) *Requirement.* No person shall transport, possess, buy, sell, or transfer any distilled spirits, unless the immediate container thereof has affixed thereto a stamp denoting the quantity of distilled spirits contained therein and evidencing payment of all internal-revenue taxes imposed on such spirits. The provisions of this section shall not apply to—

(1) Distilled spirits placed in a container for immediate consumption on the premises or for preparation for such consumption;

(2) Distilled spirits in bond or in customs custody;

(3) Distilled spirits in immediate containers required to be stamped under existing law;

(4) Distilled spirits in actual process of rectification, blending, or bottling, or in actual use in processes of manufacture;

(5) Distilled spirits on which no internal-revenue tax is required to be paid;

(6) Distilled spirits not intended for sale or for use in the manufacture or production of any article intended for sale; or

(7) Any regularly established common carrier receiving, transporting, delivering, or holding for transportation or delivery distilled spirits in the ordinary course of its business as a common carrier.

(b) *Purchase and supply.* Any person placing or intending to place any distilled spirits upon which all internal-revenue taxes have been paid into any container upon which a stamp is required by this section, or withdrawing or intending to withdraw any imported spirits in such containers from customs custody, shall be entitled to purchase sufficient stamps for stamping such containers. Such stamps shall be issued by the Commissioner to each Collector, upon his requisition, in such numbers as may be necessary in his district, and shall be sold by the Collectors to persons entitled thereto upon application therefor and compliance with regulations under this section, at a price of 1 cent for each stamp, except that in the case of stamps for containers of less than one half pint the price shall be one quarter of 1 cent for each stamp. When in his judgment there is no danger to the revenue, and upon the giving of such bonds or other security as he may deem necessary, the Commissioner may authorize the sale of such stamps to importers for stamping containers in the country from which imported.

(c) *Unused stamps; exchange, refund, etc.* The Commissioner of Internal Revenue, under regulations prescribed by him and approved by the Secretary of the Treasury, may redeem or make allowance for any unused stamps issued under section 203 of the Liquor Taxing Act of 1934 or subsection (b) of this section by exchanging them for other stamps of the same kind or by refunding moneys received therefor: *Provided*, That stamps may be exchanged or the value thereof refunded only in quantities of the value of $5 or more: *And provided further*, That no claim for the exchange of strip stamps or refund therefor shall be allowed unless presented within two years after the date on which such stamps were lawfully issued. There are hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this provision.

(d) *Regulations for issuing, affixing, and canceling stamps.* The Commissioner, with the approval of the Secretary, shall prescribe (a) regulations with respect to the time and manner of applying for, issuing, affixing, and destroying stamps required by this section, the form and denominations of such stamps, proof that applicants are entitled to such stamps, and the method of accounting for receipts from the sale of such stamps, and (b) such other regulations as he shall deem necessary for the enforcement of this section.

(e) *Destruction of stamps.* Every person emptying any container stamped under the provisions of this section shall at the time of emptying such container destroy the stamp thereon.

(f) *Forfeiture of spirits.* All distilled spirits found in any container required to bear a stamp by this section, which container is not stamped in compliance with this section and regulations issued thereunder, shall be forfeited to the United States.

(g) *Penalties.* Any person who violates any provision of this section, or who, with intent to defraud, falsely makes, forges, alters, or counterfeits any stamp made or used under this section, or who uses, sells, or has in his possession any such forged, altered, or counterfeited stamp, or any plate or die used or which may be used in the manufacture thereof, or any stamp required to be destroyed by this section, or who makes, uses, sells, or has in his possession any paper in imitation of the paper used in the manufacture of any such stamp, or who reuses any stamp required to be destroyed by this section, or who places any distilled spirits in any bottle which has been filled and stamped under this section without destroying the stamp previously affixed to such bottle, or who affixes any stamp issued under this section to any container of distilled spirits on which any tax due is unpaid, or who makes any false statement in any application for stamps under this section, or who has in his possession any such stamps obtained by him otherwise than as provided in subsection (b), shall on conviction be punished by a fine not exceeding $1,000, or by imprisonment at hard labor not exceeding five years, or by both. Any officer authorized to enforce any provisions of law relating to internal revenue stamps is authorized to enforce the provisions of this section and the provisions of section 2909 relating to the bottling of distilled spirits in bond.

(h) *Transfer of duties.* For transfer of duties and powers of the Commissioner and his agents, see section 3170.

§ 194.0–3 *Signs of distillers, rectifiers, and wholesale liquor dealers.*

26. U. S. C. 2831. Signs of distillers, rectifiers, and wholesale liquor dealers.

Every person engaged in distilling or rectifying spirits, and every wholesale liquor dealer, shall place and keep conspicuously






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194.291 Agents and auctioneers.
194.292 Selling or offering for sale.
194.293 Single sale.
194.294 Brokers or agents.
194.295 Classification of brewers.
194.296 Brewers liable.
194.297 Lawful sales by brewers.
194.298 Wholesale sales by brewers.
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194.360 Special tax rates.
194.361 Date special tax is due.
194.362 Computation of special tax.
194.363 Filing of return and payment of special tax.
194.364 Method of payment.

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194.366 Execution of Form 11.
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194.460 Claims.
194.461 Time limit on filing of claim.
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Subpart CC—Maintenance of Records and Posting of Signs

Wholesale Dealer Records

194.470 General requirements, Record 52.
194.471 Warehouse receipts, Form 52F.
194.472 Dealer selling beer at retail only.
194.473 Dealers not selling beer.
194.474 Proprietors.
194.475 Entries on Record 52.
194.476 Entry of miscellaneous items.
194.477 Separate record of name of brewer.
194.478 Separate record of serial numbers of cases.
194.479 Form of separate records.
194.480 Place where Record 52 shall be kept; general.
194.481 Exception.
194.482 Place where Form 52–F shall be kept.
194.483 Requirements when wholesale dealer maintains a retail department.
194.484 Records to be kept by States.

Retail Dealers

194.485 Requirements where wholesale department is kept.
194.486 Requirements for dealers in beer.

Reports

194.487 Time of filing.
194.488 No transactions during month.
194.489 Discontinuance of business.

Report of Third Party Transactions

194.490 Additional requirements.
194.491 Shipment or delivery to third party.

Procurement of Forms

194.492 Forms to be provided by users at own expense.

Posting of Signs

194.493 By wholesalers.
194.494 By retailers.

Subpart DD—Miscellaneous

194.500 Purchase or sale of used containers.
194.501 Reuse or refilling containers.
194.502 Possession of used containers.
194.503 Tapping of beer barrels and kegs.




Authority: §§ 194.0–39 to 194.503 issued under 53 Stat. 375, 467; 26 U. S. C. 3176, 3791. Other statutory provisions interpreted or applied are cited to the text in parenthesis.

§ 194.0 *Statutory provisions.* The provisions of law having more common application to brewers are contained in §§ 194.0–39 to 194.0–41.

§ 194.0–39 *Definitions.* When used in this part and in forms prescribed thereunder, unless the context otherwise requires, the following terms shall have the meanings ascribed to them in this section:

(a) *Assistant Regional Commissioner.* The Assistant Regional Commissioner, Alcohol and Tobacco Tax, Internal Revenue Service, for the region in which the brewer is located.

(b) *Beer.* Beer, ale, porter, stout, and other similar fermented beverages (including sake or similar products) containing not more than 24 per centum of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

(c) *Brewer.* Any person who brews beer or produces beer, except for personal consumption.

(d) *Commissioner.* The Commissioner of Internal Revenue, Internal Revenue Service, Treasury Department, Washington, D. C.

(e) *District Director.* The District Director of Internal Revenue, Internal Revenue Service, for the district in which the brewer is located.

(f) *Fiscal year.* The period beginning July 1 and ending June 30.

(g) *Gallon.* The wine gallon of 231 cubic inches.

(h) *I. R. C.* The Internal Revenue Code.

(i) *Person.* A partnership, association, company, or corporation, as well as a natural person.

(j) *U. S. C.* The United States Code.

§ 194.0–40 *Delegation of authority.* The Commissioner is authorized by the Secretary of the Treasury to perform the functions vested in the Secretary of the Treasury by the provisions of law relating to the taxation of beer, except the power to make regulations and the power to make recommendations to the Congress.

§ 194.0–41 *Forms prescribed.* The Commissioner is authorized to prescribe all forms required by this part.

on the outside of the place of such business a sign, exhibiting in plain and legible letters, not less than three inches in length, painted in oil-colors or gilded, and of a proper and proportionate width, the name or firm of the distiller, rectifier, or wholesale dealer, with the words: "Registered distillery," "rectifier of spirits," or "wholesale liquor dealer," as the case may be. Every person who violates the foregoing provision by negligence or refusal, or otherwise, shall pay a penalty of $500.

And every person, other than a rectifier or wholesale liquor dealer who has paid the special tax, or a distiller who has given bond as required by law, who puts up or keeps up the sign required by this section, or any sign indicating that he may lawfully carry on the business of a distiller, rectifier, or wholesale liquor dealer, shall forfeit and pay $1,000, and shall be imprisoned not less than one month nor more than six months. And every person who works in any distillery, rectifying establishment, or wholesale liquor store, on which no sign is placed and kept, as hereinbefore provided; and every person who knowingly receives at, carries or conveys any distilled spirits to or from, any such distillery, rectifying establishment, warehouse, or store, or who knowingly carries and delivers any grain, molasses, or other raw material to any distillery on which such sign is not placed and kept, shall forfeit all horses, carts, drays, wagons, or other vehicle or animal used in carrying or conveying such property aforesaid, and shall be fined not less than $100 nor more than $1,000, or be imprisoned not less than one month nor more than six months.

### § 194.0–4 *Books of rectifiers and wholesale dealers.*

26 U. S. C. 2857. BOOKS OF RECTIFIERS AND WHOLESALE DEALERS.

(a) *Requirements.* Every rectifier and every wholesale liquor dealer who sells, or offers for sale, distilled spirits in quantities of five wine-gallons or more to the same person at the same time shall keep daily, at his place of business covered by his special tax stamp, a record of distilled spirits received and disposed of by him, and shall render under oath correct transcripts and summaries of such records: *Provided*, That the Commissioner may in his discretion require such record to be kept at the place where the spirits are actually received and sent out. The records shall be kept and the transcripts shall be rendered in such form, and under such rules and regulations as the Commissioner, with the approval of the Secretary, may prescribe.

The records required to be kept under the provisions of this section and regulations issued pursuant thereto, shall be preserved for a period of four years, and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

Every rectifier and wholesale liquor dealer who refuses or neglects to keep such records in the form prescribed by the Commissioner, with the approval of the Secretary, or to make entries therein, or cancels, alters, or obliterates any entry therein (except for the purpose of correcting errors) or destroys any part of such records, or any entry therein, or makes any false entry therein, or hinders or obstructs any internal revenue officer from inspecting such records or taking any abstracts therefrom, or neglects or refuses to preserve or produce such records as required by this chapter or by regulations issued pursuant thereto, shall pay a penalty of $100 and, on conviction, shall be fined not less than $100 nor more than $5,000, and be imprisoned not less than three months nor more than three years.

Every rectifier and wholesale liquor dealer who refuses or neglects to render transcripts or summaries in the form required by the Commissioner, with the approval of the Secretary, shall, upon conviction, be fined not more than $100 for each such neglect or refusal.

(b) *Transfer of Duties.* For transfer of powers and duties of Commissioner and his agents, see section 3170.

### § 194.0–5 *Exemption of States from provisions of section 2857.*

26 U. S. C. 2858. EXEMPTION OF STATES FROM PROVISIONS OF SECTION 2857.

The provisions of section 2857 shall not apply to States and Commonwealths and liquor stores operated by such States and Commonwealths that maintain and make available to inspection by internal-revenue officers such records as will enable such officers to readily trace all distilled spirits received and disposed of by them: *Provided*, That such States and Commonwealths, and the liquor stores operated by them, shall, upon the request of the Commissioner, furnish to the Commissioner such transcripts, summaries, and copies of their records as he shall require.

### § 194.0–6 *Limitation on purchases by rectifiers and dealers.*

26 U. S. C. 2860. LIMITATION ON PURCHASES BY RECTIFIERS AND DEALERS.

It shall not be lawful for any rectifier of distilled spirits, or wholesale or retail liquor dealer, to purchase or receive any distilled spirits in quantities greater than twenty gallons from any person other than an authorized rectifier of distilled spirits, distiller, or wholesale liquor dealer. Every person who violates this section shall forfeit and pay $1,000: *Provided*, That this provision shall not be held to apply to judicial sales, or to sales at public auction made by an auctioneer, or to sales upon which no special tax accrues as enumerated and provided for in section 3251. This section shall not be held to prohibit a rectifier or liquor dealer from purchasing, in quantities greater than twenty wine-gallons, the distilled spirits sold in one parcel as provided in section 3251 (c).

### § 194.0–7 *Regulation of traffic in containers of distilled spirits.*

26 U. S. C. 2871. REGULATION OF TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS.

Whenever in his judgment such action is necessary to protect the revenue, the Secretary is authorized, by the regulations prescribed by him, and permits issued thereunder if required by him (1) to regulate the size, branding, marking, sale, resale, possession, use, and re-use of containers (of a capacity of less than five wine-gallons) designed or intended for use for the sale at retail of distilled spirits (within the meaning of such term as it is used in section 2803) for other than industrial use, and (2) to require, of persons manufacturing, dealing in, or using any such containers, the submission to such inspection, the keeping of such records, and the filing of such reports as may be deemed by him reasonably necessary in connection therewith. Whoever willfully violates the provisions of any regulation prescribed, or the terms or conditions of any permit issued, pursuant to the authorization contained in this section, and any officer, director, or agent of any corporation who knowingly participates in such violation, shall, upon conviction, be fined not more than $1,000 or be imprisoned for not more than two years, or both; and, notwithstanding any criminal conviction, the containers involved in such violation shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for forfeitures, seizures, and condemnations for violations of the internal-revenue laws, and any such containers so seized and condemned shall be destroyed and not sold. Any requirements imposed under this section shall be in addition to any other requirements imposed by, or pursuant to, law, and shall apply as well to persons not liable for tax under the internal-revenue laws as to persons so liable.

### § 194.0–8 *Exemption of industrial alcohol plants and warehouses from certain laws.*

26 U. S. C. 3103. EXEMPTION OF INDUSTRIAL ALCOHOL PLANTS AND WAREHOUSES FROM CERTAIN LAWS.

Industrial alcohol plants and bonded warehouses established under the provisions of this part shall be exempt from the provisions of sections 3154, 3244, 3258, 3259, 3260, 3263, 3264, 3266, 3267, 3268, 3269, 3271, 3273, 3274, 3275, 3279, 3280, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3302, 3303, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3314, and 3327 of the Revised Statutes; sections 48 to 60, inclusive, and sections 62 and 67 of the Act of August 27, 1894 (Twenty-eighth Statutes, pages 563 to 568), as such sections existed on October 28, 1919, and from such other provisions of laws existing on October 28, 1919, relating to distilleries and bonded warehouses as may, by regulations, be declared inapplicable to industrial alcohol plants and bonded warehouses established under this subchapter.

Regulations may be made embodying any provision of the sections above enumerated.

### § 194.0–9 *Taxability of denatured alcohol or articles produced, transferred, used, or sold in violation of law or regulations.*

26 U. S. C. 3111. TAXABILITY OF DENATURED ALCOHOL OR ARTICLES PRODUCED, TRANSFERRED, USED, OR SOLD IN VIOLATION OF LAW OR REGULATIONS.

Any person who shall produce, withdraw, sell, transport, or use denatured alcohol, denatured rum, or articles in violation of laws or regulations now or hereafter in force pertaining thereto, and all such denatured alcohol, denatured rum, or articles shall be subject to all provisions of law pertaining to alcohol that is not denatured, including those requiring the payment of tax thereon; and the person so producing, withdrawing, selling, transporting, or using the denatured alcohol, denatured rum, or articles shall be required to pay such tax.

### § 194.0–10 *Penalties and forfeitures.*

26 U. S. C. 3159, PENALTIES AND FORFEITURES.

(a) *Evasion of tax or noncompliance with requirements on brewers.* Every owner, agent, or superintendent of any brewery, vessels, or utensils used in making fermented liquors, who evades or attempts to evade the payment of the tax thereon, or fraudulently neglects or refuses to make true and exact entry and report of the same in the manner required by law, or to do, or cause to be done, any of the things by law required to be done by him, or who intentionally makes false entry in said book or in said statement, or knowingly allows or procures the same to be done, shall—

(1) *Forfeitures.* Forfeit, for every such offense, all the liquors made by him or for him, and all the vessels, utensils, and apparatus used in making the same, and

(2) *Penalties.* Be liable to a penalty of not less than $500 nor more than $1,000, to be recovered with costs of suit, and shall be deemed guilty of a misdemeanor, and be imprisoned for a term not exceeding one year.

(b) *Neglect to keep books or furnish accounts.* Every brewer who neglects to keep books or refuses to furnish the account and duplicate thereof as provided by law, or refuses to permit the proper officer to examine the books in the manner provided, shall, for every such refusal or neglect, forfeit and pay the sum of $300.

(c) *Flagrant and willful removal of malt liquors without tax payment.* For flagrant and willful removal of taxable malt liquors for consumption or sale, without payment of tax thereon, all the right, title, and interest of each person, who has knowingly suffered or permitted such removal or has connived at the same, in the lands and buildings constituting the brewery premises and bottling house shall be forfeited by a proceeding in rem in the District Court of the United States having jurisdiction thereof.

(d) *Fraud or neglect in affixing or canceling stamps.* Every brewer who refuses or neglects to affix and cancel, in the manner provided under section 3152 (b), the stamps required by law, or who affixes a false or fraudulent stamp, or knowingly permits the same to be done, shall pay a penalty of $100 for each hogshead, barrel, or keg on which such omission or fraud occurs, and be imprisoned not more than one year.

(e) *Sale, removal, or receipt without proper stamp or permit.* Whenever any brewer, cartman, agent for transportation, or other person, sells, removes, receives, or purchases, or in any way aids in the sale, removal, receipt, or purchase, of any fermented liquor contained in any hogshead, barrel, keg, or other vessel from any brewery or brewery warehouse, upon which the stamp, or permit, in case of removal, required by law, has not been affixed, or on which a false or fraudulent stamp, or permit, in case of removal, is affixed, with knowledge that it is such, or on which a stamp, or permit, in case of removal, once canceled, is used a second time, he shall be fined $100 and imprisoned for not more than one year.

(f) *Withdrawal from improperly stamped containers or without destroying stamps, penalty.* Whenever any retail dealer, or other person, withdraws or aids in the withdrawal of any fermented liquor from any hogshead, barrel, keg, or other vessel containing the same, without destroying or defacing the stamp affixed thereon, or withdraws or aids in the withdrawal of any fermented liquor from any hogshead, barrel, keg, or other vessel, upon which the proper stamp has not been affixed or on which a false or fraudulent stamp is affixed, he shall be fined $100 and imprisoned not more than one year.

(g) *Counterfeiting stamps and permits and trafficking in used stamps, penalty.* Every person who makes, sells, or uses any false or counterfeit stamp or permit, or die for printing or making stamps or permits, which is in imitation of or purports to be a lawful stamp, permit, or die of the kind before mentioned in this chapter, or who procures the same to be done, and every person who shall remove, or cause to be removed, from any cask or package of fermented liquors, any stamp denoting the tax thereon, with intent to reuse such stamp, or who, with intent to defraud the revenue, knowingly uses, or permits to be used, any stamp removed from another cask or package, or receives, buys, sells, gives away, or has in his possession, any stamp so removed, or makes any fraudulent use of any stamp for fermented liquors, shall be fined not less than $100 nor more than $1,000, and imprisoned not less than six months nor more than three years.

(h) *Possession with tax not paid, forfeiture.* The ownership or possession by any person of any fermented liquor after its sale or removal from the brewery or warehouse, or other place where it was made, upon which the tax required has not been paid, shall render such liquor liable to seizure wherever found, and to forfeiture, removal under said permits excepted.

And the absence of the proper stamps from any hogshead, barrel, keg, or other vessel containing fermented liquor, after its sale or removal from the brewery where it was made, or warehouse as aforesaid, shall be notice to all persons that the tax has not been paid thereon, and shall be prima facie evidence of the nonpayment thereof.



(i) *Removal or defacement of stamps by others than the owner.* Every person, other than the purchaser or owner of any fermented liquor, or person acting on his behalf, or as his agent, who intentionally removes or defaces the stamp or permit affixed upon the hogshead, barrel, keg, or other vessel, in which the same is contained, shall be liable to a fine of $50 for each such vessel from which the stamp or permit is so removed or defaced, and to render compensation to such purchaser or owner for all damages sustained by him therefrom.

(j) *Fraudulent removal of bottled fermented malt liquors.* Any brewer or other person who removes or in any way aids in the removal from any brewery or brewery bottling house of any bottled fermented malt liquors on which the required tax has not been paid shall be fined $100 and imprisoned for not more than one year.

(k) *Intentional removal or defacement of manufacturer's marks on containers.* For penalty imposed for intentional removal or defacement of manufacturer's marks required upon a hogshead, barrel, keg, or other vessel containing fermented liquor, see section 3155 (f).

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### § 194.0–11 *Tax.*

26 U. S. C. 3250. TAX.

(a) *Wholesale dealers in liquors*—(1) *In general.* Wholesale dealers in liquors shall pay a special tax of $200.

(2) *Wholesale dealers in liquors dealing in wines or wines and malt liquors.* For the designation of wholesale dealers in liquors as wholesale dealers in wines or wholesale dealers in wines and malt liquors, and the issuance of the appropriate special tax stamps, see section 3254 (b).

(3) *Retailers selling at wholesale.* Except as provided in section 3254 (c) (2), a qualified retail dealer in liquors may not sell distilled spirits, wines, or malt liquors in quantities of five wine-gallons or more to the same person at the same time without incurring liability to special tax as a wholesale dealer in liquors.

(4) *Distillers selling at wholesale.* No distiller who has given the required bond and who sells only distilled spirits of his own production at the place of manufacture, or at the place of storage in bond, in the original packages to which the tax-paid stamps are affixed, shall be required to pay the special tax of a wholesale dealer in liquors on account of such sales.

(5) *Retail dealers in liquidation.* For exemption of retailers liquidating entire stock from payment of special tax as wholesalers, see section 3251 (c).

(6) *Creditors, fiduciaries, officers of court, and partners.* For exemption of creditors, fiduciaries, officers of court, and partners from the payment of any special tax by reason of casual sales, see section 3251 (a) and (b).

(b) *Retail dealers in liquors*—(1) *In general.* Except as provided in paragraph (3) of subsection (e), retail dealers in liquors shall pay a special tax of $50.

(2) *Retail drug stores or pharmacies.* The tax required to be paid by paragraph (1) shall in the case of a retail drug store or pharmacy making sales of liquors through a duly licensed pharmacist, be designated as a "medicinal spirits stamp tax."

(3) *Retail dealers in liquors dealing in wines or wines and malt liquors.* For the designation of retail dealers in liquors as retail dealers in wines and malt liquors, and the issuance of appropriate special tax stamps, see section 3254 (c) (1).

(4) *Wholesalers selling at retail.* A qualified wholesale dealer in liquors may not sell distilled spirits, wines, or malt liquors in quantities of less than five wine gallons without incurring liability to special tax as a retail dealer in liquors.

(5) *Creditors, fiduciaries, officers of court, and partners.* For exemption of creditors, fiduciaries, officers of court, and partners from the payment of any special tax by reason of casual sales, see section 3251 (a) and (b).

(c) *Brewers*—(1) *In general.* Brewers shall pay $110 in respect of each brewery: *Provided*, That any brewer of less than 500 barrels a year shall pay the sum of $55.

(2) *Cross reference.* For effect upon special tax of purchases or sales of malt liquors by brewers, see paragraph (3) of subsection (d).

(d) *Wholesale dealers in malt liquors*—(1) *In general.* Wholesale dealers in malt liquors shall pay a special tax of $100.

(2) *Retailers selling at wholesale.* A qualified retail dealer in malt liquors may not sell such liquors in quantities of five gallons or more to the same person at the same time without incurring liability to special tax as a wholesale dealer in malt liquors. No retail dealer in malt liquors shall be held to be a wholesale dealer in malt liquors solely by reason of sales of five gallons or more to the same person at the same time if such sales are for immediate consumption on the premises where sold.

(3) *Brewers selling at wholesale.* No brewer shall be obliged to pay special tax as a dealer by reason of selling in the original stamped hogsheads, barrels, or kegs, whether at the place of manufacture or elsewhere, malt liquors manufactured by him, or purchased and procured by him in his own hogsheads, barrels, or kegs, under provisions of section 3155 (f), but the quantity of malt liquors so purchased shall be included in calculating the liability to brewers' special tax of both the brewer who manufactures and sells the same and the brewer who purchases the same.

(4) *Retail dealers in liquidation.* For exemption of retailers liquidating entire stock from payment of special tax as wholesalers, see section 3251 (c).

(e) *Retail dealers in malt liquors*—(1) *In general.* Retail dealers in malt liquors shall pay a special tax of $22.

(2) *Wholesalers selling at retail.* A qualified wholesale dealer in malt liquors may not sell such liquors in quantities of less than five gallons without incurring liability to special tax as a retail dealer in malt liquors.

(3) *Persons selling to entertainments and outings.* Notwithstanding the provisions of this part, each person making sales of fermented malt liquor or wine to the members, guests, or patrons of bona-fide fairs, reunions, picnics, carnivals, or other similar outings, and each fraternal, civic, church, labor, charitable, benevolent, or ex-service men's organization making sales of fermented malt liquor or wine on the occasion of any kind of entertainment, dance, picnic, bazaar, or festival held by it, if such person or organization is not otherwise engaged in business as a wholesale or retail liquor dealer or as a wholesale or retail malt liquor dealer, shall pay, before any such sales are made and in lieu of the special taxes imposed by paragraph (1) of this subsection and of subsection (b) a special tax of $2.20 as a retail dealer in malt liquors, if fermented malt liquor only is sold, or a special tax of $2.20 as a retail dealer in liquors if wine only, or wine and fermented malt liquor only, are sold for each calendar month in which any such sales are made.

(4) *Brewers selling at retail.* No collection of special tax as a retail dealer in malt liquors shall be made from brewers for selling malt liquors of their own manufacture in the original stamped eighth-barrel packages.

(5) *Other provisions.* For other provisions relating to brewers as dealers, see paragraph (3) of subsection (d).

(6) *Transfer of duties.* For transfer of the powers and duties of the Commissioner and his agents, see section 3170.

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(g) *Winemakers.* Nothing in this chapter or chapter 26 shall be construed to impose a special tax upon winemakers who have qualified as such under the internal-revenue laws and regulations, and who sell wines of their own production where the same are made or at the general business office of such winemaker: *Provided,* That no winemaker shall have more than one place of business for the sale of such wine that shall be exempt from the special tax.

(h) *Apothecaries.* No special tax shall be imposed upon apothecaries as to wines or spirituous liquors which they use exclusively in the preparation or making up of medicines unfit for use for beverage purposes.

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(k) *Cross reference.* For transfer of the powers and duties of the Commissioner and his agents, see section 3170.

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§ 194.0–12 *Casual sales.*

26 U. S. C. 3251. CASUAL SALES.

(a) *By creditors, fiduciaries, and officers of court.* No special tax shall be held to accrue on a sale of distilled spirits, wines, or malt liquors made by a person who is not otherwise a dealer in liquors, where such spirits, wines, or liquors have been received by the person so selling as security for or in payment of a debt, or as executor, administrator, or other fiduciary, or have been levied on by any officer, under order or process of any court or magistrate, and where such spirits are sold by such person in one parcel only, or at public auction in parcels not less than twenty wine-gallons.

(b) *By retiring or deceased partners to incoming or remaining partners.* No special tax shall be held to accrue on a sale of distilled spirits, wines, or malt liquors made by a retiring partner, or the representatives of a deceased partner to the incoming, remaining, or surviving partner or partners of a firm.

(c) *By retail dealers in liquidation.* The special tax of a wholesale dealer in liquors or wholesale dealer in malt liquors shall not be held to apply to a retail dealer in liquors or a retail dealer in malt liquors, because of such retail dealer selling out his entire stock of liquors in one parcel, or in parcels embracing not less than his entire stock of distilled spirits, of wines, or of malt liquors. Section 2860 shall not be held to prohibit a rectifier or liquor dealer from purchasing, in quantities greater than twenty wine-gallons, the distilled spirits sold in one parcel as aforesaid.

§ 194.0–13 *Retail liquor dealers' records.*

26 U. S. C. 3252. RETAIL LIQUOR DEALERS' RECORDS.

(a) *Requirement.* Each retail liquor dealer shall provide at his own expense, and keep in his place of business, a record in book form, or shall keep all invoices of, and bills for, all distilled spirits, wines, and fermented malt liquors received, the quantity thereof, and from whom and the date when received.

(b) *Inspection.* Such records, invoices, and bills shall be open to inspection during the usual business hours of the retailer by Government officers upon identification and request.

(c) *Preservation.* Such records, invoices, and bills shall be kept for a period of two years after the time of the transactions to which they relate.

(d) *Penalty.* For each willful violation of the provisions hereof the retailer shall be subject to a fine of $25.

§ 194.0–14 *Penalties and forfeitures for nonpayment of special tax.*

26 U. S. C. 3253. PENALTIES AND FORFEITURES FOR NONPAYMENT OF SPECIAL TAX.

Any person who shall carry on the business of a brewer, rectifier, wholesale liquor dealer, retail liquor dealer, wholesale dealer in malt liquors, retail dealer in malt liquors, or manufacturer of stills, and willfully fails to pay the special tax as required by law, shall, for every such offense, be fined not less than $100 nor more than $5,000 and be imprisoned for not less than thirty days nor more than two years. And all distilled spirits or wines, and all stills or other apparatus, fit or intended to be used for the distillation or rectification of spirits, or for the compounding of liquors, owned by such person, wherever found, and all distilled spirits or wines and personal property found in the distillery or rectifying establishment, or in any building, room, yard, or enclosure connected therewith and used with or constituting a part of the premises, shall be forfeited to the United States.

§ 194.0–15 *Definitions.*

26 U. S. C. 3254. DEFINITIONS.

(a) *Distiller.* For definition of distiller, see section 2809 (a).

(b) *Wholesale dealer in liquors.* Except as otherwise provided, every person who sells, or offers for sale, foreign or domestic distilled spirits, wines, or malt liquors in quantities or five wine-gallons or more to the same person at the same time, shall be regarded as a wholesale dealer in liquors: *Provided,* That the Commissioner may, by regulations, with the approval of the Secretary, provide for the issuance of a stamp denoting payment of such special tax as a "wholesale dealer in wines" or a "wholesale dealer in wines and malt liquors" if, as the case may be, wines only, or wines and malt liquors only, are sold by a wholesale dealer in liquors.

(c) *Retail dealer in liquors.* Except as otherwise provided, (1) every person who sells, or offers for sale, foreign or domestic distilled spirits, wines, or malt liquors in less quantities than five wine-gallons to the same person at the same time, shall be regarded as a retail dealer in liquors: *Provided,* That the Commissioner may, by regulations, with the approval of the Secretary, provide for the issuance of a stamp denoting payment of such special tax as a "retail dealer in wines" or a "retail dealer in wines and malt liquors" if, as the case may be, wines only, or wines and malt liquors only, are sold by a retail dealer in liquors.

(2) No retail dealer in liquors shall be held to be a wholesale dealer in liquors solely by reason of sales of five wine-gallons or more to the same person at the same time if such sales are for immediate consumption on the premises where sold.

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(e) *Wholesale dealer in malt liquors.* Except as otherwise provided, every person who sells, or offers for sale, malt liquors in quantities of five gallons or more, to the same person at the same time, and who does not deal in distilled spirits or wines at wholesale, shall be regarded as a wholesale dealer in malt liquors.

(f) *Retail dealer in malt liquors.* Except as otherwise provided, every person who sells, or offers for sale, malt liquors in less quantities than five gallons to the same person at the same time, and does not deal in distilled spirits or wines, shall be regarded as a retail dealer in malt liquors.

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§ 194.0–16 *Liability in case of business in more than one location.*

26 U. S. C. 3255. LIABILITY IN CASE OF BUSINESS IN MORE THAN ONE LOCATION.

(a) *Retail dealers in liquors or malt liquors.* Any retail dealer in liquors or retail dealer in malt liquors whose business is such as to require him to travel from place to place in different States of the United States may, under regulations prescribed by the Commissioner, with the approval of the Secretary, procure a special-tax stamp "At large" covering his activities throughout the United States with the payment of but one special tax as a retail dealer in liquors or as a retail dealer in malt liquors, as the case may be.

(b) *Dealers in liquors or malt liquors.* Nothing contained in this chapter shall prevent the issue, under such regulations as the Commissioner may prescribe, of special tax stamps to persons carrying on the business of retail dealers in liquors, or retail dealers in malt liquors, upon passenger railroad trains or upon steamboats or other vessels engaged in the business of carrying passengers.

(c) *Dealers in liquors or malt liquors making sales on purchaser dealers' premises.* No wholesale or retail dealer in liquors or wholesale or retail dealer in malt liquors who has paid the special tax as such a dealer shall again be required to pay special tax as such dealer on account of sales of beer, lager beer, ale, porter, or other similar fermented malt liquor to wholesale or retail dealers in liquors or wholesale or retail dealers in malt liquors consummated at the purchaser's place of business covered by the stamp issued to him to denote the payment of the special tax imposed upon such dealers.

§ 194.0–17 *Registration.*

26 U. S. C. 3270. REGISTRATION.

(a) *Requirements.* Every person engaged in any trade or business on which a special tax is imposed by law shall register with the collector of the district his name or style, place of residence, trade or business, and the place where such trade or business is to be carried on. In case of a firm or company, the names of the several persons constituting the same, and the places of residence, shall be so registered.

(b) *Cross references.*

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§ 194.0–18 *Payment of tax.*

26 U. S. C. 3271. PAYMENT OF TAX.

(a) *Condition precedent to doing business.* No person shall be engaged in or carry on any trade or business mentioned in this chapter until he has paid a special tax therefor in the manner provided in this chapter.

(b) *Due date.* All special taxes shall become due on the 1st day of July in each year, or on commencing any trade or business on which such tax is imposed. In the former case the tax shall be reckoned for one year, and in the latter case it shall be reckoned proportionately, from the 1st day of the month in which the liability to a special tax commenced, to and including the 30th day of June following.

(c) *How paid*—(1) *Stamp.* All special taxes imposed by law, including the tax on stills or worms, shall be paid by stamps denoting the tax.

(2) *Assessment.* For authority of Commissioner to make assessments where the special taxes have not been duly paid by stamp, at the time and in the manner provided by law, see section 3640.

§ 194.0–19 *Returns.*

26 U. S. C. 3272. RETURNS.

(a) *Time for filing.* It shall be the duty of the special taxpayers to render their returns with remittances to the collector at such times within the calendar month in which the special tax liability commenced as shall enable him to receive such returns, duly signed and verified, together with the remittances, not later than the last day of the month, except in cases of sickness or absence, as provided for in section 3634.

(b) *Transfer of duties.*

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(c) *Penalties.* For penalties imposed for failure to file returns or for making false or fraudulent returns, see section 3612.

§ 194.0–20 *Stamps.*

26 U. S. C. 3273. *Stamps.*

(a) *Supply.* The Commissioner is required to procure appropriate stamps for the payment of all special taxes imposed by law, including the tax on stills or worms; and the provisions of section 2802 (a) and of sections 3330, 3331, and 3302, and all other provisions of law relating to the preparation and issue of stamps for distilled spirits, fermented liquors, tobacco, and cigars, shall, so far as applicable, extend to and include such stamps for special taxes; and the Commissioner shall have authority to make all needful regulations relative thereto.

(b) *Posting.* Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax, shall place and keep conspicuously in his establishment or place of business all stamps denoting the payment of said special tax.

(c) *Transfer of duties.*

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§ 194.0–21 *Penalties relating to posting of special tax stamp.*

26 U. S. C. 3274. PENALTIES RELATING TO POSTING OF SPECIAL TAX STAMP.

Any person who shall, through negligence, fail to place and keep stamps denoting the payment of the special tax as provided in section 3273 (b) shall be liable to a penalty equal to the special tax for which his business rendered him liable, and the costs of prosecution; but in no case shall said penalty be less than $10. And where the failure to comply with the provisions of section 3273 (b) shall be through willful neglect or refusal, then the penalty shall be double the amount above prescribed: *Provided,* That nothing in this section shall in any way affect the liability of any person for exercising or carrying on any trade, business, or profession, or doing any act for the exercising, carrying on, or doing of which a special tax is imposed by law, without the payment thereof.

§ 194.0–22 *List of special-taxpayers for public inspection.*

26 U. S. C. 3275. LIST OF SPECIAL-TAXPAYERS FOR PUBLIC INSPECTION.

(a) *In collector's office.* Each collector shall, under regulations of the Commissioner, place and keep conspicuously in his office, for public inspection, an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid, and upon application of any prosecuting officer of any State, county, or municipality, he shall furnish a certified copy thereof, as of a public record, for which a fee of $1 for each one hundred words or fraction thereof in the copy or copies so requested, may be charged.

(b) *Transfer of duties.*

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§ 194.0–23 *Application of State laws.*

26 U. S. C. 3276. APPLICATION OF STATE LAWS.

The payment of any tax imposed by the internal revenue laws for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on the same within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business, for State or other purposes.

§ 194.0–24 *Liability of partners.*

26 U. S. C. 3277. LIABILITY OF PARTNERS.

Any number of persons doing business in copartnership at any one place shall be required to pay but one special tax.

§ 194.0–25 *Liability in case of business in more than one location.*

26 U. S. C. 3278. LIABILITY IN CASE OF BUSINESS IN MORE THAN ONE LOCATION.

The payment of the special tax imposed shall not exempt from an additional special tax the person carrying on a trade or business in any other place than that stated in the collector's register; but nothing herein contained shall require a special tax for the storage of goods, wares, or merchandise in other places than the place of business, nor, except as provided in this chapter for the sale by manufacturers or producers of their own goods, wares, and merchandise, at the place of production or manufacture, and at their principal office or place of business, provided no goods, wares, or merchandise shall be kept except as samples at said office or place of business.

§ 194.0–26 *Liability in case of different businesses of same ownership and location.*

26 U. S. C. 3279. LIABILITY IN CASE OF DIFFERENT BUSINESSES OF SAME OWNERSHIP AND LOCATION.

Whenever more than one of the pursuits or occupations described in this chapter are carried on in the same place by the same person at the same time, except as otherwise provided in this chapter, the tax shall be paid for each according to the rates severally prescribed.

§ 194.0–27 *Liability in case of death or change of location.*

26 U. S. C. 3280. LIABILITY IN CASE OF DEATH OR CHANGE OF LOCATION.

(a) *Requirements.* When any person who has paid the special tax for any trade or business dies, his wife or child, or executors or administrators or other legal representatives, may occupy the house or premises, and in like manner carry on, for the residue of the term for which the tax is paid, the same trade or business as the deceased before carried on, in the same house and upon the same premises, without the payment of any additional tax. And when any person removes from the house or premises for which any trade or business was taxed to any other place, he may carry on the trade or business specified in the collector's register at the place to which he removes, without the payment of any additional tax: *Provided,* That all cases of death, change, or removal, as aforesaid, with the name of the successor to any person deceased, or of the person making such change or removal, shall be registered with the collector, under regulations to be prescribed by the Commissioner.

(b) *Registration.*

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(c) *Transfer of duties.*

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§ 194.0–28 *Establishment and alteration.*

26 U. S. C. 3300. ESTABLISHMENT AND ALTERATION.

(a) *Authorization.* The Commissioner, with the approval of the Secretary, may establish and, from time to time, alter or change the form, style, character, material, and device of any stamp, mark, or label used under any provision of the laws relating to internal revenue.

(b) *Application of penalty and forfeiture provisions.* All pains, penalties, fines, and forfeitures provided by law relating to internal revenue stamps shall apply to and have full force and effect in relation to any and all stamps so established by the Commissioner.

(c) *Cross references.* For other provisions giving the Commissioner general authority to establish, alter, and renew stamps, see section 3901 (a) (2).

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§ 194.0–29 *Redemption of stamps.*

26 U. S. C. 3304. REDEMPTION OF STAMPS.

(a) *Authorization.* The Commissioner, subject to regulations prescribed by the Secretary, may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of law, to denote the payment of any internal revenue tax, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected.

(b) *Method and conditions of allowance.* Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Commissioner, or until satisfactory proof has been made showing the reason why the same cannot be returned; or, if so required by the said Commissioner, when the person presenting the same cannot satisfactorily trace the history of said stamps from their issuance to the presentation of his claim as aforesaid.

(c) *Time for filing claims.* No claim for the redemption of or allowance for stamps shall be allowed unless presented within four years after the purchase of such stamps from the Government.

(d) *Finality of Commissioner's decisions.* The finding of facts in and the decision of the Commissioner upon the merits of any claim presented under or authorized by this section shall, in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer.

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§ 194.0–30 *Period of limitation upon refunds and credits.*

26 U. S. C. 3313. PERIOD OF LIMITATION UPON REFUNDS AND CREDITS.

All claims for the refunding or crediting of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected must, except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, be presented to the Commissioner within four years next after the payment of such tax, penalty, or sum. The amount of the refund (in the case of taxes other than income, war-profits, excess-profits, estate, and gift taxes) shall not exceed the portion of the tax, penalty, or sum paid during the four years immediately preceding the filing of the claim, or if no claim was filed, then during the four years immediately preceding the allowance of the refund.

§ 194.0–31 *Entry of premises for examination of taxable objects.*

26 U. S. C. 3601. ENTRY OF PREMISES FOR EXAMINATION OF TAXABLE OBJECTS.

(a) *Authority*—(1) *Entry during day.* Any collector, deputy collector, internal revenue agent, or inspector may enter, in the daytime, any building or place where any articles or objects subject to tax are made, produced,

or kept, within his district, so far as it may be necessary for the purpose of examining said articles or objects.

§ 194.0–32 *Returns executed by Commissioner or Collector.*

26 U. S. C. 3612. RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR.

(a) *Authority of collector.* If any person fails to make and file a return or list at the time prescribed by law or by regulation made under authority of law, or makes, willfully or otherwise, a false or fraudulent return or list, the collector or deputy collector shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise.

(b) *Authority of Commissioner.* In any such case the Commissioner may, from his own knowledge and from such information as he can obtain through testimony or otherwise—

(1) *To make return.* Make a return, or

(2) *To amend collector's return.* Amend any return made by a collector or deputy collector.

(c) *Legal status of returns.* Any return or list so made and subscribed by the Commissioner, or by a collector or deputy collector and approved by the Commissioner, shall be prima facie good and sufficient for all legal purposes.

(d) *Additions to tax—(1) Failure to file return.* In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax: *Provided*, That in the case of a failure to make and file a return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after August 30, 1935, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

(2) *Fraud.* In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

(3) *Cross reference.* For additions to tax in the case of income tax, see sections 291 and 293, and in the case of a deficiency in gift tax, see section 1019.

(e) *Collection of additions to tax.* The amount added to any tax under paragraphs (1) and (2) of subsection (d) shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

(f) *Determination and assessment.* The Commissioner shall determine and assess all taxes, other than stamp taxes, as to which returns or lists are so made under the provisions of this section.

§ 194.0–33 *Extension of time for filing returns.*

26 U. S. C. 3634. EXTENSION OF TIME FOR FILING RETURNS.

If the failure to file a return (other than a return of income tax) or list at the time prescribed by law or by regulation made under authority of law is due to sickness or absence, the collector may allow such further time, not exceeding thirty days, for making and filing the return or list as he deems proper.

§ 194.0–34 *Payment by check and money orders.*

26 U. S. C. 3656. PAYMENT BY CHECK AND MONEY ORDERS.

(a) *Certified, cashiers', and treasurers' checks and money orders—(1) Authority to receive.* It shall be lawful for collectors to receive for internal revenue taxes or in payment of stamps to be used in payment of internal revenue taxes certified, cashiers' and treasurers' checks drawn on National and State banks and trust companies, and United States postal, bank, express, and telegraph money orders, during such time and under such regulations as the Commissioner, with the approval of the Secretary, may prescribe.

(b) *Other checks.—(1) Authority to receive.* Collectors may receive checks in addition to those specified in subsection (a) in payment of taxes other than those payable by stamp during such time and under such rules and regulations as the Commissioner, with the approval of the Secretary, shall prescribe.

§ 194.0–35 *Receipts for taxes.*

26 U. S. C. 3659. RECEIPTS FOR TAXES.

(a) *In general.* Every collector and deputy collector shall give receipts for all sums collected by him, excepting only when the same are in payment for stamps sold and delivered; but no collector or deputy collector shall issue a receipt in lieu of a stamp representing a tax.

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§ 194.0–36 *Authority to make abatements, credits, and refunds.*

26 U. S. C. 3770. AUTHORITY TO MAKE ABATEMENTS, CREDITS, AND REFUNDS.

(a) *To taxpayers—(1) Assessments and collections generally.* Except as otherwise provided by law in the case of income, estate, and gift taxes, the Commissioner, subject to regulations prescribed by the Secretary, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected.

(2) *Assessments and collections after limitation period.* Any tax (or any interest, penalty, additional amount, or addition to such tax) assessed or paid after the expiration of the period of limitation properly applicable thereto shall be considered an overpayment and shall be credited or refunded to the taxpayer if claim therefor is filed within the period of limitation for filing such claim.

(3) *Date of allowance.* Where the Commissioner has signed a schedule of overassessments in respect of any internal revenue tax imposed by this title, the Revenue Act of 1932, or any prior revenue Act, the date on which he first signed such schedule (if after May 28, 1928) shall be considered as the date of allowance of refund or credit in respect of such tax.

(4) *Credit of overpayment of one class of tax against another class of tax due.* Notwithstanding any provision of law to the contrary, the Commissioner may, in his discretion, in lieu of refunding an overpayment of tax imposed by any provision of this title, credit such overpayment against any tax due from the taxpayer under any other provision of this title.

(5) *Delegation of authority to collectors to make refunds.* The Commissioner, with the approval of the Secretary, is authorized to delegate to collectors any authority, duty, or function which the Commissioner is authorized or required to exercise or perform under paragraph (1), (2), (3), or (4) of this subsection, or under section 322 or 1027, where the amount involved (exclusive of interest, penalties, additions to the tax, and additional amounts) does not exceed $10,000.

(6) *Cross references.*

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§ 194.0–37 *Rules and regulations.*

26 U. S. C. 3791. RULES AND REGULATIONS.

(a) *Authorization—(1) In general.* Except as provided in section 1928 (a), Cotton Futures, section 2599, Marihuana, section 2559, Narcotics, section 3176, Liquor, and section 1805, Silver, the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.

(2) *In case of change in law.* The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary, or the Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury Decision, relating to the internal revenue laws, shall be applied without retroactive effect.

§ 194.0–38 *Verification of returns; penalties of perjury.*

26 U. S. C. 3809. VERIFICATION OF RETURNS; PENALTIES OF PERJURY.

(a) *Penalties.* Any person who willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

(b) *Signature presumed correct.* The fact that an individual's name is signed to a return, statement, or other document filed shall be prima facie evidence for all purposes that the return, statement, or other document was actually signed by him.

(c) *Verification in lieu of oath.* The Commissioner, under regulations prescribed by him with the approval of the Secretary, may require that any return, statement, or other document required to be filed under any provision of the internal revenue laws shall contain or be verified by a written declaration that it is made under the penalties of perjury, and such declaration shall be in lieu of any oath otherwise required.

### Subpart A—Scope of Regulations

§ 194.1 *Wholesale and retail dealers in liquors.* These regulations, "Regulations 20, Wholesale and Retail Dealers in Liquors" (26 CFR Part 194) contain the procedural and substantive requirements relative to special taxes and other requirements as to wholesale and retail dealers in distilled spirits, wines, and fermented malt liquors. The provisions of this part cover special taxes incurred through the sale of liquors, changes in location, proprietorship, or control of premises subject to special tax; refunds and redemption of special tax stamps; packaging of alcohol for industrial purposes; use of bottle strip stamps; and the maintenance of records by dealers in liquors.

§ 194.2 *Territorial extent.* The provisions of this part shall be applicable to the several States of the United States, the Territories of Alaska and Hawaii, and the District of Columbia.

### Subpart B—Definitions

§ 194.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this subpart.

§ 194.6 *Assistant Regional Commissioner.* "Assistant Regional Commissioner" shall mean an Assistant Regional Commissioner, Alcohol and Tobacco Tax.



§ 194.7 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 194.8 *District Director.* "District Director" shall mean a District Director of Internal Revenue.

§ 194.9 *Fiscal year.* "Fiscal year" shall mean the period from July 1 of each calendar year to and including June 30 of the following calendar year.

§ 194.10 *Gallon.* "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

§ 194.11 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code.

§ 194.12 *Person.* "Person" shall include a natural person, corporation, partnership, trust or estate, joint-stock company, association or other unincorporated organization or group, fiduciary, a State, city, county, municipality, or other political subdivision.

§ 194.13 *U. S. C.* "U. S. C." shall mean the United States Code.

### Subpart C—Special Taxes

§ 194.20 *Basis of tax.* Special taxes are imposed upon the engaging in or carrying on the business or occupation of selling or offering for sale alcoholic liquors fit for use as a beverage. No person shall be engaged in or carry on any business or occupation hereinafter mentioned unless he has paid special tax therefor in the manner provided in this part.

(53 Stat. 388 as amended, 391; 26 U. S. C. 3250, 3253)

§ 194.21 *Agents and auctioneers.* A person who sells merely as the agent or employee of another is not subject to special tax. Auctioneers selling on behalf of others are within this category.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.22 *Selling or offering for sale.* Whether the activities of any person constitute selling or offering for sale is to be determined by the facts in each case, but any course of selling, though to a restricted class of persons or without a view to profit, is within the meaning of the statute.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.23 *Single sale.* A single sale, unattended by circumstances showing the one making the sale to be engaged in business, does not create special tax liability.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.24 *Brokers or agents.* A broker or agent may solicit orders for liquors in the name of a customer or principal, receive a commission for his services and make collections for his customer or principal without incurring liability to special tax. A retail dealer in liquors, or a retail dealer in malt liquors, receiving and transmitting to a wholesale dealer orders for liquors or malt liquors, as the case may be, in wholesale quantities does not incur liability to special tax as a wholesale dealer if he merely transmits the orders and the liquors or malt liquors, as the case may be, are billed, charged, and shipped to the customers by the wholesaler. No special tax liability is incurred even though the retail dealer receives a commission on such sales or guarantees the payment of the accounts.

(53 Stat. 391; 26 U. S. C. 3254)

§ 194.25 *Classification of alcoholic liquors.* There are three general classifications of alcoholic liquors for purposes of special tax: (a) distilled spirits, (b) wines, and (c) fermented malt liquors. Distilled spirits include alcohol, whisky, brandy, gin, rum, vodka, cordials, liqueurs, cocktails, etc. Wines include still wines, champagne, sparkling and carbonated wines, vermouth, etc. Fermented malt liquors include such products as beer, ale, stout, porter, sake, etc.

(53 Stat. 298 as amended, 347 as amended, 365 as amended; 26 U. S. C. 2800, 3030, 3150)

§ 194.26 *Retail dealers in liquors; persons liable.* Every person who sells, or offers for sale, foreign or domestic distilled spirits, wines, or malt liquors, otherwise than as provided in this part, in less quantities than 5 wine gallons to the same person at the same time is a retail dealer in liquors and shall pay the special tax imposed.

(53 Stat. 391; 26 U. S. C. 3254)

§ 194.27 *Lawful sales by retail dealer in liquors.* A person who pays special tax as a retail dealer in liquors may sell either distilled spirits, wines, or malt liquors, or any two or all three of them. He may sell all three classes of liquors to the same person at the same time: *Provided*, That the quantity of each class is less than 5 wine gallons. For example, he may sell 4 gallons of distilled spirits, 4 gallons of wine, and 4 gallons of malt liquors in one transaction. He may not sell either distilled spirits, wines, or malt liquors in quantities of 5 wine gallons or more to the same person at the same time without incurring liability to special tax as wholesale dealer in liquors.

(53 Stat. 391; 26 U. S. C. 3254)

§ 194.28 *Wholesale sales by retail dealer in liquors.* Where a retail dealer in liquors accepts an order for 5 wine gallons or more of distilled spirits or wines, a transaction has been made in a wholesale quantity, notwithstanding the order is filled and delivery is made in parcels of less than 5 wine gallons and on different dates. Except as provided in § 194.180, liability to special tax as a wholesale liquor dealer is incurred where two or more orders for 5 wine gallons or more are accepted under such conditions during a fiscal year, or where circumstances surrounding acceptance of a single order show the person is engaged in business as a wholesale liquor dealer. Similarly, liability to special tax as a wholesale dealer in malt liquors is incurred by a retail dealer in liquors when he accepts orders for 5 wine gallons or more of malt liquors, except as provided in § 194.181.

(53 Stat. 391; 26 U. S. C. 3254)

§ 194.29 *Wholesale dealers in liquors; persons liable.* Every person who sells, or offers for sale, foreign or domestic distilled spirits, wines, or malt liquors in quantities of 5 wine gallons or more to the same person at the same time is a wholesale dealer in liquors and shall pay the special tax imposed.

(53 Stat. 391; 26 U. S. C. 3254)

§ 194.30 *Retail sales by wholesale dealers in liquors.* A wholesale dealer in liquors who sells or offers for sale distilled spirits, wines, or malt liquors in quantities of less than 5 wine gallons to the same person at the same time must pay special tax as a retail dealer in liquors.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.31 *Retail dealers in malt liquors; persons liable.* Every person who sells, or offers for sale, malt liquors in less quantities than 5 gallons to the same person at the same time, and who does not sell or offer for sale distilled spirits or wines, shall be regarded as a retail dealer in malt liquors and shall pay the special tax imposed.

(53 Stat. 391; 26 U. S. C. 3254)

§ 194.32 *Wholesale sales by retail dealers in malt liquors.* A retail dealer in malt liquors who sells, or offers for sale, malt liquors in quantities of 5 gallons or more to the same person at the same time subjects himself to special tax as a wholesale dealer in malt liquors.

(53 Stat. 391; 26 U. S. C. 3254)

§ 194.33 *Retail dealer in malt liquors selling other classes of alcoholic liquors.* When a retail dealer in malt liquors sells, or offers for sale, other classes of alcoholic liquors in quantities of less than 5 wine gallons to the same person at the same time, he must pay special tax as retail dealer in liquors.

(53 Stat. 391; 26 U. S. C. 3254)

§ 194.34 *Wholesale dealers in malt liquors; persons liable.* Every person who sells, or offers for sale, malt liquors in quantities of 5 gallons or more to the same person at the same time, and who does not sell or offer for sale distilled spirits or wines at wholesale, shall be regarded as a wholesale dealer in malt liquors and shall pay the special tax imposed.

(53 Stat. 391; 26 U. S. C. 3254)

§ 194.35 *Retail sales by wholesale dealers in malt liquors.* A wholesale dealer in malt liquors may not sell or offer for sale such liquors in quantities of less than 5 gallons to the same person at the same time without incurring liability to special tax as a retail dealer in malt liquors.

(53 Stat. 391; 26 U. S. C. 3254)

§ 194.36 *Wholesale dealer in malt liquors selling other classes of alcoholic liquors.* A wholesale dealer in malt liquors may not sell, or offer for sale, distilled spirits or wines without incurring liability to special tax as a retail or wholesale dealer in liquors, depending upon the quantity sold to the same person at the same time.

(53 Stat. 391; 26 U. S. C. 3254)

§ 194.37 *Sales to members by clubs or similar organization.* A club or similar organization furnishing liquors to its members under conditions constituting sale is required to pay special tax.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.38 *Club or similar organization accepting orders from members.* A club or similar organization which sells liquors to its members by accepting orders therefor, furnishing the liquors so ordered and collecting the price thereof, is required to pay special tax.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.39 *Bar conducted by club or similar organization at outings.* A club or similar organization conducting a bar for the sale of liquors, on the occasion of an outing, picnic, or other entertainment, must pay special tax. The special tax stamp held by the proprietor of the premises where the bar is located will not relieve the club or similar organization from special tax liability.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.40 *Purchases by club or similar organization for members.* Special tax is not incurred when a club or similar organization collects money in advance from its members for the purchase of liquors for their consumption, or advances such money upon an agreement with the members for reimbursement. However, special tax is incurred if the club or similar organization purchases liquors without prior agreement with the members and subsequently recoups.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.41 *Restaurants serving liquors with meals.* Proprietors of restaurants and other persons who serve liquors with meals to customers, though no separate or specific charge for the liquors is made, are required to pay special tax.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.42 *Hospitals.* Hospitals and similar institutions furnishing liquors to patients are not required to pay special tax, provided no specific or additional charge is made for the liquors so furnished.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.43 *States, counties, and municipalities.* A State, county, city, municipality, or other political subdivision engaged in the business of selling, or offering for sale, liquors is not exempt from the payment of special tax.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.44 *Sales in violation of State law.* Persons who engage in the sale, or offering for sale, of liquors in violation of State laws, are required to pay special tax. The special tax stamp is not a license or permit, and does not protect such persons from prosecution under the State laws.

(53 Stat. 395; 26 U. S. C. 3276)

§ 194.45 *Sales of denatured alcohol or articles.* Any person who sells denatured alcohol, denatured rum, or any substance or preparation made with or containing denatured alcohol or denatured rum, for use, or for sale for use, for beverage purposes, or who sells any of such products under circumstances from which it might reasonably appear that it is the intention of the purchaser to procure the same for sale or use for beverage purposes, shall pay special tax.

(53 Stat. 359; 26 U. S. C. 3111)

§ 194.46 *Sales by agencies and instrumentalities of the United States.* Section 3283 of the Internal Revenue Code, effective September 23, 1950, provides that any tax imposed by Chapter 27 of the Internal Revenue Code shall apply to any agency or instrumentality of the United States unless such agency or instrumentality is granted by statute a specific exemption from such tax. Accordingly, any agency or instrumentality of the United States, including post exchanges, ship's stores, ship's service stores, and commissaries established and conducted under the regulations of the Department of Defense, engaging in the business of selling, or offering for sale, alcoholic liquors, must pay special tax for the carrying on of such business on and after September 23, 1950. Any canteen, club, mess or similar organization operated under regulations of the Department of Defense, whether or not located on the premises of the Department of Defense, selling, or offering for sale, liquors, is liable to special tax for any period during which the organization carries on the business.

(53 Stat. 391, 64 Stat. 964; 26 U. S. C. 3254, 3283)

§ 194.47 *Warehouse receipts covering spirits.* Since the sale of warehouse receipts for distilled spirits is equivalent to the sale of distilled spirits, every person who sells, or offers for sale, warehouse receipts for distilled spirits held in registered or fruit distilleries or stored in internal revenue bonded warehouses, customs bonded warehouses, or elsewhere, incurs liability to special tax as a dealer in liquors at the place where such warehouse receipts are sold, or offered for sale, and must file return and pay occupational tax as provided in §§ 194.103 and 194.104, unless exempted by the provisions of §§ 194.189–194.194 and 194.197.

(53 Stat. 388 as amended, 391; 26 U. S. C. 3250, 3254)

§ 194.48 *Single sale of warehouse receipts by an investor.* A single sale involving one or more warehouse receipts by an investor, as distinguished from one who is engaged in the business of selling warehouse receipts, does not subject the vendor to special tax.

(53 Stat. 390; 26 U. S. C. 3251)

### Limited Special Tax

§ 194.49 *Sales of wines and malt liquors at fairs, picnics and similar entertainments.* Each person desiring to sell fermented malt liquor or wine, or both, at retail to members, guests, or patrons of bona fide fairs, reunions, picnics, carnivals, or similar outings, and each fraternal, civic, church, labor, charitable, benevolent, or ex-service men's organization desiring to sell fermented malt liquor or wine, or both, on the occasion of any kind of entertainment, dance, picnic, bazaar, or festival held by it, may obtain from the District Director for each calendar month for which any such sales are to be made (a) a retail dealer in malt liquor limited special tax stamp, if fermented malt liquor only is to be sold, or (b) a retail dealer in liquors limited special tax stamp, if wine only, or wine and fermented malt liquor only, are to be sold. Application on Form 11, and payment of the special tax of $2.20 shall be made to the District Director before any such sales are made.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.50 *Persons who may not procure limited special tax stamps.* No person or organization otherwise engaged in business as a wholesale or retail dealer in liquors, or as a wholesale or retail dealer in malt liquors, will be permitted to procure a limited special tax stamp as a retail dealer in liquors or as a retail dealer in malt liquors.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.51 *Change of location.* A person holding a limited ($2.20) special tax stamp as a retail dealer in liquors or as a retail dealer in malt liquors may, during the calendar month for which the stamp is issued, remove his business to a location other than that stated on the stamp and continue such business for the remainder of the calendar month without paying additional special tax, provided the removal is registered with the District Director, as provided in §§ 194.150–194.152.

(53 Stat. 396; 26 U. S. C. 3280)

### Subpart D—Places Subject to Special Tax

§ 194.60 *Each place of business taxable.* Except as provided in §§ 194.182 and 194.183, liability to special tax is incurred at each and every place where distilled spirits, wines, or malt liquors are sold or offered for sale.

(53 Stat. 395; 26 U. S. C. 3278)

§ 194.61 *Place of sale.* The place at which ownership of liquors is transferred, actually or constructively, is the place of sale.

(53 Stat. 395; 26 U. S. C. 3278)

§ 194.62 *Place of offering for sale.* Liquors are offered for sale (a) at the place where they are kept for sale and where a sale may be effected, or (b) at any place where sales are consummated. Liquors are not offered for sale by sending abroad an agent to take orders, or by establishing an office elsewhere for the mere purpose of taking orders, provided in each case the orders received by the agent are transmitted to the principal for acceptance at the place where the principal holds a special tax stamp.

(53 Stat. 395; 26 U. S. C. 3278)

§ 194.63 *Place of storage.* Special tax is not required to be paid for warehouses and similar places which are used by dealers merely for the storage of liquors and which are not places where orders for liquors are accepted. Where orders for liquors are received and duly accepted at a place where a special tax stamp is held, the subsequent actual delivery of the liquors from a place of storage does not require the payment of special tax at such place of storage. A dealer holding a special tax stamp at a given place, who permits actual delivery of liquors from a warehouse at another place, without prior constructive delivery by the acceptance of an order therefor at the place covered by the special tax stamp, is liable for special tax at the place of delivery.

(53 Stat. 395; 26 U. S. C. 3278)



§ 194.64 *Caterers.* Where the contract of a caterer for the furnishing of a dinner, including liquors, is made at his place of business where he holds a special tax stamp, no liability to special tax is incurred by the serving of the liquors at a different location.

(53 Stat. 395; 26 U. S. C. 3278)

§ 194.65 *Peddling.* Except as set forth in §§ 194.182 and 194.183, internal revenue laws do not contemplate the peddling of distilled spirits, wines, or malt liquors, nor permit the issuance of any special tax stamp to cover peddling activities. Persons peddling liquors and not meeting the exemption in §§ 194.182 and 194.183, are subject to special tax at each place where sales are consummated.

(53 Stat. 395; 26 U. S. C. 3278)

### Sales at Two or More Bars on the Same Premises

§ 194.66 *Two or more bars with intercommunication.* Where an owner or lessee conducts two or more bars, which have such intercommunication as will enable patrons to move freely from one bar to another without leaving the premises under his control, the various bars shall be regarded as parts of one place of business for which but one special tax stamp is required.

(53 Stat. 395; 26 U. S. C. 3278)

§ 194.67 *Two or more bars without intercommunication.* Where the proprietor of premises, other than those described in §§ 194.69 and 194.70, lets to another the privilege of selling liquors thereon at two or more bars, which are separated from each other by space under the control of the proprietor or any other person, such bars shall be regarded as separate places of business and special tax must be paid for each bar.

(53 Stat. 395; 26 U. S. C. 3278)

§ 194.68 *Segregated establishment.* One special tax stamp is not sufficient to cover the operation of two bars on the same premises, if the proprietor excludes, for example, Negroes from the bar reserved for whites, or whites from the bar reserved for Negroes. One special tax stamp is sufficient for one bar at which, for example, both whites and Negroes are served, notwithstanding the races are separated by a partition.

(53 Stat. 395; 26 U. S. C. 3278)

§ 194.69 *Hotel, ball park, race track, etc.; sales throughout the premises.* The proprietor of a hotel, ball park, race track, stadium, pavilion, or other similar enclosure constituting one premises, who engages in the business of selling liquors throughout such enclosure, including sales from baskets or containers by his employees in his behalf, is required to pay but one special tax for such enclosure. Each concessionaire having the same privilege throughout the enclosure, whether such privilege is exercised separately or simultaneously with the proprietor or another concessionaire, or concessionaires, is likewise required to pay but one special tax for such enclosure.

(53 Stat. 395; 26 U. S. C. 3278)

§ 194.70 *Hotel, ball park, race track, etc.; sales confined to limited area.* Where the proprietor of a hotel, ball park, race track, stadium, pavilion, or other similar enclosure constituting one premises confines the operations of a concessionaire, or concessionaires, to a limited area, or areas, within the enclosure, special tax is due from each concessionaire for each such area regardless of the number of bars therein: *Provided,* That if there are two or more bars within one such limited area, there must be intercommunication within such area freely open to the public, otherwise special tax will be due for each place of sale. A proprietor who reserves the right to sell liquor within an enclosure where a limited concession, or concessions, have been granted, but outside the area, or areas, allotted to the concessionaire, or concessionaires, is subject to one special tax unless the space, or spaces, reserved by the proprietor are completely separated by the area, or areas, allotted to the concessionaire, or concessionaires, in which case the proprietor is subject to special tax for each such separate space where sales are made and is also subject to the ruling as to intercommunication, if two or more bars are maintained in any area.

(53 Stat. 395; 26 U. S. C. 3278)

### Subpart E—Each Business Taxable

§ 194.80 *Different businesses of same ownership and location.* Where more than one taxable business is conducted by the same person at the same place, special tax for each business must be paid at the rates severally prescribed.

(53 Stat. 396; 26 U. S. C. 3279)

§ 194.81 *Retail and wholesale dealer in liquors at same location.* A person who engages in or carries on the businesses of a retail and wholesale dealer in liquors (different businesses under the law) at the same place is subject to special tax for each business.

(53 Stat. 396; 26 U. S. C. 3279)

§ 194.82 *Retail and wholesale malt liquor dealer at same location.* A person who engages in or carries on the businesses of a retail and wholesale malt liquor dealer (different businesses under the law) at the same place is subject to special tax for each business.

(53 Stat. 396; 26 U. S. C. 3279)

§ 194.83 *Retail dealer in malt liquors and retail dealer in liquors at same location.* A person who begins business as a retail dealer in malt liquors and procures the requisite special tax stamp as such, and thereafter during the same or a subsequent month begins business as a retail dealer in liquors (a different business under the law) must pay special tax and procure a special tax stamp as a retail dealer in liquors. Under such conditions, the retail dealer in malt liquors special tax stamp is not subject to redemption.

(53 Stat. 396; 26 U. S. C. 3279)

§ 194.84 *Mixing cocktails.* A retail dealer in liquors who mixes cocktails or compounds any alcoholic liquors in advance of sale, except for the purpose of filling, for immediate consumption on the premises, orders received at the bar or in the expectation of the immediate receipt of such orders, incurs liability to special tax as a rectifier.

(53 Stat. 396; 26 U. S. C. 3279)

### Subpart F—Partnerships

§ 194.90 *Liability of partners.* Any number of persons carrying on one business in copartnership at any one place during any fiscal year shall be required to pay but one special tax for such business.

(53 Stat. 388 as amended, 394, 395; 26 U. S. C. 3250, 3270, 3277)

§ 194.91 *Preparation of special tax stamp.* In issuing a special tax stamp to a partnership, the District Director shall show thereon the name of each and every person disclosed on the partnership's Form 11, followed by the firm or trade name, if any. The issuance by the District Director of a special tax stamp in a firm or trade name only is not authorized.

(53 Stat. 388 as amended, 394, 395; 26 U. S. C. 3250, 3270, 3277)

§ 194.92 *Addition of partners or incorporation of partnership.* Where a number of persons who have paid special tax as copartners admit one or more new members to the firm or form a corporation (a separate legal entity) to take over the business, the new firm or corporation so formed shall pay special tax computed from the first day of the month in which it commenced business.

(53 Stat. 388 as amended, 394, 395; 26 U. S. C. 3250, 3270, 3277)

§ 194.93 *Formation of a partnership by two dealers.* Where two persons, each holding a special tax stamp for a business carried on by himself, form a partnership, the firm must pay special tax to cover the business conducted by the partnership.

(53 Stat. 388 as amended, 394, 395; 26 U .S. C. 3250, 3270, 3277)

§ 194.94 *Withdrawal of one or more partners.* When a member, or members, withdraw from the partnership the remaining partner, or partners, may, without incurring additional special tax liability, carry on the same business at the same address for the balance of the taxable period for which special tax was paid, provided the partner, or partners, remaining file with the District Director from whom the special tax stamp was purchased, within 30 days after the date he or they begin to carry on the business, a return on Form 11, showing the basis of succession. If the notice of succession is not filed with the District Director

within 30 days from the date the remaining partner, or partners, begin to carry on the business, he or they will become liable to additional special tax computed from the 1st day of the calendar month in which he or they began to carry on the business to and including June 30 following. (See §§ 194.168–194.171.)

(53 Stat. 388 as amended, 394, 395; 26 U. S. C. 3250, 3270, 3277)

Subpart G—Payment of Special Tax

§ 194.100 *Special tax rates.* Special taxes are imposed upon liquor dealers at the following annual (fiscal year) rates:

| | |
|---|---|
| Retail dealers in liquors | $50.00 |
| Wholesale dealers in liquors | 200.00 |
| Retail dealers in fermented malt liquors | 22.00 |
| Wholesale dealers in fermented malt liquors | 100.00 |

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.101 *Date special tax is due.* All special taxes become due on the 1st day of July of each year, or on the 1st day of the month in which a taxable business or occupation is commenced.

(53 Stat. 394; 26 U. S. C. 3271)

§ 194.102 *Computation of special tax.* In the case of a person engaged in business during the month of July, the liability shall be reckoned for the entire fiscal year beginning July 1 and ending June 30 following. Where business is commenced subsequent to July, the liability shall be reckoned proportionately from the 1st day of the month in which business is commenced to June 30 following. For example, a person commencing business in August is liable to special tax for 11 months, or eleven-twelfths of the annual tax. If business is discontinued before the end of the fiscal year, the amount of tax is not thereby reduced.

(53 Stat. 394; 26 U. S. C. 3271)

§ 194.103 *Filing of return and payment of special tax.* Persons liable to special tax shall render their returns on Form 11, with remittances to the District Director of the district in which the business is carried on, at such time within the calendar month in which the special tax liability commenced as shall enable the District Director to receive such return and remittance not later than the last day of the month.

(53 Stat. 394; 26 U. S. C. 3272)

§ 194.104 *Method of payment.* Payment must be made in cash, or by United States post office money order, or certified check; uncertified checks will not be accepted.

(53 Stat. 394, 58 Stat. 912; 26 U. S. C. 3272, 3656)

Special Tax Return, Form 11

§ 194.105 *Data required.* Special tax returns shall be made on Form 11, which may be procured from the District Director of Internal Revenue of the district in which the business is located, and shall disclose, in the space provided, the following:

(a) The true name of the taxpayer, which may be followed by the words "trading as" and any trade name under which the business may be conducted.

(b) In the case of a partnership, the true names of each and every person comprising the partnership.

(c) The exact location of the place of business, as by name and number of building or street and, where these do not exist, by some particularization in addition to the post office address.

(d) The kind of liquor business carried on.

(53 Stat. 394; 26 U. S. C. 3270)

§ 194.106 *Execution of Form 11.* The return of an individual proprietor shall be signed by the proprietor; the return of a partnership shall be signed by a member of the firm; and the return of a corporation shall be signed by an officer thereof. In each case, the person signing the return shall designate his capacity as "individual owner," "member of firm," or, in the case of a corporation, the title of the officer. Receivers, trustees, assignees, executors, administrators, and other legal representatives who continue the business of a bankrupt, insolvent, deceased person, etc., will indicate the fiduciary capacity in which they act. Returns signed by persons as agents will not be accepted unless they file with the District Director a power of attorney, authorizing them so to act. Form 11 must be verified by a written declaration that the return has been executed under the penalties of perjury.

(53 Stat. 394, 63 Stat. 667; 26 U. S. C. 3270, 3809)

§ 194.107 *Extensions of time for filing returns.* In the case of illness of the sole proprietor, or the unavoidable absence of the sole proprietor from his business, the District Director may grant such further extension of time, not exceeding 30 days from the date the return is due, for the filing of Form 11 as he deems proper. Application for extension of time for filing the return must be made in writing and addressed to the District Director of the district in which the business is located and must contain a full recital of the causes of delay.

(53 Stat. 394, 441; 26 U. S. C. 3272, 3634)

§ 194.108 *Penalty for failure to file return.* Any person liable to special tax who, without reasonable cause, fails to file a return on Form 11 within the calendar month in which special tax ability commenced shall be subject to a delinquency penalty computed on the total amount of special tax due. The penalty shall be 5 percent if the failure is not for more than 30 days, and an additional 5 percent for each additional 30 days or fraction thereof during which the delinquency continues, but not to exceed 25 percent in the aggregate.

(53 Stat. 437; 26 U. S. C. 3612)

Delinquent Returns

§ 194.109 *Reasonable causes for delinquency.* The penalty set forth in § 194.108 will be asserted and collected in every case in which a special tax return is not filed within the calendar month in which the tax liability commenced, unless an extension of time is granted under § 194.107 or a reasonable cause for delinquency is clearly established by the taxpayer. The following, when clearly established, may be accepted by District Directors and Assistant Regional Commissioners as reasonable causes:

(a) Where the return was mailed in time (whether or not the envelope containing the return had sufficient postage) to reach the District Director's office, in normal course of mails, on or before the last day of the month in which the special tax liability commenced. If the due date falls on a non-work day, whether Saturday, Sunday, or some other specified day, a return mailed in time to reach the District Director's office before the close of the first work day immediately following the due date shall be considered to have been timely filed.

(b) Where return was filed within the legal period but in the wrong internal revenue district, or directly in the Commissioner's office.

(c) Where the delay or failure to file was due to erroneous information given the taxpayer by an internal revenue officer or employee.

(d) Where the delay was caused by death or serious illness of the taxpayer or by serious illness in his immediate family.

(e) Where the delay was caused by unavoidable absence of the taxpayer.

(f) Where delinquency was caused by the destruction by fire or other casualty of the taxpayer's place of business or business records.

(g) Where the taxpayer, prior to the time for filing return, made timely application to the District Director's office for proper blanks and these were not furnished him in sufficient time to permit the executed return to be filed on or before its due date.

(h) Where the taxpayer proves that he personally visited the office of the District Director or collection officer before the expiration of the time within which to file return for the purpose of securing information or aid properly to make out his return, and through no fault of his own was unable to see the representatives of the Service.

§ 194.110 *Other alleged causes.* Where other grounds are alleged as reasonable causes for delinquency in filing a return on Form 11, a statement in explanation thereof shall be filed by the taxpayer with the District Director with the Form 11, except as provided in § 194.111. The reasonableness of other alleged causes will be determined by the District Director on the facts submitted. The policy generally to be followed is that a cause for delinquency which appeals to a man of ordinary prudence and intelligence as a reasonable cause for delay in filing the return and which clearly negatives a willful intent to disobey the taxing statutes, or gross negligence, will be accepted as reasonable. Mere ignorance of the law will not be considered a reasonable cause.

(53 Stat. 437; 26 U. S. C. 3612)

§ 194.111 *Delinquency discovered by officer working under direction of Assistant Regional Commissioner.* Where the delinquency is discovered by an internal revenue officer working under the direction of the Assistant Regional Commissioner, and the return on Form 11 is filed by or with such officer, a statement in explanation of the delinquency shall be attached to the Form 11 and transmitted to the Assistant Regional Commissioner, who will determine the reasonableness of other alleged causes on the facts submitted.

(53 Stat. 437; 26 U. S. C. 3612)

§ 194.112 *Causes not considered reasonable.* Where grounds other than those listed in § 194.109 are alleged as reasonable causes, but it is determined by the Assistant Regional Commissioner or District Director, as the case might be, that the cause is not one to be considered as reasonable within the provisions of §§ 194.110 and 194.111 the penalty shall be asserted, entered on the District Director excise tax list, and collected.

(53 Stat. 437; 26 U. S. C. 3612)

Subpart H—Special Tax Stamps

§ 194.120 *Issuance of stamps.* Upon receipt of a return properly executed on Form 11, together with a remittance in the proper amount, the District Director will issue an appropriately designated stamp to the taxpayer. District Directors and collection officers are prohibited from issuing special tax stamps before the tax is fully paid.

(53 Stat. 394; 26 U. S. C. 3273)

§ 194.121 *Receipt in lieu of stamp prohibited.* District Directors and collection officers are prohibited from issuing a receipt in lieu of a stamp. A receipt may be furnished only pending the issuance of a stamp, or where the tax liability relates to a prior fiscal year.

(53 Stat. 448; 26 U. S. C. 3659)

§ 194.122 *Stamps covering business in violation of State law.* District Directors are without authority to refuse to issue a special tax stamp to a liquor dealer engaged in business in violation of State law. The stamp is not a Federal permit or license, but is merely a receipt for the tax. The stamp affords the holder no protection against prosecution for violation of State law.

(53 Stat. 395; 26 U. S. C. 3276)

§ 194.123 *Stamps not transferable.* A special tax stamp may not be sold or transferred to another dealer.

(53 Stat. 394; 26 U. S. C. 3273)

Stamps for Passenger Trains and Vessels

§ 194.124 *General.* Special tax stamps may be issued to persons carrying on the business of retail dealers in liquors or retail dealers in malt liquors upon passenger railroad trains or upon steamboats or other vessels engaged in the business of carrying passengers. The regular retail liquor dealer and retail malt liquor dealer stamps shall be issued in such cases.

(53 Stat. 392; 26 U. S. C. 3255)

§ 194.125 *Transfer of special tax stamps.* Special tax stamps issued for the retailing of liquors on passenger trains and vessels are to be made in general terms "In the United States." The taxpayer may transfer such stamps from one passenger train or vessel to another on which he does business without registering the transfer with a District Director.

(53 Stat. 392; 26 U. S. C. 3255)

§ 194.126 *Sales on passenger trains and vessels.* The provisions of §§ 194.69 and 194.70 are equally applicable to passenger railroad trains and to steamboats or other vessels engaged in the business of carrying passengers.

(53 Stat. 392, 395; 26 U. S. C. 3255, 3278)

§ 194.127 *Vessel not engaged in carrying passengers.* A special tax stamp may not be issued for the retailing of liquor on any boat that is not engaged in the business of carrying passengers.

(53 Stat. 392; 26 U. S. C. 3255)

Stamps for Retail Dealers "At Large"

§ 194.128 *General.* A retail liquor dealer or retail dealer in malt liquors whose business is such as to require him to travel from place to place in different States of the United States, such as those who sell at carnivals or circuses, may procure a special tax stamp "At Large" covering his activities throughout the United States with the payment of but one special tax as a retail dealer in liquors or as a retail dealer in malt liquors, as the case may be.

(53 Stat. 392; 26 U. S. C. 3255)

§ 194.129 *Form 11 to show nature of business.* A retail liquor dealer or retail dealer in malt liquors who desires a special tax stamp "At Large" will so note on Form 11 filed with the District Director to whom the special tax is paid, and will state thereon the nature of his business. Before issuing a special tax stamp "At Large," the District Director will satisfy himself that the applicant is entitled to obtain a stamp so designated.

(53 Stat. 392; 26 U. S. C. 3255)

§ 194.130 *Business in more than one State.* A special tax stamp "At Large" may not be issued to a dealer whose business does not require him to travel from place to place in more than one State.

(53 Stat. 392; 26 U. S. C. 3255)

Stamps for Dealers in Wines Only, or Wines and Malt Liquors Only

§ 194.131 *General.* Retail and wholesale dealers in liquors who sell or offer for sale wines only, or wines and malt liquors only, may obtain stamps as retail or wholesale dealers in liquors, as the case may be, under the following designations upon application and payment of special tax at the annual (fiscal year) rates indicated:

| | |
|---|---|
| Retail dealer in wines | $50.00 |
| Retail dealer in wines and malt liquors | 50.00 |
| Wholesale dealer in wines | 200.00 |
| Wholesale dealer in wines and malt liquors | 200.00 |

(53 Stat. 391; 26 U. S. C. 3254)

§ 194.132 *Stamps as receipts for special taxes.* Special tax stamps as dealers in wines only, or dealers in wine and malt liquors only, are receipts for the special taxes imposed upon retail and wholesale liquor dealers, and the holders of such stamps are subject to all provisions of internal revenue laws and regulations relating to such dealers, except as provided in §§ 194.210–194.232, inclusive.

(53 Stat. 391; 26 U. S. C. 3254)

§ 194.133 *Sales of distilled spirits by dealers in wines or wines and malt liquors.* A qualified retail dealer in wines, or in wines and malt liquors, may also sell distilled spirits in less quantities than 5 wine gallons without payment of additional special tax. A qualified wholesale dealer in wines, or in wines and malt liquors, may also sell distilled spirits in quantities of 5 wine gallons or more without payment of additional special tax.

(53 Stat. 391; 26 U. S. C. 3254)

§ 194.134 *Stamps not exchangeable.* The holders of special tax stamps as dealers in wines only, or dealers in wine and malt liquors only, may not exchange them for the regular retail and wholesale liquor dealer stamps. In the absence of specific demand or application for such stamps, District Directors shall issue the regular stamps to persons paying special tax as retail or wholesale dealers in liquors.

(53 Stat. 391; 26 U. S. C. 3254)

Medicinal Spirits Stamps

§ 194.135 *Stamps for drug stores and pharmacies selling through licensed pharmacists.* Proprietors of drug stores and pharmacies making sales of distilled spirits through duly licensed pharmacists, may procure stamps designated "Medicinal Spirits Stamp Tax" upon application and payment of special tax at the $50 annual rate. The holders of such stamps are subject to all provisions of internal revenue laws relating to retail liquor dealers. District Directors shall, in the absence of specific demand or application for such stamps, issue the regular retail liquor dealer special tax stamp.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

Stamp To Be Posted

§ 194.136 *General.* (a) A special-tax payer shall conspicuously display his special tax stamp in his place of business.

(b) A person holding a special tax stamp as a retail dealer in liquors or a retail dealer in malt liquors "At Large" must place and keep the stamp conspicuously posted at the place where he is conducting such business.

(53 Stat. 394, 395; 26 U. S. C. 3273, 3274)

Missing Stamps

§ 194.137 *Lost or destroyed.* If a special tax stamp has been lost or destroyed, the taxpayer should immediately notify the District Director of internal revenue. A "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" will be issued to the taxpayer who submits an affidavit showing to the satisfaction of the District Director that the stamp was lost or destroyed. The certificate must be posted in place of the stamp; otherwise, liability for failure to post the stamp will be incurred.

§ 194.138 *Seizure by State authorities.* Where a stamp designated "Retail Dealer in Liquors" is seized by State authorities because it does not conform to the dealer's local license or permit (wine, or wine and beer), the District Director will, upon request, issue a "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" to show that the dealer has paid special tax as a "Retail Dealer in Wine" or "Retail Dealer in Wines and Malt Liquors," as the case may require. However, where a special tax stamp has been seized by State authorities because the dealer has operated in violation of local law, a "Certificate in Lieu of Lost or Destroyed Special Tax Stamp" will not be issued by the District Director.

CORRECTION OF ERRORS ON SPECIAL TAX STAMPS

§ 194.139 *Errors disclosed by taxpayers.* On receipt of a special tax stamp, the taxpayer will examine it to insure that the name and address are correctly stated. If an error has been made, the stamp should be returned to the District Director, with a statement showing the nature of the error and the proper name or address. The District Director, on receipt of such stamp and statement, will compare the data with that on Form 11, and if an error on the part of the District Director has been made, will make the necessary correction and return the stamp to the taxpayer. If the Form 11 agrees with the data on the stamp, the District Director will require the taxpayer to file a new Form 11, designated "Amended Return," disclosing the proper name and address, and, on receipt of the amended Form 11, will amend his Record 10 accordingly, attach the amended Form 11 to the original Form 11, make the proper correction on the stamp, and return it to the taxpayer.

§ 194.140 *Errors discovered on inspection.* When an inspector ascertains that an error appears on the special tax stamp as to the name, ownership, address, etc., he will require the taxpayer to prepare a new Form 11, designated "Amended Return," showing the proper name, address, or other correction. Where a special tax stamp is issued in the name of an individual and the business is owned and conducted by a partnership from the beginning of the period of liability covered by the stamp, the names and addresses of all partners will be shown on the amended Form 11. The body of the amended Form 11 must show the reasons for requesting the correction of the special tax stamp. The inspector should also obtain the special tax stamp from the taxpayer, giving him a receipt therefor on Form 1670 (which receipt shall be kept on the dealer's premises), and forward the amended Form 11, the special tax stamp, the duplicate copy of the Form 1670, and the inspection report to the Assistant Regional Commissioner. Upon receipt of the amended Form 11, the special tax stamp, etc., the Assistant Regional Commissioner will examine the amended Form 11 to determine whether correction of the stamp is in order and all necessary data appear on the amended Form 11. If the Assistant Regional Commissioner is satisfied that the papers are in order, he will write or stamp the word "approved" followed by his signature, in any available space on the face of the amended Form 11 and on the inspection report and forward the amended form with the special tax stamp to the proper District Director. Upon receipt of these documents, the District Director will make the proper correction on the special tax stamp, amend his Record 10 accordingly, attach the amended Form 11 to the original Form 11, and return the special tax stamp to the taxpayer.

STAMPS FOR IMPROPER PERIODS

§ 194.141 *General.* Where a dealer has paid special tax and received a stamp for a certain period, whereas he actually incurred liability to special tax for one or more months prior to such period, the procedure outlined in §§ 194.142–194.144 will govern.

§ 194.142 *Liability within current fiscal year.* When the period of the liability not covered by the special tax stamp is within the current fiscal year, a remittance should be secured from the taxpayer covering the full period of the liability to June 30 following, plus the delinquency penalty described in § 194.108, computed on the full amount of the tax. When the remittance is received in the District Director's office, an appropriate stamp for the full period of the liability should be issued. The taxpayer should be advised by the inspector of his privilege of filing a claim on Form 843 for redemption of the stamp covering the shorter period.

§ 194.143 *Liability within a past fiscal year.* When the period of the liability not covered by the special tax stamp is within a past fiscal year, the additional amount due for such period, including the delinquency penalty described in § 194.108, computed on the basis of the tax for the full period, should be collected and listed for assessment by the District Director on his current excise tax list. When the remittance covering such liability is received by an inspector, a serially-numbered receipt on Form 809 should be issued to the taxpayer in order that he may have evidence of tax-payment for such additional period.

§ 194.144 *Amended return required.* In each instance the taxpayer will file a new return on Form 11, designated "Amended Return," showing the proper period of liability. Appropriate notation should be made by the District Director on Record 10.

RECORD 10

§ 194.145 *Public list of taxpayers.* The District Director shall maintain and keep conspicuously in his office on Record 10, for public inspection, a list of all persons who have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid. The names on this list shall be the true names and not the fictitious ones under which persons may elect to do business.

(53 Stat. 395; 26 U. S. C. 3275)

§ 194.146 *Use of Record 10.* All persons shall be entitled to inspect Record 10 in the District Director's office at reasonable and proper times, and are not prohibited from copying the names and addresses of special-tax payers, but no person shall use the record to the extent of interfering with the District Director's use thereof, or unduly to the exclusion of other persons.

(53 Stat. 395; 26 U. S. C. 3275)

§ 194.147 *Furnishing copy of Record 10.* Upon application of any prosecuting officer of any State, county, or municipality, the District Director shall furnish a certified copy of Record 10, or such portions thereof as may be requested, for which a fee of $1 for each hundred words or fraction thereof in the copy or copies so requested shall be charged.

(53 Stat. 395; 26 U. S. C. 3275)

Subpart I—Change of Location

§ 194.150 *Amended return, Form 11.* A special-tax payer who, during the taxable period for which special tax was paid, removes his business to a place other than that specified in his original return on Form 11, and stated on his special tax stamp, must register the change with the District Director from whom the special tax stamp was purchased, within 30 days after he begins to sell or offer for sale liquors at the new location, by executing a new return on Form 11, designated as "Amended Return," setting forth the time when and the place to which such removal was made, and shall surrender the special tax stamp to the District Director for endorsement of the change in location.

(53 Stat. 396; 26 U. S. C. 3280)

§ 194.151 *Removal within same internal revenue district.* When a special-tax payer removes his business to another address within the same internal revenue district, the District Director will enter on his Record 10 the new address and the date of removal, and will note the change on the face of the special tax stamp, stating clearly thereon the new location where said business is to be carried on, and will return the special tax stamp to the taxpayer.

(53 Stat. 396; 26 U. S. C. 3280)

§ 194.152 *Removal to another internal revenue district.* When a taxpayer removes his business to a location within an internal revenue district other than that in which the special tax stamp was issued, the District Director who issued the special tax stamp will enter on his Record 10 the new address and date of removal, stating clearly the new location where said business is to be carried on, and will transmit the stamp to the District Director in charge of the district to which the taxpayer removed. The District Director of that district will make entry on his Record 10, as in the case of a new registrant, and note the taxpayer's new address and the District Director's name, title, and district, and the date on the special tax stamp, which will be returned to the taxpayer.

(53 Stat. 396; 26 U. S. C. 3280)



§ 194.153 *Failure to register change of address within 30 days.* A person who removes his place of business and fails to register such removal with the District Director, within 30 days after he begins to sell or offer for sale liquors at the new location, will be liable to special tax at the new location computed from the 1st day of the calendar month in which he began business at the new location.

(53 Stat. 388 as amended, 396; 26 U. S. C. 3250, 3280)

§ 194.154 *Certificate in lieu of lost or destroyed special tax stamp.* The provisions of this part shall apply to certificates issued to taxpayers in lieu of special tax stamps lost or destroyed in accordance with §§ 194.137 and 194.138.

Subpart J—Change in Proprietorship or Control

§ 194.160 *Sale of business.* A special tax stamp is a receipt for tax, personal to the one to whom issued, and is not transferable from one dealer to another. Where there occurs a change in the proprietorship of a business for which special tax has been paid, a new special tax liability is incurred, except as provided in §§ 194.168–194.169.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.161 *Incorporation of business.* Where an individual or a firm engaged in business requiring payment of special tax forms a corporation to take over and conduct the business, the corporation (a separate legal entity) must pay special tax and procure a stamp in its own name.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.162 *New corporation.* Where a new corporation is formed to take over and conduct the business of one or more corporations which have paid special tax, the new corporation must pay special tax and procure a stamp in its own name.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.163 *Stockholder continuing business of corporation.* A special tax stamp held by a corporation as a liquor dealer cannot cover the same business carried on by one or more of its stockholders after dissolution of the corporation.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.164 *Change in trade name or style of business.* The law requires the payment of but one special tax from the person who carries on the same business at the same place during the same special tax period. A person who pays the requisite special tax upon his business does not incur liability to additional special tax by reason of a mere change in the trade name or style under which such business is conducted, nor by reason of a change in management which involves no change in the proprietorship of the business.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.165 *Change of name or increase in capital stock of a corporation.* Additional special tax is not required by reason of a change of name or increase in the capital stock of a corporation if the laws of the State of incorporation provide for such changes without the creation of a new corporation.

§ 194.166 *Change in ownership of capital stock.* No additional special tax is required by reason of the sale or transfer of all or a controlling interest in the capital stock of a corporation.

§ 194.167 *Change in membership of unincorporated club.* Additional special tax is not required of an unincorporated club by reason of changes in membership, where such changes do not result in the dissolution thereof and the formation of a new club.

§ 194.168 *Change of control; right of succession.* Certain persons other than the special taxpayer may, without incurring additional special tax liability, carry on the same business at the same address for the remainder of the taxable period for which the special tax was paid. To secure such right, the person or persons continuing the business must file with the District Director from whom the special tax stamp was purchased, within 30 days after the date on which the successor begins to carry on the business, a return on Form 11, showing the basis of the succession.

(53 Stat. 396; 26 U. S. C. 3280)

§ 194.169 *Persons having right of succession.* Under the conditions indicated above, the persons having such right of succession are as follows:

Death—The widow or child, or executor, administrator, or other legal representative of the taxpayer.

Husband and wife—A husband or wife succeeding to the business of his or her spouse (living).

Insolvency—A receiver or trustee in bankruptcy, or an assignee for benefit of creditors.

Withdrawal from firm—The partner or partners remaining after death or withdrawal of a member.

(53 Stat. 396; 26 U. S. C. 3280)

§ 194.170 *Failure to register right of succession within 30 days.* A person succeeding, as provided in § 194.69, to a business for which special tax has been paid, and who fails to register such succession with the District Director, within 30 days from the date he begins to carry on the business, will become liable to additional special tax computed from the 1st day of the calendar month in which he began to carry on such business.

(53 Stat. 388 as amended, 396; 26 U. S. C. 3250, 3280)

§ 194.171 *Certificate in lieu of lost or destroyed special tax stamp.* The provisions of this part apply to certificates issued to taxpayers in lieu of special tax stamps lost or destroyed in accordance with §§ 194.137 and 194.138.

Subpart K—Exceptions and Exemptions

§ 194.180 *Sales of liquors for immediate consumption on premises.* A retail dealer in liquors will not be required to pay special tax as wholesale dealer in liquors solely by reason of making sales of liquors in quantities of 5 wine gallons or more to the same person at the same time if such sales are made for immediate consumption of the liquors on the premises where sold.

(53 Stat. 391; 26 U. S. C. 3254)

§ 194.181 *Sales of malt liquors for immediate consumption on premises.* A retail dealer in malt liquors will not be required to pay special tax as wholesale dealer in malt liquors solely by reason of making sales of malt liquors in quantities of five gallons or more to the same person at the same time if such sales are made for immediate consumption of the liquors on the premises where sold.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.182 *Dealers consummating sales of malt liquors at premises of other dealers.* A retail or wholesale dealer in liquors, or a retail or wholesale dealer in malt liquors, who has paid the requisite special tax imposed upon his business, may, without incurring liability for additional special tax, sell fermented malt liquors, at the premises of other dealers, provided the purchaser's place of business is covered by a special tax stamp issued to him to denote the payment of the special tax imposed upon such dealers. The premises of both the selling dealer and the purchasing dealer must be covered by the requisite special tax stamps.

(53 Stat. 392; 26 U. S. C. 3255)

§ 194.183 *Deliveries of malt liquors from place of storage not covered by special tax stamp.* Deliveries of fermented malt liquors may be made by a retail or wholesale dealer in malt liquors from a place of storage, not covered by his special tax stamp, without incurring liability to special tax at such place, provided orders therefor are not accepted at such place of storage, and sales thereof are consummated at the purchaser's place of business covered by a requisite special tax stamp, or orders therefor are accepted at the place where the vendor holds a requisite special tax stamp.

(53 Stat. 388 as amended, 392, 395; 26 U. S. C. 3250, 3255, 3278)

§ 194.184 *Distillers selling in original stamped packages.* No distiller who has given the required bond and who sells only distilled spirits of his own production at the place of manufacture, or at the place of storage in bond, in the original packages to which the tax-paid stamps are affixed, shall be required to pay the special tax as wholesale liquor dealer on account of such sales.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.185 *Distillers selling in other than original stamped packages.* The expression "in the original packages to which the tax-paid stamps are affixed" excludes from the exemption provided in § 194.184 sales of distilled spirits in any packages other than those which have the distilled spirits tax-paid stamp affixed thereto. The sale of distilled spirits in bottles or other containers by distillers necessitates the payment of special tax.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.186 *Brewers selling in original stamped packages.* A brewer is not required to pay special tax as dealer in malt liquors by reason of selling in the original stamped barrel or keg, whether at the place of manufacture or elsewhere,

malt liquors manufactured by him, or purchased and procured by him pursuant to Regulations 18 (26 CFR Part 192) from another brewer in his own barrels or kegs.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.187 *Agent of a brewer.* Any person holding himself out as an agent of a brewer in selling original stamped packages of malt liquors will become liable to special tax unless it is shown that the malt liquor is the property of the brewer and is sold by him for and on account of the brewer, and not on his own account.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.188 *Brewers selling in other than original stamped packages.* Brewers are required to pay special tax as dealers in malt liquor for the sale of malt liquors packaged in bottles or cans or in containers other than the original stamped barrels or kegs.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.189 *Sales by executor, administrator, or other fiduciary.* No special tax shall accrue on a sale of distilled spirits, wines, or malt liquors made by a person who is not otherwise a dealer in liquors, where such liquors have been received by him as executor, administrator, or other fiduciary, if such liquors are sold by such person in one parcel only, or at public auction in parcels of not less than 20 wine gallons.

(53 Stat. 390; 26 U. S. C. 3251)

§ 194.190 *Sales of liquors received as security for or in payment of a debt.* A person, not otherwise a dealer in liquors, who receives a stock of distilled spirits, wines, or malt liquors as security for or in payment of a debt, may sell such liquors in one parcel only, or at public auction in parcels of not less than 20 wine gallons, without paying special tax.

(53 Stat. 390; 26 U. S. C. 3251)

§ 194.191 *Sales of liquors levied on by public officer under order of any court or magistrate.* No special tax shall accrue on a sale of distilled spirits, wines, or malt liquors by a person who is not otherwise a dealer in liquors, where such liquors have been levied on by any officer under order of any court or magistrate, and are sold in one parcel only, or at public auction in parcels of not less than 20 wine gallons.

(53 Stat. 390; 26 U. S. C. 3251)

§ 194.192 *Sales of liquors by retiring partner or by representative of a deceased partner.* No special tax as retail or wholesale dealer shall accrue on a sale made by a retiring partner or the representative of a deceased partner to the incoming, remaining, or surviving partner or partners of a firm.

(53 Stat. 390; 26 U. S. C. 3251)

§ 194.193 *Sales of entire stock by retail liquor dealer in liquidation.* A retail dealer in liquors may, without incurring special tax as a wholesale dealer in liquors, sell out his entire stock of alcoholic liquors in one parcel or in a number of parcels composing his entire stock, which parcels may contain distilled spirits, wines, or malt liquors, or a combination of any or all such liquors.

(53 Stat. 390; 26 U. S. C. 3251)

§ 194.194 *Sales of entire stock by retail malt liquor dealer in liquidation.* A retail dealer in malt liquors may sell out his stock of malt liquors in one parcel or in parcels embracing not less than his entire stock of malt liquors without incurring special tax as a wholesale dealer in malt liquors.

(53 Stat. 390; 26 U. S. C. 3251)

§ 194.195 *Sales by qualified winemakers.* A winemaker who has qualified as such under internal revenue laws and regulations, and who sells wines of his own production where the same are made, or at his general business office, is not required to pay special tax as a retail or wholesale dealer in liquors: *Provided*, That a winemaker shall not have more than one place of business that shall be exempt from special tax.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.196 *Sales by apothecaries and druggists.* Apothecaries and druggists who use wines or spirituous liquors for compounding medicines and in making tinctures which are unfit for use for beverage purposes are not liable to special tax as liquor dealers by reason of the sale of such compounds or tinctures.

(53 Stat. 388 as amended; 26 U. S. C. 3250)

§ 194.197 *Sales by proprietors of industrial alcohol plants or warehouses.* A proprietor of an industrial alcohol plant or a bonded warehouse established under the provisions of 26 U. S. C. 3100 and 3101, may sell, or offer for sale, alcohol stored in such plant or warehouse without payment of special tax as a retail or wholesale liquor dealer.

(53 Stat. 357; 26 U. S. C. 3103)

### Subpart L—Refund and Redemption of Special Taxes

§ 194.200 *Claims.* Claims for abatement or refund of special taxes and delinquency penalties erroneously or illegally assessed or collected, and claims for the redemption of special tax stamps shall be filed on Form 843, in duplicate, with the District Director. The claim must set forth in detail and state each ground upon which it is made, and facts sufficient to apprise the Assistant Regional Commissioner of the exact basis thereof. If the claim is for redemption of a special tax stamp, such stamp shall be attached to and made a part of the claim.

(53 Stat. 399, 464 as amended; 63 Stat. 667; 26 U. S. C. 3304, 3770, 3809)

§ 194.201 *Time limit on filing of claim.* No claim for the refund of a special tax or penalty or for the redemption of a special tax stamp shall be allowed unless presented within four years next after the payment of such tax or penalty or the purchase of such stamp.

(53 Stat. 399; 26 U. S. C. 3304)

§ 194.202 *Discontinuance of business.* A special-tax payer who for any reason discontinues business is not entitled to any refund for the unexpired portion of the fiscal year for which the special tax stamp was issued.

(53 Stat. 394; 26 U. S. C. 3271)

§ 194.203 *Dealer in malt liquors who sells distilled spirits or wines.* A person who pays a special tax as a dealer in malt liquors and who at the time is liable as a dealer in liquors on account of sales of distilled spirits or wines in addition to malt liquors, and thereafter pays the requisite special tax as a dealer in liquors for the same taxable period, may file a claim for redemption of the special tax stamp issued to him as a dealer in malt liquors.

(53 Stat. 388 as amended, 399; 26 U. S. C. 3250, 3304)

§ 194.204 *Dealer in liquors who actually sells only malt liquors.* A person who pays special tax as a dealer in liquors but who actually sells or offers for sale malt liquors only, and later during the same or a subsequent month pays the special tax as a dealer in malt liquors, may not redeem the special tax stamp issued to him as a dealer in liquors. But in such event, a claim for redemption of the special tax stamp as a dealer in malt liquors may be filed.

(53 Stat. 388 as amended, 391, 399; 26 U. S. C. 3250, 3254, 3304)

### Subpart M—Maintenance of Records and Posting of Signs

#### Wholesale Liquor Dealer Records

§ 194.210 *General requirements, Record 52.* Except as provided in § 194.214, every wholesale dealer in liquors who sells distilled spirits shall keep Record 52, and render monthly transcripts, Forms 52A and 52B, and Form 338, of the physical receipt and disposition of distilled spirits by him. Daily entries shall be made on Record 52 of all distilled spirits received and disposed of, as indicated by the headings of the columns and lines of the form and the instructions printed thereon or issued in respect thereto, as required by the provisions of this part, before the close of the business day next succeeding the day on which the transactions occur. Where the wholesale dealer defers the making of the entries to the next business day, as authorized herein, he shall keep a separate record such as invoices, of the removals of distilled spirits, showing the removal data required to be entered on Record 52, and appropriate memoranda of other transactions required to be entered on such record, for the purpose of making the entries correctly.

(53 Stat. 327 as amended, 391; 26 U. S. C. 2857, 3254)

§ 194.211 *Warehouse receipts, Form 52F.* Except as provided in § 194.214, every wholesale dealer in liquors who sells, or offers for sale, distilled spirits by warehouse receipts, shall keep a separate record, and render a monthly transcript, of all purchases and sales of warehouse receipts, on Form 52F. There need not be reported on Form 52F transactions in warehouse receipts not involving the purchase or sale of distilled spirits, such as the receipt from a warehouseman of warehouse receipts covering the deposit or bottling of the spirits in his warehouse or the surrender of warehouse receipts for the bottling of the spirits in bond or their transfer in bond to another warehouse. Entries on Form 52F shall be made as indicated by the headings of the columns and lines of the form and the instructions printed thereon or issued in respect thereto, and as required by the provisions of this part. The provisions of § 194.210 with respect to the time of making entries, and of § 194.233 with respect to forms to be provided by users, are hereby made applicable to Form 52F. The monthly transcript on Form 52F shall be forwarded to the Assistant Regional Commissioner on or before the tenth day of the succeeding month.

(53 Stat. 327 as amended, 391; 26 U. S. C. 2857, 3254)



§ 194.212 *Dealer selling distilled spirits at retail only.* A dealer who sells wines or malt liquors, or both, in wholesale quantities, and who sells distilled spirits in retail quantities, is not required to keep Record 52 or to file monthly transcripts, Forms 52A and 52B, and report, Form 338.

(53 Stat. 327 as amended, 391; 26 U. S. C. 2857, 3254)

§ 194.213 *Dealers not selling distilled spirits.* Wholesale liquor dealers who sell wines and malt liquors only, and wholesale malt liquor dealers are not required to keep Record 52 or to file monthly transcripts, Forms 52A and 52B, and report, Form 338.

(53 Stat. 327 as amended, 391; 26 U. S. C. 2857, 3254)

§ 194.214 *Proprietors.* The proprietor of an industrial alcohol plant or industrial alcohol bonded warehouse shall keep records in his capacity as a wholesale dealer in liquors in accordance with Regulations 3 (26 CFR Part 182). The proprietor of a registered distillery shall keep records in his capacity as a wholesale dealer in liquors in accordance with Regulations 4 (26 CFR Part 183). The proprietor of a fruit distillery shall keep records in his capacity as a wholesale dealer in liquors in accordance with Regulations 5 (26 CFR Part 184). The proprietor of an internal revenue bonded warehouse shall keep records in his capacity as a wholesale dealer in liquors in accordance with Regulations 10 (26 CFR Part 185). The proprietor of a tax-paid bottling house shall keep records in his capacity as a wholesale dealer in liquors in accordance with Regulations 11 (26 CFR Part 189). The proprietor of a rectifying plant shall keep records in his capacity as a wholesale dealer in liquors in accordance with Regulations 15 (26 CFR Part 190). An importer shall keep records in his capacity as a wholesale dealer in liquors in accordance with Regulations 21 (26 CFR Part 191). Any person bringing distilled spirits into the United States from Puerto Rico or the Virgin Islands shall keep records in his capacity as a wholesale dealer in liquors in accordance with Regulations 24 (26 CFR Part 180).

(53 Stat. 327 as amended, 391; 26 U. S. C. 2857, 3254)

§ 194.215 *Entries on Record 52.* Where more than one shipment of distilled spirits is received from the same consignor during any month, there will be entered on Record 52 for the first shipment received, the name and address of such consignor, followed by the registry number (preceded by appropriate identifying symbols) and the State of the consignor's plant or warehouse (for example, IRBW–4–Ky.) or, in the case of shipments received from wholesale liquor dealers or importers, the permit number of the consignor (for example, 3–I–1234). For the remaining shipments received from such consignor during the month, there may be entered in the column designated "Name" such registry number or permit number, as the case may be, and the name and address of the consignor may be omitted. Likewise, where more than one shipment of distilled spirits is sent to the same consignee during any month, there will be entered on Record 52 for the first shipment made the name and address of such consignee followed by the registry number or permit number of the consignee. For the remaining shipments made to such consignee during the month, there may be entered in the column designated "Name" such registry number or permit number, as the case may be, and the name and address of the consignee may be omitted. Where the consignor or consignee is a retail dealer in liquors, the name and address must be entered on Record 52 for each shipment received or sent.

(53 Stat. 327 as amended, 391; 26 U. S. C. 2857, 3254)

§ 194.216 *Entry of miscellaneous items.* Wholesale liquor dealers may enter on Record 52 as one item the total quantity of different kinds of spirits made up from broken cases sold to the same person on the same day, provided such total quantity is not in excess of 10 gallons. The entry of such items shall be stated as "Miscellaneous" or "Misc." and shall show the date, the name and address of the person to whom sold, and the quantity. The total quantity of such miscellaneous spirits so disposed of during the month shall be reported in the monthly summary, Form 338, as "Miscellaneous": *Provided*, That the wholesale liquor dealer determines by actual inventory the quantity of each kind of spirits remaining on hand at the end of the month.

(53 Stat. 327 as amended; 26 U. S. C. 2857)

§ 194.217 *Separate record of name of distiller, rectifier, or bottler.* The name of the person by whom the distilled spirits were distilled, rectified or bottled, need not be entered on Record 52 provided the proprietor keeps at his place of business a separate record of such information, available for inspection by internal revenue officers. The registry number or permit number must be entered in column 5 and the State or country in column 6.

(53 Stat. 327 as amended, 391; 26 U. S. C. 2857, 3254)

§ 194.218 *Separate record of serial numbers of cases.* Serial numbers of cases of distilled spirits received, or disposed of, need not be entered on Record 52, and the serial numbers of packages and cases purchased or sold by warehouse receipts need not be entered on Form 52 F, provided that the wholesale dealer in liquors keeps at his place of business a separate record, showing such serial numbers, with necessary identifying data, including the date of the physical receipt or disposition of distilled spirits and the name and address of the person from whom received or to whom sent, and the date of purchase or sale of warehouse receipts and the name and address of the purchaser or seller, as the case may be, and provided further, that the keeping of such record is approved by the Assistant Regional Commissioner.

(53 Stat. 327 as amended, 391; 26 U. S. C. 2857, 3254)

§ 194.219 *Form of separate records.* The separate records prescribed by §§ 194.217 and 194.218 may be kept in book form (including loose-leaf books) or may consist of commercial papers, such as invoices or bills. Such books, invoices, and bills shall be preserved for a period of four years and in such manner that the required information may be readily ascertained therefrom, and, during such period, shall be available during business hours for inspection and the taking of abstracts therefrom by internal revenue officers. If a record in book form is kept, entries shall be made on such separate record before the close of the business day next succeeding the day on which the transactions occur. Where the making of the entries is deferred to the next business day, as authorized herein, appropriate memoranda shall be maintained for the purpose of making the entries correctly. The dealer shall note on Record 52, and on Form 52 F, in the column for reporting serial numbers, "Serial numbers shown on commercial record per authority, dated ----------"

(53 Stat. 327 as amended, 391; 26 U. S. C. 2857, 3254)

§ 194.220 *Place where Record 52 shall be kept; general.* Except as provided in § 194.221, the wholesale dealer in liquors shall keep Record 52 at the place of business covered by his wholesale liquor dealer special tax stamp, if spirits are received and sent out from such premises.

(53 Stat. 327 as amended, 391; 26 U. S. C. 2857, 3254)

§ 194.221 *Exception.* If the place of business covered by the wholesale liquor dealer special tax stamp is not the same premises where the spirits are received and sent out, the wholesale liquor dealer shall keep his Record 52 at the latter place and render transcripts from such place on Forms 52A and 52B and summary report on Form 338: *Provided*, That, if approved by the Assistant Regional Commissioner, a wholesale liquor dealer may keep his Record 52 at the place of business covered by the special tax stamp and render transcripts on Forms 52A and 52B and summary report on Form 338 from such place. If, how-

ever, the place of business covered by the special tax stamp is not in the same region as the place where the spirits are received and sent out, Record 52 must be kept at the latter place and transcripts on Forms 52A and 52B and summary report on Form 338 rendered to the Assistant Regional Commissioner of that region.

(53 Stat. 327 as amended, 391; 26 U. S. C. 2857, 3254)

§ 194.222 *Place where Form 52F shall be kept.* Every wholesale dealer in liquors shall keep Form 52F at the place of business where warehouse receipts are sold or offered for sale.

(53 Stat. 327 as amended, 391; 26 U. S. C. 2857, 3254)

§ 194.223 *Requirements when wholesale liquor dealer maintains a retail department.* A wholesale liquor dealer who sells distilled spirits at wholesale and at the same premises sells distilled spirits at retail in his capacity as a retail dealer in liquors, and who maintains a separate retail department, shall keep Record 52 at his wholesale department of all distilled spirits there received and disposed of. Distilled spirits transferred from the wholesale department to the retail department shall be reported on Record 52, part 2, as "Transferred to Retail Department." Where it is necessary in the filling of a wholesale order to take liquor out of the retail department, the quantity removed from the retail department must be shown on Record 52, part 1, as "Transferred from Retail Department," and the entire sale shown in Record 52, part 2, as a disposal. The retail department need not be maintained in a separate room or be partitioned off from the wholesale department, but the retail department must in fact be separate from the wholesale department. Where a wholesale liquor dealer sells at both wholesale and retail, and does not maintain a separate retail department, all distilled spirits received and disposed of shall be entered on Record 52.

(53 Stat. 327 as amended; 26 U. S. C. 2857)

§ 194.224 *Records to be kept by States.* The provisions of §§ 194.210–194.223, 194.225 and 194.228–194.233, shall not apply to States and Commonwealths and liquor stores operated by such entities that maintain and make available for inspection by internal revenue officers such records as will enable such officers to trace readily all distilled spirits received and disposed of by them: *Provided*, That such States and Commonwealths, and the liquor stores operated by them, shall, on request of the Assistant Regional Commissioner, furnish such transcripts, summaries, and copies of their records as he shall require.

(53 Stat. 328; 26 U. S. C. 2858)

RETAIL LIQUOR DEALERS

§ 194.225 *Requirements where wholesale department is kept.* A liquor dealer engaged in the business of selling primarily at retail, who at the same premises also makes occasional sales of distilled spirits in quantities of 5 wine gallons or more in his capacity as a wholesale liquor dealer, need not enter in Record 52 all distilled spirits received at the premises as required by § 194.223. As used in this subpart, the term "selling primarily at retail" shall mean that sales at retail must normally represent at least 90 percent of the volume of distilled spirits sold during a month. Where a liquor dealer is engaged in such business, all distilled spirits at the premises may be considered as having been received in the retail department. When a sale of 5 wine gallons or more is made, the distilled spirits involved in the transaction must be shown in Record 52 as received from the retail department and as disposed of. Entries will be made in the various columns of the record pursuant to the provisions of §§ 194.210–194.214 and 194.216. The provisions of §§ 194.215, 194.217–194.219, 194.228, 194.231 and 194.232, relative to separate records, the daily filing of transcripts of Record 52 and certain additional requirements, are not applicable to such liquor dealers. The wholesale department need not be maintained in a separate room or be partitioned off from the retail department, but sales at wholesale must be made in a part of the premises designated as the wholesale department.

(53 Stat. 327 as amended, 391; 26 U. S. C. 2857, 3254)

§ 194.226 *Requirements for dealers in distilled spirits.* Each retail dealer in liquors shall provide, at his own expense, and keep in his place of business a record in book form, or shall keep all invoices or bills for distilled spirits, wines, or malt liquors received, showing the quantity thereof, from whom and the date received. Such records, bills, or invoices shall be kept for two years after the date of the transactions to which they relate and shall be open to inspection during business hours of the dealer by internal revenue officers upon identification and request.

(53 Stat. 391; 26 U. S. C. 3252)

§ 194.227 *Requirements for dealers in malt liquors.* Retail dealers in malt liquors are not required to keep records of malt liquors received.

REPORTS

§ 194.228 *Time of filing.* Except as otherwise provided in this subpart, a wholesale liquor dealer shall file, daily, transcripts of Record 52 on Forms 52A and 52B with the Assistant Regional Commissioner by delivering or mailing them to such officer on the date the transactions entered therein occurred: *Provided*, That in any case in which the Assistant Regional Commissioner shall direct, the transcripts shall be so filed with the Supervisor in Charge instead of with the Assistant Regional Commissioner. The transcripts shall bear the following certification signed by the person or officer authorized to execute Form 338:

I hereby certify that these transcripts, consisting of ------ pages, disclose all the transactions which occurred during the period covered thereby, and that each entry is correct.

If in any case the Assistant Regional Commissioner shall so authorize, the transcripts, in lieu of being filed daily, may be filed with him on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. In such event, transactions will be entered on Record 52 in accordance with the provisions of § 194.211. Summary report on Form 338 shall be filed with the Assistant Regional Commissioner on or before the 10th day of the month succeeding the month in which the transactions in distilled spirits occurred. Record 52 shall be preserved for a period of 4 years and, during such period, shall be available during business hours for inspection and the taking of abstracts therefrom by any internal revenue officer.

(53 Stat. 327 as amended; 26 U. S. C. 2857)

§ 194.229 *No transactions during month.* If there were no receipts and disposals of distilled spirits by a wholesale liquor dealer during a month, it will not be necessary to prepare Forms 52A and 52B. However, a summary on Form 338 must be prepared and forwarded to the Assistant Regional Commissioner, showing the quantity on hand the first day of the month and the quantity on hand the last day of the month and marked "No transactions during month." Wholesale liquor dealers maintaining records in the simplified manner prescribed by § 194.225 should show in the summary on Form 338 that no distilled spirits were on hand the first day and the last day of the month.

(53 Stat. 327 as amended; 26 U. S. C. 2857)

§ 194.230 *Discontinuance of business.* When a wholesale liquor dealer discontinues business as such, he shall render monthly reports, Forms 52A and 52B and the summary report on Form 338, covering transactions for the month in which business is discontinued, and mark such reports "Final." Record 52 shall be preserved by the dealer for a period of 4 years.

(53 Stat. 327 as amended; 26 U. S. C. 2857)

REPORT OF THIRD PARTY TRANSACTIONS

§ 194.231 *Additional requirements.* The wholesale liquor dealer shall report on Record 52, Part 2, and on transcript, Form 52B, the name and address of each consignee, in the column now designated "Name." In the column now designated "Address," there will be reported the name and address of the person, firm, or corporation paying (by advancement or reimbursement) either tax, bottling charge, brokerage fee, handling charge, or clearance fee, indicating which are included. The heading of both columns will be amended accordingly.

(53 Stat. 327 as amended, 373; 26 U. S. C. 2857, 3171)

§ 194.232 *Shipment or delivery to third party.* Where a wholesale liquor dealer ships or delivers distilled spirits to a consignee on the order of another wholesale liquor dealer detailed records of the transactions shall be kept on Record 52 by (*a*) the wholesale liquor dealer making the shipment or delivery, (*b*) the wholesale liquor dealer giving the order, and (*c*) the consignee if he is a wholesale liquor dealer. For example, assuming that wholesale dealer (A) ships or delivers the distilled spirits to consignee (C) on the order of wholesale dealer (B), entries will be made in Record 52 by the parties involved as follows:

(a) Wholesale dealer (A) will show in his Record 52 the name and address of wholesale dealer (B), who ordered the distilled spirits, as well as the name and address of consignee (C), the person to whom the distilled spirits are actually shipped or delivered;

(b) Wholesale dealer (B) will show in his Record 52 that the distilled spirits were purchased from wholesale dealer (A), giving both the name and address of (A), and will at the same time make an entry showing that the distilled spirits were shipped or delivered by (A) to consignee (C), giving the name and address of (C); and

(c) Consignee (C), if a wholesale liquor dealer, will show in his Record 52 that the distilled spirits were purchased from wholesale dealer (B) and received by him from wholesale dealer (A), giving name and address of both. Transcripts of Record 52 on Forms 52 A and 52 B, required to be filed with the Assistant Regional Commissioner, will similarly show the details of such transactions.

(53 Stat. 327 as amended, 373; 26 U. S. C. 2857, 3171)

PROCUREMENT OF FORMS

§ 194.233 *Forms to be provided by users at own expense.* Record 52, Forms 52A, 52B, and 338 will be provided by users at their own expense, but must be in the form prescribed by the Commissioner: *Provided*, That, with the approval of the Commissioner, they may be modified to adapt their use to tabulating or other mechanical equipment: *Provided further*, That where the form is printed in book form, including loose-leaf books, the instructions may be printed on the cover or the fly leaf of the book instead of on the individual form.

(53 Stat. 327 as amended; 26 U. S. C. 2857)

POSTING OF SIGNS

§ 194.234 *By wholesalers.* Every person engaged in business as wholesale dealer in liquors shall place and keep conspicuously on the outside of his place of business a sign exhibiting in plain and legible letters, not less than 3 inches in height, painted in oil colors or gilded, and of a proper and proportionate width, the name or firm of the dealer, with the words "Wholesale Liquor Dealer." In the case of a wholesale liquor dealer who procures and posts a special tax stamp designated "Wholesale Dealer in Wines" or "Wholesale Dealer in Wines and Malt Liquors," the requirements of this section will be met by the posting of a sign of the character and dimensions prescribed herein, but with words conforming to the designation of the special tax stamp.

(53 Stat. 318; 26 U. S. C. 2831)

§ 194.235 *By retailers.* Internal revenue laws do not require the posting of signs by retail dealers in liquors, retail malt liquor dealers, and wholesale malt liquor dealers.

Subpart N—Strip Stamps

§ 194.240 *Strip stamps required on all bottles.* All distilled spirits, whether domestic or imported, in the possession of wholesale dealers in liquors or retail dealers in liquors must be in bottles or similar containers of a capacity of 1 gallon or less and must bear either a green or red strip stamp on the neck of the bottle passing over the cork, stopper, or cap.

(53 Stat. 303 as amended, 342 as amended; 26 U. S. C. 2803, 2903)

§ 194.241 *Destruction of strip stamp on opening bottle.* The strip stamp affixed to containers of distilled spirits shall be destroyed upon the opening of the container: *Provided*, That a portion of the strip stamp shall be left attached to the container while any part of the contents remain therein.

(53 Stat. 303 as amended, 345; 26 U. S. C. 2803, 2908)

§ 194.242 *Mutilated or missing red strip stamps.* Unopened bottles containing tax-paid distilled spirits required to be stamped under 26 U. S. C. 2803, from which the (red) strip stamps are missing, or on which the (red) strip stamp is mutilated to the extent that the contents of the bottle are accessible without further destruction of the stamp, or on which the (red) strip stamp is so mutilated that the genuineness thereof cannot be determined, may be restamped pursuant to §§ 194.243–194.246.

(53 Stat. 303 as amended; 26 U. S. C. 2803)

§ 194.243 *Replacement of mutilated or missing red strip stamps found by dealer.* The bottle should be set aside by the dealer and proper remittance (1 cent for each red strip stamp of one-half pint or greater, or one quarter cent for each red strip stamp of less than one-half pint) and application under oath for the necessary stamps submitted with Form 428, in triplicate, to the Assistant Regional Commissioner. Copies of Form 428 may be obtained from the Assistant Regional Commissioner. The applicant in every case will state the cause of mutilation or absence of the stamps and submit evidence that the spirits are tax-paid. Such evidence may consist of the invoices covering the purchase of the spirits, in addition to other available documents. The Assistant Regional Commissioner will approve the requisition, Form 428, if he is satisfied from the evidence submitted that the tax has been paid on the spirits, and that the mutilation or absence of the stamps has been explained. He will forward the original Form 428 and one copy with the remittance to the proper District Director. The District Director will enter the serial numbers of the stamps issued and stamp the date of sale on both copies of Form 428. He will send the stamps and the copy of Form 428 to the Assistant Regional Commissioner, who will deliver the stamps to the applicant, either by mail or by a representative of his office, together with instructions in regard to affixing them to the containers.

(53 Stat. 303 as amended; 26 U. S. C. 2803)

§ 194.244 *Mutilated or missing red strip stamps found by internal revenue officer.* When an internal revenue officer discovers an unopened bottle containing distilled spirits, to which no red strip stamp is affixed, or on which the red strip stamp is mutilated to the extent that the contents of the bottle are accessible without further destruction of the stamp, or on which the red strip stamp is so mutilated that the genuineness thereof cannot be determined, the officer will direct that the bottle be set aside. If the officer is satisfied that the spirits in the bottle have been tax-paid, and the original contents of the bottle have not been replaced or increased by the addition of any substance, he shall secure an affidavit from the proper person setting forth the reason for the absence or mutilation of the stamp, accompanied by documentary evidence, if any, in support thereof. The officer shall assist the person in executing an application on Form 428 in order to procure a red strip stamp to be affixed to the bottle, pursuant to the procedure outlined in § 194.243. When the internal revenue officer has good reason to believe that the distilled spirits have not been tax-paid, or that the original contents of the bottle have been replaced or increased by the addition of a substance, he will seize the spirits for forfeiture.

(53 Stat. 303 as amended; 26 U. S. C. 2803)

§ 194.245 *Replacement not required.* It will not be necessary to require the replacement of strip stamps where an immaterial portion of the stamp is missing, or where the strip stamp has dropped off a bottle and may be reaffixed thereto by the dealer.

§ 194.246 *Strip stamp missing; open bottle.* In the case of an opened bottle of distilled spirits from which all portions of the strip stamp have been removed, there will be no necessity to require the restamping of the bottle if the internal revenue officer is satisfied the bottle contains all or a part of its original tax-paid contents only.

Subpart O—Miscellaneous

§ 194.250 *Purchase or sale of used containers.* The purchase or sale of used liquor bottles, and other authorized marked containers bearing the penalty clause, "Federal Law Forbids Sale or Reuse of This Bottle," and other indicia is prohibited.

(53 Stat. 331; 26 U. S. C. 2871)

§ 194.251 *Reuse or refilling containers.* No liquor bottle or other authorized container shall be reused for the packaging of distilled spirits, nor shall the original contents, or any portion of such original contents, remaining in a liquor bottle or other authorized container, be increased by the addition of any substance.

(53 Stat. 331; 26 U. S. C. 2871)

§ 194.252 *Possession of used containers.* The possession of used liquor bottles or other authorized marked containers by any person other than the person who empties the contents thereof is

prohibited. This shall not prevent the dealer upon whose premises such bottles or containers may lawfully be emptied from assembling the containers in reasonable quantities upon such premises for the purpose of destruction.

(53 Stat. 331; 26 U. S. C. 2871)

§ 194.253 *Tapping of beer barrels and kegs.* Fermented malt liquor tax stamps must be affixed by the brewer to all barrels and kegs of beer before removing them from the brewery. Beer kegs or barrels must be tapped by driving the faucet or tap rod or an air faucet of equal size through the stamp. The stamp thus destroyed must remain on the barrel or keg until it is emptied.

(53 Stat. 371 as amended; 26 U. S. C. 3159)

§ 194.254 *Possession of undestroyed beer stamps.* The possession by any dealer of fermented malt liquor tax stamps which have not been destroyed is evidence of failure on the part of such dealer to destroy such stamps, as required by § 194.253, at the time of tapping of the containers.

(53 Stat. 371 as amended; 26 U. S. C. 3159)

§ 194.255 *Destruction of stamps, marks, and brands on wine containers.* A dealer who empties any receptacle to which wine tax stamps have been affixed shall destroy such stamps by scraping or obliterating immediately on emptying the receptacles to which they are affixed. If the receptacle is a cask, barrel, or keg, the dealer must, in addition to destroying the stamps, scrape or obliterate all marks or brands affixed to such containers immediately upon emptying.

(53 Stat. 398; 26 U. S. C. 3301)

### Subpart P—Packaging Alcohol for Industrial Purposes

§ 194.260 *Requirements and procedure.* Wholesale dealers in liquors may package alcohol for industrial purposes in containers in excess of 1 wine gallon and less than 5 wine gallons and shall be governed by those provisions of Regulations 11 (26 CFR Part 189) which pertain to the filing of notice on Form 27 E, the procurement, overprinting as to denomination, attachment, and accounting of strip stamps, and the maintenance of Form 52 D. Form 27 E, properly modified, will be approved by the Assistant Regional Commissioner, and will not be forwarded to the Commissioner. Requisitions on Form 428 for strip stamps will be submitted to and approved by the Assistant Regional Commissioner. The strip stamps will be transmitted directly by the District Director to the wholesale dealer in liquors. The wholesale dealer in liquors shall keep records and render monthly reports on Form 96 showing strip stamps received, used, mutilated, and on hand. Bottling operations will be carried on without supervision of a storekeeper-gauger. Form 52 D, properly modified, will be used for accounting for alcohol received, dumped, and packaged. Preparation of Forms 230 will not be required.

(53 Stat. 303 as amended, 331; 26 U. S. C. 2803, 2871)

§ 194.261 *Labeling.* The wholesale dealer in liquors packaging alcohol for industrial purposes will affix to such package a label bearing the word "Alcohol," and in conspicuous type the words "For Industrial Use," and showing the proof, the capacity of the container, and his name and address. The wholesaler may incorporate in the label other appropriate statements: *Provided*, That such statements shall not obscure or contradict the data required hereby to be shown on such labels.

(53 Stat. 303 as amended, 331; 26 U. S. C. 2803, 2871)

*Effect.* These regulations shall be effective as of December 1, 1953.

[SEAL] JUSTIN F. WINKLE,
*Acting Commissioner of Internal Revenue.*

Approved: December 22, 1953.

MARION B. FOLSOM,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-10735; Filed, Dec. 28, 1953; 8:45 a. m.]

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### Subchapter D—Employment Taxes

[Regulations 120]

### PART 406—COLLECTION OF INCOME TAX AT SOURCE ON WAGES; APPLICABLE ON AND AFTER JANUARY 1, 1954

On October 10, 1953, there was published in the FEDERAL REGISTER (18 F. R. 6469) a notice of proposed rule making, regarding regulations relating generally to collection of income tax at source on wages under subchapter D of chapter 9 of the Internal Revenue Code with respect to wages paid on or after January 1, 1954. After consideration of all relevant matter presented by interested parties regarding the rules proposed, the regulations so published are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 406.206, relating to statutory provisions, is revised as follows:

(A) By striking subparagraph (A) of section 1621 (a) (8) and inserting in lieu thereof the following:

(8) (A) For services for an employer (other than the United States or any agency thereof) (i) performed by a citizen of the United States if, at the time of the payment of such remuneration, it is reasonable to believe that such remuneration will be excluded from gross income under section 116 (a), or (ii) performed in a foreign country by such a citizen if, at the time of the payment of such remuneration, the employer is required by the law of any foreign country to withhold income tax upon such remuneration, or,

(B) By inserting immediately preceding the period and closing bracket of the historical note immediately following the text of section 1621 (a) "; sec. 204 (b), Technical Changes Act 1953".

PAR. 2. Section 406.501, relating to receipts for employees, is revised as follows:

(A) By striking in subparagraph (1) of paragraph (a) the words "original and duplicate" and inserting in lieu thereof "tax return copy and the employee's copy".

(B) By striking all of paragraph (d) which follows the heading "*Undelivered Forms W-2.*" and inserting in lieu thereof the following: "The tax return copy and the employee's copy of each withholding statement on Form W-2 for the calendar year which the employer is required to furnish to the employee and which after reasonable effort he is unable to deliver to the employee shall be transmitted to the district director with the return on Form 941 filed by the employer for the first calendar quarter of the next succeeding calendar year or with the employer's final return if filed at an earlier date. Thus, the undelivered copies of Forms W-2 ordinarily will be transmitted to the district director on or before April 30th or May 10th of the year following that for which they were issued, depending upon when the return for the first calendar quarter of such year is required to be filed. In the case of an employer having branch offices, the undelivered copies of Forms W-2 held in such branch offices may be transmitted by the employer with his return or, at the option of the employer, may be transmitted by the branch office directly to the district director for the internal revenue district in which the branch office is located. Such direct transmittal by branch offices shall be made at the time prescribed for the filing of the employer's return for the first quarter of the calendar year following that for which the Forms W-2 were issued or at the time of the filing of the employer's final return if filed at an earlier date. The provisions of this paragraph are also applicable with respect to any corrected statements issued for a prior calendar year."

(C) By striking in paragraph (e) the words "triplicates of the statements (Form W-2a)" and inserting in lieu thereof "district director's copies of the Forms W-2".

PAR. 3. Section 406.600, relating to statutory provisions, is revised by striking in section 3612 the words "internal revenue agent" wherever they appear therein in brackets and inserting in lieu thereof "collection officer".

PAR. 4. Section 406.601, relating to returns, is revised by striking paragraph (b) and inserting in lieu thereof the following:

(b) *District director's copies of Forms W-2.* (1) The district director's copy of each withholding statement on Form W-2 required to be furnished by the employer with respect to wages paid during the calendar year (as well as such copy of each corrected statement for a prior year) shall be included with the return filed for the fourth quarter of the calendar year or with the employer's final return if filed at an earlier date.

(2) The copies of withholding statements for the current calendar year transmitted with the return shall be accompanied by a list (preferably in the form of an adding machine tape) of the amounts of income tax withheld shown on such forms. If an employer's total payroll is made up on the basis of a number of separate units or establishments, the forms may be assembled accordingly and a separate list or tape submitted for each unit. In such case, a summary list or tape should be submitted, the total of which will agree with the corresponding entry to be made on Form 941. Where the number of forms is large, they may be forwarded in packages of convenient size. When this is done, the packages should be identified with the name of the employer and consecutively numbered. The number of packages should be indicated at the top of Form 941. The tax return, Form 941, and remittance in cases of this kind should be filed in the usual manner, accompanied by a brief statement that the district director's copies of Forms W-2 are in separate packages.

(3) The district director's copies of corrected Forms W-2 for a prior calendar year shall be assembled separately from the forms for the current calendar year and shall be accompanied by a statement explaining the corrections.

PAR. 5. Section 406.801, relating to jeopardy assessments, is revised by striking paragraph (a) and inserting in lieu thereof the following:

(a) Whenever, in the opinion of the district director, the collection of the tax will be jeopardized by delay, he should assess the tax, together with all penalties and interest due. Upon assessment such tax, penalty, and interest shall become immediately due and payable.

PAR. 6. Section 406.812, relating to additions to tax for delinquent or false returns, is revised by striking in subparagraph (1) (i) (*a*) of paragraph (a) the words "an internal revenue agent" and inserting in lieu thereof "a collection officer".

[SEAL] T. COLEMAN ANDREWS,
*Commissioner of Internal Revenue.*

Approved: December 22, 1953.

M. B. FOLSOM,
*Acting Secretary of the Treasury.*

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AUTHORITY: §§ 406.101 to 406.814 issued under sec. 1429, 53 Stat. 178, sec. 3791, 53 Stat. 467; 26 U. S. C. 1429, 3791. Interpret or apply sec. 1627, 57 Stat. 138; 26 U. S. C. 1627.

SUBPART A—INTRODUCTORY PROVISIONS

§ 406.100 *Statutory provisions; citation.*

SEC. 2. CITATION. (Pub. 1 (76th Cong.).) This act [enacting the Internal Revenue Code] and the internal revenue title incorporated herein shall be known as the Internal Revenue Code and may be cited as "I. R. C.".

§ 406.101 *Introduction.* These regulations, which constitute Part 406 of Title 26 of the Code of Federal Regulations, are prescribed under subchapter D, chapter 9, Internal Revenue Code. The applicable provisions of subchapter D, as well as certain applicable provisions of other internal revenue laws of particular importance, will be found in the appropriate places in, and are to be read in connection with, the regulations in this part. References to sections of law are references to the Internal Revenue Code unless otherwise expressly indicated. Inasmuch as these regulations constitute Part 406 of Title 26 of the Code of Federal Regulations, each section of the regulations bears a number commencing with 406 and a decimal point.

§ 406.102 *Scope of regulations.* (a) The regulations in this part relate to the collection of income tax at source on wages paid on or after January 1, 1954, regardless of when such wages were earned.

(b) The regulations in this part, with respect to the subject matter within the scope thereof, supersede Regulations 116, approved December 9, 1944 [26 CFR, Part 405], as amended, relating to the collection of income tax at source on wages under subchapter D, chapter 9, Internal Revenue Code, in force prior to January 1, 1954.

SUBPART B—DEFINITIONS

§ 406.200 *Statutory provisions; definitions; in general.*

SEC. 3797. DEFINITIONS.

(a) When used in this title [Internal Revenue Code] • • •—

(1) *Person.* The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, company, or corporation.

(2) *Partnership and partner.* The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization. A person shall be recognized as a partner for income purposes if he owns a capital interest in a partnership in which capital is a material income-producing factor, whether or not such interest was derived by purchase or gift from any other person.

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies, and insurance companies.

(4) *Domestic.* The term "domestic" when applied to a corporation or a partnership means created or organized in the United States or under the law of the United States or of any State or Territory.

(5) *Foreign.* The term "foreign" when applied to a corporation or partnership means a corporation or partnership which is not domestic.

(6) *Fiduciary.* The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

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(9) *United States.* The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(10) *State.* The word "State" shall be construed to include the Territories and the District of Columbia, where such construction is necessary to carry out provisions of this title.

(11) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(12) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

• • • • •

(14) *Taxpayer.* The term "taxpayer" means any person subject to a tax imposed by this title.

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(18) *International organization.* The term "international organization" means a public international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act.

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[Sec. 3797 (a), as amended by sec. 511, Revenue Act 1942; sec. 4 (i), Pub. Law 291 (79th Cong.); sec. 340 (a), Revenue Act 1951.]

(b) *Includes and including.* The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

• • • • •

§ 406.201 *General definitions and use of terms.* As used in the regulations in this part—

(a) The terms defined in the provisions of law contained in the regulations in this part shall have the meanings so assigned to them.

(b) "Internal Revenue Code" means the act approved February 10, 1939 (53 Stat., Part 1), entitled "An act to consolidate and codify the internal revenue laws of the United States," as amended.

(c) "Regulations 116" means the regulations approved December 9, 1944 (26 CFR, Part 405), as amended, relating to the collection of income tax at source on wages under subchapter D, chapter 9, Internal Revenue Code, in force prior to January 1, 1954.

(d) "Person" includes an individual, a corporation, a partnership, a trust or estate, a joint-stock company, an association, or a syndicate, group, pool, joint venture or other unincorporated organization or group, through or by means of which any business, financial operation, or venture is carried on. It includes a guardian, committee, trustee, executor, administrator, trustee in bankruptcy, receiver, assignee for the benefit of creditors, conservator, or any person acting in a fiduciary capacity.

(e) "District director" means district director of internal revenue.

(f) "Identification number" means the identifying number of an employer assigned, as the case may be, under the Federal Insurance Contributions Act or Title VIII of the Social Security Act, or by the district director in accordance with § 406.606 (b) (3).

(g) "Calendar quarter" means a period of three calendar months ending on March 31, June 30, September 30, or December 31.

(h) The term "Armed Forces of the United States" includes all regular and reserve components of the uniformed services which are subject to the jurisdiction of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force. The term also includes the Coast Guard. The members of such forces include commissioned officers and the personnel below the grade of commissioned officer in such forces.

(i) The cross references in the regulations in this part to other portions of the regulations, when the word "see" is used, are made only for convenience and shall be given no legal effect.

§ 406.202 *Statutory provisions; definitions; employee.*

SEC. 1621. DEFINITIONS.

As used in this subchapter [subchapter D of chapter 9]—

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(c) *Employee.* The term "employee" includes an officer, employee, or elected official of the United States, a State, Territory, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term "employee" also includes an officer of a corporation.

[Sec. 1621 (c), as added by sec. 2 (a), Current Tax Payment Act 1943.]

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§ 406.203 *Employee.* (a) The term "employee" includes every individual performing services if the relationship between him and the person for whom he performs such services is the legal relationship of employer and employee. The term includes officers and employees, whether elected or appointed, of the United States, a State, Territory, Puerto Rico, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing.

(b) Generally the relationship of employer and employee exists when the person for whom services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work but also as to the details and means by which that result is accomplished. That is, an employee is subject to the will and control of the employer not only as to what shall be done but how it shall be done. In this connection, it is not necessary that the employer actually direct or control the manner in which the services are performed; it is sufficient if he has the right to do so. The right to discharge is also an important factor indicating that the person possessing that right is an employer. Other factors characteristic of an employer, but not necessarily present in every case, are the furnishing of tools and the furnishing of a place to work to the individual who performs the services. In general, if an individual is subject to the control or direction of another merely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result, he is not an employee.

(c) Generally, physicians, lawyers, dentists, veterinarians, contractors, subcontractors, public stenographers, auctioneers, and others who follow an independent trade, business, or profession, in which they offer their services to the public, are not employees.

(d) Whether the relationship of employer and employee exists will in doubtful cases be determined upon an examination of the particular facts of each case.

(e) If the relationship of employer and employee exists, the designation or description of the relationship by the parties as anything other than that of employer and employee is immaterial. Thus, if such relationship exists, it is of no consequence that the employee is designated as a partner, coadventurer, agent, or independent contractor.

(f) The measurement, method, or designation of compensation is also immaterial, if the relationship of employer and employee in fact exists.

(g) No distinction is made between classes or grades of employees. Thus, superintendents, managers, and other superior employees are employees. Generally, an officer of a corporation is an employee of the corporation. However, an officer of a corporation who as such does not perform any services or performs only minor services and who neither receives nor is entitled to receive, directly or indirectly, any remuneration is not considered to be an employee of the corporation. A director of a corporation in his capacity as such is not an employee of the corporation.

(h) Although an individual may be an employee under this section, his services may be of such a nature, or performed under such circumstances, that the remuneration paid for such services does not constitute wages within the meaning of section 1621 (a).

§ 406.204 *Statutory provisions; definitions; employer.*

SEC. 1621. DEFINITIONS.

As used in this subchapter—

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(d) *Employer.* The term "employer" means the person for whom an individual performs or performed any service, of whatever nature, as the employee of such person, except that—

(1) If the person for whom the individual performs or performed the services does not have control of the payment of the wages for such services, the term "employer" (except for the purposes of subsection (a)) means the person having control of the payment of such wages; and

(2) In the case of a person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, the term "employer" (except for the purposes of subsection (a)) means such person.

[Sec. 1621 (d), as added by sec. 2 (a), Current Tax Payment Act 1943.]

• • • • •

§ 406.205 *Employer.* (a) The term "employer" means any person for whom an individual performs or performed any service, of whatever nature, as the employee of such person.

(b) It is not necessary that the services be continuing at the time the wages are paid in order that the status of employer exist. Thus, for purposes of withholding, a person for whom an individual has performed past services for which he is still receiving wages from such person is an "employer."

(c) If the person for whom the services are or were performed does not have legal control of the payment of the wages for such services, the term "employer" means (except for the purpose of the definition of "wages") the person having such control. For example, where wages, such as certain types of pensions or retired pay, are paid by a trust and the person for whom the services were performed has no legal control over the payment of such wages, the trust is the "employer."

(d) The term "employer" also means (except for the purpose of the definition of "wages") any person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States (including Puerto Rico as if a part of the United States).

(e) It is a basic purpose to centralize in the employer the responsibility for withholding, returning, and paying the tax and furnishing the statements required under section 1633. The foregoing two special definitions of the term "employer" are designed solely to meet unusual situations. They are not intended as a departure from the basic purpose.

(f) An employer may be an individual, a corporation, a partnership, a trust, an estate, a joint-stock company, an association, or a syndicate, group, pool, joint venture, or other unincorporated organization, group, or entity. A trust or estate, rather than the fiduciary acting for or on behalf of the trust or estate, is generally the employer.

(g) The term "employer" embraces not only individuals and organizations engaged in trade or business, but organizations exempt from income tax, such as religious and charitable organizations, educational institutions, clubs, social organizations and societies, as well as the governments of the United States, the States, Territories, Puerto Rico, and the District of Columbia, including their agencies, instrumentalities, and political subdivisions.

§ 406.206 *Statutory provisions; definitions; wages.*

SEC. 1621. DEFINITIONS.

As used in this subchapter—

(a) *Wages.* The term "wages" means all remuneration (other than fees paid to a public official) for services performed by an employee for his employer, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include remuneration paid—

(1) For active service as a member of the armed forces of the United States performed prior to January 1, 1955, in a month for which such member is entitled to the benefits of section 22 (b) (13), or

(2) For agricultural labor (as defined in section 1426 (h)), or

(3) For domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, or

(4) For service not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is $50 or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For the purposes of this paragraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if (A) on each of some twenty-four days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer's trade or business, or (B) such individual was regularly employed (as determined under clause (A)) by such employer in the performance of such service during the preceding calendar quarter, or

(5) For services by a citizen or resident of the United States for a foreign government or an international organization or for the government of the Commonwealth of the Philippines, or

(6) For services performed by a nonresident alien individual, other than (A) a resident of a contiguous country who enters and leaves the United States at frequent intervals, or (B) a resident of Puerto Rico if such services are performed as an employee of the United States or any agency thereof, or

(7) For such services, performed by a nonresident alien individual who is a resident of a contiguous country and who enters and leaves the United States at frequent intervals, as may be designated by regulations prescribed by the Commissioner with the approval of the Secretary, or

(8) (A) For services for an employer (other than the United States or any agency thereof) (i) performed by a citizen of the United States if, at the time of the payment of such remuneration, it is reasonable to believe that such remuneration will be excluded from gross income under section 116 (a), or (ii) performed in a foreign country by such a citizen if, at the time of the payment of such remuneration, the employer is required by the law of any foreign country to withhold income tax upon such remuneration, or

(B) For services for an employer (other than the United States or any agency thereof) performed by a citizen of the United States within a possession of the United States (other than Puerto Rico), if it is reasonable to believe that at least 80 per centum of the remuneration to be paid to the employee by such employer during the calendar year will be for such services, or

(C) For services for an employer (other than the United States or any agency thereof) performed by a citizen of the United States within Puerto Rico, if it is reasonable to believe that during the entire calendar year the employee will be a bona fide resident of Puerto Rico, or

(9) For services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order, or

(10) (A) For services performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution, or

(B) For services performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back, or

(11) For services not in the course of the employer's trade or business, to the extent paid in any medium other than cash, or

(12) To, or on behalf of, an employee or his beneficiary (A) from or to a trust exempt from tax under section 165 (a) at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust, or (B) under or to an annuity plan which, at the time of such payment, meets the requirements of section 165 (a) (3), (4), (5), and (6).

[Sec. 1621 (a), as added by sec. 2 (a), Current Tax Payment Act 1943, and as amended by sec. 4 (e), Pub. Law 291 (79th Cong.); sec. 10, Pub. Law 384 (80th Cong.); sec. 209 (c), Social Security Act Amendments 1950; secs. 202 (b), 221 (f) (1), and (2), Revenue Act 1950; secs. 305 (c), 321 (b), Revenue Act 1951; sec. 2, Pub. Law 213 (83d Cong.); sec. 204 (b), Technical Changes Act 1953.]

* * * * *

§ 406.207 *Wages*—(a) *In general.* (1) The term "wages" means all remuneration for services performed by an employee for his employer unless specifically excepted under section 1621 (a) or excepted under section 1622 (g). See §§ 406.206 to 406.232, inclusive.

(2) The name by which the remuneration for services is designated is immaterial. Thus, salaries, fees, bonuses, commissions on sales or on insurance premiums, pensions, and retired pay are wages within the meaning of the statute if paid as compensation for services performed by the employee for his employer.

(3) The basis upon which the remuneration is paid is immaterial in determining whether the remuneration constitutes wages. Thus, it may be paid on the basis of piecework, or a percentage of profits; and may be paid hourly, daily, weekly, monthly, or annually.

(4) Generally the medium in which the remuneration is paid is also immaterial. It may be paid in cash or in something other than cash, as for example, stocks, bonds, or other forms of property. If services are paid for in a medium other than cash, the fair market value of the thing taken in payment is the amount to be included as wages subject to withholding. If the services were rendered at a stipulated price, in the absence of evidence to the contrary, such price will be presumed to be the fair value of the remuneration received. If a corporation transfers to its employees its own stock as remuneration for services rendered by the employee, the amount of such remuneration is the fair market value of the stock at the time of the transfer.

(5) If a person receives as remuneration for services rendered a salary and in addition thereto living quarters or meals, the value to such person of the quarters and meals so furnished shall be added to the remuneration otherwise paid for the purpose of determining the amount of wages subject to withholding. If, however, living quarters or meals are furnished to an employee for the convenience of the employer, the value thereof need not be included as wages subject to withholding.

(6) Ordinarily, facilities or privileges (such as entertainment, medical services, or so-called "courtesy" discounts on purchases), furnished or offered by an employer to his employees generally, are not considered as wages subject to withholding if such facilities or privileges are of relatively small value and are offered or furnished by the employer merely as a means of promoting the health, good will, contentment, or efficiency of his employees.

(7) Where wages are paid in property other than cash, the employer should make necessary arrangements to insure that the amount of the tax required to be withheld is available for payment to the district director.

(8) Tips or gratuities paid directly to an employee by a customer of an employer, and not accounted for by the employee to the employer, are not subject to withholding.

(9) Remuneration for services, unless such remuneration is specifically excepted by the statute, constitutes wages even though at the time paid the relationship of employer and employee no longer exists between the person in whose employ the services were performed and the individual who performed them.

*Example.* A is employed by R during the month of January 1954 and is entitled to receive remuneration of $100 for the services performed for R, the employer, during the month. A leaves the employ of R at the close of business on January 31, 1954. On February 15, 1954 (when A is no longer an employee of R), R pays A the remuneration of $100 which was earned for the services performed in January. The $100 is wages within the meaning of the statute.

(b) *Pensions and retirement pay.* (1) In general, pensions and retired pay are wages subject to withholding. However, no withholding is required with respect to amounts paid to an employee upon retirement which are taxable as annuities under the provisions of section 22 (b) (2). So-called pensions awarded by one to whom no services have been rendered are mere gifts or gratuities and do not constitute wages. Those payments of pensions or other benefits by the Federal Government under Title 38 of the United States Code which are excluded from gross income are not wages subject to withholding.

(2) Retirement pay for service in the Armed Forces of the United States is subject to withholding unless such pay is excluded from gross income under section 22 (b) (5). Where such retirement pay (not excluded from gross income under section 22 (b) (5)) is paid to a nonresident alien individual, withholding is required only in the case of such amounts paid to a nonresident alien individual who is a resident of Puerto Rico.

(c) *Traveling and other expenses.* Amounts paid specifically—either as advances or reimbursements—for traveling or other bona fide ordinary and necessary expenses incurred or reasonably expected to be incurred in the business of the employer are not wages and are not subject to withholding. Traveling and other reimbursed expenses must be identified either by making a separate payment or by specifically indicating the separate amounts where both wages and expense allowances are combined in a single payment.

(d) *Vacation allowances.* Amounts of so-called "vacation allowances" paid to an employee constitute wages. Thus, the salary of an employee on vacation, paid notwithstanding his absence from work, constitutes wages.

(e) *Dismissal payments.* Any payments made by an employer to an employee on account of dismissal, that is, involuntary separation from the service of the employer, constitute wages regardless of whether the employer is legally bound by contract, statute, or otherwise to make such payments.

(f) *Deductions by employer from wages of employee.* The amount of any tax which is required by law to be deducted by the employer from the wages of an employee is considered to be a part of the employee's wages and is deemed to be paid to the employee as wages at the time the deduction is made. Other amounts deducted from the wages of an employee by an employer also constitute wages paid to the employee at the time of the deduction. It is immaterial that the Internal Revenue Code, or any Act of Congress, or the law of any State or of Puerto Rico, requires or permits such deductions and the payment of the amounts thereof to the United States, a State, a Territory, Puerto Rico, or the District of Columbia, or any political subdivision of any one or more of the foregoing.

(g) *Payment by an employer of employee's tax, or employee's contributions under a State law.* The term "wages" includes the amount paid by an employer on behalf of an employee (without deduction from the remuneration of, or other reimbursements from, the employee) on account of any payment required from an employee under a State unemployment compensation law, or on account of any tax imposed upon the employee by any taxing authority, including the taxes imposed by sections 1400 and 1500.

(h) *Remuneration for services as employee of nonresident alien individual or foreign entity.* The term "wages" includes remuneration for services performed by a citizen or resident of the United States as an employee of a nonresident alien individual, foreign partnership, or foreign corporation whether or not such alien individual or foreign entity is engaged in trade or business within the United States. Any person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States (including Puerto Rico as if a part of the United States), is subject to all the provisions of law and regulations applicable with respect to an employer. See § 406.205. See § 406.226 (c) for the treatment of wages paid for services performed by a citizen of the United States in Puerto Rico.

§ 406.208 *Exclusions from wages.* (a) Remuneration for services performed by an employee for his employer does not constitute wages for purposes of withholding if it is specifically excepted from wages under any of the numbered paragraphs of section 1621 (a). Remuneration so excepted does not constitute wages for purposes of withholding even though it is for services performed within the United States or for services performed outside the United States by a citizen of the United States for an American employer.

(b) The exception attaches to the remuneration for services performed by an employee and not to the employee as an individual; that is, the exception applies only to the remuneration in an excepted category.



*Example.* A is an individual who is employed part time by B to perform domestic service in his home (see § 406.218). A is also employed by C part time to perform services as a clerk in a department store owned by him. While no withholding is required with respect to A's remuneration for services performed in the employ of B (the remuneration being excluded from wages), the exception does not embrace the remuneration for services performed by A in the employ of C and withholding is required with respect to the wages for such services.

(c) For provisions relating to the circumstances under which remuneration which is excepted is nevertheless deemed to be wages, and relating to the circumstances under which remuneration which is not excepted is nevertheless deemed not to be wages, see § 406.210.

§ 406.209 *Statutory provisions; income tax collected at source; included and excluded wages.*

SEC. 1622. INCOME TAX COLLECTED AT SOURCE.

* * * * *

(g) *Included and excluded wages.* If the remuneration paid by an employer to an employee for services performed during one-half or more of any payroll period of not more than thirty-one consecutive days constitutes wages, all the remuneration paid by such employer to such employee for such period shall be deemed to be wages; but if the remuneration paid by an employer to an employee for services performed during more than one-half of any such payroll period does not constitute wages, then none of the remuneration paid by such employer to such employee for such period shall be deemed to be wages.

[Sec. 1622 (g), as added by sec. 2 (a), Current Tax Payment Act 1943.]

* * * * *

§ 406.210 *Included and excluded wages.* (a) If a portion of the remuneration paid by an employer to his employee for services performed during a payroll period constitutes wages, and the remainder does not constitute wages, all the remuneration paid the employee for services performed during such period shall for purposes of withholding be treated alike, that is, either all included as wages or all excluded. The time during which the employee performs services, the remuneration for which under section 1621 (a) constitutes wages, and the time during which he performs services, the remuneration for which under such section does not constitute wages, determine whether all the remuneration for services performed during the payroll period shall be deemed to be included or excluded.

(b) If one-half or more of the employee's time in the employ of a particular person in a payroll period is spent in performing services the remuneration for which constitutes wages, then all the remuneration paid the employee for services performed in that payroll period shall be deemed to be wages.

(c) If less than one-half of the employee's time in the employ of a particular person in a payroll period is spent in performing services the remuneration for which constitutes wages, then none of the remuneration paid the employee for services performed in that payroll period shall be deemed to be wages.

*Example (1).* Employee A is employed by B who operates a farm and a store. The remuneration paid A for services on the farm is excepted as remuneration for agricultural labor, and the remuneration for services performed in the store constitutes wages. Employee A is paid on a monthly basis. During a particular month, A works 120 hours on the farm and 80 hours in the store. None of the remuneration paid A for services performed during the month is deemed to be wages, since the remuneration paid for less than one-half of the services performed during the month constitutes wages.

During another month A works 75 hours on the farm and 120 hours in the store. All of the remuneration paid A for services performed during the month is deemed to be wages since the remuneration paid for one-half or more of the services performed during the month constitutes wages.

*Example (2).* Employee C is employed as a maid by D, a physician, whose home and office are located in the same building. The remuneration paid C for services in the home is excepted as remuneration for domestic service, and the remuneration paid for her services in the office constitutes wages. C is paid on a weekly basis. During a particular week C works 20 hours in the home and 20 hours in the office. All of the remuneration paid C for services performed during that week is deemed to be wages, since the remuneration paid for one-half or more of the services performed during the week constitutes wages.

During another week C works 22 hours in the home and 15 hours in the office. None of the remuneration paid C for services performed during that week is deemed to be wages, since the remuneration paid for less than one-half of the services performed during the week constitutes wages.

(d) The rules set forth in this section do not apply (1) with respect to any remuneration paid for services performed by an employee for his employer if the periods for which remuneration is paid by the employer vary to the extent that there is no period which constitutes a payroll period within the meaning of section 1621 (b), or (2) with respect to any remuneration paid for services performed by an employee for his employer if the payroll period for which remuneration is paid exceeds 31 consecutive days. In any such case withholding is required with respect to that portion of such remuneration which constitutes wages.

§ 406.211 *Statutory provisions; definitions; wages; public official.*

SEC. 1621. DEFINITIONS.

As used in this subchapter—

(a) *Wages.* The term "wages" means all remuneration (other than fees paid to a public official) for services performed by an employee for his employer. * * *

[Sec. 1621 (a), as added by sec. 2 (a), Current Tax Payment Act 1943, and as amended by sec. 4 (e), Pub. Law 291 (79th Cong.); sec. 10, Pub. Law 384 (80th Cong.); sec. 209 (c), Social Security Act Amendments 1950; secs. 202 (b), 221 (f) (1), and (2), Revenue Act 1950; secs. 305 (c), 321 (b), Revenue Act 1951.]

* * * * *

§ 406.212 *Fees paid a public official.* (a) Authorized fees paid to public officials such as notaries public, clerks of courts, sheriffs, etc., for services rendered in the performance of their official duties are excepted from the definition of the term "wages" and hence are not subject to withholding. However, salaries paid such officials by the Government, or Government agency or instrumentality, are subject to withholding.

(b) Amounts paid to precinct workers for services performed at election booths in State, county, and municipal elections and fees paid to jurors and witnesses are in the nature of fees paid to public officials and therefore are not subject to withholding.

§ 406.213 *Statutory provisions; definitions; wages; members of the Armed Forces.*

SEC. 1621. DEFINITIONS.

As used in this subchapter—

(a) *Wages.* The term "wages" means all remuneration * * * for services performed by an employee for his employer * * *; except that such term shall not include remuneration paid—

(1) For active service as a member of the armed forces of the United States performed prior to January 1, 1955, in a month for which such member is entitled to the benefits of section 22 (b) (13), or

[Sec. 1621 (a) (1), as added by sec. 2 (a), Current Tax Payment Act 1943, and as amended by sec. 10, Pub. Law 384 (80th Cong.); sec. 202 (b), Revenue Act 1950; sec. 205 (c), Revenue Act 1951; sec. 2, Pub. Law 213 (83d Cong.).]

* * * * *

§ 406.214 *Remuneration of members of the Armed Forces of the United States for active service in combat zone or while hospitalized as a result of such service.* Remuneration paid for active service as a member of the Armed Forces of the United States performed prior to January 1, 1955, in a month during any part of which such member served in a combat zone (as determined under section 22 (b) (13)) or is hospitalized at any place as a result of wounds, disease, or injury incurred while serving in such a combat zone, is excepted from the definition of the term "wages" and is, therefore, not subject to withholding. The exception with respect to hospitalization is applicable, however, only if during all of such month there are combatant activities in some combat zone (as determined under section 22 (b) (13)).

§ 406.215 *Statutory provisions; definitions; wages; agricultural labor.*

SEC. 1621. DEFINITIONS.

As used in this subchapter—

(a) *Wages.* The term "wages" means all remuneration * * * for services performed by an employee for his employer * * *; except that such term shall not include remuneration paid—

* * * * *

(2) For agricultural labor (as defined in section 1426 (h)), or

[Sec. 1621 (a) (2), as added by sec. 2 (a), Current Tax Payment Act 1943.]

* * * * *

SEC. 1426. DEFINITIONS.

When used in this subchapter [subchapter A of chapter 9]—

* * * * *

(h) *Agricultural Labor.* The term "agricultural labor" includes all service performed—

(1) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife.

(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

(3) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the Agricultural Marketing Act, as amended, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes.

(4) (A) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than one-half of the commodity with respect to which such service is performed.

(B) In the employ of a group of operators of farms (other than a cooperative organization) in the performance of service described in subparagraph (A), but only if such operators produced all of the commodity with respect to which such service is performed. For the purposes of this subparagraph, any unincorporated group of operators shall be deemed a cooperative organization if the number of operators comprising such group is more than twenty at any time during the calendar quarter in which such service is performed.

(C) The provisions of subparagraphs (A) and (B) shall not be deemed to be applicable with respect to service performed in connection with commercial canning or coummercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(5) On a farm operated for profit if such service is not in the course of the employer's trade or business or is domestic service in a private home of the employer.

As used in this section, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

[Sec. 1426 (h), as added by sec. 606, Social Security Act Amendments 1939, and as amended by sec. 204 (d), Social Security Act Amendments 1950.]

* * * * *

SEC. 15. MISCELLANEOUS PROVISIONS (AGRICULTURAL MARKETING ACT).

* * * * *

(g) As used in this act, the term "agricultural commodity" includes * * * crude gum (oleoresin) from a living tree, and the following products as processed by the original producer of the crude gum (oleoresin) from which derived: Gum spirits of turpentine and gum rosin, as defined in the Naval Stores Act, approved March 3, 1923.

[Sec. 15 (g), Pub. Law 10 (71st Cong.), as added by sec. 3, Pub. Law 867 (71st Cong.).]

SEC. 2. (THE NAVAL STORES ACT).

That, when used in this act—

* * * * *

(c) "Gum spirits of turpentine" means spirits of turpentine made from gum (oleoresin) from a living tree.

* * * * *

(h) "Gum rosin" means rosin remaining after the distillation of gum spirits of turpentine.

[Sec. 2 (c), (h), Pub. Law 478 (67th Cong.).]

* * * * *

§ 406.216 *Remuneration for agricultural labor*—(a) *In general.* (1) The term "wages" does not include remuneration for services which constitute agricultural labor as defined in section 1426 (h). The term "agricultural labor" as so defined includes services of a character described in paragraphs (b), (c), (d), (e), and (f) of this section. In general, however, the term agricultural labor does not include services performed in connection with forestry, lumbering, or landscaping.

(2) The term "farm" as used in the regulations in this part includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, orchards, and such greenhouses and other similar structures as are used primarily for the raising of agricultural or horticultural commodities. Greenhouses and other similar structures used primarily for other purposes (for example, display, storage, and fabrication of wreaths, corsages, and bouquets) do not constitute "farms."

(b) *Services described in section 1426 (h) (1).* (1) Remuneration paid for services performed on a farm by an employee of any person in connection with any of the following activities is excepted as remuneration for agricultural labor:

(i) The cultivation of the soil;

(ii) The raising, shearing, feeding, caring for, training, or management of livestock, bees, poultry, fur-bearing animals, or wildlife; or

(iii) The raising or harvesting of any other agricultural or horticultural commodity.

(2) Remuneration paid for services performed in connection with the production or harvesting of maple sap, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry is excepted only if such services are performed on a farm. Thus, services performed in connection with the operation of a hatchery, if not operated as part of a poultry or other farm, do not constitute agricultural labor. Services performed in the processing (as distinguished from the gathering) of maple sap into maple sirup or maple sugar do not constitute agricultural labor, even though such services are performed on a farm.

(c) *Services described in section 1426 (h) (2).* (1) The remuneration paid for the following services performed by an employee in the employ of the owner or tenant or other operator of one or more farms is excepted as remuneration for agricultural labor, provided the major part of such services is performed on a farm:

(i) Services performed in connection with the operation, management, conservation, improvement, or maintenance of any of such farms or its tools or equipment; or

(ii) Services performed in salvaging timber, or clearing land of brush and other debris, left by a hurricane.

(2) The services described in subparagraph (1) (i) of this paragraph may include, for example, services performed by carpenters, painters, mechanics, farm supervisors, irrigation engineers, bookkeepers, and other skilled or semiskilled workers, which contribute in any way to the conduct of the farm or farms, as such, operated by the person employing them, as distinguished from any other enterprise in which such person may be engaged.

(3) Since the services described in this paragraph must be performed in the employ of the owner or tenant or other operator of the farm, the exception does not extend to remuneration paid for services performed by employees of a commercial painting concern, for example, which contracts with a farmer to renovate his farm properties.

(d) *Services described in section 1426 (h) (3).* Remuneration paid for services performed by an employee in the employ of any person in connection with any of the following operations is excepted as remuneration for agricultural labor without regard to the place where such services are performed:

(1) The ginning of cotton;

(2) The operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying or storing water for farming purposes; or

(3) The production or harvesting of crude gum (oleoresin) from a living tree or the processing of such crude gum into gum spirits of turpentine and gum rosin, provided such processing is carried on by the original producer of such crude gum.

(e) *Services described in section 1426 (h) (4).* (1) Remuneration paid for services performed by an employee in the handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, of any agricultural or horticultural commodity is excepted as remuneration for agricultural labor if:

(i) Such services are performed by the employee in the employ of an operator of a farm or in the employ of a group of operators of farms (other than a cooperative organization);

(ii) Such services are performed with respect to the commodity in its unmanufactured state; and

(iii) (*a*) Such operator produced more than one-half of the commodity with respect to which such services are performed during the pay period, or (*b*) such group of operators produced all of the commodity with respect to which such services are performed during the pay period.

(2) The term "operator of a farm" as used in this paragraph means an owner, tenant, or other person, in possession of a farm and engaged in the operation of such farm.

(3) The services described in this paragraph do not constitute agricultural labor if performed in the employ of a cooperative organization. The term "organization" includes corporations, joint-stock companies, and associations which are treated as corporations under the Internal Revenue Code. For the purposes of this paragraph, any unincorporated group of operators shall be deemed a cooperative organization if the number of operators comprising such group is more than 20 at any time during the calendar quarter in which the services involved are performed.

(4) Processing services which change the commodity from its raw or natural state do not constitute agricultural labor. For example, the extraction of juices from fruits or vegetables is a processing operation which changes the character of the fruits or vegetables from their raw or natural state and, therefore, does not constitute agricultural labor. On the other hand, services rendered in the cutting and drying of fruits or vegetables are processing operations which do not change the character of the fruits or vegetables and, therefore, constitute agricultural labor, if the other requisite conditions are met. Services performed with respect to a commodity after its character has been changed from its raw or natural state by a processing operation do not constitute agricultural labor.

(5) The term "commodity" refers to a single agricultural or horticultural product, for example, all apples are to be treated as a single commodity, while apples and peaches are to be treated as two separate commodities. The services with respect to each such commodity are to be considered separately in determining whether the condition set forth in subparagraph (1) (iii) of this paragraph has been satisfied. The portion of the commodity produced by an operator or group of operators with respect to which the services described in this paragraph are performed by a particular employee shall be determined on the basis of the pay period in which such services were performed by such employee.

(6) The services described in this paragraph do not include services performed in connection with commercial canning or commercial freezing, or in connection with any commodity after its delivery to a terminal market for distribution for consumption. Moreover, since the services described in this paragraph must be rendered in the actual handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, of the commodity, such services do not, for example, include services performed as stenographers, bookkeepers, clerks, and other office employees, even though such services may be in connection with such activities. However, to the extent that the services of such individuals are performed in the employ of the owner or tenant or other operator of a farm and are rendered in major part on a farm, they may be within the provisions of paragraph (c) of this section.

(f) *Services described in section 1426 (h) (5).* Remuneration paid for services not in the course of the employer's trade or business (see § 406.220) or for domestic service in a private home of the employer (see § 406.218) is excepted as remuneration for agricultural labor if such services are performed on a farm operated for profit. Generally, a farm





is not operated for profit if it is occupied by the employer primarily for residential purposes, or is used primarily for the pleasure of the employer or his family such as for the entertainment of guests or as a hobby of the employer or his family.

§ 406.217 *Statutory provisions; definitions; wages; domestic service.*

SEC. 1621. DEFINITIONS.

As used in this subchapter—

(a) *Wages.* The term "wages" means all remuneration * * * for services performed by an employee for his employer * * *; except that such term shall not include remuneration paid—

* * * * *

(3) For domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, or

[Sec. 1621 (a) (3), as added by sec. 2 (a), Current Tax Payment Act 1943.]

* * * * *

§ 406.218 *Remuneration for domestic service.* (a) Remuneration paid for services of a household nature performed by an employee in or about the private home of the person by whom he is employed, or performed in or about the club rooms or house of a local college club or local chapter of a college fraternity or sorority by which he is employed, is excepted from the term "wages."

(b) A private home is the fixed place of abode of an individual or family.

(c) A local college club or local chapter of a college fraternity or sorority does not include an alumni club or chapter.

(d) If the home is utilized primarily for the purpose of supplying board or lodging to the public as a business enterprise, it ceases to be a private home and the remuneration paid for services performed therein is not excepted. Likewise, if the club rooms or house of a local college club or local chapter of a college fraternity or sorority is used primarily for such purpose, the remuneration paid for services performed therein is not within the exception.

(e) In general, services of a household nature in or about a private home include services rendered by cooks, maids, butlers, valets, laundresses, furnacemen, gardeners, footmen, grooms, and chauffeurs of automobiles for family use. In general, services of a household nature in or about the club rooms or house of a local college club or local chapter of a college fraternity or sorority include services rendered by cooks, waiters, butlers, maids, janitors, laundresses, furnacemen, handymen, gardeners, housekeepers, and housemothers.

(f) The remuneration paid for services of a household nature is not within the exception if performed in or about rooming or lodging houses, boarding houses, clubs (except local college clubs), hotels, hospitals, eleemosynary institutions, or commercial offices or establishments.

(g) Remuneration paid for services performed as a private secretary, even though performed in the employer's home, is not within the exception.

§ 406.219 *Statutory provisions; definitions; wages; service not in the course of employer's trade or business.*

SEC. 1621. DEFINITIONS.

As used in this subchapter—

(a) *Wages.* The term "wages" means all remuneration * * * for services performed by an employee for his employer * * *; except that such term shall not include remuneration paid—

* * * * *

(4) For service not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is $50 or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For the purposes of this paragraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if (A) on each of some twenty-four days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer's trade or business, or (B) such individual was regularly employed (as determined under clause (A)) by such employer in the performance of such service during the preceding calendar quarter, or

* * * * *

(11) For services not in the course of the employer's trade or business, to the extent paid in any medium other than cash, or

[Sec. 1621 (a) (4), as added by sec. 2 (a), Current Tax Payment Act 1943, and as amended by sec. 209 (c), Social Security Act Amendments 1950; and sec. 1621 (a) (11), as added by sec. 209 (c), Social Security Act Amendments 1950.]

* * * * *

§ 406.220 *Remuneration for service not in the course of employer's trade or business.* (a) The term "wages" does not include remuneration paid in any medium other than cash for service not in the course of the employer's trade or business. Cash remuneration paid for service not in the course of the employer's trade or business performed by an employee for an employer in a calendar quarter is excepted from the term "wages" unless—

(1) The cash remuneration paid for such service performed by the employee for the employer in the calendar quarter is $50 or more; and

(2) Such employee is regularly employed in the calendar quarter by such employer to perform such service.

Unless the tests set forth in both subparagraphs (1) and (2) of this paragraph are met, cash remuneration for service not in the course of the employer's trade or business is excluded from wages.

(b) The term "service not in the course of the employer's trade or business" includes service that does not promote or advance the trade or business of the employer. Remuneration paid for service performed for a corporation does not come within the exception.

(c) The test relating to cash remuneration of $50 or more is based on the remuneration earned during a calendar quarter rather than on the remuneration paid in a calendar quarter. However, for purposes of determining whether the test is met, it is also re-

quired that the remuneration be paid, although it is immaterial when the remuneration is paid. Furthermore, in determining whether $50 or more has been paid for service not in the course of the employer's trade or business, only cash remuneration for such service shall be taken into account. The term "cash remuneration" includes checks and other monetary media of exchange. Remuneration paid in any other meduim, such as lodging, food, or other goods or commodities, is disregarded in determining whether the cash-remuneration test is met.

(d) For the purposes of this exception, an individual is deemed to be regularly employed by an employer during a calendar quarter only if:

(1) Such individual performs service not in the course of the employer's trade or business for such employer for some portion of the day on at least 24 days (whether or not consecutive) during such calendar quarter; or

(2) Such individual was regularly employed (as determined under subparagraph (1)) by such employer in the performance of service not in the course of the employer's trade or business during the preceding calendar quarter.

(e) In determining whether an employee has performed service not in the course of the employer's trade or business on at least 24 days during a calendar quarter, there shall be counted as one day—

(1) Any day or portion thereof on which the employee actually performs such service; and

(2) Any day or portion thereof on which the employee does not perform service of the prescribed character but with respect to which cash remuneration is paid or payable to the employee for such service, such as a day on which the employee is sick or on vacation.

An employee who on a particular day reports for work and, at the direction of his employer, holds himself in readiness to perform service not in the course of the employer's trade or business shall be considered to be engaged in the actual performance of such service on that day. For the purposes of this exception, a day is a period of 24 hours commencing at midnight and ending at midnight.

(f) For provisions relating to service not in the course of the employer's trade or business and domestic service performed on a farm operated for profit, see § 406.216 (f). For provisions relating to domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, see § 406.218.

§ 406.221 *Statutory provisions; definitions; wages; foreign government or international organization.*

SEC. 1621. DEFINITIONS.
As used in this subchapter—
(a) *Wages.* The term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

• • • • •

(5) For services by a citizen or resident of the United States for a foreign government or an international organization or for the government of the Commonwealth of the Philippines, or

[Sec. 1621 (a) (5), as added by sec. 2 (a), Current Tax Payment Act 1943, and as amended by sec. 4 (e), Pub. Law 291 (79th Cong.).]

• • • • •

SEC. 3797. DEFINITIONS.
(a) When used in this title • • •

• • • • •

(18) *International organization.* The term "international organization" means a public international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act.

[Sec. 3797 (a) (18), as added by sec. 4 (i), Pub. Law 291 (79th Cong.).]

• • • • •

SEC. 1. (INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT).

For the purposes of this title [International Organizations Immunities Act], the term "international organization" means a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation, and which shall have been designated by the President through appropriate Executive order as being entitled to enjoy the privileges, exemptions, and immunities herein provided. The President shall be authorized, in the light of the functions performed by any such international organization, by appropriate Executive order to withhold or withdraw from any such organization or its officers or employees any of the privileges, exemptions, and immunities provided for in this title (including the amendments made by this title) or to condition or limit the enjoyment by any such organization or its officers or employees of any such privilege, exemption, or immunity. The President shall be authorized, if in his judgment such action should be justified by reason of the abuse by an international organization or its officers and employees of the privileges, exemptions, and immunities herein provided or for any other reason, at any time to revoke the designation of any international organization under this section, whereupon the international organization in question shall cease to be classed as an international organization for the purposes of this title.

[Sec. 1, Pub. Law 291 (79th Cong.).]

§ 406.222 *Remuneration for services for foreign government or international organization*—(a) *Services for foreign government.* (1) Remuneration paid for services performed as an employee of a foreign government, or the government of the Commonwealth of the Philippines, is excepted. The exception includes not only remuneration paid for services performed by ambassadors, ministers, and other diplomatic officers and employees but also remuneration paid for services performed as a consular or other officer or employee of a foreign government, or the government of the Commonwealth of the Philippines, or as a nondiplomatic representative of such a government. However, the exception does not include remuneration for services performed for a corporation created or organized in the United States or under the laws of the United States or of any State (including the District of Columbia or the Territory of Alaska or Hawaii) or of Puerto Rico even though such corporation is wholly owned by such a government.

(2) The citizenship or residence of the employee and the place where the services are performed are immaterial for purposes of the exception.

(b) *Services for international organization.* Subject to the provisions of section 1 of the International Organizations Immunities Act, remuneration paid for services performed within or without the United States by an employee for an international organization as defined in section 3797 (a) (18) is excepted from the term "wages." The term "employee" as used in the preceding sentence includes not only an employee who is a citizen or resident of the United States but also an employee who is a nonresident alien individual. The term "employee" also includes an officer. An organization designated by the President through appropriate Executive order as entitled to enjoy the privileges, exemptions, and immunities provided in the International Organizations Immunities Act may enjoy the benefits of the exclusion from wages with respect to remuneration paid for services performed for such organization prior to the date of the issuance of such Executive order, if (1) the Executive order does not provide otherwise and (2) the organization is a public international organization in which the United States participates, pursuant to a treaty or under the authority of an Act of Congress authorizing such participation or making an appropriation for such participation, at the time such services are performed.

§ 406.223 *Statutory provisions; definitions; wages; nonresident aliens.*

SEC. 1621. DEFINITIONS.
As used in this subchapter—
(a) *Wages.* The term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

• • • • •

(6) For services performed by a nonresident alien individual, other than (A) a resident of a contiguous country who enters and leaves the United States at frequent intervals, or (B) a resident of Puerto Rico if such services are performed as an employee of the United States or any agency thereof, or

(7) For such services performed by a nonresident alien individual who is a resident of a contiguous country and who enters and leaves the United States at frequent intervals, as may be designated by regulations prescribed by the Commissioner with the approval of the Secretary, or

[Sec. 1621 (a) (6), as added by sec. 2 (a), Current Tax Payment Act 1943, and as amended by sec. 221 (f) (1), Revenue Act 1950; and sec. 1621 (a) (7), as added by sec. 2 (a), Current Tax Payment Act 1943.]

• • • • •

§ 406.224 *Remuneration for services of nonresident alien individuals.* (a) Except in the case of certain nonresident alien individuals who are residents of Canada, Mexico, and Puerto Rico, remuneration for services performed by nonresident alien individuals does not constitute wages subject to withholding under section 1622. For withholding of income tax on wages paid for services performed within the United States in the case of nonresident alien individuals generally, see section 143 and regulations thereunder.

(b) Withholding is required in the case of wages paid to nonresident aliens who are residents of a contiguous country (Canada or Mexico) and who enter and leave the United States at frequent intervals, except such aliens who, in the performance of their duties in transportation service between points in the United States and points in a contiguous country, enter and leave the United States at frequent intervals. This exception applies to personnel engaged in railroad, ferry, steamboat, and aircraft services and applies alike whether the employer is a domestic or foreign entity. Thus, the wages of a nonresident alien individual who is a resident of Canada and an employee of a domestic railroad, for services as a member of the crew of a train operating between points in Canada and points in the United States, shall not be subject to withholding under section 1622. The exemption, however, has no application to a resident of Canada who, for example, is employed at a fixed point in the United States, such as a factory, store, or office, and who commutes from his home in Canada in the pursuit of his employment within the United States; nor does it apply to an alien employee of a railroad corporation who is on duty within the United States, even though he enters and leaves the United States in reaching his place of employment from his home in a contiguous country.

(c) In order for the exemption to apply, the nonresident alien employee must file with his employer a certificate containing the following: The employee's name and address, and a statement that he is not a citizen of the United States, and that he is a resident of the named contiguous country and the approximate period of time during which he has occupied such status. Such certificate shall contain, or be verified by, a written declaration that it is made under the penalties of perjury. Although the form is not prescribed, the certificate must contain all the information required by this section.

(d) Withholding is not required in the case of wages paid to a nonresident alien individual for services performed in Puerto Rico for an employer (other than the United States or any agency thereof), even though such alien individual is a resident of Puerto Rico at the time when such services are performed. Wages paid for services performed by a nonresident alien individual who is a resident of Puerto Rico are subject to withholding if such services are performed as an employee of the United States or any agency thereof. The place of performance of such services is immaterial, provided such alien individual is a resident of Puerto Rico at the time of performance. Wages representing retired pay for service in the Armed Forces of the United States are subject to withholding under the limitations specified in § 406.207 (b) (2), in the case of an alien resident of Puerto Rico.

§ 406.225 *Statutory provisions: definitions; wages; citizens outside the United States.*

SEC. 1621. DEFINITIONS.
As used in this subchapter—
(a) *Wages.* The term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

• • • • •

(8) (A) For services for an employer (other than the United States or any agency thereof) (i) performed by a citizen of the United States if, at the time of the payment of such remuneration, it is reasonable to believe that such remuneration will be excluded from gross income under section 116 (a), or (ii) performed in a foreign country by such a citizen if, at the time of the payment of such remuneration, the employer is required by the law of any foreign country to withhold income tax upon such remuneration, or

(B) For services for an employer (other than the United States or any agency thereof) performed by a citizen of the United States within a possession of the United States (other than Puerto Rico), if it is reasonable to believe that at least 80 per centum of the remuneration to be paid to the employee by such employer during the calendar year will be for such services, or

(C) For services for an employer (other than the United States or any agency thereof) performed by a citizen of the United States within Puerto Rico, if it is reasonable to believe that during the entire calendar year the employee will be a bona fide resident of Puerto Rico, or

[Sec. 1621 (a) (8), as added by sec. 2 (a), Current Tax Payment Act 1943, and as amended by sec. 10, Pub. Law 384 (80th Cong.); sec. 221 (f) (2), Revenue Act 1950; sec. 321 (b), Revenue Act 1951; sec. 204 (b), Technical Changes Act 1953.]

• • • • •

SEC. 116. EXCLUSIONS FROM GROSS INCOME.
In addition to the items specified in section 22 (b), the following items shall not be included in gross income and shall be exempt from taxation under this chapter [Chapter 1]:

(a) *Earned income from sources without the United States*—(1) *Bona fide resident of foreign country.* In the case of an individual citizen of the United States, who establishes to the satisfaction of the Secretary that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year, amounts received from sources without the United States (except amounts paid by the United States or any agency thereof) if such amounts constitute earned income (as defined in paragraph (3)) attributable to such period; but such individual shall not be allowed as a deduction from his gross income any deductions properly allocable to or chargeable against amounts excluded from gross income under this paragraph.

(2) *Presence in foreign country for 17 months.* In the case of an individual citizen of the United States, who during any period of 18 consecutive months is present in a foreign country or countries during at least 510 full days in such period, amounts received from sources without the United States (except amounts paid by the United States or any agency thereof) if such amounts constitute earned income (as defined in paragraph (3)) attributable to such period; but such individual shall not be allowed as a deduction from his gross income any deductions properly allocable to or chargeable against amounts excluded from gross income under this paragraph. If the 18-month period includes the entire taxable year, the amount excluded under this paragraph for such taxable year shall not exceed $20,000. If the 18-month period does not include the entire taxable year, the amount excluded under this paragraph for such taxable year shall not exceed an amount which bears the same ratio to $20,000 as the number of days in the part of the taxable year within the 18-month period bears to the total number of days in such year.

[Sec. 116 (a) (1), (2), as amended by sec. 148 (a), Revenue Act 1942; sec. 107, Revenue Act 1943; sec. 321 (a), Revenue Act 1951; sec. 204 (a), Technical Changes Act 1953.]

• • • • •

§ 406.226 *Remuneration for services of citizens outside the United States*—(a) *Citizens in foreign countries*—(1) *Elimination of double withholding.* (i) The remuneration paid for services performed in a foreign country for an employer (other than the United States or any agency or instrumentality thereof) by a citizen of the United States does not constitute wages and hence is not subject to withholding, if at the time of the payment of such remuneration the employer is required by the law of any foreign country to withhold income tax upon such remuneration.

(ii) The remuneration is not exempt from withholding under this subparagraph if the employer is not required by the law of a foreign country to withhold income tax upon such remuneration. Mere agreements between the employer and the employee whereby the estimated income tax of a foreign country is withheld from the remuneration in anticipation of actual liability under the law of such country will not suffice.

(iii) The exemption from withholding provided by this subparagraph does not apply by reason of withholding of income tax pursuant to the law of a possession or territory of the United States or of a political subdivision of a foreign state.

(2) *Resident of a foreign country.* (i) The remuneration paid for services performed outside the United States for an employer (other than the United States or any agency or instrumentality thereof) by a citizen of the United States does not constitute wages and hence is not subject to withholding, if at the time of payment it is reasonable to believe that such remuneration will be excluded from gross income under the provisions of section 116 (a) (1).

(ii) Section 116 (a) (1) provides that, in the case of an individual citizen of the United States who establishes to the satisfaction of the Commissioner that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year, all amounts received from sources without the United States (except amounts paid by the United States or any agency or instrumentality thereof) shall be excluded from gross income if such amounts constitute earned income, as defined in section 116 (a) (3), which is attributable to such uninterrupted period. See section 116 (a) and the regulations thereunder.

(iii) The employer may, in the absence of cause for a reasonable belief to the contrary, presume that remuneration for services performed outside the United States during the taxable year, or applicable portion thereof, will be excluded from gross income under the provisions of section 116 (a) (1) for each taxable year in respect of which the employee properly executes and files in duplicate with the employer a statement in the following form:

STATEMENT FOR CLAIMING BENEFIT OF SECTION 116 (a) (1)

For calendar year ----------
or fiscal year
beginning ---------- and ending ----------

(A) My name is ----------. My present address is ----------. I am employed by ----------.

(B) My last address in the United States was ----------. The internal revenue district in which I filed my last income tax return is ----------.

(C) I ---------- file my income tax return on the calendar-year basis.
(Do or do not)

(D) I file my income tax return on the basis of the fiscal year beginning ----------, 19----, and ending ----------, 19----.

(E) I am a citizen of the United States.

(F) I have been a bona fide resident of the following foreign country or countries, namely, ----------, for an uninterrupted period which began on ----------, 19----.

(G) I expect to remain a bona fide resident of a foreign country or countries from the date of this statement until the end of the taxable year in respect of which this statement is filed.

(H) On the basis of the facts in my case I have good reason to believe that, with respect to the above period of foreign residence falling within the taxable year, I will satisfy the bona fide foreign-residence requirement prescribed by section 116 (a) (1) of the Internal Revenue Code.

(I) I understand that any exemption from withholding of tax permitted by reason of the filing of this statement is not a determination by the Commissioner of Internal Revenue that any remuneration paid to me for any services performed during the taxable year is excludable from gross income under the provisions of section 116 (a) (1) of the Internal Revenue Code.

I declare under the penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief is true and correct.

----------
(Signature of taxpayer)

Date: ----------, 19----.

(iv) If with respect to any employee the employer was entitled to presume for the two consecutive taxable years immediately preceding the employee's current taxable year that the employee's remuneration for services performed outside the United States during such preceding taxable years would be excluded from gross income under the provisions of section 116 (a) (1), he may, if such employee is residing in a foreign country on the first day of such current taxable year, presume that, in the absence of cause for a reasonable belief to the contrary, the remuneration for services performed outside the United States during such current taxable year will be excluded from gross income under the provisions of section 116 (a) (1).

(3) *Physical presence in a foreign country.* (i) The remuneration paid for services performed outside the United States for an employer (other than the United States or any agency or instrumentality thereof) by a citizen of the United States does not constitute wages and hence is not subject to withholding, if at the time of payment it is reasonable to believe that such remuneration will be excluded from gross income under the provisions of section 116 (a) (2).

(ii) Section 116 (a) (2) provides that, in the case of an individual citizen of the United States who during any period of 18 consecutive months is present in a foreign country or countries during at least 510 full days in such period, amounts received from sources without the United States (except amounts paid by the United States or any agency or instrumentality thereof) shall be excluded from gross income if such amounts constitute earned income, as defined in section 116 (a) (3), which is attributable to such period. However, the total amount so excluded from gross income under the provisions of such section shall not exceed $20,000 for each taxable year if the 18-month period includes the entire taxable year. If the 18-month period does not include the entire taxable year, the amount excluded from gross income under such section for such taxable year shall not exceed an amount which bears the same ratio to $20,000 as the number of days in the part of the taxable year within the 18-month period bears to the total number of days in such year. See section 116 (a) and the regulations thereunder.

(iii) The employer may, in the absence of cause for a reasonable belief to the contrary, presume that remuneration for services performed outside the United States during the taxable year, or applicable portion thereof, will be excluded from gross income under the provisions of section 116 (a) (2) for each taxable year in respect of which the employee properly executes and files in duplicate with the employer a statement in the form set forth below. The presumption shall not apply after the total payments made during the taxable year of the employee equal $20,000 or such lesser amount as may be allowable under section 116 (a) (2) on the basis of the facts shown in such statement.

STATEMENT FOR CLAIMING BENEFIT OF SECTION 116 (a) (2)

For calendar year ----------
or fiscal year
beginning ---------- and ending ----------

(A) My name is ----------. My present address is ----------. I am employed by ----------.

(B) My last address in the United States was ----------. The internal revenue district in which I filed my last income tax return is ----------.

(C) I ---------- file my income tax return on the calendar-year basis.
(Do or do not)

(D) I file my income tax return on the basis of the fiscal year beginning ----------, 19----, and ending ----------, 19--.

(E) I am a citizen of the United States.

(F) Except for occasional absences which have not disqualified me for the benefit of section 116 (a) (2) of the Internal Revenue Code, I have been present in the following foreign country or countries, namely ------, during the period of time which began on ----------, 19----.

(G) I expect to be present in a foreign country or countries, except for occasional absences not disqualifying me for the benefit of section 116 (a) (2), from the date of this statement until the end of the taxable year in respect of which this statement is filed, or, if not for such period, from the date of this statement until the following date within such taxable year, namely, ----------, 19----.

(H) On the basis of the facts in my case I have good reason to believe that, with respect to the above period of presence in a foreign country or countries falling within the taxable year, I will satisfy the 510 full-day requirement prescribed by section 116 (a) (2) of the Internal Revenue Code.

(I) In the event I become disqualified for the exclusion provided by section 116 (a) (2) in respect of all or part of the above period of presence in a foreign country or countries falling within the taxable year, I will immediately notify my employer, giving sufficient facts to indicate the part, if any, of such period falling within such year in respect of which I am qualified for such exclusion.

(J) I understand that any exemption from withholding of tax permitted by reason of the filing of this statement is not a determination by the Commissioner of Internal Revenue that any remuneration paid to me for any services performed during the taxable year is excludable from gross income under the provisions of section 116 (a) (2) of the Internal Revenue Code.

I declare under the penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief is true and correct.

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(Signature of taxpayer)

Date: ----------, 19----.

(4) *General.* The original of each statement filed with the employer pursuant to subparagraphs (2) and (3) of this paragraph (a) shall be transmitted to the district director with the employer's return on Form 941 required by § 406.601 for the quarter of the calendar year within which such statement is filed. The duplicate copy shall be retained by the employer.

(b) *Citizens in possessions of the United States other than Puerto Rico.* (1) Remuneration paid for services for an employer (other than the United States or any agency thereof) performed by a citizen of the United States within a possession of the United States, other than Puerto Rico, is not subject to withholding, if it is reasonable to believe that at least 80 percent of the remuneration to be paid to the employee by such employer during the calendar year will be for such services.

(2) Withholding is required in the case of remuneration paid to a citizen of the United States for services performed as an employee of the United States or any agency thereof in any possession of the United States, including Puerto Rico.

(c) *Citizens in Puerto Rico.* (1) Remuneration paid for services performed within Puerto Rico for an employer (other than the United States or any agency thereof) by a citizen of the United States is not subject to withholding, if it is reasonable to believe that during the entire calendar year the employee will be a bona fide resident of Puerto Rico.

(2) In addition, the employer may, in the absence of cause for a reasonable belief to the contrary, presume that an employee will be a bona fide resident of Puerto Rico during the entire calendar year—

(i) In every case except where the employee is known by the employer to have maintained his abode at a place outside Puerto Rico at some time during the current or the preceding calendar year; or

(ii) In every case where the employee files with the employer a statement (containing a declaration under the penalties of perjury that such statement is true to the best of the employee's knowledge and belief) that such employee has at all times during the current calendar year been a bona fide resident of Puerto Rico and that he intends to remain a bona fide resident of Puerto Rico during the entire remaining portion of such current calendar year.

(d) *Reasonable belief.* The reasonable belief referred to in subparagraph (A), (B), or (C) of section 1621 (a) (8) may be based upon any evidence reasonably sufficient to induce such belief, even though such evidence may be insufficient upon closer examination by the Commissioner or the courts finally to establish that the remuneration is excludable from gross income under the provisions of section 116 (a), section 116 (l), or section 251.

§ 406.227 *Statutory provisions; definitions; wages; minister of a church.*

SEC. 1621. DEFINITIONS.
As used in this subchapter—
(a) *Wages.* The term "wages" means all remuneration * * * for services performed by an employee for his employer * * *; except that such term shall not include remuneration paid—

* * * * *

(9) For services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order, or

[Sec. 1621 (a) (9), as added by sec. 2 (a), Current Tax Payment Act 1943, and as amended by sec. 209 (c), Social Security Act Amendments 1950.]

* * * * *

§ 406.228 *Remuneration for services performed by a minister of a church or by a member of a religious order.* Remuneration paid for services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a religious order in the exercise of duties required by such order, is not subject to withholding under section 1622. The duties of ministers include the ministration of sacerdotal functions and the conduct of religious worship, and the control, conduct, and maintenance of religious organizations (including the religious boards, societies, and other integral agencies of such organizations), under the authority of a religious body constituting a church or church denomination.



§ 406.229 *Statutory provisions; definitions; wages; delivery or distribution of newspapers.*

SEC. 1621. DEFINITIONS.
As used in this subchapter—
(a) *Wages.* The term "wages" means all remuneration * * * for services performed by an employee for his employer * * *; except that such term shall not include remuneration paid—

* * * * *

(10) (A) For services performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution, or

(B) For services performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back, or

[Sec. 1621 (a) (10), as added by sec. 209 (c), Social Security Act Amendments 1950.]

* * * * *

§ 406.230 *Remuneration for delivery and distribution of newspapers, shopping news, and magazines*—(a) *In general.* Subparagraph (A) of section 1621 (a) (10) excepts from wages the remuneration for certain services performed by an employee under the age of 18 in the delivery or distribution of newspapers or shopping news. This exception is dealt with in paragraph (b) of this section. Subparagraph (B) of section 1621 (a) (10) excepts from wages the remuneration for certain services in the sale of newspapers or magazines without regard to the age of the individual performing the services. Such exception is dealt with in paragraph (c) of this section.

(b) *Services of individuals under age 18.* Remuneration for services performed by an employee under the age of 18 in the delivery or distribution of newspapers, or shopping news, not including delivery or distribution (as, for example, by a regional distributor) to any point for subsequent delivery or distribution, is excepted from wages. Thus, remuneration for services performed by an employee under the age of 18 in making house-to-house delivery or sale of newspapers or shopping news, including handbills and other similar types of advertising material, is excepted from wages. The remuneration is excepted irrespective of the form or method thereof. The remuneration for incidental services by the employee who makes the house-to-house delivery, such as services in assembling newspapers, are considered to be within the exception. The exception continues only during the time that the employee is under the age of 18.

(c) *Services of individuals of any age.* Remuneration for services performed by an employee in, and at the time of, the sale of newspapers or magazines to ultimate consumers under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his remuneration being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, is excepted from wages. The remuneration is excepted whether or not the employee is guaranteed a minimum amount of remuneration, or is entitled to be credited with the unsold newspapers or magazines turned back. Moreover, the remuneration is excepted without regard to the age of the employee. Remuneration for services performed other than at the time of sale to the ultimate consumer is not within the exception. Thus, remuneration for services of a regional distributor which are antecedent to but not immediately part of the sale to the ultimate consumer are not within the exception. However, remuneration for incidental services by the employee who makes the sale to the ultimate consumer, such as services in assembling newspapers or in taking newspapers or magazines to the place of sale, is considered to be within the exception.

§ 406.231 *Statutory provisions; definitions; wages; certain tax-exempt trusts and annuity plans.*

SEC. 1621. DEFINITIONS.
As used in this subchapter—
(a) *Wages.* The term "wages" means all remuneration * * * for services performed by an employee for his employer * * *; except that such term shall not include remuneration paid—

* * * * *

(12) To, or on behalf of, an employee or his beneficiary (A) from or to a trust exempt from tax under section 165 (a) at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust, or (B) under or to an annuity plan which, at the time of such payment, meets the requirements of section 165 (a) (3), (4), (5), and (6).

[Sec. 1621 (a) (12), as added by sec. 209 (c), Social Security Act Amendments 1950.]

* * * * *

§ 406.232 *Payments from or to certain tax-exempt trusts or under or to certain annuity plans.* Any payment from or to a trust or annuity plan is excepted from wages if:

(a) The payment is made by an employer, on behalf of an employee or his beneficiary, into a trust or annuity plan, if at the time of such payment the trust is exempt from tax under section 165 (a) or the annuity plan meets the requirements of section 165 (a) (3), (4), (5), and (6); or

(b) The payment is made to, or on behalf of, an employee or his beneficiary from a trust or under an annuity plan, if at the time of such payment the trust is exempt from tax under section 165 (a) or the annuity plan meets the requirements of section 165 (a) (3), (4), (5), and (6).

A payment made to an employee of a trust exempt from tax under section 165 (a) for services rendered as an employee of such trust and not as a beneficiary of the trust is not within this exception.

SUBPART C—DETERMINATION OF TAX

§ 406.300 *Statutory provisions; determination of tax.*

SEC. 1622. INCOME TAX COLLECTED AT SOURCE.

(a) *Requirement of withholding.* Every employer making payment of wages shall deduct and withhold upon such wages a tax equal to 18 per centum of the amount by which the wages exceed the number of withholding exemptions claimed multiplied by the amount of one such exemption as shown in subsection (b) (1) • • •.

[Sec. 1622 (a), as added by sec. 2 (a), Current Tax Payment Act 1943, and as amended by sec. 22 (b), Individual Income Tax Act 1944; sec. 104 (a), Revenue Act 1945; sec. 501, Revenue Act 1948; sec. 141, Revenue Act 1950; sec. 201, Revenue Act 1951.]

(b) (1) The table referred to in subsection (a) is as follows:

PERCENTAGE METHOD WITHHOLDING TABLE

| Payroll period | *Amount of one withholding exemption* |
|---|---|
| Weekly | $13.00 |
| Biweekly | 26.00 |
| Semimonthly | 28.00 |
| Monthly | 56.00 |
| Quarterly | 167.00 |
| Semiannual | 333.00 |
| Annual | 667.00 |
| Daily or miscellaneous (per day of such period) | 1.80 |

(2) If wages are paid with respect to a period which is not a payroll period, the withholding exemption allowable with respect to each payment of such wages shall be the exemption allowed for a miscellaneous payroll period containing a number of days (including Sundays and holidays) equal to the number of days in the period with respect to which such wages are paid.

(3) In any case in which wages are paid by an employer without regard to any payroll period or other period, the withholding exemption allowable with respect to each payment of such wages shall be the exemption allowed for a miscellaneous payroll period containing a number of days equal to the number of days (including Sundays and holidays) which have elapsed since the date of the last payment of such wages by such employer during the calendar year, or the date of commencement of employment with such employer during such year, or January 1 of such year, whichever is the later.

(4) In any case in which the period, or the time described in paragraph (3), in respect of any wages is less than one week, the Commissioner, under regulations prescribed by him with the approval of the Secretary, may authorize an employer, in computing the tax required to be deducted and withheld, to use the excess of the aggregate of the wages paid to the employee during the calendar week over the withholding exemption allowed by this subsection for a weekly payroll period.

(5) In determining the amount to be deducted and withheld under this subsection, the wages may, at the election of the employer, be computed to the nearest dollar.

[Sec. 1622 (b), as added by sec. 2 (a), Current Tax Payment Act 1943, and as amended by sec. 22 (b), Individual Income Tax Act 1944; sec. 104 (a), Revenue Act 1945; sec. 501, Revenue Act 1948.]

(c) *Wage bracket withholding*—(1) (A) • • •

(B) *Wages paid after December 31, 1953.* At the election of the employer with respect to any employee, the employer shall deduct and withhold upon the wages paid to such employee after December 31, 1953, a tax determined in accordance with the following tables, which shall be in lieu of the tax required to be deducted and withheld under subsection (a):

IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS WEEKLY

| And the wages are— | | And the number of withholding exemptions claimed is— | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| At least | But less than | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 or more |
| | | The amount of tax to be withheld shall be— | | | | | | | | | | |
| $0 | $13 | 18% of wages | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| $13 | $14 | $2.40 | .10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $14 | $15 | 2.60 | .30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $15 | $16 | 2.80 | .50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $16 | $17 | 3.00 | .70 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $17 | $18 | 3.20 | .80 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $18 | $19 | 3.30 | 1.00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $19 | $20 | 3.50 | 1.20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $20 | $21 | 3.70 | 1.40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $21 | $22 | 3.80 | 1.60 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $22 | $23 | 4.10 | 1.70 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $23 | $24 | 4.20 | 1.90 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $24 | $25 | 4.40 | 2.10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $25 | $26 | 4.60 | 2.30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $26 | $27 | 4.80 | 2.50 | .20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $27 | $28 | 5.00 | 2.60 | .30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $28 | $29 | 5.10 | 2.80 | .50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $29 | $30 | 5.30 | 3.00 | .70 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $30 | $31 | 5.50 | 3.20 | .90 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $31 | $32 | 5.70 | 3.40 | 1.10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $32 | $33 | 5.80 | 3.50 | 1.20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $33 | $34 | 6.00 | 3.70 | 1.40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $34 | $35 | 6.20 | 3.90 | 1.60 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $35 | $36 | 6.40 | 4.10 | 1.80 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $36 | $37 | 6.60 | 4.30 | 2.00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $37 | $38 | 6.80 | 4.40 | 2.10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $38 | $39 | 6.90 | 4.60 | 2.30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $39 | $40 | 7.10 | 4.80 | 2.50 | .20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $40 | $41 | 7.30 | 5.00 | 2.70 | .40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $41 | $42 | 7.50 | 5.20 | 2.90 | .60 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $42 | $43 | 7.70 | 5.30 | 3.00 | .70 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $43 | $44 | 7.80 | 5.50 | 3.20 | .90 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $44 | $45 | 8.00 | 5.70 | 3.40 | 1.10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $45 | $46 | 8.20 | 5.90 | 3.60 | 1.30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $46 | $47 | 8.40 | 6.10 | 3.80 | 1.40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $47 | $48 | 8.60 | 6.20 | 3.90 | 1.60 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $48 | $49 | 8.70 | 6.40 | 4.10 | 1.80 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $49 | $50 | 8.90 | 6.60 | 4.30 | 2.00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $50 | $51 | 9.10 | 6.80 | 4.50 | 2.20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $51 | $52 | 9.30 | 7.00 | 4.70 | 2.30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $52 | $53 | 9.50 | 7.10 | 4.80 | 2.50 | .20 | 0 | 0 | 0 | 0 | 0 | 0 |
| $53 | $54 | 9.60 | 7.30 | 5.00 | 2.70 | .40 | 0 | 0 | 0 | 0 | 0 | 0 |
| $54 | $55 | 9.80 | 7.50 | 5.20 | 2.90 | .60 | 0 | 0 | 0 | 0 | 0 | 0 |
| $55 | $56 | 10.00 | 7.70 | 5.40 | 3.10 | .80 | 0 | 0 | 0 | 0 | 0 | 0 |
| $56 | $57 | 10.20 | 7.90 | 5.60 | 3.20 | .90 | 0 | 0 | 0 | 0 | 0 | 0 |
| $57 | $58 | 10.40 | 8.00 | 5.70 | 3.40 | 1.10 | 0 | 0 | 0 | 0 | 0 | 0 |
| $58 | $59 | 10.50 | 8.20 | 5.90 | 3.60 | 1.30 | 0 | 0 | 0 | 0 | 0 | 0 |
| $59 | $60 | 10.70 | 8.40 | 6.10 | 3.80 | 1.50 | 0 | 0 | 0 | 0 | 0 | 0 |
| $60 | $62 | 11.00 | 8.70 | 6.40 | 4.10 | 1.70 | 0 | 0 | 0 | 0 | 0 | 0 |
| $62 | $64 | 11.30 | 9.00 | 6.70 | 4.40 | 2.10 | 0 | 0 | 0 | 0 | 0 | 0 |
| $64 | $66 | 11.70 | 9.40 | 7.10 | 4.80 | 2.50 | .20 | 0 | 0 | 0 | 0 | 0 |
| $66 | $68 | 12.10 | 9.80 | 7.40 | 5.10 | 2.80 | .50 | 0 | 0 | 0 | 0 | 0 |
| $68 | $70 | 12.40 | 10.10 | 7.80 | 5.50 | 3.20 | .90 | 0 | 0 | 0 | 0 | 0 |
| $70 | $72 | 12.80 | 10.50 | 8.20 | 5.90 | 3.50 | 1.20 | 0 | 0 | 0 | 0 | 0 |
| $72 | $74 | 13.10 | 10.80 | 8.50 | 6.20 | 3.90 | 1.60 | 0 | 0 | 0 | 0 | 0 |
| $74 | $76 | 13.50 | 11.20 | 8.90 | 6.60 | 4.30 | 2.00 | 0 | 0 | 0 | 0 | 0 |
| $76 | $78 | 13.90 | 11.60 | 9.20 | 6.90 | 4.60 | 2.30 | 0 | 0 | 0 | 0 | 0 |
| $78 | $80 | 14.20 | 11.90 | 9.60 | 7.30 | 5.00 | 2.70 | .40 | 0 | 0 | 0 | 0 |
| $80 | $82 | 14.60 | 12.30 | 10.00 | 7.70 | 5.30 | 3.00 | .70 | 0 | 0 | 0 | 0 |
| $82 | $84 | 14.90 | 12.60 | 10.30 | 8.00 | 5.70 | 3.40 | 1.10 | 0 | 0 | 0 | 0 |
| $84 | $86 | 15.30 | 13.00 | 10.70 | 8.40 | 6.10 | 3.80 | 1.50 | 0 | 0 | 0 | 0 |
| $86 | $88 | 15.70 | 13.40 | 11.00 | 8.70 | 6.40 | 4.10 | 1.80 | 0 | 0 | 0 | 0 |
| $88 | $90 | 16.00 | 13.70 | 11.40 | 9.10 | 6.80 | 4.50 | 2.20 | 0 | 0 | 0 | 0 |
| $90 | $92 | 16.40 | 14.10 | 11.80 | 9.50 | 7.10 | 4.80 | 2.50 | .20 | 0 | 0 | 0 |
| $92 | $94 | 16.70 | 14.40 | 12.10 | 9.80 | 7.50 | 5.20 | 2.90 | .60 | 0 | 0 | 0 |
| $94 | $96 | 17.10 | 14.80 | 12.50 | 10.20 | 7.90 | 5.60 | 3.30 | .90 | 0 | 0 | 0 |
| $96 | $98 | 17.50 | 15.20 | 12.80 | 10.50 | 8.20 | 5.90 | 3.60 | 1.30 | 0 | 0 | 0 |
| $98 | $100 | 17.80 | 15.50 | 13.20 | 10.90 | 8.60 | 6.30 | 4.00 | 1.70 | 0 | 0 | 0 |
| $100 | $105 | 18.50 | 16.10 | 13.80 | 11.50 | 9.20 | 6.90 | 4.60 | 2.30 | 0 | 0 | 0 |
| $105 | $110 | 19.40 | 17.00 | 14.70 | 12.40 | 10.10 | 7.80 | 5.50 | 3.20 | .90 | 0 | 0 |
| $110 | $115 | 20.30 | 17.90 | 15.60 | 13.30 | 11.00 | 8.70 | 6.40 | 4.10 | 1.80 | 0 | 0 |
| $115 | $120 | 21.20 | 18.80 | 16.50 | 14.20 | 11.90 | 9.60 | 7.30 | 5.00 | 2.70 | .40 | 0 |
| $120 | $125 | 22.10 | 19.70 | 17.40 | 15.10 | 12.80 | 10.50 | 8.20 | 5.90 | 3.60 | 1.30 | 0 |
| $125 | $130 | 23.00 | 20.60 | 18.30 | 16.00 | 13.70 | 11.40 | 9.10 | 6.80 | 4.50 | 2.20 | 0 |
| $130 | $135 | 23.90 | 21.50 | 19.20 | 16.90 | 14.60 | 12.30 | 10.00 | 7.70 | 5.40 | 3.10 | .80 |
| $135 | $140 | 24.80 | 22.40 | 20.10 | 17.80 | 15.50 | 13.20 | 10.90 | 8.60 | 6.30 | 4.00 | 1.70 |
| $140 | $145 | 25.70 | 23.30 | 21.00 | 18.70 | 16.40 | 14.10 | 11.80 | 9.50 | 7.20 | 4.90 | 2.60 |
| $145 | $150 | 26.60 | 24.20 | 21.90 | 19.60 | 17.30 | 15.00 | 12.70 | 10.40 | 8.10 | 5.80 | 3.50 |
| $150 | $160 | 27.90 | 25.60 | 23.30 | 21.00 | 18.70 | 16.40 | 14.10 | 11.70 | 9.40 | 7.10 | 4.80 |
| $160 | $170 | 29.70 | 27.40 | 25.10 | 22.80 | 20.50 | 18.20 | 15.90 | 13.50 | 11.20 | 8.90 | 6.60 |
| $170 | $180 | 31.50 | 29.20 | 26.90 | 24.60 | 22.30 | 20.00 | 17.70 | 15.30 | 13.00 | 10.70 | 8.40 |
| $180 | $190 | 33.30 | 31.00 | 28.70 | 26.40 | 24.10 | 21.80 | 19.50 | 17.10 | 14.80 | 12.50 | 10.20 |
| $190 | $200 | 35.10 | 32.80 | 30.50 | 28.20 | 25.90 | 23.60 | 21.30 | 18.90 | 16.60 | 14.30 | 12.00 |
| | | 18 percent of the excess over $200 plus— | | | | | | | | | | |
| $200 and over | | 36.00 | 33.70 | 31.40 | 29.10 | 26.80 | 24.50 | 22.20 | 19.80 | 17.50 | 15.20 | 12.90 |



IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS BIWEEKLY

| And the wages are— | | And the number of withholding exemptions claimed is— | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| At least | But less than | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 or more |
| | | The amount of tax to be withheld shall be— | | | | | | | | | | |
| $0 | $26 | 18% of wages | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| $26 | $28 | $4.80 | .20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $28 | $30 | 5.20 | .60 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $30 | $32 | 5.60 | 1.00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $32 | $34 | 5.90 | 1.30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $34 | $36 | 6.30 | 1.70 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $36 | $38 | 6.70 | 2.00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $38 | $40 | 7.00 | 2.40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $40 | $42 | 7.40 | 2.80 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $42 | $44 | 7.70 | 3.10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $44 | $46 | 8.10 | 3.50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $46 | $48 | 8.50 | 3.80 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $48 | $50 | 8.80 | 4.20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $50 | $52 | 9.20 | 4.60 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $52 | $54 | 9.50 | 4.90 | .30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $54 | $56 | 9.90 | 5.30 | .70 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $56 | $58 | 10.30 | 5.60 | 1.00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $58 | $60 | 10.60 | 6.00 | 1.40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $60 | $62 | 11.00 | 6.40 | 1.70 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $62 | $64 | 11.30 | 6.70 | 2.10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $64 | $66 | 11.70 | 7.10 | 2.50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $66 | $68 | 12.10 | 7.40 | 2.80 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $68 | $70 | 12.40 | 7.80 | 3.20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $70 | $72 | 12.80 | 8.20 | 3.50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $72 | $74 | 13.10 | 8.50 | 3.90 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $74 | $76 | 13.50 | 8.90 | 4.30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $76 | $78 | 13.90 | 9.20 | 4.60 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $78 | $80 | 14.20 | 9.60 | 5.00 | .40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $80 | $82 | 14.60 | 10.00 | 5.30 | .70 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $82 | $84 | 14.90 | 10.30 | 5.70 | 1.10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $84 | $86 | 15.30 | 10.70 | 6.10 | 1.50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $86 | $88 | 15.70 | 11.00 | 6.40 | 1.80 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $88 | $90 | 16.00 | 11.40 | 6.80 | 2.20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $90 | $92 | 16.40 | 11.80 | 7.10 | 2.50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $92 | $94 | 16.70 | 12.10 | 7.50 | 2.90 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $94 | $96 | 17.10 | 12.50 | 7.80 | 3.30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $96 | $98 | 17.50 | 12.80 | 8.20 | 3.60 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $98 | $100 | 17.80 | 13.20 | 8.60 | 4.00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $100 | $102 | 18.20 | 13.60 | 8.90 | 4.30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $102 | $104 | 18.50 | 13.90 | 9.30 | 4.70 | .10 | 0 | 0 | 0 | 0 | 0 | 0 |
| $104 | $106 | 18.90 | 14.30 | 9.70 | 5.10 | .40 | 0 | 0 | 0 | 0 | 0 | 0 |
| $106 | $108 | 19.30 | 14.60 | 10.00 | 5.40 | .80 | 0 | 0 | 0 | 0 | 0 | 0 |
| $108 | $110 | 19.60 | 15.00 | 10.40 | 5.80 | 1.20 | 0 | 0 | 0 | 0 | 0 | 0 |
| $110 | $112 | 20.00 | 15.40 | 10.70 | 6.10 | 1.50 | 0 | 0 | 0 | 0 | 0 | 0 |
| $112 | $114 | 20.30 | 15.70 | 11.10 | 6.50 | 1.90 | 0 | 0 | 0 | 0 | 0 | 0 |
| $114 | $116 | 20.70 | 16.10 | 11.50 | 6.90 | 2.20 | 0 | 0 | 0 | 0 | 0 | 0 |
| $116 | $118 | 21.10 | 16.40 | 11.80 | 7.20 | 2.60 | 0 | 0 | 0 | 0 | 0 | 0 |
| $118 | $120 | 21.40 | 16.80 | 12.20 | 7.60 | 3.00 | 0 | 0 | 0 | 0 | 0 | 0 |
| $120 | $124 | 22.00 | 17.50 | 12.70 | 8.10 | 3.50 | 0 | 0 | 0 | 0 | 0 | 0 |
| $124 | $128 | 22.70 | 18.10 | 13.40 | 8.80 | 4.20 | 0 | 0 | 0 | 0 | 0 | 0 |
| $128 | $132 | 23.40 | 18.80 | 14.20 | 9.60 | 4.90 | .30 | 0 | 0 | 0 | 0 | 0 |
| $132 | $136 | 24.10 | 19.50 | 14.90 | 10.30 | 5.70 | 1.00 | 0 | 0 | 0 | 0 | 0 |
| $136 | $140 | 24.80 | 20.20 | 15.60 | 11.00 | 6.40 | 1.80 | 0 | 0 | 0 | 0 | 0 |
| $140 | $144 | 25.60 | 20.90 | 16.30 | 11.70 | 7.10 | 2.50 | 0 | 0 | 0 | 0 | 0 |
| $144 | $148 | 26.30 | 21.70 | 17.00 | 12.40 | 7.80 | 3.20 | 0 | 0 | 0 | 0 | 0 |
| $148 | $152 | 27.00 | 22.40 | 17.80 | 13.20 | 8.50 | 3.90 | 0 | 0 | 0 | 0 | 0 |
| $152 | $156 | 27.70 | 23.10 | 18.50 | 13.90 | 9.30 | 4.60 | 0 | 0 | 0 | 0 | 0 |
| $156 | $160 | 28.40 | 23.80 | 19.20 | 14.60 | 10.00 | 5.40 | .70 | 0 | 0 | 0 | 0 |
| $160 | $164 | 29.20 | 24.50 | 19.90 | 15.30 | 10.70 | 6.10 | 1.50 | 0 | 0 | 0 | 0 |
| $164 | $168 | 29.90 | 25.30 | 20.60 | 16.00 | 11.40 | 6.80 | 2.20 | 0 | 0 | 0 | 0 |
| $168 | $172 | 30.60 | 26.00 | 21.40 | 16.80 | 12.10 | 7.50 | 2.90 | 0 | 0 | 0 | 0 |
| $172 | $176 | 31.30 | 26.70 | 22.10 | 17.50 | 12.90 | 8.20 | 3.60 | 0 | 0 | 0 | 0 |
| $176 | $180 | 32.00 | 27.40 | 22.80 | 18.20 | 13.60 | 9.00 | 4.30 | 0 | 0 | 0 | 0 |
| $180 | $184 | 32.80 | 28.10 | 23.50 | 18.90 | 14.30 | 9.70 | 5.10 | .50 | 0 | 0 | 0 |
| $184 | $188 | 33.50 | 28.90 | 24.20 | 19.60 | 15.00 | 10.40 | 5.80 | 1.20 | 0 | 0 | 0 |
| $188 | $192 | 34.20 | 29.60 | 25.00 | 20.40 | 15.70 | 11.10 | 6.50 | 1.90 | 0 | 0 | 0 |
| $192 | $196 | 34.90 | 30.30 | 25.70 | 21.10 | 16.50 | 11.80 | 7.20 | 2.60 | 0 | 0 | 0 |
| $196 | $200 | 35.60 | 31.00 | 26.40 | 21.80 | 17.20 | 12.60 | 7.90 | 3.30 | 0 | 0 | 0 |
| $200 | $210 | 36.90 | 32.30 | 27.70 | 23.10 | 18.40 | 13.80 | 9.20 | 4.60 | 0 | 0 | 0 |
| $210 | $220 | 38.70 | 34.10 | 29.50 | 24.90 | 20.20 | 15.60 | 11.00 | 6.40 | 1.80 | 0 | 0 |
| $220 | $230 | 40.50 | 35.90 | 31.30 | 26.70 | 22.00 | 17.40 | 12.80 | 8.20 | 3.60 | 0 | 0 |
| $230 | $240 | 42.30 | 37.70 | 33.10 | 28.50 | 23.80 | 19.20 | 14.60 | 10.00 | 5.40 | .80 | 0 |
| $240 | $250 | 44.10 | 39.50 | 34.90 | 30.30 | 25.60 | 21.00 | 16.40 | 11.80 | 7.20 | 2.60 | 0 |
| $250 | $260 | 45.90 | 41.30 | 36.70 | 32.10 | 27.40 | 22.80 | 18.20 | 13.60 | 9.00 | 4.40 | 0 |
| $260 | $270 | 47.70 | 43.10 | 38.50 | 33.90 | 29.20 | 24.60 | 20.00 | 15.40 | 10.80 | 6.20 | 1.50 |
| $270 | $280 | 49.50 | 44.90 | 40.30 | 35.70 | 31.00 | 26.40 | 21.80 | 17.20 | 12.60 | 8.00 | 3.30 |
| $280 | $290 | 51.30 | 46.70 | 42.10 | 37.50 | 32.80 | 28.20 | 23.60 | 19.00 | 14.40 | 9.80 | 5.10 |
| $290 | $300 | 53.10 | 48.50 | 43.90 | 39.30 | 34.60 | 30.00 | 25.40 | 20.80 | 16.20 | 11.60 | 6.90 |
| $300 | $320 | 55.80 | 51.20 | 46.60 | 42.00 | 37.30 | 32.70 | 28.10 | 23.50 | 18.90 | 14.30 | 9.60 |
| $320 | $340 | 59.40 | 54.80 | 50.20 | 45.60 | 40.90 | 36.30 | 31.70 | 27.10 | 22.50 | 17.90 | 13.20 |
| $340 | $360 | 63.00 | 58.40 | 53.80 | 49.20 | 44.50 | 39.90 | 35.30 | 30.70 | 26.10 | 21.50 | 16.80 |
| $360 | $380 | 66.60 | 62.00 | 57.40 | 52.80 | 48.10 | 43.50 | 38.90 | 34.30 | 29.70 | 25.10 | 20.40 |
| $380 | $400 | 70.20 | 65.60 | 61.00 | 56.40 | 51.70 | 47.10 | 42.50 | 37.90 | 33.30 | 28.70 | 24.00 |
| | | 18 percent of the excess over $400 plus— | | | | | | | | | | |
| $400 and over | | 72.00 | 67.40 | 62.80 | 58.20 | 53.50 | 48.90 | 44.30 | 39.70 | 35.10 | 30.50 | 25.80 |

IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIMONTHLY

| And the wages are— | | And the number of withholding exemptions claimed is— | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| At least | But less than | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 or more |
| | | The amount of tax to be withheld shall be— | | | | | | | | | | |
| $0 | $28 | 18% of wages | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| $28 | $30 | $5.20 | .20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $30 | $32 | 5.60 | .60 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $32 | $34 | 5.90 | .90 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $34 | $36 | 6.30 | 1.30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $36 | $38 | 6.70 | 1.70 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $38 | $40 | 7.00 | 2.00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $40 | $42 | 7.40 | 2.40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $42 | $44 | 7.70 | 2.70 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $44 | $46 | 8.10 | 3.10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $46 | $48 | 8.50 | 3.50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $48 | $50 | 8.80 | 3.80 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $50 | $52 | 9.20 | 4.20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $52 | $54 | 9.50 | 4.50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $54 | $56 | 9.90 | 4.90 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $56 | $58 | 10.30 | 5.30 | .30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $58 | $60 | 10.60 | 5.60 | .60 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $60 | $62 | 11.00 | 6.00 | 1.00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $62 | $64 | 11.30 | 6.30 | 1.30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $64 | $66 | 11.70 | 6.70 | 1.70 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $66 | $68 | 12.10 | 7.10 | 2.10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $68 | $70 | 12.40 | 7.40 | 2.40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $70 | $72 | 12.80 | 7.80 | 2.80 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $72 | $74 | 13.10 | 8.10 | 3.10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $74 | $76 | 13.50 | 8.50 | 3.50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $76 | $78 | 13.90 | 8.90 | 3.90 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $78 | $80 | 14.20 | 9.20 | 4.20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $80 | $82 | 14.60 | 9.60 | 4.60 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $82 | $84 | 14.90 | 9.90 | 4.90 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $84 | $86 | 15.30 | 10.30 | 5.30 | .30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $86 | $88 | 15.70 | 10.70 | 5.70 | .70 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $88 | $90 | 16.00 | 11.00 | 6.00 | 1.00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $90 | $92 | 16.40 | 11.40 | 6.40 | 1.40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $92 | $94 | 16.70 | 11.70 | 6.70 | 1.70 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $94 | $96 | 17.10 | 12.10 | 7.10 | 2.10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $96 | $98 | 17.50 | 12.50 | 7.50 | 2.50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $98 | $100 | 17.80 | 12.80 | 7.80 | 2.80 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $100 | $102 | 18.20 | 13.20 | 8.20 | 3.20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $102 | $104 | 18.50 | 13.50 | 8.50 | 3.50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $104 | $106 | 18.90 | 13.90 | 8.90 | 3.90 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $106 | $108 | 19.30 | 14.30 | 9.30 | 4.30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $108 | $110 | 19.60 | 14.60 | 9.60 | 4.60 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $110 | $112 | 20.00 | 15.00 | 10.00 | 5.00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $112 | $114 | 20.30 | 15.30 | 10.30 | 5.30 | .30 | 0 | 0 | 0 | 0 | 0 | 0 |
| $114 | $116 | 20.70 | 15.70 | 10.70 | 5.70 | .70 | 0 | 0 | 0 | 0 | 0 | 0 |
| $116 | $118 | 21.10 | 16.10 | 11.10 | 6.10 | 1.10 | 0 | 0 | 0 | 0 | 0 | 0 |
| $118 | $120 | 21.40 | 16.40 | 11.40 | 6.40 | 1.40 | 0 | 0 | 0 | 0 | 0 | 0 |
| $120 | $124 | 22.00 | 17.00 | 12.00 | 7.00 | 2.00 | 0 | 0 | 0 | 0 | 0 | 0 |
| $124 | $128 | 22.70 | 17.70 | 12.70 | 7.70 | 2.70 | 0 | 0 | 0 | 0 | 0 | 0 |
| $128 | $132 | 23.40 | 18.40 | 13.40 | 8.40 | 3.40 | 0 | 0 | 0 | 0 | 0 | 0 |
| $132 | $136 | 24.10 | 19.10 | 14.10 | 9.10 | 4.10 | 0 | 0 | 0 | 0 | 0 | 0 |
| $136 | $140 | 24.80 | 19.80 | 14.80 | 9.80 | 4.80 | 0 | 0 | 0 | 0 | 0 | 0 |
| $140 | $144 | 25.60 | 20.60 | 15.60 | 10.60 | 5.60 | .60 | 0 | 0 | 0 | 0 | 0 |
| $144 | $148 | 26.30 | 21.30 | 16.30 | 11.30 | 6.30 | 1.30 | 0 | 0 | 0 | 0 | 0 |
| $148 | $152 | 27.00 | 22.00 | 17.00 | 12.00 | 7.00 | 2.00 | 0 | 0 | 0 | 0 | 0 |
| $152 | $156 | 27.70 | 22.70 | 17.70 | 12.70 | 7.70 | 2.70 | 0 | 0 | 0 | 0 | 0 |
| $156 | $160 | 28.40 | 23.40 | 18.40 | 13.40 | 8.40 | 3.40 | 0 | 0 | 0 | 0 | 0 |
| $160 | $164 | 29.20 | 24.20 | 19.20 | 14.20 | 9.20 | 4.20 | 0 | 0 | 0 | 0 | 0 |
| $164 | $168 | 29.90 | 24.90 | 19.90 | 14.90 | 9.90 | 4.90 | 0 | 0 | 0 | 0 | 0 |
| $168 | $172 | 30.60 | 25.60 | 20.60 | 15.60 | 10.60 | 5.60 | .60 | 0 | 0 | 0 | 0 |
| $172 | $176 | 31.30 | 26.30 | 21.30 | 16.30 | 11.30 | 6.30 | 1.30 | 0 | 0 | 0 | 0 |
| $176 | $180 | 32.00 | 27.00 | 22.00 | 17.00 | 12.00 | 7.00 | 2.00 | 0 | 0 | 0 | 0 |
| $180 | $184 | 32.80 | 27.80 | 22.80 | 17.80 | 12.80 | 7.80 | 2.80 | 0 | 0 | 0 | 0 |
| $184 | $188 | 33.50 | 28.50 | 23.50 | 18.50 | 13.50 | 8.50 | 3.50 | 0 | 0 | 0 | 0 |
| $188 | $192 | 34.20 | 29.20 | 24.20 | 19.20 | 14.20 | 9.20 | 4.20 | 0 | 0 | 0 | 0 |
| $192 | $196 | 34.90 | 29.90 | 24.90 | 19.90 | 14.90 | 9.90 | 4.90 | 0 | 0 | 0 | 0 |
| $196 | $200 | 35.60 | 30.60 | 25.60 | 20.60 | 15.60 | 10.60 | 5.60 | .60 | 0 | 0 | 0 |
| $200 | $210 | 36.90 | 31.90 | 26.90 | 21.90 | 16.90 | 11.90 | 6.90 | 1.90 | 0 | 0 | 0 |
| $210 | $220 | 38.70 | 33.70 | 28.70 | 23.70 | 18.70 | 13.70 | 8.70 | 3.70 | 0 | 0 | 0 |
| $220 | $230 | 40.50 | 35.50 | 30.50 | 25.50 | 20.50 | 15.50 | 10.50 | 5.50 | .50 | 0 | 0 |
| $230 | $240 | 42.30 | 37.30 | 32.30 | 27.30 | 22.30 | 17.30 | 12.30 | 7.30 | 2.30 | 0 | 0 |
| $240 | $250 | 44.10 | 39.10 | 34.10 | 29.10 | 24.10 | 19.10 | 14.10 | 9.10 | 4.10 | 0 | 0 |
| $250 | $260 | 45.90 | 40.90 | 35.90 | 30.90 | 25.90 | 20.90 | 15.90 | 10.90 | 5.90 | .90 | 0 |
| $260 | $270 | 47.70 | 42.70 | 37.70 | 32.70 | 27.70 | 22.70 | 17.70 | 12.70 | 7.70 | 2.70 | 0 |
| $270 | $280 | 49.50 | 44.50 | 39.50 | 34.50 | 29.50 | 24.50 | 19.50 | 14.50 | 9.50 | 4.50 | 0 |
| $280 | $290 | 51.30 | 46.30 | 41.30 | 36.30 | 31.30 | 26.30 | 21.30 | 16.30 | 11.30 | 6.30 | 1.30 |
| $290 | $300 | 53.10 | 48.10 | 43.10 | 38.10 | 33.10 | 28.10 | 23.10 | 18.10 | 13.10 | 8.10 | 3.10 |
| $300 | $320 | 55.80 | 50.80 | 45.80 | 40.80 | 35.80 | 30.80 | 25.80 | 20.80 | 15.80 | 10.80 | 5.80 |
| $320 | $340 | 59.40 | 54.40 | 49.40 | 44.40 | 39.40 | 34.40 | 29.40 | 24.40 | 19.40 | 14.40 | 9.40 |
| $340 | $360 | 63.00 | 58.00 | 53.00 | 48.00 | 43.00 | 38.00 | 33.00 | 28.00 | 23.00 | 18.00 | 13.00 |
| $360 | $380 | 66.60 | 61.60 | 56.60 | 51.60 | 46.60 | 41.60 | 36.60 | 31.60 | 26.60 | 21.60 | 16.60 |
| $380 | $400 | 70.20 | 65.20 | 60.20 | 55.20 | 50.20 | 45.20 | 40.20 | 35.20 | 30.20 | 25.20 | 20.20 |
| $400 | $420 | 73.80 | 68.80 | 63.80 | 58.80 | 53.80 | 48.80 | 43.80 | 38.80 | 33.80 | 28.80 | 23.80 |
| $420 | $440 | 77.40 | 72.40 | 67.40 | 62.40 | 57.40 | 52.40 | 47.40 | 42.40 | 37.40 | 32.40 | 27.40 |
| $440 | $460 | 81.00 | 76.00 | 71.00 | 66.00 | 61.00 | 56.00 | 51.00 | 46.00 | 41.00 | 36.00 | 31.00 |
| $460 | $480 | 84.60 | 79.60 | 74.60 | 69.60 | 64.60 | 59.60 | 54.60 | 49.60 | 44.60 | 39.60 | 34.60 |
| $480 | $500 | 88.20 | 83.20 | 78.20 | 73.20 | 68.20 | 63.20 | 58.20 | 53.20 | 48.20 | 43.20 | 38.20 |
| | | 18 percent of the excess over $500 plus— | | | | | | | | | | |
| $500 and over | | 90.00 | 85.00 | 80.00 | 75.00 | 70.00 | 65.00 | 60.00 | 55.00 | 50.00 | 45.00 | 40.00 |



IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS MONTHLY

| And the wages are— | | And the number of withholding exemptions claimed is— | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| At least | But less than | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 or more |
| | | The amount of tax to be withheld shall be— | | | | | | | | | | |
| $0 | $56 | 18% of wages | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| $56 | $60 | $10.40 | .40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $60 | $64 | 11.20 | 1.20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $64 | $68 | 11.90 | 1.90 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $68 | $72 | 12.60 | 2.60 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $72 | $76 | 13.30 | 3.30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $76 | $80 | 14.00 | 4.00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $80 | $84 | 14.80 | 4.80 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $84 | $88 | 15.50 | 5.50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $88 | $92 | 16.20 | 6.20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $92 | $96 | 16.90 | 6.90 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $96 | $100 | 17.60 | 7.60 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $100 | $104 | 18.40 | 8.40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $104 | $108 | 19.10 | 9.10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $108 | $112 | 19.80 | 9.80 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $112 | $116 | 20.50 | 10.50 | .50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $116 | $120 | 21.20 | 11.20 | 1.20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $120 | $124 | 22.00 | 12.00 | 2.00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $124 | $128 | 22.70 | 12.70 | 2.70 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $128 | $132 | 23.40 | 13.40 | 3.40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $132 | $136 | 24.10 | 14.10 | 4.10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $136 | $140 | 24.80 | 14.80 | 4.80 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $140 | $144 | 25.60 | 15.60 | 5.60 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $144 | $148 | 26.30 | 16.30 | 6.30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $148 | $152 | 27.00 | 17.00 | 7.00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $152 | $156 | 27.70 | 17.70 | 7.70 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $156 | $160 | 28.40 | 18.40 | 8.40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $160 | $164 | 29.20 | 19.20 | 9.20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $164 | $168 | 29.90 | 19.90 | 9.90 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $168 | $172 | 30.60 | 20.60 | 10.60 | .60 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $172 | $176 | 31.30 | 21.30 | 11.30 | 1.30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $176 | $180 | 32.00 | 22.00 | 12.00 | 2.00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $180 | $184 | 32.80 | 22.80 | 12.80 | 2.80 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $184 | $188 | 33.50 | 23.50 | 13.50 | 3.50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $188 | $192 | 34.20 | 24.20 | 14.20 | 4.20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $192 | $196 | 34.90 | 24.90 | 14.90 | 4.90 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $196 | $200 | 35.60 | 25.60 | 15.60 | 5.60 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $200 | $204 | 36.40 | 26.40 | 16.40 | 6.40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $204 | $208 | 37.10 | 27.10 | 17.10 | 7.10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $208 | $212 | 37.80 | 27.80 | 17.80 | 7.80 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $212 | $216 | 38.50 | 28.50 | 18.50 | 8.50 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $216 | $220 | 39.20 | 29.20 | 19.20 | 9.20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $220 | $224 | 40.00 | 30.00 | 20.00 | 10.00 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $224 | $228 | 40.70 | 30.70 | 20.70 | 10.70 | .70 | 0 | 0 | 0 | 0 | 0 | 0 |
| $228 | $232 | 41.40 | 31.40 | 21.40 | 11.40 | 1.40 | 0 | 0 | 0 | 0 | 0 | 0 |
| $232 | $236 | 42.10 | 32.10 | 22.10 | 12.10 | 2.10 | 0 | 0 | 0 | 0 | 0 | 0 |
| $236 | $240 | 42.80 | 32.80 | 22.80 | 12.80 | 2.80 | 0 | 0 | 0 | 0 | 0 | 0 |
| $240 | $244 | 43.60 | 33.60 | 23.60 | 13.60 | 3.60 | 0 | 0 | 0 | 0 | 0 | 0 |
| $244 | $248 | 44.30 | 34.30 | 24.30 | 14.30 | 4.30 | 0 | 0 | 0 | 0 | 0 | 0 |
| $248 | $252 | 45.00 | 35.00 | 25.00 | 15.00 | 5.00 | 0 | 0 | 0 | 0 | 0 | 0 |
| $252 | $256 | 45.80 | 35.80 | 25.80 | 15.80 | 5.80 | 0 | 0 | 0 | 0 | 0 | 0 |
| $256 | $260 | 46.50 | 36.50 | 26.50 | 16.50 | 6.50 | 0 | 0 | 0 | 0 | 0 | 0 |
| $260 | $264 | 47.20 | 37.20 | 27.20 | 17.20 | 7.20 | 0 | 0 | 0 | 0 | 0 | 0 |
| $264 | $268 | 48.00 | 38.00 | 28.00 | 18.00 | 8.00 | 0 | 0 | 0 | 0 | 0 | 0 |
| $268 | $272 | 48.70 | 38.70 | 28.70 | 18.70 | 8.70 | 0 | 0 | 0 | 0 | 0 | 0 |
| $272 | $276 | 49.40 | 39.40 | 29.40 | 19.40 | 9.40 | 0 | 0 | 0 | 0 | 0 | 0 |
| $276 | $280 | 50.10 | 40.10 | 30.10 | 20.10 | 10.10 | 0 | 0 | 0 | 0 | 0 | 0 |
| $280 | $284 | 50.80 | 40.80 | 30.80 | 20.80 | 10.80 | .80 | 0 | 0 | 0 | 0 | 0 |
| $284 | $288 | 51.60 | 41.60 | 31.60 | 21.60 | 11.60 | 1.60 | 0 | 0 | 0 | 0 | 0 |
| $288 | $292 | 52.40 | 42.40 | 32.40 | 22.40 | 12.40 | 2.40 | 0 | 0 | 0 | 0 | 0 |
| $292 | $296 | 53.20 | 43.20 | 33.20 | 23.20 | 13.20 | 3.20 | 0 | 0 | 0 | 0 | 0 |
| $296 | $300 | 54.00 | 44.00 | 34.00 | 24.00 | 14.00 | 4.00 | 0 | 0 | 0 | 0 | 0 |
| $300 | $304 | 54.80 | 44.80 | 34.80 | 24.80 | 14.80 | 4.80 | 0 | 0 | 0 | 0 | 0 |
| $304 | $308 | 55.60 | 45.60 | 35.60 | 25.60 | 15.60 | 5.60 | 0 | 0 | 0 | 0 | 0 |
| $308 | $312 | 56.40 | 46.40 | 36.40 | 26.40 | 16.40 | 6.40 | 0 | 0 | 0 | 0 | 0 |
| $312 | $320 | 57.60 | 47.60 | 37.60 | 27.60 | 17.60 | 7.60 | 0 | 0 | 0 | 0 | 0 |
| $320 | $328 | 59.20 | 49.20 | 39.20 | 29.20 | 19.20 | 9.20 | 0 | 0 | 0 | 0 | 0 |
| $328 | $336 | 60.80 | 50.80 | 40.80 | 30.80 | 20.80 | 10.80 | .80 | 0 | 0 | 0 | 0 |
| $336 | $344 | 62.40 | 52.40 | 42.40 | 32.40 | 22.40 | 12.40 | 2.40 | 0 | 0 | 0 | 0 |
| $344 | $352 | 64.00 | 54.00 | 44.00 | 34.00 | 24.00 | 14.00 | 4.00 | 0 | 0 | 0 | 0 |
| $352 | $360 | 65.60 | 55.60 | 45.60 | 35.60 | 25.60 | 15.60 | 5.60 | 0 | 0 | 0 | 0 |
| $360 | $368 | 67.20 | 57.20 | 47.20 | 37.20 | 27.20 | 17.20 | 7.20 | 0 | 0 | 0 | 0 |
| $368 | $376 | 68.80 | 58.80 | 48.80 | 38.80 | 28.80 | 18.80 | 8.80 | 0 | 0 | 0 | 0 |
| $376 | $384 | 70.40 | 60.40 | 50.40 | 40.40 | 30.40 | 20.40 | 10.40 | .40 | 0 | 0 | 0 |
| $384 | $392 | 72.00 | 62.00 | 52.00 | 42.00 | 32.00 | 22.00 | 12.00 | 2.00 | 0 | 0 | 0 |
| $392 | $400 | 73.60 | 63.60 | 53.60 | 43.60 | 33.60 | 23.60 | 13.60 | 3.60 | 0 | 0 | 0 |
| $400 | $408 | 75.20 | 65.20 | 55.20 | 45.20 | 35.20 | 25.20 | 15.20 | 5.20 | 0 | 0 | 0 |
| $408 | $416 | 76.80 | 66.80 | 56.80 | 46.80 | 36.80 | 26.80 | 16.80 | 6.80 | 0 | 0 | 0 |
| $416 | $424 | 78.40 | 68.40 | 58.40 | 48.40 | 38.40 | 28.40 | 18.40 | 8.40 | 0 | 0 | 0 |
| $424 | $432 | 80.00 | 70.00 | 60.00 | 50.00 | 40.00 | 30.00 | 20.00 | 10.00 | .00 | 0 | 0 |
| $432 | $440 | 81.60 | 71.60 | 61.60 | 51.60 | 41.60 | 31.60 | 21.60 | 11.60 | 1.60 | 0 | 0 |
| $440 | $448 | 83.20 | 73.20 | 63.20 | 53.20 | 43.20 | 33.20 | 23.20 | 13.20 | 3.20 | 0 | 0 |
| $448 | $456 | 84.80 | 74.80 | 64.80 | 54.80 | 44.80 | 34.80 | 24.80 | 14.80 | 4.80 | 0 | 0 |
| $456 | $464 | 86.40 | 76.40 | 66.40 | 56.40 | 46.40 | 36.40 | 26.40 | 16.40 | 6.40 | 0 | 0 |
| $464 | $472 | 88.00 | 78.00 | 68.00 | 58.00 | 48.00 | 38.00 | 28.00 | 18.00 | 8.00 | 0 | 0 |
| $472 | $480 | 89.60 | 79.60 | 69.60 | 59.60 | 49.60 | 39.60 | 29.60 | 19.60 | 9.60 | 0 | 0 |
| $480 | $488 | 91.20 | 81.20 | 71.20 | 61.20 | 51.20 | 41.20 | 31.20 | 21.20 | 11.20 | 1.20 | 0 |
| $488 | $496 | 92.80 | 82.80 | 72.80 | 62.80 | 52.80 | 42.80 | 32.80 | 22.80 | 12.80 | 2.80 | 0 |
| $496 | $504 | 94.40 | 84.40 | 74.40 | 64.40 | 54.40 | 44.40 | 34.40 | 24.40 | 14.40 | 4.40 | 0 |
| $504 | $512 | 96.00 | 86.00 | 76.00 | 66.00 | 56.00 | 46.00 | 36.00 | 26.00 | 16.00 | 6.00 | 0 |
| $512 | $520 | 97.60 | 87.60 | 77.60 | 67.60 | 57.60 | 47.60 | 37.60 | 27.60 | 17.60 | 7.60 | 0 |
| $520 | $528 | 99.20 | 89.20 | 79.20 | 69.20 | 59.20 | 49.20 | 39.20 | 29.20 | 19.20 | 9.20 | 0 |
| $528 | $536 | 100.80 | 90.80 | 80.80 | 70.80 | 60.80 | 50.80 | 40.80 | 30.80 | 20.80 | 10.80 | .80 |
| $536 | $544 | 102.40 | 92.40 | 82.40 | 72.40 | 62.40 | 52.40 | 42.40 | 32.40 | 22.40 | 12.40 | 2.40 |
| $544 | $552 | 104.00 | 94.00 | 84.00 | 74.00 | 64.00 | 54.00 | 44.00 | 34.00 | 24.00 | 14.00 | 4.00 |
| $552 | $560 | 105.60 | 95.60 | 85.60 | 75.60 | 65.60 | 55.60 | 45.60 | 35.60 | 25.60 | 15.60 | 5.60 |
| $560 | $568 | 107.20 | 97.20 | 87.20 | 77.20 | 67.20 | 57.20 | 47.20 | 37.20 | 27.20 | 17.20 | 7.20 |
| $568 | $576 | 108.80 | 98.80 | 88.80 | 78.80 | 68.80 | 58.80 | 48.80 | 38.80 | 28.80 | 18.80 | 8.80 |
| $576 | $584 | 110.40 | 100.40 | 90.40 | 80.40 | 70.40 | 60.40 | 50.40 | 40.40 | 30.40 | 20.40 | 10.40 |
| $584 | $592 | 112.00 | 102.00 | 92.00 | 82.00 | 72.00 | 62.00 | 52.00 | 42.00 | 32.00 | 22.00 | 12.00 |
| $592 | $600 | 113.60 | 103.60 | 93.60 | 83.60 | 73.60 | 63.60 | 53.60 | 43.60 | 33.60 | 23.60 | 13.60 |
| $600 | $608 | 115.20 | 105.20 | 95.20 | 85.20 | 75.20 | 65.20 | 55.20 | 45.20 | 35.20 | 25.20 | 15.20 |
| $608 | $616 | 116.80 | 106.80 | 96.80 | 86.80 | 76.80 | 66.80 | 56.80 | 46.80 | 36.80 | 26.80 | 16.80 |
| $616 | $624 | 118.40 | 108.40 | 98.40 | 88.40 | 78.40 | 68.40 | 58.40 | 48.40 | 38.40 | 28.40 | 18.40 |
| $624 | $632 | 120.00 | 110.00 | 100.00 | 90.00 | 80.00 | 70.00 | 60.00 | 50.00 | 40.00 | 30.00 | 20.00 |
| $632 | $640 | 121.60 | 111.60 | 101.60 | 91.60 | 81.60 | 71.60 | 61.60 | 51.60 | 41.60 | 31.60 | 21.60 |
| $640 | $648 | 123.20 | 113.20 | 103.20 | 93.20 | 83.20 | 73.20 | 63.20 | 53.20 | 43.20 | 33.20 | 23.20 |
| $648 | $656 | 124.80 | 114.80 | 104.80 | 94.80 | 84.80 | 74.80 | 64.80 | 54.80 | 44.80 | 34.80 | 24.80 |
| $656 | $664 | 126.40 | 116.40 | 106.40 | 96.40 | 86.40 | 76.40 | 66.40 | 56.40 | 46.40 | 36.40 | 26.40 |
| $664 | $672 | 128.00 | 118.00 | 108.00 | 98.00 | 88.00 | 78.00 | 68.00 | 58.00 | 48.00 | 38.00 | 28.00 |
| $672 | $680 | 129.60 | 119.60 | 109.60 | 99.60 | 89.60 | 79.60 | 69.60 | 59.60 | 49.60 | 39.60 | 29.60 |
| $680 | $688 | 131.20 | 121.20 | 111.20 | 101.20 | 91.20 | 81.20 | 71.20 | 61.20 | 51.20 | 41.20 | 31.20 |
| $688 | $696 | 132.80 | 122.80 | 112.80 | 102.80 | 92.80 | 82.80 | 72.80 | 62.80 | 52.80 | 42.80 | 32.80 |
| $696 | $704 | 134.40 | 124.40 | 114.40 | 104.40 | 94.40 | 84.40 | 74.40 | 64.40 | 54.40 | 44.40 | 34.40 |
| $704 | $712 | 136.00 | 126.00 | 116.00 | 106.00 | 96.00 | 86.00 | 76.00 | 66.00 | 56.00 | 46.00 | 36.00 |
| $712 | $720 | 137.60 | 127.60 | 117.60 | 107.60 | 97.60 | 87.60 | 77.60 | 67.60 | 57.60 | 47.60 | 37.60 |
| $720 | $728 | 139.20 | 129.20 | 119.20 | 109.20 | 99.20 | 89.20 | 79.20 | 69.20 | 59.20 | 49.20 | 39.20 |
| $728 | $736 | 140.80 | 130.80 | 120.80 | 110.80 | 100.80 | 90.80 | 80.80 | 70.80 | 60.80 | 50.80 | 40.80 |
| $736 | $744 | 142.40 | 132.40 | 122.40 | 112.40 | 102.40 | 92.40 | 82.40 | 72.40 | 62.40 | 52.40 | 42.40 |
| $744 | $752 | 144.00 | 134.00 | 124.00 | 114.00 | 104.00 | 94.00 | 84.00 | 74.00 | 64.00 | 54.00 | 44.00 |
| $752 | $760 | 145.60 | 135.60 | 125.60 | 115.60 | 105.60 | 95.60 | 85.60 | 75.60 | 65.60 | 55.60 | 45.60 |
| $760 | $768 | 147.20 | 137.20 | 127.20 | 117.20 | 107.20 | 97.20 | 87.20 | 77.20 | 67.20 | 57.20 | 47.20 |
| $768 | $776 | 148.80 | 138.80 | 128.80 | 118.80 | 108.80 | 98.80 | 88.80 | 78.80 | 68.80 | 58.80 | 48.80 |
| $776 | $784 | 150.40 | 140.40 | 130.40 | 120.40 | 110.40 | 100.40 | 90.40 | 80.40 | 70.40 | 60.40 | 50.40 |
| $784 | $792 | 152.00 | 142.00 | 132.00 | 122.00 | 112.00 | 102.00 | 92.00 | 82.00 | 72.00 | 62.00 | 52.00 |
| $792 | $800 | 153.60 | 143.60 | 133.60 | 123.60 | 113.60 | 103.60 | 93.60 | 83.60 | 73.60 | 63.60 | 53.60 |
| $800 | $808 | 155.20 | 145.20 | 135.20 | 125.20 | 115.20 | 105.20 | 95.20 | 85.20 | 75.20 | 65.20 | 55.20 |
| $808 | $816 | 156.80 | 146.80 | 136.80 | 126.80 | 116.80 | 106.80 | 96.80 | 86.80 | 76.80 | 66.80 | 56.80 |
| $816 | $824 | 158.40 | 148.40 | 138.40 | 128.40 | 118.40 | 108.40 | 98.40 | 88.40 | 78.40 | 68.40 | 58.40 |
| $824 | $832 | 160.00 | 150.00 | 140.00 | 130.00 | 120.00 | 110.00 | 100.00 | 90.00 | 80.00 | 70.00 | 60.00 |
| $832 | $840 | 161.60 | 151.60 | 141.60 | 131.60 | 121.60 | 111.60 | 101.60 | 91.60 | 81.60 | 71.60 | 61.60 |
| $840 | $848 | 163.20 | 153.20 | 143.20 | 133.20 | 123.20 | 113.20 | 103.20 | 93.20 | 83.20 | 73.20 | 63.20 |
| $848 | $856 | 164.80 | 154.80 | 144.80 | 134.80 | 124.80 | 114.80 | 104.80 | 94.80 | 84.80 | 74.80 | 64.80 |
| $856 | $864 | 166.40 | 156.40 | 146.40 | 136.40 | 126.40 | 116.40 | 106.40 | 96.40 | 86.40 | 76.40 | 66.40 |
| $864 | $872 | 168.00 | 158.00 | 148.00 | 138.00 | 128.00 | 118.00 | 108.00 | 98.00 | 88.00 | 78.00 | 68.00 |
| $872 | $880 | 169.60 | 159.60 | 149.60 | 139.60 | 129.60 | 119.60 | 109.60 | 99.60 | 89.60 | 79.60 | 69.60 |
| $880 | $888 | 171.20 | 161.20 | 151.20 | 141.20 | 131.20 | 121.20 | 111.20 | 101.20 | 91.20 | 81.20 | 71.20 |
| $888 | $896 | 172.80 | 162.80 | 152.80 | 142.80 | 132.80 | 122.80 | 112.80 | 102.80 | 92.80 | 82.80 | 72.80 |
| $896 | $904 | 174.40 | 164.40 | 154.40 | 144.40 | 134.40 | 124.40 | 114.40 | 104.40 | 94.40 | 84.40 | 74.40 |
| $904 | $912 | 176.00 | 165.60 | 155.60 | 145.60 | 135.60 | 125.60 | 115.60 | 105.60 | 95.60 | 85.60 | 75.60 |
| $912 | $920 | 177.60 | 167.20 | 157.20 | 147.20 | 137.20 | 127.20 | 117.20 | 107.20 | 97.20 | 87.20 | 77.20 |
| $920 | $928 | 179.20 | 168.80 | 158.80 | 148.80 | 138.80 | 128.80 | 118.80 | 108.80 | 98.80 | 88.80 | 78.80 |
| $928 | $936 | 180.80 | 170.40 | 160.40 | 150.40 | 140.40 | 130.40 | 120.40 | 110.40 | 100.40 | 90.40 | 80.40 |
| $936 | $944 | 182.40 | 172.00 |

IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS A DAILY PAYROLL PERIOD OR A MISCELLANEOUS PAYROLL PERIOD

| And the wages divided by the number of days in such period are— | | And the number of withholding exemptions claimed is— | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 or more |
| At least | But less than | The amount of tax to be withheld shall be the following amount multiplied by the number of days in such period— | | | | | | | | | | |
| $0 | $2.00 | [illegible] | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| $2.00 | $2.25 | $0.40 | .05 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $2.25 | $2.50 | .45 | .10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $2.50 | $2.75 | .45 | .15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $2.75 | $3.00 | .50 | .20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $3.00 | $3.25 | .55 | .25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $3.25 | $3.50 | .60 | .30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $3.50 | $3.75 | .65 | .30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $3.75 | $4.00 | .70 | .35 | .05 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $4.00 | $4.25 | .75 | .40 | .10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $4.25 | $4.50 | .80 | .45 | .15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $4.50 | $4.75 | .85 | .50 | .15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $4.75 | $5.00 | .90 | .55 | .20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $5.00 | $5.25 | .95 | .60 | .25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $5.25 | $5.50 | .95 | .65 | .30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $5.50 | $5.75 | 1.00 | .70 | .35 | .05 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $5.75 | $6.00 | 1.05 | .75 | .40 | .05 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $6.00 | $6.25 | 1.10 | .75 | .45 | .10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $6.25 | $6.50 | 1.15 | .80 | .50 | .15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $6.50 | $6.75 | 1.20 | .85 | .55 | .20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $6.75 | $7.00 | 1.25 | .90 | .60 | .25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $7.00 | $7.25 | 1.30 | .95 | .60 | .30 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $7.25 | $7.50 | 1.35 | 1.00 | .65 | .35 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| $7.50 | $7.75 | 1.35 | 1.05 | .70 | .40 | .05 | 0 | 0 | 0 | 0 | 0 | 0 |
| $7.75 | $8.00 | 1.40 | 1.10 | .75 | .45 | .10 | 0 | 0 | 0 | 0 | 0 | 0 |
| $8.00 | $8.25 | 1.45 | 1.15 | .80 | .50 | .15 | 0 | 0 | 0 | 0 | 0 | 0 |
| $8.25 | $8.50 | 1.50 | 1.20 | .85 | .50 | .20 | 0 | 0 | 0 | 0 | 0 | 0 |
| $8.50 | $8.75 | 1.55 | 1.20 | .90 | .55 | .25 | 0 | 0 | 0 | 0 | 0 | 0 |
| $8.75 | $9.00 | 1.60 | 1.25 | .95 | .60 | .30 | 0 | 0 | 0 | 0 | 0 | 0 |
| $9.00 | $9.25 | 1.65 | 1.30 | 1.00 | .65 | .35 | 0 | 0 | 0 | 0 | 0 | 0 |
| $9.25 | $9.50 | 1.70 | 1.35 | 1.00 | .70 | .35 | .05 | 0 | 0 | 0 | 0 | 0 |
| $9.50 | $9.75 | 1.75 | 1.40 | 1.00 | .75 | .40 | .10 | 0 | 0 | 0 | 0 | 0 |
| $9.75 | $10.00 | 1.80 | 1.45 | 1.10 | .80 | .45 | .15 | 0 | 0 | 0 | 0 | 0 |
| $10.00 | $10.50 | 1.85 | 1.50 | 1.15 | .85 | .55 | .20 | 0 | 0 | 0 | 0 | 0 |
| $10.50 | $11.00 | 1.95 | 1.60 | 1.30 | .95 | .60 | .30 | 0 | 0 | 0 | 0 | 0 |
| $11.00 | $11.50 | 2.05 | 1.70 | 1.35 | 1.05 | .70 | .40 | .05 | 0 | 0 | 0 | 0 |
| $11.50 | $12.00 | 2.10 | 1.80 | 1.45 | 1.15 | .80 | .45 | .15 | 0 | 0 | 0 | 0 |
| $12.00 | $12.50 | 2.20 | 1.90 | 1.55 | 1.20 | .90 | .55 | .25 | 0 | 0 | 0 | 0 |
| $12.50 | $13.00 | 2.30 | 1.95 | 1.65 | 1.30 | 1.00 | .65 | .30 | 0 | 0 | 0 | 0 |
| $13.00 | $13.50 | 2.40 | 2.05 | 1.75 | 1.40 | 1.05 | .75 | .40 | .10 | 0 | 0 | 0 |
| $13.50 | $14.00 | 2.50 | 2.15 | 1.80 | 1.50 | 1.15 | .85 | .50 | .15 | 0 | 0 | 0 |
| $14.00 | $14.50 | 2.55 | 2.25 | 1.90 | 1.60 | 1.25 | .90 | .60 | .25 | 0 | 0 | 0 |
| $14.50 | $15.00 | 2.65 | 2.35 | 2.00 | 1.65 | 1.35 | 1.00 | .70 | .35 | 0 | 0 | 0 |
| $15.00 | $15.50 | 2.75 | 2.40 | 2.10 | 1.75 | 1.45 | 1.10 | .75 | .45 | .10 | 0 | 0 |
| $15.50 | $16.00 | 2.85 | 2.50 | 2.20 | 1.85 | 1.50 | 1.20 | .85 | .55 | .20 | 0 | 0 |
| $16.00 | $16.50 | 2.95 | 2.60 | 2.25 | 1.95 | 1.60 | 1.30 | .95 | .60 | .30 | 0 | 0 |
| $16.50 | $17.00 | 3.00 | 2.70 | 2.35 | 2.05 | 1.70 | 1.35 | 1.05 | .70 | .40 | .05 | 0 |
| $17.00 | $17.50 | 3.10 | 2.80 | 2.45 | 2.10 | 1.80 | 1.45 | 1.15 | .80 | .45 | .15 | 0 |
| $17.50 | $18.00 | 3.20 | 2.85 | 2.55 | 2.20 | 1.90 | 1.55 | 1.20 | .90 | .55 | .25 | 0 |
| $18.00 | $18.50 | 3.30 | 2.95 | 2.60 | 2.30 | 1.95 | 1.65 | 1.30 | 1.00 | .65 | .30 | 0 |
| $18.50 | $19.00 | 3.40 | 3.05 | 2.70 | 2.40 | 2.05 | 1.75 | 1.40 | 1.05 | .75 | .40 | .10 |
| $19.00 | $19.50 | 3.45 | 3.15 | 2.80 | 2.50 | 2.15 | 1.80 | 1.50 | 1.15 | .85 | .50 | .20 |
| $19.50 | $20.00 | 3.55 | 3.25 | 2.90 | 2.55 | 2.25 | 1.90 | 1.60 | 1.25 | .90 | .60 | .25 |
| $20.00 | $21.00 | 3.70 | 3.45 | 3.05 | 2.70 | 2.35 | 2.05 | 1.70 | 1.40 | 1.05 | .75 | .40 |
| $21.00 | $22.00 | 3.85 | 3.55 | 3.20 | 2.90 | 2.55 | 2.25 | 1.90 | 1.55 | 1.25 | .90 | .60 |
| $22.00 | $23.00 | 4.05 | 3.70 | 3.40 | 3.05 | 2.75 | 2.40 | 2.10 | 1.75 | 1.40 | 1.10 | .75 |
| $23.00 | $24.00 | 4.25 | 3.90 | 3.55 | 3.25 | 2.90 | 2.55 | 2.25 | 1.95 | 1.60 | 1.25 | .95 |
| $24.00 | $25.00 | 4.40 | 4.10 | 3.75 | 3.40 | 3.10 | 2.75 | 2.45 | 2.10 | 1.80 | 1.45 | 1.10 |
| $25.00 | $26.00 | 4.60 | 4.25 | 3.90 | 3.60 | 3.25 | 2.95 | 2.60 | 2.30 | 1.95 | 1.65 | 1.30 |
| $26.00 | $27.00 | 4.75 | 4.45 | 4.10 | 3.80 | 3.45 | 3.15 | 2.80 | 2.45 | 2.15 | 1.80 | 1.50 |
| $27.00 | $28.00 | 4.95 | 4.60 | 4.30 | 3.95 | 3.65 | 3.30 | 3.00 | 2.65 | 2.30 | 2.00 | 1.65 |
| $28.00 | $29.00 | 5.15 | 4.80 | 4.45 | 4.15 | 3.80 | 3.50 | 3.15 | 2.85 | 2.50 | 2.15 | 1.85 |
| $29.00 | $30.00 | 5.30 | 5.00 | 4.60 | 4.30 | 4.00 | 3.65 | 3.35 | 3.00 | 2.70 | 2.35 | 2.00 |
| | | The amount of tax to be withheld shall be the following percent of the excess over $30 plus— | | | | | | | | | | |
| $30.00 and over | | 5.40 | 5.05 | 4.75 | 4.40 | 4.10 | 3.75 | 3.45 | 3.10 | 2.75 | 2.45 | 2.10 |

(2) If wages are paid with respect to a period which is not a payroll period, the amount to be deducted and withheld shall be that applicable in the case of a miscellaneous payroll period containing a number of days (including Sundays and holidays) equal to the number of days in the period with respect to which such wages are paid.

(3) In any case in which wages are paid by an employer without regard to any payroll period or other period, the amount to be deducted and withheld shall be that applicable in the case of a miscellaneous payroll period containing a number of days equal to the number of days (including Sundays and holidays) which have elapsed since the date of the last payment of such wages by such employer during the calendar year, or the date of commencement of employment with such employer during such year, or January 1 of such year, whichever is the later.

(4) In any case in which the period, or the time described in paragraph (3), in respect of any wages is less than one week, the Commissioner, under regulations prescribed by him with the approval of the Secretary, may authorize an employer to determine the amount to be deducted and withheld under the tables applicable in the case of a weekly payroll period, in which case the aggregate of the wages paid to the employee during the calendar week shall be considered the weekly wages.

(5) If the wages exceed the highest wage bracket, in determining the amount to be deducted and withheld under this subsection, the wages may, at the election of the employer, be computed to the nearest dollar.

[Sec. 1622 (c), as added by sec. 2 (a), Current Tax Payment Act 1943, and as amended by sec. 22 (c), Individual Income Tax Act 1944; sec. 104 (b), Revenue Act 1945; sec. 502, Revenue Act 1948; sec. 142, Revenue Act 1950; sec. 202, Revenue Act 1951.]

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SEC. 1621. DEFINITIONS.

As used in this subchapter—

* * * * * *

(b) *Payroll period.* The term "payroll period" means a period for which a payment of wages is ordinarily made to the employee by his employer, and the term "miscellaneous payroll period" means a payroll period other than a daily, weekly, biweekly, semimonthly, monthly, quarterly, semiannual, or annual payroll period.

[Sec. 1621 (b), as added by sec. 2 (a), Current Tax Payment Act 1943.]

* * * * * *

§ 406.301 *Payroll period.* (a) The term "payroll period" means the period of service for which a payment of wages is ordinarily made to an employee by his employer. It is immaterial that the wages are not always paid at regular intervals. For example, if an employer ordinarily pays a particular employee for each calendar week at the end of the week, but if for some reason the employee in a given week receives a payment in the middle of the week for the portion of the week already elapsed and receives the remainder at the end of the week, the payroll period is still the calendar week; or if, instead, that employee is sent on a 3-week trip by his employer and receives at the end of the trip a single wage payment for three weeks' services, the payroll period is still the calendar week, and the wage payment shall be treated as though it were three separate weekly wage payments.

(b) For the purpose of section 1622, an employee can have but one payroll period with respect to wages paid by any one employer. Thus, if an employee is paid a regular wage for a weekly payroll period and in addition thereto is paid supplemental wages (for example, bonuses) determined with respect to a different period, the payroll period is the weekly payroll period. For computation of tax on supplemental wage payments see § 406.306.

(c) The term "miscellaneous payroll period" means a payroll period other than a daily, weekly, biweekly, semimonthly, monthly, quarterly, semiannual, or annual payroll period.

§ 406.302 *Requirement of withholding.* Section 1622 provides, at the election of the employer, alternative methods for computing the income tax collected at source on wages. Under the percentage method of withholding, the employer is required to deduct and withhold a tax computed in accordance with the provisions of section 1622 (a). Under the wage bracket method of withholding, the employer is required to deduct and withhold a tax determined in accordance with the tables provided in subsection (c) of section 1622. The employer may elect to use the percentage method in the case of one group of employees and the wage bracket method in the case of another group of employees.

§ 406.303 *Percentage method withholding*—(a) *In general.* (1) The percentage method of computing the amount of tax to be withheld makes use of the percentage method withholding table contained in section 1622 (b) (1). This table shows with respect to each of the designated payroll periods the amount allowable for one withholding exemption. The amount of the withholding exemption allowable with respect to a particular payroll period depends upon the number of withholding exemptions claimed.

(2) The steps in computing the tax under such method are summarized as follows:

*Step 1.* Determine the amount of one withholding exemption for the particular payroll period from the percentage method withholding table.

*Step 2.* Multiply the amount of one withholding exemption by the number of exemptions claimed by the employee.

*Step 3.* Subtract the amount determined in step 2 from the employee's wages.

*Step 4.* Multiply the difference by the applicable percentage figure under section 1622 (a).

The result is the amount of tax to be withheld.

*Example.* During a year in which the effective rate under the percentage method of withholding is 0.18, an employee has a weekly payroll period, for which he is paid $75, and has in effect a withholding certificate claiming three exemptions. His employer, using the percentage method, computes the tax to be withheld as follows:

| | |
|---|---|
| Step 1: | |
| Amount of one withholding exemption | $13.00 |
| Step 2: | |
| Multiplied by number of exemptions claimed on Form W-4 | X3 |
| Total withholding exemption | 39.00 |
| Step 3: | |
| Total wage payment | 75.00 |
| Less amount determined in step 2 | 39.00 |
| Balance subject to tax | 36.00 |
| Step 4: | |
| Tax to be withheld (balance multiplied by 0.18) | 6.48 |

(b) *Established payroll periods, other than daily or miscellaneous, as shown in percentage method withholding table.* The amount of one withholding exemption, allowable with respect to each of the established payroll periods contained in the percentage method withholding table, is determined by reference to the line applicable to such payroll period and without reference to the time the employee is actually engaged in the performance of services during such payroll period.

*Example (1).* During 1954 employee C has a semimonthly payroll period. The number of withholding exemptions claimed by C is two. C's wages are determined at the rate of $1.20 per hour. During a certain payroll period he works only 40 hours and earns $48. Although C worked only 40 hours during the semimonthly payroll period, the applicable withholding exemption is $28, and the amount of two withholding exemptions, or $56, is allowable. Since the amount of the wages paid for the semimonthly payroll period is less than the amount allowed for two withholding exemptions for such period, the employer is not required to withhold any tax.

*Example (2).* During 1954 employee D has a weekly payroll period. The number of withholding exemptions claimed by D is two. D's wages are determined at the rate of $1.20 per hour. During a certain payroll period D works 30 hours and earns $36. Although D worked only 30 hours during the weekly payroll period, the applicable withholding exemption is $13, and the amount of two withholding exemptions, or $26, is allowable. The balance of $10 is subject to withholding.

(c) *Periods to which the daily or miscellaneous withholding exemption is applicable*—(1) *In general.* The percentage method withholding table shows for a daily or miscellaneous payroll period the withholding exemption allowable with respect to one day. Thus, in computing the withholding exemption allowable with respect to a particular miscellaneous payroll period, the withholding exemption shown in the table for one day of such period and the wages paid for the period must be placed on a comparable basis. This may be accomplished by either of the following methods:

(i) Adjust the percentage method withholding table to accord with the number of days in the period by multiplying the amount shown in the table as applicable per day of a miscellaneous payroll period by the number of days in such period.

(ii) Reduce the wages paid for the period to a daily basis by dividing the total wages by the number of days in the period.

(2) *Period not a payroll period.* If wages are paid for a period which is not a payroll period, the withholding exemption allowable with respect to each payment of such wages shall be the exemption allowed for a miscellaneous payroll period containing a number of days (including Sundays and holidays) equal to the number of days in the period with respect to which such wages are paid.

*Example.* An individual is hired by a contractor to perform services in connection with a building project. The number of withholding exemptions claimed by such individual is two. Wages were fixed at the rate of $9 per day, to be paid upon completion of the project. The project was completed during 1954 in 12 consecutive days, at the end of which period the individual is paid wages of $90 for 10 days' services performed during the period. For the purpose of computing the tax the amount of the withholding exemption allowable for the 12-day period is $43.20 ($12 \times (2 \times \$1.80)$).

(3) *Wages paid without regard to any period.* In the case of wages paid without regard to any particular period, as, for example, commissions paid to a salesman upon completion of a sale, the withholding exemption is measured by the number of days elapsed (including Sundays and holidays) since the date of the last payment of wages to such employee by such employer during the calendar year, or the date on which employment with such employer began during the calendar year, or January 1 of such calendar year, whichever is the latest.

*Example.* On April 2, 1954, A was employed by the X Real Estate Co. to sell real estate on a commission basis, commissions to be paid only upon consummation of sales. The number of withholding exemptions claimed by A is one. On May 21, 1954, A received a commission of $300. Again, on June 16, 1954, A received a commission of $400. The amount of the withholding exemption with respect to the commission paid on May 21 is $90 ($1.80 \times 50$). With respect to the commission paid on June 16, the amount of the withholding exemption is $46.80 ($1.80 \times 26$).

(d) *Period or elapsed time less than one week.* (1) It is the general rule that if wages are paid for a payroll period or other period of less than one week, the withholding exemption allowable shall be the exemption allowable for a daily payroll period, or a miscellaneous payroll period containing the same number of days (including Sundays and holidays) as the payroll period or other period for which such wages are paid. The same rule is applicable in the case of wages paid without regard to a payroll period or other period, where the elapsed time as determined in accordance with the rule prescribed in paragraph (c) of this section is less than one week.

*Example (1).* During 1954 an employee having a daily payroll period is paid wages of $12 per day. The number of withholding exemptions claimed by such employee is one. The amount of each such daily wage payment subject to withholding is $10.20 ($12.00 - $1.80$).

*Example (2).* During 1954 an employee works for a certain employer for four days, for which he is paid wages of $36. The number of withholding exemptions claimed by the employee is two. The amount of the withholding exemption allowable is $14.40 ($4 \times \$3.60$).

(2) Under certain conditions, however, if the payroll period, other period, or elapsed time where wages are paid without regard to any period, is less than one week, the employer may, at his election, deduct and withhold the tax computed as if the aggregate of the wages paid to the employee during the calendar week were paid for a weekly payroll period. Such election by the employer is limited to the case of an employee who works for wages only for such employer during the calendar week. Any employer electing to compute the tax upon the excess of the wages paid during the calendar week over the weekly exemption must secure a statement in writing from the employee, stating that he works for wages only for such employer, and that if he should thereafter secure additional employment for wages, he will within 10 days after the beginning of such additional employment, notify such employer of that fact. Such statement shall be signed by the employee and shall contain or be verified by a written declaration that it is made under the penalties of perjury. No form of statement is specified, but any form used must include the contents specified above. An employer electing to compute the tax in accordance with the provisions of this paragraph should withhold from each wage payment an amount sufficient to insure withholding of the correct amount of tax.

(3) If such employee secures additional employment for wages, such employer may not thereafter use the weekly exemption in computing the amount of tax to be withheld from the wages of such employee. In such event the daily or miscellaneous exemption will take effect as of the beginning of the first payroll period ending, or the first payment of wages made without regard to a payroll period, on or after 30 days from the date on which such employee notifies such employer that he has secured additional employment for wages.

(4) To illustrate the use of the weekly exemption in such a case: Assume the facts stated in example (2) of subparagraph (1) of this paragraph, except that the employer elects to use the weekly

withholding exemption after securing the proper statement from the employee. In such case, the amount of the withholding exemption allowable is $26 (2×$13).

(5) As used in this paragraph the term "calendar week" means a period of seven consecutive days beginning with Sunday and ending with Saturday.

(e) *Rounding off of wage payment.* In determining the amount of tax to be deducted and withheld under the percentage method, the last digit of the wage amount may, at the election of the employer, be reduced to zero, or the wage amount may be computed to the nearest dollar. Thus, if the weekly wage is $45.37, the employer may, in determining the amount of tax to be deducted and withheld, reduce the last digit to zero and determine the tax on the basis of a wage payment of $45.30 or he may determine the tax on the basis of a wage payment of $45.

§ 406.304 *Wage bracket withholding*—(a) *In general.* The employer may elect to use the wage bracket method provided in section 1622 (c) instead of the percentage method with respect to any employee. The tax computed under the wage bracket method shall be in lieu of the tax required to be deducted and withheld under section 1622 (a). Wage bracket withholding tables for weekly, biweekly, semimonthly, monthly, and daily or miscellaneous payroll periods are contained in section 1622 (c).

(b) *Established payroll periods, other than daily or miscellaneous, covered by wage bracket withholding tables.* The wage bracket withholding tables contained in section 1622 (c) for established payroll periods other than daily or miscellaneous should be used in determining the tax to be withheld for any such period without reference to the time the employee is actually engaged in the performance of services during such payroll period.

*Example (1).* During 1954 employee C has a semimonthly payroll period. The number of withholding exemptions claimed by C is two. During a certain payroll period C works only 40 hours and earns $48. Although C worked only 40 hours during the semimonthly payroll period, the wage bracket withholding table for a semimonthly payroll period should be used in determining the tax to be withheld. Under this table it will be found that no tax is required to be withheld from a wage payment of $48 when two withholding exemptions are claimed.

*Example (2).* During 1954 employee D has a weekly payroll period. The number of withholding exemptions claimed by D is two. D's wages are determined at the rate of $1.20 per hour. During a certain payroll period D works 30 hours and earns $36. Although D worked only 30 hours during the weekly payroll period, the wage bracket withholding table for a weekly payroll period should be used in determining the tax to be withheld. Under this table it will be found that $2.00 is the amount of tax to be withheld from a wage payment of $36 when two withholding exemptions are claimed.

(c) *Periods to which the table for a daily or miscellaneous payroll period is applicable*—(1) *In general.* The table applicable to a daily or miscellaneous payroll period shows the tax on the amount of wages for one day. Where the withholding is computed under the rules applicable to a miscellaneous payroll period, the wages and the amounts shown in the table must be placed on a comparable basis. This may be accomplished by either of the following methods:

(i) Adjust the amounts shown in the table to accord with the number of days in the period by multiplying such amounts by the number of days in such period. The amount of the tax required to be withheld is determined by applying the table as adjusted to the total wages paid for the period.

(ii) Reduce the wages paid for the period to a daily basis by dividing the total wages by the number of days in the period. Apply the table to the wages so determined and multiply the result by the number of days in the period.

(2) *Period not a payroll period.* If wages are paid for a period which is not a payroll period, the amount to be deducted and withheld under the wage bracket method shall be the amount applicable in the case of a miscellaneous payroll period containing a number of days (including Sundays and holidays) equal to the number of days in the period with respect to which such wages are paid.

*Example.* During 1954, an individual is hired by a contractor to perform services in connection with a construction project. The number of withholding exemptions claimed by the individual is two. Wages were fixed at the rate of $9 per day, to be paid upon completion of the project. The project was completed during 1954 in 12 days, at the end of which period the individual was paid $90, representing wages for 10 days' services performed during the period. Under the wage bracket method the amount to be deducted and withheld from such wages is determined by dividing the amount of the wages ($90) by the number of days in the period (12), the result being $7.50. The amount of tax required to be withheld is determined under the table applicable to a miscellaneous payroll period. Under this table the tax required to be withheld is $8.40 (12 x $0.70).

(3) *Wages paid without regard to any period.* If wages are paid without regard to any period, as, for instance, commissions paid to a salesman upon consummation of a sale, the amount of tax to be deducted and withheld shall be determined in the same manner as in the case of a miscellaneous payroll period containing a number of days equal to the number of days (including Sundays and holidays) which have elapsed since the date of the last payment of wages by such employer during the calendar year, or the date of commencement of employment with such employer during such year, or January 1 of such year, whichever is the latest.

*Example.* On April 2, 1954, A is hired by the X Real Estate Co. to sell real estate on a commission basis, commissions to be paid only upon consummation of sales. The number of withholding exemptions claimed by A is one. On May 21, 1954, A receives a commission of $300. Again, on June 16, 1954, A receives a commission of $400. Under the wage bracket method, the amount of tax to be deducted and withheld in respect of the commission paid on May 21 is $37.50, which amount is obtained by multiplying $0.75 (tax under wage bracket table for a daily or miscellaneous payroll period where wages are at least $6 but less than $6.25 a day) by 50 (number of days elapsed); and the amount of tax to be withheld with respect to the commission paid on June 16 is $62.40, which amount is obtained by multiplying $2.40 (tax under wage bracket table for a daily or miscellaneous payroll period where wages are at least $15 but less than $15.50 a day) by 26 (number of days elapsed).

(d) *Period or elapsed time less than one week.* (1) It is the general rule that if wages are paid for a payroll period or other period of less than one week, the tax to be deducted and withheld under the wage bracket method shall be the amount computed for a daily payroll period, or for a miscellaneous payroll period containing the same number of days (including Sundays and holidays) as the payroll period, or other period, for which such wages are paid. In the case of wages paid without regard to any period, if the elapsed time computed as provided in paragraph (c) of this section is less than one week, the same rule is applicable.

*Example (1).* During 1954 an employee having a daily payroll period is paid wages of $7 per day. The number of withholding exemptions claimed by the employee is one. Under the table applicable to a daily payroll period, the amount of tax to be deducted and withheld from each such payment of wages is $0.95.

*Example (2).* During 1954 an individual is hired for four days, for which he is paid wages of $36. The number of withholding exemptions claimed by him is two. The amount of tax to be deducted and withheld under the wage bracket method is $4.00 (4×$1.00).

(2) If the payroll period, other period, or elapsed time where wages are paid without regard to any period, is less than one week, the employer may, under certain conditions, elect to deduct and withhold the tax determined by the application of the wage table for a weekly payroll period to the aggregate of the wages paid to the employee during the calendar week. The election to use the weekly wage table in such cases is subject to the limitations and conditions prescribed in § 406.303 (d) with respect to employers using the percentage method in similar cases.

(e) *Rounding off of wage payment.* In determining the amount to be deducted and withheld under the wage bracket method the wage amount may, at the election of the employer, be computed to the nearest dollar, provided such amount is in excess of the highest wage bracket of the applicable table. Thus, if the payroll period of an employee is weekly and the wage payment of such employee is $255.25 the employer may compute the tax on the excess over $200 as if the excess were $55 instead of $55.25.

§ 406.305 *Statutory provisions; income tax collected at source; supplemental wage payments.*

SEC. 1622. INCOME TAX COLLECTED AT SOURCE.

* * * * * *

(1) *Overlapping pay periods, and so forth.* If a payment of wages is made to an employee by an employer—

(1) With respect to a payroll period or other period, any part of which is included in a payroll period or other period with respect to which wages are also paid to such employee by such employer, or

(2) Without regard to any payroll period or other period, but on or prior to the expiration of a payroll period or other period with respect to which wages are also paid to such employee by such employer, or

(3) With respect to a period beginning in one and ending in another calendar year, or

* * * * * *

the manner of withholding and the amount to be deducted and withheld under this subchapter shall be determined in accordance with regulations prescribed by the Commissioner with the approval of the Secretary under which the withholding exemption allowed to the employee in any calendar year shall approximate the withholding exemption allowable with respect to an annual payroll period.

[Sec. 1622 (f), as added by sec. 2 (a), Current Tax Payment Act 1943.]

* * * * * *

§ 406.306 *Supplemental wage payments*—(a) *In general.* (1) An employee's remuneration may consist of wages paid for a payroll period and supplemental wages, such as bonuses, commissions, and overtime pay, paid for the same or a different period, or without regard to a particular period. When such supplemental wages are paid (whether or not at the same time as the regular wages) the amount of the tax required to be withheld under section 1622 (a) (the percentage method) or under section 1622 (c) (the wage bracket method) shall be determined in accordance with either subparagraph (2) or (3) of this paragraph.

(2) The supplemental wages shall be aggregated with the wages paid for the payroll period, or, if not paid concurrently, shall be aggregated with the wages paid for the last preceding payroll period within the same calendar year or the current payroll period, and the amount of tax to be withheld shall be determined as if the aggregate of the supplemental wages and the regular wages constituted a single wage payment for the regular payroll period.

*Example (1).* A is employed as a salesman at a monthly salary of $100 plus commissions on sales made during the month. The number of withholding exemptions claimed is one. During January 1954 A earned $275 in commissions, which together with the salary of $100 was paid on February 10, 1954. Under the wage bracket method the amount of the tax required to be withheld is shown in the table applicable to a monthly payroll period. Under this table it will be found that the amount of tax required to be withheld is $57.00.

*Example (2).* B is employed at a salary of $3,000 per annum paid semimonthly on the 15th day and the last day of each month, plus a bonus and commission determined at the end of each 3-month period. The number of withholding exemptions claimed is four. The bonus and commission for the 3-month period ending on March 31, 1954, amount to $250, which was paid on April 10, 1954. Under the wage bracket method, the amount of tax required to be withheld on the aggregate of the bonus of $250 and the last preceding semimonthly wage payment of $125, or $375, is $46.60. Since tax in the amount of $2.70 was withheld on the semimonthly wage payment of $125, the amount to be withheld on April 10, 1954, is $43.90.

(3) If supplemental wages are paid and tax has been withheld from the employee's regular wages, the employer may determine the tax to be withheld from supplemental wages by using the applicable rate under section 1622 (a) without allowance for exemption and without reference to any regular payment of wages.

(b) *Special rule where aggregate withholding exemption exceeds wages paid.* (1) If supplemental wages are paid to an employee during a calendar year for a period which involves two or more consecutive payroll periods the wages for which are also paid during such calendar year and the aggregate of the wages paid for such payroll periods is less than the aggregate of the amounts determined under the table provided in section 1622 (b) (1) as the withholding exemptions applicable for such payroll periods, the amount of the tax required to be withheld on the supplemental wages shall be computed as follows:

(i) Determine an average wage for each of such payroll periods by dividing the sum of the supplemental wages and the wages paid for such payroll periods by the number of such payroll periods.

(ii) Determine a tax for each payroll period as if the amount of the average wage constituted the wages paid for such payroll period.

(iii) From the sum of the taxes computed on the basis of the average wage per payroll period subtract the sum of the taxes previously withheld for such payroll periods and the remainder, if any, shall constitute the amount of the tax to be withheld upon the supplemental wages.

(2) The rules prescribed in this paragraph shall, at the election of the employer, be applied in lieu of the rules prescribed in paragraph (a) of this section except that this paragraph shall not be applicable in any case in which the payroll period of the employee is less than one week.

*Example.* An employee has a weekly payroll period ending on Saturday of each week, the wages for which are paid on Friday of the succeeding week. On the 10th day of each month he is paid a bonus based upon production during the payroll periods for which wages were paid in the preceding month. The employee was paid a weekly wage of $64 on each of the five Fridays occurring in January 1954. On February 10, 1954, the employee was paid a bonus of $125 based upon production during the five payroll periods covered by the wages paid in January. On the date of payment of the bonus, the employee, who is married and has three children, has a withholding exemption certificate in effect claiming five withholding exemptions. The amount of the tax to be withheld from the bonus paid on February 10, 1954, is computed as follows:

| | |
|---|---|
| Wages paid in January 1954 for 5 payroll periods (5×$64) | $320.00 |
| Bonus paid Feb. 10, 1954 | 125.00 |
| Aggregate of wages and bonus | 445.00 |
| Average wage per payroll period ($445÷5) | 89.00 |
| Computation of tax under percentage method: | |
| Withholding exemptions (5×$13) | 65.00 |
| Remainder subject to tax | 24.00 |
| Tax on average wage for 1 week (18 percent of $24) | 4.32 |
| Tax on average wage for 5 weeks | $21.60 |
| Less: Tax previously withheld on weekly wage payments of $64 | None |
| Tax to be withheld on supplemental wages | 21.60 |
| Computation of tax under wage bracket method: | |
| Tax on $89 wage under weekly wage table ($4.50 per week for 5 weeks) | 22.50 |
| Less: Tax previously withheld on weekly wage payments of $64 ($0.20 per week for 5 weeks) | 1.00 |
| Tax to be withheld on supplemental wages | 21.50 |

(c) *Vacation allowances.* Amounts of so-called "vacation allowances" shall be subject to withholding as though they were regular wage payments made for the period covered by the vacation. If the vacation allowance is paid in addition to the regular wage payment for such period, the rules applicable with respect to supplemental wage payments shall apply to such vacation allowance.

§ 406.307 *Statutory provisions; income tax collected at source; payroll period of more than one year.*

SEC. 1622. INCOME TAX COLLECTED AT SOURCE.

* * * * * *

(1) *Overlapping pay periods, and so forth.* If a payment of wages is made to an employee by an employer—

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(3) With respect to a period beginning in one and ending in another calendar year, or

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the manner of withholding and the amount to be deducted and withheld under this subchapter shall be determined in accordance with regulations prescribed by the Commissioner with the approval of the Secretary under which the withholding exemption allowed to the employee in any calendar year shall approximate the withholding exemption allowable with respect to an annual payroll period.

[Sec. 1622 (f), as added by sec. 2 (a), Current Tax Payment Act 1943.]

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§ 406.308 *Wages paid for payroll period of more than one year.* If wages are paid to an employee for a payroll period of more than one year, for the purpose of determining the amount of tax required to be deducted and withheld in respect of such wages—

(a) Under the percentage method, the amount of the tax shall be determined as if such payroll period constituted an annual payroll period, and

(b) Under the wage bracket method, the amount of the tax shall be determined as if such payroll period constituted a miscellaneous payroll period of 365 days.

§ 406.309 *Statutory provisions; income tax collected at source; wages paid on behalf of two or more employers.*

SEC. 1622. INCOME TAX COLLECTED AT SOURCE.

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(1) *Overlapping pay periods, and so forth.* If a payment of wages is made to an employee by an employer—

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(4) Through an agent, fiduciary, or other person who also has the control, receipt, custody, or disposal of, or pays, the wages payable by another employer to such employee,

the manner of withholding and the amount to be deducted and withheld under this subchapter shall be determined in accordance with regulations prescribed by the Commissioner with the approval of the Secretary under which the withholding exemption allowed to the employee in any calendar year shall approximate the withholding exemption allowable with respect to an annual payroll period.

[Sec. 1622 (i), as added by sec. 2 (a), Current Tax Payment Act 1943.]

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§ 406.310 *Wages paid on behalf of two or more employers.* (a) If a payment of wages is made to an employee by an employer through an agent, fiduciary, or other person who also has the control, receipt, custody, or disposal of, or pays the wages payable by another employer to such employee, the amount of the tax required to be withheld on each wage payment made through such agent, fiduciary, or person shall, whether the wages are paid separately on behalf of each employer or paid in a lump sum on behalf of all such employers, be determined upon the aggregate amount of such wage payment or payments in the same manner as if such aggregate amount had been paid by one employer. Hence, under either the percentage method or the wage bracket method the tax shall be determined upon the aggregate amount of the wage payment.

(b) In any such case, each employer shall be liable for the return and payment of a pro rata portion of the tax so determined, such portion to be determined in the ratio which the amount contributed by the particular employer bears to the aggregate of such wages.

(c) For example, three companies maintain a central management agency which carries on the administrative work of the several companies. The central agency organization consists of a staff of clerks, bookkeepers, stenographers, etc., who are the common employees of the three companies. The expenses of the central agency, including wages paid to the foregoing employees, are borne by the several companies in certain agreed proportions. Companies X and Y each pay 40 percent and Company Z pays 20 percent. The amount of the tax required to be withheld on the wages paid to persons employed in the central agency should be determined in accordance with the provisions of this section. In such event, Companies X and Y are each liable as employers for the return and payment of 40 percent of the tax required to be withheld and Company Z is liable for the return and payment of 20 percent of the tax. (See § 406.807, relating to acts to be performed by agents.)

§ 406.311 *Statutory provisions; income tax collected at source; average wages.*

SEC. 1622. INCOME TAX COLLECTED AT SOURCE.

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(j) *Withholding on basis of average wages.* The Commissioner may, under regulations prescribed by him with the approval of the Secretary, authorize employers (1) to estimate the wages which will be paid to any employee in any quarter of the calendar year, (2) to determine the amount to be deducted and withheld upon each payment of wages to such employee during such quarter as if the appropriate average of the wages so estimated constituted the actual wages paid, and (3) to deduct and withhold upon any payment of wages to such employee during such quarter such amount as may be necessary to adjust the amount actually deducted and withheld upon the wages of such employee during such quarter to the amount required to be deducted and withheld during such quarter without regard to this subsection.

[Sec. 1622 (j), as added by sec. 2 (a), Current Tax Payment Act 1943.]

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§ 406.312 *Withholding on basis of average wages.* The Commissioner may authorize the employer to withhold the tax under section 1622 on the basis of the employee's average estimated wages, with necessary adjustments, for any quarter. Before using such method the employer must receive authorization from the Commissioner. Applications to use such method must be accompanied by evidence establishing the need for the use of such method.

§ 406.313 *Statutory provisions; income tax collected at source; additional withholding.*

SEC. 1622. INCOME TAX COLLECTED AT SOURCE.

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(k) *Additional withholding.* The Secretary is authorized by regulations to provide, under such conditions and to such extent as he deems proper, for withholding in addition to that otherwise required under this section in cases in which the employer and the employee agree (in such form as the Secretary may by regulations prescribe) to such additional withholding. Such additional withholding shall for all purposes be considered tax required to be deducted and withheld under this subchapter.

[Sec. 1622 (k), as added by sec. 203, Revenue Act 1951.]

§ 406.314 *Additional withholding.* (a) In addition to the tax required to be deducted and withheld in accordance with the provisions of section 1622, the employer and employee may agree that an additional amount shall be withheld from the employee's wages. The agreement shall be in writing and shall be in such form as the employer may prescribe. The agreement shall be effective for such period as the employer and employee mutually agree upon. However, unless the agreement provides for an earlier termination, either the employer or the employee, by furnishing a written notice to the other, may terminate the agreement effective with respect to the first payment of wages made on or after the first "status determination date" (January 1 and July 1 of each year) which occurs at least 30 days after the date on which such notice is furnished.

(b) The amount deducted and withheld pursuant to an agreement between the employer and employee shall be considered as tax required to be deducted and withheld under section 1622. All provisions of law and regulations applicable with respect to the tax required to be deducted and withheld under section 1622 shall be applicable with respect to any amount deducted and withheld pursuant to the agreement.

(c) The amount deducted and withheld pursuant to an agreement between the employer and employee, together with the tax required to be deducted and withheld under section 1622, shall be reported on Form W–2 and on Form 941 as Federal income tax withheld from wages.

§ 406.315 *Statutory provisions; income tax collected at source; withholding exemptions.*

SEC. 1622. INCOME TAX COLLECTED AT SOURCE.

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(h) *Withholding exemptions*—(1) *In general.* An employee receiving wages shall on any day be entitled to the following withholding exemptions:

(A) An exemption for himself.

(B) One additional exemption for himself if, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 25 (b) (1) (B) (i) (relating to old age) for the taxable year under Chapter 1 in respect of which amounts deducted and withheld under this subchapter in the calendar year in which such day falls are allowed as a credit.

(C) One additional exemption for himself if, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 25 (b) (1) (C) (i) (relating to the blind) for the taxable year under Chapter 1 in respect of which amounts deducted and withheld under this subchapter in the calendar year in which such day falls are allowed as a credit.

(D) If the employee is married, any exemption to which his spouse is entitled, or would be entitled if such spouse were an employee receiving wages, under subparagraph (A), (B), or (C), but only if such spouse does not have in effect a withholding exemption certificate claiming such exemption.

(E) An exemption for each individual with respect to whom, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 25 (b) (1) (D) for the taxable year under Chapter 1 in respect of which amounts deducted and withheld under this subchapter in the calendar year in which such day falls are allowed as a credit.

(2) *Exemption certificates.*

(A) *On commencement of employment.* On or before the date of the commencement of employment with an employer, the employee shall furnish the employer with a signed withholding exemption certificate relating to the number of withholding exemptions which he claims, which shall in no event exceed the number to which he is entitled.

(B) *Change of status, etc.* If, on any day during the calendar year, the number of withholding exemptions to which the employee is entitled is less than the number of withholding exemptions claimed by the employee on the withholding exemption certificate then in effect with respect to him, the employee shall within ten days thereafter furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employee then claims, which shall in no event exceed the number to which he is entitled on such day. If, on any day during the calendar year, the number of withholding exemptions to which the employee is entitled is greater than the number of withholding exemptions claimed, the employee may furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employee then claims, which shall in no event exceed the number to which he is entitled on such day.

(C) *Change of status, etc., which affects next calendar year.* If on any day during the calendar year the number of withholding exemptions to which the employee will be, or may reasonably be expected to be, entitled at the beginning of his next taxable year under Chapter 1 is different from the number to which the employee is entitled on such day, the employee shall, in such cases and at such times as the Commissioner, with the approval of the Secretary, may by regulations prescribe, furnish the employer with a withholding exemption certificate relating to the number of withholding exemptions which he claims with respect to such next taxable year, which shall in no event exceed the number to which he will be, or may reasonably be expected to be, so entitled.

(3) *When certificate takes effect.*

(A) *First certificate furnished.* A withholding exemption certificate furnished the employer in cases in which no previous such certificate is in effect shall take effect as of the beginning of the first payroll period ending, or the first payment of wages made without regard to a payroll period, on or after the date on which such certificate is so furnished.

(B) *Furnished to take place of existing certificate.* A withholding exemption certificate furnished the employer in cases in which a previous such certificate is in effect shall take effect with respect to the first payment of wages made on or after the first status determination date which occurs at least thirty days from the date on which such certificate is so furnished, except that at the election of the employer such certificate may be made effective with respect to any payment of wages made on or after the date on which such certificate is so furnished; but a certificate furnished pursuant to paragraph (2) (C) shall not take effect, and may not be made effective, with respect to any payment of wages made in the calendar year in which the certificate is furnished. For the purposes of this subparagraph the term "status determination date" means January 1 and July 1 of each year.

(4) *Period during which certificate remains in effect.* A withholding exemption certificate which takes effect under this subsection shall continue in effect with respect to the employer until another such certificate takes effect under this subsection.

(5) *Contents of certificate.* Withholding exemption certificates shall be in such form and contain such information as the Commissioner may, with the approval of the Secretary, by regulations prescribe.

[Sec. 1622 (h), as added by sec. 2 (a), Current Tax Payment Act 1943, and as amended by sec. 137, Revenue Act 1943; sec. 22 (d) and (f), Individual Income Tax Act 1944; sec. 104 (c), Revenue Act 1945; sec. 202 (b) (1), Revenue Act 1948.]

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SEC 1626. PENALTIES.

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(d) *Penalties in respect of withholding exemption certificates.* Any individual required to supply information to his employer under section 1622 (h) who willfully supplies false or fraudulent information, or who willfully fails to supply information thereunder which would require an increase in the tax to be withheld under section 1622, shall, in lieu of any penalty otherwise provided, upon conviction thereof, be fined not more than $500, or imprisoned for not more than one year, or both.

[Sec 1626 (d), as added by sec. 2 (a), Current Tax Payment Act 1943.]

SEC. 25. CREDITS OF INDIVIDUAL AGAINST NET INCOME.

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(b) *Credits for both normal tax and surtax*—(1) *Credits.* There shall be allowed for the purposes of both the normal tax and the surtax, the following credits against net income:

(A) An exemption of $600 for the taxpayer; and an additional exemption of $600 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer;

(B) (i) An additional exemption of $600 for the taxpayer if he has attained the age of 65 before the close of his taxable year; and

(ii) An additional exemption of $600 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse has attained the age of 65 before the close of such taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer;

(C) (i) An additional exemption of $600 for the taxpayer if he is blind at the close of his taxable year; and

(ii) An additional exemption of $600 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. For the purposes of this clause the determination of whether the spouse is blind shall be made as of the close of the taxable year of the taxpayer, unless the spouse dies during such taxable year, in which case such determination shall be made as of the time of such death;

(iii) For the purposes of this subparagraph an individual is blind only if either: his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees;

(D) An exemption of $600 for each dependent whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than $600, except that the exemption shall not be allowed in respect of a dependent who has made a joint return with his spouse under section 51 for the taxable year beginning in such calendar year.

(2) *Determination of status.* For the purposes of this subsection—

(A) The determination of whether an individual is married shall be made as of the close of his taxable year, unless his spouse dies during his taxable year, in which case such determination shall be made as of the time of such death; and

(B) An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married.

(3) *Definition of dependent.* As used in this chapter the term "dependent" means any of the following persons over half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer:

(A) A son or daughter of the taxpayer, or a descendant of either,

(B) A stepson or stepdaughter of the taxpayer,

(C) A brother, sister, stepbrother, or stepsister of the taxpayer,

(D) The father or mother of the taxpayer, or an ancestor of either,

(E) A stepfather or stepmother of the taxpayer,

(F) A son or daughter of a brother or sister of the taxpayer,

(G) A brother or sister of the father or mother of the taxpayer,

(H) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer.

As used in this paragraph, the terms "brother" and "sister" include a brother or sister by the half-blood. For the purposes of determining whether any of the foregoing relationships exist (1) a legally adopted child of a person or (2) a child for which petition for adoption was filed by a person in the appropriate court and denied because of mental incapacity of surviving natural parent to agree to such adoption, shall be considered a child of such person by blood. The term "dependent" does not include any individual who is a citizen or subject of a foreign country unless such individual is a resident of the United States or of a country contiguous to the United States. A payment to a wife which is includible under section 22 (k) or section 171 in the gross income of such wife shall not be considered a payment by her husband for the support of any dependent.

[Sec. 25 (b), as amended by sec. 6 (a), Revenue Act 1940; secs. 111 (a), 113, Revenue Act 1941; secs. 120 (e) (1), 131 (a) (1) and (b), Revenue Act 1942; sec. 103, Revenue Act 1943; sec. 10 (b), Individual Income Tax Act 1944; sec. 102 (a), Revenue Act 1945; sec. 201, Revenue Act 1948; sec. 310 (a), Revenue Act 1951; sec. 3, Pub. Law 213 (83d Cong.).]

§ 406.316 *Withholding exemptions*—(a) *In general.* (1) An employee receiving wages shall on any day be entitled to withholding exemptions as provided in section 1622 (h) (1). In order to receive the benefit of such exemptions, the employee must file with his employer a withholding exemption certificate as provided in section 1622 (h) (2). See § 406.319.

(2) The number of exemptions to which an employee is entitled on any day depends upon his status as single or married, upon his status as to old age and blindness, upon the number of his dependents, and, if married, upon the number of exemptions claimed by his spouse.

(3) An employee is entitled to one withholding exemption for himself and he may also be entitled to withholding exemptions for old age and blindness.

(b) *Old age or blindness.* If an employee will have attained 65 years before the end of the taxable year he may claim an additional withholding exemption on account of age. If the employee is blind, he may claim an additional withholding exemption for blindness. For the purposes of claiming a withholding exemption for blindness, an individual shall be considered blind only if either his central visual acuity does not exceed 20/200 in the better eye with correcting lenses or his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(c) *Spouse.* (1) A married employee is entitled to one withholding exemption for himself. He is also entitled to one withholding exemption for his spouse, unless his spouse is employed and claims the withholding exemption for herself. Thus, a married couple is entitled to one withholding exemption for each spouse and they each may claim one exemption, but if one spouse does not claim his exemption the other spouse may claim it. If the employee's spouse will have attained 65 years before the end of such employee's taxable year and such spouse has no withholding exemption certificate in effect claiming such exemption, the employee may also claim an additional withholding exemption on account of the

age of his spouse. If the employee's spouse is blind and has no withholding exemption certificate in effect claiming such exemption, the employee may also claim an additional withholding exemption for the blindness of his spouse. If both husband and wife are employees receiving wages subject to withholding and the wife is over the age of 65 and has in effect a withholding exemption certificate claiming only one exemption, then the husband may claim one exemption for her on his certificate.

(2) For the purpose of determining the number of withholding exemptions to which an employee is entitled for himself and his spouse on any day, the employee's status as a single person or a married person and, if married, whether a withholding exemption is claimed by his spouse shall be determined as of such day, but, in the case of a married person, the withholding exemption claimed by an employee for his spouse or on account of the age or blindness of his spouse may be claimed by the employee for that portion of his taxable year which occurs after his spouse's death.

(d) *Dependent.* (1) Subject to the limitations stated in this paragraph, an employee shall also be entitled on any day to a withholding exemption for each individual who may be reasonably expected to be his dependent for the taxable year beginning in the calendar year in which such day falls. For the purposes of the withholding exemption for an individual who may be reasonably expected to be a dependent, the following rules shall apply:

(i) The determination that an individual may or may not be reasonably expected to be a dependent shall be made on the basis of facts existing at the beginning of the day for which a withholding exemption for such individual is to be claimed. The individual in respect of whom an exemption is claimed must be in existence and bear the required relationship to the employee on the day in question.

(ii) The determination that an individual may or may not be reasonably expected to be a dependent shall be made for the taxable year of the employee under chapter 1 of the Internal Revenue Code in respect of which amounts deducted and withheld in the calendar year in which the day in question falls are allowed as a credit. In general, amounts deducted and withheld during any calendar year are allowed as a credit against the tax imposed by chapter 1 for the taxable year which begins in, or with, such calendar year. For example, in order for an employee to be able to claim for a calendar year a withholding exemption with respect to a particular individual (other than the employee's spouse) there must be a reasonable expectation that the employee will be allowed an exemption with respect to such individual under section 25 (b) for his income tax taxable year.

(iii) For the employee to be entitled on any day of the calendar year to a withholding exemption for an individual as a dependent, such individual must on such day be reasonably expected to receive less than $600 of gross income for such calendar year, receive over half of his support from the employee during such calendar year, and be related to the employee in one of the relationships specified in section 25 (b) (3).

(2) If an employee undertakes the support of an individual before July 1 of any calendar year and intends to support such individual for the rest of such year, it will be considered reasonable for such employee to claim for the purposes of the withholding exemption that he expects to furnish more than half the support of such individual for such calendar year.

(3) If a dependent of an employee dies during the calendar year, the withholding exemption for the dependent continues for that portion of the employee's taxable year which follows the dependent's death.

(4) An employee is not entitled to claim a withholding exemption for an individual otherwise reasonably expected to be a dependent of the employee if such individual is a citizen of a foreign country, unless such individual is at any time during the calendar year a resident of the United States, Canada, or Mexico.

§ 406.317 *Statutory provisions; definitions; number of withholding exemptions claimed.*

SEC. 1621. DEFINITIONS.
As used in this subchapter—

* * * * *

(e) *Number of withholding exemptions claimed.* The term "number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under section 1622 (h), except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero.

[Sec. 1621 (e), as added by sec. 2 (a), Current Tax Payment Act 1943, and as amended by sec. 22 (a), Individual Income Tax Act 1944.]

§ 406.318 *Number of withholding exemptions claimed.* (a) The term "number of withholding exemptions claimed" is defined in section 1621 (e). The number of withholding exemptions claimed must be taken into account in determining the amount of tax to be deducted and withheld under section 1622, whether the employer computes the tax in accordance with the provisions of subsection (a) or subsection (c) of section 1622.

(b) The employer is not required to ascertain whether or not the number of withholding exemptions claimed is greater than the number of withholding exemptions to which the employee is entitled. If, however, the employer has reason to believe that the number of withholding exemptions claimed by an employee is greater than the number to which such employee is entitled, the district director should be so advised.

(c) As to the number of withholding exemptions to which an employee is entitled, see § 406.316.

§ 406.319 *Withholding exemption certificates*—(a) *In general.* Every employee receiving wages shall furnish his employer a signed withholding exemption certificate on Form W–4, relating to the number of withholding exemptions which he claims, which shall in no event exceed the number to which he is entitled. A withholding exemption certificate shall be furnished the employer by such employee on or before the date of the commencement of employment with the employer. The employer is required to request a withholding exemption certificate from each employee, but if the employee fails to furnish such certificate, such employee shall be considered as claiming no withholding exemptions. Forms of certificate (Form W–4) will be supplied employers upon request to the district director. In lieu of the prescribed form of certificate, employers may prepare and use a form the provisions of which are identical with the prescribed form. The certificate must be retained by the employer as a supporting record of the withholding exemption claimed. Section 1622 (h) (2) (B) provides for the filing of a new withholding exemption certificate when any change occurs which affects the number of withholding exemptions to which an employee is entitled.

(b) *Change in exemptions.* (1) If, on any day during the calendar year, the number of withholding exemptions of an employee is more than the number of withholding exemptions claimed on the withholding exemption certificate then in effect, the employee may furnish the employer with a new withholding exemption certificate on which the employee must in no event claim more than the number of withholding exemptions to which he is entitled on such day.

(2) If, however, on any day during the calendar year, the number of withholding exemptions to which the employee is entitled is less than the number of withholding exemptions claimed on the withholding exemption certificate then in effect, the employee must within 10 days after the change occurs furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employee then claims, which must in no event exceed the number to which he is entitled on such day. The number of withholding exemptions to which an employee is entitled decreases for any of the following reasons:

(i) The employee's wife (or husband) for whom the employee has been claiming a withholding exemption, is divorced or legally separated from the employee, or claims her (or his) own withholding exemption on a separate certificate.

(ii) The support of an individual for whom the employee has been claiming a withholding exemption is taken over by someone else, so that it can no longer be reasonably expected that the employee will furnish over half of the support of such individual for the particular calendar year.

(iii) The employee finds that an individual claimed as a dependent on a withholding exemption certificate will receive $600 or more of gross income of his or her own during the current calendar year.

(c) *Change in exemptions which affects next taxable year.* (1) If on any day during the calendar year the number of exemptions to which the employee will be, or may be reasonably expected to be, entitled at the beginning of his next taxable year under chapter 1 of the Internal Revenue Code is different from the number to which the employee is entitled on such day, the following rules shall be applicable:

(i) If such number is greater than the number of withholding exemptions claimed in a withholding exemption certificate in effect on such day, the employee may, on or before December 1 of the year in which such change occurs, unless such change occurs in December, furnish his employer with a new withholding exemption certificate reflecting the increase in the number of withholding exemptions. If the change occurs in December, the certificate may be furnished on or after the date on which the change occurs.

(ii) If such number is less than the number of withholding exemptions claimed in a withholding exemption certificate in effect on such day, the employee must, on or before December 1 of the year in which the change occurs, unless such change occurs in December, furnish his employer with a new withholding exemption certificate reflecting the decrease in the number of withholding exemptions. If the change occurs in December, the new certificate must be furnished within 10 days of the date on which the change occurs.

(2) Before December 1 of each year, every employer should request his employees to file new withholding exemption certificates for the ensuing year, in the event of change in their exemption status since the filing of their latest certificates. The number of exemptions to which an employee is entitled at the beginning of the next taxable year under chapter 1 of the Code decreases, for example, for any of the following reasons:

(i) The spouse or a dependent of the employee dies.

(ii) The employee ceases late in the year to support an individual so that it is not reasonable to expect that more than half of the individual's support will be received from the employee during the ensuing year.

(iii) A dependent of the employee begins to receive income late in the year so that it is reasonable to expect that the dependent will have a gross income of $600 or more for the ensuing year.

(d) *Penalties.* Section 1626 (d) provides criminal penalties applicable with respect to individuals who are required under section 1622 (h) to furnish to their employers information relating to the number of withholding exemptions claimed. The penalties are imposed upon any such individual (1) who willfully supplies false or fraudulent information or (2) who willfully fails to supply information which would increase the tax required to be withheld at the source on his wages. The penalty in each instance is a fine of not more than $500 or imprisonment for not more than one year, or both. Such penalties are in lieu of any penalties otherwise provided by law for failure to furnish the information required by section 1622 (h) or for the furnishing of false or fraudulent information under such section.





§ 406.320 *When withholding exemption certificates effective.* (a) A withholding exemption certificate furnished the employer in any case in which no previous withholding exemption certificate is in effect with such employer, shall take effect as of the beginning of the first payroll period ending, or the first payment of wages made without regard to a payroll period, on or after the date on which such certificate is so furnished.

(b) A withholding exemption certificate furnished the employer in any case in which a previous withholding exemption certificate is in effect with such employer shall, except as hereinafter provided, take effect with respect to the first payment of wages made on or after the first status determination date which occurs at least 30 days from the date on which such certificate is so furnished. However, at the election of the employer, except as hereinafter provided, such certificate may be made effective with respect to any payment of wages made on or after the date on which such certificate is so furnished.

(c) A withholding exemption certificate furnished the employer pursuant to section 1622 (h) (2) (C) which effects a change for the next year, shall not take effect, and may not be made effective, with respect to the calendar year in which the certificate is furnished.

(d) For the purposes of this section the term "status determination date" means January 1 and July 1 of each year.

(e) A withholding exemption certificate which takes effect under section 1622 (h) shall continue in effect with respect to the employee until another withholding exemption certificate takes effect under such section.

SUBPART D—LIABILITY FOR TAX

§ 406.400 *Statutory provisions; liability for tax.*

SEC. 1622. INCOME TAX COLLECTED AT SOURCE.

(a) *Requirement of withholding.* Every employer making payment of wages shall deduct and withhold upon such wages a tax equal to 18 per centum of the amount by which the wages exceed the number of withholding exemptions claimed multiplied by the amount of one such exemption as shown in subsection (b) (1) * * *.

* * * * *

(d) *Tax paid by recipient.* If the employer, in violation of the provisions of this subchapter, fails to deduct and withhold the tax under this subchapter, and thereafter the tax against which such tax may be credited is paid, the tax so required to be deducted and withheld shall not be collected from the employer; but this subsection shall in no case relieve the employer from liability for any penalties or additions to the tax otherwise applicable in respect of such failure to deduct and withhold.

[Sec. 1622 (a), as added by sec. 2 (a), Current Tax Payment Act 1943, and as amended by sec. 22 (b), Individual Income Tax Act 1944; sec. 104 (a) (1), Revenue Act 1945; sec. 501, Revenue Act 1948; sec. 141, Revenue Act 1950; sec. 201, Revenue Act 1951; and sec. 1622 (d), as added by sec. 2 (a), Current Tax Payment Act 1943.]

* * * * *

SEC. 1623. LIABILITY FOR TAX.

The employer shall be liable for the payment of the tax required to be deducted and withheld under this subchapter, and shall not be liable to any person for the amount of any such payment.

[Sec. 1623, as added by sec. 2 (a), Current Tax Payment Act 1943.]

SEC. 3661. ENFORCEMENT OF LIABILITY FOR TAXES COLLECTED.

Whenever any person is required to collect or withhold any internal-revenue tax from any other person and to pay such tax over to the United States, the amount of tax so collected or withheld shall be held to be a special fund in trust for the United States. The amount of such fund shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including penalties) as are applicable with respect to the taxes from which such fund arose.

§ 406.401 *Liability for tax.* (a) The employer is required to collect the tax by deducting and withholding the amount thereof from the employee's wages as and when paid, either actually or constructively. Wages are constructively paid when they are credited to the account of or set apart for an employee so that they may be drawn upon by him at any time although not then actually reduced to possession. To constitute payment in such a case, the wages must be credited or set apart to the employee without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and must be made available to him so that they may be drawn upon at any time, and their payment brought within his control and disposition.

(b) An employer is required to deduct and withhold the tax notwithstanding the wages are paid in something other than money (for example, wages paid in stocks or bonds; see § 406.207 (a)) and to pay the tax to the district director or duly designated depositary of the United States, as the case may be, in money. If wages are paid in property other than money, the employer should make necessary arrangements to insure that the amount of the tax required to be withheld is available for payment to the district director in money.

(c) Every person required to deduct and withhold the tax under section 1622 from the wages of an employee is liable for the payment of such tax whether or not it is collected from the employee. If, for example, the employer deducts less than the correct amount of tax, or if he fails to deduct any part of the tax, he is nevertheless liable for the correct amount of the tax. However, if the employer in violation of the provisions of section 1622 fails to deduct and withhold the tax, and thereafter the income tax against which the tax under section 1622 may be credited is paid, the tax under section 1622 shall not be collected from the employer. Such payment does not, however, operate to relieve the employer from liability for penalties or additions to the tax for failure to deduct and withhold within the time prescribed by law or regulations made in pursuance of law. The employer will not be relieved of his liability for payment of the tax required to be withheld unless he can show that the tax against which the tax under section 1622 may be credited has been paid.

(d) The amount of any tax withheld and collected by the employer is a special fund in trust for the United States.

(e) The employer or other person required to deduct and withhold the tax under section 1622 is relieved of liability to any other person for the amount of any such tax withheld and paid to the district director or deposited with a duly designated depositary of the United States.

(f) Section 2707 provides severe penalties for a willful failure to pay, collect, or truthfully account for and pay over, the tax imposed by section 1622, or for a willful attempt in any manner to evade or defeat the tax. Such penalties may be incurred by any person, including the employer, and any officer or employee of a corporate employer, or member or employee of any other employer, who as such employer, officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

(g) As a matter of business administration, certain of the mechanical details of the withholding process may be handled by representatives of the employer. Thus, in the case of a corporate employer having branch offices, the branch manager or other representative may actually, as a matter of internal administration, withhold the tax or prepare the statements required under section 1633. Nevertheless, the legal responsibility for withholding, paying, and returning the tax and furnishing such statements rests with the corporate employer.

§ 406.402 *Statutory provisions; nondeductibility of tax in computing net income.*

SEC. 1622. INCOME TAX COLLECTED AT SOURCE.

* * * * *

(e) *Nondeductibility of tax in computing net income.* The tax deducted and withheld under this subchapter shall not be allowed as a deduction either to the employer or to the recipient of the income in computing net income for the purpose of any tax on income imposed by Act of Congress.

[Sec. 1622 (e), as added by sec. 2 (a), Current Tax Payment Act 1943.]

* * * * *

§ 406.403 *Nondeductibility of tax.* The tax deducted and withheld at the source upon wages shall not be allowed as a deduction either to the employer or the recipient of the income in computing net income under chapter 1 of the Internal Revenue Code. The entire amount of the wages from which the tax is withheld shall be included in gross income in the return required to be made by the recipient of the income without deductions for such tax. The tax withheld at source, however, is allowable as a credit against the tax imposed by chapter 1 of the Internal Revenue Code upon the recipient of the income. See § 406.705.

SUBPART E—RECEIPTS

§ 406.500 *Statutory provisions; receipts for employees.*

SEC. 1633. RECEIPTS FOR EMPLOYEES.

(a) *Requirement.* Every person required to deduct and withhold from an employee a tax under section 1400 or 1622, or who would have been required to deduct and withhold a tax under section 1622 if the employee had claimed no more than one withholding exemption, shall furnish to each such employee in respect of the remuneration paid by such person to such employee during the calendar year, on or before January 31 of the succeeding year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of remuneration is made, a written statement showing the following: (1) the name of such person, (2) the name of the employee (and his social security account number if wages as defined in section 1426 (a) have been paid), (3) the total amount of wages as defined in section 1621 (a), (4) the total amount deducted and withheld as tax under section 1622, (5) the total amount of wages as defined in section 1426 (a), and (6) the total amount deducted and withheld as tax under section 1400. In the case of compensation paid for service as a member of the armed forces, the statement shall show, as wages paid during the calendar year, the amount of such compensation paid during the calendar year which is not excluded from gross income under chapter 1 (whether or not such compensation constituted wages as defined in section 1621 (a)); such statement to be furnished if any tax was withheld during the calendar year or if any of the compensation paid is includible under chapter 1 in gross income.

(b) *Statements to constitute information returns.* The statements required to be furnished by this section in respect of any remuneration shall be furnished at such other times, shall contain such other information, and shall be in such form as the Commissioner, with the approval of the Secretary, may by regulations prescribe. A duplicate of any such statement if made and filed in accordance with regulations prescribed by the Commissioner with the approval of the Secretary shall constitute the return required to be made in respect of such remuneration under section 147.

(c) *Extension of time.* The Commissioner, under such regulations as he may prescribe with the approval of the Secretary, may grant to any person a reasonable extension of time (not in excess of thirty days) with respect to the statements required to be furnished under this section.

[Sec. 1633, as added by sec. 206 (a), Social Security Act Amendments 1950, and as amended by sec. 202 (c), Revenue Act 1950.]

SEC. 1634. PENALTIES.

(a) *Penalties for fraudulent statement or failure to furnish statement.* In lieu of any other penalty provided by law (except the penalty provided by subsection (b) of this section), any person required under the provisions of section 1633 to furnish a statement who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under section 1633, or regulations prescribed thereunder, shall for each such failure, upon conviction thereof, be fined not more than $1,000, or imprisoned for not more than one year, or both.

(b) *Additional penalty.* In addition to the section, any person required under the provisions of section 1633 to furnish a statement who willfully furnishes a false or fraudulent statement, or who willfully fails to furnish a statement in the manner, at the time, and showing the information required under section 1633, or regulations prescribed thereunder, shall for each such failure be subject to a civil penalty of $50. Such penalty shall be assessed and collected in the same manner as the tax imposed by section 1410.

[Sec. 1634, as added by sec. 206 (a), Social Security Act Amendments 1950.]

§ 406.501 *Receipts for employees—*(a) *Requirement.* (1) Every person required to deduct and withhold from an employee a tax under section 1622, or who would have been required to deduct and withhold a tax under section 1622 if the employee had claimed no more than one withholding exemption, shall furnish to each such employee, in respect of the remuneration paid by such person to such employee during the calendar year, the tax return copy and the employee's copy of a statement on Form W–2 showing the following: (i) The name and address of such person, (ii) the name and address of the employee, and, if wages as defined in section 1426 (a) have been paid, his social security account number, (iii) the total amount of wages as defined in section 1621 (a), (iv) the total amount deducted and withheld as tax under section 1622, (v) the total amount of wages as defined in section 1426 (a), and (vi) the total amount of employee tax under section 1400 deducted and withheld (increased by any adjustment in the calendar year for overcollection, or decreased by any adjustment in such year for undercollection, of such tax during any prior year).

(2) For example, if the wage bracket method of withholding is used, a withholding statement must be furnished each employee whose wages during any payroll period are equal to or in excess of the smallest wage for which tax must be withheld from employees claiming one exemption. If the percentage method is used, a withholding statement must be furnished each employee whose wages during any payroll period are in excess of one withholding exemption for such payroll period as shown in the percentage method withholding table contained in section 1622 (b) (1).

(3) If (i) the amount of employee tax under section 1400 deducted and withheld in the calendar year from the wages as defined in section 1426 (a) paid during such year was less or greater than the tax imposed by section 1400 on such wages by reason of the adjustment in such year of an overcollection or undercollection of the tax in any prior year, or (ii) regardless of the reason for the error or the method of its correction, the amount of wages as defined in section 1426 (a) or tax under section 1400 entered on a statement furnished to the employee for a prior year was incorrect, a corrected statement for such prior year reflecting the adjustment or the correct data shall be furnished to the employee.

(4) Likewise, a corrected statement on Form W–2 shall be furnished the employee with respect to a prior calendar year (i) to show the correct amount of wages (as defined in section 1621 (a)) paid during the prior calendar year if the amount of such wages entered on a statement furnished to the employee for such prior year is incorrect or (ii) to show the amount actually deducted and withheld as tax under section 1622 if such amount is less or greater than the amount entered as tax withheld on the statement furnished the employee for such prior year.

(5) The statement on Form W–2 for the calendar year and the corrected statement for any prior year shall be furnished to the employee on or before January 31 of the year succeeding such calendar year, or, if his employment is terminated before the close of such calendar year, on the day on which the last payment of wages is made. See paragraph (c) of this section for extension of time for furnishing statements.

(6) See the applicable regulations under the Federal Insurance Contributions Act for the requirement as to the furnishing of a statement in cases where such statement is required solely by reason of the tax under section 1400 of such Act. Also see such regulations with respect to adjustments of that tax.

(b) *Receipts for members of the Armed Forces of the United States.* Section 1633 (a) contains certain special provisions which are applicable in the case of members of the Armed Forces of the United States in active service. In such case, Form W–2 shall be furnished to each such member of the Armed Forces of the United States if any tax has been withheld during the calendar year from the remuneration of such member or if any of the remuneration paid during the calendar year for such active service is includible under chapter 1 in the gross income of such member. Form W–2, in the case of such member, shall show, as wages paid during the calendar year, the amount of the remuneration paid during the calendar year which is not excludable under chapter 1 from the gross income of such member, whether or not such remuneration constitutes wages as defined in section 1621 (a) and whether or not paid for such active service.

(c) *Extension of time for furnishing receipts to employees—*(1) *In general.* For good cause shown upon application by the employer, the district director of internal revenue may grant an extension of time within which to furnish the written statement provided for in paragraph (a) of this section.

(2) *Upon termination of employment.* An extension of time, not exceeding 30 days, within which to furnish the written statement provided for in paragraph (a) of this section upon termination of employment is hereby granted to any employer with respect to any employee whose employment is terminated during the calendar year. In the case of intermittent or interrupted employment where there is reasonable expectation on the part of both employer and employee of further employment, there is no requirement that a written statement be immediately furnished the employee; but when such expectation ceases to exist, the statement must be furnished within 30 days from that time.

(d) *Undelivered Forms W–2.* The tax return copy and the employee's copy of each withholding statement on Form W–2 for the calendar year which the employer is required to furnish to the employee and which after reasonable effort he is unable to deliver to the employee shall be transmitted to the district director with the return on Form 941 filed by the employer for the first calendar quarter of the next succeeding calendar year or with the employer's final return if filed at an earlier date. Thus, the undelivered copies of Forms W–2 ordinarily will be transmitted to the district director on or before April 30th or May 10th of the year following that for which they were issued, depending upon when the return for the first calendar quarter of such year is required to be filed. In the case of an employer having branch offices, the undelivered copies of Forms W–2 held in such branch offices may be transmitted by the employer with his return or, at the option of the employer, may be transmitted by the branch office directly to the district director for the internal revenue district in which the branch office is located. Such direct transmittal by branch offices shall be made at the time prescribed for the filing of the employer's return for the first quarter of the calendar year following that for which the Forms W–2 were issued or at the time of the filing of the employer's final return if filed at an earlier date. The provisions of this paragraph are also applicable with respect to any corrected statements issued for a prior calendar year.

(e) *Form 1099 information returns.* The making of an information return on Form 1099 will not be required with respect to any wages reported on Form W–2, provided the district director's copies of the Forms W–2 are transmitted with the returns on Form 941, as provided in § 406.601.

(f) *Penalties for fraudulent receipt or failure to furnish receipt.* Section 1634 imposes criminal and civil penalties for the willful failure to furnish a statement in the manner, at the time, and showing the information required under section 1633 or regulations prescribed thereunder or for willfully furnishing a false or fraudulent statement. For each such violation, the criminal penalty is a fine of not more than $1,000 or imprisonment for not more than one year, or both, and the civil penalty is a fine of $50. The civil penalty shall be assessed and collected in the same manner as the tax imposed by section 1410. These penalties are in lieu of any other penalties provided by law respecting the failure to furnish a statement or the furnishing of a false or fraudulent statement.

SUBPART F—RETURNS, PAYMENT OF TAX, AND RECORDS

§ 406.600 *Statutory provisions; returns; payment of tax; and records.*

SEC. 1420. COLLECTION AND PAYMENT OF TAXES.

(a) *Administration.* The taxes imposed by this subchapter shall be collected by the Bureau of Internal Revenue [Internal Revenue Service] under the direction of the Secretary and shall be paid into the Treasury of the United States as internal-revenue collections.

* * * * *

(c) *Method of collection and payment.* Such taxes shall be collected and paid in such manner, at such times, and under such conditions, not inconsistent with this subchapter (either by making and filing returns, or by stamps, coupons, tickets, books, or other reasonable devices or methods necessary or helpful in securing a complete and proper collection and payment of the tax or in securing proper identification of the taxpayer), as may be prescribed by the Commissioner, with the approval of the Secretary.

(d) *Fractional parts of a cent.* In the payment of any tax under this subchapter a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

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SEC. 1624. RETURN AND PAYMENT BY GOVERNMENTAL EMPLOYER.

If the employer is the United States, or a State, Territory, or political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, the return of the amount deducted and withheld upon any wages may be made by any officer or employee of the United States, or of such State, Territory, or political subdivision, or of the District of Columbia, or of such agency or instrumentality, as the case may be, having control of the payment of such wages, or appropriately designated for that purpose.

[Sec. 1624, as added by sec. 2 (a), Current Tax Payment Act 1943.]

SEC. 3310. RETURNS AND PAYMENT OF TAX.

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(f) *Discretion allowed Commissioner—*(1) *Returns and payment of tax.* Notwithstanding any other provision of law relating to the filing of returns or payment of any tax imposed by chapter 9 * * *, the Commissioner may by regulations approved by the Secretary prescribe the period for which the return for such tax shall be filed, the time for the filing of such return, the time for the payment of such tax, and the number of copies of the return required to be filed.

(2) *Use of Government depositaries.* The Secretary may authorize Federal Reserve banks, and incorporated banks or trust companies which are depositaries or financial agents of the United States, to receive any tax imposed by this title, in such manner, at such times, and under such conditions as he may prescribe; and he shall prescribe the manner, times, and conditions under which the receipt of such tax by such banks and trust companies is to be treated as payment of such tax to the collector [district director].

[Sec. 3310 (f), as added by sec. 7 (a), Pub. Law 271 (81st Cong.), and as amended by sec. 471 (b), Revenue Act 1951.]

SEC. 1627. OTHER LAWS APPLICABLE.

All provisions of law, including penalties, applicable with respect to the tax imposed by section 1400 shall, insofar as applicable and not inconsistent with the provisions of this subchapter [subchapter D of chapter 9], be applicable with respect to the tax under this subchapter.

[Sec. 1627, as added by sec. 2 (a), Current Tax Payment Act 1943.]

SEC. 1430. OTHER LAWS APPLICABLE.

All provisions of law, including penalties, applicable with respect to any tax imposed by section 2700 or section 1800, and the provisions of section 3661, shall, insofar as applicable and not inconsistent with the provisions of this subchapter, be applicable with respect to the taxes imposed by this subchapter.

[Sec. 1430, as amended by sec. 903, Social Security Act Amendments 1939.]

SEC. 2709. RECORDS, STATEMENTS, AND RETURNS.

Every person liable to any tax imposed by this subchapter, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

SEC. 2701. RETURNS.

Every person liable for the tax * * * shall make * * * returns under oath * * * to the collector [district director] for the district in which is located the prin-

cipal place of business. Such returns shall contain such information and be made at such times and in such manner as the Commissioner, with the approval of the Secretary, may by regulations prescribe.

SEC. 3603. NOTICE REQUIRING RECORDS, STATEMENTS, AND SPECIAL RETURNS.

Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records as the Commissioner deems sufficient to show whether or not such person is liable to tax.

SEC. 3632. AUTHORITY TO ADMINISTER OATHS, TAKE TESTIMONY, AND CERTIFY.

(a) *Internal Revenue personnel*—(1) *Persons in charge of administration of internal revenue laws generally.* Every collector [district director], * * * internal revenue agent, and internal revenue officer assigned to duty under an internal revenue agent, is authorized to administer oaths and to take evidence touching any part of the administration of the internal revenue laws with which he is charged, or where such oaths and evidence are authorized by law or regulation authorized by law to be taken.

(2) *Persons in charge of exports and drawbacks.* Every collector [district director] of internal revenue and every superintendent of exports and drawbacks is authorized to administer such oaths and to certify to such papers as may be necessary under any regulation prescribed under the authority of the internal revenue laws.

(b) *Others.* Any oath or affirmation required or authorized by any internal revenue law or by any regulations made under authority thereof may be administered by any person authorized to administer oaths for general purposes by the law of the United States, or of any State, Territory, or possession of the United States, or of the District of Columbia, wherein such oath or affirmation is administered, or by any consular officer of the United States. This subsection shall not be construed as an exclusive enumeration of the persons who may administer such oaths or affirmations.

SEC. 3809. VERIFICATION OF RETURNS; PENALTIES OF PERJURY.

(a) *Penalties.* Any person who willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony, and, upon conviction thereof, shall be fined not more than $2,000 or imprisoned not more than five years, or both.

(b) *Signature presumed correct.* The fact that an individual's name is signed to a return, statement, or other document filed shall be prima facie evidence for all purposes that the return, statement, or other document was actually signed by him.

(c) *Verification in lieu of oath.* The Commissioner, under regulations prescribed by him with the approval of the Secretary, may require that any return, statement, or other document required to be filed under any provision of the internal revenue laws shall contain or be verified by a written declaration that it is made under the penalties of perjury, and such declaration shall be in lieu of any oath otherwise required.

[Sec. 3809, as added by sec. 4 (a), Pub. Law 271 (81st Cong.).]

SEC. 3612. RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR [DISTRICT DIRECTOR].

(a) *Authority of collector [district director].* If any person fails to make and file a return or list at the time prescribed by law or by regulations made under authority of law, or makes, willfully or otherwise, a false or fraudulent return or list, the collector [district director] or deputy collector [collection officer] shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise.

(b) *Authority of Commissioner.* In any such case the Commissioner may, from his own knowledge and from such information as he can obtain through testimony or otherwise—

(1) *To make return.* Make a return, or

(2) *To amend collector's [district director's] return.* Amend any return made by a collector [district director] or deputy collector [collection officer].

(c) *Legal status of returns.* Any return or list so made and subscribed by the Commissioner, or by a collector [district director] or deputy collector [collection officer] and approved by the Commissioner, shall be prima facie good and sufficient for all legal purposes.

* * * * *

SEC. 3614. EXAMINATION OF BOOKS AND WITNESSES.

(a) *To determine liability of the taxpayer.* The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is authorized, by any officer or employee of the Bureau of Internal Revenue [Internal Revenue Service], including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

* * * * *

SEC. 2702. PAYMENT OF TAX.

(a) *Date of payment.* The tax shall, without assessment by the Commissioner or notice from the collector [district director], be due and payable to the collector [district director] for the district in which is located the principal place of business, at the time fixed * * * for filing the return.

* * * * *

§ 406.601 *Returns*—(a) *Requirement.* Every person shall make a return for the first calendar quarter after December 31, 1953, within which he is required under section 1622 to deduct and withhold the tax on wages, and for each subsequent quarter (whether or not wages are paid therein) until a final return is filed as required by § 406.602. Every person required to make a return for the calendar quarter ended December 31, 1953, shall make a return for each subsequent calendar quarter (whether or not wages are paid therein) until a final return is filed as required by § 406.602. Form 941 is the form prescribed for making a return of the tax required under section 1622 to be deducted and withheld from wages.

(b) *District director's copies of Forms W–2.* (1) The district director's copy of each withholding statement on Form W–2 required to be furnished by the employer with respect to wages paid during the calendar year (as well as such copy of each corrected statement for a prior year) shall be included with the return filed for the fourth quarter of the calendar year or with the employer's final return if filed at an earlier date.

(2) The copies of withholding statements for the current calendar year transmitted with the return shall be accompanied by a list (preferably in the form of an adding machine tape) of the amounts of income tax withheld shown on such forms. If an employer's total payroll is made up on the basis of a number of separate units or establishments, the forms may be assembled accordingly and a separate list or tape submitted for each unit. In such case, a summary list or tape should be submitted, the total of which will agree with the corresponding entry to be made on Form 941. Where the number of forms is large, they may be forwarded in packages of convenient size. When this is done, the packages should be identified with the name of the employer and consecutively numbered. The number of packages should be indicated at the top of Form 941. The tax return, Form 941, and remittance in cases of this kind should be filed in the usual manner, accompanied by a brief statement that the district director's copies of Forms W–2 are in separate packages.

(3) The district director's copies of corrected Forms W–2 for a prior calendar year shall be assembled separately from the forms for the current calendar year and shall be accompanied by a statement explaining the corrections.

(c) *Period covered by return.* Except in the case of quarterly adjustments, as explained in § 406.701, the return on Form 941 may not be made for more than one calendar quarter of the year, nor may a portion of one calendar quarter be included with a portion of another calendar quarter in a single return on Form 941 even though the entire period does not exceed three months.

§ 406.602 *Final returns.* (a) The last return on Form 941 for any employer required to deduct and withhold any tax under section 1622 who ceases to pay wages shall be marked "Final return" by such employer or the person filing the return. Such final return shall be filed with the district director on or before the thirtieth day after the date on which the final payment of wages is made for services performed for such employer, and shall plainly show the period covered by the return and the date of the last payment of wages. An employer required to make a return on Form 941, who has only temporarily ceased to pay wages, including an employer engaged in seasonal activities, shall continue to file returns, but shall enter on the face of any return on which no tax is required to be reported the date of the last payment of wages and the date when he expects to resume paying wages. If an employer ceases to pay wages as defined in section 1621 (a) but continues to pay wages as defined in section 1426 (a), no final return on Form 941 should be filed so long as he continues to pay such wages. However, if an employer who has been paying remuneration which constitutes wages as defined in each of such sections permanently ceases to pay such wages, a final return is required of such employer.

(b) There shall be executed as a part of each final return on Form 941 a statement giving the address at which the records required by § 406.607 will be kept, the name of the person keeping such records, and, if the business has been sold or otherwise transferred to another person, the name and address of such person and the date on which the sale or other transfer took effect. If no such sale or transfer occurred or the employer does not know the name of the person to whom the business was sold or transferred, that fact should be included in the statement.



§ 406.603 *Execution of returns*—(a) *Requirement.* Each return shall be signed by the employer or other person required to deduct and withhold the tax and shall contain or be verified by a written declaration that it is made under the penalties of perjury. The return shall be signed and verified by (1) the individual, if the employer is an individual; (2) the president, vice-president, or other principal officer, if the employer is a corporation; (3) a responsible and duly authorized member or officer having knowledge of its affairs, if the employer is a partnership or other unincorporated organization; or (4) the fiduciary, if the employer is a trust or estate. The employer's return may be executed by an agent in the name of the employer if an acceptable power of attorney is filed with the district director and if such return includes the wages paid to all employees of the employer for the period covered by the return. If the United States, a State, Territory, Puerto Rico, or political subdivision, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, is the employer, the return may be made by the officer or employee having control of the payment of wages or other officer or employee appropriately designated for that purpose.

(b) *Penalties of perjury.* Section 3809 (a) provides that any person who willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter, shall be guilty of a felony. The punishment for such offense, upon conviction thereof, is a fine of not more than $2,000 or imprisonment for not more than five years, or both.

§ 406.604 *Use of prescribed forms.* (a) Copies of the prescribed return forms will so far as possible be regularly furnished employers by district directors without application therefor. An employer will not be excused from making a return, however, by the fact that no return form has been furnished to him. Employers not supplied with the proper forms should make application therefor to the district director in ample time to have their returns prepared, verified, and filed with the district director on or before the due date. (See § 406.605, relating to the place and time for filing returns; see also § 406.602, relating to final returns.) If the prescribed form is not available, a statement made by the employer disclosing the amount of tax due may be accepted as a tentative return. If filed within the prescribed time the statement so made will relieve the employer from liability for the addition to tax imposed for the delinquent filing of the return (see § 406.810, relating to the addition to tax), provided that without unnecessary delay such tentative return is supplemented by a return made on the proper form.

(b) Each return, together with a copy thereof and any supporting data, shall be filled in and disposed of in accordance with the instructions and regulations applicable thereto. (See § 406.605, relating to the place and time for filing returns, and § 406.607 (c) and (e), relating to copies of returns, schedules, and statements, and to the place and period for keeping records.) The return shall be carefully prepared so as fully and accurately to set forth the data therein called for. Returns which have not been so prepared will not be accepted as meeting the requirements of the statute. Only one return on any one prescribed form for a tax-return period shall be filed by or for an employer.

§ 406.605 *Place and time for filing returns.* Each return on Form 941 shall be filed with the district director for the district in which is located the principal place of business of the employer, or, if the employer has no principal place of business in an internal revenue district of the United States, with the district director at Baltimore, Md. Except as provided in § 406.602, relating to final returns, each return shall be filed on or before the last day of the first month following the period for which it is made. However, if, and only if, the return is accompanied by depositary receipts, Form 450, showing timely deposits, in full payment of the taxes due for the entire calendar quarter, the return may be filed on or before the 10th day of the second month following the period for which it is made. For the purpose of the preceding sentence, the timeliness of the deposit will be determined by the date of the endorsement by a designated commercial bank or by a Federal Reserve bank made on the reverse side of Form 450. Deposit of the taxes for the last month of the calendar quarter with a designated commercial bank or a Federal Reserve bank, as the case may be, may be made on or before the last day of the first month following the close of such quarter. If the last day for filing any return falls on Sunday or a legal holiday, the return may be filed on the next following business day. If placed in the mails, the return shall be posted in ample time to reach the district director's office, under ordinary handling of the mails, on or before the due date. As to additions to tax for failure to file the return within the prescribed time, see § 406.810. See also section 2707, relating to penalties.

§ 406.606 *Payment of tax*—(a) *In general.* The tax required to be reported on each return on Form 941 is due and payable to the district director, without assessment by the Commissioner or notice by the district director, at the time fixed for filing such return. For provisions relating to interest, additions to tax, and penalties, see §§ 406.809, 406.810, and 406.812 and section 2707.

(b) *Use of Federal Reserve banks and authorized commercial banks in connection with payment of taxes*—(1) *Requirement.* Except as provided in subparagraph (2) of this paragraph, if during any calendar month the aggregate amount of—

(i) The employee tax withheld under section 1401,

(ii) The employer tax for such month under section 1410, and

(iii) The income tax withheld at source on wages under section 1622,

exclusive of taxes under sections 1401 and 1410 with respect to wages of household employees, exceeds $100 in the case of an employer, it will be the duty of such employer to deposit such amount within 15 days after the close of such calendar month with a Federal Reserve bank. The remittance of such amount shall be accompanied by a Federal Depositary Receipt (Form 450). Such depositary receipt shall be prepared in accordance with the instructions and regulations applicable thereto. The employer, at his election, may forward such remittance, together with such depositary receipt, to a commercial bank authorized in accordance with Treasury Department Circular No. 848 to accept remittances of the aforementioned taxes for transmission to a Federal Reserve bank. After the Federal Reserve bank has validated the depositary receipt, such depositary receipt will be returned to the employer. Every employer making deposits pursuant to this paragraph shall attach to his return for the calendar quarter with respect to which such deposits are made, in part or full payment of the taxes shown thereon, depositary receipts so validated, and shall pay to the district director the balance, if any, of the taxes due for such quarter.

(2) *Payments for last month of the calendar quarter.* With respect to the taxes specified in subparagraph (1) of this paragraph for the last month of the calendar quarter, the employer may either include with his return direct remittance to the district director for the amount of such taxes or attach to such return a depositary receipt validated by a Federal Reserve bank as provided in subparagraph (1) of this paragraph. Payment of the taxes required to be reported on each return, in the form of validated depositary receipts or direct remittances, shall be made to the district director at the time fixed for filing such return. If a deposit is made for the last month of the quarter, the employer shall make it in ample time (whether before, on, or after the 15th day of the succeeding month) to enable the Federal Reserve bank to return the validated receipt to the employer so that it can be attached to and filed with the employer's return at the time so fixed.

(3) *Procurement of prescribed form.* Initially, Form 450, Federal Depositary Receipt, will so far as possible be furnished the employer by the district director. An employer not supplied with the proper form should make application therefor to the district director in ample time to have such form available for use in making his initial deposit within the

time prescribed in subparagraph (1) of this paragraph. Thereafter a blank form will be sent to the employer by the Federal Reserve bank when returning the validated depositary receipt. An employer may secure additional forms from a Federal Reserve bank by applying therefor and advising the bank of his identification number. (See § 405.201 (f).) The district director will assign an identification number to each employer who is not required either to withhold the employee tax under section 1401 or to pay the employer tax under section 1410. Every employer making deposits pursuant to this paragraph shall make such use of his identification number as is prescribed by this paragraph and by the instructions relating to Form 941 and to Form 450. The employer's identification number and name, on each depositary receipt, should be the same as they are required to be shown on the return to be filed with the district director. The address of the employer, as shown on each depositary receipt, should be the address to which the receipt should be returned following validation by the Federal Reserve bank.

§ 406.607 *Records*—(a) *Records of employers.* (1) Every employer required to deduct and withhold the tax shall keep accurate records of all remuneration paid to his employees. Such records shall show with respect to each employee—

(i) The name and address of the employee;

(ii) To the extent material to the determination of tax liability, the dates on which the employee worked during each calendar quarter, including the days for which remuneration is paid or payable, and the character of the services performed;

(iii) The total amount (including any sum withheld therefrom as tax or for any other reason) and date of each remuneration payment, and the period of services covered by such payment;

(iv) The amount of each remuneration payment which constitutes wages subject to withholding;

(v) The amount of tax withheld or collected with respect to each remuneration payment and, if collected at a time other than the time such payment was made, the date collected;

(vi) The withholding exemption certificates (Form W–4) filed with the employer by the employee;

(vii) The agreements, if any, between the employer and the employee for the withholding of additional amounts of tax pursuant to § 406.314;

(viii) Copies of any statements furnished by the employee pursuant to § 406.224 (c) (relating to nonresident alien individuals who are residents of a contiguous country);

(ix) Copies of any statements furnished by the employee pursuant to § 406.226 (a) (relating to residence or physical presence in a foreign country); and

(x) Copies of any statements furnished by the employee pursuant to § 406.226 (c) (relating to citizens resident in Puerto Rico).

The term "remuneration", as used in this paragraph (a), includes all payments whether in cash or in a medium other than cash, except that the term does not include payments in a medium other than cash for services not in the course of the employer's trade or business. If the total remuneration payment (subdivision (iii) of subparagraph (1)) and the amount thereof which is taxable (subdivision (iv) of subparagraph (1)) are not equal, the reason therefor shall be made a matter of record.

(2) Accurate records of the details of each adjustment or settlement made pursuant to § 406.701 shall also be kept.

(3) No particular form is prescribed for keeping the records required by this paragraph (a). Each employer shall use such forms and systems of accounting as will enable the Commissioner to ascertain whether the taxes for which the employer is liable are correctly computed and paid.

(b) *Records of employees.* While not mandatory, it is advisable for each employee to keep permanent, accurate records showing the name and address of each employer for whom he performs services as an employee, the dates of beginning and termination of such services, the information with respect to himself which is required by paragraph (a) of this section to be kept by employers, and the receipts furnished in accordance with the provisions of § 406.501. (See, however, paragraph (d) of this section, relating to records of claimants.)

(c) *Copies of returns, schedules, and statements.* Every employer who is required, by the regulations in this part or by instructions applicable to any form prescribed thereunder, to keep any copy of any return, schedule, statement, or other document, shall keep such copy as part of his records.

(d) *Records of claimants.* Any person (including an employee) claiming refund, credit, or abatement of any tax, penalty, or interest shall keep a complete and detailed record with respect to such tax, penalty, or interest.

(e) *Place and period for keeping records.* (1) All records required by the regulations in this part shall be kept, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers. Such records shall at all times be open for inspection by such officers. If the employer has a principal place of business in the United States, the records required by paragraphs (c) and (d) of this section shall be kept at such place of business.

(2) Records required by paragraphs (a) and (c) of this section shall be maintained for a period of at least four years after the date the tax to which they relate becomes due, or the date the tax is paid, whichever is the later. Records required by paragraph (d) of this section (including any record required by paragraph (a) or (c) which relates to a claim) shall be maintained for a period of at least four years after the date the claim is filed.

SUBPART C—ADJUSTMENTS, REFUNDS, CREDITS, AND ABATEMENTS

§ 406.700 *Statutory provisions; adjustments.*

SEC. 1627. OTHER LAWS APPLICABLE.

All provisions of law, including penalties, applicable with respect to the tax imposed by section 1400 shall, insofar as applicable and not inconsistent with the provisions of this subchapter [subchapter D of chapter 9], be applicable with respect to the tax under this subchapter.

[Sec. 1627, as added by sec. 2 (a), Current Tax Payment Act 1943.]

SEC. 1401. DEDUCTION OF TAX FROM WAGES.

* * * * *

(c) *Adjustments.* If more or less than the correct amount of tax imposed by section 1400 is paid with respect to any payment of remuneration, proper adjustments, with respect both to the tax and the amount to be deducted, shall be made, without interest, in such manner and at such times as may be prescribed by regulations made under this subchapter.

[Sec. 1401 (c), as amended by sec. 602 (a), Social Security Act Amendments 1939.]

* * * * *

§ 406.701 *Quarterly adjustments*—(a) *In general.* If, for any quarter of the calendar year, more or less than the correct amount of the tax is withheld, or more or less than the correct amount of the tax is paid to the district director, proper adjustment, without interest, may be made in any subsequent quarter of the same calendar year. No adjustment, however, under the provisions of this section shall be made in respect of an underpayment for any quarter after receipt from the district director of notice and demand for payment thereof based upon an assessment but the amount shall be paid in accordance with such notice and demand; nor shall any adjustment under the provisions of this section be made in respect of an overpayment for any quarter after the filing of a claim for refund thereof. Every return on which an adjustment for a preceding quarter is reported must have securely attached as a part thereof a statement explaining the adjustment, and designating the quarterly return period in which the error occurred. If an adjustment of an overcollection of tax which the employer has repaid to an employee is reported on a return, such statement shall include the fact that such tax was repaid to the employee.

(b) *Less than correct amount of tax withheld.* (1) If none, or less than the correct amount, of the tax is deducted from any wage payment and the error is ascertained prior to the making of the return on Form 941 for the quarter in which such wages are paid, the employer shall nevertheless report on such return and pay to the district director the correct amount of the tax required to be withheld. If the error is not ascertained until after the making of the return on Form 941 for the quarter in which such wages are paid, the undercollection may be corrected by an adjustment on the return for any subsequent quarter of the same calendar year, subject, however, to the limitations noted in paragraph (a) of this section. The amount of any undercollection adjusted in accordance with this paragraph shall be paid to the district director, without interest, at the time prescribed for payment of the tax for the quarter in which such adjustment is made. If an adjustment is made pursuant to this paragraph but the amount thereof is not paid when due, interest thereafter accrues. See section 1420 (b).

(2) If none, or less than the correct amount, of the tax is withheld from any wage payment, the employer may correct the error by deducting the amount of the undercollection from remuneration of the employee, if any, under his control after he ascertains the error. Such deduction may be made even though the remuneration, for any reason, does not constitute wages. The obligation of an employee to the employer with respect to an undercollection of tax from the employee's wages not subsequently corrected by a deduction made as prescribed herein is a matter for settlement between the employee and the employer. In this connection, see section 1622 (d), relieving the employer from liability for the tax if the tax imposed by chapter 1 of the Internal Revenue Code against which the tax withheld at source is allowable as a credit, has been paid by the employee or other person liable therefor.

(c) *More than correct amount of tax withheld.* (1) If, in any quarter, more than the correct amount of tax is deducted from any wage payment, the overcollection may be repaid to the employee in any quarter of the same calendar year. If the amount of the overcollection is repaid, the employer shall obtain and keep as part of his records the written receipt of the employee showing the date and amount of the repayment.

(2) If an overcollection in any quarter is repaid and receipted for by the employee prior to the time the return on Form 941 for such quarter is filed with the district director, the amount of such overcollection shall not be included in the return for such quarter.

(3) Subject to the limitations provided in paragraph (a), if an overcollection in any quarter is repaid and receipted for by the employee after the time the return on Form 941 for such quarter is filed and the tax is paid to the district director, the overcollection may be corrected by an adjustment on the return for any subsequent quarter of the same calendar year.

(4) Every overcollection not repaid and receipted for by the employee as provided in this paragraph must be reported and paid to the district director with the return on Form 941 for the quarter in which the overcollection is made.

(5) For information as to the manner of correcting errors in withholding which cannot be adjusted in a return for a subsequent quarter of the same calendar year, employers should consult the local district director of internal revenue.

§ 406.702 *Statutory provisions; refunds; credits; and abatements.*



SEC. 1622. INCOME TAX COLLECTED AT SOURCE.

* * * * * *

(f) *Refunds or credits.*

(1) *Employers.* Where there has been an overpayment of tax under this subchapter, refund or credit shall be made to the employer only to the extent that the amount of such overpayment was not deducted and withheld under this subchapter by the employer.

(2) *Employees.* For refund or credit in cases of excessive withholding, see section 322 (a).

[Sec. 1622 (f), as added by sec. 2 (a), Current Tax Payment Act 1943.]

* * * * * *

SEC. 3770. AUTHORITY TO MAKE ABATEMENTS, CREDITS, AND REFUNDS.

(a) *To Taxpayers*—(1) *Assessments and collections generally.* Except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, the Commissioner, subject to regulations prescribed by the Secretary, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected.

(2) *Assessments and collections after limitation period.* Any tax (or any interest, penalty, additional amount, or addition to such tax) assessed or paid after the expiration of the period of limitation properly applicable thereto shall be considered an overpayment and shall be credited or refunded to the taxpayer if claim therefor is filed within the period of limitation for filing such claim.

* * * * * *

(4) *Credit of overpayment of one class of tax against another class of tax due.* Notwithstanding any provision of law to the contrary, the Commissioner may, in his discretion, in lieu of refunding an overpayment of tax imposed by any provision of this title, credit such overpayment against any tax due from the taxpayer under any other provision of this title.

(5) *Delegation of authority to collectors [district directors] to make refunds.* The Commissioner, with the approval of the Secretary, is authorized to delegate to collectors [district directors] any authority, duty, or function which the Commissioner is authorized or required to exercise or perform under paragraph (1), (2), (3), or (4) of this subsection, or under section 322 or 1027, where the amount involved (exclusive of interest, penalties, additions to the tax, and additional amounts) does not exceed $10,000.

* * * * * *

[Sec. 3770 (a) (1), as amended by sec. 503 (b), Second Revenue Act 1940; sec. 3770 (a) (4), as added by sec. 9 (a), Pub. Law 271 (81st Cong.); and 3770 (a) (5), added as paragraph (4) by sec. 4 (c), Current Tax Payment Act 1943, and redesignated paragraph (5) and amended by sec. 9 (a), Pub. Law 271 (81st Cong.).]

* * * * * *

§ 406.703 *Refund or credit of overpayments which are not adjustable; abatement of overassessments*—(a) *Who may make claims.* If more than the correct amount of tax, penalty, or interest is paid to the district director, the person who paid such tax, penalty, or interest to the district director may file a claim for refund of such overpayment or such person may take credit for the overpayment against the tax reported on any return on Form 941 which he subsequently files. However, refund or credit of the overpayment shall be made only to the extent that the amount of the overpayment exceeds the tax actually withheld, and penalty and interest thereon. If more than the correct amount of tax, penalty, or interest is assessed but not paid to the district director, the person against whom the assessment is made may file a claim for abatement of such overassessment.

(b) *Form of claims.* Each claim for refund or abatement under this section shall be made on Form 843 in accordance with the regulations in this part and the instructions relating to such form, and shall designate the tax-return period in which the error was ascertained. Copies of Form 843 may be obtained from any district director. If credit is taken under this section, a claim on Form 843 is not required, but the return on which such credit is claimed shall have attached as a part thereof a statement which shall constitute the claim for credit, setting forth in detail the grounds and facts relied upon in support of the credit, designating the tax-return period in which the error was ascertained, and showing such other information as is required by the regulations in this part or by the instructions relating to the return.

(c) *Limitation on claims.* No refund or credit will be allowed after the expiration of the applicable statutory period of limitations, except upon one or more of the grounds set forth in a claim filed prior to the expiration of such period. For provisions relating to the period of limitation upon refunds and credits, see § 406.707.

(d) *Claims improperly made.* Any claim which does not comply with the requirements of this section will not be considered for any purpose as a claim for refund, credit, or abatement.

(e) *Proof of representative capacity.* If a return is made by an individual who thereafter dies and a refund claim is made by a legal representative of the deceased, certified copies of the letters testamentary, letters of administration, or other similar evidence must be annexed to the claim, to show the authority of the executor, administrator, or other fiduciary by whom the claim is made. If an executor, administrator, guardian, trustee, receiver, or other fiduciary makes a return and thereafter a refund claim is made by the same fiduciary, documentary evidence to establish the legal authority of the fiduciary need not accompany the claim, provided a statement is made in the claim showing that the return was made by the fiduciary and that the latter is still acting. In such cases, if a refund or interest is to be paid, letters testamentary, letters of administration, or other evidence may be required, but should be submitted only upon the receipt of a specific request therefor. If a claim is made by a fiduciary other than the one by whom the return was made, the necessary documentary evidence should accompany the claim. The claim may be executed by the agent of the person assessed, but in such case a power of attorney must accompany the claim.

§ 406.704 *Statutory provisions; credit for tax withheld.*

SEC. 35. CREDIT FOR TAX WITHHELD ON WAGES.
The amount deducted and withheld as tax under Subchapter D of Chapter 9 during any calendar year upon the wages of any individual shall be allowed as a credit to the recipient of the income against the tax imposed by this chapter for the taxable year beginning in such calendar year. If more than one taxable year begins in any such calendar year such amount shall be allowed as a credit against the tax for the last taxable year so beginning.

[Sec. 35, as added by sec. 172 (f) (2), Revenue Act 1942, and as amended by sec. 3, Current Tax Payment Act 1943.]

SEC. 322. REFUNDS AND CREDITS.
(a) *Authorization.*
* * * * *
(2) *Excessive withholding.* Where the amount of the tax withheld at the source under Subchapter D of Chapter 9 exceeds the taxes imposed by this chapter against which the tax so withheld may be credited under section 35, the amount of such excess shall be considered an overpayment.

[Sec. 322 (a) (2), as added by sec. 172 (e) (1), Revenue Act 1942, and as amended by sec. 4 (a), Current Tax Payment Act 1943; sec. 6 (b) (9), Individual Income Tax Act 1944.]

* * * * *

§ 406.705 *Credit for tax withheld; credit or refund of overpayment of tax withheld.* (a) The credit for tax withheld at source on wages during a calendar year shall be allowed against the tax imposed by chapter 1 of the Internal Revenue Code for the taxable year of the recipient of the income which begins in such calendar year. If such recipient has more than one taxable year beginning in such calendar year, the credit shall be allowed against the tax for the last taxable year so beginning.

(b) If the tax has actually been withheld at the source, credit or refund shall be made to the recipient of the income even though such tax has not been paid over to the Government by the employer. See section 322. For the purpose of the credit, the recipient of the income is the person subject to tax imposed under chapter 1 of the Internal Revenue Code upon the wages from which the tax was withheld. For instance, if a husband and wife domiciled in a community property State make separate returns, each reporting for income tax purposes one-half of the wages received by the husband, each spouse is entitled to one-half of the credit allowable for the tax withheld at source with respect to such wages.

(c) The employee from whose wages tax has been deducted and withheld during any calendar year shall claim credit for the tax withheld on his return of tax under chapter 1 of the Code for the taxable year which begins in such calendar year and shall attach to such return the withholding statement or statements on Form W-2 furnished to him with respect to wages paid during such calendar year. If the amount of the tax withheld exceeds the tax under chapter 1 of the Code against which the tax so withheld may be credited, refund or credit of such excess will be made to the employee in accordance with the applicable provisions of the regulations prescribed under chapter 1 of the Code.

§ 406.706 *Statutory provisions; period of limitation upon refunds and credits.*

SEC. 1636. PERIOD OF LIMITATION UPON REFUNDS AND CREDITS OF CERTAIN EMPLOYMENT TAXES.
(a) *General rule.* In the case of any tax imposed by * * * subchapter D of this chapter—
(1) *Period of limitation.* Unless a claim for credit or refund is filed by the taxpayer within three years from the time the return was filed or within two years from the time the tax was paid, no credit or refund shall be allowed or made after the expiration of whichever of such periods expires the later. If no return is filed, then no credit or refund shall be allowed or made after two years from the time the tax was paid, unless before the expiration of such period a claim therefor is filed by the taxpayer.
(2) *Limit on amount of credit or refund.* The amount of the credit or refund shall not exceed the portion of the tax paid—
(A) If a return was filed, and the claim was filed within three years from the time the return was filed, during the three years immediately preceding the filing of the claim.
(B) If a claim was filed, and (i) no return was filed, or (ii) if the claim was not filed within three years from the time the return was filed, during the two years immediately preceding the filing of the claim.
(C) If no claim was filed and the allowance of credit or refund is made within three years from the time the return was filed, during the three years immediately preceding the allowance of the credit or refund.
(D) If no claim was filed, and (i) no return was filed or (ii) the allowance of the credit or refund is not made within three years from the time the return was filed, during the two years immediately preceding the allowance of the credit or refund.
(b) *Penalties, etc.* The provisions of subsection (a) of this section shall apply to any penalty or sum assessed or collected with respect to the tax imposed by * * * subchapter D of this chapter.
(c) *Date of filing return and date of payment of tax.* For the purposes of this section—
(1) If a return for any period ending with or within a calendar year is filed before March 15 of the succeeding calendar year, such return shall be considered filed on March 15 of such succeeding calendar year; and
(2) If a tax with respect to remuneration paid during any period ending with or within a calendar year is paid before March 15 of the succeeding calendar year, such tax shall be considered paid on March 15 of such succeeding calendar year.
(d) *Application of section.* The provisions of this section shall apply only to those taxes imposed by * * * subchapter D of this chapter, which are required to be collected and paid by making and filing returns.
(e) *Effective date.* The provisions of this section shall not apply to any tax paid or collected with respect to remuneration paid during any calendar year before 1951 or to any penalty or sum paid or collected with respect to such tax.

[Sec. 1636, as added by sec. 207 (a), Social Security Act Amendments 1950.]

§ 406.707 *Period of limitation upon refunds and credits*—(a) *In general.* Unless a claim for refund or credit of an overpayment is filed within three years from the time the return was filed, or within two years from the time the tax was paid, the Commissioner is prohibited, after both periods have expired, from allowing or making a refund or credit of such overpayment. If no return is filed, the Commissioner is prohibited from allowing or making a refund or credit of the overpayment after two years from the time the tax was paid unless before the expiration of such two-year period a claim therefor is filed.

(b) *Limitation on amount of refund or credit.* The limitation on the amount of refund or credit shall be determined in accordance with section 1636 (a) (2).

(c) *Penalties.* The provisions of this section as to the tax required to be deducted and withheld are also applicable to any penalty or other sum assessed or collected with respect to such tax.

(d) *Date of filing return and payment of tax.* For the purposes of this section, if a return for any period ending with or within a calendar year is filed before March 15 of the succeeding calendar year, it shall be deemed filed on March 15 of such succeeding calendar year. Likewise, if any tax required to be deducted and withheld during any period ending with or within a calendar year is paid before March 15 of the succeeding calendar year, such tax shall be deemed paid on March 15 of such succeeding calendar year.

SUBPART H—MISCELLANEOUS PROVISIONS

§ 406.800 *Statutory provisions; jeopardy assessment.*

SEC. 1627. OTHER LAWS APPLICABLE.
All provisions of law, including penalties, applicable with respect to the tax imposed by section 1400 shall, insofar as applicable and not inconsistent with the provisions of this subchapter [subchapter D of chapter 9], be applicable with respect to the tax under this subchapter.

[Sec. 1627, as added by sec. 2 (a), Current Tax Payment Act 1943.]

SEC. 3660. JEOPARDY ASSESSMENT.
(a) If the Commissioner believes that the collection of any tax (other than income tax, estate tax, and gift tax) under any provision of the internal-revenue laws will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest and penalties the assessment of which is provided for by law). Such tax, penalties, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the collector [district director] for the payment thereof. Upon failure or refusal to pay such tax, penalty, and interest, collection thereof by distraint shall be lawful without regard to the period prescribed in section 3690.
(b) The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector [district director] a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties as the collector [district director] deems necessary, conditioned upon the payment of the amount collection of which is stayed, at the time at which, but for this section, such amount would be due.

§ 406.801 *Jeopardy assessments.* (a) Whenever, in the opinion of the district director, the collection of the tax will be jeopardized by delay, he should assess the tax, together with all penalties and interest due. Upon assessment such tax, penalty, and interest shall become immediately due and payable.



(b) The collection of the whole or any part of the amount of the jeopardy assessment may be stayed by filing with the district director a bond in such amount, not exceeding double the amount with respect to which the stay is desired, and with such sureties as the district director deems necessary. Such bond shall be conditioned upon the payment of the amount, collection of which is stayed, at the time at which, but for the jeopardy assessment, such amount would be due. In lieu of surety or sureties the taxpayer may deposit with the district director negotiable bonds or notes of the United States, or negotiable bonds or notes fully guaranteed by the United States, having a par value not less than the amount of the bond required to be furnished, together with an agreement authorizing the district director in case of default to collect or sell such bonds or notes so deposited.

(c) Upon refusal to pay, or failure to pay or give bond, the district director will proceed immediately to collect the tax, penalty, and interest by distraint without regard to the period prescribed in section 3690.

§ 406.802 *Statutory provisions; period of limitation upon assessment and collection.*

SEC. 1635. PERIOD OF LIMITATION UPON ASSESSMENT AND COLLECTION OF CERTAIN EMPLOYMENT TAXES.
(a) *General rule.* The amount of any tax imposed by * * * subchapter D of this chapter shall (except as otherwise provided in the following subsections of this section) be assessed within three years after the return was filed, and no proceeding in court without assessment for the collection of such tax shall be begun after the expiration of such period.
(b) *False return or no return.* In the case of a false or fraudulent return with intent to evade tax or of a failure to file a return, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.
(c) *Willful attempt to evade tax.* In case of a willful attempt in any manner to defeat or evade tax, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.
(d) *Collection after assessment.* Where the assessment of any tax imposed by * * * subchapter D of this chapter has been made within the period of limitation properly applicable thereto, such tax may be collected by distraint or by a proceeding in court, but only if begun (1) within six years after the assessment of the tax, or (2) prior to the expiration of any period for collection agreed upon in writing by the Commissioner and the taxpayer.
(e) *Date of filing of return.* For the purposes of this section, if a return for any period ending with or within a calendar year is filed before March 15 of the succeeding calendar year, such return shall be considered filed on March 15 of such succeeding calendar year.
(f) *Application of section.* The provisions of this section shall apply only to those taxes imposed by * * * subchapter D of this chapter, which are required to be collected and paid by making and filing returns.
(g) *Effective date.* The provisions of this section shall not apply to any tax imposed with respect to remuneration paid during any calendar year before 1951.

[Sec. 1635, as added by sec. 207 (a), Social Security Act Amendments 1950.]

§ 406.803 *Period of limitation upon assessment and collection.* Section 1635 provides, in general, for a three-year period of limitation on the assessment of the tax required to be withheld. This period of limitation is measured from the date the return is filed, except that if a return for any period ending with or within a calendar year is filed before March 15 of the succeeding calendar year, such return shall be deemed filed on March 15 of such succeeding calendar year. For example, if quarterly returns are filed for the four quarters of 1954 on April 30, July 31, and October 31, 1954, and on January 31, 1955, the period of limitation for assessment with respect to the tax required to be reported on each such return is measured from March 15, 1955. However, if any of such returns is filed after March 15, 1955, the period of limitation for assessment of the tax required to be reported on that return is measured from the date it is in fact filed. Where the tax is assessed within the statutory period of limitation, such tax may be collected by distraint or by a proceeding in court, if begun (a) within six years after the assessment of the tax, or (b) prior to the expiration of any period for collection agreed upon in writing by the Commissioner and the taxpayer. In the case of a false or fraudulent return with intent to evade tax or of a failure to file a return, and in the case of a willful attempt in any manner to defeat or evade tax, the tax required to be reported on the return may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

§ 406.804 *Statutory provisions; collection of tax in Puerto Rico.*

SEC. 3811. COLLECTION OF TAXES IN PUERTO RICO * * *.
(a) *Puerto Rico.* Notwithstanding any other provision of law respecting taxation in Puerto Rico, all taxes imposed * * * by subchapters * * * D of chapter 9, shall be collected under the direction of the Secretary and shall be paid into the Treasury of the United States as internal revenue collections. All provisions of the laws of the United States applicable to the administration, collection, and enforcement * * * of any tax imposed by subchapter * * * D of chapter 9, shall, in respect to such tax, extend to and be applicable in Puerto Rico in the same manner and to the same extent as if Puerto Rico were a State, and as if the term "United States" when used in a geographical sense included Puerto Rico.
* * * * *
(c) *Definition.* As used in this section, the term "tax" includes any penalty with respect to the tax, any addition to the tax, and any additional amount with respect to the tax, provided for by any law of the United States.

[Sec. 3811 (a), as added by sec. 208 (b), Social Security Act Amendments 1950, and as amended and redesignated as subsection (a) by sec. 221 (1), Revenue Act 1950; and sec. 3811 (c), as added by sec. 221 (1), Revenue Act 1950.]

§ 406.805 *Collection of tax in Puerto Rico.* All provisions of the laws of the United States relating to the administration, collection, and enforcement (such as the provisions relating to the ascertainment, return, determination, redetermination, assessment, collection, remission, credit, and refund) of the income tax withheld at source on wages under section 1622 shall, in respect of such tax, extend to and be applicable in Puerto Rico in the same manner and to the same extent as if Puerto Rico were a State, and as if the term "United States" when used in a geographical sense included Puerto Rico.

§ 406.806 *Statutory provisions; acts to be performed by agents.*

SEC. 1632. ACTS TO BE PERFORMED BY AGENTS.
In case a fiduciary, agent or other person has the control, receipt, custody, or disposal of, or pays the wages of an employee or group of employees, employed by one or more employers, the Commissioner, under regulations prescribed by him with the approval of the Secretary, is authorized to designate such fiduciary, agent or other person to perform such acts as are required of employers under this chapter [chapter 9 of the Internal Revenue Code] and as the Commissioner may specify. Except as may be otherwise prescribed by the Commissioner with the approval of the Secretary, all provisions of law (including penalties) applicable in respect of an employer shall be applicable to a fiduciary, agent or other person so designated but, except as so provided, the employer for whom such fiduciary, agent or other person acts shall remain subject to the provisions of law (including penalties) applicable in respect of employers.

[Sec. 1632, as added by sec. 2 (a), Current Tax Payment Act 1943.]

§ 406.807 *Acts to be performed by agents.* If an employer pays wages to an employee or group of employees through a fiduciary, agent, or other person who also has the control, receipt, custody, or disposal of, or pays the wages payable by another employer to such employee or group of employees, the Commissioner may, subject to such terms and conditions as he deems proper, authorize such fiduciary, agent, or other person to perform such acts as are required of employers under the statute and the regulations in this part. Application for authorization to perform such acts, signed by such fiduciary, agent, or other person, should be filed with the Commissioner of Internal Revenue, Washington 25, D. C. If the fiduciary, agent, or other person is authorized by the Commissioner to perform such acts as are required of employers under the statute and regulations, all provisions of law (including penalties) and of the regulations prescribed in pursuance of law applicable in respect of an employer shall be applicable to such fiduciary, agent, or other person. However, each employer for whom such fiduciary, agent, or other person acts shall remain subject to all provisions of law (including penalties) and of the regulations prescribed in pursuance of law applicable in respect of employers. (See also § 406.310.)

§ 406.808 *Statutory provisions; additions to tax for failure to pay an assessment after notice and demand.*

SEC. 1420. COLLECTION AND PAYMENT OF TAXES.
* * * * *
(b) *Addition to tax in case of delinquency.* If the tax is not paid when due, there shall be added as part of the tax interest (except in the case of adjustments made in accordance with the provisions of sections 1401 (c) and 1411) at the rate of 6 per centum per

annum from the date the tax became due until paid.

* * * * *

SEC. 3655. NOTICE AND DEMAND FOR TAX.

(a) *Delivery.* Where it is not otherwise provided, the collector [district director] shall in person or by deputy, within ten days after receiving any list of taxes from the Commissioner, give notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof.

(b) *Addition to tax for nonpayment.* If such person does not pay the taxes, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector [district director] or his deputy to collect the said taxes with a penalty of 5 per centum additional upon the amount of taxes, and interest at the rate of 6 per centum per annum from the date of such notice to the date of payment * * *.

* * * * *

§ 406.809 *Interest.* If the tax is not paid to the district director when due and is not adjusted under § 406.701, interest accrues at the rate of 6 percent per annum.

§ 406.810 *Addition to tax for failure to pay an assessment after notice and demand.* (a) If tax, penalty, or interest is assessed and the entire amount thereof is not paid within 10 days after the date of issuance of notice and demand for payment thereof, based on such assessment, there accrues under section 3655 (except as provided in paragraph (b) of this section) a penalty of 5 percent of the assessment remaining unpaid at the expiration of such period.

(b) If, within 10 days after the date of issuance of notice and demand, a claim for abatement of any amount of the assessment is filed with the district director, the 5 percent penalty does not attach with respect to such amount. If the claim is rejected in whole or in part and the amount rejected is not paid, the district director shall issue notice and demand for such amount. If payment is not made within 10 days after the date the district director issues the notice and demand, the 5 percent penalty attaches with respect to the amount rejected. The filing of the claim does not stay the running of interest.

§ 406.811 *Statutory provisions; additions to tax for delinquent or false returns.*

SEC. 3612. RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR [DISTRICT DIRECTOR].

* * * * *

(d) *Additions to tax—(1) Failure to file return.* In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner or the collector [district director] in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax: *Provided,* That in the case of a failure to make and file a return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after August 20, 1935, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

(2) *Fraud.* In case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

* * * * *

(e) *Collection of additions to tax.* The amount added to any tax under paragraphs (1) and (2) of subsection (d) shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

* * * * *

SEC. 1631. FAILURE OF EMPLOYER TO FILE RETURN.

In case of a failure to make and file any return required under this chapter within the time prescribed by law or prescribed by the Commissioner in pursuance of law, unless it is shown that such failure is due to reasonable cause and not to willful neglect, the addition to the tax or taxes required to be shown on such return shall not be less than $5.

[Sec. 1631, as added by sec. 2 (a), Current Tax Payment Act 1943, and as amended by sec. 6, Pub. Law 271 (81st Cong.); sec. 209 (d), Social Security Act Amendments 1950.]

§ 406.812 *Additions to tax for delinquent or false returns—(a) Delinquent returns—(1) Ad valorem addition.* (i) If a person fails to make and file a return required by the regulations in this part within the prescribed time, a certain percent of the amount of the tax is added to the tax unless the return is later filed and failure to file the return within the prescribed time is shown to be due to reasonable cause and not to willful neglect. Two classes of delinquents are subject to this addition to the tax:

(*a*) Those who do not file returns and for whom returns are made by a district director, a collection officer, or the Commissioner; and

(*b*) Those who file tardy returns and are unable to show reasonable cause for the delay.

The amount to be added to the tax is 5 percent if the failure is for not more than 30 days, with an additional 5 percent for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 percent in the aggregate, subject, however, to the minimum addition to the tax set forth in subparagraph (2) of this paragraph. In computing the period of delinquency all Sundays and holidays after the due date are counted.

(ii) A person who files a tardy return and wishes to avoid the addition to the tax for delinquency must make an affirmative showing of all facts alleged as a reasonable cause for failure to file the return on time in the form of a statement which should be attached to the return as a part thereof.

(2) *Minimum addition.* If a person fails to make and file a return required by the regulations in this part within the prescribed time, unless it is shown that the failure is due to reasonable cause and not to willful neglect, the addition to the tax or taxes required to be shown on such return shall not be less than $5. The addition to the tax or taxes shall be computed as provided in subparagraph (1) of this paragraph, and if less than $5 shall be increased to $5.

(b) *False returns.* If a false or fraudulent return is willfully made, the addition to tax under section 3612 (d) (2) is 50 percent of the total tax due for the entire period involved, including any tax previously paid.

§ 406.813 *Statutory provisions; penalties.*

SEC. 2707. PENALTIES.

(a) Any person who willfully fails to pay, collect, or truthfully account for and pay over the tax * * * or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty of the amount of the tax evaded, or not paid, collected, or accounted for and paid over, to be assessed and collected in the same manner as taxes are assessed and collected. No penalty shall be assessed under this subsection for any offense for which a penalty may be assessed under authority of section 3612.

(b) Any person required under this subchapter to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by this subchapter who willfully fails to pay such tax, make such returns, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.

(c) Any person required under this subchapter to collect, account for and pay over any tax imposed by this subchapter, who willfully fails to collect or truthfully account for and pay over such tax, and any person who willfully attempts in any manner to evade or defeat any tax imposed by this subchapter or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(d) The term "person" as used in this section includes an officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

SEC. 3616. PENALTIES.

Whenever any person—

(a) *False returns.* Delivers or discloses to the collector [district director] or deputy any false or fraudulent list, return, account, or statement, with intent to defeat or evade the valuation, enumeration, or assessment intended to be made; or,

(b) *Neglect to obey summons.* Being duly summoned to appear to testify, or to appear and produce books as required under section 3615, neglects to appear or to produce said books—

he shall be fined not exceeding $1,000, or be imprisoned not exceeding one year, or both, at the discretion of the court, with costs of prosecution.

* * * * *

SEC. 3793. PENALTIES AND FORFEITURES.

* * * * *

(b) *Fraudulent returns, affidavits, and claims—(1) Assistance in preparation or presentation.* Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a false or fraudulent return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony, and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(2) *Person defined.* The term "person" as used in this subsection includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

* * * * *

SEC. 286. CONSPIRACY TO DEFRAUD THE GOVERNMENT WITH RESPECT TO CLAIMS [TITLE 18, UNITED STATES CODE].

Whoever enters into any agreement, combination, or conspiracy to defraud the United States, or any department or agency thereof, by obtaining or aiding to obtain the payment or allowance of any false, fictitious or fraudulent claim, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

SEC. 287. FALSE, FICTITIOUS, OR FRAUDULENT CLAIMS [TITLE 18, UNITED STATES CODE].

Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SEC. 1001. STATEMENTS OR ENTRIES GENERALLY [TITLE 18, UNITED STATES CODE].

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SEC. 1621. PERJURY GENERALLY [TITLE 18, UNITED STATES CODE].

Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall, except as otherwise expressly provided by law, be fined not more than $2,000 or imprisoned not more than five years, or both.

SEC. 1627. OTHER LAWS APPLICABLE.

All provisions of law, including penalties, applicable with respect to the tax imposed by section 1400 shall, insofar as applicable and not inconsistent with the provisions of this subchapter [subchapter D of chapter 9], be applicable with respect to the tax under this subchapter.

[Sec. 1627, as added by sec. 2 (a), Current Tax Payment Act 1943.]

SEC. 1429. RULES AND REGULATIONS.

* * * The Commissioner, with the approval of the Secretary, shall make and publish rules and regulations for the enforcement of this subchapter.

SEC. 3791. RULES AND REGULATIONS.

(a) *Authorization—(1) In general.* * * * the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title [Internal Revenue Code].

(2) *In case of change in law.* The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary, or the Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury Decision, relating to the internal revenue laws, shall be applied without retroactive effect.

§ 406.814 *Promulgation of regulations.* In pursuance of sections 1429, 1627, and 3791 of the Internal Revenue Code, and other provisions of the internal revenue laws, the foregoing regulations are hereby prescribed.

[F. R. Doc. 53-10736; Filed, Dec. 28, 1953; 8:45 a. m.]



## TITLE 32—NATIONAL DEFENSE

### Chapter VII—Department of the Air Force

**Subchapter F—Reserve Forces**

PART 861—OFFICERS' RESERVE

APPOINTMENT OF OFFICERS IN THE REGULAR AIR FORCE

Sections 861.101 to 861.107 supersede §§ 861.101 to 861.108 (15 F. R. 3483-85):

Sec.
861.101 Purpose.
861.102 Policy.
861.103 Definitions.
861.104 Responsibility.
861.105 Testing and selection of applications.
861.106 Who may apply.
861.107 Instructions.

AUTHORITY: §§ 861.101 to 861.107 issued under sec. 502, 61 Stat. 882; 10 U. S. C. 506. Interpret or apply sec. 506, 61 Stat. 890; 10 U. S. C. 506c.

DERIVATION: AFR 36-5.

§ 861.101 *Purpose.* Sections 861.101 to 861.107 establish eligibility requirements and procedure for application and appointment of commissioned officers in the Regular Air Force. It applies to all persons desiring consideration for such appointment except those persons applying for appointment in the Medical Service, United States Air Force, Judge Advocate General's Department, and cadets and midshipmen of the United States Military and Naval Academies being appointed in the Regular Air Force upon graduation.

§ 861.102 *Policy.* The policy of the Air Force is to conduct an orderly and gradual buildup of the Regular Air Force toward authorized strength. This buildup will be accomplished primarily by tendering Regular Air Force appointments annually to those non-Regular officers who have demonstrated outstanding officer qualities and ability in specialties particularly suited to the Air Force. The mission of the Air Force dictates that a large proportion of the appointees possess aeronautical ratings.

§ 861.103 *Definitions.* For the purpose of §§ 861.101 to 861.107, the following terms will apply:

(a) *Immediate superior.* The officer to whom an applicant is immediately responsible for the performance of his assigned duty and who is responsible for the preparation of the applicant's AF Form 77, "USAF Officer Effectiveness Report".

(b) *Organization commander.* The commander responsible for the operation and administration of the organization to which the applicant is actually assigned.

(c) *Test control officer.* The officer responsible for administering personnel research tests.

(d) *Commander of major air command.* The commander responsible for the operation and administration of any organization designated a major air command who reports directly to the Chief of Staff, United States Air Force, and under whose command jurisdiction the applicant's organization of assignment falls.

§ 861.104 *Responsibility.* The Director of Training, Headquarters United States Air Force, will:

(a) Transmit testing authority and instructions.

(b) Obtain United States Air Force Performance Reports-Integration Form (AF PRT 422a) from superior officers.

(c) Determine the relative standing of applicants on the basis of performance reports, aptitude tests, and biographical inventories.

(d) Prepare a file on applicants for consideration by the Secretary of the Air Force Personnel Council.

(e) Notify applicants of the final decision on their applications.

(f) Tender Regular Air Force appointments to those persons selected and who are medically qualified for such appointments.

§ 861.105 *Testing and selection of applicants.* The testing and selection of applicants will normally be conducted to appoint two groups of Regular officers each year.

(a) *Application and testing periods.* Applications may be submitted during the periods January 1 to February 28 and July 1 to August 31 each year. Applications received by the Director of Training, Headquarters United States Air Force, other than during these periods will be returned without action. Field testing will commence 30 days after the opening date of each application period. During testing periods, which will be approximately 60 days in duration, each applicant will complete the United States Air Force Officer Aptitude Test, Biographical Inventory and comply with any other pertinent instructions.

(b) *Reapplicants.* An applicant who has been rejected for Regular Air Force appointment under §§ 861.101 to 861.107 (or previous issues thereof) may reapply within established application periods one year after date of previous application provided that all eligibility requirements are met at that time. Only one reapplication may be submitted. Waivers of this requirement will not be

granted. Failure to meet eligibility criteria is not considered as failing to be selected, and those previously having been disqualified administratively, but now eligible under §§ 861.101 to 861.107, may reapply during any application period.

(c) *Processing and consideration.* After field action is completed, applications will be processed in Headquarters United States Air Force. Processing will include obtaining records required to complete applicants' files and computing applicants' composite scores based on the results of tests and performance reports. Completed files on applicants will then be referred to the Secretary of the Air Force Personnel Council for final consideration. Applicants will be either selected for appointment, deferred for reconsideration, or rejected. Only those persons considered to be best qualified will be selected. Due consideration will be given practical experience, academic achievement, qualification in a particularly desired Air Force Specialty, manner of performance, and being graduated as a "distinguished graduate" from the Air Force Reserve Officers' Training Corps, aviation cadet training or United States Air Force Officer Candidate School.

(d) *Notification of appointment, deferral, or rejection.* Applicants selected for appointment will be recommended to the President for nomination to and confirmation by the Senate. When confirmed, applicants will be tendered appointments in the Regular Air Force in the grades of first or second lieutenant in accordance with paragraph (e) of this section. Concurrently, deferred and rejected applicants will be notified of action taken on their applications.

(e) *Grade and seniority.* Statutory limitations provide that active Federal commissioned service performed after December 31, 1947 only, not to exceed 5 years, will be credited for the purpose of determining permanent grades and seniority. Only that service performed in any component of the Army or Air Force after obtaining the age of 21 years is creditable for this purpose. An officer credited with less than 3 years of such service will be appointed in the grade of second lieutenant. Those credited with 3 or more years of such service will be appointed in the grade of first lieutenant. Any higher temporary grade held in the Air Force will not be affected by acceptance of a Regular Air Force appointment.

(f) *Delay of appointment.* To prevent loss of seniority among new Regular officers and to eliminate a delay in promoting Regular second lieutenants already on the promotion list, the appointment of all officers who are within 6 months of becoming eligible for appointment in the grade of first lieutenant, Regular Air Force, at time of selection will be deferred until the date on which they complete 3 years of service as described in paragraph (e) of this section. Officers whose appointments are temporarily delayed and whose current service statements will expire before appointment can be tendered will be permitted to sign indefinite service statements with the proviso that they will be released from active duty without delay in the event their appointment fails to materialize for any reason and they express a desire for release in writing.

§ 861.106 *Who may apply.* Any person who meets the following eligibility requirements may apply for appointment in the Regular Air Force:

(a) *Current status.* At time of application, an applicant must hold a valid appointment as a Reserve officer of the Air Force, and must be serving as a commissioned officer in the active military service.

(b) *Prior commissioned service.* At time of application, an applicant must have completed at least 18 months' active Federal commissioned service within the 3-year period immediately preceding application. Not less than 6 months of this service must have been spent in the performance of duty other than as a student, in a travel status, awaiting assignment, on leave, or other such duty status. Short tours of active duty of 90 days or less may not be included in computing service for this purpose.

(c) *Age.* On the opening date of period for submission of application, an applicant may not exceed the age of 27 years by more than the number of years, months, and days (not to exceed 4 years, 6 months) he has served on active duty since December 31, 1947, as a commissioned officer of the Army of the United States or the Air Force. At the time of appointment, a successful applicant may not exceed the age of 27 years by more than the number of years, months, and days (not to exceed 5 years) of active Federal commissioned service performed by him since December 31, 1947, with the Army of the United States or the Air Force. The above age restriction for appointment in the Regular Air Force is established in sec. 506, 61 Stat. 890; 10 U. S. C. 506c; therefore, waivers of the maximum allowable age for appointment in the Regular Air Force are precluded by law.

(d) *Citizenship.* An applicant must be a citizen of the United States. An applicant who is not a citizen by birth must furnish a certificate by an officer, notary public, or other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original certificate of Citizenship Number ---- (or certified copy of court order establishing citizenship) stating that ----------
(Full name)
---------- was admitted to United States Citizenship by the ---------- Court of ----------, ---------- on --------.
(District or County) (State) (Date)
The following person was named in the certificate as a minor child: ----------;
(Full name)
age ---------.

NOTE: Facsimiles or copies, photographic or otherwise, will not be made of naturalization certificates under any circumstances. Act 25 June 1948 (62 Stat. 767; 18 U. S. C. 1426 (h)) provides that whoever, without lawful authority, prints, photographs, makes or executes any print or impression in the likeness of a certificate of arrival, declaration of intention to become a citizen, or certificate of naturalization or citizenship, or any part thereof, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

(e) *Education.* At time of application, an applicant must have satisfactorily completed, or have been granted credit for, a minimum of 60 semester-hours (or 90 quarter-hours) toward a baccalaureate degree from a nationally or regionally accredited college or university or have successfully completed the General Educational Development Test (College Level), administered by the United States Armed Forces Institute. Although not required, a baccalaureate degree is desirable, particularly in the fields of engineering, the basic sciences, or management and its related fields.

(1) Applicants whose credits are from other than a nationally or regionally accredited institution will be considered as meeting the educational requirements upon presentation of evidence that their credits are acceptable for admission in at least full junior standing to a nationally or regionally accredited college or university.

(2) The passing scores for the General Educational Development Test (College Level), for the purpose of §§ 861.101 to 861.107 only, are:

| | |
|---|---|
| (i) Test I | 61 |
| (ii) Test II | 70 |
| (iii) Test III | 72 |
| (iv) Test IV | 68 |

(f) *Medical.* An applicant must be medically qualified for appointment in the Regular Air Force. Standard Form 88, "Report of Medical Examination," and Standard Form 89, "Report of Medical History," will not be submitted with application. Those applicants selected for Regular appointment will be asked to undergo a medical examination prior to being tendered appointments.

(g) *Dependents.* Male applicants are not restricted with regard to dependents. However, a female applicant who has any legal or other responsibility for the custody, control, care, maintenance, or support of a dependent under 18 years of age may not be appointed a Regular Air Force officer. A woman having a stepchild or foster child under 18 years of age and such child is within her household for a period of more than 30 days each year or who otherwise stands in relationship of parent to such child may not be appointed.

§ 861.107 *Instructions*—(a) *Applicant.* Any person who is eligible under § 861.106, may be considered for Regular appointment by complying with these instructions. Failure to comply with subparagraph (1) of this paragraph in all respects will preclude an applicant from being considered for appointment.

(1) *Submitting application.* Proper application must be submitted during the periods indicated in § 861.105 (a) to the applicant's immediate superior. A proper application consits of the following documents:

(i) AF Form 17, "Application for Commission in the United States Air Force" completed in duplicate.

(ii) Originals or photostatic copies of properly authenticated transcripts of all college credits or the military test report from United States Air Force Institute indicating scores attained in the General Educational Development Test (College Level). An applicant reapplying, who has submitted transcripts or a General Educational Development Test report with a previous application under §§ 861.101 to 861.107, may attach a statement to that effect giving date of previous application.

(iii) One copy of DD Form 98, "Loyalty Certificate for Personnel of the Armed Forces" and one copy of DD Form 98a, "Consolidated List of Organizations Designated by the Attorney General on October 30, 1950, pursuant to Executive Order 9835."

(iv) Certificate from an officer verifying citizenship by naturalization as required by § 861.106 (d), if applicable.

(2) *Completing AF Form 17.* For the purpose of §§ 861.101 to 861.107, instructions on AF Form 17, August 23, 1949, are revised and supplemented as follows:

(i) *Item 11, section I.* Below the heading "Other Schools," enter all military schools attended by the applicant and indicate the period of attendance, title of course, whether successfully completed, and final grade or class standing if known.

(ii) *Item 17, section I.* Enter all supplementary schooling completed by the applicant or in process such as extension or correspondence courses, examinations for credit, or home study without supervision and indicate type of study, titles of courses, and credit granted or expected to be granted.

(iii) *Item 11, section II.* If the applicant holds an aeronautical rating, indicate whether currently or flying status. If the applicant holds an aeronautical rating and is not on flying status, give reasons therefor.

(iv) *Item 12, section II.* Enter names and other required information of all immediate superior officers under whom the applicant has served directly as a commissioned officer for periods of 90 days or more during the 3-year period immediately preceding application, except the immediate superior to whom application is submitted.

(v) *Item 13, section II.* Enter names and other required information of superior officers (other than those listed in item 12) who have either exercised supervision over the applicant or have closely observed the applicant in the performance of duty for a period of 90 or more days during the 3-year period immediately preceding application.

(3) *Service statement.* The service statement of the person to include date of expiration will be indicated in paragraph 14, section II, of AF Form 17, dated August 23, 1949, or the remarks paragraph of AF Form 17, dated September 1, 1952. Persons who submit valid applications and are subsequently relieved from active duty will be considered for Regular commissions. Applicants in this category who are selected will be tendered appointments provided that they are medically qualified and do not exceed the maximum statutory age for initial appointment as specified in § 861.106 (c).

(4) *Change of address.* The military address furnished on the AF Form 17 will be used for the purpose of contacting an applicant with regard to his application. The applicant will give immediate notice to the Director of Training, Headquarters United States Air Force, Attention: Personnel Procurement Division, Washington 25, D. C., of any change of address, permanent or temporary (if for 15 days or more), between submission of application and notification of final action. If such a change of address occurs prior to completion of field testing, notification will be made by electrical means.

(5) *Reporting for testing.* An applicant will report for testing at the designated time and place or make prior arrangements satisfactory to the appropriate base commander. Applicants who have been scheduled for testing and who proceed on temporary duty, permanent change of station, or leave prior to being tested, will report to the nearest base with testing facilities to be scheduled for testing. To be tested, such applicants must present copy of letter from Headquarters United States Air Force acknowledging receipt of application and containing authority for being tested to any commander of a base where testing facilities are available.

(6) *Replying to communications.* Applicants who do not promptly reply to and or comply with all communications and instructions regarding their applications and testing will be considered as being no longer interested in a Regular commission and their applications may be abandoned by Headquarters United States Air Force.

(7) *Comprising test questions.* Applicants are directed not to discuss the contents of the United States Air Force Officer Aptitude Test after its completion. Since officers are selected for Regular appointments on a competitive basis, any applicants who have advance information concerning test questions will be at a decided advantage over all other applicants.

(8) *Distinguished graduates of Air Force Reserve Officers' Training Corps, Aviation Cadet Training, or United States Air Force Officer Candidate School.* An applicant who has been designated a "distinguished graduate" should attach a copy of the letter of designation to his application to insure that special consideration is given for such achievement.

(b) *Immediate superior.* The immediate superior will review the application for completeness and correctness and forward the application within 3 working days of receipt to the applicant's organization commander. The forwarding indorsement will contain a statement regarding the applicant's suitability for appointment in the Regular Air Force. The officer evaluation report referred to on AF Form 17 will not be prepared by the immediate superior at time application is indorsed to the organization commander.

(c) *Organization commander.* After receipt of the application, the organization commander will:

(1) Determine if applicant meets the eligibility requirements for applying, and if application has been supported with the necessary documents. Sections 861.106 and 861.107 (a) (1) will be used as a checklist for this purpose.

(2) Return incomplete applications by indorsement directly to the applicant with reasons therefor. Information copies of all indorsements returning applications will be furnished the Director of Training, Headquarters United States Air Force, Attention: Personnel Procurement Division, Washington 25, D. C.

(3) Indorse complete applications with a statement to the effect that the applicant's records have been examined carefully, the applicant is eligible under §§ 861.101 to 861.107, the application is complete, and nothing was found in the applicant's file of a sufficient derogatory nature to preclude further consideration of the application.

(4) Furnish sufficient explanation of the circumstances in the event of derogatory information or questionable findings.

(5) Indorse completed applications direct to the Director of Training, Headquarters United States Air Force, Attention: Personnel Procurement Division, Washington 25, D. C. Applications from organizations located overseas will be forwarded by airmail.

(6) Advise the Director of Training, Headquarters United States Air Force, Attention: Personnel Procurement Division, Washington 25, D. C., if, between date of application and final action by Headquarters United States Air Force, any matter comes to his attention with regard to an applicant under his command which would materially affect (favorably or unfavorably) the applicant's qualifications for Regular Air Force appointment. Such communications will be classified appropriately.

(7) Upon receipt of notification of testing appointment for any member of his organization, issue necessary instructions directing travel where necessary and specifying time and place applicant must report for testing. If the applicant will not be available at the specified time, advise the base commander responsible for testing that it is not feasible for applicant to report and request that another date and/or testing point be designated.

(d) *Commander of major air command.* The commander of each major air command will monitor and coordinate the testing of applicants by base commanders and determine the appropriate base for testing.

(1) *Testing authority.* Authority to test applicants will be forwarded by the Director of Training, Headquarters United States Air Force, directly to the commander of the major air command or on occasion directly to the appropriate base commanders. Persons will be tested only upon receipt of this specific authority or upon presentation by applicants of acknowledgement letters from Headquarters United States Air Force indicating receipt of their applications. Testing authority will be transmitted either by letter or electrical communication. Upon receipt of testing authority, the commander of the major air command will relay instructions for testing to his base commanders for completion of testing.

(2) *Inability to accomplish testing.* Upon notification by a base commander that testing cannot be accomplished,

the commander of the major air command will take the following action by electrical means:

(i) If testing cannot be accomplished because applicant is located in an area normally serviced by another base but still under the jurisdiction of the same major air command, testing authority will be transferred to the appropriate base. This authority may be delegated to base commanders for automatic implementation.

(ii) If the applicant is located outside the geographical jurisdiction of the major air command, testing authority will be transferred to the appropriate major air command for action. Information copies of all communications either written or electrical transferring testing authority between major air commands will be furnished to the Director of Training, Headquarters United States Air Force, Attention: Personnel Procurement Division, Washington 25, D. C.

(iii) If a base commander is unable to accomplish testing for reasons other than the applicant's absence from the base area, the commander of the major air command will make every effort to resolve the problem and arrange for testing. If a solution does not appear feasible, the commander of the major air command will promptly advise the Director of Training, Headquarters United States Air Force, Attention: Personnel Procurement Division, Washington 25, D. C., with a brief statement of the circumstances.'

(e) *Base commander.* Immediately upon receipt of testing authority from Headquarters United States Air Force or a major air command, or upon presentation by an applicant of a letter from Headquarters United States Air Force acknowledging receipt of his application, base commanders will make arrangements to test applicants. Applicants will be scheduled for testing during one of the testing periods set forth in § 861.105 (a). Priority will be given to applicants who may be under orders for change of station or who are not in the active military service. In conjunction with their notifications, applicants will be advised regarding any documents or records which they may be required to furnish for completion of their application. In order to test applicants, base commanders will:

(1) Request organization commanders of applicants on active duty to issue necessary instructions, directing travel where necessary, and specifying the time and place of testing.

(2) Furnish written notification to applicants who are not in the active military service, specifying the time and place for testing and informing them that cost of travel, quarters, and subsistence will be at no expense to the Government. Every effort will be made to schedule such applicants at times convenient to them.

(3) Give applicants upon arrival for testing a brief orientation to consist of:

(i) A brief welcome, an explanation of how applicants will be scheduled and rules of the testing center, including a description of messing, billeting, and other facilities.

(ii) Direction not to discuss test questions with any other applicants for the reason stated in § 861.107 (a) (7).

(4) If the responsible test control officer is an applicant for a Regular Air Force commission, appoint a Regular Air Force officer to administer the test to the test control officer.

[SEAL] K. E. THIEBAUD,
*Colonel, U. S. Air Force,*
*Air Adjutant General.*

[F. R. Doc. 53-10734; Filed, Dec. 28, 1953; 8:45 a. m.]

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PART 861—OFFICERS' RESERVE

SHORT AND SPECIAL TOURS OF ACTIVE DUTY

1. Sections 861.1151 to 861.1166 supersede §§ 861.1151 to 861.1177 (16 F. R. 165–167; 32 CFR 861.1151–861.1177)

SHORT AND SPECIAL TOURS OF ACTIVE DUTY

Sec.
861.1151 Purpose.
861.1152 Policy.
861.1153 Definitions.
861.1154 Duration of tours.
861.1155 Place of duty.
861.1156 Eligibility for training.
861.1157 Employees of the United States Government or District of Columbia.
861.1158 Application.
861.1159 Medical examination.
861.1160 Waivers of medical defects.
861.1161 Reservists medically disqualified.
861.1162 Travel.
861.1163 Leave.
861.1164 Supply.
861.1165 Special tours for medical and dental officers.
861.1166 Letter of application and medical certificate forms.

AUTHORITY: §§ 861.1151 to 861.1166 issued under R. S. 161; sec. 202, 61 Stat. 500 as amended; 5 U. S. C. 22, 171a. Interpret or apply secs. 32, 41 Stat. 776 as amended; 35 Stat. 780, 40 Stat. 72 as amended; 10 U. S. C. 361, 369, 371, 371b, 422, 426, 427.

DERIVATION: AFR 35-76.

§ 861.1151 *Purpose.* Sections 861.1151 to 861.1166 establish the qualifications of officers (other than general officers) and airmen of the Air Force Reserve who may be ordered to short or special tours of active duty for the purpose of indivdual training, training with units, attendance at schools, or for the convenience of the Government. Sections 861.1151 to 861.1166 also set forth the procedure whereby doctors of medicine and dentistry who are Air Force Reserve Forces officers may be ordered to special tours of active duty to fill vancancies in Air Force base medical activities in the immediate vicinity of their residences.

§ 861.1152 *Policy.* To accrue maximum benefit to the Air Force Reserve, eligible individuals may be authorized active duty for training purposes as outlined in §§ 861.1151 to 861.1166.

§ 861.1153 *Definitions.* For the purpose of §§ 861.1151 to 861.1166 the following definitions will apply:

(a) *Short tour.* A tour of active duty for training for the purpose of maintaining individual or unit proficiency.

(b) *Special tour.* A tour of active duty for training for the convenience of the Government for which the Reservist must have volunteered. Special tours of active duty for Reserve program projects must be for the accomplishment of projects relating solely to the Reserve programs and must benefit the Air Force Reserve. Requests for approval of such tours must be justified in detail to Headquarters United States Air Force. These tours will be granted only if the duties to be performed are beyond the normal responsibility of the Regular Air Force to the Air Force Reserve. Special tours of active duty training may be authorized for but not limited to the following purposes:

(1) Advance party support for the operation of unit active duty training bases when the units concerned train at bases other than their home bases.

(2) Air Force Reserve members of local committees on Air Force Reserve policy may be ordered to special tours of active duty for the purpose of attending committee meetings, by the Continental Air Command without prior approval of Headquarters United States Air Force.

(c) *Tour for school training.* A tour of active duty for training to attend accredited service schools conducted by the Air University, the Air Training Command, and joint service schools.

§ 861.1154 *Duration of tours*—(a) *Short tours.* Short tours will be of 15 consecutive days' duration, including traveltime. A Reservist may not receive more than one short tour of active duty in any fiscal year.

(b) *Special tours.* Special tours may not be of more than 90 days' duration, including traveltime. A Reservist may not serve on special tours more than a total of 90 days in any fiscal year. These tours will be approved only by Headquarters United States Air Force and must be justified as specified in § 861.1153 (b).

(c) *Attendance at schools.* Normally, Reservists will be ordered to tours for school training for a period not to exceed 90 consecutive days, including traveltime. However, because of traveltime involved and variance in the duration of courses, Reservists may be authorized active duty of sufficient duration, including traveltime, to complete the courses they are selected to attend.

(d) *Active duty training without pay.* Active duty training without pay is not authorized.

§ 861.1155 *Place of duty.* All Reservists ordered to short or special tours of active duty will perform the duty at the place to which assigned, unless otherwise ordered.

§ 861.1156 *Eligibility for training*—(a) *Reservists assigned to program elements in Training Categories A, B and C.* Reservists assigned to program elements in Training Categories A, B, and C (see §§ 861.1 to 861.13) are authorized a 15-day short tour annually.

(b) *Reservists assigned to program elements in Training Category D.* Reservists assigned to program elements in Training Category D (see §§ 861.1 to 861.13) are eligible for 15-day short tours, contingent upon the availability of funds. When funds are made available, such persons will be given priority for short tours in the order of their awarded Availability Classification Codes. Those persons most readily available for active military service will be given the higher priority.

(c) *Ineligible reservists.* The following members of the Air Force Reserve are ineligible for 15-day short tours, special tours, or tours for school training, except those Reservists listed in subparagraph (1) of this paragraph who are eligible for special tours and tours for school training.

(1) Nonaffiliated Reservists of the Ready and Standby Reserve (Training Category F).

(2) Ineligible Reservists of the Ready and Standby Reserve (Training Category G).

(3) Reservists on the Inactive Status List of the Standby Reserve.

(4) Reservists who are drawing a pension, disability allowance, disability compensation, retired pay, or retirement pay, and who have not waived such entitlements. (Such a waiver will be executed in accordance with § 861.1158 (a) (4).

(5) Reservists retired without pay.

(6) Officers of the Air Force Reserve currently serving in warrant or enlisted status in the Air Force.

(7) Reservists whose appointment or enlistment will expire prior to the completion of a tour of duty.

§ 861.1157 *Employees of the United States Government or District of Columbia.* (a) A Reservist who is a full-time employee of the Federal Government will not be ordered to active duty training to perform duties in the same position he occupies as a civilian employee.

(b) Members of the Air Force Reserve who are granted annual leave upon expiration of the 15 days' military leave which is authorized by law, for the purpose of performing further military duty, are entitled to receive the compensation of their civilian position for the period of such annual leave in addition to the pay and allowances authorized for the military duty without regard to dual compensation laws.

§ 861.1158 *Application*—(a) *Short tours or tours for school training.* Each Reservist desiring a 15-day short tour or a tour for school training will submit a letter application, in duplicate, using § 861.1166 (a) as a guide. The application must be complete to include medical examination in accordance with § 861.1159, if required, and will be submitted to the unit of assignment in sufficient time to insure its receipt not later than 30 days prior to the expected effective date of active duty.

(1) *Reservists assigned to mobilization positions.* Reservists assigned in a mobilization assignment or mobilization designation will forward their applications to the activity to which they are assigned.

(2) *Reservists assigned to ready reserve units.* Reservists assigned to Air Force Reserve combat, combat support, or flying training wings are not required to submit short tour applications for wing encampments. Applications for individual short tours or tours for school training will be submitted through the unit of assignment.

(3) *Reservists assigned to Air Force Reserve specialist training or Volunteer Air Reserve training units.* Reservists assigned to Air Force Reserve specialist training or Volunteer Air Reserve training units will submit applications through channels to the appropriate Continental Air Command numbered air force headquarters.

(4) *Reservists who are drawing pensions, disability allowance, etc.* Reservists who are drawing pensions, disability allowance, disability compensation, retired pay, or retirement pay must waive such entitlements prior to entry on active duty.

(b) *Special tours.* Justification for special tours will be forwarded by the unit concerned, through channels, to Headquarters United States Air Force as prescribed in § 861.1153 (b). Application of the person concerned will be included.

§ 861.1159 *Medical examination*—(a) *Medical requirements.* All applicants for active duty must be medically qualified for active military service and must meet the appropriate medical requirements. Rated personnel on flying status will receive a medical examination for flying. Other personnel will receive the standard medical examination, if required.

(b) *For tours not in excess of 30 days.* Reservists selected for tours of active duty for periods not in excess of 30 days will be ordered to active duty without prior medical examination, except as provided in paragraph (d) of this section.

(c) *For tours in excess of 30 days.* Reservists applying for tours of active duty for periods in excess of 30 days will be required to undergo a medical examination without expense to the Government for travel or pay. Medical examinations accomplished not more than 90 days and normally not less than 45 days prior to the expected date of entry on active duty are acceptable. Examinations may be performed at the military installations nearest the Reservist's place of residence having the medical facilities to accomplish such examinations.

(d) *Action to be taken upon reporting.* Upon reporting, for active duty, each Reservist, if he considers himself qualified for full military duty, will execute, in duplicate a certificate as shown in § 861.1166 (b) (1). If he does not consider himself so qualified and, therefore, cannot conscientiously execute the certificate, he will be ordered by the commander of the base at which the training is to be accomplished to submit to a medical examination. In any event, if a Reservist, upon reporting for active duty, possesses an obvious physical disability, is ill, has been injured in any way since last taking a medical examination, or is drawing a pension, disability allowance, or disability compensation, he must submit to a medical examination.

(e) *Action to be taken upon relief.* Upon relief from active duty, each Reservist will execute a certificate as shown in § 861.1166 (b) (2). However, if the Reservist believes that his physical condition has materially changed during his active duty tour or if he is suffering from any disability or defect that was not present at the beginning of his tour, he will be ordered by the commander of his training base to submit to a medical examination. If this examination is made, particular attention will be given to recording the defects or conditions which have arisen during his tour of duty as they may form the basis of a claim against the Government.

(f) *Inapplicable portions of standard medical examination.* Wherever feasible, the complete standard medical examination will be accomplished. The following portions may be omitted when not clinically indicated: Serology, chest X-ray, electrocardiogram, audiogram, microscopic urinalysis, lens correction, and pelvic examination for female personnel.

(g) *Injury, disease, death, or hospitalization.* Appropriate Air Force regulations will apply in the event of injury, disease, death, or hospitalization.

§ 861.1160 *Waivers of medical defects*—(a) *Authority to approve.* Commanders are authorized to approve waivers of medical defects if a Reservist is found to be below the prescribed medical standards for general service, as outlined in applicable regulations. Due consideration will be given to granting waivers for medical defects which, in the opinion of the reviewing authority:

(1) Are static in nature.

(2) Are not subject to complication or aggravation by reason of military duty.

(3) Will not interfere with the satisfactory performance of full military duty.

(4) Will not involve hospitalization and/or time lost from duty.

(5) For rated personnel, will not, in any way, compromise performance of unlimited flying duty, flying safety, or the person's own well-being.

(b) *Personnel presenting questionable defects.* In the event a person presents a defect which, in the opinion of the reviewing authority, is questionable in nature with regard to criteria outlined in paragraph (a) of this section, the case may be forwarded to the next higher headquarters for action.

§ 861.1161 *Reservists medically disqualified*—(a) *Relief from active duty when medically disqualified.* Reservists on active duty who undergo a medical examination and who are found medically disqualified will be relieved from active duty by the commander of the base where the medical examination is taken, if waiver of medical defect is not approved by the reviewing authority. Notice to this effect will be furnished the commander who ordered the Reservist to active duty.

(b) *Administrative action required.* Upon receipt of notice of medical disqualification, the command of assignment will determine whether the person desires placement in the Ineligible Re-

serve Section or in the Retired Reserve, as appropriate, under §§ 861.1 to 861.13. If the person is ineligible for or does not desire placement in the Ineligible Reserve Section or in the Retired Reserve, separation action will be taken.

§ 861.1162 *Travel*—(a) *Less than 90 days.* For active duty tours of less than 90 consecutive days, travel by military conveyance, commercial transportation, or privately owned conveyance is authorized. When travel is performed by military or commercial transportation, the active duty and traveltime allowable will be computed on the basis of the time actually and necessarily consumed in traveling. If travel is performed by privately owned conveyance, the traveltime and the active duty time allowable will be the constructive traveltime of commercial transportation over the shortest usually traveled route. Mode of travel may be directed, however, if privately owned conveyance is used in place of available military transportation or in place of a directed mode of transportation, the traveltime and the active duty time allowable will not exceed the constructive traveltime of such available or directed mode of transportation.

(b) *More than 90 days.* For tours for school training only, travel by military conveyance, commercial transportation, or privately owned conveyance is authorized for active duty tours of 90 or more consecutive days. When travel is performed by military or commercial transportation, the active duty time and traveltime allowable will be computed on the basis of the time actually and necessarily consumed in traveling. When travel is performed by privately owned conveyance, the active duty time and the travel time allowable will be computed on the basis of 1 day for each 300 miles traveled. One day of traveltime will also be allowed for each fraction of 300 miles in excess of 150 miles.

(c) *Distance.* The distance traveled will be computed on the shortest usually traveled route as prescribed by current directives. Travel allowances will be as prescribed in current directives.

§ 861.1163 *Leave.* Reservists ordered to active duty for 30 days or more are authorized leave as indicated in current directives. Orders for active duty training will not prescribe that leave be taken within the tour of duty. Instructions issued to Reservists who are ordered to active duty training for 30 days or more will include information regarding cash settlement for unused leave credit at the termination of the tour.

§ 861.1164 *Supply.* Necessary clothing and individual equipment for enlisted Reservists will be furnished as prescribed in current directives.

§ 861.1165 *Special tours of active duty for medical and dental officers*—(a) *Intermittent service.* Where the vacancy and need exist, arrangements may be made at base level for intermittent service, for example, on a certain day or on certain days of each week, such arrangements being adaptable to the requirements of the individual's civilian practice as well as the requirements of the Air Force.

(b) *Eligibility.* All Air National Guard of the United States medical and dental officers and Air Force Reserve medical and dental officers of the Ready and Standby Reserve assigned to program elements of Training Categories A through F are eligible for consideration for participation in this program. Those persons desiring to participate in this program who are not so commissioned may apply for appointment as a Reserve officer of the Air Force under existing regulations.

(c) *Grade.* Officers selected for duty under this section will be ordered to duty in the grade in which currently commissioned in the Air Force Reserve or the Air National Guard of the United States.

(d) *Limitations*—(1) *Existing vacancies.* An officer will be placed on active duty under this section only to fill an actual requirement within the total medical or dental authorizations for the medical activity concerned.

(2) *Length of tours.* An individual tour of duty will not exceed 29 consecutive days in any instance. The cumulative total will not exceed 90 days in any one fiscal year.

(3) *Travel.* Travel allowances will be authorized as prescribed by current directives. Reimbursement for transportation of dependents and movement of household goods is not authorized. Mileage allowances will not be paid to medical officers who live in the same city or surrounding community in which the air installation is located.

(4) *Leave.* Individuals ordered to active duty under this section will not be granted leave or paid compensation in lieu thereof.

(e) *Application procedure.* (1) Interested Air Force Reserve medical or dental officers will submit typed letter applications, in duplicate (using § 861.1166 (a) as a guide), requesting duty, to the commander of the Air Force base at which the duty is desired. The actual dates the applicant will be available for duty will be indicated in the remarks section. The commander of the base will determine the need for the Reservist's services and indorse the application for approval to the commander of the active establishment organization maintaining the Reservist's field personnel records or return the application to the individual, as appropriate.

(2) Interested Air National Guard of the United States medical and dental officers will submit typed letter applications, in duplicate (using § 861.1166 (a) as a guide), indicating in the remarks section, the actual dates the applicant will be available for duty. The application will be submitted through the Air National Guard organization of assignment to the commander of the Air Force base at which the duty is desired. The base commander will determine the need for the individual's services and forward the application to the appropriate State Adjutant General, or return it through channels to the individual, as appropriate. (All references in §§ 861.1151 to 861.1166 to the State Adjutant General apply equally to the Adjutant General of the several Territories and the Commanding General of the District of Columbia.) The State Adjutant General will verify the applicant's status and return the application to the base commander indicating his approval or disapproval.

(f) *Medical qualifications.* Medical qualification will be determined under § 861.1159.

(g) *Issuance of orders.* (1) Orders for special tours of active duty may be issued by the commander of the base at which duty is desired, provided that such orders have been authorized by the commander of the active establishment organization required to maintain the applicant's field personnel records.

(2) Officers of the Air National Guard of the United States participating in this program will be ordered to active duty by the commander of the base at which duty is desired upon receipt of the approved application from the appropriate State Adjutant General.

§ 861.1166 *Letter of application and medical certificate forms*—(a) *Application for active duty.*

(Grade) (Name) (AFSN)
(Street Address)
(City and State)
(Date)

Subject: Short Tour of Active Duty.
To: (Appropriate Command).

1. Request that I be placed on active duty, effective _____ for the purpose of training/school training.*

2. The following information is furnished to assist you in processing this application:
a. Name, grade and AFSN.
b. Permanent residence address.
c. Current home address or mailing address (if different from b above).
d. Aeronautical rating.
e. Flying status.
f. Service for longevity (to closest number of years).
g. Race.
h. Primary AFSC: _____ Additional AFSC's: _____.
i. Date of last period of extended active duty, active duty training, or school training**; _____ Authority for the active duty: _____.
j. Current Reserve assignment: _____ per _____.
k. I (am) (am not) * drawing a pension, disability allowance, disability compensation, retired pay, or retirement pay from the United States Government.
l. Remarks: _____

_____
(Signature)

* Strike out words not applicable.
** Whichever is the later.

(b) *Medical certificates*—(1) *Medical certificate No. 1.*

_____
(Date)

I certify that I now consider myself sound and well and physically qualified for military duty; that I was considered physically qualified for military service at the time of accomplishment of my last physical examination on or about _____ at _____
(Date)
_____; and that to the best of my
(Place)
knowledge and belief, I do not have any physical defects or conditions, except as noted below, which would preclude the performance of full military duty.

(Signed) _____

(2) *Medical certificate No. 2.*

_____
(Date)

I certify that during the period of active duty training from _____ to _____ there has been no change in my physical condition and that I am not suffering any disability, defect, or illness which was not present at the beginning of the tour of duty.

(Signed) _____

2. Sections 861.1201 to 861.1210, Flying Training in Grade, are revoked.

(R. S. 161; sec. 202, 61 Stat. 500 as amended; 5 U. S. C. 22, 171a.)

[SEAL] K. E. THIEBAUD,
*Colonel, U. S. Air Force,*
*Air Adjutant General.*

[F. R. Doc. 53-10733; Filed, Dec. 28, 1953; 8:45 a. m.]

PART 864—ENLISTED RESERVE

CROSS REFERENCE: For regulations applicable to airmen of the Air Force Reserve with respect to short or special tours of active duty for the purpose of individual training with units, attendance at school, or for the convenience of the Government, see §§ 861.1151 to 861.1166 of this chapter, *supra.*

## TITLE 46—SHIPPING

### Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments are made to Chapter II, of Title 46:

**Subchapter B—Regulations Affecting Maritime Carriers and Related Activities**

PART 222—STATEMENTS AND AGREEMENTS REQUIRED TO BE FILED

1. General Order 9 (§ 222.1; 2 F. R. 1240) is amended by striking out the word "Commission", wherever it appears therein, and by inserting in lieu thereof "Federal Maritime Board and Maritime Administrator, Department of Commerce".

2. United States Shipping Board Order, September 1, 1927 (§§ 222.11 to 222.16, inclusive), is amended—

a. By striking out "U. S. Maritime Commission", wherever it appears therein, and inserting in lieu thereof "Federal Maritime Board",

b. By striking out "Division of Regulations" and inserting in lieu thereof "Regulation Office",

c. By striking out "Commission's", wherever it appears therein, and inserting in lieu thereof "Board's", and

d. By striking out "Commission", wherever it appears therein, and inserting in lieu thereof "Board".

PART 226—FREE TIME AND DEMURRAGE CHARGES ON IMPORT PROPERTY APPLICABLE TO ALL COMMON CARRIERS BY WATER

1. General Order 69, as amended by Amendment 1 (§ 226.1 (b), (d), and (e); 14 F. R. 2044, 13 F. R. 6538), is amended by striking out "Commission", wherever it appears therein, and inserting in lieu thereof "Board".

PART 231—PUBLICATION, POSTING AND FILING OF FREIGHT AND PASSENGER RATES, FARES, AND CHARGES

1. Tariff Circular 3, February 17, 1948 (§§ 231.0 to 231.23; 13 F. R. 709, is amended:

a. By striking out, wherever it occurs therein, "Commission" and inserting in lieu thereof "Board",

b. By striking out, wherever they occur therein, the terms "United States Maritime Commission" and "U. S. Maritime Commission" and inserting in lieu thereof "Federal Maritime Board".

c. By striking out "United States Maritime Commission's", wherever it occurs therein, and inserting in lieu thereof "Federal Maritime Board's",

d. By striking out the term "USMC", wherever it occurs therein, and inserting in lieu thereof the term "FMB", and

e. By striking out "Division of Regulation", and inserting in lieu thereof "Regulation Office".

PART 235—SCHEDULES OF COMMON CARRIERS BY WATER IN FOREIGN COMMERCE

1. Order 128, Department of Commerce, July 12, 1935 (§ 235.1), is amended by striking out "Commission", wherever it appears, and inserting in lieu thereof "Federal Maritime Board".

PART 237—REPAIRS TO VESSELS UNDER BAREBOAT CHARTER

1. General Order 51 (§§ 237.1 to 237.3; 7 F. R. 910) is amended by striking out "Commission", wherever it appears therein, and inserting in lieu thereof "Maritime Administration".

PART 243—COMMERCIAL FORWARDING OF CERTAIN EXPORTS FOR FOREIGN RELIEF AND REHABILITATION

1. General Order 70, as amended by Amendment 2 (§§ 243.1 to 243.3; 15 F. R. 2877, 14 F. R. 2854), is amended by striking out "Commission", wherever it appears, and inserting in lieu thereof "Maritime Administration", and by striking out "Maritime Commission", wherever it appears therein, and inserting in lieu thereof "Maritime Administration".

PART 244—BUSINESS PRACTICES OF FREIGHT FORWARDERS

1. General Order 72 (§§ 244.2 to 244.14; 15 F. R. 3153) is amended by striking out "Commission", wherever it appears therein, and inserting in lieu thereof "Federal Maritime Board"; and by striking out "Form MC-21" and inserting in lieu thereof "Form FMB-21".

PART 246—FORMULA FOR DETERMINING SEA SPEED OF VESSELS

1. General Order 43 Revised (§§ 246.1 to 246.8; 7 F. R. 3579) is amended by striking out "U. S. Maritime Commission" in § 246.5 and inserting in lieu thereof "Maritime Administration, Department of Commerce".

**Subchapter C—Regulations Affecting Subsidized Vessels and Operators**

PART 262—MINIMUM-WAGE, MINIMUM-MANNING, AND REASONABLE WORKING CONDITIONS

1. General Order 15 (§§ 262.11, 262.12, 262.21 (b), and 262.22 (b); 2 F. R. 2627) is amended by striking out "Commission", wherever it occurs therein, and inserting in lieu thereof "Board".

2. General Order 32 (§§ 262.101 to 262.109; 5 F. R. 2229) is amended by striking out "United States Maritime Commission" and inserting in lieu thereof "Federal Maritime Board"; by striking out "Commission", wherever it occurs therein, and inserting in lieu thereof "Board"; and by striking out in § 262.103 the words "Director of the Division of Maritime Personnel" and the remainder of the section, and by inserting in lieu thereof "the Board will provide for an investigation of the views of all parties whose interests appear affected by the petition and for a report thereof to the Board"; and by striking out in § 262.105 the term "Division of Maritime Personnel", and inserting in lieu thereof "Hearing Examiners' Office".

PART 275—OUTFITTING MATERIALS AND EQUIPMENT FOR CONSTRUCTION—DIFFERENTIAL SUBSIDY VESSELS

1. General Order 37 (§§ 275.1 to 275.4; 6 F. R. 283) is amended by striking out, wherever they occur in §§ 275.1 and 275.2, the terms "Commission" and "Maritime Commission", and inserting in lieu thereof "Federal Maritime Board"; and by striking out, wherever they ocur in § 275.3, the terms "Maritime Commission" and "Commission", and inserting in lieu thereof "Maritime Administration".

PART 276—CONSTRUCTION-DIFFERENTIAL SUBSIDY REPAYMENT WHILE VESSELS NOT OPERATED IN FOREIGN TRADE

1. General Order 50 (§§ 276.1 and 276.2; 7 F. R. 588) is amended by striking out "Commission", wherever it occurs therein, and inserting in lieu thereof "Maritime Administration".

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

*Effective date.* This order shall be effective on the date of publication in the FEDERAL REGISTER.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
*Secretary.*
LOUIS S. ROTHSCHILD,
*Maritime Administrator.*

DECEMBER 22, 1953.

[F. R. Doc. 53-10778; Filed, Dec. 23, 1953; 8:49 a. m.]

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**Subchapter C—Regulations Affecting Subsidized Vessels and Operators**

[Gen. Order 22, Revised, Amdt. 1]

PART 282—UNIFORM SYSTEM OF ACCOUNTS FOR OPERATING-DIFFERENTIAL SUBSIDY CONTRACTORS

GENERAL ORDER OF MARITIME ADMINISTRATOR

It is hereby ordered, that the "proviso clause" appearing in and at the end of paragraph (a) *Uniform system of accounts for operating-differential subsidy contractors* of § 282.00 *General order of Maritime Administrator* (General Order 22, Revised) published in the FEDERAL REGISTER (15 F. R. 7935) is amended to read as follows: "*Provided, however,* That, Supplement No. 1 to General Order No. 22 adopted by the United States Maritime Commission on the eighth day of February 1940, as amended, 'Prescribing Accounting Procedure and Method of Applying Credits in Transactions under section 510 of the Merchant Marine Act, 1936, as amended', originally published in the FEDERAL REGISTER (5 F. R. 647), shall remain in full force and effect."

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: December 21, 1953.

[SEAL] LOUIS S. ROTHSCHILD,
*Maritime Administrator.*

[F. R. Doc. 53-10773; Filed, Dec. 23, 1953; 8:48 a. m.]

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[Gen Order 22, Supp. 1, Amdt. 1]

PART 282—UNIFORM SYSTEM OF ACCOUNTS FOR OPERATING-DIFFERENTIAL SUBSIDY CONTRACTORS

GENERAL ORDER OF MARITIME ADMINISTRATOR

It is hereby ordered, that item 2 of Supplement 1 to General Order 22 originally published in the FEDERAL REGISTER (5 F. R. 647) and which presently appears in a note to paragraph (a) of § 282.00 *General order of Maritime Administrator* (46 C. F. R. 282.00) be deleted in its entirety and that a new item 2 be inserted in lieu thereof to read as follows:

2. Upon delivery of the "new vessel" to the contractor, the gross cost of such "new vessel" to the contractor, including the price fixed by the purchase contract, plus all interest charged the contractor on advances made by the Administration to the builder during the construction period, and any other charges properly capitalizable in accordance with sound accounting practices and principles, shall be recorded in *Account 331—Floating Equipment—Vessels*, without any deduction for the credit allowed by the Administration for the "obsolete vessel". This gross acquisition cost, together with the cost of subsequent betterments, shall be depreciated on the basis of a twenty (20) year economic life expectancy, except that with respect to a wholly or partially reconstructed or reconditioned vessel the life expectancy of which has been determined to be otherwise jointly by the Secretary of the Treasury and the Administration, depreciation shall be computed on the life expectancy so determined all in accordance with General Order No. 24, Second Revision, as amended (Part 284 of this chapter).

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: December 21, 1953.

[SEAL] LOUIS S. ROTHSCHILD,
*Maritime Administrator.*

[F. R. Doc. 53-10774; Filed, Dec. 28, 1953; 8:48 a. m.]

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[Gen. Order 24, 2d Rev., Amdt. 1]

PART 284—VALUATION OF VESSELS FOR DETERMINING CAPITAL EMPLOYED AND NET EARNINGS UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

BASIS OF VALUATION

It is hereby ordered, that paragraph (f) *Adjustments for depreciation* of § 284.2 *Basis of valuation* of this part (Gen. Order 24, 2d Rev.), published in the FEDERAL REGISTER (14 F. R. 7589) be deleted in its entirety and that a new paragraph (f) be inserted in lieu thereof to read as follows:

(f) *Adjustments for depreciation.* (1) Adjustments shall be made for depreciation on the basis of a twenty year economic life of the vessel computed from the date of final delivery upon completion of the vessel by the shipbuilder to the first owner thereof, except that with respect to a wholly or partially reconstructed or reconditioned vessel the life expectancy of which has been determined to be otherwise jointly by the Secretary of the Treasury and the Administration, depreciation shall be computed on the life expectancy so determined, and after deducting from the cost of acquisition of the residual value of such vessel, which residual value shall be deemed to be $2\frac{1}{2}$ percent of the original construction cost (meaning the full domestic construction cost insofar as vessels constructed under Title V or Title VII of the Merchant Marine Act, 1936, are concerned): *Provided, however,* That the residual value shall in no event exceed the cost of acquisition to the operator, determined as herein set forth: *And provided further,* That the residual values of "war-built vessels" acquired from the Commission by purchase under section 4 or exchange under section 8 of the Merchant Ship Sales Act of 1946 or with respect to which the prior sales price is adjusted pursuant to section 9 of that act shall be deemed to be $2\frac{1}{2}$ percent of the pre-war domestic cost thereof, as established by the Commission under the Merchant Ship Sales Act of 1946 and published in the FEDERAL REGISTER.

(2) Vessel depreciation shall be written off proportionately for the period between the date of acquisition with respect to which the cost of acquisition is determined pursuant to the provisions of this part and the date when the vessel becomes twenty years of age, except that with respect to a wholly or partially reconstructed or reconditioned vessel the life expectancy of which has been determined to be otherwise jointly by the Secretary of the Treasury and the Administration, depreciation shall be computed on the life expectancy so determined. In the case of a vessel the price of which is adjusted under Section 9 of the Merchant Ship Sales Act of 1946, the date of acquisition shall for the purpose of this paragraph be March 8, 1946, if the vessel was acquired by the operator on or before that date or the date of the original delivery of the vessel to the operator if contracted for prior to but delivered after March 8, 1946. The actual net cost of capitalizable betterments, reconstruction, or reconditioning shall be depreciated proportionately during the period between the end of the month during which such betterments, reconstruction, or reconditioning was completed and the end of the economic life of the vessel.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: December 21, 1953.

[SEAL] LOUIS S. ROTHSCHILD,
*Maritime Administrator.*

[F. R. Doc. 53-10775; Filed, Dec. 28, 1953; 8:48 a. m.]

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[Gen. Order 31, Amdt. 1]

PART 286—ESTABLISHMENT AND MAINTENANCE OF THE STATUTORY CAPITAL AND SPECIAL RESERVE FUNDS AND FOR THE DETERMINATION OF "CAPITAL NECESSARILY EMPLOYED IN THE BUSINESS" AND "NET EARNINGS"

NET EARNINGS

It is hereby ordered, that subparagraph (2) of paragraph (a) of § 286.3 *Net earnings* (General Order 31) published in the FEDERAL REGISTER (5 F. R. 2352) be deleted in its entirety and that a new subparagraph (2) be inserted in lieu thereof to read as follows:

(2) Insofar as vessels are concerned, depreciation shall be computed in accordance with General Order 24, 2d Revision, as amended, and on the basis of the value at which the vessels are included in "capital necessarily employed".

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: December 21, 1953.

[SEAL] LOUIS S. ROTHSCHILD,
*Maritime Administrator.*

[F. R. Doc. 53-10776; Filed, Dec. 28, 1953; 8:48 a. m.]



[Gen. Order 71, Amdt. 2]

PART 291—DEFINITION OF CAPITAL NECESSARILY EMPLOYED IN THE BUSINESS

DEFINITION OF CAPITAL NECESSARILY EMPLOYED IN THE BUSINESS

It is hereby ordered, that subparagraph (3) *Depreciation* of paragraph (a) *Ship equities* of § 291.5 *Definition of capital necessarily employed in the business*, published in the FEDERAL REGISTER (14 F. R. 7936) be deleted in its entirety and that a new subparagraph (3) *Depreciation* be inserted in lieu thereof to read as follows:

(3) *Depreciation.* From the amount determined pursuant to subparagraph (1) of this paragraph there shall be deducted depreciation accrued for the period beginning with the date of acquisition of the vessel by the contractor and terminating with the beginning of the accounting period, computed on the basis of a 20-year useful life from the date of the delivery of the vessel by the shipyard, or that portion of a 20-year useful life which remains unexpired as of the date of acquisition by the contractor, and from the amount determined pursuant to subparagraph (2) of this paragraph there shall be deducted depreciation computed on the basis of that portion of a 20-year useful life of the vessel which remains unexpired at the end of the month during which the capitalizable items are completed, except that with respect to a wholly or partially reconstructed or reconditioned vessel the life expectancy of which has been determined to be otherwise jointly by the Secretary of the Treasury and the Administration, depreciation of amounts determined pursuant to subparagraphs (1) and (2) of this paragraph shall be computed on the life expectancy so determined. Such depreciation with respect to capital expenditures shall not be deducted in determining "capital necessarily employed in the business" for the accounting period in which falls the date of completion, but depreciation from the end of such month of completion to the beginning of the next accounting period shall be taken into account for the purposes of such succeeding accounting period and all subsequent accounting periods thereafter.

(Sec. 607, 49 Stat. 2005, as amended; 46 U. S. C. 1117)

Dated: December 21, 1953.

[SEAL] LOUIS S. ROTHSCHILD,
*Maritime Administrator.*

[F. R. Doc. 53-10777; Filed, Dec. 28, 1953; 8:49 a. m.]

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# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR Parts 81, 86 ]

ESTATE AND GIFT TAXES

NOTICE OF PROPOSED RULE MAKING

Proposed amendment of Regulations 105 and Regulations 108 to conform to section 210 of the Technical Changes Act of 1953, 83d Congress, 1st Session.

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 210 of the Technical Changes Act of 1953 (67 Stat. 624) and sections 1029 and 3791 of the Internal Revenue Code (53 Stat. 157, 467, 26 U. S. C. 1029, 3791).

[SEAL] T. COLEMAN ANDREWS,
*Commissioner of Internal Revenue.*

[Regulations 105 and 108]

PART 81—ESTATE TAX UNDER CHAPTER 3 OF THE INTERNAL REVENUE CODE, AS AMENDED

PART 86—GIFT TAX UNDER CHAPTER 4 OF THE INTERNAL REVENUE CODE, AS AMENDED

In order to conform certain provisions of Regulations 105 (26 CFR, Part 81) relating to estate tax and Regulations 108 (26 CFR, Part 86) relating to gift tax to section 210 of the Technical Changes Act of 1953, such regulations are amended as follows:

PARAGRAPH 1. Section 81.24 (a) (3), as proposed to be amended by notice of proposed rule making published August 5, 1953 (18 F. R. 4599), is further amended by adding at the end thereof the following:

Notwithstanding any other provision of law or of this section, property subject to a power described in § 81.47a (h) shall be considered as property with respect to which the decedent has a general power of appointment created after October 21, 1942, exercisable by deed or will, to the extent it was treated as an interest passing to the decedent as a surviving spouse and not passing to any other person for purposes of section 812 (e) under the rules prescribed in § 81.47a (h) and section 210 of the Technical Changes Act of 1953.

An interest in property will not be so considered unless an election by the decedent as a surviving spouse was filed in the manner prescribed in § 81.47a (h). Upon the filing of such an election, the periods of limitation provided in chapter 3 of the Internal Revenue Code on the making of an assessment and beginning of distraint or proceeding in court for collection shall, with respect to any deficiency and interest thereon resulting from such election, include one year immediately following the date such election is filed, and such assessment and collection may be made notwithstanding any provision of law or rule of law which would otherwise prevent such assessment and collection.

PAR. 2. There is inserted immediately before § 81.47a the following:

SEC. 210. MARITAL DEDUCTION IN CERTAIN CASES WHERE DECEDENT DIED BEFORE APRIL 3, 1948 (TECHNICAL CHANGES ACT OF 1953)

(a) *In general.* In the case of an interest in property passing by will from the decedent, if the surviving spouse is entitled for life to all the income from such property, payable annually or at more frequent intervals, with power in the surviving spouse to use and consume such portion of the property as the surviving spouse may need or desire for her (or his) comfortable support and maintenance, and with no power in any person other than the surviving spouse to appoint any part of such property, then—

(1) The interest so passing shall, for the purposes of subparagraph (A) of section 812 (e) (1) of the Internal Revenue Code, be considered as passing to the surviving spouse; and

(2) No part of the interest so passing shall, for the purposes of subparagraph (B) (1) of section 812 (e) (1) of the Internal Revenue Code, be considered as passing to any person other than the surviving spouse.

Nothing in this subsection shall be construed to permit the same items to be twice deducted.

(b) *Election.* The provisions of subsection (a) shall apply only if the surviving spouse files an election under this section with the Secretary within one year after the date of the enactment of this Act under such regulations as the Secretary shall prescribe. If such election is so filed, the property subject to such power shall, notwithstanding any other provision of law, be considered for purposes of chapters 3 and 4 of the Internal Revenue Code as property as to which the surviving spouse had a general power of appointment exercisable by deed or will. If the surviving spouse has made an election pursuant to this section, the periods of limitation provided in chapters 3 and 4 of the Internal Revenue Code on the making of an assessment and the beginning of distraint or a proceeding in court for collection shall, with respect to any deficiency and interest thereon resulting from such election, include one year immediately following the date such election is filed, and such assessment and collection may be made notwithstanding any provision of law or any rule of law which otherwise would prevent such assessment and collection.

(c) *Interest.* No interest shall be allowed or paid on any overpayment resulting from the application of this section.

(d) *Effective date.* This section shall apply only with respect to estates of decedents dying after December 31, 1947, and on or before the date of the enactment of the Revenue Act of 1948. If refund or credit of any overpayment resulting from the application of subsections (a) and (b) is prevented on the date of the enactment of this Act, or within one year from such date, by

the operation of any law or rule of law (other than section 3760 of the Internal Revenue Code, relating to closing agreements, and other than section 3761 of such code, relating to compromises), refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed within one year from the date of the enactment of this Act.

PAR. 3. Section 81.47a, as proposed to be amended by notice of proposed rule making published August 5, 1953 (18 F. R. 4599), is further amended as follows:

(A) By striking "(g)" in item (2) of the second paragraph of (a) and substituting "(h)" in lieu thereof.

(B) By substituting a comma in lieu of the word "and" in the second sentence of paragraph (b) (2) and by striking the period at the end of such sentence and adding thereto the following: ", and in the case of certain interests passing by will (whether or not in trust) from decedents dying after December 31, 1947, and on or before April 2, 1948.".

(C) By substituting for the words "and (d)" in the third sentence of paragraph (b) (2) the following: ", (d), and (h)".

(D) By substituting for the words "and (d)" in the first sentence of the second paragraph of (b) (2) the following: ", (d), and (h)".

(E) By inserting at the end thereof the following:

(h) *Certain interests passing by will from decedents dying after December 31, 1947, and on or before April 2, 1948*—(1) *In general.* Under the provisions of section 210 of the Technical Changes Act of 1953, property interests (whether or not in trust) which passed by will from decedents dying after December 31, 1947, and on or before April 2, 1948, shall, if the following conditions are met, be considered for the purposes of section 812 (e) (1) (A) as having passed from the decedent to the surviving spouse and will not be considered for the purposes of section 812 (e) (1) (B) as having passed from the decedent to any person other than the surviving spouse:

(i) The surviving spouse must be entitled for life to all the income from the property;

(ii) Such income must be payable annually or at more frequent intervals;

(iii) The surviving spouse must have the power to use and consume such portion of the property as she (or he) may need or desire for her (or his) comfort, support, and maintenance (or a broader power to use and consume);

(iv) The property must not be subject to a power in any other person to appoint any part thereof to any person other than the surviving spouse; and

(v) The surviving spouse must file an irrevocable election in the manner prescribed in subparagraph (2) of this paragraph.

The interest considered as passing to the surviving spouse under this paragraph shall be the value of the entire property to which the above conditions apply. However, amounts deducted under this paragraph may not be twice deducted from the decedent's gross estate. See § 81.47b (g). The rules prescribed in § 81.47a (c) (in the case of a trust with a power of appointment in the surviving spouse) for determining whether the surviving spouse is entitled for life to all the income from such property, payable annually or at more frequent intervals, shall be applicable in determining whether interests specified in this paragraph meet conditions (i) and (ii) enumerated above.

(2) *Election*—(i) *In general.* The provisions of subparagraph (1) of this paragraph shall apply only if the surviving spouse files an election in accordance with the following requirements: The election shall be in the form of a written statement, in duplicate, addressed to the district director in whose office the decedent's estate tax return was filed, and signed by the surviving spouse. It shall state the name of the decedent, the name and address of the surviving spouse, and shall contain a statement that such spouse elects to have the provisions of section 210 of the Technical Changes Act of 1953 apply. The statement shall specify and describe the property or interests included in the decedent's estate tax return to which the provisions of this paragraph are applicable. Such election must be placed in the mail at such a time that it would normally be received by the district director on or before August 15, 1954.

(ii) *Effect of election.* The exercise of the election referred to herein shall cause the property subject thereto to be treated as property as to which the surviving spouse had a general power of appointment exercisable by deed or will created on the date of death of the decedent. It may also operate to extend the periods of limitation for making an assessment and collecting any deficiency and interest resulting from the election. See § 81.24 (a) (3) and § 86.2 (b) (3) of this chapter.

(3) *Retroactive operation.* Where refund or credit of any overpayment resulting from the application of section 210 is prevented on August 15, 1953, or within one year from such date, by the operation of any law or rule of law (including a judicial determination but not including section 3760, relating to closing agreements, and not including section 3761, relating to compromises) refund or credit of such overpayment may, nevertheless, be made or allowed if claim therefor is filed on or before August 15, 1954. No interest shall be allowed or paid on any overpayment resulting from the application of section 210.

[F. R. Doc. 53-10737; Filed, Dec. 28, 1953; 8:45 a. m.]

PAR. 4. Section 81.47b is amended as follows:

(A) By substituting "(g)" for "(f)" in both the third and fourth sentences of paragraph (a).

(B) By inserting in paragraph (d) immediately at the end of the parenthetical sentence in example (ii) (before the closing parenthesis) the following: "As to cases in which a 'deductible interest' may exist where a life interest is coupled with a power in the case of interests passing by will from decedents dying after December 31, 1947, and on or before April 2, 1948, see paragraph (h) of § 81.47a."

(C) By inserting at the end thereof the following:

(g) *Double deductions disallowed in certain cases where decedent died on or before April 2, 1948.* No interest in property shall be allowed as a deduction under § 81.47a (h) to the extent it was allowed as a deduction under any other section of the Internal Revenue Code.

PAR. 5. Section 86.2 (b) (3), as proposed to be amended by notice of proposed rule making published August 5, 1953 (18 F. R. 4602), is further amended by adding at the end thereof the following:

Notwithstanding any other provision of law or of this section, property subject to a power described in § 81.47a (h) of this chapter, relating to estate tax shall be considered as property with respect to which the donor has a general power of appointment created after October 21, 1942, exercisable by deed or will, to the extent it was treated as an interest passing to the donor as a surviving spouse and not passing to any other person for purposes of section 812 (e) under the rules prescribed in § 81.47a (h) of this chapter and section 210 of the Technical Changes Act of 1953.

An interest in property will not be so treated unless an election by the donor as a surviving spouse was filed in the manner prescribed in § 81.47a (h) of this chapter. Upon the filing of such an election, the periods of limitation provided in chapter 4 of the Internal Revenue Code on the making of an assessment and beginning of distraint or a proceeding in court for collection shall, with respect to any deficiency and interest thereon resulting from such election, include one year immediately following the date such election is filed, and such assessment and collection may be made notwithstanding any provision of law or rule of law which would otherwise prevent such assessment and collection.

[F. R. Doc. 53-10737; Filed, Dec. 28, 1953; 8:45 a. m.]



# NOTICES

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[472.733]

FOOTWEAR WITH FIBER UPPERS AND COMPOSITION SOLES

PROSPECTIVE TARIFF CLASSIFICATION

DECEMBER 22, 1953.

It appears that footwear with raffia or sisal uppers and rubber-like composition soles, including so-called plastic and neolite-type soles, is properly classifiable under paragraph 1530 (e), Tariff Act of 1930, as modified, as footwear with uppers composed wholly or in chief value of vegetable fiber other than cotton with soles composed wholly or in chief value of india rubber or substitutes for rubber at the rate of 35 percent ad valorem on the American selling price. This is a rate of duty higher than that heretofore assessed under an established and uniform practice.

Pursuant to § 16.10a (d), Customs Regulations (19 CFR 16.10a (d)), notice is hereby given that the existing practice of classifying such merchandise under paragraph 1530 (e), as footwear with soles wholly or in chief value of materials other than india rubber, leather, or substitutes for rubber is under review in the Bureau.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of such footwear which are submitted in writing to the Bureau of Customs, Washington 25, D. C. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of this publication. No hearings will be held.

[SEAL] C. A. EMERICK,
*Acting Commissioner of Customs.*

[F. R. Doc. 53-10756; Filed, Dec. 28, 1953; 8:48 a. m.]

### Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1953, 94th Supp.]

PLANET INSURANCE CO.

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

DECEMBER 22, 1953.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $247,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office, and State in which incorporated: Michigan; Planet Insurance Company.

[SEAL] A. N. OVERBY,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-10757; Filed, Dec. 28, 1953; 8:48 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

ALASKA

NOTICE OF FILING OF PLAT OF SURVEY

EDITORIAL NOTE: A telegram was received by the Federal Register Division on December 21, 1953, from the Acting Manager, Fairbanks Land Office, stating that in Federal Register Document 53-10476, published on page 8462 of the issue for Thursday, December 17, 1953 the third paragraph should read:

Of the land described Section 18 and 19 and Lots 3, 4, 5, and 6 and the SW¼ of Section 20 are withdrawn by Public Land Order No. 386 of July 31, 1947, "for classification and survey". (Tok Junction Reserve.)

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration, Commodity Credit Corporation

GRAINS AND RELATED COMMODITIES

NOTICE OF FINAL DATE OF REDEMPTION UNDER WAREHOUSE-STORAGE LOANS MADE UNDER 1953 PRICE SUPPORT PROGRAMS

Unless earlier demand is made by CCC, warehouse-storage loans under 1953 Price Support Programs on the agricultural commodities designated in the table below mature and are due and payable on the dates indicated. Unless such loans are repaid on or before the final date for repayment specified below, or the producer notifies in writing either the PMA county committee or the PMA commodity office serving the area that the funds have been placed in the mail, CCC will purchase the commodities pursuant to the provisions of the note and loan agreement at the higher of (1) the loan value plus interest and charges or (2) the market value as determined by the appropriate PMA commodity office as of the close of the market on the final date for repayment. In the event such market value is in excess of the loan value plus interest and charges, the excess amount will be paid to the producer by the appropriate PMA commodity office.

Notwithstanding the foregoing provisions, if there is fraud or false representation by the producer in connection with the loan the purchase price applicable to such purchase by CCC shall be the market value only.

| Commodity | Maturity date | Final date for repayment |
|---|---|---|
| Winter cover crop seed | Jan. 31, 1954 | Feb. 1, 1954 |
| Flaxseed in Arizona and California | do | Do. |
| Dry edible beans in Michigan and New York | Feb. 28, 1954 | Mar. 1, 1954 |
| Grain sorghums | Mar. 31, 1954 | Mar. 31, 1954 |
| Wheat | Apr. 30, 1954 | Apr. 30, 1954 |
| Oats | do | Do. |
| Barley | do | Do. |
| Rye | do | Do. |
| Flaxseed except in Arizona and California | do | Do. |
| Dry edible beans except in Michigan and New York | do | Do. |
| Rice | do | Do. |
| Soybeans | May 31, 1954 | June 1, 1954 |
| Corn | July 31, 1954 | July 31, 1954 |

The PMA commodity offices and the areas served by them are shown below:

Chicago 5, Ill., 623 South Wabash Avenue; Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 26, Texas, 3306 Main Street; New Mexico, Oklahoma, Texas.

Kansas City 6, Missouri, Fidelity Building, 911 Walnut Street; Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street; Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New Orleans 16, Louisiana, Wirth Building, 120 Marais Street; Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee.

Portland 5, Oregon, 515 Southwest Tenth Avenue; Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1031; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1447, 1421)

Done at Washington, D. C., this 23d day of December 1953.

[SEAL] HOWARD H. GORDON,
*President,*
*Commodity Credit Corporation.*

[F. R. Doc. 53-10779; Filed, Dec. 28, 1953; 8:49 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket Nos. 5896, 6305]

TRANS-PACIFIC AIRLINES, LTD., HAWAIIAN AIRLINES, LTD.; MAIL RATES

NOTICE OF PREHEARING CONFERENCE

The consolidated mail rate proceeding, involving Docket Nos. 5896 and 6305, is hereby assigned for a prehearing conference on January 14, 1954, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before Examiner Herbert K. Bryan

This notice cancels the previous notice assigning a prehearing conference in Docket No. 6305 for January 7, 1954.

Dated at Washington, D. C., this 23d day of December 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-10781; Filed, Dec. 28, 1953; 8:50 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-2260]

COLORADO INTERSTATE GAS CO.

ORDER GRANTING REHEARING AND FIXING DATE OF ORAL ARGUMENT

On November 20, 1953, Colorado Interstate Gas Company (Colorado) filed an application for rehearing, pursuant to section 19 (a) of the Natural Gas Act (act), of the order of the Commission issued October 26, 1953, suspending, pursuant to section 4 of the act, certain proposed contracts with Public Service Company of Colorado and with the City of Colorado Springs, Colorado.

The order issued October 26, 1953, states that the filing appears to effect changes in the rates, classification, practices, terms and conditions of the service rendered by Colorado under its FPC Gas Tariff, Original Volume No. 1; and that the changes proposed by Colorado have not been shown to be lawful.

In its application for rehearing, Colorado alleges that the Commission has no authority to suspend the filing on the grounds that the contracts do not involve sales for resale and therefore are beyond the jurisdiction of the Commission; and that even if sales for resale are involved under such contracts they are sales for resale for industrial use only, and not subject to suspension pursuant to the provisions of section 4 (e) of the act.

In addition, Colorado requested a stay of the Commission's order issued October 26, 1953.

The Commission finds:

(1) It is necessary and appropriate to carry out the provisions of the Natural Gas Act to grant rehearing for the purpose of hearing oral argument as hereinafter ordered.

(2) The motion for stay of the order issued October 26, 1953 should be denied.

The Commission orders:

(A) The application filed on November 20, 1953, for rehearing of the order issued October 26, 1953, be and the same is hereby granted for the purpose of hearing oral argument on said application for rehearing.

(B) Oral argument be held before the Commission, commencing on January 12, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues raised by the application for rehearing.

(C) Inasmuch as the proceeding at Docket No. G-2260, which includes the instant filing, has been set for January 12, 1954, the remainder of the proceeding at Docket No. G-2260 shall commence at the conclusion of the oral argument or as otherwise ordered by the Presiding Examiner.

(D) Parties who intend to participate in the oral argument shall inform the Secretary on or before December 31, 1953, of the time requested for presentation of their argument.

(E) The motion for stay of the order issued October 26, 1953, be and the same is hereby denied.

(F) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: December 16, 1953.

Issued: December 22, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 53-10740; Filed, Dec. 28, 1953; 8:46 a. m.]

[Docket Nos. G-2306, G-2311, G-2327, G-2328]

AMERICAN LOUISIANA PIPE LINE CO. ET AL.

NOTICE OF APPLICATIONS

DECEMBER 22, 1953.

In the matters of American Louisiana Pipe Line Company, Docket No. G-2306; Texas Gas Transmission Corporation, Docket No. G-2311; Michigan Wisconsin Pipe Line Company, Docket No. G-2327; Michigan Consolidated Gas Company, Docket No. G-2328.

Take notice that there have been filed with the Federal Power Commission by the persons and on the dates hereinafter designated several interdependent applications each for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the individual applicant to construct and operate certain natural gas facilities hereinafter described, all as more fully described in the respective interdependent applications.

American Louisiana Pipe Line Company (American Louisiana), a Delaware corporation having its principal place of business in Detroit, Michigan, by its interdependent application filed in Docket No. G-2306 on November 10, 1953, requests a certificate of public convenience and necessity authorizing the construction and operation of a 30-inch and 22-inch transmission pipeline system approximately 1,121 miles in length, three compressor stations of 10,000 horsepower each, and other appurtenant equipment and facilities. The 30-inch portion of the pipeline will extend from North Tepetate, Acadia Parish, Louisiana to a point of connection with the facilities of Michigan Consolidated Gas Company near Detroit, Michigan. The 22-inch portion of the pipeline will extend from a point on American Louisiana's proposed 30-inch pipeline near Payne, Ohio, to a point of connection with the facilities of Michigan Wisconsin Pipe Line Company near Bridgman, Michigan. Near Slaughters, Kentucky, American Louisiana's proposed line will be connected with the pipeline of Texas Gas Transmission Corporation, from which American Louisiana proposes to purchase an average of 51,000 Mcf of natural gas per day. American Louisiana proposes, also, to construct two 24-inch pipelines extending from Krotz Springs, St. Landry Parish, Louisiana, and Lowry, Cameron Parish, Louisiana, to a junction point at North Tepetate, Acadia Parish, Louisiana, approximately 47.1 miles and 34.8 miles respectively.

The proposed pipeline system will have an initial capacity of approximately 300,000 Mcf per day, and American Louisiana proposes to purchase an average daily volume of 255,700 Mcf from various fields in southern Louisiana, and an average daily volume of 51,000 Mcf from Texas Gas Transmission Corporation. American Louisiana proposes to make available the natural gas to all the markets served by the American Natural Gas Company system, of which system American Louisiana is a subsidiary.

The estimated cost of construction of the facilities proposed in Docket No. G-2306 is $130,000,000 and American Louisiana proposes to finance the construction thereof by issuing $97,500,000 principal amount of 4½ percent First Mortgage Bonds, $12,000,000 principal amount of Interim Notes convertible to Preferred Stock at the option of American Louisiana with interest or dividend rate of 5½ percent, and $20,500,000 of Common Stock of $100 par value per share.

Simultaneously with the filing of American Louisiana's application, Texas Gas Transmission Corporation (Texas Gas), a Delaware corporation having its principal place of business in Owensboro, Kentucky, on November 10, 1953, filed in Docket No. G-2311 its interdependent application (necessary and proper to the completion of American Louisiana's application) for a certificate of public convenience and necessity authorizing the construction and operation of: Approximately 48.20 miles of 26-inch pipeline, in segments of various mileage, to loop presently unlooped portions of Texas Gas present pipeline system between its Lake Cormorant (6) compressor station in Mississippi, and its Slaughters (10) compressor station in Kentucky; one additional 1,500 compressor engine to be installed at Covington (No. 7) compressor station in Kentucky; and a sales meter station near Slaughters, Kentucky, for the proposed sale of natural gas to American Louisiana.

The estimated cost of construction of the facilities proposed in Docket No. G-2311 is $4,281,135, and Texas Gas proposes to finance the construction thereof from cash on hand and through a term bank loan.

Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), a Delaware corporation having its principal place of business in Detroit, Michigan, on December 9, 1953, filed in Docket No. G-2327 its interdependent application (necessary and proper to the completion of the applications filed in Docket Nos. G-2306 and G-2311) for a certificate of public convenience and necessity authorizing the construction and operation of: Approximately 251.9 miles of 24-inch, 18-inch, 12-inch, 6-inch, and 4-inch pipeline loops, and 3,400 additional horsepower at existing compressor stations, principally in Illinois.

Michigan Wisconsin proposes to purchase approximately 100,000 Mcf of natural gas per day from American Louisiana to meet the present and future requirements of the markets which it serves.

The estimated cost of construction of the facilities proposed in Docket No. G-2327 is $11,435,000, and Michigan Wisconsin proposes to finance the construction thereof by issuing $6,500,000 principal amount of 4 percent First Mortgage Bonds and from cash on hand.

Michigan Consolidated Gas Company (Michigan Consolidated), a Michigan corporation having its principal place of business in Detroit, Michigan, on December 9, 1953, filed in Docket No. G-2328 its interdependent application (the remaining interdependent application necessary and proper to the completion of the applications filed in Docket Nos. G-2306, G-2311 and G-2327) for a certificate of public convenience and necessity authoritzing the construction and operation of: Facilities and appurtenances necessary in conjunction with the operation of the Six Lakes Field, located in Mecosta and Montcalm Counties in Michigan, as a storage field including a proposed compressor station in the field with approximately 32,000 horsepower; a station to receive approximately 200,000 Mcf of natural gas per day at the point of connection between its facilities and the proposed facilities of American Louisiana near Detroit, Michigan; and approximately 25.5 miles of 12-inch pipeline from a point of connection with the facilities of Michigan Wisconsin near Sparta, Michigan, to City of Muskegon, Michigan.

Michigan Consolidated estimates that the Six Lakes Field, when fully developed, will have a total storage capacity of approximately 66,000,000 Mcf and a working storage capacity of approximately 53,000,000 Mcf.

The estimated cost of the facilities proposed in Docket No. G-2328, is $12,745,900, and Michigan Consolidated proposes to finance the construction thereof from general annual construction budgets over a four-year period.

Protests or petitions to intervene in any of the above designated matters may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 11th day of January 1954.

The foregoing applications are on file with the Commission and open to public inspection.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 53-10738; Filed, Dec. 28, 1953; 8:46 a. m.]

[Project No. 2145]

PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

DECEMBER 22, 1953.

Public notice is hereby given that Public Utility District No. 1 of Chelan County, Washington, having its office and principal place of business at Wenatchee, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed water-power Project No. 2145 to be located on Columbia River in Chelan and Douglas Counties, Washington, and consisting of a concrete gravity dam having a spillway section 1,192 feet long, an intake and powerhouse section integral with the dam 1,390 feet long and an earth-fill section creating a reservoir with pool at normal elevation 699 extending 41 miles upstream; a fish ladder on each bank of the stream and provision for future navigation locks; a powerhouse with an initial installation of nine units, each turbine rated at 106,000 horsepower and direct-connected to a generator rated at 65,000 kilowatts at 83 feet gross head and provisions for an ultimate installation of 14 units; a switchyard; and appurtenant facilities. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 28th day of January 1954. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 53-10739; Filed, Dec. 28, 1953; 8:46 a. m.]

## HOUSING AND HOME FINANCE AGENCY

COMMISSIONER, COMMUNITY FACILITIES AND SPECIAL OPERATIONS

DELEGATION OF AUTHORITY WITH RESPECT TO PERFORMANCE OF CERTAIN FUNCTIONS IN CONNECTION WITH APPROVED DEFENSE COMMUNITY FACILITIES PROJECTS

1. The Commissioner, Community Facilities and Special Operations (hereinafter called "Commissioner"), is hereby authorized to take the following actions, on behalf of the Housing and Home Finance Administrator (hereinafter called "Administrator"), in connection with defense community facilities projects to be financed in whole or in part by the Housing and Home Finance Agency under the authority of Public Law 139, 82d Congress (Defense Housing and Community Facilities and Services Act of 1951, approved September 1, 1951, 42 U. S. C., 1946 ed. Sup. V 1591-1592o), as amended, or as it may be amended (hereinafter called the "Act"):

a. Waive compliance with special conditions in any contracts (including amendatory, supplementary and superseding contracts) with public and nonprofit agencies, entered into under the authority of the Act for the financing of defense community facilities projects, where it is determined that the Government's interests will not thereby be jeopardized, and authorize payments under any such contracts;

b. Decrease the amount of any grant allotment, provided, however, that no major change in project scope is involved;

c. Approve changes in project financing involving increases in the amount of financial participation by the applicant;

d. Take all other actions requisite or needed in the administration of the program authorized under the Act with respect to the financing of defense community facilities projects, except the approval of proposed projects, the allocation of loan and grant funds therefor, and any actions which would result in an increase in the approved total project cost or in allocated loan or grant funds respectively, or in a major change in project scope; and

e. Redelegate any of the authority herein delegated to such officers and employees of the Office of the Administrator as he may select.

2. This delegation of authority is not intended to revoke, repeal or supersede in any way the delegation, effective May 1, 1952, to Regional Representatives, of authority to take various actions in connection with defense community facilities projects, which was published at 17 F. R. 4469 (May 15, 1952).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 65 Stat. 293, 305 (1951), as amended, 42 U. S. C., 1946 ed. Sup. V 1591-1592o; E. O. No. 10296, 16 F. R. 10103, 6 (October 4, 1951); 62 Stat. 1268, 1283-85 (1948), as amended, 12 U. S. C., 1946 ed. Sup. V 1701c; 63 Stat. 413, 440 (1949), 12 U. S. C., 1946 ed. Sup. V 1701d-1)

Effective this 29th day of December 1953.

ALBERT M. COLE,
*Housing and Home Finance Administrator.*

[F. R. Doc. 53-10753; Filed, Dec. 28, 1953; 8:47 a. m.]

REGIONAL REPRESENTATIVES, REGION II (ATLANTA), REGION III (CHICAGO), AND REGION V (SAN FRANCISCO)

DELEGATION OF AUTHORITY TO PERFORM FUNCTIONS IN CONNECTION WITH DEFENSE HOUSING AUTHORIZED UNDER HHFA REGULATION CR 2

1. The Regional Representative of Region II (Atlanta), Region III (Chicago), and Region V (San Francisco), Office of the Administrator, Housing and Home Finance Agency, each is hereby authorized in his respective region to take any action which it is necessary or appropriate for the Housing and Home Finance Administrator to take in the administration of HHFA Regulation CR 2, as amended February 27, 1952 (17 F. R. 1721), or as hereinafter amended, with respect to releasing applicants or their successors from their obligations under CR 2:

(a) to hold for rent structures containing one-family or two-family dwelling units, and

(b) to exclusively offer dwelling units to eligible defense workers.

2. The Regional Representative of such Region II, Region III, and Region V, each is hereby further authorized to redelegate the authority delegated under the foregoing section numbered 1 to one or more officers or employees under his administrative jurisdiction.

3. This delegation supersedes the delegation of authority effective August 14, 1952 (17 F. R. 7401), to Special Representatives McClellan Ratchford, John McCollum, and Lindley R. Durkee or his designee, with respect to the administration of HHFA Regulation CR 2, which delegation is hereby revoked.

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C., 1946 ed. Sup V 1701 c; 64 Stat. 812–822 (1950), 50 U. S. C. App., 1946 ed. Sup V 2131; 65 Stat. 392 (1951), 42 U. S. C. Sup V 1591; secs. 501, 502 and 902 E. O. 10161, Sept. 9, 1950, 15 F. R. 6176; paragraph 3, E. O. 10296, Oct. 2, 1951, 16 F. R. 10103; HHFA CR 1, March 6, 1951, 16 F. R. 2231)

Effective as of the 29th day of December 1953.

ALBERT M. COLE,
*Housing and Home Finance Administrator.*

[F. R. Doc. 53-10754; Filed, Dec. 28, 1953; 8:47 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28771]

CAST IRON PIPE FROM LONE STAR, TEXAS TO POINTS IN TEXAS

APPLICATION FOR RELIEF

DECEMBER 23, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Lee Douglass, Agent, for the Kansas City Southern Railway Company, Louisiana & Arkansas Railway Company, and Texas & Northern Railway Company.

Commodities involved: Cast iron pipe and fittings, carloads.

From: Lone Star, Texas.

To: Specified points in Texas.

Grounds for relief: Competition with rail carriers, circuitous routes, and to meet intrastate rates.

Schedules field containing proposed rates: Lee Douglass, Agent, I. C. C. No. 807, supp. 34.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10746; Filed, Dec. 28, 1953; 8:46 a. m.]

[4th Sec. Application 28772]

WOODPULP FROM KRANNERT, GA., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

DECEMBER 23, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Woodpulp, in carloads.

From: Krannert, Ga.

To: Points in official and Illinois Territories.

Grounds for relief: Rail competition, circuity to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1260, supp. 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10747; Filed, Dec. 28, 1953; 8:46 a. m.]

[4th Sec. Application 28775]

WHOLE CORN AND RELATED ARTICLES FROM IOWA AND MINNESOTA TO POINTS IN WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

DECEMBER 23, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Whole corn and articles taking same rates, carloads.

From: Points in Iowa and Minnesota.

To: Points in western trunk-line territory.

Grounds for relief: Rail competition, circuity.

Schedules filed containing proposed rates: W. J. Prueter, Agent, I. C. C. No. A-3306, supp. 94.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10750; Filed, Dec. 28, 1953; 8:47 a. m.]

## OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 1—DPAV 2 (d)]

PLAN AND REGULATIONS OF THE ARMY ORDNANCE INTEGRATION COMMITTEE ON OPTICAL FIRE CONTROL

NOTICE OF WITHDRAWAL OF REQUEST TO PARTICIPATE

The Army Ordnance Integration Committee on Optical Fire Control formed pursuant to section 708 of the Defense Production Act of 1950, as amended, has been dissolved and accordingly the request published in 16 F. R. 1965 on March 3, 1951, to participate in the formation and activities of that Committee in accordance with the Voluntary Plan entitled "Plan and Regulations of Ordnance Corps Governing Optical Fire Control Integration Committee" transmitted and accepted by those companies listed in the FEDERAL REGISTER (16 F. R. 1965, 16 F. R. 3315, 16 F. R. 6806, 17 F. R. 8754), has been withdrawn.

The immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act heretofore granted to those companies has been likewise withdrawn, except as to those acts performed or omitted by reason of the request which occurred prior to that withdrawal.

(Sec. 708, 67 Stat. 129, Pub. Law 95 82d Cong., E. O. 10480, August 14, 1953, 18 F. R. 4929)

Dated: December 23, 1953.

ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 53-10820; Filed, Dec. 24, 1953; 12:31 p. m.]


# FEDERAL REGISTER

VOLUME 18 NUMBER 253

*Washington, Wednesday, December 30, 1953*


## TITLE 3—THE PRESIDENT

### PROCLAMATION 3040

SUPPLEMENTING PROCLAMATIONS No. 2867 [1] OF DECEMBER 22, 1949, AND No. 2764 [2] OF JANUARY 1, 1948, RELATING TO TRADE AGREEMENTS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930 as amended by section 1 of the act of June 12, 1934, by the joint resolution approved June 7, 1943, by sections 2 and 3 of the act of July 5, 1945 (ch. 474, 48 Stat. 943, ch. 118, 57 Stat. 125, ch. 269, 59 Stat. 410 and 411), and by sections 4 and 6 of the Trade Agreements Extension Act of 1949 (ch. 585, 63 Stat. 698), the period for the exercise of the said authority having been extended by section 3 of the Trade Agreements Extension Act of 1949 until the expiration of three years from June 12, 1948, on October 10, 1949 he entered into a trade agreement providing for the accession to the General Agreement on Tariffs and Trade (61 Stat. (pts. 5 and 6) A7, A11 and A2051) of the Governments of the Kingdom of Denmark, the Dominican Republic, the Republic of Finland, the Kingdom of Greece, the Republic of Haiti, the Republic of Italy, the Republic of Liberia, the Republic of Nicaragua, the Kingdom of Sweden, and the Oriental Republic of Uruguay, which trade agreement for accession consists of the Annecy Protocol of Terms of Accession to the General Agreement on Tariffs and Trade, dated October 10, 1949, including the annexes thereto (64 Stat. (pt. 3) B139);

2. WHEREAS, by Proclamation 2867 of December 22, 1949 (64 Stat. (pt. 2) A380), the President proclaimed such modifications of existing duties and the other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out the said trade agreement for accession on and after January 1, 1950, which proclamation has been supplemented by Proclamation No. 2874 of March 1, 1950, Proclamation No. 2884 of April 27, 1950, and Proclamation No. 2888 of May 13, 1950 (64 Stat. (pt. 2) A390, A399, and A405).

3. WHEREAS, pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930 as amended by the acts specified in the first recital of this proclamation except the Trade Agreements Extension Act of 1949, the period for the exercise of the authority under the said section 350 having been extended by section 1 of the said Act of July 5, 1945 (ch. 269, 59 Stat. 410), until the expiration of three years from June 12, 1945, on October 30, 1947 he entered into an exclusive trade agreement with the Government of the Republic of Cuba (61 Stat. (pt. 4) 3699), which exclusive trade agreement includes certain portions of other documents made a part thereof and provides for the customs treatment in respect of ordinary customs duties of products of the Republic of Cuba imported into the United States of America;

4. WHEREAS, by Proclamation No. 2764 of January 1, 1948 (62 Stat. (pt. 2) 1465), the President proclaimed such modifications of existing duties and other import restrictions of the United States of America in respect of products of the Republic of Cuba and such continuance of existing customs and excise treatment of products of the Republic of Cuba imported into the United States of America as were then found to be required or appropriate to carry out the said exclusive trade agreement on and after January 1, 1948, which proclamation has been supplemented by the proclamations referred to in the fourth recital of the said proclamation of December 22, 1949 specified in the second recital of this proclamation, and by the said proclamations of December 22, 1949, March 1, 1950, April 27, 1950 and May

(Continued on p. 8817)

[1] 14 F. R. 7723; 3 CFR 1949 Supp.
[2] 13 F. R. 21; 3 CFR 1948 Supp.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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13, 1950, specified in the second recital of this proclamation;

5. WHEREAS the trade agreement for accession specified in the first recital of this proclamation, the date for the signature of which by the Government of the Oriental Republic of Uruguay was extended until December 31, 1953, has been signed by the said Government under such circumstances that it will enter into force for such Government, and such Government will become a contracting party to the said general agreement, on December 16, 1953;

6. WHEREAS I determine that the application of each of the concessions provided for in Part I of Schedule XX in Annex A of the said trade agreement for accession which were withheld from application in accordance with paragraph 4 of the said trade agreement for accession by the said proclamation of December 22, 1949, as are identified in the following list is required or appropriate to carry out, on and after December 16, 1953, the said trade agreement for accession:

| Item (paragraph): | *Rates of duty* |
|---|---|
| 19 | 23½¢ per lb. |
| 1530 (a) | 4¢ ad val. |
| 1603 | Free. |
| 1625 | Free. |
| 1627 | Free. |
| 1780 | Free. |

7. WHEREAS serious problems which have developed in the cattle and beef situation in the United States since negotiation of the said trade agreement for accession render inappropriate the application to the products specified in items 705 and 706 in Part I of Schedule XX in Annex A of the said trade agreement for accession of rates of duty lower than those now applicable thereto;

8. WHEREAS I determine that, in view of the circumstances set forth in the seventh recital of this proclamation, it is required or appropriate, in order to carry out the said trade agreement for accession as fully as possible while such circumstances exist, that the provisions of Items 705 and 706 in Part I of Schedule XX in Annex A of the said trade agreement for accession, which were withheld from application in accordance with paragraph 4 of the said trade agreement for accession by the said proclamation of December 22, 1949, be applied as though they were stated as follows:

| Tariff Act of 1930, paragraph | Description of products | Rate of duty |
|---|---|---|
| 705 | Extract of meat, including fluid. | 7½¢ per lb. |
| 706 | Meats, prepared or preserved, not specially provided for (except meat pastes, other than liver pastes, packed in air-tight containers weighing with their contents not more than 3 ounces each): | |
| | Beef packed in air-tight containers. | 3¢ per lb., but not less than 20% ad val. |
| | Other | 3¢ per lb., but not less than 20% ad val. |

9. WHEREAS I determine that, in view of the determination set forth in the sixth recital of this proclamation, the deletion of Item 1530 (a) from the list set forth in the ninth recital of the said proclamation of January 1, 1948, as amended and rectified, is required or appropriate to carry out, on and after December 16, 1953, the said exclusive trade agreement specified in the third recital of this proclamation:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including the said section 350 of the Tariff Act of 1930, as amended, do proclaim as follows:

PART I

To the end that the said trade agreement for accession specified in the first recital of this proclamation may be carried out as fully as possible, the identification of each of the concessions provided for in Part I of the said Schedule XX in Annex A which is specified in the sixth or eighth recital of this proclamation shall, on and after December 16, 1953, be included in the list set forth in the ninth recital of the said proclamation of December 22, 1949, as supplemented; *Provided*, That, unless and until the President proclaims that the circumstances set forth in the seventh recital of this proclamation no longer exist, the provisions of Items 705 and 706 in the said Part I shall be applied as though they were stated in the manner set forth in the eighth recital of this proclamation.

PART II

To the end that the said exclusive trade agreement specified in the third recital of this proclamation may be carried out, the list set forth in the ninth recital of the said proclamation of January 1, 1948, as amended and rectified, shall, on and after December 16, 1953, be further amended by deleting therefrom Item 1530 (a) referred to in the ninth recital of this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of December, in the year of our Lord nineteen hundred and [SEAL] fifty-three, and of the Independence of the United States of America the one hundred and seventy-eighth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
*Secretary of State.*

[F. R. Doc. 53-10850; Filed, Dec. 28, 1953; 3:52 p. m.]

# RULES AND REGULATIONS

## TITLE 7—AGRICULTURE

### Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

**Subchapter B—Sugar Requirements and Quotas**

[Sugar Reg. 814.20, Amdt. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS

MAINLAND CANE SUGAR AREA, 1953

*Basis and purpose.* This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of further revising Sugar Regulation 814.20 (18 F. R. 5289, 7842) which allots the 1953 sugar quota for the mainland cane sugar area.

This further revision of Sugar Regulation 814.20 is necessary to prorate quantities released by some allottees to other allottees. On June 23, 1953, a hearing was held in New Orleans, Louisiana, for the purpose of receiving evidence to enable the Secretary to make a fair, efficient, and equitable distribution of the 1953 sugar quotas for the mainland cane sugar area. All allottees have waived their right to a further hearing for the purpose of reallotting to other allottees any quantities released by one or more allottees provided the revised allotments were made on the same basis as the original allotments.

The revised allotments in the amounts set forth in this order are established on the same basis as those in the initial order, and afford a fair, efficient and equitable distribution of the quota, as required by section 205 (a) of the act.

Because of the limited time remaining in the quota year to which the allotments apply it is imperative that this amendment become effective at the earliest possible date in order to permit continued orderly marketing of sugar. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently this order shall be effective when filed with the FEDERAL REGISTER.

Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, paragraph (a) of § 814.20 is hereby amended to read as follows:

§ 814.20 *Allotment of the 1953 sugar quota for the mainland cane sugar area—*(a) *Allotments.* The 1953 sugar quota for the mainland cane sugar area is hereby allotted to the following processors in amounts which appear opposite their respective names:

[Short tons, raw value]

| Processor | Allotment |
|---|---|
| Alma Plantation, Ltd | 6,326 |
| J. Aron & Co., Inc | 10,540 |
| Billeaud Sugar Factory | 7,883 |
| Breaux Bridge Sugar Cooperative, Inc | 6,540 |
| Burton-Sutton Oil Co., Inc | 5,466 |
| Caire & Graugnard | 3,522 |
| Caldwell Sugar Cooperative, Inc | 8,055 |
| Catherine Sugar Co., Inc | 5,699 |
| Columbia Sugar Co | 4,388 |
| Cora-Texas Mfg. Co | 2,427 |
| Cypremort Sugar Co., Inc | 4,850 |
| Dugas & LeBlanc, Ltd | 9,635 |
| Duhe & Bourgeois Sugar Co., Inc | 7,497 |
| Erath Sugar Co., Ltd | 4,956 |
| Evan Hall Sugar Cooperative, Inc | 17,160 |
| Evangeline Pepper & Food Products | 4,781 |
| Follsmere Sugar Producers Association | 8,347 |
| Frisco Cane Co., Inc | 652 |
| Glenwood Cooperative, Inc | 8,544 |
| Godchaux Sugars, Inc | 32,093 |
| Helvetia Sugar Cooperative, Inc | 5,954 |
| Iberia Sugar Cooperative, Inc | 12,921 |
| LaFourche Sugar Co | 11,156 |
| Harry L. Laws & Co., Inc | 7,877 |
| Levert-St. John, Inc | 9,772 |
| Loisel Sugar Co | 5,903 |
| Louisiana State Penitentiary | 3,645 |
| Louisiana State University | 90 |
| Lulu Plantation | 10,337 |
| Meeker Sugar Cooperative, Inc | 3,509 |
| Milliken & Farwell, Inc | 9,761 |
| Okeelanta Sugar Refinery, Inc | 10,355 |
| M. A. Patout & Son, Ltd | 7,619 |
| Poplar Grove Plantation & Refining Co., Inc | 5,441 |
| E. G. Robichaux Co., Ltd | 3,716 |
| St. James Sugar Cooperative, Inc | 9,614 |
| St. Mary Sugar Cooperative, Inc | 12,367 |
| Slack Bros., Inc | 2,810 |
| Smedes Bros., Inc | 4,235 |
| South Coast Corp | 35,201 |
| Southdown Sugars, Inc | 33,579 |
| Sterling Sugars, Inc | 9,490 |
| J. Supple's Sons Plantation Co | 3,508 |
| United States Sugar Corp | 97,372 |
| Valentine Sugars, Inc | 9,424 |
| Vermilion Sugar Co | 2,698 |
| Vida Sugars, Inc | 4,620 |
| A. Wilbert's Sons Lbr. & Sh. Co | 6,952 |
| Young's Industries, Inc | 5,777 |
| All other persons | 0 |
| Total | 517,291 |

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup. 1115)

Done at Washington, D. C., this 24th day of December 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10810; Filed, Dec. 29, 1953; 8:53 a. m.]

**Subchapter I—Determination of Prices**

[Sugar Determination 878.6]

PART 878—SUGARCANE: VIRGIN ISLANDS

1954 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended, (herein referred to as "act"), after investigation, and due consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on October 26, 1953, the following determination is hereby issued:

§ 878.6 *Fair and reasonable prices for the 1954 crop of Virgin Islands sugarcane.* A producer of sugarcane in the Virgin Islands who processes sugarcane purchased from other producers (hereinafter referred to as "processor"), shall be deemed to have complied with the provisions of section 301 (c) (2) of the act with respect to the 1954 crop, if he pays or contracts to pay for such sugarcane in accordance with the following requirements:

(a) *Definitions.* For the purpose of this determination, the term:

(1) "Raw sugar" means 96° raw sugar.

(2) "Settlement period" means the two-week period in which sugarcane is delivered by the producer to the processor. The first such period shall start on Monday of the week grinding commences and successive periods shall start at two-week intervals thereafter.

(3) "Average price of raw sugar" means the simple average of the daily spot quotations of raw sugar of the New York Coffee and Sugar Exchange (domestic contract), adjusted to a duty paid basis by adding to each daily quotation the United States duty prevailing on Cuban raw sugar on that day, for the period on which settlement is based, except that, if the Director of the Sugar Branch determines that for any such period such average price does not reflect the true market value of raw sugar because of inadequate volume or other factors, the Director may designate the average price to be effective under this determination.

(4) "F. o. b. mill price" means the average price of raw sugar minus selling and delivery expenses (converted to a pound unit) actually incurred by the processor in the marketing of 1954 crop raw sugar (other than bags or storage in company warehouses).

(5) "Yield of raw sugar" means the yield of raw sugar per 100 pounds of sugarcane determined for each settlement period in accordance with the following procedure:

(i) A representative sample of not less than six stalks of sugarcane shall be taken from each producer's truckload or partial load and the juice extracted by a laboratory power mill. Correlating factors based on experience shall be established not less than twice weekly between the laboratory mill juice and the factory crusher juice brix and sucrose, respectively. These correlating factors then shall be applied to the laboratory mill analysis of brix and sucrose to bring the laboratory mill analysis to the equivalent of factory crusher juice analysis.



(ii) Application shall then be made of the formula,

$$R = (S - 0.3B)F$$

in which:

$R$ = Recoverable sugar yield, 96° polarization.

$S$ = Polarization of the crusher juice obtained from the sugarcane of each producer.

$B$ = Brix of the crusher juice obtained from the sugarcane of each producer.

$F$ = Factor obtained from the fraction whose numerator is the average yield of sugar, 96° polarization, obtained from the aggregate grinding during each settlement period in which the sugarcane of the producer has been ground and whose denominator is the average polarization of the crusher juice minus three-tenths of the brix of the crusher juice, both components of the denominator being obtained from the aggregate grinding during the settlement period in which the sugarcane of the producer has been ground.

(b) *Basic payment.* The processor shall pay, or contract to pay, the producer for sugarcane delivered during a settlement period the f. o. b. mill price of that portion of the raw sugar determined by applying the following applicable percentage to the yield of raw sugar from the producer's sugarcane:

| Yield of raw sugar per 100 pounds of sugarcane (pounds): | Percentage |
|---|---|
| 6.0 | 59.0 |
| 7.0 | 60.0 |
| 8.0 | 61.0 |
| 9.0 | 62.0 |
| 10.0 | 63.0 |
| 11.0 | 64.0 |
| 12.0 | 65.0 |

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

(c) *Molasses payment.* The processor shall pay the producer for each 100 pounds of sugarcane delivered an amount computed by applying the following applicable percentage to the net proceeds derived from the sale of blackstrap molasses produced per 100 pounds of sugarcane for the 1954 crop:

| Yield of raw sugar per 100 pounds of sugarcane (pounds): | Percentage |
|---|---|
| 6.0 | 86.0 |
| 7.0 | 80.0 |
| 8.0 | 74.0 |
| 9.0 | 68.0 |
| 10.0 | 62.0 |
| 11.0 | 56.0 |
| 12.0 | 50.0 |

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

(d) *Transportation allowances to producers.* Allowances made to producers by the processor for the transportation, when performed by the producers, of 1954 crop sugarcane shall be not less than such allowances made with respect to the 1953 crop. With respect to sugarcane transported by the processor at the request of the producer, such allowance shall be as agreed upon.

(e) *Reporting requirement.* The processor shall submit in duplicate to the Caribbean Area Office of the Production and Marketing Administration, San Juan, Puerto Rico, a certified statement of the actual deductions made in determining the f. o. b. mill price of raw sugar and the net proceeds from blackstrap molasses.

(f) *Subterfuge.* The processor shall not reduce returns to the producer below those determined herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable prices to be paid by a processor for sugarcane of the 1954 crop purchased from producers. It prescribes the minimum requirements with respect to prices for sugarcane which must be met as one of the conditions for payment under the act.

(b) *Requirements of the act.* In determining fair and reasonable prices, the act requires that a public hearing be held and investigations be made. Accordingly, on October 26, 1953, a public hearing was held in Christiansted, St. Croix, Virgin Islands, at which time interested parties presented testimony with respect to fair and reasonable prices for the 1954 crop of sugarcane. In addition, investigations have been made of conditions relating to the sugar industry in the Virgin Islands. In this price determination, consideration has been given to testimony presented at the hearing and to information resulting from investigations.

(c) *1954 price determination.* The 1954 price determination is the same as that for 1953 except that provision is made for allowances to producers by the processor for the transportation of sugarcane.

At the public hearing, testimony with respect to fair prices was submitted by one representative of the processor and one representative of the producers. The representative of the Virgin Islands Corporation, which is the only processor of sugarcane in the area, recommended that no change be made in the sharing provisions of the determination. However, evidence was submitted to show that while the Corporation was willing to continue paying the transportation allowance on producers' cane they did not want to continue hauling such cane in Corporation trucks. Data were presented showing that the net cost to the Corporation for transporting producers' cane in Corporation trucks was $1.27 per ton, compared with 61 cents per ton when cane was transported in trucks owned or hired by producers. The Corporation recommended that producers be responsible for providing transportation facilities and that they be given an allowance of 50 percent of the established trucking rates. A representative of producers recommended that with respect to cane hauled by producers the determination provide for the processor to pay 50 percent of the cost of transporting producers' sugarcane in accordance with agreed upon rates. Producers apparently are satisfied with current hauling allowances but complained that the Corporation hired most of the available trucking facilities thereby making it very difficult for the small individual producer to hire a truck to transport his sugarcane.

The cane transportation allowance recommended by both the processor and producers with respect to cane transported by the producer is the same as that paid for 1953 crop sugarcane transported in such manner. This determination provides for a continuation of such allowance. However, in the case of sugarcane transported by the Corporation, the allowance shall be as agreed upon between the parties. With respect to public trucking facilities the representative of the Corporation stated at the hearing that such facilities under contract to the Corporation would be released to individual producers upon request.

The Virgin Islands Corporation, operated under the direction of the Department of Interior primarily to promote the general welfare of the people of the Islands, is both the largest producer and, as previously mentioned, the only processor of sugarcane. Financial results of the Corporation have been generally unfavorable and because of continuing annual losses on sugar operations the standards customarily considered in price determinations in other cane producing areas cannot be applied in the usual manner. Moreover, it is recognized that the present basis for sharing the proceeds from raw sugar and molasses may not result in individually profitable operations for all producers. However, the sharing relationship specified in this determination provides returns to producers which compare favorably with those obtained by sugarcane producers in other offshore areas.

Accordingly, I hereby find and conclude that the foregoing price determination is fair and reasonable and will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 23d day of December 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10806; Filed, Dec. 29, 1953; 8:51 a. m.]

### Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 925—MILK IN THE PUGET SOUND, WASHINGTON, MARKETING AREA

ORDER TERMINATING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agree-

ment Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area, hereinafter referred to as the "order," it is hereby found and determined that the provisions appearing in § 925.44 (a) (5) and (b) (5) of such order which read "for the period ending with December 31, 1953," no longer tend to effectuate the declared policy of the act.

A public hearing was held at Seattle, Washington, on August 10–11, 1953, to consider, among other things, a proposal to amend the order for the purpose of revising the conditions under which milk might be moved between regulated plants for manufacturing use. In an emergency decision dated September 10, 1953, it was concluded that certain revisions of the transfer provisions should be made for a temporary period (through December 31, 1953) pending further review in connection with consideration of proposals to amend other and related provisions of the order. An amendment making such changes operative for the balance of 1953 was made effective October 1, 1953. After further consideration in connection with the other issues of the hearing, it has been recommended by the Assistant Administrator, Production and Marketing Administration, in a decision issued December 3, 1953, that the revision of the milk transfer provisions will have continuing applicability indefinitely beyond the end of 1953. Therefore, it is necessary to extend the revised conditions for movements of milk between regulated plants to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area in the period immediately following December 31, 1953, pending the receipt of industry exceptions and consideration in connection with the issuance of a final decision and subsequent appropriate order amendments.

It is hereby found and determined that notice of proposed rule-making and public procedure thereon in connection with the issuance hereof is impractical, unnecessary and contrary to the public interest, in that (1) the information on which this action is based did not become available in sufficient time for such compliance, (2) the action continues in effect pending final action on order amendments, provisions on which the approval of handlers and producers generally was expressed prior to their adoption on October 1, 1953, (3) associations representing a majority of producers recently requested the action provided by this order, and (4) the issuance of this order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote, and maintain the orderly marketing of milk produced for the said marketing area. The changes caused by this termination order do not require of persons affected substantial or extensive preparation prior to its effective date.

*It is therefore ordered*, That the provisions of the order (No. 25), as amended, regulating the handling of milk in the Puget Sound, Washington, marketing area which appear in § 925.44 (a) (5) and (b) (5) which read "for the period ending with December 31, 1953," be and they are hereby terminated.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 24th day of December 1953, to become effective immediately.

[SEAL] JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 53-10807; Filed, Dec. 29, 1953; 8:52 a. m.]

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PART 949—MILK IN THE SAN ANTONIO, TEXAS, MARKETING AREA

CLASS II MILK; ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended, regulating the handling of milk in the San Antonio, Texas, marketing area, hereinafter referred to as the "order" it is hereby found and determined that:

1. From the effective date hereof through January 31, 1954, all the provisions of § 949.53 of the order, except the following, do not tend to effectuate the declared policy of the act:

§ 949.53 *Class II milk.* The price for Class II milk shall be the following:

(a) From the simple average as computed by the market administrator of the daily wholesale selling price (using the midpoint of any price range as one price) of Grade A (92 score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month, subtract 3 cents, add 20 percent thereof and multiply by 4.0.

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impractical, unnecessary and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; (2) the suspension action for the aforesaid period must be taken because the purpose thereof is to provide an adjustment in the prices which would otherwise obtain during the months; and (3) the issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area. The changes caused by this suspension order do not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately.

*It is therefore ordered*, That the following provisions of the order be and they are hereby suspended from the effective date hereof through January 31, 1954:

All of § 949.53 except the following:

§ 949.53 *Class II milk.* The price for Class II milk shall be the following:

(a) From the simple average as computed by the market administrator of the daily wholesale selling price (using the midpoint of any price range as one price) of Grade A (92 score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month, subtract 3 cents, add 20 percent thereof and multiply by 4.0.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of December 1953 to be effective immediately.

[SEAL] JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

[F. R. Doc. 53-10809; Filed, Dec. 29, 1953; 8:52 a. m.]

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## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53406]

PART 6—AIR COMMERCE REGULATIONS

LIST OF INTERNATIONAL AIRPORTS

Section 6.12 of the Customs Regulations is hereby redesignated as § 6.20, and footnote 8 appended to § 6.12 is hereby redesignated as footnote 15.

(R. S. 161, sec. 7 (b), 44 Stat. 572; 5 U. S. C. 22, 49 U. S. C. 177 (b))

[SEAL] C. A. EMERICK,
*Acting Commissioner of Customs.*

Approved: December 28, 1953.

H. CHAPMAN ROSE,
*Acting Secretary of the Treasury.*

[F. R. Doc. 53-10853; Filed, Dec. 29, 1953; 8:58 a. m.]

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## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—CERTIFICATION OF BATCHES OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

*Correction*

In Federal Register Document 53-10519, published on page 8476 of the issue for Friday, December 18, 1953, the following changes should be made:

1. In paragraph 4, (j-1) should be designated (i-1) and (j) should be designated (i).

2. In paragraph 5, (n) should be designated (m).

3. In paragraph 6, (o) should be designated (n).



## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

RECAPITULATION OF PART

Because of the number of outstanding amendments to Part 4b there follows a recapitulation of Part 4b incorporating all amendments up to December 31, 1953.


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AUTHORITY: §§ 4b.0 to 4b.751 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553.

## SUBPART A—GENERAL

### APPLICABILITY AND DEFINITIONS

§ 4b.0 *Applicability of this part.* This part establishes standards with which compliance shall be demonstrated for the issuance of a type certificate for transport category airplanes. This part, until superseded or rescinded, shall apply to all transport category airplanes for which applications for type certification in the transport category are made after the effective date of this part (November 9, 1945).

§ 4b.1 *Definitions.* As used in this part terms are defined as follows:

(a) *Administration*—(1) *Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(2) *Applicant.* An applicant is a person or persons applying for approval of an airplane or any part thereof.

(3) *Approved.* Approved, when used alone or as modifying terms such as means, devices, specifications, etc., shall mean approved by the Administrator. (See § 4b.18.)

(b) *General design*—(1) *Standard atmosphere.* The standard atmosphere is an atmosphere defined as follows:

(i) The air is a dry, perfect gas,

(ii) The temperature at sea level is 59° F.,

(iii) The pressure at sea level is 29.92 inches Hg,

(iv) The temperature gradient from sea level to the altitude at which the temperature equals −67° F. is −0.003566° F./ft. and zero thereabove,

(v) The density $\rho_0$ at sea level under the above conditions is 0.002378 pounds sec.$^2$/ft.$^4$.

(2) *Maximum anticipated air temperature.* The maximum anticipated air temperature is a temperature specified for the purpose of compliance with the powerplant cooling standards. (See § 4b.451 (b).)

(3) *Airplane configuration.* Airplane configuration is a term referring to the position of the various elements affecting the aerodynamic characteristics of the airplane (e. g., wing flaps, landing gear).

(4) *Aerodynamic coefficients.* Aerodynamic coefficients are nondimensional coefficients for forces and moments. They correspond with those adopted by the U. S. National Advisory Committee for Aeronautics.

(5) *Critical engine(s).* The critical engine is that engine(s) the failure of which gives the most adverse effect on the airplane flight characteristics relative to the case under consideration.

(6) *Critical-engine-failure speed.* The critical-engine-failure speed is the airplane speed used in the determination of the take-off at which the critical engine is assumed to fail. (See § 4b.114.)

(c) *Weights*—(1) *Maximum weight.* The maximum weight of the airplane is that maximum at which compliance with the requirements of this part is demonstrated. (See § 4b.101 (a).)

(2) *Minimum weight.* The minimum weight of the airplane is that minimum at which compliance with the requirements of this part is demonstrated. (See § 4b.101 (c).)

(3) *Empty weight.* The empty weight of the airplane is a readily reproducible weight which is used in the determination of the operating weights. (See § 4b.104.)

(4) *Design maximum weight.* The design maximum weight is the maximum weight of the airplane used in structural design for flight load conditions. (See § 4b.210.)

(5) *Design minimum weight.* The design minimum weight is the minimum weight of the airplane at which compliance is shown with the structural loading conditions. (See § 4b.210.)

(6) *Design take-off weight.* The design take-off weight is the maximum airplane weight used in structural design for taxying conditions, and for landing conditions at a reduced velocity of descent. (See § 4b.210.)

(7) *Design landing weight.* The design landing weight is the maximum airplane weight used in structural design for landing conditions at the maximum velocity of descent. (See § 4b.230 (b).)

(8) *Design unit weight.* The design unit weight is a representative weight used to show compliance with the structural design requirements.

(i) Gasoline 6 pounds per U. S. gallon.

(ii) Lubricating oil 7.5 pounds per U. S. gallon.

(iii) Crew and passengers 170 pounds per person.

(d) *Speeds*—(1) IAS: Indicated air speed is equal to the pitot static air-speed indicator reading as installed in the airplane without correction for air-speed indicator system errors but including the sea level standard adiabatic compressible flow correction. (This latter correction is included in the calibration of the air-speed instrument dials.) (See §§ 4b.612 (a) and 4b.710.)

(2) CAS: Calibrated air speed is equal to the air-speed indicator reading corrected for position and instrument error. (As a result of the sea level adiabatic compressible flow correction to the air-speed instrument dial, CAS is equal to the true air speed TAS in standard atmosphere at sea level.)

(3) EAS: Equivalent air speed is equal to the air-speed indicator reading corrected for position error, instrument error, and for adiabatic compressible flow for the particular altitude. (EAS is equal to CAS at sea level in standard atmosphere.)

(4) TAS: True air speed of the airplane relative to undisturbed air. ($TAS = EAS\ (\rho_0/\rho)^{1/2}$.)

(5) $V_A$: The design maneuvering speed. (See § 4b.210 (b) (2).)

(6) $V_B$: The design speed for maximum gust intensity. (See § 4b.210 (b) (3).)

(7) $V_C$: The design cruising speed. (See § 4b.210 (b) (4).)

(8) $V_D$: The design diving speed. (See § 4b.210 (b) (5).)

(9) $V_{DF}$: The demonstrated flight diving speed. (See § 4b.190.)

(10) $V_F$: The design flap speed for flight loading conditions with wing flaps in the landing position. (See § 4b.210 (b) (1).)

(11) $V_{FE}$: The flap extended speed is a maximum speed with wing flaps in a prescribed extended position. (See § 4b.714.)

(12) $V_{LE}$: The landing gear extended speed is the maximum speed at which the airplane can be flown safely with the landing gear extended. (See § 4b.716.)

(13) $V_{LO}$: The landing gear operating speed is a maximum speed at which the landing gear can be raised or lowered safely. (See § 4b.715.)

(14) $V_{MC}$: The minimum control speed with the critical engine inoperative. (See § 4b.133.)

(15) $V_{NE}$: The never-exceed speed. (See § 4b.711.)

(16) $V_{NO}$: The normal operating limit speed. (See § 4b.712.)

(17) $V_{s_0}$: The stalling speed or the minimum steady flight speed with wing flaps in the landing position. (See §§ 4b.112 (a) and 4b.160.)

(18) $V_{s_1}$: The stalling speed or the minimum steady flight speed obtained in a specified configuration. (See § 4b.112 (b).)

(19) $V_1$: The critical-engine-failure speed. (See § 4b.114.)

(20) $V_2$: The take-off safety speed. (See § 4b.114 (b).)

(e) *Structural*—(1) *Limit load.* A limit load is the maximum load anticipated in normal conditions of operation. (See § 4b.200.)

(2) *Ultimate load.* An ultimate load is a limit load multiplied by the appropriate factor of safety. (See § 4b.200.)

(3) *Factor of safety.* The factor of safety is a design factor used to provide for the possibility of loads greater than those anticipated in normal conditions of operation and for uncertainties in design. (See § 4b.200 (a).)

(4) *Load factor.* The load factor is the ratio of a specified load to the total weight of the airplane; the specified load may be expressed in terms of any of the following: aerodynamic forces, inertia forces, or ground or water reactions.

(5) *Limit load factor.* The limit load factor is the load factor corresponding with limit loads.

(6) *Ultimate load factor.* The ultimate load factor is the load factor corresponding with ultimate loads.

(7) *Checked pitching maneuver.* A checked pitching maneuver is one in which the pitching control is suddenly displaced in one direction and then suddenly moved in the opposite direction, the deflections and timing being such as to avoid exceeding the limit maneuvering load factor.

(8) *Design wing area.* The design wing area is the area enclosed by the wing outline (including wing flaps in the retracted position and ailerons, but excluding fillets or fairings) on a surface containing the wing chords. The outline is assumed to be extended through the nacelles and fuselage to the plane of symmetry in any reasonable manner.

(9) *Balancing tail load.* A balancing tail load is that load necessary to place the airplane in equilibrium with zero pitch acceleration.

(10) *Fitting.* A fitting is a part or terminal used to join one structural member to another. (See § 4b.307 (c).)

(f) *Power installation*[1]—(1) *Brake horsepower.* Brake horsepower is the power delivered at the propeller shaft of the engine.

(2) *Take-off power.* Take-off power is the brake horsepower developed under standard sea level conditions, under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use in the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(3) *Maximum continuous power.* Maximum continuous power is the brake horsepower developed in standard atmosphere at a specified altitude under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use during periods of unrestricted duration.

(4) *Manifold pressure.* Manifold pressure is the absolute pressure measured at the appropriate point in the induction system, usually in inches of mercury.

(5) *Critical altitude.* The critical altitude is the maximum altitude at which in standard atmosphere it is possible to maintain, at a specified rotational speed, a specified power or a specified manifold pressure. Unless otherwise stated, the critical altitude is the maximum altitude at which it is possible to maintain, at the maximum continuous rotational speed, one of the following:

(i) The maximum continuous power, in the case of engines for which this power rating is the same at sea level and at the rated altitude,

(ii) The maximum continuous rated manifold pressure, in the case of engines the maximum continuous power of which is governed by a constant manifold pressure.

(6) *Pitch setting.* Pitch setting is the propeller blade setting determined by the blade angle measured in a manner, and at a radius, specified in the instruction manual for the propeller.

(7) *Feathered pitch.* Feathered pitch is the pitch setting which in flight, with the engines stopped, gives approximately the minimum drag and corresponds with a windmilling torque of approximately zero.

(8) *Reverse pitch.* Reverse pitch is the propeller pitch setting for any blade

[1] For engine airworthiness requirements see Part 13 of this subchapter; for propeller airworthiness requirements see Part 14 of this subchapter.

angle used beyond zero pitch (e. g., the negative angle used for reverse thrust).

(g) *Fire protection*—(1) *Fireproof.* Fireproof material means a material which will withstand heat at least as well as steel in dimensions appropriate for the purpose for which it is to be used. When applied to material and parts used to confine fires in designated fire zones, fireproof means that the material or part will perform this function under the most severe conditions of fire and duration likely to occur in such zones.

(2) *Fire-resistant.* When applied to sheet or structural members, fire-resistant material means a material which will withstand heat at least as well as aluminum alloy in dimensions appropriate for the purpose for which it is to be used. When applied to fluid-carrying lines, other flammable fluid system components, wiring, air ducts, fittings, and powerplant controls, this term refers to a line and fitting assembly, component, wiring or duct, or controls which will perform the intended functions under the heat and other conditions likely to occur at the particular location.

(3) *Flame-resistant.* Flame-resistant material means material which will not support combustion to the point of propagating, beyond safe limits, a flame after the removal of the ignition source.

(4) *Flash-resistant.* Flash-resistant material means material which will not burn violently when ignited.

(5) *Flammable.* Flammable pertains to those fluids or gases which will ignite readily or explode.

(h) *Miscellaneous*—(1) *Supplemental breathing equipment.* Supplemental breathing equipment is equipment designed to supply the supplementary oxygen required to protect against anoxia at altitudes where the partial pressure of oxygen in ambient air is reduced. (See § 4b.651.)

(2) *Protective breathing equipment.* Protective breathing equipment is equipment designed to prevent the breathing of noxious gases which might be present as contaminants in the air within the airplane in emergency situations. (See § 4b.651.)

CERTIFICATION

§ 4b.10 *Eligibility for type certificates.* An airplane shall be eligible for type certification under the provisions of this part if it complies with the airworthiness provisions established by this part or if the Administrator finds that the provision or provisions not complied with are compensated for by factors which provide an equivalent level of safety: *Provided*, That the Administrator finds no feature or characteristic of the airplane which renders it unsafe for the transport category.

§ 4b.11 *Designation of applicable regulations.* (a) The provisions of this part, together with all amendments thereto effective on the date of application for type certificate, shall be considered as incorporated in the type certificate as though set forth in full.

(b) Except as otherwise provided by the Board, or pursuant to § 1.24 of this subchapter by the Administrator, any change to the type design may be accomplished, at the option of the holder of the type certificate, either in accordance with the provisions incorporated by reference in the certificate pursuant to paragraph (a) of this section, or in accordance with the provisions in effect at the time the application for change is filed.

(c) The Administrator, upon approval of a change to a type design, shall designate and keep a record of the provisions of the regulations in this subchapter with which compliance was demonstrated.

§ 4b.12 *Amendment of part.* Unless otherwise established by the Board, an amendment of this part shall be effective with respect to airplanes for which applications for type certificates are filed after the effective date of the amendment.

§ 4b.13 *Type certificate.* (a) An applicant shall be issued a type certificate when he demonstrates the eligibility of the airplane by complying with the requirements of this part in addition to the applicable requirements in Part 1 of this subchapter.

(b) The type certificate shall be deemed to include the type design (see § 4b.14 (b)), the operating limitations for the airplane (see § 4b.700), and any other conditions or limitations prescribed by the regulations in this subchapter. (See also § 4b.11 (a).)

§ 4b.14 *Data required.* (a) The applicant for a type certificate shall submit to the Administrator such descriptive data, test reports, and computations as are necessary to demonstrate that the airplane complies with the requirements of this part.

(b) The descriptive data required in paragraph (a) of this section shall be known as the type design and shall consist of such drawings and specifications as are necessary to disclose the configuration of the airplane and all the design features covered in the requirements of this part, such information on dimensions, materials, and processes as is necessary to define the structural strength of the airplane, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent airplanes of the same type.

§ 4b.15 *Inspections and tests.* Inspections and tests shall include all those found necessary by the Administrator to insure that the airplane complies with the applicable airworthiness requirements and conforms to the following:

(a) All materials and products are in accordance with the specifications in the type design,

(b) All parts of the airplane are constructed in accordance with the drawings in the type design,

(c) All manufacturing processes, construction, and assembly are as specified in the type design.

§ 4b.16 *Flight tests.* After proof of compliance with the structural requirements contained in this part, and upon completion of all necessary inspections and testing on the ground, and proof of the conformity of the airplane with the type design, and upon receipt from the applicant of a report of flight tests performed by him, the following shall be conducted:

(a) Such official flight tests as the Administrator finds necessary to determine compliance with the requirements of this part.

(b) After the conclusion of flight tests specified in paragraph (a) of this section, such additional flight tests as the Administrator finds necessary to ascertain whether there is reasonable assurance that the airplane, its components, and equipment are reliable and function properly. The extent of such additional flight tests shall depend upon the complexity of the airplane, the number and nature of new design features, and the record of previous tests and experience for the particular airplane type, its components, and equipment. If practicable, these flight tests shall be conducted on the same airplane used in the flight tests specified in paragraph (a) of this section.

§ 4b.17 *Airworthiness, experimental, and production certificates.* (For requirements with regard to these certificates see Part 1 of this subchapter.)

§ 4b.18 *Approval of materials, parts, processes, and appliances.* (a) Materials, parts, processes, and appliances shall be approved upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the regulations in this subchapter. The Administrator may adopt and publish such specifications as he finds necessary to administer this regulation, and shall incorporate therein such portions of the aviation industry, Federal, and military specifications respecting such materials, parts, processes, and appliances as he finds appropriate.

NOTE: The provisions of this paragraph are intended to allow approval of materials, parts, processes, and appliances under the system of Technical Standard Orders, or in conjunction with type certification procedures for an airplane, or by any other form of approval by the Administrator.

(b) Any material, part, process, or appliance shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator.

§ 4b.19 *Changes in type design.* (For requirements with regard to changes in type design see Part 1 of this subchapter.)

SUBPART B—FLIGHT

GENERAL

§ 4b.100 *Proof of compliance.* (a) Compliance with the requirements prescribed in this subpart shall be established by flight or other tests conducted upon an airplane of the type for which a certificate of airworthiness is sought or by calculations based on such tests, provided that the results obtained by calculations are equivalent in accuracy to the results of direct testing.

(b) Compliance with each requirement shall be established at all appropriate combinations of airplane weight and center of gravity position within the range of loading conditions for which certification is sought by systematic investigation of all these combinations, except where compliance can be inferred reasonably from those combinations which are investigated.

(c) The controllability, stability, trim, and stalling characteristics of the airplane shall be established at all altitudes up to the maximum anticipated operating altitude.

(d) The applicant shall provide a person holding an appropriate pilot certificate to make the flight tests, but a designated representative of the Administrator shall pilot the airplane when it is found necessary for the determination of compliance with the airworthiness requirements.

(e) Official type tests shall be discontinued until corrective measures have been taken by the applicant when either:

(1) The applicant's test pilot is unable or unwilling to conduct any of the required flight tests, or

(2) It is found that requirements which have not been met are so substantial as to render additional test data meaningless or are of such a nature as to make further testing unduly hazardous.

(f) Adequate provision shall be made for emergency egress and for the use of parachutes by members of the crew during the flight tests.

(g) The applicant shall submit to the Administrator's representative a report covering all computations and tests required in connection with calibration of instruments used for test purposes and correction of test results to standard atmospheric conditions. The Administrator's representative shall conduct any flight tests which he finds necessary to check the calibration and correction report.

§ 4b.101 *Weight limitations.* The maximum and minimum weights at which the airplane will be suitable for operation shall be established as follows:

(a) Maximum weights shall not exceed any of the following:

(1) The weight selected by the applicant;

(2) The design weight for which the structure has been proven;

(3) The maximum weight at which compliance with all of the applicable flight requirements has been demonstrated.

(b) It shall be acceptable to establish maximum weights for each altitude and for each practicably separable operating condition (e. g., take-off, en route, landing).

(c) Minimum weights shall not be less than any of the following:

(1) The minimum weight selected by the applicant;

(2) The design minimum weight for which the structure has been proven;

(3) The minimum weight at which compliance with all of the applicable flight requirements has been demonstrated.

§ 4b.102 *Center of gravity limitations.* Center of gravity limits shall be established as the most forward position permissible and the most aft position permissible for each practicably separable operating condition in accordance with § 4b.101 (b). Limits of the center of gravity range shall not exceed any of the following:

(a) The extremes selected by the applicant;

(b) The extremes for which the structure has been proven;

(c) The extremes at which compliance with all of the applicable flight requirements has been demonstrated.

§ 4b.103 *Additional limitations on weight distribution.* If a weight and center of gravity combination is permissible only within certain load distribution limits (e. g., spanwise) which could be exceeded inadvertently, such limits shall be established together with the corresponding weight and center of gravity combinations, and shall not exceed any of the following:

(a) The limits selected by the applicant;

(b) The limits for which the structure has been proven;

(c) The limits for which compliance with all the applicable flight requirements has been demonstrated.

§ 4b.104 *Empty weight.* (a) The empty weight and the corresponding center of gravity position shall be determined by weighing the airplane. This weight shall exclude the weight of the crew and payload, but shall include the weight of all fixed ballast, unusable fuel supply (see § 4b.416), undrainable oil, total quantity of engine coolant, and total quantity of hydraulic fluid.

(b) The condition of the airplane at the time of weighing shall be one which can be easily repeated and easily defined, particularly as regards the contents of the fuel, oil, and coolant tanks, and the items of equipment installed.

§ 4b.105 *Use of ballast.* It shall be acceptable to use removable ballast to enable the airplane to comply with the flight requirements. (See §§ 4b.738 and 4b.741 (c).)

PERFORMANCE

§ 4b.110 *General.* (a) With respect to all airplanes type certificated on or after February 12, 1951, the performance prescribed in this subpart shall be determined, and compliance shall be shown, for standard atmospheric conditions and still air, except that the performance as affected by engine power, instead of being based on dry air, shall be based on 80 percent relative humidity.

(b) Each set of performance data required for a particular flight condition shall be determined with the powerplant accessories absorbing the normal amount of power appropriate to that flight condition. (See also § 4b.117.)

§ 4b.111 *Wing flap positions.* (a) The wing flap positions denoted respectively as the take-off, en route, approach, and landing positions shall be selected by the applicant. (See also § 4b.323.)

(b) It shall be acceptable to make the flap positions variable with weight and altitude.

§ 4b.112 *Stalling speeds.* (a) The speed, $V_{s_0}$, shall denote the calibrated stalling speed, or the minimum steady flight speed at which the airplane is controllable, in miles per hour, with:

(1) Engines idling, throttles closed (or not more than sufficient power for zero thrust at a speed not greater than 110 percent of the stalling speed);

(2) Propeller pitch controls in the position normally used for take-off;

(3) Landing gear extended;

(4) Wing flaps in the landing position;

(5) Cowl flaps closed;

(6) Center of gravity in the most unfavorable position within the allowable landing range;

(7) The weight of the airplane equal to the weight in connection with which $V_{s_0}$ is being used as a factor to determine a required performance.

(b) The speed, $V_{s_1}$, shall denote the calibrated stalling speed, or the minimum steady flight speed at which the airplane is controllable, in miles per hour, with:

(1) Engines idling, throttles closed (or not more than sufficient power for zero thrust at a speed not greater than 110 percent of the stalling speed);

(2) Propeller pitch controls in the position normally used for take-off, the airplane in all other respects (flaps, landing gear, etc.) in the particular condition existing in the particular test in connection with which $V_{s_1}$ is being used;

(3) The weight of the airplane equal to the weight in connection with which $V_{s_1}$ is being used as a factor to determine a required performance.

(c) Stalling speeds shall be determined by flight tests using the procedures outlined in § 4b.160.

§ 4b.113 *Take-off; general.* (a) The take-off data in §§ 4b.114 to 4b.116, inclusive, shall be determined under the following conditions:

(1) At all weights and altitudes selected by the applicant;

(2) With a constant take-off flap position for the particular weight and altitude;

(3) With the operating engines not exceeding their approved limitations at the particular altitude.

(b) All take-off data, when corrected, shall assume a level take-off surface, and shall be determined on a smooth, dry, hard-surfaced runway, in such a manner that reproduction of the performance does not require exceptional skill or alertness on the part of the pilot. (For temperature accountability data see § 4b.117. For wind and runway gradient corrections see appropriate operating rules of this subchapter.)

§ 4b.114 *Take-off speeds.* (a) The critical-engine-failure speed $V_1$, in terms of calibrated air speed, shall be selected by the applicant, but it shall not be less than the minimum speed at which the controllability is demonstrated during the take-off run to be adequate to permit proceeding safely with the take-off, using normal piloting skill, when the critical engine is suddenly made inoperative.

(b) The minimum take-off safety speed $V_2$, in terms of calibrated air speed, shall be selected by the applicant so as to permit the rate of climb required in § 4b.120 (a) and (b), but it shall not be less than:

(1) 1.20 $V_{s_1}$, for two-engine airplanes,

(2) 1.15 $V_{s_1}$ for airplanes having more than two engines,

(3) 1.10 times the minimum control speed $V_{MC}$ established under § 4b.133.

(c) If engine failure is assumed to occur at or after the attainment of $V_2$, the demonstration in which the take-off run is continued to include the take-off climb, as provided in paragraph (a) of this section, shall not be required.

§ 4b.115 *Accelerate-stop distance.* (a) The accelerate-stop distance shall be the sum of the following:

(1) The distance required to accelerate the airplane from a standing start to the speed $V_1$,

(2) Assuming the critical engine to fail at the speed $V_1$, the distance required to bring the airplane to a full stop from the point corresponding with the speed $V_1$.

(b) In addition to, or in lieu of, wheel brakes, the use of other braking means shall be acceptable in determining the accelerate-stop distance, provided that such braking means shall have been proven to be safe and reliable, that the manner of their employment is such that consistent results can be expected under normal conditions of operation, and that exceptional skill is not required to control the airplane.

(c) The landing gear shall remain extended throughout the accelerate-stop distance.

§ 4b.116 *Take-off path.* The take-off path shall be considered to consist of the following five consecutive elements:

(a) The distance required to accelerate the airplane to the speed $V_2$, assuming the critical engine to fail at the speed $V_1$.

(b) The horizontal distance traversed and the height attained by the airplane in the time required to retract the landing gear when operating at the speed $V_2$ with:

(1) The critical engine inoperative, its propeller:

(i) Windmilling with the propeller control in a position normally used during take-off until (if applicable) its rotation has been stopped (see paragraph (c) (1) of this section),

(ii) If applicable, stopped for the remainder of the gear retraction time.

(2) The landing gear extended.

(c) If applicable, the horizontal distance traversed and the height attained by the airplane in the time elapsed from the end of element (b) until the rotation of the inoperative propeller has been stopped when:

(1) The operation of stopping the propeller is initiated not earlier than the instant the airplane has attained a total height of 50 feet above the take-off surface,

(2) The airplane speed is equal to $V_2$,

(3) The landing gear is retracted,

(4) The inoperative propeller is windmilling with the propeller control in a position normally used during take-off.

(d) The horizontal distance traversed and the height attained by the airplane in the time elapsed from the end of element (c) until the time limit on the use of take-off power is reached, while operating at the speed $V_2$, with:

(1) The inoperative propeller stopped,

(2) The landing gear retracted.

(e) The slope of the flight path followed by the airplane in the configuration of element (d), but drawing not more than maximum continuous power on the operating engine(s).

§ 4b.117 *Temperature accountability.* Operating correction factors for take-off weight and take-off distance shall be determined to account for temperatures above and below standard, and when approved by the Administrator they shall be included in the Airplane Flight Manual. These factors shall be obtained as follows:

(a) For any specific airplane type, the average full temperature accountability shall be computed for the range of weights of the airplane, altitudes above sea level, and ambient temperatures required by the expected operating conditions. Account shall be taken of the temperature effect on both the aerodynamic characteristics of the airplane and on the engine power. The full temperature accountability shall be expressed per degree of temperature in terms of a weight correction, a take-off distance correction, and a change, if any, in the critical-engine-failure speed $V_1$.

(b) The operating correction factors for the airplane weight and take-off distance shall be at least one-half of the full accountability values. The value of $V_1$ shall be further corrected by the average amount necessary to assure that the airplane can stop within the runway length at the ambient temperature, except that the corrected value of $V_1$ shall not be less than a minimum at which the airplane can be controlled with the critical engine inoperative.

§ 4b.118 *Climb; general.* Compliance shall be shown with the climb requirements of §§ 4b.119 through 4b.121.

§ 4b.119 *Climb; all engines operating*—(a) *Cruising configuration.* In the cruising configuration the steady rate of climb in feet per minute at 5,000 feet shall not be less than $8V_{s_0}$. In addition the steady rate of climb shall be determined at any altitude at which the airplane is expected to operate and at any weight within the range of weights to be specified in the airworthiness certificate. The cruising configuration shall be with:

(1) Landing gear fully retracted,

(2) Wing flaps in the most favorable position,

(3) Cowl flaps (or other means of controlling the engine cooling) in the position which provides adequate cooling in the hot-day condition,

(4) Center of gravity in the most unfavorable position,

(5) All engines operating within the maximum continuous power limitations,

(6) Maximum take-off weight.

(b) *Landing configuration.* In the landing configuration the steady rate of climb in feet per minute shall not be less than $0.07\ V_{s_0}^2$ at any altitude within the range for which landing weight is to be specified in the certificate, with:

(1) Landing gear extended,

(2) Wing flaps in the landing position (see §§ 4b.111 and 4b.323),

(3) Cowl flaps in the position normally used in an approach to a landing,

(4) Center of gravity in the most unfavorable position permitted for landing,

(5) All engines operating at the take-off power available at such altitude,

(6) The weight equal to maximum landing weight for that altitude.

§ 4b.120 *One-engine-inoperative climb*—(a) *Flaps in take-off position; landing gear extended.* The steady rate of climb at any altitude within the range for which take-off weight is to be specified in the certificate, with:

(1) Wing flaps in the take-off position (see §§ 4b.111 and 4b.323),

(2) Cowl flaps in the position normally used during take-off,

(3) Center of gravity in the most unfavorable position permitted for take-off,

(4) The critical engine inoperative, its propeller windmilling with the propeller control in a position normally used during take-off,

(5) All other engines operating at the take-off power available at such altitude,

(6) The speed equal to the minimum take-off safety speed $V_2$ (see § 4b.114 (b)),

(7) The weight equal to maximum take-off weight for that altitude,

(8) Landing gear extended.

(b) *Flaps in take-off position; landing gear retracted.* With the landing gear retracted the steady rate of climb in feet per minute shall not be less than $0.035\ V_{s_1}^2$ with all other conditions as described in paragraph (a) of this section.

(c) *Flaps in en route position.* The steady rate of climb in feet per minute at any altitude at which the airplane is expected to operate, at any weight within the range of weights to be specified in the airworthiness certificate, shall be determined and shall, at a standard altitude of 5,000 feet and at the maximum take-off weight, be at least

$$\left(0.06-\frac{0.08}{N}\right)V_{s_0}^2,$$

where $N$ is the number of engines installed, with:

(1) The landing gear retracted,

(2) Wing flaps in the most favorable position,

(3) Cowl flaps or other means of controlling the engine cooling air supply in the position which provides adequate cooling in the hot-day condition,

(4) Center of gravity in the most unfavorable position,

(5) The critical engine inoperative, its propeller stopped,

(6) All remaining engines operating at the maximum continuous power available at the altitude.

(d) *Flaps in approach position.* The steady rate of climb in feet per minute shall not be less than $0.04\ V_{s_0}^2$ at any altitude within the range for which landing weight is to be specified in the certificate, with:

(1) The landing gear retracted,

(2) Wing flaps set in position such that $V_{s_1}$ does not exceed 1.10 $V_{s_0}$,



(3) Cowl flaps in the position normally used during an approach to a landing,

(4) Center of gravity in the most unfavorable position permitted for landing,

(5) The critical engine inoperative, its propeller stopped,

(6) All remaining engines operating at the take-off power available at such altitude,

(7) The weight equal to the maximum landing weight for that altitude.

§ 4b.121 *Two-engine-inoperative climb.* For airplanes with four or more engines, the steady rate of climb at any altitude at which the airplane is expected to operate, and at any weight within the range of weights to be specified in the Airplane Flight Manual, shall be determined with:

(a) The landing gear retracted,

(b) Wing flaps in the most favorable position,

(c) Cowl flaps or other means of controlling the engine cooling air supply in the position which will provide adequate cooling in the hot-day condition,

(d) Center of gravity in the most unfavorable position,

(e) The two critical engines on one side of the airplane inoperative and their propellers stopped,

(f) All remaining engines operating at the maximum continuous power available at that altitude.

§ 4b.122 *Determination of the landing distance; general.* The horizontal distance required to land and to come to a complete stop (to a speed of approximately 3 m. p. h. for seaplanes or float planes) from a point at a height of 50 feet above the landing surface shall be determined for a range of weights and altitudes selected by the applicant. In making this determination the following conditions shall apply:

(a) A steady gliding approach shall have been maintained down to the 50-foot altitude with a calibrated air speed of not less than $1.3\ V_{s_0}$.

(b) The nose of the airplane shall not be depressed, nor the forward thrust increased by application of power after reaching the 50-foot altitude.

(c) At all times during and immediately prior to the landing, the flaps shall be in the landing position, except that after the airplane is on the landing surface and the calibrated air speed has been reduced to not more than $0.9\ V_{s_0}$ the flap position may be changed.

(d) The landing shall be made in such manner that there is no excessive vertical acceleration, no tendency to bounce, nose over, ground loop, porpoise, or water loop, and in such manner that its reproduction shall not require any exceptional degree of skill on the part of the pilot, or exceptionally favorable conditions.

§ 4b.123 *Landplanes.* The landing distance referred to in § 4b.122 shall be determined on a dry, hard-surfaced runway in accordance with the following:

(a) The operating pressures on the braking system shall not be in excess of those approved by the manufacturer of the brakes,

(b) The brakes shall not be used in such manner as to produce excessive wear of brakes or tires,

(c) Means other than wheel brakes may be used in determining the landing distance: *Provided,* That:

(1) Exceptional skill is not required to control the airplane,

(2) The manner of their employment is such that consistent results could be expected under normal service, and

(3) They are regarded as reliable.

§ 4b.124 *Seaplanes or float planes.* The landing distance referred to in § 4b.122 shall be determined on smooth water.

§ 4b.125 *Skiplanes.* The landing distance referred to in § 4b.122 shall be determined on smooth, dry snow.

CONTROLLABILITY

§ 4b.130 *Controllability; general.* (a) The airplane shall be safely controllable and maneuverable during take-off, climb, level flight, descent, and landing.

(b) It shall be possible to make a smooth transition from one flight condition to another, including turns and slips, without requiring an exceptional degree of skill, alertness, or strength on the part of the pilot and without danger of exceeding the limit load factor under all conditions of operation probable for the type, including those conditions normally encountered in the event of sudden failure of any engine.

§ 4b.131 *Longitudinal control.* (a) It shall be possible at all speeds between $1.4\ V_{s_1}$ and $V_{s_1}$ to pitch the nose downward so that a prompt recovery to a speed equal to $1.4\ V_{s_1}$ can be made with the following combinations of configuration:

(1) The airplane trimmed at $1.4\ V_{s_1}$,

(2) The landing gear extended,

(3) The wing flaps in a retracted, and in an extended position,

(4) Power off, and maximum continuous power on all engines.

(b) During each of the following controllability demonstrations a change in the trim control, or the exertion of more control force than can be readily applied with one hand for a short period, shall not be required. Each maneuver shall be performed with the landing gear extended.

(1) With power off, flaps retracted, and the airplane trimmed at $1.4\ V_{s_1}$, the flaps shall be extended as rapidly as possible while maintaining the air speed approximately 40 percent above the stalling speed prevailing at any instant throughout the maneuver.

(2) The maneuver of subparagraph (1) of this paragraph shall be repeated, except that it shall be started with flaps extended and the airplane trimmed at $1.4\ V_{s_1}$, after which the flaps shall be retracted as rapidly as possible.

(3) The maneuver of subparagraph (2) of this paragraph shall be repeated, except that take-off power shall be used.

(4) With power off, flaps retracted, and the airplane trimmed at $1.4\ V_{s_1}$, take-off power shall be applied quickly while maintaining the same air speed.

(5) The maneuver of subparagraph (4) of this paragraph shall be repeated, except that the flaps shall be extended.

(6) With power off, flaps extended, and the airplane trimmed at $1.4\ V_{s_1}$, air speeds within the range of $1.1\ V_{s_1}$ to $1.7\ V_{s_1}$ or to $V_{FE}$, whichever of the two is the lesser, shall be obtained and maintained.

(c) It shall be possible without the use of exceptional piloting skill to prevent loss of altitude when wing flap retraction from any position is initiated during steady straight level flight at a speed equal to $1.1\ V_{s_1}$ with simultaneous application of not more than maximum continuous power, with the landing gear extended, and with the airplane weight equal to the maximum sea level landing weight. (See also § 4b.323.)

§ 4b.132 *Directional and lateral control*—(a) *Directional control; general.* It shall be possible, while holding the wings approximately level, to execute reasonably sudden changes in heading in either direction without encountering dangerous characteristics. Heading changes up to 15° shall be demonstrated, except that the heading change at which the rudder pedal force is 180 pounds need not be exceeded. The control shall be demonstrated at a speed equal to $1.4\ V_{s_1}$, under the following conditions:

(1) The critical engine inoperative and its propeller in the minimum drag position,

(2) Power required for level flight at $1.4\ V_{s_1}$, but not greater than maximum continuous power,

(3) Most unfavorable center of gravity position,

(4) Landing gear retracted,

(5) Wing flaps in the approach position,

(6) Maximum landing weight.

(b) *Directional control; four or more engines.* Airplanes with four or more engines shall comply with paragraph (a) of this section, except that:

(1) The two critical engines shall be inoperative, their propellers in the minimum drag position,

(2) The center of gravity shall be in the most forward position,

(3) The wing flaps shall be in the most favorable climb position.

(c) *Lateral control; general.* It shall be possible to execute 20° banked turns with and against the inoperative engine from steady flight at a speed equal to $1.4\ V_{s_1}$ with:

(1) The critical engine inoperative and its propeller in the minimum drag position,

(2) Maximum continuous power on the operating engines,

(3) Most unfavorable center of gravity position,

(4) Landing gear retracted and extended,

(5) Wing flaps in the most favorable climb position,

(6) Maximum take-off weight.

(d) *Lateral control; four or more engines.* It shall be possible to execute 20° banked turns with and against the inoperative engines from steady flight at a speed equal to $1.4\ V_{s_1}$ with maximum continuous power and with the airplane in the configuration prescribed by paragraph (b) of this section.

§ 4b.133 *Minimum control speed, $V_{MC}$.* (a) A minimum speed shall be

determined under the conditions specified in this paragraph, so that when the critical engine is suddenly made inoperative at that speed it shall be possible to recover control of the airplane, with the engine still inoperative, and maintain it in straight flight at that speed, either with zero yaw or, at the option of the applicant, with an angle of bank not in excess of 5°. Such speed shall not exceed 1.2 $V_{s_1}$ with:

(1) Take-off or maximum available power on all engines,

(2) Rearmost center of gravity,

(3) Flaps in take-off position,

(4) Landing gear retracted,

(5) Cowl flaps in the position normally used during take-off,

(6) Maximum sea level take-off weight, or such lesser weight as may be necessary to demonstrate $V_{MC}$,

(7) The airplane trimmed for take-off,

(8) The propeller of the inoperative engine windmilling, except that a different position of the propeller shall be acceptable if the specific design of the propeller control makes it more logical to assume the different position,

(9) The airplane airborne and the ground effect negligible.

(b) In demonstrating the minimum speed of paragraph (a) of this section, the rudder force required to maintain control shall not exceed 180 pounds, and it shall not be necessary to throttle the remaining engines.

(c) During recovery of the maneuver of paragraph (a) of this section the airplane shall not assume any dangerous attitude, nor shall it require exceptional skill, strength, or alertness on the part of the pilot to prevent a change of heading in excess of 20° before recovery is complete.

NOTE: Interpretation No. 1 (17 F. R. 2112, Mar. 12, 1952), adopted by the Civil Aeronautics Board, Mar. 7, 1952, provides as follows:

(1) The Board interprets and construes subparagraph (8) of § 4b.133 (a) as requiring the Administrator to accept for the purposes of § 4b.133 a value for the one-engine-inoperative minimum control speed which has been established in accordance with the provisions of that section with the propeller of the inoperative engine feathered: *Provided*, That the airplane involved is equipped with an automatic feathering device acceptable to the Administrator under § 4b.10 for demonstrating compliance with the take-off path and climb requirement of §§ 4b.116 and 4b.120 (a) and (b).

TRIM

§ 4b.140 *General.* The means used for trimming the airplane shall be such that after being trimmed and without further pressure upon, or movement of, either the primary control or its corresponding trim control by the pilot or the automatic pilot, the airplane shall comply with the trim requirements of §§ 4b.141 through 4b.144.

§ 4b.141 *Lateral and directional trim.* The airplane shall maintain lateral and directional trim under the most adverse lateral displacement of the center of gravity within the relevant operating limitations, under all normally expected conditions of operation, including operation at any speed from 1.4 $V_{s_1}$ to 90 percent of the maximum speed in level flight obtained with maximum continuous power.

§ 4b.142 *Longitudinal trim.* The airplane shall maintain longitudinal trim under the following conditions:

(a) During a climb with maximum continuous power at a speed not in excess of 1.4 $V_{s_1}$ with the landing gear retracted and the wing flaps both retracted and in the take-off position,

(b) During a glide with power off at a speed not in excess of 1.4 $V_{s_1}$ with the landing gear extended and the wing flaps both retracted and extended, with the forward center of gravity position approved for landing with the maximum landing weight, and with the most forward center of gravity position approved for landing regardless of weight,

(c) During level flight at any speed from 1.4 $V_{s_1}$ to 90 percent of the maximum speed in level flight obtained with maximum continuous power with the landing gear and wing flaps retracted, and from 1.4 $V_{s_1}$ to $V_{LE}$ with the landing gear extended.

§ 4b.143 *Longitudinal, directional, and lateral trim.* (a) The airplane shall maintain longitudinal, directional, and lateral trim at a speed equal to 1.4 $V_{s_1}$ during climbing flight with the critical engine inoperative, with

(1) The remaining engine(s) operating at maximum continuous power,

(2) Landing gear retracted,

(3) Wing flaps retracted.

(b) In demonstrating compliance with the lateral trim requirement of paragraph (a) of this section, the angle of bank of the airplane shall not be in excess of 5 degrees.

§ 4b.144 *Trim for airplanes with four or more engines.* The airplane shall maintain trim in rectilinear flight at the climb speed, configuration, and power used in establishing the rates of climb in § 4b.121, with the most unfavorable center of gravity position, and at the weight at which the two-engine-inoperative climb is equal to at least 0.01 $V_{s_0}^2$ at an altitude of 5,000 feet.

STABILITY

§ 4b.150 *General.* The airplane shall be longitudinally, directionally, and laterally stable in accordance with §§ 4b.151 through 4b.157. Suitable stability and control "feel" (static stability) shall be required in other conditions normally encountered in service if flight tests show such stability to be necessary for safe operation.

§ 4b.151 *Static longitudinal stability.* In the conditions outlined in §§ 4b.152 through 4b.155, the characteristics of the elevator control forces and friction shall comply with the following:

(a) A pull shall be required to obtain and maintain speeds below the specified trim speed, and a push shall be required to obtain and maintain speeds above the specified trim speed. This criterion shall apply at any speed which can be obtained without excessive control force, except that such speeds need not be greater than the appropriate operating limit speed or need not be less than the minimum speed in steady unstalled flight.

(b) The air speed shall return to within 10 percent of the original trim speed when the control force is slowly released from any speed within the limits defined in paragraph (a) of this section.

(c) The stable slope of stick force curve versus speed shall be such that any substantial change in speed is clearly perceptible to the pilot through a resulting change in stick force.

§ 4b.152 *Stability during landing.* The stick force curve shall have a stable slope, and the stick force shall not exceed 80 pounds at any speed between 1.1 $V_{s_1}$ and 1.8 $V_{s_1}$ with:

(a) Wing flaps in the landing position,

(b) The landing gear extended,

(c) Maximum landing weight,

(d) Throttles closed on all engines,

(e) The airplane trimmed at 1.4 $V_{s_1}$ with throttles closed.

§ 4b.153 *Stability during approach.* The stick force curve shall have a stable slope at all speeds between 1.1 $V_{s_1}$ and 1.8 $V_{s_1}$ with:

(a) Wing flaps in sea level approach position,

(b) Landing gear retracted,

(c) Maximum landing weight,

(d) The airplane trimmed at 1.4 $V_{s_1}$ and with power sufficient to maintain level flight at this speed.

§ 4b.154 *Stability during climb.* The stick force curve shall have a stable slope at all speeds between 85 and 115 percent of the speed at which the airplane is trimmed with:

(a) Wing flaps retracted,

(b) Landing gear retracted,

(c) Maximum take-off weight,

(d) 75 percent of maximum continuous power,

(e) The airplane trimmed at the best rate-of-climb speed, except that the speed need not be less than 1.4 $V_{s_1}$.

§ 4b.155 *Stability during cruising*—(a) *Landing gear retracted.* Between 1.3 $V_{s_1}$ and $V_{NE}$ the stick force curve shall have a stable slope at all speeds obtainable with a stick force not in excess of 50 pounds with:

(1) Wing flaps retracted,

(2) Maximum take-off weight,

(3) 75 percent of maximum continuous power,

(4) The airplane trimmed for level flight with 75 percent of the maximum continuous power.

(b) *Landing gear extended.* The stick force curve shall have a stable slope at all speeds between 1.3 $V_{s_1}$ and the speed at which the airplane is trimmed, except that the range of speeds need not exceed that obtainable with a stick force of 50 pounds with:

(1) Wing flaps retracted,

(2) Maximum take-off weight,

(3) 75 percent maximum continuous power, or the power for level flight at the landing gear extended speed, $V_{LE}$, whichever is the lesser,

(4) The airplane trimmed for level flight with the power specified in subparagraph (3) of this paragraph.



§ 4b.156 *Dynamic longitudinal stability.* Any short period oscillation occurring between stalling speed and maximum permissible speed appropriate to the configuration of the airplane shall be heavily damped with the primary controls free and in a fixed position.

§ 4b.157 *Static directional and lateral stability.* (a) The static directional stability, as shown by the tendency to recover from a skid with rudder free, shall be positive with all landing gear and flap positions and symmetrical power conditions, at all speeds from 1.2 $V_{s_1}$ up to the operating limit speed.

(b) The static lateral stability, as shown by the tendency to raise the low wing in a sideslip with the aileron controls free and with all landing gear and flap positions and symmetrical power conditions, shall:

(1) Be positive at the operating limit speed,

(2) Not be negative at a speed equal to 1.2 $V_{s_1}$.

(c) In straight steady sideslips (unaccelerated forward slips) the aileron and rudder control movements and forces shall be substantially proportional to the angle of sideslip, and the factor of proportionality shall lie between limits found necessary for safe operation throughout the range of sideslip angles appropriate to the operation of the airplane. At greater angles up to that at which the full rudder control is employed or a rudder pedal force of 180 pounds is obtained, the rudder pedal forces shall not reverse, and increased rudder deflection shall produce increased angles of sideslip. Sufficient bank shall accompany sideslipping to indicate clearly any departure from steady unyawed flight, unless a yaw indicator is provided.

§ 4b.158 *Dynamic directional and lateral stability.* Any short period oscillation occurring between stalling speed and maximum permissible speed appropriate to the configuration of the airplane shall be heavily damped with the primary controls free and in a fixed position.

STALLING CHARACTERISTICS

§ 4b.160 *Stalling; symmetrical power.* (a) Stalls shall be demonstrated with the airplane in straight flight and in banked turns at 30 degrees, both with power off and with power on. In the power-on conditions the power shall be that necessary to maintain level flight at a speed of 1.6 $V_{s_1}$, where $V_{s_1}$ corresponds with the stalling speed with flaps in the approach position, the landing gear retracted, and maximum landing weight.

(b) The stall demonstration shall be in the following configurations:

(1) Wing flaps and landing gear in any likely combination of positions,

(2) Representative weights within the range for which certification is sought,

(3) The center of gravity in the most adverse position for recovery.

(c) The stall demonstration shall be conducted as follows:

(1) With trim controls adjusted for straight flight at a speed of 1.4 $V_{s_1}$, the speed shall be reduced by means of the elevator control until it is steady at slightly above stalling speed; after which the elevator control shall be applied at a rate such that the airplane speed reduction does not exceed one mile per hour per second until the airplane is stalled or, if the airplane is not stalled, until the control reaches the stop.

(2) The airplane shall be considered stalled when, at an angle of attack measurably greater than that of maximum lift, the inherent flight characteristics give a clear indication to the pilot that the airplane is stalled.

NOTE: A nose-down pitch or a roll which cannot be readily arrested are typical indications that the airplane is stalled. Other indications, such as marked loss of control effectiveness, abrupt change in control force or motion, characteristic buffeting, or a distinctive vibration of the pilot's controls, may be accepted if found in a particular case to be sufficiently clear.

(3) Recovery from the stall shall be effected by normal recovery techniques, starting as soon as the airplane is stalled.

(d) During stall demonstration it shall be possible to produce and to correct roll and yaw by unreversed use of the aileron and rudder controls up to the moment the airplane is stalled; there shall occur no abnormal nose-up pitching; and the longitudinal control force shall be positive up to and including the stall.

(e) In straight flight stalls the roll occurring between the stall and the completion of the recovery shall not exceed approximately 20 degrees.

(f) In turning flight stalls the action of the airplane following the stall shall not be so violent or extreme as to make it difficult with normal piloting skill to effect a prompt recovery and to regain control of the airplane.

(g) In both the straight flight and the turning flight stall demonstrations it shall be possible promptly to prevent the airplane from stalling and to recover from the stall condition by normal use of the controls.

§ 4b.161 *Stalling; asymmetrical power.* (a) The airplane shall be safely recoverable without applying power to the inoperative engine when stalled with:

(1) The critical engine inoperative,

(3) Flaps and landing gear retracted,

(3) The remaining engines operating up to 75 percent of maximum continuous power, except that the power need not be greater than that at which the wings can be held level laterally with the use of maximum control travel.

(b) It shall be acceptable to throttle back the operating engines during the recovery from the stall.

§ 4b.162 *Stall warning.* Clear and distinctive stall warning shall be apparent to the pilot with sufficient margin to prevent inadvertent stalling of the airplane with flaps and landing gear in all normally used positions, both in straight and in turning flight. It shall be acceptable for the warning to be furnished either through the inherent aerodynamic qualities of the airplane or by a device which will give clearly distinguishable indications under all expected conditions of flight.

NOTE: A stall warning beginning at a speed 7 percent above the stalling speed is normally considered sufficient margin. Other margins may be acceptable depending upon the degree of clarity, duration, and distinctiveness of the warning and upon other characteristics of the airplane evidenced during the approach to the stall.

GROUND HANDLING CHARACTERISTICS

§ 4b.170 *Longitudinal stability and control.* (a) There shall be no uncontrollable tendency for landplanes to nose over in any reasonably expected operating condition or when rebound occurs during landing or take-off.

(b) Wheel brakes shall operate smoothly and shall exhibit no undue tendency to induce nosing over.

(c) When a tail-wheel landing gear is used it shall be possible during the take-off ground run on concrete to maintain any attitude up to thrust line level at 80 percent of $V_{s_1}$.

§ 4b.171 *Directional stability and control.* (a) There shall be no uncontrollable ground-looping tendency in 90° cross winds of velocity up to 0.2 $V_{s_0}$ at any ground speed at which the airplane is expected to operate.

(b) All landplanes shall be demonstrated to be satisfactorily controllable with no exceptional degree of skill or alertness on the part of the pilot in power-off landings at normal landing speed during which brakes or engine power are not used to maintain a straight path.

(c) Means shall be provided for directional control of the airplane during taxying.

§ 4b.172 *Shock absorption.* The shock absorbing mechanism shall not produce damage to the structure when the airplane is taxied on the roughest ground which it is reasonable to expect the airplane to encounter in normal operation.

§ 4b.173 *Demonstrated cross wind.* There shall be established a cross component of wind velocity at which it has been demonstrated to be safe to take off or land.

WATER HANDLING CHARACTERISTICS

§ 4b.180 *Water conditions.* The most adverse water conditions in which the seaplane has been demonstrated to be safe for take-off, taxying, and alighting shall be established.

§ 4b.181 *Wind conditions.* The following wind velocities shall be established:

(a) A lateral component of wind velocity not less than 0.2 $V_{s_0}$ at and below which it has been demonstrated that the seaplane is safe for taking off and alighting under all water conditions in which the seaplane is likely to be operated;

(b) A wind velocity at and below which it has been demonstrated that the seaplane is safe in taxying in all directions, under all water conditions in which the seaplane is likely to be operated.

§ 4b.182 *Control and stability on the water.* (a) In taking off, taxying, and alighting, the seaplane shall not exhibit the following:

(1) Any dangerously uncontrollable porpoising, bouncing, or swinging tendency;

(2) Any submerging of auxiliary floats or sponsons, any immersion of wing tips, propeller blades, or other parts of the seaplane which are not designed to withstand the resulting water loads;

(3) Any spray forming which would impair the pilot's view, cause damage to the seaplane, or result in ingress of an undue quantity of water.

(b) Compliance with paragraph (a) of this section shall be shown under the following conditions:

(1) All water conditions from smooth to the most adverse condition established in accordance with § 4b.180;

(2) All wind and cross-wind velocities, water currents, and associated waves and swells which the seaplane is likely to encounter in operation on water;

(3) All speeds at which the seaplane is likely to be operated on the water;

(4) Sudden failure of the critical engine, occurring at any time while the airplane is operated on water;

(5) All seaplane weights and center of gravity positions within the range of loading conditions for which certification is sought, relevant to each condition of operation.

(c) In the water conditions of paragraph (b) of this section and the corresponding wind conditions the seaplane shall be able to drift for 5 minutes with engines inoperative, aided if necessary by a sea anchor.

MISCELLANEOUS FLIGHT REQUIREMENTS

§ 4b.190 *Flutter and vibration.* (a) All parts of the airplane shall be demonstrated in flight to be free from flutter and excessive vibration under all speed and power conditions appropriate to the operation of the airplane up to at least the minimum value permitted for $V_D$ in § 4b.210 (b) (5). The maximum speeds so demonstrated shall be used in establishing the operating limitations of the airplane in accordance with § 4b.711.

(b) There shall be no buffeting condition in normal flight severe enough to interfere with the control of the airplane, to cause excessive fatigue to the crew, or to cause structural damage.[2] (See also § 4b.308.)

SUBPART C—STRUCTURE

GENERAL

§ 4b.200 *Loads.* Strength requirements of this subpart are specified in terms of limit and ultimate loads. Unless otherwise stated, the specified loads shall be considered as limit loads. In determining compliance with these requirements the following shall be applicable:

(a) The factor of safety shall be 1.5 unless otherwise specified.

(b) Unless otherwise provided, the specified air, ground, and water loads shall be placed in equilibrium with inertia forces, considering all items of mass in the airplane.

(c) All loads shall be distributed in a manner closely approximating or conservatively representing actual conditions.

[2] It is not the intent of this requirement to discourage such stall warning buffeting as does not contradict these provisions.

(d) If deflections under load significantly change the distribution of external or internal loads, the redistribution shall be taken into account.

§ 4b.201 *Strength and deformation.* (a) The structure shall be capable of supporting limit loads without suffering detrimental permanent deformations.

(b) At all loads up to limit loads the deformation shall be such as not to interfere with safe operation of the airplane.

(c) The structure shall be capable of supporting ultimate loads without failure. It shall support the load for at least 3 seconds, unless proof of strength is demonstrated by dynamic tests simulating actual conditions of load application.

(d) Where structural flexibility is such that any rate of load application likely to occur in the operating conditions might produce transient stresses appreciably higher than those corresponding with static loads, the effects of such rate of application shall be considered.

§ 4b.202 *Proof of structure.* (a) Proof of compliance of the structure with the strength and deformation requirements of § 4b.201 shall be made for all critical loading conditions.

(b) Proof of compliance by means of structural analysis shall be acceptable only when the structure conforms to types for which experience has shown such methods to be reliable. In all other cases substantiating tests shall be required.

(c) In all cases certain portions of the structure shall be tested as specified in § 4b.300.

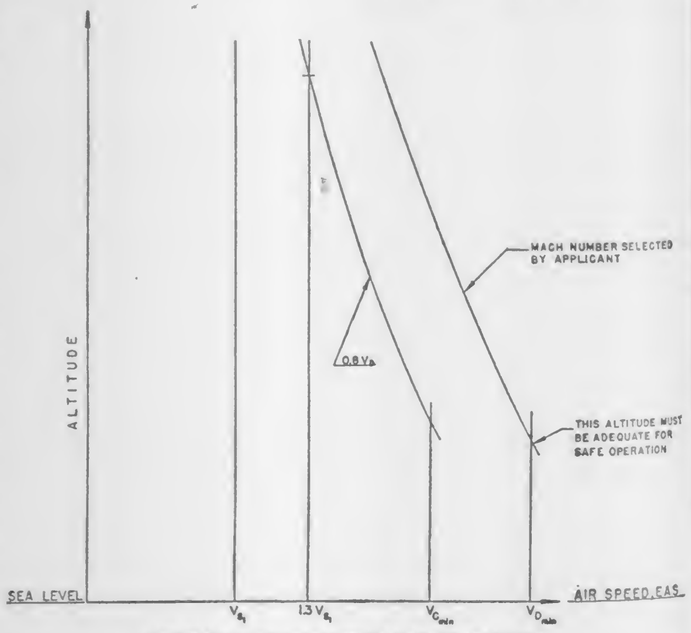



FIGURE 4b-1—Minimum design air speeds vs. altitude.

FLIGHT LOADS

§ 4b.210 *General.* Flight load requirements shall be complied with at critical altitudes within the range selected by the applicant, at all weights from the design minimum weight to the design maximum weight, the latter not being less than the design take-off weight, with any practicable distribution of disposable load within prescribed operating limitations stated in the Airplane Flight Manual (see § 4b.740). At all speeds in excess of those corresponding with a Mach number of 0.65, compressibility effects shall be taken into account.

(a) *Flight load factor.* The flight load factors specified in this subpart shall represent the component of acceleration in terms of the gravitational constant. The flight load factor shall be assumed to act normal to the longitudinal axis of the airplane, shall be equal in magnitude, and shall be opposite in direction to the airplane inertia load factor at the center of gravity.

(b) *Design air speeds.* The design air speeds shall be equivalent air speeds (EAS) and shall be chosen by the applicant, except that they shall not be less than the speeds defined in subparagraphs (1) through (5) of this paragraph. Where estimated values of the speeds $V_{S_0}$ and $V_{S_1}$ are used, such estimates shall be conservative.

(1) *Design flap speed, $V_F$.* The minimum value of the design flap speed shall be equal to 1.4 $V_{S_1}$ or 1.8 $V_{S_0}$, whichever is the greater, where $V_{S_1}$ is the stalling speed with flaps retracted at the design landing weight, and $V_{S_0}$ is the stalling speed with flaps in the landing position at the design landing weight. (See § 4b.212 (d) regarding automatic flap operation.)

(2) *Design maneuvering speed, $V_A$.* The design maneuvering speed $V_A$ shall be equal to $V_{S_1}\sqrt{n}$ where $n$ is the limit maneuvering load factor used (see § 4b.211 (a)) and $V_{S_1}$ is the stalling speed with flaps retracted at the design take-off weight. (See fig. 4b-2.)

(3) *Design speed for maximum gust intensity, $V_B$.* $V_B$ shall be the speed at which the 40 f. p. s. gust line intersects the positive $C_{Nmax}$ curve on the gust $V$–$n$ envelope. (See § 4b.211 (b) and fig. 4b-3.)

(4) *Design cruising speed, $V_C$.* The minimum design cruising speed $V_C$ shall be sufficiently greater than $V_B$ to provide for inadvertent speed increases likely to occur as a result of severe atmospheric turbulence. In the absence of a rational investigation substantiating the use of other values, $V_C$ shall not be less than $V_B$+50 (m. p. h.), except that it need not exceed the maximum speed in level flight at maximum continuous power for the corresponding altitude. At altitudes where $V_D$ is limited by Mach number, $V_C$ need not exceed 0.8 $V_D$, as shown in figure 4b-1, except that it shall not be less than 1.3 $V_{S_1}$ with the flaps retracted at the maximum altitude for which certification is desired.

(5) *Design dive speed $V_D$.* The minimum design dive speed $V_D$ shall be sufficiently greater than $V_C$ to provide for safe recovery from inadvertent upsets occurring at $V_C$. In the absence of a rational investigation, the minimum value of $V_D$ shall not be less than 1.25 $V_C$ or $V_C$+70 (m. p. h.), whichever is the greater, in the altitude range between sea level and an altitude selected by the applicant. At higher altitudes it shall be acceptable to limit $V_D$ to a Mach number selected by the applicant. (See fig. 4b-1.)



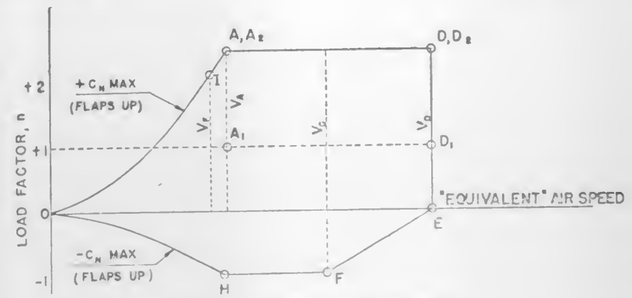



FIGURE 4b-2—Maneuvering envelope.

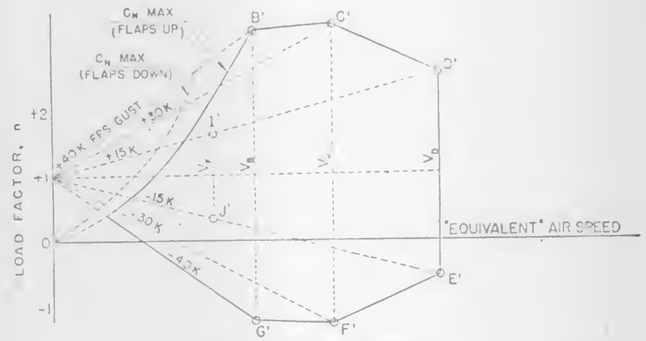



FIGURE 4b-3—Gust envelope.

§ 4b.211 *Flight envelopes.* The strength requirements shall be met at all combinations of air speed and load factor on and within the boundaries of the $V$–$n$ diagrams of figures 4b-2 and 4b-3 which represent the maneuvering and gust envelopes. These envelopes shall also be used in determining the airplane structural operating limitations as specified in § 4b.710.

(a) *Maneuvering load factors.* (See fig. 4b-2.) The airplane shall be assumed to be subjected to symmetrical maneuvers resulting in the limit load factors prescribed in subparagraphs (1) and (2) of this paragraph, except where limited by maximum (static) lift coefficients. Pitching velocities appropriate to the corresponding pull-up and steady turn maneuvers shall be taken into account. Lower values of maneuvering load factor shall be acceptable only if it is shown that the airplane embodies features of design which make it impossible to exceed such values in flight.

(1) The positive maneuvering load factor $n$ for any flight speed up to $V_D$ shall be selected by the applicant, except that it shall not be less than 2.5.

(2) The negative maneuvering load factor shall have a minimum value of −1.0 at all speeds up to $V_C$, and it shall vary linearly with speed from the value at $V_C$ to zero at $V_D$.

(b) *Gust load factors.* The airplane shall be assumed to be subjected to symmetrical vertical gusts while in level flight. The resulting limit load factors shall correspond with the following conditions:

(1) Positive (up) and negative (down) gusts of 40 f. p. s. nominal intensity at a speed $V_B$ shall be applicable where the positive 40 f. p. s. gust line intersects the positive $C_{Nmax}$ curve. If this gust intensity produces load factors greater than those obtained in condition (2) of this paragraph, it shall be acceptable to modify it at altitudes above 20,000 ft. in such a manner as to produce a load factor not less than that obtained in condition (2) of this paragraph.

(2) Positive and negative gusts of 30 f. p. s. shall be considered at $V_C$.

(3) Positive and negative gusts of 15 f. p. s. shall be considered at $V_D$.

(4) Gust load factors shall be assumed to vary linearly between the specified conditions as shown on the gust envelope of figure 4b–3.

(5) In the absence of a more rational analysis the gust load factors shall be computed by the following formula:

$$n = 1 + \frac{KUVa}{575(W/S)};$$

where

$K = \frac{1}{2}\left(\frac{W}{S}\right)^{1/4}$ (for $W/S$<16 p. s. f.), or

$K = 1.33 - \frac{2.67}{(W/S)^{3/4}}$ (for $W/S$>16 p. s. f.),

$U$ = nominal gust velocity (f. p. s.). (Note that the "effective sharp-edged" gust equals $KU$.)

$V$ = airplane speed (m. p. h.),

$W/S$ = wing loading (p. s. f.),

$a$ = slope of the airplane normal force coefficient curve $C_{N_A}$ per radian if the gust loads are applied to the wings and horizontal tail surfaces simultaneously by a rational method. It shall be acceptable to use the wing lift curve slope $C_L$ per radian when the gust load is applied to the wings only and the horizontal tail gust loads are treated as a separate condition.

§ 4b.212 *Effect of high lift devices.* When flaps or similar high lift devices intended for use at the relatively low air speeds of approach, landing, and take-off are installed, the airplane shall be assumed to be subjected to symmetrical maneuvers and gusts with the flaps in landing position at the design flap speed $V_F$ resulting in limit load factors within the range determined by the following conditions:

(a) Maneuvering to a positive limit load factor of 2.0,

(b) Positive and negative 15 fps nominal intensity gusts acting normal to the flight path in level flight,

(c) In designing flaps and supporting structure on tractor type airplanes, slipstream effects shall be taken into account as specified in § 4b.221. For other than tractor type airplanes a head-on gust of 25 feet per second with no alleviations acting along the flight path shall be considered.

(d) When automatic flap operation is provided, the airplane shall be designed for the speeds and the corresponding flap positions which the mechanism permits. (See § 4b.323.)

§ 4b.213 *Symmetrical flight conditions*—(a) *Procedure of analysis.* In the analysis of symmetrical flight conditions at least those specified in paragraphs (b), (c), and (d) of this section shall be considered. The following procedure of analysis shall be applicable:

(1) A sufficient number of points on the maneuvering and gust envelopes shall be investigated to insure that the maximum load for each part of the airplane structure is obtained. It shall be acceptable to use a conservative combined envelope for this purpose.

(2) All significant forces acting on the airplane shall be placed in equilibrium in a rational or a conservative manner. The linear inertia forces shall be considered in equilibrium with wing and horizontal tail surface loads, while the angular (pitching) inertia forces shall be considered in equilibrium with wing and fuselage aerodynamic moments and horizontal tail surface loads.

(3) Where sudden displacement of a control is specified, the assumed rate of displacement need not exceed that which actually could be applied by the pilot.

(4) In determining elevator angles and chordwise load distribution in the maneuvering conditions of paragraphs (b) and (c) of this section in turns and pull-ups, account shall be taken of the effect of corresponding pitching velocities.

(b) *Maneuvering balanced conditions.* The maneuvering conditions A through I on the maneuvering envelope (fig. 4b–2) shall be investigated, assuming the airplane to be in equilibrium with zero pitching acceleration.

(c) *Maneuvering pitching conditions.* The following conditions on figure 4b–2 involving pitching acceleration shall be investigated:

(1) $A_1$, *Unchecked pull-up at speed* $V_A$. The airplane shall be assumed to be flying in steady level flight (point $A_1$ on fig. 4b–2) and the pitching control suddenly moved to obtain extreme positive pitching (nose up), except as limited by pilot effort, § 4b.220 (a).

(2) $A_2$, *Checked maneuver at speed* $V_A$. (i) The airplane shall be assumed to be maneuvered to the positive maneuvering load factor by a checked maneuver from an initial condition of steady level flight (point $A_1$ on fig. 4b–2). The initial positive pitching portion of this maneuver may be considered to be covered by subparagraph (1) of this paragraph.

(ii) A negative pitching acceleration (nose down) of at least the following value shall be assumed to be attained concurrently with the airplane maneuvering load factor (point $A_2$ on fig. 4b-2), unless it is shown that a lesser value could not be exceeded:

$$-\frac{30}{V_A}n\ (n-1.5)\ \text{(radians/sec.}^2\text{)}$$

where $n$ is equal to the value of the positive maneuvering load factor as defined by point $A_2$ on figure 4b–2.

(3) $D_1$ *and* $D_2$ *checked maneuver at* $V_D$. The airplane shall be assumed to be subjected to a checked maneuver from steady level flight (point $D_1$ on fig. 4b–2) to the positive maneuvering load factor (point $D_2$ on fig. 4b–2) as follows:

(i) A positive pitching acceleration (nose up), equal to at least the following value, shall be assumed to be attained concurrently with the airplane load factor of unity, unless it is shown that lesser values could not be exceeded:

$$+\frac{45}{V_D}n\ (n-1.5)\ \text{(radians/sec.}^2\text{)}$$

where $n$ is equal to the value of the positive maneuvering load factor as defined by point $D_2$ on figure 4b–2.

(ii) A negative pitching acceleration (nose down) equal to at least the following value shall be assumed to be attained concurrently with the airplane positive maneuvering load factor (point $D_3$ on fig. 4b–2), unless it is shown that lesser values could not be exceeded:

$$-\frac{30}{V_D}n\ (n-1.5)\ \text{(radians/sec.}^2\text{)}$$

where $n$ is equal to the value of the positive maneuvering load factor as defined by point $D_3$ on figure 4b–2.

(d) *Gust conditions.* The gust conditions $B'$ through $J'$ on figure 4b–3 shall be investigated. The following provisions shall apply:

(1) The air load increment due to a specified gust shall be added to the initial balancing tail load corresponding with steady level flight.

(2) It shall be acceptable to include the alleviating effect of wing down-wash and of the airplane's motion in response to the gust in computing the tail gust load increment.

(3) In lieu of a rational investigation of the airplane response it shall be acceptable to apply the gust factor $K$ (see § 4b.211 (b)) to the specified gust intensity for the horizontal tail.

§ 4b.214 *Rolling conditions.* The airplane shall be designed for rolling loads resulting from the conditions specified in paragraphs (a) and (b) of this section. Unbalanced aerodynamic moments about the center of gravity shall be reacted in a rational or a conservative manner considering the principal masses furnishing the reacting inertia forces.

(a) *Maneuvering.* The following conditions, aileron deflection, and speeds, except as the deflections may be limited by pilot effort (see § 4b.220 (a)), shall be considered in combination with an airplane load factor of zero and of two-thirds of the positive maneuvering factor used in the design of the airplane. In determining the required aileron deflections, the torsional flexibility of the wing shall be taken into account in accordance with § 4b.200 (d).

(1) Conditions corresponding with steady rolling velocity shall be investigated. In addition, conditions corresponding with maximum angular acceleration shall be investigated for airplanes having engines or other weight concentrations outboard of the fuselage. For the angular acceleration conditions, it shall be acceptable to assume zero rolling velocity in the absence of a rational time history investigation of the maneuver.

(2) At speed $V_A$ a sudden deflection of the aileron to the stop shall be assumed.

(3) At speed $V_C$ the aileron deflection shall be that required to produce a rate of roll not less than that obtained in condition (2) of this paragraph.

(4) At speed $V_D$ the aileron deflection shall be that required to produce a rate of roll not less than one-third of that in condition (2) of this paragraph.

(b) *Unsymmetrical gusts.* The condition of unsymmetrical gusts shall be considered by modifying the symmetrical flight conditions $B'$ or $C'$ of figure 4b–3, whichever produces the greater load factor. It shall be assumed that 100 percent of the wing air load acts on one side of the airplane, and 80 percent acts on the other side.

§ 4b.215 *Yawing conditions.* The airplane shall be designed for loads resulting from the conditions specified in paragraphs (a) and (b) of this section. Unbalanced aerodynamic moments about the center of gravity shall be reacted in a rational or a conservative manner considering the principal masses furnishing the reacting inertia forces.

(a) *Maneuvering.* At all speeds from $V_{MC}$ to $V_A$ the following maneuvers shall be considered. In computing the tail loads it shall be acceptable to assume the yawing velocity to be zero.

(1) With the airplane in unaccelerated flight at zero yaw, it shall be assumed that the rudder control is suddenly displaced to the maximum deflection as limited by the control stops or by a 300 lb. rudder pedal force, whichever is critical.

(2) With the rudder deflected as specified in subparagraph (1) of this paragraph it shall be assumed that the airplane yaws to the resulting sideslip angle.

(3) With the airplane yawed to the static sideslip angle corresponding with the rudder deflection specified in subparagraph (1) of this paragraph, it shall be assumed that the rudder is returned to neutral.

(b) *Lateral gusts.* The airplane shall be assumed to encounter gusts of 30 f. p. s. nominal intensity normal to the plane of symmetry while in unaccelerated flight at speed $V_C$. In the absence of a rational investigation of the airplane's response to a true gust, it shall be acceptable to compute the gust loading on the vertical tail surfaces by the following formula:

$$\overline{W}=\frac{KUV_{c}a}{575}$$

where:

$\overline{W}$ = average limit unit pressure (p. s. f.),

$K=1.33-\left(\frac{4.5}{\frac{W}{S_V}}\right)^{3/4}$; except that $K$ shall not be less than 1.0. A value of $K$ obtained by rational determination shall be acceptable.

$U$ = nominal gust intensity (f. p. s.),

$V_c$ = design cruising speed (m. p. h.),

$a$ = slope of lift curve of the vertical surface $C_L$ per radian corrected for aspect ratio,

$W$ = design take-off weight (lb.),

$S_V$ = vertical surface area (sq. ft.).



§ 4b.216 *Supplementary flight conditions*—(a) *Engine torque effects.* Engine mounts and their supporting structures shall be designed for engine torque effects combined with basic flight conditions as described in subparagraphs (1) and (2) of this paragraph. The limit torque shall be obtained by multiplying the mean torque by a factor of 1.33 in the case of engines having 5 or more cylinders. For 4, 3, and 2-cylinder engines, the factors shall be 2, 3, and 4, respectively.

(1) The limit torque corresponding with take-off power and propeller speed shall act simultaneously with 75 percent of the limit loads from flight condition A (see fig. 4b–2).

(2) The limit torque corresponding with maximum continuous power and propeller speed shall act simultaneously with the limit loads from flight condition A (see fig. 4b–2).

(b) *Side load on engine mount.* The limit load factor in a lateral direction for this condition shall be equal to the maximum obtained in the yawing conditions, but shall not be less than either 1.33 or one-third the limit load factor for flight condition $A$ (see fig. 4b–2). Engine mounts and their supporting structure shall be designed for this condition which may be assumed independent of other flight conditions.

(c) *Pressurized cabin loads.* When pressurized compartments are provided for the occupants of the airplane, the following requirements shall be met. (See § 4b.373.)

(1) The airplane structure shall have sufficient strength to withstand the flight loads combined with pressure differential loads from zero up to the maximum relief valve setting. Account shall be taken of the external pressure distribution in flight.

(2) If landings are to be permitted with the cabin pressurized, landing loads shall be combined with pressure differential loads from zero up to the maximum to be permitted during landing.

(3) The airplane structure shall have sufficient strength to withstand the pressure differential loads corresponding with the maximum relief valve setting multiplied by a factor of 1.33 to provide for such effects as fatigue and stress concentration. It shall be acceptable to omit all other loads in this case.

(4) Where a pressurized cabin is separated into two or more compartments by bulkheads or floor, the primary structure shall be designed for the effects of sudden release of pressure in any compartment having external doors or windows. This condition shall be investigated for the effects resulting from the failure of the largest opening in a compartment. Where intercompartment venting is provided, it shall be acceptable to take into account the effects of such venting.

CONTROL SURFACE AND SYSTEM LOADS

§ 4b.220 *Control surface loads; general.* The control surfaces shall be designed for the limit loads resulting from the flight conditions prescribed in §§ 4b.213 through 4b.215 and the ground gust conditions prescribed in § 4b.226, taking into account the provisions of paragraphs (a) through (e) of this section.

(a) *Effect of pilot effort.* (1) In the control surface flight loading conditions the air loads on the movable surfaces and the corresponding deflections need not exceed those which could be obtained in flight by employing the maximum pilot control forces specified in fig. 4b–5, except that two-thirds of the maximum values specified for the aileron and elevator shall be acceptable when control surface hinge moments are based on reliable data. In applying this criterion, proper consideration shall be given to the effects of servo mechanisms, tabs, and automatic pilot systems in assisting the pilot.

(b) *Effect of trim tabs.* The effect of trim tabs on the main control surface design conditions need be taken into account only in cases where the surface loads are limited by pilot effort in accordance with the provisions of paragraph (a) of this section. In such cases the trim tabs shall be considered to be deflected in the direction which would assist the pilot, and the deflection shall be as follows:

(1) For elevator trim tabs the deflections shall be those required to trim the airplane at any point within the positive portion of the $V$-$n$ diagram (fig. 4b–2), except as limited by the stops.

(2) For aileron and rudder trim tabs the deflections shall be those required to trim the airplane in the critical unsymmetrical power and loading conditions, with appropriate allowance for rigging tolerances.

(c) *Unsymmetrical loads.* Horizontal tail surfaces and the supporting structure shall be designed for unsymmetrical loads arising from yawing and slipstream effects in combination with the prescribed flight conditions.

NOTE: In the absence of more rational data, the following assumptions may be made for airplanes which are conventional in regard to location of propellers, wings, tail surfaces, and fuselage shape: 100 percent of the maximum loading from the symmetrical flight conditions acting on the surface on one side of the plane of symmetry and 80 percent of this loading on the other side. Where the design is not conventional (e. g., where the horizontal tail surfaces have appreciable dihedral or are supported by the vertical tail surfaces), the surfaces and supporting structures may be designed for combined vertical and horizontal surface loads resulting from the prescribed maneuvers.

(d) *Outboard fins.* (1) When outboard fins are carried on the horizontal tail surface, the tail surfaces shall be designed for the maximum horizontal surface load in combination with the corresponding loads induced on the vertical surfaces by end plate effects. Such induced effects need not be combined with other vertical surface loads.

(2) To provide for unsymmetrical loading when outboard fins extend above and below the horizontal surface, the critical vertical surface loading (load per unit area) as determined by the provisions of this section shall also be applied as follows:

(i) 100 percent to the area of the vertical surfaces above (or below) the horizontal surface, and

(ii) 80 percent to the area below (or above) the horizontal surface.

(e) *Loads parallel to hinge line.* Control surfaces and supporting hinge brackets shall be designed for inertia loads acting parallel to the hinge line.

NOTE: In lieu of a more rational analysis the inertia loads may be assumed to be equal to $KW$, where:

$K=24$ for vertical surfaces,

$K=12$ for horizontal surfaces,

$W$ = weight of the movable surfaces.

§ 4b.221 *Wing flaps.* (a) Wing flaps, their operating mechanism, and supporting structure shall be designed for critical loads prescribed by § 4b.212 with the flaps extended to any position from fully retracted to the landing position.

(b) The effects of propeller slipstream corresponding with take-off power shall be taken into account at an airplane speed of not less than 1.4 $V_{s_1}$, where $V_{s_1}$ is the stalling speed with flaps as follows: (For automatic flaps see § 4b.212 (d).)

(1) Landing and approach settings at the design landing weight,

(2) Take-off and en route settings at the design take-off weight.

(c) It shall be acceptable to assume the airplane load factor to be equal to 1.0 for investigating the slipstream condition.

§ 4b.222 *Tabs.* The following shall apply to tabs and their installations:

(a) *Trimming tabs.* Trimming tabs shall be designed to withstand loads arising from all likely combinations of tab setting, primary control position, and airplane speed, obtainable without exceeding the flight load conditions prescribed for the airplane as a whole, when the effect of the tab is being opposed by pilot effort loads up to those specified in § 4b.220 (a).

(b) *Balancing tabs.* Balancing tabs shall be designed for deflections consistent with the primary control surface loading conditions.

(c) *Servo tabs.* Servo tabs shall be designed for all deflections consistent with the primary control surface loading conditions achievable within the pilot maneuvering effort (see § 4b.220 (a)) with due regard to possible opposition from the trim tabs.

§ 4b.223 *Special devices.* The loading for special devices employing aerodynamic surfaces, such as slots and spoilers, shall be based on test data.

§ 4b.224 *Primary flight control systems.* Elevator, aileron, and rudder control systems and their supporting structures shall be designed for loads corresponding with 125 percent of the computed hinge moments of the movable control surface in the conditions prescribed in § 4b.220, subject to the following provisions:

(a) The system limit loads, except the loads resulting from ground gusts (§ 4b.226), need not exceed those which can be produced by the pilot or pilots and

by automatic devices operating the controls. Acceptable maximum and minimum pilot loads for elevator, aileron, and rudder controls are shown in figure 4b–5. These pilot loads shall be assumed to act at the appropriate control grips or pads in a manner simulating flight conditions and to be reacted at the attachment of the control system to the control surface horn.

(b) The loads shall in any case be sufficient to provide a rugged system for service use, including considerations of jamming, ground gusts, taxying tail to wind, control inertia, and friction.

§ 4b.225 *Dual primary flight control systems.* (a) When dual controls are provided, the system shall be designed for the pilots operating in opposition, using individual pilot loads equal to 75 percent of those obtained in accordance with § 4b.224, except that the individual pilot loads shall not be less than the minimum loads specified in figure 4b–5.

(b) The control system shall be designed for the pilots acting in conjunction, using individual pilot loads equal to 75 percent of those obtained in accordance with § 4b.224.

§ 4b.226 *Ground gust conditions.* The following conditions intended to simulate the loadings on control surfaces due to ground gusts and when taxying downwind shall be investigated:

(a) The loads in the systems between the stops nearest the surfaces and the cockpit controls need not exceed those corresponding with the maxima of figure 4b–5 for each pilot alone, or with 75 percent of these maxima for each pilot when the pilots act in conjunction.

(b) The control system stops nearest the surfaces, the control system locks, and the portions of the systems, if any, between such stops and locks and the control surface horns shall be designed for limit hinge moments H obtained from the following formula:

$$H = KcSq,$$

where:

$H$ = limit hinge moment (ft. lbs.),
$c$ = mean chord of the control surface aft of the hinge line (ft.),
$S$ = area of the control surface aft of the hinge line (sq. ft.),
$q$ = dynamic pressure (p. s. f.) based on a design speed not less than $10\sqrt{W/S}+10$ (m. p. h.), except that the design speed need not exceed 60 m. p. h.,
$K$ = factor as specified in figure 4b–4.

§ 4b.227 *Secondary control systems.* Secondary controls, such as wheel brake, spoiler, and tab controls, shall be designed for the loads based on the maximum which a pilot is likely to apply to the control in question. The values of figure 4b–6 are considered acceptable.

| Surface | $K$ | Position of controls |
|---|---|---|
| (a) Aileron | 0.75 | Control column locked or lashed in mid-position. |
| (b) Aileron | *±0.50 | Ailerons at full throw. |
| (c) Elevator | *±0.75 | (c) Elevator full down. |
| (d) Elevator | | (d) Elevator full up. |
| (e) Rudder | 0.75 | (e) Rudder in neutral. |
| (f) Rudder | | (f) Rudder at full throw. |

*A positive value of $K$ indicates a moment tending to depress the surface, while a negative value of $K$ indicates a moment tending to raise the surface.

FIGURE 4b–4—Limit hinge moment factor for ground gusts.

[Limit pilot loads (one pilot)]

| Control | Maximum load | Minimum load |
|---|---|---|
| Aileron: | | |
| Stick | 100 lbs. | 40 lbs. |
| Wheel* | 80 $D$ in. lbs.** | 40 $D$ in. lbs. |
| Elevator: | | |
| Stick | 250 lbs. | 100 lbs. |
| Wheel | 300 lbs. | 100 lbs. |
| Rudder | 300 lbs. | 130 lbs. |

*The critical portions of the aileron control system shall be designed for a single tangential force having a limit value equal to 1.25 times the couple force determined from these criteria.
**$D$ = wheel diameter.

FIGURE 4b–5—Pilot control force limits (primary controls).

| Control | Limit pilot loads |
|---|---|
| Miscellaneous: *Crank wheel or lever. | $\frac{1+R}{3}\times 50$ lbs., but not less than 50 lbs. nor more than 150 lbs. ($R$ = radius). (Applicable to any angle within 20° of plane of control.) |
| Twist | 133 in. lbs. |
| Push-pull | To be chosen by applicant. |

*Limited to flap, tab, stabilizer, spoiler, and landing gear operating controls.

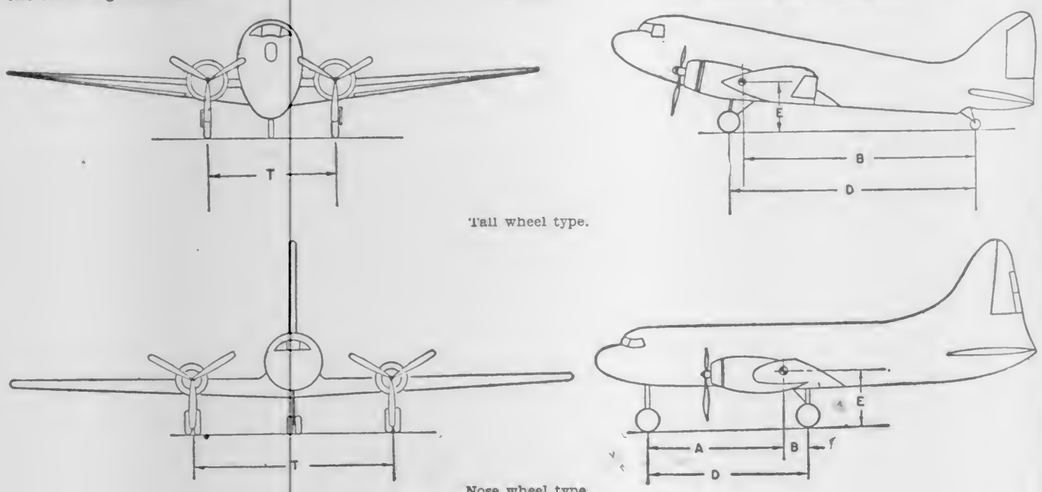
FIGURE 4b–6—Pilot control force limits (secondary controls).

### GROUND LOADS

§ 4b.230 *General.* The limit loads obtained in the conditions specified in §§ 4b.231 through 4b.236 shall be considered as external forces applied to the airplane structure and shall be placed in equilibrium by linear and angular inertia forces in a rational or conservative manner. In applying the specified conditions the provisions of paragraph (a) of this section shall be complied with. In addition, for the landing conditions of §§ 4b.231 through 4b.234 the airplane shall be assumed to be subjected to forces and descent velocities prescribed in paragraph (b) of this section. (The basic landing gear dimensional data are given in figure 4b–7.)

(a) *Center of gravity positions.* The critical center of gravity positions within the certification limits shall be selected so that the maximum design loads in each of the landing gear elements are obtained in the landing and the ground handling conditions.

(b) *Load factors, descent velocities, and design weights for landing conditions.* (1) In the landing conditions the limit vertical inertia load factors at the center of gravity of the airplane shall be chosen by the applicant, except that they shall not be less than the values which would be obtained when landing the airplane with the following limit descent velocities and weights:




Tail wheel type.

Nose wheel type.

FIGURE 4b–7—Basic landing gear dimension data.



(i) 10 f. p. s. at the design landing weight, and

(ii) 6 f. p. s. at the design take-off weight.

(2) It shall be acceptable to assume a wing lift not exceeding two-thirds of the airplane weight to exist throughout the landing impact and to act through the center of gravity of the airplane.

(3) The provisions of subparagraphs (1) and (2) of this paragraph shall be predicated on conventional arrangements of main and nose gears, or main and tail gears, and on normal operating techniques. It shall be acceptable to modify the prescribed descent velocities if it is shown that the airplane embodies features of design which make it impossible to develop these velocities. (See § 4b.332 (a) for requirements on energy absorption tests which determine the minimum limit inertia load factors corresponding with the required limit descent velocities.)

§ 4b.231 *Level landing conditions*—(a) *General.* In the level attitude the airplane shall be assumed to contact the ground at a forward velocity component parallel to the ground equal to 1.2 $V_{s_0}$ and shall be assumed to be subjected to the load factors prescribed in § 4b.230 (b) (1). The following three combinations of vertical and drag components shall be considered acting at the axle center line:

(1) *Condition of maximum wheel spin-up load.* Drag components simulating the forces required to accelerate the wheel rolling assembly up to the specified ground speed shall be combined with the vertical ground reactions existing at the instant of peak drag loads. A coefficient of friction between the tires and ground need not be assumed to be greater than 0.8. It shall be acceptable to apply this condition only to the landing gear and the directly affected attaching structure.

(2) *Condition of maximum wheel vertical load.* An aft acting drag component not less than 25 percent of the maximum vertical ground reaction shall be combined with the maximum ground reaction of § 4b.230 (b).

(3) *Condition of maximum spring-back load.* Forward-acting horizontal loads resulting from a rapid reduction of the spin-up drag loads shall be combined with the vertical ground reactions at the instant of the peak forward load. It shall be acceptable to apply this condition only to the landing gear and the directly affected structure.

(b) *Level landing; tail-wheel type.* The airplane horizontal reference line shall be assumed to be horizontal. The conditions specified in paragraph (a) of this section shall be investigated (See fig. 4b–8.)

(c) *Level landing; nose-wheel type.* The following airplane attitudes shall be considered: (See fig. 4b–8.)

(1) Main wheels shall be assumed to contact the ground with the nose wheel just clear of the ground. The conditions specified in paragraph (a) of this section shall be investigated.

(2) Nose and main wheels shall be assumed to contact the ground simultaneously. Conditions in this attitude need not be investigated if this attitude cannot reasonably be attained at the specified descent and forward velocities. The conditions specified in paragraph (a) of this section shall be investigated, except that in conditions (a) (1) and (a) (3) it shall be acceptable to investigate the nose and main gear separately neglecting the pitching moments due to wheel spin-up and spring-back loads, while in condition (a) (2) the pitching moment shall be assumed to be resisted by the nose gear.

§ 4b.232 *Tail-down landing conditions.* The following conditions shall be investigated for the load factors obtained in § 4b.230 (b) (1) with the vertical ground reactions applied to the landing gear axles.

(a) *Tail-wheel type.* The main and tail wheels shall be assumed to contact the ground simultaneously. (See fig. 4b–9). Two conditions of ground reaction on the tail wheel shall be assumed to act in the following directions:

(1) Vertical,

(2) Up and aft through the axle at 45° to the ground line.

(b) *Nose-wheel type.* The airplane shall be assumed to be at an attitude corresponding with either the stalling angle or the maximum angle permitting clearance with the ground by all parts of the airplane other than the main wheels, whichever is the lesser. (See fig. 4b–9.)

§ 4b.233 *One-wheel landing condition.* The main landing gear on one side of the airplane center line shall be assumed to contact the ground in the level attitude. (See fig. 4b–10.) The ground reactions on this side shall be the same as those obtained in § 4b.231 (a) (2). The unbalanced external loads shall be reacted by inertia of the airplane in a rational or conservative manner.

§ 4b.234 *Lateral drift landing condition.* (a) The airplane shall be assumed to be in the level attitude with only the main wheels contacting the ground. (See fig. 4b–11.)

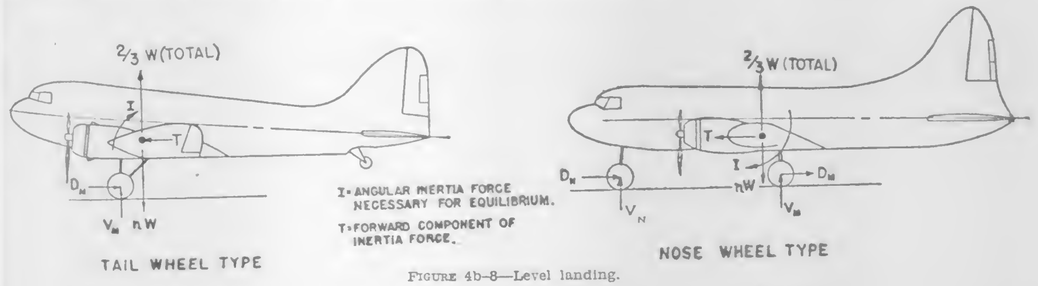



FIGURE 4b–8—Level landing.

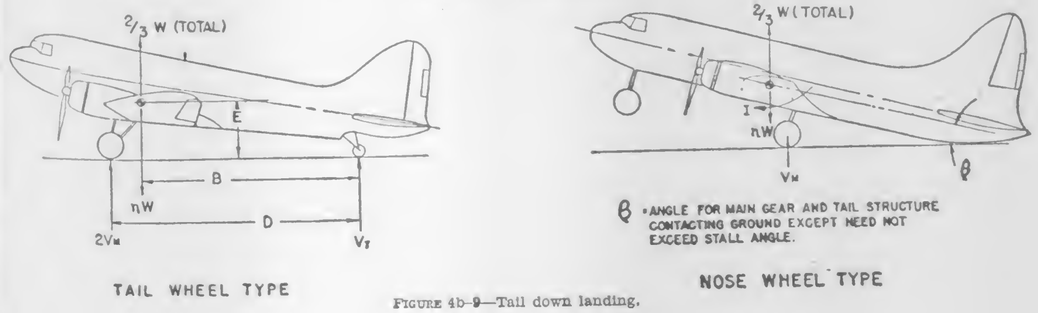



FIGURE 4b–9—Tail down landing.

(b) Side loads of 0.8 of the vertical reaction (on one side) acting inward and 0.6 of the vertical reaction (on the other side) acting outward shall be combined with one-half of the maximum vertical ground reactions obtained in the level landing conditions. These loads shall be assumed to be applied at the ground contact point and to be resisted by the inertia of the airplane. It shall be acceptable to assume the drag loads to be zero.

§ 4b.235 *Ground handling conditions.* The landing gear and airplane structure shall be investigated for the conditions of this section with the airplane at the design take-off weight, unless otherwise prescribed. No wing lift shall be considered. It shall be acceptable to assume the shock absorbers and tires to be deflected to their static position.

(a) *Take-off run.* The landing gear and the airplane structure shall be assumed to be subjected to loads not less than those encountered under conditions described in § 4b.172.

(b) *Braked roll*—(1) *Tail-wheel type.* The airplane shall be assumed to be in the level attitude with all load on the main wheels. The limit vertical load factor shall be 1.2 for the airplane at the design landing weight, and 1.0 for the airplane at the design take-off weight. A drag reaction equal to the vertical reaction multiplied by a coefficient of friction of 0.8 shall be combined with the vertical ground reaction and applied at the ground contact point. (See fig. 4b–12.)

(2) *Nose-wheel type.* The limit vertical load factor shall be 1.2 for the airplane at the design landing weight, and 1.0 for the airplane at the design take-off weight. A drag reaction equal to the vertical reaction multiplied by a coefficient of friction of 0.8 shall be combined with the vertical reaction and applied at the ground contact point of each wheel having brakes. The following two airplane attitudes shall be considered: (See fig. 4b–12.)

(i) The airplane shall be assumed to be in the level attitude with all wheels contacting the ground and the loads distributed between the main and nose gear. Zero pitching acceleration shall be assumed.

(ii) The airplane shall be assumed to be in the level attitude with only the main gear contacting the ground and the pitching moment resisted by angular acceleration.

(c) *Turning.* The airplane in the static position shall be assumed to execute a steady turn by nose gear steering or by application of differential power such that the limit load factors applied at the center of gravity are 1.0 vertically and 0.5 laterally. (See fig. 4b–13.) The side ground reaction of each wheel shall be 0.5 of the vertical reaction.

(d) *Pivoting.* The airplane shall be assumed to pivot about one side of the main gear, the brakes on that side being locked. The limit vertical load factor shall be 1.0 and the coefficient of friction 0.8. The airplane shall be assumed to be in static equilibrium, the loads being applied at the ground contact points. (See fig. 4b–14.)

(e) *Nose-wheel yawing.* (1) A vertical load factor of 1.0 at the airplane center of gravity and a side component at the nose wheel ground contact equal to 0.8 of the vertical ground reaction at that point shall be assumed.

(2) The airplane shall be assumed to be in static equilibrium with the loads resulting from the application of the brakes on one side of the main gear. The vertical load factor at the center of gravity shall be 1.0. The forward acting load at the airplane center of gravity shall be 0.8 times the vertical load on one main gear. The side and vertical loads at the ground contact point on the nose gear shall be those required for static equilibrium. The side load factor at the airplane center of gravity shall be assumed to be zero.

(f) *Tail-wheel yawing.* (1) A vertical ground reaction equal to the static load on the tail wheel in combination with a side component of equal magnitude shall be assumed.

(2) When a swivel is provided, the tail wheel shall be assumed to be swiveled 90° to the airplane longitudinal axis with the resultant load passing through the axle. When a lock, steering device, or shimmy damper is provided, the tail wheel shall also be assumed to be in the trailing position with the side load acting at the ground contact point.

§ 4b.236 *Unsymmetrical loads on dual-wheel units.* In dual-wheel units 60 percent of the total ground reaction for the unit shall be applied to one wheel and 40 percent to the other. To provide for the case of one flat tire, 60 percent of the load which would be assigned to the unit in the specified conditions shall be applied to either wheel, except that the vertical ground reaction shall not be less than the full static value.

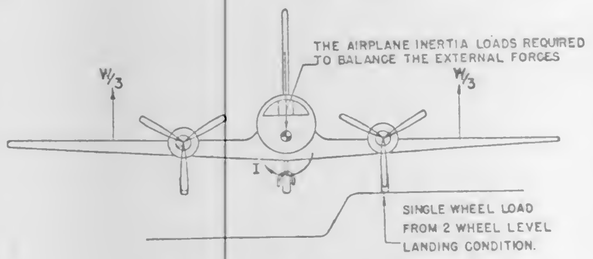



FIGURE 4b–10—One wheel landing.

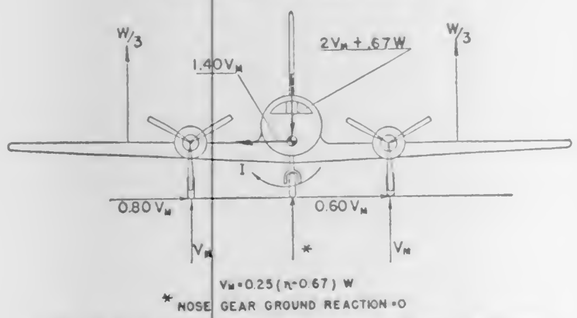



FIGURE 4b–11—Lateral drift landing.

WATER LOADS

§ 4b.250 *General.* The structure of hull and float type seaplanes shall be designed for water loads developed during take-off and landing with the seaplane in any attitude likely to occur in normal operation at appropriate forward and sinking velocities under the most severe sea conditions likely to be encountered. Unless a more rational analysis of the water loads is performed, the requirements of §§ 4b.251 through 4b.258 shall apply.

§ 4b.251 *Design weights and center of gravity positions*—(a) *Design weights.* The water load requirements shall be complied with at all operating weights up to the design landing weight except that for the take-off condition prescribed in § 4b.255 the design take-off weight shall be used.

(b) *Center of gravity positions.* The critical center of gravity positions within the limits for which certification is sought shall be considered to obtain maximum design loads for each part of the seaplane structure.

§ 4b.252 *Application of loads.* (a) The seaplane as a whole shall be assumed to be subjected to the loads corresponding with the load factors specified in § 4b.253, except as otherwise prescribed. In applying the loads resulting from the load factors prescribed in § 4b.253, it shall be permissible to distribute the loads over the hull bottom in order to avoid excessive local shear loads and bending moments at the location of water load application, using pressures not less than those prescribed in § 4b.256 (b).

(b) For twin float seaplanes, each float shall be treated as an equivalent hull on a fictitious seaplane having a weight equal to one-half the weight of the twin float seaplane.

(c) Except in the take-off condition of § 4b.255, the aerodynamic lift on the seaplane during the impact shall be assumed to be ⅔ of the weight of the seaplane.

§ 4b.253 *Hull and main float load factors.* Water reaction load factors shall be computed as follows:

For the step landing case:

$$n_W = \frac{C_1 V_{S_0}^2}{\tan^{2/3}\beta W^{1/3}};$$

For the bow and stern landing cases:

$$n_W = \frac{C_1 V_{S_0}^2}{\tan^{2/3}\beta W^{1/3}} \times \frac{K_1}{(1+r_x^2)^{2/3}};$$

where:

$n_W$ = water reaction load factor (water reaction divided by the seaplane weight);

$C_1$ = empirical seaplane operations factor equal to 0.009, except that this factor shall not be less than that necessary to obtain the minimum value of step load factor of 2.33;



$V_{S_0}$ = seaplane stalling speed (mph) with landing flaps extended in the appropriate position and with no slipstream effect;

$\beta$ = angle of dead rise at the longitudinal station at which the load factor is being determined (see fig. 4b–15a);

$W$ = seaplane design landing weight in pounds;

$K_1$ = empirical hull station weighing factor. (See fig. 4b–15b.) For a twin float seaplane, in recognition of the effect of flexibility of the attachment of the floats to the seaplane, it shall be acceptable to reduce the factor $K_1$ at the bow and stern to 0.8 of the value shown in figure 4b-15b. This reduction shall not apply to the float design but only to the design of the carry-through and seaplane structure;

$r_x$ = ratio of distance, measured parallel to hull reference axis, from the center of gravity of the seaplane to the hull longitudinal station at which the load factor is being computed to the radius of gyration in pitch of the seaplane, the hull reference axis being a straight line, in the plane of symmetry, tangential to the keel at the main step.

§ 4b.254 *Hull and main float landing conditions*—(a) *Symmetrical step landing.* The limit water reaction load factor shall be in accordance with § 4b.253. The resultant water load shall be applied at the keel through the center of gravity perpendicularly to the keel line.

(b) *Symmetrical bow landing.* The limit water reaction load factor shall be in accordance with § 4b.253. The resultant water load shall be applied at the keel ⅓ of the longitudinal distance from the bow to the step, and shall be directed perpendicularly to the keel line.

(c) *Symmetrical stern landing.* The limit water reaction load factor shall be in accordance with § 4b.253. The resultant water load shall be applied at the keel at a point 85 percent of the longitudinal distance from the step to the stern post, and shall be directed perpendicularly to the keel line.

(d) *Unsymmetrical landing; hull type and single float seaplanes.* Unsymmetrical step, bow, and stern landing conditions shall be investigated. The loading for each condition shall consist of an upward component and a side component equal, respectively, to 0.75 and 0.25 tan $\beta$ times the resultant load in the corresponding symmetrical landing condition. (See paragraphs (a), (b), and (c) of this section.) The point of application and direction of the upward component of the load shall be the same as that in the symmetrical condition, and the point of application of the side component shall be at the same longitudinal station as the upward component but directed inward perpendicularly to the plane of symmetry at a point midway between the keel and chine lines.

(e) *Unsymmetrical landing; twin float seaplanes.* The unsymmetrical loading shall consist of an upward load at the step of each float of 0.75 and a side load of 0.25 tan $\beta$ at one float times the step landing load obtained in accordance with § 4b.253. The side load shall be directed inboard perpendicularly to the plane of symmetry midway between the keel and chine lines of the float at

T = INERTIA FORCE NECESSARY TO BALANCE THE WHEEL DRAG
* $D_N$ = 0 UNLESS NOSE WHEEL IS EQUIPPED WITH BRAKES.
FOR DESIGN OF MAIN GEAR : $V_N$ = 0
FOR DESIGN OF NOSE GEAR I = 0

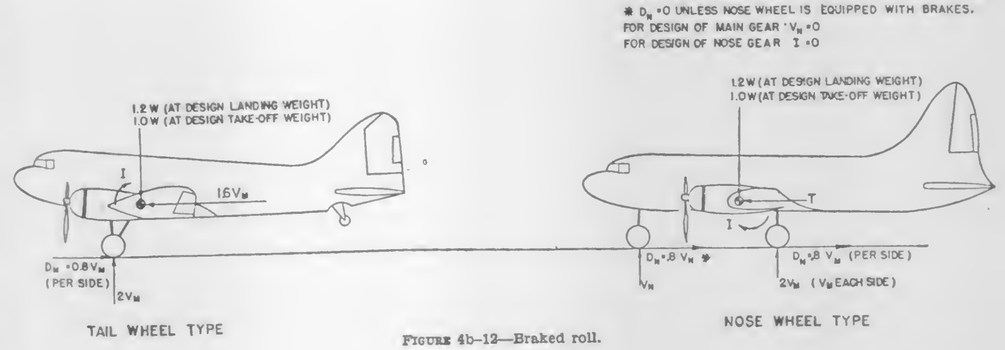



FIGURE 4b–12—Braked roll.

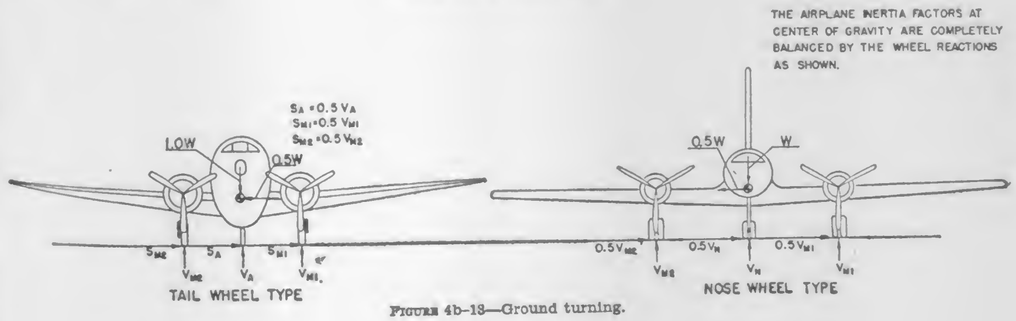



FIGURE 4b–13—Ground turning.

the same longitudinal station as the upward load.

§ 4b.255 *Hull and main float take-off condition.* The provisions of this section shall apply to the design of the wing and its attachment to the hull or main float. The aerodynamic wing lift shall be assumed to be zero. A downward inertia load shall be applied and shall correspond with the following load factor:

$$n=\frac{C_{TO}\ V_{s_1}^{\ 2}}{\tan^{2/3}\beta W^{1/3}};$$

where:
- $n$ = inertia load factor;
- $C_{TO}$ = empirical seaplane operations factor equal to 0.003;
- $V_{s_1}$ = seaplane stalling speed (mph) at the design take-off weight with the flaps extended in the appropriate take-off position;
- $\beta$ = angle of dead rise at the main step (degrees);
- $W$ = seaplane design take-off weight in pounds.

§ 4b.256 *Hull and main float bottom pressures.* The provisions of this section shall apply to the design of the hull and main float structure, including frames and bulkheads, stringers, and bottom plating. In the absence of more rational data, the pressures and distributions shall be as follows:

(a) *Local pressures.* The following pressure distributions are applicable for the design of the bottom plating and stringers and their attachments to the supporting structure. The area over which these pressures are applied shall be such as to simulate pressures occurring during high localized impacts on the hull or float, and need not extend over an area which would induce critical stresses in the frames or in the overall structure:

(1) *Unflared bottom.* The pressure at the keel (psi) shall be computed as follows:

$$P_k=C_2\frac{K_2\ V_{s_1}^{\ 2}}{\tan\beta_k};$$

where:
- $P_k$ = pressure at the keel;
- $C_2$ = 0.0016;
- $K_2$ = hull station weighing factor (see fig. 4b–15b);
- $V_{s_1}$ = seaplane stalling speed (mph) at the design take-off weight with flaps extended in the appropriate take-off position;
- $\beta_k$ = angle of dead rise at keel (see fig. 4b–15a).

The pressure at the chine shall be 0.75 $P_k$, and the pressures between the keel and chine shall vary linearly. (See fig. 4b–15c.)

(2) *Flared bottom.* The pressure distribution for a flared bottom shall be that for an unflared bottom prescribed in subparagraph (1) of this paragraph, except that the pressure at the chine shall be computed as follows:

$$P_{ch}=C_3\frac{K_2\ V_{s_1}^{\ 2}}{\tan\beta};$$

where:
- $P_{ch}$ = pressure at the chine;
- $C_3$ = 0.0012;
- $K_2$ = hull station weighing factor (see fig. 4b–15b);
- $V_{s_1}$ = seaplane stalling speed (mph) at the design take-off weight with flaps extended in the appropriate take-off position;
- $\beta$ = angle of dead rise at appropriate station.

The pressure at the beginning of the flare shall be the same as for an unflared bottom, and the pressure between the chine and the beginning of the flare shall vary linearly. (See fig. 4b–15c.)

(b) *Distributed pressures.* The following distributed pressures are applicable for the design of the frames, keel, and chine structure. These pressures shall be uniform and shall be applied simultaneously over the entire hull or main float bottom. The loads so obtained shall be carried into the sidewall structure of the hull proper, but need not be transmitted in a fore and aft direction as shear and bending loads.

(1) *Symmetrical.* The symmetrical pressures shall be computed as follows:

$$P=C_4\frac{K_2\ V_{s_0}^{\ 2}}{\tan\beta};$$

where:
- $P$ = pressure;
- $C_4$ = 0.078$C_1$ (for $C_1$ see § 4b.253);
- $K_2$ = hull station weighing factor (see fig. 4b–15b);
- $V_{s_0}$ = seaplane stalling speed (mph) with landing flaps extended in the appropriate position and with no slipstream effect;
- $\beta$ = angle of dead rise at appropriate station.

(2) *Unsymmetrical.* The unsymmetrical pressure distribution shall consist of the pressures prescribed in subparagraph (1) of this paragraph on one side of the hull or main float center line and one-half of that pressure on the other side of the hull or main float center line. (See fig. 4b–15c.)

§ 4b.257 *Auxiliary float loads.* Auxiliary floats, their attachments, and supporting structure shall be designed for the following conditions. In the cases specified in paragraphs (a), (b), (c), and (d) of this section it shall be acceptable to distribute the prescribed water loads over the float bottom to avoid excessive local loads, using bottom pressures not less than those prescribed in paragraph (f) of this section.

(a) *Step loading.* The resultant water load shall be applied in the plane of symmetry of the float at a point three-fourths of the distance from the bow to the step and shall be perpendicular to the keel. The resultant limit load shall be computed as follows, except that the value of $L$ need not exceed three times the weight of the displaced water when the float is completely submerged:

$$L=\frac{C_5\ V_{s_0}^{\ 2}\ W^{2/3}}{\tan^{2/3}\beta_s\ (1+r_y^{\ 2})^{2/3}};$$

where:
- $L$ = limit load;
- $C_5$ = 0.004;
- $V_{s_0}$ = seaplane stalling speed (mph) with landing flaps extended in the appropriate position and with no slipstream effect;
- $W$ = seaplane design landing weight in pounds;
- $\beta_s$ = angle of dead rise at a station ¾ of the distance from the bow to the step, but need not be less than 15 degrees;
- $r_y$ = ratio of the lateral distance between the center of gravity and the plane of symmetry of the float to the radius of gyration in roll.

(b) *Bow loading.* The resultant limit load shall be applied in the plane of symmetry of the float at a point one-fourth of the distance from the bow to the step and shall be perpendicular to the tangent to the keel line at that point. The magnitude of the resultant load shall be that specified in paragraph (a) of this section.

(c) *Unsymmetrical step loading.* The resultant water load shall consist of a component equal to 0.75 times the load specified in paragraph (a) of this section and a side component equal to 0.25 tan $\beta$ times the load specified in paragraph (a) of this section. The side load shall be applied perpendicularly to the plane of symmetry of the float at a point midway between the keel and the chine.

(d) *Unsymmetrical bow loading.* The resultant water load shall consist of a component equal to 0.75 times the load specified in paragraph (b) of this section and a side component equal to 0.25 tan $\beta$ times the load specified in paragraph (b) of this section. The side load shall be applied perpendicularly to the plane of symmetry at a point midway between the keel and the chine.

(e) *Immersed float condition.* The resultant load shall be applied at the centroid of the cross section of the float at a point one-third of the distance from the bow to the step. The limit load components shall be as follows:

$$\text{vertical}=\rho_g V$$

$$\text{aft}=C_{x_2}\rho V^{2/3}\ (KV_{s_0})^2$$

$$\text{side}=C_y\frac{\rho}{2}V^{2/3}\ (KV_{s_0})^2$$

where:
- $\rho$ = mass density of water;
- $V$ = volume of float;
- $C_x$ = coefficient of drag force, equal to 0.10;
- $C_y$ = coefficient of side force, equal to 0.08;
- $K$ = 0.8, except that lower values shall be acceptable if it is shown that the floats are incapable of submerging at a speed of 0.8 $V_{s_0}$ in normal operations;
- $V_{s_0}$ = seaplane stalling speed (mph) with landing flaps extended in the appropriate position and with no slipstream effect.

(f) *Float bottom pressures.* The float bottom pressures shall be established in accordance with § 4b.256 (a) and (b). The angle of dead rise to be used in determining the float bottom pressures shall be as defined in paragraph (a) of this section.

§ 4b.258 *Seawing loads.* Seawing design loads shall be based on applicable test data.

EMERGENCY LANDING CONDITIONS

§ 4b.260 *General.* The following requirements deal with emergency conditions of landing on land or water in which the safety of the occupants shall be considered, although it is accepted that parts of the airplane may be damaged.

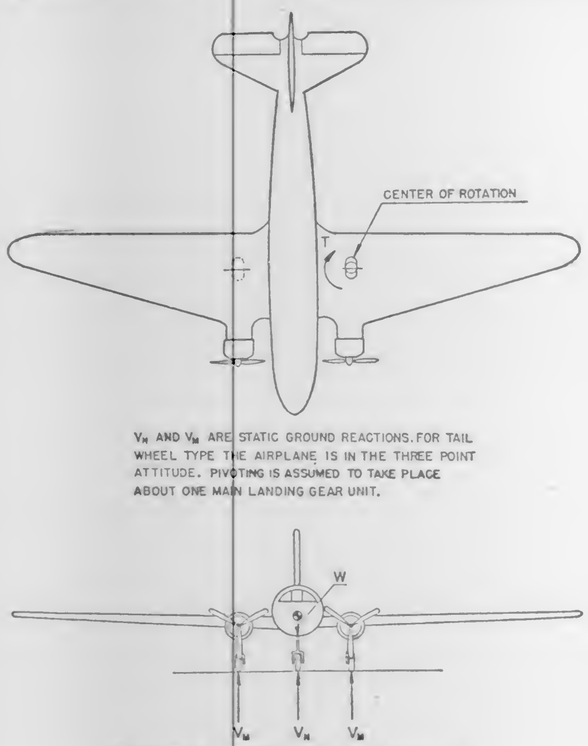
(a) The structure shall be designed to give every reasonable probability that all of the occupants, if they make proper use of the seats, belts, and other provisions made in the design (see § 4b.358), will escape serious injury in the event of a minor crash landing (with wheels up if the airplane is equipped with retractable landing gear) in which the occupants experience the following ultimate inertia forces relative to the surrounding structure:

| | | |
|---|---|---|
| (1) Upward | 2.0g | (Downward 4.5g) |
| (2) Forward | 9.0g | |
| (3) Sideward | 1.5g | |

(b) The use of a lesser value of the downward inertia force specified in paragraph (a) of this section shall be acceptable if it is shown that the airplane structure can absorb the landing loads corresponding with the design landing weight and an ultimate descent velocity of 5 f. p. s. without exceeding the value chosen.

(c) The inertia forces specified in paragraph (a) of this section shall be applied to all items of mass which would be apt to injure the passengers or crew if such items became loose in the event of a minor crash landing, and the supporting structure shall be designed to restrain these items.

§ 4b.261 *Structural ditching provisions.* (For structural strength considerations of ditching provisions see § 4b.361 (c).)




$V_N$ AND $V_M$ ARE STATIC GROUND REACTIONS. FOR TAIL WHEEL TYPE THE AIRPLANE IS IN THE THREE POINT ATTITUDE. PIVOTING IS ASSUMED TO TAKE PLACE ABOUT ONE MAIN LANDING GEAR UNIT.

FIGURE 4b–14—Pivoting, nose or tail wheel type.

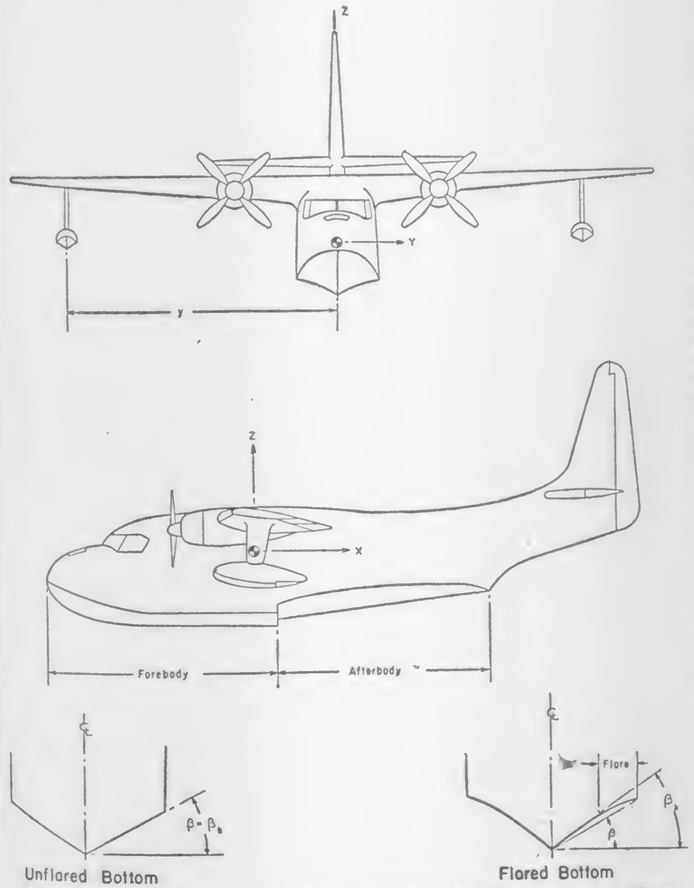



FIGURE 4b–15a—Pictorial definition of angles, dimensions, and directions on a seaplane.

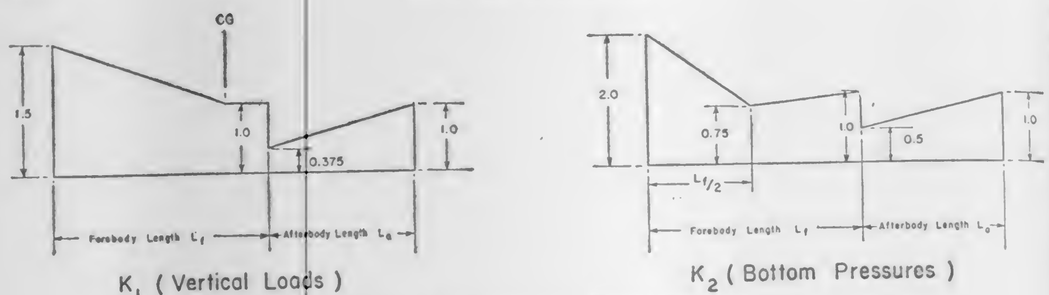



FIGURE 4b–15b—Hull station weighing factor.

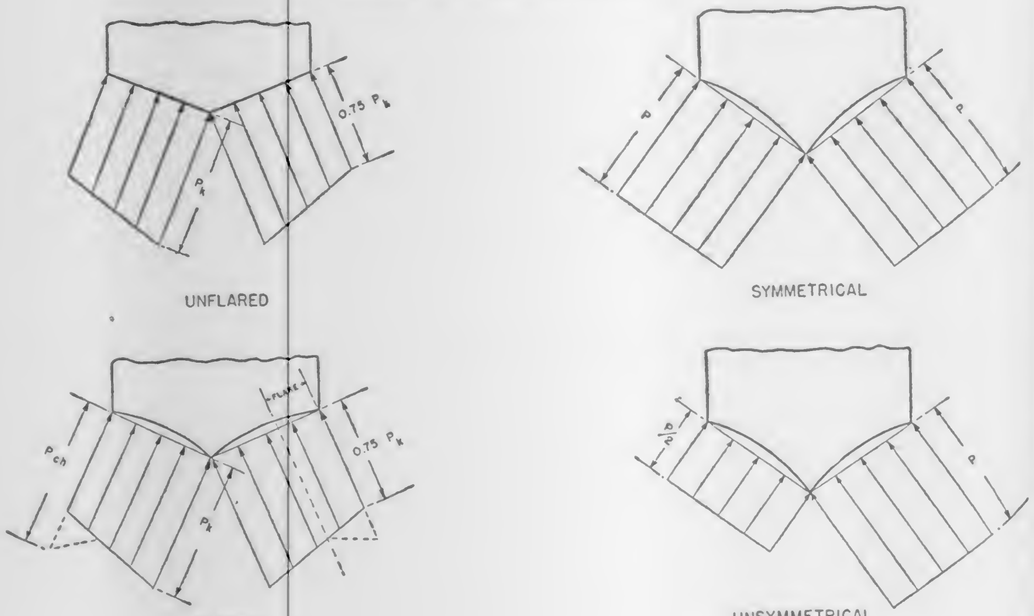



FIGURE 4b–15c—Transverse pressure distributions.

## SUBPART D—DESIGN AND CONSTRUCTION

### GENERAL

§ 4b.300 *Scope.* The airplane shall not incorporate design features or details which experience has shown to be hazardous or unreliable. The suitability of all questionable design details or parts shall be established by tests.

§ 4b.301 *Materials.* The suitability and durability of all materials used in the airplane structure shall be established on the basis of experience or tests. All materials used in the airplane structure shall conform to approved specifications which will insure their having the strength and other properties assumed in the design data.

§ 4b.302 *Fabrication methods.* The methods of fabrication employed in constructing the airplane structure shall be such as to produce a consistently sound structure. When a fabrication process such as gluing, spot welding, or heat treating requires close control to attain this objective, the process shall be performed in accordance with an approved process specification.

§ 4b.303 *Standard fastenings.* All bolts, pins, screws, and rivets used in the structure shall be of an approved type. The use of an approved locking device or method is required for all such bolts, pins, and screws. Self-locking nuts shall not be used on bolts which are subject to rotation in operation.

§ 4b.304 *Protection.* (a) All members of the structure shall be suitably protected against deterioration or loss of strength in service due to weathering, corrosion, abrasion, or other causes.

(b) Provision for ventilation and drainage of all parts of the structure shall be made where necessary for protection.

(c) In seaplanes, special precautions shall be taken against corrosion from salt water, particularly where parts made from different metals are in close proximity.

§ 4b.305 *Inspection provisions.* Means shall be provided to permit the close examination of those parts of the airplane which require periodic inspection, adjustment for proper alignment and functioning, and lubrication of moving parts.

§ 4b.306 *Material strength properties and design values.* (a) Material strength properties shall be based on a sufficient number of tests of material conforming to specifications to establish design values on a statistical basis.

(b) The design values shall be so chosen that the probability of any structure being understrength because of material variations is extremely remote.

(c) ANC–5, ANC–18, and ANC–23, Part II values shall be used unless shown to be inapplicable in a particular case.

NOTE: ANC–5, "Strength of Metal Aircraft Elements;" ANC–18, "Design of Wood Aircraft Structures;" and ANC–23, "Sandwich Construction for Aircraft," are published by the Subcommittee on Air Force-Navy-Civil Aircraft Design Criteria, and may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

(d) The strength, detail design, and fabrication of the structure shall be such as to minimize the probability of disastrous fatigue failure.

NOTE: Points of stress concentration are one of the main sources of fatigue failure.

§ 4b.307 *Special factors.* Where there is uncertainty concerning the actual strength of a particular part of the structure, or where the strength is likely to deteriorate in service prior to normal replacement of the part, or where the strength is subject to appreciable variability due to uncertainties in manufacturing processes and inspection methods, the factor of safety prescribed in § 4b.200 (a) shall be multiplied by a special factor of a value such as to make the probability of the part being understrength from these causes extremely remote. The following special factors shall be used:

(a) *Casting factors.* (1) Where only visual inspection of a casting is to be employed, the casting factor shall be 2.0, except that it need not exceed 1.25 with respect to bearing stresses.

(2) It shall be acceptable to reduce the factor of 2.0 specified in subparagraph (1) of this paragraph to a value of 1.25 if such a reduction is substantiated by testing at least three sample castings and if the sample castings as well as all production castings are visually and radiographically inspected in accordance with an approved inspection specification. During these tests the samples shall withstand the ultimate load multiplied by the factor of 1.25 and in addition shall comply with the corresponding limit load multiplied by a factor of 1.15.

(3) Casting factors other than those contained in subparagraphs (1) and (2) of this paragraph shall be acceptable if they are found to be appropriately related to tests and to inspection procedures.

(4) A casting factor need not be employed with respect to the bearing surface of a part if the bearing factor used (see paragraph (b) of this section) is of greater magnitude than the casting factor.



(b) *Bearing factors.* (1) Bearing factors shall be used of sufficient magnitude to provide for the effects of normal relative motion between parts and in joints with clearance (free fit) which are subject to pounding or vibration. (Bearing factor values for control surface and system joints are specified in §§ 4b.313 (a) and 4b.329 (b).)

(2) A bearing factor need not be employed on a part if another special factor prescribed in this section is of greater magnitude than the bearing factor.

(c) *Fitting factors.* (1) A fitting factor of at least 1.15 shall be used on all fittings the strength of which is not proven by limit and ultimate load tests in which the actual stress conditions are simulated in the fitting and the surrounding structure. This factor shall apply to all portions of the fitting, the means of attachment, and the bearing on the members joined.

(2) In the case of integral fittings the part shall be treated as a fitting up to the point where the section properties become typical of the member.

(3) The fitting factor need not be employed where a type of joint made in accordance with approved practices is based on comprehensive test data, e. g., continuous joints in metal plating, welded joints, and scarf joints in wood.

(4) A fitting factor need not be employed with respect to the bearing surface of a part if the bearing factor used (see paragraph (b) of this section) is of greater magnitude than the fitting factor.

§ 4b.308 *Flutter, deformation, and vibration.* Compliance with the following provisions shall be shown by such calculations, resonance tests, or other tests as are found necessary by the Administrator.

(a) *Flutter prevention.* The airplane shall be designed to be free from flutter of wing and tail units, including all control and trim surfaces, and from divergence (i. e. unstable structural distortion due to aerodynamic loading), at all speeds up to 1.2 $V_D$. A smaller margin above $V_D$ shall be acceptable if the characteristics of the airplane (including the effects of compressibility) render a speed of 1.2 $V_D$ unlikely to be achieved, and if it is shown that a proper margin of damping exists at speed $V_D$. In the absence of more accurate data, the terminal velocity in a dive of 30 degrees to the horizontal shall be acceptable as the maximum speed likely to be achieved. If concentrated balance weights are used on control surfaces, their effectiveness and strength, including supporting structure, shall be substantiated.

(b) *Loss of control due to structural deformation.* The airplane shall be designed to be free from control reversal and from undue loss of longitudinal, lateral, and directional stability and control as a result of structural deformation, including that of the control surface covering, at all speeds up to the speed prescribed in paragraph (a) of this section for flutter prevention.

(c) *Vibration and buffeting.* The airplane shall be designed to withstand all vibration and buffeting which might occur in any likely operating conditions.

### CONTROL SURFACES

§ 4b.310 *General.* The requirements of §§ 4b.311 through 4b.313 shall apply to the design of fixed and movable control surfaces.

§ 4b.311 *Proof of strength.* (a) Control surface limit load tests shall be conducted to prove compliance with limit load requirements.

(b) Control surface tests shall include the horn or fitting to which the control system is attached.

(c) Analyses or individual load tests shall be conducted to demonstrate compliance with the special factor requirements for control surface hinges. (See §§ 4b.307 and 4b.313 (a).)

§ 4b.312 *Installation.* (a) Movable tail surfaces shall be so installed that there is no interference between any two surfaces when one is held in its extreme position and all the others are operated through their full angular movement.

(b) When an adjustable stabilizer is used, stops shall be provided which will limit its travel, in the event of failure of the adjusting mechanism, to a range equal to the maximum required to trim the airplane in accordance with § 4b.140.

§ 4b.313 *Hinges.* (a) Control surface hinges, except ball and roller bearings, shall incorporate a special factor of not less than 6.67 with respect to the ultimate bearing strength of the softest material used as a bearing.

(b) For hinges incorporating ball or roller bearings, the approved rating of the bearing shall not be exceeded.

(c) Hinges shall provide sufficient strength and rigidity for loads parallel to the hinge line.

### CONTROL SYSTEMS

§ 4b.320 *General.* All controls and control systems shall operate with ease, smoothness, and positiveness appropriate to their function. (See also §§ 4b.350 and 4b.353.)

§ 4b.321 *Two-control airplanes.* Two-control airplanes shall be capable of continuing safely in flight and landing in the event of failure of any one connecting element in the directional-lateral flight control system.

§ 4b.322 *Trim controls and systems.* (a) Trim controls shall be designed to safeguard against inadvertent or abrupt operation.

(b) Each trim control shall operate in the plane and with the sense of motion of the airplane. (See fig. 4b–16.)

(c) Means shall be provided adjacent to the trim control to indicate the direction of the control movement relative to the airplane motion.

(d) Means shall be provided to indicate the position of the trim device with respect to the range of adjustment. The indicating means shall be clearly visible.

(e) Trim devices shall be capable of continued normal operation in the event of failure of any one connecting or transmitting element of the primary flight control system.

(f) Trim tab controls shall be irreversible, unless the tab is appropriately balanced and shown to be free from flutter.

(g) Where an irreversible tab control system is employed, the portion from the tab to the attachment of the irreversible unit to the airplane structure shall consist of a rigid connection.

§ 4b.323 *Wing flap controls.* (a) The wing flap controls shall operate in a manner to permit the flight crew to place the flaps in all of the take-off, en route, approach, and landing positions established under § 4b.111 and to maintain these positions thereafter without further attention on the part of the crew, except for flap movement produced by an automatic flap positioning or load limiting device.

(b) The wing flap control shall be located and designed to render improbable its inadvertent operation.

(c) The rate of motion of the wing flap in response to the operation of the control and the characteristics of the automatic flap positioning or load limiting device shall be such as to obtain satisfactory flight and performance characteristics under steady or changing conditions of air speed, engine power, and airplane attitude.

(d) The wing flap control shall be designed to retract the flaps from the fully extended position during steady flight at maximum continuous engine power at all speeds below $V_F+10$ (m. p. h.).

(e) Means shall be provided to indicate the take-off, en route, approach, and landing flap positions.

(f) If any extension of the flaps beyond the landing position is possible, the flap control shall be clearly marked to identify such range of extension.

§ 4b.324 *Wing flap interconnection.* (a) The motion of wing flaps on opposite sides of the plane of symmetry shall be synchronized by a mechanical interconnection unless the airplane is demonstrated to have safe flight characteristics while the flaps are retracted on one side and extended on the other.

(b) Where a wing flap interconnection is used, it shall be designed to account for the applicable unsymmetrical loads, including those resulting from flight with the engines on one side of the plane of symmetry inoperative and the remaining engines at take-off power. For airplanes with flaps which are not subjected to slipstream conditions, the structure shall be designed for the loads imposed when the wing flaps on one side are carrying the most severe load occurring in the prescribed symmetrical conditions and those on the other side are carrying not more than 80 percent of that load.

§ 4b.325 *Control system stops.* (a) All control systems shall be provided with stops which positively limit the range of motion of the control surfaces.

(b) Control system stops shall be so located in the system that wear, slackness, or take-up adjustments will not affect adversely the control characteristics of the airplane because of a change in the range of surface travel.

(c) Control system stops shall be capable of withstanding the loads corresponding with the design conditions for the control system.

§ 4b.326 *Control system locks.* Provision shall be made to prevent damage to the control surfaces (including tabs) and the control system which might result from gusts striking the airplane while it is on the ground or water (see also § 4b.226). If a device provided for this purpose, when engaged, prevents normal operation of the control surfaces by the pilot, it shall comply with the following provisions.

(a) The device shall either automatically disengage when the pilot operates the primary flight controls in a normal manner, or it shall limit the operation of the airplane in such a manner that the pilot receives unmistakable warning at the start of take-off.

(b) Means shall be provided to preclude the possibility of the device becoming inadvertently engaged in flight.

§ 4b.327 *Static tests.* Tests shall be conducted on control systems to show compliance with limit load requirements in accordance with the following provisions.

(a) The direction of the test loads shall be such as to produce the most severe loading in the control system.

(b) The tests shall include all fittings, pulleys, and brackets used in attaching the control system to the main structure.

(c) Analyses or individual load tests shall be conducted to demonstrate compliance with the special factor requirements for control system joints subjected to angular motion. (See §§ 4b.307 and 4b.329 (b).)

§ 4b.328 *Operation tests.* An operation test shall be conducted for each control system by operating the controls from the pilot compartment with the entire system loaded to correspond with 80 percent of the limit load specified for the control system. In this test there shall be no jamming, excessive friction, or excessive deflection.

§ 4b.329 *Control system details; general.* All details of control systems shall be designed and installed to prevent jamming, chafing, and interference from cargo, passengers, and loose objects. Precautionary means shall be provided in the cockpit to prevent the entry of foreign objects into places where they would jam the control systems. Provisions shall be made to prevent the slapping of cables or tubes against other parts of the airplane. The following detail requirements shall be applicable with respect to cable systems and joints.

(a) *Cable systems.* (1) Cables, cable fittings, turnbuckles, splices, and pulleys shall be of an approved type.

(2) Cables smaller than ⅛-inch diameter shall not be used in the aileron, elevator, or rudder systems.

(3) The design of cable systems shall be such that there will be no hazardous change in cable tension throughout the range of travel under operating conditions and temperature variations.

(4) Pulley types and sizes shall correspond with the cables used.

(5) All pulleys and sprockets shall be provided with closely fitted guards to prevent the cables and chains being displaced or fouled.

(6) Pulleys shall lie in the plane passing through the cable within such limits that the cable does not rub against the pulley flange.

(7) Fairleads shall be so installed that they do not cause a change in cable direction of more than 3°.

(8) Clevis pins (excluding those not subject to load or motion) retained only by cotter pins shall not be used in the control system.

(9) Turnbuckles attached to parts having angular motion shall be installed to prevent positively any binding throughout the range of travel.

(10) Provision for visual inspection shall be made at all fairleads, pulleys, terminals, and turnbuckles.

(b) *Joints.* (1) Control system joints subjected to angular motion in push-pull systems, excepting ball and roller bearing systems, shall incorporate a special factor of not less than 3.33 with respect to the ultimate bearing strength of the softest material used as a bearing.

(2) It shall be acceptable to reduce the factor specified in subparagraph (1) of this paragraph to a value of 2.0 for joints in cable control systems.

(3) The approved rating of ball and roller bearings shall not be exceeded.

LANDING GEAR

§ 4b.330 *General.* The requirements of §§ 4b.331 through 4b.338 shall apply to the complete landing gear.

§ 4b.331 *Shock absorbers.* (a) The shock absorbing elements for the main, nose, and tail wheel units shall be substantiated by the tests specified in § 4b.332.

(b) The shock absorbing ability of the landing gear in taxying shall be demonstrated by the tests prescribed in § 4b.172.

§ 4b.332 *Landing gear tests.* The landing gear shall withstand the following tests.

(a) *Shock absorption tests.* (1) It shall be demonstrated by energy absorption tests that the limit load factors selected for design in accordance with § 4b.230 (b) for take-off and landing weights, respectively, will not be exceeded.

(2) In addition to the provisions of subparagraph (1) of this paragraph, a reserve of energy absorption shall be demonstrated by a test simulating an airplane descent velocity of 12 f. p. s. at design landing weight, assuming wing lift not greater than the airplane weight acting during the landing impact. In this test the landing gear shall not fail. (See paragraph (c) of this section.)

(b) *Limit drop tests.* (1) If compliance with the limit landing conditions specified in paragraph (a) (1) of this section is demonstrated by free drop tests, these shall be conducted on the complete airplane, or on units consisting of wheel, tire, and shock absorber in their proper relation. The free drop heights shall not be less than the following:

(i) 18.7 inches for the design landing weight conditions,

(ii) 6.7 inches for the design take-off weight conditions.



(2) If wing lift is simulated in free drop tests the landing gear shall be dropped with an effective mass equal to:

$$W_e = W\left(\frac{h+(1-L)d}{h+d}\right);$$

where:

$W_e$ = the effective weight to be used in the drop test (lbs.),

$h$ = specified free drop height (inches),

$d$ = deflection under impact of the tire (at the approved inflation pressure) plus the vertical component of the axle travel relative to the drop mass (inches),

$W = W_M$ for main gear units (lbs.), equal to the static weight on the particular unit with the airplane in the level attitude (with the nose wheel clear in the case of nose wheel type airplanes),

$W = W_T$ for tail gear units (lbs.), equal to the static weight on the tail unit with the airplane in the tail-down attitude,

$W = W_N$ for nose wheel units (lbs.), equal to the vertical component of the static reaction which would exist at the nose wheel, assuming the mass of the airplane acting at the center of gravity and exerting a force of 1.0g downward and 0.25g forward,

$L$ = the ratio of the assumed wing lift to the airplane weight, not in excess of 0.667.

(3) The attitude in which a landing gear unit is drop tested shall simulate the airplane landing condition critical for the unit.

(4) The value of $d$ used in the computation of $W_e$ in subparagraph (2) of this paragraph shall not exceed the value actually obtained in the drop test.

(c) *Reserve energy absorption drop tests.* (1) If compliance with the reserve energy absorption condition specified in paragraph (a) (2) of this section is demonstrated by free drop tests, the landing gear units shall be dropped from a free drop height of not less than 27 inches.

(2) If wing lift equal to the airplane weight is simulated, the units shall be dropped with an effective mass equal to:

$$W_e = W\left(\frac{h}{h+d}\right);$$

where the symbols and other details are the same as in paragraph (b) of this section.

§ 4b.333 *Limit load factor determination.* (a) In determining the airplane inertia limit load factor $n$ from the free drop tests specified in § 4b.332, the following formula shall be used:

$$n = n_j\frac{W_e}{W} + L;$$

where:

$n_j$ = the load factor during impact developed on the mass used in the drop test (i. e., the acceleration $dv/dt$ in g's recorded in the drop test plus 1.0). (See § 4b.332 (b) (2) for explanation of $W_e$, $W$, and $L$).

(b) The value of $n$ determined in paragraph (a) of this section shall not be greater than the limit load factor used for the landing conditions. (See § 4b.230 (b)).

§ 4b.334 *Retracting mechanism*—(a) *General.* (1) The landing gear retracting mechanism, wheel well doors, and supporting structure shall be designed for the loads occurring in the flight conditions when the gear is in the retracted position, and for the combination of friction, inertia, brake torque, and air loads occurring during retraction and extension at any air speed up to 1.6 $V_{s_1}$ (flaps in the approach position at design landing weight), and any load factor up to those specified in § 4b.212 for the flaps extended condition.

(2) The landing gear, the retracting mechanism, and the airplane structure including wheel well doors shall be designed to withstand the flight loads occurring with the landing gear in the extended position at any speed up to 0.67 $V_C$, unless other means are provided to decelerate the airplane in flight at this speed.

(3) Landing gear doors, their operating mechanism, and their supporting structure shall be designed for the conditions of air speed and load factor prescribed in subparagraphs (1) and (2) of this paragraph, and in addition they shall be designed for the yawing maneuvers prescribed for the airplane.

(b) *Landing gear lock.* A positive means shall be provided for the purpose of maintaining the landing gear in the extended position.

(c) *Emergency operation.* Emergency means of extending the landing gear shall be provided, so that the landing gear can be extended in the event of any reasonably probable failure in the normal retraction system. In any case the emergency system shall provide for the failure of any single source of hydraulic, electric, or equivalent energy supply.

(d) *Operation test.* Proper functioning of the landing gear retracting mechanism shall be demonstrated by operation tests.

(e) *Position indicator and warning device.* (1) When a retractable landing gear is used, means shall be provided for indicating to the pilot when the gear is secured in the extended and in the retracted positions.

(2) In addition to the requirement of subparagraph (1) of this paragraph, landplanes shall be provided with an aural warning device which will function continuously when all throttles are closed if the gear is not fully extended and locked.

(3) If a manual shutoff for the warning device prescribed in subparagraph (2) of this paragraph is provided, it shall be installed so that reopening the throttles will reset the warning mechanism.

(f) *Control.* The location and operation of the landing gear retraction control shall be according to the provisions of § 4b.353.

§ 4b.335 *Wheels.* Main wheels and nose wheels shall be of an approved type. The following provisions shall apply.

(a) The maximum static load rating of each main wheel and nose wheel shall not be less than the corresponding static ground reaction under the design take-off weight of the airplane and the critical center of gravity position.

(b) The maximum limit load rating of each main wheel and nose wheel shall not be less than the maximum radial limit load determined in accordance with the applicable ground load requirements of this part (see §§ 4b.230 through 4b.236).

(c) The maximum kinetic energy capacity rating of each main wheel-brake assembly shall not be less than the kinetic energy absorption requirement determined as follows:

$$KE = \frac{0.0334WV_{s_0}^2}{N};$$

where:

$KE$ = kinetic energy per wheel (ft. lb.);

$W$ = design landing weight (lb.);

$V_{s_0}$ = power-off stalling speed of the airplane (mph) at sea level at the design landing weight and in the landing configuration;

$N$ = number of main wheels.

NOTE: The expression for kinetic energy assumes an equal distribution of braking between main wheels. In cases of unequal distribution the expression requires appropriate modification.

(d) The minimum stalling speed rating of each main wheel-brake assembly, i. e., the initial speed used in the dynamometer tests, shall not be greater than the $V_{s_0}$ used in the determination of kinetic energy in accordance with paragraph (c) of this section.

NOTE: The provision of this paragraph is based upon the assumption that the testing procedures for wheel-brake assemblies involve a specified rate of deceleration, and, therefore, for the same amount of kinetic energy the rate of energy absorption (the power absorbing ability of the brake) varies inversely with the initial speed.

§ 4b.336 *Tires.* (a) Landing gear tires shall be of a proper fit on the rim of the wheel, and their approved rating shall be such that it is not exceeded under the following conditions:

(1) Airplane weight equal to the design take-off weight,

(2) Load on each main wheel tire equal to the corresponding static ground reaction at the critical center of gravity position.

(3) Load on nose wheel tires (to be compared with the dynamic rating established for such tires) equal to the reaction obtained at the nose wheel, assuming the mass of the airplane concentrated at the most critical center of gravity and exerting a force of 1.0g downward and 0.31g forward, the reactions being distributed to the nose and main wheels by the principles of statics with the drag reaction at the ground applied only at those wheels which have brakes.

§ 4b.337 *Brakes*—(a) *General.* (1) The airplane shall be equipped with brakes of an approved type. The brake ratings shall be in accordance with § 4b.335 (c) and (d).

(2) The brake system shall be so designed and constructed that in the event of a single failure in any connection or transmitting element in the brake system (excluding the operating pedal or handle), or the loss of any single source of hydraulic or other brake operating energy supply, it shall be possible to bring the airplane to rest under conditions specified in § 4b.122 with a mean deceleration during the landing roll of at least 50 percent of that obtained in de-

termining the landing distance as prescribed in that section.

(3) In applying the requirement of subparagraph (2) of this paragraph to hydraulic brakes, the brake drum, shoes, and actuators (or their equivalents) shall be considered as connecting or transmitting elements, unless it is shown that the leakage of hydraulic fluid resulting from failure of the sealing elements in these units would not reduce the braking effectiveness below that specified in subparagraph (2) of this paragraph.

(b) *Brake controls.* Brake controls shall not require excessive control forces in their operation.

(c) *Parking brake controls.* A parking brake control shall be provided and installed so that it can be set by the pilot and, without further attention, will maintain sufficient braking to prevent the airplane from rolling on a paved, level runway while take-off power on the critical engine is being applied.

§ 4b.338 *Skis.* Skis shall be of an approved type. The maximum limit load rating of each ski shall not be less than the maximum limit load determined in accordance with the applicable ground load requirements of this part. (See §§ 4b.230 through 4b.236.)

HULLS AND FLOATS

§ 4b.340 *General.* The requirements of §§ 4b.341 and 4b.342 shall apply to the design of hulls and floats.

§ 4b.341 *Seaplane main floats.* Seaplane main floats shall be of an approved type and shall comply with the provisions of §4b.250. In addition, the following shall apply.

(a) *Buoyancy.* Each seaplane main float shall have a buoyancy of 80 percent in excess of that required to support the maximum weight of the seaplane in fresh water.

(b) *Compartmentation.* Each seaplane main float shall contain not less than 5 watertight compartments. The compartments shall have approximately equal volumes.

§ 4b.342 *Boat hulls.* (a) The hulls of boat seaplanes and amphibians shall be divided into watertight compartments so that, with any two adjacent compartments flooded, the buoyancy of the hull and auxiliary floats (and wheel tires, if used) will provide a sufficient margin of positive stability to minimize capsizing in rough fresh water.

(b) For the purpose of communication between compartments, bulkheads with watertight doors shall be allowed.

PERSONNEL AND CARGO ACCOMMODATIONS

§ 4b.350 *Pilot compartment; general.* (a) The arrangement of the pilot compartment and its appurtenances shall provide safety and assurance that the pilot will be able to perform all of his duties and operate the controls in the correct manner without unreasonable concentration and fatigue.

(b) The primary flight controls listed on figure 4b–16, excluding cables and control rods, shall be so located with respect to the propellers that no portion of the pilot or the controls lies in the region between the plane of rotation of any inboard propeller and the surface generated by a line passing through the center of the propeller hub and making an angle of 5° forward or aft of the plane of rotation of the propeller.

(c) When provision is made for a second pilot, the airplane shall be controllable with equal safety from both seats.

(d) The pilot compartment shall be constructed to prevent leakage likely to be distracting to the crew or harmful to the structure when flying in rain or snow.

(e) A door shall be provided between the pilot compartment and the passenger compartment.

PRIMARY

| Controls | Movement and actuation |
|---|---|
| Aileron | Right (clockwise) for right wing down. |
| Elevator | Rearward for nose up. |
| Rudder | Right pedal forward for nose right. |

SECONDARY

| | |
|---|---|
| Flaps (or auxiliary lift devices). | Forward for flaps up; rearward for flaps down. |
| Trim tabs (or equivalent). | Rotate to produce similar rotation of the airplane about an axis parallel to the axis of the control. |

FIGURE 4b–16—Aerodynamic controls.

(f) The door prescribed in paragraph (e) of this section shall be equipped with a locking means to prevent passengers from opening the door without the pilot's permission.

(g) Vibration and noise characteristics of cockpit appurtenances shall not interfere with the safe operation of the airplane.

§ 4b.351 *Pilot compartment vision.* (a) *Nonprecipitation conditions.* (1) The pilot compartment shall be arranged to afford the pilots a sufficiently extensive, clear, and undistorted view to perform safely all maneuvers within the operating limitations of the airplane, including taxying, take-off, approach, and landing.

(2) It shall be demonstrated by day and night flight tests that the pilot compartment is free of glare and reflections which would tend to interfere with the pilots' vision.

(b) *Precipitation conditions.* (1) Means shall be provided for maintaining a sufficient portion of the windshield clear so that both pilots are afforded a sufficiently extensive view along the flight path in all normal flight attitudes of the airplane. Such means shall be designed to function under the following conditions without continuous attention on the part of the crew:

(i) In heavy rain at speeds up to 1.6 $V_{s_1}$, flaps retracted,

(ii) In the most severe icing conditions for which approval of the airplane is desired.

(2) In addition to the means prescribed in subparagraph (1) of this paragraph at least the first pilot shall be provided with a window which, when the cabin is not pressurized, is openable under the conditions prescribed in subparagraph (1) of this paragraph, and which provides the view specified in that subparagraph. The design shall be such that when the window is opened sufficient protection from the elements will be provided against the impairment of the pilot's vision.

§ 4b.352 *Windshield and windows.* (a) All internal glass panes shall be of a nonsplintering safety type.

(b) The windshield, its supporting structure, and other structure in front of the pilots shall have sufficient strength to withstand without penetration the impact of a four-pound bird when the velocity of the airplane relative to the bird along the airplane's flight path is equal to the value of $V_C$ at sea level selected in accordance with § 4b.210 (b) (4).

(c) The design of windshields and windows in pressurized airplanes shall be based on factors peculiar to high altitude operation. (See also § 4b.373.)

NOTE: Factors peculiar to high altitude operation as they may affect the design of windshields and windows include the effects of continuous and cyclic pressurization loadings, the inherent characteristics of the material used, the effects of temperatures and temperature differentials, etc.

§ 4b.353 *Controls.* (a) All cockpit controls shall be located to provide convenience in operation and in a manner tending to prevent confusion and inadvertent operation. (See also § 4b.737.)

(b) The direction of movement of controls shall be according to figures 4b–16 and 4b–17. Wherever practicable the sense of motion involved in the operation of other controls shall correspond with the sense of the effect of the operation upon the airplane or upon the part operated. All controls of a variable nature employing a rotary motion shall move clockwise from the off position, through an increasing range, to the full on position.

(c) The controls shall be so located and arranged with respect to the pilots' seats that there exists full and unrestricted movement of each control without interference from either the cockpit structure or the pilots' clothing when seated with the seat belt fastened. This shall be demonstrated for individuals ranging from 5' 2" to 6' 0" in height.

(d) Identical powerplant controls for each engine shall be located to prevent any misleading impression as to the engine to which they relate.

| Controls | Movement and actuation |
|---|---|
| **Powerplant** | |
| Throttles | Forward to increase forward thrust and rearward to increase rearward thrust. |
| Propellers | Forward to increase rpm. |
| Mixture | Forward or upward for rich. |
| Carburetor air heat | Forward or upward for cold. |
| Supercharger | Forward or upward for low blower. In the case of two-speed superchargers, forward, inward, or clockwise to increase pressure. |
| **Auxiliary** | |
| Landing gear | Down to extend. |

FIGURE 4b–17—POWERPLANT AND AUXILIARY CONTROLS.

(e) The wing flap (or auxiliary lift device) and landing gear controls shall comply with the following:

(1) The wing flap control shall be located on top of the pedestal aft of the throttle(s), centrally or to the right of the pedestal centerline and shall be not less than 10 inches aft of the landing gear control.

(2) The landing gear control shall be located to the left of the pedestal centerline.

(f) The control knobs shall be shaped in accordance with Figure 4b–22, and such knobs shall be of the same color, but of a color in contrast with that of not only the other control knobs but also the surrounding cockpit.

NOTE: Figure 4b–22 is not intended to indicate the exact size or proportion of the control knobs.

(g) Where the work load on the flight crew is such as to require a flight engineer (see § 4b.720), a flight engineer station shall be provided. The station shall be so located and arranged that the flight crew members can perform their functions efficiently and without interfering with each other.

§ 4b.354 *Instrument arrangement.* (See § 4b.611.)

§ 4b.355 *Instrument marking.* (The operational markings, instructions, and placards required for the instruments, controls, etc., are specified in §§ 4b.730 through 4b.738.)

§ 4b.356 *Doors.* (a) Airplane cabins shall be provided with at least one easily accessible external door.

(b) Means shall be provided for locking each external door and for safeguarding against opening in flight either inadvertently by persons or as a result of mechanical failure. It shall be possible to open external doors from either the inside or the outside even though persons may be crowding against the door from the inside. The means of opening shall be simple and obvious and shall be so arranged and marked that it can be readily located and operated even in darkness.

(c) Reasonable provisions shall be made to prevent the jamming of any external door as a result of fuselage deformation in a minor crash.

(d) External doors shall be so located that persons using them will not be endangered by the propellers when appropriate operating procedures are employed.

(e) Means shall be provided for a direct visual inspection of the locking mechanism by crew members to ascertain whether all external doors, including passenger, crew, service, and cargo doors, are fully locked (see also § 4b.362 (e) (5) for emergency exits). In addition, visual means shall be provided to signal to appropriate crew members that all normally used external doors are closed and in the fully locked position.

§ 4b.357 *Door louvres.* Where internal doors are equipped with louvres or other ventilating means, provision convenient to the crew shall be made for stopping the flow of air through the door when such action is found necessary.

§ 4b.358 *Seats, berths, and safety belts.* (a) *General.* At all stations designated as occupiable during take-off and landing, the seats, berths, belts, harnesses, and adjacent parts of the airplane shall be such that a person making proper use of these facilities will not suffer serious injury in the emergency landing conditions as a result of inertia forces specified in § 4b.260. Seats and berths shall be of an approved type (see also § 4b.643 concerning safety belts).

(b) *Arrangement.* (1) Passengers and crew shall be afforded protection from head injuries by one of the following means:

(i) Safety belt and shoulder harness which will prevent the head from contacting any injurious object,

(ii) Safety belt and the elimination of all injurious objects within striking radius of the head,

(iii) Safety belt and a cushioned rest which will support the arms, shoulders, head, and spine.

(2) For arrangements which do not provide a firm hand hold on seat backs, hand grips or rails shall be provided along aisles to enable passengers or crew members to steady themselves while using the aisles in moderately rough air.

(3) All projecting objects which would cause injury to persons seated or moving about the airplane in normal flight shall be padded.

(c) *Strength.* All seats and berths and their supporting structure shall be designed for occupant weight of 170 pounds with due account taken of the maximum load factors, inertia forces, and reactions between occupant, seat, and safety belt or harness corresponding with all relevant flight and ground load conditions, including the emergency landing conditions prescribed in § 4b.260. In addition, the following shall apply.

(1) Pilot seats shall be designed for the reactions resulting from the application of pilot forces to the flight controls as prescribed in § 4b.224.

(2) In determining the strength of the seat or berth attachments to the structure, and the safety belt or shoulder harness attachments to the seat, berth, or structure, the inertia forces specified in § 4b.260 (a) shall be multiplied by a factor of 1.33.

§ 4b.359 *Cargo and baggage compartments.* (See also §§ 4b.382 to 4b.384.)

(a) Each cargo and baggage compartment shall be designed for the placarded maximum weight of contents and the critical load distributions at the appropriate maximum load factors corresponding with all specified flight and ground load conditions, excluding the emergency landing conditions of § 4b.260.

(b) Provisions shall be made to prevent the contents in the compartments from becoming a hazard by shifting under the loads specified in paragraph (a) of this section.

(c) Provisions shall be made to protect the passengers and crew from injury by the contents of any compartment, taking into account the emergency landing conditions of § 4b.260.

EMERGENCY PROVISIONS

§ 4b.360 *General.* The requirements of §§ 4b.361 and 4b.362 shall apply to the emergency provisions.

§ 4b.361 *Ditching.* Compliance with this section is optional. The requirements of this section are intended to safeguard the occupants in the event of an emergency landing during overwater flight. When compliance is shown with the provisions of paragraphs (a) through (c) of this section and with the provisions of §§ 4b.362 (d), 4b.645, and 4b.646, the type certificate shall include certification to that effect. When an airplane is certificated to include ditching provisions, the recommended ditching procedures established on the basis of these requirements shall be set forth in the Airplane Flight Manual (see § 4b.742 (d)).

(a) All practicable design measures compatible with the general characteristics of the type airplane shall be taken to minimize the chance of any behavior of the airplane in an emergency landing on water which would be likely to cause immediate injury to the occupants or to make it impossible for them to escape from the airplane. The probable behavior of the airplane in a water landing shall be investigated by model tests or by comparison with airplanes of similar configuration for which the ditching characteristics are known. In this investigation account shall be taken of scoops, flaps, projections, and all other factors likely to affect the hydrodynamic characteristics of the actual airplane.

(b) It shall be shown that under reasonably probable water conditions the flotation time and trim of the airplane will permit all occupants to leave the airplane and to occupy the life rafts required by § 4b.645. If compliance with this provision is shown by buoyancy and trim computations, appropriate allowances shall be made for probable structural damage and leakage.

NOTE: In the case of fuel tanks which are equipped with fuel jettisoning provisions and which can be reasonably expected to withstand a ditching without leakage, the jettisonable volume of fuel may be considered as buoyancy volume.

(c) External doors and windows shall be designed to withstand the probable maximum local pressures, unless the effects of the collapse of such parts are taken into account in the investigation of the probable behavior of the airplane in a water landing as prescribed in paragraphs (a) and (b) of this section.

§ 4b.362 *Emergency evacuation.* Crew and passenger areas shall be provided with emergency evacuation means to permit rapid egress in the event of crash landings, whether with the landing gear extended or retracted, taking account of the possibility of the airplane being on fire. The provisions of this section shall apply to airplanes where the major portion of the passenger area is aft of the powerplant and the fuel tanks. In airplanes where the major portion of the passenger area is forward of the powerplant and the fuel tanks, or in airplanes of unconventional design where the emergency exit locations prescribed in paragraph (b) of this section would be inconsistent with safe and rapid egress of passengers, variations of emergency exit locations shall be allowed if found appropriate by the Administrator. Passenger entrance, crew, and service doors shall be considered as emergency

exits if they meet the applicable requirements of this section.

(a) *Flight crew emergency exits.* Flight crew emergency exits shall be located in the flight crew area on both sides of the airplane or as a top hatch to provide for rapid evacuation. Such exits shall not be required on small airplanes where the Administrator finds that the proximity of passenger emergency exits to the flight crew area renders them convenient and readily accessible to the flight crew.

(b) *Passenger emergency exits; type and location.* The types of exits and their location shall be as follows:

(1) Type I: A rectangular opening of not less than 24 inches wide by 48 inches high, with corner radii not greater than 4 inches, located as far aft in the passenger area as practicable in the side of the fuselage at floor level.

(2) Type II: Same as Type I (subparagraph (1) of this paragraph) except that the opening is not less than 20 inches wide by 44 inches high.

(3) Type III: A rectangular opening of not less than 20 inches wide by 36 inches high, with corner radii not greater than 4 inches, located as far aft in the passenger area as practicable in the side of the fuselage.

(4) Type IV: A rectangular opening of not less than 19 inches wide by 26 inches high, with corner radii not greater than 4 inches, located over the wing in the side of the fuselage with a step-up inside the airplane of not more than 29 inches and a step-down outside the airplane of not more than 36 inches.

NOTE: Larger openings than those specified in paragraph (b) of this section will be acceptable, whether or not of rectangular shape, provided the specified rectangular openings can be inscribed therein, and further provided that the base of the opening affords a flat surface not less than the width specified.

(c) *Passenger emergency exits; number required.* Emergency exits of type and location prescribed in paragraph (b) of this section shall be accessible to the passengers and shall be provided on each side of the fuselage in accordance with the following:

| Passenger seating capacity | Emergency exits required on each side of fuselage | | | |
|---|---|---|---|---|
| | Type I | Type II | Type III | Type IV |
| 1 to 19 inclusive | ------- | ------- | 1 | ------- |
| 20 to 39 inclusive | ------- | 1 | ------- | 1 |
| 40 to 69 inclusive | 1 | ------- | ------- | 1 |
| 70 to 99 inclusive | 1 | ------- | ------- | 2 |
| 100 to 139 inclusive | 2 | ------- | ------- | 2 |

For airplanes with a passenger capacity of over 139 there shall be, in addition to the emergency exits prescribed for a passenger seating capacity of 100 to 139, inclusive, on each side of the fuselage, one Type I emergency exit for additional passengers up to 50, these exits to be located at such strategic points as would contribute most to the safe evacuation of passengers.

NOTE: Although similar exits and their locations are prescribed for each side of the fuselage, it is not the intent of this regulation to require that the exits necessarily be at locations diametrically opposite each other.

(d) *Ditching emergency exits.* Airplanes certificated in accordance with the ditching provisions of § 4b.261 shall be shown to have, on each side of the fuselage, not less than one emergency exit located above the water line for every 35 passengers: *Provided*, That for the purposes of this paragraph an easily accessible overhead hatch of not less than the clear dimensions of Type III emergency exits (see paragraph (b) (3) of this section) shall be considered equivalent to one emergency exit on each side.

(e) *Emergency exit arrangement.* (1) Emergency exits shall consist of movable doors or hatches in the external walls of the fuselage and shall provide an unobstructed opening to the outside.

(2) All emergency exits shall be openable from the inside and from the outside.

(3) The means of opening emergency exits shall be simple and obvious and shall not require exceptional effort of a person opening them.

(4) Means shall be provided for locking each emergency exit and for safeguarding against opening in flight either inadvertently by persons or as a result of mechanical failure.

(5) Means shall be provided for a direct visual inspection of the locking mechanism by crew members to ascertain whether all emergency exits are fully locked.

(6) Provision shall be made to minimize the possibility of jamming of emergency exits as a result of fuselage deformation in a minor crash landing.

(7) For all landplane emergency exits other than Type IV (see paragraph (b) of this section) which are more than 6 feet from the ground with the airplane on the ground and the landing gear extended, means shall be provided to assist the occupants in descending to the ground.

(8) The proper functioning of emergency exit installations shall be demonstrated by test.

(f) *Emergency exit marking.* (1) All emergency exits, their means of access, and their means of opening shall be marked conspicuously. The identity and location of emergency exits shall be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches.

(2) A source or sources of light, with an energy supply independent of the main lighting system, shall be installed to illuminate all emergency exit markings. Such lights shall be designed to function automatically in a crash landing and shall also be operable manually.

(3) All emergency exits and their means of opening shall be marked on the outside of the airplane for guidance of rescue personnel.

(g) *Emergency exit access.* Passageways between individual compartments of the passenger area and passageways leading to Type I and Type II emergency exits (see paragraph (b) of this section) shall be unobstructed and shall be not less than 20 inches wide. Adjacent to emergency exits where assisting means are required by paragraph (e) (7) of this section, there shall be sufficient additional space to allow a crew member to assist in the evacuation of passengers without reduction in the unobstructed width of the passageway to such exit.

(h) *Width of main aisle.* The main passenger aisle at any point between seats shall not be less than 15 inches wide up to a height above the floor of 25 inches and not less than 20 inches wide above that height.

VENTILATION, HEATING, AND PRESSURIZATION

§ 4b.370 *General.* The requirements of §§ 4b.371 through 4b.376 shall apply to the ventilation, heating, and pressurization of the aircraft.

§ 4b.371 *Ventilation.* (a) All crew compartments shall be ventilated by providing a sufficient amount of fresh air to enable the crew members to perform their duties without undue discomfort or fatigue.

NOTE: An outside air supply of approximately 10 cubic feet per minute is considered a minimum for each crew member.

(b) Ventilating air in crew and passenger compartments shall be free of harmful or hazardous concentrations of gases or vapors.

NOTE: Carbon monoxide concentrations in excess of one part in 20,000 parts of air are considered hazardous. Carbon dioxide in excess of 3 percent by volume (sea level equivalent) is considered hazardous in the case of crew members. Higher concentrations of carbon dioxide may not necessarily be hazardous in crew compartments if appropriate protective breathing equipment is available.

(c) Provision shall be made to insure the conditions prescribed in paragraph (b) of this section in the event of reasonably probable failures or malfunctioning of the ventilating, heating, pressurization, or other systems and equipment.

NOTE: Examples of acceptable provisions include secondary isolation, integral protective devices, and crew warning and shutoff for equipment the malfunctioning of which could introduce harmful or hazardous quantities of smoke or gases.

(d) Where partitions between compartments are equipped with louvres or other means allowing air to flow between such compartments, provision convenient to the crew shall be made for stopping the flow of air through the louvres or other means when such action is found necessary. (See also § 4b.357.)

(e) Means shall be provided to enable the crew to control the temperature and quantity of ventilating air supplied to the crew compartment independently of the temperature and quantity of ventilating air supplied to other compartments.

§ 4b.372 *Heating systems.* Combustion heaters shall be of an approved type and shall comply with the fire protection requirements of § 4b.386. Engine exhaust heaters shall comply with the provisions of § 4b.467 (c) and (d).

§ 4b.373 *Pressurized cabins; general.* The design of pressurized cabins shall comply with the requirements of §§ 4b.374 through 4b.376. (See also §§ 4b.216 (c) and 4b.352.)



§ 4b.374 *Pressure supply.* (See § 4b.477 (c).)

§ 4b.375 *Pressure control.* Pressurized cabins shall be provided with at least the following valves, controls, and indicators for controlling cabin pressure.

(a) Two pressure relief valves, at least one of which is the normal regulating valve, shall be installed to limit automatically the positive pressure differential to a predetermined value at the maximum rate of flow delivered by the pressure source. The combined capacity of the relief valves shall be such that the failure of any one valve would not cause an appreciable rise in the pressure differential. The pressure differential shall be considered positive when the internal pressure is greater than the external.

(b) Two reverse pressure differential relief valves (or equivalent) shall be installed to prevent automatically a negative pressure differential which would damage the structure, except that one such valve shall be considered sufficient if it is of a design which reasonably precludes its malfunctioning.

(c) Means shall be provided by which the pressure differential can be rapidly equalized.

(d) An automatic or manual regulator for controlling the intake and/or exhaust air flow shall be installed so that the required internal pressures and air flow rates can be maintained.

(e) Instruments shall be provided at the pilot or flight engineer station showing the pressure differential, the absolute pressure in the cabin, and the rate of change of the absolute pressure.

(f) Warning indication shall be provided at the pilot or flight engineer station to indicate when the safe or preset limits on pressure differential and on absolute cabin pressure are exceeded.

(g) If the structure is not designed for pressure differentials up to the maximum relief valve setting in combination with landing loads (see § 4b.216 (c)), a warning placard shall be placed at the pilot or flight engineer station.

§ 4b.376 *Tests—(a) Strength test.* The complete pressurized cabin, including doors, windows, and all valves, shall be tested as a pressure vessel for the pressure differential specified in § 4b.216 (c) (3).

(b) *Functional tests.* The following functional tests shall be performed.

(1) To simulate the condition of regulator valves closed, the functioning and the capacity shall be tested of the positive and negative pressure differential valves and of the emergency release valve.

(2) All parts of the pressurization system shall be tested to show proper functioning under all possible conditions of pressure, temperature, and moisture up to the maximum altitude selected for certification.

(3) Flight tests shall be conducted to demonstrate the performance of the pressure supply, pressure and flow regulators, indicators, and warning signals in steady and stepped climbs and descents at rates corresponding with the maximum attainable without exceeding the operating limitations of the airplane up to the maximum altitude selected for certification.

(4) All doors and emergency exits shall be tested to ascertain that they operate properly after being subjected to the flight tests prescribed in subparagraph (3) of this paragraph.

FIRE PROTECTION

§ 4b.380 *General.* Compliance shall be shown with the fire protection requirements of §§ 4b.381 through 4b.386. (See also §§ 4b.480 through 4b.490.) In addition, the following shall apply.

(a) *Hand fire extinguishers.* Hand fire extinguishers shall be of an approved type. The types and quantities of extinguishing agents shall be appropriate for the types of fires likely to occur in the compartments where the extinguishers are intended for use. Extinguishers intended for use in personnel compartments shall be such as to minimize the hazard of toxic gas concentrations.

(b) *Built-in fire extinguishers.* Where a built-in fire extinguishing system is required, its capacity in relation to the compartment volume and ventilation rate shall be sufficient to combat any fire likely to occur in the compartment. All built-in fire extinguishing systems shall be so installed that any extinguisher agent likely to enter personnel compartments will not be hazardous to the occupants and that discharge of the extinguisher cannot result in structural damage. (See also § 4b.371.)

(c) *Protective breathing equipment.* If the airplane contains Class A or B cargo compartments (see § 4b.383), protective breathing equipment shall be installed for the use of appropriate crew members. (See § 4b.651 (h).)

§ 4b.381 *Cabin interiors.* All compartments occupied or used by the crew or passengers shall comply with the following provisions.

(a) The materials in no case shall be less than flash-resistant.

(b) The wall and ceiling linings, the covering of all upholstering, floors, and furnishings shall be flame-resistant.

(c) Compartments where smoking is to be permitted shall be equipped with ash trays of the self-contained type which are completely removable. All other compartments shall be placarded against smoking.

(d) All receptacles for used towels, papers, and waste shall be of fire-resistant material, and shall incorporate covers or other provisions for containing possible fires.

(e) At least one hand fire extinguisher shall be provided for use by the flight crew.

(f) In addition to the requirements of paragraph (e) of this section at least the following number of hand fire extinguishers conveniently located for use in passenger compartments shall be provided according to the passenger capacity of the airplane:

| Passenger capacity: | *Minimum number of fire extinguishers* |
|---|---|
| 6 or less | 0 |
| 7 through 30 | 1 |
| 31 through 60 | 2 |
| 61 or more | 3 |

§ 4b.382 *Cargo and baggage compartments.* (a) Cargo and baggage compartments shall include no controls, wiring, lines, equipment, or accessories the damage or failure of which would affect the safe operation of the airplane, unless such items are shielded, isolated, or otherwise protected so that they cannot be damaged by movement of cargo in the compartment, and so that any breakage or failure of such item will not create a fire hazard.

(b) Provision shall be made to prevent cargo or baggage from interfering with the functioning of the fire-protective features of the compartment.

(c) All materials used in the construction of cargo or baggage compartments, including tie-down equipment, shall be flame-resistant.

§ 4b.383 *Cargo compartment classification.* All cargo and baggage compartments shall include provisions for safeguarding against fires according to the following classification.

(a) *Class A.* Cargo and baggage compartments shall be classified as "A" if the presence of a possible fire therein would be easily discernible to a member of the crew while at his station, and if all parts of the compartment are easily accessible in flight. A hand fire extinguisher shall be available for each compartment. (See § 4b.380 (c) for protective breathing requirements.)

(b) *Class B.* Cargo and baggage compartments shall be classified as "B" if sufficient access is provided while in flight to enable a member of the crew to move by hand all contents and to reach effectively all parts of the compartment with a hand fire extinguisher. Compliance shall be shown with the following:

(1) The design of the compartment shall be such that, when the access provisions are being used, no hazardous quantity of smoke, flames, or extinguishing agent will enter any compartment occupied by the crew or passengers. (See § 4b.380 (c) for protective breathing requirements.)

(2) Each compartment shall be equipped with a separate system of an approved type smoke detector or fire detector other than a heat detector to give warning at the pilot or flight engineer station.

(3) Hand fire extinguishers shall be readily available for use in each compartment.

(4) The compartment shall be completely lined with fire-resistant material.

(c) *Class C.* Cargo and baggage compartments shall be classified as "C" if they do not conform to the prerequisites for the "A" or "B" classifications. Compliance shall be shown with the following.

(1) Each compartment shall be equipped with:

(i) A separate system of an approved type smoke detector or fire detector other than heat detector to give warning at the pilot or flight engineer station, and

(ii) An approved built-in fire-extinguishing system controlled from the pilot or flight engineer station.

(2) Means shall be provided to exclude hazardous quantities of smoke, flames, or extinguishing agent from en-

tering into any compartment occupied by the crew or passengers.

(3) Ventilation and drafts shall be controlled within each compartment so that the extinguishing agent provided can control any fire which may start within the compartment.

(4) The compartment shall be completely lined with fire-resistant material.

(d) *Class D.* Cargo and baggage compartments shall be classified as "D" if they are so designed and constructed that a fire occurring therein will be completely confined without endangering the safety of the airplane or the occupants. Compliance shall be shown with the following.

(1) Each compartment shall be equipped with an approved type smoke detector or fire detector other than heat detector to give warning at the pilot or flight engineer station.

(2) Means shall be provided to exclude hazardous quantities of smoke, flames, or other noxious gases from entering into any compartment occupied by the crew or passengers.

(3) Ventilation and drafts shall be controlled within each compartment so that any fire likely to occur in the compartment will not progress beyond safe limits.

NOTE: For compartments having a volume not in excess of 500 cu. ft. an airflow of not more than 1,500 cu. ft. per hour is considered acceptable. For larger compartments lesser airflow may be applicable.

(4) The compartment shall be completely lined with fire-resistant material.

(5) Consideration shall be given to the effect of heat within the compartment on adjacent critical parts of the airplane.

§ 4b.384 *Proof of compliance.* (a) Compliance with those provisions of § 4b.383 which refer to compartment accessibility, to the entry of hazardous quantities of smoke or extinguishing agent into compartments occupied by the crew or passengers, and to the dissipation of the extinguishing agent in class C compartments shall be demonstrated by tests in flight.

(b) It shall also be demonstrated during the tests prescribed in paragraph (a) of this section that no inadvertent operation of smoke or fire detectors in adjacent or other compartments within the airplane would occur as a result of fire contained in any one compartment, either during or after extinguishment, unless the extinguishing system floods such compartments simultaneously.

§ 4b.385 *Flammable fluid fire protection.* In areas of the airplane where flammable fluids or vapors might be liberated by leakage or failure in fluid systems, design precautions shall be made to safeguard against the ignition of such fluids or vapors due to the operation of other equipment, or to control any fire resulting from such ignition.

§ 4b.386 *Combustion heater fire protection*—(a) *Combustion heater fire zones.* The following shall be considered as combustion heater fire zones and shall be protected against fire in accordance with applicable provisions of §§ 4b.480 through 4b.486 and § 4b.489.

(1) Region surrounding the heater, if such region contains any flammable fluid system components other than the heater fuel system which might be damaged by heater malfunctioning or which, in case of leakage or failure, might permit flammable fluids or vapors to reach the heaters.

(2) Region surrounding the heater, if the heater fuel system incorporates fittings the leakage of which would permit fuel or vapors to enter this region.

(3) That portion of the ventilating air passage which surrounds the combustion chamber.

(b) *Ventilating air ducts.* (1) Ventilating air ducts which pass through fire zones shall be of fireproof construction.

(2) Unless isolation is provided by the use of fireproof valves or other equivalently effective means, the ventilating air duct downstream of the heater shall be of fireproof construction for a sufficient distance to assure that any fire originating from within the heater can be contained within the duct.

(3) Portions of ventilating ducts passing through regions in the airplane where flammable fluid systems are located shall be so constructed or isolated from such systems that failure or malfunctioning of the flammable fluid system components cannot introduce flammable fluids or vapors into the ventilating airstream.

(c) *Combustion air ducts.* (1) Combustion air ducts shall be of fireproof construction for a distance sufficient to prevent damage from backfiring or reverse flame propagation.

(2) Combustion air ducts shall not communicate with the ventilating airstream unless it is demonstrated that flames from backfires or reverse burning cannot enter the ventilating airstream under any conditions of ground or flight operation including conditions of reverse flow or malfunctioning of the heater or its associated components.

(3) Combustion air ducts shall not restrict prompt relief of backfires which can cause heater failure due to pressures generated within the heater.

(d) *Heater controls; general.* Provision shall be made to prevent hazardous accumulations of water or ice on or within any heater control components, control system tubing, or safety controls.

(e) *Heater safety controls.* (1) In addition to the components provided for normal continuous control of air temperature, air flow, and fuel flow, means independent of such components shall be provided with respect to each heater to shut off automatically that heater's ignition and fuel supply at a point remote from the heater when the heat exchanger temperature or ventilating air temperature exceed safe limits or when either the combustion air flow or the ventilating air flow becomes inadequate for safe operation. The means provided for this purpose for any individual heater shall be independent of all components serving other heaters the heat output of which is essential to the safe operation of the airplane.

(2) Warning means shall be provided to indicate to the crew when a heater, the heat output of which is essential to the safe operation of the airplane, has been shut off by the operation of the automatic means prescribed in subparagraph (1) of this paragraph.

(f) *Air intakes.* Combustion and ventilating air intakes shall be so located that no flammable fluids or vapors can enter the heater system under any conditions of ground or flight operation either during normal operation or as a result of malfunctioning, failure, or improper operation of other airplane components.

(g) *Heater exhaust.* Heater exhaust systems shall comply with the provisions of § 4b.467 (a) and (b). In addition, the following shall apply:

(1) Exhaust shrouds shall be sealed so that flammable fluids and hazardous quantities of vapors cannot reach the exhaust systems through joints.

(2) Exhaust systems shall not restrict the prompt relief of backfires which can cause heater failure due to pressures generated within the heater.

(h) *Heater fuel systems.* Heater fuel systems shall comply with all portions of the powerplant fuel system requirements which affect safe heater operations. In addition, heater fuel system components within the ventilating airstream shall be protected by shrouds so that leakage from such components cannot enter the ventilating airstream.

(i) *Drains.* Means shall be provided for safe drainage of fuel accumulations which might occur within the combustion chamber or the heat exchanger. Portions of such drains which operate at high temperatures shall be protected in the same manner as heater exhausts (see paragraph (g) of this section). Drains shall be protected against hazardous ice accumulations in flight and during ground operation.

MISCELLANEOUS

§ 4b.390 *Reinforcement near propellers.* Portions of the airplane near propeller tips shall have sufficient strength and stiffness to withstand the effects of the induced vibration and of ice thrown from the propeller. Windows shall not be located in such regions unless shown capable of withstanding the most severe ice impact likely to occur.

§ 4b.391 *Leveling marks.* Reference marks shall be provided for use in leveling the airplane to facilitate weight and balance determinations on the ground.

SUBPART E—POWERPLANT INSTALLATION

INSTALLATION

§ 4b.400 *General.* The powerplant installation shall be considered to include all components of the airplane which are necessary for its propulsion. It shall also be considered to include all components which affect the control of the major propulsive units or which affect their safety of operation between normal inspections or overhaul periods. (See §§ 4b.604 and 4b.613 for instrument installation and marking.)

(a) *Scope.* Reciprocating engine installations shall comply with the provisions of this subpart. Turbine engine installations shall comply with such of the provisions of this subpart as are found applicable to the specific type of installation.



(b) *Functioning.* All components of the powerplant installation shall be constructed, arranged, and installed in a manner which will assure their continued safe operation between normal inspections or overhaul periods.

(c) *Accessibility.* Accessibility shall be provided to permit such inspection and maintenance as is necessary to assure continued airworthiness.

(d) *Electrical bonding.* Electrical interconnections shall be provided to prevent the existence of differences of potential between major components of the powerplant installation and other portions of the airplane.

§ 4b.401 *Engines*—(a) *Type certification.* All engines shall be type certificated in accordance with the provisions of Part 13 of this subchapter.

(b) *Engine isolation.* The powerplants shall be arranged and isolated each from the other to permit operation in at least one configuration in a manner such that the failure or malfunctioning of any engine, or of any system of the airplane the failure of which can affect an engine, will not prevent the continued safe operation of the remaining engine(s) or require immediate action by a crew member for continued safe operation.

(c) *Control of engine rotation.* Means shall be provided for stopping and restarting the rotation of any engine individually in flight. All components provided for this purpose which are located on the engine side of the fire wall and which might be exposed to fire shall be of fire-resistant construction. If hydraulic propeller feathering systems are used for this purpose, the feathering lines on all airplanes manufactured after June 30, 1954, shall be fire-resistant under the operating conditions which may be expected to exist when feathering is being accomplished. (See also § 4b.449.)

§ 4b.402 *Propellers.* Propellers shall be type certificated in accordance with the provisions of Part 14 of this subchapter. The maximum propeller shaft rotational speed and the engine power permissible for use in the airplane shall not exceed the corresponding limits for which the propeller has been certificated.

§ 4b.403 *Propeller vibration.* The magnitude of the propeller blade vibration stresses under all normal conditions of operation shall be determined by actual measurement or by comparison with similar installations for which such measurements have been made. The vibration stresses thus determined shall not exceed values which have been demonstrated to be safe for continuous operation.

§ 4b.404 *Propeller pitch and speed limitations.* (a) The propeller pitch and speed shall be limited to values which will assure safe operation under all normal conditions and which will assure compliance with the performance requirements specified in §§ 4b.110 through 4b.125.

(b) A propeller speed limiting means shall be provided at the governor. Such means shall be set to limit the maximum possible governed engine speed to a value not exceeding the maximum permissible r. p. m.

(c) The low pitch blade stop in the propeller, or other means used to limit the low pitch position, shall be set so that the propeller speed does not exceed 103 percent of the maximum permissible engine r. p. m. under the following conditions:

(1) Propeller blades at the low pitch limit and governor inoperative, and

(2) Engine operating at take-off manifold pressure with the airplane stationary under standard atmospheric conditions.

§ 4b.405 *Propeller clearance.* With the airplane loaded to the maximum weight and at the most adverse center of gravity position and the propellers in the most adverse pitch position, the propeller clearances shall not be less than the following, unless smaller clearances are substantiated for the particular design involved.

(a) *Ground.* Seven inches of ground clearance for airplanes equipped with nose-wheel type landing gears, or nine inches of ground clearance for airplanes equipped with tail-wheel type landing gears shall be provided with the landing gear statically deflected and the airplane in the level take-off or in the taxying attitude, whichever is most critical. In addition, there shall be positive clearance between the propeller and the ground when, with the airplane in the level take-off attitude, the critical tire is completely deflated and the corresponding landing gear strut is completely bottomed.

(b) *Water.* A water clearance of 18 inches shall be provided unless compliance with § 4b.182 (a) is demonstrated with less clearance.

(c) *Structure.* (1) One inch radial clearance shall be provided between the blade tips and the airplane structure, or whatever additional radial clearance is necessary to preclude harmful vibration of the propeller or airplane.

(2) One-half inch longitudinal clearance shall be provided between the propeller blades or cuffs and all stationary portions of the airplane.

(3) Positive clearance shall be provided between other rotating portions of the propeller or spinner and all stationary portions of the airplane.

[CAR, 15 F. R. 3543, June 8, 1950, as amended by Amdt. 4b-7, 17 F. R. 11631, Dec. 20, 1952]

§ 4b.406 *Propeller de-icing provisions.* (a) Airplanes intended for operation under atmospheric conditions conducive to the formation of ice on propellers or on accessories where ice accumulation would jeopardize engine performance shall be provided with means for the prevention or removal of hazardous ice accumulations.

(b) If combustible fluid is used for propeller de-icing, the provisions of §§ 4b.480 through 4b.483, inclusive, shall be complied with.

FUEL SYSTEM OPERATION AND ARRANGEMENT

§ 4b.410 *General.* (a) The fuel system shall be constructed and arranged in such a manner as to assure a flow of fuel to each engine at a rate and pressure which have been established for proper engine functioning under all normal conditions, including all maneuvers for which the airplane is intended. (For fuel system instruments see § 4b.604.)

(b) The fuel system shall be so arranged that no one fuel pump can draw fuel from more than one tank at a time unless means are provided to prevent introducing air into the system.

§ 4b.411 *Fuel system independence.* The design of the fuel system shall comply with the requirements of § 4b.401 (b). Unless other provisions are made in compliance with this requirement, the fuel system shall be arranged to permit the supply of fuel to each engine through a system independent of any portion of a system supplying fuel to any other engine.

§ 4b.412 *Pressure cross-feed arrangements.* (a) Pressure cross-feed lines shall not pass through portions of the airplane intended to carry personnel or cargo, unless means are provided to permit the flight personnel to shut off the supply of fuel to these lines, or unless the lines are enclosed in a fuelproof and fumeproof shroud which is ventilated and drained to the exterior of the airplane.

(b) The shrouds specified in paragraph (a) of this section need not be used if the lines are routed or protected to safeguard against accidental damage and if they do not incorporate any fittings within the personnel or cargo areas.

(c) Lines which can be isolated from the remainder of the fuel system by means of valves at each end shall incorporate provisions for the relief of excessive pressures which might result from exposure of the isolated line to high ambient temperatures.

§ 4b.413 *Fuel flow rate.* (a) The ability of the fuel system to provide the required fuel flow rate shall be demonstrated when the airplane is in the attitude which represents the most adverse condition from the standpoint of fuel feed which the airplane is designed to attain. The following shall be considered in this respect:

(1) Normal ground attitude,

(2) Climb with take-off flaps, landing gear up, using take-off power, at speed $V_2$ as determined in § 4b.114 (b), at landing weight,

(3) Level flight at maximum continuous power or at the power required for level flight at $V_C$, whichever is the lesser,

(4) Glide at a speed of 1.3 $V_{s_0}$, at landing weight.

(b) During the demonstration prescribed in paragraph (a) of this section, fuel shall be delivered to the engine at a pressure not less than the minimum pressure established for proper engine operation. In addition the following shall be met.

(1) The quantity of fuel in the tank being considered shall not exceed the amount established as the unusable fuel supply for that tank, as determined by demonstrating compliance with the provisions of § 4b.416 (see also §§ 4b.420 and 4b.613 (b)), together with whatever minimum quantity of fuel it may be necessary to add for the purpose of conducting the flow test.

(2) If a fuel flowmeter is provided, the meter shall be blocked during the flow test and the fuel shall flow through the meter by-pass.

(3) It shall be acceptable to conduct the demonstration prescribed in paragraph (a) of this section by a ground test on the airplane or on a representative mock-up of the fuel system.

§ 4b.414 *Pump systems.* (a) The fuel flow rate for pump systems (main and reserve supply) shall be 0.9 pounds per hour for each take-off horsepower or 125 percent of the actual take-off fuel consumption of the engine, whichever is the greater.

(b) The fuel flow rate specified in paragraph (a) of this section shall be applicable to both the primary engine-driven pump and to emergency pumps. The fuel flow rate shall be available when the pump is running at the speed at which it would normally be operating during take-off. In the case of hand-operated pumps, the speed required shall not be more than 60 complete cycles (120 single strokes) per minute.

§ 4b.415 *Transfer systems.* The provisions of § 4b.414 shall apply to transfer systems, except that the required fuel flow rate for the engine or engines involved shall be established upon the basis of maximum continuous power and its corresponding speed instead of take-off power and its corresponding speed.

§ 4b.416 *Determination of unusable fuel supply and fuel system operation on low fuel.* (a) The quantity of fuel with which compliance with the provision of this paragraph is demonstrated shall be selected by the applicant who, in addition, shall indicate which of the conditions specified in paragraph (b) of this section are most likely to be critical from the standpoint of establishing the unusable fuel supply, and also indicate the order in which the other conditions may be critical.

(b) The unusable fuel supply for each tank used for take-off and landing shall be established as not less than the quantity at which the first evidence of malfunctioning occurs under the following conditions: (See § 4b.420.)

(1) Level flight at maximum continuous power or at the power required for level flight at $V_C$, whichever is the lesser,

(2) Climb with take-off flaps and landing gear up, at take-off power, at landing weight, and at speed $V_2$ determined in accordance with § 4b.114 (b),

(3) Rapid application of maximum continuous power and subsequent transition to a climb at speed $V_2$ determined in accordance with § 4b.114 (b), with retraction of flaps and landing gear, from a power-off glide at 1.3 $V_{s_1}$, with flaps and landing gear down, at landing weight.

(c) If an engine can be supplied with fuel from more than one tank, it shall be possible to regain the full fuel pressure of that engine in not more than 20 seconds after switching to any fuel tank after engine malfunctioning becomes apparent due to the depletion of the fuel supply in any tank from which the engine can be fed. Compliance with this provision shall be demonstrated in level flight.

(d) The unusable fuel supply for all tanks other than those used for take-off and landing shall be established as not less than the quantity at which the first evidence of malfunctioning occurs under the conditions specified in paragraph (b) (1) of this section. It shall be acceptable to demonstrate compliance with this requirement by a ground test.

§ 4b.417 *Fuel system hot weather operation.* (a) To prove satisfactory hot weather operation the airplane shall be climbed from the altitude of the airport chosen by the applicant to the altitude corresponding with that at which the one-engine-inoperative best rate of climb is not greater than the en route climb with the configuration and at the weight specified in § 4b.120 (c). There shall be no evidence of vapor lock or other malfunctioning. The climb test shall be conducted under the following conditions.

(1) All engines shall operate at maximum continuous power, except that take-off power shall be used for the altitude range extending from 1,000 feet below the critical altitude through the critical altitude. The time interval during which take-off power is used shall not exceed the take-off time limitation.

(2) The weight shall be with full fuel tanks, minimum crew, and such ballast as is required to maintain the center of gravity within allowable limits.

(3) The speed of climb shall not exceed that which will permit compliance with the minimum climb requirement specified in § 4b.119 (a).

(4) The fuel temperature shall be not less than 110° F.

(b) The test prescribed in paragraph (a) of this section shall be performed either in flight or on the ground closely simulating flight conditions. If a flight test is performed in weather sufficiently cold to interfere with the proper conduct of the test, the fuel tank surfaces, fuel lines, and other fuel system parts subjected to cooling action from cold air shall be insulated to simulate, in so far as practicable, flight in hot weather.

§ 4b.418 *Flow between interconnected tanks.* (a) In fuel systems where the tank outlets are interconnected, it shall not be possible for fuel to flow between tanks in quantities sufficient to cause an overflow of fuel from the tank vent when the airplane is operated as specified in § 4b.416 (b) and the tanks are full.

(b) If it is possible to pump fuel from one tank to another in flight, the design of the fuel tank vents and the fuel transfer system shall be such that structural damage to tanks will not occur in the event of overfilling.

FUEL SYSTEM CONSTRUCTION AND INSTALLATION

§ 4b.420 *General.* (a) Fuel tanks shall be capable of withstanding without failure all vibration, inertia, fluid, and structural loads to which they may be subjected in operation.

(b) Flexible fuel tank liners shall be of an approved type or shall be shown to be suitable for the particular application.

(c) The fuel tanks, as installed, shall be designed to withstand a minimum internal pressure of 3.5 p. s. i.

(d) Integral type fuel tanks shall be provided with facilities for inspection and repair of the tank interior.

(e) The total usable capacity of the fuel tanks shall not be less than 0.15 gallons for each maximum continuous horsepower for which the airplane is certificated.

(f) The unusable fuel capacity shall be the minimum quantity of fuel which will permit compliance with the provisions of § 4b.416.

§ 4b.421 *Fuel tank tests.* (a) Fuel tanks shall be capable of withstanding the following pressure tests without failure or leakage. It shall be acceptable to apply the pressures in a manner simulating the actual pressure distribution in service.

(1) Conventional metal tanks and nonmetallic tanks the walls of which are not supported by the airplane structure shall be submitted to a pressure of 3.5 p. s. i., or the pressure developed during the maximum ultimate acceleration of the airplane with a full tank, whichever is the greater.

(2) Integral tanks shall be submitted to a pressure of 3.5 p. s. i. unless the pressure developed during the maximum limit acceleration of the airplane with a full tank exceeds this value, in which case a hydrostatic head, or equivalent test, shall be applied to duplicate the acceleration loads in so far as possible, except that the pressure need not exceed 3.5 p. s. i. on surfaces not exposed to the acceleration loading.

(3) Nonmetallic tanks the walls of which are supported by the airplane structure shall be submitted to a pressure of 3.5 p. s. i. when mounted in the airplane structure.

(b) Tanks with large unsupported or unstiffened flat areas shall be capable of withstanding the following test, or other equivalent test, without leakage or failure.

(1) The complete tank assembly together with its supports shall be subjected to a vibration test when mounted in a manner simulating the actual installation.

(2) The tank assembly shall be vibrated for 25 hours at an amplitude of not less than one thirty-second of an inch while filled two-thirds full of water.

(3) The frequency of vibration shall be 90 percent of the maximum continuous rated speed of the engine unless some other frequency within the normal operating range of speeds of the engine is more critical, in which case the latter speed shall be employed and the time of test shall be adjusted to accomplish the same number of vibration cycles.

(4) In conjunction with the vibration test the tank assembly shall be rocked through an angle of 15° on either side of the horizontal (30° total) about an axis parallel to the axis of the fuselage.

(5) The assembly shall be rocked at the rate of 16 to 20 complete cycles per minute.

(c) In the case of nonmetallic tanks a specimen tank of the same basic construction as that to be used in the airplane, when installed in a representative test tank, shall withstand the test as specified in paragraph (b) of this section with fuel at a temperature of 110° F.



§ 4b.422 *Fuel tank installation.* (a) The method of support for fuel tanks shall not permit concentration of loads, resulting from the weight of the fuel in the tank, on unsupported tank surfaces. The following shall be applicable.

(1) Pads shall be provided to prevent chafing between the tank and its supports.

(2) Materials employed for padding shall be nonabsorbent or shall be treated to prevent the absorption of fluids.

(3) If flexible tank liners are employed they shall be so supported that the liner is not required to withstand fluid loads.

(4) Interior surfaces of tank compartments shall be smooth and free of projections which could cause wear of the liner, unless provisions are made for protection of the liner at such points or unless the construction of the liner itself provides such protection.

(b) Spaces adjacent to the surfaces of the tank shall be ventilated consistent with the size of the compartment to avoid fume accumulation in the case of minor leakage. If the tank is in a sealed compartment it shall be acceptable to limit the ventilation to that provided by drain holes of sufficient size to prevent excessive pressure resulting from altitude changes.

(c) Location of fuel tanks shall comply with the provisions of § 4b.481 (a).

(d) No portion of engine nacelle skin which lies immediately behind a major air egress opening from the engine compartment shall act as the wall of an integral tank.

(e) Fuel tanks shall be isolated from personnel compartments by means of fumeproof and fuelproof enclosures.

§ 4b.423 *Fuel tank expansion space.* (a) Fuel tanks shall be provided with an expansion space of not less than 2 percent of the tank capacity.

(b) It shall not be possible to fill the fuel tank expansion space inadvertently when the airplane is in the normal ground attitude.

§ 4b.424 *Fuel tank sump.* (a) Each fuel tank shall be provided with a sump having a capacity of not less than either 0.25 percent of the tank capacity or one-sixteenth of a gallon, whichever is the greater.

(b) The fuel tank sump capacity specified in paragraph (a) of this section shall be effective with the airplane in the normal ground attitude. The fuel tank shall be constructed to permit drainage of any hazardous quantity of water from all portions of the tank to the sump when the airplane is in the ground attitude.

(c) Fuel tank sumps shall be provided with an accessible drain to permit complete drainage of the sump on the ground. The drain shall discharge clear of all portions of the airplane and shall be provided with means for positive locking of the drain in the closed position, either manually or automatically.

§ 4b.425 *Fuel tank filler connection.* (a) The design of fuel tank filler connections shall be such as to prevent the entrance of fuel into the fuel tank compartment or any other portion of the airplane other than the tank itself.

(b) Recessed fuel tank filler connections which retain any appreciable quantity of fuel shall incorporate a drain, and the drain shall discharge clear of all portions of the airplane.

(c) The fuel tank filler cap shall provide a fuel-tight seal.

(d) The fuel tank filler connections shall be marked as prescribed in § 4b.738 (b).

§ 4b.426 *Fuel tank vents and carburetor vapor vents.* (a) Fuel tanks shall be vented from the top portion of the expansion space in such a manner that venting of the tank is effective under all normal flight conditions. The following shall be applicable.

(1) Vent outlets shall be located and constructed to prevent the possibility of being obstructed by ice or other foreign matter.

(2) The vent shall be constructed to preclude the possibility of siphoning fuel during normal operation.

(3) The vent shall be of sufficient size to prevent the existence of excessive differences of pressure between the interior and exterior of the tank during normal flight operation, during maximum rate of descent, and, if applicable, during refueling and defueling.

(4) Air spaces of tanks with interconnected outlets shall also be interconnected.

(5) There shall be no points in the vent line where moisture could accumulate with the airplane in either the ground or the level flight attitude unless drainage is provided.

(6) Vents and drainage shall not terminate at points where the discharge of fuel from the vent outlet would constitute a fire hazard or from which fumes could enter personnel compartments.

(b) Carburetors which are provided with vapor elimination connections shall be provided with a vent line to lead vapors back to one of the fuel tanks. The vents shall comply with the following.

(1) Provisions shall be incorporated in the vent system to avoid stoppage by ice.

(2) If more than one fuel tank is provided and it is necessary to use the tanks in a definite sequence, the vapor vent return line shall lead back to the fuel tank used for take-off and landing.

§ 4b.427 *Fuel tank outlet.* A fuel strainer of 8 to 16 meshes per inch shall be provided either for the fuel tank outlet or for the booster pump. Strainers shall comply with the following.

(a) The clear area of the fuel tank outlet strainer shall not be less than 5 times the area of the fuel tank outlet line.

(b) The diameter of the strainer shall not be less than the diameter of the fuel tank outlet.

(c) Finger strainers shall be accessible for inspection and cleaning.

§ 4b.428 *Under-wing fueling provisions.* Under-wing fuel tank connections shall be provided with means to prevent the escape of hazardous quantities of fuel from the tank in the event of malfunctioning of the fuel entry valve while the cover plate is removed. In addition to the normal means provided in the airplane for limiting the tank content, a means shall be installed to prevent damage to the tank in case of failure of the normal means.

FUEL SYSTEM COMPONENTS

§ 4b.430 *Fuel pumps*—(a) *Main pumps.* (1) If the engine fuel supply is maintained by means of pumps, one fuel pump for each engine shall be engine-driven.

(2) Fuel pumps shall meet the pertinent flow requirements of § 4b.413.

(3) All positive displacement fuel pumps shall incorporate an integral by-pass, unless provision is made for a continuous supply of fuel to all engines in case of failure of any one pump. Engine fuel injection pumps which are approved as an integral part of the engine need not incorporate a by-pass.

(4) If the emergency fuel pumps are all dependent upon the same source of motive power, the main fuel pumps shall be capable of providing sufficient fuel flow and pressure to maintain level flight at maximum weight and normal cruising power at an altitude of 6,000 feet with 110° F. fuel without the aid of any emergency fuel pump.

(b) *Emergency pumps.* (1) Emergency fuel pumps shall be provided to permit supplying all engines with fuel in case of failure of any one main fuel pump, except in the case of installations in which the only fuel pump used in the system is an engine fuel injection pump which is approved as an integral part of the engine.

(2) Emergency fuel pumps shall be available for immediate use in case of failure of any other fuel pump. No manipulation of fuel valves shall be necessary on the part of the crew to make an emergency fuel pump available to the engine which it is normally intended to serve when the fuel system is being operated in the configuration complying with the provisions of § 4b.411.

§ 4b.431 *Fuel pump installation.* (a) Provision shall be made to maintain the fuel pressure at the inlet to the carburetor within the range of limits established for proper engine operation.

(b) When necessary for the maintenance of the proper fuel delivery pressure, a connection shall be provided to transmit the carburetor air intake static pressure to the proper fuel pump relief valve connection. In such cases, to avoid erroneous fuel pressure reading, the gauge balance lines shall be independently connected to the carburetor inlet pressure.

§ 4b.432 *Fuel system lines and fittings.* (a) Fuel lines shall be installed and supported to prevent excessive vibration and to withstand loads due to fuel pressure and due to accelerated flight conditions.

(b) Fuel lines which are connected to components of the airplane between which relative motion could exist shall incorporate provisions for flexibility.

(c) Flexible connections in fuel lines which may be under pressure and subjected to axial loading shall employ flex-

ible hose assemblies rather than hose clamp connections.

(d) Flexible hose shall be of an approved type or shall be shown to be suitable for the particular application.

(e) Flexible hoses which might be adversely affected by exposure to high temperatures shall not be employed in locations where excessive temperatures will exist during operation or after engine shut-down.

§ 4b.433 *Fuel lines and fittings in designated fire zones.* Fuel lines and fittings in all designated fire zones (see § 4b.480) shall comply with the provisions of § 4b.483.

§ 4b.434 *Fuel valves.* In addition to the requirements of § 4b.482 for shut-off means, all fuel valves shall be provided with positive stops or suitable index provisions in the "on" and "off" positions and shall be supported so that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines attached to the valve.

§ 4b.435 *Fuel strainer.* A fuel strainer shall be provided between the fuel tank outlet and the carburetor inlet and shall comply with the following:

(a) If an engine-driven fuel pump is provided, the strainer shall be located between the tank outlet and the engine-driven pump inlet.

(b) The fuel strainer shall be accessible for drainage and cleaning, and the strainer screen shall be easily removable.

(c) The strainer shall be mounted in a manner not to cause its weight to be supported by the connecting lines or by the inlet or outlet connections of the strainer itself.

§ 4b.436 *Fuel system drains.* Drainage of the system shall be accomplished by fuel strainer drains and other drains as provided in § 4b.424. The following shall apply:

(a) Drains shall discharge clear of all portions of the airplane and shall incorporate means for positive locking of the drain in the closed position, either manually or automatically.

(b) All fuel system drains shall be accessible.

(c) If drainage of the fuel strainer permits compliance with paragraphs (a) and (b) of this section, no additional drains need be provided unless it is possible for a hazardous quantity of water or sediment to be trapped therein. (See also § 4b.483 (c).)

§ 4b.437 *Fuel jettisoning system.* If the maximum take-off weight for which the airplane is certificated exceeds 105 percent of the certificated maximum landing weight, provision shall be made for the jettisoning of fuel from the maximum take-off to the maximum landing weight.

(a) The average rate of fuel jettisoning shall be 1 percent of the maximum take-off weight per minute, except that the time required to jettison the fuel need not be less than 10 minutes. Compliance with these provisions shall be shown at maximum take-off weight, with flaps and landing gear up, and in the following flight conditions:

(1) Power-off glide at a speed of 1.4 $V_{s_1}$,

(2) Climb at the one-engine-inoperative best rate-of-climb speed with the critical engine inoperative, the remaining engine(s) at maximum continuous power.

(3) Level flight at a speed of 1.4 $V_{s_1}$, if the results of tests in conditions specified in subparagraphs (1) and (2) of this paragraph indicate that this condition could be critical.

(b) During the flight tests prescribed in paragraph (a) of this section it shall be demonstrated that the fuel jettisoning system complies with the following provisions.

(1) The fuel jettisoning system and its operation shall be free of fire hazard.

(2) The fuel shall discharge clear of all portions of the airplane.

(3) Fuel or fumes shall not enter any portion of the airplane.

(4) The jettisoning operation shall not affect adversely the controllability of the airplane.

(c) The design of the jettisoning system shall be such that it would not be possible to jettison fuel in the tanks used for take-off and landing below the level providing 45 minutes flight at 75 percent maximum continuous power, except that it shall be permissible to jettison all fuel where an auxiliary control is provided independent of the main jettisoning control.

(d) The fuel jettisoning valve shall permit the flight personnel to close the valve during any portion of the jettisoning operation. (See § 4b.475 for fuel jettisoning system controls.)

(e) Unless it is demonstrated that lowering of the flaps does not adversely affect fuel jettisoning, a placard shall be provided adjacent to the jettisoning control to warn flight personnel against jettisoning fuel while the flaps are lowered. A notation to this effect shall also be included in the Airplane Flight Manual. (See § 4b.740.)

OIL SYSTEM

§ 4b.440 *General.* (a) Each engine shall be provided with an independent oil system capable of supplying the engine with an appropriate quantity of oil at a temperature not exceeding the maximum which has been established as safe for continuous operation. (For oil system instruments see §§ 4b.604 and 4b.735.)

(b) The oil tank capacity available for the use of the engine shall not be less than the product of the endurance of the airplane under critical operating conditions times the maximum permissible oil consumption rate of the engine under the same conditions, plus a suitable margin to assure system circulation. In lieu of a rational analysis of airplane range, a fuel-oil ratio of 30:1 by volume shall be acceptable for airplanes not provided with a reserve or transfer system.

(c) If either an oil transfer system or a reserve oil system is provided, the total oil capacity need not exceed one gallon for each 40 gallons of fuel capacity.

(d) Oil-fuel ratios lower than those prescribed in paragraphs (b) and (c) of this section shall be acceptable if substantiated by data on the actual oil consumption of the engine.

(e) The ability of the oil cooling provisions to maintain the oil inlet temperature to the engine at or below the maximum established value shall be demonstrated in accordance with pertinent provisions of §§ 4b.450 through 4b.454.

§ 4b.441 *Oil tank construction.* The following requirements shall apply to the construction of the oil tank.

(a) *Oil tank expansion space.* (1) Oil tanks shall have an expansion space of not less than either 10 percent of the tank capacity or 0.5 gallon, whichever is the greater.

(2) Reserve oil tanks which have no direct connection to any engine shall have an expansion space which is not less than 2 percent of the tank capacity.

(3) It shall not be possible to fill the oil tank expansion space inadvertently when the airplane is in the normal ground attitude.

(b) *Oil tank filler connection.* (1) Recessed oil tank filler connections which retain any appreciable quantity of oil shall incorporate a drain, and the drain shall discharge clear of all portions of the airplane.

(2) The oil tank filler cap shall provide an oil-tight seal.

(3) Oil tank filler connections shall be marked as prescribed in § 4b.738 (b).

(c) *Oil tank vent.* (1) Oil tanks shall be vented from the top portion of the expansion space in such a manner that venting of the tank is effective under all normal flight conditions.

(2) Oil tank vents shall be arranged so that condensation of water vapor which might freeze and obstruct the line cannot accumulate at any point. (See also § 4b.483 (c).)

(d) *Oil tank outlet.* Provision shall be made either to prevent entrance into the tank itself or into the tank outlet of any foreign object which might obstruct the flow of oil through the system. The oil tank outlet shall not be enclosed by any screen or guard which would reduce the flow of oil below a safe value at any operating temperature condition.

(e) *Flexible oil tank liners.* Flexible oil tank liners shall be of an approved type or shall be shown to be suitable for the particular application.

§ 4b.442 *Oil tank tests.* (a) Oil tanks shall be capable of withstanding without failure all vibration, inertia, and fluid loads to which they would be subjected in operation.

(b) The provisions of § 4b.421 shall be applicable to oil tanks, except as follows.

(1) The test pressure specified in § 4b.421 (a) shall be 5 p. s. i.

(2) The test fluid specified in § 4b.421 (c) shall be oil at a temperature of 250° F.

§ 4b.443 *Oil tank installation.* The oil tank installation shall comply with the provisions of § 4b.422, except that the location of an engine oil tank in a designated fire zone shall be acceptable if the tank and its supports are of fireproof construction to the extent that damage by fire to any nonfireproof parts would not result in leakage or spillage of oil.



§ 4b.444 *Oil lines and fittings.*—(a) *General.* The provisions of § 4b.432 shall be applicable to oil lines.

(b) *Lines and fittings in designated fire zones.* Oil lines and fittings in all designated fire zones (see § 4b.480) shall comply with the provisions of § 4b.483.

(c) *Engine breather lines.* (1) Engine breather lines shall be arranged so that condensation of water vapor which might freeze and obstruct the line cannot accumulate at any point.

(2) Breathers shall discharge in a location which will not constitute a fire hazard in case foaming occurs and in a manner so that the emitted oil will not impinge upon the pilot windshield.

(3) The breather shall not discharge into the engine air induction system. (See also § 4b.483 (c).)

§ 4b.445 *Oil valves.* (a) The requirements of § 4b.482 for shut-off means shall be complied with. Closing of oil shut-off means shall not prevent feathering the propeller.

(b) All oil valves shall be provided with positive stops or suitable index provisions in the "on" and "off" positions, and they shall be supported so that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines attached to the valve.

§ 4b.446 *Oil radiators.* (a) Oil radiators shall be capable of withstanding without failure all vibration, inertia, and oil pressure loads to which they would be subjected in operation.

(b) Oil radiator air ducts shall be located so that, in case of fire, flames issuing from normal openings of the engine nacelle cannot impinge directly upon the radiator.

§ 4b.447 *Oil filters.* If the airplane is equipped with an oil filter, the filter shall be constructed or installed in such a manner that complete blocking of the flow through the filter element will not prevent the safe operation of the engine oil supply system.

§ 4b.448 *Oil system drains.* Accessible drains shall be provided to permit safe drainage of the entire oil system and shall incorporate means for the positive locking of the drain in the closed position, either manually or automatically. (See also § 4b.483 (c).)

§ 4b.449 *Propeller feathering system.* (a) If the propeller feathering system is dependent upon the use of the engine oil supply, provision shall be made to trap a quantity of oil in the tank in case the supply becomes depleted due to failure of any portion of the lubricating system other than the tank itself.

(b) The quantity of trapped oil shall be sufficient to accomplish the feathering operation and shall be available only to the feathering pump.

(c) The ability of the system to accomplish feathering with the trapped supply of oil shall be demonstrated. It shall be acceptable to make this demonstration on the ground.

COOLING SYSTEM

§ 4b.450 *General.* The powerplant cooling provisions shall be capable of maintaining the temperatures of major powerplant components, engine fluids, and the carburetor intake air within the established safe values under all conditions of ground and flight operation. (For cooling system instruments see §§ 4b.604 and 4b.734.)

§ 4b.451 *Cooling tests.*—(a) *General.* Compliance with the provisions of § 4b.450 shall be demonstrated under critical ground, water, and flight operating conditions. If the tests are conducted under conditions which deviate from the maximum anticipated air temperature (see paragraph (b) of this section), the recorded powerplant temperatures shall be corrected in accordance with the provisions of paragraphs (c) and (d) of this section. The corrected temperatures determined in this manner shall not exceed the maximum established safe values. The fuel used during the cooling tests shall be of the minimum octane number approved for the engines involved, and the mixture settings shall be those used in normal operation. The test procedures shall be as outlined in §§ 4b.452 through 4b.454.

(b) *Maximum anticipated air temperature.* The maximum anticipated air temperature (hot day condition) shall be 100° F. at sea level, decreasing from this value at the rate of 3.6° F. per thousand feet of altitude above sea level until a temperature of −67° F. is reached above which altitude the temperature shall be constant at −67° F.

(c) *Correction factor for cylinder head, oil inlet, carburetor air, and engine coolant outlet temperatures.* The cylinder head, oil inlet, carburetor air, and engine coolant outlet temperatures shall be corrected by adding the difference between the maximum anticipated air temperature and the temperature of the ambient air at the time of the first occurrence of maximum head, air, oil, or coolant temperature recorded during the cooling test, unless a more rational correction is shown to be applicable.

(d) *Correction factor for cylinder barrel temperatures.* Cylinder barrel temperatures shall be corrected by adding 0.7 of the difference between the maximum anticipated air temperature and the temperature of the ambient air at the time of the first occurrence of the maximum cylinder barrel temperature recorded during the cooling test, unless a more rational correction is shown to be applicable.

§ 4b.452 *Climb cooling test procedure.* (a) The climb cooling test shall be conducted with the critical engine inoperative and its propeller feathered.

(b) All remaining engines shall be operated at their maximum continuous power or at full throttle when above the critical altitude.

(c) After stabilizing temperatures in flight, the climb shall be started at or below the lower of the two following altitudes and shall be continued until at least 5 minutes after the occurrence of the highest temperature recorded, or until the maximum altitude is reached for which certification is desired:

(1) 1,000 feet below the engine critical altitude,

(2) 1,000 feet below the maximum altitude at which the rate of climb is equal to that established in accordance with § 4b.120 (c).

(d) The climb shall be conducted at an air speed which does not exceed the speed used in establishing the rate of climb required in § 4b.120 (c). It shall be acceptable to conduct the climb cooling test in conjunction with the take-off cooling test of § 4b.453.

§ 4b.453 *Take-off cooling test procedure.* A take-off cooling test shall be conducted to demonstrate cooling during take-off and during subsequent climb with one engine inoperative. The following procedure shall be applicable.

(a) The take-off cooling test shall be commenced by stabilizing temperatures during level flight with all engines operating at 75 percent of maximum continuous power with the appropriate cowl flap and shutter settings.

(b) After all temperatures have stabilized, the climb shall be started at the lowest practicable altitude and shall be conducted with one engine inoperative and its propeller feathered.

(c) The remaining engines shall be operated at take-off rpm and power (or at full throttle when above the take-off critical altitude) for the same time interval as take-off power is used during determination of the take-off flight path (see § 4b.116).

(d) At the end of the time interval prescribed in paragraph (c) of this section the power shall be reduced to the maximum continuous power and the climb continued until at least 5 minutes after the occurrence of the highest temperature recorded.

(e) The speed used during take-off power operation (paragraph (c) of this section) shall not exceed the speed used during determination of the take-off flight path (see § 4b.116).

§ 4b.454 *Cooling test procedure for flying boat operation.* In the case of flying boats, cooling shall be demonstrated during taxying down wind for 10 minutes at 5 mph above the step speed.

§ 4b.455 *Liquid cooling systems.* Each liquid-cooled engine shall be provided with an independent coolant system. The coolant system shall be so arranged that no air or vapor can be trapped in any portion of the system other than the expansion tank, either during filling or during operation. No flammable coolant shall be used. Means shall be provided to prevent excessive pressures from being generated in the cooling system.

§ 4b.456 *Coolant tank.*—(a) *General.* The tank shall have a usable coolant capacity of not less than one gallon and shall be capable of withstanding without failure all vibration, inertia, and fluid loads to which it would be subjected in operation. Coolant tanks shall be provided with an expansion space of not less than 10 percent of the total coolant system capacity. It shall not be possible inadvertently to fill the expansion space

with the airplane in the normal ground attitude.

(b) *Coolant tank tests.* The provisions of § 4b.421 shall be applicable to coolant tanks, except as follows.

(1) The test pressure specified in § 4b.421 (a) shall be either the sum of the pressure developed during the maximum ultimate acceleration with a full tank plus the maximum working pressure of the system, or 1.25 times the maximum working pressure of the system, whichever is the greater.

(2) The test fluid specified in § 4b.421 (c) shall be coolant at operating temperature.

(c) *Coolant tank installation.* (1) Coolant tanks shall be supported so that the tank loads will be distributed over a large portion of the tank surface.

(2) Pads shall be provided to prevent chafing between the tank and its supports.

(3) Materials employed for padding shall be nonabsorbent or shall be treated to prevent the absorption of fluids.

(d) *Coolant tank filler connection.* (1) Recessed coolant tank filler connections which retain any appreciable quantity of coolant shall incorporate a drain, and the drain shall discharge clear of all portions of the airplane.

(2) Coolant tank filler connections shall be marked as prescribed in § 4b.738 (b).

§ 4b.457 *Coolant system installation.* The following requirements shall apply to the installation of the coolant system components.

(a) *Coolant lines.* The provisions of § 4b.432 shall be applicable to coolant lines.

(b) *Fire-resistant coolant lines and fittings.* If the coolant used will ignite and burn under the conditions of powerplant fires, all lines and fittings located within designated fire zones shall comply with the provisions of § 4b.483.

(c) *Coolant radiators.* (1) Coolant radiators shall be capable of withstanding without failure all vibration, inertia, and coolant pressure loads to which they would be subjected in operation.

(2) Coolant radiators shall be supported in a manner which will permit expansion due to operating temperatures and which will prevent the transmittal of harmful vibration to the radiator.

(3) The air intake duct to the coolant radiator shall be located so that in case of fire flames issuing from normal openings of the engine nacelle cannot impinge directly upon the radiator.

(d) *Coolant system drains.* (1) One or more accessible drains shall be provided to permit drainage of the coolant system, including the coolant tank, radiator, and the engine, when the airplane is in the normal ground attitude.

(2) Drains shall discharge clear of all portions of the airplane and shall incorporate means for positive locking of the drain in the closed position.

INDUCTION AND EXHAUST SYSTEMS

§ 4b.460 *General.* (a) The engine air induction system shall permit supplying the proper quantity of air to the engine under all conditions of operation.

(b) The induction system shall provide air for proper fuel metering and mixture distribution with the induction system valves in any position.

(c) Each engine shall be provided with an alternate air source.

(d) Air intakes shall not open within the cowling, unless that portion of the cowling is isolated from the engine accessory section by means of a fireproof diaphragm, or unless provision is made to prevent the emergence of backfire flames.

(e) Alternate air intakes shall be so located as to preclude the entrance of rain, ice, or any other foreign matter.

§ 4b.461 *Induction system de-icing and anti-icing provisions*—(a) *General.* The engine air induction system shall incorporate means for the prevention and elimination of ice accumulations.

(b) *Heat rise.* Unless it is demonstrated that other means will accomplish the intent of paragraph (a) of this section, compliance with the following heat-rise provisions shall be demonstrated in air free of visible moisture at a temperature of 30° F.

(1) Airplanes equipped with altitude engines employing conventional venturi carburetors shall have a preheater capable of providing a heat rise of 120° F. when the engine is operating at 60 percent of its maximum continuous power.

(2) Airplanes equipped with altitude engines employing carburetors which embody features tending to reduce the possibility of ice formation shall have a preheater capable of providing a heat rise of 100° F. when the engine is operating at 60 percent of its maximum continuous power.

§ 4b.462 *Carburetor air preheater design.* Carburetor air preheaters shall incorporate the following provisions.

(a) Means shall be provided to assure ventilation of the preheater when the engine is being operated with cold air.

(b) The preheater shall be constructed to permit inspection of exhaust manifold parts which it surrounds and also to permit inspection of critical portions of the preheater itself.

§ 4b.463 *Induction system ducts.* Induction system ducts shall incorporate the following provisions.

(a) Induction system ducts ahead of the first stage of the supercharger shall be provided with drains to prevent hazardous accumulations of fuel and moisture in the ground attitude. The drains shall not discharge in locations which might cause a fire hazard.

(b) Sufficient strength shall be incorporated in the ducts to prevent induction system failures resulting from normal backfire conditions.

(c) Ducts which are connected to components of the airplane between which relative motion could exist shall incorporate provisions for flexibility.

(d) Induction system ducts within any fire zone for which a fire-extinguishing system is required shall be of fire-resistant construction.

§ 4b.464 *Induction system screens.* If induction system screens are employed, they shall comply with the following provisions:

(a) Screens shall be located upstream from the carburetor.

(b) Screens shall not be located in portions of the induction system which constitute the only passage through which air can reach the engine, unless the screen is so located that it can be de-iced by heated air.

(c) De-icing of induction system screens by means of alcohol alone shall not be acceptable.

(d) It shall not be possible for fuel to impinge upon the screens.

§ 4b.465 *Carburetor air cooling.* Installations employing two-stage superchargers shall be provided with means to maintain the air temperature at the inlet to the carburetor at or below the maximum established value. The demonstration of this provision shall be accomplished in accordance with § 4b.451.

§ 4b.466 *Inter-coolers and after-coolers.* Inter-coolers and after-coolers shall be capable of withstanding without failure all vibration, inertia, and air pressure loads to which they would be subjected in operation.

§ 4b.467 *Exhaust system and installation components*—(a) *General.* (1) The exhaust system shall be constructed and arranged to assure the safe disposal of exhaust gases without the existence of a fire hazard or carbon monoxide contamination of air in personnel compartments.

(2) Unless appropriate precautions are taken, exhaust system parts shall not be located in hazardous proximity to portions of any system carrying flammable fluids or vapors nor shall they be located under portions of such systems where the latter could be subject to leakage.

(3) All airplane components upon which hot exhaust gases might impinge, or which could be subjected to high temperatures due to proximity to exhaust system parts, shall be constructed of fireproof material. All exhaust system components shall be separated by means of fireproof shields from adjacent portions of the airplane which are outside the engine compartment.

(4) Exhaust gases shall not discharge in a manner to cause a fire hazard with respect to any flammable fluid vent or drain.

(5) Exhaust gases shall not discharge at a location which will cause a glare seriously affecting pilot visibility at night.

(6) All exhaust system components shall be ventilated to prevent the existence of points of excessively high temperature.

(7) Exhaust shrouds shall be ventilated or insulated to avoid during normal operation a temperature sufficiently high to ignite any flammable fluids or vapors external to the shrouds.

(b) *Exhaust piping.* (1) Exhaust piping shall be constructed of material resistant to heat and corrosion, and shall incorporate provisions to prevent failure due to expansion when heated to operating temperatures.

(2) Exhaust pipe shall be supported to withstand all vibration and inertia



loads to which they would be subjected in operation.

(3) Portions of the exhaust piping which are connected to components between which relative motion could exist shall incorporate provisions for flexibility.

(c) *Exhaust heat exchangers.* (1) Exhaust heat exchangers shall be constructed and installed to assure their ability to withstand without failure all vibration, inertia, and other loads to which they would be subjected in operation.

(2) Heat exchangers shall be constructed of materials which are suitable for continued operation at high temperatures and which are resistant to corrosion due to elements contained in exhaust gases.

(3) Provision shall be made for the inspection of all critical portions of exhaust heat exchangers.

(4) Heat exchangers shall incorporate cooling provisions wherever they are subject to contact with exhaust gases.

(5) Heat exchangers or muffs shall incorporate no stagnant areas or liquid traps which would increase the possibility of ignition of flammable fluids or vapors which might be present in case of failure or malfunctioning of components carrying flammable fluids.

(d) *Exhaust heating of ventilating air.* If an exhaust heat exchanger is used for heating ventilating air, a secondary heat exchanger shall be provided between the primary exhaust gas heat exchanger and the ventilating air system, unless it is demonstrated that other means used preclude harmful contamination of the ventilating air.

(e) *Exhaust driven turbo-superchargers.* (1) Exhaust driven turbines shall be of an approved type or shall be shown to be suitable for the particular application. They shall be installed and supported to assure their safe operation between normal inspection and overhaul periods.

(2) Provision for expansion and flexibility shall be made between exhaust conduits and the turbine.

(3) Provision shall be made for lubrication of the turbine and for cooling of those turbine parts where the temperatures are critical.

(4) Means shall be provided so that, in the event of malfunctioning of the normal turbo-supercharger control system, the turbine speed will not be greater than its maximum allowable value. The components provided for this purpose shall be independent of the normal turbo-supercharger controls with the exception of the waste gate operating components themselves.

POWERPLANT CONTROLS AND ACCESSORIES

§ 4b.470 *Powerplant controls; general.* The provisions of § 4b.353 shall be applicable to all powerplant controls with respect to location, grouping, and direction of motion, and the provisions of § 4b.737 shall be applicable to all powerplant controls with respect to marking. In addition all powerplant controls shall comply with the following.

(a) Controls shall be so located that they cannot be inadvertently operated by personnel entering, leaving, or making normal movements in the cockpit.

(b) Controls shall maintain any set position without constant attention by flight personnel. They shall not tend to creep due to control loads or vibration.

(c) Flexible controls shall be of an approved type or shall be shown to be suitable for the particular application.

(d) Controls shall have strength and rigidity to withstand operating loads without failure and without excessive deflection.

§ 4b.471 *Throttle and A. D. I. system controls.* (a) A separate throttle control shall be provided for each engine. Throttle controls shall be grouped and arranged to permit separate control of each engine and also simultaneous control of all engines.

(b) Throttle controls shall afford a positive and immediately responsive means of controlling the engines.

(c) If an antidetonant injection system is provided, the flow of ADI fluid shall be automatically controlled in relation to the amount of power produced by the engine. In addition to the automatic control, a separate control shall be provided for the ADI pumps.

§ 4b.472 *Ignition switches.* (a) Ignition switches shall provide control for each ignition circuit on each engine.

(b) Means shall be provided for quickly shutting off all ignition by the grouping of switches or by providing a master ignition control.

(c) If a master ignition control is provided, a guard shall be incorporated to prevent inadvertent operation of the control.

§ 4b.473 *Mixture controls.* (a) If mixture controls are provided, a separate control shall be provided for each engine. The mixture controls shall be grouped and arranged to permit separate control of each engine and also simultaneous control of all engines.

(b) Any intermediate position of the mixture control which corresponds with a normal operating setting shall be provided with a sensory and a visual identification.

(c) The mixture controls shall be placed in a location accessible to both pilots, except where a separate flight engineer station with a control panel is provided, in which case the mixture controls shall be accessible to the flight engineer.

§ 4b.474 *Propeller controls*—(a) *Propeller speed and pitch controls.* (1) A separate propeller speed and pitch control shall be provided for each propeller. The propeller speed and pitch controls shall be grouped and arranged to permit separate control of each propeller and also simultaneous control of all propellers.

(2) The propeller speed and pitch controls shall provide for synchronization of all propellers. (See also § 4b.404.)

(3) Propeller speed and pitch control(s) shall be placed to the right of the pilot's throttle and shall be at least 1 inch lower than the throttle controls.

(b) *Propeller feathering controls.* (1) A separate propeller feathering control shall be provided for each propeller.

(2) Propeller feathering controls shall be provided with means to prevent inadvertent operation.

(3) If feathering is accomplished by movement of the propeller pitch or speed control lever, provision shall be made to prevent the movement of this control to the feathering position during normal operation.

(c) *Propeller reversing controls.* Propeller reversing controls shall incorporate a means to prevent their inadvertent movement to the reverse position. The means provided shall require a distinct and unmistakable operation by the crew in order to place the control in the reverse regime both in flight and on the ground.

§ 4b.475 *Fuel system controls.* (See also § 4b.434.)

(a) Fuel jettisoning system controls shall be provided with guards to prevent their inadvertent operation.

(b) Fuel jettisoning system controls shall not be located in close proximity to fire extinguisher controls nor to any other controls intended to combat fire.

§ 4b.476 *Carburetor air preheat controls.* Separate carburetor air preheat controls shall be provided to regulate the temperature of the carburetor air for each engine.

§ 4b.476a *Supercharger controls.* Supercharger controls shall be accessible to the pilots, except where a separate flight engineer station with a control panel is provided, in which case they shall be accessible to the flight engineer.

§ 4b.477 *Powerplant accessories.* (a) Engine mounted accessories shall be of a type approved for installation on the engine involved, and shall utilize the provisions made on the engine for mounting.

(b) Items of electrical equipment subject to arcing or sparking shall be installed to minimize the possibility of their contact with any flammable fluids or vapors which might be present in a free state.

(c) If continued rotation of an engine-driven cabin supercharger or any remote accessory driven by the engine will constitute a hazard in case malfunctioning occurs, means shall be provided to prevent hazardous rotation of such accessory without interfering with the continued operation of the engine. (See also § 4b.371 (c).)

NOTE: Hazardous rotation may involve consideration of mechanical damage or sustained air flows which may be dangerous under certain conditions.

§ 4b.478 *Engine ignition systems.* (a) Battery ignition systems shall be supplemented with a generator which is automatically made available as an alternate source of electrical energy to permit continued engine operation in the event of the depletion of any battery.

(b) The capacity of batteries and generators shall be sufficient to meet the simultaneous demands of the engine ignition system and the greatest demands of any airplane electrical system components which would draw electrical energy from the same source.

(1) The design of the engine ignition system shall take into consideration the condition of an inoperative generator and the condition of a completely depleted battery when the generator is running at its normal operating speed.

(2) If only one battery is provided the design of the engine ignition system shall take into consideration the condition in which the battery is completely depleted and the generator is operating at idling speed.

(3) Portions of magneto ground wires for separate ignition circuits which lie on the engine side of the fire wall shall be installed, located, or protected so as to minimize the possibility of simultaneous failure of two or more wires as a result of mechanical damage, electrical faults, etc.

(4) Ground wires for any engine shall not be routed through fire zones, except those associated with the engine which the wires serve, unless those portions of the wires which are located in such fire zones are fireproof or are protected against the possibility of damage by fire in a manner to render them fireproof. (See § 4b.472 for ignition switches.)

(5) Ignition circuits shall be electrically independent of all other electrical circuits except circuits used for analyzing the operation of the ignition system.

(c) Means shall be provided to warn flight personnel if malfunctioning of any part of the electrical system is causing the continuous discharging of a battery which is necessary for engine ignition. (See § 4b.472 for ignition switches.)

POWERPLANT FIRE PROTECTION

§ 4b.480 *Designated fire zones.* (a) Designated fire zones shall comprise the following regions:

(1) Engine power section,

(2) Engine accessory section,

(3) Complete powerplant compartments in which no isolation is provided between the engine power section and the engine accessory section,

(4) Auxiliary power unit compartments,

(5) Fuel-burning heaters and other combustion equipment installations as defined by § 4b.386.

NOTE: See also § 4b.385.

(b) Designated fire zones shall be protected from fire by compliance with §§ 4b.481 through 4b.490.

(c) The nacelle area immediately behind the fire wall shall comply with the provisions of §§ 4b.385, 4b.463 (d), 4b.478 (b), (4), 4b.481 (c), 4b.482 through 4b.485 and 4b.489. If a retractable landing gear is located in this area, compliance with this paragraph is required only with the landing gear retracted.

§ 4b.481 *Flammable fluids.* (a) No tanks or reservoirs which are a part of a system containing flammable fluids or gases shall be located in designated fire zones, except where the fluid contained, the design of the system, the materials used in the tank, the shut-off means, all connections, lines, and controls are such as to provide an equally high degree of safety.

(b) Not less than one-half inch of clear air space shall be provided between any tank or reservoir and a fire wall or shroud isolating a designated fire zone.

(c) No component of a flammable fluid-carrying system shall be located in close proximity to materials which can absorb such a fluid.

§ 4b.482 *Shut-off means.* (a) Means for each individual engine and for each individual fire zone specified in § 4b.480 (a) (4) and (5) shall be provided for shutting off or otherwise preventing hazardous quantities of fuel, oil, de-icer, and other flammable fluids from flowing into, within, or through any designated fire zone, except that means need not be provided to shut off flow in lines forming an integral part of an engine. Closing the fuel shutoff valve for any engine shall not make any of the fuel supply unavailable to the remaining engines.

(b) Operation of the shutoff means shall not interfere with the subsequent emergency operation of other equipment, such as feathering the propeller.

(c) The shut-off means shall be located outside of designated fire zones, unless an equally high degree of safety is otherwise provided (see § 4b.481). It shall be shown that no hazardous quantity of flammable fluid could drain into any designated fire zone after shutting-off has been accomplished.

(d) Provisions shall be made to guard against inadvertent operation of the shutoff means and to make it possible for the crew to reopen the shutoff means in flight after it has once been closed.

§ 4b.483 *Lines and fittings.* All lines and fittings carrying flammable fluids or gases in designated fire zones shall comply with the provisions of paragraphs (a) through (c) of this section.

(a) Lines and fittings which are under pressure, or which attach directly to the engine, or which are subject to relative motion between components shall be flexible, fire-resistant lines with fire-resistant end fittings of the permanently attached, detachable, or other approved type. The provisions of this paragraph shall not apply to those lines and fittings which form an integral part of the engine.

(b) Lines and fittings which are not subject to pressure or to relative motion between components shall be of fire-resistant materials.

(c) Vent and drain lines and fittings shall be subject to the provisions of paragraphs (a) and (b) of this section, unless a failure of such line or fitting will not result in, or add to, a fire hazard.

§ 4b.484 *Fire extinguisher systems*—(a) *General.* (1) Fire extinguisher systems shall be provided to serve all designated fire zones. This requirement shall be effective with respect to applications for type certificates in accordance with the provisions of § 4b.12. In addition, all other airplanes manufactured after June 30, 1954, shall comply with this requirement, unless the engine power section is completely isolated from the engine accessory section by a fireproof diaphragm complying with the provisions of § 4b.488 and unless the cowling and nacelle skin comply with the provisions of § 4b.487, in which case fire extinguisher systems need not be provided in the engine power section.

(2) The fire extinguishing system, the quantity of extinguishing agent, and the rate of discharge shall be such as to provide two adequate discharges. It shall be possible to direct both discharges to any main engine installation. Individual "one-shot" systems shall be acceptable in the case of auxiliary power units, fuel-burning heaters, and other combustion equipment.

(3) The fire-extinguishing system for a nacelle shall be capable of protecting simultaneously all zones of the nacelle for which protection is provided.

(b) *Fire extinguishing agents.* (1) Extinguishing agents employed shall be methyl bromide, carbon dioxide, or any other agent which has been shown to provide equivalent extinguishing action.

(2) If methyl bromide, carbon dioxide, or any other toxic extinguishing agent is employed, provision shall be made to prevent the entrance of harmful concentration of fluid or fluid vapors into any personnel compartments either due to leakage during normal operation of the airplane or as a result of discharging the fire extinguisher on the ground or in flight even though a defect may exist in the extinguishing system. Compliance with this requirement shall be demonstrated by appropriate tests.

(3) If a methyl bromide system is provided, the containers shall be charged with a dry agent and shall be sealed by the fire extinguisher manufacturer or by any other party employing appropriate recharging equipment.

(c) *Extinguishing agent container pressure relief.* Extinguisher agent containers shall be provided with a pressure relief to prevent bursting of the container due to excessive internal pressures. The following provisions shall apply.

(1) The discharge line from the relief connection shall terminate outside the airplane in a location convenient for inspection on the ground.

(2) An indicator shall be provided at the discharge end of the line to provide a visual indication when the container has discharged.

(d) *Extinguishing agent container compartment temperature.* Under all conditions in which the airplane is intended for operation, the temperature range of the extinguishing agent containers shall be maintained to assure that the pressure in the containers can neither fall below the minimum necessary to provide an adequate rate of extinguisher agent discharge nor rise above a safe limit so that the system will not be prematurely discharged.

(e) *Fire-extinguishing system materials.* Materials in the fire extinguishing system shall not react chemically with the extinguishing agent so as to constitute a hazard. All components of the fire extinguishing systems located in designated fire zones shall be constructed of fireproof materials.

§ 4b.485 *Fire detector systems.* Quick-acting fire detectors of an approved type shall be provided in all designated fire zones, and they shall be sufficient in number and location to assure prompt detection of fire in such zones. Fire detectors shall comply with the following provisions:

(a) Fire detectors shall be constructed and installed to assure their ability to resist without failure all vibration, inertia, and other loads to which they would be subjected in operation.

(b) Fire detectors shall be unaffected by the exposure to oil, water, or other fluids or fumes which might be present.

(c) Means shall be provided to permit the crew to check in flight the functioning of the electric circuit associated with the fire-detection system.

(d) Wiring and other components of detector systems which are located in fire zones shall be of fire-resistant construction.

(e) Detector system components for any fire zone shall not pass through other fire zones, unless they are protected against the possibility of false warnings resulting from fires in zones through which they pass. This requirement shall not be applicable with respect to zones which are simultaneously protected by the same detector and extinguisher systems.

§ 4b.486 *Fire walls.* All engines, auxiliary power units, fuel-burning heaters, and other combustion equipment which are intended for operation in flight shall be isolated from the remainder of the airplane by means of fire walls, shrouds, or other equivalent means. The following shall apply.

(a) Fire walls and shrouds shall be constructed in such a manner that no hazardous quantity of air, fluids, or flame can pass from the compartment to other portions of the airplane.

(b) All openings in the fire wall or shroud shall be sealed with close-fitting fireproof grommets, bushings, or fire-wall fittings.

(c) Fire walls and shrouds shall be constructed of fireproof material and shall be protected against corrosion.

§ 4b.487 *Cowling and nacelle skin.* (a) Cowling shall be constructed and supported so as to make it capable of resisting all vibration, inertia, and air loads to which it would be subjected in operation.

(b) Cowling shall have drainage and ventilation provisions as prescribed in § 4b.489.

(c) On airplanes equipped with a diaphragm complying with § 4b.488, the parts of the accessory section cowling which might be subjected to flame in the event of a fire in the engine power section of the nacelle shall be constructed of fireproof material and shall comply with the provisions of § 4b.486.

(d) Those portions of the cowling which would be subjected to high temperatures due to their proximity to exhaust system parts or exhaust gas impingement shall be constructed of fireproof material.

(e) The airplane shall be so designed and constructed that fire originating in the engine power or accessory sections cannot enter, either through openings or by burning through external skin, into any other zone of the nacelle where such fire would create additional hazards. If the airplane is provided with a retractable landing gear, this provision shall apply with the landing gear retracted. Fireproof materials shall be used for all nacelle skin areas which might be subjected to flame in the event of a fire originating in the engine power or accessory sections.

§ 4b.488 *Engine accessory section diaphragm.* Unless equivalent protection can be shown by other means, a diaphragm shall be provided on air-cooled engines to isolate the engine power section and all portions of the exhaust system from the engine accessory compartment. This diaphragm shall comply with the provisions of § 4b.486.

§ 4b.489 *Drainage and ventilation of fire zones.* (a) Provision shall be made for the rapid and complete drainage of all portions of designated fire zones in the event of failure or malfunctioning of components containing flammable fluids. The drainage provisions shall be so arranged that the discharged fluid will not cause an additional fire hazard.

(b) All designated fire zones shall be ventilated to prevent the accumulation of flammable vapors. Ventilation openings shall not be placed in locations which would permit the entrance of flammable fluids, vapors, or flame from other zones. The ventilation provisions shall be so arranged that the discharged vapors will not cause an additional fire hazard.

(c) Except with respect to the engine power section of the nacelle and the combustion heater ventilating air ducts, provision shall be made to permit the crew to shut off sources of forced ventilation in any fire zone, unless the extinguishing agent capacity and rate of discharge are based on maximum air flow through the zone.

§ 4b.490 *Protection of other airplane components against fire.* All airplane surfaces aft of the nacelles, in the region of one nacelle diameter on both sides of the nacelle center line, shall be constructed of fire-resistant material. This provision need not be applied to tail surfaces lying behind nacelles, unless the dimensional configuration of the aircraft is such that the tail surfaces could be affected readily by heat, flames, or sparks emanating from a designated fire zone or engine compartment of any nacelle.

SUBPART F—EQUIPMENT

GENERAL

§ 4b.600 *Scope.* The required basic equipment as prescribed in this subpart is the minimum which shall be installed in the airplane for certification. Such additional equipment as is necessary for a specific type of operation is prescribed in the operating rules of this subchapter.

§ 4b.601 *Functional and installational requirements.* Each item of equipment shall be:

(a) Of a type and design appropriate to perform its intended function,

(b) Labeled as to its identification, function, or operational limitations, or any combination of these, whichever is applicable,

(c) Installed in accordance with specified limitations of the equipment,

(d) Demonstrated to function properly in the airplane.

§ 4b.602 *Required basic equipment.* The equipment listed in §§ 4b.603 through 4b.605 shall be the required basic equipment. (See § 4b.600.)

§ 4b.603 *Flight and navigational instruments.* (See § 4b.612 for installation requirements.)

(a) Air-speed indicating system,

(b) Altimeter (sensitive),

(c) Clock (sweep-second),

(d) Free air temperature indicator,

(e) Gyroscopic bank and pitch indicator,

(f) Gyroscopic rate-of-turn indicator (with bank indicator),

(g) Gyroscopic direction indicator,

(h) Magnetic direction indicator,

(i) Rate-of-climb indicator (vertical speed),

(j) Maximum allowable air-speed indicator if an air-speed limitation results from compressibility hazards. (See § 4b.710.)

§ 4b.604 *Powerplant instruments.* (See § 4b.613 for installation requirements.)

(a) Carburetor air temperature indicator for each engine,

(b) Coolant temperature indicator for each liquid-cooled engine,

(c) Cylinder head temperature indicator for each air-cooled engine,

(d) An individual fuel pressure indicator for each engine and either an independent warning device for each engine or a master warning device for all engines with means for isolating the individual warning circuit from the master warning device,

(e) Fuel flowmeter indicator or fuel mixture indicator for each engine not equipped with an automatic altitude mixture control,

(f) Fuel quantity indicator for each fuel tank,

(g) Manifold pressure indicator for each engine,

(h) An individual oil pressure indicator for each engine and either an independent warning device for each engine or a master warning device for all engines with means for isolating the individual warning circuit from the master warning device,

(i) Oil quantity indicator for each oil tank when a transfer or oil reserve supply system is used,

(j) Oil temperature indicator for each engine,

(k) Tachometer for each engine,

(l) Fire warning indicators (see § 4b.485),

(m) A device for each engine capable of indicating to the flight crew during flight any change in the power output, if the engine is equipped with an automatic propeller feathering system the operation of which is initiated by a power output measuring system or if the total engine cylinder displacement is 2,000 cubic inches or more.

(n) A means for each reversing propeller to indicate to the pilot when the propeller is in reverse pitch.

§ 4b.605 *Miscellaneous equipment.* (a) Approved seats for all occupants (see § 4b.358),

(b) Approved safety belts for all occupants (see § 4b.643),

(c) Master switch arrangement for electrical circuits other than ignition (see §§ 4b.623 and 4b.624),

(d) Source(s) of electrical energy (see § 4b.620),

(e) Electrical protective devices (see § 4b.624),

(f) Radio communication system (two-way),

(g) Radio navigation system,

(h) Windshield wiper or equivalent for each pilot,

(i) Ignition switch for each and all engines (see § 4b.472),

(j) Approved portable fire extinguisher (see § 4b.641).

§ 4b.606 *Equipment, systems, and installations*—(a) *Functioning and reliability.* All equipment, systems, and installations the functioning of which is necessary in showing compliance with the regulations in this subchapter shall be designed and installed to insure that they will perform their intended functions reliably under all reasonably foreseeable operating conditions.

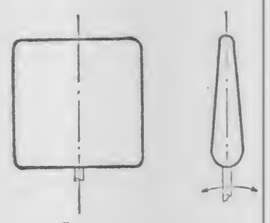
(b) *Hazards.* All equipment, systems, and installations shall be designed to safeguard against hazards to the airplane in the event of their malfunctioning or failure.

(c) *Power supply.* Where an installation the functioning of which is necessary in showing compliance with the regulations of this subchapter requires a power supply, such installation shall be considered an essential load on the power supply, and the power sources and the system shall be capable of supplying the following power loads in probable operating combinations and for probable durations:

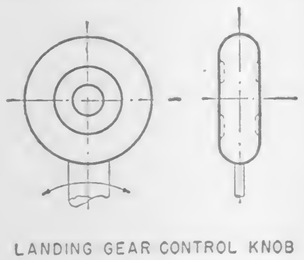
(1) All loads connected to the system with the system functioning normally;

(2) All essential loads after failure of any one prime mover, power converter, or energy storage device;

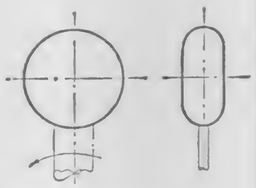
(3) All essential loads after failure of any one engine on two- or three-engine airplanes, or after failure of any two engines on four-or-more-engine airplanes.



FLAP CONTROL KNOB



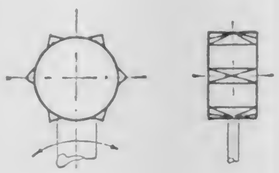
LANDING GEAR CONTROL KNOB



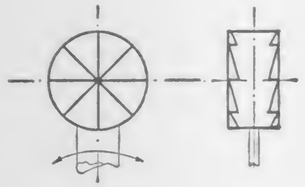
THROTTLE CONTROL KNOB



RPM CONTROL KNOB



MIXTURE CONTROL KNOB



SUPERCHARGER CONTROL KNOB

FIGURE 4b-22—Control knob shapes.

INSTRUMENTS; INSTALLATION

§ 4b.610 *General.* The provisions of §§ 4b.611 through 4b.613 shall apply to the installation of instruments.

§ 4b.611 *Arrangement and visibility of instrument installations.* (a) Flight, navigation, and powerplant instruments for use by each pilot shall be plainly visible to him from his station with the minimum practicable deviation from his normal position and line of vision when he is looking out and forward along the flight path.

(b) Flight instruments required by § 4b.603 shall be grouped in accordance with one of the flight instrument panels in Figure 4b-23 dependent upon which instruments are installed. The panel shall be centered as nearly as practicable about the vertical plane of the pilot's forward vision. The required flight instruments not shown in Figure 4b-23 shall be placed adjacent to the prescribed grouping.

(c) All the required powerplant instruments shall be closely grouped on the instrument panel.

(d) Identical powerplant instruments for the several engines shall be located to prevent any misleading impression as to the engines to which they relate.

(e) Powerplant instruments vital to the safe operation of the airplane shall be plainly visible to the appropriate crew members.

(f) The vibration characteristics of the instrument panel shall be such as not to impair seriously the accuracy of the instruments or to damage them.

§ 4b.612 *Flight and navigational instruments*—(a) *Air-speed indicating systems.* (1) Air-speed indicating instruments shall be of an approved type and shall be calibrated to indicate true air speed at sea level in the standard atmosphere with a minimum practicable instrument calibration error when the corresponding pitot and static pressures are applied to the instrument.

(2) The air-speed indicating system shall be calibrated to determine the system error, i. e., the relation between IAS and CAS, in flight and during the accelerated take-off ground run. The ground run calibration shall be obtained from 0.8 of the minimum value of $V_1$ to the maximum value of $V_1$, taking into account the approved altitude and weight range for the airplane. In the ground run calibration, the flap and power settings shall correspond with the values determined in the establishment of the take-off path under the provisions of § 4b.116, assuming the critical engine to fail at the minimum approved value of $V_1$.

(3) The air-speed error of the installation, excluding the air-speed indicator instrument calibration error, shall not exceed 3 percent or 5 mph, whichever is the greater, throughout the speed range from $V_{SO}$ to 1.3 $V_{S_1}$ with flaps retracted, and from 1.3 $V_{S_0}$ to $V_{FL}$ with flaps in the landing position.

(4) The air-speed indicating system shall be arranged in so far as practicable to preclude malfunctioning or serious error due to the entry of moisture, dirt, or other substances.

(5) The air-speed indicating system shall be provided with a heated pitot tube or equivalent means of preventing malfunctioning due to icing.

(6) Where duplicate air-speed indicators are required, their respective pitot tubes shall be spaced apart to avoid damage to both tubes in the event of a collision with a bird.

(b) *Static air vent and pressure altimeter systems.* (1) All instruments provided with static air case connections shall be vented to the outside atmosphere through an appropriate piping system.

(2) The vent(s) shall be so located on the airplane that its orifices will be least affected by air flow variation, moisture, or other foreign matter.

(3) The installation shall be such that the system will be air-tight, except for the vent into the atmosphere.

(4) Pressure altimeters shall be of an approved type and shall be calibrated to indicate pressure altitude in standard atmosphere with a minimum practicable instrument calibration error when the corresponding static pressures are applied to the instrument.

(5) The design and installation of the altimeter system shall be such that the error in indicated pressure altitude at sea level in standard atmosphere, excluding instrument calibration error, does not result in a reading more than 20 feet high nor more than 50 feet low in the speed range between 1.3 $V_{S_1}$ (flaps extended) and 1.8$V_{S_1}$ (flaps retracted).

(c) *Magnetic direction indicator.* (1) The magnetic direction indicator shall be installed so that its accuracy will not be excessively affected by the airplane's vibration or magnetic fields of a permanent or transient nature.

(2) After the magnetic direction indicator has been compensated, the calibration shall be such that the deviation in level flight does not exceed ±10° on any heading.

(3) A calibration placard shall be provided as specified in § 4b.733.

(d) *Automatic pilot system.* If an automatic pilot system is installed, it shall be of an approved type, and the following shall be applicable:

(1) The actuating (servo) devices shall be of such design that they can, when necessary, be disengaged positively and be overpowered by the pilot to enable him to maintain control of the airplane.

(2) A means shall be provided to indicate readily to the pilot the alignment of the actuating device in relation to the control system which it operates, except when automatic synchronization is provided.

(3) The manually operated control(s) for the system's operation shall be readily accessible to the pilot.

(4) The automatic pilot system shall be of such design and so adjusted that, within the range of adjustment available to the human pilot, it cannot produce hazardous loads on the airplane or create hazardous deviations in the flight path under any conditions of flight appropriate to its use either during normal operation or in the event of malfunctioning, assuming that corrective action is initiated within a reasonable period of time.

(e) *Instruments utilizing a power supply.* Each required flight instrument utilizing a power supply shall be provided with two independent sources of power, a means of selecting either power source, and a means of indicating the adequacy of the power being supplied to the instrument. The installation and power supply system shall be such that failure of one instrument, or of the energy supply from one source, or a fault in any part of the power distribution system, will not interfere with the proper supply of energy from the other source. (See also §§ 4b.606 (c) and 4b.623.)

(f) *Duplicate instrument systems.* If duplicate sets of flight instruments are required by the regulations in this subchapter, each set shall be provided with a completely independent operating system. Additional instruments shall not be connected to the first pilot system. If additional instruments are connected to the other system, provision shall be made to disconnect or isolate in flight such additional instruments.

§ 4b.613 *Powerplant instruments*—(a) *Instrument lines.* (1) Powerplant instrument lines carrying flammable fluids or gases under pressure shall be provided with restricted orifices or equivalent safety devices at the source of the pressure to prevent the escape of excessive fluid or gas in case of line failure.

(2) The provisions of §§ 4b.432 and 4b.433 shall be made applicable to powerplant instrument lines.

(b) *Fuel quantity indicator.* Means shall be provided to indicate to the flight crew the quantity in gallons or equivalent units of usable fuel in each tank during flight. The following shall apply.

(1) Tanks, the outlets and air spaces of which are interconnected, shall be considered as one tank for the purpose of providing separate indicators.

(2) Exposed sight gauges shall be protected against damage.

(3) Fuel quantity indicators shall be calibrated to read zero during level flight when the quantity of fuel remaining in the tank is equal to the unusable fuel supply as defined by § 4b.416 (see § 4b.736).

(c) *Fuel flowmeter system.* When a flowmeter system is installed, the metering component shall include a means for by-passing the fuel supply in the event that malfunctioning of the metering component results in a severe restriction to fuel flow.

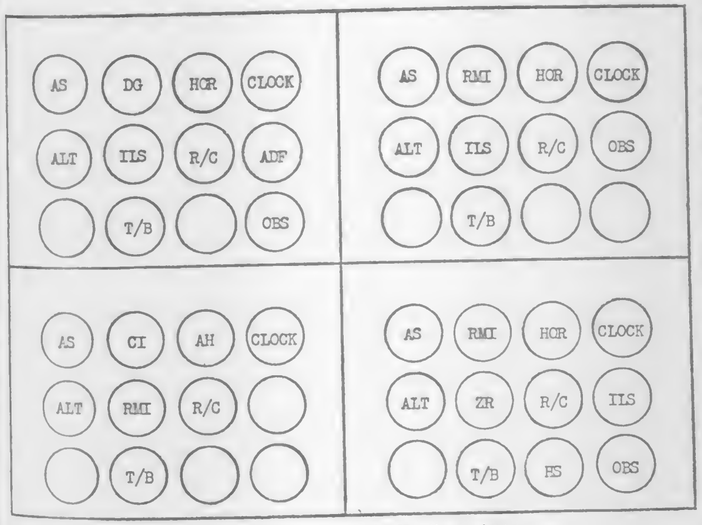
(d) *Oil quantity indicator.* (1) A stick gauge or other equivalent means shall be provided to indicate the quantity of oil in each tank. (See § 4b.735.)

(2) If an oil transfer system or a reserve oil supply system is installed, means shall be provided to indicate to the crew during flight the quantity of oil in each tank.

ELECTRICAL SYSTEMS AND EQUIPMENT

§ 4b.620 *General.* The provisions of §§ 4b.621 through 4b.627 shall apply to all electrical systems and equipment. (See also § 4b.606.)

§ 4b.621 *Electrical system capacity.* The required generating capacity and the number and type of power sources shall be determined by an electrical load analysis and shall comply with § 4b.606 (c).




ADF—Automatic direction finder.
AH—Approach horizon.
ALT—Altimeter.
AS—Air speed.
CI—Course indicator.
DG—Direction gyro.
HOR—Artificial horizon (bank and pitch).
HS—Heading selector.
ILS—Instrument landing system.
OBS—Omni-bearing selector.
R/C—Rate of climb.
RMI—Radio magnetic indicator.
T/B—Turn and bank.
ZR—Zero reader.

FIGURE 4b-23—BASIC FLIGHT INSTRUMENT PANEL ARRANGEMENT.

§ 4b.622 *Generating system.* (a) The generating system shall be considered to include electrical power sources, main power busses, transmission cables, and associated control, regulation, and protective devices.

(b) The generating system shall be so designed that the power sources function properly both when connected in combination and independently, and the failure or malfunctioning of any power source cannot create a hazard or impair the ability of the remaining sources to supply essential loads.

(c) Means accessible in flight to appropriate crew members shall be provided for the individual and collective disconnection of electrical power sources from the main bus.

(d) Means shall be provided to indicate to appropriate crew members those generating system quantities which are essential for the safe operation of the system.

NOTE: The voltage and current supplied by each generator are quantities considered essential.

§ 4b.623 *Distribution system.* (a) The distribution system shall be considered to include all distribution busses, their associated feeders, and control and protective devices.

(b) Individual distribution systems shall be designed to insure that essential load circuits can be supplied in the event of reasonably probable faults or open circuits.

(c) Where two independent sources of electrical power for particular equipment or systems are required by the Civil Air Regulations, their electrical energy supply shall be assured.

NOTE: Various means may be used to assure a supply, such as duplicate electrical equipment, throw-over switching, and multichannel or loop circuits separately routed.

§ 4b.624 *Electrical protection.* (a) Automatic protective devices shall be provided to minimize distress to the electrical system and hazard to the airplane in the event of wiring faults or serious malfunctioning of the system or connected equipment.

(b) In the generating system the protective and control devices shall be such as to de-energize and disconnect faulty power sources and power transmission equipment from their associated busses with sufficient rapidity to provide protection against hazardous overvoltage and other malfunctioning.

(c) All resettable type circuit protective devices shall be so designed that, when an overload or circuit fault exists, they will open the circuit irrespective of the position of the operating control.

(d) Protectiye devices or their controls used in essential load circuits shall be accessible for resetting in flight.

(e) Circuits for essential loads shall have individual circuit protection.

NOTE: This provision does not necessarily require individual protection for each circuit in an essential load system (e. g., each position light in the system).

(f) If fuses are used, there shall be provided spare fuses for use in flight equal to at least 50 percent of the number of fuses of each rating required for complete circuit protection.

§ 4b.625 *Electrical equipment and installation.* (a) In showing compliance with § 4b.606 (a) and (b) with respect to the electrical system, equipment, and installation, consideration shall be given to critical environmental conditions.

NOTE: Critical environmental conditions may include temperature, pressure, humidity, ventilation, position, acceleration, vibration, and presence of detrimental substances.

(b) All electrical equipment, controls, and wiring shall be so installed that operation of any one unit or system of units will not affect adversely the simultaneous operation of any other electrical unit or system of units essential to the safe operation of the airplane.

(c) Cables shall be grouped, routed, and spaced so that damage to essential circuits will be minimized in the event of faults in heavy current-carrying cables.

(d) Batteries and their installations shall provide for ventilation, drainage of fluids, venting of gases, and protection of other parts of the airplane from corrosive battery fluids.

§ 4b.626 *Electrical system fire and smoke protection.* The design and installation of all components of the electrical system shall be in compliance with pertinent fire and smoke protection provisions of §§ 4b.371(c), 4b.385, and 4b.490. In addition, all electrical cables, terminals, and equipment which are necessary in emergency procedures and which are located in designated fire zones shall be fire-resistant.

§ 4b.627 *Electrical system tests and analyses.* It shall be demonstrated by tests and analyses that the electrical system functions properly and without electrical or thermal distress.

LIGHTS

§ 4b.630 *Instrument lights.* (a) Instrument lights shall provide sufficient illumination to make all instruments, switches, etc., easily readable.

(b) Instrument lights shall be so installed that their direct rays are shielded from the pilot's eyes and so that no objectionable reflections are visible to him.

(c) A means of controlling the intensity of illumination shall be provided, unless it is shown that non-dimmed instrument lights are satisfactory under all expected conditions of flight.

§ 4b.631 *Landing lights.* (a) Landing lights shall be of an approved type.

(b) Landing lights shall be installed so that there is no objectionable glare visible to the pilot and so that the pilot is not adversely affected by halation.

(c) Landing lights shall be installed in a location where they provide the necessary illumination for night landing.

(d) A switch for each light shall be provided, except that where multiple lights are installed at one location a single switch for the multiple lights shall be acceptable.

§ 4b.632 *Position light system installation*—(a) *General.* The provisions of §§ 4b.632 through 4b.635 shall be applicable to the position light system as a whole. The position light system shall include the items specified in paragraphs (b) through (f) of this section.

(b) *Forward position lights.* Forward position lights shall consist of a red and a green light spaced laterally as far apart as practicable and installed forward on an airplane in such a location that, with the airplane in normal flying position, the red light is displayed on the left side and the green light is displayed on the right side. The individual lights shall be of an approved type.

(c) *Rear position lights.* Rear position lights shall consist of a red and a white light mounted on the airplane as far aft as practicable and located in close proximity to each other. The individual lights shall be of an approved type.

(d) *Fuselage lights.* Fuselage lights shall consist of two white lights installed approximately in line with the forward position lights. One of these lights shall be mounted on the top of the fuselage, the other on the bottom. In the case of seaplanes, the location of the bottom fuselage light shall be subject to specific approval. The individual lights shall be of an approved type.

(e) *Flasher.* A position light flasher of an approved type shall be installed and shall comply with subparagraphs (1) through (3) of this paragraph.

(1) The forward position lights and the fuselage lights shall flash simultaneously at a rate of not less than 65 and not more than 85 flashes per minute.

(2) The rear position lights shall be energized alternately, such that the red light flashes during one flash of the forward position lights and the fuselage lights, and the white light flashes during the next flash of the forward position lights and the fuselage lights.

(3) A switch shall be provided in the system to disconnect the flasher from the circuit so that continuous light can be supplied by the forward position lights and the white rear position light with the remaining lights unenergized.

(f) *Light covers and color filters.* Light covers or color filters used shall be of noncombustible material and shall be constructed so that they will not change color or shape or suffer any appreciable loss of light transmission during normal use.

§ 4b.633 *Position light system dihedral angles.* The forward and rear position lights as installed on the airplane shall show unbroken light within dihedral angles specified in paragraphs (a) through (c) of this section.

(a) Dihedral angle L (left) shall be considered formed by two intersecting vertical planes, one parallel to the longitudinal axis of the airplane and the other at 110° to the left of the first, when looking forward along the longitudinal axis.

(b) Dihedral angle R (right) shall be considered formed by two intersecting vertical planes, one parallel to the longitudinal axis of the airplane and the other at 110° to the right of the first, when looking forward along the longitudinal axis.

(c) Dihedral angle A (aft) shall be considered formed by two intersecting vertical planes making angles of 70° to the right and 70° to the left, respectively, looking aft along the longitudinal axis, to a vertical plane passing through the longitudinal axis.



§ 4b.634 *Position light distribution and intensities*—(a) *General.* The intensities prescribed in this section are those to be provided by new equipment with all light covers and color filters in place. Intensities shall be determined with the light source operating at a steady value equal to the average luminous output of the light source at the normal operating voltage of the airplane. The light distribution and intensities of position lights shall comply with the provisions of paragraphs (b) and (c) of this section.

(b) *Forward and rear position lights.* The light distribution and intensities of forward and rear position lights shall be expressed in terms of minimum intensities in the horizontal plane, minimum intensities in any vertical plane, and maximum intensities in overlappng beams, within dihedral angles L, R, and A, and shall comply with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) *Intensities in horizontal plane.* The intensities in the horizontal plane shall not be less than the values given in figure 4b–18. (The horizontal plane is the plane containing the longitudinal axis of the airplane and is perpendicular to the plane of symmetry of the airplane.)

(2) *Intensities above and below horizontal.* The intensities in any vertical plane shall not be less than the appropriate value given in figure 4b–19, where I is the minimum intensity prescribed in figure 4b–18 for the corresponding angles in the horizontal plane. (Vertical planes are planes perpendicular to the horizontal plane.)

(3) *Overlaps between adjacent signals.* The intensities in overlaps between adjacent signals shall not exceed the values given in figure 4b–20.

(c) *Fuselage lights.* The illuminating intensity of the top and the bottom fuselage lights individually shall be equivalent to that which would be furnished by a 32-candlepower lamp installed in a reflector of high reflective properties. The lights shall have a clear cover and the light distribution shall be reasonably uniform throughout approximately a hemisphere.

| Dihedral angle (light involved) | Angle from right or left of longitudinal axis, measured from dead ahead | Intensity (candles) |
|---|---|---|
| *L* and *R* (forward red and green) | 0° to 10° | 40 |
| | 10° to 20° | 30 |
| | 20° to 110° | 5 |
| *A* (Rear white) | 110° to 180° | 20 |
| *A* (Rear red) | 110° to 180° | 4 |

FIGURE 4b–18—MINIMUM INTENSITIES IN THE HORIZONTAL PLANE OF FORWARD AND REAR POSITION LIGHTS

| Angle above or below horizontal | Intensity |
|---|---|
| 0° | 1.00 I. |
| 0° to 5° | .90 I. |
| 5° to 10° | .80 I. |
| 10° to 15° | .70 I. |
| 15° to 20° | .60 I. |
| 20° to 30° | .30 I. |
| 30° to 40° | .10 I. |
| 40° to 90° | At least 2 candles. |

FIGURE 4b–19—MINIMUM INTENSITIES IN ANY VERTICAL PLANE OF FORWARD AND REAR POSITION LIGHTS

§ 4b.635 *Position light color specifications.* The colors of the position lights shall have the International Commission on Illumination chromaticity coordinates as set forth in paragraphs (a) through (c) of this section.

(a) *Aviation red.*

$y$ is not greater than 0.335,
$z$ is not greater than 0.002;

(b) *Aviation green.*

$x$ is not greater than $0.440-0.320y$,
$x$ is not greater than $y-0.170$,
$y$ is not less than $0.390-0.170x$;

(c) *Aviation white.*

$x$ is not less than 0.350,
$x$ is not greater than 0.540,
$y-y_0$ is not numerically greater than 0.01,

$y_0$ being the $y$ coordinate of the Planckian radiator for which $x_0=x$.

CROSS REFERENCE: For Special Civil Air Regulation SR–390, modifying regulations with respect to the position light system, see Note 2 to this part, *supra*.

| Overlaps | Maximum intensity | |
|---|---|---|
| | Area A (candles) | Area B (candles) |
| Green in dihedral angle *L* | 10 | 1 |
| Red in dihedral angle *R* | 10 | 1 |
| Green in dihedral angle *A* | 5 | 1 |
| Red in dihedral angle *A* | 5 | 1 |
| Rear white or rear red in dihedral angle *L* | 5 | 1 |
| Rear white or rear red in dihedral angle *R* | 5 | 1 |

NOTE: Area A represents the overlap in any plane bounded by two straight lines forming angles of 10° cos $\theta$ and 20° cos $\theta$ to the common boundary of the dihedral angles considered. Area B represents the overlap in any plane beyond 20° cos $\theta$. $\theta$ is the angle of the plane to the horizontal plane.

FIGURE 4b–20—MAXIMUM INTENSITIES IN OVERLAPPING BEAMS OF FORWARD AND REAR POSITION LIGHTS

§ 4b.636 *Riding light.* (a) When a riding (anchor) light is required for a seaplane, flying boat, or amphibian, it shall be capable of showing a white light for at least two miles at night under clear atmospheric conditions.

(b) The riding light shall be installed to show the maximum unbroken light practicable when the airplane is moored or drifting on the water. Externally hung lights shall be acceptable.

§ 4b.637 *Anti-collision light.* If an anti-collision light is used, it shall be of the rotating beacon type installed on top of the fuselage or tail in such a location that the light would not be detrimental to the crew's vision and would not detract from the conspicuity of the position lights. The color of the anti-collision light shall be aviation red in accordance with the specifications of § 4b.635 (a). The arrangement of the anti-collision light, i. e., number of light sources, beam width, speed of rotation, etc., shall be such as to give an effective flash frequency of not less than 40 and not more than 100 cycles per minute, with an on-off ratio not less than 1:75. If an anti-collision light is used, it shall be permissible to install the position lights in a manner so that the forward position lights and the rear white position light are on steady while the fuselage lights and the rear red position light are not energized.

NOTE: An on-off ratio of not less than 1:75 is equivalent to a total angular light beam width of not less than approximately 5 degrees.

SAFETY EQUIPMENT

§ 4b.640 *Ice protection.* When an ice protection system is installed, it shall be of an approved type. If pneumatic boots are used, at least two independent sources of power and a positive means for the deflation of the boots shall be provided.

§ 4b.641 *Hand fire extinguishers.* (See §§ 4b.381, 4b.382, and 4b.383.)

[Amdt. 4b–6, 17 F. R. 1099, Feb. 5, 1952]

§ 4b.642 *Flare installation.* (a) Parachute flares shall be releasable from the pilot compartment and installed to minimize the danger of accidental discharge.

(b) It shall be demonstrated in flight that the flare installation is such that ejection can be accomplished without hazard to the airplane and its occupants.

(c) If recoil loads are involved in the ejection of the flares, the structure of the airplane shall withstand such loads.

§ 4b.643 *Safety belts.* Safety belts shall be of an approved type. In no case shall the rated strength of the safety belt be less than that corresponding with the ultimate load factors specified in § 4b.260 (a), taking due account of the dimensional characteristics of the safety belt installation for the specific seat or berth arrangement. Safety belts shall be attached so that no part of the anchorage will fail at a load lower than that corresponding with the ultimate load factors specified in § 4b.260 (a).

§ 4b.644 *Safety belt signal.* When means are provided to indicate to the passengers when seat belts should be fastened, the device shall be so installed that it can be operated from the seat of either pilot or copilot.

§ 4b.645 *Ditching equipment.* When the airplane is certificated for ditching in accordance with § 4b.361, and when required by the operating rules for the particular route to be flown, the ditching equipment shall be as prescribed in paragraphs (a) through (d) of this section.

(a) *Life rafts.* Life rafts shall be of an approved type. Unless excess rafts of sufficient capacity are provided, the buoyancy and seating capacity beyond the rated capacity of the rafts shall be such as to accommodate all occupants of the airplane in the event of a loss of one life raft of the largest rated capacity on board. Each life raft shall be equipped with a trailing line and with a static line, the latter designed to hold the raft near the airplane but to release it in case the airplane becomes totally submerged. Each raft shall contain obvious markings of instruction on the operation of the raft.

(b) *Life raft equipment.* Approved equipment intended for survival shall be attached to each life raft and marked for identification and method of operation.

NOTE: The extent and type of survival equipment will depend upon the route over which the airplane is operated.

(c) *Long-range signalling device.* An approved long-range signalling device

shall be provided for use in one of the life rafts.

(d) *Life preservers.* Life preservers shall be of an approved type. They shall be reversible and shall contain obvious markings of instruction on their use.

§ 4b.646 *Stowage of safety equipment.* Special stowage provisions shall be made for all prescribed safety equipment to be used in emergencies. The stowage provision shall be such that the equipment is directly accessible and its location is obvious. All safety equipment shall be protected against inadvertent damage. The stowage provisions shall be marked conspicuously to identify the contents and to facilitate removal of the equipment. In addition, the following shall specifically apply.

(a) *Emergency exit means.* The stowage provisions for the emergency exit means required by § 4b.362 (e) (7) shall be located at the exits which they are intended to serve.

(b) *Life rafts.* The provisions for the stowage of life rafts required by § 4b.645 (a) shall accommodate a sufficient number of rafts for the maximum number of occupants for which the airplane is certificated for ditching. Stowage shall be near exits through which the rafts can be launched during an unplanned ditching. Rafts automatically or remotely released on the outside of the airplane shall be attached to the airplane by means of the static line prescribed in § 4b.645 (a).

(c) *Long-range signalling device.* The stowage provisions for the long-range signalling device required by § 4b.645 (c) shall be located near an exit to be available during an unplanned ditching.

(d) *Life preservers.* The provisions for the stowage of life preservers required by § 4b.645 (d) shall accommodate one life preserver for each occupant for which the airplane is certificated for ditching. They shall be located so that a life preserver is within easy reach of each occupant while seated.

MISCELLANEOUS EQUIPMENT

§ 4b.650 *Radio and electronic equipment.* (a) In showing compliance with § 4b.606 (a) and (b) with respect to radio and electronic equipment and their installations, consideration shall be given to critical environmental conditions.

NOTE: Critical environmental conditions may include temperature, pressure, humidity, ventilation, position, acceleration, vibration, and presence of detrimental substances.

(b) Radio and electronic equipment shall be supplied with power in accordance with the provisions of § 4b.623 (c).

(c) All radio and electronic equipment, controls, and wiring shall be so installed that operation of any one unit or system of units will not affect adversely the simultaneous operation of any other radio or electronic unit or system of units required by the regulations in this subchapter.

§ 4b.651 *Oxygen equipment and supply.* When required by the operating rules of the regulations in this subpart, the supplemental and protective breathing equipment and its installation shall meet the following requirements.

(a) *General.* The oxygen system installed shall be free from hazards in itself, in its method of operation, and in its effect on other components of the airplane. Means shall be provided to enable the crew to determine the quantity of oxygen available in each source of supply.

(b) *Required minimum mass flow of supplemental oxygen.* The minimum mass flow of supplemental oxygen required per person at various cabin pressure altitudes shall be at least that indicated on figure 4b–21.

(c) *Equipment standards for distribution system.* Where oxygen is to be supplied to both crew and passengers, the distribution system shall be designed to provide either:

(1) A source of supply for the flight crew on duty and a separate source for the passengers and other crew members, or

(2) A common source of supply with means provided so that the minimum supply required by the flight crew on duty can be separately reserved.

(d) *Equipment standards for dispensing units.* An individual dispensing unit shall be provided for each crew member and passenger for whom supplemental oxygen is required to be furnished. All units shall be designed to cover the nose, and at least 25 percent of the units required to be furnished shall, in addition, cover the mouth. (For crew masks to be used for protective breathing purposes see paragraph (h) of this section.)

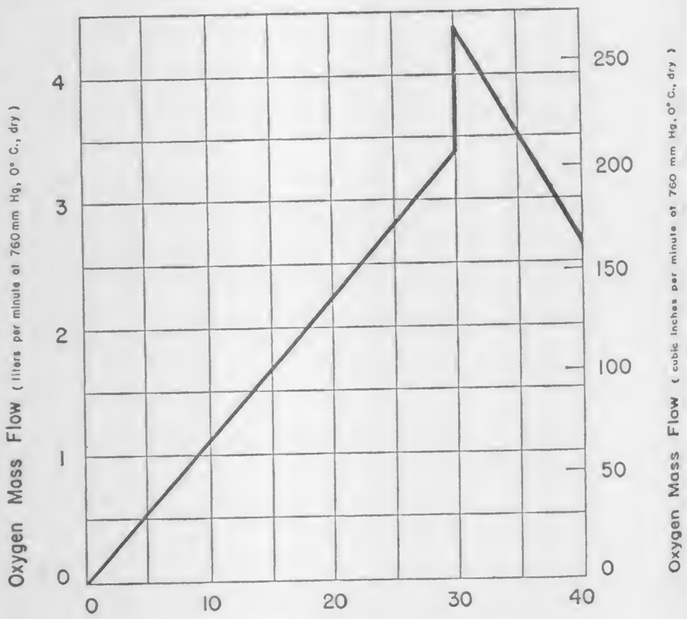
(e) *Means for determining use of oxygen.* Means shall be provided to enable the crew to determine whether oxygen is being delivered to each user.

(f) *Fire protection.* (1) Oxygen equipment and lines shall not be located in any designated fire zone.

(2) Oxygen equipment and lines shall be protected from heat which may be generated in or escape from any designated fire zone.

(3) Oxygen equipment and lines shall be so installed that escaping oxygen cannot cause ignition of accumulations of grease, fluids, or vapors which are likely to be present in normal operation or as a result of failure or malfunctioning of any system.

(g) *Protection from rupture.* Oxygen pressure tanks and lines between tanks and the shutoff means shall be protected from the effects of unsafe temperatures, and shall be so located in the airplane as to minimize the possibility and the hazards of rupture in a crash landing.




NOTE: 1. Data based on:
a. System 100% efficient.
b. Respiratory minute volume equals 15 liters (915 cubic inches) per minute.
c. 100% oxygen above 30,000 feet.
2. For diluter–demand regulators use flow characteristics supplied by manufacturer to calculate required supply. Such flows must not be less than those indicated on this graph at delivery rate of 15 liters per minute.

FIGURE 4b–21—Minimum flow of oxygen for operation at various altitudes.



(h) *Protective breathing system.* When protective breathing equipment is required by the Civil Air Regulations, it shall be designed to protect the flight crew from the effects of smoke, carbon dioxide, and other harmful gases while on flight deck duty and while combating fires in cargo compartments (see § 4b.380 (c)). The protective breathing equipment and the necessary supply of oxygen shall be in accordance with the following provisions.

(1) The protective breathing equipment shall include masks covering the eyes, nose, and mouth, or only the nose and mouth where accessory equipment is provided to protect the eyes.

(2) A supply of protective oxygen per crew member shall be of 15-minute duration at a pressure altitude of 8,000 feet and a respiratory minute volume of 30 liters per minute BTPD.

NOTE: When a demand type oxygen system is employed, a supply of 300 liters of free oxygen at 70° F. and 760 mm Hg. pressure is considered to be of 15-minute duration at the prescribed altitude and minute volume. When a continuous flow protective breathing system is used, including a mask with a standard rebreather bag, a flow rate of 60 liters per minute at 8,000 feet (45 liters per minute at sea level) and a supply of 600 liters of free oxygen at 70° F. and 760 mm Hg. pressure is considered to be of 15-minute duration at prescribed altitude and minute volume. (BTPD refers to body temperature conditions, i. e., 37° C., at ambient pressure, dry.)

§ 4b.652 *Engine-driven accessories.* Engine-driven accessories essential to safe operation of the airplane shall be so distributed among two or more engines that the failure of any one engine will not impair the safe operation of the airplane.

§ 4b.653 *Hydraulic systems; strength*—(a) *Structural loads.* All elements of the hydraulic system shall be designed to withstand, without detrimental permanent deformation, all structural loads which may be imposed simultaneously with the maximum hydraulic loads occurring in operation.

(b) *Proof pressure tests.* All elements of the hydraulic system shall be tested to a proof pressure of 1.5 times the maximum pressure to which the part will be subjected in normal operation. In such test no part of the hydraulic system shall fail, malfunction, or suffer detrimental deformation.

(c) *Burst pressure strength.* Individual hydraulic system elements shall be designed to withstand pressures which are sufficiently increased over the pressures prescribed in paragraph (b) of this section to safeguard against rupture under service conditions.

NOTE: The following pressures, in terms of percentage of maximum operating pressure for the particular element, in most instances are sufficient to insure against rupture in service: 250 percent in units under oil pressure, 400 percent in units containing air and oil under pressure and in lines, hoses, and fittings, 300 percent in units of system subjected to back pressure.

§ 4b.654 *Hydraulic systems; design*—(a) *Pressure indication.* A means shall be provided to indicate the pressure in each main hydraulic power system.

(b) *Pressure limiting provisions.* Provision shall be made to assure that pressures in any part of the system will not exceed a safe limit above the maximum operating pressure of the system and to insure against excessive pressures resulting from fluid volumetric changes in all lines which are likely to remain closed long enough for such changes to take place. In addition, consideration shall be given to the possible occurrence of detrimental transient (surge) pressures during operation.

(c) *Installation.* Hydraulic lines, fittings, and components shall be installed and supported to prevent excessive vibration and to withstand inertia loads. All elements of the installation shall be protected from abrasion, corrosion, and mechanical damage.

(d) *Connections.* Flexible hose, or other means of providing flexibility, shall be used to connect points in a hydraulic fluid line between which there is relative motion or differential vibration.

§ 4b.655 *Hydraulic system fire protection.* When flammable type hydraulic fluid is used, the hydraulic system shall comply with the provisions of §§ 4b.385, 4b.481, 4b.482, and 4b.483.

§ 4b.658 *Vacuum systems.* (a) Means, in addition to the normal pressure relief, shall be provided to relieve automatically the pressure in the discharge lines from the vacuum pump, if the delivery temperature of the air reaches an unsafe value.

(b) Vacuum system lines and fittings on the discharge side of the pump which might contain flammable vapors or fluids shall comply with § 4b.483 if they are located in a designated fire zone. Other vacuum system components located in designated fire zones shall be fire-resistant.

SUBPART G—OPERATING LIMITATIONS AND INFORMATION

GENERAL

§ 4b.700 *Scope.* (a) The operating limitations listed in §§ 4b.710 through 4b.723 shall be established as prescribed in this part.

(b) The operating limitations, together with any other information concerning the airplane found necessary for safety during operation, shall be included in the Airplane Flight Manual (§ 4b.740), shall be expressed as markings and placards (§ 4b.730), and shall be made available by such other means as will convey the information to the crew members.

OPERATING LIMITATIONS

§ 4b.710 *Air-speed limitations; general.* When air-speed limitations are a function of weight, weight distribution, altitude, or Mach number, the values corresponding with all critical combinations of these values shall be established.

§ 4b.711 *Never-exceed speed $V_{NE}$.* (a) To allow for possible variations in the airplane characteristics and to minimize the possibility of inadvertently exceeding safe speeds, the never-exceed speed $V_{NE}$ shall be a speed established sufficiently below the lesser of:

(1) The design dive speed $V_D$ chosen in accordance with § 4b.210 (b) (5), or

(2) The maximum speed demonstrated in flight in accordance with § 4b.190.

(b) In the absence of a rational investigation, the value of $V_{NE}$ shall not exceed 0.9 times the lesser of the two speeds referred to in paragraph (a) of this section.

§ 4b.712 *Normal operating limit speed $V_{NO}$.* (a) The normal operating limit speed $V_{NO}$ shall be established not to exceed the design cruising speed $V_C$ chosen in accordance with § 4b.210 (b) (4) and sufficiently below the never-exceed speed $V_{NE}$ to make it unlikely that $V_{NE}$ would be exceeded in a moderate upset occurring at $V_{NO}$.

(b) In the absence of a rational investigation, the value of $V_{NO}$ shall not exceed 0.9 times $V_{NE}$.

§ 4b.713 *Maneuvering speed.* The maneuvering speed shall not exceed the design maneuvering speed $V_A$ determined in accordance with § 4b.210 (b) (2).

§ 4b.714 *Flap extended speed $V_{FE}$.* (a) The flap extended speed $V_{FE}$ shall be established not to exceed the lesser of:

(1) The design flap speed $V_F$ chosen in accordance with § 4b.210 (b) (1), or

(2) The design speed for slipstream effects with flaps in the landing position, chosen in accordance with § 4b.221.

(b) The value of $V_{FE}$ established in accordance with paragraph (a) of this section shall not be less than a value which provides a safe speed margin above the stall during approach and landing.

(c) It shall be acceptable to establish supplementary values of $V_{FE}$ for other combinations of flap setting, air speed, and engine power, if the structure and the flight characteristics of the airplane have been shown to be satisfactory for such combinations.

§ 4b.715 *Landing gear operating speed $V_{LO}$.* The landing gear operating speed $V_{LO}$ shall be established not to exceed a speed at which it is safe to extend or retract the landing gear as limited by design in accordance with § 4b.334 or by flight characteristics.

§ 4b.716 *Landing gear extended speed $V_{LE}$.* The landing gear extended speed $V_{LE}$ shall be established not to exceed a speed at which it has been shown that the airplane can be safely flown with the landing gear secured in the fully extended position, and for which the structure has been proven in accordance with § 4b.334.

§ 4b.717 *Minimum control speed $V_{MC}$.* (See § 4b.133.)

§ 4b.718 *Powerplant limitations.* The following powerplant limitations shall be established for the airplane. They shall not exceed the corresponding limits established as a part of the type certification of the engine and propeller installed in the airplane.

(a) *Take-off operation.* (1) Maximum rotational speed (r. p. m.),

(2) Maximum permissible manifold pressure,

(3) The time limit for use of the power which corresponds with the values established in subparagraphs (1) and (2) of this paragraph,

(4) Where the time limit established in subparagraph (3) of this paragraph exceeds two minutes, the maximum allowable cylinder head or coolant outlet, and oil temperatures,

(5) Maximum cylinder head or coolant outlet and oil temperatures, if these differ from the maximum limits for continuous operation.

(b) *Maximum continuous operation.* (1) Maximum rotational speed (r. p. m.),

(2) Maximum permissible manifold pressure,

(3) Maximum allowable cylinder head or coolant outlet, and oil temperatures.

(c) *Fuel octane rating.* The minimum octane rating of fuel required for satisfactory operation of the powerplant at the limits specified in paragraphs (a) and (b) of this section.

(d) *Cooling limitations.* The maximum sea level temperature for which satisfactory cooling has been demonstrated.

§ 4b.719 *Airplane weight, center of gravity, and weight distribution limitations.* The airplane weight, center of gravity, and weight distribution limitations shall be those prescribed in §§ 4b.101, 4b.102 and 4b.103. Where the airplane is certificated for more than one center of gravity range, the appropriate limitations with regard to weight and loading procedures shall be set forth in the Airplane Flight Manual for each separate center of gravity range.

§ 4b.720 *Minimum flight crew.* The minimum flight crew shall be established by the Administrator as that number of persons which he finds necessary for safety in the operations authorized under § 4b.721. This finding shall be based upon the work load imposed upon individual crew members with due consideration given to the accessibility and the ease of operation of all necessary controls by the appropriate crew members.

§ 4b.721 *Types of operation.* The types of operation to which the airplane is limited shall be established by the category in which it has been found eligible for certification and by the equipment installed. (See the operating rules in this subchapter.)

§ 4b.722 *Maximum operating altitude.* A maximum altitude shall be established up to which operation is permitted, as limited by flight, structural, powerplant, functional, or equipment characteristics.

§ 4b.723 *Maneuvering flight load factors.* Load factor limitations shall be established not to exceed the positive limit load factors determined from the maneuvering diagram, figure 4b–2. (See § 4b.211 (a).)

MARKINGS AND PLACARDS

§ 4b.730 *General.* (a) Markings and placards shall be displayed in conspicuous places and shall be such that they cannot be easily erased, disfigured, or obscured.

(b) Additional information, placards, and instrument markings having a direct and important bearing on safe operation of the airplane shall be required when unusual design, operating, or handling characteristics so warrant.

§ 4b.731 *Instrument markings; general.* (a) When markings are placed on the cover glass of the instrument, provision shall be made to maintain the correct alignment of the glass cover with the face of the dial.

(b) All arcs and lines shall be of sufficient width and so located that they are clearly visible to the pilot.

§ 4b.732 *Air-speed indicator.* The following markings shall be placed on the air-speed indicator. If speeds vary with altitude, means shall be provided to indicate the appropriate limitation to the pilot throughout the operating altitude range.

(a) A radial red line shall indicate the never-exceed speed $V_{NE}$ (see § 4b.711).

(b) A yellow arc extending from the red line specified in paragraph (a) of this section to the upper limit of the green arc specified in paragraph (c) of this section shall indicate the caution range.

(c) A green arc with the lower limit at $V_{s_1}$ as determined in accordance with § 4b.112 (b) with maximum take-off weight, landing gear and wing flaps retracted, and the upper limit at the normal operating limit speed $V_{NO}$ established in accordance with § 4b.712 shall indicate the normal operating range.

(d) A white arc with the lower limit at $V_{s_0}$ as determined in accordance with § 4b.112 (a) at the maximum landing weight, and the upper limit at the flaps-extended speed $V_{FE}$ as established in accordance with § 4b.714 shall indicate the flap operating range.

§ 4b.733 *Magnetic direction indicator.* A placard shall be installed on or in close proximity to the magnetic direction indicator which shall comply with the following.

(a) The placard shall contain the calibration of the instrument in a level flight attitude with engine(s) operating.

(b) The placard shall state whether the calibration was made with radio receiver(s) on or off.

(c) The calibration readings shall be in terms of magnetic headings in not greater than 45° increments.

§ 4b.734 *Powerplant instruments; general.* All required powerplant instruments shall be marked as follows.

(a) The maximum and the minimum (if applicable) safe operational limits shall be marked with red radial lines.

(b) The normal operating ranges shall be marked with a green arc not extending beyond the maximum and minimum safe operational limits.

(c) The take-off and precautionary ranges shall be marked with a yellow arc.

(d) Engine or propeller speed ranges which are restricted because of excessive vibration stresses shall be marked with red arcs.

§ 4b.735 *Oil quantity indicators.* Oil quantity indicators shall be marked in sufficient increments to indicate readily and accurately the quantity of oil.

§ 4b.736 *Fuel quantity indicator.* When the unusable fuel supply for any tank exceeds 1 gallon or 5 percent of the tank capacity, whichever is the greater, a red arc shall be marked on the indicator extending from the calibrated zero reading to the lowest reading obtainable in the level flight attitude. A notation in the Airplane Flight Manual shall be made to indicate that the fuel remaining in the tank when the quantity indicator reaches zero is not usable in flight. (See § 4b.613 (b).)

§ 4b.737 *Control markings; general.* All cockpit controls, with the exception of the primary flight controls and other controls the function of which is obvious, shall be plainly marked and/or identified as to their function and method of operation. The markings shall include the following.

(a) *Aerodynamic controls.* The secondary aerodynamic controls shall be marked to comply with §§ 4b.322 and 4b.323.

(b) *Powerplant fuel controls.* (1) Controls for fuel tank selector valves shall be marked to indicate the position corresponding with each tank and with all possible cross-feed positions.

(2) When more than one fuel tank is provided, and if safe operation depends upon the use of tanks in a specific sequence, the fuel tank selector controls shall be marked adjacent to or on the control itself to indicate the order in which the tanks should be used.

(3) Controls for engine selector valves shall be marked to indicate the position corresponding with each engine.

(c) *Accessory and auxiliary controls.* (1) When a retractable landing gear is used, the visual indicator required in § 4b.334 (e) shall be marked so that the pilot can ascertain at all times when the wheels are locked in either extreme position.

(2) Emergency controls, including fuel jettisoning and fluid shutoff controls, shall be colored red and shall be marked to indicate their function and method of operation.

§ 4b.738 *Miscellaneous markings and placards*—(a) *Baggage compartments and ballast location.* Each baggage and cargo compartment as well as the ballast location shall bear a placard stating the maximum allowable weight of contents and, if applicable, any other limitation on contents found necessary due to loading requirements.

(b) *Fuel, oil, and coolant filler openings.* The following information shall be marked on or adjacent to the appropriate filler cover:

(1) The word "fuel", the minimum permissible fuel octane number for the engines installed, and the usable fuel tank capacity (see § 4b.416),

(2) The word "oil" and the oil tank capacity,

(3) The name of the proper coolant fluid and the capacity of the coolant system.

(c) *Emergency exit placards.* (See § 4b.362 (f).)



(d) *Operating limitation placard.* A placard shall be provided in front of and in clear view of the pilots stating: "This airplane must be operated in compliance with the operating limitations specified in the CAA approved Airplane Flight Manual."

(e) *Safety equipment.* (1) Safety equipment controls which the crew is expected to operate in time of emergency, such as flares, automatic life raft releases, etc., shall be readily accessible and plainly marked as to their method of operation.

(2) When fire extinguishers and signaling and other lifesaving equipment are carried in lockers, compartments, etc., these locations shall be marked accordingly.

AIRPLANE FLIGHT MANUAL

§ 4b.740 *General.* (a) An Airplane Flight Manual shall be furnished with each airplane.

(b) The portions of the manual listed in §§ 4b.741 through 4b.743 as are appropriate to the airplane shall be verified and approved and shall be segregated, identified, and clearly distinguished from portions not so approved.

(c) Additional items of information having a direct and important bearing on safe operation shall be required when unusual design, operating, or handling characteristics so warrant.

§ 4b.741 *Operating limitations*—(a) *Air-speed limitations.* The following air-speed limitations shall be included together with sufficient information to permit marking the air-speed indicator in accordance with § 4b.732:

(1) The never-exceed speed (see § 4b.711);

(2) The normal operating limit speed (see § 4b.712), together with a statement to the effect that normal flight operations should be confined to speeds below this value, and a further statement to the effect that the range of speeds between the normal operating limit speed and the never-exceed speed should be entered with caution and with due regard to the prevailing flight and atmospheric conditions;

(3) When an air-speed limitation is based upon compressibility effects, a statement to this effect, together with information as to any symptoms, the probable behavior of the airplane, and the recommended recovery procedures;

(4) The maneuvering speed (see § 4b.210 (b) (2)), together with a statement to the effect that full application of rudder and aileron controls as well as those maneuvers which involve angles of attack near the stall should be confined to speeds below this value;

(5) The flap extended speed (see § 4b.714), together with a description of the pertinent flap positions and engine powers;

(6) The landing gear operating speed (see § 4b.715), together with a statement to the effect that this is the maximum speed at which it is safe to extend or retract the landing gear;

(7) The landing gear extended speed (see § 4b.716), if greater than the landing gear operating speed, together with a statement to the effect that this is the maximum speed at which the airplane can be flown safely with the landing gear in the extended position.

(b) *Powerplant limitations.* Information shall be included to outline and to explain all powerplant limitations (see § 4b.718) and to permit marking the instruments as required by §§ 4b.734 through 4b.736.

(c) *Weight and loading distribution.* The airplane weights and center of gravity limits required by §§ 4b.101 and 4b.102 shall be included, together with the items of equipment on which the empty weight is based. Where the variety of possible loading conditions warrants, instructions shall be included to facilitate observance of the limitations.

(d) *Flight load acceleration limits.* The positive maneuvering limit load factors for which the airplane structure has been proven shall be described in terms of accelerations, together with a statement to the effect that these accelerations limit the angle of bank in turns and limit the severity of pull-up maneuvers.

(e) *Flight crew.* The number and functions of the minimum flight crew determined in accordance with § 4b.720 shall be described.

(f) *Type of operation.* The type(s) of operating(s) shall be listed for which the airplane and its equipment installations have been approved. (See § 4b.721.)

(g) *Maximum operating altitude.* The altitude established in accordance with § 4b.722 shall be included, together with an explanation of the limiting factors.

§ 4b.742 *Operating procedures*—(a) *Normal.* Information and instructions shall be included regarding peculiarities of starting and warming the engines, taxying, operation of wing flaps, landing gear, automatic pilot, etc.

(b) *One engine inoperative.* The recommended procedure shall be described to be followed in the event of engine failure, including minimum speeds, trim, operation of remaining engine(s), operation of flaps, etc.

(c) *Propeller feathering.* The recommended procedure shall be described to be followed in stopping the rotation of propellers in flight.

(d) *Emergency procedures.* Recommended emergency procedures shall be described to be followed in the event of fire, decompression, ditching, etc.

§ 4b.743 *Performance information*—(a) *Performance data.* A summary of all pertinent performance data shall be given, including the performance data necessary for the application of the operating rules of this subchapter, together with descriptions of the conditions, air speeds, etc., under which these data were determined.

(b) *Flap controls.* Instructions shall be included describing the use and adjustment of the flap controls necessary to obtain the performance referred to in paragraph (a) of this section.

(c) *Air speeds.* The indicated air speeds corresponding with those determined for take-off shall be listed together with the procedures to be followed in the event the critical engine becomes inoperative during take-off (see § 4b.742 (b)).

(d) *Miscellaneous.* An explanation shall be included of any significant or unusual flight or ground handling characteristics.

AIRPLANE IDENTIFICATION DATA

§ 4b.750 *Identification plate.* A fireproof identification plate shall be securely attached to the structure in an accessible location where it will not likely be defaced during normal service. The identification plate shall not be placed in a location where it might be expected to be destroyed or lost in the event of an accident. The identification plate shall contain the identification data required by § 1.50 of this subchapter.

§ 4b.751 *Identification marks.* The nationality and registration marks shall be permanently affixed in accordance with § 1.100 of this subchapter.

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 53-10780; Filed, Dec. 29, 1953; 8:50 a. m.]

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[Civil Air Regs., Amdt. 40-2]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

POSTPONEMENT OF EFFECTIVE DATE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of December 1953.

On April 13, 1953, the Board adopted a revision to Part 40 which contains major changes to the certification and operating rules applicable to domestic scheduled interstate air carriers. Revised Part 40 was made effective October 1, 1953. Present Parts 40 and 61 were accordingly rescinded effective that date. Because of unforeseen delays in the completion of Civil Aeronautics Manual material and issuance of operations specifications, it become impossible for air carriers to complete the necessary activities required for compliance with revised Part 40 by October 1, 1953. Consultation with the Civil Aeronautics Administration and the air carriers during September of this year indicated that this activity was expected to be completed in a relatively short time after October 1, and that, if the effective date of revised Part 40 were extended for a period of three months, an orderly transition of air carrier operations under the revised Part 40 would be permitted. Accordingly, on September 25, 1953, the Board extended the effective date of Part 40 to January 1, 1954.

It has now become apparent that expectations with respect to the completion of manual material and the issuance of air carrier operations specifications have not materialized. The Board is advised that the last of the Civil Aeronautics Manual material has been submitted to the FEDERAL REGISTER for publication, and that suitable arrangements have been made to insure that this material will be in the possession of the air carriers and agents of the Civil

Aeronautics Administration without delay. Recent consultation with the air carriers indicates that completion of air carrier manuals and other instructional material and the completion of air carrier training programs can be assured during March 1954 if the Civil Aeronautics Manuals are in the possession of the air carriers early in January as contemplated.

Although the Board regrets the additional delays which have been encountered in this activity, it is clear that the magnitude of the task has rendered many of the delays unavoidable. Furthermore, it is apparent that a complete indoctrination of all personnel involved with respect to the changes imposed under revised Part 40 and adequate training with respect to all associated procedures are essential in order that the safety of air carrier operations will not be jeopardized as a consequence of the transition. In view of the foregoing, the Board is postponing the effective date of revised Part 40 until April 1, 1954.

Since the time remaining prior to January 1, 1954, is insufficient to permit normal rule making procedure and delay beyond that date would operate contray to the purpose of the amendment, the Board finds that notice and public procedure hereon are impracticable; and since this regulation imposes no burden on any person, the amendment may be made effective without prior notice.

The Civil Aeronautics Board hereby changes the effective date of revised Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) from January 1, 1954, to April 1, 1954.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-10824; Filed, Dec. 29, 1953; 8:54 a. m.]

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[Civil Air Regs., Amdt. 40-2]

## PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

ELIMINATION OF REQUIREMENT FOR CERTIFICATION IN TRANSPORT CATEGORY OF AIRCRAFT USED AFTER DECEMBER 31, 1953

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of December 1953.

On April 13, 1953, the Board adopted revised Part 40 which contains major changes to the certification and operating rules applicable to domestic scheduled interstate air carriers. In adopting this revised part, the Board eliminated a requirement contained in § 40.21 (c) of current Part 40; namely, that aircraft used after December 31, 1953, shall be certificated in accordance with certain transport category requirements and shall be operated in accordance with transport category performance operating limitations.

Revised Part 40 was to have become effective January 1, 1954. The Board has found it necessary, however to postpone the effective date to April 1, 1954, and, accordingly, to continue in force present Part 40 until that date. This action, however, would have the practical effect of terminating the operation of nontransport category airplanes in scheduled air carrier service unless current Part 40 were amended. Since the Board has made it amply clear that these nontransport airplanes should not be required to be withdrawn from service, it appears necessary that the requirement contained in § 40.21 (c) of current Part 40 be deleted.

Since the time remaining prior to January 1, 1954, is insufficient to permit normal rule-making procedure and delay beyond that date would operate contrary to the purpose of the amendment, the Board finds that notice and public procedure hereon are impracticable; and since this regulation imposes no burden on any person, the amendment may be made effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective immediately: By deleting § 40.21 (c).

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604; 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-10825; Filed, Dec. 29, 1953; 8:54 a. m.]

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[Reg. No. SR-393B]

## PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

## PART 61—SCHEDULED AIR CARRIER RULES

SPECIAL CIVIL AIR REGULATION; DELEGATION OF AUTHORITY TO ADMINISTRATOR TO AUTHORIZE COMPLIANCE WITH REVISED PART 40, EFFECTIVE APRIL 1, 1954, IN LIEU OF PRESENTLY EFFECTIVE PARTS 40 AND 61

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of December 1953.

On April 13, 1953, the Board adopted a revision to Part 40 which contains major changes to the certification and operating rules applicable to domestic scheduled interstate air carriers. Revised Part 40 was made effective October 1, 1953. Present Parts 40 and 61 were accordingly rescinded effective that date.

In order to permit the orderly transition of air carrier operations from presently effective Parts 40 and 61 to the revised Part 40, it was considered desirable that the Administrator of Civil Aeronautics be permitted, upon application by a domestic scheduled interstate air carrier, to amend the operations specifications of such air carrier to authorize compliance with selected provisions of revised Part 40 in lieu of the provisions of presently effective Parts 40 and 61 prior to October 1, 1953. In view of the foregoing, the Board adopted Special Civil Air Regulation SR-393 on April 13, 1953, authorizing the Administrator to permit operation in compliance with revised Part 40 prior to October 1, 1953. Because of unforeseen delays in the publication of manual material and the issuance of operations specifications, it became necessary to extend the effective date of revised Part 40 to January 1, 1954, and accordingly the provisions of SR-393 were extended by SR-393A until January 1, 1954. It has now become apparent, however, that the delays in publication of manual material and issuance of operations specifications have been longer than anticipated and it is extremely doubtful that such materials will be in the hands of the airlines sufficiently in advance of the January 1, 1954, effective date to enable orderly implementation of revised Part 40 on that date. The Board, therefore, is postponing the effective date of revised Part 40 and extending the authority provided by SR-393A to April 1, 1954. It is anticipated that the Administrator, in exercising this authority with respect to any particular provision, will require compliance with all related provisions of revised Part 40.

Since the purpose of this rule is to provide a means of orderly transition from presently effective to newly adopted rules, notice and public procedure hereon are considered impracticable and unnecessary and the Board finds that good cause exists for making the regulation effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board makes and promulgates the following Special Civil Air Regulation, effective immediately:

Contrary provisions of the Civil Air Regulations notwithstanding, the Administrator of Civil Aeronautics may, upon application, amend the operations specifications of an air carrier coming under the provisions of § 40.1 of revised Part 40, effective April 1, 1954, to authorize such air carrier to operate, prior to April 1, 1954, in compliance with selected provisions of Part 40, effective April 1, 1954, in lieu of the equivalent provisions of presently effective Parts 40 and 61.

This regulation supersedes Special Civil Air Regulation SR-393A and shall terminate April 1, 1954, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, 1010, 1011, as amended; 49 U. S. C. 551, 554, 555, 559)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-10827; Filed, Dec. 29, 1953; 8:55 a. m.]

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[Reg. No. SR-396B]

## PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

## PART 60—AIR TRAFFIC RULES

## PART 61—SCHEDULED AIR CARRIER RULES

SPECIAL CIVIL AIR REGULATION; LONG-DISTANCE DOMESTIC SCHEDULED AIR CARRIER OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of December 1953.



Special Civil Air Regulation SR-396A which terminates January 1, 1954, provides special operating rules for scheduled air carrier aircraft operating in long-distance domestic operations at altitudes in excess of 12,500 feet above sea level east of longitude 100° W. and at altitude in excess of 14,500 feet above sea level west of longitude 100° W. At the time SR-396A was adopted it was anticipated that revised Part 40, which incorporates similar provisions, would be in effect on January 1, 1954. It has become apparent, however, that unforeseen delays in publication of manual material and issuance of operations specifications make it extremely doubtful that such materials will be in the hands of the air carriers sufficiently in advance of the January 1, 1954, effective date to enable orderly implementation of revised Part 40 on that date. In view of the foregoing, the Board is postponing the effective date of revised Part 40 to April 1, 1954, and it is, therefore, desirable to extend the rules provided in SR-396A until that date at which time revised Part 40 will apply.

Since the time remaining prior to January 1, 1954, is insufficient to permit normal rule making procedure and delay beyond that date would operate contrary to the purpose of the regulation, the Board finds that notice and public procedure hereon are impracticable; and since this regulations imposes no additional burden on any person, the regulation may be made effective without prior notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective immediately:

Flights of scheduled air carriers while at altitudes in excess of 12,500 feet above sea level east of longitude 100° W. and 14,500 feet above sea level west of longitude 100° W. shall comply with the applicable provisions of the Civil Air Regulations except as follows:

a. Such flights need not comply with the requirements of §§ 60.45, 61.252, or any sections of Parts 40 and 61 concerning civil airways.

b. Such flights need not comply with the requirements of §§ 60.21, 60.43, 60.47, and 61.171 (c), except to the extent which the Administrator may prescribe.

c. Each pilot in command engaged in those operations shall be qualified for the route, if he is qualified for operations over any regular authorized route for the air carrier involved between the regular terminals for such operations.

d. Each dispatcher who dispatches aircraft on flights authorized by this regulation shall be qualified under § 61.154 of the Civil Air Regulations for operation over an authorized route for the air carrier involved between the regular terminals of such operations: *Provided*, That when he is qualified only on a portion of such route he may dispatch aircraft only after coordinating the dispatch with dispatchers who are qualified for the other portions of the route between the points to be served.

This regulation supersedes Special Civil Air Regulation SR-396A and shall terminate April 1, 1954, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-10828; Filed, Dec. 29, 1953; 8:55 a. m.]

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[Civil Air Regs., Amdt. 61-13]

## PART 61—SCHEDULED AIR CARRIER RULES

POSTPONEMENT OF EFFECTIVE DATE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 23d day of December 1953.

On April 13, 1953, the Civil Aeronautics Board adopted Civil Air Regulations Amendment 61-11 rescinding Part 61 of the Civil Air Regulations effective October 1, 1953. The purpose of that amendment was to discontinue these operating rules since they had been revised and transferred to revised Part 40, effective October 1, 1953, and no useful purpose would be served by the continued effect of Part 61 after that date. Because of unforeseen delay in the publication of manual material and the issuance of operations specifications, it became necessary to extend the effective date of revised Part 40 to January 1, 1954, and accordingly the rescission of Part 61 was also extended to that date.

It has now become apparent, however, that the delays in publication of manual material and issuance of operations specifications have been longer than anticipated and thus make it extremely doubtful that such materials will be in the hands of the air carriers sufficiently in advance of the January 1, 1954, effective date to enable orderly implementation of revised Part 40 on this date. In view of the foregoing, the Board is postponing the effective date of revised Part 40 to April 1, 1954, and it is thereby necessary that Part 61 be retained in effect until April 1, 1954. This amendment is for the purpose of changing the date of rescission of Part 61 to correspond with the effective date of revised Part 40.

Since the time remaining prior to January 1, 1954, is insufficient to permit normal rule-making procedure and delay beyond that date would operate contrary to the purpose of this amendment, the Board finds that notice and public procedure hereon are impracticable; and since this regulation imposes no additional burden on any person, the amendment may be made effective without prior notice.

The Civil Aeronautics Board hereby changes the effective date of Civil Air Regulations Amendment 61-11 (14 CFR Part 61, as amended) from January 1, 1954, to April 1, 1954.

(Sec. 205; 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604; 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 53-10826; Filed, Dec. 29, 1953; 8:55 a. m.]

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 24]

## PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.12 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended between Mullen Pass, Mont., radio range station and the Missoula, Mont., radio range station by deleting the following: "Superior, Mont., radio range station;".

2. Section 600.231 is amended by changing the caption to read: "*Red civil airway No. 31 (Cheyenne, Wyo., to La Crosse, Wis.)*", and by changing the last portion to read: "From the Minneapolis, Minn., radio range station via the Stanton, Minn., nondirectional radio beacon to the La Crosse, Wis., radio range station."

3. Section 600.303 is added to read:

§ 600.303 *Red civil airway No. 103 (Kenai, Alaska, to Middleton Island, Alaska).* From the intersection of the southeast course of the Kenai, Alaska, radio range and the southwest course of the Anchorage, Alaska, radio range to the Middleton Island, Alaska, nondirectional radio beacon.

4. Section 600.306 is added to read:

§ 600.306 *Red civil airway No. 106 (Scottsbluff, Nebr., to North Platte, Nebr.).* From the Scottsbluff, Nebr., radio range station to the intersection of the southeast course of the Scottsbluff, Nebr., radio range and the west course of the North Platte, Nebr., radio range.

5. Section 600.307 is added to read:

§ 600.307 *Red civil airway No. 107 (Stanton, Minn., to Red Wing, Minn.).* From the Stanton, Minn., nondirectional radio beacon to the intersection of the southeast course of the Minneapolis, Minn., radio range and the north course of the Rochester, Minn., radio range.

6. Section 600.638 is amended to read:

§ 600.638 *Blue civil airway No. 38 (Annette Island, Alaska, to United States-Canadian Border).* That airspace over United States territory from the intersection of the south course of the Annette Island, Alaska, radio range and the United States-Canadian Border via the Annette Island, Alaska, radio range station; Petersburg, Alaska, radio range station; the intersection of the northwest course of the Petersburg, Alaska, radio range and the southeast course of the Gustavus, Alaska, radio

range; Gustavus, Alaska, radio range station; Haines, Alaska, nondirectional radio beacon to the Whitehorse, Y. T., radio range station.

7. Section 600.6004 *VOR civil airway No. 4 (Seattle, Wash., to Washington, D. C.)* is amended by changing the last portion to read: "From the Charleston, W. Va., omnirange station via the Elkins, W. Va., omnirange station; Front Royal, Va., omnirange station; Herndon, Va., omnirange station to the point of intersection of the Herndon omnirange 089° True and the Washington, D. C., terminal omnirange 351° True radials."

8. Section 600.6006 is amended by changing the caption to read: "*VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)*", and by changing all after the Youngstown, Ohio, omnirange station to read: "Youngstown, Ohio, omnirange station, including a north alternate; Philipsburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; Allentown, Pa., omnirange station to the Newark Airport, Newark, N. J., ILS outer marker."

9. Section 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.)* is amended by changing all after the Selinsgrove, Pa., omnirange station to read: "Selinsgrove, Pa., omnirange station; Allentown, Pa., omnirange station to the Colts Neck, N. J., omnirange station."

10. Section 600.6016 is amended by changing the caption to read: "*VOR civil airway No. 16 (Los Angeles, Calif., to Salem, Conn.)*", and by adding the last portion to read: "From the Gordonsville, Va., omnirange station via the Gordonsville omnirange 056° True radial to the Andrews, Md., radio range station; a point at latitude 38°51'00" North, longitude 76°30'00" West bearing 062° True from the Andrews, Md., radio range station; Dover, Del., omnirange station via the Dover omnirange 244° True radial. From the Colts Neck, N. J., omnirange station via the intersection of the Colts Neck omnirange 103° True and the Riverhead omnirange 222° True radials; Riverhead, N. Y., omnirange station to the point of intersection of the Riverhead omnirange 042° True and the Hartford, Conn., omnirange 130° True radials."

11. Section 600.6029 is amended by changing the caption to read: "*VOR civil airway No. 29 (Salisbury, Md., to United States-Canadian Border)*", and by changing all before the Allentown, Pa., omnirange station to read: "From the Salisbury, Md., omnirange station via the Dover, Del., omnirange station; West Chester, Pa., omnirange station; Allentown, Pa., omnirange station;".

12. Section 600.6030 is amended by changing the caption to read: "*VOR civil airway No. 30 (Milwaukee, Wis., to New York, N. Y.)*", and by changing all after the Youngstown, Ohio, omnirange station to read: "Youngstown, Ohio, omnirange station; Philipsburg, Pa., omnirange station; Selinsgrove, Pa., omnirange station; Allentown, Pa., omnirange station to the Newark Airport, Newark, N. J., ILS outer marker."

13. Section 600.6033 is amended to read:

§ 600.6033 *VOR civil airway No. 33 (Baltimore, Md., to Buffalo, N. Y.)*. From the Baltimore, Md., omnirange station via the Harrisburg, Pa., omnirange station; Philipsburg, Pa., omnirange station; Bradford, Pa., omnirange station to the Buffalo, N. Y., omnirange station.

14. Section 600.6044 *VOR civil airway No. 44 (Columbus, Ohio, to Baltimore, Md.)* is amended by changing all after the Martinsburg, W. Va., omnirange station to read: "Martinsburg, W. Va., omnirange station; Baltimore, Md., omnirange station to the point of intersection of the Baltimore 100° True and the Dover, Del., omnirange 244° True radials, except that that portion of this civil airway which overlaps the Aberdeen danger area (D–54) shall be used only after obtaining prior approval from Civil Aeronautics Administration Air Traffic Control."

15. Section 600.6046 is added to read:

§ 600.6046 *VOR civil airway No. 46 (New York, N. Y., to Riverhead, N. Y.)*. From the point of intersection of the Riverhead, N. Y., omnirange 262° True and the Wilton, Conn., omnirange 198° True radials to the Riverhead, N. Y., omnirange station.

16. Section 600.6058 *VOR civil airway No. 58 (Pittsburgh, Pa., to Hartford, Conn.)* is amended by changing all after the Wilkes-Barre-Scranton, Pa., omnirange station to read: "Wilkes-Barre-Scranton, Pa., omnirange station; Poughkeepsie, N. Y., omnirange station; Hartford, Conn., omnirange station to the point of intersection of the Hartford omnirange 130° True and the Riverhead, N. Y., omnirange 042° True radials."

17. Section 600.6072 is amended to read:

§ 600.6072 *VOR civil airway No. 72 (Youngstown, Ohio, to Albany, N. Y.)*. From the Youngstown, Ohio, omnirange station via the Bradford, Pa., omnirange station; Elmira, N. Y., omnirange station; Binghamton, N. Y., omnirange station to the Albany, N. Y., omnirange station.

18. Section 600.6091 is amended to read:

§ 600.6091 *VOR civil airway No. 91 (New York, N. Y., to Plattsburg, N. Y.)*. From the point of intersection of the Riverhead, N. Y., omnirange 262° True and the Wilton, Conn., omnigrange 198° True radials via the Wilton, Conn., omnirange station; Poughkeepsie, N. Y., omnirange station; Albany, N. Y. omnirange station to the Plattsburgh, N. Y., omnirange station.

19. Section 600.6116 is amended to read:

§ 600.6116 *VOR civil airway No. 116 (Erie, Pa., to Wilkes-Barre, Pa.)*. From the Erie, Pa., omnirange station via the Bradford, Pa., omnirange station to the Wilkes-Barre-Scranton, Pa., omnirange station.

20. Section 600.6119 is amended to read:

§ 600.6119 *VOR civil airway No. 119 (Parkersburg, W. Va., to Bradford, Pa.)*. From the Parkersburg, W. Va., omnirange station via the Wheeling, W. Va., omnirange station; Pittsburgh, Pa., omnirange station; intersection of the Pittsburgh omnirange 040° True and the Bradford omnirange 210° True radials to the Bradford, Pa., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., January 5, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-10788; Filed, Dec. 29, 1953; 8:47 a. m.]

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[Amdt. 24]

## PART 601—DESIGNATION OF CONTROL AREAS CONTROL ZONES, AND REPORTING POINTS

### ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.102 is amended to read:

§ 601.102 *Amber civil airway No. 2 control areas (Long Beach, Calif., to Umiat, Alaska)*. All of Amber civil airway No. 2 within the continental limits of the United States. From the intersection of the northwest course of the Snag, Yukon Territory, radio range and the United States-Canadian Border to a line extended at right angles through a point 50 miles north of the Bettles, Alaska, radio range station.

2. Section 601.231 is amended to read:

§ 601.231 *Red civil airway No. 31 control areas (Cheyenne, Wyo., to La Crosse, Wis.)*. All of Red civil airway No. 31.

3. Section 601.239 is amended to read:

§ 601.239 *Red civil airway No. 39 control areas (Bethel, Alaska, to Fairbanks, Alaska)*. All of Red civil airway No. 39.

4. Section 601.303 is added to read:

§ 601.303 *Red civil airway No. 103 control areas (Kenai, Alaska, to Middleton Island, Alaska)*. All of Red civil airway No. 103.

5. Section 601.306 is added to read:

§ 601.306 *Red civil airway No. 106 control areas (Scottsbluff, Nebr., to North Platte, Nebr.)*. All of Red civil airway No. 106.

6. Section 601.307 is added to read:

§ 601.307 *Red civil airway No. 107 control areas (Stanton, Minn., to Red Wing, Minn.)*. All of Red civil airway No. 107.



7. Section 601.627 is amended to read:

§ 601.627 *Blue civil airway No. 27 control areas (Kodiak, Alaska, to Kotzebue, Alaska)*. All of Blue civil airway No. 27.

8. Section 601.1032 *Control area extension (Scottsbluff, Nebr.)* is revoked.

9. Section 601.1032 is added to read:

§ 601.1032 *Control area extension (Kotzebue, Alaska)*. Within 5 miles either side of a line bearing 50° True extending from the Kotzebue, Alaska, non-directional radio beacon to a point 25 miles northeast.

10. Section 601.1114 is added to read:

§ 601.1114 *Control area extension (Bettles, Alaska)*. Within 5 miles either side of the southeast course of the Bettles, Alaska, radio range extending from the radio range station to a point 25 miles southeast.

11. Section 601.1400 is amended to read:

§ 601.1400 *Control area extension (King Salmon, Alaska) (King Salmon-Shemya route)*. That airspace within 5 miles either side of a line bearing 263° True from the King Salmon, Alaska, radio range station extending to a point 50 miles west of the King Salmon radio range station.

12. Section 601.1401 is amended to read:

§ 601.1401 *Control area extension (King Salmon, Alaska) (King Salmon-Adak route)*. That airspace within 5 miles either side of a line bearing 248° True from the King Salmon, Alaska, radio range station extending to a point 50 miles southwest of the King Salmon radio range station.

13. Section 601.1984 *Five mile radius zones* is amended by adding the following airports:

Kotzebue, Alaska, Wien Memorial Airport.
Bethel, Alaska, Bethel Airport.
Aniak, Alaska, Aniak Airport.
Bettles, Alaska, Bettles Airport.

14. Section 601.2342 is added to read:

§ 601.2342 *Ardmore, Okla., control zone.* Within a 5-mile radius of Ardmore Air Force Base and within 2 miles either side of the 54° True radial of the Ardmore omnirange extending from the AFB control zone to the omnirange station.

15. Section 601.2343 is added to read:

§ 601.2343 *Pine Bluff, Ark., control zone.* Within a 3-mile radius of Grider Field, within 2 miles either side of a line bearing 177° True extending from the Pine Bluff nondirectional radio beacon to a point 5 miles south, and within 2 miles either side of the 186° True and 006° True radials of the Pine Bluff omnirange extending from Grider Field to a point 5 miles north of the omnirange station.

16. Section 601.4012 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended by deleting the following reporting point: "Superior, Mont., radio range station;".

17. Section 601.4015 *Green civil airway No. 5 (Los Angeles, Calif., to Boston, Mass.)* is amended after "Texarkana, Ark., radio range station;" by adding the following reporting point: "Pine Bluff, Ark., nondirectional radio beacon;".

18. Section 601.4102 *Amber civil airway No. 2 (Long Beach, Calif., to Umiat, Alaska)* is amended by adding the following reporting point to present reporting points: "Bettles, Alaska, radio range station."

19. Section 601.4109 *Amber civil airway No. 9 (Charleston, S. C., to Norfolk, Va.)* is amended by changing name of facility at Myrtle Beach, S. C., from "VHF radio range station" to read: "Myrtle Beach, S. C., nondirectional radio beacon,".

20. Section 601.4231 is amended by changing caption to read: "*Red civil airway No. 31 (Cheyenne, Wyo., to La Crosse, Wis.)*."

21. Section 601.4239 is amended to read:

§ 601.4239 *Red civil airway No. 39 (Bethel, Alaska, to Fairbanks, Alaska)*. Bethel, Alaska, radio range station; Aniak, Alaska, radio range station; Minchumina, Alaska, radio range station; Nenana, Alaska, radio range station.

22. Section 601.4303 is added to read:

§ 601.4303 *Red civil airway No. 103 (Kenai, Alaska, to Middleton Island, Alaska)*. No reporting point designation.

23. Section 601.4306 is added to read:

§ 601.4306 *Red civil airway No. 106 (Scottsbluff, Nebr., to North Platte, Nebr.)*. No reporting point designation.

24. Section 601.4307 is added to read:

§ 601.4307 *Red civil airway No. 107 (Stanton, Minn., to Red Wing, Minn.)*. No reporting point designation.

25. Section 601.4627 *Blue civil airway No. 27 (Kodiak, Alaska, to Kotzebue, Alaska)* is amended by adding the following reporting point: "Kotzebue, Alaska, non-directional radio beacon."

26. Section 601.6006 is amended to read:

§ 601.6006 *VOR civil airway No. 6 control areas (Oakland, Calif., to New York, N. Y.)*. All of VOR civil airway No. 6, including north and south alternates.

27. Section 601.6016 is amended to read:

§ 601.6016 *VOR civil airway No. 16 control areas (Los Angeles, Calif., to Salem, Conn.)*. All of VOR civil airway No. 16, including north and south alternates.

28. Section 601.6029 is amended to read:

§ 601.6029 *VOR civil airway No. 29 control areas (Salisbury, Md., to United States-Canadian Border)*. All of VOR civil airway No. 29.

29. Section 601.6030 is amended to read:

§ 601.6030 *VOR civil airway No. 30 control areas (Milwaukee, Wis., to New York, N. Y.)*. All of VOR civil airway No. 30, including a south alternate.

30. Section 601.6046 is added to read:

§ 601.6046 *VOR civil airway No. 46 control areas (New York, N. Y., to Riverhead, N. Y.)*. All of VOR civil airway No. 46.

31. Section 601.6072 is amended to read:

§ 601.6072 *VOR civil airway No. 72 control areas (Youngstown, Ohio, to Albany, N. Y.)*. All of VOR civil airway No. 72.

32. Section 601.6091 is amended to read:

§ 601.6091 *VOR civil airway No. 91 control areas (New York, N. Y., to Plattsburg, N. Y.)*. All of VOR civil airway No. 91.

33. Section 601.6119 is amended to read:

§ 601.6119 *VOR civil airway No. 119 control areas (Parkersburg, W. Va., to Bradford, Pa.)*. All of VOR civil airway No. 119.

34. Section 601.7001 *Domestic VOR reporting points* is amended by adding the following reporting point: Hoquiam, Wash., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. January 5, 1953.

[SEAL] F. B. LEE,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 53-10789; Filed, Dec. 29, 1953; 8:48 a. m.]

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# TITLE 26—INTERNAL REVENUE

## Chapter II—The Tax Court of the United States

### PART 701—RULES OF PRACTICE

### MISCELLANEOUS AMENDMENTS

1. In § 701.2 *Admission to practice* the first sentence of paragraph (f) is amended by changing the words "second Wednesday in September" to "last Wednesday in October."

2. In § 701.27 *Hearings; calendars; place, time, notice, attendance, continuances*, change "9:30" to "10:00" in line 4, second sentence of paragraph (a) (1).

3. In § 701.35 *Briefs* paragraph (b) *Filing* is amended by adding "(See § 701.19 and § 701.20 re extensions of time.)"

4. In § 701.44 the second sentence of paragraph (a) *How Issued* is amended by adding after "copy" the words ["not the original],". In the same sentence after "form" insert "1" to indicate a footnote. At end of § 701.44 (b), change reference to "(See Appendix I, Form 4.)" At end of § 701.44, add the following footnote:

[1] Counsel is to sign a copy—not the original.

5. In § 701.45 *Depositions* at end of paragraph (a) *Application to take*, change reference to "(See Appendix I, Form 5–A.)" At end of paragraph (h),

change reference to "(See Appendix I, Form 5–re.)" At end of paragraph (i), change reference to "(See Appendix I, Form 5–re.)"

6. In § 701.48 *Commissioners of the Tax Court* amend the first sentence of paragraph (c) by adding after "filing" the words "an original and two copies of."

7. In § 701.53 change headnote of section to "*Court records; removal-fees for copies.*" Add the following as the first paragraph of this section: The Clerk shall not permit any original record, paper, document, or exhibit filed with the Court to be taken from the courtroom or from other offices of the Court, except as ordered by a Judge of the Court, or except as the Clerk may find necessary in furnishing photostat copies of such records or transmitting originals to higher Courts for appeal purposes, but when a decision of the Court becomes final he shall proceed in accordance with § 701.31 (e) (2).

8. In § 701.61 *Computation of time; Saturdays, Sundays, and holidays,* paragraph (b), under the listing of legal holidays, after "Inauguration Day" the statutory reference is changed to "(48 Stat. 879; D. C. Code, 1951, Title 28, sec. 616.)"; in the last sentence, the statutory reference is changed to "(22 Stat. 1; D. C. Code, 1951, Title 28, sec. 616.)".

9a. In § 701.64 *Renegotiation of contracts cases,* the following paragraph headings are added:

(a) *Applicability of other rules to renegotiation cases.*

(b) *Initiation of proceedings in such cases.*

(c) *Claim by respondent for increased amount of excessive profits.*

(d) *Statutory reference.*

b. In § 701.64 (b) (1), after "§ 701.7." add a comma, and the words: "in which the authority making the determination of excessive profits shall be shown as the respondent."

c. Delete subparagraph (2) of paragraph (b) from § 701.64.

d. In first sentence of § 701.64 (a), after "Renegotiation Acts" change the footnote number to "2"; in the second sentence, after "(or to the United States when substituted therefor)", change the footnote number to "3"; at the end of the section, change footnote numbers to "2" and "3".

10. In § 701.65 (b) (2), and at end of section change footnote to "4".

PART 702—FORMS

The Appendix I, Forms, is amended to read as follows:

a. The forms listed below by small letter are not printed forms and are not obtainable from the Court. When preparing pleadings or documents involving such forms, be sure to follow § 701.4 carefully as to form, size, type, and copies of papers required, unless the number of copies is otherwise specified in the pertinent rule.

b. The forms identified below by number are printed forms, which the Court will furnish upon request. Typed copies of these printed forms may be used instead of the printed forms, except for the subpoena form, which latter must be obtained from the Court.

The forms to be found herein are as follows:

a. Petition.
4. Subpoena.
4-re. Proof of service, which appears on the reverse of the subpoena form.
5-A. Application for order to take depositions.
5-re. Certificate on return of depositions.
305. Entry of appearance.
b. Appeal bond, corporate surety.
c. Appeal bond, approved collateral.
d. Bond with corporate surety in renegotiation cases.
e. Bond with approved collateral in renegotiation cases.
f. Power of Attorney and Agreement by Corporation.
g. Power of Attorney and Agreement by Individuals.

c. At the end of the Appendix, the List of cities where hearings are held by the Court, is amended to read as follows:

Alabama:
Birmingham.
Mobile.
Arizona: Phoenix.
Arkansas: Little Rock or Memphis, Tenn.
California:
Los Angeles.
San Francisco.
Colorado: Denver.
District of Columbia: Washington.
Florida:
Jacksonville.
Miami.
Tampa.
Georgia: Atlanta.
Hawaii: Honolulu or Los Angeles, or San Francisco, Calif.
Illinois: Chicago.
Indiana: Indianapolis.
Iowa: Des Moines.
Kentucky: Louisville.
Louisiana: New Orleans.
Massachusetts: Boston.
Michigan: Detroit.
Minnesota: St. Paul.
Missouri:
Kansas City.
St. Louis.
Montana: Helena.
Nebraska: Omaha.
New Jersey: Newark (New York City).
New York:
Buffalo.
New York City.
North Carolina: Greensboro.
Ohio:
Cleveland.
Cincinnati.
Oklahoma: Oklahoma City or Tulsa.
Oregon: Portland.
Pennsylvania:
Philadelphia.
Pittsburgh.
South Carolina: Columbia.
Tennessee:
Memphis.
Nashville.
Texas:
Dallas.
Houston, or Galveston, or San Antonio.
Utah: Salt Lake City.
Washington:
Seattle.
Spokane.
West Virginia: Charleston.
Wisconsin: Milwaukee or Chicago, Ill.

(53 Stat. 160, as amended; 26 U. S. C. 1111)

Dated: December 23, 1953.

By the Court.

JOHN W. KERN,
*Chief Judge,*
*The Tax Court of the United States.*

[F. R. Doc. 53-10717; Filed, Dec. 29, 1953; 8:45 a. m.]

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter I—Office of Defense Mobilization

[Defense Mobilization Order V-1, Amdt. 1]

DMO V-1 CREATING AN INTERDEPARTMENTAL MATERIALS ADVISORY COMMITTEE

PROVIDING FOR A REPRESENTATIVE OF THE DEPARTMENT OF LABOR AS A MEMBER

1. Defense Mobilization Order V-1, issued by this Office effective November 13, 1953, creating an Interdepartmental Materials Advisory Committee, is hereby amended under paragraph 1, to provide that a representative of the Department of Labor be included in the membership of the Committee.

2. This order shall take effect immediately.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 53-10821; Filed, Dec. 29, 1953; 8:54 a. m.]

[Defense Mobilization Order V-1, Supp. 2]

DMO V-1—CREATING AN INTERDEPARTMENTAL MATERIALS ADVISORY COMMITTEE

SUPP. 2—ESTABLISHMENT OF INTERDEPARTMENTAL STOCKPILE STORAGE COMMITTEE

By virtue of the authority vested in me by Executive Order 10480 of August 15, 1953, and Reorganization Plan No. 3 of June 12, 1953, and in order to obtain advice and cooperation which will facilitate the coordination of Federal policies and programs with respect to the supply of materials to meet the requirements for both current defense activities and readiness for any future national emergency, it is hereby ordered:

1. There is hereby established in the Office of Defense Mobilization an Interdepartmental Stockpile Storage Committee. The Assistant Director for Materials, Office of Defense Mobilization, shall designate the Chairman of the committee. Representatives shall be designated by the head of the indicated department or agency:

Department of Defense.
Department of the Interior.
Department of Agriculture.
General Services Administration.

2. The Interdepartmental Stockpile Storage Committee shall be advisory to the Assistant Director for Materials, ODM on problems relating to plans, programs and instructions for the storage, custody, preservation and security of stockpile materials, and other related matters.

3. This order shall become effective immediately.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 53-10822; Filed, Dec. 29, 1953; 8:54 a. m.]



[Defense Mobilization Order I-5, Amdt. 1]

DMO I-5—POLICY AND AGENCY ASSIGNMENTS FOR MAINTAINING THE MOBILIZATION BASE

PROVIDING FOR A REPRESENTATIVE OF THE DEPARTMENT OF LABOR AS A MEMBER OF THE DEFENSE FACILITIES MAINTENANCE BOARD

1. Paragraph 9 of Defense Mobilization Order I-5 (formerly DMO-24, 18 F. R. 386) effective January 17, 1953, which created an interagency Defense Facilities Maintenance Board, is hereby amended to provide that a representative of the Department of Labor be included in the membership of the Board.

2. This order shall take effect immediately.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 53-10823; Filed, Dec. 29, 1953; 8:54 a. m.]

## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

PART 43—TREATMENT OF DOMESTIC MAIL MATTER AT RECEIVING POST OFFICES

PART 63—INDEMNITY FOR LOSSES

MISCELLANEOUS AMENDMENTS

1. In § 34.63 *Undeliverable second-class matter* amend subparagraph (2) of paragraph (d) by striking out the words "2 cents" and inserting in lieu thereof the words "3 cents".

The foregoing amendment will become effective February 1, 1954.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 12 (a) (8), 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 246f)

2. In § 43.12 *Forwarding of mail* (18 F. R. 3969) amend the second sentence of paragraph (g) by striking out the words "two cents" and inserting in lieu thereof "3 cents".

The foregoing amendment will become effective February 1, 1954.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 12 (a) (8), 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 246f)

3. In § 63.19 *Charge for receipt for ordinary mail* strike out the words "1 cent" and insert in lieu thereof "3 cents".

The foregoing amendment will become effective February 1, 1954.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 46 Stat. 1035; 5 U. S. C. 22, 369, 39 U. S. C. 260a)

[SEAL] LOUIS J. DOYLE,
*Acting Solicitor.*

[F. R. Doc. 53-10796; Filed, Dec. 29, 1953; 8:49 a. m.]

PART 120—OCEAN MAIL SERVICE

COMPENSATION FOR TRANSPORTATION OF FOREIGN MAILS

In § 120.7 *Compensation for transportation of foreign mails,* amend paragraph (c) by the addition of a subparagraph (4) to read as follows:

(4) Payment shall be made for the transportation of United States mails and foreign closed transit mails on steamships of foreign registry and for the transportation of foreign closed transit mails on steamships of United States registry, at the rates specified in the schedule indicated below:

[Cents per pound, net weights]

| Distance conveyed (nautical miles): | *Mails, including parcel post* |
|---|---|
| Up to 300 | 1.8 |
| 300 to 600 | 2.5 |
| 600 to 1,000 | 3.1 |
| 1,000 to 1,500 | 3.6 |
| 1,500 to 2,000 | 4.0 |
| 2,000 to 2,500 | 4.4 |
| 2,500 to 3,000 | 4.7 |
| 3,000 to 3,500 | 5.0 |
| 3,500 to 4,000 | 5.3 |
| 4,000 to 5,000 | 5.6 |
| 5,000 to 6,000 | 6.1 |
| 6,000 to 7,000 | 6.5 |
| 7,000 to 8,000 | 6.8 |
| Over 8,000 | 7.1 |

The foregoing amendment shall be effective January 1, 1954.

(R. S. 161, 396, 398, as amended, 4009, as amended, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 372, 39 U. S. C. 654)

[SEAL] LOUIS J. DOYLE,
*Acting Solicitor.*

[F. R. Doc. 53-10797; Filed, Dec. 29, 1953; 8:49 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter E—Alaska Wildlife Protection

PART 46—TAKING OF ANIMALS, BIRDS AND GAME FISHES

SEASONS FOR BEAVER

*Basis and purpose.* As a result of fur management investigations it has been determined that an increased number of beaver can be taken within the boundaries of the Koyukuk Fur Management Area in Alaska without endangering the future supply of such animals.

Since the following amendment is a relaxation of existing regulations applicable to the Koyukuk Fur Management Area, notice and public procedure thereon are unnecessary (60 Stat. 237, 238; 5 U. S. C. 1003).

Effective immediately upon publication in the FEDERAL REGISTER the last sentence under § 46.131 *Seasons for beaver,* of the regulations under the Alaska Game Law (57 Stat. 301, 48 U. S. C. 192–211) pertaining to the taking of beaver in Fur Districts 6 and 7 is amended to read as follows:

Limit, 10 a season, except that on the Koyukuk Fur Management Area described in § 164.1 of this chapter the limit shall be 15 a season.

(Sec. 10, 50 Stat. 919; 16 U. S. C. 6691)

Dated: December 23, 1953.

RALPH A. TUDOR,
*Acting Secretary of the Interior.*

[F. R. Doc. 53-10793; Filed, Dec. 29, 1953; 8:49 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

[ 7 CFR Part 51 ]

FRESH PARSNIPS[1]

UNITED STATES CONSUMER STANDARDS

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Consumer Standards for Fresh Parsnips under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t. on the thirtieth day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES

Sec.
51.2310 U. S. Grade A.
51.2311 U. S. Grade B.

OFF-GRADE

51.2312 Off-grade.

DEFINITIONS

51.2313 Similar varietal characteristics.
51.2314 Firm.
51.2315 Clean.
51.2316 Well trimmed.
51.2317 Fairly well formed.
51.2318 Fairly smooth.
51.2319 Damage.
51.2320 Diameter.
51.2321 Badly deformed.
51.2322 Slightly rough.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

GRADES

§ 51.2310 *U. S. Grade A.* U. S. Grade A consists of parsnips of similar varietal characteristics which are firm, clean, well trimmed, fairly well formed, fairly smooth; which are free from soft rot, and from damage caused by freezing, growth cracks, discoloration, pithiness, woodiness, sunburn, oil spray, dry rot, other disease, insects or mechanical or other means. Parsnips on the shown face shall be reasonably representative in size and quality of the contents of the container.

(a) Unless otherwise specified, the diameter of each parsnip shall be not less than 1 inch and not more than 2¼ inches.

(b) Incident to proper grading and handling the following tolerances, by count, shall be permitted in any lot:

(1) 5 percent for parsnips which are smaller than the specified minimum diameter;

(2) 5 percent for parsnips which are larger than the specified maximum diameter; and,

(3) 5 percent for parsnips which fail to meet the remaining requirements of the grade, including therein not more than one-half of 1 percent for parsnips affected by soft rot.

§ 51.2311 *U. S. Grade B.* U. S. Grade B consists of parsnips of similar varietal characteristics which are firm, clean, well trimmed, not badly deformed and not more than slightly rough; which are free from soft rot, and free from damage caused by freezing, growth cracks, discoloration, pithiness, woodiness, sunburn, oil spray, dry rot, other disease, insects or mechanical or other means. Parsnips on the shown face shall be reasonably representative in size and quality of the contents of the container.

(a) Unless otherwise specified, the diameter of each parsnip shall be not less than 1 inch and not more than 2¼ inches.

(b) Incident to proper grading and handling the following tolerances, by count, shall be permitted in any lot:

(1) 5 percent for parsnips which are smaller than the specified minimum diameter;

(2) 5 percent for parsnips which are larger than the specified maximum diameter; and,

(3) 10 percent for parsnips which fail to meet the remaining requirements of the grade, including therein not more than one-half of 1 percent for parsnips affected by soft rot.

OFF-GRADE

§ 51.2312 *Off-grade.* Off-grade consists of parsnips which fail to meet the requirements of the foregoing grades.

DEFINITIONS

§ 51.2313 *Similar varietal characteristics.* "Similar varietal characteristics" means that the parsnips in the lot are of the same general type.

§ 51.2314 *Firm.* "Firm" means that the root is not soft, flabby or shriveled.

§ 51.2315 *Clean.* "Clean" means that the individual parsnip is practically free from stain, dirt, and other foreign material.

§ 51.2316 *Well trimmed.* "Well trimmed" means that the tops shall be cut back to not more than 1 inch in length. Roots may be clipped, if they are neatly cut off and the appearance is not materially affected by the removal of an excessive amount.

§ 51.2317 *Fairly well formed.* "Fairly well formed" means that the root is not forked or so misshapen as to materially affect its appearance or cause a loss of more than 3 percent, by weight, in the ordinary preparation for use.

§ 51.2318 *Fairly smooth.* "Fairly smooth" means that the root is not rough, ridged or covered with secondary rootlets to an extent which materially affects its appearance or causes a loss of more than 3 percent, by weight, in the ordinary preparation for use.

§ 51.2319 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual parsnip or parsnips in the lot, or causes a loss of more than 3 percent, by weight, in the ordinary preparation for use. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage:

(a) Growth cracks when deep or rough, or when appearance of the parsnip is materially affected;

(b) Discoloration when materially affecting the appearance of the root or when it causes a loss of more than 3 percent, by weight, in the ordinary preparation for use; and,

(c) Sunburn when causing a loss of more than 3 percent, by weight, in the ordinary preparation for use, except that superficial light green color at the stem end which does not materially affect the appearance of the root shall be permitted.

§ 51.2320 *Diameter.* "Diameter" means the greatest dimension of the root measured at right angles to the longitudinal axis.

§ 51.2321 *Badly deformed.* "Badly deformed" means that the parsnip root is so forked or badly misshapen as to seriously affect the appearance or cause a loss of more than 5 percent, by weight, in the ordinary preparation for use.

§ 51.2322 *Slightly rough.* "Slightly rough" means that the parsnip root is not rough, ridged or covered with secondary rootlets to an extent which seriously affects its appearance or causes a loss of more than 5 percent, by weight, in the ordinary preparation for use.

Done at Washington, D. C., this 23d day of December 1953.

[SEAL] GEORGE A. WISE,
*Acting Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 53-10804; Filed, Dec. 29, 1953; 8:51 a. m.]

## [ 7 CFR Part 930 ]

[Docket No. AO-72-A18]

HANDLING OF MILK IN TOLEDO, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Toledo, Ohio, on July 30 and 31, 1953, pursuant to notice thereof which was issued on July 20, 1953 (18 F. R. 4311).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on November 16, 1953, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on November 19, 1953 (18 F. R. 7319).

The material issues and the findings and conclusions of the recommended decision (18 F. R. 7319; F. R. Doc. 53-9753) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein subject to the following revision:

1. In column 3, page 7320, insert, following the partial paragraph at the top of the column, the following:

Exceptions were filed asserting that the evidence of record did not justify any increase in the Class I price differentials. Such exceptions failed to recognize that the increased supplies in the market would result in lower amounts being added to the stated Class I price differentials by the supply-demand adjustment than were added in period October 1951 through February 1952. They also asserted that supplies were adequate, whereas official notice is taken of the fact that Class I and Class II sales have exceeded total receipts from the regularly inspected producers in September and October. A third factor overlooked by these exceptions is that the increase in the stated portion of the Class I differentials will not have any net effect until August 1954, since any increase which might become effective in January 1954 would be more than offset by the changes in the seasonal pattern of prices which reduce the stated Class I differentials for February and April 1954 by 20 cents and 25 cents per hundredweight, respectively.

*Rulings.* Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

*Determination of representative period.* The month of October 1953, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Toledo, Ohio, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure as amended, governing procedures to formulate marketing agreements and orders have been met.

*It is hereby ordered.* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 24th day of December 1953.

[SEAL] JOHN H. DAVIS,
*Assistant Secretary of Agriculture.*

*Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area*

§ 930.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Toledo, Ohio, on July 30 and 31, 1953, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Toledo, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as set forth below:

The provisions of the *"Recommended marketing agreement and amendments to the order"* contained in the recommended decision issued by the Assistant Administrator, Production and Marketing Administration on November 16, 1953 and published in the FEDERAL REGISTER on November 19, 1953 (18 F. R. 7319; F. R. Doc. 53-9753) shall be and are the terms and provisions of this order as if set forth in full herein, except for the following modification described with respect to such FEDERAL REGISTER document:

1. On page 7322, column 3, change the paragraph numbered 5 to read as follows:

5. In § 930.45 delete from paragraphs (a) and (d) the phrase "Class III milk" and substitute therefor the phrase "Class II milk"; and in paragraph (a) change the reference to "§ 930.41 (c) (2)" to read "§ 930.41 (b) (2)".

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

[F. R. Doc. 53-10808; Filed, Dec. 29, 1953; 8:52 a. m.]



## [ 7 CFR Part 936 ]

HANDLING OF FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

CHANGES IN REPRESENTATION OF CERTAIN DISTRICTS ON PLUM COMMODITY COMMITTEE

Notice is hereby given that the Department is considering the proposed amendment, as hereinafter set forth, of the rules and regulations (7 CFR 936.100 et seq.: Subpart—Rules and Regulations; 18 F. R. 712, 2839) currently in effect pursuant to the amended marketing agreement and Order No. 36 (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

All persons who desire to submit written data, views, or arguments for consideration in connection with such proposed amendment should do so by forwarding the same to the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the tenth day after the publication of this notice in the FEDERAL REGISTER.

The proposed amendment of the rules and regulations has been recommended by the Control Committee—the agency established under the amended marketing agreement and order to administer the provisions thereof—and would reapportion, as authorized in § 936.33 (k), the representation on the Plum Commodity Committee.

The proposed amendment is as follows:

Amend the provisions of § 936.118 to read:

§ 936.118 *Changes in the representation of certain districts on Plum Commodity Committee.* The representation or membership on the Plum Commodity Committee is changed to provide for:

(a) Three (3) members to represent the area included in the Fresno District and Tulare District;

(b) One (1) member to represent the area included in the Kern District and Southern California District;

(c) Two (2) members to represent the area included in the Placer District and Colfax District; and

(d) One (1) member to represent all of the territory in California not included in the foregoing districts.

Issued this 23d day of December 1953.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 53-10805; Filed, Dec. 29, 1953; 8:51 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

[No. 62]

HEART MOUNTAIN DIVISION, SHOSHONE PROJECT, WYOMING

PUBLIC NOTICE OF ANNUAL RENTAL CHARGES

DECEMBER 16, 1953.

1. *Water rental.* The minimum water rental charge for lands of the Heart Mountain Division for the irrigation season of 1954 and thereafter, until further notice, will be $2.50 per irrigable acre, whether water is used or not, except that such minimum charge need not be paid in any year for any acreage which the Shoshone Project Superintendent certifies is temporarily non-irrigable during the year due to seepage or land subsidence. Payment of such minimum charge will entitle each water user to such amount of water per acre as may beneficially be used by him, such amounts being based on water-holding capacity soil groups and topography. Determination of the total amount of water allowable under the minimum charge payment will be made by the Shoshone Project Superintendent, whose decision will be final, in accordance with tables of water requirements for particular soil and topographic land factors. Such tables will be compiled by the Bureau of Reclamation and will be on file and available for inspection at the office of the Shoshone Project Superintendent. Water in addition to the determined requirements, if available, will be furnished during each irrigation season at the rate of $1.25 per acre-foot for the first acre-foot of water per acre, and for $1.50 per acre-foot for the second and succeeding acre-foot of water per acre.

2. *Time of payment.* The minimum charge for water to be delivered for each irrigation season will be due and payable on the April 1 preceding that season. Charges for water delivered in excess of the minimum for each irrigation season will be due and payable by the following January 1. No water will be delivered to a water user until all charges have been paid in full.

3. *Discounts and penalties.* If payment of minimum charge is made on or before the March 1 preceding the irrigation season, a discount of 5 per cent of such charges will be allowed. To any payment of the charges made after April 1 of each year, there will be added a penalty of one-half of one per cent of the unpaid amount for each month or fraction thereof after April 1, so long as such default continues, and no water will be delivered until all charges and penalties have been paid in full.

4. *Place of payment.* All charges will be paid at the office of the Bureau of Reclamation, P. O. Box 822, Powell, Wyoming.

5. *Public Notices Nos. 53, 55, and 58 supplemented.* This notice supplements sub-paragraphs 5a (1) and (2) of Public Notices Nos. 53, 55, and sub-paragraph 24 (b) of Public Notice No. 58, Shoshone Project, Wyoming.

F. W. JONES,
*Acting Regional Director.*

[F. R. Doc. 53-10790; Filed, Dec. 29, 1953; 8:48 a. m.]

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[Commissioner's Order 26]

REGIONAL OFFICE OFFICIALS ET AL.

REDELEGATIONS OF AUTHORITY

DECEMBER 14, 1953.

SECTION 1. *Regional Office officials.* Effective immediately, authorities heretofore redelegated by the Commissioner to Regional Office officials under the plan of organization then in effect may be exercised by Regional Office officials responsible under the revised plan of organization now in effect for the functions to which the redelegations heretofore made are applicable.

SEC. 2. *Project officials.* Effective immediately, authorities heretofore redelegated by the Commissioner to District Managers and to subordinate District officials may be exercised respectively by the heads of Project or Centralized Project Offices and by subordinate Project or Centralized Project officials responsible for the functions to which the redelegations heretofore made are applicable.

SEC. 3. *Redelegation.* Effective immediately, Regional Directors may exercise the powers of redelegation within the revised plan of organization which were heretofore granted to them under former plan of organization, provided that the officials to whom authority is redelegated by Regional Directors pursuant to this section shall be those responsible for the functions to which the redelegations heretofore made are applicable.

SEC. 4. *Reservation.* Nothing in this order affects delegations made by the Department direct to subordinate officials of the Bureau.

H. F. MCPHAIL,
*Acting Commissioner.*

[F. R. Doc. 53-10791; Filed, Dec. 29, 1953; 8:48 a. m.]

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### Office of the Secretary

HAMPTON NATIONAL HISTORIC SITE, BALTIMORE COUNTY, MD.

ORDER ADDING CERTAIN LANDS

Whereas, the following parcel of land adjoining Hampton National Historic Site in the Ninth Election District of Baltimore County, State of Maryland, has been purchased by the United States as an addition to, and for use in administering, developing, protecting and interpreting, the said National Historic Site:

Now, therefore, by virtue of and pursuant to the authority contained in the act of August 21, 1935 (49 Stat. 666, 16 U. S. C., 1946 ed., secs. 461, et seq.), the following described land is hereby added to and made a part of the Hampton National Historic Site:

All that parcel of land situate in the Ninth Election District of Baltimore County, in the State of Maryland, and which, according to a survey dated January 27, 1953, prepared by Dollenberg Brothers, Surveyors, is found to be within the following metes, bounds, courses and distances, to wit:

Beginning for the same at a point in the center of a 50-foot road heretofore laid out, and at the beginning of the thirteenth or N. 71° 56' W., 176.45 feet line of a parcel of land which by a deed dated January 23, 1942, and recorded among the Land Records of Baltimore County in Liber J. W. B. No. 1618, folio 391, was conveyed by John Ridgely Jr., and wife to the United States of America and running thence with and binding on the thirteenth and fourteenth lines of said parcel of land, as the courses are referred to in the true meridian, the two following courses and distances, viz: N. 71° 56' W., 176.45 feet and N. 4° 27' E., 393.25 feet to the south side of Hampton Lane, heretofore laid out 50 feet wide, thence binding on the south side of said Lane as now extended, with the right and use thereof in common with others entitled thereto, N. 76° 0' E., 250.87 feet to the center of the first herein mentioned 50-foot road, as now extended, and thence binding in the center of said 50-foot road, with the right and use thereof in common with others entitled thereto, S. 11° 49' W., 518.50 feet to the place of beginning.

Containing 2.118 acres of land, more or less.

The administration, protection, and development of the land hereinabove described as a part of the said National Historic Site shall be exercised in accordance with the provisions of the act of August 21, 1935, supra.

Warning is expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this addition to said Site.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the city of Washington, this 23d day of December 1953.

[SEAL] FRED G. AANDAHL,
*Assistant Secretary of the Interior.*

[F. R. Doc. 53-10792; Filed, Dec. 29, 1953; 8:48 a. m.]

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## FEDERAL COMMUNICATIONS COMMISSION

MUTUALLY EXCLUSIVE TELEVISION BROADCAST APPLICATIONS

LIST OF CITIES GROUPED IN ACCORDANCE WITH PRIORITIES ESTABLISHED IN REVISED TEMPORARY PROCESSING PROCEDURE

DECEMBER 23, 1953.

The attached list is issued pursuant to § 1.371, footnote 10 of the Commission's rules and is based on the considerations set forth in its Public Notice of August 24, 1953 (FCC 53-1086), and on notifications with respect to operating stations as of the close of business of December 22, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

GROUP A

| No. | City | Population |
|---|---|---|
| 1 | Lexington, Ky. | 65,534 |
| 2 | Clarksburg, W. Va. | 32,014 |
| 3 | Albany, Ga. | 31,155 |
| 4 | Wausau, Wis. | 30,414 |
| 5 | Daytona Beach, Fla. | 30,187 |
| 6 | Odessa, Tex. | 29,495 |
| 7 | Grand Forks, N. Dak. | 28,826 |
| 8 | Rapid City, S. Dak. | 28,310 |
| 9 | Jefferson City, Mo. | 25,099 |
| 10 | El Dorado, Ark. | 23,076 |
| 11 | Hastings, Nebr. | 20,211 |
| 12 | Beckley, W. Va. | 19,397 |
| 13 | Modesto, Calif. | 17,380 |
| 14 | Big Spring, Tex. | 17,280 |
| 15 | Klamath Falls, Oreg. | 17,575 |
| 16 | Sunbury, Pa. | 17,270 |
| 17 | Whitefish Bay, Wis. | 11,665 |
| 18 | Wenatchee, Wash. | 13,972 |
| 19 | El Centro, Calif. | 12,590 |
| 20 | Irwin, Pa. | 4,228 |
| 21 | Henderson, Nev. | 3,613 |
| 22 | Hatfield, Ind. | 410 |

GROUP B

| No. | City | Population | Number of stations |
|---|---|---|---|
| 1 | Las Vegas, Nev. | 24,624 | 1 |
| 2 | Buffalo-Niagara Falls, N. Y. | 671,004 | 2 |
| 3 | San Antonio, Tex. | 408,442 | 2 |
| 4 | Omaha, Nebr. | 251,117 | 3 |
| 5 | San Francisco-Oakland, Calif. | 1,159,932 | 3 |
| 6 | Minneapolis-St. Paul, Minn. | 833,067 | 3 |
| 7 | Boston, Mass. | 801,444 | 3 |
| 8 | Pittsburgh, Pa. | 676,806 | 3 |

[F. R. Doc. 53-10829; Filed, Dec. 29, 1953; 8:55 a. m.]

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[Docket Nos. 10642, 10643]

WCAX BROADCASTING CORP. AND COLONIAL TELEVISION, INC.

ORDER SCHEDULING ORAL ARGUMENT

In re applications of WCAX Broadcasting Corporation, Montpelier, Vermont, Docket No. 10642, File No. BPCT-1327; Colonial Television, Inc., Montpelier, Vermont, Docket No. 10643, File No. BPCT-1557; for commercial television construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of December 1953;

The Commission having under consideration a pleading filed on October 22, 1953, by Colonial Television, Inc., seeking (a) the Commission's reversal of the Hearing Examiner's Order denying its Petitions to Amend, and (b) a request for oral argument on its exceptions to the Initial Decision;

It appearing, that Colonial Television, Inc., and WCAX were competing applicants for mutually exclusive television facilities on Channel 3, allocated to Montpelier, Vermont, and that the Commission by Memorandum Opinion and Order, issued July 1, 1953, moved both applications to the top of the A-2 processing line, upon request of the applicants; and



It further appearing, that, on July 6, 1953, the Commission addressed letters to the applicants pursuant to section 309 (b) of the Communications Act of 1934, as amended, informing the applicants that for reasons set forth therein their applications would be designated for hearing, and requesting replies within 30 days, and that WCAX, within that time, amended its application, but that no reply was received from Colonial Television, and, that, on August 14, 1953, the Commission designated both applications for consolidated hearing to commence on September 11, 1953, and, that on August 20, 1953, Colonial Television, Inc., filed a motion for continuance of the hearing until October 26, 1953, for the purpose of permitting time to amend its application with respect to its transmitter site; and

It further appearing, that the Examiner in his Memorandum Opinion and Order of August 25, 1953, on consideration of the arguments advanced by Colonial Television, Inc., granted a continuance until September 15, 1953, but denied the requested continuance for the reason that "good cause" within the meaning of § 1.811 of the Commission's rules had not been shown, and that Colonial appealed the Examiner's decision, but that the Commission in its order of September 10, 1953, denied the appeal; and

It further appearing, that on September 14, 1953, Colonial filed a petition for leave to amend which WCAX opposed, and that the Examiner on September 15, 1953,[1] denied Colonial's petition for the reason that the amendment reflected substantial changes from the original application with respect to such matters as cost of construction, programming, hours of operation, visual power, and site, and that the petition was not supported by a showing of "good cause" for late filing within the meaning of § 1.365 of the Commission's rules; and

It further appearing, that the Examiner on September 18, 1953, held Colonial Television, Inc., in default for the reason that Colonial at the hearing had announced it proposed to make a showing only with respect to its amended proposal and not in support of its original application; and

It further appearing, that the Examiner on October 2, 1953, released his Initial Decision looking toward a grant of the application of WCAX Broadcasting Co. and the default of the Colonial Television, Inc., application; and

It further appearing, that Colonial Television, Inc., in the instant appeal from the Examiner's order denying its petition to amend, argues that "good cause" for late filing of its amendment was demonstrated by (1) the illness of Colonial's consulting engineer, resulting in the amendment not having been prepared at an earlier date; (2) the lack of familiarity of Colonial's legal counsel with respect to the Commission's new expedited hearing procedure; (3) the fact that the Commission and all parties were advised well in advance that Colonial intended to file a substantial amendment; (4) the fact that no appreciable delay would have resulted from accepting the amendments; and (5) the fact that the Commission would have been given a choice between applicants; and

It further appearing, that Colonial in its pleading of October 22, 1953, has also filed numerous exceptions to the Examiner's Initial Decision and has requested oral argument thereon, and that WCAX has filed a reply and that the Broadcast Bureau has filed notice that it intends to appear and participate in oral argument although it has filed no pleading on the merits of Colonial's exceptions; and

It further appearing, that an examination of both the instant appeal from the Examiner's order denying petition to amend and the Exceptions to the Initial Decision filed by Colonial Television, Inc., reveals that each in all pertinent respects concern the same legal and factual issues, and that the public interest would be served by hearing argument on both matters simultaneously;

*It is ordered*, That oral argument on both the above-entitled appeal and exceptions to the Initial Decision filed by Colonial Television, Inc., is scheduled for January 11, 1954, at 10:00 a. m., at the offices of the Commission in Washington, D. C.

Released: December 22, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10762; Filed, Dec. 29, 1953; 8:45 a. m.]

[1] Corrected by order released October 9, 1953.

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[Docket Nos. 10730, 10731]

DURHAM RADIO CORP. AND DURHAM BROADCASTING ENTERPRISES, INC.

ORDER CONTINUING HEARING

In re applications of Durham Radio Corp., Durham, North Carolina, Docket No. 10730, File No. BPCT-626; Durham Broadcasting Enterprises, Inc., Durham, North Carolina, Docket No. 10731, File No. BPCT-893; for construction permits for new television stations.

By agreement of counsel and with the concurrence of Chief of the Broadcast Bureau, the hearing in the above matter presently scheduled for December 23, 1953, at 10:00 a. m., is hereby continued to December 30, 1953, at 10:00 a. m.

Dated: December 23, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10830; Filed, Dec. 29, 1953; 8:55 a. m.]

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[Docket Nos. 10771, 10772]

RADIO PAGING AND JOHN R. SUTHERLAND

NOTICE OF PREHEARING CONFERENCE

In re applications of Radio Paging, St. Louis, Missouri, Docket No. 10771, File

No. 580–C2–P–53; John R. Sutherland, St. Louis, Missouri, Docket No. 10772, File No. 868–C2–P–53; construction permits for one-way signaling base stations in the Domestic Public Land Mobile Radio Service.

Notice is hereby given that, pursuant to § 1.813 of the Commission's rules and regulations, a prehearing conference will be held in the New Post Office Building, Twelfth and Pennsylvania Avenue NW., Washington, D. C., beginning at 10.00 a. m., Tuesday, January 12, 1954, on the applications in the above-entitled consolidated proceedings, for the purpose of considering:

(1) The procedure to be followed in the hearing;

(2) The necessity or desirability of simplification, clarification, amplification, limitation or enlargement of the issues;

(3) The possibility of stipulating facts and limiting the number of witnesses;

(4) The necessity or desirability of mutual exchange of exhibits among the parties, prior to the hearing;

(5) Such other maters as may be deemed helpful in the proceeding.

Dated at Washington, D. C., this 22d day of December 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] CLAIRE W. HARDY,
*Hearing Examiner.*

[F. R. Doc. 53-10760; Filed, Dec. 29, 1953; 8:45 a. m.]

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[Docket Nos. 10773, 10774, 10775]

SEATTLE RADIO TELEPHONE SERVICE ET AL.

NOTICE OF PREHEARING CONFERENCE

In re applications of Lewis Maxwell Kelley & R. F. Rogers, d/b as Seattle Radio Telephone Service, Seattle, Washington, Docket No. 10773, File No. 351–C2–P–53; Phil Duryee, d/b as Radio Contact, Seattle, Washington, Docket No. 10774, File No. 379–C2–P–53; Radio Dispatch, Inc., d/b as Radiosignal Service, Seattle, Washington, Docket No. 10775, File No. 421–C2–P–53; Construction permits for one-way signaling base stations in the Domestic Public Land Mobile Radio Service.

Notice is hereby given that, pursuant to § 1.813 of the Commission's rules and regulations, a prehearing conference will be held in the New Post Office Building, Twelfth and Pennsylvania Avenue NW., Washington, D. C., beginning at 2:00 p. m., Wednesday, January 6, 1954, on the applications in the above-entitled consolidated proceedings, for the purpose of considering:

(1) The procedure to be followed in the hearing;

(2) The necessity or desirability of simplification, clarification, amplification, limitation or enlargement of the issues;

(3) The possibility of stipulating facts and limiting the number of witnesses;

(4) The necessity or desirability of mutual exchange of exhibits among the parties, prior to the hearing;

(5) Such other matters as may be deemed helpful in the proceeding.

Dated at Washington, D. C., this 22d day of December 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] CLAIRE W. HARDY,
*Hearing Examiner.*

[F. R. Doc. 53-10761; Filed, Dec. 29, 1953; 8:45 a. m.]

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[Docket No. 10806]

SPENTONBUSH FUEL TRANSPORTATION SERVICE, INC.

ORDER TO SHOW CAUSE

In the matter of Spentonbush Fuel Transportation Service, Inc., New York, New York, Docket No. 10806; order to show cause why the license for Radiotelephone Station WC–6204 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WC–6204 licensed to Spentonbush Fuel Transportation Service, Inc., aboard the "Tug Chemung";

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated July 21, 1953, specifying that at 1031 GMT, on April 21, 1953, the operator aboard the "Tug Chemung", while engaged in radiocommunication on 2198 kc with the New York Marine Operator, failed to properly identify his radio station by transmitting the call sign WC–6204 as required by § 8.364 (a) of the Commission's rules.

It further appearing, that, despite further notices calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

*It is ordered*, This 18th day of December 1953, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Spentonbush Fuel Transportation Service, Inc. show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 1st day of March 1954;

*It is further ordered*, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said Spentonbush Fuel Transportation Service, Inc., 500 Fifth Avenue, New York, New York.

Released: December 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10763; Filed, Dec. 29, 1953; 8:46 a. m.]

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[Docket No. 10807]

JOSEPH F. ALLEN AND JOHN W. NELSON

ORDER TO SHOW CAUSE

In the matter of Joseph F. Allen & John W. Nelson, Aransas Pass, Texas, Docket No. 10807; order to show cause why the license for Radiotelephone Station WB–3767 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WB–3767 licensed to Joseph F. Allen & John W. Nelson aboard the vessel "V. E. Day";

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notices dated April 10, 1953, and June 10, 1953, specifying that at 1030 GMT on April 6, 1953, and at 1541 GMT on June 5, 1953, respectively, the transmitter of radio station WB–3767 radiated a strong second harmonic which was a source of interference to the aeronautical service on 5276 kc and a violation of § 8.108 of the Commission's rules.

It further appearing, that, despite further notices calling attention to the foregoing notices of violations and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

*It is ordered*, This 18th day of December 1953, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Joseph F. Allen and John W. Nelson show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 1st day of March 1954;

*It is further ordered*, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said Joseph F. Allen and John W. Nelson, c/o Texas Fisherman's Co-op., Aransas Pass, Texas.

Released: December 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10764; Filed, Dec. 29, 1953; 8:46 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the Order to Show Cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an Order of Revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the Order to Show Cause. Failure to respond to this order within the above-mentioned thirty (30) day period or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the Order to Show Cause.



[Docket No. 10808]

JAMES DEPOLO

ORDER TO SHOW CAUSE

In the matter of James DePolo, Tacoma, Washington, Docket No. 10808; Order to show cause why the license for Radiotelephone Station WA–6405 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WA–6405 licensed to James DePolo aboard the vessel "Jimmie Boy";

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated July 13, 1953, specifying that at 2049 GMT, on May 25, 1953, the transmitter of radio station WA–6405 radiated a strong second harmonic causing interference to the aeronautical service on 5276 kc, in violation of § 8.108 of the Commission's rules.

It further appearing, that, despite further notices calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

*It is ordered*, This 18th day of December 1953, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said James DePolo show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 2d day of March 1954;

*It is further ordered*, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said James DePolo, 2120 North 29th Street, Tacoma, Washington.

Released: December 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING
*Acting Secretary.*

[F. R. Doc. 53-10765; Filed, Dec. 29, 1953; 8:46 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the Order to Show Cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an Order of Revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the Order to Show Cause. Failure to respond to this order within the above-mentioned thirty (30) day period or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the Order to Show Cause.

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[Docket No. 10809]

WILLIAM TEAF SAVAGE

ORDER TO SHOW CAUSE

In the matter of William Teaf Savage, Chincoteague, Virginia, Docket No. 10809; order to show cause why the license for Radiotelephone Station WD–2457 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WD–2457 licensed to William Teaf Savage aboard the vessel "Peggy";

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated September 2, 1952, specifying that

(1) On August 28, 1952, radio operator's license was not posted aboard the vessel "Peggy" in violation of § 8.156 of the Commission's rules.

(2) On August 28, 1952, a copy of Part 8 of the Rules Governing the Ship Service was not aboard the vessel "Peggy" in violation of § 8.367 (a) (vi) of the Commission's rules.

(3) On August 28, 1952, there was no radio station log aboard the vessel "Peggy" in violation of § 8.368 (c) of the Commission's rules.

It further appearing, that, despite further notices calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

*It is ordered*, This 18th day of December 1953, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said William Teaf Savage show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 2d day of March 1954;

*It is further ordered*, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said William Teaf Savage, Chincoteague, Virginia.

Released: December 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10766; Filed, Dec. 29, 1953; 8:46 a. m.]

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[Docket No. 10810]

GEORGE R. GODFREY

ORDER TO SHOW CAUSE

In the matter of George R. Godfrey, Aransas Pass, Texas, Docket No. 10810; order to show cause why the license for Radiotelephone Station WB–5051 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WB–5051 licensed to George R. Godfrey aboard the vessel "D. B.";

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated April 24, 1953, specifying that at 1629 GMT, on April 22, 1953, the operator aboard the vessel "D. B.", while engaged in radiocommunication with the vessel "Hustler", failed to properly identify his radio station by transmitting the call sign WB–5051 as required by § 8.364 (a) of the Commission's rules.

It further appearing, that, despite further notices calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

*It is ordered*, This 18th day of December 1953, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said George R. Godfrey show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 3d day of March 1954;

*It is further ordered*, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said George R. Godfrey, Aransas Pass, Texas.

Released: December 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10767; Filed, Dec. 29, 1953; 8:46 a. m.]

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[Docket No. 10811]

SEA FRESH CORP.

ORDER TO SHOW CAUSE

In the matter of Sea Fresh Corporation, Boston, Massachusetts, Docket No. 10811; order to show cause why the license for Radiotelephone Station WA–7893 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WA–7893 licensed to Sea Fresh Corporation aboard the vessel "Mary and Julia".

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated August 11, 1953, specifying that at 1326 GMT, on May 2, 1953, the operator aboard the vessel "Mary and Julia", while engaged in radio communication, failed to properly identify his radio station by transmitting the call sign WA–7893 as required by § 8.364 (a) of the Commission's rules.

It further appearing, that, despite further notices calling attention to the foregoing notice of violations and the failure to reply thereto in accordance

with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

*It is ordered*, This 18th day of December 1953, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Sea Fresh Corporation show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 3d day of March, 1954.

*It is further ordered*, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said Sea Fresh Corporation, 5 Commercial Wharf, Boston, Massachusetts.

Released: December 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10768; Filed, Dec. 29, 1953; 8:47 a. m.]

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[Docket No. 10812]

EDGAR W. PEEL

ORDER TO SHOW CAUSE

In the matter of Edgar W. Peel, Vallejo, California, Docket No. 10812; order to show cause why the license for Radiotelephone Station WE–7412 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WE–7412 licensed to Edgar W. Peel aboard the vessel "Wasp".

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated July 13, 1953, specifying that at 1455 GMT, on June 9, 1953, the transmitter of radio station WE–7412 radiated a strong second harmonic causing interference to the aeronautical service on 5276 kc in violation of § 8.108 of the Commission's rules.

It further appearing, that, despite further notices calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

*It is ordered*, This 18th day of December 1953, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Edgar W. Peel show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 4th day of March 1954.

*It is further ordered*, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said Edgar W. Peel, 524 Wallace Avenue, Vallejo, California.

Released: December 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10769; Filed, Dec. 29, 1953; 8:47 a. m.]

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[Docket No. 10813]

JAMES R. BUNDESEN

ORDER TO SHOW CAUSE

In the matter of James R. Bundesen, Pittsburg, California, Docket No. 10813; order to show cause why the license for Radiotelephone Station WB–6303 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Sttaion WB–6303 licensed to James R. Bundesen aboard the vessel "Electra".

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated July 22, 1953, specifying that at 1722 GMT, on June 12, 1953, the transmitter of radio station WB–6303 radiated a strong second harmonic causing interference to the aeronautical service on 5276 kc in violation of § 8.108 of the Commission's rules.

It further appearing, that, despite further notices calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

*It is ordered*, This 18th day of December 1953, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said James R. Bundesen show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 4th day of March 1954.

*It is further ordered*, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said James R. Bundesen, 763 Central Avenue, Pittsburg, California.

Released: December 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10770; Filed, Dec. 29, 1953; 8:47 a. m.]

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[Docket No. 10814]

ARNOLD N. ENNIS

ORDER TO SHOW CAUSE

In the matter of Arnold N. Ennis, Astoria, Oregon, Docket No. 10814; order to show cause why the license for Radiotelephone Station WD–6780 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WD–6780 licensed to Arnold N. Ennis aboard the vessel "Gladys E".

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated July 22, 1953, specifying that at 2135 GMT, on June 12, 1953, the transmitter of radio station WD–6780 radiated a strong second harmonic causing interference to the aeronautical service on 5276 kc in violation of § 8.108 of the Commission's rules.

It further appearing, that, despite further notices calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

*It is ordered*, This 18th day of December 1953, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Arnold N. Ennis show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 5th day of March 1954.

*It is further ordered*, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested, to the said Arnold N. Ennis, Route #1, Box 411, Astoria, Oregon.

Released: December 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10771; Filed, Dec. 29, 1953; 8:47 a. m.]

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[Docket No. 10815]

DON JACOBSEN

ORDER TO SHOW CAUSE

In the matter of Don Jacobsen, San Diego, California, Docket No. 10815, order to show cause why the license for Radiotelephone Station WA–5646 should not be revoked.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WA–5646 licensed to Don Jacobsen aboard the vessel "Harold J".

It appearing, that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated July 22, 1953, specifying that at 1927 GMT, on June 12, 1953, the transmitter of radio station WA–5646 radiated a strong second harmonic causing interference to the aeronautical service on 5276 kc in violation of § 8.108 of the Commission's rules.

(b) At 1927 GMT, on June 12, 1953, operator aboard the vessel "Harold J", while engaged in radio communication, failed to properly identify his radio station by transmitting the call sign WA–5646 as required by § 8.364 of the Commission's rules.

It further appearing, that despite further notices calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with § 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee:

*It is ordered*, This 18th day of December 1953, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Don Jacobsen show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., on the 5th of March 1954.

*It is further ordered*, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said Don Jacobsen, 4533 Cape May Street, San Diego, California.

Released: December 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10772; Filed, Dec. 29, 1953; 8:47 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the Order to Show Cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an Order of Revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the Order to Show Cause. Failure to respond to this order within the above-mentioned thirty (30) day period or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the Order to Show Cause.



## FEDERAL POWER COMMISSION

[Docket Nos. 6530, 6533]

LAKE SUPERIOR DISTRICT POWER CO. ET AL.

NOTICE OF ORDERS AUTHORIZING MERGER OR CONSOLIDATION OF FACILITIES

DECEMBER 23, 1953.

In the matters of Lake Superior District Power Company, Docket No. E–6530; Wisconsin Public Service Corporation, Menominee and Marinette Light and Traction Company, Docket No. E–6533.

Notice is hereby given that on December 17, 1953, the Federal power Commission issued its orders adopted December 16, 1953, authorizing mergers or consolidations of facilities in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 53-10815; Filed, Dec. 29, 1953; 8:53 a. m.]

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[Docket No. E 6531]

OHIO EDISON CO.

NOTICE OF ORDER AUTHORIZING ACQUISITION AND MERGER OR CONSOLIDATION OF FACILITIES

DECEMBER 23, 1953.

Notice is hereby given that on December 21, 1953, the Federal Power Commission issued its order adopted December 16, 1953, authorizing acquisition and merger or consolidation of facilities in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 53-10816; Filed, Dec. 29, 1953; 8:53 a. m.]

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[Docket Nos. G–2035, G–2040, G–2048, G–2049, G–2050, G–2073, G–2091, G–2301]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER POSTPONING DATE OF HEARING

In the matters of Panhandle Eastern Pipe Line Company, and Panhandle Eastern Pipe Line Company, Southeastern Michigan Gas Company, Citizens Gas Fuel Company, Citizens Gas Company, Michigan Gas Utilities Company; Docket Nos. G–2035, G–2040, G–2048, G–2049, G–2050, G–2073, G–2301, Docket No. G–2091.

By its order issued November 5, 1953, the Commission fixed a date for hearing in these matters for January 5, 1954. Among the issues to be considered in these proceedings is the interpretation of and possible changes in Panhandle Eastern Pipe Line Company's (Panhandle) interruptible rate schedules.

On December 16, 1953, Panhandle filed a notice of cancellation of its interruptible rate schedules. Letters requesting comment from Panhandle's customers on the proposed cancellation were sent out by the Secretary on December 18, 1953.

It appears that in order to permit Panhandle's customers and the Commission time in which to examine Panhandle's proposed cancellation of its interruptible rate schedules in the light of these proceedings the date of hearing should be postponed.

The Commission finds: Good cause exists to postpone the date of hearing in these matters from January 5, 1954.

The Commission orders: Hearings in these matters be and the same hereby are postponed to a date to be further fixed by the Commission.

Adopted: December 22, 1953.

Issued: December 23, 1953.

By the Commission.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 53-10794; Filed, Dec. 29, 1953; 8:49 a. m.]

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[Docket No. G–2217]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE FOR RECONVENING OF HEARING

Hearings in this matter were held on October 26, 27, and 28, 1953, and then recessed to December 7, 1953. On the last mentioned date, upon motion of Commission Staff Counsel, the hearings were further postponed to a date to be thereafter fixed by order of the Commission.

The Commission orders: The public hearing heretofore ordered to be held in this matter be reconvened at 10:00 o'clock a. m. on January 18, 1954, in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Adopted: December 22, 1953.

Issued: December 23, 1953.

By the Commission.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 53-10795; Filed, Dec. 29, 1953; 8:49 a. m.]

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[Docket Nos. G–2240, G–2248]

WASHINGTON GAS LIGHT CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

DECEMBER 23, 1953.

In the matters of Washington Gas Light Company and Potomac Gas Company, Docket No. G–2240; United Fuel Gas Company, Docket No. G–2248.

Notice is hereby given that on December 21, 1953, the Federal Power Commission issued its orders adopted December 16, 1953, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 53-10817; Filed, Dec. 29, 1953; 8:53 a. m.]

[Docket No. G-2260]

COLORADO INTERSTATE GAS CO.

NOTICE OF ORDER AMENDING ORDER SUSPENDING REVISED TARIFF SHEETS BY CHANGING SUSPENSION PERIOD

DECEMBER 23, 1953.

Notice is hereby given that on December 22, 1953, the Federal Power Commission issued its order adopted December 16, 1953, amending order issued September 28, 1953 (18 F. R. 6322–23), suspending revised tariff sheets, in the above-entitled matter, by changing the suspension period to expire January 1, 1954, in lieu of March 3, 1954.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 53-10818; Filed, Dec. 29, 1953; 8:53 a. m.]

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[Docket No. G-2313]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

DECEMBER 23, 1953.

Take notice that Texas Eastern Transmission Corporation (Applicant), a Delaware corporation having its principal place of business in Shreveport, Louisiana, filed on November 12, 1953, an application pursuant to section 7 (b) of the Natural Gas Act for an order authorizing the abandonment of certain facilities as hereinafter described.

The application recites that:

Within 30 days after permission and approval are granted herein by the Federal Power Commission, Applicant proposes to begin the dismantling and removal of the second 24" pipeline across the Arkansas River, suspended from the Chicago, Rock Island and Pacific Railroad Company bridge, authorized by the Federal Power Commission in Docket G-1439, together with the approaches thereto on the north and south banks, but retaining so much of the approaches authorized in Docket G-1439 as have been used and connected to the river crossing facilities authorized in Dockets G-1960 and G-2027.

The Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 13th day of January 1954. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 53-10811; Filed, Dec. 29, 1953; 8:53 a. m.]

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[Docket No. G-2318]

LATERAL GAS PIPELINE CO.

NOTICE OF APPLICATION

DECEMBER 23, 1953.

Take notice that the Lateral Gas Pipeline Company (Applicant), an Iowa corporation with its principal place of business in Cedar Rapids, Iowa, filed on November 24, 1953, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of a 4½-inch O. D. natural gas transmission pipeline approximately 27 miles in length, extending from the pipeline of the Natural Gas Pipeline Company of America (Natural) at a point approximately 2 miles southwest of the Town of Grant, Iowa, to the City of Clarinda, Iowa, and also two town border stations: one at or near the west corporate limits of Villisca, Iowa, and the other at or near the north corporate limits of Clarinda, Iowa.

Applicant estimates the cost of facilities at $267,200. It is proposed to finance such facilities by the issuance of common stock in the amount of $300,000.

The facilities above described will be utilized for the transportation of natural gas for the account of Iowa Electric Light and Power Company (Iowa Electric) for ultimate distribution in the Cities of Villisca and Clarinda, Iowa. Iowa Electric proposes to obtain its natural gas supply from Natural in the volume of 1,737 Mcf per day under a companion application, Docket No. G-2320, filed pursuant to section 7 (a) of the Natural Gas Act.

The application recites that Applicant will receive, if its proposed tariff is accepted by the Commission, annual transportation revenue of $47,987, pursuant to its contract with Iowa Electric dated November 14, 1953.

The Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 13th day of January 1954. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 53-10812; Filed, Dec. 29, 1953; 8:53 a. m.]

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[Docket No. G-2320]

IOWA ELECTRIC LIGHT AND POWER CO.

NOTICE OF APPLICATION

DECEMBER 23, 1953.

Take notice that Iowa Electric Light and Power Company (Applicant), an Iowa corporation having its principal place of business in Cedar Rapids, Iowa, filed on November 25, 1953, an application pursuant to section 7 (a) of the Natural Gas Act for an order directing the Natural Gas Pipeline Company of America to sell and deliver to Applicant a daily contract quantity of 1,737 Mcf of natural gas for ultimate distribution in the communities of Villisca and Clarinda, Iowa.

The Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 13th day of January 1954. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 53-10813; Filed, Dec. 29, 1953; 8:53 a. m.]

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[Docket No. G-2322]

LONE STAR GAS CO.

NOTICE OF APPLICATION

DECEMBER 23, 1953.

Take notice that on December 2, 1953, Lone Star Gas Company (Applicant), a Texas corporation having its office and principal place of business at Dallas, Texas, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing construction and operation of 3.43 miles of 3½-inch O. D. transmission pipe line to extend the intersection of its Line G 3–4 with its Line G 3 in a northerly direction to Phillips Petroleum Company's Muenster repressuring station, all of said facilities being located in Cooke County, Texas.

Applicant states that Phillips Petroleum Company wishes to increase its purchases of gas for use at said repressuring station, and that the existing 2-inch line from which deliveries are now made to the station is inadequate. Capacity of the proposed line will be 1,310 Mcf per day, and Phillips Petroleum Company desires to purchase a maximum of 920 Mcf per day. Cost of the necessary facilities is estimated to be $26,286, to be defrayed from Applicant's funds on hand.

Applicant requests that its application be heard under the shortened procedure provided by the Commission's rules. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 13th day of January 1954. The application is on file with the Commission and open for public inspection.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 53-10814; Filed, Dec. 29, 1953; 8:53 a. m.]

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[Project No. 739]

APPALACHIAN ELECTRIC POWER CO.

ORDER GRANTING MOTION FOR ORAL ARGUMENT

Pursuant to the provisions of § 1.31 of the Commission's general rules and regulations (18 CFR 1.31), Appalachian Electric Power Company, on December 2, 1953, filed its exceptions to the decision recommended by the Presiding Examiner in the above-entitled matter. On November 10, 1953, the staff also filed exceptions limited, however, to setting forth certain findings proposed by the staff in its brief which were not reflected in the Examiner's decision.

Licensee, on September 14, 1953, filed a motion pursuant to the provisions of § 1.31 (d) (2) of the rules requesting an opportunity to present oral argument before the Commission in support of the exceptions it intended to file.

The Commission finds: It is appropriate and in the public interest to hear oral argument on the exceptions filed in this matter.

The Commission orders: Oral argument in the above-entitled matter be had before the Commission on January 22, 1954, commencing at 10:00 a. m., e. s. t., in the Hearing Room of the Commission, 441 G Street NW., Washington, D. C., the scope and content of the argument to be as provided by the aforesaid § 1.31 of the rules.

Adopted: December 22, 1953.

Issued: December 24, 1953.

By the Commission.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 53-10819; Filed, Dec. 29, 1953; 8:53 a. m.]



## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3144]

WEST PENN ELECTRIC CO.

ORDER GRANTING APPLICATION REGARDING OPEN MARKET ACQUISITIONS OF SECURITIES OF SUBSIDIARY

DECEMBER 23, 1953.

The West Penn Electric Company ("West Penn Electric"), a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935 (the "act") and having designated sections 9 and 10 of the act as being applicable to the proposed transactions which are summarized as follows:

West Penn Electric proposes to purchase in the open market up to, and not in excess of, 600 additional shares of common stock of West Penn Power Company, its subsidiary. West Penn Electric presently owns 3,345,767 shares, or approximately 94.983 percent, of the common stock of West Penn Power Company. The proposed acquisition of additional shares would be accomplished prior to October 1, 1954, and would result in West Penn Electric owning at least 95 percent of such stock. During the preceding twelve months, the reported "over-the-counter" bid prices have ranged from a high of $43 per share to a low of $34.50 per share. The bid and asked prices on December 16, 1953, were $42.00 and $43.00, respectively. West Penn Electric would incur no expenses in connection with the proposed acquisition other than usual and customary brokerage commission.

The application states that no State or Federal commission, other than this Commission and the Public Service Commission of Maryland, which has authorized the proposals, has jurisdiction over the proposed transactions. West Penn Electric requests that the Commission's order herein become effective upon issuance.

Due notice having been given of the filing of the application and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application, as amended, be granted forthwith;

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that said application as amended be, and it hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53-10799; Filed, Dec. 29, 1953; 8:50 a. m.]

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[File No. 70-3151]

NEW ENGLAND GAS AND ELECTRIC ASSN.

ORDER AUTHORIZING VOLUNTARY EXCHANGE OFFER BY HOLDING COMPANY FOR MINORITY INTEREST IN COMMON STOCK OF SUBSIDIARY

DECEMBER 23, 1953.

New England Gas and Electric Association ("Negas"), a registered holding company, having filed with this Commission an application-declaration and amendments thereto, pursuant to sections 7 and 10 of the Public Utility Holding Company Act of 1935 ("act"), with respect to the following proposed transaction:

Negas owns 276,722.4 shares or 97.61 percent of the outstanding common stock of its public-utility subsidiary, New Bedford Gas and Edison Light Company ("New Bedford"); the balance of 6,763.4 such shares or 2.39 percent being held by approximately 200 other holders, including three officers or directors of New Bedford who hold in the aggregate 165 shares. Negas proposes to offer to such holders, during a 60-day period, common shares of Negas at the rate of 4¾ common shares of Negas for each share of common stock of New Bedford surrendered for exchange. No fractional shares of Negas will be issued but, in lieu thereof, Negas will pay for each fractional share cash at the rate of $15 per whole share of Negas common. Based on the holdings of record on October 23, 1953, Negas estimates that it would issue 32,055 of its common shares and would make cash payments aggregating $1,070.33, in lieu of fractional shares, if all the New Bedford shares held by the minority interest should be exchanged.

Exchanges will be effected through Old Colony Trust Company, Boston. Negas intends to invite certain dealers to solicit exchanges, and proposes to pay to such dealers a commission of $1.25 per share for all New Bedford shares surrendered for exchange pursuant to such solicitations. Other fees and expenses are estimated to aggregate $5,000 as follows: filing fee $51; exchange agent $450; independent accountant $800; Burns, Blake & Rich, counsel for Negas, $500; W. A. Hill, counsel for New Bedford, $200; printing $1,000; stamp tax $300; Negas Service Corporation $500; and miscellaneous $1,199.

It is requested that the Commission's order to be entered herein become effective forthwith upon issuance.

Due notice having been given of the filing of the application-declaration, as amended, and a hearing not having been requested of or ordered by the Commission; and it appearing to the Commission that the commission to be paid to dealers and the other fees and expenses are not unreasonable, if they do not exceed the amounts estimated, and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of said act, that said application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 53-10798; Filed, Dec. 29, 1953; 8:50 a. m.]

## GENERAL SERVICES ADMINISTRATION

ASSISTANT TO THE ADMINISTRATOR

DELEGATION OF AUTHORITY TO PERFORM CERTAIN FUNCTIONS FROM DECEMBER 24, 1953, TO JANUARY 4, 1954.

1. Pursuant to the authority vested in me by section 205 (d) of the Federal Property and Administrative Services Act of 1949 (Public Law 152, 81st Congress), as amended, I hereby delegate to the Assistant to the Administrator full authority to exercise from December 24, 1953 to January 4, 1954, all of the powers, authorities, and functions vested in me as Administrator of General Services by the Federal Property and Administrative Services Act, 1949, and any other law, except those powers, authorities, and functions which can only be exercised by the Administrator or the Deputy Ad-

ministrator of General Services pursuant to the provisions of section 101 (c) and 205 (d) of the Federal Property and Administrative Services Act, 1949, or pursuant to the provisions of other law.

2. The authority contained herein may not be redelegated and shall be exercised in accordance with such administrative procedures and controls as are in force on or after the effective date hereof.

3. This delegation of authority shall be effective December 24, 1953.

Dated: December 24, 1953.

EDMUND F. MANSURE,
*Administrator.*

[F. R. Doc. 53-10871; Filed, Dec. 29, 1953; 10:15 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28770]

GRAIN FROM TWIN CITIES TO SOUTHWEST

APPLICATION FOR RELIEF

DECEMBER 23, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Grain, grain products and related articles, carloads.

From: Minneapolis, Minnesota Transfer, and St. Paul, Minn.

To: Points in Louisiana, Oklahoma, and Texas.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3940, supp. 32; F. C. Kratzmeir, Agent, I. C. C. No. 3941, supp. 71; F. C. Kratzmeir, Agent, I. C. C. No. 3942, supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10745; Filed, Dec. 28, 1953 8:46 a. m.]

[4th Sec. Application 28773]

WOODPULP FROM DOCTORTOWN AND JESSUP, GA., TO POINTS IN OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

DECEMBER 23, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Woodpulp, in carloads.

From: Doctortown and Jessup, Ga.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional origins.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1260, supp. 52.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10748; Filed, Dec. 28, 1953; 8:46 a. m.]

[4th Sec. Application 28774]

IRON AND STEEL FROM ILLINOIS TERRITORY TO THE SOUTH

APPLICATION FOR RELIEF

DECEMBER 23, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Iron and steel articles, carloads.

From: Points in Illinois territory.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, and additional routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 793, supp. 4.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10749; Filed, Dec. 28, 1953; 8:47 a. m.]

[4th Sec. Application 28776]

BITUMINOUS COAL FROM BRAZIL, IND., DISTRICT TO POINTS IN WESTERN TRUNK-LINE TERRITORY

APPLICATION FOR RELIEF

DECEMBER 24, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Bituminous coal, carloads.

From: Mines in the Brazil, Ind., district.

To: Points in western trunk-line territory.

Grounds for relief: Rail competition, circuity, market competition, and to maintain grouping.

Schedules filed containing proposed rates: Baltimore and Ohio Railroad Company, C & C Series, I. C. C. No. 3040, supp. 20.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
*Secretary.*

[F. R. Doc. 53-10800; Filed, Dec. 29, 1953; 8:50 a. m.]


# FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES — 1934

VOLUME 18 NUMBER 254

*Washington, Thursday, December 31, 1953*


## TITLE 3—THE PRESIDENT

### PROCLAMATION 3041

IMPOSING A QUOTA ON IMPORTS OF OATS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as added by section 31 of the act of August 24, 1935, 49 Stat. 773, re-enacted by section 1 of the act of June 3, 1937, 50 Stat. 246, and as amended by section 3 of the act of July 3, 1948, 62 Stat. 1248, section 3 of the act of June 28, 1950, 64 Stat. 261, and section 8 (b) of the act of June 16, 1951, 65 Stat. 72 (7 U. S. C. 624), the Secretary of Agriculture has advised me that he has reason to believe that oats are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price-support program undertaken by the Department of Agriculture with respect to oats pursuant to sections 301 and 401 of the Agricultural Act of 1949 (63 Stat. 1053, 1054), or to reduce substantially the amount of products processed in the United States from domestic oats with respect to which such program of the Department of Agriculture is being undertaken; and

WHEREAS, on June 6, 1953, I caused the United States Tariff Commission to make an investigation under the said section 22 with respect to hulled and unhulled oats and unhulled ground oats; and

WHEREAS the said Tariff Commission has made such investigation and has reported to me its findings and recommendations made in connection therewith; and

WHEREAS, on the basis of the said investigation and report of the Tariff Commission, I find that hulled and unhulled oats and unhulled ground oats are practically certain to be imported into the United States during the period December 23, 1953, to September 30, 1954, inclusive, under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the said price-support program with respect to oats; and

WHEREAS, I find and declare that the imposition of quantitative limitations not in excess of 23,000,000 bushels of the product of Canada and not in excess of 2,500,000 bushels of the product of other foreign countries are shown by such investigation of the Tariff Commission to be necessary in order that the entry, or withdrawal from warehouse, for consumption of oats described in the preceding paragraph of this proclamation during the period December 23, 1953, to September 30, 1954, will not render or tend to render ineffective, or materially interfere with, the said price-support program; and I further find and declare such permissible total quantity to be proportionately not less than 50 percentum of the total average aggregate annual quantity of such oats entered, or withdrawn from warehouse, for consumption during the representative period July 1, 1948, to June 30, 1951, inclusive;

WHEREAS Canada has undertaken to limit exports of oats to the United States to 23,000,000 bushels during the period from midnight December 10, 1953, to midnight September 30, 1954;

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the said section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that the total aggregate quantity of hulled and unhulled oats and unhulled ground oats, other than oats the product of Canada, entered, or withdrawn from warehouse, for consumption during the period December 23, 1953, to September 30, 1954, inclusive, shall not be permitted to exceed 2,500,000 bushels of 32 pounds each.

The provisions of this proclamation shall not apply to certified or registered seed oats for use for seeding and crop-improvement purposes, in bags tagged and sealed by an officially recognized seed-certifying agency of the country of production: *Provided,* (a) that the individual shipment amounts to 100 bushels (of 32 pounds each) or less, or (b) that the individual shipment amounts to

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

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**1953–54 Edition**
(Revised through July 1)

Published by the Federal Register Division, the National Archives and Records Service, General Services Administration

**734 Pages—$1.00 a copy**

Order from Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.

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more than 100 bushels (of 32 pounds each) and the written approval of the Secretary of Agriculture or his designated representative is presented at the time of entry, or bond is furnished in a form prescribed by the Commissioner of Customs in an amount equal to the value of the merchandise as set forth in the entry, plus the estimated duty as determined at the time of entry, conditioned upon the production of such written approval within 6 months from the date of entry.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of December in the year of our Lord nineteen hundred and [SEAL] fifty-three, and of the Independence of the United States of America the one hundred and seventy-eighth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
*Secretary of State.*

[F. R. Doc. 53-10902; Filed, Dec. 30, 1953; 9:44 a. m.]

# RULES AND REGULATIONS

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, paragraphs (a), (b), and (c) of § 6.153 are revoked; paragraph (k) (1), (2), (3), (4) and (5) of § 6.311 is revoked; § 6.105 (h) (1) is amended; § 6.314 (a) (3) is amended; and the positions listed below are added to §§ 6.304, 6.312, 6.314, 6.353, 6.363, and 6.365.

§ 6.105 *Department of the Army.*

* * *

(h) *National War College, Washington, D. C.* (1) Civilian directors of studies for employment of not to exceed one year: *Provided,* That such employment may, with the prior approval of the Commission, be extended for not to exceed one additional year.

§ 6.304 *Department of Defense*—(a) *Office of the Secretary.* * * *

(5) One Administrative Secretary to the Secretary.

(6) One Special and Confidential Assistant to the Assistant Secretary of Defense, Legislative and Public Affairs.

§ 6.312 *Department of Commerce*—(a) *Office of the Secretary.* * * *

(21) One Associate General Counsel (Defense Production Activities).

(22) One Private Secretary to the Associate General Counsel (Defense Production Activities).

§ 6.314 *Executive Office of the President*—(a) *Bureau of the Budget.* * * *

(3) Two Private Secretaries to the Director.

* * * * *

(5) One Private Secretary to each of the two Assistant Directors.

(6) One Private Secretary to the Assistant to the Director.

§ 6.353 *Subversive Activities Control Board.* * * *

(b) One Private Secretary to each Member of the Board.

(c) One Confidential Administrative Assistant to each Member of the Board.

§ 6.363 *United States Information Agency.* * * *

(c) One Secretarial Assistant to the Deputy Director.

§ 6.365 *Farm Credit Administration.* * * *

(d) One First Deputy Governor.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 53-10849; Filed, Dec. 30, 1953; 8:49 a. m.]

## TITLE 7—AGRICULTURE

### Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 728—WHEAT

SUBPART—1954–55 MARKETING YEAR

The regulations contained in § 728.409 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the determination of county normal yields of wheat for 1954, including the appraisal of yields for years in the ten-year period used in determining county normal yields for which the data are not available or in which there was no actual yield.

Prior to preparing the regulations in § 728.409, public notice (18 F. R. 8585) was given in accordance with the Administrative Procedure Act. The data, views, and recommendations pertaining to the regulations in § 728.409, which were submitted, have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 728.409 *Determination of county normal yields for 1954 crop of wheat.* (a) A normal yield for each wheat-producing county shall be determined on the basis of the average yield per acre of wheat for the county during the ten calendar years immediately preceding the year in which such normal yield is determined, adjusted for abnormal weather conditions and trends in yields. In adjusting for abnormal weather conditions, (a) if the yield in any year of the ten-year period is less than 75 per centum of the average (computed without regard to such year) on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, such year shall be eliminated in calculating the normal yield per acre; and (b) if the yield in any year of the ten-year period is more than 125 per centum of the average (computed without regard to such year) on account of abnormal weather conditions, there shall be substituted for such year a yield equiv-

alent to 125 per centum of the average (computed without regard to such year) in calculating the normal yield per acre.

(b) The adjustment for trends in yields shall be made by averaging the average yield per acre of wheat for the ten-year period, adjusted for abnormal weather conditions as indicated above, with the average yield per acre of wheat for the last three years of such ten-year period, adjusted for abnormal weather conditions.

(c) If for any year of such ten-year period the data are not available or there was no actual yield, the yield for such year shall be appraised by taking into consideration the yields in years for which data are available, abnormal weather conditions, and the yields for such year in nearby or adjacent counties, or crop reporting districts of the Agricultural Marketing Service (formerly Bureau of Agricultural Economics) in which the type of soil, topography, and farming practices associated with the production of wheat are similar.

(d) County normal yields shall be determined by the Director, Grain Division, Commodity Stabilization Service (formerly the Production and Marketing Administration). The normal yield determined for each county shall be kept readily available to the public in the county Agricultural Stabilization and Conservation office, and in the applicable State Agricultural Stabilization and Conservation office.

Done at Washington, D. C., this 30th day of December 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10905; Filed, Dec. 30, 1953; 11:19 a. m.]

## Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

### Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.21]

### PART 814—ALLOTMENT OF SUGAR QUOTAS

MAINLAND CANE SUGAR AREA, 1954

*Basis and purpose.* This allotment order is issued under section 205 a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of establishing preliminary allotments of the 1954 sugar quota for the mainland cane sugar area.

Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that allotment is necessary, among other things, to (1) prevent disorderly marketing of sugar or liquid sugar and (2) afford all interested persons an equitable opportunity to market sugar or liquid sugar. Current estimates of sugar production from the 1953 mainland sugarcane crop indicate that approximately 290,000 tons of sugar from that crop will be available for marketing in 1954. Should production from 1954-crop cane be no larger than that from the smallest recent crop (417,000 tons from the 1951 crop) there will be available for marketing in 1954 a quantity of sugar far in excess of the 500,000 short tons, raw value, quota for the area. Inventories of sugar which will be on hand January 1, 1954, together with production in early 1954 may make it possible for some allottees to market shortly after January 1, 1954, a quantity of sugar larger than their eventual allotment. To meet this situation the Department has requested and received from each allottee a stipulation as follows:

If the Secretary of Agriculture determines that the allotment of the 1954 sugar quota for the mainland cane sugar area is necessary, it is stipulated and agreed by the undersigned allottee as follows:

(1) Pending the holding of a public hearing and the issuance of an allotment order for 1954 based on the record of such hearing, the Secretary of Agriculture may issue a preliminary order under the Sugar Act of 1948, as amended, effective January 1, 1954, establishing a 1954 allotment for each allottee equal to 80 percent of the 1953 allotment for such allottee as established in Sugar Regulation 814.20 effective September 2, 1953.

(2) The allotment order issued following the aforesaid public hearing will not be made on the same basis as the preliminary order was made.

(3) The undersigned hereby waives its right to a hearing prior to the issuance of such preliminary allotment order and its right to object to the validity of such preliminary order issued in conformity with the terms of this stipulation.

It is found that allotment of the 1954 Mainland Cane Sugar quota is necessary to prevent disorderly marketing and to afford all interested persons equitable opportunities to market sugar processed from sugarcane produced in that area. In order to prevent an allottee from marketing a quantity of sugar in excess of its allotment under the allotment order for 1954, to be issued after a public hearing and based on the record of such hearing, it is further found that compliance with the 30-day effective date requirements of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently this order shall become effective on January 1, 1954.

*Order.* Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, and in accordance with the foregoing stipulation, it is hereby ordered:

§ 814.21 *Allotment of the 1954 sugar quota for the Mainland Cane Sugar Area*—(a) *Allotments.* The 1954 sugar quota for the Mainland Cane Sugar Area is hereby allotted, to the extent shown herein, to the following processors in amounts which appear opposite their respective names:

[Short tons, raw value]

| Processor | Allotment |
|---|---|
| Albania Sugar Cooperative, Inc. | 4,274 |
| Alice C. Plantation & Refinery, Inc. | 5,188 |
| Alma Plantation, Ltd. | 4,965 |
| J. Aron & Co., Inc. | 8,272 |
| Billeaud Sugar Factory | 6,186 |
| Breaux Bridge Sugar Cooperative, Inc. | 5,132 |
| Burton-Sutton Oil Co., Inc. | 4,290 |
| Caire & Graugnard | 2,764 |
| Caldwell Sugar Cooperative, Inc. | 6,322 |
| Catherine Sugar Co., Inc. | 4,474 |
| Columbia Sugar Co. | 3,443 |
| Cora-Texas Manufacturing Co. | 1,905 |
| Cypremort Sugar Co., Inc. | 3,806 |
| Dugas & LeBlanc, Ltd. | 7,561 |
| Duhe & Bourgeois Sugar Co. | 5,883 |
| Erath Sugar Co., Ltd. | 3,800 |
| Evan Hall Sugar Cooperative, Inc. | 13,463 |
| Evangeline Pepper & Food Products, Inc. | 4,326 |
| Fellsmere Sugar Products Association | 6,550 |
| Frisco Cane Co., Inc. | 511 |
| Glenwood Cooperative, Inc. | 6,706 |
| Godchaux Sugars, Inc. | 25,178 |
| Helvetia Sugar Cooperative, Inc. | 4,673 |
| Iberia Sugar Cooperative, Inc. | 10,141 |
| Lafourche Sugar Co. | 8,755 |
| Harry L. Laws & Co., Inc. | 6,182 |
| Levert-St. John, Inc. | 7,069 |
| Loisel Sugar Co. | 4,633 |
| Louisiana State Penitentiary | 2,860 |
| Louisiana State University | 120 |
| Lulu Factory, Inc. | 8,112 |
| Mecker Sugar Cooperative, Inc. | 3,355 |
| Milliken & Farwell, Inc. | 7,661 |
| Okeelanta Sugar Refinery, Inc. | 8,284 |
| M. A. Patout & Son, Ltd. | 5,979 |
| Poplar Grove Planting and Refining Co., Inc. | 4,270 |
| E. G. Robichaux Co., Ltd. | 2,916 |
| St. James Sugar Cooperative, Inc. | 7,545 |
| St. Mary Sugar Cooperative, Inc. | 9,706 |
| Slack Bros., Inc. | 2,205 |
| Smedes Bros., Inc. | 3,303 |
| The South Coast Corp. | 27,626 |
| Southdown Sugars, Inc. | 26,353 |
| Sterling Sugars, Inc. | 7,449 |
| J. Supple's Sons Planting Co., Inc. | 2,824 |
| United States Sugar Corp. | 76,417 |
| Valentine Sugars, Inc. | 7,397 |
| Vermilion Sugar Co., Inc. | 2,117 |
| Vida Sugars, Inc. | 3,626 |
| A. Wilbert's Sons Lumber & Shingle Co. | 5,456 |
| Young's Industries, Inc. | 5,060 |
| All other persons | 0 |
| Total allotted | 407,808 |
| Unallotted | 92,192 |
| Total quota | 500,000 |

(b) *Restrictions on shipment and marketing.* Pursuant to section 209 of the act, and subject to the applicable provisions of Sugar Regulation 816 (14 F. R. 2163), all persons are hereby prohibited, during the calendar year 1954, from shipping, transporting or marketing in interstate commerce or in competition with sugar or liquid sugar in interstate or foreign commerce, any sugar or liquid sugar produced from sugarcane grown in the mainland cane sugar area after the allotment established for such persons in paragraph (a) of this section has been filled.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. 1115)

Done at Washington, D. C., this 29th day of December 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 53-10887; Filed, Dec. 30, 1953; 8:52 a. m.]



### Subchapter I—Determination of Prices

[Sugar Determination 877.6]

### PART 877—SUGARCANE: PUERTO RICO

1953-54 CROP

Pursuant to the provisions of Section 301 (c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held in San Juan, Puerto Rico, on October 22 and 23, 1953, the following determination is hereby issued:

§ 877.6 *Fair and reasonable prices for the 1953-54 crop of Puerto Rican sugarcane.* A producer of sugarcane in Puerto Rico who processes sugarcane purchased from other producers (hereinafter referred to as "processor"), shall be deemed to have complied with the provisions of section 301 (c) (2) of the act with respect to the 1953-54 crop if he pays, or contracts to pay, for such sugarcane in accordance with the requirements set forth herein.

(a) *Definitions.* For the purpose of this determination, the term:

(1) "Raw sugar" means raw sugar of 96° polarization.

(2) "Sugar yield period" means the 2-week, 4-week, semi-monthly or monthly period, as agreed upon between the producer and the processor, in which sugarcane is delivered by the producer to the processor. Semi-monthly means (i) the first 15 days of a 29, 30, 31 day month, or the first 14 days of a 28 day month; or (ii) the last 14 days of a 28 or 29 day month, the last 15 days of a 30 day month, or the last 16 days of a 31 day month.

(3) "Price of raw sugar" means the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange (domestic contract), adjusted to a duty paid basis by adding the U. S. duty prevailing on Cuban raw sugar, except, that if the Director of the Sugar Branch determines that such price does not reflect the true market value of raw sugar, the Director may designate the price to be effective under this determination.

(4) "Inferior varieties of sugarcane" means sugarcane of the Saccharum Spontaneum or Saccharum Sinense variety (including sugarcane of the Japanese, Uba, Kavangerie, Zuinga, Caladonia, Coimbatore 213 and Coimbatore 281 varieties).

(5) "Yield of raw sugar" means (i) for varieties other than inferior varieties of sugarcane, the yield of raw sugar per one hundred pounds of sugarcane determined for the sugar yield period in accordance with the following formula:

$$R = (S - 0.3B)F$$

where:

$R$ = Recoverable sugar yield, 96° polarization.

$S$ = Polarization of the crusher juice obtained from the sugarcane of each producer.

$B$ = Brix of the crusher juice obtained from the sugarcane of each producer.

$F$ = Factor obtained from the fraction whose numerator is the average yield of sugar of 96° polarization obtained from the aggregate grinding during the sugar yield period in which the sugarcane of the producer has been ground, and whose denominator is the average polarization of the crusher juice, minus three-tenths of the brix of the crusher juice, both components of the denominator being obtained from the aggregate grinding during the sugar yield period in which the sugarcane of the producer has been ground;

and (ii) for inferior varieties of sugarcane, the yield of raw sugar per 100 pounds of sugarcane determined for the sugar yield period in accordance with the formula used during the 1950-51 crop grinding season.

(b) *Basic payment.* (1) The basic payment for sugarcane delivered by the producer (colono) to the processor shall be made as agreed upon by the producer and the processor, either by the delivery to the producer of his share of raw sugar packed in customary bags, or by the payment to the producer of the money value of his share of raw sugar.

(2) For sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of 9 pounds or more, such basic payment shall be not less than the quantity of raw sugar determined by applying the following applicable percentage to the yield of raw sugar of the producer's sugarcane:

| Pounds of raw sugar per 100 pounds of sugarcane: | Percentage |
|---|---|
| 9.0 | 63.0 |
| 9.5 | 63.5 |
| 10.0 | 64.0 |
| 10.5 | 64.5 |
| 11.0 | 65.0 |
| 11.5 | 65.5 |
| 12.0 | 66.0 |
| 12.5 | 66.5 |
| 13.0 | 67.0 |
| 13.5 and over | 67.5 |

Intermediate points within the above scale are to be interpolated to the nearest one-tenth point.

(3) For sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar less than 9 pounds, such basic payment shall be not less than the quantity determined by subtracting 3⅓ pounds of raw sugar from the yield of raw sugar of the producer's sugarcane.

(4) If settlement with the producer is made in cash, the processor shall pay, or contract to pay, the producer the money value of his share of raw sugar determined on the basis of the simple average price of raw sugar for the period March 1, 1954, through February 28, 1955, converted to an f. o. b. mill price by subtracting applicable admissible deductions for selling and delivery expenses on raw sugar listed in Schedule A attached hereto and made a part hereof.

(c) *Molasses payment.* For each ton of sugarcane delivered, the processor shall pay to the producer an amount equal to the product of (1) 66 percent of the net proceeds per gallon of blackstrap molasses sold of the 1953-54 crop in excess of five cents per gallon, and (2) the average production of blackstrap molasses per ton of sugarcane of the 1953-54 crop processed at each mill. A processor operating more than one mill may compute the net proceeds on the basis of the average gross proceeds from the sales of molasses produced at all mills operated by such processor. Admissible deductions for selling and delivery expenses to be used in calculating molasses net proceeds are listed in Schedule B attached hereto and made a part hereof.

(d) *Charges, services and allowances to producers.* (1) When payment is made to the producer by the delivery of raw sugar, the processor shall store and insure (or agree to store and insure) all such sugar through December 31, 1954, free of charge to the producer: *Provided*, That the producer shall bear any charges arising out of the necessity of utilizing outside storage facilities for such sugar prior to January 1, 1955.

(2) When payment is made to the producer by the delivery of raw sugar, the processor shall share (or agree to share) with the producer on a prorata basis all ocean shipping facilities available to the processor.

(3) Allowances made to producers by the processor for the 1949-50 crop shall be made for the 1953-54 crop at the rates which were effective under comparable conditions in 1949-50; services performed, the costs of which were absorbed by the processor for the 1949-50 crop, shall be performed for the 1953-54 crop: *Provided*, That nothing in this subparagraph shall be construed as prohibiting modification of practices which may be necessary because of unusual circumstances, any modifications to be subject to approval of the Caribbean Area Office of the Production and Marketing Administration, San Juan, Puerto Rico.

(e) *Reporting requirements.* (1) The processor shall submit to the Caribbean Area Office, PMA, within a reasonable time prior to the commencement of grinding, a list of those producers with whom settlement will be made in cash and those with whom settlement will be made in sugar.

(2) The processor shall submit in duplicate to the Caribbean Area Office, PMA, statements verified by a certified public accountant of the deductions made in determining the f. o. b. mill price and net proceeds from molasses.

(f) *Agency.* If sugarcane is delivered to the processor in the name of a person other than the producer thereof (commonly referred to as "purchasing agent"), the processor shall make payment to the producer of such sugarcane in accordance with the provisions of this section.

(g) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in this section through any subterfuge or device whatsoever.

*Statement of Bases and Considerations*

(a) *General.* The foregoing determination provides fair and reasonable prices to be paid for sugarcane of the 1953-54 crop purchased from other producers by a processor who is also a producer of sugarcane. It prescribes the minimum requirements with respect to prices for sugarcane which must be met as one of the conditions for payment under the Act.

(b) *Requirements of the act.* The act requires that in determining fair and reasonable prices public hearings be held and investigations made. Accordingly, on October 22 and 23, 1953, a public hear-

ing was held in San Juan, Puerto Rico, at which time interested persons presented testimony with respect to fair and reasonable prices for the 1953–54 crop of sugarcane. In addition, investigations have been made of conditions relating to the sugar industry in Puerto Rico. In this price determination, consideration has been given to testimony presented at the hearing and to information resulting from the investigations.

(c) *1953–54 price determination.* The 1953–54 price determination is the same as the 1952–53 price determination except that the provision relating to the price of sugarcane from which is made raw sugar sold through programs involving the use of foreign aid funds of the United States is omitted. A price for such sugarcane originally was provided as an amendment to the 1951–52 crop determination, and continued in the 1952–53 determination, because of the over-burdened supply situation in Puerto Rico. This provision is eliminated as it no longer is applicable. The provisions of the determination relating to the calculation of net proceeds for sugar and molasses by processors operating more than one mill have been clarified.

At the public hearing, a representative of the Puerto Rico Grower-Processor Committee, a newly formed Committee representing growers of the Puerto Rico Farm Bureau and growers and processors of the Association of Sugar Producers of Puerto Rico, recommended that the provisions of the 1952–53 price determination be continued for the 1953–54 crop.

In this determination consideration has been given to the recommendation made at the public hearing, to information obtained as a result of investigations and to returns, costs and profits data of the Puerto Rican sugar industry obtained by survey during prior years and restated in terms of prospective conditions for the 1953–54 crop. Analysis of the economic position of producers and processors indicates that the sharing provisions and other requirements of this determination are fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 24th day of December 1953.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

SCHEDULE A

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES ON RAW SUGAR

Admissible deductions for selling and delivery expenses are for those expenses incurred on 1953–54 crop raw sugar which commence with the unstacking of raw sugar at the warehouse and include expenses incurred thereafter incidental to the delivery of raw sugar to the purchaser. The deductions are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses:

1. Necessary outside storage;
2. Freight from warehouse to dock, including covering cars where necessary;
3. Handling at dock, including unloading and stacking;
4. Wharfage, lighterage, and dock warehousing when incurred as an item separate from wharfage and when necessary in delivery of sugar from warehouse or mill to shipside;
5. Ocean freight;
6. Freight demurrage resulting from causes beyond the control of the shipper;

and an allowance of 8.7 cents per hundredweight of 96° raw sugar in lieu of:

7. Unstacking, tallying and loading;
8. Shore risk, marine and war risk insurance;
9. Rebagging and mending whenever and wherever incurred;
10. Brokerage or commissions and exchange;
11. Weighing, testing, sampling, mending and tarring at destination;
12. All other expenses not itemized herein;

and the following additional expenses incurred between January 1, 1955, and February 28, 1955:

13. Personal property tax;
14. Storage not covered by item 1;
15. Insurance on stored sugar.

When any of the necessary services included in items 1 through 6 and item 14 above are furnished by the processor, costs incurred shall include for each of the services rendered:

1. Direct and immediate supervisory labor;
2. Maintenance labor and supplies required for the facilities used;
3. Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pension, bonuses and vacation expenses properly allocable to such labor;
4. Direct supplies;
5. Depreciation (at rates allowed by the taxing authority), property taxes, and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities properly apportionable to the necessary service shall be allowed.

The Director, PMA Caribbean Area Office, may, by administrative interpretation, permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the costs incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

In determining the f. o. b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses as approved by the Director, Caribbean Area Office, PMA, San Juan, Puerto Rico, may be allowed in lieu of expenses actually incurred.

The following certification shall be made on statements submitted to the Caribbean Area Office, PMA, San Juan, Puerto Rico:

CERTIFICATION

I hereby certify that the deductions set forth herein are properly chargeable as deductions for selling and delivery expenses for sugar in accordance with the determination of fair and reasonable prices for the 1953–54 crop of Puerto Rican sugarcane.

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SCHEDULE B—DEFINITION OF ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES FOR MOLASSES

Admissible deductions for selling and delivery expenses in connection with the molasses payment provided in paragraph (c) of the 1953–54 price determination, are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses:

1. Operation of pumps to deliver molasses from mill tank to shipside or other delivery point;
2. Freight from mill tank to shipside (or to local buyers when such molasses is sold on a delivered price basis);
3. Operation of tank barges, tugs, or other marine equipment used in delivering molasses to shipside;
4. Weighing and testing;
5. Wharfage;
6. Shore risk insurance (limited in coverage from mill to shipside);
7. Freight demurrage resulting from causes beyond the control of the shipper;
8. Insular taxes on molasses produced, used, sold, brought into or consumed in Puerto Rico;
9. Brokerage paid to a bona fide broker.

When any of the necessary services included in items 1 through 9 above are furnished by the processor, costs incurred shall include for each of the services rendered:

1. Direct and immediate supervisory labor;
2. Maintenance labor and supplies required for the facilities used;
3. Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pensions;
4. Fuel, energy or other supplies;
5. Depreciation (at rates allowed by the taxing authorities), property taxes and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of cost. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes and property insurance of such facilities, properly apportionable to the necessary service, shall be allowed.

The Director, PMA Caribbean Area Office, may, by administrative interpretation, permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the cost incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

The following certification shall be made on statements submitted to the Caribbean Area Office, PMA, San Juan, Puerto Rico:

CERTIFICATION

I hereby certify that the deductions set forth herein are properly chargeable as deductions for selling and delivery expenses for molasses in accordance with the determination of fair and reasonable prices for the 1953–54 crop of Puerto Rican sugarcane.

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[F. R. Doc. 53-10876; Filed, Dec. 30, 1953; 8:52 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 6090]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL ELECTRONIC DISTRIBUTORS ASSN., INC., ET AL.

Subpart—*Coercing and intimidating:* § 3.370 *Suppliers and sellers:* To adopt and enforce resale price program, contracts, or agreements; To adopt desired marketing practice; To cut off supplies of or otherwise discipline price cutters; To grant uniform discounts and allowances; To limit sale and distribution to member or acceptable distributors. Subpart—*Combining or conspiring:* § 3.397 *To control marketing methods, practices, and conditions;* § 3.425 *To enforce or bring about resale price maintenance;* § 3.430 *To enhance, maintain, or unify prices;* § 3.445 *To force guarantee against price decline;* § 3.450 *To limit distribution or dealing to regular, established, or acceptable channels or classes;* § 3.470 *To restrain and monopolize trade.* Subpart—*Cutting off competitors' or others' access to customers or market:* § 3.560 *Interfering generally with distributive outlets;* § 3.600 *Withholding patronage from recalcitrant suppliers.* Subpart—*Cutting off competitors' or others' supplies or service:* § 3.655 *Threatening disciplinary action or otherwise.* In connection with the purchase, offering for sale, sale, or distribution in commerce, of electronic equipment and supplies, and on the part of respondent association, its representatives, officers, directors, and members, directly or indirectly, jointly or severally, etc., entering into, cooperating in or carrying out any planned common course of action, agreement, understanding, combination or conspiracy, whether express or implied, between any two or more of said respondents or between any one or more of said respondents and any other respondents named or referred to in the order, or with two or more persons not parties to the proceeding, to (1) restrict membership in respondent National Electronic Distributors Association, Inc., by denying membership therein to wholesale distributors in electronic equipment and supplies for competitive reasons, or for any other reason which departs from respondent National Electronic Distributors Association, Inc.'s then published or generally accepted standards governing admission of new members; (2) compel, or attempt to compel, by any means or method, manufacturers of electronic equipment and supplies, to sell such products solely through members of the respondent National Electronic Distributors Association, Inc., or through established legitimate wholesale distributors, not members of respondent Association, but recognized by respondents; (3) prevent, or attempt to prevent, manufacturers of electronic equipment and supplies from selling such products to any wholesale distributors by same because such wholesale distributors are not members of respondent Association, or because they are not recognized by respondents as legitimate wholesale distributors; (4) compel, or attempt to compel, by any means or methods, manufacturers of electronic equipment and supplies to protect distributors against price decline on unsold inventory, or to grant uniform discounts or terms and conditions of sale; (5) adopt, enforce, or utilize any means or method which has as its purpose or effect the compelling, or attempting to compel, any manufacturer of electronic equipment and supplies to fix or maintain resale prices suggested by respondents; (6) originate, compile, publish and distribute, or attempt to originate, compile, publish and distribute, by any means or methods, substantially identical price lists for electronic equipment or supplies; (7) adopt, enforce or utilize any means or methods (including, without limitation, the means and methods referred to in prohibition (6, above) to fix or maintain, or attempt to fix or maintain the prices, terms or conditions of sale at which wholesalers of electronic equipment and supplies offer for sale or sell any such products; (8) give sales or any other promotional preferences to the types of electronic equipment and supplies sold by manufacturers who agree to refrain from selling merchandise to wholesale distributors who are not members of respondent Association or who are not recognized by respondents as legitimate wholesale distributors; and (9) give sales, or any other promotional preferences, to the types of electronic equipment and supplies sold by manufacturers who agree to grant and who do grant uniform cash discounts, terms, conditions of sale, or who agree to maintain resale prices, terms or conditions of sale suggested by respondents; prohibited, subject to the proviso, however, that nothing contained in the foregoing provisions of the order shall be construed to prohibit any of the respondents from acting independently, and not in combination with others, in doing any of the acts prohibited thereby.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, National Electronic Distributors Association, Inc., et al., Chicago, Ill., Docket 6090, November 5, 1953.]

*In the Matter of National Electronic Distributors Association, Inc., a Membership Corporation, Its Officers, Directors, and Members*

This proceeding was instituted by complaint which charged respondents with the use of unfair methods of competition and unfair acts and practices in violation of the provisions of the Federal Trade Commission Act.

It was disposed of, as announced by the Commission's "Notice", dated December 4, 1953, through the consent settlement procedure provided in Rule V of the Commission's rules of practice as follows:

The consent settlement tendered by the parties in this proceeding, a copy of which is served herewith, was accepted by the Commission on November 5, 1953, and ordered entered of record as the Commission's findings as to the facts,[1] conclusion,[1] and order in disposition of this proceeding.

Said order to cease and desist, thus entered of record, following the findings as to the facts and conclusion, reads as follows:

*It is ordered,* That respondent National Electronic Distributors Association, Inc., sometimes hereinafter referred to as respondent Association, a membership corporation, its representatives, its respondent officers, directors and members, directly or indirectly, jointly or severally, or through any corporate or other means or device, in connection with the purchase, offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of electronic equipment and supplies, do forthwith cease and desist from entering into, cooperating in or carrying out any planned common course of action, agreement, understanding, combination or conspiracy, whether express or implied, between any two or more of said respondents or between any one or more of said respondents and any other respondents named or referred to in this order, or with two or more persons not parties hereto, to do or perform any of the following acts, policies or practices:

(1) Restricting membership in respondent National Electronic Distributors Association, Inc., by denying membership therein to wholesale distributors in electronic equipment and supplies for competitive reasons, or for any other reason which departs from respondent National Electronic Distributors Association, Inc.'s then published or generally accepted standards governing admission of new members;

(2) Compelling, or attempting to compel, by any means or method, manufacturers of electronic equipment and supplies, to sell such products solely through members of the respondent National Electronic Distributors Association, Inc., or through established legitimate wholesale distributors, not members of respondent Association, but recognized by respondents;

(3) Preventing, or attempting to prevent, manufacturers of electronic equipment and supplies from selling such products to any wholesale distributors in same because such wholesale distributors are not members of respondent Association, or because they are not recognized by respondents as legitimate wholesale distributors;

(4) Compelling, or attempting to compel, by any means or methods, manufacturers of electronic equipment and supplies to protect distributors against price decline on unsold inventory, or to grant uniform discounts or terms and conditions of sale;

(5) Adopting, enforcing or utilizing any means or method which has as its purpose or effect the compelling, or attempting to compel, any manufacturer of electronic equipment and supplies to fix or maintain resale prices suggested by respondents;

(6) Originating, compiling, publishing, and distributing, or attempting to originate, compile, publish and distribute, by any means or methods, substantially identical price lists for electronic equipment or supplies;

(7) Adopting, enforcing or utilizing any means or methods (including, without limitation, the means and methods referred to in paragraph (6) foregoing) to fix or maintain, or attempt to fix or maintain the prices, terms or conditions of sale at which wholesalers of electronic equipment and supplies offer for sale or sell any such products;

(8) Giving sales or any other promotional preferences to the types of electronic equipment and supplies sold by manufacturers who agree to refrain from selling merchandise to wholesale dis-

[1] Filed as part of the original document.

tributors who are not members of respondent Association or who are not recognized by respondents as legitimate wholesale distributors;

(9) Giving sales, or any other promotional preferences, to the types of electronic equipment and supplies sold by manufacturers who agree to grant and who do grant uniform cash discounts, terms, conditions of sale, or who agree to maintain resale prices, terms or conditions of sale suggested by respondents.

*Provided*, That nothing contained in the foregoing provisions of this order shall be construed to prohibit any of the respondents from acting independently, and not in combination with others, in doing any of the acts prohibited by this order.

*It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with said order.

The foregoing consent settlement is hereby accepted by the Federal Trade Commission and ordered entered of record on this the 5th day of November 1953.

Issued: December 4, 1953.

By direction of the Commission.

[SEAL] ALEX. AKERMAN, JR., *Secretary.*

[F. R. Doc. 53-10851; Filed, Dec. 30, 1953; 8:49 a. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

REGISTRATION AND GENERAL EXEMPTIONS

The Securities and Exchange Commission has heretofore published for comments and suggestions a proposal to adopt a new rule (Rule U-13, 17 CFR 250.13), under the Public Utility Holding Company Act of 1935 exempting certain non-utility subsidiary companies and affiliates of registered holding companies from the obligations, duties and liabilities imposed upon them as subsidiary companies or affiliates of registered holding companies. All comments and suggestions received have been carefully considered and the Commission has determined that the proposed rule should be adopted, with certain modifications.

Section 3 (d) of the act provides that the Commission "may, by rules and regulations, conditionally or unconditionally exempt any specified class or classes of persons from the obligations, duties, or liabilities imposed upon such persons as subsidiary companies or affiliates under any provision or provisions of this title • • •." The adopted rule unconditionally exempts every subsidiary company or affiliate of a registered holding company (which subsidiary company or affiliate is not (a) a holding company, (b) a public-utility company, (c) an investment company or (d) a service company) from all the obligations, duties and liabilities imposed upon it by the act as a subsidiary company or affiliate of a registered holding company: *Provided*, That the company so exempted became a subsidiary or affiliate by reason of the acquisition of its voting securities after October 31, 1953 by a registered holding company: *And provided further*, That such acquisition is in accordance with an investment program permitted by an order of the Commission entered in connection with the conversion of such registered holding company into an investment company in compliance with section 11 of the act.

At the present time there are two registered holding companies which, with Commission approval, are in the process of converting into investment companies and there are two other registered holding companies which have indicated an intention to convert into an investment company if permitted by the Commission. One of the former companies has also requested that, in connection with its transformation into an investment company, it be granted an exemption as a holding company from the provisions of the act.

The new rule will avoid the necessity of the acquired subsidiary company obtaining an exemption order otherwise required to be obtained under section 2 (a) (8) (B) of the act.

The text of the rule, as adopted, is set forth below.

The Securities and Exchange Commission, acting pursuant to the Public Utility Holding Company Act of 1935, particularly sections 3 (d) and 20 (a) thereof, and deeming such action appropriate in the public interest and in the interests of investors and consumers, hereby adopts Rule U-13 under that act, to read as follows:

§ 250.13 *Exemption of certain non-utility subsidiary companies and affiliates of registered holding companies transforming to investment companies.* Every subsidiary company or affiliate of a registered holding company which subsidiary company or affiliate is not—

(a) A holding company;

(b) A public-utility company;

(c) An investment company or investment trust, including one which is a medium for investments in securities for the benefit of a public-utility or holding company or its directors, officers or employees;

(d) A service company performing services or construction for or selling goods to associate companies of any of the classes specified in paragraphs (a) to (c) of this section; or

(e) A person controlling, directly or indirectly, any company specified in paragraphs (a) to (d) of this section;

shall be unconditionally exempt from the obligations, duties and liabilities which would otherwise be imposed upon such company as a subsidiary company or an affiliate by any provision or provisions of the act and shall not be deemed to be a subsidiary company or an affiliate within the meaning of any such provision or provisions, if such company becomes a subsidiary company or an affiliate by virtue of the direct or indirect acquisition, after October 31, 1953, by a registered holding company of voting securities issued by such subsidiary company or affiliate, and such acquisition has been made in accordance with an investment program permitted by an order of the Commission, which has become final, entered in connection with the conversion of such registered holding company into an investment company in compliance with section 11 of the act.

The foregoing action is effective December 24, 1953.

(Sec. 20, 49 Stat. 833; 15 U. S. C. 79t. Interprets or applies sec. 3, 49 Stat. 810; 15 U. S. C. 79c)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 24, 1953.

[F. R. Doc. 53-10903; Filed, Dec. 30, 1953; 10:17 a. m.]

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

EXEMPTION OF CERTAIN ACQUISITIONS FROM NON-AFFILIATES

The Commission, on December 4, 1953, having given notice that it had under consideration a proposed amendment to § 250.40 (Rule U-40) of the general rules and regulations promulgated under the Public Utility Holding Company Act of 1935 ("act") which amendment had been proposed in a petition filed by Reddy Kilowatt, Inc. all as more fully set forth in Holding Company Act Release No. 12238;

Due notice of the filing of said petition having been given in which all interested persons were requested to submit on or before December 22, 1953, data, views and comments regarding the requested amendment and no data, views or comments having been received during such period;

The Commission having considered the aforesaid request and the representations contained therein and acting pursuant to the authority conferred upon it by the act, particularly by sections 9 (c) (3) and 20 (a) thereof, and deeming such action appropriate in the public interest and in the interests of investors and consumers;

Notice is hereby given that the Commission has adopted the proposed amendment to Rule U-40 of the general rules and regulations promulgated under the act which amendment renumbers paragraph "(c)" thereof as paragraph "(d)" and which adds a new paragraph "(c)" the text of which is as follows:

§ 250.40 *Exemption of certain acquisitions from non-affiliates.* • • •

(c) Section 9 (a) (1) shall not apply to the acquisition of securities of a company whose principal business is the ownership and/or licensing of trade names, trade-marks and service marks used by public-utility companies in the ordinary course of their business and the preparation, distribution and/or sale of material and services related wholly to such names and marks.

(Sec. 20, 49 Stat. 833; 15 U. S. C. 79t)

This amendment is effective December 23, 1953.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 23, 1953.

[F. R. Doc. 53-10836; Filed, Dec. 30, 1953; 8:46 a. m.]



## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

PART 6—AIR COMMERCE REGULATIONS

MISCELLANEOUS AMENDMENTS

Under the authority cited in § 6.1 below, §§ 6.1 to 6.10, § 6.10a–e, and § 6.11, Title 19 of the Code of Federal Regulations, such sections being designated also as §§ 71.501 to 71.516, respectively, in Subpart K, Title 42, of such Code, are hereby amended to read as follows, the sections to be designated §§ 71.501 to 71.514, respectively, for the purposes of Subpart K of Title 42:

§ 6.1 *Regulations and supervision.* Sections 6.1 to 6.14,[1] inclusive, are prescribed by the Commissioner of Customs with the approval of the Secretary of the Treasury and the Surgeon General of the Public Health Service with the approval of the Secretary of Health, Education, and Welfare, within their respective authorities, under sections 161 and 251 of the Revised Statutes (5 U. S. C. 22, 19 U. S. C. 66); sections 7 (b) and (c), 9 (b), and 11 (b) and (c) of the Air Commerce Act of 1926, as amended (44 Stat. 572-574, 49 U. S. C. 177 (b), (c), 179 (b), 181 (b), (c)); Reorg. Plan No. 1, 3 CFR, Cum. Supp., Ch. IV, 53 Stat. 1424, 1425, sec. 102, Reorg. Plan No. 3 of 1946, 3 CFR, 1946 Supp., Ch. IV, 60 Stat. 1097; sections 431, 624, and 644 of the Tariff Act of 1930, as amended (46 Stat. 710, as amended, 759, 761, 52 Stat. 1089, 19 U. S. C. 1431, 1624, 1644); and sections 202, 215 and 361-369 of the Public Health Service Act, as amended (58 Stat. 683, 690, 703-706, 63 Stat. 835; 42 U. S. C. 202, 216, 264-272).

§ 6.2 *Scope and definitions.* For the purposes of the regulations contained in this part:

(a) Every paragraph and clause relates to customs, public health, entry, and clearance, except where it applies only to certain of these matters, which is shown by headnote or context.

(b) The regulations in this part shall not be applicable in the islands of Guam, Midway, American Samoa, Wake, and Kingman Reef, the Virgin Islands (except for Public Health purposes), and other insular possessions not specified herein.

(c) The term "United States" when used in a geographical sense means the territory comprising the several States, Territories, possessions, and the District of Columbia, including the territorial waters thereof and the overlying air space, but shall not include the Canal Zone.

(d) The term "area" shall mean any one of the following parts of the United States:

(1) The mainland,
(2) Alaska,
(3) Hawaii,
(4) Puerto Rico,
(5) The Virgin Islands (for Public Health purposes only).

(e) The term "aircraft" means civil aircraft, that is, any aircraft not used exclusively in the governmental service of the United States or a foreign country, and includes any government-owned aircraft engaged in carrying persons or property for commercial purposes.

(f) The term "aircraft commander" means the person serving on the aircraft having charge or command of its operation and navigation.

(g) The term "scheduled airline" means any individual, partnership, corporation, or association engaged in air transportation upon regular schedules to, over, or away from the United States, or from area to area, and holding a Foreign Air Carrier Permit or a Certificate of Public Convenience and Necessity issued pursuant to the Civil Aeronautics Act of 1938.

(h) The term "international airport" means any airport designated by the Secretary of the Treasury or the Commissioner of Customs as a port of entry for aircraft arriving in the United States from any place outside thereof and for the merchandise carried on such aircraft, by the Attorney General as a port of entry for aliens arriving on such aircraft, and by the Secretary of Health, Education, and Welfare as a place for quarantine inspection.

§ 6.3 *Landing requirements*—(a) *Place of landing.* Every aircraft coming into any area from any place outside thereof shall land in such area unless exempted from this requirement by the Administrator of the Civil Aeronautics Administration, Washington 25, D. C. The first landing shall be at an international airport unless permission to land elsewhere shall first be granted by the Commissioner of Customs, in cases of aircraft operated by scheduled airlines, and in all other cases by the collector or other customs officer in charge at the port of entry or customs station nearest the intended place of first landing. When the Commissioner of Customs grants permission to land elsewhere than at an international airport, he shall immediately notify the heads of the Public Health Service and of any other agency likely to be concerned with the landing, and, when a collector or other customs officer grants such permission, he shall immediately notify the principal local officer of each such agency. In cases where such permission is given, the owner, operator, or person in charge of the aircraft shall pay the additional expenses, if any, incurred in inspecting the aircraft, passengers, employees, and merchandise, including baggage, carried therein. When such permission is granted to a scheduled airline to land aircraft operating on a schedule, no inspection charge shall be made except for overtime service performed by customs officers.

(b) *Advance notice of arrival.* (1) Except as hereinafter provided for, no aircraft coming into any area from any place outside the United States or from the Virgin Islands (see § 6.2 (b)) may land in such area unless timely notice of the intended flight shall have been furnished previously, either by or at the request of the aircraft commander, to the collector or other customs officer in charge at or nearest the intended place of first landing in such area, who shall notify the immigration officer in charge at or nearest the intended place of first landing. Notice of the intended flight shall also be furnished to the quarantine officer in charge at or nearest the intended place of first landing in the case of aircraft coming into an area from any place outside the United States, and in the case of aircraft coming to a port under the control of the United States from another such port when conditions cause such aircraft to be subject to quarantine inspection under 42 CFR 71.46. Such advance notice will not be required in the case of aircraft of a scheduled airline arriving in accordance with the regular schedule filed with the collector of customs for the district in which the place of first landing in the area is situated. If dependable facilities for giving notice are not available before departure any radio equipment the plane possesses shall be utilized to give notice during its approach so far as feasible. If timely notice has not been given, or if the Government officers have not arrived, the aircraft commander on landing shall hold the aircraft and any merchandise, including baggage, thereon intact and keep the passengers and crew members in a segregated place until the inspection officers arrive. Except where the uncertainty of communication facilities is already known to the Government officers in charge, any aircraft commander for whose aircraft timely notice has not been given shall furnish a statement of the reasons for his failure to do so.

(2) Each notice of an intended flight shall specify the type of aircraft, the registration marks thereon, the name of the aircraft commander, the place of last departure, the international airport or other place at which landing has been authorized, number of alien passengers, number of citizen passengers, and the estimated time of arrival; and shall be sent so as to be received in sufficient time to enable the officers designated to inspect the aircraft to reach the international airport or such other place of first landing prior to the arrival of the aircraft.

(c) *Permission to discharge or depart.* No aircraft arriving in the United States from any place outside thereof, or in an area from another area carrying residue foreign cargo (see § 6.10) shall depart from the place of landing, or discharge any passengers or merchandise, including baggage, without receiving permis-

[1] These regulations entitled "Air Commerce Regulations" appear under two designations in the Code of Federal Regulations, i. e., 19 CFR 6.1–6.14 (Customs Duties) and 42 CFR 71.501–71.514 (Public Health).

sion from the customs officers in charge. For quarantine requirements see § 6.12.

(d) *Permit to proceed; foreign aircraft.* (1) Aircraft are subject to customs entry when brought in for repairs or when otherwise treated as imported articles. Before an aircraft which is not treated as an imported article, which is registered in a foreign country, and which arrives in the United States carrying passengers for hire or merchandise is ferried (proceeds in ballast) from the airport of first arrival to one or more airports in the United States, its commander shall obtain from the collector of customs at the airport of first arrival a permit on customs Form 4449 allowing the aircraft to proceed from airport to airport in the United States, which shall be retained on board such aircraft while in the United States. At each airport visited, the customs officer there, or, if there is none, the airport manager, shall make an endorsement on the back of such permit showing the name of the airport, date and time of arrival, date and time of departure, and purpose of the visit. The permit shall be surrendered to the collector of customs at the port of final clearance for a foreign destination, who shall satisfy himself prior to the issuance of clearance that the aircraft received proper customs treatment while in this country. The permit shall then be returned to the collector of customs at the port of issue.

(2) A copy of the permit shall be retained by the collector at the port where issued. If within 60 days after the issuance of such permit the said collector does not receive a report of the outward clearance of the aircraft covered thereby, the matter shall be reported to the supervising customs agent for investigation.

(3) Civil aircraft registered in the United States and arriving from a foreign country with passengers carried for hire or merchandise, after proper customs and quarantine treatment of all such passengers and merchandise, may be allowed to proceed upon their identity being established.

(e) *Monthly and annual requests for overtime services and licenses to unlade and lade.* A special license on customs Form 3851 running for any period up to 1 month and in multiples of months thereafter, but not to exceed 1 year nor longer than the period of the supporting bond, may be granted to a scheduled airline to unlade passengers or merchandise, including baggage, or to lade merchandise, including baggage, in the case of any or all of its planes at night or on a Sunday or holiday when customs supervision is required. The application for such a special license shall be on customs Form 3851 and shall be supplemented by a request on customs Form 3853 (modified) for overtime services of customs officers. Such request for overtime services must show the exact times when overtime services will be needed unless arrangements are made so that the proper customs officer will be notified during official hours in advance of the services requested as to the exact times that the services will be needed. The special license shall not be granted until the required bond on customs Form 3587, 7567, or 7569 shall have been filed.

(f) *Monthly and annual permits to unlade and lade.* The collector may also issue a permit running for any period up to 1 month and in multiples of months thereafter, but not to exceed 1 year, to unlade or lade during official hours any or all of the planes of a scheduled airline. Customs Form 3851 shall be used for such purpose.

(g) *Emergency or forced landing.* Should any aircraft coming into the United States from any place outside thereof, or into any area from any other area, make an emergency or forced landing in the United States, the aircraft commander shall not allow any merchandise, including baggage, to be removed from the landing place without permission of the customs and quarantine officers, nor allow any passenger or person employed thereon to depart from the landing place without permission of the quarantine officer, unless such removal or departure is necessary for purposes of safety, communication with health and customs authorities, or the preservation of life, health or property. As soon as practicable, the aircraft commander, or a member of the crew in charge, or the owner of the aircraft, shall communicate with the customs officer at the intended place of first landing or at the nearest international airport or other customs port of entry in that area and also with the nearest quarantine officer and make a full report of the circumstances of the flight and of the emergency or forced landing. Mail carried as such may be removed from such aircraft upon making an emergency or forced landing, but if so removed shall be delivered at once to a responsible officer or employee of the Postal Service.

§ 6.4 *Entry and clearance.* (a) Aircraft coming into any area from any place outside the United States or from the Virgin Islands (see § 6.2 (b)) shall be entered in such area if landing is made therein and if carrying passengers for hire or commercial cargo (see § 6.8). Aircraft proceeding from one area into another shall be entered in the latter area if landing is made therein and if carrying residue cargo. Aircraft not required to enter under this paragraph are subject to other customs or applicable quarantine requirements (see § 6.3).

(b) Entry shall be made by the aircraft commander, or by any other authorized agent of the owner or operator of the aircraft (hereinafter referred to as an authorized person),[2] at the international airport at which the first landing is made in the area. If, pursuant to § 6.3 (a), the first landing occurs at a place not an international airport, entry shall be made at the nearest international airport or customs port of entry, unless some other place is designated for that purpose by the Commissioner of Customs.

(c) Aircraft departing from any area for foreign territory, or to take aboard or discharge persons or merchandise anywhere outside the United States, or departing from any area for another area carrying merchandise destined to or through Puerto Rico or residue cargo shall be cleared (see § 6.9) in the area from which departing. Clearance is not required of aircraft not carrying passengers for hire or merchandise, but such aircraft are subject to certain requirements under the export and import licensing regulations of the Department of State relating to international traffic in arms.[2]

(d) The clearance shall be obtained by the aircraft commander or an authorized person at the customs port of entry (whether or not an international airport) at or nearest the place of last take-off from the area, unless some other place is designated for that purpose by the collector of customs.

(e) This section shall not apply to the entry of aircraft of scheduled airlines complying with the terms of § 6.5, nor to the clearance of such aircraft complying with the terms of § 6.6, nor to the clearance of any aircraft holding a permit issued by the Secretary of Commerce authorizing departure without clearance.

§ 6.5 *Entry of aircraft of scheduled airlines.* (a) Aircraft operated by scheduled airlines coming into any area from any place outside the United States or from the Virgin Islands (see § 6.2 (b)) shall be entered in the area of first landing.

(b) Aircraft operated by scheduled airlines coming from one area into another area shall be entered therein if carrying residue cargo (§ 6.10).

(c) Entry required by this section in an area shall be made at the place of landing provided for under § 6.3.

§ 6.6 *Clearance of aircraft of scheduled airlines.* (a) Aircraft operated by scheduled airlines departing for any place outside the United States may clear from the area of departure, but clearance shall be mandatory only during any period covered by a proclamation of the President that a state of war exists between foreign nations, or the aircraft is:

(1) Beginning a flight in that area; or

(2) Carrying from that area merchandise which must be listed in its general clearance declaration (§ 6.9).

(b) Aircraft operated by scheduled airlines departing from any area for another area shall clear in the area from which departing if carrying merchandise destined to or through Puerto Rico or residue foreign cargo.

(c) Clearance required by this section may be obtained by the aircraft commander or an authorized person at the customs port of entry (whether or not an international airport) at or nearest each place at which merchandise or passengers, or both, are taken aboard for discharge beyond the area. In such case the clearance shall be limited to the passengers and merchandise taken aboard at such place. Otherwise the clearance shall be obtained at the customs port of entry (whether or not an international airport) at or nearest the place of last take-off in the area unless some other place for clearance is designated by the collector of customs.

§ 6.7 *Documents.* (a) The forms described in §§ 6.8 and 6.9 shall be the primary documents required for entry and clearance of aircraft and the listing of passengers and merchandise carried thereon. The forms shall be approximately but not to exceed 8½ inches wide and 14 inches long and shall be on white bond paper that will not discolor or become brittle within 20 years. If these forms are dittoed or if the entries on them are to be dittoed, the paper must be substance 40, 17 x 22 inches, 1,000-sheet basis; if printed or typewritten, at least 25 percent rag, substance 26, 17 x 22 inches, 1,000-sheet basis. These forms and the entries thereon must be dittoed, typewritten, or printed in the English language, with ink or dye that will not fade or "feather" within 20 years. The forms to be used for the entry and clearance of the aircraft, passengers, crew members, and merchandise carried thereon, except the forms of air cargo manifest, shall be forms approved by the Commissioner of Customs and the Surgeon General. The form of air cargo manifest shall be approved by the Commissioner of Customs.

(b) The forms described in §§ 6.8 and 6.9, except the air passenger manifest, may be obtained from collectors of customs upon prepayment by the owner or operator of the aircraft. A small quantity of each of such forms shall be set aside by collectors of customs for free distribution and official use. The form of air passenger manifest may be obtained upon prepayment from the Superintendent of Documents, Government Printing Office, Washington 25, D. C. The forms of general declaration and air passenger manifest may be printed or dittoed by private parties, provided the forms so printed or dittoed conform to the officially manufactured forms currently in use, with respect to size, wording, arrangement, style, and size of type, and paper specifications.

§ 6.8 *Documents for entry.* (a) At the time any aircraft arriving from outside the United States or from the Virgin Islands (see § 6.2 (b)) lands in any area in which entry is required by § 6.4 or § 6.5, the aircraft commander or an authorized person shall deliver a general declaration on customs Form 7507 in accordance with this section. If an aircraft arrives in an area from another area, the documents specified in § 6.10 (c) shall be delivered.

(b) A general declaration shall contain or have attached thereto the following information:

(1) A crew manifest. This manifest is not required if the aircraft is not arriving from outside the United States or from the Virgin Islands (see § 6.2 (b)).

(2) A passenger manifest, which shall show the full name and address in the United States of each arriving passenger.

(3) A cargo manifest. The cargo manifest on the general declaration, properly executed and having airway bills or consignment notes attached, will be acceptable if it bears a notation such as "Express as per airway bills attached" and shows the airway bill or consignment note numbers, if any. If the airway bills or consignment notes are not attached to the general declaration or to the separate form of cargo manifest, the full information indicated in the cargo manifest on the general declaration shall be furnished. Customs Form 5119 may be used in lieu of the cargo manifest if the baggage or other merchandise consists of a single shipment and does not exceed $250 in value. No cargo manifest or stores list shall be required for merchandise, including baggage, arriving from a foreign country and departing for the same or another foreign country on the same through flight, although any such documents on board may be inspected if necessary. (For rule applicable to arrival in an area from another area, see § 6.9 (c).)

(4) In the case of aircraft arriving in the United States on a trip which started in contiguous foreign territory, the total number of pieces of accompanied checked baggage on board shall be shown on the air cargo manifest, unless the number of pieces of baggage belonging to each passenger and crew member appears opposite the name of the respective passenger or crew member on any passenger or crew manifest required under these regulations. In the case of aircraft arriving in the United States on a trip which started in noncontiguous foreign territory or the Virgin Islands (see § 6.2 (b)), the collector may require the pertinent baggage declaration number, or, in the absence of such declaration, the number of pieces of accompanied baggage belonging to each passenger and crew member, to be shown opposite the name of the respective passenger or crew member on the passenger and crew manifest, or, if passengers and crew manifest is not required, on a separate baggage list. At ports where this information is not required, a rubber-stamp endorsement reading "Baggage as per baggage declarations filed on entry" shall be made upon the passenger and crew manifest or the baggage list, as the case may be. The baggage list, if required, shall contain, in addition to the information mentioned above, information identifying the flight as specified in the heading of the form of air passenger manifest, and that form, appropriately modified, may be used for this purpose. Unaccompanied baggage arriving in the United States under a check number from any foreign country or the Virgin Islands (see § 6.2 (b)), by air mail be shown on the air cargo manifest under the following headings:

| *Check number* | *Description of package* | *Where from* | *Destination* |
|---|---|---|---|

On the right of the foregoing information, two blank columns, one headed "Name of examining officer" and on the right thereof another column headed "Disposition" shall be provided on the air cargo manifest for use of customs officers. Unaccompanied unchecked baggage arriving as air express or air freight shall be manifested as other air express or freight.

(5) A report showing:

(i) Details of any illness suspected of being of an infectious nature that has occurred aboard the aircraft during the flight;

(ii) Details of any other condition on board the aircraft during its flight which may lead to the spread of disease;

(iii) Details of each disinsecting or sanitary treatment (place, date, time, method) during the flight (if no disinsecting has been carried out during the flight give details of most recent disinsecting);

(iv) Any animals (including birds and insects), and cultures of bacteria, fungi, and viruses, and other infectious agents on board.

(6) Such other information and statements as are indicated on the general declaration form.

(c) The general declaration required by this section shall be filed in four copies with two copies of each attached passenger manifest and three copies of each attached cargo manifest. These documents shall be disposed of as follows:

(1) One copy of the general declaration and one copy of each attached passenger manifest shall be delivered by the aircraft commander or an authorized person to the quarantine officer immediately upon the arrival at the international airport or the place of first landing in the area.

NOTE: These copies are not required for flights originating in the Virgin Islands of the United States.

(2) Two copies of the general declaration, one copy of each attached passenger manifest, and two copies of each cargo manifest shall be delivered by the aircraft commander or an authorized person immediately to the customs officer in charge at the airport or other place of arrival. One copy of the general declaration and one copy of each cargo manifest shall be retained by the aircraft commander or authorized person and forwarded promptly by him to the comptroller of customs in whose district such airport or place is located.

(3) One copy of the general declaration and one copy of each attached cargo manifest delivered to the customs officer shall be forwarded by him to the comptroller of customs above mentioned with appropriate notations thereon showing the disposition of the merchandise covered thereby. One copy of the general declaration delivered to the customs officer shall be retained by him as a record of the entry of the aircraft.

(d) The provisions of section 466, Tariff Act of 1930 as amended (19 U. S. C. 257, 258), are applicable to any aircraft of United States registry engaged in trade and arriving in the United States, as defined in section 401 (k), Tariff Act of 1930, as amended (19 U. S. C. 1401

[2] Section 431, Tariff Act of 1930, as amended (19 U. S. C. 1431): "(b) Whenever a manifest of articles or persons on board an aircraft is required for customs purposes to be signed, or produced or delivered to a customs officer, the manifest may be signed, produced, or delivered by the pilot or person in charge of the aircraft, or by any other authorized agent of the owner or operator of the aircraft, subject to such regulations as the Secretary of the Treasury may prescribe. If any irregularity of omission or commission occurs in any way in respect of any such manifest, the owner or operator of the aircraft shall be liable for any fine or penalty prescribed by law in respect of such irregularity."

[2] Information regarding requirements relating to the licensing for export and import of articles defined as arms, ammunition, and implements of war may be obtained at any customhouse.

(k)), whether from a contiguous or noncontiguous foreign country, and a notation as to any equipment installed on, or repairs made to, any such aircraft in a foreign country shall be made in the aircraft journey log book, which shall set forth a general description of the equipment or repairs and a statement of any necessity therefor. The aircraft commander or an authorized person, on the first subsequent arrival of the aircraft in the United States, shall exhibit the journey log book to the customs officer at the place of arrival. In no case is the filing of customs Form 3417 required for any such aircraft. Except as specified hereafter in this paragraph, any such equipment purchased or repairs made shall be subject to entry and deposit of duty as prescribed by § 4.14 of this chapter, but the following may be added to the entry in lieu of the filing of customs Form 3415:

This entry contains a complete account of the equipment purchased for and the repairs made to the within-mentioned aircraft during the flight covered hereby, together with the cost of such equipment and the expenses of such repairs (including the cost of installation of equipment and the cost of repair parts and material used). Application is hereby made for the ascertainment of the amount of duty due under section 466, Tariff Act of 1930, as amended.

The filing of customs Form 3415 and entry and deposit of duty on such equipment or repairs shall not be required if (1) the aircraft belongs to a scheduled airline, or to an air carrier generally authorized to operate contract passenger or cargo flights and operating between the United States and foreign territory, (2) the aircraft commander or an authorized person executes and files with the entry of the aircraft a certificate in the form set forth below, and (3) the collector is satisfied from an inspection of the journey log book and such further investigation as he may deem necessary that the facts with respect to the installation of the equipment and making of repairs were as set forth in such certificate.

CERTIFICATE RESPECTING EQUIPMENT PURCHASED FOR OR REPAIRS MADE TO UNITED STATES AIRCRAFT WHILE IN A FOREIGN COUNTRY

District No. ------
Port of ----------
Date ----------

I, ----------, certify that the installation of equipment and making of repairs noted in the journey log book of aircraft No. ------, flight No. ------, now entering from ----------, exhibited herewith were necessary by reason of stress of weather or other casualty occurring since such aircraft last left the United States and were required to secure the safety and airworthiness of the aircraft in accordance with Civil Aeronautics Administration regulations to enable the aircraft to continue its flight; or that the equipment installed and materials used in making the repairs were of the growth, produce, or manufacture of the United States and the work incident to such installation or repairs was performed by the regular crew of the aircraft or by residents of the United States.

Title ----------

(e) The provisions of section 446, Tariff Act of 1930 (19 U. S. C. 1446), relating to supplies and stores retained on board, shall be applicable to aircraft arriving in the United States from any foreign port or place or from the Virgin Islands (see § 6.2 (b)).

(f) Crew baggage declarations required by § 10.22 (b) of this chapter shall be filed by the officers and members of the crew of aircraft arriving from contiguous or noncontiguous foreign territory or from the Virgin Islands (see § 6.2 (b)).

§ 6.9 *Documents for clearance.* (a) At the time of the departure of any aircraft from any area from which clearance is required by § 6.4 or § 6.6, the aircraft commander or an authorized person shall deliver to the customs officer in charge shipper's export declarations on Commerce Form 7525–V for all cargo on the aircraft (also for the aircraft itself if it is being exported from the United States for foreign account), and a general declaration in accordance with this section. The foregoing documents may be filed pro forma if the aircraft is departing from the United States and prior to departure a proper bond is given, in which case the completed documents are to be delivered pursuant to the bond not later than the fourth day after departure: *Provided*, That, during any period covered by a proclamation of the President that a state of war exists between foreign nations, no aircraft shall be cleared for a foreign destination until the shipper's export declarations have been filed with the customs officer in charge.[4]

(b) The general declaration shall be on the same form as is required by § 6.8. Any cargo manifest delivered with the general declaration shall also be on the same forms as are required by § 6.8.

(c) When the aircraft is departing from the United States, the general declaration required by this section shall be prepared in duplicate, with a single copy of each cargo manifest. One copy of the general declaration and each air cargo manifest shall be delivered by the aircraft commander or an authorized person to the customs officer in charge to be retained by him as a record of outward clearance.

(d) One copy of the general declaration for departure from the United States shall constitute a clearance certificate when endorsed by the customs officer in charge to show that clearance is granted.

(e) One extra copy of the general declaration and one copy of the air cargo manifest shall be prepared if the aircraft is carrying merchandise other than residue cargo between the mainland and Puerto Rico. Such declaration and manifest shall be delivered to the customs officer in the area from which the aircraft is departing and shall be retained by him. If the aircraft is carrying residue cargo, a copy of the general declaration retained on board at the time of departure must have the endorsement of the customs officer in the area from which the aircraft is departing that permit to proceed is granted. (For residue cargo see § 6.10.)

[4] For export of aircraft, see 22 CFR Part 75.

§ 6.10 *Residue cargo; customs.* (a) Tariff Act of 1930, section 442 (19 U. S. C. 1442):

• • • Any vessel arriving from a foreign port or place having on board merchandise shown by the manifest to be destined to a port or ports in the United States other than the port of entry at which such vessel first arrived and made entry may proceed with such merchandise from port to port or from district to district for the unlading thereof.

(b) Tariff Act of 1930, section 443 (19 U. S. C. 1443):

Merchandise arriving in any vessel for delivery in different districts or ports of entry shall be described in the manifest in the order of the districts or ports at or in which the same is to be unladen. Before any vessel arriving in the United States with any such merchandise shall depart from the port of first arrival, the master shall obtain from the collector a permit therefor with a certified copy of the vessel's manifest showing the quantities and particulars of the merchandise entered at such port of entry and of that remaining on board.

(c) Tariff Act of 1930, section 444 (19 U. S. C. 1444):

Within twenty-four hours after the arrival of such vessel at another port of entry, the master shall report the arrival of his vessel to the collector at such port and shall produce the permit issued by the collector at the port of first arrival, together with a certified copy of his manifest.

(d) Aircraft arriving in the United States with cargo on board shown by the manifest to be destined to other ports in the same or in some other areas of the United States or outside the United States may be permitted to proceed with such cargo from port to port in the United States or to a foreign country for the unlading thereof under the procedure prescribed in paragraph (c) of this section, upon the giving of a bond on customs Form 7567 or 7569. When an aircraft arriving from outside the United States has on board no cargo and immediate clearance is requested, it may be permitted to proceed if a bond on customs Form 7567 or 7569 is on file covering such aircraft.

(e) When applying for clearance from the airport or place of first entry in the United States, the aircraft commander or an authorized person shall present to the collector (1) two copies[5] of a general declaration and two copies of each manifest[6] forming a part thereof (referred to hereinafter as abstract general declarations and manifests), covering all foreign, residue cargo, or passengers, not yet cleared by customs or other interested governmental agency and manifested or destined for discharge at other domestic or foreign airports and of all crew members, and (2) one certified copy of the original complete general declaration which was filed upon the arrival of the aircraft at such airport or place, and of the manifests forming a part thereof[7] required on entry of aircraft from noncontiguous foreign territory (referred to hereinafter as the traveling general declaration and manifest). If clearance is in order, a Permit to Proceed from One Airport to Another, which may be stamped, mimeographed, or printed on one of the abstract general declarations or on a separate sheet of paper attached thereto, shall be dated and signed by the appropriate customs officer at the airport of clearance. The documents presented by the aircraft commander or authorized person when applying for clearance shall be delivered to the aircraft commander, together with the permit to proceed, for deposit at the next international airport. The permit to proceed and a related declaration of the aircraft commander or an authorized person, to be executed on entry at a following airport, shall be substantially as follows:

[5] Other copies of abstract manifests may be required by other interested governmental agencies.

[6] Includes air bills or consignment notes used as manifests.

PERMIT TO PROCEED FROM ONE AIRPORT TO ANOTHER

Airport of Departure --------
Date ----------
Permission is hereby given aircraft -------
to proceed to ----------
(Next international airport)

The aircraft, which has arrived from and is destined to the places shown in the general declaration, is proceeding to such places of destination to discharge residue cargo, passengers, or crew members and their purchases, as listed in the attached manifests. Bond was given at the initial international airport for the cargo retained on board. Items of cargo manifested for delivery at this airport appear to have been landed.

No. of crew members not cleared by Public Health for: Quarantine ----------; medical examination of aliens ----------.
No. of passengers not cleared by Public Health for: Quarantine ----------; medical examination of aliens ----------.
No. of crew members not cleared by customs ----------.
No. of passengers not cleared by customs ----------.
No. of pieces of cargo not cleared ----------

Customs officer (title)

DECLARATION ON ENTRY OF AIRCRAFT AT FOLLOWING AIRPORT

Airport of arrival --------
Date ----------

I, ----------, commander or authorized representative of the aircraft identified in this document, declare and guarantee that there were not, when such aircraft departed from the airport of ----------, nor have been since nor now are, any more or other goods, wares, or merchandise on board than are stated in the manifests attached hereto.

Title ----------

(f) Upon arrival of the aircraft at the next airport, the aircraft commander or an authorized person shall make entry by presenting the abstract general declarations and manifests and the traveling general declaration and manifest, together with the permit to proceed, to the customs officer after the declaration at the bottom of the permit to proceed has been properly executed. The declarations and entries of crew members (customs Form 5123) who leave the aircraft at that airport with their purchases shall be detached from the traveling manifest and retained at that port. Upon departure from the second airport of arrival with foreign residue cargo, passengers, or crew members and their purchases not yet cleared by customs or other interested governmental agency, the procedure shall be the same as at the airport of first arrival, except that no new traveling general declaration and manifest shall be prepared, but the traveling general declaration and manifest as certified at the first international airport shall be delivered to the aircraft commander for deposit at the next airport of entry.

[7] If crew purchases are not listed on abstract manifests but references are made thereon to the declarations and entries of crew members (customs Form 5123) on which the articles are listed, the declaration and entries of the crew members who have not yet left the aircraft with their purchases shall be attached to the traveling manifest.

(g) The same procedure as above set forth shall be followed at any following airport to which the aircraft may proceed with foreign residue cargo, passengers, or crew members and their purchases not yet cleared by customs or other interested governmental agency. The traveling general declaration and manifest shall be retained by the collector of customs at the last domestic port of discharge.

(h) The provisions of this section shall be applicable to aircraft arriving in the United States from either contiguous or noncontiguous foreign territory or from the Virgin Islands (see § 6.2 (b)). Except as specified in this section, the customs requirements applicable to residue vessel cargo (see § 4.85 of this chapter) shall apply to residue aircraft cargo.

§ 6.11 *General provisions; customs.* Except as otherwise provided for in the regulations in this part, aircraft arriving from contiguous foreign territory and the persons and merchandise, including baggage, carried thereon shall be subject to the customs laws and regulations applicable to vehicles arriving from contiguous foreign territory; and aircraft and the passengers and merchandise, including baggage, carried thereon, arriving from any other place, shall be subject to the customs laws and regulations applicable to vessels so arriving, insofar as such laws and regulations are applicable to aircraft.

§ 6.12 *Public health requirements—*(a) *Release by Public Health Service.* When an aircraft subject to quarantine inspection in accordance with 42 CFR Part 71, arrives at an international airport or other place of first landing, the aircraft commander shall be responsible for the detention of the aircraft, its crew and passengers until they are released by the quarantine officer at the international airport or other place of first landing. Any baggage, cargo, or other contents on board such aircraft shall be held at such airport or place until released by the quarantine officer. (For procedure in case of emergency or forced landing, see § 6.3 (g).)

(b) *Restrictions on boarding aircraft and contacting personnel.* Except with the permission of the quarantine officer, no person other than the quarantine officer and quarantine employees shall be permitted to board any aircraft subject to quarantine inspection or to have contact with the crew or passengers of such aircraft until quarantine inspection of the aircraft, crew, and passengers has been completed. The same restrictions as those imposed on the crew and passengers shall be imposed on a person boarding such aircraft or having contact with a passenger or member of the crew when the quarantine officer considers such contact a possible means of spreading a quarantinable disease.

(c) *Pratique; remands.* When all necessary quarantine and sanitary measures have been applied to the aircraft and persons and things on board, pursuant to these regulations (42 CFR Part 71), the quarantine officer shall issue a certificate of free pratique, which may be stamped on a copy or copies of the general declaration for presentation to the customs officer in charge, including the traveling general declaration. Pending compliance with quarantine requirements the quarantine officer may issue a certificate of provisional pratique for the aircraft, stating the measures to be carried out. When quarantine measures cannot be completed at the place of first landing, the medical officer in charge may remand the aircraft under provisional pratique to the next airport for such additional measures as may be necessary. Aircraft arriving under provisional pratique at succeeding airports may, when quarantine measures cannot be completed there, be directed to proceed under provisional pratique to the next succeeding airport for completion of quarantine measures.

(d) *Special sanitary treatment.* Any aircraft arriving from any foreign port or place which the quarantine officer declares to be of such menace that it cannot be adequately or safely handled at the airport of first or intended landing shall be required to proceed with all passengers and persons employed on board and all mail, baggage, cargo, or other contents on board, as may be designated by such officer, to an airport indicated by such officer to have adequate facilities for such treatment as shall be prescribed by him.

(e) *Disinsectization of aircraft.*[8] An aircraft bound for any port in the United States from any port in a region designated as a yellow fever area by the Surgeon General of the Public Health Service for the purposes of this regulation or from any other region where yellow fever may have appeared shall be disinsectized in all compartments not later than thirty minutes prior to landing. The insecticide used and method of disinsectization shall be those prescribed by the Surgeon General of the Public Health Service. When on arrival of an aircraft from any yellow fever region the quarantine officer, after inspection, determines that the aircraft has not

[8] At airports where the hazard of introducing disease carrying insects exists, it is the policy of the United States Public Health Service to conduct "entomological surveillance" of the airport area. This surveillance consists of periodic entomological surveys carried on by entomologists or trained representatives for the purpose of the early detection and prompt eradication of any insect which may unknowingly have been introduced by aircraft.

been adequately disinsectized, the aircraft shall be kept tightly closed and disinsectization completed before discharge of passengers, crew, mail, baggage, cargo, or other material. No person other than quarantine officials shall be allowed on board until disinsectization is completed. Additional requirements for disinsectization of aircraft flying to or from certain regions may be prescribed by the Surgeon General of the Public Health Service, when necessary to prevent the importation or spread of insect vectors of disease.

(f) *Insecticide and method of disinsectization.* The following insecticides and disinsectization method are prescribed pursuant to paragraph (e) of this section:

(1) The insecticide shall be either Insecticidal Aerosol G–382, the formula of which is given below, or an insecticide found by the Surgeon General of the Public Health Service, upon application by an interested person, to be substantially as effective as Insecticidal Aerosol G–382:

FORMULA FOR INSECTICIDAL AEROSOL G–382

| | Percent by weight |
|---|---|
| Pyrethrum extract, purified (20 percent pyrethrins) | 5 |
| DDT (aerosol grade) | 3 |
| Cyclohexanone | 5 |
| Lubricating oil (SAE 30) | 2 |
| Freon "12" | 85 |

(2) The method of disinsectization shall be as follows:

(i) The insecticide shall be dispensed in the amount of not less than 5 grams for each 1,000 cubic feet of enclosed space in the aircraft, and shall be released or sprayed throughout all accessible compartments.

(ii) Disinsectization may be accomplished either while the aircraft is in flight or while on the ground prior to take-off, but in no case shall disinsectization be accomplished later than 30 minutes prior to the first landing at a United States port.

(iii) The ventilation system shall be stopped and all openings to the exterior kept closed while the insecticide is being released or sprayed, and for a period of not less than 3 minutes thereafter. If disinsectization is accomplished on the ground prior to take-off, the ventilation system may be opened at the end of such period, provided that the system is equipped with filters or other means for preventing the entrance of insects into the aircraft, but doors, windows, or other such openings to the exterior shall be kept closed until after the take-off, except in the case of emergency, or to permit persons applying the insecticide to debark.

(g) *General provisions.* The regulations appearing in 42 CFR Part 71 are applicable to aircraft and to passengers, merchandise, and baggage carried thereon, in the absence of express provision to the contrary (see authority cited in § 6.1).

§ 6.13 *Penalties.* (a) Any person violating any customs requirement prescribed in this part or any provision of the customs laws or regulations made applicable to aircraft by § 6.11 shall be subject to a civil penalty of $500, and any aircraft used in connection with any such violation shall be subject to seizure and forfeiture, as provided for in the customs laws. Such penalty and forfeiture may be remitted or mitigated in accordance with the provisions of §§ 23.23 to 23.25 of this chapter.

(b) Any person violating any public health regulation relating to aircraft or any provision of the public health laws or regulations made applicable to aircraft by § 6.12 shall be subject to punishment by fine or imprisonment as provided for in section 368 (a) of the Public Health Service Act (42 U. S. C. 271 (a)). Any aircraft which violates any public health regulation relating to aircraft or any provision of the public health laws or regulations made applicable to aircraft by § 6.12 shall be subject to forfeiture as provided for in section 368 (b) of the Public Health Service Act (42 U. S. C. 271 (b)). Such forfeiture may be remitted or mitigated by the Surgeon General with the approval of the Secretary of Health, Education, and Welfare.

(c) Liability to penalties with respect to any one of the sets of laws, that is, the customs laws, the public health laws, and the entry and clearance laws, under which the regulations in this part are prescribed, shall be separate from such liability with respect to any other set of such laws.

§ 6.14 *International airports; regulations.* (a) International airports will be designated after due investigation to establish the fact that a sufficient need exists in any particular district or area to justify such designation and to determine the airport best suited for such purpose.

(b) A specific airport will be designated in each case, rather than a general area or district which may include several airports.

(c) The designation as an international airport may be withdrawn if it is found that the volume of business clearing through the port does not justify maintenance of inspection equipment and personnel, if proper facilities are not provided and maintained by the airport, if the rules and regulations of the Federal Government are not complied with, or if it be found that some other location would be more advantageous.

(d) International airports shall be municipal airports, unless particular conditions which prevail warrant a departure from this requirement.

(e) Each international airport shall provide without cost to the Government suitable office and other space for the exclusive use of Federal officials connected with the port. A suitable surfaced loading area shall be provided by each airport at a convenient location with respect to such office space. Such loading area shall be reserved for the use of aircraft entering or clearing through the airport.

(f) International airports shall be open to all aircraft for entry and clearance purposes and no charge shall be made for the use of said airports for such purposes. However, in any case where an international airport authorizes any such aircraft to use such airport for the taking on or discharging of passengers or cargo, or as a base for other commercial operations or for private operations, this paragraph shall not be interpreted to mean that charges may not be made for such commercial or private use of such airport.

(g) All aircraft entering or clearing through an international airport shall receive the required servicing by airport personnel promptly and in the order of arrival or preparation for departure without discrimination. The charges made for such servicing shall in no case exceed the schedule of charges prevailing at the airport in question. A copy of said schedule of charges shall be posted in a conspicuous place at the office space provided for the use of Federal officials connected with the port.

(h) International airports shall adopt and enforce observance of such requirements for the operation of airports, including airport rules, as may be prescribed or recommended by the Civil Aeronautics Administration.

(i) Requirements in addition to all the foregoing may be imposed at a particular airport as the needs of the district or area to be served by the airport may demand.

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*
DAVID E. PRICE,
*Acting Surgeon General,*
*U. S. Public Health Service.*

Approved: October 15, 1953.

H. CHAPMAN ROSE,
*Acting Secretary of the Treasury.*

O. C. HOBBY,
*Secretary of Health, Education, and Welfare.*

DECEMBER 10, 1953.

[F. R. Doc. 53–10846; Filed, Dec. 30, 1953; 8:48 a. m.]

## TITLE 25—INDIANS

### Chapter I—Bureau of Indian Affairs, Department of the Interior

**Subchapter T—Patents in Fee, Competency Certificates, Sales and Reinvestment of Proceeds**

PART 241—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, SALE OF CERTAIN INDIAN LANDS, AND REINVESTMENT OF PROCEEDS

APPROVAL OF MORTGAGES AND DEEDS OF TRUST

Section 241.52, under the subheading "Mortgages and Deeds of Trust to Secure Loans to Indians", is amended to read as follows:

§ 241.52 *Approval of mortgages and deeds of trust.* The Commissioner of Indian Affairs or his authorized representative may approve mortgages or deeds of trust on any individually owned trust or restricted land whenever such lands under any law or treaty may be sold with the approval of the Secretary of the Interior or his duly authorized representative. The approval of such a mortgage or deed of trust terminates the trust or restricted status of the land only with respect to such mortgage or deed of trust and only for the purpose of permitting foreclosure or sale pursuant to the terms of the mortgage or deed of trust in accordance with the laws of the State or Territory in which the land is situated.

(R. S. 161; 5 U. S. C. 22)

RALPH A. TUDOR,
*Acting Secretary of the Interior.*

DECEMBER 24, 1953.

[F. R. Doc. 53–10841; Filed, Dec. 30, 1953; 8:47 a. m.]



**Appendix—Extension of the Trust or Restricted Status of Certain Indian Lands**

EXTENSION OF TRUST PERIODS ON INDIAN LANDS EXPIRING DURING THE CALENDAR YEAR 1954

By virtue of and pursuant to the authority delegated by Executive Order No. 10250 of June 5, 1951, and pursuant to section 5 of the act of February 8, 1887, 24 Stat. 388, 389, the act of June 21, 1906, 34 Stat. 325, 326, and the act of March 2, 1917, 39 Stat. 969, 976, and other applicable provisions of law, it is hereby ordered that the periods of trust or other restrictions against alienation contained in any patent applying to Indian lands, whether of a tribal or individual status, which, unless extended, will expire during the calendar year 1954, be, and the same are hereby, extended for a further period of one year from the date on which any such trust or restrictions would otherwise expire.

This order is not intended to apply to any case in which Congress has specifically reserved to itself authority to extend the period of trust on tribal or individual Indian lands.

RALPH A. TUDOR,
*Acting Secretary of the Interior.*

DECEMBER 28, 1953.

[F. R. Doc. 53–10862; Filed, Dec. 30, 1953; 8:51 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter XIV—The Renegotiation Board

**Subchapter B—Renegotiation Board Regulations Under the 1951 Act**

PART 1459—COSTS ALLOCABLE TO AND ALLOWABLE AGAINST RENEGOTIABLE BUSINESS

PART 1498—FORMS RELATING TO AGREEMENTS AND ORDERS

MISCELLANEOUS AMENDMENTS

1. Section 1459.10 *Costs incident to discontinuance of a renegotiable operation* is amended by deleting the words "paragraph (f) of this section" from paragraph (c) and inserting in lieu thereof the words "paragraph (d) (3)".

2. Section 1498.2 *Variations in form of renegotiation agreement* is amended by deleting the words "§ 1457.5 (b) (4) of this subchapter" from paragraph (g) and inserting in lieu thereof the words "§ 1457.5 (d) (4) of this subchapter".

Dated: December 29, 1953.

(Sec. 3, 62 Stat. 259; 50 U. S. C. App. 1193)

NATHAN BASS,
*Secretary.*

[F. R. Doc. 53–10873; Filed, Dec. 30, 1953; 8:52 a. m.]

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter XXI—Defense Rental Areas Division, Office of Defense Mobilization

[Rent Regulation 1, Amdt. 169 to Schedule A]

[Rent Regulation 2, Amdt. 167 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

Effective December 31, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that the item of Schedule A indicated below reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 28th day of December 1953.

GLENWOOD J. SHERRARD,
*Director,*
*Defense Rental Areas Division.*

(292b) [Revoked and decontrolled.]

All other items of this schedule not previously revoked and decontrolled. [Revoked and decontrolled.]

These amendments decontrol the Oak Ridge (Tennessee) Defense-Rental Area and any and all other items of Schedule A which have not previously been revoked and decontrolled, on the initiative of the Director, Defense Rental Areas Division, Office of Defense Mobilization, under section 204 (c) of the act.

[F. R. Doc. 53–10844; Filed, Dec. 30, 1953; 8:48 a. m.]

[Rent Regulation 3, Amdt. 159 to Schedule A]

[Rent Regulation 4, Amdt. 103 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

Effective December 31, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that the item of Schedule A indicated below reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 28th day of December 1953.

GLENWOOD J. SHERRARD,
*Director,*
*Defense Rental Areas Division.*

(292b) [Revoked and decontrolled.]

All other items of this schedule not previously revoked and decontrolled. [Revoked and decontrolled.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of the Treasury

[CGFR 53–61]

PART 135—LIGHTS FOR COAST GUARD VESSELS OF SPECIAL CONSTRUCTION

EXEMPTIONS OF STATUTORY REQUIREMENTS FOR COAST GUARD VESSELS

Certain Coast Guard vessels of special construction cannot comply with certain applicable statutory requirements relating to the lights required to be displayed by public and private vessels when navigating on the high seas or navigable waters of the United States, its territories or possessions, without seriously affecting the military characteristics and functions of the vessels concerned. It is hereby found that the Coast Guard vessels of special construction, listed in 33 CFR 135.25 (i) below, cannot comply with the provisions of Rule 2 (a) (iii), International Rules, regarding horizontal separation of range lights and are, therefore, exempted. 33 CFR 135.25 (i) describes the horizontal separation of range lights which will be carried by the Coast Guard vessels, and it is hereby found and certified that this requirement conforms as closely as feasible to applicable statutory requirements.

It is hereby found that the Coast Guard vessels of special construction, listed in 33 CFR 135.30 below, cannot comply with the requirement in Rule 2 (a) (iii), International Rules, regarding the height of the forward masthead light and are, therefore, exempted. It is hereby found and certified that the requirements in 33 CFR 135.30 (d), regarding the height the forward masthead light will be carried by the Coast Guard vessels described conform as closely as feasible to the applicable statutory requirements.

The new rule designated 33 CFR 135.35 sets forth a finding, certification, and requirement regarding the height and arc of visibility of the after anchor light for the U. S. C. G. C. Courier (WAGR–410).

The new rule designated 33 CFR 135.40 sets forth a finding, certification, and requirement regarding vertical separation of range lights for the U. S. C. G. C. Barataria (WAVP–381), U. S. C. G. C. Castle Rock (WAVP–383), and U. S. C. G. C. Yakutat (WAVP–380).

Except as otherwise provided, the Coast Guard vessels described in this document are in full compliance with the other provisions of the applicable International Rules or Inland Rules governing the areas where the vessels are being operated.

This is the second document describing exemptions of statutory requirements for Coast Guard vessels. The first document (CGFR 53–50), dated November 25, 1953, was published in the FEDERAL REGISTER dated December 1, 1953 (18 F. R. 7641, 7642).

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 167–6, dated November 17, 1953 (18 F. R. 7571), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments to the regulations are prescribed and shall become effective on and after January 1, 1954:

1. Section 135.25 is amended by adding a new paragraph (i), reading as follows:

§ 135.25 *International Rules; horizontal separation of range lights.* * * *

(i) The following Patrol Craft shall carry the forward masthead light and after range light with a horizontal separation of 18 feet:

U. S. C. G. C. Ariadne (WPC–101).
U. S. C. G. C. Aurora (WPC–103).
U. S. C. G. C. Dione (WPC–107).
U. S. C. G. C. Nemesis (WPC–111).
U. S. C. G. C. Nike (WPC–112).
U. S. C. G. C. Pandora (WPC–113).
U. S. C. G. C. Perseus (WPC–114).
U. S. C. G. C. Triton (WPC–116).

2. Section 135.30 is amended by adding a new paragraph (d), reading as follows:

§ 135.30 *International Rules; height of forward masthead light.* * * *

(d) The following Patrol Craft have a breadth of 25 feet and shall carry the forward masthead light at a height of 16 feet above the hull:

U. S. C. G. C Ariadne (WPC–101).
U. S. C. G. C. Aurora (WPC–103).
U. S. C. G. C. Dione (WPC–107).
U. S. C. G. C. Nemesis (WPC–111).
U. S. C. G. C. Nike (WPC–112).
U. S. C. G. C. Pandora (WPC–113).
U. S. C. G. C. Perseus (WPC–114).
U. S. C. G. C. Triton (WPC–116).

3. Part 135 is amended by adding a new § 135.35, reading as follows:

§ 135.35 *International Rules and Inland Rules; height and arc of visibility of after anchor light.* (a) Rule 11 (b), International Rules, and Article 11, Inland Rules, require that the anchor light at the stern shall be not less than 15 feet lower than the forward anchor light, and also require that this light shall be visible all around the horizon (33 U. S. C. 1451 (b), 180). Because of special construction the Coast Guard vessel named in this section cannot comply with these requirements and is, therefore, exempted.

(b) The following Auxiliary vessel shall carry the after anchor light at a height of 10 feet below the forward anchor light and the arc of visibility of the after anchor light shall be an arc of approximately 240 degrees, that is, from right aft to 120 degrees to port and 120 degrees to starboard:

U. S. C. G. C. Courier (WAGR–410).

4. Part 135 is amended by adding a new § 135.40, reading as follows:

§ 135.40 *International Rules and Inland Rules; vertical separation of range lights.* (a) Rule 2 (a) (iii), International Rules, and Article 2 (a), (e), Inland Rules, require that the vertical separation between the forward masthead light and the after range light shall be at least 15 feet (33 U. S. C. 145 (a) (iii), 172 (a), (e)). Because of special construction the Coast Guard vessels named in this section cannot comply with this requirement and are therefore exempted.

(b) The vertical separation between the forward masthead light and after range light for the U. S. C. G. C. Barataria (WAVP–381) is 7 feet 6 inches.

(c) The vertical separation between the forward masthead light and the after range light for the U. S. C. G. C. Castle Rock (WAVP–383) is 9 feet 6 inches.

(d) The vertical separation between the forward masthead light and after range light for the U. S. C. G. C. Yakutat (WAVP–380) is 11 feet 9 inches.

(Sec. 1, 59 Stat. 590, sec. 2, 65 Stat. 407; 33 U. S. C. 360, 143a. Interpret or apply sec. 6, Rule 13 (b), 65 Stat. 416, sec. 4, 62 Stat. 250; 33 U. S. C. 145k, 356)

Dated: December 23, 1953.

[SEAL] MERLIN O'NEILL,
*Vice Admiral, U. S. Coast Guard, Commandant.*

[F. R. Doc. 53–10833; Filed, Dec. 30, 1953; 8:45 a. m.]

## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

In Part 127 International Postal Service: Postage Rates, Service Available and Instructions for Mailing (39 CFR Part 127) make the following changes:

a. In § 127.1 *Postage rates (surface only), limits of weight, and dimensions* make the following changes:

1. Amend Table No. 2 by inserting between "Printed matter" and "Raised print for the blind" the following:

| | | | |
|---|---|---|---|
| Books... | 8 cents per pound. (Not applicable to Canada, Spain and Spanish possessions.) | 22 pounds. | Same as letters. |

2. Add the following to footnote 3 in Table No. 2:

Second-class matter mailed by publishers and registered news agents to the other countries to which Table No. 2 applies is subject to the pound rates prescribed in § 34.40 of this chapter, increased by 33⅓ percent of the total postage. The eighth zone rate shall apply to the advertising portions of publications subject to the zone rates.

b. In § 127.6 *Printed matter* amend the sentence immediately after the caption to read as follows: "Including second-class matter, except when mailed by publishers or registered news agents to certain countries, as shown in footnote 3 under Table No. 2, § 127.1."

c. Section 127.7 *Books* is amended to read as follows:

§ 127.7 *Books.* (Must not be sealed; must be endorsed "Books".)

NOTE: This section applies only to books which do not contain any publicity or advertising other than that appearing on the flyleaves addressed for delivery in Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras (Republic of), Mexico, Nicaragua, Panama, Paraguay, Peru, Philippines, Salvador (El), Uruguay, or Venezuela.

(a) *Postage rates.* Surface rate, 8 cents each pound or fraction. (For air mail rates, see individual country items.)

(b) *Limit of weight and maximum dimensions.* Same as for printed matter in general, as shown in Table No. 2, § 127.1.

(c) *Publications to which reduced rate applies.* Among the publications to which the reduced book rate applies, are the following:

Books permanently bound by stitching or stapling, or by means of spiral or plastic binding, when covered with paper, cloth, leather, or other substantial material.

Books enclosed in the usual paper jackets bearing advertisements of other books.

Music books in regular bound form.

Books consisting largely of pictures, illustrations, maps, such as a view book or atlas.

Bibles with customary incidental space for family record.

(d) *Publications to which the reduced rate does not apply.* The reduced book rate does not apply to the following:

Annual reports of organizations and institutions; also reports or minutes of their conventions or other meetings published primarily for the benefit of members.

Books containing write-ups, boosts or other advertisements, of other things than books, as, for instance, playing cards, merchandise, services, etc.

Books in any other than final or permanent form, including those of the loose-leaf binder type which are not complete or permanent when mailed but to which other pages are subsequently to be added.

Reports of corporations sent to stockholders.

House organs, including publications designed to promote the commercial interests of a firm or organization.

Telephone and other directories, including trade directories.

Publications entered as second-class matter.

Publications consisting of pictures to be colored or cut out.

Publications other than textbooks, having blank spaces for written entries, records or other hand work, such as almanacs, diaries, memorandum books and similar publications.

Periodical publications.

Sheet music.

Freight and passenger tariffs.

(e) *Permissible enclosures.* The following are permissible enclosures with books mailed at the reduced rate: A card, envelope or wrapper bearing the address of the sender, a single order form, and a single sheet not larger than approximately the size of a page, relating exclusively to the book with which enclosed. An invoice showing the price, etc., of the book may also be enclosed.

(f) *Endorsement.* Packages mailed at the book rate must be endorsed by the mailers "Book" or "Books".

d. In § 127.209 *Australia (States of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia; also Lord Howe Island, Thursday Island, and Norfolk Island)* add the following undesignated paragraph to subdivision (iii) of paragraph (b) (6):

Uncooked pork, including ham and bacon, and all uncooked pork products. For other meats, see subparagraph (7) of this paragraph.

e. In § 127.227 *Canada (including Newfoundland and Labrador)* amend subdivision (iv) of paragraph (b) (6) to read as follows:

(iv) Uncooked pork, including ham and bacon, and all uncooked pork products, unless accompanied by an inspection certificate issued by the U. S. Agriculture Department to the effect that the meat or product has been treated by heat of at least 156° F.

f. In § 127.249 *Finland* amend the table in subdivision (i) of paragraph (b) (4) to read as follows:

| Limit of indemnity: | Fee, cents |
|---|---|
| Not over $10 | 20 |
| From $10.01 to $25 | 25 |
| From $25.01 to $50 | 35 |
| From $50.01 to $100 | 55 |
| From $100.01 to $200 | 60 |
| From $200.01 to $300 | 65 |
| From $300.01 to $330 | 70 |

The foregoing amendment shall become effective January 1, 1954.

g. In § 127.283 *Jamaica (including Cayman Islands)* amend subdivision (ii) of paragraph (b) (5) by adding the following clause:

(d) Uncooked pork, including ham and bacon, and all uncooked pork products.

h. In § 127.367 *Trinidad and Tobago* make the following changes in subdivision (i) of paragraph (b) (5):

1. Change the caption to read: "(i) *For the protection of animals or plants.*"

2. In the text, insert the following as the first sentence: "Uncooked pork, including ham and bacon, and all uncooked pork products."

i. In § 127.377 *Venezuela* make the following changes in subdivision (ii) of paragraph (b) (7):

1. Change the caption to read: "(ii) *For the protection of animals and plants.*"

2. Insert the following immediately after the caption: "Uncooked pork, including ham and bacon, and all uncooked pork products, unless accompanied by an inspection certificate issued by the U. S. Agriculture Department to the effect that the meat or products has been treated by heat of at least 156° F."

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] LOUIS J. DOYLE,
*Acting Solicitor.*

[F. R. Doc. 53–10848; Filed, Dec. 30, 1953; 8:49 a. m.]





## TITLE 42—PUBLIC HEALTH

### Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 71—FOREIGN QUARANTINE

MISCELLANEOUS AMENDMENTS

CROSS REFERENCE: For amendments to §§ 71.501 to 71.516, see Title 19, Chapter I, Part 6, *supra*.

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 933]

NEW MEXICO

MODIFYING EXECUTIVE ORDER NO. 5370, IN ITS ENTIRETY AND EXECUTIVE ORDER NO. 3984 IN PART TO PERMIT ISSUANCE OF OIL AND GAS LEASES

By virtue of the authority contained in the act of June 25, 1910 (36 Stat. 847, 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F. R. 4831), it is ordered as follows:

Executive Order No. 3984 of April 2, 1924, withdrawing certain public lands in aid of classification and pending determination as to the advisability of reserving the same for national park or monument purposes and Executive Order No. 5370 of June 17, 1930, withdrawing certain public lands for classification are hereby modified to permit the issuance of oil and gas leases pursuant to the oil and gas leasing provisions of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437, 30 U. S. C. sec. 181, et seq.), as amended for the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN

T. 24 S., R. 22 E.,
Secs. 1, 12 and 13.
T. 26 S., R. 22 E.,
Sec. 1, SE¼, E½SW¼,
Sec. 12, E½, E½W½,
Sec. 13, E½, E½W½.
Secs. 19 to 36, inclusive.
T. 24 S., R. 23 E.,
Secs. 1 to 18, inclusive,
Secs. 20 to 23, inclusive,
Secs. 33 and 34,
Sec. 35, N½.
T. 25 S., R. 23 E.,
Sec. 34, NE¼ and S½,
Secs. 35 and 36.
T. 26 S., R. 23 E.,
Secs. 4 and 5,
Sec. 6, NE¼ and S½,
Secs. 7, 8, and 9,
Secs. 16 to 26, inclusive,
Secs. 28 to 33, inclusive.
T. 24 S., R. 24 E.,
Secs. 1 to 24, inclusive,
Sec. 30.
T. 25 S., R. 24 E.,
Sec. 11, E½,
Secs. 12 and 13,
Sec. 14, E½.
T. 24 S., R. 25 E.,
Secs. 6, 7, 18, and 19.
T. 25 S., R. 25 E.,
Secs. 7, 8, 17, and 18.

The areas described aggregate approximately 71,920 acres.

The lands described in this order, shall be open for oil and gas leasing as of the date of publication of this notice in the FEDERAL REGISTER and oil and gas lease offers received up to and including January 15, 1954, at the Land and Survey Office, Bureau of Land Management, Santa Fe, New Mexico, for lands subject to noncompetitive leasing under section 17 of the Mineral Leasing Act, as amended, shall be regarded as simultaneously filed.

During the period from the date of publication of this Order to and including January 15, 1954, the following rules must be observed in applying for oil and gas leases for the lands described herein:

(a) Each offer must cover all the Federal land subject to noncompetitive oil and gas leasing contained in a particular section and must not cover more than one section.

(b) All offers of any offeror shall be rejected if the offeror's interests, direct and indirect, in oil and gas leases and offers and applications therefor on Federal lands in the State of New Mexico, including the offers filed pursuant to this notice exceed 15,360 chargeable acres. Where a corporation, or association, files an application for the Federal lands in a section, no person who owns an interest of 10 percent or more in such corporation or association shall be eligible to file an offer for the same area.

(c) It will be necessary to file only one copy of each offer to lease and lease form for each section. If the offeror is successful, the Manager will execute the form and arrange to obtain the additional copies.

(d) Each offer, accompanied by two separate checks or money orders, must be enclosed in a separate sealed envelope. One check or money order must be for $10 to cover the filing fee. The second check or money order must cover the first year's rental (50 cents per acre).

(e) The front of each envelope must be marked to show the nature of the contents and the section involved as follows:

Oil and Gas Offer, Carlsbad Area
Sec. -- T. -- R. --

(f) Any offer filed during the prescribed period that does not conform to all the requirements of this notice shall be rejected.

If necessary, a drawing will be held to determine the successful offeror for each section. Such drawing will commence at 10 a. m., m. s. t., January 22, 1954, at the Land and Survey Office, Santa Fe, New Mexico.

RALPH A. TUDOR,
*Acting Secretary of the Interior.*

DECEMBER 24, 1953.

[F. R. Doc. 53–10842; Filed, Dec. 30, 1953; 8:47 a. m.]

## TITLE 46—SHIPPING

### Chapter I—Coast Guard, Department of the Treasury

[CGFR 53–59]

MISCELLANEOUS AMENDMENTS TO CHAPTER

A notice regarding proposed changes in the rules and regulations governing

inspection of vessels in connection with tail shaft surveys, special surveys for unclassed passenger vessels and various means of communication between radio room and wheel house and "one other place" was published in the FEDERAL REGISTER dated September 9, 1953, 18 F. R. 5433, 5434, as Items XII, XIII, and XIV on the agenda to be considered by the Merchant Marine Council, and a public hearing was held by the Merchant Marine Council on September 29, 1953, in Washington, D. C. All comments submitted were considered and changes in the proposed regulations were made where practicable.

The cancellation of 46 CFR 61.15–1, 71.35–1 to 71.35–45, inclusive, and 111.05–10 (e) deletes the requirements for special surveys on unclassed passenger vessels. Such surveys are, in effect, extensions of the work normally carried out at the annual inspection and under the other existing rules and regulations this work will be incorporated into the annual inspection. It is not intended to lower the inspection standards by this cancellation of specific requirements, but rather to have the same inspections made as deemed necessary at the annual inspections of unclassed passenger vessels. The cancellation of these rules and regulations is based on Item XIII of the agenda.

The amendment to 46 CFR 61.15–15 and the addition of a new section designated § 61.15–16 revises the requirements for tail shaft survey and drydock examination of tail shafts. The revised requirements for a tail shaft survey will apply only to ocean and coastwise vessels. The revision is in response to various appeals received requesting that the requirements for tail shaft survey and examination be reduced for vessels operating in fresh water and for those operating in salt water which are not engaged in ocean or coastwise voyages. These amendments are based on Item XII of the agenda.

The amendments to 46 CFR 113.30–5 (e) (1) and 113.30–5 (e) (1) (i) clarify the requirement regarding vessels equipped with radio installation to have an efficient means of communication between the radio room and the wheel house and "one other place" from which the vessel may be steered under normal conditions of navigation. The revised regulation describes what is meant by "one other place." The revised regulation is in agreement with the present requirement in Regulation 9 (b) of Chapter IV of the 1948 Convention for the Safety of Life at Sea, as well as the intent of such regulation. These amendments are based on Item XIV of the agenda.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate rules and regulations in accordance with the regulations cited with the regulations below, the following amendments to the regulations are prescribed which shall become effective on and after thirty days after the date of publication of this document in the FEDERAL REGISTER:

### Subchapter F—Marine Engineering

PART 61—INSTALLATIONS, TESTS, INSPECTIONS, MARKINGS, AND OFFICIAL FORMS

SUBPART 61.15—TESTS AND INSPECTIONS OF MACHINERY AND EQUIPMENT

1. Section 61.15–1 *Special surveys for unclassed passenger vessels* is canceled.

2. Section 61.15–15 is amended to read as follows:

§ 61.15–15 *Tail shaft survey.* (a) The requirements in this section apply only to ocean and coastwise vessels.

(b) Every vessel having the tail shaft fitted with a continuous liner or having shafts of material resistive to corrosive attack of sea water, or where pressure lubrication is used, shall have the tail shaft drawn at least once in every three years; in all other cases the shaft shall be drawn at least once in every two years, or whenever deemed necessary by the Officer in Charge, Marine Inspection. However, if the circumstances warrant it, the Coast Guard District Commander may extend this time to the next regular drydocking period, but not to exceed four months: *Provided*, That when it is shown that a vessel has had a long period of lay up, the Coast Guard District Commander may grant an extension equal to the time the vessel has been out of commission, but in no case shall the extension exceed one year.

(c) Where the propelling machinery is located amidships the after bearing shall be rebushed when it is worn down to ¼ inch clearance for shafts of 9 inches or less in diameter, 5/16 inch clearance for shafts exceeding 9 inches but not exceeding 12 inches in diameter and ⅜ inch clearance for shafts exceeding 12 inches diameter. Where the propelling machinery is located aft the maximum clearance shall be one grade (1/16 inch) less than the above clearance.

3. Part 61 is amended by adding a new § 61.15–16, reading as follows:

§ 61.15–16 *Dry dock examination.* When any vessel is drydocked, examination shall be made of the propeller, stern bushing, sea connections, and fastenings if deemed necessary by the inspector.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4426–4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 391a, 392, 404–409, 411, 412, 435, 489, 366, 395, 363, 367, 536p, 1333, 463a, 50 U. S. C. App. 1275, E. O. 10402, 17 F. R. 9917; 3 CFR 1952 Supp.)

### Subchapter H—Passenger Vessels

PART 71—INSPECTION AND CERTIFICATION

SUBPART 71.35—SPECIAL SURVEYS OF UNCLASSED VESSELS (CANCELED)

4. Section 71.35–1 *Special surveys required* is canceled.

5. Section 71.35–5 *When due* is canceled.

6. Section 71.35–10 *Marine engineering and electrical engineering requirements* is canceled.

7. Section 71.35–15 *Inspector not limited* is canceled.

8. Section 71.35–20 *Scope of special survey No. 1* is canceled.

9. Section 71.35–25 *Scope of special survey No. 2* is canceled.

10. Section 71.35–30 *Scope of special survey No. 3* is canceled.

11. Section 71.35–35 *Scope of second and subsequent special survey No. 1* is canceled.

12. Section 71.35–40 *Scope of second and subsequent special survey No. 2* is canceled.

13. Section 71.35–45 *Scope of second and subsequent special survey No. 3* is canceled.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416)

### Subchapter J—Electrical Engineering

PART 111—ELECTRICAL SYSTEMS; GENERAL REQUIREMENTS

SUBPART 111.05—GENERAL REQUIREMENTS

14. Section 111.05–10 *Testing and inspection* is amended by canceling paragraph (e) *Special survey of unclassed passenger vessels.*

PART 113—COMMUNICATION AND ALARM SYSTEMS AND EQUIPMENT

SUBPART 113.30—SOUND POWERED TELEPHONE AND VOICE TUBE SYSTEMS

15. Section 113.30–5 (e) is amended by revising subparagraph (1) and subdivision (i) of subparagraph (1) to read as follows:

§ 113.30–5 *General requirements.*

• • •

(e) • • •

(1) Vessels equipped with a radio installation shall be provided with an efficient means of communication between the radio room and the wheel house and one other place, if any, from which the vessel may be navigated under normal conditions, as opposed to other such places established solely for emergency functions, or places used solely for docking or maneuvering, or places used occasionally while navigating the vessel in close quarters. As used in this paragraph only a location which includes the necessary apparatus to steer the vessel, give engine orders, and control the whistle will be considered a place from which the vessel may be navigated.

(i) Where the operating position of the emergency radio installation is not located in the compartment normally used for operating the main radio installation, an efficient means of communication shall be provided between the emergency radio room and the wheel house and one other place, if any, from which the vessel may be navigated under normal conditions, as opposed to other such places established solely for emergency functions, or places used solely for docking or maneuvering, or places used occasionally while navigating the vessel in close quarters.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4426, 4427, 4433, 4453, as amended, sec. 14, 29 Stat. 690, sec. 10, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1384, 1544, sec. 3, 54 Stat. 346, sec. 2, 54 Stat. 1028, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 361, 362, 391, 392, 399, 404, 405, 411, 435, 366, 395, 363, 369, 367, 463a, 1333, 50 U. S. C. App. 1275, E. O. 10402, 17 F. R. 9917; 3 CFR 1952 Supp.)

Dated: December 23, 1953.

[SEAL] MERLIN O'NEILL,
*Vice Admiral, U. S. Coast Guard, Commandant.*

[F. R. Doc. 53–10835; Filed, Dec. 30, 1953; 8:46 a. m.]

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[CGFR 53–25]

MISCELLANEOUS CORRECTIONS AND AMENDMENTS TO CHAPTER

The purpose of the amendments in this document is to make the necessary editorial corrections and revisions in the Vessel Inspection Regulations. The changes made are editorial in nature to correct errors, to clarify requirements of procedures, and to revise the effective date of Vessel Inspection Regulations contained in Coast Guard Federal Register Document CGFR 53–25, Federal Register Document 53–10230, which was published in the FEDERAL REGISTER dated December 5, 1953.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), to promulgate regulations in accordance with R. S. 4405, as amended, and 4462, as amended (46 U. S. C. 375, 416), the following corrections and amendments are prescribed:

1. The effective date of the amendments to the specifications in Subchapter Q is changed from January 1, 1954, to April 1, 1954.

### Subchapter Q—Specifications

PART 160—LIFESAVING EQUIPMENT

SUBPART 160.002—LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 2, 3, 5 AND 6

2. Section 160.002–5 (a) (18 F. R. 5857) is corrected by changing the second sentence to read as follows:

§ 160.002–5 *Sampling, tests, and inspections*—(a) *General.* • • • Manufacturers of approved life preservers shall maintain quality control of the materials used, manufacturing operations, and the finished product so as to meet the requirements of this specification. • • •

SUBPART 160.003—LIFE PRESERVERS, CORK (JACKET TYPE), MODELS 32 AND 36

3. Section 160.003–7 (a) (18 F. R. 7860) is corrected by changing the phrase "merchant vessels and motorboats" in the first sentence to "merchant vessels or motorboats."

SUBPART 160.004—LIFE PRESERVERS, BALSA WOOD (JACKET TYPE), MODELS 42 AND 46

4. Section 160.004–1 (b) (18 F. R. 7860) is corrected by revising the phrase "models 31 and 41" to "models 32 and 42" in the title for drawing No. 160.003–1 (b): sheet 1, and by changing the phrase "models 35 and 45" to "models 36 and 46" in the title of drawing No. 160.003–1 (b): sheet 2.

5. Section 160.004–4 (c) (3) (18 F. R. 7861) is corrected by revising the reference "160.004–3 (g)" to "160.004–3 (h)."

6. Section 160.004–7 (a) (18 F. R. 7862) is corrected by changing the phrase "merchant vessels and motorboats" to "merchant vessels or motorboats" in the first sentence.

SUBPART 160.005—LIFE PRESERVERS, FIBROUS GLASS, ADULT AND CHILD (JACKET TYPE), MODELS 51, 52, 55 AND 56

7. Section 160.005–4 (c) (1) is corrected by revising Table 160.005–4 (c) (1) by inserting the words "life preservers" in the headings for columns 2 and 3 to appear immediately before the word "(minimum)"; and by changing the figure "6.5" to "7.5" in the third column opposite the item "Back pad."

8. Section 160.005–5 (b) (1) is corrected by changing the number for the table from "160.005 (b) (1)" to "160.005–5 (b) (1)" and by changing the second item under "Lot size" in the table from "101 and 200" to "101 to 200" (18 F. R. 7864).

SUBPART 160.026—WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS), FOR MERCHANT VESSELS

9. Section 160.026–1 (b) is corrected by changing the phrase "above specifications" to "specifications referred to in this section" in the first sentence (18 F. R. 7865).

PART 164—MATERIALS

SUBPART 164.008—BULKHEAD PANELS FOR MERCHANT VESSELS

10. Section 164.008–2 (c) is corrected by changing the phrase "first resistance requirements" to "fire resistance requirements" (18 F. R. 7875).

11. Section 164.008–3 (b) is corrected by inserting a headnote titled "Fire resistance and integrity test."

Dated: December 23, 1953.

[SEAL] MERLIN O'NEILL,
*Vice Admiral, U. S. Coast Guard, Commandant.*

[F. R. Doc. 53–10834; Filed, Dec. 30, 1953; 8:45 a. m.]

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## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 10709]

PART 11—INDUSTRIAL RADIO SERVICES

FREQUENCIES AVAILABLE FOR BASE AND MOBILE STATIONS

In the matter of amendment of §§ 11.252 and 11.302 (c) of Part 11 of the Commission's rules governing the Industrial Radio Services.

On September 30, 1953, the Commission issued a notice of proposed rule making in the above-entitled matter to provide in § 11.252 for assignment of Petroleum Radio Service frequencies to persons eligible for station licenses in the Power Radio Service in cases where a distributor of natural gas has a substantial requirement for mobile service communication with its gas supplier. It further was proposed to remove a requirement now in § 11.302 (c) of the rules that a person must be eligible for station licenses in both the Power and Petroleum Service before an assignment will be made under paragraph (c) of that section.

Written comments were received from the Central Committee of Radio Facilities of the American Petroleum Institute, the National Committee for Utilities Radio and the Lone Star Gas Company of Dallas, Texas. While no opposition to the proposed amendments was expressed, a question was raised by one of the parties as to whether or not the proposed wording of § 11.302 (c) could be interpreted to permit use of a Power Service frequency along the entire length of a long gas pipeline, to the detriment of the regional frequency assignment patterns developed in the Power Radio Service. Since the intent of both rule changes is primarily to facilitate local coordination of activities in the vicinity of joint operations, a minor change in wording to make this intent more plain has been inserted. This change in wording, however, would still permit a gas distributor to use the Petroleum Service frequency assigned to his gas supplier for all permissible communications when that, as distinguished from intercommunication only, is the desire of the parties involved.

In view of the foregoing, and it appearing that the public interest, convenience or necessity would be served thereby, and pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended: *It is ordered*, This 23d day of December 1953 that the amendments to Part 11 of the Commission's rules as set forth below, are adopted effective February 1, 1954.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies Sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: December 28, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

1. In § 11.252, redesignate paragraph (c) as paragraph (d) and insert a new paragraph (c) to read as follows:

(c) In addition to the frequencies listed in paragraphs (a) and (b) of this section, a person eligible in the Power Radio Service who is engaged in the distribution of natural gas directly to consumers and who has a substantial requirement for mobile service communication with his gas supplier may be authorized to operate on the Petroleum Radio Service frequency or frequencies assigned to that supplier: *Provided, however*, That such operation shall be limited to communications in the local area common to both parties and shall relate only to gas supply and distribution activities. The application of any person seeking a frequency assignment

under the provisions of this paragraph shall be accompanied by a written statement from the natural gas supplier which: (1) Concurs in the need for such intercommunication; and (2) consents to the use by the natural gas distributor of the frequency or frequencies involved.

2. Delete the present text of § 11.302 (c) and substitute a new paragraph to read as follows:

(c) In addition to the frequencies listed in paragraphs (a) and (b) of this section, a person eligible in the Petroleum Radio Service who is engaged in the transportation natural gas by pipeline and who has a substantial requirement for mobile service communication with a public utility company purchasing such gas for distribution to the consumer may be authorized to operate on the Power Radio Service frequency or frequencies assigned to such distributors: *Provided, however,* That such operation shall be limited to communications in the local area common to both parties and shall relate only to gas supply and distribution activities. The application of any person seeking a frequency assignment under the provisions of this paragraph shall be accompanied by a written statement from the natural gas distributor which: (1) Concurs in the need for such intercommunication; and (2) consents to the use by the natural gas supplier of the frequency or frequencies involved.

[F. R. Doc. 53-10856; Filed, Dec. 30, 1953; 8:51 a. m.]

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[Docket No. 10708]

## PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

### EXTENSIONS AND SUPPLEMENTS; CERTAIN GENERAL PROVISIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of December 1953;

The Commission, having under consideration the matter of amendment of §§ 63.03, 63.04, 63.52, and 63.54 of Part 63 of the Commission's rules and regulations; and also having under consideration its notice of proposed rule making adopted herein on September 30, 1953, and published in the FEDERAL REGISTER on October 6, 1953 (18 F. R. 6359), in accordance with section 4 (a) of the Administrative Procedure Act and comments filed in response thereto;

It appearing, That the period in which interested persons were afforded an opportunity to submit comments expired on November 17, 1953, and that comments were filed by American Telephone and Telegraph Company requesting that the $100,000 and $10,000 limits proposed in the amendments to §§ 63.03 (a) and 63.05 be increased to $250,000 and $25,000, respectively, and that the $15,000 and $5,000 limits proposed in the amendments to §§ 63.03 (c) and 63.04 (c) be increased to $25,000 and $10,000, respectfully; and that no other objections were received regarding the above proposed amendments;

It further appearing, That the $250,000 limit proposed by American Telephone and Telegraph Company for applications filed under § 63.03 (a) to supplement existing facilities by construction is desirable, in view of the present and continuing high demand for service and the increasing magnitude of general construction programs;

It further appearing, That it is desirable and proper to make final the adoption of the amendments as originally proposed in the aforementioned notice of proposed rule making, except that the $100,000 limit proposed in the amendments to §§ 63.03 (a) and 63.05 should be changed to $250,000 as proposed by American Telephone and Telegraph Company;

It further appearing, That the other changes proposed by American Telephone and Telegraph Company are neither necessary nor desirable;

It further appearing, That authority for the aforesaid amendments is contained in sections 4 (i) and 214 of the Communications Act of 1934, as amended;

It further appearing, That the proposed amendments represent relaxation of the current rules and may be made effective immediately pursuant to section 4 (c) of the Administrative Procedure Act;

*It is ordered*, That, effective immediately, Part 63 (Extension of Lines and Discontinuance of Service by Carriers) of the Commission's rules and regulations is amended as follows:

1. In § 63.03 substitute the following text for the first sentence of the present text of paragraph (a): "Applications for the supplementing of existing facilities, involving an estimated construction cost not exceeding $250,000 or an annual rental not exceeding $10,000, may be made by letter to the Commission not less than 15 days prior to the acquisition or commencement of construction of the facilities involved."

2. Add a new paragraph (c) to § 63.03 to read as follows:

(c) Without regard to the other requirements of this part, and by application setting forth the need therefor, any carrier may request continuing authority, subject to termination by the Commission at any time upon ten days' notice to the carrier, to commence small projects for the supplementing of existing facilities involving estimated construction and installation costs not exceeding $15,000, or to lease and operate telephone or telegraph facilities of other companies where the rental to be paid under each such lease is not more than $5,000 for the entire term of such lease, or if the term of the lease is for a one-year period or longer, is not more than $5,000 on an annual basis: *Provided, however,* That any carrier to which continuing authority has been granted under this paragraph shall, not later than the 30th day following the end of each six month period covered by such authority, file a statement in writing making reference to this paragraph and setting forth, with respect to each project (construction, installation, lease, including any renewal thereof, and operation) which was commenced thereunder, the following information:

(1) The type of facility constructed, installed, or leased.

(2) The route mileage thereof.

(3) The termini and the points served.

(4) The cost thereof, including construction, installation or lease.

(5) Where appropriate, the name of the lessor company, and the dates of commencement and termination of the lease.

3. In § 63.04 substitute the following for the present text of paragraph (c):

(c) Without regard to the other requirements of this part, and by application setting forth the need therefor, any carrier may request continuing authority, subject to termination by the Commission at any time upon ten days' notice to the carrier, to provide temporary or emergency service by the construction or installation of facilities where the estimated construction and installation costs do not exceed $15,000, or to lease and operate telephone or telegraph facilities of other companies where the rental to be paid under each such lease is not more than $5,000 for the entire term of such lease, or if the term of the lease is for a one year period or longer, is not more than $5,000 on an annual basis: *Provided, however,* That any carrier to which continuing authority has been granted under this paragraph shall, not later than the 30th day following the end of each six month period covered by such authority, file with the Commission a statement in writing making reference to this paragraph and setting forth, with respect to each project (construction, installation, lease, including any renewals thereof, which was commenced or, in the case of leases, entered into under such authority, and renewal or renewals thereof which were in continuous effect for a period of more than one week, the following information:

(1) The type of facility constructed, installed or leased.

(2) The route mileage thereof.

(3) The termini and the points served.

(4) The cost thereof, including construction, installation or lease.

(5) Where appropriate, the name of the lessor company, and the dates of commencement and termination of the lease.

4. In § 63.05 substitute the amount of "$250,000" in each instance where "$50,000" appears.

5. In § 63.52 substitute the following for the present text:

§ 63.52 *Copies required.* Unless otherwise specified the Commission shall be furnished with an original and nine copies of applications filed under section 214 of the Communications Act: *Provided, however,* That where more than one state is involved, two additional copies shall be furnished for each additional state: *Provided further,* That, where applications involve only the supplementation of existing facilities, and the issuance of a certificate is not requested, an original and four copies of the application shall be furnished.

6. Delete § 63.54 in its entirety.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply Sec. 214, 48 Stat. 1075; 47 U. S. C. 214)

Released: December 28, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10858; Filed, Dec. 30, 1953; 8:51 a. m.]

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# TITLE 50—WILDLIFE

## Chapter I—Fish and Wildlife Service, Department of the Interior

### Subchapter I—Northwest Atlantic Commercial Fisheries

### PART 155—HADDOCK PROVISIONS

*Basis and purpose.* At its Third Annual Meeting held in New Haven, Connecticut, May 25–30, 1953, the International Commission for the Northwest Atlantic Fisheries, a body created pursuant to Article II of the International Convention for the Northwest Atlantic Fisheries signed at Washington, D. C., under date of February 9, 1949, adopted a proposal amending a proposal previously adopted by the Commission concerning the regulation of the taking of haddock in Sub-area 5 of the Convention Area. The proposal adopted at the Third Annual Meeting recommends certain changes in the definition of average mesh size in trawl nets when wet after use and authorizes the Contracting Governments to exercise discretion in determining such average mesh size.

On September 1, 1953, the proposal was accepted by the Governments of the United States and Canada, and, in accordance with the provisions of the International Convention for the Northwest Atlantic Fisheries, enters into force with respect to all Contracting Governments on January 1, 1954.

In accordance with section 4 (a) of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1067, 16 U. S. C., 1946 ed., Supp. V, 986) regulations proposed by the Secretary of the Interior to implement the proposal were submitted to the Advisory Committee to the United States Commissioners on the International Commission for the Northwest Atlantic Fisheries on November 10, 1953, at which time the proposed regulations received the approval of the Committee.

By notice of proposed rule making published in the FEDERAL REGISTER on December 2, 1953 (18 F. R. 7658), the public was invited to submit written data, views or arguments in connection with the proposed regulations to Mr. John L. Farley, Director, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., not later than 30 days from the publication of the notice in the FEDERAL REGISTER. Careful consideration has been given the views, data and arguments received, and it has been determined that the regulations appearing below should be promulgated to govern the use of trawling nets in the haddock fishery in the area described in the said regulations.

Beginning about September 1, 1953, the proposed regulations were discussed and formulated in a series of meetings with the representatives of the fishing industry affected, and the text of the proposed regulations was included in the notice of proposed rule making published December 2, 1953. Existing regulations covering the same subject matter expire on December 31, 1953, and the new regulations must become effective January 1, 1954, in order to comply with the action on May 25–30, 1953, of the International Commission for the Northwest Atlantic Fisheries. In these circumstances, it has been determined that it is both appropriate and necessary to waive the 30-day period between the date of publication and the effective date of the regulations.

Effective January 1, 1954, the following regulations, replacing Subchapter I—Northwest Atlantic Commercial Fisheries, Part 155—Haddock Provisions, are prescribed:

Sec.
155.1 Meaning of terms.
155.2 Restrictions on fishing gear.
155.3 Tampering with seals prohibited.
155.4 Employment of devices to reduce mesh size prohibited.
155.5 Certain vessels exempted.

AUTHORITY: §§ 155.1 to 155.5 issued under sec. 7, 64 Stat. 1067; 16 U. S. C. 986.

§ 155.1 *Meaning of terms.* When used in the regulations in this part, unless the content otherwise requires, terms shall have the meanings ascribed hereinafter in this section.

(a) *Vessel.* The word "vessel" denotes every kind, type, or description of watercraft, aircraft, or other contrivance, subject to the jurisdiction of the United States and, or capable of being used, as a means of transportation on water.

(b) *Haddock.* The word "haddock" denotes any fish of the species Melanogrammus aeglefinus.

(c) *Haddock fishing.* The words "haddock fishing" mean the catching, taking, or fishing for, or the attempted catching, taking, or fishing for any fish of the species Melanogrammus aeglefinus.

(d) *Trawl net.* The words "trawl net" mean any large bag net dragged in the sea by a vessel or vessels for the purpose of taking fish.

(e) *Cod end.* The words "cod end" mean the bag-like extension attached to the after end of the belly of the trawl net and used to retain the catch.

§ 155.2 *Restrictions on fishing gear.* (a) No person shall engage in haddock fishing in the northwest Atlantic Ocean north of 39°00' north latitude and west of 42°00' west longitude with a trawl net or nets, parts of nets or netting having a mesh size of less than four and one-half inches, as defined in this section.

(b) As used in this section, the term "mesh size of less than four and one-half inches" shall mean: (1) With respect to any part of the net except the cod end, the average size of any twenty consecutive meshes in any row located at least ten meshes from the side lacings measured when wet after use, and (2) with respect to the cod end, the average size of any row of meshes running the length of the cod end located at least ten meshes from the side lacings, measured when wet after use, or, at the option of the user, a cod end which has been approved, in accordance with paragraph (d) of this section, by an authorized representative of the Director of the Fish and Wildlife Service, as having a mesh size when dry before use equivalent to not less than four and one-half inches when wet after use.

(c) All measurements of meshes when wet after use shall be made by the insertion into such meshes under pressure of not less than ten nor more than fifteen pounds of a flat, wedge-shaped gauge having a taper of two inches in nine inches and a thickness of three thirty-seconds of an inch.

(d) For the purpose of approving dry cod ends before use, as contemplated by paragraph (b) of this section, the average mesh size of such cod ends shall be determined by measuring the length of any single row of meshes running the length of the cod end, parallel to the long axis of the cod end and located at least ten meshes from the side lacings, when stretched under a tension of two hundred pounds, and dividing the length by the number of meshes in such row: *Provided,* That not more than ten percent of the meshes in such row shall be more than one-half inch smaller when measured between knot centers than the average of the row. Cod ends so measured which are constructed of the twines and are of not less than the average mesh sizes specified in the table below may be approved for haddock fishing by any duly authorized employee of the Fish and Wildlife Service by the attachment to such cod end of an appropriate seal or seals.

| *Twine* | *Average mesh size* |
|---|---|
| 4-ply 45-yard manila, double strand. | 5.625 inches (5⅝"). |
| 4-ply 50-yard manila, double strand. | 5.625 inches (5⅝"). |
| 4-ply 75-yard manila, double strand. | 5.625 inches (5⅝"). |
| 4-ply 80-yard manila, double strand. | 5.500 inches (5½"). |
| 109-thread cotton | 4.250 inches (4¼"). |
| All nylon | 4.250 inches (4¼"). |

§ 155.3 *Tampering with seals prohibited.* Removing, altering, defacing or in any other way tampering with seals affixed to cod ends in accordance with § 155.2 is prohibited.

§ 155.4 *Employment of devices to reduce mesh size prohibited.* The use from any vessel engaged in haddock fishing in the area described in § 155.2 of any device or method which will obstruct the meshes of the trawl net or which will otherwise, in effect, diminish the size of said meshes is prohibited: *Provided,* That a protective covering may be attached to the underside only of the cod

end alone of the net to reduce and prevent damage thereto.

§ 155.5 *Certain vessels exempted.* Nothing contained in the regulations in this part shall apply to:

(a) Any vessel having in possession haddock in amounts less than five thousand pounds or ten percent by weight of all the fish on board such vessel, whichever is larger.

(b) Any vessel duly authorized by the Director of the Fish and Wildlife Service to engage in haddock fishing for scientific purposes.

(c) Any vessel documented as a common carrier by the Government of the United States and engaged exclusively in the carriage of freight and passengers.

Dated: December 24, 1953.

RALPH A. TUDOR,
*Acting Secretary of the Interior.*

[F. R. Doc. 53-10840; Filed, Dec. 30 1953; 8:47 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Production and Marketing Administration

[ 7 CFR Part 26 ]

GRAIN STANDARDS

FEES AND CHARGES; NOTICE OF HEARING AND EXTENSION OF TIME

On November 24, 1953 there was published in the FEDERAL REGISTER pursuant to section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) a notice of a proposal to amend § 26.74 of the regulations of the Secretary of Agriculture (7 CFR 26.74) issued under authority of section 8 of the United States Grain Standards Act, as amended (7 U. S. C. 84), to read:

§ 26.74 *Fees and charges.* The fee in an appeal or a dispute shall be fixed as follows:

(a) For bulk or sacked grain in carload lots, $5.00 per car;

(b) For bulk or sacked grain in trucks and trailers, $3.00 per truck or trailer lot;

(c) For bulk or sacked grain in boats, barges, or other vessels, $1.50 per thousand bushels or fraction thereof, with a minimum of $3.00 per lot;

(d) For a submitted sample or package of grain, $2.00 per sample or package;

(e) For all lots of grain other than those referred to in paragraph (a), (b), (c), and (d) of this section, $1.50 per thousand bushels or fraction thereof, with a minimum fee of $3.00 per lot.

Charges may be made for telegrams, express, parcel post, registry fees, travel expenses, and other items paid or incurred by the Department on account of an appeal or a dispute and for oral hearings, as will reimburse the Department, all such additional items to be determined by the Administrator. Unless otherwise stated in the findings in any appeal, the fee as prescribed by this section, and no further charges, shall be deemed to be fixed and assessed.

An opportunity was extended to any person to submit written data, views, or arguments concerning the proposed amendment within 30 days after the date of publication of the notice in the FEDERAL REGISTER or until December 24, 1953. Responsible organizations in the grain industry have now requested an opportunity to present their views and comments at a public hearing. This request is hereby granted.

An informal public hearing at which all interested persons may submit their views and opinions orally or in writing with respect to the proposed amendment will be held January 18, 1954 beginning at 2:00 p. m., in Room 3028, South Agricultural Building, 14th and Independence Avenue SW., Washington, D. C. The time permitted for submitting written data, views, or arguments also is extended to January 29, 1954.

Consideration will be given to all information obtained at the hearing and to written data, views, and arguments received by the Director, Grain Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C., not later than January 29, 1954, as well as to relevant data available in the Department, before a decision is made regarding the proposed changes.

The Director, Grain Branch, Production and Marketing Administration, or an official of the Department, designated by him is hereby authorized to conduct the hearing pursuant to this notice.

Done at Washington, D. C., this 23d day of December 1953.

[SEAL] GEORGE A. DICE,
*Acting Assistant Administrator, Production and Marketing Administration.*

[F. R. Doc. 53-10838; Filed, Dec. 30, 1953; 8:46 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 3 ]

[Docket No. 10822]

TELEVISION BROADCAST STATIONS

MULTIPLE OWNERSHIP

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission on November 27, 1953, issued its Report and Order (FCC 53-1570) in the recent multiple ownership proceeding in Docket No. 8967, amending the Commission's rules relating to multiple ownership of broadcast stations. The provisions of § 3.636 specify a 5-station maximum for television stations, without distinction between VHF and UHF.[1] The Commission pointed out in its Report and Order, however, that several petitions had been filed urging that a distinction be drawn between VHF and UHF stations for multiple ownership purposes, and requesting that either no limitation be placed on the ownership of UHF stations, or that the limitation on television holdings be raised to 7 or 8, with no more than 5 stations in the VHF band. The Commission advised that it was engaged in a study of the position of post-freeze television stations and that it was "deferring consideration of the multiple ownership facet of the UHF question to the overall UHF study."

3. Three petitions requesting amendment of the television multiple ownership rules to permit additional ownership of UHF stations are pending before the Commission. National Broadcasting Company, Inc. requests that no limit be placed on the ownership of UHF television stations, with the present limit of 5 stations being retained for VHF. Allen B. DuMont Laboratories, Inc. requests that the rules be amended to permit ownership of a maximum of 8 television stations, with no more than 5 in the VHF band. Finally, American Broadcasting Company, Inc. (now American Broadcasting-Paramount Theaters, Inc.), requests that the multiple ownership rules be amended to permit ownership of 7 television stations, no more than 5 of which could be in the VHF band. Oppositions to the foregoing petitions were filed by Senator Edwin C. Johnson, New England Television Company, Redwood Broadcasting Company, Inc., and Fairmont Broadcasting Company.

4. The Commission is of the view that the institution of rule making proceedings looking toward amendment of its multiple ownership rules at this time to permit the ownership of additional television stations over and above the present maximum of 5 in order to encourage the rapid and effective development of the UHF band is warranted. On the basis of our review of the petitions and oppositions directed to this matter, we believe that of the proposals before us, an increase in the maximum permissible ownership of television stations to 7, no more than 5 of which may be in the VHF band, is best designed to achieve this objective consistent with preventing an undue concentration of control of television facilities.

5. In view of the foregoing, it is proposed to amend § 3.636 of the Commission's rules and regulations to increase the maximum permissible ownership of television stations to 7, no more than 5 of which may be in the VHF band.

6. Authority for adoption of the proposed amendment is contained in sections 4 (i), 303 (r), 311, 313, and 314 of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the amendment proposed herein should not be adopted may file with the Commission on or before February 1, 1954, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments prior to taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: December 23, 1953.

Released: December 24, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

DISSENTING OPINION OF COMMISSIONER HENNOCK

The Commission is proposing today to raise to seven the limit on multiple station ownership in television with a proviso that no more than five may be VHF stations. The sole reason for this proposal stated in the Notice is that "the institution of rule making proceedings looking toward amendment of [the] multiple ownership rules to permit the ownership of additional television stations over and above the present maximum of five" is warranted "in order to encourage the rapid and effective development of the UHF band."

At the outset let me say that I was always greatly concerned about the development of the UHF band. This concern caused me to dissent to the portion of the Sixth Report and Order which granted VHF increases in power and antenna height and thereby enhanced it at the expense of UHF. Similarly, I registered my opposition to the Commission's action of July 14, 1953, revising its application processing procedure for TV stations without according the necessary and desirable priority that should have been afforded applications for UHF stations (Public Notice 93339). Finally, I dissented to the Public Notice of August 24, 1953 which established a priority list of cities grouped in accordance with the mentioned revised procedure, because it contained no provision specifically designed to give further impetus to the development of UHF (Public Notice 94069).

I dissent to this Notice of Proposed Rule Making because in my opinion there is no justification for relaxing the multiple ownership rule in television, and because there is no valid reason for the view that such a relaxation is warranted "in order to encourage the rapid and effective development of the UHF band."

The basis for having placed the limit on the multiple ownership of TV stations at five as distinguished from seven in AM has been the recognition that there are considerably less TV than AM stations in operation. This situation is expected to continue in the immediately foreseeable future. Accordingly, no reason exists for raising the limit and none is given by the majority specifically to justify it.

It is significant that the impetus for the institution of this rule making proceeding is derived from petitions filed by networks referred to in Paragraph three of the Notice. No request for such relaxation of the multiple ownership rule has been made by a single one of the more than 300 UHF applicants or permittees who, I think, would be the persons most anxious "to encourage the rapid and effective development of the UHF band." On the contrary, opposition to the mentioned petitions was filed by two UHF permittees.

These petitions were filed in the proceeding in Docket 8967 which was concluded on November 25, 1953, after having been pending for five years, by adopting, among other things, the rule limiting the multiple ownership in television to five stations without distinction between VHF and UHF. This is the very rule the Commission now, scarcely four weeks later and even before it has become effective, proposes to amend. In its Report and Order of November 25, 1953, the Commission advised petitioners that it was engaged in a study of the position of post-freeze television stations noting that the Ultra High Frequency Television Association was also engaged along this line. Accordingly, the Commission was "deferring consideration of the multiple ownership facet of the UHF question to the overall UHF study." I am not aware that the UHF Television Association has completed its study. I would think, however, that before proposing a solution intended to encourage the development of UHF, the Commission would want to have the benefit of their findings.

In any case, presumably, the study in which the Commission was engaged has now been concluded and the instant proposal, I assume, is based on its findings. If so, these findings should be fully set forth in this Notice. For if the Commission feels that it is necessary to encourage the development of the UHF band and that the relaxation of our multiple ownership rule will accomplish this, it should particularize the areas where such encouragement is needed and show why the proposal is adapted to that end. The Notice completely fails in this respect. Dealing with a new TV field where information concerning the position of UHF is scarce and conflicting, the Notice fails to give interested persons any specific issues to which they could address their comments. Instead it leaves all to their imagination. This, I feel, is not conducive to the establishment of a sound record on which final action could be based.

Instead of proposing any change in the multiple ownership rule, I would institute a public proceeding designed to explore all facets of the UHF problem; e. g., the economics of UHF, the availability of network affiliations; the competitive relationship between VHF and UHF; the actual progress in the development and manufacture of high-power transmitting apparatus, and the manufacture and distribution of adequate receivers; and the posititon of UHF vis a vis VHF with respect to engineering, hearing schedules, programming and other basic and important factors. The resulting factual record would enable the Commission to make an enlightened judgment as to what is needed "to encourage the rapid and effective development of the UHF band," and on the basis of such a record and judgment to determine the solution that is demanded in the public interest.

[1] Section 3.636, as of the date of this decision, provides as follows:

§ 3.636 *Multiple ownership.* (a) No license for a television broadcast station shall be granted to any party (including all parties under common control[a]) if:

(1) Such party directly or indirectly owns, operates, or controls another television broadcast station which serves substantially the same area; or

(2) Such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls, or has any interest in, or is an officer or director of any other television broadcast station if the grant of such license would result in a concentration of control of television broadcasting in a manner inconsistent with public interest, convenience, or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of areas served, the number of people served, and the extent of other competitive service to the areas in question. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than five television broadcast stations.[aa]

(b) Paragraph (a) of this section is not applicable to non-commercial educational stations.

[a] The word "control" as used herein is not limited to majority stock ownership, but includes actual working control in whatever manner exercised.

[aa] In applying the provisions of paragraph (a) of this section to the stockholders of a corporation which has more than 50 voting stockholders, only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock.

CONCURRING STATEMENT OF COMMISSIONER ROBERT T. BARTLEY

I concur in the issuance of the instant Notice of Proposed Rule Making, for the purpose of eliciting current comments and arguments, pro and con, with respect to the proposal for increasing the maximum limitations on ownership of television stations.

However, on the basis of the arguments presented in the petitions presently before us, I am not convinced that the public interest will be served merely by raising the ceiling on television station ownership as proposed.

My ultimate position in the matter will, of course, await careful consideration of the comments filed in this rule making proceeding.

[F. R. Doc. 53-10854; Filed, Dec. 30, 1953; 8:50 a. m.]

## [ 47 CFR Part 12 ]

[Docket No. 10501]

AMATEUR RADIO SERVICE; REQUIREMENTS FOR PORTABLE AND MOBILE OPERATION

ORDER SCHEDULING ORAL ARGUMENT

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 23d day of December 1953;

The Commission having under consideration written comment filed with respect to the Notice of Proposed Rule Making (FCC 53-556) adopted May 13, 1953, in the above-entitled matter, proposing to amend § 12.91 (b) of Part 12 of the Commission's rules and regulations which relate to the Amateur Radio Service;

It appearing, That written comment filed in this proceeding by the American Radio Relay League opposed adoption of the proposed amendment contained in the said Notice of Proposed Rule Making, and requested that oral argument be held; and

It appearing, That the Commission believes that oral argument will be an aid to the proper disposition of this matter;

*It is ordered*, That the Commission will hear oral argument in the above-entitled matter on January 25, 1954, at 10:00 a. m., e. s. t., in Room 6121, New Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D. C.:

*It is further ordered*, That all parties interested in the above-entitled matter, who desire to participate in the said oral argument, should so notify the Commission on or before the 15th day of January 1954.

Released: December 28, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10857; Filed, Dec. 30, 1953; 8:51 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Order No. 533]

CERTAIN DESIGNATED PERSONS

DELEGATION OF AUTHORITY TO ACT AS HEARINGS OFFICERS FOR THE DIRECTOR

NOVEMBER 10, 1953.

1. Pursuant to section 1.5 of Order No. 2583 of August 16, 1950 (15 F. R. 5643), as amended, the following named persons are hereby temporarily designated to perform the functions of hearings officers for the Director:

James A. Doyle, Portland, Oreg.
James M. Gibbons, Sacramento, Calif.

2. The above designated persons are authorized to conduct and preside at such contests and hearings as may be assigned to them from time to time and to render decisions thereon to the same effect and in the same manner as the managers of land offices are authorized by section 1.4 of Order No. 2583, and otherwise.

3. They shall conduct such proceedings and shall take all necessary actions with respect thereto, including the issuance of decisions, in accordance with the applicable laws, and the regulations (Title 43, Code of Federal Regulations, particularly Parts 220, 221, 222, and 223 thereof). Such actions shall be subject to the right of appeal to the Director to the same extent as similar actions of the managers. All actions in a proceeding before him shall be signed by the designee as "Hearings Officer".

4. The authority herein granted shall in no way interfere with or diminish the authority of the land office managers with respect to proceedings not assigned to the hearings officers.

EDWARD WOOZLEY,
*Director.*

Approved: December 24, 1953.

RALPH G. TUDOR,
*Acting Secretary of the Interior.*

[F. R. Doc. 53-10839; Filed, Dec. 30, 1953; 8:47 a. m.]

[Docket DA-429, 439]

IDAHO

RESTORATION ORDER UNDER FEDERAL POWER ACT

DECEMBER 21, 1953.

Pursuant to determinations DA-429 and 439, Idaho, of the Federal Power Commission and in accordance with Order No. 427, sections 2.22 (a) (4) of the Director, Bureau of Land Management, approved August 16, 1950, 15 F. R. 5641, it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals the lands hereinafter described so far as they are withdrawn and reserved for power purposes are hereby restored to disposition under the public land laws as provided by law, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920, (41 Stat. 1075; 16 U. S. C. sec. 818), as amended.

IDAHO

T. 8 S., R. 13 E., B. M.
Sec. 1, NW¼SW¼, SE¼SW¼,
Sec. 2, SW¼SW¼, NE¼SW¼, N½SE¼,
Sec. 3, Lots 4, 5, SE¼, N½SW¼.

The areas described aggregate 536.50 acres.

The lands are located approximately ten (10) miles southeast of Hagerman, Idaho, and the topography in general consists of low, flat benches arising abruptly to steep, high ridges or bluffs, and have a mean elevation of approximately 2900 feet. The soil is deep, sandy clay loam with some gravel deposits and loose surface stones, and the vegetation consists principally of cheat grass, sage brush, and annual weeds. A portion of the NW¼SW¼, Section 1, the N½SE¼ and NE¼SW¼, Section 2, and N½SE¼ and Lots 4 and 5, Section 3, may be suitable for cultivation and irrigation under the desert land or homestead laws. The lands in the SE¼SW¼, Section 1, SW¼SW¼, Section 2, N½SW¼ and S½SE¼, Section 3 are considered too rough for cultivation and are primarily valuable for grazing purposes for retention in public ownership for administration by the Bureau of Land Management, as a part of the Owyhee Grazing District. The NW¼SW¼, Section 1, the NE¼SW¼ and N½SE¼, Section 2, and Lots 4 and 5, N½SE¼, Section 3, may be classified as suitable for disposal under the desert land or homestead laws, and the SE¼SW¼, Section 1, SW¼SW¼, Section 2, and the N½SW¼ and S½SE¼, Section 3 are classified for grazing purposes for retention in public ownership to be administered by the Bureau of Land Management.

While any application which is filed will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or disposal other than that shown above. No application for the lands may be allowed under the homestead, small tract, desert land, or any other non-mineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

The lands described shall be subject to application by the State of Idaho for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended. This order shall not otherwise affect the status of the lands until 10:00 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the lands shall become subject to application, petition, location and selection, subject to valid, existing rights, the provisions of existing withdrawals, the requirements of applicable laws and the 90 day preference filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and under which veterans and others may file application for these lands may be obtained on request in the Land Office, Boise, Idaho.

W. G. GUERNSEY,
*Regional Administrator.*

[F. R. Doc. 53-10831; Filed, Dec. 30, 1953; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 16, 1953.

An application, serial number Anchorage 025709, for the withdrawal from all forms of appropriation under the public land laws, of the lands described below was filed on October 22, 1953, by Department of the Army.

The purposes of the proposed withdrawal: A firing range.

For a period of sixty (60) days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the Regional Administrator, Region VII Bureau of Land Management, Department of the Interior at Anchorage, Alaska. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

*Parcel No. 1*

T. 12 N., R. 3 W., S. M.
Section 30: Lots 3 and 4, E½SW¼, S½SE¼.
Section 31: Lots 1, 2, and 3, NE¼NE¼.
Section 32: Lot 1.
T. 2 N., R. 4 W., S. M.
Section 15: Lot 5.
Section 22: Lot 1.
Section 23: Lots 2 and 4, SE¼NE¼.
Section 25: Lots 1, 2, 3, and 4, NE¼NW¼, S½NE¼.
Section 26: Lot 1.

Containing approximately 864.50 acres.

*Parcel No. 2*

A parcel of land situated along Chickaloon Bay on the southerly shores of Turnagain Arm between Signal Point and Point Possession, Alaska, more particularly described as follows:

Beginning at a point on the mean high tide line of the southerly shores of Turnagain Arm at Signal Point at approximate latitude 60°58'12" North and longitude 149°49'53" West; thence S. 15°15' E. for a distance of 36,900 feet, more or less, to a point at approximate latitude 60°52'21" North and longitude 149°46'35" West; thence S. 86°20' W. for a distance of 43,750 feet, more or less, to a point at approximate latitude 60°51'52" North and longitude 150°01'14" West; thence N. 66°35' W. for a distance of 43,750 feet, more or less, to a point at approximate latitude 60°54'44" North and longitude 150°14'49" West; thence N. 39°50' W. for a distance of 38,300 feet, more or less, to a point on the south line of Section 32, T. 11 N., R. 6 W., S. M., said point being East 6,500 feet, more or less, from the southwest corner of Section 31 in said Township and Range; thence East along the south lines of Sections 32, 33, and 34 of said Township and Range for a distance of 12,700 feet, more or less, to a point on the mean high tide line of Chickaloon Bay; thence in a generally easterly direction along the mean high tide line of Chickaloon Bay and Turnagain Arm for a distance of 107,100 feet, more or less, to the point of beginning.
T. 11 N., R. 6 W., S. M.:
All.

Containing approximately 47,005 acres.

LOWELL M. PUCKETT,
*Regional Administrator, Region VII.*

[F. R. Doc. 53-10832; Filed, Dec. 30, 1953; 8:45 a. m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

[Department Order 15 (Amended)]

OFFICE OF BUSINESS ECONOMICS

STATEMENT OF ORGANIZATION

SECTION 1. *Purpose.* The purpose of this order is to designate the Office of Business Economics as a primary organization unit of the Department and to describe its organization and functions.

SEC. 2. *Designation and organization.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, the Office of Business Economics is hereby designated as a primary organization unit of the Department of Commerce. The Office of Business Economics shall be under the authority and supervision of the Assistant Secretary for Domestic Affairs and shall be directed by a Director who shall be appointed by the Secretary of Commerce and who shall report and be responsible to the Assistant Secretary for Domestic Affairs.

.02 The Office of Business Economics shall consist of the following organization units:

1. Office of the Director, including
(1) Assistant Directors.
(2) Chief Statistician.
(3) Executive Officer.
2. National Income Division.
3. Business Structure Division.
4. National Economics Division.
5. Current Business Analysis Division.
6. Balance of Payments Division.

SEC. 3. *General functions and objectives.* The general functions and objectives of the Office of Business Economics shall be to:

1. Provide business with basic economic measures of the national economy, including the balance of international payments, and current analyses of the economic situation and business outlook;

2. Perform general economic research on the functioning of the economy, including cooperative research with business organizations, other Government agencies, and university and research institutions;

3. Develop basic economic and statistical indicators;

4. Provide a basis for policy formulation of the Department with respect to Government operations insofar as they affect economic movements and tendencies; and

5. Serve as the central economic research organization of the Department, and collaborate with other primary organization units which require its economic research and statistical services in matters within the scope of this order.

SEC. 4. *Functions of organization units.* .01 The Office of the Director shall be responsible for formulating the policies, developing and coordinating the programs, and directing all operations of the Office of Business Economics. To this end the Direcor shall be assisted by

1. The Assistant Directors who shall recommend to and advise with the Director on policies and programs and advise on the practical application of such programs and policies to the operation of the Office, and shall perform such other duties as may be assigned by the Director including responsibilities for publications of the Office;

2. The Chief Statistician who shall be responsible for the development of such statistical measures and methods as may be required to facilitate the current analytical work of the office and shall cooperate with governmental and nongovernmental statistical organizations so that the statistical data of these groups may be properly utilized and adapted to the analytical program of the Office; and

3. The Executive Officer who shall assist the Director in fulfilling his responsibilities for administrative efficiency and economy in the operation of the Office. He shall secure all administrative services for the Office through the officers reporting to the Assistant Secretary for Administration.

.02 The National Income Division shall formulate and analyze the measures of the national income, gross national product and income flow to individuals, and prepare regular reports upon the position of the economy and the tendencies revealed by such data and analysis; compile analytical data on national income by industries and distributive shares indicating the origins and components of income produced, and the flow of production from basic resources to finished products; prepare estimates of income size distribution so as to describe the sources of income of recipients in different income classes, and the use of funds for taxes, consumption, and savings; and provide breakdowns of the significant income data by States, regions, and industrial areas, adapting these data for marketing and other purposes.

.03 The Business Structure Division shall analyze and report upon the structure of industry, the effect of structural

organization upon the economy, and the volume of business operations; provide current and historical data on (1) the structure of production and markets as an aid to expanding aggregate output and demand in the major industries and commodities, (2) the characteristics of the different types of businesses with particular relation to the specific markets for producers' and consumers' goods, (3) the financial organization and performance of business, and (4) changes in the business population by kinds of businesses, including analysis of the movement of firms in and out of particular lines of business; develop monthly and quarterly basic economic series on sales, consumer expenditures, capital expenditures, new and unfilled orders and inventories; and compile data on business programs, including sales and capital budgets, and on the sources and uses of business funds.

.04 The National Economics Division shall evaluate the major tendencies for expansion or contraction in the economy to provide basic guides to Government policy and guides to sound business management; develop quantitative projections to analyze the interrelationship between the different segments of the economy as well as the magnitude and significance of the economic forces at work as a basis for Office use in developing policy conclusions; analyze Government fiscal and economic policies as they affect business conditions and prospects; assist in the formulation of a program of effective action stemming from the above appraisal and analysis and aimed at a stable high level of production and employment and a vigorous expanding business system; and confer with business on the above evaluation and appraisal with a view to a common understanding as to the appropriate business and Government policies.

.05 The Current Business Analysis Division shall compile material on significant factors in the current economic situation; conduct a continuing study of current business activity and of the forces contributing to and influencing these movements and provide business with comprehensive analyses, through the Survey of Current Business, of the effects of these forces upon business activity; conduct statistical research for the purpose of assembling for publication all of the current business statistics required for the evaluation of changes in major segments of the economy and for adapting these data to the analyses of the Office and to the use of business; and analyze regional economic developments with respect to their relationship to current trends in the national economy and to the status of each region as a potential market and source of supply.

.06 The Balance of Payments Division shall compile, analyze, and interpret data on the balance of international payments and international investments of the United States, particularly as to their effect on the functioning of the domestic economy and prepare reports embodying the results of this research; analyze information concerning foreign transactions of the United States Government and arrange with other Government agencies for detailed reports covering their foreign transactions, including financial aids, goods transactions, and inventories, and prepare such data for use in the estimate of the balance of payments and gross national product of the United States; and collaborate with other primary organization units of the Department in the analysis of the international position of other countries and their capacity to utilize effectively and to service American investment capital.

SEC. 5. *Field programs.* The Office of Business Economics shall have the authority and responsibility for the determination of all programs and policies governing its operations in the field. The facilities of the Office of Field Services, Business and Defense Services Administration, shall be utilized to carry out the field programs of the Office of Business Economics.

SEC. 6. *Effect on other orders.* This order supersedes Department Order No. 15 (Amended) of June 1, 1950 (11 F. R. 177A-306, 307; 12 F. R. 3561; 15 F. R. 3596-3597). Any other orders or parts of orders the provisions of which are inconsistent or in conflict with the provisions of this order are hereby superseded or amended accordingly.

Effective date: December 1, 1953.

[SEAL] SINCLAIR WEEKS,
*Secretary of Commerce.*

[F. R. Doc. 53-10859; Filed, Dec. 30, 1953; 8:51 a. m.]

## POST OFFICE DEPARTMENT

ASSISTANT POSTMASTER GENERAL OF BUREAU OF FINANCE

DELEGATION OF AUTHORITY WITH RESPECT TO CHANGES IN RATES AND FEES

The following is the text of Order No. 55485, of the Postmaster General, dated December 23, 1953, delegating authority to the Assistant Postmaster General, Bureau of Finance, Post Office Department, to sign orders necessary to place changes in rates and fees in effect:

Pursuant to authority of section 1 (b) of Reorganization Plan No. 3 of 1949 (63 Stat. 1066), authority is hereby delegated to the Assistant Postmaster General, Bureau of Finance (including any person acting as such), in his own name, to sign orders necessary to place in effect—

(1) Changes in postage rates and other reformations consented to by the Interstate Commerce Commission under authority of section 247, title 39, United States Code;

(2) Changes in fees for special services as authorized by section 246f of title 39, United States Code; and

(3) Changes in the fee to be charged for the certificates of mailing authorized by section 260a of title 39, United States Code.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] LOUIS J. DOYLE,
*Acting Solicitor.*

[F. R. Doc. 53-10847; Filed, Dec. 30, 1953; 8:48 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 2913]

UNITED AIR LINES, INC.

NOTICE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of United Air Lines, Inc., between the United States and Honolulu, T. H., for the period April 30, 1947, to August 7, 1952.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-indicated proceeding is assigned to be held on January 18, 1954, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., December 28, 1953.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 53-10852; Filed, Dec. 30, 1953; 8:50 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10573, 10574]

MONTGOMERY BROADCASTING CO., INC., AND ALABAMA TELEVISION CO.

ORDER SCHEDULING ORAL ARGUMENT

In re applications of Montgomery Broadcasting Co., Inc., Montgomery, Alabama, Docket No. 10573, File No. BPCT-670; William E. Benns, Jr., d/b as Alabama Television Company, Montgomery, Alabama, Docket No. 10574, File No. BPCT-1055; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of December 1953;

The Commission having under consideration:

(a) The Hearing Examiner's Initial Decision in the above-entitled proceeding, released October 7, 1953 (Mimeo. No. 96392; FCC 53D-56);

(b) Exceptions to said Initial Decision filed on October 27, 1953, by the Chief, Broadcast Bureau, Federal Communications Commission;

(c) Exceptions to said Initial Decision and accompanying Brief, filed on October 27, 1953, by William E. Benns, Jr., d/b as Alabama Television Company;

(d) Reply to Benns' Exceptions filed by Montgomery Broadcasting Company, Inc., on November 4, 1953;

(e) The Commission's Memorandum Opinion and Order of October 7, 1953 denying Benns' petition for review of the Examiner's denial of leave to amend (Mimeo. No. 95795);

(f) Petition for Rehearing with respect to said Memorandum Opinion and Order, filed by Benns on October 27, 1953;

(g) Reply to said petition for rehearing, filed by Montgomery on November 4, 1953;



It appearing, That Benns has requested oral argument before the Commission on the matters raised in its exceptions to the Initial Decision and in its petition for rehearing on the Commission's Memorandum Opinion and Order of October 7, 1953; and

It further appearing, That an examination of the exceptions and the petition for rehearing reveals that they raise the same or related legal and factual questions and that under the circumstances of this case the public interest would be served by hearing argument on both matters simultaneously;

*It is ordered*, That oral argument on both the above-described petition for rehearing and the exceptions to the Initial Decision filed by Benns and on the exceptions filed by the Broadcast Bureau is scheduled for January 11, 1954, at 10:00 a. m. at the offices of the Commission in Washington, D. C.

Released: December 28, 1953.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 53-10855; Filed, Dec. 30, 1953; 8:50 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-2063]

NORTHERN NATURAL GAS CO.

ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND FIXING DATE FOR ORAL ARGUMENT

In this proceeding, the Commission is requested to issue a certificate of public convenience and necessity, pursuant to subsections (c) and (e) of section 7 of the Natural Gas Act, to Northern Natural Gas Company (Northern) authorizing it (1) to operate certain facilities the construction of which was authorized in this docket by orders issued May 1 and October 19, 1953, and (2) to construct and operate certain other facilities, all for the purpose of enabling Northern to increase its total overall system capacity by 300,000 Mcf per day, and its system salable capacity by approximately 278,000 Mcf per day.

To provide the additional volumes of gas required for the increased sales proposed to be made, Northern relies upon deliveries to be made to it by its subsidiary, Permian Basin Pipeline Company (Permian). Permian has already been issued a certificate of public convenience and necessity authorizing it to construct and operate facilities designed ultimately to enable it to sell and deliver to Northern up to 300,000 Mcf per day (In the Matters of Permian Basin Pipeline Company, et al., Docket Nos. G-1928, et al., Opinion No. 249 and accompanying order issued May 1, 1953). These facilities are now being constructed, and it appears from the record in this proceeding that Permian will have available for delivery to Northern volumes of gas up to 200,000 Mcf per day on or before January 1, 1954. The remaining volume of 100,000 Mcf per day will become available on or before January 1, 1955.

In Opinion No. 249 and the accompanying order issued May 1, 1953, the Commission issued Northern a partial certificate in Docket No. G-2063 authorizing it to construct, but not to operate, main-line facilities to increase its system capacity by 200,000 Mcf per day. The remaining issues in Docket No. G-2063, involving the operation of the main-line facilities authorized to be constructed by such order, construction and operation of remaining main-line facilities, necessary branch lines and loops, and the disposition of all gas to be made available from Northern's expansion program in this docket have been considered and heard in the phase of the proceeding just concluded.

In the same order the Commission in Docket No. G-2134, issued El Paso Natural Gas Company (El Paso) a certificate authorizing it to construct and operate facilities to enable it to use certain of its existing facilities to transport Permian gas for Permian's account some 200 miles northward to a point of delivery near the southern terminus of Northern's system. This order was subsequently amended by order issued November 27, 1953, to change the delivery point of the Permian gas so that El Paso is now authorized to transport such gas for the account of Northern rather than of Permian.

In addition to the authorization issued to Northern in this docket as specified above Northern was issued a temporary certificate on October 19, 1953, authorizing it to construct certain branch-line loops to enable it to deliver to existing customers during 1953-1954 the increased volume of gas which was planned to be made available as the result of the main-line construction already authorized in this docket by the order issued May 1, 1953, accompanying Opinion No. 249.

Hearings in this, the second phase of the proceeding, have been completed, and the matter is now before the Commission for decision pursuant to its order omitting the intermediate decision procedure issued November 17, 1953. As directed in that order, main and reply briefs have been filed. Pursuant to the same order, Northern has submitted to the Commission a letter dated December 3, 1953, in which it is requested that oral argument with respect to the matters and issues involved be held no later than December 15, 1953.

It is apparent from the evidence of record and from the briefs and reply briefs which have been filed that numerous issues are presented to the Commission for determination, many of which require serious and careful consideration before a decision may be rendered with respect to them. Among the issues presented are questions relating to contributions by new customers towards the cost of lateral lines to serve communities proposed to be served with natural gas for the first time, questions concerning the allocation of gas among many new and old customers of Northern, and questions relating to the applicability of Northern's tariff to the disposition of the gas proposed to be made available in this proceeding.

The record shows that the existing status on Northern's system as the result of the certificates which have already been issued is that, on or before January 1, 1954, physical facilities will have been constructed and gas will be available to enable Northern to transport, sell, and deliver up to 186,000 Mcf of natural gas per day without further construction of facilities. Further, the record shows that existing customers of Northern need, at this time, additional volumes of gas, in the specific amounts hereinafter set forth, to meet their 1953-1954 requirements. For these reasons, and upon the basis of our consideration and examination of the evidence of record and of the briefs and reply briefs which have been filed by various parties to the proceeding, we have concluded that our decision with respect to certain of the issues presented can and should be made at this time, and that a certificate should be issued authorizing Northern to operate facilities authorized to be constructed by our prior order hitherto referred to; but that oral argument concerning remaining issues should be had before we render our decision in connection therewith.

We deem it necessary to point out at the outset that we disagree with the contention of Northern and certain intervenors, existing customers of Northern, that such customers are entitled, under Northern's FPC Gas Tariff, to additional volumes of gas by reason solely of the contracts which they have executed with Northern. Contract demands, for which provision is made in Section 9 of the tariff, can only become effective upon a showing by or on behalf of existing customers as to their actual requirements. The public interest requires only the disposition to them of the amount of pipeline sales capacity necessary to meet such actual requirements.

So far as the certificate to be issued herein is concerned, we have concluded that only one customer, Minneapolis Gas Company, should receive a lesser volume of gas than it requested for 1953-1954. In this connection, we take note of the fact that Minneapolis, while continuing to maintain its position that it is entitled under Northern's tariff to a contract demand of 240,000 Mcf per day during 1953-1954, has stated in its reply brief that it is willing to accept the lesser volume proposed by the Staff, which volume is 235,315 Mcf. Such lesser volume would amount to an increase of approximately 25 percent over Minneapolis' current contract demand of 187,738 Mcf per day, and would appear to be ample to take care of the company's requirements, at least during the next two-year period. Accordingly, the order herein will provide that Northern be authorized to sell and deliver to Minneapolis Gas Company the volume of 235,315 Mcf per day, subject to the filing by Northern of an executed service agreement with Minneapolis Gas Company specifying such contract demand.

We have concluded that the increased volumes of gas sought on behalf of other existing customers of Northern for 1953-1954 are needed by such customers to enable them to meet their growing mar-

ket requirements in the communities already served by them. The increase in contract demands for each such customer, including Minneapolis Gas Company, are shown in the following table:

| Purchaser | Mcf increase or decrease in contract demand |
|---|---|
| Austin Municipal Board | 1,553 |
| Central Electric & Gas Co | 11,128 |
| Central Natural Gas Co | ------ |
| Council Bluffs Gas Co | 1,020 |
| Elkhorn Valley Gas Co | 103 |
| Interstate Power Co | [1](120) |
| Iowa Electric Light & Power Co | 10,375 |
| Northwestern Light & Power Co | 373 |
| Iowa-Illinois Gas & Electric Co | 1,661 |
| Iowa Power & Light Co | 17,624 |
| Iowa Public Service Co | 5,860 |
| Metropolitan Utilities District | 31,460 |
| Minneapolis Gas Co | 47,577 |
| Minnesota Natural Gas Co | 150 |
| Minnesota Valley Natural Gas Co | 3,430 |
| Municipal Utilities System | 851 |
| Nebraska Natural Gas Co | 1,733 |
| New Ulm Utilities Co | 943 |
| Northern States Power Co | 17,208 |
| Village of Pender | 98 |
| Peoples Gas & Electric | 3,000 |
| Perry Gas Co | 500 |
| City of Ponca | ------ |
| Western States Utilities Co | 203 |
| Kansas Power & Light Co | [1](20) |
| Unallocated; Direct and Peoples Division (equivalent contract demand) | 7,123 |
| Net increase in contract demand | 163,753 |

[1] Indicates decrease in contract demand as requested by the customer.

The record clearly shows that, to enable Northern's present customers to meet the increasing requirements of their residential and commercial consumers within the markets already served by them during the 1953–1954 season, the additional contract demands set forth in the above table should be made available to such customers forthwith, unless to do so would adversely affect the rights of other parties to the proceeding. We have concluded that such a certificate may be issued at this time without in any way prejudicing the rights of any party to the proceeding. Such conclusion necessarily has entailed decision with respect to certain subsidiary issues which must be disposed of at this time.

When Northern has completed the installation of all main line facilities proposed in this docket its sales capacity will be increased by 278,680 Mcf per day. If there is allocated 163,753 Mcf by interim order as we propose herein, the total remaining available sales capacity to be subsequently allocated will be 114,927 Mcf, derived as follows:

| | Mcf |
|---|---|
| Increased sales capacity available Jan. 1, 1954 | 185,901 |
| Additional sales capacity available Jan. 1, 1955 | 92,779 |
| Total increase in sales capacity | 278,680 |
| Allocated herein | 163,753 |
| Capacity to be disposed of by further order | 114,927 |

If gas were to be distributed to all new communities for which a supply of gas is sought in this proceeding, the total volume of gas necessary to meet the requirements of such communities on a peak day in the second year would be 144,386 Mcf. But our examination of the record indicates to us, first, that service should not be authorized in this proceeding to communities in South Dakota by means of an extension of Northern's facilities to Aberdeen, South Dakota. Northwestern Public Service Company, which represents most of these South Dakota communities, filed neither a brief nor a reply brief in this proceeding in support of its request for a supply of natural gas for service to such communities. Furthermore, the record shows that Northern has entered into a precedent agreement with Northwestern, pursuant to the terms of which Northern is obligated, subject to obtaining the requisite certificate authorization, to provide natural-gas service in the future to this area. There is no such proposal by Northern in this record, however, and we conclude that the question of the transportation, sale, and delivery of gas by Northern to Northwestern for ultimate distribution among such South Dakota communities must be deferred until such time as the parties to the precedent agreement submit to the Commission a firm proposal pertaining to such service.

Likewise, we have concluded that the record will not support a finding that Northern should be required in this proceeding to provide natural-gas service to the Wisconsin communities (including Winona, Minnesota) on whose behalf intervention was made in this proceeding.

The record shows that the most inexpensive line to serve such communities would cost approximately $14,000,000 and that the estimated load to be obtained thereby would amount to some 40,851 Mcf of gas on a peak day in the second year. The expenditure of some $14,000,000 to obtain a peak-day load of 41,000 Mcf per day in the second year must be contrasted with the expenditure of approximately $15,500,000 necessary to obtain a peak load of approximately 85,000 Mcf per day in the second year if service to all new communities other than the Wisconsin and South Dakota communities were to be directed.

We have already found that Northern's existing customers will require 163,753 Mcf to meet their peak-day requirements during 1953–1954. This volume of gas, when added to the additional volume of 41,570 Mcf sought on behalf of existing customers for 1954–1955, and the second year volume of 85,191 Mcf of gas sought on behalf of new communities other than the Wisconsin communities and the South Dakota communities previously mentioned, totals 290,514 Mcf, which is more than the total proposed overall increase in Northern's system capacity. The second-year requirements of the Wisconsin communities total 40,851 Mcf. Thus if service to Wisconsin were to be directed, it would be necessary to deny service to some other new communities on behalf of which intervention has been made, and to reduce the volumes of gas requested by Northern's existing customers for 1954–1955, or to deny the requests of Northern's existing customers for 1954–1955 in their entirety.

Except for the Wisconsin and South Dakota communities hitherto referred to, most of the new communities on behalf of which service is sought lie reasonably close to Northern's already existing pipeline system or to extensions thereof proposed by Northern in this proceeding. Service to the Wisconsin communities, on the other hand, would involve a pipeline extension of considerable magnitude into an area not hitherto served by Northern. In these circumstances, we conclude, on the basis of the record herein, that Northern should not be directed in this proceeding to provide natural-gas service to Wisconsin.

The quantity of gas potentially available for new communities, apart from those represented by Northwestern and the Wisconsin intervenors, is 85,191 Mcf. This amount, added to the volume sought on behalf of existing customers for 1954–1955, totals 126,761 Mcf, which is slightly in excess of the 114,927 Mcf per day of saleable capacity which is proposed to be made available by Northern in 1954–1955. Questions concerning which of the new communities not already discussed herein should receive natural-gas service, and concerning the disposition of this volume of gas among the new and existing customers, are included in the matters which we intend shall be argued orally before we reach our final decision with respect to the remaining issues in this proceeding.

We are aware of the fact that the certificate hereafter issued will result in increased sales of gas for industrial and boiler use. The showings made both by Northern and its existing customers contain estimates of increased volumes of annual sales in 1953–1954 some of which will involve the use of gas as boiler fuel. Concededly, Northern's operations as hereafter authorized may result in the displacement of coal by gas in some instances. But such potential displacement must be weighed against the advantages to be had from the use of natural gas by consumers in the area to be served, the public interest of which has been clearly demonstrated on the record. We do not think that the possible displacement of coal by natural gas provides sufficient reason either to deny the certificate hereafter issued, or to impose specific conditions to such certificate of the nature suggested by the coal and railroad intervenors.

On the basis of the record herein, and the briefs and reply briefs submitted by the various parties to the proceeding, the Commission further finds:

(1) Northern Natural Gas Company is a "natural-gas company" within the meaning of the Natural Gas Act, subject to the jurisdiction of the Commission, as heretofore found in the proceeding at Docket No. G–280 (3 F. P. C. 967).

(2) The main-line facilities construction of which was authorized under the certificate heretofore issued in Docket No. G–2063 by the order accompanying Opinion No. 249 issued May 1, 1953, and the loop and branch-line facilities described in the temporary certificate issued October 19, 1953, are proposed to be used in the transportation and sale of natural gas in interstate commerce, subject to the jurisdiction of the Commission, as integral parts of Northern's existing natural-gas pipeline system, and the construction and operation thereof by Northern are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Northern is able and willing properly to do the acts and to perform the service hereinafter authorized, and to conform to the provisions of the Natural Gas Act and to the requirements, rules, and regulations of the Commission thereunder.

(4) Operation of the facilities authorized to be constructed pursuant to the Commission's order issued May 1, 1953, construction and operation of the facilities described in the temporary certificate issued October 19, 1953, and the sale and delivery of natural gas by Northern to existing customers as heretofore described to enable such customers to meet their 1953–1954 market requirements are required by the public convenience and necessity, and a certificate therefor should be issued as hereinafter ordered.

(5) It is reasonable, and the public convenience and necessity require, that the provisions of § 154.22 of the Commission's regulations under the Natural Gas Act be waived, and that copies of executed service agreements, except for that with Minneapolis Gas Company, embodying contract demands of Northern's existing customers for 1953–1954 heretofore tendered for filing by Northern on November 25 and December 11, 1953, be deemed to have been filed as of the date of issuance of this order, to be effective as of December 27, 1953.

(6) The executed service agreement with Minneapolis Gas Company hitherto filed by Northern on November 25, 1953, should be rejected and Northern should be directed to file a new service agreement with Minneapolis Gas Company as hereinafter ordered.

(7) It is reasonable and in the public interest to require, as a condition to the exercise of rights under the certificate hereinafter granted, the Northern shall not sell as firm contract demand any volumes of gas in excess of the 163,753 Mcf hereinafter authorized to be sold to existing customers to meet their 1953–1954 requirements, unless and until otherwise provided by order of the Commission.

(8) It is in the public interest and it is necessary and appropriate to carry out the provisions of the Natural Gas Act to grant the motion for oral argument hitherto filed by Northern, said oral argument to be held at the time and place hereinafter designated.

The Commission orders:

(A) A certificate of public convenience and necessity be and the same is hereby issued to Northern Natural Gas Company authorizing operation of the facilities heretofore authorized to be constructed by the order accompanying Opinion No. 249 issued May 1, 1953, construction and operation of the facilities described in the temporary certificate issued October 19, 1953, and the sale and delivery of volumes of gas to existing customers of Northern to enable such customers to meet their 1953–1954 requirements as heretofore specified.

(B) This certificate shall be accepted in writing and under oath by a responsible official of Northern Natural Gas Company, and the general terms and conditions set forth in paragraphs (1), (2), (3) (i), (3) (iii), (3) (iv), and (5) of § 157.20 of the Commission's general rules and regulations, including its rules of practice and procedure (18 CFR 157.20), shall attach to the issuance of the certificate granted in paragraph (A) hereof, and to the exercise of the rights granted thereunder.

(C) As an additional condition to the exercise of rights granted herein, Northern shall not sell as firm contract demand any volumes of gas in excess of 163,753 Mcf per day herein authorized to be sold, unless and until otherwise ordered by the Commission.

(D) The provisions of § 154.22 of the Commission's rules and regulations under the Natural Gas Act be and the same hereby are waived, and copies of the executed service agreements heretofore tendered for filing by Northern on November 25 and December 11, 1953, except that with Minneapolis Gas Company, be and the same hereby are accepted for filing as of the date of issuance of this order, to be effective as of December 27, 1953.

(E) The aforesaid copy of the executed service agreement with Minneapolis Gas Company be and the same hereby is rejected, and Northern be and it hereby is directed to file, within 10 days from the date of issuance of this order, a copy of a new service agreement with Minneapolis Gas Company embodying the contract demand heretofore specified, said service agreement to be effective as of December 27, 1953.

(F) To the extent herein set forth, the motion by Northern Natural Gas Company for oral argument by and the same hereby is granted, and oral argument be held commencing at 10:00 a. m., e. s. t., on January 28, 1954, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning all matters and issues not disposed of by the order herein.

(G) Parties to this proceeding who intend to participate in the oral argument shall so notify the Secretary of the Commission, and in such notification shall state the time requested for presentation of their argument; such notification shall be made not less than ten (10) days prior to the date heretofore fixed for the oral argument.

Adopted: December 23, 1953.

Issued: December 24, 1953.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 53–10843; Filed, Dec. 30, 1953; 8:48 a. m.]

## INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28777]

HIDES, PELTS OR SKINS FROM ALABAMA, GEORGIA, AND LOUISIANA TO ENDICOTT, N. Y.

APPLICATION FOR RELIEF

DECEMBER 24, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedules listed below.

Commodities involved: Hides, pelts or skins, carloads.

From: Atlanta, Augusta and Columbus, Ga., Birmingham, Ala., and New Orleans, La.

To: Endicott, N. Y.

Grounds for relief: Competition with rail carriers and competition with water, or water-rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1324, supp. 52; W. P. Emerson, Jr., Agent, I. C. C. No. 422, supp. 14.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53–10801; Filed, Dec. 29, 1953; 8:50 a. m.]

[4th Sec. Application 28778]

AMMONIUM SULPHATE FROM HOUSTON, TEX., TO KANSAS CITY AND ST. LOUIS, MO.

APPLICATION FOR RELIEF

DECEMBER 24, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer compounds, viz.: ammonium sulphate, in bulk, carloads.

From: Houston, Texas.

To: Kansas City and St. Louis, Mo.

Grounds for relief: Competition with rail carriers, circuitous routes, and competition with water carriers.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 299.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose

their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10802; Filed, Dec. 29, 1953; 8:50 a. m.]

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[4th Sec. Application 23779]

PAPER AND PAPER ARTICLES FROM POINTS IN OFFICIAL TERRITORY TO LOWER MISSISSIPPI RIVER CROSSINGS

APPLICATIONS FOR RELIEF

DECEMBER 24, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to Agent I. N. Doe's tariff I. C. C. No. 610 and Alt. Agent H. R. Hinsch's tariff I. C. C. No. 4367, pursuant to fourth-section order No. 16101.

Commodities involved: Paper and paper articles, carloads.

From: Specified points in official territory.

To: Lower Mississippi River Crossings, Memphis, Tenn., and south.

Grounds for relief: Rail competition, circuity, and operation through higher-rated territory.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53-10803; Filed, Dec. 29, 1953; 8:50 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-72, 54-104, 54-105, 54-169, 54-173, 54-191, 54-199, 54-204, 54-209]

STANDARD POWER AND LIGHT CORP. ET AL.

ORDER WITH RESPECT TO FILING OF REPORTS CONCERNING FEES AND EXPENSES

DECEMBER 23, 1953.

In the matter of Standard Power and Light Corporation, Standard Gas and Electric Company, Philadelphia Company, Market Street Railway Company; File Nos. 54-72; 54-104; 54-105; 54-169; 54-173; 54-191; 54-199; 54-204; 54-209.

The above-entitled proceedings all involve plans filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") to enable the system of the Standard Power and Light Corporation, a registered holding company, to effectuate compliance with section 11 (b) of the act. In each of the proceedings various orders have heretofore been entered by the Commission reserving jurisdiction with respect to the fees and expenses paid or to be paid by the several companies concerned with these plans for services rendered in connection therewith and related proceedings.

Pursuant to notice previously given by the Commission, applications for allowances or approval of amounts already paid have been filed with the Commission, and in some instances with the companies, but no procedure with respect to the disposition of such applications has been fixed.

The Commission has decided it to be necessary or appropriate in the public interest or for the protection of investors or consumers that as a first step in fixing the ultimate procedure to be followed and as an aid to the Commission in determining what fees and expenses it should ultimately approve, an order should be entered, under the authority conferred by section 11 (f) of the act, requiring that the companies concerned with these plans file with the Commission, either jointly or severally, a report or reports setting forth certain information.

*It is therefore ordered*, That on or before March 31, 1954, Standard Power and Light Corporation, Standard Gas and Electric Company, Philadelphia Company and Market Street Railway Company shall file with the Commission, either jointly or severally, 10 copies of a report or reports which shall set forth in a manner so as to indicate the proposed allocation thereof among such companies and their subsidiary companies, including those formerly in the system, as the case may be:

(1) The amounts of fees and expenses claimed by the respective applicants for services rendered in connection with the above-entitled and related proceedings;

(2) The amounts of fees and expenses which the paying company has already paid or is prepared to pay without modification;

(3) The amounts of fees and expenses, if any, which each company is willing to pay and which the claimants after negotiation with the company or companies involved have indicated a willingness to accept; and

(4) In cases where such negotiations have been unsuccessful, the amounts of fees and expenses which each company considers to be reasonable and which it is willing to pay.

*It is further ordered*, That any agreement as to amounts as contemplated by paragraph (3) above shall be subject to the provisions of the respective plans and to approval by the Commission and the exercise by the Commission of its full powers with respect to fees and expenses conferred by the act in connection with plans filed under section 11 (e) thereof.

*It is further ordered*, That with respect to the information required to be furnished by paragraph (4) above, such information shall be submitted directly to the Chairman of this Commission and be kept confidential unless and until a further order of this Commission shall require otherwise.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10837; Filed, Dec. 30, 1953; 8:46 a. m.]